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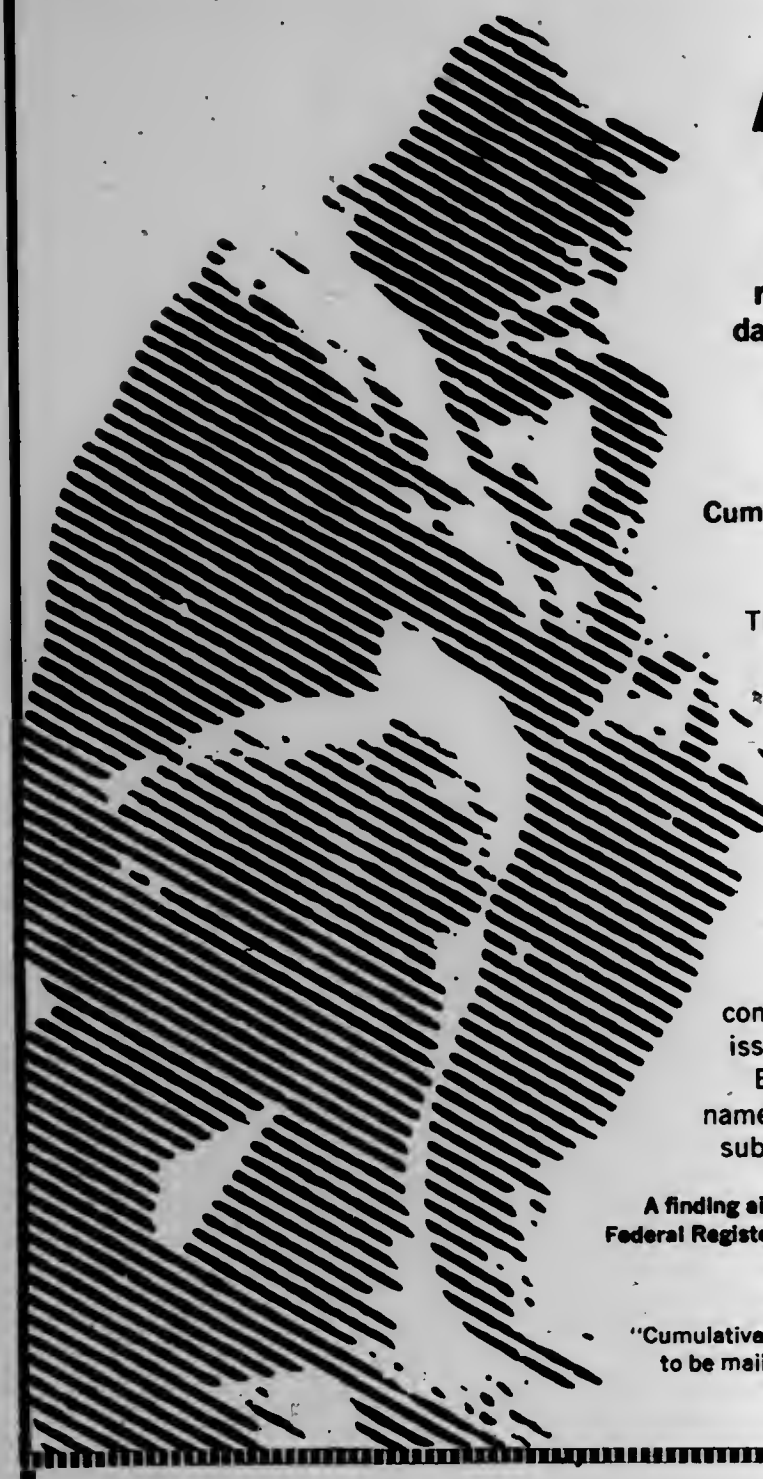
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INQUIRIES AND SUGGESTIONS

This publication was prepared under the editorial direction of Rose Steinman, with Carol Blanchard and Loren Myers as Chief Editors. INQUIRIES, telephone 202–523–5227.

SUGGESTIONS concerning this and other publications of the Office will be welcomed by Fred J. Emery, Director, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

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401.101 Appendix amended	9990–9997
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403.40 Appendix amended 9997
404.20 Appendix amended 9997
406.1 Appendix amended 9997
408.1 Appendix amended 9997
409.30 Appendix amended 9998
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701.2 (f) amended 5970
701.4 (b) and (c) removed; (a) designation removed 5970
701.5 Amended 5970
701.6 Text designated as (a); (b) added 5970
701.13 (d) added 5970
701.16 (h) revised 5970
701.21 (a), (b), and (c)(2) amended 5970
701.29 Amended 5970
701.32 (a) amended 5970
701.34 (b) amended 5970
701.35 (b) revised 5971
701.69 Heading revised; text designated as (a); (b) added 5971
701.70 Revised 5971
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722.564 (Subpart) Heading and text revised 1476
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722.709 (a) amended 18055
722.805 (b)(1) amended, (b)(2) revised 17414
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723.11—723.12 Undesignated center heading and sections revised 6819
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724.52 Revised 9158
724.57 (b)(1)(ii) removed; (b)(1)(iii) redesignated as (b)(1)(ii) 9158
724.69 (t) removed; (f) revised 9158
724.70 (x) removed 9158
724.71 (d) revised 9158
724.72 (a)(2)(i) removed; (a)(2)(ii), (iii) and (iv) redesignated as (a)(2)(i), (ii), and (iii) 9158
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724.81 (e)(3)(ii) amended; (e)(3)(iii) removed 9158
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728.302 Added 20811
729.22 (a) through (c) revised 750
729.43 (b)(5) added 750
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729.106 Revised 17419
730.1—730.32 (Subpart) Undesignated heading and text revised 2301
731 Removed 13534
775.10 Revised 17420
794.2 (a) and (b) revised 17421
794.3 (a) introductory text, (a)(4), and (b) amended 17421

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900.16 Revised 10833
905.564 (a)(8) and (b)(8) revised 5072
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905.566 (a)(2) revised 1023
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905.567 (a)(2) revised 9663
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906.359 (a) introductory text and (2) revised 6363
907.110 (e) corrected 13803
907.214 Added 13012
907.685 Revised; eff. 1-28—2-24-77 6363
907.691 Added 3846
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908.100 (e) revised; (h) added 20473
908.102 (a) introductory text revised 20473
908.108 (a) revised 20473
908.110 (c), (d), and (e) revised; (f) amended 20474
908.112 Amended 20474
908.113 (a) and (c) revised 20474
908.117 (c) revised 20474
908.130 Revised 20474
908.132 Revised 20474
908.133 Heading, (a), and (c) revised 20475
908.141 Amended 20475
908.216 Added 20811
908.853 Added 17127
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910.180 (d)(3) added 10680
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930.109 (c) revised 3626
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944.113 (a)(1) and (2) revised; (3) added 9664
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944.205 Added 21787
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959.317 Added 4396
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971.216 (b) revised 2666
971.317 Introductory text amended 3626
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980.211 (a)(1) revised 5073
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981.226 Revised 3847
981.300 Removed 19322
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981.442 Added 3160
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1002.50a Introductory text and (a) revised 11823
1002.80 (a) through (d) redesignated as (c) through (f); introductory text designated as (a) and revised; new (b) added 11823

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1002.86 Revised 11823
1002.90 Revised 11823
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1030.7 (b)(4) and (7)(iii) amended 13103
1033.7 Revised 11234
1033.8 Revised 11234
1033.12 (a)(2)(i), (ii), (iii) revised; (b) amended 11235
1033.41 (c)(1) revised 11235
1033.60 (g) amended 11235
1033.72 (c-1) added 11235
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1205.327 (b) amended 4813
1205.330 Revised 4813
1205.331 Revised 4813
1205.334 (c) amended 4813
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1421.113 (a) revised 10301
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1421.237 (a) revised 10307
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1421.273 (a) revised 10304
1421.327 Revised 18055
1421.353 (a) revised 10309
1421.488 (a) revised 4397
(a) table corrected 6364
1430.282 (a)(1) revised 3
1472.1405 (e) added 20113
1472.1421 (e) added 20114
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1473 Revised 2978
1488 Revised 10999
1488.1—1488.22 (Subpart A) Supplement II corrected 13535

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1821.16 Introductory text and (b) revised 4405
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1821.21 Revised 4405
1821.22 (a) and (b)(2) revised 4405
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1822.3 (n) and (o) revised 1023
1822.7 (n) revised 4406
1822.13 (c)(3)(i)(A) and (ii) revised 4406
1822.14 (a) introductory text and (b)(2) revised; (a) (1) and (2) added 4406
1822.15 (b) (2) and (3) revised 4406
1822.16 (f) revised 4407
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1822.278 (e) and (f) revised 4408
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1924.60 (c)(4) revised 14870
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1926.400 (h) revised	55703
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(l) added	42661
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1952.214 (c) and (d) added	45564
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1952.234 Text designated as (a); (b) added	34252
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1952.312 Revised	34251
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1952.353 (e) revised	31813
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2520.102-4 Added	*14276
2520.103-1—2520.103-10 (Subpart C) Added	32529
2520.104-4 Added	*14276
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2520.104-27 Added	*14277
2520.104-41—2520.104-46 (Subpart D) Added	32535
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55.9 Corrected 28266
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13 Added 55180
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223.8 (a) amended *8637
223.9 Revised *8637
223.11 (b)(2)(i) revised; (b)(2)(ii) and (c)(1) amended *8637
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415.63	Removed	51602
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415.86	Removed	51602
415.91	(d) through (g) added	51599
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415.96	Removed	51602
415.101	(b) through (e) added	51600
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3-3.802-50 Revised	54930
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3523.2–1 (b)(1) redesignated as (b)(1) heading and (b)(1)(i); (b)(1)(ii) and (iii) added 56646
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193 Added *1192
196.3 Amended 44860
196.5 (b) amended 44860
196.12 Amended 44680
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224 Revised 47688
228 Revised *5848
228.24 (a)(3) revised; (b) added 55670
228.26 (a) and (c) amended; (f) added 55671
228.29 (c) added 55671
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228.61 (a), (c) and (d) revised 55672
228.63 Added 55673
228.100—228.102 (Subpart J) Added 55673
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248.21 (a)(2) revised *2687
249.10 (d)(3) added *4125
(b)(15)(i)(D) revised *15064
249.12 (c)(6) revised *15064
249.13 Introductory text revised *15064
249.33 (a)(8) and (a)(8)(i)(B) revised *15064
250.30 (a)(2)(i) and (iii) and (b)(1) revised 51402
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303 Heading revised 55348
303.0 Revised 55348
304.29 Added *3843
305 Added 55348

Chapter IV—Social and Rehabilitation Service (Rehabilitation Programs), Department of Health, Education, and Welfare.

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Chapter V—Foreign Claims Settlement Commission

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504.2 Heading revised *11010
504.20—504.29 (Subpart B) Added *11010
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581 Added 49094

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Chapter VII—Commission on Civil Rights

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702.1—702.18 Designated as Subpart A *14108
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1061.31-1—1061.31-6 (Subpart) Added 52876
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1069 Part heading revised 44860
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1340 Heading and authority citation revised 53663
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1351 Added 54297
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Chapter I—Federal Communications Commission

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Subtitle A—Office of the Secretary of Transportation

1.4 (f)(5) added	53798
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1.23 (a) amended	44042
1.45 (a)(10) added	45011
1.46 (v) added	*12176
1.47 (f) revised	48122
1.49 (q), (r), and (u) revised	56327
1.55 (h) amended	56327
1.56 (n) removed	56327
1.59 (c)(8) amended; (c)(10) added	45011
(a)(4) added	49487
(l) removed; (m) redesignated as (n); new (l) and (m) added	56327
1.64 Revised	44042
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1 Appendix A amended	44043
25 Appendix A tables revised	*13
91 Added	54770
99 Revised	*3119
99.735–11 (a)(2) amended	*5359
99.735–15 (a) and (c)(2) amended	*5359
99.735–35 (b) amended	*5359
99.735–37 Amended	*5359
99 Appendixes B and C amended	*5359
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171.8 Amended	57020
171.15 (a)(4) revised	57020
172.100 (c) and (h) introductory texts amended; (c)(7) revised	57020
172.101 Revised	57021
Table amended	*7140
172.201 (a)(1) and (a)(1)(ii) revised	57067
172.203 (e) and (g)(1) revised; (g)(2) removed; (g)(3) redesignated as (g)(2)	57067
172.204 (a) introductory text revised	57067
172.304 Heading revised	57067
172.306 Heading and (a)(1) revised	57067
172.312 (a) introductory text revised	57067
172.328 Revised	57067
172.330 (a) introductory text, (c)(1) and (2), and (d) revised; (e) added	57067
172.400 (b)(6) revised	57067

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172.406 (a) amended	57067
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172.512 (a) revised and table removed; (b) amended	57068
172.514 (a) amended	57068
172 Appendix B amended	57068
173 Authority citation revised	55878
173.6 (b)(3) revised	57068
173.8 (b) amended	57068
173.22 (a) revised	*2689
173.29 Revised	57068
173.33 (c) removed; (d) through (l) redesignated as (c) through (k)	57068
173.64 (a)(5) revised	55876
173.66 (c) revised	50263
173.68 (a)(1) revised	50263
173.88 (e)(2)(ii) revised	*11239
173.92 (b) revised	*11239
173.100 (p) revised	50263
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173.119 (m)(5) revised	50263
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173.124 (a)(3) revised	55876
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173.141 (a)(7) revised	50263
173.145 (a)(7) revised	50263
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173.163 (a)(8) revised	*11239
173.182 (c)(3) and (4) added	55877
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173.208 (a)(2) added	50263
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173.217 (a)(5) revised; (a)(6) amended	57069
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173.223 (a)(1) revised; (a)(6) added	*11239
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173.247a (a)(3) added	50263
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173.256 (a)(6) added	*11240
173.262 (a)(12) added	50263
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173.314 (c) Note 12 and (e) revised	55877
173.315 (a)(1) Note 11 revised	55878
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173.360 (a)(5) added	55878
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173.366 (b)(3) added	55878
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173.386 (d) introductory text amended	57070
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218.25 (a) revised; (b) and (c) redesignated as (c) and (d); new (b), (e), (f), (g) and (h) added *2321
218.27 Revised *2321
218.29 (a) revised *2321
218.31—218.37 (Subpart C) Added *5065
218 Appendix A added 46854
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220 Added *5069
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260 Added 44580
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260.9 (a) and (b) removed; (c) through (l) redesignated as (a) through (j); new (c) introductory text, (d) and (e) revised; new (f)(1) amended 53998
260.11 (b)(2) corrected 46601
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260.15 Removed; new 260.15 redesignated from 260.19 54000
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260.17 Redesignated as 260.13; new 260.17 redesignated from 260.21 and amended 54000
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268 Added *4984
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393.24 Footnote 1 amended 53031
393.48 (b)(2) revised 53031
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501.7 (c) introductory text and (1) revised; (c)(2) and (3) redesignated as (c)(3) and (4); new (c)(2) added; eff. 9-22-76 47933
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DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
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Federal Agencies using this table in calculating time requirements for submissions must allow sufficient extra time for FEDERAL REGISTER scheduling procedures.

In computing dates certain, the day after publication counts as one. All succeeding days are counted except that when a date certain falls on a weekend or holiday, it is moved forward to the next Federal business day. (See 1 CFR 18.17)

A new table will be published monthly in the first issue of each month.

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April 5	April 20	May 5	May 20	June 6	July 5
April 6	April 21	May 6	May 23	June 6	July 5
April 7	April 22	May 9	May 23	June 6	July 6
April 8	April 25	May 9	May 23	June 7	July 7
April 11	April 26	May 11	May 26	Ju e 10	July 11
April 12	April 27	May 12	May 27	June 13	July 11
April 13	April 28	May 13	May 31	June 13	July 12
April 14	April 29	May 16	May 31	June 13	July 13
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April 22	May 9	May 23	June 6	June 21	July 21
April 25	May 10	May 25	June 9	June 24	July 25
April 26	May 11	May 26	June 10	June 27	July 25
April 27	May 12	May 27	June 13	June 27	July 26
April 28	May 13	May 31	June 13	June 27	July 27
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AGENCY ABBREVIATIONS USED IN HIGHLIGHTS AND REMINDERS

(This List Will Be Published Monthly In First Issue Of Month.)

USDA—AGRICULTURE DEPARTMENT

AMS—Agricultural Marketing Service
ARS—Agricultural Research Service
ASCS—Agricultural Stabilization and Conservation Service
APHIS—Animal and Plant Health Inspection Service
CCC—Commodity Credit Corporation
CEA—Commodity Exchange Authority
CSRS—Cooperative State Research Service
EMS—Export Marketing Service
ERS—Economic Research Service
FmHA—Farmers Home Administration
FCIC—Federal Crop Insurance Corporation
FAS—Foreign Agricultural Service
FNS—Food and Nutrition Service
FS—Forest Service
PSA—Packers and Stockyards Administration
RDS—Rural Development Service
REA—Rural Electrification Administration
RTB—Rural Telephone Bank
SCS—Soil Conservation Service

COMMERCE—COMMERCE DEPARTMENT

Census—Census Bureau
DIBA—Domestic and International Business Administration
EDA—Economic Development Administration
FPCA—National Fire Prevention and Control Administration
MA—Maritime Administration
MBE—Minority Business Enterprise Office
NBS—National Bureau of Standards
NOAA—National Oceanic and Atmospheric Administration
NSA—National Shipping Authority
NTIS—National Technical Information Service
PTO—Patent and Trademark Office

DOD—DEFENSE DEPARTMENT

AF—Air Force Department
Army—Army Department
DCPA—Defense Civil Preparedness Agency
DIA—Defense Intelligence Agency

DSA—Defense Supply Agency
Engineers—Engineers Corps
Navy—Navy Department

HEW—HEALTH, EDUCATION, AND WELFARE DEPARTMENT

ADAMHA—Alcohol, Drug Abuse, and Mental Health Administration
CDC—Center for Disease Control
FDA—Food and Drug Administration
HDO—Human Development Office
HRA—Health Resources Administration
HSA—Health Services Administration
NIH—National Institutes of Health
OE—Office of Education
PHS—Public Health Service
RSA—Rehabilitation Services Administration
SRS—Social and Rehabilitation Service
SSA—Social Security Administration

HUD—HOUSING AND URBAN DEVELOPMENT DEPARTMENT

CA&RF—Consumer Affairs and Regulatory Functions, Office of, Assistant Secretary
CP&D—Community Planning and Development, Office of Assistant Secretary
FDAA—Federal Disaster Assistance Administration
FHEO—Fair Housing and Equal Opportunity, Office of Assistant Secretary
FHC—Federal Housing Commissioner, Office of Assistant Secretary for Housing
FIA—Federal Insurance Administration
GNMA—Government National Mortgage Association
ILSRO—Interstate Land Sales Registration Office
NCA—New Communities Administration
NCDC—New Community Development Corporation

INTERIOR—INTERIOR DEPARTMENT

BPA—Bonneville Power Administration
BIA—Bureau of Indian Affairs
BLM—Bureau of Land Management
FWS—Fish and Wildlife Service
GS—Geological Survey
MESA—Mining Enforcement and Safety Administration
Mines—Mines Bureau
NPS—National Park Service
OHA—Office of Hearings and Appeals
O & G—Oil and Gas Office
Reclamation—Reclamation Bureau

JUSTICE—JUSTICE DEPARTMENT

DEA—Drug Enforcement Administration
INS—Immigration and Naturalization Service
LEAA—Law Enforcement Assistance Administration
NIC—National Institute of Corrections

LABOR—LABOR DEPARTMENT

BLS—Bureau of Labor Statistics
ESA—Employment Standards Administration
ETA—Employment and Training Administration
FCCPO—Federal Contract Compliance Programs Office
LMSEO—Labor Management Standards Enforcement Office
OSHA—Occupational Safety and Health Administration
P&WBP—Pension and Welfare Benefit Programs
W&H—Wage and Hour Division

STATE—STATE DEPARTMENT

AID—Agency for International Development
FSGB—Foreign Service Grievance Board

DOT—TRANSPORTATION DEPARTMENT

CG—Coast Guard
FAA—Federal Aviation Administration
FHWA—Federal Highway Administration
FRA—Federal Railroad Administration
MTB—Materials Transportation Bureau
NHTSA—National Highway Traffic Safety Administration
OHMO—Office of Hazardous Materials Operations
OPSO—Office of Pipeline Safety Operations
SLS—Saint Lawrence Seaway Development Corporation
UMTA—Urban Mass Transportation Administration

TREASURY—TREASURY DEPARTMENT

ATF—Alcohol, Tobacco and Firearms Bureau
Customs—Customs Service
Comptroller—Comptroller of the Currency
ESO—Economic Stabilization Office (temporary)
FS—Fiscal Service
IRS—Internal Revenue Service
Mint—Mint Bureau
PDB—Public Debt Bureau
RSO—Revenue Sharing Office

INDEPENDENT AGENCIES

A&TBCB—Architectural and Transportation Barriers Compliance Board
CAB—Civil Aeronautics Board
CASB—Cost Accounting Standards Board
CEQ—Council on Environmental Quality
CFTC—Commodity Futures Trading Commission
CITA—Textile Agreements Implementation Committee
CPSC—Consumer Product Safety Commission
CRC—Civil Rights Commission
CSA—Community Services Administration
CSC—Civil Service Commission
EEOC—Equal Employment Opportunity Commission
EXIMBANK—Export-Import Bank of the U.S.
EPA—Environmental Protection Agency
ERDA—Energy Research and Development Administration
FCC—Federal Communications Commission
FCSC—Foreign Claims Settlement Commission
FDIC—Federal Deposit Insurance Corporation
FEA—Federal Energy Administration
FHLBB—Federal Home Loan Bank Board
FPC—Federal Power Commission
FRS—Federal Reserve System
FTC—Federal Trade Commission
GSA—General Services Administration
GSA/ADTS—Automated Data and Telecommunications Service
GSA/FMPO—Federal Management Policy Office
GSA/FPA—Federal Preparedness Agency
GSA/FSS—Federal Supply Service
GSA/NARS—National Archives and Records Service
GSA/PBS—Public Buildings Service
ICC—Interstate Commerce Commission
ICP—Interim Compliance Panel (Coal Mine Health and Safety)
ITC—International Trade Commission
LSC—Legal Services Corporation
NASA—National Aeronautics and Space Administration
NCUA—National Credit Union Administration
NFAH/NEA—National Endowment for the Arts
NFAH/NEH—National Endowment for the Humanities
NLRB—National Labor Relations Board
NRC—Nuclear Regulatory Commission
NSF—National Science Foundation
NTSB—National Transportation Safety Board
OFR—Office of the Federal Register
OMB—Office of Management and Budget
OPIC—Overseas Private Investment Corporation
PADC—Pennsylvania Avenue Development Corporation
PRC—Postal Rate Commission
PS—Postal Service
RB—Renegotiation Board
RRB—Railroad Retirement Board
SBA—Small Business Administration
SEC—Securities and Exchange Commission
TVA—Tennessee Valley Authority
USIA—United States Information Agency
VA—Veterans Administration
WRC—Water Resources Council

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 1—General Provisions

CHAPTER I—ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

CFR CHECKLIST

1976 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1976 and 1977. New units issued during the month are announced on the back cover of the daily FEDERAL REGISTER as they become available.

For a Checklist of current CFR volumes comprising a complete CFR set, see the latest issue of the Cumulative List of CFR Sections Affected, which is revised monthly.

The rate for subscription service to all revised volumes issued for 1977 is $350 domestic, $75 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1977):

Title	Price
1	$1.65
2 [Reserved]	
4	3.25
7 Parts:	
46–51	4.20
53–209	5.80
700–749	4.10
750–899	1.80
900–944	4.25
945–980	2.40
981–999	2.50
1000–1059	4.25
1060–1119	4.40
1120–1199	3.20
1200–1499	4.20
10 Parts:	
0–199	4.40
200–end	4.60
13	4.20
14 Parts:	
1200–end	2.20
15	5.35
16 Parts:	
0–149	5.50
150–999	4.25
1000–end	3.00

CFR Unit (Rev. as of April 1, 1976):

Title	Price
17	6.00
18 Parts:	
1–149	4.85
150–end	4.10
19	5.65
20 Parts:	
1–399	2.45
400–end	7.50
21 Parts:	
1–9	2.60
10–199	5.20
200–299	2.10
300–499	5.95
500–599	3.75
600–1299	2.75
1300–end	1.90
22	4.20
23	4.55
24 Parts:	
0–499	6.65
500–end	6.90
25	5.25
26 Parts:	
1 (§§ 1.0–1—1.169)	5.95
1 (§§ 1.170–1.300)	3.90
1 (§§ 1.301–1.400)	3.30
1 (§§ 1.401 to 1.500)	3.55
1 (§§ 1.501–1.640)	4.05
1 (§§ 1.641–1.850)	4.45
1 (§§ 1.851–1.1200)	6.05
1 (§§ 1.1201 to end)	6.95
2–29	4.05
30–39	3.45
40–299	5.40
300–499	3.60
600–end	2.20
27	7.70

CFR Unit (Rev. as of July 1, 1976):

Title	Price
28	$3.10
29 Parts:	
0–499	7.30
1900–1919	7.55
1920–end	4.05
30	4.80
31	5.65
32 Parts:	
1–39 (V.I) (Rev. 11/1/75)	5.80
(V.II) (Rev. 11/1/75)	7.40
(V.III) (Rev. 11/1/75)	5.10
40–399	6.50
400–589	5.20
590–699	3.10
700–799	7.85
800–999	6.05
1000–1399	2.20
1400–1599	3.65
1600–end	1.95
32A	2.90
33 Parts:	
1–199	6.20
200–end	5.85
35	3.50
36	3.40
37	2.20
38	7.20
39	2.75
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7	1.85
8	1.80
9	4.35
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100–199	10.00
200–499	3.15
500–end	6.40
46 Parts:	
1–29	2.15
30–40	2.20
41–69	4.00
70–89	2.10
90–109	1.95
110–139	1.90
140–165	4.00
166–199	2.65
200–end	7.25
47 Parts:	
0–19	3.80
20–69	5.00
47 Parts:	
70–79	4.90
80–end	6.20
48 [Reserved]	
49 Parts:	
1–99	2.05
200–999	7.55
1000–1199	3.95
1200–1299	7.40
1300–end	3.60
50	4.20

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Agriculture

AGENCY: Civil Service Commission.

ACTION: Final Rule.

SUMMARY: This amendment excepts from the competitive service under Schedule A § 213.3113(f)(6) intermittent positions of agricultural commodity grader (dairy) and agricultural commodity grader (poultry) at GS–9 and below in the Agricultural Marketing Service because it is not practicable to examine for these positions.

EFFECTIVE DATE: April 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Bill Bohling,
202–632–4533.

Accordingly, 5 CFR 213.3113(f)(6) is amended to read as follows:

§ 213.3113 **Department of Agriculture.**

* * * * * * *

(f) *Agricultural Marketing Service.*

* * *

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(6) Temporary and intermittent positions of agricultural commodity grader (dairy) and agricultural commodity grader (poultry) at grade GS–9 and below. Employment under this authority may not exceed 1280 hours a year.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-9834 Filed 3-31-77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of State

AGENCY: Civil Service Commission.

ACTION: Final Rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Secretary (Stenography) to the Counselor because of the confidential nature of the position.

EFFECTIVE DATE: April 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Bill Bohling,
202–632–4533.

Accordingly, 5 CFR 213.3304(u)(1) is amended to read as follows:

§ 213.3304 Department of State.

* * * * * * *

(u) *Office of the Counselor.* * * *

(1) One Secretary (Stenography) to the Counselor.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-9835 Filed 3-31-77;8:45 am]

Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 3]

PART 722—COTTON

Upland Cotton Program for 1974 and Succeeding Crops

1977 CROP ESTABLISHED PRICE AND DISASTER PAYMENT RATE

On July 30, 1976, a notice of proposed rulemaking regarding certain determinations with respect to the 1977 crop of upland cotton was published in the FEDERAL REGISTER (41 FR 31848). Interested persons were invited to submit written data, views, and recommendations regarding the determinations. No comments were received regarding the established price.

This amendment is issued pursuant to the Agricultural Act of 1949, as amended by the Agricultural Act of 1970. (Pub. L. 91–524, 84 Stat. 1358) and the Agriculture and Consumer Protection Act of 1973 (Pub. L. 93–86, 87 Stat. 233). The purposes of this amendment are to determine and announce the established price and the disaster payment rate for the 1977 crop of upland cotton.

Section 103(e)(2) of the Agricultural Act of 1949, as amended, requires that the established price for the 1977 crop of upland cotton be 43.20 cents per pound adjusted to reflect any change during the calendar year 1976 in the index of prices paid by farmers for production items, interest, taxes, and wage rates (herein referred to as the PPI); *Provided*, that any increase that would otherwise be made in the established price to reflect a change in the PPI shall be further adjusted to reflect any changes in the national average yield per acre of cotton for the three calendar years 1974–76 over the national average yield for the three calendar years 1973–75.

In determining the change in the PPI during calendar year 1976, the average of the monthly PPI's for the 1976 calendar year was compared with the average of the monthly PPI's for the 1975 calendar year. The 1976 average was 709 and the 1975 average was 665. Thus, the adjustment resulting from the increase in the PPI during calendar year 1976 is 6.62 percent.

The 1974–76 average yield per acre of cotton was 452 pounds. The 1973–75 average was 471 pounds. The 1974–76 average is 4.03 percent below the 1973–75 average.

The total adjustment is, therefore, 10.65 percent (6.62–(–4.03)). Thus, the established price for the 1977 crop of upland cotton is 47.80 cents per pound (43.20 cents times 1.1065).

Since farmers need to know the established price for the 1977 crop as soon as possible so that they may make plans for their 1977 farming operations, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, this amendment shall be effective on March 31, 1977.

Section 722.805 of the Upland Cotton Program for 1974 and Succeeding Crops Regulations, 7 CFR §§ 722.801–722.819, is amended by adding a new sentence at the end of paragraph (b)(1) and by revising paragraph (b)(2) to read as follows:

§ 722.805 Farm yield and payment rates.

* * * * *

(b) * * *

(1) * * * The established price for the 1977 crop is 47.80 cents per pound.

(2) *Disaster payment rate.* The per pound rate for upland cotton shall be equal to the larger of the deficiency payment rate or one-third of the established price. Disaster payment rate for: (i) 1974 is 12.7 cents per pound, (ii) 1975 is 12.7 cents per pound, (iii) 1976 is 14.4 cents per pound, and (iv) 1977 is 15.9 cents per pound.

* * * * *

(Sec. 103, 84 Stat. 1374, 87 Stat. 233 (7 U.S.C. 1444)).

Effective date: This amendment becomes effective on March 31, 1977.

Signed at Washington, D.C. on March 25, 1977.

VICTOR A. SENECHAL,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.77-9610 Filed 3-31-77;8:45 am]

PART 723—CIGAR-FILLER (TYPE 41) AND MARYLAND TOBACCOS

Cigar—Filler (Type 41) and Maryland Tobacco Allotment Regulations, 1977–78 Marketing Year

These regulations govern the establishment of farm acreage allotments and normal yields for the 1977 crops of cigar-filler (type 41) and Maryland (type 32) tobaccos pursuant to the Agricultural Adjustment Act of 1938, as amended, (7 U.S.C. 1281 et seq.). Since preparations are now being made to determine farm acreage allotments and normal yields for the 1977 crop, it is essential that these regulations be made effective as soon as possible. Accordingly, it is hereby found and determined that compliance with the notice, public participation procedure and effective date provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, these regulations are being made effective without compliance with such procedure.

The changes that are being made at this time update the references to marketing years and waive the witnessing requirement for signatures when Form ASCS–375 is mailed for required signature.

The regulations, 7 CFR 723.51–66, and the title of the subpart are revised to read as follows:

Subpart—Cigar Filler (Type 41) and Maryland Tobacco Allotment Regulations, 1977–78 Marketing Year

GENERAL

Sec.
723.51 Basis and purpose.
723.52 Definitions.
723.53 Extent of determinations, computations, and rule for rounding fractions.
723.54 Instructions and forms.

TOBACCO HISTORY ACREAGE, ACREAGE ALLOTMENTS, AND NORMAL YIELDS FOR OLD FARMS

723.55 Determination of tobacco history acreage for old farms.
723.56 Determination of preliminary acreage allotments for old farms.
723.57 Old farm tobacco acreage allotment.
723.58 Correction of errors and adjusting inequities in acreage allotments for old farms.
723.59 Reallocation and release and reapportionment of allotments determined for farms acquired by an agency having the right of eminent domain.
723.60 Farms divided or combined.
723.61 Determination of normal yields for farms.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

723.62 Determination of acreage allotments for new farms.

Sec.
723.63 Determination of normal yields for new farms.

MISCELLANEOUS

723.64 Approval of determinations made under §§ 723.51 through 723.63 and notices of farm acreage allotment.
723.65 Application for review.
723.66 Lease and transfer of tobacco acreage allotments.

AUTHORITY: Sec. 301, 312, 216, 317, 363, 375, 377, 378, 52 Stat. 38, as amended; secs. 601, 602, 79 Stat. 1206, 1028; 7 U.S.C. 1301, 1313, 1314b, 1314c, 1363, 1375, 1378, 1801 note, 1938.

Subpart—Cigar Filler (Type 41) and Maryland Tobacco Allotment Regulations, 1977–78 Marketing Year

GENERAL

§ 723.51 Basis and purpose.

The regulations contained in §§ 723.51 through 723.66 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of farm acreage allotments and normal yields for Cigar-filler (type 41) and Maryland tobacco for the 1977–78 marketing year. The material previously appearing in these sections under Subpart—Cigar-Filler (Type 41) and Maryland Tobacco Allotment Regulations, 1974–75 marketing year remain in full force and effect for the crop to which it was applicable.

§ 723.52 Definitions.

As used in this subpart and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires. References contained herein to other parts of this chapter or title shall be construed as references to such parts and amendments now in effect or later issued.

(a) The provisions of Parts 718 and 719 of this chapter, including definitions, are hereby incorporated in the regulations of this part unless the context or subject matter or the provisions of the regulations of this part otherwise require.

(b) "Base period" means the five calendar years immediately proceeding the year for which farm acreage allotments are currently being established.

(c) "Current year" means the calendar year for which acreage allotments are being established, or tobacco history acreage and normal yields are being determined.

(d) "New farm" means a farm for which a tobacco allotment is established in the current year and for which there is no tobacco history acreage in the base period.

(e) "Old farm" means a farm for which there was tobacco history acreage in one or more years of the base period.

(f) "Tobacco" means each one or both, as indicated by the context, of the kinds of tobacco listed in this paragraph, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the former Bureau of Agricultural Economics of the United States Department of Agriculture.

(1) Maryland tobacco, type 32.

(2) Cigar-filler tobacco, type 41.

§ 723.53 Extent of determinations, computations and rule for rounding fractions.

Farm acreage allotments shall be rounded to hundredths of acres in accordance with the provisions of Part 793 of this chapter.

§ 723.54 Instructions and forms.

The Director, Program Operations Division, shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions with respect to internal management as are necessary, for carrying out the regulations in this part. The forms and instructions shall be approved by and the instructions shall be issued by the Deputy Administrator, Programs, Agricultural Stablization and Conservation Service.

TOBACCO HISTORY ACREAGE, ACREAGE ALLOTMENTS, AND NORMAL YIELDS FOR OLD FARMS

§ 723.55 Determination of tobacco history acreage for old farms.

(a) The county committee shall determine from the best available data the tobacco history acreage on each old tobacco farm for each of the five years 1972–76. Data for making such determinations shall be taken from county office records, producers' records, producers' reports, estimates of other persons having knowledge of the tobacco production on the farm, and any other source available.

(b) For the year 1974, the 1974 tobacco history acreage shall be the same as the 1974 allotment if as much as 75 percent of the 1974 allotment was planted (or considered planted under conservation programs or conservation practices (Part 719 of this chapter)). If less than 75 percent of the 1974 allotment was planted or considered planted, the 1974 history acreage shall be the acreage planted or considered planted. The tobacco history acreage for 1974 shall be zero for a farm for which no 1974 tobacco acreage allotment was determined.

(c) For years for which no allotments were established for either of such kinds of tobacco, the tobacco history acreage shall consist of (1) the acreage planted to tobacco on the farm, plus (2) the acreage considered planted to tobacco on the farm. The acreage considered planted to tobacco on the farm shall consist of (i) the allotment acreage pooled under Part 719 of this chapter and (ii) tobacco acreage diverted under conservation programs or practices (if a farm was under a cropland adjustment program agreement during any year of the base period for which no tobacco acreage allotment was established, the tobacco history acreage for such year shall be the larger of: (*a*) The planted acreage, or (*b*) the nonallotment base acreage under Part 751 of this chapter designated under agreement not to exceed any tobacco acreage as determined or computed for the farm for the year immediately preceding the year of the cropland adjustment program agreement).

(d) In determining the tobacco history acreage for each year of the base period, the county committee shall make due allowances for drought, flood, hail, and other abnormal weather conditions and plant bed and other diseases.

§ 723.56 Determination of preliminary acreage allotments for all farms.

(a) The preliminary allotment for an old farm shall be the larger of the following:

(1) The average tobacco history acreage on the farm during the base period (1972–76), or

(2) The average tobacco history acreage on the farm in the three preceding years (1974–76).

(b) Notwithstanding the foregoing provisions of this section, no 1977 farm tobacco preliminary allotment (or 1977 farm tobacco acreage allotment) shall be determined for any land which the county committee determines has become devoted to commercial or residential development or other nonagricultural purposes, and was not and could not have been acquired under the right of eminent domain by the person or agency that did acquire it, and is retired from agricultural production. *Provided*, That this paragraph shall not preclude the determination of a preliminary acreage allotment (or allotment) for (1) an old farm returned to agricultural production if the allotment for the retired land was not allocated to other land in the farm of which the retired land was a part, or (2) a farm for which an acreage allotment may be determined under the provisions of § 723.59: *And provided further*, That the provisions of this paragraph shall not preclude the allocation of the allotment for the retired land to other land contained in the farm of which the retired land was a part pursuant to Part 719 of this chapter.

§ 723.57 Old farm tobacco acreage allotment.

The preliminary allotments calculated for all old farms pursuant to §723.56, and including those under §723.59(a), shall be adjusted uniformly so that the total of such allotments plus the acreage available pursuant to §§ 723.58 and 723.62 shall not exceed the national acreage allotment: *Provided*, That for Cigar-filler (type 41) tobacco if the acreage allotment determined for any farm (except farms operated, controlled, or directed by a person who also operates, controls, or directs another farm on which tobacco is produced) is less than that acreage which, with the normal yield for the farm, would produce, 2,400 pounds of tobacco, then such acreage allotment shall be increased to the smaller of (a) 120 percent thereof, or (b) that acreage which, with the normal yield for the farm, would produce 2,400 pounds of tobacco.

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§ 723.58 Correction of errors and adjusting inequities in acreage allotments for old farms.

(a) Notwithstanding the limitations contained in any other section of this subpart, the farm acreage allotment for each kind of tobacco established for an old farm may be increased to correct an error or adjust an inequity if the county committee determines, with the approval of a representative of the State committee, that the increase is necessary to establish an allotment for such farm which is fair and equitable in relation to the allotment for other old farms in the county in which the farm is located. An acreage not to exceed one percent of the national acreage allotment for each kind of tobacco minus that part of the national reserve set aside for establishing new farm allotments shall be made available for adjusting inequities and for correcting errors. The amount of the national reserve acreage available for correcting errors and for adjusting inequities will be announced at the same time the national quota is proclaimed. The reserve acreage for old farms will be allocated to each State based on the relation of the preliminary acreage allotment in that State to the national preliminary allotment.

(b) Acreage increases to adjust inequities in acreage allotments shall be made on the basis of the past farm acreage and past farm acreage allotments of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The total of all adjustments in old farm allotments under this paragraph shall not exceed the acreage allocated for such purpose.

(c) The allotment for a farm under a cropland conversion program agreement or land under a cropland adjustment agreement shall be given the same consideration under this section as the allotment for any other old farm.

(d) Acreage approved for a farm under this section becomes a part of the farm acreage allotment.

§ 723.59 Reallocation and release and reapportionment of allotments determined for farms acquired by an agency having the right of eminent domain.

(a) The determination of allotments for farms acquired by an agency having the right of eminent domain, the transfer of such allotment to a pool and reallocation from the pool shall be administered as provided in Part 719 of this chapter. The normal yield for each farm to which a reallocation is made as provided in this paragraph shall be determined as provided in § 723.61. For a farm for which allotment acreage was placed in a pool, the allotment remaining in the pool shall be the 1977 preliminary allotment.

(b) The displaced owner of a farm may, not later than May 1 of the current year, release in writing to the county committee for the year 1977 all or part of the acreage for the farm in a pool under Part 719 of this chapter for reapportionment for 1977 by the county committee to other farms in the county having allotments for the same kind of tobacco. The county committee may reapportion, not later than June 1 of the current year, the released acreage or any part thereof to other farms in the county on the basis of the past farm acreage and past farm acreage allotments of the same kind of tobacco, land, labor, equipment available for the production of such kind of tobacco, crop rotation practices, and soil and other physical factors affecting the production of such kind of tobacco. The allotment acreage released shall, for tobacco acreage history and future allotment purposes, be considered to have remained in the pool as though it had not been released therefrom. The acreage reapportioned to a farm under this paragraph shall be reduced, where applicable, so as not to exceed the acreage by which the 1977 final tobacco acreage on the farm, determined pursuant to Part 718 of this chapter, exceeds the 1977 allotment prior to being increased by reapportionment.

§ 723.60 Farms divided or combined.

Allotments for farms reconstituted for 1977 shall be determined in accordance with Part 719 of this chapter.

§ 723.61 Determination of normal yields for old farms.

The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the period, not less than the base period, for which data are available; (b) the soil and other physical factors affecting the production of tobacco on the farm; and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 723.62 Determination of acreage allotments for new farms.

The acreage allotment, other than an allotment made under § 723.59(a), for a new farm shall be that acreage which the county committee, with approval of the State committee determines is fair and reasonable for the farm, taking into consideration the past tobacco experience of the farm operator, the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That, the acreage allotment so determined shall not exceed 50 percent of the average of the acreage allotments established for two or more but not more than five old farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco: *And provided further*, That, if the acreage planted to tobacco on a new tobacco farm is less than 75 percent of the tobacco acreage allotment otherwise established for the farm pursuant to this section, such allotment shall be automatically reduced to the sum of the tobacco planted acreage and the prevented planted tobacco acreage as determined under Part 718 of this chapter for the farm.

(a) *Written application.* The farm operator must file an application for a new farm allotment at the office of the county committee where the farm is administratively located on or before February 15 of the year for which the new farm alloment is requested.

(b) *Eligibility requirements for operator.* A new farm allotment may be established if each of the following conditions is met:

(1) *Owner and operator of the farm.* The operator shall be the sole owner of the farm. For the purpose of applying this subparagraph (1) a person who owns only part of a farm cannot be considered the owner of the farm except that both husband and wife shall be considered the owner and operator of a farm which they jointly own.

(2) *Interest in another farm.* The farm operator shall not own or operate any other farm in the United States for which a tobacco allotment or quota is established for the current year.

(3) *Availability of equipment and facilities.* The operator must own, or have readily available, adequate equipment and any other facilities of production necessary to the production of tobacco on the farm.

(4) *Income requirement.* The operator must expect to obtain during the current year more than 50 percent of his income from the production of agricultural commodities or products.

(i) *Computing operator's income.* The following shall be considered in computing operator's income:

(*a*) *Income from farming.* Income from farming shall include the estimated return from home gardens, livestock and livestock products, poultry, or other agricultural products produced for home consumption or other use on the farm(s). The estimated return from the production of the requested new farm allotment shall not be included.

(*b*) *Income from nonfarming.* Nonfarming income shall include but shall not be limited to salaries, commissions, pensions, social security payments, and unemployment compensations.

(c) *Spouse's income.* The spouse's farm and nonfarm income shall be used in the computation.

(ii) *Operator a partnership.* If the operator is a partnership, each partner must expect to obtain more than 50 percent of his current year income from farming.

(iii) *Operator a corporation.* If the operator is a corporation, it must have no major corporate purpose other than ownership or operation of the farm(s). Farming must provide its officers and general manager with more than 50 percent of their expected income. Salaries and dividends from the corporation shall be considered as income from farming.

(iv) *Special provision for low-income farmers.* The county committee may waive the income provisions in this section provided they determine that the farm operator's income, from both farm and nonfarm sources, is so low that it will not provide a reasonable standard of living for the operator and his family, and a State committee representative approves such action. In waiving the income provisions the county committee must exercise good judgment to see that their determination is reasonable in the light of all pertinent factors, and that this special provision is made applicable only to those who qualify. In making their determination, the county committee shall consider such factors as size and type of farming operations, estimated net worth, estimated gross family income, estimated family off-farm income, number of dependents, and other factors affecting the individual's ability to provide a reasonable standard of living for himself and his family.

(5) *Experience.* Operator must have had experience in producing, harvesting, and marketing the kind of tobacco requested. Such experience must have been gained: by being a sharecropper, tenant, or farm operator (bona fide tobacco production experience gained by a person as a member of a partnership shall be accepted as experience gained in meeting this requirement) during at least two of the five years immediately preceeding the year for which the new farm allotment is requested. If the operator was in the armed services during the five-year period, the period shall be extended one year for each year of military service during the five years. The experience must have been gained on a farm having a tobacco allotment for such years for the kind of tobacco requested in the application.

(c) *Eligibility requirements for the farm.* A new farm allotment may be established if each of the following conditions is met:

(1) *Current allotment or quota.* The farm must not have on the date of approval of a new farm acreage allotment an allotment or quota for any kind of tobacco.

(2) *Available land, type of soil, and topography.* The available land, type of soil, and topography of the land on the farm must be suitable for tobacco production. Also continuous production of tobacco must not result in an undue erosion hazard.

(3) *Downward adjustment.* The acreage allotment established as provided in this section for each kind of tobacco shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms.

(4) *False information.* Any new farm acreage allotment which was determined by the county committee on the basis of incomplete or inaccurate information knowingly furnished by the applicant shall be canceled by the county committee as of the date the allotment was established. When incomplete or inaccurate information was unknowingly furnished by the applicant, the allotment shall be canceled effective for the current crop year except where the provisions of § 723.64(d) apply.

§ 723.63 Determination of normal yields for new farms.

The normal yield for a new farm shall be that yield per acre which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

MISCELLANEOUS

§ 723.64 Approval of determinations made under §§ 723.51 through 723.63 and notices of farm acreage allotment.

(a) All farm acreage allotments and yields shall be determined by the county committee of the county in which the farm is located and shall be reviewed by a representative of the State committee. The State committee may revise or require revision of any determination made under §§ 723.51 through 723.63. All acreage allotments and yields shall be approved by a representative of the State committee, and no official notice of acreage allotment shall be mailed to a farm operator until such allotment has been so approved, except that revised acreage allotment notices without such prior approval may be mailed in cases resulting from reconstitutions that do not involve the use of additional acreage.

(b) An official notice of the farm acreage allotment and marketing quota shall be mailed to the operator of each farm shown by the records of the county committee to be entitled to an allotment. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which the allotment is established. Insofar as practical, all allotment notices shall be mailed in time to be received prior to the date of any tobacco marketing quota referendum. A copy of such notice containing thereon the date of mailing, shall be maintained for not less than 30 days in a conspicuous place in the county office and shall thereafter be kept available for public inspection in the office of the county committee. A copy of such notice certified as true and correct shall be furnished without charge to any person interested in the farm for which the allotment is established.

(c) If the records of the county committee indicate that the allotment established for any farm may be changed because of (1) removal of the farm from agricultural production, (2) division of the farm, or (3) combination of the farm, the mailing of the notice of such allotment may be delayed: *Provided*, That the notice of allotment for any farm shall be mailed no later than May 1 of the current year.

(d) If the county committee determines with the approval of the State executive director, that (1) the official written notice of the farm acreage allotment issued for any farm erroneously stated the acreage allotment to be larger than the correct allotment, and (2) the error was not so gross as to place the operator on notice thereof, and that the operator, relying upon such notice and acting in good faith (i) materially changed his position to enable him to produce the allotment crop (for example obligated expenditures of funds for land preparation, additional equipment and labor) or (ii) has planted an acreage of tobacco in excess of the correct farm acreage allotment the acreage allotment shown on the erroneous notice shall be deemed to be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the current year.

§ 723.65 Application for review.

Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm may, within 15 days after mailing of the official notice of the farm acreage allotment and marketing quota, file application in writing with the county ASCS office to have such allotment reviewed by a review committee. The procedure governing the review of farm acreage allotments and marketing quotas is contained in Part 711 of this chapter.

§ 723.66 Lease and transfer of tobacco acreage allotments.

(a) *Farms eligible.* Subject to the limitations provided in this section, the owner and operator (acting together if different persons) of any farm for which an old farm tobacco acreage allotment is established for the current year may lease and transfer all or any part of the farm acreage allotment established for such farm to any other owner or operator of a farm in the same county with a current year's allotment (old or new farm) for the same kind of tobacco for use on such farm. The lease and transfer of an acreage allotment shall be recognized and considered valid by the county committee subject to the conditions set forth in this section.

(b) *Maximum period.* Transfer of allotments by lease shall not exceed five years.

(c) *Filing and approval of transfer agreement*—(1) *Filing transfer agreement.* The lease and transfer of any allotment or any part thereof from the farm for which the allotment was established to another tobacco farm shall not become effective until a copy of the transfer agreement, determined by the county committee to be in compliance with the provisions of this section, is filed with the county committee not later than June 1, except that a lease shall be effective if the county committee, with the approval of a State committee representative, finds that the producer was prevented from timely filing the transfer agreement due to reasons beyond his control. The county committee may redelegate authority to approve leasing agreements to the county executive director. The filing of a properly executed Form ASCS–375, Record of Transfer of Allotment or Quota, will be considered

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to meet the requirements of this paragraph (c)(1).

(2) *Record of transfer on ASCS-375.* No lease and transfer of any allotment under this section shall become effective until a record of the transfer has been executed on Form ASCS-375 and filed with the county committee by the parties to the transfer. If the owner and operator of the farm from which transfer by lease is to be made are different persons, both owner and operator shall execute the record of transfer; however, only the owner or operator of the receiving farm is required to sign the transfer. A county committee member or employee must witness the signature of either the owner or operator of the transferring farm and the owner or operator of the receiving farm. If such signatures cannot be witnessed in the county office where the farm is administratively located, they may be witnessed in any county office convenient to the owner's or operator's residence. The requirement that signatures be witnessed for producers who are ill, infirm, reside in distant areas, or are in similar hardship situations or may be unduly inconvenienced may be waived provided the county office mails Form ASCS-375 for the required signature.

(d) *Normal yields.* The county committee shall determine a normal yield per acre, in accordance with the provisions of § 723.61 in the case of old farms, and, in the case of new farms, § 723.63 for each farm from which, and for each farm to which a, tobacco acreage allotment or any part thereof is leased. If the normal yield determined by the county committee for the farm to which the allotment acreage is transferred does not exceed the normal yield determined by the county committee for the farm from which the allotment acreage is transferred by more than 10 percent, the lease and transfer shall be approved acre for acre. If the normal yield determined by the county committee for the farm to which the allotment acreage is transferred exceeds the normal yield for the farm from which the allotment is transferred by more than 10 percent, the county committee shall make a downward adjustment in the amount of the allotment acreage transferred by multiplying the normal yield established for the farm from which the allotment acreage is transferred by the acreage being transferred and dividing the result by the normal yield established for the farm to which the allotment acreage is transferred. In the case of transfers of allotments for two or more years, the productivity adjustment and amount of allotment so transferred shall be redetermined by the county committee each year the transfer remains in effect.

(e) *Allotment acreage considered fully planted.* The amount of allotment acreage which is leased from a farm (prior to any reduction made under this section) shall be considered for the purpose of determining future allotments (and tobacco history acreage) to have been planted to tobacco on such farm. The amount of allotment acreage which is leased and transferred to a farm shall not be taken into account in establishing allotments for subsequent years for such farms.

(f) *Limit on acreage transferred.* The total acreage allotted to any farm after the transfer by lease of tobacco acreage allotment to the farm (the sum of its own allotment and acreage leased and transferred to it after any adjustment in normal yield) shall not exceed 50 percent of the acreage of cropland in the farm.

(g) *New farm allotment.* A new farm allotment shall not be leased or transferred.

(h) *Farms under long-term land-use programs.* A transfer of an allotment to or from a farm covered by a Cropland Adjustment Program agreement shall not be approved if the transferring or receiving farm has the allotment base designated under such program agreement.

(i) *Transfer from the pool.* Allotments in a pool pursuant to Part 719 of this chapter may be eligible for lease and transfer during the three-year life of the pooled allotment. An agreement to lease and transfer shall not serve to extend the life of such pooled allotment.

(j) *Subleasing and limitation on lease and transfer to and from a farm*—(1) *No subleasing.* No transfer shall be made from a farm receiving allotment under a transfer agreement for the term of the transfer agreement.

(2) *Limitation on lease and transfer to and from a farm for the same crop year.* If a lease and transfer agreement is in effect for any farm, no transfer of allotment shall be made (i) from such farm receiving allotment by transfer or, (ii) to such farm which had allotment transferred from it.

(k) *Revised notices.* A form ASCS-375 showing the allotment acreage after lease and transfer shall be issued by the county committee to each of the operators of all farms from which or to which a tobacco allotment acreage is leased under this section.

(l) *Tobacco acreage allotment.* Except with respect to the erroneous allotment notice provisions in § 723.64 and the provisions for review in § 723.65, the term "tobacco acreage allotment" as used herein shall mean the allotment without regard to the application of the provisions of this section.

(m) *Zero allotment farm.* If the allotment for a farm for the current year is reduced to zero, no tobacco allotment acreage for such kind of tobacco may be leased to such farm for the current year.

(n) *Approval after review period.* No lease shall be approved by the county committee for any farm involved in a lease and transfer of allotment acreage until the time of filing an application for review, as shown on the original allotment notice for the farm, has expired. If an application for review is filed for a farm involved in a lease and transfer agreement, such agreement shall not be approved by the county committee until the allotment for such farm is finally determined pursuant to Part 711 of this chapter.

(o) *Acreage allotment after lease and transfer.* The acreage allotment finally determined (after lease and transfer) for a farm under the provisions of this section shall be the allotment for such farm for the current year only for the purpose of determining (1) excess acreage, (2) the amount of penalty to be collected on marketings of excess tobacco including absorption of carryover penalty tobacco, (3) eligibility for price support, and (4) the farm marketing quota and the percentage reduction for a violation in the allotment for the farm.

(p) *Cancellation, dissolution, or revision of transfer*—(1) *Cancellation.* Any transfer of allotment under this section which was approved by the county committee in error or on the basis of incorrect information furnished by the parties to the agreement shall be cancelled by the county committee. Such cancellation shall be effective as of the date of approval for purposes of determining eligibility for price support and marketing were not notified of the cancellation before the tobacco was planted. The provisions of this paragraph (p)(1) shall not preclude application of the erroneous notice provisions under § 723.64 where such provisions are applicable.

(2) *Dissolution or revision.* A transfer agreement may be dissolved or minor revisions made where a request by all parties to the agreement is made in writing to the county committees. Such written notification shall be filed prior to planting the tobacco. A late filed request to dissolve or revise the transfer may be effective for the current year if the county committee with approval of a State committee representative determines that the producer was prevented from timely filing for reasons beyond his control.

(q) *Reconstituted farm.* The allotment for a farm being divided or combined in the current year shall be the allotment after lease and transfer has been made. Notwithstanding the above, in the case of a division, the county committee shall allocate the acreage that was transferred by lease to the tracts involved in the division as the parent farm owners and operators designate in writing. In the absence of such designation, the county committee shall apportion the leased acreage.

(r) *Consent of lienholder.* No transfer of allotment other than by annual lease shall be made from a farm subject to a mortgage or other lien unless the transfer is agreed to in writing by the lienholder.

Signed at Washington, D.C., on March 24, 1977.

VICTOR A. SENECHAL,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.77-9691 Filed 3-31-77;8:45 am]

[Amdt. 4]

PART 728—WHEAT

Wheat Program for Crop Years 1975–1977

1977 CROP ESTABLISHED PRICE AND DISASTER PAYMENT RATE

This amendment is issued pursuant to the Agricultural Act of 1949, as amended by the Agricultural Act of 1970 (Pub. L. 91-524, 84 Stat. 1358), by the Agriculture and Consumer Protection Act of 1973 (Pub. L. 93-86, 87 Stat. 224), and by Pub. L. 93-228, 87 Stat. 944. The purposes of this amendment are to determine and announce the established price and the disaster payment rate for the 1977 crop of wheat.

Section 107(c) of the Agricultural Act of 1949, as amended, requires that the established price for the 1977 crop of wheat be $2.29 per bushel adjusted to reflect any change during the calendar year 1976 in the index of prices paid by farmers for production items, interest, taxes, and wage rates (herein referred to as the PPI); *Provided*, That any increase that would otherwise be made in the established price to reflect a change in the PPI shall be further adjusted to reflect any change in the national average yield per acre of wheat for the three calendar years 1974–1976 over the national average yield for the three calendar years 1973–1975.

In determining the change in the PPI during calendar year 1976, the average of the monthly PPI's for the 1976 calendar year was compared with the average of the monthly PPI's for the 1975 calendar year. The 1976 average was 709 and the 1975 average was 665. Thus, the adjustment resulting from the increase in the PPI during calendar year 1976 is 6.62 percent.

The 1974–1976 average yield per acre of wheat was 29.5 bushels. The 1973–1975 average was 29.9 bushels. The 1974–1976 average is 1.34 percent below the 1973–1975 average.

The total adjustment is, therefore, 7.96 percent (6.62-(—1.34)). Thus the established price for the 1977 crop of wheat is $2.47 per bushel ($2.29 times 1.0796).

Since farmers need to know the established price for the 1977 crop as soon as possible so that they may make plans for their 1977 farming operations, it is hereby found and determined that compliance with the notice and public procedure provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, this amendment shall be effective March 31, 1977.

Section 728.10 of the Wheat Program for Crop Years 1975–1977 Regulations, 7 CFR §§ 728.1–728.26, is amended to read as follows:

§ 728.10 Payment rates.

Payment rates shall be established separately for deficiency payments and for disaster payments.

(a) *Deficiency payment rates.* The per bushel deficiency payment rate for each crop of wheat shall be the amount by which the higher of:

(1) The national weighted average market price received by farmers for wheat during the first five months of the marketing year for such crop beginning June 1 or

(2) The national average loan rate established for such crop is less than the established price of $2.05 per bushel in the case of the 1975 crop, $2.29 per bushel in the case of the 1976 crop, and $2.47 per bushel in the case of the 1977 crop.

(b) *Disaster payment rates.* The per bushel disaster payment rate shall be equal to the larger of the deficiency payment rate or one-third of the established price. The disaster payment rate for the 1975 program year is $.68 per bushel. The disaster payment rate for the 1976 program year is $.76 per bushel. The disaster payment rate for the 1977 program year is $.82 per bushel.

(Sec. 107, 84 Stat 1358, 87 Stat. 224, 87 Stat. 944 (7 U.S.C. 1445a))

Effective date: This amendment becomes effective on March 31, 1977.

Signed at Washington, D.C. on March 25, 1977.

VICTOR A. SENECHAL,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.77-9611 Filed 3-31-77;8:45 am]

PART 729—PEANUTS

Subpart—1977 Crop of Peanuts: Acreage Allotments and Marketing Quotas

INCREASE IN VALENCIA TYPE ACREAGE ALLOTMENTS

Basis and purpose. The provisions of 7 CFR 729.106 are issued pursuant to section 358(c)(2) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1358(c)(2)). The purpose of § 729.106 is to make a determination on the basis of the average yield per acre of Valencia type peanuts during the five-year period 1972–76, adjusted for trends in yields and abnormal conditions of production affecting yields, that the supply of Valencia type peanuts for the 1977–78 marketing year will be insufficient to meet estimated demand for cleaning and shelling purposes at prices at which the Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by CCC. The State allotments for States producing Valencia type peanuts are increased in order to meet such demand. The latest available statistics of the Federal Government were used in making these determinations.

Notice that a determination would be made with respect to the supply of Valencia type peanuts under section 358(c)(2) of the act was published in accordance with 5 U.S.C. 553 (80 Stat. 383) in the FEDERAL REGISTER of February 25, 1977 (42 FR 11015). The overwhelming majority of the recommendations received related to production in New Mexico, for which they recommended a minimum of 4,312 acres. Such recommendations received in response to the notice were duly considered within the limits of the Agricultural Adjustment Act of 1938, as amended. In order that peanut farmers may be notified as soon as possible of any increases of farm allotment for the 1977 crop, it is essential that § 729.106 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and § 729.106 shall be effective upon filing of this document with the Director, Office of the Federal Register.

7 CFR Part 729 is amended by revising § 729.106 to read as follows:

§ 729.106 Additional allotment for Valencia type peanuts of the 1977 crop.

(a) *Determination of short supply.* The term "Valencia type peanuts" means Valencia type peanuts as defined in § 729.7(c) of the Allotment and Marketing Quota Regulations for Peanuts of the 1972 and Subsequent Crops (37 FR 2645, 3629). It is hereby determined that the supply of Valencia type peanuts for the 1977–78 marketing year (August 1, 1977 through July 31, 1978) determined in accordance with section 358(c)(2) of the Agricultural Adjustment Act of 1938, as amended, will be insufficient to meet the estimated demand for Valencia type peanuts for cleaning and shelling purposes at prices at which the Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by it.

(b) *State allotment increases for 1977 crop.* The State allotment for peanuts of the 1977 crop for States which produced Valencia type peanuts during any one or more of the years 1974, 1975 and 1976 shall be increased in the aggregate by 4,236 acres which is determined to be the additional acreage required to meet the estimated demand for Valencia type peanuts for cleaning and shelling purposes at the price at which CCC may sell for such purposes peanuts owned or controlled by it.

(c) *Apportionment of allotment increase to States for 1977 crop.* The aggregate of State allotment increases in the amount of 4,236 acres established under paragraph (b) of this section is hereby apportioned to States on the basis of the average acreage of Valencia type peanuts in each State in 1974, 1975 and 1976. The apportionment of additional allotment under this paragraph does not increase the State allotment for any State above the 1947 harvested acreage of peanuts for such State. The following table sets forth the apportionment to States.

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	1947 harvested acreage of peanuts	1974–76 average harvested acreage of Valencia peanuts [1]	1977 increase in Basic State allotment for Valencia-type peanuts	1977 previous State allotment	1977 revised State allotment
	Acres				
Alabama	463,000			216,641	216,641
Arizona		2	1	761	762
Arkansas	8,000			4,238	4,238
California				930	930
Florida	105,000	2	1	55,572	55,573
Georgia	1,124,000			529,884	529,884
Louisiana	4,000			1,945	1,945
Mississippi	13,000	85	63	7,492	7,555
Missouri				247	247
New Mexico	14,000	5,373	4,000	5,787	9,787
North Carolina	292,000	3	2	167,879	167,881
Oklahoma	325,000	16	12	138,290	138,302
South Carolina	26,000	3	2	13,891	13,893
Tennessee	5,000	3	2	3,552	3,554
Texas	836,000	206	153	358,063	358,216
Virginia	162,000			104,828	104,828
U.S. total	3,377,000	5,693	4,236	1,610,000	1,614,236

[1] Less increase in State allotment for Valencia short supply.

(d) *No credit for future allotments.* The additional allotment apportioned under this section is in addition to the national acreage allotment, the production from such acreage is in addition to the national marketing quota and such additional allotment shall not be considered in establishing future State, county, or farm acreage allotments.

(Sec. 358(c)(2), 65 Stat. 29, as amended (7 U.S.C. 1358(c)(2)); Sec. 375, 52 Stat. 66, as amended (7 U.S.C. 1375).)

Effective date: This amendment takes effect on March 29, 1977.

Signed at Washington, D.C., on March 29, 1977.

VICTOR A. SENECHAL,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.77-9772 Filed 3-29-77;4:31 pm]

[Amdt. 4]

PART 755—FEED GRAINS

Feed Grain Program for Crop Years 1975–1977

1977 CROP ESTABLISHED PRICES AND DISASTER PAYMENT RATES

This amendment is issued pursuant to the Agricultural Act of 1949, as amended by the Agricultural Act of 1970 (Pub. L. 91-524, 84 Stat. 1358), by the Agriculture and Consumer Protection Act of 1973 (Pub. L. 93-86, 87 Stat. 230), and by Pub. L. 93-228, 87 Stat. 944. The purposes of this amendment are to determine and announce the established prices and the disaster payment rates for the 1977 crop of corn, grain sorghum and barley.

Section 105(b) of the Agricultural Act of 1949, as amended, requires that the established price for the 1977 crop of corn be $1.57 per bushel adjusted to reflect any change during the calendar year 1976 in the index of prices paid by farmers for production items, interest, taxes, and wage rates (herein referred to as the PPI); *Provided*, That any increase that would otherwise be made in the established price to reflect a change in the PPI shall be further adjusted to reflect any change in the national average yield per acre of feed grains for the three calendar years 1974–1976 over the national average yield for the three calendar years 1973–1975.

In determining the change in the PPI during calendar year 1976, the average of the monthly PPI's for the 1976 calendar year was compared with the average of the monthly PPI's for the 1975 calendar year. The 1976 average was 709 and the 1975 average was 665. Thus, the adjustment resulting from the increase in the PPI during calendar year 1976 is 6.62 percent.

The 1974–1976 average yield per acre of corn was 81.7 bushels. The 1973–1975 average was 82.9 bushels. The 1974–1976 average is 1.45 percent below the 1973–1975 average.

The total adjustments is, therefore, 8.07 percent (6.62–(–1.45)). Thus, the established price for the 1977 crop of corn is $1.70 per bushel ($1.57 times 1.0807).

Section 105(b) of the Agricultural Act of 1949, as amended, requires that the payment rate for grain sorghums and, if designated by the Secretary, barley, shall be such rate as the Secretary determines fair and reasonable in relation to the rate at which payments are made available for corn.

The established price for the 1977 crop of grain sorghum is $1.62 per bushel and for barley $1.39 per bushel determined on the basis of the feeding value relationship to corn of 95 percent. (Sorghum, $1.70×.95; barley, $1.70×.95÷56 pounds corn per bushel ×48 pounds barley per bushel.)

Since farmers need to know the established price for the 1977 crop as soon as possible so that they may make plans for their 1977 farming operations, it is hereby found and determined that compliance with the notice and public procedure provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, the amendment shall be effective on March 31, 1977.

Section 775.10 of the Feed Grain Program for Crop Years 1975–1977 Regulations, 7 CFR §§ 775.1–775.26, is amended to read as follows:

§ 775.10 **Payment rates.**

Payment rates shall be established separately for deficiency payments and for disaster payments.

(a) *Deficiency payment rates.* The per bushel deficiency payment rate for each crop of corn shall be the amount by which the higher of: (1) The national weighted average market price received by farmers for corn during the first five months of the marketing year for such crop beginning October 1, or

(2) The national average loan rate established for such crop is less than the the established price of $1.38 per bushel in the case of the 1975 crop, $1.57 per bushel in the case of the 1976 crop, and $1.70 per bushel in the case of the 1977 crop.

Per bushel rates shall be established in like manner for grain sorghum and barley based on marketing years beginning October 1 for grain sorghum and June 1 for barley, and on the established prices determined each program year. The established prices for grain sorghum and barley are based on a feeding value relationship to corn of 95 percent. The established prices for the 1975 program year are $1.31 per bushel for grain sorghum and $1.13 per bushel for barley. The established prices for the 1976 program year are $1.49 per bushel for grain sorghum and $1.28 per bushel for barley. The established prices for the 1977 program year are $1.62 per bushel for grain sorghum and $1.39 per bushel for barley.

(b) *Disaster payment rates.* The per bushel disaster payment rate for each feed grain shall be equal to the larger of the deficiency payment rate or one-third of the established price. Disaster payment rates for the 1975 program year are $.46 per bushel for corn, $.44 per bushel for grain sorghums, and $.38 per bushel for barley. Disaster payment rates for the 1976 program year are $.52 per bushel for corn, $.50 per bushel for grain sorghum and $.43 per bushel for barley. Disaster payment rates for the 1977 program year are $.57 per bushel for corn, $.54 per bushel for grain sorghum and $.46 per bushel for barley.

(Sec. 107, 84 Stat. 1358, 87 Stat. 230, 87 Stat. 944 (7 U.S.C. 1441).)

Effective date: This amendment becomes effective on March 31, 1977.

Signed at Washington, D.C. on March 25, 1977.

VICTOR A. SENECHAL,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.77-9612 Filed 3-31-77;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 86]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

(R) Editorial changes shall be

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period April 3–9, 1977. It is issued under the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. This regulation is needed to provide for orderly marketing of fresh lemons, because of the production and marketing situation confronting the lemon industry. The regulation will tend to assure an adequate supply of lemons throughout the marketing season to the benefit of producers and consumers.

DATES: Weekly regulation period April 3–9, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-3545.

SUPPLEMENTARY INFORMATION: (a) *Findings.* (1) Pursuant to the amended marketing agreement and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the amended marketing agreement and order, and upon other available information, it is found that the limitation of handling of such lemons, as provided in this section will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the specified week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation for the quantity of lemons it considers advisable to be handled during the specified week. The recommendation resulted from consideration of the factors covered in the order. The committee further reports the demand for lemons is improved this week. Average f.o.b. price was $5.53 per carton the week ended March 26, 1977 compared to $5.50 per carton the previous week. Track and rolling supplies at 110 cars were down 10 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be established as provided in this section.

(3) It is further found that it is impracticable and is contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because the time intervening between the date when information upon which this section is based became available and the time when it must become effective to effectuate the declared policy of the act is insufficient. A reasonable time is permitted, for preparation for the effective time; and good cause exists for making the regulation effective as specified. The committee held an open meeting during the current week, after giving due notice, to consider supply and market conditions for lemons and the need for regulation. Interested persons were afforded an opportunity to submit information and views at this meeting. The recommendation and supporting information for regulation during the period specified were promptly submitted to the Secretary after the meeting was held, and information concerning the provisions and effective time has been provided to handlers of lemons. It is necessary, to effectuate the declared policy of the act, to make this regulation effective as specified. The committee meeting was held on March 29, 1977.

§ 910.386 **Lemon Regulation 86.**

* * * * *

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period April 3, 1977, through April 9, 1977, is established at 230,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: March 30, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-10029 Filed 3-31-77;11:29 am]

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—PROVISIONS COMMON TO MORE THAN ONE PROGRAM

[Amdt. 1]

PART 794—DIVISION OF PAYMENTS

Miscellaneous Provisions

The following changes are being made in the provisions of 7 CFR Part 794 which govern division of payments in order to conform with the provisions of the individual program regulations:

1. The form on which payment shares are recorded is identified as a "payment form" instead of an "intention form".

2. Program payments will normally be shared in the same manner as the crop is shared from allotment acreage on the farm or other participating unit or would have been shared had the crop been produced.

3. Approval of a different division of payments as determined by the county committee to be fair and equitable must have the concurrence of a representative of the State committee only when one or more producers do not agree to the division.

The regulations at 7 CFR Part 794 are amended as follows:

1. Section 794.2 is amended by revising paragraphs (a) and (b) to read as follows:

§ 794.2 **Division of program payments.**

(a) *General.* Each person on a participating farm, or other participating unit as approved by the Deputy Administrator, shall be given the opportunity to participate in the program in proportion to his interest in the program crops on allotment acreage or the interest he would have had if the crops had been produced. The name of such person shall be listed on a form which is approved by the Deputy Administrator for recording payment shares, herein called "payment form." If such person refuses or fails to sign the payment form, the share of the payment to which he would otherwise be entitled shall nevertheless be shown on the form. Federal agencies can earn no program payments but any shares to which such agencies would otherwise be entitled shall also be shown on the form as though the agencies were earning them. The sum of the percentage shares of the program payment shall equal 100 percent.

(b) *Division of program payment.* Each producer's share of the farm program payment for a crop shall be based on the following:

(1) His share of the crop from allotment, acreage, or the proceeds thereof, or

(2) If no crop is produced, the share which he would have otherwise received had the crop been produced.

Notwithstanding the foregoing sentence, except in the case of a small farm payment under the upland cotton program, a different division of payments which is fair and equitable may be approved by the county committee if all of the producers who would otherwise share in the payment agree to the different division in writing. Such different division of payments may also be approved by the county committee, with the concurrence of a representative of the State committee, even though all of the producers cannot agree on the division. In addition, a different division of payments may be approved by the county committee when required by the applicable program regulations which relate to successors-in-interest.

* * * * *

§ 794.3 [Amended]

2. Section 794.3 is amended as follows:

(a) By deleting the first three words "An intention form" in paragraph (a) and substituting the word "Payment".

(b) By revising the second sentence in paragraph (a)(4) to read as follows: "If any of such conditions occur or are discovered after payments have been made all, or any such part of the payments as the State committee may determine, shall be refunded to the Commodity Credit Corporation."

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(c) By deleting the words "the crop covered by the intention form" in paragraph (b) and substituting the words "the program crop".

(Sec. 103, 87 Stat. 233; sec. 105, 87 Stat. 230; sec. 107, 87 Stat. 224 (7 U.S.C. 1444, 7 U.S.C. 1441 note, 7 U.S.C. 1445a).)

Since these changes are necessary to conform with current program provisions, it is hereby found and determined that compliance with the notice and public procedure provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest.

Effective date: These regulations shall become effective on March 25, 1977.

Signed at Washington, D.C. on March 24, 1977.

VICTOR A. SENECHAL,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.77-9485 Filed 3-25-77;2:39 p.m.]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 928—PAPAYAS GROWN IN HAWAII

Rules and Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final Rule.

SUMMARY: This amendment revises the provisions allowing the handling of immature papayas. It was recommended by the Papaya Administrative Committee. This amendment will continue to make available, under revised terms and conditions, supplies of immature papayas which are used in cooking.

EFFECTIVE DATE: April 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-3545.

SUPPLEMENTARY INFORMATION: The rules and regulations (Subpart—Rules and Regulations; 7 CFR 928.141–928.160) are effective pursuant to the applicable provisions of the marketing agreement, and Order No. 928 (7 CFR Part 928) regulating the handling of papayas grown in Hawaii, hereinafter referred to as the "order". This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendment was unanimously recommended by the Papaya Administrative Committee, established under the order as the agency to administer its terms and provisions. As amended, the rules and regulations would specify revised terms and conditions with respect to the handling of immature papayas under § 928.152. Handlers who wish to handle immature papayas must apply to and be approved by the committee prior to such handling. Containers of immature papayas will be required to be properly marked "Off-Grade—Immature" or "Immature" depending on destination. In addition, immature papayas, regardless of destination, will be required to be individually stamped or labeled in a uniform manner approved by the committee indicating immaturity. Immature papayas are used in cooking by certain ethnic groups. The labeling requirements are safeguard designed to prevent immature papayas from being represented as mature fruit or diverted to markets which require mature papayas.

After consideration of all relevant matter presented, including the recommendations of the committee and other available information, it is found that amendment of the rules and regulations, as provided herein, will tend to effectuate the declared policy of the act.

It is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when it must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of papayas.

Therefore, § 928.152 is amended to read as follows:

§ 928.152 Maturity exemption.

(a) An immature papaya is one which has not reached the stage of maturity wherein the lower or blossom end half of the papaya shows a definite tinge of yellow.

(b) The handling of immature papayas shall be limited to papaya handlers whose name appears on the committee's current list of approved immature papaya handlers established pursuant to paragraph (c) of this section. Such papayas so handled shall be exempt from grade, size, quality, and maturity regulations issued pursuant to §§ 928.52 and 928.53.

(c) Any handler who desires to handle immature papayas shall, prior thereto, file with the committee an application and agreement therefor on PAC Form 7, which shall contain the following information: (1) Name and address of the applicant; (2) an agreement that containers of immature papayas handled to destinations within the State of Hawaii shall be clearly marked "Off-Grade—Immature" in letters not less than one-half inch in height and containers of such fruit handled in export shall be clearly marked "Off-Grade—Immature" or "Immature" in letters not less than one-half inch in height and further that each immature papaya, regardless of destination, shall be stamped or labeled in a uniform manner approved by the committee indicating immaturity; and (3) an agreement to promptly submit such reports on immature papayas handled at such times as may be required by the committee. The application shall be signed by the applicant or an authorized employee of the applicant and filed with the committee.

(d) If approved by the committee, the applicant's name shall be placed on the committee's list of approved immature papaya handlers. The applicant shall be notified of the committee's action.

(e) The committee may reject an application for just cause, such as a handler's past failure to comply with the requirements for the handling of immature papayas or his past failure to promptly submit reports as may be required under subparagraph (3) of paragraph (c) of this section and may also, for like causes, immediately suspend upon written notice, authorization previously granted a handler to handle immature papayas and remove his name from the list of approved immature papaya handlers.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated March 29, 1977, to become effective April 1, 1977.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-9718 Filed 3-31-77;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

MILK IN THE IOWA MARKETING AREA

Order Amending and Merging Orders

7 CFR Part	Marketing area	Docket No.
1079	Des Moines, Iowa	AO-295-A32
1070	Cedar Rapids and Iowa City.	AO-229-A32
1078	North Central Iowa	AO-272-A27
1063	Quad Cities and Dubuque	AO-105-A43

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final order merges the four Federal milk marketing orders mentioned above into a single order, which will be known as the "Iowa" order. The marketing area of the new order will include the marketing areas of the four individual orders, plus 22 Iowa counties that were previously unregulated.

As required by statute, the proposed Iowa order has been approved by at least two-thirds of the dairy farmers whose milk would be marketed under the order.

DATE: The Iowa order will become effective May 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202–447–2132).

SUPPLEMENTARY INFORMATION: Prior dockets in this proceeding: Notice of Hearing: Issued March 9, 1976; published March 12, 1976 (41 FR 10612). Recommended Decision: Issued December 29, 1976; published January 6, 1977 (42 FR 1356). Final Decision: Issued March 16, 1977; published March 23, 1977 (42 FR 15841)

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the aforesaid marketing areas.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The Iowa order, which amends and merges the aforesaid orders, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to Section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the Iowa marketing area, and the minimum prices specified in the Iowa order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The Iowa order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreements upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the Iowa order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, of 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk specified in § 1079.85.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c(9) of the Act) of more than 50 percent of the milk which is marketed within the Iowa marketing area to sign a proposed marketing agreement tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of the Iowa order, which amends and merges the aforesaid orders, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the Iowa order; and

(3) The issuance of the Iowa order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the orders regulating the handling of milk in the Des Moines, Iowa, Cedar Rapids-Iowa City, North Central Iowa, and Quad Cities-Dubuque marketing areas (Parts 1079, 1070, 1078, and 1063, respectively) shall be amended and merged into one order. Parts 1063, 1070, and 1078 are thereby superseded, and such vacated part designations shall be reserved for future assignment. The handling of milk in the merged marketing area, to be designated as the "Iowa Marketing Area" (Part 1079), shall be in conformity to and in compliance with the terms and conditions of the following attached order:

PART 1063—MILK IN QUAD CITIES-DUBUQUE MARKETING AREA [REVOKED]

PART 1070—MILK IN THE CEDAR RAPIDS-IOWA CITY MARKETING AREA [REVOKED]

PART 1078—MILK IN NORTH CENTRAL IOWA MARKETING AREA [REVOKED]

PART 1079—MILK IN THE IOWA MARKETING AREA

Subpart—Order Regulating Handling

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ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

1079.85 Assessment for order administration.
1079.86 Deduction for marketing services.

AUTHORITY: Sec. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674).

GENERAL PROVISIONS

§ 1079.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

DEFINITIONS

§ 1079.2 Iowa marketing area.

"Iowa marketing area" (referred to in this part as the "marketing area") aries listed below, including all territory that is now, or in the future, occupied by government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments if any part of such territory is within the designated geographical limits of the marketing area:

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(a) The Iowa counties of:

Adair	Humboldt
Adams	Iowa
Allamakee	Jackson
Appanoose	Jasper
Audubon	Jefferson
Benton	Johnson
Black Hawk	Jones
Boone	Keokuk
Bremer	Linn
Buchanan	Louisa
Butler	Lucas
Calhoun	Madison
Carroll	Mahaska
Cedar	Marion
Cerro Gordo	Marshall
Chickasaw	Monroe
Clarke	Muscatine
Clayton	Pocahontas
Clinton	Polk
Dallas	Poweshiek
Davis	Ringgold
Decatur	Scott
Delaware	Story
Dubuque	Tama
Fayette	Taylor
Floyd	Union
Franklin	Wapello
Greene	Warren
Grundy	Washington
Guthrie	Wayne
Hamilton	Webster
Hancock	Wright
Hardin	

and the city of Osage in Mitchell County.

(b) The Illinois counties of:

Henry	Rock Island
Mercer	

and the city of East Dubuque in Jo Daviess County.

§ 1079.3 Route disposition.

"Route disposition" means any delivery (including any delivery by a vendor or disposition at a plant store) of a fluid milk product classified as Class I milk, other than bulk fluid milk products transferred to other plants.

§ 1079.4 Plant.

"Plant" means the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received, processed, or packaged. Separate facilities used only as a distribution point for storing packaged fluid milk products in transit or separate facilities at which milk is only reloaded from one tank truck to another for transshipment shall not be a "plant" under this definition.

§ 1079.5 [Reserved]

§ 1079.6 [Reserved]

§ 1079.7 Pool plant.

Except as provided in paragraph (d) of this section, "pool plant" means:

(a) Any plant (which, if qualified pursuant to this paragraph, shall be known as a "pool distributing plant") that is approved by a duly constituted regulatory agency for the processing or packaging of Grade A milk and from which during the month:

(1) The total route disposition (excluding packaged fluid milk products received from other plants and filled milk) as a percent of the total Grade A fluid milk products received in bulk form at such plant or diverted therefrom by the plant operator is equal to 40 percent or more during each of the months of September through November and 35 percent or more during all other months; and

(2) Not less than 15 percent of such receipts are disposed of as route disposition (except filled milk) in the marketing area.

(b) Any plant (which, if qualified pursuant to this paragraph, shall be known as a "pool supply plant") that is approved by a duly constituted regulatory agency for the handling of Grade A milk and from which during the month the volume of bulk fluid milk products transferred to pool distributing plants during each of the months of September through November is 35 percent or more and during each of the months of December through August is 20 percent or more of the total Grade A milk received at the plant from dairy farmers and handlers described in § 1079.9(c), including milk diverted therefrom by the plant operator pursuant to § 1079.13. For plants located within the States of Iowa, Minnesota, Wisconsin, or that portion of Illinois north of Interstate 80, the shipping requirements of this paragraph may also be met in the following ways:

(1) A cooperative association that operates a supply plant may include as qualifying shipments its deliveries to pool distributing plants directly from farms of producers pursuant to § 1079.9 (c);

(2) A proprietary handler may include as qualifying shipments milk diverted pursuant to § 1079.13(d) to pool distributing plants;

(3) The operator of a supply plant may include as qualifying shipments transfers of fluid milk products to distributing plants regulated under other Federal orders, except that credit for such transfers shall be limited to the amount of milk, including milk shipped directly from producers' farms, delivered to pool distributing plants under this order; and

(4) Two or more supply plants operated by the same handler or by one or more cooperative associations may qualify for pooling as a unit by meeting the applicable percentage requirements of this paragraph in the same manner as a single plant if the handler submits a written request to the market administrator prior to the first day of September requesting that such plants qualify as a unit for the period September through August of the following year. (Units may form on the effective date of the merged order. Such units may continue in effect through August 1977.) The request shall list the plants to be included in the unit in the sequence in which they shall qualify for pool plant status based on the minimum deliveries required. If the deliveries made are insufficient to qualify the entire unit for pooling, the plant last on the list shall be excluded from the unit, followed by the plant next-to-last on the list, and continuing in this sequence until the remaining plants on the list have met the minimum shipping requirements. Each plant that qualifies as a pool plant within a unit shall continue each month as a plant in the unit through the following August unless the plant fails subsequently to qualify for pooling or the handler submits a written request to the market administrator prior to the first day of the month that the plant be deleted from the unit or that the unit be discontinued. Any plant that has been so deleted from the unit, or that has failed to qualify in any month, will not be part of the unit for the remaining months through August. No plant may be added in any subsequent month through the following August to a unit that qualifies in September.

(c) Any plant, except a plant included in a unit, that qualified as a pool plant in each of the immediately preceding three months on the basis of performance standards described in paragraph (a) or (b) of this section.

(d) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) A governmental agency plant;

(3) A plant qualified as a pool plant pursuant to this section if the conditions of paragraph (d)(3) (i) and (ii) of this section are met. Such plant shall be exempt from the provisions of this part except for reports that may be required pursuant to § 1079.30(d) and verification of such reports by the market administrator in accordance with § 1000.5 of this chapter:

(i) The Secretary determines that a greater quantity of fluid milk products in fluid form is disposed of from such plant to a regulated marketing area as defined in another order issued pursuant to the Act either as route disposition, excluding filled milk, or to other order plants qualified on the basis of route disposition, than is disposed of from such plant in the Iowa marketing area either as route disposition, excluding filled milk, or to pool plants qualified on the basis of route disposition; and

(ii) Such milk would be subject to the class price and producer payment provisions of the other order upon being made exempt from this part; and

(4) That portion of a plant that is physically separated from the Grade A portion of such plant, is operated separately, and is not approved by any regulatory agency for the receiving, processing, or packaging of any fluid milk product for Grade A disposition.

§ 1079.8 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is not an other order plant, a producer-handler plant, or a governmental agency plant, from which Grade A milk or filled milk is disposed of as route disposition in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is not an other order plant, a producer-handler plant, or a governmental agency plant from which fluid milk products are shipped during the month to a pool plant.

(e) "Governmental agency plant" means a plant that is operated by a government institution and from which fluid milk products are distributed in the marketing area. Such plant shall be exempt from all provisions of this part.

§ 1079.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any cooperative association with respect to milk of a producer that is diverted for the account of the cooperative association from a pool plant of another handler in accordance with §1079.13;

(c) Any cooperative association with respect to milk that it receives for its account from the farm of a producer for delivery to a pool plant of another handler in a tank truck owned and operated by, or under the control of, such cooperative association, unless both the cooperative association and the operator of the pool plant notify the market administrator prior to the time that such milk is delivered to the pool plant that the plant operator will be the handler for such milk and will purchase such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples. Milk for which the cooperative association is the handler pursuant to this paragraph shall be deemed to have been received by the cooperative association at the location of the pool plant to which such milk is delivered;

(d) Any person who operates a partially regulated distributing plant;

(e) Any person who is a producer-handler;

(f) Any person who operates an other order plant described in § 1079.7(d); and

(g) Any person who operates an unregulated supply plant.

§ 1079.10 Producer-handler.

"Producer-handler" means any person who meets all of the following conditions:

(a) Operates a dairy farm and a distributing plant at which Grade A milk of his own production is processed and packaged, and from which there is route disposition in the marketing area;

(b) Receives no milk or fluid milk products at his plant (or at any distribution facility, including routes, operated by him, an affiliate, or any person who controls or is controlled by him) from the farms of other dairy farmers nor from any other source, except receipts of not more than 50,000 pounds of fluid milk products during the month from pool plants or from other order plants;

(c) Receives no nonfluid milk products from any source for use in reconstituting fluid milk products; and

(d) Provides proof satisfactory to the market administrator that the care and management of the dairy animals and other resources necessary for his own farm production and the operation of the processing and packaging business are the personal enterprise and risk of such person.

§ 1079.11 [Reserved]

§ 1079.12 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person who produces milk approved by a duly constituted regulatory agency for disposition as Grade A milk and whose milk is:

(1) Received at a pool plant directly from such person;

(2) Received by a handler described in § 1079.9(c); or

(3) Diverted from a pool plant in accordance with § 1079.13.

(b) "Producer" shall not include:

(1) A producer-handler as defined in any order (including this part) issued pursuant to the Act;

(2) Any person with respect to milk produced by him that is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and such milk is allocated to Class II or Class III utilization pursuant to § 1079.44 (a)(8) (iii) and the corresponding step of § 1079.44 (b);

(3) Any person with respect to milk produced by him that is reported as diverted to an other order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order; and

(4) Any government institution which produces milk in conjunction with the operation of a plant exempt from all provisions of this Part pursuant to § 1079.8(e).

§ 1079.13 Producer milk.

"Producer milk" means the skim milk and butterfat in milk of a producer that is:

(a) Received at a pool plant directly from such producer by the operator of the plant;

(b) Received by a handler described in § 1079.9(c);

(c) Picked up from the producer's farm tank in a tank truck owned and operated by, or under the control of, the operator of a pool plant but which is not received at a plant until the following month. Such milk shall be considered as having been received by the handler during the month in which it is picked up at the producer's farm and shall be priced at the location of the plant where it is physically received in the following month. This paragraph shall apply in like manner to milk received by the operator of a pool plant who, in accordance with § 1079.9(c), is the handler for such milk;

(d) Diverted from the pool plant of a proprietary handler for the account of the handler operating such plant to another pool plant or diverted from a pool plant to a nonpool plant (other than a producer-handler plant) for the account of the handler operating such pool plant or for the account of a handler described in § 1079.9(b), subject to the following conditions:

(1) Milk of a dairy farmer shall not be eligible for diversion under this section unless during the month at least one day's production of milk of such dairy farmer is physically received as producer milk at a pool plant;

(2) The total quantity of milk diverted by a cooperative association during the month may not exceed 50 percent in the months of September through November and 70 percent in other months, of the producer milk that the cooperative association causes to be delivered to or diverted from pool plants during the month;

(3) The operator of a pool plant (other than a cooperative association) may divert for his account any milk that is not under the control of a cooperative association that diverts milk during the month pursuant to paragraph (d)(2) of this section. The total quantity so diverted during the month may not exceed 50 percent in the months of September through November, and 70 percent in other months, of the milk received at or diverted from such pool plant during the month that is eligible to be diverted by the plant operator;

(4) Any milk diverted in excess of the limits prescribed in paragraph (d)(2) and (3) of this section shall not be producer milk. The diverting handler may designate the dairy farmers whose diverted milk will not be producer milk, otherwise the milk last diverted—in lots of an entire day's production—shall be excluded first in determining which milk should not be producer milk; and

(5) Diverted milk shall be priced at the location of the plant to which diverted.

§ 1079.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts of fluid milk products and bulk products specified in § 1079.40(b)(1) from any source other than producers, handlers described in § 1079.9(c), or pool plants;

(b) Receipts in packaged form from other plants of products specified in § 1079.40(b)(1);

(c) Products (other than fluid milk products, products specified in § 1079.40(b)(1), and products produced at the plant during the same month) from any source which are reprocessed, converted into, or combined with another product in the plant during the month; and

(d) Receipts of any milk product (other than a fluid milk product or a product specified in § 1079.40(b)(1) for which the handler fails to establish a disposition.

§ 1079.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk,

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lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

(b) The term "fluid milk product" shall not include:

(1) Evaporated or condensed milk (plain or sweetened), evaporated or condensed skim milk (plain or sweetened), formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, any product that contains by weight less than 6.5 percent nonfat milk solids, and whey; and

(2) The quantity of skim milk in any modified product specified in paragraph (a) of this section that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

§ 1079.16 Fluid cream product.

"Fluid cream product" means cream (other than plastic cream or frozen cream), sour cream, or a mixture (including a cultured mixture) of cream and milk or skim milk containing 9 percent or more butterfat, with or without the addition of other ingredients.

§ 1079.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted, or modified by the addition of nonfat milk solids), with or without milk fat, so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

§ 1079.18 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) Is qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act;"

(b) Has full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or its products for its members; and

(c) Has its entire activities under the control of its members.

HANDLER REPORTS

§ 1079.30 Reports of receipts and utilization.

On or before the 8th day after the end of each month, each handler shall report for such month to the market administrator, in the detail and on the forms prescribed by the market administrator, as follows:

(a) Each handler, with respect to each of his pool plants, shall report the quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted by the handler from the pool plant to other plants;

(2) Receipts of milk from handlers described in § 1079.9(c);

(3) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(4) Receipts of other source milk;

(5) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1079.40(b)(1); and

(6) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. Such report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in § 1079.9(b) and (c) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of milk from producers; and

(2) The utilization or disposition of all such receipts.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to his receipts and utilization of milk, filled milk, and milk products in such manner as the market administrator may prescribe.

§ 1079.31 Payroll reports.

(a) On or before the 22nd day of each month, each handler described in § 1079.9 (a), (b), and (c) shall report to the market administrator his producer payroll for the preceding month, in the detail prescribed by the market administrator, which shall show:

(1) The name and address of each producer;

(2) The total pounds of milk received from such producer;

(3) The average butterfat content of such milk; and

(4) If the handler pays individual producers pursuant to § 1079.73 (a)(4) and (c)(3), the price per hundredweight, the gross amount due, the amount and nature of any deductions, and the amount paid; or, if the handler pays a cooperative association pursuant to § 1079.73 (a)(2) and (c)(1) or (a)(3) and (c)(2), the aggregate amount paid to the cooperative association.

(b) Each handler operating a partially regulated distributing plant who elects to make payment pursuant to § 1079.76(b) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated in the same manner as prescribed for reports required by paragraph (a) of this section.

§ 1079.32 Other reports.

In addition to the reports required pursuant to §§ 1079.30 and 1079.31, each handler shall report such other information as the market administrator deems necessary to verify or establish such handler's obligation under the order.

CLASSIFICATION OF MILK

§ 1079.40 Classes of utilization.

Except as provided in § 1079.42, all skim milk and butterfat required to be reported by a handler pursuant to § 1079.30 shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as otherwise provided in paragraphs (b) and (c) of this section; and

(2) Not specifically accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid cream product, eggnog, yogurt, and any product containing 6 percent or more nonmilk fat (or oil) that resembles a fluid cream product, eggnog, or yogurt, except as otherwise provided in paragraph (c) of this section;

(2) In packaged inventory at the end of the month of the products specified in paragraph (b)(1) of this section;

(3) In bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment (other than a milk or filled milk plant) at which food products (other than milk products and filled milk) are processed and from which there is no disposition of fluid milk products or fluid cream products other than those received in consumer-type packages; and

(4) Used to produce:

(i) Cottage cheese, lowfat cottage cheese, and dry curd cottage cheese;

(ii) Milkshake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes;

(iii) Any concentrated milk product in bulk, fluid form other than that specified in paragraph (c)(1)(iv) of this section;

(iv) Plastic cream, frozen cream, and anhydrous milkfat;

(v) Custards, puddings, and pancake mixes; and

(vi) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Cheese (other than cottage cheese, lowfat cottage cheese, and dry curd cottage cheese);

(ii) Butter;

(iii) Any milk product in dry form;

(iv) Any concentrated milk product in bulk, fluid form that is used to produce a Class III product;

(v) Evaporated or condensed milk (plain or sweetened) in a consumer-type package and evaporated or condensed skim milk (plain or sweetened) in a consumer-type package; and

(vi) Any product not otherwise specified in this section;

(2) In inventory at the end of the month of fluid milk products in bulk or

packaged form and products specified in paragraph (b)(1) of this section in bulk form;

(3) In fluid milk products and products specified in paragraph (b)(1) of this section that are disposed of by a handler for animal feed;

(4) In fluid milk products and products specified in paragraph (b)(1) of this section that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition;

(5) In fluid milk products destroyed or lost under extraordinary circumstances;

(6) In skim milk in any modified fluid milk product that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition pursuant to § 1079.15; and

(7) In shrinkage assigned pursuant to § 1079.41(a) to the receipts specified in § 1079.41(a)(2) and in shrinkage specified in § 1079.41 (b) and (c).

§ 1079.41 Shrinkage.

For purposes of classifying all skim milk and butterfat to be reported by a handler pursuant to § 1079.30, the market administrator shall determine the following:

(a) The pro rata assignment of shrinkage of skim milk and butterfat, respectively, at each pool plant to the respective quantities of skim milk and butterfat:

(1) In the receipts specified in paragraph (b)(1) through (6) of this section on which shrinkage is allowed pursuant to such paragraph; and

(2) In other source milk not specified in paragraph (b)(1) through (6) of this section which was received in the form of a bulk fluid milk product or a bulk fluid cream product;

(b) The shrinkage of skim milk and butterfat, respectively, assigned pursuant to paragraph (a) of this section to the receipts specified in paragraph (a)(1) of this section that is not in excess of:

(1) Two percent of the skim milk and butterfat, respectively, in producer milk (excluding milk diverted by the plant operator to another plant);

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from a handler described in § 1079.9(c) and in milk diverted to such plant from another pool plant, except that, in either case, if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage shall be 2 percent;

(3) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer milk diverted from such plant by the plant operator to another plant, except that, if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage shall be zero;

(4) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other pool plants;

(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other order plants, excluding the quantity for which Class II or Class III classification is requested by the operators of both plants;

(6) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from unregulated supply plants, excluding the quantity for which Class II or Class III classification is requested by the handler; and

(7) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products transferred to other plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in paragraph (b)(1), (2), (4), (5) and (6) of this section; and

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1079.9 (b) or (c), but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph for the cooperative association shall be zero.

§ 1079.42 Classification of transfers and diversions.

(a) *Transfers and diversions to pool plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant shall be classified as Class I milk unless both handlers request the same classification in another class. In either case, the classification of such transfers or diversions shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant or divertee-plant after the computations pursuant to § 1079.44 (a)(12) and the corresponding step of § 1079.44(b);

(2) If the transferor-plant or divertor-plant received during the month other source milk to be allocated pursuant to § 1079.44(a)(7) or the corresponding step of § 1079.44(b), the skim milk or butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler or divertor-handler received during the month other source milk to be allocated pursuant to § 1079.44(a)(11) or (12) or the corresponding steps of § 1079.44(b), the skim milk or butterfat so transferred or diverted, up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the transferee-plant or divertee-plant.

(b) *Transfers and diversions to other order plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to an other order plant shall be classified in the following manner. Such classification shall apply only to the skim milk or butterfat that is in excess of any receipts at the pool plant from the other order plant of skim milk and butterfat, respectively, in fluid milk products and bulk fluid cream products, respectively, that are in the same category as described in paragraph (b)(1), (2), or (3) of this section:

(1) If transferred as packaged fluid milk products, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in paragraph (b)(3) of this section);

(3) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II or Class III milk to the extent of such utilization available for such classification pursuant to the allocation provisions of the other order;

(4) If information concerning the classes to which such transfers or diversions were allocated under the other order is not available to the market administrator for the purpose of establishing classification under this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the other order provides for a different number of classes of utilization than is provided for under this part, skim milk or butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk or butterfat allocated to the other classes shall be classified as Class III milk; and

(6) If the form in which any fluid milk product that is transferred to an other order plant is not defined as a fluid milk product under such other order, classification under this paragraph shall be in accordance with the provisions of § 1079.40.

(c) *Transfers to producer-handlers and transfers and diversions to governmental agency plants.* Skim milk or butterfat transferred in the following forms from a pool plant to a producer-handler under this or any other Federal order or transferred or diverted to a governmental agency plant shall be classified:

(1) As Class I milk, if transferred or diverted in the form of a fluid milk product; and

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(2) In accordance with the utilization assigned to it by the market administrator, if transferred in the form of a bulk fluid cream product. For this purpose, the producer-handler's utilization of skim milk and butterfat in each class, in series beginning with Class III, shall be assigned to the extent possible to his receipts of skim milk and butterfat, respectively, in bulk fluid cream products, pro rata to each source.

(d) *Transfers and diversions to other nonpool plants.* Skim milk or butterfat transferred or diverted in the following forms from a pool plant to a nonpool plant that is not an other order plant, a producer-handler plant, or a governmental agency plant shall be classified:

(1) As Class I milk, if transferred in the form of a packaged fluid milk product; and

(2) As Class I milk, if transferred or diverted in the form of a bulk fluid milk product or a bulk fluid cream product, unless the following conditions apply:

(i) If the conditions described in paragraph (d)(2)(i) (*a*) and (*b*) of this section are met, transfers or diversions in bulk form shall be classified on the basis of the assignment of the nonpool plant's utilization to its receipts as set forth in paragraph (d)(2) (ii) through (viii) of this section:

(*a*) The transferor-handler or diverter-handler claims such classification in his report of receipts and utilization filed pursuant to § 1079.30 for the month within which such transaction occurred; and

(*b*) The nonpool plant operator maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available for verification purposes if requested by the market administrator;

(ii) Route dispostion in the marketing area of each Federal milk order from the nonpool plant and transfers of packaged fluid milk products from such nonpool plant to plants fully regulated thereunder shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of packaged fluid milk products at such nonpool plant from pool plants;

(*b*) Pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from other order plants;

(*c*) Pro rata to receipts of bulk fluid milk products at such nonpool plant from pool plants; and

(*d*) Pro rata to any remaining unassigned receipts of bulk fluid milk products at such nonpool plant from other order plants;

(iii) Any remaining Class I disposition of packaged fluid milk products from the nonpool plant shall be assigned to the extent possible pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from pool plants and other order plants;

(iv) Transfers of bulk fluid milk products from the nonpool plant to a plant fully regulated under any Federal milk order, to the extent that such transfers to the regulated plant exceed receipts of fluid milk products from such plant and are allocated to Class I at the transferee-plant, shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of fluid milk products at such nonpool plant from pool plants; and

(*b*) Pro rata to any remaining unassigned receipts of fluid milk products at such nonpool plant from other order plants;

(v) Any remaining unassigned Class I disposition from the nonpool plant shall be assigned to the extent possible in the following sequence:

(*a*) To such nonpool plant's receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant; and

(*b*) To such nonpool plant's receipts of Grade A milk from plants not fully regulated under any Federal milk order which the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(vi) Any remaining unassigned receipts of bulk fluid milk products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class I utilization, then to Class III utilization, and then to Class II utilization at such nonpool plant;

(vii) Receipts of bulk fluid cream products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class III utilization, then to any remaining Class II utilization, and then to Class I utilization at such nonpool plant; and

(viii) In determining the nonpool plant's utilization for purposes of this subparagraph, any fluid milk products and bulk fluid cream products transferred from such nonpool plant to a plant not fully regulated under any Federal milk order shall be classified on the basis of the second plant's utilization using the same assignment priorities at the second plant that are set forth in paragraph (d)(2) of this section.

(e) *Transfers by a handler described in § 1079.9(c) to pool plants.* Skim milk and butterfat transferred in the form of bulk milk by a handler described in § 1079.9(c) to another handler's pool plant shall be classified pursuant to § 1079.44 pro rata with producer milk received at the transferee-handler's plant.

§ 1079.43 General classification rules.

In determining the classification of producer milk, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1079.30 and shall compute separately for each pool plant, and for each cooperative association with respect to milk for which it is the handler pursuant to § 1079.9 (b) or (c) that was not received at a pool plant, the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1079.40, 1079.41, and 1079.42. The combined pounds of skim milk and butterfat so determined in each class for a handler described in § 1079.9 (b) or (c) shall be such handler's classification of producer milk;

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids; and

(c) The classification of producer milk for which a cooperative association is the handler pursuant to § 1079.9 (b) or (c) shall be determined separately from the operations of any pool plant operated by such cooperative association.

§ 1079.44 Classification of producer milk.

For each month the market administrator shall determine for each handler described in § 1079.9(a) for each of his separate pool plants the classification of producer milk and milk received from a handler described in § 1079.9(c) by allocating the handler's receipts of skim milk and butterfat to his utilization as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk in shrinkage specified in § 1079.41 (b);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products received in packaged form from an other order plant, except that to be subtracted pursuant to paragraph (a)(7)(vi) of this section, as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract from the pounds of skim milk in Class II the pounds of skim milk in products specified in § 1079.40(b)(1) that were received in packaged form from other plants, but not in excess of the pounds of skim milk remaining in Class II;

(5) For a pool plant that was subject to § 1079.40(b)(1) or comparable provisions of another Federal order in the immediately preceding month, subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in products specified in § 1079.40(b)(1) that were in inventory at the beginning of the month in packaged form, but not in excess of the pounds of skim milk remaining in Class II;

(6) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk (except that received in the form of a fluid milk product or a fluid cream product) that is used to produce, or added to, any product specified in § 1079.40(b), but not in excess of the pounds of skim milk remaining in Class II;

(7) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk (except that received in the form of a fluid milk product) and, if paragraph (a)(5) of this section applies, packaged inventory at the beginning of the month of products specified in § 1079.40(b)(1) that was not subtracted pursuant to paragraphs (a)(4), (5), and (6) of this section;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established;

(iii) Receipts of fluid milk products from unidentified sources;

(iv) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal milk order and from a governmental agency plant;

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) of this section; and

(vi) Receipts of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant;

(8) Subtract in the order specified below from the pounds of skim milk remaining in Class II and Class III, in sequence beginning with Class III:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraphs (a)(2) and (7)(v) of this section for which the handler requests a classification other than Class I, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(ii) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraphs (a)(2), (7)(v), and (8)(i) of this section which are in excess of the pounds of skim milk determined pursuant to paragraph (a)(8)(ii) (*a*) through (*c*) of this section. Should the pounds of skim milk to be subtracted from Class II and Class III combined exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II) to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at all pool plants of the handler (excluding any duplication of Class I utilization resulting from reported Class I transfers between pool plants of the handler);

(*b*) Subtract from the above result the sum of the pounds of skim milk in receipts at all pool plants of the handler of producer milk, milk from a handler described in § 1079.9(c), fluid milk products from pool plants of other handlers, and bulk fluid milk products from other order plants that were not subtracted pursuant to paragraph (a)(7)(vi) of this section; and

(*c*) Multiply any plus quantity resulting above by the percentage that the receipts of skim milk in fluid milk products from unregulated supply plants that remain at this pool plant is of all such receipts remaining at this allocation step at all pool plants of the handler; and

(iii) The pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) of this section, if Class II or Class III classification is requested by the operator of the other order plant and the handler, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(9) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in fluid milk products and products specified in § 1079.40(b)(1) in inventory at the beginning of the month that were not subtracted pursuant to paragraph (a)(5) and (7)(i) of this section;

(10) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to paragraph (a)(1) of this section;

(11) Subject to the provisions of paragraph (a)(11) (i) and (ii) of this section, subtract from the pounds of skim milk remaining in each class at the plant pro rata to the total pounds of skim milk remaining in Class I and in Class II and Class III combined at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler), with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, the pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraphs (a)(2), (7)(v), and (8)(i) and (ii) of this section and that were not offset by transfers or diversions of fluid milk products to the same unregulated supply plant from which fluid milk products to be allocated at this step were received:

(i) Should the pounds of skim milk to be subtracted from Class II and Class III combined pursuant to paragraph (a)(11) of this section exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(ii) Should the pounds of skim milk to be subtracted from Class I pursuant to paragraph (a)(11) of this section exceed the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount, beginning with the nearest plant at which Class I utilization is available;

(12) Subtract in the manner specified below from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraphs (a)(7)(vi) and (a)(8)(iii) of this section:

(i) Subject to the provisions of paragraphs (a)(12) (ii), (iii), and (iv) of this section, such subtraction shall be pro rata to the pounds of skim milk in Class I and in Class II and Class III combined, with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, with respect to whichever of the following quantities represents the lower proportion of Class I milk:

(*a*) The estimated utilization of skim milk of all handlers in each class as announced for the month pursuant to § 1079.45(a); or

(*b*) The total pounds of skim milk remaining in each class at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler);

(ii) Should the proration pursuant to paragraph (a)(12)(i) of this section result in the total pounds of skim milk at all pool plants of the handler that are to

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be subtracted at this allocation step from Class II and Class III combined exceeding the pounds of skim milk remaining in Class II and Class III at all such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which such other source milk was received;

(iii) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12)(i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class II and Class III combined that exceeds the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(iv) Except as provided in paragraph (a)(12)(ii) of this section, should the computation pursuant to paragraph (a)(12)(i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class I that exceeds the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount beginning with the nearest plant at which Class I utilization is available;

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products and bulk fluid cream products from another pool plant according to the classification of such products pursuant to § 1079.42(a); and

(14) If the total pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, and milk received from a handler described in § 1079.9(c), subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) The quantity of producer milk and milk received from a handler described in § 1079.9(c) in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to paragraph (a)(14) of this section and the corresponding step of paragraph (b) of this section.

§ 1079.45 Market administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification:

(a) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1079.44(a)(12) and the corresponding step of § 1079.44(b), estimate and publicly announce on or before the 12th day of the month the Class I utilization (to the nearest whole percentage) during the previous month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products or bulk fluid cream products from an other order plant, the class to which such receipts are allocated pursuant to § 1079.44 on the basis of such report, and thereafter, any change in such allocation required to correct errors disclosed in the verification of such report.

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products or bulk fluid cream products to an other order plant the class to which such shipments were allocated by the market administrator of the other order on the basis of the report by the receiving handler, and, as necessary, any changes in such allocation arising from the verification of such report.

(d) On or before the 14th day after the end of each month, report to each cooperative association which so requests, the class utilization of producer milk received by each handler from a cooperative association or from members of the association. For the purpose of this report, the milk caused to be delivered by an association shall be prorated to each class in the proportion that the total receipts of milk received from producers by such handler were used in each class.

Class Prices

§ 1079.50 Class prices.

Subject to the provisions of § 1079.52, the class prices for the month per hundredweight of milk shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.40.

(b) *Class II price.* The Class II price shall be the basic formula price for the month plus 10 cents.

(c) *Class III price.* The Class III price shall be the basic formula price for the month.

§ 1079.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

§ 1079.52 Plant location adjustments for handlers.

(a) The following zones are defined for the purpose of determining location adjustments:

(1) Zone 1 shall include that territory both inside and outside the marketing area, not included in Zones 2 and 3.

(2) Zone 2 shall include:

(i) The Iowa counties of Benton, Cedar, Clinton, Iowa, Johnson, Jones, Keokuk, Linn, Louisa, Marshall, Muscatine, Poweshiek, Scott, Tama, and Washington; and

(ii) The Illinois counties of Henry, Mercer, and Rock Island.

(3) Zone 3 shall include:

(i) The Iowa counties of Alamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clay, Clayton, Delaware, Dickinson, Dubuque, Emmet, Fayette, Floyd, Franklin, Grundy, Hamilton, Hancock, Hardin, Howard, Humboldt, Jackson, Kossuth, Mitchell, Palo Alto, Pocahontas, Webster, Winnebago, Winneshiek, Worth and Wright; and

(ii) The States of Minnesota and Wisconsin and that portion of Illinois that is north of Interstate 80.

(b) For milk received at a plant from producers or from a handler described in § 1079.9(c) and which is classified as Class I milk without movement in bulk form to a pool plant at which a higher Class I price applies, the price specified in § 1079.50(a) shall be adjusted as follows:

(1) In Zone 1, no adjustment;

(2) In Zone 2, minus 7 cents; and

(3) In Zone 3, the price shall be reduced by 7 cents and by an additional 1.5 cents for each 10 miles or fraction thereof (by shortest hard-surfaced highway distance as measured by the market administrator) that such plant is located from the nearer of the Post Offices of Ames, Marshalltown, or Cedar Rapids, Iowa.

(c) The Class I price applicable to other source milk shall be adjusted by the amounts set forth in paragraph (b) of this section, except that the adjusted Class I price shall not be less than the Class III price.

(d) For fluid milk products transferred in bulk from a pool plant to another pool plant at which a higher Class I price applies and which is classified as Class I, the price shall be the Class I price applicable at the location of the transferee-plant subject to a location adjustment credit for the transferor-plant determined by the market administrator as follows:

(1) Subtract from the pounds of Class I milk remaining at the transferor-plant after the computations pursuant to § 1079.44(a)(12) and (b) the pounds of packaged fluid milk products from other pool plants;

(2) Multiply the remaining pounds of milk by 110 percent;

(3) Subtract the pounds of bulk fluid milk products physically received at the transferee-plant from the following sources:

(i) Producers;

(ii) Handlers described in § 1079.9(c);

(iii) Pool plants at which the same or a higher Class I price applies; and

(iv) Receipts of diverted milk from pool plants;

(4) Assign any pounds remaining pro rata to bulk receipts of fluid milk products from each transferor-plant at which a lower Class I price applies; and

(5) Multiply the pounds computed for each transferor-plant in paragraph (d)(4) of this section by the difference in the Class I prices applicable at the transferee-plant and transferor-plant.

§ 1079.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and III prices for the preceding month.

§ 1079.54 Equivalent price.

If for any reason a price or pricing constituent required by this part for computing class prices or for other purposes is not available as prescribed in this part, the market administrator shall use a price or pricing constituent determined by the Secretary to be equivalent to the price or pricing constituent that is required.

Uniform Price

§ 1079.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator shall determine for each month the value of milk of each handler with respect to each of his pool plants and of each handler described in § 1079.9 (b) and (c), with respect to milk that was not received at a pool plant as follows:

(a) Multiply the pounds of producer milk and milk received from a handler described in § 1079.9(c) in each class as determined pursuant to § 1079.43(a) and § 1079.44(c) by the applicable class prices and add the resulting amounts;

(b) Add the amounts obtained from multiplying the pounds of overage subtracted from each class pursuant to § 1079.44(a)(14) and the corresponding step of § 1079.44(b) by the respective class prices, as adjusted by the butterfat differential specified in § 1079.74, that are applicable at the location of the pool plant;

(c) Add the amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price applicable at the location of the pool plant or the Class II price, as the case may be, for the current month by the hundredweight of skim milk and butterfat subtracted from Class I and Class II pursuant to § 1079.44(a)(9) and the corresponding step of § 1079.44(b);

(d) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to §1079.44(a)(7)(i) through (iv) and the corresponding step of § 1079.44(b), excluding receipts of bulk fluid cream products from another order plant;

(e) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the transferor-plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1079.44(a)(7)(v) and (vi) and the corresponding step of § 1079.44(b); and

(f) Add the amount obtained from multiplying the Class I price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat subtracted from Class I pursuant to § 1079.44(a)(11) and the corresponding step of § 1079.44(b), excluding such skim milk and butterfat in receipts of bulk fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order; and

(g) Subtract, for a handler described in § 1079.9(c), the amount obtained from multiplying the Class III price for the preceding month by the hundredweight of skim milk and butterfat contained in inventory at the beginning of the month that was delivered to another handler's pool plant during the month.

§ 1079.61 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content at plants in Zone 1 pursuant to paragraphs (a) through (e) of this section. If the unreserved cash balance in the producer-settlement fund to be included in the computation is less than 2 cents per hundredweight of producer milk on all reports, the report of any handler who has not made the payments required pursuant to § 1079.71 for the preceding month shall not be included in the computation of the uniform price. The report of such handler shall not be included in the computation for succeeding months until he has made full payment of outstanding monthly obligations. Subject to the aforementioned conditions, the market administrator shall compute the uniform price in the following manner:

(a) Combine into one total the values computed pursuant to § 1079.60 for all handlers;

(b) Add an amount equal to the sum of the location adjustments computed pursuant to § 1079.75;

(c) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(d) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight of milk for which a value is computed pursuant to § 1079.60(f); and

(e) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (d) of this section. The result shall be known as the uniform price for milk received from producers.

§ 1079.62 Announcement of uniform price and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The fifth day after the end of each month the butterfat differential for such month; and

(b) The 12th day after the end of each month the uniform price for such month.

Payments for Milk

§ 1079.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1079.71, 1079.76, and 1079.77 and out of which he shall make all payments due handlers pursuant to §§ 1079.72 and 1079.77: *Provided*, That the market administrator shall offset any payments due any handler against payments due from such handler.

§ 1079.71 Payments to the producer-settlement fund.

(a) On or before the 15th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the amount specified in paragraph (a)(1) of this section exceeds the amount specified in paragraph (a)(2) of this section:

(1) The total value of milk of the handler for such month as determined pursuant to § 1079.60.

(2) The sum of:

(i) The value at the uniform price, as adjusted pursuant to § 1079.75, of such handler's receipts of producer milk and milk received from a handler described in § 1079.9(c). In the case of a handler described in § 1079.9(c), less the amount due from other handlers pursuant to § 1079.73, exclusive of differential butterfat values; and

(ii) The value at the uniform price applicable at the location of the plant from which received of other source milk for which a value is computed pursuant to § 1079.60(f).

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§ 1079.72 Payments from the producer-settlement fund.

On or before the 17th day after the end of the month, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1079.71(a)(2) exceeds the amount computed pursuant to § 1079.71(a)(1): *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 1079.73 Payments to producers and to cooperative associations.

(a) On or before the last day of the month, each handler shall pay for milk received from producers and cooperative associations during the first 15 days of the month as follows:

(1) If received from a cooperative association that is a handler pursuant to § 1079.9(a), at not less than the uniform price at the transferee plant location for the preceding month, adjusted by the butterfat differential for the preceding month;

(2) If received from a cooperative association that is a handler pursuant to § 1079.9(c), at not less than the uniform price for the preceding month, adjusted by the location adjustments specified in § 1079.75;

(3) If received from a cooperative association that is not a handler but which is authorized to collect payment on behalf of its member producers and has requested that payment be made to it in aggregate, at not less than the uniform price for the preceding month, adjusted by the location adjustments specified in § 1079.75; and

(4) If received from a producer for whom payment is not being made pursuant to paragraph (a) (2) or (3) of this section and who has not discontinued shipping to such handler, at not less than the uniform price for the preceding month, adjusted by the location adjustments specified in § 1079.75.

(b) On or before the 18th day after the end of the month, each handler shall pay for milk received during the month from a cooperative association which is a handler pursuant to § 1079.9(a) at not less than the value of such milk computed at the applicable class prices for the month, as adjusted by the butterfat differential specified in § 1079.74 and plant location adjustments specified in § 1079.52, less the partial payment pursuant to paragraph (a) of this section.

(c) On or before the 18th day after the end of the month, each handler shall make a final payment for milk received during the month from producers and cooperative associations that were not handlers for such milk pursuant to § 1079.9(a). The amount of such payment shall be computed by multiplying the hundredweight of milk received from the producer or cooperative association by not less than the uniform price for the month (as adjusted by the butterfat differential specified in § 1079.74 and the location adjustments specified in § 1079.75) and by subtracting from this product any payment made to such producer or cooperative pursuant to paragraph (a) of this section. Those producers and cooperative associations covered by this paragraph include:

(1) A cooperative association that is a handler pursuant to § 1079.9(c);

(2) A cooperative association that is not a handler but which is authorized to collect payment on behalf of its member producers and has requested that payment be made to it in aggregate; and

(3) A producer for whom payment is not being made pursuant to paragraph (c)(1) or (2) of this section.

(d) In making payments pursuant to paragraph (a)(3) and (4) and (c)(2) and (3) of this section, deductions may be made for marketing service pursuant to § 1079.86 and for any proper deductions authorized in writing by the producer. In the event a handler has not received full payment from the market administrator pursuant to § 1079.72 by the 18th day of the month, he may reduce pro rata his payments to producers pursuant to paragraph (c) of this section by not more than the amount of such underpayment. Following receipt of the balance due from the market administrator, the handler shall complete payments to producers not later than the next payment date provided under this section.

(e) In making payment to individual producers as required by this section, each handler shall furnish each producer from whom he received milk a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The month involved, and the identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of the milk received from the producer;

(3) The minimum rate at which payment to the producer is required pursuant to this section;

(4) The rate used in making the payment, if such rate is other than the applicable minimum;

(5) The amount (or rate) per hundredweight of each deduction claimed by the handler, including any deduction claimed under § 1079.86, together with a description of the respective deductions; and

(6) The net amount of the payment to the producer.

§ 1079.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.115 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

§ 1079.75 Plant location adjustments for producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant or diverted from a pool plant shall be adjusted according to the location of the plant of actual receipt at the rates set forth in § 1079.52.

(b) The uniform price applicable to other source milk shall be reduced at the rates set forth in § 1079.52, except that the adjusted uniform price shall not be less than the Class III price.

§ 1079.76 Payments by handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay on or before the 25th day after the end of the month to the market administrator for the producer-settlement fund the amount computed pursuant to paragraph (a) of this section. If the handler submits pursuant to §§ 1079.30(b) and 1079.31(b) the information necessary for making the computations, such handler may elect to pay in lieu of such payment the amount computed pursuant to paragraph (b) of this section:

(a) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the pounds of route disposition of fluid milk products in the marketing area from the partially regulated distributing plant;

(2) Subtract the pounds of fluid milk products received at the partially regulated distributing plant:

(i) As Class I milk from pool plants and other order plants, except that subtracted under a similar provision of another Federal milk order; and

(ii) From another nonpool plant that is not an other order plant to the extent that an equivalent amount of fluid milk products disposed of to such nonpool plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract the pounds of reconstituted skim milk in route disposition of fluid milk products in the marketing area from the partially regulated distributing plant;

(4) Multiply the remaining pounds by the difference between the Class I price and the uniform price, both prices to be applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price); and

(5) Add the amount obtained from multiplying the pounds of reconstituted skim milk specified in paragraph (a)(3) of this section by the difference between the Class I price applicable at the location of the partially regulated distributing plant (but not less than the Class III price) and the Class III price.

(b) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the value that would have been computed pursuant to § 1079.60 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Fluid milk products and bulk fluid cream products received at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plant;

(ii) Fluid milk products and bulk fluid cream products transferred from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated to the extent possible to those receipts at the partially regulated distributing plant from pool plants and other order plants that are classified in the corresponding class pursuant to paragraph (b)(1)(i) of this section. Any such transfers remaining after the above allocation which are classified in Class I and for which a value is computed for the handler operating the partially regulated distributing plant pursuant to § 1079.60 shall be priced at the uniform price (or at the weighted average price if such is provided) of the respective order regulating the handling of milk at the transferee-plant, with such uniform price adjusted to the location of the nonpool plant (but not to be less than the lowest class price of the respective order), except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective orders; and

(iii) If the operator of the partially regulated distributing plant so requests, the value of milk determined pursuant to § 1079.60 for such handler shall include, in lieu of the value of other source milk specified in § 1079.60(f) less the value of such other source milk specified in § 1079.71(a)(2)(ii), a value of milk determined pursuant to § 1079.60 for each nonpool plant that is not an other order plant which serves as a supply plant for such partially regulated distributing plant by making shipments to the partially regulated distributing plant during the month equivalent to the requirements of § 1079.7(b) subject to the following conditions:

(a) The operator of the partially regulated distributing plant submits with his reports filed pursuant to §§ 1079.30(b) and 1079.31(b) similar reports for each such nonpool supply plant;

(b) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(c) The value of milk determined pursuant to § 1079.60 for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the partially regulated distributing plant's value of milk computed pursuant to paragraph (b)(1) of this section, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1079.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated;

(ii) If paragraph (b)(1)(iii) of this section applies, the gross payments by the operator of such nonpool supply plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1079.74, for milk received at the plant during the month that would have been producer milk of the plant had been fully regulated; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of the nonpool supply plant if paragraph (b)(1)(iii) of this section applies.

§ 1079.77 Adjustment of accounts.

(a) Whenever verification by the market administrator of reports or payments by any handler discloses errors in payments pursuant to §§ 1079.71, 1079.85 and 1079.86, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 5 days, make payments to such handler.

(b) Whenever verification by the market administrator of the payments by a handler to any producer or cooperative association discloses payment of less than is required by § 1079.73, the handler shall pay the balance due such producer or cooperative association not later than the time for making payments next following such disclosure.

§ 1079.78 Charges on overdue accounts.

Any unpaid obligation of a handler pursuant to §§ 1079.71, 1079.76, 1079.77 (a), 1079.85, and 1079.86, for which remittance has not been made (or, if mailed, postmarked) by the date specified for such payment, shall be increased three-fourths of 1 percent, and any remaining amount due shall be increased at a similar rate on the corresponding day of each month thereafter until paid. The amounts payable pursuant to this section shall be computed monthly on each unpaid obligation, which shall include unpaid charges previously made pursuant to this section; and for the purpose of this section any obligation that was determined at a date later than prescribed by the order because of a handler's failure to submit a report to the market administrator when due shall be considered to have been payable by the date it would have been due if the report had been filed when due.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

§ 1079.85 Assessment for order administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Receipts of producer milk (including such handler's own production) other than:

(1) Receipts of producer milk by a handler described in § 1079.9(c) that were delivered to pool plants of other handlers; and

(2) Receipts of producer milk that were transferred to pool plants of other handlers by a cooperative association in its capacity as a handler pursuant to § 1079.9(a);

(b) Receipts from a handler described in § 1079.9(c);

(c) Receipts from a cooperative association in its capacity as a handler pursuant to § 1079.9(a);

(d) Other source milk allocated to Class I pursuant to § 1079.44(a)(7) and (11) and the corresponding steps of § 1079.44(b), except such other source milk that is excluded from the computations pursuant to § 1079.60 (d) and (f); and

(e) Route dispostion in the marketing area from a partially regulated distributing plant that exceeds the skim milk and butterfat specified in § 1079.76(a)(2).

§ 1079.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments directly to producers (other than himself) pursuant to § 1079.73, shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may prescribe with respect to all milk received from producers' farms during the month, and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such moneys shall be expended by the market administrator to provide for market information and to verify the weights, samples, and tests of milk of producers who are not receiving such services from a cooperative association.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 15th day after the end of each month shall pay such deductions to the cooperative association rendering such services, accompanied by a statement showing the quan-

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tity of milk for which a deduction was computed for each producer.

(Secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601–674.)

Effective date: May 1, 1977.

Signed at Washington, D.C. on March 29, 1977.

BOB BERGLAND,
Secretary.

[FR Doc.77-9719 Filed 3-31-77;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 100—STATEMENT OF ORGANIZATION

Miscellaneous Amendments to Chapter

Correction

In FR Doc. 77-8361 appearing at page 15301 in the issue for Monday, March 21, 1977, in § 100.4 (c) (2), Calais, Maine should have had an asterisk in front of it,

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Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 78—BRUCELLOSIS

Designation of Brucellosis Areas, Specifically Approved Stockyards, and Slaughtering Establishments; Brucellosis Areas

The amendments delete the following areas from the list of Certified Brucellosis-Free Areas in § 78.20 and add such areas to the list designated as Noncertified Areas in § 78.22 because it has been determined that they no longer come within the definition of a Certified Brucellosis-Free Area in § 78.1(l): Montgomery County in Iowa.

The amendments delete the following areas from the list of Certified Brucellosis-Free Areas in § 78.20 and add such areas to the list designated as Modified Certified Brucellosis Areas in § 78.21 because it has been determined that they now come within the definition of a Modified Certified Brucellosis Area in § 78.1 (m): Etowah County in Alabama; and Jerome County in Idaho.

Accordingly, §§ 78.20, 78.21 and 78.22 of Part 78, Title 9, Code of Federal Regulations, designating Certified Brucellosis-Free Areas, Modified Certified Brucellosis Areas, and Noncertified Areas, respectively, are amended to read as follows:

§ 78.20 Certified Brucellosis-Free Areas.

The following States, or specified portions thereof, are hereby designated as Certified Brucellosis-Free Areas:

(a) *Entire States.*

Arizona, California, Connecticut, Delaware, Hawaii, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, Washington, West Virginia, Wisconsin, Virgin Islands.

(b) *Specific Counties Within States.*

Alabama. Dale, Geneva, Henry, Lee.

Arkansas. Baxter, Benton, Boone, Bradley, Calhoun, Carroll, Clay, Cleveland, Columbia, Dallas, Drew, Fulton, Garland, Grant, Greene, Jackson, Johnson, Lafayette, Madison, Marion, Monroe, Montgomery, Newton, Ouachita, Perry, Pike, Polk, Prairie, Searcy, Sharp, Stone, Union, Woodruff.

Colorado. Adams, Alamosa, Araphoe, Archuleta, Baca, Bent, Boulder, Chaffee, Cheyenne, Clear Creek, Conejos, Costilla, Crowley, Custer, Delta, Denver, Dolores, Douglas, Eagle, Elbert, El Paso, Fremont, Garfield, Gilpin, Grand, Gunnison, Hinsdale, Huerfano, Jackson, Jefferson, Kiowa, Kit Carson, Lake, La Plata, Larimer, Las Animas, Lincoln, Logan, Mineral, Moffat, Montezuma, Montrose, Morgan, Otero, Ouray, Park, Phillips, Pitkin, Prowers, Pueblo, Rio Blanco, Rio Grande, Routt, Saguache, San Juan, San Miguel, Sedgwick, Summit, Teller, Washington, Weld.

Florida. Baker, Bay, Brevard, Calhoun, Dade, Dixie, Escambia, Franklin, Gadsden, Gulf, Hamilton, Holmes, Jackson, Leon, Liberty, Monroe, Okaloosa, Orange, Pasco, Santa Rosa, Seminole, Sumter, Taylor, Wakulla, Walton, Washington.

Georgia. Appling, Atkinson, Bacon, Banks, Brantley, Bryan, Bulloch, Burke, Butts, Camden, Candler, Charlton, Chatham, Chattahoochee, Clarke, Clayton, Cook, Crawford, Dawson, De Kalb, Echols, Effingham, Evans, Fannin, Franklin, Glascock, Glynn, Greene, Habersham, Henry, Jeff Davis, Johnson, Jones, Lanier, Laurens, Liberty, Long, McIntosh, Monroe, Peach, Rabun, Richmond, Schley, Screven, Stephens, Taylor, Telfair, Toombs, Treutlen, Twiggs, Upson, Ware, Washington, Wayne, Wheeler, White, Wilkinson.

Idaho. Ada, Adams, Bear Lake, Benewah, Blaine, Boise, Bonner, Boundary, Camas, Canyon, Caribou, Clearwater, Custer, Idaho, Kootenai, Latah, Lemhi, Lewis, Nez Perce, Oneida, Owyhee, Payette, Power, Shoshone, Valley, Washington, Yellowstone National Park.

Illinois. Adams, Alexander, Bond, Boone, Brown, Bureau, Calhoun, Carroll, Cass, Champaign, Christian, Clark, Clay, Clinton, Coles, Cook, Crawford, Cumberland, De Kalb, De Witt, Douglas, Du Page, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Fulton, Gallatin, Greene, Grundy, Hamilton, Hancock, Hardin, Henderson, Henry, Iroquois, Jackson, Jasper, Jefferson, Jersey, Jo Daviess, Johnson, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lawrence, Lee, Livingston, Logan, Macon, Macoupin, Madison, Marion, Marshall, Mason, Massac, McDonough, McHenry, McLean, Menard, Mercer, Monroe, Montgomery, Morgan, Moultrie, Ogle, Peoria, Perry, Piatt, Pike, Pulaski, Putnam, Randolph, Richland, Rock Island, St. Clair, Saline, Sangamon, Schuyler, Scott, Shelby, Stark, Stephenson, Tazewell, Union, Vermilion, Wabash, Warren, Washington, Wayne, White, Whiteside, Will, Winnebago, Woodford.

Iowa. Adair, Adams, Audubon, Benton, Black Hawk, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Carroll, Cass, Cedar, Cherokee, Chickasaw, Clarke, Clay, Clayton, Clinton, Dallas, Davis, Des Moines, Dickinson, Dubuque, Emmet, Fayette, Floyd, Franklin, Fremont, Greene, Grundy, Hamilton, Hancock, Hardin, Henry, Howard, Humboldt, Ida, Iowa, Jackson, Johnson, Keokuk, Kossuth, Lee, Linn, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Marshall, Mills, Mitchell, Monona, Muscatine, O'Brien, Osceola, Page, Palo Alto, Pocahontas, Polk, Pottawattamie, Poweshiek, Plymouth, Scott, Shelby, Tama, Taylor, Van Buren, Wapello, Warren, Washington, Webster, Winnebago, Winneshiek, Woodbury, Worth, Wright.

Kansas. Comanche, Doniphan, Ford, Gove, Graham, Greeley, Haskell, Hodgeman, Johnson, Lane, Logan, Marshall, Pawnee, Phillips, Riley, Scott, Sheridan, Thomas, Trego, Wallace, Washington.

Kentucky. Bell, Breathitt, Campbell, Clay, Edmonson, Floyd, Harlan, Jackson, Johnson, Kenton, Knott, Knox, Lawrence, Lee, Leslie, Letcher, Lewis, Magoffin, Martin, McCreary, Menifee, Morgan, Owsley, Pendleton, Perry, Pike, Robertson, Trimble, Whitley, Wolfe.

Mississippi. Alcorn, Hancock, Harrison, Jackson, Stone, Tishomingo.

Missouri. Audrain, Dallas, Douglas, Dunklin, Franklin, Gasconade, Hickory, Iron, Jackson, Laclede, Lewis, Miller, Moniteau, Montgomery, Perry, Platte, Pulaski, St. Louis, Schuyler, Shelby.

New Mexico. Bernalillo, Catron, Colfax, Dona Ana, Grant, Harding, Hidalgo, Lincoln, Los Alamos, Luna, McKinley, Otero, Rio Arriba, Sandoval, San Juan, Santa Fe, Sierra, Socorro, Taos, Torrance.

South Dakota. Aurora, Beadle, Bennett, Bon Homme, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Charles Mix, Clark, Clay, Codington, Corson, Custer, Davison, Day, Deuel, Dewey, Douglas, Edmunds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Hughes, Hutchinson, Hyde, Jackson, Jerauld, Kingsbury, Lake, Lawrence, Lincoln, Lyman, Marshall, McCook, McPherson, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Sully, Todd, Tripp, Turner, Union, Walworth, Washabaugh, Yankton, Ziebach.

Tennessee. Anderson, Blount, Campbell, Carter, Cheatham, Claiborne, Davidson, Decatur, Dickson, Fentress, Grainger, Greene, Grundy, Hancock, Hardin, Jefferson, Johnson, Knox, Lake, Meigs, Morgan, Polk, Roane, Robertson, Rutherford, Scott, Sequatchie, Sevier, Sullivan, Unicoi, Union, Warren, White.

Texas. Brewster, Childress, Comal, Crane, Ector, Gray, Hansford, Hartley, Hemphill, Irion, Jeff Davis, Kerr, Kimble, Lipscomb, Llano, Loving, Mason, Newton, Pecos, Reagan, Roberts, Sterling, Terrell, Val Verde, Ward, Winkler.

Utah. Beaver, Carbon, Daggett, Davis, Duchesne, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Morgan, Piute, Rich, Salt Lake, San Juan, Sanpete,

Sevier, Summit, Tooele, Uintah, Utah, Wasatch, Washington, Wayne, Weber.

Wyoming. Albany, Big Horn, Campbell, Carbon, Converse, Crook, Fremont, Goshen, Hot Springs, Johnson, Laramie, Natrona, Niobrara, Park, Platte, Sheridan, Sublette, Sweetwater, Teton, Uinta, Washakie, Weston.

Puerto Rico. Adjuntas, Aguada, Aguadilla, Aguas Buenas, Aibonito, Anasco, Arroyo, Barceloneta, Barranquitas, Bayamon, Cabo Rojo, Caguas, Camuy, Canovanas (Loiza), Catano, Cayey, Ceiba, Ciales, Cidra, Coamo, Comerio, Corozal, Culebra, Dorado, Fajardo, Guanica, Guayama, Guaynabo, Guayanilla, Gurabo, Hormigueros, Humacao, Isabela, Jayuya, Juana Diaz, Juncos, Lajas, Lares, Las Marias, Luquillo, Manati, Maricao, Maunabo, Mayaguez, Moca, Morovis, Naranjito, Orocovis, Patillas, Penuelas, Ponce, Quebradillas, Rincon, Rio Grande, Rio Piedras, Sabana Grande, Salinas, San German, San Juan, San Lorenzo, San Sebastian, Santa Isabel, Toa Alta, Toa Baja, Trujillo Alto, Utuado, Vega Alta, Vega Baja, Villalba, Yabucoa, Yauco.

§ 78.21 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as Modified Certified Brucellosis Areas:

(a) *Entire States.*

Alaska, Louisiana, Nebraska, Oklahoma.

(b) *Specific Counties Within States.*

Alabama. Autauga, Baldwin, Barbour, Bibb, Blount, Bullock, Butler, Calhoun, Chambers, Cherokee, Chilton, Choctaw, Clarke, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dallas, De Kalb, Elmore, Etowah, Escambia, Fayette, Franklin, Greene, Hale, Houston, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Limestone, Lowndes, Macon, Madison, Marengo, Marion, Marshall, Mobile, Monroe, Montgomery, Morgan, Perry, Pickens, Pike, Randolph, Russell, St. Clair, Shelby, Sumter, Talladega, Tallapoosa, Tuscaloosa, Walker, Washington, Wilcox, Winston.

Arkansas. Arkansas, Ashley, Chicot, Clark, Cleburne, Conway, Craighead, Crawford, Crittenden, Cross, Desha, Faulkner, Franklin, Hempstead, Hot Spring, Howard, Independence, Izard, Jefferson, Lawrence, Lee, Lincoln, Little River, Logan, Lonoke, Miller, Mississippi, Nevada, Phillips, Poinsett, Pope, Pulaski, Randolph, Saline, Scott, St. Francis, Sebastian, Sevier, Van Buren, Washington, White, Yell.

Colorado. Mesa, Yuma.

Florida. Alachua, Bradford, Broward, Charlotte, Citrus, Clay, Collier, Columbia, De Soto, Duval, Flagler, Gilchrist, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Jefferson, Lafayette, Lake, Lee, Levy, Madison, Manatee, Marion, Martin, Nassau, Okeechobee, Osceola, Palm Beach, Pinellas, Polk, Putnam, St. Johns, St. Lucie, Sarasota, Suwanee, Union, Volusia.

Georgia. Baker, Baldwin, Barrow, Bartow, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Carroll, Catoosa, Chattooga, Cherokee, Clay, Clinch, Cobb, Coffee, Colquitt, Columbia, Coweta, Crisp, Dade, Decatur, Dodge, Dooly, Dougherty, Douglas, Early, Elbert, Emanuel, Fayette, Floyd, Forsyth, Fulton, Gilmer, Gordon, Grady, Gwinnett, Hall, Hancock, Haralson, Harris, Hart, Heard, Houston, Irwin, Jackon, Jasper, Jefferson, Jenkins, Lamar, Lee, Lincoln, Lowndes, Lumpkin, Macon, Madison, Marion, McDuffie, Meriwether, Miller, Mitchell, Montgomery, Morgan, Murray, Muscogee, Newton, Oconee, Oglethorpe, Paulding, Pickens, Pierce, Pike, Polk, Pulaski, Putnam, Quitman, Randolph, Rockdale, Seminole, Spalding, Stewart, Sumter, Talbot, Taliaferro, Tattnall, Terrell, Thomas, Tift, Towns, Troup, Turner, Union, Walker, Walton, Warren, Webster, Whitfield, Wilcox, Wilkes, Worth.

Idaho. Bannock, Bingham, Bonneville, Butte, Cassia, Clark, Elmore, Franklin, Fremont, Gem, Gooding, Jefferson, Jerome, Lincoln, Madison, Minidoka, Teton, Twin Falls.

Illinois. Pope, Williamson.

Iowa. Allamakee, Appanoose, Cerro Gordo, Crawford, Decatur, Delaware, Guthrie, Harrison, Jasper, Jefferson, Jones, Monroe, Ringgold, Sac, Sioux, Story, Union, Wayne.

Kansas. Allen, Anderson, Atchison, Barber, Barton, Bourbon, Brown, Butler, Chase, Chautauqua, Cherokee, Cheyenne, Clark, Clay, Cloud, Coffey, Cowley, Crawford, Decatur, Dickinson, Douglas, Edwards, Elk, Ellis, Ellsworth, Finney, Franklin, Geary, Grant, Gray, Greenwood, Hamilton, Harper, Harvey, Jackson, Jefferson, Jewell, Kearny, Kingman, Kiowa, Labette, Leavenworth, Lincoln, Linn, Lyon, Marion, McPherson, Meade, Miami, Mitchell, Montgomery, Morris, Morton, Nemaha, Neosho, Ness, Norton, Osage, Osborne, Ottawa, Pottawatomie, Pratt, Rawlins, Reno, Republic, Rice, Rooks, Rush, Russell, Saline, Sedgwick, Seward, Shawnee, Sherman, Smith, Stafford, Stanton, Stevens, Sumner, Wabaunsee, Wichita, Wilson, Woodson, Wyandotte.

Kentucky. Adair, Allen, Anderson, Ballard, Barren, Bath, Boone, Bourbon, Boyd, Boyle, Bracken, Breckinridge, Bullitt, Butler, Caldwell, Calloway, Carlisle, Carroll, Carter, Casey, Christian, Clark, Clinton, Crittenden, Cumberland, Daviess, Elliott, Estill, Fayette, Fleming, Franklin, Fulton, Gallatin, Garrard, Grant, Graves, Grayson, Green, Greenup, Hancock, Hardin, Harrison, Hart, Henderson, Henry, Hickman, Hopkins, Jefferson, Jessamine, Larue, Laurel, Lincoln, Livingston, Logan, Lyon, Madison, Marion, Marshall, Mason, McCracken, McLean, Meade, Mercer, Metcalfe, Monroe, Montgomery, Muhlenberg, Nelson, Nicholas, Ohio, Oldham, Owen, Powell, Pulaski, Rockcastle, Rowan, Russell, Scott, Shelby, Simpson, Spencer, Taylor, Todd, Trigg, Union, Warren, Washington, Wayne, Webster, Woodford.

Mississippi. Adams, Amite, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Claiborne, Clarke, Clay, Coahoma, Copiah, Covington, De Soto, Forrest, Franklin, George, Greene, Grenada, Hinds, Holmes, Humphreys, Issaquena, Itawamba, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lafayette, Lamar, Lauderdale, Lawrence, Leake, Lee, LeFlore, Lincoln, Lowndes, Madison, Marion, Marshall, Monroe, Montgomery, Neshoba, Newton, Noxubee, Oktibbeha, Panola, Pearl River, Perry, Pike, Pontotoc, Prentiss, Quitman, Rankin, Scott, Sharkey, Simpson, Smith, Sunflower, Tallahatchie, Tate, Tippah, Tunica, Union, Walthall, Warren, Washington, Wayne, Webster, Wilkinson, Winston, Yalobusha, Yazoo.

Missouri. Adair, Andrew, Atchison, Barry, Barton, Bates, Benton, Bollinger, Boone, Buchanan, Butler, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Carter, Cass, Cedar, Chariton, Christian, Clark, Clay, Clinton, Cole, Cooper, Crawford, Dade, Daviess, De Kalb, Dent, Gentry, Greene, Grundy, Harrison, Henry, Holt, Howard, Howell, Jasper, Jefferson, Johnson, Knox, Lafayette, Lawrence, Lincoln, Linn, Livingston, Macon, Madison, Maries, Marion, McDonald, Mercer, Mississippi, Monroe, New Madrid, Newton, Nodaway, Oregon, Osage, Ozark, Pemiscot, Pettis, Phelps, Pike, Polk, Putnam, Ralls, Randolph, Ray, Reynolds, Ripley, St. Charles, St. Clair, St. Francois, St. Genevieve, Saline, Scotland, Scott, Shannon, Stoddard, Stone, Sullivan, Taney, Texas, Vernon, Warren, Washington, Wayne, Webster, Worth, Wright.

New Mexico. Chaves, Curry, De Baca, Eddy, Guadalupe, Lea, Mora, Quay, Roosevelt, San Miguel, Union, Valencia.

South Dakota. Jones, Stanley.

Tennessee. Bedford, Benton, Bledsoe, Bradley, Cannon, Carroll, Chester, Clay, Cocke, Coffee, Crockett, Cumberland, DeKalb, Dyer, Fayette, Franklin, Gibson, Giles, Hamblen, Hamilton, Hardeman, Hawkins, Haywood, Henderson, Henry, Hickman, Houston, Humphreys, Jackson, Lauderdale, Lawrence, Lewis, Lincoln, Loudon, Macon, Madison, Marion, Marshall, Maury, McMinn, McNairy, Monroe, Montgomery, Moore, Obion, Overton, Perry, Pickett, Putnam, Rhea, Shelby, Smith, Stewart, Sumner, Tipton, Trousdale, Van Buren, Washington, Wayne, Weakley, Williamson, Wilson.

Texas. Anderson, Andrews, Angelina, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazoria, Brazos, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Cass, Castro, Chambers, Cherokee, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Colorado, Comanche, Concho, Cooke, Coryell, Cottle, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, De Witt, Dickens, Dimmit, Donley, Duval, Eastland, Edwards, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Fort Bend, Franklin, Freestone, Frio, Gaines, Gal-

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veston, Garza, Gillespie, Glasscock, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Hale, Hall, Hamilton, Hardeman, Hardin, Harris, Harrison, Haskell, Hays, Henderson, Hidalgo, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hudspeth, Hunt, Hutchinson, Jack, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufman, Kendall, Kenedy, Kent, King, Kinney, Kleberg, Knox, Lamar, Lamb, Lampasas, La Salle, Lavaca, Lee, Leon, Liberty, Limestone, Live Oak, Lubbock, Lynn, McCulloch, McLennan, McMullen, Madison, Marion, Martin, Matagorda, Maverick, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Moore, Morris, Motley, Nacogdoches, Navarro, Nolan, Nueces, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Polk, Potter, Presidio, Rains, Randall, Real, Red River, Reeves, Refugio, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Schleicher, Scurry, Shackleford, Shelby, Sherman, Smith, Somervell, Starr, Stephens, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terry, Throckmorton, Titus, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Uvalde, Van Zandt, Victoria, Walker, Waller, Washington, Webb, Wharton, Wheeler, Wichita, Wilbarger, Willacy, Williamson, Wilson, Wise, Wood, Yoakum, Young, Zapata, Zavala.

Utah. Box Elder, Cache.

Wyoming. Lincoln.

Puerto Rico. Arecibo, Carolina, Hatillo, Las Piedras, Naguabo.

§ 78.22 **Noncertified areas.**

The following States, or specified portions thereof, are hereby designated as Noncertified Brucellosis Areas:

(a) *Entire States.*

(b) *Specific Counties With States.*

Missouri. Morgan.

Iowa. Montgomery.

Puerto Rico. Vieques.

(Sec. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693, and secs. 3 and 11, 76 Stat. 130, 132, 21 U.S.C 111–113, 114a–1, 115, 117, 120, 121, 125, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141, 9 CFR 78.25.)

Effective date: The foregoing amendments shall become effective April 1, 1977.

The amendments impose certain restrictions necessary to prevent the spread of brucellosis in cattle and relieve certain restrictions presently imposed. They should be made effective promptly in order to accomplish their purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 28th day of March 1977.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

R. P. JONES,
Deputy Administrator,
Veterinary Services.

[FR Doc. 77-9716 Filed 3-31-77;8:45 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

[Regulation PR 166; Docket 29626]

PART 300—RULES OF CONDUCT IN BOARD PROCEEDINGS

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This issuance establishes rules of conduct in Board proceedings, including among others the areas of communications with Board employees and conflicts of interest. It makes final, with some changes in response to several comment stages, the interim rule that has been in effect. The rule is intended to make sure that Board activities are conducted fairly and efficiently, without improper influences, and that the public has free and equal access to the materials on which decisions are based.

DATES: Effective April 11, 1977. Because this issuance relieves restrictions, and imposes no significant burdens beyond those of the existing rule, it is found for good cause that an effective date earlier than 30 days after issuance is in the public interest.

Adopted: March 29, 1977.

FOR FURTHER INFORMATION CONTACT:

James C. Schultz, 202–673–5233.

SUPPLEMENTARY INFORMATION:

RECENT NOTICES

A series of notices has been issued recently on this subject:

PR–154, 41 FR 34587, August 16, 1976: Part 300 reissued as an interim regulation effective September 30, 1976, with opportunity to comment on urgent matters before September 15, 1976.

PDR–41, 41 FR 34650, August 16, 1976: Notice proposing that the interim rule become the permanent rule, with comment period to December 29, 1976.

PR–158, 41 FR 43715, October 5, 1976: PR–159, 41 FR 48119, November 2, 1976: Effectiveness of interim regulation postponed until October 25, 1976.

PR–160, 41 FR 48116, November 2, 1976: Interim regulation amended in response to initial round of comments.

PDR–41A, 41 FR 48129, November 2, 1976: Notice requesting comments on the changes in interim regulation.

PDR–41B, 41 FR 51036, November 19, 1976: Supplemental notice requesting comment on constitutional issues raised by earlier comments.

PR–162, 42 FR 5346, January 28, 1977: Amendment concerning improper influence, in response to comments on constitutional issues.

This issuance follows specifically the notices of proposed rulemaking PDR–41 and PDR–41A, cited above. It includes a rewrite of the rule for clarity, and some substantive changes from the interim rule on the Board's initiative.

DISCUSSION OF COMMENTS

Two comments were filed, one by the member carriers of the National Air Carrier Association (NACA), and one by Reuben Robertson and the Aviation Consumer Action Project (ACAP).

NACA's comment was directed to the rule against unauthorized communication. It objected to limiting language in an exception in the area of intergovernmental negotiations about international aviation matters, claiming that anything "pertinent to" those subjects should be excepted, rather than only materials "directly and unavoidably involved in" the negotiations.

Partly in response to that comment, but also to define the exceptions more clearly, the areas of intergovernmental negotiation, foreign policy, and international aviation matters have been combined in the rewritten rule. As now issued, the rule allows, in nonhearing cases, unregulated communications relating to national defense or foreign policy. In cases where a hearing is required or ordered, the rule permits unregulated communications on those subjects if the communicator's position with respect to intergovernmental negotiations cannot otherwise be fairly presented, but such communications are excluded from the record for decision in the hearing matter. The Board has found that prohibitive rules of communication can be a serious problem where international aviation is involved, since these matters often concern negotiations with foreign governments, are often of some urgency, and tend to require confidential treatment. As authorized by section 802 of the Federal Aviation Act, the Board has for many years advised the executive branch on such matters, and this course of action has received Congressional recognition. S. Rep. No. 1875, 84th Cong., 2d Sess. (1956). The exclusion from a hearing record of such communications should be a sufficient safeguard against their influencing a decision.

ACAP commented that the new Part 300 "appears to permit some ex parte communications that may be prohibited by the Sunshine Act." The comment did not give examples. Part 300 has been carefully reviewed with respect to the new Sunshine Act provisions, and as now drafted the Board finds that it conforms to them. The main prohibition of unauthorized communication has been changed from the interim rule to cover communications by, as well as to, Board employees. The exceptions to the rule correspond to the provisions of the Sunshine Act. The exception for national defense and foreign policy matters conforms to a similar exception in the Administrative Procedure Act, 5 U.S.C. 554 (a)(4). The exception for status and expedition requests corresponds to the exclusion of "status reports" in the statute's definition of ex parte communications. The Board considers that status and expedition requests are generally indistinguishable, and intends the exception in the rule to be coextensive with that in the statute. Exceptions for emergency conditions (§ 300.2(c)(5)), cases to be decided within 30 days (§ 300.2(c)(7)), enforcement investigations (§ 300.2(c)(3)), and mediation efforts (§ 300.2(c)(4)) do not relate to cases that have been noticed for hearing, which are the ones covered by the ex parte provisions of the Sunshine Act. Settlement discussions (§ 300.2(c)(4)), communications between counsel (§ 300.2(c)(1)), and communications with Board employees in an advocacy role (§ 300.2(c)(2)) do not involve employees involved in the decisional process, another limit to the Sunshine Act's application.

ACAP also questioned the wisdom of extending the scope of these rules to areas beyond formal hearing matters. The Board recognizes that the scope of Part 300 is broader than comparable rules in many other agencies, and broader than the law requires. These objections appear to be based, however, on a misapprehension of the nature of the regulation, in part based on an oversimplified view of it as an extension of "ex parte" rules to such areas as rulemaking and tariff matters. Part 300 in fact does not use the term or the concept of "ex parte," as it appears, for example, in the Sunshine Act, referring to a communication that is not on the record and not communicated to all "parties." Part 300 basically requires that in certain defined "public proceedings" communication that could influence Board decisions must proceed according to established rules, in the broad sense. It does not state what those rules are. Part 302, for example, sets forth many of the governing rules in hearing cases and other types of Board proceedings.

Obviously the rules for communication with the Board in a rulemaking proceeding, for example, which is legislative in nature, must be different from those in an adjudicatory hearing case. In the order that constitutes a notice of proposed rulemaking, the Board customarily invites all interested persons to comment in writing, either formally or informally. Any written communications that are received after that invitation are considered to be in response to the order, even if received after the comment closing date, the deadline for comments the Board will definitely consider before taking final action. Thus, such written communications in a rulemaking case are not in any sense a violation of Part 300, although similar ones might be in other types of cases where the applicable rule must be stricter. Of course, there is no assurance that comments received after the closing date will be considered in connection with that stage of rulemaking, and late-filing parties who want such an assurance should file a motion to that effect under Rule 17 (14 CFR 302.17). The chief need in the area covered by Part 300 is to make clear what are the proper materials to be considered when the Board makes a decision. The prohibiting of certain communications, it should be noted, does not necessarily imply ethical disapproval of them.

The Board is acting in this area in response to higher public expectations of openness and fairness in all types of proceedings, as exemplified by the recent amendments of the Freedom of Information Act, and the Government in the Sunshine Act. Thus, this issuance is not directed at making the applicable rules for communication in public proceedings stricter than they are at present, and certainly not at making them the same for all types of proceedings. Its aim is rather to declare that whatever the rules are for these proceedings, they should be observed, and that nonconforming communications will be disclosed and segregated from the decisional process.

CHANGES FROM THE INTERIM RULE

Several substantive changes have been made from the interim rule, other than those already discussed. The basic starting point for regulating communications has been changed. Instead of depending on the filing of papers to which a response is authorized, a new concept of a "public proceeding" has been used. The term is defined to mean one of the following: (1) a hearing case, after the filing of the initiating document or the Board orders a hearing, (2) a rulemaking proceeding, after the publication of a notice requesting public comment, (3) a tariff filing, after an investigation has been ordered or a complaint has been docketed, or (4) any other proceeding initiated by a docket filing, after the filing of an opposing document. The restriction on unauthorized communication applies to these situations until the point of final disposition. In these cases the rule forbids "substantive communication" (which could influence the decision) with "concerned employees" (those involved in the decisional process). The main effect of this change is to eliminate certain situations in which a communication is permitted but must be recorded. It was found in connection with the interim rule that the multi-layered scheme, with an early point at which communication was permitted but must be recorded, then a later one at which it was prohibited but must still be recorded, was too complex to be generally understood by the interested public and Board employees. Ease of application of these rules is an important objective.

A corollary of this change is that the rules for reporting communications will be the same for Members and Board staff in most cases. The exception is status or expedition inquiries, other than those on national defense or foreign policy subjects, which must be reported only in cases where a response is given by a Member.

The provision (§ 300.4(c) of the interim rule) concerning insertion in a preamble of a notice or advance notice of proposed rulemaking, or in the docket, of a summary of any communication, not more than 6 months before issuance, that was one of the reasons for the issuance has been deleted. This change is not intended to relax the practice regarding the content of preambles. It is made in light of the facts that the 6-month period is arbitrary, and that good practice today, as illustrated by newly issued FEDERAL REGISTER regulations on the subject (1 CFR 18.12, 41 FR 56623, December 29, 1976), requires that any background information be discussed.

A new exception has been added for information provided at the request of Board employees in tariff matters after filing of a complaint but before any investigation order, or in rulemaking proceedings. It has been found that there is occasionally a need for Board employees to obtain information in these types of matters. As long as the request and the data furnished are publicly filed in the docket, as required by § 300.3, the Board finds that there will be no significant danger of abuse in this area.

The provision in the interim rule (§ 300.5(d)) requiring reporting to the Managing Director any request for information that has not been made publicly available has also been revoked. The provision is not needed as a restraint, since the subject of disclosing information is covered, as far as employees are concerned, by 14 CFR Part 370, Employee Responsibilities and Conduct, and requests for information from persons outside the Board are not considered improper. The Board has decided that the burden of reporting such information exceeds any benefits that might be gained from it.

In PR–160, the Board revoked § 300.7 of the interim rule, in response to comments received. That section provided that a party to a proceeding might be required to report its attempts to obtain the support of other government agencies. The Board called for comment on this action in PDR–41A, but no comments were submitted. The Board has decided to omit the provision from the final regulation. The Board considers, however, that it has power to enact such a provision, and either an administrative law judge or the Board may require such reports on an ad hoc basis.

This rule deals with the matter of pre-CAB (§§ 300.9 and .10) and post-CAB (§§ 300.13 and .14) employment primarily by reference to existing criminal statutory provisions. These provisions may or may not be regarded as only a minimum, and the Board does not in this issuance consider the question whether more restrictive rules are appropriate for this agency. It is the Board's intention to reexamine the area of pre- and post-governmental employment as a separate matter, guided by

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whatever proposals the Administration may offer.

In §§ 300.9 and 300.10, the rule prohibiting Board employees from disclosing confidential information gained through prior employment has been revoked. The use of confidential information in proper channels of a U.S. Government agency, whose actions are governed by strict rules of conduct and procedure and by overriding concern for the public interest, cannot be construed as intrinsically improper. The propriety of such disclosures will depend on the circumstances of each case, and is not subject to a general rule. Such a situation differs materially from the ones governed by 18 U.S.C. 207, in which a Board employee leaves the agency to work in the private sector, and the danger is disclosure of information gained through official duties with the government.

In § 300.15, dealing with opinions by the General Counsel on the application of Part 300, opinions given to Board employees have been deleted from application of the section. Informal interpretation of Part 300 is necessary as continuing guidance to Board staff, and formal filing and review procedures are inappropriate for this internal function.

Accordingly, 14 CFR Part 300, Rules of Conduct in Board Proceedings, is reissued as set forth below.

Sec.

300.0 Applicability.
300.1 Judicial standards of practice.
300.2 Prohibited communications.
300.3 Reporting of communications.
300.4 Separation of functions.
300.5 Prohibited conduct.
300.6 Practitioners' standards of conduct.
300.7 Conciseness.
300.8 Gifts and unusual hospitality and other conduct affecting Board employees.
300.9 Permanent disqualification of Board Members and employees in matters in which they personally participated before joining the Board.
300.10 Temporary disqualification of Board Members and employees in matters in which they had official responsibility before joining the Board.
300.11 Disqualification of Government officers and employees.
300.12 Practice of special Government employees permitted.
300.13 Permanent disqualification of former Board Members and employees in matters in which they personally participated.
300.14 Temporary disqualification of former Board Members and employees in matters formerly under their official responsibility.
300.15 Opinions or rulings by the General Counsel.
300.16 Waivers.
300.17 Disqualification of partners of Board Members and employees.
300.18 [Reserved].
300.19 Use of confidential information.
300.20 Violations.

AUTHORITY: Secs. 204 and 1001 of the Federal Aviation Act of 1958 as amended, 72 Stat. 743, 788, 49 U.S.C. 1324, 1481.

§ 300.0 Applicability.

The rules of conduct set forth in this part shall govern the conduct of parties and their representatives, and the relationships between the Members of the Board, Board employees, and all other persons in all Board matters, except as otherwise provided in this or any other Board regulation. For purposes of this part, the terms "Board employee(s)" shall refer to all persons employed by the Board, including Board Members, personal staff of Members, regular employees, special Government employees, consultants or experts under contract with the Board, and administrative law judges.

§ 300.1 Judicial standards of practice.

The Board is a quasi-judicial agency, and as such certain of its functions are similar to those of a court, and parties to cases before the Board and those who represent such parties are expected—in fact and in appearance—to conduct themselves with honor and dignity as they would before a court. By the same token, the Members of the Board and Board employees who may be making recommendations to the Board Members or advising them are expected to conduct themselves with the same fidelity to appropriate standards of propriety that characterize a court and its staff. The standing and effectiveness of the Board are in direct relation to the observance by the Board, Board employees, and the parties and attorneys appearing before the Board of the highest standards of judicial and professional ethics. The rules of conduct set forth in this part are to be interpreted in light of those standards.

§ 300.2 Prohibited communications.

(a) *Basic requirement.* Except as provided in paragraphs (c), (d), and (e) of this section, there shall be no substantive communication in either direction between any concerned Board employee and any person who is not a Board employee, concerning a public proceeding, until after final disposition of the proceeding, other than as provided by Federal statute or published Board rule or order.

(b) *Definitions.* For purposes of this part:

(1) A "substantive communication" is any written or oral statement that could influence a decision on any significant issue, of procedure or on the merits, in a public proceeding.

(2) A "concerned Board employee" is a Board employee who is or may reasonably be expected to be involved in the decisional process in a public proceeding.

(3) A "public proceeding" is one of the following:

(i) A proceeding for which a Federal statute requires a hearing, after the filing of the document initiating the proceeding, or a matter on which the Board has ordered a hearing at which an employee presides at the taking of evidence, after the issuance of the order. (Such a proceeding is referred to as a "hearing case," with any other proceeding sometimes referred to as a "nonhearing case.")

(ii) A rulemaking proceeding, after the issuance by the Board of a notice requesting public comment.

(iii) A tariff filing, after the Board has ordered an investigation or a complaint has been filed and docketed.

(iv) Any other proceeding initiated by a docket filing, after the filing in the docket of an identifiable written opposition to the initiating document.

(c) *General exceptions.* Paragraph (a) of this section shall not apply to the following:

(1) Informal communications between legal counsel, including discussions about stipulations and other communications considered proper in Federal court proceedings.

(2) Information given to a Board employee who is participating in a hearing case on behalf of a bureau or office that is a party, to another Board employee who is reviewing that work, or to his supervisors within that bureau or office.

(3) Communications made in the course of an investigation to determine whether formal enforcement action should be begun.

(4) Settlement discussions and mediation efforts.

(5) Information given at the request of a Board employee acting upon a specific direction of the Board, in a nonhearing case, where the Board has decided that emergency conditions exist and this rule would otherwise prevent the obtaining of needed information in a timely manner.

(6) Information given at the request of a Board employee in a tariff matter after a complaint is filed but before an investigation is ordered, or in a rulemaking proceeding.

(7) Nonhearing cases that are to be decided within 30 days after the filing of the initiating document.

(d) *Status and expedition requests.* Paragraph (a) of this section shall not apply to oral or written communications asking about the status, or requesting expeditious treatment, of a public proceeding. However, any request for expeditious treatment should be made in accordance with the Rules of Practice, particularly Rules 14 and 18, §§ 302.14 and 302.18 of this chapter.

(e) *National defense and foreign policy.* In nonhearing cases, paragraph (a) of this section shall not apply to communications concerning national defense or foreign policy matters, including international aviation matters. In hearing cases, any communications on those subjects to or from Board employees involved in intergovernmental negotiations that would be barred by paragraph (a) are permitted if the communicator's position with respect to those negotiations cannot otherwise be fairly presented, but those communications shall not be considered as part of the record on which decisions must be made.

(f) *Communications not considered.* A communication in violation of this section shall not be considered part of a record, or included as available material, for decision in any proceeding.

§ 300.3 Reporting of communications.

(a) *General.* The following types of substantive communication shall be reported as specified in paragraph (b) of this section:

(1) Any communication in violation of § 300.2(a) of this chapter.

(2) Information given upon determination of an emergency under § 300.2(c)(5) of this chapter.

(3) Information given at the request of a Board employee in a rulemaking or tariff matter under § 300.2(c)(6) of this chapter.

(4) Communications in nonhearing cases to be decided within 30 days under § 300.2(c)(7) of this chapter.

(b) *Public filing.*—(1) A written communication shall be put into the correspondence or other appropriate file of the proceeding, which shall be available for inspection and copying during business hours in the Docket Section or other appropriate office.

(2) An oral communication shall be summarized by the Board employee receiving it. One copy shall be put into a public file as described in paragraph (b)(1) of this section, and another copy shall be mailed to the communicator.

(3) In addition, copies of written communications and oral summaries shall be filed in chronological order in a "Part 300" file maintained in the Public Reference Room.

(c) *Status and expedition requests.* A Board Member who receives a communication asking about the status or requesting expeditious treatment of a public proceeding, other than a communication concerning national defense or foreign policy (including international aviation), shall either:

(1) Refer the communicator to the Office of the Managing Director or the Office of the General Counsel; or

(2) If the Member responds by advising on the status, put a memorandum describing the exchange in the public file as described in paragraph (b)(1) of this section.

§ 300.4 Separation of functions.

A Board employee who is participating in a hearing case on behalf of a bureau or office that is a party, another Board employee who is reviewing that work, or his supervisors within that bureau or office, shall have no substantive communication with any Board Member, administrative law judge in the case, or other Board employee advising them, with respect to that or any factually related hearing case.

§ 300.5 Prohibited conduct.

No person shall: (a) Attempt to influence the judgment of a Board employee by any unlawful means such as deception or the payment of money or other consideration; or

(b) Disrupt or interfere with the fair and orderly disposition of a Board proceeding.

§ 300.6 Practitioners' standards of conduct.

Every person representing a client in matters before the Board, in all contacts with Board employees, should:

(a) Strictly observe the standards of professional conduct;

(b) Refrain from statements or other actions designed to mislead the Board or to cause unwarranted delay;

(c) Avoid offensive or intemperate behavior;

(d) Advise all clients to avoid improprieties and to obey the law as the attorney believes it to be; and

(e) Terminate the professional relationship with any client who persists in improprieties in proceedings before the Board.

§ 300.7 Conciseness.

Every oral or written statement made in a Board proceding shall be a concise as possible. Verbose or redundant presentations may be rejected.

§ 300.8 Gifts and hospitality and other conduct affecting board employees.

(a) No person, otherwise than as provided by law for the proper discharge of official duty, shall directly or indirectly give, offer, or promise anything of value to any Board Member or Board employee for or because of any official act performed or to be performed by such Board Member or Board employee (18 U.S.C. 201).

(b) Subject to Part 370 of the Board's Special Regulations, it is improper for persons interested in the business of the Board to provide hospitality, gifts, entertainment, or favors to any Board Member or Board employee.

(c) Persons interested in the business of the Board should familiarize themselves with Part 370 of the Board's Special Regulations—Employee Responsibilities and Conduct (14 CFR Part 370), in order that they shall not encourage or cause any violation of the provisions of Part 370 by any Board Member or Board employee.

§ 300.9 Permanent disqualification of board members and employees in matters in which they personally participated before joining the board.

Any Board Member or any Board employee shall permanently disqualify himself from participation in every matter before the Board in which he previously personally and substantially participated for an interested person or entity, including other agencies of the U.S. Government, before joining the Board. Such disqualification shall be applicable also if a person closely related to the Board or Board employee as partner, associate, employer, or the like, personally and substantially participated in a matter before the Board prior to the Member's or employee's employment by the Board and the circumstances were such that the Board's Member's or employee's subsequent participation in the matter as a Board Member or employee could fairly be said to create the appearance that his participation would be affected by his prior relationship. Notwithstanding the foregoing, apart from a Member, the disqualification of any Board employee, including any member of a Board Member's personal staff or a special Government employee, whose prior personal and substantial participation in a Board proceeding or whose relationship to one who so participated occurred on behalf of another agency of the U.S. Government shall only be applicable with respect to issues on which the prior governmental employer took a position in the proceeding unless participation could fairly be said to create the appearance that his participation would be affected by his prior relationship.

§ 300.10 Temporary disqualification of board members and employees in matters in which they had official responsibility before joining the board.

Any Board Member and any Board employee shall temporarily disqualify himself from participation in any matter before the Board if he represented, was associated with or was employed by an interested person or entity including other agencies of the United States Government before joining the Board, and, although he did not personally and substantially participate in the matter, the matter was within his "official responsibility," as that term is defined in § 300.14 of this chapter except that the action referred to therein shall be private action as well as "Government" action. Such disqualification shall be applicable also if a person closely related to the Board employee as partner, associate, employer, or the like, who, while not personally and substantially participating in the matter, had it within his "official responsibility" as that term is defined in § 300.14 of this chapter, and modified above, and the circumstances are such that the Board employee's subsequent participation in the matter as a Board employee could fairly be said to create the appearance that his participation would be affected by his prior relationship. Notwithstanding the foregoing, apart from a Board Member, the disqualification of any Board employee whose prior "official responsibility" or relationship to one with such responsibility occurred on behalf of another agency of the United States Government shall only be applicable with respect to issues on which the prior governmental employer took a position in the proceeding. The temporary disqualification shall run for a period of one year from the date of the termination of the representation, association, or employment with the interested person or entity.

§ 300.11 Disqualification of Government officers and employees.

No officer or employee of the Federal Government, other than a "special government employee" as defined in 18 U.S.C. 202, shall represent anyone, otherwise than in the proper discharge of his official duties, in any Board proceeding or matter in which the United States is a party or has a direct and substantial interest. (18 U.S.C. 205.)

§ 300.12 Practice of special Government employees permitted.

A special Government employee, who qualifies as such under the provisions of 18 U.S.C. 202(a), may participate in Board proceedings only to the extent and in the manner specified in 18 U.S.C. 205.

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§ 300.13 Permanent disqualification of former board members and employees in matters in which they personally participated.

No former Board Member or Board employee shall act as agent or attorney before the Board for anyone other than the United States in connection with any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, or other particular matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest and in which he participated personally and substantially through decision, approval, disapproval, recommendation, rendering of advice, investigation, or otherwise as a Board Member or employee. (18 U.S.C. 207(a).)

§ 300.14 Temporary disqualification of former board members and employees in matters formerly under their official responsibility.

Within one year after termination of employment with the Board, no former Board Member or Board employee shall appear personally before the Board on behalf of any person other than the United States in any Board proceeding or matter in which the United States is a party or has a direct and substantial interest and which was under his official responsibility at any time within one year preceding termination of such responsibility. The term "official responsibility" means the direct administrative or operating authority, whether intermediate or final, and either exercisable alone or with others, and either personally or through subordinates, to approve, disapprove, or otherwise direct Government action (18 U.S.C. 202(b), 207(b)).

§ 300.15 Opinions or rulings by the General Counsel.

(a) The Board's General Counsel is authorized to render opinions or rulings to the public on the application of the provisions of this part. When written request is made for such opinions and rulings, they shall be transmitted to the Board and shall be available to the public in the Public Reference Room after any appeal to or review by the Board has been completed or after the time for review has expired. Identifying details shall normally be stricken from copies available to the public unless the public interest requires disclosure of such details. Absent review by the Board, any opinion or ruling of the General Counsel is not binding on the Board or any future General Counsel.

(b) If any person is disqualified from a particular proceeding under the provisions of §§ 300.9, 300.10, 300.13, 300.14, and 300.17 of this chapter by a ruling of the General Counsel, or by such person's own action, such disqualification shall be memorialized in a writing filed in the appropriate file of the matter by the General Counsel or such person.

(c) The Board may review any opinion or ruling of the General Counsel at its discretion within 25 days from the issuance of such opinion or ruling. Any person affected by an opinion or ruling may file an appeal to the Board within ten days after issuance of such opinion or ruling. Decisions of the Board on review or appeal shall be available to the public. Identifying details shall normally be stricken from copies available to the public unless the public interest requires disclosure of such details.

§ 300.16 Waivers.

(a) A former Board Member or Board employee with outstanding scientific or technological qualifications who is disqualified from acting in a representative capacity under the provisions of §§ 300.13 or 300.14 of this chapter may nevertheless participate in a proceeding in a scientific or technological field pursuant to the terms of a certificate issued in compliance with the proviso following 18 U.S.C. 207 (a) and (b).

(b) An employee who believes his prior employment relationships will not affect the integrity of his services may request that the prohibition of §§ 300.9 or 300.10 of this chapter be waived in accordance with the procedures set forth in § 370.735–14 of this chapter.

§ 300.17 Disqualification of partners of board members and employees.

No partner of a Board Member or of a Board employee shall act as agent or attorney for anyone other than the United States in any Board proceeding or matter in which such member or employee participates or has participated personally and substantially through decision, approval, disapproval, recommendation, rendering advice, investigation, or otherwise, or which is the subject of his official responsibility. (18 U.S.C. 207(c).)

§ 300.18 [Reserved]

§ 300.19 Use of confidential information.

No former Board Member or employee, or any person associated with him, shall ever use or undertake to use in any Board proceeding or matter any confidential facts or information which came into the possession of such Member or employee or to his attention by reason of his employment with the Board without first applying for and obtaining the consent of the Board for the use of such facts or information.

§ 300.20 Violations.

(a) The Board may disqualify, and deny temporarily or permanently the privilege of appearing or practicing before it in any way to, any person who is found by the Board after written notice of charges and hearing to have engaged in unethical or improper professional conduct. Any violation of this part shall be deemed to be such conduct.

(b) When appropriate in the public interest, the Board may deny any application or other request of a party in a proceeding subject to this part where the Board finds after hearing that such party has, in connection with any Board proceeding, violated any of the provisions of this part or any of the provisions of Chapter 11 of Title 18 of the United States Code. The Board may also condition its further consideration of such party's application or other request or the effectiveness of any order granting such application or other request upon such party's first taking such action as the Board may deem necessary or appropriate to remedy the violation of this part or Chapter 11 of Title 18 of the United States Code to prevent or deter any repetition of such violation. The Board may in addition issue a cease and desist order against any repetition of such or similar misconduct.

(c) The actions authorized by this section may take place within the framework of the matter during or concerning which the violations occur or in a separate matter, as the Board or the presiding administrative law judge may direct. A complaint alleging that a violation has occurred in the course of a matter shall be filed in the docket or appropriate public file of such matter unless such complaint is made after the Board's decision of the matter has become final, in which event such complaint may be filed pursuant to Part 302, Subpart B of the Rules of Practice. A violation in the course of a matter which may be attributable to or affect the fitness of a party will ordinarily either be disposed of within the framework of such matter or be considered within the context of any subsequent matter involving the interests of such party. Other violations will ordinarily be disposed of in a separate proceeding.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-9810 Filed 3-31-77;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Reg. No. 16]

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Income and Exclusions

EXCEPTION TO THE ONE-THIRD REDUCTION PROVISION AND INCOME EXCLUSIONS WHEN AN INDIVIDUAL IS AFFECTED BY A MAJOR DISASTER; INTERIM REGULATIONS

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the Interim Regulations set forth in tentative form below are proposed by the Commissioner of Social Security with approval of the Secretary of Health, Education, and Welfare. The proposed amendments to Sub part K of Part 416 Title 20 of the Code of Federal Regulations (20 CFR), which do not have major program significance, concern the treatment of Federal assistence received by supplemental security income applicants or recipients because of a catastrophe declared by the President to be a major disaster for purposes of the Disaster Relief Act of 1974 (Pub. L. 93–288) or certain support and maintenance (e.g., room and board) received by supplemental security income applicants or recipients when forced from their own households because of such catastrophe. Interested parties will have 45 days after publication to submit their views and comments.

The purpose of these amendments to the regulations is to reflect the provisions of Sections 2 and 4 of Pub. L. 94–331 enacted June 30, 1976, and Section 2125 of Pub. L. 94–455 enacted October 4, 1976. Section 2 of Pub. L. 94–331, which adds Section 1612(b)(11) to the Social Security Act, excludes from income, for purposes of determining eligibility for and amount of supplemental security income benefits, assistance received under the Disaster Relief Act of 1974 or other assistance provided under a Federal statute on account of a catastrophe declared by the President to be a major disaster for purposes of the Disaster Relief Act of 1974. Section 4 of Pub. L. 94–331 and Section 2125 of Pub. L. 94–455, which amend Section 1612(a)(2)(A) of the Social Security Act, provide that any individual (and eligible spouse, if any) who ceases to reside in his own household because of a catastrophe declared by the President to be a major disaster, for purposes of the Disaster Relief Act of 1974, will not have his eligibility for supplemental security income benefits denied or the amount of such benefits reduced on account of any support and maintenance received while living in a residential facility, including the household of another person, if such individual begins living there within 30 days after the disaster occurred. Since under Section 4 of Pub. L. 94–331, the support and maintenance received from any source will not be considered as income, the proposed amendments provide that the one-third reduction provision for individuals living in another person's household, currently in Interim Regulations (see § 416.1125(b) at 40 FR 48937), will not apply until the last day of the seventeenth month after the month in which the individual (or individual and eligible spouse) begins to receive such support and maintenance. In accordance with Section 2 of Pub. L. 94–331, the proposed amendments provide that the assistance received pursuant to the Disaster Relief Act of 1974 or other assistance provided pursuant to Federal statutes on account of a catastrophe which is declared to be a major disaster by the President is not countable income. In accordance with the provisions of Sections 2 and 4 of Pub. L. 94–331, the proposed amendments are effective only with respect to major disasters which occur on or after June 1, 1976, and before December 31, 1976.

These amendments to the regulations are being published with interim effectiveness because they are substantive rules which grant exclusions of certain income effective only with respect to major disasters occurring on or after June 1, 1976, and before December 31, 1976, as required by Sections 2 and 4 of Pub. L. 94–331 and Section 2125 of Pub. L. 94–455. Thus, the Notice of Proposed Rule Making is being dispensed with because a delay in implementing these amendments would be impractical, unnecessary, and contrary to the public interest (5 U.S.C. 553(b)(3)(B)).

If there are any questions concerning these regulations, you may contact Henry D. Lerner, Legal Assistant, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594–7336.

Prior to final adoption of these proposed Interim Regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203, by May 16, 1977.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue, SW., Washington, D.C. 20201.

The Interim Regulations are to be issued under the authority contained in Sections 1102, 1612, and 1631 of the Social Security Act, 49 Stat. 647, as amended, 86 Stat. 1468 and 1475; 42 U.S.C. 1302, 1382a and 1383; Secs. 2 and 4 of Pub. L. 94–331, 90 Stat. 781 and 782, and Sec. 2125 of Pub. L. 94–455, 90 Stat. 1920.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program.)

NOTE.—The Social Security Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

Dated: February 16, 1977.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: March 28, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare.

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 416.1126 is added to read as follows:

§ 416.1126 Unearned income; individuals affected by a major disaster.

The reduction in the payment standard for living in the household of another (as defined in § 416.1125) will not apply in the case of an eligible individual (or eligible individual and eligible spouse) who receives support and maintenance while living in a residential facility (including a private household) maintained by another person, because of a catastrophe which is declared by the President of the United States to be a major disaster for purposes of the Disaster Relief Act of 1974, *Provided:*

(a) The individual (or eligible individual and eligible spouse) was residing in a household maintained by such individual (or by the individual and another person) as his (or their) own household at the time of the disaster;

(b) The disaster occurred on or after June 1, 1976, and before December 31, 1976, within the area in which such household was located;

(c) The individual (or eligible individual and eligible spouse) ceased living in his (or their) own household because of such catastrophe and, within 30 days after the catastrophe, began receiving support and maintenance (as defined in § 416.1125(a)) while living in a residential facility (or private home) maintained by another person; and

(d) The period for which support and maintenance is excluded from income begins no earlier than the month in which the individual (or eligible individual and eligible spouse) began receiving the support and maintenance and ends no later than the earlier of the following dates:

(1) The last day of the month in which the individual (or eligible indlvidual and eligible spouse) ceased to receive such support and maintenance; or

(2) The last day of the seventeenth month following the month in which receipt of such support and maintenance began as described in paragraph (c) of this section.

2. Section 416.1145 is amended by adding paragraph (b)(4–a) to read as follows:

§ 416.1145 Exclusion from income; order of application.

* * * * * *

(b) For the purpose of determining countable income in accordance with § 416.1115, the following income shall be excluded after income described in paragraph (a) of this section:

* * * * * *

(4–a) Disaster relief assistance under the provisions of § 416.1156.

* * * * * *

3. Section 416.1156 is added to read as follows:

§ 416.1156 Assistance received on account of major disaster.

Assistance received under the Disaster Relief Act of 1974 (P.L. 93–288) or other assistance provided under a Federal statute because of a catastrophe which occurred on or after June 1, 1976, and before December 31, 1976, and which is declared to be a major disaster by the President of the United States, shall not be considered in determining countable income under § 416.1115.

[FR Doc.77-9825 Filed 3-31-77;8:45 am]

Title 32—National Defense

CHAPTER V—DEPARTMENT OF THE ARMY

PART 581—PERSONNEL REVIEW BOARDS

Army Board for Correction of Military Records; Rules of Procedure

AGENCY: Department of the Army, Board for Correction of Military Records.

ACTION: Final Rule.

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SUMMARY: (i) The rules of procedure governing the Army Board for Correction of Military Records, 32 CFR 581.3 are amended.

(ii) These changes are made in compliance with the Stipulation of Dismissal in the case of *Urban Law Institute, et al. v. Secretary of Defense, et al.*, U.S.D.C., D.C. Civil Action No. 76-0530, dated 31 January 1977.

(iii) These changes require the Correction Board to prepare a statement of grounds for denial in every case in which the complete relief requested is denied; to furnish such statement to applicant and counsel together with any staff advisory opinions considered by the Board, along with any dissenting opinions; the votes of Board Members to be furnished or made available upon request; all decisions of the Board and/or Secretary will be indexed; the indexed decisions of the Board, after deletion of identifying details of the applicant and other individuals, will be made available at a public reading room on the Concourse of the Pentagon Building.

EFFECTIVE DATE: The amended Rules are effective 1 April 1977 and will apply to all applications pending before the ABCMR on such date as well as to new appeals.

ADDRESS: Army Board for Correction of Military Records, Room 1E-517, The Pentagon, Washington, D.C. 20310.

FOR FURTHER INFORMATION CONTACT:

Raymond J. Williams, Executive Secretary, OX 7-4254.

Dated: March 28, 1977.

RAYMOND J. WILLIAMS,
Executive Secretary, Board for Correction of Military Records.

In consideration of the foregoing and for reasons given by authority of 10 U.S.C. 1552, the rules of procedures of the Army Board for Correction of Military Records, 32 CFR Part 581 is amended by revising §§ 581.3(c)(5)(iii); 581.3(f)(1)(i)(c); 581.3(f)(2) and (f)(3)(ii) and by adding new §§ 581.3(c)(5)(iv thru vi); 581.3(f)(3)(ii)(*a*) and (*b*) and 581.3(h)(4) as follows:

§ 581.3 Army Board for Correction of Military Records.

* * * * * *

(c) * * *

(5) * * *

(iii) All requests for further consideration may be initially screened by the staff of the Board to determine whether any evidence or other matter (including, but not limited to, any factual allegations or any arguments why the relief should be granted) has been submitted by the applicant that was not in the record at the time of any prior Board consideration. If such evidence or other matter has been submitted, the request will be forwarded to the Board for a determination in accordance with this paragraph. If no such evidence or other matter has been submitted, the applicant will be informed that his/her request was not considered by the Board because it did not contain any evidence or other matter that was not in the record at the time of any previous Board consideration.

(iv) When an original application or a request for further consideration of a previously denied application is denied without a hearing, the Board's determination shall be made in writing and include a brief statement of the grounds for denial.

(v) The brief statement of the grounds for denial shall include the reasons for the determination that relief should not be granted, including the applicant's claims of constitutional, statutory and/or regulatory violations rejected, together with all essential facts upon which the denial is based, including, if applicable, factors required by regulation to be considered for determination of the character of and reasons for a discharge. Attached to the statement shall be any advisory staff opinions considered by the Board not fully set forth in the statement and any minority opinions. Counsel and applicant will be informed that the name and final vote of Board members will be furnished or made available upon request.

(vi) The brief statement of the grounds for denial, together with all attachments, shall be furnished promptly to applicant and counsel. Classified or privileged material contained in or attached to the statement of grounds for denial may be deleted only if a written statement of the basis for the deletion is provided the applicant and counsel.

* * * * * *

(f) *Action on applications*—(1) *Actions by the Board*—

(i) * * *

(c) Following a hearing, the Board will make written findings, conclusions, and recommendations. The name and final vote of each Board member will be recorded. A majority vote of the members present on any matter before the Board will constitute the action of the Board and will be so recorded.

* * * * * *

(2) *Action by Secretary of Army.* The record of proceedings of the Board, except in cases finalized by the Board under authority delegated in paragraph (f)(1)(v) of this section or those denied the Board without a hearing, will be forwarded to the Secretary of the Army who will direct such action in each case as he determines to be appropriate, which may include the return of the record to the Board for further consideration when deemed necessary. If the Secretary's decision is to deny relief, such decision shall be in writing and, unless he expressly adopts in whole or in part the findings, conclusions and recommendation of the Board, shall include a brief statement of the grounds for denial. See paragraph (c)(5)(v) of this section.

(3) *Staff action.* (i) * * *

(ii) Upon receipt of the record of proceedings after final action by the Secretary of the Army, or by the Board acting under the authority contained in paragraph (f)(1)(v) of this section, the Board will communicate the decision to the applicant and counsel.

(*a*) If the recommendation of the Board was to deny relief or if the final decision of the Secretary or the Board was to deny relief, the following material will be made available to the applicant and counsel:

(*1*) a statement of the findings, conclusions and recommendations made by the Board;

(*2*) any advisory staff opinions considered by the Board or the reviewing authority;

(*3*) the name and final vote of each Board member;

(*4*) any minority reports; and

(*5*) any material prepared by the Secretary of the Army as required in paragraph (f)(2) of this section. To the extent that any of the above material consists of classified or otherwise priviledged matters, deletions may be made only if a written statement of the basis therefore is provided the applicant and counsel.

(*b*) If the final decision was other than to deny relief, the applicant and counsel are entitled, upon request, to receive a copy of the Board's findings, conclusions and recommendations.

* * * * * *

(h) *Miscellaneous.* * * *

(4) *Index of Cases.* Documents sent to each applicant and counsel in accordance with paragraph (c)(5)(v) and (f)(3) of this section, together with the record of the votes of board members and all other statements of findings, conclusions and recommendations made on final determination of an application by the Board or the Secretary of the Army will be indexed and promptly made available for public inspection and copying at a reading room within the Washington, D.C. metropolitan area.

(i) The index prepared shall be in a usable and concise form so as to indicate the grounds for which the Board and/or Secretary granted or denied relief. This index shall be published quarterly and shall be distributed by sale or otherwise. In addition, it shall be available for inspection and distribution at the reading room in the Washington, D.C. area.

(ii) Deletions. To the extent necessary to prevent a clearly unwarranted invasion of personal privacy, identifying details of the applicant and other persons will be deleted from the documents made available for public inspection and copying. Names, addresses, social security numbers and military service numbers must be deleted. Deletions of other information which may result in a clearly unwarranted invasion of personal privacy or which is privileged or classified may be made only if a written statement of the basis for such deletion is made available for public inspection.

[FR Doc.77-9881 Filed 3-31-77;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 232—POSTAL LOSSES AND OFFENSES

Conduct With Regard to Meetings of the Board of Governors

AGENCY: United States Postal Service.

ACTION: Final Rule.

SUMMARY: This notice announces the amendment of Postal Service regulations to establish rules of conduct with regard to meetings of the Board of Governors of the Postal Service. Opening meetings of the Board to public observation under the Government in the Sunshine Act makes it necessary to establish rules governing decorum at Board meetings, as well as penalties for persons who violate those rules.

DATES: Effective date: April 1, 1977.

ADDRESSES: Secretary of the Board of Governors, U.S. Postal Service, Room 9150, 475 L'Enfant Plaza West, S.W., Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT:

James French, (202) 245-4601.

SUPPLEMENTAL INFORMATION: On February 23, 1977, the Postal Service published for public comment in the FEDERAL REGISTER (42 FR 10699) a notice of proposed rulemaking adding a new paragraph (n) to 39 CFR 232.6 which would specifically prohibit certain types of conduct with regard to meetings of the Postal Service Board of Governors. Members of the public were invited to submit comments concerning the proposed regulation.

Subsequent to publication of this proposed rule, the Postal Service reconsidered the matter of electronic recording by the public during Board meetings and concluded that it was unnecessary and impracticable to forbid members of the public to record or photograph portions of meetings of the Board which are open to public observation. Accordingly, paragraph (n)(1) was revised to permit members of the public to record or photograph meetings as long as that action does not impede or disturb the Board or individuals attending a meeting. The one comment from the public also suggested this amendment.

In view of the considerations discussed, the Postal Service hereby adopts, as amended, the following amendment to title 39, Code of Federal Regulations, effective April 1, 1977:

In 39 CFR 232.6, redesignate paragraphs (n) and (o) as "o" and "(p)" respectively, and insert new paragraph (n) as follows:

§ 232.6 Conduct on postal property.

* * * * * *

(n) *Conduct with regard to meetings of the Board of Governors.* (1) Without the permission of the chairman no person may participate in, film, televise, or broadcast any portion of any meeting of the Board or any subdivision or committee of the Board. Any person may electronically record or photograph a meeting, as long as that action does not tend to impede or disturb the members of the Board in the performance of their duties, or members of the public while attempting to attend or observe a meeting.

(2) Disorderly conduct, or conduct which creates loud or unusual noise, obstructs the ordinary use of entrances, foyers, corridors, offices, meeting rooms, elevators, stairways, or parking lots, or otherwise tends to impede or disturb the members of the Board in the performance of their duties, or members of the public while attempting to attend or observe a meeting of the Board or of any subdivision, or committee of the Board, is prohibited.

(3) Any person who violates paragraph (n)(1) or (2) of this section may, in addition to being subject to the penalties prescribed in paragraph (o) of this section, be removed from and barred from reentering postal property during the meeting with respect to which the violation occurred.

(4) A copy of the rules of this section governing conduct on postal property, including the rules of this paragraph appropriately highlighted, shall be posted in prominent locations at the public entrances to postal property and outside the meeting room at any meeting of the Board of Governors or of any subdivision or committee of the Board.

* * * * * *

(39 U.S.C. 401; 40 U.S.C. 318, 318a, 318b, 318c.)

LOUIS A. COX,
General Counsel.

[FR Doc.77-9751 Filed 3-31-77;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[OPP-260026; FRL 707-2]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Update and Editorial Amendments

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rulemaking document changes the title of a section heading and editorially revises a current regulation.

EFFECTIVE DATE: April 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Jan D. Wine, Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460 (202/755-4854).

SUPPLEMENTARY INFORMATION: As announced on October 27, 1976 (41 FR 47076), the EPA is reformatting the pesticide tolerance regulations contained in 40 CFR Part 180. The current narrative paragraphs are being put into alphabetized columar listings for the purpose of providing orderly development of and/or amendments to the regulations, furnishing ample room for expansion in the years ahead, and providing the public and affected parties with regulations that are easier to read. In addition to editorial revisions, certain sections are being amended by substituting acceptable common names for antiquated and unacceptable pesticide chemical names where appropriate, and the regulations are being updated and corrected where necessary.

Section 180.328 is being amended at this time. The chemical name used in the section title and the body of the regulation is being revised to reflect the most universally acceptable name (i.e., formerly (2-*a*-Haphthoxy)-*N*,*N*-diethylpropionamide, now, N,N-Diethyl-2-(1-naphthalenyloxy) propionamide). The safety of the negligible residues in the current regulation has been demonstrated in 90-day dog and rat feeding studies. Since the current tolerances are not supported by long-term data, the negligible residue designators cannot be removed at this time.

Since these changes are nonsubstantive in nature and merely reflect the corrected and updated record, notice and public rulemaking procedures pursuant to the Administrative Procedure Act [5 U.S.C. 553(b)(B)] are not prerequisite to the promulgation of this regulation. Therefore, effective on April 1, 1977, 40 CFR 180.328 is amended by revising the section in its entirety to read as set forth below.

Dated: March 25, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

§ 180.328 N,N - Diethyl-2-(1-naphthalenyloxy)-propionamide; tolerances for residues.

Tolerances are established for negligible residues (N) of the herbicide N,N-Diethyl-2-(1-naphthalenyloxy) propionamide in or on the following raw agricultural commodities:

Commodity:	Parts per million
Almonds, hulls	0.1 (N)
Figs	0.1 (N)
Fruits, citrus	0.1 (N)
Fruits, pome	0.1 (N)
Fruits, small	0.1 (N)
Fruits, stone	0.1 (N)
Nuts	0.1 (N)
Vegetables, fruiting	0.1 (N)

* * * * * *

[FR Doc.77-9683 Filed 3-31-77;8:45 am]

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 707-4]

PART 415—INORGANIC CHEMICALS MANUFACTURING POINT SOURCE CATEGORY

Specialized Definitions; Suspension

On Tuesday, November 23, 1976, regulations were published in the FEDERAL REGISTER establishing interim final specialized definitions for the Inorganic Chemicals Manufacturing Point Source

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Category (41 FR 51598). These regulations were published in partial response to a remand of certain of the regulations applicable to the Category in *DuPont* v. *Train*, 541 F. 2d 1018 (4th Cir. 1976); aff'd in part, rev'd in part, *DuPont* v. *Train*, — U.S. —, No. 75–978 (February 23, 1977).

The specialized definitions promulgated by the Agency were to be applicable to the 11 subcategories remanded by the Court. However, EPA has not completed its review of technical and other material necessary to promulgate revised effluent limitations for those subcategories. Accordingly, commenters have recommended that EPA not make the specialized definitions effective until effluent limitations can be promulgated along with them. In that way, the definitions can be evaluated in the context of the substantive regulations to which they pertain. Several commenters have filed a petition for review of the definitions in the United States Court of Appeals for the Fourth Circuit. *DuPont, et al.* v. *Quarles*, No. 77–1206.

EPA agrees with these commenters. The Agency will proceed as quickly as practicable to gather the information necessary to promulgate revised regulations for the remanded subcategories. Until such promulgation, however, the specialized definitions should be suspended.

In consideration of the foregoing, 40 CFR Part 415 is hereby amended as set forth below.

Date: March 24, 1977.

DOUGLAS M. COSTLE,
Administrator.

Subpart F—Chlorine and Sodium or Potassium Hydroxide Production Subcategory

§ 415.61 [Amended]

1. In § 415.61, paragraphs (e), (f), (g), and (h) are suspended.

Subpart G—Hydrochloric Acid Production Subcategory

§ 415.71 [Amended]

2. In § 415.71 paragraphs (b), (c), (d), and (e) are suspended.

Subpart H—Hydrofluoric Acid Production Subcategory

§ 415.81 [Amended]

3. In § 415.81, paragraphs (b), (c), (d), and (e) are suspended.

Subpart I—Hydrogen Peroxide Production Subcategory

§ 415.91 [Amended]

4. In § 415.91, paragraphs (d), (e), (f), and (g) are suspended.

Subpart J—Nitric Acid Production Subcategory

§ 415.101 [Amended]

5. In § 415.101, paragraphs (b), (c), (d), and (e) are suspended.

Subpart O—Sodium Carbonate Production Subcategory

§ 415.151 [Amended]

6. In § 415.151, paragraphs (c), (d), (e), and (f) are suspended.

Subpart Q—Sodium Dichromate and Sodium Sulfate Production Subcategory

§ 415.171 [Amended]

7. In § 415.171, paragraphs (e), (f), (g), and (h) are suspended.

Subpart R—Sodium Metal Production Subcategory

§ 415.18 [Amended]

8. In § 415.181, paragraphs (c), (d), (e), and (f) are suspended.

Subpart S—Sodium Silicate Production Subcategory

§ 415.191 [Amended]

9. In § 415.191, paragraphs (c), (d), (e), and (f) are suspended.

Subpart U—Sulfuric Acid Production Subcategory

§ 415.211 [Amended]

10. In § 415.211, paragraphs (b), (c), (d), and (e) are suspended.

Subpart V—Titanium Dioxide Production Subcategory

§ 415.221 [Amended]

11. In § 415.221, paragraphs (d), (e), (f), and (g) are suspended.

[FR Doc.77–9684 Filed 3–31–77;8:45 am]

[FRL 708–1]

PART 421—NONFERROUS METALS MANUFACTURING POINT SOURCE CATEGORY

Extension of Comment Period and Notice of Availability

On December 15, 1976 the Environmental Protection Agency published a notice of interim final rulemaking (41 FR 54850) establishing pretreatment standards for existing sources for the nonferrous metals manufacturing point source category, based upon use of best practicable pretreatment technology. The due date for comments provided in the notice was February 14, 1977.

The Agency anticipated that the documents entitled "Supplemental for Pretreatment to the Development Document for the Secondary Aluminum Segment of the Nonferrous Metals Manufacturing Point Source Category," and "Supplemental for Pretreatment to the Development Document for the Secondary Copper Segment of the Nonferrous Metals Manufacturing Point Source Category," which contain information on the analysis undertaken in support of the regulation would be available to the public throughout the comment period. Production difficulties delayed the availability of these documents. Copies of the documents are now available and have been forwarded to those persons having submitted written requests to the Environmental Protection Agency. A limited number of additional copies are available for distribution from the Environmental Protection Agency, Effluent Guidelines Division, Washington, D.C. 20460, Attention: Distribution Officer, WH–552.

Accordingly, the date for submission of comments is hereby extended to May 31, 1977.

Dated: March 22, 1977.

ANDREW W. BREIDENBACH,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.77–9833 Filed 3–31–77;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 103—RESEARCH AND TRAINING, EXEMPLARY AND CURRICULUM DEVELOPMENT PROGRAMS IN VOCATIONAL EDUCATION

Vocational Education Research; Additional Criteria

On November 30, 1976, a notice of proposed rulemaking was published in the FEDERAL REGISTER at 41 FR 52540–52543 which set forth additional criteria for the selection of applicants for fiscal year 1977 under Part C of the Vocational Education Act, as amended, 20 U.S.C. 1231(a). The additional criteria were set forth in a revision of Appendix B to Part 103. The General Provisions Regulations (45 CFR Part 100a), published in the FEDERAL REGISTER on November 6, 1973 at 38 FR 30654 and effective December 6, 1973, are also applicable to these grants.

Interested persons were given 45 days after November 30, 1976 to submit comments, suggestions, or objections to the proposed criteria. One letter was received during the 45 day comment period.

COMMENT

The commenter suggested inclusion of specific statements into each of the eight proposed priority areas regarding the concern for girls and women, and sex-bias and sex-role stereotyping. Also, the commenter suggested that signed assurances of compliance should be required under Titles VI and IX of the Department of Health, Education, and Welfare regulations.

RESPONSE

No change is made regarding the recommendation that additional specific phrases relating to girls and women and elimination of sex-bias and sex-role stereotyping be added to each of the eight proposed priority areas for the following reasons. First, one of the eight priority areas is concerned directly with sex-bias and sex-role stereotyping. Second, the proposed regulations indicate that applications in each of the eight priority areas must effectively demonstrate plans to eliminate sex-bias in all aspects of the proposed work. Third, the application Review Criteria include a weighted criterion which is concerned with sex-bias and sex-role stereotyping. Fourth, each proposed priority area contained a statement indicating that the specific topics listed under each priority area were only examples of the type of activities that might be addressed by applicants; an applicant has the prerogative of proposing projects that are concerned with reducing sex-bias and sex-role stereotyping within each of the proposed priority areas. Consequently, it would be redundant to incorporate such statements into each of the eight proposed priority areas. The application package for the Vocational Education Research Program contains an assurance form which must be completed by each applicant under the regulations of Title VI of the Civil Rights Act of 1964. However, the Department of Health, Education, and Welfare did not have the assurance of compliance forms available for Title IX at the time that the Vocational Education Research program application package was approved by the Office of Management and Budget. While all applicants will not be asked to sign the Title IX form, successful applicants will be required to sign the Title IX form as part of the negotiation of award process.

For further information, contact Dr. Glenn C. Boerrigter, Bureau of Occupational and Adult Education, Division of Research and Demonstration, Room 5018, Regional Office Building No. 3, 7th and D Streets, SW., Washington, D.C. 20202 (202–245–2467).

EFFECTIVE DATE

Pursuant to section 431(d) of the General Education Provisions Act, as amended, (20 U.S.C. 1232(d)) these regulations have been transmitted to Congress concurrently with the publication in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

NOTE.—The Office of Education has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

(Catalog of Federal Domestic Assistance No. 13.498; Vocational Education Research.)

Dated: February 17, 1977.

WILLIAM F. PIERCE,
Acting U.S. Commissioner of Education.

Approved: March 28, 1977.

JOSEPH A. CALIFANO, Jr.
Secretary of Health, Education, and Welfare.

APPENDIX B—RESEARCH PROJECTS IN VOCATIONAL EDUCATION ADDITIONAL CRITERIA FOR THE FISCAL YEAR 1977

In awarding grants in fiscal year 1977 from funds available under section 131(a) of Part C of the Vocational Education Act, the Commissioner of Education will give consideration to applications concerned with the substance of vocational education as defined in the Act which rank high on the basis of the criteria in 45 CFR 100a.26(a), with priority consideration to those applications which propose research, development, and dissemination projects in the priorities described below.

Each priority area is considered of equal importance irrespective of its place in the following list. The Commissioner of Education may give consideration to projects of national, regional, or interstate significance in the following priority areas.

The Commissioner of Education is interested in disseminating the results of projects that show effectiveness after being rigorously conducted and tested in controlled settings. Applications should include a plan for wide dissemination of proposed project results, products or outcomes. Provisions should be made for effective dissemination of the results, products, and outcomes during the proposed project duration.

In those instances where the results, products, or outcomes cannot be disseminated during the life of the proposed project, the project results, products, and outcomes should be prepared in a format that is conducive to wide dissemination. This format should include data regarding the validity and reliability of the results, products or outcomes.

Applications in each of the following eight priority areas must effectively demonstrate plants to eliminate sex bias in all aspects of the proposed work.

(a) *Equal access and opportunities.* Equal access and opportunity in vocational education should be provided for all youth and adults who have a need or desire for such education. Strategies and programs that facilitate equal access and opportunity need to be developed or improved and barriers which retard equal access and opportunity.

The Commissioner of Education is interested in supporting applied studies and development projects that document the effectiveness of the results, products or outcomes of the projects. Equal access and opportunities for vocational education is especially important for persons of limited English speaking ability, the disadvantaged, the handicapped, and minority populations in rural and urban areas. The items listed below are examples of activities that may be addressed by applicants.

(1) Identify, describe, and evaluate existing strategies, or design, develop, and test new strategies for increasing equal access and opportunities for students seeking vocational education programs, and

(2) Identify, describe, and evaluate existing strategies, or design, develop, and test new strategies both within and outside of educational institutions that will attract groups that have not previously sought vocational education opportunities.

(b) *Sex role stereotyping and sex bias.* Continuing inequities, public concern, and national legislation have emphasized the need to eliminate sex role stereotyping and sex bias in vocational education at the secondary, postsecondary and adult education levels. Strategies and programs that facilitate the elimination of sex role stereotyping and sex bias in vocational education need to be developed or improved, and a better understanding of the barriers and constraints which retard the elimination of sex role stereotyping and sex bias in vocational education is needed.

The Commissioner of Education is interested in supporting applied studies and development projects that document the effectiveness of the results, products, or outcomes of the projects. The items listed below are examples of activities that may be addressed by applicants.

(1) Identify, describe, and evaluate existing elements of vocational education programs and their related services that facilitate the elimination of sex role stereotyping and sex bias in these programs.

(2) Identify, describe, and evaluate existing instruments or design, develop, and test new instruments that can be used by teachers in identifying sex bias and sex role stereotyping in curriculum and instructional materials, and

(3) Identify, describe, and evaluate existing strategies, or design, develop, and test new strategies that facilitate the reentry of persons, especially women; into vocational education programs.

(c) *Education and work programs.* Education and work programs are being more widely utilized across the nation to facilitate the transition of learners to the world of work. Those who are designing, developing and installing education and work programs need more information, options, and tested strategies in order to better utilize and coordinate the resources of business, labor, industry, education, and government.

The Commissioner of Education is interested in supporting applied studies and development projects that document the effectiveness of the results, products, or outcomes of the projects. The items listed below are examples of activities that may be addressed by applicants.

(1) Identify, describe, and evaluate existing education and work programs, or design, develop, and test new education and work programs,

(2) Identify, describe, and analyze the barriers to student observation of occupations that are included as hazardous occupations under the Child Labor provisions of the Fair Labor Standards Act in existing education and work programs, or design, develop, and test new strategies for students 14–18 years of age to observe these hazardous occupations in education and work programs.

(3) Identify and describe the skill and knowledge requirements for coordinators of non-paid education and work programs, and design, develop, and test preservice and in-service training materials for use in training the coordinators for these programs, and

(4) Identify, describe, and evaluate the assumptions and benefits of education and work programs to the sectors that are involved in these programs.

(d) *Adult and postsecondary vocational education.* Adult and postsecondary vocational education programs have been increasing in size and scope. There is need to improve these programs and to better serve the vocational needs of adults.

The Commissioner of Education is interested in supporting applied projects that document the effectiveness of the results, products or outcomes of the projects. The items listed below are examples of activities that may be addressed by applicants.

(1) Identify, describe, and evaluate existing competency based vocational training materials for adults in occupational areas where there is significant labor demand, or develop and test new training materials that are competency based, intensive, and of short duration,

(2) Identify, describe, and evaluate existing vocational education programs that are coordinated with the adult performance level competency based approach, or develop and test new vocational education programs that utilize the adult performance level competency based approach,

(3) Identify, describe, and evaluate existing vocational education programs that are designed to help under educated adults who desire mid-career occupational changes, or develop and test new programs that are designed to help under educated adults with mid-career occupational changes,

(4) Identify, describe, and evaluate existing methods of linking vocational education at the post-secondary level with CETA programs, business, industry, labor, and adult education, or develop and test new vocational education programs that link voca-

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tional education at the post-secondary level with CETA programs, business, industry, labor, and adult education programs, and

(5) Identify, describe, and evaluate existing curriculums concerned with environmental quality and energy conservation, or develop new competency based curriculum and instructional materials for use in post-secondary vocational and education programs that are concerned with environmental quality and energy conservation.

(e) *Curriculum management and instructional materials.* Curriculum management and instructional materials are an especially important component of vocational education. A better understanding of curriculum management, the use of instructional materials, and methods of developing instructional materials is needed.

The Commissioner of Education is interested in supporting applied studies and development projects that document the effectiveness of the results, products or outcomes of the projects. The items listed below are examples of activities that may be addressed by applicants.

(1) Identify, describe, and evaluate existing methods of utilizing teacher and other professional input into the planning, development, and testing of curriculum and instructional materials, or develop and test new strategies for utilizing teacher and other professional inputs into planning, developing, and testing curriculum and instructional materials,

(2) Identify, describe, and evaluate existing methods of teacher selection of instructional materials or develop and test new methods of teacher selection of instructional materials,

(3) Identify, describe, and evaluate existing standards for developing curriculum and instructional materials or design, develop, and test new standards for developing quality curriculum and instructional materials,

(4) Identify, describe, and evaluate existing strategies for developing and testing curriculum and instructional materials on a cost effective basis, or design, develop and test new strategies for developing and testing curriculum and instructional materials on a cost effective basis, and

(5) Identify, describe, and evaluate existing curriculum management practices at the State and local levels, or design, develop, and test new curriculum management practices at the State and local levels.

(f) *Personnel development for vocational education.* While there is a surplus of educational personnel in the nation, vocational education continues to have shortages of trained personnel in many occupational areas. Strategies are needed to improve the competencies and increase the numbers of available vocational education teachers.

The Commissioner of Education is interested in supporting applied studies and development projects that document the effectiveness of the results, products, or outcomes of the projects. The items listed below are examples of activities that may be addressed by applicants.

(1) Identify, describe, and evaluate existing strategies for recruiting, selecting, and training non-vocational teachers in occupational areas where teacher shortages exist, or design, develop and test new strategies for recruiting, selecting and training non-vocational teachers for occupational areas where teacher shortages exist,

(2) Identify, describe, and evaluate existing strategies for recruiting, selecting, and training vocational education teachers from occupational areas where a surplus of teachers exists for occupational areas where teachers shortages exist, or design, develop, and test new strategies for recruiting, selecting and training such teachers,

(3) Identify, describe, and evaluate existing instruments that measure the effectiveness of preservice field experiences for vocational teachers at the secondary or postsecondary levels, or design, develop and test new instruments for measuring the effectiveness of preservice education field experience for vocational teachers at the secondary or post-secondary levels, and

(4) Identify, describe, and evaluate existing preservice vocational teacher education and training programs in terms of teacher needs in contrast to the training being received, or design, develop, and test new preservice teacher training programs that meet current teacher needs.

(g) *Comprehensive systems of guidance, counseling, placement, and follow-through.* Comprehensive systems of guidance, counseling, placement, and follow-through, are needed to meet career development, vocational education and employment needs of students, out-of-school youth, and adults. Further refinements, development, and evaluation are needed to improve comprehensive systems of guidance, counseling, placement, and follow-through services for vocational education.

The Commissioner of Education is interested in supporting applied studies and development projects that document the effectiveness of the results, products, or outcomes of the projects. The items listed below are examples of activities that may be addressed by applicants.

(1) Identify, describe, and evaluate existing community based, guidance, counseling, placement, and follow-through centers that augment existing guidance, counseling, placement, and follow-through services in vocational programs at the secondary and postsecondary levels, or design, develop, and test the educational specifications for community based guidance, counseling, placement, and follow-through centers that provide services to out-of-school youth and adults as a means of augmenting existing school based services. The design and specification should include staff qualifications, center operations, numbers to be served, assumptions for such centers, coordination and utilization of community resources, and projected cost for both developing and operating such centers,

(2) Identify, describe, and evaluate existing methods and models for upgrading on a continuous basis the required knowledge and competencies of those who participate in the conceptualization, planning, implementation, conduct, and evaluation of comprehensive systems of guidance, counseling, placement, and follow-through activities, or develop and test new methods and models for upgrading on a continuous basis the required knowledge and competencies of those who participate in the conceptualization, planning, implementation, conduct, and evaluation of comprehensive systems of guidance, counseling, placement and follow-through activities. The models should include relationships to differentiated staff utilization and certification standards.

(3) Identify, describe, and evaluate existing standards, criteria, procedures, and instruments for evaluating the effectiveness of comprehensive systems of guidance, counseling, placement and follow-through, or develop and test new standards, criteria, procedures, and instruments for evaluating the effectiveness of comprehensive systems of guidance, counseling, placement and follow-through, and

(4) Identify, describe, and evaluate existing State and local planning models for comprehensive systems of guidance, counseling, placement, and follow-through which foster their inclusion and implementation in broad plans for elementary, secondary, post-secondary, and adult levels, or develop and test new State and local planning models for comprehensive systems of guidance, counseling, placement and follow-through services.

(h) *Administration of vocational education at the State and local levels.* Administrators of vocational education at the State and local levels are confronted with increasingly complex issues. There is a need to improve preservice and inservice training for these administrators and to develop better administrative tools for their use.

The Commissioner of Education is interested in supporting applied studies and development projects that document the effectiveness of the results, products or outcomes of the projects. The items listed below are examples of activities that may be addressed by applicants.

(1) Identify, describe, and evaluate existing inservice or preservice training programs that are designed to improve the administrative competencies for those persons who use management information systems for decision making, policy analyses, and planning purposes.

(2) Identify, describe, and evaluate existing inservice or preservice training programs that are designed to improve the competencies of administrators to work more effectively with the vocational needs of members of minority groups, females, persons in correctional systems, and persons of limited English speaking ability, or develop and test new inservice and preservice training programs that are competency oriented and are designed to improve the administrators' skills in working more effectively with the vocational needs of members of minority groups, females, persons in correctional institutions, and persons with limited English speaking ability, and

(3) Identify, describe and evaluate existing needs assessment instruments and procedures for use by State or local vocational education administrators, or design, develop, and test new needs assessment instruments and procedures for use by State or local vocational education administrators.

APPLICATION REVIEW CRITEREA

The following criteria will be utilized in reviewing formally transmitted applications. These criteria are consistent with § 100a.26, review of Applications, in the Office of Education General Provisions for Programs, published in the FEDERAL REGISTER on November 6, 1973. A segment or segments of an application should address each criterion. Each criterion is weighted and includes the maximum score that can be given to an application in relation to the criterion. The maximum score for the criteria total 100 points and the maximum weight for each criterion is listed below.

Applications that receive less than 40 points will not be funded. Applications that do not addrss the previously described priority areas are eligible for consideration in this competition, if the substance of the application is within the definition of the Vocational Education Act of 1963, as amended.

1. *Priority area.* (Maximum 10 points)

The application is adequately focused on the need of the priority area as announced in the FEDERAL REGISTER and the application further delineates the priority area or component of a priority area.

2. *Literature review.* (Maximum 6 points)

The literature review is sufficiently comprehensive to:

(a) Establish the basis for the problem;

(b) Describe the problem in contrast to the symptoms of the problem;

(c) Provide a strong conceptual framework for the proposed objectives and proposed plan, including the general design and specific procedures of the proposed plan, along with the management, evaluation, dissemination, and training procedures (when appropriate); and

(d) Describe what has been done previously to alleviate the problem and point out the gaps that will be alleviated by this specific proposed work.

3. *Need and problem.* (Maximum 10 points)

The need and problem section follows the literature review and clearly:

(a) Describes the need in vocational education for the proposed project;

(b) Provides specific evidence of the need;

(c) Indicates specifically who or what will be helped;

(d) Describes the problem rather than symptoms of the problem; and

(e) Describes, where appropriate, ongoing and planned activities in the community relative to the need and problem.

4. *Objectives.* (Maximum 5 points)

The objectives flow from the description of the problem and are:

(a) Significant for vocational education;

(b) Clearly describe proposed project outcomes;

(c) Capable of being attained; and

(d) Measurable.

5. *Plan.* (Maximum 20 points)

The plan clearly describes how the objectives will be accomplished by:

(a) The overall design for the proposed project;

(b) The specific procedures of each segment of the design in terms of how each objective will be undertaken and accomplished. Normally, the plan will include:

(1) Precise definition of terms;

(2) Description of the characteristics and number of subjects;

(3) Sampling procedures and control groups;

(4) Instrumentation; and

(5) Statistical and analytical procedures.

6. *Management plan.* (Maximum 8 points)

The management plan adequately describes how and when personnel and resources will be utilized to accomplish each objective, the overall design, and each major procedure.

7. *Evaluation plan.* (Maximum 10 points)

The plan includes valid instruments and rigorous procedures for assessing and documenting the impact of project results and end products or outcomes in terms of the achievement of project goals and objectives.

8. *Results, end products, outcomes and dissemination.* (Maximum 10 points)

The application clearly describes:

(a) What will be delivered to the government;

(b) The format in which the results, products, or outcomes will be delivered to the government;

(c) The format in which results, products, or outcomes will be developed or provided for transportability purpoees to specified user populations, and

(d) The procedures for the dissemination of the results, end products or outcomes at the local, State, and/or National levels.

9. *Applicant's staff competencies and experience.* (Maximum 8 points)

The application clearly describes:

(a) The name and qualification (including project management qualifications) of the project director, key professional staff, advisory groups, and any consultants;

(b) Time commitments planned for the project by the project director, key staff, advisory groups, and any consultants.

(c) Evidence of past and successful experience of the proposed project director and key staff members in similar or related projects.

(d) The competencies that are required for the proposed project;

(e) Evidence that the proposed project director was instrumental in preparing the application; and

(f) Evidence of commitment to employment opportunities under Title IX of the Education Amendments of 1972.

10. *Budget and cost-effectiveness.* (Maximum 4 points)

The application provides a justifiable and itemized statement of cost which is substantiated by line items in the proposed budget and appears to be cost-effective with respect to proposed results, products, or outcomes.

11. *Institutional capability and commitment.* (Maximum 4 points)

The application provides adequate evidence of:

(a) Institutional experience and commitment to the proposed work:

(b) Provides appropriate facilities and equipment; and

(c) Provides documented assurance of support from cooperating agencies, local educational agencies or postsecondary institutions, business, industry and labor. If these are necessary for successful implementation of the project.

12. *Sex bias and sex role stereotyping.* (Maximum 5 points)

The application provides appropriate plans to eliminate sex bias and sex role stereotyping in the:

(a) Proposed plans;

(b) Proposed management plan; and

(c) Proposed results, end products, outcomes, and dissemination.

The criteria listed in this section shall be the only criteria that the Commissioner, the Commissioner's staff, or any other Federal or non-Federal reviewer may utilize in reviewing applications with the exceptions noted below. In addition to the criteria listed above, the U.S. Commissioner of Education and his staff may utilize the following criteria in making decisions regarding whether or not to fund officially transmitted applications. These criteria are not weighed since they are part of administrative decisions that may have to be utilized in exceptional instances in the administration of discretionary grant programs. These criteria are listed below:

1. Duplication of effort.

2. Duplication of funding.

3. Evidence that an applicant has not performed satisfactorily in previous years.

4. Cost sharing is required by all applicants.

5. State board approval is required for applications from local educational agencies.

6. Application has been sent to the State director of vocational education.

7. Signed assurance of compliance with the Department of Health, Education, and Welfare regulation under Title VI, and

8. Signed protection of Human Subject Certification Form Number HEW 596.

[FR Doc.77-9616 Filed 3-31-77;8:45 am]

CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

PART 1050—UNIFORM FEDERAL STANDARDS

NOTE.—On January 17, 1977 (42 FR 3272), CSA published in the FEDERAL REGISTER interim regulations implementing eleven of the fifteen Uniform Federal Standards promulgated by OMB Circular A-110 and by FMC 74-7. The final text of these eleven standards, which become effective April 1, 1977, was filed with the Office of the Federal Register on March 30, 1977, and will be published as Part III in the FEDERAL REGISTER on Monday, April 4, 1977.

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Service Order No. 1241; Amdt No. 2]

PART 1033—CAR SERVICE

Chicago and North Western Transportation Co. Authorized to Operate Over Tracks Formerly Operated by South Omaha Terminal Railway Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 28th day of March, 1977.

Upon further consideration of Service Order No. 1241 (41 FR 17394 and 43723), and good cause appearing therefor:

It is ordered, That: § 1033.1241 *Chicago and North Western Transportation Company authorized to operate over tracks formerly operated by South Omaha Terminal Railway,* Service Order No. 1241 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1241 Service Order No. 1241.

(e) Expiration date: The provisions of this order shall expire at 11:59 p.m., September 30, 1977, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., March 31, 1977.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

CHAPTER VI—NATIONAL SCIENCE FOUNDATION

PART 614—GOVERNMENT IN THE SUNSHINE ACT REGULATIONS OF THE NATIONAL SCIENCE BOARD

Correction

In FR Doc. 77-7783 appearing at page 14719 in the issue for Wednesday, March 16, 1977, in § 614.4 on page 14720, the second paragraph should have been designated "(b)".

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By the Commission, Railroad Service Board, members Joel E. Burns, Lewis R. Teeple and John R. Michael.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-9783 Filed 3-31-77;8:45 am]

[Service Order No. 1211; Amdt No. 4]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Company Authorized To Operate Over Tracks of Ashley, Drew & Northern Railway Company

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 28th day of March, 1977.

Upon further consideration of Service Order No. 1211 (40 FR 14765, 45440; 41 FR 13592 and 43723); and good cause appearing therefor:

It is ordered, That: § 1033.1211 Chicago, Rock Island and Pacific Railroad Company authorized to operate over tracks of Ashley, Drew & Northern Railway Company, Service Order No. 1211 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1211 Service Order No. 1211.

* * * * *

(e) Expiration date: The provisions of this order shall expire at 11:59 p.m., October 31, 1977, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., March 31, 1977.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies Secs. 1(10–17), 15 (4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Lewis R. Teeple and John R. Michael.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-9784 Filed 3-31-77;8:45 am]

Service Order No. 1202; Amdt. No. 5]

PART 1033—CAR SERVICE

Missouri-Kansas-Texas Railroad Company Authorized To Operate Over Tracks of the Chicago, Rock Island and Pacific Railroad Company

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 25th day of March, 1977.

Upon further consideration of Service Order No. 1202 (39 FR 40765; 40 FR 14318, 43914; 41 FR 13926 and 43723); and good cause appearing therefor:

It is ordered, That: § 1033.1202 Missouri-Kansas-Texas Railroad Company Authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company, Service Order No. 1202 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

§ 1033.1202 Service Order No. 1202.

* * * * *

(d) Expiration date: The provisions of this order shall expire at 11:59 p.m., October 31, 1977, unless otherwise modified, changed or suspended by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., March 31, 1977.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies Secs. 1(10–17), 15 (4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Lewis R. Teeple and John R. Michael. Member Lewis R. Teeple not participating.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-9785 Filed 3-31-77;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER

SUBCHAPTER A—GENERAL RULES

[Docket No. RM 77-15; Order No. 564]

PART 3—ORGANIZATION; OPERATION; INFORMATION AND REQUESTS

PART 3c—STANDARDS OF CONDUCT

Miscellaneous Amendments; Establishment by Transfer

MARCH 30, 1977.

By this order, the Commission amends its rules to revise, add or delete certain sections concerned with its organization and operation, and to establish a new part concerning standards of conduct previously issued and currently in effect. These actions are taken under authority granted through sections 2 and 309 of the Federal Power Act and section 16 of the Natural Gas Act.

This order is issued as an omnibus rulemaking in order to reflect changes in, and clarify, the Commission's organization, locations, delegations of authority, information and submittal procedures, and methods of operation. Many of the changes in organization and office locations have occurred over a period of years. Revisions to the delegations of authority and general course and methods of operation reflect current practices which are not stated as such in the Commission's rules. In clarifying information and submittal procedures, provisions previously fragmented among several sections have been consolidated into a single, new section.

The Commission's standards of conduct previously were included in Part 3 of its rules. Part 3 was established to carry out the provisions of section 552 of the Administrative Procedure Act (5 U.S.C. 552), under which agencies are required to publish a description of their organization and a statement of the general course and method by which their functions are carried out. Over time, standards of conduct were added to Part 3. In order to restore Part 3 to its original purpose, and at the same time to increase the separate emphasis on standards of conduct, a new part is established for the latter by transferring the relevant provisions from Part 3 to Part 3c.

The Commission finds. (1) The amendments prescribed herein concern rules of agency organization, procedure or practice which do not require notice of hearing under 5 U.S.C. 553.

(2) In view of the purpose, intent and effect of the amendments ordered herein, good cause exists for making them effective upon issuance of this order, and compliance with the effective date provisions of 5 U.S.C. 553 is not required.

(3) It is necessary and appropriate, and in the public interest in administering the Federal Power Act and the Natural Gas Act to adopt the amendments set forth in this order.

The Commission, acting under the provisions of the Federal Power Act, as amended, particularly sections 2 and 309 (41 Stat. 1063; 46 Stat. 798; 49 Stat. 847, 858–859; 63 Stat. 972; 16 U.S.C. 793, 825h), and the provisions of the Natural Gas Act, as amended, particularly section 16 (52 Stat. 830; 15 U.S.C. 717o), orders:

(A) The Title to Part 3, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations, is revised to read as set forth above.

(B) Section 3.3 in Part 3, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations is revised to read as follows:

§ 3.3 Objectives.

The Commission originally was established to license non-Federal hydroelectric power projects. Through subsequent legislation, the Commission's authority has been expanded to include the regulation of electric power and natural gas in interstate commerce, the review of plans for Federal projects affecting electric power, and the approval of rates for the sale of surplus electric energy from certain Government projects.

(C) Section 3.4 in Part 3, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations, is revised to read as follows:

§ 3.4 Organization.

The Commission consists of the five-member Commission, the Chairman, the Executive Director, and the technical and administrative staff.

(a) The Commission. The members of the Commission are appointed by the President to five year terms, by and with the consent of the Senate. The Chairman is designated by the President, and a vice chairman is elected annually by the members of the Commission. Except as noted in paragraph (b) of this section, the Commission is responsible for all plans, programs and actions of the agency. Any three members of the Commission constitute a quorum for the transaction of business.

(b) The Chairman. The Chairman is the chief executive officer of the agency, and is responsible for the conduct of all executive and administrative functions, except those reserved to the Commission under Reorganization Plan No. 9 of 1950 (64 Stat. 1265) (3 CFR, 1949–1953 Comp., p. 1005).

(c) Executive Director. The Executive Director is responsible for the performance of executive and administrative functions delegated by the Chairman, and regulatory functions directed by the Commission.

(d) The Staff. The Commission staff consists of the following bureaus and offices. The organization and responsibilities of each are summarized herein, and are described in greater detail in the FPC Organization and Functions Manual.

(1) The Bureau of Natural Gas, responsible for providing technical staff assistance to the Commission in administering the Natural Gas Act and related Executive Orders, including the sale and transportation of natural gas in interstate commerce, and the operation of pipelines and producers engaged in interstate commerce. The Bureau consists of the Office of the Bureau Chief, the Pipeline Certificate and Curtailment Division, the Pipeline Rates Division, the Producer Division, and the Resource Evaluation and Analysis Division.

(2) The Bureau of Power, responsible for providing technical staff assistance to the Commission in carrying out the Federal Power Act, Water Resources Planning Act, and other statutes and Executive Orders pertaining to the sale and transmission of wholesale electric power in interstate commerce, the construction and operation of hydroelectric projects, water resources planning, the adequacy and reliability of the nation's bulk electric power supply, and investigations relating to electric energy. The Bureau consists of the Office of the Chief, the Rates and Corporate Regulation Division, the River Basins Division, the Power Surveys and Analyses Division, the Licensed Projects Division, the Power Supply and Reliability Division, and regional offices located in Atlanta, Chicago, Fort Worth, New York and San Francisco.

(3) The Office of Chief Accountant, responsible for assuring that jurisdictional natural gas companies, electric utilities and licensees provide the Commission, investors and other interested parties with reliable accounting and related data. The office consists of the Office of the Chief, the Audits Division, and the Systems and Financial Reports Division.

(4) The Office of the General Counsel, responsible for providing legislative liaison and legal services to the Commission, including both representation of the Commission in the courts, before committees of the Congress, in conferences with other Federal and non-Federal agencies, and in various other public forums, and representation of the public interest in investigations by the Commission and in proceedings pending before it.

(5) The Office of the Secretary, responsible for maintenance of official Commission records; receipt, control and distribution of regulatory filings and Commission mail; issuance of formal Commission documents; preparation of Commission meeting agendas and minutes; conduct of the Commission's records management function; and performance of delegated regulatory functions on behalf of the Commission as described in § 3.5. The office consists of the Executive Secretariat; the Agenda and Minutes Division, and the Regulatory Support Services Division.

(6) The Office of Administrative Law Judges, responsible for the conduct of public hearings and disposition of related legal proceedings in assigned regulatory matters pending before the Commission, in accordance with the provisions of sections 556 and 557 of the Administrative Procedure Act and § 1.27 of this chapter.

(7) The Office of Special Assistants to the Commission, responsible for analysis of administrative hearing records and other contested actions before the Commission, as assigned, and for the preparation of related Commission orders.

(8) The Office of Policy Analysis, responsible for providing technical studies and policy analyses of economic and environmental aspects of the Commission's regulatory and policymaking activities. The office consists of the Office of the Chief, the Econometric Analysis Division, the Economic Studies Division, the Reports and Statistical Analysis Division, and the Energy Systems Division.

(9) The Office of Administrative Operations responsible for the performance of administrative support services for the Commission and staff. The office consists of the Office of the Director, the Administrative Services Division, the Drafting Division, the Printing Division, and the Library Services Division.

(10) The Office of the Comptroller, responsible for providing financial and management analysis services to the Commission. The office consists of the Office of the Comptroller, the Management Analysis Division, and the Financial Management Division.

(11) The Office of Public Information, responsible for management of the Commission's public information program and activities.

(12) The Office of Personnel Programs, responsible for management of FPC personnel programs. The Office consists of the Office of the Director, the Personnel Operations Division, and the Employee Relations and Services Division.

(13) The Office of Regulatory Information Systems, responsible for management of the Commission's automated data processing program and the Regulatory Information System (RIS). The office consists of the Office of the Assistant Executive Director (RIS), the Systems Planning and Control Division, the Data Management Division, the Application Systems Development Division, and the Facilities Operation Division.

(D) Subparagraph (2) of paragraph (b), § 3.5 in Part 3, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations, is revised to read as follows:

§ 3.5 Delegations of final authority.

The Commission has authorized:

* * * * *

(b) The Chief Accountant, or in his absence, the Acting Chief, to:

* * * * *

(2) Approve or authorize proposed accounting entries submitted by public utilities, licensees and natural gas companies which require Commission approval under the Uniform Systems of Accounts, and which are consistent with applicable statutory requirements and

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Commission rules, regulations or orders, including the Uniform Systems of Accounts, or reject such entries when inconsistent with the foregoing: *Provided*, That where the proposed accounting entries involve unusually large transactions or unique or controversial features, including the propriety of recognition for ratemaking purposes, the Chief Accountant shall present the same to the Commission for consideration.

* * * * *

(E) Section 3.6 in Part 3, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations, is revised to read as follows:

§ 3.6 Office of the Commission.

(a) Headquarters of the Federal Power Commission are located at 825 North Capitol Street, NE., Washington, D.C. 20426.

(b) Regional offices of the Bureau of Power are located as follows:

(1) New York Regional Office, at 26 Federal Plaza, New York, N.Y. 10013, serving: Connecticut; Delaware; District of Columbia; Maine; Maryland; Massachusetts; New Hampshire; New Jersey; New York; Pennsylvania; Rhode Island; Vermont; and parts of Kentucky, Ohio, Virginia and West Virginia.

(2) Atlanta Regional Office, at 730 Peachtree Building, Atlanta, GA 30308, serving: Alabama; Florida; Georgia; North Carolina; South Carolina; Tennessee; and parts of Kentucky, Mississippi, Virginia and West Virginia.

(3) Chicago Regional Office, at 230 South Dearborn Street, Chicago, IL 60604, serving: Illinois; Indiana; Iowa; Michigan; Minnesota; North Dakota; Wisconsin; and parts of Kansas, Missouri, Montana, Nebraska, Ohio, South Dakota and Wyoming.

(4) Fort Worth Regional Office, at 819 Taylor Street, Fort Worth, TX 76102, serving: Arkansas; Colorado; Louisiana; Oklahoma; Texas; and parts of Kansas, Mississippi, Missouri, Nebraska, New Mexico, South Dakota and Wyoming.

(5) San Francisco Regional Office, at 555 Battery Street, San Francisco, CA 94111, serving: Alaska; Arizona; California; Hawaii; Idaho; Nevada; Oregon; Utah; Washington; and parts of Montana, New Mexico and Wyoming.

(F) Subpart A of Part 3, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations is amended by adding immediately following § "3.7 Commission organization and operating during emergency conditions" a new § 3.8 to read as follows:

§ 3.8 Public information and submittals.

(a) Information concerning matters for which the Commission is responsible may be obtained in person at the headquarters office of the Commission and, to the extent available, at regional offices of the Bureau of Power. A public reference room is maintained in the Office of Public Information at Commission headquarters where assistance and reproduction facilities are available. More limited public facilities are maintained at the regional offices. Information also may be obtained by written request. All formal requests, filings and submittals should be addressed to the Federal Power Commission, Washington, D.C. 20426, except prescribed Power System Statements and Licensed Project Recreation Reports. The latter are to be submitted to regional offices of the Bureau of Power.

(b) The public may examine copies of public information filed with the Commission at its Office of Public Information during regular business hours (See § 1.1(b)). The Commission lets a competitive contract each year for the search and duplication of public documents, and a schedule of fees for such services is prescribed annually. Any person may obtain a copy of the schedule of fees in person, by telephone or by mail from the Office of Public Information. Copies of transcripts, electronic recordings, or minutes of Commission meetings closed to public observation containing material non-exempt pursuant to § 1.3a of this chapter are available to the public at the actual cost of duplication or transcription. Where practical, copies of documents also may be made on self-service duplicating machines located in the Office of Public Information. Copies of data extracted from the Commission's magnetic tape computer files are available on a reimbursable basis, upon written request to the Office of Public Information. The fee varies with the size and complexity of the request. Where the Secretary determines that a waiver or reduction of fees is in the public interest, copies of documents may be furnished without charge or at a reduced fee. Except for requests from Government agencies, certification of copies of official Commission records shall be accompanied by a fee of $2.00 per document. Inquiries and orders may be made to the Office of the Secretary in person, by telephone or by mail.

(c) Stenographic reports of Commission hearings are made by a private contractor. Interested persons may obtain copies of public hearing transcripts from the contractor at prices set in the contract, or through the search and duplication service noted in paragraph (b) of this section. Copies of the contract are available for public inspection in the Office of Public Information.

(d) The Commission's opinions, decisions, orders and rulemakings are distributed in mimeograph form immediately following Commission action, and are available in the Office of Public Information or, upon request, by mail. Opinions, decisions, rules and regulations, and selected orders subsequently are bound and published as "Federal Power Commission Reports," and are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(e) A "List of Formal Documents" issued by the Commission is published daily and available in the Office of Public Information. A current subject index of major Commission actions since July 4, 1967, also is maintained in the Office of Public Information and is available for public inspection and copying (See § 1.36(e)).

(f) The Commission publishes an annual report to the Congress in which the Commission's operations during the past fiscal year are described. Copies may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(g) The Commission publishes a number of reports, decisions, maps, statistics and other information on the electric power and natural gas industries. These publications are available, in person or by mail from the Office of Public Information, or from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(h) The Commission staff provides informal advice and assistance to the general public and to prospective applicants for licenses, certificates and other Commission authorizations. Opinions expressed by the staff do not represent the official views of the Commission, but are designed to aid the public and facilitate the accomplishment of the Commission's functions. Inquiries may be directed to the chief of the appropriate bureau, office or division described in § 3.4(d).

(i) The Commission issues news releases under the authority of sections 4(d), 307, 311, and 312 of the Federal Power Act and section 14(a) of the Natural Gas Act. Releases are issued on major applications, decisions, opinions, orders, rulemakings, new publications, major personnel changes, and other matters of general public interest. Releases are issued by and available from the Office of Public Information.

(j) Press, television, radio and photographic coverage of Commission proceedings is permitted as follows: (1) Press tables are located in each hearing room, and all sessions of hearings are open to the press, subject to standards of conduct applicable to all others present; (2) television, movie and still cameras and recording equipment are permitted in hearing rooms prior to the opening of a hearing or arguments, and during recesses, upon prior arrangement with the Commission or presiding administrative law judge. All equipment must be removed from the room before hearings begin or resume; (3) television, movie and still cameras and recording equipment may not be used while hearings and oral arguments are in progress; (4) television and press cameras and recording equipment may be used at FPC press conferences under prior arrangement with the Director of Public Information, provided their use does not interfere with the orderly conduct of the conference.

§ 3.102 [Deleted]

(G) Section 3.102 in Part 3, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations, is deleted.

§ 3.109 [Deleted]

(H) Section 3.109 in Part 3, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations, is deleted.

§ 3.105 [Amended]

(I) Footnote 1 to § 3.105 in Part 3, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations, is revised to read as follows:

[1] The following abbreviations are used in this subpart: BNG—Bureau of Natural Gas; OCA—Office of Chief Accountant; OGC—Office of the General Counsel; OPA—Office of Policy Analysis; OPI—Office of Public Information; PWR—Bureau of Power.

§§ 3.106, 3.107, 3.116, 3.135–3.139, 3.162–3.168 [Amended]

(J) Sections 3.106, 3.107, 3.116, 3.135, 3.137, 3.138, 3.139, 3.162, 3.163, 3.164, 3.165, 3.166, 3.167, and 3.168 in part 3, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations, are revised as follows:

In each instance where it is used, the abbreviation "OAF" is deleted and the abbreviation "OCA" is inserted.

(K) Sections 3.107, 3.116, 3.137, 3.163, 3.164, and 3.168 in Part 3, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations, are revised as follows:

In each instance where it is used, the abbreviation "OEC" is deleted and the abbreviation "OPA" is inserted.

(L) Paragraph (c) of § 3.114 in Part 3, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations, is revised to read as follows:

§ 3.114 Licenses.

* * * * *

(c) Except for the notice requirement, all other applications under this Act are processed in a manner similar to that stated in § 3.113.

(M) Section 3.117 in Part 3, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations, is revised to read as follows:

§ 3.117 Headwater benefits.

The Commission determines headwater benefits and payments therefor under section 10(f) of the Act and in accordance with the provisions of §§ 11.26 through 11.31 of this chapter. Agreements for headwater benefits payments involving non-Federal entities may be submitted to the Commission for approval in accordance with § 13.1 of this chapter. Public notice is given of proposed Commission actions pertaining to headwater benefits matters.

(N) Paragraph (a) of § 3.170 in Part 3, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations, is amended by adding a new subparagraph (30), to read as follows:

§ 3.170 Approved forms, etc.

(a) The following is a list of approved forms, statements, and reports, under the Natural Gas Act, descriptions of which have been published in Subchapter G, Parts 250 and 260 of this chapter.

* * * * *

(30) Form No. 45, report of new nonjurisdictional sales of natural gas (§ 260.20 of this chapter).

* * * * *

(O) Section 3.183 in Part 3, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations, is revised to read as follows:

§ 3.183 Federal power marketing acts.

The Bonneville Project Act (16 U.S.C. 832), the Eklutna Project Act (64 Stat. 382), the Falcon Dam Act, as amended (68 Stat. 255, 77 Stat. 475), and the Flood Control Act of 1944 (58 Stat. 887, 890) provide that the Commission review and, if satisfactory, confirm and approve rates proposed for the sale of power generated at projects constructed under these and other acts. The Commission also allocates the costs of certain of these projects and participates in the allocation of costs of others. The Federal Columbia River Transmission System Act (16 U.S.C. 837; 88 Stat. 1376) provides that the Commission review and, if satisfactory, confirm and approve rates for the transmission of non-Federal power over the Federal transmission system.

(P) Section 3.186 in Part 3, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations, is revised to read as follows:

§ 3.186 Information relative to miscellaneous functions.

Excerpts from the statutes referred to in §§ 3.181 through 3.185 are included in the appendices to the pamphlet editions of the Federal Power Act and the Natural Gas Act, copies of which may be obtained from the Office of Public Information or the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional information pertaining to these functions may be obtained from the Secretary.

(Q) Subparts C, D, and E, of Part 3, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations, are deleted from Part 3 and redesignated as Subparts A, B, and C, respectively, and transferred without any substantive changes to a new Part 3c, which is established in Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations. The table of contents is as follows:

Subpart A—Standards of Conduct for Employees

Sec.
3c.1 Purpose.
3c.2 Coverage.
3c.3 Notice to employees.
3c.4 Definitions.
3c.5 Conflicts of interest.
3c.6 Ethical conduct.
3c.7 Statements of employment and financial interests.
3c.8 Interpretation and advisory service.
3c.9 Procedures for reviewing statements of employment and financial interests and reporting conflicts of interest.
3c.10 Disciplinary and other remedial action.
3c.11 Miscellaneous statutes and regulations.

Subpart B—Standards of Conduct for Special Government Employees

Sec.
3c.101 Purpose.
3c.102 Coverage.
3c.103 Notice and receipt.
3c.104 Definitions.
3c.105 Classification of special Government Employees.
3c.106 Conflicts of interest.
3c.107 Ethical conduct.
3c.108 Statements of employment and financial interests.
3c.109 Interpretation and advisory service.
3c.110 Procedure for reviewing statements of employment and financial interests and reporting conflicts of interest.
3c.111 Disciplinary and other remedial action.

Subpart C—Standards of Conduct for Commissioners

3c.201 Purpose.
3c.202 Coverage.
3c.203 Definitions.
3c.204 Conflicts of interest.
3c.205 Ethical conduct.
3c.206 Miscellaneous statutes and regulations.

AUTHORITY: E.O. 11222, 3 CFR, 1964–1965 Comp., p. 306; 5 CFR 735.104.

(R) Editorial changes shall be made in new Part 3c, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations, as follows:

(1) All references to Subparts C, D, and E, respectively, are deleted, and Subparts A, B, and C, respectively, are inserted.

(2) All references to §§ 3.201 through 3.246, inclusive, are deleted, and appropriate references to §§ 3c.1 through 3c.206, inclusive, are inserted.

(S) The amendments to Part 3 of the Commission's General Rules ordered herein and Part 3c of the Commission's General Rules prescribed herein shall be effective upon the issuance of this order.

(T) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-9937 Filed 3-30-77;3:03 pm]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING—FEDERAL HOUSING COMMISSIONER

[Docket No. R-77-433]

DEBENTURE INTEREST RATES

The following amendments have been made to this chapter to change the debenture interest rate. The Secretary has determined that advance publication and notice and public procedure are unnecessary since the debenture interest rate is set by the Secretary of the Treasury in accordance with a procedure established by statute and that said cause exists for making this amendment effective on January 1, 1977.

Accordingly, Chapter II is amended as follows:

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PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

1. Section 203.405 is amended to read as follows:

§ 203.405 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the mortgage was endorsed for insurance, whichever rate is higher. The following interest rates are effective for the dates listed:

Effective rate	On or after—		Prior to—	
Percent:				
6½	Jan.	1,1971	July	1,1971
6⅞	July	1,1971	Jan.	1,1972
6⅞	Jan.	1,1972	July	1,1972
5½	July	1,1972	Jan.	1,1973
6¼	Jan.	1,1973	July	1,1973
6	July	1,1973	Jan.	1,1974
6¼	Jan.	1,1974	July	1,1974
6⅞	July	1,1974	July	1,1975
7	July	1,1975	Jan.	1,1976
7⅛	Jan.	1,1976	July	1,1976
7	July	1,1976	Jan.	1,1977
6¾	Jan.	1,1977		

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709.)

2. Section 203.479 is amended to read as follows:

§ 203.479 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate	On or after—		Prior to—	
Percent:				
6½	Jan.	1,1971	July	1,1971
6⅞	July	1,1971	Jan.	1,1972
6⅞	Jan.	1,1972	July	1,1972
5½	July	1,1972	Jan.	1,1973
6¼	Jan.	1,1973	July	1,1973
6	July	1,1973	Jan.	1,1974
6¼	Jan.	1,1974	July	1,1974
6⅞	July	1,1974	July	1,1975
7	July	1,1975	Jan.	1,1976
7⅛	Jan.	1,1976	July	1,1976
7	July	1,1976	Jan.	1,1977
6¾	Jan.	1,1977		

(Sec. 211.52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

In § 207.259 paragraph (e)(6) is amended to read as follows:

§ 207.259 Insurance benefits.

* * * * * * *

(e) * * *

(6) Bear interest from the date of issue, payable semiannually on the first day of January and first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date of initial insurance endorsement of the mortgage, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate	On or after—		Prior to—	
Percent:				
6½	Jan.	1,1971	July	1,1971
6⅞	July	1,1971	Jan.	1,1972
6⅞	Jan.	1,1972	July	1,1972
5½	July	1,1972	Jan.	1,1973
6¼	Jan.	1,1973	July	1,1973
6	July	1,1973	Jan.	1,1974
6¼	Jan.	1,1974	July	1,1974
6⅞	July	1,1974	July	1,1975
7	July	1,1975	Jan.	1,1976
7⅛	Jan.	1,1976	July	1,1976
7	July	1,1976	Jan.	1,1977
6¾	Jan.	1,1977		

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Section 220.830 is amended to read as follows:

§ 220.830 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is higher. The following interest rates are effective for the dates listed:

Effective rate	On or after—		Prior to—	
Percent:				
6½	Jan.	1,1971	July	1,1971
6⅞	July	1,1971	Jan.	1,1972
6⅞	Jan.	1,1972	July	1,1972
5½	July	1,1972	Jan.	1,1973
6¼	Jan.	1,1973	July	1,1973
6	July	1,1973	Jan.	1,1974
6¼	Jan.	1,1974	July	1,1974
6⅞	July	1,1974	July	1,1975
7	July	1,1975	Jan.	1,1976
7⅛	Jan.	1,1976	July	1,1976
7	July	1,1976	Jan.	1,1977
6¾	Jan.	1,1977		

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

Effective date. These amendments are effective as of January 1, 1977.

Issued at Washington, D.C., January 17, 1977.

JOHN T. HOWLEY,
Acting Assistant Secretary for Housing - Federal Housing Commissioner.

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Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 7475]

PART 404—TEMPORARY REGULATIONS ON PROCEDURE AND ADMINISTRATION UNDER THE TAX REFORM ACT OF 1976

Certain Requirements for Income Tax Return Preparers

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides temporary regulations for paid preparers of income tax returns and claims for refund. Changes to the applicable tax law were made by the Tax Reform Act of 1976. These regulations affect all paid income tax return preparers and provide them with the guidance needed to comply with the law.

DATE: The regulations apply to documents prepared after December 31, 1976.

FOR FURTHER INFORMATION CONTACT:

Elsie S. Little of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3926).

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document contains temporary regulations relating to certain requirements for income tax return preparers under sections 6694, 6695 and 7701(a)(36) of the Internal Revenue Code of 1954, as added by section 1203 (a), (b) and (f) of the Tax Reform Act of 1976 (Pub. L. 94-455, 90 Stat. 1688). The temporary regulations provided by this document will remain in effect until superseded by final regulations on this subject.

DISCUSSION

The temporary regulations provide questions and answers with respect to the application of the penalty for the negligent or intentional disregard of rules and regulations (section 6694(a)) and the penalty for the willful attempt to understate a taxpayer's tax liability (section 6694(b)). Questions and answers are also included with respect to the procedure for assessment by the Internal Revenue Service of such penalties and the procedure available to the income tax return preparer for seeking relief from the assessment of such penalties.

In addition, these temporary regulations provide questions and answers relating to the signature requirement and penalty (section 6695(b)), and the penalty (as it relates to banks) for the negotiation of certain checks issued by the Internal Revenue Service (section 6695(f)). Further, the definition of income tax return preparer (section 7701(a)(36)) is developed by questions and answers included in these regulations.

DRAFTING INFORMATION

The principal author of this regulation was Elsie S. Little of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

Adoption of amendments to the regulations. Accordingly, 26 CFR Part 404 is amended as follows:

Paragraph 1. A new § 404.6694-1 is added immediately after § 404.6109-1. This new section reads as follows:

§ 404.6694-1 Questions and answers relating to understatement of taxpayer's liability by income tax return preparer.

(a) The following questions and answers relate exclusively to the penalty for the negligent or intentional disregard of rules and regulations by an income tax return prepared under section 6694(a) of the Internal Revenue Code of 1954. See also paragraph (c) of this section for further questions and answers relating to this penalty.

Q-1: What is the nature of the penalty under section 669(a) of the Code?

A-1: The penalty under section 6694(a) is intended to apply to the income tax return preparer who has disregarding the rules and regulations with a resulting understatement of the taxpayer's tax liability. The penalty applies only if such disregard by the preparer was intentional or negligent. The penalty was established as a sanction upon preparers for failure to observe rules and regulations.

Q-2: What is the primary duty and responsibility under section 6694(a) of the income tax return preparer in the preparation of a return or claim for refund of tax?

A-2: The primary duty and responsibility under section 6694(a) of the income tax return preparer in the preparation of a return or claim for refund of tax is the exercise of due diligence in the proper application of the rules and regulations to the facts provided with respect to a taxpayer's financial affairs in order to arrive at such taxpayer's true tax liability.

Q-3: Does the phrase "rules and regulations" in section 6694(a) include Treasury regulations and published Internal Revenue Service revenue rulings?

A-3: Yes. See, however, Q and A-5, Q and A-6, and Q and A-7 of this paragraph (a) with respect to disagreement in good faith with a rule or regulation.

Q-4: Does the conduct which is subject to the penalty provided by section 6694(a) include conduct which is based on a disagreement in good faith by an income tax return preparer with the legal validity of a regulation or published ruling?

A-4: No. Such conduct is not considered a negligent or intentional disregard of rules and regulations.

Q-5: What is meant by a "disagreement in good faith" by an income tax return preparer with the legal validity of a regulation or published ruling?

A-5: The interpretation given to a "disagreement in good faith" is similar to the interpretation given to such a disagreement under Code section 6653(a), relating to the disregard of rules and regulations by taxpayers who prepare their own returns. For example, if an income tax return preparer reasonably believes in good faith that case law conflicts with a rule or regulation and that such case law reflects a more accurate interpretation of one or more sections of the Internal Revenue Code, then the preparer may complete a return on the basis of such case law without being subject to the penalty.

Q-6: Where an income tax return preparer in good faith believes that a rule or regulation does not accurately interpret one or more sections of the Internal Revenue Code and prepares a return in conflict with such rule or regulation, must the preparer set forth in the return the relevant rule or regulation which is in dispute and the judicial decision if any relied upon?

A-6: Such disclosure is not required to avoid penalties under section 6694(a) if the preparer is relying on existing case law which conflicts with the rule or regulation which is in dispute. Section 6694(a) does not apply a more stringent requirement to preparers than is applied to taxpayers pursuant to section 6653(a). If no case conflicts with the regulation or ruling which is in dispute, the preparer may disclose on the return the rule or regulation which is in dispute and the grounds for his disagreement with the rule or regulation in evidence of his good faith.

Q-7: Who has the burden of proof in a proceeding regarding the issue of whether the income tax return preparer has negligently or intentionally disregarded rules and regulations in the preparation of an income tax return or claim for refund?

A-7: In any proceeding, the income tax return preparer bears the burden of proof that the preparer has not intentionally or negligently disregarded rules and regulations. If an income tax return preparer presents evidence that the normal practice of the preparer with respect to the treatment of a particular income or deduction item was not negligent and if there is evidence that this normal practice was followed, the preparer will be considered to have met the burden of proof unless the Service presents contrary evidence.

(b) The following questions and answers relate exclusively to the penalty for willful understatement of tax liability by an income tax return preparer under section 6694(b) of the Internal Revenue Code of 1954. See also paragraph (c) of this section for further questions and answers relating to this penalty.

Q-1: What constitutes conduct which would subject an income tax return preparer to the penalty for willful understatement of a taxpayer's tax liability provided by section 6694(b)?

A-1: Such conduct includes disregard by an income tax return preparer of correct facts supplied to the preparer by the taxpayer or others in an attempt by the preparer wrongfully to reduce the taxpayer's tax liability. For example, if an income tax return preparer disregards information concerning certain items of taxable income furnished by the client-taxpayer or other person, the penalty would be applicable. Where a taxpayer states to an income tax return preparer that the taxpayer has only two dependents, and the income tax return preparer, with full knowledge that the statement is accurate, reports six dependents on the tax return, the penalty would be applicable.

Q-2: Is the income tax return preparer required to examine or review documents or other evidence supporting the client-taxpayer's information or to make inquiries regarding the information supplied by the clients-taxpayer in order to avoid the penalty under section 6694(b)?

A-2: Generally, in preparing a return, the income tax return preparer may rely without verification upon information furnished by the client-taxpayer. The income tax return preparer is not required to examine or review documents or other evidence supporting the client-taxpayer's information in order to avoid the penalty under section 6694(b). However, the income tax return preparer cannot ignore the implications of information furnished. The income tax return preparer must make reasonable inquiries where the information as presented appears to be incorrect or incomplete. Additionally, many sections of the Internal Revenue Code require the presence of specific facts and circumstances before a deduction can properly be claimed. The income tax return preparer must make appropriate inquiries of the taxpayer to determine the presence of the underlying specific facts required by a code section incident to claiming a deduction. For example, in the case of the deduction for travel and entertainment expenses, the preparer should ascertain the existence of the records required by law to support the deduction.

Q-3: A taxpayer, during the tax interview conducted by an income tax return preparer, stated that he had paid $2,500 in doctor and hospital bills during the tax year when in fact he had paid a smaller amount. On the basis of the information the preparer properly calculated a deduction for medical expenses which resulted in an understatement of tax liability. The income tax return preparer had no reason to believe that the medical expense information presented was incorrect or incomplete. The preparer did not request underlying documentation. Is the income tax return preparer subject to the penalty provided by section 6694(b)?

A-3: No.

(c) The following questions and answers relate both to the penalty for the negligent or intentional disregard of rules and regulations by an income tax return preparer and to the penalty for the willful understatement of the taxpayer's tax liability by an income tax return preparer under section 6694 (a) and (b) of the Internal Revenue Code of 1954, respectively:

Q-1: Can the intentional disregard of rules and regulations by an income tax return preparer be a basis for the assertion of the penalty under section 6694(b) for the willful understatement of tax liability?

A-1: Yes. A willful understatement of tax liability can be based on an intentional disregard of rules and regulations. For example, an income tax return preparer who deducts all of a taxpayer's medical expenses, intentionally disregarding the applicable floors, limiting deductability of medical expenses, may have both intentionally disregarded rules and regulations within the meaning of section 6694(a) and willfully understated tax liability within the meaning of section 6694(b).

Q-2: Can both the penalty for the intentional disregard of rules and regulations and the penalty for the willful attempt to understate tax liability be assessed against a preparer with respect to the same return or claim?

A-2: Yes. However, the total amount collected by reason of imposing both penalties cannot exceed $500 per return. Thus, the Internal Revenue Service could first assess the penalty for negligent or intentional disregard of rules and regulations and then, at a later date, assess the penalty for the willful understatement of tax liability. If the first penalty of $100 is collected, the later assessment for willful understatement of tax liability would be limited to $400 with respect to the same tax return.

Q-3: Must there in fact be an understatement of tax liability for the assessment of the penalty for negligent or intentional disregard of rules and regulations as well as the penalty for willful understatement of tax liability?

A-3: Yes.

Q-4: Is a final administrative or judicial determination of an understatement of tax liability in a proceeding to which the taxpayer is a party required before the assessment of either or both penalties?

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A–4: No. An understatement of tax liability may be shown to exist in a proceeding against the preparer independent of any proceeding against the taxpayer. If, however, in a proceeding to which the taxpayer is a party it is determined that an understatement of tax liability does not exist, then the Internal Revenue Service will not assert either penalty against the preparer and will refund any penalty if previously collected from the preparer.

Q–5: Normally would an investigation of the income tax return preparer's conduct be initiated before the assessment of either the penalty for the negligent or intentional disregard of rules and regulations or the penalty for the willful understatement of tax liability.

A–5: Yes.

Q–6: Will the income tax return preparer be sent a revenue agent's report prior to assessment of either penalty?

A–6: Yes.

Q–7: If the income tax return preparer wishes to oppose assessment of either penalty, will the preparer be afforded an opportunity to pursue administrative remedies prior to assessment of either penalty?

A–7: Yes. The income tax return preparer will be issued a thirty-day letter notifying the preparer of the proposed penalty and offering the preparer an opportunity to pursue administrative remedies prior to assessment of the penalty.

Q–8: What procedures will be followed if the income tax return preparer does not prevail during the administrative proceeding?

A–8: After administrative remedies are exhausted, if the Internal Revenue Service assesses the penalty, it will present a statement of notice and demand, separate from any notice of a tax deficiency, to the income tax return preparer. The penalty is payable upon notice and demand.

Q–9: What course may an income tax return preparer follow if the preparer does not agree with the penalty determination in the revenue agent's report and either (1) does not choose to pursue an administrative remedy within the Internal Revenue Service or (2) has received an adverse final administrative determination from the Internal Revenue Service?

A–9: The preparer may pay the entire amount assessed and file a claim for refund of the amount paid not later than 3 years from the date the penalty is paid. Alternatively, the preparer may pay 15% of the penalty within 30 days of the date of the atatement of notice and demand and file a claim for refund of the amount within the same 30 day period.

Q–10: If the preparer timely pays 15% of the penalty and files a claim for refund, can the Internal Revenue Service proceed to collect the remaining 85% of the penalty?

A–10: The Internal Revenue Service may not proceed to collect any part of the remaining 85% of the penalty during the period when the claim for refund is pending. However, with respect to any penalty for which the 15% amount is not timely paid, the Internal Revenue Service will pursue collection of the entire penalty.

Q–11: What can an income tax return preparer do if the Internal Revenue Service denies a claim for refund of the amount paid for the assessed penalty?

A–11: The income tax return preparer may bring an action for refund in the appropriate U.S. District Court within 30 days from the date of denial. The preparer must bring the action within this 30-day period to postpone or avoid collection measures by the Service relating to the remaining 85% of the penalty. In this regard, see Q and A–13 of this paragraph (c). If the income tax return preparer does bring an action, the Internal Revenue Service need not file a counterclaim in the action for the remaining 85% of the outstanding penalty because any court decision with regard to the refund of 15% of the penalty will apply as well to the remaining 85% of the penalty.

Q–12: What procedures are available to the income tax return preparer if the Internal Revenue Service does not act on a claim filed for the refund of an amount paid against an assessed penalty?

A–12: If the Internal Revenue Service does not deny a claim for refund by the end of six months after the date the claim is presented, the income tax return preparer may bring an action in the appropriate U.S. District Court within the 30-day period after the end of the six month period. If the income tax return preparer does not begin an action within the 30-day period, the Internal Revenue Service will proceed with collection of the remaining 85% of the penalty.

Q–13: Where an income tax return preparer brings a timely action for refund before the appropriate U.S. District Court, can the Internal Revenue Service begin collection action on the remaining 85% of the penalty due if the 15% payment was timely made?

A–13: If the preparer brings a timely refund action, the Internal Revenue Service cannot, except as part of a jeopardy assessment, seek to collect the remaining 85% of the penalty during the period when the action is pending. The Internal Revenue Service will resume its collection activities only upon final resolution of the matter. The final resolution includes any settlement between the Internal Revenue Service and the income tax return preparer, or any final decision by a court and includes the types of determinations provided under existing law (section 1313 (a)) relating to taxpayer deficiencies. During any period for which the Internal Revenue Service is prevented from pursuing collection of the remainder of a penalty, the running of the statute of limitations for collection is suspended.

PAR. 2. New sections are added immediately after § 404.6695–1. These new sections read as follows:

§ 404.6695–2 Questions and answers relating to certain assessable penalties with respect to the preparation of income tax returns for other persons.

The following questions and answers relate to certain assessable penalties with respect to preparation of income tax returns for other persons under section 6695 of the Internal Revenue Code of 1954.

Q–1: X prepares income tax returns and furnishes a photocopy of each of the returns to the appropriate taxpayer for filing with the Internal Revenue Service. X is required to sign the return as preparer. Will the photocopy return be accepted?

A–1: Revenue Procedure 76–40 (1976–49 I.R.B.) provides that reproductions of forms may be made after insertion of the tax computations and other required information. However, all signatures on forms to be filed with the IRS must be original signatures, affixed after the reproduction process.

Q–2: X receives a notice of a penalty assessment for failure to sign a return which X prepared for a client. To determine if X can obtain an abatement of the penalty, what justification constitutes reasonable cause for failure to sign the return?

A–2: Reasonable cause, broadly defined, is a cause which arises despite ordinary care and prudence exercised by the individual. If X believes he has reasonable cause for elimination of the penalty, X must furnish the Service with a written statement setting forth the facts establishing reasonable cause.

Q–3: X and Y are tax return preparers. X uses a facsimile signature stamp to identify the returns which X prepares. Y signs a gummed label which is attached to the place where the preparer's signature is required. Will a stamped return or return with a label signed by the preparer qualify as a signed return?

A–3: No. The preparer must physically sign the return. He may not be identified by a stamped signature or signature label.

Q–4: X prepares returns as an employee of a major accounting firm. Is X required to sign the returns and furnish his social security number?

A–4: X is required to sign the return as preparer if he is the individual primarily responsible for the overall accuracy of the return. As an employee, X is not required to disclose his social security number. However, X's employer's identification number must be shown on the return.

Q–5: X employs A, B, and C to prepare income tax returns for taxpayers. After A and B have collected the information from the taxpayer and applied the tax laws to the information, the return form is completed by computer service. On the day the returns prepared by A and B are ready for their signatures, A is away from the city for one week on another assignment and B is on detail to another office for the day. May C sign the returns prepared by (i) A and (ii) B?

A–5: (i) Yes. A is unavailable; C may sign the returns prepared by A, provided that (a) C notifies each taxpayer that he as preparer (and not A) is primarily responsible for the preparation of the return, (b) C reviews with each taxpayer the information obtained by A relative to the taxpayer, and (c) C reviews the preparation of each return prepared by A.

(ii) No. Another preparer cannot sign the returns prepared by B because B is available.

Q–6: Is a bank subject to the penalty under Code section 6695(f), relating to the negotiation of certain checks issued by the Service, if the bank prepares returns and claims for refund of taxpayers who are not employees of the bank and if the bank either (i) cashes refund checks (with respect to returns or claims prepared) and remits all of the cash to taxpayers, or (ii) accepts refund checks (with respect to returns or claims prepared) for deposit to taxpayers' accounts?

A–6: No. The first endorsement or negotiation of the refund check is made by the taxpayer, not the bank. Code section 6695(f) was not intended to apply to subsequent endorsements made as a part of the check clearing process through the financial system: *Provided*, The initial endorsement or negotiation of the check was not made by an income tax return preparer of the return or claim for which the Internal Revenue Service issued the check.

§ 404.7701–1 Questions and answers relating to the definition of income tax return preparer.

The following questions and answers relate to the definition of income tax return preparer under section 7701(a)(36) of the Internal Revenue Code of 1954.

Q–1: Does the term "income tax return preparer" include a person who completes a return gratuitously for a taxpayer who is a friend, relative, or neighbor even if that person receives a gift of gratitude from the taxpayer?

A–1: No. The definition of income tax return preparer includes only persons who prepare the returns of others for compensation. It does not include a person who completes a return for a friend, relative, or neighbor with no implicit or explicit agreement for compensation, even though that person receives a gift of gratitude, such as an invitation to dinner or a return favor.

Q–2: Are there any educational qualifications or professional status requirements for a person to be considered an income tax return preparer?

A–2: No.

Q–3: Is it required that a person complete all parts of the turn in question to be considered an income tax return preparer?

A–3: No. An income tax return preparer is any person who prepares, for compensation, all or a substantial portion of a tax return or claim for refund.

Q–4: What constitutes a substantial portion of a return or claim for refund?

A–4: Whether a portion of a return or claim constitutes a substantial portion is to be determined by comparing the length of, complexity of, and tax liability or refund involved with respect to that portion of the return or claim, to the return or claim as a whole.

Q–5: Is the filing of a single schedule of a tax return considered to be a substantial portion?

A–5: Completion of a single schedule of a tax return will not be considered a substantial portion of the return unless that particular schedule is the dominant portion of the entire tax return.

Q–6: May a person be considered an income tax return preparer even though that person does not actually place or review placement of the figures on the taxpayer's return?

A–6: Yes. A person who supplies to a taxpayer sufficient information and advice so that completing the tax return becomes merely a mechanical or clerical matter is to be considered an income tax return preparer.

Q–7: Does the definition of income tax return preparer include an individual who only gives advice on particular issues of law or Internal Revenue Service policy?

A–7: An individual who only gives advice on particular issues of law or Internal Revenue Service policy relating to particular deductions or items of income will not have prepared a return if the advice does not directly relate to, or is given without regard to or consideration of, any specific amounts which are to be placed on the return of the taxpayer. Furthermore, an individual will not have prepared a return if the advice is not given in connection with the preparation of a return.

Q–8: May the term "income tax return preparer" include persons who prepare United States returns or claims outside the United States?

A–8: Yes. Such persons are income tax return preparers, irrespective of their nationality, residence, or the locations of their places of business, provided that they otherwise meet the definition of income tax return preparer contained in section 7701(a)(36). Notwithstanding the provisions of § 301.6109–1(g), each such person must secure a taxpayer identifying number and must comply with the provisions of section 1203 of the Tax Reform Act of 1976 and the regulations thereunder.

Q–9: X, a regular and continuous employee of S, a subsidiary corporation of P corporation, prepares the returns of employees of both P and S corporations. Is X considered an income tax return preparer under Code section 7701(a)(36)?

A–9: No. For purposes of the exception under section 7701(a)(36)(B)(ii) to the definition of the term "income tax return preparer," employees of a subsidiary corporation are considered employees of the parent corporation.

Q–10: Does the exception provided by section 7701(a)(36)(B)(iii) with respect to the definition of income tax return preparer include the fiduciary of a conservatorship for a person under a legal disability?

A–10: Yes; The exception to the definition of the term income tax return preparer" under section 7701(a)(36)(B)(iii) includes the fiduciary (and its officers and employees) of an estate, guardianship, conservatorship, or similar arrangement for a taxpayer under a legal disability (such as a minor, an incompetent, or an infirm individual).

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; (26 U.S.C. 7805)).)

WILLIAM E. WILLIAMS,
Acting Commissioner of Internal Revenue.

Approved: March 28, 1977.

LAURENCE N. WOODWORTH,
Assistant Secretary of the Treasury.

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 728]

1978 WHEAT MARKETING QUOTA PROGRAM

Proposed Determinations

Notice is hereby given that the Secretary of Agriculture is preparing to determine whether marketing quotas for wheat are required to be proclaimed for the 1978–79 marketing year; to determine and proclaim the national acreage allotment for the 1978 crop of wheat, to apportion among States and counties the national acreage allotment for the 1978 crop of wheat, to designate the 1978 commercial wheat-producing area, to determine a projected national yield for the 1978 crop of wheat, to formulate regulations for establishing projected county yields for the 1978 crop of wheat; and, if marketing quotas are proclaimed, to establish the date of the referendum to determine whether farmers favor the marketing quotas so proclaimed, the amount of the national marketing quotas, wheat marketing allocation, and the national allocation percentage, for the 1978–79 marketing year. If marketing quotas are proclaimed for the 1978–79 marketing year, the Secretary will also determine and declare whether marketing quotas shall be in effect for the 1979–80 marketing year or for the 1979–80 and 1980–81 marketing years as necessary to effectuate the policy of the Act.

Subsections (a) and (b) of section 332 of the Agricultural Adjustment Act of 1938, as amended, read as follows:

Sec. 332 (a) Whenever prior to April 15 in any calendar year the Secretary determines that the total supply of wheat in the marketing year beginning in the next succeeding calendar year will, in the absence of a marketing quota program, likely be excessive, the Secretary shall proclaim that a national marketing quota for wheat shall be in effect for such marketing year and for either the following marketing year or the following two marketing years, if the Secretary determines and declares in such proclamation that a two- or three-year marketing quota program is necessary to effectuate the policy of the Act.

Sec. 332(b) If a national marketing quota for wheat has been proclaimed for any marketing year, the Secretary shall determine and proclaim the amount of the national marketing quota for such marketing year not earlier than January 1 or later than April 15 of the calendar year preceding the year in which such marketing year begins. The amount of the national marketing quota for wheat for any marketing year shall be an amount of wheat which the Secretary estimates (i) will be utilized during such marketing year for human consumption in the United States as food, food products, and beverages, composed wholly or partly of wheat, (ii) will be utilized during such marketing year in the United States for seed, (iii) will be exported either in the form of wheat or products thereof, and (iv) will be utilized during such marketing year in the United States as livestock (including poultry) feed, excluding the estimated quantity of wheat which will be utilized for such purpose as a result of the substitution of wheat for feed grains under section 328 of the Food and Agriculture Act of 1962; less (A) an amount of wheat equal to the estimated imports of wheat into the United States during such marketing year and, (B) if the stocks of wheat owned by the Commodity Credit Corporation are determined by the Secretary to be excessive, an amount of wheat determined by the Secretary to be a desirable reduction in such marketing year in such stocks to achieve the policy of the Act: *Provided*, That if the Secretary determines that the total stocks of wheat in the Nation are insufficient to assure an adequate carryover for the next succeeding marketing year, the national marketing quota otherwise determined shall be increased by the amount the Secretary determines to be necessary to assure an adequate carryover: *And provided further*, That the national marketing quota for wheat for any marketing year shall be not less than one billion bushels.

Section 333 of the Act, as amended, reads as follows:

The Secretary shall proclaim a national acreage allotment for each crop of wheat. The amount of the national acreage allotment for any crop of wheat shall be the number of acres which the Secretary determines on the basis of the projected national yield and expected underplantings (acreage other than that not harvested because of program incentives) of farm acreage allotments will produce an amount of wheat equal to the national marketing quota for wheat for the marketing year for such crop, or if a national marketing quota was not proclaimed, the quota which would have been determined if one had been proclaimed.

Section 334(a) of the Act, as amended, reads as follows:

The national allotment for wheat, less a reserve of not to exceed 1 percentum thereof for apportionment as provided in this subsection and less the special acreage reserve provided for in this subsection, shall be apportioned by the Secretary among the States on the basis of the preceding year's allotment for each such State, including all amounts allotted to the State and including for 1967 the increased acreage in the State allotted for 1966 under section 335, adjusted to the extent deemed necessary by the Secretary to establish a fair and equitable apportionment base for each State, taking into consideration established crop rotation practices, estimated decrease in farm allotments because of loss of history, and other relevant factors. The reserve acreage set aside herein for apportionment by the Secretary shall be used (1) to make allotments to counties in addition to the county allotments made under subsection (b) of this section, on the basis of the relative needs of counties for additional allotments because of reclamation and other new areas coming into production of wheat, or (2) to increase the allotment for any county, in which wheat is the principal grain crop produced, on the basis of its relative need for such increase if the average ratio of wheat acreage allotment to cropland on old wheat farms in such county is less by at least 20 per centum than such average ratio on old wheat farms in an adjoining county or counties in which wheat is the principal grain crop produced or if there is a definable contiguous area consisting of at least 10 per centum of the cropland acreage in such county in which the average ratio of wheat allotment to cropland on old wheat farms is less by at least 20 per centum than such average ratio on the remaining old wheat farms in such county, *Provided*, That such low ratio of wheat acreage allotment to cropland is due to the shift prior to 1951 from wheat to one or more alternative income-producing crops which, because of plant disease or sustained loss of markets, may no longer be produced at a fair profit and there is no other alternative income-producing crop suitable for production in the area or county. The increase in the county allotment under clause (2) of the preceding sentence shall be used to increase allotments for old wheat farms in the affected area to make such allotments comparable with those on similar farms in the adjoining areas or counties but the average ratio of increased allotments to cropland on such farms shall not exceed the average ratio of wheat acreage allotment to cropland on old wheat farms in the adjoining areas or counties. There also shall be made available a special acreage reserve of not in excess of one million acres as determined by the Secretary to be desirable for the purposes hereof which shall be in addition to the national acreage reserve provided for in this subsection. Such special acreage reserve shall be made available to the States to make additional allotments to counties on the basis of the relative needs of counties, as determined by the Secretary, for additional allotments to make adjustments in the allotments on old wheat farms * * * on which the ratio of wheat acreage allotment to cropland on the farm is less than one-half the average ratio of wheat acreage allotment to cropland on old wheat farms in the county. Such adjustments shall not provide an allotment for any farm which would result in an allotment-cropland ratio for the farm in excess of one-half of such county average ratio and the total of such adjustments in any county shall not exceed the acreage made available therefor in the county. Such apportionment from the special acreage reserve shall be made only to counties where wheat is a major income-producing crop, only to farms on which there is limited opportunity for the production of an alternative income-producing crop, and only if an efficient farming operation on the farm requires the allotment of additional acreage from the special acreage reserve. For the purposes of making adjustments hereunder the cropland on the farm shall not include any land developed as cropland subsequent to the 1963 crop year.

Sec. 334(b) of the Act requires that the State acreage allotment of wheat for the 1978 crop, less a reserve of not to exceed 3 per centum thereof, be apportioned among the counties in the State on the basis of the preceding year's wheat allotment in each such county, including for 1967 the increased acreage in the county allotted for 1966 pursuant to section 335, adjusted to the extent deemed necessary to establish a fair and equitable apportionment base for each county, taking into consideration established crop rotation practices, estimated decrease in farm allotments because of loss of history, and other relevant factors.

Sec. 334(a) of the Act, as added by section 314 of the Food and Agriculture Act of 1962, provides that if the acreage allotment for any State for the 1978 crop of wheat is 25,000 acres or less, the Secretary, in order to promote efficient administration of the Agricultural Adjustment Act of 1938 and the Agricultural Act of 1949, may designate such State as outside the commercial wheat-producing area for the 1978–79 marketing year. That section also provides that if any State is so designated, acreage allotments for the 1978 crop of wheat and marketing quotas for the 1978–79 marketing year shall not be applicable to any farm in such State, and that acreage allotments in any State shall not be increased by reason of such designation.

Section 336 of the Act, as amended, provides that if a national marketing quota for wheat for one, two, or three marketing years is proclaimed, the Secretary shall, not later than August 1 of the calendar year in which such national marketing quota is proclaimed, conduct a referendum, by secret ballot, of farmers to determine whether they favor or oppose marketing quotas for the marketing year or years for which proclaimed. Section 336 further provides that the Secretary shall proclaim the results of any referendum within thirty days after the date of such referendum, and if he determines that more than one-third of the farmers voting in the referendum voted against marketing quotas, he shall proclaim that marketing quotas will not be in effect with respect to the crop of wheat produced for harvest in the calendar year following the calendar year in which the referendum is held. Section 336 of the Act also provides that if the Secretary determines that two-thirds or more of the farmers voting in a referendum approve marketing quotas for a period of two or three marketing years, no referendum shall be held for the subsequent year or years of such period.

Section 301(b)(8)(B) of the Act, as amended by the Food and Agriculture Act of 1965, provides for the determination of a projected national yield of wheat on the basis of the national yield per harvested acre of wheat during each of the five calendar years immediately preceding the year in which such projected national yield is determined, adjusted for abnormal weather conditions affecting such yield, for trends in yields and for any significant changes in production practices.

Section 301(b)(13)(J) of the Act, as amended by the Food and Agriculture Act of 1964, provides for the determination of projected county yields of wheat on the basis of the yield per harvested acre of wheat for the county during each of the five calendar years immediately preceding the year in which such projected county yield is determined, adjusted for abnormal weather conditions affecting such yield, for trends in yields and for any significant changes in production practices.

Section 324 of the Food and Agriculture Act of 1962 added a new subtitle, designated "Subtitle D—Wheat Marketing Allocation," to title III of the Agricultural Adjustment Act of 1938. Under the sections of the Act comprising this subtitle (379a to 379j, inclusive), during any marketing year for which a national marketing quota is in effect for wheat, beginning with the marketing year on the 1964 crop, a wheat marketing allocation program shall be in effect. Whenever such a program is in effect for any marketing year, the Secretary is required to determine the wheat marketing allocation for such year, which shall be the amount of wheat which in determining the national marketing quota for such marketing year the Secretary estimated would be used during such year for food products for consumption in the United States, and that portion of the amount of wheat which in determining such quota he estimated would be exported in the form of wheat or products thereof during such marketing year on which the Secretary determines that marketing certificates should be issued to producers in order to achieve, insofar as practicable, the price and income objectives of subtitle D. The Secretary is also required to determine the national allocation percentage which shall be the percentage which the national marketing allocation is of the national marketing quota.

Prior to making any of the foregoing determinations, consideration will be given to data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Grains, Oilseeds and Cotton Division, ASCS, P.O. Box 2415, Washington, D.C. 20013. To be sure of consideration, all written submissions must be postmarked not later than April 18, 1977.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director during regular business hours (8:15 to 4:45 p.m.).

The Secretary has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Signed at Washington, D.C., on March 28, 1977.

BOB BERGLAND,
Secretary of Agriculture.

[FR Doc.77-9665 Filed 3-31-77;8:45 am]

[7 CFR Part 730]

1977 RICE SET-ASIDE PROGRAM

Determination

Section 101(g)(5)(A) of the Agricultural Act of 1949, as amended, provides that the Secretary may require a set-aside of cropland for a crop of rice if he estimates (without taking into consideration the effect of a set-aside) that the carryover of rice for the marketing year beginning in the calendar year immediately following the calendar year in which such crop will be grown will exceed 15 per centum of the total supply of rice for the marketing year beginning in the calendar year in which such crop will be grown. Current projections indicate that, without a set-aside program, carryover stocks as of August 1, 1978, will be 38.5 million hundredweights, 26.4 percent of the projected total supply for the 1977 crop of 145.8 million hundredweights.

A preliminary determination that a set-aside of cropland shall not be in effect for the 1977 crop of rice was published in the FEDERAL REGISTER on January 4, 1977 (42 FR 780), in accordance with provisions of 7 U.S.C. 1441(g).

Notice is hereby given that the Secretary has made a final determination that a set-aside of cropland shall not be in effect for the 1977 crop of rice. (Sec. 101, 63 Stat. 1051, as amended (7 U.S.C. 1441).)

Effective date: This final determination is effective March 29, 1977.

The Secretary has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Signed at Washington, D.C. on March 25, 1977.

BOB BERGLAND,
Secretary of Agriculture.

[FR Doc.77-9533 Filed 3-29-77;8:45 am]

Agricultural Marketing Service

[7 CFR Part 908]

HANDLING OF VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Expenses and Rate of Assessment for the 1976–77 Fiscal Period

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed Rule.

SUMMARY: This notice invites written comment on proposed expenses of $287,-

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110 and rate of assessment of $0.0145 per carton of Valencia oranges to support the activities of the Valencia Orange Administrative Committee for the 1976–77 fiscal period under Marketing Order No. 908.

DATES: Comments must be received on or before April 15, 1977. Proposed effective dates: November 1, 1976, through October 31, 1977.

ADDRESSES: Comments may be addressed to the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Two copies of all written comments shall be submitted, and they will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–3545.

Consideration is being given to the following proposals submitted by the Valencia Orange Administration Committee, established under the amended marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer its terms and provisions:

(1) Expenses that are reasonable and likely to be incurred by the Valencia Orange Administrative Committee during the fiscal period November 1, 1976, through October 31, 1977, will amount to $287,110.

(2) The rate of assessment for the fiscal period, payable by each handler in accordance with § 908.41, be established at $0.0145 per carton of oranges.

Dated: March 29, 1977.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-9709 Filed 3-31-77;8:45 am]

[7 CFR Part 967]

[Docket No. AO-354-A2]

CELERY GROWN IN FLORIDA

Recommended Decision and Opportunity to File Written Exceptions to Proposed Further Amendment of Marketing Agreement and Order

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed further amendment of the marketing agreement, as amended, and Order No. 967, as amended (7 CFR Part 967) regulating the handling of celery grown in Florida.

Interested persons may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, by April 18, 1977. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

This proposed amendment of the marketing agreement, as amended, and order, as amended, was formulated on the record of a public hearing held at Orlando, Florida, February 1, 1977. Notice of the hearing was published in the January 13, 1977, issue of the FEDERAL REGISTER (42 FR 2691) with a supplement to the notice set forth in the January 28, 1977, issue of the FEDERAL REGISTER (42 FR 5362). The proposals contained in the notice were submitted by the Florida Celery Committee.

MATERIAL ISSUES

The material issues of record are as follows:

(1) Providing for a public member on the committee;

(2) Amending § 967.37 "Base Quantities" to clarify the basis for determining Base Quantities, to provide conditions for obtaining and retaining Base Quantities and to add authority to require annual registration by producers;

(3) Amending § 967.38 "Marketable Allotments" to revise the basis for determining each celery producer's annual sales allotment;

(4) Amending § 967.44 Research and Development" to authorize production research;

(5) Providing for the receipt of voluntary contributions to finance research projects;

(6) Making such changes in the order as may be necessary to bring the entire order, as amended, into conformity with the amendatory action resulting from the hearing.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on the record of the hearing:

(1) The Florida celery marketing agreement and order (hereinafter in the text of findings and conclusions collectively referred to as the "order") should be amended to provide for a representative of the public on the administrative committee. To effectuate such a change, § 967.25 of the current order providing for the establishment and membership of the Florida Celery Committee should be revised to enlarge the committee from 15 members to 16 members, with the additional member to be a public member. Further, § 967.26 providing for eligibility of committee members should be revised to indicate the criteria for the public member, and a new paragraph (f) should be added to § 967.27 "Nominations" to indicate the procedures which should be used in the nomination of the public member.

Record evidence indicates that public representation on commodity committees could improve the exchange of information and viewpoints between industry members and the public. Proponent witnesses indicated that the industry likely would benefit from the judgment and knowledge that a public member could contribute to industry decisions. In turn, such a member could be effective in enlightening the general public with respect to the nature and operation of the celery order. As is provided for producer or handler members, the additional public member should have an alternate.

Individuals selected from the public to serve on the committee should meet specified eligibility requirements. The record indicates that it would be appropriate that public member and alternate member nominees not have a direct financial interest nor be closely associated with the production, processing, financing or marketing of agricultural commodities. Also, such nominees should be able to devote sufficient time and express a willingness to attend committee meetings regularly and to familiarize themselves with the practices and the economics of the industry. The evidence further indicates that preference should be given to selecting nominees who are residents of the production area so that participation in committee meetings and other activities will be more convenient and less expensive.

The public member and alternate member should be nominated by the committee in accordance with rules or regulations which should indicate the qualification requirements for public member nominees and the procedure by which the committee will receive names of candidates. The committee should have the duty of recommending such procedural rules for approval by the Secretary. Record evidence indicates that the public member should be nominated by July 1 each year. This will insure sufficient time for the Secretary to consider the nominations so that selection can be made prior to the beginning of each term of office which would be the same as the terms for producer or handler members. However, the nomination of the initial public member may be made later than July 1 but as soon as practical after said member's position on the committee is authorized.

The committee's responsibility with regard to nominations of public members will require a conforming change in § 967.31 "Duties." A paragraph (m) should be added specifying that one of the committee's duties will be to secure suitable candidates for the public member and alternate positions and to nominate eligible persons to be the public member and alternate on the committee.

(2) Section 967.37 "Base Quantities" should be amended by clarifying the basis for determining Base Quantities, adding a requirement for periodic review of Base Quantities, and modifying the procedure for allocating an annual reserve. The order became effective on November 15, 1965. Since then significant changes have taken place in the distribution of sales authority among producers as reflected in individual producers' holdings of Base Quantities, and the use made of the Base Quantity provisions of the order to establish and maintain orderly marketing conditions. To ensure that regulatory activities related to the Base Quantity provision are more in accord with current and prospective production and marketing trends in the Florida celery industry, this section should be modified as follows:

Paragraphs (a) and (b) specify the procedures which were used in determining the initial Base Quantities under the order. Since these provisions are obsolete, they should be deleted and replaced by a new paragraph (a) which should provide that Base Quantities of producers with a history of production and participation under the order shall be those in effect for the 1976–77 season, as recorded by the committee.

Under the present order, as amended, initial Base Quantities for each producer were determined on the basis of the greatest number of crates of harvested celery sold by him or on his behalf during a specified historical representative period. This method of determining Base Quantities, which is authorized by Section 8c(6)(B) of the act, resulted in allocations to existing producers of authority to sell celery on the basis of a uniform rule for the first season (1965–66) of operation under the Florida Celery Marketing Order. In subsequent years a number of producers transferred their Base Quantities to other producers. Such transfers are authorized by § 967.39 "Transfers" of the order which provides that any producer's Base Quantity may be transferred in part or total for a specified period of time subject to approval of the committee. As a result, producers' Base Quantities in effect for the 1976–77 season as recorded by the Committee on December 15, 1976 are the product of the Base Quantities originally issued under a uniform rule, as subsequently modified by authorized transfers by producers to other producers. Therefore, the proposed basis for determining Base Quantities of producers with a history of sales under the order is substantially the same as the basis set forth when the order was issued in 1965.

Provision also should be made for determining Base Quantities for other producers; i.e. those without a history of sales under the order. Under proposed requirements discussed later herein, such producers may acquire a base from a reserve to be established and allocated annually. Base Quantities of both existing and new producers would be subject to modification because of periodic updating of the method of determining Base Quantities, any increases which might accrue from additive allocations from a reserve to be established by the committee, cancellation of a Base Quantity due to non-use, or transfers of Base Quantity pursuant to § 967.39.

A new paragraph (b) should be incorporated to require the committee to review Base Quantities periodically, and recommend appropriate changes in the basis for determining Base Quantities. This requirement would provide a means of keeping Base Quantities consistent with sales performance.

The record indicates that over a period of time, individual producers often modify their participation in the celery business, increasing or decreasing the size of their operation and in some instances discontinuing celery production and marketing. This results in a disparity between the aggregate of Base Quantities and the production and marketing capacity of the celery industry which affects other aspects of operations under the order. For example, when a grower does not grow and market celery for one or more years, there may be an important effect on the annual sales allotments issued to producers. Each year a determination is made of the total quantity of celery to be marketed (Marketable Quantity). The ratio of the Marketable Quantity to total Base Quantities is applied to individual producers' Base Quantities to determine the quantity or allotment of celery handlers may acquire from each producer. When total Base Quantities include unused individual Base Quantities, some allotments go to inactive producers while active producers may have allotments smaller than warranted by their productive capacity and the total market requirements.

The record indicates that revisions which should be made in the order to provide for entry of new producers, expansion of existing producers' celery operations, or elimination of Base Quantities of persons who do not make a bona fide effort to grow and market celery, could have a substantial effect upon the structure of the industry in terms of numbers of producers and the size of individual celery enterprises. Therefore, in order for the Base Quantities to continue to reflect the productive and market capacity of the industry, it is appropriate to require the committee to review the use being made of Base Quantities. Such appraisals should be made at least every five years but may be made more often to correlate with the rate of change within the industry. In the event a change is deemed necessary, and after due consultation with the industry to solicit their views and suggestions, the committee should so recommend to the Secretary. Record evidence shows, and so should the proposed amendment to the order, that the Secretary may then establish through rule making procedure, a revised appropriate basis for determining Base Quantities.

Paragraph (d) should be revised to require a reserve to be established annually, and to indicate the procedures which should be followed in allocating such reserve. This paragraph currently authorizes a reserve on a permissive basis whereas the proposed reserve requirement would be mandatory.

The order's present reserve authority was designed to permit adjustments in Base Quantities of producers who for various reasons had been adversely affected in their marketing operations during the representative period, or to expand the industry's production capacity in the event existing capacity was unable to satisfy increased market demand. The proposed reserve provision would permit Base Quantity adjustments for the same reasons, and in addition, should reduce the monetary value accuring to Base Quantities. Record evidence shows that until recently Base Quantities were transferred among producers for various financial considerations. However, with a substantial amount of Base Quantity available for acquisition by bona fide producers at no cost, existing Base Quantities should have little or no monetary value. This would be consistent with respect to the objective of the order, which is to achieve orderly marketing rather than to create value in a sales base. For these reasons, the proposed revision should be implemented.

Evidence in the record shows that the annual reserve should amount to six percent of total Base Quantities. Such a reserve would insure year to year stability, and still be adequate to permit new producers to gain entry into the industry, and to allow established producers to expand. The reserve to be allocated for a given year should be calculated from the total Base Quantities in effect the preceding year. The record indicates that half of the reserve should be available to new producers and the other half to existing producers. This is a reasonable and appropriate method of distributing the reserve, and should properly serve the equity interests of both new and existing producers.

Proponent witnesses recommended that the order should provide for any unallocated reserve Base Quantities for new producers to be prorated at the committee's discretion among existing producers on a uniform basis. Such a distribution would be contrary to the basic intent of the reserve authority as it relates to existing producers. The record shows that existing producers may be granted increases in Base Quantities from the reserve upon request, supported by substantial evidence of a production and marketing capability consistent with such request. To grant Base Quantities otherwise, even though on a uniform basis, would serve no useful purpose and, further, would tend to dilute the significance of Base Quantities granted to new producers. Therefore, any reserve for new producers which is unallocated should not be made available to other producers.

The record indicates, and so should the proposed amendment, that additive Base Quantities issued to existing producers from a reserve should be valid for only one season but Base Quantities issued or allocated to new producers should be permanent. Allocations to existing producers would be related to new or additional resources acquired by them or a potential new market. If experience warrants continued production and market-

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ing at the higher level, the producer could again request an additive Base Quantity. The new producer faces different circumstances justifying different treatment with regard to receiving a Base Quantity for a reserve. The establishment of a new farming operation to produce and market celery requires the expenditure of a large amount of money. A producer may not be willing or able to make resource commitments of the magnitude required for a celery business without assurance of an opportunity to market future crops. Therefore, it is fair and reasonable to provide that Base Quantities issued to new producers should not be subject to reissuance each year. At the same time, new producers should be obligated to demonstrate their intent to maintain a viable celery operation. For this reason, and to preclude speculation with respect to reserve Base Quantities, the record shows that the order should provide that Base Quantities issued to new producers cannot be transferred within three years after issuance.

The order should continue to provide that the committee shall establish, subject to approval of the Secretary, rules and procedures to be used in determining the reserve and the adjustments to be made in Base Quantities. The guidelines set forth in the order for the size of the reserve and its allocation to new and existing producers, and for obtaining Base Quantities will help insure equitable treatment for both an applicant and other producers. Therefore, such standards are determined to be proper and adequate for administration of the order. The specific criteria would help insure that adjustments would be fair and reasonable.

Requests for Base Quantity under the reserve authority, together with supporting material, should be made to the committee not later than April 1. This would provide adequate time for the committee to evaluate each request and inform each person of its decision early enough for those granted new Base to initiate plans for the ensuing season. Because of the time required to develop procedures governing the establishment and distribution of the reserve, the order should provide that the reserve feature of the program will become effective for the 1978–79 season.

A new paragraph (e) should be added to empower the committee to cancel a producer's Base Quantity if he does not make a bona fide effort during two consecutive seasons to produce and market celery thereunder. The record indicates that two consecutive years of not marketing should be construed to be evidence of a producer's withdrawal from the celery industry. Cancellation of unused Base Quantities would make the annual calculation of the Marketable Quantity more realistic, should enhance the committee's ability to evaluate potential production, and should contribute to more efficient program operation. This provision should not be mandatory, however, in order that exceptions may be made to recognize extenuating circumstances. Record evidence indicates that one indication of a bona fide effort to produce and market celery would be a producer's marketing of at least half of the alloted celery in which he has a proprietary interest; that is, celery which he owns in part or in total. Other criteria may be similarly designed to preclude token production to preserve a Base Quantity. Rules and regulations should be developed by the committee for approval of the Secretary indicating the procedures to be used in implementing this procedure.

A new paragraph (f) should be added to require annual registration by producers. Under such a requirement, each person planning to grow celery during the ensuing season would have to register with the committee, and indicate his commitments to produce and market celery. Commitments as used in the order relate to the obligation of resources of production, either potentially or in fact. Such resources would include not only the land, labor, and facilities, but also the finances which are necessary to produce celery. The registration procedure would impose no unreasonable burden on the individual, and would contribute greatly to more efficient operation of the order. Registration would provide the committee with a better indication of the potential for production so that a meaningful Marketable Quantity and individual producers' sales allotments could be determined. In the event a producer chose not to register, his Base Quantity should not be affected for that season but he should not receive a marketable allotment. Otherwise, the beneficial effect of the program in achieving a balance of supply with market requirements would be greatly diminished.

The record indicates that all producers should register no later than May 1 each year. This is necessary so that the committee will have sufficient time prior to June 15 to evaluate commitments of registering producers to grow and market celery in the ensuing season. June 15 is the final date for the committee to meet and adopt a marketing policy, including a recommended Marketable Quantity. The 45 day interval from May 1 through June 14 probably is the minimum amount of time needed to evaluate the industry's production capacity and its relationship to prospective market demands. The committee may find through experience that more time would be desirable. If it should be decided that registration should be required by some date other than May 1, the order should allow for such a change.

Proponent witnesses testified that although May 1 should normally be the final date for registration, a later date in 1977 should be specified by the Secretary, provided that such date be no later than July 31. Such a deadline is necessary because producers would not have sufficient time in which to adjust their farming operation to an allocation calculated on the basis of Base Quantities registered after July 31. The requested latitude in setting an initial registration date would permit the implementation of this feature of the proposal a year earlier than would otherwise be practicable and therefore should be provided.

(3) Paragraph (a) of § 967.38 Marketable Allotments should be revised to provide that the Uniform Percentage shall be calculated each year by dividing the Marketable Quantity by the total Base Quantities of producers who register with the committee. As discussed earlier, some Base Quantities may not be used every year. The inclusion of such Base Quantities in the calculation of the Uniform Percentage would distort the relationship between production capacity and market requirements, contrary to the objective of the order.

Such a change in calculation of the Uniform Percentage would require a conforming change in § 967.15 Uniform Percentage so that it would state that such percentage would be derived by dividing the Marketable Quantity by the total Base Quantities of registered producers as provided in § 967.38.

Also, paragraph (e) of § 967.38 Marketable Allotments should be revised to provide that the first 37,500 crates of all producers' Base Quantities shall be omitted in the calculation and application of the Uniform Percentage. The order presently specifies that only the Base Quantities of those producers with Base Quantities of 37,500 crates or less must be omitted in such calculations.

The objective of the current provision is to prevent undue hardship for the relatively small producers. Each year the Secretary determines the total amount of celery which should be marketed (Marketable Quantity). The Marketable Quantity is divided by the total Base Quantities of registered producers, with the result being the Uniform Percentage. This percentage is then applied to each producer's Base Quantity to determine each producer's annual sales allotment. However, the Base Quantities of the smaller producers, those with 37,500 crates or less of Base Quantity, are excluded from both the calculation and the application of the Uniform Percentage. Their annual sales allotments must be equal to (or in the event of a Uniform Percentage above 100 percent, larger than) their total Base Quantity. While this provision is beneficial to producers who choose to maintain a small celery business, it tends to discourage expansion on the part of other small producers. For example, a producer with a Base Quantity of 37,500 crates acquiring one additional crate of Base Quantity becomes subject to application of the Uniform Percentage; if such percentage were 90, his Marketable Allotment would be 33,751 crates. By acquiring the additional crate of Base Quantity, he would reduce his sales allotment by 3,750 crates.

The proposed revision would still protect the small producer from a reduction in his sales allotment. However, by exempting the first 37,500 crates of every producer's Base Quantity from application of the Uniform Percentage, a deterrent to expansion on the part of small producers would be eliminated.

A new paragraph (f) should be added to this section to provide that Marketable Allotments shall be issued only to those producers who register with the committee by May 1 each year. As discussed earlier herein, registration by producers to indicate their intent and commitment to produce and market celery is essential to effective operation of the order. Therefore, such a requirement is appropriate.

(4) Section 967.44 of the order should be amended to authorize production research. The order presently contains authority for the committee to undertake or finance marketing research and development projects and marketing promotion. Celery growers in Florida requested of the Secretary that the order be amended to authorize committee expenditures for production research to broaden the possibilities for reseach beneficial to the Florida celery industry and its customers.

The record indicates that the need for research on matters related to the production of celery is great. Producers of this crop are beset by a variety of problems ranging from those associated with attacks by disease and insects to the need for varieties better suited to the production area.

Expert witnesses testified to the continuing requirement for research in order to solve the severe problems caused in recent years by insects, particularly the leaf miner which is a relative newcomer on the local list of problem pests. Leaf miner infestations have sharply curtailed yields of good quality celery, and control efforts thus far have been only partially effective. Harmful soil organisms remain a problem, as do virus and root disease, and the various blights.

The improvement of existing varieties and development of new varieties might contribute significantly to the production of celery that is better able to withstand the attacks of the many pests. Varietal research may also lead ultimately to a reduced incidence of premature bolting or growth cracks, and lower the susceptibility of celery to damage by low temperatures.

Research in any or all of the aforementioned areas would contribute to lower costs and more efficient production. However, production research should not be limited to such areas. The committee should have broad and flexible authority for timely development of production research programs on any problems that arise.

In recent years, there has been active competition for research dollars within the agricultural community. Celery must share with many other crops, with similar production problems, the available research time, effort, and funds. Indications are that a relatively small amount of celery industry money, provided by the committee, will encourage research into the areas especially desired by the industry. The act provides that an assessment can be levied for specific purposes including production research. With these added funds, the committee can make a substantial commitment to such research.

Record evidence shows that currently most production research on celery in Florida is performed by public agencies, such as the University of Florida or the U.S. Department of Agriculture. Research funded by the committee would most likely also be carried out by such public agencies. However, this would not rule out having private organizations or the committee itself conduct such research.

All proposals for research must be submitted to the Secretary for approval. Also, the committee should have the authority to make any necessary changes in the format of the research project as long as it does not change the original objectives. Any change that required a greater expenditure of funds would require Departmental approval. Activity reports on research conducted should be issued by the committee annually, although interim reports on research projects may be issued. Reports should also be issued in writing or verbally by the organization conducting the research. All written reports should be provided to the Secretary and committee members as well as any other interested parties.

The record has demonstrated that a program of production research administered by the marketing order committee should have a positive effect upon the production of Florida celery, thereby increasing returns to growers. In view thereof, it is concluded that the order should be amended to authorize production research.

(2) A new § 967.63 should be added to the order to provide for the receipt of voluntary contributions to be used only for research and development projects. Record evidence indicates that research and market development projects for Florida celery directly benefit growers of that commodity, and secondarily benefit other groups and businesses whose interests are allied with the production and marketing of celery. These groups frequently desire to contribute resources to research and development projects and the order should provide that such contributions may be accepted by the committee. It is important, however, that the committee have complete control over the use of any contributions, which must be free of any encumbrances by the donor.

(6) Some of the amendatory actions included in this recommended decision require that certain conforming changes be made so that the order, as amended, will be in conformity with those actions. One such change (add a new paragraph (m) to § 967.31, *Duties*) is discussed with the issue to which it is pertinent. All such changes should be incorporated in the recommended amendment of the order.

Rulings on briefs of interested persons. At the conclusion of the hearing, the Administrative Law Judge fixed February 11, 1977, as the final date for interested persons to file proposed findings and conclusions, and written arguments or briefs, based upon the evidence received at the hearing. One brief was filed by John Joseph Cassidy, Esq., and Jamie S. Gorelick, Esq., on behalf of Gressinger and Sons. Every point in the brief was carefully considered along with record evidence in making the findings and reaching the conclusions herein set forth. To the extent that the findings and conclusions in the brief are inconsistent with findings and conclusions contained herein, requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with this recommended decision.

In addition to continuing proposed findings and conclusions on the material issues, the brief recommended that all information obtained by the committee concerning transactions, activities, and use being made of base quantities and marketable allotments be available to committee members. The act prohibits the disclosure of information that may affect detrimentally the business operations of the persons who furnish reports required under marketing orders. However, since the operation of this allocation program is inextricably involved with individual producers' base quantities and marketable allotments, this information should not be treated as confidential. All other information must remain confidential and in the custody of the committee staff, as required under § 967.73 of the order.

General findings. Upon the basis of the record, it is found that:

(1) The findings hereinafter set forth are supplementary, and in addition, to the previous findings and determinations which were made in connection with the issuance of the marketing agreement and order and each previously issued amendment thereto. Except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein, all of said prior findings and determinations are hereby ratified and affirmed;

(2) The marketing agreement and order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(3) The marketing agreement and order, as amended, and as hereby proposed to be further amended, regulate the handling of celery grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(4) The marketing agreement and order, as amended, and as hereby proposed to be further amended, are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(5) The marketing agreement and order prescribe, so far as practicable, such

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different terms applicable to different parts of the production area as are necessary to give due recognition to the difference in the production and marketing of celery grown in the production area; and

(6) All handling of celery grown in the production area as defined in the marketing agreement and order, as amended, and as hereby proposed to be further amended, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

RECOMMENDED AMENDMENT OF THE MARKETING AGREEMENT AND ORDER

The following amendment of the marketing agreement and order, as amended, is recommended as the detailed means by which the foregoing conclusions may be carried out:

1. Revise § 967.15 to read as follows:

§ 967.15 Uniform percentage.

"Unform Percentage" means the percentage for any given season resulting from dividing the Marketable Quantity by the total Base Quantities registered by producers as provided in § 967.38.

2. Revise § 967.25 to read as follows:

§ 967.25 Establishment and membership.

There is hereby established a Florida Celery Committee consisting of 16 members, including 15 producer or handler members and one public member to administer the terms and provisions of this part. Each shall have a respective alternate who shall have the same qualifications as the member.

3. Revise § 967.26 to read as follows:

§ 967.26 Eligibility.

Each member and alternate of the committee, except for the public member and alternate, shall be at the time of his selection and during his term of office, a producer or handler, or an officer or employee of a producer or handler in the group for which selected. The public member shall be neither a producer nor handler and shall have no direct financial interest in the production or marketing, except as a consumer, of agricultural products.

4. Revise § 967.27 by adding a new paragraph (f) to read as follows:

§ 967.27 Nominations.

* * * * *

(f) The members of the committee selected by the Secretary pursuant to § 967.32 shall nominate a public member and alternate member of the committee. The committee shall recommend rules for receiving names of persons to be considered for nomination to the public member and alternate positions. Rules shall also be recommended for establishing eligibility of persons nominated to the public member and alternate positions. The persons nominated for the public member and alternate positions shall be submitted by the incumbent committee to the Secretary by July 1 of each year together with information deemed pertinent by the committee or as requested by the Secretary.

5. Amend § 967.31 by adding paragraph (m) to read as follows:

§ 967.31 Duties.

* * * * *

(m) To secure suitable candidates for the public member and alternate positions, and to nominate persons for such positions on the committee.

6. Amend § 967.37 to read as follows:

§ 967.37 Base Quantities.

(a) (1) Base Quantities for producers with a history of production and order participation for the period 1965–66 through 1976–77 shall be Base Quantities in effect for the 1976–77 season, as recorded by the Florida Celery Committee on December 15, 1976, subject to modifications relating to current production and marketing experience specified in (b) through (e) of this section, or to transfers pursuant to § 967.39.

(2) Base Quantities for other producers shall be established pursuant to Base Quantity reserve as specified in paragraph (d) of this section, subject to modifications relating to current production and marketing experience specified in (b) through (e) of this section, or to transfer pursuant to § 967.39.

(b) Periodically, but at least once each five years, the committee shall review Base Quantities and recommend any change in the formula, to be prescribed by the Secretary, for determining Base Quantities which may be deemed appropriate.

* * * * *

(d) (1) Beginning with the 1978/79 season, a reserve in the amount of six percent of the total Base Quantities shall be established annually. Such reserve may be used for the issuance of Base Quantities to new producers and adjustments in Base Quantities for producers with existing Base Quantities, with 50 percent being made available for new producers and 50 percent available for adjustments for producers with existing Base Quantities.

(2) Base Quantities issued to new producers shall be permanent, subject to requirements of § 967.37(e). Base Quantities issued to new producers shall not be transferrable within three years after issuance. Any adjustments in Base Quantities issued to producers with existing Base Quantities shall be effective for one season only and a new request by such producers for adjustment in Base Quantity shall be submitted each season.

(3) The committee may recommend rules for establishing such reserve and for procedures whereby persons may apply for Base Quantities thereunder. Such rules shall be subject to approval by the Secretary. Rules may provide for open informal hearings by the committee on applicants' requests and may establish guides or standards for equitable and thorough consideration of pertinent factors relating to each case, including but not limited to past production of celery by applicant, acreage planted, average yields, the production capacity of the farm or land the applicant expects to use, land, labor, and equipment available to applicant for celery production, economic and marketing factors, and other factors deemed pertinent.

(4) Each person filing an application hereunder for a new Base Quantity or adjustment in an established Base Quantity shall be notified by the committee of its determination thereon. Such determination and considerations appertaining thereto shall be subject to review by the Secretary. If a Base Quantity is issued to an applicant hereunder, the requirements of § 967.38(c) shall then apply.

(e) A condition for the continuing validity of a Base Quantity is production of celery thereunder. If no bona fide effort is made to produce and sell celery thereunder for two consecutive seasons commencing with the 1977–78 season, the Base Quantity may be declared invalid due to lack of use and cancelled at the end of the second season of nonproduction. The committee shall determine criteria, subject to approval by the Secretary, as to whether a bona fide effort has been made to produce and sell celery, including one requirement that the producer must have sold at least 50 percent of each of his seasonal Marketable Allotments, unless prevented from doing so by acts of God or other circumstances beyond his control.

(f) Annual registration of Base Quantity holders will be required no later than May 1 or such other date as may be approved pursuant to regulations. For the 1977–78 season Base Quantity holders shall register within 30 days following the effective date of this part but no later than July 31, 1977. Any Base Quantity holder who does not register or who has not made firm and substantial commitments to produce celery for the forthcoming season shall have his Base Quantity eliminated from the calculations in determining the Uniform Percentage. However, such procedure will not cause the Base Quantity holder to lose his Base Quantity.

7. Amend § 967.38 to read as follows:

§ 967.38 Marketable Allotments.

(a) When the Secretary establishes a season's Marketable Quantity, a percentage shall be determined by dividing the amount fixed as the season's Marketable Quantity by the total Base Quantities of producers who have registered with the committee pursuant to § 967.37(f).

* * * * *

(e) The first 37,500 crates of each producer's Base Quantity shall be subtracted from both the Marketable Quantity and total Base Quantities when the Uniform Percentage is calculated in this section (§ 967.38(a)). The Uniform Percentage for the first 37,500 crates will be 100 percent except when the Uniform Percentage calculated in this section (§ 967.38(a)) exceeds 100 percent in which event the higher percent shall be used.

(f) Marketable allotments shall be issued only to producers who have registered by May 1, or such other date prescribed by the Secretary, and indicated firm and substantial commitments for the production of celery for the forthcoming season.

8. Revise the section heading and the first two sentences of § 967.44 to read as follows:

§ 967.44 Research and development.

The committee may, with the approval of the Secretary, establish or provide for the establishment of projects involving production research, marketing research and development projects, and marketing promotion including paid advertising, designed to assist, improve or promote the marketing, distribution and consumption or efficient production of celery. The expenses of such projects shall be paid by funds collected pursuant to §§ 967.61 or 967.63.* * *

9. Add a new § 967.63 to read as follows.

§ 967.63 Contributions.

The committee may accept voluntary contributions but these shall only be used to pay expenses incurred pursuant to § 967.44. Furthermore, such contributions shall be free from any encumbrances by the donor and the committee shall retain complete control of their use.

Signed at Washington, D.C., on March 29, 1977.

WILLIAM T. MANLEY,
Acting Administrator.

[FR Doc.77-9796 Filed 3-31-77;8:45 am]

[7 CFR Part 989]

[Docket No. AO–198–A9]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Recommended Decision and Opportunity To File Written Exceptions to Proposed Further Amendment of Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed Rule

SUMMARY: This recommended decision would amend the Federal marketing agreement and order covering California raisins. It provides interested persons with the opportunity to file written exceptions concerning the recommendations made herein.

The major purpose of the recommended changes in the order is to improve operations. The principle changes would: (a) Streamline the definition of "varietal types" so all raisins with similar characteristics would be included in the same varietal type, regardless of the method of production or variety of grape used; (b) provide for grading requirements and grower district representation provisions to be relocated in the rules and regulations to facilitate reference; (c) simplify provisions to change grading requirements when price levels are below or above parity; and (d) make minor changes in the provisions pertaining to offering reserve tonnage raisins to handlers. Authority is also proposed to be added to designate certain raisins for production, processing, and marketing research and development projects and for exempting these raisins from any or all regulation under the order

DATE: Written exceptions to this recommended decision may be filed with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. by April 22, 1977.

ADDRESS: Written exceptions should be filed in quadruplicate with the Hearing Clerk, Room 1077, South Building, U.S Department of Agriculture, Washington, D.C 20250. All written submissions will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, Department of Agriculture, Washington, D.C. 20250 (202–447–3545).

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing issued October 21, 1976; published October 27, 1976 (41 FR 47059).

PRELIMINARY STATEMENT

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed further amendment of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989; 41 FR 32412), regulating the handling of raisins produced from grapes grown in California, and of the opportunity to file written exceptions thereto.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing orders (7 CFR Part 900).

This proposed amendment of the marketing agreement, as amended, and order, as amended, was formulated on the record of a public hearing held at Fresno, CA, November 5, 1976, pursuant to notice thereof.

Material issues. The material issues of record are as follows:

(1) Revising the definition of "act", "varietal type"; adding definitions for "other failing raisins", and "raisin residual material"; and deleting the definition of "bleached raisins".

(2) Deleting provisions specifying grower districts for the purposes of grower representation on the committee; providing for the establishment of these provisions in rules and regulations; and making conforming changes in certain related provisions.

(3) Deleting provisions specifying incoming and outgoing grade standards; providing for the establishment of these standards in rules and regulations; simplifying provisions for changing these standards in below or above parity situations, and deleting related provisions which are no longer necessary.

(4) Adding provisions permitting establishment of procedures to give handlers the option of eliminating the initial inspection check for a certain defect on incoming raisins.

(5) Adding provisions for designating raisins for certain research and development and for exempting these raisins from any or all regulations under the order.

(6) Clarifying provisions on the substitution of reserve tonnage raisins; deleting authority for the establishment of minimum export prices for reserve tonnage raisins; and making minor changes in the provisions on offering reserve tonnage raisins to handlers.

(7) Clarifying provisions on handler services performed with respect to reserve tonnage raisins.

(8) Deleting an obsolete reference to the Raisin Advisory Board.

(9) Making such changes in the order as may be needed to bring the entire order, as amended, into conformity with the amendatory action resulting from the hearing.

Findings and conclusions. The following findings and conclusions on the material issues are based on the record of hearing:

(1) The definition of "act" in § 989.2 should be revised to mean Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674). This updates the citation contained in the definition, thereby covering the complete statutory authority pursuant to which the marketing agreement and order (hereinafter, in this text of the Findings and conclusions, collectively referred to as the "order") is operative. The citation (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.; 68 Stat. 906, 1047) is replaced by (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674). In the notices of hearing, the proposed definition contained the date May 12, 1933, the effective date of Public Act No. 10, 73d Congress. At the hearing, the proponents recommended that this date be deleted because it was not needed.

When the order was established in 1949, it regulated the handling of raisins produced from Thompson Seedless, Muscat, Sultana, and Zante Currant raisin variety grapes grown in California. At that time, these comprised all of the varieties from which any appreciable volume of raisins were produced. The raisin industry recognized that raisins with differing characteristics due to the particular variety of grapes or the method of drying grapes into raisins, or both, could entail different regulatory treatment. Thus, the categorization of raisins into varietal types was established in conjunction with the application of quality and volume regulations.

In the ensuing years, the raisin industry became concerned that other grape varieties (table and wine) could be made into raisins and compete with raisins made from the traditional raisin variety grapes. These grape varieties included, but were not limited to, Alicante Bouschet, Cardinal, Carignane, Italia, Malaga, Monukka, and Zinfandel. So

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that raisins produced from these grape varieties would be regulated, the order was amended in 1960 to cover all raisins made from grapes produced in California, and these table and wine grapes were added to the list of varietal types. At the same time, authority was added permitting the committee, with the approval of the Secretary, to change the list of varietal types to meet changing conditions in the future.

After operating under this extensive list of varietal types for approximately 10 years, the industry discovered that the categorization of the varietal types was so particularized that raisins with similar characteristics and market uses had been put into different varietal types. Needless to say, this categorization made differentiation for volume and quality regulations quite difficult. Also, the raisin industry found that certain varietal types had never been produced in commercial quantities. Furthermore, for some raisins there are no grade standards and these raisins have been inspected against the standards prescribed for the raisins they most closely resemble.

In 1973, the raisin industry determined that improved order operations could be achieved if raisins with similar characteristics would be treated as the same varietal type regardless of the variety of the grape or production processes used to dry the grapes into raisins. An example of this is the way raisins produced from Cardinal, Malaga, and Italia are treated. Raisins produced from these three varieties of grapes possess characteristics similar to Muscats and Valencias. Through rulemaking, they are being treated as Muscats and Valencias for regulatory purposes. To cite another example of varietal type combining, in 1975, it was determined through rulemaking that raisins produced by the various dipping methods possess characteristics so similar to each other that they should all be classed as one varietal type, Dipped Seedless.

To incorporate the changes already made on varietal types through rulemaking into the order, but in a somewhat broader degree, § 989.10 should be revised to describe seven varietal types. Each varietal type proposed is intended to be broad enough to include all raisins with similar characteristics and market uses regardless of the grape variety or method of drying used in producing the raisins. These varietal types should include: (1) Natural (sun-dried) Seedless, (2) Dipped Seedless, (3) Golden Seedless, (4) Muscats (including other raisins with seeds), (5) Sultana, (6) Zante Currant, and (7) Monukka. These raisins are generally recognized as possessing characteristics differing from other raisins in a degree sufficient to make necessary or desirable separate identification and classification. The section heading, varietal type, was used in the notice of hearing. This heading should be changed to "varietal types" to more accurately reflect the contents of the provisions in § 989.10.

Category (1), Natural (sun-dried) Seedless, should include all sun-dried seedless raisins that possess characteristics similar to natural Thompson Seedless raisins and which have not been dipped in or sprayed with water, with or without soda, oil, or other chemicals prior to or during the drying process. This varietal type would include raisins made from such grape varieties as Thompson Seedless, Emerald Seedless, or Perlette which are dried on the vine or dried after removal therefrom.

Category (2), Dipped Seedless, should include seedless raisins produced by sun-drying or other dehydration of grapes which have been dipped in or sprayed with water, with or without soda, oil, or other chemicals and which may or may not have been sulfured prior to drying. It would not include Golden Seedless raisins, but could include dried-on-the vine raisins. This varietal type would include raisins made from such grape varieties as Thompson Seedless, Emerald Seedless, and Perlette.

Category (3), Golden Seedless, should include raisins whose color varies from dark to golden yellow. The process for making these raisins is similar to the process for making Dipped Seedless raisins, but following the dipping process, Golden Seedless raisins are moved to a sulfur house and exposed to fumes of burning sulfur. After this, they are dried.

Category (4), Muscats (including other raisins with seeds) should include all raisins with seeds. Raisins produced from Muscat grapes (Muscat of Alexandria and Muscatel Gordo Blanco) would be the most common. However, raisins from such other grapes as Malaga, Valencia, Alicante Bouschet, Cardinal, Carignané, Italia, and Zinfandel would also be included. Muscat raisins are marketed in three forms: Loose, seeded, or layered. Loose are those where the stems are removed, but the seed is intact. Seeded Muscats have both stems and seeds removed. Layered Muscats are unstemmed and left in bunches.

Category (5), Sultana, should include all raisins with an undeveloped (vestigial) seed. The most prominent raisins in this varietal type are produced from Sultana grapes. They resemble natural Thompson Seedless, but are not as plump.

Category (6), Zante Currant, should include all raisins produced from Black Corinth or White Corinth grapes. They are darker than natural Thompson Seedless and very small.

Category (7), Monukka, should include raisins produced from Monukka and Black Imperial grapes. These raisins are usually larger, darker, and plumper than the other varietal types.

A distinction between natural and dipped-made raisins should only be made on seedless raisins, not raisins with seeds. At this time, the industry does not believe it is necessary to make this distinction and additional differentiation.

Types of raisins in the future may possess characteristics sufficient different from those known today to require separate identification and classification for the purposes of quality or volume regulation under the order. Should this occur, the new varietal type of raisin should be added to the list of varietal types by rulemaking and not necessitate formal amendment proceedings.

The inspection agency of the committee would be responsible for classing raisin lots by varietal types. Should any question arise as to the inspector's classification of any varietal type delivered, the tenderer should appeal to the committee. If an appeal is made, the committee should call on other experts in the industry to classify the raisins into one of the seven recommended types. If the raisin is new, possessing characteristics significantly different from those of the seven listed, then it should be added to the list by rulemaking.

The definitions of "other failing raisins" and "raisin residual material" in § 989.59(f) should be moved to that portion of the order devoted to "definitions" for convenient reference and to improve order organization. These definitions should be included in § 989.24 together with the definitions of the terms "standard raisins" and "off-grade raisins". "Other failing raisins" should be defined to mean any raisins received or acquired by a handler, either as standard raisins or off-grade raisins, which are processed to a point where they qualify as packed raisins but fail to meet the applicable minimum grade standards for packed raisins. This definition is the same as that currently contained in § 989.59(f). "Raisin residual material" should be defined to mean defective raisins, stemmer waste, sweepings, and other residue accumulated by a handler from reconditioning raisins or from processing standard raisins and other failing raisins. Except for the deletion of the phrase "which may be received or acquired by a handler or", the definition is the same as currently contained in § 989.59(f). The phrase, which should be deleted, is used for regulatory purposes in § 989.59(f) and is not needed to define the term "raisin residual material".

In connection with moving the definitions of these two terms to § 989.24, conforming changes are needed in the definition of "off-grade raisins". The phrases "for the purposes of disposition" and "pursuant to § 989.59(f)" are no longer needed in the definition and should be deleted. With the deletion of these two phrases, "off-grade raisins" would mean raisins which do not meet the then effective minimum grade and condition standards for natural condition raisins: *Provided*, That raisins which are certified as off-grade raisins shall continue to be such until successfully reconditioned or become "other failing raisins". Section 989.13, Processor, and § 989.84, Disposition limitation, both contain parenthetical references to the definition of "other failing raisins" contained in § 989.59(f). These references are no longer needed and should be deleted. The current heading of § 989.24, Standard raisins, and off-grade raisins, was published in the notice of hearing. However, the heading should be changed to Standard raisins, off-grade raisins, other failing raisins, and raisin residual material to more accurately reflect the provisions which would appear under the heading.

The term "bleached raisins" in § 989.6 should be deleted because the term is obsolete and will no longer be used under the order. The term covers (a) any raisins which have been produced by soda dipping, with or without oil, whether sun-dried or artificially dehydrated, or (b) any raisins which have been produced by soda dipping, sulfuring, and sun-drying. Outside the raisin industry, the term "bleach" and its various forms are used generally in connection with the removal of color. However, in the raisin industry, the term refers to a slowing down of the darkening process (oxidation) which occurs during drying. The longer it takes grapes to dry the darker the raisins become.

The types of raisins generally included under the term "bleached raisins" have been called Soda Dipped raisins, Sulfur Bleached raisins, and Valencia raisins. However, because the term means one thing to the raisin industry and another to persons outside the industry, the industry will no longer use this term under the order. Moreover, Soda Dipped raisins and Sulfur Bleached raisins would be classified as Dipped Seedless raisins, and Valencia raisins classified as Muscats under the recommended revision of § 989.10, Varietal types.

In connection with the deletion of this term, a conforming change should be made in § 989.8, Natural condition raisins, by deleting the words "with or without bleaching". Also, conforming changes should be made in the provisions in § 989.97 (Exhibit B) Grade and condition standards for natural condition raisins, when these requirements are moved to the rules and regulations as discussed under Material Issue (3).

(2) The provisions of § 989.96 specify several producer districts and the number of producers to represent the respective districts on the Raisin Administrative Committee. In 1967, these provisions were changed to require producer representation on the committee to be reviewed every three years for equitable producer representation and any necessary changes made. Pursuant to this mandate, changes were made and placed in the rules and regulations. Hence, provisions on district representation are either in the order or in the rules and regulations. This format requires a review of the applicable order provisions and the rules and regulations to be sure of finding all of the current district representation. To eliminate this and thus facilitate reference to grower district representation, § 989.96 should be deleted and the provisions on district representation prescribed in the rules and regulations. Thus, all such regulations would be in the same place and the current difficulties with the present format would be eliminated. Furthermore, the mandate for review makes this change logical and desirable.

The provisions currently in § 989.96 should be moved to the rules and regulations at or after the time the recommended amendment of the order becomes effective. The requirements contained in § 989.96 should remain in effect until October 1, 1977, and then be established in the rules and regulations.

In view of this recommended change, appropriate changes should be made in the provisions of § 989.22 District, § 989.26 Establishment and membership, and § 989.26a Changes in producer representation, as follows: (a) In § 989.22, the phrase "specified in § 989.96" should be changed to "designated in the rules and regulations"; (b) in the second sentence of § 989.26, the term "§ 989.96" should be changed to "the rules and regulations"; and (c) in the first sentence of § 989.26a, the term "§ 989.96" should be changed to "the rules and regulations".

(3) Under the order, all natural condition raisins tendered to the handler must meet minimum grade and condition standards before the handler is permitted to acquire or receive them. After the raisins are processed to the point where they can be classified as packed raisins, minimum standards for packed raisins are applied to them prior to shipment or final disposition. The minimum grade and condition standards for natural condition raisins (incoming grade standards) are closely related to those for packed raisins (outgoing grade standards), since raisins meeting the incoming standards have to be of a quality and condition that they would, when properly processed, meet the effective minimum grade standards for packed raisins.

Section 989.58(a) does not permit a handler to acquire or receive natural condition raisins which fail to meet the grade and condition standards set forth in § 989.97 (Exhibit B) or as later changed and then in effect. No handler may ship or otherwise make final disposition of packed raisins unless they at least meet the minimum grade standards for packed raisins specified in § 989.59–(a).

Changes in the applicable grade and condition standards are authorized pursuant to §§ 989.58(b) and 989.59(b). Numerous changes have been made in both, the natural condition and packed standards, by rulemaking since the standards have been effective. Hence, standards are prescribed in one part of the order and the changes are in rules and regulations. This format requires a review of the applicable order provisions and provisions in the rules and regulations to be sure of finding all of the current incoming and outgoing grade regulations.

To eliminate this and facilitate reference to the applicable regulations, the minimum grade and condition standards for natural condition raisins set forth in § 989.97 (Exhibit B), and the minimum grade standards for packed raisins in § 989.59(a), should be deleted and provision made for their establishment and relocation in the rules and regulations along with changes currently prescribed therein.

In order to permit the establishment of the grade and condition standards in the rules and regulations, that part of the first sentence of § 989.58(a) before the proviso, should be revised to provide that no handler shall acquire or receive natural condition raisins which fail to meet such minimum grade and condition standards as the committee may establish, with the approval of the Secretary, in applicable rules and regulations.

In the notice of hearing, it was proposed that the word "the" follow the infinitive "to meet" in the first sentence of § 989.58(a). Also, the word "raisins" in the first proviso was inadvertently omitted after the phrase "may receive off-grade". At the hearing, the proponents proposed that the word "such" be inserted in place of "the" because it is more exacting in conveying the intent of the provision, and that the word "raisins" be inserted after the phrase "may receive off-grade" in the first proviso.

Also, in the notice of hearing, the last sentence of § 989.58(a) was proposed to be amended by deleting the phrase "the acquisition or receipt of" after the phrase "this paragraph shall apply to". However, this phrase should be included in the last sentence of § 989.58(a) because its deletion alters the meaning of the sentence.

The proposal in the notice of hearing on revising § 989.59(a) merely brought the minimum grade standards for packed raisins into conformity with the recommended revision of varietal types discussed in Material Issue (1). However, the record evidence indicates that the minimum standards for packed raisins prescribed in paragraph (a) should be deleted and provision made for their establishment by rulemaking in rules and regulations. This change should be made for the same reason that the change in § 989.58(a) should be made; namely, to facilitate reference to the applicable regulations by eliminating the need to look in the order and the regulations. Therefore, § 989.59(a) should provide that unless otherwise provided in this part, no handler shall: (1) Ship or otherwise make final disposition of natural condition raisins unless they at least meet the effective and applicable minimum grade and condition standards for natural condition raisins, or (2) ship or otherwise make final disposition of packed raisins unless they at least meet such minimum grade standards established by the committee, with the approval of the Secretary, in applicable rules and regulations or as later changed or prescribed pursuant to the provisions of paragraph (b) of § 989.59. The two provisos currently in paragraph (a) pertaining to the shipment or final disposition of varietal types of raisins for which no standards are in effect, and authorization to grind raisins which do not meet the minimum standards for packed raisins because of mechanical damage or sugaring, into a raisin paste, should be retained in the revision of § 989.59(a).

The grade and condition standards currently contained in § 989.97 (Exhibit B) and the standards for packed raisins currently specified in § 989.59(a) should

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be moved to the rules and regulations at or after the time the recommended amendment of the order becomes effective. The requirements contained in § 989.97 (Exhibit B) and § 989.59(a) should remain in effect until October 1, 1977, and then be established in the rules and regulations. The temporary changes in the minimum grade standards for packed raisins (terminating November 30, 1977) set forth in § 989.202 of Subpart—Supplementary Regulation (41 FR 52645) should be recognized when establishing the minimum standards for packed raisins in the rules and regulations.

As indicated previously, § 989.58(b) provides, in part, that the committee may recommend to the Secretary changes in the minimum grade and condition standards for natural condition raisins. Similarly, § 989.59(b) provides, in part, that the committee may recommend to the Secretary changes in the minimum grade standards for packed raisins of any varietal type prescribed in paragraph (a) of that section. Section 989.61(a) provides that the provisions of Part 989 relating to minimum grade and condition standards and inspection requirements, within the meaning of section 2(3) of the Act, and any other provisions pertaining to the administration and enforcement thereof, shall continue in effect irrespective of whether the estimated season average price to producers for raisins is in excess of the parity level specified in Section 2(1) of the Act. Section 2(3) authorizes the Secretary to establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements for certain agricultural commodities, other than milk and its products, in interstate commerce as will effectuate the orderly marketing of those commodities as will be in the public interest Many questions have been asked by the raisin industry over the years seeking clarification on the types of changes permitted pursuant to §§ 989.58(b) and 989.59(b), and the applicability of these changes in below, or above parity situations. Consistent with the legislative history of section 2(3) of the Act, minimum standards of quality are intended to keep off the market low quality, off-grade, culls, unclassified, or immature products, even though prices are above the parity level. Such action is intended to be in the interest of consumers, as well as in the interest of producers. Any changes in the minimum standards, whether temporary or permanent, to be applicable in above parity situations, must be justified in the public interest. Conditions may occur in any season necessitating changes in the minimum standards. These conditions can arise from many circumstances, including but not limited to, (a) crop conditions, (b) changes or advances in production, processing, and packaging technology, (c) conditions requiring more precise correlation between the incoming and outgoing standards, and (d) changes in economic factors affecting the orderly marketing of raisins in the public interest With respect to (a), there have been two years (1958 and 1976) in which a large portion of the raisin crop was badly damaged by rain. All-out efforts were made to salvage as much of the crops as possible. In both seasons, there were temporary relaxations in the minimum standards. The purpose of the relaxations was to permit the industry to salvage as much of those crops as possible, but still be able to market a product acceptable to consumers and other users. These changes were in the public interest. However, there have been instances in which raisin production was reduced because of weather, but changes in the minimum standards were unnecessary. For example, in 1972, the production of California raisins was drastically curtailed by freezes. Those raisins that were produced in the fall of 1972 were of acceptable quality, and the minimum standards were not changed. In 1973, production returned to normal, but because of depleted stocks and the need to fill pipelines, the demand for 1973 crop California raisins was extremely strong. The minimum standards were not changed that year. In both, the 1972–73 and 1973–74 crop years, the season average price to producers exceeded parity. Regarding (b), better processing machinery may be developed resulting in more efficient processing of raisins. For example, such machinery could achieve better removal of stems or capstems from the pack, thereby enabling a reduction in the tolerences for these defects and hence, a reduction in the amount of foreign material in the pack. With respect to (c), it may be found that a tolerance for a particular defect in the incoming grade and condition standards is too liberal in comparison with the tolerance for the same defect in the outgoing minimum grade standards for packed raisins. The defect may be of such a nature that it cannot be removed readily during processing, and if the incoming tolerance is not decreased the quality of the outgoing pack may be lower than the effective minimum standards for packed raisins. Regarding (d), circumstances such as farm labor problems including the high cost and difficulty in finding adequate help, may force the raisin industry to find an alternative method of harvesting raisins by mechanical means. This could affect the quality of the raisins harvested in such ways as increased mechanical injury and broken skin. If these defects do not affect eating quality, less restrictive tolerances for these defects may be appropriate.

Therefore, changes in the minimum standards should be authorized whether or not the estimated average season price to growers is above or below parity level. These changes may be of short term or long term duration. In order that any changes are effective in above parity situations, such should be based on a specific determination by the Secretary that these changes will effectuate the orderly marketing of raisins as will be in the public interest.

Accordingly, § 989.58(b) should be revised to provide that the committee may recommend to the Secretary changes in the minimum grade and condition standards for natural condition raisins of any varietal type and may recommend to the Secretary that the minimum grade and condition standards for any varietal type be added or deleted. As discussed herein, such recommended changes may be more restrictive or may relax the minimum standards then in effect, and may be made whether or not the season average price to producers is above parity. Paragraph (b) should also provide that the committee shall submit with its recommendation all data and information upon which it acted in making its recommendation, and such information as the Secretary may request. The Secretary shall approve any such change if he finds, upon the basis of the data submitted to him by the committee or from other pertinent information available to him, that to do so would tend to effectuate the declared policy of the act.

The notice of hearing did not contain a proposal to revise § 989.59(b). However, the record evidence indicates that the provisions of § 989.59(b) should be revised in conformity with the recommended changes in § 989.59(a) and to keep it properly related to § 989.58(b). Therefore, § 989.59(b) should provide that the committee may recommend changes in the minimum grade standards for packed raisins of any varietal type and may recommend to the Secretary that minimum grade standards for any varietal type be added or deleted. As in the case of changes pursuant to § 989.58(b), any changes pursuant to this paragraph may be more restrictive or may relax the minimum standards then in effect, and may be made whether or not the season average price to producers is above parity. The committee shall submit with its recommendation all data and information upon which it acted in making its recommendation and such other information as the Secretary may request. The Secretary shall approve any such change if he finds, upon the basis of data submitted to him by the committee or from other pertinent information available to him, that to do so would tend to effectuate the declared policy of the act. Unless a change pursuant to this paragraph is supported by a justification by the committee that it will effectuate the orderly marketing of raisins as will be in the public interest it should not be effective in above parity situations.

Provisions currently in § 989.61(b) include authorization, criteria, and limits for modifying the grade standards for natural condition and packed raisins when the parity level is exceeded. The recommended revision of §§ 989.58(b) and 989.59(b) makes this paragraph unnecessary and it should be deleted.

The first sentence of § 989.61 in the notice of hearing implies that the provisions on minimum grade and condition standards and inspection requirements and any other provisions pertaining to the administration and enforcement thereof are the only provisions under the order that continue in effect in above parity situations. However, other provisions under the order, such as those for expenses and assessments/reporting, and

research and development purposes also remain in effect in above parity situations. Therefore, the first sentence of § 989.61 in the notice of hearing should be amended by substituting the words "of the order" in place of "thereof".

(4) The proviso in § 989.58(d)(1) should be revised to provide that the initial inspection for infestation shall not be required if the raisins are fumigated in accordance with such rules and procedures as the committee shall establish with the approval of the Secretary. This proviso currently permits handlers to fumigate lots of natural condition raisins received by them prior to the completion of the inspection and certification process. It also eliminates the need to certify a lot as off-grade raisins, upon its receipt by a handler, if fumigation only is needed for the lot to be certified as standard raisins and the fumigation is performed successfully soon after the lot is received. However, because it may take up to a week before a handler has received a sufficient volume of raisins to fill a fumigation chamber or build a stack of raisins and cover it so fumigation can be performed, the completion of the inspection and certification process is unnecessarily delayed.

The recommended revision of the provisions in § 989.58(d)(1) would give handlers who have a policy of fumigating all incoming raisins the option of eliminating the inspection check for infestation at the time of receipt. Moreover, this revision would eliminate the unnecessary delay in the completion of inspection and certification, because these activities would not be interrupted for the fumigation process.

To the extent that handlers take advantage of this option and fumigate soon after completion of incoming inspection and certification, the quantity of natural condition raisins that can be initially certified as standard raisins would be increased, and the workload of the handlers, the committee, and the inspection agency would be reduced.

Authority should be provided for rules and regulations to prescribe such things as issuance of the inspection certificate prior to completion of fumigation, requirements that the raisin lots remain under the supervision of the inspection service during fumigation, and the determination by the inspection service that fumigation was successful.

(5) Authority should be added to the order for the committee to designate raisins for production, processing, and marketing research and development projects and for exempting the acquisition and disposition of these raisins from any or all regulations established under the order. The purpose of authorizing the committee to grant such exemptions is to encourage projects which will encourage cost savings and better raisins and raisin products. Such projects would be initiated without finanial support of the committee, but would be for the long-run benefit of the entire raisin industry.

The type of research contemplated under these provisions includes experimentation and development of new kinds of raisins (raisins made from other than the traditional raisin grapes) and new techniques in making raisins. For example, a number of growers have indicated interest in planting the new Fiesta grape for raisin production but are apprehensive, because they are not sure of the marketing possibilities. With respect to handlers, the possibility of having to set aside, under volume regulations, raisins for diversion is unattractive with respect to experimental raisins.

When the total handler acquisitions of raisins under an exemption granted by the committee, exceeds 500 natural condition tons or a larger quantity approved by the Secretary upon a recommendation of the committee, the exemption should terminate. Also, each exemption granted for a particular research project should be for not more than five years. If the research project is not completed after the fifth year, the committee should review the progress made and decide whether or not the exemption should be continued.

To experiment with a new kind of raisin and conduct meaningful test market studies, a relatively large quantity of exempt tonnage is needed. The 500 natural condition ton limitation as set out above should be adequate for these purposes and is designed to encourage more than one producer or handler to participate in similar research. The record evidence indicates that the current industry view is a quantity greater than 500 tons would be of commercial significance, have an impact on the market, and should be subject to all regulations established under the order. However, the evidence indicates that should the 500 ton limitation turn out to be too restrictive in light of operational experience, the order should authorize an increase by the Secretary, upon a recommendation of the committee, and that formal amendment proceedings would be unnecessary. Five years is deemed ample time for completion of the types of research projects contemplated initially.

There was considerable discussion at the hearing on how the committee planned to administer these provisions. During the discussion, possible methods of administration were illustrated which would afford producers and handlers participating in such research activities maximum flexibility, and lessen the chances of noncompliance.

According to the record evidence, any request for such an exemption would be made by the producer or handler seeking the exemption at a committee meeting. The committee would review the request and decide whether or not the project involved a new kind of raisin or a new method of making raisins. If the project qualified, the committee would determine which regulations would not apply and the period of time the exemption would be granted. If the committee granted the exemption, all producers and handlers would be notified of the project, the regulations from which the raisins were exempt, and the length of time for which the exemption was approved. Notices would be sent to all handlers and releases would be made through news media.

It is contemplated that an application system would be used by the committee so it would not grant exemptions for the same research project for more than 500 total tons in any one crop year. In other words, each producer or handler requesting an exemption for the particular raisins and research project would indicate the quantity of such raisins they expected to produce or market. When the 500-ton limitation set out above was reached for a specific project, no further exemptions would be granted by the committee.

The committee should maintain a complete record of all exempt acquisitions and shipments. All acquisitions and receipts by handlers are reported to the committee by handlers on a weekly basis, broken down by varietal type indicating the quantities held for reconditioning. Shipments are reported monthly, broken down by destinations, varietal type, and pack. Also, the record evidence indicates that any exempt tonnage will be kept under surveillance by committee management until disposed of by the handlers.

The method of administration of these provisions should be based on the committee's study and operating experience under these provisions. The provisions should not identify a specific means of administration, but merely provide a broad framework upon which the committee can base its decision to grant exemptions. Thus, if the initial method of administering the provisions turns out to be defective in some way, the committee could seek other means of administration.

The proposal in the notice of hearing required the Secretary to approve the exemptions granted by the committee. However, at the hearing it was determined that approval of the Secretary was not needed because no committee funds would be used for the research, and the committee could administer the provisions adequately. Also, the proposal in the notice of hearing limited the research covered under the provisions to new grape varieties and kinds of raisins, and new drying methods. The record evidence indicates that the language of the provisions should be broadened to include production, processing, and marketing research and development to afford the industry the greatest flexibility possible in operating under these provisions.

In view of the foregoing, a new paragraph (c) should be added to § 989.60 providing that the committee may designate such raisins as it deems appropriate for production, processing, and marketing research and development. The period of such designation shall be for not more than five years unless extended by the committee. The volume which may be acquired by all handlers shall not exceed 500 natural condition tons annually, unless increased by the Secretary upon a recommendation of the committee. Such designated raisins may be acquired and disposed of free from those regulations specified by the committee. In any crop year, when the total industry acquisitions of designated raisins exceed 500 natural

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condition tons or a larger quantity approved by the Secretary upon a recommendation of the committee, the exemption shall not apply.

(6) The first sentence of § 989.66(b)(3) currently specifies procedures for handlers to substitute for any quantity of reserve tonnage raisins a like quantity of free tonnage raisins of like quality and varietal type of the same or more recent year's production. A literal interpretation of the requireemnt that the free tonnage raisins substituted for the reserved tonnage raisins be "like quality" would require the free tonnage to be Grade A if the reserve tonnage was Grade A, the free tonnage to be Grade B if the reserve tonnage was Grade B, and so forth. However, this is different from how the committee is administering this provision. Since all raisins acquired by handlers must be standard raisins (i.e., raisins meeting the then effective minimum grade and condition standards for natural condition raisins), and handlers are only required to hold standard raisins to satisfy their respective reserve obligations, the committee has permitted handlers to substitute standard raisins for reserve tonnage raisins. Therefore, for the purpose of bringing the current requirement in line with committee application, the first sentence of § 989.66(b)(3) should provide that each handler may, under the direction and supervision of the committee, substitute for any reserve tonnage raisins a like quantity of standard raisins of the same varietal type and of the same or more recent year's production.

The provisions in § 989.67(d)(1) authorizing the establishment of minimum export prices (packer resale prices) for reserve tonnage raisins should be deleted. The committee has not established minimum export prices for nearly 10 years. Currently, there is no need for minimum export prices and no likelihood that any would be established in the foreseeable future.

In an order amendment effective August 4, 1976 (41 FR 32412), provisions pertaining to offers of reserve tonnage to handlers for free tonnage replacement were modified to permit the committee to make such replacement offers at any time prior to the committee's first offer to sell reserve tonnage raisins from a new crop year.

However, in that amendment action the provisions which require the committee to announce the price for replacement tonnage prior to or at the beginning of the crop year were not changed. The time when the committee may make a replacement offer and the price announcement should be the same. To accomplish this, the second sentence of § 989.67(f) should specify that the committee may establish a price for such replacement tonnage which is higher, the same as, or lower than that for reserve tonnage in the first offer of the crop year.

Section 989.67(j) currently authorizes the committee to sell reserve tonnage raisins to handlers to provide them with raisins to sell as free tonnage in the event (among others) of national emergency, crop failure, changes in economic or marketing conditions, or inadequate carryover. Such offers are made to handlers in the same maner as in § 989.67(d)(1) and shares are determined on the basis of handler acquisitions pursuant to § 989.67(d)(2). To provide more flexibility in the disposition of reserve tonnage raisins, the shares of any such offer should be determined on the basis of either handler acquisitions or shipments. The general intent of this proposal is to provide those handlers who have demonstrated that they can use more raisins with additional free tonnage.

Handlers normally do not acquire more raisins than they need to meet trade requirements. However, incorrect marketing decisions can result in significant differences between acquisitions and shipments. Historically, in the raisin industry, increases in free tonnage shipments have not been distributed among all handlers equally because market expansion can be the result of the intensive marketing efforts of some handlers, but not others. In these instances, basing the shares of any such offer on handler shipments would make additional tonnage available to those who have been expanding markets for free tonnage raisins. Basing the shares on acquisitions in this situation would be contrary to the purpose of augmenting the supply of free tonnage with reserve tonnage to meet increased market demand, since handlers not needing tonnage would be given the opportunity to purchase it. To afford maximum flexibility of operations under this provision, the decision as to the basis of determining shares of any such offer should rest solely with the committee.

Each proposal to make such offers would be considered by the committee in light of information available at the time. Hence, if more than one offer is needed during a crop year, it could happen that the determination of shares in one offer may be based on handler acquisitions and shares of the other may be based on handler shipments.

Section 989.54(d) authorizes the committee to make offers of reserve tonnage raisins for use as free tonnage for reasons other than specified in § 989.67(j), and this should be recognized in § 989.67(j). Two such offers are required to be made to handlers pursuant to § 989.54(d). The first offer is an adjustment offer of 10 percent of the previous year's shipments which is allocated to handlers on the basis of their prior year's acquisitions to enable them to acquire a quantity of raisins equal to their prior year's shipments. The second offer is a growth offer of an equal percentage which is made simultaneously to handlers based on their prior year's shipments to provide them with additional raisins for market expansion if they desire it.

The proposal published in the notice of hearing and the record evidence state that the second sentence of § 989.67(j) should provide that any quantities of reserve raisins offered to handlers for free use, except as provided in § 989.54(d), may be offered to them on the basis of shipments or acquisitions and if on the basis of acquisitions shall be offered in the same manner as in subparagraph (1) of paragraph (d) of § 989.67, with shares determined pursuant to subparagraph (2) of paragraph (e) of that section. However, the manner and procedures were not specified for offers based on handler shipments. So that the manner in making offers based on shipments will conform with the manner of making offers on the basis of acquisitions, the procedure (formula) for determining handlers' shares should be the same as that for acquisitions except that shipments should be used as the basis instead of acquisitions. Moreover, the procedure for determining handlers' shares is contained in paragraph (d)(2) of § 989.67, not paragraph (e)(2). Thus, the reference should be corrected to subparagraph (2) of paragraph (d).

In view of the foregoing, the second sentence of § 989.67(j) should provide that any quantities of reserve raisins offered to handlers for free use, except as provided in § 989.54(d), may be offered to them on the basis of handler shipments or acquisitions in the same manner as in subparagraph (1) of paragraph (d) of this section. If offered on the basis of acquisitions, shares shall be determined pursuant to subparagraph (2) of paragraph (d) of this section; if offered on the basis of shipments, the same formula shall be used, except that shipments shall be used as the basis instead of acquisitions in computing handlers' shares.

(7) Under the order, raisin handlers are compensated for services performed with respect to reserve tonnage raisins held for the account of the committee. Such services now include receiving, handling, storing and fumigation. Fumigation has been paid as part of the total package of handler services for a number of years. Therefore, for clarification purposes, the word "fumigating" should be added after the word "receiving" in the first sentences of §§ 989.80(a) and 989.82, and after the word "storing" in the next-to-the-last sentence of § 989.79.

(8) In an order amendment effective August 4, 1976 (41 FR 32412), the Raisin Advisory Board and Raisin Administrative Committee were abolished and replaced with a new administrative committee and an executive operations committee, respectively. As a conforming change, all references to the Board were deleted or changed to "committee". However, one conforming change was inadvertently overlooked in § 989.80(c), regarding funds needed to carry out the functions of the Board. Since funds for the Board are not needed, the fourth sentence of § 989.80(c) should read: "In order to provide funds to carry out the functions of the committee the committee may accept advance payments from any handler to be credited toward such assessments as may be levied pursuant to this section against such handler during the crop year".

(9) Some of the amendatory actions included in this recommended decision require conforming changes elsewhere in the order, as amended. Such changes have been discussed with the issues to which they are pertinent. All such changes should be incorporated in the recommended amendment of the order.

Rulings on briefs of interested persons. At the beginning of the hearing, the Administrative Law Judge fixed November 26, 1976, as the final date for interested persons to file proposed findings and conclusions, and written arguments or briefs, based upon the evidence received at the hearing. No briefs were filed.

General findings. Upon the basis of the record, it is found that:

(1) The findings hereinafter set forth are supplementary, and in addition, to the previous findings and determinations which were made in connection with the issuance of the marketing agreement and order and each previously issued amendment thereto. Except the findings as to the base period for parity computation, and except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein, all of said prior findings and determinations are hereby ratified and affirmed;

(2) The marketing agreement and order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(3) The marketing agreement and order, as amended, and as hereby proposed to be further amended, regulate the handling of raisins produced from grapes grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(4) The marketing agreement and order, as amended, and as hereby proposed to be further amended, are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(5) There are no differences in the production and marketing of raisins produced from grapes grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(6) All handling of raisins produced from grapes grown in the production area as defined in the marketing agreement and order, as amended, and as hereby proposed to be further amended, is in the current of interstate of foreign commerce or directly burdens, obstructs, or affects such commerce.

RECOMMENDED AMENDMENT OF THE MARKETING AGREEMENT AND ORDER

The following amendment of the marketing agreement and order, as amended, is recommended as the detailed means by which the foregoing conclusions may be carried out:

1. Section 989.2 is revised to read:

§ 989.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ 989.6 [Deleted]

2. Section 989.6 is deleted.

§ 989.8 [Amended]

3. Section 989.8 is amended by deleting the phrase "with or without bleaching".

4. Section 989.10 is revised to read:

§ 989.10 Varietal types.

"Varietal types" means raisins generally recognized as possessing characteristics differing from other raisins in a degree sufficient to make necessary or desirable separate identification and classification. Varietal types are the following: Natural (sun-dried) Seedless, Dipped Seedless, Golden Seedless, Muscats (including other raisins with seeds), Sultana, Zante Currant and Monukka: *Provided*, That the committee may, subject to approval of the Secretary, change this list of varietal types.

§ 989.13 [Amended]

5. Section 989.13 is amended by deleting the phrase "(as defined in paragraph (f) of § 989.59)".

6. Section 989.22 is revised to read:

§ 989.22 District.

"District" means any one of the geographical areas referred to in §§ 989.26 or 989.43, and designated in the rules and regulations.

7. Section 989.24 is amended by revising the section heading and paragraph (b), and adding new paragraphs (c) and (d), to read:

§ 989.24 Standard raisins, off-grade raisins, other failing raisins, and raisin residual material.

(a) * * *

(b) "Off-grade raisins" means raisins which do not meet the then effective minimum grade and condition standards for natural condition raisins: *Provided*, That raisins which are certified as off-grade raisins shall continue to be such until successfully reconditioned or become "other failing raisins".

(c) "Other failing raisins" means any raisins received or acquired by a handler, either as standard raisins or off-grade raisins, which are processed to a point where they qualify as packed raisins but fail to meet the applicable minimum grade standards for packed raisins.

(d) "Raisin residual material" means defective raisins, stemmer waste, sweepings, and other residue accumulated by a handler from reconditioning raisins or from processing standard raisins and other failing raisins.

8. The second sentence of § 989.26 is revised to read:

§ 989.26 Establishment and membership.

* * *. The producer members shall be selected in the number and for the districts as designated in the rules and regulations, or as such number or districts may be authorized pursuant to § 989.26a. * * *

9. The first sentence of § 989.26a is revised to read:

§ 989.26a Changes in producer representation.

The Secretary, on recommendation of the committee, may change the total number of producer members on the committee, may change the number of districts designated in the rules and regulations, may redefine such districts into which the production area is divided, or may change the number of producer members which shall be selected to represent particular districts. * * *

10. Paragraphs (a) and (b) and the proviso in paragraph (d)(1) of § 989.58 are revised to read:

§ 989.58 Natural condition raisins.

(a) *Regulation.* No handler shall acquire or receive natural condition raisins which fail to meet such minimum grade and condition standards as the committee may establish, with the approval of the Secretary, in applicable rules and regulations: *Provided*, That a handler may receive raisins for inspection, may receive off-grade raisins for reconditioning and may receive or acquire off-grade raisins for disposition in eligible nonnormal outlets: *And provided further*, That a handler may acquire natural condition raisins which exceed the tolerance established for maturity under a weight dockage system established pursuant to rules and regulations recommended by the committee and approved by the Secretary. Nothing contained in this paragraph shall apply to the acquisition or receipt of natural condition raisins of a particular varietal type for which minimum grade and condition standards are not applicable or then in effect pursuant to this part.

(b) *Changes in minimum grade and condition standards for natural condition raisins.* The committee may recommend to the Secretary changes in the minimum grade and condition standards for natural condition raisins of any varietal type and may recommend to the Secretary that minimum grade and condition standards for any varietal type be added or deleted. The committee shall submit with its recommendation all data and information upon which it acted in making its recommendation, and such other information as the Secretary may request. The Secretary shall approve any such change if he finds, upon the basis of the data submitted to him by the committee or from other pertinent information available to him, that to do so would tend to effectuate the declared policy of the act.

. . . . . .

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(d) (1) • • •: *Provided*, That the initial inspection for infestation shall not be required if the raisins are fumigated in accordance with such rules and procedures as the committee shall establish with the approval of the Secretary. • • •

• • • • • •

11. Paragraphs (a) and (b) of § 989.59 are revised to read:

§ 989.59 Regulation of the handling of raisins subsequent to their acquisition by handlers.

(a) *Regulations.* Unless otherwise provided in this part, no handler shall: (1) Ship or otherwise make final disposition of natural condition raisins unless they at least meet the effective and applicable minimum grade and condition standards for natural condition raisins; or (2) ship or otherwise make final disposition of packed raisins unless they at least meet such minimum grade standards established by the committee, with the approval of the Secretary, in applicable rules and regulations or as later changed or prescribed pursuant to the provisions of paragraph (b) of this section: *Provided*, That nothing contained in this paragraph shall prohibit the shipment or final disposition of any raisins of a particular varietal type for which minimum standards are not applicable or then in effect pursuant to this part; *And provided further*, That a handler may grind raisins, which do not meet the minimum grade standards for packed raisins because of mechanical damage or sugaring into a raisin paste.

(b) The committee may recommend changes in the minimum grade standards for packed raisins of any varietal type and may recommend to the Secretary that minimum grade standards for any varietal type be added or deleted. The committee shall submit with its recommendation all data and information upon which it acted in making its recommendation, and such other information as the Secretary may request. The Secretary shall approve any such change if he finds, upon the basis of data submitted to him by the committee or from other pertinent information available to him, that to do so would tend to effectuate the declared policy of the act.

• • • • • •

§ 989.59 [Amended]

12. Section 989.59(f) is amended by deleting the phrase "(including defective raisins, stemmer waste, sweepings, and other residue)" from the first sentence and by deleting the comma following "standard raisins", and the second sentence.

13. A new paragraph (c) is added to § 989.60 to read:

§ 989.60 Exemption.

• • • • • •

(c) The committee may designate such raisins as it deems appropriate for production, processing, and marketing research and development. The period of such designation shall be for not more than five years unless extended by the committee. The volume which may be acquired by all handlers shall not exceed 500 natural condition tons annually for each designated project, unless increased by the Secretary upon a recommendation of the committee. Such designated raisins may be acquired and disposed of free from those regulations specified by the committee. In any crop year, when the total industry acquisitions of the designated raisins exceed 500 natural condition tons or a larger quantity approved by the Secretary upon a recommendation of the committee, the exemption shall not apply.

14. Section 989.61 is revised to read:

§ 989.61 Above parity situations.

The provisions of this part relating to minimum grade and condition standards and inspection requirements, within the meaning of section 2(3) of the act, and any other provisions pertaining to the administration and enforcement of the order, shall continue in effect irrespective of whether the estimated season average price to producers for raisins is in excess of the parity level specified in section 2(1) of the act.

15. The first sentence of subparagraph (3) in § 989.66(b) is revised to read:

§ 989.66 Reserve tonnage generally.

• • • • • •

(b) • • •

(3) Each handler may, under the direction and supervision of the committee, substitute for any reserve tonnage raisins a like quantity of standard raisins of the same varietal type and of the same or a more recent year's production. • • •

• • • • • •

16. The last sentence of § 989.67(d)(1) is deleted, and the second sentences of paragraphs (f) and (j) of § 989.67 are revised to read:

§ 989.67 Disposal of reserve raisins.

• • • • • •

(f) • • •. The committee may establish a price for such replacement tonnage which is higher, the same as, or lower than that for reserve tonnage in the first offer of the crop year. • • •

• • • • • •

(j) • • •. Any quantities of reserve raisins offered to handlers for free use, except as provided in § 989.54(d), may be offered to them on the basis of handler shipments or acquisitions in the same manner as in subparagraph (1) of paragraph (d), of this section. If offered on the basis of acquisitions, shares shall be determined pursuant to subparagraph (2) of paragraph (d) of this section. If offered on the basis of shipments, the same formula shall be used, except that shipments shall be used as the basis instead of acquisitions in computing handlers' shares. • • •

§ 989.79 [Amended]

§ 989.80 [Amended]

§ 989.82 [Amended]

17. The word "fumigating" is added after the word "receiving" in the first sentences of § 989.80(a) and 989.82, and after the word "storing" in the next-to-the-last sentence of § 989.79.

18. In the fourth sentence of § 989.80(c), the words "and the Board" immediately following the words "functions of the committee" are deleted.

§ 989.84 [Amended]

19. Section 989.84 is amended by deleting the phrase "(as defined in § 989.59(f))".

§ 989.96 [Deleted]

20. Section 989.96 is deleted, effective October 1, 1977.

§ 989.97 [Revoked]

21. Section 989.97(Exhibit B) is deleted, effective October 1, 1977.

Signed at Washington, D.C. on March 28, 1977.

WILLIAM T. MANLEY,
Acting Administrator.

[FR Doc.77-9717 Filed 3-31-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 213]

OIL IMPORT REGULATIONS

Allocations for the Period May 1, 1977 Through April 30, 1978; Cancellation of Hearing

On March 15, 1977, the Federal Energy Administration (FEA) issued proposed regulations amending Part 213 of Chapter II, Title 10 of the Code of Federal Regulations, to provide for the commencement of the next allocation period, and to reduce accordingly the level of fee-exempt allocations (42 FR 15317, March 21, 1977). Due to a lack of interest, the public hearing scheduled for April 4, 1977 has been cancelled. In all other respects, the notice remains the same.

Issued in Washington, D.C., March 29, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.77-9853 Filed 3-30-77;9:29 am]

[10 CFR Part 440]

WEATHERIZATION ASSISTANCE FOR LOW-INCOME PERSONS

Proposed Rulemaking

AGENCY: Federal Energy Administration.

ACTION: Proposed rule.

SUMMARY: The Federal Energy Administration (FEA) hereby proposes to amend Chapter II of Title 10, Code of Federal Regulations, to establish a program of weatherization assistance for low-income persons pursuant to Part A, 42 U.S.C. 6861–6870, of Title IV of the Energy Conservation and Production Act (Act), Pub. L. 94–385, 90 Stat. 1125 et seq. These proposed regulations set forth the requirements for the development and implementation of a weatherization assistance program to assist in achieving a healthful dwelling environment and maximum practicable energy conservation in the dwellings of low-income persons, particularly elderly and handicapped low-income persons, in order both to aid those persons least able to afford higher utility costs and to conserve needed energy.

FEA will receive written comments and hold public hearings with respect to this proposal. This proposal is currently undergoing further interagency review, and FEA accordingly expects the final rulemaking to reflect comments from other Federal agencies as well as from other interested persons.

DATES: Written comments must be received on or before April 25, 1977. Hearings shall be held on the dates and the places indicated below.

ADDRESS: Federal Energy Administration, Box LN, Executive Communications, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Ms. Mary Bell, Director, Office of Weatherization Assistance. (202–566–3091.)

SUPPLEMENTARY INFORMATION: The Act authorizes FEA, after consultation with the Secretary of Housing and Urban Development, the Secretary of Health, Education, and Welfare, the Secretary of Labor, and the Director of the ACTION Agency and in coordination with the Director of the Community Services Administration (CSA), to promulgate regulations in order to carry out the provisions of the Act establishing the weatherization program. The Act authorizes fifty-five million dollars for the purpose of carrying out the weatherization assistance program for fiscal year 1977, sixty-five million for 1978, and eighty million for 1979. However, the actual amounts available for the weatherization assistance program during this period will depend upon the appropriations made available in each fiscal year for this program, within the ceiling of the authorization.

In the process of developing this proposed rulemaking FEA consulted with other Federal agencies, coordinated its development with CSA, and circulated earlier staff drafts to the Regional Offices of FEA which distributed copies to the States and other persons. Substantive comments were considered by FEA and are summarized and discussed below. While the proposed rulemaking sets forth FEA's current views on the appropriate design of the program, FEA is fullly prepared to modify any aspect of the program, as justified from comments received on this proposal and by any other relevant information available to FEA in the preparation of final program regulations. While FEA is requesting comments on all aspects of the proposal, it is particularly interested in receiving comments on the specific issues identified and discussed below.

ELEMENTS OF THE PROGRAM

The program is a voluntary grant-in-aid program. In most cases, it is expected that grants will be made to the States to be used for the conduct of weatherization projects throughout the States. However, in cases where a State does not participate in the program, a Community Action Agency (CAA) or a unit of general purpose local government may apply directly for a grant. In appropriate circumstances tribal organizations within a given State may receive grants whether or not the State is also a grantee.

A. *Allocation of Funds.* Section 414(a) of the Act requires that FEA develop a funding formula on the basis of the relative need for weatherization assistance among low-income persons throughout the States. FEA is required to take into account the number of dwelling units to be weatherized; climatic conditions; the type of weatherization work to be done; and such other factors as FEA determines are necessary.

Section 440.10 of the proposed regulations proposes a formula for the allocation of program funds among the States. This allocation, however, does not alone commit FEA to award a portion of or the total amount, allocated as a grant to a State, or other eligible applicant within the State. Funding will only be made to a State or eligible applicant whose application conforms to program requirements, as determined by FEA, and subsequent to execution of a grant agreement. The design of the proposed formula is discussed below.

Allocation by State for fiscal year 1977 under the proposed formula would be as follows:

Alabama: $100,000 plus 0.88 percent of rest.
Alaska: $100,000 plus 0.55 percent of rest.
Arizona: $100,000 plus 0.22 percent of rest.
Arkansas: $100,000 plus 0.85 percent of rest.
California: $100,000 plus 2.34 percent of rest.
Colorado: $100,000 plus 1.99 percent of rest.
Connecticut: $100,000 plus 1.21 percent of rest.
Delaware: $100,000 plus 0.21 percent of rest.
District of Columbia: $100,000 plus 0.25 percent of rest.
Florida: $100,000 plus 0.21 percent of rest.
Georgia: $100,000 plus 0.92 percent of rest.
Hawaii: $0 plus 0.00 percent of rest.
Idaho: $100,000 plus 0.72 percent of rest.
Illinois: $100,000 plus 6.71 percent of rest.
Indiana: $100,000 plus 3.02 percent of rest.
Iowa: $100,000 plus 2.90 percent of rest.
Kansas: $100,000 plus 1.36 percent of rest.
Kentucky: $100,000 plus 2.12 percent of rest
Louisiana: $100,000 plus 0.42 percent of rest
Maine: $100,000 plus 1.38 percent of rest.
Maryland: $100,000 plus 1.23 percent of rest.
Massachusetts: $100,000 plus 2.86 percent of rest.
Michigan: $100,000 plus 6.43 percent of rest.
Minnesota: $100,000 plus 5.61 percent of rest.
Mississippi: $100,000 plus 0.59 percent of rest.
Missouri: $100,000 plus 3.17 percent of rest.
Montana: $100,000 plus 1.01 percent of rest.
Nebraska: $100,000 plus 1.48 percent of rest.
Nevada: $100,000 plus 0.14 percent of rest.
New Hampshire: $100,000 plus 0.70 percent of rest.
New Jersey: $100,000 plus 2.67 percent of rest.
New Mexico: $100,000 plus 0.68 percent of rest.
New York: $100,000 plus 9.91 percent of rest
North Carolina: $100,000 plus 1.55 percent of rest.
North Dakota: $100,000 plus 1.31 percent of rest.
Ohio: $100,000 plus 6.10 percent of rest.
Oklahoma: $100,000 plus 1.06 percent of rest.
Oregon: $100,000 plus 1.22 percent of rest.
Pennsylvania: $100,000 plus 7.26 percent of rest.
Rhode Island: $100,000 plus 0.65 percent of rest.
South Carolina: $100,000 plus 0.58 percent of rest.
South Dakota: $100,000 plus 1.11 percent of rest.
Tennessee: $100,000 plus 1.82 percent of rest.
Texas: $100,000 plus 1.32 percent of rest.
Utah: $100,000 plus 0.82 percent of rest.
Vermont: $100,000 plus 0.53 percent of rest.
Virginia: $100,000 plus 1.81 percent of rest.
Washington: $100,000 plus 2.02 percent of rest.
West Virginia: $100,000 plus 1.63 percent of rest.
Wisconsin: $100,000 plus 0.44 percent of rest.
Wyoming: $100,000 plus 0.44 percent of rest.

Under the proposed allocation formula, the first $5 million of appropriated funds would be allocated equally among the States. This would amount to an allocation of $10,000 to be budgeted for administration under the 10 percent statutory ceiling on administrative expenses. FEA has determined that the program cannot be adequately administered within a State with a lower administrative budget.

The percent of each State's share of the remaining appropriated funds beyond the first $5 million is proposed to be determined as follows:

$$\text{Sum for all States.}\left(\frac{0.587\ (\text{heating})^2}{(\text{owners})}+\frac{0.033\ (\text{cooling})^2}{+0.5\ (\text{renters})}\right)\times 100$$

Where:
0.587 is the percentage of total residential energy consumed nationwide for heating.
"Heating" is the number of annual heating degree-days in the State.
0.033 is the percentage of total residential energy consumed nationwide for cooling.
"Cooling" is the number of annual cooling degree-days in the State.
"Owners" is the number of low-income owner occupied units within the State.
"Renters" is the number of low-income renter occupied units within the State.

1. *Number of low-income homes.* The number of low-income homes in all of the States consists of total owner-occupied low-income units and total renter-occupied low-income units. This information was obtained from the "Public Use Sample of Basic Records from the 1970 Census" (the most recent figures available) by means of a computer tabulation. The number of owner-occupied and renter-occupied low-income homes, by State, for purposes of the proposed formula has been determined to be as follows:

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TABLE II.—*Low-income homes by State*

State:	Owner occupied	Renter occupied	Total
Alabama	135,2	132,9	268,1
Alaska	6,2	2,8	8,0
Arizona	45,5	40,1	85,6
Arkansas	98,7	78,8	177,5
California	278,9	515,7	794,6
Colorado	41,8	55,4	97,2
Connecticut	29,8	51,3	81,1
Delaware	10,6	9,7	20,3
District of Columbia	6,8	34,5	41,3
Florida	227,8	182,5	410,3
Georgia	129,0	166,7	295,7
Hawaii	6,5	17,2	23,7
Idaho	18,6	14,7	33,3
Illinois	183,0	260,5	443,5
Indiana	117,0	83,6	200,6
Iowa	81,5	49,7	131,2
Kansas	70,3	52,8	123,1
Kentucky	130,4	110,4	240,8
Louisiana	144,9	143,7	288,6
Maine	27,4	19,2	46,6
Maryland	51,9	80,3	132,2
Massachusetts	64,5	124,1	188,6
Michigan	173,7	138,1	311,8
Minnesota	95,4	61,8	157,2
Mississippi	114,2	104,1	218,3
Missouri	155,4	119,0	274,4
Montana	16,5	17,3	33,8
Nebraska	46,9	32,3	79,2
Nevada	7,3	9,7	17,0
New Hampshire	14,4	13,7	28,1
New Jersey	85,9	133,9	219,8
New Mexico	36,9	28,5	65,4
New York	209,3	558,5	767,8
North Carolina	151,6	155,3	306,9
North Dakota	18,6	12,7	31,3
Ohio	204,5	217,8	422,3
Oklahoma	107,4	75,1	182,5
Oregon	52,0	47,9	99,8
Pennsylvania	250,4	250,9	501,3
Rhode Island	17,0	29,4	46,4
South Carolina	88,2	92,0	180,2
South Dakota	25,2	14,3	39,5
Tennessee	147,0	134,1	281,1
Texas	355,5	302,9	685,4
Utah	21,3	22,1	43,4
Vermont	10,3	8,7	19,0
Virginia	114,6	107,4	222,0
Washington	67,2	75,1	142,3
West Virginia	77,6	58,3	135,9
Wisconsin	92,8	73,6	166,4
Wyoming	8,2	7,6	15,8
Total	5,128,7	4,670,6	9,799,3

Source: Special tabulation of "Public Use Sample of Basic Records from the 1970 Census," (15 pct) 1/100 file, Federal Energy Administration, Washington, D.C.

In developing figures on number of low-income homes, FEA has assumed that the number of renter-occupied dwelling units is roughly equivalent to the number of multi-family dwelling units and that the cost of weatherizing multi-family units is on the average no more than half the cost of weatherizing a single-family dwelling unit (due to frequent absence of need for floor or attic insulation). Therefore, FEA proposes to include a factor of 0.5 in the formula, thereby giving half the weight to the number of renter-occupied dwelling units as is given to the number of owner-occupied dwelling units. FEA proposes assigning a 0.5 factor to renter-occupied dwelling units because, although an approximation, it represents a reasonable and workable correlation between the cost of weatherizing such a dwelling unit and the greater cost of weatherizing single-family dwelling units.

One Governor disagreed and stated that by discounting the number of renter-occupied dwellings the formula provides proportionately fewer benefits for the "poorer poor" who tend to occupy rental housing. In his view, this effect would be mitigated if the formula were to be based on the total number of dwelling units in a State occupied by low-income occupants. The Energy Advisory Council to another Governor, however, supported the proposed approach.

2. *Degree days.* A second factor evaluated by FEA in the development of the proposed allocation formula is the impact of climatic conditions. Heating and cooling degree-day data is used in the proposed formula as a measure of the severity of climate. The degree-day data were prepared by the National Oceanic and Atmospheric Administration (NOAA) for each State, with the exception of Alaska. The number of degree-days for each State is a population-weighted average of the climatological normal (1941–1970) degree-days for each weather station within the State. The degree-day data for Alaska were derived using data from Climatography of the United States No. 81 (by State), August 1973, Environmental Data Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce. The number of degree days, by State, for purposes of the proposed formula, has been determined to be as follows:

TABLE III.—*1941–70 State heating degree-day normals (population weighted)*

Stations	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	Seasonal
Alabama	0	0	6.7	119.6	363.5	585.6	631.9	491.9	371.1	161.6	23.1	0.5	2,695.3
Arizona	0	.1	5.2	66.8	288.9	500.2	510.2	393.1	319.1	139.3	35.9	4.4	2,268.2
Arkansas	.1	.5	12.5	138.3	421.4	689.8	755.7	585.2	450.2	129.6	24.3	.6	3,214.2
California	11.1	11.8	24.2	117.8	300.7	470.5	513.2	401.0	390.4	266.8	156.6	64.6	2,728.5
Colorado	21.7	37.0	206.5	501.1	863.6	1,116.8	1,198.8	995.0	963.4	613.1	351.3	135.9	7,004.3
Connecticut	2.3	16.8	104.6	367.3	673.0	1,070.3	1,179.1	1,019.5	884.4	523.4	250.3	38.3	6,129.7
Delaware	0	.2	39.0	251.2	557.1	911.8	985.1	849.1	701.8	363.1	119.0	2.8	4,780.2
Florida	0	0	0	5.2	67.9	176.7	199.2	165.1	80.8	8.7	.1	0	703.7
Georgia	0	0	7.4	114.9	356.4	588.8	615.7	492.9	371.7	108.9	26.2	1.1	2,684.0
Idaho	20.3	43.9	211.1	510.6	862.3	1,131.1	1,245.1	999.5	881.9	583.6	329.1	152.7	6,917.2
Illinois	3.2	10.1	73.7	321.3	732.5	1,125.8	1,250.4	1,032.4	855.6	426.8	193.7	32.2	6,057.7
Indiana	4.6	10.9	74.6	316.4	697.5	1,064.2	1,162.1	973.5	806.7	400.6	176.1	25.8	5,713.0
Iowa	10.0	17.9	117.4	373.4	825.4	1,247.9	1,413.7	1,145.1	961.9	468.9	208.1	44.3	6,834.0
Kansas	4.0	3.8	50.0	232.9	623.5	970.6	1,075.1	829.1	701.8	291.7	102.6	14.3	4,900.2
Kentucky	.6	1.1	42.3	237.4	571.9	868.1	935.6	775.3	623.3	257.4	93.5	7.3	4,413.8
Louisiana	0	0	0.1	49.2	208.1	382.2	458.0	336.7	229.6	36.9	.7	0	1,701.5
Maine	39.8	71.6	223.8	525.1	842.4	1,297.3	1,437.9	1,254.5	1,088.6	709.8	392.5	118.6	8,001.9
Maryland	0	.4	43.8	262.0	573.2	924.0	983.8	841.9	691.5	341.8	113.7	3.1	4,782.2
Massachusetts	2.8	18.1	110.5	371.1	671.7	1,071.8	1,183.0	1,034.7	899.8	552.8	270.0	45.7	6,281.5
Michigan	11.0	24.5	120.3	395.9	772.4	1,155.7	1,287.5	1,119.7	971.4	548.2	275.6	56.7	6,738.9
Minnesota	30.8	43.8	225.1	522.3	1,024.7	1,499.4	1,690.1	1,412.1	1,193.8	652.8	325.8	100.6	8,729.5
Mississippi	0	0	3.3	97.5	314.6	530.9	594.8	453.4	332.7	74.2	9.5	.1	2,411.0
Missouri	3.5	5.2	52.9	247.3	626.1	979.9	1,095.7	869.5	717.1	299.7	112.7	14.1	5,023.7
Montana	63.4	80.8	318.6	665.5	988.0	1,275.2	1,420.2	1,122.2	1,084.2	685.6	424.0	224.6	8,292.3
Nebraska	11.0	9.1	112.7	352.0	788.4	1,159.7	1,307.2	1,033.8	900.4	435.4	194.3	42.4	6,346.5
Nevada	4.5	15.3	68.4	258.4	586.4	813.3	862.5	644.7	527.1	340.0	166.2	61.4	4,370.2
New Hampshire	19.5	55.7	194.5	495.4	822.0	1,262.2	1,391.4	1,208.2	1,040.3	645.7	330.9	71.0	7,534.3

Stations	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Annual
New Jersey	0	2.9	142.9	302.9	612.4	991.4	1,061.8	935.0	787.5	429.9	172.1	11.2	5,470.0
New Mexico	4.9	8.6	63.0	291.8	642.2	902.8	942.7	736.6	648.8	355.2	141.0	54.4	4,766.0
New York	5.1	13.9	82.4	326.5	640.8	1,034.8	1,152.7	1,007.3	872.2	503.6	227.5	32.1	5,898.9
North Carolina	.1	.1	19.0	168.2	431.3	711.0	787.4	616.0	483.8	173.0	49.7	3.4	3,392.0
North Dakota	42.7	45.5	276.1	583.1	1,126.9	1,561.6	1,825.6	1,494.1	1,291.3	711.9	375.8	136.3	9,483.8
Ohio	5.2	11.4	84.3	332.4	688.3	1,051.5	1,140.1	980.2	823.1	435.4	197.1	30.8	5,778.8
Oklahoma	.1	.5	14.1	136.6	452.2	747.4	836.9	625.2	508.2	157.6	30.5	.2	3,507.5
Oregon	64.6	74.7	153.9	398.0	623.4	790.6	860.7	659.6	654.9	496.0	324.0	171.2	5,253.6
Rhode Island	3.0	13.6	93.1	337.2	695.8	1,005.9	1,110.5	979.1	870.8	548.6	284.4	50.1	5,924.1
South Carolina	.0	0	4.8	110.1	346.4	663.0	735.1	502.9	378.3	105.7	19.2	.2	2,965.7
Pennsylvania	5.0	13.4	92.1	345.7	672.1	1,039.5	1,122.9	975.9	822.2	444.2	194.6	27.2	5,754.8
South Dakota	25.6	22.0	176.1	455.4	930.0	1,336.4	1,536.4	1,506.8	1,222.3	1,071.9	562.0	280.3	7,680.8
Tennessee	.1	.2	25.2	202.2	506.1	773.6	835.4	672.7	534.1	194.9	62.2	2.9	3,809.6
Texas	0	0	1.1	56.6	247.4	447.5	532.7	386.7	278.5	92.8	3.8	0	2,015.1
Utah	8.8	17.0	158.2	449.3	826.8	1,122.8	1,217.1	961.7	863.6	540.1	295.8	118.7	6,579.9
Vermont	26.7	65.8	205.7	508.5	843.4	1,314.9	1,469.1	1,271.9	1,090.9	661.3	339.0	75.5	7,872.7
Virginia	.5	.5	39.5	253.7	525.6	844.9	889.1	758.6	616.7	278.7	92.1	5.9	4,285.8
Washington	80.0	91.6	196.4	445.8	691.3	862.5	946.1	723.0	765.1	507.4	326.5	176.7	5,751.9
West Virginia	3.8	5.9	75.8	310.8	637.1	955.5	1,010.3	863.8	717.8	354.9	148.5	24.1	5,108.3
Wisconsin	18.7	32.4	153.3	437.9	873.6	1,204.1	1,460.1	1,231.4	1,055.1	583.3	300.4	80.8	7,531.1
Wyoming	37.7	49.4	265.0	573.2	958.0	1,235.2	1,333.6	1,092.8	1,064.4	684.4	413.0	187.9	7,894.6

Source: Table III, percent of normal of accumulated heating degree-days, by month, season, and State, Nov. 13, 1973, and percent of normal of accumulated cooling degree-days by month, season, and State, Apr. 16, 1974, Environmental Data Service, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce.

TABLE III.—*1941–70 cooling degree-day normals (population weighted)*

Stations	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Annual
Alabama	17.5	14.2	33.4	62.6	210.8	377.0	456.0	441.9	282.9	91.1	6.6	5.7	1,999.4
Arizona	.5	8.4	21.1	87.6	294.3	442.5	640.6	577.4	420.7	164.7	18.8	.2	2,623.8
Arkansas	.9	.8	22.5	46.1	172.0	369.7	496.1	458.9	285.2	74.2	1.8	.6	1,891.5
California	1.1	.9	2.8	7.2	23.9	77.5	192.5	188.2	131.6	36.9	5.8	.4	669.4
Colorado	0	0	0	0	4.4	61.2	140.1	103.0	26.4	.8	0	0	335.7
Connecticut	0	0	0	0	9.7	82.2	207.7	184.0	41.9	1.3	0	0	506.8
Delaware	.4	0	.7	.7	53.5	202.4	336.7	252.5	127.7	15.8	0	0	1,021.0
Florida	85.4	97.2	132.9	216.8	354.0	455.8	511.9	521.1	455.2	301.7	138.0	97.8	3,367.8
Georgia	18.8	10.4	27.2	53.8	199.3	355.4	432.2	418.0	261.7	75.8	6.1	5.6	1,859.3
Idaho	.2	0	0	0	18.1	48.7	177.0	138.3	37.0	.8	0	0	416.1
Illinois	0	0	2.5	2.5	58.2	202.4	297.7	263.1	92.6	19.9	0	0	940.9
Indiana	0	0	3.4	3.0	72.1	208.1	295.8	250.8	102.8	16.4	0	0	952.4
Iowa	0	0	1.8	1.8	66.6	184.8	287.3	245.3	70.0	18.8	0	0	876.4
Kansas	0	0	8.5	16.8	111.9	296.5	450.2	422.0	167.6	47.9	0	0	1,542.5
Kentucky	1.5	.2	13.3	13.9	106.4	257.6	353.4	319.3	160.7	27.2	0	.2	1,254.7
Louisiana	32.7	30.2	67.3	127.3	292.4	454.7	526.8	523.2	378.7	196.4	29.6	14.6	2,637.3
Maine	0	0	0	0	.9	21.6	107.4	84.5	7.2	0	0	0	221.6
Maryland	.3	0	.9	2.4	63.0	202.6	331.5	279.4	121.4	13.5	0	0	1,015.0
Massachusetts	0	0	0	0	9.2	70.9	197.2	155.5	34.1	.4	0	0	467.3
Michigan	0	0	.5	.2	29.8	124.6	207.5	175.1	48.3	7.1	0	0	593.1
Minnesota	0	0	.1	.3	22.3	94.6	184.5	143.0	22.3	5.7	0	0	472.8
Mississippi	18.8	17.0	41.4	81.8	236.2	415.0	496.2	479.4	311.4	110.5	8.7	6.2	2,222.7
Missouri	0	0	7.5	12.9	106.6	267.5	394.2	353.3	153.6	36.6	0	0	1,332.2
Montana	.7	0	.1	.1	4.2	26.7	106.8	78.6	19.8	.2	0	0	236.3
Nebraska	0	0	2.8	4.4	78.0	214.7	380.5	313.1	107.3	20.4	0	0	1,101.2
Nevada	0	2.4	4.3	33.5	112.9	246.3	442.9	389.2	210.9	56.4	1.6	0	1,500.4
New Hampshire	0	0	0	0	5.2	41.3	125.6	100.9	13.7	0	0	0	286.7
New Jersey	0	0	0.1	0.1	24.5	149.2	285.6	232.5	167.0	8.1	0	0	877.1
New Mexico	0	0	2.4	13.0	52.5	209.0	313.4	260.9	108.9	12.2	0	0	972.4
New York	0	0	0	0	20.7	122.2	249.6	207.8	71.7	5.4	0	0	677.4
North Carolina	4.6	.6	14.6	19.2	126.6	293.9	366.7	356.0	196.7	41.1	.7	1.5	1,454.0
North Dakota	0	.1	0	.2	15.0	69.9	174.4	134.8	24.3	2.0	0	0	420.7
Ohio	.1	0	1.7	2.8	55.5	170.1	254.9	214.1	187.7	10.2	0	0	797.2
Oklahoma	.2	.7	18.1	50.6	156.0	376.9	526.0	514.5	273.8	78.3	1.6	0	2,002.6
Oregon	.1	0	0	0	2.5	19.7	76.4	69.2	25.5	.1	0	0	193.5
Pennsylvania	.1	0	.6	.9	42.7	144.5	250.3	202.2	76.0	6.2	0	0	732.5
Rhode Island	0	0	0	0	1.8	55.1	188.2	150.8	39.5	.7	0	0	445.1
South Carolina	10.4	4.7	25.4	47.6	203.9	370.0	453.7	429.0	261.2	72.0	4.0	4.3	1,885.4
South Dakota	0	.1	1.3	1.8	45.8	144.6	286.6	245.8	67.2	7.8	0	0	801.0
Tennessee	2.3	2.1	16.9	22.7	133.1	296.0	390.7	361.9	150.7	42.0	.2	0.5	1,458.1
Texas	13.9	26.2	55.0	129.1	281.9	466.5	672.2	570.1	380.2	170.2	31.1	8.6	2,699.0
Utah	0	0	0	1.0	22.5	80.1	252.6	202.3	68.2	2.4	0	0	630.1
Vermont	0	0	0	0	7.2	43.9	128.6	96.3	17.3	.1	0	0	293.4
Virginia	1.3	0	4.0	6.0	85.3	224.1	336.4	294.0	140.9	20.8	0	.1	1,112.9
Washington	.3	0	0	0	4.0	20.6	72.1	58.2	15.1	0	0	0	171.3
West Virginia	1.2	0	3.8	4.6	64.7	176.3	261.1	224.5	100.4	12.3	0	.1	849.0
Wisconsin	0	0	0	.1	24.2	105.0	195.9	173.0	32.5	6.5	0	0	540.6
Wyoming	0	0	0	.1	6.4	43.4	144.0	107.8	23.7	.7	0	0	326.1

Source: Table II, percent of normal of accumulated heating degree-days, by month, season, and State, Nov. 13, 1973, and percent of normal of accumulated cooling degree-days, by month, season, and State, Apr. 16, 1974, Environmental Data Service, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce

The proposed allocation formula uses the square of the State's normal heating degree-days plus the square of the State's normal cooling degree-days. Squaring each factor places a greater emphasis on the State with extremes of climate, where the greatest need for weatherization and potential for energy conservation is found. The lack of a squared degree-day factor would give the same weight to a State with 1500 cooling degree-days and 1500 heating degree-days and to a State with either 3000 heating degree-days or 3000 cooling degree-days. FEA believes this would be inequitable because the latter two situations represent more severe climates with greater weatherization need and energy conservation potential than the first case. Degree-days are the most widely used and accepted measure of climate severity as it affects usage of energy. Heating degree-days, in particular, have been shown to be a very accurate predictor of heating fuel consumption. While the situation for cooling is less clear cut, the Department of Commerce publishes the cooling degree-day data as the best available indicator. Conclusive research is not available as to the accuracy of this indicator. The heating and cooling degree-day data have been weighted to reflect the fact that a significantly larger portion of residential energy is used for heating rather than for cooling.

The percentage of total residential energy used for both heating and cooling is applied to the respective degree-day

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figures in order to weight them in a fashion consistent with the potential energy savings in each use sector. The percentage figures were obtained from calculations performed in the "Federal Energy Administration Project Independence Blueprint: Final Task Force Report," which is available for review at FEA Regional Offices and at the Office of Weatherization Assistance, Washington, D.C., whose addresses appear elsewhere in this preamble. These percentages are 58.7% and 3.3% for heating and cooling respectively. The Final Task Force Report is available as provided below.

FEA has received numerous comments from all sections of the Nation on this element of the formula. Many of them were directed at previous formulas in earlier drafts of the regulations proposed today, in which heating degree-days only were considered, or in which heating degree-days squared plus cooling degree-days squared were considered without weighting factors to reflect potential energy savings in each use sector.

Two comments were received from States recommending that degree-days be deleted from the formula. Three comments (including one from HEW) were received recommending that cooling degree-days be either deemphasized or eliminated from the formula because: savings of imported oil would thereby be enhanced in the Northeast (the Northeast has a heavy reliance on imported oil which is used for space heating); use of total cooling degree-days does not correlate with energy savings (few low-income persons have air conditioning); and heating is more essential to safety and health than cooling.

Based on these comments the cooling degree days were weighted to reflect percentage of energy used in space cooling.

One comment claims discrimination against the southern States because of the deemphasis placed on cooling degree days.

On the issue of "to square or not to square," three comments expressed an opinion that squaring of degree days places too much emphasis on climate and too little emphasis on the number of low-income dwellings.

After evaluating all of these comments, FEA believes that squaring degree-days will allocate more funds to areas with severe climates where there is a greater potential for energy savings and a greater need for weatherization.

3. *Type of weatherization work to be done.* The issue of the type of weatherization work to be done has been equally controversial in the development of the proposed allocation formula. In earlier drafts, an average cost per home or funding range for each State was established. This factor was derived from data provided by the National Association of Home Builders (NAHB) Research Foundation in "An Evaluation of Data Developed in 'A Study of Level of Retrofit for Energy Savings of Homes Owner Occupied by Low-Income Families,'" November 1975. The NAHB study and related materials are available for review at FEA Regional Offices and at the Office of Weatherization Assistance, Washington, D.C., whose addresses appear elsewhere in this preamble, as provided below. The NAHB study provides information on the characteristics of the low-income housing stock in each State, including the average attic area, accessible attics, the average number of windows per home, and several other factors. The study calculates the annual BTU savings which may be obtained from the installation of several specific types of weatherization materials in an average home in each State.

The NAHB study also provides data on the cost of materials for each type of weatherization material and on the average cost of space heating in each State.

FEA received numerous comments criticizing both the concept of an average cost per home and the figures themselves. Many of the comments recommended that the homes in each State should be treated equally with respect to types of weatherization materials. As the result of these comments, FEA has eliminated the average cost per home as a factor in the allocation formula. The formula proposed in this rulemaking takes into consideration the type of weatherization work to be done in the 0.5 factor assigned to renter-occupied dwelling units, which is discussed above.

FEA has received several comments regarding Alaska's allocation under the proposed formula. The comments have recommended that Alaska be exempted from the allocation formula and that Alaska's allocation be determined separately. The bases for this recommendation are the following:

70 percent of the poverty population in Alaska lives in Alaskan Bush Villages, which are hundreds of miles away from Anchorage and have no roads connecting them to major marketing areas.

There is a tremendous disparity for insulation materials between Anchorage and the Bush Villages. There is at least a 100 percent increase in retail prices in Bush Villages as compared to Anchorage prices. This difference is due to remoteness, inaccessibility, and dispersion of Bush Villages. There are no roads connecting market areas and all supplies have to be flown into villages by small one-engine airplanes.

The inflation rate for the State of Alaska over the past 2 years is approximately triple the U.S. average.

Degree days in the Bush Villages are much higher than in Anchorage (the population center).

Determining the low-income population in accordance with the OMB Poverty Guidelines ignores the fact of vastly inflated wages and prices in Alaska.

FEA has considered these comments, but at this time has concluded that a special exception for Alaska is inappropriate.

The State of Hawaii has not been included in the program because of the determination that Hawaii has no significant problems that the weatherization assistance program could address.

B. *Eligible Dwelling Units.* Financial assistance under this part may only be used to weatherize the dwelling unit of a low-income family unit. A low-income family unit consists of one or more persons who meet either of two tests. The first test requires that total family income is not above the poverty level set forth in the guidelines established by the Office of Management and Budget. Under the second test, any family unit is a low-income family unit if it contains a member who has received cash assistance payments under Title IV (Aid to Dependent Children) or Title XVI (Supplementary Income) during a twelve month period prior to the time of receipt of weatherization assistance.

The first test is addressed to identifying family units which are poor and will include the so-called poorest of the poor. The second test identifies persons who are both needy and especially vulnerable to the adverse effects of high energy costs, including specifically the elderly and the handicapped.

The combination of both tests defines the outer limits of dwelling units eligible for financial assistance in the conduct of a weatherization project under this part. However, a State plan may establish priorities among eligible dwelling units for the entire State or a specific weatherization project. FEA requires a State to establish such priorities for elderly and handicapped low-income persons. FEA encourages a State to pay particular attention to establishment of priorities because presently authorized funding limits for the program will serve to weatherize only a fraction of eligible dwelling units in the Nation.

C. *Minimum Program Requirements.* Any weatherization assistance program receiving financial assistance pursuant to the Act must conform to the proposed minimum requirements set forth in § 440.15. FEA intends to permit a grantee to develop, publish and implement its own procedures, to be approved by FEA, provided that these procedures satisfy the minimum requirements prescribed in this part. In this way, FEA seeks to encourage local initiative and creativity, facilitate coordination of weatherization programs within a State, and enable each grantee to develop practice and procedure most compatible with State or local administrative practices.

Prior to the expenditure of any grant funds, each grantee must develop, publish and implement procedures to assure conformity with minimum program requirements, including procedures to ensure that a weatherization project will only weatherize eligible dwelling units and will give priority to elderly and handicapped low-income persons.

Moreover, each grantee must make provision that funds will be used to supplement but not supplant State or local funds and will be coordinated with other programs to improve thermal efficiency and conserve energy. Additionally, each grantee must take steps to secure, to the maximum extent practicable, the services of volunteers and public service employment workers, pursuant to the Comprehensive Employment and Training Act of 1973 (CETA).

If a grantee elects to weatherize rental housing, it must develop procedures to

assure that: (1) The owner consents to the weatherization of his property; (2) benefits primarily accrue to low-income persons and not to owner; (3) rents are not raised because of improvements made; and (4) no excessive enhancement shall occur to the value of the dwelling unit. A rental dwelling unit may only be weatherized with financial assistance provided under this part if it is an eligible dwelling unit and will be weatherized in conformity with the State procedures for weatherizing rental housing. Accordingly, in a multi-family structure, a dwelling unit which is not an eligible dwelling unit cannot be weatherized under this program.

Each State shall establish a State policy advisory council (PAC) to provide advice with respect to the development and implementation of the weatherization program within the State. The PAC must be broadly representative of organizations and agencies, including consumer groups, which represent low-income persons, particularly elderly and handicapped low-income persons. In the event a State does not participate in the program, the Regional Administrator would establish the PAC.

D. *Allowable Expenditures.*—

1. *General approach.* Proposed § 430.16 specifies allowable expenditures. Not less than 90 percent of each grant awarded under the program may be used to purchase weatherization materials. Certain costs associated with weatherization materials would be allowable. However, allowable expenditures for weatherization materials would not include costs to employ labor or otherwise to pay the cost of installing weatherization materials. No more than 10 percent of each grant may be used for administrative expenses. However administrative expenses may not include costs associated with tools and equipment or any costs of labor to carry out a weatherization project, except for supervisors and foremen.

FEA was guided by specific provisions of the Act in reaching its proposed approach to allowable program expenditures. The Act specifically requires that financial assistance under the program be used "to the maximum extent practicable" for purchase of materials and that administrative costs not exceed 10 percent. Moreover, while the Act does not foreclose all use of grant funds for labor costs, it does specifically require that labor be secured, "to the maximum extent practicable," from the services of volunteers and training participants and public service employment workers, pursuant to CETA. A further statutory provision relevant to the general approach to allowable expenditures is the requirement that financial asistance under the program be used to "supplement, and not to supplant," State or local funds and to increase the funds otherwise available to carry out weatherization activities.

FEA believes that these objectives—maximum practicable use of financial assistance to purchase weatherization materials, maximum practicable use of CETA funded labor and volunteers enhancement of use of other sources of funding—can best be achieved by emphasizing use of program funds for purchase of materials and limiting or restricting use of program funds for most other purposes. Moreover, the intent of the Act that this program be "supplementary" to other resources and programs for weatherization, in FEA's view, reinforces the appropriateness of the proposed approach to allowable program expenditures.

A discussion of specific issues raised in the development of the regulations with respect to allowable expenditures is provided below. Each specific issue is affected—and in some instances to a great degree—by the discussion above of the general approach to allowable expenditures.

2. *Labor costs.* Thirteen comments were received on the subject of labor costs. One Governor commenting on earlier drafts of the proposed regulations which were circulated for review, stated:

> My most basic concern is with the continued restriction of * * * funds to materials. * * * It is my opinion, and that of the current program operators, that such language would cripple existing weatherization efforts. Without the flexibility of labor allowances, and with most Community Action Agencies losing their Title X and CETA slots, the program would lack the required manpower to install weatherization materials and retrofit targeted dwellings.

One comment specifically urged FEA to coordinate with the Department of Labor to assure the availability of manpower for assisting the occupants of rental dwelling units and to seek an exemption from the Davis-Bacon wage determination requirements. Comments from ACTION spoke to the use of volunteers and to allowing States to spend a portion of their grant funds to help defray the costs of VISTA volunteers working on weatherization projects. Another commenter urged that FEA enter into memoranda of agreement with Federal agencies having manpower programs to insure that the weatherization programs are given funding priority. Another commented that the regulations should address the fact that the availability of labor differs from area to area. It too urged that FEA try to secure weatherization priority for labor funds from the Departments of Labor, Commerce and Housing and Urban Development.

A comment received from a State contended that because CETA funds would not always be available and because training of volunteers can be too time-consuming, twenty-five percent of program funds should be allowed for labor. Another commented that the program cannot be properly supported by volunteer labor and indicated that there has been no action at the Federal level to give manpower funding priority to weatherization.

The Department of Health, Education, and Welfare proposed that, since no labor or installation charges may be included in the $400 maximum allowable for weatherization materials, the PAC's be permitted to specify some amount toward labor and installation for handicapped and elderly applicants, if and when no volunteer labor pool is available.

FEA has received several comments recommending that installation costs be an eligible program expenditure.

In addition to the reasons stated above in the discussion of the general approach to allowable expenditures and affecting the limits on expenditures of program funds for labor costs, FEA was concerned that if general labor costs were an allowable program expenditure, the FEA program would be unavoidably tilted from weatherization assistance to a public employment resource and a manpower training program. As desirable as these ancillary goals may be to the program, FEA itself clearly does not have a mandate under the Act to carry out a manpower training program or provide employment for labor, skilled or unskilled, in the construction trades, home improvement business or retrofit industry.

3. *Installation costs.* FEA received several comments recommending that purchase of weatherization materials installed in place be an allowable program expenditure. In this manner, labor costs for installation would be covered in the purchase price, with the materials installed by the supplier of the materials. FEA considered this suggestion and has decided not to allow installation costs for two primary reasons. First, FEA has not succeeded in formulating a workable mechanism to insure that installation is performed only by independent third parties in the ordinary course of business. It would be unacceptable were the allowance of installation costs to be used as a subterfuge to apply program funds to secure labor without a real connection with a bona fide supplier of weatherization materials.

Second, FEA was unable to devise an administratively workable procedure to assure that all reasonable efforts had been made to procure labor for a weatherization project were installation costs to be allowed.

4. *Cost of weatherization materials.* Proposed § 440.16(a) establishes the allowable cost elements for weatherization materials, for which not less than 90 percent of grant funds are to be spent. FEA proposes that cost of weatherization materials be limited to purchase price f.o.b., but not including mechanical equipment valued in excess of fifty dollars; materials transportation costs; and taxes. Materials transportation costs, consisting of maintenance, operation and insurance of vehicles to transport weatherization materials, are also included. The cost of purchasing or leasing such vehicles, however, is specifically excluded, and transportation of work crews would not be an allowable materials cost.

With respect to the earlier drafts, FEA received numerous comments on proposed approaches to the definition of the cost of weatherization materials. FEA received many comments, including comments from CSA, recommending a

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more generous allowance for costs incurred in the transportation of weatherization materials and work crews. One State recommended that materials costs include the purchase of rental, maintenance, repair and insurance of vehicles used to transport weatherization materials. This same State suggested that the regulations state that gran funds should not be used for the purchase or rental of vehicles until all avenues for securing vehicles have been exhausted and until the State PAC approves such expenditures.

FEA has also received several comments recommending that the purchase and maintenance of tools and most equipment necessary to install weatherization materials be allowable materials costs. The proposed regulations do not include as allowable costs the cost of purchasing tools and most equipment. FEA expects grantees to provide for these costs, to the extent they are necessary, from other resources. In disallowing cost of tools and most equipment, FEA was concerned that sub-grantees might purchase costly tools and equipment which would not be needed and perhaps would never be used.

HEW recomended that materials costs should include the purchase of high efficiency or alternate fuel heating units. FEA has determined, however, not to allow this expenditure, in part because of the statutory prohibition on mechanical equipment expenditures of more than fifty dollars. CSA recommended that the cleaning or repair of heating and cooling sources be an allowable expenditure. FEA is not at this time proposing to allow such expenditures as materials costs primarily to maximize the use of program funds for weatherization materials, as discussed above.

5. *Administrative costs.* The Act limits administrative expenses to 10 percent. Many comments were received from States, CSA and a CAA stating that 10 percent is insufficient for administrative costs because, among other reasons: grantees are required to audit (annually) and periodically to monitor local projects; grantees are to be held accountable for the non-compliance of sub-grantees; there are two layers of administration at the State and local levels; both grantees and sub-grantees have reporting and recording requirements; and materials costs do not allow expenditures for labor. CSA recommended that local projects be assured of receiving the full 10 percent for administrative costs and that the State administrative budget be allowed as an additional administrative cost. One State recommended that administrative expenses be limited to State administration, project management and audit and accounting services, and that all other project expenses be allowable as materials and material-related costs.

FEA carefully considered these comments and the reasons discussed above in the general approach to allowable expenditures in developing proposed § 440.16(b). Proposed § 440.16(b) provides that no more than the statutory limit of 10 percent of grant funds may be used for administrative expenses. This 10 percent limitation is proposed to apply to the total of all grants within the State and accordingly includes the administrative costs of sub-grantees as well as grantees. For example, if a State were awarded a grant of one million dollars, $100,000 could be expended in the State for administrative costs. If the State agency required $50,000 to administer the program, this would leave up to $50,000 for the administrative expenses of sub-grantees.

6. *Other restrictions on allowable expenditures.* The earlier drafts contained an absolute restriction on use of program funds to weatherize public housing. This position was based on the understanding that other Federal funding could be available for such purposes. Several comments, nevertheless, recommended the elimination of the restriction on weatherizing public housing. Two comments argued that, at the very least, State assisted public housing should be eligible for weatherization assistance if included in a State plan, as many tenants in State assisted public housing pay their own utility bills. Other comments indicated that there is a concentration of some of the neediest low-income persons in such housing, and that many dwelling units in one building could be weatherized, which would presumably be very cost-effective. It was also pointed out that CETA workers are permitted to work in only two types of rental housing—public rental housing or private, not-for-profit rental housing—and argued that a prohibition on weatherization of public housing would mean that almost no rental housing would be weatherized.

FEA carefully reviewed this issue, and because it believes funds from other Federal sources can be made available to weatherize Federally-assisted housing constructed under programs of the Department of Housing and Urban Development and the Farmers Home Administration, has retained the limitation in proposed § 440.16(c) on use of program funds to weatherize public housing.

Also not eligible for weatherization assistance under proposed § 440.16(c)(2) is a dwelling unit which has been weatherized previously with grant funds authorized under this Act. FEA intends that weatherization of a dwelling unit be completed at one time and not in sequential stages. FEA at this time believes that there is too great a risk in a sequential program over a period of years that neither the cost nor use of energy will be effectively diminished. Furthermore, there are serious managerial and record-keeping problems in starting but not finishing work upon a given dwelling unit. Added to this is the uncertainty of the continued availability of program funds. Finally, a sequential approach probably would not easily provide FEA with the information it needs to monitor the effectiveness of the program and improve its operation.

Proposed § 440.16(c)(3) seeks to prevent the waste of Federal financial assistance by prohibiting use of program funds upon a dwelling unit which is vacant or designated for public acquisition or clearance within twelve months of the date upon which weatherization would be scheduled to be completed.

Under proposed § 440.16(d) the cost of weatherization materials is limited to $400 per dwelling unit, unless the State PAC provides for expenditures of a greater amount in the light of local conditions.

HEW, which provides funds for home repairs and some insulation under one of its programs, specifically recommended that the restrictions on expenditures in early drafts of the proposed rulemaking be broadened to include its program, implemented under 45 CFR 233.20(c). FEA has elected not to follow the suggestion because this is an example of a Federal assistance program for which this program can provide complementary assistance.

E. *Applications.* Application procedures for a State are set forth in proposed § 440.12. To be eligible for financial assistance, a State must submit an application to FEA not later than 90 days from the date of publication of final regulations.

In the event a State either fails to submit a timely application or its application receives the final disapproval of FEA, a local applicant becomes eligible to apply as provided in proposed § 440.13. A CAA, a tribal organization or a unit of general purpose local government, are local applicants which may apply for funds in appropriate circumstances. A local applicant must make application to the Regional Administrator within 30 days from the date of its eligibility, except that a tribal organization may also apply whenever funds are reserved for Indians by the Regional Administrator. FEA may fund one or more weatherization projects in a State conducted by one or more eligible local applicants.

One comment recommended that the eligibility of units of general purpose local government not be precluded by any minimum size of the populations those governments serve. FEA has followed this recommendation. An Alaskan CAA recommended that IRA Councils (unincorporated villages) be included in the definition of units of general purpose local government. FEA has this recommendation under active consideration. FEA is particularly interested in receiving comment upon whether the definition of "a unit of general purpose local government" should be expanded, further restricted or qualified.

In the event a State does not participate in the program, the Regional Administrator will carry out most of the responsibilities for developing a weatherization plan applicable within the State and, upon application, will select weatherization projects within the State to be funded.

F. *Administrative Requirements.* The Act provides that each State, in order to participate in the program, must develop a weatherization plan identifying the areas to be served and the manner in which the program is to be implemented. After notice and a public hearing, a State will adopt a final plan describing the proposed funding distribution and recipients. Proposed § 440.14 requires that a State conduct one or more public hearings after giving reasonable notice throughout the State and after making copies of the proposed State plan available. Proposed § 440.14 also lists the requirements for the development of a State plan.

In accordance with the Act, proposed § 440.14(c) provides that funds are to be allocated within the State to a CAA with respect to any geographical area in which the CAA is conducting an emergency energy conservation program. Furthermore, any such CAA is to receive priority in the allocation of funds with respect to any geographical area which it serves but in which it is not conducting such an emergency program. Pursuant to the Act, paragraphs (d) and (e) of proposed § 440.14 provide that the Governor of a State, or Regional Administrator where a State does not participate, may make a determination, if justified on the basis of public hearing, to vary the allocation or priority requirements under which the CAA could otherwise receive funds. While one comment suggested FEA prohibit the Governor from making such a determination, the Act specifically authorizes the Governor to make such a determination.

Finally, a State in its plan may establish a weatherization project in a geographic area which is not served by a CAA or which does not have a CAA. FEA has not restricted a State to select only areas served by a CAA so that each State may give attention to its perception of greatest local need within its jurisdiction. Nor is a State required to confine weatherization projects to a geographic area where publicly funded labor sources are available.

G. *Weatherization Materials and Techniques.* Proposed § 440.17 prescribes standards for weatherization materials and energy conservation techniques.

Standards for weatherization materials appear in an Appendix to the proposed regulations. Any weatherization materials for which standards exist in the Appendix must meet or exceed the identified standards. These standards were devolped by the National Bureau of Standards and reviewed by FEA. While one comment said a simple R-factor criterion would be sufficient for materials standards, FEA has chosen a more thorough approach which it believes may be more cost-effective.

Proposed § 440.17 also requires use of the approaches including the energy conservation techniques described in Project Retro-Tech, FEA Conservation Paper No. 28. FEA will, however, permit a grantee or sub-grantee to propose alternative approaches which may be used in a weatherization project subject to prior approval of the Regional Administrator. FEA will not mandate a single approach where workable alternatives are available. Copies of Project Retro-Tech may be obtained from FEA Regional Offices or the FEA Office of Weatherization Assistance whose addresses appear elsewhere in this preamble.

FEA is interested in receiving comments on whether to proscribe the use of weatherization materials or energy conservation techniques which require frequent periodic repair or replacement. Such repairs and replacements are themselves energy consuming. Moreover, FEA chooses to encourage cost-effective weatherization with a long-lasting impact. On the other hand FEA, at this time, does not seek to preclude a State from proposing innovative approaches which may maximize benefits and number of beneficiaries in the short run.

H. *State Policy Advisory Councils.* The Act requires that each State establish a qualified and representative PAC to advise on the administration of the weatherization program within the State. Several comments were received on earlier drafts of the proposed rulemaking recommending that the regulations further specify the composition of the State PAC. On comment inquired as to the number of people that must be on a State's PAC. CSA recommended that FEA specifically require the inclusion of low-income persons on the State's PAC. It also recommended that the State's PAC include representatives of local project advisory committees established pursuant to CSA guidelines. Various other comments suggested that the regulations specify minimum percentages of poor, elderly, handicapped, black, and Spanish-speaking persons to be represented on the State's PAC.

FEA believes many of these decisions should be left to each State. However, FEA has provided certain minimum representational requirements. FEA believes that the composition of the State's PAC should include representatives of organizations and agencies which represent consumer groups or low-income persons, including elderly and handicapped low-income persons. It was also suggested that FEA utilize CSA's local project advisory committees. FEA is proposing not to require PAC's beyond the State PAC.

I. *Indians.* Section 440.11 of the regulations permits application by a tribal organization or other entity which serves Native Americans if the Regional Administrator determines that (1) the low-income members of an Indian tribe in a particular State are not receiving weatherization assistance under the Act that is equivalent to the assistance provided to other low-income persons in that State and (2) the members of the tribe would be better served by means of a grant made directly to the tribal organization or entity. Proposed § 440.11(c) provides that the Regional Administrator shall undertake to make such a determination in the event that a State shall: (1) Not submit a timely application, (2) recommend that direct grants be made for low-income members of an Indian tribe, (3) file an application which does not make adequate provision for the low-income members of an Indian tribe residing in the State. Section 440.11(e) allows an Indian tribe 30 days in which to apply after the Regional Administrator has reserved funds for which tribal organizations may apply. The tribal organization or entity would be required to satisfy, and be subject to, the same requirements as a local applicant in the State in which it is located.

J. *Technical assistance.* Section 416 of the Act authorizes FEA to use up to 10 percent of the sums appropriated for FEA's weatherization program in any fiscal year to provide technical assistance to any project receiving financial assistance. However, FEA has decided not to exercise this authority in order to maximize use of funds for actual weatherization work. FEA intends, however, to provide as much necessary technical assistance as it can, utilizing whatever existing staff and resources may appropriately be devoted to this task.

K. *Administrative Review.* The Act provides that FEA shall not finally disapprove an application, or any amendment thereto, or suspend a grant without affording the party affected, as well as other interested parties, reasonable notice and an opportunity for a public hearing. Section 440.30 of the proposed regulations implements this provision of the Act. Any adverse determination made by the Regional Administrator may be appealed in writing to the Administrator.

This appeal procedure applies to only a State or eligible local applicant but not a sub-grantee, such as a CAA. For example, the proposed regulations do not provide an appeal right to a CAA which has applied as a subgrantee and which has been denied allocation or priority funding by a Governor pursuant to procedures in the Act, implemented in the proposed regulations.

Comment Procedures

A. *Written Comment Procedures.* Interested persons are invited to participate in this rulemaking by submitting data, views, or arguments with respect to the proposals set forth in this notice to Executive Communications, Room 2105, Federal Energy Administration, Box LN, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation "Weatherization Assistance for Low-Income Persons Regulations." Fifteen copies should be submitted. All comments received by April 22, 1977, before 4:30 p.m., e.s.t., and all other relevant information, will be considered by FEA before final action is taken regarding the proposed regulations.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

B. *Public Hearing.* FEA has determined that in addition to holding a public hearing on this proposal in Washington, D.C., it will hold hearings in the 10 FEA Regions. Two hearings will be held

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in Region X, one in Seattle, Washington, and the other in Anchorage, Alaska.

1. *National hearings.* The Washington, D.C., hearing (hereinafter referred to as the national hearing) will be held beginning at 9:30 a.m., April 25, 1977, at 2000 M Street, NW., Room 2105, Washington, D.C. The hearing will be continued, if necessary, on April 26, 1977. Any person who has an interest in this proceeding or who is a representative of a group of persons that has an interest in this proceeding may make a written request for an opportunity to make an oral presentation. Such a request should be directed to Executive Communications, FEA, Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, and must be received before 4:30 p.m., e.s.t., on April 14, 1977. A request may be hand-delivered between the hours of 8:00 a.m., and 4:30 p.m., Monday through Friday. Requests should be submitted in accordance with the "Request Procedures" set forth below.

2. *Regional hearings.* Each of the regional hearings will be held beginning at 10:00 a.m., local time, on the dates and at the locations specified below and will be continued, if necessary, on a second day.

Any person who has an interest in this proceeding or who is a representative of a group of persons that has an interest may make a written request for an opportunity to make an oral presentation. Such a request should be directed to FEA at the address given below for the appropriate Region, and in accordance with the "Request Procedures" set forth below. Requests must be received before 4:30 p.m., local time, on April 15, 1977.

FEA region	Hearing date	Submit requests to testify to—	Hearing location
I. Boston, Mass	Apr. 21 Apr. 22	FEA, 150 Causeway St., room 700, Boston, Mass. 02114.	McCormack State Office Bldg., 21st floor, conference room 21, 1-Ashburton Pl., Boston, Mass.
II. New York, N.Y	Apr. 18 Apr. 19	FEA, 26 Federal Plaza, New York, N.Y. 10007.	Federal Bldg., 26 Federal Plaza, room 2705, New York, N.Y.
III. Philadelphia, Pa	Apr. 21 Apr. 22	FEA, 1421 Cherry St., Philadelphia, Pa. 19102.	Federal Bldg., 1421 Cherry St., 11th floor, Philadelphia, Pa.
IV. Atlanta, Ga	Apr. 21 Apr. 22	FEA, 1655 Peachtree St., NE., Atlanta, Ga. 30309.	Atlanta Civic Center room, 201, 345 Piedmont Ave., NE., Atlanta, Ga.
V. Chicago, Ill	Apr. 21 Apr. 22	FEA, 175 West Jackson Blvd., Chicago, Ill. 60604.	U.S. District Court, room 1903, 219 South Dearborn St., Chicago, Ill. 60604.
VI. Dallas Tex	Apr. 18 Apr. 19	FEA, P.O. Box 35228, 2626 West Mockingbird Lane, Dallas, Tex.	Baker Hotel, 1400 Commerce Terrace Room, Dallas, Tex.
VII. Kansas City, Mo	Apr. 21 Apr. 22	FEA, 12 Grand Bldg., 112 East 12th St., P.O. Box 2208, Kansas City, Mo 64142.	601 East 12th St., Federal Bldg., room 40, Kansas City, Mo.
VIII. Denver, Colo	Apr. 21	FEA, P.O. Box 26247, Belmont Branch, 1075 South Yukon St., Lakewood, Colo. 80226.	Post Office Auditorium, Post Office Bldg., 19th and Stout St., Denver, Colo.
IX. San Francisco, Calif	Apr. 21 Apr. 22	FEA, 111 Pine St., 4th floor, San Francisco, Calif. 94111.	ERDA Conference Room, room 2575, 525 Market St., San Francisco, Calif.
X. Seattle, Wash	Apr. 21 Apr. 22	FEA, 1992 Federal Bldg., 915 2d Ave., Seattle, Wash. 98174.	Seattle Federal Bldg., 915 2d Ave., South Auditorium, Seattle, Wash.
Alaska	Apr. 22	FEA, G-11, Federal Office Bldg., 605 West 4th Ave., Anchorage, Alaska.	Conference Room, Federal Office Bldg., 605 West 4th Ave., Anchorage, Alaska.

3. *Request procedures.* The following request procedures are applicable to both the national and regional hearings. Persons requesting an opportunity to make an oral presentation will submit their written requests to the appropriate address for the Region in which they wish to appear. A request should be labeled both on the document and on the envelope "Weatherization Assistance for Low-Income Persons."

The person making the request should briefly describe the interest concerned; if appropriate, state why she or he is a proper representative of a group of persons that has such an interest; and give a concise summary of the proposed oral presentation and a phone number where she or he may be contacted through April 15, 1977, for regional hearings and April 20, 1977, for the national hearing. Each person selected to be heard will be notified by FEA before 4:30 p.m., local time, April 15, 1977, in the case of the regional hearings and by April 20, 1977, in the case of the national hearing. Each person selected to be heard must submit 100 copies, if feasible, of her or his statement to the Office of Regulation Development, FEA, Room 3214, 2000 M Street, NW., Washington, D.C., before 9:00 a.m., e.s.t. April 25, 1977 for the national hearing and to the location of the hearing by 9:00 a.m., on the day the statement is scheduled to be presented, for regional hearings.

4. *Hearing procedures.* FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she desires, to make a supplemental statement which will be given in the order in which the initial statements were made and will be subject to time limitations.

Any person attending the hearing who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by FEA and made available for inspection at the Freedom of Information Office, Room 3116, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. between the hours of 8:00 a.m., and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

COORDINATION WITH OUTSIDE PARTIES, ENVIRONMENTAL AND INFLATIONARY REVIEW

In preparing this proposed rulemaking, issues and options were reviewed not only internally by FEA but also by representatives of the Director of the Community Services Administration, the Secretary of the Department of Housing and Urban Development, the Secretary of Health, Education and Welfare, the Secretary of Labor and the Director of the ACTION Agency. Recommendations regarding the content of the guidelines were solicited from all the States.

In accordance with FEA's obligations under the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 et seq.), an evaluation of the potential environmental impacts of this program has been prepared by FEA. Notice of an environmental assessment appears elsewhere in today's FEDERAL REGISTER. As provided in that notice, comments will be received on the assessment and copies will be furnished upon request to interested persons.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency (EPA) for his comments concerning the impact of this proposal on the quality of the environment. The Administrator has no comments.

The proposal has also been reviewed in accordance with Executive Order 11821, and OMB Circular A-107, issued November 27, 1974, and has been determined not to be a major proposal requiring an evaluation of its inflationary impact.

In consideration of the foregoing, it is proposed to amend Part 440 of Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., March 25, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

Subchapter D, Chapter II of Title 10, Code of Federal Regulations, is amended by establishing Part 440 as follows:

PART 440—WEATHERIZATION ASSISTANCE FOR LOW-INCOME PERSONS

Sec.
440.1 Purpose and scope.
440.2 Administration of grants.

Sec.
440.3 Definitions.
440.10 Allocation of funds.
440.11 Indians.
440.12 State applications.
440.13 Local applications.
440.14 Administrative requirements.
440.15 Minimum program requirements.
440.16 Allowable expenditures.
440.17 Standards and techniques for weatherization.
440.18 Eligible dwelling units.
440.20 Oversight responsibility.
440.21 Recordkeeping.
440.22 Quarterly reports.
440.30 Administrative review.

AUTHORITY: Energy Conservation and Production Act, Pub. L. 94-385; Federal Energy Administration Act of 1974, as amended, Pub. L. 93-275 and Pub. L. 94-385; E.O. 11790, 39 FR 23185.

§ 440.1 Purpose and scope.

This part contains the regulations adopted by the Federal Energy Administration to carry out a program of weatherization assistance for low-income persons established by Part A (42 U.S.C. 6861-6872) of Title IV of the Energy Conservation and Production Act (Pub. L. 94-385, 90 Stat. 1125 et seq.).

§ 440.2 Administration of grants.

Grant awards under this part shall be administered in accordance with the following—

(a) Federal Management Circular 73-2 (34 CFR 251), entitled "Audit on Federal Operations and Programs by Executive Branch Agencies;"

(b) Federal Management Circular 74-4 (34 CFR 255), entitled "Cost Principles Applicable to Grants and Contracts with State and Local Governments;"

(c) Federal Management Circular 74-7 (34 CFR 256), entitled "Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments;"

(d) Office of Management and Budget Circular A-89, entitled "Catalog of Federal Domestic Assistance;"

(e) Office of Management and Budget Circular A-95, entitled "Evaluation, Review and Coordination of Federal and Federally Assisted Programs and Projects;"

(f) Office of Management and Budget Circular A-97, entitled "Rules and Regulations Permitting Federal Agencies to Provide Specialized or Technical Services to State and Local Units of Government under Title III of the Intergovernmental Coordination Act of 1968;"

(g) Treasury Circular 1082, entitled "Notification to States of Grant-in-Aid Information;" and

(h) Such procedures applicable to this part as FEA may from time to time prescribe for the Administration of grants.

§ 440.3 Definitions.

As used in this part—

"Act" means the Energy Conservation and Production Act (Pub. L. 94-385, 90 Stat. 1125 et seq.)

"Administrator" means the Administrator of the Federal Energy Administration.

"Annual degree-days" means the total number of degree-days in one year, with respect to any State, as determined by FEA.

"CAA" means a Community Action Agency.

"Cosmetic items" means items which, when installed, will not reduce energy costs in a cost effective manner, including but not limited to finishes, decorative fenestration materials, and elevation materials such as aluminum siding, board and bat, clapboard, brick, shakes, or asphalt siding.

"Director" means the Director of the Community Services Administration.

"Dwelling unit" means a house, including a stationary mobile home, an apartment, a group of rooms, or a single room occupied as separate living quarters.

"Elderly" means a person who is 60 years of age or older.

"Eligible State" means any of the forty-eight contiguous States, Alaska, or the District of Columbia.

"FEA" means the Federal Energy Administration.

"Family Unit" means all persons living together in a dwelling unit.

"Governor" means the chief executive officer of a State (including the Mayor of the District of Columbia).

"Grantee" means the State or other entity named in the notice of grant award as the recipient.

"Handicapped person" means any individual (1) who is a handicapped individual as defined in section 7(6) of the Rehabilitation Act of 1973, (2) who is under a disability as defined in section 1614(a)(3)(A) or 223(d)(1) of the Social Security Act or in Section 102(7) of the Developmental Disabilities Services and Facilities Construction Act, or (3) who is receiving benefits under chapter 11 or 15 of Title 38, United States Code.

"Heating or cooling source" means a device the operation of which can raise or lower temperatures within a dwelling unit as part of the permanent heating, ventilating and air-conditioning system installed in the dwelling unit, including but not limited to furnaces, heat pumps, stoves, boilers, heaters, fireplaces, air conditioners, fans, and solar devices.

"Indian" means a person who is a member of an Indian tribe.

"Indian tribe" means any tribe, band, nation or other organized group or community of Indians (including any Alaska native village, or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (Pub. L. 92-203; 85 Stat. 688)) which (1) is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; or (2) is located on, or in proximity to, a Federal or State reservation or rancheria.

"Low-income" means that income in relation to family size which (1) is at or below the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget or (2) is the basis on which cash assistance payments have been paid during the preceding 12 month period under Titles IV and XVI of the Social Security Act or applicable State or local law.

"Mechanical equipment" means a control device or apparatus which is primarily designed to improve the heating or cooling efficiency of a dwelling unit, and which will permanently be affixed to an existing heating or cooling source, including but not limited to a flue damper, clock thermostat, filter, or replacement limit switches.

"Multi-family dwelling unit" means a dwelling unit which is located in a structure containing more than one dwelling unit.

"Number of low-income, owner-occupied dwelling units in the State" means the number of such dwelling units in a State, as determined by FEA.

"Number of low-income, renter-occupied dwelling units in the State" means the number of such dwelling units in a State, as determined by FEA.

"Percentage of total residential energy used for space cooling" means the national percentage of total energy used for space cooling as determined by FEA.

"Percentage of total residential energy used for space heating" means the national percentage of total energy used for space heating, as determined by FEA.

"Regional Administrator" means a Regional Administrator of the Federal Energy Administration.

"Separate living quarters" are those in which the occupants do not live and eat with any other persons in the structure and which have either (1) direct access from the outside of the building or through a common hall or (2) complete kitchen facilities for the exclusive use of the occupants. The occupants may be a single family, one person living alone, two or more families living together, or any other group of related or unrelated persons who share living arrangements.

"Single-family dwelling unit" means a structure containing no more than one dwelling unit.

"State" means each of the States and the District of Columbia.

"Sub-grantee" means a person conducting a weatherization project who is a recipient from a grantee of funds awarded under this part.

"Tribal organization" means the recognized governing body of any Indian tribe, or any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body.

"Unit of general purpose local government" means any city, county, town, parish, village, or other general purpose political subdivision of a State.

"Weatherization project" means a project conducted in a single geographical area which undertakes to weatherize dwelling units which are thermally inefficient.

"Weatherization materials" means items intended primarily to improve the heating or cooling efficiency of a dwelling unit including, but not limited to, ceiling, wall, floor, and duct insulation, storm windows and doors, and caulking and weatherstripping, but not including mechanical equipment valued in excess of $50 per dwelling unit.

§ 440.10 Allocation of funds.

(a) FEA shall provide financial assistance, from sums appropriated for any fiscal year, only upon annual application.

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(b) FEA shall determine the allocation for each State as follows: (1) The first five million dollars appropriated shall be divided equally among the eligible States.

(2) The percentage of the remaining available funds allocated to each eligible State shall be determined by the following formula—

(i) The square of the number of heating degree-days in the State multiplied by the percentage of total residential energy used for space heating;

(ii) Plus the square of the number of cooling degree-days in the State multiplied by the percentage of total residential energy used for space cooling;

(iii) Multiplied by the sum of the number of low-income, owner-occupied dwelling units in the State and one-half of the number of low-income, renter-occupied dwelling units in the State;

(iv) Divided by the sum of the result produced for all States by the computation outlined in subparagraphs (A), (B), and (C) of this paragraph; and

(v) Multiplied by 100.

(vi) The Administrator shall notify each eligible State of the amount of grant funds for which that State is eligible to apply.

§ 440.11 Indians.

(a) Notwithstanding any other provision of this part, the Regional Administrator may determine (after taking into account the amount of funds made available to the State to carry out the purposes of this part) that—

(1) The low-income members of an Indian tribe are not receiving benefits under this part equivalent to the assistance provided to other low-income persons in such State under this part, and

(2) The members of such tribe would be better served by means of a grant made directly to provide such assistance.

(b) In any State for which the Regional Administrator shall have made such determination, the Regional Administrator shall reserve from the sums that would otherwise be allocated to such State under this part not less than 100 percent, nor more than 150 percent, of an amount which bears the same ratio to the State's allocation for the fiscal year involved as the population of all low-income Indians for whom a determination under paragraph (a) of this section has been made bears to the population of all low-income persons in such State.

(c) The Regional Administrator shall undertake to make the determination prescribed in paragraph (a) of this section in the event a State shall—

(1) Not apply within the 90 day time period prescribed in § 440.14(a)(2),

(2) Recommend that direct grants be made for low-income members of an Indian tribe,

(3) File an application determined by FEA, in accordance with the procedures in § 440.30, not to make adequate provision for the low-income members of an Indian tribe residing in the State, or

(4) Have received grant funds, and FEA determines, in accordance with the procedures in § 440.30, that the State fails to implement its procedures for the provision of weatherization assistance to low-income members of an Indian tribe residing in the State.

(d) Any sums reserved by the Regional Administrator pursuant to paragraph (b) of this section shall be granted to the tribal organization serving the individuals for whom such a determination has been made, or, where there is no tribal organization, to such other entity as the Regional Administrator determines has the capacity to provide adequate weatherization assistance pursuant to this part. Where a grant is proposed to be made to an organization to perform services benefiting more than one Indian tribe, the approval of each such Indian tribe shall be prerequisite to the issuance of a notice of grant award.

(e) Within 30 days after the Regional Administrator has reserved funds pursuant to paragraph (b) of this section, the Regional Administrator shall give written notice to the tribal organization or such other qualified entity of the amount of funds reserved and its eligibility to make application therefore.

(f) Such tribal organization or other qualified entity shall thereafter be treated as a unit of general purpose local government eligible to apply for funds hereunder, pursuant to the provisions of § 440.13.

§ 440.12 State applications.

(a) To be eligible for financial assistance, a State shall submit an application to FEA in conformity with the requirements of § 440.15 not later than 90 days after the date of publication of this part. The Regional Administrator will review each timely State application and, if the submission otherwise complies with the applicable provisions of this part, approve a final budget and issue a notice of grant award.

(b) Each application shall include—

(1) The name and address of the State agency or office responsible for administering the program;

(2) A copy of the final State plan prepared after notice and a public hearing in accordance with § 440.14(a), except that an application by a local applicant need not include a copy of the final State plan;

(3) A detailed description of the manner in which the State would meet the minimum program requirements of § 440.15;

(4) The Budget for total funds applied for under the Act;

(5) The total number of dwelling units proposed to be weatherized with grant funds during the budget period for which assistance is awarded;

(6) A schedule for implementation which shall indicate the number of dwelling units which are expected to be weatherized by calendar quarter;

(7) An estimate of the number of single-family and multi-family dwelling units to be weatherized;

(8) An estimate of the minimum number of dwelling units to be weatherized where elderly persons reside;

(9) An estimate of the minimum number of dwelling units to be weatherized where handicapped persons reside;

(10) An estimate of the minimum number of dwelling units of Indians to be weatherized or a recommendation that a tribal organization be treated as a local applicant eligible to submit an application pursuant to § 440.12(b);

(11) An estimate by percentage of the use of Federal manpower programs and/or volunteer labor programs and/or other labor sources in implementing each proposed weatherization project;

(12) Any determination made in accordance with § 440.14(d) not to provide funds, except that an application by a local applicant need not include this information; and

(13) Any further information which the Administrator determines is necessary to determine the acceptability of an application.

§ 440.13 Local applications.

(a) To be eligible for financial assistance, a local applicant, which shall be either a CAA or unit of general purpose local government, shall submit an application pursuant to § 440.12(b) to the Regional Administrator which meets the requirements of this part within 30 days of the date upon which either of the following shall have occurred—

(1) A State, within which a local applicant is situate, fails to submit an application within 90 days of the publication of this part; or

(2) The Regional Administrator finally disapproves the application of a State pursuant to § 440.30 of this part.

(b) In the event one or more timely applications are submitted by local applicants, the Regional Administrator shall act for the State, as far as practicable, for the purposes of § 440.14. The Regional Administrator shall combine the hearing on the proposed plan pursuant to paragraph (a) of § 440.14 with a hearing on proposed denial of the timely application of any local applicant, as provided in § 440.30 to the maximum extent practicable. Based upon the final plan developed by the Regional Administrator, the hearing and information submitted by a local applicant and other interested persons, FEA will determine whether or not to award a grant to a local applicant and the amount thereof. The Regional Administrator may provide financial assistance to one or more weatherization projects in a State conducted by one or more eligible local applicants.

§ 440.14 Administrative requirements.

(a) Before submitting an application, a State, after giving reasonable notice throughout the State, shall conduct one or more public hearings for the purpose of receiving comments on a proposed State plan which will identify and describe proposed weatherization projects and describe the proposed funding distributions and the recipients. Such proposed State plan shall be published and made available throughout the State prior to the hearing. The notice for such hearing shall specify that copies of the plan are available and how they may be obtained. A transcript of the hearing shall be prepared and written submission of views and data shall be accepted for the record.

(b) Subsequent to the hearing, the State shall prepare a final plan which shall identify and describe—

(1) Each area to be served within a State and shall include for each area—

(i) The number of dwelling units to be weatherized;

(ii) The climatic conditions within the State;

(iii) The type of weatherization work to be done;

(iv) The relative need for weatherization assistance among low-income persons; and

(v) The amount of energy to be conserved by the program; and

(2) The manner in which the State program is to be implemented which shall include—

(i) An analysis of the existence and effectiveness of any weatherization project being carried out by a CAA;

(ii) Mechanisms for providing sources of labor for each weatherization project to be funded;

(iii) The extent to which priority will be given to weatherization of single-family dwelling units for the elderly and handicapped;

(iv) The amount of non-Federal resources to be applied to the program;

(v) The amount of Federal resources (other than FEA weatherization grant funds) to be applied to the program; and

(vi) The rental dwelling units to be weatherized by project, if any.

(c) The plan shall insure that funds received under the Act will be allocated to a CAA carrying out a program under Title II of the Economic Opportunity Act of 1964, 42 U.S.C. 2809, or to other appropriate and qualified entities in such State or area so that:

(1) Funds will be allocated on the basis of the relative need for weatherization assistance among the low-income persons in such State or area, taking into account appropriate climatic and energy conservation factors; and

(2)(i) Funds allocated to a geographical area served by the emergency energy conservation program carried out by a CAA under section 222(a)(12) of the Economic Opportunity Act of 1964, shall be allocated to such agency, and (ii) priority in the allocation of funds will be given to such CAA in so much of the geographical area served by it as is not served by the emergency energy conservation program.

(d) Paragraph (c)(2) of this section shall not apply if the Governor determines, or the Regional Administrator determines acting on behalf of the Governor pursuant to § 440.13(b), on the basis of the public hearing provided under paragraph (a) of this section that—

(1) The emergency energy conservation program carried out by a CAA has been ineffective in meeting the purpose of the Act; or

(2) The emergency energy conservation program is clearly not of sufficient size and cannot in timely fashion develop the capacity to support the scope of the project to be carried out in such area with funds to be granted under this part.

(e) Any eligible local applicant may request in its application that the Regional Administrator determine that the allocation requirement and priority set forth in paragraph (c)(2) of this section shall no longer be applicable. In such event, the Regional Administrator shall decide whether to make such determination as part of the notice and public hearing procedure required by § 440.30, which hearing may be consolidated by the Regional Administrator with the public hearing required by paragraph (a) of this section.

§ 440.15 Minimum program requirements.

(a) Prior to the expenditure of any grant funds each grantee shall develop, publish and implement procedures to be approved by the Regional Administrator to insure that:

(1) No dwelling unit may be weatherized without documentation that the dwelling unit is an eligible dwelling unit as provided in § 440.18;

(2) Priorities are established to govern the provision of weatherization assistance to elderly and handicapped low-income persons, and such priority as the applicant determines is appropriate for single-family or other high-energy-consuming dwelling units;

(3) Financial assistance provided will be used to supplement, and not supplant, State or local funds, and, to the extent practicable as determined by FEA, to increase the amounts of such funds that would be made available in the absence of Federal funds provided under this part;

(4) To the maximum extent practicable, the services of volunteers and training participants and public service employment workers, pursuant to the Comprehensive Employment and Training Act of 1973, will be secured to work under the supervision of qualified supervisors and foremen;

(5) The limitations set forth in § 440.14(c) will be complied with; and,

(6) To the maximum extent practicable, the use of weatherization assistance shall be coordinated with other programs, Federal, State, local or privately funded, to improve thermal efficiency and to conserve energy.

(b) If a grantee decides to weatherize leased dwelling units:

(1) No leased dwelling unit shall be weatherized without first obtaining the written permission of the owner of the dwelling unit or his agent; and

(2) The grantee shall establish procedures approved by the Regional Administrator to insure that—

(i) The benefits of weatherization assistance shall accrue primarily to low-income tenants;

(ii) Rents shall not be raised because of the increased value of dwelling units due solely to weatherization assistance provided under this part; and

(iii) No undue or excessive enhancement shall occur to the value of the dwelling units.

(c) Prior to the expenditure of any grant funds, a State policy advisory council shall be established by a State or by the Regional Administrator, if a State does not participate in the program, which:

(1) Has special qualifications and sensitivity with respect to solving the problems of low-income persons, including the weatherization and energy conservation problems of such persons;

(2) Is broadly representative of organizations and agencies, including consumer groups, which represent low-income persons, particularly elderly and handicapped low-income persons, in the State or geographical area in question; and

(3) Is responsible for advising the responsible official or agency administering the allocation of financial assistance in such State or area with respect to the development and implementation of such weatherization assistance program.

(d) No person in the United States shall, on the ground of race, color, national origin, or sex, or on the ground of any other factor specified in any Federal law prohibiting discrimination, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program, project, or activity supported in whole or in part with financial assistance under this part. Whenever the Administrator determines that a recipient of financial assistance under this part has failed to comply with this paragraph or an applicable regulation, he shall notify the recipient to secure compliance. If within a reasonable period of time the recipient fails to comply, the Administrator shall (1) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; (2) exercise the power and functions provided by Title VI of the Civil Rights Act of 1964 and any other applicable Federal nondiscrimination law; or (3) take such other action as may be provided by law.

§ 440.16 Allowable expenditures.

(a) At least 90 percent of each grant awarded under this part shall be used to purchase weatherization materials. Allowable expenditures for weatherization materials include costs for only:

(1) Purchase of weatherization materials, FOB but not including mechanical equipment valued in excess of fifty dollars per dwelling unit;

(2) Transportation of weatherization materials to any storage site and to the site of weatherization work, except no purchase or lease of vehicles shall be allowed;

(3) Maintenance, operation, and insurance of vehicles used to transport weatherization materials; and

(4) Taxes related to other allowable expenditures for weatherization materials.

(b) No more than 10 percent of each grant awarded under this part shall be used for administrative expenses. Allow-

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able administrative expenses shall not include any costs of tools or equipment or any costs of labor to carry out a weatherization project, except for supervisors and foremen.

(c) No grant funds awarded under this part shall be used for any of the following purposes:

(1) To weatherize dwelling units in any public housing project;

(2) To weatherize any dwelling unit which has been weatherized previously with grant funds authorized under this part;

(3) To weatherize any dwelling unit which is vacant or designated for acquisition or clearance by a Federal, State or local program within twelve months from the date weatherization of the dwelling unit would be scheduled to be completed; or

(4) To purchase cosmetic items or a heating or cooling source.

(d) The cost of weatherization materials provided with financial assistance under this part shall not exceed $400.00 in the case of any dwelling unit unless the State policy advisory council, established pursuant to § 440.15(c), provides for a greater amount with respect to specific categories of units or materials.

§ 440.17 Standards and techniques for weatherization.

(a) Weatherization materials for which standards exist in Appendix A to this part shall meet or exceed the applicable standards in Appendix A.

(b) A weatherization project shall apply the approaches to weatherization contained in Project Retro-Tech, FEA Conservation Paper Number 28, including the advisory energy conservation techniques therein, or such other approaches which are approved by the Regional Administrator.

§ 440.18 Eligible dwelling units.

No dwelling unit shall be eligible for weatherization assistance under this part unless it is a dwelling unit of a family unit:

(a) Whose income is at or below the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget; or

(b) Which contains a member who has received cash assistance payments under Titles IV or XVI of the Social Security Act or applicable State or local law paid during the 12-month period preceding the Federal fiscal year in which funds were obligated for financial assistance to such dwelling unit.

§ 440.20 Oversight responsibility.

(a) The Administrator and the appropriate Regional Administrator, in coordination with the Director, shall monitor and evaluate the operation of projects carried out by CAA's receiving financial assistance under this part through on-site inspections, or through other means, in order to assure the effective provision of weatherization assistance for the dwelling units of low-income persons.

(b) FEA shall also carry out periodic evaluations of the program and projects not carried out by a CAA and receiving financial assistance under this part.

(c) The Administrator and the appropriate Regional Administrator, the Director with respect to CAA's and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, information, and records of any weatherization project receiving financial assistance under the Act.

(d) Each grantee shall conduct, on an annual basis, an audit of the pertinent records of any sub-grantee receiving financial assistance under this part.

§ 440.21 Recordkeeping.

Each grantee or sub-grantee receiving Federal financial assistance under this part shall keep such records as FEA shall require, including records which fully disclose the amount and disposition by each recipient of the funds received, the total cost of the project or program for which such assistance was given or used, the source and amount of funds for such project or program not supplied by FEA, and such other records as FEA deems necessary to facilitate an effective audit and performance evaluation. Such recordkeeping shall be in accordance with Federal Management Circular 74-7 and any further requirements of this regulation or which may otherwise be established by FEA under the terms and conditions of a grant.

§ 440.22 Quarterly reports.

Each grantee receiving financial assistance under this part shall submit a quarterly program performance report and a quarterly financial report to the appropriate Regional Administrator. The program performance report shall contain such information as the Administrator may prescribe in order effectively to monitor the progress of a grantee.

§ 440.30 Administrative review.

(a) If a timely application submitted by a State or eligible local applicant fails to meet the requirements of this part, the Regional Administrator will return the application to the applicant together with a written statement of the reasons why the application fails to meet such requirements.

(b) The applicant will have a reasonable period, as determined by the Regional Administrator, to amend its application and to resubmit it by a specified date for reconsideration.

(c) The Regional Administrator shall give notice to the applicant in the event that the Regional Administrator determines that:

(1) Any application resubmitted by an eligible applicant in accordance with paragraph (b) of this section fails to comply with this regulation; or

(2) Any application returned to an eligible applicant pursuant to paragraph (a) of this section is not timely resubmitted as provided in paragraph (b) of this section.

(d) The Regional Administrator shall give notice to the grantee in the event the Regional Administrator finds there is a failure by a grantee to comply substantially with the provisions of this part.

(e) The Regional Administrator shall issue such notice in the form of written notice mailed by registered mail, return receipt requested, to the applicant (or grantee) and other interested parties including:

(1) A statement explaining why there has not been compliance with the regulations;

(2) A statement indicating the necessary amendments or other actions, if any, which would create compliance under the regulations;

(3) The date, place and time on which a public hearing will be held by the Administrator, one subject of which will be the proposed determination, which hearing shall in no event be later than 15 working days after receipt of such notice; and

(4) The manner in which views may be presented.

(f) Any party which has received notice under paragraph (d) of this section:

(1) May make a written submission of its views with supporting data and arguments to the Regional Administrator on or prior to the date of the public hearing; and

(2) Will be afforded an opportunity to make an oral presentation at the public hearing.

(g) The Regional Administrator shall consider all relevant views and data including arguments and other submissions made at the public hearing. The Regional Administrator shall make a final determination accompanied by a written statement stating the reasons for the determination not later than 5 working days after the public hearing.

(h) A State or eligible local applicant may file a written appeal on an adverse final determination made by the Regional Administrator under paragraph (g) of this section to the Administrator not later than 10 working days after receipt of the Regional Administrator's determination. The Administrator shall have 21 working days to consider the appeal and take any action with respect thereto which he deems appropriate. Any action taken by the Administrator shall be the final determination of FEA. Upon the expiration of the 21 working day period if no action has been taken by the Administrator, the final determination of the Regional Administrator shall be the final determination of FEA.

(i) Anything herein to the contrary notwithstanding, the public hearing required by paragraph (e) (3) of this section may be combined, at the discretion of the Regional Administrator, with any other public hearing in the State conducted pursuant to this part.

(j) Upon issuance of the notice provided in paragraph (d) the Regional Administrator may suspend payments to any grantee pending a final determination. If the Regional Administrator makes a final determination of failure to comply, the grantee will no longer be eligible to participate in the program until the Regional Administrator is satisfied that there is no longer any such failure to comply.

APPENDIX A—*Standards for weatherization materials*

Material or product	Standards
Insulation-air spaces: Reflective.	Conformance to F.S. HH-I-1252A.
Storm windows:	
Aluminum frame.	Equivalent to ANSI A134.3-1972.
Wood frame	Conformance to sec. 3 of NWMA Industry Standard I.S.3-73.
Rigid vinyl frame.	Conformance to NBS Product Standard PS26-70 and performance guarantee.
Frameless plastic glazing.	Required minimum thickness, 6 mil (0.006 in).
Storm doors:	
Aluminum	Equivalent to ANSI A134.4-1972.
Wood:	
Pine	Conformance to sec. 3 of NWMA I.S.5-73.
Fir, hemlock, spruce.	Conformance to sec. 3 of FHDA/ 5-75.
Hardwood veneered.	Conformance to sec. E of NWMA I.S.1-73.
Rigid vinyl	Conformance to NBS Product Standard PS26-70 and performance guarantee.
Caulks and sealants.	Commercial availability.
Weatherstripping	Do.
Vapor barriers	Conformance to ASTM C755-73.
Clock thermostats.	Commercial availability.
Insulation-mineral fiber:	
Blanket/batt	Conformance to F.S. (1) HH-I-521E and ASTM C665-70.
Board	Conformance to F.S. HH-I-526C and ASTM C612-70 or C726-72.
Duct material	Conformance to F.S. HH-I-545B.
Loose-fill	Conformance to F.S. HH-I-1030B and ASTM C764-73.
Insulation-mineral cellular:	
Aggregate board	Conformance to F.S. HH-I-529B.
Cellular glass	Conformance to F.S. HH-I-551B and ASTM C552-73.
Perlite	Conformance to F.S. HH-I-574A and ASTM C549-73.
Vermiculite	Conformance to F.S. HH-I-585B and ASTM C516-67.
Insulation-organic fiber:	
Cellulose-classes 25 and 75.	Conformance to F.S. HH-I-515C and ASTM C739-73 (loose-fill).
Cellulose-class 200.	Conformance to F.S. HH-I-515C and ASTM C739-73 (loose-fill) and fire safety requirements (2).
Vegetable	Conformance to F.S. HH-I-528B and fire safety requirements.
Board and block	Conformance to F.S. LLL-I-535A and ASTM C208-72 and fire safety requirements.
Insulation-organic cellular:	
Polystyrene board.	Conformance to F.S. HH-I-524B and ASTM C578-69 and fire safety requirements.
Urethane board	Conformance to F.S. HH-I-530A and ASTM C591-69 and fire safety requirements.
Flexible unicellular.	Conformance to F.S. HH-I-573B and ASTM C534-70 and fire safety requirements.

NOTES

1. F.S. means federal specifications as cited, copies of which may be obtained from Specifications Sales, Building 197, Washington Naval Yard, General Services Administration, Washington, D.C. 20407.

2. For fire safety requirements, see Sec. 2.1.3.1 of NBSIR 75-795 which may be obtained from FEA.

[FR Doc.77-9536 Filed 3-28-77;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Parts 545 and 561]

[No. 77-198]

FEDERAL SAVINGS AND LOAN SYSTEM AND FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Certain Loans in Excess of 90 Percent of Value and Definition of "Scheduled Items"

MARCH 23, 1977.

SUMMARY

The following summary of the amendments proposed by this Resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to the specific provisions of the regulations.

I. PRESENT REGULATIONS

State-chartered institutions must include in "scheduled items" their loans and contracts to facilitate sale by them of real estate owned while such loans or contracts have unpaid principal balances in excess of 90 percent of the value of the real estate security when such loans and contracts are subject to no State lending limitations as to maximum amount. Also, certain such loans and contracts of Federal associations require private insurance or a specific reserve account.

II. PROPOSED REGULATIONS

This proposal would permit State-chartered institutions to exclude from their "scheduled items" such loans and contracts having unpaid principal balances over 90 percent (but not over 95 percent) of the value of the real estate security, if such loans and contracts meet the requirements of § 545.6-1(a)(5) of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6-1(a)(5)) regarding loans over 90 percent of value.

Also, the proposal would exclude such loans and contracts from the requirement of private insurance or specific reserve in § 545.6-1(a)(5)(v), so that such loans and contracts by any insured institution, including Federal associations, would not be scheduled items merely because of noncompliance with that requirement.

III. REASON FOR PROPOSAL

To establish substantial parity between State-chartered FSLIC-insured institutions and Federal associations regarding inclusion of such loans and contracts as "scheduled items."

The Federal Home Loan Bank Board considers it desirable to propose to amend § 545.6-1(a)(5)(v) of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6-1(a)(5)(v)) and § 561.15(d)(2) of the rules and regulations for Insurance Accounts (12 CFR 561.15(d)(2)) for the principal purpose of excepting from "scheduled items" certain loans and contracts to facilitate sale of real estate owned having unpaid principal balances in excess of 90 percent of the value of the real estate security.

Present regulations provide, in part and in substance, that a Federal savings and loan association's loans and contracts to facilitate sale of real estate owned are not "scheduled items" if they meet the requirements of § 545.6-1 of the Federal Regulations, including, where applicable, the requirements in (a)(5) of that section for loans over 90 percent of value of the real estate security. As to State-chartered institutions whose accounts are insured by the Federal Savings and Loan Insurance Corporation, the present rule as to "scheduled items" is as follows:

1. Such a loan or contract to facilitate is not a "scheduled item" under § 561.15(d)(2) if it complies with applicable maximum amount lending limitations.

2. Such loan or contract is a "scheduled item" under § 561.15(d)(2) if there are no applicable maximum amount lending limitations and its unpaid principal balance exceeds 90 percent of the value of the real estate security.

This proposal would, in substance, exclude from "scheduled items" a State-chartered insured institution's over-90-percent-of-value loan or contract to facilitate sale of real estate owned which is subject to no lending limitation as to maximum amount when it complies with all of the provisions of § 545.6-1(a)(5) of the Federal Regulations regarding over-90-percent-of-value loans by Federal associations. Also, under the proposal, such loans and contracts of any insured institution, including Federal associations, would not be subject to the requirement of private mortgage insurance or specific reserve in § 545.6-1(a)(5)(v), and would therefore not be scheduled items merely because of noncompliance with that requirement.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552, by May 2, 1977, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address.

Accordingly, the Board hereby proposes to amend said §§ 545.6-1(a)(5)(v) and 561.15(d)(2) to read as follows:

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§ 545.6–1 Lending powers under sections 13 and 14 of Charter K.

Any Federal association which has Charter K may, under sections 13 and 14 thereof, make the following types of loans on the security of first liens on improved real estate and the use by such an association of loan plans, practices, and procedures which comply with the applicable provisions of §§ 545.6 to 545.6–13, are hereby approved by the Board:

(a) *Homes or combination of homes and business property:*

* * * * *

(5) *Loans in excess of 90 percent of value.* The limitation of 80 percent set forth in subdivision (i) of subparagraph (1) of this paragraph shall be 95 percent in the case of any loan with respect to which the requirements set forth in subdivisions (i), (iii), (iv) (v), (vi), and (viii) of subparagraph (4) of this paragraph are met and with respect to which the following additional requirements are met:

* * * * *

(v) Except as to a loan or contract to facilitate the sale of real estate owned, either:

(*a*) That as long as the unpaid balance of such a loan is in excess of an amount equal to 90 percent of the value or purchase price of the real estate security, whichever is less, determined at the time the loan was made, that portion of the unpaid balance of such loan which is in excess of an amount equal to 80 percent of such value or purchase price of the real estate security is guaranteed or insured by a mortgage insurance company which has been determined to be a "qualified private insurer" by the Federal Home Loan Mortgage Corporation; or

(*b*) The association establishes and maintains a specific reserve with respect t such loan equal to one percent of the unpaid principal balance thereof until the unpaid principal balance has been reduced to an amount not in excess of 90 percent of the value or purchase price of the real estate security, whichever is less, determined at the time the loan was made.

* * * * *

§ 561.15 Scheduled items.

The term "scheduled items" means:

* * * * *

(d) Loans secured by, and contracts for the sale of, real estate described in paragraph (c) of this section and real estate previously owned or held by an insured institution for development or investment purposes (other than insured loans, guaranteed loans, or contracts or loans having the benefit of a guaranty by the Federal Savings and Loan Insurance Corporation) during the period that such loans or contracts:

* * * * *

(2) have unpaid principal balances in excess of the maximum amounts permitted under otherwise applicable lending limitations, or, in the absence of otherwise applicable lending limitations, in excess of 90 percent (95 percent, if the requirements of § 545.6–1(a)(5) of this chapter are met) of the value of the real estate securing such loans or sold under such contracts; except that only 20 percent of the unpaid principal balance of any such loan or contract will be included in "scheduled items" if all of the following requirements are met:

* * * * *

(Sec. 5 48 Stat, 132, aa amended (12 U.S.C. 1464); secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730). Reorg. Plan No. 3 of 1947, 12 CFR 4981, 3 CFR 1943–48 Comp. 1071.)

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

[FR Doc.77–9741 Filed 3–31–77;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 302]

[Docket No. 30631; PDR–46]

STANDARDIZED METHOD FOR COSTING PROPOSED CHANGES IN THE AUTHORIZED OPERATIONS OF LOCAL CARRIERS

Notice of Proposed Rulemaking

Correction

In FR Doc. 77–8636 appearing at page 15916 in the issue for Thursday, March 24, 1977, on page 15921 in 302.1105(h)(1), the fourth line should read "ascertained in paragraphs (b)(3), (c) * * *", instead of "ascertained in paragraphs (d)(3), (c) * * *".

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 404]

[Reg. No. 4]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Requirements for Entitlement or Reentitlement to Child's Benefits

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the amendments to the regulations set forth in tentative form below are proposed by the Commissioner of Social Security with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments to Subpart D of Part 404 of Title 20 of the Code of Federal Regulations (20 CFR) define the term "unmarried" as used in the initial entitlement provisions for child's benefits, and the meaning of the term "has not married" as used in the reentitlement provision for child's benefits. They also specify that a child does not need to reestablish dependency as a condiiton for reentitlement. The proposed amendments incorporate existing policy, and are intended to avoid possible misunderstandings of present regulations. Interested parties are given 45 days from the date of publication of this notice in which to submit any data, views or arguments.

Section 202(d)(1) of the Social Security Act provides that one of the requirements for initial entitlement to child's benefits is that the child be unmarried at the time of application. The proposed amendments to the regulations define "unmarried" as not currently married. A child whose marriage is void or has been annulled or has been terminated by death or divorce, is considered to be unmarried. The policy enunciated by this definition has been in effect since 1941.

Section 202(d)(6) of the Act, specifies the conditions under which a child whose entitlement to child's insurance benefits terminated, with the month preceeding the month the child attained age 18 or later, may become reentitled. The reentitlement provisions state a child may become reentitled to child's benefits provided he has not married since his prior entitlement. The proposed amendments provide that for purposes of reentitlement, a child whose marriage has been voided or annulled is considered to have never married. However, a claim for reentitlement can not be treated as if the child had not married, if the annulling court awards permanent alimony or retains jurisdiction under State law to grant permanent alimony in the annullment action.

The proposed amendments cited in the two preceding paragraphs are intended to show the differences between the term "unmarried" used with respect to initial entitlement provisions, and the term "has not married" used with respect to reentitlement to child's benefits. "Unmarried" connotes the status of being not currently married, while "has not married" refers to the status of not having married at all since initial entitlement to child's benefits. A marriage which terminated by death of the spouse or divorce is not a bar to initial entitlement to child's benefits, but would constitute a bar to reentitlement.

Since section 202(d)(6) of the Act does not require reestablishing dependency, the proposed amendments specifically state that a child does not need to reestablish dependency as a condition for reentitlement.

Accordingly 20 CFR 404.320(a)(3) and (b) are being revised and paragraphs (c)(6) and (c)(7) are being added to define "unmarried" as used in initial entitlement provisions, to clarify the meaning of the term "has not married" as used in the reentitlement provisions, and to specify that a child does not need to reestablish dependency as a condition for reentitlement.

If there are any questions concerning these amendments, you may contact Mr. S. J. Weissman, Legal Assistant, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone 301–594–7341.

Prior to final adoption of the proposed amendments to the regulations consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203, on or before May 16, 1977.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue, SW., Washington, D.C. 20201.

(Secs. 202(d)(1), 202(d)(6), 205(a), and 1102 of the Social Security Act, 49 Stat. 623, 49 Stat. 624, 49 Stat. 647 as amended; 42 U.S.C. 402(d)(1), 402(d)(6), 405(a), and 1302.)

(Catalog of Federal Domestic Assistance Programs No. 13.802, Social Security—Disability Insurance, 13.803, Social Security—Retirement Insurance; 13.805—Survivor's Insurance.)

NOTE.—The Social Security Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

Dated: March 7, 1977.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: March 28, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare.

Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is amended as set forth below:

Section 404.320 is amended by revising paragraphs (a)(3) and (b), and adding paragraphs (c)(6) and (c)(7) to read as follows:

§ 404.320 Child's insurance benefits; conditions of entitlement.

(a) *Entitlement.* A child is entitled to a child's insurance benefit if he:

* * * * *

(3) Is unmarried (see paragraph (c)(6) of this section) at the time such application is filed; and

* * * * *

(b) *Reentitlement.* A child whose entitlement to benefits terminated with the month before the month he attained age 18 or later, may thereafter again become entitled to benefits without reestablishing dependency, provided he has not married (see paragraph (c)(7) of this section and § 404.321(b)(2)) since his last entitlement. Reentitlement to benefits is effective upon filing application for such reentitlement beginning with:

* * * * *

(c) *Definition of terms.* * * *

(6) *Unmarried.* The term unmarried, as used in paragraph (a)(3) of this section, means not currently married. A child whose marriage is void or has been annulled or has been terminated by death or divorce, is considered to be unmarried.

(7) *Has not married.* The term has not married, as used in paragraph (b) of this section, means to have never married or to have had a marriage which was voided or annulled (and for which no permanent alimony has been granted or the annulling court does not retain jurisdiction to grant alimony). It does not include a child whose marriage was terminated by death of the spouse or divorce.

[FR Doc.77–9824 Filed 3–31–77;8:45 am]

[20 CFR Part 405]

[Reg. No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Establishment of Cost Basis on Purchase of Facility as an Ongoing Operation, and Transactions Involving Provider's Capital Stock

Notice is hereby given pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the amendment to the regulations set forth in tentative form below, is proposed by the Commissioner of Social Security with approval of the Secretary of Health, Education, and Welfare. The proposed amendment is a new paragraph (l) to § 405.415 that describes the intenaction of various program regulations, together with applicable legal and accounting principles, when applied to complex financial transactions. Section 405.415(l) incorporates into Subpart D existing program policy applicable to those transactions involving a provider's capital stock (see Social Security Ruling 75–22, Cumulative Bulletin 1975, p. 107). As a result of two decisions issued by the Provider Reimbursement Review Board, the Social Security Administration believes there is a need for more definitive and detailed explanation of this program policy in Subpart D. The Provider Reimbursement Review Board ruled in both decisions that the purchase of a corporate provider's capital stock should be considered a purchase of the corporate assets and, for program purposes, a revaluation of asset basis and the recognition of goodwill should be permitted upon such a transaction. Both decisions were reversed by the Commissioner. Moreover, this issue is being litigated in various Federal Courts. The purpose of the proposed addition to the regulation is to place together in one section of the reimbursement regulations various other health insurance program regulations that define program policy applicable to the purchase of the capital stock of a corporate provider. As the proposed amendment codifies longstanding program policy and does not propose new policy, the publication of the proposed amendment does not require a Notice of Intent. It is believed that publication of this notice requesting comments will provide ample time for comment and adequate notice and opportunity for participation by all interested individuals and organizations. This is in keeping with the spirit and intent of the Secretary's policies for the development of regulations announced on July 25, 1976. The proposed amendments are a specific interpretation of existing program policy based on previously promulgated regulations. Interested parties will have 45 days from publication in the Federal Register to submit their views and comments.

Proposed paragraph (l) describes the interaction of various health insurance program regulations, together with the legal and accounting principles applied to complex financial transactions. As stated in existing § 405.626(c), a transfer of corporate stock does not constitute a change of provider ownership. Thus, the transfer of corporate stock does not result in a termination of the provider agreement; the existing provider agreement continues in effect, and there is no basis for any change in health insurance program reimbursement to the provider. In addition, other health insurance program regulations are consistent with this position. Paragraph (a)(1) of § 405.415 states that depreciation must be "* * * recorded in the provider's accounting records," and paragraph (a)(2) of § 405.415 states that depreciation must be "based on the historical cost of the asset." Historical cost is defined in paragraph (b)(1) of § 405.415 as the "cost incurred by the present owner in acquiring the asset." Section 405.429 states that the provider's equity capital is the "provider's investment in plant, property and equipment related to patient care." These regulations, when read together with § 405.626(c), enunciate the principle that, as a transfer of corporate stock does not result in a termination of the provider agreement, there has been no change in the provider's status with respect to the health insurance program, and there is no basis for any change in the health insurance program's reimbursement to the ongoing provider.

A second provision of the proposed amendment (§ 405.415(l)(2)) points out that a statutory merger is treated as a sale of assets.

A third provision of the proposed amendment (§ 405.415)(l)(3)) points out that a statutory merger between related parties, or a consolidation of two or more providers, is treated under § 405.427 and no revaluation of assets or recognition of good will is permitted as a result of such transaction. Section 405.427 describes those conditions under which the related party principle should be applied. Paragraph (g) of § 405.415 states that in a non bona fide sale, the purchaser's cost basis shall not exceed the seller's cost basis less accumulated depreciation.

The proposed revision of paragraph (l) of § 405.415 is also consistent with paragraph (f) of § 405.415. Paragraph (f) deals with the way in which gains or losses on disposal of depreciable assets are treated under the health insurance program. When a provider's assets are sold the transaction causes adjustments to the seller's health insurance program allowance for depreciation based upon the gain or loss on the sale of the asset. Because a sale of corporate stock is not a sale of the corporation's assets, the provisions of paragraph (f) of § 405.415 are not applicable to the seller after such a transaction.

Furthermore, based upon basic principles of corporation law, a stockholder and the corporation are distinct legal entities, with title to the corporate

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property vested in the corporation itself and not in the stockholder. Thus, transfer of corporate stock ownership does not result in a transfer or change in ownership of corporate assets. Accounting principles also support this position because a transfer of stock does not result in any change in the recorded value of the corporation's assets, liabilities, or net worth.

The proposed revision to paragraph (g) of § 405.415 merely adds clarifying words and subtitles and is not related to the proposed addition of paragraph (l) of § 405.415.

If there are any questions concerning this regulation, you may contact Mr. John Jansak, Branch Chief, Provider Reimbursement Policy Branch, Division of Provider Reimbursement and Accounting Policy, Bureau of Health Insurance, Room 405, East Building, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone number 301–594–9820. Mr. Jansak will respond to questions, but will not accept comments on this regulation.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Social Security, Department of Health, Education, and Welfare, Post Office Box 1585, Baltimore, Maryland 21203, on or before May 16, 1977.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue, SW., Washington, D.C. 20201.

Secs. 1102, 1814(b), 1833(a), 1861(v), and 1871 of the Social Security Act; 49 Stat. 647, as amended, 79 Stat. 294, as amended, 79 Stat. 302, as amended, 79 Stat. 322, as amended, 79 Stat. 331; 42 U.S.C. 1302, 1395(b), 1395(a), 1395x(v), and 1395hh.) (Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance.)

NOTE: It is hereby certified that this proposal has been screened pursuant to Executive Order No. 11821, and does not require an inflation impact evaluation.

Dated: January 17, 1977.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: March 28, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare.

Part 405 of Chapter III of title 20 of the Code of Federal Regulations as amended is further amended as set forth below:

In § 405.415 paragraph (g) is revised and paragraph (l) is added to read as follows:

§ 405.415 Depreciation; Allowance for depreciation based on asset costs.

• • • • •

(g) *Establishment of cost basis on purchase of facility as an ongoing operation.*—(1) *Purchase of assets.* In establishing the cost basis for the assets of a facility purchased as an ongoing operation after July 1, 1966, the price paid by the purchaser shall be the cost basis where the purchaser can demonstrate that the sale was a bona fide sale and the price did not exceed the fair market value of the facility at the time of the sale. The cost basis for depreciable assets shall not exceed the fair market value of those assets at the time of sale.

(2) *Transactions other than bona fide.* If the purchaser cannot demonstrate that the sale was bona fide, the purchaser's cost basis shall not exceed the seller's cost basis, less accumulated depreciation.

(3) *Assets acquired August 1, 1970, or later.* For depreciable assets acquired August 1, 1970, or later, the cost basis of the depreciable assets shall not exceed the current reproduction cost depreciated on a straight-line basis over the life of the assets to the time of the sale.

(4) *Facilities purchased August 1, 1970, or later.* Where a facility is purchased as an ongoing operation August 1, 1970, or later, the cost basis shall not exceed the fair market value of the tangible assets purchased, subject to the limitations in paragraph (g) (1), (2), and (3) of this section applicable to the depreciable assets.

• • • • •

(l) *Transactions involving provider's capital stock*—(1) *Acquisition of capital stock of a provider.* The acquisition of the capital stock of a provider does not give rise to a revaluation of the provider's assets, nor may any of the excess paid over the book value of the provider's assets be included in the computation of equity capital for program reimbursement purposes. Any interest expense incurred as a result of such an acquisition is not an allowable cost for health insurance program purposes, as it is not incurred on a loan made for a purpose related to patient care (see § 405.419(b)(2)(ii)). An example of this type of transaction is one in which Corporation A purchases the capital stock of Corporation B, the provider. Corporation B continues as the provider after the purchase and Corporation A is merely the stockholder.

(2) *Statutory merger.* (i) A statutory merger for health insurance program purposes is a combination of two or more corporations with one of them surviving, effected according to the requirements and procedures set forth in the corporation laws of the State of incorporation, and the surviving corporation becomes the owner of the assets and liabilities of the merged corporation(s) by operation of State law. (ii) If the statutory merger is between two or more corporations which are unrelated (for purposes of paragraph (l)(3) of this section or of § 405.427), and one of the merged corporations is a provider, and the provider is the nonsurviving corporation, the assets of the merged corporation(s) acquired by the surviving corporation are subject to the provisions of paragraph (g)(1), (3), and (4) of this section, and the former provider corporations are subject to those health insurance program policies applicable to terminated providers (e.g., see paragraphs (d)(3) and (f) of this section). An example of this type of transaction is one in which Corporation A, a nonprovider, and Corporation B, the provider, are combined by a statutory merger, with Corporation A being the surviving corporation. In such a case the assets of Corporation B acquired by Corporation A are subject to revaluation, as defined in paragraph (g) of this section. (The basis of the assets owned by the surviving corporation before the merger are unaffected by the transaction.)

(3) *Statutory merger between related parties or consolidation.* The statutory merger of two or more related corporations, or the consolidation of two or more providers resulting in the creation of a new corporate entity, is treated as a transaction between related parties (see § 405.427). No revaluation of assets is permitted for those assets acquired by the surviving corporation, nor is the recognition of good will for equity capital purposes permitted for such transactions that occurred before August 1970. An example of this type of transaction is one in which Corporation A purchases the capital stock of Corporation B, the provider. Immediately after the acquisition of the capital stock of Corporation B, there is a statutory merger of Corporation B and Corporation A, with Corporation A being the surviving corporation. Under these circumstances, the statutory merger is a transaction between related parties and does not give rise to a revaluation of the provider's assets.

[FR Doc.77-9823 Filed 3-31-77;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

[20 CFR Part 602]

TEMPORARY ALIEN CERTIFICATION PROGRAM

1977 Adverse Effect Rates

AGENCY: Department of Labor.

ACTION: Proposed rule.

SUMMARY: The Employment and Training Administration of the Department of Labor is proposing to issue its annual updating of its adverse effect rates for the temporary alien certification program. Adverse effect rates are minimum rates which the Department has determined must be offered and paid by the employers of temporary alien agricultural and logging workers in order to prevent the employment of such aliens from having an adverse effect on the wages of U.S. workers.

DATES: Comments on the proposed rule are due by May 2, 1977.

FOR FURTHER INFORMATION CONTACT:

Aaron Bodin, Chief, Division of Labor Certifications, United States Employment Service, Room 8410, 601 D Street, NW., Washington, D.C. 20213. (202–376–6295).

SUPPLEMENTARY BACKGROUND:

BACKGROUND

Section 214.2(h)(3)(i) of the Immigration and Naturalization Service Regulations (8 CFR 214.2(h)(3)(i), issued under the Immigration and Nationality Act, requires, in support of a petition for the admission of an alien into the United States to perform certain temporary labor:

Either a certification from the Secretary of Labor or his designated representative stating that qualified persons in the United States are not available and that the employment of the beneficiary will not adversely affect the wages and working conditions of workers in the United States similarly employed, or a notice that such a certification cannot be made, shall be attached to every nonimmigrant visa petition to accord an alien a classification under section 101(a)(15)(H)(ii) of the Act. • • •

Each year the Department undates its adverse effect rates so that, in light of current economic conditions, employers will be required to offer workers a wage which will not adversely affect the wages of U.S. workers.

RELATIONSHIP OF PROPOSED RULE TO PROPOSED REGULATIONS FOR 20 CFR PART 665

On January 25, 1977, at 42 FR 4670, the Department proposed comprehensive new regulations for the entire labor certification process for the temporary employment of aliens in the United States in agricultural and logging occupations. Those regulations, when eventually finalized, were proposed to be placed into a new Part 655 in 20 CFR, and to replace all the present regulations at 20 CFR 602.10, 10a, and 10b. The rule proposed in this document, however, is merely the annual update of the adverse effect rates. Because of the considerable interest shown by the public in the January 25 proposed comprehensive revision, the Department expects that it will be some time before the January 25 proposal will be finalized. The Department expects, however, that the new adverse effect rates proposed in this document will be finalized shortly after the end of the thirty-day comment period.

WHERE TO SEND COMMENTS

Comments on the proposed rule should be sent to the Assistant Secretary for Employment and Training, Attn: William B. Lewis, Administrator, United States Employment Service, Room 8000, 601 D Street, NW., Washington, D.C. 20213.

Accordingly, 20 CFR 602.10b, paragraph (a)(1), is proposed to be revised to read as follows:

§ 602.10b Wage rates.

(a)(1) Except as otherwise provided in this section, the hourly wage rates set forth below shall be offered and paid to agricultural workers. The Department has found that, unless these wage rates are offered and paid, the wage rates of similarly employed U.S. workers will be adversely affected.

State:	Rate
Connecticut	$2.75
Maine	2.64
Massachusetts	2.70
New Hampshire	2.97
Rhode Island	2.72
Vermont	2.93
New York	2.70
Maryland	2.43
Virginia	2.63
Florida (sugar cane only)	3.23

Signed at Washington, D.C. this 25th day of March, 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

[FR Doc.77-9519 Filed 3-31-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 109]

[Docket No. 77N-0080]

POLYCHLORINATED BIPHENYLS (PCB'S)

Unavoidable Contaminants in Food and Food Packaging Materials; Reduction of Temporary Tolerances

AGENCY: Food and Drug Administration.

ACTION: Proposed reduction of temporary tolerances for polychlorinated biphenyls (PCB's).

SUMMARY: The Food and Drug Administration (FDA) is proposing to reduce the temporary tolerances for unavoidable residues of the industrial chemicals PCB's in several classes of food. Specifically, the agency is proposing to reduce the tolerances in milk and dairy products from 2.5 parts per million (ppm) to 1.5 ppm (fat basis); in poultry from 5 ppm to 3 ppm (fat basis); in eggs from 0.5 ppm to 0.3 ppm, and in fish and shellfish from 5 ppm to 2 ppm.

DATES: Comments on or before May 31, 1977.

ADDRESSES: Written comments on this proposal may be sent, in quadruplicate, to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Howard N. Pippin, Division of Regulatory Guidance (HFF–312), Bureau of Foods, Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, (202) 245–3092.

SUPPLEMENTARY INFORMATION: PCB's are a class of toxic industrial chemicals that are highly stable, heat resistant, and nonflammable. By late 1971, the unique physical and chemical properties of PCB's and their widespread, uncontrolled industrial application had resulted in their becoming a persistent and ubiquitous environmental contaminant. One consequence of the contamination of the environment with PCB's was the indirect contamination of certain foods.

REGULATORY HISTORY

In the FEDERAL REGISTER of July 6, 1973 (38 FR 18096), the Commissioner of Food and Drugs issued regulations under Part 122 (21 CFR Part 122), to deal with the problem of contamination of animal feeds, foods, and food packaging materials with PCB's. Among these regulations are those establishing temporary tolerances for unavoidable PCB residues resulting from environmental contamination of milk and dairy products, poultry, eggs, fish and shellfish, infant and junior foods, and feed and feed components for food producing animals. There is also a temporary tolerance for PCB's in paper food-packaging material intended for or used with human food, finished animal feed and components intended for animal feeds, which is currently stayed (by order published in the FEDERAL REGISTER of August 24, 1973 (38 FR 22794)) pending completion of an evidentiary hearing under sections 406 and 701(e) of the act (21 U.S.C. 346 and 371 (e)). In establishing these tolerances as "temporary" the Commissioner recognized that, in the future, unavoidable PCB contamination should decrease. The stated intention of the Commissioner has thus been to reduce the temporary tolerances as PCB contamination became less unavoidable.

At the National Conference on PCB's sponsored by the Environmental Protection Agency (EPA) on November 19 through 21, 1975, in Chicago, FDA announced that it had initiated a review of the appropriateness of the current temporary tolerances. (The proceedings from the National Conference have been published and a copy is on file in the office of the Hearing Clerk.) In a notice published in the FEDERAL REGISTER of February 26, 1976 (41 FR 8409), the Commissioner issued a statement of policy regarding PCB's in certain freshwater fish. The notice discussed the review of the temporary tolerances and stated that if, on the basis of this review, lowering of any of the temporary tolerances was warranted, the Commissioner would issue a proposal in the FEDERAL REGISTER to amend the existing PCB regulations.

TOXICITY OF PCB'S

The temporary tolerances established in 1973 were arrived at after evaluation of the best available toxicological data. Data from long-term (2-year) animal studies established that a no-effect level in rats and dogs for PCB's with three levels of chlorination (42, 54, or 60 percent) is 10 ppm. These animal data were used as a basis for estimating a no-effect level in man. When data derived from dogs were used, a no-effect level of 2.5 micrograms per kilogram (g/kg) body weight per day was calculated. When rat data were used, the no-effect level in man was 5g/kg body weight per day. Thus, for a 70-kilogram individual (approximately 155 pounds), an allowable level of PCB ingestion would be 175 to 210 micrograms per day.

When establishing tolerances for environmental contaminants, such as

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PCB's, it is preferable, though not always possible, to rely on human rather than animal data. In the case of PCB's, human data were available from the unfortunate "Yusho" poisoning incident in Japan in 1968 in which many individuals consumed rice oil contaminated with PCB's. The rice oil involved in the Yusho incident was contaminated with Kanechlor 400, a Japanese brand of PCB containing 48 percent (by weight) chlorine. The 48 percent (by weight) chlorine-containing PCB Aroclor 1248, an American product, is very similar to the Kanechlor 400. Consequently, the human data derived from the Yusho incident, though stemming from exposure to a Japanese PCB, were relevant and significant in establishing a temporary tolerance for residues resulting mostly from American-made PCB's.

The victims in the Yusho incident were calculated to have consumed an average of 15,000 milligrams per day (mg/day) of the rice oil contaminated with Kanechlor 400. At that time the rice oil was determined to be contaminated at levels of 2,000 to 3,000 ppm PCB's, the average level of PCB contamination in the oil being 2,500 ppm. The levels of PCB contamination of the oil were calculated by comparing the measured organic chlorine content of the rice oil with the known organic chlorine content of Kanechlor 400. Using the two average levels (consumption of rice oil and PCB level in the rice oil), the average daily intake of PCB's was estimated to be 37.5 mg/day. The average cumulative dose of PCB's that caused an overt effect in the Japanese victims was reported to be 2,000 milligrams. Based on the average daily intake of 37.5 mg/day, it would take 53 days of exposure for an individual to consume this amount. Actual periods of exposure no doubt varied around this figure. However, it was estimated that the maximum exposure at Yusho would have been 100 days.

Humans in the United States have not been exposed to PCB's at the concentrated levels that existed in the Yusho incident. General public exposure in the United States to PCB's has been sporadic. In developing temporary tolerances based on the data from the Yusho incident, a time period of 1,000 days of exposure to PCB's was used. As previously stated, this was not an analysis based on lifetime exposure. Rather, it was postulated that PCB levels in food would steadily decrease over the 1,000-day time period used in the calculation. The sporadic exposures in the United States were generally thought to result mainly from contaminated animal feed and, as measures were adopted to prevent future contamination, the PCB level in food was expected to be reduced. In calculating a total allowable exposure from the average overt dose in the Yusho incident, a safety factor of 1 to 10 was used and a total allowable exposure of 200 milligrams was calculated. Because of the sporadic nature of PCB exposure in the United States, the total exposure (200 milligrams) was spread out over the 1,000-day time period (over 10 times as long as Yusho exposure) providing a tolerable daily exposure of no more than 200 micrograms per day. Transforming this figure to body weight per day for a 70-kilogram adult produced a figure of 3 μg/kg body weight per day.

As indicated previously, FDA established the temporary tolerances for PCB's in 1973 with the clear intent that they should be lowered as experience indicated the appropriateness of such changes. The Chairman of the HEW Committee to Coordinate Toxicology and Related Programs established a Subcommittee on the Health Effects of PCB's and Polybrominated Biphenyls (PBB's), whose purpose was to assess new data developed since 1973 on the toxicology, human exposure to PCB's and cources of residues of PCB's, and to formulate recommendations about future research needs. This subcommittee, composed of scientists from several governmental agencies concerned with PCB's, reviewed all the currently available scientific literature and has released its final report. A copy of the report is on file in the office of the Hearing Clerk.

This information, as well as information obtained since the subcommittee report was published, has been evaluated by FDA. Three problem areas with PCB's are of major concern to FDA, namely, new toxicity data on PCB's, studies that indicate PCB's are carcinogenic, and the presence of PCB's in the environment resulting in widespread occurrence of residues in freshwater fish.

It is known that the toxicity of chlorinated biphenyls depends upon the degree of chlorination and the isomeric form. The low chlorinated biphenyls tend to have a higher acute toxicity compared to the higher chlorinated biphenyls, whose different pattern of toxicity is associated in part with a longer biological half-life and less susceptibility to metabolic alteration or degradation by the liver and other organs (Reference 2). Studies have shown that PCB's containing six or fewer halogen atoms are readily absorbed from the intestine. They are not excreted to an appreciable extent before being metabolized to more polar compounds, and long-term storage in the skin and adipose tissue occurs. However, tissues from animals and man containing PCB's from environmental exposure have residues resembling PCB mixtures with more than 50 percent chlorination, suggesting that PCB's with five or fewer chlorine atoms (less than 50 percent chlorination) are more readily metabolized than the PCB's with higher chlorination (Reference 3).

Evaluation of the toxicity of specific PCB's is further complicated by the finding that commercial preparations of PCB's contain, as impurities, some quantity of chlorinated dibenzofurans (Reference 4). Certain isomers of the chlorinated dibenzofurans are appreciably more toxic than a similar amount of chlorinated biphenyls (Reference 5). More recent information from the Yusho episode has brought new factors into consideration with the finding that the rice oil contained approximately 1,000 ppm PCB, chlorinated dibenzofurans at approximately 5 ppm, and unknown organic chlorinated substances, which so far are unidentified, at approximately 1,000 ppm (Reference 6). It is not known whether the chlorinated dibenzofuran contaminant or the unidentified source of organic chlorine is a crucial toxic substance producing the symptoms observed in the Yusho incident, whether exposure to the 1,000 ppm PCB produced the observed effects, or whether an interaction occurred.

Different animal species vary in their susceptibility to the toxic effects of PCB's. However, evaluation of this susceptibility is complicated by a general lack of information on the detailed composition of the PCB mixtures used in the studies and the relationship between the composition of a PCB mixture and the toxicity of that mixture. PCB's have been shown to cause effects on reproduction, hepatic porphyria (Reference 7) and other biochemical changes in the liver (Reference 8) and gastric mucosa (Reference 9) as well as liver tumors (Reference 10). In primates, the skin and the Meibamian glands are affected, in addition to the liver and gastric mucosa (Reference 11). In the rabbit, atrophy of the thymus has been reported (Reference 12). The levels causing these effects depend on the species and the compound tested. In rats, a dietary level of 20 ppm Aroclor 1254 depressed reproduction while a level of 500 ppm Aroclor 1260 was needed to reduce reproduction in the same strain of rats (Reference 13). Dietary levels of 5 ppm Aroclor 1254 have a marked effect on reproduction in the mink (Reference 14), and limited studies have shown that 2.5 ppm Aroclor 1248 affects reproduction in nonhuman primates (Reference 15).

Numerous biochemical systems are reported to be affected by PCB's. Hepatic porphyria has not been reported in the monkey, mink or human, but Aroclor 1254 or Aroclor 1242 and Aroclor 1016 have produced it in the rat (Reference 7). The female rat is more sensitive than the male and Aroclor 1016 is less active than either Aroclor 1254 or 1242 (Reference 7). Other biochemical changes reported in the liver include lipid accumulation induction of microsomal enzymes, including the hydroxylase and demethylase enzymes as well as an increase in cytochrome PL-448 (Reference 16). Mitochondrial function is inhibited when rats are fed extremely high levels of PCB (1,000 ppm) but not at 100 ppm (Reference 17).

Histological and ultrastructural changes in the liver reflect the observed biochemical changes, and include hepatomegaly with a concomitant increase in smooth endoplasmic reticulum, atypical mitochondria and the formation of "fingerprints" in the hepatic cytoplasm. These changes are more pronounced at higher dose levels, and with Arcolor 1254 and 1260. The effects are less pronounced with Aroclor 1242 or 1016 (Reference 18).

Some of the new toxicity data relate to the carcinogenic effect of PCB's in mice and rats. In one strain of mice,

neoplastic nodules (hepatomas, hyperplastic nodules) developed after dietary exposure to Aroclor 1254 (Reference 19). Female Sherman strain rats fed 100 ppm Aroclor 1260 for 21 months developed hepatocellular carcinomas as well as neoplastic nodules (hyperplastic nodules) of the liver (Reference 8).

However, several problems remain to be resolved before the risk of carcinogenesis following exposure to environmental PCB's can be fully evaluated. For example, the commercial PCB's fed to the animals in the carcinogenicity studies were found to contain low levels of toxic impurities, including chlorinated dibenzofurans. It has not been established what the role of the dibenzofurans is in the development of the carcinogenic lesions. In addition, the relatively high levels of commercial PCB's required to produce the carcinogenic response suggest the probability that liver damage may be required before the onset of carcinogenesis.

Recent experiments with monkeys indicate that adult monkeys suffered illness and female monkeys had reproductive disfunction when exposed to PCB's (Aroclor 1248) in amounts comparable to those experienced by patients in the Yusho poisoning incident (References 11, 20, 41, and 42). Infant monkeys suffered illness when nursing from their mothers whose milk contained PCB residues at a range of approximately 7 to 16 ppm on a fat basis (References 15 and 42). Surviving weaned infants recovered from the overt toxic effects (References 41 and 42), but behavioral abnormalities were noted (Reference 21).

Recent preliminary survey data indicate the presence of PCB residues in human breast milk at levels averaging 1.8 ppm (fat basis) (Reference 22). This may present as yet undefined risks to the nursing infant. It is known that residues of other halogenated hydrocarbons occur in breast milk and are thus ingested by nursing infants (Reference 23). Although such exposure is obviously not desirable, the immediate problem is to attempt to define more precisely the potential risks to infant health.

The relevance of the observations in the monkey studies to human infants nursing on mothers' milk containing PCB residues (average values to 3.5 ppm fat basis (Reference 24)) due to maternal exposure to PCB's largely from environmental sources is not known. In the monkey study these residues in the milk of the maternal monkeys resulted from their exposure to a commercial preparation of Aroclor 1248. This contains approximately 40 percent tetrachlorinated biphenyls, an appreciable amount of trichlorinated biphenyls (Reference 25), and unknown quantities of at least five different chlorinated dibenzofurans (Reference 26). Additionally, the maternal monkeys were toxic and hence toxicity effects in the offspring monkeys may not be purely due to the relatively low levels of PCB's received through monkey milk. It is not known if this overt toxicity, as well as the toxic effect of contaminants of Aroclor 1248 present in commercial samples, and not shown to be present in environmental samples, had additional adverse effects on the monkey fetus in utero or upon the nursing infant monkey.

Additional investigations are needed to evaluate the potential adverse effects on human infants nursing from mothers whose breast milk contains PCB residues. Because of the long biological half-life of PCB's in the mammalian body, it is desirable to limit the exposures of females to PCB residues in food to the extent reasonably possible in order to reduce the likelihood that PCB residues might occur both in body fat and in breast milk. The Commissioner is concerned about transfer of PCB residues to the fetus through the placenta or to the infant through breast milk. Fetal and infant exposure to PCB's should clearly be minimized until possible adverse effects are more clearly defined.

After assessing recent toxicological data, the Commissioner concludes that it is desirable to reduce human exposure to PCB's even further. While the data do not support establishment of a new allowable daily intake of PCB's, especially in light of the studies regarding carcinogenicity, the Commissioner concludes that the predicted level of exposure discussed below is tolerable.

Human Exposure To PCB's

Contamination of foods with PCB's results primarily from four broad sources: (1) Environmental contamination—in fish from contaminated lakes and streams; (2) industrial accidents—isolated incidents involving direct leakage and spillage of, or contact with, PCB fluids and other PCB-containing materials on animal feeds, feed ingredients, or food; (3) agricultural contamination—PCB migration to feed from silo coatings, causing subsequent contamination of milk; and (4) food packaging materials—migration to foods packaged in PCB-contaminated paper products. There were a number of other positive findings in foods which could not be traced to one of these broad sources before 1972; the sources of such occasional findings remain speculative. However, in recent years, essentially all positive findings of PCB's in the food supply have been attributable to one or more of these four sources.

The findings of the FDA Total Diet Study for fiscal years 1971 through 1975 show that PCB levels in all food classes of the total diet have declined to no detectable PCB occurrence in the composites and no calculable daily intake of PCB's, except in the meat-fish-poultry composites. About 40 percent of these meat-fish-poultry composites analyzed in fiscal year 1975 continued to contain detectable PCB's, although only traces have been detected in the most recent years (Reference 1).

It is important to stress that review of PCB levels in the diet must be an ongoing process. In analyzing the health implications of PCB residues in the diet, one must exercise caution because review of partial data for a given year or even complete data on a year-by-year basis may led to false conclusions concerning trends. For example, fiscal year 1976 findings show that milk and eggs infrequently contain PCB residues, i.e., less than 1 percent frequency rate. However, animal feed components contained detectable PCB residue (about 8 percent frequency rate) at a rate higher than in fiscal years 1974 and 1975, but lower than the approximate 13 percent rate for fiscal year 1973. Most of the feed component samples found positive in fiscal year 1976 were of animal and it is expected that such year-to-year variations will be encountered. This increased incidence did not cause an increase in dietary intake of PCB's. In fact, the rate of meat-fish-poultry composites found positive for PCB's in the first half of the fiscal year 1976 Total Diet Study dropped to a low of 5 percent and the first half of the 1976 meat and poultry sampling by the U.S. Department of Agriculture (USDA) showed a reduction to a low occurrence rate of 0.2 percent (Reference 27).

Since 1973, PCB's have not been found in the other total diet composite categories, notably not in dairy product composites and the composites of grain and cereal products. Based on the total diet study, there remains a continued low level occurrence (above 40 percent positive in fiscal year 1975 but only at trace levels) in the meat-fish-poultry composites. The fact that levels in these composites have declined to only traces further supports the inference that the meat and poultry and eggs rarely contain detectable PCB's and that the low level findings are primarily due to the fish in those composites. This would imply that the PCB levels in an "average" total diet may have decreased as much as they will until such time as there is a change in the levels for fish (Reference 1).

Evidence indicates that residue levels higher than those reported in foods other than fish in the studies discussed above would generally be due to avoidable sources of contamination such as isolated accidental spills or the use of PCB coating in dairy farm silos with the resultant contamination of the silage and milk. The Commissioner concludes that in light of these findings of reduced levels of PCB's in foods, it is appropriate to lower the tolerances for unavoidable residues of PCB's.

Section 406 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346) requires that the Commissioner consider the ways in which individuals may be affected by PCB's, other than through consumption of food.

Although human exposure to PCB's from air and water appears to be minimal, there is little question that such exposure does occur. Samples of ambient air collected in Florida, Mississippi, and Colorado show that PCB's were present at all locations. The average concentration at each of the three locations was approximately 100 nanograms

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per cubic meter of air. Studies of surface water from the major drainage basins of the United States report the widespread occurrence of PCB's in both surface water and bottom sediments. Main residue levels of PCB's in the surface water ranged from 0.01 to 0.05 micrograms per liter (μg/l), with a maximum residue level of 20.0 μg/l (Reference 28).

In Wisconsin, effluents from cooling water in aluminum foundries contained PCB's ranging from 11.5 to 335 parts per billion (ppb). Effluents from paper mills ranged from 0.01 to 25 ppb. Analysis of snow melt water from Wisconsin cities showed PCB residue levels of 0.17 to 0.24 ppb, suggesting that fallout of PCB's from the air may be an important source of PCB's entering the waters of the State (Reference 29).

In Michigan, testing of 900 samples of industrial effluents showed 22 percent had PCB residues greater than 0.5 μg/1, 8 percent greater than 1.0 μg/1, 6 percent greater than 10 μg/1 and 2 percent greater than 100μg/1. With sludge disposal taking place by incineration, landfill and crop or pasture application, the continuation of PCB's in the environment seems obvious (Reference 30).

At this time there is no evidence of deleterious effects resulting from inhalation of PCB's from the air; contamination of water results primarily in the intake of dietary PCB's from fish as discussed below in this preamble. However, surveillance of the food supply of the United States for PCB residues is maintained through ongoing FDA sampling programs. Should PCB contamination prove to be wider than is now thought, these surveillance programs will be helpful in the detection, evaluation, and resolution of any potential problem.

Reports of adverse human health effects resulting from PCB exposure have come from studies of occupational exposure as well as from human exposure through ingestion of contaminated rice oil in Japan. Some of the earliest reports of adverse health effects due to occupational exposure to PCB's in the United States were published in 1936 and described skin lesions and symptoms of systemic poisoning among workers who were reported to have inhaled chlorodiphenyls (Reference 31). Over the ensuing years numerous reports have described cutaneous eruptions as well as systemic manifestations among marine electricians, machinists, capacitor and transformer manufacturing workers, and others occupationally exposed to PCB's.

Researchers have reported dermatological ailments that include "brown chromodermatosis" of the dorsal joints of the hands and purple-like eruptions of the face and neck (References 32 and 33). However, one study, a health survey of workers in carbonless copy paper factories, 2 years after the use of PCB in such processes had ceased, showed neither dermal effects nor abnormalities of liver function, urine or blood tests. Blood levels of PCB's were reported as 0.01 to 0.02 ppm (Reference 34).

While the harmful effects of occupational exposure to PCB's may be significant in individual situations, they do not have an impact on the exposure that FDA regulates through tolerances for PCB's in foods.

Petition To Reduce Tolerances

On November 21, 1975, the Environmental Defense Fund (EDF) and the Natural Resources Defense Council (NRDC) jointly submitted a petition (Docket No. 75P–0346) seeking establishment of a zero tolerance for PCB residues in food, to be achieved by means of a phased reduction to zero of appropriately set temporary tolerances. The petition summarizes the recent studies and new data regarding the occurrence and the toxicology of PCB's and, on the basis of these data, the petitioners draw certain inferences and conclusions regarding the risk to human health presented by PCB's. The Commissioner's comments on the petitioners' conclusions are as follows:

1. The petitioners contend that it should be the express intention of the Commissioner, mandated by his responsibilities under the Federal Food, Drug, and Cosmetic Act, to establish zero tolerances for PCB residues in food. They state that this goal should be achieved by means of phased reduction of temporary tolerances which minimize the risk to the public health and which are "based on a level of risk which has been assessed using appropriate statistical models to account for the potential carcinogenic risk posed by any given residue level." The petitioners recommend use of the Mantel-Bryan or a comparable formula to establish risk probabilities for a carcinogen.

The Commissioner agrees that it is important to reduce human exposure to PCB's and that it is appropriate to reduce the tolerances for PCB's to the lowest practicable level; this has been the policy of FDA from the outset. However, he does not agree that "zero tolerances" are necessary or appropriate at this time. The phrase "zero tolerance" has been applied to the "no detectable residue" requirements of the exception to the Delaney anticancer clause in the act applicable to drugs and feed additives used in food producing animals (section 512(d)(1)(H) (21 U.S.C. 360b (d)(1)(H))). The absolute prohibition of the Delaney clause against the approval of food additives that cause cancer in man or laboratory animals does not apply to an environmental contaminant, such as PCB's, that is unavoidably present in food.

Section 406 of the act, under which the PCB tolerances are established, applies to substances whose presence in food cannot be avoided by good manufacturing practice. A tolerance that would totally prohibit such a substance in the food, when that substance cannot be avoided, would be inappropriate in the absence of a grave danger to health, for it would make all foods containing the substance unlawful per se. When an environmental contaminant is already present in food, FDA's responsibility is to decide what level(s) of the contaminant should cause removal of food from interstate commerce. If a nodetectable-residue requirement were automatically applied to environmental contaminants already present in the food supply, enforcement activities could significantly disrupt the food supply. Removing food containing any detectable residue from the marketplace could lead to enforcement action against food commodities not deemed to present any significant risk to public health.

The Commissioner advises that, while the statistical evaluation formulas for establishing risk probabilities, like the Mantel-Bryan procedure, are valid and useful in some situations, they are not an appropriate tool for determining a regulatory approach for unavoidable contaminants like PCB's.

2. The petitioners make direct comparisons between the 1968 human PCB poisoning episode in Japan and the results of some studies on the effects of low level exposure of nonhuman primates to PCB's. The implication in the petition appears to be that humans might suffer overt symptoms of PCB poisoning at the same levels (as low as 2.5 ppm in the whole diet) as did the monkeys.

As discussed elsewhere in this preamble, the Japanese patients were exposed not only to PCB's but also to the more highly toxic chlorinated dibenzofurans and to other chlorinated substances, some of which are as yet unidentified. The monkey studies represent tests of a commercial preparation of Aroclor 1248, which contains high percentages of trichlorinated and tetrachlorinated biphenyls, two of the more acutely toxic PCB constituents. Further, the commercial Aroclor 1248 also contained chlorinated dibenzofurans. While the effects seen in these monkeys were similar to the findings in the Japanese patients, such effects have not been noted in humans exposed to environmental PCB's in food in this country. Persons whose consumption of PCB's in their diet is substantial relative to the general population, have not exhibited any adverse health effects (Reference 40).

3. In discussing the validity of the tolerable daily intake published in the order establishing the temporary tolerances, the petitioners state that results from the recent nonhuman primate studies indicate that the rat and dog, on which that tolerable daily intake was partially based, are relatively insensitive to many of the toxic effects of PCB's. The petitioners imply that the tolerable daily intake published in 1973 is not valid in light of newly acquired data.

The Commissioner acknowledges that, compared to the monkey, the rat and dog may be relatively insensitive to PCB's; on the other hand, it is not known whether monkeys are unusually sensitive compared to humans. It is not yet possible to make a direct comparison of effects of PCB's from one kind of test animal to another or to humans. However, when judgments regarding allowable intakes are made, all available data from all species are considered.

4. The petitioners contend that the existing temporary tolerances are insufficient to protect the public health.

The Commissioner advises that the temporary tolerances were consistent with the toxicological data available when they were established. Although he acknowledges that more recent toxicological data indicate that further reduction of PCB intake is desirable, the Commissioner is not aware of any consumers who have suffered deleterious effects by ingesting PCB's. As anticipated, except for fish, PCB residues in foods have only rarely reached or exceeded the tolerance levels. Current data do not indicate that even consumers of fish have actually experienced deleterious effects from contaminated fish. Thus, the Commissioner cannot agree with the petitioners' contention that the temporary tolerances have been insufficient to protect the public health.

Furthermore, PCB residues in food have declined significantly, so that a specific appraisal of human exposure to PCB's in light of recent data would not support the petitioners' contention. The remaining significant PCB residues occur predominantly in freshwater fish, most of which are sport fish or are in intrastate commerce and are therefore not subject to effective FDA control. The Commissioner believes that the temporary tolerances for PCB's in certain foods have provided significant protection to public health; the relevant question now concerns the additional steps indicated to further protect the public.

5. The petitioners stated that "PCB's continue to contaminate our food" and, further, that "The apparent decrease in the levels of PCB's * * * must be viewed with caution."

The Commissioner acknowledges that available data are incomplete, as are contamination data at any particular time. However, there are specific errors in the petition which could have influenced the conclusion that the decrease in PCB levels is only "apparent." The petition reports fiscal year 1973 levels of PCB's, from the FDA Total Diet Survey as "trace—6.0 ppm" in the food composites. The highest finding in a Total Diet Survey food composite for the period was 0.07 ppm. The 6.0 ppm was found in an individual cereal food, not in a composite. The fiscal year 1974 FDA and USDA data reported in the petition are for partial years only. There were approximately 7,000 samples examined by FDA in fiscal year 1974, which resulted in an overall 3.2 percent occurrence rate for PCB's instead of the 5.4 percent reported in the petition. Similarly, USDA examined over 1,000 samples of poultry with only 2 samples positive for PCB's estimated to be approximately 0.2 ppm and 1.25 ppm (fat basis). Additionally, the decline in PCB occurrence in foods, meats and animal feeds is shown to continue when fiscal year 1975 data are included (Reference 1).

In the discussion from which the petitioners conclude that PCB contamination of food is a continuing problem, the cited examples are of contamination incidents that occurred before FDA established the temporary tolerances in 1973. The current reduction in or absence of such problems, except in the case of fish, indicates that FDA regulatory activities and other events have effectively reduced the PCB problem. The remaining significant problem, as previously noted, is with fish, particularly freshwater fish.

The Commissioner concludes that the petition to establish zero tolerances should not be granted to the extent that the petition seeks to have all food containing any detectable level of PCB's removed from commerce. However, the Commissioner does conclude that it is desirable to reduce the tolerances for PCB's at this time as far as is reasonably possible.

Temporary Tolerances

Section 406 of the act states:

> Any poisonous or deleterious substance added to any food, except where such substance is required in the production thereof or cannot be avoided by good manufacturing practice shall be deemed to be unsafe for the purpose of the application of clause (2)(A) of section 402(a); but when such substance is so required or cannot be so avoided, the Secretary shall promulgate regulations limiting the quantity therein or thereon to such extent as he finds necessary for the protection of public health * * *. In determining the quantity of such added substance to be tolerated in or on different articles of food the Secretary shall take into account the extent to which the use of such substance is required or cannot be avoided in the production of each such article, and the other ways in which the consumer may be affected by the same or other poisonous or deleterious substances.

When the Commissioner established the temporary tolerances for PCB's, it was expected that PCB prevalence in the environment would soon decline and that, as a result, the levels of PCB's in foods and feeds would also decline. He stated that the tolerances would be reevaluated and reduced accordingly. As discussed above, except for fish, the levels of PCB's in the foods for which there are tolerances are now lower than they were when the temporary tolerances were established. Also, recent data regarding toxic effects of PCB's give rise to added concern regarding human exposure to PCB's. Therefore, the Commissioner has reviewed each temporary tolerance and proposes to reduce certain of them.

In addition to the factors specifically required by section 406 of the act to be considered in setting tolerances for unavoidable poisonous or deleterious substance in foods, the Commissioner must, as a practical matter, also consider the limits of the analytical methodology available for enforcement of such tolerances.

The current temporary tolerances for finished animal feed, feed components of animal origin, and infant and junior foods are already at the lowest level at which PCB's can be reliably determined in each of these products for enforcement purposes. It is therefore not possible at this time to lower these tolerances.

As little as 1.5 ppm PCB can be reliably determined in the fat of milk and manufactured dairy products (Reference 35), and the Commissioner proposes to lower the temporary tolerances for those foods from the current 2.5 ppm to 1.5 ppm (fat basis).

The Commissioner has considered the current temporary tolerance of 5 ppm on a fat basis for PCB residues in poultry. For the reasons previously stated, he has concluded that it is desirable to also further reduce the temporary tolerance for PCB's in this class of food to the greatest extent possible. Accordingly, the Commissioner considered proposing a tolerance of 1.5 ppm in the fat of poultry, the lowest level at which PCB can be reliably determined in these foods for enforcement purposes (Reference 35). However, under the provisions of section 406 of the act, the Commissioner also considered the extent to which the contaminant is unavoidable.

The current tolerance for PCB's in polutry feed, the primary source of PCB's to which chickens are exposed, is established at 0.2 ppm—the level of detection. Data indicate that continuous feeding of poultry with finished feed contaminated with PCB, results in PCB residues in the dissectible poultry fat at approximately 10 times the levels in the feed (References 36 and 37). The biomagnification factor of 10 is only approximate and varies from flock to flock. While it is unlikely that any flock would be consistently consuming feed containing PCB's at the tolerance of 0.2 ppm and allowing for othre sources by which poultry may be exposed to PCB's, such as water and the environment, a tolerance level for poultry established at the level of detection (1.5 ppm on a fat basis) could be exceeded. The Commissioner found this tolerance unacceptable because it would be inconsistent to set tolerances on two products at levels such that the use of one product that complies with the applicable tolerance causes the second product to be illegal, unless other overriding considerations justify such a situation. Because the biomagnification factor of 10 is only approximate, and may vary from one lot of feed to another, from one flock to another, or from one bird to another, the Commissioner determined that a tolerance of 3 ppm (fat basis) is the lowest level that will make allowances for PCB residues resulting from feed contaminated at levels not exceeding the current feed tolerance. Accordingly, he considered whether this level would provide an acceptable margin of safety to the consumer.

Because the frequency of PCB residue occurrence in feeds is low, the likelihood of residues in poultry reaching the 3 ppm (fat basis) level is very small. Moreover, data regarding PCB residues in poultry confirm this and show that PCB contamination of poultry is very sporadic and infrequent. As such, this food is not a significant source of dietary PCB's. A tolerance of 3 ppm (fat basis) will continue to provide this assurance, while also providing adequate protection for the consumer. Therefore, the Commissioner proposes to reduce the temporary tolerance for poultry from 5 ppm to 3

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ppm (fat basis). As stated previously, the finished feed tolerance of 0.2 ppm cannot be reduced at this time because the analytical methodology necessary to enforce a lower tolerance is not available. The Commissioner advises that when such methodology becomes available so that the 0.2 ppm feed tolerance can be reduced, the tolerance for PCB residues in poultry will also be reevaluated.

The proposed reduction in the temporary tolerance for PCB's in eggs is from 0.5 ppm to 0.3 ppm, the practical analytical limit for reliable determination of PCB's in eggs. Although eggs would be expected to contain PCB residues if the chickens were consistently fed contaminated feed, the residues in eggs resulting from 0.2 ppm PCB in the feed are not expected to exceed a 0.3 ppm tolerance. As with poultry, eggs are not expected to contribute measurably to dietary PCB's, because the occurence of PCB's in feed is sporadic rather than consistent.

The temporary tolerance for PCB's in paper food-packaging material is currently stayed pending completion of an evidentiary hearing. When the hearing is completed or the issues resolved, the Commissioner will issue in the FEDERAL REGISTER a notice regarding the resolution and removal of the stay of the tolerance. At that time he will also propose to reduce the tolerance for PCB residues in paper food-packaging material in accordance with the reduction in the PCB levels which has occurred since 1973.

PCB's in Fish

Although unavoidable PCB residues no longer occur regularly in the previously mentioned classes of foods, PCB contamination of the aquatic environment is sufficiently widespread that fish, mainly freshwater fish, in various locations of the United States contain significant amounts of the contaminant.

This conclusion is based on an extensive review of data FDA has compiled (Reference 39) from various sources including its own surveillance of fishery products taken from commercial markets and the testing programs conducted by the National Marine Fisheries Service by the U.S. Fish and Wildlife Service (PCB residue data from this source are not fully relevant because analyses were performed on whole fish, whereas the temporary tolerance is expressed in terms of the edible portion of fish), by the Michigan Department of Agriculture relative to Great Lakes fish, and by the New York Department of Environmental Conservation relative to Hudson River fish. These data show that with the exception of a few anadromous species (fish, such as salmon, that move from the ocean upriver to spawn), all ocean fish contain an average of considerably less than 1 ppm PCB. The average PCB levels for most species were less than 0.5 ppm for whole fish and the levels in edible portions (without heads, tails, scales, entrails) were lower still, the majority having an average of a few tenths of 1 ppm. The highest level of PCB's found in any ocean fish sample other than anadromous species was 1.8 ppm. Anadromous species had relatively high PCB levels, the highest in whole fish being 17 ppm (striped bass caught in the New Jersey area). However, the average levels in these species were less than 3 ppm in whole fish and less than 0.5 ppm in edible portions. Bottom-feeding and high-fat-containing fish tend to have higher PCB levels than other varieties (Reference 39).

A large number of freshwater fish, covering numerous species obtained from over 100 locations nationwide, have been analyzed for PBC's. Contamination appears to be geographically widespread, although in many species highest concentrations occur in the Great Lakes and in major rivers in the East and the Mississippi basin. Some Great Lakes' species, mainly coho salmon and lake trout, show PCB levels ranging as high as 30 ppm, while Hudson River species range as high as 178 ppm. Predator fish, such as walleye and bass, exhibit the highest PCB levels. Eels also contain high levels (Reference 39).

Because it is desirable to reduce exposure to PCB's in fish to the greatest extent possible, the Commissioner considered proposing a tolerance of 1 ppm, the lowest level which PCB's can be reliably determined in these foods for enforcement purposes (Reference 35). However, under the provisions of section 406 of the act, the Commissioner is required, in establishing a tolerance, to consider the extent to which the contaminant is unavoidable.

The Commissioner has determined that establishment of a tolerance at 1 ppm for fish sold in interstate commerce would have a substantially adverse impact on this country's commercial freshwater fishing industry and, to a lesser extent, the commercial marketing of saltwater species. He estimates that the loss to fresh and marine fisheries as a result of enforcing this legal limit would be a maximum total landed value of $18 million or $127 million after processing, (cleaning, canning, distributing, retailing etc.) (Reference 39). The Commissioner points out that because most commercial fishing is done by fairly small operators who may specialize in one or two species, the elimination of any species, even though it may account for only a fraction of the total catch, could be disastrous for them.

Accordingly, the Commissioner has examined the economic impact of proposing a tolerance for PCB's in fish at 2 ppm and has considered whether this level would provide an acceptable margin of safety to the consumer. For marine or saltwater fish, lowering the current temporary tolerance to 2 ppm would result in a loss of $1 million landed value, which would increase about seven times after processing. Thus, the total losses at a 2 ppm tolerance would be about $7 million (Reference 39). For freshwater fish the loss at the 2 ppm level would be more severe: about $7 million landed value or $49 million processed value.

The Commissioner notes that the economic loss for marine fish would be about the same at the 3 ppm level, but the dollar loss for freshwater fish would be about 40 percent of that estimated for a 2 ppm tolerance. He further notes that according to the FDA economic assessment, the current temporary tolerance of 5 ppm may be resulting in an $8 million maximum total loss for freshwater fish (Reference 39). The commercial impact of a 2 ppm level would be much less than that of 1ppm, and limits above 2 ppm would further decrease the potential commercial impact even more.

The Commissioner has evaluated the adequacy of a 2 ppm tolerance for fish from the standpoint of the protection of public health, while also assessing whether any higher limits could be safely tolerated. An average per capita consumption level for fish and shellfish in this country is reported to be approximately 19 grams per day. If all fish contained a maximum permitted PCB residue of 2 ppm, average daily intake of PCB's from commercial fish alone would be about 38 micrograms. The FDA Total Diet Study data show that average PCB intake from all sources in an average adult diet is about 8 micrograms per day, most of which is contributed by the fish in the meat-poultry-fish composite. Totaling these two figures (even though this counts both a theoretical maximum fish contribution and an average fish contribution) gives a maximum theoretical daily intake of about 45 micrograms PCB, or an annual intake of about 16.8 milligrams. This low level of intake is less than one-fiftieth of the average cumulative dose (1,000 milligrams) of PCB in rice oil which caused overt toxic effects in the Japanese poisoning episode. However, because of the presence of the previously discussed toxic impurities other than PCB's in the rice oil, it is likely that amounts of pure PCB's greater than those reported in this episode would be required to produce the reported toxic effects.

The amount of PCB's in environmental samples, such as fish, that is required to produce overt toxic effects is not known. A recently completed study has tried to assess some of the consequences of human exposure to PCB's as a result of high consumption of fish from contaminated areas. Data show that a group of Michigan sports fishermen consumed an average of 24 to 25 pounds of fish per person per year, with the highest individual exposure for a 2-year period reported as 180 pounds per year. In cooked fish, PCB residues ranged from 0.36 to 5.38 ppm. Although there was a wide range of PCB levels in blood for each quantity of fish consumed, there was a highly significant correlation between the reported quantity of Lake Michigan fish consumed and the concentration of PCB in the blood of study participants; the higher reported fish consumption was associated with higher PCB blood levels. The blood values ranged from a low of 0.007 ppm in the control group (fish consumption less than 6 pounds per year) to a high of 0.366 ppm in the exposed group (average fish consumption 24 to 25 pounds per year) (Reference 40).

These investigators calculated that the amount of PCB's ingested by the exposed group could average 46.5 milligrams per year and ranged from 14.17 to 114.31 milligrams per year. No systematic adverse health effects could be demonstrated in the exposed group when compared to controls (Reference 40).

The 46 micrograms per day (16.8 milligrams per year) intake, given as an example previously, is based on a hypothetical 2 ppm PCB content in all fish, although this level actually occurs only sporadically. About 97 percent of the commercial fish consumed in this country are ocean fish, most of which contain no detectable PCB's, and average considerably less than 1 ppm PCB. This results in an average PCB intake from fish of substantially less than 19 micrograms per day, providing an additional margin of safety.

Actual PCB intake can be considered to be even lower in light of a study of PCB levels in cooked fish. Most of the PCB occurrence data are for raw fish and comparisons of PCB levels in raw versus cooked fish indicate that actual human exposure to PCB's from fish consumption is less than might be expected from the raw fish data. This is not unexpected, because preparation (trimming away fatty tissue) and cooking have been shown to decrease the concentration of PCB's. For example, the PCB level in cooked lake trout ranged from 1.03 ppm to 4.67 ppm; in cooked coho salmon from 0.48 ppm to 5.38 ppm; and in other cooked fish from 0.36 ppm to 2.06 ppm. These levels are decidedly lower than the mean levels of 22.91 ppm and 10.45 ppm reported in raw lake trout and coho salmon, respectively, for 1974 (Reference 40).

Thus, the Commissioner concludes that a tolerance of 2 ppm will provide adequate protection for all but those population groups that consume above average amounts of freshwater fish from contaminated waters. Moreover, a 2 ppm tolerance would eliminate a relatively minor percentage of marine fish and less than 25 percent of freshwater fish from commercial markets. On the other hand, although a tolerance higher than 2 ppm would be more economically desirable, such a tolerance would, based on the above analysis add to the risk for the so-called average consumer and those population groups who regularly consume freshwater fish. Therefore, in keeping with the agency objective to minimize dietary exposures to PCB's, the Commissioner concludes that a 2 ppm temporary tolerance for PCB residues in fish represents a proper balance of the safety and economic criteria of section 408 of the act.

The Commissioner does not consider it appropriate to change the temporary status of the tolerances for PCB's. The scientific community is actively studying PCB contamination and its effects on humans, and it is reasonable to expect that new data may justify a further downward revision of the tolerances; FDA will monitor these developments so that the Commissioner can take further action when it is appropriate.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. A copy of the environmental impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

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A copy of each reference document is on file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, and may be seen between the hours of 9 a.m. and 4 p.m., Monday through Friday.

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38. Letter: Boxboard Research and Development Association to FDA, November 2, 1976.

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Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 402(a), 406, 701(e), 52 Stat. 1046 as amended, 1049, 70 Stat. 919 as amended (21 U.S.C. 342(a), 346, 371(e))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes that Part 109 (formerly Part 122, prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) be amended by amending § 109.30 to read as follows:

§ 109.30 Temporary tolerances for polychlorinated biphenyls (PCB's).

(a) • • •

(1) 1.5 parts per million in milk (fat basis).

(2) 1.5 parts per million in manufactured dairy products (fat basis).

(3) 3 parts per million in poultry (fat basis).

(4) 0.3 part per million in eggs.

(5) 0.2 part per million in finished animal feed for food-producing animals (except the following finished animal feeds: feed concentrates, feed supplements, and feed premixes).

(6) 2 parts per million in animal feed components of animal origin, including fishmeal and other byproducts of marine origin and in finished animal feed concentrates, supplements, and premixes intended for food-producing animals.

(7) 2 parts per million in fish and shellfish (edible portion). The edible portion of fish excludes head, scales, viscera, and inedible bones.

(8) 0.2 part per million in infant and junior foods.

(9) 10 parts per million in paper food-packaging material intended for or used with human food, finished animal feed and any components intended for animal feeds. The tolerance shall not apply to paper food-packaging material separated from the food therein by a functional barrier which is impermeable to migration of PCB's.

NOTE.—At 38 FR 22794, Aug. 24, 1973, the following appeared concerning § 109.30(a)(9) (formerly 122.10(a)(9)):

"• • • § 109.30(a)(9) is hereby stayed pending full review of the objections and requests for hearing."

In the interim, as stated in the final order (38 FR 18098), the Food and Drug Administration will enforce the temporary tolerance level established by § 109.30(a)(9) by seizing any paper food-packaging material shipped in interstate commerce after September 4, 1973 containing higher than the specified level of PCB's as adulterated in violation of sec. 402 of the act.

Interested persons may, on or before May 31, 1977, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments (preferably in quadriplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

The Food and Drug Administration has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A–107. A copy of the inflation impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Dated: March 25, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77–9432 Filed 3–25–77;11:49 am]

[21 CFR Part 1020]

[Docket No. 77N–0061]

DIAGNOSTIC X-RAY EQUIPMENT PERFORMANCE STANDARD

Intent To Propose Rules

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice of Intent.

SUMMARY: The agency is considering amending the Federal performance standard for diagnostic x-ray systems with regard to the x-ray field limitation and alignment requirements for general-purpose radiographic and fluoroscopic x-ray equipment. The amendments would clarify the requirements of the standard concerning positive beam limitation for radiographic x-ray systems, field limitation and alignment for spot-film devices, and field limitation for fluoroscopic x-ray systems. In addition, the agency is considering permitting the installation of certified beam-limiting devices that do not provide positive beam limitation on uncertified, stationary, general-purpose radiographic systems manufactured prior to the effective date of the standard if with such installation adequate radiation protection can be assured by alternate means. Data, views, and information are requested before proposing the amendments.

DATES: Comments concerning the amendments are requested by April 22, 1977.

ADDRESSES: Individuals or organizations wishing to receive copies of draft amendments or related documents distributed for review during the development of these amendments may have their names placed on the mailing list by writing to: Division of Compliance (HFX–440), Bureau of Radiological Health, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857.

Comments concerning the proposed amendments should be sent (preferably in quadruplicate) to: Hearing Clerk (HFC–20), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Thomas B. Shope, Bureau of Radiological Health (HFX–460), Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857, (301–443–3426).

SUPPLEMENTARY INFORMATION: The Food and Drug Administration, under authority conferred by the Public Health Service Act as amended by the Radiation Control for Health and Safety Act of 1968 (Pub. L. 90–602 (42 U.S.C. 263b et seq.)), administers an electronic product radiation control program to protect the public health and safety. This authority provides for the development and administration of radiation safety performance standards for electronic products. A radiation safety performance standard for diagnostic x-ray systems and their major components was established in the FEDERAL REGISTER of August 15, 1972 (37 FR 16461) and became effective on August 1, 1974. (The extension of effective date was published in the FEDERAL REGISTER of June 12, 1973 (38 FR 15444)).

The Commissioner of Food and Drugs is considering amending Subchapter J of Title 21 of the Code of Federal Regulations by changing the performance standard for diagnostic x-ray equipment (21 CFR 1020.30 et seq). This notice of intent to propose rules is being issued to conform with the FDA policy of early public disclosure of rule making activities and to solicit comments from interested persons concerning the subject matter of the proposed amendments.

Since the promulgation of the performance standard for diagnostic x-ray systems, numerous questions have been received from manufacturers and others concerning the manner in which the current requirements of the standard concerning positive beam limitation are to be interpreted. As a result of these inquiries and the interpretations given by the agency in response to them, it may be desirable to amend § 1020.31(e)(2) (21 CFR 1020.31(e)(2)) to define more clearly the performance required of radiographic systems equipped with positive beam-limiting devices.

The Commissioner is also considering amending § 1020.31(e)(2)(ii) to only require that positive beam-limiting devices prevent the x-ray field from exceeding the image receptor size by specified tolerances. The current standard requires that positive beam-limiting devices prevent the x-ray field from being larger or smaller than the dimensions of the image receptor to within specified tolerances. The change in this requirement will permit more flexibility in the use of these systems while still protecting the public from unnecessary radiation exposure by ensuring that the x-ray field size is limited to the image receptor size.

Amendments are also being developed that would clarify the requirements concerning the capability to bypass or override the positive beam limitation feature. Amendments to §§ 1020.31(g) and 1020.32(b) would also permit the provision of an override capability on spot-film and automatic fluoroscopic collimation systems to permit their use as manual collimation systems in case of system failure.

Also under consideration is a change in the applicability of § 1020.31(e)(2) to permit, under certain circumstances, the installation of certified beam-limiting devices meeting the requirements of § 1020.31(d) on uncertified, stationary, general-purpose radiographic systems manufactured prior to the effective date of the standard. Such a change would allow the installation of a less expensive beam-limiting device in lieu of a positive beam limitation system when adequate radiation protection can be assured by alternate means.

Interested persons are invited to participate in the development of the proposed amendments by submitting written data, views, or arguments concerning the subject matter of the amendments or related topics suggested for inclusion in the amendments. Comments concerning the proposed amendments should be sent (preferably in quadruplicate) to the Hearing Clerk, Food and Drug Administration, at the address given above. Comments submitted before April 22, 1977, will be considered by the Commissioner in formulating the proposed amendments and will be reviewed, prior to publication in the FEDERAL REGISTER as notices of proposed rule making, at the next meeting of the Technical Electronic Product Radiation Safety Standards Committee scheduled for May 5 and 6, 1977. The Committee, a permanent statutory advisory committee to the Secretary, Department of Health, Education, and Welfare, must be consulted prior to establishment of standards under the Radiation Control for Health and Safety Act of 1968. Comments received after April 22, 1977, may be considered, depending on the stage of development of the amendments at the time such comments are received.

Information submitted in response to this advance notice will be available for public inspection in the office of the Hearing Clerk during working hours, Monday through Friday.

This notice is issued under the authority of provisions of the Public Health Service Act as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177–1179 (42 U.S.C. 263f)) and under authority delegated to the Commissioner (21 CFR 5.1).

Dated: March 29, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77–9872 Filed 3–31–77;8:45 am]

[21 CFR Part 1040]

[Docket No. 77N–0074]

LASER PRODUCTS

Intent To Amend Performance Standard

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice of Intent.

SUMMARY: The Commissioner of Food and Drugs is considering amending the laser products performance standard to make the definition of "human access" less restrictive, to specify a solid angle for measuring the radiant power or radiant energy and measuring scanned laser radiation, and to specify a minimum distance for the radiance measurement. Additionally, there may be a need to provide for some products amendments that take into account the probability of viewing the laser radiation or the physical limitations of the eye in following a rapidly moving laser source. A change may also be proposed to allow manufacturers to use alternate wording in some of the warning labels.

DATE: Comments and data by April 22, 1977.

ADDRESSES: Written comments to the office of the Hearing Clerk (HFC–20), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, Md. 20857. For copies of draft amendments distributed for review, Division of Compliance, HFX–440, Bureau of Radiological Health, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Walter C. Baugh, Jr., Bureau of Radiological Health (HFX–460), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, (301–443–3426).

SUPPLEMENTARY INFORMATION: The Food and Drug Administration published the performance standard for laser products in Part 1040 (21 CFR Part 1040) as a final rule in the FEDERAL REGISTER of July 31, 1975 (40 FR 32252). As discussed in the preamble to the final rule, FDA had received comments contending that biological evidence existed to support a lower chronic exposure hazard potential for Helium-Neon laser products, and the Commissioner concluded that the data submitted were insufficient to indicate a need for changing the Class I limits for that wavelength. However, as part of the continuous evaluation of new research data and its significance for the current provisions of the standard, FDA held a public meeting on June 13, 1976 (The meeting was announced in the FEDERAL REGISTER of June 1, 1976 (41 FR 22117).) This meeting provided an opportunity for knowledgeable experts to present and discuss available information on the biological effects and hazard potential of laser emissions. The analysis of the reports presented in the meeting indicated that the data on ultraviolet radiation damage and on pulsed laser radiation supported the existing hazard classification. The retinal lesion data presented confirmed the complexity of the wavelength dependence, but did not provide sufficient information for evaluation of hazard levels to the eye. The data purporting to relate a safety threshold to the value at which 50 percent of exposures produce damage is not acceptable from the viewpoint of protecting the public health. The Commissioner considers the visual function, rather than the retinal lesion alone, the critical end point for the hazard evaluation of the eye. The Commissioner believes that any modification of the hazard classification of the eye must be based on visual function data. He also believes that the experiments on radiation damage must be designed to determine the lowest value at which damage occurs, not the value at which 50 percent of exposures produce damage. Therefore, no changes in the existing levels for classification in the standard appear warranted at this time.

However, the experience of FDA in the administration of the laser standard since it became effective on August 2, 1976 indicates that some provisions of the standard may need to be amended. The modifications under consideration would further clarify the standard without affecting the hazard classification scheme and would reduce, in most cases, the burden on affected manufacturers without compromising the public health. More details concerning the rationale for the proposed amendments are discussed below.

In the original definition of "human access" in § 1040.10(b)(12), reference to a 10-centimeter (cm) line was included to account for the possible insertion into a laser product of flexible optical fibers. The likelihood that such fiber optics would reach points not accessible by a 100-cm straight line may not be sufficiently great to warrant the added design difficulty posed by this requirement; the Commissioner is considering whether the 10-cm line reference should be deleted or modified.

The Commissioner is considering the need for several compliance test changes in § 1040.10(e). The maximum detection of radiation requirement in § 1040.10(e)(2)(iv) implies that, for a moving source, either the stationary measurement instrument should constantly

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track the source or an equivalent measurement should be obtained. Because the human eye cannot realistically follow a source moving periodically at a high frequency, it may be more reasonable to prescribe measurement criteria that take into account the frequency of source motion.

The 80 millimeter (mm) and 7 mm aperture stops as required by § 1040.10 (e) (3) (i) and (4) for measuring the radiant power (or radiant energy) of stationary and scanned laser radiation, respectively, could be interpreted to demand a 2π acceptance angle for measurement parameters to maximize the detected radiation.

The Commissioner is considering amending this provision because such an interpretation may not be appropriate for multiple and extended sources that cannot be focused through collecting optics to a single point on the retina.

Section 1040.10(e) (3) (iii) requires use of a circular aperture stop having a 7 mm diameter and an effective solid angle of acceptance of 10^{-5} steradian to measure radiance or integrated radiance. Because a source may be small or not have a uniform spatial distribution, the measured radiance could vary depending upon the distance of the detector from the source. In such cases the radiance measurement will not be a well-defined quantity unless a minimum distance for such measurement is specified.

The Commissioner is also considering the need for labeling changes in § 1040.10(g). Currently, § 1040.10(g) (10) permits alternate means of providing required labels, upon approval by the Director of the Bureau of Radiological Health. However, it does not provide similar flexibility in the wording of the warning statement required on such labels. The specified warning may preclude a more appropriate description of the radiation hazard for certain laser products. Thus, an amendment is being considered that would provide a means for the manufacturer to use alternate wording.

An amendment may also be proposed to relax certain requirements for some laser products whose emissions are not likely to be continuously viewed, provided the need for such action can be clearly established. For example, the labeling or other safety requirements for Class II laser products might be determined on the basis of integration times shorter than those established for classification.

Interested persons are invited to participate in these efforts to improve the laser product performance standard by submitting their written data, views, or arguments concerning such amendments and any associated potential environmental and economic impact.

Particular information would be appreciated concerning the following:

1. The advantages and/or disadvantages of incorporating a solid angle of acceptance for measuring the radiant power (or radiant energy) of stationary and scanned laser radiation, and the appropriate value of such an angle, with supporting documentation or arguments;

2. Any minimum distance for radiance measurement that would uniquely define the measured quantity and also provide adequate protection for the public health and safety;

3. The appropriate means to identify the hazards of a moving source in terms of its periodic frequency; and

4. The practicality, implications, and possible impact of providing alternate means for the wording of the warning labels.

Written comments or data should be sent (preferably in quadrupliate) to the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, Md. 20857, and should be identified by referring to the docket number appearing in the heading of this document. Comments submitted before April 22, 1977, will be reviewed at the next meeting of the Technical Electronic Product Radiation Safety Standards Committee (TEPRSSC), scheduled for May 5–6, 1977. This committee, a statutory advisory committee to the Secretary of Health, Education, and Welfare, must be consulted prior to the establishment of standards under the Radiation Control for Health and Safety Act of 1968. All comments received will be considered to the fullest possible extent in formulating the proposed amendment(s). Information submitted in response to this notice will be available for public inspection in the office of the Hearing Clerk.

This notice is issued under the authority of the Public Health Service Act as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177–1179 (42 U.S.C. 263f)) and the authority delegated to the Commissioner (21 CFR 5.1).

Dated: March 29, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 77-9873 Filed 3-31-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 685-4]

DISTRICT OF COLUMBIA

Proposed Revision to State Implementation Plan

On December 6, 1973 (38 FR 33702), the Administrator of the Environmental Protection Agency promulgated a transportation control plan for the District of Columbia portion of the National Capital Interstate Air Quality Control Region. This plan, which to the maximum extent practicable reflected the control strategies preferred by the District of Columbia, included measures such as mass transit controls, emission inspection programs and additional stationary source controls.

On March 22, 1974, the District of Columbia submitted to the EPA Regional Administrator amendments to the District's Air Quality Control Regulations. The District requested that the amendments be reviewed and processed as revisions to its State Implementation Plan. The revisions would replace or change portions of the federally promulgated Transportation Control Plan for the District of Columbia. The submission consisted of regulations governing storage of petroleum products (Section 8–2:707(a)), control of volatile organic compounds from loading gasoline tank trucks, trailers, and railroad cars (Section 8–2:707(b)), control of vapors from gasoline transfer (Section 8–2:707(c)), control of evaporative losses from filling of vehicular tanks (Section 8–2:707(d)) control of dry cleaning solvent evaporation (Section 8–2:707(e)), control of organic solvents (Section 8–2:707(f)), and definitions of terms used in these regulations (Section 8–2:702).

On August 29, 1974 (39 FR 31532) the Regional Administrator acknowledged receipt of these amendments and proposed certain ones as revisions to the District of Columbia's SIP. However, because the District's regulation for the control of organic solvents, Section 8–2:707(f), raised questions about the feasibility of enforcing the required emission limitation when applied to architectural coatings, the Administrator did not propose the amendment dealing with control of organic solvents, Section 8–2:707(f), as a revision to the District of Columbia's Implementation Plan. Since then, the District has submitted further documentation which explains that the regulation does not apply to architectural coatings, thereby alleviating the Administrator's earlier concerns regarding the District's organic solvent regulation.

The amendment consists of the following requirements: (1) No person shall discharge into the atmosphere more than 15 pounds of photochemically reactive solvents in any one day, nor more than 3 pounds in any one hour, from any article, machine, equipment or other contrivance, unless the uncontrolled organic emissions are reduced by at least 85 percent.

(2) No person shall discharge into the atmosphere more than 40 pounds of nonphotochemically reactive solvents in any one day, nor more than 8 pounds in any one hour, from any article, machine, equipment or other contrivance, unless the uncontrolled organic emissions are reduced by at least 85 percent. Dry cleaning operations are exempt from the requirements of this paragraph.

On May 13, 1974, the District provided certification to the Regional Administrator that after publishing adequate public notice, a hearing on the proposed amendment was held on September 24, 1973, as required by 40 CFR 41.4.

This notice is to announce receipt of this amendment by the Regional Administrator, to propose the amendment as a revision to the District of Columbia's SIP and to provide for a 30 day public comment period. All comments received on or before May 2, 1977 will be considered.

Because the Agency is revising its list of photochemically reactive and non-

reactive hydrocarbon compounds, conflict may result between the District's existing definitions and the Agency's final list. Also, because the regulation pertains to the District of Columbia, it necessarily impacts on the National Capitol Interstate AQCR which includes portions of Maryland and Virginia. This raises a question of enforcement feasibility within one AQCR and may have multi-regional implications. EPA specifically requests comments on these two points.

The Administrator's decision to approve or disapprove this proposed plan revision will be based on whether the amendment meets the requirements of section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of Implementation Plans.

Copies of the proposed revision, including related supplemental information provided by the District are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Philadelphia, Pennsylvania 19106, Attn: Mr. Harold Frankford.

Department of Environmental Services, Bureau of Air and Water Quality Control, 614 H Street, N.W., Washington, D.C. 20001, Attn: Mr. John Brink.

Public Information Reference Unit, Room 2922—EPA Library, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

All comments should be addressed to:

Mr. Howard Heim, Chief, Air Programs Branch, Air and Hazardous Materials Division, U.S. Environmental Protection Agency, Region III, Tenth Floor, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, Attn: AH 003aDC.

(Authority: 42 U.S.C. 1857(c)-5.)

Dated March 13, 1977.

A. R. MORRIS,
Acting Regional Administrator.

[FR Doc.77-9685 Filed 3-31-77: 8:45 am]

[40 CFR Part 52]

[FRL 707-1]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Proposed Approval of Variances to Emission Limiting Regulations for Louisiana

Section 110 of the Clean Air Act, as amended, and the implementing regulations in 40 CFR Part 51 require each State to submit plans which provide for the attainment and maintenance of National Ambient Air Quality Standards throughout the State. On May 31, 1972 (37 FR 10869), the EPA approved the Louisiana Implementation Plan, including that portion containing compliance schedules. Final dates by which air pollution sources were to be in compliance with the applicable emission limiting regulations of Louisiana's plan were prescribed and met the requirements of § 51.15.

On April 22, 1976, Louisiana submitted to the Regional Administrator individual source compliance schedules as proposed revisions to the approved plan pursuant to § 51.6. These schedules were established by the State as variances to regulations already in effect, and were adopted in conformity with schedules set forth in EPA enforcement orders for each source. Each schedule was adopted by the State after public notice and hearing in accordance with the procedural requirements of §§ 51.14 and 51.6 and the substantive requirements of § 51.15. Those compliance schedules extending over a period of more than one year contain legally enforceable increments of progress, and these increment dates are a part of the schedules described in this proposal.

Each compliance schedule establishes a new date by which the individual source must comply with the applicable emission limiting regulation, referred to as the "Final Compliance Date". (Even though the final compliance date for some of the schedules has now passed, the Regional Administrator proposes their approval as a matter of record.)

The compliance schedules which the Regional Administrator proposes to approve are described in this proposal only by name of source, location, State emission limiting regulation involved and date schedule adopted by State, and final compliance date. Copies of the full schedules and the detailed analysis which indicates that attainment and maintenance of the NAAQS will not be jeopardized are available for inspection at the Air Program Branch, Environmental Protection Agency, Region VI, 1201 Elm Street, Dallas, Texas 75270, and at the Environmental Protection Agency, Public Information Reference Unit, Room 2932, EPA Library, 401 M Street SW., Washington, D.C. 20460.

Interested persons may participate in this rulemaking by submitting written comments to the Air Program Branch, Environmental Protection Agency, Region VI, 1201 Elm Street, Dallas, Texas 75270. All comments will be considered and will be available for inspection during normal business hours at the Region VI office.

This notice of proposed rulemaking is issued under authority of Section 110 of the Clean Air Act, as amended, 42 U.S.C. 1875c–5.

Dated: March 16, 1977.

JOHN C. WHITE,
Regional Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart T—Louisiana

1. In § 52.970, paragraph (c) is amended by adding a new subparagraph (6), reading as follows:

§ 52.970 Identification of plan.

• • • • • •

(c) • • •

(6) Variances to Emission Limiting Regulations adopted by the Louisiana Air Control Commission on October 29, 1975, December 12, 1975, and April 6, 1976, and submitted by the Governor on April 22, 1976.

2. Section § 52.980 is added as follows:

§ 52.980 Compliance schedules.

(a) The compliance schedules for the sources identified below are approved as revisions to the plan pursuant to §§ 51.6 and 51.15 of this chapter. All regulations cited are air pollution control regulations of the State and have immediately effective dates.

Source location	Regulation involved	Date schedule adopted	Final compliance date
WEST MONROE			
Olinkraft:			
(a) Wood waste boiler	18.2, 23.4.1 (4)	Apr. 6, 1976	May 31, 1976
(b) Recovery furnace No. 3	18.2, 23.4.1 (1)	....do.....	Mar. 20, 1977
(c) Recovery furnace No. 1	23.4.1 (1)	....do.....	Mar. 21, 1977
(d) Recovery furnace No. 2	23.4.1 (1)	....do.....	Do.
(e) Smelt tank vent No. 1	23.4.1 (2)	....do.....	Do.
(f) Smelt tank vent No. 2	23.4.1 (2)	....do.....	Do.
BOGALUSA			
Crown-Zellerbach:			
(a) Wood waste boiler 19-C	18.2, 21.3	Oct. 29, 1975	July 1, 1976
(b) Recovery furnace No. 19	18.2, 23.4.1 (1)	....do.....	Oct. 31, 1975
(c) Smelt tank vent No. 19	23.4.1 (2)	....do.....	Sept. 29, 1975
(d) Lime kiln	23.4.1 (3)	....do.....	Sept. 15, 1975
BASTROP			
International Paper (Bastrop mill):			
(a) Wood waste boiler	21.3	Dec. 12, 1975	May 30, 1977
International Paper (Louisiana mill):			
(a) Recovery furnace No. 4	18.2, 23.4.1 (1)	Dec. 12, 1975	Jan. 31, 1978
(b) Recovery furnace No. 5	18.2, 23.4.1 (1)	....do.....	July 15, 1976
(c) Wood waste boiler	18.2, 23.4.1 (1)	....do.....	Dec. 31, 1977

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Source location	Regulation involved	Date schedule adopted	Final compliance date
SPRINGHILL			
International Paper (Springhill mill):			
(a) No. 2 power boiler	18.2	do	Feb. 15, 1976
(b) No. 4 wood waste boiler	18.2, 23.4.1 (4)	do	Oct. 30, 1976
(c) No. 1 wood waste boiler	23.4.1 (4)	do	Do.
(d) 6 power boilers	21.3	do	Dec. 31, 1976
(e) Recovery furnace No. 1	23.4.1 (1)	do	Feb. 15, 1976
(f) Recovery furnace No. 2	23.4.1 (1)	do	Do.
(g) Smelt tank vent No. 1	23.4.1 (2)	do	Do.
(h) Smelt tank vent No. 2	23.4.1 (2)	do	Do.
(i) No. 1 lime kiln	23.4.1 (3)	do	Jan. 15, 1977
(j) No. 3 lime kiln	23.4.1 (3)	do	Do.
(k) Recovery furnace No. 3	23.4.1 (1)	do	Dec. 22, 1975
(l) Smelt tank vent No. 3	23.4.1 (2)	do	Do.

[FR Doc.77-9686 Filed 3-31-77;8:45 am]

[40 CFR Part 52]

[FRL 707-7]

COMMONWEALTH OF VIRGINIA

Proposed Revision to State Implementation Plan

On May 10, 1976, the Commonwealth of Virginia submitted to the Regional Administrator a variance from § 4.707.00 of the Regulations of the State Air Pollution Control Board. The State requested that the variance be reviewed and processed as a revision of the Virginia State Implementation Plan (SIP) for the attainment and maintenance of air quality standards.

The variance from § 4.707.00 would allow the Alexandria City Incinerator to operate in excess of the present particulate emission standard for incinerators, .14 grains per standard cubic foot of dry flue gas corrected to 12 percent carbon dioxide (without the contribution of auxiliary fuel). This variance would allow operation of the Alexandria City incinerator in excess of this standard from January 1, 1976 to December 31, 1979. The incinerator would not be permitted to operate beyond the latter date.

The Commonwealth of Virginia has justified this request with the following:

(1) The operation of the Alexandria City Incinerator at present emission levels will not preclude the City from attaining and maintaining the national ambient air quality standards for suspended particulates.

(2) There is no evidence that continued operation of the Alexandria City Incinerator for the period of the variance would endanger the health of the residents of the City of Alexandria or environs.

(3) The expenditures to install new control equipment to bring the incinerator into compliance is not justified, as the incinerator is to be phased out by 1980. The City of Alexandria has proposed to replace the incineration process with a refuse derived fuel (RDF) program. Under the RDF program, trash will be burned in adjacent power plants in combination with regular fuel.

(4) The installation of new control equipment to bring the incinerator into compliance is not justified as the improvement in air quality from the use of additional control equipment would be negligible.

On December 5, 1975 Virginia submitted an analysis of the incinerator's impact on air quality. Particulate emissions from the incinerator and from other significant point sources in the area were modeled using Gaussian dispersion techniques. The relative impacts of these sources were estimated at each of the monitoring sites in the area. Also included were information on air quality trends at each of these sites, and results from stack tests performed on the incinerator.

The Commonwealth of Virginia submitted proof that a public hearing, with adequate public notice, was held on June 5, 1975, to consider public comment on the proposed revision, pursuant to 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of State Implementation Plans.

On September 3, 1976 (41 FR 37343) the Regional Administrator acknowledged receipt of the variance request, proposed it as a revision to the Virginia SIP, and provided for a 30 day public comment period ending October 4, 1976. During this public comment period, no comments were received.

The variance order, issued by the Commonwealth of Virginia on December 2, 1975, specified the conditions under which the variance was to be granted, including a requirement that the City of Alexandria submit a "plan of action" until the incinerator was to be phased out. This plan, in the form of a proposed compliance schedule, was submitted to Virginia by the City of Alexandria on September 25, 1975. Virginia extended the variance until December 31, 1979. The conditions under which this order was issued required that (1) the incinerator be operated at specified times, (2) the compliance schedule submitted on September 25, 1975 be followed and, (3) a reporting mechanism be included to indicate progress on the compliance schedule.

The compliance schedule submitted on September 25, 1975 has since been modified by a Consent Decree (dated April 6, 1976) agreed to by Friends of the Earth and the City of Alexandria, and adopted by the United States District Court for the Eastern District of Virginia. The modifications specify additional compliance activities in the form of purchase of goods and services which will encourage recycling activities. This compliance schedule, originally stated in a September 25, 1975 letter, and since modified by the Consent Decree, is to be incorporated as a condition to the approval of the variance by the Administrator. The schedule requires the following expenditures for the incinerator, which is to be phased out by December 31, 1979. The items to be purchased for the 1977 fiscal year are one refuse compactor ($80,000), two tractors and two trailers ($110,000), and two recycling containers and shelters ($10,000), and a promotional campaign for a recycling program ($5,000). For the 1978 fiscal year expenditures are to include the following: two additional tractors and trailers ($110,000), and additional promotion for a recycling program ($5,000). For the final year of the compliance program, 1979, the items to be purchased include: two more tractors and trailers ($110,000) and further promotion of a recycling program ($5,000).

The Administrator's approval of the variance would be further conditioned by the below-listed additional commitments by the City of Alexandria to the Environmental Protection Agency. These additional commitments were submitted to EPA from the City Manager of Alexandria in latters dated March 2, 1976 and April 19, 1976. As specifically stated in each of these letters, these commitments are added as conditions of the variance. They are:

(1) The waste materials burned will not exceed 300 tons/day. This is the throughput level at which May 1975 emission testing was done, and provides a baseline to determine if emissions or throughput are being maintained within the May 1975 levels.

(2) The City will examine ways of reducing incinerator throughput. The City has already agreed to add two recycling centers and to encourage their use with a promotional campaign.

(3) The incinerator will be maintained in good working condition until it is closed.

(4) Brush, cardboard and overwet materials which might exacerbate emissions will be removed from trash to be burned at the incinerator and hauled to the I-95 landfill at Lorton, Virginia. This selected burning process will be continued until closure of the incinerator.

(5) The City will regularly submit quarterly reports to EPA and the State of Virginia containing information related to progress under the compliance schedule. EPA will be notified if the compliance schedule, which leads to the development of the refuse derived fuel (RDF) program, is not being met.

(6) The City guarantees that closure of the incinerator will not be delayed because of an inability to implement an RDF program.

In order to ensure an expeditious phase-out of the Alexandria Incinerator's operations, the Regional Administrator hereby proposes that the compliance schedule submitted by the City of Alexandria to the Commonwealth of Virginia, as well as the additional conditions agreed to by Friends of the Earth, the City of Alexandria and EPA be incorporated into § 52.2435 (Compliance Schedules). This notice is to provide for public comment on this proposed rulemaking. All comments received on or before May 2, 1977.

All comments should be addressed to:

Howard Heim, Chief, Air Programs Branch (3AH10) Air & Hazardous Materials Division, U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth & Walnut Sts., Philadelphia, Pa. 19106, ATTN: AH007aVA.

Copies of these amendments, and the analysis on which they are based, are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pa. 19106, ATTN: Harold Frankford.

Virginia State Air Pollution Control Board, Room 1106, Ninth Street Office Building, Richmond, Va. 23219, ATTN: John M. Daniel, Jr.

Freedom of Information Center, Room 2922—EPA Library, U.S. Environmental Protection Agency, 401 M Street S.W., Washington D.C. 20460.

(Authority: 42 U.S.C. 1857c-5.)

Dated: March 23, 1977.

CHRISTOPHER K. SEGLEM,
Acting Regional Administrator.

Part 52 of Title 40, Code of Federal Regulations is proposed to be amended as follows:

Subpart VV—Virginia

1. In §52.2435, paragraph (h) is added as follows:

§ 52.2435 Compliance schedules.

* * * * * * *

(h) With respect to the Eisenhower Avenue Municipal Incinerator, Alexandria, Virginia:

(1) The City of Alexandria (hereafter referred to as "City") is required to purchase the following refuse collection equipment or implement the following projects by the dates specified in order to gradually reduce incinerator throughput:

(i) July 1, 1977—Purchase of one refuse compactor, two tractors and two trailers, and the implementation of a promotional campaign for a recycling program.

(ii) July 1, 1978—Purchase of two additional tractors, two additional trailers, and the implementation of additional promotion for a recycling program.

(iii) July 1, 1979—Purchase of two additional tractors, two additional trailers and the implementation of additional promotion for a recycling program.

(iv) December 31, 1979—Closure of the incinerator.

(2) Waste Materials will not exceed a throughput level of 300 tons per day.

(3) The incinerator will be maintained in good working condition until it is closed.

(4) Brush, cardboard and overwet materials which might exacerbate emissions will be removed from trash to be burned at the incinerator and hauled to the I-95 landfill at Lorton. This selected burning process will be continued until closure of the incinerator.

(5) The City will regularly submit quarterly reports to EPA and the Commonwealth of Virginia continuing information related to progress under the compliance schedule. EPA will be notified if the compliance schedule, which leads to the development of the refuse derived fuel (RDF) program, is not being met.

(6) The City guarantees that closure of the incinerator will not be delayed because of an inability to implement an RDF program.

[FR Doc.77-9387 Filed 3-31-77;8:45 am]

[40 CFR Part 180]

[FRL 707-3; PP5E1611/P53]

PESTICIDE PROGRAMS

Tolerances and Exemptions From Tolerances for Pesticide Chemicals In or On Raw Agricultural Commodities

PROPOSED TOLERANCES FOR PESTICIDE CHEMICAL OXYTETRACYCLINE

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Proposed Rule.

SUMMARY: This notice proposes an amendment to 40 CFR 180.337 to correct an error made in a pervious rulemaking document.

DATES: Comments must be received by May 2, 1977.

ADDRESS COMMENTS TO: Federal Register Section, Technical Services Division, Office of Pesticide Programs (WH-569), EPA, Rm. 401, East Tower, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Eugene Wilson, Product Manager (PM) 21, Registration Division (WH-567), Office of Pesticide Programs, EPA (202-426-2454).

SUPPLEMENTARY INFORMATION: On February 2, 1976, the Environmental Protection Agency (EPA) proposed (41 FR 4832) that 40 CFR 180.337 be amended to (1) include a tolerance of 0.1 part per million (ppm) for residues of the pesticide oxytetracycline hydrochloride in or on the raw agricultural commodity pears resulting from a spray application, (2) to change the identification "fungicide" to "antimicrobial agent" in keeping with the pesticide's characteristics, and (3) to revise the section to read as follows.

§ 180.337 Oxyteracycline hydrochloride; tolerances for residue.

Tolerances are established for residues of the antimicrobial agent oxytetracycline hydrochloride in or on the following raw agricultural commodities:

0.35 part per million in or on pears resulting from infusion of pear trees with an aqueous solution of the pesticide after harvest and prior to formation of new blooms.

0.1 part per million in or on pears resulting from a spray application.

On March 30, 1976, the EPA published a notice of final rulemaking (41 FR 13360). The preamble to the notice of final rulemaking noted that the Agency had registered this pesticide for the infusion of pear trees with application occurring after harvest and before blooms. A tolerance of 0.35 ppm was in effect for residues resulting in or on pears from this use. The preamble went on to say that enforcement of two different tolerance levels for the same raw agricultural commodity was not practical, since the higher tolerance level of 0.35 ppm would be considered the maximum residue. Pesticide use is regulated through the registration of pesticide products under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, the regulations thereunder (40 CFR 162), and subsequently by label or labeling for such registered products. Therefore, in the March 30 notice of final rulemaking, 40 CFR 180.337 was amended by deleting the reference to the method of application (i.e., "infusion of pear trees with an aqueous solution to the pesticide after harvest and prior to formation of new blooms") which appears on the labels of the registered product(s) and by keeping the established tolerance for residues of 0.35 ppm in or on pears. The regulation now reads:

§ 180.337 Oxytetracycline hydrochloride; tolerances for residues.

A tolerance of 0.35 part per million is established for residues of the antimicrobial agent oxytetracycline hydrochloride in or on the raw agriculture commodity pears.

The notice of proposed rulemaking and the subsequent final rulemaking document were published as a result of a petition (PP 5E1611) filed with the EPA by the California Department of Food and Agriculture, 1220 N. St., Sacramento CA 95814. In a letter dated October 29, 1976, Mr. John C. Hillis, Chief, Agricultural Chemicals and Feed, California Department of Food and Agriculture, stated that an error had been made in the final rulemaking document published March 30, 1976, which established a tolerance of 0.35 ppm for residues of oxytetracycline hydrochloride in or on pears and dropped reference to the method of application. The pesticide petition 5E1611 requested a tolerance of 0.1 ppm for residues of oxytetracycline (base) in or on pears resulting from the application of oxytetracycline calcium complex for the control of blight. Mr. Hillis requested in his letter that the section title of the regulation be changed from "oxytetracycline hydrochloride" to "oxytetracycline", since in either case the activity was measured in terms of oxytetracycline (base).

The EPA established the tolerance at the highest level supported by data since it was the concensus at the time that two different tolerances could not be established for a single raw agricultural commodity. However, two different residue levels are enforceable since the patterns of use result in residues of oxytetracycline hydrochloride and residues of oxytetracycline calcium complex.

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This correction is supported by residue and toxicology data submitted in support of pesticide petitions 5E1611, 3E1407, and 4E1460. The technical reason for two tolerance levels is based on the sensitivity of the method of analysis. The State of California is developing data to allow the tolerance level to be set at 0.1 ppm for residues of oxytetracycline in or on pears. Until such data is available to support an amendment to the regulation in this regard, two tolerances—one for oxytetracycline hydrochloride and one for oxytetracycline calcium complex—are appropriate. Such amendment to the regulation will protect the public health.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, by **May 2**, 1977, that this proposal be referred to advisory committee in accordance with Section 408(e) of the Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments should bear a notation indicating the petition/document control number "PP5E1611/P53". All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: March 25, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

(Sec. 408(e), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)).)

Title 40 CFR 180.337 is amended and revised to read as follows.

§ 180.337 Oxytetracycline; tolerances for residues.

A tolerance of 0.35 part per million is established for residues of the antimicrobial agent oxytetracycline hydrochloride in or on the raw agricultural commodity pears resulting from infusion of pear trees with an aqueous solution of the pesticide after harvest and prior to formation of new blooms.

A tolerance of 0.1 part per million is established for residues of the antimicrobial agent oxytetracline calcium complex in or on the raw agricultural commodity pears from spray applications of the pesticide up to 60 days before harvest.

[FR Doc.77-9688 Filed 3-31-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 35]

HOSPITAL AND STATION MANAGEMENT

Contributions for the Benefit of Patients

Section 321 of the Public Health Service Act provides for the control, management, and operation of all institutions, hospitals, and stations of the Public Health Service Further, it provides that, pursuant to regulations, there will be care, treatment, and hospitalization of patients.

Notice is hereby given that the Assistant Secretary for Health, with the approval of the Secretary of Health, Education, and Welfare, proposes to adopt the regulations set forth in tentative form below for the purpose of codifying in regulations by section 321, administrative procedures concerning the acceptance and expenditure of contributions of money or property for the benefit of patients in PHS facilities Until recently the means by which the various installations of the PHS handled such contributions was left to their discretion and procedures were described by various internal administrative issuances. In reviewing a proposed change in such an internal directive at the National Institutes of Health, the HEW Office of the General Counsel pointed out that Section 321 requires that such rules be made "pursuant to regulations." Because the proposed regulations would merely codify long standing practices, it is believed that there are no major issues of public interest involved, no impacts on the environment, nor does this proposed regulation work a burden on any member of the public.

The new regulations policies of the Department, issued July 25, 1976, require that this Notice of Proposed Rulemaking (NPRM) have an implementation plan prepared prior to its issuance. In compliance with these requirements, an implementation plan was forwarded to the Secretary and he has authorized the issuance of this NPRM without the use of a Notice of Intent (NOI) which would otherwise be required by the new policies because, as mentioned above, the proposed regulation is a codification of long-standing PHS hospital practices, is of limited public interest, and it is determined that this NPRM will provide satisfactory opportunity for public input.

Written comments concerning the proposed regulation are invited from interested persons. Inquiries may be addressed, and data, views and arguments relating to the regulation may be presented in writing in duplicate to Mr. Lowell Peart, Building 1, Room 213, 9000 Rockville Pike, Bethesda, Maryland 20014 (301-496-4606). All comments received will be available for public inspection at said office on weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5:00 p.m. All relevant material received on or before May 16, 1977 will be considered.

Notice is also given that it is proposed to make any amendments that are adopted effective upon publication in the FEDERAL REGISTER.

The Department of Health, Education, and Welfare has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: December 27, 1976.

THEODORE COOPER,
Assistant Secretary for Health.

Approved: March 28, 1977.

JOSEPH A. CALIFANO, JR.,
Secretary.

It is therefore proposed to amend Title 42 of the Code of Federal Regulations by adding the following new subpart E.

Subpart E—Contributions for the Benefit of Patients

Sec.
35.51 Applicability.
35.52 Acceptance of contributions.
35.53 Report of and accounting for contributions.
35.54 Donors.
35.55 Acceptable personal property.
35.56 Expenditure of cash contributions.

AUTHORITY: Sec. 215, 58 Stat. 690, as amended, 63 Stat. 835 (42 U.S.C. 216); sec. 321, 58 Stat. 695, as amended, 62 Stat. 1017 (42 U.S.C. 248).

Subpart E—Contributions for the Benefit of Patients

§ 35.51 Applicability.

This subpart sets forth the policies and procedures governing the acceptance and administration of contributions of money or property intended solely for the benefit of all patients in a ward or unit or a particular hospital or station of the Public Health Service, excluding outpatient clinics. Such contributions are distinguishable from (a) monies or other valuables belonging to specific patients which are accepted and held in custody for the convenience of the patient until such time as he or she wishes to withdraw them, and (b) gifts to the United States to support Public Health Service functions under section 501 of the Public Health Service Act or other statutory provisions, which may be accepted administered only in accordance with such statutory provisions or other applicable laws.

§ 35.52 Acceptance of contributions.

(a) The officer in charge or his delegate may accept contributions of money or personal property which are donated for the general benefit of all patients within a ward or unit or hospital or station without further specification or conditions as to use. Contributions tendered subject to conditions by the donor, such as expenditure or use only on behalf of certain patients or for specific purposes, may not be accepted.

(b) Contribution of money or property shall be accepted in writing by the officer in charge.

§ 35.53 Report of and accounting for contributions.

(a) Contributions of money accepted pursuant to § 35.52 of this chapter (hereinafter referred to as "patient fund") will be treated consistently with Federal deposit rules and as supplemented with appropriate procedures of the facility. This regulation is not intended to exclude contributions for the benefit of patients from proper accountability and control of funds and property.

(b) Contributions of property accepted pursuant to § 35.52 of this chapter shall be recorded and accounted for in the same manner as other property of a similar kind maintained in the hospital or station, but with suitable identification so that it can be distinguished from government-owned property.

§ 35.54 Donors.

Authorized contributions may be accepted from patients, employees and other individuals, and agencies and organizations.

§ 35.55 Acceptable personal property.

Contributions of personal property which may be accepted pursuant to § 35.52 of this Chapter include, but are not limited to, recreational equipment, furniture, radios and television sets. After its useful life, any cash proceeds realized upon disposition of such property shall be deposited to the credit of the patient fund and shall be available for expenditure pursuant to paragraph (c) of § 35.56 of this chapter.

§ 35.56 Expenditure of cash contributions.

(a) Officials authorized to accept contributions shall not maintain control over the actual obligation or expenditure of such monies.

(b) Only those officers or employees specifically designated in writing by the office in charge for such purpose may obligate and expend monies from the patient fund. The names of officials so designated shall be provided to the relevant fiscal control office.

(c) Subject to availiability of sufficient funds, monies in the patient fund may be expended for materials, services or activities which contribute to the well-being or morale of patients, including but not limited to provision of reading and entertainment materials, recreation activities, and, in appropriate cases, necessary financial support (including travel expenses, meals, and lodging) of relatives, guardians, or friends of patients to enable such persons to be available for the patient's comfort and support.

(d) Officers in charge may issue such additional instructions, not inconsistent with this subpart, as may be necessary to implement its provisions.

[FR Doc.77-9820 Filed 3-31-77;8:45 am]

[42 CFR Part 101]

CRITERIA FOR ALTERNATE PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

Advanced Notice of Proposed Rulemaking

Notice is hereby given that the Acting Assistant Secretary for Health, with the approval of the Secretary of Health, Education, and Welfare, is requesting comments from all interested organizations and individuals on major points to be addressed prior to the development of proposed rulemaking on criteria for establishing organizations which may qualify to become Professional Standards Review Organizations (PSROs) under section 1152(b)(1)(B) of the Social Security Act [42 U.S.C. 1320(c)-1(b)] where organizations composed of physicians meeting the requirements of section 1152(b)(1)(A) of the Act are not available.

Under section 1152(c) of the Act [42 U.S.C. 1320c-1(c)], on **January 1, 1978**, the Secretary may commence designating qualified organizations other than the statutorily preferred type of physician organizations designated under section 1152(b)(1)(A) of the Act to serve as PSROs.

Beginning on this date, the Secretary is authorized to designate as PSROs, as provided in section 1152(b)(1)(B) of the Act:

• • • such other public, nonprofit private or other agency or organization, which the Secretary determines, in accordance with criteria prescribed by him in regulations to be of professional competence and otherwise suitable;

In addition, as a result of the legislative amendments passed on December 31, 1975 (Section 108 of Pub. L. 94-182), the Secretary may designate alternate PSROs in those areas where, as of January 1, 1976, a poll under section 1152(f) of the Act had been lost or the largest membership association of doctors of medicine or osteopathy in the area or State officially opposed PSROs prior to December 31, 1975. Regulations establishing the criteria and other requirements are prerequisite to the designation of alternate PSROs, under section 1152(b)(1)(B).

BACKGROUND

By January 1, 1978, there may not be physician organizations designated as **PSROs in all 203 designated PSRO areas.** The Senate Finance Committee Report (No. 92-1230, 92nd Congress, 2nd Session, 1972, p. 259) on the PSRO statute declared that:

• • • only a full implementation effort will provide the impetus needed to establish effective and equitable comprehensive professional review throughout the Nation.

Section 1152(a) of the Act requires that PSROs be established throughout the country "at the earliest practicable date" and section 1152(c) requires that physician organizations established in accordance with section 1152(b)(1)(A) be given first priority to assume the role and to perform the activities required of PSROs. The Senate Finance Committee Report stated that physicians "preferably through organizations sponsored by their local associations should assume responsibility for the professional review activities" (Report No. 92-1230 p. 258). This intention was further reiterated in the Committee Report:

• • • priority in designation as a PSRO would be given to organizations established at local levels representing substantial numbers of practicing physicians who are willing and believed capable of progressively assuming responsibility for overall continuing review • • • [Senate Finance Committee Report No. 92-1230, p. 259]

However, Congress had made it clear that other applicant organizations would be considered for PSRO status if the local preferred physician group failed to express an interest in performing review activities. The Committee Report asserted:

Physician organizations or groupings would be completely free to undertake or decline assumption of these responsibilities of organizing a PSRO. If they decline, the Secretary would be empowered to seek alternative applicants from among other medical organizations, State and local health departments, medical schools, and failing all else, carriers and intermediaries or other health insurers [Senate Finance Committee Report No. 92-1230, pp. 259-260]

The Committee Report once again suggested that other applicants would be selected to perform review when it stated:

• • • the committee would not preclude other arrangements being made by the Secretary where medical organizations are unwilling or unable to assume the required work • • • [Senate Finance Committee Report No. 92-1230, p. 258]

Given the possibility that there may be no qualified physician organizations as specified under section 1152(b)(1)(A) of the Act in each designated PSRO area by January 1, 1978, the Department must determine eligibility criteria which will be used in designating alternate PSROs.

However, in light of the intention of Congress to give priority to qualified physician organizations under section 1152(b)(1)(A), the Department hopes to establish the preferred physician sponsored PSROs in as many as possible of the 83 areas where no planning or conditional PSROs have been established. The solicitation of new planning PSROs from professional associations qualified under section 1152(b)(1)(A) began in October 1976 and should continue through the summer of 1977.

LEGISLATIVE CRITERIA AND GUIDANCE

Section 1152(b)(1)(B) of the Social Security Act and the Senate Finance Committee Report offer some assistance in determining appropriate eligibility criteria for selecting alternate PSROs, as follows:

(1) Each alternate PSRO must be a • • • public, nonprofit private, or other agency or organization • • • [Section 1152(b)(1)(B) of the Social Security Act]

(2) The alternate organization must "be of professional competence" [Section 1152(b)(1)(B) of the Social Security Act]

(3) The Secretary may seek alternative applicants from "among other medical organizations, State and local health departments, medical schools, and failing all else, carriers, intermediaries or other health insurers" [Senate Finance Committee Report No. 92-1230 pp. 259-260]

(4) Each (alternate) organization must submit a formal plan indicating a willingness and capability to perform in an effective, timely, and objective manner and at a reasonable cost, the duties, functions and activities of a Professional Standards Review Organization • • • [Section 1152(b)(2) of the Social Security Act]

PUBLIC HEARINGS

Public hearings on alternate PSROs will be an integral part of the regulation development process. Such hearings will assist the Department in reaching as

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many concerned individuals, organizations, and potentially affected areas as possible.

ISSUES

In response to a request made by the National Professional Standards Review Council, the formation and responsibilities of which are mandated in section 1163 of the Social Security Act, the Public Health Service has drafted a preliminary policy paper concerning alternate PSROs. Although this paper suggests possible criteria which could be used to designate alternate PSROs, it should not be interpreted to represent the Department's final position and policies concerning alternate PSROs. Public input may cause substantial revision in the views developed by the Public Health Service thus far. Those parties interested in securing a copy of this paper should contact Michael J. Goran, M.D., Director, Bureau of Quality Assurance, Room 16A-55, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

As was previously stated, the PSRO statute and the Senate Finance Committee Report suggest language that could be transformed into criteria for establishing alternate PSROs. The Public Health Service has suggested the following preliminary criteria which could be used to designate alternate PSROs:

I. Each alternate PSRO must not make a profit (i.e., reimbursement for more than the actual cost) from its PSRO activities.

II. No organized medical society or association or organization "controlled" by such organizations can be designated an alternate PSRO.

III. Each alternate PSRO must have or demonstrate the capability to obtain the services of individuals with medical expertise to competently perform review activities.

IV. Each alternate PSRO must have the capability to adequately service the PSRO area.

V. Each alternate PSRO must not have inherent conflicts of interest that affect its role as a reviewer of health care.

These potential criteria should not be interpreted as definitive Department policy but rather as a preliminary attempt to stimulate discussion and interest in this area of concern. The Department invites public comment on these tentative criteria for establishing alternate PSROs. Moreover, the Department desires to solicit additional or alternative potential criteria which could supplement, complement and/or replace those suggested above and which will ensure that organizations designated by the Secretary as alternate PSROs could function effectively in this capacity.

In addition, comments are specifically requested on the following areas of interest:

1. What types of organizations (e.g., profit, nonprofit, State health departments, medical schools, etc.) are most "suitable" to become alternate PSROs?

2. In instances where the Secretary finds no qualified organization within the PSRO area to serve as the alternate PSRO should the Department then consider designating as an alternate PSRO a qualified organization which performs its principal activities outside the area?

3. Should organized medical societies or physician specialty associations have any role with respect to alternate PSROs?

4. What are the indicators of professional competence to perform review and effectively serve as an alternate PSRO?

5. What arrangements for medical competence should an alternate organization make?

6. Should an alternate PSRO be required to demonstrate that it has support from various elements of the health care community and from local consumers?

7. Should there be a relationship between consumers and the alternate PSRO? If so, how could such relationships be effected?

8. Are there any other factors that should be considered in designating alternate PSROs? If so, should they be structured as requirements or optional features?

Interested persons are invited to submit their written comments and suggestions on the issues identified in the Notice or related issues addressed to the Director, Bureau of Quality Assurance, Room 16A-55, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Comments and suggestions received on or before May 16, 1977 will be considered in the preparation of proposed regulations and will be available for public inspection at the above address on Monday through Friday of each week from 8:30 a.m. to 5 p.m.

This invitation to submit suggestions and comments is being issued for the purpose of obtaining the broadest participation possible in the drafting of the proposed rule. A Notice of Proposed Rulemaking will be published subsequent to a careful review of public comments and resolution of outstanding issues.

Dated: February 23, 1977.

JAMES F. DICKSON,
Acting Assistant Secretary for Health.

Approved: March 28, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc.77-9821 Filed 3-31-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 76]

[Docket 21006]

CABLE TELEVISION SERVICES

Monitoring for Signal Leakage From Cable Television Systems; Order Extending Time for Filing Reply Comments

Adopted: March 25, 1977.

Released: March 29, 1977.

AGENCY: Federal Communications Commission.

ACTION: Extension of time.

SUMMARY: Request for extension of time to file reply comments in Docket 21006 granted.

DATE: Reply comments due May 2, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert S. Powers, Research Division, Cable Television Bureau, Federal Communications Commission, Washington, D.C. 20554 (202) 632-9797.

In the matter of amendment of Part 76 of the Commission's rules to add frequency channelling requirements and restrictions and to require monitoring for signal leakage from cable television systems.

1. The National Cable Television Association has requested an extension of time in which to file reply comments in this proceeding from April 1, 1977 until May 2, 1977 and that request is hereby granted.

2. The additional time is said to be necessary because of scheduling problems relating to an upcoming convention, because of the lack of engineering staff due to the recent death of NCTA's Engineering Vice-President, the likelihood of a filing in this proceeding by the Office of Telecommunications Policy, which would require extensive engineering analysis. We believe this constitutes good cause for the time extension requested.

Accordingly, *it is ordered*, That the date for filing responsive comments in this proceeding is extended to May 2, 1977.

This action is taken by the Chief, Cable Television Bureau pursuant to authority delegated by § 0.288 of the Commission's rules.

FEDERAL COMMUNICATIONS COMMISSION,
JAMES R. HOBSON,
Chief, Cable Television Bureau.

[FR Doc.77-9745 Filed 3-31-77;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

FREMONT NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting

The Fremont National Forest Grazing Advisory Board will meet on April 21, 1977, at 1 p.m. in the Supervisor's Office. The primary purpose of the meeting will be to review Grazing Association activities.

The meeting will be open to the public. Persons who wish to attend should notify Philip Lee, Post Office 551, Lakeview, OR 97630, telephone 947-2151. Written statements may be filed with the Grazing Board before or after the meeting.

Dated: March 23, 1977.

JOHN W. CHAMBERS,
Forest Supervisor.

[FR Doc.77-9756 Filed 3-31-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 30552]

AIR MANILA, INC.

Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on May 3, 1977, at 9:30 a.m. (local time) in Room 1003, Hearing Room B, North Universal Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Janet D. Saxon.

Dated at Washington, D.C., March 28, 1977.

HENRY M. SWITKAY,
Acting Chief Administrative Law Judge.

[FR Doc.77-9802 Filed 3-31-77;8:45 am]

[Order 77-3-157; Docket 29790]

DALLAS/FORT WORTH-WESTERN MEXICO ROUTE PROCEEDING

Order Denying Petitions for Reconsideration and Consolidating Additional Applications

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 29th day of March, 1977.

This proceeding was instituted by Order 76-9-80 of September 15, 1976, to determine the need for authorization of United States flag service between the terminal points Dallas/Fort Worth and the coterminal points Guadalajara, Puerto Vallarta, Mazatlan, La Paz, and San Jose del Cabo in Mexico.[1] Timely filed petitions for reconsideration by American Airlines, Inc., Braniff Airways, Inc., and Eastern Air Lines, Inc., are pending disposition by the Board. Applications for route authority within the scope of the investigation have been filed by American Airlines (Docket 22487), Frontier Airlines (Docket 29886), and Texas International Airlines, Inc. (TXIA) (Docket 29888) accompanied by appropriate motions for consolidation. American has also filed an application (Docket 29884) which includes Manzanillo and Zihuatanejo as points in Mexico and a motion to consolidate in the event its request to expand the proceeding is granted.

The American petition for reconsideration requests that Manzanillo and Zihuatanejo be added as additional points in Western Mexico. It is opposed by the Bureau of Operating Rights. Braniff requests that the Board reconsider instituting the investigation at this time and defer it until bilateral negotiations beween the nited tSates and Mexico have been concluded. Answers opposing deferral have been filed by American, TXIA, United Air Lines and the Bureau. tween the United States and Mexico have Eastern asks that the scope of the proceeding be expanded to include Atlanta and New Orleans along with Dallas/Fort Worth as United States coterminal cities. It is supported by Atlanta and the Atlanta Chamber of Commerce. Answers in opposition have been filed by TXIA and the Bureau, and Eastern has filed a petition for leave to file an otherwise unauthorized document, viz. a proposed answer in response to the Bureau's opposition.

The substance of the Braniff petition has already been considered and disposed of in Docket 29789 (Order 76-12-119, December 21, 1976), the counterpart investigation (Yucatan) which was also instituted by Order 76-9-80. It will be denied for the same reasons which dictated denial as to the Yucatan proceeding in Order 76-12-119.

The Eastern petition to enlarge the scope of the proceeding notes that an Atlanta/New Orleans route to the five points in Mexico is provided for in the Air Transport Agreement between the United States and Mexico as Route P along with Route S, the Dallas/Fort Worth Route. It argues that Order 76-9-80 does not set forth the reason why Route P was not included as well as Route S. In its answer in opposition the Bureau recites that the greater part of the traffic historically moving along Route S has been through the Texas gateways of Dallas, Houston and San Antonio. It argues that "Since an award of Route S authority would involve first competitive U.S. carrier service, any incumbent should have enough immediate traffic support for viable operations. Traffic levels on Route P are smaller and any award of Route P authority would clearly result in the undue fragmentation of U.S.-Western Mexico traffic."

The unauthorized document which Eastern seeks to file is a reply to the Bureau's opposition and it is directed particularly to the Bureau's recital that the "greater part of the traffic historically" moving to the western Mexico points has been through the Texas gateways. It contends that the Bureau thus indicates "for the first time a superficial rationale for excluding Route P from the Western Mexico case." Because of the injection of this issue we will grant Eastern's motion for leave to file the otherwise unauthorized reply. However, we will reaffirm our decision to exclude consideration of Route P as part of the investigation. The possibility of its inclusion was in fact considered by the Board prior to entering Order 76-9-80. As noted in the order, Eastern advanced a request to include Route P in three separate documents which were before the Board for consideration in reaching the decision to consider only Route S at this time.[2] Further, consideration of the Route P authority in this proceeding would surely serve to delay consideration of awards for authority between the Texas gateways and Western Mexico. A prehearing conference has been held herein and direct exhibits are due to be filed later this month. Broadening the scope of the cast at this time to include Atlanta and New Orleans would be bound to attract new applications for service and further requests for consolidation, would require another prehearing conference, and would lead to a rather extensive postponement of all procedural dates. Under all of the circumstances, grant of Eastern's petition for reconsideration is not warranted and it will be denied.

[1] Order 76-9-80 also instituted a separate investigation (Docket 29789) to determine the need for authorization of United States flag service between Houston and New Orleans on the one hand, and Merida, Cozumel and Punta Cancun, on the other.

[2] Eastern's answers in support of motions by Braniff, American and Ozark for immediate hearing of applications filed by these carriers.

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The American petition to expand relies on the proposition that the two additional Mexico cities will most likely be included in a forthcoming bilateral agreement, and the argument that consideration of service at these additional Mexico points will be expedited if they are considered herein and that a second hearing as to them could be thereby avoided. As we stated in Order 76–12–119, "• • • rather than speculating about the addition of new routes in a forthcoming bilateral agreement • • • we think it preferable to proceed within the framework of the routes covered by the current agreement." Accordingly, the American petition for reconsideration will be denied.

The applications of American in Docket 22487, Frontier in Docket 29886 and TXIA in Docket 29888 seek route authority within the scope of the investigation and the respective motions for their consolidation herein will be granted.

Accordingly, it is ordered That: 1. The petitions for reconsideration of Order 76–9–80 filed by American Airlines, Inc., Braniff Airways, Inc. and Eastern Air Lines, Inc. be and they are hereby denied.

2. The petition of Eastern Air Lines, Inc. for permission to file an otherwise unauthorized document be and it is hereby granted.

3. The applications of American Airlines, Inc. (Docket 22487), Frontier Airlines, Inc. (Docket 29886) and Texas International Airlines, Inc. (Docket 29888) be and they are hereby consolidated into Docket 29790.

4. The petition of American Airlines, Inc., for consolidation of its application in Docket 29884 be and it is hereby denied and the application in Docket 29884 is dismissed, without prejudice.

5. This order shall be served on the same parties named in paragraph 17 of Order 76–9–80 and in addition on the St. Louis Airport Authority–City of St. Louis (St. Louis) and the Greater Cincinnati Chamber of Commerce, City of Cincinnati, and the Kenton County Airport (Cincinnati Parties).

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-9807 Filed 3-31-77;8:45 am]

[Doc. 30652]

EMPRESA GUALEMALTECA DE AVIACION (AVIATECA) AND TRANSPORTES AEREOS, SOCIEDAD ANONIMA (TASA), RESPONDENTS

Enforcement Proceeding

This proceeding is hereby assigned to Administrative Law Judge Stephen J. Gross. Future communications should be addressed to Judge Gross.

Dated at Washington, D.C., March 28, 1977.

HENRY M. SWITKAY,
Acting Chief
Administrative Law Judge.

[FR Doc.77-9801 Filed 3-31-77;8:45 am]

[Order 77-3-154; Doc. 29632]

FRONTIER AIRLINES, INC.

Order Setting Application for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 28th day of March 1977.

On August 11, 1976, Frontier filed an application pursuant to Subpart M of Part 302 of the Board's Procedural Regulations requesting an amendment of its certificate of public convenience and necessity for Route 73 to permit nonstop service between Albuquerque, New Mexico, and Phoenix, Arizona.[1] Frontier's Route 73 consists of a single segment. Condition 5 of the applicant's certificate provides that the carrier must make at least one intermediate stop on flights between Albuquerque and Phoenix.

A joint answer in support of the application has been filed by the New Mexico Aviation Department and the State Corporation Commission of New Mexico. An answer in support of the application has been filed by the City of Phoenix, Arizona. An answer opposing the application has been filed by TWA. Frontier filed a contingent reply to the answer of TWA.[2]

[1] Pursuant to section 1305(c) of the Board's Rules of Practice, Trans World Airlines and Delta Air Lines filed requests that the application be dismissed. Delta's objection that the question of Albuquerque-Phoenix nonstop authority should be included in an expanded Las Vegas-Dallas/Fort Worth Nonstop Service Investigation, Docket 29445, has been rendered inapplicable by our decision to deny all petitions for reconsideration of instituting Order 76–6–161, in Order 76–10–61, October 15, 1976. In its request to dismiss the application, TWA requests a hearing with the right to participate in the event that we should decide to process Frontier's application under Subpart M.

In any event, since we did not act to summarily dismiss the application within the 14-day period set forth in § 302.1305(a), the provisions for further procedures of Subpart M became applicable automatically.

[2] Because the answers of the City of Phoenix and TWA were untimely filed, both answers were filed with motions for leave to file otherwise unauthorized documents. An answer in opposition to TWA's motion for leave to file was filed by Frontier, with a contingent reply to TWA's answer. TWA filed a reply to Frontier's answer opposing TWA's motion for leave to file a late answer, with a motion for leave to file an unauthorized reply. Lastly, Frontier filed a letter in the docket of this proceeding, protesting that TWA, in its submission of two motions for leave to file otherwise unauthorized documents in this proceeding, seeks only to delay the Board's ultimate disposition of the instant application.

We shall grant all outstanding motions for leave to file otherwise unauthorized documents. Both the City of Phoenix and TWA have submitted answers containing information important to the development of a thorough and meaningful record in this proceeding. Moreover, all interested persons were put on notice, by TWA's contingent request for a hearing contained in its timely filed request for dismissal of the application, of TWA's intention to submit evidence in opposition to Frontier's application.

Upon consideration of the pleadings and all the relevant facts, the Board has determined that Frontier's application should be set for hearing under the procedures prescribed by Subpart M. We note that, by Notice of Environmental Rejection, contemporaneously issued with this order, the Chief of Legal Division, Bureau of Operating Rights, having reviewed the environmental evaluation provided with Frontier's application and having been duly designated by the Director, Bureau of Operating Rights, pursuant to § 312.8 of the Board's Procedural Regulations, has found, pursuant to § 312.13 of the Board's Procedural Regulations, that the proceeding instituted herein is not one which could lead to a "major Federal action significantly affecting the quality of the environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA). However, that conclusion is not intended to foreclose any party from presenting evidence (subject to the usual evidentiary rules in force in C.A.B. proceedings) or from making arguments with respect to relevant environmental issues. Nor are we foreclosed from consideration of environmental facts resulting from the possible licensing actions in issue in this proceeding, which, although of a lesser magnitude than those required to trigger further procedures under the requirements of NEPA and Part 312 of the Board's rules, might nonetheless be relevant to our decision.

Accordingly, it is ordered, That: 1. The application of Frontier Airlines, Docket 29632, be and it hereby is set for hearing, on a subsidy ineligible basis, before an administrative law judge of the Board at a time and place hereinafter designated, as the orderly administration of the Board's docket permits; and

2. The motions for leave to file unauthorized documents filed by the City of Phoenix and Trans World Airlines, Inc. be and they hereby are granted.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-9806 Filed 3-31-77;8:45 am]

[Doc. 29632]

FRONTIER AIRLINES, INC.

Environmental Rejection

On August 11, 1976, Frontier Airlines, Inc. submitted an environmental evaluation, pursuant to § 312.12(a)(1) of the Board's Procedural Regulations, in connection with its application for nonstop authority between Albuquerque, New Mexico, and Phoenix, Arizona, filed pursuant to Subpart M of the Board's Rules of Practice in Docket 29632.

Frontier's calculations are based upon the assumption that it would operate four daily nonstop flights between Albuquerque and Phoenix in addition to altering its existing service patterns in other markets to take advantage of this new nonstop authority. Such changes would result in two additional nonstop flights in the Albuquerque-Denver market and four additional flights in the Phoenix-Tucson market. Frontier's service in the Albuquerque-Tucson market would be decreased by two daily nonstop flights.[1]

Pursuant to §§ 312.8 and 312.13 of the Board's Procedural Regulations, the undersigned—having reviewed the environmental evaluation and other available information with respect to the application described above and having been duly designated by the Director, Bureau of Operating Rights, pursuant to § 312.8—hereby finds that any subsequent Board action approving, denying, or otherwise acting upon such application would not constitute a "major Federal action significantly affecting the quality of the environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969.

Dated at Washington, D.C., March 28, 1977.

BARBARA A. CLARK,
Chief, Legal Division,
Bureau of Operating Rights.

[FR Doc.77-9803 Filed 3-31-77;8:45 am]

[Order 77-3-161; Doc. 29961]

KODIAK WESTERN ALASKA AIRLINES, INC.

Order Denying Suspension of Service at Ugashik, Alaska

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 29th day of March, 1977.

On October 22, 1976, Kodiak-Western Alaska Airlines, Inc. (KWA), filed an application pursuant to Part 205 of the Board's Economic Regulations for authority to temporarily suspend service at Ugashik, Alaska, for a period of not less than two years.[1]

In support of its application, KWA alleges that: (1) The lack of maintenance equipment and landing aids, a dirt airstrip with no gravel or other surfacing, and frequent inclement weather often combine to create conditions at Ugashik that are not conducive to the provision of adequate scheduled service; (2) the traffic and mail volumes are extremely light; (3) Pilot Point, Alaska, which is only 10 miles away, receives scheduled service; (4) if the request for suspension is approved, KWA would continue to provide charter service as needed; and (5) the "critical factor," according to KWA, is the 1973 decision of the Postal Service to relocate the Post Office to a site approximately one mile from the airstrip. KWA contends that there is no available means of transportation from the airstrip to the Post Office and, since its personnel are required by Postal Regulations to deliver the mail directly to the Post Office, this relocation has made it nearly impossible to serve Ugashik.[2]

Answers in opposition to KWA's application have been filed with the U.S. Postal Service and one Ugashik Village Council. These answers were accompanied by motions for leave to file untimely documents.[3] Both parties request the suspenion application be denied and allege that: (1) Pilot Point, although 10 miles away, can be reached only by air during most of the year; (2) the physical conditions of Ugashik Airport have not changed since KWA filed for its certificate of public convenience and necessity; (3) the canning business located in Ugashik would be forced to cease operations if mail service is discontinued; (4) approval of the application wolud leave Ugashik without any means of communication; (5) there is a vehicle in the village with which to transport the mail from airstrip to Post Office; (6) KWA's proposed charter service would not solve the problem of mail delivery; (7) an attempt to provide substitute air taxi service would involve comparative high cost; and finally (8) the new site of the Post Office is only 50–60 yards further from the airstrip than was the previous location.[4]

Upon consideration of the pleadings and all relevant facts, we have decided to deny KWA's request for suspension of service at Ugashik. The economic stability and general welfare of Ugashik are predicated on the availability of regularly scheduled air service. This is attested to by the vigorous objections to suspension by both the civic and postal authorities. Less than two years ago, the Board determined that scheduled air transportation at Ugashik was required.[5] KWA has not demonstrated that there are any changed circumstances which would require us to reverse this finding.

[1] We note that environmental evaluations concerning the Albuquerque-Denver, Phoenix-Tucson, and Albuquerque-Tucson markets were unnecessary since Frontier already holds unrestricted authority in each of these markets.

[1] Ugashik is a small village in the Bristol Bay area with a permanent population of 14. Seventy-nine passengers were enplaned at Ugashik for the year ending June 30, 1976, and incoming mail averaged one ton per month.

[2] KWA filed a motion for leave to file an otherwise unauthorized document which contained this last allegation. This motion will be granted.

[3] Good cause having been shown, we will grant the motions.

[4] Both the U.S. Post Office and the Ugashik Village Council filed motions for leave to file an otherwise unauthorized document wherein this last point was contained. These motions will be granted.

[5] See Kodiak-Western Alaska Renewal Proceeding, Docket 23604, Order 75–8–72, August 13, 1975.

Accordingly, it is ordered, That: 1. The application of Kodiak-Western Alaska Airlines, Inc., for suspension of service to Ugashik be and it hereby is denied;

2. The motions of the U.S. Postal Service and the Ugashik Village Council for leave to file untimely documents be and they hereby are granted; and

3. The motions of Kodiak-Western Alaska Airlines, Inc., the U.S. Postal Service, and the Ugashik Village Council to file otherwise unauthorized documents be and they hereby are granted.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-9809 Filed 3-31-77;8:45 am]

[Doc. 30554]

PAN AMERICAN WORLD AIRWAYS

Proposed Approval

Application of Pan American World Airways, Inc., for disclaimer of jurisdiction, approval or exemption with respect to operation of the Westchester County Airport, Docket 30554.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended that the Civil Aeronautics Board intends to issue the attached order. Interested persons are hereby afforded until April 6, 1977, within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., March 29, 1977.

PHYLLIS T. KAYLOR,
Secretary.

ORDER OF APPROVAL

Pan American World Airways, Inc. (Pan American) has requested that the Board disclaim jurisdiction over or, in the alternative, approve without hearing pursuant to section 408(b) of the Federal Aviation Act of 1958, as amended (the Act), Pan American's contract to manage the Westchester County Airport (Westchester). If action cannot be taken by March 29, 1977, the date upon which the contract is to take effect, Pan American has requested that the Board temporarily exempt it from the provisions of section 408 of the Act, pursuant to section 416 thereof, to the extent necessary to permit it to manage the airport.

Pan American has entered into an agreement to manage Westchester on behalf of Westchester County, New York (the County), under the supervision and control of County officials. Westchester serves the County and adjacent areas of Fairfield County, Connecticut, for certificated service (Allegheny Airlines), air taxi service, and general aviation service.

Pan American states that another party currently operates the Airport and that its contract with the County will expire shortly; that the County requested proposals by potential replacements of the existing operator; and that Pan American's proposal was chosen from a group of nine which had been submitted.

Under the terms of the agreement, Pan American is required to manage and operate Westchester and keep it available to the

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public for 24 hours a day, seven days a week, and to do so in a safe and efficient manner; to maintain and repair the physical plant of the airport (runways, grounds, buildings, etc.); to perform certain aviation support functions (e.g., operate the airport's fuel farm and make continuous meteorological observations); and to prepare certain plans, rules, and regulations for the airport, including an emergency contingency plan and an airport security plan.

With regard to contracts between the County and third parties relating to Westchester, Pan American is required to perform said contracts on behalf of the County, to insure compliance by third parties, and to advise the County in the solicitation of bids and negotiations of contracts which are necessary or desirable for the operation of Westchester. Pan American does not have authority to enter into any contracts, and is limited to an advisory capacity.

Pan American is also responsible for certain financial and accounting services, including the preparation of financial statements, billing and collection, and preparation of statistical reports required by County, State, and Federal agencies. It is also responsible for preparation of Westchester's operating and capital budgets, which are subject to County approval. The agreement also establishes personnel requirements which Pan American must meet, and Pan American's personnel selections must be approved by the County.

Under the agreement Pan American will be reimbursed for all of its expenses which are made pursuant to the operating budget approved by the County, plus a fixed fee of approximately $14,600 per month. In addition Pan American will receive an annual incentive fee of 10 percent of the net income, if any, of the airport for the year. Net income is the surplus of revenues, as defined in the agreement, over expenses. The annual incentive fee cannot, however, exceed 150 percent of the incentive fee paid in the previous year.

Finally, the agreement contains a strong prohibition against discrimination by Pan American in the provision of services and in the pricing of such services. It also prohibits Pan American from conducting air carrier operations at the airport except in cases of emergencies.

In support of its request for a disclaimer of jurisdiction, Pan American asserts that the County will, in fact, operate the airport and that Pan American will merely be acting as an agent of the County, carrying out its decisions. Pan American asserts that this situation is in sharp contrast to previous airport operating agreements in which the Board found control to exist within the meaning of section 408 of the Act;[1] that in those cases, Pan American would have assumed substantial entrepreneural risks for long periods of time, and would have assumed effective control of airport operations. Pan American asserts that although Westchester is a person engaged in a phase of aeronautics and Pan American is an air carrier, the county will in fact operate the airport with Pan American's assistance; and that Pan American is therefor neither operating the County's aeronautical properties nor acquiring control of the County's aeronautical operations.

With regard to the request for approval, Pan American asserts that the Board's approval of an agreement between Pan American and the Port Authority of New York and New Jersey for the operation of the Teterboro Airport provides ample precedent for approval of the subject application.[2] Pan American asserts further that the agreement with Westchester does not affect control of an air carrier directly engaged in the operation of aircraft in air transportation and will not create a monopoly or restrain competition. Pan American states that it received the contract through an essentially competitive bidding process; that its size in and of itself will not be a factor since the previous operator was the subsidiary of a much larger concern;[3] that Teterboro and Westchester Airports serve different markets;[4] and that Pan American will be acting as the County's agent.

Pan American believes that it has ample experience in airport operations which will enable Westchester to provide improved services to airport users; that since relief of congestion at New York's major airports continues to be of public concern, improved services at Westchester will benefit the public; and that Pan American, under the terms of its agreement with the County, has committed itself to encourage the investment of private capital at the airport.

An answer in support of Pan American's application was filed by Westchester County. It asserts that, after a careful and lengthy evaluation, Pan American was selected as the contractor most likely to meet the County's goals for its airport management program; that Pan American cannot operate into the airport under the terms of the agreement; and that carriers which compete with Pan American cannot use the airport because of its limited size. The County further asserts that its agreement with Pan American is totally unlike that approved by the Board involving Teterboro; that the County will retain full responsibility for fundamental decisions about the Airport's operations; and that disapproval of the agreement would be detrimental to the County since it would probably have to repeat the entire selection process and its pricing flexibility would be reduced by public disclosure of its agreement with Pan American.

No comments opposing the application or requesting a hearing have been received.

Notice of intent to dispose of this application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the foregoing, we find that Pan American is an air carrier; that Westchester County, by virtue of its ownership of Westchester County Airport, is a person engaged in a phase of aeronautics; and that Pan American's agreement with the County, as described above, may constitute a contract by an air carrier to operate a substantial part of the properties of a person engaged in a phase of aeronautics within the meaning of subsection 408(a)(3) of the Act.[5] However, it is further found that the transaction does not affect control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly or restrain competition; and that no person disclosing a substantial interest is currently requesting a hearing. It is also found that the transaction will not be inconsistent with the public interest or leave the requirements of section 408 otherwise unfulfilled; and that it should be approved, subject to condition.[6]

The Board has previously approved the operation of another suburban airport, Teterboro, by Pan American,[7] and many of the conclusions reached in that decision are relevant to the present application. Thus, it is unlikely that there are any conflicts of interest between Pan American's role as a certificated air carrier and its role as an operator of a predominently general aviation airport which would require disapproval. It would, in fact, be to Pan American's benefit to encourage use of Westchester by general aviation to reduce congestion at the major New York airports. Further, Pan American receives an incentive fee based on airport revenues, so that any restrictive practices could prove to be detrimental to the carrier itself. More fundamentally, any restrictive practices which might result from potential conflicts of interest would be forbidden by provisions of other sections of the Act, as well as the Federal Airport Act, and discriminatory practices are clearly forbidden by the terms of the agreement under consideration.[8] Further, Pan American's role at Westchester will be more limited than the arrangement at Teterboro, where the carrier leased the airport. Here, the County will retain substantial control over airport management and policy. Finally, we note that no air carrier, aviation supplier, general aviation user, or other person has objected to the application.

Specifically, the use of Westchester by a certificated carrier, Allegheny, does not appear to create substantial conflicts of interest. Pan American and Allegheny do not currently significantly compete over any routes,[9] and it appears that Pan American would have no incentive to treat Allegheny unfairly.[10] Moreover, since Pan American is precluded from conducting other than emergency air carrier operations at Westchester, protection of its operations will not be an incentive to discriminate against any air carrier.

Nevertheless, to insure that Pan American's operation has limited anticompetitive effects, we will impose a condition similar to one of those imposed in our approval of the Teterboro operation to prohibit Pan American from engaging on its own behalf in the business of providing aviation services except on a casual, infrequent or emergency basis. The condition will not, however, prohibit Pan American from providing these services in connection with aircraft which it owns or sells or operates. We shall also retain jurisdiction in this proceeding for the purpose of amending or revoking our approval herein, should the public interest so require.

As a final matter, under the agreement, Pan American will be reimbursed for all expenses it incurs pursuant to authorized budgets and will receive at least a guaranteed fixed fee in addition. Thus there is almost no risk that Pan American would incur losses from this activity which would impair its ability to perform its certificate obligations.

Accordingly, it is ordered, That: 1. Subject to the condition specified below, the application of Pan American World Airways, Inc. for approval of its agreement with Westchester County, New York, for the operation of Westchester County Airport (Docket No. 30554) be and it hereby is approved;

2. The approval is subject to the following condition: Except in connection with aircraft which it may sell, own, or operate, or on a casual, infrequent, or emergency basis, Pan American on its own behalf, shall not engage in the aviation service business at Westchester County Airport; *Provided, however*, That Pan American may provide such services for a period up to 90 days if necessitated by failure of persons normally engaged in such activities to provide such services. For the purposes of this order, aviation service business involves principally the following activities: (1) The sale to users of aircraft fuel and lubricants; (2) the delivery of fuel into aircraft; (3) aircraft maintenance and repair; (4) the sale and installation of avionics; (5) the provision of hangar storage and outdoor tiedown locations for aircraft (Pan American reserves the right also to provide hangar facilities and public tiedown services); and (6) the performances of turnaround services; and

3. Except to the extent specifically granted herein, all other requests in the application in Docket 30554 be and they hereby are dismissed.

Jurisdiction is hereby retained for the purpose of amending or revoking with or without hearing, the approval granted herein, as the public interest may require.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

Secretary.

[1] Pan American World Airways, Inc., Jurisdiction, 47 CAB 1126 (1967).

[2] Pan American World Airways, Inc., Farmingdale and Teterboro Airports, 49 CAB 107 (1968).

[3] The previous operator is owned by Gulf Oil Corp.

[4] Pan American alleges that Teterboro serves the general aviation market for Manhattan and Bergen and Passaic Counties in New Jersey and that Westchester County Airport serves the Westchester County, New York, and Fairfield County, Connecticut, markets.

[5] As to Pan American's request for a disclaimer of jurisdiction, this issue cannot be definitely resolved on the basis of the limited information in the pleadings before us. Since we have concluded to grant Pan American the relief requested in the form of an approval without hearing, however, no further inquiry on the disclaimer request is required.

[6] Since the Board has decided to grant Pan American's request pursuant to section 408 of the Act, its alternative requests will be dismissed.

[7] Pan American World Airways, Inc., Farmingdale and Teterboro Airports, *supra*.

[8] Section 308 of the Act precludes any exclusive right of airport use. Section 11(1) of the Federal Airport Act requires that the airport be available for public use on fair and reasonable terms and without unjust discrimination. Article 8 of the agreement with the County requires that Pan American comply with all applicable Federal, State and local laws and requires that Pan American keep Westchester available to the public on a nondiscriminatory basis, charging fair and reasonable prices for service provided.

[9] Pan American currently operates fill-up aervice between Detroit and Boston on some of its international flights and Allegheny operates one-stop service in the market. Pan American's operations are so limited in extent, however, that this competition would not appear to give rise to significant conflicts.

[10] It is also noted that Pan American and Allegheny have numerous agreements relating to provision of services by one carrier to the other, including a ground services agreement at JFK International Airport, Agreement CAB 24438, approved by Order 74-7-12, July 2, 1974. Any discriminatory action taken by Pan American would be totally inconsistent with the cooperative relationships indicated by these agreements.

[Order 77-3-153; Doc. 29123; Agreement C.A.B. 26505, R-1 through R-3]

TRAFFIC CONFERENCES OF INTERNATIONAL AIR TRANSPORT ASSOCIATION

Proportional Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of March 1977.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement was adopted at a proportional fares meeting held in New York, February 1-8, 1977, and is proposed for effectiveness April 1, 1977.

Agreement C.A.B.	IATA No.	Title	Application
6505:			
R-1	015	North Atlantic proportional fares North American (amending)	1-2
R-2	015a	South Pacific proportional fares North American (amending)	3-1
R-3	015b	North and Central Pacific proportional fares North American (amending)	3-1

Accordingly, *it is ordered* That: 1. Agreement C.A.B. 26505, R-1 through R-3, be and hereby is approved subject to conditions previously imposed by the Board; and

2. Tariffs implementing Agreement C.A.B. 26505 may be filed on not less than one day's notice for effectiveness not earlier than April 1, 1977. The short notice authority in this paragraph expires May 1, 1977.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-9803 Filed 3-31-77;8:45 am]

COMMITTEE ON CIVIL RIGHTS

CONNECTICUT ADVISORY COMMITTEE

Meeting; Amendment

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Connecticut Advisory Committee (SAC) of the Commission a notice previously published in the FEDERAL REGISTER Friday, March 11, 1977, (FR Doc. 77-7175) on page 13573 is hereby amended. The meeting will be held on April 14, 1977 instead of April 7, 1977. The time and place of the meeting will remain the same.

Dated at Washington, D.C., March 29, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-9728 Filed 3-31-77;8:45 am]

Insofar as it would apply in direct air transportation as defined by the Act, the agreement would amend North Atlantic, North/Central Pacific, and South Pacific proportional fares used to construct through international fares to/from U.S. interior points. The changes reflect recently approved general increases in U.S. domestic passenger fares as well as certain changes in domestic first-class fares ordered by the Board as part of Phase 9 of the Domestic Passenger Fares Investigation, and will receive Board approval.

Pursuant to the Federal Aviation Act of 1958 and particularly sections 102, 204(a), and 412 thereof, the Board does not find that the following resolutions, incorporated in Agreement C.A.B. 26505, R-1 through R-3, are adverse to the public interest or in violation of the Act, provided that approval is subject to conditions previously imposed by the Board:

IOWA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Iowa Advisory Committee (SAC) of the Commission will convene at 10 a.m. and will end at 3 p.m. on April 21, 1977, at Estes Residence 944 9th Avenue, Des Moines, Iowa.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, Old Federal Office Building, Room 3103, 911 Walnut Strect, Kansas City, Missouri 64106.

The purpose of this meeting is to plan activities for review of the CETA program in the Greater Des Moines area.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., March 29, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-9729 Filed 3-31-77;8:45 am]

IOWA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Iowa Advisory Committee (SAC) of the Commission will convene at 10 a.m. and will end at 3 p.m. on April 21, 1977, at Estes Residence 944 9th Avenue, Des Moines, Iowa.

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Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, Old Federal Office Building, Room 3103, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is to plan activities for review of the CETA program in the Greater Des Moines area.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., March 29, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-9730 Filed 3-31-77;8:45 am]

IOWA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Iowa Advisory Committee (SAC) of the Commission will convene at 10 a.m. and end at 3 p.m. on May 16, 1977, at the Holiday Inn Downtown, Osage Room. 1050 6th Ave., Des Moines, Iowa 50314.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, Old Federal Office Building, Room 3103, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is to plan the project activities scheduled in the State of Iowa.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., March 29, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-9731 Filed 3-31-77;8:45 am]

IOWA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Iowa Advisory Committee (SAC) of the Commission will convene at 10 a.m. and will end at 3 p.m. on May 26, 1977, at Estes Residence 944 9th Avenue, Des Moines, Iowa.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, Old Federal Office Building, Room 3103, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is to plan activities for review of the CETA program in the Greater Des Moines area.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., March 29, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-9732 Filed 3-31-77;8:45 am]

MISSOURI ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights that a planning meeting of the Missouri Advisory Committee (SAC) of the Commission will convene at 1 p.m. and end at 5 p.m. on April 21, 1977, at the Ramada Inn, 1100 Vandiver Drive, Columbia, Missouri 65201.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, Old Federal Office Building, Room 3103, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is to develop new project plans.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., March 29, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-9733 Filed 3-31-77;8:45 am]

NEBRASKA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Nebraska Advisory Committee (SAC) of the Commission will convene at 9:30 a.m. and will end at 1:30 p.m. on April 25, 1977, at Creighton University, Law School, 2500 California Street, Omaha, Nebraska.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, Old Federal Office Building, Room 3103, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is to continue new project planning, design and implementation.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., March 29, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-9734 Filed 3-31-77;8:45 am]

CIVIL SERVICE COMMISSION

ACTION

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes Action to fill by noncareer executive assignment in the excepted service the position of Assistant to the Director for Transition Planning.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-9560 Filed 3-31-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Director, Office of Congressional Liaison, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-9837 Filed 3-31-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Grant of Authority to Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary, (State and Federal Relations).

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-9838 Filed 3-31-77;8:45 am]

DEPARTMENT OF LABOR

Revocation of Authority to Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Special Assistant, Office of the Under Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-9839 Filed 3-31-77;8:45 am]

FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Special Open Season

Notice is hereby given that pursuant to the authority contained in section 8913 of title 5, Chapter 89 of the United States Code and section 301(d)(2) of 5 CFR Part 890, the U.S. Civil Service Commission hereby announces that a special open season will be conducted for Federal employees and annuitants, to be held from May 15 to May 31, 1977. This special open season will be limited to Federal employees and annuitants living in the enrollment areas of comprehensive medical plans recently approved for participation in the Federal Employees Helath Benefits Program. These plans and their respective enrollment areas are as follows:

1. PENN GROUP HEALTH PLAN

Service and enrollment area. This plan is available to persons who live in Allegheny County and the western part of Westmoreland County, Pennsylvania.

2. CENTRAL MEDICAL HEALTH SERVICES, INC.

Service and enrollment area. This plan is available to persons who live in Allegheny County and its five contiguous counties, Armstrong, Beavers, Butler, Washington and Westmoreland, Pennsylvania.

3. PHILADELPHIA HEALTH PLAN

Service area. The service area emanates from the center of Philadelphia along a ten mile radius to encompass most of Philadelphia, parts of the Pennsylvania counties of Delaware and Montgomery, and parts of Camden, Burlington and Gloucester counties in New Jersey.

Enrollment area. The enrollment area is Philadelphia, Delaware, Montgomery, Bucks and Chester counties in Pennsylvania; and Camden, Gloucester and Burlington counties in New Jersey.

4. CHOICECARE HEALTH SERVICES, INC.

Service and enrollment area. The Service and Enrollment area of the plan is Larimer County, Colorado.

5. HEALTH SERVICE PLAN OF PENNSYLVANIA

Service and enrollment area. The Service Area of this Plan includes the County of Philadelphia and portions of the four adjacent counties of Southeastern Pennsylvania: Bucks, Montgomery, Chester and Delaware and portions of Gloucester, Camden and Burlington counties in New Jersey.

During the special open season, an eligible enrolled employee or annuitant may change his or her enrollment from the plan in which he or she is already enrolled to the newly approved plan. The election must be for the same type of coverage (self only or self and family) as the present enrollment, unless a change of type is otherwise authorized.

Change of enrollment during the special open season will take effect on the first day of the first pay period which begins after July 1, 1977.

Federal employees and annuitants may obtain further information from their respective payroll offices or by writing to the Comprehensive Health Plans Office, Bureau of Retirement, Insurance and Occupational Health, U.S. Civil Service Commission, Washington, D.C. 20415.

Dated: April 1, 1977.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-9836 Filed 3-31-77;8:45 am]

DEPARTMENT OF COMMERCE

National Fire Prevention and Control Administration

ADVISORY COMMITTEE ON FIRE TRAINING AND EDUCATION FOR NATIONAL ACADEMY FOR FIRE PREVENTION AND CONTROL

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following committee meeting:

NAME: Advisory Committee on Fire Training and Education for the National Academy for Fire Prevention and Control (Committee).

DATE: April 25-26, 1977.

PLACE: Dogwood-B Room of the Ramada Inn, 1900 North Fort Myer Drive, Arlington, Virginia.

TIME: 9:00 a.m. to 5:30 p.m.

PROPOSED AGENDA: April 25, 1977: Review activities of last meeting; Committee and staff reports; Discussion of accreditation procedures. April 26, 1977: Identify accreditation options available; Assignment of subcommittees.

The Committee was authorized to be established by Section 7(k) of the Federal Fire Prevention and Control Act of 1974 (Pub. L. 93-498, 88 Stat. 1535, 15 U.S.C. 2201 et seq., 278f, 42 U.S.C. 290(a)) to inquire into and make recommendations regarding the desirability of establishing a mechanism for accreditation of fire training and education programs and courses, and the role which the Academy should play if such a mechanism is recommended. The Committee, by law, consists of the Superintendent as Chairman and 18 members selected from among individuals and organizations possessing special knowledge and experience in the field of fire training and education or related fields to insure a balanced representation of interests.

The meeting will be open to the public with approximately 15 seats available on a first-come, first-served basis. If time permits, a period will be set aside for oral comments or questions by the public. Oral comments or questions shall be limited to 10 minutes per comment or question. More extensive questions or comments should be submitted in writing before May 27, 1977, and addressed to: Committee Control Officer, Jane Sornberger, Advisory Committee on Fire Training and Education, National Academy for Fire Prevention and Control, P.O. Box 19518, Washington, D.C. 20036.

Minutes of the meeting will be prepared by the Committee and will be available for public viewing in Room 214, National Fire Prevention and Control Administration, 2400 M Street, N.W., Washington, D.C. Copies of the minutes will be available upon request 30 days after the meeting.

The public may file written statements with the Committee concerning any matter pertaining to the Committee's responsibilities at any time before or after the meeting.

Dated: March 15, 1977.

HOWARD D. TIPTON,
Administrator, National Fire Prevention and Control Administration.

[FR Doc.77-9828 Filed 3-31-77;8:45 am]

National Oceanic and Atmospheric Administration

FISHERMEN'S MARKETING ASSOCIATION

Notice of Issuance of General Permits

A General Permit was issued on March 14, 1977, to the Fishermen's Marketing Association of Washington, Seattle, Washington, to take marine mammals incidental to commercial fishing operations under category (i) Towed or Dragged Gear, pursuant to 50 CFR 216.24 (39 FR 32117-32124), as amended.

General Permits were issued on March 14, 1977, to the United Fishermen of Alaska, Juneau, Alaska, to take marine mammals incidental to commercial fishing operations under categories (iii) Encircling Gear, Seining Other Than Yellowfin Tuna; (iv) Stationary Gear; and (v) Other Gear, pursuant to 50 CFR 216.24 (39 FR 32117-32124), as amended.

The Permits are available for public inspection in the Office of the Director, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.

Dated: March 24, 1977.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.77-9694 Filed 3-31-77;8:45 am]

SOVRYBFLOT, MOSCOW U.S.S.R.

Receipt of Application for a General Permit

Notice is hereby given that the following application has been received to take marine mammals incidental to the course of commercial fishing operations as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations thereunder.

Sovrybflot, Moscow, U.S.S.R., has applied for a general permit, Category 1, "Towed and Dragged Gear."

Copies of the application are available for review in the following offices:

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Director, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.

Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue North, Seattle, Washington 98109.

Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99801 (tel. 907/586–7221).

Interested parties may submit written views on this application on or before May 2, 1977 to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

Dated: March 28, 1977.

ROBERT J. AYERS,
Acting Assistant Director for Fisheries Management National Marine Fisheries. Service.

[FR Doc.77-9695 Filed 3-31-77;8:45 am]

AQUATIC MAMMALS ENTERPRISES

Issuance of Permit To Take Marine Mammals

On January 20, 1976, notice was published in the FEDERAL REGISTER (41 FR 2841), as amended on July 19, 1976 (41 FR 29378), that an application had been filed with the National Marine Fisheries Service by Aquatic Mammals Enterprises, 1025 Gibraltar, Key Largo, Florida 33037, for a permit to take three (3) Atlantic bottlenosed dolphins (*Tursiops truncatus*) for public display.

Notice is hereby given that on March 22, 1977, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a permit for the above taking to Aquatic Mammals Enterprises, subject to certain conditions set forth herein. The Permit is available for review by interested persons in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702.

Dated: March 22, 1977.

WINDRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc.77-9696 Filed 3-31-77;8:45 am]

Office of the Secretary

NBS VISITING COMMITTEE

Renewal

In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I, and under the authority of, and as directed by statute, the Department of Commerce has authorized the renewal of the charter of the National Bureau of Standards Visiting Committee.

The NBS Visiting Committee was first established by section 10 of the act of March 3, 1901, which created the National Bureau of Standards. Its statutory purpose is to advise and report to the Secretary of Commerce upon the efficiency of the Bureau's scientific work and the condition of its equipment. The Committee's recommendations have significantly contributed to the overall operations of the institution.

As legally required, the Committee will continue with a balanced representation of five members prominent in the fields of science, engineering, or technology who are not in the employ of the U.S. Government. Balance on the Committee is achieved by maintaining representation from both the business and academic communities and by consideration of primary technical interest (e.g., physics, chemistry, engineering). The appointment of each member of the Committee is for five years, and the periods of service are so arranged that one member retires each year. The Chairman of the Committee is appointed by the Secretary of Commerce and is ordinarily the senior member in terms of service.

The NBS Visiting Committee is uniquely suited to evaluate overall operations and equipment of NBS from an external point of view and report to the Secretary of Commerce. Its function cannot be accomplished by any organizational element or other committee of the Department.

The Visiting Committee functions solely as an advisory body and in compliance with the provisions of the Federal Advisory Committee Act.

Copies of the Committee's revised charter have been filed with appropriate committees of the Congress.

Inquiries or comments may be addressed to the Committee Control Officer, Ms. Elaine D. Bunten, Office of the Associate Director for Programs, Administration Building, Room A–400, National Bureau of Standards, U.S. Department of Commerce, Washington, D.C. 20234, telephone: 301–921–3591.

Dated: March 23, 1977.

GUY W. CHAMBERLAIN, Jr.,
Acting Assistant Secretary for Administration.

[FR Doc.77-9697 Filed 3-31-77;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1977

Proposed Additions

AGENCY: Committee for Purchase from the Blind and ther Severely Handicapped.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received a proposal to add to the Procurement List 1977 commodities to be produced by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: May 4, 1977.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

If the Comittee approves the proposed additions, all entities of the Government will be required to procure the commodities listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities to Procurement List 1977, November 18, 1976 (41 FR 50975):

Class 7105

Frame, Picture (GSA Regions 8, 9 and 10 only), 7105–00–053–0170, 7105–00–061–5834, 7105–00–052–8697, 7105–00–052–8695.

Class 6105

Cable Assembly, Power, 6150–00–935–8799, 6150–00–666–0045, 6150–00–117–8867, 6150–00–666–0041.

Class 9905

Sign Kit, Vehicle, 9905–00–565–6267.

C. W. FLETCHER,
Executive Director.

[FR Doc.77-9758 Filed 3-31-77;8:45 am]

PROCUREMENT LIST 1977

Proposed Deletion

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Deletion from Procurement List.

SUMMARY: The Committee has received a proposal to delete from Procurement List 1977 a commodity produced by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: May 4, 1977.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

It is proposed to delete the following commodities from Procurement List 1977, November 18, 1976 (41 FR 50975):

Class 8440

Neckties, 8440–00–926–6604, 8440–00–926–4933, 8440–00–426–1999.

C. W. FLETCHER,
Executive Director.

[FR Doc.77-9760 Filed 3-31-77;8:45 am]

PROCUREMENT LIST 1977

Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to Procurement List.

SUMMARY: This action adds to Procurement List 1977 a commodity to be produced by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: April 1, 1977.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: On January 3, 1977 the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (42 FR 64) of proposed additions to Procurement List 1977, November 18, 1976 (41 FR 50975).

After consideration of all the relevant data presented, the Committee has determined that the commodity listed below is suitable for procurement by the Government under 41 U.S.C. 46–48(c), 85 Stat. 77.

Accordingly, the following commodity is hereby added to Procurement List 1977:

Class 6645

Clock, Wall, 6645–00–935–4243.

C. W. FLETCHER,
Executive Director.

[FR Doc.77-9759 Filed 3-31-77;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACTS OF ALASKA NATURAL GAS TRANSPORTATION SYSTEM ALTERNATIVES

Public Hearing

To be held under the Alaska Natural Gas Transportation Act, P.L. 94–586;

May 16–17 Anchorage, Alaska.
May 23–24 Washington, D.C.

BACKGROUND

Since the discovery of large reserves of natural gas in the Prudhoe Bay fields in Alaska, several routes have been proposed to transport this gas to the lower 48 states. The Arctic Gas pipeline system would traverse Alaska's North Slope, crossing into Canada at the MacKenzie River Delta and running along the river into the Midwest states. The El Paso Alaska system would follow the oil pipeline to Prince William Sound and then transport liquefied natural gas by tanker to southern California. Also paralleling the oil pipeline to Fairbanks, the Alcan Pipeline system would then cross into Canada, with some gas routed in the West Coast through British Columbia, and most going through Alberta and Saskatchewan to eastern and midwestern U.S. markets.

A final environmental impact statement was prepared by the Federal Power Commission for all three proposals, and administrative hearings were held by the Commission in 1976. A final recommendation by the FPC is due on May 1, 1977.

Recognizing an urgent national need for additional natural gas supplies, Congress enacted the Alaska Natural Gas Transportation Act of 1976 to provide the means for a sound and expeditious decision by the President and Congress on which, if any, transportation system should be authorized.

To speed the decision-making process, the Act precludes judicial review of the environmental impact statements required by the National Environmental Policy Act. The Council on Environmental Quality, however, must present to the President its views of the legal and factual sufficiency of environmental impact statements prepared for the pipeline proposals, and may also report on other matters related to environmental impacts.

THE HEARINGS

An important part of CEQ's responsibilities under the Act is to obtain public views, data, and arguments on these issues. To afford interested members of the public an opportunity to present this information, the Council will hold public hearings in Anchorage, Alaska and Washington, D.C.

The Anchorage hearing will be held at the Anchorage Westward Hotel on May 16–17. The hearing in Washington will be held on May 23–24 in the auditorium of the General Services Administration building. At both hearings testimony will be heard by Council Members and staff.

Individuals or groups interested in testifying should notify the Council in writing at the earliest possible date. Written intent to testify should be mailed to Alaska Hearings, Council on Environmental Quality, 722 Jackson Place, NW., Washington, D.C. 20006.

Statements of intent must be received by May 1. Further information will be made available to those interested in testifying or attending.

Witnesses may be asked to limit their remarks, although more detailed statements may be submitted for the record. Individuals unable to attend may submit written statements. If possible, statements should be submitted by May 9 to allow their distribution to panel members. In any case, the hearing record will close on May 27.

Wherever possible, the Council encourages individuals and groups sharing similar interests and views to coordinate their testimony and designate representatives to present testimony as a panel.

Both hearings will be open to the public and the press, and all proceedings will be recorded. The results of the hearings will be incorporated into CEQ's report to the President.

THE ISSUES

The hearings will primarily be concerned with the adequacy of the environmental impact statements prepared for the three proposals. Assessment will focus on the following questions:

Are all reasonable alternatives considered in the EIS's? How well are the impacts of alternatives compared?

Does EIS analysis address significant local, regional, and national impacts over three time periods: construction, operation, and, if significant, for a longer time thereafter?

Is analysis of impacts adequately supported by descriptive material? Are analytic methods accurate and supportable?

Are proposed measures to mitigate adverse impacts adequate? Is sufficient provision made for procedures to ensure that mitigating measures are followed?

Testimony may also address the Federal Power Commissioners' recommendation to the President and how well that decision in supported by the EIS's.

The most important impacts associated with the gas transportation systems are likely to be those described below. While the hearings will focus on these major issues, members of the public may address any other environmental questions of concern to them, as well as any other matter they consider appropriately within the scope of the Council's purview.

Impacts Caused by Pipeline Design and Construction Techniques, including effects of the new "chilled" pipeline on permafrost, geology, soils; construction schedules and impacts on water resources (from pipeline testing), vegetation and wildlife.

Impacts of LNG Systems on Health, Safety and the Environment, including risks of failures in LNG transport and storage, reliability problems, effluent discharge in Alaska and California.

Impacts on Environmentally Sensitive Ecosystems and on Wildlife, including effects on permafrost ecosystems, other unique and fragile systems, endangered species and other wildlife.

Impacts on Public Land Policies in Alaska, including effects on Arctic Wildlife Range from Arctic Gas system and policy precedents set, effects on Chugach National Forest from the El Paso System, and effects on future national forests, parks and wildlife areas that may be established by the Federal government.

Impacts on Short and Long-Range Growth in Alaska, including effects of alternatives on employment, community life, energy supply, local and state public services, land use changes induced, inducements to mineral and timber development. Also to be considered are impacts on Alaskan natives and the potential for "boom and bust" development.

Impacts of Pipeline Alternatives on Canada, including effects on native claims, other socioeconomic impacts, effects on wildlife, energy development.

Impacts on Regional and National Energy Policies, including effects on oil and gas development in other parts of Alaska (Naval Petroleum Reserve No. 4, Arctic Wildlife Range, offshore areas),

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and effects of pipelines through the lower 48 states on coal gasification. Differences in impacts on energy availability in the Midwest, West and South should be specifically analyzed.

Net National Economic Impacts of Alternative Proposals, including impacts on national employment and productivity.

CHARLES WARREN,
Chairman.

[FR Doc.77-9815 Filed 3-31-77;8:45 am]

ENVIRONMENAL IMPACT STATEMENTS

March 21 Through March 25, 1977

The following is a list of environmental impact statements received by the Council on Environmental Quality from March 21 through March 25, 1977. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability (May 16, 1977). The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies are also available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Mr. Errett Deck, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, Room 359-A, Washington, D.C. 20250, (202)-447-6827.

FOREST SERVICE

Draft

Western Spruce Budworm Management Plan, March 21: Proposed is the management of western spruce budworm on 987,319 acres out of a total infestation of 3,151,985 acres. The preferred method of treatment is long-term silvicultural management on 934,019 acres and short-term aerial application of carbaryl (Sevin-4-oil) on 53.300 acres in the spring and summer of 1977. The application of Sevin will result in decline of population of some soil-inhabiting invertebrates, destruction of beneficial insect populations, and the elimination of honeybees in the treated areas. (ELR Order No. 70360.)

Chugach Moose Fire Management Program, Alaska, March 22: Proposed is the treatment by prescribed burning, over a 10-year period beginning in 1977, of a total of about 22,000 acres of land at 139 sites. The purpose is to improve vegetation for use as forage by Alaskan moose on the National Forest portion of the Kenai Peninsula in southcentral Alaska. Prescribed fire will be used in a planned, controlled, natural way to increase moose populations as past wildfires have done by accident. Adverse impacts may occur as a result of changes in vegetation decreased older forest wildlife populations, temporary reduction in air quality, and wildfire hazard. (ELR Order No. 70374.)

Sierra Ski Ranch, Eldorado National Forest, El Dorado County, Calif., March 23: Proposed is the expansion of a ski area near Echo Summit in the Eldorado National Forest. The area is located in El Dorado County, California, and is accessible by U.S. Highway 50. Ultimate development, as proposed by the permittee, would include: 14 chair lifts, maximum capacity of about 9,500 people at one time, 176 acres of ski runs, 2 day lodges, 1 warming hut, parking for 3,000 cars, and associated facilities such as sewage disposal system, water supply, and maintenance buildings. (ELR Order No. 70380.)

Red River Ski Area Expansion, N. Mex., March 22: Proposed is the further development of Red River Ski Area in Red River, New Mexico. The statement discusses three alternatives for expanding ski facilities, and describes the associated impacts. The resort is located on Carson National Forest lands, where a special permit for recreational has been granted. (ELC Order No. 70371.)

Final

Marys Peak Unit, Siuslaw National Forest, Benton and Polk Counties, Oreg., March 22: This statement discusses land use alternatives for the selection of a land use plan for 16,556 acres in the Marys Peak Subunit located in Benton County, and 1,160 acres in the Dallas Watershed Subunit located in Polk County, Oregon. These subunits compose Siuslaw National Forest Planning Unit Number Two. Adverse effects include soil disturbance caused by timber harvesting, and increases in noise and air pollution levels. Comments made by EPA, DOI, HUD, USDA, NASA, and State and local agencies, and concerned citizens. (ELR Order No. 70382.)

Black Hills National Forest Timber Management, Wyoming, and South Dakota, March 23: This statement proposes the revision of the FY 1963-1973 Timber Management Plan (extended to June 1977) for the Black Hills National Forest in Western South Dakota and Northeastern Wyoming. The revision is for the ten years from 1977-1986. The proposed action would apply silvicultural treatment to 39,000 acres and construct and/or improve 80 miles of road and travelways annually. In addition, 161 miles of travelways will be closed and obliterated annually, resulting in an overall reduction of 81 miles of travelways. Environmental impacts of the proposed plan are the cutting of trees and the construction and/or improvement of roads. Comments made by: AHP, EPA, and State and local agencies, and concerned citizens. (ELR Order No. 70381.)

RURAL ELECTRIFICATION ADMINISTRATION

Supplement

Underwood Generating Station (S-2), North Dakota, and Minnesota, March 21: This statement supplements a final EIS filed with CEQ in September, 1974. The proposed action is the construction of the Underwood Generating Station. The project includes two 450 magawatt steam electric generating units, 439 miles of 400 kV transmission lines, 102 miles of 345 kV transmission line, and 12.5 miles of 230 kV transmission line. The supplement describes certain differences in transmission routing in North Dakota. Counties affected by the routing changes are McLean, Burleigh, Kidder, Stutsman, LaMoure, Ransom, Sargent, and Richland. (ELR Order No. 70357.)

SOIL CONSERVATION SERVICE

Final

Little Cache Creek Watershed, Johnson County, Ill., March 21: Proposed is the implementation of a project for watershed protection, flood prevention, and non-agricultural water management in Johnson County, Illinois. This project became effective on December 19, 1963, with conservation land treatment measures having been installed on 75 percent of the land to date. Works of improvement remaining to be installed include 5.1 miles of enlarging existing man-modified perennial streams and a recreational development at structure 12. Adverse effects include temporary increase in stream pollutants, and displacement of the fish population. Comments made by: USDA, USA, HEW, DOI, DOT, and EPA. (ELR Order No. 70362.)

DEPARTMENT OF DEFENSE

ARMY

Contact: Col. Charles Sell, Chief, Environmental Office, Department of the Army, Room 1E673, Pentagon Chief of Staff, Washington, D.C. 20310, 202-694-4269.

Supplement

Toxic Residue Disposal, West Granite Area (S-1), Utah, March 24: This statement supplements a final EIS filed with CEQ in February, 1976, and relates to toxic residue disposal at West Granite Disposal Area, Dugway Proving Ground. The supplement presents the program for detoxifying the chemical agent GB contained in approximately 1515 M139 and eight E139 bomblets at the Tower Grid holding area of Dugway Proving Ground. The proposed method consists of chemically neutralizing the GB agent by adding sodium hydroxide solution to cover bomblets in steel containment tanks. This solution digests the aluminum bomblet shell and then reacts with and detoxifies the GB. (ELR Order No. 70383.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202-377-2186.

Final

Knoxville International Energy Exposition, Tennessee, March 25: The proposed action is the official recognition of an international exposition themed to energy. This exposition is proposed to be held in the City of Knoxville from May to October in 1982. The purpose of the Exposition is to offer to the citizens of the world a greater comprehension of the effective use of energy and energy resources in the physical field and a more discriminating appreciation of the creative energy in the artistic field. Adverse environmental impacts may include the displacement of the current residents and businesses on the proposed site, and disruption of their lives, lifestyles, and activities. Comments made by: CEQ, DOT, USCG, EPA, HEW, TREA, DOC, COE, USDA, AHP, and State and local agencies, and concerned groups and persons. (ELR order No. 70386.)

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Draft

Project STORMFURY—Atlantic, 1977, March 22: Proposed is the seeding of one hurricane in 1977 in the Atlantic during the period August 15-October 15. The primary goal of this project is to test the hypothesis that the maximum winds in hurricanes can be reduced by at least 10 to 15 percent by seeding the proper cloud in specified portions of the storms with freezing nuclei (silver iodide). Impacts of the project will result from the dropping of 3 types of devices from aircraft during the seeding mission: silver iodide flares for hurricane modification; windsondes for measurement of wind, temperature, humidity and pressure; and bathythermographs for sea temperature measurement. (ELR Order No. 70373.)

Final

Oregon Coastal Management Program, March 25: Proposed is the approval of the Coastal Management Program of the State of Oregon. The program will provide an improved decision-making process for determining coastal land and water uses and siting of facilities of national interest. Approval and implementation of the program will restrict or prohibit land and water uses in certain parts of the Oregon coast, while promoting and encouraging development and use activities in other parts. Comments made by: USDA, RC 2, DJUS, ERDA, FEA, NASA, and State and local agencies, and concerned groups and persons. (ELR Order No. 70387.)

DEPARTMENT OF DEFENSE

U.S. CORPS OF ENGINEERS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Department, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, S.W., Washington, D.C. 20314, 202-693-6795.

Draft

Cambridge Harbor, Channel and Turning Basin (2), Dorchester County, Md., March 21: The proposed action is the maintenance dredging of the approach channel in Choptank River and Cambridge Creek at the Port of Cambridge in Maryland. The project consists of maintaining a channel 150 feet wide and 25 feet deep and widening the triangular turning basin to 1,400 feet long, 825 feet wide, and 25 feet deep. Approximately 92,000 cubic yards of silty-clay will be removed by hydraulic dredging and pumped to an upland disposal site in Talbot County. Adverse effects include reduction in dissolved oxygen concentration, and destruction of non-motile benthic organisms in the area. (Baltimore District.) (ELR Order No. 70368.)

Muskingum R. Basin, Water Resources Development (2), Ohio, March 22: The proposed interim plan of improvement consists of two components: a Local Protection Project at Killbuck, Ohio, consisting of a levee-flood wall 7,000 feet in length and day use recreation; and a Local Protection Project at Mansfield, Ohio, to include modification of the existing channel of Rocky Fork and Touby Run for a total distance of 12,040 feet and day use recreation. The Killbuck project will require the removal of all stream terrace vegetation and associated wildlife habitat along the project alignment. The Mansfield project will cause the loss of the natural stream in sections. (Huntington District.) (ELR Order No. 70375.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Please refer to the separate notice published by EPA in this issue of the FEDERAL REGISTER for the appropriate EPA contact.

Draft

El Paso & Teller Co. Water Quality Plan, El Paso and Teller Counties, Colo., March 25: Proposed is a Water Quality Management Plan for El Paso and Teller Counties, Colorado. The plan makes recommendations regarding stream classifications and criteria, wastewater treatment facility needs, and the regulatory/fiscal/institutional programs to implement the plan. The management plan is based on a projected population for the urbanizing area of 550,000 by the year 2000, and addresses the problems of both point and nonpoint sources of water pollution in the two-county area. Natural ecologic systems and open space will be impacted. (Region VIII.) (ELR Order No. 70389.)

FEDERAL POWER COMMISSION

Contact: Dr. Jack M. Heinemann, Acting Assistant Director for Environmental Quality, 825 North Capitol Street, N.E., Washington, D.C. 20426, 202-275-4791.

Final

Bad Creek Pumped Storage Project, South Carolina, March 22: Proposed is the licensing of Duke Power Co. for the construction, operation, and maintenance of a pumped storage project to be located on Bad Creek and West Bad Creek in Oconee County, South Carolina. The project would consist of a 318-acre upper reservoir, a 1.25-mile underground power tunnel, and a 1,000 MW underground powerhouse complex with 4 reversible pump turbine units, and would discharge into the existing 7565-acre lower reservoir, Lake Jocasses. Adverse impacts include clearing of 505 acres of land, elimination of 2.3 miles of trout stream, and disruption of about 315 acres of land. Comments made by: DOI, HEW, COE, USDA, EPA, NRC, TVA, and State and local agencies, and concerned citizens. (ELR Order No. 70372.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director Office of Environmental Quality, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, 202-755-6308.

Draft

Amberly Subdivision, DeKalb County, Ga., March 21: The proposed project consists of the development of 2 subdivisions, Amberly and Amberly East, approximately 4.5 miles from Stone Mountain, Georgia. The plan calls for land uses of 648 single-family detached units, on 283.04 acres and a flood plain of 25.5 acres. Completion of the project will result in increased pressure on community services and noise pollution. (ELR Order No. 70358.)

The Colonies Project, Texas, Harris County, Tex., March 21: Proposed is the development of the Colonies Project in Harris County, Texas. The planned community will be composed of single-family homes, apartments, patio homes, and townhomes, to accommodate a population of approximately 9500 people. Adverse impacts include the loss of agricultural land and an increased demand for fossil fuels through heavy dependence on the automobile for transportation. (ELR Order No. 70363.)

Big Country Subdivision, San Antonio; Bexar County, Tex, March 21: Proposed is the acceptance, for HUD home mortgage insurance purposes, of the 764-acre Big Country Subdivision, located 15 miles west of San Antonio, Texas The project will provide 2,500 single family residential homes and 1,400 multifamily units for middle and upper income bracket families. Plans include a 10-acre elementary school site, 60 acres of commercial development, and 148 acres of park, drainage and recreational uses. The primary adverse impact associated with the project is due to the fact that it is not directly adjacent to any built-up sections of San Antonio. (ELR Order No. 70365.)

Golf Resort Joint Venture, Texas, El Paso County, Tex., March 22: The proposed action is for the Department of HUD to accept for HUD/FHA insurance purposes the 1500 acre Golf Resort Joint Venture project. The project site is located near the southeast limits of the City of El Paso above and adjacent to Interstate 10. Over 600 acres will be devoted to single family housing with approximately 280 acres for various commercial development. A small amount of duplex and apartments will be joined by land devoted to industrial, school, park, and ponding areas. (ELR Order No. 70370.)

Pebble Hills Addition, Leavell Development, El Paso County, Tex., March 22: The proposed action is for the Department of HUD to accept for HUD/FHA mortgage insurance purposes the 538 acre Pebble Hills Addition of the Leavell Development. The project site is located in the extreme northeastern most edge of the City of El Paso, Texas, adjacent to U.S. Highway 62 and 180. When completed, this project will involve a total of 1,600 units developed primarily as single-family residential. Adverse effects relate directly to the El Paso International Airport noise contours, and the Archaeological survey which reports two significant concentrations of cultural material in the development area. (ELR Order No. 70378.)

Final

Trailwood Addition Subdivision, Grand Prairie, Dallas County, Tex., March 21: The proposed action is construction of the Trailwood Addition Subdivision in Grand Prairie, Tex., a community of 63,000 inhabitants. The 548-acre project consists of the construction of 1,495 homes with acreage allocated for apartments, small commercial enterprises, parks, schools, and office buildings. This development would result in greater demand for fossil fuels for transportation, loss of good agricultural land, and strain on existing local facilities. Comments made by: HUD, USDA, AHP, EPA, DOI, COE, State and local agencies concerned citizens. (ELR Order No. 70359.)

SECTION 104(h)

Draft

The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD).

DeKalb Co., Tenn., 3d year Water Line, DeKalb County Tenn., March 21: Proposed is the installation of 18 miles of 6-inch, 4-inch, and 2-inch plastic potable water line in DeKalb County, Tenn. The project will provide potable water for 135 rural families who have been consuming well water that stands an 80 percent chance of being polluted. Water will also be available in adequate amounts for firefighting purposes. Temporary construction related impacts are expected. (ELR Order No. 70364.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 5311, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BONNEVILLE POWER ADMINISTRATION

Supplement

Ellensburg Service, BPA fiscal year 1978 (S-1), Kittitas County, Wash., March 22: Proposed is the construction of transmission facilities to provide for increasing electrical loads in the Ellensburg Service Area. The alternatives involve the construction of between 2 and 4 miles of new 115 kV transmission line and the addition of a new 115-12.5 kV substation. Depending on the final route location chosen, between 2 and 3 acres of new right-of-way would be required for the line. Disturbances to agricultural lands would occur. (ELR Order No. 70376.)

DEPARTMENT OF LABOR

Contact: Mr. David R. Bell, Chief, Technical Studies Branch, 200 Constitution Avenue, Room N3669, Washington, D.C. 20210, 202-523-7076.

Final

Standards Completion Project, March 24: The Occupational Safety and Health Administration proposes to regulate employee exposure to nearly 350 toxic substances currently found in Table Z-1, Z-2, and Z-3 of 29 CFR 1910.1000. The purpose of these regulations is to reduce the risk of work-related injuries and illnesses due to exposure to toxic substances. The statement indicates no major significant impact is expected on the environment external to the workplace as a result of the promulgation of standards. Comments made by: USDA, USA, USAF,

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ERDA, DOI, DOC, concerned groups and persons. (ELR Order No. 70385.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Voss A. Moore, Division of Reactor Licensing, P–722, NRC, Washington, D.C. 20555, 301–443–6965.

Draft

Shoreham Nuclear Power Station, Unit 1, Suffolk County, N.Y., March 24: The proposed action is the issuance of an operating license to the Long Island Lighting Company (LILCO) for the start up and operation of the Shoreham Nuclear Power Station, Unit 1, on a 880-acre site in Brookhaven, New York. The unit will have a net capacity of 820 MWe and will be cooled by a once-through flow of water from the Long Island Sound. Adverse effects include the clearing of 100 acres of woods; impacts to fish due to the high water flow velocities in the intake canal; thermal stress on marine biota; and the risks associated with radiation exposure. (ELR Order No. 70384.)

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Peter Krenkel, Director of Environmental Planning, 720 Edney Building, Chattanooga, Tenn. 37401, 615–755–3161.

Draft

West Point-Miller, 500-kV Transmission Lines, Mississippi and Alabama, March 21: Proposed is the construction and operation of a 500-kV transmission line interconnecting the TVA and Alabama Power Company Systems in Mississippi and Alabama. The project will provide intersystem transmission capacity neceary to maintain adequate reliability margins, improve operating stability, reduce power losses, and on an intersystem basis facilitate reciprocal emergency assistance including short-term and diversity power and energy sales. The major adverse effect is clearing of 1,469 acres of woodland with the resulting loss of animal habitat and timber resources. (ELR Order No. 70367.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Marvin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590, 202–426–4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Asheville Airport Expansion, Buncombe County, N.C., March 25: Proposed is the expansion and improvement of Asheville Airport in Asheville, N.C. The proposed project calls for the construction of a 1,500-ft. runway and parallel taxiway extension on the north end of the existing 6,500-ft. runway, and the following associated items: land acquisition for a runway and parallel taxiway extension; construction and lighting of the 150-ft. X 1,500-ft. runway and parallel taxiway extension; and construction of a glide slope and localizer site. The VASO–4 will be relocated on Runway 1. (ELR Order No. 70388.)

Final

Vernal Airport, Utah, Uintah County, Utah, March 21: Proposed is the approval of a development project at Vernal Airport to construct new and resurface old runways and taxiways, to acquire easements, and to install visual approach slope indicators. Public controversy surrounds the project. Adverse effects include short-term pollution during construction operations, increased noise levels at 9 public gathering places, and increased use of electrical energy. Comments made by: EPA, USDA, COE, HEW, DOI, DOT2, FEA, State and local agencies concerned citizens. (ELR Order No. 70369.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

I–77–U.S.. 74 Connector, Charlotte and Mecklenburg Counties, N.C., March 21: Proposed is the construction of a multi-lane freeway between I–77 and U.S. 74 south of Charlotte, N.C. The 14-mile project is the initial section of the outer circumferential route around Charlotte included in the Charlotte-Mecklenburg Comprehensive Plan. No significant detrimental air quality impacts are expected to occur, and noise impacts will be limited to a relatively small number of structures adjacent to the proposed action. (Region 4.) (ELR Order No. 70366.)

Final

U.S. 2 Bypass of Bemidji, Beltrami County, Minn., March 22: Proposed is the construction of 9 miles of U.S. 2 on new location in Beltrami County. The project would extend from the junction with U.S. 71 approximately 1 mile west of Bemidji, around the west and south of Bemidji, to a junction with inplace U.S. 2 approximately 3 miles southeast of Bemidji (the Bemidji bypass). Major adverse impacts will be increased noise, loss of 385 acres of pastureland, relocation of eight families and three businesses, temporary water degradation and seasonal water pollution due to highway runoff. (Region 5.) Comments made by: DOT, DOI, EPA, COE, USDA, AHP, State and local agencies, concerned citizens. (ELR Order No. 70377.)

U.S. 395 Corridor, Nevada, Washoe County, Nev., March 23: Proposed is the upgrading of U.S. 395 to freeway standards in Washoe County, Nevada. The project would consist of a freeway facility 3.5 miles long and a temporary facility 0.7 mile long between Glendale Avenue and South Virginia Street in Reno. Adverse effects include relocation of 102 residences, visual disruption, and slight increases in carbon monoxide levels along the freeway. (Region 9.) Comments made by: COE, HEW, EPA, DOI, USDA, State and local agencies, concerned citizens. (ELR Order No. 70379.)

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Contact: Mr. Richard C. Carter or Mr. John M. Machey, Office of Automotive Fuel Economy, 755–9384.

Draft

Passenger Auto Average Fuel Economy, March 25: Proposed is the establishment of Average Fuel Economy Standards for passenger automobiles which are manufactured in model years 1981 through 1984. The term "passenger automobile" means any automobile which the Secretary determines, by rule, is manufactured primarily for use in the transportation of not more than 10 individuals. Included in this proposal are large station wagons which exceed 6,000 pounds gross weight, but do not exceed 10,000 pounds gross vehicle weight. Fuel economy will be determined in accordance with procedures established by the EPA. (ELR Order No. 70390.)

Vehicle Occupant Crash Protection (2), March 25: This statement is a modification of a draft EIS filed with CEQ in July, 1976. Proposed are three alternative actions to protect motor vehicle occupants from death or injury resulting from traffic accidents. These proposals are (1) to continue the existing version of Federal Motor Vehicle Safety Standard 208 which requires either seat belts, or passive restraints, or a combination of the two; (2) to require States to take action to increase seat belt use or; (3) to require that manufacturers provide passive restraints on all cars. (ELR Order No. 70391.)

NICHOLAS C. YOST,
General Counsel.

[FR Doc.77–9850 Filed 3–31–77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

CHEMICAL PROPULSION ADVISORY COMMITTEE (MONOPROPELLANT WORKING GROUP)

Meeting

MARCH 21, 1977.

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463) announcement is made of the following committee meeting.

Name: Department of Defense Chemical Propulsion Advisory Committee (Monopropellant Working Group).

Date: April 20–21, 1977.

Place: Essex House Motel, 44916 N. 10th St. West, Lancaster, CA.

Time: Initial meeting 8:30 am, April 20.

Proposed Agenda: Not yet finalized but restricted to subcommittee reports on progress towards identified goals of the Advisory Working Group.

Purpose of the Meeting: The working group will review the progress of the individual subcommittees on assigned tasks of monopropellant technology since the last semiannual meeting. The committee will also discuss technical problems identified by the attending engineers and program managers.

Meeting of the Advisory Working Group is open to the public. Public attendance, depending on available space, may be limited to those persons who have notified the Advisory Working Group chairman, in writing at least five (5) days prior to the meeting of their intention to attend.

Any member of the public may file a written statement with the Working Group chairman before, during, or after the meeting. To the extent that time permits, the committee chairman may allow public presentation of oral statements at the meeting.

All communication regarding this Advisory Working Group should be addressed to Mr. F. S. Forbes, Chairman, AFRPL/LKDP, Edwards, CA 93523.

F. S. FORBES,
Chairman, JANNAF Monopropellant Working Group.

[FR Doc.77–9757 Filed 3–31–77;8:45 am]

Office of the Secretary

ARMED FORCES EPIDEMIOLOGICAL BOARD

Open Meeting; Addendum

In 42 FR 15456, March 22, 1977, a Notice of an Open Meeting for April 15, 1976 was published. The agenda was to be devoted to the consideration of policy for immunization of Armed Forces personnel against smallpox. A decision has been made to add the following subject to the agenda for consideration: Policy for use of Venezuelan Equine Encephalitis vaccine.

Dated. March 30, 1977.

DUANE G. ERICKSON,
LTC, MSC, USA,
Executive Secretary.

[FR Doc.77–9907 Filed 3–31–77;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

STUDY GROUP ON GLOBAL ENVIRONMENTAL EFFECTS OF CARBON DIOXIDE

Meeting

In accordance with provisions of Pub. L. 92–463 (Federal Advisory Committee Act), the Study Group on Global Environmental Effects of Carbon Dioxide will hold its third meeting on Saturday, April 30, 1977, from 9:45 a.m. to 4:00 p.m. at the Delta Airport Group Room 7, Atlanta, Georgia Airport. This meeting will be open to the public. The purpose of the meeting will be to review progress to date, discuss reports from the Miami Beach Workshop, and discuss a report on the SCOPE meeting on Biogeochemical Cycling of Carbon, Hamburg, Germany, March 21–26.

The tentative agenda for the meeting is as follows:

9:45	a.m.	Opening Remarks, Alvin Weinberg, Chairman.
10	a.m.	Review of general progress.
11	a.m.	Review and discussions of Miami Beach Workshop.
12	m.	Lunch.
1	p.m.	Continue discussion of Miami Beach Workshop.
2	p.m.	Report of SCOPE meeting in Hamburg and continued discussion of plans for attacking CO_2 problem.
4	p.m.	Adjournment.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items, scheduled above, the following requirements shall apply:

(a) Persons wishing to submit written statements on agenda items may do so by mailing 12 copies thereof, postmarked no later than April 15, 1977, to Dr. James L. Liverman, Director, Division of Biomedical and Environmental Research, U.S. Energy Research and Development Administration, Washington, D.C. 20545. Comments shall be directly relevant to the above agenda items. Minutes of the meeting will be kept open for 30 days for the receipt of written statements for the record.

(b) Information as to whether the meeting has been rescheduled or relocated can be obtained by a prepaid telephone call on April 27, 1977, to Mr. David H. Slade, Deputy Manager, Environmental Programs, Division of Biomedical and Environmental Research, U.S. Energy Research and Development Administration on (301) 353–4374, between 8:30 a.m. and 5:00 p.m. e.s.t.

(c) Questions at the meeting may be propounded only by members of the Committee and ERDA officials assigned to participate with the Committee in its deliberations.

(d) Seating to the public will be made available on a first-come, first-served basis.

(e) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during the recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Copies of minutes will be made available for copying, following their certification by the Chairman in accordance with the Federal Advisory Committee Act at the U.S. Energy Research and Development Administration's Public Document Room, 20 Massachusetts Avenue, N.W., Washington, D.C. 20545, upon payment of all charges required by law.

HARRY L. PEEBLES,
Deputy Advisory
Committee Management Officer.

[FR Doc.77–9906 Filed 3–31–77;8:45 am]

REVIEW OF ADVISORY COMMITTEES

MARCH 30, 1977.

The Energy Research and Development Administration is conducting a comprehensive review of its advisory committees, in accordance with OMB Circular No. A–63, Transmittal Memorandum No. 5., and public comment is requested.

All agencies have been directed to conduct this review for each committee to determine (a) whether such committee is carrying out its purpose; (b) whether, consistent with the provisions of applicable statutes, the responsibilities assigned to it should be revised; (c) whether it should be merged with other advisory committees; or (d) whether it should be abolished.

The ERDA is now in the process of conducting this review for the following advisory committees:

Advisory Committee on Geothermal Energy
Committee of Senior Reviewers
Environmental Advisory Committee
General Advisory Committee
General Technical Advisory Committee
High Energy Physics Advisory Panel
Historical Advisory Committee
Lignite Advisory Committee
Liquid Metal Fast Breeder Reactor Steering Committee
Personnel Security Review Board Panel
Procurement Policy Advisory Committee
Study Group on Global Environmental Effects of Carbon Dioxide
University Programs Advisory Panel

The ERDA is required to complete its review and submit its determination to the Office of Management and Budget by April 15, 1977. Therefore, any public comments and recommendations should be provided to ERDA not later than April 8, 1977. Interested persons should direct their comments in writing to Harry L. Peebles, Deputy Advisory Committee Management Officer, U.S. Energy Research and Development Administration, Washington, D.C. 20545.

HARRY L. PEEBLES,
Deputy Advisory Committee
Management Officer.

[FR Doc.77–9952 Filed 3–31–77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 706–7]

REGULATIONS OF FUELS AND FUEL ADDITIVES

Gasoline Refiners: March 31, 1977 and April 30, 1977 Lead Phase-Down Submittals

Notice is hereby given by the Environmental Protection Agency (EPA) to any refiner operating at least one small refinery (less than or equal to 30,000 bbl/d crude capacity), as of October 1, 1976, in regard to the March 31, 1977, and April 30, 1977, submittals under 40 CFR 80.20(a) (4) (ii) and (v) respectively.

Enforcement against any refiner for failure to comply with § 80.20(a) (4) (v) with respect to a small refinery, will be suspended until 90 days after final promulgation of the Proposed Small Refiner Amendments (42 FR 3183, January 17, 1977), by which time the information must be submitted. EPA will not enforce the 0.8 gram per gallon (gpg) January 1, 1978, standard with respect to a small refinery whose plan pursuant to § 80.20(a) (4) (ii) is submitted after April 30, 1977, so long as the information is submitted within 90 days after promulgation of the Proposed Small Refiner Amendments (42 FR 3183, January 17, 1977), and all other suspension criteria are met. This delay is accorded small refineries while EPA completes its evaluation of separate treatment for the small refiner or small refinery.

A number of inquiries have been received concerning the March 31, 1977, reporting date included in the Proposed Small Refiner Amendments (42 FR 3183, January 17, 1977), by which time small refiners would have been required to inform the Administrator in writing of their intent to either meet the required 1.0 gpg lead pool average by October 1, 1979, or to withdraw from the gasoline production business. This date (March 31, 1977) is a proposed reporting date which will be modified during final promulgation. Submissions, indicating a small refiners' intent to meet the 1.0 gpg standard or withdraw from gasoline production, are not requested prior to the completion of EPA evaluations and final regulation promulgation.

Dated: March 25, 1977.

STANLEY W. LEGRO,
Assistant Administrator
for Enforcement.

[FR Doc.77–9689 Filed 3–31–77;8:45 am]

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[FRL 706-8]

SCIENCE ADVISORY BOARD, ENVIRONMENTAL HEALTH ADVISORY COMMITTEE

Open Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a two-day meeting of the Environmental Health Advisory Committee of the Science Advisory Board will be held on April 19 and 20, 1977 in Conference Room 4022, Federal Office Building, 550 Main Street, Cincinnati, Ohio. The meeting will start at 9 a.m. on April 19, 1977.

The purpose of the meeting will be (1) to acquaint the members with the programs, facilities, and personnel of EPA's Health Effects Research Laboratory located in Cincinnati; (2) to hear and consider a report of the Study Group on Mutagenicity Testing which reviewed the scientific aspects of draft EPA Guidelines for the registration of pesticides relating to mutagenicity testing; (3) to be briefed on and to discuss certain scientific issues relating to the development of tolerances for pesticides; and (4) to hear brief progress reports of the Committee's Subcommittee and Study Groups. The Agenda will also include (5) brief reports and informational items of current interest to the members.

Item (1) as stated above is planned for April 19 and for the afternoon of April 20; the other items are planned for the morning of April 20.

The meeting will be open to the public. Any member of the public wishing to attend or submit a paper should contact the Secretariat, Science Advisory Board (A-101), U.S. Environmental Protection Agency, Washington, D.C. 20460, by C.O.B. April 14, 1977. Please call Mrs. Ilene F. Stein on (703) 557-7720.

LLOYD T. TAYLOR,
Acting Staff Director,
Science Advisory Board.

MARCH 25, 1977.

[FR Doc.77-9681 Filed 3-31-77;8:45 am]

WATER QUALITY MANAGEMENT PLAN; EL PASO AND TELLER COUNTIES; COLO.

[FRL 708-3]

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Environmental Protection Agency has prepared a draft environmental impact statement (DEIS) for the Water Quality Management Plan, El Paso and Teller Counties, Colorado.

The proposed action, pursuant to EPA's policies, guidelines and regulations under section 208 of the Federal Water Pollution Control Act, is the EPA approval, conditional approval or disapproval of the proposed Water Quality Management Plan for El Paso and Teller Counties in Colorado. The DEIS consists of a short summary document which discusses the significant environmental issues addressed in the Water Quality Management Plan and EPA's recommended course of action.

This DEIS was transmitted to the Council on Environmental Quality (CEQ) on April 1, 1977. In accordance with CEQ's notice of availability, comments are due on May 16, 1977. Copies of the DEIS are available for review and comment from: Mr. Terry Anderson, Environmental Protection Agency, Region 8, 1860 Lincoln Street, Denver, Colorado 80203 (telephone 303-837-2721).

Copies of the DEIS are available for public inspection at the following locations:

Environmental Protection Agency, Region 8 Library, 1860 Lincoln Street, Denver, Colorado 80203.
Environmental Protection Agency, Public Information Reference Unit, Room 2922, Waterside Mall, 401 M Street SW., Washington, D.C. 20460.
Pikes Peak Area Council of Governments, 27 East Vermijo Street, Colorado Springs, Colorado.

Information copies of the DEIS are available at cost (10¢/page) from the Environmental Law Institute, 1346 Connecticut Avenue NW., Washington, D.C. 20036. Please reference ELR No. 70389.

Copies of the DEIS have been sent to various Federal, State and local agencies, and interested individuals as outlined in the CEQ Guidelines.

Dated: March 28, 1977.

JOSEPH MCCAKE,
Acting Director,
Office of Federal Activities.

[FR Doc.77-9869 Filed 3-31-77;8:45 am]

FARM CREDIT ADMINISTRATION

[FCA Order No. 800]

DEPUTY GOVERNOR, CREDIT AND OPERATIONS, ET AL.

Authority Delegations

MARCH 25, 1977.

Authority of the deputy governor, credit and operations, and order of precedence of certain officers to act as Deputy Governor, Credit and Operations (revocation of FCA order No. 794).

1. The Deputy Governor, Credit and Operations, shall, subject to the jurisdiction and control of the Governor of the Farm Credit Administration, execute and perform all power, authority, and duties relative to supervision of the credit and operations functions of the institutions of the Farm Credit System and to all matters incidental thereto, and to administration of all provisions of law pertinent to such supervision.

2. In the event the Deputy Governor, Credit and Operations, Farm Credit Administration, is absent or is not able to perform the duties of his office for any other reason, the officer who is highest on the following list and who is available to act is hereby authorized to exercise and perform all functions, power, authority, and duties of the Deputy Governor, Credit and Operations, pertaining to the credit and operations functions:

(1) Director, Supervisory Division
(2) Director, Review Division
(3) Assistant Director, Western Region, Supervisory Division
(4) Assistant Director, Eastern Region, Supervisory Division
(5) Assistant Director, Technical Services, Supervisory Division
(6) Assistant Director, Central Region, Supervisory Division

3. This order shall be effective on March 25, 1977, and revokes Farm Credit Administration Order No. 794, dated September 21, 1976 (41 FR 42227).

DONALD E. WILKINSON,
Governor,
Farm Credit Administration.

[FR Doc.77-9701 Filed 3-31-77;8:45 am]

[FCA Order No. 801]

SECRETARY TO GOVERNOR, ET AL.

Authority Delegations

MARCH 25, 1977.

Authorization of the secretary to the Governor, secretary and legal assistant, and secretary, to authenticate documents, certify official records, and affix seal.

1. Barbara A. McKeever, Secretary to the Governor, P. Patricia Bonnefond, Secretary and Legal Assistant, and Barbara V. Mitchell, Secretary, severally and not jointly, are authorized and empowered:

(a) To execute and issue under the seal of the Farm Credit Administration, statements (1) authenticating copies of, or excerpts from, official records and files of the Farm Credit Administration; (2) certifying, on the basis of the records of the Farm Credit Administration, the effective periods of regulations, orders, instructions, and regulatory announcements; and (3) certifying, on the basis of the records of the Farm Credit Administration, the appointment, qualification, and continuance in office of any officer or employee of the Farm Credit Administration, or any conservator or receiver acting under the supervision or direction of the Farm Credit Administration.

(b) To sign official documents and to affix the seal of the Farm Credit Administration thereon for the purpose of attesting the signatures of officials of the Farm Credit Administration.

2. The provisions of this order shall be effective March 25, 1977, and on that date shall supersede Farm Credit Administration Order No. 795, dated September 30, 1976, 41 FR 44070.

DONALD E. WILKINSON,
Governor, Farm
Credit Administration.

[FR Doc.77-9702 Filed 3-31-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 21167; 21168]

MICROBAND CORPORATION OF AMERICA AND TEKKOM, INC.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: March 7, 1977.

Released: March 28, 1977.

In re applications of Microband Corporation of America and Tekkom, Inc. For Construction Permits in the Multipoint Distribution Service for a new station at San Diego, California. Docket No. 21167, File No. 896-CM-P-72; Docket No. 21168, File No. 1985-CM-P-72.

1. The Commission has before it the above-referenced applications[1] of Microband Corporation of America (Microband), filed on August 19, 1971 and Tekkom, Inc. (Tekkom), filed on October 7, 1971. Both applications propose Channel 1 operation in the San Diego, California area, and thus are mutually exclusive and require comparative consideration. Both applications have been amended as a result of informal requests of the Commission staff for additional information, and no petitions to deny or other objections to any of the applications remain to be acted upon.[2]

2. Microband holds MDS licenses in thirteen cities, including Washington, D.C. and has been granted construction permits in various other cities. Tekkom is an MDS licensee in Las Vegas, Nevada and has an interest in the construction permittee in Salt Lake City, Utah.

3. Upon review of the captioned applications, we find that both applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

4. Accordingly, *It is hereby ordered,* That pursuant to Section 309(e) of the Communications Act of 1934, as amended, and Section 0.291 of the Commission's Rules, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered:[3]

(a) The relative merits of each proposal with respect to service area and efficient frequency use;

(b) The nature of the services and facilities proposed, and whether they will satisfy service requirements, known to exist or likely to exist in the San Diego, California area;

(c) The anticipated quality and reliability of the service proposed, including selection of equipment, installation, subscriber security and maintenance;

(d) The charges, regulations and conditions of the service to be rendered, and their relation to the nature, quality and costs of service; and

(e) The managerial and entrepreneurial qualifications of the applicants.

5. *It is further ordered,* That Microband Corporation of America, Tekkom, Inc. and the Chief, Common Carrier Bureau, are made parties to this proceeding.

6. *It is further ordered,* That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's Rules.

WALTER R. HINCHMAN,
Chief, Common
Carrier Bureau.

[FR Doc.77-9747 Filed 3-31-77;8:45 am]

[Docket Nos. 21148; 21173]

RONALD E. BRUNK

Order of Consolidation

In the matter of the application of Ronald E. Brunk, 3190 Holiday Drive, S., Salem, Oregon 97302 for Amateur Radio Station and (Novice Class) Operator License and Order to Show Cause Why The License For Radio Station KND-4719 in the Citizens Band Radio Service Should Not Be Revoked.[1]

Adopted: March 18, 1977.

Released: March 22, 1977.

The Chief, Safety and Special Radio Services Bureau, pursuant to delegated authority, has under consideration an Order released March 18, 1977, designating the above-captioned application for hearing and also an Order to Show Cause (SS-132-77) released January 25, 1977, directing Brunk to show cause why the license for Citizens Band radio station KND-4719 should not be revoked.

It appears, that respondent has requested a hearing in the Order to Show Cause proceeding;

It further appears, that the Order designating the application for hearing and the Order to Show Cause involve the same respondent and substantially the same issues.

Accordingly, consolidation of these proceedings will be conducive to the proper dispatch of business and to the ends of justice; and, *It is ordered,* pursuant to § 1.227 of the Commission's Rules, that the proceeding on the issues specified in the Commission's Order designating Brunk's application for hearing, released March 18, 1977, and the proceeding on the issues raised in the Order to Show Cause, released January 25, 1977, are consolidated for hearing.

It is further ordered, That with respect to the application, the burden of proceeding with the introduction of evidence on issues (1) and (3) shall be on the Bureau and the burden of proof on all issues shall be upon the applicant.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof with respect to all issues raised in the Order to Show Cause shall be upon the Bureau; and

It is further ordered, That a copy of this Order shall be sent by Certified Mail—Return Receipt Requested and by Regular Mail to Brunk at his address of record as shown in the caption.

Chief, Safety and Special Radio Services Bureau.

GERALD M. ZUCKERMAN,
Chief, Legal, Advisory
and Enforcement Division.

[FR Doc.77-9746 Filed 3-31-77;8:45 am]

1979 WORLD ADMINISTRATIVE RADIO CONFERENCE

Schedule of Meeting

MARCH 29, 1977.

Pursuant to Public Law 92-463, notice is hereby given of the following meeting.

WARC-79 SATELLITE BROADCASTING SERVICE GROUP

Tuesday, April 26, 1977—9:30 a.m. to 12 noon, Room A-110, 1229 20th St., NW., Washington, D.C.

Chairman: Edward E. Reinhart, FCC Liaison: Charles H. Breig.

The Agenda will be as follows:

1. Call to Order by the Chairman
2. Approval of Minutes of Previous Meeting
3. Reports from Task Groups
4. Further Discussion
5. Next Meeting Date and Adjournment

The above meeting is open to broadcast industry representatives and interested members of the general public.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-9748 Filed 3-31-77;8:45 am]

[1] Microwave Transmission Corporation (MTC) filed a competing application on October 28, 1971 but was dismissed at its own request on January 7, 1977. Also, Imperial Communications Corporation (Imperial) submitted an application on October 20, 1971 but by mutual agreement Tekkom, MTC and Microband reimbursed Imperial $3,300 (its application prosecution expenses) in return for Imperial's voluntary dismissal.

[2] Tekkom filed a motion to dismiss MTC's application on May 17, 1976, raising the issue of the adequacy of MTC's site availability showing. In view of MTC's request for dismissal, all pleadings in the matter are considered moot.

[3] Consideration of these factors shall be made in light of the Commission's discussion in Peabody Telephone Answering Service, et al., 55 F.C.C. 2d 626 (1975).

[1] See 42 FR 15730.

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RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Meetings

In accordance with Pub. L. 92-463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

RTCM Assembly—Notice of 1977 Annual Meeting—Monday, Tuesday, Wednesday, Thursday, April 18–19–20–21, 1977—Business Meeting: Thursday, April 21, 9:30 a.m.—Valley Forge Hilton, 251 West DeKalb Pike, King of Prussia, PA 19606—FCC Commissioner Abbott Washburn, RTCM Chairman.

Technical Papers Sessions: Monday, April 18—"Long Distance Communications for Vessels and Offshore Structures", "New Developments in Maritime Electronic Systems"; Tuesday, April 19—"Short Distance Communications for Commercial and Recreational Vessels"; Wednesday, April 20—"Radio Determination", "Preparation for the 1979 World Administrative Radio Conference"; Thursday, April 21—Business Session Agenda: (1) Introductory remarks; (2) Election of Assembly Member applicants; (3) Election of RTCM Officers; (4) Committee reports; (5) Report of the Executive Secretary; and (6) Other business.

Members of Special Committee No. 65, "Ship Radar"—Notice of 54th Meeting—Monday, April 18, 1977—8:00 a.m.—Valley Forge Hilton, 251 West DeKalb Pike, King of Prussia, PA 19406.

AGENDA

1. Call to Order; Chirman's Report; Adoption of Agenda.
2. Acceptance of SC-65 Summary Records: Appointment of Rapporteur.
3. Progress Report of Collision Avoidance Working Group.
4. Status Reports on Other Working Groups.
5. Other business.
6. Establishment of next meeting date.

Irvin Hurwitz, Chairman, SC-65, Federal Communications Commission, Washington, D.C. 20554, Phone: (202) 632-7197.

Special Committee No. 68, "Marine Radiotelephone Operator Education"—Notice of 20th Meeting—Tuesday, April 19, 1977—8:00 a.m.—Valley Forge Hilton, 251 West DeKalb Pike, King of Prussia, PA 19406.

AGENDA

1. Call to Order; Chairman's Report.
2. Confirmation of Secretary; Adoption of Agenda.
3. Acceptance of SC-68 Summary Records.
4. Review and approval of final report.
5. New business.
6. Establishment of next meeting date.

A. Newell Garden, Chairman, SC-68, Raytheon Company, 141 Spring Street, Lexington, Mass. 02173, Phone: (617) 862-6600 (Ext. 414).

Special Committee No. 70, "Minimum Performance Standards (MPS)—Marine Loran-C Receiving Equipment"—Notice of 1st Meeting—Wednesday, April 20, 1977—8:00 a.m.—Valley Forge Hilton, 251 West DeKalb Pike, King of Prussia, PA 19406.

AGENDA

1. Call to Order; Introduction of Moderator.
2. Introduction of Attendees; Appointment of Secretary.
3. Adoption of Agenda.
4. Discussion on Terms of Reference. (Paper 40-77/SC 70-1.)
5. Discussion on Committee Organization.
6. Discussion on Committee Priorities.
7. Discussion of Problem Areas.
8. Acceptance of Work Assignments.
9. Other Business.
10. Review of Terms of Reference.
11. Establishment of Meeting Schedule.

To comply with advance notice requirements of Public Law 92-463, a comparatively long interval of time occurs between publication of this notice and the actual meeting. Consequently, there is no absolute certainty that the listed meeting room will be available on the day of the meeting. Those planning to attend the meeting should report to the room listed in the notice. If a room substitution has been made, the new meeting room location will be posted at the room listed in this notice.

Agendas, working papers, and other appropriate documentation for the meeting is available at that meeting. Those desiring more specific information may contact either the designated Chairman or the RTCM Secretariat. (Phone (202) 632-6490.)

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. Problems are studied by Special Committees and the final report is approved by the RTCM Executive Committee. All RTCM meetings are open to the public. Written statements are preferred but by previous arrangement, oral presentations will be permitted within time and space limitations.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-9749 Filed 3-31-77;8:45 am]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1650]

INTER-CREST MARITIME & ASSOCIATES

Order of Revocation

By letter dated January 11, 1977, Mr. Alfonso Villacres, President, Inter-Crest Maritime & Associates, 427 W. 5th Street, Suite 424, Los Angeles, California 90013 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1650 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before March 26, 1977.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Inter-Crest Maritime & Associates has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) Section 5.01 (c) dated June 30, 1975;

It is ordered, That Independent Ocean Freight Forwarder License No. 1650 issued to Inter-Crest Maritime & Associates be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1650 be and is hereby revoked effective March 26, 1977.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Inter-Crest Maritime & Associates.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.77-9811 Filed 3-31-77;8:45 am]

[Independent Ocean Freight Forwarder License No. 581]

INTERNATIONAL SERVICES, INC.

Order of Revocation

By letter dated February 24, 1977, Mr. Donald D. Klinger, President, International Services, Inc., P.O. Box 1643, Indianapolis, Indiana 46204 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 581 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before March 25, 1977.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

International Services, Inc. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) § 5.01(c) dated June 30, 1975;

It is ordered, That Independent Ocean Freight Forwarder License No. 581 issued to International Services, Inc. be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 581 be and is hereby revoked effective March 25, 1977.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon International Services, Inc.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.77-9812 Filed 3-31-77;8:45 am]

MALASIA OVERSEAS LINES, LTD., ET AL.

Certificates of Financial Responsibility; Revocation

In the matter of Certificate of Financial Responsibility for indemnification of passengers for nonperformance of transportation Nos. P-61 and P-108 and Certificate of Financial Responsibility to meet liability incurred for death or injury to passengers or other persons on voyage Nos. C-1,055 and C-1,103; Malaysia Overseas Lines, Ltd. and United Overseas Export Lines, Ltd. and Chinese Maritime Trust, Ltd. and Orient Overseas Line, Inc. (Orient Overseas Line), c/o Orient Overseas Services, Inc., 510 Montgomery Street, San Francisco, California 94111.

Whereas, Malaysia Overseas Lines Ltd. (Orient Overseas Line) has ceased to operate the passenger vessels *Oriental Inventor, Oriental Lady, Oriental Musician, Oriental Ruler* and *Oriental Warrior;* and

Whereas, United Overseas Export Lines, Inc. and/or Orient Overseas Line, Inc. (Orient Overseas Line) have ceased to operate the passenger vessels *Oriental Inventor, Oriental Lady, Oriental Musician* and *Oriental Ruler* to and from United States ports.

It is ordered, That Certificate (Performance) No. P-61 and Certificate (Casualty) No. C-1,055 issued to Malaysia Overseas Lines Ltd. (Orient Overseas Line) covering the *Oriental Inventor, Oriental Lady, Oriental Musician, Oriental Ruler* and *Oriental Warrior* be and are hereby revoked effective March 23, 1977.

It is further ordered, That Certificate (Performance) No. P-108 and Certificate (Casualty) No. C-1,103 issued to United Overseas Export Lines, Inc. and/or Chinese Maritime Trust, Ltd., (Orient Overseas Line) and reissued to United Overseas Lines, Inc. and/or Orient Overseas Line, Inc. (Orient Overseas Line) covering the *Oriental Inventor, Oriental Lady, Oriental Musician* and *Oriental Ruler* be and are hereby revoked effective March 23, 1977.

It is further ordered, that a copy of this Order be published in the FEDERAL REGISTER and served on certificants.

By the Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-9813 Filed 3-31-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CI76-358]

ALMA ORINGDERFF

Order Setting Date for Hearing on Application for Abandonment

MARCH 25, 1977.

On January 27, 1976, Alma Oringderff (Oringderff) [1] filed an application pursuant to Section 7(b) of the Natural Gas Act requesting authorization to abandon a sale of casinghead gas to Northern Natural Gas Company (Northern) from the R.H.T. Morrow and Horizon Cleveland Fields, Ochiltree County, Texas R.R. District No. 10, made under a contract dated June 19, 1964.[2]

Oringderff states that she ceased service to Northern in December 1970, because continued operations had become uneconomical.

Under the terms of the aforementioned contract, Oringderff agreed to sell up to 700 Mcf of casinghead gas per day to Northern for delivery at a central point at a life of contract rate of 15.0 cents per MCf at 14.65 psia. In order to permit delivery into Northern's line, it was necessary for Oringderff to compress the gas. Petitioner alleges that the compressor consumed an excessive amount of gas for fuel, and as a result, production became economically unfeasible. Oringderff then terminated service to Northern in December 1970, removed and sold the compressor, and abandoned in place the line connected to the compressor. Oringderff avers that sales volumes averaged 1,724 Mcf per month during the final 12 months of deliveries.

Petitioner states that if abandonment authorization is granted, she will sell intrastate the approximately 162,000 Mcf of remaining gas resreves to Phillips Petroleum Company. Oringderff estimates that the deliverability rate would be about 3,000 Mcf per month. The gas would be sold under a percentage of proceeds contract with Oringderff guaranteed a minimum rate of 50.0 cents per Mcf.

Notice of Oringderff's application was published on February 13, 1976, and appeared in the FEDERAL REGISTER on February 23, 1976, at 41 FR 7997. No petitions to intervene have been filed.

We find that a hearing is desirable to determine, on the record, whether the present or future public convenience or necessity will be served by permitting the abandonment of service proposed herein. To insure the development of a complete record in this proceeding we are directing Oringderff to submit evidence and testimony concerning but not limited to:

1. The June 19, 1964, gas sales contract between Oringderff and Northern.
2. An evidentiary presentation detailing the additional costs and/or prices which would be required to maintain the production of the remaining producible reserves for the interstate market with full documentation of the unit price at which such undertaking would be feasible.
3. A detailed analysis and presentation of the remaining reserves in the subject wells, including the results of all tests conducted and a complete explanation of the technical data relied upon in arriving at the reserve estimate.
4. An explication by Oringderff of her reasons for not seeking to utilize the special relief procedures available to her under Section 2.76 of the Commission's General Policy and Interpretations in order to obtain an economically compensatory rate.
5. A presentation of the intended disposition of the gas reserves in the event that the proposed abandonment is approved.
6. The monthly rate of production from the subject wells for the years 1968, 1969, and 1970.
7. The anticipated monthly rate of production from the subject wells if service to Northern is resumed.
8. The proposed gas sales contract between Oringderff and Phillips.

The Commission finds: It is in the public interest to set Oringderff's abandonment application for hearing.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 7, 14, and 16 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act (18 CFR Chapter 1), a public hearing shall be held commencing May 3, 1977, at 10 a.m. (e.s.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, to determine whether the present or future public convenience or necessity permit the proposed abandonment.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the sole exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

(C) Oringderff shall file her direct testimony and evidence on or before April 19, 1977. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all parties to this proceeding.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-9710 Filed 3-31-77;8:45 am]

[Docket No. RP75-107]

GRANITE STATE GAS TRANSMISSION, INC.

Order Approving Rate Settlement

MARCH 24, 1977.

On March 4, 1976, the Presiding Administrative Law Judge certified to the Commission for consideration and disposition a proposed Stipulation and Agreement which, if approved, would resolve all issues in the captioned proceeding. For the reasons set forth below the Commission finds the proposed settle-

[1] Oringderff holds a small producer certificate issued on September 1, 1971, in Docket No. CS71-557.

[2] Additional information concerning the abandonment application was filed by Oringderff on March 16, 1976, and by Phillips Petroleum Company on March 12 and May 25, 1976.

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ment agreement is reasonable and should be approved.

This proceeding originated when Granite State Gas Transmission, Inc. (Granite State) tendered for filing certain revised tariff sheets on May 30, 1975, seeking an increase of approximately $218,000 annually in revenues for jurisdictional natural gas sales and services. Granite State's proposed rate increase was suspended for the maximum statutory period of five months and set for hearing by Commission order issued June 18, 1975. In its order of June 18, the Commission urged all parties to consider the cost classification, allocation, and rate design policies expressed in Opinion No. 671, "United Gas Pipeline Company," 50 FPC 1348 (1973). Thereafter on November 18, 1975, Granite State submitted revised rates purportedly in compliance with "United," *supra*. The revised rates were rejected by the Commission on December 15, 1975, on the ground that the proposed revision to the cost classification and allocation method resulted in an increase in the company's claimed jurisdictional cost of service. Rejection of the November 18 rates was made without prejudice to Granite State's right to refile, within 10 days, revised rates predicated upon "United" not to exceed the originally-claimed cost of service.

On December 22, 1975, Granite State filed revised rates in accordance with the order of December 15. On January 22, 1976, the Commission permitted the rates filed on December 22 to become effective as of December 1, 1975, subject to refund.

Following the conclusion of settlement discussions between Granite State and the Commission staff, the only other party to the proceeding, the proposed settlement agreement was submitted to the Presiding Administrative Law Judge on March 3, 1976, with a request for certification thereof to the Commission. Public notice of the proposed settlement was issued on March 12, 1976. Comments in support of the settlement were filed by the Commission staff on March 30, 1976. No objections or adverse comments were received.

The settlement rates are predicated upon a total cost of service of $4,929,819 as set forth in Appendix A of the settlement agreement and of this order. The settlement cost of service includes a rate of return of 8.48 percent on Granite State's net investment rate base, with a return on common equity of 14 percent. The settlement capitalization and rate of return determinants are set forth in Appendix B of the settlement and of this order. In its original filing Granite State claimed a rate of return of 9.68 percent with a return on common equity of 10.49 percent. However in developing these claimed returns, the company utilized capitalization ratios of 43.1 percent debt and 56.9 percent equity representing its own independently stated capital structure. The settlement rate of return is predicated on the capital structure and resulting capital ratios of Granite State's parent, Northern Utilities, Inc. Northern Utilities' equity ratio is only 25.77 percent. (See Appendix B). This accounts for the fact that while the overall settlement rate of return is lower than that claimed by Granite State, the common equity allowance under the settlement of 14 percent is higher than the originally-claimed equity return of 10.49 percent. The Commission finds the settlement cost of service and resulting rates are reasonable and they are accordingly approved.

Based on a review of the record in this proceeding including the settlement agreement itself and the pleadings, evidence, and comments submitted in support thereof, the Commission finds that the proposed settlement agreement represents a reasonable resolution of the issues in this proceeding in the public interest, and that the agreement should accordingly be approved and adopted, as hereinafter ordered.

The Commission orders. (A) The stipulation and Agreement certified on March 4, 1976, is incorporated herein by reference and is approved and adopted.

(B) Within 15 days from the date of this order, Granite State shall file revised tariff sheets in accordance with the settlement agreement and this order.

(C) As soon as practicable but not later than 60 days after the date of this order. Granite State shall refund all amounts collected in excess of the settlement rates, together with interest at the rate of 9 percent per annum. Granite State shall thereafter submit a report of the refunds and interest to the Commission.

(D) Upon compliance by Granite State with the terms of this order, this proceeding shall be terminated.

(E) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, the staff or any other party or person affected by this order in any proceeding now pending or hereinafter instituted by or against Granite State or any other person or party.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX A.—*Granite State Gas Transmission Inc., settlement cost of service, 12 months ended Jan. 31, 1975, adjusted*

[Docket No. RP75-107]

Line	Description	Settlement cost of service
	(a)	(b)
1	Operation and maintenance expenses:	
2	Gas purchased	$4,282,416
3	Other operation and maintenance expenses	218,528
4	Total	4,500,944
5	Depreciation [1] and amortization expense	111,699
6	Taxes other than income	89,967
7	Other gas revenue (credit)	(2,840)
8	Total	4,699,770
9	Federal income taxes	55,008
10	Return allowance: at 8.48 pct	175,041
11	Total cost of service	4,929,819

[1] Reflects depreciation rate of 3.75 pct as per staff exhibit.

APPENDIX B.—*Northern Utilities, Inc., and subsidiary, settlement capitalization in percent, Jan. 31, 1975, adjusted*

	Capitalization ratios	Component cost	Weighted component cost
Long-term debt	56.50	6.78	3.83
5 pct preferred stock	10.99	5.10	.56
7.2 preference stock	6.74	7.30	.49
Common equity	25.77	14	3.60
Total capitalization	100		
Overall rate of return			8.48

[FR Doc.77-9589 Filed 3-31-77;8:45 am]

[Docket No. CP77-298]

NATIONAL FUEL GAS SUPPLY CORP.

Application

MARCH 23, 1977.

Take notice that on March 15, 1977, National Fuel Gas Supply Corporation (Applicant), 308 Seneca Street, Oil City, Pennsylvania 16301, filed in Docket No. CP77-298 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing underground storage of natural gas for Connecticut Natural Gas Corporation (CNG), Elizabethown Gas Company (Elizabethtown), Lowell Gas Company (Lowell) and UGI Corporation (UGI), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to render underground storage service to the four proposed storage customers as follows (all volumes in Mcf):

Customer	Transporter	Top storage capacity	Maximum injection per day [1]	Maximum withdrawal per day [1]	Commence service	Complete service
CNG	Tennessee	1,000,000	6,667	6,667	Apr. 1, 1977	Mar. 31, 1978
Elizabethtown	Transco	1,860,000	10,000	10,000	do	Do.
Lowell	Tennessee	2,000,000	13,333	13,333	do	Do.
UGI	Columbia	2,000,000	13,333	13,333	May 1, 1977	Do.

[1] Maximum injection and withdrawal volumes are to be achieved on a best efforts basis; in its sole discretion, supply may exceed such volumes upon customer request.

Applicant states that the rate to be charged to the proposed customers is $0.4077 per Mcf of top storage capacity. Applicant further states that it has top storage capacity aggregating 59,980,000 Mcf, and that it expects to occupy a maximum of 47,880,000 Mcf of this capacity for its own storage purposes by injections during the summer of 1977. The storage service proposed in this application would occupy 6,500,000 Mcf of the 12,100,000 Mcf top storage capacity remaining, it is said, and that Applicant would continue to have available a margin to 5,600,000 Mcf top storage capacity with which to accept delivery of additional amounts of natural gas which may become available.

Applicant states that each customer has asserted that it would have gas supplies available to inject into storage during the 1977 injection season. Applicant requests authorization to commence storage service for the proposed customers promptly after April 1, 1977. It is asserted that injections must commence early in the season to allow customers the opportunity to inject the full amount of volumes to be husbanded and to afford a measure of flexibility in scheduling deliveries to storage.

Applicant states that no additional facilities are required to be constructed by it to render the proposed storage service. Applicant further states that the proposed authorization to render the underground gas storage service is needed to assist the four proposed customer companies in minimizing curtailments of their higher priority gas customers during the 1977–78 heating season.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 15, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-9590 Filed 3-31-77; 8:45 am]

[Docket No. RP76-22]

SOUTH GEORGIA NATURAL GAS CO.

Order Modifying and Approving Settlement Agreement

MARCH 25, 1977.

On October 10, 1975, South Georgia Natural Gas Company (South Georgia) tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, intended to provide increased revenues from jurisdictional sales of $1,563,000 annually. By order issued November 7, 1975, the Commission suspended the use of the revised tariff sheets for five months, until April 10, 1976, when they became effective, subject to refund. On September 19, 1976, South Georgia filed a Stipulation and Agreement (Agreement) as a proposed settlement of the issues in this proceeding together with a motion for approval of the agreement and for placing into effect its FPC Gas Tariff, First Revised Volume No. 1. The agreement would provide for a reduction in annual revenues of $597,940 below the rates originally proposed. For the reasons hereinafter stated, the Commission will modify the agreement and, as modified, approve it.

Public notice of the agreement was issued on September 30, 1976. No adverse comments were received.

The settlement rates are based on the settlement cost of service attached below as Appendix A and are proposed to be applied to jurisdictional sales for the period commencing April 10, 1976, for the duration of the agreement. The settlement cost of service includes a rate of return of 10.04 percent on South Georgia's net investment rate base including an allowance of 12.66 percent on common equity, and depreciation expense calculated at the rate of 3.75 percent for transmission plant, structures and equipment, and franchises and consents. The settlement cost of service and rate of return appear reasonable and are approved. In accordance with Article III of the settlement agreement, South Georgia shall be authorized to utilize the settlement depreciation rate until such time as revised in accordance with law.

Article IV of the settlement agreement provides that South Georgia shall limit its PGA filings under the terms of its tariff to semi-annual filings to be effective on January 1 and July 1 of each year. South Georgia would be permitted, however, to make special filings to track increased rates prescribed by the Commission in national rate proceedings. Article IV provides further that South Georgia shall be allowed carrying charges of 9 percent per annum or debit balances in its unrecovered purchased gas cost account and shall be required to pay interest of 9 percent on any credit balances in the account. The agreements contained in Article IV appear reasonable and are approved.

Article II 3(B) of the settlement provides for the offsetting of overpayments by a customer under one rate schedule against underpayments by that customer under another rate schedule for purposes of determining that customer's refunds. If there is a net underpayment by a customer, South Georgia will establish an account receivable for that customer and charge any underpayments to that account. Such account receivable is then to be credited with the customers' share of future refunds to be received from South Georgia's supplier, Southern Natural Gas Company.

The problem of undercollections arises because of a change in the design of South Georgia's rates which is reflected in the settlement rates proposed to be effective commencing on April 10, 1976. In its filing in this docket, South Georgia designed its rates in accordance with historical practice under which its interruptible rate I–1 was set at 1.5 cents above the G–2 general service commodity rate, and the interruptible rate I–2 was set at 2.0 cents above the G–2 commodity rate. However, the Commission staff recommended that South Georgia's I rates be established at the 100 percent load factor level of the G–2. Under the terms of the settlement, the I-1 rate is established at a level equal to the G–2 rate determined at 100 percent load factor. The I–2 rate is equal to the I–1 rate plus the historical differential of one half cent. These rates are higher than the historically designed I rates actually collected by South Georgia since April 10, 1976. South Georgia would therefore experience undercollections for interruptible service in the event the proposed settlement rates were to become effective retroactively as proposed.

The Commission finds no objection to the settlement procedure whereby the overpayments and underpayments of a customer under the G and I rate schedules are permitted to be offset for purposes of determining that customer's refund. However, the Commission is unable to approve the terms of the settle-

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ment, permitting South Georgia to offset net undercollections against unrelated supplier refunds. *FPC vs. Tennessee Gas Transmission Company*, 371 U.S. 145, 153 (1962); *Bluefield Water Works and Improvement Co. vs. Public Service Commission*, 262 U.S. 679, 694 (1923).

The Commission finds that the rate design proposed in the settlement is reasonable and should be approved. However, in the Commission's judgment, the public interest would not be served by rejecting the settlement solely because of the specified undercollection procedures. Therefore, the Commission finds it would be reasonable under the circumstances of this case to modify the terms of the settlement to provide that the change in design of South Georgia's I rates be made effective prospectively from the date of this order. South Georgia would be permitted to file revised rates for the period April 10, 1976, to the date of this order, based upon the historical rate design adjusted to the revenue levels established by the settlement cost of service plus approved PGA increases. New rates incorporating the settlement rate design would be effective from the date of this order until August 1, 1977, the effective date of South Georgia's superseding rates in Docket No. RP77-32. The above modification would have the effect of eliminating undercollections under the I rate schedules and thereby obviate the need for the settlement undercollection recovery procedures. The Commission finds that the settlement agreement should be so modified.

Based upon a review of the record in this proceeding including the settlement agreement and the pleadings, evidence, and comments submitted in support thereof, the Commission finds that the proposed settlement, as modified by this order, represents a reasonable resolution of the issues in this proceeding in the public interest and that the proposed settlement as modified, should be approved and adopted.

The Commission orders. (A) The Stipulation and Agreement filed by South Georgia September 17, 1976, is incorporated herein by reference and is approved and adopted as hereinafter modified.

(B) South Georgia shall, within 30 days of the date of this order file revised rates to be effective from April 10, 1976, until the date of this order. Such revised rates shall be based upon South Georgia's historical rate design adjusted to the revenue levels established by the settlement cost of service plus approved PGA rate increases.

(C) South Georgia shall also file within 30 days of the date of this order revised rates to be effective from the date of this order until superseded by rates made effective in accordance with law in Docket No. RP77-32. Such revised rates shall be based on the design reflected in the original settlement rates and shall be calculated in accordance with the settlement cost of service plus approved PGA rate increases.

(D) Article III (3) (B) of the settlement agreement is not approved and shall have no force or effect.

(E) Within 15 days following approval of the rates filed pursuant to paragraphs (B) and (C) above, Georgia shall refund to its jurisdictional customers all amounts collected in excess of such rates, together with interest at the rate of 9 percent per annum. South Georgia shall thereafter submit a report of the refunds and interest to the Commission.

(F) Upon compliance with the terms of this order, this proceeding shall be terminated.

(G) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, the staff or any other party or person affected by this order in any proceeding now pending or hereinafter instituted by or against South Georgia or any other person or party.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX A.—*South Georgia Natural Gas Co. cost of service for 12-month period ending Aug. 31, 1975, adjusted*

Line No.	Description	Settlement cost of service
	Operation and maintenance:	
1	Gas purchased	$18,044,377
2	Gas used by company	(89,541)
3	Purchased gas expenses	8,144
4	Transmission expenses	678,762
5	Customer accounts expenses	15,546
6	Sales expenses	404
7	Administrative and general expenses	597,645
8	Total operation and maintenance	19,255,337
9	Depreciation and amortization expense	665,858
10	Taxes other than income taxes	143,166
11	State income taxes	116,186
12	Federal income taxes	902,230
13	Return	908,827
14	Total cost of service	21,991,594
15	Composite jurisdictional allocation factor	0.74953089
16	Jurisdictional cost of service	$16,483,499

[FR Doc.77-9591 Filed 3-31-77;8:45 am]

[Docket No. E77-79]

EMERGENCY NATURAL GAS ACT OF 1977

Emergency Order

On March 25, 1977, Inexco Oil Company (Inexco), Transwestern Pipeline Company (Transwestern) and Colorado Interstate Gas Company (CIG) filed, pursuant to section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)), an application for authorization to permit Transwestern to continue an emergency purchase under section 6 from Inexco through July 31, 1977. Subsequent to the emergency purchase, CIG will purchase the remaining reserves from Inexco at the applicable area or national rate prescribed by the Federal Power Commission (FPC), and Inexco and CIG will compromise and settle pending litigation regarding certain gas reserves. For the reasons set forth below, I find that Transwestern may continue this purchase from Inexco and authorize and approve the same and authorize the transportation of this gas for Transwestern.

On or about March 11, 1977, Inexco and CIG executed formal documents providing for the sale and dedication of Inexco's interest in the Madden Field, Fremont County, Wyoming, to CIG. This sale and dedication was subject to Inexco's right to make an emergency sale under the Act. In addition, Inexco and CIG agreed to compromise and settle pending litigation regarding gas reserves in the Madden Field area. On March 11, 1977, Inexco and Transwestern executed an agreement for the purchase of available gas supplies from Inexco's interest in the Madden Field (approximately 15,000 Mcfd).

Contemporaneously with the execution of the contract with Inexco, and at all times prior to such execution, Transwestern reasonably believed that it was qualified to make such purchase under Order No. 6 (February 22, 1977). Transwestern commenced receiving gas from Inexco on March 16, 1977. On or about March 17, 1977, Transwestern was informed that certain of its customers were serving directly or indirectly any uses classified in FPC Priorities 4 through 9 (18 CFR 2.78(a)(1)(iv)-(ix)), and the information obtained indicated that such customers may have been serving uses specified in Priorities 4 through 9 prior to March 11, 1977. Upon receipt of this information, Transwestern ceased receipt of Inexco's gas and notified the Administrator of the foregoing circumstances.[1]

This application presents the question of whether a pipeline, which executed an emergency contract pursuant to section 6 of the Act on the basis of information contemporaneously available to it that it qualified to make such a purchase under Order No. 6, should be permitted to continue to make such purchase where (i) subsequent information indicates that contemporaneously with the execution of the contract that certain of its customers were serving uses prohibited by Order No. 6 and (ii) the long-term dedication of the gas to another interstate pipeline is subject to such emergency sale. Based on the circumstances and facts presented in this case, I find that Transwestern should be permitted to continue the purchase from Inexco. Transwestern reasonably relied upon information contemporaneously available to it when it executed the subject contract. Furthermore, CIG will gain an additional long-term supply of gas if this sale is approved which it might not otherwise obtain.

[1] Transwestern's letter regarding this matter was received on March 28, 1977.

Order No. 6 prescribed a rule of reasonableness not an absolute rule. The circumstances at the time of the execution of the contract are to be looked at to determine if a pipeline's execution of that contract is reasonable in light of the information then practicably available to it. "Columbia Gas Transmission Corporation," Docket No. E77-71 (March 24, 1977). Certain transactions have been authorized where no written contract had been executed but substantial detrimental reliance on the pipeline's eligibility to purchase gas under Order No. 6 has been demonstrated prior to the time the pipeline determined that it was not eligible to make a purchase under Order No. 6. El Paso Natural Gas Company, Docket No. E77-53 (March 10, 1977); Northern Natural Gas Company, Docket No. E77-49 (March 7, 1977); Natural Gas Pipeline Company of America, Docket No. E77-48 (March 4, 1977); United Gas Pipe Line Company, Docket No. E77-33 (March 2, 1977); Colorado Interstate Gas Company, Docket No. E77-31 (February 28, 1977). Transwestern has satisfied these criteria and is hereby authorized to continue to purchase this gas from Inexco notwithstanding Order No. 6.

Transwestern will purchase these supplies at a price of $2.25 per MMBtu inclusive of all state and local taxes and other adjustments. I find this price to be fair and equitable in accordance with Order No. 2.

This gas will be delivered to Transwestern through the existing pipeline facilities of CIG, Northwest Pipeline Corporation (Northwest) and El Paso Natural Gas Company (El Paso). Transwestern shall submit all relevant information regarding transportation charges to the Administrator. Pursuant to section 6(a) of the Act, I hereby authorize Transwestern to continue to purchase gas from Inexco. This authorization is conditioned upon CIG and Inexco submitting to the Administrator and the FPC, within seventy-two (72) hours of this order, a binding contract for the sale of this gas by Inexco to CIG subsequent to July 31, 1977, at a price not to exceed the applicable area or national rate prescribed by the FPC. Pursuant to section 6(c)(1), I authorize CIG, Northwest, and El Paso to transport this gas for Transwestern.

Transwestern shall submit weekly reports as required by Order No. 4.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Transwestern, Inexco, CIG, Northwest, and El Paso. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

MARCH 28, 1977.

[FR Doc.77-9928 Filed 3-31-77;8:45 am]

[Docket Nos. ER76-149, E-9537]

PUBLIC SERVICE COMPANY OF INDIANA, INC.

Extension of Time

MARCH 28, 1977.

On March 17, 1977, Public Service Company of Indiana, Inc., filed a motion for an extension of time to April 4, 1977, to respond to the motion for summary dismissal filed by Commission Staff Counsel on March 2, 1977, in the captioned proceeding. The motion states that other parties have been contacted and have no objection to the extension of time.

Upon consideration, notice is hereby given that an extension of time is granted to and including April 4, 1977, for filing responses to the March 2 Staff motion.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-9929 Filed 3-31-77;8:45 am]

FEDERAL RESERVE SYSTEM

AMERICAN, INC.

Order Approving Formation of Bank Holding Company and Retention of Credit-Related Insurance Activities

American, Inc., Oswego, Kansas ("Applicant") has applied for prior approval, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 225.3(a) of Regulation Y (12 CFR 225.3(a)), to become a bank holding company through the acquisition of 85.2 percent or more of the voting shares of The American State Bank, Oswego, Kansas ("Bank"). Applicant also has applied, pursuant to section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of Regulation Y (12 CFR 225.4(b)(2)), for permission to retain its credit-related insurance agency activities which presently are conducted on the premises of Bank. Such activities have been determined by the Board of Governors of the Federal Reserve System to be closely related to banking (12 CFR 225.4(a)(9)).

The applications have been processed by the Federal Reserve Bank of Kansas City pursuant to authority delegated by the Board of Governors under provisions of § 265.2(f)(22) and (32) of Rules Regarding Delegation of Authority.

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been duly published (42 FR 8214 (1977)). The time for filing comments has expired, and this Reserve Bank has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and the considerations specified in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant was incorporated in January 1976 for the purpose of conducting general insurance agency activities on the premises of Bank. However, Applicant will divest itself of any noncredit-related insurance business after approval of its application to become a bank holding company and prior to consummation of the proposed transaction. With total deposits of $4.1 million,[2] Bank is the ninth largest of ten banks in the relevant banking market, which is approximated by Labette County and western Cherokee County in southeastern Kansas. Bank has 3.6 percent of the total deposits of commercial banks in the relevant market. Upon acquisition of Bank, Applicant would control the 458th largest bank in Kansas holding .05 percent of total deposits in commercial banks in the State.

Inasmuch as this proposal represents a restructuring of existing ownership of Bank, and since Applicant has no present operating banking subsidiaries, consummation of the proposal would eliminate neither existing nor potential competition, nor does it appear that there would be any adverse effects on any bank in the area. Thus, competitive considerations are consistent with approval.

The future prospects of Applicant are dependent upon its credit-related insurance sales and upon the financial resources of Bank. Applicant proposes to service its debt over a 12-year period through dividends received from Bank, commissions generated through Applicant's credit-related insurance sales, and tax benefits derived from filing a consolidated return. In light of past and projected earnings of Bank and past commissions generated through credit-related insurance activities, it appears that Applicant will have the necessary financial flexibility to meet its annual debt servicing requirements and to maintain an adequate capital position for Bank. Therefore, considerations relating to banking factors are consistent with approval of the application to form a bank holding company.

Considerations relating to the convenience and needs of the community to be served are consistent with approval. This Reserve Bank, therefore, finds that the proposed transaction is in the public interest and that the application should be approved.

In conjunction with its proposed formation of a bank holding company, Applicant also proposes to continue to act as an agent for the sale of credit-related insurance on the premises of Bank. Applicant currently operates a general insurance agency business on Bank's premises but will divest itself of any noncredit-related insurance business prior to consummation of the acquisition of Bank. This proposal would assure the residents of the Oswego area of the con-

[2] All banking data are as of December 31, 1975.

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tinued availability of a convenient source of credit-related insurance, a factor which this Reserve Bank regards as being in the public interest. There is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices or other adverse effects on the public interest.

Based on the foregoing and other considerations in the record, this Reserve Bank has determined that the considerations affecting competitive factors under section 3(c) of the Act and the balance of the public interest factors required to be considered under section 4(c)(8) of the Act favor approval of both of Applicant's proposals.

On the basis of the record, the applications are approved for the reasons summarized above. The acquisition of Bank shall not be consummated (a) before the thirtieth day following the date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board of Governors or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to Applicant's insurance activities is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

WILBUR T. BILLINGTON,
Senior Vice President.

MARCH 23, 1977.

[FR Doc.77-9739 Filed 3-31 77;8:45 am]

BANKAMERICA CORP.

To Continue To Engage in Data Processing Activities

BankAmerica Corporation, San Francisco, California, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to continue to engage in date processing activities for its subsidiaries and a group of insurance companies through its wholly-owned subsidiary, FinanceAmerica, Allentown, Pennsylvania. Notice of the application was published on February 1, 1977, in "The Morning Call," a newspaper circulated in Allentown, Pennsylvania.

Applicant states that the proposed subsidiary would engage in the activities of (1) providing bookkeeping and data processing activities for its direct and indirect subsidiaries, and (2) storing and processing banking, financial, or related economic data for certain insurance companies. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 22, 1977.

Board of Governors of the Federal Reserve System, March 25, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-9740 Filed 3-31-77;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following request for clearance of reports intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on March 24, 1977. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed NRC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before April 19, 1977, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5033, 441 G Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

NUCLEAR REGULATORY COMMISSION

NRC requests an extension no change clearance of Form NRC-4, Occupational External Radiation Exposure History and 10 CFR 20.102. Form NRC-4 is provided for use by NRC licensees to record an employee's radiation exposure history. As required by 10 CFR 20.102, it must be completed whenever the licensee proposes to expose an employee to a dose exceeding the limits of 10 CFR 20.101(a). Frequency of the use of Form NRC-4 is on occasion. The occupational exposure data on Form NRC-4 are maintained by licensees. NRC estimates that 600 licensees prepare and maintain on file, subject to inspection, an average of 4 forms per licensee annually and respondent burden is estimated to average 1 hour per form.

NRC requests an extension no change clearance of Form NRC-5, Current Occupational External Radiation Exposure and 10 CFR 20401. Form NRC-5 is used by licensees to record the radiation exposures of all individuals for whom personnel monitoring is required under 10 CFR 20.202. The doses entered on the forms are for periods of time not exceeding one calendar quarter. Frequency of the use of Form NRC-5 is on occasion. The exposure data on Form NRC-5 are maintained by licensees. NRC estimates that 6,475 licensees provide personnel monitoring to about 313,000 individuals annually and respondent burden is estimated to average 9⅔ hours annually per respondent.

NORMAN F. HEYL,
Regulatory Reports, Review Officer.

[FR Doc.77-9831 Filed 3-31-77;8:45 am]

REGULATORY REPORTS REVIEW

Notice of Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was accepted by the Regulatory Reports Review Staff, GAO, on March 28, 1977. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed NRC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before April 19, 1977, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5033, 441 G Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

NUCLEAR REGULATORY COMMISSION

The NRC set the effective date of this Order as March 28, 1977, with a May 25, 1977, reporting deadline for the reporting and recordkeeping requirements contained therein. However, this reporting deadline is contingent upon NRC's compliance with 44 U.S.C. 3512, which precludes the collection of information from ten or more persons until the Comptroller General has had the opportunity to advise that the information

is not presently available from other Federal sources and that the proposed plans or forms are consistent with the provisions of section 3512. This notice represents the beginning of the GAO review.

NRC requests clearance of Requirements for Physical Protection of Licensed Activities in Nuclear Power Reactors Against Industrial Sabotage, 10 CFR 73.55 and 73.70(c). Information in physical security plans, or amended physical security plans, submitted pursuant to 10 CFR 73.55 is reviewed by the NRC to determine whether the general performance requirements of § 73.55(a) and other requirements of § 73.55 will be satisfied by the plan and whether it may be necessary to impose additional requirements. The register of visitors required by § 73.55(d)(6) will be subject to inspection by the NRC staff. NRC estimates that 47 licensees authorized to operate a nuclear power plant will submit amended physical security plans, and approximately four new licensees are expected annually. Respondent burden to prepare an amended physical security plan is estimated at 3,120 hours per response. The estimated annual burden for maintaining the register of visitors is about 50 hours per respondent.

JOHN M. LOVELADY,
Acting Assistant Director, Regulatory Reports Review.

[FR Doc.77-9832 Filed 3-31-77;8:45 am]

GENERAL SERVICES ADMINISTRATION

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

MARCH 24, 1977.

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 3, April 21 and 22, 1977, from 9 a.m. to 4 p.m., Room 5651, GSA Regional Office Building, Seventh and D Streets SW., Washington, D.C. The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for the proposed Northside Computer Center Renovation, Central Intelligence Agency Headquarters Building, McLean, Virginia. The meeting will be opened to the public.

JOHN F. GALUARDI,
Regional Administrator.

[FR Doc.77-9693 Filed 3-31-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

ALTERNATE PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

Public Hearings

Pursuant to the "Regulatory Policies" of the Secretary of the Department of Health, Education and Welfare (41 FR 34811, August 17, 1976) and in accordance with an approved Regulation Development Plan, it has been determined that public hearings on alternate Professional Standards Review Organizations (PSROs) are appropriate prior to the publication of proposed rules.

Notice is hereby given that public hearings will be held to aid the Department in obtaining a broad level of input for the development of proposed rules on criteria for establishing organizations which may qualify to become PSROs under section 1152(b)(1)(B) of the Social Security Act (42 U.S.C. 1320c-1(b)), where organizations composed of physicians meeting the requirements of section 1152(b)(1)(A) of the Act are not available. Such nonphysician composed organizations have been termed "alternate PSROs" by the Department. Regulations establishing the criteria and other requirements are a prerequisite to the designation of alternate PSROs under section 1152(b)(1)(B). Alternate PSRO Public Hearings have been planned as follows:

APRIL 20, 1977, 9:30 A.M.–5 P.M.

Sheraton Baton Rouge Hotel, 4728 Constitution (off Interstate 10 at College) Baton Rouge, Louisiana.

APRIL 28, 1977, 9:30 A.M.–5 P.M.

Federal Office Building, 219 Dearborn Street, Room 1220, Chicago, Illinois.

MAY 5, 1977, 3 P.M.–7 P.M.

San Diego County Medical Society Meeting Room, 3702 Ruffin Road, San Diego, California.

MAY 6, 1977, 11 A.M.–5 P.M.

Public Health Building, 101 Grove Street, Room 300, San Francisco, California.

Respective DHEW Regional Offices are coordinating hearing arrangements.

Public hearings on alternate PSROs are directed at those geographic regions where, to date, there exists little or no formal physician interest to sponsor the preferred type of PSRO as specified under section 1152(b)(1)(A) of the Social Security Act. If, at a later time, there is a need to conduct additional public hearings in other geographic regions where physician organizations have not formed PSROs, the Department will consider appropriate hearing sites and publish an advance notice of any such hearings.

PURPOSE OF THE HEARINGS

Public hearings on alternate PSROs will be an integral part of the regulation development process. Such hearings will assist the Department in reaching as many concerned individuals, organizations, and potentially affected areas as possible, regarding the development of criteria for establishing alternate PSROs.

ALTERNATE PSRO PUBLIC HEARING PROCEDURES

1. These hearings, open to the public, are divided into two segments—a scheduled witness session and an unscheduled witness session.

2. The scheduled witness session will be to hear witnesses who have notified the appropriate Regional Office PSRO Branch Chief in the Division of Quality and Standards, DHEW, of their intent to present testimony at least five days prior to the hearing date.

3. The unscheduled witness session will be conducted under an "open-mike" format, whereby any attendee will be allowed to testify without prior notice to DHEW on a first come basis.

4. Unscheduled witnesses will be asked to sign up on the sheets provided at the witness tables at the hearing room door. These witnesses will be called in the order they signed up, subject only to a time limit and order rulings from the moderator.

5. The exact time limit for unscheduled witnesses will be announced at the beginning of the session and will depend on the number of witnesses who wish to testify.

6. Each witness may be asked questions from the hearing moderator and the members of the Federal resource panel.

7. All witnesses are encouraged to submit written statements or exhibits in addition to oral testimony. Written statements will carry the same weight as oral presentations and will be made part of the hearing record. Written material should be handed to the stenographer, and it should be clearly marked with the name and address of the witness.

8. Witnesss are requested to summarize their written testimony when making an oral presentation. A court stenographer will incorporate written testimony into the record.

9. Scheduled witnesses should generally be prepared to keep their presentations limited to 20 minutes; however, time allotted may be reduced if necessary to accommodate all scheduled witnesses.

BACKGROUND INFORMATION ON ALTERNATE PSROs.

Given the possibility that there may be no qualified physician organizations as specified under section 1152(b)(1)(A) of the Act in some of the designated areas by January 1, 1978, the Department must determine eligibility criteria which will be used in designating alternate PSROs. Under section 1152(c) of the Act (42 U.S.C. 1320-1(c)), on January 1, 1978, the Secretary may commence designating qualified organizations other than the statutorily preferred type of physician organizations designated under section 1152(b)(1)(A) of the Act to serve as PSROs.

Beginning on this date, the Secretary is authorized to designate as PSROs, as provided in section 1152(b)(1)(B) of the Act:

• • • such other public, nonprofit private or other agency or organization, which the Secretary determines, in accordance with criteria prescribed by him in regulations, to be of professional competence and otherwise suitable;

Section 1152(b)(1)(B) of the Social Security Act and the Senate Finance Committee Report (No. 92-1230, 92nd Congress, 2nd Session, 1972) offer some assistance in determining appropriate eligibility criteria for selecting alternate PSROs, as follows:

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(1) Each alternate PSRO must be a "• • • public, nonprofit private, or other agency or organization • • •" (Section 1152(b)(1)(B) of the Social Security Act.)

(2) The alternate organization must "be of professional competence" (Section 1152(b)(1)(B) of the Social Security Act.)

(3) The Secretary may seek alternative applicants from "among other medical organizations, State and local health departments, medical schools, and failing all else, carriers, intermediaries or other health insurers" (Senate Finance Committee Report No. 92-1230 pp. 259-260.)

(4) Each alternate organization must possess the willingness and capability to perform "in an effective, timely and objective manner and at a reasonable cost, the duties, functions and activities of a Professional Standards Review Organization • • •" (Section 1152(b)(2) of the Social Security Act.)

In response to a request made by the National Professional Standards Review Council, the formation and responsibilities of which are mandated in section 1163 of the Social Security Act, the Department has drafted a preliminary policy paper concerning alternate PSROs. Although this paper suggests possible criteria which could be used to designate alternate PSROs, it should not be interpreted to represent the Department's final position and policies concerning alternate PSROs. Public input may cause substantial revision in the views developed by the Department thus far. Those parties interested in securing a copy of this paper should contact either Michael J. Goran, M.D., Director, Bureau of Quality Assurance, Room 16A-55, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857; or the appropriate Regional Office PSRO Branch Chief, Division of Quality and Standards, DHEW.

The Department has developed the following preliminary criteria which could be used to designate alternate PSROs:

I. Each alternate PSRO must not make a profit (i.e., reimbursement for more than the actual cost) from its PSRO activities.

II. No organized medical society or association or organization "controlled" by such organizations can be designated an alternate PSRO.

III. Each alternate PSRO must have or demonstrate the capability to obtain the services of individuals with medical expertise to competently perform review activities.

IV. Each alternate PSRO must have the capability to adequately service the PSRO area.

V. Each alternate PSRO must not have inherent conflicts of interest that affect its role as a reviewer of health care.

These potential criteria should not be interpreted as definitive Department policy but rather as a preliminary attempt to stimulate discussion and interest in this area of concern. The Department invites public comment on these tentative criteria for establishing alternate PSROs. Moreover, the Department desires to solicit additional or alternative potential criteria which could supplement, complement and/or replace those suggested above and which will ensure that organizations designated by the Secretary as alternate PSROs could function effectively in this capacity.

Attendance at the April 20, April 28, May 5 and May 6 hearings is open to the interested public, but limited to the space available. For further information concerning these hearings contact either

Kenneth Schneider, M.D., PSRO Branch Chief, DHEW, Region VI, 1220 Main Tower Building, Room 1725, Dallas, Texas 75202; Telephone (214-655-3005);

Mr. Robert Goodnow, PSRO Branch Chief, DHEW, Region V, 300 South Wacker Drive, Room 3300, Chicago, Illinois 60607; Telephone (312-866-3643); or

Arnold Milstein, M.D., PSRO Branch Chief, DHEW Region IX, United Nations Plaza, 50 Fulton Street, Room 308, San Francisco, California 94102; Telephone (415-556-8700).

Dated: March 28, 1977.

DON WORTMAN,
Acting Administrator, Health Care Financing Administration.

[FR Doc.77-9724 Filed 3-31-77;8:45 am]

Food and Drug Administration

[Doc. No. 76N-0231]

HESS & CLARK

Furaltadone (NF-260); Withdrawal of Approval of New Animal Drug Application

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration withdraws an approval for furaltadone (NF-260).

DATES: Effective April 11, 1977.

FOR FURTHER INFORMATION CONTACT:

David P. Ducharme, Bureau of Veterinary Medicine (HFV-140), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2280.

SUPPLEMENTARY INFORMATION: In a notice published in the FEDERAL REGISTER of August 17, 1976 (41 FR 34891), the Director of the Bureau of Veterinary Medicine offered an opportunity for a hearing on the proposal to withdraw approval of certain new animal drug applications (NADA's): No. 14-283, Hess & Clark, Division of Rhodia, Inc., 7th and Orange St., Ashland, OH 44805, and Nos. 12-738 and 65-059, Eaton Laboratories, Division of Morton-Norwich Products, Inc., P.O. Box 181, Norwich, N.Y. 13815, for the use of furaltadone (NF-260) in food-producing animals. The basis was that new evidence not available when the applications were approved, evaluated together with the evidence available at the time of approval, shows that furaltadone is not shown to be safe for use under either the approved or currently labeled conditions of use.

In FR Doc. 76-23620, also in the FEDERAL REGISTER of August 17, 1976 (41 FR 34884), the Director proposed to revoke the appropriate provisions of sections of Chapter I of Title 21 of the Code of Federal Regulations (CFR). Holders of approved NADA's were given until September 16, 1976 to submit requests for a hearing in accordance with § 514.200 (21 CFR 514.200), giving the reasons why approval of the applications should not be withdrawn and providing a well-organized and full-factual analysis of the scientific and other investigational data such holder would be prepared to provide in support of its opposition to the Director's proposal. The time for requesting a hearing and submitting data was subsequently extended to November 16, 1976.

Hess & Clark, Division of Rhodia, Inc., holder of NADA 14-283 did not file a written appearance of election as provided by said notice. The failure to file such an appearance constitutes election not to avail itself of the opportunity for a hearing.

The Director of the Bureau of Veterinary Medicine, under the Federal Food, Drug, and Cosmetic Act (section 512, 82 Stat. 343-351 (21 U.S.C. 360b)) and under authority delegated to the Commissioner (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.29), finds, on the basis of new evidence not available when the applications were approved, evaluated together with the evidence available at the time of approval, that furaltadone is not shown to be safe for use under either the approved or currently labeled conditions of use.

Therefore, pursuant to the foregoing finding, approval of NADA 14-283, and all amendments and supplements applying thereto, is withdrawn, effective April 11, 1977.

Dated: March 25, 1977.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.77-9714 Filed 3-31-77;8:45 am]

[Docket No. 76N-0494]

SAFETY OF CERTAIN FOOD INGREDIENTS

Opportunity for Public Hearing

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: The Commissioner of Food and Drugs announces an opportunity for public hearing on the safety of certain glutamates and protein hydrolysates, caffeine, and lard and lard oil to determine if they are generally recognized as safe (GRAS) or subject to a prior sanction.

DATES: Requests to make oral presentations at the public hearing must be postmarked on or before May 2, 1977.

ADDRESSES: Requests to Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204 (202-472-4750).

SUPPLEMENTARY INFORMATION: The Commissioner issued, in the FEDERAL REGISTER of July 26, 1973 (38 FR 20053), a notice advising the public that an opportunity would be provided for oral presentation of data, information, and views at public hearings to be conducted by the Select Committee on GRAS Substances of the Life Sciences Research Office, Federation of American Societies for Experimental Biology (hereinafter referred to as the Select Committee), about the safety of ingredients used in food to determine if they are generally recognized as safe (GRAS) or subject to a prior sanction.

The Commissioner now gives notice that the Select Committee is prepared to conduct a public hearing on the following categories of food ingredients: Glutamates (L-glutamic acid, monoammonium L-glutamate, monopotassium L-glutamate and monosodium L-glutamate); protein hydrolysates (enzymatic casein hydrolysates, vegetable protein hydrolysates, animal protein hydrolysates other than enzymatic casein hydrolysates); caffeine; and lard and lard oil. The public hearing will provide an opportunity, before the Select Committee reaches its final conclusions, for any interested person(s) to present scientific data, information, and views on the safety of these substances, in addition to those previously submitted in writing pursuant to notices published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20051, 20053) and April 17, 1974 (39 FR 13796, 13798).

The Select Committee has reviewed all the available data and information on the categories of food ingredients listed above and has reached one of the five following tentative conclusions on the status of each:

1. There is no evidence in the available information that demonstrates or suggests reasonable grounds to suspect a hazard to the public when it is used at levels that are now current or that might reasonably be expected in the future.

2. There is no evidence in the available information that demonstrates or suggests reasonable grounds to suspect a hazard to the public when it is used at levels that are now current and in the manner now practiced. However, it is not possible to determine, without additional data, whether a significant increase in consumption would constitute a dietary hazard.

3. Although no evidence in the available information demonstrates a hazard to the public when it is used at levels that are now current and in the manner now practiced, uncertainties exist requiring that additional studies be conducted.

4. The evidence is insufficient to determine that the adverse effects reported are not deleterious to the public health when it is used at levels that are now current and in the manner now practiced.

5. The information available is not sufficient to make a tentative conclusion. (This finding does not apply to the substances covered by this notice.)

The following table lists each ingredient, the Select Committee's tentative conclusion (keyed to the five types of conclusions listed above), and the available information on which the Select Committee reached its conclusions.

Substance	Select committee tentative conclusion	Scientific literature review: Order number	Scientific literature review: Cost	Animal study report: Order number	Animal study report: Cost	Other information
Glutamates		PB 229 856/AS	$11.00	Mutagenic evaluation (Tier 1) of monoammonium glutamate (75-11) by Litton Bionetics, Inc., under FDA contract (PB-254-512/AS).	$4.00	a. Scientific literature review on the safety of monosodium glutamate by the International Glutamate Technical Committee.
L-glutamic acid	2					
L-glutamic acid (for infants and junior foods).	4					
L-glutamic acid hydrochloride	2					
L-glutamic acid hydrochloride (for infants and junior foods).	4					
Monoammonium L-glutamate	2			Mutagenic evaluation (Tier 1) of monopotassium glutamate (73-58) by Litton Bionetics, Inc., under FDA contract (PB-254-511/AS).	4.00	b. Human intake data taken from "A Comprehensive Survey of Industry on the Use of Food Chemicals Generally Recognized as Safe (GRAS)," available from the National Technical Information Service, PB No. 221-921 through 221-940.
Monoammonium L-glutamate (for infants and junior foods).	4			Teratologic evaluation of monopotassium glutamate (72-88) by Food and Drug Research Labs., Inc., under FDA contact (PB-245-530/AS).	3.75	c. Human intake data taken from "Application of a Probabilistic Method in Estimating Daily Intakes of Certain GRAS Substances" in manuscript dated August 1976 from NAS/NRC.
Monopotassium L-glutamate	2			Teratologic evaluation of monosodium glutamate (71-69) by Food and Drug Research Labs., Inc., under FDA contract (PB-234-865/AS).	3.25	d. K. L. Cutler, MIT thesis, "The effect of monosodium glutamate on the appearance of glutamic pyruvate transaminase in the small intestine of the neonatal rats.
Monopotassium L-glutamate (for infants and junior foods).	4					e. Letter dated Jan. 16, 1974, from L. Reif-Lehrer, Harvard Medical School.
Monosodium L-glutamate	3					f. Supplemental pathology report (Reproduction study-rabbits) submitted by Hazleton Lab., Inc.
Monosodium L-glutamate (for infants and junior foods).	4					g. The effect of oral administration of monosodium glutamate to neonate primates, Huntingdon Research Center.
						h. Monosodium glutamate, A review of efficacy and safety by the International Minerals and Chemical Corp.
						i. Huntingdon Research Center report, Huntingdon, England.
						j. Reproduction study-rabbits, monosodium glutamate, submitted by Hazleton Lab., Inc.
						k. Investigation of the toxic and teratogenic effects of GRAS substances in the developing chicken embryo: monopotassium glutamate. FDA in-house investigation.
						l. Investigation of the toxic and teratogenic effects of GRAS substances to the developing chicken embryo: monosodium glutamate. FDA in-house investigation.
						m. Investigation of the toxic and teratogenic effects of GRAS substances to the developing chicken embryo: monoammonium glutamate. FDA in-house investigation.
						n. Evaluation of chemicals for toxic and teratogenic effect using the chick embryos as the test system. Monosodium glutamate. Submitted by WARF Institute, Inc.
						o. Report on mutagenic study with Ac'cent brand monosodium-L-glutamate in albino mice, submitted by Industrial Bio-Test Lab., Inc.

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Substance	Select committee tentative conclusion	Scientific literature review: Order number	Scientific literature review: Cost	Animal study report: Order number	Animal study report: Cost	Other information
Protein hydrolysates		PB 229 856 AS	11.00	Teratologic evaluation of hydrolyzed vegetable protein (71-85) by Food and Drug Research Labs., Inc., under FDA contract (PB-234-875/AS).		p. Report on host-mediated assay for detection of mutations induced by Ac'cent brand monosodium-L-glutamate, submitted by Industrial Bio-Test Lab., Inc.
Enzymatic casein hydrolysates	1					q. Report on a study of L-monosodium glutamate, DL-monosodium glutamate, and L-glutamic acid with respect to potential carcinogenicity, submitted by Arthur D. Little, Inc.
Vegetable protein hydrolysates (for infants and junior foods).	4					r. Report on an investigation of the toxicity of L-monosodium glutamate, DL-monosodium glutamate and L-glutamic acid, submitted by Arthur D. Little, Inc.
Vegetable protein hydrolysates	3					a. Human intake data taken from "A Comprehensive Survey of Industry on the Use of Food Chemicals Generally Recognized as Safe (GRAS)," available from the National Technical Information Service, PB No. 221-921 through 221-949.
Animal protein hydrolysates other than enzymatic casein hydrolysates (for infants and junior foods).	4				3.25	b. Approval of hydrolyzed milk protein as GRAS based on a letter, dated Oct. 2, 1961 from FDA.
Animal protein hydrolysates other than enzymatic casein hydrolysates.	3			Mutagenic evaluation (Tier 1) of hydrolyzed vegetable protein (71-85) by Litton Bionetics, Inc., under FDA contract (PB-260-773/AS).	4.50	c. Letter dated Sept. 3, 1975, from Louis Sair, Griffith Labs.
						d. Nestle Products Technical Assistance and toxicological information concerning HVP.
						e. Pease, H. 1970. Protein hydrolysates and flavor enhancers. Paper given Oct. 1970, at Columbia University.
						f. Societe D'Assistance Technique pour Products Nestle S.A. Servicis Biologiques Maggi hydrolized plant protein (HPP) 4BE: 90-day toxicity study in rats.
						g. Letter dated Oct. 10, 1975, from H. P. Sarett, Mead Johnson Research Center.
						h. Miles Labs., Inc. 1975. Tureen flavors from Miles: Tureen autolyzed yeast protein, typical amino acid profile.
						i. Interoffice memorandum dated Aug. 11, 1975 from David Brusick, Litton Bionetics, Inc.; additional testing of compound FDA 71-85, hydrolyzed vegetable protein (soy).
Caffeine		PB 234 894/AS	8.00	Teratologic evaluation of caffeine (71-44) by Food and Drug Research Labs., Inc., under FDA contract (PB-221-803/AS).	3.75	a. Human intake data taken from "A Comprehensive Survey of Industry on the Use of Food Chemicals Generally Recognized as Safe (GRAS)," available from the National Technical Information Service, PB Nos. 221-921 through 221-949.
Caffeine (part of committee).	4			Teratologic evaluation of caffeine (71-44) in rabbits by Food and Drug Labs., Inc., under FDA contract (PB-223-827/AS).	2.75	b. Letter dated April 14, 1975, and attachments from Dr. R. C. Reeves, General Foods Corp.
Caffeine (rest of committee).	3			Mutagenic evaluation (hose mediated, dominant lethal and cytogenetic) of caffeine (71-44) by Litton Bionetics, Inc., under FDA contract (PB-245-469/AS).	4.75	c. Letter dated July 28, 1976, from Robert Reeves, General Foods Corp.
						d. Investigations of the toxic and teratogenic effects of GRAS substances to the developing chick embryo: caffeine. Submitted by St. Louis University School of Medicine.
						e. Investigations of the toxic and teratogenic effects of GRAS substances to the developing chicken embryo: caffeine. FDA in-house investigation.
						f. Letter dated Sept. 24, 1976 from Charles J. Kensler, Arthur D. Little, Inc.
Lard and lard oil		PB 234 891 AS	4.00			a. Human intake data taken from "A Comprehensive Survey of Industry on the Use of Food Chemicals Generally Recognized as Safe (GRAS)," available from the National Technical Information Service, PB Nos. 221-921 through 221-949.
Lard (in cotton and cotton fabric dry food packaging materials).	1					b. Evaluation of the health aspects of glycerin and glycerides as food ingredients (SCOGS-30), submitted by FASEB.
Lard oil (in cotton and cotton fabric dry food packaging materials).						c. Evaluation of the health aspects of tallow and stearic acid as food ingredients (SCOGS-54), submitted by FASEB.

Reports in the table with "PB" prefixes may be obtained from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Rd., Springfield, VA 22151.

In addition to the information contained in the documents listed in the table above, the Select Committee supplemented, where appropriate, their reviews with specific information from specialized sources as announced in a previous hearing opportunity notice published in the FEDERAL REGISTER of September 23, 1974 (39 FR 34218).

The Select Committee's tentative reports on (1) Glutamates (L-glutamic acid, monoammonium L-glutamate, monopotassium L-glutamate and monosodium L-glutamate), (2) protein hydrolysates (enzymatic casein hydrolysates, vegetable protein hydrolysates, animal protein hydrolysates other than enzymatic casein hydrolysates), (3) caffeine, and (4) lard and lard oil are available for review in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857. In addition, all reports and documents used by the Select Committee to review the ingredients are available for review in the office of the Hearing Clerk.

To schedule the public hearing, the Select Committee must be informed of the number of persons who wish to attend and the length of time requested

to give their views. Accordingly, any interested person who wishes to appear at the public hearing to make an oral presentation shall so inform the Select Committee in writing, addressed to: The Select Committee on GRAS Substances, Life Sciences Research Office, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, MD 20014. A copy of each such request shall be sent to the Hearing Clerk, address noted above, and all requests shall be placed on public display in that office. Any such request must be postmarked on or before May 2, 1977, shall state the substance(s) on which an opportunity to present oral views is requested, and shall state how much time is requested for the presentation. As soon as possible thereafter, a notice announcing the date, time, place, and scheduled presentations for any public hearing that may be requested will be published in the FEDERAL REGISTER.

The purpose of the public hearing is to receive data, information, and views not previously available to the Select Committee about the substances listed above. Information already contained in the scientific literature reviews and in the tentative Select Committee report shall not be duplicated, although views on the interpretation of this material may be presented.

Depending on the number of requests for opportunity to make oral presentations, the Select Committee may reduce the time requested for any presentation. Due to time limitations, individuals and organizations with common interests are urged to consolidate their presentations. Any interested person may, in lieu of an oral presentation, submit written views which shall be considered by the Select Committee. Three copies of such written views shall be addressed to the Select Committee at the address noted above, and must be postmarked not later than 10 days before the scheduled date of the hearing. A copy of any written views shall be sent to the Hearing Clerk, Food and Drug Administration, and shall be placed on public display in that office.

A public hearing will be presided over by a member of the Select Committee. Hearings will be transcribed by a reporting service, and a transcript of each hearing may be purchased directly from the reporting service and will also be placed on public display in the office of the Hearing Clerk, Food and Drug Administration.

Dated: March 17, 1977.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.77-9556 Filed 3-31-77;8:45 am]

[Docket No. 76N-0070]

ACRYLONITRILE COPOLYMERS USED TO FABRICATE BEVERAGE CONTAINERS

Hearing and Prehearing Conference

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice of Hearing and Prehearing Conference.

SUMMARY: This notice announces that a formal evidentiary public hearing will be held on the factual issues related to the order of the Commissioner of Food and Drugs staying those portions of certain food additive regulations that permit acrylonitrile copolymers to be used to fabricate beverage containers. This notice also announces a prehearing conference. The Comimssioner's order, which was published in the FEDERAL REGISTER of March 11, 1977 (42 FR 13546), was ordered stayed on March 18, 1977 by the United States Court of Appeals for the District of Columbia Circuit in *Monsanto Company* v. *Sherwin Gardner et al.*, (No. 77-1245). In its order, the Court directed FDA to "hold the required public hearing promptly and issue final findings and conclusions by said May 18, 1977." (Order at 6, footnotes omitted.)

DATES: Written notices of participation by April 11, 1977; prehearing conference on April 11, 1977 at 10 a.m. in Rm. 4A-35, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Ted Herman, Compliance Regulations Policy Staff (HFC-10), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857 (301-443-3480).

SUPPLEMENTARY INFORMATION: Since 1958, FDA has approved various food-contact uses of acrylonitrile copolymers through issuance of food additive regulations under section 409 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 348. These include the following regulations which permit acrylonitrile copolymers to be used to fabricate beverage containers: 21 CFR 177.1480, 177.1050, 177.1030, 177.1040, and 177.1020 (formerly 21 CFR 121.2614, 121.2625, 121.2627, 121.2629, and 121.2633, respectively, prior to recodification, published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)). In late 1973, concern about the safety of acrylonitrile copolymers in contact with food was heightened by the receipt of data which showed a delayed extraction problem with acrylonitrile copolymer bottles stored at elevated temperature for an extended period of time. These data, and a subsequent review by FDA of all safety data available on acrylonitrile, led, in November 1974, to the issuance of a proposed interim food additive regulation for all food-contact uses of acrylonitrile copolymers (published in the FEDERAL REGISTER of November 4, 1974 (39 FR 38907)). The final interim regulation was promulgated in the FEDERAL REGISTER of June 14, 1976 (41 FR 23940) and included a 0.3 part per million (ppm) limit on the amount of acrylonitrile permitted to migrate from acrylonitrile copolymers to food-simulating solvents under specified test conditions and conditioned continued use of acrylonitrile copolymers on the undertaking of necessary toxicological studies. The Natural Resources Defense Council filed timely objections to the interim regulation.

Reports on the required toxicological studies have been submitted to FDA and, after evaluation of those studies and consideration of recently acquired data on the migration of acrylonitrile from acrylonitrile copolymer beverage containers to food-simulating solvents, the Commissioner decided to: (1) Stay the food additive regulations that permit acrylonitrile copolymers to be used to fabricate beverage containers, and (2) to propose to reduce the amount of acrylonitrile monomer permitted to migrate from nonbeverage container uses of acrylonitrile copolymers to food-simulating solvents from the currently permitted level of 0.3 ppm to 0.05 ppm. The documents implementing these conclusions were signed by the Commissioner on March 4, 1977, and published in the FEDERAL REGISTER of March 11, 1977 (42 FR 13546 and 13562).

On March 7, 1977, the Monsanto Company filed suit in the United States Court of Appeals for the District of Columbia Circuit (No. 77-1245), challenging the Commissioner's order and seeking a stay of that order. On Friday March 11, 1977, the Court stayed the Commissioner's order pending disposition on the merits and scheduled oral argument on the matter for March 16, 1977. On March 18, 1977, following argument, the Court issued an order that, inter alia, continued the judicial stay in effect and directed FDA to "hold the required public hearing promptly and issue final findings and conclusions by May 18, 1977." This notice implements the Court of Appeals' order.

MODIFICATION OF PROCEDURES

In view of the strict time limitation imposed by the Court of Appeals and pursuant to FDA's Administrative Practices and Procedures regulations, 21 CFR

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10.19 and 10.20 (formerly 2.5 and 2.25, prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)), the following modifications of the procedures are hereby tentatively adopted to expedite the hearing in this matter:

1. Section 10.20(e) (formerly 2.5(e)) is modified to require all filings and submissions to be received on or before the due date thereof, without reference to any postmark;

2. Section 12.35(a)(4) and (5) (formerly § 2.118(a) (4) and (5)) is hereby modified to require only a brief statement of the issues in the Notice of Hearing and for the determination of issues at the prehearing conferences, subject to interlocutory appeal to the Commissioner;

3. Section 12.45 (formerly § 2.131) is hereby modified so as to provide for the filing of written notices of participation within 10 days after publication of the notice of hearing;

4. Section 12.85 (formerly § 2.153) is hereby modified so as to alleviate the necessity of documentary submissions to the Hearing Clerk and require the joint exchange of all underlying documentary evidence among participants as required by the Administrative Law Judge at the prehearing conference.

5. Section 12.120 (formerly § 2.180) is hereby waived pursuant to section 557 (b)(2) of the Administrative Procedure Act (5 U.S.C. 557(b)(2)).

6. Section 12.130 (formerly § 2.182 is hereby modified so as to provide for a final decision to be issued by the Commissioner and served on all participants, with notice thereof published in the FEDERAL REGISTER, and with copies available from the Hearing Clerk.

ISSUES FOR THE HEARING

Broadly speaking, the issues for the hearing will be:

1. Are acrylonitrile copolymers used to fabricate beverage containers food additives within the meaning of section 201 (s) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(s))?

2. Have those acrylonitrile copolymers been shown to be safe, within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348)?

The hearing will take place in the Hearing Room, Rm. 4A-35, 5600 Fishers Lane, Rockville, Md. 20857. The presiding Administrative Law Judge will be Daniel Davidson. The hearing will convene on April 18, 1977 at 9:30 a.m., unless ordered otherwise by the Administrative Law Judge. Written notices of participation must be received by the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fisher Lane, Rockville, Md. 20857, not later than April 11, 1977. To facilitate identification, the envelope containing the written notices of participation should be clearly labeled with the phrase "Acrylonitrile Hearing."

Participants will be required to present direct testimony in the form of prepared statements which will be exchanged in advance with other participants, and subsequently marked as exhibits at the time the witness appears at the hearing. Additional oral direct testimony will be permitted only upon a showing of good cause.

All participants must appear at the prehearing conference which will be held at 10 a.m. on April 11, 1977 in Rm. 4A-35, 5600 Fishers Lane, Rockville, Md. 20857.

The parties to the hearing, as of this date, shall be the Bureau of Foods of the United States Food and Drug Administration, Monsanto Company, and the Natural Resources Defense Council.

The hearing will be open to the public. Any participant may appears in person, or with counsel or other qualified representative, and may be heard with respect to matters relevant to the issues under consideration.

Dated: March 29, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-9868 Filed 3-30-77;10:14 am]

TOPICAL ANALGESIC PANEL

Meeting Cancellation

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces cancellation of the Topical Analgesic Panel meeting rescheduled for April 13 and 14, 1977.

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act of October 4, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announced in a notice published in the FEDERAL REGISTER of February 11, 1977 (42 FR 8709) (notice of rescheduling published in the FEDERAL REGISTER of March 4, 1977 (42 FR 12515)) advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act.

Notice is hereby given that the meeting of the Topical Analgesic Panel scheduled for April 13 and 14, 1977, in Conference Rm. A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md., has been canceled.

Dated: March 29, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-9871 Filed 3-31-77;8:45 am]

National Institutes of Health

NATIONAL CANCER COMMUNICATIONS CONFERENCE

Meeting

The fourth national cancer communications conference, sponsored jointly by the National Cancer Institute and the American Cancer Society, will be held June 20-21, 1977, in Chicago, Illinois at the Pick-Congress Hotel.

The purpose of the meeting is to encourage development and coordination of cancer communications programming, to motivate participants to support common communications projects, and to exchange information about successful projects undertaken by a variety of organizations.

In addition to representatives from the two sponsoring organizations, communications persons from other cancer-related institutions are being asked to attend, such as comprehensive and specialized cancer centers, and voluntary, nonprofit associations, and other health agencies that have an interest in cancer communications.

The format is a two-day program of plenary sessions and workshops designed to give participants an overview of important developments in cancer science, communications research, and specific community programs, with an emphasis on practical cancer information and educational activities.

Inquiries are invited from commercial exhibitors who feel that their products would be of interest to this audience. For further information call Barbara Blumberg Turner, 301-496-6631, by May 1, 1977.

J. PAUL VAN NEVEL,
Associate Director for Cancer Communications, National Cancer Institute.

[FR Doc.77-9708 Filed 3-31-77;8:45 am]

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

Workshop

Notice is hereby given of a Workshop on Revision of the Guidelines sponsored by the Recombinant DNA Molecule Program Advisory Committee at the National Institutes of Health, Westwood Building, Room 9A12, 5333 Westbard Avenue, Bethesda, Maryland 20014, April 15-16, 1977 from 9:30 a.m. to 5:00 p.m.

Further information may be obtained from Dr. William J. Gartland, Executive Secretary, Recombinant DNA Molecule Program Advisory Committee, Building 31, Room 4A52, telephone 301/496-2323.

This workshop will be open to the public. Attendance by the public will be limited to space available.

Dated: March 29, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer. National Institutes of Health.

[FR Doc.77-9894 Filed 3-31-77;8:45 am]

Office of the Secretary

OFFICE OF INSPECTOR GENERAL

Statement of Organization, Functions, and Delegations of Authority

Part A (formerly Part 1) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare is amended by adding Part AF, "The Office of Inspector General," to reflect establishment of that office by Pub. L. 94-505, approved on October 15, 1976. The Office of Inspector General will have responsibility for those functions now performed by the HEW Audit Agency and the Office of Investigations. Part ABF (formerly Part 1B60), "Office of Investigations," (40 FR 58489, dated December 17, 1975) and Part ACR (formerly Part 1W13), "HEW Audit Agency," (39 FR 42408-90, dated December 5, 1974) have been deleted.

Section 1. *Functional statement.* The functional statement for the Office of Inspector General reads as follows:

AF.00 *Mission.* The Office of Inspector General, under the general supervision of the Secretary, is responsible for:

(1) Conducting and supervising audits and investigations relating to programs and operations of the Department;

(2) Providing leadership and coordination for, and recommending policies and corrective actions concerning activities designed to:

(A) Promote economy and efficiency in the administration of, and (B) prevent and detect fraud and abuse in, the Department's program and operations; and

(3) Providing a means for keeping the Secretary and the Congress fully and currently informed about problems and deficiencies relating to the administration of such programs and operations, and the necessity for the progress of corrective action.

AF.10 *Organization.* The Office of Inspector General, under the supervision of an Inspector General, consists of:

Office of the Inspector General (AFA).
Office of the Deputy Inspector General (AFB).
Office of the Assistant Inspector General for Auditing/HEW Audit Agency (AFC).
Division of Audit Coordination (AFCA).
Division of Social Security Audits (AFCB).
Division of State and Local Audits (AFCC).
Division of University and Non-Profit Audits (AFCD).
Regional Audit Offices (AFC [1-X]1).
Office of The Assistant Inspector General for Investigations (AFE).
Division of Investigations (AFEA).
Division of Inspection, Training and Review (AFEB).
Division of Law Enforcement Coordination and Data Collection (AFEC).
Regional Investigations Office (AFE [1-X]1).
Office of Assistant Inspector General for Health Care and Systems Review (AFF).

AF.20 *Functions.*

A. *Office of the Inspector General* (AFA). The Inspector General operates under the general supervision of the Secretary or the Under Secretary, and (1) supervises, coordinates and provides policy direction for auditing and investigative activities relating to programs and operations of the Department and undertaken by the Office of Inspector General; (2) recommends policies for, and conducts, supervises, or coordinates other activities carried out or financed by, the Department for the purpose of promoting economy and efficiency in the administration of, or detection and prevention of fraud and abuse in the programs and operations of the Department; (3) recommends policies for, and conducts, supervises, or coordinates relationships between the Department and other Federal agencies, State and local governmental agencies and other nongovernmental entities with respect to audit and investigative matters relating to (a) the promotion of economy and efficiency in the administration of, or the prevention and detection of fraud and abuse in, programs and operations administered or financed by the Department or (b) the identification and prosecution of participants in such fraud and abuse; (4) keeps the Secretary and the Congress fully and currently informed concerning fraud and other serious problems, abuses, and deficiencies in the administration of programs and operations administered or financed by the Department, recommends corrective actions concerning such problems, abuses and deficiencies and reports on the progress made in implementing such corrective action; (5) delivers reports (with, in the case of reports required by Section 204 (a) and (b), copies to the Secretary at least twenty days prior to delivery to Congress and appropriate committees or subcommittees thereof, and in case of reports pursuant to Section 204(d), copies to the Secretary at least ten days prior to delivery to others) to the Secretary, Congress and others as required by Section 204 of Pub. L. 94-505; (6) to avoid duplication and provide efficient use of time and funds, gives particular regard to the activities of the Comptroller General of the United States; (7) gives prior notice to the Secretary of major investigations to be undertaken with respect to programs and operation of the Department; and (8) in general, coordinates investigation activities with the Office of General Counsel.

B. *The Office of the Deputy Inspector General.* Assists the Inspector General (AF) in the administration of the office, and during the absence or temporary incapacity of the Inspector General, or during a vacancy in the office, acts as the Inspector General.

C. *The Office of the Assistant Inspector General for Auditing/HEW Agency (AFC).* The Assistant Inspector General for Auditing serves as the Director of the HEW Audit Agency, and each Division of this Office and each Regional Audit Office is under the supervision of the Assistant Inspector General for Auditing, who is responsible to the Deputy Inspector General and the Inspector General.

1. The HEW Audit Agency:

(a) Provides audit services to all management levels within the Department through the conduct of comprehensive audits which include examinations of the Department, and its grantees and contractors;

(b) Develops policies, procedures, standards, and criteria relating to audit activities at all levels within the Department;

(c) Develops general and special audit programs as may be necessary to provide appropriate audit and examination of programs and activities performed by the Department and its Principal Operating Components (POCs);

(d) Determines when audits and examinations can be most appropriately carried out by organizations outside AFC including other agencies of Government, or by private organizations;

(e) Evaluates the adequacy of aduits performed for the Department by organizations outside the AFC to determine that such audits are being conducted in consonance with Department objectives;

(f) Prepares and disseminates reports of audits, examinations, and studies to the Secretary, POCs, Regional Directors (RDs) and others who may be concerned with a particular audit or study;

(g) Accumulates and provides key officials with data concerning audit reports and unresolved audit findings (such data to serve as the basis for each POC Stewardship Report to the Secretary), evaluates the Stewardship Report and provides, through the Inspector General, to the Secretary and other key Department officials and analysis of actions being taken to resolve matters disclosed by audit;

(h) Conducts followups and special analyses to determine propriety of action taken on previous audit findings and recommendations;

(i) Reviews legislative and program proposals for audit implications and evaluates their conformity and consistency with established audit policy;

(j) As requested by the Department's POCs, performs special reviews of grant or contract proposals for the purpose of determining financial capabilities of grantees or contractors;

(k) In the interest of economy and interdepartmental cooperation, performs audits of programs and activities administered by other Federal departments and agencies that involve participation by institutions of higher education and State and local governments;

(l) Provides necessary Departmental liaison with the General Accounting Office and other Federal, State, local, and private auditing organizations on all matters pertaining to audits. With respect to General Accounting Office audits and investigations of Department activities:

(i) Reviews drafts and final reports concerning Department activities and through the Inspector General advises the Secretary and his staff of significant findings.

(ii) Reviews all replies to GAO reports prior to release and on behalf of the Inspector General, secures necessary clearance within the Office of the Secretary.

(iii) Performs followup reviews to determine propriety of action taken with respect to GAO recommendations.

(iv) Maintains liaison with representatives of the Office of Management and Budget and others regarding General Accounting Office reports; and

(m) Provides assistance to appropriate Assistant Secretaries in the development of grants and procurement management policy, and in formulation of policy to

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govern establishment of indirect cost rates.

2. Functions of HEW Audit Agency Divisions are as follows:

(a) Division of Audit Coordination (AFCA):

(i) Develops agency-wide audit policies, procedures and instructions;

(ii) Develops agency-wide plans, audit schedules, and audit priority adjustments for budgetary and operating purposes;

(iii) Coordinates processing of GAO reports and letters; and

(iv) Maintains liaison with other Federal audit organizations in determining audit cognizance and arranging for cross-servicing.

(b) Division of Social Security Audits (AFCB):

(i) Develops technical standards and policies for audit of programs and activities of the Social Security Administration;

(ii) Develops audit programs to evaluate effectiveness of all aspects of the administration of Social Security programs;

(iii) Reviews issued audit reports and visits regional offices and audit sites to appraise technical adequacy of and provide technical assistance on Social Security audits;

(iv) Develops consolidated reports to top management based on audit findings on Social Security activities; and

(v) Maintains liaison with headquarters officials on Social Security audit matters.

(c) Division of State and local Audits (AFCC) Division of University and Nonprofit Audits (CFCD) assigned area for:

(i) Developing technical standards and policies for audits;

(ii) Developing audit programs to evaluate effectiveness of operations.

(iii) Reviewing issued audit reports and visiting regional offices and audit sites to appraise technical adequacy of audits and to provide technical assistance on audits;

(iv) Developing consolidated reports and other reports to top management based on audit findings; and

(v) Maintaining liaison with headquarters officials on audit matters.

(d) Regional Audit Offices (AFC (1–X)) Carry out the full range duties and responibilities of AFC in their assigned geographic areas.

D. *The Office of the Assistant Inspector General for Investigations.* The Assistant Inspector General for investigations serves as the director of the Office of the Assistant Inspector General for Investigations, and each Division of this office and each Regional Investigations Office is under the supervision of the Assistant Inspector General for Investigations, who is responsible to the Deputy Inspector General and the Inspector General.

1. The Office of Assistant Inspector General for Investigations (AFE):

(a) Provides leadership, policy direction, planning, coordination and management of the investigative program of the Department;

(b) Reports the results of investigations to the Inspector General;

(c) Provides line supervision to the office divisions in headquarters and in the Regional offices;

(d) Provides technical assistance and advice to program staff in identifying areas which might lend themselves to possible fraud;

(e) Reports information, allegations, or complaints received in the Department relating to violations of Title 18, U.S. Code, involving Department employees to the Attorney General of the United States, as required by section 535, Title 28, U.S.C.; and

(f) Advises affected program and staff offices of the Department of the results of any investigation, including the disposition by the Department of Justice of a matter referred to that Department for possible criminal prosecution.

2. The functions of the Division of AFE are as follows:

a. Division of Investigations (AFEA):

(i) Provides direction and coordination to the Regional Investigations Offices (AFE (1–X) 1) concerning investigations;

(ii) Implements guidelines and policies for the detection and investigation of actual or suspected criminal activity by Departmental grantees or contractors or by Departmental employees in the performance of their official duties;

(iii) Reviews investigative reports for completeness, accuracy, and compliance with AFE policies and guidelines;

(iv) Disseminates investigative reports to prosecutive agencies;

(v) Maintains liaison with Department staff offices, principal operating components and other investigative and law enforcement agencies regarding investigative matters undertaken by the Division;

(vi) Prepares and disseminates reports of investigation, through the Inspector General, to the Secretary; and

(vii) Is responsible for investigation of cases of alleged fraud and abuse in programs and operations administered or financed by the Department, including allegations of fraud and abuse by Department contractors, grantees, or other entities or individuals funded or supported by the Department, but excluding investigations relating to tort claims filed against the Department, employee security programs, employee equal employment opportunity complaints, matters under Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972, and similar activities which are under the jurisdiction of other offices of the Department.

b. Division of Inspection, Training, and Review (AFEB):

(i) Performs inspections including internal personnel investigations of AFE facilities, procedures, methods, and operations to ensure compliance with AFE instructions and procedures;

(ii) Conducts operations of AFE related to training programs, employee development, investigator handbook preparation and manual issuances, development of forms, paperwork management, and the development of office operations and staff performance instructions and procedures for AFE (1–X)1;

(iii) Reviews completed reports of criminal investigations for Department management and programmatic deficiencies and makes recommendations for corrective changes in policies and procedures;

(iv) Handles requests for AFE investigative information under the Freedom of Information Act and the Privacy Act; and

(v) Reviews and evaluates statutes, legal options, court decisions, and other professional and government reports and publications for applicability to AFE operations and investigative procedures.

c. Division of Law Enforcement Coordination and Data Collection (AFEC): Accumulates data on a continuing basis on the activities of Federal, State, and local law enforcement agencies in the investigation and prosecution of cases related to such critical programs as Medicaid, Medicare, and student assistance.

d. Regional Investigations Offices (AFE (1–X) 1):

(1) Maintain liaison with Department employees and representatives of other agencies with respect to, and receive from the public information relating to fraud and abuse in programs and operations financed or administered by the Department;

(ii) Make recommendations to the AFE that investigations be initiated;

(iii) Conduct investigations when approved;

(iv) Prepare reports of investigations;

(v) Present AFE cases to local United States Attorneys or their assistants for criminal prosecutive opinion; and

(vi) Recommend selective distribution of completed investigative reports.

E. *The Office of the Assistant Inspector General for Health Care and Systems Review (AFF).* The Assistant Inspector General for Health Care and Systems Review is responsible to the Deputy Inspector General and the Inspector General. The Office studies and makes recommendations regarding the management of programs administered or financed by the Department and the operating and control systems of the Department in order to promote efficiency and economy and to prevent fraud and abuse. The staff of this Office contains specialists in the Department's principal programs, including specifically personnel who will devote their full time and attention to anti-fraud and anti-abuse in the Medicaid, Medicare, renal disease and maternal and child health programs.

SEC. 2. *Continuation of Regulations.* Except as inconsistent with this statement, all regulations, rules, orders, statements of policy or procedures or interpretations thereof heretofore issued and in effect prior to the date of this statement or to become effective subsequent to said date, are continued in full force and effect.

SEC. 3. *Prior Statement of Organization, Functions, and Delegations of Authority.* To the extent inconsistent with this statement all previous statements of organization, functions, and delegations of authority, as well as applicable present chapters of the Department's Organization Manual are hereby superseded by this statement, except that, all delegations in effect immediately prior to the effective date of this statement shall continue in effect until new delegations are made.

SEC. 4. *Effective date:* This statement shall be effective March 29, 1977.

Dated: March 29, 1977.

JOSEPH A. CALIFANO, JR.,
Secretary.

[FR Doc.77-9800 Filed 3-30-77;10:10 am]

HUMAN SUBJECTS

Submission of Assurances and Certificates Concerning Protection

On May 20, 1975, the Department of Health, Education, and Welfare published in the FEDERAL REGISTER (40 FR 22019) a notice concerning submission of certification of institutional review and approval of grants and contracts in support of activities involving human subjects. Such certification is required by §§ 46.111 and 46.112 of 45 CFR Part 46.

The notice of May 20, 1975, was to be reevaluated by November 20, 1976, to determine whether there was any need for further modification.

The Department's regulations on protection of human subjects (45 CFR Part 46) require (1) that each institution submit in or with any application or proposal for support of an activity involving human subjects an assurance that the institution has established an Institutional Review Board satisfying the requirements of Part 46, and (2) that each institution also submit a certification that the application or proposal has been reviewed and approved by the Institutional Review Board. However, §§ 46.111 and 46.112 of Title 45 authorizes the Secretary to permit institutions to delay review and approval of applications or proposals by their Institutional Review Boards until after the applications or proposals have been submitted to DHEW. The notice issued on May 20, 1975, permitted delays in the submission of certifications by institutions with general assurances of up to 90 days following the actual submission date of the application or proposal.

Experience since issuance of the May 20, 1975 notice indicates that this period is unnecessarily long and often results in delays in the receipt of certification until evaluation of applications and proposals as required by § 46.115 is well advanced. It has, therefore, been determined that delay in submission of certifications by such institutions should not be permitted for more than 60 days as provided for below.

GENERAL ASSURANCES

Institutions having on file with DHEW an approved general assurance must submit certification within 30 days of the receipt of a written request therefor; and, in any event, these institutions must submit such certification within 60 days after the receipt date or deadline for which the application or proposal was submitted or, if no receipt date or deadline is specified, within 60 days following the actual submission date of the application or proposal.

SPECIAL ASSURANCES

Institutions not having on file an approved general assurance must submit in or with the application or proposal for activities covered by 45 CFR Part 46, a special assurance that: (a) Identifies the specific application or proposal by its full title and by the name of the activity director, principal investigator or other person immediately responsible for the conduct of the activity, and (b) includes a statement executed by an appropriate institutional official indicating that the institution has established an Institutional Review Board satisfying the requirements of §§ 46.106(b) and 46.107(b) of Part 46. This statement may take the following form:

> Assurance is hereby given that this institution will comply with the requirements of the DHEW Regulations on Protection of Human Subjects (45 CFR Part 46), that it has established an Institutional Review Board for the protection of human subjects which meets these requirements, and that it will submit to DHEW, upon request, such additional documentation and assurance of compliance with these requirements as may be deemed necessary by DHEW.

Institutions having submitted such a statement must submit additional assurances of compliance and a certification of review and approval of the application or proposal by its Institutional Review Board, as well as required documentation, within 30 days of the receipt of a written request for the submission of any such additional assurances, certification, and documentation.

This provision shall become effective on May 1, 1977. For further information, contact Dr. Donald Chalkey, Director, Office for Protection from Research Risks, NIH (301–496–7005).

Approved: March 28, 1977.

JOSEPH A. CALIFANO, JR.,
Secretary.

[FR Doc.77-9826 Filed 3-31-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES 16958]

ALABAMA

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 24, 1977.

The Forest Service, U.S. Department of Agriculture has filed application ES 16358 for the withdrawal of the land described below from settlement, sale location or entry under all of the general land laws, including the mining and mineral leasing laws, excepting leasing for oil and gas, subject to valid existing rights:

HUNTSVILLE MERIDIAN, ALABAMA

T 13 S., R. 9 E.,
Section 28; SE¼.

The area described contains 160.00 acres and is located in Calhoun County.

The Forest Service proposes to include the subject tract within the Talladega National Forest for purposes of watershed protection and timber production. As part of a national forest, the lands would be administered in accordance with applicable laws and regulations for national forest lands.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the undersigned officer of the Bureau of Land Management on or before May 9, 1977.

Notice of a public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual, Section 2351.16B.

The regulations of the Department of the Interior provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested by the applicant agency. The determination of the Secretary will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

For a period two years from the date of publication of this notice in the FEDERAL REGISTER, the land will be segregated from entry, as specified above unless the application is rejected or the

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withdrawal is approved prior to that date. If the withdrawal is approved by the Secretary, it will be for an indefinite period, and the land will remain segregated.

All communications in connection with this withdrawal should be addressed to the Director, Eastern States Office, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, Maryland 20910.

LOWELL J. UDY,
Director, Eastern States.

[FR Doc.77-9692 Filed 3-31-77;8:45 am]

Fish and Wildlife Service

NORTH CAROLINA STATE UNIVERSITY, DEPARTMENT OF ZOOLOGY

Endangered Species Permit; Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: North Carolina State University, Department of Zoology, P.O. Box 5577, Raleigh, North Carolina 27607. Dr. John Vandenbergh, Head.

OMB NO. 42-R1673.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (*To indicate only one*): ☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED:
We propose to live-capture alligators (with snares), mark, measure and release these animals and conduct night censuses of alligators on prescribed transect routes.

3. APPLICANT. (*Name, complete address and phone number of individual, business, agency, or institution for which permit is requested*)
Dr. John Vandenbergh, Head
Department of Zoology, Box 5577
North Carolina State University
Raleigh, North Carolina 27607
Phone - 919-737-2741

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS. | HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Educational and Research Institution

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT:
1. N. C. Wildlife Resources Commission
2. U.S. Fish & Wildlife Service
3. U.S. Forest Service
4. N.C. Museum of Natural History

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.: Dr. John G. Vandenbergh, Head, Dept. Zoology, 919-737-2741

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED:

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED:
a) Survey transects will be conducted in several North Carolina coastal counties.
b) Habitat and capture studies will be conducted in Croatan National Forest.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(*If yes, list license or permit numbers*)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(*If yes, list jurisdictions and type of documents*) N.C.Wildlife Resources Comm. - verbal approval as of Jan. 1977; written permit application has been made (Feb. 3, 1977)

9. CERTIFIED CHECK OR MONEY ORDER (*If applicable*) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $

10. DESIRED EFFECTIVE DATE: May 1, 1977

11. DURATION NEEDED: 2 years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (*See 50 CFR 13.12(b)*) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (*In ink*): John G Vandenbergh | DATE: Feb. 7, 1977

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16-740

(1) American alligator. *Alligator mississippiensis*. An object of this proposed study is to capture, mark, sex and subsequently recapture alligators at Lake Ellis Simon, North Carolina. Animals will be held no longer than twelve hours and will be released at the capture sites.

(2) This study will involve only animals from the wild which will be released after marking and recording data.

(3) Accepted and practiced methods of capturing alligators will be employed by the researchers. These include use by "Murphy traps", noose snares, landing nets, and a small harpoon made from an 8/0 fish hook. Chabreck (1963, 1965, 1966) has captured alligators in Louisiana with snares. Jones (1965) has employed the landing net and small harpoon technique in Florida with no alligator mortality. A live trap using a baited snare was developed by Murphy and Fendley (1974) to capture nuisance animals. In addition, the principal investigators, Dr. Phillip D. Doerr, Dr. O. T. Sanders, and graduate student Manley Fuller have participated in noose snaring of alligators at Lake Ellis Simon during the summer of 1976, under the guidance of U.S. Fish and Wildlife service technician, Charles A. Ross.

(4) Animals will not be removed from the wild.

(5) See No. 4 above.

(6) (I) Not applicable.

(II) Participants have field experience in capturing alligators and anticipate gaining greater experience in capturing alligators at the Rockefeller Wildlife Refuge, Louisiana and the Savannah River Ecology Laboratory, South Carolina prior to initiation of this study.

(III) Not applicable.

(IV) Some animals may be kept overnight in a storage room 8×10 feet with a 5½' ceiling at Lake Ellis-Simon. Adequate ventilation and temperature control are provided. Any alligator captured which is too large to fit inside this structure will be kept in a larger storage room 10'×20' with an 8' ceiling. The animals will at no time be exposed to high temperature, i.e. greater than 90° F temperatures. These structures were employed by U.S. Fish and Wildlife Service personnel during the summer of 1976 for identical purposes.

(V) The applicants have observed no mortality with alligators captured by the snare techniques illustrated by Charles A. Ross. However, Assistant Unit Leader H. Randolph Perry of Louisiana Cooperative Wildlife Research Unit reported in personal communication that rough treatment has led to some mortality of animals in Louisiana. Jones (1965) has reported some problems of delayed mortality associated with snaring and recommended a barb technique of capturing animals employing a straightened 8/0 fish hook inserted into the neck scales. However, a literature survey and personal observations of U.S. F. and W. Service field techniques indicate that noose snaring is the most commonly employed means of capturing alligators. A "break-away" snare will be employed on alligators greater than six feet in length and this should act to decrease potential damage to the animals. The investigators plan to visit Louisiana and South Carolina to gain greater first hand experience with alligator capture techniques which should diminish the chances of injury to animals.

(VII) Dr. Phillip Doerr resume; Mr. Manley Fuller resume; Dr. O. T. Sanders, resume. Field Technician to be designated and supervised directly by principle investigators. Copy of N.C. internship proposal. Copy of research proposal.

(VIII) All of these are included in attached research proposal.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-634-07; please refer to this number when submitting comments. All relevant comments received by May 2, 1977, will be considered.

Dated: March 28, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-9704 Filed 3-31-77;8:45 am]

UNIVERSITY OF PUERTO RICO, DEPARTMENT OF MARINE SCIENCES

Endangered Species Permit; Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: University of Puerto Rico, Department of Marine Sciences, Mayaguez, Puerto Rico 00708. Thomas R. Tosteson, Director.

OMB NO. 42-R1670.

DEPARTMENT OF ...E INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (*Indicate one*): ☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED:
Diving physiology in marine turtles. Experiments on "diving response" in these animals will not involve the sacrifice of these animals.

3. APPLICANT. (*Name, complete address and phone number of individual, business, agency, or institution for which permit is requested*)
Thomas R. Tosteson
Department of Marine Sciences
University of Puerto Rico
Mayaguez, P.R. 00708
(809) 832-4040 - ext. 3439 - 3443 - 3447

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: N.A.
☐ MR. ☐ MRS. ☐ MISS ☐ MS. | HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
University of Puerto Rico

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.: Thomas R. Tosteson, Director

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED:

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED:
Marine Station, Dept. of Marine Sciences
La Parguera, P.R.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(*If yes, list license or permit numbers*)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(*If yes, list jurisdictions and type of documents*)
Permit application in progress

9. CERTIFIED CHECK OR MONEY ORDER (*If applicable*) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $ N.A.

10. DESIRED EFFECTIVE DATE: Immediate

11. DURATION NEEDED: 2 years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (*See 50 CFR 13.12(b)*) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
see attached paper

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (*In ink*): Thomas R Tosteson | DATE: 08.7 1976

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GPO 895-042

(1) The species of turtle to be employed in these studies is *Eretmochelys imbricata*, or the Hawksbill Turtle. The turtles will be collected at random and thus will be of variable age and sex. The experiments to be conducted with these anamals are designed to elucidate the "diving reflex" found in these animals. These experiments will not require the sacrifice of the animal.

(2) The turtles are to be collected.

(3) The animals will be caught using traps and nets.

(4) N.A.

(5) The Marine Station on Isla Magueyes, near La Parguera, Puerto Rico, will be the site at which the animals will be kept. This facility is operated and maintained by the University of Puerto Rico at Mayaguez. The experiments to be conducted with these animals will be carried out at the Marine Station and in the hyperbaric chamber located at Concepción Hospital in San Germán, Puerto Rico. This chamber is operated in conjunction with the Hospital.

(6) i. The animals will be housed in wire mesh cages approximately 3×3×5 ft. that will be placed in the sea in the area of the Marine Station.

ii. The animals will be cared for by the graduate students working in the Physiology Laboratory at the Marine Station. These students are at the M.S. and Ph.D. levels, and have the required expertise.

iii. While we would be willing to participate in a breeding program, we do not intend to breed or raise these animals.

iv. If the animals need to be transported, such transport will be done utilizing large aquaria (×24×2 ft.) containing an appropriate amount of seawater.

v. We have not worked with this animal prior to this application.

(7) We have not applied for research funds to cover the initial phase of this project. In the event that the initial work warrants such application, we will apply to the National Geographic Society and the National Institutes of Health.

(8) i. Experiments will be conducted to determine whether this animal displays a "diving reflex" when exposed to hydrostatic pressure. The response in this case involves an alteration in the circulatory system of the animal, accompanied by changes in the oxygen consumption of the organism. In other diving animals this response can be elicited by very small changes in hydrostatic pressure and in some cases by simply immersing the head of the animal in water.

ii. The hyperbaric chamber will be utilized in part of this work. The circulation and oxygen consumption of the animal will be monitored indirectly through the implantation of electrodes.

iii. The results of this work will enable us to better understand the diving habits of this organism. The ability of this organism to dive no doubt enhances its survival.

iv. The animals employed in this work will be released upon completion of the study.

UNIVERSITY OF PUERTO RICO, DEPARTMENT OF MARINE SCIENCES, FACULTY OF ARTS AND SCIENCES

Mayagüez, Puerto Rico, February 10, 1977.

Mr. DONALD G. DONAHOO,
Federal Wildlife Permit Office,
Fish and Wildlife Service,
U.S. Department of the Interior,
Washington, D.C.

DEAR MR. DONAHOO: I am in receipt of your letter of 10 December 1976, concerning the permit that I submitted regarding the use of the Hawksbill Turtle to examine the "diving reflex" in this organism. I am of course interested in pursuing this matter. I would like to answer your questions in the order they were presented.

1. The turtles employed in this study will be taken from the coral reefs in the area of the south-west coast of Puerto Rico. Approximately 10 turtles will be collected, ranging from 6 to 8 lbs. each. I believe the number of turtles employed in this case will not affect the local population.

2. The graduate student involved in this study has had ample experience in observing the habits of this animal in the field. Of course he has not had experience doing the EKG, oxygen consumption and blood lactate determinations on this animal. These determinations will be made utilizing indirect, in most part external sensing systems. I will be directing the study. During the course of my training I have worked in several Physiology and Pharmacology Departments in several medical schools. We will also have available the advice of other investigators at present

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working in medical schools in the continental United States. The animals employed in this study are not to be sacrificed.

3. Far and above the most populous species of turtle in this immediate area is the Hawksbill Turtle. The "diving reflex" has been reported in the green turtle (Pacific subspecies, *Chelonia mydas*). The Hawksbill Turtle is ominivorous and apparently more active than the green turtle. The green turtle is not common here.

4. I have made repeated attempts to contact the representatives in the local government here and to date have not been successful. I have discussed this matter with the Fish and Wildlife here. I am sure that I will be able to contact the appropriate officials in the Commonwealth Government.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-472-07; please refer to this number when submitting comments. All relevant comments received by May 2, 1977 will be considered.

Dated: March 28, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-9703 Filed 3-31-77;8:45 am]

INTERNATIONAL TRADE COMMISSION

BROOM CORN BROOMS; CONSUMPTION

Report to the President

MARCH 28, 1977.

In accordance with Executive Order 11377 of October 23, 1967 (copy attached), to assist the President in the exercise of his authority under headnote 3 to schedule 7, part 8, subpart A, of the Tariff Schedules of the United States (TSUS) (79 Stat. 948; 19 U.S.C. 1202), the U.S. International Trade Commission herein reports its judgment as to the estimated domestic consumption of broom corn brooms for the year 1976, the basis for that estimate, and information on U.S. consumption, production, imports, and exports of other types of brooms considered to be competitive with broom corn brooms. For convenience, the Commission also reports corresponding data for broom corn brooms for the years 1965 and 1975 and data for competitive brooms for 1968.

ESTIMATED CONSUMPTION OF BROOM CORN BROOMS

In the judgment of the Commission, consumption of brooms wholly or in part of broom corn in the calendar years 1965, 1975, and 1976 was as shown in the table below:

Brooms wholly or in part of broom corn: U.S. consumption, 1965, 1975, and 1976

[In dozens]

Type of broom	1965 [1]	1975 [2]	1976
Whiskbrooms of a kind provided for in TSUS items 750.26 to 750.28, inclusive	470,612	376,025	391,593
Other brooms of a kind provided for in TSUS items 750.29 to 750.31, inclusive	2,878,995	2,270,010	2,159,285

[1] As reported to the President on May 2, 1968.
[2] As reported to the President on Mar. 17, 1976.

BASIS FOR THE COMMISSION'S JUDGMENT WITH RESPECT TO BROOM CORN BROOMS

The Commission estimated consumption of broom corn brooms in 1976 by the same methods it used to estimate consumption in its previous reports pursuant to Executive Order 11377. Apparent annual consumption was determined by adding the quantity of shipments by domestic producers to the quantity of imports and then subtracting the quantity of exports. Data on imports were obtained from the U.S. Customs Service; data on shipments and exports were estimated from responses to questionnaires sent to all known domestic producers of broom corn brooms.

The data for each of the components used in the computation of apparent annual consumption of broom corn brooms were as shown in the table below:

Whiskbrooms provided for in TSUS items 750.26 to 750.28, inclusive, and other brooms provided for in TSUS items 750.29 to 750.31, inclusive: U.S. producers' shipments, imports, exports, and apparent consumption, 1965, 1975, and 1976

[In dozens]

Item	1965 [1]	1975 [2]	1976
	Wiskbrooms provided for in TSUS items 750.26 to 750.28, inclusive		
U.S. producers' shipments	318,691	255,379	257,473
Imports	152,686	121,102	134,338
Exports	765	456	218
Apparent consumption	470,612	376,025	391,593
	Other brooms provided for in TSUS items 750.29 to 750.31, inclusive		
U.S. producers' shipments	2,596,457	2,120,341	2,045,094
Imports	296,897	153,638	116,357
Exports	14,359	3,969	4,166
Apparent consumption	2,878,995	2,270,010	2,159,285

[1] As reported to the President on May 2, 1968.
[2] As reported to the President on Mar. 17, 1976.

BROOMS CONSIDERED COMPETITIVE WITH BROOM CORN BROOMS

As reported to the President on May 23, 1969, the Commission concluded that whiskbrooms of all fibers other than broom corn are competitive with whiskbrooms made of broom corn, and that upright brooms of all fibers other than broom corn are competitive with upright broom corn brooms. The Commission further concluded that push brooms 16 inches or less in width generally are competitive with upright broom corn brooms. The "competitive" brooms identified above are generally used for the same purpose as, and are generally substitutable for, broom corn brooms.

The Commission estimates that domestic shipments, imports, exports, and apparent consumption in 1968 [1] and 1976 of the brooms considered to be competitive with broom corn brooms were as shown in the table below:

[1] As reported to the President on May 23, 1969.

Brooms competitive with broom corn brooms: Estimated U.S. producers' shipments, imports, exports, and apparent consumption, 1968 and 1976

[In thousands of dozens]

Type of broom	Producers' shipments		Imports		Exports		Apparent consumption	
	1968	1976	1968	1976	1968	1976	1968	1976
Wiskbrooms:								
Plastic fiber	36	74	8	22	(1)	1	44	95
Other fiber	59	[2] 3	.....	5	(1)	(1)	59	[2] 8
Other (upright) brooms:								
Plastic fiber	193	699	131	120	6	24	318	795
Other fiber	95	59	.....	47	2	1	93	105
Push brooms (16 in or less in width)	269	179	.....	13	1	3	268	189

[1] Less than 500 doz.
[2] The absence of any substantial production in 1976 of whiskbrooms of fibers other than plastics or broom corn is attributable in large measure to the substitution of plastics for "other fiber" in the production of whiskbrooms since 1968.

SOURCE: Compiled from data furnished by domestic producers and official statistics of the Bureau of the Census.

Issued: March 28, 1977.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[For immediate release; Oct. 23, 1967]

OFFICE OF THE WHITE HOUSE
PRESS SECRETARY,
THE WHITE HOUSE, *October 24, 1967.*

EXECUTIVE ORDER 11377—PROVIDING FOR TARIFF COMMISSION REPORTS REGARDING THE ESTIMATED CONSUMPTION OF CERTAIN BROOMS

By virtue of the authority vested in me by the Constitution and the statutes, including section 332 of the Tariff Act of 1930 (19 U.S.C. 1332), it is hereby ordered as follows:

1. In order to assist the President in the exercise of his authority under headnote 3 to schedule 7, part 8, subpart A, of the Tariff Schedules of the United States (79 Stat. 948; 19 U.S.C. 1202), the United States Tariff Commission shall keep under review developments with regard to whiskbrooms of a kind provided for in items 750.26 to 750.28, inclusive, of the tariff schedules, and other brooms of a kind provided for in items 750.29 to 750.31, inclusive, of such schedules, and shall annually report to the President, as early as practicable in each calendar year, its judgment as to the estimated annual consumption of each such kind of brooms during the immediately preceding calendar year, together with the basis therefor. The first report by the Commission under this paragraph shall contain estimates for the calendar year 1967, and also similar estimates for the calendar year 1965, together with the basis therefor.

2. At the time of its report of the estimates under paragraph 1 of this order for 1968, and biennially thereafter, in addition to the matters described in paragraph 1, the Commission shall report to the President available information as to the production of and trade in other types of brooms which it considers to be competitive with those identified in paragraph 1 and, if practicable, estimates as to the annual consumption of such other brooms.

/s/ LYNDON B. JOHNSON.

[FR Doc.77-9690 Filed 3-31-77;8:45 am]

[TA-201-21]

CAST-IRON COOKING WARE

Time and Place of Public Hearing

Notice is hereby given that the public hearing in this matter scheduled to begin on Tuesday, April 12, 1977, in Birmingham, Alabama, will commence at 10 a.m., e.s.t., in the Alabama and Georgia Room, Southeastern Program Service Center, 2001 12th Avenue, North, Birmingham, Alabama 35285.

Notice of the investigation and hearing was published in the FEDERAL REGISTER of February 22, 1977. [42 FR 10347]

By order of the Commission

Issued: March 29, 1977.

KENNETH R. MASON,
Secretary.

[FR Doc.77-9830 Filed 3-31-77;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D St. NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 28th day of March, 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

Applications received during the week ending March 25, 1977

Name of applicant	Location of enterprise	Principal product or activity
Triple A Sugar Corp.	Easton, Maine	Processing of sugar beet into white sugar.
Saint Francis College	Biddeford, Maine	College higher education leading to B.A. and B.S. degrees.
Vastill Corp. (tenant of Essex County Industrial Development Agency).	Plattsburg, N.Y.	Manufacture of self-watering planters.
Greenbrier Estates	Lewisburg, W. Va.	Mobile home park.
Ramada Inn	Harlan, Ky.	Motel and restaurant.
Benton Electric Corp.	Madison County, Ga.	Manufacture of vacuum formed plastic fiberglass signs and sign faces.
Coshocton Pipe Co.	Coshocton County, Ohio.	Transportation and sale of natural gas to ultimate industrial consumers.
John W. Thompson	Taylor, Tex.	Motel.
Rigid Tanks, Inc.	Throckmorton, Tex.	Manufacture of welded steel tanks for oil and salt water storage.
Mount Rushmore Hotel Associates	Rapid City, S.D.	Motel—food and beverage.
Manchester Packaging Co. (tenant of City of St. James).	St. James, Mo.	Manufacture of poly bags.
American Olivine Corp. (tenant of Jackson County).	Dillsboro, N.C.	Mining and processing of olivine ore.
Barry County Lumber Co.	Hastings, Mich.	Lumber, paint and building materials sales.

[FR Doc.77-9849 Filed 3-31-77;8:45 am]

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MISSISSIPPI

Availability of Federal Supplemental Benefits

This notice announces the beginning of a new Federal Supplemental Benefit Period in the State of Mississippi, effective March 27, 1977, but only on the condition that the benefit program is extended by an act of Congress.

BACKGROUND

The Emergency Unemployment Compensation Act of 1974 (Pub. L. 93-572, enacted December 31, 1974) (the Act) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the U.S. Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable under the current law to eligible individuals are up to 13 weeks or 26 weeks, depending upon the level of the rate of insured unemployment in the State.

There is a Federal Supplemental Benefit "on" indicator in a State for a week if the U.S. Secretary of Labor determines with respect to the State that, (a) there is a State or National "on" indicator for the week, as determined for the purposes of payment of extended benefits under the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and (b) the employment security agency of the State has determined that the average rate of insured unemployment in the State for the period consisting of that week and the immediately preceding 12 weeks equalled or exceeded 5.0 percent. The Federal Supplemental Benefit Period actually begins with the third week following the week for which there is an "on" indicator, and under the current law lasts for a minimum period of not less than 26 weeks; however, no benefit period will begin in Mississippi unless the program is extended, because under the current law the program terminates on March 26, 1977.

Similarly, an "off" indicator ending a Federal Supplemental Benefit Period occurs in a week when the Secretary of Labor determines that the average rate of insured unemployment (as determined by the State employment security agency) for the period consisting of that week and the immediately preceding 12 weeks is less than 5.0 percent. The Federal Supplemental Benefit Period actually ends with the third week after the week in which there is an "off" indicator. Only if the program is extended will this have any bearing on Mississippi, and in any extension of the program there may be changes in those provisions.

DETERMINATION OF "ON" INDICATOR

The Secretary of Labor has determined under section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and 20 CFR 615.13(a), (Title 20 of the Code of Federal Regulations, section 615.13(a)), that there is a National "on" indicator in effect which is applicable to every State, as announced in the notice published in the FEDERAL REGISTER on February 21, 1975, at 40 FR 7722. The employment security agency of the State of Mississippi has determined under the Act and 20 CFR 618.19(a)(2) (published in the FEDERAL REGISTER on March 23, 1976, at 41 FR 12151, 12157) that the average rate of insured unemployment in the State for the period consisting of the week ending on March 12, 1977, and the immediately preceding 12 weeks, equaled or exceeded 5.0 percent.

Therefore, on the condition that the program is extended by an act of Congress, I have determined in accordance with the Act and 20 CFR 618.19(a), and as authorized by the Secretary of Labor's Order 4-75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "on" indicator in the State of Mississippi for the week ending on March 12, 1977, and that a Federal Supplemental Benefit Period therefore commenced in that State with the week beginning on March 27, 1977.

INFORMATION FOR CLAIMANTS

The duration of Federal Supplemental Benefits payable in the new Federal Supplemental Benefit Period, if it takes effect, and the terms and conditions on which they are payable, will be governed by amendments that are made in any act extending the program.

If the program is extended, the State employment security agency will furnish a written notice of potential entitlement to Federal Supplemental Benefits to each individual who is an "exhaustee" (as defined in the Act and 20 CFR 618.5) of regular and extended benefits payable under State and Federal unemployment compensation laws, and to each individual who has a previously established Federal Supplemental Benefit Account in which there is any balance as of the beginning of the new Federal Supplemental Benefit Period.

Persons who believe they may be entitled to Federal Supplemental Benefits in the State of Mississippi, or who wish to inquire about their rights under this program, should contact the nearest State Employment Office of the Mississippi Employment Security Commission in their locality.

Signed at Washington, D.C., on March 29, 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

[FR Doc.77-9840 Filed 3-31-77;8:45 am]

UTAH

Availability of Federal Supplemental Benefits

This notice announces the beginning of a new Federal Supplemental Benefit Period in the State of Utah, effective March 27, 1977, but only on the condition that the benefit program is extended by an act of Congress.

BACKGROUND

The Emergency Unemployment Compensation Act of 1974 (Pub. L. 93-572, enacted December 31, 1974) (the Act) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable under the current law to eligible individuals are up to 13 weeks or 26 weeks, depending upon the level of the rate of insured unemployment in the State.

There is a Federal Supplemental Benefit "on" indicator in a State for a week if the United States Secretary of Labor determines with respect to the State that (a) there is a State or National "on" indicator for the week, as determined for the purposes of payment of extended benefits under the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and (b) the employment security agency of the State has determined that the average rate of insured unemployment in the State for the period consisting of that week and the immediately preceding twelve weeks equalled or exceeded 5.0 percent. The Federal Supplemental Benefit Period actually begins with the third week following the week for which there is an "on" indicator, and under the current law lasts for a minimum period of not less than 26 weeks; however, no benefit period will begin in Utah unless the program is extended, because under the current law the program terminates on March 26, 1977.

Similarly, an "off" indicator ending a Federal Supplemental Benefit Period occurs in a weeks when the Secretary of Labor determines that the average rate of insured unemployment (as determined by the State employment security agency) for the period consisting of that week and the immediately preceding twelve weeks is less than 5.0 percent. The Federal Supplemental Benefit Period actually ends with the third week after the week in which there is an "off" indicator. Only if the program is extended will this have any bearing on Utah, and in any extension of the program there may be changes in those provisions.

DETERMINATION OF "ON" INDICATOR

The Secretary of Labor has determined under section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and 20 CFR 615.13(a), (Title 20 of the Code of Federal Regulations, section 615.13(a)), that there is a National "on" indicator in effect which is applicable to every State, as announced in the notice published in the FEDERAL REGISTER on February 21, 1975, at 40 FR 7722. The employment security agency of the State of Utah has determined under the Act and 20 CFR 618.19(a)(2) (published in the FEDERAL REGISTER on March 23, 1976, at 41 FR 12151, 12157), that the average rate of insured unemployment in the State for the period consisting of the week ending on March 12, 1977, and the immediately preceding twelve weeks, equalled or exceeded 5.0 percent.

Therefore, on the condition that the program is extended by an act of Congress, I have determined in accordance with the Act and 20 CFR 618.19(a), and as authorized by the Secretary of Labor's Order 4-75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "on" indicator in the State of Utah for the week ending on March 12, 1977, and that a Federal Supplemental Benefit Period therefore commenced in that State with the week beginning on March 27, 1977.

INFORMATION FOR CLAIMANTS

The duration of Federal Supplemental Benefits payable in the new Federal Supplemental Benefit Period, if it takes effect, and the terms and conditions on which they are payable, will be governed by amendments that are made in any act extending the program.

If the program is extended, the State employment security agency will furnish a written notice of potential entitlement to Federal Supplemental Benefits to each individual who is an "exhaustee" (as defined in the Act and 20 CFR 618.5) of regular and extended benefits payable under State and Federal unemployment compensation laws, and to each individual who has a previously established Federal Supplemental Benefit Account in which there is any balance as of the beginning of the new Federal Supplemental Benefit Period.

Persons who believe they may be entitled to Federal Supplemental Benefits in the State of Utah, or who wish to inquire about their rights under this program, should contact the nearest Employment Security Office of the Utah Industrial Commission in their locality.

Signed at Washington, D.C., on March 29, 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

[FR Doc.77-9841 Filed 3-31-77;8:45 am]

Occupational Safety and Health Administration

NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

Request for Nomination of Members

The Assistant Secretary of Labor for Occupational Safety and Health requests nominations for membership on the National Advisory Committee on Occupational Safety and Health. The function of this Committee is to advise the Assistant Secretary on policy matters and on the implementation of the Occupational Safety and Health Act.

The current terms of six members of the twelve member Committee expire on June 30, 1977. Vacancies on the Committee will be in the following categories: one public representative; one employee representative; one employer representative; one safety representative and two health representatives. Terms of office are two years.

Any interested person or organization may nominate one or more qualified persons for membership. Please identify nominees by name, occupation or position, address and telephone number. Specify the field or group which the candidate would represent and include a resume of the nominee's background, experience and qualifications. In addition, the nomination should state that the nominee is aware of the nomination and is willing to serve as a Committee member.

Nominations should be submitted to Joanne Goodell, Acting Director, Division of Consumer Affairs, Room N-3635, Department of Labor Building, 3rd Street and Construction Avenue, NW, Washington, D.C. 20210, no later than April 30, 1977.

Signed at Washington, D.C. this 25th day of March 1977.

J. GOODELL,
Executive Secretary.

[FR Doc.77-9843 Filed 3-31-77;8:45 am]

[V-77-6]

PITTSBURGH-DES MOINES STEEL CO.

Application for Variance and Interim Order; Grant of Interim Order

I. *Notice of application.* Notice is hereby given that Pittsburgh-Des Moines Steel Company, 1015 Tuttle Street, Des Moines, Iowa 50308 has made application pursuant to section 6(d) of the Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance, and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1926.552(c) concerning personnel hoists and 1926.451(1) (4) and (5) concerning boatswain's chairs.

The addresses of the places of employment that will be affected by the application are:

Southern Illinois Power Plant, County Road, E., Marion, Illinois.

and all future stack erection sites in States under Federal jurisdiction.

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by §§ 1926.451(1) (4) and (5) and 1926.552(c).

The applicant is engaged in the construction of stack liners. In erecting the liner, work must be performed at elevations to 400' or more. The applicant contends that at such heights access ladders are impractical. There is not sufficient room inside a stack to erect a construction hoist tower, and the erection of one outside the stack would present serious problems due to the necessary height of the tower and the tapering of the stack. In addition, at times the use of a boatswain's chair is necessary. However, the applicant states that the use of block and falls is impractical for transporting an employee to and from these elevations.

Therefore, the applicant proposes to transport personnel to and from the elevated work platforms utilizing a special workman's hoist, including the hoist machine and a two-man safety cage. The applicant further proposes to transport personnel one at a time to and from the elevated work platform utilizing a boatswain's chair while substituting a materials hoist for a block and falls. The applicant has submitted detailed procedures which it will follow in transporting personnel by these means.

A copy of the application will be made available for inspection and copying upon request at the Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N-3668, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor, Occupational Safety and Health Administration, 911 Walnut Street, Room 3000, Kansas City, Missouri 64106.

U.S. Department of Labor, Occupational Safety and Health Administration, 210 Walnut Street, Room 638, Des Moines, Iowa 50309.

U.S. Department of Labor, Occupational Safety and Health Administration, 32nd Floor, Room 3263, 230 S. Dearborn Street, Chicago, Illinois 60604.

U.S. Department of Labor, Occupational Safety and Health Administration, 228 N.E. Jefferson, 3rd Floor, Peoria, Illinois 61603.

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than May 2, 1977. In addition, employers and employees who believe they would be affected by a grant

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or denial of the variance may request a hearing on the application no later than May 2, 1977, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Variance Determination at the above address.

II. *Interim order.* It appears from the application for a variance and interim order that, as required by section 6(d) of the Act, the use of a special workman's hoist to transport employees and the substitution of a materials hoist for block and fall on a boatswain's chair will provide to the affected employees a place of employment as safe as that which would be provided if the applicant complied with 29 CFR 1926.451 (1)(4) and (5) and 1926.552(c). It further appears that an interim order is necessary to prevent undue hardship to the applicant and its employees pending a decision on the variance. Therefore it is ordered, pursuant to the authority in section 6(d) of the Occupational Safety and Health Act of 1970, in 29 CFR 1905.11(c), and in Secretary of Labor's Order No. 8–76 (41 FR 25059), that Pittsburgh-Des Moines Steel Company be, and it is hereby, authorized to utilize a special workman's hoist consisting of a hoist machine and a special two-man safety cage to transport employees to and from the work platforms, and to use a boatswain's chair to transport employees one at a time while substituting a materials hoist for the block and falls, *Provided*, That the following conditions are complied with:

a. *Hoist machine.* (1) The hoist machine shall be designated as a portable man hoist.

(2) The hoist machine shall be powered both in the up and down direction.

(3) The hoist machine shall be located far enough from the footblock to obtain correct fleet angle or proper spooling on the hoist drum.

(4) The hoisting machine shall be a type of which the car hoisting drum is driven in both directions of rotation and is automatically stopped and held rotationless upon loss of applied power so that the drum cannot be in a freewheeling condition. A drive system of which the hoisting drum can be placed into a freewheeling position for the purpose of lowering the car by use of the braking system or a system of which the velocity of the car being lowered is reduced by increasing the engine or motor speed shall not be allowed.

(5) The hoist machine shall be equipped with a "dead-man" control switch in top of operating lever or in conventional foot-type location which shall stop the hoist immediately if released.

(6) The hoist machine shall be equipped with a winding drum of not less than 30 times the diameter of rope used, with rope not to be spooled closer than two inches to edge of flange.

(7) The hoist machine shall be equipped with a line speed indicator maintained in good working condition.

(8) The hoist machine shall be equipped with either two independently operated brakes each capable of holding the load as follows:

(i) An externally contracting band type brake mounted directly on the hoist drum. A foot pedal shall be located near the operator's seat for sit down control.

(ii) An electromagnetic braking device, capable of holding 150 percent of the rated load, which shall be automatically applied upon cessation of power. The electromagnetic brake shall be properly located in the drive between the power source and the drum.

or two independent band type brakes in conjunction with hydraulic braking, each capable of holding the load as follows:

(i) Two independent band type brakes, one mounted directly on the hoist drum, the second mounted directly on the hydraulic motor which are spring engaged and hydraulically disengaged and will automatically engage upon cessation of power and capable of withstanding 150 percent of the rated load.

(ii) Hydraulic braking system which is concurrent with hand control lever.

(9)(i) The hoist machine frame shall be self-supporting rigid, welded steel frame with skid base and holding brackets for anchor lines located at corners, as well as legs for anchor bolts.

(ii) The hoisting machine shall be securely anchored to prevent machine displacement, movement or dislodgment.

(10) Hoist machine wiring shall be equipped with terminal blocks for connections with limit switches that are placed at upper and lower end of travel to prevent the bottom of the cage from being taken above the platform level of the top scaffold or below the bottom loading platform. The hoist shall stop automatically if limit switch contact is opened.

(11) All electrical equipment shall be waterproof.

(12) The hoisting machine shall be electrically grounded.

(13) Single lever control for both speed and direction shall be used.

b. *Operating control.* (1) The operator of the hoist shall be an experienced operator.

(2) The hoist shall not be operated in excess of 250 ft/min. when carrying personnel.

(3) Signals shall consist of two-way radio or wired intercom between hoist operator, the lower landing and the upper landing.

c. *Hoist rope.* (1) The hoisting rope shall be improved plow steel or equivalent quality of nonrotating type or regular lay rope with proper swivel and shall be not less than one-half inch diameter. It shall be attached to the cage by a closed hook or hook with locking swivel safety latch.

(2) Where clip fasterner is used, the clips shall be installed in accordance with Table H–20, 29 CFR 1926.251(a)(2) and they shall be installed with "U" of clip on dead end of rope. Spacing clip-to-clip shall be six times the diameter of the rope.

(3) The load end of the hoist rope shall be weighted to prevent line run.

d. *Footblock.* (1) The footblock shall construction type of solid single piece ball, which will prevent rope escapement due to sheave failure, and provide for rope return.

(2) The line diameter of the footblock shall be not less than 24 times the rope diameter.

(3) The change in directions of hoist rope at the footblock shall be approximately 90°.

e. *Cathead.* (1) The overhead sheave supports shall be securely fastened together by bolts or weld to prevent spreading. The sheaves shall be installed between the supporting members and shall rotate on a fixed shaft or the shaft shall revolve in pillow block bearings.

(2) The sheaves used on cathead shall have a minimum diameter equal to 24 times diameter of rope when travel of rope on the sheaves is approximately 90°. When using ½ inch diameter rope, the corresponding minimum sheave diameter shall be 12 inches.

f. *Safety cables.* (1) There shall be two steel safety cables suitable for use with safety clamps, as described in paragraph (g) (6), (7) and (8), or equivalent.

(2) One end shall be fastened to an overhead support which is supported independently of the overhead support for the hoist rope and the bottom end securely attached with approximately 100 pound tension in ropes. Safety cables shall be ½ inch diameter.

g. *Cage.* (1) The cage shall be of welded construction of two-man capacity.

(2) The framework of the cage shall be covered with aluminum expand-x or equivalent.

(3) The floor shall be one inch thick plywood securely fastened in place or equivalent.

(4) The roof shall be slanted and of ⅛ inch thick aluminum or equivalent.

(5) The entrance to the cage shall have positive mechanical locking.

(6) Safety clamps shall be of a type that are portable and can be attached or detached from the lifeline. The clamps shall be fabricated 100 percent of stainless steel, have instant holding action and a solid self-locking pin, spring loaded, for locking the two parts together.

(7) The safety clamp attached on opposite sides of the cage shall grip the safety cables in case of emergency.

(8) The safety clamps shall operate on the broken rope principle.

h. *Capacity.* The maximum of two-man cage shall be two men or 400 pounds. A sign stating capacity shall be posted in the cage.

i. *Emergency escape.* An emergency escape device with accommodations for each man in the cage with a minimum of 5/16 inch braided nylon rope or better, long enough to reach the bottom landing from the highest escape point below the upper landing shall be securely attached to the inside of the cage. Not more than one man shall use the escape means at a time.

j. *Welding.* All welding shall be done by welders in accordance with § 1926.556(b)(5).

k. *Inspection.* (1) Visual inspection shall be performed daily on the manlift system.

(2) A drop test shall be performed before initial use at each job and monthly thereafter for the duration of the job.

Pittsburgh-Des Moines Steel Co., shall give notice of this interim order to employees affected thereby by the same means required to be used to inform them of the application for variance.

Effective date: This interim order shall be effective as of April 1, 1977, and shall remain in effect until a decision is rendered on the appliaction for variance.

Signed at Washington, D.C., this 25th day of March 1977.

B. M. CONCKLIN,
Deputy Assistant Secretary of Labor.

[FR Doc.77–9842 Filed 3–31–77;8:45 am]

OREGON STATE STANDARDS

Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On December 28, 1972, notice was published in the FEDERAL REGISTER (37 FR 28628) of the approval of the Oregon plan and the adoption of Subpart D to Part 1952 containing the decision.

The Oregon plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act. Section 1953.20 provides that "where any alteration in the Federal program could have an adverse impact on the at least as effective as status of the State program, a program change supplement to a State plan shall be required."

In response to Federal standards changes, the State has submitted by letter dated November 2, 1976 from Keith Wilson, Chairman, Workmens Compensation Board, to James Lake, Regional Administrator, and incorporated as part of the plan, State standards comparable to 29 CFR § 1910.183, Helicopters, as published in the FEDERAL REGISTER (40 FR 13440) dated March 20, 1976.

These State standards, which are contained in the Oregon Safety Code Chapter 11 Section 7, were promulgated after public hearings held on August 4, 1976.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are at least as effective as the comparable Federal standards and accordingly should be approved. On its own initiative, the State has a standard requiring that flight paths be arranged so that suspended loads will not pass over ground personnel and clarified intent of § 1910.183(i), Hooking and Unhooking Loads. The detailed standards comparison is available at the locations specified below.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6003, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; Workmen's Compensation Board, Labor and Industries Building, Room 204, Salem, Oregon 97310; and the Technical Data Center, Room N3620, 200 Constitution Avenue NW., Washington, D.C. 20210.

4. *Public participation.* Section 1953(c)(1) of this chapter provides that where State standards are identical to or "at least as effective" as comparable Federal standards and have been promulgated in accordance with State law, approval may be effective upon publication without an opportunity for further public participation. As the standards under consideration are "at least as effective" as the Federal standards and have been promulgated in accordance with State law including an opportunity for public comment and a public hearing, they are approved without an opportunity for further public comment.

This decision is effective April 1, 1977.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667).)

Signed at Seattle, Washington this 24th day of February 1977.

JAMES W. LAKE,
Regional Administrator—OSHA.

[FR Doc.77–9844 Filed 3–31–77;8:45 am]

WASHINGTON STATE STANDARDS

Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On January 26, 1973, notice was published in the FEDERAL REGISTER (38 FR 2421) of the approval of the Washington plan and the adoption of Subpart F to Part 1952 containing the decision.

The Washington plan provides for the adoption of Federal standards as State standards after public hearing. Section 1953.20 provides that "where any alteration in the Federal program could have an adverse impact on the at least as effective as "status of the State program, a program change supplement to a State plan shall be required." In response to Federal standards changes, the State has submitted by letter dated October 6, 1976 from John Hillier, Assistant Dirctor, to James Lake, Regional Administrator, and incorporated as part of the plan, a State standard comparable to 29 CFR 1910.184(e)(9)(i), Slings, as published in the FEDERAL REGISTER (40 FR 31598) dated July 20, 1975.

This State standard, which is contained in WAC 296–24 General Safety and Health Standards, was promulgated after public hearing held on September 1, 1976, pursuant to Chapter 34.04 RCW and of the Open Public Meetings Act of 1971, Chapter 42.30 RCW.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standard, it has been determined that the State standard is identical to the Federal standard.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6003 Federal Office Building, 909 First Avenue, Seattle, Washington 98174; Department of Labor and Industries, General Administration Building, Olympia, Washington 98504; and the Technical Data Center, Room N3620, 200 Constitution Avenue, Washington, D.C. 20210.

4. *Public participation.* Section 1953.2(c) of this chapter provides that when a State standard is identical to or "at least as effective" as comparable Federal standard and has been promulgated in accordance with State law, approval may be effective upon publication without an opportunity for further public participation. As the standard under consideration is identical to the Federal standard and has been promulgated in accordance with State law, it is approved without public comment.

This decision is effective April 1, 1977.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667).)

Signed at Seattle, Washington, this 2nd day of February 1977.

JACK R. JONES,
Acting Regional Administrator—OSHA.

[FR Doc.77–9845 Filed 3–31–77;8:45 am]

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LEGAL SERVICES CORPORATION

GRANTS AND CONTRACTS

MARCH 28, 1977.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996*l*. Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly, and shall notify the Governor and the State Bar Association of any State where legal assistance will thereby be initiated, of such grant, contract, or project. . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Legal Aid Society of the City and County of St. Louis, St. Louis, Missouri, to serve the counties of St. Charles, Jefferson, Franklin, Washington and Warren.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at:

Chicago Regional Office, 310 South Michigan Avenue, 24th Floor, Chicago, Illinois 60604.

THOMAS EHRLICH,
President.

[FR Doc.77-9829 Filed 3-31-77;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

MEETING

MARCH 29, 1977.

Pursuant to Sec. 10(a)(2) of the Federal Advisory Committee Act, 5, U.S.C. App I (Supp V, 1975), notice is hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a meeting Monday and Tuesday, April 18-19, 1977. These sessions will be open to the public and will be held in Room 4832 of the U.S. Department of Commerce Building, 14th Street between Constitution Avenue and E Street, N.W., Washington, D.C., beginning at 9 a.m. on both days.

The Committee, consisting of 25 non-Federal members appointed by the President from State and local governments, industry, science and other appropriate areas, was established by Congress by Public Law 92-125, on August 16, 1971, as amended. Its duties are to (1) undertake a continuing review of national ocean policy, coastal zone management and the progress of the marine and atmospheric science and service programs of the United States, (2) submit a comprehensive annual report to the President and to the Congress setting forth an overall assessment of the status of the Nation's marine and atmospheric activities on or before 30 June of each year, and (3) advise the Secretary of Commerce with respect to the carrying out of the purpose of the National Oceanic and Atmospheric Administration.

The Agenda will include the following topics:

APRIL 18, 1977

MORNING

0900 Opening Remarks.
0915 NOAA's Office of Ocean Engineering—Mr. Stephen Anastasion, Acting Director.
1000 Review of possible topics for NACOA Sixth Annual Report including: National goals, marine transportation, marine education, ocean engineering, National Weather Service emergency operations, air pollution monitoring, OCS oil and gas, nonfossil energy from the sea, deepsea mining, distant water fisheries, distant water research, national fisheries management, aquaculture, Dept. of State and marine issues, international agencies academic fleet, coastal zone management, national data centers.
1700 Adjournment.

APRIL 19, 1977

MORNING

0900 Opening Remarks.
0915 Annual Report topics review (continued).

Adjournment at approximately 1:30 p.m.

The public is welcome at these sessions and will be admitted to the extent of the seating available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, Department of Commerce Building, Room 5225, Washington, D.C. 20230. The telephone number is 377-3343.

DOUGLAS L. BROOKS,
Executive Director.

[FR Doc.77-9852 Filed 3-31-77;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MUSIC ADVISORY PANEL

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a closed meeting of the Music Advisory Panel (Composer-Librettist Section) to the National Council on the Arts will be held on April 21-22, 1977, from 9:30 a.m. to 5:30 p.m., in the 12th Floor Screening Room, Columbia Plaza Building, 2401 E Street, NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of March 17, 1977. These sessions may be closed to the public pursuant to subsection (c) (4), (6) and 9(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

MARCH 25, 1977.

[FR Doc.77-9742 Filed 3-31-77;8:45 am]

NATIONAL SCIENCE FOUNDATION

LEGISLATION & REGULATION COMMITTEE OF THE NSF SCIENCE INFORMATION ACTIVITIES TASK FORCE

Open Meeting

In accordance with the Federal Advisory Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Legislation & Regulatory Committee of the Science Information Activities Task Force.
Date: April 19, 1977.
Time: 1:00 p.m. to 4:00 p.m.
Type of meeting: Open.
Place: Engineers Joint Council (Conf. Room 110, Lobby), 345 East 47th Street, New York, NY 10017.
Contact: Dr. Lee G. Burchinal, Director, Division of Science Information, Room 1201, National Science Foundation, Washington, DC 20550. Telephone: (202) 632-5824.

Persons planning to attend should notify Dr. Burchinal prior to this meeting.

Summary minutes: May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Room 248, National Science Foundation, Washington, DC 20550.
Purpose of the Task Force: To provide advice and recommendations concerning the appropriate roles and responsibilities of the National Science Foundation regarding the communication and use of scientific and technical information. This committee, one of four established by the Task Force, will explore the Legislative and Regulatory aspects pertinent to the Task Force's charge.

AGENDA

1:00 p.m.—Welcome and Introductory Remarks by Chairman.
1:15 p.m.—Discussion on New Copyright Legislation Affecting Scientific Journal Publication.
2:30 p.m.—Discussion on Regulatory Environments Applicable to Science Information Systems.
3:00 p.m.—Open Public Participation.
4:00 p.m.—Adjourn.

M. REBECCA WINKLER,
Acting Committee Management Officer.

MARCH 29, 1977.

[FR Doc.77-9814 Filed 3-31-77;8:45 am]

NUCLEAR REGULATORY COMMISSION

ENVIRONMENTAL SURVEY OF THE REPROCESSING AND WASTE MANAGEMENT PORTIONS OF THE LWR FUEL CYCLE

Availability of Public Comments and Responses

Notice is hereby given that a report, "Public Comments and Task Force Responses Regarding the Environmental Survey of the Reprocessing and Waste Management Portions of the LWR Fuel Cycle," NUREG-0216, prepared by the Commission's Office of Nuclear Material Safety and Safeguards, and a Staff paper entitled "Response to Comments on a Paper Entitled 'Impacts of Later Reversing a Decision to Adopt or Not to Adopt an Interim Rule Permitting Construction or Operation of Nuclear Power Plants'" (hereinafter "Response to Comments on Impacts Document") are available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C., and in local public document rooms associated with individual nuclear power plants.

On October 18, 1976, the Commission published in the FEDERAL REGISTER a notice of a proposed revision to Table S-3 of 10 CFR Part 51 and announced at the same time the availability of the document on which the proposed revision would be based—"Environmental Survey of the Reprocessing and Waste Management Portions of the LWR Fuel Cycle," NUREG-0116. In addition, in the notice the Commission referenced an analysis entitled "Impacts of Later Reversing a Decision to Adopt or Not to Adopt an Interim Rule Permitting Construction or Operation of Nuclear Power Plants." This notice solicited comments on the proposed rule change, NUREG-0116, and the impact analysis.

NUREG-0216, which is now being made available, contains responses to the comments received on NUREG-0116 from Federal, State, and local officials and from interested members of the public. It also provides additional information on the environmental impacts of reprocessing and waste management which has either become available since the publication of NUREG-0116 or which adds requested clarification to the information in that document.

Copies of NUREG-0216 may be purchased from the National Technical Information Service, Springfield, Virginia 22161; printed copy, $11.75; microfiche, $3.

Single copies of "Responses to Comments on Impacts Document" may be obtained without charge, to the extent of supply, by writing the Division of Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Silver Spring, Maryland, this 18th day of March 1977.

For the Nuclear Regulatory Commission.

WILLIAM P. BISHOP,
Chief, Waste Management Branch, Division of Fuel Cycle and Material Safety.

[FR Doc.77-9517 Filed 3-31-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Administrative Proceeding File No. 3-5191; File No. 2-37401 22-6087]

AMERICAN AIRLINES, INC.

Application and Opportunity for Hearing

MARCH 24, 1977.

Notice is hereby given that American Airlines, Inc. (the "Applicant") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939, as amended (the "Act"), for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeships of Bankers Trust Company under certain existing indentures involving American Airlines, Inc. ("American") hereinafter described and under an Equipment Trust Agreement (the "New Indenture") of American not to be qualified under the Act are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Bankers Trust Company from acting as trustee under the New Indenture.

Section 310(b) of the Act provides, in part, that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest, it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that the trusteeships under such qualified indenture and such other indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Applicants allege the following: (1) American, a Deleware Corporation, intends to finance a part of the acquisition cost of twelve Boeing Model 727-223 aircraft (the "Aircraft") through the placement with institutional investors of approximately $98,000,000 principal amount of equipment trust certificates which certificates are expected to be issued pursuant to the New Indenture. It is anticipated that the certificates to be issued under the New Indenture will include approximately $20,000,000 principal amount of Interim Equipment Trust Certificates maturing on the earlier of August 31, 1977 or the first closing of the sale of the Short Term and Long Term Equipment Trust Certificates referred to below and of approximately $32,500,000 principal amount of Short Term Equipment Trust Certificates (5 year maturity) and approximately $65,500,000 principal amount of Long Term Equipment Trust Certificates (15 year maturity). American will guarantee the due and punctual payment of principal and interest on the Interim Equipment Trust Certificates. The Equipment Trust Certificates to be issued under the New Indenture will be secured by the Aircraft and American's obligation to pay rent therefore, all as provided in the New Indenture. Copies of the proposed New Indenture will be filed by an amendment to the Applicant's Application promptly upon its availability.

(2) Applicant desires to appoint Bankers Trust Company, a New York Corporation, to act as trustee under the New Indenture.

(3) Bankers Trust Company presently is acting as trustee under the following indentures of American: (a) a trust agreement dated as of October 20, 1967 ("1967 Indenture"), (b) a Trust agreement dated as of September 15, 1969 ("1969 Indenture"), (c) a trust indenture and mortgage dated as of June 1, 1970, as amended and supplemented ("1970 Indenture"), (d) a trust agreement dated as of November 15, 1971 ("1971 Indenture"), (e) a trust indenture and mortgage dated as of April 1, 1975 ("1975 Indenture"), (f) a trust indenture and mortgage dated as of April 1, 1976 ("First 1976 Indenture") and (g) a trust indenture and mortgage dated as of May 1, 1976 (the "Second 1976 Indenture"), relating to the financing of twenty-seven Boeing Model 727-223 aircraft, two Boeing Model 727-223 aircraft, seven Boeing Model 747-123 aircraft, two McDonnell Douglas DC-10 aircraft, six Boeing Model 727-223 aircraft, five Boeing Model 727-223 aircraft and three Boeing Model 727-223 aircraft, respectively, leased to American. 6½ percent Equipment Trust Loan Certificates were issued under the 1967 Indenture in the original principal amount of $114,371,636.03, of which $77,383,386.72 remain outstanding; final payment is due on January 1, 1987. 9½ percent Equipment Trust Loan Certificates were issued under the 1969 Indenture in the original principal amount of $9,079,642.40, of which $6,155,742.00 remain outstanding; final payment is due July 29, 1984. Guaranteed Loan Certificates, Series A, B, Interim C, Second Interim C and C, were issued under the 1970 Indenture

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and remain outstanding in the following respective principal amounts: $47,850,000.00 original principal amount of 11 percent Series A, due December 1, 1988, presently outstanding in the principal amount of $40,295,000.00; $31,800,000.00 original principal amount of 10⅞ percent Series B, due December 1, 1988, presently outstanding in the principal amount of $26,714,000.00; $15,564,000 original principal amount of 9½ percent Interim Series C, due June 1, 1980, none of which is presently outstanding; $15,689,000.00 original principal amount of 9½ percent Second Interim Series C, due June 1, 1989, none of which is presently outstanding; and $32,000,000.00 original principal amount of 10 percent Series C, due June 1, 1989, presently outstanding in the principal amount of $27,203,000.00. 9¼ percent Equipment Trust Loan Certificates were issued under the 1971 Indenture in the original principal amount of $19,513,754.67, of which $18,171,561.81 remain outstanding. 11⅝ percent Equipment Trust Loan Certificates were issued under the 1975 Indenture in the original principal amount of $32,031,409.80, of which $29,935,497.92 remain outstanding. 11 percent Short Term Equipment Trust Loan Certificates were issued under the First 1976 Indenture in the original principal amount of $14,039,261.05, of which $13,253,661.43 remain outstanding, and 9⅛ percent Long Term Equipment Trust Loan Certificates were issued under the First 1976 Indenture in the original principal amount of $14,778,166.51, all of which remain outstanding. 11 percent Short Term Equipment Trust Loan Certificates were issued under the Second 1976 Indenture in the original principal amount of $8,392,164.42, of which $8,239,856.87 remain outstanding, and 9⅛ percent Long Term Equipment Trust Loan Certificates were issued under the Second 1976 Indenture in the original principal amount of $8,833,855.48, all of which remain outstanding. Copies of the trust agreement, lease and other documents (combined as a single document) setting forth the terms and provisions governing the certificates issued under the 1967 Indenture were filed as Exhibit 2 to American's Application dated March 3, 1970 under Section 310(b)(1)(ii) of the Act in connection with American's Registration Statement on Form S-7 under the Securities Act of 1933 (No. 2-37401) and are incorporated herein by reference. Copies of the trust agreement, lease and other documents (combined as a single document) setting forth the terms and provisions governing the certificates issued under the 1969 Indenture were filed as Exhibit 3 to such Application dated March 3, 1970 and are incorporated herein by reference. Copies of the trust indenture and mortgage, lease and other documents, as amended and supplemented, setting forth the terms and provisions governing the certificates issued under the 1970 Indenture were filed as exhibits to American's Registration Statements under the Securities Act of 1933 (Nos. 2-37401, 2-38352 and 2-39380) and are incorporated herein by reference. Copies of the trust agreement, lease and other documents (combined as a single document) setting forth the terms and provisions governing the certificates issued under the 1971 Indenture were filed as Exhibit A to American's Application dated March 25, 1975 under section 310(b)(1)(ii) and are incorporated herein by reference. Copies of the trust indenture and mortgage, lease and other documents (combined as a single document) setting forth the terms and provisions governing the certificates issued under the First 1976 Indenture were filed as Exhibit A to American's Application dated June 8, 1976 under section 310(b)(1)(ii) of the Act and are incorporated herein by reference. Copies of the trust indenture and mortgage, lease and other documents (combined as a single document) setting forth the terms and provisions governing the certificates issued under the Second 1976 Indenture were filed as Exhibit A to the Applicant's Application dated March 2, 1977 under section 310(b)(1)(ii) of the Act, and are incorporated herein by reference. The 1970 Indenture is qualified under the Act and the Commission has determined in response to applications of American that the trusteeships of Bankers Trust Company under the other indentures of American referred to above are not so likely to involve a material conflict of interest as to make it necessary to disqualify Bankers Trust Company from acting as trustee under such indentures.

(4) The certificates issued under the 1967 Indenture, the 1969 Indenture, the 1970 Indenture, the 1971 Indenture, the 1975 Indenture, the First 1976 Indenture (which in the case of the Long Term Loan Certificates are also secured by the letter of credit referred to in the First 1976 Indenture) and the Second 1976 Indenture (which in the case of the Long Term Loan Certificates are also secured by the purchase obligation of C.I.T. Corporation referred to in American's Application dated June 8, 1976 under section 310(b)(1)(ii) of the Act), are, and the certificates to be issued under the New Indenture will be, secured by separate lots of identified Aircraft, so that should the trustee have occasion to proceed against the security under one of these trusts, such action would not affect the security, or the use of any security, under any other trust. Thus, the existence of the other trusteeships should in no way inhibit or discourage the trustee's actions.

(5) American is not in default under any of its equipment obligations.

The Applicant has waived notice of hearing, hearing on the issues raised by its application and all rights to specify procedures under Rule 8(b) of the Rules of Practice of the Securities and Exchange Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the Commission's Public Reference Section, 1100 L Street NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than April 20, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as to the Commission may seem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

SERVICE LIST

George B. Adams, Jr., Esq., Debevoise, Plimpton, Lyons & Gates, 299 Park Avenue, New York, New York 10017.
Casimir C. Patrick, II, Esq., White & Case, 280 Park Avenue, New York, New York 10017.
Myron K. Klugman, Assistant Vice President, Corporate Trust Administration, Bankers Trust Company, One Bankers Trust Plaza, New York, New York 10015.
Mr. John T. Slavin, Assistant Treasurer, American Airlines, Inc., 633 Third Avenue, New York, New York 10017.

[FR Doc.77-9763 Filed 3-31-77;8:45 am]

[Rel. No. 19949; 70-5986]

AMERICAN ELECTRIC POWER COMPANY, INC.

Proposed Amendments to Dividend Reinvestment and Stock Purchase Plan and Order Authorizing Solicitation of Proxies in Connection Therewith

Notice is hereby given that American Electric Power Company, Inc. ("AEP"), 2 Broadway, New York, New York 10004, a registered holding company, has filed a declaration and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7 and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, as amended, which is summarized below, for a complete statement of the proposed transaction.

AEP proposes to amend its Dividend Reinvestment and Stock Purchase Plan ("Plan"). The proposed amendments to the Plan (1) would permit participants in the Plan to invest optional cash payments not more frequently than once a month on an investment date to be set by the board of directors, rather than quarterly as at present, subject to the same $3,000 (or such other amount not greater than $5,000 as the board of directors shall approve) quarterly limit per participant, but without any allotment requirement (where shares to be purchased with optional cash payments would exceed shares not purchased by the reinvestment of dividends), and (2) would permit employees of AEP subsidiaries to purchase shares through the plan at 100 percent of the then current market price average through periodic payroll deductions of not more than 10 percent of the employee's basic compensation.

It is stated that amending the Plan to permit monthly reinvestment of optional cash payments will make the plan more convenient to shareholders than it is at present in that it would permit participants to make optional cash payments at times which may be more convenient for them, while assuring them that they will not have to wait more than one month for their funds to be invested.

It is further stated that AEP now has in effect a stock purchase plan for AEP system employees, but the payroll deductions of participants are used to purchase shares in the open market. It is believed that permitting the employees to purchase shares under the Plan through payroll deductions will benefit AEP and its shareholders because it will provide another source of equity capital on an ongoing basis. All full-time AEP System employees who have completed a probationary period (approximately 20,000 persons at present) would be eligible to participate in the amended Plan. The existing employee stock purchase plan has approximately 14,000 participants, and participants purchased a total of 24,693 shares of common stock during 1976. It is proposed that the present stock purchase plan for AEP system employees will be discontinued if the proposed amendment is adopted.

AEP intends to submit the proposal for the amendments to its Dividend Reinvestment and Stock Purchase Plan to its shareholders for their consideration and approval at the annual meeting to be held on April 27, 1977. In connection therewith, AEP proposes to solicit proxies from the holders of its common stock through the use of solicitation material which sets forth the proposal in detail. AEP also proposes to solicit proxies for the election of directors and for the approval of the selection of auditors. The proposal for the amendments to the Dividend Reinvestment and Stock Purchase Plan requires an affirmative vote of a majority of the shares present or represented at the meeting.

The fees and expenses to be incurred by AEP in connection with the solicitation of proxies are estimated at $192,000. Additional information as to the fees and expenses to be incurred in connection with the proposed amendments to the Plan will be filed by amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 18, 1977, request in writing that a hearing be held with respect to the proposed transaction, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It is appearing to the Commission that the declaration, as amended, insofar as it proposes the solicitation of proxies from AEP's common stockholders, should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered, That the declaration, as amended, regarding the proposed solicitation of proxies from AEP's common stockholders be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-9774 Filed 3-31-77;8:45 am]

[Release No. 34-13460; File No. SR-BSPS-77-3]

BRADFORD SECURITIES PROCESSING SERVICES, INC.

Proposed Rule Change by Self-Regulatory Organizations

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on March 10, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change is the change in St. Louis, Missouri and Kansas City, Kansas facilities from correspondent arrangements to BSPS branch clearance facilities in St. Louis, Missouri and Kansas City, Missouri. These facilities are similar to the additional branches approved by the Commission in Rel. No. 34-12915 dated October 12, 1976.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose is to insure present and potential customers timely clearance of securities transactions in each of these locations.

These facilities will help to provide for the continued prompt and accurate clearance of security transactions in each of the regional locations. It will allow for any qualified bank or broker/dealer to utilize these facilities for the prompt and accurate clearance of their respective securities transactions.

Verbal comments received from existing customers and potential customers indicate a continued need for our services in these cities.

BSPS is of the opinion that converting these facilities will not impose any burden on competition.

On or before May 6, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 22, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 23, 1977.

[FR Doc.77-9771 Filed 3-31-77;8:45 am]

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[Release No. 9685; 811-2404]

CAROLINA PALMETTO INCOME INVESTORS

Filing of Application for an Order Declaring That Carolina Palmetto Investors Has Ceased To Be an Investment Company

Notice is hereby given that Carolina Palmetto Income Investors ("Applicant"), Suite 1709, Bankers Trust Towers, P.O. Box 11877, Columbia, South Coralina 29211, registered as a closed-end diversified management investment company under the Investment Company Act of 1940 ("Act"), filed an application on December 16, 1976 and an amendment thereto on March 3, 1977, pursuant to section 8(f) of the Act, for an order of the Commission declaring that it has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, a South Carolina limited partnership, registered under the Act on September 21, 1973. Applicant states that it neither raised any capital nor conducted any business whatsoever except the filing of its registration under the Act and its application herein. Applicant states that it has no assets.

Applicant represents that its general partners met on December 1, 1975 and unanimously resolved to terminate the partnership and apply for an order declaring that Applicant has ceased to be an investment company.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than April 15, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-9776 Filed 3-31-77;8:45 am]

[Release No. 9690; 812-4100]

CENTRAL STATES, SOUTHEAST AND SOUTHWEST AREAS PENSION FUND

Filing of Application of the Act for Extension of Exemption

MARCH 22, 1977.

Notice is hereby given that Central States, Southeast and Southwest Areas Pension Fund ("Applicant"), 8550 West Bryn Mawr Avenue, Chicago, Illinois 60631, has filed an application on March 3, 1977 for an order of the Commission pursuant to sections 6(c) and 6(e) of the Investment Company Act of 1940 ("Act"), to extend the termination date of the order previously requested by Applicant (File No. 812-4026) until the earlier of April 30, 1977 or such date as the Internal Revenue Service ("IRS") shall have made a final administrative agency determination of Applicant's status under Internal Revenue Code ("Code") section 401. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicant submits that the IRS probably will not have made a final administrative agency determination as to its Code section 401 status by March 31, 1977, which is the date upon which the exemptive order previously requested of the Commission will terminate. Applicant believes that, in such event, its status under the Act again will be uncertain, and that such situation will seriously inhibit and interfere with Applicant's ability to retain independent professional investment advisers and custodians.

On March 22, 1977, subsequent to the date Applicant filed the present application, an order (Investment Company Act Release No. 9687) was issued granting exemption retroactively from specified provisions of the Act and exemption, effective September 10, 1976 until the earlier of March 31, 1977 or the final administrative determination by the IRS of Applicant's status under Code section 401, from sections 7, 8, 10(e), 13(a), 15(a), 15(c), 16, 17(a), 17(d), 17(g), 18, 21(a), 24(b), 30, 31, and 32 of the Act, provided that: (1) The exemption from section 17(a) shall not apply to any transaction in which the terms are not reasonable or fair to Applicant or which involves overreaching by the party to the transaction other than Applicant, or which is a prohibited transaction under the Employees Retirement Income Security Act of 1974 ("ERISA") section 406, unless exempt under ERISA section 408; (2) the exemption from section 17(d) shall not apply to any transaction in which the participation by Applicant is on a basis less advantageous than that of the other participant, or which is a prohibited transaction under ERISA section 406, unless exempt under ERISA section 408; (3) Applicant shall furnish to the Commission, upon request, copies of any and all reports, schedules, records, analyses and financial statements produced and maintained by either Applicant or its custodian bank relating to Applicant's assets, investments, purchases or sales of securities, mortgage loans, or renewals or revisions thereof; (4) the Commission, or any member or representative delegated by the Commission, shall have the right to conduct, at any time and from time to time, such reasonable periodic, special, or other examinations, as the Commission may prescribe, of all records the Applicant maintains; and (5) during the term of the order, Applicant, its investment managers, and all other presons in their transactions with or on behalf of the Applicant shall be subject to and comply with (a) all provisions of the Act, and rules and regulations thereunder, from which no exemption has been granted, as though Applicant were a registered investment company, and (b) the terms and conditions of the order.

Section 6(c) of the Act provides in part that the Commission by order upon application may conditionally or unconditionally exempt any person or or transaction from any provision or provisions of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 6(e) of the Act provides that if, in connection with any rule, regulation, or order under this section exempting any investment company from any provision of section 7, the Commission deems it necessary or appropriate in the public interest or for the protection of investors that certain specified provisions of this Act pertaining to registered investment companies shall be applicable in respect of such company, the provisions so specified shall apply to such company, and to other persons in their transactions and relations with such company, as though such company were a registered investment company.

Applicant submits that the issuance of the order requested hereby is consistent with the public interest and the purposes fairly intended by the policy and provisions of the Act, particularly in light of its limited duration and coordination with the termination date for certain temporary relief granted by the IRS.

Notice is further given that any interested person may, not later than April 11, 1977, at 12:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to

be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-9768 Filed 3-31-77;8:45 am]

[Release No. 13398; SR-CBOE-76-24]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Approval of Proposed Rule Change

On December 8, 1976, the Chicago Board Options Exchange, Incorporated, LaSalle at Jackson, Chicago, Illinois 60604, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder copies of a proposed rule change. The filing was amended on March 11, 1977. The rule change would allow the option price to more accurately reflect the price change in the underlying issue.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 13079 (December 16, 1976) and by publication in the FEDERAL REGISTER (41 FR 55956) (December 23, 1976)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges, and in particular, the requirements of section 6 and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on December 8, 1976, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-9778 Filed 3-31-77;8:45 am]

[Rel. No. 9691; 811-1647]

COLUMBINE FUND, INC.

Filing of Application of the Act for an Order Declaring That Company Has Ceased To Be an Investment Company

Notice is hereby given that The Columbine Fund, Inc. ("Applicant"), 789 Sherman Street, Suite 410, Denver, Colorado 80202, an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on October 18, 1976, and an amendment thereto on February 25, 1977, pursuant to section 8(f) of the Act for an order of the Commission declaring that the Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was organized as a corporation under the laws of Maryland, and engaged in a public offering of its shares of common stock from July 24, 1970, to shortly before October 1, 1973 pursuant to an effective registration statement under the Securities Act of 1933.

On September 13, 1974, Applicant's Board of Directors unanimously resolved that it was advisable that Applicant be voluntarily dissolved. On September 19, 1975, the shareholders of Applicant approved the dissolution. Thereafter, Articles of Dissolution were prepared and filed and accepted for filing in Maryland during February 1976. As of September 1, 1976, Applicant was not conducting business operations except for activities involved in connection with its dissolution and distribution of its assets.

Applicant has distributed its assets to all of its shareholders except one and is in the process of locating its one remaining shareholder to make distribution to him. As of February 9, 1977, Applicant had 139.908 shares outstanding, held by the sole remaining shareholder, and assets of $881. The $881 will be held in trust in a non-interest bearing account by Computech Fund Services, Inc., Applicant's transfer agent, until such time as under Maryland law such sum will escheat to that State, or until such shareholder is found and amounts owed are distributed to him, whichever is sooner.

Section 8(f) of the Act provides in part that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than April 18, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-9780 Filed 3-31-77;8:45 am]

[Release No. 34-13401]

COMMENCEMENT OF PILOT PROGRAMS IN PUT OPTIONS TRADING

Letter Sent; Pending Proposals

Upon authorization by the Commission, the Division of Market Regulation, on March 4, 1977, sent letters to the chief executive officers of the American Stock Exchange, Inc., Chicago Board Options Exchange, Incorporated, Midwest Stock Exchange, Incorporated, Pacific Stock Exchange Incorporated and the Philadelphia Stock Exchange, Inc. concerning their pending proposals for the commencement of puts option trading on their respective exchanges (SR-Amex-76-11, SR-CBOE-75-7, SR-MSE-76-26, SR-PSE-76-8 and SR-PHLX-76-10, respectively).

The text of the letter is as follows (The bracketed material appeared only in the letter to the American Stock Exchange, Inc.; the double bracketed material appeared in letters to the American Stock Exchange, Inc. and the Chicago Board Options Exchange, Incorporated):

The Commission has determined it will approve the Exchange's proposed rule changes to permit put options trading on a pilot basis on the Exchange (the "Puts Proposal"), provided that the Exchange satisfactorily amends its filing in the respects described below and, in addition, that the Exchange satisfies the Commission, by representations in writing prior to such approval, that it has adequately addressed itself to the other matters mentioned below.

To ensure a sufficient period for completing the appropriate educational and training efforts, and for the implementation of internal exchange procedures for surveillance of its marketplace and member firms, which will be necessary prior to the commencement of put options trading, the Puts Proposal should state the Exchange's intention not to begin such trading before June 1, 1977.

The Commission believes that the size of the initial puts pilot should be more limited than has been proposed and that, to the maximum extent feasible, experience should

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be gained prior to further expansion. First, the Commission believes that the initially authorized put classes should be upon underlying stocks as to which the Exchange will have already experienced at least one expiration date in call options. Second, the Commission wishes to limit to approximately five, the number of underlying securities on which put options trading may be commenced at this time. Third, the Commission recognizes that the Exchange may wish to expand its puts pilot at an appropriate time in the future. In this regard, we expect to review by November 7, 1977, the experience of each of the options exchanges commencing puts pilots and the progress each makes in substantially resolving the concerns the Commission has with respect to the surveillance and other regulatory efforts of the respective options exchanges. At such time and upon satisfaction of those concerns, the Commission will consider a further expansion of each of the puts pilots.

The Commission believes it is undesirable to prohibit the listing of put options in dually traded classes. However, it also recognizes that, during the puts pilot, the limitation on the authorized number of put classes may have inequitable competitive effects should one or more exchanges authorized to trade put options do so on dually traded options while the other exchange(s) also trading that option class are precluded, by the limitation on the number of put classes mentioned previously, from also trading put options on that class. With the foregoing points in mind, the Commission requests that you contact, Mr. Martin Moskowitz, Assistant Director of the Office of Self-Regulatory Oversight of this Division, to discuss the most appropriate method of resolving this problem. Following these conversations, the Exchange will be expected to file appropriate amendments to its Puts Proposal.

With respect to position limits, the Puts Proposal should be amended such that all participants [, including options specialists,] trading options on the Exchange are subject to uniform position limits of a maximum of 1,000 contracts on the same side of the market. That is, the Puts Proposal should provide for an Exchange rule which unambiguously states that no person, or group of persons acting together, may hold more than 1,000 long call options or 1,000 short put options (or any combination of long call options or short put options not to exceed an aggregate of 1,000 contracts) and 1,000 short call options or 1,000 long put options (or any combination of short call options and long put options not to exceed an aggregate of 1,000 contracts). There are to be no exceptions for options positions covered by stock or spread positions. The current Exchange rule limiting positions to 500 contracts per expiration period, except for covered and spread positions, may be eliminated. Of course, the Commission expects to review those limits in the light of further experience.

With the increase in trading volume and the added complexity in trading that may be anticipated as a result of the commencement of trading in put options, the Commission is concerned that Exchange members be able to complete transactions in standardized options in a timely and accurate manner. Accordingly, the Commission expects that, prior to the commencement of trading in put classes, the Exchange will have assured itself that its members have the capacity to compare, clear, settle and identify to customer accounts all transactions in standardized options in accordance with the rules of the Exchange and the Options Clearing Corporation and with sound business practice. In addition, the Commission would expect the Exchange to determine that its member firms promptly reconcile or otherwise resolve uncompared trades and trades not identified to customer orders.

With respect to customer margin requirements, the Exchange may wish to consult with the other options exchanges in order to arrive at a uniform allocation procedure for the computation of margin, thereby minimizing the number of calculations required when put options are traded in conjunction with call options. Furthermore, the Exchange should review its present margin rules in light of the recently adopted uniform margin rule of the Federal Reserve Board in order to determine whether there are any inconsistencies which should be resolved. In addition, the Exchange should allocate additional resources for monitoring its members' margin calculation and supervisory procedures to ensure that such member firms have a complete understanding of the margin rules and that appropriate margin is required.

During the course of the Commission's recent investigations of various options selling practices, it was noted that problems exist regarding the procedures for identifying and retrieving data on a particular options transaction. The problem appears to have arisen because of computer programming techniques which did not allow for identification of records of a specific options series. Since it is our understanding that technology is presently available to correct this problem, the Exchange should consider the prompt adoption of record-keeping requirements.

[The staff has previously expressed to the Amex the Commission's concern that the Amex institute as promptly as possible a reliable audit trail to enable the Amex to trace back a particular reported trade to the parties consummating it. Such an audit trail is essential to the effective and efficient surveillance of options trading on the Amex. We understand from a letter from Mr. Robert J. Birnbaum, Executive Vice President of the Amex, dated December 13, 1976, and subsequent telephone conversations, that the Amex has instituted, as an interim measure, a system whereby the selling party to each reported transaction can be identified by a manual retrieval of mark sense cards. While we have not yet received evaluation reports of that system nor have we had the opportunity to inspect the system's on-floor operation, we anticipate that the described features of this audit trail system will be satisfactory as a preliminary matter. You should be further advised that the Commission will approve your proposed rule change (SR–Amex–75–15) to establish a new class of memberships to be known as options principal members when we have concluded that there is satisfactory evidence that the Amex has implemented such an audit trail.]

[However, the Commission notes that the Amex's current version of an audit trail system will not produce for each reported trade on an easily observable computer print-out the identities of the executing members on both sides of each transaction, including the clearing firms, correlated to reported transactions. While we realize that other systems designed to produce such accountability in a computer readable format may sacrifice some efficiency in the speed of reporting, we believe it imperative that the Amex move to attain such capability in an audit trail at the earliest opportunity.]

To avoid undue procedural delays, we encourage your prompt attention to the preceding points. [[Some of these concerns were addressed in the Division's letter of January 31, 1977, and are being considered by you now.]] Should you have any questions, please feel free to contact members of this Division.

Sincerely,

LEE A. PICKARD,
Director.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 23, 1977.

[FR Doc.77-9767 Filed 3-31-77;8:45 am]

[Rel. No. 19947; 70-5976]

EASTERN UTILITIES ASSOCIATES

Proposed Increase in Number of Authorized Shares of Common Stock; and of Proposed Amendment of Declaration of Trust and Order Authorizing Solicitation of Proxies in Connection Therewith

Notice is hereby given that Eastern Utilities Associates ("EUA"), P.O. Box 2333, Boston, Massachusetts, 02107, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(a), 7 and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

EUA proposes, subject to obtaining shareholder approval, to amend its Declaration of Trust ("Charter") in several respects. EUA proposes that the maximum number of shares of authorized $5 common stock be increased from 4,000,000 to 7,000,000. Presently, there are 3,600,000 such shares outstanding.

EUA states that it now expects, subject to market conditions and other factors which may effect such financing, that it will offer for public sale 600,000 common shares in May, 1977 and is likely to offer for public sale approximately 600,000 to 700,000 common shares in each of the years 1978, 1979, 1980 and 1981.

EUA states that construction requirements for the EUA System are presently estimated at $23 million, $27 million, $30 million, $34 million and $34 million for the years 1977, 1978, 1979, 1980 and 1981, respectively.

EUA further proposes to amend the Charter provisions concerning pre-emptive rights to permit the Trustees, should they find it desirable, to authorize the issuance and sale of additional shares of common stock pursuant to a plan whereby any shareholder can purchase such shares by reinvesting dividends or by making limited optional cash payments or pursuant to a plan for ownership of shares by employees of EUA and its direct and indirect subsidiaries.

EUA states that this amendment would provide the Trustees with added flexibility in raising its capital requirements.

EUA further proposes to amend the Charter to provide that action may be taken by the Trustees without a meeting if all the Trustees consent in writing to such action and/or that the Trustees or members of any committee of Trustees may participate in meetings by means of a conference telephone. EUA states that such provisions are expressly permitted by the Massachusetts corporate statutes.

EUA proposes to call an annual shareholders meeting of stockholders on or about April 25, 1977. EUA proposes to solicit proxies from its common shareholders of record as of March 11, 1977, through the use of proposed proxy materials, to obtain the requisite approval of the proposed amendments to the Charter. The proposed form of proxy also solicits proxies either for or against the election of a specified slate of trustees for the ensuing year.

The favorable vote of at least a majority of EUA's common stock outstanding and entitled to vote is required to increase the number of authorized shares of common stock. Passage of the other two proposed amendments requires the affirmative vote of at least two-thirds of EUA's common stock outstanding and entitled to vote.

Fees, commission and expenses to incurred in connection with the proposed transaction, will be supplied by amendment. It is stated that no state and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 14, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended, or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing to the Commission that the declaration, as amended, insofar as it proposes to solicitation of proxies from EUA's stockholders, should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered, That the declaration, as amended, regarding the proposed solicitation of proxies of EUA's stockholders be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-9777 Filed 3-31-77;8:45 am]

[Rel. No. 9688; 812-4071]

KANSAS VENTURE CAPITAL, INC.

Filing of Application for Order Exempting Company From All Provisions of the Act

MARCH 22, 1977.

Notice is hereby given that Kansas Venture Capital, Inc. ("Applicant"), 1030 First National Bank Building, Topeka, Kansas 66603, a Kansas corporation, filed an application on December 27, 1976, and an amendment thereto on March 18, 1977, pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting Applicant from all provisions of the Act. All interested persons are referred to the application which is on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant rperesents that it was organized solely for the purpose of operating as an investment company under the Small Business Investment Act of 1958 ("SBIA"), as amended, and that it has filed an application with the Small Business Administration for a license under the SBIA. Such application is pending. Applicant intends to provide equity capital and to make long-term loans to small business concerns in the State of Kansas.

Applicant's authorized capital of $2,500,000 is represented by 250,000 shares of common stock with a par value $10 per share. To date, none of its common stock has been sold. It is planned that Applicant will issue and sell approximately 55,100 shares of its common stock to Kansas Development Credit Croporation, Inc. ("KDCC"), a Kansas corporation, at a price of $10 per share. It is contemplated that subsequent to that transaction Applicant will sell its common stock solely to state and national banks located in and doing business in the State of Kansas in such a manner that KDCC will be the majority stockholder of Applicant at all times. Applicant represents that there are 613 national and state banks within the State of Kansas, and that 188 banks have indicated an interest in the formation of Applicant and of becoming stockholders of Applicant. The stock will be sold at its par value of $10 per share and no commission or other remuneration for solicitation or sale of the stock will be paid. No stock will be sold to individuals. Applicant represents that after the sale of common stock to KDCC and to such state and national banks within the State of Kansas that initially purchase stock of Applicant, there is no intention to offer any stock of Applicant in the future.

Applicant represents that the law of the State of Kansas authorizes Kansas state banks to subscribe to, buy and own stock in not more than one small business investment company in Kansas, except that in no event shall any such bank hold shares in such company in an amount aggregating more than 1 percent of its capital and surplus. Applicant represents that the amount of common stock of Applicant sold to any Kansas bank will not exceed ¼ of 1 percent of that bank's capital and surplus.

Applicant represents that such state and national banks, as well as KDCC, are sophisticated in securities matters and will purchase such stock for investment purposes only and not for the purpose of resale. All stock certificates will be appropriately legended. Applicant represents that KDCC does not and will not own securities of any other small business investment company and there is no stockholder owning 10 percent or more of KDCC's voting stock. Applicant further represents that each bank investor will have access to Applicant's books and records.

KDCC and the Kansas state banks which are proposed purchasers of the common stock of Applicant are subject to examination, supervision and control by the Bank Commissioner of the State of Kansas. The national banks within the State of Kansas which are proposed purchasers are subject to examination, supervision and control by the Comptroller of the Currency. Applicant represents that all of the proposed purchasing state banks are engaged in safe and sound banking practices.

All directors of Applicant shall be residents of the State of Kansas. Two-thirds of the directors shall be elected by the stockholders in such a manner that at least one director of said two-thirds shall be a resident of each of the geographical areas represented by the various Kansas Bankers Association's groups. One-third of the directors shall be elected by stockholders, at large.

Since Applicant will be primarily engaged in the business of investing, reinvesting, holding and owning securities, Applicant is an investment company within the definition of section 3(a) of the Act and is required to register unless exempted pursuant to section 6(c) of the Act. Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation under the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 18, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter, accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order

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a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-9769 Filed 3-31-77;8:45 am]

[Release No. 9686; 812-3963]

MONTGOMERY STREET INCOME SECURITIES, INC.

Application for an Order of the Act for Exemption

Notice is hereby given that Montgomery Street Income Securities, Inc. ("Applicant"), 315 Montgomery Street, San Francisco, California 94137, a Delaware corporation which is registered under the Investment Company Act of 1940 ("Act") as a diversified, closed-end management investment company, has filed an application on June 1, 1976 and amendments thereto on July 23, 1976, November 2, 1976, March 9, 1977 and March 21, 1977, pursuant to section 6(c) of the Act, for an order of exemption from section 18(c) of the Act to permit Applicant to have outstanding privately arranged indebtedness while engaging in the lending of its portfolio securities. All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations which are summarized below.

Section 18(c) of the Act states in part that it shall be unlawful for any registered closed-end investment company to issue or sell any senior security representing indebtedness if immediately thereafter such company will have outstanding more than one class of senior security representing indebtedness.

Section 18(g) of the Act in part states that "senior security" means any bond, debenture, note, or similar obligation or instrument constituting a security and evidencing indebtedness and "senior security representing indebtedness" means any senior security other than stock.

Applicant represents that it is engaged in lending of portfolio securities and that such loans are secured by cash and other collateral. Applicant requests that, assuming only for the purpose of this application that an obligation to return collateral deposited to secure the return of borrowed securities creates a senior security within the meaning of section 18(g) of the Act, it be exempted from section 18(c) of the Act to permit Applicant to engage in portfolio lending activities while having outsanding privately arranged indebtedness.

Applicant has agreed that the requested order may be effective only with respect to securities loan transactions effected in compliance with the following conditions:

(1) At the time of a loan, Applicant receives from or on behalf of a borrower collateral, consisting of cash or securities issued or guaranteed by the United States Government or its agencies, or any combination thereof, equal to not less than 100 percent of the market value of the securities loaned;

(2) A borrower agrees to add to collateral to cover increases in the market value of loan securities over the amount of the cash collateral on deposit or, in the case of non-cash collateral, over the market value thereof, or, if the original collateral is reasonably calculated to cover such increases, the borrower is obligated to deposit additional collateral when the collateral on deposit, as theretofore adjusted, appears to be inadequate, and Applicant shall require the deposit of additional collateral not later than the business day following the business day on which a collateral deficiency occurs or collateral appears to be inadequate, as the case may be;

(3) Upon termination of a loan, whether by a borrower or Applicant, a borrower shall be obligated to redeliver the borrowed securities; if Applicant terminates a loan, a borrower shall be obligated to effect such a redelivery within not more than five business days after notice;

(4) The borrower agrees (a) that Applicant is to receive all dividends, interest or other distributions on loaned securities and (b) to pay to Applicant a reasonable return on such loan either in the form of a loan fee or premium (which gives proper weight to prevailing interest rates) or from the retention by Applicant of part or all of the earnings and profits realized by Applicant from the investment of cash collateral (which Applicant has undertaken to the Commission will be invested only in bank certificates of deposit or other short-term instruments);

(5) Applicant shall not be required to pay any fees in connection with a loan, except (a) reasonable fees to a custodian where such fees are negotiated between the Applicant and the custodian, reduced to a written contract, and approved by the Applicant's directors, and (b) fees to a loan broker provided (i) the broker has disclosed to the Applicant that it is possible to loan portfolio securities without incurring such fees, (ii) neither the loan broker nor any of its affiliates is an affiliated person of Applicant, its investment adviser or any principal underwriter of Applicant, (iii) the loan broker receives a written representation of Applicant that Applicant's Board of Directors, or either a committee thereof or Applicant's investment adviser, acting within the general guidelines established by Applicant's Board of Directors, has determined that such fee is reasonable and based solely on the services rendered by such loan broker, and (iv) if under the terms of a specific loan transaction there is to be a payment by Applicant, either directly or through a loan broker from any fee paid by Applicant, to the borrower (a loan transaction may or may not include such a payment) Applicant's Board of Directors, or either a committee thereof or Applicant's investment adviser, acting within general guidelines established by Applicant's Board of Directors, shall separately consider (before making such a payment to comply with the terms governing the transaction) the reasonableness of any such payment and the reasonableness of the return to Applicant after giving effect to such a payment;

(6) In the event management has knowledge that a material event will occur affecting an investment on loan and in respect of which the holder of such investment, as such, will be entitled to vote or consent, Applicant will call the loan in time to vote or consent or will otherwise obtain rights to vote or consent;

(7) Applicant will not make a loan if, as a result, more than one-third of its total asset value (at market value computed at the time of making a loan) would be on loan; and

(8) Applicant make appropriate disclosures regarding securities loans in any prospectus it may be required to provide under the Securities Act of 1933, and effect any such loan only in accordance with the policies contained in its registration statement filed under the Act, unless otherwise authorized by shareholder vote.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person or transaction from any provision under the Act or of any rule or regulation under the Act if and to the extent that such exemption is necessary or appropriate in the pubhlic interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 15, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission orders a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicant at the address stated above. Proof of such service (by affidavit, or in the case of any attorney-at-law by certificate) shall be filed contemporaneously with the request. As

provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in the matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-9775 Filed 3-31-77;8:45 am]

[Release No. 9693; 812-4104]

NEL TAX EXEMPT BOND FUND, INC. AND NEL EQUITY SERVICES CORP.

Filing of Application of the Act for an Order Exempting Applicants

MARCH 24, 1977.

Notice is hereby given that NEL Tax Exempt Bond Fund, Inc. ("Fund"), a diversified, open-end investment company registered under the Investment Company Act of 1940 ("Act"), and NEL Equity Services Corporation ("Services") (collectively referred to as "Applicants"), 501 Boylston Street, Boston, Massachusetts 02117, filed an application on March 7, 1977 for an order, pursuant to section 6(c) of the Act, exempting Applicants from section 22(d) of the Act to the extent necessary to permit the application of amounts payable under insurance contracts issued by New England Mutual Life Insurance Company ("New England Life") to purchase shares of the Fund at reduced sales loads. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Fund was organized as a Massachusetts corporation on December 22, 1976, by New England Life, and has filed a registration statement on Form S–5 which has not yet been declared effective. The application states that the Fund intends to commence a continuous offering of its shares not less than 60 days after completion of its initial offering which will be for a period of approximately 45 days. It is stated that Services, a wholly owned subsidiary of New England Life, is the principal underwriter for the shares of the Fund, and will receive on the sale of Fund shares the underwriting discount or sales charge described in the then current prospectus of the Fund.

According to the application, shares of the Fund will be offered to the public during the Fund's initial offering period on the following basis:

Amount of purchase	Public offering price	Underwriting discount		
		Dollar amount	Percentage of—	
			Public offering price	Net amount invested
Less than $25,000	$10.00	$.45	4.50	4.71
$25,000 but less than $50,000	9.95	.40	4.02	4.19
$50,000 but less than $100,000	9.90	.35	3.54	3.66
$100,000 but less than $250,000	9.85	.30	3.05	3.14
$250,000 but less than $500,000	9.80	.25	2.55	2.62
$500,000 but less than $1,000,000	9.75	.20	2.05	2.09
$1,000,000 and over	9.65	.10	1.04	1.05

The Applicants represent that during the continuous offering the Fund intends to offer its shares at net asset value per share plus a maximum sales charge of 4.5 percent of the public offering price. It is asserted that shares of the Fund will be sold exclusively by New England Life insurance agents who are registered representatives of Services.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter shall sell any redeemable security to any person except at a current public offering price described in the prospectus. This section has been construed to prohibit variations in the sales load except as permitted by rule or order.

Applicants request an exemption from section 22(d) of the Act to permit the application of amounts payable under insurance contracts (other than such contracts which constitute securities of an "open-end investment company" as defined under the Act) issued by New England Life (e.g., the death benefit under life policies, the maturity value of endowment contracts and the cash surrender value of life insurance and annuity contracts) to purchase shares of the Fund at reduced underwriting discounts or sales charges equal to one-half the rate otherwise applicable.

Applicants represent that the premiums paid on the insurance contracts which constitute the source of the insurance proceeds will already have been subjected to sales charges, and that the sales efforts involved in sales of this type will be markedly reduced as compared with sales to new prospects. Therefore, the Applicants assert that the proposed exemption does not involve unfair discrimination and is in fact necessary to avoid unnecessary and inequitable duplication of sales charges to purchasers of this class. Applicants further assert that the proposed exemption presents no significant threat to the orderly distribution of redeemable investment company securities. Accordingly, Applicants submit that the requested exemption is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or rules and regulations promulgated thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 19, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant(s) at the address(es) stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-9765 Filed 3-31-77;8:45 am]

[Release No. 19955; 70–5754]

OHIO EDISON CO.

Proposed Issuance and Sale of Common Stock Pursuant to a Dividend Reinvestment and Stock Purchase Plan

MARCH 24, 1977.

Notice is hereby given that Ohio Edison Company ("Ohio Edison"), 76 South Main Street, Akron, Ohio 44308, a registered holding company, has filed a post-effective amendment to the application-declaration previously filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transac-

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tion. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

Ohio Edison Company ("Ohio Edison") proposes to issue and sell not more than 275,000 shares of its authorized but unissued common stock, par value $9 per share (the "Additional Common Stock") pursuant to its Dividend Reinvestment and Stock Purchase Plan (the "Plan"). It is anticipated that the shares of Additional Common Stock will be issued and sold from time to time through April 30, 1979, the majority of such shares being sold on or prior to April 30, 1978.

By order dated March 31, 1976 (HCAR No. 19454) the Commission authorized the issuance and sale through April 30, 1977 pursuant to the Plan of not more than 250,000 shares of the Company's common stock. Although no precise number will be known until April 30, 1977, the Company currently estimates that, of the 250,000 shares, approximately 25,000 shares will remain unsold as of April 30, 1977. Therefore, Ohio Edison also proposes to add any such shares which remain unsold to the Additional Common Stock and to sell all such shares pursuant to the Plan, as amended, no later than April 30, 1979.

The Additional Common Stock will be offered to all of Ohio Edison's common stockholders pursuant to a voluntary plan whereby such stockholders may elect to (a) have dividends on their shares of common stock reinvested or (b) can continue to receive their cash dividends on shares registered in their names and invest by making optional cash payments of not less than $10 per payment nor more than a total of $5,000 per quarter or (c) invest both their cash dividends and such optional cash payments.

No service charge or commission will be paid by participants in connection with purchases under the Plan, and participants will retain all voting rights relating to shares purchased under the Plan. A participant will be able to withdraw from the Plan at any time upon written notice.

The purchase price of the Additional Common Stock will be the average of the closing sale price for the Ohio Edison's common stock, as quoted in The Wall Street Journal report of NYSE-Composite Transactions, during the five New York Stock Exchange trading days ending with the investment date (or the next preceding day on which the New York Stock Exchange is open, if it is closed on the investment date). Investment dates will be the last business day of each month. No shares will be sold under the Plan at less than the par value of such shares.

The reason for the proposed issuance of the Additional Common Stock is to provide funds which will enable Ohio Edison to continue its ongoing construction program and to repay a portion of unsecured short-term debt. Ohio Edison estimates its total plant additions for 1977 at $353,587,000 including $352,861,000 in electric plant additions.

Ohio Edison states that, as of the end of February 1977, proceeds from the Plan have totaled $3,623,314.86. Ohio Edison further states that, through February 1977, they have incurred costs of $111,000, including legal fees, in administering the Plan.

The Public Utilities Commission of Ohio has jurisdiction over any issue and sale of the Additional Common Stock. No other state commission and no federal commission, other than this Commission has jurisdiction over the proposed transaction. The fees, and expenses incurred directly or indirectly, in connection with the issuance and sale of the Additional Common Stock will be supplied by amendment.

Ohio Edison considers that the issuance and sale of shares of the Additional Common Stock through the reinvestment of dividends would be excepted from the requirements of paragraphs (b) and (c) of Rule 50 by virtue of paragraph (a) (1) of said Rule. With respect to the issuance and sale of shares of the Additional Common Stock in connection with any optional cash payment provision of the Plan, Ohio Edison hereby requests that the Commission make a finding under paragraph (a) (5) of Rule 50 which would except such issuance and sale from the competitive bidding requirements of Rule 50.

Notice is further given that any interested person may, not later than April 19, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, and reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request.

At any time after said date, the application-declaration, as amended by the post effective amendment or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-9764 Filed 3-31-77;8:45 am]

[Rel. No. 19954;70-5988]

PUBLIC SERVICE COMPANY OF OKLAHOMA

Proposed Change in Deductions Used To Determine Earned Surplus for Purposes of Common Stock Dividend Limitations and Proposed Issuance and Sale of $50,000,000 in First Mortgage Bonds at Competitive Bidding

Notice is hereby given that Public Service Company of Oklahoma ("PSO"), P.O. Box 201, Tulsa, Oklahoma 74102, an electric utility subsidiary of Central and South West Corporation, a registered holding company, has filed an application-declaration with this Commission designating sections 6(a), 6(b) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

PSO states that the Supplemental Indentures dated March 1, 1966, January 1, 1969, March 1, 1972, January 1, 1974, and June 1, 1975 (the "Supplemental Indentures"), under which The First National Bank and Trust Company of Tulsa is Trustee (the "Indenture"), prohibit the payment of common stock dividends (with stated exceptions) in each case in excess of the sum of (a) earned surplus determined as provided in the Supplemental Indentures after a specified date, (b) a stated dollar amount of earned surplus at such specified date and (c) such additional amount as may be authorized or approved, upon application of the Company (PSO), by the Securities and Exchange Commission, or any successor commission thereto, under the Public Utility Holding Company Act of 1935. The determination of earned surplus requires that a deduction from gross income be made for maintenance, repairs and as charges for depreciation, retirements, renewals, replacements and/or amortization in an amount not less than 15 percent of PSO's gross operating revenues for the period in question.

PSO states that inasmuch as it has fuel adjustment clauses covering virtually all of its sales, which enable it to recover in general substantially all of the higher fuel costs, its operating revenues have been greatly inflated over the period—and with them the maintenance and renewal fund requirement and the related earnings test deduction.

PSO states that, for the years 1972–1976 fuel costs as a percentage of operating revenues (less purchased power) has risen from 22.9 percent to 50.8 percent. PSO anticipates that this inflation will restrict its historical dividend payout ratio beginning sometime later in 1977. PSO requests authorization to pay common stock dividends out of earned surplus earned after December 12, 1976, determined as provided in the Supplemental Indentures but after deducting on account of depreciation, retirement, renewals, replacements and or amortization an amount equal to 13 percent of the average amount of its depreciable bondable property as of the specified data. PSO states that it would accept a further limitation upon such authorization to the effect that no common stock dividend payment could be made out of such additional earned surplus except to the extent that such surplus had been earned during the 12 calendar months immediately preceding the payment of such dividend.

PSO further states that the dividend restriction in effect under section 16 of Article III of the Indenture, which is incorporated into the Supplemental Indentures and applies to all presently outstanding series of bonds other than the Series N bonds, aggregating $191,500,000 in principal amount and maturing from 1978 through 2004, does not contain separate provisions expressly permitting the Commission to authorize payment of common stock dividends out of otherwise restricted amounts of earned surplus. This restriction similarly involves minimum deductions for maintenance, repairs and depreciation based on operating revenues, and these present potentially the same threat to PSO's ability to maintain its dividend pay-out ratios as do the restrictions in later Supplemental Indentures. In the case of the early Supplemental Indentures, however, since earned surplus is in every case calculated on a cumulative, historical basis, there is a substantial cushion of unrestricted surplus accumulated in prior years in which deductions for maintenance, repairs and depreciation did not exceed actual expenditures or accruals for these purposes. If this cushion is exhausted before the maturity of the series of bonds issued under the early Supplemental Indentures, PSO would have to redeem the bonds involved prior to maturity, attempt legal action to permit deviation from the terms of the Indenture and Supplemental Indenture covenants or seek other, presently undetermined remedies.

PSO also proposes to issue and sell, pursuant to competitive bidding, up to $50,000,000 principal amount of its First Mortgage Bonds ("Bonds"), Series O, to mature May 1, 2007. The price of the Bonds, which will not be less than 99 percent or more than 102.75 percent of the principal amount and the interest rate, which will be a multiple of ⅛ of 1 percent, will be determined by the competitive bidding.

The bonds will be issued under and secured by the Indenture, as amended and to be further amended by a proposed supplemental indenture to be dated May 1, 1977 and will not be refundable through the use of lower cost money until May 1, 1982.

The proceeds to be derived by PSO from the sale of the Bonds will be used by PSO to finance 1977 capital expenditures. The proposed consolidated capital expenditures of PSO for the calendar year 1977 are presently estimated as follows:

	1977
Generation	$110,000,000
Transmission	12,000,000
Distribution	17,000,000
Fuel exploration and development	27,000,000
Other	8,000,000
Total	181,000,000

No proceeds, however, will be utilized to pay the cost of facilities which would be needed to provide service to customers of PSO if it were not part of the Central and South West System nor will any expenditures be made by PSO for the construction or acquisition of any facility not so needed prior to the time all of such proceeds have been expended.

In addition, PSO states that no expenditures will be made in 1977 on construction of a transmission line from Lawton to the Red River and the terminal for that line prior to the approval by the Commission of a transfer to West Texas Utilities Company of a portion of PSO's Northeastern Units 3 and 4 or the giving of a notice as represented by PSO in the proceedings "In the Matter of Central and South West Corporation, et al." (Admin. Proc. File No. 3-4951).

It is stated that no state commission and no federal commission other than this Commission has jurisdiction over the proposed additional dividend transaction. It is also stated that no state commission other than the Corporation Commission of the State of Oklahoma, and no federal commission, other than this Commission has jurisdiction over the proposed issuance and sale of the Bonds.

It is stated that the fees and expenses to be incurred in connection with the proposed transaction are estimated at $145,000 including $17,500 in legal fees.

Notice is further given that any interested person may, not later than April 18, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, and reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request.

At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-9779 Filed 3-31-77;8:45 am]

[File No. 500-1]

ROM-AMER PHARMACEUTICALS, LTD.

Suspension of Trading

MARCH 24, 1977.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Rom-Amer Pharmaceuticals, Ltd., being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 9:30 a.m. (EST) on March 24, 1977 through April 2, 1977.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-9762 Filed 3-31-77;8:45 am]

[Release No. 19951; 70-5989]

SOUTHERN CO.

Proposed Issuance and Sale of Common Stock Pursuant to a Dividend Reinvestment Plan and an Employee Savings Plan

Notice is hereby given that The Southern Company ("Southern"), Perimeter Center East, P.O. Box 720071, Atlanta, Georgia 30346, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Southern proposes to issue and sell from time to time through April 30, 1979, a maximum of 2,375,000 shares of its authorized but unissued common stock, par value $5 per share, pursuant to a Dividend Reinvestment and Stock Purchase Plan ("Dividend Plan"). Southern intends to apply the proceeds from the sale of the proposed common stock (such proceeds estimated not to exceed $38,300,000) for further equity investments as authorized by this Commission (See File No. 70-5978.) and for other corporate purposes.

In addition, the Commission has authorized the issuance and sale through

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March 31, 1977, pursuant to the Dividend Plan of not more than 2,250,000 shares of Southern's common stock (HCAR No. 19498 (April 26, 1976)). Southern estimates that of the 2,250,000 shares, approximately 525,000 shares will remain unsold as of March 31, 1977. Southern proposes to add any shares which remain unsold to the 2,375,000 shares discussed in the preceding paragraph and to sell all such shares (the aggregate of the 2,375,000 shares and any remaining unsold shares being hereinafter referred to as the "Additional Common Stock") pursuant to the Dividend Plan, as amended, no later than April 30, 1979.

The Additional Common Stock will be offered to all holders of record of Southern's common stock pursuant to a voluntary plan whereby shareholders may elect to (1) have dividends on all of their shares of Southern common stock automatically reinvested in shares of Additional Common Stock at a price equal to 95 percent of the average of the closing sale price of Southern's common stock for the five New York Stock Exchange trading days ending with the dividend payment date, or (2) reinvest less than all of their dividends in shares of Additional Common Stock at a price equal to 95 percent of said closing price average, or (3) reinvest all or less than all of their dividends as described above and, in addition, make optional cash payments (not less than $25 per payment nor more than a total of $3,000 per quarter) to invest in shares of Additional Common Stock at a price equal to 100 percent of the closing price average, or (4) continue to receive cash dividends on all shares registered in their names and invest only optional cash payments. The First National Bank of Atlanta will administer the Dividend Plan and make purchases of shares as agent for the participants. No service charge or commission will be paid by participants in connection with purchases under the Dividend Plan.

Participants will retain all voting rights relating to shares purchased under the Dividend Plan and credited to their accounts, and shares will be voted in accordance with the instructions of the participant to whose account they are credited. A participant will be able to withdraw from the Dividend Plan at any time upon written notice. Upon withdrawal, the participant will be issued, without charge, a certificate for the number of shares credited to his account and will receive a cash payment for the value of any fractional share. Without withdrawing from the Dividend Plan, a participant will be entitled to demand and receive a certificate representing the full shares of common stock credited to his account. Southern reserves the right to suspend, modify (subject to Commission approval), or terminate the Dividend Plan at any time.

Southern also proposes to issue and sell a maximum of 600,000 shares of its authorized but unissued common stock, par value $5 per share, ("New Stock") pursuant to the Employee Savings Plan for The Southern Company System (the "Savings Plan") from time to time through April 30, 1979. Southern intends to apply the proceeds from the sale of the New Stock (estimated not to exceed approximately $9,675,000) for further equity investments authorized by this Commission (See File No. 70-5978.) and for other corporate purposes.

The New Stock will be offered to employees of Southern's subsidiaries pursuant to a voluntary plan under which employees may contribute, through payroll deductions, not less than 2 percent nor more than 12 percent of their compensation (base salary or wages). Each employing company will contribute, on behalf of each of the Savings Plan members in its employ, an amount equal to 50 percent of such of the member's contributions as are not in excess of 6 percent of the member's compensation. The First National Bank of Atlanta acts as Trustee for the trust which is part of the Savings Plan, and the Savings Plan is administered by the Savings Plan Committee, the members of which are appointed by the Board of Directors of Southern Company Services, Inc.

Each Savings Plan member must direct that his contributions be invested in one or more of three funds: (1) Company Stock Fund—consisting of Southern's common stock; (2) Equity Fund—consisting of common or capital stocks and securities convertible into common or capital stock (other than securities issued by or convertible into securities issued by Southern or any of its subsidiaries), short-term investments, and investments in certain commingled trust funds; (3) Fixed Income Fund—consisting of direct obligations of the U.S. Government and its agencies, corporate bonds, debentures, notes, certificates of indebtedness of Southern or its subsidiaries or affiliates, savings account deposits, and investments in certain commingled trust funds. All employing company contributions are invested in the Company Stock Fund.

The Trustee will vote the shares of common stock of Southern held by it in accordance with written directions received from the individual members on whose behalf such shares are held and will not vote any such shares for which voting instructions are not received. The Trustee has the authority to vote all other securities in its discretion. If a pending charter amendment proposal with respect to preemptive rights is approved by Southern's shareholders, the Trustee will be permitted to make purchases of common stock, at a price not greater than the last sale price or current independent bid price (whichever is higher) for such stock on the New York Stock Exchange, directly from Southern other than through the Dividend Plan. Should the charter amendment proposal not be approved by the shareholders, the Trustee will purchase no original issue common stock from Southern except through the Dividend Plan.

Fees and expenses to be incurred in connection with the proposed transactions are to be filed by amendment. It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 14, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-9770 Filed 3-31-77;8:45 am]

[Rel. No. 9692; 811-1632]

TWENTY FIVE FUND, INC.

Filing of Application of Act for an Order Declaring That Company Has Ceased To Be an Investment Company

Notice is hereby given that The Twenty Five Fund, Inc. ("Applicant"), 789 Sherman Street, Suite 410, Denver, Colorado 80202, an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on October 18, 1976, and an amendment thereto on February 25, 1977, pursuant section 8(f) of the Act for an order of the Commission declaring that the Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was organized as a corporation under the laws of Maryland, and engaged in a public offering of its shares of common stock from May 7, 1969, to shortly before July 1, 1973, pursuant to an effective registration statement under the Securities Act of 1933. Prior to July 1, 1973, Applicant ceased offering its shares for sale to the public.

On September 13, 1974, Applicant's Board of Directors unanimously resolved that it was advisable that Applicant be voluntarily dissolved. On October 17, 1975, Applicant's shareholders approved the dissolution. Thereafter, Articles of Dissolution were prepared and filed and accepted for filing in Maryland during February 1976. As of September 1, 1976, Applicant was not conducting business operations except for activities involved in connection with its dissolution and the liquidation of its assets.

Applicant has distributed its assets to most of its shareholders and is in the process of locating its two remaining shareholders to make distributions to them. As of February 9, 1977, Applicant had assets of $668 which will be held in trust for the two shareholders in a non-interest bearing account by Computech Fund Services, Inc., Applicant's transfer agent, until such time as under Maryland law such sum will escheat to that State, or until such shareholders are found and amounts owed are distributed to them, whichever is sooner.

Section 8(f) of the Act provides in part that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than April 18, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communications should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affiavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-9781 Filed 3-31-77;8:45 am]

NATIONAL MARKET ADVISORY BOARD

Meeting

This is to give notice, pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 1 10(a), that the National Market Advisory Board will conduct open meetings on April 18 and 19, 1977, in Room 776, 500 North Capitol Street, Washington, D.C., and on May 16 and 17, and June 20 and 21, 1977, at locations to be determined later. Initial notice of the April meeting was published in the FEDERAL REGISTER on January 27, 1977.

The summarized agenda for the May and June meetings will be published in the FEDERAL REGISTER at a later date. The summarized agenda for the April meeting is as follows:

1. Discussion of the Board's report to the Securities and Exchange Commission regarding restrictions on off-board transactions in listed securities by exchange members.
2. Discussion of possible pilot projects relevant to issues considered, or to be considered, by the Board.
3. Requested report of the National Market Association and discussion thereof.
4. Discussion of such other matters as may properly be brought before the Board.

Further information may be obtained by writing Martin L. Budd, Executive Director, National Market Advisory Board Staff, Securities and Exchange Commission, Washington, D.C. 20549.

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 22, 1977.

[FR Doc.77-9766 Filed 3-31-77;8:45 am]

SMALL BUSINESS ADMINISTRATION

DETROIT DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Detroit District Advisory Council will hold a public meeting on Tuesday, April 26, 1977, at Long's Convention Center, Lansing, Michigan. This meeting will begin with a breakfast at 7:30 a.m., for the Council members only followed by a guest speaker. The meeting is in conjunction with a Multi-Agency Conference being co-sponsored by the Small Business Administration and the Michigan State Chamber of Commerce. Information on the Conference itself is available through the Michigan State Chamber Office in Lansing—(517) 371-2100. For further information on the public meeting write or call Raymond L. Harshman, District Director, U.S. Small Business Administration, Patrick V. McNamara Building, 477 Michigan Avenue, Detroit, Michigan 48226 (313) 226-7260.

Dated: March 25, 1977.

ANTHONY S. STASIO,
Acting Assistant Administrator for Advocacy and Public Communications.

[FR Doc.77-9736 Filed 3-31-77;8:45 am]

HELENA DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Helena District Advisory Council will hold a public meeting at 9:30 a.m., Thursday, April 28, 1977, at the Montana Club, 6th and Fuller Streets, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information, write or call Ottley R. Tschache, District Director, U.S. Small Business Administration, P.O. Box 1690, Helena, Montana 59601, (406) 585-5429.

Dated: March 25, 1977.

ANTHONY S. STASIO,
Acting Assistant Administrator for Advocacy and Public Communications.

[FR Doc.77-9737 Filed 3-31-77;8:45 am]

[Application No. 06/06-5185]

KAR-MAL VENTURE CAPITAL, INC.

Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under section 301(d) of the Small Business Investment Act of 1958, as amended (Act) (15 U.S.C. 661 et seq.) has been filed by Kar-Mal Venture Capital, Inc. (Applicant) with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1976).

The officers and directors are as follows:

Thomas A. Karam, President and Director, 3901 Cedar Hill Road, Little Rock, Arkansas 72202.

Raymond A. Pritchett, Secretary and Director, No. 18 Hogan Loop, North Little Rock, Arkansas 72209.

Max J. Probst, Treasurer and Director, 2302 West 42nd, Pine Bluff, Arkansas 71601.

Idell K. Smith, Director, Lake Shore Motel, Inc., Lake Village, Arkansas 71653.

The Applicant, an Arkansas corporation, will maintain an office in the Park Plaza Shopping Center, University and Markham, Little Rock, Arkansas 72205, and will begin operations with $150,000 of paid-in capital and paid-in surplus derived from the sale of 50 shares of common stock to Kar-Mal, Incorporated, engaged in the wholesale business of men's clothing. Thomas A. Karam is a board member and General Manager of Kar-Mal, Incorporated and is paid a salary for his services.

As a small business investment company under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Act, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose partici-

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pation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management and the probability of successful operations of the Applicant under this management, including adequate profitability and financial soundness, in accordance with the Act and SBA Rules and Regulations.

Applicant proposes to provide assistance to socially and/or economically disadvantaged small businesses engaged in retailing men's clothing and operating under the trade name "Tommy's". Merchandise will be purchased by "Tommy's stores" from Kar-Mal, Incorporated. However, not more than 75 percent of the funds provided by the applicant will be used by these stores to purchase goods and services from the parent or any other associates of the applicant.

Any person may, not later than April 18, 1977, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Little Rock, Arkansas.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: March 25, 1977.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.77-9735 Filed 3-31-77;8:45 am]

NEW YORK DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration New York District Advisory Council will hold a public meeting from 3:30 to 5:00 p.m., on Wednesday, April 27, 1977, in the Executive Dining Room, 10th Floor East, Bankers Trust Company, 280 Park Avenue, New York, New York, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information, write or call Woodie G. Williams, District Director, U.S. Small Business Administration, 26 Federal Plaza, New York, New York 10007, (212) 264-1318.

Dated: March 25, 1977.

ANTHONY S. STASIO,
Acting Assistant Administrator for Advocacy and Public Communications.

[FR Doc.77-9738 Filed 3-31-77;8:45 am]

DEPARTMENT OF STATE

[Public Notice CM-7/47]

SHIPPING COORDINATING COMMITTEE, SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on life-saving appliances of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 10:00 a.m. on Wednesday, April 27, 1977, in Room 8240 of the Department of Transportation, 400 Seventh Street, SW., Washington, D.C.

The purpose of the meeting will be to discuss a draft text of Chapter 3, SOLAS 1960 and consider a U.S. response to the proposal.

Requests for further information on the meeting should be directed to Mr. N. W. Lemley, U.S. Coast Guard. He may be reached by telephone on 202-426-1444.

The Chairman will entertain comments from the public as time permits.

CARL TAYLOR, JR.,
Acting Director, Office of Maritime Affairs.

MARCH 23, 1977.

[FR Doc.77-9753 Filed 3-31-77;8:45 am]

[Public Notice CM-7/48]

SHIPPING COORDINATING COMMITTEE, SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on international multimodal transport and containers of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting from 9:30 a.m. to 5:00 p.m. on Wednesday, April 27, 1977, in Room 8334 of the Department of Transportation, 400 Seventh Street, SW., Washington, D.C.

The purpose of the meeting is to discuss matters germane to multimodal transport and containers. The following items will appear on the agenda:

Discussion of legislation and regulations regarding the Intergovernmental Maritime Consultative Organization (IMCO) International Convention on Safe Containers (1972);

Discussion of the July 1977, meeting of the IMCO Subcommittee on Containers and Cargoes;

Report of the January 1977, meeting of the ECE Group of Rapporteurs on Container Transport;

Report on the status of Implementation of the ECE Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be used for Such Carriage (ATP);

Update on Intergovernmental Group on Container Standards (UNCTAD);

Debriefing on Third Intergovernmental Preparatory Group on International Multimodel Transport (UNCTAD); and

Update on IMCO/CCC Customs Convention on Containers (1972).

Any questions concerning this meeting should be directed to either Mr. M. H. Allen, U.S. Coast Guard (202/426-1577) or Mr. Richard E. Johe, Department of State (202-632-1313).

Comments from the public will be welcomed.

CARL TAYLOR, JR.,
Acting Director, Office of Maritime Affairs.

MARCH 24, 1977.

[FR Doc.77-9754 Filed 3-31-77;8:45 am]

[Public Notice CM-7/49]

UNITED STATES ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

Meeting

The United States Advisory Commission on International Educational and Cultural Affairs will meet in open session on Monday, April 25, in Room 1410 of the State Department, 2201 C Street, NW., Washington, D.C.

There will be two items on the agenda, in addition to any old or new business which members may wish to raise.

1. 9:30 a.m.—12:30 p.m. A discussion of a proposal for the establishment of a "Western Hemisphere Forum."

2. 2:00 p.m.—4:30 p.m. Examination of a proposal for the establishment of a currency convertibility program to encourage the sale abroad of American cultural materials.

Members of the general public may attend and participate in the discussion subject to the instructions of the Chairman. They will be accommodated up to the seating capacity of the room.

For purposes of fulfilling building security requirements, anyone wishing to attend the meeting must advise the Staff Director of the Commission by close of business Thursday, April 21, 1977, of his intention to attend. He may be reached by telephone at 202-632-2764.

Dated: March 24, 1977.

W. E. WELD, JR.,
Staff Director.

[FR Doc.77-9755 Filed 3-31-77;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

CHISELS, PUNCHES, HAMMERS AND SLEDGES (WITH OR WITHOUT HANDLES), VISES, C-CLAMPS, AND BATTERY SERVICE TOOLS FROM JAPAN

Antidumping Duties

AGENCY: United States Customs Service, Treasury.

ACTION: Notice of petition filed by American manufacturer, producer or wholesaler.

SUMMARY: This notice is to advise the public that a petition has been filed by an American manufacturer requesting that antidumping duties be assessed with regard to chisels, punches, hammers and sledges (with or without handles), vises, c-clamps, and battery service tools from Japan. In addition, it was requested that the scope of the term "battery service tools" be expanded to include that which was initially contained in the class or kind of merchandise under investigation. Interested persons are invited to comment on this action.

EFFECTIVE DATE: This notice is effective on April 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Michael Lublinski, Classification and Value Division, U.S. Customs Service. 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-2938).

On March 15, 1977, a petition was received in proper form, pursuant to section 516(a) of the Tariff Act of 1930, as amended by the Trade Act of 1974 (19 U.S.C. 1516(a)), from counsel acting on behalf of certain American manufacturers and wholesalers of chisels, punches, hammers and sledges, vises, c-clamps and battery service tools, among other things, asserting that a finding of dumping be issued and antidumping duties be assessed on those entries of the abovementioned hand tools from Japan where it has been determined that sales were being made at prices less than the foreign market (or constructed) value, within the meaning of the Antidumping Act of 1921, as amended (19 U.S.C. 160 et seq.). As a result of a negative determinaton of injury by the International Trade Commission on December 2, 1975 (40 FR 57517), a finding of dumping was not made in this matter, and therefore merchandise of the class or kind in question was not subject to appraisement under the Antidumping Act.

Additionally, the petition asserted that the term "battery service tools" should include battery post and terminal cleaning brushes, battery terminal spreaders, angle-nose pliers, booster cables and battery service kits (terminal puller, cleaning brush and two terminals), as well as battery terminal lifters. An amendment of the determination of sales at less than fair value, made with regard to the importation of chisels, punches, hammers and sledges (with or without handles), vises, c-clamps, and battery service tools from Japan and published in the Federal Register on October 21, 1975 (40 FR 49111), excluded from the scope thereof all battery service tools other than battery terminal lifters.

The petition requested the following relief:

1. The Secretary of the Treasury or his delegate should conclude that he erred, as a matter of law, when on October 21, 1975, he published an amendment to his Determination of Sales at Less Than Fair Value ("LTFV") in the case of certain nonpowered hand tools from Japan (40 FR 49111), by excluding from the term "battery service tools" all tools other than battery terminal lifters;

2. The Secetary of the Treasury or his delegate should conclude that the International Trade Commission ("Commission") erred by eliminating from the class or kind of merchandise under investigation in the subject Antidumping Act case all battery service tools other than battery terminal lifters;

3. The Secretary of the Treasury or his delegate should conclude that the Commission erred, as a matter of law, when it concluded that an industry in the United States was not being injured or likely to be injured or prevented from being established by reason of imports of certain chisels, punches, hammers and sledges (with or without handles), vises, c-clamps, and battery service tools from Japan sold at LTFV;

4. The Secretary of the Treasury or his delegate should publish a finding of dumping forthwith with respect to chisels, punches, hammers and sledges (with or without handles), vises, c-clamps, and battery service tools from Japan, other than hammers from Imoto Hamono Co., Ltd., and Kyoto Tool Co., Ltd., sledges from Hirota Tekko K.K., angle nose pliers and terminal spreaders from Tashiro Siesakusho, and battery post and terminal cleaning brushes from Japan Export Brush Co., Ltd.,

5. Appropriate Customs officers should make Antidumping Act appraisements (foreign market (or constructed) value and purchase (or exporter's sales) price) for every entry of nonpowered hand tools from Japan described in (4) above; and

6. Appropriate Customs Officers should assess antidumping duties on those entries of nonpowered hand tools from Japan described in (4) above where it has been determined that the foreign market (or constructed) value exceeds the purchase (or exporter's sales) price.

In accordance with the provisions of § 175.21(a) of the Customs Regulations (19 CFR 175.21(a)), notice is hereby given that a domestic producer has filed a petition requesting that antidumping duties be assessed with regard to chisels, punches, hammers and sledges (with or without handles), vises, c-clamps, and battery service tools from Japan. Before a decision is made with regard to this petition, consideration will be given to any relevant data, views or arguments submitted in writing. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW., Washington, D.C. 20229, in time to be received by this office not later than April 8, 1977.

Written submissions will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)), at the Classification and Value Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

G. R. DICKERSON,
Acting Commissioner of Customs.

MARCH 28, 1977.

[FR Doc.77-9827 Filed 3-31-77;8:45 am]

Office of the Secretary

DEBT MANAGEMENT ADVISORY COMMITTEES

Meetings

Notice is hereby given, pursuant to Section 10 of Pub. L. 92-463, that meetings will be held in Washington on April 26 and 27, 1977, of the following debt management advisory committees:

American Bankers Association Government Borrowing Committee.
Public Securities Association U.S. Government and Federal Agencies Securities Committee.

The agenda for the meetings provides for working sessions by two committees on April 26, a report to the Secretary of the Treasury and Treasury staff by the American Bankers Association Government Borrowing Committee on April 26 and a report to the Secretary of the Treasury and Treasury staff by the Public Securities Association U.S. Government and Federal Agencies Securities Committee on April 27.

Pursuant to the authority placed in Heads of Departments by section 10(d) of Pub. L. 92-463, and vested in me by Treasury Department Order 190, revised, I hereby determine that these meetings are concerned with information exempt from disclosure under section 552b(c)(4) and (9)(A) of Title 5 of the United States Code, and that the public interest requires that such meetings be closed to the public.

My reasons for this determination are as follows. The Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community, which committees are utilized by this Department at meetings called by representatives of the Office of the Secretary. When so utilized they are recognized to be advisory committees under Pub. L. 92-463. The advice provided consists of commercial and financial information given and received in confidence. As such these debt management advisory committee activities concern matters which fall within the exemption covered by section 552b(c)(4) of Title 5 of the United States Code for matters which are "trade secrets and commercial or financial information obtained from a person and privileged or confidential".

Although the Treasury's final announcement of financing plans may or may not reflect the advice provided in reports of these committees, premature disclosure of these reports would lead to significant financial speculation in the securities market. Thus, these meetings also fall within the exemption covered by 552b(c)(9)(A) of Title 5 of the United States Code.

The Assistant Secretary (Capital Markets and Debt Management) shall be responsible for maintaining records of the meetings of these committees and for providing annual reports setting forth a summary of their activities and such other matters as may be informative to the public consistent with the policy of 5 U.S.C. 552b.

Dated: March 25, 1977.

HENRY C. STOCKELL,
Acting General Counsel.

[FR Doc.77-9705 Filed 3-31-77;8:45 am]

V 4263 APR 1 77 UMI

POLYVINYL CHLORIDE SHEET AND FILM FROM THE REPUBLIC OF CHINA

Antidumping Proceeding Notice

AGENCY: United States Treasury Department.

ACTION: Initiation of Antidumping Investigation.

SUMMARY: This notice is to advise the public that a petition in proper form has been received and an antidumping investigation is being initiated for the purpose of determining whether imports of polyvinyl chloride sheet and film from the Republic of China are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. Sales at less than fair value generally means that the prices of the merchandise sold for exportation to the United States are less than the prices of such or similar merchandise sold in the home market.

EFFECTIVE DATE: This investigation will begin on April 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard Rimlinger, Duty Assessment Division, United States Custom Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202–566–5492).

SUPPLEMENTARY INFORMATION: On February 24, 1977, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from counsel acting on behalf of the Plastic Imports Action Committee (PIAC), indicating a possibility that polyvinyl chloride sheet and film from the Republic of China are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.). The PIAC is an ad hoc group consisting of the following United States producers of the subject articles: The Goodyear Tire and Rubber Company; Harte and Company, Inc., a subsidiary of Diamond Shamrock Corporation; Tenneco Chemicals, Inc., a subsidiary of Tenneco; Pantasote Co. of New York, Inc.; W. R. Grace and Co., Hatco Plastics Division; and Hooker Chemicals and Plastic Corp., Ruco Division.

For purposes of this notice the term "polyvinyl chloride sheet and film" means unsupported, flexible, calendered polyvinyl chloride sheet, film and strips over 6 inches in width and over 18 inches in length, and at least 0.002 inches, but not over 0.020 inches in thickness.

There is evidence on record concerning injury to, or the likelihood of injury to, or prevention of establishment of an industry in the United States. This evidence indicates that imports of the subject merchandise from the Republic of China have increased sharply since 1974, both in absolute terms and in terms of market share, and that such increase has been due in part to significant underselling by those imports. Available information further indicates that production, sales, capacity utilization and employment within the domestic industry have all declined in recent years as a result, in part, of possible less-than-fair value imports from the Republic of China. In addition, it appears that the alleged less-than-fair-value prices have contributed to some suppression of prices of the domestic product, which in turn has led to low profit levels for the United States industry.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the U.S. Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of price information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

JOHN H. HARPER,
Acting Assistant Secretary of the Treasury.

MARCH 28, 1977.

[FR Doc.77-9706 Filed 3-30-77;10:11 am]

ADVISORY COMMITTEE ON REFORM OF THE INTERNATIONAL MONETARY SYSTEM

Meeting

Notice is hereby given that the Advisory Committee on Reform of the International Monetary System will meet at the Treasury Department on April 19, 1977.

The meeting is called in order to obtain the full and frank opinions of the participants in the Advisory Committee regarding international monetary questions to be discussed at international meetings on April 28 and 29 of the Interim Committee of the Board of Governors of the International Monetary Fund.

A determination as required by Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463) has been made that this meeting is for the purpose of considering matters falling within the exemption to public disclosure set forth in 5 U.S.C. 552b(c)(1) and that the public interest requires such meeting be closed to public participation.

Any comment or inquiry with respect to this notice can be addressed to Donald Syvrud, Director, Office of International Monetary Affairs, U.S. Department of the Treasury, Washington, D.C. 20220, 202–566–5365.

Dated: March 28, 1977.

HENRY C. STOCKELL, Jr.,
Acting General Counsel.

[FR Doc.77-9707 Filed 3-31-77;8:45 am]

Office of the Secretary

METAL-WALLED ABOVE-GROUND SWIMMING POOLS FROM JAPAN

Antidumping; Determination of Sales at Less Than Fair Value

AGENCY: United States Treasury Department.

ACTION: Determination of Sales at Less Than Fair Value.

SUMMARY: This notice is to advise the public that an anti-dumping investigation has been completed and that it has been determined that metal-walled above-ground swimming pools from Japan are being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. Sales at less than fair value generally occur when the prices of the merchandise sold for exportation to the United States are less than the prices in the home market or to third countries. This case is being referred to the International Trade Commission for it to determine whether a United States industry is being injured.

EFFECTIVE DATE: This determination will be effective on April 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Mary S. Clapp, Duty Assessment Division, United States Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–5492).

SUPPLEMENTARY INFORMATION: Information was received in proper form on March 18, 1976, from counsel acting on behalf of Muskin Corporation, Colton, California, alleging that metal-walled above-ground swimming pools from Japan were being sold at less than fair value, thereby causing injury to, or the likelihood of injury to, or the prevention of the establishment of an industry in the United States, within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). On the basis of this information and subsequent preliminary investigation by the Customs Service, an "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER of April 21, 1976 (41 FR 16667).

The Secretary concluded that a tentative determination could not reasonably be made within the usual 6-month period. The period in this case was therefore extended to no more than 8 months, and a "Notice of Extension of Investigatory Period" to that effect was published in the FEDERAL REGISTER of October 7, 1976 (41 FR 44197).

A "Notice of Tentative Discontinuance of Antidumping Investigation" was published in the FEDERAL REGISTER of December 27, 1976 (41 FR 56248), with regard to metal-walled above-ground swimming pools from Japan. However, information gathered and analyzed subsequent to the tentative discontinuance indicates that metal-walled above-ground swimming pools from Japan are being, or likely to be, sold at less than fair value.

A "Withholding of Appraisement Notice" is being published concurrently with this notice.

DETERMINATION OF SALES AT LESS THAN FAIR VALUE

I hereby determine that, for the reasons stated below, metal-walled above-ground swimming pools from Japan are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

STATEMENT OF REASONS ON WHICH THIS DETERMINATION IS BASED

The reasons and bases for the above determination are as follows:

a. *Scope of the investigation.* Approximately 90 percent of the imports of the subject merchandise from Japan are manufactured by Asahi Chemical Industry Co., Inc., Soka City, Japan. Therefore, the investigation was limited to this manufacturer.

b. *Basis of comparison.* For the purposes of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison is between the purchase price and the third-country price of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used since all export sales to the United States appear to be made to nonrelated customers. Third-country price, as defined in § 153.3, Customs Regulations (19 CFR 153.3), was used since such or similar merchandise was not sold by Asahi in the home market in sufficient quantities to provide a basis for fair value. Sales to Canada were made in quantities most similar to those sales made to the United States.

In accordance with § 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was obtained concerning imports and third-country sales during the period November 1, 1975, through April 30, 1976.

c. *Purchase price.* For the purposes of this determination of sales at less than fair value, since all merchandise was purchased or agreed to be purchased prior to the time of exportation, by the persons by whom or for whose account it was imported, within the meaning of section 203 of the Act, the purchase price has been calculated on the basis of the f.o.b. price to unrelated United States purchasers with deductions for inland freight and shipping costs, as appropriate.

d. *Third-Country price.* For the purposes of this determination of sales at less than fair value, the third-country price has been calculated on the basis of the f.o.b. price to unrelated Canadian purchasers. Adjustments have been made for inland freight and shipping costs and for differences in the following costs associated with Asahi's sales to Canada and to the United States: interest expense, bank charges, packing, commissions, and merchandise.

Adjustments for differences in interest expense, bank charges, commissions, and packing were made in accordance with § 153.10, Customs Regulations (19 CFR 153.10). Each of the foregoing costs was directly related to the sales under consideration.

Adjustments for differences in merchandise relate to the difference in direct production costs between similar pools sold to Canada and to the United States and were made in accordance with § 153.-11, Customs Regulations (19 CFR 153.-11).

The petition contained an allegation that sales of the subject merchandise to third countries were being made at less than the cost of producing the merchandise as defined in section 205(b) of the Act (19 U.S.C. 164(b)). An analysis of the Japanese manufacturer's production costs, which were taken from actual records reflecting material, labor, and general expenses related to the production of the subject merchandise, has not supported that allegation. The additional information which had been requested and was referred to in the "Notice of Tentative Discontinuance of Antidumping Investigation" was furnished and did not alter the finding with regard to the allegation of sales at less than the cost to produce.

A claim has been made that certain inland freight costs and shipping charges accrued relative to pools for export to the United States should be disregarded as being unusual costs. Section 203 of the Act requires the deduction of all costs, charges, and expenses incident to bringing the merchandise from the place of shipment in the country of exportation to the place of delivery in the United States when included in the price. The actual costs incurred have been deducted in accordance with this provision.

e. *Result of fair value comparisons.* Using the above criteria, comparisons were made on virtually all of the sales of the subject merchandise to the United States by Asahi Chemical Industry Co., Inc., during the representative period and those comparisons indicated that the purchase price was less than the third-country price of such or similar merchandise. Margins were found ranging from less than 1 to 32 percent on 47 percent of the sales to the United States. The weighted-average margin when weighted over 100 percent of the sales compared amounted to 3.5 percent.

The Secretary has provided an opportunity to known interested persons to present written and oral views pursuant to § 153.40, Customs Regulations (19 CFR 153.40).

The United States International Trade Commission is being advised of this determination.

This determination is being published pursuant to section 201(d) of the Act (19 U.S.C. 160(d)).

JOHN H. HARPER,
Assistant Secretary of the Treasury.

MARCH 28, 1977.

[FR Doc.77-9743 Filed 3-31-77;8:45 am]

V 4263 APR 1 77 UMI

METAL-WALLED ABOVE-GROUND SWIMMING POOLS FROM JAPAN

Antidumping; Withholding of Appraisement Notice

AGENCY: United States Treasury Department.

ACTION: Withholding of Appraisement.

SUMMARY: This notice is to advise the public that appraisement is being withheld for 3 months on entries of metal-walled above-ground swimming pools from Japan since there is reason to believe or suspect that such pools are being, or likely to be sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. Sales at less than fair value generally occur when the prices of the merchandise sold for exportation to the United States are less than the prices in the home market or to third countries.

EFFECTIVE DATE: This notice will be effective on April 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Mary S. Clapp, Duty Assessment Division, United States Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-5492).

SUPPLEMENTARY INFORMATION: Information was received in proper form on March 18, 1976, from counsel acting on behalf of Muskin Corporation, Colton, California, alleging that metal-walled above-ground swimming pools from Japan were being sold at less than fair value, thereby causing injury to, or the likelihood of injury to, or the prevention of the establishment of an industry in the United States, within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). On the basis of this information and subsequent preliminary investigation by the Customs Service, an "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER of April 21, 1976 (41 FR 16667).

The Secretary concluded that a tentative determination could not reasonably be made within the usual 6-month period. The period in this case was therefore extended to no more than 8 months, and a "Notice of Extension of Investigatory Period" to that effect was published in the FEDERAL REGISTER of October 7, 1976 (41 FR 44197).

A "Notice of Tentative Discontinuance of Antidumping Investigation" was published in the FEDERAL REGISTER of December 27, 1976 (41 FR 56248), with regard to metal-walled above-ground swimming pools from Japan. However, information gathered and analyzed subsequent to the tentative discontinuance indicates that metal-walled above-ground swimming pools from Japan are being, or likely to be, sold at less than fair value. Accordingly, a "Determination of Sales at Less Than Fair Value" is being published concurrently with this notice, wherein a statement of reasons for such determination is provided.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price, as defined in section 203 of the Act (19 U.S.C. 162), of metal-walled above-ground swimming pools from Japan is less, or is likely to be less, than the fair value, and thereby the foreign market value, of such or similar merchandise.

Customs officers are being directed to withhold appraisement of metal-walled above-ground swimming pools from Japan in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

The Secretary has provided an opportunity to interested persons to present written and oral views pursuant to § 153.40, Customs Regulations (19 CFR 153.40).

This notice, which is published pursuant to § 153.35(a), Customs Regulations (19 CFR 153.35(a)), shall become effective on April 1, 1977. It shall cease to be effective at the expiration of 3 months from the date of this publication unless previously revoked.

JOHN H. HARPER,
Assistant Secretary of the Treasury.

MARCH 28, 1977.

[FR Doc.77-9744 Filed 3-31-77;8:45 am]

Office of the Secretary

INTERNATIONAL BOYCOTT

List of Countries Requiring Cooperation

In order to comply with the mandate of section 999(a)(3) of the Internal Revenue Code of 1954, the Department of Treasury is publishing a current list of countries which may require participation in, or cooperation with, an international boycott. This list is the same as the list published in the February 15, 1977, FEDERAL REGISTER.

Pursuant to the requirement of section 999(a)(3) of the Internal Revenue Code of 1954, the Department of the Treasury has compiled a list of countries which may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954).

On the basis of the best information currently available to the Department of the Treasury, the following countries may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954):

Bahrain	Qatar
Egypt	Saudi Arabia
Iraq	Syria
Jordan	United Arab Emirates
Kuwait	Yemen Arab Republic
Lebanon	Yemen, Peoples Democratic Republic of
Libya	
Oman	

Dated: March 29, 1977.

W. MICHAEL BLUMENTHAL,
Secretary of the Treasury.

[FR Doc.77-10014 Filed 3-31-77;10:51 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 359]

ASSIGNMENT OF HEARINGS

MARCH 29, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 139381 (Sub-4), Spirit of '76 Overland Express, Inc., now assigned April 20, 1977 at Washington, D.C., has been postponed indefinitely.

MC 142045 (Sub-No. 1), McNeil Transport Limited, now assigned May 9, 1977, at Buffalo, N.Y. is canceled and reassigned for May 9, 1977 (1 week); 2nd Floor, U.S. Courtroom, U.S. Post Office Building, 431 State Street, Ogdensburg, N.Y.

MC 134323 (Sub-91), Jay Lines, Inc., now being assigned May 9, 1977 (1 day) at New Orleans, Louisiana, in a hearing room to be later designated.

MC-F-12672, East Texas Motor Freight Lines, Inc. d.b.a. ETMF Systems—Purchase (Portion)—Transamerican Freight Lines, Inc., MC 41432 (Sub-No. 148), East Texas Motor Freight Lines, Inc. and MC 10761 (Sub-No. 281), Transamerican Freight Lines, Inc., now being assigned for continued hearing on April 12, 1977 (9 days) in Room 330, U.S. Post Office and Courthouse, Bryan and Ervay Streets, Dallas, Texas.

MC 138237 (Sub-No. 5), Metro Hauling, Inc., application dismissed.

MC-F-12623, Anderson Trucking Service, Inc.—Purchase (Portion)—Jenkins Truck Line, Inc. and MC 95876 (Sub-No. 179), Anderson Trucking Service, Inc., now assigned April 13, 1977, at Seattle, Washington, will be held in Court Room 514, Federal Building, 915 Second Avenue.

MC 141532 (Sub-No. 11), Pacific States Transport, Inc., now assigned April 12, 1977, at Seattle, Washington, will be held in Court Room 514, Federal Building, 915 Second Avenue.

MC 141824 (Sub-No. 1), William E. Egbert, d.b.a. Bill Egbert Horse Transportation, now assigned April 18, 1977, at Seattle, Washington, will be held in Court Room 514, Federal Building, 915 Second Avenue.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-9791 Filed 3-31-77;8:45 am]

[Amdt. No. 9 to Exemption No. 95]

EXEMPTION UNDER PROVISION OF RULE 19 OF THE MANDATORY CAR SERVICE RULES ORDERED IN EX PARTE NO. 241

MARCH 29, 1977.

To: Bessmer and Lake Erie Railroad Company and Norfolk and Western Railway Company.

Upon further consideration of Exemption No. 95 issued February 5, 1975.

It is ordered, That, under the authority vested in me by Car Service Rule 19, Exemption No. 95 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby amended to *expire June 30, 1977.*

This amendment shall become effective March 31, 1977.

Issued at Washington, D.C., March 24, 1977.

INTERSTATE COMMERCE COMMISSION.
JOEL E. BURNS,
Agent.

[FR Doc.77-9787 Filed 3-31-77;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 29, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed by April 18, 1977.

FSA No. 43346—*Joint Water-Rail Container Rates*—Sea-Land Service, Inc. Filed by Sea-Land Service, Inc., (No. 92), for itself and interested rail carriers.

Rates on general commodities, from rail carrier's terminal at Baton Rouge, Louisiana, to ports in Japan, Korea, Hong Kong, Taiwan, Philippines, Thailand, Malaysia and Singapore.

Grounds for relief—Water competition.

Tariffs—Pacific Westbound Conference Westbound Intermodal, tariff No. 8, I.C.C. No. 1, and Pacific Straits Conference Westbound Intermodal Freight tariff No. 9, I.C.C. No. 1. Rates are published to become effective on April 27, 1977.

FSA No. 43347—*Petroleum Alkylate Detergent Intermediate to St. Louis, Missouri.* Filed by Southwestern Freight Bureau, Agent, (No. B-668), for and on behalf of the Missouri Pacific Railroad Company.

Rates on petroleum alkylate detergent intermediate, in tank-car loads, as described in the application, from Chocolate Bayou, Texas, to St. Louis, Missouri.

Grounds for relief—Market competition.

Tariff—Supplement 1 to Southwestern Freight Bureau, Agent, tariff 12-K, I.C.C. No. 5272. Rates are published to become effective on May 1, 1977.

FSA No. 43348—*Joint Water-Rail Container Rates—States Steamship Company.* Filed by States Steamship Company, (No. 104), for itself and interested rail carriers.

Rates on general commodities, between ports in Hong Kong, Japan, Korea, Philippines, Taiwan and Thailand, and railstations on the U.S. Atlantic and Gulf Seaboard ports.

Grouds for relief—Water competition.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-9789 Filed 3-31-77;8:45 am]

[Amdt. No. 2 to I.C.C. Order No. 10 Under Service Order No. 1252]

REROUTING TRAFFIC

MARCH 29, 1977.

To all railroads:

Upon further consideration of I.C.C. Order No. 10 (San Diego & Arizona Eastern Railway Company) and good cause appearing therefor:

It is ordered, That: I.C.C. Order No. 10 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) therof:

(g) Expiration date: This order shall expire at 11:59 p.m., September 30, 1977, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 31, 1977, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 24, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.77-9786 Filed 3-31-77;8:45 am]

[Notice No. 140]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

APRIL 1, 1977.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before April 21, 1977. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a

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petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–35450. By order entered March 24, 1977 the Motor Carrier Board approved the lease by Pride Transport Company, a corporation, Abilene, Tex., of the operating rights of B. L. Ellis, doing business as Ellis Pros., Dallas, Tex., set forth in Certificate of Registration No. MC 99931 (Sub-No. 3), issued May 3, 1972, for a period of five years, as follows: Petroleum and petroleum products in bulk in tank trucks over irregular routes and on irregular schedules between all cities, towns, points, oil fields, refineries, bulk stations, filling stations, terminals, and all intermediate points within the State of Texas. Mike Cotten, P.O. Box 1148, Austin, Tex. 78767. attorney for lessee and Leroy Hallman, 4555 First National Bank Building, Dallar, Tex. 75202, attorney for lessor.

ROBERT L. OSWALD,
Secretary.

[FR Doc 77-9790 Filed 3-31-77;8:45 am]

[Notice No. 141]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 1, 1977.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212a(b) in connection with transfer application under section 212a(b) and Transfer Rules, 49 CFR Part 1132:

No. MC FC 77029. By application filed March 15, 1977, H. O. Bouchard, Inc., MRC Box 141A, Bangor, ME 04401, seeks temporary authority to transfer the operating rights of Ralph E. Curtis & Son, Inc., 123 Mt. Hope Avenue, Bangor, ME 04401, under section 210a(b). The transfer to H. O. Bouchard, Inc., of the operating rights of Ralph E. Curtis & Son, Inc., is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-9792 Filed 3-31-77;8:45 am]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

APRIL 1, 1977.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212a(b) in connection with transfer application under section 212a(b) and Transfer Rules, 49 CFR Part 1132:

No. MC FC 77041. By application filed March 15, 1977, Centennial Truck Lines, Inc., 2500—89th Street, North Bergen, NJ 07047, seeks temporary authority to transfer a portion of the operating rights of L J P Truck Lines, Inc., 273 Meserole Street, Brooklyn, NY 11222, under section 210a(b). The transfer to Centennial Truck Lines, of the operating rights of L J P Truck Lines, Inc., is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-9793 Filed 3-31-77;8:45 am]

[Notice No. 143]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

APRIL 1, 1977.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212a(b) and Transfer Rules, 49 CFR Part 1132:

No. MC FC 77042. By application filed March 15, 1977, Centennial Truck Lines, Inc., 2500—89th Street, North Bergen, NJ 07047, seeks temporary authority to transfer the operating rights of Command Trucking Corp., 91 Moultrie Street, Brooklyn, NY 11222, under section 210a(b). The transfer to Centennial Truck Lines, Inc., of the operating rights of Command Trucking Corp., is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-9794 Filed 3-31-77;8:45 am]

[Notice No. 144]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 1, 1977.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212a(b) in connection with transfer application under section 212a(b) and Transfer Rules, 49 CFR Part 1132:

No. MC FC 77045. By application filed March 18, 1977, Arkansas Transit Homes, Inc., 8400 Mabelvale Pike, Little Rock, AR 72209, seeks temporary authority to transfer the operating rights of Dale's Enterprises, Inc., D/B/A Southwest Mobile Home Transport, Route 6, Box 29A, Texarkana, TX 75501, under section 210a(b). The transfer to Arkansas Transit Homes, Inc., of the operating rights of Dale's Enterprises, Inc., d/b/a Southwest Mobile Home Transport, is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-9795 Filed 3-31-77;8:45 am]

IRREGULAR ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications

MARCH 25, 1977.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission within 30 days from the date of publication. (This procedure is outlined in the Commission's report and order in Gateway Elimination, 119 M.C.C. 530). A copy of the verified statement in opposition must also be served upon applicant or its named representative. The vertified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 111320 (Sub-No. 68G), filed February 10, 1977. Applicant: KEEN TRANSPORT, INC., 2001 Barlow Road, P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: Michael Spurlock, 275 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of (I) *Self-propelled road building equipment and parts thereof*, in Driveaway and Truckaway service; (a) Between points in Massachusetts, on the one hand, and, on the other, points in that part of Ohio east of Ohio Highway 77.

(b) Between points in Maine, Massachusetts, New Hampshire and Vermont, on the one hand, and, on the other, points in that part of Tennessee on and east of a line beginning at the Virginia-Tennessee State line, thence along U.S. Highway 25E to junction Tennessee Highway 33, thence along Tennessee Highway 33 to junction U.S. Highway 129, thence along U.S. Highway 129 to the Tennessee-North Carolina State line.

(c) Between points in that part of Pennsylvania on and south of a line beginning at the Pennsylvania-Ohio State line, thence along U.S. Highway 22 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-New York State line, on the one hand, and, on the other, points in that part of Tennessee on and east of a line beginning at the Tennessee-Virginia State line, thence along U.S. Highway 25E to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 411, thence along U.S. Highway 411 to the Tennessee-Georgia State line.

(d) Between points in that part of Pennsylvania on and south of Interstate Highway 80, on the one hand, and, on the other, points in that part of Kentucky on and east of a line beginning at the Ohio-Kentucky State line, thence along U.S. Highway 68 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 25E to the Tennessee-Kentucky State line.

(e) Between points in that part of West Virginia on and east of a line beginning at the Ohio-West Virginia State line, thence along West Virginia Highway 2 to junction West Virginia 20, thence along West Virginia Highway 20 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction West Virginia Highway 39, then along West Virginia Highway 39 to the West Virginia-Virginia State line, on the one hand, and, on the other, points in that part of Missouri on and east of a line beginning at the Missouri-Arkansas State line, thence along Missouri Highway 5 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Missouri-Iowa State line.

(f) Between points in that part of West Virginia on, south, and west of a line beginning at the West Virginia-Virginia State line, thence along U.S. Highway 60 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction West Virginia Highway 5, thence along West Virginia Highway 5 to junction West Virginia Highway 14, thence along West Virginia Highway 14 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Kansas and Iowa (except from Cedar Rapids, Iowa).

(g) Between points in that part of Ohio on west, and south, of a line beginning at the Ohio-West Virginia State line, thence along U.S. Highway 22 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Michigan State line, on the one hand, and, on the other, points in Alabama.

(h) Between points in that part of Ohio, on, south, and west of a line beginning at the Ohio-West Virginia State line, thence along Interstate Highway 70 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Michigan State line, on the one hand, and, on the other, points in Arkansas.

(i) Between points in that part of Ohio on and west of a line beginning at the Ohio-Michigan State line, thence along U.S. Highway 23 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Kentucky State line, on the one hand, and, on the other, points in Colorado.

(j) Between points in that part of Ohio on, south, and west of a line beginning at the Ohio-West Virginia State line, thence along U.S. Highway 22 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-Indiana State line, on the one hand, and, on the other, points in Florida.

(k) * * * at the Ohio-West Virginia State line, thence along U.S. Highway 22 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction Ohio Highway 60, thence along Ohio Highway 60 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 250, thence along U.S. Highway 250 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in that part of Georgia west and north of U.S. Highway 19.

(l) Between points in that part of Ohio west and south of a line beginning at Lake Erie, thence along Ohio Highway 57 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction U.S. Highway 21, thence along U.S. Highway 21 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Indiana.

(m) Between points in that part of Ohio on and west of a line beginning at Lake Erie, thence along U.S. Highway 250 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in that part of Michigan on and south of a line beginning at Lake Michigan, thence along Interstate Highway 96 to junction Michigan Highway 21, thence along Michigan Highway 21 to junction Michigan Highway 52, thence along Michigan Highway 52 to junction Michigan Highway 46, thence along Michigan Highway 46 to Lake Huron.

(n) Between points in that part of Ohio on, west, and south of a line beginning at Lake Erie, thence along Ohio Highway 4 to junction U.S. Highway 224, thence along U.S. Highway 224 to the Ohio-Pennsylvania State line, on the one hand, and, on the other, points in Kentucky;

(o) Between points in that part of Ohio on and east of Interstate Highway 77, on the one hand, and, on the other, points in that part of New York on and south of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 17 to junction New York Highway 52, thence along New York Highway 52 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction U.S. Highway 44, thence along U.S. Highway 44 to the New York-Connecticut State line.

(p) * * * Ohio-Indiana State line, thence along U.S. Highway 6 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Interstate Highway 271, thence along Interstate Highway 271 to junction Interstate Highway 90, thence along Interstate Highway 90 to the Ohio-Pennsylvania State line, on the one hand, and, on the other, points in that part of West Virginia on and west of Interstate Highway 77.

(q) Between points in that part of Ohio west and south of a line beginning at the Ohio-Michigan State line, thence along U.S. Highway 23 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 250, thence along U.S. Highway 250 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in that part of Georgia west and north of U.S. Highway 19.

(r) Between points in that part of Ohio on, west, and south of a line beginning at Lake Erie, thence along U.S. Highway 250 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Illinois.

(s) Between points in that part of Ohio on and west of a line beginning at the Michigan-Ohio State line, thence along U.S. Highway 23 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Ohio Highway 93, thence along Ohio Highway 93 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Nebraska;

(t) Between points in that part of Ohio on and west of a line beginning at the Ohio-Michigan State line, thence along Ohio Highway 109 to junction Ohio Highway 65, thence along Ohio Highway 65 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Ohio Highway 73, thence along Ohio Highway 73 to the Ohio-Kentucky State line, on the one hand, and, on the other, points in that part of Nebraska on and east of U.S. Highway 83.

(u) Between points in that part of Ohio on, west, and south of a line beginning at the Ohio-Michigan State line, thence along U.S. Highway 23 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Oklahoma.

(v) Between points in that part of Ohio on and south of a line beginning at the Ohio-Pennsylvania State line, thence along Ohio Highway 558 to junction

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Ohio Highway 517, thence along Ohio Highway 517 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Ohio Highway 15, thence along Ohio Highway 15 to junction U.S. Highway 224, thence along U.S. Highway 224 to the Ohio-Indiana State line, on the one hand, and, on the other, points in South Carolina.

(w) Between points in that part of Ohio on and west of a line beginning at the Ohio-Michigan State line, thence along U.S. Highway 23 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Ohio Highway 73, thence along Ohio Highway 73 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Ohio-Kentucky State line, on the one hand, and, on the other, points in South Dakota.

(x) Between points in that part of Ohio on and west of a line beginning at the Ohio-Michigan State line, thence along U.S. Highway 23 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 69 to junction Texas Highway 19, thence along Texas Highway 19 to junction U.S. Highway 287, thence along U.S. Highway 287 to the Gulf of Mexico.

(y) Between points in that part of Ohio on and west of a line beginning at Lake Erie, thence along U.S. Highway 250 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Wisconsin.

(z) Between points in that part of Ohio on, south, & west of a line beginning at the Ohio-West Virginia State line, thence along Interstate Highway 70 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 23, thence along U.S. Highway 23 to the Michigan-Ohio State line, on the one hand, and, on the other, points in that part of Mississippi on and south of a line beginning at the Mississippi-Arkansas State line, thence along an imaginary line directly east to Clarksdale, Miss., thence along Mississippi Highway 6 to junction U.S. Highway 76, thence along U.S. Highway 76 to the Mississippi-Alabama State line.

(aa) Between points in that part of Ohio on, west, and south of a line beginning at Lake Erie, thence along U.S. Highway 250 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in that part of Missouri on and east of a line beginning at the Illinois-Missouri State line, thence along Missouri Highway 19 to junction Missouri Highway 28, thence along Missouri Highway 28 to junction Missouri Highway 72, thence along Missouri Highway 72 to junction Missouri Highway 19, thence along Missouri Highway 19 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Missouri-Arkansas State line.

(bb) Between points in that part of Ohio on and west of a line beginning at Lake Erie, thence along U.S. Highway 250 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Interstate Highway 77, thence along Interstate Highway 77 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Iowa, except from Cedar Rapids, Iowa.

(cc) Between points in that part of Ohio on and west of a line beginning at the Ohio-Michigan State line, thence along U.S. Highway 23 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 30 N, thence along U.S. Highway 30 N to junction Ohio Highway 13, thence along Ohio Highway 13 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 60, thence along Ohio Highway 60 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Kansas.

(dd) Between points in that part of Ohio on and south of a line beginning at the Ohio-Indiana State line, thence along U.S. Highway 224 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 30 N, thence along U.S. Highway 30 N to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Ohio Highway 14, thence along Ohio Highway 14 to the Ohio-Pennsylvania State line, on the one hand, and, on the other, points in that part of North Carolina on and west of U.S. Highway 21.

(ee) Between points in that part of Ohio on and west of a line beginning at the Ohio-Michigan State line, thence along U.S. Highway 23 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 68, thence along U.S. Highway 68 to the Ohio-Kentucky State line, on the one hand, and, on the other, points in North Dakota.

(ff) Between points in that part of Ohio on, east and south of a line beginning at Lake Erie, thence along Interstate Highway 271 to junction Interstate Highway 71, thence along Interstate Highway 71 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 30 N, thence along U.S. Highway 30 N to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Ohio Highway 15, thence along Ohio Highway 15 to junction U.S. Highway 224, thence along U.S. Highway 224 to the Ohio-Indiana State line, on the one hand, and, on the other, points in that part of Virginia on and west of a line beginning at the Virginia-West Virginia State line, thence along U.S. Highway 60 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line.

(gg) Between points in that part of Ohio on and south of a line beginning at the Ohio-West Virginia State line, thence along U.S. Highway 22 to junction U.S. Highway 250, thence along U.S. Highway 250 to Lake Erie, on the one hand, and, on the other, points in that part of Tennessee on and north of a line beginning at the Kentucky-Tennessee State line, thence along Tennessee Highway 69 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Alternate U.S. Highway 41, thence along Alternate U.S. Highway 41 to junction U.S. Highway 40, thence along U.S. Highway 40 the Tennessee-North Carolina State line.

(hh) Between points in Connecticut and Rhode Island, on the one hand, and, on the other, points in that part of Tennessee on and east of U.S. Highway 127.

(ii) Between points in Connecticut, on the one hand, and, on the other, points in that part of Kentucky on and east of a line beginning at the Kentucky-West Virginia State line, thence along U.S. Highway 23 to junction Kentucky Highway 30, thence along Kentucky Highway 30 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Tennessee State line.

(jj) Between points in Maryland, on the one hand, and, on the other, points in that part of Kentucky on and east of a line beginning at the Kentucky-Ohio State line, thence along U.S. Highway 62 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Tennessee State line.

(kk) Between points in New Jersey, on the one hand, and, on the other, points in that part of Kentucky on and east of a line beginning at the Kentucky-Ohio State line, thence along U.S. Highway 62 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Tennessee State line.

(ll) Between points in Connecticut, on the one hand, and, on the other, points in that part of Ohio on and east of a line beginning at Lake Erie, thence along Interstate Highway 271 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Ohio Highway 76, thence along Ohio Highway 76 to junction Ohio Highway 60, thence along Ohio Highway 60 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction Ohio Highway 93, thence along Ohio Highway 93 to junction Ohio Highway 139, thence along Ohio Highway 139 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Ohio-Kentucky State line.

(mm) Between points in Rhode Island, on the one hand, and, on the other, points in that part of Ohio on and east of Interstate Highway 77.

(nn) Between points in Delaware, on the one hand, and, on the other, points in that part of Ohio on and east of a line beginning at Lake Erie, thence along Interstate Highway 77 to junction Interstate Highway 271, thence along Interstate Highway 271 to junction Interstate Highway 71, thence along Interstate Highway 71 to the Ohio-Kentucky State Line.

(oo) Between points in Maryland, on the one hand, and, on the other, points in that part of Ohio on, east and south of a line beginning at Lake Erie, thence along Interstate Highway 77 to junction Interstate Highway 71, thence along Interstate Highway 71 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Ohio Highway 61, thence along Ohio Highway 61 to junction Ohio Highway 98, thence along Ohio Highway 98 to junction U.S. Highway 4, thence along U.S. Highway 4 to junction U.S. Highway 36, to the Ohio-Indiana State line.

(pp) Between points in New Jersey, on the one hand, and, on the other, points in that part of Ohio on and east of a line beginning at Lake Erie, thence along Interstate Highway 77 to junction Interstate 271, thence along Interstate Highway 271 to junction Interstate Highway 71, thence along Interstate Highway 71 to junction Ohio Highway 3, thence along Ohio Highway 3 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Kentucky State line.

(qq) Between points in that part of Virginia on, south and west of a line beginning at the West Virginia-Virginia State line, thence along U.S. Highway 250 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Virginia-North Carolina State line, on the one hand, and, on the other, points in that part of Missouri on, south and east of a line beginning at the Illinois-Missouri State line, thence along U.S. Highway 50 to junction Interstate Highway 44, thence along Interstate Highway 44 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Missouri-Arkansas State line.

(rr) Between points in that part of Virginia on, south and west of a line beginning at the West Virginia-Virginia line, thence along U.S. Highway 250 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Virginia-North Carolina State line, on the one hand, and, on the other, points in Kansas.

(ss) Between points in that part of Virginia south and west of a line beginning at the West Virginia-Virginia State line, thence along U.S. Highway 250 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Virginia-North Carolina State line, on the one hand, and, on the other, points in that part of Illinois on and south of a line beginning at the Indiana-Illinois State line, thence along U.S. Highway 40 to junction Illinois Highway 37 thence along Illinois Highway 37 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Missouri State line.

(tt) Between points in that part of Virginia south and west of a line beginning at the Virginia-West Virginia State line, thence along U.S. Highway 250 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Virginia-North Carolina State line, on the one hand, and on the other, points in that part of Indiana on and south of a line beginning at the Indiana-Ohio State line, thence along Indiana Highway 28 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Indiana-Illinois State line.

(uu) Between points in New Mexico, on the one hand, and, on the other, points in that part of Ohio on and west of a line beginning at the Ohio-Michigan State line, thence along U.S. Highway 127 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Ohio Highway 15, thence along Ohio Highway 15 to junction Ohio Highway 65, thence along Ohio Highway 65 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Ohio Highway 73, thence along Ohio Highway 73 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Ohio-Kentucky State line.

(vv) Between points in that part of New Mexico on and east of U.S. Highway 54 beginning at the Texas-New Mexico State line to junction U.S. Highway 70, to the Texas-New Mexico State line near Texico, N. Mex., on the one hand, and, on the other, points in that part of Virginia on and west of Interstate Highway 77;

(ww) Between points in that part of Wyoming on and east of a line beginning at the Colorado-Wyoming State line, thence along U.S. Highway 287 to junction Wyoming Highway 34, thence along Wyoming Highway 34 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 85, thence along U.S. Highway 85 to the Wyoming-South Dakota State line, on the one hand, and, on the other, points in Ohio.

(xx) Between points in that part of California on and south of a line beginning at Ventura, Calif., thence along California Highway 33 to junction California Highway 119, thence along California Highway 119 to junction California Highway 99, thence along California Highway 99 to junction California Highway 58, thence along California Highway 58 to junction California Highway 178, thence along California Highway 178 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction U.S. Highway 6, thence along U.S. Highway 6 to the California-Nevada State line, on the one hand, and, on the other, points in that part of Kentucky on and west of a line beginning at the Kentucky-Indiana State line, thence along U.S. Highway 421 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 25E, thence along U.S. Highway 25E to the Kentucky-Tennessee State line.

(yy) Between points in that part of California on and south of a line beginning at Ventura, Calif., thence along California Highway 33 to junction California Highway 119, thence along California Highway 119 to junction California Highway 99, thence along California Highway 99 to junction California Highway 58, thence along California Highway 58 to junction California Highway 178, thence along California Highway 178 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction U.S. Highway 6, thence along U.S. Highway 6 to the California-Nevada State line, on the one hand, and, on the other, points in that part of Kentucky on and west of a line beginning at the Kentucky-Indiana State line, thence along U.S. Highway 421 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 25E, thence along U.S. Highway 25E to the Kentucky-Tennessee State line.

(zz) Between points in Idaho, on the one hand, and, on the other, points in that part of Kentucky on and west of a line beginning at the Kentucky-Indiana State line, thence along U.S. Highway 31W to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction Kentucky Highway 55, thence along Kentucky Highway 55 to junction U.S. Highway 127, thence along U.S. Highway 127, to the Kentucky-Tennessee State line.

(a') Between points in Montana, on the one hand, and, on the other, points in that part of Kentucky on and west of a line beginning at the Kentucky-Ohio State line, thence along U.S. Highway 127 to the Kentucky-Tennessee State line.

(b') Between points in Montana, on the one hand, and, on the other points in that part of Florida on and west of a line beginning at the Florida-Georgia State line, thence along U.S. Highway 221 to junction Alternate U.S. Highway 27, thence along Alternate U.S. Highway 27 to junction Florida Highway 361, thence along Florida Highway 361 to the Gulf of Mexico.

(c') Between points in Nevada, on the one hand, and, on the other, points in that part of Kentucky on and west of a line beginning at the Ohio-Kentucky State line, thence along Interstate Highway 75 to the Kentucky-Tennessee State line.

(d') Between points in Oregon, on the one hand, and, on the other, points in that part, of Indiana on and west of a line beginning at the Indiana-Michigan

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State line, thence along U.S. Highway 31 to the Indiana-Kentucky State line.

(e') Between points in Oregon, on the one hand, and, on the other, points in that part of Kentucky on and west of a line beginning at the Kentucky-Indiana State line, thence along U.S. Highway 31W to junction Interstate Highway 64, thence along Interstate Highway 64 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Kentucky-Tennessee State line.

(f') Between points in Oregon, on the one hand, and, on the other, points in that part of Florida on and west of a line beginning at the Florida-Georgia State line, thence along U.S. Highway 319 to Lanark, Florida.

(g') Between points in that part of Ohio on and west of a line beginning at Huron, Ohio, thence along Ohio Highway 13 to junction U.S. Highway 33 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Michigan.

(h') Between points in that part of Pennsylvania west and south of a line beginning at the Pennsylvania-West Virginia State line, thence along U.S. Highway 119 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Pennsylvania-West Virginia State line, on the one hand, and, on the other, points in that part of Ohio on and east of a line beginning at the Michigan-Ohio State line, thence along U.S. Highway 23 to junction Interstate Highway 71, thence along Interstate Highway 71 to the Ohio-Kentucky State line.

(i') Between points in that part of West Virginia on and west of U.S. Highway 250, on the one hand, and, on the other, points in Illinois.

(j') Between points in that part of West Virginia on and west of U.S. Highway 250, on the one hand, and, on the other, points in that part of Indiana on and south of a line beginning at the Indiana-Ohio State line, thence along Indiana Highway 17 to junction Indiana Highway 18, thence along Indiana Highway 18 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction Indiana Highway 22, thence along Indiana Highway 22 to junction Indiana Highway 29, thence along Indiana Highway 29 to junction Indiana Highway 28, thence along Indiana Highway 28 to the Indiana-Illinois State line.

(k') Between points in that part of West Virginia on and west of Interstate Highway 77 on the one hand, and, on the other, points in Michigan.

(l') Between points in that part of New Mexico on and east of U.S. Highway 54 beginning at the Texas-New Mexico State line to Junction U.S. Highway 70, to the Texas-New Mexico State line near Texico, New Mexico on the one hand, and on the other, points in that part of Virginia on and west of Interstate Highway 77.

(m') Between points in that part of Ohio on and west of a line beginning at Lake Erie, thence along Ohio Highway 4 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Ohio-Kentucky State line, on the one hand, and, on the other, points in that part of Minnesota on, south, and east of a line beginning at the Wisconsin-Minnesota State line, thence along U.S. Highway 35 to junction U.S. Highway 218, thence along U.S. Highway 218 to the Minnesota-Iowa State line.

(n') Between points in Alabama, on the one hand, and, on the other, points in Delaware, Illinois, Indiana, Iowa, Maryland, Minnesota, Montana, North Dakota, New Jersey, Oregon, Pennsylvania, Rhode Island, South Dakota, Wisconsin, and Wyoming.

(o') Between points in Arkansas, on the one hand, and, on the other, points in Michigan, Virginia, and West Virginia.

(p') Between points in Arizona, on the one hand, and on the other, points in Kentucky, Michigan, North Carolina, South Carolina, and Tennessee.

(q') Between points in California, on the one hand, and on the other, points in Florida, Michigan, and South Carolina.

(r') Between points in Colorado, on the one hand, and on the other, points in Indiana, Michigan, North Carolina, and South Carolina.

(s') Between points in Connecticut, on the one hand, and on the other, points in Florida, Georgia, North Carolina, South Carolina, Virginia, and West Virginia.

(t') Between points in Delaware, on the one hand, and, on the other, points in Florida, Georgia, Kentucky, and Tennessee.

(u') Between points in Florida, on the one hand, and on the other, points in Arizona, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, New Jersey, North Dakota, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, West Virginia, Virginia, Wisconsin, and Wyoming.

(v') Between points in Georgia, on the one hand, and on the other, points in Illinois, Indiana, Iowa, Maryland, Michigan, Minnesota, Nebraska, Nevada, New Jersey, North Dakota, Pennsylvania, Rhode Island, South Dakota, West Virginia, Wisconsin, and Wyoming.

(w') Between points in Illinois, on the one hand, and on the other, points in Indiana, Kentucky, Louisiana, Michigan, and Mississippi.

(x') Between points in Indiana, on the one hand, and on the other, points in Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, South Carolina, Washington, Wisconsin, and Wyoming.

(y') Between points in Iowa, on the one hand, and on the other, points and places in Kentucky, Michigan, North Carolina, South Carolina, and Tennessee.

(z') Between points in Kansas, on the one hand, and on the other, points and places in Kentucky, Michigan and North Carolina.

(a'') Between points in Kentucky, on the one hand, and on the other, points in Michigan, Minnesota, Utah, Virginia, West Virginia, Wisconsin, and Wyoming.

(b'') Between points in Louisiana, on the one hand, and on the other, points in Michigan, Minnesota, Virginia, West Virginia, and Wisconsin.

(c'') Between points in Maryland, on the one hand, and on the other, points in Tennessee and West Virginia.

(d'') Between points in Michigan, on the one hand, and on the other, points in Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming.

(e'') Between points in Minnesota, on the one hand, and on the other, points in Mississippi, North Carolina, South Carolina, and Tennessee.

(f'') Between points in Mississippi, on the one hand, and on the other, points in West Virginia and Wisconsin.

(g'') Between points in Missouri, on the one hand, and on the other, points in North Carolina.

(h'') Between points in Montana, on the one hand, and on the other, points in Tennessee.

(i'') Between points in Nebraska, on the one hand, and on the other, points and places in North Carolina and South Carolina.

(j'') Between points in Nevada, on the one hand, and on the other, points in South Carolina and Tennessee.

(k'') Between points in New Jersey, on the one hand, and on the other, points in North Carolina, South Carolina, Tennessee, and West Virginia.

(l'') Between points in New Mexico, on the one hand, and on the other, points in Kentucky, North Carolina, South Carolina, and Tennessee.

(m'') Between points in North Carolina, on the one hand, and on the other, points in North Dakota, Oklahoma, Pennsylvania, South Dakota, Texas, and Wisconsin.

(n'') Between points in North Dakota, on the one hand, and on the other, points in Indiana, Kentucky, South Carolina, and Tennessee.

(o'') Between points in Oklahoma, on the one hand, and on the other, points in South Carolina, Virginia, and West Virginia.

(p'') Between points in Oregon, on the one hand, and on the other, points in Alabama and Tennessee.

(q'') Between points in Pennsylvania, on the one hand, and on the other, points in South Carolina and West Virginia.

(r'') Between points in Rhode Island, on the one hand, and on the other, points in North Carolina, South Carolina, and West Virginia.

(s'') Between points in South Carolina, on the one hand, and on the other, points in South Dakota, Utah, and Wisconsin.

Carolina Highway 98 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Atlantic Ocean. (8) Between points in Alabama excluding those in Barbour County (Eufaula), on the one hand, and, on the other, points in North

Carolina on and west of a line beginning at the North Carolina-Tennessee State line, and extending along U.S. Highway 23, to junction Interstate Highway 26, thence along Blue Ridge Parkway to the Virginia-North Carolina State line, and those points on and north of a line beginning at the Tennessee-North Carolina State line, and extending along U.S. Highway 321 to junction U.S. Highway 421, to junction Interstate Highway 40, to junction Interstate Highway 85, to junction North Carolina Highway 86, thence along North Carolina Highway 86 to the North Carolina-Virginia State line. (9) Between points in Alabama excluding those in or east of Henry, Dale, and Geneva Counties, on the one hand, and, on the other, points in North Carolina in or north of Watauga, Wilkes, Yadkin, Stokes, Rockingham, Caswell, Person, Granville, Vance and Warren Counties. (10) Between points in Alabama, on the one hand, and, on the other, points in North Carolina in or north of Watauga, Wilkes, Surry Counties. (B) (1) Between all points in Alabama, on the one hand, and, on the other, all points in Virginia. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn.

(II) *Road building and earth moving equipment,* in truckaway service, *and parts of and attachments for* road building and earth moving equipment, (a) From the facilities of Caterpillar Tractor, located at Decatur, Ill., to points in Virginia; (b) From the facilities of Caterpillar Tractor located in Decatur, Ill., to points in that part of Virginia on and west of Interstate Highway 77; (c) From the facilities of Caterpillar Tractor located in Decatur and Peoria, Ill., to points in North Carolina on and east of Interstate Highway 77; (d) From the facilities of Caterpillar Tractor located in Decatur, Ill., to points in South Carolina; (e) From the facilities of Caterpillar Tractor located in Decatur and Peoria, Ill., to points in Georgia; (f) From the facilities of Caterpillar Tractor located in Decatur and Peoria, Ill., to points in Florida; (g) From the facilities of Caterpillar Tractor located in Aurora and Joliet, Ill., to points in Florida on and east of U.S. Highway 319; and (h) From the facilities of Caterpillar Tractor located in Decatur, Ill., to points in Tennessee on and west of U.S. Highway 11. The purpose of this filing is to eliminate the gateway of Findlay, Ohio.

(III) *Used, damaged, rejected, or defective trucks, trailers, and other types* of motor vehicles (except pasenger automobiles), *but including self-propelled road building and contractors' vehicles or machinery* in Driveaway and Truckaway service.

(a) Between points *in Rhode Island,* on the one hand, and, on the other, points in that *part of Pennsylvania* on and east of a line beginning at the Pennsylvania-New York State line, thence along U.S. Highway 219 to junction Pennsylvania Highway 879, thence along Pennsylvania Highway 879 to junction Pennsylvania Highway 144, thence along Pennsylvania Highway 144 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to junction U.S. Highway 220, thence along U.S. Highway 220 to Pennsylvania-Maryland State line.

(b) Between points in that *part of Connecticut* on, south, and west of a line beginning at the New York-Connecticut State line, thence along Interstate Highway 85 to junction Connecticut Highway 34, thence along Connecticut Highway 34 to Long Island Sound, on the one hand, and, on the other, points in that *part of Pennsylvania* on and east of a line beginning at the Pennsylvania-Maryland State line, thence along U.S. Highway 220 to junction Pennsylvania Highway 144, thence along Pennsylvania Highway 144 to junction U.S. Highway 6 to junction Pennsylvania Highway 14, thence along Pennsylvania Highway 14 to he Pennsylvania-New York State line.

(c) Between points in that *part of New Jersey* on and south of a line beginning at the Pennsylvania-New Jersey State line, thence along U.S. Highway 22 to junction Interstate Highway 287, thence along Interstate Highway 287 to junction U.S. Highway 9, thence along U.S. Highway 9 to the Atlantic Ocean, on the one hand, and, on the other, points in that *part of Pennsylvania* on and south of a line beginning at Lake Erie, thence along U.S. Highway 6 to junction Pennsylvania Highway 14, thence along Pennsylvania Highway 14 to the New York-Pennsylvania State line.

(i) Between points in that part of New York on and west of a line beginning at the Pennsylvania-New York State line, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Lake Ontario, on the one hand, and, on the other, points in Michigan.

(j) Between points in that part of New York on and west of a line beginning at the Pennsylvania-New York State line, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Lake Ontario, on the one hand, and, on the other, points in Indiana.

(k) Between points in that part of New York on and west of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Lake Ontario, and on and south of a line beginning at the New York-New Jersey State line, thence along U.S. Highway 6 to the New York-Connecticut State line, on the one hand, and, on the other, points in that part of West Virginia on and north of West Virginia Highway 7.

(l) Between points in that part of New York on south, and west of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 16 to Lake Erie, and, on and south of a line beginning at Hale Eddy, N.Y., thence along New York Highway 17 to junction New York Highway 10, thence along New York Highway 10 to junction New York Highway 7, thence along New York Highway 7 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Massachusetts-New York State line, on the one hand, and, on the other, points in North Carolina.

(m) Between points in New York on, west and south of a line beginning at New York-Pennsylvania State line, thence along U.S. Highway 62 to junction New York Highway 438, thence along New York Highway 438 to Lake Erie, on the one hand, and, on the other, points in Texas.

(n) Between points in that part of Vermont on and south of U.S. Highway 4, on the one hand, and, on the other, points in that part of Maryland on and east of a line beginning at the Pennsylvania-Maryland State line, thence along Interstate Highway 83 to junction Interstate Highway 695, thence along Interstate Highway 695 to Sparrows Point, Maryland.

(o) Between points in that part of New York on and west of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 62 to junction New York Highway 75, thence along New York Highway 75 to Lake Erie, and on and south of a line beginning at the New York-New Jersey State line, thene along Interstate Highway 84 to the New York-Connecticut State line, on the one hand, and, on the other, points in Georgia.

(p) Between points in that part of New York, on and west of a line beginning at Lake Erie, thence along New York Highway 16 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in Oklahoma.

(q) Between points in that part of New York on and west of a line beginning at the Pennsylvania-New York State line, thence along New York Highway 19 to junction New York Highway 63, thence along New York Highway 63 to junction New York Highway 98, thence along New York Highway 98, to Lake Ontario, on the one hand, and, on the other, points in Minnesota and Alabama.

(r) Between points in that part of New York on the west of a line beginning at the Pennsylvania-New York State line, thence along New York Highway 16 to junction New York Highway 78, thence along New York Highway 78 to Lake Ontario, on the one hand, and, on the other, points in Nebraska.

(s) Between points in that part of New York on and west of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 16 to junction New York Highway 78, thence along New York Highway 78 to Lake Ontario, on the one hand, and, on the other, points in Kansas.

(t) Between points in that part of New York on and west of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 16 to junction New York Highway 78, thence along New York Highway 78 to Lake Ontario, and on and south of a line beginning at Hancock, New York, thence along New York Highway 17 to junction New York Highway 30, thence along New

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York Highway 30 to junction New York Highway 7, thence along New York Highway 7 to the New York-Vermont State line on the one hand, and, on the other, points in Virginia.

(u) Between points in that part of New York on and south of a line beginning at Hancock, New York, thence along New York Highway 17 to junction New York Highway 52, thence along New York Highway 52 to junction U.S. Highway 44, thence along U.S. Highway 44 to the New York-Connecticut State line, on the one hand, and, on the other, points in South Carolina.

(v) Between points in that part of New York on and east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 14 to junction New York Highway 13, thence along New York Highway 13 to junction New York Highway 34, thence along New York Highway 34 to junction New York Highway 38, thence along New York Highway 38 to junction New York Highway 104, thence along New York Highway 104 to Lake Ontario, on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the New York-New Jersey State line, thence along U.S. Highway 202 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Hudson River.

(w) Between points in that part of New York on and east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 14 to junction New York Highway 96, thence along New York Highway 96 to junction New York Highway 250, thence along New York Highway 250 to Lake Ontario, on the one hand, and, on the other, points in Connecticut and Rhode Island.

(x) Between points in New Jersey on and south of New Jersey Highway 33, on the one hand, and, on the other, points in Kentucky on and east of a line beginning at the Kentucky-Ohio State line, thence along Interstate Highway 75 to junction Kentucky Highway 461, thence along Kentucky Highway 461 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Kentucky-Tennessee State line.

(y) Between points in Connecticut, on the one hand, and, on the other, points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line, along U.S. Highway 127 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 11, thence along U.S. Highway 11 to the Tennessee-Alabama State line.

(z) Between points in New Jersey, on the one hand, and on the other, points in Tennessee on and east of Interstate Highway 65.

(aa) Between points in that part of New Jersey on and south of New Jersey Highway 33 on the one hand, and on the other, points in that part of Ohio on and east of a line beginning at Lake Erie, thence along Interstate Highway 77 to junction Interstate Highway 271, thence along Interstate Highway 271 to junction Interstate Highway 71, thence along Interstate Highway 71 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Ohio-Indiana State line.

(bb) Between points in Maine, on the one hand, and, on the other, points in that part of North Carolina on and east of a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 13 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Atlantic Ocean.

(cc) Between points in Massachusetts on and south of a line from Boston along Interstate Highway 90 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Interstate Highway 90, thence along Interstate Highway 90 to the Massachusetts-New York State line, on the one hand, and, on the other, points in North Carolina on and north of a line from the Atlantic Ocean along U.S. Highway 421 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 40, thence along U.S. Highway 40 to the North Carolina-Tennessee State line.

(dd) Between points in New Hampshire, on the one hand, and, on the other, points in North Carolina on and north of a line from the Atlantic Ocean along U.S. Highway 117 to junction North Carolina Highway 58, thence along North Carolina Highway 58 to junction North Carolina Highway 561, thence along North Carolina Highway 561 to junction U.S. Highway 158, thence along U.S. Highway 158 to junction U.S. Highway 52, thence along U.S. Highway 52 to the North Carolina-Virginia State line.

(ee) Between points in Maine, on the one hand, and, on the other, points in Virginia east of a line from the North Carolina-Virginia State line, along U.S. Highway 15 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Interstate Highway 81, thence along Interstate Highway 81 to the Virginia-West Virginia State line.

(ff) Between points in New Hampshire, on the one hand, and, on the other, points in that part of Virginia on and east of a line beginning at the Virginia-West Virginia State line, thence along U.S. Highway 17 to junction U.S. Highway 340, thence along U.S. Highway 340 to the Virginia-North Carolina State line.

(gg) Between points in Maine, on the one hand, and, on the other, points in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line, thence along U.S. Highway 220 to junction Pennsylvania Highway 147, thence along Pennsylvania Highway 147 to junction Interstate Highway 83, thence along Interstate Highway 83 to the Pennsylvania-Maryland State line.

(hh) Between points in that part of Massachusetts, on and south of Interstate Highway 90, on the one hand, and, on the other, points in Pennsylvania.

(ii) Between points in New Hampshire, on the one hand, and, on the other, points in that part of Pennsylvania on and east of U.S. Highway 220.

(jj) Between points in Vermont, on the one hand, and, on the other, points in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line, thence along U.S. Highway 220 to junction Pennsylvania Highway 147, thence along Pennsylvania Highway 147 to junction Interstate Highway 83, thence along Interstate Highway 83 to the Pennsylvania-Maryland State line.

(kk) Between points in that part of Maine on and south of a line beginning at the Maine-New Hampshire State line, thence along U.S. Highway 2 to junction Maine Highway 9, thence along Maine Highway 9 to the United States-Canada International Boundary line, on the one hand, and, on the other, points in that part of Maryland on and east of a line beginning at the Pennsylvania-Maryland State line, thence along interstate Highway 83 to junction Interstate Highway 695, thence along Interstate Highway 695 to junction Interstate Highway 95, thence along Interstate Highway 95 to the District of Columbia.

(ll) Between points in New Hampshire, on the one hand, and, on the other, points in that part of Maryland on and east of a line beginning at the Pennsylvania-Maryland State line, thence along Interstate Highway 83 to Junction Interstate Highway 695, thence along Interstate Highway 695 to junction Interstate Highway 95, thence along Interstate Highway 95 to the District of Columbia.

(mm) Between points in that part of New York on and east of a line beginning at Lake Ontario, thence along New York Highway 98 to junction New York Highway 63, thence along New York Highway 63 to junction U.S. Alternate Highway 20, thence along U.S. Alternate Highway 20 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction New thence along New York Highway 17 York Highway 17 to junction New York Highway 14, thence along New York Highway 14 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in Massachusetts, Vermont, New Hampshire, and Maine.

(nn) Between points in that part of New York, on and west of a line beginning at Lake Ontario, thence along New York Highway 98 to junction New York 63, thence along New York Highway 63 to junction New York Highway 19, thence along New York Highway 19 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in Arkansas.

(oo) Between points in that part of New York, on and west of a line beginning at Lake Ontario, thence along New York Highway 19 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in Iowa (except Cedar Rapids, Iowa).

(pp) Between points in that part of New York on and west of a line beginning at Lake Erie, thence along New York Highway 319 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in North Dakota.

(qq) Between points in that part of New York on and west of line beginning at Lake Erie, thence along New York Highway 319 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in Louisiana and Colorado.

(rr) Between points in that part of New York on and west of a line beginning at Lake Erie, thence along U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line, on the one hand, and, one the other, points in that part of Mississippi on and north-east of a line beginning at the Mississippi-Tennessee State line, thence along U.S. Highway 51 to junction Highway 16, thence along Mississippi Highway 16 to the Mississippi-Alabama State line.

(ss) Between points in that part of New York on and west of a line beginning at Lake Ontario, thence along New York Highway 57 to junction New York Highway 13, thence along New York Highway 13 to junction New York Highway 36, thence along New York Highway 38 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 282, thence along New York Highway 282 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in that part of Ohio on and east of a line beginning at Lake Erie, thence along Interstate Highway 77 to the Ohio-West Virginia State line

(tt) Between points in that part of New York south of a line beginning at the Pennsylvania-New York State line, thence along New York Highway 17 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 23, thence along New York Highway 23 to the New York-Massachusetts State line, on the one hand, and, on the other, points in that part of Tennessee on and east of a line beginning at the Kentucky-Tennessee State line, thence along Interstate Highway 75 to junction U.S. Highway 129, thence along U.S. Highway 129 to the Tennessee-North Carolina State line.

(uu) Between points in that part of New York, on and west of a line beginning at Lake Ontario, thence along New York Highway 78 to junction New York Highway 16, thence along New York Highway 16 to the Pennsylvania-New York State line, on the one hand, and, on the other, points in Wisconsin.

(vv) Between points in New York, on and west of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 219 to junction New York Highway 319, thence along New York Highway 319 to Lake Erie, on the one hand, and, on the other, points in South Dakota.

(ww) Between points in that part of New York on and west of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 36 to junction New York Highway 17, to junction New York Highway 98, to junction New York Highway 39, to junction New York Highway 16, to junction Interstate Highway 290, to junction Interstate Highway 190, to Lake Ontario, on the one hand, and, on the other, points and places in that part of Maryland on and west of U.S. Highway 15.

(xx) Between points in Alabama, on one hand, and on the other, points in Connecticut, Delaware, New Jersey, Pennsylvania and Rhode Island.

(yy) Between points in Connecticut on the one hand, and on the other, points in in the District of Columbia, Florida, Georgia, Maryland, North Carolina, New York, South Carolina, Virginia and West Virginia.

(zz) Between points in Delaware, on the one hand, and on the other, points in Florida, Georgia, Maine, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island and Vermont.

(a') Between points in the District of Columbia, on the one hand, and on the other, points in Maine, Massachusetts, New Hampshire, New York, Rhode Island and Vermont.

(b') Between points in Florida, on the one hand, and on the other, points in Pennsylvania and Rhode Island.

(c') Between points in Georgia, on the one hand, and on the other, points in New Jersey, Pennsylvania and Rhode Island.

(d') Between points in Maine, on the one hand, and on the other, points in Maryland, New Jersey and Virginia.

(e') Between points in Maryland, on the one hand, and on the other, points in Massachusetts, New Hampshire, New Jersey, Rhode Island and Vermont.

(f') Between points in Massachusetts, on the one hand, and on the other, points in New Jersey, North Carolina and Virginia.

(g') Between points in New Hampshire, on the one hand, and on the other, points in New Jersey.

(h') Between points in New Jersey, on the one hand, and on the other, points in Rhode Island and Vermont.

(i') Between points in New York, on the one hand, and on the other, points in Pennsylvania and West Virginia.

(j') Between points in North Carolina, on the one hand, and on the other, points in Pennsylvania and Rhode Island.

(k') Between points in Pennsylvania, on the one hand, and on the other, points in South Carolina, Virginia and West Virginia.

(l') Between points in Rhode Island, on the one hand, and on the other, points in South Carolina and West Virginia.

(m') Between points in Vermont, on the one hand, and on the other, points in Virginia. The purpose of this filing is to eliminate the gateway at Elmira Heights, N.Y.

No. MC 124174 (Sub-No. 109G), filed November 2, 1976. Applicant: MOMSEN TRUCKING CO., a Corporation, 2405 Hiway Boulevard, Spencer, Iowa 51301. Applicant's representative: Karl E. Momsen, 13811 "L" Street, P.O. Box 37490, Omaha, Nebr. 68137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Hides, skins, and pieces thereof, tannery products, tannery by-products, and supplies* (except commodities in bulk, in tank vehicles), from points in Colorado, Kansas, Montana, North Dakota, Oklahoma, and Wyoming, to points in Illinois; Indiana; Iowa (except Sioux City); Kentucky; Maine; Maryland; Massachusetts; Michigan; Minnesota (except St. Paul); Nebraska; New Hampshire; New Jersey; New York; Ohio; Pennsylvania; Tennessee; Vermont; Virginia; Texas; Wisconsin; West Virginia; New Orleans, La.; and Buford, Ga.; (b) *hides and tannery products* (except commodities in bulk, in tank vehicles), from the origin states in (1) (a) above, to points in South Dakota; and (c) *hides and skins* (except commodities in bulk, in tank vehicles), from points in the origin states in (1) (a) above, to Hazelwood, N.C. and points in Delaware. The purpose of this filing is to eliminate the gateways of Sioux City, Iowa; Solomon, Kans.; St. Paul, Minn.; Hastings and Omaha, Nebr.; St. Joseph and St. Louis, Mo.; Oklahoma City, Okla.; Omaha and Grand Island, Nebr.; and Rochelle and beginning at the International Boundary between the United States and Canada, and extending along Interstate Highway 75, thence along Interstate Highway 75 to junction Michigan Highway 20, thence along Michigan Highway 20 to junction U.S. Highway 131, thence along U.S. Highway 131 to the Michigan-Indiana State line, on the one hand, and, on the other, points in Tennessee.

(f) Between points in Michigan, on the one hand, and, on the other, those points in Tennessee on and west of a line beginning at Clarksville, Tenn., near the Kentucky-Tennessee State line, and extending along Tennessee Highway 13, thence along Tennessee Highway 13 to the Tennessee-Mississippi State line; (g) between those points in Michigan on and west of a line beginning at Sault St. Marie, Mich., at the International Boundary line between the United States and Canada, and extending along Interstate Highway 75 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 131, thence along U.S. Highway 131 to the Michigan-Indiana State line, on the one hand, and, on the other, to those points in Kentucky on the west of a line beginning at Louisville, Ky., at or near the Indiana-Kentucky State line, and extending along U.S. Highway 150, thence along U.S. Highway 150 to Daniel Boone Parkway, thence along Daniel Boone Parkway to Kentucky Highway 80, thence along Kentucky Highway 80 to junction Kentucky Highway 15, Michigan; Ohio; West Virginia; Virginia; Maryland; Pennsylvania; New Jersey; New York; Massachusetts; Maine; Vermont; New Hampshire; and Buford, Ga.; (b) *hides and tannery products* (except commodities in bulk, in tank vehicles), from the origin points in (3) (a) above, to points in South Dakota and Missouri (except Butler); and (c) *hides and skins* (except commodities in bulk, in tank ve-

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hicles), from the origin points in (3) (a) above, to Hazelwood, N.C. and points in Delaware.

The purpose of this filing is to eliminate the gateways of points in Texas; Chicago, Ill.; Evansville, Ind.; Detroit, Mich.; Buffalo, N.Y.; Chattanooga and Kingsport, Tenn.; Richmond and Norfolk, Va.; and Buford, Ga. (4) (a) *Hides, skins, and pieces thereof, tannery products, tannery by-products, and supplies* (except commodities in bulk, in tank vehicles), between points in Tennessee; Texas; Virginia; New Orleans, La.; Hazelwood, N.C.; and points in Nebraska; Minnesota; Iowa; Wisconsin; Illinois; Kentucky; Tennessee; Michigan; Indiana; Ohio; West Virginia; Virginia; Pennsylvania; New York; Maryland; New Jersey; New Hampshire; Maine; New York; Massachusetts and Vermont; (b) *hides and tannery products* (except commodities in bulk, in tank vehicles), between points in South Dakota, Kansas, Missouri (except Butler), and points named in (4) (a) above; and (c) *hides and skins*, (except commodities in bulk, in tank vehicles), from points named in (4) (a) and (4) (b) above, to points in Delaware. The purpose of this filing is to eliminate common points in Tennessee; Texas; Virginia; Minnesota; Iowa; Nebraska; Buford, Ga.; Rochelle and Chicago, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 133485 (Sub-No. 19G) (correction), filed January 27, 1977, published in the FEDERAL REGISTER issue of March 10, 1977, as MC 133485 Sub 19, republished as corrected this issue. Applicant: INTERNATIONAL DETECTIVE SERVICE, INC., 1828 Westminster Street, Providence, R.I. 02909. Applicant's representative: Morris J. Levin, 1620 Eye Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bullion, coins and precious metals*, in armored vehicles escorted by armed guards, between ports of entry on the International Boundary Line between the United States and Canada located in Maine, New York and Vermont, on the one hand, and, on the other, Chicago, Ill., and points in Connecticut, New Jersey, New York, and Barnstable, Bristol, Middlesex, Norfolk, Plymouth, Suffolk and Worcester Counties, Mass.

NOTE.—The purpose of this republication is to indicate docket number 133485 Sub No. 19 should be MC 133485 Sub 19G, gateway elimination proceeding. This filing is to eliminate the gateway at Providence, R.I. Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either New York, N.Y. or Providence, R.I.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission by April 11, 1977. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-1222 (Sub-No. E2) (correction), filed June 3, 1974, published in the FEDERAL REGISTER issue of June 5, 1975, and republished, as corrected, this issue. Applicant: REINHARDT TRANSFER COMPANY, 1410 10th Street, Portsmouth, Ohio 45662. Applicant's representative: Robert H. Kinker, P.O. Box 464, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from Huntington, W. Va., to points in Tennesse west and south of Scott, Campbell, Union, Grainger, Hawkins, Sullivan and Johnson Counties, and points in Kentucky west of Hancock, Breckinridge, Grayson, Edmonson, Barren, Metcalfe, and Cumberland Counties. The purpose of this filing is to eliminate the gateway of New Boston, Ohio. (2) *Iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, except commodities which by reason of their size or weight require the use of special equipment or special handling, from the plant sites and warehouses of the Kankakee Electric Steel Company, Swanson Manufacturing Company, and Jones & McKnight, Inc., in Kankakee County, Ill., to point in Tennessee east of Claiborne, Grainger, Hamblen and Cocke Counties. The purpose of this filing is to eliminate the gateway of New Boston, Ohio. (3) *Iron and steel aritcles* (except those which because of size or weight, require the use of special equipment), from the plant site of Jones & Laughlin Steel Corporation in Putnam County, Ill., to points in West Virginia and points in Tennessee east of Campbell, Scott, Morgan, Roane, Loudon, Blount and Sevier Counties. The purpose of this filing is to eliminate the gateway of New Boston, Ohio. (4) *plastic foam shapes and forms*, (1) from the plant site of Dow Chemical Company, near Hanging Rock, Ohio, to points in Wisconsin, (2) from Ironton, Portsmouth and Hamilton Township, Ohio to points in Wisconsin, and (3) from Findlay, Ohio to points in Wisconsin. The purpose of this filing is to eliminate the gatway of Decatur, Ind.

NOTE.—The purpose of this correction is to correct the letter-notice previously published in error.

No. MC-35890 (Sub-No. E83), filed September 16, 1976. Applicant: BLODGETT FURNITURE SERVICE, INC., Thirty-Sixth St. SE., Grand Rapids, Mich. 49508. Applicant's representative: John F. Freel (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, uncrated*, from points in Warren County, Pa., to points in Kansas. The purpose of this filing is to eliminate the gateway of Grand Rapids, Mich.

No. MC-35890 (Sub-No. E84), filed September 16, 1976. Applicant: BLODGETT FURNITURE SERVICE, INC., Thirty-Sixth St. SE., Grand Rapids, Mich. 49508. Applicant's representative: John F. Freel (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, uncrated*, from points in Warren County, Pa., to points in Texas. The purpose of this filing is to eliminate the gateway of Grand Rapids, Mich.

No. MC 35890 (Sub-No. E85), filed September 16, 1976. Applicant: BLODGETT FURNITURE SERVICE, INC., Thirty-Sixth St. S.E., Grand Rapids, Mich. 49508. Applicant's representative: John F. Freel (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, uncrated*, from points in Warren County, Pa., to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Grand Rapids, Mich.

No. MC 35890 (Sub-No. E86), filed September 16, 1976. Applicant: BLODGETT FURNITURE SERVICE, INC., Thirty-Sixth St. S.E., Grand Rapids, Mich. 49508. Applicant's representative: John F. Freel (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, uncrated*, from points in New York on and north and west of a line beginning at the Pennsylvania-New York State line, and extending east along New York Highway 17 to junction with New York Highway 30, thence northeast along New York Highway 30 to junction with New York Highway 81, thence over New York Highway 81 to junction with Interstate Highway 87, thence north along Interstate Highway 87 to junction with Interstate Highway 90, thence over Interstate Highway 90 to New York-Massachusetts State line, to those points in Mississippi on and west of a line beginning at the Tennessee-Mississippi State line, and extending south along Interstate Highway 55 to junction U.S. Highway 51, thence south along U.S. Highway 51 to the Mississippi-Louisiana State line. The purpose of this filing is to eliminate the gateway of Grand Rapids, Mich.

No. MC 35890 (Sub-No. E87), filed September 16, 1976. Applicant: BLODGETT FURNITURE SERVICE, INC., Thirty-Sixth St. S.E., Grand Rapids, Mich. 49508. Applicant's representative: John F. Freel (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, uncrated*, from points in Onandago County, N.Y., to those points in Mississippi on and south and west of a line beginning at the Mississippi-Tennessee State line, and extending along U.S. Highway 78, thence along U.S. Highway 78 to the Alabama-Mississippi State line. The purpose of this filing is to eliminate the gateway of Grand Rapids, Mich.

No. MC 35890 (Sub-No. E88), filed September 16, 1976. Applicant: BLODGETT FURNITURE SERVICE, INC., Thirty-Sixth St., S.E., Grand Rapids, Mich. 49508. Applicant's representative: John F. Freel (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, uncrated*, from points in New York on, and north and west of a line beginning at the Pennsylvania-New York State line, and extending east along New York Highway 17 to junction New York Highway 30, thence northeast along New York Highway 30 to junction New York Highway 81, thence along New York Highway 81 to junction Interstate Highway 87, thence north along Interstate Highway 87 to junction Interstate Highway 90, thence along Interstate Highway 90 to the New York-Massachusetts State line, to those points in Mississippi on and west of a line beginning at the Tennessee-Mississippi State line, and extending south along Interstate Highway 55 to junction U.S. Highway 51, thence south along U.S. Highway 51 to the Mississippi-Louisiana State line. The purpose of this filing is to eliminate the gateways of Warren County, Pa., and Grand Rapids, Mich.

No. MC 35890 (Sub-No. E89), filed September 16, 1976. Applicant: BLODGETT FURNITURE SERVICE, INC., Thirty-Sixth St. S.E., Grand Rapids, Mich. 49508. Applicant's representative: John F. Freel (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, uncrated*, from points in New York on and north and west of a line beginning at the Pennsylvania-New York State line, and extending along New York Highway 17 to junction with New York Highway 30, thence northeast along New York Highway 30 to junction with New York Highway 81, thence over New York Highway 81 to junction with Interstate Highway 87, thence north along Interstate Highway 87 to junction with Interstate Highway 90, thence over Interstate Highway 90 to New York-Massachusetts State line, to those points in Mississippi on and west of a line beginning at the Tennessee-Mississippi State line, and extending south along Interstate Highway 55 to junction U.S. Highway 51, thence south along U.S. Highway 51 to the Mississippi-Louisiana State line. The purpose of this filing is to eliminate the gateway of Grand Rapids, Mich.

No. MC 41406 (Sub-No. E3) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER issue of September 2, 1975, and republished, as corrected, this issue. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, (c) between points in that part of Illinois on and north of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 34 to Galesburg, thence to junction U.S. Highway 6, thence along U.S. Highway 6 to Joliet, thence along U.S. Highway 30 to the Illinois-Indiana State line, on the one hand, and, on the other, to those points in Indiana on, north and east of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 6 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 31 through Kokomo, to junction Indiana Highway 26, thence along Indiana Highway 26 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of Gary, Ind.

NOTE.—The purpose of this partial correction is to indicate the correct "between" movements. The remainder of this letter-notice remains as previously published.

No. MC 41406 (Sub-No. E1) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER issue of October 21, 1975, and partially republished in the FEDERAL REGISTER issue of January 28, 1976, and partially republished, as corrected, this issue. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, (e) between points in that part of Illinois on and north of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 34 to Galesburg, thence to junction U.S. Highway 6, thence along U.S. Highway 6 to Joliet, thence along U.S. Highway 30 to the Illinois-Indiana State line, on the one hand, and, on the other, to those points in Indiana on, north and east of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 6 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 31 through Kokomo, to junction Indiana Highway 26, thence along Indiana Highway 26 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of Gary, Ind.

No. MC 107107 (Sub-No. E30) (Correction), filed April 6, 1975, published in the FEDERAL REGISTER issues of June 13, 1975, and March 2, 1977, and republished, as corrected, this issue. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 425, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products*, as defined by the Commission, from Wichita, Kans., to those points in Alabama on and south of a line beginning at the Alabama-Georgia State line and extending long U.S. Highway 84 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Alabama-Mississippi State line, and those in Georgia on and south of U.S. Highway 280, restricted to commodities requiring temperature control in transit when moving to Savannah, Ga. The purpose of this filing is to eliminate the gateways of Florida and Jacksonville, Fla.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 107515 (Sub-No. E641), filed December 20, 1976. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat by-products, dairy products, and such articles distributed by meat packing houses as are foodstuffs*, as described in Sections A, B, and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), in vehicles equipped with mechanical refrigeraion, from points in Iowa, to points in Florida; points in Alabama on, south and east of a line beginning at the Alabama-Florida State line and extending along U.S. Highway 29 to junction U.S. Highway 31, thence over U.S. Highway 31 to junction Interstate Highway 65, thence over Interstate Highway 65 to junction U.S. Highway 231, thence over U.S. Highway 231 to junction Alternate U.S. Highway 231, thence over Alternate U.S. Highway 231 to junction Alabama Highway 77, thence over Alabama Highway 77 to junction U.S. Highway 411, thence over U.S. Highway 411 to the Georgia-Alabama State line; and Suffolk, Va., (2) *meats, meat products, and meat by-products, dairy products, and such articles distributed by meat packing houses, as are foodstuffs* as described in Sections A, B, and C of Appendix I to the Report in Descriptions in Motor Carrier, Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides) in vehicles equipped with mechanical refrigeration, from points in Iowa on, south and west of a line begin-

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ning at the Iowa-Illinois State line and extending along Iowa Highway 2 to junction U.S. Highway 218, thence along U.S. Highway U.S. Highway 63, thence along U.S. Highway 63 to junction Iowa Highway 163, thence along Iowa Highway 163 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction Iowa Highway 4, thence along Iowa Highway 4 to the Iowa-Minnesota State line, to Norfolk, Va., (3) *meats, meat products, and meat by-products, dairy products, and articles distributed by meat packing houses as are foodstuffs*, as described in Sections A, B, and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), in vehicles equipped with mechanical refrigeration, from Sioux City, Iowa, to Chattanooga, Tenn., and (4) *meats, meat products, and meat by-products, dairy products, and such articles distributed by meat packing houses as are foodstuffs*, as described in Sections A, B, and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), in vehicles equipped with mechanical refrigeration, from Iowa on and north of a line beginning at the Iowa-Wisconsin State line and extending along U.S. Highway 18 to junction Iowa Highway 4, thence along Iowa Highway 4 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction Iowa Highway 31, thence along Iowa Highway 31 to junction U.S. Highway 20, thence along U.S. Highway 20 to Sioux City, Iowa, to points in Alabama on, south and east of a line beginning at the Alabama-Georgia State line and extending along Interstate Highway 59 to junction Interstate Highway 65, thence along Interstate Highway 65 to Mobile, Ala. The purpose of this filing is to eliminate the gateway of the facilities of Refrigerated Transport Co., Inc. at Doraville, Ga.

No. MC 108341 (Sub-No. E12 (Partial Correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of September 4, 1975, and republished, as corrected, this issue. Applicant: MOSS TRUCKING CO., INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Jack F. Counts (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Turbines, steam condensers, feed water heaters, weldments, and heat exchangers and parts* of the commodities above; and *iron and steel castings and forgings*, restricted to the transportation of commodities which because of size or weight require the use of special equipment and contractors' materials, supplies and equipment, commodities which do not require the use of special equipment in mixed loads with commodities which because of size or weight require the use of special equipment, * * * The purpose of this filing is to eliminate the gateway of Charlotte, N.C.

NOTE.—The purpose of this partial correction is to correct the commodity description. The remainder of this letter-notice remains as previously published.

No. MC 108676 (Sub-No. E3), filed June 4, 1974. (Part I—Sec. A and B) Applicant: A. J. METLER HAULING & RIGGING, 117 Chicamauga Avenue, Knoxville, Tennessee 37917. Applicant's representative: A. J. Metler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, consisting of contractors' equipment and coal and coke mining equipment, iron and steel articles, consisting, of construction equipment, and parts, accessories and attachments therefor* (not including contractors' equipment), *maintenance equipment, and parts, accessories, and attachments, therefor* (not including contractors' equipment), *power distribution equipment, and parts, accessories and attachments therefor* (not including contractors' equipment), *and plant equipment, and parts, accessories and attachments therefor* (not including contractors' equipment). *Iron and steel articles, consisting of signs, sign poles and parts and accessories*, (A) (1) Between points in Alabama on and west of Jackson, Marshall, Blount, Jefferson, Tuscaloosa, Hale, Marengo, Clarke and Washington Counties, on the one hand, and, on the other, points in North Carolina. (2) Between points in Alabama on and north of a line beginning at the Alabama-Georgia State line, and extending along Interstate Highway 59 to the Alabama-Mississippi State line, and those points on and west of Tuscaloosa, Hale, Marengo, Clarke and Washington Counties, on the one hand, and, on the other, points in North Carolina, except Mecklenburg County, N.C. (3) Between points in Alabama on and west of a line beginning at the Georgia-Alabama State line, and extending along Interstate Highway 59, to junction U.S. Highway 31, thence south along U.S. Highway 31 (excluding Montgomery, Ala.), to the Gulf of Mexico, on the one hand, and, on the other, points in North Carolina except points in Mecklenburg, Union, Anson, Richmond, Scotland, and Robeson Counties. (4) Between points in Alabama on and north and west of a line beginning at the Alabama-Georgia State line, and extending along Interstate Highway 20, to junction U.S. Highway 31, thence west and south along U.S. Highway 31 (excluding Montgomery, Ala.) to the Gulf of Mexico, on the one hand, and, on the other, points in North Carolina except those on and south of Mecklenburg, Union, Anson, Richmond, Scotland, Robeson, Bladen, and Pender Counties. (5) Between points in Alabama on and north of a line beginning at the Alabama-Georgia State line and extending along Interstate Highway 20, to junction U.S. Highway 31, thence along U.S. Highway 31 (excluding Montgomery, Ala.), to the Gulf of Mexico, on the one hand, and, on the other, points in North Carolina excluding those in or south of Mecklenburg, Cabarrus, Stanley, Montgomery, Moore, Hoke, Cumberland, Sampson and Pender Counties.

(6) Between points in Alabama on and north and west of a line beginning at the Alabama-Georgia State line and extending along Interstate Highway 20 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction U.S. Highway 31, thence along U.S. Highway 31 to the Florida-Alabama State line, on the one hand, and, on the other, points in North Carolina excluding those in or south of Mecklenburg, Cabarrus, Stanley, Montgomery, Moore, Harnett, Sampson, Wayne, Lenoir, Jones and Onslow Counties. (7) Between points in Alabama excluding those in or east of Barbour, Dale and Geneva Counties, on the one hand, and, on the other, points in North Carolina on and west of a line beginning at the North Carolina-Tennessee State line and extending along U.S. Highway 23 to junction Interstate Highway 26, thence along Blue Ridge Parkway to the Virginia-North Carolina State line, and those points on and north of a line beginning at the Tennessee-North Carolina State line and extending along U.S. Highway 321 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction Interstate Highway 85, thence along Interstate Highway 85 to junction North Carolina Highway 98, thence along North Carolina Highway 98 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Atlantic Ocean. (8) Between points in Alabama excluding those in Barbour County (Eufaula), on the one hand, and, on the other, points in North Carolina on and west of a line beginning at the North Carolina-Tennessee State line, and extending along U.S. Highway 23, to junction Interstate Highway 26, thence along Blue Ridge Parkway to the Virginia-North Carolina State line, and those points on and north of a line beginning at the Tennessee-North Carolina State line, and extending along U.S. Highway 321 to junction U.S. Highway 421, to junction Interstate Highway 40, to junction Interstate Highway 85, to junction North Carolina Highway 86, thence along North Carolina Highway 86 to the North Carolina-Virginia State line. (9) Between points in Alabama excluding those in or east of Henry, Dale, and Geneva Counties, on the one hand, and, on the other, points in North Carolina in or north of Watauga, Wilkes, Yadkin, Stokes, Rockingham, Caswell, Person, Granville, Vance and Warren Counties. (10) Between points in Alabama, on the one hand, and, on the other, points in North Carolina in or north of Watauga, Wilkes, Surry Counties. (B) (1) Between all points in Alabama, on the one hand, and, on the other, all points in Virginia. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn.

No. MC 108676 (Sub-No. E4), filed June 4, 1974. (Part I—Sec. C and D) Applicant: A. J. METLER HAULING & RIGGING, 117 Chicamauga Avenue, Knoxville. Tennessee 37917. Applicant's representative: A. J. Metler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel aticles*, consisting of *contractors' equipment and coal and coke mining equipment, iron and steel articles*, consisting of *construction equipment, and parts, accessories and attachments, therefor* (not including contractors' equipment), *maintenance equipment, and parts, accessories and attachments, therefor* (not including contractors' equipment), *power distribution equipment, and parts, accessories and attachment therefor* (not including contractors' equipment), *and plant equipment, and parts, accessories and attachments therefor* (not including contractors' equipment). *Iron and steel articles*, consisting of *signs, sign poles and parts and accessories*, (C) (1) Between points in Barbour County (Eufaula), Ala., on the one hand, and, on the other, points in Kentucky in or east of Daviess, Ohio, Butler, Edmonson, Barren and Monroe Counties. (2) Between points in Alabama in or east of Barbour, Dale, and Geneva Counties, on the one hand, and, on the other, points in Kentucky in or east of Hancock, Breckinridge, Grayson, Edmonson, Barren and Monroe Counties. (3) Between points in Alabama in or east of Covington, Crenshaw, Pike, and Barbour Counties, on the one hand, and, on the other, points in Kentucky in or east of Meade, Hardin, Larue, Green, Adair, and Cumberland Counties. (4) Between points in Alabama in or south of Leburne, Calhoun, Talladega, Coosa, Elmore, Montgomery, Butler, Covington, Escambia, Baldwin, and Mobile Counties, on the one hand, and, on the other, points in Kentucky in or east of Jefferson, Spencer, Nelson, Marion, Taylor, Adair, and Cumberland Counties. (5) Between points in Alabama in or south of Leburne, Calhoun, Talladega, Coosa, Chilton, Perry, Marengo, and Choctaw Counties, on the one hand, and, on the other, points in Kentucky on and east of a line beginning at the Tennessee-Kentucky State line, and extending along Kentucky Highway 61, to junction Kentucky Highway 55. thence along Kentucky Highway 55 to Kentucky-Indiana State line. (6) Between points in Alabama south of Franklin, Lawrence, Morgan, Marshall, and Dekalb Counties, on the one hand, and, on the other, points in Kentucky in or east of Gallatin, Owen, Franklin, Anderson, Mercer, Boyle, Lincoln, Pulaski, and Wayne Counties. (7) Between points in Alabama excluding those in Lauderdale and Colbert Counties, on the one hand, and, on the other, points in Kentucky on and east of a line beginning at the Kentucky-Tennessee State line, and extending along Interstate Highway 75, thence along Interstate Highway 75 to the Kentucky-Ohio State line. (8) Between points in Alabama, on the one hand, and, on the other, points in Kentucky in or east of Boyd, Lawrence, Johnson, Mogoffin, Breathitt, Owsley, Jackson, Laurel, and Whitley Counties. (D) (1) Between points in Alabama in or south of Barbour, Pike, Crenshaw, Butler, Conecuh, Escambia, Baldwin, and Mobile Counties, on the one hand, and, on the other, points in Tennessee on and east of a line beginning at the Tennessee-Kentucky State line, and extending along U.S. Highway 127, to junction U.S. Highway 70, thence along U.S. Highway 70 to the Tennessee-North Carolina State line. (2) Between all points in Alabama, on the one hand, and, on the other, points in Tennessee on and east of a line beginning at the Tennessee-Kentucky State line, and extending along U.S. Highway 27 to junction U.S. Highway 70, to junction Interstate Highway 40, thence along Interstate Highway 40 to the Tennessee-North Carolina State line. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn.

No. MC 108676 (Sub-No. 5), filed June 4, 1974. (Part I—Sec. E and F.) Applicant: A. J. METLER HAULING & RIGGING, 117 Chicamauga Avenue, Knoxville, Tennessee 37917. Applicant's representative: A. J. Metler (same as above). Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, consisting of *contractors' equipment and coal and coke mining equipment, iron and steel articles*, consisting of *construction equipment, and parts, accessories and attachments therefor* (not including contractors' equipment), *maintenance equipment, and parts, acessories, and attachments, therefor* (not including contractors' equipment), *power distribution equipment, and parts, acessories and attachments therefor* (not including contractors' equipment), *and plant equipment, and parts, accessories and attachments therefor* (not including contractors' equipment). *Iron and steel articles, consisting of signs, sign poles, and parts and accessories*, (E) (1) Between points in Georgia on, east and south of a line beginning at the Georgia-Tennessee State line, and extending along U.S. Highway 411, thence along U.S. Highway 411 to the Georgia-Alabama State line, on the one hand, and, on the other, points in North Carolina on, or east of Watauga, Wilkes, Alexander, Iredell, Rowan, Davidson, Montgomery, and Richmond Counties. (2) Between points in Georgia on and east of a line beginning at the Georgia-Tennessee State line, and extending along U.S. Highway 411 to junction U.S. Highway 41, to junction State Highway 61, to junction U.S. Highway 78, thence along U.S. Highway 78 to the Georgia-Alabama State line, on the one hand, and, on the other, points in North Carolina on and west and south of Watuga, Wilkes, Alexander, Iredell, Rowan, Davidson, Montgomery, Moore, Harnett, Sampson, Duplin, and Onslow Counties. (3) Between points in Georgia on or bounded on, east and south by Union, Lumpkin, Dawson, Cherokee, Paulding and Haralson Counties, on the one hand, and, on the other, points in North Carolina on and east of a line beginning at the North Carolina-Virginia State line, and extending along U.S. Highway 301 to junction U.S. Highway 64, to junction U.S. Highway 17, to junction U.S. Highway 70, thence along U.S. Highway 70 to Wildwood, N.C. at or near Onslow Bay.

(F) (1) Between points in Georgia on and west of a line beginning at the Georgia-Tennessee State line, and extending along Interstate Highway 75 to junction U.S. Highway 411, thence along U.S. Highway 411 to the Georgia-Alabama State line, and also those points in Bartow, Paulding, Douglas, Coweta, Merriwether, Harris and Chattahoochee Counties, on the one hand, and, on the other, points in Virginia. (2) Between points in Georgia on or west of Union, Fannin, Gilmer, Pickens, Bartow, Paulding, Douglas, Coweta, Merriwether, Harris and Chattahoochee Counties, on the one hand, and, on the other, points in Virginia excluding those in or south of Patrick, Franklin, Pittsylvania, Halifax and Mecklenburg Counties. (3) Between points in Georgia in or west of Union, Lumplin, Dawson, Forsyth, Fulton, Fayette, Merriwether, Harris and Chattahoochee Counties, on the one hand, and, on the other, points in Virginia in or north of Carroll, Floyd, Roanoke, Bedford, Campbell, Appomatox, Buckingham, Cumberland, Powhattan, Chesterfield, Charles City, James City, and York Counties (excluding those located in Northampton and Accomack Counties). (4) Between points in Georgia in or west of Union, Lumpkin, Dawson, Forsyth, Fulton, Fayette, Merriwether, Harris, Chattahoochee, Stewart, Randolph, Calhoun, Baker and Decatur Counties, on the one hand, and, on the other, points in Virginia in or north of Carroll, Floyd, Roanoke, Bedford, Campbell, Appomatox, Buckingham, Cumberland, Powhattan, Chesterfield, Charles City and New Kent Counties. (5) Between points in Georgia in or west of Union, Lumpkin, Dawson, Fulton, Fayette, Pike, Upson, Taylor, Schley, Worth, Colquitt, and Thomas Counties, on the one hand, and, on the other, points in Virginia in or northwest of north of Carroll, Floyd, Roanoke, Bedford, Campbell, Appomatox, Buckingham, Cumberland, Fluvanna, Louisa, Spotsylvania, Caroline, Essex, and Westmoreland Counties. (6) Between points in Georgia in or west of Towns, Write, Hale, Gwinnett, Dekalb, Henry, Spalding, Pike, Upson, Taylor, Schley, Sumter, Worth, Colquitt and Thomas Counties, on the one hand, and, on the other, points in Virginia in or northwest of north of Washington, Smyth, Wythe, Pulaski, Montgomery, Roanoke, Bedford, Campbell, Appomatox, Buckingham, Cumberland, Fluvanna, Louisa, Spotsylvania, Caroline, Essex and Westmoreland Counties.

(7) Between points in Georgia on or west of Towns, White, Hale, Gwinnett, Rockdale, Newton, Jasper, Jones, Twiggs, Houston, Dooly, Turner, Tift, Cook and Lowndes Counties, on the one hand, and, on the other, points in Virginia on or northwest or north of Washington, Smyth, Wythe, Pulaski, Montgomery, Roanoke, Botetour, Rockbridge, Nelson,

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Albermarle, Fluvanna, Louisa, Spotsylvania, Caroline, Essex and Westmoreland Counties. (8) Between points in Georgia on or west of Towns, White, Hale, Gwinnett, Rockdale, Newton, Jasper, Putnam, Baldwin, Wilkinson, Bleckley, Pulaski, Wilcox, Turner, Tift, Cook and Lowndes Counties, on the one hand, and, on the other, points in Virginia in or west of Alleghany, Rockbridge, Augusta, Rockingham, Page, Warren and Clarke Counties. (9) Between points in Georgia on or west of Towns, White, Hale, Gwinnett, Rockdale, Newton, Jasper, Jones, Twiggs, Laurens, Wheeler, Telfair, Coffee, Atkinson, Lanier and Lowndes Counties, on the one hand, and, on the other, Bristol and Winchester, Virginia and points in proximity with Bristol and Winchester, Va. (10) Between points in Georgia on and west of a line beginning at the Georgia-South Carolina State line, and extending along U.S. Highway 221 to junction U.S. Highway 441, thence along U.S. Highway 441 to the Georgia-Florida State line, on the one hand, and, on the other, points in Virginia on and north of Bath-Highland and Rockbridge-Augusta County lines, and those points on and west of Skyline Drive, to junction Interstate Highway 64, to junction U.S. Highway 340, thence west along U.S. Highway 340 to the Virginia-West Virginia State line. (11) Between points in Georgia on and west of a line beginning at the Georgia-South Carolina State line, and extending along U.S. Highway 221 to junction U.S. Highway 341, to junction U.S. Highway 301, thence along U.S. Highway 301 to the Georgia-Florida State line, on the one hand, and, on the other, Winchester, Va. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn.

No. MC 108676 (Sub-No. E6), filed June 4, 1974. (Part I—Sec. G & H). Applicant: A. J. METLER HAULING & RIGGING, 117 Chicamauga Avenue, Knoxville, Tennessee 37917. Applicant's representative: A. J. Metler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, consisting of Contractors' equipment and coal and coke mining equipment; Iron and steel articles*, consisting of *construction equipment, and parts, accessories and attachments therefor* (not including contractors' equipment), *maintenance equipment, and parts, accessories and attachments, therefor* (not including contractors' equipment), *power distribution equipment, and parts, accessories and attachments therefor* (not including contractors' equipment), *and plant equipment, and parts, accessories and attachments therefor* (not including contractors' equipment). *Iron and steel articles*, consisting of *signs, sign poles and parts and accessories*, (G) (1) Between points in Georgia in or east of Union, White, Habersham, Stephens, Franklin, Hart, Elbert, Wilkes, Taliaferro, Warren, Jefferson, Emanuel, Toombs, Appling, Bacon, Ware, Atkinson, Berrien, Cook, Colquitt and Thomas Counties, on the one hand, and, on the other, points in Kentucky in or west of Lawrence, Johnson, Magoffin, Breathitt, Owsley, Clay and Bell Counties. (2) Between points in Georgia in or east of Union, Lumpkin, Hall, Barrow, Walton, Morgan, Putnam, Baldwin, Wilkinson, Bleckley, Pulaski, Dooly, Crisp, Lee, Dougherty, Mitchell, and Thomas Counties, on the one hand, and, on the other, points in Kentucky in or west of Boyd, Carter, Elliott, Morgan, Wolfe, Breathitt, Owsley, Clay and Bell Counties and in or east of Crittenden, Caldwell, and Christian Counties. (3) Between points in Georgia excluding those in or east of Fannin, Gilmer, Pickens, Cherokee, Fulton, and Carroll Counties, on the one hand, and, on the other, points in Kentucky in or east of Daviess, Ohio, Grayson, Hart, Barren and Monroe Counties and in or west of Boyd, Carter, Elliott, Morgan, Wolfe, Breathitt, Owsley, Clay, and Bell Counties. (4) Between points in Georgia excluding those bounded on, north by Haralson, Paulding, Cobb, and Fulton Counties and bounded on the east by Fulton, Clayton, Fayette, Merriwether, Harris, Muscogee and Chattahoochee Counties, on the one hand, and, on the other, points in Kentucky in or east of Breckinridge, Grayson, Butler, Warren, and Simpson Counties and in or west of Boyd, Carter, Elliott, Morgan, Wolfe, Breathitt, Owsley, Clay and Bell Counties. (5) Between points in Georgia excluding those in or west of Murray, Gordon, Bartow, and Polk Counties, on the one hand, and, on the other, points in Kentucky in or east of Hancock, Ohio, Grayson, Edmonson, Barren and Monroe Counties and in or west of Boyd, Carter, Elliott, Morgan, Wolfe, Breathitt, Owsley, Clay and Bell Counties.

(6) Between points in Georgia excluding those in or east of Hart, Elbert, Oglethrope, Taliaferro, Warren, Glascock, Jefferson, Burke, Jenkins, and Screven Counties, on the one hand, and, on the other, points in Kentucky in or east of Martin, Floyd, Knott, Perry, Leslie and Harlan Counties. (7) Between points in Georgia on the one hand, and, on the other, points in Kentucky in or east of Meade, Hardin, Hart, Barren, and Monroe Counties and in or west of Boyd, Carter, Elliott, Morgan, Wolfe, Breathitt, Owsley, Clay and Bell Counties. (H) (1) Between points in Georgia in or east of Effingham, Bryan and Liberty Counties on the one hand, and, on the other, points in Tennessee in or west of Claiborne, Grainger, Hamblen and Cocke Counties, in or north of Lauderdale, Haywood, Madison, Henderson, Decatur, Perry, Lewis, Maury, Williamson, Rutherford, Cannon, Warren, Van Buren, Bledsoe, Rhea, Meigs, McMinn and Monroe Counties, and north of Tennessee-North Carolina State line from Monroe-Blount County line to Sevier-Cocke County line. (2) Between points in Georgia in Fannin, Union and Towns Counties, on the one hand, and, on the other, points in Tennessee in or west of Henry, Carroll, Henderson, Chester and McNary Counties and in or east of Scott, Anderson, Knox and Blount Counties. (3) Between points in Georgia in or east of Columbia, Richmond, Burke, Screven, Effingham and Chatham Counties, on the one hand, and, on the other, points in Tennessee, in or north of Dyer, Gibson, Carroll, Benton, Humphreys, Dickson, Cheatham, Davidson, Wilson, Cannon, Warren, Van Buren, Cumberland, Morgan, Anderson, and Knox Counties and in or west of Union and Clairborne Counties. (4) Between points in Georgia in or east of Columbia, Richmond, Burke, Screven, Effingham, Bryan, Liberty, McIntosh, Glynn and Camden Counties, on the one hand, and, on the other, points in Tennessee in or north of Montgomery, Cheatham, Davidson, Wilson, Smith, Putnam, Cumberland, Morgan, Anderson, Knox, Union and Claiborne Counties. (5) Between points in Georgia in or east of Union, Towns, Habersham, Stephens, Franklin, Hart, Elbert, Wilkes, McDuffie, Richmond, Burke, Screven, Effingham and Chatham Counties, on the one hand, and, on the other, points in Tennessee in or north of Dyer, Crockett, Madison, Carroll and Henry Counties and in Knox and Anderson Counties. (6) Between points in Georgia in or east of Columbia, Richmond, Burke, Emanuel, Toombs, Appling, Bacon, Ware, Clinch, Lanier and Lowndes Counties, on the one hand, and, on the other, points in Tennessee in or north of Montgomery, Robertson, Sumner, Trousdale, Smith, Putnam, Cumberland, Morgan Anderson, Knox, Union and Claiborne Counties. (7) Between points in Georgia in or east of Union, Towns, Habersham, Stephens, Franklin, Hart, Elbert, Wilkes, McDuffie, Richmond, Burke, Emanuel, Toombs, Appling, Bacon, Ware, Clinch, Lanier and Lowndes Counties on the one hand, and, on the other, points in Tennessee in Weakley, Henry, Anderson and Knox Counties.

(8) Between points in Georgia in or west of Union, Fannin, Dawson, Forsyth, Fulton, Clayton, Henry, Butts, Monroe, Bibb, Twiggs, Bleckley, Pulaski, Wilcos, Ben Hill, Irwin, Berrien and Lowndes Counties on the one hand, and, on the other, points in Tennessee in or east of Scott, Anderson, Knox and Blount Counties. (9) Between points in Georgia in or east of Hart, Madison, Clarke, Oglethorpe, Wilkes, McDuffie, Jefferson, Emanuel, Treutlen, Wheeler, Telfair, Ben Hill, Irwin, Tift, Worth, Dougherty, Baker, Miller and Seminole Counties, on the one hand, and, on the other, points in Tennessee in or north of Macon, Jackson, Putnam, Cumberland, Morgan, Anderson, Knox, Union and Campbell Counties. (10) Between points in Georgia in or east of Hart, Madison, Clark, Oconee, Greene, Putnam, Baldwin, Wilkinson, Laurens, Dodge, Wilcox, Crisp, Lee, Dougherty, Baker, Miller and Seminole Counties, on the one hand, and, on the other, points in Tennessee in or north of Pickett, Fentress, Cumberland, Morgan, Anderson, Knox, Union and Campbell Counties. (11) Between points in Georgia in or west of Union, Lumpkin, Hall, Gwinnett, Dekalb, Henry, Butts, Monroe, Bibb, Twiggs, Bleckley, Dodge, Telfair, Ben Hill, Irwin, Berrien and Lowndes Counties, on the one hand, and, on the other, points in Tennessee in or east of Campbell, Anderson, Knox and Blount Counties and in or west of Greene, Washington and Sullivan Counties. (12) Between points in Georgia in or west of Union, Lumpkin, Hall, Gwinnett, Dekalb, Henry, Butts, Jasper, Putnam, Baldwin, Wilkinson, Laurens, Wheeler, Jeff Davis, Bacon and Ware Counties, on the one hand, and, on the other, points in Tennessee in or north of Campbell, Anderson, Knox, Grainger and Hamblen Counties and that part of Sullivan County on and west of a line beginning at the Virginia-Tennessee State line and extending along U.S. Highway 23 at or near Kingsport, Tenn., thence along U.S. Highway 23 to the Tennessee-North Carolina State line. (13) Between points in Georgia excluding those in Lincoln, Wilkes, McDuffie, Jefferson, Burke, Jenkins, and Screven Counties, on the one hand, and, on the other, points in Tennessee in Campbell, Anderson, Knox, Grainger, Hamblen, Hancock, Claiborne and Union Counties. (14) Between points in Georgia, on the one hand, and, on the other, points in Tennessee in Knox and Anderson Counties. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn.

No. MC 112070 (Sub-No. E40), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (a) between those points in Michigan on and west of a line beginning at Lake Superior at Marquette, Mich., and extending along U.S. Highway 41 to Escanaba, Mich., on the one hand, and, and, on the other, points in Pennsylvania; (b) between points in Berrien County, Mich., on the one hand, and, on the other, to those points in Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 220 to junction Pennsylvania Highway 147, thence along Pennsylvania Highway 147 to junction Interstate Highway 83, thence along Interstate Highway 83 to the Pennsylvania-Maryland State line; (c) from points in Berrien County, Mich., to points in New York, New Jersey, and Connecticut; (d) between those points in Michigan on and west of a line beginnng at Lake Superior at Marquette, Mich., and extending along U.S. Highway 41 to Escanaba, Mich., on the one hand, and on the other, points in New York, New Jersey, and Connecticut; (e) from those points in Michigan on and west of a line beginning at the International Boundary between the United States and Canada, and extending along Interstate Highway 75 to junction Michigan Highway 20, thence along Michigan Highway 20 to junction U.S. Highway 131, thence along U.S. Highway 131 to the Michigan-Indiana State line, on the one hand, and, on the other, points in Tennessee; (f) between points in Michigan, on the one hand, and, on the other, those points in Tennessee on and west of a line beginning at Clarksville, Tenn., near the Kentucky-Tennessee State line, and extending along Tennessee Highway 13, thence along Tennessee Highway 13 to the Tennessee-Mississippi State line.

(g) Between those points in Michigan on and west of a line beginning at Sault St. Marie, Mich., at the International Boundary line between United States and Canada, and extending along Interstate Highway 75 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 131, thence along U.S. Highway 131 to the Michigan-Indiana State line, on the one hand, and, on the other, to those points in Kentucky on and west of a line beginning at Louisville, Ky., at or near the Indiana-Kentucky State line, and extending along U.S. Highway 150, thence along U.S. Highway 150 to Daniel Boone Parkway, thence along Daniel Boone Parkway to Kentucky Highway 80, thence along Kentucky Highway 80 to junction Kentucky Highway 15, thence along Kentucky Highway 15 to the Kentucky-Virginia State line; (h) between points in Berrien County, Mich., on the one hand, and, on the other, points in Massachusetts; (i) between those points in Michigan on and west of a line beginning at Marquette, Mich., on Lake Superior, and extending along Michigan Highway 28 to junction Michigan Highway 94, thence along Michigan Highway 94 to Lake Michigan, on the one hand, and, on the other, points in Massachusetts; (j) between those points in Michigan on and west of a line beginning at Marquette, Mich., on Lake Superior, and extending along Michigan Highway 28 to junction Michigan Highway 94 to Lake Michigan, on the one hand, and, on the other, points in Ohio; (k) between points in Michigan, on the one hand, and, on the other, to those points in Kentucky on and west of a line beginning at the Indiana-Kentucky State line, and extending along U.S. Highway 41 to the Kentucky-Tennessee State line; (l) between those points in Michigan on and west of a line beginning at Marquette, Mich., on Lake Superior, and extending along U.S. Highway 41 to Lake Michigan, on the one hand, and, on the other, points in Indiana; (m) between points in Michigan, on the one hand, and, on the other, points in Posey and Vanderburgh Counties, Ind.

(n) Between points in Chippewa, Mackinac, Luce, Alger, Schoolcraft, Delta, Menominee, Dickinson, Marquette, Iron, Baraga, Houghton, Keweenaw, Ontonagon, Gogebic Counties, Mich., and points on and west of a line beginning at Mackinaw City, Mich., and extending south along Interstate Highway 75 to junction Michigan State Highway 46, thence along Michigan State Highway 46 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction Interstate Highway 94, thence along Interstate Highway 94 to the Michigan-Indiana State line, on the one hand, and, on the other, points in Connecticut on and east of a line beginning at the Massachusetts-Connecticut State line, and extending along Connecticut Highway 198, thence along Connecticut Highway 198 to junction Connecticut Highway 32, thence along Connecticut Highway 32 to Block Island Sound; (o) between points in Chippewa, Mackinac, Luce, Alger, Schoolcraft, Delta, Menominee, Dickinson, Marquette, Iron, Baraga, Houghton, Keweenaw, Ontonagon, Gogebic Counties, Mich., on the one hand, and, on the other, points in Connecticut; (p) between points in Michigan on and west of a line beginning at Little Traverse Bay, at or near Petoskey, Mich., and extending along U.S. Highway 131, thence along U.S. Highway 131 to junction Interstate Highway 94, thence along Interstate Highway 94 to Lake Michigan, on the one hand, and, on the other, those points in Indiana on and west of a line beginning at Lake Michigan, and extending along Interstate Highway 41, thence along Interstate Highway 41 to the Indiana-Kentucky State line; (q) between points in the Upper Peninsula of Michigan and points in Emmett, Charlevoix, Antrim, Kalkaska, Grand Traverse, and Benzie Counties, Mich., on the one hand, and, on the other, those points in Indiana on and west of a line beginning at Lake Michigan, and extending along Interstate Highway 65, thence along Interstate Highway 65 to the Indiana-Kentucky State line; (r) between points in Michigan on and west of a line beginning at Lake Superior, and extending along U.S. Highway 41 to Escanaba, Mich., on Lake Michigan, on the one hand, and, on the other, points in Kentucky. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 112070 (Sub-No. E95), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (a) Between points in Illinois on and north of a line beginning at the Illinois-Missouri State line, and extending along U.S. Highway 36, thence along U.S. Highway 36 to the Illinois-Indiana State line, on the one hand, and, on the other, those points in New Mexico on and west and north of a line beginning at or near the New Mexico-Oklahoma State line and extending along New Mexico Highway 325 to junction U.S. Highway 64, to junction Interstate Highway 25, thence south along Interstate Highway 25 to junction New Mexico Highway 90, thence along New Mexico Highway 90 to the New Mexico-Arizona State line; (b) Between points in Illinois, on the one hand, and, on the other, points in Utah, and points in San Juan County, N. Mex.; (c) Between points in Illinois on and north of a line beginning at the Illinois-Indiana State line, and extending along Interstate Highway 80, thence along Inter-

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state Highway 80 to the Illinois-Iowa State line, on the one hand, and, on the other, to those points in New Mexico on and west of a line beginning at the New Mexico-Colorado State line, and extending along Interstate Highway 25, thence along Interstate Highway 25 to the New Mexico-Texas State line; (d) Between points in Illinois, on the one hand, and, on the other, those points in New Mexico on and west of a line beginning at the Colorado-New Mexico State line, and extending along U.S. Highway 285 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction Interstate Highway 40, thence along Interstate Highway 40 to the New Mexico-Arizona State line; (e) Between points in Lake, Dupage, Cook, Winnebago, Boone and McHenry Counties, Ill., on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate the gateways of points in Missouri, Iowa, Colorado, and Denver, Colo., and within 10 miles thereof.

No. MC 112070 (Sub-No. E96), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Michigan on and west of a line beginning at Lake Superior, at Marquette, Mich., and extending along U.S. Highway 41, thence south on U.S. Highway 41 to Escanaba, Mich., at Lake Michigan, on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate the gateways of points in Iowa, and Denver, Colo., and points within 10 miles thereof.

No. MC 112070 (Sub-No. E97), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (a) Between points in Pennsylvania, on the one hand, and, on the other, points in Utah; (b) Between points in Pennsylvania, on the one hand, and, on the other, those points in New Mexico on and west of a line beginning at the New Mexico-Colorado State line, and extending along U.S. Highway 85 to junction Interstate Highway 25, to junction U.S. Highway 84, to junction Interstate Highway 25, thence along Interstate Highway 25 to junction Interstate Highway 10, thence along Interstate Highway 10 to the New Mexico-Texas State line; (c) Between points in Pennsylvania on the one hand, and, on the other, those points in New Mexico on and west of a line beginning at the New Mexico-Colorado State line, and extending along Interstate Highway 25 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 285, thence along U.S. Highway 285 to the New Mexico-Texas State line. The purpose of this filing is to eliminate the gateways of points in Illinois, Missouri, and Denver, Colo., and within 10 miles thereof.

No. MC 112070 (Sub-No. E98), filed June 4, 1974. APPLICANT: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210, Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (a) Between points in Minnesota, on the one hand, and, on the other, points in New Mexico, and to those points in Utah on and south of a line beginning at the Wyoming-Utah State line, and extending along Interstate Highway 80 to junction U.S. Highway Alternate 50, to junction Utah Highway 36, to junction U.S. Highway 6–50, thence along U.S. Highway 6–50 to the Utah-Nevada State line; (b) Between points in Minnesota on and south of a line beginning at the Wisconsin-Minnesota State line, and extending along U.S. Highway 212 to the Minnesota-South Dakota State line, on the one hand, and, on the other, those points in Utah on and north of a line beginning at the Wyoming-Utah State line and extending along Interstate Highway 80 to the Utah-Nevada State line. The purpose of this filing is to eliminate the gateways of points in Iowa and Denver, Colo., and points within 10 miles thereof.

No. MC 112070 (Sub-No. E99), filed June 4, 1974. APPLICANT: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New Jersey, on the one hand, and, on the other, points in Utah, and those points in New Mexico on and west of a line beginning at the Colorado-New Mexico State line, and extending along Interstate Highway 25 to junction U.S. Highway 84, to junction U.S. Highway 66, east to junction U.S. Highway 54, to junction U.S. Highway 285, thence along U.S. Highway 285 to the New Mexico-Texas State line. The purpose of this filing is to eliminate the gateways of points in Illinois, Missouri, and Denver, Colo., and points within 10 miles thereof.

No. MC 114868 (Sub-No. E49), filed August 1, 1975. Applicant: NEWLON'S TRANSFER & STORAGE, 1511 N. Nelson Street, Arlington, Va. 22201. Applicant's representative: H. E. Newlon, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) between points in Ohio within 10 miles north of the Ohio River, on the one hand, and, on the other, points in Indiana. The purpose of this filing is to eliminate the gateway of points in Kentucky within 125 miles of Nashville. (2) between points in Ohio within 10 miles north of the Ohio River, on the one hand, and, on the other, points in Kentucky. The purpose of this filing is to eliminate the gateway of points in Kentucky within 125 miles of Nashville. (3)(a) between points in Ohio, on the one hand, and, on the other, points in Maryland (except Garrett, Allegany, and Washington Counties). The purpose of this filing is to eliminate the gateway of Washington, D.C. (3)(b) between points in Ohio on and south of a line beginning at the Ohio-West Virginia State line and extending along Ohio Highway 160 to junction Ohio Highway 324, thence along Ohio Highway 324 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Ohio Highway 28, thence along Ohio Highway 28 to junction Ohio Highway 73, thence along Ohio Highway 73 to the Ohio-Indiana State line, on the one hand, and, on the other, points in Maryland (except Allegany and Garrett Counties). The purpose of this filing is to eliminate the gateway of Washington, D.C. (4) between points in Ohio within 10 miles north of the Ohio River, on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate the gateway of points in Kentucky within 125 miles of Nashville. (5) between points in Ohio within 10 miles north of the Ohio River, on the one hand, and, on the other, points in Minnesota. The purpose of this filing is to eliminate the gateway of points in Kentucky within 125 miles of Nashville.

(6) between points in Ohio within 10 miles north of the Ohio River, on the one hand, and, on the other, points in Missouri. The purpose of this filing is to eliminate the gateway of points in Kentucky within 125 miles of Nashville. (7) between points in Ohio within 10 miles north of the Ohio River, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateway of points in Kentucky within 125 miles of Nashville (8)(a) between points in Ohio on and north of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 6 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 68, then along U.S. Highway 68 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Pennsylvania State line, on the one hand, and, on the other, points in South Carolina on, east, and north of a line beginning at the North Carolina-South Carolina State line and extending along Interstate Highway 95 to junction U.S. Highway 521, thence along U.S. Highway 521 to the Atlantic Ocean. The purpose of this filing s to eliminate the gateway of Washington, D.C.

(8)(b) between points in Ohio on and north of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 250 to Lake Erie, on the one hand, and, on the other, points in South Carolina on and east of Interstate Highway 95. The purpose of this filing is to eliminate the gateway of Washington, D.C. (9) between points in Ohio within 10 miles north of the Ohio River, on the one hand, and, on the other

er, points in Wisconsin. The purpose of this filing is to eliminate the gateway of points in Kentucky within 125 miles of Nashville. (10) between points in Ohio within 10 miles north of the Ohio River, on the one hand, and, on the other, points in Illinois. The purpose of this filing is to eliminate the gateway of points in Kentucky within 125 miles of Nashville.

No. MC 116325 (Sub-No. E4) (Partial correction), filed June 4, 1974, published in the FEDERAL REGISTER issue of August 14, 1975, and republished, as corrected this issue. Applicant: BOND ENTERPRISES, P.O. Box 8, Lutesville, Mo. 63762. Applicant's representative: Jennings Bond (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wooden poles, posts, piling, blocking, skids, squares, crating, wooden pallets, pallet bins, boxes, and pallet materials*, from points in Missouri on and east of U.S. Highway 67, to points in Kansas; and . . . The purpose of this filing is to eliminate the gateway of Bollinger and Wayne Counties, Mo.

NOTE.—The purpose of this partial correction is to state the correct territorial description. The remainder of this letter-notice remains as previously published.

No. MC 118831 (Sub-No. E42), filed April 2, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 2608, High Point, N.C. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, (except petrochemicals, anhydrous ammonia, fertilizer, and fertilizer materials), from points in North Carolina, on and north of a line beginning at the North Carolina-South Carolina State line, and extending along U.S. Highway 321, to junction North Carolina Highway 275, thence along North Carolina Highway 275 to junction North Carolina Highway 16, thence along North Carolina Highway 16 to junction North Carolina Highway 150, thence along North Carolina Highway 150 to junction U.S. Highways 29 and 70, thence along U.S. Highways 29 and 70 to junction Interstate Highway 85, thence along Interstate Highway 85 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 158, thence along U.S. Highway 158 to junction Interstate Highway 85, thence along Interstate Highway 85 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction U.S. Highway 401, thence along U.S. Highway 401 to junction North Carolina Highway 58, thence along North Carolina Highway 58 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction North Carolina Highway 97, thence along North Carolina Highway 97 to junction North Carolina Highway 125, thence along North Carolina Highway 125, to junction U.S. Highway 17, thence along U.S. Highway 17 to junction U.S. Highway 264, thence along U.S. Highway 264 to the Atlantic Ocean, thence along the Atlantic Ocean Coast to the North Carolina-South Carolina State line and westward with the North Carolina-South Carolina State line to point of beginning, including all points on said boundary (except not applicable on caustic soda from Acme, N.C. and points within 5 miles thereof), to points in Missouri, (except points in the St. Louis, Mo., Commercial zone), points in Illinois (except points in the East St. Louis, Ill., Commercial zone), to points in Wisconsin, and to those points in Tennessee, on and west of a line beginning at the North Carolina-Tennessee State line, and extending along Tennessee Highway 123 to junction Tennessee Highway 68.

Thence along Tennessee Highway 68 to junction U.S. Highway 411, thence along U.S. Highway 411 to junction Tennessee Highway 33, thence along Tennessee Highway 33 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Tennessee Highway 61, thence along Tennessee Highway 61 to junction U.S. Highway 441, thence along U.S. Highway 441 to junction U.S. Highway 25W, thence along U.S. Highway 25W to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Tennessee Highway 63, thence along Tennessee Highway 63 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Tennessee-Kentucky State line, those points in Kentucky on and west of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 27 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction Kentucky Highway 461, thence along Kentucky Highway 461 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction Kentucky Highway 388, thence along Kentucky Highway 388 to junction Kentucky Highway 227, thence along Kentucky Highway 227 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Kentucky-Ohio State line, to those points in Ohio, on and west of a line beginning at the Ohio-Kentucky State line, and extending along Ohio Highway 4, thence along Ohio Highway 4 to junction Ohio Highway 177, thence along Ohio Highway 177 to Ohio-Indiana State line, to those points in Indiana on and west of a line beginning at the Indiana-Ohio State line, and extending along Indiana Highway 227 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction Indiana Highway 28, thence along Indiana Highway 28 to junction Indiana Highway 15, thence along Indiana Highway 15 to junction Indiana Highway 9, thence along Indiana Highway 9 to junction Indiana Highway 105, thence along Indiana Highway 105 to junction Indiana Highway 205, thence along Indiana Highway 205 to junction Indiana Highway 327, thence along Indiana Highway 327 to the Indiana-Michigan State line; to those points in Michigan, on and west of a line beginning at the Michigan-Indiana State line, and extending along unnumbered Michigan highway to Bronson, Mich., thence along U.S. Highway 12 to junction Interstate Highway 69, thence along Interstate Highway 69 to junction Michigan Highway 60, thence along Michigan Highway 60 to junction Interstate Highway 94, thence along Interstate Highway 94 to the International Boundary line between United States and Canada. The purpose of this filing is to eliminate the gateway of Charlotte, N.C.

No. MC 118831 (Sub-No. E43), filed April 2, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, High Point, N.C. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street, N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk (except petrochemicals, anhydrous ammonia, fertilizer, and fertilizer materials), from points in North Carolina on and north of a line beginning at the North Carolina-South Carolina State line, and extending along Interstate Highway 85 to junction North Carolina Highway 49, thence along North Carolina Highway 49 to junction North Carolina Highway 73, thence along North Carolina Highway 73 to junction North Carolina Highway 24, thence along North Carolina Highway 24 to junction North Carolina Highway 50, thence southeastward along North Carolina Highway 50 to the Atlantic Ocean; thence southward and westward along the Atlantic Coast to the North Carolina-South Carolina State line; thence westward along the North Carolina-South Carolina State line to point of beginning (except not applicable on Caustic Soda from Acme, N.C. and points within five miles) to points in Illinois (except points in the East St. Louis, Ill., Commercial Zone), Indiana, Michigan, Missouri (except points in the St. Louis, Mo. Commercial zone), Tennessee, Wisconsin, and those points on and north and west of a line beginning at the Kentucky-Virginia State line, and extending along Kentucky Highway 80, thence north along Kentucky Highway 80 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Kentucky Highway 201, thence along Kentucky Highway 201 to junction Kentucky Highway 1, thence along Kentucky Highway 1 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Kentucky-Ohio State line; to points in Ohio beginning at the Ohio-Kentucky State line, and extending along Ohio Highway 139 to junction Ohio Highway 124, thence along Ohio Highway 124 to junction Ohio Highway 346, thence along Ohio Highway 346 to junction U.S. Highway 50 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateway of Charlotte, N.C.

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No. MC 118831 (Sub-No. E44), filed April 2, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, High Point, N.C. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Suite 805 McLachlen Bank Bldg., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals, anhydrous ammonia, fertilizer, and fertilizer materials), in bulk, in tank vehicles, (1) from Asheboro, N.C. to points in Missouri (except St. Louis Commercial zone), Illinois (except E. St. Louis Commercial zone), Wisconsin, Michigan, Indiana; (2) from Asheboro, N.C., to those points in Tennessee on and west of a line beginning at the North Carolina-Tennessee State line, and extending along Tennessee Highway 107 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Tennessee Highway 81, thence along Tennessee Highway 81 to junction Tennessee Highway 93, thence along Tennessee Highway 93 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Tennessee-Virginia State line; (3) from Asheboro, N.C., to those points in Kentucky on and west of a line beginning at the Kentucky-Virginia State line and extending along Kentucky Highway 160, thence along Kentucky Highway 160 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Kentucky Highway 201, thence along Kentucky Highway 201 to junction Kentucky Highway 1, thence along Kentucky Highway 1 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Kentucky Highway 59, thence along Kentucky Highway 59 to junction Kentucky Highway 10, thence along Kentucky Highway 10 to the Kentucky-Ohio State line; (4) from Asheboro, N.C., to those points in Ohio on and west of a line beginning at the Kentucky-Ohio State line, and extending along U.S. Highway 62 to junction Ohio Highway 32, thence along Ohio Highway 32 to junction Ohio Highway 134, thence along Ohio Highway 134 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Ohio Highway 4, thence along Ohio Highway 4 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Ohio Highway 39, thence along Ohio Highway 39 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Ohio-Pennsylvania State line. The purpose of this filing is to eliminate the gateways of points in South Carolina and Charlotte, N.C.

No. MC 118831 (Sub-No. E45), filed April 2, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, High Point, N.C. Applicant's representative: E. Stephen Heisley, Suite 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk (except petrochemicals, anhydrous ammonia, fertilizer, and fertilizer materials), from points in North Carolina on and east of a line beginning at the North Carolina-Tennessee State line, and extending along U.S. Highway 25, thence along U.S. Highway 25 to the North Carolina-South Carolina State line, (a) to those points in Michigan on and north of a line beginning at Saginaw Bay and extending along unnumbered highway through Pinconning, Mich., to U.S. Highway 23, thence along U.S. Highway 23 to junction Michigan Highway 76, thence along Michigan Highway 76 to junction Michigan Highway 55, thence along Michigan Highway 55 to junction Michigan Highway 66, thence along Michigan Highway 66 to junction Michigan Highway 42, thence along Michigan Highway 42 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction Michigan Highway 113, thence along Michigan Highway 113 to junction Michigan Highway 37, thence along Michigan Highway 37 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Michigan Highway 115, thence along Michigan Highway 115 to junction Michigan Highway 22, thence along Michigan Highway 22 to Empire, Mich., at Lake Michigan and, those points in Upper Peninsula of Michigan on and north of a line beginning at the Lake Michigan and extending along U.S. Highway 41 to unnumbered Michigan highway to junction Michigan Highway 95, thence along Michigan Highway 95 to junction Michigan Highway 69, thence along Michigan Highway 69 to junction Michigan Highway 73, thence along Michigan Highway 73 to Michigan-Wisconsin State line, (b) to those points in Wisconsin on and north and west of a line beginning at the Wisconsin-Michigan State line, and extending along Wisconsin Highway 55 to junction Wisconsin Highway 70, thence along Wisconsin Highway 70 to junction Wisconsin Highway 17, thence along Wisconsin Highway 17 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Wisconsin Highway 86, thence along Wisconsin Highway 86 to junction Wisconsin Highway 102, thence along Wisconsin Highway 102 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction Wisconsin Highway 64, thence along Wisconsin Highway 64 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to junction U.S. Highway 53, thence along U.S. Highway 53 to junction Wisconsin Highway 93, thence along Wisconsin Highway 93 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Wisconsin Highway 37, thence along Wisconsin Highway 37 to junction Wisconsin Highway 25, thence along Wisconsin Highway 25 to the Wisconsin-Iowa State line, (c) to those points in Missouri on and west of a line, beginning at the Missouri-Iowa State line, and extending along unnumbered paved road to junction Missouri Highway 46 and 246, thence along Missouri Highway 46 to junction Missouri Highway 113, thence along Missouri Highway 113 to junction Missouri Highway 118, thence along Missouri Highway 118 to junction U.S. Highway 159, thence along U.S. Highway 159 to the Missouri-Nebraska State line. The purpose of this filing is to eliminate the gateway of Charlotte, N.C.

No. MC 118331 (Sub-No. E46), filed April 2, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, High Point, N.C. Applicant's representative: E. Stephen Heisley, Suite 805 McLachlen Bank Bldg., 666 Eleventh Street, N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals, anhydrous ammonia, fertilizer, and fertilizer materials), in bulk, in tank vehicles from points in North Carolina on and east of a line beginning at the North Carolina-South Carolina State line, and extending along U.S. Highway 321 to junction Interstate Highway 85, thence along Interstate Highway 85 to junction North Carolina Highway 49, thence along North Carolina Highway 49 to junction North Carolina Highway 73, thence along North Carolina Highway 73 to junction North Carolina Highway 211, thence along North Carolina Highway 211 to junction U.S. Highway 401, thence along U.S. Highway 401 to junction North Carolina Highway 24, thence along North Carolina Highway 24 to junction U.S. Highway 117, thence along U.S. Highway 117 to North Carolina Highway 132, thence along North Carolina Highway 132 to junction U.S. Highway 74, thence along U.S. Highway 74 to Wrightsville Beach, N.C. at Onslow Bay, to points in Illinois (except points in the East St. Louis, Ill., Commercial Zone), Indiana, Kentucky, Michigan, Missouri (except points in the St. Louis, Mo., Commercial Zone), Ohio, Tennessee, and Wisconsin (except not applicable on caustic soda from Acme, N.C. and points within five miles thereof). The purpose of this filing is to eliminate the gateway of Charlotte, N.C.

No. MC 129068 (Sub-No. E29), filed December 1, 1976. Applicant: GRIFFIN TRANSPORTATION, INC., 3002 South Douglas Blvd., Oklahoma City, Okla. 73150. Applicant's representative: I. E. Chenoweth, 420 South Main St., Tulsa, Okla. 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used mobile homes*, in secondary movements, in truckaway service, from points in Oklahoma bounded by a line beginning at Anadarko and extending west along Oklahoma Highway 9 to junction U.S. Highway 183, thence south along U.S. Highway 183 to Snyder to junction U.S. Highway 62, thence east along U.S. Highway 62 to junction Oklahoma Highway 54, thence north along Oklahoma Highway 54 to junction Oklahoma Highway 49, thence east along Oklahoma Highway 49 to junction Oklahoma Highway 58, thence north along Oklahoma Highway

58 to junction Oklahoma Highway 19, thence east along Oklahoma Highway 19 to junction Oklahoma Highway 8, thence north along Oklahoma Highway 8 to the point of beginning, to points in Kansas on and north of a line beginning at the Oklahoma-Kansas State line and extending along Kansas Highway 25 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Interstate Highway 35W, thence along Interstate Highway 35W to junction Kansas Highway 4, thence along Kansas Highway 4 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction Kansas Highway 177, thence along Kansas Highway 177 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Kansas Highway 31, thence along Kansas Highway 31 to Garnett, thence east to Goodrich to junction unnumbered highway, thence north along unnumbered highway to Parker to junction Kansas Highway 135, thence along Kansas Highway 135 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Kansas Highway 52, thence along Kansas Highway 52 to the Kansas-Missouri State line. The purpose of this filing is to eliminate the gateway of Lawton, Okla.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-9788 Filed 3-31-77;8:45 am]

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sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409), 5 U.S.C. 552b(e)(3).

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1

AGENCY HOLDING THE MEETING: U.S. Railroad Retirement Board.

TIME AND DATE: 10:00 a.m., April 1 1977.

PLACE: Board's meeting room on the 8th floor of its headquarters building at 844 Rush Street, Chicago, Illinois, 60611.

STATUS: The entire meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

(1) Executive Reassignments within the Board.

(2) Federal Employee of the Year Awards.

CONTACT PERSON FOR MORE INFORMATION: R. F. Butler, Secretary of the Board, Telephone No. (312) 387–4920.

[S–65–77 Filed 3–29–77;2:30 pm]

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

MEETING

MARCH 29, 1977.

Pursuant to the Government in the Sunshine Act, 5 U.S.C. 552b, notice is hereby given that the Equal Employment Opportunity Commission will meet on Tuesday, April 5, 1977, in the Chairman's Conference Room, Room No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C. 20506.

The first portion of the meeting, starting at 9:30 a.m. (Eastern Time) will be open to the public, and the Commission plans to consider the following matter during this open session:

Freedom of Information Act Appeal No. 76–12–FOIA–283. This appeal is for waiver of the fee charged by the Commission for its records search in connection with a Freedom of Information Act request by Syed I. Jafree.

Immediately after the open session and departure of the public observers, the Commission plans to consider the following matters in closed session:

(1) *Litigation Authorization; General Counsel Recommendations.* Six cases will be presented to the Commission by the General Counsel recommending authorization to bring suit.

(2) *Decision in Charge No. TIN3–0838.* A proposed decision is to be presented to the Commission for consideration.

(3) *Proposal to Establish a Subdistrict Office in Minneapolis/St. Paul, Minnesota.* The Commission will consider a proposal by the Director of its Milwaukee District Office, through the Director of the Chicago Regional Office, that a subdistrict office be established in the Minneapolis/St. Paul, Minnesota, area, for the purpose of processing charges of discrimination filed against respondents in the State of Minnesota.

If you have any questions concerning the agenda for the April 5, 1977 Commission meeting, please contact the Office of the Executive Secretariat at (202) 634–6748.

Issued March 29, 1977.

By order of the Commission.

ETHEL BENT WALSH,
Vice Chairman.

[S–67–77 Filed 3–30–77;8:59 am]

3

FEDERAL POWER COMMISSION

CHANGE OF MEETING SUBJECT MATTER

MARCH 28, 1977.

The following item is added to the Commission meeting of March 31, 1977, upon the affirmative vote of Chairman Dunham, and Commissioners Smith, Holloman, and Watt:

G–22. Docket No. CP77–106, Mississippi River Transmission Corporation, Docket No. CP77–131, Natural Gas Pipeline Company of America.

KENNETH F. PLUMB,
Secretary.

[S 63–77 Filed 3–29–77;1:15 pm]

4

SECURITIES AND EXCHANGE COMMISSION

MEETINGS

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the month of April, 1977 in Room 825, 500 North Capitol Street, Washington, D.C. All meetings will begin at 10:00 a.m. unless otherwise stated:

Closed Meetings will be held on Tuesday, April 5; Wednesday, April 6; Tuesday, April 12; Wednesday, April 13; Tuesday, April 19; and Tuesday, April 26. A closed meeting will also be held on Wednesday, April 27 at the conclusion of the open meeting.

The Commissioners, their legal assistants, the Secretary of the Commission and recording secretaries will attend the meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission has certified that the items to be considered at the closed meetings may be so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b (c) (4) (8) (9) A and (10).

The subject matter of the April 5th closed meeting will be:

1. Formal Orders of Investigation.
2. Institution of Injunctive Action.
3. Settlement of Administrative Proceedings.
4. Institution and Settlement of injunctive actions and/or Administrative Proceedings.
5. Transmittal of investigative information to other enforcement agencies.
6. Consideration of request for investigative documents.
7. Consideration of insider trading matter.
8. Advice concerning trading practices in dually traded options.
9. Application for exemption by company under investigation.
10. Consideration of exemption for specified distribution procedures.
11. Other litigation matters.

The subject matter of the April 6th closed meeting will be:

1. Institution of Injunctive Actions.
2. Opinions.
3. Freedom of Information Act Appeal.
4. Consideration of certain proposed payments to foreign investment advisers.

The subject matter of the April 12th closed meeting will be:

1. Formal Orders of Investigation.
2. Institution of Injunctive Actions.
3. Settlement of Injunctive Actions.
4. Institution of Administrative Proceedings.
5. Settlement of Administrative Proceedings.
6. Simultaneous institution and settlement of injunctive actions and/or Administrative Proceedings.
7. Transmittal of investigative information to other enforcement agencies.
8. Freedom of Information Act Appeals.
9. Other litigation matters.

The subject matter of the April 13th closed meeting will be:

1. Institution of Injunctive Actions.
2. Institution of Administrative Proceedings.
3. Institution and settlement of injunctive actions and/or Administrative Proceedings.
4. Freedom of Information Act Appeal.
5. Other Litigation matters.

The subject matter of the April 19th closed meeting will be:

1. Institution of Injunctive Actions.
2. Institution of Administrative Proceedings.
3. Settlement of Administrative Proceedings.
4. Contempt proceedings.
5. Report of Investigation.
6. Advice concerning Lost and Stolen Securities Program.
7. Exchange request regarding proposed trading practices.
8. Freedom of Information Act Appeals.
9. Other litigation matters.

The subject matter of the April 26th closed meeting will be:

1. Formal Orders of Investigation.
2. Institution of Injunctive Actions.
3. Settlement of Injunctive Actions.
4. Institution of Administrative Proceedings.
5. Settlement of Administrative Proceedings.
6. Opinions regarding options trading proposal.
7. Other litigation matters.

The subject matter of the April 27th closed meeting will be Opinions.

Meetings open to the public will be held on Tuesday, April 5 at 2:30 p.m.; Thursday, April 7; Thursday, April 14; Wednesday, April 20; Thursday, April 21; Wednesday, April 27 and Thursday, April 28.

The subject matters of the open meetings will be:

OPEN MEETING—TUESDAY, APRIL 5, 1977—2:30 P.M.

Oral Argument in appeal by Marshall Waddel from a decision of the National Association of Securities Dealers, Inc.

OPEN MEETING—THURSDAY, APRIL 7, 1977—10 A.M.

1. Request that the Commission review the Division of Corporation Finance's determination concerning two shareholder proposals Mr. Carl Olsen submitted to Reserve Oil and Gas Company for inclusion in the Company's proxy materials for the 1977 annual meeting of shareholders. The Division has recommended that the Commission not review the matter.

2. Recommendation that the Commission issue a release to: (1) Clarify an ambiguity by indicating that Form S–7 (and Form S–16) is not available for use by certain foreign private issuers; and (2) announce the adoption of a minor amendment relating to the use of summary prospectuses permitted by Form S–7.

3. Recommendation that the Commission affirm the action of Commissioner Evans, as duty officer, authorizing Commission counsel to advise the court that, with respect to the fee applications submitted in the *SEC* v. *First Securities Co. of Chicago:*

(1) The Commission has no objection to the award of fees requested by the receiver; and,

(2) Despite the fact that certain of the items listed on the fee schedule of the receiver's counsel may not be compensable, the Commission—in view of the low amount per hour being sought by counsel and in light of the fact that counsel is not seeking compensation for all of the hours listed on their schedule—has no objection to the award requested by counsel but suggests that any coverage which the court finds should instead be paid to the receiver.

4. Recommendation that the Commission send a letter and accompanying memorandum to the U.S. House of Representatives Committee on Government those provisions of the Department of Energy Reorganization Bill which would affect the Public Utility Holding Company Act of 1935. (H.R. 4263)

5. Recommendation that the Commission not object if the Office of General Counsel sends a letter to the General Accounting Office (1) stating that the Commission intends in the near future to reexamine the fees it charges under the Independent Offices Appropriations Act; (2) discussing the decision in *National Cable Television, Inc.* v. *Federal Communications Commission* (C.A.D.C. December 16, 1976); and (3) expressing the informal view of this Office that the decision in the case does not appear substantially to affect our prior analyses of the Commission fees.

6. Recommendation that the Commission send a proposed letter to the Chairman of the Administrative Conference of the United States describing the Commission's current procedure in soliciting public comments on interpretive rules and policy statements and expressing its intent to follow the Recommendations of the Conference where appropriate.

7. Recommendation that the Commission affirm the action of Commissioner Loomis, as Duty Officer on March 1, 1977, authorizing counsel for Howard Steven Strouth to use an original blueprint geological map from the Commission's investigatory files in an administrative proceeding before the Federal Communications Commission, but directing this Office to urge the Administrative Law Judge to accept a xerox copy of the map for the purposes of the proceeding's record.

8. Recommendation that the Commission send a letter to Honorable John M. Murphy, Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, not objecting to the enactment of H.R. 1643 and pointing out that securities to be issued under the Bill by the Secretary of the Interior would be exempted from the registration requirements of the Securities Act of 1933 and the Securities Exchange Act of 1934, but that persons dealing in such securities would be subject to the anti-fraud provisions of those Acts.

9. Recommendation that the Commission send a letter expressing the Commission's support of H.R. 1767 to the House Committee on Interstate and Foreign Commerce.

10. Recommendation that the Commission affirm the extension, approved by Commissioner Loomis as Duty Officer, of the comment period for proposed Rule 17f–4 under the Investment Company Act of 1940 from March 15, 1977 to April 11, 1977, and approve the Federal Register release announcing the extension.

OPEN MEETING—THURSDAY, APRIL 14, 1977—10 a.m.

1. Proposed Amendment to Rule 146 under the Securities Act of 1933 to require reports of sales pursuant to the Rule.

2. Recommendation that the Commission send letters to the House and Senate Committees on Government Operations expressing the Commission's views on H.R. 1947 and S. 2, bills which would require, among other things, a review of Government programs and an authorization of new budget authority at least every five years.

3. Recommendation that the Commission send a letter to the House Committee on Government Operations, expressing the Commission's opposition to H.R. 930 and H.R. 963, "sunset" bills which propose the possible abolition of certain governmental agencies.

4. Recommendation that the Commission send a letter to the House Committee on Government Operations expressing the Commission's views on H.R. 2107, a bill which would require, among other things, a new budget authority for Government programs at least every five years.

5. Recommendation that the Commission send a letter to the House Committee on Government Operations, expressing the Commission's opposition to H.R. 3181, a "sunset" bill that proposes the possible abolition of certain governmental agencies.

6. Recommendation that the application for exemption from Section 15B of the Securities Exchange Act of 1934 concerning regulation of municipal securities dealers, be granted; request for exemption by the State of North Dakota doing business as the Bank of North Dakota.

7. Recommendation that proposed amendments to annual report Form U5S be adopted. If adopted, registered holding companies under the Public Utility Holding Company Act of 1935 and their subsidiaries which are public issuers would be required to file annual reports in conformity with Form 10–K under the Securities Exchange Act of 1934 as well as annual reports on Form U5S.

8. Recommendation for statutory changes in the beneficial ownership requirements which are designed generally to implement recommendations of the Street Name Study including:

(a) A requirement that any person owning beneficially more than five percent of any class of section 13(d) security who is not currently required to report under section 13(d) of the Securi-

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ties Exchange Act of 1934 (the "Act") file with the Commission a short statement detailing relevant ownership information and to transmit such ownership statement to the issuer and to any exchange on which the security in questions is listed; and

(b) That section 15(d) of the Act be amended to clarify the Commission's power to define "held of record" for purposes of that section.

9. Recommendation that the Commission consider the application by the Bank of America National Trust and Savings Association for concurrence in the opinion of the Division of Corporation Finance that the proposed offering of mortgage backed pass-through certificates are not exempt from the Securities Act under section 3(a)(2), and authorize the Division to so advise the Bank in a letter.

OPEN MEETING—WEDNESDAY, APRIL 20, 1977—10 A.M.

1. Many corporations frequently are billed for the distribution of communications by persons who are not shareholders of record and do not otherwise represent beneficial owners of the corporations' securities. The Division of Enforcement recommends that the Commission publish a Release advising issuers of this problem, requesting them to follow certain preventive measures, and warning firms who engage in questionable billing practices that they may be subject to enforcement actions.

2. Recommendation that the Commission authorize release stating its policies with respect to the release of Wells submissions under the Freedom of Information Act.

3. Recommendation that temporary Rule 206A-(T) under the Investment Advisers Act of 1940 ("Advisers Act") exempting until April 30, 1977 certain brokers and dealers from the Advisers Act and the rules thereunder be further extended.

4. Recommendation that the Commission propose certain revisions to Rule 19b-4 under the Exchange Act in order to simplify its operation.

5. Proposed rule change of the NYSE to redefine the term "percentage order" and prescribe procedures for the execution of such orders.

6. Chicago Board Options Exchange has proposed to adopt a rule prohibiting trading of options or their underlying stocks by persons having non-public information as to a block transaction in such options or underlying stock. The prohibition with respect to each block transaction would commence when the terms of the block transaction had been agreed to by all parties to the transaction and would end when information as to the transaction was available via a high-speed communications line or an exchange transaction tape.

7. Recommendation that the Commission publish a release announcing the adoption of an amendment to Rule 17a-3(a)(9) under the Securities Exchange Act relating to records with respect to beneficial owners of accounts to be maintained by brokers and dealers which would have an impact upon the investment activities of foreign persons in the United States.

8. The Municipal Securities Rulemaking Board intends to publish a new Exposure Draft of proposed rule G-11, to govern sales of municipal securities during the underwriting period. The Exposure Draft will have a thirty-day comment period which should expire sometime during the week of April 18, 1977. The Division of Market Regulation recommends that the Commission consider whether it wishes to authorize the staff to send a comment letter on Exposure Draft.

9. Proposed rule G-12 of the Municipal Securities Rulemaking Board, to provide for uniform practices for interdealer transactions in the municipal securities industry.

10. That the Division of Market Regulation is recommending the adoption of proposed Rule 10b-10 with certain revisions. Rule 10b-10 would establish new confirmation delivery and disclosure requirements.

OPEN MEETING—THURSDAY, APRIL 21, 1977—10 A.M.

1. Recommendation that proposed letter be sent to Municipal Securities Rulemaking Board suggesting that they adopt a program to monitor the effect of MSRB rules on the municipal securities markets and participants in those markets.

2. Recommendation that the National Association of Securities Dealers be granted access to financial and operational information (FOCUS data) for joint NASD/exchange members designated to another self-regulatory organization.

3. Proposed amendment of Rules 15b10-6 and 17a-4 under the Securities Exchange Act of 1934 to establish an orderly procedure for the disposition of broker-dealer books and records upon the liquidation of the broker-dealer. The proposed amendments would provide the appropriate judicial authority with the power to relieve a court-appointed trustee or receiver from the preservation requirements of Rules 15b10-6 and 17a-4: *Provided*, That an opportunity to secure any necessary books and records has been afforded to the Commission, Securities Investor Protection Corp. and the designated self-regulatory organization.

4. Recommended issuance by the Commission of a release, announcing the adoption of certain amendments to Rule 15c3-1, the uniform net capital rule, and Rule 15c3-3, the customer protection rule. The amendments are essentially those proposed in Securities Exchange Release No. 11969 (January 2, 1976), modified in light of suggestions received in response to the Commission's solicitation of public comment upon the proposals. The amendments are intended to require brokers and dealers to reflect in their capital computations, the exposure resulting from certain short security positions, to enable net capital computations to take into account more completely the risks associated with transactions in options and to effect certain technical adjustments to these rules.

5. Recommended issuance by the Commission of a release adopting amendments to the FOCUS Report and accompanying rules, and a release proposing amendments to certain statements and schedules on Form X-17A-5.

Exchange Act section 12(h) Applications.

6. Itel Computer Dimensions, Inc. File No. 81-253.

7. Gracious Estates Properties, Ltd. File No. 81-237.

8. American Brands Overseas, N.V. File No. 81-254.

9. American Tobacco International Corporation File No. 81-255.

10. Sherwood Medical Industries, Inc. File No. 81-251.

11. Recommendation that the Commission issue a release indicating that it will defer direct action regarding implementation of a nationwide system for complaint processing and resolution of investor disputes pending the outcome of a conference comprised of representatives of self-regulatory organizations, broker and dealers, and members of the public.

12. The staff will recommend legislation to (1) amend section 15(b)(6) of the Securities Exchange Act of 1934 to empower the Commission to name foreign financial institutions as subjects of its administrative proceedings and (2) to clarify the ancillary subpoena enforcement power which the Commission requires to compel cooperation in its investigations involving Swiss banks and other foreign entities not ordinarily subject to the jurisdiction of any U.S. courts.

The latter change will be accomplished by amending section 21(c) of the Securities Exchange Act of 1934 to expressly authorize the appropriate district courts to issue orders in cases where persons refuse to disclose information that is necessary for the Commission to complete its investigation expeditiously.

13. Proposal to replace the existing Article 9 of Regulation S-X with a new article to contain requirements as to form and content of consolidated and unconsolidated financial statements of bank holding companies and banks. The proposal includes requirements for balance sheets and income statements and also for disclosures concerning foreign operations.

OPEN MEETING—WEDNESDAY, APRIL 27, 1977—10 A.M.

1. Recommendation that the Commission authorize publication of a release announcing the scheduling of public hearings and soliciting public comments in connection with a broad reexamination of the proxy rules, to determine whether amendments are necessary or appropriate in the public interest or for the protection of investors to improve shareholder communications, participation in the corporate electoral process and shareholder democracy.

2. Recommendation that the Commission authorize publication for comment of proposed revisions to certain disclosure forms and guides. Forms S-1 and S-7 under the Securities Act of 1933 and Forms 10 and 10-K under the Securities Exchange Act of 1934 would be revised to require inclusion within the business discussion called for by each form of five year financial information by industry segment and by geographic area prepared pursuant to the statement on financial reporting for segments of a business enterprise which was released by the Financial Accounting Standards Board in December, 1976. Guides 1 and 22 of Release 33-4936 would be revised to require the management's discussion and analysis to be presented by and focused on this segmented information. The action will also deal with the recommendation of the Advisory Committee on Corporate Disclosure that Form 10-Q under the Exchange Act be revised to require the presentation of segment financial information on a quarterly basis.

3. Recommendation that the Commission authorize submission of a memorandum to the Subcommittee on Civil Rights and Constitutional Rights, House Committee on the Judiciary respecting H.R. 6 a recodification of the Bankruptcy Act.

OPEN MEETING—THURSDAY, APRIL 28, 1977—10 A.M.

1. Recommendation that comments be conveyed to the House Committee on Government Operations on H.R. 3222, a bill to amend the Defense Production Act of 1950, *inter alia*, to prohibit any government contracting officer during his employment from accepting any compensation from any government contractor; to bar, for two years following government employment, receipt of compensation from any contractor who received any funds under any procurement contract handled by the officer; prohibiting, during employment, stock ownership or other financial holding in any contractor affected by action taken by the contracting officer; and barring the granting of any prohibited compensation to the contracting officer.

2. Recommendation that comments be conveyed to the House Committee on Interstate and Foreign Commerce on H.R. 3518, a bill to establish bipartisan board with fifteen members, to submit to the President lists of nominees to regulatory agencies, including the Securities and Exchange Commission. It would prohibit persons from being appointed who, in the preceding three years have had any substantial connection with the industry regulated. The bill would also prohibit reappointments and would bar a former agency member from representing any person before the agency or accepting any employment in the regulated industry for two years.

3. Recommendation that the Commission affirm in part the FOIA Officer's denial of Mr. Norman F. Dacey's request for access to certain interagency memoranda (5 U.S.C. 552(b)(5)), but grant Mr. Dacey access to severable portions of the memoranda which contain factual information.

4. Proposed amendment to Regulation S-X which would modify an existing rule and add a new rule to require commercial and industrial companies to disclose investment concentrations in marketable securities and other security investments. This proposal is a revision of an earlier proposal which would have applied to all registrants rather than to commercial and industrial companies only.

5. Proposed amendments to Rule 10b-4 under the Securities Exchange Act of 1934 to prohibit certain practices in connection with partial tender and exchange offers which have the effect of discriminating against shareholders by distorting the calculation of the pro rata acceptance formula.

6. Proposed rule change of the American Stock Exchange, Inc. to establish alternate criteria for original listing of stocks.

7. Amendment of § 240.12a-6 (17 CFR 240.12a-6) in order to extend the exemption from registration, pursuant to section 12(a) of the Securities Exchange Act of 1934, to certain underlying securities which are traded solely in the over-the-counter market.

8. Amendments to the Uniform Net Capital Rule (Rule 15c3-1) pertaining to the treatment of transactions by market makers in listed options.

9. Amendments to Uniform Net Capital Rule (Rule 15c3-1) regarding the financial responsibility and reporting program pertaining to transactions in municipal securities.

10. Amendments to Form U-4, the Uniform Application for Securities Industry Representatives and/or Agents. These amendments to the form would require associated persons to disclose the existence of matters which may constitute a basis for disqualification from association with a broker-dealer. The proposed amendments also would require associated persons to provide information which a broker or dealer is required to collect and maintain pursuant to Rule 17a-3(a)(12).

11. Petition for rulemaking submitted to the Commission pursuant to 17 CFR 201.4(a) (1976) requesting an amendment to Rule 15c3-2 under the Securities Exchange Act of 1934.

12. Recommendation of the addition of subsection (f)(4) to Rule 15c2-11 which will extend certain exemptive provisions of that rule to market makers submitting quotations to an inter-dealer quotation system published weekly.

Requests for information concerning the meetings should be directed to the following persons:

Meetings in week of April 4—Sam Knight, (202) 755-1482.

Meetings in week of April 11—Julian T. Pierce, (202) 755-1271.

Meetings in week of April 18—Frank A. Wilson, (202) 755-4868.

Meetings in week of April 25—Edward B. Horahan, (202) 376-8072.

Dated: March 29, 1977.

GEORGE A. FITZSIMMONS,
Secretary.

[S-68-77 Filed 3-30-77;9:26 am]

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register

Federal

FRIDAY, APRIL 1, 1977

PART II

PRINCIPAL EXECUTIVE BRANCH OFFICIALS of the ADMINISTRATION of JIMMY CARTER

■

appointed
January 20–March 30, 1977

Supplement 2 to 1976/77 United States Government Manual

NOTE: This special supplement to the United States Government Manual is limited to appointments and nominations made after January 20, 1977. Names contained herein replace corresponding names appearing in the 1976/77 edition of the Manual. Supplement 3 will be published on May 2, 1977.

Office of the Federal Register
National Archives and Records Service
General Services Administration

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PRINCIPAL EXECUTIVE BRANCH OFFICIALS of the ADMINISTRATION OF JIMMY CARTER appointed January 20–March 30, 1977

PRESIDENT
Jimmy Carter
VICE PRESIDENT
Walter F. Mondale

MEMBERS OF THE CABINET

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Secretary of Commerce	Juanita M. Kreps
Secretary of Defense	Harold Brown
Secretary of Health, Education, and Welfare	Joseph A. Califano, Jr.
Secretary of Housing and Urban Development	Patricia Roberts Harris
Secretary of the Interior	Cecil D. Andrus
Attorney General	Griffin B. Bell
Secretary of Labor	Ray Marshall
Secretary of State	Cyrus Vance
Secretary of Transportation	Brockman Adams
Secretary of the Treasury	W. Michael Blumenthal
Assistant to the President for National Security Affairs	Zbigniew Brzezinski
Director, Office of Management and Budget	Thomas Bertram Lance
Assistant to the President	James R. Schlesinger
Chairman, Council of Economic Advisers	Charles L. Schultze
United States Representative to the United Nations and Representative in the Security Council	Andrew J. Young

The Cabinet, a creation of custom and tradition dating back to George Washington's administration, functions at the pleasure of the President. Its purpose is to advise the President upon any subject on which he requests information (pursuant to Article II, section 2, of the Constitution).

The Cabinet is composed of the eleven executive departments listed above and certain other officials of the executive branch to whom the President has accorded Cabinet rank. The Vice President participates in all Cabinet meetings. Also, from time to time, others are invited to participate in a discussion of particular subjects.

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Assistant to the President for Public Liaison	MARGARET COSTANZA
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Assistant to the President	HAMILTON JORDAN
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Deputy Director	JAMES T. MCINTYRE, JR.

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National Security Council

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Office of the Special Representative for Trade Negotiations

Special Representative for Trade Negotiations	ROBERT S. STRAUSS

Council on Environmental Quality

Chairman	CHARLES H. WARREN
Member	JAMES GUSTAVE SPETH (Nominated 3-7-77)

Office of Drug Abuse Policy

Director	PETER G. BOURNE (Nominated 2-7-77)
Deputy Director	LEE I. DOGOLOFF (Nominated 2-7-77)

Office of Science and Technology Policy

Director	FRANK PRESS (Nominated 3-18-77)

OFFICE OF THE VICE PRESIDENT

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federal register

FRIDAY, APRIL 1, 1977

PART III



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

OVER-THE-COUNTER DRUGS

Establishment of Monograph for Topical Antibiotic Products

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 342]

[Docket No. 76N-0482]

OVER-THE-COUNTER DRUGS

Establishment of a Monograph for OTC Topical Antibiotic Products

AGENCY: Food and Drug Administration (FDA).

ACTION: Proposed Rulemaking.

SUMMARY: FDA proposes to establish conditions under which over-the-counter (OTC) topical antibiotic drugs are generally recognized as safe and effective and not misbranded, based on the recommendations of the FDA's Advisory Review Panel on OTC Antimicrobial (II) Drug Products.

DATES: Comments by June 30, 1977.

FOR FURTHER INFORMATION CONTACT:

William D. Gilbertson, Bureau of Drugs (HFD-510), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: Pursuant to Part 330 (21 CFR Part 330), the Commissioner of Food and Drugs received on October 29, 1976, a report of the Antimicrobial Panel on topical antibiotic drugs. In accordance with § 330.10 (a)(6) (21 CFR 330.10(a)(6)), the Comcissioner is issuing (1) a proposed regulation containing the monograph recommended by the Panel establishing conditions under which OTC topical antibiotic drugs are generally recognized as safe and effective and not misbranded; (2) a statement of the conditions excluded from the monograph on the basis of a determination by the Panel that they would result in the drugs not being generally recognized as safe and effective or would result in misbranding; (3) a statement of the conditions excluded from the monograph on the basis of a determination by the Panel that the available data are insufficient to classify such conditions under either (1) or (2) above; and (4) the conclusions of the Panel and recommendations to the Commissioner. The summary minutes of the Panel meetings are on public display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

The purpose of issuing the unaltered conclusions and recommendations of the Panel is to stimulate discussion, evaluation, and comment on the full sweep of the Panel's deliberations. The Commissioner has not yet fully evaluated the Panel's report, but has concluded that it should first be issued as a formal proposal to obtain full public comment before any decision is made on the Panel's recommendations. The report represents the best scientific judgment of the members of the Panel. The report has been prepared independently of FDA and does not necessarily reflect the agency position on any particular matter addressed therein. After careful review of all comments submitted in response to this proposal, the Commissioner will issue a tentative final regulation in the FEDERAL REGISTER to establish a monograph for OTC topical antibiotic drug products.

In accordance with § 330.10(a)(2) (21 CFR 330.10(a)(2)), all data and information concerning OTC topical antibiotic drug products submitted for consideration by the Panel have been handled as confidential by the Panel and FDA. All such data and information shall be put on public display at the office of the Hearing Clerk, Food and Drug Administration, on or before May 2, 1977, except to the extent that the person submitting specific data demonstrates that they still fall within the confidentiality provisions of 18 U.S.C. 1905 or section 301(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(j)). Requests for confidentiality shall be submitted to FDA, Bureau of Drugs, Division of OTC Drug Products Evaluation (HFD-510), 5600 Fishers Lane, Rockville, MD 20857.

Based upon the conclusions and recommendations of the Panel, the Commissioner proposes, upon publication of the final regulation:

1. That the conditions included in the monograph on the basis of the Panel's determination that they are generally recognized as safe and effective and are not misbranded (Category I) be effective 30 days after the date of publication of the final monograph in the FEDERAL REGISTER.

2. That the conditions excluded from the monograph on the basis of the Panel's determination that they would result in the drug not being generally recognized as safe and effective or would result in misbranding (Category II) be eliminated from OTC drug products effective 6 months after the date of publication of the final monograph in the FEDERAL REGISTER, regardless of whether further testing is undertaken to justify their future use.

3. That the conditions excluded from the monograph on the basis of the Panel's determination that the available data are insufficient (Category III) to classify such conditions either as Category I—generally recognized as safe and effective and not misbranded, or as Category II—not being generally recognized as safe and effective or would result in misbranding, be permitted to remain in use for not longer than 2 years (for the specific conditions discussed in this document) after the date of publication of the final monograph in the FEDERAL REGISTER, provided studies adequate and appropriate to satisfy the questions raised with respect to the particular condition by the Panel are conducted. The period of time within which studies must be completed will be carefuly reviewed by the Commissioner after receipt of comments on this document and will probably be shortened.

The Commissioner has reviewed the conclusions and recommendations of the Panel regarding skin wound protectants. He notes that the Panel's definition and criteria are not identical to those previously proposed by the Antimicrobial I Panel as published in the FEDERAL REGISTER of September 13, 1974 (39 FR 33140). The Commissioner advises that he will respond, in a tentative final monograph (21 CFR Part 333) to be published in a later issue of the FEDERAL REGISTER, to the comments regarding the previous proposal made by the Antimcriobial I Panel, and clarify the definition, criteria, and testing procedures pertaining to skin wound protectants. He invites full public comment on this proposal, and on the tentative final monograph after it is published in the FEDERAL REGISTER.

The Commissioner has also reviewed the conclusions and recommendations of the Panel pertaining to finished dosage forms and the Panel's proposal in the monograph to limit dosage forms to the use of ointment preparations only. At this time, the Commissioner seeks comment on this proposal and on the agency's current limitation of cream preparations to prescription use only.

The Commissioner has reviewed the potential environmental impact of the recommendations and proposed monograph for OTC topical antibiotic products of the Panel on Review of Antimicrobial Agents and has concluded that the Panel's recommendations and proposed monograph will not significantly affect the quality of the human environment and that an environmental impact statement is not required.

The conclusions and recommendations in the report of the Antimicrobial Panel for topical antibiotic drugs follow:

In the FEDERAL REGISTER of January 5, 1972 (37 FR 85), the Commissioner announced a proposed review of the safety, effectiveness, and labeling of all OTC drugs by independent advisory review panels. On May 8, 1972, the Commissioner signed the final regulations providing for the OTC drug review under § 330.10, published in the FEDERAL REGISTER of May 11, 1972 (37 FR 9464), which were made effective immediately. Pursuant to these regulations, the Commissioner issued a request for data and information on antimicrobial active ingredients for the treatment or prophylaxis of specific disorders such as seborrhea, dandruff, acne, athletes foot, vaginitis, and otitis externa (swimmers ear), in the FEDERAL REGISTER of December 16, 1972 (37 FR 26842). A subsequent request for data and information was published in the FEDERAL REGISTER of September 7, 1973 (38 FR 24391) for topical antibiotic drugs used in OTC products for treatment and prevention of infections in minor skin wounds.

The Commissioner appointed the following panel to review the data and information submitted and to prepare a report on the safety, effectiveness, and labeling of the antimicrobial agents, including antibiotic ingredients, pursuant to § 330.10(a)(1):

Wallace Guess, Ph.D., Chairman
Frank B. Engley, Jr., Ph.D.
Paul D. Stolley, M.D., M.P.H.
William F. Schorr, M.D.
W. Kenneth Blaylock, M.D.
E. Dorinda Loeffel, M.D.
Margaret Hitchcock, Ph.D., who resigned from the Panel in September 1974 and was replaced by David R. Brown, Sc.D.; Dr. Brown resigned in March 1976 and was replaced by Eula Bingham, Ph.D.

The Panel was first convened on July 26 and 27, 1974, in an organizational meeting. Working meetings have been held :(1) In 1974 on September 13, 14, and 15; October 18, 19, 20; (2) in 1975 on January 10, 11, and 12; February 21, 22, and 23; March 21, 22, and 23; April 18, 19, and 20; May 16, 17, and 18; June 27, 28, and 29; July 24, 25, and 26; September 5, 6, and 7; October 3, 4, 5, and 31; November 1 and 2; (3) in 1976 on January 9, 10, and 11; February 13, 14, and 15; March 12, 13, and 14; May 14, 15, and 16; June 25, 26, and 27; July 23, 24, and 25; August 20, 21, and 22; October 29. Portions of the meetings from October 1975 were devoted to the review of ingredients for treating athletes foot.

Three nonvoting liaison representatives served on the Panel. Ms. Sarah Newman, nominated by an ad hoc group of consumer organizations, served as the consumer liaison. James Lawrence, M.D., Ph.D., nominated by the Proprietary Association, and Gavin Hildick-Smith, M.D., nominated by the Cosmetic, Toiletry and Fragrance Association, served as the industry liaisons .

The following employees of the Food and Drug Administration served: Mary K. Bruch, Executive Secretary; Michael Kennedy, Panel Administrator until July, 1974, followed by Armond Welch, R.Ph.; Melvin Lessing, R.Ph., M.S., Drug Information Analyst until October, 1974, followed by Joseph Hussion, R.Ph., until July, 1976, and Mary Ann Bukovinsky until August, 1976.

The following individuals were given an opportunity to appear before the Panel to express their views either at their own or at the Panel's request:

Violet Anderson, Ph.D.
Cleland F. Baker
Stanley Bushby, Ph.D.
Hugh Dillon, M.D.
Maxwell Findland, M.D.
James Leyden, M.D.
David Rovee, Ph.D.
Robert Scheuplein, Ph.D.
Alex Steigman, M.D.
Frances Storrs, M.D.
Marion Sulzberger, M.D.
David Taplin

No person was denied an opportunity to appear before the Panel.

The Panel thoroughly reviewed the various data submissions and available literature; listened to additional testimony from interested parties, including invited consultants; and considered all pertinent data and information submitted in arriving at its conclusions and recommendations

In accordance with the OTC drug review regulations (21 CFR 330.10), the Panel's findings with respect to these classes of drugs are set out in three categories:

Category I. Conditions under which topical antibiotic products are generally recognized as safe and effective and are not misbranded.

Category II. Conditions under which topical antibiotic products are not generally recognized as safe and effective or are misbranded.

Category III. Conditions for which the available data are insufficient to permit final classification at this time.

The Panel recommends the following for each category of drugs:

1. That the conditions included in the monograph on the basis of the Panel's determination that they are generally recognized as safe and effective and are not misbranded (Category I) be effective 30 days after the date of publication of the final monograph in the FEDERAL REGISTER.

2. That the conditions excluded from the monograph on the basis of the Panel's determination that they would result in the drug not being generally recognized as safe and effective or would result in misbranding (Category II) be eliminated from OTC drug products effective 6 months after the date of publication of the final monograph in the FEDERAL REGISTER, regardless of whether further testing is undertaken to justify their future use.

3. That the conditions excluded from the monograph on the basis of the Panel's determination that the available data are insufficient (Category III) to classify them either as Category I—generally recognized as safe and effective and not misbranded; or as Category II—not being generally recognized as safe and effective or would result in misbranding, be permitted to remain in use for 2 years after the date of publication of the final monograph in the FEDERAL REGISTER, if the manufacturer or distributor of any such drug utilizing such conditions in the interim conducts tests and studies adequate and appropriate to satisfy the questions raised by the Panel.

I. SUBMISSION OF DATA AND INFORMATION

Pursuant to the notice published in the FEDERAL REGISTER of September 7, 1973 (38 FR 24391) requesting the submission of data and information on OTC topical antibiotic drugs, the following firms made submissions relating to marketed products:

A. SUBMISSION BY FIRMS

Firm:	*Marketed products*
Burroughs-Wellcome Co., Research Triangle Pk., NC 27709.	Neosporin Ointment.
Day-Baldwin, Inc., Hillside, NJ 07256.	Bacitracin Ointment, Bacitracin-Neomycin Ointment, "3" Antibiotic Ointment, Neomycin Ointment.
The Dow Chemical Co., Zionsville, IN 46077.	Neo-Polycin.
Lederle Laboratories, Pear River, NY 10965.	Achromycin Ointment, Aureomycin Ointment.
Merrell-National Laboratories, Cincinnati, OH 45215.	Bacimycin Ointment.
Pfizer Pharmaceuticals, New York, NY 10017.	Bacitracin Antibiotic Ointment, Terramycin Ointment with Polymyxin B Sulfate, Terramycin with Polymyxin B Sulfate Topical Powder.
E. R. Squibb & Sonth, Inc., New Brunswick, NJ 08903.	Spectrocin Ointment.
The Upjohn Co., Kalamazoo, MI 49001.	Baciguent Ointment, Myciguent Cream, Myciguent Ointment, Mycitracin Ointment.

B. LABELED INGREDIENTS CONTAINED IN MARKETED PRODUCTS SUBMITTED TO THE PANEL

Bacitracin
Chlortetracycline hydrochloride
Fuzene base
Glyceride wax
Gramicidin
Lactose
Lanolin
Mineral oil
Neomycin sulfate
Oxtetracycline hydrochloride
Petrolatum
Polyethylene glycol
Polymyxin B sulfate
Tetracycline hydrochloride
Zinc bacitracin

C. CLASSIFICATION OF INGREDIENTS.

The Panel has classified the following ingredients submitted to the Panel into groups identified below:

1. *Ingredients identified as active antibiotic ingredients.*

Bacitracin
Chlortetracycline hydrochloride
Gramicidin
Neomycin sulfate
Oxytetracycline hydrochloride
Polymyxin B sulfate
Tetracyline hydrochloride
Zinc bacitracin

2. *Ingredients submitted to the Panel and identified as inactive and/or pharmaceutically necessary ingredients.* Inactive ingredients are useful in the manufacturing of pharmaceutical preparations or in enhancing the quality and/or appearance of the product. The Panel advocates the listing of all inactive ingredients on the product label. In topical medications, many of the labeled inactive ingredients are vehicles into which the active ingredients are incorporated. These vehicles, including ointment and cream bases, play a vital role in release and delivery of active ingredients into the skin. The other inactive substances are added to enhance product appearance and/or quality.

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The list below reflects only those inactive ingredients contained in the labeled ingredients submitted to the Panel and is not intended to be an exhaustive list.

Fuzene base
Lactose
Lanolin
Mineral oil
Petrolatum
Polyethylene glycol

3. Antibiotic ingredients combined with nonantibiotic active ingredients. The Panel has neither received nor reviewed any data concerning combinations of antibiotic ingredients with active nonantibiotic ingredients.

The Panel is aware that future topical products may be developed combining the above antibiotics with active ingredients such as corticosteroids, antihistamines, anesthetics, antifungal agents, and other antibiotics not reviewed by the Panel. The Panel concludes that such combinations should be subject to appropriate FDA review procedures prior to OTC marketing.

II. General Statements and Recommendations

A. General Comment

The Panel was charged with the review and evaluation of safety and effectiveness data on antimicrobil and antibiotic agents and combinations in topically applied OTC drug products. This charge included recommendations about appropriate permitted labeling, with guidelines for warnings, precautions, contraindications, and directions for use.

The Panel has defined an "antimicrobial ingredient" as an agent that kills or inhibits the growth and reproduction of microorganisms. A chemical substance produced by a microorganism and having the capacity, in dilute solutions, to kill or inhibit the growth of other microorganisms is called an "antibiotic." Antibiotics kill at different rates. Whether one considers it bacteriostatic (to inhibit the growth or reproduction of bacteria) or bactericidal (to kill bacteria) may depend entirely on the rate of kill because the definition is based on different rates of kill. As with most biological/chemical phenomena, there is a gradation between physical or chemical factors that kill organisms rapidly and those that prevent organisms from growing or multiplying without their rapid destruction. Factors such as concentration of chemical, temperature, presence of organic matter, and the inherent susceptibility of the type of organism or strain of organism can affect the rate of kill. Thus, chemicals that kill organisms rapidly under the conditions of test or study are called "cidal," and those that kill the organisms very slowly or suppress reproduction are referred to as "static". The final descriptive term used may reflect the actual rate of kill or the adequacy of the procedure used to test for killing ability. In the in vivo or clinical situation, static antibiotics may prevent organisms from growing or reproducing so that the body defense mechanism are able to destroy the organisms. Under such conditions, clinical effectiveness may be found with static types of drugs.

The definition of an antibiotic drug stated in section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357) is as follows:

> • • • the term "antibiotic drug" means any drug intended for use by man containing any quantity of any chemical substance which is produced by a microorganism and which has the capacity to inhibit or destroy micro-organisms in dilute solution (including the chemically synthesized equivalent of any such substance).

"Pathogenic" bacteria are microorganisms capable of causing infection, particularly when introduced into an area of injured or abnormal skin. There are microorganisms in, on, and all around the human body. Most of these organisms are nonpathogenic residents on the skin and are referred to as "normal flora."

Of interest to the Panel are skin infections that are frequently grouped together under the term "pyoderma," which indicates the presence of pus in the skin. In addition to containing pus, infected skin is usually red, warm, and sore (painful or tender). Pyoderma includes both "primary infections" which develop on previously normal or uninjured skin, and "secondary infections" which develop in preexisting skin lesions such as poison ivy dermatitis, chronic leg ulcers, or burns.

Primary skin infections include such common conditions as impetigo and boils, caused predominantly by the gram-positive bacteria, Staphylococcus aureus and/or Streptococcus pyogenes (Group A beta-hemolytic streptococcus). "Impetigo" is a contagious, superficial pyoderma, common in children, which is caused by either staphylococci and/or streptococci and begins with blisters, which rupture to form thick, yellowish-red scabs (crusts). "Ecthymas", usually caused by streptococci, are another type of superficial pyoderma, with scabs overlying shallow, purulent ulcers that develop most commonly on the legs following insect bites. Primary infections, which develop around hair follicles, are caused by staphylococci. This type of skin lesion is called "folliculitis" when only small superficial pustules are present, but is called a "boil" or "furuncle" if a deep, red, tender swelling with a core of pus develops. A furuncle is a specialized type of skin abscess or a well-circumscribed collection of pus. Another type of staphylococcal abscess, known as acute paronychia, develops around a fingernail or toenail and consists of a red, tender swelling containing pus.

Secondary infections develop in skin that is damaged by factors such as vigorous scratching, excessive moisture, or poor circulation. Pathogenic staphylococci and streptococci presumably penetrate the skin through the scratching of insect bites, poison ivy dermatitis, or other itchy eruptions. People with "atopic eczema," an inherited itchy dermatitis that usually begins in infancy, frequently develop secondary infections similar to impetigo. Older patients with atopic eczema confined to the hands also develop recurrent secondary infections on the hands, known as infected "hand eczema." Ear piercing also predisposes to secondary infection, particularly if complicated by simultaneous allergy to the nickel component of metal earrings touching the ear lobes.

Secondary infections involving microorganisms other than staphylococci or streptococci develop in certain predisposed skin areas. Pseudomonas aeruginosa, a type of gram-negative bacteria, thrives on warm, moist skin surfaces such as the groin, ear canal, underarm areas and toewebs. Although its role in causing secondary infection in these areas is controversial, Pseudomonas is a pathogen capable of causing death in patients with extensive and deep burns. Pseudomonas species as well as other microorganims may be found in chronic leg ulcers due to varicose veins or poor arterial circulation. The role of microorganisms in delay of healing of these deep, rounded ulcerations above the ankle, remains uncertain. The role of microorganisms is also unclear in "bed sores" or "decubitus ulcers" in bedridden patients.

Organisms, other than those discussed above, may also be invovived in wound infection but are not common in minor wounds.

While some the aforementioned antibiotics are used extensively for serious injuries and burns on the advice of physicians, the Panel will deal only with the limited OTC uses of these ingredients. The Panel will, therefore, limit its review in this document to those topical antibiotic ingredients that are generally promoted to help prevent infection and aid healing when applied to minor skin cuts, abrasions, and burns.

B. Introduction, History and Development of Regulation of Antibiotics by FDA

The antibiotic era of chemotherapy was launched in the 1930's with the work of Dubos on tyrothricin; Waksman on streptomycin; and Fleming, Chain, and Florey on penicillin. Historically, the regulation of antibiotic drugs began when the Federal Food, Drug, and Cosmetic Act was passed in 1938, requiring that drugs be precleared by FDA and that proof of safety be shown prior to marketing. Between 1938 and 1962, approximately 10,000 new drug applications (NDA's) were approved for drug formulations. Among this total were several NDA's for antibiotics.

The therapeutic application of antibiotic substances developed during the World War II era. When these new antibiotic drugs suddenly became generally available for use against both bacterial and fungal infections, physicians focused new attention on specific etiologic agents of infectious diseases and their relative susceptibilities to new antimicrobial agents. The search for antibiotic drugs with broad antimicrobial spectra and minimal toxicity to the patient continued. Instead of abandoning use of a drug when toxicity became

apparent, efforts were made to alter drug toxicity while preserving antimicrobial activity.

Some antibiotics that were found to be too toxic in systemic use were tested, studied, and approved for topical therapy. Because of the limited antimicrobial spectrum of each antibiotic, several were often combined in commercial preparations to cover the spectrum of organisms usually found in infections of the skin.

As antibiotics came into use, it was realized that their potency and purity were quite variable because they were manufactured through a biological fermentation process. Pharmaceutical control of potency and purity of fermentation products developed slowly and was not as exact as that of chemically synthesized drugs. Consequently, beginning in 1945 with penicillin, and later extending to four other antibiotics, section 507 of the act (21 U.S.C. 357) was modified to require certification of each production batch of these antibiotics under a specific monograph published in the Code of Federal Regulations. Included among the four antibiotics were bacitracin, which was certified for topical OTC use in 1948, and chlortetracycline, which was certified for prescription use, also in 1948. Thus, in addition to submitting a new drug application, the manufacturer was required to supply FDA with batches of the antibiotic for certification prior to marketing. The specific monograph for each antibiotic delineated the tests required and limits to be met prior to marketing (21 CFR Part 436).

By 1953, several NDA's were approved for topical antibiotics. After a few years, firms proposing to market these antibiotics were informed by FDA that these drugs were no longer considered "new" drugs and therefore did not require the submission of a new drug application prior to marketing. However, the removal of the NDA requirement did not change the firms' need to obtain certification of each antibiotic batch. Numerous products containing antibiotics then appeared on the market without NDA's.

In 1962, Congress passed the Kefauver-Harris Amendments to the act. In general, these amendments required that substantial evidence of effectiveness as well as safety be submitted to FDA for any drug, and they also expanded the requirement of certification to all antibiotics intended for human use.

A notice of proposed rule making for certification procedures of specific antibiotics was adopted (21 CFR Part 431). To implement this procedure, an Antibiotic Task Force was formed within FDA. Over a period of approximately 6 months, this group reviewed specific drug products and made recommendations as to their safety and effectiveness. In this review, some antibiotics were not recognized as safe or effective and letters were sent to the manufacturers informing them to the task force's stand. A final order stating definitions and certification procedures for these antibiotics not recognized as safe and effective was published in the FEDERAL REGISTER of March 9, 1966 (31 FR 4129). Only after implementation of the recommendations of the task force were the affected antibiotics again certified.

Also as a consequence of the mandate of the 1962 amendments to the act, the Commissioner requested assistance from The National Academy of Sciences and The National Research Council (NAS/NRC) in evaluating the effectiveness of all drug products approved for safety between 1938 and 1962. This review included topical antibiotic products. The resulting Drug Efficacy Study Implementation (DESI) reports of the NAS/NRC provided recommendations to help the Commissioner in making a decision about the effectiveness of individual drug products.

Both OTC and prescription antibiotics and antibiotic combinations were evaluated in the DESI review. The overall conclusions were made for each product rather than for the class or the ingredients. Many topical antibiotic formulations were declared less than effective on the basis of lack of controlled clinical studies to show effectiveness. However, certain combinations of prescription antibiotics were declared effective. Studies to demonstrate the effectiveness of some other combinations are currently being designed and executed to satisfy DESI requirements (particularly the anti-infective/steroid combinations as published in the FEDERAL REGISTER of October 9, 1974 (39 FR 36365)). Time has elapsed since the NAS/NRC review and additional data have become available for topical antibiotics. In order to have a comprehensive OTC review, the Commissioner requested that the Panel review all topical antibiotic ingredients marketed as OTC for both safety and effectiveness.

C. Definitions of Product Categories

The panel concludes that OTC topical antibiotic products should be used only as part of the first-aid treatment of small superficial wounds such as cuts, abrasions, and burns. The Panel considered the first-aid treatment of small superficial wounds as a process that includes initial adequate cleansing that may or may not be followed by application, of a safe, nonirritating product that does not interfere with normal wound healing and may reduce bacterial numbers and help prevent infections.

The following definitions of topical antibotic categories have been developed by the Panel in an attempt to simplify categorization of ingredients and eliminate labeling confusion.

1. Skin wound protectant. A safe, nonirritating preparation applied to small cleansed wounds that provides a protective physical barrier, conforming to the barrier testing for skin wound protectants as published in the FEDERAL REGISTER of September 13, 1974 (39 FR 33140), and may also include a chemical (antibiotic), which neither delays healing nor favors the growth of microorganisms.

2. Skin wound antibiotic. A safe, nonirritating antibiotic-containing preparation that prevents or treats overt skin infection. Claims stating or implying an effect against microorganisms must be supported by controlled human studies that demonstrate prevention or effectiveness in the treatment of infection.

D. Advertising and Consumer Use of Topical Antibiotics

The Panel recognizes that topical medications for treatment of minor cuts, burns, and abrasions are useful to the general public. It believes that such medications should be available "over-the-counter," provided they are safe and effective. The Panel is concerned, however, that little information is available about consumer habits of self-medication with topical salves, ointments, creams, and powders, and, in particular, that the potential for misuse in acute and chronic skin conditions poses a problem. The Panel is also concerned about the possible use of inappropriate or harmful substances on skin wounds if safe OTC medications are not available for first-aid use.

Even though no information was submitted concerning the factors influencing the consumer's choice of a topical antibiotic, the Panel considered the following as possible factors:

(1) Physician availability or cost of physician visit;

(2) Media advertising such as in magazines, on the radio, or television;

(3) Suggestions from friends and acquaintances; and

(4) Satisfactory previous personal experience following advice of a physician or pharmacist.

Each of the above factors may lead to self-diagnosis and treatment that may not always be appropriate. One inappropriate use of a topical antibiotic preparation is prolonged application to a chronic, persistent skin lesion. This could produce skin sensitization and/or delay the consumer in obtaining more appropriate treatment. Another possible inappropriate use is the continued application of the antibiotic after a sensitization reaction has occurred. It is also possible that application of the antibiotic product over a broad area of the skin may alter the resident bacterial flora, leading to emergence of antibiotic-resistant strains of bacteria. Unfortunately, no data on consumer use of topical antibiotics are available from which to determine the relative importance of each of these concerns. Such data may not be relevant when topical antibiotics are used on minor cuts and wounds. However, the Panel concludes that product labeling must take into account, and attempt to eliminate, these problems.

The Panel is also concerned that the promotion of antibiotic products to physicians, for purposes other than those recommended for OTC use, may lead to confusion and misuse by the public. It is possible that the physician's use of topical antibiotics to treat certain skin infections may lead consumers to self-diagnosis of other skin conditions leading to treatment with inappropriate topical antibiotics. Labeling of the

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topical antibiotics, for both OTC and prescription uses, should be designed to minimize this possibility.

The Panel considers that thorough, gentle cleansing of a minor skin wound to remove foreign material is the proper first step. The OTC antibiotic may then be applied to protect the wound or prevent infection, provided that benefit from its use has been demonstrated.

Suggestions were made to the Panel by Dr. Dillon (Ref. 1) that certain topical antibiotics might prove to be more useful in treating certain skin diseases than no treatment at all. Some skin diseases, such as impetigo and folliculitis, are recognized by the lay public as infections of the skin. The Panel agrees that such skin infections may be treated by the lay public with topical antibiotics if such have been proven to be effective.

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E. EFFECTIVENESS OF TOPICAL ANTIBIOTICS

The OTC drug review regulations (21 CFR 330.10(a)(4)(ii)) contain the following definition of standards for effectiveness:

Effectiveness means a reasonable expectation that, in a significant proportion of the target population, the pharmacological effect of the drug, when used under adequate directions for use and warnings against unsafe use, will provide clinically significant relief of the type claimed. • • •

The Panel concludes that a "reasonable expectation • • • [of] clinically significant relief" has not been conclusively demonstrated for the OTC use of topical antibiotic products.

No data from well-controlled studies were presented to the Panel concerning either the therapeutic or prophylactic effects of OTC use of topical antibiotics on minor cuts, abrasions, or burns. The Panel concludes that no such data presently exist on the OTC use of these products.

In an effort to evaluate the clinical effectiveness of topical antibiotics, the Panel has relied on data generated by supervised use of topical antibiotics in hospitals and medical offices and by prescription use of topical antibiotics in outpatient home settings.

Most studies reviewed by the Panel dealt with professional medical treatment of acute skin infections, postoperative wound infections, and chronic skin diseases with secondary infections. While inferences concerning clinical effectiveness of topical antibiotics for OTC use on minor cuts, abrasions, and burns have been made from available studies (Ref. 1), the Panel concludes that such inferences may be unwarranted for the following reasons: The degree of wound contamination differs; the wounds differ in depth and amount of tissue destruction; the microorganisms likely to be introduced differ between hospital or office settings and "natural" settings; and patient characteristics differ with respect to hygiene, age, race, and ability to follow directions for product use.

1. Therapeutic effectiveness. Standards of medical practice regarding use of antibiotics in the treatment of skin infections have changed considerably during the past 30 years. In the 1940's and 1950's, when the topical antibiotics presently under review were developed and evaluated, many physicians were enthusiastic about their use in both the hospital and on an outpatient basis. However, reports from this period were largely of a testimonial nature, with no consistent attempt to document clinical diagonses, culture skin lesions, or demonstrate that formulated products with active ingredients were better in treating skin infections than their vehicles alone.

Because it is virtually impossible to look at a variety of skin lesions and assess exactly which bacteria are present, the Panel is unable to accept studies without cultures as proof of clinical effectiveness. The Panel is aware of the practical argument that cultures are time consuming and expensive, but concludes that such argument is not acceptable in studies purporting to demonstrate clinical effectiveness of topical antibiotic preparations.

The Panel has made a diligent effort to review all submitted material in order to arrive at its judgment concerning clinical effectiveness. It recognizes that honest differences of opinion may exist or the relative merits of different studies. The Panel also recognizes the inherent technical difficulties in attempting to scientifically document clinical effectiveness.

Many different dosage forms (i.e. creams, lotions, ointments, etc.) of these antibiotics are available, either as OTC or prescription, and it appears that there are relative differences in their effectiveness based upon the dosage forms used. It is a continuing concern of the Panel that many of the better designed studies (controlled) utilized an ointment vehicle for the antibiotic, and the results of these clinical studies show a lack of effectiveness in this vehicle. On the other hand, some studies (controlled and uncontrolled) suggested strongly that the antibiotics in solution or cream forms may have been effective in treating some skin conditions.

The Panel recommends OTC marketing of certain topical antibiotic formulations currently labelled as prescription products (primarily, cream formulations). This recommendation is based partly on theoretical considerations and partly on the effectiveness data discussed above. In any event, clinical studies with such dosage forms would still be required to establish effectiveness in the prevention and treatment of skin infections.

Since the early days of topical antibiotics, newer systemic antibiotics have largely replaced topical antibiotics for treating many skin infections. Several studies have shown that systemic antibiotics are superior to topical antibiotics in treatment of impetigo, with more rapid reduction of pathogenic bacteria from skin lesions and more rapid healing time (Refs. 2 through 7).

In addition, treatment of impetigo with systemic antibiotics rather than with topical antibiotics is accepted medical practice for prevention of possible glomerulonephritis (Refs. 2 through 7). Acute glomerulonephritis is a serious kidney disease that may follow streptococcal infections of either the skin or the throat (Refs. 8 and 9). While not all strains of streptococci are nephritogenic (capable of inducing nephritis), epidemics of nephritis may occur in populations exposed to impetigo caused by nephritogenic strains (Refs. 10 through 15). The risk of developing nephritis following impetigo caused by such a strain is significant, especially in children less than 6 years of age (Refs. 16 through 19). Indigent children and children in warm, humid climates have a higher incidence of streptococcal sores and subsequent nephritis than children in colder climates. Although nephritis is predominantly a disease of children, adults may also be affected, especially in epidemic situations or following insect bites that become infected with nephritogenic streptococci (Refs. 20 and 21).

The Panel recognizes that the overall risk of developing nephritis following impetigo is not very great if patients are over 6 years of age and nephritogenic strains of streptococci are not prevalent (Refs. 22 and 23). There is concern that some children may develop nephritis because of lack of early treatment with systemic antibiotics. However, there is no conclusive proof at this time that treatment of streptococcal impetigo with topical or systemic antibiotics will prevent nephritis (Refs. 2, 8, 10, 13, and 24). Systemic treatment is presently preferred in cases of diagnosed impetigo because of more effective elimination of pathogenic streptococci from the skin.

The Panel is particularly concerned that indigent persons, unable to seek the treatment of choice (systemic antibiotics under proper medical supervision), may develop glomerulonephritis. In the Panel's opinion, this disease condition is extremely serious and may even be life threatening. The Panel believes that a significant population of indigent individuals exists in the United States who contact impetigo but seek no medical intervention and, therefore, risk developing glomerulonephritis. Although the use of topical antibiotics is not the treatment of choice for streptococcal impetigo, the potential risk is serious enough to suggest that this claim be seriously considered and evaluated as an added OTC indication for these products.

The Panel received communications from some organizations and individuals that presented their own recommendations on the safety and effectiveness of certain OTC topical antibiotics (Ref. 25). These recommendations were not supported with new or adequate data for objective evaluation. As a consequence of these comments, the Panel also met with a representative of the American Academy of Pediatrics and determined that the American Academy of Pediatrics' recommendations to the Panel were based on members' clinical impressions rather than on a comprehensive review of the extensive data which was reviewed by the Panel (Ref. 26).

2. *Prophylactic effectiveness.* The Panel is concerned that little data from controlled studies have been submitted documenting clinical effectiveness of topical antibiotics for preventing infection in minor skin wounds such as cuts, abrasions, and burns. Most studies reviewed by the Panel dealt with professional medical treatment of diagnosed acute skin infections, postoperative wound infections, or chronic skin diseases with secondary infections. Prophylactic use of topical antibiotics has been reported in postoperative surgical wounds, on extensive burns, and with intravenous cutdown catheters. These reports suggest that prophylactic use of topically applied antibiotics may be efficacious in the prevention of wound infections following surgery, but do not permit any inferences concerning prophylactic effectiveness following minor cuts, wounds, and abrasions occurring outside the hospital setting. Furthermore, in some cases, formulations different from those currently marketed were tested, and in other cases conflicting results were obtained from these hospital studies. These reports do suggest that a controlled clinical trial of topically applied antibiotics in minor cuts, abrasions, or burns might be worthwhile to answer the question of prophylactic effectiveness.

In the opinion of the Panel, controlled clinical trials of topically applied antibiotics would not be as difficult as is often claimed. A prospective, randomized, double-blinded, controlled trial would have logistic difficulties, but is feasible. Of course, in any clinical trial, the group receiving a placebo should not be permitted to experience a deteriorating disease state, and the protocol should allow for active treatment intervention should this occur. The size of the groups needed in both the experimental and the control groups is dependent upon: (1) The expected difference between the experimental and control group (i.e., the probable effectiveness); (2) the expected incidence of the condition to be prevented—infected wounds cuts, burns, and abrasions; and (3) the chosen significance level and power of the statistical tests employed (Ref. 27).

Since it is thought that the incidence of such infections is low, this would enlarge the size of the groups required for entry into the trial. On the other hand, if the effectiveness (expected benefit or difference between treated and untreated groups) is high, this would correspondingly reduce the numbers required. It would be desirable to investigate the effectiveness of a heterogeneous group of infections such as small cuts, burns, and abrasions. This would still permit pooling of effectiveness data for these lesions as well as analysis by type of lesion (subgroup analysis).

The Panel believes that a single study of adequate size and design may provide sufficient evidence to make a judgment as to effectiveness.

3. Summary. The Panel finds an important deficiency in the data submitted concerning the effectiveness of topically applied antibiotics, i.e., the absence of randomized, prospective, double-blinded, controlled, clinical trials. Such trials would randomly allocate patients with cuts, wounds, burns, and abrasions to an experimental and a control group. The experimental group would receive the medication (for example, an ointment) with the active ingredients, and the control group would receive the vehicle (placebo) without the active ingredients. Neither the investigators nor subjects would know whether they were receiving active drug or placebo (a procedure called double-blinding). Both groups would be followed forward in time prospective design) and the incidence of infection ascertained.

The Panel is not willing to waive the requirement of double-blinded, controlled studies for clinical evaluation of topical antibiotic ingredients, despite the provision of the OTC drug review regulations pertaining to standards of effectiveness (21 CFR 330.10(a)(4)(ii) which states:

• • • Proof of effectiveness shall consist of controlled clinical investigations as defined in § 314.111(a)(5)(ii) of this chapter, unless this requirement is waived on the basis of a showing that it is not reasonably applicable to the drug or essential to the validity of the investigation and that an alternative method of investigation is adequate to substantiate effectiveness. • • •

The Panel concludes that a single, well-controlled study of adequate size and design may provide sufficient evidence to make a judgement of effectiveness.

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F. DRUG RELEASE FROM TOPICAL PREPARATIONS

The Panel reviewed data from several sources and heard a presentation from Robert Scheuplein, Ph. D., a recognized expert in the area of drug release from topical preparations. The vehicle currently employed most widely in topical antibiotic formulations for OTC sale is an ointment composed mainly of white petrolatum. White petrolatum is often formulated with other hydrophobic (insoluble in water) materials such as waxes or high molecular weight alcohols. In contrast to an ointment, a cream ve-

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hicle is usually composed of a water miscible base such as an oil-in-water emulsion or a totally water-soluble base, such as the polyethylene glycols. The Panel is aware of other topically applied dosage forms for antibiotics, such as powders, but little data were provided on the bioavailability of the antibiotics from such dosage forms. It is essential to consider the influence of the vehicle on the effectiveness of a topical antibiotic preparation. The vehicle may be the controlling factor in the release of the active ingredient from the preparation. The following discussion attempts to clarify some of the problems facing the Panel in trying to assess drug release and the resulting effectiveness.

Drug release from any dosage form occurs at the interface between the vehicle and the tissue to which it is applied. The drug must leave the vehicle and enter the enyironment of the tissue before it can exért any biological activity. There are many factors that influence the rate and extent of this drug release. Some of these factors are: concentration of the drug in the vehicle; solubility of the drug in the vehicle; diffusion coefficient of the drug in the vehicle; partition coefficient of the drug between the vehicle and the tissue. Influencing each of these factors are other conditions such as the pH of the vehicle, drug or tissue; temperature; degree of hydration of skin, etc. Obviously, drug release from a dosage form is not merely a simple matter of smearing on a product and obtaining instantaneous results. Many physico-chemical interactions eventually determine success or failure of a product, apart from any activity of the antibiotic itself.

The Panel received limited data on release of certain antibiotics from the ointment dosage form. The ointment is the most widely used drug dosage form for OTC use at the present time, while the cream dosage form is almost exclusively limited to prescription sale. Some data presented to the Panel suggested that an ointment was better than a cream. Other data suggested that a cream was better than an ointment. The Panel concludes that inadequate research has been undertaken to design the most effective vehicle for a given topical antibiotic product. The Panel also is concerned that the existing OTC ointment dosage form may indeed be much less than ideal for the reasons discussed below.

It is recognized by the Panel that an occlusive vehicle (one that acts as a physical barrier), such as an ointment, has certain advantages in treating small wounds. Dr. Rovee pointed out that an occlusive dressing may aid wound healing (Reference 1). Dr. Scheuplein suggested that it was possible to formulate an ointment that would be as effective as a cream or vice-versa (Reference 2). Some of the effectiveness studies presented by the industrial representatives suggested that in some cases the ointment dosage form resulted in failures, while other studies reported success of treatment (Reference 3). Once again, conflicting data on drug release were presented to the Panel.

The Panel has determined that the topical antibiotics being reviewed are all water soluble with the exception of gramicidin, which is practically insoluble in water (Reference 4). These antibiotics exist in ointment dosage form as insoluble, suspended particles. From a physicochemical viewpoint, an insoluble particle in a fairly viscous, greasy vehicle would not be an ideal dosage form. If little or no diffusion through the vehicle takes place, then the only portion of antibiotic available for biologic activity is that which exists at the tissue interface at the time of application or that which then comes in contact from the receding boundary of the ointment (Reference 5). Perhaps it is for this reason that demonstration of effectiveness of antibiotic ointment has been difficult in some well-controlled studies.

In contrast, a cream dosage form has antibiotic in solution in the aqueous phase so that the antibiotic is more readily available for diffusion to the interface between the cream and tissue. In other words, a higher concentration of antibiotic can be made available to the tissue site over a short period of time from a cream formulation than from an ointment formulation.

The Panel is aware that in the early days of antibiotic formulation in topical products, technology to evaluate these dosage forms was not so sophisticated as it is at present. The Panel would urge a thorough study to determine all of the characteristics described above in light of the new technology to design a more favorable dosage form. If the cream or any other dosage form currently marketed for prescriptions use is determined to be both safe and effective, consideration should be given to marketing these dosage forms OTC.

The release of drugs from various vehicles has been the subject of many reviews and research papers. Consistently, these papers indicate that a formulation or vehicle for a given chemical must be specifically designed for that chemical to obtain maximum drug release. In formulating a cream or ointment, the physical properties of the drug and vehicle must be balanced in such a way as to provide optimum release. Specific additives may enhance or retard release of a chemical from the vehicle. Gandhji and Mithal (Reference 6) have shown that by simply incorporating a surfactant, release of chloramphenicol and tetracycline from an ointment formulation was enhanced. It appears to be the Panel that proper formulation of vehicles for the various antibiotics, based on such current information, could very likely result in significant improvement in antibiotic effectiveness.

A recent review of the broad problem of release of drugs from topically applied dosage forms has been published by Grasso and Lansdown (Reference 7). The Panel also studied the reviews by Poulsen (Reference 8), Katz and Poulsen (Reference 9), and Idson (Reference 5). These comprehensive reports focus on percutaneous absorption, but the basic problem of drug release from topical preparations is also discussed. The discussion above is not intended to be an exhaustive summary of these reviews, but it does form the basis for the recommendation presented in this report.

The Panel is certain that manufacturers of topical antibiotic ointments are aware of the voluminous literature concerning percutaneous absorption of drugs, influence of a vehicle on the release of drugs, and physiological factors influencing release of drugs (high or low sebum content, or denuded verus intact skin). The Panel believes that the previous arbitrary distinction between OTC and prescription topical antibiotic products is not rational. It strongly urges testing of other topical dosage forms (gels, solutions, creams, lotions) for possible OTC use. However, such testing should take into consideration the pharmacokinetic factors discussed above.

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G. WOUND HEALING

Wound healing may be altered by excessive bacterial growth in the damaged tissues (Ref. 1). The manufacturers state that topical antibiotics speed wound healing, presumably by reducing bacterial growth. It is recognized that these terms (such as "speeds healing", or other similar terms) are meant to imply that by reducing excessive bacterial growth in a wound, normal healing is enhanced. It also implies that large numbers of bacteria, or their products in a wound, slow or impede wound healing. There are no good data to indicate that the normal healing time of a clean wound can be altered by an antibiotic cream or ointment. Scientific evidence currently available to the Panel does not sufficiently answer the question of the role of bacteria in minor skin wounds in the normal individual. There is little evidence to support the claims that reduction of the number of bacteria in wounds will shorten dermal and epithelial healing times.

Wound repair rates may vary depending on the number and types of bacteria or their metabolites present in the wound. Some wounds do not heal normally in the presence of some bacteria or bacterial metabolites as demonstrated by Rovee (Ref. 1).

Several studies in the past 10 years have demonstrated the influence of the local wound environment on wound healing in the skin. One of the important variables in epidermal wound healing is the amount of moisture or degree of hydration of the skin. Several investigators have shown that maintaining tissue hydration by the application of plastic film, or other slightly less occlusive dressings, increases epithelial migration and shortens the time necessary for the epidermis to cover the wound when compared with open wounds (Refs. 2 through 5). It appears that ointments that are semiocclusive might also enhance epidermal repair by creating a moist environment in the wound. Whether or not this actually occurs could not be determined from that data submitted.

The panel concludes that the role of an antibiotic ointment in wound repair is still largely unknown.

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H. ANIMAL AND HUMAN MODELS

The study of experimental infections in humans is often impossible, impractical, or dangerous. Therefore, various animal and human models have been developed to study the infection process. Information that can be obtained from models is often useful, particularly in regard to: (1) obtaining information that cannot be derived ethically or practically from clinical trials; (2) predicting appropriate dosage levels for desired responses in clinical trials; (3) determining toxicologic hazards; and (4) performing controlled studies on adequate numbers of subjects to enable significant statistical analysis.

Controlled clinical trials to determine the therapeutic and prophylactic effectiveness of topical antibiotic agents may be difficult for the following reasons: ethical considerations; large size of the study required; cost; logistics; time commitment; and difficulty in patient compliance. Although models have been used historically to determine clinical effectiveness, a careful analysis of limitations associated with models must be made. There are great difficulties involved in drawing inferences from animal models and applying conclusions to human populations. It is necessary to validate model systems and demonstrate that they have predictive ability for human clinical conditions.

In dealing with the use of models of the infection of minor wounds, burns, and abrasions, the differences and similarities of a specific model to the normal infection process can be examined.

1. *Normal human infection process.* a. Streptococci and/or staphylococci occur on the skin at the time of injury, or are often carried there or transmitted from an infected source, such as a biting insect.

b. A lesion occurs on the skin.

c. The lesion provides the environmental situation required to allow the organisms that are present, or have been applied as the lesion is made, to reproduce and invade.

d. An infected lesion results.

e. The organisms causing the infection are present at the time of injury.

2. *Human model as described by Kligman and Marples.* a. The lesion is artificially made on the skin. Time is allowed for healing of the lesion (24 hours).

b. Pathogenic staphylococcal organisms are added to the lesion and allowed to remain for 6 hours before application of antibiotic agents.

c. In some testing situations, the normally occurring flora are allowed to expand for varying times, producing the successive replacement populations before the antibiotic is applied. In some instances, the antibiotic is added after 24-hour healing of the lesion to prevent expansion of the flora (Refs. 1 and 2).

3. *Differences and similarities between natural and induced skin infection.* a. In the natural human infection, there is often a mixed population of pathogens; in the model, only staphylococci or coliforms have been used since the streptococci would be a risk to the subjects.

b. In the model, since there will be residual antibiotic, attempts must be made to neutralize the residual agent.

c. In the model system, the organisms against which the antibiotic is acting are often the normal skin flora consisting of coagulase-negative staphylococci, diphtheroids, and some gram-negatives. In the natural infection, in addition to the normal skin flora, other organisms (from exogenous sources) will likely be the infecting agents. These agents are the specific target of the applied antibiotic.

d. In the model system, organisms and active formulations may be inadvertently transmitted from one lesion to another, since artificially produced lesions may be made at close intervals on the forearm.

4. *Animal models for skin infection.* Several animal models have been used to demonstrate the therapeutic and prophylactic effectiveness of topical antibiotics. In an extensive review of such animal models, Miller (Ref. 3) describes some of these models, including: the production of abscesses in inoculated suture stitches in rats and guinea pigs; a rabbit ear-wound model; infection in inoculated and depilated rat skin; surgical wounds in the rat; a burn model inoculated with *Pseudomonas* in the rat. In addition to rats, guinea pigs, and rabbits, other test animals have included hamsters, mice, dogs, and goats (Refs. 4 through 18). Mice and rats are apparently not particularly good test animals, due to their general resistance to superficial infections.

Work with these animals has not been standardized, and has included a variety of topical antibiotics, dosage forms, experimental techniques, and experimental models. Antibiotic creams, powders, ointments, sprays and solutions have each been tested in only a few of the models. The Panel concludes that no generalizations about effectiveness of topical antibiotics can be made from currently available animal model data.

The Panel also concluded that, of all the animal models reviewed, the impetigo model in hamsters and the wound infection models in guinea pigs appear to be the most promising for testing some aspects of effectiveness of topical antibiotics for OTC use. In the hamster model, impetigo is induced by injecting cultures of *Staphylococcus aureus* or hemolytic streptococci into the dermal layer of the skin (Refs. 4 through 6). This is the only animal model known to the Panel that produces a superficial bacterial infection similar to naturally acquired impetigo in humans. In guinea pigs, wound infections have been produced by inoculating various types of bacteria into surgical incisions in the dorsal interscapular regions (Refs. 7 through 11). The guinea pig wound infection model appears to mimic superficial wound infections in humans (Ref. 9).

The Panel encourages further development of other animal models that may be useful in evaluating topical antibiotics.

5. *Human models for skin infection.* Some studies with human models involve normal skin. Many investigators have observed that normal human skin is very difficult to infect (Ref. 19). Since 1959, numerous investigators have searched for a method that will consistently produce superficial skin infection in humans (Ref. 20). Application of 5 million pathogenic microrganisms to normal intact skin or intact skin previously exposed to ultraviolent light, high humidity, cutting oils, or crude coal tar have failed to induce infection, even when the skin was tightly occluded with polyethylene wrap which favors proliferation of bacteria (Ref. 20). Intradermal injection of pathogenic organisms will also usually fail to induce infection (Ref. 20).

Disruption of the uppermost layers of the skin (stratum corneum and epidermis) through physical or chemical trauma seems to be a necessary prerequisite for producing skin infection in human skin. Many methods of producing trauma have been tried, including sandpapering, scraping with a scalpel, abrasive scrubbing with a pot cleaner, hair plucking, puncturing with a blood lancet, sequential stripping with cellophane tape, and production of blisters with cantharidin or ammonium hydroxide (Refs. 19 through 22). While a physical break in the skin is necessary to establish skin infection, it is obviously not the only factor necessary since many of the above

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techniques have failed to consistently produce infection. Search is still underway to create a model in which a small number of pathogenic organisms will multiply and consistently produce clinical infection (Ref. 21).

In 1970 it was reported that some regions of human skin, particularly the legs, are easier to infect than other regions such as the arms or back. These differences are possibly due to circulatory changes (Ref. 19). The technique used involved stabbing the skin with a blood lancet that contained a drop of pathogenic inoculum of staphylococci or streptococci followed by occlusion of the skin with plastic tape. Superficial infection could be induced 38 percent of the time on the legs but only 15 percent of the time on the back and 13 percent of the time on the arms. Attainment of a 38 percent infection rate on the legs was considered to be highly successful in comparison to that obtained in earlier studies.

In 1972 a human model for superficial infection with *Staphylococcus aureus* was reported by Marples and Kligman using the technique of stripping superficial layers of the skin with cellophane prior to inoculation of organisms (Ref. 21). Repeated stripping removed the stratum corneum completely, revealing a moist glistening surface. A rest period of 24 hours was then allowed, to enable the skin to reestablish some barrier and to prevent bacteria from entering the blood stream. Following this period, staphylococci were applied and the region occluded with plastic film for 24 hours. A bright red, tender, moist area with serosanguineous (blood-tinged) exudate resulted. Simulation of a wound in this way was thought to produce several conditions favoring rapid proliferation of microorganisms: moisture, serum for nutrient, protection from white blood cells by the underlying intact epidermis, and removal of competing microorganisms present in the superficial stratum corneum of the normal skin (Ref. 21). When this model is used, the flora of the skin changes after the occlusive wrap is applied to a lesion. The model could well be used to compare antibiotic agents. However, effectiveness must necessarily be demonstrated in clinical trials because this model system uses normal skin bacteria to demonstrate the activity of the antibiotic. Something more is necessary to make pathogens grow on normal skin than is required to make normal skin bacteria grow (Ref. 23).

The type and number of organisms developing successively after the hydrating occlusive wrap is applied generally proceeds as follows: The coagulase-negative staphylococci grow in the first 48 hours expanding from 10^4 to 10^7 per square cm; by 1 week, the flora has become predominately diphtheroids. Some gram-negatives occur at the end of 1 week but do not usually predominate.

6. *Uses of the human model.* The human model has been used in several ways to study antimicrobial agents such as:

a. *Expanded flora test.* The test can evaluate broad spectrum antibiotic activity against large numbers of both gram-positive and gram-negative organisms induced by pretreatment occlusion. The expansion of flora that normally occurs when an occlusive wrap is applied to the skin is inhibited. This test differs from the occlusion test only in that plastic wrap is applied for 48 hours prior to application of antibiotic solutions. To be considered effective, a test material must destroy 99 percent of microorganisms. Bacterial counts will be consistently low only if the antibiotic is active against both gram-positive and gram-negative organisms. Only bacitracin and chloramphenicol were found to be effective at the 0.01 percent concentration level, while neomycin was effective at 0.1 percent and chlortetracycline was effective at 1.0 percent concentrations (Ref. 22).

b. *Occlusion test.* The test primarily estimates the bacteriostatic activity of an antibiotic against gram-positive microorganisms found on normal skin, showing how well the agent prevents a small number of bacteria from rapidly proliferating. Lesions are produced either by stripping with cellophane tape or by application of ammonium hydroxide, followed by inoculation with pathogenic organisms (usually staphylococci) and then covered with occlusive wrap. Lesions may be treated with a test compound after inoculation, and then inhibition of growth is observed or rapidity of healing is judged. In this test, solutions of antibiotics in water or alcohol were applied to 5-cm skin squares which were then occluded for 48 hours. Bacitracin, neomycin, and chloramphenicol were found to be markedly inhibiting at the 0.01 percent concentration (Ref. 22).

c. *Persistence test.* The test determines the reservoir effect of the antibiotic, or its ability to bind to the stratum corneum to give a prolonged effect (Ref. 22). In this test, 1 percent solutions of antibiotics were applied 3 times daily for 3 days to a 5-cm square on the forearm. After 3 days, these areas were occluded for 24 hours and then sampled for bacteria. Occlusion allows bacterial growth in the presence of the specific antibiotic being tested. The persistence of antimicrobial activity after application on the skin extends the time over which an antibiotic can exert an effect on a bacterial cell. This test is one means of measuring this characteristic in a human model.

d. *Reduction of expanded flora produced by occlusive wrapping of the site.* The inhibition of the expanded flora can be observed by application of antibiotics after sufficient time period of occlusion with the wrap. Prevention of expansion of the flora can also be used to test antibiotic activity. Antibiotic is applied to the wound or test site, and after continued occlusion, the inhibition of expansion of the flora is observed (Ref. 21). A cream containing neomycin and gramicidin was found to have eliminated staphylococci from most lesions when cultures of lesions were done 18 hours after the antibiotics was applied. Similar studies using this model have been performed with polymyxin, bacitracin, and a mixture of polymyxin and bacitracin showing that the combination polymyxin-bacitracin ointment was much more effective than either ingredient alone in preventing infections with mixed inoculum containing *Staphylococcus aureaus* and *Escherichia coli* (Ref. 24). A similar model, in which the stratum corneum was removed by producing blisters with ammonium hydroxide rather than by stripping, was described to the Panel (Ref. 24).

The method has been applied to the preliminary testing of topical antibiotics for prophylaxis, using the intact human skin of the forearm (Ref. 22). The forearm was wrapped with occlusive plastic film for 48 hours either before, during, or following application of topical antibiotic to determine the ability of the antibiotic to supress bacterial proliferation stimulated by the moist, warm environment of occlusion. Various concentrations of antibiotics were used, including 0.01, 0.1, and 1.0 percent concentrations of bacitracin, neomycin, chloramphenicol, and chlortetracycline. Immediately after removal of the plastic film, bacterial sampling of test areas was performed using the cup-scrubbing method with a detergent scrub to facilitate sampling.

To be useful and to draw valid conclusions, the similarities and dissimilarities of this or any model to the human infection must be examined.

7. *Summary.* The Panel believes that the results of studies with both animal and human models can serve useful and important purposes. However, they have also concluded that careful attention should be paid to the variables that may dramatically influence the results and therefore their applicability to clinical conclusions.

a. *Animal models.* Review of the current literature suggests, and the Panel concurs, that hamsters and guinea pigs are satisfactory experimental animals in which to consistently produce skin infection. The models discussed above appear to provide reliable test systems for evaluating both therapeutic and prophylactic effectiveness of topical antibiotics. Care must be taken, however, in comparing test results obtained in different species.

The Panel recommends that attempts be made to standardize the following variables in animal models:

(1) Location of contaminated wounds.
(2) Depth of incision.
(3) Type and quantity of inoculum.
(4) Method of inoculation.
(5) Time between inoculation and treatment.
(6) Method of culturing.
(7) Technique of treatment.
(8) Method of wound closure.
(9) System of grading infections.

The above are suggestions that should be considered. See sections under individual antibiotics and/or combinations thereof for required testing described elsewhere in this document.

In working with prophylactic surgical wound models, effort should also be made to avoid leaving necrotic tissue, foreign bodies, dead space, or hematomas that might interfere with wound healing.

b. *Human models for treatment and prophylaxis.* Review of the current literature and of unpublished data presented to the Panel leads the Panel to believe that a few satisfactory and safe model systems presently exist for producing experimental superficial infection in human skin. Successful models require disruption of the uppermost layers of the skin through either cellophane tape stripping or ammonium hydroxide blister formation.

Prophylactic effectiveness can also be evaluated using the same model by inserting a topical antibiotic into the test system between the time of bacterial inoculation and the usual appearance of clinical lesions.

A second model for testing prophylactic effectiveness includes the use of plastic wrap occlusion on normal forearm skin to induce bacterial proliferation. Application of various concentrations of antibiotic before, during, or after occlusion helps indicate the bacteriostatic and bactericidal effectiveness of a test product against both gram-positive and gram-negative microorganisms.

The Panel recognizes that no single test system can possibly encompass all therapeutic and prophylatic applications for which OTC topical antibotics are designed. Separate protocols will have to be designed to consider such variables as antibacterial spectrum and duration of antibiotic action. The Panel concludes, however, that existing or comparable model test systems in humans might be utilized in such a way that they will help to screen and validate the effectiveness of those antibiotic agents that might usefully be further tested in clinical studies.

c. *Clinical studies.* The final appraisal of topical antibiotic effectiveness must take place in a clinical setting under circumstances conforming as closely as feasible to actual circumstances in the community, and must adhere to accepted ethical standards. Animal and human models may lessen the need for extensive, time-consuming, expensive clinical trials on agents that are found to be ineffective in the model system. The Panel expects that, at a minimum, adequate clinical studies would be conducted to confirm and validate the results of model studies (if performed). For example, a small, closed population could probably be found in which the infection rate of small wounds could be determined. With adequate controls and experimental design, it could then be demonstrated whether the application of a topical antibiotic alters the normal infection rate.

A variety of strategies is available to limit the number of subjects in these clinical studies, including sequential designs and use of artificially induced wounds in volunteers (Ref. 25). It is suggested that prophylactic clinical trails in humans not be initiated unless there is sufficient evidence to suggest that they will show a beneficial effect from the tested products.

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I. SAFETY OF TOPICAL ANTIBIOTICS

1. *Rationale for determination of safety factors.* Data necessary to fully assess either benefit or risk were not provided to the Panel. However, with the possible exception of neomycin, the Panel believes topical antibiotics would provide a minimal risk to the user when applied to small wounds. The Panel is aware that these preparations are intended by the manufacturer for use on small cuts, burns, and abrasions. If use in actual practice were restricted to such application, the risk from application of topical antibiotics would be minimal. However, the Panel is concerned about the misuse of OTC topical antibiotics, such as application to diaper rashes, extensive heat rashes, burns, and stasis ulcers. The absorption of significant amounts of antibiotics from certain formulations on large burns is known to occur (Ref. 1). Misuse of these products increases the risk to the patient.

Even if one assumes the risk is small, the assessment of benefit of the submitted topical antibiotic preparations is a difficult task. The Panel recognizes that topical antibiotics are often used for treatment, rather than prevention, of infection by the lay public. Therefore, the Panel divided its assessment of benefit into two categories of use: prophylactic and therapeutic.

In considering the concept of a benefit-to-risk judgment, the Panel discussed safety factors as a desirable means of arriving at an assessment of the risk. In general, the Panel endorses the statement on safety factors for topically applied antimicrobial agents as recommended by the OTC Antimicrobial I Drug Review Panel published in the FEDERAL REGISTER of September 13, 1974 (39 FR 33112). This proposal recommends a 100-fold safety factor in the applied dose.

The Panel considered the problem of testing the safety of topical preparations in animals and extrapolating the results to human use. It is difficult to obtain comparable absorption characteristics or tissue drug levels from topical studies

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in animals and man. The use of the blood level of the drug or its metabolite(s) may simplify this evaluation. Toxic responses can be obtained by systemic dosing that produces relatively high blood levels. If necessary, the range of blood levels produced after topical application should be determined experimentally in man and animal. The Panel expects that in most cases the lowest drug or metabolite blood level and the highest blood level found after topical application will differ and thus help establish the safety of the product.

Blood levels of antibiotics in animals can be used in the overall evaluations of "effect levels" (lowest dose that produces a toxic effect) /"no-effect levels" (highest dose that produces no toxic effect). The effect/no-effect dose levels are the result of several interrelated mechanisms: (1) absorption rate from the site of application, (2) metabolism by enzymes, (3) distribution and storage in the tissues and (4) excretion.

The Panel has concluded that it is imperative to determine safety factors from the "effect" and "no-effect" blood levels in appropriate species of animals. This may be done by direct administration of antibiotics into the blood where feasible, or by determination of blood levels after administration by another route. Following such a direct determination, blood levels after topical application should be determined in order to assess absorption factors and rates, metabolism rates, and excretion rates in case there are wide variations between topical absorption and absorption from other routes of administration in animals.

Extrapolation of the animal safety data into realistic terms for determining safe human use is one of the most complex and inexact procedures. One purpose in obtaining animal safety data is to determine the lowest concentration causing toxic effects. Studies should be conducted to determine the highest blood levels achievable in man from maximum exposure to topical application. If the blood level in man is significantly less than the toxic levels in animals, the antibiotic product may be judged safe. The Panel recognizes that the term "significantly less than the toxic blood level" is not definitive, but a meaningful, numerical factor cannot be assigned for an antibiotic or any other chemical until a complete toxicological profile has been established for that chemical. There are many factors that go into a toxicological response to a chemical that may prevent adequate definition of "significant", including metabolic rates, whether damage to a tissue is cumulative, repair rates of any damage, rate of exposure, and others. Therefore, the Panel would only recommend that the blood level of an antibiotic be significantly less than the toxic blood level and, at the time the judgment is made, all available factors be used to assess the significance in the difference in blood level.

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2. *Additional safety factors.* It is recognized that in some cases the blood concentrations resulting from short term topical application of a product may be far less than that which produces overt toxicity. However, blood levels are affected both by concentration and length of exposure. Therefore, all that is needed is a study that will clearly define the order of magnitude of the differences in blood levels and durations of exposure.

In those cases where there appears to be a problem, as for example, neomycin, the following tests would be recommended: appropriate dose response studies in animals, designed to determine the lowest blood level and minimum duration of exposure to an antibiotic that will cause a toxic reaction. These studies should determine both the LD_{50} and slope characteristics of a dose response curve for the most sensitive toxic effect. Parenteral administration of the antibiotic is appropriate for these studies. Both the release of the antibiotic from the topical formulation proposed, and the amount absorbed, should be determined in animals and humans.

From the tests mentioned above, the "effect levels" (lowest dose that produces a toxic effect) and the "no-effect levels" (highest dose that produces no toxic effect) in animals, can be determined as well as the blood level associated with normal human exposure. Comparison of these values allows estimation of any potential risk.

In vitro susceptibility testing. When an antibiotic is prescribed for parenteral or oral administration, a clinical specimen, e.g., urine, blood, or other specimen is taken and cultured to isolate bacteria and perform a series of susceptibility tests to determine what antibiotic is appropriate. As the use of topical antibiotics has developed, attempts to cover most types of organisms that may cause topical or superficial infections have been made. Frequently, this is done by combining more than one antibiotic in a formulation. As a consequence, when a topical infection is diagnosed, the assumption is made that one of the antibiotics is active against the infecting organism. The result of this procedure is that cultures and susceptibility testing are rarely done by the clinician. However, adequate testing procedures are necessary if controlled clinical studies are performed. One essential requisite of a controlled study of topically applied antibiotics is the proper performance of susceptibility testing.

In vitro susceptibility testing of clinical isolates from infected tissues to antibiotics is commonly performed on specimens from systemic infections and more rarely on specimens from superficial or topical infections.

This testing procedure most often determines, in a tube of liquid agar medium or an agar plate, whether the organism from the site of infection (clinical isolate) is susceptible to (can be killed or inhibited by) the concentration of antibiotic that is found in the blood or in the specific tissue being treated. after administration of the dose of the antibiotic drug. Organisms that are not susceptible to this specified concentration are said to be resistant.

As it became obvious that some organisms were resistant or became resistant to antibiotics, mechanisms for determining the degree of resistance were developed. The basic procedure is to use a standardized inoculum against serial dilutions of the antibiotic. This is often time-consuming so it has been simplified by using a standardized inoculum seeded on the petri plate onto which is placed a paper disc containing a specific quantity of antibiotic. A specific zone diameter measured on the plate can be used as a predictor of the minimal inhibitory concentration.

As the procedures for performing susceptibility tests were widely adopted, both the dilution and the disc procedures were increasingly used to predict susceptibility to specific antibiotics. As the number of antibiotics to be tested expanded greatly, not only did the number of discs greatly increase, but in some cases, both high and low content discs were used.

As a result of several collaborative studies, to avoid the confusion of previous methods, a uniform disc procedure was adopted. This currently accepted procedure is referred to as the Official Susceptibility Testing Procedure and is identified in the regulations as the certification procedure for antibiotic sensitivity discs (21 CFR 460.1).

The central concept of this proposal is that only one disc is chosen to represent, and therefore predict, the susceptibility of a specific isolate to a family of antibiotics. The selection of the specific disc and content of antibiotic was carefully done and was based on large amounts of computer-generated data.

The Panel has recognized that cultures are not routinely taken, identified, or tested for susceptibility in superficial infections. If they are performed, the Panel concludes that the official susceptibility testing procedure mentioned above should be utilized.

The Panel also recognizes that other procedures—including automated tube dilution (serial) determination of minimal inhibitory concentrations, the use of laser beams, or use of radioactive substrates—are being developed for susceptibility testing.

3. *Incidence of complaints.* It has been argued that because of the low incidence of consumer complaints, it can be concluded that OTC topical antibiotics are safe and effective. Consumer complaints reaching pharmaceutical manufacturers concerning adverse reactions or lack of effectiveness of a product are often collected and studied. The number of such complaints, compared to the total number of product units sold, is reported as a ratio of adverse reactions per million product units sold. Industry traditionally regards the "incidence" of complaints as a sensitive index of both product safety and consumer acceptance of a product. If complaints about a product become too numerous, the product may be withdrawn from the market.

However, although adverse reactions voluntarily reported to manufacturers have some utility, they suffer from the following deficiencies:

a. The actual number of adverse drug reactions occurring is not known, i.e., the amount not reported is not available.

b. It is not always clear if the reaction is linked to the agent by the user, particularly if the reaction is delayed or unusual.

c. Persons may not be motivated to write letters of complaint, or may not know where to write.

d. No central registry combining reports of all manufacturers has been established:

e. In addition to incomplete ascertainment of the incidence of complaints, there is also lack of knowledge of the size of the population at risk, which often can only be estimated using sales data.

f. Validation of the reports is usually not carried out.

Nevertheless, serious and very frequent adverse drug reactions may be recognized by these systems although accurate quantification by means of incidence rates is impossible.

For topical antibiotics, the overall "incidence" of adverse reaction complaints recieved by industry is extremely low, calculated to be 0.68 per million units sold, with variation between products of 0.11 to 1.75 per million. The overall incidence of complaints concerning lack of effectiveness is 0.12 per million, ranging from 0.07 to 0.28 per million. Most complaints have referred to a "stinging" or "irritation." Poison control statistics for the years 1968–1973 have revealed 1,841 inquiries per year concerning ingestion of topical antibiotic products by children, with no serious injury or need of hospitalization (Ref. 1). Although pharmaceutical manufacturers realize that not all consumer complaints are reported, they still consider topical antibiotics to have a remarkably good record of safety and effectiveness.

However, the Panel suspects that most consumers and physicians do not take either the time or effort to report adverse reactions or treatment failures from OTC drug products to the manufacturers.

REFERENCE

(1) Transcripts of open session of Antimicrobial II Panel, May 16, 1975.

J. LABELING OF OTC TOPICAL ANTIBIOTIC PRODUCTS

The Panel reviewed the general and specific labeling requirements previously adopted by FDA for OTC topical antibiotic preparations (21 CFR 369.20). These requirements provide for labeling information concerning the identity of ingredients, directions for use, and general and specific warnings. The Panel concurs that these requirements are appropriate for OTC topical antibiotic preparations and the labeling is discussed below.

After review of all labels of OTC topical antibiotic preparations submitted, the Panel recommends the following:

1. *Indications.* The indications for use of a topical antibiotic preparation should be simple and clearly stated. If the product is used for specific indications, such as first-aid in small superficial skin wounds including cuts, abrasions, and burns, the label should so state. The directions for use should provide the user with a reasonable expectation of the results anticipated from use of the product. Statements of indications for use should be specific and confined to the conditions the product is recommended for, such as small and superficial skin wounds, cuts, or abrasions. No reference should be made, or implied, regarding the alleviation or relief of symptoms unrelated to the indication (condition) for use of the product, e.g., hand eczema, leg ulcers, diaper rash, and extensive burns.

Effectiveness must be defined without vague or unsupported claims. Phrasing that promises general benefits such as improved healing, or warns against the hazards of superficial skin wounds, is unproven and thus unacceptable. Undocumented claims that topical antibiotics aid or hasten healing are not supported by present scientific evidence and thus are not acceptable.

The Panel recognizes that certain treatment claims for skin wound antibiotics may be proposed for labeling, following completion of studies to establish prophylactic and therapeutic effectiveness. One such conceivable claim would be "for the prevention and treatment of impetigo." The Panel concludes that such a claim would be acceptable, but only after the effectiveness of a topical antibiotic for this claim has been conclusively established in controlled, double-blinded studies, as outlined elsewhere in this document.

2. *Ingredients.* Topical antibiotic products should contain only active ingredient(s), plus such inactive ingredients as are necessary for formulation. While the label should state in metric units the quantity of each active ingredient, this is not always a simple task with topical antibiotics. References are made in this document to activity or potency in terms of units and micrograms (mcg). The activity assigned to each unit or mcg is equivalent to an International Unit if such has been defined by the World Health Organization. The units of potency set forth in the United States Pharmacopeia, except in a few instances, are identical to the International Units. The terms applied to the antibiotics reviewed in this document, as to the activity (potency) assigned or contained in a specific amount of a standard, are defined in the discussion of specific antibiotics. In some cases, the FDA units have been equivalent to an International Unit for the same antibiotic and in others, not. Both bacitracin and polymyxin B are defined in terms of units, while most other antibiotics are defined in terms of micrograms.

The Panel strongly recommends that all inactive ingredients be listed since the consumer may need this information for a variety of reasons. However, the product should not be promoted for therapeutic claims on the basis of its inactive ingredients. The label should indicate which ingredients are the inactive ones.

3. *Directions for use.* The label should read: "After gentle washing, apply a small amount (an amount equal to the surface area of the tip of a finger) directly to the affected area and cover with sterile gauze if desired. May be applied 1 to 3 times daily."

4. *Warnings.* The Panel has reviewed the current regulation (21 CFR 369.20) regarding labeling of antibiotics for external use for prevention of infection which states:

Caution—In case of deep or puncture wounds or serious burns consult physician. If redness, irritation, swelling, or pain persists or increases or if infection occurs, discontinue use and consult physician. Do not use in the eyes.

The use of topical antibiotic preparations "in deep puncture wounds" is of special concern to the Panel. Therefore, the Panel endorses this warning and the prohibition of use. The reason for this is that it is extremely difficult to place the antibiotic into the recesses of such a wound. In fact, it would be strictly a topical application and the patient may be lulled into a false sense of security. Additionally, the Panel strongly recommends that deep puncture wounds should be treated by a physician so that adequate protection against tetanus may be achieved.

Labels of topical antibiotic preparations should also specifically state:

a. "Do not use on long-standing skin conditions such as leg ulcers, diaper rash or hand eczema."

b. "If itching, redness, swelling, or pain develops or increases, it may be a sign of infection or alergy. Stop use and see a physician." To avoid redundancy, this phrase may be merged with the broader caution set forth above under item a.

c. "Do not use longer than 1 week."

The reason for this last recommendation is that most small, superficial skin wounds including burns, cuts, and abrasions will heal almost completely within 1 week. The Panel is concerned that continued use of a topical antibiotic preparation on an unhealed lesion may delay diagnosis and treatment of a more serious skin disease, e.g., a spreading deep bacterial infection, or a wound contaminated with foreign debris such as glass.

5. *Category II labeling.* The Panel concludes that the use of some labeling claims are unsupported by scientific data and, in some instances, by sound theoretical reasoning. The following phrases are misleading and confusing to the consumer and unacceptable for labeling of skin wound protectants and antibiotics for skin wound treatment:

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a. *"Helps kill bacteria."* Unless determination of the antibacterial properties of the specific antibiotic are made with obective in vitro or in vivo testing, claims of activity must not be made. Qualification of whether the activity is helped or not is misleading.

b. *"Is not an uncommon sensitizer."* The Panel believes the phraseology used in the above claim is extremely confusing. Due to the use of a double negative, the average consumer could possibly interpret this statement to mean a drug that commonly sensitizes or, conversely, one that never sensitizes.

Since the intent of this Panel is to assure clarity in the meaning of these claims and since the phrase mentioned above is confusing and vague, the above claim will be considered misleading.

c. *"Antiseptic."* Within the scientific community, and also as set forth and published in the FEDERAL REGISTER of September 13, 1974 (39 FR 33114), the term "antiseptic" is defined. These are often synthetic chemicals, often used in fairly high concentration, which have antimicrobial activity and in use prevent infection. In contrast, an antibiotic is defined as a chemical derived from a microorganism that has antimicrobial activity in low concentrations and may be used to prevent or treat infection. The Panel is concerned, as it attempts to set standards in this area, that terms and claims not be ambiguous or have dual meanings. This is the case with the term antiseptic, which should refer only to synthetic chemicals and should not be used to refer to antibiotics.

d. *"Aids, speeds, helps, augments, or hastens healing" (or any term or phrase that suggests that there can be decreased healing time from application of an antibiotic-containing product on various cuts, wounds, or abrasions).* These claims imply to the consumer that antibacterial products may play a primary role in the healing process and can shorten healing time. However, they generally act only to remove high numbers of pathogenic microorganisms from the wound that might slow the healing process. This action allows the body's healing processes to follow their normal course. Probably no ingredients reviewed directly improve healing as the claims imply; therefore, the Panel concludes these or similar phrases are not only false but also misleading.

6. *Classification of topical antibiotics.* The Panel reviewed all active ingredients that were the subject of submissions made to the Panel pursuant to the standards for safety, effectiveness, and truthful labeling set out in the OTC drug review regulations (21 CFR 330.10).

In accordance with the regulations, the Panel's findings with respect to these ingredients are set forth in three categories:

Category I. Conditions under which topical antibiotic products are generally recognized as safe and effective and are not misbranded.

Category II. Conditions under which topical antibiotic products are not generally recognized as safe and effective or are misbranded.

Category III. Conditions for which the available data are insufficient to permit final classification at this time.

The following classification of topical antibiotic ingredients as skin wound protectants or skin wound antibiotic preparations (see table below) was developed by the Panel in an attempt to simplify categorization of ingredients and eliminate labeling confusion:

Summary of findings for topical antibiotics—Categorization

Antibiotic ingredient (used alone)	Skin wound protectant	Skin wound antibiotics	Susceptible bacteria
Bacitracin	I	III	Gram-positive.
Gramicidin [1]	III	III	Do.
Neomycin [2]	III	III	Gram-positive and some gram-negative.
Polymyxin B [1]	I	III	Gram-negative.
Tetracyclines.	I	III	Gram-positive and some gram-negative.

[1] Toxicological data are insufficient to permit final classification.
[2] Sensitization data are insufficient to permit final classification.
[3] Only to be allowed in combination products containing other antibiotics since, when used alone, may provide selective growth of gram-positive bacteria.

III. SKIN WOUND PROTECTANTS

A. GENERAL DISCUSSION

The Panel has determined that a given antibiotic ingredient may be in Category I for one set of conditions or label claims and in Category III for another set of conditions or label claims.

The antibiotics specified as Category I for use as a skin wound protectant are generally recognized to be safe and effective for this use. A skin wound protectant is a safe, nonirritating preparation applied to small cleansed wounds which provides a protective physical barrier, conforming to the barrier testing for skin wound protectants described in the FEDERAL REGISTER of September 13, 1974 (39 FR 33140), and may also include a chemical (antibiotic), which neither delays healing nor favors the growth of microorganisms. For example, the Panel visualizes that a skin wound should be gently cleansed as the initial treatment by the patient as soon after the wound occurs as possible. Following this, an antibiotic preparation in ointment form may be placed on the wound to prevent contamination with extraneous matter, including bacteria. The action of the preparation is one of a physical barrier. The role of the antibiotic in such a preparation is to aid the vehicle in its protective function. If extraneous matter contacting the protectant antibiotic preparation contains bacteria, the product will protect from further contamination of the wound and help prevent microbial proliferation. Such a preparation should not encourage the growth of organisms.

The Panel believes that claims for prevention of infection or treatment of infection have not been adequately demonstrated. Note that in the use described as skin wound protectant, the Panel attempted to differentiate between protection against bacterial contamination and infection. The Panel agrees that infection cannot occur without bacterial contamination, but the latter may occur without the former.

An antibiotic added to a product labeled as a skin wound protectant may contribute to the effectiveness by preventing the contamination of a wound with organisms introduced from the environment or by preventing the growth of organisms in the formulations. The Panel recognizes that the same antibiotic in a formulation labeled for prophylaxis or treatment of skin wounds would also have these attributes, but in addition, clinical effectiveness for these indications must be demonstrated prior to labeling of these products for Category I.

B. CATEGORIZATION OF DATA

1. *Category I conditions under which topical antibiotic ingredients are generally recognized as safe and effective as skin wound protectants and are not misbranded.*

Category I active ingredients. The active ingredients generally recognized as safe and effective for use as skin wound protectants and not misbranded are:

Bacitracin
Polymyxin B sulfate
Tetracyclines:
- Chlortetracycline hydrochloride
- Oxytetracycline hydrochloride
- Tetracycline hydrochloride

a. *Bacitracin.* The Panel concludes from its review of the toxicity data in the literature and the submissions to the Panel that bacitracin is safe and effective for topical use in small superficial wounds as a skin wound protectant. Potency (activity) of bacitracin consists of three parts: the unit of potency, which is contained in 13.51 mcg of the bacitracin master standard as specified in 21 CFR 430.6(a)(2); the potency of the bulk antibiotic, which is not less than 40 units of bacitracin per mg as specified in 21 CFR 448.10a(a)(1)(i) (a proposal has been published in the FEDERAL REGISTER of July 16, 1976 (41 FR 29413) raising the potency for topical use to 50 units per mgm); and at least one example of the potency in a finished ointment dosage form, which in this case is 500 units of bacitracin per gm of finished dosage form when formulated into a topical dosage form, as specified in 21 CFR 448.510a(a)(1). The reader is referred to the discussion of bacitracin as a skin wound antibiotic under Category III. (See part IV. paragraph B.3.a. below—Bacitracin.)

(1) *Dosage.* Topical ointment dosage, for both adults and children, should be not less than 500 units of bacitracin per gm of finished ointment dosage form. The amount applied should be sufficient to cover the affected area with a thin layer, not more than 0.5 gm (an amount equal to the surface area of the tip of a finger), 1 to 3 times daily with no maximum daily dosage.

(2) *Labeling.* The Panel recommends the Category I labeling for skin wound protectant ingredients. (See part III. paragraph B.1. below—Category I Labeling.)

b. *Polymyxin B sulfate.* The Panel concludes from its review of the toxicity data in the literature and the submissions to the Panel that polymyxin B sulfate is safe and effective when used in combination with other Category I OTC topical antibiotics for topical use in small superficial wounds as a skin wound protectant. Potency (activity) of polymyxin B consists of three parts: the unit of potency, which is contained in 0.1274 mcg of the polymyxin B master standard as specified in 21 CFR 430.6(a)(4); the potency of the bulk antibiotic, which is not less than 6,000 units of polymyxin B per mg of polymyxin B sulfate on an anhydrous basis, as specified in 21 CFR 448.30a(a)(1); and at least one example of the potency in a finished ointment dosage form in combination with other antibiotics, as specified in 21 CFR 444.542e, which contains polymyxin B sulfate at a variety of potency levels, but generally in the 4,000 to 5,000 unit per gm range (there are no dosage forms certified for polymyxin B sulfate as a single ingredient other than as a urethral irrigant).

It must be recognized that polymyxin B sulfate has a very limited antimicrobial spectrum, which does not include the gram-positive staphylococci or streptococci which commonly infect superficial skin wounds. It should be fully understood that the Panel concludes that polymyxin B sulfate should not be used alone as a single ingredient in a topical preparation for skin wounds, since it may allow selective growth of gram-positive bacteria. This is discussed in the combination section elsewhere in this document. (See part V. paragraph B. below—Classification of Combination Products.) When combined with other antibiotics, polymyxin B sulfate may significantly broaden the spectrum of antimicrobial activity of the product and increase the barrier effect against microorganisms. Despite reports of renal toxicity resulting from injections of polymyxin B sulfate (Ref. 1), the Panel can find no evidence to suggest toxicity from absorption of polymyxin B sulfate through the skin. The reader is referred to the discussion of polymyxin B sulfate as a skin wound antibiotic under Category III. (See part IV. paragraph B.3.d. below—Polymyxin B.).

(1) *Dosage.* Topical ointment dosage, for both adults and children, should be 4,000 to 5,000 units of polymyxin B per gm of finished ointment dosage form when used in combination. The amount applied should be sufficient to cover the affected area with a thin layer, not more than 0.5 gm (an amount equal to the surface area of the tip of a finger), 1 to 3 times daily with no maximum daily dosage.

(2) *Labeling.* The Panel recommends the Category I labeling for skin wound protectant ingredients. (See part III. paragraph B.1. below—Category I Labeling.)

REFERENCE

(1) Weinstein, L., "Antimicrobial Agents: Miscellaneous Antibacterial Agents; Antifungal and Antiviral Agents," in "The Pharmacological Basis of Therapeutics," 5th Ed., Edited by Goodman, L. S. and A. Gilman, The Macmillan Co., New York, p. 1232, 1975.

c. *Tetracycline preparations (chlortetracycline hydrochloride, oxytetracycline hydrochloride, tetracycline hydrochloride).* The Panel concludes fom its review of the literature and submissions to the Panel that tetracycline preparations are safe and effective for topical use as a skin wound protectant for small, superficial wounds.

Potency (activity) of chlortetracycline hydrochloride consists of three parts: the unit of potency, which is contained in 1.0 mcg of the chlortetracycline master standard as specified in 21 CFR 430.6(b)(3); the potency of the bulk antibiotic, which is not less than 900 mcg chlortetracycline per mg of chlortetracycline hydrochloride as specified in 21 CFR 446.10a(a)(1); and at least one example of the potency in a finished ointment dosage form in combination with other antibiotics, as specified in 21 CFR 444.542e, which contains polymyxin B sulfate at a variety of potency levels, but generally in the 4,000 to 5,000 unit per gm range (there are no dosage forms certified for polymyxin B sulfate as a single ingredient other than as a urethral irrigant).

It must be recognized that polymyxin B sulfate has a very limited antimicrobial spectrum, which does not include the gram-positive staphylococci or streptococci which commonly infect superficial skin wounds. It should be fully understood that the Panel concludes that polymyxin B sulfate should not be used alone as a single ingredient in a topical preparation for skin wounds, since it may allow selective growth of gram-positive bacteria. This is discussed in the combination section elsewhere in this document. (See part V. paragraph B. below—Classification of Combination Products.) When combined with other antibiotics, polymyxin B sulfate may significantly broaden the spectrum of antimicrobial activity of the product and increase the barrier effect against microorganisms. Despite reports of renal toxicity resulting from injections of polymyxin B sulfate (Ref. 1), the Panel can find no evidence to suggest toxicity from absorption of polymyxin B sulfate through the skin. The reader is referred to the discussion of polymyxin B sulfate as a skin wound antibiotic under Category III. (See part IV. paragraph B.3.d. below—Polymyxin B.).

(1) *Dosage.* Topical ointment dosage, for both adults and children, should be 4,000 to 5,000 units of polymyxin B per gm of finished ointment dosage form when used in combination. The amount applied should be sufficient to cover the affected area with a thin layer, not more than 0.5 gm (an amount equal to the surface area of the tip of a finger), 1 to 3 times daily with no maximum daily dosage.

(2) *Labeling.* The Panel recommends the Category I labeling for skin wound protectant ingredients. (See part III. paragraph B.1. below—Category I Labeling.)

c. *Tetracycline preparations (chlortetracycline hydrochloride, oxytetracycline hydrochloride, tetracycline hydrochloride).* The Panel concludes fom its review of the literature and submissions to the Panel that tetracycline preparations are safe and effective for topical use as a skin wound protectant for small, superficial wounds.

Potency (activity) of chlortetracycline hydrochloride consists of three parts: the unit of potency, which is contained in 1.0 mcg of the chlortetracycline master standard as specified in 21 CFR 430.6(b)(3); the potency of the bulk antibiotic, which is not less than 900 mcg chlortetracycline per mg of chlortetracycline hydrochloride as specified in 21 CFR 446.10a(a)(1); and at least one example of the potency in a finished ointment dosage form, which in this case is not less than 1 mg of chlortetracycline hydrochloride per gm of finished ointment, as specified in 21 CFR 446.510a(a)(1).

Potency (activity) of oxytetracycline hydrochloride consists of three parts: the unit of potency, which is contained in 1.13 mcg of the oxytetracycline master standard as specified in 21 CFR 430.6(b)(24); the potency of the bulk antibiotic, which is not less than 835 mcg of oxytetracycline per mg of oxytetracycline hydrochloride on an anhydrous basis as specified in 21 CFR 446.67a(a)(1); and at least one example of the potency in a finished ointment dosage form, which in this case is not less than 30 mg of oxytetracycline per gm of finished ointment, as specified in 21 CFR 446.567b(a)(1).

Potency (activity) of tetracycline hydrochloride consists of three parts: the unit of potency, which is contained in 1.0 mcg of the tetracycline master standard as specified in 21 CFR 430.6(b)(5); the potency of bulk antibiotic which is not less than 975 mcg of tetracycline per mg of tetracycline hydrochloride as specified in 21 CFR 446.80(a)(1); and at least one example of the potency in a finished ointment dosage form, which in this case is not less than 15 mg of tetracycline hydrochloride per gm of an ointment as specified in 21 CFR 446.581a(a)(1).

The reader is referred to the discussion of tetracycline preparations as antibiotics for skin wound treatment under Category III. (See part IV. paragraph B.3.e. below—Tetracyclines (chlortetracycline hydrochloride, oxytetracycline hydrochloride, tetracycline hydrochloride).)

(1) *Dosage.* Topical ointment dosage, for both adults and children, should be not less than 1 mg of chlortetracycline hydrochloride per gm of finished ointment dosage form, not less than 30 mg of oxytetracycline per gm of finished ointment dosage form and not less than 15 mg of tetracycline hydrochloride per gm of finished ointment dosage form. The amount applied should be sufficient to cover the affected area with a thin layer, not more than 0.5 gm (an amount equal to the surface area of the tip of a finger), 1 to 3 times daily with no maximum daily dosage.

(2) *Labeling.* The Panel recommends the Category I labeling for skin wound protectant ingredients. (See part III. paragraph B.1. below—Category I Labeling.)

Category I labeling. The Panel recommends the following Category I labeling for topical skin wound protectant active ingredients to be generally recognized as safe and effective and not misbranded. Any phrase that is in the definition for that product category or any of the following additional terms may be used:

a. *Indications.* (1) "First-aid product."
(2) "First-aid for small (minor) cuts, abrasions, and burns."
(3) "Protects wounds."
(4) "Protectant."
(5) "Protectant for small (minor) cuts, abrasions, and burns."
(6) "Protects against wound contamination."

b. *Directions for use.* The labeling shall state: "After gentle washing, apply a small amount (an amount equal to the surface area of the tip of a finger) directly to the affected area and cover with sterile gauze if desired. May be applied 1 to 3 times daily."

c. *Warnings.* (1) *"Caution:* In case of deep or puncture wounds or serious burns see a physician."
(2) "Do not use longer than 1 week."
(3) "If itching, redness, swelling, or pain develops or increases, it may be a sign of infection or allergy. Stop use and see a physician."
(4) "Do not use in the eyes."
(5) "Do not use on long-standing skin conditions such as leg ulcers, diaper rash, or hand eczema."

2. *Category II conditions under which topical antibiotic products are not generally recognized as safe and effective or are misbranded.*

Category II active ingredients. None listed.

Category II labeling. The Panel concludes that the use of some labeling claims are unsupported by scientific data, nor in some instances by sound theoretical reasoning, and are discussed elsewhere in this document. (See part II. paragraph J.5. above—Category II Labeling.) The Panel classifies the following as Category II labeling claims for skin wound protectant ingredients:

a. "Helps kill bacteria."
b. "Is not an uncommon sensitizer."
c. "Antiseptic."
d. "Aids, speeds, helps, augments, or hastens healing" (or any term or phrase which suggests that there can be decreased healing time resulting from application of an antibiotic-containing product on various cuts, wounds, or abrasions).

3. *Category III conditions for which the available data are insufficient to permit final classification at this time.*

Category III active ingredients. The Panel concludes that available data are

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insufficient to permit final classification of the following claimed topical skin wound protection ingredients:

Gramicidin D
Neomycin sulfate

a. *Gramicidin.* The Panel concludes that it has insufficient data to determine whether gramicidin is safe for use in small superficial wounds as a skin wound protectant.

Potency (activity) of gramicidin consists of three parts: the unit of potency, which is contained in 1.0 mcg of the gramicidin master standard as specified in 21 CFR 430.6(b)(17); the potency of the bulk antibiotic, which is not less than 900 mcg of gramicidin per mg as specified in 21 CFR 448.25(a)(1); and at least one example of the potency in a finished ointment dosage form, which in this case is certified only for combinations at 0.25 mg of gramicidin per gm of ointment, as specified in 21 CFR 444.542f (a)(1). Reference is made to the discussion of gramicidin as a skin wound antibiotic under Category III. (See part IV. paragraph B.3.b. below—Gramicidin.)

(1) *Dosage.* Topical ointment dosage for both adults and children should be 0.25 mg of gramicidin per gm of finished ointment dosage form when used in combination. The amount applied should be sufficient to cover the affected area with a thin layer, not more than 0.5 gm (an amount equal to the surface area of the tip of a finger), 1 to 3 times daily with no maximum daily dosage.

(2) *Labeling.* The Panel recommends the Category I labeling for skin wound protectant ingredients. (See part III. paragraph B.1. above—Category I Labeling).

b. *Neomycin sulfate.* After careful review of all data submitted, as well as additional evidence provided by the Food and Drug Administration, consultants to the Panel, and an extensive literature search, the Panel concludes that it has insufficient data to determine whether neomycin sulfate is safe for use in small, superficial wounds as a skin wound protectant. These questions include a concern for sensitization and cross-sensitivity and the development of resistance and cross-resistance. This will be discussed in the section on neomycin sulfate as a topical skin wound antibiotic elsewhere in this document. (See part IV. paragraph B.3. below—Neomycin.)

Potency (activity) of neomycin consists of three parts: the unit of potency, which is contained in 1.429 mcg of the neomycin master standard as specified in 21 CFR 430.6(b)(20); the potency of the bulk antibiotic, which is not less than 600 mcg of neomycin per mg of neomycin sulfate as specified in 21 CFR 444.42a(a)(1); and at least one example of the potency of a finished ointment dosage form, which in this case is not less than 5 mg neomycin sulfate (equivalent to 3.5 mg neomycin base) per gm of neomycin sulfate ointment as specified in 21 CFR 444.542a(a)(1). Data for neomycin sulfate are lacking in two areas: (1) the allergic sensitizing potential and the possibility of cross-sensitivity of neomycin sulfate during short-term use on small cuts, burns, abrasions and (2) development of resistance and cross-resistance. (See part IV. paragraph B.3.c.—Neomycin sulfate.)

(1) *Dosage.* Topical ointment dosage for both adults and children should be not less than 5 mg neomycin sulfate (equivalent to 3.5 mgm neomycin base) per gm of finished ointment dosage form. The amount applied should be sufficient to cover the affected area with a thin layer, not more than 0.5 gm (an amount equal to the surface area of the tip of a finger), 1 to 3 times daily, with no maximum daily dosage.

(2) *Labeling.* The Panel recommends the Category I labeling for skin wound protectant ingredients. (See part III. paragraph B.1. above—Category I Labeling.)

Category III labeling. None listed.

IV. Skin Wound Antibiotics

A. General Discussion

The Panel recognizes that topical antibiotics are often used for treatment rather than prevention of infection by the lay public.

The Panel has defined the product category, Skin Wound Antibiotic to be "a safe non-irritating antibiotic-containing preparation which prevents or treats overt skin infection." The role of the antibiotic in such a preparation is to prevent or treat an infection in a small cut, wound, or abrasion. Claims stating or implying these effects against microorganisms must be supported by controlled human studies that demonstrate effectiveness in such treatment.

Sufficient data to prove effectiveness of topical antibiotics for treatment of infected wounds or prevention of such infections are lacking and the Panel has placed these ingredients in Category III. The type of studies to prove effectiveness are discussed below. (See part VI. below—General Guidelines for Safety and Effectiveness Evaluation of Topical Antibiotics.)

B. Categorization of Data

1. *Category I conditions under which antibiotic ingredients for skin wound antibiotics are generally recognized as safe and effective and are not misbranded.*

Category I active ingredients. None listed.

Category I labeling. The Panel recommends the following Category I labeling for topical skin wound antibiotic active ingredients to be generally recognized as safe and effective and not misbranded. Any phrase that is in the definition for that product category or any of the following additional terms may be used:

a. *Indications.* (1) "Decreases bacteria".

(2) "Helps prevent or guard against skin infection".

(3) "Helps reduce the risk (and/or chance) of infection".

(4) "Helps reduce the number of bacteria on the treated area".

(5) "Helps protect wounds against infection".

(6) "First-aid product".

(7) "Broad spectrum (if applicable)".

(8) "Treats infection".

(9) "Antibiotic medication for skin wounds".

(10) Any phrase in the definition of a skin wound protectant.

The Panel believes that the terms listed above are necessary so that OTC drugs will have labeling that is truthful and can be easily understood by consumers.

b. *Directions for use.* The labeling shall state: "After gentle washing, apply a small amount (an amount equal to the surface area of the tip of a finger), directly to the affected area and cover with sterile gauze if desired. May be applied 1 to 3 times daily".

c. *Warnings.* (1) "*Caution:* In case of deep or puncture wounds or serious burns see a physician".

(2) "Do not use longer than 1 week".

(3) "If itching, redness, swelling or pain develops or increases, it may be a sign of infection or allergy. Stop use and see a physician".

(4) "Do not use in the eyes".

(5) "Do not use on long-standing skin conditions such as leg ulcers, diaper rash, or hand eczema".

2. *Category II conditions under which antibiotic ingredients for skin wound antibiotics are not generally recognized as safe and effective and are misbranded.*

Category II active ingredients. None listed.

Category II labeling. The Panel concludes that the use of certain labeling claims are unsupported by scientific data, nor in some instances by sound theoretical reasoning, and are discussed elsewhere in this document. (See part II. paragraph J.5. above—Category II Labeling.)

The Panel classifies the following as Category II labeling claims for skin wound antibiotic ingredients:

a. "Helps kill bacteria."

b. "Is not an uncommon sensitizer."

c. "Antiseptic."

d. "Aids, speeds, helps, augments, or hastens healing" (or any term or phrase which suggests that there can be decreased healing time resulting from application of any skin wound antibiotic product on various cuts, wounds, or abrasions).

3. *Category III conditions for which the available data are insufficient to permit final classification for skin wound antibiotics at this time.*

Category II active ingredients. The Panel concludes that available data are insufficient to permit final classification of the following claimed topical skin wound antibiotic ingredients:

Bacitracin;
Gramicidin D;
Neomycin sulfate;
Polymyxin B sulfate; and
Tetracyclines (chlortetracycline hydrochloride, oxytetracycline hydrochloride, tetracycline hydrochloride).

a. *Bacitracin.* The Panel concludes that while bacitracin is safe in the potency used as a skin wound antibiotic for application on small areas of the body, there are insufficient data to permit final classification of its effectiveness for use as an OTC skin wound antibiotic. Details of the deficiencies are explained below.

The antibiotic, bacitracin, was first isolated in 1943 by Johnson, Anker, and Meleney. It is produced by a strain of *Bacillus subtilis.*

Chemically, bacitracin is a mixture of polypeptides and has a molecular weight of approximately 1,460. As produced, bacitracin approaches 80 percent purity, with a potency between 40 and 50 units/mgm. Bacitracin, prepared as a zinc salt in petrolatum base, is stable (Ref. 1). The zinc apparently potentiates the action of this antibiotic (Ref. 2). It is unstable in water-containing preparations, and this should be considered when formulating products (Ref. 1).

The mode of action of bacitracin is to interfere with cell wall synthesis of the infecting organism. Mucopeptide linkage is prevented, there is accumulation of nucleotides, and no cell wall formation occurs. The activity is bactericidal. Susceptible organisms are gram-positive cocci, bacilli and corynebacteria. The beta-hemolytic Group A *Streptococcus* is extremely susceptible. Bacitracin is active against penicillin-resistant staphylococci. Gram-negative rods are not affected.

Although bacitracin demonstrates a mode of action like vancomycin and ristocetin, there is no cross reaction with these compounds. Synergism has been observed with penicillin, streptomycin, and neomycin, and occasionally, with tetracyclines and chloramphenicol (Ref. 3).

The development of resistance is poorly identified since laboratory determination of resistance is not normally performed for localized topical infections. There is no known cross resistance to other antibiotics.

The development of resistance to bacitracin is rare and poses no problem for OTC use.

(1) *Safety.* There was only a limited amount of basic toxicological data on bacitracin presented to the Panel. The drug, when administered parenterally to humans, in fairly high doses (200,000 units) for several days, does have nephrotoxic effects (Ref. 3). The evidence in experimental animals to date indicates nephrotoxicity from high doses, but the degree, type, and reversibility of the effect varies greatly with animal species and perhaps with the lot or batch of drug (Ref. 3). Oral administration of bacitracin in doses up to 240,000 units daily in adult humans was not accompanied by side effects or local irritation of gastrointestinal mucosa, and showed virtually no absorption (Ref. 3). Local application to the eyes in solution or ointment form caused no irritation (Ref. 3). It was reported that 5,000 units of bacitracin per ml caused retardation of epithelial regeneration in the eye, but no confirming data were presented (Ref. 4).

It is the Panel's opinion that no potential for harm exists when bacitracin is used on small wounds such as small cuts, abrasions, or burns. When bacitracin is used on large wounds or on large occluded areas there are no data to show the extent of absorption. The Panel recommends no further toxicological work if use is restricted to small areas of application.

BACITRACIN ALLERGY

Literature available to this Panel regarding bacitracin allergy comes predominantly from Europe and relates chiefly to the question of cosensitization with neomycin.

Scandinavian authors, Pirila and coworkers (Refs. 5 through 8) and Hjorth (Ref. 9) have reported frequent cross-sensitivity between neomycin and bacitracin. The concept of cross-sensitivity was defined in the section under neomycin. (See part IV. paragraph B.3.c.—Neomycin sulfate).

Derzavis, Rice, and Leland (Ref. 10) observed one case of dermatitis from bacitracin among 138 patients treated with bacitracin ointment.

In 1959, Pirila and Rouhunkoski (Ref. 6) reported 96 patients allergic to a 10 percent solution of bacitracin.

While combined sensitivity (occurring to both drugs at the same time) has been reported as a frequent experience in Europe, it was noted in 1963 by Epstein and Wenzel (Ref. 11), that only seven out of 173 North American dermatologists reported that they had observed sensitivity to bacitracin in neomycin-allergic patients. Epstein and Wenzel note that combined sensitivity to neomycin and bacitracin was often observed in Finland, Denmark, and Norway, but not in Sweden and other countries (Ref. 11). These authors, quoting Danbolt and Hellerstrom (Ref. 11), suggest that the differences are due to the fact that these antibiotics were sold over-the-counter in Norway, Denmark, and Finland, but not in Sweden. The antibiotic ointments most commonly used in Finland and Denmark contained both neomycin and bacitracin. Epstein and Wenzel believed that independent sensitization to both neomycin and bacitracin was a more plausible explanation for this discrepency than cross-sensitivity.

Coumaish (Ref. 12) presented a patient who developed an anaphylactoid systemic reaction (very serious allergic or sensitization type reaction) on three occasions following the topical application of neomycin and bacitracin (without enzymes) to a varicose ulcer.

Roupe and Strannegard (Ref. 13) reported a case of anaphylactic shock following topical application of an ointment containing bacitracin and neomycin in a 14-year-old girl. Anti-bacitracin antibodies were demonstrated in the patient's serum. Both cases involved large areas of skin that were particularly raw or ulcerated, which facilitated the absorption of large quantities of neomycin and bacitracin. These are the only cases reported in the literature and are not of concern in OTC use of bacitracin.

The North American Contact Dermatitis Research Group (Ref. 14) did not feel that bacitracin was a sufficiently frequent cause of skin allergy to include it in their 1972 study on the most common causes of allergy skin disease in North America.

(2) *Effectiveness.* Bacitracin for topical use was evaluated originally in clinical trials performed between 1947 and 1954 (Refs. 15 through 21).

These studies lacked controls and involved a wide variety of superficial skin infections. The dosage forms tested included bacitracin ointment and bacitracin aqueous solution. The later is not available commercially (either OTC or through prescription) for topical use.

In 1947, Meleney and Johnson (Ref. 15) reported on the use of bacitracin ointment and bacitracin aqueous solution in 100 patients with assorted minor surgical infections. Results were good in 31 percent, moderate in 57 percent, and poor in 12 percent. No controls were included, and results using bacitracin ointment alone could not be extracted from the report.

In 1948 and 1949 Miller et al. (Refs. 16 and 17) reported uncontrolled studies using bacitracin ointment in 87 and 68 adequately followed patients with several types of superficial skin infections. Impetigo cases responded particularly well to treatment, with a median healing time of 8 days among 42 of 44 patients cured with bacitracin ointment. However, no cases were treated with the ointment base alone.

In 1949 Eichenlaub and Olivo (Ref. 18) treated 50 cases of assorted skin infections with bacitracin ointment, with results being good in 33, moderate in 11, and poor in 6 patients. Among 11 impetigo cases, 10 were cured. No cultures were performed and no controls were included in this study. Finnerty (Ref. 19) in 1951 treated 75 cases of superficial skin infection with bacitracin ointment or bacitracin solution in wet dressings. Results were good in 46, moderate in 27, and poor in 2 patients. All 12 impetigo cases were cleared in an average of 7 days. No cultures or controls were included in the study, and results using bacitracin ointment alone could not be extracted. In 1951 Wrong et al. (Ref. 20) reported on a very small uncontrolled clinical study using bacitracin ointment. Among 27 patients with assorted skin infections, results were good in 6, moderate in 16, and poor in 5 patients. Cultures were included in this study, but no control ointment was used. In 1949 Derzavis and Rice (Ref. 21) treated 138 patients with various superficial and deep bacterial infections. Results were good in 128, moderate in 5, and poor in 5 patients. All 46 patients with impetigo were cured with bacitracin ointment in an average time of 4.7 days. No cultures or controls were included in the study.

In 1962 Klainer et al. (Ref. 22) reported that bacitracin ointment was used to stop an epidemic of *Staphylococcus aureus* infection in a hospital newborn

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nursery. Bacitracin ointment was applied twice daily to the umbilical area, inguinal folds, and suprapubic area of 166 infants. Prior to the treatment period, 79 percent of 52 infants had the epidemic strain of *Staphylococcus aureus*. During the treatment period, only 2 percent of 39 newborn infants treated with bacitracin ointment had positive cultures of staphylococci from the navel, groin, or nose. In contrast, 52 percent of 23 untreated control infants during the same period were positive for staphylococci. The overall incidence of staphylococcal infections in the nursery during the treatment period was 22 percent. Immediately after the treatment period, cultures of 133 infants revealed 21 percent to be positive for *Staphylococcus aureus*, but the epidemic strain had been eliminated. Bacitracin ointment was felt to have been very effective in eliminating the reservoir of epidemic staphylococci and preventing cross-infection between infants.

In 1970 Dillon (Ref. 23) performed the only double-blinded, carefully controlled studies involving bacitracin ointment of which the Panel is aware. He compared the effects of bacitracin ointment, hexachlorophene scrubs, benzethine penicillin G, and procaine penicillin in the treatment of 531 children with impetigo. Bacterial cultures were done on each patient. In the first study which involved 110 children, after 2 weeks of treatment, clearing of impetigo occurred in 9 percent of 22 children treated with hexachlorophene alone, 39 percent of 46 children treated with hexachlorophene and bacitracin ointment, 83 percent of 18 children treated with hexachlorophene and oral penicillin V, and 96 percent of 24 children treated with hexachlorophene and intramuscular penicillin G. It was concluded that topical treatment of impetigo with bacitracin ointment combined with hexachlorophene was better than treatment with hexachlorophene alone, but was markedly inferior to treatment with intramuscular penicillin. This conclusion was based on slower rates of healing, continued development of new lesions, and the continued presence of pathogenic streptococci in the respiratory tract. Practical difficulties in application of bacitracin ointment three times daily were encountered when numerous lesions needed treating or more than only family member needed treatment. Since 1970, the systemic treatment of impetigo has generally been recognized to be superior to any type of topical therapy. Although some benefit was obtained from adding bacitracin topical therapy to hexachlorophene scrubs in the above study, the Panel concludes that the cure rate of 39 percent is not satisfactory in treatment of such a highly transmissible and infectious disease as impetigo.

Dillon reported a recent unpublished uncontrolled study (Ref. 24) to the Panel in which ointment containing bacitracin was used to treat 64 children with fewer than five impetigo lesions each. Gentle washing of lesions with a coarse soapy cloth was followed by application of bacitracin ointment 4 times daily. Cultures of lesions revealed 20 cases with pure staphylococci, 40 cases with mixed staphylococci and streptococci, and 4 cases with no growth. Results after 10 to 14 days of treatment showed clearing in 60 percent of the pure staphylococcal lesions, 90 percent of the mixed staphylococcal-streptococcal lesions, and 100 percent of "sterile" lesions, with overall clearing in 81 percent of cases. Nose and throat cultures taken before and after treatment showed almost no change in the pathogenic staphylococci and streptococci in the respiratory tract. This source was felt to possibly account for the reinfection of skin observed in five patients with new lesions following treatment. Patients not improving after 5 to 7 days of bacitracin ointment treatment were treated with oral antibiotics. Although this study was uncontrolled, Dillon felt that clinical improvement was significant and that bacitracin ointment should be considered superior to soap and water scrubbing for treatment of the early mild cases of impetigo. The Panel interpreted his remarks as favoring continued OTC availability of bacitracin ointment.

(3) *Dosage.* Topical ointment dosage, for both adults and children should be not less than 500 units of bacitracin per gm of finished ointment dosage form. The amount applied should be sufficient to cover the affected area with a thin layer, not more than 0.5 gm (an amount equal to the surface area of the tip of a finger), 1 to 3 times daily with no maximum daily dosage.

(4) *Labeling.* The Panel recommends the Category I labeling for skin wound antibiotic ingredients. (See part IV. paragraph B.1. above—Category I Labeling.)

(5) *Evaluation.* In summary, the Panel concludes that bacitracin requires controlled clinical evaluation to establish prophylactic and therapeutic effectiveness. Bacitracin appears to be a safe antibiotic for OTC use, with no evidence of either toxicity or sensitization hazards resulting from use on small areas of infected skin.

Some evidence presented above suggests that bacitracin may be helpful in preventing and treating superficial skin infections caused by staphylococci and streptococci. However, no controlled studies were presented to the Panel showing that bacitracin ointment was therapeutically superior to its ointment base alone for treating such infections. The only well-controlled, double-blinded study (Ref. 23) seemed to question the advisability of using bacitracin ointment for treating superficial bacterial infections such as impetigo, since systemic antibiotics produce a much more rapid and reliable cure of the infection.

The Panel recognizes that systemic antibiotics may not always be readily available for treatment of impetigo or other superficial skin infections, and that an effective OTC product would be desirable. The uncontrolled study by Dillon (Ref. 24) indicates that bacitracin ointment is frequently effective in treating mild impetigo in its early stages. If controlled studies confirm this impression and show that other types of early infections in superficial skin wounds may be aborted by application of bacitracin ointment, bacitracin should be moved into Category I.

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b. *Gramicidin D.* The Panel concludes that there are insufficient safety and effectiveness data to permit final classification of gramicidin D as a skin wound antibiotic.

An antibiotic mixture was obtained from a culture of a soil organism, *Bacillus brevis*, in early antibiotic work by Dubos in 1939. The mixture was called *tyrothricin* and its two components were *gramicidin* (20 percent) and *tyrocidine* (80 percent) (Ref. 1). They are polypeptide in nature and extracted from acidified cultures with alcohol and sodium chloride. The crude material is a gray to brown powder which is stable to light, air, and temperatures up to 50° C. It is practically insoluble in water (Ref. 1), but solution can be accomplished by the addition of suitable surface active agents. It is soluble in alcohol and glycols and has a high heat stability (Ref. 1). By extraction with equal amounts of acetone and ether the gramicidin may be separated from the tyrocidine. It may be concentrated by vacuum and redissolved in hot acetone. Several gramicidins are described in the "Merck Index" including gramicidin D, the only gramicidin under consideration by the Panel (Ref. 2). Gramicidin D is that described and developed by Dubos and has a molecular weight of approximately 2,000 gm/mole. Gramicidin J_1 and J_2 have been described by the Japanese but are apparently not used clinically. Gramicidin S is also known as gramicidin C and is described in the Russian clinical literature. Gramicidin S differs from gramicidin D in that the molecular weight of gramicidin S is reported to be 1,140 gm/mole.

As the analyses became more sophisticated, it was realized that the tyrocidine fraction was inactive, so that the active drug entity of tyrothricin is gramicidin. The inactive tyrocidine is not marketed.

Gramicidin is bactericidal (Ref. 1). Its activity is directed against the cell membranes of susceptible organisms. Both aerobes and anarobes are susceptible. Mycobacteria and streptococci are senitive. The antibiotic is largely inactive against gram-negative organisms (Ref. 1).

Phospholipids inhibit the activity of gramicidin and this is probably the explanation for the resistance of gram-negative bacilli, which have phospholipids on their surfaces.

There are no reports of resistance developing to this antibiotic.

(1) *Safety.* The Panel is aware that a limited amount of gramicidin D could possibly be absorbed from the application of a preparation to a small cut or abrasion. There were no toxicity data submitted on gramicidin. The Panel is concerned about any amount that is absorbed. Therefore, the Panel recommends that sufficient toxicological work be performed to show that the amount that could be absorbed from a small wound is safe. This information should include target organ toxicity studies with a determination of the blood level required to elicit the toxic response as described in testing guidelines. From these data, the safety of an applied dose could be assessed.

Gramicidin is a potent hemolytic agent causing destruction of red blood cells (Ref. 1). Hemolysis may occur if gramicidin is employed in fresh surgical or traumatic wounds.

On the basis of the limited data submitted that are available in Goodman and Gilman (Ref. 1), the Panel cannot make an adequate judgment about the safety of gramicidin at this time. Though there is no evidence of a serious toxicological hazard from the limited topical use, there is also no evidence of its safety.

The Panel would therefore require basic toxicological data including MLD, LD-50 and LD-99. Because gramicidin is a hemolytic agent, the Panel would require studies in this area sufficient to assess this risk.

The Panel has reviewed the literature in regard to the allergenicity of topical gramicidin D. The literature does not indicate that gramicidin D is a cause of allergic skin disease.

(2) *Effectiveness.* Gramicidin D, 0.25 mg/gm in plasticized hydrocarbon gel base, has been submitted for OTC review as part of a combination ointment containing neomycin. The Panel has been unable to find any literature regarding either the safety or efficacy of this product or of any ointment containing only gramicidin D. Gramicidin S, a slightly different form of gramicidin, was used in an ointment base in 1944 by Sergiev (Ref. 3) in a collaborative study among 10 hospitals in Russia. However, gramicidin S solution was used at the same time and results of treatment attributable to gramicidin S ointment cannot be extracted from the report.

With so little data available on gramicidin, and since gramicidin is the active antibiotic component of tyrothricin, the literature on tyrothricin was reviewed by the Panel in an effort to evaluate possible clinical effectiveness of gramicidin D. Most reports date from the 1940's and are uncontrolled clinical studies involving approximately 1,300 patients with infected skin diseases or superficial surgical wounds. Tyrothricin was used mainly in the form of topical wet dressings in aqueous solution containing 0.5 mg/ml, a dosage form which is not available commercially. Only two studies (Refs. 4 and 5) discussed below included clinical trials using tyrothricin in ointment or vanishing cream base.

In 1946 Anderson found tyrothricin to be bacteriologically inactive in seven different ointment bases when tested with in vitro techniques (Ref. 6). The Panel has seen no other data concerning in vitro activity of tyrothricin or gramicidin in either ointment or cream bases.

Reported clinical trials with tyrothricin ointment or cream lack consistency and have been extremely limited, involving only about 70 patients with a wide variety of skin diseases. In 1948 Johnson tested tyrothricin cream containing 1.0 mg/gm in 10 patients with impetigo (Ref. 5). Although well tolerated and resulting in clearing of lesions after 6 to 12 days, the tyrothricin cream did not provide as rapid healing of impetigo as either penicillin ointment or ammoniated mercury ointment used variously as controls. No comparison was made to treatment using cream base alone. In the same study, tyrothricin cream was of little benefit in treating 14 other patients with superficial infections, and was concluded to be of "little practical value." In 1946 Franks et al. treated 47 cases of skin infection with either tyrothricin ointment 0.3 mg/gm in greaseless base or tyrothricin solution (Ref. 4). While impetigo lesions cleared after approximately 6 days in the eight cases treated, no other skin infections were cured. No distinction was made between patients using tyrothricin ointment or solution, making therapeutic results obtained with ointment impossible to extract or interpret.

In 1946 tyrothricin solution in either water or alcohol base was shown to be active against staphylococci and streptococci in vitro (Ref. 6). The same study reported a small uncontrolled clinical trial with alcoholic tyrothricin solution 40 to 200 mg/ml used as continuous wet dressings in 20 patients with assorted skin infections. "Good" results occurred in 15 patients, but were not fully explained.

The use of tyrothricin solution was reported in several other small uncontrolled studies (Refs. 7 through 12) which did not deal with conditions normally treated with OTC topical antibiotics. In 1942 Rammelkamp (Ref. 7) treated leg ulcers using tyrothricin in alcohol. Ulcers containing *Staphylococcus aureus*, hemolytic streptococci, or *Streptococcus fecalis* healed completely in 6 of 12 patients. Ulcers did not respond if they contained gram-negative organisms. Rankin in 1944 (Ref. 8) felt that marked tissue stimulation occurred in six chronic leg ulcers treated with tyrothricin aqueous solution, with complete healing of five ulcers. Kvale et al. in 1944 (Ref. 9) treated 50 leg ulcers with tyrothricin solution and also thought that marked stimulation of granulation tissue occurred. However, there were no controls or statistics to support this conclusion. Merrell, in an uncontrolled study in 1943 (Ref. 10), felt that tyrothricin solution helped prepare ulcers for skin grafting, reporting favorable results in 53 percent of 93 cases of infected ulcers and wounds. In 1946 Mom and Bernal (Ref. 11) treated infected leprosy ulcers on the legs with tyrothricin solution, with healing of most ulcers within 75 days. The Panel concluded that this study was not relevant to OTC use of topical antibiotics

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due to the nature of the underlying disease. In 1948 Lask (Ref. 12) used tyrothricin solution to treat a small number of stasis ulcers present longer than 1 year, with complete healing of ulcers in 9 of 14 patients within 12 weeks. In the same uncontrolled study, 10 granulating wounds were treated daily with tyrothricin solution in preparation for skin grafting, with rapid elimination of streptococci from all wounds.

Postoperative wounds have been treated with tyrothricin solution (Refs. 13 through 15). Cantor in 1946 (Ref. 13) concluded that postoperative proctologic wounds, such as hemorrhoidectomy wounds, treated with tyrothricin aqueous solution in wet dressings developed less drainage and infection and permitted earlier ambulation than usual. No controls were included and no mention was made of the number of patients treated. In 1947 Goldman et al. (Ref. 14) treated 62 postoperative pilonidal cysts with tyrothricin solution and observed that granulation tissue appeared to be cleaner, and healing appeared to be more rapid than usual. No consistent controls were included in this study.

In 1946 Kozoll et al. (Ref. 15) treated 77 surgical infections with tyrothricin solution 0.5 mg/c, including postoperative wounds, leg ulcers, abscesses, and burns. Excellent results ocurred within 2 months in 65 percent of cases, with disappearance of visible signs of infection. Doubling the concentration of tyrothricin appeared to increase the rate of granulation tissue formation. The only controls included were in a small, paired-comparison study involving six patients with bilateral leg ulcers. In four of the six patients faster healing occurred in ulcers on the sides treated with tyrothricin than one sides receiving plain solution.

Minor surgical infections, including cellulitis, furuncles, and acute paronychia were treated with tyrothricin solution by Goldman et al. (Ref. 14). In 43 patients, there was rapid disappearance of discharge and development of granulation tissue. Control medications were applied in a few cases bupt not in a consistent manner. McKee et al, in 1946 (Ref. 16) used tyrothricin solution in 232 patients with hair follicle infections. The tyrothricin solution, containing a special propylene glycol vehicle to increase penetration into the skin, produced a favorable response in most patients. Controls included 15 patients with acne or folliculitis treated for 3 weeks with either the vehicle alone or tyrothricin in ethyl alcohol solution. Although the control patients failed to improve in 3 weeks, the Panel concluded that their number was too small and their diseases were too varied to be significant.

(3) *Dosage.* Topical ointment dosage, for both adults and children, should be 0.25 mg of gramicidin per gm of finished ointment dosage form when used in combination. The amount applied should be sufficient to cover the affected area with a thin layer, not more than 0.5 gm (an amount equal to the surface area of the tip of a finger), 1 to 3 times daily with no maximum daily dosage.

(4) *Labeling.* The Panel recommends the Category I labeling for skin wound antibiotic ingredients. (See part IV. paragraph B.1. below—Category I Labeling.)

(5) *Evaluation.* In summary, the Panel conoludes that gramicidin D requires controlled clinical evaluation to establish prophylactic and therapeutic effectiveness. In addition, further safety data are required since there were no toxicological studies concerning gramicidin D reported to the Panel. The Panel recommends that the safety of gramicidin D be studied to determine both systemic and topical toxicity, as outlined in the Safety Testing Protocol described elsewhere in this document. (See part VI. below—General Guidelines for Safety and Effectiveness Evaluation of Topical Antibiotics). Specifically, the amount of gramicidin D absorbed through the skin following topical application of gramicidin D cream or ointment needs to be determined, as does the hemolytic (red blood cell breakdown) potential of gramicidin D resulting from absorption through fresh superficial wounds. The Panel concludes that the toxicity potential of this antibiotic has apparently never been documented.

Clinical studies utilizing purified gramicidin are also apparently nonexistent. Evaluation of the clinical effectiveness of gramicidin therefore depends on several uncontrolled studies performed in the 1940's using tyrothricin, which contained gramicidin as its active component. While some studies indicated that tyrothricin might be helpful in treating wounds infected with staphylococci and streptococci, most studies utilized tyrothricin solution, a dosage form not presently available for OTC use. Little data exist from use of tyrothricin in either cream or ointment bases, the currently accepted OTC dosage forms. The Panel considers that it is not scientifically sound to extrapolate data from studies using tyrothricin solution in attempting to evaluate the clinical effectiveness of gramicidin in ointment form. The Panel recommends that effectiveness data using gramicidin alone be acquired in controlled clinical studies involving treatment of minor cuts, wounds, burns, and abrasions.

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c. *Neomycin sulfate.* After careful review of all data submitted and additional evidence provided by FDA, consultants to the Panel, and an extensive literature search, the Panel concludes that there are insufficient safety and effectiveness data to permit final classification of neomycin sulfate as a skin wound antibiotic. Data for neomycin sulfate is lacking in three areas: (1) the allergic sensitizing potential and the possibility of cross-sensitivity of neomycin sulfate during short-term use on small cuts, burns, and abrasions, (2) the therapeutic and prophylactic effectiveness of neomycin sulfate when used on small cuts, burns, and abrasions, and (3) development of resistance and cross-resistance. Details of these deficiencies in data submitted on the safety and effectiveness of neomycin sulfate will be expanded in the following sections.

The antibiotic, neomycin, is produced by a soil organism, *Streptomyces fradiae.* It was first isolated in 1949 by Waksman and Lechevalier (Ref. 1).

Neomycin is an aminoglycoside antibiotic containing a deoxystreptamine moiety and therefore is related to streptomycin, gentamicin, paramomycin and kanamycin (Ref. 1) and two newer aminoglycoside antibiotics, amikacin and tobramycin. The complex constituting neomycin includes three components, neomycin A, B, and C. While the proportions of these may vary in different preparations, commercial neomycin consists almost entirely of the B component (Ref. 1).

The mode of action of neomycin is to interfere with protein synthesis of the microbial cell and is considered bactericidal. A number of organisms frequently show in vitro susceptibility with 5 to 10 mcg/ml (ppm), or less, of neomycin (Ref. 1). Among these are *Staphylococcus aureus, Streptococcus* species, *Proteus* species, *Escherichia coli* and *Corynebacterium* species.

Clinical strains of *Staphylococcus aureus* that are neomycin resistant are always resistant to kanamycin (100 percent cross-resistance). Cross-resistance to other aminoglycoside antibiotics may be complete or only partial (Ref. 1). In fact, kanamycin is the representative antibiotic of the aminoglycoside family (class) of antibiotics used in susceptibility testing to determine resistance in clinical isolates (bacteria grown out of a clinical lesion). Kanamycin is still used in systemic infections, while neomycin is generally restricted to topical application or to presurgical reduction of gastrointestinal flora.

The mechanism of resistance for both neomycin and kanamycin is considered to come from bacterial enzyme (phospho-transferase) inactivation of the antibiotic (Ref. 1).

Neomycin has also been used in deodorant products to supress axillary odor. Shehadeh and Kligman (Ref. 2) in 1963 applied an aqueous solution to one axilla (underarm) and an inert vehicle to the other axilla of 50 males for 15 to 16 weeks. Neomycin was found to suppress axillary odor while eliminating all gram-positive bacteria and allowing the gram-negative flora to become dominant. It is known that organisms that are susceptible to antibiotics may lose their susceptibility and develop resistance on exposure to low levels of antibiotics over a short (streptomycin-like, one-step resistance) or over a long (penicillin-like, step-wise resistance) period of time, both in vitro and in vivo. Since short-time resistance development was first detected as a one-step change in the organism exposed to streptomycin, it is often referred to as streptomycin-like; one-step resistance. When a longer time is required to show resistance development, such as is required for induction of the enzyme penicillinase to product resistance, it is often referred to as penicillin-like, step-wise resistance. In these studies, no organisms were found to be resistant to neomycin and the axillary flora returned to its normal balance within 4 weeks after neomycin was discontinued (Ref. 2).

The development of resistant strains of bacteria following topical application of neomycin was investigated by Livingood, et al., (Ref. 3) and published in 1959. Cultures from 354 patients before and after treatment with either topical neomycin, tetracycline, erythromycin, or bacitracin ointments revealed no *Staphylococcus aureus* organisms remaining after neomycin treatment of 109 cases. In contrast, the picture was somewhat different where 16 isolates of resistant *Staphylococcus* organisms were found among 136 patients treated with tetracycline or erythromycin ointment. Marples and Kligman in 1969 (Ref. 4), some 10 years later, demonstrated development of neomycin-resistant *Staphylococcus* organisms with neomycin aqueous solution used experimentally under occlusion on opposite forearms of 10 subjects. This organism's presence resulted in a pyoderma and became the dominant organism in 7 out of 10 neomycin-treated arms.

A comprehensive review article on resistance of *Staphylococcus aureus* to antibiotics appeared in March 1975 (Ref. 5). Development of neomycin resistance is summarized in the review. Lacey pointed out that resistance to neomycin had not been seen in the first 8 to 10 years (1951–1959) of its use, but suddenly appeared around 1960 despite early widespread topical use. The strains discovered were already resistant to several antibiotics and were closely related according to phage typeability studies. These strains were isolated frequently from patients treated with topical neomycin. Epidemiologic studies suggested that the topical application of neomycin played a greater role than the systemic use of related antibiotics in the development of resistant strains. Since enormous populations of staphylococci were exposed to neomycin, Lacey postulated that the delay in resistance development over the initial 8- to 10-year period of use was related to the rarity of the resistance genes in the populations of staphylococci exposed (Ref. 5). Since resistance genes are plasmid-borne (contained within the cytoplasm of the cell) and are relatively rare, the appearance of resistance in numerous staphylococcal phage types indicates that gene transfer from the original resistant phage type must have occurred and also indicates the presence of a transducing phage. While the complete interrelationships have not been worked out experimentally or clinically, it would appear that the topical application of neomycin throughout the general population could potentially play a role in the increase of resistant organisms, not just to neomycin but to other related aminoglycoside antibiotics such as kanamycin, gentamicin, amikacin, tobramycin, and other potentially lifesaving systemic antibiotics, some of which are now in the developmental stage.

There are some suggestive data that organisms such as *Staphylococcus epidermidis* show increased resistance to kanamycin. Routine susceptibility tests use kanamycin to predict resistance to aminoglycoside antibiotics. Since there is 100 percent cross-resistance between neomycin and kanamycin, it can be assumed that hospital clinical isolates of *Staphylococcus epidermidis* are also neomycin resistant. The information concerning the current resistance of *Staphylococcus aureus* or the streptococci from nonhospital infections in the community at large are not available. This may be due in part to lack of routine or systematic susceptibility testing by dermatologists or pediatricians when superficial infections are treated.

Resistance to neomycin confers resistance to other deoxystreptamine-containing antibiotics.

Resistance has been seen commonly in the *Pseudomonas* species, especially in strains of *Pseudomonas aeruginosa.* Other organisms in which some resistance has been demonstrated are: *Staphylococcus aureus, Enterobacter, Streptococcus, Clostridium* and *Mycobacterium.* The fungi and viruses are quite resistant to neomycin (Refs. 6 through 22).

The Panel is concerned that the neomycin resistance of skin staphylococci in the population may have a deleterious effect if the staphylococci are cross-resistant to other aminoglycoside anitibiotics used for serious systemic infections.

(1) *Safety.* Shortly after its discovery in 1949, neomycin sulfate was administered to man as a "so-called" broad spectrum antibiotic. It was found to be so toxic when administered parenterally that its use is now largely restricted to topical applications. The known toxicology of neomycin will be fully discussed below. The Panel has determined that the amount of neomycin that could be absorbed from application to small wounds is far below the toxic level. Thus, for such uses, the Panel has determined that systemic toxicity from topical application of neomycin sulfate is unlikely. However, the following full discussion of the toxicity potential drawn from the available data does give the reasons why the Panel believes that the label restrictions against use on large areas of diaper rash, heat rash, and burns are fully justifiable.

It is now recognized that the use of neomycin sulfate by injection, in high doses, over a period of time in man produces neurotoxic deafness and kidney damage. There seems to be great individual variation in susceptibility to the toxic effects of neomycin (Ref. 23). Preexisting renal insufficiency may cause accumulation of the drug in body fluids and tissues (Ref. 23). The minimal blood concentration required to produce neurotoxic and nephrotoxic effects is unknown. At least two authors (Refs. 23 and 24) have recommended that parenteral doses of 1 gm daily for 1 week should not be exceeded. There are no firm data to support this dose level as safe, but some data do exist suggesting that lower doses for longer than one week induce only transient kidney damage.

It has been previously stated that the parenteral toxicity of neomycin sulfate has largely limited its use to topical application. However, the amount of neomycin that may be absorbed into the blood stream after topical application of neomycin sulfate to diseased skin is unknown. The absorption of neomycin after topical application to normal skin is reported to be very low. In a study in adult males, extensive exposure of normal skin for 6 hours to neomycin sulfate ointment applied over large areas of body surface did not result in any detectable percutaneous absorption (Ref. 25). However, inflamed and damaged skin

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and mucous membranes have been found to lack the normal barriers to neomycin absorption (Ref. 24). One report showed renal failure and deafness following the use of neomycin and porcine xenografts (skin grafts from a hog) in a burned patient. The blood level of neomycin in this deafened patient was 4.5 mcg/ml 3 days after the last exposure (Ref. 26). Whether or not deafness can occur with lower blood levels of neomycin is not known.

A report (Ref. 27) in which neomycin was administered subcutaneously to humans included blood serum assays for neomycin performed at various dosage levels after various periods of time. A single subcutaneous injection of 1.0 gm of neomycin produced serum levels of approximately 20 mcg/ml for at least 8 hours and resulted in mild signs of renal impairment in one of four patients. No evidence of toxicity appeared from a single subcutaneous injection of 500 mg, although serum neomycin levels were 10 mcg/ml for at least 8 hours. Multiple injections of neomycin every 4 to 6 hours for 15 to 16 days produced ototoxicity with some impaired renal function if serum concentrations of neomycin were 15 to 16 mcg/ml for 15 days. Whether or not lower blood concentrations of neomycin over a period of time would lead to renal damage was not determined. Another study (Ref. 28) demonstrated serum levels of neomycin 12 to 30 mcg/ml following intramuscular injections of 300 mg every 6 hours for four doses. In cases of renal impairment, there was a significantly rapid buildup in serum concentration of neomycin. The blood concentration required over a definitive period of time as necessary to cause renal or ototoxic (deleterious to hearing and balance) effects cannot be assessed from any of the available data.

There have been other reports of deafness occurring in human patients following topical application of neomycin. Murphy (Ref. 29) reports deafness resulting from instillation of neomycin into the inner ear. Kelley et al. (Ref. 30) report of deafness following irrigation of granulating wounds with neomycin solution.

In animals, neomycin shows rather specific toxicities when administered parenterally. The acute LD_{50} in mice by intraperitoneal injection was found to be about 200 mg/kg (Ref. 23). Somewhat smaller doses of 40–100 mg/kg/day given to cats for 8–60 days caused neurotoxic effects. Kidney lesions developed in dogs and rats at similar dose levels given for 1–3 weeks (Refs. 23 and 24). Topical neomycin in ointment form or aqueous solution was not acutely irritating to eyes of dogs or rabbits and produced no demof dogs or rabbits and produce no demonstrable skin irritation (Ref. 25).

It is obvious from the above discussion that induction of neurotoxic and nephrotoxic symptoms is both time and dose dependent. In general, at lower blood concentrations, toxic manifestations require up to several weeks to become noticeable, while at higher blood concentrations the effect is detectable sooner. The Panel concludes that it would be most unlikely that detectable blood levels could be obtained from application of neomycin sulfate preparations to small wounds such as cuts and abrasions. The Panel recognizes that toxic blood levels can be reached if neomycin sulfate preparations are placed on large areas of burned or broken skin.

In summary, the Panel concludes that absorption of neomycin from small cuts, abrasions, or burns would not be sufficient to induce either neurotoxic effects or nephrotoxic effects, especially since these products are labeled "not to be used for more than 1 week." Therefore, for restricted use on small areas, the Panel does not recommend further toxicological study. If neomycin sulfate preparations are to be used on large burns, abrasions, or under large occluded areas, the Panel believes that the evidence presented suggests that a toxicological hazard may exist. It is the conclusion of the Panel that neomycin sulfate should be restricted from use in OTC medications labeled for use on large areas of the skin.

(i) *Neomycin allergy.* Some of the antibiotics have a history of inducing allergic contact dermatitis upon topical application. The following discussion relates to modes of recognizing and testing for allergic skin disease. The Panel is discussing and evaluating the current and accepted testing procedures in order to place the reported prevalence of allergic skin disease in proper perspective.

The allergic reactions caused by topical antibiotics are usually of the allergic contact dermatitis type. Contact dermatitis is characterized by redness, scaling, itching, and/or blistering of the skin. It is caused by one or more chemicals contacting the skin surface for a variable length of time. Two types of contact dermatitis exist: allergic contact dermatitis which develops slowly and only affects certain people following repeated exposure to sensitizing chemicals such as an antibiotic, poison ivy resin, or formaldehyde; and irritant contact dermatitis, which is not allergic and often develops rapidly in any person following skin contact with irritating chemicals such as soap or lye solution.

In discussing the safety of topical antibiotics with reference to development of allergic reactions, the Panel is concerned mainly with neomycin. All other topical antibiotics discussed in this monograph (bacitracin, gramicidin, polymyxin, and tetracycline) appear to cause little allergic sensitization. The reader is referred to detailed discussions of the allergenicity of each antibiotic later in this report.

The development and extent of allergic contact dermatitis depends on several factors (Ref. 31). These include: the age of the patient; the duration and frequency of exposure; the underlying innate ability of the patient to develop allergic sensitivity; the part of the body exposed to sensitizing chemicals; the presence of infected or inflamed, eczematized (rough, scaly) skin; the amount of perspiration; the degree of pressure and friction bringing chemicals into contact with the skin; the type of base used in the commercial product; the concentration of the active sensitizing ingredient; and the inherent sensitizing potential of the active ingredient.

The physician's diagnosis of allergic contact dermatitis is confirmed using the technique of patch testing. The test patch is a small cotton gauze, or cellulose disc covered with test material, which exposes a small portion of skin to a potentially sensitizing chemical. Several patch tests are usually applied simultaneously to the back and covered with occlusive tape which holds them in place for 48 hours. The patches are then removed and the underlying skin examined for evidence of dermatitis 24 hours later. This 48-hour closed patch has become the international standard of testing (Refs. 32 and 33).

Unfortunately, the results of patch testing must be evaluated in light of the fact that its use and misuse is well documented (Refs. 31 and 34). The proper testing concentration for each chemical must be determined by studying normal control volunteers. Too low a concentration results in false negative tests (Ref. 35), while excessive concentrations lead to false positive tests from chemical irritation of the skin. To be considered valid, a patch test must be proved to be relevant to the case of dermatitis in question. Relevance is said to be present if contact with a commercial product containing a patch-test-positive material for the patient produces allergic contact dermatitis. Not all publications reviewed by the Panel established relevance of positive patch tests. However, the major studies of the International Contact Dermatitis Research Group attempted to eliminate the nonrelevant test responses (Ref. 32).

(ii) *The atopic state and its relationship to allergic contact dermatitis.* Comments have been made that the segment of the population at large, who are atopic, are more vulnerable to allergic disease than the normal individual. Current scientific evidence refutes the validity of this concept as is explained in the following discussion. Development of allergic contact dermatitis to topical medications was long considered to be dependent on the presence of underlying atopic dermatitis (Refs. 36 and 37). Atopic dermatitis is an inherited condition frequently associated with allergic problems such as asthma, hay fever, and hives. The skin of people with atopic dermatitis is very dry, itchy, and easily irritated by contact with mild chemicals such as soaps. However, despite their tendency to frequently develop irritant contact dermatitis, patients with atopic dermatitis have recently been found to be less reactive to topically applied sensitizing chemicals than normal control patients (Ref. 38). Their skin is less apt to react in an allergic manner to chemicals which come in contact with it than is normal skin or skin with other diseases. They have also proved to be more difficult to sensitize than control patients using topical DNCB (2, 4-dinitrochlorobenzene), a very potent topical sensitizer (Ref. 39).

The apparent altered immune state associated with atopic dermatitis is thought to be due to increased levels of immuoglobulins which lower cellular immunity to bacterial and viral infections (Ref. 40). It seems clear from the work of Gottlieb and Hanifin that an immunoglobulin IgE may itself prevent in vitro cellular immune responses (Ref. 41). However, it is still not clear whether patients with atopic dermatitis are deficient in cellular immunity, even though they have selective ability to become sensitized to certain antigens.

In a study of 752 patients with various types of eczematous dermatitis (allergic skin condition), Wereide tried to determine the incidence of allergic contact dermatitis produced by a number of agents (Ref. 42). He found an incidence of 2.3 percent neomycin positive patch test reactions in a group of 43 patients with atopic dermatitis. This was in sharp contrast to an incidence of 20.8 percent neomycin allergic patch test reactions in a group of patients with both stasis dermatitis and stasis ulcers caused by varicose veins. Of all the various types of skin diseases studied, atopic dermatitis showed the least allergic contact sensitization to neomycin.

In another study of patients with atopic dermatitis, neomycin allergy was found in 1.2 percent of males and 0.0 percent of females. In nonatopic patients, neomycin allergy was found in 3.6 percent of males and 4.4 percent of females (Ref. 38). In the same study, sensitization to other chemicals such as nickel, dichromate, cobalt, rubber, balsam, and benzocaine was also found to be higher in nonatopic patients than in atopic patients.

The Panel concludes that there is evidence showing that patients with the atopic state are less likely to become allergic to topical medications including neomycin sulfate than people with normal skin.

(iii) *Allergic sensitization to neomycin.* Reports in the literature documenting allergic contact dermatitis produced by neomycin are numerous. By March 1975, over 60 English language references dealt with the subject of neomycin sensitivity (allergy) (Ref. 43). The clinical appearance of topical neomycin allergy in many instances is as an aggravation of a preexisting dermatitis, so that the diagnosis is easily missed (Refs. 44 and 45). The true prevalence of neomycin allergy in the United States is unknown. The following studies reflect only the prevalence of neomycin allergy in patients with underlying skin problems such as stasis dermatitis (eczema due to impeded circulation), leg ulcers, and hand eczema.

In the United States, recognition of neomycin dermatitis began in 1952 (Ref. 46). By 1963 there was widespread recognition of neomycin dermatitis, as Epstein and Wenzel stated: "An inquiry among nearly 200 dermatologists in the United States in the fall of 1962 revealed that sensitivity to neomycin is not rare. Some had observed close to 100 cases of sensitivity to neomycin (Ref. 47)." In 1973 a cooperative study in the United States by members of the North American Contact Dermatitis Research Group revealed neomycin sensitivity in 6 percent of 1,200 patients with known contact dermatitis (Ref. 48).

Neomycin sensitivity has also been studied extensively in northern Europe. By 1959 over 240 cases of neomycin sensitization were reported in Helsinki (Refs. 49 and 50). In Denmark, topical neomycin allergy was found in 10 percent of all patients with dermatitis who were patch tested between 1962 and 1964 (Ref. 51). Among 159 patients with positive neomycin patch tests seen between 1963 and 1964, only 115 were able to give a precise account of using a neomycin-containing preparation. In England in 1963, neomycin sensitivity was found in 4 percent of patients with contact dermatitis (Ref. 52).

In 1969 a study by the International Contact Dermatitis Research Group with membership from the United States and several European countries revealed a 3.7 percent prevalence of neomycin allergy among 4,825 patients with contact dermatitis (Ref. 53). The prevalence of neomycin allergy varied from country to country and was thought to reflect varying frequency of consumer exposure to topical neomycin. In the United States, the true prevalence of neomycin allergy remains unknown. The only study testing for neomycin sensitivity in people in the United States without contact dermatitis or other skin problems, demonstrated neomycin sensitivity in 8 percent of 100 people patch tested (Ref. 54).

The apparent prevalence of neomycin sensitivity in recent years probably reflects increasing consumer use of topical neomycin with increased opportunity for sensitization. In the United States, neomycin-containing products have become the most widely used topical antibiotics (Ref. 55). In 1966 Stoltze observed: "The large number of positive reactions to neomycin corresponds to the widespread use of neomycin-containing ointments (neomycin/bacitracin mixtures) during the past 10 years, and during the past 5 years in the form of steroid ointments containing neomycin" (Ref. 56). In addition to being in these ointment and cream products, neomycin has also been present in certain cosmetics and deodorants (Ref. 57).

The type of commercial product containing neomycin sulfate used probably influences the resulting frequency of allergic sensitization to neomycin. In Denmark (Ref. 51) neomycin in ointment vehicles caused 77 percent of the cases of allergic sensitization, while cream, lotions, powders, and eyedrops accounted for only 22 percent of cases. At that time (1968), ointments comprised just under half of the total amount of topical neomycin sold in Denmark. The authors in the above study recommended that neomycin not be prescribed in an ointment vehicle (Ref. 51). In the United States, at the present time, ointments are the predominant neomycin-containing commercial products available in the OTC market (Ref. 58).

The initial development of allergic contact sensitivity to neomycin usually occurs after repeated use of topical medication containing neomycin. Skin conditions commonly predisposing to prolonged use of neomycin include hand eczema, external otitis (inflammation of the external ear canal) (Ref. 59), stasis dermatitis, and stasis leg ulcers associated with varicose veins. The presence of infected dermatitis predisposes patients to develop allergic contact sensitivity to medications (Ref. 55). Positive patch tests to neomycin and other substances are particularly common in patients with stasis dermatitis and stasis leg ulcers (Refs. 60 and 61). In contrast, positive patch tests to neomycin are much less common in patients with atopic dermatitis (Ref. 60).

The internationally accepted concentration of neomycin used in patch testing is 20 percent neomycin sulfate in petrolatum base (Ref. 6). While this concentration is markedly higher than the 0.5 percent concentration of neomycin found in OTC products, it is apparently necessary in order to produce absorption of neomycin through the intact normal skin which is always used in patch testing (Ref. 62). Neomycin is so poorly absorbed through intact skin that no detectable concentrations of neomycin were found in the blood or urine of normal volunteers who were covered with 0.5 percent neomycin ointment for 6 hours (Ref. 63).

The concentration of neomycin used in patch tests has been controversial. Some authorities use 30 to 50 percent (Ref. 55), while others believe that the concentration should be much less than 20 percent (Ref. 64). The Panel recognizes the limitations of this system, but concludes that it is presently the best test system available for identifying allergic skin disease. However, neomycin is very easily absorbed through broken skin damaged by dermatitis, inflammation, or trauma. Some studies have deliberately broken the skin through scratching (scarification) prior to patch testing to assure absorption of neomycin through the barrier layer of skin (Refs. 62 and 65). Other studies have by-passed the barrier layer by injecting neomycin directly into the dermis through the technique of intradermal testing (Refs. 44, 45, 62, and 66). Although intracutaneous injections of 1.0 percent neomycin have been used for testing neomycin allergy in the past (Ref. 44), the Panel concludes that this method is not valid for determining neomycin sensitization. Neomycin has been reported to induce mast-cell degranulation in guinea pigs at the site of injection, with resulting histamine release and development of a dermal papular (hive-like) reaction (Ref. 67). This work has not been repeated in animals nor in humans. The Panel has concluded that this phenomenon and observations concerning it are probably not relevant to neomycin sensitization. Today, intracutaneous testing with 1 percent neomycin is not a usual or customary clinical test.

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For a positive neomycin patch test to be considered valid, subsequent application of a commercial product containing neomycin must produce dermatitis in the same individual. Presumably, for absorption of neomycin to have occurred and triggered development of an allergic reaction, a neomycin product must have been applied to skin already damaged by preexisting dermatitis, ulcerations, or traumatic injuries. This may happen inadvertently when a patient previously sensitized to neomycin applies a neomycin-containing product to an area of dermatitis.

The Panel is aware of conflicting medical opinion as to the significance and severity of neomycin sensitization. In spite of the fact that neomycin is a recognized sensitizer, adequate data are not available to predict the sensitization potential of this antibiotic.

The Panel also concluded that a study to determine the sensitizing potential in a random population sample taken from the population at large should also be performed. This should be one of the several adaptations of the Kligman Maximization Test (Ref. 68). Earlier studies of sensitization potential have used limited populations, i.e., restricted in terms of age, sex, and race. The results of this study must be evaluated before neomycin can be considered for Category I. Physicians who favor continued OTC use of neomycin generally believe that the application of neomycin to small cuts and abrasions will most likely not lead to allergic sensitization (Ref. 64). They call attention to the fact that most studies demonstrating significant prevalence of neomycin sensitivity involve patients with prior dermatitis, and they believe that proper package labeling of neomycin products can guard against improper use of neomycin in such conditions. In 1963 Epstein and Wenzel stated: "Proper awareness of the possibility of sensitization, especially in infectious eczemas, appears to us adequate to prevent serious and prolonged disability from neomycin sensitivity (Ref. 47)."

In contrast, physicians who favor removal of neomycin from OTC products believe that neomycin presents an unjustifiably high risk of sensitization to the consuming public, no matter how it is applied. They feel that even if the resulting contact dermatitis in sensitized individuals is mild, and clears rapidly after neomycin is discontinued, the consumer should not be exposed to the resulting discomfort and potential disability. They also point out that neomycin sensitivity occasionally may result in severe reactions, as documented by Kirton and Munro-Ashman in 1965: "Thirty-nine patients said they were worse with neomycin, and occasionally the reaction was so severe that they were admitted to hospitals as emergencies (eight cases). One patient nearly died of exfoliative dermatitis as a result of his sensitivity" (Ref. 69).

Allergic sensitization to neomycin is of further concern due to possible development of cross-sensitization to structurally related chemicals. Cross-sensitization refers to induction of allergic contact dermatitis by one or more closely-related chemicals following initial sensitization to a different chemical of similar structure. Neomycin is one of several structurally-related aminoglycoside antibiotics presently marketed or under investigation for possible future marketing.

Cross-sensitization, as indicated by patch testing, has been well-documented among several types of aminoglycoside antibiotics. In 1958, cross-sensitization between neomycin and streptomycin was found in 8 patients originally sensitized to neomycin (Ref. 65). In 1962 cross-sensitivity between neomycin and paromomycin was found in 97 percent of 29 patients initially sensitized to neomycin (Ref. 70). In the same study, cross-sensitivity between neomycin and kanamycin was found in 58 percent of the 29 patients (Ref. 70). In 1965, cross-sensitivity between neomycin and framycetin was reported in 45 patients (Ref. 69). Cross-sensitivity between neomycin and gentamicin has been demonstrated in two separate studies in 1967 and 1973 (Refs. 71 and 72). The first study found 40 percent cross-sensitization in 100 patients (Ref. 71) while the second study found 55 percent gross-sensitization in 20 patients (Ref. 72). In 1973 cross-sensitization was also demonstrated between neomycin and butirosin in 90 percent of 20 patients (Ref. 72).

The possible implication of the above cross-sensitization (allergic reaction) data is of concern to the Panel. Recognizing the widespread use of topical neomycin, to what extent will induced neomycin allergy preclude future therapy with other potentially life-saving aminoglycoside antibiotics?

The Panel received a submission from a prominent dermatologist (Ref. 73). In the submission were responses from some members of the North American Contact Dermatitis Group to a communication which, regrettably, was based on a misconception of the Panel's belief as to the degree of possible allergic reaction of the general population to neomycin preparations.

At no time did the Panel express a belief that "6% of the population using 0.5% neomycin-containing preparations on minor cuts, abrasions, burns, etc. will get a contact dermatitis" as is stated in the submission.

Each of the respondents to the submission agreed, as does the Panel, that more studies and data are needed. The work of the North American Contact Dermatitis Group (Ref. 48) had been previously scrutinized by the Panel, and the fact that this study was conducted in a group of subjects with allergic skin disease had been noted. Clearly, one is unable to draw inferences applicable to a general population from this study of special patients. It is precisely this lack of prevalence and incidence data for the general population that has led the Panel to conclude that such information is required to accurately assess the risk of neomycin allergy. It is probable that the prevalence of neomycin allergy in the general population will be lower than that reported by the North American Contact Dermatitis Group for allergic patients.

Valid epidemiological studies designed to determine the prevalence of neomycin allergy in the general population are required to quantitate the risk of this ingredient. While, ideally, an incidence study would be most informative, it would probably not be feasible to conduct at a reasonable cost. A prevalence study would be more feasible and not unreasonably expensive. The aim of such a study would be to determine the frequency of allergic reactions to neomycin applied topically. A representative sample of the general population would have to consent to be skin-tested, and age, race, and sex-specific prevalence rates determined. This will give an estimate of the amount of neomycin sensitization currently present in the general population; however, it tells nothing of incidence (number of new cases of neomycin sensitization occurring over time). Furthermore, prevalence is determined by the duration and persistence over time of the allergic reaction. If such allergic reactions are very persistent, prevalence will be higher than if these reactions are of short duration.

Incidence and prevalence are terms that are easily confused; therefore, the Panel has defined them as follows: Incidence is the number of new cases of disease (for example, neomycin allergy disease) occurring in a defined population during a given time period. Incidence is express as a rate:

$$\frac{\text{Numbers of new cases of a disease in a year}}{\text{Numbers of persons in population}} \times K$$

(K=a constant of 10,000 or 100,000); and prevalence is the number of cases of a disease that exist at one point in time in a defined population. This is a cross-sectional measure rather than the longitudinal measure which is the case with incidence. Prevalence is expressed as a rate:

$$\frac{\text{Number of cases of neomycin allergy detected in a defined population as part of a survey conducted at a specified time}}{\text{Numbers of persons in population}} \times K$$

Whether or not "general" population prevalence or incidence figures can be inferred from a prevalence or incidence study depends on the representativeness of the population studied.

(2) *Effectiveness.* Experience with topical use of neomycin ointments, creams, lotions, and aqueous solutions in treating skin infections has been reported in many journals since 1951. Most reports lacked controls, and many lacked adequate bacterial cultures, with results based primarily on undocumented clinical impressions. The following discussion does not include the use of neomycin in combination topical antibiotic products, to be discussed later in this document.

In 1951 Falk and Allende (Ref. 74) used neomycin ointment or aqueous solution in 30 patients with various skin infections, with good results in 15 and moderate results in 14 cases. No controls or cultures were included in the report and no differentiation was made between

results with different bases. In 1952 Kile et al. (Ref. 75) treated 652 patients with assorted skin infections with neomycin cream, ointment, ophthalmic ointment, or wet dressings. Bacterial cultures were done only on 151 patients. Results were reported as good in 233, moderate in 357, and poor in 62 cases. No controls were included in the study. The ointment was thought to be more effective than the cream, although no differentiation between bases was made in reporting results. Forbes (Ref. 76) in 1952 also reported that neomycin ointment was superior to neomycin cream in treating 115 patients with various skin infections. Results were good in 66, moderate in 33, and poor in 16 cases. Bacterial cultures were included for a majority of cases, but no controls were reported in the study. In 1952 Livingood et al. (Ref. 77) reported treating 203 patients with skin infections with neomycin in ointment, aqueous solution, or water miscible base. Results were reported as good in 131, moderate in 33, and poor in 39 cases. Bacterial cultures with in vitro susceptibility studies indicated that neomycin was effective against staphylococci, *Pseudomonas*, and *Proteus* organisms encountered, but not effective against streptococci. Hemolytic streptococci were found in 7 lesions which did not heal. No controls were included in the study, and no differentiation between various bases was made in reporting results.

Forbes (Ref. 78) in 1953 used neomycin lotion to treat 126 patients with skin infections, with results reported as good in 62, moderate in 50, and poor in 14 cases. Cultures were included, showing 81 percent to have pathogenic staphylococci. No controls were included. In the same study, 209 patients with small postoperative electrodessicated wound sites (dehydrated tissue due to high frequency electric current) were treated prophylactically with neomycin lotion to prevent infection, with no infection being encountered.

In 1954 Robinson (Ref. 79) reported the combined experience of 4 dermatologists using topical antibiotic ointments in 5,000 patients with assorted pyodermas. In this general review without statistical data, neomycin was felt to be the topical antibiotic of choice for treating skin infections such as impetigo, ecthyma, and secondarily infected skin diseases. In 1954 Church (Ref. 80) used neomycin ointment and cream to treat 87 cases of skin infection with results reported as good in 50, moderate in 25, and poor in 2 cases. Among impetigo cases, 27 of 45 cleared in the first 7 days. Ointment and cream preparations of neomycin were felt to be equally effective in clearing infections, but no differentiation between bases was made in reporting results. All cases of infection were cultured before treatment, but no controls were included in the study.

In 1956 Forbes and King (Ref. 81) used neomycin lotion to treat miliaria ("prickly heat") in infants and young adults, with good results in 30 and moderate results in 13 cases. Use of the vehicle alone in five patients did not produce clearing. Lyons and Hunt (Ref. 82) treated 91 cases of miliaria rubra in a double-blinded study comparing neomycin lotion and lotion base alone. Both groups improved objectively and subjectively in 48 hours, but the clearing time of skin lesions was approximately 2 days shorter in the neomycin-treated group. Although this double-blinded study showed apparent superiority of neomycin over lotion base alone, the significance of this finding is difficult to interpret. The etiology of prickly heat is unknown and may, or may not, be related to bacterial infection. The Panel therefore concludes that this study is not relevant to the OTC application of neomycin to small cuts, wounds, burns, or abrasions.

In 1967 Farah et al. (Ref. 83) used neomycin ointment to treat 44 patients with superficial skin infections. Results were good in 22, moderate in 16, and poor in 6 cases. In the same study, gentamicin cream was used in treating skin infections in 84 patients. After 5 days of treatment, good results were seen in 71.4 percent of gentamicin-treated cases and 50 percent of neomycin-treated cases. With longer treatment periods, good results were almost identical in the two groups, with clearing of 86 percent of neomycin-treated group and 88 percent of gentamicin-treated cases. Cultures with antibiotic susceptibility testing were included, but no control ointment or cream was used. Keeping the above study in mind, the 1974 report of Zaynoun et al. (Ref. 84) becomes noteworthy, in which gentamicin cream and placebo cream were used in a double-blinded manner to treat 46 patients with skin infections. Each patient used hexachlorophene scrubs in addition to either gentamicin cream 0.1 percent or placebo cream. After 1 week, good results were seen in 52 percent of the gentamicin-treated group and 48 percent of the placebo-treated group, with no statistical difference between the two treatments. Neither treatment totally prevented the development of new lesions. Bacterial cultures of all cases showed that all bacteria recovered were sensitive to gentamicin. The authors concluded that topical antibiotics should not be used to treat skin infections since they are frequently ineffective. Although gentamicin is not currently under review for OTC topical use, the Panel concludes that the above study is relevant to the present report regarding the use of topical antibiotics in general. It is one of the few controlled studies which compares the use of a topical antibiotic to use of its base alone. The Panel concludes that the study raises serious questions about the clinical effectiveness of topical antibiotics in general for the treatment of superficial skin infections.

In 1951 Reiss and Pulaski (Ref. 85) studied the effect of neomycin ointment on 50 infected burns healing with granulation. Control burns, presumably on the same patients, were treated in a double-blinded manner with plain petrolatum. Cultures showed no alteration in bacterial flora of either group after neomycin treatment despite sensitivity of 80 percent of cultured organisms to neomycin. Formation of pus was the same in neomycin-treated burns as in control burns treated with petrolatum. No difference in healing time was noted subjectively between the two groups, although no objective appraisal of healing time was given. It was concluded that neomycin ointment did not eradicate pathogenic organisms any better, nor promote healing of granulating burns any faster, than did the placebo ointment. The Panel concludes that this carefully controlled study raises serious doubts about the effectiveness of neomycin ointment compared to the ointment base alone. The study also raises questions about the necessity of eliminating pathogenic bacteria from superficial wounds to promote healing.

Neomycin aqueous solution has been used in treating orthopedic surgical wounds. In 1968 Nachamie et al. (Ref. 86) reported a controlled study performed over 28 months in which wounds were irrigated with either saline solution alone or neomycin solution 0.1 percent plus saline solution. During each alternate month, neomycin was used in every surgical wound. Over the 28-month period neomycin was used in 219 of 466 surgical cases. No statistically significant difference in the incidence periods, with infections developing in 5.1 percent of neomycin-treated wounds and 4.4 percent of control wounds. Although the wounds in the study are very different from superficial skin wounds and the aqueous base is not under consideration for OTC use, the Panel concludes that this controlled study is relevant to the present review as it raises questions about the clinical effectiveness of topical neomycin sulfate when compared to its vehicle alone.

(3) *Dosage.* Topical ointment dosage for both adults and children, should be not less than 5 mg neomycin sulfate per gm of finished ointment dosage form. The amount applied should be sufficient to cover the affected area with a thin layer, not more than 0.5 gm (an amount equal to the surface area of the tip of a finger), 1 to 3 times daily with no maximum daily dosage.

(4) *Labeling.* The Panel recommends the Category I labeling for skin wound antibiotic ingredients. (See part IV. paragraph B.1. above—Category I Labeling). In addition, the Panel recommends the following specific labeling: "Do not use for burns, diaper rash or heat rash which cover large areas of the body."

(5) *Evaluation.* The Panel concludes that neomycin requires controlled clinical evaluation to establish prophylactic and therapeutic effectiveness. In addition, further safety data are required to evaluate allergic sensitization and bacteria resistance. (1) *Allergic sensitization.* The Panel concludes that studies should be performed to determine the incidence and/or prevalence of neomycin sensitization in the population at large. Considering the potential benefit-to-risk, and considering the type of reaction resulting from this type of sensitization, the Panel recommends that if more than 0.1 percent of the population at large is

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found to be sensitized to neomycin, it should be moved to Category II for reasons of safety. If less than 0.1 percent of the population at large is sensitized to neomycin, the Panel recommends that neomycin be placed in Category I for safety.

(ii) *Clinical effectiveness.* The Panel concludes that there are insufficient controlled data presently available to evaluate the clinical effectiveness of topical neomycin sulfate. There were virtually no controlled studies documenting that any formulated topical product containing neomycin sulfate as the only active ingredient was statistically any better than the product vehicle (base) alone. To the contrary, the controlled studies by Reiss and Pulaski (Ref. 85) and Nachamie et al. (Ref. 86) suggested that at least some topical neomycin sulfate preparations were not superior to their vehicles alone.

The Panel recognizes that some evidence from uncontrolled studies presented above suggests that topical neomycin sulfate may be helpful in preventing and treating superficial skin infections. The Panel also recognizes that differences of opinion exist as to the relative merits of these studies, and appreciates the many difficulties inherent in attempting to scientifically document clinical effectiveness. However, the Panel was not willing to accept uncontrolled clinical studies as proof of clinical effectiveness, even if adequate bacterial cultures are included in the study.

The Panel concludes that further double-blinded, randomized, controlled clinical trials are necessary to evaluate the clinical effectiveness of neomycin sulfate. If controlled studies indicate that neomycin ointment or cream is significantly more effective than the vehicle alone in preventing and treating infections in superficial skin wounds, the Panel concludes that neomycin sulfate should be moved to Category I for effectiveness.

(iii) *Bacterial resistance.* The Panel is concerned that a continued widespread use of neomycin sulfate on superficial skin conditions may result in an increasing antibiotic resistance of the skin staphylococci in the general population. This could have a deleterious effect in systemic staphylococcal infections where the organisms are already resistant to neomycin and cross-resistant to the other aminoglycoside antibiotics which could be used for the more serious systemic infections of life-threatening type.

The previous epidemiologic history of neomycin resistance illustrates that changes in resistance patterns do occur uniformly, and that a long period of time may be observed in which only sensitive strains are found in the face of widespread antibiotic use. These findings in no way guarantee freedom from the widespread development of resistant strains at a future date. Enough evidence has accumulated in the last 25 years to predict that with increasing use of any antibiotic, particularly on the body surface with the interaction with staphylococci, the resistance pattern will probably follow that of neomycin. Therefore the Panel concludes that continuing, on-going analyses of the susceptibility profile are required when antibiotics for topical use are proposed. Refer to in vitro testing as described in the guidelines elsewhere in this document. (See part VI. paragraph B.2.a. below—In vitro testing).

In summary, the Panel concludes that neomycin sulfate may be reclassified from Category III to Category I only if all of the following criteria are satisfied:

(a) Sensitization to neomycin is found to occur in no more than 0.1 percent of the population at large in a properly designed prevalence study of sufficient size of a representative sample of the general population.

(b) Updated bacteriologic surveys indicate that the susceptibility of staphylococci isolated from lesions in the general population do not show rapidly increasing resistance to neomycin or related aminoglycoside antibiotics.

(c) Controlled clinical studies indicate that neomycin sulfate used topically is significantly more effective than the vehicle alone in preventing and/or treating infections in superficial skin wounds.

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d. *Polymyxin B sulfate.* The Panel concludes that polymyxin B sulfate is safe when in the concentration used as a skin wound antibiotic for application on small areas of the body. However, there are insufficient effectiveness data to permit final classification as a skin wound antibiotic. It should be fully understood that the Panel concludes that polymyxin B sulfate should not be used alone as a single antibiotic ingredient in a topical preparation for skin wounds. Since most infections of the skin are caused by gram-positive organisms, and since polymyxin B is not effective against gram-positive organisms, it is the judgment of the Panel that if it were to be used alone in topical antibiotic preparations it could not be generally recognized as effective because of its limited spectrum. In an acceptable combination product, however, polymyxin B sulfate could be included to significantly broaden the antibacterial spectrum and thereby improve the potential effectiveness of such a combination product.

The five polymyxins—A, B, C, D, and E—are produced by the soil bacterium, *Bacillus polymyxa* (British *B. aerosporus*). They were discovered in 1947 in both England and the United States. Due to the toxicity of the others, polymyxin B has been the one generally used in the United States and the only one certified. Polymyxin E (colistin) has been more widely used in Britain (Ref. 1).

Chemically, the polymyxins are polypeptides with molecular weights of about 1,100. Polymyxin B, as the hydrochloride or sulfate, is water-soluble and is stable at 60° C for 1 hour. Commercial preparations of polymyxins B and E are 65 to 75 percent pure. The unit of polymyxin, based on a theoretical potency of 10,000 units/mg of pure drug, is 10 units/mcg (Ref. 1).

The polymyxins are active against gram-negative rods but are usually not active against Proteus species. Polymyxins are strongly bactericidal. Since their action is on the bacterial cell membrane with subsequent disruption of osmotic properties, the increase in permeability leads to escape of large molecules essential to cellular functions, ultimately causing bacterial cell death. The mode of action is cell wall disruption, increasing bacterial absorption of the antibiotic. The action is bactericidal at all levels of antibiotic and resembles that of chemical disinfectants. There is some evidence

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that its activity is inhibited by serum (Ref. 2).

The polymyxins are strongly protein bound. They do not penetrate the cell wall and are most effective if high levels of drug are in direct contact with gram-negative cells and do not have to penetrate a tissue barrier. Polymyxin at the tissue site is strongly absorbed by cell debris and by purulent material (Ref. 1).

Five mcg/ml of polymyxin is considered to be active against *Aerobacter, Klebsiella* and *Pseudomonas*. Resistant strains do occur.

Polymyxin activity is selective against gram-negative organisms including: *Escherichia* and *Enterobacter*. Against *Pseudomonas aeruginosa*, the polymyxins are more effective by weight in vitro than any other antibiotic. Most strains are inhibited by 8 mcg/ml or less of Polymyxin B or E. *Neisseria, Proteus*, and *Brucella* are resistant. *Shigella, Salmonella*, and *Hemophilus* may be sensitive in vitro, but no evidence of clinical effectiveness has been produced. Polymyxins are not active against gram-positive organisms.

There is some evidence of synergism with the tetracyclines and chloramphenicol (Ref. 1).

Resistance to polymyxins develops slowly. Polymyxins B and E show complete cross-resistance (Ref. 1).

The polymyxins should be considered as active against only gram-negative organisms such as the coliforms and Pseudomonas, and have no activity against the gram-positive organisms such as the micrococci, staphylococci or streptococci found on the skin surfaces as transients, residents, or pathogens.

(1) *Safety.* Though there is very little basic toxicological data available on the polymyxins, it can be stated that the acute toxicity of the several polymyxins appears to be similar. Much of the data concerning the toxicology of the polymyxins have been detailed in the monograph by Jawetz (Ref. 1) and the chapter by Manten (Ref. 3). The following summary is extracted from these sources.

When administered intravenously to mice, the LD_{50} of polymyxin B is approximately 6.1 mg/kg with death resulting in a few minutes from respiratory failure (Ref. 1). In fact, polymyxins are known to have a neuromuscular blockage effect in models designed to test such systems (Ref. 3). When given by the intraperitoneal route, the acute LD_{50} in mice is 12.1 mg/kg and is 82.5 mg/kg by subcutaneous injection. Symptoms leading to respiratory failure include weakness of limbs, shivering, and convulsion, all indicating a neurotoxic effect (Ref. 1).

In dogs, the intravenous administration of 1 to 3 mg/kg of polymyxin B resulted in a temporary depression of kidney function. Doses of 2.5 mg/kg given intramuscularly daily for 2 to 6 weeks in dogs resulted in transient depression of tubular (kidney) function (Ref. 1).

Topical application of polymyxin in low concentration (0.1 percent) apparently does not cause irritation to mucous membranes or granulating surfaces. Polymyxin is reported to be poorly absorbed after oral administration (Ref. 1). One report (Ref. 4) stated that no significant blood or urine levels could be obtained after topical application to large burns. Polymyxin blood levels of 15 mcg/kg in human patients have resulted in marked nitrogen retention. Jawetz and Coleman (Ref. 5) also found that patients whose serum levels were between 1 and 4 mcg/ml showed no alteration of nonprotein nitrogen. Since the major route of elimination is via the kidney, it has been suggested that in patients with preexisting impairment of renal function, doses of 1.5 mg/kg/day or less may result in additional depressed kidney function.

In view of the above summary, it is the judgment of the Panel that when polymyxin B sulfate is applied to intact skin, there is no evidence of a potential hazard from its use. When polymyxin B sulfate is applied to large areas of broken, denuded, or diseased skin, there are less firm data on which to base a sound scientific judgment concerning potential toxicity. In fact, there is only the one report (Ref. 4) that indicated polymyxin B was not absorbed to a significant degree from large burn areas.

It is the view of the Panel that when polymyxin B sulfate is applied to small cuts, abraisons, or burned areas, the amount of polymyxin B sulfate that could be expected to be absorbed into systemic circulation is far below the level that has been demonstrated to cause signs of toxicity in animals. The Panel feels that is no need for further basic toxicological studies on the polymyxins when formulations containing them are applied to small areas of broken skin. There would be concern for safety if large areas of broken skin were exposed to continued medication with ploymyxin B sulfate and/or if large areas of skin were occluded.

POLYMYXIN ALLERGY

The Panel has reviewed the literature in regard to the allergenicity of topical polymyxins. The literature does not indicate that polymyxin B sulfate is a significant cause of allergic skin disease. Members of the North American Contact Dermatitis Group, polled informally, supported this judgment (Ref. 6). While there are occasional, isolated case reports of possible allergy to topical polymyxin B, the reported prevalence is so small as to be considered inconsequential.

(2) *Effectiveness.* Clinical use of topical preparations containing polymyxin B as a single antibiotic has not been extensive, with most reports dating from 1949 to 1952 (Refs. 4 through 10). Polymyxin B sulfate as a single antibiotic agent has been used in solutions, sprays, creams, ointments, and jelly bases.

In 1949 Pulaski et al. (Ref. 7) in a preliminary, uncontrolled report indicated that polymyxin B, 1.0 percent in salt solution or carbowax base, was effective in eradicating *Pseudomonas aeruginosa* from infected granulating wounds if devitalized tissue were not present. In 1951 Jackson et al. (Ref. 4) used polymyxin E in a controlled study to treat burns infected with Pseudomonas. Alternate patients received therapy consisting of combinations of polymyxin E cream 0.1 percent and polymyxin E spray solution 0.1 percent or placebo cream and placebo spray. Polymyxin E significantly decreased the number of positive culture sites after 3 to 7 days. In the same study, prophylactic use of polymyxin spray and cream on patients in burn wards resulted in marked reduction of new Pseudomonas infections, with infection developing in only 7 percent of polymyxin treated patients in contrast to 24 percent of control patients. Use of polymyxin also resulted in fewer skin graft failures and shortened healing times of skin grafts by approximately 3 weeks. It was concluded by the authors that polmyxin 0.1 percent in cream base or spray can protect most burns against infection by Pseudomonas (Ref. 4). No mention was made of using polymyxin in an ointment base, which is the only form in which polymyxin is currently marketed OTC.

In 1952 Jawetz and Coleman (Ref. 5) used polymyxin solution 0.5–1.0 mg/ml to treat nine cases of surgical wound infections and four cases of chronic otitis media (infected ears). Continuous wet dressings and frequent instillation of polymyxin solution into wounds or ears inflamed with *Pseudomonas* resulted in prompt healing in most cases. While this study seemed promising, it had no controls and only a very small number of cases. No mention was made of using polymyxin in either ointment or cream base.

In 1952 Gastineau and Florestano (Ref. 9) used polymyxin ointment containing 8,000 units per gm of base experimentally in rabbits to treat 1.5 centimeter-circular wounds infected with either single cultures of *Proteus, Pseudomonas, Staphylococcus aureus*, or B-hemolytic streptoeocci, or mixed cultures of *Pseudomonas* and *Staphylococcus aureus*. The ointment eradicated *Proteus* and *Pseudomonas* but not staphylococci or streptococci. When polymyxin was combined with bacitracin 400 units per gm of ointment base, all bacteria appeared to be removed from the wounds. No wounds were treated with ointment base alone.

In 1961 Mulla (Ref. 10) in a double-blinded controlled study attempted to evaluate the effectiveness of topical polymyxin jelly in preventing urinary tract infections associated with bladder catheterization. Either control jelly or polymyxin jelly containing 5,000 units of polymyxin per gm of base was applied to the urethra and catheter tip prior to catheterization, and every 6 hours while the catheter was in place. Although fewer cases of bladder infection and bacteria in the urine occurred in the polymyxin-treated group than in the control group, the difference was not significant. The study considered only polymyxin in jelly base, which is not available commercially, and is not considered relevant by

the Panel for evaluation of currently used OTC topical antibiotics.

(3) Dosage. Topical ointment dosage, for both adults and children, should be 4,000 to 5,000 units of polymyxin B per gm of finished ointment dosage form when used in combination. The amount applied should be sufficient to cover the affected area with a thin layer, not more than 0.5 gm (an amount equal to the surface area of the tip of a finger), 1 to 3 times daily with no maximum daily dosage.

(4) Labeling. The Panel recommends the Category I labeling for skin wound antibiotic ingredients. (See part IV. paragraph B.I. above—Category I Labeling.)

(5) Evaluation. The Panel concludes that polymyxin B requires controlled clinical evaluation to establish prophylactic and therapeutic effectiveness. Polymyxin B sulfate appears to be a safe antibiotic for OTC use, with no evidence that toxicity would result from use of polymyxin products on small wounds. The Panel further concludes that polymyxin B surfate should never be used as the sole active ingredient of a topical antibiotic product since its spectrum of activity is limited to gram-negative bacteria not frequently found in superficial skin infections. The Panel urges that further investigative work on polymyxin B sulfate be undertaken to show effectiveness when in a combination product. If such prophylactic and/or therapeutic effectiveness of polymyxin B is demonstrated in controlled clinical trials involving minor skin wounds, polymyxin B sulfate should be reclassified as Category I.

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e. *Tetracyclines (chlortetracycline hydrochloride, oxytetracycline hydrochloride, tetracycline hydrochloride).* The Panel concludes that while the tetracyclines are safe in the concentrations used as a skin wound antibiotic for application on small areas of the body, there are insufficient effectiveness data to permit final classification as skin wound antibiotics.

The first of the tetracyclines was discovered in 1948. A series of antibiotics isolated from *Streptomyces* species have been referred to as the tetracyclines or the tetracycline group. This refers to their chemical structure consisting of four, six-membered (cyclic) rings having slight modifications on the rings with chloro- or oxy-groupings. Thus the names tetracycline, chlortetracycline and oxytetracycline have been developed. The change or loss of the groupings can modify their chemical activity and their antibiotic activity.

They are yellow, crystalline, amphoteric chemicals. Chlortetracycline is very unstable at alkaline or neutral pH, while oxytetracycline and tetracycline are both stable. Chlortetracycline activity is lost overnight in broth at pH 7.4. All of these antibiotics have a broad spectrum activity against gram-positive and gram-negative organisms *Rickettsia, Chlamydia, Treponema*, and *Mycobacterium*. The higher fungi are resistent except that *Actinomyces* show susceptibility. Chlortetracycline is most active against the gram-positive cocci. Oxytetracycline shows some activity against *Pseudomonas* and *Proteus*. Resistance has developed in the coliforms, staphylococci, streptococci, peneumococci, and the gas-gangrene clostridia.

Chemically, there are minor variations in their basic structures and they can be further modified, for example, to increase solubility. Stability varies among members of the group.

They are considered bacteriostatic and their mode of action is interference with protein synthesis in bacterial cells (Ref. 1). Specifically, they inhibit metabolism by blocking attachment of aminoacyl transfer RNA to ribosomes. The tetracyclines are also active chelating compounds, forming unions with divalent and trivalent cations, and can thereby interfere with enzymes that require such cations as cofactors. They activity also appears to interfere with the phosphorylation of glucose.

A wide antibacterial spectrum is demonstrated by all of the analogues and includes activity against many gram-positive and gram-negative organisms. They are active against the B-hemolytic streptococci, *Escherichia coli*, meningococci and gonococci and *Hemophilus* species. However, most *Proteus* and *Pseudomonas* species are resistant.

Resistance to these antibiotics has been reported in many strains of staphylococci and streptococci and a few strains of pneumococci, salmonellae, shigellae, and *Escherichia coli*. It often develops rapidly in organisms of the *Klebsiella/Acrobacter/Enterobacter* group and *Escherichia coli*. Cross-resistance is usually complete, but there are some exceptions.

(1) Safety. When the tetracyclines are administered orally or parenterally in large doses, local tissue irritation may occur (Ref. 1). Thrombophlebitis may occur if a single vein is used for repeated infusions (Ref. 1). Large intravenous infusions of tetracycline have induced liver damage, which is believed to result from serum levels of tetracycline exceeding 16 mcg/ml (Ref. 2). Liver damage is a special hazard in pregnant women following large oral or parenteral doses.

Systemic tetracycline therapy when administered to pregnant women or children may result in yellowish brown discoloration of the children's teeth. Severity of the discoloration increases with increased dosage and prolonged administration (Ref. 1).

In view of the long history of oral administration of tetracycline to millions of patients for conditions such as acne vulgaris, upper respiratory infections, and other infectious diseases with minimal toxicity or side effects, the Panel concludes that no toxicological hazards would result from topical application of tetracycline hydrochloride to small wounds, abrasions, burn or skin infections. Therefore, further toxicological examination of tetracycline hydrochlorde is unnecessary.

TETRACYCLINE ALLERGY

Tetracyclines applied to the skin have been considered harmless, based on the scarcity of reports of induced eczematous reaction of either the primary irritant or sensitization type. Occasional cases of contact dermatitis of the mouth from use of tetracycline lozenges have been reported, possibly induced by coloring or flavoring agents (Ref. 3). Transitory yellowish discoloration of the tongue has also occurred following systemic tetracycline therapy, but this is not an allergic reaction.

Cases of allergic contact dermatitis following use of topical tetracycline creams or ointments may result from sensitivity to parabens or other preservatives, or to azo dyes, rather than to the tetracycline itself. Dohn in 1960 (Ref. 4) comprehensively discussed the problem of contact dermatitis from topically applied tetracycline. A more recent paper by Bojs and Moller (Ref. 5) reports three cases of sensitivity to topical tetracycline with cross reactions between oxytetracycline, tetracycline, and methacycline. With only a few reports available for review, even after many years of consumer use, the Panel concluded that allergic sensitization to topically applied tetracycline is not a significant problem.

(2) Effectiveness. Tetracycline ointments were used extensively in uncontrolled clinical trials during the early 1950's. Three types of tetracycline ointments were evaluated: Chlortetracycline hydrochloride ointment, oxytetracycline hydrochloride ointment, and tetracycline hydrochloride ointment. In each oint-

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ment the concentration of tetracycline was 3 percent.

(i) *Chlortetracycline hydrochloride.* The use of chlortetracycline hydrochloride ointment in over 900 patients is documented in 9 papers appearing between 1950 and 1952 (Refs. 6 through 14). Robinson and Robinson (Ref. 6) treated 304 patients with a wide variety of primary skin infections and secondarily infected skin diseases. Good results were reported in 270 patients, including 59 cases of impetigo, which cleared in 3 to 21 days. No cultures or controls were included in this study. In 1952 Sawicky et al. (Ref. 7) briefly reported treatment of 170 similar cases. Although all impetigo cases cleared within 7 days, improvement occurred in less than 50 percent of all other cases treated. No cultures or controls were included in the report. Solomons (Ref. 8) in 1951 treated 144 patients, with good results in 116 patients, including 53 of 55 cases of impetigo. Although many cultures were performed in this study, no controls were included and the numbers of each type of infection treated were too small for statistical analysis. Jordon (Ref. 9) in 1952 reported treatment of 143 cases of impetigo, ecthyma, folliculitis, and external ear infection with chlortetracycline ointment. Good results occurred in 129 patients, including 78 of 81 cases of impetigo which healed in an average time of 6 days. No cultures or controls were included in this study. In 1950 Hollander and Hardy (Ref. 10) used chlortetracycline ointment to treat 79 cases of skin infection, with good results in 60 patients. They also treated 57 minor surgical wounds prophylactically with chlortetracycline ointment, with good healing in all cases. No cultures or controls were included in the report. Also in 1950, Siegel and Schantz (Ref. 13) treated 50 patients with various acute and chronic skin infections. Results were good in 40 cases, including 10 cases of impetigo, and moderate in 9 cases. No cultures or controls were included.

In 1951 and 1952 chlortetracycline ointment was used to treat tropical ulcers in Africa by Ampofo and Findlay (Ref. 11) and Lasbrey (Ref. 12). These ulcers contained many types of microorganisms, including spirochetes, fusiform bacilli, and cocci. Most ulcers became less painful within 48 hours, and many ulcers completely healed within 2 weeks. Frequent cultures revealed disappearance of organisms from ulcers in 3 to 5 days. These two studies stood out as the only reports using chlortetracycline onitment in which cultures were consistently performed. However, no controls were included in either report. A single case report of sycosis vulgaris (beard folliculitis) by Saunders (Ref. 14) included a culture positive for *Staphylococcus aureus*, with dramatic clearing of facial pustules previously unresponsive to treatment. However, no control medication was included in the study, and one case cannot be regarded as statistically significant.

(ii) *Oxytetracycline hydrochloride.* Oxytetracycline hydrochloride ointment was used to treat over 2,600 patients between 1951 and 1955, as reported in six papers (Refs. 15 through 20). In a very small, uncontrolled study in 1952 Ampofo (Ref. 15) treated six tropical ulcers of the legs and feet with healing of all ulcers in an average time of 4 weeks. In a much larger study in 1953, Wright and Tschan (Ref. 16) treated 391 patients having superficial infections with oxytetracycline ointment. Good results occurred in 310 patients, including 82 of 90 cases of impetigo, which cleared within 7 days. In the same study, healing without infection occurred in 244 cases of postoperative minor skin wounds treated prophylactically with oxytetracycline ointment. No cultures or controls were included in this study.

In 1952 Reiss (Ref. 17) used oxytetracycline ointment to treat 55 patients with assorted skin infections. Good results were reported for impetigo and beard folliculitis, but not for external ear infections. In five paired-comparison studies on the face involving three cases of facial impetigo and two cases of beard folliculitis, the side treated with oxytetracycline ointment improved somewhat faster than the opposite side treated with either iodochlorhydroxyquin or ammoniated mercury ointments. Although these controlled studies were attempted, their number was too small to be significant and no attempt was made to compare the effect of oxytetracycline ointment to the ointment base alone.

Robinson et al. (Ref. 18) in 1953 reported the use of oxytetracycline ointment in 728 patients with various skin infections and secondarily infected skin diseases. Results were reported as good in 291 and moderate in 228 cases. Impetigo cleared in 3 to 12 days in 105 of 122 cases. No cultures or controls were included in this study. In 1955 Robinson (Ref. 19) reported a similar study with 1,016 patients with various skin infections with good results in 489 patients, including 165 of 191 impetigo cases. Moderate improvement was noted in an additional 379 cases. No cultures or controls were included in the report.

With the exception of the Ampofo study (Ref. 15), no bacterial cultures were documented in the above large clinical studies. Controls were also lacking with the exception of the paired-comparison studies attempted in five patients by Reiss (Ref. 17). In 1951 Reiss and Pulaski (Ref. 20) performed the only study with oxytetracycline ointment which was double blinded and well controlled. Using hospitalized patients with granulating wounds produced by penetrating missiles, the effect of oxytetracycline hydrochloride ointment on healing was compared with that of colored petrolatum. In 30 wounds treated with oxytetracycline hydrochloride ointment, susceptible organisms were eliminated in 24 to 72 hours, whereas in 20 control wounds treated with petrolatum the bacterial flora was unchanged. Although no objective appraisal of healing time was given, no subjective difference in healing time was observed between the 2 groups, despite elimination of pathogenic bacteria in only one group. The conclusion of the authors was that contamination of granulating wounds with common pathogenic bacteria did not significantly delay wound repair. The Panel concludes that this carefully controlled study raises doubts about the effectiveness of oxytetracycline ointment compared to the ointment base alone. The study also raises questions about the significance of the bacterial loads with particular reference to the numbers in relation to superficial wound repair. Although bacteria were apparently eliminated by the antibiotic ointment, healing time of the wound was obviously not shortened.

(iii) *Tetracycline hydrochloride.* The use of tetracycline hydrochloride ointment was documented mainly in 1955 in studies by Welsh and Ede (Ref. 21) and Robinson et al. (Ref. 22). Welsh and Ede reported complete clearing of various pyodermas in 156 of 160 patients with various skin infections. However, their results were difficult to interpret due to concurrent treatment with other agents such as systemic antibiotics and radiation therapy. No cultures or controls were included in the study. Robinson et al. (Ref. 22) treated 923 patients with various skin infections with good results in 421 and moderate results in 343 patients. Although cultures were performed in 100 cases, no controls were included. In a small study an investigator (Ref. 23) treated 13 cases of chronic beard folliculitis with tetracycline ointment, with improvement of all cases in 3 to 7 days. When treatment was stopped, the disease promptly recurred. No cultures or controls were included in the study.

(3) *Dosage.* Topical ointment dosage, for both adults and children, should be not less than 1 mg of chlortetracycline hydrochloride per gm of finished dosage form, and not less than 15 mg of tetracycline hydrochloride per gm of finished ointment dosage form. The amount applied should be sufficient to cover the affected area with a thin layer, not more than 0.5 gm (an amount equal to the surface of the tip of a finger), 1 to 3 times daily with no maximum daily dosage.

(4) *Labeling.* The Panel recommends the Category I labeling for skin wound antibiotic ingredients. (See part IV. paragraph B.1. below—Category I Labeling.)

(5) *Evaluation.* In summary, the Panel concludes that tetracycline hydrochloride requires controlled clinical evaluation to establish prophylactic and therapeutic effectiveness. Tetracycline hydrochloride appears to be a safe antibiotic for OTC use, with no evidence of either toxicity or sensitization hazards resulting from use on small areas of infected skin.

Some evidence based on clinical impressions presented above suggests that tetracycline hydrochloride ointment may be helpful in treating superficial skin infections. However, no controlled studies with statistically significant numbers of cases were presented to the Panel showing that tetracycline hydrochloride ointment was therapeutically superior to its ointment base alone in treating superficial skin infections. The only well-controlled, double-blinded study by Reiss and Pulaski (Ref. 20) suggested that tetracycline hydrochloride ointment and ointment base alone (petrolatum) were of equal therapeutic effectiveness when applied to granulating wounds.

The Panel concludes that if controlled studies indicate that tetracycline hydrochloride ointment is more effective than ointment base alone in preventing and treating infections in superficial skin wounds, tetracycline hydrochloride should be reclassified as Category I. The Panel would also encourage controlled studies with the dosage forms such as creams for possible Category I status.

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V. Products Combining Multiple Topical Antibiotic Ingredients

A. General Discussion

1. *Regulations.* a. The Panel requested an industry task force to survey all the available literature dealing with effectiveness of topical antibiotics. This group not only assembled such data, but in addition, presented very helpful summaries. This data has since been published (Ref. 1).

b. The Panel has followed the OTC drug review regulation (21 CFR 330.10(a)(4)(iv)) which states:

> An OTC drug may combine two or more safe and effective active ingredients and may be generally recognized as safe and effective when each active ingredient makes a contribution to the claimed effect(s); when combining of the active ingredients does not decrease the safety or effectiveness of any of the individual active ingredients; and when the combination, when used under adequate direction for use and warnings against unsafe use, provides rational concurrent therapy for a significant proportion of the target population.

c. The Panel concludes that, as a general principle, the fewer the ingredients, the safer and more rational the therapy. The Panel also concludes that the interests of the consumer are best served by exposing the user of OTC drugs to the fewest ingredients possible at the lowest possible dosage regimen consistent with a satisfactory level of effectiveness.

d. The Panel concludes that OTC drugs should contain only such inactive ingredients as are necessary for pharmaceutical formulation. These inactive ingredients should be clearly stated on the label as inactive ingredients.

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2. *Requirement of significant contribution.* The Panel has determined that each claimed active ingredient in the combination must make a significant contribution to the claimed effect. The only rationale for the combination of antibiotic ingredients for topical application is to significantly broaden the antimicrobial spectrum or compensate for difference in resistance. The Panel concluded that where a combination product is to be permitted, as discussed below, it is sufficient to demonstrate in well-controlled in vitro studies that each of the ingredients makes a significant contribution toward broadening the antimicrobial spectrum. The Panel recognizes that adequate technology does not exist at this time for establishing the optimal concentration of antibiotic in a topical preparation. However, it is desirable that attention be directed toward such a goal.

3. *Single active ingredients.* It is an established medical principle to give only those medications, preferably as single entities, necessary for the safe and effective treatment of the patient. This principle applies equally to self-medication. To add needlessly to the patient's medication increases the risk of adverse reactions. However, because many of the antibiotics reviewed have limited antimicrobial spectra, there is often a legitimate need for these claims of products to combine topical antibiotic ingredients to broaden the spectrum. However, these combinations must be within certain limits to be discussed below.

4. *Active ingredients not reviewed by the Panel.* Each claimed active antibiotic ingredient in a combination product must be an ingredient that has been reviewed by the Panel. If a product contains an active antibiotic ingredient that has not been reviewed by the Panel and consequently not found in this document, such ingredient is automatically classified as a Category II ingredient; i.e., it is not generally recognized as safe and/or effective. Appropriate animal and human testing, and prior approval by FDA is required before a product containing such an antibiotic ingredient may be marketed.

5. *Antibiotic ingredients combined with nonantibiotics.* If a product contains a generally recognized safe and effective antibiotic ingredient (Category I), it may be combined with nonantibiotic ingredients provided:

a. The antibiotic ingredient remains generally recognized as safe and effective.

b. The nonantibiotic ingredient has been determined to be generally recognized as safe and effective by the appropriate OTC drug advisory panel.

c. The labeling indicates the intended pharmacologic effect(s) of all active ingredients.

d. The combination provides rational concurrent therapy for a significant portion of the target population.

No combinations of antibiotics and nonantibiotics were submitted or reviewed by the Panel. However, it is entirely conceivable that certain nonantibiotic ingredients such as corticosteroids, judged by another Panel to be generally recognized as safe and effective (Category I), could be combined with topical antibiotics. While such a combination would have to be properly evaluated, it would be rational for the purpose of reducing signs of inflammation. However, the Panel considers the combining of an-

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tibiotic and nonantibiotic ingredients to be irrational and without scientific basis and merely for the purpose of marketing advantage, particularly if the combination might result in a potentially serious health hazard. For example, combinations of antibiotics with local anesthetics (particularly those with a similar chemical structure to benzocaine) would not be safe or rational because these ingredients might mask symptoms of a worsening infection due to a pathogen's resistance to a particular topical antibiotic. Without pain because of action of a local anesthetic, the patient would be lulled into a false sense of security, believing the wound was healing when in fact the infection was actually spreading.

6. *Antibiotic ingredient combined with not more than two other antibiotic ingredients.* A Category I antibiotic ingredient can be combined with not more than two other Category I antibiotics provided:

a. The antibiotic ingredients all remain generally recognized as safe and effective.

b. The combination provides rational concurrent therapy for a significant portion of the target population. The Panel believes that if the addition of a second or third topical antibiotic ingredient to the product significantly increases the antimicrobial spectrum of the combination product, then the new ingredients have contributed to the combination. In addition, the increased antimicrobial spectrum must be relevant to the intended claim.

Conversely, if the addition of the second or third antibiotic to a combination does not significantly increase the spectrum, or the increased antimicrobial spectrum has no relevance to the intended claim, then those ingredients cannot be considered to have contributed to the combination. An example of the latter situation might occur if the addition of the second or third antibiotic expanded the combination's antimicrobial spectrum, but there was little likelihood the new microorganisms intended to be killed would be found either in the normal microbial flora of the skin or in the microbial flora of small wounds.

7. *Review of submitted combination products.* The Panel considered only those combination products submitted pursuant to the notice published in the FEDERAL REGISTER of September 7, 1973 (38 FR 24391) and certain other possible combinations based on the antimicrobial spectrum of single ingredients. The Panel recognizes that other combination products may be in the marketplace, but it has either no knowledge of such products or insufficient data with respect to such products to make a reasonable judgment of safety and/or effectiveness.

Acordingly, the Panel recommends that any new combination, or any presently marketed combination not submitted to this Panel, be evaluated through the new drug procedures or be the subject of an appropriate petition to the Commissioner to review or amend the OTC topical antibiotic monograph.

B. CLASSIFICATION OF COMBINATION PRODUCTS

1. *Criteria for determining Category I combination products.* To qualify as a Category I combination product, i.e., one that is generally recognized as safe and effective and not misbranded, each of the following conditions must be met:

a. Each active antibiotic and claim in the combination product is Category I, as set forth elsewhere in this document for single topical antibiotic ingredients and claims.

b. The active antibiotic ingredients are combined on the basis of broadening the relevant antimicrobial spectrum. (The Panel wishes to reemphasize its previous conclusion that the narrow antimicrobial spectrum of polymyxin makes it imperative that this ingredient only be used in combination with at least one other antibiotic ingredient.)

2. *Combinations allowable as Category I.* Based on the combinations submitted and discussed below in this document, and the above criteria for Category I combinations, the Panel places all presently marketed combinations of the following topical antibiotic ingredients in Category I: a. *Skin wound protectant.* (i) Bacitracin combined with polymyxin.

(ii) Any one tetracycline (chlortetracycline hydrochloride, oxytetracycline hydrochloride, tetracycline hydrochloride) combined with polymyxin.

b. *Skin wound antibiotic.* (None listed.)

3. *Criteria for determining Category II combination products.* A combination is classified by the Panel as a Category II product if any one of the following apply:

a. A combination is Category II if a Category II antibiotic or nonantibiotic ingredient or labeling is present in the combination.

b. The combination contains antibiotics with identical or very similar antimicrobial spectrums.

c. The combination contains more than three antibiotic ingredients.

There were no combinations submitted to the Panel which meet the above criteria for Category II classification.

4. *Criteria for determining Category III combination products.* A combination product is classified as a Category III combination if any of the following apply: a. The Category III ingredient or labeling is present in a combination product containing no Category II ingredient or labeling, and

b. Except for skin wound protectants, the combination contains antibiotic ingredients which have different spectra, and which together significantly broaden the antimicrobial spectrum in a manner that is relevant to the intended claim.

5. *Combinations allowable as Category III.* Based on the above criteria and the combinations submitted and previously discussed in this document, the Panel places all combinations with any of the following ingredients in Category III: a. Skin wound protectant and skin wound antibiotic: (i) Combinations of neomycin, polymyxin, and bacitracin.

(ii) Bacitracin combined with neomycin.

b. Skin wound antibiotics only: (i) Bacitracin combined with polymyxin.

(ii) Any one tetracycline (chlortetracycline hydrochloride, oxytetracycline hydrochloride, tetracycline hydrochloride) combined with polymyxin.

(iii) Gramicidin D combined with neomycin.

c. In addition, based upon significantly broadening the antimicrobial spectrum, the following combinations of active antibiotic ingredients, not now marketed, are considered by the Panel to be rational:

(i) Bacitracin combined with any one tetracycline (chlortetracycline hydrochloride, oxytetracycline hydrochloride, tetracycline hydrochloride).

(ii) Polymyxin combined with gramicidin D.

(iii) Any one tetracycline (chlortetracycline hydrochloride, oxytetracycline hydrochloride, tetracycline hydrochloride) combined with gramicidin D.

d. Further, the Panel agrees that should the criteria for combining topical antibiotic ingredients set forth above be met, all of these ingredients could be combined, if the total number of ingredients does not exceed three.

e. Further, there may be a number of other effective antibiotics for topical use which have been abandoned for systemic use because of potential toxicity which may, if investigated, add other combinations to this list.

f. Because a significant amount of data was submitted on the combinations set forth in paragraphs a and b of this section, the Panel believes these data should be revised in some detail as discussed below in section 6.

6. *Combinations of active ingredients.* a. *Neomycin-polymyxin-bacitracin.* Topical antibiotic products containing combinations of neomycin, bacitracin, and polymyxin have been used in the form of ointments, sprays, powders, and solution. In general, they are most widely used in the treatment of skin infections, burns, surgical wounds, and intravenous cutdown sites. Reports documenting use of these preparations began appearing in the mid-1950's and have continued to appear until the present time.

Antibiotic ointments containing neomycin sulfate 5 mg, zinc bacitracin 400 units, and polymyxin B 5,000 units per gm, have been used to treat various primary and secondary skin infections. In 1956 Panaccio (Ref. 1) used such treatment in 61 patients with various skin infections with results being good in 37, moderate in 14, and poor in 10. No cultures or controls were included in the report. Also in 1956 Stubenrauch et al. (Ref. 2) treated 113 cases of assorted skin infections with neomycin-polymyxin-bacitracin ointment with clearing of all lesions in 2 to 20 days. In 25 control cases treated with hydrocarbon base alone, only 4 cases cleared. However, control ointment base was not used in a double-blinded or randomized manner, and the 21 patients who did not immediately respond favorably to the ointment base alone were switched to neomycin-polymyxin-bacitracin ointment after 2 to 5 days. The Panel concludes that this was not an adequately controlled study. In 1959 Noojin et al. (Ref. 3) treated 55 patients with skin infections with neomycin-polymyxin-bacitracin ointment. Results were reported as good in 39 and poor in 16. No cultures or controls were included in the report.

In contrast to earlier uncontrolled or inadequately controlled studies, Pace in 1971 (Ref. 4) in an unpublished double-blinded, controlled study compared neomycin-polymyxin-bacitracin ointment and placebo ointment in the treatment of impetigo. In 30 patients, paired lesions of impetigo were graded according to size, redness, crust, oozing, and pain. Lesions were then culture and cleansed prior to treatment and were later recultured after 2, 3, and 7 days of treatment. One lesion of the pair on each patient was treated with the antibiotic ointment while the other lesion was treated with placebo ointment base. No significant difference was found between the two groups in either appearance of the lesions or in bacterial cultures. Inadequate antibiotic release from the ointment base was postulated by the author as a possible reason for the lack of superior results with the antibiotic ointment.

Four double-blinded, controlled studies between 1965 and 1970 document the use of neomycin-polymyxin-bacitracin ointment on intravenous catheter sites (Refs. 5 through 8). In each study antibiotic or placebo ointment was applied to puncture or cutdown sites after initial catheter insertion, and then reapplied once every 1 to 2 days after residual ointment had been removed. After catheter removal, the distal tip of each catheter was cut off and cultured. In 1965 Moran et al. (Ref. 5) applied antibiotic ointment to venous cutdown sites to see if phlebitis and septicemia resulting from infected intravenous catheters could be reduced. Application of antibiotic ointment to 38 cutdown sites was associated with bacterial colonization on only 18 percent of catheter tips, compared to 63 percent of catheter tips from 11 untreated sites, and 78 percent of catheter tips from 40 sites treated with placebo ointment. Septicemia (blood borne infection) did not develop in any patients treated with antibiotic ointment, in contrast to 2 cases in untreated controls and 5 cases in patients treated with placebo ointment. Phlebitis (localized inflamation of the vein) occurred in only 37 percent of patients treated with antibiotic ointment, in contrast to 57 percent of control patients. The authors concluded that neomycin - polymyxin - bacitracin ointment was helpful in preventing infections resulting from cutdown treatment. In 1970 Levy et al. (Ref. 6) reached the same conclusion in a similar study of cultures from 162 percutaneous venous catheters left in place longer than 48 hours. Results showed positive cultures from only 12 percent of 49 catheters treated with neomycin-polymyxin-bacitracin ointment, in contrast to 30 percent of 62 untreated catheters and 29 percent of 51 catheters treated with placebo ointment. The predominant organism cultured from all catheters was *Staphylococcus aureus*, but the number of organisms cultured was greatly decreased in the antibiotic ointment group. However, *Candida albicans* was cultured from 2 catheters in the antibiotic ointment group. Although this study was designed as a double-blinded, controlled trial, one of the investigators knew the code and allocated subjects, so that the experiment was actually unblinded at the beginning. Results showed a statistically nonsignificant difference in colonization, but in favor of the antibiotic ointment.

In 1969 Norden (Ref. 7) and Zinner et al. (Ref. 8) in separate studies concluded that antibiotic ointment does not decrease the overall incidence of bacterial colonization in catheter tips, but may offer protection against certain pathogenic organisms if catheters are left in place longer than 72 hours. Norden (Ref. 7) in a randomized, double-blinded, controlled study cultured 400 percutaneous catheter tips and found a bacterial colonization rate of 12 percent in 201 catheters from antibiotic-treated sites and 31 percent of 207 catheters from sites treated with placebo ointment. Pathogenic bacteria, however, were found in 4 percent of catheters in each group. If catheters were left in place longer than 4 days, pathogens were found on 8 percent of catheters, whereas if catheters were removed before being in place for 4 days, only 2 percent of catheters were infected. Zinner et al. (Ref. 8) cultured 436 percutaneous venous catheters in a double-blinded, controlled study. Catheter tips were found to be colonized with bacteria in 29 percent of 210 patients treated with antibiotic ointment and 34 percent of 226 patients treated with placebo ointment. Although there was no significant difference in the overall rate of colonization between the two groups, pathogens such as *Staphylococcus aureus* and gram-negative rods were greatly reduced on antibiotic-treated catheters, occurring in only 11 percent of antibiotic-treated catheters compared to 25 percent of controls treated with placebo ointment. *Candida albicans*, however, was found in 6 percent of antibiotic-treated catheters but in no placebo-treated catheters, and was felt to pose a potential danger of septicemia in antibiotic-treated patients. Approximately 30 percent of microorganisms cultured were resistant to the neomycin-polymyxin-bacitracin ointment. The development of phlebitis was not apparently influenced by the presence of antibiotic ointment, and also did not correlate with the presence of bacteria on the catheter tip. The incidence of phlebitis increased as catheters were left in place longer than 72 hours, so that early removal of venous catheters was concluded to be the most important factor in decreasing the risk of infection.

In 1962 Hildebrandt et al. (Ref. 9) lubricated urinary catheters with neomycin-polymyxin-bacitracin ointment in an effort to reduce urinary infection (bacteriuria) following catheterization in patients undergoing gynecologic surgery. Patients were catheterized in the operating room prior to surgery and the resulting urine was cultured. Postoperative urine cultures were taken 24 to 192 hours after surgery. Antibiotic ointment was applied only to catheters used in alternate patients, while control patients were left untreated. Antibiotic ointment significantly reduced the incidence of bacterial found in the urine, with only 6.7 percent of 15 patients with repeated short catheterizations having bacteriuria after topical antibiotic use compared to 36.4 percent in 22 controls. With prolonged indwelling catheterization, 100 percent of control patients but only 54 percent of antibiotic-treated cases had bacteriuria, although the number of cases was too small to be significant. It was concluded by the authors that antibiotic ointment helped reduce infection associated with single rapid catheterizations, but probably did not help prevent infection associated with prolonged indwelling catheters.

In 1972 and 1973 Bush and Stone (Refs. 10 and 11) reported the use of neomycin-polymyxin-bacitracin ointment and cream in treatment of major burns on burn wards to prevent infection with *Pseudomonas* organisms resistant to gentamicin. Following debridement and cleansing of burns, topical antibiotic cream or ointment was applied under absorbent pressure dressings, which were changed periodically under general anesthesia. From 1969 to 1971, among 204 children with extensive burns treated with neomycin-polymyxin-bacitracin cream or ointment, 2.0 percent died of pseudomonal sepsis. This was compared with earlier burn mortality rates of 1.9 percent among 623 children using topical gentamicin between 1964 and 1969, and 14.4 percent mortality among 791 children using topical nitrofurazone from 1958 to 1964. No control ointments were used during the treatment period with neomycin-polymyxin-bacitracin. The cream base was postulated to be more effective than the ointment base, possibly enabling better absorption of antibiotic into the burn wound. However, no attempt was made in the report to separate results using cream or ointment. Both cream and ointment forms were concluded to be effective in preventing and treating infections of burn wounds.

In 1962, Lowbury, et al. (Ref. 12) used antibiotic aerosol sprays containing neomycin-polymyxin-bacitracin to treat burns in 22 patients. Control patients received either no treatment (24 patients) or topical treatment with penicillin powder (24 patients). Results, based on daily bacterial cultures from burns, showed that bacterial growth was effectively suppressed in 47 percent of burns treated with antibiotic spray, compared to only 9 percent of untreated controls and 12 percent of patients treated with penicillin powder. The antibiotic spray suppressed staphylococci, coliforms, and *Pseudomonas*, which remained common in the other two groups. The antibiotic spray was concluded by the authors to significantly suppress bacterial infection in burns. No attempt was made to make

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the study double-blinded or to treat burns with the aerosol spray alone.

In 1963 Lubowe (Re. 13) used antibiotic spray containing neomycin-polymycin-bacitracin to treat various primary and secondary skin infections in 51 patients. Results were reported as good in 42 and poor in 9 patients. No cultures or controls were included in the study in 1967 Mack and Cantrell (Ref. 14) in a very small double-blinded, controlled study evaluated the effectiveness of antibiotic sprays in reducing infections and healing time in superficial granulating wounds. Cultures of 20 infected wounds were taken prior to treatment and then 10 days after treatment had begun. Use of the antibiotic spray for 10 days resulted in 8 of 11 initially infected wounds having negative cultures, in contrast to 2 of 9 initially infected wounds having negative cultures following treatment with aerosol propellant alone. This difference was statistically significant and led the authors to conclude that the antibiotic spray was highly effective in eliminating bacterial infection from wounds. However, there was no statistically significant difference in wound healing times between the two groups.

In 1970 Purssey (Ref. 15) reported the treatment of 153 minor surgical wounds with neomycin - polymyxin - bacitracin spray following excision of skin lesions, but prior to suturing. An additional 127 similar wounds were not treated with the spray during the same period. All wounds were examined 7 to 10 days later at the time of suture removal, and cultures were taken of any wound which appeared to be infected. Results showed that 5.9 percent of wounds treated with the antibiotic spray were infected, in contrast to 17.3 percent of wounds which were infected in untreated controls. All infected wounds contained *Staphylococcus aureus*, and significantly more infected wounds occurred on the trunk and limbs than on the face and neck. The author concluded that the antibiotic spray dramatically decreased the number of postoperative infections in the treated group. Although this study was controlled, patients were not allocated in a randomized fashion and no attempt was made to double-blind the study by treating control wounds with a placebo spray.

In 1969 Heisterkamp et al. (Ref. 16) tested the effectiveness of neomycin-polymyxin-bacitracin spray in preventing infection in war wounds of the extremities in Vietnamese soldiers. After wound cultures were taken, and within 1–6 hours after wounding, a single spray of antibiotic was applied to each wound. Wounds were then debrided at a later time during the initial 24 hours after wounds, and patients were monitored until their wounds were completely healed. Control patients received either no spray at all or treatment with oxytetracycline spray. Results showed that 39 percent of 28 control wounds which were not treated with any antibiotic spray developed infection. In contrast, 16.3 percent of 86 wounds treated with tetracycline spray became infected, as did 16.7 percent of 12 wounds treated with neomycin-polymyxin-bacitracin spray. The authors concluded that topical antibiotic sprays, if used early, can reduce the incidence of infection in war wounds, as the infection rate in the control group was 2½ times as great as in the group treated with topical antibiotics. However, the sample size of the group treated with neomycin-polymyxin-bacitracin spray (12 patients) is too small to permit conclusions of statistical significance.

In 1968 Matsumoto et al. (Ref. 17) studied simulated combat wounds which were produced in rabbits, comparing wound treatment using several types of topical antibiotic sprays. Antibiotic spray was applied 15 minutes after contaminated soil was rubbed into wounds initially produced with multiple deep incisions into the thigh muscles. Results showed that oxytetracycline in myristate spray was much superior to all other sprays used, including oxytetracycline in sesame oil spray and neomycin-polymyxin-bacitracin in either myristate or sesame oil sprays. Oxytetracycline in myristate spray reduced mortality to 3 percent, in contrast to a 78 percent mortality with neomycin-polymyxin-bacitracin in myristate spray.

Neomycin-polymyxin-bacitracin spray has been used extensively to treat major surgical wounds in an effort to prevent postoperative wound infections. In 1961 Forbes (Ref. 18) reported a survey of staphylococcal wound infections which developed over a 4-year period among 6,419 major operations. This was a before-and-after prospective cross-over study in which antibiotic spray was used for a period and then stopped, with incidence rates of wound infection computed for each period. During the 4-year period, the overall wound infection rate was 3.3 percent, but the yearly infection rates declined progressively from 6.7 percent in 1957 to 1.8 percent in 1960 as use of the antibiotic powder spray increased. The use of the antibiotic spray was encouraged, but not required during the study, and gradually increased throughout the treatment period. During a 2-month control period in 1960, the use of all antibiotic sprays was banned in the operating room, with the result that the infection rate rose to over 6 percent. When spraying of wounds with antibiotic was resumed, the monthly infection rates dropped sharply to levels of 0.1 to 2 percent, identical to levels in the previous 6 months. The overall infection rate in wounds treated with antibiotic spray was 2.0 percent, whereas the infection rate in unsprayed wounds was 4.3 percent. The author concluded that the antibiotic spray could both protect individual patients from wound infection and also help reduce the overall infection rate in surgical wounds. The Panel concluded that although there was a tendency towards reduction in infections during the periods in which antibiotic sprays were used, the differences in infection rates computed for each period were too small to be highly significant.

In 1965 Fielding et al. (Ref. 19) reported a controlled study performed over a 7-month period in which approximately half of all surgical wounds were treated with neomycin-polymyxin-bacitracin spray during wound closure. The spray was used only on certain days, which were allocated to different parts of the week as the study progressed in an effort to randomize patient selection. Control patients received no spray treatment. Results showed that among 480 clean wounds, infection occurred in 3.8 percent of untreated wounds and 0.9 percent of wounds treated with antibiotic spray, a difference in infection rates which is only slightly statistically significant. In 371 dirty or potentially infected wounds, infection occurred in 16.1 percent of untreated wounds and 12.8 percent of antibiotic-treated wounds, a difference which is not statistically significant. The authors concluded that prophylactic treatment of surgical wounds with topical antibiotic spray could not be recommended except in dirty wounds with a potentially high risk of wound infection. The Panel concluded that the study was performed in a rather loose and unsupervised manner, as suggested in the report, and that the positive results achieved in clean wounds should be interpreted with great caution.

In 1971 Jackson et al. (Ref. 20) concluded that neomycin-polymyxin-bacitracin spray will not prevent a majority of postoperative wound infections. Wounds to be treated with antibiotic spray were chosen randomly by spinning a coin. Among 704 operations, 340 wounds served as untreated controls. In the control groups, 14.3 percent of wounds became infected, whereas in the group treated with antibiotic spray, 10.9 percent of wounds became infected. Infection occurred in 5 percent of clean wounds, 11.5 percent of potentially contaminated wounds, and 42.1 percent of contaminated wounds. Although there was a slightly lower incidence of infection in the group sprayed with antibiotic, the difference in infection rates between the two groups was not statistically significant.

Four recent reports describe the use of neomycin-polymyxin-bacitracin spray in the management of contaminated surgical wounds following emergency abdominal surgery (Refs. 21 through 24). In 1972 Stone and Hester (Ref. 21) reported experience with neomycin-polymyxin-bacitracin spray in the management of wounds involving actual or possible gastrointestinal perforation following acute appendicitis or trauma to the abdomen. Wounds were randomly assigned to one of three treatment groups: immediate primary closure, delayed primary closure, and antibiotic spray followed by immediate primary closure. The outcome measure was the development of wound infection among 265 cases of abdominal incisions contaminated by bacteria. Results were difficult to interpret as percentages were given without denominators. Little difference was noted between delayed primary closure groups and antibiotic plus immediate primary closure groups, although both were much superior to primary closure alone. However, the addition of antibiotic spray significantly decreased the incidence of infection in wounds treated with immediate primary closure. Delayed closure without antibiotic spray also significantly reduced the infection rate in wounds, but wounds often became colonized later with different bacteria common in the hospital.

In 1973 Stone and Hester (Ref. 22) reported a similar study during a 27-month period in 1,288 children who underwent emergency surgery for treatment of penetrating abdominal wounds or possible intestinal perforation. Patients were randomly assigned to one of three treatment groups based on the last digit of their hospital number, and were subsequently treated with either immediate primary closure, delayed primary closure, or neomycin-polymyxin-bacitracin spray followed by immediate primary closure. Results were divided between clean and contaminated (dirty) wounds. Among clean wounds in 844 patients, results showed no significant difference between the three treatment groups. Among 444 contaminated wounds, however, immediate primary closure alone in 154 wounds resulted in 48.7 percent of wounds becoming infected, in contrast to 10.3 percent of 155 wounds which became infected using antibiotic spray prior to immediate primary closure and 15.6 percent of 135 wounds which became infected after delayed primary closure. The authors concluded that the topical antibiotic spray significantly decreased the incidence of wound infections in heavily contaminated abdominal incisions. Although this study was randomized and controlled, no effort was made to double-blind it using a control spray.

In 1973 Gilmore et al. (Ref. 23) reported a 5-month study in which appendectomy wounds were treated with neomycin - polymyxin - bacitracin spray powder in an effort to decrease the number of postoperative wound infections. Patients were randomly divided into three treatment groups of 84 each, receiving primary closure alone, antibiotic spray prior to primary closure, or povidone iodine spray prior to primary closure. Results showed a statistically significant reduction in the number of infections using both antibiotic spray and povidone iodine spray when compared to the use of no spray at all in wounds closed with primary closure. While 18 percent of control wounds became infected only 10 percent of antibiotic-treated wounds and 8 percent of povidone iodine-treated wounds were infected. The authors concluded that both the antibiotic spray powder and the povidone iodine spray were superior to primary closure alone for prevention of postoperative infection in appendectomy wounds.

An unpublished randomized and double-blinded controlled study by Seropian and Reynolds (Ref. 24) compared the use of neomycin-polymyxin-bacitracin spray to the spray aerosol alone in treating 256 emergency, high risk, contaminated major surgery cases. The antibiotic spray caused a significant reduction in wound infections with infection developing in 11.0 percent of 127 wounds treated with aerosol spray alone. No adverse reactions were observed using the sprays.

In 1972 Furman et al. (Ref. 25) reported the use of antibiotic solution containing neomycin-polymxin-bacitracin in treating five patients with infections developed around cardiac pacemakers. After the localized infections were cultured and debrided the wounds were irrigated every hour with antibiotic solution containing neomycin 1 gm; bacitracin, 50,000 units; and polymyxin, 500,000 units, per liter (1) of normal saline solution. In addition, patients were treated with oral antibiotics and kanamycin irrigation. Infections were cleared without removal of the pacemaker in all five patients, and the antibiotic solutions was felt by the authors to be extremely helpful in the treatment. However, there were so many treatment variables in the study that it is impossible to evaluate the role of the antibiotic in the overall treatment results.

In 1963 Lamphier and Goldberg (Ref. 26) reported the use of neomycin-polymyxin-bacitracin powder in lactose base to treat minor surgical wounds and skin infections in 356 patients. Following wound treatment with saline irrigation, soap cleansing, and debridement, the antibiotic powder was applied under a dressing. Most wounds were reported to have healed within 2 weeks, and the author concluded that the antibiotic powder was helpful in treating minor surgical wound infections. However, no controls were included in the study. In 1963 Gray and Kidd (Ref. 27) reported the use of neomycin-polymyxin-bacitracin powder in guinea pigs to treat experimental wounds which had been purposely infected. The powder was concluded by the authors to be very effective in preventing wound infections caused by aerobic bacteria. However, no attempt was made to double-blind the study by including treatment with powder base alone.

In summary, the Panel concludes that the studies cited above are insufficient to establish clinical effectiveness for the combination of neomycin, bacitracin, and polymyxin in topical antibiotic OTC products. Although several double-blinded, controlled studies have been performed using the triple antibiotic combination, they have mostly involved treatment of major surgical wounds or intravenous cutdown sites, instead of the prophylaxis or treatment of superficial skin infections for which OTC use is designed. An additional problem with many of these studies is their use of vehicles such as sprays and solution which are not presently available for OTC use, rather than the use of ointments which constitute the major formulated OTC product currently available. The Panel is concerned that the antibiotics may not be as readily released from the ointment dosage form as from sprays or solution, and therefore is not willing to accept studies with these bases as proof of effectiveness for the ointment dosage form. Most double-blinded, controlled studies involving the ointment dosage form of neomycin-polymyxin-bacitracin were concerned with attempting to prevent infection in intravenous catherization sites. Results of these studies are conflicting, with some authors concluding that the triple antibiotic ointment decreases the number of bacterial infections at the catherization sites, while other authors believe that the ointment does not decrease the overall incidence of infections at the catheter sites. The only double-blinded, controlled study with triple antibiotic ointment involving treatment of a superficial skin infection (Ref. 4) suggested that the antibiotic ointment was no more effective than the ointment base alone in the treatment of impetigo. Opposing this conclusion is a large body of favorable clinical impressions (cited above) based on uncontrolled clinical trials involving various superficial skin infections. While not wishing to disregard the clinical judgment of any practicing physician who contributed time and effort to both perform and report his studies, the Panel concludes that these studies cannot be substituted for double-blinded, controlled clinical trials in proving clinical effectiveness of the triple antibiotic ointment.

The Panel considers that the combination of neomycin, polymyxin, and bacitracin provides a rational and broad spectrum of antibacterial coverage against both gram-positive and gram-negative bacteria likely to be found in superficial skin wounds. The Panel concludes that if controlled studies show statistically that an ointment or any other topical dosage form containing the triple antibiotic combination is significantly more effective than the vehicle alone in preventing and treating infections in superficial skin wounds, neomycin-polymyxin-bacitracin should be reclassified as Category I as a skin wound antibiotic. This decision is contingent upon neomycin not being shown to be a significant allergic sensitizer in the population at large, as outlined earlier in this document. Category I status for this combination as a skin wound protectant would only be dependent on the resolution of the allergic sensitization question.

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b. *Bacitracin-neomycin.* Combination topical antibiotics containing bacitracin and neomycin have been used in the form of ointments, solutions, and sprays. Most reports documenting use of these products appeared between 1953 and 1966 (Refs. 1 through 8) and concerned treatment of pyodermas, burns, and massive soft tissue injuries as well as a mean of reducing the number of *Staphylococci* in the anterior nares of so-called nasal carriers. An additional report in 1971 concerned use of bacitracin-neomycin solution as a preoperative surgical scrub preparation (Ref. 9).

The use of bacitracin-neomycin ointment to treat skin infections was reported in 1953, 1954, 1963, and 1966 (Refs. 1 through 4). In 1953 Lubowe (Ref. 1) used bacitracin-neomycin ointment to treat 58 patients with various skin infections, with results reported as good in 53 and poor in 5 cases. No cultures or controls were included in the report. In the same study 22 patients with minor skin surgical wounds were treated prophylactically with bacitracin-neomycin ointment, with no infections developing in any wounds. In 1954 Greenhouse and Ryle (Ref. 2) treated 53 cases of assorted skin infections with bacitracin-neomycin ointment with good results in 47 and poor results in 6 cases. No cultures or controls were included in the report. In a double-blinded, controlled study in 1963 Burnett (Ref. 3) compared the effectiveness of systemically administered erythromycin with topically applied bacitracin-neomycin ointment in the treatment of impetigo. Impetigo lesions in 70 patients were cultured and gram-stained, and then treated with combinations of either erythromycin capsules and placebo ointment or placebo capsules and bacitracin-neomycin ointment. The average time interval between initiation of treatment and cure was not significantly different between the two groups, being 3.5 days with erythromycin capsules and 3.9 days with topical bacitracin-neomycin ointment. However, the number of treatment failures was significantly greater in the bacitracin-neomycin ointment group, with eight failures compared to one failure in the systemic erythromycin group. The systemic antibiotic was concluded to be much more reliable for treating impetigo than the topical antibiotic.

In 1966 Urbach (Ref. 4) treated 50 consecutive patients with assorted skin infections with topical antibiotic ointment containing either bacitracin-neomycin or neomycin-polymyxin-bacitracin. Cultures of all lesions before treatment revealed *Staphylococcus aureus*. Improvement of lesions was said to occur if their crusts disappeared, erosions healed, and itching vanished. Using these criteria, there was no significant difference between improvement of lesions in the two treatment groups as good results occurred in 20 of 25 cases in the neomycin-bacitracin group and 18 of 25 cases in the neomycin-polymyxin-bacitracin group. The addition of polymyxin to the antibiotic combination of bacitracin-neomycin was concluded by the author to yield no particular advantage, since most skin infections are due to staphylococci or streptococci which are not susceptible to polymyxin. No controls were included in this study.

In 1959 a double-blinded, controlled study by Weinstein (Ref. 5) examined the use of bacitracin-neomycin ointment for controlling the asymptomatic carriage of staphylococci in the noses of all personnel working on hospital surgical services. Over a 12-month period, 57 people were identified as persistent nasal carriers of staphylococci, as shown by frequent and repeated nose and throat cultures. The application of bacitracin-neomycin ointment to the anterior nares of the nose for a 7-day period was compared to either no treatment at all or treatment with placebo ointment. Good results, as judged by the presence of negative nose and throat cultures 1 week after treatment was discontinued, occurred in 72 percent of 39 people treated with bacitracin-neomycin ointment, 23 percent of 22 people treated with placebo ointment, and 22 percent of 37 people receiving no treatment. Bacitracin-neomycin ointment was concluded to be a useful topical treatment for partial control of staphylococcal nasal carrier states.

In 1960 Garnes et al. (Ref. 6) used sprays containing bacitracin and neomycin to treat patients with second and third degree burns. The spray left a powder which formed a thin film on the wound. No infections occurred among the 21 patients who were treated with bacitracin-neomycin spray, with burns remaining dry and odorless. However, four patients died of other complications. No cultures or controls were included in this report. In 1959 and 1960 bacitracin-neomycin sprays were also used to treat massive experimental wounds made with explosives in goats (Refs. 7 and 8), and were felt to be of significant benefit in prolonging survival time. The Panel concluded, however, that these types of studies were not relevant to evaluation of topical antibiotics for OTC use.

In 1971 Saik et al. (Ref. 9) used bacitracin-neomycin solution in 70 percent alcohol as a 5 to 10 minute presurgical scrub and compared it to an iodophor presurgical scrub solution. In 541 "clean" operations with obvious infection present, bacterial cultures were taken from the skin of the surgical site before the scrub solution was used, immediately prior to surgery and immediately after surgery. Prolonged bacterial suppression was found to occur on the skin treated with the bacitracin-neomycin solution, with significantly lower postoperative

median counts in the bacitracin-neomycin treated group than in the iodophor group. There were also more preoperative "no growth" bacterial counts after scrubbing with bacitracin-neomycin solution than with iodophor solution. Although fewer postoperative wound infections occurred following the bacitracin-neomycin scrub than with the iodophor scrub, the difference was not significant, with infections developing in 2.2 percent of the bacitracin-neomycin group and 3.6 percent of the iodophor group. The authors concluded that the bacitracin-neomycin scrub solution was more effective than iodophor solution in suppressing bacteria on the skin, even though there was no significant difference between the two groups in the number of postoperative wound infections which developed.

In summary, the Panel concludes that the studies cited above do not adequately establish clinical effectiveness for the combination of bacitracin and neomycin in topical skin wound antibiotic products. The only double-blinded, controlled study using bacitracin-neomycin ointment involved treatment of nasal carriers of staphylococci, not the prophylaxis or treatment of superficial skin infections for which OTC use of the combination is designed. The Panel considers that the combination of bacitracin and neomycin is rational since it broadens antibacterial coverage against the gram-positive organisms most likely to be found in superficial skin wounds, and also decreases the likelihood of encountering a bacterial strain resistant to both antibiotics as well as the chance of developing an infection which might be resistant to both antibiotics. Although the combination of bacitracin and neomycin does not provide bacterial coverage against some of the gram-negative bacteria, the Panel feels the potential risks for OTC use are low, since very few superficial skin wounds under normal circumstances become infected with gram-negative organisms. The Panel concludes that if controlled studies show statistically that an ointment or any other topical dosage form containing the combination of bacitracin and neomycin is significantly more effective than the vehicle base alone in preventing and treating infections in superficial skin wounds, bacitracin-neomycin should be reclassified as Category I as a skin wound antibiotic. This decision is contingent upon neomycin not being shown to be a significant allergic sensitizer in the population at large, as outlined earlier in this document. Category I status for this combination, as a skin wound protectant, would only be dependent on resolution of the allergic sensitization question.

REFERENCES

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(6) Garnes, A. L., E. E. Corbin and A. Prigot, "Local Therapy of Burns with a Neomycin-Bacitracin Spray Powder," *Antibiotic Medicine and Clinical Therapy*, 7:291–294, 1960.

(7) Mendelson, J. A., "Topical Therapy as an Expedient Treatment of Massive Open Wounds—Experimental Study," *Surgery*, 48:1035–1047, 1960.

(8) Knecht, A. T., Jr., H. M. Wise, Jr., F. B. Brinkley and R. P. Koch, "Bacitracin-Neomycin Detergent Spray—Effectiveness in the Treatment of Massive Experimental Wounds," *Antibiotics Annual, 1958–1959*, pp. 659–665, 1959.

(9) Saik, R. P., C. A. Walz and J. E. Rhoads, "Evaluation of a Bacitracin-Neomycin Surgical Skin Preparation," *The American Journal of Surgery*, 121:657–560, 1971.

c. *Bacitracin-polymyxin.* The combination of bacitracin-polymyxin topical antibiotic was evaluated for treatment of various skin infections in five uncontrolled studies between 1952 and 1954 (Refs. 1 through 5). In 1954 Philip (Ref. 1) treated skin infections in 36 patients with a lotion containing 500 units of bacitracin and 10,000 units of polymyxin per ml of carbowax vehicle. Results were good in 19, moderate in 9, and poor in 8 cases. No controls were included in the study. In 1952 Gastineau and Florestano (Ref. 2) used bacitracin-polymyxin ointment to treat 147 patients with assorted skin infections. Results were reported as good in 137, moderate in 9, and poor in 3 cases. No controls were included in the report. In 1952 Graves (Ref. 3) reported the use of bacitracin-polymyxin ointment in 89 cases of acute and chronic external ear infections. Good results were seen in all cases. No cultures or controls were included in the study.

In 1953 Kile et al. (Ref. 4) used an ointment containing bacitracin 500 units and polymyxin B 10,000 units per gm to treat 361 patients with various skin infections. Results were good in 87, moderate in 230, and poor in 44 cases. Although cultures were performed in 78 patients, no controls were included in the study. The same ointment was used prophylactically in 65 patients following various office minor surgical procedures, with prevention of infection in all cases (Ref. 4). No controls were included in the prophylactic study. In 1954 Pass and Rattner (Ref. 5) used bacitracin-polymyxin ointment to treat 577 cases of skin infection. Results were good in all cases, but no controls were included in the report. In the same study, no postoperative infections occurred in 34 cases of acne planning following prophylatic use of the ointment (Ref. 5).

In summary, the Panel concludes that the uncontrolled studies cited above do not adequately establish clinical effectiveness for the combination of bacitracin and polymyxin in topical skin wound antibiotic products. The Panel considers that the combination of bacitracin and polymyxin is rational and provides a broad spectrum of antibacterial coverage against both gram-positive and gram-negative bacteria likely to be found in superficial skin wounds. The Panel concludes that if controlled studies show statistically that an ointment, lotion, or any other topical dosage form containing the combination of bacitracin and polymyxin is significantly more effective than the vehicle alone in preventing and treating infections in superficial skin wounds, bacitracin-polymyxin should be reclassified as Category I as a skin wound antibiotic. This combination is already classified as Category I as a skin wound protectant.

REFERENCES

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(5) Pass, B. J. and H. Rattner, "Treatment of Pyoderma with Polymyxin B-Bacitracin Ointment," *Journal of the American Medical Association*, 155:1153, 1954.

d. *Tetracycline-polymyxin.* Clinical use of topical antibiotics containing the combination of tetracycline and polymyxin has not been widely reported, with only three reports documenting the use of tetracycline-polmyxin ointment (Refs. 1, 2, and 3) and three additional reports documenting the use of tetracycline-polymyxin powder. No controlled studies have been reported using this combination.

In 1953 and 1955 Appel (Refs. 1 and 2) reported the use of oxytetracycline-polymyxin B ointment in 2 studies which included 137 and 433 patients with assorted skin infections. Among the 137 patients, results were reported as good in 82, moderate in 26, and poor in 29. Among 433 patients, results were good in 392 and poor in 41. No cultures or controls were included in either study. Appel (Ref. 1) also reported that 56 minor surgical wounds treated prophylactically with the same ointment healed without evidence of infection. Again, no controls were included. In 1955 Carsley (Ref. 3) treated 75 patients with various skin infections using oxytetracycline-polymyxin ointment. Results were good in 54, moderate in 13, and poor in 8 cases. Acute impetigo in 20 patients was cured in 2 to 7 days. No cultures or controls were included in the report.

In 1959 and 1962 Barefoot (Refs. 4 and 5) used oxytetracycline-polymyxin

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powder to treat 5,691 and 5,500 patients with assorted skin infections and postoperative minor surgical wounds. Good results were reported in all patients, but no cultures or controls were included. In 1965 Lamphier (Ref.6) used oxytetracycline-polymyxin B power to treat 1,112 patients with assorted localized skin infections or postoperative abdominal wounds. Results were reported as good in 987, moderate in 98, and poor in 27. No cultures or controls were included in the report.

In summary, the Panel concludes that the uncontrolled studies cited above do not adequately establish clinical effectiveness for the combination of tetracycline and polymyxin in topical skin wound antibiotic products. The Panel considers that the combination of tetracycline and polymyxin provides a rational and broad spectrum of antibacterial coverage against both gram-positive and gram-negative bacteria likely to be found in superficial skin wounds. The Panel concludes that if controlled studies show statistically that an ointment, powder, or any other topical dosage form of the combination of tetracycline and polymyxin is significantly more effective than the vehicle alone in preventing and treating infections in superficial skin wounds, tetracycline-polymyxin should be reclassified as Category I as a skin wound antibiotic.

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(5) Barefoot, S. W., "Topical Oxytetracycline-Polymyxin Further Observations," *Dermatology*, 86:236, 1962.

(6) Lamphier, T. A., "Surgical Infections Treated with Oxytetracycline," *Clinical Medicine*, 72:88–92, 1965.

e. *Gramicidin-neomycin.* Gramicidin D, 0.25 mg/gm in plasticized hydrocarbon gel base, was submitted for OTC review as part of a combination ointment containing neomycin. The Panel considers that the combination of gramicidin D and neomycin is rational since it broadens antibacterial coverage against the gram-positive organisms most likely to be found in superficial skin wounds, and also decreases the likelihood of encountering a bacterial strain resistant to both antibiotics as well as the chance of developing an infection that might be resistant to both antibiotics. Although the combination of gramicidin D and neomycin does not provide adequate bacterial coverage against gram-negative bacteria, the Panel is not concerned about potential risks for OTC use since very few superficial skin wounds under normal circumstances become infected with gram-negative organisms. No clinical studies involving the use of the combination of gramicidin D-neomycin, either controlled or uncontrolled, were submitted to the Panel for evaluation. Therefore, the Panel was unable to evaluate the clinical effectiveness of this topical antibiotic combination. The Panel concludes that if controlled studies show statistically that an ointment, or any other topical dosage form containing the combination of gramicidin D and neomycin, is significantly more effective than the vehicle alone in preventing and treating infections in superficial skin wounds, gramicidin D-neomycin should be reclassified as Category I. The decision is contingent upon neomycin not being shown to be a significant sensitizer in the population at large, as outlined earlier in this document.

C. CONCLUSIONS REGARDING COMBINATIONS

A comprehensive search of the literature recently published "reveals no direct evidence from double-blind controlled studies that the application of combinations of antibiotics will reduce the number of infections of accidentally incurred minor cuts, burns and abrasions" (Ref. 1). It is argued that in vitro studies, in vivo evidence, and the positive findings in other clinical trials (as, for example, surgical wounds) should lead to the conclusion that these agents will also be effective in the prophylaxis of infections of accidentally incurred cuts and abrasions.

The Panel is unable to accept this argument for several reasons. The evidence from the referenced clinical trials is not always consistent. Furthermore, the design of many of the cited studies is deemed less than adequate. Finally, although other studies may suggest that a properly designed, randomized, double-blinded, controlled trial of combination antibiotic agents might reduce the incidence of infection of accidentally incurred minor cuts, wounds, and abrasions, the proof is still lacking. However prudent scientific judgment does not permit the conclusion that merely arguing their efficacy by analogy is sufficient.

REFERENCE

(1) Anderson, V., "Over-the-Counter Topical Antibiotic Products: Data on Safety and Efficacy," *Supplement to International Journal of Dermatology*, 15:1–118, 1976.

D. CRITERIA FOR RECLASSIFICATION OF CATEGORY III COMBINATIONS TO CATEGORY I COMBINATIONS.

1. *Safety.* The combination must be shown to be safe utilizing the tests described in the Guidelines for Evaluation of Safety described elsewhere in this document. (See part VI. paragraph B.1. below—Safety testing.)

2. *Effectiveness.* The combination must be shown to be effective utilizing the tests in Guidelines for Evaluation of Clinical Effectiveness described elsewhere in this document. (See part VI. paragraph B.2. below—Effectiveness testing.)

VI. GENERAL GUIDELINES FOR SAFETY AND EFFECTIVENESS EVALUATION OF TOPICAL ANTIBIOTICS

A. INTRODUCTION

The Panel believes it reasonable to allow 2 years for the development and review of evidence to permit final classification of these ingredients and the claims made for them. Marketing need not cease during this time if adequate testing is undertaken.

The Panel has given considerable thought to the problem of how to demonstrate the safety and effectiveness of topical antibiotics. The following guidelines for demonstration of product safety and effectiveness were developed by the Panel to aid evaluation of present data and assist manufacturers in designing future studies. The guidelines are not meant to be rigid or binding protocols for evaluation of safety or effectiveness, but instead attempt to indicate the type of information judged by the Panel to be essential for conclusive evaluation of drugs designed for widespread OTC use.

B. SAFETY AND EFFECTIVENESS TESTING

1. *Safety testing, using both topical and systemic methods of exposure to the antibiotic.* The Panel believes that safety testing of OTC topical antibiotic ingredients must include application to large areas of damaged skin. Despite the intended restriction of their use to small cuts and abrasions, these formulations have a history of use on larger areas of damaged skin such as diaper rash, heat rash, leg ulcers, and extensive burns. The Panel feels that manufacturers should realize that topical OTC antibiotics are used in an unsupervised manner and that safety testing should make every effort to assure minimal risk of toxicity to the patient despite the manner of application to the skin.

The tests described below should be performed in an appropriate animal species when required in the appropriate section(s) for each specific ingredient described elsewhere in this document.

a. *Topical.* Determine for both the antibiotic and the final formulation where applicable:

(1) Primary skin irritation following single or repeated exposure. Special attention should be paid to the eyes and mucous membranes (Ref. 1).

(2) Allergic contact dermatitis. Any unusual adverse reactions in humans, such as photosensitivity or alterations in pigmentation, should be carefully and fully investigated.

(3) Effect of the antibiotic and formulation on wound healing.

REFERENCE

(1) Rovee, D., Transcripts of open session of Antimicrobial II Panel, March 21, 1975

b. *Systemic.* For the antibiotic alone, determine the following: (1) Develop, if possible, an adequately sensitive analytical method such that traces in blood can be determined.

(2) Determine, if possible, an LD_{50} in animals by at least two routes of administration, one being either parenteral or oral. In determining an LD_{50}, the minimum lethal and the maximum tolerated blood level and dose by that route should be established.

(3) The target organ(s) for toxicity effects should be identified if possible when the drug is administered topically and via oral or parenteral routes in animals. Specific toxic effects in each species should be related to a blood concentration and the time required to induce that effect. It is also expected that these toxicity studies should be conducted in a single species during a single study. Appropriate histological and biochemical studies relating to observed effects should be conducted.

(4) Degree of absorption (at least as evidenced by blood tests) through both intact and abraded animal skin, using at least 25 percent of the total body surface as the size of the test area. Both acute and subacute exposures should be evaluated. Tissue distribution studies following both topical application and oral or parenteral administration (if evidence suggests differences), metabolic fate, and rates and route of excretion should be determined if target organs have been found for toxicity.

c. Where evidence suggests a need, conduct appropriate teratogenicity, mutagenicity, carcinogenicity, and reproduction studies in animals.

2. *Effectiveness testing, including in vitro tests and in vivo tests with animal models, human models, and clinical studies.* The Panel feels that evaluation of clinical effectiveness of topical antibiotics should include recognition and consideration of their widespread OTC use for treatment as well as prevention of skin infection. Although topical antibiotics are presently labeled only for prophylactic use to prevent infection in small cuts and wounds, the Panel suspects that consumers use these products more frequently to treat rather than to prevent such infections. While not encouraging self-diagnosis and treatment of infection, the Panel believes that the average consumer can reliably recognize the signs of skin infection (redness, warmth, tenderness, pus) and should have the option of applying a safe and effective OTC medication. Therefore, the Panel is willing to accept a realistic therapeutic labeling claim for effectiveness in treatment of minor skin wound infections, providing justification for such a claim can be clearly and convincingly demonstrated for topical antibiotics by the manufacturer.

Demonstration of clinical effectiveness must include proof that the formulated topical antibiotic product is more effective than the product vehicle alone. Controlled studies are required by the Panel to demonstrate that the antibiotic product is more than an inert vehicle inducing a beneficial placebo effect on the skin. The Panel requires evidence that each antibiotic is successfully released from its vehicle when applied to skin, thereby becoming available to act on bacteria within superficial skin wounds.

The Panel concludes that three major areas of effectiveness must be evaluated: Prophylaxis or prevention of infection; effectiveness in the treatment of infection, if claimed; and the effects on wound management and wound repair. The Panel recognizes the many difficulties inherent in obtaining acceptable data in all of these areas. Therefore, the Panel recommends preliminary well-designed and well-controlled animal and human model studies, followed by appropriate clinical trials. Such models should simulate as closely as possible situations that might exist in actual practice. The panel will not insist on clinical testing of prophylactic effectiveness in a large number of patients, provided that adequate model studies have been conducted to indicate prophylactic effectiveness.

The following guidelines for effectiveness testing are not intended to be restrictive, but merely indicate the types of data considered necessary:

a. *In vitro testing.* Such testing should include: (1) Careful technique to ensure that antibiotic carryover into the test system is eliminated by proper dilution or inactivation.

(2) Determination of the antimicrobial spectrum of the antibiotic using both standard cultures and recently isolated strains of each species.

(3) Determination of the minimal inhibitory concentration (MIC) of the antibiotic under standard conditions against standard reference organisms and recent clinical isolates from superficial infections to provide updated, relevant data on susceptibility of these current isolates.

b. *In vivo testing.* Such testing should be designed to closely approximate clinical situations and evaluate intended label claims for both prevention and treatment of minor skin wound infections and management of wounds. A well-designed study should include proper precautions to demonstrate the effect of the antibiotic itself compared with the effect of the vehicle. Control groups should receive treatment with inert vehicles which are identical in appearance, odor, and consistency to the test material. A doubleblinded procedure should be employed to minimize bias in reporting results. An appropriate procedure to ensure random allocation of subjects to treatment and comparison groups should be employed (Ref. 1).

In vivo testing could include work with animal models and human models, prior to clinical studies.

The Panel recognizes the difficulty in conducting large-scale prospective clinical trials. Several statistical methods to reduce the size of these trials may be helpful, such as use of sequential designs to limit the sample size.

(1) *Animal models.* Review of the current literature suggests that hamsters and guinea pigs are satisfactory experimental animals in which to consistently produce skin infection. The impetigo model in hamsters and the various guinea pig surgical wound models appear to provide reliable test systems for evaluating both therapeutic and prophylactic effectiveness of topical antibiotics. Care must be taken, however, in comparing test results obtained in different species.

The Panel recommends that attempts be made to standardize the following variables in animal models: (1) Location of contaminated wounds.

(ii) Depth of incision.

(iii) Type and quantity of inoculum.

(iv) Method of inoculation.

(v) Time between the inoculation and treatment.

(vi) Method of culturing.

(vii) Technique of treatment.

(viii) Method of wound closure.

(ix) System of grading infections.

In working with prophylactic surgical wound models, effort should also be made to avoid leaving necrotic tissue, foreign bodies, dead space, or hematomas which might interfere with wound healing.

(2) *Human models for treatment and prophylaxis.* Review of the current literature and of unpublished data presented to the Panel leads the Panel to believe that a few satisfactory and safe model systems presently exist for producing experimental superficial infection in human skin. Successful models require disruption of the uppermost layers of the skin through either cellophane tape stripping or ammonium hydroxide blister formation. To ensure safety, a 24-hour lag period must elapse between stripping or blister induction and inoculation of pathogenic microorganisms into the wound, which is then followed by plastic wrap occlusion. The resulting skin lesions, induced by *Staphylococcus aureus*, apparently resemble superficial infections produced under natural conditions and may be used to evaluate possible therapeutic effectiveness of topical antibiotics.

Prophylactic effectiveness can also be evaluated using the same model by inserting a topical antibiotic into the test system between the time of bacterial inoculation and usual appearance of clinical lesions.

A second model for testing prophylactic effectiveness includes the use of plastip wrap occlusion on normal forearm skin to induce bacterial proliferation. Application of various concentrations of antibiotic before, during, or after occlusion helps indicate the bacteriostatic and bactericidal effectiveness of a test product against both gram-positive and gram-negative microorganisms.

The Panel recognizes that no single test system can possibly encompass all therapeutic and prophylactic applications for which OTC topical antibiotics are designed. Separate protocols will have to be designed to consider such variables as antibacterial spectrum and duration of antibiotic action. The Panel concludes, however, that existing model test systems in humans can be modified and controlled in such a way that they will help to evaluate specific claims for therapeutic and prophylactic effectiveness of topical antibiotics.

(3) *Clinical studies.* The final appraisal of topical antibiotic effectiveness must take place in a clinical setting under circumstances conforming to actual circumstances in the community and must conform to accepted ethical standards. Animal and human models may

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lessen the need for extensive, time-consuming, expensive clinical trials on agents that are found to be ineffective in the model system. The Panel expects that, at a minimum, adequate clinical studies would be conducted to confirm and validate the results of model studies if performed. For example, a small closed population could probably be found in which the infection rate of small wounds could be determined. With adequate controls and experimental design, it could then be demonstrated that application of a topical antibiotic did or did not alter the normal infection rate.

A variety of strategies are available to limit the number of subjects in these clinical studies, including sequential designs and use of artificially induced wounds in volunteers. It is suggested that prophylactic trials not be initiated unless there is sufficient evidence to suggest that they will show a beneficial effect for the tested products.

REFERENCE

(1) Hill, A. B., "Principles of Medical Statistics," 9th Ed., Oxford University Press, New York, 1971.

C. SUMMARY.

The Panel has given careful consideration to the types of studies and types of data to be required for reclassifying a claimed active topical antibiotic ingredient from Category III and placing it in Category I. Effectiveness should be demonstrated by means of randomized controlled clinical trials. In general, to demonstrate effectiveness, the design of the study should have a sound scientific basis (e.g., a randomized, double-blinded, controlled prospective study comparing claimed active ingredients to placebo), the clinical trial should be carefully controlled (e.g., consideration given to selection of subjects representative of the general population as well as diet, activity, travel, etc. of subjects being studied), and quantitative measurement of various parameters appropriate for the claimed effects of the ingredient should be made. The features of a well-designed clinical trial are outlined in § 314.111 (21 CFR 314.111). The Panel believes that a single study of adequate size and design may provide sufficient evidence to make a judgment as to effectiveness. To demonstrate safety, appropriate toxicological studies in appropriate experimental animals and man are required, as outlined elsewhere in this document.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 701, 52 Stat. 1040–1042 as amended, 1050–1953 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321, 352, 355, 371)) and the Administrative Procedure Act (secs. 4, 5, and 10, 60 Stat. 238 and 243 as amended (5 U.S.C. 553, 554, 702, 703, 704)) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes that Subchapter D be amended by adding new Part 342 to read as follows:

PART 342—TOPICAL ANTIBIOTICS FOR OVER-THE-COUNTER HUMAN USE

Subpart A—General Provisions

Sec.
342.1 Scope.
342.3 Definitions.

Subpart B—Active Ingredients

342.10 Skin wound protectant.
342.40 Permitted combinations of skin wound protectant active ingredients.

Subpart C—[Reserved]

Subpart D—Labeling

342.50 Labeling of skin wound protectant products.
342.52 Labeling of skin wound antibiotic products.

AUTHORITY: Secs. 201, 502, 505, 701, 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321, 352, 355, 371); (5 U.S.C. 553, 554, 702, 703, 704).

Subpart A—General Provisions

§ 342.1 Scope.

An over-the-counter antibiotic product in a form suitable for topical use is generally recognized as safe and effective and is not misbranded if it meets each of the following conditions and each of the general conditions established in § 330.1 of this chapter.

§ 342.3 Definitions.

For topical preparations when applied at acceptable concentrations, as used in this part:

(a) Skin wound protectant. A safe, nonirritating preparation applied to small, cleansed wounds that provides a protective physical barrier, conforming to the barrier testing for skin wound protectants as published in the FEDERAL REGISTER of September 13, 1974 (39 FR 33140), and may also include a chemical (antibiotic), which neither delays healing nor favors the growth of microorganisms.

(b) Skin wound antibiotic. A safe, nonirritating antibiotic-containing preparation that prevents or treats overt skin infection.

Subpart B—Active Ingredients

§ 342.10 Skin wound protectant.

The active ingredients of the product consist of the following within any maximum dosage limit established:

(a) Bacitracin. Adults and children topical ointment dosage is not less than 500 units of bacitracin per gm of finished ointment dosage form as identified in § 448.510a of this chapter (a unit of potency contained in 13.51 mcg of the bacitracin master standard as identified in § 430.6(a)(2) of this chapter).

(b) *Polymyxin B sulfate.* Adults and children topical ointment dosage is 4,000 to 5,000 units polymyxin B per gm of finished ointment dosage form when used in combination only as identified in § 342.30 (a), (b), (c), and (d) of the bulk antibiotic, the potency of which is not less than 6,000 units of polymyxin B per mg of polymyxin B sulfate as identified in § 448.30(a)(1) of this chapter.

(c) *Tetracycline preparations (chlortetracycline hydrochloride, oxytetracycline hydrochloride, tetracycline hydrochloride)*—(1) *Chlortetracycline hydrochloride.* Adults and children topical ointment dosage is not less than 1 mg of chlortetracycline hydrochloride per gm of the finished ointment dosage form as identified in § 448.510a of this chapter.

(2) *Oxytetracycline hydrochloride.* Adult and children topical ointment dosage is not less than 30 mg oxytetracycline hydrochloride per gm of the finished ointment dosage form as identified in § 446.567b of this chapter.

(3) *Tetracycline hydrochloride.* Adults and children topical ointment dosage is not less than 15 mg tetracycline hydrochloride per gm of the finished ointment dosage form as identified in § 446.581a of this chapter.

§ 342.30 Permitted combinations of skin wound protectant active ingredients.

(a) Polymyxin B sulfate identified in § 342.10(b) may be combined with bacitracin identified in § 342.10(a): *Provided,* That the combination meets the requirement of § 448.510c of this chapter.

(b) Polymyxin B sulfate identified in § 342.10(b) may be combined with chlortetracycline hydrochloride identified in § 342.10(c)(1): *Provided,* That a suitable requirement for certification is established for the combination in § 446.510 of this chapter.

(c) Polymyxin B sulfate identified in § 342.10(b) may be combined with oxytetracycline hydrochloride identified in § 342.10(c)(2): *Provided,* That the combination meets the requirement of § 446.567b of this chapter.

(d) Polymyxin B sulfate identified in § 342.10(b) may be combined with tetracycline hydrochloride identified in § 342.10(c)(3): *Provided,* That a suitable requirement for certification is established for the combination in § 446.581 of this chapter.

Subpart C—[Reserved]

Subpart D—Labeling

§ 342.50 Labeling of skin wound protectant products.

(a) Indications. The labeling of the product may contain any phrase(s) in the definition of a skin wound protectant established in § 342.3(a). Labeling may also include the phrase(s): "Protectant", "protects wounds", "first-aid product", "first-aid for small (minor) cuts, abrasions and burns", "protectant for small (minor) cuts, abrasions and burns", "protects against wound contamination".

(b) Warnings. The labeling of the product contains the following warnings under the heading "Warning", which may be combined to eliminate duplicative words or phrases so the resulting warning is clear and understandable:

(1) "Caution: In case of deep or puncture wounds or serious burns see a physician".

(2) "Do not use longer than 1 week".

(3) "If itching, redness, swelling or pain develops or increases, it may be a sign of infection or allergy. Stop use and see a physician".

(4) "Do not use in the eyes".

(5) "Do not use on long-standing skin conditions such as leg ulcers, diaper rash or hand eczema".

(c) Directions for use. The labeling of the product contains the statement: "After gentle washing, apply a small amount (an amount equal to the surface area of the tip of a finger) directly to the affected area and cover with sterile gauze if desired. May be applied 1 to 3 times daily".

§ 342.52 Labeling of skin wound antibiotic products.

(a) Indications. The labeling of the product may contain any phrase(s) in the definition of a skin wound antibiotic established in § 342.3(b). Labeling may also include the phrase(s): "Decreases bacteria", "helps prevent or guard against skin infection", "helps reduce the risk (and/or chance) of infection", "helps reduce the number of bacteria on the treated area", "helps protect wounds against infection", "first-aid product", "broad spectrum (if applicable)", "treats infection", "antibiotic medication for skin wounds". In addition, any phrase in the definition of a skin wound protectant may be used.

(b) Warnings. The labeling of the product contains the following warnings under the heading "Warning", which may be combined to eliminate duplicative words or phrases so the resulting warning is clear and understandable:

(1) "Caution: In case of deep or puncture wounds or serious burns see a physician".

(2) "Do not use longer than 1 week".

(3) "If swelling or pain increases, or if itching and redness develop, stop use and see a physician".

(4) "Do not use in the eyes".

(5) "Do not use on long-standing skin conditions such as leg ulcers, diaper rash or hand eczema".

(c) Directions for use. The labeling of the product contains the statement: "After gentle washing, apply a small amount (an amount equal to the surface area of the tip of a finger) directly to the affected area and cover with sterile gauze if desired. May be applied 1 to 3 times daily".

Interested persons are invited to submit their comments in writing (preferably in quintuplicate and identified with the Hearing Clerk document number found in brackets in the heading of this document) regarding this proposal on or before June 30, 1977. Such comments should be addressed to the Office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, and may be accompanied by a memorandum or brief in support thereof. Additional comments replying to any comments so filed may also be submitted on or before August 1, 1977. Received comments may be seen in the above office during working hours, Monday through Friday.

NOTE.—The Food and Drug Administration has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107. A copy of the inflation impact assessment is on file with the Housing Clerk, Food and Drug Administration.

Dated: March 22, 1977.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.77-9170 Filed 3-31-77;8:45 am]

V 4263 APR 1 77 UMI

federal register

FRIDAY, APRIL 1, 1977

PART IV

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

■

NATIONAL FLOOD INSURANCE PROGRAM

Appeals from Flood Elevation Determination and Judicial Review

Proposed Flood Elevation Determinations

V42163 APR 1 77 UMI

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-2821]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Woodland, Cowlitz and Clark Counties, Washington

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Woodland, Cowlitz and Clark Counties, Washington.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Woodland City Hall, 100 Davidson Avenue, Woodland, Washington.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Honorable Leone Foglia, Mayor of Woodland, P.O. Box 9, Woodland, Washington 98674. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Lewis River	Spruce Avenue (extended).	38
	Cherry Blossom Lane (extended).	36
	C C Street Bridge	34

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9247 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2820]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Leavenworth, Chelan County, Washington

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Leavenworth, Chelan County, Washington.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Council Chambers, 815 Front Street, Leavenworth, Washington.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Ms. Carol Christenson, City Clerk, P. O. Box 287, Leavenworth, Washington 98826. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Wenatchee River	Confluence with Chumstick Creek.	1,078
	U.S. Highway 2	1,097
	Downstream corporate limits extended.	1,106
Chumstick Creek	Mouth	1,078
	Limit of flooding affecting the community.	1,091

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 17, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9248 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2819]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the County of Pacific, Washington

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the County of Pacific, Washington.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the County Courthouse, 300 Memorial Avenue, South Bend, Washington.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Ms. Clara Korevaar, Chairman of the Board of County Commissioners, P.O. Box 97, South Bend, Washington 98586. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Willapa Bay at Tokenland Peninsula.	N.E. Side of peninsula.	10
	S.W. side of peninsula.	11
Willapa Bay at North Beach Peninsula.	From Oysterville approach road to approximately 2,800' South of Klispan Rd.	11
	From 2,800' South of Klispan Rd. to 200' North of Olson Rd.	10
Willapa River	South Bend to Raymond.	11
	Raymond to Willapa	11
Pacific Ocean at North Beach Peninsula.	From Oysterville approach road to Oceanside.	21
	From Oceanside to approximately 1,000' South of Knowles Slough.	19
Columbia River Chinook.	1,200' North of Frost Road to about 700' Northwest of Houchen St.	8
	Houchen Street to the limit of study.	10
Naselle River	Confluence with Dell Creek.	13
	At Highway 401 Crossing.	15
	Confluence of Salmon Creek.	21
	At State Highway 4	22
	Limit of detailed study.	31
South Fork Naselle River.	County Rd.	15
	Private Rd.	26
	Davis Creek confluence.	35
	Burnham Creek confluence.	45
Salmon Creek	Upper Naselle Rd.	21
	State Highway 4	46
Willapa River at Lebam.	Lebam Rd.	173
	State Highway 6	173
	Confluence of Half Moon Creek.	176
	200' downstream of Penny Creek confluence.	184

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 17, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9249 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2818]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Town of Vinton, Roanoke County, Virginia

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Vinton, Roanoke County, Virginia.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Council Chamber, Town Hall, 227 South Pollard Street, Vinton, Virginia.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Ronald H. Miller, Town Manager, P.O. Box 338, Vinton, Virginia 24179. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum 1929
Roanoke River	Downstream corporate limit.	895.0
	Upstream corporate limit.	904.0
Tinker Creek	N. & W. RR.	904.0
	Virginia Ave.	911.0
	Wise Ave.	914.3
	Upstream corporate limit.	918.3
Glade Creek	At mouth	911.3
	Vinton Mill Rd.	913.0
	N. & W. RR.	922.5
Wolf Creek	do.	905.0
	Niagara Rd.	906.5
	Va. Route 634 Bridge	1,037.5
	Highway 24 (west lane).	1,057.5

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 17, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9250 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2817]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for Loudoun County, Virginia

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for Loudoun County, Virginia.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the County Administrator's office, 18 North King, Leesburg, Virginia 22075.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Phillip A. Bolen, County Administrator of Loudon County, 18 North King, Leesburg, Virginia 22075. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

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The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
South Fork Catoctin Creek.	Confluence with North Fork Catoctin Creek.	340
	State Route 698	352
	State Route 9	388
	State Route 738	403
	State Route 287	430
	State Route 711	453
North Fork Catoctin Creek.	State Route 681	343
	State Route 287	409
	State Route 9	422
Tuscarora Creek	State Route 653	221
	State Route 654	268
	State Route 15	322
Dry Mill Branch.	Confluence with Tuscarora Creek.	327
	Lessburg corporate limits.	348
	State Route 699	369
Sycolin Creek	Confluence with Goose Creek.	236
	State Route 653	273
	State Route 643	292
	State Route 653	297
	State Route 649	312
	State Route 621	328
	State Route 650	359
	State Route 15	385
	State Route 707	388
	State Route 770	443
South Fork Sycolin Creek.	Confluence with Sycolin Creek.	372
	State Route 15	391
Broad Run	State Route 7 to Potomac River.	212
	Confluence with Beaverdam Run.	216
	Confluence with Cabin Branch No. 2.	219
	State Route 625	225
	State Route 607	226
	Confluence with Horsepen Run.	234
	Confluence with Cabin Branch No. 1.	263
	Confluence with South Fork Broad Run.	268
	State Route 659	274
	State Route 621	275
Russell Branch	Confluence with Beaverdam Run.	216
	State Route 607	218
Beaverdam Run	Confluence with Broad Run.	216
	State Route 607	218
	Abandoned railroad	228
	State Route 641	238
Cabin Branch No. 1.	Confluence with Broad Run.	263
Cabin Branch No. 2.	do	219
	State Route 28	235
South Fork Broad Run.	Confluence with Broad Run.	268
	State Route 621	273
	U.S. Route 50	298
Sugarland Run	Potomac River backwater.	200
	Thomas Ave	229
	County limits	233

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968) effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 17, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9251 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2816]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Township of Whitpain, Montgomery County, Pennsylvania

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Township of Whitpain, Montgomery County, Pennsylvania.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Township Building, 960 Wenty Road, Blue Bell, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Ms. Rita M. Cogan, Township Manager of Whitpain, P.O. Box 800, Blue Bell, Pennsylvania. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Stoney Creek	Township Line Rd	196
	Confluence with east tributary Stoney Creek.	200
	Cowez Rd. (extended).	208
	Manek Rd. (extended).	217
	North Wales Rd	225
East Tributary Stony Creek.	Confluence with Stoney Creek.	200
	Erbe Mill Rd	208
	Sylvan Dr. (extended).	204
	Daws St. (extended)	206
East Tributary Stoney Creek—continued	Muhlenburg Dr. (extended).	208
	Sullivan Dr. (extended).	212
Wissahickon Creek	Butter Pike	181
	Oak St. (extended)	184
	Mt. Pleasant Rd	188
	Mathers Rd	196
	Confluence with Willow Run.	202
	Corporate limits	209
	do	217
	Blue Bell Pike	220
	Upstream corporate limits.	225

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9252 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2815]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Borough of Hamburg, Berks County, Pennsylvania

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Borough of Hamburg, Berks County, Pennsylvania.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Borough Office, 31 North 3rd Street, Hamburg, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Charles L. Clark, Borough Manager of Hamburg, 31 North 3rd Street, Hamburg, Pennsylvania 19526. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Kaercher Creek	Upstream corporate limits.	405
	Pine St	392
	South 4th St	375
	Peach Alley	364
	Con Rail	362
	Pennsylvania Route 61.	353
Mill Creek	Upstream corporate limits.	416
	Franklin St	394
	State St	380
	South 3d St	368
	Con Rail	362
	Front St	357
Schuylkill River	Upstream corporate limits.	373
	Mountain Ave. (extended).	364
	Route 22	361
	Island St. (extended)	357
	State St	354
	Pennsylvania Route 61.	354
	Confluence with Mill Creek.	350
	Downstream corporate limits.	336
Unnamed tributary of the Schuylkill River.	South 4th St	350
	Con Rail	343

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9253 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2814]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Township of Concord, Delaware County, Pennsylvania

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Township of Concord, Delaware County, Pennsylvania.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Borough Office, 1st Avenue, Burnham, Pennsylvania 17009.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Robert Aurand, 547 Freedom Avenue, Burnham, Pennsylvania 17009. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
West Branch Chester Creek.	Smith Bridge Rd	183
	Ivy Mill Rd	192
	Baltimore Pike	245
	Conchester Ave. (extended).	311
South Fork West Branch Chester Creek.	Concord Rd	252
	Temple Rd	270
	Smith Bridge Rd	314
Green Creek	Glover Dr. (extended).	185
	Concord Rd	192
	Cambridge Dr. (extended).	238

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9254 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2813]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Borough of Burnham, Mifflin County, Pennsylvania

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Borough of Burnham, Mifflin County, Pennsylvania.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Borough Office, 1st Avenue, Burnham, Pennsylvania 17009.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Robert Aurand, 547 Freedom Avenue, Burnham, Pennsylvania 17009. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Kishacoquillas Creek.	Downstream corporate limits.	502
	Confluence with Hungry Run.	508
	Freedom Ave	512
	Next upstream corporate limits.	529
	Con Rail	533
	State Route 4	536
	Dam	546
	North Derby St	557
Hungry Run	Mouth at Kishacoquillas Creek.	508
	Walnut St. and Freedom Ava.	518
	1st Ave	528
	Upstream limit of detailed study.	528

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42

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U.S.C. 4001–4128, and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9255 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2812]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Village of Hunting Valley, Cuyahoga County, Ohio

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Village of Hunting Valley, Cuyahoga County, Ohio.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Village Hall, Hunting Valley, Ohio.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Quintin Alexander, 38251 Fairmont Road, Chagrin Falls, Ohio 44022. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Chagrin River	Northern corporate limits.	744
	Fairmont Rd.	756
	South Woodward Rd.	787
	Southern corporate limits.	790

(National Food Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 17, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9256 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2811]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Village of Gates Mills, Cuyahoga County, Ohio

The Federal Insurance Administrator, in accordance with Secton 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Village of Gates Mills, Cuyahoga County, Ohio.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Town Hall, Gates Mills, Ohio.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor John M. Morston, River Road, Gates Mills, Ohio 44040. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Chagrin River	North corporate limits (Rogers Rd.).	680
	Chagrin River Rd.	703
	Sherman Rd. (extended).	712
	Mayfield Rd. (U.S. 322).	716
	Old Mill Rd.	733
	Deerfield Rd. (extended).	736
	South corporate limits.	743

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 17, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9257 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2810]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Riverside, North Dakota

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Riverside, North Dakota.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 108 West Main Avenue, West Fargo, North Dakota 58078.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Robert Winge, City Hall, 108 West Main Avenue, West Fargo, North Dakota 58078. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sheyenne River	Burlington Northern RR.	901
	Northern corporate limits.	902

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 17, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9258 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2809]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Town of Chapel Hill, North Carolina

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Chapel Hill, North Carolina.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Town Hall, 306 North Columbia Street, Chapel Hill, North Carolina 27514.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor James C. Wallace, Town Hall, 306 North Columbia Street, Chapel Hill, North Carolina 27514. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Creek	Corporate limits.	251
Rolin Creek	State Rd. 1780.	368
	Airport Rd.	308
	Willow Dr.	292
Booker Creek	Piney Mountain Rd.	383
	Lake Shore Dr.	302
	Willow Dr.	255
Cedar Fork Creek	Kenmore Rd.	431
	Brookview Dr.	325
	Lake Shore Dr.	308
New Hope Creek	State Rd. 1734.	266
Church Branch	do.	289
Unknown Creek	do.	281
Old Field Creek	North Carolina Highway 86.	441
Old Field Tributary.	State Rd. 1726.	268
Morgan Creek (below University Lake).	Smith Level Rd.	320
	U.S. Highway 51 and 501.	310
	Treatment Plant Rd.	261
Wilson Creek	State Rd. 2002.	394
	U.S. Route 15 and 501.	331
Fan Branch	State Rd. 1962.	386
Toms Creek	Rainbow Dr.	463
	Lorraine Street.	448
	Weaver Street.	436
	State Rd. 1006.	366
Morgan Creek Tributary.	North Carolina Highway 54.	469
Buck Branch	State Rd. 1008.	376

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 17, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9259 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2808]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Town of Somerset, Niagara County, New York

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Somerset, Niagara County, New York.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Town Clerk's office, 1693 Quaker Road, Barker, New York.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Donald W. Eich, Town Clerk of Somerset, 1878 Quaker Road, Barker, New York 14012. The period for comment will be ninety days following the second publication of this notice in a newspaper or local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

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Source of flooding	Location	Elevation in feet above mean sea level
Golden Hill Creek	Downstream corporate limits.	263
	Carmen Rd., 1st crossing.	272
	Lower Lake Rd.	275
	Carmen Rd., 2d crossing.	277
	Carmen Rd., 3d crossing.	300
	Lake Road	316
	Johnson Creek Rd.	324
	Haight Rd.	324
	Barker corporate limits downstream.	325
	Barker corporate limits upstream.	328
	Con Rail	331
	1st Tributary downstream of Hartland Rd.	333
	Hartland Rd. (downstream side).	337
	Hartland Rd. (upstream side).	339
	W. Somerset Rd.	340
	Hoemer Rd.	354
Fish Creek	At Lake Ontario	250
	800' upstream of mouth.	252
	100' downstream of lower Lake Rd.	267
	Lower Lake Rd.	268
Lake Ontario	From West corporate limit, distance 18,700'.	254
	From 18,700' to 37,000' from west corporate limits.	283
	From 37,000' to East corporate limit.	284

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 17, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9260 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2807]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Village of Falconer, Chautauqua County, New York

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Village of Falconer, Cautauqua County, New York.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Food Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Community Building, 101 West Main Street, Falconer.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mrs. Zira James, Village Clerk of Falconer, Community Building, 101 West Main Street, Falconer, New York 14733. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Chadakoin River	Con Rail	1,251
	Phetteplace St.	1,255
	Dow St.	1,261
Moon Brook	West Main St.	1,258
	Richard Ave.	1,265

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 18, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9261 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2806]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Village of Mayville, Chautauqua County, New York

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Village of Mayville, Chautauqua County, New York.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Food Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Village Hall, South Erie Street, Mayville.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Doyle E. Murdink, Village Clerk, Mayville, New York 14757. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Black Creek	Con Rail bridge	1,319
	Spillway	1,321
	East Chautauqua Street Bridge (Route 17).	1,322
	Culvert	1,338
	Farm Lane	1,353
	Maple Drive Bridge	1,358
	Corporate limits	1,427
Black Creek (sheet flow)	East Whallon St.	(1)
Little Inlet	Mouth at Chautauqua Lake.	1,311
	East Whallon St.	1,311
	Culvert	1,311
	do.	1,321
	Confluence with Black Creek.	1,314
	Corporate limits	1,315
	Con Rail bridge	1,318
	Honeysette Road Bridge.	1,321
	Corporate limits	1,322
Mud Creek	Mouth at Chautauqua Creek.	1,311
	West Lake Road Bridge.	1,311
	Corporate limits	1,311
	Con Rail bridge	1,312
	Corporate limits	1,312
	Morris Street Bridge	1,318
	Corporate limits	1,319

See footnotes at end of table.

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Chautauqua Lake	Shoreline (contiguous to the village area extends for a distance of approximately 7,200 feet within the village limits).	1,311

[1] Estimated depth of 0.5.

NOTE: A local flood hazard problem exists in the area between Chautauqua Lake and the intersection of Valley and West Marvin St. Since the flood hazard area is delineated by approximate methods, base flood elevations are not determined.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 15, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9262 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2805]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Glen Cove, Nassau County, New York

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Glen Cove, Nassau County, New York.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review in the Main Chamber at the City Hall, 18 Bridge Street, Glen Cove, New York 11542.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Honorable Vincent A. Suozzi, Mayor of Glen Cove, City Hall, 18 Bridge Street, Glen Cove, New York 11542. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Long Island Sound	East corporate limits	12
	Sanview Dr. (extended).	12
	Graves Point Rd. (extended).	12
	South corporate limits	12

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 15, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9263 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2804]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Village of Sea Cliff, Nassau County, New York

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980 which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Village of Sea Cliff, Nassau County, New York.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Village Hall, Sea Cliff and Summit Avenues, Sea Cliff, New York.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Ms. Lora Nicastro, Village Clerk, Village Hall, Sea Cliff, New York 11579. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Hempstead Harbor	8th Ave. (extended)	13
	20th Ave. (extended)	13
	Laurel Ave. (extended);	13
	Littleworth Lane (extended).	13
	South corporate limits.	13

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 18, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9264 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2803]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Village of Murray, Nebraska

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Village of Murray, Nebraska.

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These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Village Hall, Murray, Nebraska 68409.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Olin E. Morris, Village Hall, Murray, Nebraska 68409. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary to Rock Creek.	Campbell St. between Cowgirl and Morrow Sts.	1138.6
	Missouri Pacific R.R.	1141.4

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 17, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9265 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2802]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Village of Richburg, Allegany County, New York

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Village of Richburg, Allegany County, New York.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Richburg Post Office, Main Street, Richburg.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Ms. Genevive M. Stohr, Village Clerk of Richburg, Richburg, New York 14774. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Little Genesee Creek.	South corporate limits.	1,618
	Broad St.	1,637
	Richardson St.	1,644
	Mill St.	1,661
	East corporate limits.	1,662
West Notch Rd. tributary.	Evans St.	1,659
	North corporate limits.	1,715

(National Flood Insurance Act of 1968 Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 18, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9266 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2801]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Gladstone, Missouri

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Gladstone, Missouri.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 7010 North Holmes, Gladstone, Missouri 64118.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Jack McCausland, City Hall, 7010 North Holmes, Gladstone, Missouri 64118. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Shoal Creek	Missouri Highway No. 1.	880
Mill Creek	Antioch Rd.	895
	North Garfield Rd.	910
	North 68th Ter.	914
	North 60th Ter.	936
Rock Creek	Indiana Ave.	858
	Brook Tree Lane.	860
	Antioch Rd.	877
	Prospect Ave.	899

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9267 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2800]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of West Point, Mississippi

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of West Point, Mississippi.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, P.O. Box 1117, West Point, Mississippi 39773.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify. Mayor Kenneth D. Dill, City Hall, P.O. Box 1117, West Point, Mississippi 39773. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Stream 1	Illinois Central Gulf R.R.[1]	210
	do.[2]	214
	Church Hill Rd.[1]	215
	do.[2]	218
	Meadowbrook Circle	
	do.[1]	215
	do.[2]	218
	Brame Ave.[1]	219
	do.[2]	224
	Warrior Rd.	225
	Miller St.[1]	227
	do.[2]	228
Stream 2	Hickory Dr.[1]	224
	do.[2]	235
	Mississippi State Highway 50.[1]	227
	do.[2]	234
	Colony Dr.	207
Town Creek	Church Hill Rd.	210
	Alternate U.S. 45 Highway.[1]	211
	do.[2]	211
	Mayhem St.[1]	212
	do.[2]	213
	Illinois Central Gulf R.R.[1]	214
	do.[2]	218
	Columbus & Greenville R.R.	215
	West Broad St.	217
	West Main Street[1]	217
	do.[2]	221
	Burg St.	222
	West Half Mile St.	224
	North Division St.[1]	226
	do.[2]	228
	Illinois Central Gulf R.R.	

[1] Downstream side.
[2] Upstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 17, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9268 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2799]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Waconia, Minnesota

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–2128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Waconia, Minnesota.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at 400 South Oak Street, Waconia, Minnesota 55387.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Wallace Otto, 400 South Oak Street, Waconia, Minnesota 55387. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Waconia	Around the Lake Shore.	963

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 18, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9269 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2798]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Algonac, Michigan

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of

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the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood evevations (100–year flood) for the City of Algonac, Michigan.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 1410 Saint Clair River Drive, Algonac, Michigan 48001.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Karen Cole, City Hall, 1410 Saint Clair River Drive, Algonac, Michigan 48001. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
St. Clair River	Ruskin Ave. and Eckfield Dr.	579
	Worfolk St. and Fassett St.	579
	Delta St.	579
	Roselawn Ct.	579
	Railroad St. and Center Ave.	579
	Railroad St. and Sherwood.	579

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2728, January 24, 1974.)

Issued: March 17, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77–9270 Filed 3–31–77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–2797]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Town of Randolph, Norfolk County, Massachusetts

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Randolph, Norfolk County, Massachusetts.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Town Hall, Crawford Square, Randolph, Massachusetts.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Edward E. Clark, Town Clerk, Office of the Town Clerk, Town Hall, Randolph, Massachusetts 02368. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Cochato River	Lincoln Ave.	105
	Con Rail	105
	Teed Dr. (extended)	106
	Cochato Dr. (extended).	107
	Kingcrest Ter. (extended).	108
	Young Ter. (extended).	109
Mary Lee Brook	Mill St.	115
	Wilmarth Rd.	116
	Argyle Rd. (extended).	118
Unnamed tributary to Mary Lee Brook.	Wilmarth Rd.	120
	Prospect Ave.	130
	Union St.	162
Glovers Brook	North St.	116
	Pleasant St.	119
	Con Rail	155
	Warren St.	173
	Pelissier Circle (extended).	180
Brook A (Nelson Brook).	Carlino Way	118
	Amvets Lane	119
	Con Rail	126
	Dennis Circle (extended).	128
	Allen St.	130
Brook B	Oak St.	133
	Bartlett Rd. (extended).	133
	Green St. (extended)	131
	Clark St. (extended)	135
	Vesey Rd. (downstream crossing).	142
	Vesey Rd. (upstream crossing).	113
Martin Brook	Teed Dr.	108
	North Dr.	114
	Picturn Rd.	117
	Oak St.	131
Norroway Brook	Confluence with Upper Reservoir.	133
	Oak St.	138
	North Main St.	154
	Access road—Boston School for the Deaf.	158
	Access road—Meadow lands.	169
	Grove St.	157
	Wales Ave. (extended).	176
	West St.	183
	Warren St.	186

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

J. ROBERT HUNTER,
Acting Federal Insurance Administrator

[FR Doc.77–9271 Filed 3–31–77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–2796]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Baltimore, Maryland

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Baltimore, Maryland.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Department of Planning on the 8th floor, Room 100.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Larry Reich, Director of City Planning of Baltimore, Housing and Community Development, Department of Planning, 8th Floor, Room 100, 222 East Saratoga Street, Baltimore, Maryland 21202. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Gwynns Falls	West corporate limits	288
	Forest Park Ave.	262
	Weir	253
	Windsor Mill Rd.	184
	Frederick Ave.	58
	Wilkens Ave.	57
	Western Maryland RR.	46
	Baltimore & Ohio RR.	44
	Washington Blvd.	33
	Baltimore & Ohio RR.	26
	Russell St.	25
	Baltimore & Ohio RR.	19
	Annapolis Rd.	13
Jones Falls	North corporate limits.	208
	Smith Ave.	206
	Kelly Ave.	204
	Jones Falls Expressway ramp.	199
	Northern Parkway	199
	Jones Falls Expressway ramp.	196
	Penn Central RR.	189
	Melvale Ave.	186
	Penn Central RR.	172
	41st St.	163
	Union Ave.	152
	Londontown Bridge	151
	Jones Falls Expressway.	136
	Weir	120
	Keswick Rd.	110
	29th St.	92
	28th St.	88
	Baltimore & Ohio RR.	74
	North Ave.	71
Western Run	Mouth of underground culvert 350 feet downstream of Falstaff Rd.	424
	Clarks Lane	413
Western Run	Bancroft Rd.	044
	Strathmore Ave.	387
	Taney Rd.	370
	Footbridge	350
	Pimlico Rd.	324
	Bonnieview Dr.	269
	Poplin Ave.	248
	Lochlea Rd.	219
	Greely Ave.	211
	Newbury St.	207
	Jones Falls Expressway.	206
	Cottonworth Ave.	206
Herring Run	Perring Parkway	227
	Woodbourne Ave.	225
	Echodale Ave.	224
	Pilgrim Rd. (extended).	208
	Sinclair Lane	51
	Harbor Tunnel Thruway bridges.	31
	Pulaski Highway	26
	Baltimore & Ohio RR.	23
	Interstate 95 bridges	18
	East corporate limits	13
Moores Run	Hamilton Ave.	87
	Footbridge	67
	Radecke Ave.	54
	Sinclair Lane	45
	Harbor Tunnel Thruway.	30
	Interstate 95 bridges	26
	Pulaski Highway	21
	East corporate limits	19
Patapsco River	Intersection:	
	Worcester St. and Warner St.	8.7
	Haines St. and Russell St.	8.7
	Calvert St. and Pratt St.	8.7
	President St. and Pratt St.	8.7
	Central Ave. and Fleet St.	8.7
	Bond St. and Thames St.	8.7
	Washington St. and Fleet St.	8.7
	Chester St. and Alice Anna St.	8.7
	Broadway and Lancaster St.	8.7
	Clinton St. and Holabird Ave.	8.7
	850 feet of Light St.	8.7
	1,950 feet of Childs St.	8.7
	300 feet of Halsey St.	8.7
	600 feet of southern end of Clinton St.	8.7
	200 feet of southern end of Newkirk St.	8.7
	Intersection of Haven St. and Newgate Ave.	8.7
	250 feet of Ben Hill Ave.	8.7
	1,250 feet of Cannery Ave.	8.7
	Intersection of Hawkins Point Rd. and Pennington Ave.	8.7

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 17, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc. 77–9272 Filed 3–31–77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–2795]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Leavenworth, Leavenworth County, Kansas

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1698 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Leavenworth, Leavenworth County, Kansas.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed blow for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the bulletin board, City Clerk's office, City Hall, Leavenworth, Kansas.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Ms. Marguarite B. Strange, City Clerk of Leavenworth, Kansas 66048. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Threemile Creek	Missouri Pacific RR.	772
	2d St.	772
	3rd St.	774
	4th St.	779
	5th St.	781
	6th St.	785
	7th St.	786
	Broadway St.	787
	Cherokee St.	788
	Shawnee St.	790
	10th St.	792
	Osage St.	800

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Source of flooding	Location	Elevation in feet above mean sea level
Three mile	13th St.	803
	Ottawa St.	808
	18th St.	828
	20th St.	836
	Upstream corporate limits.	849
South branch of Threemile Creek.	At mouth	793
	Shawnee St.	797
	11th St.	799
	Cherokee St.	804
	14th St.	813
	18th St.	852
	19th St.	861
	20th St.	870
	Upstream corporate limits.	885
Fivemile Creek	At mouth	773
	Marion St.	773
	4th St.	779
	2d Ave.	784
	Limit St.	786
	Shrine Park Rd.	791
	Desoto Ave.	816
	New Lawrence Rd.	836
	Upstream corporate limits.	845
Missouri River	Downstream limit of study.	771
	Burlington Northern R.R.	773
	Highway 92	774
	Upstream corporate limits (extended).	774

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9273 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2794]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Paola, Miami County, Kansas

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Paola, Miami County, Kansas.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Hall, 19 East Peoria, Paola, Kansas.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. F. M. Hoag, City Manager, Box 409, Paola, Kansas 66071. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Big Bull Creek	Upstream corporate limits.	908
	Iron St.	908
	4th St. (extended)	906
	Peoria St.	905
	Missouri Pacific R.R.	863
	St. Louis, San Francisco R.R.	860
	Highway 169	859
	Downstream corporate limits:	856
Hickory Creek	East St.	871
	Hickory St.	858
	Bridge in park area	858
	Ottawa St.	867
Tributary to Hickory Creek.	Osage St.	863
M.K.T. Tributary to Big Bull Creek.	Upstream corporate limits.	872
	Silver St.	872
	Missouri Pacific R.R.	873
	Iron St.	867
	St. Louis, San Francisco R.R.	867

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9274 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2793]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Riverdale, Scott County, Iowa

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Riverdale, Scott County, Iowa.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Hall, Elmhurst Lane, Riverdale, Iowa.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Ralph I. Brooks, 209 Manor Drive, Riverdale, Iowa 52722. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet, above mean sea level
Mississippi River	Downstream corporate limits.	574
	South Bellingham Street (extended).	574
	Upstream corporate limits.	575
Duck Creek	Alcon RR.	574
	Davenport, Rock Island and Northwestern R.R.	576
	Upstream corporate limits.	579

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9275 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2792]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Muscatine, Muscatine County, Iowa

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Muscatine, Muscatine County, Iowa.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Council Chambers, City Hall, 2485 Mulberry Avenue, Muscatine, Iowa.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Evelyn L. Schauland, City Hall, 2485 Mulberry Avenue, Muscatine, Iowa 52761. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Mississippi River	Highway 92 Bridge	560
Mad Creek	2d St.	560
	5th St.	560
	Washington St.	560
	Clay St. (upstream)	570
	Lake Park Blvd. (upstream).	573
	Old Highway 38 (upstream).	601
	North corporate limits.	606
Geneva Creek	Isett Ave.	567
	Bidwell Rd.	597
	Tipton Rd.	631
	North corporate limits.	643

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 17, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc 77-9276 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2791]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of South Bend, St. Joseph County, Indiana

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of South Bend, St. Joseph County, Indiana.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the main lobby on the Bulletin Board, 1400 County-City Building, South Bend, Indiana.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Honorable Peter J. Nemeth, on these determinations shou meth, Mayor of South Bend, 1400 County-City Building, South Bend, Indiana 46601. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
St. Joseph River	Northern corporate limits.	665
	Cleveland Rd.	668
	Colfax Rd. (extended).	669
	Oakwood Blvd. (extended).	671
	Riverside Court (extended).	673
	ConRail	674
	Angela Blvd.	676
	Michigan St.	677
	Navarre St. (extended).	678
	LaSalle St.	679
	Jefferson Blvd.	686
	George Cooper Bridge.	687
	Emerson Ave. (extended).	688
	23rd St. (extended)	689
	Eastern corporate limits.	690
Bowman Creek	U.S. Highway 33	689
	Grand Trunk Western R.R.	699
	ConRail	701
	Broadway St.	712
	Dubail Ave.	716
	Dayton St.	723
	Calvert St.	727
	Fellows St.	734
	Carroll St.	736
	St. Joseph St.	739
	Michigan St.	744
	Main St.	748
	ConRail	752
	Franklin St.	754
	Confluence with Phillips Ditch.	761
Clyde Creek	Tyckenham Dr.	744
	York Rd.	747
	Cardine Lane	752
	Ridgedale Rd.	762
	Hillsdale Rd.	771
	Tudor Lane	776
	Woodmont Dr.	781
	Brookmede Dr.	788

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 18, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9277 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2790]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Venice, Madison County, Illinois

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood)

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for the City of Venice, Madison County, Illinois.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Hall, Venice.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor William M. Ebersoldt, Kline and Broadway, Venice, Illinois 62090. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Mississippi River	West of Levee	429
Local ponding	Near intersection of Bremen St. and Main St.	410
	Between Slough Rd. and Main St.	410
	Intersection of 4th St. and Hampden St.	409
	Intersection of Fillmore St. and 7th St.	411
	Intersection of Weaver Ave. and Bissel Ave.	411

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 15, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9278 Filed 3-31-77;8:45 am]

federal register

FRIDAY, APRIL 1, 1977

PART V



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

WOMEN'S EDUCATIONAL EQUITY ACT PROGRAM

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 160f]

WOMEN'S EDUCATIONAL EQUITY ACT PROGRAM

Notice of Proposed Rulemaking

The Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend the regulations in Part 160f of Title 45 of the Code of Federal Regulations governing the Women's Educational Equity Act Program in order to:

(1) Eliminate priority areas for general grants and thereby open competition on an equal basis to any proposed project which conforms to the statute;

(2) Simplify the preapplication process by reducing the length of the narrative statement and by explaining in detail the information required and the specific criteria by which preapplications are reviewed;

(3) Modify and clarify the terminology for two key programmatic concepts; and

(4) Adjust the evaluation criteria for final applications and the basis for award decisions.

In addition, the proposed rule makes several clarifying and technical changes.

The changes to the regulation propose in this notice reflect public participation following publication in the FEDERAL REGISTER on October 21, 1976 of an Advance Notice of Proposed Rulemaking in which advice was solicited on certain programmatic and administrative changes.

In order to facilitate use by the public and to permit comment on the entire regulation, the regulation is being printed in its entirety, including the proposed amendments as well as portions which have not been changed. If only references to the changes were printed, members of the public would be required to use two documents in order to have one complete regulation. Potential commenters and applicants are advised that the preamble to the current regulation published February 12, 1976 (41 FR 6420), contains useful information, in the form of a discussion of earlier public comments on the regulation, concerning most of the provisions contained in the proposed regulation.

A. BACKGROUND

The Women's Educational Equity Act Program is a discretionary program in the Office of Education authorized by the Education Amendments of 1974, Pub. L. 93-380, with a stated purpose to provide eduactional equity for women. This is defined in both the current and this proposed regulation as including both the elimination of inequity which prevents full and fair participation by women in educational programs and in American society generally and the achievement of responsiveness by educational leaders and other personnel to the special educational needs, interests, and concerns of women arising from inequitable educational policies and practices.

The Act authorizes activities at all levels of education: preschool, elementary and secondary education, higher education, and adult education. The Act provides likewise for an extremely broad range of program activities: the development, evaluation, and dissemination of curricula, textbooks, and other educational materials; training for educational personnel; research and development; guidance and counseling activities; educational activities for adult women; educational programs for women in vocational education, career education, physical education, and educational administration.

Both grants and contracts may be awarded in the areas listed above. In fiscal year 1976, the first year of program operation, contracts were awarded for two major national activities: technical assistance in the implementation of Title IX of Pub. L. 92-318 and a communications network to provide a wide range of information services to individuals and institutions. In addition to general grants in the areas described above, the statute authorizes a program of small grants, not to exceed $15,000, in order to support innovative approaches to the achievement of educational equity for women.

The law specifies that public agencies, private nonprofit organizations, and individuals are eligible for awards under the program.

The enabling statute authorizes Congress to appropriate as much as $30,000,000 for each of the fiscal years 1976-1978. Congress appropriated $6,270,000 for the program in fiscal year 1976 and $7,270,000 in fiscal year 1977. In fiscal year 1976 awards were made for 46 general grants, 21 small grants, and five contracts.

B. PUBLIC RESPONSE TO THE ADVANCE NOTICE OF PROPOSED RULEMAKING

The Commissioner of Education received a large number of comments in response to the Advance Notice of Intent to issue proposed regulation changes. Approximately 700 separate comments were made in approximately 160 letters or other written communications. In addition, the National Advisory Council on Women's Educational Programs, established under subsection (f) of the Act, conducted a review of the present regulation and of the Advance Notice of Proposed Rulemaking and provided its recommendations to the Commissioner both orally and in writing.

All of these comments and recommendations have been reviewed by the Commissioner. Summaries of the comments on the Advance Notice of Proposed Rulemaking are set forth in the preamble below grouped by topics included in the Advance Notice, together with general responses regarding the manner in which the public's advice has been incorporated in this amendment to the program regulation. A detailed explanation of the changes which are being proposed is set forth on a section by section basis in the final part of this preamble.

The overall reaction to the Advance Notice of Proposed Rulemaking was favorable, particularly regarding the purpose of the notice and its drafting. A number of comments welcomed enthusiastically the opportunity to participate in the formulation and design of program priorities and other matters regarding this program.

The comments were characterized by their diversity, especially regarding the most critical needs in the program area. The disparate nature of the recommendations and comments may not be surprising in view of the recency of the legislation and rapid increase in concern by a variety of groups for the achievement of educational equity for women. The broad scope of activities and eligible applicants as well as the full range of educational levels authorized by the Act contribute to competition among groups for priority consideration. The situation is further compounded by the extent of the need and the limited funds available. The Commissioner has weighed the advice very carefully and proposed in this amendment to the regulation the course of action which is most responsive to the comments and will permit effective administration of the Act.

The public comments on the topics addressed in the Advance Notice are summarized below. References to percentages of comments refer in each instance to the percentage of the total number of comments received. The indicated numbers and percentages of responses do not distinguish between individual and organizational responses.

1. *Initial 1976 and additional 1977 priorities for general grants.*

(a) (i) *General. Comments.* There was a mixed reaction to continuing the 1976 priority areas for general grants into 1977 and adding the proposed new ones for special level of education and for special target populations. Several comments suggested that no priority areas be added because those used in 1976 were adequate. These comments expressed a concern that the WEEAP budget is too small to fragment the program into further priority areas. Several comments supported broadening the scope of the 1976 priority areas whereas several comments wanted the scope narrowed. Some comments suggested dropping last year's priorities and developing completely new ones. Some of the new priority areas suggested were: sports, textbooks, dissemination, incentives for change, community and societal change, and mental health.

(ii) *Special level of education. Comments.* Of the 147 written responses received, 95 or 64% included comments on the proposed priority for the preschool level. Seventy comments or 47% supported the priority and 25 or 17% opposed it. Some written responses were made on behalf of groups and were given more weight than those submitted by individuals. For example, the National Coalition for Women and Girls in Education, representing 22 national organizations, representing a wide variety of interest groups, opposed this priority. They commented: "We believe that although the preschool period is a time when sex role concepts are developed, it would be an unwise use of scarce resources to single out this level of education for special emphasis at this time." Others opposed to this priority indicated that Federal funding is available for this level of education and, rather than use WEEA resources, the issues of sex bias should be addressed in those ongoing programs.

Comments in support of the priority were extremely diverse in terms of recommended age level, materials development for programs for children as opposed to training of teachers and parents, and program within the established educational system (K-3) as opposed to day care and preschools. The comments responding to questions about the emphasis on research, the use of Head Start and Follow Through, and the importance of conceptual models were also varied.

(iii) *Special target populations. Comments—rural populations.* Seventy responses addressed the proposed priority on rural populations. Forty-two responses positively supported this priority, while twenty-two responses opposed it.

One obvious problem was the many different concepts of the term "rural," which included varied implications of regional identification versus population density. "Perhaps the income level of a region to be directly affected by a grant could be a criterion for 'rurality'" was one suggestion. Another letter advised "not to depend on statistical data because there are large population groupings with essentially 'rural' attitudes as well as small populations, seemingly rural, but contiguous to metropolitan areas and thus greater exposure to metropolitan attitudes." And still another wrote: "We feel that *nonmetropolitan* areas as identified by the Bureau of the Census would be a preferable designation for identifying program participants, rather than *rural* areas. Note that both metropolitan and nonmetropolitan areas contain urban and rural populations." (Emphasis in original.) One response called for an urban and rural priority.

Positive support came from a variety of sources. One major land grant college expressed its support for providing leadership education for women whose roots are essentially rural. A teacher who called herself a "proponent of women's issues in a rural regional high school," stated that "I see over and over again the low esteem and limited goals of female students." Others indicated support for special materials development and/or the use of audiovisual media.

Non-support for the rural priority came from different areas of the Nation. A large State educational agency's special WEEA Committee expressed their non-support "for the following reasons: (a) the percentage of people living in rural environments does not justify the priority, and (b) the impact that could be made on the rural population is minimal given the present funding level and the deeply engrained norms and mores of the rural community."

From the Texas State Department of Public Welfare came the statement: "I would urge you to consider that less than 15% of the U.S. population is rural. • • • We need first to ensure that densely populated areas obtain first priority."

A midwest school district women's studies program called attention to "the national trend of declining student enrollment which will create an increasingly older teaching population in the Nation's public schools," and stated that "it is crucial that retraining programs be initiated for personnel in key positions in public education to effectively deal with the issue of sexism. We believe the priority areas for the WEEA grants should concentrate on retraining programs and not on rural populations."

From the University of Wisconsin, an associate dean wrote: "Given the range of issues and problems which demand resolution and given the expertise which has developed, especially in recent years in research within the feminist movement, general priorities and specifications seem more appropriate than the specific target populations and groups as are being proposed."

Comments — minority populations. Only 44 comments or 30% commented on the issues listed. This was a minimal response, which could be attributed to either tacit approval or a desire not to be involved with a potentially controversial issue. One large SEA and a large State university answered "no comment" to these particular questions. Three percent of the comments expressed the view that there should be no special focus on the needs of minorities or if there is a focus it should be concerned with all women, not a selected target group. One respondent representing an affirmative action office of a State college stated that there was "no need to base a priority on geographical or racial considerations. If other priorities are met adequately, the effects should be felt across geographical and racial bounds." Four percent wished to change the target population completely and focus on such areas as poverty, job opportunities, aging, and juvenile delinquents.

Although 10% of the respondents said that they supported a new priority area focus for the needs of those characterized by historic discrimination on bases other than sex, the majority of them qualified this by stating that research was needed to investigate, identify, and develop resources to assist this population. Approximately 8% favored this type of research.

There was concern that educational equity should be for all women and to focus efforts on certain groups could dilute the efforts of the program and possibly be counterproductive.

(b) *Response to comments on priorities.* After weighing carefully the differing points of view from the public regarding the priorities for general grants, the Commissioner has decided, with the advice of the Council, which reviewed the public comments, not to adopt the additional priority areas for special level of education and special target populations which were proposed in the Advance Notice of Proposed Rulemaking for fiscal year 1977. Further, the three priority areas in the current regulation are eliminated in this proposed amendment. Although applications can continue to address needs in these areas, it was not felt that projects in these areas alone should receive priority consideration. Clearly, the collection of comments does not reveal a consensus upon which priorities ought to be established. In the absence of a consensus the Commissioner has determined it most responsive not to impose priorities and therefore add no additional points but rather to permit each applicant to compete equally. This approach allows applicants to determine the focus of their submissions which may or may not fall within last year's priorities or those described in the Advance Notice of Intent and which may be for other areas contained in the comments and recommended as priorities, such as, sports, textbooks, and mental health.

Applicants for general grants, therefore, may propose any project which falls within the scope of the law without losing any points attached to substantive priorities. Guidance on types of projects may be found in the six activities which are listed in the statute and quoted in the regulation in § 160f.4(a). These activities are stated in broad terms and should not limit the creativity of applicants.

In the absence of priority areas, applicants may develop applications according to their own priorities within educational equity for women. They must specify the need, describe their approach to meeting the need, and demonstrate the importance of the results as they would impact on providing educational equity for women in the United States through this program.

On the one hand, the absence of priorities permits greater freedom and flexibility to applicants to fashion their own project. On the other hand, greater responsibility is placed upon the applicant to design both the general approach or vehicle for achieving educational equity for women (which under the current regulation is provided by the exposition of each priority area) as well as the specific objectives of an individual project effort.

There are advantages and disadvantages in each approach. Having balanced carefully which is the best course of action in view of the conflicting advice of the public about additional priorities and the fact that a number of projects were funded in FY 1976 in the current priority areas, the Commissioner proposes this amendment without priority areas.

2. *General comments on changing priority areas—Comments.* Several comments addressed this area, but again there was no clear-cut agreement among them. Several comments said that priorities should be reviewed annually; others, every two or three years. Generally, the comments stated that the priority areas should be changed as their purposes are fulfilled and there is no longer a need for them. Several comments stated a need for very specific priority areas while

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others expressed a desire for priority areas that gave only general guidance.

Response. The proposed amendment would permit the establishment of priorities in any given year by publication of the priorities in an appendix to the regulation. Priorities could be presented either very generally or very specifically. The proposed amendment thus leaves the options open for determination on an annual basis. But no priorities are proposed for FY 1977.

3. *Small grants—Comments.* Approximately 70 separate comments addressed themselves to the question of small grants. On the issue of whether or not focus should be provided in the small grant program, 13% of the respondents favored limited or a strict focus and 8% favored no specific focus. Those opposing a specific focus expressed the view that having no focus allowed for more innovation, creativity, and wider experimentation in various areas. Those favoring limited or strict focus cited the small amount of money available and felt that it should be used for specific program concepts, that applicants needed more guidelines because of the competition, and that the focus for one year could determine the priorities for the next years.

Another area of concern was the direction that the small grant program might take. Twenty-seven percent of the commenters expressed the opinion that the grants should support research, research utilization, and school-community activities. Materials development and dissemination of products from ongoing projects were frequently discussed. A large number thought that this would be an excellent opportunity to support the utilization of programs and products developed by other WEEA projects. Some commenters suggested that capacity building be eliminated altogether for small grants, and ten percent favored the idea of encouraging and promoting individuals to apply for small grants. They did not favor scholarships or direct aid type funding. There was some misunderstanding on the part of some commenters as to the eligibility of individuals for FY '76.

The overall reaction to the small grant program was a positive one in terms of its retention as an important part of the WEEA Program.

Response. In response to the public advice, a focus has not been proposed for the small grant program. A number of important topics were proposed by those individuals and organizations which favored priorities. The Council in its comments recommended several, including assistance to applicants inexperienced in applying for Federal programs so that they will be better able to compete for funding. Failure to establish priorities or a focus to the program does not mean that the recommended areas are not deemed important. Despite a number of excellent subjects for proposed projects, however, there was not sufficient support to restructure the program to establish priorities or to limit applications to only a few topics.

On the other hand, there was significant support to permit projects after fiscal year 1977 to provide further testing and initial utilization of programs and projects developed and validated under WEEA projects. An appropriate modification has been made in the proposed amendment.

The program requirement for capacity building (development of model programs or products) has not been eliminated for the small grant program to provide purely local benefits. A definition of the term "capacity building" has been added in § 160f.2 and a synonym provided to increase understanding of the concept. Specifically, clarification of the meaning of "national" used with the term is included along with several examples.

A factor has been added to the general evaluation criteria regarding commitment, which may be demonstrated through financial contributions. It is expected that this addition will have some impact on the high indirect costs which were a matter of concern to respondents. The Office of Education has no authority to deny the indirect costs to which a grantee is entitled, but contributions by an applicant may be a factor considered in selecting project recipients.

Likewise, no class of applicant, such as individuals, may be given preference over other classes of applicants (public agencies or non-profit organizations) which are equally eligible under the law as enacted by Congress. Through better dissemination, such as through the Advance Notice of Proposed Rulemaking and other means, the Office of Education is trying to communicate more effectively with individuals, many of whom may not have understood that they were eligible applicants or what would be required of them as a recipient of a small grant award.

4. *Revisions to certain administrative procedures. Comments.* There was an overwhelming endorsement for the continuation of the preapplication process. Most of the comments favored a brief preapplication, agreeing that without it fewer organizations and institutions would apply. They also agreed that this would not be desirable as only those groups which are highly skilled in obtaining Government funding would apply.

Response. The regulation continues to permit the preapplication process. The language has been expanded to explain more fully how the process operates.

In response to comments regarding the content of a preapplication, the program narrative has been shortened and simplified. The information which is required has been spelled out in detail so that the applicant does not have to prepare an abridged version of a full application addressing all topics to be covered in an application. Likewise, the specific evaluation criteria are spelled out, since the preapplication will not be judged on the potential to meet all evaluation criteria for final applications. These changes are designed to assist applicants and should provide preapplications of higher quality and greater consistency in format which will improve the review process.

Although very few education programs use the preapplication process, public comments have strongly supported its use in this program.

5. *Supplementary evaluation criteria—Comment.* There were only a few comments addressing the supplementary criteria for general grants outside the priority areas and for small grants. Generally, the comments urged revision of the supplementary criteria. One comment asked that the 25 points be redistributed into other existing criteria for small grants. One comment asked that more than 25 points be available and suggested that they be awarded on how well the proposed project fills a gap within the existing priority areas.

Response. Since the proposed amendment to the regulation does not contain priority areas, no supplementary criteria are needed, and the issue is no loinger relevant.

C. Changes in the Regulation

In order to facilitate use by the public and to permit an opportunity for comment on all aspects of the program regulation, the proposed amendments to the regulation are not being presented separately but within a complete reprint of the regulation. In this part of the preamble, proposed changes in the regulation are explained, so that the public can identify them easily.

Section 160f.1 *Scope and purpose.* No change is proposed from the current regulation, except to eliminate references to Part 160 relating to the Special Projects Act which are unnecessary.

Section 160f.2 *Definitions.* The definitions of "career education," "sexism," and "underemployed" have been eliminated, since the description of program priorities in which they appeared has been deleted.

In response to public advice, the definition of "educational equity for women" which appears in context in § 160f.3 on the nature of projects is repeated in the definition section.

Definitions of "local educational agency" and "State educational agency" have been added to assist applicants in understanding these terms as they are used in §§ 160f.7(b) and 8(e) on requirements for submission of preapplications and applications. Some applicants were not certain last year if they were a local educational agency and submitted copies to their State educational agency when it was not required of them.

Applicants are reminded that the WEEA rule in no way supersedes or eliminates the general requirement that certain applicants such as States, cities, and State Systems of Higher Education, submit grant applications to a central clearinghouse. Applicants are responsible for complying with that requirement, as applicable.

An extended definition with examples of a "capacity building" as used in the WEEA Program has been added. Capacity building or the synonym now used with it "development of model programs and products"; is perhaps the most critical determinant of eligibility in the review of projects in the area of women's educational equity. The inclusion of an expanded definition is an effort to clarify its meaning.

A definition of "target population" has been added to § 160f.2 to clarify the requirement in § 160f.8(c)(3)3(ii) that the application specify the target population of the project. The term relates to the intended beneficiaries of the project. Each project has a "target population," and the term is to be distinguished from reference to special "population groups" based on race, ethnic origin, age, socioeconomic status, or residence (e.g., rural, urban, Southwestern, Appalachian) § 160f.3(d) and § 160f.8(c)(3)(iii). A project may, but need not, focus on approaches to women's educational equity relating to one or more of these population groups. If the target population of a project is one or more of these population groups (e.g., low income adult women), then the application, in addition to stating the target group, must meet the requirements in §§ 160f.3(d) and 160f.8(c)(3)(iii).

Section 160f.3 *Nature of projects to provide educational equity for women.* No changes were made in paragraphs (a) and (c).

Paragraph (b) on "capacity building" has been rewritten in simpler language, but the meaning of the requirement has not been altered. A synonym for capacity building, "development of model programs and products" has been added in response to advice from the public and from the Council. The term, "capacity building," has not been eliminated from the proposed regulation in order to avoid any implication that a key requirement in the program had been changed.

Paragraph (d), concerning "Diverse approaches to educational equity for women among various population groups," has been changed rather significantly.

The concept has been made more specific and should be understood more easily. The requirement as proposed now recognizes diverse approaches to educational equity for women among various population groups, permits applicants to include in a project a focus on an approach to educational equity for women by one or more population groups, and requires, if such a focus is included, that the application demonstrate understanding of the priorities and values of the group and state the specific population groups for which use of the model programs or products is appropriate.

Section 160f.4 *Types of projects.* Paragraph (a) has not been changed.

Paragraph (b) has been modified to reflect the change of program activities after fiscal year 1976 both in contracts and in general grants where priorities have been eliminated.

With the proposed deletion of grant priorities, paragraph (c) is no longer needed and has been deleted.

Paragraph (d) regarding modifications in grant priorities has been eliminated, and that subject is now covered in § 160f.12.

Section 160f.5 *Duration of projects.* Only one change has been made in this section. Information required in continuation applications is spelled out.

Section 160f.6 *Eligible applicants.* No change has been made in this section as it reflects the specific language of the statute.

Section 160f.7 *Preapplications.* Extensive changes have been made in this section in order to provide more specific directions about the process itself, the format of the program narrative, and the criteria for evaluation. A number of questions were raised last year during the preapplication process, and many comments on preapplications were received in response to the Advance Notice of Proposed Rulemaking.

The language has been made very explicit about the rules which apply when preapplications are invited by the Commissioner in any given fiscal year.

The current regulation calls for a ten-page preapplication. This proposed amendment specifies three pages. It is believed that a shorter preapplication will serve the public and still provide the essential information necessary to make basic decisions about which preapplicants should be encouraged to submit full applications. Preapplicants are not required to address all topics which would be required at the application stage, such as evaluation and validation. Greater emphasis is thus given to those fewer items which are required. This format and the shorter length is consistent with public advice on the Advance Notice.

The current regulation indicates the information to be included in the preapplication narrative and the evaluation criteria only by inference. This lack of specific guidance caused some confusion last year, especially in light of the five topics (need, objectives, method of accomplishment, geographical location of the project, and benefits expected from the assistance) which are listed on the standard Government preapplication form. The proposed amendment lists the specific information required which is directly related to the proposed evaluation criteria. Point values are assigned to each criterion for a total of 100 points.

It is expected that these revisions will assist the public and provide better preapplications and greater consistency in presentation.

Section 160f.8 *Application, proposal, and project requirements.* Both substantive and technical changes have been made in this section. Most of the technical changes are the result of the elimination of priorities for general grants (current § 160f.8(b)(2)) and the modification of the concept regarding diversity among population groups (proposed § 160f.8(c)(3)(iii) and (c)(5)). References to proposals for contracts have been eliminated from paragraph (c).

In the first year of program operation, applications were frequently vague about staff positions for which a specific person was not named. Language has been added to require specific duties for named personnel and job descriptions and qualifications for unfilled positions. Information is required under the proposed amendment on recruitment and hiring methods and the extent to which the staff will be representative of the target population of the project and, where applicable, the population group(s) to which the project is related.

The information regarding the evaluation design (current § 160f.8(c)(4)(i)(B) and (c)(4)(ii)) has been simplified (proposed § 160f.8(c)(4)(ii)) and reference to delaying implementation of the evaluation design is eliminated. Project evaluation was frequently the weakest element in applications last year. The language has been changed therefore to avoid any interpretation that evaluation might be delayed.

Two new criteria for evaluation of grant applications have been added to § 160f.10. Instructions to supply the information required have been added (§ 160f.8(c)(2)(v) and (c)(4)(iv)).

Section 160f.9 *Award decisions.* This section has been modified in two ways under the proposed amendment. The different procedures for grants and contracts have been spelled out with greater clarity. Three additional factors which will be considered in the award decision process have been included in § 160f.9(b)(3)(ii), (iii) and (iv). These three factors have been added upon the recommendation of the Council.

Section 160f.10 *General evaluation criteria for grants.* This section has been modified where necessary to reflect the elimination of priorities.

Additional weight has been given to applicant qualifications. Also, the criteria regarding the experience and qualifications of both the applicant and the staff have been split, so that points are awarded separately for experience in the programmatic focus and in the area of educational equity for women. This change is designed to improve the review process.

Two new criteria have been added. One relates to institutional commitment to the effort (§ 160f.10(a)(1)(vi)), which has been added upon the recommendation of the Council. The second, relating to cooperative planning (§ 160.-10(a)(3)(iv)) currently appears in supplementary criteria for specific priority areas and has been transferred to general evaluation criteria.

Other technical changes have been made: The title of the section now refers only to grants; § 160f.10(a)(2)(ii) is consistent with the proposed revision to § 160f.3(d); subparagraph (a)(4), on geographical distribution has been modified to refer to the distribution of "project awards" and not projects. Since projects are designed to develop model programs or products which will serve groups far beyond a local area, some members of the public had asked for clarification of this paragraph.

Section 160f.12 *General grant awards.* This section has been changed

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to delete lengthy presentations of the priority areas, which would no longer be used under the proposed amendment. Under the provisions of the proposed amendment, the Commissioner may establish priorities in any given year by publishing them in an Appendix to the regulation.

In paragraph (b) the approximate number of new awards per fiscal year has been increased and the general range of the cost decreased. These adjustments are made on the basis of a year of actual program operation.

Section 160f.13 *Small grant awards.* Paragraph (b) of this section has been modified to reflect the elimination of priority areas for general grants.

The requirement that small grants contribute to the development of model programs and products (capacity building) has not been changed. Consistent with advice of the Council and the public, language has been added that would permit small grant projects to provide further testing and initial utilization of programs and products developed and validated by other WEEA projects at such time as they become available. Under this provision, national testing and dissemination will be served, and the grantees which propose to use small grant awards for a specific program or product will benefit directly in the process. This option will not be available in fiscal year 1977, since projects supported in fiscal year 1976 will not have completed their work when applicants must submit applications.

In paragraph (d) the approximate number of small grants anticipated for each fiscal year has been increased.

Section 160f.14 *Contract activities.* This section has been revised to reflect anticipated funding areas for contracts in fiscal year 1977 and thereafter.

Section 160f.15 *Allowable costs.* One substantial addition has been made in this section in subparagraph (a)(4). Similar language appears in the current regulation regarding two priority areas (§ 160f.12 (b)(4) and (c)(3). It is not the intent of the WEEA Program to pay the costs, for example, in a project relating to educational administration for general courses, such as school finance, personnel management, or organizational development. Only those costs directly related to educational equity for women as defined in this regulation would be allowable.

There is a technical change in paragraph (d)(2) to eliminate reference to a priority area.

D. CITATIONS OF LEGAL AUTHORITY

As required by section 431(a) of the General Education Provisions Act, a citation of statutory or other legal authority for each section of the regulations has been placed in parenthesis on the line following the text of the section.

On occasion, a citation appears at the end of a subdivision of the section. In that case, the citation applies to all that appears in that section between the citation and the immediately preceding citation. When the citiation appears only at the end of the section, it applies to the entire section.

E. NOTICE TO PROSPECTIVE APPLICANTS

The proposed amendment to the current regulation does not solicit applications or proposals for grants or contracts or establish deadlines. Applications or preapplications for grants will be solicited in a separate notice of closing date in the FEDERAL REGISTER. Contracts are solicited separately in Requests for Proposals (RFP) published in the Commerce Business Daily.

Interested applicants who are not presently on the WEEA mailing list may write to the Women's Program Staff and ask to be placed on the list to receive program information and application forms when available. This mailing list is used for general mass mailings regarding the program.

F. SUBMISSION OF COMMENTS

Interested persons are invited to submit written comments on the proposed amendment to: Dr. Joan E. Duval, Director, Women's Program Staff, U.S. Office of Education, 400 Maryland Avenue SW., Room 2145, Washington, D.C. 20202. If additional information is needed call Ms. Carolyn Joyner (202-245-0967) or Mr. Cleveland Haynes (202-472-2796).

All written comments must be received not later than May 2, 1977. Written comments received in response to this notice will be available for public inspection at the above office on Mondays through Fridays between 8:30 a.m. and 4:00 p.m.

It is the intent of the Office of Education to conduct public meetings for the purpose of discussing the proposed revisions to the regulation and to respond to questions concerning WEEA. The times and places of these meetings will be published at another time and those members of the public who have requested or will request to be notified will be contacted.

It is hereby certified that this proposal has been screened pursuant to Executive Order No. 11821, and does not require an Inflationary Impact Evaluation.

(Catalog of Federal Domestic Assistance No. 13.565, Women's Educational Equity Act Program.)

Dated: February 11, 1977.

WILLIAM F. PIERCE,
Acting U.S. Commissioner of Education.

Approved: March 28, 1977.

JOSEPH A. CALIFANO, JR.,
Secretary of Health, Education, and Welfare.

It is proposed to revise 45 CFR Part 160f as follows:

PART 160f—WOMEN'S EDUCATIONAL EQUITY ACT PROGRAM

Sec.
160f.1 Scope and Purpose.
160f.2 Definitions.
160f.3 Nature of projects to provide educational equity for women.
160f.4 Types of projects.
160f.5 Duration of projects.
160f.6 Eligible applicants.
160f.7 Preapplications.
160f.8 Application, proposal, and project requirements.
160f.9 Award decisions.
160f.10 General evaluation criteria.
160f.11 [Reserved]
160f.12 General grant awards.
160f.13 Small grant awards.
160f.14 Contract activities.
160f.15 Allowable costs.

AUTHORITY: Sec. 408, Pub. L. 93-380 (20 U.S.C. 1866)

§ 160f.1 Scope and purpose.

(a) *Scope.* The regulations in this part govern projects awarded with funds appropriated under the Women's Educational Equity Act of 1974, section 408 of Pub. L. 93-380, or with funds made available for expenditure under the Women's Educational Equity Act pursuant to the Special Projects Act, as enacted by section 402 of Pub. L. 93-380.

(20 U.S.C. 1866 and 1861.)

(b) *Purpose.* The purpose of the program carried out under this part is to provide, through grants and contracts, educational equity for women in the United States.

(20 U.S.C. 1866 (c) and (f).)

(c) *Other pertinent regulations.* (1) *Grant awards.* Grant awards under this part, including awards to individuals, are subject to applicable provisions contained in subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters, 45 CFR Parts 100, 100a et seq.).

(2) *Contract awards.* Contract awards under this part, including awards to individuals, are subject to applicable provisions contained in 41 CFR Chapters 1 and 3.

(20 U.S.C. 1866.)

(d) *Participation by men.* (1) Award recipients may not discriminate on the basis of sex in employment or in the admission of participants to training, validation, or other activities funded under this part.

(2) The selection of persons to participate in training, validation, and other activities funded under this part must be based upon criteria which measure the extent to which the persons:

(i) Will benefit from the activities; and

(ii) Can contribute to the project's purposes.

(20 U.S.C. 1866.)

(e) *Textbooks and curricular materials.* Nothing in this part shall be interpreted as requiring, prohibiting, or abridging the use of particular textbooks or curricular materials.

(20 U.S.C. 1866(d)(1)(A); 20 U.S.C. 1232a.)

§ 160f.2 Definitions.

As used on this part: (a) "Act" means the Women's Educational Equity Act of 1974, section 408 of Pub. L. 93-380.

(20 U.S.C. 1866.)

(b) "Capacity building" or "development of model programs and products" means that projects develop model programs and products to be used by organizations, agencies, and individuals other than the award recipient and thereby have a substantial national impact in furthering the purpose of providing educational equity for women.

(1) The primary goal of projects is not provision of services or benefits to particular organizations, agencies, or individuals, although these services or benefits may occur as an indirect effect.

(2) The use of the word "national" with capacity building or the development of model programs and products does not mean that all school systems, or all adult women, or all institutions of higher education in the Nation must be able to use the programs or products developed. Section 160f.3(d) explicitly authorizes projects which focus on one or more diverse population groups. "National" is used primarily to make a distinction from purely local projects. Examples of target populations for projects which would contribute to national capacity are: administrators of urban school systems, employers and counselors who work with adults entering the job market in rural areas, directors of women's centers, teachers at the elementary level, rural educators in the Southeast, State directors of vocational education, and curriculum specialists for bilingual projects in the Southwest.

(3) While a number of education programs use the term "capacity building" to refer to the use of Federal funds as seed money to build the capacity of a recipient institution to change or reform itself and thereby respond to national priorities, those kinds of programs are often characterized by limitation to only one or two types of applicants, for example, only local educational agencies or institutions of higher education, or by limitation to one level of education, such as postsecondary education. On the other hand, the Women's Educational Equity Act (WEEA) Program authorizes activities at all levels of education and permits all public agencies, nonprofit organizations, and individuals to compete for funds. Further, there are few models presently available to the thousands of institutions and agencies which are undertaking certain changes either because of the effect of Title IX or because of other factors, such as the desire of certain institutions to meet the needs of new kinds of students. The WEEA program, therefore, is building capacity at the national level to respond to needs throughout the country. The program emphasizes those aspects of program operations which can produce evidence of effectiveness so that the results can be disseminated for use in many institutions and agencies.

(4) Examples and an indication of whether they meet the program requirement may be useful. An application from a school system for the purpose of training its own administrators, teachers, and counselors to be aware of and to change differential treatment of students on the basis of sex would not meet the requirement for capacity building or development of model programs and products. An application to develop and test a program for training administrators, teachers, and counselors to be aware of and to change differential treatment of students on the basis of sex with plans for field testing in school systems and a plan for dissemination through school associations is an example of capacity building. The objective of the first is the training of several hundred administrators, teachers, and counselors to benefit a specific school system. The objective of the second is to develop and test a model program so that it can be made available to others who need it. In the school systems where it is tested, the administrators, teachers, and counselors who participate in the validation would receive benefits as an indirect effect.

(5) A second example would be an application to establish a Women's Center to provide and coordinate activities affecting educational equity for women and to develop a more extensive program to meet the needs of adult students at a particular institution. Such an application does not meet the requirement for capacity building, since it is designed to serve a particular institution. Applications addressing aspects of the operations of women's centers which are being researched, developed, or analyzed for the use of many similar centers could meet the requirements of capacity building. One may use the test of how the need is expressed to determine whether the program's requirement would be met. For example, in the first, the institution needs a better women's center. The project would meet the institution's and its individual client's needs. In the second, there is a need to learn what structure, activities, or personnel in women's centers are most productive and cost-effective. The project meets the need to solve a problem affecting many institutions. Again, side benefits may occur within a project for the individuals involved.

(6) A third example is an application to provide funds for the special costs of an existing program to train and place 12 unemployed adult women. The measure of effectiveness would be the completed training and successful placement of the 12 persons. This would not be an effort to develop national capacity building.

(7) Scholarships and fellowships to serve the needs of an individual would not qualify, nor would the construction of facilities for athletics, for example, be permissible.

(20 U.S.C. 1866 (b), (d), and (e).)

(c) "Council" means the National Advisory Council on Women's Educational Programs established pursuant to subsection (f) of the Act.

(20 U.S.C. 1866 (c) and (f).)

(d) "Educational equity for women" means:

(1) The elimination of discrimination on the basis of sex and of those elements of sex role stereotyping and sex role socialization in educational institutions, programs, and curricula which prevent full and fair participation by women in educational programs and in American society generally; and

(2) The achievement of responsiveness of educational institutions, programs, curricula, policy makers, administrators, instructors, counselors, and other personnel to the special educational needs, interests, and concerns of women arising from inequitable educational policies and practices.

(3) Educational equity for women involves the elimination of stereotyping by sex, so that both men and women can choose freely among and benefit from opportunities in educational institutions and programs with limitations determined only by each individual's interests, aptitudes, and abilities. Educational equity for women does not imply the development of new stereotypes for men and women.

(e) "Elementary school" means a day or residential school which provides elementary education, as determined under State law, and "Elementary school level" means the educational level at which elementary education is provided, as determined under State law.

(f) "Local educational agency" or "LEA" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. The term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(g) "Man" or "men" may include, as appropriate, boys.

(h) "Nonprofit," as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations no part of the net earning of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(i) "Public agency" means a legally constituted organization of government under public administrative control and direction, including Indian tribes which exercise municipal functions, but does not include agencies of the United States.

(j) "Secondary school" means a day or residential school which provides secondary education, as determined under State law, except that it does not include any education provided beyond grade 12, and "Secondary school level" means the educational level (not beyond grade 12) at which secondary education is provided as determined under State law.

(k) "Sex role socialization" refers to the differential processes and experiences used to prepare males and females for the roles that society defines as being appropriate for their sex.

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(l) "Sex role stereotypes" involve assumptions that females or males, because they share a common gender, also share common abilities, interests, values, and/or roles.

(m) "Socialization" is the process by which children and adults are prepared to occupy various roles. It is achieved through the provision and accumulation of life experiences that transmit knowledge, attitudes, and skills to perform functions necessary for these roles. Socialization for young children is often deliberate and readily observable as children are being prepared to carry out a complex collection of economic, social, physical, political, and psychological roles as adults. Much of adult socialization is subtle and unnoticed because it consists of continued reinforcement for already learned roles. In situations where the learning of new roles or skills is necessary, adult socialization may become extremely focused and explicit.

(n) "State educational agency" or "SEA" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(o) "Target population" means the persons for whose needs the project is designed, with whom the project is validated, and among whom are found the future users of the model program or product.

(1) The target population may include both intermediate and ultimate beneficiaries of solely ultimate beneficiaries.

(2) For example, in a project designed to develop a retraining program for high school counselors in techniques and procedures for providing sex fair counseling for use by counselors across the country, the target population is high school counselors, the intermediate beneficiaries. The ultimate beneficiaries are high school students across the country. In the same type project designed for use by high school counselors of native American youth, the intermediate target population is still high school counselors but the ultimate target population is native American high school youth.

(3) Another example would be a program designed for adult women who desire to reenter the labor force or continue their education. The target population is adult women. Adult women are the population upon which the program is validated, and they are the ultimate beneficiaries. There may be no intermediate beneficiaries. If the project were designed for employers and counselors of adult women, the employers and counselors would be the intermediate beneficiaries and the adult women the ultimate beneficiaries.

(p) "Woman" or "women" may include, as appropriate, girls.

(20 U.S.C. 1866.)

§ 160f.3 Nature of projects to provide educational equity for women.

(a) *General.* (1) Educational equity for women, as used in this part, means:

(i) The elimination of discrimination on the basis of sex and of those elements of sex role stereotyping and sex role socialization in educational institutions, programs, and curricula which prevent full and fair participation by women in educational programs and in American society generally; and

(ii) The achievement of responsiveness of educational institutions, programs, curricula, policy makers, administrators, instructors, and other personnel to the special educational needs, interests, and concerns of women arising from inequitable educational policies and practices.

(2) Educational equity for women, as used in this part, involves the elimination of stereotyping by sex, so that both men and women can choose freely among and benefit from opportunities in educational institutions and programs with limitations determined only by each individual's interests, aptitudes, and abilities. Educational equity for women does not imply the development of new stereotypes for men and women.

(b) *Capacity building: development of model programs and products.* (1) (i) Projects supported under this part must contribute to capacity building in the area of educational equity for women, as defined in § 160f.2.

(ii) The primary goal of projects is not provision of services or benefits to particular organizations, agencies, or individuals, although these services or benefits may occur as an indirect effect.

(2) Projects supported under this part may not develop products which are so expensive to use or adopt that extensive dissemination will be inhibited.

(20 U.S.C. 1866 (b), (d), and (e).)

(c) *Approaches to educational equity for women.* Each project funded under this part must be designed to develop model programs, materials, or other products in order to promote educational equity for women in one or more of the following ways:

(1) *Focus on systemic change.* The elimination of those elements of sex role stereotyping and sex role socialization in educational institutions and agencies which separately and, more importantly, together and over time limit the aspirations, experiences, and options of women and men for full participation in American society;

(2) *Focus on institutional change.* Assistance in the process of eliminating discriminatory policies and practices in educational agencies, organizations, and programs which may be contrary to Federal statutes, executive orders, or regulations; or

(3) *Focus on supplementary activities for individuals.* The provision of special educational activities and support services designed to overcome limitations on the opportunities of women resulting from past or continuing discrimination, sex role stereotyping, or sex role socialization.

(20 U.S.C. 1866; Committee on Education and Labor, Hearing on H.R. 208, July 25, 1973, pp. 4–6; S. Rept. No. 763, 93rd Cong. 2d Sess. 78–79 (1974))

(d) *Diverse approaches to educational equity for women among various population groups.* (1) In recognition of the diverse approaches to the provision of educational equity for women among different rgoups, proejcts funded under this part may focus on approaches to educational equity for women relating to one or more population groups based on race, ethnic origin, age, socioeconomic status, or residence (e.g., rural, urban, Southwestern, Appalachian).

(2) If the proposed project does focus on an approach relating to one or more population group(s) above, the project application must:

(i) State the population group(s);

(ii) Show understanding of and sensitivity to the goals, values, and priorities of the population group(s); and

(iii) Explain the applicability or limitations of the use of the programs or products with other population groups. The relevance of the project's materials, strategy, and goals to the cultural and other values of the population group(s) must be clearly demonstrated. Extensive research or data is not required in the project application.

(20 U.S.C. 1866.)

§ 160f.4 Types of projects.

(a) The Act authorizes the Commissioner to award grants and contracts for activities at all levels of education designed to carry out the purpose of providing educational equity for women, including the following activities related to educational equity:

(1) The development, evaluation, and dissemination of curricula, textbooks, and other educational materials;

(2) Preservice and inservice training for educational personnel, including guidance and counseling personnel;

(3) Research, development, and other educational activities;

(4) Guidance and counseling activities, including the development of tests which are nondiscriminatory on the basis of sex;

(5) Educational activities to increase opportunities for adult women, including continuing educational activities for underemployed and unemployed women; and

(6) The expansion and improvement of educational programs and activities for women in vocational education, career education, physical education, and educational administration.

(20 U.S.C. 1866(d)(1).)

(b) In implementing the activities authorized by the Act and described in paragraph (a) of this section, the Commissioner will:

(1) Make small grants, not to exceed $15,000 each, to support innovative approaches to the provision of educational equity for women, as described in § 160f.13;

(2) Solicit proposals for and make awards of procurement contracts in the program areas described in § 160f.14; and

(3) Make awards for general grants, as described in § 160f.12.

(20 U.S.C. 1866.)

§ 160f.5 Duration of projects.

(a) While grant applications may be filed proposing multi-year projects, it is expected that a substantial proportion of projects funded by the Commissioner in any fiscal year will have a project duration of only one year.

(b) Applications proposing multi-year projects must be accompanied by an explanation of the need for multi-year support, an overview of the objectives and activities proposed, and budget estimates to attain these objectives in any proposed subsequent year.

(c) If the application demonstrates to the Commissioner's satisfaction that multi-year support is needed to carry out the proposed project, the Commissioner may, in the initial notification of grant award for the project, indicate an intention to assist the project on an appropriate multi-year basis through continuation grants.

(d) Continuation awards may be made to projects described in paragraph (c) of this section, subject to the availability of funds and to the following provisions:

(1) Continuation applications will not be competitive with applications for new grant awards, but will be competitive with other applications for continuation awards;

(2) The program narrative of a continuation application must contain a detailed plan of operation (consistent with the general scope of work approved at the time of the original grant award), a management plan, and a detailed budget for the following fiscal year. Any changes in staff members, or their duties, in the validation procedures, the evaluation design, or approaches to dissemination must be explained. Requests for modifications in project objectives of the final results, programs, or products must be justified and the basis explained in detail; and

(3) Applications for continuation awards will be reviewed to determine:

(i) If the grantee has complied with the grant terms and conditions, the Act, and any applicable regulation;

(ii) The project's effectiveness to date, or the constructive changes proposed as a result of the ongoing evaluation;

(iii) The extent to which the project is meeting applicable priorities; and

(iv) The extent to which continuation of Federal assistance to the project is in the best interests of educational equity for women.

(20 U.S.C. 1221e–3(a)(1), 1866)

§ 160f.6 Eligible applicants.

The Commissioner may make grants to, or enter into contracts with, public agencies, private nonprofit organizations, or individuals to carry out projects under this part.

(20 U.S.C. 1866(d)(1) and (e))

§ 160f.7 Preapplications.

(a) *General.* (1) The Commissioner may invite prospective applicants for grants under this part in any given fiscal year to submit preapplications in accordance with § 100a.41 of this chapter by publishing a closing date for preapplications in the FEDERAL REGISTER. Either general or small grants, or both, may be included.

(2) (i) The preapplication process is used to avoid the investment of substantial time and effort by applicants in the preparation of applications for projects which might not be responsive to program policy and criteria and therefore have little chance of being funded. This process permits a preliminary review of shortened, simplified preapplications, with advice to applicants as to whether proposed projects are likely to have a chance for funding.

(ii) The preapplication process also may conserve limited resources of the Government by reducing the staff time and consultant funds required to process and review a large number of full applications. When the preapplication process is used, the Government can forecast the approximate number of applications which will be submitted and plan accordingly.

(3) When preapplications are invited, applicants are encouraged to use the process. Preapplications will be reviewed and those identified as having potential to compete will be invited to submit full applications. Applicants that are not invited may also submit full applications at their option. Also, any applicant may submit a full application by the published closing date for full applications without having previously submitted a preapplication. No application would be treated preferentially, and all would be reviewed against the published evaluation criteria.

(b) *State review of LEA preapplications.* (1) A copy of a preapplication from a local educational agency must be submitted to the State educational agency of the State in which the local educational agency is located, concurrently with the submission of the preapplication to the Commissioner, to provide the State educational agency an opportunity to review and comment on that preapplication. A copy of the transmittal letter to the State agency must be attached to the preapplication.

(2) The Commissioner may esablish a cut-off date for submission of comments by State educational agencies on a local educational agency's preapplication. If the Commissioner establishes a cut-off date for submission of comments, failure by a State educational agency to submit comments to the Commissioner within the period specified by the Commissioner for a preapplication shall be deemed a waiver of the State educational agency's opportunity to comment on that preapplication.

(c) *Preapplication requirements.* (1) Preppliications under this part must include a program narrative statement as required by the preapplication forms provided for in § 100a.41 of this chapter. The narrative statement may not exceed three (3) pages of readable size print plus attached brief and relevant vitae. Lengthy appendices and exhibits will not be reviewed by the Commissioner.

(2) The preapplication must include the following information in the program narrative to permit its review according to the evaluation criteria in paragraph (d). If applicants omit some of the required information, the preapplications will be reviewed and points will be deducted where appropriate. The preapplication must:

(i) *Applicant qualifications.* (A) Include either names and duties of projected staff members or brief job descriptions and required qualifications for the director and other key personnel, as well as methods of recruitment and hiring. Vitae may be attached to the program narrative; and

(B) Include a statement of applicant qualifications in the substantive area of the proposed project and its experience in and commitment to the area of women's educational equity;

(ii) *Need and impact.* (A) Provide a brief description of the project and its approach, the needs addressed, and specific results, programs, or products to be developed by the proposed project;

(B) Indicate the target population which will utilize the results of the project and the possible means for encouraging their use; and

(C) State briefly how the proposed project will contribute to the national capacity to respond to needs in educational equity for women through the development of model programs and/or products which are designed and tested to be disseminated nationwide;

(iii) *Plan.* (A) State the specific objectives of the proposed projects;

(B) Provide a brief statement on how the project will be managed, including approaches to assuring the quality of the project and its result; and

(C) If the applicant proposes a project with a duration in excess of one year, include in the program narrative an explanation of the need for multi-year support, and budget forms must be completed for the first budget period of one year and for the balance of the proposed project.

(d) *Preapplication evaluation criteria.* Preapplications for grants which meet the requirements in paragraph (c)(1) of this section will be evaluated on the basis of the following criteria and weighted according to the indicated points (maximum of 100 points):

(1) *Applicant qualifications.* (i) The extent to which the education and experience of the proposed project director and staff, or, where staff are not named, the job descriptions and required qualifications as well as methods for recruitment and hiring, are related to the programmatic focus of the proposed project (10 points);

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(ii) The extent to which the information about the proposed project director and staff evidence knowledge and experience in the area of women's educational equity (10 points);

(iii) The extent to which the applicant has demonstrated experience in the programmatic focus of the proposed project (10 points); and

(iv) The extent to which the applicant has demonstrated experience in and commitment to women's educational equity as evidence in the preapplication (10 points);

(2) *Need and impact.* (i) The degree to which the project addresses a critical need in the area of educational equity for women (10 points);

(ii) The degree to which the project describes a promising approach to provide educational equity for women (10 points);

(iii) The potential quality of the results, programs, or products to be developed and the viability of the method for use by others (10 points); and

(iv) The degree to which the proposed project will contribute to the national capacity to respond to the needs in the area of women's educational equity through the development of model programs or products (10 points);

(3) *Plan of operation.* (i) The extent to which proposed project objectives are clearly stated and capable of being attained and evaluated (5 points); and

(ii) The extent to which the preapplicant's statement on project management indicates potential for quality control (5 points);

(4) *Budget.* The reasonableness of the proposed total budget figure in relation to the accomplishment of the objectives and the relative importance of the needs addressed (10 points).

(20 U.S.C. 1221e-3(a)(1), 1232c(b)(3), 1866(d)(2) and (e).)

§ 160f.8 Application, proposal, and project requirements.

(a) *Introduction.* A grant or a contract under this part will be awarded only upon a grant application (in accordance with § 100a.40 of this chapter) or a contract proposal submitted to the Commissioner.

(b) *General.* (1) Unsolicited applications or proposals will not be accepted under this part. Grant applications will be accepted for review only if they are filed in response to a notice of closing date published in the FEDERAL REGISTER in accordance with 45 CFR 100a.15 concerning application submissions to the Commissioner.

(2) Lengthy appendices or exhibits attached to applications or proposals will not be reviewed.

(c) *Application requirements.* The requirements set forth in this paragraph cover the information needed by the Commissioner to evaluate an application in accordance with the criteria in § 160f.10. The requirements correspond to the evaluation criteria, and applicants are encouraged, in preparing their applications, to follow this order to facilitate review of the application. An application for a grant under this part must:

(1) *Nature and purpose.* Provide information sufficient to satisfy the Commissioner that the proposed project holds promise of making a substantial contribution toward attaining educational equity for women and will comply with the provisions of § 160f.3;

(2) *Applicant qualifications.* Contain sufficient information about the applicant to enable the Commissioner to determine both its qualifications for receiving an award and its commitment to the provision of educational equity for women, including information about:

(i) The applicant's staffing pattern and experience in the area of educational equity for women, as well as in the programmatic focus of the proposed project;

(ii) The proposed project director and staff, including their education, training, awards, publications, and experience in the areas of educational equity for women and in the programmatic focus of the proposed project, and existing or planned commitments to other projects;

(iii) The extent to which the staff will be representative of the target population and, where applicable, the special population group(s);

(iv) Job descriptions and required qualifications as well as methods of recruitment and hiring, where staff members are not yet named;

(v) Commitment through in kind or direct financial contributions or procedures to use results of projects in ongoing activities of the applicant; and

(vi) Available facilities and other resources for the project;

(3) *Need and impact.* (i) Identify the need to be addressed by the proposed project and supply relevant documentation of the need;

(ii) Specify the nature of the program, product, or final results of the proposed project and the specific target population, as defined in § 160f.2.

(iii) Specify the population group(s), if any, to which the project is related (as described in § 160f.3(d)), demonstrate understanding of the goals, values, and priorities of the group(s), and explain the applicability or limitations on the use of the project's results with other population group(s);

(iv) Document how the project will contribute to the development of model programs and products (capacity building) in the area of educational equity for women, including a description of likely users of the results, programs, and products of the projects, and rough projections of the cost to others of implementing or using the products; and

(v) Describe the procedures and plans for validation by the applicant and possible approaches and strategies for dissemination and utilization, by the applicant or by others, of the programs or products developed by the project. The description of validation procedures must set forth criteria consistent with § 160f.1(d) for the selection of participants in validation under the project, the types and numbers of persons expected to be involved, the location(s), time schedules, and specific expectations for the various activities in the validation procedures;

(4) *Plan of operation.* (i) State project objectives with specific outcomes for the project;

(ii) Provide a project evaluation design to measure the extent to which the objectives are accomplished by the project and which indicates the approach, the status of planning, methodology, extent of experience in the development and use of such designs and need for procuring outside expertise;

(iii) Provide a management design which describes the project's decision-making process and its rationale and includes a plan which references objectives, operational activities, schedules, resources, products, and evaluation;

(iv) Describe a plan for cooperative development of the project with representative groups in the field of the project and in educational equity for women, such as practitioners (both at the policy and implementation levels), theoreticians, potential participants in the validation, and the community; and

(v) Include a detailed budget.

(5) *Relationship to other activities.* Reference is made in § 160f.3(d) to the diverse approaches to the achievement of women's educational equity among various racial, ethnic, socioeconomic, age, and residence groups. If the applicant is carrying out other activities concerned with issues of discrimination, counseling, stereotyping, socialization, or the cultural values and heritage of social, ethnic, regional, or socioeconomic groups, the application must explain the specific relationship of the proposed project to these other activities.

(20 U.S.C. 1866(d)(2).)

(d) *Small grants.* Applications for small grants under § 160f.13 are subject to the applicable requirements in this section, with appropriate consideration to the scope and amount of the proposed award.

(e) *State review of local educational agency applications.* (1) The Commissioner will not approve an application submitted by a local educational agency for a grant under this part unless the State educational agency of the State in which that local educational agency is located has been given an opportunity to review and comment on the application.

(2) A local educational agency must provide a copy of its application to the appropriate State educational agency concurrently with its submission to the Commissioner of the application, which must contain a copy of the transmittal letter to the State agency.

(3) The Commissioner may establish a cut-off date for submission of comments by State educational agencies on local educational agency applications. If the Commissioner establishes a cut-off date for submission of comments, failure by a State educational agency to submit comments to the Commissioner within the period specified by the Commissioner for an application shall be deemed a waiver of the State educational agency's opportunity to comment on that application.

(20 U.S.C. 1866(e).)

(f) *Dissemination of effective materials and programs.* Project awards under this part will be subject to the condition that materials and programs developed and validated under the project shall not be diseminated without review for effectiveness by the Commissioner. Therefore, each application for an award under this part must contain provisions for review of materials and programs, prior to dissemination in accordance with the requirement of this paragraph.

(g) *Evaluation.* Project awards under this part will be subject to the condition that the award recipient collect and make available information required by the Commissioner or by the Council, in accordance with the time constraints the Commissioner or Council may designate for purposes of carrying out program evaluation, including that provided for under subsection (f) of the Act.

(h) *Nondiscrimination.* Project awards under this part will be subject to the condition that the grantee or contractor reflect the nondiscrimination provisions set forth in subparagraphs (1) and (2) of § 160f.1(d) in any public announcements about the project relating to employment and participation by persons in the project activities.

(20 U.S.C. 1866.)

§ 160f.9 Award decisions.

Decisions on whether or not to make awards under this part will be made by the Commissioner based upon:

(a) With respect to contracts;

(1) The specific evaluation criteria included in each Request for Proposal (RFP) solicitation; and

(2) The procedures for selection required by the regulations for Procurement Contracts, 41 CFR Chapters 1 and 3 and by Departmental or agency policy.

(b) With respect to grants:

(1) Applicable criteria set forth in § 160f.10;

(2) The need to support projects which collectively address all levels of education; and

(3) The need to support:

(i) A variety of projects which collectively represent to the extent possible the diversity of needs and concerns in educational equity for women;

(ii) A variety of strategies for addressing needs;

(iii) A variety of delivery systems, such as community organizations, public agencies, and private nonprofit organizations, as well as traditional educational institutions; and

(iv) Demographic diversity.

(20 U.S.C. 1866 (b), (d), (e), (f)(3).)

§ 160f.10 General evaluation criteria for grants.

(a) *General criteria.* Applications for grants which meet the requirements in § 160f.8 will be evaluated on the basis of the following criteria, weighted according to the indicated points (maximum of 220 points):

(1) *Applicant qualifications.* (75 points)

(i) The extent and quality of the applicant's relevant experience in the area of educational equity for women as evidenced in the application (10 points);

(ii) The extent and quality of the applicant's relevant experience in the programmatic focus of the project (10 points);

(iii) The extent to which the staffing pattern of the project and of the applicant agency or organization as summarized in the application reflects evidence of commitment to equity for women, including women from minority groups (15 points);

(iv) The extent to which the qualifications of the project director and staff include demonstrated relevant experience of high quality in the area of educational equity for women (10 points);

(v) The extent to which the qualifications of the project director and staff include demonstrated relevant experience of high quality in the programmatic focus of the project as evidenced in the application (10 points);

(vi) The extent to which the applicant demonstrates commitment through in kind or direct financial contributions or through procedures to use all or parts of the program or products developed under the grant in the continuing activities of the applicant (10 points); and

(vii) The extent to which the applicant has the capability to conduct the proposed project, including necessary facilities and resources as evidenced in the application (10 points);

(2) *Need and impact.* (55 points)

(i) The degree to which the proposed project is likely to make a substantial qualitative contribution toward attaining the provision of educational equity for women, and to this end:

(A) Clearly identifies a critical need to be addressed (10 points); and

(B) Specifies the substantive nature of the program, product, or final results which have potential for use as a model throughout the Nation or throughout population groups based on race, ethnic origin, age, socioeconomic status, or residence (10 points);

(ii) The degree to which the applicant, where applicable, shows understanding of the goals, values, and priorities of special population group(s), as described in § 160f.3(d), and the degree to which the application demonstrates an appropriate understanding of the applicability or limitations of the use of the results or products of the project with other populations (15 points); and

(iii) The extent to which the intended results of the proposed project can be used by others and thus the extent to which the application specifies:

(A) Well-designed validation procedures (10 points); and

(B) Approaches for dissemination and utilization of the intended results (whether these approaches are to be carried out by the applicant or by others) (10 points);

(3) *Plan of operation* (70 points). (i) The extent to which the application sharply defines and clearly states objectives for the proposed project which are capable of being achieved by the proposed procedures and capable of being assessed upon attainment (15 points);

(ii) The extent to which the application ensures adequate evaluation of the activities through the description of a project evaluation design which would include both process and product analysis and would describe an eventual evaluation report containing sufficient data, information, and direction to permit and encourage replication (15 points);

(iii) The quality of the proposed management design that describes the project's decision-making process and its rationale and includes a plan which references objectives, operational activities, schedules (including the amount of time to be spent on the project by the proposed staff members), resources, products, and the project evaluation design (15 points);

(iv) The extent to which the program to be developed under the project will be developed in cooperation with representative groups in the field of the project and of educational equity for women, such as practitioners (both at the policy and implementation levels), theoreticians, potential participants in the validation, and the community (15 points); and

(v) The extent to which the application presents a budget that is reasonable in relation to anticipated results and reflects the management design (10 points).

(4) *Geographical distribution of awards.* (20 points) The extent to which approval of an application will contribute to an appropriate geographical distribution of project awards throughout the Nation. The Commissioner will apply this criterion to individual applications after taking into account relevant recommendations of the Council.

(b) *General provisions criteria.* Evaluation criteria set forth in § 100a.26(b) of this chapter will not apply to applications or proposals submitted under this part.

(c) *Small grants.* Applications for small grants will be evaluated in accordance with the criteria specified in paragraph (a) of this section with appropriate consideration given to the scope and amount of the proposed award.

(20 U.S.C. 1866 (d) and (e).)

§ 160f.11 [Reserved]

§ 160f.12 General grant awards.

(a) *General.* In awarding new grants under this part (except with respect to small grants described in § 160f.13), the Commissioner may establish priorities by publishing them in an Appendix to this regulation. Whether or not there are priorities, applicants may propose projects in any area authorized by the Act. Applicants may find guidance by examining the six activities which are listed in the Act and quoted in § 160f.4(a).

(b) *Number and size of general grant awards.* (1) Contingent upon the availability of funds, it is expected that 30 to

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50 new general grants will be awarded per fiscal year.

(2) It is anticipated that the size of general grant awards will range from about $35,000 to $175,000, depending on the scope of the proposed project. Nothing in this paragraph shall be construed as a limitation on the amount of funds which may be available to a particular grantee.

(20 U.S.C. 1866(d).)

§ 160f.13 Small grant awards.

(a) Grants under this section will support the development and implementation of innovative approaches to the attainment of equity in education for women. The innovative approaches need not be original but may include practices that:

(1) Are similar to present practices but are not widely known or used;

(2) Expand on present practices; or

(3) Are new to a specific target population.

(b) Applications for grants under this section may focus on any of the six programmatic areas outlined in § 160f.4(a) or other areas of need in the provision of educational equity for women.

(c) Projects supported under this section must be designed to contribute to capacity building (the development of model programs and products) in the area of educational equity for women as provided in § 160f.3(b), with appropriate consideration to the scope and amount of the grant award. The Commissioner may also use the small grant program for further testing of programs and products developed and validated by previous projects supported under this part when they become available.

(d) Contingent upon the availability of funds, it is expected that 20 to 30 grants will be made under this section per fiscal year for amounts not to exceed $15,000.

(20 U.S.C. 1866(e).)

§ 160f.14 Contract activities.

(a) *General.* Contingent upon the availability of funds, contracts will be awarded on the basis of separate solicitations setting forth appropriate specifications in the areas described in paragraph (b) of this section.

(b) *Funding areas.* It is expected that contracts will be awarded in the following areas:

(1) Technical assistance for Title IX of the Education Amendments of 1972 (Pub. L. 92-318);

(2) Operation of a communications network in the field of educational equity for women;

(3) Dissemination of tested programs and products developed under the Act to organizations and agencies which wish to use or adapt them; and

(4) Those other areas of women's educational equity where the Commissioner determines that specific procurements would further the purpose of the Act.

(20 U.S.C. 1866(d)(1).)

§ 160f.15 Allowable costs.

(a) *General.* (1) Allowable costs under projects to which funds are awarded pursuant to this part shall be determined in accordance with cost principles set forth in:

(i) Appendix B of subchapter A of this chapter with respect to grants to public agencies;

(ii) Appendix C of subchapter A of this chapter with respect to grants to nonprofit educational institutions;

(iii) Appendix D of subchapter A of this chapter with respect to grants to other nonprofit institutions and individuals; and

(iv) 41 CFR Part 1-15 with respect to contracts.

(2) The costs of nonexpendable personal property with an acquisition cost of $1,000 or more per unit, depreciation or use allowances, automatic data processing, memberships, subscriptions, and professional activities will be allowable if they have been specifically authorized by the Commissioner in the notification of grant award.

(3) Facilities, capital assets, and repairs which materially increase the value or useful life of capital assets generally shall be unallowable under this part, and will be allowed only where specially justified by the applicant and specifically authorized by the Commissioner.

(4) Funds supplied under grants awarded under this paragraph usually will not be available to pay the general costs of overall education, training, or career employment preparation programs. Rather, funds will be available for payment of the incremental costs such as the costs necessary for effective planning, development, evaluation, testing, validation, and in some cases, dissemination, directly related to educational equity for women.

(b) *Long-term training projects.* (1) Grants for training projects designed to provide individual participants with full-time post-baccalaureate training with a duration of at least one academic year may include provision for the payment to:

(i) Grantees of tuition and fees; and

(ii) Participants of stipends, dependency allowances, and other costs, including child care, as the Commissioner may determine to be consistent with prevailing practices under comparable Federal programs.

(2) Provision for payments described in subparagraph (1) of this paragraph will be included in grant award documents at the discretion of the Commissioner, and only when the applicant requests these payments and provides sufficient information and justification in the application to satisfy the Commissioner that the payments would contribute substantially to the realization of the project objective to develop, test, and prepare for dissemination a successful model training program.

(3) If provisions for the payment of tuition and fees are included in a grant pursuant to this paragraph, the grantee may not charge participants in the training program for tuition and fees.

(c) *Payments for participation in validation of materials and programs.* (1) Projects may include in the grant or contract a provision for payments to non-educational participants (including parents, students, and others) and to educational personnel participants (including administrators, counselors, teachers, and others), whose participation is necessary for the validation of the programs or products developed by the project and who are not otherwise compensated for their time while participating.

(2) (i) Payments to non-educational participants may be made at rates not lower than the current Federal minimum wage rate nor higher than the rate set forth for educational personnel in subdivision (ii) of this subparagraph.

(ii) Except as provided under subdivision (iii) of this subparagraph, payments to educational personnel under this paragraph would be at the rate of $30 for each full day of participation up to $150 a week. For partial days involving less than 5 hours of attendance, the payments for this attendance would be at the rate of $6 per hour, subject to the weekly limit of $150.

(iii) Where participating educational personnel are ordinarily paid for their work at a salary scale determined by a collective bargaining agreement in which the minimum hourly rate for any individual is more than $6 per hour, the individual would be compensated at the minimum hourly rate provided for under the collective bargaining agreement.

(3) Where a local educational agency or other educational agency or institution compensates teachers or other educational personnel whom it employs for their time in receiving training or participating in other activities under this paragraph and must also hire a substitute for the participant during the time of that participation, reimbursement may be made under the grant or contract which includes the component to the local educational agency or other educational agency or institution for the costs of hiring the substitute.

(4) No travel or dependency allowances will be paid for participation in any component under this paragraph.

(5) Participants in any short-term training may receive payments at the same rates as set forth in subparagraph (2) of this paragraph.

(6) Provision for payments described in this paragraph will be included in grant award documents or contracts at the discretion of the Commissioner, and only when the applicant requests these payments and justifies that the payments to the specific classes or groups of recipients to participate in the validation or training are necessary to carry out the program objective.

(d) *Indirect costs.* (1) Except as provided in subparagraphs (2) and (3) of this paragraph, indirect costs will be allowed under projects funded under this part in accordance with the applicable indirect cost rate allowances set out in Appendices B through D of subchapter A of this chapter.

(2) Indirect costs for training grants will be allowed at the lessor of:

(i) The level of indirect costs determined under subparagraph (1) of this paragraph; or

(ii) In grants where the Commissioner approves payments for stipends and dependency allowances under paragraph (b)(1)(ii) of this section, eight percent of the total direct costs, including stipends and dependency allowances.

(3) Indirect costs shall not be allowed under grants to individuals under this part.

(20 U.S.C. 1231c(b), 1232c(b)(2).)

[FR Doc.77-9817 Filed 3-31-77;8:45 am]

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

WOMEN'S EDUCATIONAL EQUITY ACT PROGRAM

Closing Date for Receipt of Non-Competing Continuation Applications for General Grants

Notice is hereby given that pursuant to the authority contained in section 408 of Pub. L. 93-380 (20 U.S.C. 1866) as amended by Pub. L. 94-482, applications are being accepted for non-competing continuation grants under the Women's Educational Equity Act Program.

A notice of closing date for preapplications and applications for new awards is being published separately.

Pursuant to 45 CFR 160f.5(d), continuation awards may be made, subject to the availability of funds and to the following provisions:

(1) Continuation applications will not be competitive with applications for new grant awards; and

(2) Applications for continuation awards will be reviewed to determine:

(i) If the grantee has complied with the grant terms and conditions, the Act, and any applicable regulation;

(ii) The project's effectiveness to date, or the constructive changes proposed as a result of the ongoing evaluation;

(iii) The extent to which the project is meeting applicable priorities; and

(iv) The extent to which continuation of Federal assistance to the project is in the best interests of educational equity for women.

In Fiscal Year 1977, $7,270,000 will be available for approximately 22 non-competing continuation awards and approximately 40 new general grants and 25 new small grant awards (small grant awards are limited to $15,000 each).

To be assured of consideration for funding, non-completing continuation applications should be received by the U.S. Office of Education, Application Control Center on or before May 20, 1977.

A. *Non-competing continuation applications set by mail.* A non-competing continuation application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, Grant and Procurement Management Division, 400 Maryland Avenue SW., Washington, D.C. 20202, Attention: 13.565. A non-competing continuation application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than May 16, 1977 as evidenced by the U.S. Postal Service; or,

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Application Control Center will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered non-competing continuation applications.* A non-competing continuation to be hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building Three, 7th and D streets SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time, except Saturdays, Sundays, or Federal holidays.

C. *Applicable regulations.* The regulations applicable to this program include (1) the Office of Education General Provisions Regulations (45 CFR Part 100a) and (2) the Women's Educational Equity Act proposed regulations published in this issue of the FEDERAL REGISTER when they are republished in final form and become effective. Applicants should prepare their applications in the light of the provisions in the proposed regulations.

(20 U.S.C. 1866.)

Dated: March 17, 1977.

WILLIAM F. PIERCE,
Acting U.S. Commissioner of Education.

(Catalog of Federal Domestic Assistance No. 13.565, Women's Educational Equity Act Program.)

[FR Doc.77-9819 Filed 3-31-77;8:45 am]

WOMEN'S EDUCATIONAL EQUITY ACT PROGRAM

Closing Date for Receipt of Preapplications and Small Grant and General Grant Applications

Notice is hereby given that, pursuant to the authority contained in section 408 of Pub. L. 93-380 (20 U.S.C. 1866), as amended by Pub. L. 94-482, preapplications for new general grant awards and applications for new small and general grant awards in the Women's Educational Equity Act Program are being accepted from public agencies, private nonprofit organizations, or individuals to promote educational equity for women under 45 CFR Part 160f.

A notice of closing date for noncompeting continuation projects is being published separately.

In fiscal year 1977, $7,270,000 will be available for approximately 25 new small grants, 40 new general grants and 22 continuing projects. Small grants are not to exceed $15,000 each; general grant awards will range from approximately $35,000 to $175,000, with the average award expected to be about $95,000. It is expected that approximately one-half of all of the awards will be single-year grants, one-fourth will be multiyear grants and one-fourth will be continuations and contracts. Nothing in this paragraph is intended as a limitation binding the Office of Education to any particular pattern of distribution, except as may be required by statute or regulation.

Preapplications for general grants must be received by the U.S. Office of Education, Application Control Center on or before April 29, 1977.

A. *Small grant applications.* Applications for small grant award must be received by the U.S. Office of Education on or before May 23, 1977.

B. *General grant applications.* Applications for general grant awards must be received by the U.S. Office of Education on or before June 27, 1977.

C. *Preapplications and final applications sent by mail.* A preapplication sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, Grant and Procurement Management Division, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13.565.

Preapplications. A preapplication sent by mail will be considered to be received on time by the Application Control Center if: (1) The preapplication was sent by registered or certified mail not later than April 25, 1977, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope or on the original receipt from the U.S. Postal Service; or (2) The preapplication is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Application Control Center will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

Final applications. A final application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than May 18, 1977 for Small Grants and June 22, 1977 for General Grants as evidenced by the U.S. Postal Service postmark on the wrapper or envelope or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner of Education will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

D. *Hand delivered preapplications and final applications.* A preapplication or final application to be hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered preapplications and applications will be accepted daily between the hours of 8 a.m. and 4 p.m., Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Neither preapplications nor final applications will be accepted after 4 p.m. on their respective closing date.

E. *State comment.* Concurrently with the submission of its preapplication and application to the Commissioner, a local educational agency (LEA) must provide a copy of its application to the State educational agency (SEA) of the State in which the LEA is located. For verification of submission to the SEA, the LEA applicant must enclose in its preapplication and application to the Commissioner a copy of the dated cover letter used to forward a copy of its preapplication or application to the SEA. An SEA wishing to submit advice and comment on any LEA preapplication originating within its State may do so by forwarding such advice and comment to the Women's Program Staff, U.S. Office of Education, Room 2145, 400 Maryland Avenue, SW., Washington, D.C. 20202. Advice and comments received from SEA's and will be considered in reviewing such preapplications and applications if they are received no later than May 11, 1977, respecting preapplications, no later than June 10, 1977, respecting LEA applications for small grants, and no later than July 11, 1977, respecting LEA applications for general grants.

F. *Program information and forms.* Information and application forms may be obtained from the Women's Program Staff, U.S. Office of Education (see address under paragraph E above).

G. *Applicable regulations.* The regulations applicable to this program include (1) the Office of Education General Provisions Regulations (45 CFR Part 100a) and (2) the Women's Educational Equity Act Program proposed regulations published in this issue of the FEDERAL REGISTER when they are republished in final form and become effective. Applicants should prepare their preapplications and applications in the light of the provisions in the proposed regulations.

(20 U.S.C. 1866)

(Catalog of Federal Domestic Assistance No. 13.565, Women's Educational Equity Act Program)

Dated: March 17, 1977.

WILLIAM F. PIERCE,
Acting U.S. Commissioner of Education.

[FR Doc.77-9818 Filed 3-31-77;8:45 am]

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federal register

FRIDAY, APRIL 1, 1977

PART VI



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

Office of
Assistant Secretary for
Housing—Federal Housing
Commissioner

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HOUSING LOANS FOR ELDERLY OR HANDICAPPED

Requests for Fund Reservations

V42763 APR 1 77 UMI

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-77-744]

SECTION 202 LOANS FOR HOUSING FOR THE ELDERLY OR HANDICAPPED

Invitation for Requests for Fund Reservations

Notice is hereby given, pursuant to Title 24, Code of Federal Regulations, Part 885 (see 41 FR 8314), as amended on January 28, 1977 (see 42 FR 5568), that the Department of Housing and Urban Development will be accepting Requests for Fund Reservations from eligible Applicants (see Section 885.5 for the definition of "Applicant" and other terms used herein) for the provision of direct loans for the construction or substantial rehabilitation of Housing and Related Facilities (as defined) for dwelling use by Elderly or Handicapped Families (as defined) under the provisions of Section 202 of the Housing Act of 1959, as amended by the Housing and Community Development Act of 1974 and the Housing Authorization Act of 1976.

All requests for Section 202 Fund Reservations by eligible Applicants must be filed with HUD on the application Form FHA 3128–EH,[1] together with such attachments and additional information as are required by such form and Section 885.210, except that Exhibit 4 information shall be submitted even though the Applicant and Borrower are to be the same entity. Because of this change, the second paragraph of Exhibit 4 is not applicable. Applicants may file such Requests for Section 202 Fund Reservations with the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development, Attention: Correspondence Unit, Room 9108, 451 7th Street, S.W., Washington, DC. 20410, at any time within sixty (60) days following the date of this Invitation. No Requests will be accepted after 5:15 p.m. on May 31, 1977, unless said final date for the submission of Requests for Section 202 Fund Reservations is extended by the Assistant Secretary by publication of an extension notice in the FEDERAL REGISTER.

Pursuant to § 885.205(b), this is to serve notice that:

(1) Under this Invitation for Requests for Section 202 Fund Reservations no single Applicant shall receive a reservation of loan funds in a single HUD Region in excess of that necessary to finance the construction or substantial rehabilitation of three hundred (300) units of Housing and Related Facilities;

(2) The eligibility requirements for Applicants shall be as set forth in Part 885;

(3) Requests for Section 202 Fund Reservations shall include the information called for in § 885.210.

(4) HUD intends to make contract authority under Section 8 of the United States Housing Act of 1937, as amended by the Housing and Community Development Act of 1974, available out of future appropriations for successful Applicants.

(5) Section 202 fund reservations will be distributed among successful Applicants in accordance with the requirements of § 885.215 (Approval of Requests for Fund Reservations) on the basis of all of the information furnished by the Applicants on the application Form FHA–3128–EH and pursuant to § 885.210 of the regulations.

Pursuant to § 885.410(d), this is to serve further notice that the Assistant Secretary has established one-half of one-percent (.5%), not to exceed $10,000, of the total HUD-approved Section 202 mortgage amount to be the minimum capital investment for Section 202 Borrowers. This requirement applies to all Section 202 Borrowers receiving HUD Field Office approval of a Request for Section 202 Direct Loan Financing (under the provisions of § 885.400 et seq.) as a result of this Invitation. Said minimum capital investment shall apply to all Section 202 projects developed as a consequence of this Invitation and shall remain in effect unless altered by the Assistant Secretary by publication in the FEDERAL REGISTER of a revision to the minimum capital investment requirement. Section 106(b) funds, pursuant to Part 271, may not be used to satisfy the minimum capital investment requirement.

Interested Applicants are invited to submit Requests for Section 202 Fund Reservations in accordance with the above. Additional information regarding the Section 202 Program may be found in Part 885; the requirements for the construction or substantial rehabilitation of housing for lower income families under the Section 8 Housing Assistance Payments programs are found in Parts 880 and 881.

A Finding of Inapplicability of Section 102(2)(c), National Environmental Policy Act of 1969, has been made in connection with the final Section 202 Regulations, Part 885, in accordance with HUD procedures set forth in HUD Handbook 1390.1 (38 FR 19182) and governs this Notice. A copy of this Finding of Inapplicability is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 10141, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410.

Issued at Washington, D.C., on March 29, 1977.

(Sec. 202, Housing Act of 1959 (12 U.S.C. 1701q), as amended by Sec. 210, Housing and Community Development Act of 1974; Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).)

LAWRENCE B. SIMONS,
Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc.77-9798 Filed 3-31-77;8:45 am]

[1] Form filed as a part of the original. Copies are available at HUD, Washington, D.C., Room 9276, and in each HUD Regional, Area and Insuring Office.

Office of the Secretary

[Docket No. N-77-743]

SECTION 202 LOANS FOR HOUSING FOR THE ELDERLY OR HANDICAPPED

Program Availability, Suspension of Certain Regulation Provisions and Waiver of Other Regulation Provisions as to Certain Applicants

The Department of Housing and Urban Development (HUD) published on January 31, 1977, at 42 FR 5924 a proposed rule which would decentralize the authority for approving section 202 Loans to HUD Field Offices, partially consolidate section 202 and section 8 application and review procedures and revise the criteria to be used in making selections among eligible Borrowers. These changes were originally intended to be applicable to section 202 loan commitments made during fiscal year 1977. In order to better assure that section 202 loan funds made available for obligation during fiscal year 1977 by the Congress will be obligated before the end of the fiscal year and thus will not lapse, HUD has determined to follow the procedures prescribed in the Final Rule published on February 25, 1976 at 41 FR 8314, as amended on January 28, 1977 at 42 FR 5568, for section 202 loan commitments made during the current fiscal year. The Department has made no final decision regarding decentralizing the sponsor selection process for subsequent fiscal years. Comments received as a result of publishing the Proposed Rule on January 31, 1977, are being studied carefully. After the analysis of those comments is complete, a Final Rule will be published to be effective in fiscal year 1978.

Accordingly, HUD Central Office is issuing an Invitation for Requests for Fund Reservations to private nonprofit corporations and nonprofit consumer cooperatives to submit Requests for section 202 Fund Reservations to HUD Central Office. HUD Central Office will reserve funds for successful Applicants which will assure them of section 202 financing for use in a designated Region for a Project to be developed in accordance with HUD requirements.

Generally, the same requirements and procedures utilized in connection with the Invitation for and approval of Requests for Fund Reservations pursuant to the Invitation published on September 24, 1975 (40 FR 43943), for the fiscal year 1976 program, will be followed for the fiscal year 1977 program, with one important exception. Because there may not be sufficient section 8 contract authority available prior to the end of the current fiscal year for allocation to section 202 projects in accordance with section 885.300 of the Final Rule, this provision is being suspended for the fiscal year 1977 program. For the same reasons, the portion of section 885.205(b) which requires an Invitation to state that section 8 contract authority will be set aside for successful Applicants and section 885.215 (b)(3) which conditions a section 202 fund reservation on approval of the project for section 8 assistance likewise are being suspended for the fiscal year 1977 program. In addition, section 8 requirements under Subpart D of the Final Rule are bing waived as to those Borrowers who have not been provided by HUD with a commitment of section 8 contract authority at the time of the specified action. It is intended that section 8 Preliminary and Final Proposals will be submitted and processed and that HUD will make available and the Borrower will accept section 8 contract authority when it becomes available for a section 202 project.

Accordingly, §§ 885.215(b)(3), 885.300, and the portion of § 885.205(b) which specifies that section 8 contract authority will be set aside for successful Applicants are suspended as to all reservations of section 202 loan funds made subsequent to September 30, 1976, but made on or before September 30, 1977. This suspension does not apply to increases in fund reservations granted during fiscal year 1977 for Applicants which received section 202 fund reservations in fiscal year 1976 or the Transition Quarter. All requirements with respect to section 8 under Subpart D of the Final Rule are waived as to those Borrowers who have not been provided by HUD with a commitment of section 8 contract authority at the time of the specified action.

A Finding of Inapplicability of section 102(2)(c), National Environmental Policy Act of 1969, has been made in connection with the final section 202 Regulations, Part 885, in accordance with HUD procedures set forth in HUD Handbook 1390.1 (38 FR 19182) and governs this Notice. A copy of this Finding of Inapplicability is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 10141, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

Issued at Washington, D.C. on March 29, 1977.

(Section 202, Housing Act of 1959 (12 U.S.C. 1701q), as amended by Section 210, Housing and Community Development Act of 1974; Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).)

PATRICIA ROBERTS HARRIS,
Secretary of Housing and Urban Development.

[FR Doc.77-9797 Filed 3-31-77;8:45 am]

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federal register

FRIDAY, APRIL 1, 1977
PART VII



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

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NATIONAL INSURANCE DEVELOPMENT PROGRAM

Reinsurance Against Excess Aggregate Loss Resulting From Riots or Civil Disorders

V42163 APR 1 77 UMI

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[Docket No N-77-742]

NATIONAL INSURANCE DEVELOPMENT PROGRAM

Notice of Offer To Provide Reinsurance Against Excess Aggregate Loss Resulting From Riots or Civil Disorders

The purposes of this notice are: (1) To offer publicly Federal reinsurance against excess aggregate losses resulting from defined riots or civil disorders to insurers eligible for such reinsurance for the contract year commencing May 1, 1977, and ending April 30, 1978 (or September 30, 1978 if such authority is enacted by Congress);

(2) To provide the method by which the offer my be accepted; and

(3) To set forth the terms and conditions of the Standard Reinsurance Contract (1977–78).

Since the offer to provide reinsurance and the terms and conditions of the Standard Reinsurance Contract for the May 1, 1977, to April 30, 1978, contract year must appear in time for acceptance by eligible insurers on or before April 30, 1977, this notice of offer to provide insurance against excess aggregate losses resulting from riots or civil disorders is effective upon April 1, 1977. The program authority to continue reinsurance beyond April 30, 1977, requires the enactment of Federal legislation currently under consideration by the Congress. Therefore, the validity of this offer is conditioned upon the enactment of the enabling legislation.

The Standard Reinsurance Contract (1977–78) provides for an aggregate basic premium rate of $0.02 per $100 of direct premiums earned on lines reinsured.

Both the aggregate basic premium and the additional premium, if any, are payable on an advance estimated basis as specified in the contract. Interest shall accrue at 6 percent (6%) per annum on any portion of any amount due the reinsurer which is not paid to the reinsurer within 30 days from its due date.

The offer to provide reinsurance is as follows:

OFFER TO PROVIDE REINSURANCE

Pursuant to the provisions of the Urban Property Protection and Reinsurance Act of 1968, as amended (12 U.S.C. 1749bbb–1749bbb–21), subject to all regulations promulgated thereunder and, to the terms and conditions set forth in the Standard Reinsurance Contract (1977–78) as printed below, the Federal Insurance Administrator (hereinafter referred to as the "reinsurer") offers to enter into the Standard Reinsurance Contract (1977–78), the terms and conditions of which are as printed hereinbelow, with any eligible insurer which accepts this offer. The reinsurer's offer to provide reinsurance is effective upon publication of this notice in the FEDERAL REGISTER.

METHOD OF ACCEPTANCE OF OFFER

(1) Acceptance of this offer shall be by telegraphed or mailed notice of acceptance to the reinsurer. If the date and time of dispatch of the notice of acceptance are not later than midnight, e.d.t., April 30, 1977, reinsurance coverage shall be in effect from 12:01 a.m., e.d.t., May 1, 1977. If the date and time of dispatch of the notice of acceptance are later than midnight, e.d.t., April 30, 1977, reinsurance coverage shall be in effect from 12:01 a.m., e.d.t., on the day after such notice of acceptance is dispatched. The date and time of dispatch of the notice of acceptance must be clearly shown either by telegraph dispatched notation or postmark, and such notation or postmark shall be conclusive proof of the date and time of dispatch.

(2) The telegram or letter accepting this offer of reinsurance shall indicate the States in which reinsurance on lines of mandatory coverage is to be provided and shall specifically designate for each such State the lines of optional coverage, if any, for which reinsurance is to be provided. The notice of acceptance shall be in substantially the following form:

The (name of insurer or insurers) hereby accepts the offer, as filed with the Office of the Federal Register, of the Standard Reinsurance Contract (1977–78), pursuant to the Urban Property Protection and Reinsurance Act of 1968, as amended, for the mandatory and (specify) optional lines in the following States: (specify).

(3) Any eligible insurer accepting this offer of reinsurance shall be supplied copies of the Standard Reinsurance Contract (1977–78), Form HUD 1601, for execution and return to the reinsurer.

TERMS AND CONDITIONS OF THE STANDARD REINSURANCE CONTRACT (1977–78)

(At this point in the contract, the insurance company or companies reinsured are required to list the names and addresses of the principal company and all property insurance companies under common or related ownership or control as defined in the contract, and space is provided for the execution of the contract by the parties.)

This Contract, made by and between the Federal Insurance Administrator (hereinafter referred to as the "Reinsurer") and the company or companies specified above (hereinafter referred to as the "Company".

Witnesseth: Subject to the provisions of the Urban Property Protection and Reinsurance Act of 1968, as amended, and to the terms and conditions herein set forth, the Reinsurer hereby obligates itself to pay, as reinsurance of the Company the amount of the Company's excess aggregate losses resulting from riots or civil disorders in such lines of mandatory and optional coverage as are designated separately for each State by the Company in its notice of acceptance and confirmed under sec. XVIII.

SEC. I. *Policies reinsured.* This Standard Reinsurance Contract applies to:

(A) All policies or contracts of direct property insurance issued by the Company to any property owner, except for policies for which the business is handled for or through any State pool or any other continuing organization, pool, or association of insurers, and

(B) The Company's participations in State pools and, as may be approved by the Reinsurer, in other continuing organizations, pools, or associations of insurers, which policies, contracts, or participations are in force on the effective date hereof or which commence or are renewed on or after such effective date in all the mandatory and in such optional standard lines of property insurance listed below as are designated separately for each State by the Company in its notice of acceptance and confirmed under sec. XVIII.

LINES OF MANDATORY COVERAGE

(A) Fire and extended coverage;
(B) Vandalism and malicious mischief;
(C) Other allied lines of fire insurance;
(D) Burglary and theft; and
(E) Those portions of multiple peril policies covering similar perils to those provided in (A), (B), (C), (D);

LINES OF OPTIONAL COVERAGE

(F) Inland marine;
(G) Glass;
(H) Boiler and machinery;
(I) Ocean marine;
(J) Aircraft physical damage.

SECTION II. *Premiums.* The aggregate basic premium due the REINSURER for the reinsurance coverage provided under this contract shall be computed by applying an annual rate of two hundredths of one per centum (0.02%) to an aggregate premium base consisting of the sum of the products of the Company's direct premiums earned in each State for each reinsured line for the calendar year 1977 multiplied by the specific percentage of such earned premium, as defined in sec. XVII of this contract.

If the total amount of all excess aggregate losses paid by the Reinsurer under this contract and all like Standard Reinsurance Contracts issued for the period between May 1, 1977, and April 30, 1978, exceeds the total amount of all aggregate basic premiums paid or payable to the Reinsurer under all such contracts, the Company shall be obligated to pay the Reinsurer, at or subsequent to adjustment, an additional premium determined on the basis of the amount of the remainder derived by subtracting the total amount of all aggregate basic premiums paid or payable to the Reinsurer under all such contracts from the total amount of all excess aggregate losses paid by the Reinsurer under all such contracts. The amount of the additional premium shall be equal to the product of the COMPANY's aggregate basic premium multiplied:

By a factor of one, if the remainder is greater than two times the total amount of all aggregate basic premiums under all such contracts, but is less than or equal to three times that amount;

By a factor of two, if the remainder is greater than three times the total amount of all aggregate basic premiums under all such contracts, but is less than or equal to four times that amount;

By a factor of four, if the remainder is greater than six times the total amount of all aggregate basic premiums under all such contracts, but is less than or equal to eight times that amount;

By a factor of six, if the remainder is greater than ten times the total amount of all aggregate basic premiums under all such contracts, but is less than or equal to twelve times that amount;

By a factor of eight, if the remainder is greater than twelve times the total amount of all aggregate basic premiums under all such contracts, but is less than or equal to fourteen times that amount;

By a factor of ten, if the remainder is greater than eighteen times the total amount of all aggregate basic premiums under all such contracts, but is less than or equal to twenty times that amount; or

By a factor of twelve, if the remainder is greater than twenty times the total amount of all aggregate basic premium under all such contracts.

An advance premium, which shall be an estimated premium only, shall be computed by the Company on the basis of its direct premiums earned in the calendar year 1976 in the manner required for the computation of the aggregate basic premium. If any line of insurance is added during the term of this contract for which the Company had no premium writings in 1976, the premium base for the advance premium shall be estimated by State for the period from the date of attachment of coverage to the expiration date of this contract. In no event shall the advance premium be less than $25.00 for each State in which Reinsurance is provided under this contract. The advance premium shall be paid to the Reinsurer without demand within 30 days from the effective date of coverage.

At the option of the Reinsurer and prior to adjustment, the Company shall pay the additional premium on an estimated basis. An estimated additional premium payment equal to the amount of the Company's advance premium shall be payable to the Reinsurer if the total amount of all excess aggregate losses paid by the Reinsurer under this contract and all like Standard Reinsurance Contracts issued by the Reinsurer for the period between May 1, 1977, and April 30, 1978, exceeds the total amount of all estimated premiums collected by the Reinsurer under all such contracts (the total amount of all advance premiums plus the total amount of any estimated additional premium payments). The total amount of estimated additional premium payments, whether required separately or concurrently, shall not exceed twelve times the amount of the Company's advance premium. The actual amount of the additional premiums shall subsequently be computed and adjusted in accordance with the provisions of the preceding paragraphs and sec. VII.

With the exception of the advance premium which is due without demand of the Reinsurer within 30 days from the effective date of coverage, premium amounts shall be due 30 days after the demand of the Reinsurer. Interest shall accrue at six per centum (6%) per annum on any portion of any premium amount which is not received on or before 30 days from its due date.

The aggregate basic premium, together with any additional premium which may be due the Reinsurer in accordance with the preceding paragraphs, shall be deemed fully earned on the date that such reinsurance coverage attaches, except as otherwise provided in sec. VI.

SEC. III. *Assessments.* If any other company (or companies) reinsured by the Reinsurer under a like Standard Reinsurance Contract incurs aggregate losses in reinsured lines in any State during the period of this contract, which in total exceed its net retention for all such lines, and as a result lodges claims against the Reinsurer, then the Company, on demand of the Reinsurer, shall pay to the Reinsurer as assessment sufficient to meet the Company's equitable share of all such excess aggregate losses incurred in the State, but only to the extent that such losses exceed funding applied in successive order as follows:

(1) All basic and additional premiums paid or payable by all reinsured companies into the National Insurance Development Fund for the period from May 1, 1977, through April 30, 1978, for reinsurance in such State in accordance with the provisions of sec. II and sec. VII of this contract.

(2) A share from the National Insurance Development Fund in proportion that any remaining deficits bear to the lesser of (a) the total of such deficits or (b) four times the amount of all aggregate basic premiums paid or payable to the Reinsurer under this contract and all like Standard Reinsurance Contracts issued for the period between May 1, 1977, and April 30, 1978.

(3) The unused net amount, or part thereof equal to such State deficits, of all reinsurance premiums paid or payable by all reinsured companies into the National Insurance Development Fund for the period from August 1, 1968, through April 30, 1977 (including investment income earned thereon through April 30, 1975) for reinsurance in such State.

(4) A share of all additional premiums paid or payable to the Reinsurer under this contract and all like Standard Reinsurance Contracts for the period between May 1, 1977, and April 30, 1978, which have not been used under sec. 3(1) above in proportion that any remaining deficits bear to the lesser of (a) the total of such deficits or (b) the total of the unused additional premiums.

(5) A share from the National Insurance Development Fund in proportion that any remaining deficits bear to the lesser of (a) the total of such deficits or (b) six times the amount of all aggregate basic premiums paid or payable to the Reinsurer under this contract and all like Standard Reinsurance Contracts issued for the period between May 1, 1977, and April 30, 1978.

Such share of any remaining deficit for a State shall be in the proportion that:

(A) The amount, if any, by which the Company's net retention in lines reinsured hereunder in such State exceeds the Company's aggregate losses in such lines, bears to

(B) The aggregate amount of unabsorbed net retention for all the lines of insurance of all companies reinsured hereunder in such State, but such share shall not exceed the amount of the Company's unabsorbed net retention under (A). An assessment will be required only after the termination of coverage provided by this contract.

SEC. IV. *Claims.* The Company shall advise the Reinsurer by letter (A) of all losses from a single occurrence which exceed $50,000 and (B) whenever it appears that aggregate losses have been incurred in an amount equal to 90 percent (90%) of the Company's net retention in any State, on the basis of its direct premiums earned and reported to the Reinsurer for the calendar year 1976.

When the Company incurs aggregate losses which exceed its net retention in any State, the Company may make claim upon the Reinsurer for the payment of excess aggregate losses in that State by filing a certification of loss and thereafter such supporting documentation of such losses as may be required by the Reinsurer, and following the receipt of such certifications and documentation and Reinsurer shall, as promptly as possible, in such installments and on such conditions as may be determined by the Reinsurer to be appropriate (including advance payments made on the basis of preliminary certifications of loss filed in advance of the final determination of the ultimate amount of losses paid), pay to the Company the amount of such excess aggregate losses subject to adjustments on account of underpayments or overpayments.

If the ultimate amount of losses to be paid by the Company has not been finally determined when the certification of loss is filed, the Company shall, in due course, file one or more supplementary certifications of loss and thereafter the Reinsurer or the Company, as the case may be, shall pay the balance due.

Claims paid pursuant to computations of net retentions based upon the direct premiums earned for the calendar year 1976 shall be recomputed and adjusted at the termination of the coverage provided by this contract on the basis of direct premiums earned in reinsured lines for the calendar year 1977.

SEC. V. *Inception and expiration dates.* Provided the Company has requested reinsurance by States and lines of coverage on or before April 30, 1977, this Standard Reinsurance Contract shall be in effect from 12:01 a.m. e.s.t. on May 1, 1977, and shall expire at 12:00 p.m. (midnight) e.s.t. on April 30, 1978, unless sooner terminated.

If the Company applies for coverage on or after May 1, 1977, this contract

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shall be effective from 12:01 a.m., e.s.t. on the day after such application is dispatched, as determined by the date of postmark or telegram, provided the Company requests coverage by State and line and otherwise complies with the eligibility requirements of this contract.

This contract applies only to losses occurring during the term hereof, as follows:

(A) If at the inception of this contract any riot or civil disorder is in progress, no coverage shall be provided for losses resulting therefrom unless this contract is a continuation of coverage from the previous year's contract.

(B) If this contract terminates while a riot or civil disorder covered hereby is in progress, no coverage shall be provided for any losses resulting therefrom which occur after the date and time of termination of this contract.

SEC. VI. *Cancellations.* Reinsurance under this contract may be cancelled by the Company in its entirety or with respect to any State upon written notice by the Company to the Reinsurer stating that it desires to cancel the reinsurance coverage specified and that it will pay any premium due the Reinsurer in accordance with the provisions of this contract, subject to any adjustments which may be required under sec. VII; provided, however, that no coverage shall attach under this contract if the Company has willfully concealed or misrepresented any material fact with respect thereto.

Reinsurance under this contract may be cancelled by the Reinsurer in its entirety or with respect to any State upon 30 days written notice to the Company of such cancellation, stating the reasons for cancellation, which shall be limited to one or more of the following grounds: fraud or misrepresentation subsequent to the inception of the contract, nonpayment of premium or any other amount due the Reinsurer, and the grounds set forth in the second paragraph of sec. XII.

Whenever the Reinsurer determines, in his discretion, that any cancellation of reinsurance is involuntary and without fault on the part of the Company, the premium due the Reinsurer for the coverage afforded under this contract shall be prorated in the ratio of:

(A) The number of days for which coverage was provided prior to the cancellation of such coverage plus thirty, to

(B) The total number of days of coverage provided under this contract from the inception of coverage up to and including April 30, 1978.

In the event of any cancellation of reinsurance coverage under this section, the net retention and assessment of such Company shall be computed, without proration, on the basis of the direct premiums earned for the calendar year 1977. Refunds of premiums, if any, due the Company upon cancellation may, at the discretion of the Reinsurer, be deferred until after final adjustments have been made in accordance with the provisions of sec. VII hereof.

SEC. VII. *Adjustments.* The Company shall report to the Reinsurer within 60 days after request its direct premiums earned for the calendar year 1977 in all reinsured lines in all States for which reinsurance was provided under this contract, for the purpose of computing and adjusting the reinsurance premium due to the Reinsurer with respect to the coverage provided. The direct premiums earned to be reported for any line of insurance added during the contract term for any State in which the company had no premium writings in such line in 1977 shall be the direct premiums earned for the first four months of 1978 as estimated by the Company, subject to audit by the Reinsurer.

In no event shall the adjusted amount of direct premiums earned by the Company result in a basic premium to the Reinsurer in an amount less than $25 for each State during the contract year, which shall constitute the minimum adjusted reinsurance premium for any State under this contract.

On or before July 31, 1978, or such later date as may be permitted at the option of the Reinsurer, the Company shall report to the Reinsurer its aggregate losses.

Any overpayment or underpayment between the Reinsurer and the Company shall be adjusted and paid in accordance with the obligations assumed hereinunder.

SEC. VIII. *Insolvency.* In the event of insolvency of the Companw the reinsurance under this contract shall be payable by the Reinsurer to the Company or to its liquidator, receiver, or statutory successor on the basis of the liability of the Company under all policies, contracts, or participation shares reinsured without diminution because of the insolvency of the Company.

It is further agreed that the liquidator, or receiver, or statutory successor of the Company shall give written notice to the Reinsurer of the pendency of any claim against the Company on the policies, contracts, or participation shares reinsured within a reasonable time after such claim is filed in the insolvency proceeding, and that during the pendency of such claim the Reinsurer may investigate such claim and interpose, at its own expense, in the proceeding where such claim is to be adjudicated, any defense or defenses which may be deemed available to the Company or its liquidator, receiver, or statutory successor. The expense thus incurred by the Reinsurer shall be chargeable, subject to court approval, against the Company as part of the expense of liquidation to the extent of a proportionate share of the benefit which may accrue to the Company solely as a result of the defense undertaken by the Reinsurer.

SEC. IX. *Errors and omissions.* Inadvertent delays, errors, or omissions made in connection with any transaction under this contract shall not relieve either party from any liability which would have attached had such delay, error, or omission not occurred, provided always that such delay, error or omission is rectified as soon as possible after discovery.

SEC. X. *Restriction of benefits.* No Member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

SEC. XI. *Participation in statewide plans.* No reinsurance shall be offered or effective under this contract in any State unless there is in effect in such State, on the date coverage commences, a continuing statewide plan to make essential property insurance more widely available, and the Company is fully participating in such plan on a risk-bearing basis and is certified by the State insurance authority as meeting the requirements of this section. Except with respect to its runoff business after ceasing to do business within a State, the Company shall not be eligible for reinsurance under this contract in any State in which it is not engaged in the direct writing of property insurance at the time coverage is requested, or in which it is writing business on a nonadmitted basis, unless it reports such nonadmitted business to the State insurance authority and participates in the statewide plan of such State on the basis of such reported business. The Company shall file and maintain with the State insurance authority in each State in which it is participating in the statewide plan a statement pledging its full participation and cooperation in carrying out the plan and shall file a copy of each such statement with the Reinsurer. The Company shall not direct any agent, broker, or other producer not to solicit business through such plans and shall not penalize in any way any agent, broker, or other producer for submitting applications for insurance under such plans. The Company shall also establish and carry out an education and public information program to encourage agents, brokers, and other producers to utilize the programs and facilities available under such statewide plans.

In the event that the Company after the inception of this contract voluntarily withdraws from any State plan, pool, or other facility required by the provisions of this section, such withdrawal shall be deemed to constitute cancellation by the Company with respect to that State as of the effective date of the withdrawal.

SEC. XII. *Limitations on reinsurance.* Reinsurance hereunder shall not be applicable to insurance policies subsequently written in a State by the Company after the close of the second full regular session of the appropriate State legislative body following August 1, 1968, if the State has not enacted legislation to reimburse the Reinsurer, as necessary, for the portion of the aggregate losses specified in section 1223(a)(1) of the National Housing Act, as amended (12 U.S.C. 1749bbb-9(a)), paid by the Reinsurer under this contract.

The Reinsurer shall cancel coverage, in accordance with the provisions of this

contract, with respect to any State in which:

(A) The Reinsurer has found (after consultation with the State insurance authority) that (1) it is necessary to have a suitable program adopted, in addition to required statewide plans, to make essential property insurance available without regard to environmental hazards and that such a program has not been adopted, or (2) the Company is not fully participating in the Statewide plan; and, where it exists, in a State pool or other facility; and, where it exists, in any other program found necessary to make essential property insurance more readily available in the State; or

(B) Following a merger, acquisition, consolidation, or reorganization involving the Company and one or more insurers with or without such reinsurance, the surviving insurer does not meet all criteria or eligibility for reinsurance and within 10 days pay any reinsurance premiums due; or

(C) The Reinsurer has found (after consultation with the State insurance authority) that a statewide plan is not complying with the Reinsurer's statutory or regulatory criteria or has become inoperative.

Notwithstanding the foregoing provisions, reinsurance may at the election of the Company be continued, up to and including April 30, 1978, for the term of such policies and contracts reinsured prior to the date of termination of reinsurance under this section, provided the Company pays the reinsurance premiums in such amounts as may be required. For the purposes of this section, the renewal, extension, modification, or other change in a policy or contract for which any additional premium is charged, shall be deemed to be a policy or contract written on the date such change was made effective.

Reinsurance under this contract shall be subject to all of the provisions of the Urban Property Protection and Reinsurance Act of 1968, 12 U.S.C. 1749bbb—1749bbb-21, as amended, and to all regulations duly promulgated by the Reinsurer pursuant thereto prior to the inception of any particular coverage provided under this contract.

SEC. XIII. *Arbitration.* If any misunderstanding or dispute arises between the Company and the Reinsurer with reference to the amount of premium due, the amount of loss, or to any other factual issue under any provisions of this contract, other than as to legal liability or interpretation of law, such misunderstanding or dispute may be submitted to arbitration for a determination which shall be binding only upon approval by the Reinsurer. The Company and the Reinsurer may agree on and appoint an arbitrator who shall investigate the subject of the misunderstanding or dispute and make his determination. If the Company and the Reinsurer cannot agree on the appointment of an arbitrator, then two arbitrators shall be appointed, one to be chosen by the Company and one by the Reinsurer.

The two arbitrators so chosen, if they are unable to reach an agreement, shall select a third arbitrator who shall act as umpire, and such umpire's determination shall become final only upon approval by the Reinsurer. The Company and the Reinsurer shall bear equally all expenses of the arbitration.

Findings, proposed awards, and determinations resulting from arbitration proceedings carried out under this section shall, upon objection by the Reinsurer or the Company, be inadmissible as evidence in any subsequent proceedings in any court of competent jurisdiction.

SEC. XIV. *Access to books and records.* The Reinsurer and the Comptroller General of the United States, or their duly authorized representatives, shall have access for the purpose of investigation, audit, and examination to any books, documents, papers, and records of the Company that are pertinent to the business reinsured under this contract. Such audits shall be conducted to the maximum extent feasible in cooperation with the State insurance authorities and through the use of their examining facilities. The Company shall keep records which fully disclose all matters pertinent to the business reinsured, including premiums and claims paid or payable under this contract. Records relating to premiums shall be retained and available for three (3) years after final adjustment of premiums, and to reinsurance claims three (3) years after final adjustment of such claims.

SEC. XV. *Information and annual statements.* The Company shall furnish to the Reinsurer such summaries and analyses of information in its records as may be necessary to carry out the purposes of the Urban Property Protection and Reinsurance Act of 1968, as amended, in such form as the Reinsurer, in cooperation with the State insurance Authority, shall prescribe; and the Company shall file with the Reinsurer a true and correct copy of the Company's Fire and Casualty annual statement, or amendment thereof, as field with the State insurance authority of the Company's domiciliary State, at the time it files such statement or amendment with the State insurance authority. The Company shall also file with the Reinsurer an equivalent of page 14 of such annual statement for each State in which reinsurance is provided under this contract.

SEC. XVI. *Exclusions.* Reinsurance under this contract shall not be applicable with respect to any claim for:

(A) All or any part of a loss which is the direct or indirect result of controlled or uncontrolled nuclear reaction, radiation, or radioactive contamination; or

(B) Any loss to any aircraft while the aircraft is in flight, including that period between the time when power is turned on for the purpose of taxiing connected to takeoff until the time when the landing run has ended, taxiing has been completed, and power has been turned off; or

(C) Any loss to any aircraft, or resulting from collision with aircraft, which is precipitated or caused by hijacking of any aircraft or attempt thereat, including loss from wrongful seizure, wrongful diversion from course of flight pattern, or wrongful exercise of command or control, of an aircraft, by any person or persons, through the use of force or violence or the threat of force or violence.

SEC. XVII. *Definitions.* As used in this contract the term:

(1) "Aggregate losses" means the sum total of losses resulting from riots or civil disorders occurring in a State and allocable to a State in which reinsurance is provided;

(2) "Company" means any company authorized to engage in the insurance business under the laws of any State, except that if there are two or more companies within a State in which reinsurance is to be provided under this contract which, as determined by the Reinsurer:

(A) Are under common ownership and ordinarily operate on a group basis; or

(B) Are under single management direction; or

(C) Are otherwise determined by the Reinsurer to have substantially common or interrelated ownership, direction, management, or control; then all such related, associated, or affiliated companies, excluding nonadmitted companies, which are not specifically included by endorsement to this contract, shall be reinsured only as one aggregate entity;

(3) "Continuing organization, pool, or association of insurers" means an industry pool created to provide direct insurance to meet special problems or insurability, such as for a particular class or type of business;

(4) "Direct premiums earned" means direct premiums earned as reported in column 2 on page 14 of the Company's Fire and Casualty annual statement for the specified calendar year in the form adopted by the National Association of Insurance Commissioners, subject to (A) adjustment as approved by the Reinsurer for cessions to pools, facilities, and associations, and for the inclusion of participations in such pools, facilities, and associations, and (B) such other appropriate adjustments as may be approved or required by the Reinsurer, which shall include adjustments for dividends paid or credited to policyholders and reported in column 3 on page 14, subject to a maximum credit of 20 percent (20%) of direct premiums earned for any one line of insurance;

(5) "Excess aggregate losses" means that part of aggregate losses which is equal to the sum of:

(A) Ninety percent of the Company's aggregate losses in excess of its net retention, until the Company's 10 percent share of aggregate losses under this provision (A) equals the amount of its net retention;

(B) Ninety-five percent of the Company's remaining aggregate losses (after deducting the Reinsurer's share of aggregate losses under (A)) in excess of twice its net retention, until the Company's 5 percent share of aggregate losses

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under this provision (B) equals the amount of its net retention; and

(C) Ninety-eight percent of the Company's remaining aggregate losses (after deducting the Reinsurer's share of aggregate losses under (A) and (B)) in excess of an amount equal to three times its net retention;

(6) "Losses" means all claims proved, approved, and paid by the Company under reinsured policies, resulting from riots or civil disorders occurring in a State during the period of this contract after making proper deduction for salvage and for recoveries other than reinsurance, together with an allowance for expense in connection therewith, hereby agreed to equal an amount per claim of 8 percent (8%) of the first $25,000 of any such claim, plus 3 percent (3%) of the amount by which such claim exceeds $25,000 but is less than $100,000, plus 1 percent (1%) of the amount by which the claim exceeds $100,000; it does not mean any claim excluded under sec. XVI;

(7) "Net retention" means the amount of aggregate losses that the Company must stand before the Reinsurer's liability hereunder attaches and shall be one aggregate figure for each State which shall be the larger of either $1,000 or the amount determined by applying a factor of 2½ percent (2½%) to the specified percentage of the Company's direct premiums earned in the State for the calendar year 1977 on those lines of insurance hereby reinsured;

(8) "Loss resulting from riot" means loss of or damage to property actually and immediately resulting from an overt and tumultuous disturbance of the public peace by three or more persons mutually assisting one another, or otherwise acting in designed concert, in the execution of a common purpose through the unlawful use of force and violence.

"Loss resulting from civil disorder" means: (A) Loss of or damage to property actually and immediately resulting from any pattern of unlawful incidents taking place within close proximity both as to time and place and involving damage to property intentionally caused by persons apparently having the primary motivation of disturbing the public peace through civil disruption, civil disobedience, or civil protest; provided that at least two of such related incidents result in property damage in excess of $1,000 each; or

(B) Loss of or damage to property actually and immediately resulting from any occurrence involving property damage in excess of $2,000 caused by persons whose unlawful conduct in so causing the occurrence manifests their primary purpose of disturbing the public peace through civil disruption, civil disobedience, or civil protest.

(9) "Specified percentage" means 100 percent (100%) of the direct premiums earned for each line of insurance reinsured under this contract except that the specified percentage of homeowners multiple peril shall be 85 percent (85%) and that of Commercial multiple peril shall be 65 percent (65%);

(10) "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the territories and possessions, and the Trust Territory of the Pacific Islands; and

(11) "State pool" means any State Fair Plan pool or insurance placement facility which is intended to meet the requirements of Part A of the Urban Property Protection and Reinsurance Act of 1968 (82 Stat. 558, 84 Stat. 1791, 12 U.S.C. 1749bbb-3—1749bbb-6a).

SEC. XVIII. *Schedule of coverage.* The Company shall indicate with an (X) in the appropriate column and line those States in which the mandatory lines are to be reinsured under this contract. Coverage of mandatory lines may be designated only for those States in which the Company is eligible for reinsurance in accordance with sec. XI of this contract.

The Company shall also indicate by State with an (X) in the appropriate column and line any optional lines which are to be reinsured under this contract. Coverage of optional lines is available only for those States in which the mandatory lines are reinsured.

(The schedule of mandatory and optional coverages by State and line is set forth at this point in the Contract.)

SEC. XIX. *Law Amendments.* In the event the provisions in Section 1222(d) of the Urban Property Protection and Reinsurance Act of 1968, as amended, are changed to conform with the September 30 expiration date of the Federal government's fiscal period, this reinsurance contract is automatically extended from "April 30, 1978" to "September 30, 1978" and the contractual references to "April 30, 1978" are amended to "September 30, 1978."

No change will be made in the computation of the advance premiums due.

The aggregate basic premium for the 17 month coverage period will be computed by applying a factor of 1.4 to the aggregate basic premium determined in accordance with Section II of this contract. The aggregate basic premium used as the base for computing other elements in the contract are also amended to 1.4 x the annual aggregate basic premium.

Under Section III of the contract the reference to "the first four months of 1978" is amended to "the first nine months of 1978" and the contractual reference to "on or before July 31, 1978" is amended to "on or before December 31, 1978."

Under Section XVII the definition of "Net Retention" is amended by substituting for the annual factor of two and one half per centum (2½%) a factor of three per centum (3%).

Effective date: This Notice of Offer shall be effective on April 1, 1977.

Issued at Washington, D.C. on March 29, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9799 Filed 3-31-77;8:45 am]

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federal register

BOOK 2 OF 2 BOOKS

FRIDAY, APRIL 1, 1977

PART VIII



INTERSTATE COMMERCE COMMISSION

■

MISSOURI PACIFIC RAILROAD COMPANY

System Diagram Map

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INTERSTATE COMMERCE COMMISSION

[AB-3 (SDM)] [1]

MISSOURI PACIFIC RAILROAD CO.

System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.22, that the Missouri Pacific Railroad Company, has filed with the Commission its color-coded system diagram map in docket No. AB-3 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map and the Commission on March 21, 1977, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB-3 (SDM).

ROBERT L. OSWALD,
Secretary.

[1] AB-3 (SDM) includes all Missouri Pacific System Lines subsidiaries: AB-21, Abilene & Southern Railway Company, Chicago Heights Terminal Transfer Company, Doniphan, Kensett and Searcy Railway Company; AB-24, Fort Worth Belt Railway Company, Missouri-Illinois Railroad Company; AB-142, New Orleans and Lower Coast Railroad Company, St. Joseph Belt Railway Company; AB-22, Texas-New Mexico Railway Co.; AB-23, Texas Pacific-Missouri Pacific Terminal Railroad of New Orleans, Union Terminal Railway Company; AB-25, Weatherford Mineral Wells & Northwestern Railway Company.

MISSOURI PACIFIC SYSTEM LINES

AB-21
ABILENE & SOUTHERN RAILWAY COMPANY

CHICAGO HEIGHTS TERMINAL TRANSFER COMPANY

DONIPHAN, KENSETT AND SEARCY RAILWAY

AB-24
FORT WORTH BELT RAILWAY COMPANY

MISSOURI-ILLINOIS RAILROAD COMPANY

AB-3
MISSOURI PACIFIC RAILROAD COMPANY

AB-142
NEW ORLEANS AND LOWER COAST RAILROAD COMPANY

ST. JOSEPH BELT RAILWAY COMPANY

AB-22
TEXAS-NEW MEXICO RAILWAY COMPANY

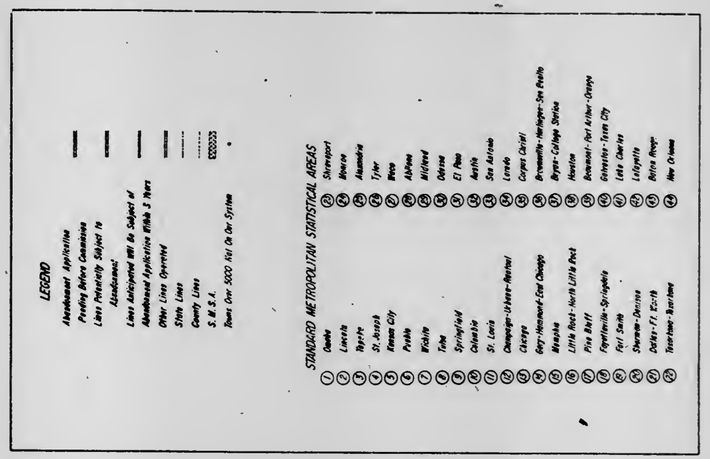
AB-23
TEXAS PACIFIC-MISSOURI PACIFIC TERMINAL RAILROAD OF NEW ORLEANS

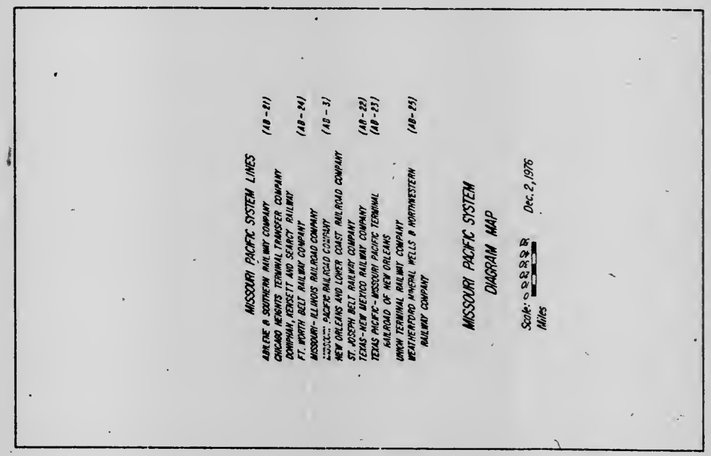
UNION TERMINAL RAILWAY COMPANY

AB-25
WEATHERFORD MINERAL WELLS & NORTHWESTERN RAILWAY COMPANY

The system diagram maps of the Missouri Pacific System Lines are attached below and are submitted for publication in the FEDERAL REGISTER pursuant to the regulations of the Interstate Commerce Commission as set forth in 49 CFR 1121.22.

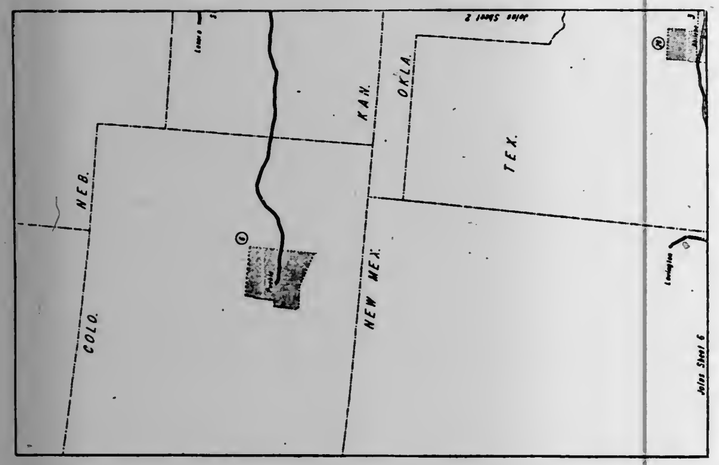
RICHARD S. M. EMRICH, III
Commerce Counsel,
Missouri Pacific Railroad Company.

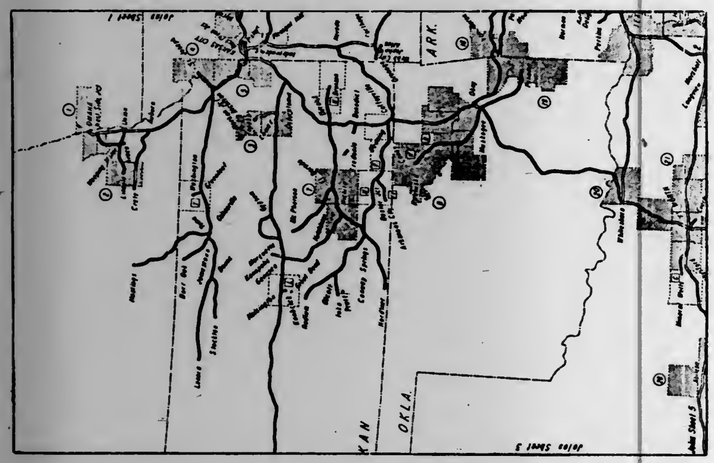




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FEDERAL REGISTER, VOL. 42, NO. 63—FRIDAY, APRIL 1, 1977

MISSOURI PACIFIC SYSTEM LINES

DESCRIPTION OF LINES TO ACCOMPANY THE SYSTEM DIAGRAM MAP

CATEGORY (1)

Lines or portions of lines which the carrier anticipates will be the subject of an abandonment or discontinuance application to be filed within three years.

Map code [J]—*Illinois*

(a) Mt. Vernon to proposed connection with J&SW (3.6 mile segment of Pinckneyville Subdivision).
(b) Located wholly within State of Illinois.
(c) Located wholly within Jefferson County.
(d) Milepost 121.6 to 125.2.
(e) No agency stations located on segment.
(f) Comments: Abandonment contingent on utilizing Jefferson Southwestern Railroad between Milepost 121.44 and Mt. Vernon, Illinois.

Map code [K]—*Missouri*

(a) Cape Girardeau to Frisco connection (3.4 mile segment of Cape Girardeau Subdivision).
(b) Located wholly within State of Missouri.
(c) Located wholly within Cape Girardeau County.
(d) Milepost 128.6 to 132.0.
(e) Agency station at Cape Girardeau (Milepost 130.2) not included in abandonment.
(f) Comments: This 3.40 mile segment comprises industry trackage within city limits of Cape Girardeau.

Map code [O]—*Arkansas*

(a) Tenark to Hughes (20 mile segment of Hughes Subdivision).
(b) Located wholly within State of Arkansas.
(c) Located in Crittenden and St. Francis Counties.
(d) Milepost 334.0 to 354.0.
(e) No agency stations located on segment. Segment served by mobile agent based at Wynne (Milepost 332.4).

Map code [P]

(a) Marvell Junction to Marvell (9.8 remaining miles of Marvell Industrial Lead).
(b) Located wholly within State of Arkansas.
(c) Located wholly within Phillips County.
(d) Milepost 329.2 to 339.0.
(e) No agency stations on segment. Segment served by mobile agent based at Helena.

Map code [Q]—*Louisiana*

(a) Myrtle Grove to Empire (32.2 mile segment of NOLC Subdivision).
(b) Located wholly within State of Louisiana.
(c) Located wholly within Plaquemine Parish.
(d) Milepost 24.0 to 56.2.
(e) No agency stations on segment. Station work handled by agency station at New Orleans.

Map code [VV]—*Kansas*

(a) Dexter Junction to Arkansas City (24.4 mile segment of Arkansas City Subdivision).
(b) Located wholly within State of Kansas.
(c) Located wholly within Cowley County.
(d) Milepost 497.2 to 521.6.
(e) Agency station at Arkansas City (Milepost 522.9) not included in abandonment. No other agency stations on segment.
(f) Comments: Abandonment contingent on acquiring foreign trackage rights between Winfield and Arkansas City.

Map code [M]

(a) Winfield to Dexter (15.4 mile segment of Conway Springs Subdivision).
(b) Located wholly within State of Kansas.
(c) Located wholly within Cowley County.
(d) Milepost 498.1 to 513.5.
(e) Agency station at Winfield (Milepost 517.2) not included in abandonment. No other agency stations on segment.
(f) Comments: Abandonment contingent on acquiring fgn. trackage rights between Winfield and Arkansas City.

[*Map code* L]

(a) Hoisington to Kanbrick (2.6 mile Kanbrick Industrial Lead).
(b) Located wholly within State of Kansas.
(c) Located wholly within Barton County.
(d) Milepost 558.8 to 561.4.
(e) No agency stations on segment. Station work handled by agency station at Hoisington (Milepost 558.8).

Map code [N]—*Oklahoma*

(a) Skiatook to Barnsdall (21.2 mile segment of Midland Valley Subdivision).
(b) Located wholly within State of Oklahoma.
(c) Located in Tulsa and Osage Counties.
(d) Milepost 166.8 to 188.0.
(e) Agency station at Barnsdall (Milepost 187.2) dualized with agency station at Pawhuska (Milepost 200.6) which is located on segment under Category (3).

CATEGORY (2)

Lines or portions of lines potentially subject to abandonment.

Map code [G]—*Texas*

(a) San Benito to Rio Hondo (9.0 mile Rio Hondo Industrial Lead).
(b) Located wholly within State of Texas.
(c) Located wholly within Cameron County.
(d) Milepost 0.0 to 9.0 (Rio Hondo).
(e) No agency stations on segment. Segment served by mobile agent based at Harlingen (Milepost 25.6).

Map code [E]

(a) Mission to Rio Grande City (31.3 mile Rio Grande City Industrial Lead).
(b) Located wholly within State of Texas.
(c) Located in Hidalgo and Starr Counties.
(d) Milepost 42 to 73 3.
(e) No agency stations on segment. Segment served by mobile agent based at Harlingen (Milepost 25.6)

Map code [F]

(a) Mission to Hidalgo (9.5 mile Hidalgo-Mission Industrial Lead).
(b) Located wholly within State of Texas.
(c) Located in Hidalgo County.
(d) Milepost 0.0 to Milepost 9.5 (Hidalgo).
(e) No agency stations on segment. Segment served by mobile agent based at Harlingen (Milepost 25.6).

Map code [D]

(a) Crystal City to Carrizo Springs (11.6 mile Carrizo Springs Industrial Lead).
(b) Located wholly within State of Texas.
(c) Located in Zavala and Dimmit Counties.
(d) Milepost 144.7 to 156.3 (Carrizo Springs).
(e) No agency stations on segment. Segment served by mobile agent based at Crystal City (Milepost 145.8).

Map code [C]

(a) Weatherford, Mineral Wells & Northwestern, Weatherford to Mineral Wells (22.0 mile W.M.W. & N.W. Subdivision).
(b) Located wholly within State of Texas.
(c) Located in Parker and Palo Pinto Counties.
(d) Milepost 0.0 (TP 277.3) to 22.0.
(e) Agency station at Mineral Wells (Milepost 22.0).

Map code [A]—*Louisiana*

(a) Hosston to Good Roads (24.3 mile Hosston Subdivision).
(b) Located wholly within State of Louisiana.
(b) Located wholly within Caddo Parish.
(d) Milepost 34.1 to 9.8.
(e) No agency stations on segment. Station work handled by agency station at Shreveport.

Map code [B]

(a) Collinston to Clayton Junction (75.7 mile segment of Collinston Subdivision).
(b) Located wholly within State of Louisiana.
(c) Located in Morehouse, Richland, Franklin, Catahoula and Concordia Parishes.
(d) Mile post 561.5 to 637.2.
(e) No agency stations on segment. Served by mobile agent based at Monroe (Milepost 502.4).

Map code [H]

(a) Oaklawn to Franklin (6.3 mile Oaklawn, Franklin Industrial Lead).
(b) Located wholly within State of Louisiana.

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(c) Located wholly within St. Mary Parish.
(d) Milepost 73.5 to Milepost 79.8.
(e) No agency stations on segment. Served by mobile agent based at New Iberia (Milepost 46.4).
(f) Comments: Segment presently served by trackage rights between New Iberia and SP Milepost 101.8.

Map code [I]

(a) Wanda Petroleum to Thibodaux (21.9 mile segment of Thibodaux Subdivision).
(b) Located wholly within State of Louisiana.
(c) Located in Assumption and Lafourche Parishes.
(d) Milepost 8.3 to 30.2.
(e) No agency stations on segment. Served by mobile agent based at Donaldsonville (Milepost 64.7).

CATEGORY (3)

Lines or portions of lines for which an abandonment or discontinuance application is currently pending before the Interstate Commerce Commission.

Map code [R]—*Illinois*

(a) Joppa Junction to Fayville (25.7 mile segment of Thebes Subdivision).
(b) Located wholly within State of Illinois.
(c) Located in Johnson, Pulaski and Alexander Counties.
(d) Milepost 347.6 to 373.3.
(e) Agency station at Tamms (Milepost 362.8) dualized with Joppa (Milepost 363.3). Joppa beyond limits of abandonment.

Map code [S]

(a) Goodwine to Alonzo (2.9 mile Alonzo Industrial Lead).
(b) Located wholly within State of Illinois.
(c) Located wholly within Iroquois County.
(d) Milepost 89.4 to 92.3.
(e) No agency stations on segment. Served by mobile agent based at Villa Grove.

Map code [T]—*Kansas*

(a) Greenleaf to Washington (6.9 mile Washington Industrial Lead).
(b) Located wholly within State of Kansas.
(c) Located wholly within Washington County.
(d) Milepost 443.6 to 450.5.
(e) No agency stations on this segment. Served by mobile agent based at Concordia (Milepost 485.4).

Map code [V]

(a) Dearing to Dexter (66.2 mile segment of Conway Springs Subdivision).
(b) Located wholly within State of Kansas.
(c) Located in Montgomery, Chatauqua and Cowley Counties.
(d) Milepost 431.0 to 497.2.
(e) Agency station at Dexter (Milepost 497.1) dualized with Cedarvale (Milepost 480.9). Agency station at Sedan (Milepost 458.9) dualized with Caney (Milepost 442.1).

Map code [U]

(a) Iola to Bronson (17.2 mile segment of Wichita Subdivision).
(b) Located wholly within State of Kansas.
(c) Located in Allen and Bourbon Counties.
(d) Milepost 348.9 to 366.1.
(e) Agency station at LaHarpe (Milepost 361.6) dualized with Iola (Milepost 367.4).

Map code [ZZ]—*Louisiana*

(a) Lake Charles Industrial Track (1.0 mile segment of Lake Charles Subdivision).
(b) Located wholly within State of Louisiana.
(c) Located wholly within Calcasieu Parish.
(d) No milepost reference.
(e) No agency stations on segment. Station work handled by Lake Charles (Milepost 694.2).

Map code [Z]

(a) Mansura Junction to Marksville (5.2 mile Marksville Industrial Lead).
(b) Located wholly within State of Louisiana.
(c) Located wholly within Avoyelles Parish.
(d) Milepost 79.5 to 84.7.
(e) No agency stations on this segment. Served by mobile agent based at Bunkie (Milepost 94.7).

Map code [YY]

(a) New Iberia to Garden City (11.2 mile segment of New Iberia Subdivision).
(b) Located wholly within State of Louisiana.
(c) Located in New Iberia and St. Mary Parishes.
(d) Milepost 52.91 to 63.86 and Milepost 82.84 to 83.04.
(e) No agency stations on this segment. Served by mobile agent based at New Iberia (Milepost 46.4).
(f) Comments: Oaklawn, Franklin Industrial Lead will be served by SP trackage rights.

Map code [W]—*Oklahoma*

(a) Barnsdall to Pawhuska (13.4 mile segment of Midland Valley Subdivision).
(b) Located wholly within State of Oklahoma.
(c) Located wholly within Osage County.
(d) Milepost 188.0 to 201.4.
(e) Agency station Pawhuska (Milepost 200.6) dualized with Barnsdall (Milepost 187.2).

Map code [XX]—*Texas*

(a) Raymondville to Monte Alto (21.5 mile Monte Alto Industrial Lead).
(b) Located wholly within State of Texas.
(c) Located in Willacy and Hidalgo Counties.
(d) No milepost reference.
(e) No agency stations on this segment. Served by agency at Raymondville (Milepost 46.4).

Map code [WW]

(a) McAllen to Edinburg (1.9 mile industrial trackage at Edinburg and 10.18 mile SP trackage right).
(b) Located wholly within State of Texas.
(c) Located wholly within Hidalgo County.
(d) No milepost references.
(e) No agency stations on this segment. Served by mobile agent based at Harlingen (Milepost 25.6).
(f) Comments: Edinburg presently served via 10.18 miles of SP trackage rights. This trackage rights agreement will also be cancelled.

Map code [Y]

(a) Abilene to Winters (38.2 mile A&S Subdivision).
(b) Located wholly in State of Texas.
(c) Located in Taylor and Runnels Counties.
(d) Milepost 0.0 to 38.2.
(e) No agency stations on segment. Served by agency at Abilene (Milepost 406.60).
(f) Comments: Milepost 0.0 to 7.31 will be retained as industrial lead.

Map code [X]

(a) San Martine to Rockhouse (27.2 mile Rockhouse Industrial Lead).
(b) Located wholly in State of Texas.
(c) Located in Culberson and Reeves Counties.
(d) Milepost 686.3 to 713.5.
(e) No agency stations on segment. Served by agency at Toyah (Milepost 666.1).

[FR Doc.77-9667 Filed 3-31-77; 8:45 am]

federal register

FRIDAY, APRIL 1, 1977

PART IX



DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions; Index

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alabama:
AL77–1027 ---------- Mar. 18, 1977.
Alaska:
AK77–5009 ---------- Jan. 21, 1977.
Arizona:
AZ76–5109; AZ76–5110---- Nov. 26, 1976.
Florida:
FL77–1015; FL77–1021---- Feb. 18, 1977.
FL77–1023; FL77–1024---- Feb. 25, 1977.
FL77–1029 ---------- Mar. 18, 1977.
Georgia:
AR–4038 ---------- Sept. 27, 1974.
GA77–1005 ---------- Jan. 28, 1977.
Illinois:
IL76–2078 ---------- Aug. 13, 1976.
IL76–2120; IL76–2121; IL76–2122. Oct. 1, 1976.
Illinois—Continued
IL76–2128; IL76–2133---- Oct. 29, 1976.
IL77–2030 ---------- Mar. 4, 1977.
Iowa:
IA76–4149 ---------- Sept. 10, 1976.
Kansas:
KS77–4020 ---------- Feb. 4, 1977.
KS77–4023; KS77–4024---- Feb. 18, 1977.
Kentucky:
AQ–4122 ---------- June 7, 1974.
KY76–1078 ---------- July 23, 1976.
KY76–1132 ---------- Nov. 12, 1976.
KY77–1010 ---------- Feb. 11, 1977.
Louisiana:
LA77–4052 ---------- Mar. 4, 1977.
Maryland:
MD77–3017; MD77–3018--- Jan. 14, 1977.
Michigan:
MI76–2135 ---------- Oct. 29, 1976.
MI76–2139 ---------- Nov. 19, 1976.
Minnesota:
MN76–2064 ---------- May 21, 1976.
MN77–2036 ---------- Mar. 16, 1977.
Montana:
MT76–5100 ---------- Oct. 29, 1976.
MT77–5021 ---------- Mar. 4, 1977.
MT77–5034 ---------- Mar. 11, 1977.
North Dakota:
ND77–5020 ---------- Feb. 18, 1977.
Ohio:
OH76–2029 ---------- Feb. 27, 1976.
OH76–2110 ---------- Sept. 17 1976.
Oklahoma:
OK77–4065 ---------- Mar. 18, 1977.
Oregon:
OR77–5033 ---------- Mar. 11, 1977.
Texas:
TX76–4192 ---------- Dec. 17, 1976.
TX76–4195 ---------- Dec. 28, 1976.
TX77–4044; TX77–4045--- Feb. 25, 1977.
TX77–4054 ---------- Mar. 4, 1977.
Utah:
UT77–5006 ---------- Jan. 28, 1977.
West Virginia:
WV77–3024; WV77–3027--- Feb. 18, 1977.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Alabama:
AL76–1082 (AL77–1042)-- July 30, 1976.
AL77–1006 (AL77–1040)---- Jan. 28, 1977.
Arkansas:
AR76–4111 (AR77–4072)-- July 2, 1976.
Delaware:
DE76–3212 (DE77–3042)-- July 30, 1976.
Florida:
FL76–1033 (FL77–1034)--- Mar. 28, 1975.
FL76–1029 (FL77–1044)--- Feb. 27, 1976.
FL76–1040 (FL77–1043)--- Mar. 19, 1976.
New York:
NY76–3263 (NY77–3001); NY76–3268 (NY77–3007). Oct. 29, 1976.
Oklahoma:
OK76–4073 (OK77–4073)-- Apr. 16, 1976.
Tennessee:
TN76–1130 (TN77–1038)-- Nov. 19, 1976.
TN77–1001 (TN77–1041)-- Jan. 7, 1977.
TN77–1016 (TN77–1037)-- Mar. 11 1977.
Texas:
TX76–4189 (TX77–4070)-- Oct. 8, 1976.
TX76–4194 (TX77–4071)-- Dec. 26, 1976.
Washington:
WA77–5003 (WA77–5032)-- Feb. 11, 1977.

Signed at Washington, D.C., this 25th day of March 1977.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. AZ76-5109 - Mod. #4 (40 FR 52189-November 26, 1976) Statewide, Arizona					
Change:					
Cement Masons: (Apache, Coconino, Gila, Mohave, Navajo, Yavapai, Yuma and the Northern portions of Graham, Greenlee, Maricopa and Pinal Counties).					
Central & Southern Areas	$9.51	.95	$1.00		.05
Cement Masons					
Concrete troweling machine; Curb and scoring	9.67	.95	1.00		.05
Curb and gutter machine	11.385	.95	1.00		.05
Northern Area					
Cement Masons					
Concrete troweling machine; Sawing and scoring machine; Curb and gutter machine	11.545	.95	1.00		.05
Painters: (Flagstaff Area)					
Zone A:					
Brush; Soft Floor Layers	9.73	.70	.60	.50	.20
Brush, steel and bridge	10.23	.70	.60	.50	.20
Spray	10.18	.70	.60	.50	.20
Spray, steel and bridge	10.73	.70	.60	.50	.20
Zone B:					
Brush; Soft Floor Layers	10.48	.70	.60	.50	.20
Brush, steel and bridge	10.98	.70	.60	.50	.20
Spray	10.93	.70	.60	.50	.20
Spray, steel and bridge	11.48	.70	.60	.50	.20
Zone C:					
Brush; Soft Floor Layers	11.48	.70	.60	.50	.20
Brush, steel and bridge	11.98	.70	.60	.50	.20
Spray	11.93	.70	.60	.50	.20
Spray, Steel and bridge	12.48	.70	.60	.50	.20

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision # AL77-1027 - Mod. # 1 (42 FR-15260 - March 18, 1977) Colbert and Lauderdale Counties, Alabama.					
Change:					
Carpenters:	$				
Carpenters, soft floor layers	8.90		.25		.10
Piledrivermen	9.05		.25		.10
Millwrights	9.15		.25		.10
Laborers:					
Common	5.50	.20	.40		
Air tool operator (jackhammer, Air tool)	5.70	.25	.40		
Plasterers' tenders	5.50	.25	.40		
Mason tenders	5.50	.25	.40		
Mortar mixers	5.50	.25	.40		
Pipelayers	5.70	.25	.40		
Power Equipment Operators:					
GROUP A	9.38	.35	.35		
GROUP B	8.04	.35	.35		
GROUP C	7.34	.35	.35		
DECISION #AK77-5009 - Mod. #3 (42 FR 4074 - January 21, 1977) Statewide, Alaska	$17.035	.775	1.00	.50	.02
Change:					
Boilermakers	16.28	.65	1.50		.10
Carpenters:	16.50	.65	1.50		.10
Area I					
Carpenters					
Power actuated tool operator					
DeWalt or similar type saw operator; Marlite and Acoustical; Fire or Floor Repair work applicators; Nailing	16.56	.65	1.50		.10
Machine Operator; Saw Filer	16.67	.65	1.50		.10
Millwrights					
Areas II and III	15.66	.65	1.50		.15
Carpenters					
Acoustical and Marlite Applicators; Floor Workers; Radial air saw operators; Fire and Flood Workers	16.04	.65	1.50		.15
Millwrights	16.19	.65	1.50		.15
Plumbers and Steamfitters: Area III	15.60	1.00	1.70		.10

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MODIFICATIONS P. 3

DECISION NO. AZ76-5109 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone D:					
Brush; Soft Floor Layers	$11.73	.70	.60	.50	.20
Brush, steel and bridge	12.23	.70	.60	.50	.20
Spray	12.18	.70	.60	.50	.20
Spray, steel bridge	12.73	.70	.60	.50	.20
DECISION NO. AZ76-5110 - Mod. #4 (40 FR 52198-November 26, 1976) Maricopa County, Arizona					
Change:					
Cement Masons:					
Northern portion	$ 9.51	.95	$1.00		.05

MODIFICATIONS P. 4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision # FL77-1015 - Mod. # 1 (42 FR-10224 - February 18, 1977) Broward County, Florida					
Change:					
Carpenters & Soft floor layers	8.95	.78	.45		.06
Decision # FL77-1021 - Mod. # 2 (42 FR-10227 - February 18, 1977) Duval County, Florida					
Change:					
Asbestos workers	10.51	.45	.55		.04
Decision # FL77-1023 - Mod. # 3 (42 FR-11191 - February 25, 1977) Brevard and Volusia (Cape Kenndey, Kennedy Space Flight Center and Patrick Air Force Base only and including Melabar Radar Site) Florida					
Change:					
Laborers:					
Laborers	5.70	.45	.30		
Hod carriers, kettlemen (excl. roofing & water proofing); mortar mixers; pipelayers; plasterers tenders; well point dewatering; air tool operator powderman; paving curb & gutter, & sidewalk form setters; concrete workers	5.85	.45	.30		
Nozzlemen	6.52	.45	.30		

MODIFICATIONS P. 5

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision No. FL77-1024 - Mod. # 1 (42 FR-11193 - February 25, 1977) Orange County, Florida					
Change:					
Painters:					
Brush	7.45	.40	.40		.06
Spray	7.95	.40	.40		.06
Paperhangers	7.95	.40	.40		.06
Sandblasters	7.95	.40	.40		.06
Decision # FL77-1029 - Mod. # 1 (42 FR-15264 - March 18, 1977) Dade County Florida					
Change:					
Bricklayers & Stonemasons	9.80	.60	.54		.04
Cement masons	9.80	.60	.54		.04
Marble masons	9.80	.60	.54		.04
Plasterers	9.80	.60	.54		.04
Terrazzo workers & Tile setters	9.80	.60	.54		.04
Carpenters & Soft floor layers	8.95	.70	.55		.02
POWER EQUIPMENT OPERATORS:					
Group A	9.75	.50	.45		.05
Group B	9.06	.50	.45		.05
Group C	8.26	.50	.45		.05
Group D	7.66	.50	.45		.05
Group E	6.66	.50	.45		.05

MODIFICATIONS P. 6

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #AR-4038 - Mod. #5 (39 FR-34984 - September 27, 1974) Statewide, Georgia					
Change:					
Electricians:					
Zone III	10.10	9%	1%+8%		½ of 1%
DECISION #GA77-1005 - Mod. #3 (42 FR-5621 - January 28, 1977) Clayton, DeKalb, and Fulton Counties, Georgia					
Change:					
Bricklayers:					
Bricklayers & Stonemasons	9.20	.55	.40		.05
Marble masons, terrazzo workers, and ceramic tile setters	9.05	.55	.40		
Glaziers	9.15	.60	.38		.105
Marble and tile workers' helpers	6.05				
Terrazzo workers' helpers:					
Helpers	6.05				
Terrazzo floor machine operators	6.15				
Terrazzo base machine operators	6.25				

MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #IL76-2078 - Mod. #2 (41 FR 34493 - August 13, 1976) Madison & St. Clair Counties, Illinois					
CHANGE: Painters:					
Residential & Commercial	$10.85	.45	.15		
Industrial	11.10	.45	.15		
Bridges, Grain Elevators, Water, Radio & TV Towers - Stacks	11.35	.45	.15		
DECISION #IL76-2120 - Mod. #3 (41 FR 43570 - October 1, 1976) Adams, Brown & Pike Counties, Illinois					
CHANGE: Painters: Adams & Brown Counties Brush	8.00				
ADD: Painters: Adams & Brown Counties Sand & Water Blasting; Spray & Steam Cleaning	9.00				
DECISION #IL76-2121 - Mod. #3 (41 FR 43573 - October 1, 1976) Champaign & Vermilion Counties, Illinois					
CHANGE: Carpenters - Vermilion County Remainder of County					
Carpenters & Soft Floor Layers	10.27	.70	.55		.02
Millwrights & Piledrivermen	10.77	.70	.55		.02

MODIFICATIONS P. 8

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #IL76-2122 - Mod. #3 (41 FR 43576 - October 1, 1976) Cook County, Illinois					
CHANGE: Painters: Brush, Decorators, Paperhangers & Tapers	$9.65	.575	.45		.013
DECISION #IL76-2128 - Mod. #3 (41 FR 46823 - October 22, 1976) Christian, DeWitt, Macon, Macoupin, Moultrie, Piatt & Shelby Counties, Illinois					
CHANGE: Carpenters: Macon Co; Moultrie Co:(Bethany, Okaw River, Lovington, Williamsbury, Lake City & all areas north) Piatt Co: (Cisco, Bement, Allerton Park & all areas south thereof)					
Carpenters & Soft Floor Layers	10.575	.40	.55		.02
Millwrights & Piledrivermen	11.075	.40	.55		.02

MODIFICATIONS P. 9

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #IL76-2132 - Mod. #4 (41 FR 47729 - October 29, 1976) Alexander, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Saline, Union, White & Williamson Counties, Illinois					
CHANGE: Cement Masons & Plasterers: Franklin, Hamilton, Jefferson & Williamson Counties	$9.95				
Alexander, Jackson, Perry, Pulaski & Union Counties	9.65	.30			
DECISION #IL76-2133 - Mod. #3 (41 FR 46831 - October 22, 1976) Boone, Carroll, DeKalb, Jo-Daviess, Lee, Ogle, Stephenson, Whiteside & Winnebago Counties, Illinois					
CHANGE: Laborers: Remainder of Counties					
Class I	8.51	.40	.54		.035
Class II	8.71	.40	.54		.035
Class III	8.81	.40	.54		.035

MODIFICATIONS P. 10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #IL77-2030 - Mod. #1 (42 FR 12584 - March 4, 1977) Clark, Clay, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Jasper, Lawerence, Richland, Wabash & Wayne Counties, Illinois					
CHANGE: Carpenters: Coles, Clark, Cumberland, Edgar, Effingham Cos; Western ½ of Jasper Co; & Southern part of Douglas County: Carpenters & Soft Floor Layers	$10.725	.45	.30		.07
Millwrights & Piledrivermen	11.225	.45	.30		.07
DECISION #MI76-2136 - Mod. #4 (41 FR 47771 - October 29, 1976) Alger, Baraga, Chippewa, Dickinson, Gogebic, Houghton, Keweenaw, Mackinac, Marquette & Ontongon Counties, Michigan					
CHANGE: Painters: Baraga, Houghton, Keweenaw & the northern portion of Ontongon County Brush, Paperhangers, Tapers & Glaziers	8.00				
Spray & Sandblasting	8.50				

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MODIFICATIONS P. 11

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. IA76-4149 - Mod. #3 (41 FR 38722 - Sept. 10, 1976) Linn County, Iowa					
Change: Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Cement Masons	$9.365	.38			

MODIFICATIONS P. 12

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #KS77-4020 - Mod. #4 (42 FR 7057 - February 4, 1977) Sedgwick County, Kansas					
Change: Elevator constructors	$10.23	.445	.29	3%+a+b	.02
DECISION #KS77-4023 - Mod. #1 (42 FR 10233 - February 18, 1977) Sedgwick County, Kansas					
Change: Description of Work to Read: Highway Construction(does not include airport runways and taxiways; bridges over navigable waters; tunnels; rest areas which include building structures; and railroad construction) and Water and Sewer Line Construction					

MODIFICATIONS P. 13

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #KS77-4024 - Mod. #1 (42 FR 10234 - February 18, 1977) Barber, Barton, Cheyenne, Clark, Comanche, Decatur, Edwards, Ellis, Ellsworth, Finney, Ford, Grove, Graham, Grant, Gray, Greely, Hamilton, Haskell, Hodgeman, Jewell, Kearny, Kiowa, Lane, Lincoln, Logan, Meade, Mitchell, Morton, Ness, Norton, Osborne, Pawnee, Phillips, Pratt, Rawlings, Rice, Rooks, Rush, Russell, Scott, Seward, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Thomas, Trego, Wallace and Wichita, Counties, Kansas					
Change: Description of Work to Read: Highway(does not include airport runways and taxiways; bridges over navigable waters; tunnels; rest areas which include building structures; and railroad construction) and Water and Sewer Line Construction					

MODIFICATIONS P. 14

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #AQ-4122 - Mod. #4 (39 FR-20281 - June 7, 1974) Daviess County, Kentucky					
Change:					
Carpenters	9.92	.45	.80		
Millwrights	10.34	.45	.70		
Plumbers & Steamfitters	11.68	.50	.80		.10
DECISION #KY76-1078 - Mod. #5 (41 FR-30527 - July 23, 1976) Henderson County, Kentucky					
Change:					
Asbestos worker	11.50	.45	.40		.03
Carpenter	9.92	.45	.80		
Cement mason	9.80	.65	.55		
Millwright	10.34	.45	.70		
Plumbers & Pipefitters	11.68	.50	.80		.10
Truck drivers:					
Group 1	7.29	.35	14.00a		
Group 2	7.41	.35	14.00a		
Group 3	7.52	.35	14.00a		
Group 4	7.60	.35	14.00a		
Group 5	7.64	.35	14.00a		
Group 6	7.35	.35	14.00a		
Group 7	7.47	.35	14.00a		
Group 8	7.11	.35	14.00a		
Group 9	7.19	.35	14.00a		
Footnote: a. Per week per employee					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #KY77-1012 - Mod. #2					
(42 FR-8940 - February 11, 1977)					
Fayette County, Kentucky					
Change:					
Painters:					
Brush & roller	9.25				
Paperhangers	9.25				
Spray & sandblasting	10.00				
DECISION #KY76-1132 - Mod. #4					
(41 FR-52260 - November 12, 1976)					
Franklin County, Kentucky					
Change:					
Painters:					
Brush	9.60				
Spray	10.35				
DECISION #LA77-4052 - Mod. #3					
(42 FR 12593 - March 4, 1977)					
Statewide Louisiana					
Change:					
Asbestos workers:					
Zone 4	$ 9.13	.45	.50		
Painters:					
Zone 3:					
Group 1	8.575	.275	.30		.05
Group 2	8.95	.275	.30		.05
Group 3	9.825	.275	.30		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #MD77-3017 - Mod. #5					
(42 FR 3142 - January 14, 1977)					
Counties of Anne Arundel (excluding the D. C. Training School), Baltimore, Baltimore City, Harford, and Howard, Maryland					
Change:					
Asbestos workers	$ 9.70	.70	.85		.02
Laborers, Heavy Construction:					
Laborers	6.10	.40	.50		.075
Power tonl operators	6.20	.40	.50		.075
Pipelayers, wagon drill operators, air track drillers, burners (demolition work)	6.60	.40	.50		.075
Lathers	10.09		.35	h	.01
Painters:					
Basic rate	10.00	.85	.60		.06
Spackling, taping & wall covering	10.15	.85	.60		.06
Spray painting (except steel)	10.25	.85	.60		.06
Steel painters; any painting using swinging stages & boatswain chair; sand & waterblasting; steam cleaning; all epoxies; spray (steel only)	10.50	.85	.60		.06
Plasterers	9.45	.60	.40	h	
Sprinkler fitters:					
Baltimore City including a 10-mile radius beyond the city limits	10.80	.60	.90		.10
Harford & Howard Counties and the remainder of Anne Arundel & Baltimore Counties	11.06	.60	.90		.08
DECISION #MD77-3018 - Mod. #2					
(42 FR 3145 - January 14, 1977)					
Baltimore City, Maryland					
Change:					
Laborers	6.10	.40	.50		.075

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #MI76-2135 - Mod. #3					
(41 FR 47766 - October 29, 1976)					
Alcona, Alpena, Charlevoix, Emmett, Grand Traverse, Leelanau, Mason, Montmorency, Muskegon, Oceana, Oscoda & Presque Isle Counties, Michigan					
CHANGE:					
Bricklayers:					
Muskegon & Oceana Counties					
Bricklayers & Stonemasons	$9.195	.55	.75		
DECISION #MI76-2139 - Mod. #8					
(41 FR 51313 - November 19, 1976)					
Macomb, Monroe, Oakland, Washtenaw & Wayne Counties, Michigan					
CHANGE:					
Bricklayers & Stonemasons:					
Washtenaw County	$12.87		.80		
Cement Masons:					
Washtenaw County	12.67		.80		
Plasterers:					
Washtenaw County	12.87		.80		
Marble Masons:					
Washtenaw County	12.87		.80		
Tile & Terrazzo Workers:					
Washtenaw County	12.87		.80		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #MN76-2064 - Mod. #3					
(41 FR 21025 - May 21, 1976)					
Blue Earth, Fairbault, Freeborn & Mower Counties, Minnesota					
CHANGE:					
Roofers:					
Remainder of Counties	$9.00	.55			
OMIT:					
Description of Work:					
Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)					
ADD:					
Description of Work:					
Building (Including Residential), Construction					
DECISION #MN77-2038 - Mod. #1					
(42 FR 15245 - March 18, 1977)					
Crow Wing County, Minnesota					
CHANGE:					
Description of Work:					
Heavy & Highway Construction (does not include airport runways and taxiways; bridges over navigable waters; tunnels, rest areas which include building structures, and railroad construction).					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #MT76-5100 - Mod. #5 (41 FR 47798 - October 29, 1976) Cascade, Deer Lodge, Gallatin, Glacier, Hill, Missoula, Silver Bow and Valley Counties, Montana					
Change:					
Roofers:					
Gallatin	$8.40	.47			
DECISION #MT77-5021 - Mod. #2 (42 FR 12631 - March 4, 1977) Statewide, Montana					
Change:					
Roofers:					
Broadwater, Gallatin, Meagher, Park, Sweetgrass and Wheatland Counties	$8.40	.47			
DECISION #MT77-5034 - Mod. #2 (42 FR 13765 - March 11, 1977) Statewide, Montana					
Add:					
POWER EQUIPMENT OPERATORS:					
Cranes with jibs an additional $.15 per hour					
Yo-Yo Cat, both ends	$9.56	.50	.50	.25	.05
DECISION #ND77-5020 - Mod. #4 (42 FR 10255 - February 18, 1977) Burleigh, Cass, Grand Forks, Morton, Richland, Steele, Walsh and Ward Counties, North Dakota					
Add:					
Roofers:					
Ward County	$6.75				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #OH76-2029 - Mod. #1 (41 FR 8739 - February 27, 1976) Clermont & Hamilton Counties, Ohio					
Change:					
Soft floor layers	$8.10	.60	.65		.05
DECISION #OH76-2110 - Mod. #1 (41 FR 40402 - September 17, 1976) Hamilton & Clermont Counties, Ohio					
Change:					
Asbestos workers	11.46	.75	.85		.02
Boilermakers	9.40	.75	1.00	1.40	.02
Bricklayers; Stonemasons	11.245	.55	.35		.02
Cement masons	10.88	.55	.70		.15
Marble setters' helpers	9.635			1.50	
Pipefitters	11.35	.875	1.15		.08
Plumbers; Gas fitters	11.47	.75	1.05		.05
Sheet metal workers	11.205	.88	.81		.04
Resilient floor layers	8.70	.60	.65		.05
Terrazzo workers	10.535	.55	.35		
Terrazzo helpers; Grinders	9.585				
Tile setters	10.535	.55	.35		
DECISION NO. OK77-4065 - Mod. #1 (42 FR 15287 - March 18, 1977) McIntosh County, Oklahoma					
CHANGE:					
ELECTRICIANS(ZONE I)					
Electricians	$ 9.73	.60	1%		1/2%
Cable splicers	10.03	.60	1%		1/2%
ELECTRICIANS (ZONE II)					
Electricians	10.13	.60	1%		1/2%
Cable splicers	10.43	.60	1%		1/2%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. OR77-5033 - Mod. #1 (March 11, 1977) Statewide, Oregon					
Change:					
Boilermakers	$11.60	.75	$1.00	.50	.02
* Line Construction:					
All Counties except Malheur					
Cable Splicers, Leadman					
Pole Sprayer	12.78	.45	1%	.10	1/2%
Lineman, Pole Sprayer, Heavy Line Equipment Man, Certified Lineman Welder	11.54	.45	1%	.10	1/2%
Tree Trimmer	10.42	.45	1%	.10	1/2%
Line Equipment Man	9.95	.45	1%	.10	1/2%
Head Groundman (chipper), Head Groundman, Powderman, Jackhammer Man	8.69	.45	1%	.10	1/2%
Groundman, Tree Trimmer Helper	8.18	.45	1%	.10	1/2%
Roofers:					
Benton, Lincoln, Linn, Marion, Polk and Yamhill Counties	10.05	.45	.15		
Sheet Metal Workers:					
Benton, Clackamas, Clatsop, Columbia, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Lincoln, Linn, Marion, Morrow, Multnomah, Polk, Sherman, Wheeler and Yamhill Counties	11.13	3%+.81	.93	1.00	.04
Soft Floor Layers:					
All Counties except Malheur	9.435	.50	.90	c	.08

*For Zone Description see Area Decision

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX76-4192 - Mod. #3 (41 FR 55289 - December 17, 1976) Jefferson & Orange Cos., Texas					
Change:					
Carpenters:					
Carpenters:					
Commercial	$10.615		.30		.05
Cement masons	10.20				
Glaziers:					
Northern half of Jefferson Co.	9.975				
Southern half of Jefferson Co. & all of Orange Co.:					
Commercial	10.25				
Residential	11.10				
Ironworkers	9.85	.55	1.00		.10
Painters:					
Southern half of Jefferson Co. & all of Orange Co.:					
Group 1:					
Commercial	10.25				
Residential	10.10				
Group 2:					
Commercial	10.30				
Residential	10.15				
Group 3:					
Commercial	10.75				
Residential	10.62				
Group 4:					
Commercial	10.575				
Residential	10.36				
Group 5:					
Commercial	11.00				
Residential	10.36				
Group 6:					
Commercial	11.50				
Residential	10.89				

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DECISION #TX76-4192 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters (Cont'd):					
Northern half of Jefferson Co.:					
Group 1:					
Commercial	$10.075				
Residential	9.825				
Group 2:					
Commercial	10.325				
Residential	10.075				
Group 3:					
Commercial	10.25				
Group 4:					
Commercial	10.50				
Residential	10.25				
DECISION #TX76-4195 - Mod. #6 (41 FR 56598 - December 28, 1976) Galveston & Harris Cos., Texas					
Change:					
Plumbers:					
Harris County	10.72	.55	.70		.12
DECISION #TX77-4044 - Mod. #1 (42 FR 11226 - February 25, 1977) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Cos., Texas					
Change:					
Painters:					
Group 1	8.20		.40		
Group 2	8.32		.40		
Group 3	8.95		.40		
Group 4	8.45		.40		

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX77-4045 - Mod. #2 (42 FR 11229 - February 25, 1977) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas					
Change:					
Painters	$ 8.20		.40		
DECISION #TX77-4054 - Mod. #2 (42 FR 12671 - March 4, 1977) Brazos County, Texas					
Change:					
Plumbers	10.72	.55	.70		.12
DECISION #UT77-5006 - Mod. #2 (42 FR 5668 - January 28, 1977) Statewide Utah					
Change:					
Ironworkers:					
Fence erectors; Ornamental; Reinforcing; Structural	$10.10	.55	$1.00		.04
Lathers	9.37	.50	.50		.01
Power Equipment Operators:					
See attached schedule.					
Refrigeration and Air Conditioning:					
Under 50 tons	9.95	.51	1.00		.04
50 tons and over	10.10	.51	1.00		.04
Add:					
Brick Tenders	8.30	.35	.35		

DECISION NO. UT77-5006 (Cont'd)

POWER EQUIPMENT OPERATORS* Building Construction	Basic Hourly Rates AREA 1	Basic Hourly Rates AREA 2	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 2	$ 7.59	$ 8.59	.75	$ 1.565	.75	.05
Group 3	7.94	8.94	.75	1.565	.75	.05
Group 4	8.12	9.12	.75	1.565	.75	.05
Group 4-A	8.23	9.23	.75	1.565	.75	.05
Group 5	8.23	9.23	.75	1.565	.75	.05
Group 6	8.69	9.69	.75	1.565	.75	.05
Group 7	8.84	9.84	.75	1.565	.75	.05
Group 7-A	8.95	9.95	.75	1.565	.75	.05
Group 8	9.25	10.25	.75	1.565	.75	.05
Group 8-A	9.31	10.31	.75	1.565	.75	.05
Group 9	9.37	10.37	.75	1.565	.75	.05
Group 10	9.53	10.53	.75	1.565	.75	.05
Group 11	9.97	10.97	.75	1.565	.75	.05
Group 11-A	10.93	11.93	.75	1.565	.75	.05
Group 11-B	11.38	12.38	.75	1.565	.75	.05
Group 12	11.54	12.54	.75	1.565	.75	.05

*POWER EQUIPMENT OPERATORS - AREA DEFINITIONS: See "Area Definition" - following Truck Drivers.

POWER EQUIPMENT OPERATORS
Building Construction

Group 2: Assistant to Engineer; Elevator Operator; Hydraulic Monitor; Material Loader or Conveyor Operator

Group 3: Air Compressor Operator; Concrete Mixer Operator (skip-type); Concrete Pump or Pumpcrete Gun Operator; Generator Operator (100 KW or over); Mixer Box Operator or similar (concrete or asphalt plant continuous mix); Pump Operator; Truck Crane Oiler

Group 4: Front End Loader (up to and including 1 cu. yd. struck M.R.C.); Hoist Operator - 1 drum; Slip Form Pumps

Group 4-A: Heavy Duty Repairman and Welder

Group 5: Air Compressor Operator (2 or more compressors); Signalman; Small Rubber-tired Tractor; Small self-propelled pneumatic rollers; Towermobile Operator; Welding machine (2 or more); Concrete Conveyor, building site

Group 6: A Frame Truck and Tugger Hoist; Fork Lift (construction jobsite); Kolman Loader and similar; Loader Operator (over 1 cu. yd. up to and including 2 cu. yds. struck M.R.C.); McGinnis Internal Full Slab Vibrator (on airports, highways, canals and warehouse); Mixermobile Operator; Ross Carrier or similar type; Small rubber-tired tractor (with attachments, including backhoe); Small rubber-tired Trenching Machine; Small Tractor with boom; Gradesetter

Group 7: Bridge Crane; Concrete Mixer Operator (paving or batch plant) Drilling Machine Operator (well or diamond); Dual Drum Mixers; Hoist Operator - 2 drums; Lull High-lift (40 ft. or similar); Roller operator or self-propelled compactors; Tractor operator (Sheep's foot and compacting equipment); Trenching Machine; Concrete Conveyor or Concrete Pump, Truck or equipment mounted (boom length to apply); Self-propelled Compactor with or without dozer

Group 7-A: Tractor Operator (bulldozer or tractor-drawn scraper or drag-type Shovel or boom attachment, up to and including D-7 or similar)

POWER EQUIPMENT OPERATORS (Cont'd)
Building Construction (Cont'd)

Group 8: Chicago Boom (including Stiff Leg and Sheer Pole); Concrete Batch Plant (multiple units); Loader Operator (over 2 cu. yds. up to and including 5 cu. yds. struck M.R.C.); Self-propelled Boom type Lifting Device (center mount) (10 ton capacity or less M.R.C.)

Group 8-A: Heavy Duty Repairman or Welder; Tractor Operator (bulldozer or tractor-drawn scraper or drag-type shovel or boom attachment, larger than D-7 or similar)

Group 9: Motor Patrol

Group 10: Loader Operator (over 5 cu. yds. up to and including 12 cu. yds. struck M.R.C.); Universal Equipment Operator (shovel, backhoe, dragline, derrick, derrick barge, clamshell, crane, grade-all, etc.)(up to and including 5 cu. yds. struck M.R.C.); Self-propelled Boom type Lifting Device (center mount); Tower Crane (Linden type or similar designs and capacity)

Group 11: Remote Controlled Cranes and Derricks; Tower Cranes Mobile

Group 11-A: Loader Operator (over 12 cu. yds. struck M.R.C. up to 18 cu. yds. M.R.C)

Group 11-B: Operator of Helicopter (when used in erection work)

Group 12: Cranes over 125 tons

POWER EQUIPMENT OPERATORS:* Heavy and Highway Construction	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	AREA 1	AREA 2				
Group 1	$ 7.76	$ 8.76	.75	$ 1.615	.85	.14
Group 2	8.04	9.04	.75	1.615	.85	.14
Group 3	8.39	9.39	.75	1.615	.85	.14
Group 4	8.57	9.57	.75	1.615	.85	.14
Group 4-A	8.68	9.68	.75	1.615	.85	.14
Group 5	8.68	9.68	.75	1.615	.85	.14
Group 6	9.14	10.14	.75	1.615	.85	.14
Group 7	9.29	10.29	.75	1.615	.85	.14
Group 7-A	9.40	10.40	.75	1.615	.85	.14
Group 8	9.70	10.70	.75	1.615	.85	.14
Group 8-A	9.76	10.76	.75	1.615	.85	.14
Group 9	9.82	10.82	.75	1.615	.85	.14
Group 10	9.98	10.98	.75	1.615	.85	.14
Group 11	10.42	11.41	.75	1.615	.85	.14
Group 11-A	11.38	12.38	.75	1.615	.85	.14
Group 11-B	11.83	12.83	.75	1.615	.85	.14
Group 12	11.99	12.99	.75	1.615	.85	.14

*POWER EQUIPMENT OPERATORS - AREA DEFINITIONS: See "Area Definition" - following Truck Drivers.

POWER EQUIPMENT OPERATORS
Heavy and Highway Construction

Group 1: Repairman Helper

Group 2: Asphalt Plant Fireman; Assistant to Engineer; Brakeman - Locomotive; Elevator Operator; Fireman; Hydraulic Monitor; Material Loader or Conveyor Operator; Partsman - Field; Repairman Helper - Field

Group 3: Air Compressor Operator; Concrete Mixer Operator (skip-type); Concrete Pump or Pumpcrete Gun Operator; Engineer, Dinky Operator; Generator Operator (100 KW or over); Mixer Box Operator or similar (concrete or asphalt plant continuous mix); Pump Operator; Screedman; Self-propelled, automatically applied concrete curing machine (on street, highways, airports and canals); Truck Crane Oiler; Boxman, Asphalt Plant

Group 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper - multiple-purpose; Front End Loader (up to and including 1 cu. yd. struck MRC); Hoist Operator - 1 drum; Line Master; Slip Form Pumps

Group 4-A: Slurry Seal Machine or similar

Group 5: Air Compressor Operator (2 or more compressors); Batch Operator (asphalt plant); Motorman; Pavement Breaker Operator (Emsco and similar type); Shuttlecar; Signalman; Small rubber-tired tractor; Small self-propelled pneumatic rollers; Towermobile Operator; Welding Machine (2 or more); Lube and Service Engineer (mobile and grease rack); Concrete Conveyor (building site)

Group 6: A-Frame Truck and Tugger Hoist; Conrete Saws (self-propelled units on streets, highways, airports and canals); Engineer-locomotive; Fork Lift (construction jobsite); Kolman Loader (and similar); Loader Operator (over 1 cu. yd. up to and including 2 cu. yds. struck MRC); Maginnis Internal Full Slab Vibrator (on airports, highways, canal and warehouses); Mixermobile Operator; Pipe Bending Machine Operator; Pipe Cleaning Machine; Pipe Wrapping Machine; Power Jumbo Operator (setting slip forms, etc., in tunnels); Road Mixing Machine Operator; Ross Carrier or similar type; Small rubber-tired tractor (with attachments, including backhoe); Small rubber-tired Trenching Machine; Small Tractor with boom; Surface Heater (self-propelled); Gradesetter

POWER EQUIPMENT OPERATORS (Cont'd)
Heavy and Highway Construction (Cont'd)

Group 7: Bridge Crane; Chip Box Spreader (Flaherty-type and similar); Concrete Mixer Operator (paving or batch plant); Deck Engineer (marine); Drilling Machine Operator (well or diamond); Dual Drum Mixers; Elevating Grader Operator; Fuller Kenyon Pump and similar types; Heavy Duty Rotary Drill Rigs (such as Quarry Master, Joy Drills or equal); Hoist Operator - 2 drums; Lull High Lift (40 ft. or similar); Mechanical Finisher Operator (asphalt or concrete); Mine or Shaft Hoist; No-Joint Pipe Laying Machine; Pavement Breaker; Pavement Breaker with Compressor Combination; Pavement Breaker, truck mounted, compressor combination; Refrigeration Plant; Roller Operator or self-propelled Compactor; Self-propelled Pipeline, Wrapping Machine (Perault, CRC, or similar types); Slusher Operator; Tractor Compressor Drill combination; Tractor Operator (Sheep's foot and compacting equipment); Trenching Machine; Concrete Conveyor or Concrete Pump, truck or equipment mounted (boom length to apply); Mechanical Burm, Curb and/or Curb and Gutter Machine, Concrete or Asphalt; Self-propelled Compactor with or without dozer; Drilling and Boring Machinery, Horizontal and Vertical (not to apply to waterliners, wagon drills or jackhammers); Self-propelled Compactor (with multiple-propulsion power units)

Group 7-A: Side Boom Operator; Tractor Operator (Bulldozer or tractor-drawn scraper or drag-type shovel or boom attachment, up to and including D-7 or similar)

Group 8: Chicago Boom (including Stiff Leg and Sheer Pole); Combination Slusher and Motor Operator; Concrete Batch Plant (multiple units); Do-mor Loader and Adams Elegrader; Euclid Loader and similar types; Koehring Skooper (or similar)(up to 5 cu. yds. struck MRC); Loader Operator (over 2 cu. yds. up to and including 5 cu. yds. struck MRC); Mechanical Trench Shield; Mucking Machine Operator; Rubber-tired Scrapers (under 35 cu. yds. struck MRC); Saurman-type Dragline (under 5 cu. yds. struck MRC); Self-propelled Boom-type Lifting Device (canter mount)(10 ton capacity or less MRC); Self-propelled Elevating Grade Plane; Soil Stabilizer (P&H or equal); Subgrader (automatic subgrader - fine grader); Tri-batch Paver; Tunnel Mole (or similar); Asphalt Plant Engineer; Engineer, crushing plant; Combination Backhoe and Loader (3/4 yds. and over struck MRC)

Group 8-A: Heavy Duty Repairman or Welder; Tractor Operator (bulldozer or tractor-drawn scraper or drag-type shovel or boom attachment, larger than D-7 or similar)

Group 9: Combination Mixer and Compressor (gunite); Highline Cableway Signalman; Motor Patrol; Tower Crane (Linden-type or similar designs and capacity)

DECISION NO. UT77-5006 (Cont'd)

POWER EQUIPMENT OPERATORS (Cont'd)
Heavy and Highway Construction (Cont'd)

Group 10: D.W. 10, 20, etc. (Tandem Scrapers); Highline Cableway Operator; Lift Slab Machine (Vagtborg and similar types); Loader Operator (over 5 cu. yds. up to and including 12 cu. yds. struck MRC); Locomotive (over 100 tons)(single or multiple units); Prestress Wire Wrapping Machine; Saurman-type Dragline (5 cu. yds. and over struck MRC); Tractor (tandem scrapers); Universal Equipment Operator (shovel, backhoe, dragline, derrick, derrick barge, clamshell, crane, gradeall, etc.)(up to and including 5 cu. yds. struck MRC); Self-propelled Boom-type lifting device (center mount) (over 10 tons)

Group 11: Automatic Concrete Slip Form Paver; Koehring Skooper (or similar)(5 cu. yds. and over struck MRC); Multiple Propulsion power unit earth movers (up to and including 75 cu. yds. struck MRC); Power Equipment with Shovel-type controls (over 5 cu. yds. up to and including 7 cu. yds. struck MRC); Remote-controlled Cranes and Derricks; Rubber-tired Scrapers (35 cu. yds. and over struck MRC); Slip Form Paver (concrete or asphalt); Tandem Tractors; Tower Cranes Mobile

Group 11-A: Loader Operator (over 12 cu. yds. struck MRC up to 18 cu. yds. MRC); Multi-purpose earth moving machines (2 or more scrapers)(over 75 cu. yds. struck MRC); Power Shovels and Draglines (over 7 cu. yds. struck MRC)

Group 11-B: Operator of Helicopter (when used in erection work); Loader (18 cu. yds. and over)

Group 12: Cranes (over 125 tons)

DECISION #WV77-3024 - Mod. #3 (42 FR 10272 - February 15, 1977) Statewide, West Virginia	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Painters:					
AREA 2					
Brush-roller	$ 8.50				
Lining machine work, power cleaning tools	9.00				
Spray, sandblasting, mittens, structural steel, materials emitting toxic vapors	10.00				
Height Clause: An additional $ 1.00 per hour per 100' over the appropriate scale.					

DECISION #WV77-3027 - Mod. #3 (42 FR 10281 - February 16, 1977) State of West Virginia excluding the Counties of Berkeley, Jefferson, Morgan, Nicholas & Preston	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Elevator Constructors:					
Boone, Clay, Fayette, Kanawha, Logan, Mingo, Putnam, & Raleigh Counties:					
Mechanics	9.895	.495	.32	4%+b+c	.02
Helpers	6.93	.495	.32	4%+b+c	.02
Probationary helpers	4.95				
Painters:					
Area 8					
Brush & roller:					
Commercial repaint	6.75				
New commercial	7.25				
Paperhanging-wall covering under 48":					
Commercial repaint	6.75				
New commercial	7.25				

DECISION #WV77-3027 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters (Cont'd):					
Dry wall finishing:					
Commercial repaint	$ 6.75				
New commercial	7.25				
Drywall machine tool:					
Commercial repaint	7.00				
New commercial	7.50				
Lining machine work, power cleaning tools:					
Commercial repaint	7.25				
New commercial	7.75				
Wall covering 48" or over:					
Commercial repaint	7.25				
New commercial	8.25				
Spray, sandblasting, mittens, structural steel, material emitting toxic vapors:					
Commercial repaint	7.50				
New commercial	8.25				
Height Clause: An additional $ 1.00 per hour per 100' over the appropriate scale.					

SUPERSEDEAS DECISION

STATE: Alabama COUNTY: Madison
DECISION No.: AL77-1040 DATE: Date of Publication
Supersedes Decision No.: AL77-1006 dated January 28, 1977 in 42 FR-5618
DESCRIPTION OF WORK: Building construction (does not include residential construction consisting of single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	10.16	.45	.40		.05
Boilermakers	9.50	.75	1.00		.02
Bricklayers	9.40				
Carpenters	8.00				
Cement masons	8.65				
Electricians: Linemen	9.55	.40	1%+.30		1%
Glaziers	6.00				
Ironworkers:					
Reinforcing	8.405	.40	.35		.03
Structural	8.405	.40	.35		.03
Laborers:					
Laborers, Mason tenders	4.72	.25	.40		
Air tool op. (jackhammer, vibrator), Mortar mixers	4.97	.25	.40		
Millwrights	8.45				.03
Painters:					
Commercial	8.00		.25		.05
Industrial	8.75		.25		.05
New Industrial	9.25		.25		.05
Plasterers	8.90				
Plumbers: Pipefitters	9.70	.50	.50	.20	.10
Roofers	4.85				
Sheet metal workers	9.50	.55	.60		.05
Tile setter	9.21				
Tile, Marble Terrazzo finisher	4.75				
Truck drivers	3.67				
POWER EQUIPMENT OPERATORS:					
Group A	9.38	.35	.35		
Group B	8.04	.35	.35		
Group C	7.34	.35	.35		

AL77-1040 - (Cont'd)

POWER EQUIPMENT OPERATORS:
(CONT'D)

Group A - Backhoe, bulldozers, crane, crane car, central mixing plant, concrete pump, derrick, dragline, dredge drill, elevating, grader, finishing machine (concrete), forklift, front end loader, gradall, grout pump, helicopter pilot, hoist, locomotive engineer, mechanic, motor patrol, mucking mechanic piledriver, post hole digger, scraper (pull type & self prop.), shovel, sweeper, tractor (spec. equip.,) trenching machine, well point & winch truck operators

Group B - Bituminous dist., central air comp., concrete mixer (port.) fireman floating equip., front end loader, rubber tire, ½ cu. yd. & under, locomotive brakeman, locomotive flagman, locomotive switchman, oiler-driver (35 tons crane & over) outboard motor boat (when used for towing), paving machine, portable hoist "Buck hoist type", post hole digger mounted on farm type tractor & walk behind type trenching machine operators

Group C - Air compressor (port.) conveyor, fireman stationary equip., mechanic helper, oiler, outboard motor boat & pump operators

Oiler driver - additional $.10 per hour

All cranes, derricks & gantry operators such equipment with an overall height of 150', including jibs; all scrapers operators - additional $.25 per hour.

SUPERSEDEAS DECISION

STATE: Alabama COUNTY: Statewide
DECISION NUMBER: AL77-1042 DATE: Date of Publication
Supersedes Decision No.: AL76-1082 dated July 30, 1976, in 41 FR 32108
DESCRIPTION OF WORK: dighway Construction (does not include airport runways and taxiways; bridges over navigable waters; tunnels; rest areas which include building structures; and railroad construction)

	*ZONE I Basic Hourly Rates	*ZONE II Basic Hourly Rates	*ZONE III Basic Hourly Rates	*ZONE IV Basic Hourly Rates
Bricklayers	3.65	3.65	3.25	3.00
Carpenters	4.50	4.25	4.50	4.25
Carpenters' helpers	3.15	3.15	3.15	3.15
Concrete finishers	4.00	3.60	3.60	3.60
Concrete saw operators	2.65	2.55	2.45	2.45
Electricians	9.10a	7.90	5.80	5.80
Ironworkers:				
Structural	5.80	5.80	5.80	5.80
Reinforcing	4.50	5.70	4.50	4.50
Laborers:				
Air tool operators	2.75	2.85	2.75	2.75
Asphalt rakers	3.35	3.30	3.50	3.10
Concrete laborers	3.25	3.00	3.00	2.90
Pipelayers	3.45	3.25	3.25	2.50
Powderman and blasters	3.50	3.50	3.50	3.50
Saw operators	3.50	3.50	2.50	2.50
Side rail or form setters	3.50	3.50	3.05	3.05
Unskilled	2.60	2.50	2.35	2.30
Wagon drill operators	3.00	3.00	3.00	3.00
Painters	5.75	5.75	5.50	5.50
Piledrivermen	5.00	5.00	4.80	4.80
Truck drivers:				
Under 1-½ ton	2.75	2.75	2.55	2.55
Single rear axle	2.75	2.75	2.65	2.55
Multi-rear axle or heavy duty, off road, single axle	3.00	3.25	2.85	2.85
Winch truck and A-Frame	3.70	3.25	3.25	3.25
Welders - Receive rate for craft				
POWER EQUIPMENT OPERATORS:				
Aggregate spreader operator	3.45	3.45	3.45	3.45
Air compressors	3.25	3.15	2.85	2.85
Asphalt distributor and asphalt spreaders	3.90	3.90	3.90	3.90
Asphalt mixers and pug mills and batch plants	3.30	3.44	3.30	3.30
Asphalt paving machines	3.85	3.85	3.85	3.85
Asphalt plant driers	3.30	3.44	3.30	3.30
Bulldozers	4.95	4.30	4.50	3.85
Bull floats	3.15	3.44	3.15	3.15
Concrete mixers (3-bags and under)	2.70	3.44	2.70	2.70
Concrete mixers (over 3-bags)	3.75	3.60	3.30	3.30
Concrete paving machines	3.30	3.60	3.30	3.30

AL77-1042 (Cont'd)

POWER EQUIPMENT OPERATORS: (Cont'd)

	*ZONE I Basic Hourly Rates	*ZONE II Basic Hourly Rates	*ZONE III Basic Hourly Rates	*ZONEIV Basic Hourly Rates
Concrete paving finishing machines	3.30	3.60	3.30	3.30
Concrete paving spreaders	3.30	3.60	3.30	3.30
Cranes, clamshells, backhoes, derricks, draglines or shovels	4.95	4.95	4.95	4.75
Conveyors	2.70	3.13	2.70	2.70
Crusher and screening plants	3.30	3.44	3.30	3.30
Drilling machines	4.00	4.00	4.00	4.00
Elevating graders, gradalls or trenching machines	4.95	4.00	4.75	3.60
Firemen	2.70	3.15	2.70	2.70
Form graders	2.70	2.70	2.70	2.70
Hoist (2-drums or 2-cages or more)	3.30	3.60	3.30	3.30
Hoist (1-drum)	3.25	3.44	3.15	3.15
Mechanics	5.00	5.15	5.00	4.00
Motor patrols	5.00	5.00	5.00	5.00
Oilers and greasemen	3.90	3.85	4.00	3.60
Paving subgraders	3.15	3.15	3.15	3.15
Piledrivers	4.55	4.85	3.66	4.85
Pumps	2.70	2.70	2.70	2.70
Pumpcretes	3.15	3.15	3.15	3.15
Rollers, self-propelled	3.55	3.50	3.30	3.50
Rollers, self-propelled (on asphalt bases and pavements)	4.00	4.00	4.00	3.60
Scale operators	2.70	2.70	2.70	2.70
Scalemen	2.70	2.70	2.70	2.70
Scrapers	4.75	3.70	3.70	3.70
Seeding and mulching machines	2.70	3.35	2.70	2.70
Striping machines (paint)	3.40	3.40	3.30	3.30
Tractors and loaders (farm rubber tired)	3.10	3.35	3.00	2.75
Tractors and loaders (80 H.P. or less (drawbar capacity)	3.10	3.40	3.00	3.00
Tractors and loaders (over 80 H.P)	4.00	4.00	4.00	4.00

Counties:

*Zone I: Jefferson

*Zone II: Mobile

*Zone III: Calhoun, Etowah, St. Clair, Shelby, Talladega, Tuscaloosa, and Walker.

*Zone IV: Autauga, Baldwin, Barbour, Bibb, Blount, Bullock, Butler, Chambers, Cherokee, Chilton, Choctaw, Clark, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dale, Dallas, DeKalb Elmore, Escambia, Fayette, Franklin, Geneva, Greene, Hale Henry, Houston Jackson. Lamar, Lauderdale, Lawrence, Lee, Limestone, Lowndes, Macon, Madison, Marengo, Marion Marshall, Monroe, Montgomery, Morgan Perry, Pickens, Pike, Randolph, Russell, Sumter, Tallapoosa, Washington, Wilcox, and Winston Counties Alabama.

FOOTNOTE:
a. Plus fringe benefits of 30¢ Health and Welfare, 7% +.40 Pension and .5% Apprentice Training.

SUPERSEDEAS DECISION

STATE: Arkansas COUNTY: Statewide
DECISION NO. AR77-4072 DATE: Date of Publication
SUPERSEDEAS DECISION NO. AR76-4111 dated July 2, 1976 in 41 FR 27547.
DESCRIPTION OF WORK: Construction, alteration, and/or repair of streets, highways, and water and sewer utilities (but does not include airports, runways and taxiways; bridges over navigable waters; tunnels, rest areas which include building structures; and railroad construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	$4.70				
Carpenters	4.70				
Concrete finisher	4.70				
Ironworkers:					
Structural	4.20				
Reinforcing	3.40				
Laborers:					
Air tool operator	3.40				
Asphalt heater operator	3.40				
Asphalt raker	3.90				
Carpenter helper	3.50				
Chain saw operator	3.30				
Checker grade	3.40				
Concrete finisher helper	3.50				
Concrete joint sealer	3.40				
Concrete saw operator	3.50				
Form setter (pavement)	3.60				
Laborer	2.76				
Pipelayer	3.60				
Powderman	4.20				
Vibratorman	3.30				
Painter	4.20				
Pile driver leadman	4.10				
POWER EQUIPMENT OPERATORS:					
Aggregate spreader operator	3.60				
Asphalt plant fireman	3.06				
Asphalt plant drier operator	3.06				
Batch plant operator	3.66				
BULLDOZER OPERATOR:					
Finish	4.40				
Rough	4.00				
Bull float operator	3.86				
Concrete curing machine operator	4.00				
Concrete mixer operator (less than 5 sacks)	3.50				
Concrete mixer operator (5 sacks or over)	4.40				
Backhoe, operator - rubber tired (1 yard or less)	4.16				
Cherry picker operator	4.00				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (cont'd)					
Concrete paver operator	$4.40				
Concrete spreader operator	4.50				
Crane, derrick, dragline, shovel, backhoe operator (1½yd. or less)	4.60				
Crane, derrick, dragline, shovel, backhoe operator (over 1½ yard)	4.70				
Crusher operator	3.60				
Distributor operator	3.70				
Drill operator (wagon or truck)	4.00				
Elevating grader operator	4.40				
Euclid or like equipment operator (bottom or end dump)	3.60				
Finishing machine operator	4.00				
Forklift operator	3.30				
Form grader operator	3.30				
Front end loader operator:					
Finish	4.40				
Rough	4.00				
Hydro seeder operator	3.60				
Mechanic	4.40				
Mechanic helper	4.00				
Motor Patrol Operator:					
Finish	4.40				
Rough	4.00				
Mulching machine operator	3.60				
Oiler and greaser	3.50				
Pile driver operator	4.10				
Pub mill operator	3.30				
Roller operator (self-propelled)	3.60				
Scraper Operator:					
Finish	4.40				
Rough	4.00				
Sod slicing machine operator	3.30				
Stabilizer mixing machine operator	3.70				
Tractor operator (crawler type)	3.60				
Tractor operator (farm & wheel)	3.30				
Tractor operator wheel type (with attachments 1 yard or under)	3.70				
Trenching machine operator	3.70				
Stonemasons	4.70				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Truck Drivers:					
Distributor truck driver	$3.60				
Semi-trailer	3.60				
Lowboy driver	4.00				
Transit mix truck driver	3.60				
Truck driver (heavy-maximum pay load in excess of 3000 lbs)	3.40				
Truck driver (light-maximum pay load 3000 lbs)	3.30				
Welder, finish	4.40				
Welder, rough	4.00				
Well driller	4.65				
Well driller helper	3.35				
Electricians	6.00				
Electricians helper	4.50				

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SUPERSEDEAS DECISION

STATE: DELAWARE
COUNTY: STATE OF DELAWARE
DECISION NO.: DE77-3042
DATE: DATE OF PUBLICATION
Supersedes Decision No. DE76-3212, dated July 30, 1976, in 41 FR 32122.
DESCRIPTION OF WORK: Building Construction (excluding single family houses and garden type apartments up to and including 4 stories), Heavy and Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.44	.55	1.00		.03
BOILERMAKERS:					
New Castle County	12.05	.75	1.00		.02
Kent & Sussex Counties	9.40	.60	.90		.02
BRICKLAYERS	9.75	.80	.85		
CARPENTERS - BUILDING & HEAVY					
New Castle & Kent Counties	9.70	1.04	.74		.02
Sussex County	9.37		.82		.01
CARPENTERS - HIGHWAY CONSTRUCTION:					
New Castle & Kent Counties	8.80	1.04	.74		.02
CEMENT MASONS	8.75	1.03	.72		
ELECTRICIANS	10.90	9½%	a 7%		
ELEVATOR CONSTRUCTORS:					
Mechanics	12.09	.545	.35	4%+a+b	.02
Elevator Constructors' Helpers	8.46	.545	.35	4%+a+b	.02
Elevator Constructors' Probationary Helpers	6.045				
GLAZIERS	10.08	.45	.25		.01
IRONWORKERS:					
Structural, Ornamental, Reinforcing, Riggers & Machinery Movers	11.30	.84	1.21		.05
LABORERS - BUILDING CONSTRUCTION:					
New Castle County:					
Group 1	7.80	.60	.40		
Group 2	8.05	.60	.40		
Group 3	8.30	.60	.40		
Group 4	9.05	.60	.40		
Kent & Sussex Counties:					
Group 1	7.65	.60	.40		
Group 2	7.90	.60	.40		
Group 3	8.15	.60	.40		
Group 4	8.90	.60	.40		

DECISION NO. DE77-3042

CLASSIFICATION DEFINITIONS
LABORERS - BUILDING CONSTRUCTION

Group 1 - General construction, dumpmen & truck spotters

Group 2 - Caulkers, operators of pneumatic & electric tools, vibrating machines concrete saws, pumps, pot tenders, sewer pipelayers, demolition (used of hand tools), driller (except core, diamond or multiple wagon), mason & plasterers tenders, cement workers, mobile buggy operators, operators of power saws (portable), scaffold builders, hook-up men, signal men, stripping of flat arch & form work also cleaning & oiling thereof, tool room attendant & welder

Group 3- Burners, drillers (core, diamond or multiple wagon), sand blaster (nozzlemen), gunite workers (industrial fume stack men, nozzlemen & rodmen)

Group 4 - Blasters

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS - HEAVY & HIGHWAY CONSTRUCTION:					
New Castle County:					
Common laborers, landscapers, planters, seeders, aborists, asphalt tampers, rakers, concrete pitmen, puddlers, rubber magazine tenders, railroad trackmen, signal men	$ 4.60	.60	.40		
Pipelayers	4.75	.60	.40		
Wagon drill, diamond point drill, gunite nozzlemen, form setters, blasters, caisson & coffer dams (open-air, below 8')	4.90	.60	.40		

DECISION NO. DE77-3042

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS - HEAVY & HIGHWAY CONSTRUCTION: (CONT'D)					
Kent & Sussex Counties:					
Common laborers, landscapers, planters, seeders, aborists, asphalt tampers, rakers, concrete pitman, puddlers, rubber magazine tenders, railroad trackmen, signal men	$ 4.45	.60	.40		
Pipelayers	4.60	.60	.40		
Wagon drill, diamond point drill, gunite nozzlemen, form setters, blasters, caissons & coffer dams (open-air, below 8')	4.75	.60	.40		
LATHERS	9.15	.50	.15		.01
LINE CONSTRUCTION:					
Linemen, cable splicers	12.08	.35	1%		½ of 1%
Winch truck operators	8.44	.35	1%		½ of 1%
Truck drivers	7.84	.35	1%		½ of 1%
Groundmen	7.22	.35	1%		½ of 1%
MARBLE SETTERS	9.48	.80	.85		
MILLWRIGHTS:					
Kent & New Castle Counties	10.25	.73	1.70		
Sussex County	9.47		.82		.01
PAINTERS:					
Base rate	8.47	.85	.55		.01
Structural steel, skates, rolling & suspended scaffolding (swing, chair & window belts)	8.645	.85	.55		.01
Machine taping	8.72	.85	.55		.01
Bridges (if surface to be painted is 50' or more above ground or water), and/or cabled scaffolding)	8.97	.85	.55		.01

DECISION NO. DE77-3042

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (CONT'D)					
Tanks (if exposed to the weather and is used for storage or processing purposes with a capacity of 5,000 gallons or more using exterior dimensions and/or interior work on all tanks), sandblasting, and spray	$ 8.97	.85	.55		.01
Height pay - work 75' to 150' from surface an additional 50c shall be paid above the applicable rate. For each additional 75' or fraction thereof an additional 50c shall be paid.					
PILEDRIVERMEN, WHARF & DOCK BUILDERS	10.42	1.88	1.30	c	.12
PLASTERERS	8.97	.90			.01
PLUMBERS & STEAMFITTERS:					
New Castle & Kent (north of the southern boundary of Dover City) Counties:					
Plumbers	10.23	1.05	.90	1.21 + d	.05
Steamfitters	11.85	.585	.915	.04 + e	.05
Sussex & Kent (remainder of county) Counties	10.00	.66	.89	f	.05
POWER EQUIPMENT OPERATORS - BUILDING & HEAVY CONSTRUCTION:					
Group 1	11.60	5.5%	9.5%	g	1.2%
Group 2	11.31	5.5%	9.5%	g	1.2%
Group 3	10.44	5.5%	9.5%	g	1.2%
Group 4	9.67	5.5%	9.5%	g	1.2%
Group 5	9.20	5.5%	9.5%	g	1.2%
Group 6	8.29	5.5%	9.5%	g	1.2%
Group 7					
100' & over	11.85	5.5%	9.5%	g	1.2%
150' & over	12.10	5.5%	9.5%	g	1.2%
200' & over	12.34	5.5%	9.5%	g	1.2%

DECISION NO. DE77-3042

CLASSIFICATIONS

Group 1 - Machines with booms doing hook work, any machine handling machinery, cable spinning machines, helicopter and similar machines

Group 2 - All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoists, with 2 towers, pavers 21E and over, all types overhead cranes, building hoists (double drum), gradalls, mortor patrols (fine grade), mucking machines, in tunnel, all front end loaders 3-1/2 c.y., and over, tandem scrapers, pipin type backhoes, boat captains, batch plant operators (concrete), drills, self contained rotary drill, fork lifts (20' lift & over), and similar machines

Group 3 - Conveyors (except building), building hoist (single drum), scrapers, tournapulls, spreaders (asphalt), high or low pressure boilers, concrete pumps, well drillers, bulldozers, tractors, asphalt plant engineers, rollers (high grade finishing), ditch witch type trenchers, all loaders under 3-1/2 c.y., mechanic-welders, motorpatrols, core drill operator, forklift trucks under 20' lift, similar machines

Group 4 - Conveyors (building), concrete spreader, welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, tireman (for power equipment), and similar machines

Group 5 - Firemen, grease trucks

Group 6 - Oilers and deck hands (personnel boats), core drill helper

Group 7 - All machines with booms (including jibs, masts and leads)

DECISION NO DE77-3042

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS - HIGHWAY CONSTRUCTION					
Group 1	$11.31	5.5%	9.5%		1.2%
Group 2	10.44	5.5%	9.5%		1.2%
Group 3	9.67	5.5%	9.5%		1.2%
Group 4	8.29	5.5%	9.5%		1.2%

CLASSIFICATIONS

Group 1 - Pippin type backhoe, euclid loader, all types of cranes, all types of backhoes, draglines, all types of shovels, keystones, paver 21E and over, trenching machines, cableways, all loaders 2 cu. yds. and over and similar machines

Group 2 - Carryalls, tournapulls, asphalt spreaders, motor patrols, concrete pumps, asphalt plant engineers, well drillers, all bulldozers, tractors, maintenance engineer, welders, conveyor loader, all loaders under 2 cu. yds., and similar machines

Group 3 - Form line grader, farm tractor, road finishing machine, concrete spreader, fine grade machines, compressors, pumps (4" or over), pumps (2 pr mpre any size), well point pumps, concrete breaking machines, rollers (grade fill and stone base), firemen, and similar machines

Group 4 - Oilers

ROOFERS:					
Composition, damp and waterproofing	11.36	1.30	.82	h	
Mechanic II (re-roofing)	5.50	1.30	.82	h	
SHEET METAL WORKERS	9.50	.75	.60		.02
SOFT FLOOR LAYERS:					
New Castle & Kent Cos.	9.70	1.04	.74		.02
Sussex Co.	9.37		.82		.01
SPRINKLER FITTERS	11.61	.60	.90		.08
STONE MASONS	9.20	.70	.75		
TERRAZZO WORKERS & TILE SETTERS	9.48	.80	.85		
TILE SETTERS' HELPERS	7.25				

DECISION NO. DE77-3042

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS - BUILDING CONSTRUCTION:					
Group 1	$ 7.06	.5675	.55	f	
Group 2	6.96	.5675	.55	f	
Group 3	6.81	.5675	.55	f	

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS

Group 1 - Euclid type or similar off highway equipment (where not self-loaded), off highway tandem back-dump, specialized earth moving equipment, truck mechanic (first class), twin engine equipment & double-hitched equipment (where not self-loaded).

Group 2 - A-frames, agitators or mixers, asphalt distributors, dispatchers, low-boys, semi-trailers, tandems, batch trucks & truck mechanics (second class).

Group 3 - Dumps (single axle), dumpsters, escort & pilot vehicles, flat body material trucks (straight job), fork lifts, form trucks, greasers, material checkers & receivers, panel trucks, pick-ups rubber-tired (towing & pushing vehicles), tiremen & truck mechanic helpers, truck helpers.

TRUCK DRIVERS - HEAVY HIGHWAY CONSTRUCTION:					
Group 1	6.21	.5675	.55	f	
Group 2	6.11	.5675	.55	f	
Group 3	5.96	.5675	.55	f	

DECISION NO. DE77-3042

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS
HEAVY & HIGHWAY CONSTRUCTION

Group 1 - Euclid type or similar off highway equipment (where not self loaded), specialized earth moving equipment, truck mechanics (first class), twin engine equipment & double-hitched equipment (where not self-loaded.

Group 2 - A-frames, agitators or mixers, asphalt distributors, dispatchers, low-boys, semi-trailers, tandems, batch trucks, truck mechanics (second class).

Group 3 - Dump trucks (single axle), dumpsters, escort & pilot vehicles, flat body material trucks (straight jobs), greasers, material checkers & receivers, panel trucks, pick-ups, rubber-tired (towing or pushing flat body vehicles), tiremen, truck mechanic helpers, truck helpers.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E- Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contribution of 4% of the basic hourly rate for 5 years or more of service and 2% of the basic hourly rate for 6 months to 5 years of service for Vacation Pay Credit

b. Paid Holidays: A through F

c. Paid Holidays: Washington's Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Presidential Election Day, Veterans Day or Thanksgiving Day.

d. Paid Holidays: A through F; provided the employee is actively and currently employed by the employer at the time the holiday occurs; provided the employee would otherwise be scheduled to work and would work on such day if it was not observed as a holiday; and provided the employee has worked under current working conditions the last regularly scheduled workday before, and the first regularly scheduled workday after the holiday.

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FOOTNOTES: (Cont'd)

e. Paid Holiday: Labor Day provided the employee is currently on the payroll and would be scheduled to work the holiday also employee must work the day prior to and after the holiday.

f. Paid Holidays: A through F; provided the employee worked the scheduled work day preceeding and following the holiday.

g. Paid Holidays: A through F; plus Election Day provided the employee works the scheduled work day before and after the holiday.

h. Paid Holiday: Election Day.

SUPERSEDEAS DECISION

STATE: Florida
COUNTIES: Martin & Palm Beach
DECISION NUMBER: FL77-1034
DATE: Date of Publication
Supersedes Decision No.: FL75-1033 dated March 28, 1975 in 40 FR 14219
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning & refrigeration mechanic	10.91	.45	.25 + .70		.16
Asbestos workers	11.15	.50	.65		.04
Boilermakers	9.50	.75	1.00		.02
Bricklayers, cament masons, marble setters, plasterers, stone masons, terrazzo workers, tile setters	9.77	.60	.60	.50	
Carpenters & soft floor layers	8.65	.55	.70		.04
Electricians	10.33	3.5%	1% + 6%	6%	1.5%
Cable splicers	11.36	3.5%	1% + 6%	6%	1.5%
Elevator constructors:					
Elevator constructors	10.73	.545	.35	4%+ a&b	.02
Helpers	70% JR	.545	.35	4%+ a&b	.02
Helpers (probationary)	50% JR				
Glaziers	8.40	.25	.20		
Ironworkers	10.15	.45	.38	.50	.10
Laborers:					
General	6.50	.60	.30		
Mason tenders, mortar mixers, air tool operators & pipelayers	6.60	.60	.30		
Plasterers tenders	6.78	.60	.30		
Lathers	8.88		.10		.025
Line Construction:					
Linemen	10.52	3.5%	1%		3/8 of 1%
Cable splicers	10.82	3.5%	1%		3/8 of 1%
Winch truck operators	8.38	3.5%	1%		3/8 of 1%
Groundmen	5.72	3.5%	1%		3/8 of 1%
Truck drivers	6.89	3.5%	1%		3/8 of 1%
Heavy equipment operators	10.52	3.5%	1%		3/8 of 1%
Millwrights	8.95	.70	.55		.02
Painters, brush	8.18	.38	.30		.02
Piledrivermen	8.70	.70	.55		.02
Plumbers & steamfitters	10.91	.45	.25 +.70		.16
Roofers	9.40	.40	.50		.015
Sheet metal workers	9.97	.60	.33		.02
Sprinkler fitters	10.16	.60	.90		.10
Riveters & Welders - Rate for craft.					

FL77-1034 (Cont'd)

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Backhoe	8.75	.50	.80		.05
Bulldozer	8.15	.50	.80		.05
Crane	9.00	.50	.80		.05
Mechanic	9.00	.50	.80		.05
Oiler	7.30	.50	.80		.05
Pump	7.70	.50	.80		.05
Utility operator	7.55	.50	.80		.05

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

Paid Holidays (Where applicable)
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day

SUPERSEDEAS DECISION

STATE: Florida COUNTY: Pinellas
DECISION NUMBER: 77FL-1043 DATE: Date of Publication
Supersedes Decision No.: FL76-1040 dated March 19,1976 in 41 FR-11738
DESCRIPTION OF WORK: Building Construction, (does not include single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning or refrigeration mechanic	7.45	.30	.70		.025
Asbestos workers	10.53	.50	.35		.06
Boilermakers	9.50	.75	1.00		.02
Bricklayers	9.20	.45	.50		.09 + .01
Carpenters:					
Carpenters & soft floor layers	8.765	.50	.40		.04
Millwrights	9.42	.55	.70		.08
Piledrivermen	8.80	.55	.70		.08
Cement masons	8.60	.45	.50		.09 + .01
Electricians:					
Electricians	10.20	5%	7%+1%		3/4 of 1%
Cable splicers	10.45	5%	7%+1%		3/4 of 1%
Elevator constructors	9.28	.545	.35	4%+a+b	.02
Elevator constructors' helpers	70%JR	.545	.35	4%+a+b	.02
Elevator constructors' helpers (prob.)	50%JR				
Ironworkers:					
Structural, ornamental, & reinforcing	9.85	.60	.50	.50	.05
Laborers:					
Air tool op., (jackhammer vib.)	6.65	.425	.20		
Common laborers	6.50	.425	.20		
Mason tenders & mortar mixers	6.65	.425	.20		
Pipelayers (concrete & clay)	6.65	.425	.20		
Plasterers' tenders	6.65	.425	.20		
Lathers	8.805	.30	.20		.01
Lead burners	9.25	.35		c	.01
Line construction:					
Class A	10.75		1%	d	1/10 of 1%
Class B	8.44		1%	d	1/10 of 1%
Cable splicers	11.15		1%	d	1/10 of 1%
Groundman A	6.45		1%	d	1/10 of 1%
Groundman B	4.30		1%	d	1/10 of 1%
Marble setters	9.20	.45	.50		.09 + .01
Painters:					
Brush & roller	8.65	.35	.40		.06
Swing stage & window jacks, spray and sandblasting	9.15	.35	.40		.06
Dry wall tapers	9.50	.35	.40		.06
Paperhangers	9.15	.35	.40		.06

77FL-1043 (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Plasterers	$8.76	.30	.50		.05
Plumbers & steamfitters	10.03	.50	.90		.03
Roofers:					
Roofers	8.35	.25	.20		.02
Kettlemen	5.85	.25	.20		.02
Helpers	4.00	.25	.20		.02
Sheet metal workers	9.56	.48	.44		.02 + .05
Sprinkler fitters	10.16	.60	.90		.10
Stonemasons	7.55	.30	.50		.05
Terrazzo workers	7.30	.30	.50		.05
Terrazzo workers' helpers	4.50	.20			
Terrazzo grinders	4.15	.20			
Terrazzo base grinders	4.35	.20			
Tile setters	7.30	.30	.50		.05
Tile setters' helpers	4.50	.20			

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Nine paid holidays, A through F plus Washington's Birthday, Good Friday, and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. One-half day paid holiday: National General Election Day.

77FL-1043 (cont'd)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group I	10.89	.625	.50		.05
Group II	9.905	.625	.60		.05
Group III	10.14	.625	.60		.05
Group IV	9.685	.625	.60		.05
Group V	7.875	.625	.60		.05
Group VI	8.135	.625	.60		.05
Group VII	7.645	.625	.60		.05

GROUP I:
Cat cranes, truck cranes, pile driver crane, derrick, dragline, material hoist with Chicago boom, material hoist with two drums, hydraulic lift form, diesel, electric and steam generators, motor grader, pumporete or similar machine, cherry picker, gradall, hypto and wheelabrator and mechanic, tractor backhoe, drill, rig and tack boom tractor.

GROUP II:
Trenching machine over 24", winch truck, material hoist (elevator type)

GROUP III:
Tugger hoist

GROUP IV:
Crawler bulldozer, crawler tractor and turnapull, heavy huff-type front end loader, heavy DW-10 to DW-21 type rubber tired tractor, road roller, fireman, forklift, concrete batch plant operator

GROUP V:
Well point system and pumps, material hoist, front end loader other than heavy huff-type, rubber tired tractor with attachments other than backhoe

GROUP VI:
Air compressor 125 cu. ft. or over

GROUP VII:
Concrete mixer, rubber tired tractor without attachments, trenching machine under 24", high lift, sandblasting machine, welding machine, air compressor, miscellaneous pumps

150' boom, including jib scale of top operator classification plus $.25 p.h. Tower crane operators $.25 per hour above top operator classification not including long boom pay.

SUPERSEDEAS DECISION

STATE: Florida COUNTY: See below*
DECISION NUMBER: FL77-1044 DATE: Date of Publication
Supersedeas Decision No.: FL76-1029 dated February 27, 1976 in 41 FR 8638
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories).

*Volusia County (except Cape Kennedy, Kennedy Space Flight Center, and Cape Canaveral Air Force Station), Florida

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	$10.51	.45	.55		.04
Boilermakers	9.50	.75	1.00		.02
Bricklayers	8.55	.35	.20		
Carpenters	7.05	.40	.25		.05
Cement masons	7.35				
Electricians:					
(north of a line starting on the Volusia-Lake County line west of Orange City and running east to Orange City, then southeast through Oak Hill to the Atlantic Ocean)					
Electricians	8.74	.45	1% + .48		1%
Cable splicers	8.99	.45	1% + .48		1%
Electricians:					
(Remaining portion of County):					
Electrical contracts under $20,000	7.50	.55	1%		1%
Electrical contracts over $20,000	9.80	.55	1%		1%
Elevator constructors:					
Constructors	9.315	.545	.35	4%+a&b	.02
Helpers	70%JR	.545	.35	4%+a&b	.02
Helpers (Prob.)	50%JR				
Glaziers	7.35		.10		.01
Ironworkers:	9.33	.65	.60	.65	.05
Laborers:					
Laborers	4.60	.15			
Air tool operators	4.75	.15			
Mason tenders	4.75	.15			
Mortar mixers	4.75	.15			
Pipelayers (concrete & clay)	4.75	.15			
Plasterers' tenders	4.75	.15			
Lathers	7.05	.30	.20		.05
Marble setters	7.60				
Millwrights	9.42	.55	.70		.08

FL77-1044 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters:					
Brush	$7.20		.20		
Spray	7.70		.20		
Paperhangers	7.45		.20		
Pileldrivermen	7.35	.40	.25		.05
Plasterers	7.70				.05
Plumbers, pipefitters; steamfitters:					
Commercial	9.40	.49	.51	.60	.05
Industrial	10.52	.57	.56	.60	.05
Roofers	6.75	.30	.20		
Kettlemen	5.30	.30	.20		
Roofers' helpers	4.65	.30	.20		
Sheet metal workers	9.34	.30	.30	.50	.04
Soft floor layers	7.05	.40	.25		.05
Sprinkler fitters	10.16	.60	.90		.10
Stonemasons	8.55	.35	.20		
Tile & Terrazzo workers	7.60				
Welders - Receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day
D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

FL77-1044 - (Cont'd)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	9.08	.50	.35		.05
GROUP II	7.95	.50	.35		.05
GROUP III	7.00	.50	.35		.05
GROUP IV	5.94	.50	.35		.05

GROUP I: Cranes, derricks, clam shell, draglines, piledriver (including auger & boring machine for drilling in piling), backhoes, hydra cranes, grade all, shovels, patrols, cableways, tug boat captain (150 H.P. or more), multi-bowl operator(similar to R.G. LeTourneau Model L-60-2 or 3 twenty cu. yd. scrapers), front end loaders, (over 4 cy cap.), side boom cats, multi-drum hoist (for rigging mechanic (heavy equip.) tower crane (stationary, climbing & traveling), gantry cranes, locomotive cranes, bridge cranes (over 20 ton cap.), concrete pump with boom (mobile), high lift or fork lift (second floor & higher), Locomotive engineer (jobs not covered by railroad unions).

GROUP II: Bulldozers, bridge cranes (20 tons & under), highlift or forklift (up to 2nd floor), straddle buggys, hoists (other than rigging) including winch truck not mobile & used as a hoist, front end loader (over 2 cy & up to & incl., 4 cy cap.), trenching machine, (ladder & wheel type), over 6' cut & over 24" width, concrete paver & scrapers.

GROUP III: Concrete pumps, front end loader (2 cy or less not used as hoist), mobile winch trucks, self-propelled sub-grader, asphalt paving machine, concrete mixer, tractors, air compressor plant (2 or more compressors on a common manifold) lubricating engineer (mobile plant), pavement breakers, street swseping machines

GROUP IV: Tractor operated sweeper, trenching machine (ladder & wheel type maximum cut 6' & maximum width 24"), firemen, self-propelled rollers, wellpoint pump, asphalt distributor, water truck driver, motor boat operator, oiler, mechanic helpers, pumpman (other than well point up to & incl., 5 pumps within 300 ft. radius), self-propelled sweepers, combination pump, compressor & combustion type welding machine

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SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: CHEMUNG
DECISION NO.: NY77-3001 DATE: DATE OF PUBLICATION
Supersedeas Decision No. NY76-3263 dated October 29, 1976 in 41 FR 47860
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKER	$11.30	.81	.35		.04
BOILERMAKERS	10.60	.70	1.00		.02
BRICKLAYERS, CEMENT MASONS, MARBLE SETTERS, PLASTERERS, STONE MASONS, TERRAZZO WORKERS AND TILE SETTERS	10.00		.50		
CARPENTERS, (BUILDING):					
Twps. of Chambers, Post Creek, Big Flats and Sagetown:					
Carpenters	8.97	.50	.95	g	.05
Millwrights and piledrivermen	9.22	.50	.95	g	.05
Remainder of County:					
Carpenters & soft floor layers	9.47	.35	.50		.04
Millwrights and piledrivermen	9.71	.35	.50		.04
CARPENTERS, (HEAVY & HIGHWAY):					
Twps. of Chambers, Post Creek, Big Flats and Sagetown	8.97	.40	.95	a	.025
Remainder of County	9.47	.35	.50	a	.045
CEMENT MASONS, (HEAVY & HIGHWAY)	9.70		.50		
ELECTRICIANS	11.60	.50	1%+.50	f	.05
ELEVATOR CONSTRUCTORS	9.425	.495	.32	3%+a+c	.02
ELEVATOR CONSTRUCTORS' HELPERS	6.60	.495	.32	3%+a+c	.02
ELEVATOR CONSTRUCTORS' HELPERS PROBATIONARY	4.71				
GLAZIERS	7.18	.35	.30		.01
IRONWORKERS:					
Structural, ornamental and reinforcing	9.33	.70	.82		.05
LABORERS, (BUILDING):					
Laborers	6.90	.40	.25		
Mortar mixer (hand or machine for 3 or more men), jackhammer, pavement breakers, pipelayers (over 6"), gin buggy, work on scaffold, chain saw operator, and all other types of gas, electric and air tools	7.10	.40	.25		
LATHERS	9.63		.20		.01
LEAD BURNERS	10.75	.40	.25	d	.01

DECISION NO. NY77-3001

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Lineman	11.10	.65	1%+.60	e	½%
Cable splicer	12.21	.65	1%+.60	e	½%
Groundman digging machine op.	9.99	.65	1%+.60	e	½%
Groundman mobile equipment op.	8.88	.65	1%+.60	e	½%
Groundman truck driver	8.325	.65	1%+.60	e	½%
Groundman dynamite man	8.88	.65	1%+.60	e	½%
PAINTERS:					
Brush	7.71	.35	.30		
Structural steel	8.71	.35	.30		
Swinging scaffold	7.96	.35	.30		
Boatswain chair	7.96	.35	.30		
Spray	8.56	.35	.30		
Brush-roll epoxy	8.26	.35	.30		
Spray-epoxy	8.96	.35	.30		
PLUMBERS AND STEAMFITTERS	10.05	.60	.80		.10
ROOFERS	9.39	.44	1.00		
SHEET METAL WORKERS	9.60	3%+.60	.70		.02
SPRINKLER FITTERS	11.61	.60	.90		.08

DECISION NO. NY77-3001

HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day

FOOTNOTES:
a. Holidays: Independence Day and Labor Day.

b. Holidays: A through F.

c. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

d. Holidays A through F; Washinton's Birthday, Good Friday, X-Mas Eve, providing employee has worked 30 full days during the 90 calender days prior to the holidays, and the regular schedule work day immediately preceeding and following the holidays.

e. Holidays: A through F; Good Friday, Washington's Birthday, Election Day for President of the United States and Election of Governor of New York State providing the employee works the day before and after the holiday.

f. Employee shall work 4 hours and receive 8 hours pay on Christmas Eve.

g. Two hours paid time off on Election Day.

DECISION NO. NY77-3001

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS, (HEAVY AND HIGHWAY CONSTRUCTION):					
GROUP I	$ 7.89	.50	.45	a	
GROUP II	8.09	.50	.45	a	
GROUP III	8.29	.50	.45	a	
GROUP IV	8.49	.50	.45	a	

LABORERS DEFINITIONS

GROUP I
Laborers and driller helpers

GROUP II
Concrete aggregate-bin, mortar mixer, hand or machine vibrator gin, buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker and all other gas, electric oil and airtool operators, bull float tamper and pipelayers

GROUP III
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator

GROUP IV
Blasters, form setters, stone or granite curb setters

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing the employee works the day before and after the holiday.

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DECISION NO. NY77-3001

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS, (BUILDING CONSTRUCTION):					
GROUP I:					
A	$10.85	.50	.50+.30	a	.10
B	10.90	.50	.50+.30	a	.10
C	11.15	.50	.50+.30	a	.10
D	11.40	.50	.50+.30	a	.10
E	11.90	.50	.50+.30	a	.10
F	12.40	.50	.50+.30	a	.10
G	12.90	.50	.50+.30	a	.10
H	13.40	.50	.50+.30	a	.10
GROUP II	10.85	.50	.50+.30	a	.10
GROUP III	10.67	.50	.50+.30	a	.10
GROUP IV	9.58	.50	.50+.30	a	.10
GROUP V	8.58	.50	.50+.30	a	.10

POWER EQUIPMENT OPERATORS: BUILDING CONSTRUCTION

GROUP I
Cranes (cable and hydraulic, climbing and tower)
A 121 ft. and under
B 121 ft. and 151 ft.
C 151 ft. and 201 ft.
D 201 ft. and 251 ft.
E 251 ft. and 301 ft.
F 301 ft. and 351 ft.
G 351 ft. and 401 ft.
H 401 ft. and 451 ft.

GROUP II
Air tugger, derrick, dredge, big generator plant, cableway, backhoe, clamshell, dragline, shovel and similar machines over 3/8 cubic yards capacity (factory rating), bridge crane (all types), caisson auger and similar type machine, fork-lift (with factory rating of 15 ft. or more of lift), hoist (on steel erection), mucking machines, ross carrier (and similar types), three drum hoist (when all three drums are in use)

GROUP III
A frame truck, backfilling machine, hoist (1 or 2 drums), barber green and similar typer machine, maintenance engineer (mechanic), mechanical slurry machines (all kinds), belt crete and similar type machines, bituminous spreading machine, post hole digger, bulldozer, carry all type scraper, core drill, pumps, (regardless of motive power) no more than (4) in number not to exceed 20

DECISION NO. NY77-3001

POWER EQUIPMENT OPERATORS: BUILDING CONSTRUCTION (CONT'D)

GROUP III (CONT'D)
inches in total capacity), fine grade and finish rollers, side boom tractor, stone crusher, compressors: 4 not to exceed 2000 cfm combined capacity 3 or less with more than 12000 CFM, but not to exceed 2000 CFM, concrete mixer, concrete placer, concrete pumps, tournadozer and similar types, crane-hoe-shovel 3/8 yd. capacity or less (factory rating), tournapull and similar types, dinky locomotive (all types), tower-mobile and similar types, elevating grader, elevator trenching machines, fine grade machines (all kinds), welder, front end loader, forklift, with factory rating of less than 15 feet of lift, well drill, well point system, high pressure boiler, Exception: single electric pumps up to and including 4 inches not be manned

GROUP IV
Any combination (not to exceed 3 pieces of equipment), welding, machine or mechanical heater, roller (fill & grade), pumps (regardless of motive power) no more than (3) in number, not to exceed twelve inches total capacity, rubber tired tractor, compressor 3 or less, not to exceed 1200 CFM combined capacity, longitudinal float, Exception: single gasoline driven welding machines up to 300 amps need not be manned

GROUP V
Truck crane oilers

FOOTNOTES:
a. Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day regardless of the day of the week in which the holiday may fall.

DECISION NO. NY77-3001

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS, (HEAVY & HIGHWAY CONSTRUCTION):					
GROUP I	$ 9.59	.55	1.00	a	.10
GROUP II	9.27	.55	1.00	a	.10
GROUP III	8.59	.55	1.00	a	.10
GROUP IV	7.80	.55	1.00	a	.10

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

GROUP I
Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over) crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, emoevator (all purpose-hydraulically operated, (gradall or similar), fork lift (factor rated 15 ft. and over), front end loader 4 c.y. and over), head tower (mesermen or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is needed be shall be an oiler), tractor drawn belt type loader, truck crane, tunnel shovel

GROUP III
Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, black-top plant (non-automated), blast or rotary dill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or lass) exceeding 2000 C.F.M. combined capacity concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lobs. and over), hoist (one drum) Kolman plant loader and similar type loaders (if another man is required to clean screen or to maintain the equipment, he shall be an oiler), locomotive maintenance/engineer/greaseman/welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat

DECISION NO. NY77-3001

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION CONT'D

GROUP III
A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type of combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, hammers (hydraulic-self-propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point

GROUP IV
Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity), compressor (any size, but subject to other provisions for compressors) dust collectors, generator pumps, welding machines (3 or less of any type or combination), concrete paver or mixer (10S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler pumpcrete (concrete or pavement grinder), power broom (towed), power heatercrete, revolving widener, shell winder, steam cleaner, tractor

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F; providing the employee works the working day before and after the holiday.

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DECISION NO. NY77-3001	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS, HEAVY AND HIGHWAY CONSTRUCTION:					
CLASS 1	7.69	.65	.60	a	
CLASS 2	7.74	.65	.60	a	
CLASS 3	7.79	.65	.60	a	
CLASS 4	7.94	.65	.60	a	
CLASS 5	8.09	.65	.60	a	

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION

CLASS 1
Warehouseman, yardmen, truck helpers, pickups, panel trucks, flatboy material trucks (straight jobs), single axel dump trucks, dumpsters, material checkers and receivers, greasers, truck tiremen, mechanic helpers and parts chaser

CLASS 2
Tandems, batch trucks, mechanics and dispatcher

CLASS 3
Semi-trailers, low-boy trucks, asphalt distributor trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic

CLASS 4
Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (ross) carrier

CLASS 5
Off-highway tandem back-dump, twin engine equipment and double-hitched equipment where not self loaded

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F, provided the employee has worked the working day before and after the holiday.

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: STEUBEN
DECISION NO.: NY77-3007 DATE: DATE OF PUBLICATION
Supersedeas Decision No. NY76-3268 dated October 29, 1976 in 41 FR 47890
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.17	1.10	.50		.04
BOILERMAKERS	10.60	.70	1.00		.02
BRICKLAYERS, CEMENT MASONS, MARBLE SETTERS, PLASTERERS, STONE MASONS, TILE SETTERS, TERRAZZO WORKERS	10.00		.50		
CARPENTERS, (BUILDING): Village of Hammondsport, Village of Pulteney, Pleasant Valley to Rheims, Village of Prattsburg, Tyrone to Watkins Glen:					
Carpenters	9.11	.50	1.55		.005
Millwrights and piledrivermen	9.21	.50	1.55		.005
Heavy and Highway:					
Carpenters and piledrivermen	8.27	.50	1.55		.025
CARPENTERS, (BUILDING): Twps. of Troupsburg, Hartsville, Fremont, Mayland, Jasper, Hornell, City of Hornell, Avoca, Cohocton, Canisteo, Dansville, Howard, Greenwood, West Union:					
Carpenters and soft floor layers	8.87	.50	.95	i	.05
Millwrights and piledrivermen	9.22	.50	.95	i	.05
Heavy and Highway:					
Carpenters	8.92	.50	.95	g	.025
CARPENTERS, (BUILDING):					
Remainder of County:					
Carpenters and soft floor layers	8.81	.40	.95		.02
Millwrights and piledrivermen	9.06	.40	.95		.02
Heavy and Highway:					
Carpenters and piledrivermen	9.02	.40	.90	g	.025
CEMENT MASONS, (HEAVY AND HIGHWAY)	9.70		.50		
ELECTRICIANS	11.60	.50	1%+.50	d	.05
GLAZIERS	7.18	.35	.30		.01

DECISION NO. NY77-3007	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS, STRUCTURAL, REINFORCING AND ORNAMENTAL:					
Twps. of Wayland, Ghoeton, Atlantic, South Dansville	10.29	.74	.82		.10
Remainder of County	9.33	.70	.82		.05
LABORERS, (BUILDING):					
Laborers	6.90	.40	.25		
Mortar mixer (hand or machine), Jackhammer op., pavement breaker, pipelayers (over 6"), gin buggy, scaffold work, chain saw op., and all other gas, air or electric tools	7.10	.40	.25		
LATHERS	9.63		.20		.01
LEAD BURNERS	10.75	.40	.25	b	.01
LINE CONSTRUCTION:					
Linemen	11.10	.65	1%+.60	c	½%
Cable splicer	12.21	.65	1%+.60	c	½%
Groundman digging machine op.	9.99	.65	1%+.60	c	½%
Groundman mobile equipment op.	8.88	.65	1%+.60	c	½%
Groundman truck drivers	8.325	.65	1%+.60	c	½%
Groundman dynamiteman, mechanic	8.88	.65	1%+.60	c	½%
PAINTERS:					
Twps. of Cameron, Bath, Thurston, Bradford, Campbell, Erwin, Lindley, Hornby, Corning City, Caton, Addison, Rathbone:					
Brush	7.71	.35	.30		
Swinging scaffold	8.56	.35	.30		
Spray	8.21	.35	.30		
Structural steel	8.71	.35	.30		
Spray epoxy	8.96	.35	.30		
Reminder of County:					
Brush	10.255	.975	.30		.10
Swing stage, sandblasting, spray, scaffold work and bosun chair	10.505	.975	.30		.10
Steel, tanks, towers, stacks, flag poles, towers (radio-t.v.)	10.755	.975	.30		.10
Bridges 35' high or in depth of 35' from road level	11.92	.975	.30		.10

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DECISION NO. NY77-3007

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS AND STEAMFITTERS:					
Twps. of Avoca, Canisto, Cohocton, Dansville, Fremont, West Union, Greenwood, Hartsville, Hornellville, Howard, Wheeler, Jasper, Prattsburg, Pulteney, Troupsburg, Wayland, Woodhull, Cameron, Rathbone and Tuscarora	10.49	2.265	.62	.55+h	.16
Remainder of County	10.00	.60	.85		.10
ROOFERS	9.39	.44	1.00		
SHEET METAL WORKERS	9.60	.60	3%+.70		.02
SPRINKLER FITTERS	11.61	.60	.90		.08
TRUCK DRIVERS, (BUILDING):					
Twps. of Wayland	9.20	.45	.50		
Twps. of Addison, Corning, Bath, Hammondsport, Caton, Lindley, Tuscarora, Woodhull, Erwin, Rathbone, Cameron, Thurston, Campbell, Urbana, Hornley, Bradford and Wayne	5.40	e		f	
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. NY77-3007

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F providing the employee works the day before and after the holiday.

b. Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve providing the employee has worked 30 full days during the 90 calendar day year prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

c. Holidays: A through F, Washington's Birthday; Election Day for the President of the U. S. and Governor of New York State (provided the employee works the day before and after the holiday).

d. Employer shall work 4 hours and receive 8 hours pay on Christmas Eve.

e. Employer contributes $2.40 per day to a combined Health, Welfare and Pension fund.

f. Holidays A through F.

g. Holidays: Labor and Memorial Day.

h. Holidays: C, D, E & F

i. Two hours off with pay for Election Day.

DECISION NO. NY77-3007

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS, (HEAVY AND HIGHWAY CONSTRUCTION):					
GROUP I	$ 7.89	.50	.45	a	
GROUP II	8.09	.50	.45	a	
GROUP III	8.29	.50	.45	a	
GROUP IV	8.49	.50	.45	a	

LABORERS DEFINITIONS

GROUP I
Laborers and driller helpers

GROUP II
Concrete aggregate-bin, mortar mixer, hand or machine vibrator gin, buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker and all other gas, electric oil and airtool operators, bull float tamper and pipelayers

GROUP III
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator

GROUP IV
Blasters, form setters, stone or granite curb setters

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing the employee works the day before and after the holiday.

DECISION NO. NY77-3007

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP I					
A	9.57	.40	.70	a	.10
B	9.85	.40	.70	a	.10
C	10.12	.40	.70	a	.10
D	10.40	.40	.70	a	.10
E	10.95	.40	.70	a	.10
F	11.51	.40	.70	a	.10
G	12.05	.40	.70	a	.10
H	12.61	.40	.70	a	.10
GROUP II	9.57	.40	.70	a	.10
GROUP III	9.38	.40	.70	a	.10
GROUP IV	8.245	.40	.70	a	.10

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS

GROUP I
Cranes
A. 121 ft. & under
B. Between 121 - 151 ft.
C. Between 151 - 201 ft.
D. Between 201 - 251 ft.
E. Between 251 - 301 ft.
F. Between 301 - 351 ft.
G. Between 351 - 401 ft.
H. Between 401 - 451 ft.

GROUP II
Air tugger, backhoe, clamshell, dragline, shovel and similar machines over three eighths (3/8) cu. yd. capacity (factory rating), big generator plant, bridge crane (all types), cableway, caisson auger & similar type machine, climbing and/or tower crane (all kinds and all types), derrick, dredge, forklift (with factor rating of fifteen (15) ft. or more of lift) hoist (on steel erection), mucking machine, Ross Carrier (and similar types), three drum hoist (when all drums are in use)

DECISION NO.: NY77-3007

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS (CONT'D)

GROUP III
"A" Frame truck, back filling machine, Barber Green and similar type loader, belt crete and similar type machine, bituminous spreading machine, bulldozer, carry-all type scraper, compressors; four (4) not to exceed 2000 c.f.m. combined capacity, three (3) or less with more than 1200 c.f.m., but not to exceed 200 c.f.m., concrete mixer, concrete pump, core drill, crane-hoe-shovel (3/8 yd. capacity or less), (factory rating), dinky locomotive (all types), elevating type grader, elevator, fine grade machine (all kinds), front end loader, fork-lift (with factory rating of less than (15) fifteen ft. of lift), high pressure boiler (over 15 pounds pressure), hoist (1 or drums), motor grader, maintenance engineer post hole digger, sheepsfoot roller, side boom, stone crusher, submersible electric pump, when used in lieu of well point system, tandem roller, Tournedozer and similar types, tournapull, tower mobile aNd similar kinds trenching machine, vibratory type roller and similar equipment of all kinds, welder, well drill, well point system

GROUP IV
Any combination (not to exceed three (3) pieces of equipment) pumps, welding machines or mechanical conveyors, (over 12 ft. in length), belt crete generator, compressors - 3 or less not to exceed 1200 c.f.m. combined capacity, fireman, longitudinal float, mechanical heater, roller (fill and grade), rubber tired tractor, oilers

PAID HOILIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day.

FOOTNOTE:
a. Holidays A through F; providing employee works the working day immediately preceding the holiday, or on the scheduled work day immediately following the holiday.

DECISION NO. NY77-3007

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS, (HEAVY & HIGHWAY CONSTRUCTION):					
GROUP I	9.69	.85	.60	a	.10
GROUP II	9.37	.85	.60	a	.10
GROUP III	8.69	.85	.60	a	.10
GROUP IV	7.90	.85	.60	a	.10

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

GROUP I
Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over) crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated, (gradall or similar), fork lift (factor rated 15 ft. and over), front end loader 4 c.y. and over), head tower (mauerman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is needed he shall be an oiler), tractor drawn belt type loader, truck crane, tunnel shovel

GROUP III
Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary dill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lobs. and over), hoist (one drum) Kolman plant loader and similar type loaders (if another man is required to clean screen or to maintain the equipment, he shall be an oiler), locomotive maintenance/engineer/greaseman/welder, mixer (for stablized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat

DECISION NO. NY77-3007

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION CONT'D

GROUP III
A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type of combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, hammers (hydraulic-self-propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point

GROUP IV
Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity), compressor (any size, but subject to other provisions for compressors) dust collectors, generator pumps, welding machines (3 or less of any type or combination), concrete paver or mixer (16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler parapet- (concrete or pavement grinder), power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Lanor Day; E-Thanksgiving Day aND F-CHristmas Day.

FOOTNOTE:
a. Holidays: A through F; providing the employee works the working day before and after the holiday.

DECISION NO. NY77-3007

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS Remainder of County:					
GROUP I	7.48	.45	.40	a	
GROUP II	7.53	.45	.40	a	
GROUP III	7.58	.45	.40	a	
GROUP IV	7.73	.45	.40	a	
GROUP V	7.92	.45	.40	a	

TRUCK DRIVERS: BUILDING CONSTRUCTION

GROUP I
Warehouse, yardmen, truck helper, pickups, panel trucks, flatboy, material trucks (straight jobs), single axel, dump trucks, dumpster, material checkers and receivers, greasers, truck tiremen, mechanic helpers, parts chaser

GROUP II
Tandems and bath trucks, mechanics, dispatcher

GROUP III
Semi-trailers, lowboy trucks, asphalt distributor trucks and agitator, mixer trucks, dumpcrete type vehicle truck mechanic

GROUP IV
Specialized earth moving equipment-euclid type or similar off-highway equipment, where not self loaded, and strattle (ross) carrier

GROUP V
Off-highway tandem back-dump, twin engine equipment and double hitched equipment where not self-loaded

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day.

FOOTNOTES:
a. Employee who have worked 150 days or more in the first contract year receive 2 weeks with pay at classification at which they worked the greatest number of days, second year of employment the employee is required to work 100 days in the contract year to receive 2 weeks vacation.

DECISION NO. NY77-3007

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS, HEAVY AND HIGHWAY CONSTRUCTION					
CLASS 1	7.69	.65	.60	a	
CLASS 2	7.74	.65	.60	a	
CLASS 3	7.79	.65	.60	a	
CLASS 4	7.84	.65	.60	a	
CLASS 5	8.09	.65	.60	a	

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION

CLASS 1
Warehouseman, yardmen, truck helpers, pickups, panel trucks, flatboy material trucks (straight jobs), single axel dump trucks, dumpsters, material checkers and receivers, greasers, truck tiremen, mechanic helpers and parts chaser

CLASS 2
Tandems, batch trucks, mechanics and dispatcher

CLASS 3
Semi-trailers, low-boy trucks, asphalt distributor trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic

CLASS 4
Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (roas) carrier

CLASS 5
Off-highway tandem back-dump, twin engine equipment and double-hitched equipment where not self loaded

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F, Provided the employee has worked the working day before and after the holiday.

SUPERSEDEAS DECISION

STATE: Oklahoma
COUNTY: Statewide (except heavy construction within the city of Muskogee)
DECISION NO. OK77-4073
DATE: Date of Publication
SUPERSEDEAS DECISION NO. OK76-4073 dated April 16, 1976 in 41 FR 16422
DESCRIPTION OF WORK: Construction, alteration, and/or repair of streets, highways, erosion control structures, well drilling, and water and sewer utilities, (but does not include airports, runways and taxiways; bridges over navigable waters; rest areas which include building structures; and railroad construction)

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air tool man	2.75	2.50	2.50	3.00	2.50
Asphalt heaterman	3.00	3.25	3.25	3.50	3.25
Asphalt raker	2.75	2.50	2.50	3.40	3.75
Asphalt shoveler	2.75	2.50	2.50	2.50	2.50
Carpenter	4.00	4.25	4.00	4.50	3.50
Carpenter helper	2.75	3.25	3.50	2.75	2.75
Concrete finisher	4.50	3.50	3.50	4.00	3.50
Concrete finisher helper	2.75	3.25	2.75	3.00	3.00
Concrete rubber	3.75	3.50	3.50	3.50	3.50
Electrician	6.80	6.80	6.80	7.10	7.10
Electrician helper	5.00	5.00	5.00	5.00	5.00
Fireman	3.25	3.25	3.25	3.00	3.25
Form builder	3.75	3.50	3.50	3.50	3.50
Form builder helper	2.75	2.75	2.75	2.75	2.75
Form setter	4.00	3.50	4.50	4.00	3.50
Form setter helper	2.75	2.75	3.75	3.00	2.75
Laborer, common	2.75	2.85	2.75	3.00	2.75
Manhole builder	3.75	3.50	3.50	3.95	3.50
Mechanic	4.50	4.25	4.25	4.15	4.00
Mechanic helper	2.75	3.54	2.75	3.40	3.25
Oiler	4.00	3.30	3.50	3.725	3.25
Painter	3.00	3.00	3.00	3.25	3.25
Painter helper	2.75	2.75	2.75	2.75	2.75
Piledriverman	3.25	3.50	3.50	3.80	3.50
Powderman	3.00	2.75	3.25	3.00	3.00
Powderman helper	2.75	2.50	2.75	2.75	2.75
Reinforcing steel setter(paving)	3.00	3.00	3.25	3.25	3.50
Reinforcing steel setter (structures)	3.00	3.00	3.25	3.25	3.50
Reinforcing steel setter helper	2.75	2.75	2.75	2.75	3.00
Structural steel worker	3.75	3.50	3.50	4.00	3.50
Structural steel worker helper	3.00	3.00	3.00	3.00	3.00
Spreader box man	3.00	3.00	3.00	3.00	3.00
Vibrator(hand type)	2.75	2.50	2.50	3.00	2.50
Weighman (truckscales)	2.75	2.50	2.50	2.60	2.75
Welder	4.25	3.85	4.25	3.90	3.25
Welder helper	2.75	2.75	2.75	3.00	2.75
Pipelayers	2.75	2.30	2.50	2.75	2.75

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	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air tool man	2.50	2.50	3.00	3.00	3.00
Asphalt heaterman	2.35	3.25	3.50	3.50	3.50
Asphalt raker	2.50	2.75	3.40	3.40	3.15
Asphalt shoveler	2.50	2.75	2.50	2.50	2.875
Carpenter	3.50	4.00	4.25	4.50	4.00
Carpenter helper	2.75	2.75	3.75	3.85	3.00
Concrete finisher	3.50	3.50	4.00	3.93	4.44
Concrete finisher helper	2.75	2.75	3.00	3.37	3.70
Concrete rubber	3.50	3.50	3.50	3.50	3.75
Electricians	6.80	6.80	7.10	7.10	7.10
Electricians helper	5.00	5.00	5.00	5.00	5.00
Fireman	3.00	3.00	3.00	3.00	3.50
Form Builder	3.50	3.50	3.75	4.00	4.25
Form Builder helper	2.75	2.75	2.75	3.00	3.75
Form Setter	3.50	3.50	4.00	4.00	4.31
Form setter helper	2.75	2.75	3.00	3.00	3.50
Laborer, common	2.75	2.50	3.00	3.00	3.10
Manhole builder	3.50	3.50	3.95	3.95	4.25
Mechanic	3.75	4.50	4.10	4.10	3.75
Mechanic helper	3.00	3.00	3.40	3.40	3.25
Oiler	4.25	3.25	3.80	3.80	3.75
Painter	3.25	3.25	3.50	3.50	3.50
Painter helper	2.75	2.75	3.00	3.00	3.00
Piledrivermen	3.50	3.75	3.75	3.75	3.75
Powderman	3.00	3.00	3.00	3.00	3.25
Powderman helper	2.75	2.75	2.75	2.75	2.75
Reinforcing steel setter (paving)	3.50	3.50	3.50	3.50	3.25
Reinforcing steel setter (structures)	3.50	3.50	3.50	4.75	3.75
Reinforcing steel setter helper	2.75	2.75	2.75	2.75	2.75
Structural steel worker	3.50	3.50	3.50	3.50	3.50
Structural steel worker helper	2.75	2.75	2.75	2.75	2.75
Spreader box man	3.00	3.00	3.00	3.00	3.00
Vibrator (hand type)	2.50	2.50	2.75	3.00	3.00
Weighman (truckscales)	2.50	2.50	2.60	2.60	3.20
Welder	3.50	3.50	3.90	3.90	3.50
Welder helper	2.75	2.75	2.75	2.75	2.75
Pipelayers	2.75	2.75	2.75	2.75	2.75

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	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
TRUCK DRIVERS:					
Over 2 tons	2.75	2.60	2.60	3.00	3.00
2 tons and under	2.75	2.50	2.50	2.60	2.50
Tandem Axle & semitrailer	3.60	3.00	2.75	3.25	3.25
Lowboy	3.00	3.00	2.75	3.25	3.00
Transit mix	3.00	3.00	2.75	3.25	3.00
Winch	3.00	3.00	2.75	3.00	3.00
POWER EQUIPMENT OPERATORS:					
Asphalt distributor	3.50	3.25	3.00	3.50	3.00
Asphalt paving Machine	3.50	3.70	3.75	4.00	3.625
Bulldozer	4.50	4.25	4.25	4.00	4.00
Cement unloading & machine op.	3.75	3.50	3.50	3.50	3.50
Concrete paving machine	3.75	3.50	3.25	4.00	3.50
Concrete finishing machine	3.75	3.50	3.25	3.50	3.50
Concrete saw operator	4.00	3.50	3.25	3.50	3.00
Concrete batching plant	3.00	3.00	3.00	3.50	3.25
Crane, clamshell, backhoe, derrick, dragline & shovel	4.50	4.25	3.75	4.525	2.75
Crusher & screening plant op.	3.25	3.25	3.25	3.25	3.25
Front end loader (1 cy & less)	3.25	3.25	3.50	3.90	3.25
Front end loader (over 1 cy)	3.50	3.75	3.78	3.90	4.00
Hoist	3.25	3.25	3.25	3.25	3.25
Mixer (over 16 C. F.)	3.00	3.00	3.25	3.25	3.25
Mixer (16 C.F. and less)	3.00	3.00	3.25	3.25	3.25
Mixer (Conc. Paving)	3.00	3.00	3.25	3.25	3.25
Motor grader operator	4.50	4.25	4.25	4.025	3.95
Pug mill operator	3.25	3.00	3.75	3.25	4.00
Pump crete	3.00	3.00	3.00	3.00	3.00
Roller (steel wheel)	4.25	3.50	3.68	3.50	3.25
Roller (pneumatic)	3.50	3.00	3.65	3.25	3.00
Scrapers	4.50	4.25	4.25	3.75	3.75
Tractors:					
Crawler, 80 HP & Less	3.25	3.00	3.625	3.00	3.00
Crawler, over 80 HP	3.75	3.50	3.25	3.25	3.25
Pneumatic, 80 HP & less	3.00	3.00	2.75	3.00	2.75
Pneumatic, over 80 HP	3.75	3.50	3.25	3.25	3.25
Traveling plant(stabilization	3.50	3.50	3.50	3.50	3.50
Trenching machine	3.50	3.25	3.75	3.50	3.25
Wagon drill	3.50	3.00	3.00	3.00	3.00

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
TRUCK DRIVERS:					
Over 2 tons	$ 2.50	2.75	3.75	3.35	3.69
2 tons and under	2.50	2.75	3.75	3.35	3.60
Tandem axle & semitrailer	3.30	3.00	3.70	3.70	3.60
Lowboy	3.30	3.00	3.60	3.60	3.30
Transit mix	3.30	3.00	3.60	3.70	3.30
Winch	3.00	3.00	3.60	3.60	3.70
POWER EQUIPMENT OPERATORS:					
Asphalt distributor	3.35	3.50	3.60	3.60	3.75
Asphalt paving machine	3.35	3.50	4.00	4.00	4.60
Bulldozer	4.75	4.50	4.00	4.00	4.70
Cement unloading & machine op.	3.50	3.25	3.25	3.25	3.25
Concrete paving machine	3.50	3.375	3.50	4.55	5.20
Concrete finishing machine	3.50	3.25	3.50	3.50	4.70
Concrete saw operator	3.00	3.00	3.50	3.50	3.80
Concrete batching plant	3.00	3.00	3.25	4.25	4.725
Crane, clamshell, backhoe, dragline, derrick and snovel	3.75	3.75	4.15	4.75	4.75
Crusher & screening plant op.	3.25	3.25	3.25	3.25	3.25
Front end loader (1 cy & less)	3.25	3.25	3.90	3.90	4.00
Front end loader (over 1 cy)	3.25	3.25	3.90	3.90	4.49
Hoist	3.25	3.25	3.60	3.60	3.75
Mixer (over 16 C. F.)	3.25	3.25	3.60	3.60	3.25
Mixer 16 C. F. and Less)	3.25	3.25	3.60	3.60	3.25
Mixer (concrete paving)	3.25	3.25	3.60	3.60	3.25
Motor grader operator	3.75	4.10	4.10	4.00	4.34
Pug mill operator	3.00	3.00	3.25	3.45	4.10
Pump crete	3.00	3.00	3.00	3.00	3.25
Roller (steel wheel)	3.00	3.50	3.75	3.75	4.10
Roller (pneumatic)	3.00	3.25	3.25	3.25	4.10
Scrapers	4.75	3.75	4.00	3.60	4.25
TRACTORS:					
Crawler, 80 HP & less	2.75	3.25	3.00	3.60	2.75
Crawler, over 80 HP	3.25	3.25	3.60	3.60	3.70
Pneumatic, 80 HP and less	2.75	2.75	3.00	3.60	2.75
Pneumatic, over 80 HP	3.25	3.25	3.60	3.60	3.25
Traveling plant stabilization	3.50	3.25	3.60	3.60	3.50
Trenching machine	3.25	3.25	3.50	3.50	3.50
Wagon drill	3.00	3.00	3.00	3.00	3.00

AREAS COVERED BY VARIOUS ZONES

Construction, alteration, and/or repair of streets, runways, erosion control structures, and water and sewer utilities.

ZONE 1 - Adair, Cherokee, Haskell, McIntosh, Muskogee, Okmulgee, Sequoyah and Wagoner Counties.

ZONE 2 - Atoka, Bryan, Choctaw, Latimer, Leflore, Marshall, McCurtain, Pittsburg and Pushmataha Counties.

ZONE 3 - Cleveland, Coal, Garvin, Hughes, Johnston, Murray, McClain, Okfuskee, Pontotoc, Pottawatomie, and Seminole Counties.

ZONE 4 - Canadian, Creek, Garfield, Grant, Kay, Kingfisher, Lincoln, Logan, Noble and Payne Counties.

ZONE 5 - Beckham, Blaine, Custer, Dewey, Greer, Harmon, Jackson, Kiowa, Roger Mills, Tillman and Washita Counties.

ZONE 6 - Alfalfa, Beaver, Cimarron, Ellis, Harper, Major, Woods, Woodward and Texas Counties.

ZONE 7 - Caddo, Carter, Comanche, Cotton, Grady, Jefferson, Love and Stephen Counties.

ZONE 8 - Craig, Delaware, Mayes, Nowata, Osage, Ottawa, Pawnee, Rogers, and Washington Counties.

ZONE 9 - Tulsa County

Zone 10 - Oklahoma County

WELL DRILLING

	ZONE-A	ZONE-B			
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Well Drillers	$4.00	$3.00			
Well driller helpers	3.00	2.50			

AREA COVERED BY VARIOUS ZONES

Well Drilling

Zone-A - Adair, Atoka, Beckham, Blaine, Caddo, Canadian, Cherokee, Choctaw, Craig, Custer, Delaware, Dewey, Haskell, Kingfisher, Latimer, Leflore, McCurtain, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Ottawa, Pushmataha, Roger Mills, Rogers, Sequoyah, Tulsa, Wagoner, Washington and Washita Counties.

Zone-B - Alfalfa, Beaver, Bryan, Carter, Cimarron, Cleveland, Coal, Comanche, Cotton, Creek, Ellis, Garfield, Garvin, Grady, Grant, Greer, Harmon, Harper, Hughes, Jackson, Jefferson, Johnston, Kay, Kiowa, Lincoln, Logan, Love, McClain, Major, Marshall, Murray, Noble, Okfuskee, Oklahoma, Osage, Pawnee, Payne, Pittsburg, Pontotoc, Pottawatomie, Seminole, Stephens, Texas, Tillman, Woods and Woodward Counties.

SUPERSEDEAS DECISION

STATE: Tennessee COUNTIES: Knox and Monroe
DECISION NUMBER: TN77-1037 DATE: Date of Publication
Supersedes Decision No.: TN77-1016 dated March 11, 1977 in 42-FR-13793
DESCRIPTION OF WORK: Building Construction. (does not include residential construction consisting of single family homes and garden type apartments up to and including 4 stories).

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	8.73	.45	.20		.01
Boilermakers	9.50	.90	1.00		.02
Bricklayers & stonemasons	9.45				
Carpenters	7.92		.40		.02
Cement masons	7.37				
Electricians and Line Construction:					
Electricians & linemen	8.65	.40	1%+.20		.5%
Cable splicers	9.05	.40	1%+.20		.5%
Elevator constructors	8.625	.545	.35	4%+a&b	.02
Elevator constructors' helpers	70%JR	.545	.35	4%+a&b	.02
Elevator constructors' helpers (prob.)	50%JR				
Glaziers	5.75		.25		.005
Ironworkers:					
Structural & ornamental	8.01	.50	.30		.02
Reinforcing	7.87	.50	.30		.02
Fence erector	8.01	.50	.30		.02
Lathers	8.19		.20		.01
Leadburners	10.50	.40		c	.01
Marble masons	9.45				
Millwrights	8.52		.40		
Painters:					
Commercial	7.70		.35		.03
Industrial	8.05		.35		.03
Piledrivermen	8.17		.40		.02
Plasterers	8.40				
Plumbers & Steamfitters	8.50	.40	.70	.30+d	.05
Roofers, composition	7.18		.25		
Roofers, slate & tile	7.18		.25		
Sheet metal workers	8.91	.35	.50		.02
Soft floor layers	7.97		.35		
Sprinkler fitters	10.10	.60	.90		.08
Terrazzo workers & tile setters	9.45				
Truck drivers:					
3 tons, & inc., 6 yd., dump truck	5.10	.25	e		
3 to 5 tons, & inc.6 yds., dump truck	5.34	.25	e		
5 tons, & over inc. dump truck over 6 yds, ready mix conc, truck, tank trucks, floats, & lowboys, winch truck & semi-					

TN77-1037 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Truck drivers - (Cont'd): trailer, any type trucks pulling or towing equip.	5.45	.25	e		
Welders - receive rate for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. 9 Paid Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holidays, and the regular scheduled work days immediately preceding and following the holidays.

d. $.05 holiday pay.

e. $14.00 per week for each employee.

TN77-1037 - (Cont'd)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
GROUP A	5.14	.15	.15		.01
GROUP B	5.29	.15	.15		.01
GROUP C	5.29	.15	.15		.01
GROUP D	5.32	.15	.15		.01
GROUP E	5.44	.15	.15		.01
GROUP F	5.94	.15	.15		.01
GROUP G	5.64	.15	.15		.01
Tunnel Construction:					
GROUP H	5.14	.15	.15		.01
GROUP I	5.54	.15	.15		.01
GROUP J	5.69	.15	.15		.01
GROUP K	5.84	.15	.15		.01
GROUP L	5.94	.15	.15		.01

GROUP A: Construction Laborer

GROUP B: Mortar mixers, plasterer tender

GROUP C: Hod carriers, power buggies, yarner, potman, grademan, snake man, form setter & strippers, pipelayers, asphalt raker, jackhammer op., air tool op., vibrator op., chain saw op., barco tamp op., all power driven tool op.

GROUP D: Acetlysne burner

GROUP E: Wagon drill operator

GROUP F: Caisson hole man

GROUP G: Powderman

GROUP H: Outside laborer

GROUP I: Tunnel laborer

GROUP J: Chuck tender

GROUP K: Concrete gun op., nozzleman

GROUP L: Tunnel miner

TN77-1037 - (Cont'd)

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	7.79	.30	.20		.02
GROUP B	7.24	.30	.20		.02
GROUP C	6.06	.30	.20		.02
GROUP D	5.57	.30	.20		.02

GROUP A: Backhoes; cable ways; ross carrier; clamshells; cranes; derricks; draglines; tournapulls; pans; scrapers; scoops, etc.; head tower machines; locomotives (over 20 tons); shovels; mechanics & welders; winch trucks with A-frame; skimmer scoops; locomotive cranes; over-head cranes; pile drivers; skid rigs; side boom tractors; euclid loaders; hoist (any size handling steel or stone); derrick boats; dredge boats; engines used in connection with hoist material with an attached device on tower or engine; mucking machines; hi-lifts or end loaders; finish graders; cherry-pickers; tower cranes; skylift & gradall; dozers; earth augers and pole machine operators; core drill & foundation drills

GROUP B: Tractors, farm type tractors with attachments; central compressor plants; elevators, used for hoisting building material, central mixing plants; hoist; pump crete machines; concrete pumps; trenching machines; backfillers (other than cranes); crushing plant operators; elevating graders; paving machines (black top); fork-lift; paving machines, concrete; boat operator or engineer (30 tons or over); tracmobile; maintainers; blacktop roller; switchman; locomotive under 20 tons

GROUP C: Asphalt plant operators; barber green type loaders; engine tender other than steam; mixers, over 2 bags not include central plants; pumps, 2 not more than 3; scarifiers; spreader box (bituminous); asphalt mixers; portable compressors, 2 not more than 3; rollers; sub-grader machine; tractors, farm type without attachments; cable head tower engineman; dredge booster pump operators; boat operator or engine, under 30 tons; finishing machine; fireman & oiler (combination); motor crane oiler & driver; welding machine 2 not more than 3; heaters, stationary or portable (to 5); compressors (portable 2 not more than 3); greaser or fuel trucks

GROUP D: Air compressor (1 portable); fireman; portable crushers; welding machine (1); conveyors; pumps (1); oiler; heater (1)

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SUPERSEDEAS DECISION

STATE: Tennessee COUNTIES: *See below
DECISION NO.: TN77-1038 DATE: Date of Publication
Supersedes Decision No.: TN76-1130 dated November 19, 1976 in 41 FR-51366
DESCRIPTION OF WORK: Building construction, (does not include single family homes and garden type apartments up to and including 4 stories), Heavy Construction.

*Counties: Hamilton, Bradley, Marion, Meigs, Polk, & Rhea

BUILDING & HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	8.73	.45	.20		.01
Boilermakers	9.50	.75	1.00		.02
Bricklayers: Concrete block-layers, Marble setters, Stone-masons, Terrazzo workers, tile setters	9.50	.45	.30		
Carpenters:					
Carpenters, soft floor layers	8.38	.45	.40		.03
Piledrivermen	8.505	.45	.40		.03
Millwrights	8.83	.45	.40		.03
Cement masons:					
Cement masons	8.40				
Power machine operator, Swing ing ecaffold & bos'n chair	8.60				
Electricians:					
Electricians	9.05	.60	1%+.30		1%
Cable splicers	9.30	.60	1%+.30		1%
Elevator constructors	9.095	.545	.35	4%+a+b	.02
Elevator constructors' helpers	70%JR	.545	.35	4%+a+b	.02
Elevator constructors' helpers (prob.)	50%JR				
Glaziers	8.14			c	
Ironworkers	8.61	.55	.50		1%
Lathers	8.65				.01
Leadburners	10.25	.35		d	.01
Painters:					
Commercial	7.50		.25		
Industrial	7.75		.25		
Sandblasting	8.00		.25		
Plasterers	8.75				
Plumbers, steamfitters	9.40	.35	.40	.20+f	.08
Roofers:					
Composition, damp & water-proofers	8.20		.10		
Slate and tile	8.40		.10		
Kettlemen	7.80		.10		
Sheet metal workers	9.34	.47	.50		.04
Sprinkler fitters	10.10	.60	.90		.08
Truck Drivers:					
Up to 3 tons	6.46	g	e		
3 to 5 tons	6.61	g	e		
5 to 7 tons	6.76	g	e		

TN77-1038 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Truck Drivers (Cont'd)					
Helpers and warehousemen	6.41	g	e		
Special equipment	6.96	g	e		
Welders - Receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

FOOTNOTES

a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Employee who has worked more than 1, but less than 5 years, 2% of gross wages. Employee who has worked 5 years or more, 4% of gross wages.

d. Holidays, A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

e. $19.00 per week for each employee.

f. Paid Holiday: D-provided employee has been on payroll for (2) two weeks prior to the holiday and works the regular scheduled work days immediately preceding & following the holiday.

g. $15.00 per week for each employee.

TN77-1038 - (Cont'd)

BUILDING & HEAVY CONSTRUCTION

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	5.95	.20	.20		
GROUP B	6.05	.20	.20		
GROUP C	6.15	.20	.20		
GROUP D	6.25	.20	.20		
GROUP E	6.30	.20	.20		
GROUP F	6.60	.20	.20		
GROUP G	6.65	.20	.20		
GROUP H	6.35	.20	.20		
GROUP I	6.50	.20	.20		
GROUP J	6.50	.20	.20		
GROUP K	6.75	.20	.20		

GROUP A: Concrete laborers, general laborers, carpenter tenders, window and floor cleaners, and flagman on road and street crossings, form strippers, handling of rope to clam bucket, grout men, laborers working on demolition work, handling, cleaning and pulling of nails from materials

GROUP B: Powder man helpers, vibrator operators, tenders to all trowel trades and terrazzo work, carrying re-inforced steel, operating motorized wheel barrows, doping and painting of pipe, railroad track laborers, air spade operators, snake men on pipe work.

GROUP C: Sanitary and storm pipe layers or any other pipe outside of foundation, grade checker, yarner and pot man, steel form setters, mortar mixers by hand or machine, power saw operators, jackhammer, operator, pavement breaker operator, air tool operators, regular air tamp operators, wacker tamp operator, chipping hammer operator, hand operated ditching machine operator, concrete grinder, floor sweeping machine operator, concrete buffer and grinder power operator, concrete pumping machine operator.

GROUP D: Asphalt raker, wagon drill operator, sand blasting, track drill operator, concrete saw operator, using cutting torch or burner on demolition work, flagging of rigs

GROUP E: Barco tamp operator and specially designed tamp operator, black top or concrete curbing machine operator

GROUP F: Powderman, motorized post hole digger operator and terrazzo machine grinder

GROUP G: Pneumatic concrete gun operator and nozzleman

FREE AIR SHAFTS AND TUNNELS

GROUP H: Tunnel laborer

GROUP I: Chuck Tender

GROUP J: Top Lander on Shaft Work

GROUP K: Tunnel miner, including men required to go down in pier holes drilled by machines

TN77-1038 - (Cont'd)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	8.25	.30	.25		
GROUP B	7.45	.30	.25		
GROUP C	6.85	.30	.25		
GROUP D	6.55	.30	.25		

GROUP A: Backhoes, cableways, ross carrier, clamshells, cranes, derricks, draglines, turnapulls, pans, scrapers, scoops, etc., head tower machines, endloaders, locomotives (over 20 tons), shovel, dozers, fork-lifts with over 8' lift, core drills, foundation drills, graders, mechanics, welders, winch truck with A-Frame, skimmer scoops, locomotive cranes, overhead cranes, skid rigs, pile drivers, side boom tractors, euclid loaders, derrick boat, dredge boats, hoist (any size handling steel or stone), engines used in connection with hoist material with an attached device on tower or engine, mucking-machines, hi-lifts or end loaders, finish graders on bluetop, trenching machines, cherrypickers, tower crane, skylift, gradall

GROUP B: Tractors, farm type tractors with attachments, central compressor plants, elevators used for hoisting building materials, central mixing plants, hoist, pump crete machine, concrete pumps, backfillers, (other than cranes), tracmobile, crushing plant operators, elevating graders, earth augers, forklifts, paving machines (Blacktop), paving machines (concrete), boat operator or engineer (30 tons or over), blacktop rollers, switchman, locomotive under 20 tons and maintainers

GROUP C: Asphalt plant operators, Barber green type loaders, engine tender other than steam, mixers (over 2 bags, not to include central plants), pumps (2 not more than 3), scarifiers, spreader box (bituminous), asphalt mixers, portable compressors (2 not more than 3), rollers, sub-grader machine, tractors (farm type without attachments), cable head tower engineman, dredge booster pump operator, boat operator or engineers (under 30 tons), finishing machine, fireman & oiler (combination), motor crane oiler & driver, welding machine (2 not more than 3), heaters, stationary or portable (to 5), compressors (portable, 2 not more than 3), greaser or fuel trucks.

GROUP D: Air compressor (1 portable), fireman, portable crushers, welding machine (1), conveyors, pumps (1), oiler, heater(1).

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TN77-1041 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (CONT'D)					
Distributor (bituminous)	$ 4.45				
Tractor, crawler, utility	4.70				
Spreader (self-propelled) Asphalt paver, central mixing (asphalt or concrete), Concrete finishing machine, mechanic, Class II, Motor patrol (rough), Roller (high-type), Soil cement machine	4.80 5.00				
Tractor - boom & hoist, trenching machine	5.15				
Bulldozer or push dozer, scraper	5.70				
Backhoe, concrete paver, Cranes and loader, Mechanic, Class I, Motor patrol finish, pile-driver, Shovel.	5.70				

SUPERSEDEAS DECISION

STATE: Tennessee COUNTY: Statewide
DECISION NUMBER: TN77-1041 DATE: Date of Publication
Supersedes Decision No.: TN77-1001 dated January 7, 1977, in 42 FR 1086
DESCRIPTION OF WORK: Highway Construction (does not include airport runways and taxiways); bridges over navigable waters; tunnels; rail facilities which include building structures; and railroad construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	6.85				
Carpenters or leadman	5.70				
Cement masons	5.70				
Electricians	6.60				
Ironworkers, reinforcing	5.45				
Ironworkers, structural	6.10				
Laborers:					
Laborers, unskilled, Flagman	3.50				
Chain saw, Concrete rubber					
Mortar mixer, Pipelayer	3.75				
Air tool operator	3.75				
Fireman	3.80				
Concrete edger	3.90				
Concrete saw operator, fence erector, guard rail erector	4.00				
Asphalt raker	4.10				
Sign erector	4.25				
Form setter, Steel road	4.55				
Powderman	4.85				
Nozzleman or gunman (gunite)	5.70				
Painters or sand blaster	5.70				
Truck drivers:					
2 & 3 axles	3.90				
4 & 5 axles or more or heavy duty off-the-road trucks.	4.60				
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					
POWER EQUIPMENT OPERATORS:					
Pump operator, welder helper	3.65				
Ditch paver, mechanic helper	3.80				
Batch machine	3.90				
Motor crane driver, mulcher or feeder, scale operator	4.00				
Tractor, farm	4.05				
Concrete mixer, less than 1 yd					
Earth drill	4.10				
Track drill	4.30				
Dozer or loader - stock pile only	4.40				
Oiler, roller, other than finish	4.45				

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DECISION NO. TX77-4070

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (CONT'D):					
GROUP 5 - Brush structural steel iron & galvanized pipe over 40 ft. up & down to ground	$ 7.85				
GROUP 6 - Brush swinging stage & chair work	7.75				
GROUP 7 - Brush swinging stage & chair work over 40 ft. up & down to ground	8.00				
GROUP 8 - Spray, sandblasters & power tools	8.50				
GROUP 9 - Spray, sandblasters & power tools over 40 ft. up & down to ground	8.75	.40	.55		.05
PLUMBERS & PIPEFITTERS	10.00				
ROOFERS	4.50				
SHEET METAL WORKERS	9.065	3%+.45	.66		.055
SOFT FLOOR LAYERS	7.70				.01
SPRINKLER FITTERS	10.90	.60	.90		.08
TRUCK DRIVERS	2.45				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate
b - Paid Holidays A thru F

PAID HOLIDAYS
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Bowie
DECISION NO.: TX77-4070 DATE: Date of Publication
Supersedes Decision No. TX76-4169, dated October 8, 1976, in 41 FR 44662.
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 9.38	.325	.685		.025
BOILERMAKERS	10.00	.50	1.00		.02
BRICKLAYERS & STONEMASONS	8.75		.25		
CARPENTERS:					
Carpenters	7.70				.01
Millwrights	9.60				.04
Piledrivermen	8.30				.01
CEMENT MASONS	8.27	.25			.03
ELECTRICIANS	9.40	.40	1%	4%a+b	1/4%
ELEVATOR CONSTRUCTORS	9.33	.545	.35	4%a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70% JR	.545	.35	4%a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50% JR				
IRONWORKERS	9.75	.45	.50		.04
LABORERS, UNSKILLED	2.85				
LINE CONSTRUCTION:					
Lineman	9.80		1%		1/2%
Cable splicer	10.09		1%		1/2%
Hole digger operator, Heavy equipment operators (or pole cat equivalent); powderman	8.92		1%		1/2%
Line truck driver (winch operator)	8.04		1%		1/2%
Jackhammer man	7.35		1%		1/2%
Groundman	6.57		1%		1/2%
Groundman, 1st year	4.90		1%		1/2%
Truck driver (flat bed, ton & half & under)	6.96		1%		1/2%
PAINTERS:					1/2%
GROUP 1 - Brush	5.50				
GROUP 2 - Spray	7.60				
GROUP 3 - Painters brush working from window jacks	7.25				
GROUP 4 - Brush structural steel iron & galvanized pipe	7.50				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 7.515	.40	.75		.10
GROUP 2	8.30	.40	.75		.10
GROUP 3	8.70	.40	.75		.10

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Oiler-Fireman

GROUP 2 - Air Compressor, Pumps, Welding Machines, Throttle Valves, Light Plants; Conveyor; Wagon Drill; Elevators Building; Form Graders; Hoist, Single Drum; Ford Tractor including blade and mower on rear; Mixers, less than 14 cubic feet; Screening Plants; Crushing Plants; Fork Lifts (short, under 25 feet); Concrete Pumps (all types); Bobcat type equipment; All other equipment of similar nature coming under the Light Equipment Classification, when power operated

GROUP 3 - Ford Tractor or like with any attachment (except blade and mower on rear); Drilling Machine (all types); Scoopmobile; Hoists, two drums or more; Forklifts (over 25 ft.); Winch Truck; Six Wheel Truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixers, 14 cubic ft. or over; Blade Graders, self-propelled; Cableways; Cranes-power operated to 100 ft.; Derricks, power operated (all types); Gradall; Hy-Ho; Hop-To; Paving Mixers (all types); Pile Drivers; Mobile Concrete Mixers over 14 cu. ft.; Bulldozers, Loaders, Tractovators; Scrapers and Pulls; Welders; Trenching Machines; Roller, ten tons or over; Air Compressor & Air Tugger; Boilers, two or more fired by one man; Heavy Duty Mechanic; All other equipment of similar nature coming under the Heavy Equipment Classification, when power operated

SUPERSEDEAS DECISION

STATE: Texas COUNTY: El Paso

DECISION NO.: TX77-4071 DATE: Date of Publication

Supersedes Decision No. TX76-4194, dated December 28, 1976, in 41 FR 56596.

DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 8.11	.50	1.17(a)		.03
BOILERMAKERS	10.00	.50	1.00		.02
BRICKLAYERS; BLOCKLAYERS; ROCK MASONS; STONEMASONS	7.41	.57	.20		.05
CARPENTERS:					
Carpenters	7.75	.67			.02
Millwrights	8.22	.67			.02
Stationary radial arm power saw operator	7.81	.67			.02
Floor layers	7.75	.67			.02
CEMENT MASONS	6.36	.48			.03
DRYWALL:					
GROUP 1 - Tapers	7.03	.30	.10		.02
GROUP 2 - Ames tools	7.25	.30	.10		.02
GROUP 3 - Texture spray	7.73	.30	.10		.02
ELECTRICIANS:					
Electricians	9.10	.30	1%		1/2%
Cable splicers	9.35	.30	1%		1/2%
ELEVATOR CONSTRUCTORS	8.17	.545	.35	4%+b+c	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.545	.35	4%+b+c	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	6.94	.30	.10		.02
IRONWORKERS	8.30	.55	1.00		.10
LABORERS:					
GROUP 1 - Powderman or blaster	6.12	.42	.35		
GROUP 2 - Outside wagon drill; wagon drill tenders; miner	5.87	.42	.35		
GROUP 3 - Cement gun or gunite; mason tender; mortar mixer; machine man; track man; chuck tender	5.62	.42	.35		
GROUP 4 - Pipelayer, main sewer and drainage	5.50	.42	.35		
GROUP 5 - Jackhammer operator, asphalt raker; kettlemen; asphalt or pot man	5.37	.42	.35		
GROUP 6 - Common	5.22	.42	.35		
LATHERS	8.55				.01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Lineman-Technician; Equipment operators	$ 9.10	.30	1%		1/2%
Cable splicers	9.35	.30	1%		1/2%
Groundman	75%JR	.30	1%		1/2%
Groundman (less than 6 months)	50%JR	.30	1%		1/2%
MARBLE MASONS	6.40	.57	.20		.05
PAINTERS:					
GROUP 1 - Brush & roller, paperhanger; tapers	7.13	.30			.02
GROUP 2 - Steel after erection, steam cleaning, power driven tools	7.54	.30			.02
GROUP 3 - Spray, sandblasting, waterblasting & swing stage, stripping machine	7.835	.30			.02
GROUP 4 - Ames tools	7.35	.30			.02
GROUP 5 - Water tanks, smoke stacks, tower from 70 - 100 ft.	8.49	.30			.02
PLASTERERS	7.66	.48			.01
PLUMBERS & STEAMFITTERS	8.49	.43	.40		.05
ROOFERS:					
Roofers; Waterproofers; Pipewrappers	6.65				
SHEET METAL WORKERS	9.17	3%+.51	.385		.025
SOFT FLOOR LAYERS	6.88	.30	.10		.02
SPRINKLER FITTERS	10.90	.60	.90		.08
TERRAZZO WORKERS	6.40	.57	.20		.05
TERRAZZO WORKERS' HELPERS	4.78	.57	.20		
TILE SETTERS	6.40	.57	.20		.05
TILE SETTERS' HELPERS	4.78	.57	.20		
TRUCK DRIVERS:					
GROUP 1 - Up to and including 2 tons	3.50	.26			
GROUP 2 - Flat bed dump trucks, mechanically	3.60	.26			
GROUP 3 - Tank trucks, up to 2500 gallons	3.50	.26			

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS (CONT'D):					
GROUP 4 - Standard dump trucks, up to and including 4 cu. yds.	$ 3.60	.26			
GROUP 5 - Dump trucks, over 4 cu. yds.; Trucks over 4 tons including transit mix, all semitruck, etc.; Lowboy	3.75	.26			
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:
a - Includes $0.07 contribution to Occupational Health Fund
b - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
c - Paid Holidays A thru F

PAID HOLIDAYS
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

DECISION NO. TX77-4071

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 6.39	.35	.40		.10
GROUP 2	6.97	.35	.40		.10
GROUP 3	7.06	.35	.40		.10
GROUP 4	7.11	.35	.40		.10
GROUP 5	7.19	.35	.40		.10
GROUP 6	7.43	.35	.40		.10
GROUP 7	7.59	.35	.40		.10
GROUP 8	7.06	.35	.40		.10
GROUP 9	7.29	.35	.40		.10
GROUP 10	7.59	.35	.40		.10

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Fireman, Oiler; Mechanic, Grease Truck and Welder's Helpers; Screedman, Pneumatic roller towed by farm type tractor or truck; Scale Operator and such as bin-a-batch; Rubber-tired farm type tractors and tractors under 35 HP without attachments
GROUP 2 - Air Compressors, Power Plants, pumps and welding machines; Concrete mixers, under 1 yd. & concrete batch plants, under 1 yd., gunnite & pumpcrete machine, mechanical bull floats, spreading & finishing machines. Screening Plants. Drilling machines, Diamond, rotary, core & cable drilling; Well under 6", Hoists, scoopmobiles, A-frame Air tuggers; Hydrolift, Hydrocranes, winch truck. Loaders: Elevating, belt type loader, front end loader (under 2 yds.) & over head loaders; forklift & lumber stoker on construction job site. Motor man & Industrial Locomotive. Tractors under 35 HP with attachments
GROUP 3 - Concrete mixers 1 yd. & over and batch plants 1 yd. & over, single drum paving machines, Crushing plant. Drilling Machine, 6" & over; Front end loaders, 2 yds. & over; Paving: Asphalt plants, boiler or retort heater, distributor, lay down machine, pug mill, breakdown & tandem rollers. Steam Engineer. Trenching Machines. Patrol, rough, not required to blue top or finish
GROUP 4 - Tractor Equipment: Athey & Barber Green Loader, Bulldozer, DW10, DW20, DW21, Dumor, Elevating Grader; Euclid, Highlander, Scraper, Traxcavator, Turnapull, Turnarocker & Tractors 35 HP & up & farm type tractors with backhoe & shovel type attachments
GROUP 5 - Concrete paving machines, double drum. Caterpanes, Hysters, Cherry Pickers, Attachments cranes, side & swing boom tractors; Mechanic, Welder, Patrol, Finish; Grease Truck Operator (Head Oiler). Building Hoist, 1 drum. Concrete Pump (Snorkle Type Trailer Mounted)
GROUP 6 - Shovel, Backhoe, clam & dragline 3/4 yds. & under; Cranes 25 tons & under; Building Hoist, 2 drums & up. Concrete pump (Snorkle Type Truck Mounted)
GROUP 7 - Guy & stiff leg derrick, Piledrivers; Crawler or skid rig, Shovel, Backhoe, clam & dragline over 3/4 yds.; Crane over 25 tons. Pecco type cranes
GROUP 8 - Refrigeration, slusher, Jumbo form operators
GROUP 9 - Mucking machines
GROUP 10 - Mine hoists

SUPERSEDEAS DECISION

STATE: Washington
COUNTIES: Statewide
DECISION NUMBER: WA77-5032
DATE: Date of Publication
Supersedes Decision No. WA77-5003 dated February 11, 1977, in 42 FR 8991
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments, up to and including 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Chelan, Clallam, Douglas, Grays Harbor, Island, Jefferson, King, Kitsap, Kitttias, Lewis, Mason, Okanogan, Pacific (Northern portion), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Yakima Counties	$11.76	.51	$ 1.10		.04
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties	11.91	.56	.95		.12
Remaining Counties	11.75	.51	.95		
BOILERMAKERS	11.60	.75	1.00	.50	.02
BRICKLAYERS:					
Adams (except City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Grand Coulee Dam area in Okanogan County	11.11	.55	.70		.04
Benton, Franklin and Walla Walla Counties	10.68	.55	.50		
Chelan, Douglas and Okanogan (except area of Grand Coulee Dam)	9.50	.55	.50		
Clallam, Island, Jefferson, King, Kitsap, Snohomish and Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) Counties	10.42	.65	.65		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS: (Cont'd)					
Clark, Cowlitz, Pacific (Southern portion), Skamania, Wahkiakum Counties and ten mile strip bordering the Columbia River in Klickitat County	$11.03	.65	.75		.10
Grant County and that portion of Adams County including the City of Othello	10.50	.40			
Kittitas, Yakima and Klickitat (except a ten mile strip bordering the Columbia River) Counties	10.10	.65	.75		
Grays Harbor, Lewis, Mason, Thurston and northern portion of Pacific County	9.20	.55	.30		
Pierce County	10.23	.65	.75		.02
San Juan, Skagit (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof), and Whatcom Counties	10.35	.55	.45		
CARPENTERS:					
All Counties and parts of Counties east of the 120th Meridian (except those parts of Kittitas, Klickitat and Yakima east of the 120th Meridian)					
Carpenters	9.74	.60	.55		.055
Piledriver; Floor Sanders; Saw Filers; Sttionary Power Woodworking Tool Operator	9.89	.60	.55		.055
Shingler (wood or composition)	9.94	.60	.55		.055
Boom Men; Carpenters (Creosoted material)	9.99	.60	.55		.055
Piledriver (creosoted material)	10.14	.60	.55		.055
Millwright and Machine Erector	10.24	.60	.55		.055

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Perry, Franklin, Garfield, Grant, Kittitas (except for western portion lying one mile west of City of Easton), Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties	$ 9.64	.50	.75		.04
Clallam, Grays Harbor, Island, Jefferson, King, (except City of Auburn), Kitsap, Kittitas, (western portion lying one mile west of the City of Easton), Mason, Pacific (Northern portion), San Juan, Skagit, Snohomish and Whatcom Counties	9.97	.55	.90		.01
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties	9.87	.65	.60	.60	.10
Cement Masons	10.02	.65	.60	.60	.10
Composition Materials and Power Machinery	9.80	.55	1.00		.02
Lewis, Pierce, Thurston and the City of Auburn in King County					
ELECTRICIANS:					
Adams, Ferry, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties					
Electricians	12.13	.57	1%+.40		.02
Cable Splicers	12.53	.57	1%+.40		.02
Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Walla Walla and Yakima Counties					
Electricians	12.13	.57	1%+.40		.02
Cable Splicers	13.34	.57	1%+.40		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS: (Cont'd)					
All Counties and parts of Counties west of the 120th Meridian except Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties					
Carpenters and Drywall Applicators	$ 9.75	.50	.70		.02
Carpenters on Creosoted Material	9.85	.50	.70		.02
Bawfilers; Stationary power saw; Floor Finisher; Floor Layer; Shingler; Floor Sander and other stationary power woodworking tools	9.88	.50	.70		.02
Millwrights and Machine Erectors	10.25	.50	.70		.02
Piledrivers; Bridge, dock and wharf builders	9.90	.50	.70		.02
Acoustical Workers	9.91	.50	.70		.02
Boomman	9.95	.50	.70		.02
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties					
Carpenters; Form Strippers; Manhole Builders; Acoustical Applicators, Drywall Applicators	10.09	.55	.85	.35	.03
Piledriverman, bridge, dock and wharf builders	10.19	.55	.85	.35	.03
Floorlayers; Stationary Power Finishers	10.24	.55	.85	.35	.03
Saw Operator	10.29	.55	.85	.35	.03
Boomman	10.31	.55	.85	.35	.03
Millwrights; Machine Erectors					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS: (Cont'd)					
Chelan, Clallam, Grays Harbor, Island, Jefferson, King, Kitsap Kittitas, Lewis, Mason Pacific (Northern portion), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Yakima Counties					
Elevator Constructors	$12.445	.545	.35	3%+a	.02
Elevator Constructors' Helpers	70%JR	.545	.35	3%+a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties					
Elevator Constructors	11.13	.495	.32	3%+a	.02
Elevator Constructors' Helpers	70%JR	.495	.32	3%+a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
GLAZIERS:					
Adams (northeastern portion), Lincoln (eastern half) Pend Oreille, Spokane and Stevens Counties	9.73	.35	.10	b+.43	
Adams (southeastern portion), Benton, Columbia, Franklin and Walla Walla Counties	8.96	.40	.45	.58	
Adams (southwestern corner), Chelan, Douglas, Grant, Lincoln, (western half) and Okanogan Counties	7.92	.40	.70	.57	.02
Asotin, Garfield and Whitman Counties	8.03	.31	.25	b+.28	
Clallam, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific (Northern portion), Pierce, San Juan, Snohomish and Thurston Counties	9.59	.30	.65	b	
Yakima and Kittitas Counties	8.76	.35	.40		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Cont'd)					
Chelan, Douglas, Grant and Okanogan Counties	$12.13	.57	1%+.40		.02
Electricians	13.34	.57	1%+.40		.02
Cable Splicers					
Clallam, Jefferson, King and Kitsap Counties	12.70	.45	1%+.40		.03
Electricians	13.97	.45	1%+.40		.03
Cable Splicers					
Clark, Klickitat and Skamania Counties	11.35	.65	1%+.70		.05
Electricians	12.10	.65	1%+.70		.05
Cable Splicers					
Cowlitz and Wahkiakum Counties	11.91	.65	1%	5%	.02
Electricians	13.10	.65	1%	5%	.02
Cable Splicers					
Grays Harbor, Lewis, Mason, Pierce, Pacific and Thurston Counties	11.51	.45	1%+.55	.92	.04
Electricians	12.66	.45	1%+.55	.92	.04
Cable Splicers					
Island, San Juan, Skagit, Snohomish and Whatcom Counties	12.52	.65	1%+.40		.01
Electricians	13.77	.65	1%+.40		.01
Cable Splicers					
ELEVATOR CONSTRUCTORS:					
Adams, Asotin, Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane Stevens, Walla Walla and Whitman Counties					
Elevator Constructors	11.95	.545	.35	4%+a	.02
Elevator Constructors' Helpers	70%JR	.545	.35	4%+a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS: (Cont'd)					
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties	$ 9.75	.41	.65	6.8%	.01
IRONWORKERS:					
Statewide except Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties					
Reinforcing; Structural; Fence Erectors; Ornamental; Riggers and Signalmen	11.00	.73	1.00		.05
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Cos.					
Reinforcing; Structrual; Fence Erectors; Ornamental; Riggers; Signalmen	11.00	.73	1.00		.05
LATHERS:					
Adams, Asotin, Benton, Chelan, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties	10.35	.50			
Clallam, Island, Jefferson, King, Kitsap, Lewis, Pacific (Northern portion), Pierce, San Juan, Skagit, Snohomish and Whatcom Counties	10.34	.55	.50		
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Cos.	9.30	.50	.80		.01
MARBLE SETTERS:					
Adams (except that portion including the City of Othello), ~~Asotin, Columbia, Ferry,~~ Garfield, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties, and Grand Coulee Dam Area in Okanogan County	11.11	.55	.70		.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS: (Cont'd)					
Benton, Franklin and Walla Walla Counties	$10.68	.55	.50		
Chelan, Douglas and Okanogan Counties (except area of Grand Coulee Dam)	9.50	.55	.50		
Clallam, Island, Jefferson, King, Kitsap, Snohomish and Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) Counties	10.42	.65	.65		.08
Clark, Cowlitz, Pacific (Southern portion), Skamania, Wahkaikum Counties and a ten mile strip bordering the Columbia River in Klickitat County	11.03	.65	.75		.10
Grant County and that portion of Adams County including the City of Othello	10.50	.40			
Grays Harbor, Lewis, Mason, Thurston and northern half of Pacific Counties	9.20	.55	.30		
Pierce County	10.23	.65	.75		.02
San Juan, Skagit (including the Cities of Burlington, Sedro-Wolley, Concrete and north thereof) and Whatcom Counties	10.35	.55	.45		
MARBLE, TILE and TERRAZZO WORKERS HELEPRS:					
All Counties west of the Cascade Mountain Range (except Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Cos.	8.77	.55			

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MASON TENDERS:					
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties (including tenders to plasterers, bricklayers, tile setters, marble setters and terrazzo workers; topping for cement finishers and mortar mixers)	$ 6.77	.85	.95		.10
PAINTERS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties					
Brush	9.77	.40	.70		.02
Steel; Spray; Steam Cleaning; Roller over 9" or 10' handle; Drywall Taper	10.02	.40	.70		.02
Swing Stage work or high rate (over 30')	10.12	.40	.70		.02
Bitumastic; Sandblasting; Bridge; Tanks on legs; Tower; Stacks; Steeples	10.17	.40	.70		.02
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Cos.					
Brush	9.24	.55	.60	.50	.10
Spray	9.64	.55	.60	.50	.10
Bridges, High work over 50' (brush)	9.99	.55	.60	.50	.10
Bridges, High work over 50' (spray)	10.39	.55	.60	.50	.10
Drywall Finishers	10.24	.55	.40	.50	.06

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Grays Harbor, Island, King, Kitsap, Lewis, Mason, Pierce, San Juan, Skagit, Snohomish, Thurston, Pacific (Northern portion) and Whatcom Counties					
Brush; Drywall Tapers Spray; Structural Steel; Bridge; Sandblasting; Stacks; Steam Cleaning; Steeples; Swing Stage; Tanks on legs; Tower; Toxic Material	$ 9.98	.44	.76		.02
Clallam and Jefferson Counties	10.23	.44	.76		.02
Brush	7.50				
Spray, steel, sandblasting, and bitumastic	7.75				
Statewide except Wahkiakum, Cowlitz and Skamania Counties					
Striper	10.43	.44	.31		
PLASTERERS:					
Adams, Asotin, Benton, Columbia, Ferry, Franklin, Garfield, Grant, Kittitas (including the City of Ellensburg and south thereof); Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties	10.53	.50			
Chelan, Douglas, Kittitas (north of the City of Ellensburg), and Okanogan Counties	9.98	.50	.65		
Clallam, Island, Jefferson, King (except the City of Kent), Kitsap, Pacific (Northern portion), San Juan, Skagit and Snohomish Counties	9.90	.55	1.00		.04
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Cos.	10.50	.55	.80		.01
Grays Harbor, King (City of Kent), Lewis, Mason, Pierce and Thurston Counties	9.80	.55	1.00		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS' TENDERS:					
All Counties East of the 120th Meridian	$ 8.60	.65	.70		.02
PLUMBERS:					
Chelan, Clallam, King, Kittitas (north of 47°15' N. Lat.), Douglas (west of the 119°30' W. Long.), Jefferson and Okanogan (except the area lying east of 119°30' W. Long., North to 48°30' N. Lat. Township lines) Counties	12.11	.72	1.35	1.10	.07
Adams (except area between a line drawn south from the western boundary of Ferry County to Highway #10 eastward to Whitman County), Asotin, Benton, Columbia, Franklin, Garfield, Grant, Klickitat, Walla Walla, Yakima, Douglas (east of 119°30' W. Long.), Ferry (west of a line drawn from Creston in Lincoln County northward to the Canadian Border), Kittitas (south of 47°15' N. Lat.), Lincoln (west of a line drawn from Schrag in Adams County northward to the Ferry County County Line), and Okanogan (east of 119°30' west Long. and south of 48°30' N. Lat.) Counties	12.25	.65	1.15	1.20	.11

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS: (Cont'd)					
Adams (area between a line drawn south from the western boundary of Ferry County to Highway #10 and eastward to Whitman County), Asotin, Cowlitz, Ferry (east of a line drawn from Creston in Lincoln County northward to the Canadian Border), Grays Harbor, Kitsap, Lewis, Lincoln (east of a line drawn from Schrag in Adams County northward to the Ferry County Line), Mason, Pend Oreille, Pierce, Skagit, Snohomish, Spokane, Stevens, Thurston, Wahkiakum, Whatcom, Whitman and Clark and Skamania (those portions lying north of an east-west line drawn through Woodland eastward to the Klickitat County Line) Counties	$11.60	.65	$ 1.10	$1.00	.11
Clark and Skamania Counties south of an east-west line drawn through Woodland eastward to the Klickitat County Line	12.00	1.12	1.55		.13
ROOFERS:					
Adams, Chelan, Douglas, Ferry, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens and Whitman Counties	8.94	.66	.50		.01
Benton, Franklin, Kittitas, Klickitat and Yakima Counties Roofers; Kettlemen; Waterproofers; Shinglers; Spraying	9.65	.47	.30		
Clallam, Cowlitz, Grays Harbor, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, Snohomish Thurston and Wahkiakum Cos.					
Roofers; Waterproofers	9.45	.60	.40		
Slate and Tile Roofers	9.70	.60	.40		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS: (Cont'd)					
Island, San Juan, Skagit and Whatcom Counties					
Roofers and Waterproofers	$ 8.55	.50	.40		
Slate and Tile Roofers	9.05	.50	.40		
Clark and Skamania Counties					
Roofers	10.45	.65	.80		
Handling of irritating material (coal, tar or epoxy) in unconfined area	10.95	.65	.80		
Handling of irritating material (coal, tar or epoxy) in confined area	11.20	.65	.80		
Roofers Helpers:					
Under 800 hours experience	70%JR				
800 - 1600 hours experience	75%JR				
Over 1600 hours experience	80%JR				
SHEET METAL WORKERS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties	12.10	3%+.57	.825		.05
Clallam, Jefferson, Kitsap and Mason Counties	10.99	3%+.37	.82	1.50	.03
Clark and Skamania Counties	11.13	3%+.81	.93	1.00	.04
Cowlitz, Grays Harbor, Lewis, Pacific, Pierce, Thurston and Wahkiakum Counties	12.23	3%+.56	.90		.02
King County	12.15	3%+.56	.99		.05
Island and Snohomish Counties	12.15	3%+.96	.99		.03
Whatcom, Skagit and San Juan Counties	11.18	.61	.83		.04
SOFT FLOOR LAYERS:					
Adams (N.E. portion), Ferry, Lincoln (E.½), Pend Orielle, Spokane and Stevens Counties	9.05	.40	.60		
Adams (S.E. portion), Benton, Columbia, Franklin and Walla Walla Counties	8.55	.40	.60	1.21	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SOFT FLOOR LAYERS: (Cont'd)					
Adams (S.W. portion), Chelan, Douglas, Grant, Lincoln (Western ½), and Okanogan Cos.	$ 9.25	.40	.70	.35	
Asotin, Garfield, and Whitman Counties	8.67	.40	.25	.33	
Clallam, Island, Jefferson Lewis, San Juan, Skagit, Whatcom, King, Kitsap and Snohomish Counties	9.86	.46	.75		.05
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Cos.	9.435	.50	.90	c	.08
Grays Harbor, Mason, Pacific (Northern portion), Pierce and Thurston Counties	9.62	.46	.75		.05
Yakima and Kittitas Counties	8.94	.40	.35		
SPRINKLER FITTERS:					
Skagit, Snohomish, King, Island, Kitsap, Pierce and Thurston Counties	13.81	.60	.90		.09
Remaining Counties	11.40	.60	.90		.08
TERRAZZO WORKERS:					
Adams (except that portion including the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman and Grand Coulee Dam area in Okanogan County	10.20	.55	.40		
Benton, Franklin and Walla Walla Counties	10.01	.55	.50		
Chelan, Douglas, Okanogan (except area of Grand Coulee Dam)	9.50	.55	.50		
Clallam, Island, Jefferson, King, Kitsap, Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) and Snohomish Counties	10.72	.65	.75		.05
Grant County and that portion of Adams County including the City of Othello	10.50	.40			

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TERRAZZO WORKERS: (Cont'd)					
Grays Harbor, Lewis, Mason and Thurston Counties	$ 9.20	.55	.30		
Pierce County	10.81	.65	.75		.02
San Juan, Skagit (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Counties	10.35	.55	.45		
TILE SETTERS:					
Adams (except that portion including the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille Spokane, Stevens, Whitman and Grand Coulee Dam area in Okanogan County	10.20	.55	.40		
Benton, Franklin and Walla Walla Counties	10.01	.55	.50		
Chelan, Douglas, Okanogan (except area of Grand Coulee Dam)	9.50	.55	.50		
Clallam, Island, Jefferson, King, Kitsap, Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) and Snohomish Counties	10.72	.65	.75		.05
Clark, Cowlitz, Pacific (Southern portion), Skamania, Wahkiakum and a ten-mile strip bordering the Columbia River in Klickitat County	9.69	.50	.55		.10
Grant County and that portion of Adams County including the City of Othello	10.50	.40			
Grays Harbor, Lewis, Mason and Thurston Counties	9.20	.55	.30		
Pierce County	10.81	.65	.75		.02
San Juan, Skagit (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Cos.	10.35	.55	.45		

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

*Where Pacific County is state as "Northern Portion" or "Southern Portion" such areas are defined as follows:

Pacific (Northern portion) - North of Wahkiakum County Northern boundary extended due West to the Pacific Ocean

Pacific (Southern portion) - South of Wahkiakum County Northern boundary extended due West to the Pacific Ocean

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

b. Two weeks' vacation with pay after 1 year of employment. Also seven Paid Holidays: A through F plus Washington's Birthday.

c. 4% of all gross wages to be placed to the credit of the employee with less than one year's service - 6% of all gross wages to be placed to the credit of the employee with more than one year of service.

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Cable Splicers, Leadman Pole Sprayer	$12.78	.45	1%	.10	1/2%
Lineman, Pole Sprayer, Heavy Line Equipment Man, Certified Lineman Welder	11.54	.45	1%	.10	1/2%
Tree Trimmer	10.42	.45	1%	.10	1/2%
Line Equipment Man	9.95	.45	1%	.10	1/2%
Head Groundman (chipper), Head Groundman, Powderman, Jackhammer Man	8.69	.45	1%	.10	1/2%
Groundman, Tree Trimmer Helper	8.18	.45	1%	.10	1/2%

ZONE PAY

Each classification will receive the basa rate plus Zone A - $1.25, Zone B - $2.00, Zone C - $2.75, Zone D - $4.00

BASE ZONE - 0 to 3 miles from geographical center of towns listed below

ZONE A - 3 to 20 miles radius from geographical center of towns listed below.

ZONE B - 20 to 35 miles radius from geographical center of towns listed below.

ZONE C - 35 to 50 miles radius from geographical center of towns listed below

ZONE D - in excess of 50 miles.

Base hourly rate will be paid to all men working out of employers' permanent shop.

Spokane	Ellensburg	Asotoria	Portland	Couer D' Alene
Tacoma	Ephrata	Baker	Pendleton	Kellog
Walla Walla	Everett	Burns	Salem	Lewiston
Wenatchee	Kennewick	Bend	Roseburg	Orofino
Yakima	Longview	Eugene	The Dalles	San Point
Wilbur	Olympia	Klamath Falls	Umatilla	
Bellingham	Seattle	Lakeview	Corvallis	
		Medford		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (Area 1) (All Counties and portions of Counties East of the 120th Meridian)					
Group 1	$ 8.10	.65	.70		.02
Group 2	8.25	.65	.70		.02
Group 3	8.35	.65	.70		.02
Group 4	8.40	.65	.70		.02
Group 5	8.45	.65	.70		.02
Group 6	8.50	.65	.70		.02
Group 7	8.55	.65	.70		.02
Group 8	8.75	.65	.70		.02
Group 9:					
Class A	8.15	.65	.70		.02
Class B	8.20	.65	.70		.02
Class C	8.60	.65	.70		.02
Class D	8.65	.65	.70		.02
LABORERS (Area 2) (All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4) and the Northern portion of Pacific County)					
Group 1	8.36	.85	.95		.06
Group 2	8.46	.85	.95		.06
Group 3	8.51	.85	.95		.06
Group 4	8.56	.85	.95		.06
Group 5	8.61	.85	.95		.06
Group 6	8.66	.85	.95		.06
Group 7	8.71	.85	.95		.06
Group 8	8.41	.85	.95		.06
Group 9	8.46	.85	.95		.06
Group 10	8.56	.85	.95		.06
Group 11	8.66	.85	.95		.06
Group 12	8.71	.85	.95		.06
Group 13	8.81	.85	.95		.06

LABORERS (Area 3)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

1	$7.87	$8.27	$8.62	$8.87	$9.12	$9.37
2	8.22	8.62	8.97	9.22	9.47	9.72
3	8.52	8.92	9.27	9.52	9.77	10.02
4	8.77	9.17	9.52	9.77	10.02	10.27

FRINGE BENEFITS:

Health and Welfare	$ .85
Pension	.95
Vacation	.65
Apprenticeship Tr.	.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (Area 4) (Those portions of Chelan, Douglas, Kittitas, Okanogan and Yakima Counties West of the 120th Meridian)					
Group 1	$ 8.11	.85	.95		.06
Group 2	8.21	.85	.95		.06
Group 3	8.26	.85	.95		.06
Group 4	8.31	.85	.95		.06
Group 5	8.36	.85	.95		.06
Group 6	8.41	.85	.95		.06
Group 7	8.46	.85	.95		.06
Group 8:					
Class A	8.16	.85	.95		.06
Class B	8.21	.85	.95		.06
Class C	8.31	.85	.95		.06
Class D	8.41	.85	.95		.06
Class E	8.46	.85	.95		.06
Class F	8.56	.85	.95		.06

LABORERS (Area 1)
All Counties and portions of Counties East of the 120th Meridian

Group 1: Brush Hog Feeder; Carpenter Tender; Concrete Crewman (to include stripping of forms, hand operating jacks on slip form construction, application of concrete curing compounds, pumpcrete machine, handling the nozzle of squeezecrete or similar machine 6" and smaller); Concrete Signalman; Crusher Feeder; Demolition (to including clean-up, burning, loading, wrecking and salvage of all material); Driller Helper; Dumpman; Fence Erector to (include guard rails, guide and reference posts, sign posts, and right-of-way markers); General Laborer; Grout Machine Header Tender; Nipper; Riprap Man; Scaleman; Stake Jumper; Structural Mover (to include separating foundation preparation, cribbing, shoring, jacking and unloading of structure); Tailhoseman (water nozzle); Track Laborer (RR); Truck Loader; Timber, Bucker and faller (by hand); Window Cleaner (prior to completion of construction)

Group 2: Cement Finisher Tender; Cement Handler; Demolition Torch; Dope Pot Fireman, non-mechanical; Form Cleaning Machine - Feeder, Stacker; Form Setter, paving; Driller Helper (when required to move position machine); Nozzleman, water and air or steam; Pipe Layer, corrugated metal culvert; Pipewrapper; Pot Tender; Powderman Helper; Power Tool Operator, gas, electric, pneumatic; Sandblast Tailhoseman; Scaffold Erector, wood or steel; Railroad Equipment, power driven, except dual mobile power spiker or puller; Rodder and Spreader; Wheelbarrow, power driven; Well-point Man; Vibrator up to 4"

Group 3: Asphalt Raker; Asphalt Roller, walking; Chain Saw Operator with attachments; Concrete Saw Walking; Grade Checker, using level; Jackhammer Operator; Multi-section Pipe Layer; Nozzleman (to include squeeze and flowcrete nozzle); Pavement Breaker; Power Buggy Operator; Railroad Power Spiker or Puller, dual mobile; Tamper (to include operation of Barco, Essex and similar tamper and pavement breakers); Trencher, Shanwee; Water Pipe Liner; Wagon Drills

Group 4: Chain Saw (faller); Laser Beam Operator; Pipe Layer (Caulker, Collarman, Jointer, Mortarman, Rigger, Jacker, Shorer and Lagger but not including laying corrugated metal culvert pipe)

LABORERS (Area 1) (Cont'd)
All Counties and portions of Counties East of the 120th Meridian

Group 5: Concrete Stack; Mortar Mixer

Group 6: Caisson Worker, free air; High Scaler

Group 7: Brush Machine (to include hoirzontal construction joint clean-up Bruch Machine, power propelled); Drills (to include down-the-hole drills with 3 inch piston or larger and out-of-the-hole drills with 4 inch piston or larger); Gunnite (to include operation of machine and nozzle); Hod Carrier; Monitor Operator, Air Track or similar mounting; Nozzleman (to include jet blasting nozzleman over 1200 pounds, Jet Blast Machine, power propelled, Sand Blast Nozzle); Vibrator, 4 inches and over

Group 8: Air Track Drills with dual masts and Drills; Powderman

Group 9: Tunnel and Shaft, free air
Class A: Bull Gang, Pump Crete Crewman including distribution Pipe, Assembling and dismantle and nipper
Class B: Brakeman, Dumpman
Class C: Miner and Nozzleman for concrete and laser beam operator on tunnels
Class D: Raise and Shaft Miner and Laser Beam Operator on Raises and Shafts

LABORERS (Area 2)
All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4)

Group 1: General Laborer; Nipper; Truck Spotter; Pitman; Brush Cutter; Choke Setter; Concrete and Monolithic Laborer; Pot Tender; Asphalt Laborer; Ditch Digger; Drierman; Concrete Form Stripper; Carpenter Helper; Track Laborer; Wellpoint; Header Laborer and Guardrail Erector

Group 2: Dumpman; Faller and Bucker, hand; Powderman's Helper; Sloper (over 20'); Wagon Driller and Air Trac Helper

Group 3: Groutman (pressure) including post tension beam; Power Tools (light duty) Chippers, Grinders, Tampers, and similar electric and air operated tools; Swinging Scaffold or Boatswain Chair over water or over 25' in height; Topman

LABORERS (Area 2) (Cont'd)
All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4)

Group 4: Concrete Saw Operator; Pipe Pot Tender; Power Wheel Barrow or Buggy; Power Tools (heavy duty); Jackhammer; Pavement Breaker, Vibrator Tampers (multiple and self-propelled); Railroad Spike Puller; Rakers-Asphalt

Group 5: Form Setter (steel forms); Grademan and Stake Hopper; Rodder; Nozzleman (concrete pump, green cutter when using combination of high pressure air and water on concrete and rock, sand blast, gunnite, shotcrete); Spreader (carrier grade with Rodder)

Group 6: Faller and Bucker; Chain Saw; High Scaler; Mortarman and Hod Carrier; Pipe Layer and Caulker; Pipe Wrapper; Timberman Sewer; Wagon Driller and Air Track; Manhole Builder; Laser Beam Operator

Group 7: Cement Dumper - paving; Powderman

Tunnel Work

Group 8: Topman and Bull Gang

Group 9: Chuck Tender; Mucker and Laborer; Nipper; Brakeman

Group 10: Powderman's Helper

Group 11: Miner (including Monolithic work); Spader; Re-timberman; Maintenance Man; Laser Beam Operator

Group 12: Miner, Shaft and Raise

Group 13: Powderman

LABORERS (Area 3)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 1: Asphalt Plant Laborers; Asphalt Spreaders; Batch Weighman; Broomers; Brush Burners and Cutters; Car and Truck Loaders; Carpenter Tender; Changehouse Man or Dry Shack Man; Choke Setter; Clean-up Laborers; Concrete Laborers; Culvert, hand labor; Curing, concrete; Demolition, wrecking and moving Laborers; Drillers Helpers; Dumpers, road oiling crew; Dumpman (for grading crew); Elevator Feeders; Fence Builder (including guard rail, median rail, reference post, guide post, right-of-way marker); Fine Graders; Form Strippers (not swinging stages); Landscaping or Planting Laborers; Leverman or Aggregate Spreader (Flaherty and similar types); Loading Spotters; Material Yard Man (including electrical); Powderman Helper; Pittsburgh Chipper Operator or similar types Railroad Track Laborers; Ribbon Setters (including steel forms); Rip Rap Man (hand placed); Road Pump Tender; Sewer Labor; Signalman; Skipmen; Slopers Spraymen; Stake Chacer; Stockpiler; Timber Faller and Bucker (hand labor); Toolroom Man (at job site); Tunnel Bull Gang (above ground); Weight Man - Crusher (aggregate when used)

LABORERS (Area 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 2: Applicator (including pot tender for same), Applying protective Material by hand or nozzle on utility lines or storage tanks on project; Brush Cutters (power saw); Burners; Choker Splicer; Clary, Power Spreader and similar types: Clean-up Nozzleman-Green-cutter (concrete, rock, etc.); Concrete Power Buggyman; Crusher Feeder; Demolition and Wrecking charred materials; Grade Checker; Gunite Nozzleman Tender; Gunite and Sand Blasting Pot Tender; Handlers or Mixers of all materials of an irritating nature (including cement and lime); Power Tool Operators, includes but not limited to: Dry Pack Machine, Jackhammer, Chipping Guns, Paving Breakers, Vibrators (less than 4" in diameter); Post Hole Digger, air, gas or electric; Vibrating Screed; Tampers, Ribbon Setter, head, Rip Rap Man (head) hand placed, Sand Blasting (wet), Stake Setter, Tunnel-Muckers, Brakemen, Concrete Crew, Bull Gang (underground)

Group 3: Asphalt Rakers; Bit Grinder; Drill Doctor; Drill Operators, Air Tracks, Cat Drills, Wagon Drills, Rubber-mounted Drills, and other similar typed; Concrete Saw Operator; Gunite Nozzleman; High Scalers, Strippers and Drillers (covers work in swinging stages, chairs or belts, under extreme conditions unusual to normal drilling, blasting, barring-down or sloping and stripping); Laser Beam (pipe laying) - Applicable when employee assigned to move, set up, align Laser Beam; Manhole Builder; Powdermen; Power Saw Operators (bucking and falling); Pumpcrete Nozzleman; Sandblasting (dry); Sewer Pipe Layers; Sewer Timberman; Track Liners; Anchor Machines, Ballast Regulators, Multiple Tampers, Power Jacks; Tugger Operator; Tunnel Chuck Tenders, Nippers and Timbermen; Vibrators (4" and larger); Water Blaster; Welder

Group 4: Laser Beam (Tunnel) - Tunnel Miners; Tunnel Powderman

LABORERS (Area 4)
Those portions of Chelan, Douglas, Kittitas, Okanogan and Yakima Counties West of the 120th Meridian

Group 1: General Laborer; Carpenter Tender; Form Stripper; Track Laborer; Choker Setter; Fence Laborer

Group 2: Air Track and Wagon Drill Helper; Crusher Feeder; Dumpman; Powderman Helper; Sloper, over 20 feet, faller and bucker, hand

LABORERS (Area 4) (Cont'd)
Those portions of Chelan, Douglas, Kittitas, Okanogan and Yakima Counties West of the 120th Meridian

Group 3: Driller Chipper; Grinder, Tampers and similar light power tools; Grout Man (power); Top Man, Swinging Scaffold or Boatswain Chair over water or over 25' in height

Group 4: Asphalt Raker and Spreader; Cement Handler; Cask or Bulk; Dope Pot Tender; House Wreckers; Jackhammer; Pavement Breaker; Vibrator; Track Spike Puller; Concrete Saw and similar Heavy Power Tools; Power Buggy Tampers (multiple and self-propelled)

Group 5: Form Setter, Steel Forms; Grademan; Stake Hopper; Spreader, Rodder, Nozzleman: Concrete Pumps, Gunnite, Sand Blast, Shot-crete, Green Cutter when using combination of high pressure air and water on concrete and rock

Group 6: Air Track and Wagon Drill Operator; High Scaler; Pipe Layer and Caulker; Pipe Wrapper; Timber Man; Mortar Man and Hod Carrier; Faller and Bucker; Chain Saw

Group 7: Cement Dumpers - paving

Group 8: Tunnel Work:
Class A: Topman and Bull Gang
Class B: Chuck Tender; Mucker and Laborer; Nipper; Brakemen
Class C: Powderman Helper
Class D: Miner (including Monolithic Worker); Re-timberman; Maintenance Man; Spader; Laser Beam Operator
Class E: Miner; Shaft and Raise
Class F: Powderman

POWER EQUIPMENT OPERATORS (Area 1)
(All Counties and portions of Counties East of the 120th Meridian)

Group No.	Zone 1	Zone 2	Zone 3
1	$8.70	$9.20	$9.65
2	9.00	9.50	9.95
3	9.55	10.05	10.50
4	9.70	10.20	10.65
5	9.85	10.35	10.80
6	10.10	10.60	11.05
7	10.35	10.85	11.30

*ZONE 1: Within a 15 mile radius from the center of the following Cities: Moses Lake, Pasco, Spokane and Walla Walla in Washington - and Coeur d' Alene and Lewiston in Idaho

*ZONE 2: From a 15 to 45 mile radius from the center of the above named Cities, except Coeur d' Alene and Walla Walla which are limited to a 15 mile zone only

*ZONE 3: Over a 45 mile radius from the center of the above named Cities except Coeur d' Alene and Walla Walla which are limited to a 15 mile zone only.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (Area 2) (All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3)					
Group 1	$10.12	.75	.90		.11
Group 2	10.22	.75	.90		.11
Group 3	10.33	.75	.90		.11
Group 4	10.38	.75	.90		.11
Group 5	10.40	.75	.90		.11
Group 6	10.45	.75	.90		.11
Group 7	10.46	.75	.90		.11
Group 8	10.50	.75	.90		.11
Group 9	10.52	.75	.90		.11
Group 10	10.65	.75	.90		.11
Group 11	10.68	.75	.90		.11
Group 12	10.71	.75	.90		.11
Group 13	10.76	.75	.90		.11
Group 14	10.78	.75	.90		.11
Group 15	10.80	.75	.90		.11
Group 16	10.83	.75	.90		.11
Group 17	10.86	.75	.90		.11
Group 18	10.90	.75	.90		.11
Group 19	10.97	.75	.90		.11
Group 20	10.98	.75	.90		.11
Group 21	11.03	.75	.90		.11
Group 22	11.08	.75	.90		.11
Group 23	11.30	.75	.90		.11
Group 24	11.34	.75	.90		.11
Group 25	11.39	.75	.90		.11
Group 26	11.47	.75	.90		.11
Group 27	11.69	.75	.90		.11
Group 28	11.89	.75	.90		.11
Group 29	12.00	.75	.90		.11
Group 30	12.02	.75	.90		.11
Group 31	12.30	.75	.90		.11

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POWER EQUIPMENT OPERATORS (Area 3)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group No.	Zone A	Zone B	Zone C	Zone D	Zone E	Zone F
1	$9.05	$9.45	$9.80	10.05	10.30	10.55
2	9.19	9.59	9.94	10.19	10.44	10.69
3	9.29	9.69	10.04	10.29	10.54	10.79
4	9.45	9.85	10.20	10.45	10.70	10.95
5	9.47	9.87	10.22	10.47	10.72	10.97
6	9.55	9.95	10.30	10.55	10.80	11.05
7	9.61	10.01	10.36	10.61	10.86	11.11
8	9.71	10.11	10.46	10.71	10.96	11.21
9	9.77	10.17	10.52	10.77	11.02	11.27
10	9.83	10.23	10.57	10.83	11.08	11.33
11	9.85	10.25	10.60	10.85	11.10	11.35
12	9.91	10.31	10.66	10.91	11.16	11.41
13	9.99	10.39	10.74	10.99	11.24	11.49
14	10.15	10.55	10.90	11.15	11.40	11.65
15	10.31	10.71	11.06	11.31	11.56	11.81
16	10.49	10.89	11.24	11.49	11.74	11.99
17	10.63	11.03	11.38	11.63	11.88	12.13
18	10.18	11.21	11.56	11.81	12.06	12.31
19	10.95	11.35	11.70	11.95	12.20	12.45

FRINGE BENEFITS:

Health and Welfare	$1.00
Pension	1.00
Vacation	.50
Apprenticeship Tr.	.50

POWER EQUIPMENT OPERATORS (Area 1)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
(DREDGING)					
(All Counties and portions of Counties East of the 120th Meridian)					
Group 1	$10.04	.75	.90		.11
Group 2	10.14	.75	.90		.11
Group 3	10.48	.75	.90		.11
Group 4	10.53	.75	.90		.11
Group 5	10.58	.75	.90		.11
Group 6	10.90	.75	.90		.11
Group 7:					
(a)	11.29	.75	.90		.11
(b)	11.84	.75	.90		.11
DREDGING (Area 2)					
(All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County)					
Group 1	10.04	.75	.90		.11
Group 2	10.14	.75	.90		.11
Group 3	10.48	.75	.90		.11
Group 4	10.53	.75	.90		.11
Group 5	10.58	.75	.90		.11
Group 6	10.90	.75	.90		.11
Group 7:					
(a)	11.29	.75	.90		.11
(b)	11.84	.75	.90		.11
DREDGING (Area 3)					
(Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties)					
Group 1	10.15	1.00	1.00	.50	.05
Group 1A	10.81	1.00	1.00	.50	.05
Group 2	9.79	1.00	1.00	.50	.05
Group 3	9.55	1.00	1.00	.50	.05
Group 4	9.29	1.00	1.00	.50	.05

POWER EQUIPMENT OPERATORS (Area 1)
All Counties and portions of Counties East of the 120th Meridian

Group 1: Bit Grinders; Bolt Threading Machine; Compressors, under 7,000 cu. ft. per minute gas, diesel or electric power; Crusher Feeder (mechanical); Deckhand; Drillers' Helper; Fireman and Heater Tender; Grade Checker; Helper (mechanic or welder, H.D.); Oiler; Oiler and Cable Tender, Mucking Machine; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar - or compacting or vibrator) except when pulled by dozer with operable blade; Steam Cleaner; Welding Machine

Group 2: A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1,000 tons); Assistant Plant Operator, Fireman or Pugmixer (asphalt); Bagley or Stationary Scraper; Batch Plant and Wet Mix Operator, single unit (concrete); Belt Finishing Machine; Bending Machine (pipeline); Blower Operator (cement); Cement Rot; Compressor (2,000 cu. ft. or over, 2 or more - gas, diesel or electric power); Concrete Saw (multiple cut); Distributor Leverman; Elevator Hoisting Materials; Dope Posts (power agitated); Fork Lift or Lumber Stacker, Hydra-lift and similar; Gin Trucks (pipeline); Hoist, single drums; Loader (bucker elevator and conveyors); Longitudinal Float; Mixer Post Hole Auger or Punch; Power Broom; Railroad Ballast Regulation Operator (self-propelled); Railroad Power Tamper Operator (self-propelled); Railsoad Power Tamper Jack Operator (self-propelled); Spray Curing Machine (concrete); Spreader Jack Operator (self-propelled); Straddle Buggy (Ross and similar on construction job site); Tractor (farm type R/T with attachments except backhoe); Tugger Operator; Ditch Witch or similar

POWER EQUIPMENT OPERATORS (Area 1) (Cont'd)
All Counties and portions of Counties East of the 120th Meridian

Group 3: A-Frame Truck (2 or more drums); Assistant Refrigeration Plant and Chiller Operator (over 1,000 tons); Backfillers (Cleveland and similar); Beltcrete Conveyors with power pack or similar; Belt Loader (Kocal or similar); Blade Operator (motor patrol and attachments); Boat Operators; Boom Cats (side); Boring Machine (earth); Boring Machine (rock under 8" bit)(Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginaw or similar); Canal Lining Machine (concrete); Chipper (without crane); Cleaning and Doping Machine (pipeline); Concrete Pumps (squeeze-crete, flow-crete, pump-crete, Whitman and similar); Drills (Churn, Core, Calyx, or Diamond); Elevating Belt-type Loader (Euclid, Barber Green or similar); Elevating Grader-type Loader (Dumor, Adams or similar); Equipment Serviceman, Greaser and Oiler; Generator Plant Engineers (diesel, electric); Gunite Combination Mixer and Compressor; Hoist (2 or more drums or tower hoist); Loader (Overhead and Front-end under 4 yards, R/T); Locomotive Engineer; Mixermobile; Mucking machines; Paver or Curb Extruder (asphalt and concrete); Pump (grout or jet); Rollerman (finishing pavement); Rubber-tired Scraper (one motor with one scraper, under 40 yards); Screed Operator, Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (Crawler, including Dozer, Scraper, Drills, Booms, Rollers, etc.); Traverse Finishing Machine; Trenching Machines (under 7 feet depth capacity); Turnhead Operator; Vacuum Drill (reverse circulation drill, under 8")

Group 4: Asphalt Plant Operator; Crusher, Grizzle and Screening Plant Operator; H.D. Mechanic; H.D. Welder; Refrigeration Plant Engineer (under 1,000 ton); Rubber-tired Scraper, Multi-engine power, with one Scraper (Euclid, TS-24 and similar); Rubber-tired Scrapers, one motor with one scraper (40 yards and over); Surface Heater and Planer Machine; Turnhead (with re-screening)

Group 5: Automatic subgrader (ditches and trimmers) (Autograde, ABC, R.A. Hansen and similar on grade wire); Backhoes (under 3 yards); Batch and Wet Mix Operator - multiple units (2 and including 4); Chipper (with crane); Clamshell Operator (under 3 yards); Concrete Slip Form Paver; Cranes all (under 3 yards); Drilling Equipment (8" bit and over) (Robbins' reverse circulation and similar); Loader Operator (Front end and Overhead 4 yards to 8 yards); Pile-driving Engineers; Paver (dual drum); Quad-track or similar equipment; Railroad Track Liner Operator (self-propelled); Rubber-tired Scrapers, multi-engine, power with one scraper (Euclid, TS-24 and similar); Push Pull or Help Mate in use; Rubber-tired Scrapers, multiple engines with tow scrapers; Shovels (under 3 yards); Refrigeration Plant Engineer (1,000 tons and over); Signalmen (Whirleys, Highline Hammerheads or similar); Trenching Machines (7 feet depth and over); Multiple Dozer units with single blade

POWER EQUIPMENT OPERATORS (Area 1) (Cont'd)
All Counties and portions of Counties East of the 120th Meridian

Group 6: Backhoes (3 yards and over); Batch Plant (over 4 units); Cableway Controller - Dispatcher; Cableway Operator; Clamshell Operator (3 yards and over); Cranes, all - 65 gons and over; Derricks and Stifflegs (65 tons and over); Draglines (3 yards and over); Elevating Belt (Holland type); Loader 360 degrees revolving Koehring Scooper or similar); Loaders (overhead and Front-end over 8 to 12 yards); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yards and over); Tower Crane; Whirleys and Hammerheads (all)

Group 7: Helicopter Pilot; Loaders (Overhead and Front-end - over 12 yards)

POWER EQUIPMENT OPERATORS (Area 2)
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 1: Mechanics' Helpers (heavy duty)

Group 2: Oilers, Grade Checkers and Stakemen and/or Brakemen

Group 3: Firemen; Firemen (drier and hot plant)\

Group 4: Rollers, Tampers and Vibrators (other than plant, road mix or multi-lift materials); Tractor (farmall type, 60 h.p. and under); Compressor (excavating and general purposes)

Group 5: Oiler Driver on Truck Cranes (over 45 tons up to 100)

Group 6: Blower Distributors and Mulch Seeding Operator; Oil Distributors

Group 7: Locomotive (Dinkey-air, diesel, electric, gas, steam)

Group 8: Equipment Service Oiler; Oiler Driver on Truck Cranes (100 tons and over)

Group 9: Pump (water); Tractors (Farmall type, over 60 h.p.)

Group 10: Post Hole Diggers (mechanical)

Group 11: Brooms (power, Wayne, Saginaw and similar types); Bull-dozers (under D9 or similar); Loaders (Fork Lifts or Lumber Stacker - on construction job site - Drott Travel Lift); Rollers, Tampers and Vibrators (twin engine); Saw (concrete); Scrapers (carry-all type, single)

POWER EQUIPMENT OPERATORS (Area 2) (Cont'd)
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 12: Batch Plant (batch and mixer, 200 yards per hour and under); Cranes ("A" Frame Trucks, single power drum); Conveyors; Crusher (rock); Washing and Screening Plants; Finishing Machine Operator, Concrete Paving; Hoists, Air Tuggers, Strato Tower Bucket, Elevators and Deck Winches (power); Loaders (Elevating-Athey, Barber Greene and similar types, and Overhead and Front-end, under 2½ yards); Mixers (asphalt up to 4 tons per batch, and concrete mixer and batch - 200 yards per hour and under); Power Plant Operators; Pumps (Fuller Kenyon and Concrete and Pumpcrete); Rollers, Tampers and Vibrators (on plant, road mix or multi-lifts materials); Screed Man; Spreaders (Blaw Knox, Cedarapids, Jaeger, Flarrety or similar types); Trenching Machine (under 16 inches)

Group 13: Mechanics or Welder (heavy duty)

Group 14: Motor Patrol Graders (including Model 14 and similar); Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment (25 yards and under)

Group 15: Compressor (steel erection including sandblasting, painting of the same); Hoists on steel erection, Air Tuggers and Towermobiles; Loaders (fork lifts with tower)

Group 16: Cement Hogs; Loaders (Elevating Grader type, Dumor and similar); Locomotive (geared or rod engine); Mixers (paving); Scraper (carryall type, double)

Group 17: Tractors (farmall type, used as Backhoes, Rubber-tired, Ford, Ferguson, Case and similar type 60 h.p. and under)

Group 18: Bull Dozer (D-9 or similar)

Group 19: Trenching Machines (16 inches and over)

Group 20: Bump Cutter (Concut, Christianson or similar types)

Group 21: Batch Plant (batch and mixer, over 200 yards per hour through 400 yards per hour); Conveyors (Beltcrete with power pack and similar types); Loaders (elevating belt type - Euclid and similar types); Mixer (asphalt, 4 tons and over, per batch, and concrete mixers and batch - over 200 yards per hour through 400 yards per hour, and paving dual)

POWER EQUIPMENT OPERATORS (Area 2) (Cont'd)
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 22: Bulldozer engaged in Yo Yo Operating (while clearing and scaling); Cableways (3 yards and under); Cranes ("A" Frame Trucks, double power drum; and Crawler, truck type, floating, Locomotive, Whirley, either 3 yards and under, or 150' of boom including jibs and under, or 45 tons and under; and Hydralifts, Hyster Cat Cranes and attachments and Chipper, wood with boom attachment); Derricks, all; Drilling Machine (Core, Cable Rotary and Exploration); Loader (fork lift with power boom and swing attachment, and overhead and front end, 2½ yards and up to 4 yards); Mixers (mobile type with hoist combination); Motor Patrol Graders (over Model 14 and similar); Mucking Machines (Mole, Tunnel Drill, and/or Shield); Paydozer and Linker Pusher (Quad-9 and similar); Piledriver Engineer, (L.B. Foster Puller or similar, Paving Breaker); Shovels (Crawler and truck types, all attachments, 3 yards and under); Sub Grader (Gurries, CMI and similar types); Tractors (Farmall type, used as Backhoes, Rubber-tired - Ford, Ferguson, Case and similar types - over 60 h.p.); Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment over 25 yards through 40 yards

Group 23: Loaders (overhead and front end, 4 yards up to 8 yards)

Group 24: Mixer (concrete mixers and batch over 400 yards per hour through 600 yards per hour)

Group 25: Tournapulls, Caterpillar, Euclid, Scrapers and similar type(over 40 yards through 55 yards)

Group 26: Cableways (over 3 yards); Crane (Crawler, truck type, floating, Locomotive, Whirley, either over 3 yards, or over 150' of boom including jibs or over 45 tons up to 100 tons; and, Tower Cranes, Pecco, Lorraine, Bucyrus and similar types); Helicopter Winch Operator; Remote Control Operator on Rubber-tired Earth Moving Equipment; Shovels (Crawler and truck type, all attachments, over 3 yards up to 6 yards); Slip Form Paver (Zimmerman, CMI and similar types)

Group 27: Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment (over 55 yards through 70 yards)

Group 28: Loaders (overhead and front end 8 yards and over)

POWER EQUIPMENT OPERATORS (Area 2) (Cont'd)
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 29: Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment (over 70 yards through 85 yards)

Group 30: Cranes (Crawler, Truck type, floating, Locomotive, Whirley, either 5 yards and over 200' of boom including jibs and over, or 100 tons and over); Shovel (Crawler and Truck type, all attachments, 6 yards and over)

Group 31: Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment (over 85 yards through 100 yards)

POWER EQUIPMENT OPERATORS (Area 3)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 1: Oiler, including Plant, Crane, Crusher, Guardrail equipment, and Trenching Machine; Assistant Conveyor Operator; Crusher Feeder-man; Deckhand; Self-propelled Scaffolding Operator; Guardrail Punch Oiler; Pump Operator, under 4"; Brakeman; Switchman; Parts Man (tool room)

Group 2: Blade Operator, pulled type; Truck Crane Oiler-driver, 25 ton capacity or over; Crane Fireman, (all equipment except floating); A-Frame Truck Operator, single drum; Tugger or Coffin type Hoist Operator; Driller Helper; Auger Oiler; Boatman; Fork Lift or Lumber Stacker Operator (on job site); Oiler, combination Guardrail Machines; Temporary Heating Plant Operator; Grade Oiler, required to check grade; Grade Checker; Tar Pot Fireman; Tar Pot Fireman (power agitated); H.D. Repairman Helper; Welder's Helper; Helicopter Radioman (ground); Roller Operator, grading of base rock (not amphalt)

Group 3: Asphalt Plant Fireman; Pugmill Operator (any type); Truck mounted Asphalt Spreader, with Screed; Compressor Operator (any power), under 2,250 cu. ft. total capacity; Conveyor Operator; Mixer Box Operator (C.T.B., Dry Batch, etc.); Cement Hog; Concrete Saw; Concrete Curing Machine (riding type); Wire Mat or Brooming Machine; Ross Carrier Operator (on job site); Bucket Elevator Loader, Barber-Greene and similar types; Hydraulic Pipe Press; Pump Operator (any power), 4" and over; Hydrostatic Pump; Motorman; Ballast Jack Tamper; Ball Boy phones, etc.; Tamping Machine, mechanical self-propelled; Hygrographic Seeder Machine, straw, pulp or seed; Broom Operator, self-propelled (on job site); Air Filtration Equipment; Welding Machine Operator

POWER EQUIPMENT OPERATORS (Area 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 4: Screed Operator; Compactor, including Vibratory; Compressor (any power) over 1,250 cu. ft. total capacity; Combination Mixer and Compressor, Gunnite work; Concrete Mixer Operator, single drum, under five bag capacity; Helicopter Hoist Operator; Floating Equipment Fireman; Lull Hi-lift Operator or similar type; Fork Lift, over 5 ton; Service Oiler (greaser); Hydra Hammer or similar types; Pavement Breaker; Pump Operator, more than 5 (any size); Locomotive, under 40 tons; Roller Operator, Oiling, C.T.B.

Group 5: Extrusion Machine; Wagner Factor or similar type (without blade); Concrete Batch Plant Quality Control Operator; Power Jumbo, Setting Slip Forms, etc. in tunnels; Slip Form Pumps, Power driven Hydraulic Lifting Device for concrete forms; Hoist, single drum; Elevator Operator; Pulvamixer or similar types; Chip Spreading Machine Operator; Lime Spreading (on job site); Sweeper (Wayne type) Self-propelled (on job site); Tractor, rubber-tired 50 H.P. Flywheel and under; Trenching Machine, maximum digging capacity 3 ft. depth

Group 6: Asphalt Burner and Reconditioner; Pavement Grinder and/or Grooving Machine (riding type); Cast-in-place Pipe Laying Machine; Maginnis Internal Full Slab Vibrator; Concrete Finishing Machine, Clary, Johnson, Bidwell, Burgess Bridge Deck or similar type; Curb Machine, Mechanical Berm, Curb and/or Curb and Gutter; Concrete Joint Machine; Concrete Planer; Concrete Paving Machine; Concrete Spreader; Loaders, rubber-tired type, 2½ cu. yds. and under; Rock Spreaders, self-propelled.

Group 7: Roller(any asphalt mix); Beltcrete; Pumpcrete Operator (any type); Cement Pump, Fuller-Kenyon and similar; Concrete Pump; Grouting Machine; Concrete Mixer, single drum, five bag capacity and over; Tower Mobile Operator; A-Frame Truck double drum; Boom Truck; Churn Drill and Earth Boring Machine; Hydraulic Backhoe, wheel type 3/8 cu. yds. and under with or without front end attachments 2½ cu. yds. and under (Ford, John Deere, Case type); Elevating Grader, Tractor towed requiring operator or grader; Pot Rammer; Ballast Regulator; Ballast Tamper, Multiple-purpose; Track Liner; Tie Spacer; Shuttle Car; Locomotive, 40 tons and over

POWER EQUIPMENT OPERATORS (Area 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 8: Diesel-Electric Engineer, Plant, Crusher, Generator, Floating; Batch Plant and/or wet mix, one and two drum; Generator Operator; Belt Loaders, Kolman and Ko Cal types; Asphalt Paver Operator

Group 9: Bulldozer; Drill Cat Operator; Side-boom Cat; Compactor, with blade; Concrete Cooling Machine; Chicago Boom and similar types; Lift Slab Machine; Boom type Lifting Device, 5 ton capacity or less; Cherry Picker or similar type Crane-hoist, 5 ton capacity or less; Grizzley Crusher; Crusher Plant; Drill Doctor; Boring Machine; Guardrail Punch and Auger (all types); Surface Heater and Planer; Hydraulic Backhoe, track type 3/8 cu. yd.; Loader, front end and overhead, 2¼ cu. yds. and under 4 cu. yds.; Hammer Operator; Pipe Cleaning, Doping, Bending and Wrapping Machines; Bolt-threading Machine; Drill Doctor (bit grinder); H.D. Mechanic and Welder; Machine Tool Operator; Stationary Drag Scraper; Tractor, rubber-tired over 50 H.P. flywheel; Tractor with boom attachment; Trench Machine, maximum digging capacity over 3 ft. depth; Asphalt Plant Operator

Group 10: Bulldozer, twin engine (TC12 and similar); Cable Plow (any type); Compactor, multi-engine; Jack Operator, Elevating Barges; Barge Operator, self-unloading; Combination H.D. Mechanic-Welder, when dispatched and/or when required to do both; Rubber-tired dozers and Pushers (Michigan, Cat, Hough type); Driller-Percussion, Diamond, Core, Cable, Rotary and similar type

Group 11: Mixer Mobile; Concrete Breaker; Crane Operator, 25 tons and under; Combination Guardrail Machines, i.e., Punch, Auger, etc.; Shovel; Dragline; Clamshell, Hoe, etc., under 1 cu. yd.; Grade-alls, under 1 cu. yd.; Mucking Machine (tunnel)

POWER EQUIPMENT OPERATORS (Area 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 12: Blade Operator; Batch Plant and/or Wet Mix, 3 units or more; Reinforced Tank Banding Machine (K-17 or similar); Hoist, two or more drums; Elevating Loader, Athey and similar; Piledriver (not crane type); Rubber-tired Scraper, single and twin engine, Single Scraper, with Push-pull attachments, self-loader, Paddle Wheel, Auger type; Blade mounted Spreaders, Ulrich and similar types; Shield Operator

Group 13: Blade Operator, finish; Blade, externally controlled by electronic, mechanical hydraulic means; Blade, Multi-engines; Concrete Paving Road Mixer; Derrick, under 100 tons; Hoist, Stiff Leg, Guy Derrick or similar, 50 tons and over; Cableway Operator 25 ton and over; Crane, over 25 ton and including 50 tons; Piledriver Operator; Floating Clamshell, etc. under 3 cu. yds.; Floating Crane (derrick barge), less than 30 ton; Elevating Grader, operated by tractor operator, Sierra, Euclid, or similar; Back Filling Machine; Shovel, etc. 1 cu. yd. and less than 3 cu. yds.; Grade-all, 1 cu. yd. and over; Bridge Crane Operator, Locomotive Crane, Gantry and Overhead

Group 14: Tower Crane Operator; Rubber-tired Scraper, with Tandem Scrapers, self-loading, Paddle Wheel, Auger type, Finish and/or 2 or more units

Group 15: Rock Hound Operator; Loader, 4 cu. yds., but less than 6 cu. yds.

Group 16: Autograder or "Trimmer"; Tandem Bulldozer, Quad-nine and similar; Automatic Concrete Slip Form Paver; Concrete Canal Line; Cableway, 25 ton and over; Crane, over 40 ton and including 100 ton; Whirley, 80 ton and under; Floating Clamshell, etc., 3 cu. yds. and over; Floating Crane (derrick barge) 30 ton but less than 80 ton; Loader, 6 cu. yds., but less than 12 cu. yds.; Rubber-tired Scraper, with Tandem Scrapers, Multi-engine; Shovel, etc., 3 cu. yds. but less than 5 cu. yds.; Wheel Excavator, under 750 cu. yds. per hour

Group 17: Crane over 100 ton and including 200 ton; Whirley over 80 ton and including 150 ton; Floating Crane (derrick barge) 80 ton less than 150 ton; Loader, 12 cu. yds. and over; Shovel, etc., 5 cu. yds. and over; Canal Trimmer

Group 18: Crane, over 200 ton; Whirley, 150 ton and over; Floating Crane 150 ton but less than 250 ton; Wheel Excavator, over 750 cu. yds. per hour; Band Wagons, in conjunction with Wheel Excavator

Group 19: Helicopter, when used in erecting work; Floating Crane 250 ton and over; Remote Controlled Earth Moving Equipment; Underwater Equipment, remote or otherwise

POWER EQUIPMENT OPERATORS (Areas 1 and 2)
(DREDGING)

Group 1: Assistant Mate (deckhand)

Group 2: Fireman; Oiler

Group 3: Assistant Engineer (Electric, Diesel, Steam or Booster pump); Mates and Boatmen

Group 4: Engineer Welder; Craneman

Group 5: Assistant Engineer (Electric Generator Operator for primary pump, power barge or dredge)

Group 6: Leverman, Hydraulic

Group 7: Leverman, Dipper:
(a) 5 yards and under
(b) Over 5 yards

POWER EQUIPMENT OPERATORS (Area 3)
(DREDGING)

Group 1: Leverman, Hydraulic

Group 1A: Leverman, Dipper

Group 2: Assistant Engineer (including Watch Engineer, Welder, Mechanic, and Machinist) and Mate

Group 3: Tenderman (Boatman, Attending Dredge Plant); Fireman

Group 4: Assistant Mate (Deckhand); Oiler

TRUCK DRIVERS (Area 1) (All Counties and portions of Counties East of the 120th Meridian)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 9.28	$ 1.02	.75		
Group 2	9.32	1.02	.75		
Group 3	7.38	1.02	.75		
Group 4	9.47	1.02	.75		
Group 5	9.68	1.02	.75		
Group 6	9.72	1.02	.75		
Group 7	9.78	1.02	.75		
Group 8	9.82	1.02	.75		
Group 9	9.93	1.02	.75		
Group 10	9.97	1.02	.75		
Group 11	10.28	1.02	.75		
Group 12	10.42	1.02	.75		
Group 13	10.58	1.02	.75		
Group 14	10.72	1.02	.75		
TRUCK DRIVERS (Area 2) (All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and all of Kittitas and Yakima Counties)					
Group 1	10.34	.80	.65		.09
Group 2	10.39	.80	.65		.09
Group 3	10.44	.80	.65		.09
Group 4	10.55	.80	.65		.09
Group 5	10.61	.80	.65		.09
Group 6	10.65	.80	.65		.09
Group 7	10.66	.80	.65		.09
Group 8	10.72	.80	.65		.09
Group 9	10.77	.80	.65		.09
Group 10	10.79	.80	.65		.09
Group 11	10.82	.80	.65		.09
Group 12	10.92	.80	.65		.09
Group 13	10.94	.80	.65		.09
Group 14	10.98	.80	.65		.09
Group 15	11.10	.80	.65		.09
Group 16	11.14	.80	.65		.09
Group 17	11.26	.80	.65		.09
Group 18	11.31	.80	.65		.09
Group 19	11.47	.80	.65		.09
Group 20	11.63	.80	.65		.09
Group 21	11.79	.80	.65		.09

TRUCK DRIVERS (Area 3)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group No.	Zone A	Zone B	Zone C	Zone D	Zone E	Zone F
1	$9.23	$9.63	$9.98	10.23	10.48	10.73
2	9.28	9.68	10.03	10.28	10.53	10.78
3	9.33	9.73	10.08	10.33	10.58	10.83
4	9.38	9.78	10.13	10.38	10.63	10.88
5	9.43	9.83	10.18	10.43	10.68	10.93
6	9.53	9.93	10.28	10.53	10.78	11.03
7	9.63	10.03	10.38	10.63	10.88	11.13
8	9.73	10.13	10.48	10.73	10.98	11.23
9	9.83	10.23	10.58	10.83	11.08	11.33
10	10.00	10.40	10.75	11.00	11.25	11.50
11	10.10	10.50	10.85	11.10	11.35	11.60
12	10.20	10.60	10.95	11.20	11.45	11.70
13	10.30	10.70	11.05	11.30	11.55	11.80
14	10.40	10.80	11.15	11.40	11.65	11.90

FRINGE BENEFITS:

Health and Welfare	$ .68
Pension	.65
Vacation	.55
Apprenticeship Tr.	.05

Wage Wage Scale (Area 3)

LABORERS: Goldendale, Longview and Vancouver

POWER EQUIPMENT OPERATORS: Astoria, Goldendale, Hood River, Longview The Dalles and Vancouver

TRUCK DRIVERS: Astoria, Goldendale, Longview, the Dalles and Vancouver

ZONE A: All jobs or projects located within 10 miles of the respective City Hall
ZONE B: More than 10 miles but less than 25 miles from the CityHall
ZONE C: More than 25 miles but less than 35 miles from the respective City Hall
ZONE D: More than 35 miles but less than 45 miles from the City Hall
ZONE E: More than 45 miles but less than 74 miles from the respective City Hall
ZONE F: More than 75 miles from the respective City Hall

TRUCK DRIVERS (Area 1)
All Counties and portions of Counties East of the 120th Meridian

Group 1: Flat Bed Truck, single rear axle; Escort Driver; Fish Truck; Fork Lift, 3,000 pounds and under; Fuel Truck Driver (Steam Cleaner and Washer); Helper and Swamper; Leverperson loading Trucks at Bunkers; Pick-up hauling material; Seeder and Mulcher; Stationary Fuel Operator; Team Driver; Tractor (small rubber tired pulling trailer or similar equipment); Water Tank Truck 1,800 gallons.

Group 2: Bus Driver or Employeehaul Driver; Flat Bed Truck, dual rear axle; Power Boat hauling employees or material; Tireperson No. 1; Warehouseperson

Group 3: Buggy Mobile and similar; Bulk Cement Tanker; Oil Tank Driver; Power operated Sweeper; Semi-trailer, Low Bed, Truck and Trailer; Straddle Carrier (Ross Hyster and similar); Transit Mixers and Trucks hauling concrete (3 yards and under); Trucks, side, end, and bottom dump (under 6 yards); Water Tank Truck (1,801 - 4,000 gallons)

Group 4: Auto Crane - 2,000 pounds capacity; Bulk Cement Spreader; Dumptor (56 yards and under); Flaherty Spreader, Box Driver; Flat Bed Truck (using power take off); Fork Lift (over 3,000 pounds); Oil Distributor Driver (road, bootperson, leverperson helper); Rubber-tired tunnel jumbo; Scissor Truck; Slurry Truck Driver; Transit Mixers and Trucks hauling concrete (over 3 yards to 6 yards); Water Tank Truck (4,001 - 6,000 gallons); Wracker and Tow Trucks

Group 5: Low Boy (under 50 tons); Service Greaser; Tireperson No. 2; Truck, side, end, and bottom dump (over 6 yards to 12 yards)

Group 6: A-Frame (Swedish Crane, Iowa 3,000, Hydrolift); Water Tank Truck (6,001 - 8,000 gallons)

Group 7: Dumptor (over 6 yards); Transit Mixers and Trucks hauling concrete (6 yards to 10 yards); Trucks, side, end, and bottom dump (over 12 yards including 20 yards)

Group 8: Low Boy (over 50 tons); Water Tank Truck (8,001 - 10,000 gallons); Tractor with Steer Trailer

Group 9: Transit Mixers and Trucks hauling concrete (10 yards to 15 yards); Trucks, side, end and bottom dump (over 20 yards including 30 yards); Water Tank Truck (10,001 - 12,000 gallons)

TRUCK DRIVERS (Area 1) (Cont'd)
All Counties and portions of Counties East of the 120th Meridian

Group 10: Mechanic, Field

Group 11: Tournarocker, D.W.'s and similar, with 2 or 4 wheel power tractor with trailer, gallonage or yardage scale, which is greater; Transit Mixers and Trucks hauling concrete (15 yards to 20 yards); Trucks, side, end and bottom dump (over 30 yards to 40 yards); Water Tank Truck (12,001 - 14,000 gallons)

Group 12: Transit Mixers and Trucks hauling concrete (over 20 yards); Trucks, side, end and bottom dump (over 40 yards to 50 yards)

Group 13: Truck, side, end and bottom dumps (over 50 yards to 100 yards)

Group 14: Helicopter Pilot hauling employees or material; Trucks, side, end and bottom dump (over 100 yards)

TRUCK DRIVERS (Area 2)
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and including all of Kittitas and Yakima Counties

Group 1: Leverman and Loaders at bunkers and batch plants; Pickup Truck, Escort or Pilot Car; Swampers; Warehouseman and Checkers

Group 2: Team Drivers

Group 3: Bull Lifts and similar equipment used in loading and unloading trucks, transporting materials on job site, warehousing; Dumpsters, and similar equipment (including Tournarockers, Tournawagon, Turna-trailer, Cat DW series, Terra Cobra, LeTourneau, Westinghouse, Athey Wagon, Euclid, two and four-wheeled power tractor with trailer and similar top-loaded equipment transporting material: Dump Trucks - side, end and bottom dump, including Semi-trucks and Trains or combinations thereof) - up to and including 5 yards; Flatbed, single rear axle; Fuel Truck; Grease Truck; Greaser, Battery Service Man and/or Tire Service Man; Scissor Truck; Spreader, Flaherty; Tractor (small, rubber-tired); Vacuum Truck; Water Wagon and Tank Truck (up to 1,600 gallons); Winch Truck, single rear axle; Wrecker, tow truck and similar equipment

Group 4: Flatbed, dual rear axle

Group 5: Buggymobile; Hyster Operators; Straddle Carrier (Ross, Hyster, and similar equipment); Water Wagon and Tank Truck, 1,600 gallons to 3,000 gallons)

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TRUCK DRIVERS (Area 2) (Cont'd)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and including all of Kittitas and Yakima Counties

Group 6: Transit-mix, 0 to and including 41 yards

Group 7: Dumpsters and similar equipment (as listed in Group 3) - over 5 yards to and including 12 yards; Explosive Truck (field mix) and similar equipment; Lowbed and Heavy Duty Trailer, under 50 tons gross; Road Oil Distributor Driver; Slurry Truck; Sno-go and similar equipment; Winch Truck, dual rear axle

Group 8: Dumpster and similar equipment (as listed in Group 3) - over 12 yards to and including 16 yards

Group 9: Bulk Cement Tanker; Dumpsters and similar equipment (as listed in Group 3) - over 16 yards to and including 20 yards; Water Wagon and Tank Truck, over 3,000 gallons

Group 10: Bull Lifts or similar equipment used in loading or unloading trucks transporting materials on job site, other than warehousing

Group 11: Transit-mix, over 4½ yards to and including 6 yards

Group 12: "A" Frame or Hydralift Trucks or similar equipment

Group 13: Dumpsters and similar equipment (as listed in Group 3) - over 20 yards to and including 30 yards; Lowbed and Heavy Duty Trailer, over 50 tons gross to and including 100 tons gross

Group 14: Transit-mix, over 6 yards, to and including 8 yards

Group 15: Dumpsters and similar equipment (as listed in Group 3) - over 30 yards to and including 40 yards; Lowbed and Heavy Duty Trailer, over 100 tons gross

Group 16: Transit-mix, over 8 yards to and including 10 yards

Group 17: Dumpsters and similar equipment (as listed in Group 3) - over 40 yards to and including 55 yards

Group 18: Transit-mix, over 10 yards to and including 12 yards

Group 19: Transit-mix, over 12 yards to and including 16 yards

Group 20: Transit-mix, over 16 yards to and including 20 yards

Group 21: Transit-mix, over 20 yards

TRUCK DRIVERS (Area 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 1: Battery Rebuilders; Bus or Manhaul Driver; Concrete Buggies (power operated); Dump Trucks, side, end and bottom dumps, including Semi-trucks and Trains or combinations thereof: 6 cu. yds. and under, Lift Jitneys, Fork Lifts (all sizes in loading, unloading and transporting material on job site); Loader and/or Leverman on concrete dry batch plant (manually operated); Pilot Car; Solo Flat Bed and misc. Body Trucks, 0-10 tons; Truck Helper; Truck Mechanic Helper; Warehouseman (warehouse parts, tool men and parts chaser, checkers and receivers); Water Wagons (rated capacity) - up to 1,600 gallons

Group 2: "A" Frame of Hydra-lift Truck with load bearing surface; Lubrication Man, Fuel Truck Driver, Tireman, Wash Rack, Steam Cleaner or combinations; Team Drivers

Group 3: Dump Trucks, side, end and bottom dumps, including Semi-trucks and Trains or combinations thereof: over 6 cu. yds. and including 10 cu. yds.; Slurry Truck Driver or Leverman; Transit Mix, and wet or dry mix trucks: 5 cu. yds. and under; Tireman (full-time basis); Water Wagons (rated capacity) - 1,600 to 3,000 gallons

Group 4: Flaherty Spreader Driver or Leverman; Lowbed Equipment, Flat Bed Semi-trailer, Truck and Trailers of doubles transporting equipment or wet or dry materials; Lumber Carrier Driver - Straddle Carrier (used in loading, unloading and transporting of materials on job site); Oil Distributor Driver or Leverman; Water Wagons (rated capacity) - 3,000 to 5,000 gallons

Group 5: Dumpsters of similar equipment, all sizes; Transit Mix and wet or dry trucks, over 5 cu. yds. and including 7 cu. yds.

[FR Doc.77-9460 Filed 3-31-77;8:45 am]

INDEX TO GENERAL WAGE DETERMINATION DECISIONS AND MODIFICATIONS AS OF MARCH 4, 1977

There is set forth below an index to general wage determination decisions and modifications as published in the FEDERAL REGISTER pursuant to the Davis-Bacon and related Acts. The index lists general wage determination decisions and modifications by State and County. An updated index is published on the first Friday of each month.

The index is published for the convenience of the public and the Department of labor will endeavor to keep it accurate and up to date. In the event the data in the index and published general decisions do not concide, the published general decisions shall control.

ABBREVIATIONS

(B)—Building Construction.
(D)—Dredging.
(F)—Flood Control Construction.
(H)—Heavy Construction.
(Hw)—Highway Construction.
(R)—Residential Construction.
Mod.—Modification.
(HE)—Heavy Engineering.
(LE)—Light Engineering.
(U)—Utility.
(W&S)—Water and Sewer.

Signed at Washington, D.C., this 25th day of March 1977.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

ALABAMA

STATEWIDE
Decision #AL76-5090 (D)
41 FR 44609 - 10/8/76
Decision #AL76-1082 (Hw)(Excluding Airport Construction)
41 FR 32100 - 7/30/76
AUTAUGA COUNTY
(D,Hw) - See Statewide
BALDWIN COUNTY
Decision #AL76-1009 (R)
41 FR 2540 - 1/16/76
(D,Hw) - See Statewide
BARBOUR COUNTY
(D,Hw) - See Statewide
BIBB COUNTY
(D,Hw) - See Statewide
BLOUNT COUNTY
Decision #AL75-1047 (R)
40 FR 17474 - 4/18/75
Mod. #1 - 41 FR 19004 - 5/7/76
Mod. #2 - 41 FR 52175 - 11/26/76
(D,Hw) - See Statewide
BULLOCK COUNTY
(D,Hw) - See Statewide
BUTLER COUNTY
(D,Hw) - See Statewide
CALHOUN COUNTY
Decision #AL76-1125 (B)
41 FR 47713 - 10/29/76
Mod. #1 - 42 FR 8925 - 2/11/77
(D,Hw) - See Statewide
CHAMBERS COUNTY
(D,Hw) - See Statewide
CHEROKEE COUNTY
(D,Hw) - See Statewide
CHILTON COUNTY
(D,Hw) - See Statewide
CHOCTAW COUNTY
(D,Hw) - See Statewide
CLARKE COUNTY
(D,Hw) - See Statewide

ALABAMA (Cont'd.

CLAY COUNTY
(D,Hw) - See Statewide
CLEBURNE COUNTY
(D,Hw) - See Statewide
COFFEE COUNTY
(D,Hw) - See Statewide
COLBERT COUNTY
Decision #AL75-1046 (R)
40 FR 17451 - 4/18/75
Decision #AL76-1011 (B)
41 FR 4741 - 1/30/76
Mod. #1 - 41 FR 8623 - 2/27/76
Mod. #2 - 41 FR 18263 - 4/30/76
Mod. #3 - 41 FR 32101 - 7/30/76
Mod. #4 - 41 FR 40369 - 9/17/76
Mod. #5 - 42 FR 987 - 1/4/77
(D,Hw) - See Statewide
CONECUH COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
COOSA COUNTY
(D,Hw) - See Statewide
COVINGTON COUNTY
(D,Hw) - See Statewide
CRENSHAW COUNTY
(D,Hw) - See Statewide
CULLMAN COUNTY
(D,Hw) - See Statewide
DALE COUNTY
(D,Hw) - See Statewide
DALLAS COUNTY
(D,Hw)- See Statewide
DE KALB COUNTY
(D,Hw) - See Statewide
ELMORE COUNTY
(D,Hw)- See Statewide
ESCAMBIA COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
ETOWAH COUNTY
(D,Hw)-See Statewide

ALABAMA (Cont'd.

FAYETTE COUNTY
(D,Hw) - See Statewide
FRANKLIN COUNTY
(D,Hw) - See Statewide
(R) - See Colbert County
GENEVA COUNTY
(D,Hw) - See Statewide
GREENE COUNTY
(D,Hw) - See Statewide
HALE COUNTY
(D,Hw) - See Statewide
HENRY COUNTY
(D,Hw) - See Statewide
HOUSTON COUNTY
(D,Hw) - See Statewide
JACKSON COUNTY
(D,Hw) - See Statewide
JEFFERSON COUNTY
Decision #AL77-1007 (B)
42 FR 5619 - 1/28/77
Mod. #1 - 42 FR 12563 - 3/4/77
(D) - See Statewide
(R) - See Blount County
(Hw) - See Statewide
LAMAR COUNTY
(D,Hw) - See Statewide
LAUDERDALE COUNTY
(B,R) - See Colbert County
(D,Hw) - See Statewide
LAWRENCE COUNTY
Decision # AL77-1025 (D)
42 FR 12577 - 3/4/77
(D,Hw) - See Statewide
(R) - See Colbert County
LEE COUNTY
(D,Hw) - See Statewide
LIMESTONE COUNTY
(B) - See Lawrence County
(D,Hw) - See Statewide

ALABAMA (cont'd)

LOWNDES COUNTY
(D,Hw) - See Statewide
MACON COUNTY
(D,Hw) - See Statewide
MADISON COUNTY
Decision #AL77-1006 (B)
42 FR 5618 - 1/28/77
Mod. #1 - 42 FR 12563 - 3/4/77
(D,Hw) - See Statewide
MARENGO COUNTY
(D,Hw) - See Statewide
MARION COUNTY
(R) - See Colbert County
(D,Hw) - See Statewide
MARSHALL COUNTY
(D,Hw) - See Statewide
MOBILE COUNTY
Decision #AL76-1124 (B)
41 FR 47719 - 10/29/76
Mod. #1 - 41 FR 55260 - 12/17/76
(D,Hw) - See Statewide
(R) - See Baldwin County
MONROE COUNTY
(D,Hw) - See Statewide
MONTGOMERY COUNTY
(D,Hw) - See Statewide
Decision #AL76-1002 (R)
41 FR 1693 - 1/9/76
Mod. #1 - 41 FR 36365 - 8/27/76
Decision #AL76-1138 (B)
41 FR 53241 - 12/3/76
MORGAN COUNTY
(B) - See Lawrence County
(D,Hw) - See Statewide
PERRY COUNTY
(D,Hw) - See Statewide
PICKENS COUNTY
(D,Hw) - See Statewide

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ALABAMA (Cont'd)

PIKE COUNTY
(D,Hw) - See Statewide
RANDOLPH COUNTY
(D,Hw) - See Statewide
RUSSELL COUNTY
(D,Hw) - See Statewide
SAINT CLAIR COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
SHELBY COUNTY
(B) - See Jefferson County
(D,Hw) - See Statewide
(R) - See Blount County
SUMTER COUNTY
(D,Hw) - See Statewide
TALLADEGA COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
TALLAPOOSA COUNTY
(D,Hw) - See Statewide
TUSCALOOSA COUNTY
Decision #AL76-1027 (B)
41 FR 7897 - 2/20/76
Mod. #1 - 41 FR 18263 - 4/30/76
Mod. #2 - 41 FR 33125 - 8/6/76
(D,Hw) - See Statewide
WALKER COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
WASHINGTON COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
WILCOX COUNTY
(D,Hw) - See Statewide
WINSTON COUNTY
(D,Hw) - See Statewide
(R) - See Colbert County

ALASKA

STATEWIDE
Decision #AK77-5009 (B,H,Hw,D,R)
42 FR 4074 - 1/21/77
Mod. #1 - 42 FR 10201 - 2/18/77
Mod. #2 - 42 FR 12563 - 3/4/77

ARIZONA

STATEWIDE
Decision #AZ76-5109 (B,H,Hw)
41 FR 52189 - 11/26/76
Mod. #1 - 42 FR 10201 - 2/18/77
Mod. #2 - 42 FR 12563 - 3/4/77
APACHE COUNTY
Decision #AZ75-5003 (R)
(Navajo and Hopi Indian Reservations in Apache, Coconino, Navajo Cos.)
40 FR 3868 - 1/24/75
(B,H,Hw) - See Statewide
COCHISE COUNTY
(B,H,Hw) - See Statewide
COCONINO COUNTY
(R) - See Apache County
(B,H,Hw) - See Statewide
GILA COUNTY
(B,H,Hw) - See Statewide
GRAHAM COUNTY
(B,H,Hw) - See Statewide
GREENLEE COUNTY
(B,H,Hw) - See Statewide
MARICOPA COUNTY
(B,H,Hw) - See Statewide
Decision #AZ76-5110 (R)
41 FR 52198 - 11/26/76
Mod. #1 - 42 FR 10204 - 2/18/77
Mod. #2 - 42 FR 12563 - 3/4/77
MOHAVE COUNTY
(B,H,Hw) - See Statewide
NAVAJO COUNTY
(B,H,Hw) - See Statewide
(R) - See Apache County
PIMA COUNTY
(B,H,Hw) - See Statewide
Decision #AZ76-5111 (R)
41 FR 52204 - 11/26/76
Mod. #1 - 42 FR 10205 - 2/18/77
Mod. #2 - 42 FR 12563 - 3/4/77
PINAL COUNTY
(B,H,Hw) - See Statewide
SANTA CRUZ COUNTY
(B,H,Hw) - See Statewide
YAVAPAI COUNTY
(B,H,Hw) - See Statewide
YUMA COUNTY
(B,H,Hw) - See Statewide

ARKANSAS

STATEWIDE
Decision #AR76-4111 (Construction Alteration, and/or repair of streets, highways, runways, and water & sewer utilities)
41 FR 27547 - 7/2/76
Mod. #1 - 41 FR 29606 - 7/16/76
Decision #AR76-5090 (D)
41 FR 44609 - 10/8/76
ARKANSAS COUNTY
Decision #AR76-5041 (F)
41 FR 19017 - 5/7/76
Mod. #1 - 41 FR 21981 - 5/28/76
ASHLEY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BAXTER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BENTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BOONE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BRADLEY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CALHOUN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CARROLL COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CHICOT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLARK COUNTY
(B) - See Garland County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLAY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd.

CLEBURNE COUNTY
(B) - See Conway County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLEVELAND COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
COLUMBIA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CONWAY COUNTY
Decision #AR76-4130 (B)
41 FR 30509 - 7/23/76
Mod. #1 - 41 FR 43557 - 10/1/76
Mod. #2 - 41 FR 52175 - 11/26/76
Mod. #3 - 42 FR 3133 - 1/4/77
Mod. #4 - 42 FR 7015 - 2/4/77
Mod. #5 - 42 FR 11183 - 2/25/77
Mod. #6 - 42 FR 12564 - 3/4/77
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CRAIGHEAD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CRAWFORD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
Decision #AR77-4018 (B)
42 FR 7040 - 2/4/77
Mod. #1 - 42 FR 11183 - 2/25/77
CRITTENDEN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CROSS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
DALLAS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
DESHA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

DREW COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FAULKNER COUNTY
(B) - See Conway County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FRANKLIN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FULTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GARLAND COUNTY
Decision #AR76-4133 (D)
41 FR 30513 - 7/23/76
Mod. #1 - 41 FR 47715 - 10/29/76
Mod. #2 - 41 FR 52176 - 11/19/76
Mod. #3 - 42 FR 7015 - 2/4/77
Mod. #4 - 42 FR 8925 - 2/11/77
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GRANT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GREENE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HEMPSTEAD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HOT SPRING COUNTY
(B) - See Garland County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HOWARD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
INDEPENDENCE COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County
IZARD COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd.)

JACKSON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
JEFFERSON COUNTY
(D,H,Hw) - See Statewide
(F)- See Arkansas County
JOHNSON COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LAFAYETTE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LAWRENCE COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LEE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LINCOLN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LITTLE RIVER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LOGAN COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LONOKE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MADISON COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
MARION COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

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ARKANSAS (Cont'd)

MILLER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MISSISSIPPI COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MONROE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MONTGOMERY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
NEVADA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
NEWTON COUNTY
(D,H,Hw) - See Statewide
(F) - Arkansas County
OUACHITA COUNTY
(B) - See Union County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PERRY COUNTY
(B) - See Conway County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PHILLIPS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PIKE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POINSETT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POLK COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POPE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

PRAIRIE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PULASKI COUNTY
(D,H,Hw)- See Statewide
(F) - See Arkansas County
Decision #AR77-4034 (B)
42 FR 10223 - 2/18/77
RANDOLPH COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
ST. FRANCIS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SALINE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SCOTT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SEARCY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SEBASTIAN COUNTY
(F) - See Arkansas County
(D,H,Hw) - See Statewide
(B) - See Crawford County
SEVIER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SHARP COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd.)

STONE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
UNION COUNTY
Decision #AR76-4129 (B)
41 FR 30507 - 7/23/76
Mod. #1 - 41 FR 52175 - 11/26/76
Mod. #2 - 42 FR 7015 - 2/4/77
(F) - See Arkansas County
(D,H,Hw) - See Statewide
VAN BUREN COUNTY
(B) - See Conway County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WASHINGTON COUNTY
(B) - See Crawford County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WHITE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WOODRUFF COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
YELL COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

CALIFORNIA

ALAMEDA COUNTY
Decision #CA76-5101 (B,H,Hw,D)
41 FR 51255 - 11/19/76
Mod. #1 - 42 FR 7016 - 2/4/77
Decision #CA76-5102 (R)
41 FR 51272 - 11/19/76
Mod. #1 - 42 FR 7019 - 2/4/77
ALPINE COUNTY
(B,D,H,Hw,R) - See Alameda County
AMADOR COUNTY
(B,D,H,Hw,R) - See Alameda County
BUTTE COUNTY
(B,H,Hw,D) - See Alameda County
CALAVERAS COUNTY
(B,H,Hw,D,R) - See Alameda County
COLUSA COUNTY
(B,H,Hw,D) - See Alameda County
CONTRA COSTA COUNTY
(B,D,H,Hw,R) - See Alameda County
DELNORTE COUNTY
(B,D,H,Hw,R) - See Alameda County
ELDORADO COUNTY
(B,D,H,Hw,R) - See Alameda County
FRESNO COUNTY
(B,D,H,Hw,R) - See Alameda County

CALIFORNIA (Cont'd)

GLENN COUNTY
(B,H,Hw,D) - See Alameda County
HUMBOLDT COUNTY
(B,D,H,Hw,R) - See Alameda County
IMPERIAL COUNTY
Decision #CA76-5120 (B,D,H,Hw)
41 FR 56556 - 12/28/76
Mod. #1 - 42 FR 4061 - 1/21/77
Mod. #2 - 42 FR 7022 - 2/4/77
Decision #CA76-5121 (R)
41 FR 56566 - 12/28/76
Mod. #1 - 42 FR 4061 - 1/21/77
Mod. #2 - 42 FR 7024 - 2/4/77
INYO COUNTY
(B,H,Hw,D) - See Imperial County
KERN COUNTY
(B,D,H,Hw,R) - See Imperial County

CALIFORNIA (Cont'd)

KINGS COUNTY
(B,H,Hw,D) - See Alameda County
LAKE COUNTY
(B,H,Hw,D) - See Alameda County
LASSEN COUNTY
(B,H,Hw,D) - See Alameda County
LOS ANGELES COUNTY
(B,D,H,Hw,R) - See Imperial County
MADERA COUNTY
(B,H,Hw,D) - See Alameda County
MARIN COUNTY
(B,H,Hw,D,R) - See Alameda County
MARIPOSA COUNTY
(B,D,H,Hw,R) - See Alameda County
MENDOCINO COUNTY
(B,H,Hw, D) - See Alameda County
MERCED COUNTY
(B,D,H,Hw,R) - See Alameda County
MODOC COUNTY
(B,H,Hw,D) - See Alameda County
MONO COUNTY
(B,H,Hw,D) - See Imperial County
MONTEREY COUNTY
(B,D,H,Hw,R) - See Alameda County
NAPA COUNTY
(B,D,H,Hw,R) - See Alameda County
NEVADA COUNTY
(B,D,H,Hw,R) - See Alameda County
ORANGE COUNTY
(B,D,H,Hw,R) - See Imperial County
PLACER COUNTY
(B,D,H,Hw,R)- See Alameda County
PLUMAS COUNTY
(B,H,Hw,D) - See Alameda County
RIVERSIDE COUNTY
(B,D,H,Hw,R) - See Imperial County
SACRAMENTO COUNTY
(B,D,H,Hw,R) - See Alameda County
SAN BENITO COUNTY
(B,H,Hw,D,R) - See Alameda County
SAN BERNARDINO COUNTY
(B,D,H,Hw,R) - See Imperial County
SAN DIEGO COUNTY
Decision #CA76-5116 (B,H,Hw,D)
41 FR 54115 - 12/10/76
Mod. #1 - 42 FR 8926 - 2/11/77

CALIFORNIA (Cont'd.)

SAN DIEGO COUNTY (Cont'd.)
Decision #CA76-5117 (R)
41 FR 54122 - 12/10/76
Mod. #1 - 42 FR 8929 - 2/11/77
SAN FRANCISCO COUNTY
(B,D,Hw,H,R) - See Alameda County
SAN JOAQUIN COUNTY
(B,D,H,Hw,R) - See Alameda County
SAN LUIS OBISPO COUNTY
(B,H,Hw,D,R) - See Imperial County
SAN MATEO COUNTY
(B,D,H,Hw,R) - See Alameda County
SANTA BARBARA COUNTY
(B,D,H,Hw,R) - See Imperial County
SANTA CLARA COUNTY
(B,D,Hw,H,R) - See Alameda County
SANTA CRUZ COUNTY
(B,D,H,Hw,R) - See Alameda County
SHASTA COUNTY
(B,D,H,Hw) - See Alameda County
SIERRA COUNTY
(B,D,H,Hw) - See Alameda County
SISKIYOU COUNTY
(B,H,Hw,D) - See Alameda County
SOLANO COUNTY
(B,D,H,Hw,R) - See Alameda County
SONOMA COUNTY
(B,D,Hw,H,R) - See Alameda County
STANISLAUS COUNTY
(B,H,Hw,D) - See Alameda County
SUTTER COUNTY
(B,D,H,Hw,R) - See Alameda County
TEHAMA COUNTY
(B,D,H,Hw,R) - See Alameda County
TRINITY COUNTY
(B,H,Hw,D) - See Alameda County
TULARE COUNTY
(B,H,Hw,D) - See Alameda County
TUOLUMNE COUNTY
(B,D,H,Hw,R) - See Alameda County
VENTURA COUNTY
(B,D,H,Hw,R) - See Imperial County
YOLO COUNTY
(B,H,Hw,D,R) - See Alameda County
YUBA COUNTY
(B,H,Hw,D,R) - See Alameda County

COLORADO

STATEWIDE
Decision #CO76-5067 (Hw)
41 FR 32115 - 7/30/76
Mod. #1 - 41 FR 46806 - 10/22/76
Mod. #2 - 41 FR 52176 - 11/26/76
ADAMS COUNTY
Decision #CO76-5104 (B,H)
41 FR 52209 - 11/26/76
Decision #CO75-5061 (R)
40 FR 22744 - 5/23/75
Mod. #1 - 41 FR 10818 - 3/12/76
(Hw) - See Statewide
ALAMOSA COUNTY
(Hw) - See Statewide
ARAPAHOE COUNTY
(Hw) - See Statewide
(B,H,R) - See Adams County
ARCHULETA COUNTY
(Hw) - See Statewide
BACA COUNTY
(Hw) - See Statewide
BENT COUNTY
(Hw) - See Statewide
BOULDER COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
CHAFFEE COUNTY
(Hw) - See Statewide
CHEYENNE COUNTY
(Hw) - See Statewide
CLEAR CREEK COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
CONEJOS COUNTY
(Hw) - See Statewide
COSTILLA COUNTY
(Hw) - See Statewide
CROWLEY COUNTY
(Hw) - See Statewide
CUSTER COUNTY
(Hw) - See Statewide
DELTA COUNTY
Decision #CO76-5107 (B,H)
41 FR 53242 - 12/3/76
(Hw) - See Statewide
DENVER COUNTY
(Hw) - See Statewide
(B,H,R) - See Adams County
DOLORES COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
EAGLE COUNTY
(B,H) - See Adams County
(Hw) - See Statewide

COLORADO (Cont'd.

ELBERT COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
EL PASO COUNTY
Decision #CO76-5105 (B,H)
41 FR 52219 - 11/26/76
(Hw) - See Statewide
FREMONT COUNTY
(Hw) - See Statewide
GARFIELD COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
GILPIN COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
GRAND COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
GUNNISON COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
HINSDALE COUNTY
(Hw) - See Statewide
HUERFANO COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide
JEFFERSON COUNTY
(Hw) - See Statewide
(B,H,R) - See Adams County
KIOWA COUNTY
(Hw) - See Statewide
KIT CARSON COUNTY
(Hw) - See Statewide
LAKE COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
LA PLATA COUNTY
(Hw) - See Statewide
LARIMER COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
LAS ANIMAS COUNTY
Decision #CO76-5106 (B,H)
41 FR 52225 - 11/26/76
Mod. #1 - 41 FR 56549 - 12/28/76
Mod. #2 - 42 FR 12564 - 3/4/77
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
MESA COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
MINERAL COUNTY
(Hw) - See Statewide

COLORADO (Cont'd.)

MOFFAT COUNTY
(Hw) - See Statewide
MONTEZUMA COUNTY
(Hw) - See Statewide
MONTROSE COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
MORGAN COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
OTERO COUNTY
(B,H) - See Las Animas County
(Hw) - See Statewide
OURAY COUNTY
(Hw) - See Statewide
PARK COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
PHILLIPS COUNTY
(Hw) - See Statewide
PITKIN COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
PROWERS COUNTY
(Hw) - See Statewide
PUEBLO COUNTY
(B,H) - See Las Animas County
(Hw) - See Statewide
RIO BLANCO COUNTY
(Hw) - See Statewide
RIO GRANDE COUNTY
(Hw) - See Statewide
ROUTT COUNTY
(Hw) - See Statewide
SAGUACHE COUNTY
(Hw) - See Statewide
SAN JUAN COUNTY
(Hw) - See Statewide
SAN MIGUEL COUNTY
(Hw) - See Statewide
SEDGWICK COUNTY
(Hw) - See Statewide
SUMMIT COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
TELLER COUNTY
(Hw) - See Statewide
WASHINGTON COUNTY
(Hw) - See Statewide
WELD COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
YUMA COUNTY
(Hw) - See Statewide

CONNECTICUT

FAIRFIELD COUNTY
Decision #CT76-2172 (B,H,Hw,R)
41 FR 56574 - 12/28/76
Decision #CT77-5001 (D)
42 FR 999 - 1/4/77
HARTFORD COUNTY
Decision #CT76-2067 (R)
40 FR 18304 - 4/25/75
Decision #CT76-2173 (B,H,Hw)
41 FR 56581 - 12/29/76
(B,H,Hw,R) - See Fair Field County
LITCHFIELD COUNTY
(B,H,Hw,R) - See Fairfield County
MIDDLESEX COUNTY
(B,H,Hw) - See Hartford County
(D) - See Fairfield County
NEW HAVEN COUNTY
Decision #CT76-2109 (R)
41 FR 38705 - 9/10/76
(B,H,Hw) - See Hartford County
(D) - See Fairfield County
NEW LONDON COUNTY
(B,H,Hw,D,R) - See Fairfield County
TOLLAND COUNTY
(B,H,Hw) - See Hartford County
WINDHAM COUNTY
(B,H,Hw,D,R) - See Fairfield County

DELAWARE

STATEWIDE
Decision #CT77-5001 (D)
42 FR 999 - 1/4/77
Decision #DE76-3212 (B,H,Hw)
41 FR 32122 - 7/30/76
Mod. #1 - 41 FR 35318 - 8/20/76
Mod. #2 - 41 FR 40371 - 9/17/76
Mod. #3 - 41 FR 43560 - 10/1/76
Mod. #4 - 41 FR 47715 - 10/29/76
Mod. #5 - 42 FR 8931 - 2/11/77
KENT COUNTY
(B,H,Hw,D) - See Statewide
NEW CASTLE COUNTY
(B,H,Hw,D) - See Statewide
SUSSEX COUNTY
(B,H,Hw,D) - See Statewide

FLORIDA

ALACHUA COUNTY
Decision #FL75-1080 (Hw)
40 FR 41358 - 9/5/75
Mod. #1 - 41 FR 23885 - 6/11/76
Decision #FL75-1089 (B)
40 FR 42489 - 9/12/75
BAKER COUNTY
Decision #FL75-1081 (Hw)
40 FR 41359 - 9/5/75
BAY COUNTY
Decision #FL76-1059 (B)
41 FR 20130 - 5/14/76
Mod. #1 - 41 FR 23835 - 6/11/76
Mod. #2 - 42 FR 10206 - 2/10/77
Decision #AL76-5090 (D)
41 FR 44609 - 10/8/76
Decision #FL76-1021 (Hw)
41 FR 4749 - 1/30/76
Mod. #1 - 41 FR 23884 - 6/11/76

FLORIDA

BRADFORD COUNTY
(Hw) - See Alachua County
BREVARD COUNTY (Entire County)
Decision #FL76-5024 (D)
41 FR 12856 - 3/26/76
Decision #FL76-1105 (R)
41 FR 40365 - 9/17/76
(Cape Kennedy, Kennedy Space Flight Center and Patrick AFB only)
Decision #FL77-1023 (B,H,Hw)
42 FR 11191 - 2/25/77
(Remainder of County)
Decision #FL76-1108 (B)
41 FR 43555 - 10/1/76
Decision #FL76-1082 (Hw)
41 FR 41360 - 9/5/76
BROWARD COUNTY
Decision #FL75-1084 (Hw)
40 FR 41362 - 9/5/75
Mod. #1 - 40 FR 53168 - 11/14/75
Decision #FL77-1015 (B,H)
42 FR 10224 - 2/18/77
(D) - See Brevard County
CALHOUN COUNTY
(Hw) - See Alachua County
CHARLOTTE COUNTY
Decision #FL75-1083 (Hw)
40 FR 41361 - 9/5/75
Mod. #1 - 40 FR 53168 - 11/14/75
Mod. #2 - 41 FR 53229 - 12/3/76
Mod. #3 - 42 FR 12564 - 3/4/77
(D) - See Brevard County
CITRUS COUNTY
Decision #FL75-1104 (R)
40 FR 49949 - 10/24/75
(Hw) - See Alachua County
(D) - See Brevard County
CLAY COUNTY
(Hw) - See Baker County
COLLIER COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
COLUMBIA COUNTY
(Hw) - See Alachua County
(B) - See Alachua County
DADE COUNTY
Decision #FL76-1102 (H)
41 FR 40365 - 9/17/76
Decision #FL76-1064 (B)
41 FR 21077 - 5/21/76
Mod. #1 - 41 FR 37474 - 9/3/76
Mod. #2 - 41 FR 54101 - 12/10/76

FLORIDA (Cont'd.)

DADE COUNTY (Cont'd.)
42 FR 4081 - 1/21/77
Decision #FL77-1003 (R)
42 FR 4081 - 1/21/77
Decision #FL76-1141 (Hw)
41 FR 56509 - 12/28/76
DESOTO COUNTY
Decision #AR-4065 (R)
39 FR 43468 - 12/13/74
(Hw) - See Charlotte County
DIXIE COUNTY
(Hw) - See Alachua County
(D) - See Brevard County
DUVAL COUNTY
Decision #FL76-1098 (R)
41 FR 37469 - 9/3/76
Decision #FL76-1069 (B)
41 FR 21997 - 5/28/76
Mod. #1 - 41 FR 51237 - 11/19/76
(D) - See Brevard County
(Hw) - See Baker County
ESCAMBIA COUNTY
Decision #FL76-1133 (B)
41 FR 52233 - 11/26/76
Mod. #1 - 41 FR 54101 - 12/10/76
Mod. #2 - 42 FR 3133 - 1/14/77
Decision #FL76-1017 (R)
41 FR 3589 - 1/23/76
(D,Hw) - See Bay County
FLAGLER COUNTY
(D) - See Brevard County
(Hw) - See Baker County
FRANKLIN COUNTY
(D) - See Bay County
(Hw) - See Alachua County
GADSDEN COUNTY
Decision #FL77-1004 (R)
42 FR 3141 - 1/14/77
(Hw) - See Alachua County
GILCHRIST COUNTY
(Hw) - See Alachua County
GLADES COUNTY
(Hw) - See Charlotte County
GULF COUNTY
(D) - See Bay County
(Hw) - See Bay County
HAMILTON COUNTY
(Hw) - See Alachua County
HARDEE COUNTY
(R) - See DeSoto County
(Hw) - See Charlotte County
HENDRY COUNTY
(Hw) - See Charlotte County
HERNANDO COUNTY
(D) - See Brevard County
(R) - See Citrus County
(Hw) - See Alachua County

FLORIDA (cont'd)

HIGHLANDS COUNTY
(R) - See DeSoto County
(Hw) - See Charlotte County
HILLSBOROUGH COUNTY
Decision #FL76-1014 (B)
41 FR 3587 - 1/23/76
Mod. #1 - 41 FR 22718 - 6/4/76
Mod. #2 - 41 FR 37473 - 9/3/76
(Hw) - See Brevard Co. (Remainder of Co.)
(D) - See Brevard County
(R) - See Citrus County
HOLMES COUNTY
(Hw) - See Alachua County
INDIAN RIVER COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)
JACKSON COUNTY
(Hw) - See Alachua County
JEFFERSON COUNTY
(D) - See Bay County
(R) - See Gadsden County
(Hw) - See Alachua County
LAFAYETTE COUNTY
(H,Hw) - See Alachua County
LAKE COUNTY
Decision #FL75-1066 (R)
40 FR 28332 - 7/3/75
(Hw) - See Alachua County
LEE COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
LEON COUNTY
Decision #FL76-1135 (B)
41 FR 52234 - 11/26/76
Mod. #1 - 41 FR 55260 - 12/17/76
Mod. #2 - 42 FR 3133 - 1/14/77
(Hw) - See Alachua County
(R) - See Gadsden County
LEVY COUNTY
(D) - See Brevard County
(Hw) - See Alachua County
LIBERTY COUNTY
(Hw) - See Alachua County
MADISON COUNTY
(R) - See Gadsden County
(Hw) - See Alachua County
MANATEE COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)
MARION COUNTY
(Hw) - See Alachua County
MARTIN COUNTY
Decision #FL75-1033 (B)
40 FR 14219 - 3/28/75
Mod. #1 - 40 FR 19327 - 5/2/75
Mod. #2 - 40 FR 25324 - 6/13/75
Mod. #3 - 40 FR 32551 - 8/1/75
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)

FLORIDA (cont'd)

MONROE COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
NASSAU COUNTY
(D) - See Brevard County
(Hw) - See Baker County
OKALOOSA COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
Decision #FL76-1016 (R)
41 FR 3589 - 1/23/76
OKEECHOBEE COUNTY
(Hw) - See Charlotte County
ORANGE COUNTY
Decision #FL77-1024 (B)
42 FR 11193 - 2/25/77
Mod. #1 - 41 FR 15232 - 4/9/76
Mod. #2 - 41 FR 27539 - 7/2/76
(Hw) - See Brevard Co. (Remainder of Co.
(R) - See Lake County
OSCEOLA COUNTY
(Hw) - See Brevard Co. (Remainder of Co.
(R) - See Lake County
PALM BEACH COUNTY
(D) - See Brevard County
(B) - See Martin County
(Hw) - See Broward County
PASCO COUNTY
(D) - See Brevard County
(Hw) - See Alachua County
(R) - See Citrus County
PINELLAS COUNTY
Decision #FL76-1040 (B)
41 FR 11738 - 3/19/76
(R) - See Citrus County
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)
POLK COUNTY
(Hw) - See Brevard Co. (Remainder of Co.)
(R) - See DeSoto County
PUTNAM COUNTY
(Hw) - See Alachua County
ST. JOHNS COUNTY
(D) - See Brevard County
(Hw) - See Baker County
ST. LUCIE COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co)
SANTA ROSA COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
(R) - See Okaloosa County

FLORIDA (Cont'd)

SARASOTA COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
SEMINOLE COUNTY
(Hw) - See Brevard Co. (Remainder of Co.)
(R) - See Lake County
SUMTER COUNTY
(R) - See Citrus County
(Hw) - See Alachua County
SUWANNEE COUNTY
(Hw) - See Alachua County
TAYLOR COUNTY
(Hw) - See Alachua County
(D) - See Brevard County
(R) - See Gadsden County
UNION COUNTY
(Hw) - See Alachua County
VOLUSIA COUNTY
(D) - See Brevard County (Entire County)
(Cape Kennedy, Kennedy Space Flight Center and Cape Canaveral Air Force Only)
(B,H,Hw) - See Brevard County (Cape Kennedy etc.)
(Remainder of County)
Decision #FL76-1029 (B)
41 FR 8638 - 2/27/76
Mod. #1 - 41 FR 20117 - 5/14/76
Mod. #2 - 41 FR 46809 - 10/22/76
Mod. #3 - 42 FR 8931 - 2/11/77
Mod. #4 - 42 FR 10206 - 2/18/77
(Hw) - See Brevard County
(Remainder of County)
WAKULLA COUNTY
(D) - See Bay County
(Hw) - See Alachua County
WALTON COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
(R) - See Okaloosa County
WASHINGTON COUNTY
(Hw) - See Alachua County

GEORGIA

STATEWIDE
Decision #AR-4038 (Hw)
39 FR 34984 - 9/27/74
Mod. #1 - 39 FR 36711 - 10/11/74
Mod. #2 - 40 FR 23629 - 5/30/76
Mod. #3 - 41 FR 7888 - 2/20/76
Mod. #4 - 42 FR 7025 - 2/4/77
APPLING COUNTY
(Hw) - See Statewide
ATKINSON COUNTY
(Hw) - See Statewide
BACON COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.)

BAKER COUNTY
Decision #AQ-4089 (R)
39 FR 10067 - 3/15/74
Mod. #1 - 40 FR 3083 - 1/17/75
Mod. #2 - 41 FR 28461 - 7/9/76
(Hw) - See Statewide
BALDWIN COUNTY
(Hw) - See Statewide
BANKS COUNTY
(Hw) - See Statewide
BARROW COUNTY
Decision #AQ-4108 (R)
39 FR 14841 - 4/26/74
(Hw) - See Statewide
BARTOW COUNTY
(Hw) - See Statewide
BEN HILL COUNTY
(Hw) - See Statewide
BERRIEN COUNTY
(Hw) - See Statewide
BIBB COUNTY
Decision #GA76-1122 (B)
41 FR 46803 - 10/22/76
(Hw) - See Statewide
BLECKLEY COUNTY
(Hw) - See Statewide
BRANTLEY COUNTY
(Hw) - See Statewide
BROOKS COUNTY
(Hw) - See Statewide
BRYAN COUNTY
(Hw) - See Statewide
Decision #GA76-1050 (R)
41 FR 16362 - 4/16/76
Decision #GA77-5005 (D)
42 FR 1015 - 1/4/77
Mod. #1 - 42 FR 3140 - 1/14/77
BULLOCH COUNTY
(R) - See Bryan County
(Hw) - See Statewide
BURKE COUNTY
Decision #GA76-1015 (R)
41 FR 3590 - 1/23/76
(Hw) - See Statewide
BUTTS COUNTY
(Hw) - See Statewide
CALHOUN COUNTY
(Hw) - See Statewide
(R) - See Baker County
CAMDEN COUNTY
(D) - See Bryan County
(Hw) - See Statewide
CANDLER COUNTY
(Hw) - See Statewide
CARROLL COUNTY
(Hw) - See Statewide
CATOOSA COUNTY
(Hw) - See Statewide
CHARLTON COUNTY
Decision #AR-4037 (R)
39 FR 33919 - 9/20/74
Mod. #1 - 40 FR 3083 - 1/17/75
Mod. #2 - 41 FR 28461 - 7/9/76
(Hw) - See Statewide
CHATHAM COUNTY
Decision #GA77-1009 (B)
42 FR 5623 - 1/28/77
Mod. #1 - 42 FR 8932 - 2/11/77
Mod. #2 - 42 FR 11183 - 2/25/77
(Hw) - See Statewide
(R) - See Bryan County

GEORGIA (Cont'd.)

CHATTAHOOCHEE COUNTY
Decision #GA75-1039 (B)
40 FR 16471 - 4/11/75
Mod. #1 - 40 FR 24455 - 6/6/75
Mod. #2 - 40 FR 49942 - 10/24/75
Mod. #3 - 41 FR 10818 - 3/12/76
Mod. #4 - 41 FR 15232 - 4/9/76
Mod. #5 - 41 FR 24833 - 6/18/76
Decision #GA76-1035 (R)
41 FR 9758 - 3/5/76
(Hw) - See Statewide
CHATTOOGA COUNTY
(Hw) - See Statewide
CHEROKEE COUNTY
(Hw) - See Statewide
CLARKE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
CLAY COUNTY
(R) - See Baker County
(Hw) - See Statewide
CLAYTON COUNTY
Decision #GA77-1005 (B)
42 FR 5621 - 1/28/77
Mod. #1 - 42 FR 10206 - 2/18/77
Decision #GA76-1033 (R)
41 FR 8642 - 2/27/76
Mod. #1 - 41 FR 15232 - 4/9/76
(Hw) - See Statewide
CLINCH COUNTY
(Hw) - See Statewide
COBB COUNTY
(R) - See Clayton County
(Hw) - See Statewide
COFFEE COUNTY
(Hw) - See Statewide
COLQUITT COUNTY
(Hw) - See Statewide
COLUMBIA COUNTY
(R) - See Burke County
(Hw) - See Statewide
COOK COUNTY
(Hw) - See Statewide
COWETA COUNTY
(Hw) - See Statewide
CRAWFORD COUNTY
(Hw) - See Statewide
CRISP COUNTY
(Hw) - See Statewide
DECATUR COUNTY
(R) - See Baker County
(Hw) - See Statewide

GEORGIA (Cont'd.)

DEKALB COUNTY
(B,R) - See Clayton County
(Hw) - See Statewide
DODGE COUNTY
(Hw) - See Statewide
DOOLY COUNTY
(Hw) - See Statewide
DOUGHERTY COUNTY
(Hw) - See Statewide
(R) - See BAker County
DOUGLAS COUNTY
(Hw) - See Statewide
EARLY COUNTY
(Hw) - See Statewide
(R) - See Baker County
ECHOLS COUNTY
(Hw) - See Statewide
EFFINGHAM COUNTY
(R) - See Bryan County
(Hw) - See Statewide
ELBERT COUNTY
(Hw) - See Statewide
(R) - See Barrow County
EMANUEL COUNTY
(Hw) - See Statewide
EVANS COUNTY
(R) - See Bryan County
(Hw) - See Statewide
FANNIN COUNTY
(Hw) - See Statewide
FAYETTE COUNTY
(Hw) - See Statewide
FLOYD COUNTY
(Hw) - See Statewide
FORSYTH COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
FULTON COUNTY
(Hw) - See Statewide
(B,R) - See Clayton County
GILMER COUNTY
(Hw) - See Statewide
GLASCOCK COUNTY
(Hw) - See Statewide
(R) - See Burke County
GLYNN COUNTY
(D) - See Bryan County
(Hw) - See Statewide
GORDON COUNTY
(Hw) - See Statewide
GRADY COUNTY
(Hw) - See Statewide
(R) - See Baker County
GREENE COUNTY
(R) - See Barrow County
(Hw) - See Statewide

GEORGIA (Cont'd.)

GWINETT COUNTY
(R) - See Clayton County
(Hw) - See Statewide
HABERSHAM COUNTY
(Hw) - See Statewide
HALL COUNTY
Decision #GA75-1025 (B)
40 FR 8691 - 2/28/75
Mod. #1 - 40 FR 12003 - 3/14/75
Mod. #2 - 40 FR 49942 - 10/24/75
Mod. #3 - 41 FR 30500 - 7/23/76
Mod. #4 - 42 FR 3313 - 1/14/77
Mod. #5 - 42 FR 11183 - 2/25/77
(Hw) - See Statewide
HANCOCK COUNTY
(Hw) - See Statewide
(R) - See Burke County
HARALSON COUNTY
(Hw) - See Statewide
HARRIS COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
HART COUNTY
(Hw) - See Statewide
(R) - See Barrow County
HEARD COUNTY
(Hw) - See Statewide
HENRY COUNTY
(Hw) - See Statewide
HOUSTON COUNTY
Decision #GA76-1123 (B)
41 FR 46804 - 10/22/76
(Hw) - See Statewide
IRWIN COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
JASPER COUNTY
(Hw) - See Statewide
JEFF DAVIS COUNTY
(Hw) - See Statewide
JEFFERSON COUNTY
(Hw) - See Statewide
(R) - See Burke County
JENKINS COUNTY
(Hw) - See Statewide
(R) - See Burke County
JOHNSON COUNTY
(Hw) - See Statewide
JONES COUNTY
(Hw) - See Statewide
LAMAR COUNTY
(Hw) - See Statewide
LANIER COUNTY
(Hw) - See Statewide
LAURENS COUNTY
Decision #AQ-4124 (B)
39 FR 20912 - 6/14/74
Mod. #1 - 41 FR 11722 - 3/19/76

GEORGIA (Cont'd.

LAURENS COUNTY
(Hw) - See Statewide
LEE COUNTY
(Hw) - See Statewide
(R) - See Baker County
LIBERTY COUNTY
(D,R) - See Bryan County
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
(R) - See Burke County
LONG COUNTY
(Hw) - See Statewide
(R) - See Bryan County
LOWNDES COUNTY
(Hw) - See Statewide
LUMPKIN COUNTY
(Hw) - See Statewide
MCDUFFIE COUNTY
(Hw) - See Statewide
(R) - See Burke County
MCINTOSH COUNTY
(D) - See Bryan County
(Hw) - See Statewide
MACON COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
MADISON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
MARION COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
MERIWETHER COUNTY
(R) - See Chattahoochee County
(Hw) - See Statewide
MILLER COUNTY
(Hw) - See Statewide
(R) - See Baker County
MITCHELL COUNTY
(Hw) - See Statewide
(R) - See Baker County
MONROE COUNTY
(Hw) - See Statewide
MONTGOMERY COUNTY
(Hw) - See Statewide
MORGAN COUNTY
(Hw) - See Statewide
(R) - See Barrow County
MURRAY COUNTY
(Hw) - See Statewide
MUSCOGEE COUNTY
(B,R) - See Chattahoochee County
(Hw) - See Statewide
NEWTON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
OCONEE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
OGLETHORPE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
PAULDING COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.)

PEACH COUNTY
(Hw) - See Statewide
PICKENS COUNTY
(Hw) - See Statewide
PIERCE COUNTY
(Hw) - See Statewide
(R) - See Charlton County
PIKE COUNTY
(Hw) - See Statewide
POLK COUNTY
(Hw) - See Statewide
PULASKI COUNTY
(Hw) - See Statewide
PUTNAM COUNTY
(Hw) - See Statewide
QUITMAN COUNTY
(Hw) - See Statewide
(R) - See Baker County
RABUN COUNTY
(Hw) - See Statewide
RANDOLPH COUNTY
(Hw) - See Statewide
(R) - See Baker County
RICHMOND COUNTY
Decision #GA76-1119 (B)
41 FR 45800 - 10/15/76
Mod. #1 - 42 FR 5613 - 1/28/77
(Hw) - See Statewide
(R) - See Burke County
ROCKDALE COUNTY
(Hw) - See Statewide
SCHLEY COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
SCREVEN COUNTY
(R) - See Bryan County
(Hw) - See Statewide
SEMINOLE COUNTY
(Hw) - See Statewide
(R) - See Baker County
SPALDING COUNTY
(Hw) - See Statewide
STEPHENS COUNTY
(Hw) - See Statewide
STEWART COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
SUMTER COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TALBOT COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TALIAFERRO COUNTY
(Hw) - See Statewide
(R) - See Burke County
TATTNALL COUNTY
(Hw) - See Statewide
TAYLOR COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County

GEORGIA (Cont'd.)

TELFAIR COUNTY
(Hw) - See Statewide
TERRELL COUNTY
(Hw) - See Statewide
(R) - See Baker County
THOMAS COUNTY
(Hw) - See Statewide
TIFT COUNTY
(Hw) - See Statewide
TOOMBS COUNTY
(Hw) - See Statewide
TOWNS COUNTY
(Hw) - See Statewide
TREUTLEN COUNTY
(Hw) - See Statewide
TROUP COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TURNER COUNTY
(Hw) - See Statewide
TWIGGS COUNTY
(Hw) - See Statewide
UNION COUNTY
(Hw) - See Statewide
UPSON COUNTY
(Hw) - See Statewide
WALKER COUNTY
(Hw) - See Statewide
WALTON COUNTY
(Hw) - See Statewide
(R) - See Barron County
WARE COUNTY
Decision #GA75-1113 (B)
40 FR 58034 - 12/12/75
(R) - See Charlton County
(Hw) - See Statewide
WARREN COUNTY
(Hw) - See Statewide
(R) - See Burke County
WASHINGTON COUNTY
(Hw) - See Statewide
(R) - See Burke County
WAYNE COUNTY
(Hw) - See Statewide
WEBSTER COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
WHEELER COUNTY
(Hw) - See Statewide
WHITE COUNTY
(Hw) - See Statewide
WHITEFIELD COUNTY
(Hw) - See Statewide
WILCOX COUNTY
(Hw) - See Statewide
WILKES COUNTY
(R) - See Burke County
(Hw) - See Statewide
WILKINSON COUNTY
(Hw) - See Statewide
WORTH COUNTY
(Hw) - See Statewide

GUAM

GUAM
Decision #AR-1029 (B,H,Hw,R)
39 FR 32448 - 9/6/74

HAWAII

STATEWIDE
Decision #HI77-5030 (B,H,Hw,D,R)
42 FR 12579 - 3/4/77

IDAHO

STATEWIDE
Decision #ID77-5023 (B,H,Hw)
42 FR 11195 - 2/25/77
ADA COUNTY
(B,H,Hw) - See Statewide
ADAMS COUNTY
(B,H,Hw) - See Statewide

IDAHO (Cont'd.)

BANNOCK COUNTY
(B,H,Hw) - See Statewide
BEAR LAKE COUNTY
(B,H,Hw) - See Statewide
BENEWAH COUNTY
(B,H,Hw) - See Statewide
BINGHAM COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BOISE COUNTY
(B,H,Hw) - See Statewide
BONNER COUNTY
(B,H,Hw) - See Statewide
BONNEVILLE COUNTY
(B,H,Hw) - See Statewide
BOUNDARY COUNTY
(B,H,Hw) - See Statewide
BUTTE COUNTY
(B,H,Hw) - See Statewide
CAMAS COUNTY
(B,H,Hw) - See Statewide
CANYON COUNTY
(B,H,Hw) - See Statewide
CARIBOU COUNTY
(B,H,Hw) - See Statewide
CASSIA COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
(B,H,Hw) - See Statewide
CLEARWATER COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
ELMORE COUNTY
(B,H,Hw) - See Statewide
FRANKLIN COUNTY
(B,H,Hw) - See Statewide
FREMONT COUNTY
(B,H,Hw) - See Statewide
GEM COUNTY
(B,H,Hw) - See Statewide
GOODING COUNTY
(B,H,Hw) - See Statewide
IDAHO COUNTY
(B,H,Hw) - See Statewide
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JEROME COUNTY
(B,H,Hw) - See Statewide

IDAHO (Cont'd)

KOOTENAI COUNTY
(B,H,Hw) - See Statewide
LATAH COUNTY
(B,H,Hw) - See Statewide
LEMHI COUNTY
(B,H,Hw) - See Statewide
LEWIS COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MINIDOKA COUNTY
(B,H,Hw) - See Statewide
NEZ PERCE COUNTY
(B,H,Hw) - See Statewide
ONEIDA COUNTY
(B,H,Hw) - See Statewide
OWYHEE COUNTY
(B,H,Hw) - See Statewide
PAYETTE COUNTY
(B,H,Hw) - See Statewide
POWER COUNTY
(B,H,Hw) - See Statewide
SHOSHONE COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TWIN FALLS COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

ILLINOIS

ADAMS COUNTY
Decision #IL76-2120 (B)
41 FR 43570 - 10/1/76
Mod. #1 - 42 FR 12565 - 3/4/77
Decision #IL76-2149 (H,Hw)
41 FR 54128 - 12/10/76
Mod. #1 - 42 FR 3135 - 1/14/76
Mod. #2 - 42 FR 7025 - 2/4/77
Mod. #3 - 42 FR 10210 - 2/18/77
ALEXANDER COUNTY
Decision #IL76-2132 (B)
41 FR 47729 - 10/29/76
Mod. #1 - 41 FR 55262 - 12/17/76
Mod. #2 - 42 FR 10207 - 2/18/77
Mod. #3 - 42 FR 12566 - 3/4/77
Decision #IL76-2154 (H,Hw)
41 FR 53256 - 12/3/76
Mod. #1 - 41 FR 55263 - 12/17/76
Mod. #2 - 42 FR 10210 - 2/18/77
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
BOND COUNTY
Decision #IL77-2018 (H,Hw)
42 FR 10228 - 2/18/77
Decision #IL76-2080 (B)
41 FR 34475 - 8/13/76
Mod. #1 - 42 FR 4062 - 1/21/77
BOONE COUNTY
Decision #IL76-2133 (B)
41 FR 46831 - 10/22/76
Mod. #1 - 42 FR 5614 - 1/28/77
Mod. #2 - 42 FR 12567 - 3/4/77
Decision #IL76-2141 (H,Hw)
41 FR 47733 - 10/29/76
Mod. #1 - 42 FR 7027 - 2/4/77
Mod. #2 - 42 FR 10208 - 2/18/77
BROWN COUNTY
(B,H,Hw) - See Adams County
(D) - See Alexander County
BUREAU COUNTY
Decision #IL76-2125 (B)
41 FR 44620 - 10/8/76
Mod. #1 - 42 FR 5614 - 1/28/77
Mod. #2 - 42 FR 12565 - 3/4/77
Decision #IL76-2142 (H,Hw)
41 FR 50126 - 11/12/76
Mod. #1 - 42 FR 10208 - 2/18/77

ILLINOIS (Cont'd.)

CALHOUN COUNTY
(B,H,Hw) - See Bond County
(D) - See Alexander County
CARROLL COUNTY
(H,Hw) - See Bureau County
CASS COUNTY
Decision #IL76-2129 (B)
41 FR 44625 - 10/8/76
Mod. #1 - 42 FR 3135 - 1/14/77
(H,Hw) - See Adams County
(D) - See Alexander County
CHAMPAIGN COUNTY
Decision #IL76-2121 (B)
41 FR 43573 - 10/1/76
Mod. #1 - 42 FR 1679 - 1/7/77
Mod. #2 - 42 FR 7026 - 2/4/77
Decision #IL76-2145 (H,Hw)
41 FR 53251 - 12/3/76
Mod. #1 - 42 FR 1679 - 1/7/77
Mod. #2 - 42 FR 4062 - 1/21/77
Mod. #3 - 42 FR 10210 - 2/18/77
CHRISTIAN COUNTY
(H,Hw) - See Adams County
Decision #IL76-2120 (B)
41 FR 46823 - 10/22/76
Mod. #1 - 42 FR 4063 - 1/21/77
Mod. #2 - 42 FR 10207 - 2/18/77
CLARKE COUNTY
Decision #IL77-2030 (B)
42 FR 12584 - 3/4/77
(H,Hw) - See Champaign County
CLAY COUNTY
Decision #IL76-2153 (H,Hw)
41 FR 52253 - 11/26/76
Mod. #1 - 41 FR 55263 - 12/17/76
Mod. #2 - 42 FR 4063 - 1/21/77
Mod. #3 - 42 FR 10210 - 2/18/77
Mod. #4 - 42 FR 12567 - 3/4/77
(B) - See Clarke County
CLINTON COUNTY
(B,H,Hw) - See Bond County
COLES COUNTY
(B) - See Clarke County
(H,Hw) - See Champaign County
COOK COUNTY
Decision #IL76-2122 (B,H,Hw,R)
41 FR 43576 - 10/1/76
Mod. #1 - 42 FR 987 - 1/4/77
Mod. #2 - 42 FR 5613 - 1/28/77
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
CRAWFORD COUNTY
(H,Hw) - See Statewide
(B) - See Clarke County

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ILLINOIS

CUMBERLAND COUNTY
(B) - See Clarke County
(H,Hw) - See Champaign County
DEKALB COUNTY
(H,Hw) - See Boone County
DEWITT COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
DOUGLAS COUNTY
(B) - See Clarke County
(H,Hw) - See Champaign County
DU PAGE COUNTY
Decision #IL76-2123 (B,R)
41 FR 44612 - 10/8/76
Mod. #1 - 41 FR 51237 - 11/19/76
Mod. #2 - 42 FR 5613 - 1/28/77
Mod. #3 - 42 FR 7026 - 2/4/77
Mod. #4 - 42 FR 12565 - 3/4/77
EDGAR COUNTY
(B) - See Clarke County
(H,Hw) - See Champaign County
EDWARDS COUNTY
(B) - See Clarke County
(H,Hw) - See Clay County
EFFINGHAM COUNTY
(B) - See Clarke County
(H,Hw) - See Clay County
FAYETTE COUNTY
(H,Hw) - See Clay County
FORD COUNTY
Decision #IL76-2124 (B)
41 FR 44616 - 10/8/76
Mod. #1 - 42 FR 5614 - 1/28/77
Decision #IL76-2143 (H,Hw)
41 FR 50133 - 11/12/76
Mod. #1 - 42 FR 10209 - 2/18/77
FRANKLIN COUNTY
(B,H,Hw) - See Alexander County
FULTON COUNTY
Decision #IL77-2029 (B)
42 FR 11206 - 2/25/77
Decision #IL76-2144 (H,Hw)
41 FR 52247 - 11/26/76
Mod. #1 - 42 FR 10209 - 2/18/77
GALLATIN COUNTY
(B,H,Hw) - See Alexander County
(D) - See Alexander County
GREENE COUNTY
(B,H,Hw) - See Bond County
(D) - See Alexander County
GRUNDY COUNTY
(H,Hw) - See Ford County
HAMILTON COUNTY
(B) - See Alexander County
(H,Hw) - See Clay County
HANCOCK COUNTY
(H,Hw) - See Fulton County
HARDIN COUNTY
(B,H,Hw) - See Alexander County
HENDERSON COUNTY
(B) - See Rock Island County
(H,Hw) - See Fulton County

ILLINOIS (Cont'd.)

HENRY COUNTY
(B) - See Rock Island County
(H,Hw) - See Bureau County
IROQUOIS COUNTY
(B,H,Hw) - See Ford County
JACKSON COUNTY
(B,D,H,Hw) - See Alexander County
JASPER COUNTY
(B) - See Clarke County
(H,Hw) - See Clay County
JEFFERSON COUNTY
(B) - See Alexander County
(H,Hw) - See Clay County
JERSEY COUNTY
(B,H,Hw) - See Bond County
(D) - See Alexander County
JO DAVIESS COUNTY
(H,Hw) - See Bureau County
JOHNSON COUNTY
(B,H,Hw) - See Alexander County
KANE COUNTY
(B,R) - See Du Page County
(H,Hw) - See Boone County
KANKAKEE COUNTY
(B,H,Hw) - See Ford County
KENDALL COUNTY
(H,Hw) - See Boone County
KNOX COUNTY
(B) - See Rock Island County
(H,Hw) - See Fulton County
LAKE COUNTY
(B,R) - See Du Page County
(D) - See Cook County
(H,Hw) - See Boone County
LA SALLE COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
LAWRENCE COUNTY
(B) - See Clarke County
(H,Hw) - See Clay County
LEE COUNTY
(H,Hw) - See Bureau County
LIVINGSTON COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
LOGAN COUNTY
Decision #IL76-2126 (B)
41 FR 44630 - 10/8/76
Mod. #1 - 42 FR 3135 - 1/14/77
(H,Hw) - See Adams County
MCDONOUGH COUNTY
(H,Hw) - See Fulton County
MCHENRY COUNTY
(H,Hw) - See Fulton County
MC LEAN COUNTY
Decision #IL76-2127 (B)
41 FR 44627 - 10/8/76
Mod. #1 - 41 FR 52178 - 11/26/76
(H,Hw) - See Ford County
MACON COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
MACOUPIN COUNTY
(H,Hw) - See Bond County
MADISON COUNTY
Decision #IL76-2078 (B,R)
41 FR 34492 - 8/13/76
Mod. #1 - 42 FR 4062 - 1/21/77

ILLINOIS (Cont'd.)

MADISON COUNTY (Cont'd.)
(D) - See Alexander County
(H,Hw) - See Bond County
MARION COUNTY
(B) - See Alexander County
(H,Hw) - See Clay County
MARSHALL COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
MASON COUNTY
(B) - See Logan County
(H,Hw) - See Adams County
MASSAC COUNTY
(B,D,H,Hw) - See Alexander County
MENARD COUNTY
(B) - See Logan County
(H,Hw) - See Adams County
MERCER COUNTY
(B) - See Rock Island County
(H,Hw) - See Fulton County
MONROE COUNTY
(B,H,Hw) - See Bond County
(D) - See Alexander County
MONTGOMERY COUNTY
(B,H,Hw) - See Bond County
MORGAN COUNTY
(B) - See Cass County
(H,Hw) - See Adams County
(D) - See Alexander County
MOULTRIE COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
OGLE COUNTY
(H,Hw) - See Bureau County
PEORIA COUNTY
Decision #IL76-2015 (B,D,R)
41 FR 8643 - 2/27/76
Mod. #1 - 41 FR 20120 - 5/14/76
Mod. #2 - 42 FR 7025 - 2/4/77
(H,Hw) - See Fulton County
PERRY COUNTY
(B,H,Hw) - See Alexander County
PIATT COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
PIKE COUNTY
(B,H,Hw) - See Adams County
(D) - See Alexander County
POPE COUNTY
(B,D,H,Hw) - See Alexander County
PULASKI COUNTY
(B,D,H,Hw) - See Alexander County
PUTNAM COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
RANDOLPH COUNTY
(B) - See Bond County
(H,Hw,D) - See Alexander County,

ILLINOIS (Cont'd)

RICHLAND COUNTY
(B) - See Clarke County
(H,Hw) - See Clay County
ROCK ISLAND COUNTY-
Decision #IL76-2130 (B)
41 FR 47724 - 10/29/76
Mod. #1 - 42 FR 7026 - 2/4/77
Mod. #2 - 42 FR 12566 - 3/4/77
(H,Hw) - See Bureau County
SAINT CLAIR COUNTY
(B,R) - See Madison County
(H,Hw) - See Bond County
(D) - See Alexander County
SALINE COUNTY
(B,H,Hw) - See Alexander County
SANGAMON COUNTY
Decision #IL76-2131 (B,R)
41 FR 46829 - 10/22/76
Mod. #1 - 42 FR 3135 - 1/14/77
(H,Hw) - See Adams County
SCHUYLER COUNTY
(H,Hw) - See Adams County
SCOTT COUNTY
(B) - See Scott County
(H,Hw) - See Adams County
(D) - See Alexander County
SHELBY COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
STARK COUNTY
(B) - See Rock Island County
(H,Hw) - See Fulton County
STEPHENSON COUNTY
(H,Hw) - See Bureau County
TAZEWELL COUNTY
(B,R,D) - See Peoria County
(H,Hw) - See Fulton County
UNION COUNTY
(B,D,H,Hw) - See Alexander County
VERMILLION COUNTY
(H,Hw) - See Champaign County
(B) - See Champaign County
WABASH COUNTY
(B) - See Clarke County
(H,Hw) - See Clay County
WARREN COUNTY
(B) - See Rock Island County
(H,Hw) - See Fulton County
WASHINGTON COUNTY
(B,H,Hw) - See Bond County
WAYNE COUNTY
(B) - See Clarke County
(H,Hw) - See Clay County
WHITE COUNTY
(B) - See Alexander County
(H,Hw) - See Clay County
WHITESIDE COUNTY
(H,Hw) - See Bureau County

ILLINOIS (Cont'd.)

WILL COUNTY
(B,R) - See Du Page County
(H,Hw) - See Boone County
WILLIAMSON COUNTY
Decision #IL76-2048 (B)
41 FR 16369 - 4/16/76
Mod. #1 - 41 FR 20124 - 5/14/76
(B,H,Hw) - See Alexander County
WINNEBAGO COUNTY
(B) - See Boone County
(H,Hw) - See Bureau County
WOODFORD COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County

INDIANA

STATEWIDE
Decision #IN76-2140 (H,Hw)
41 FR 47755 - 10/29/76
Mod. #1 - 41 FR 51238 - 11/19/76
Mod. #2 - 42 FR 54104 - 12/10/76
Mod. #3 - 42 FR 7028 - 2/4/77
ADAMS COUNTY
Decision #IN77-2017 (B)
42 FR 8920 - 2/11/77
Mod. #1 - 42 FR 12568 - 3/4/77
(H,Hw) - See Statewide
ALLEN COUNTY
Decision #IN77-2006 (B)
42 FR 7046 - 2/4/77
Mod. #1 - 42 FR 10211 - 2/18/77
Mod. #2 - 42 FR 12568 - 3/4/77
Decision #IN77-2007 (R)
42 FR 8940 - 2/11/77
(H,Hw) - See Statewide
BARTHOLOMEW COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BENTON COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BLACKFORD COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
CARROLL COUNTY
(H,Hw) - See Statewide
CASS COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
Decision #IN77-2009 (B)
42 FR 8910 - 2/11/77
(H,Hw) - See Statewide
CLAY COUNTY
Decision #IN77-2020 (R)
42 FR 10196 - 2/18/77
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
(D) - See Clark County
DAVIESS COUNTY
Decision #IN77-2021 (R)
42 FR 10196 - 2/18/77
(H,Hw) - See Statewide
DEARBORN COUNTY
(B) - See Allen County
(D) - See Clarke County
(H,Hw) - See Statewide

INDIANA (Cont'd.

DECATUR COUNTY
Decision #IN77-2008 (B)
42 FR 8998 - 2/11/77
Mod. #1 - 42 FR 12568 - 3/4/77
(H,Hw) - See Statewide
DEKALB COUNTY
Decision #IN77-2010 (R)
42 FR 8912 - 2/11/77
(B) - See Adams County
(H,Hw) - See Statewide
DELAWARE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
DUBOIS COUNTY
Decision #IN77-2022 (R)
42 FR 10197 - 2/18/77
(H,Hw) - See Statewide
ELKHART COUNTY
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
FLOYD COUNTY
(B,D) - See Clark County
(H,Hw) - See Statewide
FOUNTAIN COUNTY
(H,Hw) - See Statewide
FRANKLIN COUNTY
(H,Hw) - See Statewide
FULTON COUNTY
(H,Hw) - See Statewide
GIBSON COUNTY
Decision #IN77-2023 (R)
42 FR 10197 - 2/18/77
(H,Hw) - See Statewide
GRANT COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
GREENE COUNTY
Decision #IN77-2024 (R)
42 FR 10198 - 2/11/77
(H,Hw) - See Statewide
HAMILTON COUNTY
Decision #IN77-2011 (R)
42 FR 8912 - 2/11/77
(B) - See Boone County
(H,Hw) - See Statewide
HANCOCK COUNTY
(B) - See Boone County
(H,Hw) - See Statewide
HARRISON COUNTY
(B,D) - See Clark County
(H,Hw) - See Statewide
HENDRICKS COUNTY
(B) - See Boone County
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HOWARD COUNTY
(H,Hw) - See Statewide

INDIANA (Cont'd.

HUNTINGTON COUNTY
(B) - See Adams County
(H,Hw) - See Statewide
JACKSON COUNTY
Decision #IN77-2012 (R)
42 FR 8913 - 2/11/77
(H,Hw) - See Statewide
JASPER COUNTY
(H,Hw) - See Statewide
JAY COUNTY
(H,Hw) - See Statewide
(B) - See Adams County
JEFFERSON COUNTY
Decision #IN77-2013 (R)
42 FR 8913 - 2/11/77
(D) - See Clark County
(H,Hw) - See Statewide
JENNINGS COUNTY
(H,Hw) - See Statewide
JOHNSON COUNTY
Decision #IN77-2014 (R)
42 FR 8914 - 2/11/77
(B) - See Boone County
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
KOSCIUSKO COUNTY
(H,Hw) - See Statewide
LAGRANGE COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
Decision #IN76-2147 (B,H,Hw)
41 FR 47747 - 10/29/76
Mod. #1 - 41 FR 51238 - 11/19/76
Mod. #2 - 41 FR 54103 - 12/10/76
Mod. #3 - 42 FR 7027 - 2/4/77
Mod. #4 - 42 FR 10211 - 2/18/77
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
LAPORTE COUNTY
(B,H,Hw) - See Lake County
(D) - See Lake County
LAWRENCE COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(B) - See Boone County
(H,Hw) - See Statewide
MARION COUNTY
Decision #IN76-2005 (R)
41 FR 3602 - 1/23/76
Mod. #1 - 41 FR 9720 - 3/5/76
Mod. #2 - 41 FR 21904 - 5/28/76
Mod. #3 - 42 FR 12568 - 3/4/77
(B) - See Allen County
(H,Hw) - See Statewide
MARSHALL COUNTY
(H,Hw) - See Statewide

INDIANA (Cont'd.)

MARTIN COUNTY
(H,Hw) - See Statewide
MIAMI COUNTY
Decision #IN77-2025 (R)
42 FR 10198 - 2/18/77
(H,Hw) - See Statewide
MONROE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(H,Hw) - See Statewide
MORGAN COUNTY
(B) - See Boone County
(H,Hw) - See Statewide
NEWTON COUNTY
(H,Hw) - See Statewide
NOBLE COUNTY
(B) - See Adams County
(H,Hw) - See Statewide
OHIO COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
ORANGE COUNTY
Decision #IN77-2026 (R)
42 FR 10199 - 2/18/77
(H,Hw) - See Statewide
OWEN COUNTY
(H,Hw) - See Statewide
PARKE COUNTY
Decision #IN77-2027 (B)
42 FR 10199 - 2/18/77
(H,Hw) - See Statewide
PERRY COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
PIKE COUNTY
(H,Hw) - See Statewide
PORTER COUNTY
(B,H,Hw) - See Lake County
(D) - See Lake County
POSEY COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
PULASKI COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RANDOLPH COUNTY
(H,Hw) - See Statewide
RIPLEY COUNTY
(H,Hw) - See Statewide
RUSH COUNTY
(H,Hw) - See Statewide
SAINT JOSEPH COUNTY
(B,H,Hw) - See Lake County
SCOTT COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(B) - See Boone County
(H,Hw) - See Statewide

INDIANA (Cont'd)

SPENCER COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
STARK COUNTY
(H,Hw) - See Statewide
STEUBEN COUNTY
(B) - See Adams County
(H,Hw) - See Statewide
SULLIVAN COUNTY
(H,Hw) - See Statewide
SWITZERLAND COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
TIPPECANOE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
TIPTON COUNTY
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
VANDERBURGH COUNTY
Decision #IN77-2046 (R)
41 FR 16302 - 4/16/76
(B) - See Allen County
(D) - See Clark County
(H,Hw) - See Statewide
VERMILLION COUNTY
Decision #IN77-2028 (R)
42 FR 10200 - 2/18/77
(H,Hw) - See Statewide
VIGO COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
WABASH COUNTY
(B) - See Adams County
(H,Hw) - See Statewide
WARREN COUNTY
(H,Hw) - See Statewide
WARRICK COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
WASHINGTON COUNTY
Decision #IN77-2015 (R)
42 FR 8914 - 2/11/77
(H,Hw) - See Statewide
WAYNE COUNTY
(H,Hw) - See Statewide
WELLS COUNTY
(B) - See Adams County
(H,Hw) - See Statewide
WHITE COUNTY
(H,Hw) - See Statewide
WHITLEY COUNTY
(B) - See Adams County
(H,Hw) - See Statewide

IOWA

ADAIR COUNTY
Decision #IA76-4120 (H,Hw)
41 FR 30481 - 7/23/76
ADAMS COUNTY
(H,Hw) - See Adair County
ALLAMAKEE COUNTY
None
APPANOOSE COUNTY
Decision #IA77-4042 (H,Hw)
42 FR 11211 - 2/25/77
AUDUBON COUNTY
None
BENTON COUNTY
Decision #IA77-4041 (Hw)
42 FR 11210 - 2/25/77
BLACK HAWK COUNTY
Decision #IA76-4092 (B,H,Hw)(City of Waterloo & abutting Municipalities
41 FR 21079 - 5/21/76
Mod. #1 - 41 FR 33127 - 8/6/76
Mod. #2 - 41 FR 38708 - 9/10/76
Mod. #3 - 41 FR 44594 - 10/8/76
Mod. #4 - 41 FR 56549 - 12/28/76
Mod. #5 - 42 FR 8932 - 2/11/77
BOONE COUNTY
None
BREMER COUNTY
None
BUCHANAN COUNTY
Decision #IA76-4121 (H,Hw)
41 FR 30482 - 7/23/76
BUENA VISTA COUNTY
None
BUTLER COUNTY
Decision #IA76-4122 (H,Hw)
41 FR 30483 - 7/23/76
CALHOUN COUNTY
None
CARROLL COUNTY
Decision #IA76-4053 (H,Hw)
41 FR 7907 - 2/20/76
CASS COUNTY
(H,Hw) - See Adair County
CEDAR COUNTY
(H,Hw) - See Buchanan County
CERRO GORDO COUNTY (MASON CITY)
Decision #IA77-4004 (B,H,Hw)
42 FR 4082 - 1/21/77
Mod. #1 - 42 FR 10211 - 2/18/77
(H,Hw) - See Butler Co. (Excl Mason City)
CHEROKEE COUNTY
None
CHICKASAW COUNTY
None
CLARKE COUNTY
(H,Hw) - See Adair County

IOWA (Cont'd)

CLAY COUNTY
(H,Hw) - See Carroll County
CLAYTON COUNTY
None
CLINTON COUNTY (City of Clinton and abbutting municipalities)
Decision #IA76-4145 (B,H,Hw)
41 FR 38711 - 9/10/76
Mod. #1 - 41 FR 44594 - 10/8/76
Mod. #2 - 41 FR 48984 - 11/5/76
Mod. #3 - 41 FR 51239 - 11/19/76
Mod. #4 - 41 FR 56550 - 12/28/76
CRAWFORD COUNTY
(H,Hw) - See Carroll County
DALLAS COUNTY
None
DAVIS COUNTY
(H,Hw) - See Appanoose County
DECATUR COUNTY
(H,Hw) - See Adair County
DELAWARE COUNTY
(H,Hw) - See Buchanan County
DES MOINES COUNTY (City of Burlington and Abutting Municipalities; and Burlington Ordance Plant
Decision #IA76-4146 (B,H,Hw)
41 FR 38713 - 9/10/76
Mod. #1 - 41 FR 44594 - 10/8/76
Mod. #2 - 41 FR 48984 - 11/5/76
Mod. #3 - 41 FR 51240 - 11/19/76
DUBUQUE COUNTY (City of Dubuque and abutting municipalities)
Decision #IA76-4147 (B,H,Hw)
41 FR 38716 - 9/10/76
Mod. #1 - 41 FR 44594 - 10/8/76
Mod. #2 - 41 FR 48984 - 11/5/76
Mod. #3 - 42 FR 4064 - 1/21/77
EMMET COUNTY
None
FAYETTE COUNTY
None
FLOYD COUNTY
(H,Hw) - See Butler County
FRANKLIN COUNTY
Decision #IA76-4123 (H,Hw)
41 FR 30484 - 7/23/76
FREMONT COUNTY
Decision #NE76-4184 (Channel Stabilization)
41 FR 53259 - 12/3/76
(H,Hw) - See Adair County
GREENE COUNTY
None
GRUNDY COUNTY
(H,Hw) - See Butler County

IOWA (Cont'd)

GUTHRIE COUNTY
None
HAMILTON COUNTY
(H,Hw) - See Butler County
HANCOCK COUNTY
(H,Hw) - See Butler County
HARDIN COUNTY
(H,Hw) - See Franklin County
HARRISON COUNTY
Decision #IA76-4124 (H,Hw)
41 FR 30485 - 7/23/76
Mod. #1 - 41 FR 51239 - 11/19/76
(Chann. Stab.) - See Fremont Co.
HENRY COUNTY
None
HOWARD COUNTY
None
HUMBOLDT COUNTY
None
IDA COUNTY
None
IOWA COUNTY
(Hw) - See Benton County
JACKSON COUNTY
(H,Hw) - See Buchanan County
JASPER COUNTY
None
JEFFERSON COUNTY
(H,Hw) - See Appanoose County
JOHNSON COUNTY (City of Iowa City and abutting municipalities)
Decision #IA76-4148 (B,H,Hw)
41 FR 38719 - 9/10/76
Mod. #1 - 41 FR 48984 - 11/5/76
Mod. #2 - 42 FR 5615 - 1/28/77
(Hw) - See Benton County
JONES COUNTY
(H,Hw) - See Buchanan County
KEOKUK COUNTY
(Hw) - See Benton County
KOSSUTH COUNTY
None
LEE COUNTY
None
LINN COUNTY
Decision #IA76-4149 (B,H,Hw)
41 FR 38722 - 9/10/76
Mod. #1 - 41 FR 48985 - 11/5/76
Mod. #2 - 42 FR 5615 - 1/28/77

IOWA (Cont'd.)

LOUISA COUNTY
None
LUCAS COUNTY
(H,Hw) - See Adair County
LYON COUNTY
None
MADISON COUNTY
None
MAHASKA COUNTY
(Hw) - See Benton County
MARION COUNTY
None
MARSHALL COUNTY
None
MILLS COUNTY
(H,Hw) - See Adair County
(Channel Stab.) - See Freemont Co.
MITCHELL COUNTY
(H,Hw) - See Butler County
MONONA COUNTY
(H,Hw) - See Harrison County
(Channel Stab.) - See Freemont Co.
MONROE COUNTY
None
MONTGOMERY COUNTY
(H,Hw) - See Adair County
MUSCATINE COUNTY
None
O'BRIEN COUNTY
(H,hw) - See Carroll County
OSCEOLA COUNTY
(H,Hw) - See Carroll County
PAGE COUNTY
(H,Hw) - See Adair County
PALO ALTO COUNTY
None
PLYMOUTH COUNTY
None
POCAHONTAS COUNTY
None
POLK COUNTY
Decision #IA76-4150 (B,H,Hw)
41 FR 40393 - 9/17/76
Mod. #1 - 42 FR 4064 - 1/21/77
POTTAWATTAMIE COUNTY (City of Council Bluffs and the area within 3 miles from the City Limits)
Decision #IA76-4185 (B,H,Hw)
41 FR 51285 - 11/19/76
Mod. #1 - 42 FR 4064 - 1/21/77
Mod. #2 - 42 FR 10211 - 2/18/77
(Chann. Stab.) - See Freemont County

IOWA (Cont'd)

POWESHIEK COUNTY
(Hw) - See Benton County
RINGGOLD COUNTY
(H,Hw) - See Adair County
SAC COUNTY
None
SCOTT COUNTY
Decision #IA76-4172 (B,H,Hw)
41 FR 45802 - 10/15/76
Mod. #1 - 41 FR 48985 - 11/5/76
Mod. #2 - 41 FR 51239 - 11/19/76
SHELBY COUNTY
None
SIOUX COUNTY
None
STORY COUNTY (City of Ames and abutting municipalities)
Decision #IA76-4173 (B,H,Hw)
41 FR 45805 - 10/15/76
Mod. #1 - 42 FR 4064 - 1/21/77
TAMA COUNTY
(Hw) - See Benton County
TAYLOR COUNTY
(H,Hw) - See Adair County
UNION COUNTY
(H,Hw) - See Adair County
VAN BUREN COUNTY
(H,Hw) - See Appanoose County
WAPELLO COUNTY
(H,Hw) - See Appannose County
WARREN COUNTY
None
WASHINGTON COUNTY
(Hw) - See Benton County
WAYNE COUNTY
(H,Hw) - See Adair County
WEBSTER COUNTY (City of Fort Dodge)
Decision #IA76-4174 (B,H,Hw)
41 FR 45808 - 10/15/76
Mod. #1 - 41 FR 51240 - 11/19/76
Mod. #2 - 42 FR 4064 - 1/21/77
WINNEBAGO COUNTY
(H,Hw) - See Butler County
WINNESHIEK COUNTY
None

IOWA (Cont'd.)

WOODBURY COUNTY (City of Sioux City and abutting municipalities)
Decision #IA76-4175 (B)
41 FR 45811 - 10/15/76
Mod. #1 - 41 FR 56550 - 12/28/76
(Chann. Stab.) - See Freemont Co.
(H,HW) - See Harrison County
WORTH COUNTY
(H,HW) - See Butler County
WRIGHT COUNTY
(H,HW) - See Butler County

KANSAS

ALLEN COUNTY
Decision #KS77-4025 (Hw, W&S)
42 FR 10235 - 2/18/77
ANDERSON COUNTY
(Hw, W&S) - See Allen County
ATCHISON COUNTY
Decision #MO75-4070 (D)
40 FR 14225 - 3/28/75
(Hw, W&S) - See Allen County
BARBER COUNTY
Decision #KS77-4024 (Hw, W&S)
42 FR 10234 - 2/18/77
BARTON COUNTY
(Hw, W&S) - See Barber County
BOURBON COUNTY
(Hw, W&S) - see Allen County
BROWN COUNTY
(Hw, W&S) - See Allen County
BUTLER COUNTY
(Hw, W&S) - See Allen County
CASS COUNTY
(Hw, W&S) - See Allen County
CHASE COUNTY
(Hw, W&S) - See Allen County
CHAUTAUQUA COUNTY
(Hw, W&S) - See Allen County
CHEROKEE COUNTY
(Hw, W&S) - See Allen County
CHEYENNE COUNTY
(Hw, W&S) - See Barber County
CLARK COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

CLAY COUNTY
(Hw, W&S) - See Allen County
CLOUD COUNTY
(Hw, W&S) - See Allen County
COFFEY COUNTY
(Hw, W&S) - See Allen County
COMANCHE COUNTY
(Hw, W&S) - See Barber County
COWLEY COUNTY
(Hw, W&S) - See Allen County
CRAWFORD COUNTY
(Hw, W&S) - See Allen County
DECATUR COUNTY
(Hw, W&S) - See Barber County
DICKINSON COUNTY
(Hw, W&S) - See Allen County
DONIPHAN COUNTY
(D) - See Atchison County
(Hw, W&S) - See Allen County
DOUGLAS COUNTY
Decision #KS77-4050 (Hw)
42 FR 12509 - 3/4/77
EDWARDS COUNTY
(Hw, W&S) - See Barber County
ELK COUNTY
(Hw, W&S) - See Allen County
ELLIS COUNTY
(Hw, W&S) - See Barber County
ELLSWORTH COUNTY
(Hw, W&S) - See Barber County
FINNEY COUNTY
(Hw, W&S) - See Barber County
FORD COUNTY
(Hw, W&S) - See Barber County
FRANKLIN COUNTY
(Hw, W&S) - See Allen County
GEARY COUNTY
Decision #KS77-4019 (R)
42 FR 7056 - 2/4/77
(Hw, W&S) - See Allen County
GOVE COUNTY
(Hw, W&S) - See Barber County
GRAHAM COUNTY
(Hw, W&S) - See Barber County
GRANT COUNTY
(Hw, W&S) - See Barber County
GRAY COUNTY
(Hw, W&S) - See Barber County
GREELEY COUNTY
(Hw, W&S) - See Barber County
GREENWOOD COUNTY
(Hw, W&S) - See Allen County

KANSAS (Cont'd.)

HAMILTON COUNTY
(Hw, W&S) - See Barber County
HARPER COUNTY
(Hw, W&S) - See Allen County
HARVEY COUNTY
(Hw, W&S) - See Allen County
HASKELL COUNTY
(Hw, W&S) - See Barber County
HODGEMAN COUNTY
(Hw, W&S) - See Barber County
JACKSON COUNTY
(Hw, W&S) - See Allen County
JEFFERSON COUNTY
(Hw) - See Douglas County
JEWELL COUNTY
(Hw, W&S) - See Barber County
JOHNSON COUNTY
Decision #MO76-4177 (B,H,Hw)
41 FR 50139 - 11/12/76
Mod. #1 - 41 FR 54105 - 12/10/76
Decision #MO76-4103 (R)
41 FR 27602 - 7/2/76
Mod. #1 - 41 FR 34482 - 8/13/76
Mod. #2 - 41 FR 54104 - 12/10/76
KEARNY COUNTY
(Hw, W&S) - See Barber County
KINGMAN COUNTY
(Hw, W&S) - See Allen County
KIOWA COUNTY
(Hw, W&S) - See Barber County
LABETTE COUNTY
(Hw, W&S) - See Allen County
LANE COUNTY
(Hw, W&S) - See Barber County
LEAVENWORTH COUNTY
Decision #KS77-4049 (B)
42 FR 11219 - 2/25/77
(D) - See Atchison County
(Hw) - See Douglas County
LINCOLN COUNTY
(Hw, W&S) - See Barber County
LINN COUNTY
(Hw, W&S) - See Allen County
LOGAN COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

LYON COUNTY
(Hw, W&S) - See Allen County
McPHERSON COUNTY
(Hw, W&S) - See Allen County
MARION COUNTY
(Hw, W&S) - See Allen County
MARSHALL COUNTY
(Hw, W&S) - See Allen County
MEADE COUNTY
(Hw, W&S) - See Barber County
MIAMI COUNTY
(Hw) - See Douglas County
MITCHELL COUNTY
(Hw, W&S) - See Barber County
MONTGOMERY COUNTY
(Hw, W&S) - See Allen County
MORRIS COUNTY
(Hw, W&S) - See Allen County
MORTON COUNTY
(Hw, W&S) - See Barber County
NEMAHA COUNTY
(Hw, W&S) - See Allen County
NEOSHO COUNTY
(Hw, W&S) - See Allen County
NESS COUNTY
(Hw, W&S) - See Barber County
NORTON COUNTY
(Hw, W&S) - See Barber County
OSAGE COUNTY
(Hw, W&S) - See Allen County
OSBORNE COUNTY
(Hw, W&S) - See Barber County
OTTAWA COUNTY
(Hw, W&S) - See Allen County
PAWNEE COUNTY
(Hw, W&S) - See Barber County
PHILLIPS COUNTY
(Hw, W&S) - See Barber County
POTTAWATOMIE COUNTY
(Hw, W&S) - See Allen County
PRATT COUNTY
(Hw, W&S) - See Barber County
RAWLINS COUNTY
(Hw, W&S) - See Barber County
RAY COUNTY
(Hw, W&S) - See Allen County

KANSAS (Cont'd.)

RENO COUNTY
(Hw, W&S) - See Allen County
REPUBLIC COUNTY
(Hw, W&S) - See Allen County
RICE COUNTY
(Hw, W&S) - See Barber County
RILEY COUNTY
(Hw, W&S) - See Allen County
(R) - See Geary County
ROOKS COUNTY
(Hw, W&S) - See Barber County
RUSH COUNTY
(Hw, W&S) - See Barber County
RUSSELL COUNTY
(Hw, W&S) - See Barber County
SALINE COUNTY
(Hw, W&S) - See Allen County
SCOTT COUNTY
(Hw, W&S) - See Barber County
SEDGWICK COUNTY
Decision #KS77-4047 (R)
42 FR 11212 - 2/25/77
Decision #KS77-4020 (B)
42 FR 7057 - 2/4/77
Mod. #1 - 42 FR 11184 - 2/25/77
Decision #KS77-4023 (Hw, W&S)
42 FR 10233 - 2/18/77
SEWARD COUNTY
(Hw, W&S) - See Barber County
SHAWNEE COUNTY
Decision #KS76-4096 (B)
41 FR 23893 - 6/11/76
Mod. #1 - 41 FR 44595 - 10/8/76
Decision #KS77-4048 (R)
42 FR 11216 - 2/25/77
(Hw) - See Douglas County

KANSAS (Cont'd.)

SHERIDAN COUNTY
(Hw, W&S) - See Barber County
SHERMAN COUNTY
(Hw, W&S) - See Barber County
SMITH COUNTY
(Hw, W&S) - See Barber County
STAFFARD COUNTY
(Hw, W&S) - See Barber County
STANTON COUNTY
(Hw, W&S) - See Barber County
STEVENS COUNTY
(Hw, W&S) - See Barber County
SUMNER COUNTY
(Hw, W&S) - See Allen County
THOMAS COUNTY
(Hw, W&S) - See Barber County
TREGO COUNTY
(Hw, W&S) - See Barber County
WABAUNSEE COUNTY
(Hw, W&S) - See Allen County
WALLACE COUNTY
(Hw, W&S) - See Barber County
WASHINGTON COUNTY
(Hw, W&S) - See Allen County
WICHITA COUNTY
(Hw, W&S) - See Barber County
WILSON COUNTY
(Hw, W&S) - See Allen County
WOODSON COUNTY
(Hw, W&S) - See Allen County
WYANDOTTE COUNTY
(B,H,Hw,R) - See Johnson County
(D) - See Atchison County

KENTUCKY

ADAIR COUNTY
Decision #KY76-1093 (R)
41 FR 37472 - 9/3/76
Decision #KY76-1112 (H,Hw)
41 FR 43579 - 10/1/76
ALLEN COUNTY
Decision #KY76-1128 (H,Hw)
41 FR 50144 - 11/12/76
Mod. #1 - 41 FR 54106 - 12/10/76
ANDERSON COUNTY
Decision #KY76-1114 (H,Hw)
41 FR 44633 - 10/8/76
BALLARD COUNTY
Decision #AL76-5090 (D)
41 FR 44609 - 10/8/76
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
(H,Hw) - See Allen County
BARREN COUNTY
(H,Hw) - See Adair County
BATH COUNTY
(H,Hw) - See Anderson County
Decision #KY75-1105 (R)
40 FR 49950 - 10/24/75
BELL COUNTY
(R) - See Laurel County
(H,Hw) - See Adair County
Decision #AQ-4126 (B)
39 FR 22359 - 6/21/74
BOONE COUNTY
Decision #KY76-1092 (R)
41 FR 37471 - 9/3/76
Decision #KY76-1113 (H,Hw)
41 FR 43582 - 10/1/76
Decision #KY76-1086 (B)
41 FR 36384 - 8/27/76
Mod. #1 - 41 FR 45887 - 10/15/76
Mod. #2 - 42 FR 988 - 1/4/77
Mod. #3 - 42 FR 5615 - 1/28/77
Mod. #4 - 42 FR 11185 - 2/25/77
BOURBON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
BOYD COUNTY
Decision #KY76-1110 (B)
41 FR 42113 - 9/24/76
Mod. #1 - 41 FR 46811 - 10/22/76
Mod. #2 - 41 FR 48985 - 11/5/76
Mod. #3 - 41 FR 51241 - 11/19/76
Mod. #4 - 42 FR 988 - 1/4/77
(D) - See Ballard County
(H,Hw) - See Anderson County
BOYLE COUNTY
Decision #KY76-1096 (R)
41 FR 38707 - 9/10/76
(H,Hw) - See Anderson County
BRACKEN COUNTY
(H,Hw) - See Anderson County
(D) - See Ballard County
(R) - See Boone County
BREATHITT COUNTY
(H,Hw) - See Adair County

KENTUCKY (Cont'd.)

BREATHITT COUNTY (Cont'd.)
Decision #KY76-1101 (R)
41 FR 40366 - 9/17/76
BRECKINRIDGE COUNTY
Decision #KY76-1080 (R)
41 FR 30532 - 7/23/76
Mod. #1 - 41 FR 38709 - 9/10/76
(H,Hw) - See Anderson County
(D) - See Ballard County
BULLITT COUNTY
(D) - See Boone County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
BUTLER COUNTY
(H,Hw) - See Allen County
CALDWELL COUNTY
(H,Hw) - See Allen County
CALLOWAY COUNTY
(H,Hw) - See Allen County
CAMPBELL COUNTY
(D) - See Ballard County
(B,H,Hw,R) - See Statewide
CARLISLE COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
CARROLL COUNTY
(H,Hw) - See Anderson County
(D) - See Ballard County
(R) - See Boone County
CARTER COUNTY
Decision #KY76-1111 (R)
41 FR 43456 - 10/1/76
(H,Hw) - See Anderson County
CASEY COUNTY
(R) - See Boyle County
(H,Hw) - See Adair County
CHRISTIAN COUNTY
Decision #KY76-1091 (B)
41 FR 37470 - 9/3/76
Mod. #1 - 41 FR 51241 - 11/19/76
Mod. #2 - 42 FR 5616 - 1/28/77
Mod. #3 - 42 FR 11185 - 2/25/77
Decision #KY76-1118 (R)
41 FR 45801 - 10/15/76
(H,Hw) - See Allen County
CLARK COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
CLAY COUNTY
Decision #KY76-1097 (R)
41 FR 38707 - 9/10/76
(H,Hw) - See Adair County
CLINTON COUNTY
(R) - See Boyle County
(H,Hw) - See Adair County
CRITTENDEN COUNTY
(H,Hw) - See Allen County
(D) - See Ballard County
CUMBERLAND COUNTY
(H,Hw,R) - See Adair County
DAVIESS COUNTY
Decision #AQ-4122 (B)
39 FR 20281 - 6/7/74
Mod. #1 - 41 FR 19008 - 5/7/76
Mod. #2 - 41 FR 21987 - 5/28/76
Mod. #3 - 41 FR 43560 - 10/1/76

KENTUCKY (Cont'd)

JOHNSON COUNTY
(H,Hw) - See Anderson County
KENTON COUNTY
(D) - See Ballard County
(B,H,Hw,R) - See Boone County
KNOTT COUNTY
(H,Hw) - See Allen County
KNOX COUNTY
(R) - See Breathitt County
(H,Hw) - See Adair County
LARUE COUNTY
(R) - See Adair County
(H,Hw) - See Anderson County
LAUREL COUNTY
Decision #KY77-1002 (R)
42 FR 1684 - 1/7/77
(H,Hw) - See Adair County
LAWRENCE COUNTY
(H,Hw) - See Anderson County
LEE COUNTY
(R) - See Breathitt County
(H,Hw) - See Adair cOunty
LESLIE COUNTY
(R) - See Breathitt County
(H,Hw) - See Adair County
LETCHER COUNTY
(R) - See Breathitt County
(H,Hw) - See Adair County
LEWIS COUNTY
(R) - See Carter County
LINCOLN COUNTY
(R) - See Boyle County
(H,Hw) - See Adair county
LIVINGSTON COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
LOGAN COUNTY
(H,Hw) - See Allen County
LYON COUNTY
(H,Hw) - See Allen County
McCRACKEN COUNTY
Decision #KY77-1011 (B)
42 FR 8044 - 2/11/77
Mod. #1 - 42 FR 11184 - 2/25/77
(D) - See Ballard County
(H,Hw) - See Allen County

KENTUCKY (Cont'd.)

McCREARY COUNTY
(R) - See Laurel County
(H,Hw) - See Adair County
McLEAN COUNTY
(H,Hw) - See Allen County
MADISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MAGOFFIN COUNTY
(H,Hw) - See Adair County
MARION COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
MARSHALL COUNTY
(H,Hw) - See Allen County
MARTIN COUNTY
(H,Hw) - See Adair County
MASON COUNTY
(R) - See Carter County
(H,Hw) - See Anderson County
(D) - See Ballard County
MEADE COUNTY
(H,Hw) - See Anderson County
(D) - See Jefferson County
(R) - See Breckinridge County
(D) - See Ballard County
MENIFEE COUNTY
(H,Hw) - See Adair County
MERCER COUNTY
(H,Hw) - See Anderson County
METCALFE COUNTY
(H,Hw,R) - See Adair County
MONROE COUNTY
(H,Hw,R) - See Adair County
MONTGOMERY COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MORGAN COUNTY
(H,Hw) - See Anderson County
MUHLENBERG COUNTY
(H,Hw) - See Allen County

KENTUCKY (Cont'd.)

HARDIN COUNTY
(B) - See Jefferson County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Ballard County
HARLAN COUNTY
(R) - See Breathitt County
(H,Hw) - See Adair County
HARRISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
HART COUNTY
(H,Hw,R) - See Adair County
HENDERSON COUNTY
Decision #KY76-1078 (B)
41 FR 30527 - 7/23/76
Mod. #1 - 41 FR 43560 - 10/1/76
Mod. #2 - 41 FR 47987 - 10/15/76
Mod. #3 - 41 FR 53230 - 12/3/76
Mod. #4 - 42 FR 11185 - 2/25/77
HENRY COUNTY
(H,Hw) - See Allen County
(D) - See Ballard County
HICKMAN COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
HOPKINS COUNTY
(H,Hw) - See Allen County
JACKSON COUNTY
(R) - See Boyle County
(H,Hw) - See Adair County
JEFFERSON COUNTY
Decision #KY76-1129 (B)
41 FR 52257 - 11/26/76
Mod. #1 - 41 FR 55263 - 12/17/76
Mod. #2 - 41 FR 56550 - 12/28/76
Mod. #3 - 42 FR 10212 - 2/18/77
Mod. #4 - 42 FR 12568 - 3/4/77
(D) - See Ballard County
(R) - See Breckinridge County
(H,Hw) - See Anderson County
JESSAMINE COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

KENTUCKY (Cont'd)

DAVIESS COUNTY (Cont'd.)
Decision #KY76-1136 (R)
41 FR 53260 - 12/3/76
(D) - See Ballard County
(H,Hw) - See Allen County
EDMONSON COUNTY
(H,Hw) - See Allen County
ELLIOTT COUNTY
(R) - See Carter County
(H,Hw) - See Adair County
ESTILL COUNTY
(H,Hw) - See Adair County
(R) - See Clay County
FAYETTE COUNTY
Decision #KY77-1010 (B)
42 FR 8941 - 2/11/77
Mod. #1 - 42 FR 11184 - 2/25/77
(H,Hw) - See Anderson County
(R) - See Bath County
FLEMING COUNTY
(R) - See Carter County
(H,Hw) - See Anderson County
FLOYD COUNTY
Decision #AR-4002 (B)
39 FR 24777 - 7/5/74
(H,Hw) - See Adair County
FRANKLIN COUNTY
Decision #KY76-1132 (B)
41 FR 52260 - 11/26/76
Mod. #1 - 42 FR 988 - 1/4/77
Mod. #2 - 42 FR 7030 - 2/4/77
Mod. #3 - 42 FR 11186 - 2/25/77
(H,Hw) - See Anderson County
FULTON COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
GALLATIN COUNTY
(D) - See Ballard County
(H,Hw) - See Anderson County
GARRARD COUNTY
(H,Hw) - See Adair County
(R) - See Boyle County
GRANT COUNTY
(H,Hw) - See Anderson County
(R) - See Boone County
GRAVES COUNTY
(H,Hw) - See Allen County
GRAYSON COUNTY
(H,Hw) - See Anderson County
GREENE COUNTY
(H,Hw,R) - See Adair County
GREENUP COUNTY
(H,Hw) - See Anderson County
(D) - See Ballard County
HANCOCK COUNTY
(H,Hw) - See Allen County
(D) - See Ballard County

LOUISIANA (Cont'd)

CALDWELL PARISH
(F) - See Acadia Parish
(B,D,Hw)- See Statewide
CAMERON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
CATAHOULA PARISH
(F) - See Acadia Parish
(O,B,Hw) - See Statewide
CLAIBORNE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
CONCORDIA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
DE SOTO PARISH
(F) - See Acadia Parish
(B,D,Hw)-See Statewide
EAST BATON ROUGE PARISH
(B,D,Hw) - See Statewide
(F) - See Acadia Parish
EAST CARROLL PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
EAST FELICIANA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
EVANGELINE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
FRANKLIN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
GRANT PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
IBERIA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide

LOUISIANA

STATEWIDE
Decision #AL76-5090 (D)
41 FR 44609 - 10/8/76
Decision #LAZ7-4052 (B,Hw,R)
42 FR 12593 - 3/4/77
ACADIA PARISH
Decision #AR76-5041 (F)
41 FR 19017 - 5/7/76
Mod. #1 - 41 FR 21901 - 5/28/76
(B,D,Hw) - See Statewide
ALLEN PARISH
(F) - See Acadia Parish
(O,B,Hw) - See Statewide
ASCENSION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ASSUMPTION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
AVOYELLES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BEAUREGARD PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BIENVILLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BOSSIER PARISH
(F) - See Acadia Parish
(B,D,Hw,R) - See Statewide
CADDO PARISH
(F) - See Acadia Parish
(B,D,Hw,R) - See Statewide
CALCASIEU PARISH
(F) - See Acadia Parish
(B,D,Hw,R) - See Statewide

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LOUISIANA (Cont'd)

IBERVILLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JACKSON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JEFFERSON PARISH
Decision #LA77-4030 (R)
42 FR 10237 - 2/18/77
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JEFFERSON DAVIS PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LAFAYETTE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LAFOURCHE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LA SALLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LINCOLN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LIVINGSTON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
MADISON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
MOREHOUSE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
NATCHITOCHES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ORLEANS PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
OUACHITA PARISH
Decision #LA77-4031 (R)
42 FR 10237 - 2/18/77
(B,D,Hw) - See Statewide
(F) - See Acadia Parish

LOUISIANA (Cont'd.

PLAQUEMINES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
POINTE COUPEE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
RAPIDES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
RED RIVER PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
RICHLAND PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
SABINE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. BERNARD PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
ST. CHARLES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. HELENA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. JAMES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. JOHN THE BAPTIST PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. LANDRY PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. MARTIN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. MARY PARISH
(F) - See Acadia Parish
(B,D) - See Statewide

LOUISIANA (Cont'd.

ST. TAMMANY PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
TANGIPAHOA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
TENSAS PARISH
(F) - See Acadia Parish
(B,Hw,D) - See Statewide
TERREBONNE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
UNION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
VERMILION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
VERNON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WASHINGTON PARISH
(F) - See Acadia Parish
(B,Hw,D) - See Statewide
WEBSTER PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST BATON ROUGE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST CARROLL PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST FELICIANA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WINN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide

MAINE

ANOROSCOGGIN COUNTY
Decision #ME76-2159 (Hw)
41 FR 52173 - 11/26/76
AROOSTOOK COUNTY
Decision #ME76-2156 (Hw)
41 FR 52171 - 11/26/76
CUMBERLAND COUNTY
Decision #CT77-5001 (D)
42 FR 999 - 1/4/77
(Hw) - See Aroostook County
FRANKLIN COUNTY
(Hw) - See Androscoggin County
HANCOCK COUNTY
Decision #ME76-2166 (Hw)
41 FR 53227 - 12/3/76
(D) - See Cumberland County
KENNEBEC COUNTY
(Hw) - See Androscoggin County
KNOX COUNTY
(D) - See Cumberland County
(Hw) - See Hancock County
LINCOLN COUNTY
(D) - See Cumberland County
(Hw) - See Hancock County
OXFORD COUNTY
(Hw) - See Androscoggin County
PENOBSCOT COUNTY
(Hw) - See Aroostook County
PISCATAQUIS COUNTY
(Hw) - See Androscoggin County
SAGADAHOC COUNTY
(D) - See Cumberland County
(Hw) - See Aroostook County
SOMERSET COUNTY
(Hw) - See Androscoggin County
WALDO COUNTY
(D) - See Cumberland County
(Hw) - See Hancock County
WASHINGTON COUNTY
(D) - See Cumberland County
(Hw) - See Hancock County
YORK COUNTY
(D) - See Cumberland County
(Hw) - See Hancock County

MARYLAND

ALLEGANY COUNTY
Decision #MD77-3020 (B)
42 FR 3151 - 1/14/77
Decision #MD77-3021 (H,Hw)
42 FR 3153 - 1/14/77
ANNE ARUNDEL COUNTY
Decision #CT77-5001 (D)
42 FR 999 - 1/4/77
Decision #MD77-3019 (B,H)
42 FR 3147 - 1/14/77
Decision #MD76-3151 (Hw)
41 FR 11742 - 3/19/76
BALTIMORE CITY
Decision #MD77-3018 (Hw)
42 FR 3145 - 1/14/77
Decision #MD77-3017 (B,H)
42 FR 3142 - 1/14/77
Mod. #1 - 42 FR 10213 - 2/18/77
Mod. #2 - 42 FR 11186 - 2/25/77
(D) - See Anne Arundel County
BALTIMORE COUNTY
Decision #MD76-3153 (Hw)
41 FR 11744 - 3/19/76
Mod. #1 - 41 FR 14273 - 4/2/76
(D) - See Anne Arundel County
(B,H) - See Baltimore City
CALVERT COUNTY
(D,Hw) - See Anne Arundel County
CAROLINE COUNTY
Decision #MD76-3152 (Hw)
41 FR 11743 - 3/19/76
Mod. #1 - 41 FR 14273 - 4/2/76
(D) - See Anne Arundel County
CARROLL COUNTY
(Hw) - See Anne Arundel County
CECIL COUNTY
(Hw) - See Caroline County
CHARLES COUNTY
(D,Hw) - See Anne Arundel County
DORCHESTER COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
FREDERICK COUNTY
Decision #AQ-2076 (R)
39 FR 10069 - 3/15/74
Mod. #1 - 40 FR 15272 - 4/4/75
(Hw) - See Anne Arundel County
GARRETT COUNTY
(B,H,Hw) - See Allegany County

MARYLAND (Cont'd.)

HARFORD COUNTY
(B,H) - See Baltimore City
(Hw) - See Anne Arundel County
HOWARD COUNTY
(B,H) - See Baltimore City

(Hw) - See Anne Arundel County
KENT COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
MONTGOMERY COUNTY
Decision #MD76-3285 (B)
41 FR 51308 - 11/19/76
(Hw) - See Anne Arundel County
PRINCE GEORGES COUNTY
(B) - See Montgomery County
(D,Hw) - See Anne Arundel County
QUEEN ANNES COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
ST. MARYS COUNTY
(D,Hw) - See Anne Arundel County
SOMERSET COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
TALBOT COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
WASHINGTON COUNTY
(Hw) - See Anne Arundel County
WICOMICO COUNTY
Decision #MD77-3036 (R)
42 FR 12613 - 3/4/77
(D) - See Anne Arundel County
(Hw) - See Caroline County
WORCESTER COUNTY
(D) - See Anne Arundel County
(Hw) - See Caroline County
Decision #MD77-3035 (B)
42 FR 12613 - 3/4/77

MASSACHUSETTS

BARNSTABLE COUNTY
Decision #MA76-2095 (B,H,Hw, & Marine)
41 FR 34501 - 8/13/76
Mod. #1 - 41 FR 45788 - 10/15/76
Mod. #2 - 41 FR 54106 - 12/10/76
Mod. #3 - 42 FR 7030 - 2/4/77
Decision #CT77-5001 (D)
42 FR 999 - 1/4/77
BERKSHIRE COUNTY
Decision #MA76-2096 (B,H,Hw)
41 FR 34505 - 8/13/76
Mod. #1 - 41 FR 45788 - 10/15/76
Mod. #2 - 41 FR 54106 - 12/10/76
Mod. #3 - 42 FR 7030 - 2/4/77
BRISTOL COUNTY
Decision #MA76-2097 (B,H,Hw,R & Marine)
41 FR 34509 - 8/13/76
Mod. #1 - 41 FR 45789 - 10/15/76
Mod. #2 - 42 FR 54106 - 12/10/76
Mod. #3 - 42 FR 7030 - 2/4/77
(D) - See Barnstable County
DUKES COUNTY
(D) - See Barnstable County
ESSEX COUNTY
Decision #MA76-2098 (B,H,Hw, & Marine)
41 FR 34514 - 8/13/76
Mod. #1 - 41 FR 46811 - 10/22/76
Mod. #2 - 41 FR 51241 - 11/19/76
Mod. #3 - 41 FR 55266 - 12/17/76
Mod. #4 - 42 FR 7031 - 2/4/77
(D) - See Barnstable County
FRANKLIN COUNTY
Decision #MA76-2099 (B,H,Hw)
41 FR 34519 - 8/13/76
Mod. #1 - 41 FR 46812 - 10/22/76
Mod. #2 - 41 FR 55266 - 12/17/76
Mod. #3 - 42 FR 7031 - 2/4/77
HAMPDEN COUNTY
Decision #MA76-2100 (B,H,Hw)
41 FR 34522 - 8/13/76
Mod. #1 - 41 FR 46812 - 10/22/76
Mod. #2 - 41 FR 55266 - 12/17/76
Mod. #3 - 42 FR 7031 - 2/4/77
Decision #MA75-2134 (R)
40 FR 59166 - 12/19/75
HAMPSHIRE COUNTY
Decision #MA76-2101 (B,H,Hw)
41 FR 35369 - 8/20/76
Mod. #1 - 41 FR 46813 - 10/22/76
Mod. #2 - 41 FR 55266 - 12/17/76
Mod. #3 - 42 FR 7031 - 2/4/77
MIDDLESEX COUNTY
Decision #MA76-2102 (B,H,Hw, R, & Marine)
41 FR 37479 - 9/3/76
Mod. #1 - 41 FR 46813 - 10/22/76
Mod. #2 - 41 FR 55267 - 12/17/76
Mod. #3 - 42 FR 7031 - 2/4/77
(D) - See Barnstable County

MASSACHUSETTS

NANTUCKET COUNTY
(D) - See Barnstable County
NORFOLK COUNTY
Decision #MA76-2103 (B,H,Hw,R)
41 FR 35373 - 8/20/76
Mod. #1 - 41 FR 46814 - 10/22/76
Mod. #2 - 41 FR 55267 - 12/17/76
Mod. #3 - 42 FR 7032 - 2/4/77
(D) - See Barnstable County
PLYMOUTH COUNTY
Decision #MA76-2104 (B,H,Hw,R)
41 FR 37485 - 9/3/76
Mod. #1 - 41 FR 46815 - 10/22/76
Mod. #2 - 41 FR 56551 - 12/28/76
Mod. #3 - 42 FR 7032 - 2/4/77
(D) - See Barnstable County
SUFFOLK COUNTY
Decision #MA76-2105 (B,H,Hw,D,R, & Marine)
41 FR 35377 - 8/20/76
Mod. #1 - 41 FR 46815 - 10/22/76
Mod. #2 - 41 FR 56551 - 12/28/76
Mod. #3 - 42 FR 7032 - 2/4/77
(D) - See Barnstable County
WORCESTER COUNTY
Decision #MA76-2106 (B,H,Hw,R)
41 FR 37490 - 9/3/76
Mod. #1 - 41 FR 46816 - 10/22/76
Mod. #2 - 41 FR 56551 - 12/28/76
Mod. #3 - 42 FR 3136 - 1/14/77
Mod. #4 - 42 FR 7032 - 2/4/77

MICHIGAN

STATEWICE
Decision #M176-2140 (Hw, W&S)
41 FR 51318 - 11/19/76
Mod. #1 - 41 FR 54107 - 12/10/76
Mod. #2 - 42 FR 1681 - 1/7/77
ALCONA COUNTY
Decision #M176-2135 (B,H)
41 FR 47766 - 10/29/76
Mod. #1 - 42 FR 8934 - 2/11/77
Mod. #2 - 42 FR 11186 - 2/18/77
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
(Hw, W&S) - See Statewide
ALGER COUNTY
Decision #M176-2136 (B,H)
41 FR 47771 - 10/29/76
Mod. #1 - 42 FR 8935 - 2/11/77
Mod. #2 - 42 FR 11186 - 2/18/77
(D) - See Alcona County
(Hw, W&S) - See Statewide
ALLEGAN COUNTY
Decision #M176-2137 (B,H)
41 FR 47774 - 10/29/76
Mod. #1 - 42 FR 8935 - 2/11/77
Mod. #2 - 42 FR 10213 - 2/16/77
Mod. #3 - 42 FR 11186 - 2/25/77
Decision #AM-398 (R)
36 FR 15891 - 8/18/71
(Hw, W&S) - See Statewide
(D) - See Alcona County
ALPENA COUNTY
(D) - See Alcona County
(B,H) - See Alcona County
(Hw, W&S) - See Statewide
ANTRIM COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
ARENAC COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
BARAGA COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
BARRY COUNTY
(Hw, W&S) - See Statewide
BAY COUNTY
Decision #M176-2138 (B,H)
41 FR 48989 - 11/5/76
Mod. #1 - 42 FR 8935 - 2/11/77
Mod. #2 - 42 FR 11187 - 2/25/77
(D) - See Alcona County
(Hw, W&S) - See Statewide
BENZIE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

BERRIEN COUNTY
(B,H) - See Allegan County
Decision #AM-399 (R)
36 FR 15892 - 8/18/71
(D) - See Alcona County
(Hw, W&S) - See Statewide
BRANCH COUNTY
Decision #AM-401 (R)
36 FR 15894 - 8/18/71
(Hw, W&S) - See Statewide
CALHOUN COUNTY
(B,H) - See Allegan County
Decision #M176-2107 (R)
41 FR 35381 - 8/20/76
(Hw, W&S) - See Statewide
CASS COUNTY
(Hw, W&S) - See Statewide
(R) - See Branch County
CHARLEVOIX COUNTY
(B,H) - See Allegan County
(D) - See Alcona County
(Hw, W&S) - See Statewide
CHEBOYGAN COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
CHIPPEWA COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
CLARE COUNTY
(Hw, W&S) - See Statewide
CLINTON COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
CRAWFORD COUNTY
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

DELTA COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
DICKERSON COUNTY
(Hw, W&S) - See Statewide
(D) - See Alcona County
(B,H) - See Alger County
EATON COUNTY
Decision #M177-2035 (R)
42 FR 12614 - 3/4/77
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
EMMET COUNTY
(B,H) - See Charlevoix County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GENESEE COUNTY
(B,H) - See Bay County
Decision #M177-2019 (R)
42 FR 10238 - 2/18/77
(Hw, W&S) - See Statewide
GLADWIN COUNTY
(Hw) - See Statewide
GOGEBIC COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GRAND TRAVERSE COUNTY
(B,H) - See Alcona County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GRATIOT COUNTY
(Hw, W&S) - See Statewide
HILLSDALE COUNTY
(Hw, W&S) - See Statewide
HOUGHTON COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
HURON COUNTY
(B,H) - See Bay County
(D) - See Alcona County
(Hw, W&S) - See Allegan County
INGHAM COUNTY
(B,H) - See Allegan County
(R) - See Eaton County
(Hw, W&S) - See Statewide
IONIA COUNTY
(Hw, W&S) - See Statewide
IOSCO COUNTY
(B,H) - See Bay County
(Hw, W&S) - See Statewide
(D) - See Alcona County
IRON COUNTY
(Hw, W&S) - See Statewide
(D) - See Alcona County

MICHIGAN (Cont'd.)

ISABELLA COUNTY
(Hw, W&S) - See Statewide
JACKSON COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
KALAMAZOO COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
(R) - See Branch County
KALKASKA COUNTY
(Hw, W&S) - See Statewide
KENT COUNTY
Decision #M176-2171 (B,H)
41 FR 56590 - 12/28/76
Decision #AM-402 (R)
36 FR 15895 - 8/18/71
(Hw, W&S) - See Statewide
KEWEENAW COUNTY
(D) - See Alcona County
(B,H) - See Alger County
(Hw, W&S) - See Statewide
LAKE COUNTY
(R) - See Genesee County
LAPEER COUNTY
(R) - See Genesee County
(B,H) - See Bay County
(Hw, W&S) - See Statewide
LEELANAU COUNTY
(D) - See Alcona County
(B,H) - See Grant Traverse County
(Hw, W&S) - See Statewide
LENAWEE COUNTY
(Hw, W&S) - See Statewide
LIVINGSTON COUNTY
(Hw, W&S) - See Statewide
LUCE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MACKINAC COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
MACOMB COUNTY
Decision #M176-2139 (B,H,R)
41 FR 51313 - 11/19/76
Mod. #1 - 41 FR 54107 - 12/10/76
Mod. #2 - 41 FR 55267 - 12/17/76
Mod. #3 - 42 FR 1680 - 1/7/77
Mod. #4 - 42 FR 4066 - 1/21/77
Mod. #5 - 42 FR 11187 - 2/25/77
Mod. #6 - 42 FR 12568 - 3/4/77
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

MANISTEE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MARQUETTE COUNTY
Decision #M177-2036 (R)
42 FR 12615 - 3/4/77
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
MASON COUNTY
(B,H) - See Charlevoix County
(D) - See Alcona County
MECOSTA COUNTY
(Hw, W&S) - See Statewide
MENOMINEE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MIDLAND COUNTY
(Hw, W&S) - See Statewide
MISSAUKEE COUNTY
(Hw, W&S) - See Statewide
MONROE COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
MONTCALM COUNTY
(Hw, W&S) - See Statewide
(R) - See Kent County
MONTMORENCY COUNTY
(B,H) - See Alcona County
(Hw, W&S) - See Statewide
MUSKEGON COUNTY
Decision #M175-2120 (R)
40 FR 49955 - 10/24/75
(B,H) - See Alcona County
(D) - See Alcona County
(Hw, W&S) - See Statewide
NEWAYGO COUNTY
(Hw, W&S) - See Statewide
OAKLAND COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
OCEANA COUNTY
(B,H,R) - See Alcorn County
(D) - See Alcona County
(Hw, W&S) - See Statewide
OGEMAW COUNTY
(Hw, W&S) - See Statewide
ONTONAGON COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

OSCEOLA COUNTY
(Hw, W&S) - See Statewide
OSCODA COUNTY
(B,H) - See Alcona County
(Hw, W&S) - See Statewide
OTSEGO COUNTY
(Hw, W&S) - See Statewide
OTTAWA COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
(R) - See Allegan County
PRESQUE ISLE COUNTY
(B,H) - See Alcona County
(D) - See Alcona County
(Hw, W&S) - See Statewide
ROSCOMMON COUNTY
(Hw, W&S) - See Statewide
SAGINAW COUNTY
(B,H) - See Bay County
(R) - See Genesee County
(Hw, W&S) - See Statewide
SAINT CLAIR COUNTY
(B,H) - See Bay County
(D) - See Alcona County
(R) - See Genesee County
(Hw, W&S) - See Statewide
SAINT JOSEPH COUNTY
(Hw, W&S) - See Statewide
(R) - See Branch County
SANILAC COUNTY
(B,H) - See Bay County
(D) - See Alcona County
(Hw, W&S) - See Statewide
SCHOOLCRAFT COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
SHIAWASSEE COUNTY
(B,H) - See Bay County
(R) - See Genesee County
(Hw, W&S) - See Statewide
TUSCOLA COUNTY
(B,H) - See Bay County
(D) - See Alcona County
(Hw, W&S) - See Statewide
VAN BUREN COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
WASHTENAW COUNTY
(B,H,R) - See Macomb County
(Hw, W&S) - See Statewide
(D) - See Alcona County
WAYNE COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
WEXFORD COUNTY
(Hw, W&S) - See Statewide

MINNESOTA

AITKIN COUNTY
Decision #MN76-2058 (H,Hw)
41 FR 20131 - 5/14/76
Mod. #1 - 41 FR 43561 - 10/1/76
Mod. #2 - 42 FR 1682 - 1/7/77
ANOKA COUNTY
Decision #MN76-2001 (B,R)
41 FR 2551 - 1/16/76
Mod. #1 - 41 FR 5521 - 2/6/76
Mod. #2 - 41 FR 6953 - 2/13/76
Mod. #3 - 41 FR 20124 - 5/14/76
Mod. #4 - 41 FR 52178 - 11/26/76
Mod. #5 - 42 FR 11187 - 2/25/77
(H,Hw) - See Aitkin County
BECKER COUNTY
Decision #MN77-2031 (H,Hw)
42 FR 12616 - 3/4/77
BELTRAMI COUNTY
Decision #MN77-2034 (H,Hw)
42 FR 12617 - 3/4/77
BENTON COUNTY
(H,Hw) - See Aitkin County
BIG STONE COUNTY
Decision #MN77-2032 (H,Hw)
42 FR 12616 - 3/4/77
BLUE EARTH COUNTY
Decision #MN76-2064 (B)
41 FR 21025 - 5/21/76
Mod. #1 - 41 FR 52179 - 11/26/76
Mod. #2 - 42 FR 11188 - 2/25/77
(H,Hw) - See Aitkin County
BROWN COUNTY
None
CARLTON COUNTY
(B,R) - See Saint Louis County
(H,Hw) - See Aitkin County
CARVER COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
CASS COUNTY
(Hw) - See Becker County
CHIPPEWA COUNTY
(Hw) - See Big Stone County
CHISAGO COUNTY
(H,Hw) - See Aitkin County
CLAY COUNTY
(Hw) - See Becker County
CLEAR WATER COUNTY
(H,Hw) - See Beltrami County
COOK COUNTY
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
(H,Hw) - See Aitkin County
COTTONWOOD COUNTY
Decision #MN77-2033 (H,Hw)
42 FR 12617 - 3/4/77
CROW WING COUNTY
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.)

DAKOTA COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
DODGE COUNTY
(H,Hw) - See Aitkin County
DOUGLAS COUNTY
(H,Hw) - See Big Stone County
FAIRBAULT COUNTY
(B) - See Blue Earth County
(H,Hw) - See Aitkin County
FILLMORE COUNTY
(H,Hw) - See Aitkin County
FREEBORN COUNTY
(B) - See Blue Earth County
(H,Hw) - See Aitkin County
GOODHUE COUNTY
(H,Hw) - See Aitkin County
GRANT COUNTY
(H,Hw) - See Big Stone County
HENNEPIN COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin Count
HOUSTON COUNTY
(H,Hw) - See Aitkin County
HUBBARD COUNTY
(H,Hw) - See Becker County
ISANTI COUNTY
(H,Hw) - See Aitkin County
ITASKA COUNTY
(B,R) - See St. Louis County
(H,Hw) - See Aitkin County
JACKSON COUNTY
(H,Hw) - See Aitkin County
KANABEC COUNTY
(H,Hw) - See Aitkin County
KANDIYOHI COUNTY
(H,Hw) - See Big Stone County
KITTSON COUNTY
(H,Hw) - See Beltrami County
KOOCHICHING COUNTY
(B,R) - See St. Louis County
(H,Hw) - See Aitkin County
LAC QUI PARLE COUNTY
(H,Hw) - See Big Stone County
LAKE COUNTY
(H,Hw) - See Aitkin County
(D) - See Cook County
LAKE OF THE WOODS COUNTY
(H,Hw) - See Beltramie County
LE SHUEUR COUNTY
(H,Hw) - See Aitkin County
LINCOLN COUNTY
(H,Hw) - See Cottonwood County
LYON COUNTY
(H,Hw) - See Cottonwood County
MCLEOD COUNTY
(H,Hw) - See Aitkin County

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MINNESOTA (Cont'd.)

MARSHALL COUNTY
(H,HW) - See Beltrami County
MARTIN COUNTY
(H,HW) - See Aitkin County
MEEKER COUNTY
(H,HW) - See Aitkin County
MILLE LACS COUNTY
(H,HW) - See Aitkin County
MORRISON COUNTY
(H,HW) - See Aitkin County
MOWER COUNTY
(B) - See Blue Earth County
(H,HW) - See Aitkin County
MURRAY COUNTY
(H,HW) - See Cottonwood County
NICOLLET COUNTY
(H,HW) - See Aitkin County
NOBLES COUNTY
(H,HW) - See Aitkin County
NORMAN COUNTY
(H,HW) - See Beltrami County
OLMSTEAD COUNTY
Decision #MN76-2002 (B,R)
41 FR 3607 - 1/23/76
Mod. #1 - 41 FR 20125 - 5/14/76
Mod. #2 - 41 FR 52179 - 11/26/76
Mod. #3 - 42 FR 11187 - 2/25/77
(H,HW) - See Aitkin County
OTTER TAIL COUNTY
(H,HW) - See Becker County
PENNINGTON COUNTY
(H,HW) - See Beltrami County
PINE COUNTY
(H,HW) - See Aitkin County
PIPESTONE COUNTY
(H,HW) - See Cottonwood County
POLK COUNTY
(H,HW) - See Beltrami County
POPE COUNTY
(H,HW) - See Big Stone County
RAMSEY COUNTY
(B,R) - See Anoka County
(H,HW) - See Aitkin County
RED LAKE COUNTY
(H,HW) - See Beltrami County
REDWOOD COUNTY
(H,HW) - See Cottonwood County
RENVILLE COUNTY
None
RICE COUNTY
(H,HW) - See Aitkin County
ROCK COUNTY
(H,HW) - See Aitkin County

MINNESOTA (Cont'd.)

ROSEAU COUNTY
(H,HW) - See Beltrami County
SAINT LOUIS COUNTY
(D) - See Cook County
(H,HW) - See Aitkin County
Decision #MN76-2134 (B,R)
41 FR 47780 - 10/29/76
Mod. #1 - 42 FR 8936 - 2/11/77
SCOTT COUNTY
(H,HW) - See Aitkin County
(B,R) - See Anoka County
SHERBURNE COUNTY
(H,HW) - See Aitkin County
SIBLEY COUNTY
(H,HW) - See Aitkin County
STEARNS COUNTY
Decision #MN76-2003 (B,R)
41 FR 3610 - 1/23/76
Mod. #1 - 41 FR 20126 - 5/14/76
Mod. #2 - 41 FR 23887 - 6/11/76
Mod. #3 - 41 FR 52179 - 11/26/76
Mod. #4 - 42 FR 11187 - 2/25/77
(H,HW) - See Aitkin County
STEELE COUNTY
(H,HW) - See Aitkin County
STEVENS COUNTY
(H,HW) - See Big Stone County
SWIFT COUNTY
(H,HW) - See Big Stone County
TODD COUNTY
(HW) - See Becker County
TRAVERSE COUNTY
(H,HW) - See Big Stone County
WABASHA COUNTY
(H,HW) - See Aitkin County
WADENA COUNTY
(H,HW) - See Becker County
WASECA COUNTY
(H,HW) - See Aitkin County
WASHINGTON COUNTY
(B,R) - See Anoka County
(H,HW) - See Aitkin County
WATONWAN COUNTY
None
WILKIN COUNTY
(H,HW) - See Becker County
WINONA COUNTY
(H,HW) - See Aitkin County
WRIGHT COUNTY
(H,HW) - See Aitkin County
YELLOW MEDICINE COUNTY
(H,HW) - See Cottonwood County

MISSISSIPPI

STATEWIDE
Decision #AL76-5090 (D)
41 FR 44609 - 10/8/76
Decision #MS76-1137 (Hw)
41 FR 55271 - 12/17/76
Mod. #1 - 42 FR 3136 - 1/14/77
Decision #MS76-1139(W&S)
41 FR 55259 - 12/17/76
ADAMS COUNTY
Decision #AR-5041 (F)
41 FR 19017 - 5/7/76
Mod. #1 - 41 FR 21981 - 5/28/76
(D,Hw, W&S) - See Statewide
ALCORN COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
AMITE COUNTY
(D, Hw, W&S) - See Statewide
(F) - See Adams County
ATTALA COUNTY
(D,Hw, W&S) - See Statewide
BENTON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
BOLIVAR COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
CALHOUN COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
CARROLL COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
CHICKASAW COUNTY
(Hw, W&S) - See Statewide
(F) - See Adams County
CHOCTAW COUNTY
(Hw, W&S) - See Statewide
CLAIBORNE COUNTY
Decision #MS76-1099 (R)
41 FR 40368 - 9/17/76
(D,Hw, W&S) - See Statewide
(F) - See Adams County
CLARK COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Statewide
CLAY COUNTY
(Hw, W&S) - See Statewide
COAHOMA COUNTY
Decision #MS76-1004 (R)
41 FR 1695 - 1/9/76
Mod. #1 - 41 FR 40371 - 9/17/76
(D,Hw, W&S) - See Statewide
(F) - See Adams County

MISSISSIPPI (Cont'd.)

COPIAH COUNTY
Decision #MS76-1074 (R)
41 FR 29650 - 7/16/76
(D,Hw, W&S) - See Statewide
(F) - See Adams County
COVINGTON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
DE SOTO COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
FORREST COUNTY
Decision #MS75-1076 (R)
40 FR 36935 - 8/22/75
Mod. #1 - 40 FR 55609 - 11/28/75
Decision #MS76-1142 (B)
41 FR 56593 - 12/28/76
(D,Hw, W&S) - See Statewide
(F) - See Adams County
FRANKLIN COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
GEORGE COUNTY
Decision #MS75-1077 (R)
40 FR 36935 - 8/22/75
(D,Hw, W&S) - See Statewide
(F) - See Adams County
GREENE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
GRENADA COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
HANCOCK COUNTY
Decision #MS76-1020 (B,H)
41 FR 4780 - 1/30/76
Mod. #1 - 41 FR 16308 - 4/16/76
Mod. #2 - 41 FR 19009 - 5/7/76
Mod. #3 - 41 FR 55267 - 12/17/76
Mod. #4 - 42 FR 3136 - 1/14/77
Mod. #5 - 42 FR 4066 - 1/21/77
(D) - See Statewide
(F) - See Adams County
(R) - See George County
HARRISON COUNTY
(B,H) - See Hancock County
(R) - See George County
(D,Hw, W&S) - See Statewide
(F) - See Adams County
HINDS COUNTY
Decision #MS76-1084 (B)
41 FR 35382 - 8/20/76
Mod. #1 - 41 FR 36368 - 8/27/76
Mod. #2 - 41 FR 37476 - 9/3/76
Mod. #3 - 41 FR 56551 - 12/28/76
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Copiah County

MISSISSIPPI (Cont'd.)

HOLMES COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
HUMPHREYS COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
ISSAQUENA COUNTY
Decision #MS76-1076 (B)
41 FR 29651 - 7/16/76
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Claiborne County
ITAWAMBA COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
JACKSON COUNTY
(D,Hw, W&S) - See Statewide
(B,H) - See Hancock County
(R) - See George County
JASPER COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
JEFFERSON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
JEFFERSON DAVIS COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
JONES COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(B,R) - See Forrest County
KEMPER COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
LAFAYETTE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
LAMAR COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
LAUDERDALE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
LAWRENCE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
LEAKE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Copiah County
LEE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
LEFLORE COUNTY
(F) - See Adams County
(D,Hw, W&S) - See Statewide

MISSISSIPPI (Cont'd.)

LINCOLN COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
LOWNDES COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
MADISON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Copiah County
MARION COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
MARSHALL COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
MONROE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
MONTGOMERY COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
NESHOBA COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
NEWTON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
NOXUBEE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
OKTIBBEHA COUNTY
(D,Hw, W&S) - See Statewide
PANOLA COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
PEARL RIVER COUNTY
(D,Hw, W&S) - See Statewide
(B,H) - See Hancock County
(F) - See Adams County
(R) - See George County
PERRY COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
PIKE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
PONTOTOC COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
PRENTISS COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
QUITMAN COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County

MISSISSIPPI (Cont'd.)

RANKIN COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Copiah County
SCOTT COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Copiah County
SHARKEY COUNTY
(D,Hw,W&S) - See Statewide
(F) - See Adams County
(R) - See Claiborne County
(B) - See Issaquena County
SIMPSON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Copiah County
SMITH COUNTY
(D,Hw, W&S) - See Statewide
(R) - See Copiah County
(F) - See Adams County
STONE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See George County
SUNFLOWER COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(B) - See Issaquena County
(R) - See Coahoma County
TALLAHATCHIE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
TATE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
TIPPAH COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
TISHOMINGO COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
TUNICA COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
UNION COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
WALTHALL COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County

MISSISSIPPI (Cont'd.)

WARREN COUNTY
Decision #MS75-1109 (B)
40 FR 53208 - 11/14/75
Mod. #1 - 41 FR 4737 - 1/30/76
Mod. #2 - 41 FR 16309 - 4/16/76
Mod. #3 - 41 FR 18266 - 4/30/76
Mod. #4 - 41 FR 30502 - 7/23/76
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Claiborne County
WASHINGTON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(B) - See Issaquena County
(R) - See Coahoma County
WAYNE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
WEBSTER COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
WILKINSON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
WINSTON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
YALOBUSHA COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
YAZOO COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Copiah County

UMI 77 1 RRA 36124

MISSOURI

STATEWIDE
Decision #M077-4051 (H,Hw)
42 FR 12618 - 3/4/77
ADAIR COUNTY
(H,Hw) - See Statewide
ANDREW COUNTY
Decision #M075-4070 (D)
40 FR 14225 - 3/28/75
(H,Hw) - See Statewide
ATCHISON COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
AUDRAIN COUNTY
(H,Hw) - See Statewide
BARRY COUNTY
(Hw) - See Statewide
BARTON COUNTY
(H,Hw) - See Statewide
BATES COUNTY
(H,Hw) - See Statewide
BENTON COUNTY
(H,Hw) - See Statewide
BOLLINGER COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(H,Hw) - See Statewide
(D) - See Andrew County
BUCHANAN COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
BUTLER COUNTY
(Hw) - See Statewide
CALDWELL COUNTY
(H,Hw) - See Statewide
CALLAWAY COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CAMDEN COUNTY
(H,Hw) - See Statewide
CAPE GIRARDEAU COUNTY
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
(H,Hw) - See Statewide
CARROLL COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CARTER COUNTY
(Hw) - See Statewide
CASS COUNTY
Decision #M076-4177 (B,H,Hw)
41 FR 50139 - 11/12/76
Decision #M076-4103 (R)
41 FR 27602 - 7/2/76
Mod. #1 - 41 FR 34482 - 8/13/76
(H,Hw) - See Statewide
CEDAR COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd)

CHARITON COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CHRISTIAN COUNTY
(Hw) - See Statewide
CLARK COUNTY
(H,Hw) - See Statewide
CLAY COUNTY
(B,R) - See Cass County
(D) - See Andrew County
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
COLE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
COOPER COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
DADE COUNTY
(H,Hw) - See Statewide
DALLAS COUNTY
(H,Hw) - See Statewide
DAVIESS COUNTY
(H,Hw) - See Statewide
DE KALB COUNTY
(H,Hw) - See Statewide
DENT COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
DUNKLIN COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
Decision #M076-4108 (B)
41 FR 27624 - 7/2/76
Mod. #1 - 41 FR 34483 - 8/13/76
Mod. #2 - 41 FR 44598 - 10/8/76
Mod. #3 - 41 FR 54108 - 12/10/76
Mod. #4 - 41 FR 56551 - 12/28/76
Decision #M076-4107 (R)
41 FR 27621 - 7/2/76
Mod. #1 - 41 FR 34482 - 8/13/76
Mod. #2 - 41 FR 44598 - 10/8/76
Mod. #3 - 41 FR 54107 - 12/10/76
Mod. #4 - 41 FR 56551 - 12/28/76
(D) - See Andrew County
(H,Hw) - See Statewide
GASCONADE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
GENTRY COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd)

GREENE COUNTY
(H,Hw) - See Statewide
GRUNDY COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
(B,H,Hw) - See Cass County
HICKORY COUNTY
(H,Hw) - See Statewide
HOLT COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
HOWARD COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
HOWELL COUNTY
(Hw) - See Statewide
IRON COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(B,R) - See Cass County
(D) - See Andrew County
(H,Hw) - See Statewide
JASPER COUNTY
Decision #M077-4033 (B)
42 FR 10240 - 2/18/77
JEFFERSON COUNTY
(D) - See Cape Girdeau County
(H,Hw) - See Statewide
JOHNSON COUNTY
(B,H,Hw) - See Cass County
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
LACLEDE COUNTY
(H,Hw) - See Statewide
LAFAYETTE COUNTY
(B,H,Hw) - See Cass County
(H,Hw) - See Statewide
(D) - See Andrew County
LAWRENCE COUNTY
(H,Hw) - See Statewide
LEWIS COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(B,R) - See Franklin County
(H,Hw) - See Statewide
LINN COUNTY
(H,Hw) - See Statewide
LIVINGSTON COUNTY
(H,Hw) - See Statewide

MC DONALD COUNTY
(B) - See Jasper County
(H,Hw) - See Statewide

MISSOURI (Cont'd)

MACON COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARIES COUNTY
(H,Hw) - See Statewide
MARION COUNTY
(H,Hw) - See Statewide
MERCER COUNTY
(H,Hw) - See Statewide
MILLER COUNTY
(H,Hw) - See Statewide
MISSISSIPPI COUNTY
(D) - See Cape Girardeau County
(Hw) - See Statewide
MONITEAU COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
MONROE COUNTY
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
NEW MADRID COUNTY
(Hw) - See Statewide
NEWTON COUNTY
(B) - See Jasper County
(H,Hw) - See Statewide
NODAWAY COUNTY
(H,Hw) - See Statewide
OREGON COUNTY
(Hw) - See Statewide
OSAGE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
OZARK COUNTY
(Hw) - See Statewide
PEMISCOT COUNTY
(Hw) - See Statewide
PERRY COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
PETTIS COUNTY
(H,Hw) - See Statewide
PHELPS COUNTY
(H,Hw) - See Statewide
PIKE COUNTY
(H,Hw) - See Statewide
PLATTE COUNTY
(B,R,H,Hw) - See Cass County
(D) - See Andrew County
POLK COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd)

PULASKI COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RALLS COUNTY
(H,Hw) - See Statewide
RANDOLPH COUNTY
(H,Hw) - See Statewide
RAY COUNTY
(B,R) - See Cass County
(H,Hw) - See Statewide
(D) - See Andrew County
REYNOLDS COUNTY
(Hw) - See Statewide
RIPLEY COUNTY
(Hw) - See Statewide
ST. CHARLES COUNTY
(B,R) - See Franklin County
(D) - See Andrew County
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
ST. CLAIR COUNTY
(H,Hw) - See Statewide
ST. FRANCOIS COUNTY
(H,Hw) - See Statewide
ST. LOUIS COUNTY
(B,R) - See Franklin County
(D) - See Cape Girardeau County
(D) - See Andrew County
(H,Hw) - See Statewide
STE. GENEVIEVE COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
SALINE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
SCHUYLER COUNTY
(H,Hw) - See Statewide
SCOTLAND COUNTY
(H,Hw) - See Statewide
SCOTT COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
SHANNON COUNTY
(Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
STODDARD COUNTY
(Hw) - See Statewide

MISSOURI (Cont'd)

STONE COUNTY
(Hw) - See Statewide
SULLIVAN COUNTY
(H,Hw) - See Statewide
TANEY COUNTY
(Hw) - See Statewide
TEXAS COUNTY
(Hw) - See Statewide
VERNON COUNTY
(H,Hw) - See Statewide
WARREN COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WAYNE COUNTY
(Hw) - See Statewide
WEBSTER COUNTY
(Hw) - See Statewide
WORTH COUNTY
(H,Hw) - See Statewide
WRIGHT COUNTY
(Hw) - See Statewide

MONTANA

STATEWIDE
Decision #MT77-5021 (B)
42 FR 12631 - 3/4/77
Decision #MT76-5099 (H,Hw)
41 FR 47789 - 10/29/76
Mod. #1 - 41 FR 51241 - 11/19/76
Mod. #2 - 42 FR 3136 - 1/14/77
BEAVERHEAD COUNTY
(B,H,Hw) - See Statewide
BIG HORN COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BROADWATER COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
CARTER COUNTY
(B,H,Hw) - See Statewide
CASCADE COUNTY
Decision #MT76-5100 (R)
41 FR 47798 - 10/29/76
Mod. #1 - 41 FR 51244 - 11/19/76
Mod. #2 - 42 FR 3136 - 1/14/77
(B,H,Hw) - See Statewide
CHOUTEAU COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
DANIELS COUNTY
(B,H,Hw) - See Statewide
DAWSON COUNTY
(B,H,Hw) - See Statewide
DEER LODGE COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
FALLON COUNTY
(B,H,Hw) - See Statewide
FERGUS COUNTY
(B,H,Hw) - See Statewide
FLATHEAD COUNTY
(B,H,Hw) - See Statewide

MONTANA (Cont'd.)

GALLATIN COUNTY
(B,H,Hw) - See Statewide
(B) - See Cascade County
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GLACIER COUNTY
(B) - See Cascade County
(B,H,Hw) - See Statewide
GOLDEN VALLEY COUNTY
(B,H,Hw) - See Statewide
GRANITE COUNTY
(B,H,Hw) - See Statewide
HILL COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JUDITH BASIN COUNTY
(B,H,Hw) - See Statewide
LAKE COUNTY
(B,H,Hw) - See Statewide
LEWIS & CLARK COUNTY
(B,H,Hw) - See Statewide
LIBERTY COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MC CONE COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MEAGHER COUNTY
(B,H,Hw) - See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
MISSOULA COUNTY
(R) - See Cascade County
(B,H,Hw) - See Statewide
MUSSELSHELL COUNTY
(B,H,Hw) - See Statewide
PARK COUNTY
(B,H,Hw) - See Statewide
PETROLEUM COUNTY
(B,H,Hw) - See Statewide
PHILLIPS COUNTY
(B,H,Hw) - See Statewide
PONDERA COUNTY
(B,H,Hw) - See Statewide
POWDER RIVER COUNTY
(B,H,Hw) - See Statewide
POWELL COUNTY
(B,H,Hw) - See Statewide
PRAIRIE COUNTY
(B,H,Hw) - See Statewide
RAVALLI COUNTY
(B,H,Hw) - See Statewide

NEBRASKA

ADAMS COUNTY
Decision #NE77-4001 (H,Hw)
42 FR 1686 - 1/7/77
ANTELOPE COUNTY
(H,Hw) - See Adams County
ARTHUR COUNTY
(H,Hw) - See Adams County
BANNER COUNTY
Decision #NE77-4040 (B)
42 FR 11223 - 2/25/77
(H,Hw) - See Adams County
BLAINE COUNTY
(H,Hw) - See Adams County
BOONE COUNTY
(H,Hw) - See Adams County
BOX BUTTE COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
BOYD COUNTY
(H,Hw) - See Adams County
Decision #NE76-41B4 (Channel Stabilizatio
41 FR 53259 - 12/3/76
BROWN COUNTY
(H,Hw) - See Adams County
BUFFALO COUNTY
(H,Hw) - See Adams County
BURT COUNTY
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
BURT COUNTY
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
BUTLER COUNTY
(H,Hw) - See Adams County
CASS COUNTY
(Chann. Stab.) - See Boyd County
Decision #NE77-4027 (H,Hw)
42 FR 8946 - 2/11/77
CEDAR COUNTY
Decision #NE77-4032 (B)
42 FR 10242 - 2/18/77
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
CHASE COUNTY
(H,Hw) - See Adams County
CHERRY COUNTY
(H,Hw) - See Adams County
CHEYENNE COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
CLAY COUNTY
(H,Hw) - See Adams County
COLFAX COUNTY
(H,Hw) - See Adams County

NEBRASKA (Cont'd.)

HALL COUNTY
Decision #NE76-4107 (B)
42 FR 13156 - 3/8/76
(H,Hw) - See Adams County
HAMILTON COUNTY
(B) - See Hall County
(H,Hw) - See Adams County
HARLAN COUNTY
(H,Hw) - See Adams County
HAYES COUNTY
(H,Hw) - See Adams County
HITCHCOCK COUNTY
(H,Hw) - See Adams County
HOLT COUNTY
(H,Hw) - See Adams County
HOOKER COUNTY
(H,Hw) - See Adams County
HOWARD COUNTY
(B) - See Hall County
(H,Hw) - See Adams County
JEFFERSON COUNTY
(H,Hw) - See Adams County
JOHNSON COUNTY
(H,Hw) - See Adams County
KEARNEY COUNTY
(H,Hw) - See Adams County
KEITH COUNTY
(H,Hw) - See Adams County
KEYAPAHA COUNTY
(H,Hw) - See Adams County
KIMBALL COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
KNOX COUNTY
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
LANCASTER COUNTY
Decision #NE77-4017 (B)
42 FR 7060 - 2/4/77
Decision #NE76-417B (R)
41 FR 45813 - 10/15/76
(H,Hw) - See Adams County
LINCOLN COUNTY
(H,Hw) - See Adams County
LOGAN COUNTY
(H,Hw) - See Adams County
LOUP COUNTY
(H,Hw) - See Adams County
MC PHERSON COUNTY
(H,Hw) - See Adams County
MADISON COUNTY
(H,Hw) - See Adams County
MERRICK COUNTY
(H,Hw) - See Adams County
MORRILL COUNTY
(B) - See Banner County
(H,Hw) - See Adams County

NEBRASKA (Cont'd.)

NANCE COUNTY
(H,Hw) - See Adams County
NEMAHA COUNTY
Decision #MO75-4070 (D)
40 FR 14225 - 3/28/75
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
NUCKOLLS COUNTY
(H,Hw) - See Adams County
OTOE COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
PAWNEE COUNTY
(H,Hw) - See Adams County
PERKINS COUNTY
(H,Hw) - See Adams County
PHELPS COUNTY
(H,Hw) - See Adams County
PIERCE COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
PLATTE COUNTY
(H,Hw) - See Adams County
POLK COUNTY
(H,Hw) - See Adams County
RED WILLOW COUNTY
(H,Hw) - See Adams County
RICHARDSON COUNTY
(Chann. Stab.) - See Boyd County
(D) - See Nemaha County
(H,Hw) - See Adams County
ROCK COUNTY
(H,Hw) - See Adams County
SALINE COUNTY
(H,Hw) - See Adams County
SARPY COUNTY
(Chann. Stab.) - See Boyd County
(Chann. Stab.) - See Douglas County
(H,Hw) - See Cass County
SAUNDERS COUNTY
(H,Hw) - See Adams County
(H,Hw) - See Cass County
SCOTTS BLUFF COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
SEWARD COUNTY
(H,Hw) - See Adams County
SHERIDAN COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
SHERMAN COUNTY
(H,Hw) - See Adams County
SIOUX COUNTY
(B) - See Banner County
(H,Hw) - See Adams County

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NEBRASKA (Cont'd.)

STANTON COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
THAYER COUNTY
(H,Hw) - See Adams County
THOMAS COUNTY
(H,Hw) - See Adams County
THURSTON COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
VALLEY COUNTY
(H,Hw) - See Adams County
WASHINGTON COUNTY
(H,Hw) - See Cass County
(Chann. Stab.) - See Boyd County
WAYNE COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
WEBSTER COUNTY
(H,Hw) - See Adams County
WHEELER COUNTY
(H,Hw) - See Adams County
YORK COUNTY
(H,Hw) - See Adams County

NEVADA

STATEWIDE (Excluding the Nevada Test Site & Tonopah Test Range
Decision #NV77-5029 (B,H,Hw)
42 FR 12647 - 3/4/77
CARSON COUNTY
(B,H,Hw) - See Statewide
CHURCHILL COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
Decision #NV76-5114 (R)(Excluding Nevada Test Site)
41 FR 54133 - 12/10/76
Mod. #1 - 42 FR 989 - 1/4/77
Mod. #2 - 42 FR 3138 - 1/14/77
Mod. #3 - 42 FR 5616 - 1/28/77
Mod. #4 - 42 FR 10214 - 2/18/77
(B,H,Hw) - See Statewide
Decision #NV77-5012 (B,H,Hw)(Nevada Test Site including the Tonopah Test Range)
42 FR 8947 - 2/11/77
DOUGLAS COUNTY
(B,H,Hw) - See Statewide
ELKO COUNTY
(B,H,Hw) - See Statewide
ESMERALDA COUNTY
(B,H,Hw) - See Statewide
EUREKA COUNTY
(B,H,Hw) - See Statewide
HUMBOLDT COUNTY
(B,H,Hw) - See Statewide
LANDER COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
LYON COUNTY
(B,H,Hw) - See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
NYE COUNTY
(B,H,Hw) - See Clark Co. (Nevada Test Site)
(B,H,Hw) - See Statewide
PERSHING COUNTY
(B,H,Hw) - See Statewide
STOREY COUNTY
(B,H,Hw) - See Statewide
WASHOE COUNTY
Decision #NV76-5115 (R)
41 FR 54138 - 12/10/76
Mod. #1 - 42 FR 989 - 1/4/77
Mod. #2 - 42 FR 10214 - 2/18/77
Mod. #3 - 42 FR 11188 - 2/25/77
(B,H,Hw) - See Statewide
WHITE PINE COUNTY
(B,H,Hw) - See Statewide

NEW HAMPSHIRE

BELKNAP COUNTY
None
CARROLL COUNTY
None
CHESHIRE COUNTY
None
COOS COUNTY
None
GRAFTON COUNTY
None
HILLSBORO COUNTY
Decision #NH77-2001 (B,H,Hw,R)
42 FR 4087 - 1/21/77
MERRIMACK COUNTY
Decision #NH77-2002 (B,H,Hw, & Marine)
42 FR 4090 - 1/21/77
ROCKINGHAM COUNTY
Decision #CT77-5001 (D)
42 FR 999 - 1/4/77
Decision #NH77-2003 (B,H,Hw,R, & Marine)
42 FR 5625 - 1/28/77
STRAFFORD COUNTY
Decision #NH77-2004 (B,H,Hw, & Marine)
42 FR 5629 - 1/28/77
SULLIVAN COUNTY
None

NEW JERSEY

ATLANTIC COUNTY
Decision #NJ76-3248 (B,H,Hw)
41 FR 43598 - 10/1/76
Mod. #1 - 41 FR 44599 - 10/8/76
Mod. #2 - 41 FR 52180 - 11/26/76
Mod. #3 - 41 FR 53233 - 12/3/76
Mod. #4 - 42 FR 4067 - 1/21/77
Mod. #5 - 42 FR 7033 - 2/4/77
Mod. #6 - 42 FR 12569 - 3/4/77
Decision #CT77-5001 (D)
42 FR 999 - 1/4/77
BERGEN COUNTY
Decision #NJ76-3252 (R)
41 FR 47827 - 10/29/76
Mod. #1 - 41 FR 52182 - 11/26/76
Mod. #2 - 42 FR 7034 - 2/4/77
Mod. #3 - 42 FR 12570 - 3/4/77
Decision #NJ76-3249 (B,H,Hw)
41 FR 43613 - 10/1/76
Mod. #1 - 41 FR 44599 - 10/8/76
Mod. #2 - 41 FR 52181 - 11/26/76
Mod. #3 - 41 FR 53233 - 12/3/76
Mod. #4 - 42 FR 4067 - 1/21/77
Mod. #5 - 42 FR 7034 - 2/4/77
Mod. #6 - 42 FR 12570 - 3/4/77
(D) - See Atlantic County

NEW JERSEY(Cont'd.)

BURLINGTON COUNTY
Decision #NJ75-3096 (R)
40 FR 43413 - 9/19/75
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
CAMDEN COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
CAPE MAY COUNTY
Decision #NJ75-3068 (R)
40 FR 29437 - 7/11/75
(B,H,Hw,D) - See Atlantic County
CUMBERLAND COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
ESSEX COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
GLOUCESTER COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
HUDSON COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
HUNTERDON COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
MERCER COUNTY
(B,D,H,Hw) - See Atlantic County
MIDDLESEX COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
MONMOUTH COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County

NEW JERSEY (Cont'd.)

MORRIS COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
OCEAN COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
PASSAIC COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
SALEM COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
SOMERSET COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
SUSSEX COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
UNION COUNTY
Decision #NJ75-3097 (R)
40 FR 43414 - 9/19/75
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
WARREN COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County

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NEW MEXICO

STATEWIDE
Decision #NM76-4181 (Streets, Highways, Utilities and Light Engineering Construction)
41 FR 50160 - 11/12/76
Decision #NM77-4022 (Building, including residential in McKinley, Santa Fe, San Juan, Bernalillo, Rio Arriba, Taos, Sandoval, & Valencia Cos., but not on the Indian Reservation, and Heavy engineering construction.
42 FR 10243 - 2/18/77
Mod. #1 - 42 FR 12571 - 3/4/77
BERNALILLO COUNTY
(B,H,Hw,R) - See Statewide
CATRON COUNTY
(B,H,Hw) - See Statewide
CHAVES COUNTY
(B,H,Hw) - See Statewide
COLFAX COUNTY
(B,H,Hw) - See Statewide
CURRY COUNTY
(B,H,Hw) - See Statewide
DE BACA COUNTY
(B,H,Hw) - See Statewide
DONA ANA COUNTY
(B,H,Hw) - See Statewide
Decision #NM77-4039 (R)
42 FR 10254 - 2/18/77
EDDY COUNTY
(B,H,Hw) - See Statewide
GRANT COUNTY
(B,H,Hw) - See Statewide
GUADALUPE COUNTY
(B,H,Hw) - See Statewide
HARDING COUNTY
(B,H,Hw) - See Statewide
HIDALGO COUNTY
(B,H,Hw) - See Statewide
LEA COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
LOS ALAMOS COUNTY
(B,H,Hw) - See Statewide
LUNA COUNTY
(B,H,Hw) - See Statewide
McKINLEY COUNTY
(R) - See San Juan County
(B,H,Hw,R) - See Statewide

NEW MEXICO (Cont'd.)

MORA COUNTY
(B,H,Hw) - See Statewide
OTERO COUNTY
(R) - See Dona Ana County
(B,H,Hw) - See Statewide
QUAY COUNTY
(B,H,Hw) - See Statewide
RIO ARRIBA COUNTY
(B,H,Hw,R) - See Statewide
ROOSEVELT COUNTY
(B,H,Hw) - See Statewide
SANDOVAL COUNTY
(B,H,Hw,R) - See Statewide
SAN JUAN COUNTY
Decision #NM75-5004 (R)(Navajo Indian Reservation)
40 FR 3921 - 1/24/75
(B,H,Hw,R) - See Statewide
SAN MIGUEL COUNTY
(B,H,Hw) - See Statewide
SANTE FE COUNTY
(B,H,Hw,R) - See Statewide
SIERRA COUNTY
(B,H,Hw) - See Statewide
SOCORRO COUNTY
(B,H,Hw) - See Statewide
TAOS COUNTY
(B,H,Hw,R) - See Statewide
TORRANCE COUNTY
(B,H,hw) - See Statewide
UNION COUNTY
(B,H,Hw) - See Statewide
VALENCIA COUNTY
(B,H,Hw,R) - See Statewide

NEW YORK

ALBANY COUNTY
Decision #NY76-3277 (B,H,Hw)
41 FR 51342 - 11/19/76
ALLEGANY COUNTY
None
BRONX COUNTY
Decision #NY76-3256 (B,H,Hw)
41 FR 44645 - 10/8/76
Mod. #1 - 41 FR 50120 - 11/12/76
Decision #NY77-3022 (R)
42 FR 7063 - 2/4/77
Decision #CT77-5001 (D)
42 FR 999 - 1/4/77
BROOME COUNTY
Decision #NY76-3240 (B,H,Hw)
41 FR 35439 - 8/20/76
Mod. #1 - 41 FR 44600 - 10/8/76
Mod. #2 - 41 FR 50120 - 11/12/76
CATTARAUGUS COUNTY
None
CAYUGA COUNTY
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
CHAUTAUQUA COUNTY
Decision #NY76-3259 (B,H,Hw)
41 FR 47840 - 10/29/76
Mod. #1 - 41 FR 50120 - 11/12/76
(D) - See Cayuga County
CHEMUNG COUNTY
Decision #NY76-3263 (B,H,Hw)
41 FR 47860 - 10/29/76
Mod. #1 - 41 FR 50121 - 11/12/76
CHENANGO COUNTY
None
CLINTON COUNTY
None
COLUMBIA COUNTY
None
CORTLAND COUNTY
None
DELAWARE COUNTY
None

NEW YORK (Cont'd)

DUTCHESS COUNTY
Decision #NY76-3200 (B,H,Hw)
41 FR 50174 - 11/12/76
(D) - See Bronx County
ERIE COUNTY
Decision #NY77-3015 (B,H,Hw)
42 FR 8973 - 2/11/77
(D) - See Cayuga County
ESSEX COUNTY
None
FRANKLIN COUNTY
(D) - See Cayuga County
FULTON COUNTY
None
GENESEE COUNTY
None
GREENE COUNTY
None
HAMILTON COUNTY
None
HERKIMER COUNTY
None
JEFFERSON COUNTY
Decision #NY77-3009 (B,H,Hw)
42 FR 8956 - 2/11/77
Mod. #1 - 42 FR 11189 - 2/25/77
(D) - See Cayuga County
KINGS COUNTY
(B,H,Hw,R,D) - See Bronx County
LEWIS COUNTY
None
LIVINGSTON COUNTY
None
MADISON COUNTY
None

NEW YORK (Cont'd)

MONROE COUNTY
Decision #NY76-3262 (B,H,Hw)
41 FR 47854 - 10/29/76
Mod. #1 - 41 FR 50120 - 11/12/76
(D) - See Cayuga County
MONTGOMERY COUNTY
None
NASSAU COUNTY
Decision #NY76-3278 (B,H,Hw)
41 FR 51348 - 11/19/76
(D) - See Bronx County
NEW YORK COUNTY
(B,H,Hw,R,D) - See Bronx County
NIAGARA COUNTY
Decision #NY76-3261 (B,H,Hw)
41 FR 47850 - 10/29/76
Mod. #1 - 41 FR 50120 - 11/12/76
(D) - See Cayuga County
ONEIDA COUNTY
Decision #NY77-3010 (B,H,Hw)
42 FR 8961 - 2/11/77
ONONDAGA COUNTY
Decision #NY77-3006 (B,H,Hw)
42 FR 8951 - 2/11/77
ONTARIO COUNTY
None
ORANGE COUNTY
Decision #NY77-3014 (B,H,Hw)
42 FR 8966 - 2/11/77
(D) - See Bronx County
ORLEANS COUNTY
(D) - See Cayuga County
OSWEGO COUNTY
(D) - See Cayuga County
OTSEGO COUNTY
None
PUTNAM COUNTY
(D) - See Bronx County
QUEENS COUNTY
(B,D,H,Hw,R) - See Bronx County

NEW YORK (Cont'd)

RENSSELAER COUNTY
(B,H,Hw) - See Albany County
RICHMOND COUNTY
(B,H,Hw,R,D) - See Bronx County
ROCKLAND COUNTY
(D) - See Bronx County
ST LAWRENCE COUNTY
(D) - See Cayuga County
SARATOGA COUNTY
(B,H,Hw) - See Albany County
SCHENECTADY COUNTY
(B,H,Hw) - See Albany County
SCHOHARIE COUNTY
None
SCHUYLER COUNTY
None
SENECA COUNTY
None
STEUBEN COUNTY
Decision #NY76-326B (B,H,Hw)
41 FR 47890 - 10/29/76
Mod. #1 - 41 FR 50121 - 11/12/76
SUFFOLK COUNTY
(B,H,Hw) - See Nassau County
(D) - See Bronx County
SULLIVAN COUNTY
None
TIOGA COUNTY
None

NEW YORK (Cont'd.)

TOMPKINS COUNTY
None
ULSTER COUNTY
None
WARREN COUNTY
None
WASHINGTON COUNTY
None
WAYNE COUNTY
Decision #NY76-3267 (B,H,Hw)
41 FR 47884 - 10/29/76
Mod. #1 - 41 FR 50121 - 11/12/76
(D) - See Cayuga County
WESTCHESTER COUNTY
Decision #NY76-3281 (B,H,Hw)
41 FR 50181 - 11/12/76
(D) - See Bronx County
WYOMING COUNTY
None
YATES COUNTY
None

NORTH CAROLINA

STATEWIDE
Decision #NC75-1015 (Hw)
40 FR 4857 - 1/31/75
Mod. #1 - 40 FR 41351 - 9/5/75
Decision #NC75-1078 (Sewer & Water, H)
40 FR 41367 - 9/5/75
ALAMANCE COUNTY
Decision #NC76-1095 (R)
41 FR 37507 - 9/3/76
(Sewer & Water, H,Hw) - See Statewide
ALEXANDER COUNTY
(Sewer & Water, H,Hw) - See Statewide
ALLEGHANY COUNTY
(Sewer & Water, H,Hw) - See Statewide
ANSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
ASHE COUNTY
(Sewer & Water, H,Hw) - See Statewide
AVERY COUNTY
Decision #NC77-1012 (B)
42 FR 12662 - 3/4/77
(Sewer & Water, H,Hw) - See Statewide
BEAUFORT COUNTY
Decision #NC76-1109 (R)
41 FR 42128 - 9/24/76
Decision #GA77-5005 (D)
42 FR 1015 - 1/4/77
Mod. #1 - 42 FR 3140 - 1/14/77
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.)

BERTIE COUNTY
(D,R) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
BLADEN COUNTY
(Sewer & Water, H,Hw) - See Statewide
BRUNSWICK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
Decision #NC77-1013 (R)
42 FR 7065 - 2/4/77
BUNCOMBE COUNTY
Decision #NC76-1062 (B)
41 FR 21119 - 5/21/76
Mod. #1 - 41 FR 29614 - 7/16/76
Mod. #2 - 41 FR 34486 - B/13/76
Decision #NC75-1014 (R)
40 FR 6111 - 2/7/75
(Sewer & Water, H,Hw) - See Statewide
BURKE COUNTY
Decision #NC77-1014 (B)
42 FR 7065 - 2/4/77
Decision #NC77-1018 (R)
42 FR 8979 - 2/11/77
(Sewer & Water, H,Hw) - See Statewide
CABARRUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CALDWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CAMDEN COUNTY
Decision #NC76-1042 (B)
41 FR 11721 - 3/19/76
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CARTERET COUNTY
Decision #NC76-1019 (B)
41 FR 4796 - 1/30/76
Mod. #1 - 41 FR 21995 - 5/28/76
Decision #NC76-1073 (R)
41 FR 28469 - 7/9/76
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CASWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CATAWBA COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
CHATHAM COUNTY
Decision #NC75-1049 (B)
40 FR 18273 - 4/25/75
Mod. #1 - 41 FR 20128 - 5/14/76
Decision #NC76-1094 (R)
41 FR 37506 - 9/3/76
(Sewer & Water, H,Hw) - See Statewide
CHEROKEE COUNTY
(Sewer & Water, H,Hw) - See Statewide
CHOWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D,R) - See Beaufort County
CLAY COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLEVELAND COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.)

COLUMBUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CRAVEN COUNTY
(B,R) - See Carteret County
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
CUMBERLAND COUNTY
Decision #NC76-1024 (B)
41 FR 6945 - 2/13/76
(R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
CURRITUCK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(B) - See Camden County
DARE COUNTY
(B) - See Camden County
(Sewer & Water, H,Hw) - See Statewide
(D,R) - See Beaufort County
DAVIDSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
DAVIE COUNTY
(Sewer & Water, H,Hw) - See Statewide
DUPLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
DURHAM COUNTY
Decision #NC76-1085 (R)
41 FR 35317 - 8/20/76
(Sewer & Water, H,Hw) - See Statewide
EDGECOMBE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
Decision #NC76-1046 (B)
41 FR 15231 - 4/9/76
FORSYTH COUNTY
Decision #NC77-1017 (R)
42 FR 8979 - 2/11/77
(Sewer & Water, H,Hw) - See Statewide
FRANKLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
GASTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
GATES COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
GRAHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
GRANVILLE COUNTY
Decision #NC76-1121 (B)
41 FR 46805 - 10/22/76
(Sewer & Water, H,Hw) - See Statewide
GREENE COUNTY
(B) - See Edgecombe County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County

NORTH CAROLINA (Cont'd.)

GUILFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County
HALIFAX COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
HARNETT COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
HAYWOOD COUNTY
(Sewer & Water, H,Hw) -See Statewide
HENDERSON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
HERTFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(R) - See Beaufort County
HOKE COUNTY
(R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
HYDE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
IREDELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
JACKSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
JOHNSTON COUNTY
(B) - See Edgecombe County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
JONES COUNTY
(B,R) - See Carteret County
(Sewer & Water, H,Hw) - See Statewide
LEE COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
LENOIR COUNTY
(Sewer & Water, H,hw) - See Statewide
(B,R) - See Carteret County
LINCOLN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Burke County
MCDOWELL COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
MACON COUNTY
(Sewer & Water, H,Hw) - See Statewide
MADISON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
MARTIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
MECKLENBURG COUNTY
Decision #NC75-1115 (B)
40 FR 59177 - 12/19/75
Mod. #1 - 41 FR 9721 - 3/5/76
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.)

MITCHELL COUNTY
(B) - See Avery County
(Sewer & Water, H,Hw) - See Statewide
MONTGOMERY COUNTY
(Sewer & Water, H,Hw) - See Statewide
MOORE COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
NASH COUNTY
(B) - See Edgecombe County
(R) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
NEW HANOVER COUNTY
Decision #NC75-1054 (B)
40 FR 22723 - 5/23/75
Mod. #1 - 40 FR 43420 - 9/19/75
Mod. #2 - 41 FR 20128 - 5/14/76
(R) - See Brunswick County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
NORTHAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
ONSLOW COUNTY
(D) - See Beaufort County
(B,R) - See Carteret County
(Sewer & Water, H,Hw) - See Statewide
ORANGE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Durham County
PAMLICO COUNTY
(B,R) - See Carteret County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PASQUOTANK COUNTY
(B) - See Camden County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PENDER COUNTY
(R) - See Brunswick County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PERQUIMANS COUNTY
(B) - See Camden County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PERSONS COUNTY
(Sewer & Water, H,Hw) - See Statewide
PITT COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
POLK COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
RANDOLPH COUNTY
(R) - See Alamance County
(Sewer & Water, H,Hw) - See Statewide
RICHMOND COUNTY
(Sewer & Water, H,Hw) - See Statewide
ROBESTON COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd)

ROCKINGHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County
ROWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide
RUTHERFORD COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
SAMPSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Chatham County
SCOTLAND COUNTY
(Sewer & Water, H,Hw) - See Statewide
STANLY COUNTY
(Sewer & Water, H,Hw) - See Statewide
STOKES COUNTY
(Sewer & Water, H,Hw) - See Statewide
SURRY COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Forsyth County
SWAIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
TRANSYLVANIA COUNTY
Decision #NC76-1087 (B)
41 FR 36399 - 8/27/76
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
TYRRELL COUNTY
(B) - See Camden County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
UNION COUNTY
(Sewer & Water, H,Hw) - See Statewide
VANCE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
WAKE COUNTY
Decision #NC76-1044 (B)
41 FR 14294 - 4/2/76
(R) - See Durham County
(Sewer & Water, H,Hw) - See Statewide
WARREN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
WASHINGTON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
WATAUGA COUNTY
(B) - See Avery County
(Sewer & Water, H,Hw) - See Statewide
WAYNE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
WILKES COUNTY
Decision #NC76-1068 (B)
41 FR 22011 - 5/28/76
(Sewer & Water, H,Hw) - See Statewide
WILSON COUNTY
(B) - See Edgecombe County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
YADKIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
YANCEY COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH DAKOTA

STATEWIDE
Decision #ND75-5109 (Hw)
40 FR 40022 - 8/29/75
ADAMS COUNTY
(Hw) - See Statewide
BARNES COUNTY
(Hw) - See Statewide
BENSON COUNTY
(Hw) - See Statewide
BILLINGS COUNTY
(Hw) - See Statewide
BOTTINEAU COUNTY
(Hw) - See Statewide
BOWMAN COUNTY
(Hw) - See Statewide
BURKE COUNTY
(Hw) - See Statewide
BURLEIGH COUNTY
Decision #ND77-5020 (B)
42 FR 10255 - 2/18/77
Mod. #1 - 42 FR 12573 - 3/4/77
(Hw) - See Statewide
CASS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
CAVALIER COUNTY
(Hw) - See Statewide
DICKEY COUNTY
(Hw) - See Statewide
DIVIDE COUNTY
(Hw) - See Statewide
DUNN COUNTY
(Hw) - See Statewide
EDDY COUNTY
(Hw) - See Statewide
EMMONS COUNTY
(Hw) - See Statewide
FOSTER COUNTY
(Hw) - See Statewide
GOLDEN VALLEY COUNTY
(Hw) - See Statewide

NORTH DAKOTA (Cont'd)

GRAND FORKS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
GRANT COUNTY
(Hw) - See Statewide
GRIGGS COUNTY
(Hw) - See Statewide
HETTINGER COUNTY
(Hw) - See Statewide
KIDDER COUNTY
(Hw) - See Statewide
LA MOURE COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
McHENRY COUNTY
(Hw) - See Statewide
McINTOSH COUNTY
(Hw) - See Statewide
McKENZIE COUNTY
(Hw) - See Statewide
McLEAN COUNTY
(Hw) - See Statewide
MERCER COUNTY
(Hw) - See Statewide
MORTON COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
MOUNTRAIL COUNTY
(Hw) - See Statewide
NELSON COUNTY
(Hw) - See Statewide
OLIVER COUNTY
(Hw) - See Statewide
PEMBINA COUNTY
(Hw) - See Statewide
PIERCE COUNTY
(Hw) - See Statewide
RAMSEY COUNTY
(Hw) - See Statewide
RANSOM COUNTY
(Hw) - See Statewide
RENVILLE COUNTY
(Hw) - See Statewide
RICHLAND COUNTY
(Hw) - See Statewide
(B) - See Burleigh County

NORTH DAKOTA (Cont'd.)

ROLETTE COUNTY
(Hw) - See Statewide
SARGENT COUNTY
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SIOUX COUNTY
(Hw) - See Statewide
SLOPE COUNTY
(Hw) - See Statewide
STARK COUNTY
(Hw) - See Statewide
STEELE COUNTY
(B) - See Burleigh County
(Hw) - See Statewide
STUTSMAN COUNTY
(Hw) - See Statewide
TOWNER COUNTY
(Hw) - See Statewide
TRAILL COUNTY
(Hw) - See Statewide
WALSH COUNTY
(B) - See Burleigh County
(Hw) - See Statewide
WARD COUNTY
(B) - See Burleigh County
(Hw) - See Statewide
WELLS COUNTY
(Hw) - See Statewide
WILLIAMS COUNTY
(Hw) - See Statewide

OHIO

STATEWIDE
Decision #OH76-2041 (H,Hw)
41 FR 15300 - 4/9/76
Mod. #1 - 41 FR 32101 - 7/30/76
Mod. #2 - 41 FR 34486 - 8/13/76
Mod. #3 - 41 FR 37477 - 9/3/76
Mod. #4 - 41 FR 52183 - 11/26/76
Mod. #5 - 41 FR 56553 - 12/28/76
ADAMS COUNTY
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
(H,Hw) - See Statewide
ALLEN COUNTY
Decision #OH76-2071 (B)
41 FR 22752 - 6/4/76
(H,Hw) - See Statewide
ASHLAND COUNTY
(H,Hw) - See Statewide

OHIO

ASHTABULA COUNTY
Decision #OH76-2074 (B,R)
41 FR 23911 - 6/11/76
Decision #IL76-5028 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
(H,Hw) - See Statewide
ATHENS COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
AUGLAIZE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BELMONT COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
BUTLER COUNTY
Decision #OH76-2062 (B)
41 FR 21120 - 5/21/76
Mod. #1 - 41 FR 47716 - 10/29/76
Decision #OH76-2030 (R)
41 FR 9800 - 3/5/76
(H,Hw) - See Statewide
CARROLL COUNTY
(H,Hw) - See Statewide
CHAMPAIGN COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
Decision #OH77-2005 (B)
42 FR 4093 - 1/21/77
Mod. #1 - 42 FR 10216 - 2/18/77
Mod. #2 - 42 FR 12572 - 3/4/77
Decision #AP-684 (R)
38 FR 14049 - 5/25/73
(H,Hw) - See Statewide
CLERMONT COUNTY
Decision #OH76-2029 (R)
41 FR 8739 - 2/27/76
(B) - See Hamilton County
(D) - See Adams County
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
COLUMBIANA COUNTY
Decision #OH76-2060 (B)
41 FR 19001 - 5/7/76
(H,Hw) - See Statewide
COSHOCTON COUNTY
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
CUYAHOGA COUNTY
Decision #OH76-2069 (B,R)
41 FR 23909 - 6/11/76
Mod. #1 - 41 FR 51250 - 11/19/76
(D) - See Ashtabula County
(H,Hw) - See Statewide

OHIO (Cont'd)

DARKE COUNTY
(H,Hw) - See Statewide
DEFIANCE COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
Decision #AH-420 (R)
36 FR 15963 - 8/18/71
Mod. #1 - 38 FR 4630 - 2/16/73
(H,Hw) - See Statewide
ERIE COUNTY
Decision #OH76-2075 (B)
41 FR 23913 - 6/11/76
(D) - See Ashtabula County
(H,Hw) - See Statewide
FAIRFIELD COUNTY
(R) - See Delaware County
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
FRANKLIN COUNTY
(B) - See Clark County
(R) - See Delaware County
(H,Hw) - See Statewide
FULTON COUNTY
(B) - See Lucas County
(H,Hw) - See Statewide
GALLIA COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
GEAUGA COUNTY
(H,Hw) - See Statewide
GREENE COUNTY
(B) - See Clarke County
Decision #OH75-2109 (R)
40 FR 42498 - 9/12/75
(H,Hw) - See Statewide
GUERNSEY COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
Decision #OH76-2110 (B)
41 FR 40402 - 9/17/76
(D) - See Adams County
(R) - See Clermont County
(H,Hw) - See Statewide
HANCOCK COUNTY
Decision #OH76-2076 (B)
41 FR 24851 - 6/18/76
Mod. #1 - 41 FR 37477 - 9/3/76
(H,Hw) - See Statewide
HARDIN COUNTY
(H,Hw) - See Statewide

OHIO (Cont'd)

HARRISON COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HIGHLAND COUNTY
(H,Hw) - See Statewide
HOCKING COUNTY
(H,Hw) - See Statewide
HOLMES COUNTY
(H,Hw) - See Statewide
HURON COUNTY
(B) - See Erie County
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
(B,R) - See Cuyahoga County
(D) - See Ashtabula County
(H,Hw) - See Statewide
LAWRENCE COUNTY
(B) - See Clark County
(D) - See Adams County
(H,Hw) - See Statewide
LICKING COUNTY
(B)- See Clark County
(H,Hw) - See Statewide
(R) - See Delaware County
LOGAN COUNTY
(H,Hw) - See Statewide
LORAIN COUNTY
Decision #OH76-2073 (B)
41 FR 22754 - 6/4/76
(D) - See Ashtabula County
(H,Hw) - See Statewide
LUCAS COUNTY
Decision #OH76-2117 (B)
41 FR 43631 - 10/1/76
(H,Hw) - See Statewide
MADISON COUNTY
(B) - See Franklin County
(R) - See Delaware County
(H,Hw) - See Statewide
MAHONING COUNTY
Decision #OH76-2085 (B,R)
41 FR 30557 - 7/23/76
(H,Hw) - See Statewide

OHIO (Cont'd)

MARION COUNTY
(H,Hw) - See Statewide
MEDINA COUNTY
(H,Hw) - See Statewide
MEIGS COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
MERCER COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
MIAMI COUNTY
(R) - See Greene County
(H,Hw) - See Statewide
MONROE COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(B) - See Greene County
(R) - See Greene County
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
MORROW COUNTY
(H,Hw) - See Statewide
MUSKINGUM COUNTY
(B) - See Clark County
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide
OTTAWA COUNTY
(R) - See Erie County
(D) - See Ashtabula County
(H,Hw) - See Statewide
PAULDING COUNTY
(H,Hw) - See Statewide
PERRY COUNTY
(H,Hw) - See Statewide
PICKAWAY COUNTY
(B) - See Franklin County
(R) - See Delaware County
(H,Hw) - See Statewide
PIKE COUNTY
(B) - See Clark County
(H,Hw) - See Statewide
PORTAGE COUNTY
Decision #OH76-2089 (B,R)
41 FR 30561 - 7/23/76
(H,Hw) - See Statewide

OHIO (Cont'd.)

PREBLE COUNTY
(R) - See Greene County
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RICHLAND COUNTY
Decision #OH76-2053 (B)
41 FR 16303 - 4/16/76
(H,Hw) - See Statewide
ROSS COUNTY
(B) - See Pike County
(H,Hw) - See Statewide
SANDUSKY COUNTY
(B) - See Erie County
(D) - See Ashtabula County
(H,Hw) - See Statewide
SCIOTO COUNTY
(B) - See Pike County
(D) - See Adams County
(H,Hw) - See Statewide
SENECA COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
STARK COUNTY
Decision #OH76-2090 (B,R)
41 FR 32171 - 7/30/76
(H,Hw) - See Statewide
SUMMITT COUNTY
Decision #OH76-2091 (B,R)
41 FR 32173 - 7/30/76
(H,Hw) - See Statewide
TRUMBULL COUNTY
Decision #OH76-2092 (B,R)
41 FR 34528 - 8/13/76
(H,Hw) - See Statewide
TUSCARAWAS COUNTY
Decision #OH76-2054 (B)
41 FR 17285 - 4/23/76
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
VAN WERT COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
VINTON COUNTY
(H,Hw) - See Statewide

OHIO (Cont'd.)

WARREN COUNTY
(R) - See Butler County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
WAYNE COUNTY
(H,Hw) - See Statewide
WILLIAMS COUNTY
(H,Hw) - See Statewide
WOOD COUNTY
Decision #OH76-2055 (B)
41 FR 18261 - 4/30/76
(H,Hw) - See Statewide
WYANDOT COUNTY
(H,Hw) - See Statewide

OKLAHOMA

STATEWIDE (Except the City of Muskogee)
Decision #OK76-4073 (Constr., Alteration, and/or repair of streets, highways, runways, erosion control structures, well drilling, and water, and sewer utilities)
41 FR 16422 - 4/16/76
ADAIR COUNTY
(B) - See Muskogee County
(H,Hw) - See Statewide
ALFALFA COUNTY
(H,Hw) - See Statewide
ATOKA COUNTY
(H,Hw) - See Statewide
BEAVER COUNTY
(H,Hw) - See Statewide
BECKHAM COUNTY
(H,Hw) - See Statewide
BLAINE COUNTY
(H,Hw) - See Statewide
BRYAN COUNTY
(H,Hw) - See Statewide
Decision #OK77-4036 (R)
42 FR 10261 - 2/18/77
CADDO COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
Decision #OK776-4002 (B)
42 FR 3155 - 1/14/77
Mod. #1 - 42 FR 8936 - 2/11/77
Mod. #2 - 42 FR 11189 - 2/25/77
Decision #OK77-4038 (R)
42 FR 10262 - 2/18/77
CARTER COUNTY
(H,Hw) - See Statewide
CHEROKEE COUNTY
(B) - See Muskogee County
(H,Hw) - See Statewide
CHOCTAW COUNTY
(H,Hw) - See Statewide
CIMARRON COUNTY
(H,Hw) - See Statewide
CLEVELAND COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
COAL COUNTY
(H,Hw) - See Statewide

OKLAHOMA (cont'd)

COMANCHE COUNTY
(H,Hw) - See Statewide
Decision #OK76-4002 (R)
41 FR 2604 - 1/16/76
Mod. #1 - 41 FR 16312 - 4/16/76
Mod. #2 - 42 FR 12573 - 3/4/77
Decision #OK77-4056 (B)
42 FR 12663 - 3/4/77
COTTON COUNTY
(H,Hw) - See Statewide
CRAIG COUNTY
(B) - See Tulsa County
(H,Hw) - See Statewide
CREEK COUNTY
(B) - See Tulsa County
(H,Hw) - See Statewide
CUSTER COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
(B) - See Tulsa County
(H,Hw) - See Statewide
DEWEY COUNTY
(H,Hw) - See Statewide
ELLIS COUNTY
(H,Hw) - See Statewide
GARFIELD COUNTY
Decision #OK76-4160 (B)
41 FR 43629 - 10/1/76
Mod. #1 - 42 FR 4069 - 1/21/77
Mod. #2 - 42 FR 11189 - 2/25/77
(H,Hw) - See Statewide
GARVIN COUNTY
(H,Hw) - See Statewide
GRADY COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide
GREER COUNTY
(H,Hw) - See Statewide
HARMON COUNTY
(H,Hw) - See Statewide
HARPER COUNTY
(H,Hw) - See Statewide
HASKELL COUNTY
(H,Hw) - See Statewide
HUGHES COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
JOHNSTON COUNTY
(H,Hw) - See Statewide
KAY COUNTY
(H,Hw) - See Statewide
KINGFISHER COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide

OKLAHOMA (cont'd)

KIOWA COUNTY
(H,Hw) - See Statewide
LATIMER COUNTY
(H,Hw) - See Statewide
LEFLORE COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
LOGAN COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
LOVE COUNTY
(H,Hw) - See Statewide
McCLAIN COUNTY
H,Hw) - See Statewide
(B) - See Canadian County
McCURTAIN COUNTY
(H,Hw) - See Statewide
MCINTOSH COUNTY
Decision #OK76-4137 (B)
41 FR 32180 - 7/30/76
Mod. #1 - 41 FR 35329 - 8/20/76
Mod. #2 - 41 FR 51251 - 11/19/76
Mod. #3 - 42 FR 3138 - 1/14/77
(H,Hw) - See Statewide
MAJOR COUNTY
(H,Hw) - See Statewide
MARSHALL COUNTY
(H,Hw) - See Statewide
MAYES COUNTY
(B) - See Tulsa County
(H,Hw) - See Statewide
MURRAY COUNTY
(H,Hw) - See Statewide
MUSKOGEE COUNTY
Decision #OK76-4139 (B,H,Hw)
41 FR 32184 - 7/30/76
Mod. #1 - 41 FR 35329 - 8/20/76
Mod. #2 - 41 FR 51251 - 11/19/76
Mod. #3 - 42 FR 3139 - 1/14/77
Mod. #4 - 42 FR 12573 - 3/4/77
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide
NOWATA COUNTY
(H,Hw) - See Statewide
OKFUSKEE COUNTY
(H,Hw) - See Statewide
OKLAHOMA COUNTY
9U,R) - See Canadian County
(H,Hw) - See Statewide
OKMULGEE COUNTY
(H,Hw) - See Statewide
OSAGE COUNTY
(H,Hw) - See Statewide
(R) - See Tulsa County
OTTAWA COUNTY
(B) - See Tulsa County
(H,Hw) - See Statewide
PAWNEE COUNTY
(H,Hw) - See Statewide

OKLAHOMA (Cont'd.

PAYNE COUNTY
(H,Hw) - See Statewide
PITTSBURG COUNTY
Decision #OK77-4035 (B)
42 FR 10261 - 2/18/77
(H,Hw) - See Statewide
PONTOTOC COUNTY
(H,Hw) - See Statewide
POTTAWATOMIE COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
PUSHAMATAHA COUNTY
(H,Hw) - See Statewide
ROGERS COUNTY
(H,Hw) - See Statewide
ROGERS MILLS COUNTY
(H,Hw) - See Statewide
SEMINOLE COUNTY
(B) - See Oklahoma County
(H,Hw) - See Statewide
SEQUOYAH COUNTY
(H,Hw) - See Statewide
STEPHENS COUNTY
(H,Hw) - See Statewide
TEXAS COUNTY
(H,Hw) - See Statewide
TILLMAN COUNTY
(H,Hw) - See Statewide
TULSA COUNTY
Decision #OK77-4037 (B)
42 FR 10262 - 2/18/77

WAGONER COUNTY
Decision #OK76-4189 (B)
41 FR 52278 - 11/26/76
Mod. #1 - 42 FR 3140 - 1/14/77
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WASHITA COUNTY
(H,Hw) - See Statewide
WOODS COUNTY
(H,Hw) - See Statewide
WOODWARD COUNTY
(H,Hw) - See Statewide

OREGON

STATEWIDE
Decision #OR77-5007 (B,H,Hw,D)
42 FR 8980 - 2/11/77
Mod. #1 - 42 FR 12573 - 3/4/77
BAKER COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CLACKAMAS COUNTY
Decision #OR75-5042 (R)
40 FR 15312 - 4/4/75
Mod. #1 - 40 FR 48001 - 10/10/75
Mod. #2 - 40 FR 52244 - 11/7/75
(B,H,Hw,D) - See Statewide
CLATSOP COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COOS COUNTY
(B,H,Hw,D) - See Statewide
CROOK COUNTY
(B,H,Hw,D) - See Statewide
CURRY COUNTY
(B,H,Hw,D) - See Statewide
DESCHUTES COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
GILLIAM COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(B,H,Hw,D) - See Statewide
HARNEY COUNTY
(B,H,Hw,D) - See Statewide
HOOD RIVER COUNTY
(B,H,Hw,D) - See Statewide
JACKSON COUNTY
(B,H,Hw,D) - See Statewide
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
JOSEPHINE COUNTY
(B,H,Hw,D) - See Statewide
KLAMATH COUNTY
(B,H,Hw,D) - See Statewide
LAKE COUNTY
(B,H,Hw,D) - See Statewide
LANE COUNTY
(B,H,Hw,D) - See Statewide
Decision #OR75-5122 (R)
40 FR 45989 - 10/3/75
Mod. #1 - 40 FR 52244 - 11/7/75
LINCOLN COUNTY
(B,H,Hw,D) - See Statewide
LINN COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Lane County

OREGON (Cont'd.)

MALHEUR COUNTY
(B,H,Hw,D) - See Statewide
MARION COUNTY
(R) - See Lane County
(B,H,Hw,D) - See Statewide
MORROW COUNTY
(B,H,Hw,D) - See Statewide
MULTNOMAH COUNTY
(R) - See Clackamas County
(B,H,Hw,D) - See Statewide
POLK COUNTY
(B,H,Hw,D) - See Statewide
SHERMAN COUNTY
(B,H,Hw,D) - See Statewide
TILLAMOOK COUNTY
(B,H,Hw,D) - See Statewide
UMATILLA COUNTY
(B,H,Hw,D) - See Statewide
UNION COUNTY
(B,H,Hw,D) - See Statewide
WALLOWA COUNTY
(B,H,Hw,D) - See Statewide
WASCO COUNTY
(B,H,Hw,D) - See Statewide
WASHINGTON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clackamas County
WHEELER COUNTY
(B,H,Hw,D) - See Statewide
YAMHILL COUNTY
(B,H,Hw,D) - See Statewide

PENNSYLVANIA

ADAMS COUNTY
Decision #PA76-3163 (H,Hw)
41 FR 19020 - 5/7/76
Mod. #1 - 41 FR 45797 - 10/15/76
Mod. #2 - 41 FR 47717 - 10/29/76
Mod. #3 - 42 FR 5616 - 1/28/77
Mod. #4 - 42 FR 10216 - 2/18/77
Decision #PA76-3204 (B)
41 FR 24870 - 6/18/76
Mod. #1 - 41 FR 28467 - 7/9/76
Mod. #2 - 41 FR 32105 - 7/30/76
Mod. #3 - 41 FR 43567 - 10/1/76
Mod. #4 - 41 FR 44604 - 10/8/76
Mod. #5 - 42 FR 8937 - 2/11/77
ALLEGHENY COUNTY
(B) - See Armstrong County
(H,Hw) - See Butler County
Decision #PA75-3070 (R)
40 FR 30433 - 8/18/75
Mod. #1 - 40 FR 34555 - 8/15/75
Mod. #2 - 41 FR 4738 - 1/30/76
Mod. #3 - 41 FR 26428 - 6/25/76
Mod. #4 - 42 FR 8937 - 2/11/77
ARMSTRONG COUNTY
(H,Hw) - See Butler County
Decision #PA76-3206 (B)
41 FR 26529 - 6/25/76
Mod. #1 - 41 FR 42052 - 9/24/76
Mod. #2 - 41 FR 52185 - 11/26/76
Mod. #3 - 42 FR 8937 - 2/11/77
Mod. #4 - 42 FR 12574 - 3/4/77
BEAVER COUNTY
(H,Hw) - See Armstrong County
(B) - See Butler County
BEDFORD COUNTY
Decision #PA76-3250 (B)
41 FR 42131 - 9/24/76
Mod. #1 - 41 FR 52186 - 11/26/76
Mod. #2 - 42 FR 8938 - 2/11/77
Mod. #3 - 42 FR 12574 - 3/4/77
(H,Hw) - See Butler County
BERKS COUNTY
Decision #PA77-3029 (B)
42 FR 10263 - 2/18/77
(H,Hw) - See Adams County
BLAIR COUNTY
Decision #PA76-3165 (B)
41 FR 18274 - 4/30/76
Mod. #1 - 42 FR 12574 - 3/4/77
(Hw) - See Butler County

PENNSYLVANIA (Cont'd.

BRADFORD COUNTY
Decision #PA76-3208 (B)
41 FR 27535 - 7/2/76
Mod. #1 - 41 FR 43567 - 10/1/76
Mod. #2 - 41 FR 44604 - 10/8/76
Mod. #3 - 42 FR 10217 - 2/18/77
(H,Hw) - See Adams County
BUCKS COUNTY
Decision #PA77-3016 (B,R)
42 FR 5632 - 1/28/77
Mod. #1 - 42 FR 10218 - 2/18/77
Decision #PA76-3169 (H,Hw)
41 FR 21133 - 5/21/76
Mod. #1 - 41 FR 45797 - 6/25/76
Mod. #2 - 41 FR 45797 - 10/15/76
Mod. #3 - 41 FR 53235 - 12/3/76
BUTLER COUNTY
(B) - See Armstrong County
Decision #PA77-3023 (H,Hw)
42 FR 5640 - 1/28/77
Mod. #1 - 42 FR 10218 - 2/18/77
(H,Hw) - See Butler County
(B) - See Bedford County
CAMERON COUNTY
(B) - See Bedford County
(H,Hw) - See Butler County
CARBON COUNTY
(H,Hw) - See Adams County
CENTRE COUNTY
(H,Hw) - See Butler County
CHESTER COUNTY
(B,H,Hw,R) - See Bucks County
CLARION COUNTY
(B) - See Bedford County
(H,Hw) - See Butler County
CLEARFIELD COUNTY
(B) - See Bedford County
(H,Hw) - See Butler County

PENNSYLVANIA (Cont'd.

CLINTON COUNTY
(H,Hw) - See Butler County
COLUMBIA COUNTY
Decision #PA76-3210 (B)
41 FR 30486 - 7/23/76
Mod. #1 - 41 FR 44605 - 10/8/76
Mod. #2 - 42 FR 10218 - 2/18/77
(H,Hw) - See Adams County
CRAWFORD COUNTY
(B) - See Bedford County
(H,Hw) - See Butler County
CUMBERLAND COUNTY
Decision #PA77-3030 (B)
42 FR 10266 - 2/18/77
(H,Hw) - See Adams County
DAUPHIN COUNTY
(B) - See Cumberland County
(H,Hw) - See Adams County
DELAWARE COUNTY
(B,H,Hw,R) - See Bucks County
ELK COUNTY
Decision #PA76-3251 (B)
41 FR 42143 - 9/24/76
Mod. #1 - 41 FR 44606 - 10/8/76
Mod. #2 - 41 FR 52186 - 11/26/76
Mod. #3 - 42 FR 8939 - 2/11/77
Mod. #4 - 42 FR 12574 - 3/4/77
(H,Hw) - See Butler County
ERIE COUNTY
Decision #PA76-3177 (B)
41 FR 23916 - 7/9/76
Mod. #1 - 41 FR 26428 - 6/25/76
Mod. #2 - 41 FR 44602 - 10/8/76
Mod. #3 - 42 FR 10217 - 2/18/77
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
(H,Hw) - See Butler County
FAYETTE COUNTY
(B) - See Armstrong County
(H,Hw) - See Butler County
FOREST COUNTY
(B) - See Elk County
(H,Hw) - See Butler County
FRANKLIN COUNTY
(H,Hw) - See Butler County

PENNSYLVANIA (cont'd.

FULTON COUNTY
(H,Hw) - See Butler County
GREENE COUNTY
Decision #PA76-3211 (B)
41 FR 32091 - 7/30/76
Mod. #1 - 41 FR 42054 - 9/24/76
Mod. #2 - 41 FR 52185 - 11/26/76
Mod. #3 - 42 FR 8938 - 2/11/77
Mod. #4 - 42 FR 12574 - 3/4/77
(H,Hw) - See Butler County
HUNTINGDON COUNTY
(H,Hw) - See Butler County
INDIANA COUNTY
(B) - See Armstrong County
(H,Hw) - See Butler County
JEFFERSON COUNTY
(B) - See Bedford County
(H,Hw) - See Butler County
JUNIATA COUNTY
(B) - See Cumberland County
(H,Hw) - See Adams County
LACKAWANNA COUNTY
Decision #PA76-3179 (B)
41 FR 24855 - 6/18/76
Mod. #1 - 41 FR 28465 - 7/9/76
Mod. #2 - 41 FR 32104 - 7/30/76
Mod. #3 - 41 FR 47717 - 10/29/76
Mod. #4 - 41 FR 54110 - 12/10/76
Mod. #5 - 42 FR 10217 - 2/18/77
(H,Hw) - See Adams County
LANCASTER COUNTY
Decision #PA77-3026 (B)
42 FR 7066 - 2/4/77
Mod. #1 - 42 FR 10218 - 2/18/77
(H,Hw) - See Adams County
LAWRENCE COUNTY
Decision #PA76-3246 (B)
41 FR 40506 - 9/17/76
Mod. #1 - 41 FR 44605 - 10/8/76
Mod. #2 - 41 FR 52186 - 11/26/76
Mod. #3 - 42 FR 8938 - 2/11/77
(H,Hw) - See Butler County

PENNSYLVANIA (Cont'd.

LEBANON COUNTY
Decision #PA76-3176 (B)
41 FR 24853 - 6/18/76
Mod. #1 - 41 FR 28464 - 7/9/76
Mod. #2 - 41 FR 32104 - 7/30/76
Mod. #3 - 41 FR 42051 - 9/24/76
Mod. #4 - 41 FR 44602 - 10/8/76
Mod. #5 - 41 FR 53235 - 12/3/76
(H,Hw) - See Adams County
LEHIGH COUNTY
Decision #PA76-3183 (B)
41 FR 24862 - 6/18/76
Mod. #1 - 41 FR 28466 - 7/9/76
Mod. #2 - 41 FR 32104 - 7/30/76
Mod. #3 - 41 FR 44603 - 10/8/76
Mod. #4 - 41 FR 52185 - 11/26/76
Mod. #5 - 42 FR 10217 - 2/18/77
(H,Hw) - See Adams County
LUZERNE COUNTY
Decision #PA76-3271 (B)
41 FR 48993 - 11/5/76
Mod. #1 - 41 FR 54110 - 12/10/76
(H,Hw) - See Adams County
LYCOMING COUNTY
Decision #PA76-3185 (B)
41 FR 24864 - 6/18/76
Mod. #1 - 41 FR 28466 - 7/9/76
Mod. #2 - 41 FR 32105 - 7/30/76
Mod. #3 - 41 FR 43567 - 10/1/76
Mod. #4 - 41 FR 44603 - 10/8/76
Mod. #5 - 41 FR 53235 - 12/3/76

(H,Hw) - See Adams County
MC KEAN COUNTY
(B) - See Forest County
(H,Hw) - See Butler County
MERCER COUNTY
(B) - See Lawrence County
(H,Hw) - See Butler County
MIFFLIN COUNTY
(H,Hw) - See Butler County
MONROE COUNTY
(H,Hw) - See Adams County

PENNSYLVANIA (Cont'd.

MONTGOMERY COUNTY
(B,H,Hw,R) - See Bucks County
MONTOUR COUNTY
(B) - See Columbia County
(H,Hw) - See Adams County
NORTHAMPTON COUNTY
(H,Hw) - See Adams County
Decision #PA77-3033 (B)
42 FR 10268 - 2/18/77
NORTHUMBERLAND COUNTY
Decision #PA76-3182 (B)
41 FR 24860 - 6/18/76
Mod. #1 - 41 FR 28466 - 7/9/76
Mod. #2 - 41 FR 32105 - 7/30/76
Mod. #3 - 41 FR 44603 - 10/8/76
Mod. #4 - 41 FR 53235 - 12/3/76
Mod. #5 - 42 FR 10217 - 2/18/77
(H,Hw) - See Adams County
PERRY COUNTY
(B) - See Cumberland County
(H,Hw) - See Adams County
PHILADELPHIA COUNTY
Decision #CT77-5001 (D)
42 FR 999 - 1/4/77
(B,H,Hw,R) - See Bucks County
PIKE COUNTY
(H,Hw) - See Adams County
POTTER COUNTY
(B) - See Greene County
(H,Hw) - See Butler County
SCHUYLKILL COUNTY
Decision #PA76-3181 (B)
41 FR 24858 - 6/18/76
Mod. #1 - 41 FR 28466 - 7/9/76
Mod. #2 - 41 FR 32105 - 7/30/76
Mod. #3 - 41 FR 38709 - 9/10/76
Mod. #4 - 41 FR 45798 - 10/15/76
Mod. #5 - 41 FR 47717 - 10/29/76
(H,Hw) - See Adams County
SNYDER COUNTY
(B) - See Columbia County
(H,Hw) - See Adams County
SOMERSET COUNTY
(B) - See Greene County
(H,Hw) - See Butler County
SULLIVAN COUNTY
Decision #PA75-3205 (B)
41 FR 24872 - 6/18/76
Mod. #1 - 41 FR 28467 - 7/9/76
Mod. #2 - 41 FR 32106 - 7/30/76
Mod. #3 - 41 FR 44604 - 10/8/65
Mod. #4 - 42 FR 10217 - 2/18/77
(H,Hw) - See Adams County

PENNSYLVANIA (Cont'd.

SUSQUEHANNA COUNTY
(B) - See Lackawanna County
(H,Hw) - See Adams County
TIOGA COUNTY
(B) - See Bradford County
(H,Hw) - See Adams County
UNION COUNTY
(B) - See Bradford County
(H,Hw) - See Adams County
VENANGO COUNTY
(H,Hw) - See Butler County
(B) - See Bedford County
WARREN COUNTY
(B) - See Elk County
(H,Hw) - See Butler County
WASHINGTON COUNTY
(B) - See Armstrong County
(H,Hw) - See Butler County
WAYNE COUNTY
(B) - See Lackawanna County
(H,Hw) - See Adams County
WESTMORELAND COUNTY
(B) - See Armstrong County
(H,Hw) - See Butler County
WYCOMING COUNTY
(B) - See Lackawanna County
(H,Hw) - See Adams County
YORK COUNTY
(B,H,Hw) - See Adams Co. (Excluding New Cumberland Depot)
(B) - See Cumberland County (New Cumberland Depot)
(H,Hw) - See Adams County (New Cumberland Depot)

PUERTO RICO

PUERTO RICO
Decision #PR75-3091 (R)
40 FR 33644 - 8/8/75
Mod. #1 - 40 FR 59664 - 12/29/75
Mod. #2 - 42 FR 4069 - 1/21/77
Decision #PR75-3090 (B)
40 FR 33643 - 8/8/75
Mod. #1 - 40 FR 59664 - 12/29/75
Mod. #2 - 42 FR 4069 - 1/21/77
Decision #PR75-3089 (H,Hw)
40 FR 33643 - 8/8/75
Mod. #1 - 42 FR 4069 - 1/21/77

RHODE ISLAND

STATEWIDE
Decision #CT77-5001 (D)
42 FR 999 - 1/4/77
BRISTOL COUNTY
Decision #RI76-2150 (B,H,Hw,R, & Marine)
41 FR 48996 - 11/5/76
(D) - See Statewide
KENT COUNTY
(B,H,Hw, R, & Marine) - See Bristol Co.
(D) - See Statewide
NEWPORT COUNTY
Decision #RI76-2151 (B,H,Hw,R, & Marine)
41 FR 50186 - 11/12/76
(D) - See Statewide
PROVIDENCE COUNTY
(D) - See Statewide
(B,H,Hw, R, & Marine) - See Bristol County
WASHINGTON COUNTY
Decision #RI76-2152 (B,H,Hw,R, & Marine)
41 FR 51362 - 11/19/76
(D) - See Statewide

SOUTH CAROLINA

STATEWIDE
Decision #SC75-1031 (Hw)
40 FR 12058 - 3/14/75
Mod. #1 - 40 FR 41355 - 9/5/75
Mod. #2 - 41 FR 10825 - 3/12/76
Mod. #3 - 41 FR 51251 - 11/19/76
Decision #SC75-1079 (H, W&S)
40 FR 41380 - 9/5/75
ABBEVILLE COUNTY
Decision #SC76-1053 (B)
41 FR 20146 - 5/14/76
(Sewer & Water, H,Hw) - See Statewide
AIKEN COUNTY
Decision #SC75-1029 (R)
40 FR 10900 - 3/7/75
Mod. #1 - 41 FR 1692 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA (Cont'd)

ALLENDALE COUNTY
Decision #SC75-1045 (R)
40 FR 16636 - 4/11/75
Mod. #1 - 41 FR 1692 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide
ANDERSON COUNTY
Decision #SC76-1115 (R)
41 FR 44657 - 10/8/76
(Sewer & Water, H,Hw) - See Statewide
BAMBERG COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
BARNWELL COUNTY
(R) - See Aiken County
(Sewer & Water, H,Hw) - See Statewide
BEAUFORT COUNTY
Decision #SC75-1026 (B)
40 FR 8692 - 2/28/75
Mod. #1 - 40 FR 16496 - 4/11/75
Mod. #2 - 40 FR 27417 - 6/27/75
Mod. #3 - 41 FR 18267 - 4/30/76
Decision #MD75-3008 (D)
40 FR 3094 - 1/17/75
Mod. #1 - 40 FR 14204 - 3/28/75
(Sewer & Water, H,Hw) - See Statewide
BERKELEY COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
Decision #SC76-1067 (R)
41 FR 22024 - 5/28/76
Mod. #1 - 41 FR 23889 - 6/11/76
Decision #SC75-1055 (B)
40 FR 22785 - 5/23/75
Mod. #1 - 40 FR 25336 - 6/13/75
Mod. #2 - 41 FR 18267 - 4/30/76
Mod. #3 - 41 FR 20129 - 5/14/76
CALHOUN COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
CHARLESTON COUNTY
(B,R) - See Berkeley County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CHEROKEE COUNTY
Decision #SC76-1100 (R)
41 FR 38739 - 9/10/76
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA (Cont'd.)

CHESTER COUNTY
Decision #SC77-1019 (B)
42 FR 8990 - 2/11/77
Mod. #1 - 42 FR 12574 - 3/4/77
(Sewer & Water, H,Hw) - See Statewide
CHESTERFIELD COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLARENDON COUNTY
Decision #SC76-1088 (R)
41 FR 36399 - 8/27/76
(Sewer & Water, H,Hw) - See Statewide
COLLETON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
DARLINGTON COUNTY
Decision #SC75-1041 (B)
40 FR 14194 - 3/28/75
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
DILLON COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
DORCHESTER COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Berkeley County
EDGEFIELD COUNTY
(R) - See Aiken County
(Sewer & Water, H,Hw) - See Statewide
FAIRFIELD COUNTY
(B) - See Chester County
(Sewer & Water, H,Hw) - See Statewide
FLORENCE COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
GEORGETOWN COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
GREENVILLE COUNTY
Decision #SC75-1038 (B)
40 FR 12951 - 3/21/75
Mod. #1 - 40 FR 16496 - 4/11/75
Mod. #2 - 41 FR 43422 - 9/19/75
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
GREENWOOD COUNTY
(Sewer & Water, H,Hw) - See Statewide
HAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
HORRY COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
JASPER COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
KERSHAW COUNTY
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA (Cont'd.)

LANCASTER COUNTY
(B) - See Chester County
(Sewer & Water, H,Hw) - See Statewide
LAURENS COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
LEE COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
LEXINGTON COUNTY
Decision #SC77-1008 (B)
42 FR 4101 - 1/21/77
Decision #SC76-1126 (R)
41 FR 47907 - 10/29/76
(Sewer & Water, H,Hw) - See Statewide
McCORMICK COUNTY
(Sewer & Water, H,Hw) - See Statewide
MARION COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
MARLBORO COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
NEWBERRY COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
OCONEE COUNTY
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
ORANGEBURG COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
PICKENS COUNTY
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
RICHLAND COUNTY
(B,R) - See Lexington County
(Sewer & Water, H,Hw) - See Statewide
SALUDA COUNTY
(Sewer & Water, H,Hw) - See Statewide
SPARTANBURG COUNTY
(R) - See Cherokee County
(Sewer & Water, H,Hw) - See Statewide
SUMTER COUNTY
Decision #SC76-1008 (B)
41 FR 1699 - 1/9/76
Mod. #1 - 41 FR 19013 - 5/7/76
(Sewer & Water, H,Hw) - See Statewide
(R) - See Clarendon County
UNION COUNTY
(R) - See Cherokee County
(Sewer & Water, H,Hw) - See Statewide
(B) - See Abbeville County
WILLIAMSBURG COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
YORK COUNTY
(Sewer & Water, H,Hw) - See Statewide

SOUTH DAKOTA

STATEWIDE
Decision #SD76-5039 (H,Hw)
41 FR 17300 - 4/23/76
AURORA COUNTY
(H,Hw) - See Statewide
BEADLE COUNTY
(H,Hw) - See Statewide
BENNET COUNTY
(H,Hw) - See Statewide
BON HOMME COUNTY
(H,Hw) - See Statewide
BROOKINGS COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
BRULE COUNTY
(H,Hw) - See Statewide
BUFFALO COUNTY
(H,Hw) - See Statewide
BUTTE COUNTY
(H,Hw) - See Statewide
CAMPBELL COUNTY
(H,Hw) - See Statewide
CHARLES MIX COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
CODINGTON COUNTY
(H,Hw) - See Statewide
CORSON COUNTY
(H,Hw) - See Statewide
CUSTER COUNTY
(H,Hw) - See Statewide
DAVISON COUNTY
(H,Hw) - See Statewide
DAY COUNTY
(H,Hw) - See Statewide
DEUEL COUNTY
(H,Hw) - See Statewide
DEWEY COUNTY
(H,Hw) - See Statewide
DOUGLAS COUNTY
(H,Hw) - See Statewide
EDMUNDS COUNTY
(H,Hw) - See Statewide
FALL RIVER COUNTY
(H,Hw) - See Statewide
FAULK COUNTY
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide

SOUTH DAKOTA (Cont'd.

GREGORY COUNTY
(H,Hw) - See Statewide
HAAKON COUNTY
(H,Hw) - See Statewide
HAMLIN COUNTY
(H,Hw) - See Statewide
HAND COUNTY
(H,Hw) - See Statewide
HANSON COUNTY
(H,Hw) - See Statewide
HARDING COUNTY
(H,Hw) - See Statewide
HUGHES COUNTY
(H,Hw) - See Statewide
HUTCHINSON COUNTY
(H,Hw) - See Statewide
HYDE COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JERAULD COUNTY
(H,Hw) - See Statewide
JONES COUNTY
(H,Hw) - See Statewide
KINGSBURY COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
(H,Hw) - See Statewide
LAWRENCE COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
LYMAN COUNTY
(H,Hw) - See Statewide

SOUTH DAKOTA (Cont'd)

MARSHALL COUNTY
(H,Hw) - See Statewide
Mc COOK COUNTY
(H,Hw) - See Statewide
Mc PHERSON COUNTY
(H,Hw) - See Statewide
MEADE COUNTY
Decision #SD77-5028 (B)
42 FR 12666 - 3/4/77
(H,HW) - See Statewide
MELLETTE COUNTY
(H,HW) - See Statewide
MINER COUNTY
(H,Hw) - See Statewide
MINNEHAHA COUNTY
Decision #SD77-5027 (B)
42 FR 12665 - 3/4/77
(H,Hw) - See Statewide
Decision #SD77-5019 (R)
42 FR 8990 - 2/11/77
MOODY COUNTY
(H,Hw) - See Statewide
PENNINGTON COUNTY
(B) - See Meade County
(H,Hw) - See Statewide
PERKINS COUNTY
(H,Hw) - See Statewide
POTTER COUNTY
(H,Hw) - See Statewide
ROBERTS COUNTY
(H,Hw) - See Statewide
SANBORN COUNTY
(H,Hw) - See Statewide
SHANNON COUNTY
(H,Hw) - See Statewide
SPINK COUNTY
(H,Hw) - See Statewide
STANLEY COUNTY
(H,Hw) - See Statewide
SULLY COUNTY
(H,Hw) - See Statewide

SOUTH DAKOTA (Cont'd.)

TODD COUNTY
(H,Hw) - See Statewide
TRIPP COUNTY
(H,Hw) - See Statewide
TURNER COUNTY
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
WALWORTH COUNTY
(H,Hw) - See Statewide
WASHABAUGH COUNTY
(H,Hw) - See Statewide
YANKTON COUNTY
(H,Hw) - See Statewide
ZIEBACH COUNTY
(H,Hw) - See Statewide

TENNESSEE

STATEWIDE
Decision #TN77-1001 (Hw)
42 FR 1686 - 1/7/77
ANDERSON COUNTY
Decision #TN76-1072 (B)(Oak Ridge, Energy Research Development Administration Only)
41 FR 24874 - 6/18/76
Decision #AR76-5041 (F)
41 FR 19017 - 5/7/76
Mod. #1 - 41 FR 21981 - 5/28/76
(Hw) - See Statewide
BEDFORD COUNTY
(F) - See Anderson County
(Hw) - See Statewide
BENTON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
BLEDSOE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
BLOUNT COUNTY
(F) - See Anderson County
(Hw) - See Statewide
BRADLEY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
CAMPBELL COUNTY
(F) - See Anderson County
(Hw) - See Statewide
CANNON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
CARROLL COUNTY
(F) - See Anderson County
(Hw) - See Statewide
CARTER COUNTY
Decision #TN76-1052 (B)
41 FR 17301 - 4/23/76
Decision #TN75-1098 (R)
40 FR 44476- 9/26/75
(F) - See Anderson County
(Hw) - See Statewide
CHEATHAM COUNTY
Decision #TN76-1010 (R)
41 FR 2614 - 1/16/76
(F) - See Anderson County
(Hw) - See Statewide
CHESTER COUNTY
(F) - See Anderson County
(Hw) - See Statewide
CLAIBORNE COUNTY
(F) - See Anderson County
(Hw) - See Statewide

TENNESSEE (CONT'D.)

CLAY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
COCKE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
COFFEE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
CROCKETT COUNTY
(F) - See Anderson County
(Hw) - See Statewide
CUMBERLAND COUNTY
(Hw) - See Statewide
DAVIDSON COUNTY
Decision #TN75-1088 (B)
40 FR 42505 - 9/12/75
Mod. #1 - 40 FR 55616 - 11/28/75
Mod. #2 - 41 FR 22721 - 6/4/76
(R) - See Cheatham County
(F) - See Anderson County
(Hw) - See Statewide
DECATUR COUNTY
(F) - See Anderson County
(Hw) - See Statewide
DEKALB COUNTY
(F) - See Anderson County
(Hw) - See Statewide
DICKSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County
DYER COUNTY
Decision #TN76-1140 (R)
42 FR 56593 - 12/28/76
Decision #TN76-1054 (B)
41 FR 21140 - 5/21/76
Decision #AL76-5090 (D)
41 FR 44609 - 10/8/76
(F) - See Anderson County
(Hw) - See Statewide
FAYETTE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
FENTRESS COUNTY
(F)- See Anderson County
(Hw) - See Statewide
FRANKLIN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
GIBSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(B,R) - See Dyer County

TENNESSEE (Cont'd)

GILES COUNTY
(F) - See Anderson County
(Hw) - See Statewide
GRAINGER COUNTY
(F) - See Anderson County
(Hw) - See Statewide
GREENE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
GRUNDY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HAMBLEN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HAMILTON COUNTY
Decision #TN76-1130 (B,H)
41 FR 51366 - 11/19/76
Mod. #1 - 42 FR 8939 - 2/11/77
(F) - See Anderson County
(Hw) - See Statewide
HANCOCK COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HARDEMAN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HARDIN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HAWKINS COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HAYWOOD COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HENDERSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HENRY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HICKMAN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HOUSTON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HUMPHREYS COUNTY
(F) - See Anderson County
(Hw) - See Statewide
JACKSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide

TENNESSEE (CONT'D)

JEFFERSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
JOHNSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
KNOX COUNTY
Decision #TN76-1081 (B)
41 FR 33178 - 8/6/76
Mod. #1 - 41 FR 44607 - 10/8/76
Mod. #2 - 41 FR 47718 - 10/29/76
Mod. #3 - 41 FR 51251 - 11/19/76
Decision #TN76-1055 (R)
41 FR 27648 - 7/2/76
(F) -See Anderson County
(Hw) - See Statewide
LAKE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Dyer County
LAUDERDALE COUNTY
(D,R) - See Dyer County
(F) - See Anderson County
(Hw) - See Statewide
LAWRENCE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County
LEWIS COUNTY
(F) - See Anderson County
(Hw) - See Statewide
LINCOLN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
LOUDON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
MC MINN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
MC NAIRY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
MACON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
MADISON COUNTY
Decision #TN75-1051 (B)
40 FR 21666 - 5/16/75
Mod. #1 - 40 FR 57075 - 12/5/75
(F) - See Anderson County
(Hw) - See Statewide
MARION COUNTY
(F) - See Anderson County
(Hw) - See Statewide

TENNESSEE (Cont'd)

MARSHALL COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County
MAURY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County
MEIGS COUNTY
(F) - See Anderson County
(Hw) - See Statewide
MONROE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
MONTGOMERY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
MOORE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
MORGAN COUNTY
(F) -See Anderson County
(Hw) - See Statewide
OBION COUNTY
(R) - See Dyer County
(F) - See Anderson County
(Hw) - See Statewide
OVERTON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
PERRY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
PICKETT COUNTY
(F) - See Anderson County
(Hw) - See Statewide
POLK COUNTY
(F) - See Anderson County
(Hw) - See Statewide
PUTNAM COUNTY
(F) - See Anderson County
(Hw) - See Statewide
RHEA COUNTY
(Hw) - See Statewide
(F) - See Anderson County
ROANE COUNTY
(B) - See Anderson Co. (Oak Ridge Energy Research Development Administration Only)
(F) - See Anderson County
(Hw) - See Statewide
ROBERTSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County

TENNESSEE (Cont'd.)

RUTHERFORD COUNTY
Decision #TN77-1022 (B)
42 FR 12667 - 3/4/77
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County
SCOTT COUNTY
(F) - See Anderson County
(Hw) - See Statewide
SEQUATCHIE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
SEVIER COUNTY
(F) - See Anderson County
(Hw) - See Statewide
SHELBY COUNTY
Decision #TN76-1131 (B,H,W&S, & Utility)
41 FR 55285 - 12/17/76
Mod. #1 - 42 FR 8939 - 2/11/77
Decision #TN76-1057 (R)
41 FR 20148 - 5/14/76
(D) - See Dyer County
(F) - See Anderson County
(Hw) - See Statewide
SMITH COUNTY
(F) - See Anderson County
(Hw) - See Statewide
STEWART COUNTY
(F) - See Anderson County
(Hw) - See Statewide
SULLIVAN COUNTY
Decision #TN76-1061 (B)
41 FR 20148 - 5/14/76
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Carter County
SUMNER COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County
TIPTON COUNTY
(D) - See Dyer County
(F) - See Anderson County
(Hw) - See Statewide
TROUSDALE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County

TENNESSEE (Cont'd.)

UNICOI COUNTY
(F) - See Anderson County
(Hw) - See Statewide
UNION COUNTY
(F) - See Anderson County
(Hw) - See Statewide
VAN BUREN COUNTY
(Hw) - See Statewide
(F) - See Anderson County
WARREN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
WASHINGTON COUNTY
Decision #TN76-1045 (B)
41 FR 14306 - 4/2/76
Mod. #1 - 41 FR 28468 - 7/9/76
(F) - See Anderson County
(Hw) - See Statewide
WAYNE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
WEAKLEY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Dyer County
WHITE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
WILLIAMSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County
WILSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County

TEXAS

STATEWIDE (Excluding Dallas-Fort Worth Regional Airport)
Decision #TX77-4008 (H(Excluding tunnels and dams,) Hw
Incidental shore work, and paving and utilities incidental to general building construction)
42 FR 5644 - 1/28/77
ANDERSON COUNTY
Decision #TX77-4009 (R)
42 FR 5652 - 1/28/77
(H,Hw) - See Statewide
ANDREWS COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd.)

ANGELINA COUNTY
(H,Hw) - See Statewide
ARANSAS COUNTY
(H,Hw) - See Statewide
Decision #AL76-5090 (D)
41 FR 44609 - 10/8/76
ARCHER COUNTY
(H,Hw) - See Statewide
ARMSTRONG COUNTY
Decision #TX77-4044 (B)
42 FR 11226 - 2/25/77
Decision #TX77-4045 (R)
42 FR 11229 - 2/25/77
(H,Hw) - See Statewide
ATASCOSA COUNTY
(H,Hw) - See Statewide
AUSTIN COUNTY
(H,Hw) - See Statewide
BAILEY COUNTY
(H,Hw) - See Statewide
Decision #TX76-4029 (R)
41 FR 7006 - 2/13/76
BANDERA COUNTY
(H,Hw) - See Statewide
BASTROP COUNTY
Decision #TX77-4026 (R)
42 FR 10270 - 2/18/77
(H,Hw) - See Statewide
BAYLOR COUNTY
(H,Hw) - See Statewide
BEE COUNTY
Decision #TX76-4193 (B)
41 FR 56594 - 12/28/76
Mod. #1 - 42 FR 4072 - 1/21/77
Mod. #2 - 42 FR 12575 - 3/4/77
Decision #TX76-4030 (R)
41 FR 7008 - 2/13/76
Mod. #1 - 42 FR 11190 - 2/25/77
(H,Hw) - See Statewide
BELL COUNTY
(H,Hw) - See Statewide
Decision #TX77-4053 (B)
42 FR 12668 - 3/4/77
BEXAR COUNTY
Decision #TX76-4080 (R)
41 FR 19037 - 5/7/76
Decision #TX76-4140 (B)
41 FR 33184 - 8/6/76
Mod. #1 - 41 FR 44607 - 10/8/76
Mod. #2 - 41 FR 45798 - 10/15/76
Mod. #3 - 41 FR 50125 - 11/12/76
Mod. #4 - 42 FR 5617 - 1/28/77
Mod. #5 - 42 FR 7036 - 2/4/77
(H,Hw) - See Statewide

TEXAS (Cont'd)

BLANCO COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
BORDEN COUNTY
(H,Hw) - See Statewide
BOSQUE COUNTY
Decision #TX77-4011 (R)
42 FR 5656 - 1/28/77
(B) - See Bell County
(H,Hw) - See Statewide
BOWIE COUNTY
Decision #TX76-4169 (B)
41 FR 44662 - 10/8/76
Mod. #1 - 41 FR 51252 - 11/19/76
Mod. #2 - 41 FR 54111 - 12/10/76
Mod. #3 - 41 FR 55269 - 12/17/76
Mod. #4 - 41 FR 56555 - 12/28/76
Mod. #5 - 42 FR 4071 - 1/21/77
(H,Hw) - See Statewide
BRAZORIA COUNTY
(H,Hw) - See Statewide
Decision #TX77-4027 (R)
42 FR 10270 - 2/18/77
(D) - See Aransas County
BRAZOS COUNTY
Decision #TX77-4054 (B)
42 FR 12671 - 3/4/77
(H,Hw) - See Statewide
BREWSTER COUNTY
(H,Hw) - See Statewide
BRISCOS COUNTY
(H,Hw) - See Statewide
BROOKS COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
BURLESON COUNTY
(H,Hw) - See Statewide
BURNETT COUNTY
(H,Hw) - See Statewide
CALDWELL COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
CALHOUN COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
CALLAHAN COUNTY
(H,Hw) - See Statewide
CAMERON COUNTY
Decision #TX76-4126 (B)
41 FR 30565 - 7/23/76
Mod. #1 - 41 FR 42058 - 9/24/76
Mod. #2 - 41 FR 46019 - 10/22/76
Mod. #3 - 41 FR 56554 - 12/28/76

TEXAS (Cont'd)

CAMERON COUNTY (Cont'd.)
Decision #TX76-4162 (R)
41 FR 44669 - 10/8/76
Mod. #1 - 41 FR 46820 - 10/22/76
(H,Hw) - See Statewide
CAMP COUNTY
Decision #TX77-4012 (R)
42 FR 5658 - 1/28/77
(H,Hw) - See Statewide
CARSON COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CASS COUNTY
(H,Hw) - See Statewide
CASTRO COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CHAMBERS COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
CHEROKEE COUNTY
(R) - See Anderson County
(H,Hw) - See Statewide
CHILDRESS COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
COCHRAN COUNTY
(H,Hw) - See Statewide
(R) - See Bailey County
COKE COUNTY
(H,Hw) - See Statewide
COLEMAN COUNTY
(H,Hw) - See Statewide
COLLIN COUNTY
Decision #TX77-4028 (R)
42 FR 10271 - 2/18/77
Decision #TX76-4183 (B-excluding Dallas-Fort Worth Regional Airport)
41 FR 50191 - 11/12/76
Mod. #1 - 41 FR 54112 - 12/10/76
Mod. #2 - 41 FR 56555 - 12/28/76
Mod. #3 - 42 FR 4071 - 1/21/77
Mod. #4 - 42 FR 10219 - 2/18/77
(H,Hw) - See Statewide
COLLINGSWORTH COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
COLORADO COUNTY
(H,Hw) - See Statewide
COMAL COUNTY
(H,Hw) - See Statewide
COMANCHE COUNTY
(H,Hw) - See Statewide
CONCHO COUNTY
(H,Hw) - See Statewide
COOKE COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd.)

CORYELL COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
COTTLE COUNTY
(H,Hw) - See Statewide
CRANE COUNTY
(H,Hw) - See Statewide
Decision #TX76-4038 (R)
41 FR 7009 - 2/13/76
CROCKETT COUNTY
(H,Hw) - See Statewide
CROSBY COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
CULBERSON COUNTY
(H,Hw) - See Statewide
DALLAM COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
DALLAS COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
DAWSON COUNTY
(H,Hw) - See Statewide
DEAF SMITH COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
DELTA COUNTY
(R) - See Camp County
(H,Hw) - See Statewide
DENTON COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
DE WITT COUNTY
(H,Hw) - See Statewide
DICKENS COUNTY
(H,Hw) - See Statewide
DIMMIT COUNTY
Decision #TX76-4039 (B,R)
41 FR 7014 - 2/13/76
(H,Hw) - See Statewide
DONLEY COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
DUVAL COUNTY
(H,Hw) - See Statewide
EASTLAND COUNTY
(H,Hw) - See Statewide
ECTOR COUNTY
Decision #TX76-4118 (B)
41 FR 29605 - 7/16/76
Mod. #1 - 41 FR 33129 - 8/16/76
Mod. #2 - 41 FR 42058 - 9/24/76
Mod. #3 - 41 FR 56554 - 12/28/76
Mod. #4 - 42 FR 4070 - 1/21/77
Mod. #5 - 42 FR 12575 - 3/4/77
(H,Hw) - See Statewide
(R) - See Crane County
EDWARDS COUNTY
(H,Hw) - See Statewide
ELLIS COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
EL PASO COUNTY
Decision #TX76-4194 (B)
41 FR 56696 - 12/28/76
Mod. #1 - 42 FR 4072 - 1/21/77

TEXAS (Cont'd.)

EL PASO COUNTY (Cont'd.)
Mod. #2 - 42 FR 11190 - 2/25/77
Mod. #3 - 42 FR 12575 - 3/4/77
(H,Hw) - See Statewide
ERATH COUNTY
(H,Hw) - See Statewide
FALLS COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
FANNIN COUNTY
(R) - See Camp County
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
FISHER COUNTY
(H,Hw) - See Statewide
FLOYD COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
FOARD COUNTY
(H,Hw) - See Statewide
FORT BEND COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
FRANKLIN COUNTY
(R) - See Camp County
(H,Hw) - See Statewide
FREESTONE COUNTY
(R) - See Bosque County
(H,Hw) - See Statewide
FRIO COUNTY
(H,Hw) - See Statewide
GAINES COUNTY
(H,Hw) - See Statewide
GALVESTON COUNTY
(R) - See Brazoria County
(D) - See Aransas County
(H,Hw) - See Statewide
Decision #TX76-4195 (B)
41 FR 56598 - 12/28/76
Mod. #1 - 42 FR 4072 - 1/21/77
Mod. #2 - 42 FR 8940 - 2/11/77
Mod. #3 - 42 FR 10219 - 2/18/77
Mod. #4 - 42 FR 11190 - 2/25/77
GARZA COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
GILLESPIE COUNTY
(H,Hw) - See Statewide
GLASSCOCK COUNTY
(H,Hw) - See Statewide
GOLIAD COUNTY
(H,Hw) - See Statewide
GONZALES COUNTY
(H,Hw) - See Statewide
GRAY COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
GRAYSON COUNTY
(B) - See Collin County
(H,Hw) - See Statewide

TEXAS (Cont'd.)

GREGG COUNTY
Decision #TX77-4055 (B)
42 FR 12673 - 3/4/77
Decision #TX77-4013 (R)
42 FR 5660 - 1/28/77
(H,Hw) - See Statewide
GRIMES COUNTY
(H,Hw) - See Statewide
GUADALUPE COUNTY
(H,Hw) - See Statewide
HALE COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
HALL COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
(H,Hw) - See Statewide
HANSFORD COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HARDEMAN COUNTY
(H,Hw) - See Statewide
HARDIN COUNTY
(H,Hw) - See Statewide
HARRIS COUNTY
(B) - See Galveston County
(R) - See Brazoria County
(D) - See Aransas County
(H,Hw) - See Statewide
HARRISON COUNTY
Decision #TX76-4196 (B)
41 FR 56601 - 12/28/76
Mod. #1 - 42 FR 12575 - 3/4/77
(H,Hw) - See Statewide
(R) - See Gregg County
HARTLEY COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HASKELL COUNTY
(H,Hw) - See Statewide
HAYS COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
HEMPHILL COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HENDERSON COUNTY
(R) - See Anderson County
(H,Hw) - See Statewide
HIDALGO COUNTY
(R,B) - See Cameron County
(H,Hw) - See Statewide
HILL COUNTY
(R) - See Bosque County
(B) - See Bell County
(H,Hw) - See Statewide
HOCKLEY COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide

TEXAS (Cont'd)

HOOD COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
Decision #TX76-4043 (R)
41 FR 7011 - 2/13/76
HOPKINS COUNTY
(R) - See Camp County
(H,Hw) - See Statewide
HOUSTON COUNTY
(H,Hw) - See Statewide
HOWARD COUNTY
Decision #TX77-4014 (B,R)
42 FR 5662 - 1/28/77
(H,Hw) - See Statewide
HUDSPETH COUNTY
(H,Hw) - See Statewide
HUNT COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
HUTCHINSON COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
IRION COUNTY
(H,Hw) - See Statewide
JACK COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
JASPER COUNTY
(H,Hw) - See Statewide
JEFF DAVIS COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
Decision #TX76-4192 (B,R)
41 FR 55289 - 12/17/76
Mod. #1 - 42 FR 4072 - 1/21/77
Mod. #2 - 42 FR 12575 - 3/4/77
(D) - See Aransas County
(Hw) - See Statewide
JIM HOGG COUNTY
(H,Hw) - See Statewide
(B,R) - See Dimmit County
JIM WELLS COUNTY
(H,Hw) - See Statewide
JOHNSON COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
JONES COUNTY
(H,Hw) - See Statewide
KARNES COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

KAUFMAN COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
KENDALL COUNTY
(H,Hw) - See Statewide
KENEDY COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
KENT COUNTY
(H,Hw) - See Statewide
KERR COUNTY
(H,Hw) - See Statewide
KIMBLE COUNTY
(H,Hw) - See Statewide
KING COUNTY
(H,Hw) - See Statewide
KINNEY COUNTY
(H,Hw) - See Statewide
KLEBERG COUNTY
(B) - See Bee County
(D) - See Aransas County
(H,Hw) - See Statewide
(R) - See Bee County
KNOX COUNTY
(H,Hw) - See Statewide
LAMAR COUNTY
(R) - See Camp County
(H,Hw) - See Statewide
LAMB COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
LAMPASAS COUNTY
(H,Hw) - See Statewide
LA SALLE COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
LAVACA COUNTY
(H,Hw) - See Statewide
LEE COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County

TEXAS (Cont'd)

LEON COUNTY
(H,Hw) - See Statewide
LIBERTY COUNTY
(H,Hw) - See Statewide
LIMESTONE COUNTY
(B) - See Bosque County
(H,Hw) - See Statewide
LIPSCOMB COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
LIVE OAK COUNTY
(H,Hw) - See Statewide
LLANO COUNTY
(H,Hw) - See Statewide
LOVING COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
LUBBOCK COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
Decision #TX76-4197 (B)
41 FR 56602 - 12/28/76
Mod. #1 - 42 FR 4072 - 1/21/77
Mod. #2 - 42 FR 8940 - 2/11/77
Mod. #3 - 42 FR 12575 - 3/4/77
LYNN COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
McCULLOCH COUNTY
(H,Hw) - See Statewide
McLENNAN COUNTY
(R) - See Bosque County
(B) - See Bell County
(H,Hw) - See Statewide
McMULLEN COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARION COUNTY
(H,Hw) - See Statewide
MARTIN COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

MASON COUNTY
(H,Hw) - See Statewide
MATAGORDA COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
(D) - See Aransas County
MAVERICK COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
MEDINA COUNTY
(H,Hw) - See Statewide
MENARD COUNTY
(H,Hw) - See Statewide
MIDLAND COUNTY
(B) - See Ector County
(H,Hw) - See Statewide
(R) - See Crane County
MILAM COUNTY
(H,Hw) - See Statewide
MILLS COUNTY
(H,Hw) - See Statewide
MITCHELL COUNTY
(H,Hw) - See Statewide
MONTAGUE COUNTY
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
MOORE COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
MORRIS COUNTY
(H,Hw) - See Statewide
MOTLEY COUNTY
(H,Hw) - See Statewide
NACOGDOCHES COUNTY
(H,Hw) - See Statewide
NAVARRO COUNTY
(R) - See Bosque County
(H,Hw) - See Statewide

TEXAS (Cont'd)

NEWTON COUNTY
(H,Hw) - See Statewide
NOLAN COUNTY
(H,Hw) - See Statewide
NUECES COUNTY
(B) - See Bee County
(D) - See Aransas County
(H,Hw) - See Statewide
(R) - See Bee County
OCHILTREE COUNTY
(R) (B) - See Armstrong County
(H,Hw) - See Statewide
OLDHAM COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
ORANGE COUNTY
(R)(B) - See Jefferson County
(Hw) - See Statewide
(D) - See Aransas County
PALO PINTO COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
PANOLA COUNTY
(H,Hw) - See Statewide
PARKER COUNTY
(H,Hw) - See Statewide
(R) - See Hood County
PARMER COUNTY
(H,Hw) - See Statewide
PECOS COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
POLK COUNTY
(H,Hw) - See Statewide
POTTER COUNTY
(H,Hw) - See Statewide
(B) (R) - See Armstrong County
PRESIDIO COUNTY
(H,Hw) - See Statewide
RAINS COUNTY
(H,Hw) - See Statewide
RANDALL COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
REAGAN COUNTY
(H,Hw) - See Statewide
REAL COUNTY
(H,Hw) - See Statewide
RED RIVER COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

REEVES COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
REFUGIO COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
ROBERTS COUNTY
(H,Hw) - See Statewide
(B) (R) - See Armstrong County
ROBERTSON COUNTY
(H,Hw) - See Statewide
ROCKWALL COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
RUNNELS COUNTY
(H,Hw) - See Statewide
RUSK COUNTY
(R) - See Gregg County
(H,Hw) - See Statewide
SABINE COUNTY
(H,Hw) - See Statewide
SAN AUGUSTINE COUNTY
(H,Hw) - See Statewide
SAN JACINTO COUNTY
(H,Hw) - See Statewide
SAN PATRICIO COUNTY
(R) - See Bee County
(D) - See Aransas County
(H,Hw) - See Statewide
SAN SABA COUNTY
(H,Hw) - See Statewide
SCHLEICHER COUNTY
(H,Hw) - See Statewide
SCURRY COUNTY
(H,Hw) - See Statewide
SHACKELFORD COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
SHERMAN COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
SMITH COUNTY
Decision #TX77-4015 (R)
42 FR 5664 - 1/28/77
Decision #TX77-4057 (B)
42 FR 12673 - 3/4/77
(H,Hw) - See Statewide
SOMERVELL COUNTY
(H,Hw) - See Statewide
STARR COUNTY
(H,Hw) - See Statewide
(B)(R) - See Cameron County
STEPHENS COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

STERLING COUNTY
(H,Hw) - See Statewide
STONEWALL COUNTY
(H,Hw) - See Statewide
SUTTON COUNTY
(H,Hw) - See Statewide
SWISHER COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
TARRANT COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
Decision #TX77-4029 (R)
42 FR 10271 - 2/18/77
TAYLOR COUNTY
Decision #TX76-4171 (B)
41 FR 44664 - 10/8/76
Mod. #1 - 41 FR 56555 - 12/20/76
Mod. #2 - 42 FR 4071 - 1/21/77
(H,Hw) - See Statewide
TERRELL COUNTY
(H,Hw) - See Statewide
TERRY COUNTY
(H,Hw) - See Statewide
(R) - See Bailey County
THROCKMORTON COUNTY
(H,Hw) - See Statewide
TITUS COUNTY
(R) - See Camp County
(H,Hw) - See Statewide
TOM GREEN COUNTY
Decision #TX76-4049 (B)
41 FR 7921 - 2/20/76
Mod. #1 - 41 FR 12854 - 3/26/76
Mod. #2 - 41 FR 30503 - 7/23/76
Mod. #3 - 41 FR 42058 - 9/24/76
Mod. #4 - 42 FR 4070 - 1/21/77
(H,Hw) - See Statewide
TRAVIS COUNTY
Decision #TX77-4006 (B)
42 FR 4105 - 1/21/77
(R) - See Bastrop County
(H,Hw) - See Statewide
TRINITY COUNTY
(H,Hw) - See Statewide
TYLER COUNTY
(H,Hw) - See Statewide
UPSHUR COUNTY
(R) - See Gregg County
(H,Hw) - See Statewide
UPTON COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
UVALDE COUNTY
(H,Hw) - See Statewide
VAL VERDE COUNTY
(H,Hw) - See Statewide
VAN ZANDT COUNTY
(R) - See Smith County
(H,Hw) - See Statewide

TEXAS (Cont'd,)

VICTORIA COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
WALKER COUNTY
(H,Hw) - See Statewide
(R) - See Brazoria County
WALLER COUNTY
(H,Hw) - See Statewide
WARD COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WASHINGTON COUNTY
(H,Hw) - See Statewide
WEBB COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
WHARTON COUNTY
(H,Hw) - See Statewide
WHEELER COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
WICHITA COUNTY
Decision #TX77-4016 (R)
42 FR 5666 - 1/28/77
Decision #TX77-4007 (B)
42 FR 4107 - 1/21/77
Mod. #1 - 42 FR 11190 - 2/25/77
(H,Hw) - See Statewide
WILBARGER COUNTY
(H,Hw) - See Statewide
WILLACY COUNTY
(R)(B) - See Cameron County
(H,Hw) - See Statewide
(D) - See Aransas County
WILLIAMSON COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
WILSON COUNTY
(H,Hw) - See Statewide
WINKLER COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WISE COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
WOOD COUNTY
(R) - See Smith County
(H,Hw) - See Statewide
YOAKUM COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
YOUNG COUNTY
(H,Hw) - See Statewide
ZAPATA COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
ZAVALA COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide

UTAH

STATEWIDE
Decision #UT77-5006 (B,H,Hw)
42 FR 5668 - 1/28/77
Mod. #1 - 42 FR 10220 - 2/18/77
BEAVER COUNTY
(B,H,Hw) - See Statewide
BOX ELDER COUNTY
(B,H,Hw) - See Statewide
CACHE COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
DAGGETT COUNTY
(B,H,Hw) - See Statewide
DAVIS COUNTY
(B,H,Hw) - See Statewide
DUCHESNE COUNTY
(B,H,Hw) - See Statewide
EMERY COUNTY
(B,H,Hw) - See Statewide
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GRAND COUNTY
(B,H,Hw) - See Statewide
IRON COUNTY
(B,H,Hw) - See Statewide
JUAB COUNTY
(B,H,Hw) - See Statewide
KANE COUNTY
(B,H,Hw) - See Statewide
MILLARD COUNTY
(B,H,Hw) - See Statewide
MORGAN COUNTY
(B,H,Hw) - See Statewide
PIUTE COUNTY
(B,H,Hw) - See Statewide
RICH COUNTY
(B,H,Hw) - See Statewide
SALT LAKE COUNTY
(B,H,Hw) - See Statewide
SAN JUAN COUNTY
(B,H,Hw) - See Statewide
SANPETE COUNTY
(B,H,Hw) - See Statewide
SEVIER COUNTY
(B,H,Hw) - See Statewide
SUMMIT COUNTY
(B,H,Hw) - See Statewide
TOOELE COUNTY
(B,H,Hw) - See Statewide
UINTAH COUNTY
(B,H,Hw) - See Statewide
UTAH COUNTY
(B,H,Hw) - See Statewide
WASATCH COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

UTAH (Cont'd)

WAYNE COUNTY
(B,H,Hw) - See Statewide
WEBER COUNTY
(B,H,Hw) - See Statewide

VERMONT

Statewide (Except Rutland County)
Decision #VT76-2170 (Hw)
41 FR 54146 - 12/10/76
Mod. #1 - 42 FR 3140 - 1/14/77
ADDISON COUNTY
(Hw) - See Statewide
BENNINGTON COUNTY
(Hw) - See Statewide
CALEDONIA COUNTY
(Hw) - See Statewide
CHITTENDEN COUNTY
(Hw) - See Statewide
ESSEX COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
GRAND ISLE COUNTY
(Hw) - See Statewide
LAMOILLE COUNTY
(Hw) - See Statewide
ORANGE COUNTY
(Hw) - See Statewide
ORLEANS COUNTY
(Hw) - See Statewide
RUTLAND COUNTY
None
WASHINGTON COUNTY
(Hw) - See Statewide
WINDHAM COUNTY
(Hw) - See Statewide
WINDSOR COUNTY
(Hw) - See Statewide

VIRGIN ISLANDS

ISLAND WIDE
Decision #VI76-3166 (B)
41 FR 19003 - 5/7/76
Decision #VI76-3167 (H,Hw)
41 FR 19003 - 5/7/76

VIRGINIA

ACCOMACK COUNTY
Decision #AP-805 (Hw)
38 FR 11279 - 5/4/73
Mod. #1 - 38 FR 13127 - 5/18/73
Mod. #2 - 40 FR 15284 - 4/4/75
Mod. #3 - 40 FR 23631 - 5/30/75
Mod. #4 - 41 FR 50122 - 11/12/76
Mod. #5 - 42 FR 4073 - 1/21/77
Decision #GA77-5005 (D)
42 FR 1015 - 1/4/77
Mod. #1 - 42 FR 3140 - 1/14/77
ALBERMARLE COUNTY
Decision #VA76-3244 (Hw)
41 FR 38784 - 9/10/76
Decision #VA75-3094 ((B)
40 FR 43415 - 9/19/75
Mod. #1 - 40 FR 48847 - 10/17/75
Mod. #2 - 41 FR 11735 - 3/19/76
ALEXANDRIA CITY
Decision #MD76-3285 (B)
41 FR 51308 - 11/19/76
Mod. #1 - 41 FR 55269 - 12/17/76
Mod. #2 - 42 FR 5617 - 1/28/77
Mod. #3 - 42 FR 10222 - 2/18/77
ALLEGHANY COUNTY
Decision #VA76-3245 (Hw)
41 FR 38748 - 9/10/76
Mod. #1 - 41 FR 40374 - 9/17/76
Mod. #2 - 41 FR 43569 - 10/1/76
AMELIA COUNTY
Decision #AR-2032 (Hw)
39 FR 31871 - 8/30/74
AMHERST COUNTY
Decision #AQ-2032 (Hw)
38 FR 33259 - 11/30/73
APPOMATTOX COUNTY
(Hw) - See Amherst County
ARLINGTON COUNTY
(B) - See Alexandria City
(D) - See Accomack County
AUGUSTA COUNTY
(Hw) - See Alleghany County
BATH COUNTY
(Hw) - See Alleghany County
BEDFORD CITY
(Hw) - See Bedford County
BEDFORD COUNTY
Decision #AQ-2021 (Hw)
38 FR 27744 - 10/5/73
Mod. #1 - 41 FR 50122 - 11/12/76

VIRGINIA (Cont'd.)

BOTETOURT COUNTY
(Hw) - See Bedford County
BRISTOL CITY
(Hw) - See Bland County
BRUNSWICK COUNTY
(Hw) - See Amelia County
BUCHANAN COUNTY
(Hw) - See Bland County
BUCKINGHAM COUNTY
(Hw) - See Amherst County
BUENA VISTA CITY
(Hw) - See Allegheny County
CAMPBELL COUNTY
Decision #VA75-3095 (B)
40 FR 43416 - 9/19/75
Mod. #1 - 41 FR 11735 - 3/19/76
Mod. #2 - 41 FR 50123 - 11/12/76
(Hw) - See Amherst County
CAROLINE COUNTY
Decision #AQ-2031 (Hw)
38 FR 33258 - 11/30/73
CARROLL COUNTY
(Hw) - See Bedford County
CHARLES CITY COUNTY
(Hw) - See Amelia County
CHARLOTTE COUNTY
(Hw) - See Amherst County
CHARLOTTSVILLE CITY
(B,Hw) - See Albermarle County
CHESAPEAKE CITY
Decision #VA76-3214 (B)
41 FR 32189 - 7/30/76
Mod. #1 - 41 FR 40373 - 9/17/76
Mod. #2 - 41 FR 43569 - 10/1/76
Mod. #3 - 41 FR 50122 - 11/12/76
Mod. #4 - 42 FR 7038 - 2/4/77
Decision #AP-494 (Hw)
38 FR 7693 - 3/23/73
Mod. #1 - 40 FR 44446 - 9/26/75
(D) - See Accomack County
CHESTERFIELD COUNTY
(Hw) - See Amelia County
CLARKE COUNTY
(Hw) - See Alleghany County
CLIFTON FORGE CITY
(Hw) - See Alleghany County
COLONIAL HEIGHTS CITY
(Hw) - See Amelia County
COVINGTON CITY
(Hw) - See Alleghany County
CRAIG COUNTY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

CULPEPER COUNTY
(Hw) - See Albermarle County
CUMBERLAND COUNTY
(Hw) - See Amherst County
DANVILLE CITY
(Hw) - See Amherst County
DICKENSON COUNTY
(Hw) - See Bland County
DINWIDDIE COUNTY
(Hw) - See Amelia County
EMPORIA CITY
(Hw) - See Accomack County
ESSEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
FAIRFAX COUNTY
(B) - See Alexandria City
(D) - See Accomack County
FAIRFAX CITY
(B) - See Alexandria City
FALLS CHURCH CITY
(B) - See Alexandria City
FAUQUIER COUNTY
(Hw) - See Albermarle County
FLOYD COUNTY
(Hw) - See Bedford County
FLUVANNA COUNTY
(Hw) - See Albermarle County
FORT MONROE CITY
(Hw) - See Chesapeake City
(B,H,W&S) - See York County
FRANKLIN CITY
(Hw) - See Accomack County
FRANKLIN COUNTY
(Hw) - See Bedford County
FREDERICK COUNTY
(Hw) - See Alleghany County
(R) - See Clarke County

VIRGINIA (Cont'd)

FREDERICKSBURG CITY
(Hw) - See Caroline County
GALAX CITY
(Hw) - See Bedford County
GILES COUNTY
(Hw) - See Bedford County
GLOUCESTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
GOOCHLAND COUNTY
(Hw) - See Amelia County
GRAYSON COUNTY
(Hw) - See Bland County
GREENE COUNTY
(Hw) - See Albermarle County
GREENSVILLE COUNTY
(Hw) - See Accomack County
HALIFAX COUNTY
(Hw) - See Amherst County
HAMPTON CITY
Decision #VA76-3254 (R)
41 FR 44680 - 10/8/76
(B,H,W&S) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
HANOVER COUNTY
(Hw) - See Amelia County
HARRISONBURG CITY
(Hw) - See Allegheny County
HENRICO COUNTY
Decision #VA76-3213 (B)
41 FR 32187 - 7/30/76
Mod. #1 - 41 FR 40373 - 9/17/76
Mod. #2 - 41 FR 43569 - 10/1/76
Mod. #3 - 41 FR 50123 - 11/12/76
Mod. #4 - 42 FR 7038 - 2/4/77
(Hw) - See Amelia County

VIRGINIA (Cont'd)

HENRY COUNTY
(Hw) - See Bedford County
HIGHLAND COUNTY
(Hw) - See Alleghany County
HOPEWELL CITY
(Hw) - See Amelia County
ISLE OF WIGHT COUNTY
(D,Hw) - See Accomack County
JAMES CITY COUNTY
(D,Hw) - See Accomack County
KING AND QUEEN COUNTY
(Hw) - See Caroline County
KING GEORGE COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
KING WILLIAM COUNTY
(Hw) - See Caroline County
LANCASTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
LEE COUNTY
(Hw) - See Bland County
LOUDOUN COUNTY
(Hw) - (See Albermarle County
LOUISA COUNTY
(Hw) - See AlbermarleeCounty
LUNENBURG COUNTY
(Hw) - See Amelia County
LYNCHBURG CITY
(B) - See Campbell County
(Hw) - See Amherst County
MADISON COUNTY
(Hw) - See Albermarle County
MARTINSVILLE CITY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

MATHEWS COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MECKLENBURG COUNTY
(Hw) - See Amelia County
MIDDLESEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MONTGOMERY COUNTY
(Hw) - See Bedford County
NANSEMOND COUNTY
(D,Hw) - See Accomack County
NELSON COUNTY
(Hw) - See Amherst County
NEW KENT COUNTY
(Hw) - See Amelia County
NEWPORT NEWS CITY
(B,H,W&S) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
(R) - See Hampton City
NORFOLK CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
NORTHAMPTON COUNTY
(D,Hw) - See Accomack County
NORTON CITY
(Hw) - See Bland County
NORTHUMBERLAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
NOTTOWAY COUNTY
(Hw) - See Amelia County
ORANGE COUNTY
(Hw) - See Albermarle County

VIRGINIA (Cont'd)

PAGE COUNTY
(Hw) - See Alleghany County
PATRICK COUNTY
(Hw) - See Bedford County
PETERSBURG COUNTY
(Hw) - See Amelia County
PITTSYLVANIA COUNTY
(Hw) - See Imherst County
PORTSMOUTH CITY
(Hw,B) - See Chesapeake City
(D) - See Iccomack County
POWHATAN COUNTY
(Hw) - See Amelia County
PRINCE EDWARD COUNTY
(Hw) - See Amherst County
PRINCE GEORGE COUNTY
(Hw) - See Amelia County
PRINCE WILLIAM COUNTY
(D) - See Accomack County
PULASKI COUNTY
(Hw) - See Bedford County
RADFORD CITY (Radford Army Ammunition Plant)
Decision #VA76-3220 (B)
41 FR 33186 - 8/6/76
(Hw) - See Bedford County
RAPPAHANNOCK COUNTY
(Hw) - See Albermarle County
RICHMOND CITY
(B) - See Henrico County
(Hw) - See Amelia County
RICHMOND COUNTY
(Hw) - See Caroline County
ROANOKE CITY
(Hw) - See Bedford County
ROANOKE COUNTY
(Hw) - See Bedford County
ROCKBRIDGE COUNTY
(Hw) - See Alleghany County
ROCKINGHAM COUNTY
(Hw) - See Alleghany County
RUSSELL COUNTY
(Hw) - See Bland County
SALEM CITY
(Hw) - See Bedford County
SCOTT COUNTY
(Hw) - See Bland County
SHENANDOAH COUNTY
(Hw) - See Alleghany County
(R) - See Clarke County
SMYTH COUNTY
(Hw) - See Bland County
SOUTHAMPTON COUNTY
(Hw) - See Accomack County

VIRGINIA (Cont'd)

SOUTH BOSTON CITY
(Hw) - See Amherst County
SPOTSYLVANIA COUNTY
(Hw) - See Caroline County
STAUNTON CITY
(Hw) - See Alleghany County
STAFFORD COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
SUFFOLK CITY
(Hw) - See Accomack County
SURRY COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
SUSSEX COUNTY
(Hw) - See Accomack County
TAZEWELL COUNTY
(Hw) - See Bland County
VIRGINIA BEACH CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
WARREN COUNTY
(Hw) - See Alleghany County
WASHINGTON COUNTY
(Hw) - See Bland County
WAYNESBORO CITY
(Hw) - See Allegheny County
WESTMORELAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
WILLIAMSBURG CITY
(Hw) - See Accomack County
WINCHESTER CITY
(Hw) - See Alleghany County
WISE COUNTY
(Hw) - See Bland County
WYTHE COUNTY
(Hw) - See Bland County
YORK COUNTY
Decision #VA76-3215 (B,H,W&S)
41 FR 32191 - 7/30/76
Mod. #1 - 41 FR 40373 - 9/17/76
Mod. #2 - 41 FR 43569 - 10/1/76
Mod. #3 - 41 FR 50124 - 11/12/76
Mod. #4 - 42 FR 7039 - 2/4/77
(D,Hw) - See Accomack County

WASHINGTON

STATEWIDE
Decision #WA77-5003 (B,H,Hw,D)
42 FR 8991 - 2/11/77
ADAMS COUNTY
(B,H,Hw,D) - See Statewide
ASOTIN COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CHELAN COUNTY
(B,H,Hw,D) - See Statewide
CLALLAM COUNTY
Decision #WA76-5119 (R)
41 FR 54148 - 12/10/76
(B,H,Hw,D) - See Statewide
CLARK COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COWLITZ COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
FERRY COUNTY
(B,H,Hw, D) - See Statewide
FRANKLIN COUNTY
(B,H,Hw,D) - See Statewide
GARFIELD COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(B,H,Hw,D) - See Statewide
GRAYS HARBOR COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
ISLAND COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
KING COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
KITSAP COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
KITTITAS COUNTY
(B,H,Hw,D) - See Statewide
KLICKITAT COUNTY
(B,H,Hw,D) - See Statewide

WASHINGTON (Cont'd)

LEWIS COUNTY
(B,H,Hw,D) - See Statewide
LINCOLN COUNTY
(B,H,Hw,D) - See Statewide
MASON COUNTY
(B,H,Hw,D) - See Statewide
(R)- See Clallam County
OKANOGAN COUNTY
(B,H,Hw,D) - See Statewide
PACIFIC COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
PEND OREILLE COUNTY
(B,H,Hw,D) - See Statewide
PIERCE COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
SAN JUAN COUNTY
(B,H,Hw,D) - See Statewide
SKAGIT COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
SKAMANIA COUNTY
(B,H,Hw,D) - See Statewide
SNOHOMISH COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
SPOKANE COUNTY
(B,H,Hw,D) - See Statewide
STEVENS COUNTY
(B,H,Hw,D) - See Statewide
THURSTON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
WAHKIAKUM COUNTY
(B,H,Hw,D) - See Statewide
WALLA WALLA COUNTY
(B,H,Hw,D) - See Statewide
WHATCOM COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
WHITMAN COUNTY
(B,H,Hw,D) - See Statewide
YAKIMA COUNTY
Decision #WA77-5008 (R)
42 FR 4109 - 1/21/77
(B,H,Hw,D) - See Statewide

WASHINGTON, D. C.

WASHINGTON, D. C.
Decision #DC76-3284 (B,Hw, W&S)
41 FR 51368 - 11/19/76
Mod. #1 - 41 FR 55270 - 12/17/76
Mod. #2 - 42 FR 5017 - 1/28/77
Mod. #3 - 42 FR 10222 - 2/18/77
Mod. #4 - 42 FR 12567 - 3/4/77
Decision #GA77-5005 (D)
42 FR 1015 - 1/4/77
Mod. #1 - 42 FR 3140 - 1/14/77
Decision #DC76-3171 (R)
41 FR 21027 - 5/21/76

WEST VIRGINIA

STATEWIDE
Decision #WV77-3024 (H,Hw)
42 FR 10272 - 2/10/77
BARBOUR COUNTY
Decision #WV77-3027 (B)
42 FR 10281 - 2/10/77
(H,Hw) - See Statewide
BERKELEY COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
BRAXTON COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
BROOKE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
CABELL COUNTY
(B) - See Barbour County
Decision #1L76-5026 (D)
41 FR 12858 - 3/26/76
(H,Hw) - See Statewide
CALHOUN COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
CLAY COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
DODDRIDGE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
FAYETTE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
GILMER COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
GRANT COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
GREENBRIER COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
HAMPSHIRE COUNTY
(B) - See DarbourrCounty
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd)

HANCOCK COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
HARDY COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
HARRISON COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
JACKSON COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
(B) - See Barbour County
JEFFERSON COUNTY
(H,Hw) - See Statewide
KANAWHA COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
Decision #AR-2058 (R)
39 FR 35948 - 10/4/74
Mod. #1 - 39 FR 44913 - 12/27/74
(H,Hw) - See Statewide
LEWIS COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
LINCOLN COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
LOGAN COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MC DOWELL COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MARION COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MARSHALL COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MASON COUNTY
(B) - See Barbour County
(D) - See Cabell County
(H,Hw) - See Statewide
MERCER COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MINERAL COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MINGO COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MONOGALIA COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd.)

MONROE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
NICHOLAS COUNTY
(H,Hw) - See Statewide
OHIO COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
PENDLETON COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
PLEASANT COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
(B) - See Barbour County
POCAHONTAS COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
PRESTON COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
RALEIGH COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
RANDOLPH COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
RITCHIE COUNTY
(H,Hw) - See Statewide
(B) - See Barbour County
ROANE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
SUMMERS COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
TAYLOR COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
TUCKER COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
TYLER COUNTY
(D) - See Cabell County
(B) - See Barbour County
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd.

UPSHUR COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WAYNE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WEBSTER COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WETZELL COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
WIRT COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WOOD COUNTY
(B) - See Barbour County
(D) - See Cabell County
(H,Hw) - See Statewide
WYOMING COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide

WISCONSIN

STATEWIDE
Decision #WI76-2719 (Hw)
41 FR 44681 - 10/8/76
Decision #WI76-2045 (H, Sewer, Tunnel, & Water)
41 FR 16425 - 4/16/76
Mod. #1 - 41 FR 52188 - 11/26/76
Mod. #2 - 41 FR 53237 - 12/3/76
Mod. #3 - 42 FR 7039 - 2/4/77
ADAMS COUNTY
(H,Hw, W&S) - See Statewide
ASHLAND COUNTY
Decision #1L76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
(H,Hw, W&S) - See Statewide
Decision #WI76-2157 (B,R)
41 FR 55292 - 12/17/76
BARRON COUNTY
(B) - See Polk County
(H,Hw, W&S) - See Statewide
BAYFIELD COUNTY
(B,R,D) - See Ashland County
(H,Hw, W&S) - See Statewide
BROWN COUNTY
Decision #WI76-2160 (B)
41 FR 55297 - 12/17/76
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
BUFFALO COUNTY
(H,Hw, W&S) - See Statewide
BURNETT COUNTY
(H,Hw, W&S) - See Statewide
CALUMET COUNTY
(H,Hw, W&S) - See Statewide
CHIPPEWA COUNTY
(H,Hw, W&S) - See Statewide
(B,R) - See Eau Clair County
CLARK COUNTY
(H,Hw) - See Statewide
COLUMBIA COUNTY
(H,Hw, W&S) - See Statewide
CRAWFORD COUNTY
(H,Hw, W&S) - See Statewide
DANE COUNTY
(H,Hw, W&S) - See Statewide
Decision #WI76-2161 (B,R)
41 FR 55299 - 12/17/76
DODGE COUNTY
(H,Hw, W&S) - See Statewide

WISCONSIN (Con't.d)

DOOR COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
DOUGLAS COUNTY
(B,D,R) - See Ashland County
DUNN COUNTY
(B) - See Polk County
(H,Hw, W&S) - See Statewide
EAU CLAIR COUNTY
Decision #WI76-2162 (B,R)
41 FR 54150 - 12/10/76
(H,Hw, W&S) - See Statewide
FLORENCE COUNTY
(H,Hw, W&S) - See Statewide
FOND OU LAC COUNTY
(H,Hw, W&S) - See Statewide
FOREST COUNTY
(H,Hw, W&S) - See Statewide
GRANT COUNTY
(H,Hw, W&S) - See Statewide
GREEN COUNTY
(B) - See Rock County
(H,Hw, W&S) - See Statewide
GREEN LAKE COUNTY
(B) - See Winnebago County
(H,Hw, W&S) - See Statewide
IOWA COUNTY
(B) - See Dane County
(H,Hw, W&S) - See Statewide
IRON COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
JACKSON COUNTY
(H,Hw, W&S) - See Statewide
JEFFERSON COUNTY
(H,Hw, W&S) - See Statewide
JUNEAU COUNTY
(H,Hw, W&S) - See Statewide
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41 FR 53261 - 12/3/76
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(D) - See Ashland County
(H,Hw, W&S) - See Statewide
Decision #WI76-2167 (B,R)
41 FR 55301 - 12/17/76
KEWAUNEE COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
LA CROSSE COUNTY
Decision #WI76-2155 (B,R)
41 FR 52280 - 11/26/76
(H,Hw, W&S) - See Statewide

WISCONSIN (Cont'd.)

LA FAYETTE COUNTY
(H,Hw, W&S) - See Statewide
LANGLADE COUNTY
(B) - See Marathon County
(H,Hw, W&S) - See Statewide
LINCOLN COUNTY
(B) - See Marathon County
(H,Hw, W&S) - See Statewide
MANITOWOC COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
MARATHON COUNTY
Decision #WI76-2168 (B)
41 FR 55303 - 12/17/76
(H,Hw, W&S) - See Statewide
MARINETTE COUNTY
(D) - See Ashland County
MARQUETTE COUNTY
(B) - See Winnebago County
(H,Hw, W&S) - See Statewide
MENOMINEE COUNTY
(H,Hw, W&S) - See Statewide
MILWAUKEE COUNTY
Decision #WI76-2116 (B,R)
41 FR 42155 - 9/24/76
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
MONROE COUNTY
(H,Hw, W&S) - See Statewide
OCONTO COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
ONEIDA COUNTY
(H,Hw, W&S) - See Statewide
OUTAGAMIE COUNTY
(H,Hw, W&S) - See Statewide
OZAUKEE COUNTY
(B,R) - See Milwaukee County
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
PEPIN COUNTY
(B,R) - See Eau Clair County
(H,Hw, W&S) - See Statewide
PIERCE COUNTY
(H,Hw, W&S) - See Statewide
POLK COUNTY
Decision #WI76-2168 (B)
41 FR 55303 - 12/17/76
(H,Hw, W&S) - See Statewide
PORTAGE COUNTY
(H,Hw, W&S) - See Statewide
PRICE COUNTY
(H,Hw, W&S) - See Statewide

WISCONSIN (Cont'd.

RACINE COUNTY
Decision #WI76-2169 (B,R)
41 FR 56620 - 12/28/76
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
RICHLAND COUNTY
(H,Hw, W&S) - See Statewide
ROCK COUNTY
Decision #WI76-2163 (B)
41 FR 54152 - 12/10/76
(H,Hw, W&S) - See Statewide
RUSK COUNTY
(H,Hw, W&S) - See Statewide
SAINT CROIX COUNTY
(B) - See Polk County
(H,Hw, W&S) - See Statewide
SAUK COUNTY
(B) - See Dane County
(H,Hw, W&S) - See Statewide
SAWYER COUNTY
(H,Hw, W&S) - See Statewide
SHAWANO COUNTY
(H,Hw, W&S) - See Statewide
SHEBOYGAN COUNTY
(D) - See Ashland County
TAYLOR COUNTY
(H,Hw, W&S) - See Statewide
TREMPEALEAU COUNTY
(H,Hw, W&S) - See Statewide
VERNON COUNTY
(H,Hw, W&S) - See Statewide
VILAS COUNTY
(H,Hw, W&S) - See Statewide
WALWORTH COUNTY
(H,Hw, W&S) - See Statewide
WASHBURN COUNTY
(H,Hw, W&S) - See Statewide
WASHINGTON COUNTY
(B,R) - See Milwaukee County
(H,Hw, W&S) - See Statewide
WAUKESHA COUNTY
(B,R) - See Milwaukee County
(H,Hw, W&S) - See Statewide
WAUPACA COUNTY
(B) - See Winnebago County
(H,Hw, W&S) - See Statewide
WASHARA COUNTY
(B) - See Winnebago County
(H,Hw, W&S) -See Statewide
WINNEBAGO COUNTY
Decision #WI76-2164 (B)
41 FR 54154 - 12/10/76
(H,Hw, W&S) - See Statewide
WOOD COUNTY
(H,Hw, W&S) - See Statewide

WYOMING

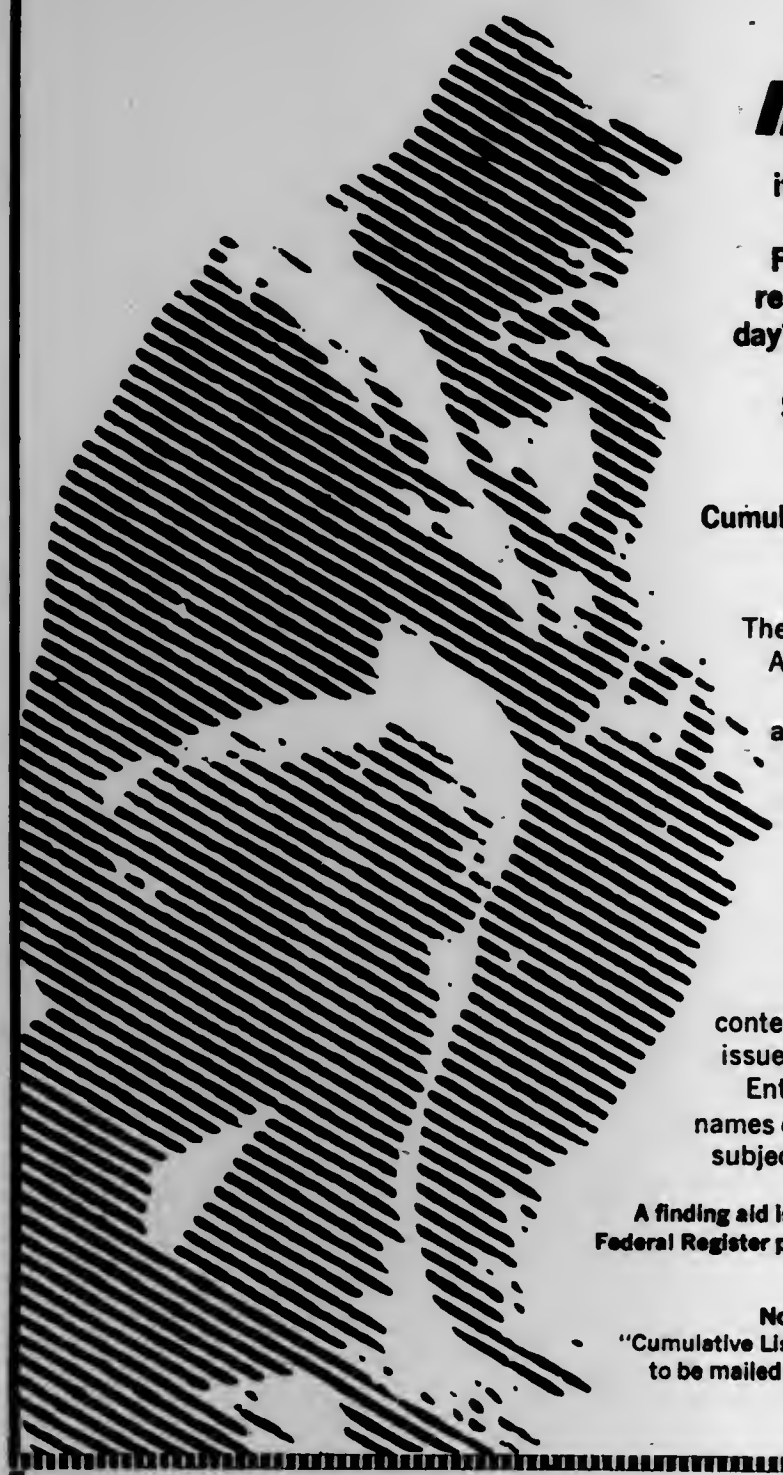
STATEWIDE
Decision #WY76-5029 (Hw)
41 FR 14307 - 4/2/76
ALBANY COUNTY
(Hw) - See Statewide
BIG HORN COUNTY
(Hw) - See Statewide
CAMPBELL COUNTY
(Hw) - See Statewide
CARBON COUNTY
(Hw) - See Statewide
CONVERSE COUNTY
Decision #WY76-5070 (B,H)
41 FR 33187 - 8/6/76
Mod. #1 - 41 FR 53238 - 12/3/76
Mod. #2 - 42 FR 10222 - 2/18/77
(Hw) - See Statewide
CROOK COUNTY
(Hw) - See Statewide
FREMONT COUNTY
(Hw) - See Statewide
GOSHEN COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
HOT SPRINGS COUNTY
(Hw) - See Statewide
JOHNSON COUNTY
(Hw) - See Statewide
LARAMIE COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
NATRONA COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
NIOBRARA COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
PARK COUNTY
(Hw) - See Statewide
PLATTE COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SUBLETTE COUNTY
(Hw) - See Statewide
SWEETWATER COUNTY
(Hw) - See Statewide

WYOMING (Cont'd.)

TETON COUNTY
(Hw) - See Statewide
UINTA COUNTY
(Hw) - See Statewide
WASHAKIE COUNTY
(Hw) - See Statewide
WESTON COUNTY
(Hw) - See Statewide
YELLOWSTONE NATIONAL PARK
(Hw) - See Statewide

[FR Doc.77-9459 Filed 3-31-77;8:45 am]

V4263 APR 1 77 UMI



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MONDAY, APRIL 4, 1977

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Rules Going Into Effect Today

DOT/CG—Drawbridge operations; Hackensack River, New Jersey; St. Croix River, Wisconsin and Minnesota.
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Justice/INS—Immigrant status for citizens of Cambodia, Vietnam and Laos.
12412; 3–4–77

List of Public Laws

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z; FC–0053]

PART 226—TRUTH IN LENDING

Official Staff Interpretations

In accordance with 12 CFR 226.1(d), the Board is publishing the following official staff interpretations of Regulation Z, issued by a duly authorized official of the Division of Consumer Affairs.

Identifying details have been deleted to the extent required to prevent a clearly unwarranted invasion of personal privacy. The Board maintains and makes available for public inspection and copying a current index providing identifying information for the public subject to certain limitations stated in 12 CFR 261.6.

Official staff interpretations may be reconsidered by the Board upon request of interested parties and in accordance with 12 CFR 226.1(d)(2). Every request for reconsideration should clearly identify the number of the official staff interpretation in question, and should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

This interpretation shall be effective as of March 28, 1977.

[FC–0053]

§ 226.4(a)(5)—Insurance disclosures required to exclude premiums from the finance charge may be printed on reverse side of Truth in Lending disclosure statement. (Clarifies FC–0037)

§ 226.4(a)(6)—Insurance disclosures required to exclude premiums from the finance charge may be printed on reverse side of Truth in Lending disclosure statement. (Clarifies FC–0037)

MARCH 15, 1977.

This is in reply to your letter of * * *, requesting clarification of recent Official Staff Interpretation FC–0037. That interpretation stated that the disclosures and authorization required by § 226.4(a)(5) and (6) in order to exclude certain insurance premiums from the finance charge may be made in a statement separate from the regular Truth in Lending disclosure form. You ask whether these disclosures may be placed on the reverse side of the same sheet of paper used for the regular Truth in Lending disclosures. It is staff's opinion that this would comply with the requirements of Regulation Z. FC–0037 was not meant to suggest that if the disclosures are made separately from the Truth in Lending disclosures, they must actually be made on a separate piece of paper. Therefore, printing of the disclosures on the reverse side of the disclosure statement would suffice.

This is an official staff interpretation of Regulation Z issued in accordance with § 226.1(d)(3) of the regulation and is limited in its applicability to the facts outlined herein. I trust that this will prove helpful to you.

Sincerely,

JERAULD C. KLUCKMAN,
Associate Director.

Board of Governors of the Federal Reserve System, March 28, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-9902 Filed 4-1-77;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 16619; Amdt. 39-2867]

PART 39—AIRWORTHINESS DIRECTIVES

Avions Marcel Dassault/Breguet Aviation (AMD/BA) Falcon 10 Airplanes

There have been reports that tailpipe attachment flanges on Avions Marcel Dassault/Breguet Aviation Falcon 10 airplanes equipped with Grumman tailpipe P/N F10A5B10003–7 are experiencing cracks of a nature and extent that could result in detachment of the tailpipe from the airplane. Loss of a tailpipe would jeopardize the safety of persons and property on the ground. Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued which requires replacement of the tailpipes.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c).)

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive.

AVIONS MARCEL DASSAULT/BREGUET AVIATION (AMD BA) Applies to Falcon 10 airplanes, certificated in all categories, equipped with Grumman tailpipe, P/N F10A5B10003–7, installed without back-up ring, P/N F10A5B10606–11.

Compliance is required as indicated, unless already accomplished.

To prevent the possible loss of the tailpipe, accomplish the following:

(a) For tailpipes having more than 750 hours time in service on the effective date of this AD, comply with paragraph (c) of this AD within 90 days or 150 hours time in service after the effective date of this AD, whichever occurs first.

(b) For tailpipes having 750 hours or less time in service on the effective date of this AD, comply with paragraph (c) of this AD prior to the accumulation of 900 hours total time in service.

(c) Replace tailpipe, P N F10A5B10003–7, with a new part of the same part number, or with a serviceable part of improved design, P/N F10A5RDB20217–3, and in either case install with back-up ring P/N F10A5B10606–11

(Falcon 10 Service Bulletin No. 0129, dated December 21, 1976, covers this subject.)

This amendment becomes effective April 18, 1977.

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A–107.

Issued in Washington, D.C. on March 28, 1977.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.77-9864 Filed 4-1-77;8:45 am]

[Docket No. 77–CE–7–AD; Amdt. 39–2863]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models C90 and E90 Airplanes

AGENCY: Federal Aviation Administration/DOT(FAA).

ACTION: Final Rule.

SUMMARY: This amendment to Part 39 of the Federal Aviation Regulations (14 CFR Part 39) adds a new Airworthiness Directive (AD) applicable to certain Beech Models C90 and E90 airplanes. It requires inspection of the left hand rudder cable for adequate clearance between it and the electrical relay panel. Inadequate clearance could cause the rudder cable to strike the electrical components and be damaged by electrical arcing resulting in failure of the rudder cable and loss of airplane rudder control. Where clearance is inadequate, the AD requires relocation or modification of the electrical relay panel and the replacement of damaged rudder cables.

EFFECTIVE DATE: April 11, 1977, to all persons except those to whom it has already been made effective by air mail letter from the Federal Aviation Administration dated March 14, 1977.

ADDRESSES: Beechcraft Service Instruction 0896 may be obtained from Beech Aircraft Corporation, Wichita, Kansas 67201.

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FOR FURTHER INFORMATION CONTACT:

E. L. Tankesley, Aerospace Engineer, Engineering and Manufacturing Branch, Federal Aviation Administration, Central Region, 601 East 12th Street, Kansas City, Missouri 64106; telephone (816) 374-3446.

SUPPLEMENTARY INFORMATION: There have been reports in which the left hand rudder cable was damaged by electrical arcing when it came in contact with electrical components on the relay panel located under the left hand cockpit floorboard on Beech Models C90 and E90 airplanes. This condition can result when there is inadequate clearance between the rudder cable and the relay panel. A damaged rudder cable could fail and result in the loss of airplane control under critical flight situations. The reports showed that severe cable damage had occurred. In one of the reports only a single strand of cable remained intact. Therefore, the FAA determined that an unsafe condition of an emergency nature existed which required immediate corrective action and thereby determined that notice and public procedure thereon were impracticable and contrary to the public interest. Accordingly, all known registered owners of affected aircraft were notified of the emergency AD by air mail letter dated March 14, 1977. Since the unsafe condition is likely to exist or develop in other airplanes of the same type design, an AD is being issued applicable to Beech Models C90 and E90 making it effective as to all persons who did not receive the AD letter notification. The AD requires, prior to further flight, inspection of the left hand rudder cable to determine if at least ¾ inch clearance exists between it and the electrical components located on the relay panel. If inadequate clearance is found, the AD further requires modification or relocation of the relay panel, inspection of the rudder cable for damage and its replacement if damaged. On those aircraft where the inspection shows that clearance is more than ⅜ inch but less than ¾ inch, correction is required within 25 hours' time in service after the effective date of this AD. Procedures for accomplishing the AD inspection and modification of the aircraft, if required, are provided in Beechcraft Service Instructions No. 0896.

Accordingly, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR § 39.13) is amended effective April 11, 1977, by adding the following new AD:

BEECH. Applies to Models C90 (Serial Numbers LJ-640 thru LJ-716), and E90 (Serial Numbers LW-120 thru LW-220, LW-222 and LW-223) airplanes.

To assure adequate clearance between the left hand rudder cable and the electrical components on the relay panel located under the left hand cockpit floorboard, accomplish the following:

(A) Prior to further flight inspect the left hand rudder control cable under the left hand cockpit floorboard in accordance with Steps 1 through 4 of Beechcraft Service Instructions 0896, or later approved revisions, to determine that at least ¾ inch clearance exists between the rudder control cable and all electrical components located on the relay panel.

(B) If the inspection required by Paragraph A shows that the clearance is less than ⅜ inch, prior to further flight:

1. If possible, relocate the relay panel to provide at least ¾ inch clearance, or if the relay panel cannot be relocated to provide at least ¾ inch clearance, modify the panel in accordance with Steps 6 through 13 of Beechcraft Service Instructions 0896, or later approved revisions, and

2. Inspect the rudder cable to determine if it has been damaged by coming in contact with the electrical components. If the cable has been damaged, install a new cable, Beech P N 50-524438-17, or an equivalent cable fabricated in accordance with acceptable FAA standards (AC 43.13-1A).

(C) If the inspection required by Paragraph A shows that the clearance is between ⅜ and ¾ inches, within 25 hours' time in service after the effective date of this AD, accomplish the requirements of Paragraphs B(1) and B(2).

(D) If the inspection required by Paragraph A shows that the clearance is ¾ inch or more, make an entry in the aircraft's maintenance records indicating that this AD has been accomplished and the airplane may be returned to service.

(E) Airplanes may be flown in accordance with FAR 21.197 to a location where the needed electrical system modification or rudder cable replacement required by this AD may be accomplished. Prior to authorizing a flight under FAR 21.197, the FAA District Office involved should contact the Chief, Engineering and Manufacturing Branch, FAA, Central Region, for appropriate operating limitations.

(F) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective April 11, 1977, to all persons except those to whom it has already been made effective by air mail letter from the Federal Aviation Administration dated March 14, 1977.

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.81, Federal Aviation Regulation, (14 CFR 11.81).)

Issued in Kansas City, Missouri, on March 25, 1977.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc.77-9858 Filed 4-1-77;8:45 am]

[Docket No. 16620; Amdt. 39-2869]

PART 39—AIRWORTHINESS DIRECTIVES

Britten Norman, Ltd. BN-2A and BN-2A Mk III Airplanes

There has been a report of internal corrosion of an aileron mass balance support arm installed on a Britten-Norman, Ltd. Model BN-2A airplane which had progressed to the exterior surface and could result in failure of the support arm, possible hazardous flutter, and loss of airplane control. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection, repair, and replacement, as necessary, of the aileron mass balance support arm on Britten-Norman Model BN-2A and BN-2A Mk III airplanes.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c))

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITTEN NORMAN, LTD. Applies to Models BN-2A Islander and BN-2A Mk III Trislander airplanes, all series, certificated in all categories, except those airplanes incorporating Britten Norman Modification NB/M878.

Compliance is required as indicated, unless already accomplished.

To detect internal corrosion and prevent possible failure of the aileron mass balance support arm, accomplish the following:

(a) For ailerons modified in accordance with Britten-Norman, Ltd. Modification NB/M/336, within the next 25 hours time in service after the effective date of this AD or prior to 3 years since new, whichever occurs later, accomplish the following:

(1) Gain access to and inspect the interior surface of the aileron mass balance support arm in accordance with steps 1 thru 4 of Part 1 and Figure 1 of Britten-Norman, Ltd. Service Bulletin BN-2/SB.98, Issue 1, dated October 27, 1976 (hereinafter S.B.BN-2/SB.98), or an FAA-approved equivalent.

(2) If no corrosion or acceptable corrosion (as defined in Table 1 of Figure 1 of S.B. BN-2/SB.98) is found as a result of the inspection required by paragraph (a)(1) of this AD, clean and protect the interior surface of the support arm and the shank of the bobweight in accordance with subpart (a) of step 5, and reassemble in accordance with steps 6 through 9, of Part 1 of S.B. BN-2/SB.98, or an FAA-approved equivalent.

(3) If marginal corrosion (as defined in Table 2 of Figure 1 of S.B. BN-2/SB.98) is found as a result of the inspection required by paragraph (a)(1) of this AD, before further flight, clean, protect, and reassemble the support arm, in accordance with paragraph (a)(2) of this AD. Thereafter, within the next 300 hours time in service or 3 months, whichever occurs sooner, replace the support arm with a new part of the same part number or an FAA-approved equivalent, and reassemble in accordance with paragraph (a)(2) of this AD.

(4) If, during the inspection required by paragraph (a)(1) of this AD, corrosion is found beyond acceptable limits (as defined in Table 3 of Figure 1 of S.B. BN-2/SB.98), before further flight, replace the support arm with a new part of the same part number, or an FAA-approved equivalent, and reassemble in accordance with paragraph (a)(2) of this AD.

(b) For ailerons not modified in accordance with Britten-Norman, Ltd. Modification NB/M/336, within the next 25 hours time in service after the effective date of this AD or prior to 3 years since new, whichever occurs later, accomplish the following:

(1) Gain access to and inspect the interior surface of the mass balance support arm in accordance with steps 1 thru 4 of Part 2 and Figure 2 of S.B. BN-2/SB.98, or an FAA-approved equivalent.

(2) If no corrosion or acceptable corrosion (as defined in Table 1 of Figure 1 of S.B. BN-2/SB.98) is found as the result of the inspection required by paragraph (b)(1) of this AD, clean and protect the interior surface of the support arm and the shank of the bobweight in accordance with subpart (a) of Step 5, Part 1, and repair the support arm in accordance with Figure 2 and reassemble in accordance with steps 6 thru 9, of Part 2 of S.B. BN-2/SB.98, or an FAA-approved equivalent.

(3) If marginal corrosion (as defined in Table 2 of Figure 1 of S.B. BN-2/SB.98) is found as a result of the inspection required by paragraph (b)(1) of this AD, before further flight, clean, protect, repair, and reassemble the support arm and shank of the bobweight in accordance with paragraph (b)(2) of this AD. Thereafter within the next 300 hours time in service or 3 months, whichever occurs sooner, replace the support arm in accordance with the repair and reassembly instructions specified in Part 3 and Figure 3, of S.B. BN-2/SB.98, or an FAA-approved equivalent.

(4) If, during the inspection required by paragraph (b)(1) of this AD, corrosion is found beyond acceptable limits (as defined in Table 3 of Figure 1 of S.B. BN-2/SB.98), before further flight, replace the support arm in accordance with Part 3 and Figure 3 of S.B. BN-2/SB.98, or an FAA-approved equivalent.

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

This amendment becomes effective April 18, 1977.

Issued in Washington, D.C. on March 29, 1977.

R. P. SKULLY,
Director,
Flight Standards Service.

[FR Doc.77-9865 Filed 4-1-77;8:45 am]

[Docket No. 77-SO-10; Amendment No. 39-2861]

PART 39—AIRWORTHINESS DIRECTIVES

Grumman American Aviation Corporation AA-5 and AA-5A Airplanes

There have been failures of the carburetor heat valve in Grumman American Aviation Corporation (GAAC) Model AA-5 and AA-5A airplanes which could cause partial or complete loss of power of the engine, or release parts which could be ingested by the engine. Since this condition is likely to occur on other airplanes of the same type, an airworthiness directive has been issued to require inspection within the next ten hours of operation, repetitive inspections to permit additional flight, and the replacement of an unacceptable original configuration carburetor heat valve with a new configuration carburetor heat valve.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a)), 1421, and 1423; sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c).)

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

GRUMMAN AMERICAN AVIATION CORPORATION. Applies to GAAC Model AA-5, Serial Numbers 0641 through 0834, and to Model AA-5A, Serial Numbers 0001 through 0321, airplanes certificated in all categories.

Compliance required as indicated below after the effective date of this AD unless already accomplished.

(a) Within 10 hours of flight after the effective date of this Ad, in order to prevent possible failure of the carburetor heat valve assembly, remove the lower cowl and inspect the carburetor heat valve assembly for configuration as shown in Figure 1.

(1) If Configuration B is installed, reinstall lower cowl, and the aircraft may be approved for return to service.

(2) If Configuration A is installed, remove the carburetor heat valve assembly and inspect for cracks in the bend radius. If cracks are found, remove valve assembly from service and replace with a new valve assembly Part Number 5503006-505. Do not reuse the removed carburetor heat valve assembly which must be discarded.

(b) If no cracks are found in Configuration A carburetor heat valve assembly, valve assembly may be reinstalled, the lower cowl reinstalled, and after compliance with (c) below, the aircraft may be approved for return to service for twenty-five (25) hours of operation.

(1) At the end of the first period not to exceed twenty-five hours of operation after the initial inspection required in (a)(2), repeat the initial inspection procedure required in (a)(2).

(2) If no cracks are found at this second inspection of the carburetor heat valve assembly, the valve assembly may be reinstalled, the cowl replaced, and after compliance with (c) below, the aircraft may be approved for return to service for a second and final operational period not to exceed 25 hours.

(3) No Configuration A carburetor heat valve assembly may be continued in service in excess of 50 hours after the initial inspection required in (a)(2) above.

(c) To insure adequate carburetor heat rise, after the removal and reinstallation of the carburetor heat valve assembly, the following checks must be made prior to flight:

(1) After carburetor heat valve assembly is installed in to air box assembly, temporarily install air box assembly onto lower cowl. Remove air filter and check forward and aft gap between the valve assembly and carburetor heat box/lower cowl contact points. Maximum gap is 0.120 inch at both ends of valve with carburetor heat in the on and off position. If excessive gap exists, remove air box assembly and crimp edge of valve assembly up or down as required to obtain a gap less than 0.120 inch as specified in the GAAC Service Bulletin No. 159.

(2) Following cowl installation, perform engine run up to check carburetor heat drop (50 RPM drop minimum). If drop does not meet minimum requirements, rework valve per subparagraph (c)(1) above.

(3) Carburetor heat rigging to be accomplished in accordance with the AA-5 series Service Manual.

Grumman American Aviation Corporation Service Bulletin No. 159 dated February 25, 1977, or later approved revisions, pertains to this subject.

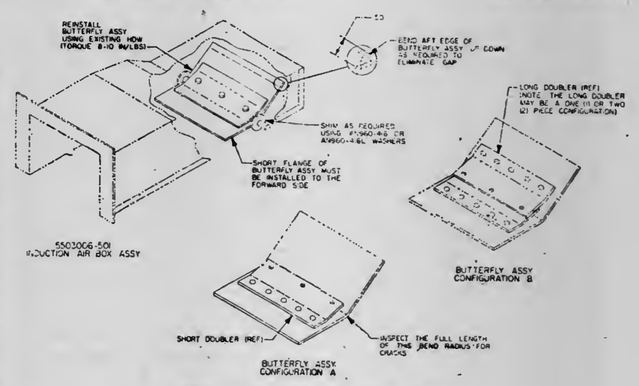
Equivalent methods of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southern Region, 3400 Whipple Street, East Point, Georgia 30344.

This amendment becomes effective April 11, 1977.

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11941, and OMB Circular A-107.

Issued in East Point, Georgia, on March 23, 1977.

PHILLIP M. SWATEK,
Director,
Southern Region.



[FR Doc.77-9856 Filed 4-1-77;8:45 am]

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[Docket No. 74-WE-41-AD, Amdt. 39-2862]

PART 39—AIRWORTHINESS DIRECTIVES

Hiller UH-12 Series Helicopters

AGENCY: Federal Aviation Administration/DOT (FAA).

ACTION: Final Rule.

SUMMARY: This amendment to Part 39 of the Federal Aviation Regulations (14 CFR Part 39) prescribes a new airworthiness directive (AD) that will supersede AD 74-21-05 (Amendment 39-1990, 39 FR 36855). After issuing AD 74-21-05, recent Hiller Aviation fatigue test data showed a service life of 6,860 hours for Hiller P/N 36124 when used with unfaired paddles. Therefore, the AD is being superseded by a new AD that requires a finite life of 6,860 hours for Hiller P/N 36124 when used with unfaired paddles, clarifies the 2,500 hours service life after repair per Hiller Aviation Service Bulletin No. 36-1, Revision 2, dated June 19, 1974, and continues the 100 hour inspection of AD 74-21-05.

EFFECTIVE DATE: April 7, 1977.

FOR FURTHER INFORMATION:

Kyle L. Olsen, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007 Worldway Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6351.

SUPPLEMENTARY INFORMATION: On October 4, 1974 the FAA issued airworthiness directive (AD) 74-21-05 (Amendment 393-1990, 39 FR 36855) on Hiller UH-12 helicopters, which required inspections of the control rotor blade spar tube for cracks, corrosion or excessive wear of the outboard retention bolts; and replacement or repair, if necessary. This AD was required because of fatigue cracks in the control rotor blade spar tube initiating at the outboard attachment (to the cuff) bolt hole which have propagated completely around the spar tube causing the blade assembly to separate from the cuff which will result in loss of control of the helicopter.

Recent fatigue tests conducted by Hiller Aviation have established a service life of 6,860 hours for Hiller control rotor blade cuff, Hiller P/N 36124 when used with unfaired paddles. Therefore, the AD is being superseded by a new AD to require that the Hiller P/N 36124 cuff be taken out of service before reaching 6,860 hours time in service. The new AD will also clarify the 2,500 hour service life after repair, and will retain the 100 hour inspections required by AD 74-21-05.

Accordingly, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR Part 39) is amended by adding the following new airworthiness directive:

HILLER AVIATION. Applies to Hiller Model UH-12, UH-12A, UH-12B, UH-12C, UH-12D, UH-12E, UH-12E (4-place), (including military Models H-23A, H-23B, H-23C, H-23D, H-23F, OH-23G, HTE-1, HTE-2, and CH112) helicopters, certificated in all categories.

Compliance required as indicated, unless already accomplished.

To detect cracks in the control rotor blade spar tube and cuff and to establish a service life of 6,860 hours for Hiller P/N 36124 cuff used with unfaired paddles accomplish the following:

(a) Within the next 100 hours time in service after the effective date of this AD, unless already accomplished within the last 100 hours time in service and thereafter at intervals not to exceed 100 hours time in service from the last inspection, inspect, replace or repair the control rotor blade spar tube and cuff in accordance with Hiller Aviation Service Bulletin No. 36-1, Revision 2, dated June 19, 1974, or later FAA-approved revisions.

(b) After any repair is accomplished in accordance with Hiller Aviation Service Bulletin No. 36-1, Revision 2, dated June 19, 1974 or later FAA-approved revisions, the control rotor blade spar tube (faired and unfaired) and cuff must be retired before 2,500 additional hours time in service after rework or when the current approved total service life (total service life before repair plus service life after repair) is reached, whichever comes first.

(c) Fabric covered, metal covered, faired and unfaired control rotor blades are not interchangeable and must not be intermixed.

(d) For Hiller P N 36124 cuffs used with unfaired paddles.

(1) Cuffs with more than 6,660 hours time in service, remove and replace with a serviceable part within 200 hours time in service after the effective date of this AD.

(2) Cuffs with less than 6,660 hours time in service, remove and replace with a serviceable part prior to 6,860 hours time in service.

(3) For cuffs for which the prior service history cannot be documented, within the next 25 hours time in service after the effective date of this AD, remove and discard the cuff from service.

(e) Equivalent inspection procedures and repair procedures for Hiller P/N 36124 cuff when used only with unfaired paddles may be approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(f) Special flight permits may be issued in accordance with FAR's 21.197 and 21.199 to operate helicopters to a base for accomplishment of the inspections required by this AD.

This supersedes Amendment 39-1990 (39 FR 36855), AD 74-21-05.

This amendment becomes effective April 7, 1977.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amend by Executive Order 11949, and OMB Circular A-107.

NOTE.—The incorporation by reference in the preceeding document was approved by Director of the Federal Register on June 19, 1967.

Issued in Los Angeles, California on March 24, 1977.

ROBERT H. STANTON,
Director,
FAA Western Region.

[FR Doc.77-9857 Filed 4-1-77;8:45 am]

[Airspace Docket No. 76-GL-38]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

Correction

In FR Doc. 77-5793, appearing on page 11236 of the issue for Monday, February 28, 1977, in the last line of the first paragraph of the Upper Sandusky, Ohio Transition Area, "longtiude 33°18'52" W." should read "longitude 83°18'52" W.".

[Airspace Docket No. 77-RM-1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Establishment of Transition Area; Correction

On February 14, 1977, a notice of proposed rulemaking was published in the FEDERAL REGISTER (42 FR 9029) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the control zone and establish a transition area at Greenwood Village, Colorado. On February 17, 1977, a correction to the Notice of Proposed Rule Making was published in the FEDERAL REGISTER (42 FR 9682) amending the coordinates.

Interested persons were given 30 days in which to submit written comments, suggestions or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date: This amendment shall be effective 0901 G.m.t., June 16, 1977.

Issued in Aurora, Colorado, on March 23, 1977.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

M. M. MARTIN,
Director, Rocky Mountain Region.

On February 2, 1977, a notice of proposed rulemaking was issued and was published at 41 FR 9029, Monday, February 14, 1977, which would establish a transition area and alter the control zone at Greenwood Village, Colorado. The description of the location of the Castle LOM as latitude 39°35'07" N., longitude 104°51'04" W. is changed to latitude 39°27'08" N., longitude 104°50'43" W.

[FR Doc.77-9855 Filed 4-1-77;8:45 am]

[Airspace Docket No. 77-NE-6]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Change in Effective Hours of Control Zone in New England Region

AGENCY: Federal Aviation Administration/DOT (FAA).

ACTION: Final Rule.

SUMMARY: This rule amends the published hours of four New England Region control zones to reflect the actual hours of operation presently published in the Airman's Information Manual (AIM) and published by Notices to Airmen (NOTAM).

EFFECTIVE DATE: April 4, 1977.

ADDRESSES: Federal Aviation Administration, Office of the Regional Counsel, ANE-7, Attn: Rules Docket Clerk, Docket No. 77-NE-6, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT:

Richard G. Carlson, Operations Procedures and Airspace Branch, ANE-536, Air Traffic Division, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803. Telephone (617) 273-7285.

SUPPLEMENTARY INFORMATION: A review of the FEDERAL REGISTER by the Federal Aviation Administration indicates a need for amending the published hours of four New England Region control zones in § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR 71.171) to reflect the actual hours of operation presently published in the Airman's Information Manual (AIM) and published by Notices to Airmen (NOTAM). The four control zones affected by this change are Beverly, Massachusetts; Hyannis, Massachusetts; Manchester, New Hampshire; and Norwood, Massachusetts. Since this change merely reflects the current hours of the respective control zones, it has no adverse effect on any person and notice and public procedure thereon is unnecessary.

Accordingly, the Federal Aviation Administration amends § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR 71.171), effective upon publication in the FEDERAL REGISTER, to change the old effective hours of the Beverly, Massachusetts; Hyannis, Massachusetts; Manchester, New Hampshire; and Norwood, Massachusetts, control zones to the new effective hours as follows:

Section 71.171

	Old hours	New hours
Beverly, Mass.	0700 to 1900	0700 to 2300 (local).
Hyannis, Mass.	0700 to 2300	0600 to 2300 (local).
Manchester, N.H.	0600 to 2400	0600 to 2300 (local).
Norwood, Mass.	0800 to 2000	0700 to 2300 (local).

(Secs. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348(a)) and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Burlington, Massachusetts, on March 25, 1977.

QUENTIN S. TAYLOR,
Director, New England Region.

[FR Doc.77-9863 Filed 4-1-77;8:45 am]

CHAPTER V—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

PART 1206—AVAILABILITY OF AGENCY RECORDS TO MEMBERS OF THE PUBLIC

Freedom of Information Regulations

Pursuant to the authority vested in me by 42 U.S.C. 2473, Subpart 3, § 1206.300 (b)(3), Subpart 4, § 1206.401 (c) and (k), and Subpart 5, § 1206.503(b) of Part 1206 of the National Aeronautics and Space Administration regulations are amended.

The purpose of these amendments is to change Exemption 3 so that it conforms to the Exemption 3 enacted in the Government in the Sunshine Act, Public Law 94-409, Section 5(b), to change the names of two Information Centers and to give authority to the Director of Headquarters Administration to redelegate the initial determination and unusual circumstance determination functions to the Manager or his designee, NASA Resident Procurement Office-JPL.

Since these amendments are concerned with a change in agency practice, as mandated by Public Law 94-409, Section 5(b) and changes in agency organization, notice and public procedure thereon is not required.

Subpart 3—Exemptions

14 CFR Part 1206 is amended as follows:

1. In Subpart 3, § 1206.300(b)(3) is revised to read as follows:

§ 1206.300 Exemptions.

• • • • • •

(b) • • •

(3) Specifically exempted from disclosure by any statute (other than Title 5, United States Code, Section 552), provided that such statute (i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

• • • • • •

Subpart 4—Location for Inspection and Request of Agency Records

2. In Subpart 4, § 1206.401 (c) and (k) are revised as follows:

§ 1206.401 Location of NASA Information Centers.

• • • • • •

(c) NASA Information Center, Hugh L. Dryden Flight Research Center, Post Office Box 273, Edwards, CA 93523.

• • • • • •

(k) NASA Information Center, NASA Resident Procurement Office—JPL, 4800 Oak Grove Drive, Pasadena, CA 91103.

• • • • • •

Subpart 5—Responsibilities

3. In Subpart 5, § 1206.503(b) is revised to read as follows:

§ 1206.503 NASA Headquarters.

• • • • • •

(b) The functions set forth in paragraphs (a) (2) and (3) of this section may be delegated by the Director of Headquarters Administration to a Public Affairs Officer designated by the Assistant Administrator for Public Affairs and to the Manager or his/her designee, NASA Resident Procurement Office—JPL.

Effective Date: These amendments to Subpart 3, § 1206.300(b)(3), Subpart 4, § 1206.401 (c) and (k), and Subpart 5, § 1206.503(b) become effective on March 12, 1977.

JAMES C. FLETCHER,
Administrator.

[FR Doc.77-9919 Filed 4-1-77;8:45 am]

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

PART 51—PASSPORTS

Subpart A—General

VALIDITY OF DIPLOMATIC PASSPORTS

Subpart A of Part 51, Chapter 1, 22 CFR, is amended to limit the period of validity of diplomatic passports. Section 51.4 paragraph (d) is amended to read as follows:

§ 51.4 Validity of passports.

• • • • • •

(d) *Period of validity of a diplomatic passport.* A diplomatic passport issued on or after January 1, 1977 is valid for a period of five (5) years or so long as the bearer maintains his/her diplomatic status, whichever is shorter. A diplomatic passport which has not expired must be returned to the Department upon the termination of the bearer's diplomatic status or at such other time as the Secretary shall determine. Any outstanding diplomatic passport issued before January 1, 1977 will expire effective December 31, 1977.

(Section 1, 44 Statute 887, Section 4, 63 Statute 111, as amended; 22 U.S.C. 211a, 2658; Executive Order 11295, 36 FR 10603; 3 CFR 1966-70 Comp., page 507.)

Since, under 22 CFR 51.3(c), a diplomatic passport can only be issued "to a Foreign Service Officer, a person in the diplomatic service or to a person having diplomatic status either because of the nature of his foreign mission or by reason of the office he holds," the publication of the general notice of proposed rulemaking has been dispensed with under Clause (B) of 5 U.S.C. 553(b) as unnecessary. For the same reasons, the amendment falls within the exception

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provided in 5 U.S.C. 553(d)(3) and shall be effective April 4, 1977.

For the Secretary of State.

ROBERT T. HENNEMEYER,
Acting Administrator, Bureau of Security and Consular Affairs.

[FR Doc.77-9916 Filed 4-1-77;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7477]

PART 7—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1976

Expenditures To Remove Architectural and Transportation Barriers to Handicapped and Elderly

AGENCY: Internal Revenue Service, Treasury.

ACTION: Interim regulations.

SUMMARY: This document provides interim regulations relating to expenditures to remove architectural and transportation barriers to the handicapped and elderly. Changes to the applicable tax law were made by the Tax Reform Act of 1976. These regulations may affect persons who make expenditures to remove architectural and transportation barriers to the handicapped and elderly and provide them with the guidance needed to comply with the law. In addition, the regulations promulgated by this document are proposed to be prescribed as final regulations.

EFFECTIVE DATES: The interim regulations are effective for taxable years beginning after December 31, 1976, and the final regulations are proposed to be effective for taxable years beginning after December 31, 1976. Written comments and requests for a public hearing must be delivered or mailed by

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

John M. Coulter, Jr., of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224. (Attention: CC:LR:T). (202-556-3346).

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document contains interim income tax regulations under part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1954. These amendments conform the Temporary Income Tax Regulations under the Tax Reform Act of 1976 (26 CFR Part 7) to section 2122 of the Tax Reform Act of 1976 (90 Stat. 1914). They are issued under the authority contained in sections 190 and 7805 of the Internal Revenue Code of 1954 (90 Stat. 1914 and 68A Stat. 917; 26 U.S.C. 190 and 7805). In addition, the regulations promulgated in this document are proposed to be prescribed as final Income Tax Regulations (26 CFR Part 1) under section 190 of the Internal Revenue Code of 1954. The amendments are proposed to conform the Income Tax Regulations to section 2122 of the Tax Reform Act of 1976 (90 Stat. 1914). They are also to be issued under the authority contained in sections 190 and 7805 of the Internal Revenue Code of 1954 (90 Stat. 1914 and 68A Stat. 917; 26 U.S.C. 190 and 7805).

EXPLANATION OF PROVISIONS

Section 2122 of the Tax Reform Act of 1976 added section 190 to the Code. Section 190 provides that a taxpayer may elect to deduct certain amounts paid or incurred by him in any taxable year beginning after December 31, 1976, and before January 1, 1980, for qualified architectural and transportation barrier removal expenses. The deduction is allowed for certain expenses for the purpose of making any facility, or public transportation vehicle, owned or leased by the taxpayer for use in connection with his trade or business more accessible to, or usable by, handicapped or elderly individuals.

Under the interim regulations, the term "facility" means all or any portion of buildings, structures, equipment, roads, walks, parking lots, or similar real or personal property. Further, a "public transportation vehicle" is defined as a vehicle, such as a bus, a railroad car, or other conveyance, whether publicly or privately owned, which provides to the public general or special transportation service. This includes service rendered to the customers of a taxpayer who is not in the trade or business of rendering transportation services. The term "handicapped individual" means any individual who has (1) a physical or mental disability (including, but not limited to, blindness or deafness) which for that individual constitutes or results in a functional limitation to employment, or (2) a physical or mental impairment (including, but not limited to, a sight or hearing impairment) which substantially limits one or more of the individual's major life activities. Examples of these activities are performing manual tasks, walking, speaking, breathing, learning, and working. An "elderly individual" is one age 65 or over.

To qualify for the deduction, the taxpayer must establish, to the satisfaction of the Commissioner or his delegate, that the removal of a barrier conforms a facility or public transportation vehicle to one or more of the standards set forth in the interim regulations. The interim regulations also provide that qualified expenses include only expenses specifically attributable to the removal of an existing architectural or transportation barrier. These expenses do not include any part of an expense in connection with the construction or comprehensive renovation of a facility or public transportation vehicle or the normal replacement of depreciable property.

The amount deductible under section 190 for any taxable year is limited to $25,000. Under the interim regulations, the maximum deduction for a taxpayer (including an affiliated group of corporations filing a consolidated return) for any taxable year is $25,000. The $25,000 limitation applies to a partnership and to each partner. The interim regulations further provide that expenditures for a taxable year in excess of this amount are to be treated as capital expenditures and constitute adjustments to basis under section 1016(a). A special rule applies where a partner's expenditures exceed $25,000.

The election to deduct qualified architectural and transportation barrier removal expenses is made by claiming the deduction as a separate item identified as such on the taxpayer's income tax return for the taxable year for which the election applies. The return must be filed not later than the time prescribed by law for filing the return (including extensions). Once made, an election is irrevocable and applies to all qualified expenditures paid or incurred during the taxable year up to the limitation. If such expenditures exceed $25,000, the taxpayer elects which expenditures comprise those deducted. An electing taxpayer must have available records and documentation of all the facts necessary to determine the amount deductible pursuant to the election, as well as the amount of any adjustment to basis required to be made for expenditures exceeding the $25,000 limit.

STATUTORY CONCURRENCE

The Architectural and Transportation Barriers Compliance Board has concurred in the standards set forth in this interim regulation.

COMMENTS AND REQUESTS FOR A PUBLIC HEARING

Before adoption of the final regulations proposed in this document, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the FEDERAL REGISTER.

DRAFTING INFORMATION

The principal author of this regulation was John M. Coulter, Jr. of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

Accordingly, the following interim regulations are adopted:

1. Section 7.190-1 is added to read as set forth below.

§ 7.190-1 Expenditures to remove architectural and transportation barriers to the handicapped and elderly.

(a) *In general.* Under section 190 of the Internal Revenue Code of 1954, a taxpayer may elect, in the manner provided in § 7.190-3 of this chapter, to deduct certain amounts paid or incurred by him in any taxable year beginning after December 31, 1976, and before January 1, 1980, for qualified architectural and transportation barrier removal expenses (as defined in § 7.190-2(b) of this chapter). In the case of a partnership, the election shall be made by the partnership. The election applies to expenditures paid or incurred during the taxable year which (but for the election) are chargeable to capital account.

(b) *Limitation.* The maximum deduction for a taxpayer (including an affiliated group of corporations filing a consolidated return) for any taxable year is $25,000. The $25,000 limitation applies to a partnership and to each partner. Expenditures paid or incurred in a taxable year in excess of the amount deductible under section 190 for such taxable year are capital expenditures and are adjustments to basis under section 1016(a). A partner must combine his distributive share of the partnership's deductible expenditures (after application of the $25,000 limitation at the partnership level) with that partner's distributive share of deductible expenditures from any other partnership plus that partner's own section 190 expenditures, if any (if he makes the election with respect to his own expenditures), and apply the partner's $25,000 limitation to the combined total to determine the aggregate amount deductible by that partner. In so doing, the partner may allocate the partner's $25,000 limitation among the partner's own section 190 expenditures and the partner's distributive share of partnership dedctible expenditures in any manner. If such allocation results in all or a portion of the partner's distributive share of a partnership's deductible expenditures not being an allowable deduction by the partner, the partnership may capitalize such unallowable portion by an appropriate adjustment to the basis of the relevant partnership property under section 1016. For purposes of adjustments to the basis of properties held by a partnership, however, it shall be presumed that each partner's distributive share of partnership deductible expenditures (after application of the $25,000 limitation at the partnership level) was allowable in full to the partner. This presumption can be rebutted only by clear and convincing evidence that all or any portion of a partner's distributive share of the partnership section 190 deduction was not allowable as a deduction to the partner because it exceeded that partner's $25,000 limitation as allocated by him. For example, suppose for 1978 A's distributive share of the ABC partnership's deductible section 190 expenditures (after application of the $25,000 limitation at the partnership level) is $15,000. A also made section 190 expenditures of $20,000 in 1978 which he elects to deduct. A allocates $10,000 of his $25,000 limitation to his distributive share of the ABC expenditures and $15,000 to his own expenditures. A may capitalize the excess $5,000 of his own expenditures. In addition, if ABC obtains from A evidence which meets the requisite burden of proof, it may capitalize the $5,000 of A's distributive share which is not allowable as a deduction to A.

2. Section 7.190-2 is added to read as set forth below.

§ 7.190-2 Definitions.

For purposes of section 190 and the regulations thereunder—

(a) *Architectural and transportation barrier removal expenses.* The term "architectural and transportation barrier removal expenses" means expenditures for the purpose of making any facility, or public transportation vehicle, owned or leased by the taxpayer for use in connection with his trade or business more accessible to, or usable by, handicapped individuals or elderly individuals. For purposes of this section—

(1) The term "facility" means all or any portion of buildings, structures, equipment, roads, walks, parking lots, or similar real or personal property.

(2) The term "public transportation vehicle" means a vehicle, such as a bus, a railroad car, or other conveyance, which provides to the public general or special transportation service (including such service rendered to the customers of a taxpayer who is not in the trade or business of rendering transportation services).

(3) The term "handicapped individual" means any individual who has—

(i) A physical or mental disability (including, but not limited to, blindness or deafness) which for such individual constitutes or results in a functional limitation to employment, or

(ii) A physical or mental impairment (including, but not limited to, a sight or hearing impairment) which substantially limits one or more of such individual's major life activities, such as performing manual tasks, walking, speaking, breathing, learning, or working.

(4) The term "elderly individual" means an individual age 65 or over.

(b) *Qualified architectural and transportation barrier removal expense*—(1) *In general.* The term "qualified architectural and transportation barrier removal expense" means an architectural or transportation barrier removal expenses (as defined in paragraph (a) of this section) with respect to which the taxpayer establishes, to the satisfaction of the Commissioner or his delegate, that the resulting removal of any such barrier conforms a facility or public transportation vehicle to all the requirements set forth in one or more of paragraphs (b)(2) through (22) of this section or in one or more of the subdivisions of paragraph (b)(20) or (21). Such term includes only expenses specifically attributable to the removal of an existing architectural or transportation barrier. It does not include any part of any expense paid or incurred in connection with the construction or comprehensive renovation of a facility or public transportation vehicle or the normal replacement of depreciable property. Such term may include expenses of construction, as, for example, the construction of a ramp to remove the barrier posed for wheelchair users by steps. Major portions of the standards set forth in this paragraph were adapted from "American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by the Physically Handicapped" (1971), the copyright for which is held by the American National Standards Institute, 1430 Broadway, New York, New York 10018.

(2) *Grading.* The grading of ground, even contrary to existing topography, shall attain a level with a normal entrance to make a facility accessible to individuals with physical disabilities.

(3) *Walks.* (i) A public walk shall be at least 48 inches wide and shall have a gradient not greater than 5 percent. A walk of maximum or near maximum grade and of considerable length shall have level areas at regular intervals. A walk or driveway shall have a nonslip surface.

(ii) A walk shall be of a continuing common surface and shall not be interrupted by steps or abrupt changes in level.

(iii) Where a walk crosses a walk, a driveway, or a parking lot, they shall blend to a common level. However, the preceding sentence does not require the elimination of those curbs which are a safety feature for the handicapped, particularly the blind.

(iv) An inclined walk shall have a level platform at the top and at the bottom. If a door swings out onto the platform toward the walk, such platform shall be at least 5 feet deep and 5 feet wide. If a door does not swing onto the platform or toward the walk, such platform shall be at least 3 feet deep and 5 feet wide. A platform shall extend at least 1 foot beyond the strike jamb side of any doorway.

(4) *Parking lots.* (i) At least one parking space that is accessible and approximate to a facility shall be set aside and identified for use by the handicapped.

(ii) A parking space shall be open on one side to allow room for individuals in wheelchairs and individuals on braces or crutches to get in and out of an automobile onto a level surface which is suitable for wheeling and walking.

(iii) A parking space for the handicapped, when placed between two conventional diagonal or head-on parking spaces, shall be at least 12 feet wide.

(iv) A parking space shall be positioned so that individuals in wheelchairs and individuals on braces or crutches need not wheel or walk behind parked cars.

(5) *Ramps.* (i) A ramp shall not have a slope greater than 1 inch rise in 12 inches.

(ii) A ramp shall have at least one handrail that is 32 inches in height, measured from the surface of the ramp, that is smooth, and that extends 1 foot

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beyond the top and bottom of the ramp. However, the preceding sentence does not require a handrail extension which is itself a hazard.

(iii) A ramp shall have a nonslip surface.

(iv) A ramp shall have a level platform at the top and at the bottom. If a door swings out onto the platform or toward the ramp, such platform shall be at least 5 feet deep and 5 feet wide. If a door does not swing onto the platform or toward the ramp, such platform shall be at least 3 feet deep and 5 feet wide. A platform shall extend at least 1 foot beyond the strike jamb side of any doorway.

(v) A ramp shall have level platforms at not more than 30-foot intervals and at any turn.

(vi) A curb ramp shall be provided at an intersection. The curb ramp shall not be less than 4 feet wide; it shall not have a slope greater than 1 inch rise in 12 inches. The transition between the two surfaces shall be smooth. A curb ramp shall have a nonslip surface.

(6) *Entrances.* A building shall have at least one primary entrance which is usable by individuals in wheelchairs and which is on a level accessible to an elevator.

(7) *Doors and doorways.* (i) A door shall have a clear opening of no less than 32 inches and shall be operable by a single effort.

(ii) The floor on the inside and outside of a doorway shall be level for a distance of at least 5 feet from the door in the direction the door swings and shall extend at least 1 foot beyond the strike jamb side of the doorway.

(iii) There shall be no sharp inclines or abrupt changes in level at a doorway. The threshold shall be flush with the floor. The door closer shall be selected, placed, and set so as not to impair the use of the door by the handicapped.

(8) *Stairs.* (i) Stairsteps shall have round nosing of between 1 and 1½-inch radius.

(ii) Stairs shall have a handrail 32 inches high as measured from the tread at the face of the riser.

(iii) Stairs shall have at least one handrail that extends at least 18 inches beyond the top step and beyond the bottom step. The preceding sentence does not require a handrail extension which is itself a hazard.

(iv) Steps shall have risers which do not exceed 7 inches.

(9) *Floors.* (i) Floors shall have a nonslip surface.

(ii) Floors on a given story of a building shall be of a common level or shall be connected by a ramp in accordance with subparagraph (5) of this paragraph.

(10) *Toilet rooms.* (i) A toilet room shall have sufficient space to allow traffic of individuals in wheelchairs.

(ii) A toilet room shall have at least one toilet stall that—

(A) Is at least 36 inches wide;

(B) Is at least 56 inches deep;

(C) Has a door, if any, that is at least 32 inches wide and swings out;

(D) Has handrails on each side, 33 inches high and parallel to the floor, 1½ inches in outside diameter, 1½ inches clearance between rail and wall, and fastened securely at ends and center; and

(E) Has a water closet with a seat 19 to 20 inches from the finished floor.

(iii) A toilet room shall have, in addition to or in lieu of a toilet stall described in (ii), at least one toilet stall that—

(A) Is at least 66 inches wide;

(B) Is at least 60 inches deep;

(C) Has a door, if any, that is at least 32 inches wide and swings out;

(D) Has a handrail on one side, 33 inches high and parallel to the floor, 1½ inches in outside diameter, 1½ inches clearance between rail and wall, and fastened securely at ends and center; and

(E) Has a water closet with a seat 19 to 20 inches from the finished floor, centerline located 18 inches from the side wall on which the handrail is located.

(iv) A toilet room shall have lavatories with narrow aprons. Drain pipes and hot water pipes under a lavatory shall be covered or insulated.

(v) A mirror and a shelf above a lavatory shall be no higher than 40 inches above the floor, measured from the top of the shelf and the bottom of the mirror.

(vi) A toilet room for men shall have wall-mounted urinals with the opening of the basin 15 to 19 inches from the finished floor or shall have floor-mounted urinals that are level with the main floor of the toilet room.

(vii) Towel racks, towel dispensers, and other dispensers and disposal units shall be mounted no higher than 40 inches from the floor.

(11) *Water fountains.* (i) A water fountain and a cooler shall have upfront spouts and controls.

(ii) A water fountain and a cooler shall be hand-operated or hand-and-foot-operated.

(iii) A water fountain mounted on the side of a floor-mounted cooler shall not be more than 30 inches above the floor.

(iv) A wall-mounted, hand-operated water cooler shall be mounted with the basin 36 inches from the floor.

(v) A water fountain shall not be fully recessed and shall not be set into an alcove unless the alcove is at least 36 inches wide.

(12) *Public telephones.* (i) A public telephone shall be placed so that the dial and the headset can be reached by individuals in wheelchairs.

(ii) A public telephone shall be equipped for those with hearing disabilities and so identified with instructions for use.

(iii) Coin slots of public telephones shall be not more than 48 inches from the floor.

(13) *Elevators.* (i) An elevator shall be accessible to, and usable by, the handicapped or the elderly on the levels they use to enter the building and all levels and areas normally used.

(ii) Cab size shall allow for the turning of a wheelchair. It shall measure at least 54 by 68 inches.

(iii) Door clear opening width shall be at least 32 inches.

(iv) All essential controls shall be within 48 to 54 inches from cab floor. Such controls shall be usable by the blind and shall be tactilely identifiable.

(14) *Controls.* Switches and controls for light, heat, ventilation, windows, draperies, fire alarms, and all similar controls of frequent or essential use, shall be placed within the reach of individuals in wheelchairs. Such switches and controls shall be no higher than 48 inches from the floor.

(15) *Identification.* (i) Raised letters or numbers shall be used to identify a room or an office. Such identification shall be placed on the wall to the right or left of the door at a height of 54 inches to 66 inches, measured from the finished floor.

(ii) A door that might prove dangerous if a blind person were to exit or enter by it (such as a door leading to a loading platform, boiler room, stage, or fire escape) shall be tactilely identifiable.

(16) *Warning signals.* (i) An audible warning signal shall be accompanied by a simultaneous visual signal for the benefit of those with hearing disabilities.

(ii) A visual warning signal shall be accompanied by a simultaneous audible signal for the benefit of the blind.

(17) *Hazards.* Hanging signs, ceiling lights, and similar objects and fixtures shall be placed at a minimum height of 7 feet, measured from the floor.

(18) *International accessibility symbol.* The international accessibility symbol (see illustration) shall be displayed on routes to and at wheelchair-accessible entrances to facilities and public transportation vehicles.



(19) *Additional standards for rail facilities.* (i) A rail facility shall contain a fare control area with at least one entrance with a clear opening of at least 36 inches wide.

(ii) A boarding platform edge bordering a drop-off or other dangerous condition shall be marked with a warning device consisting of a strip of floor material differing in color and texture from the remaining floor surface. The gap between boarding platform and vehicle doorway shall be minimized.

(20) *Standards for buses.* (i) A bus shall have a level change mechanism (e.g., lift or ramp) to enter the bus and sufficient clearance to permit a wheelchair user to reach a secure location.

(ii) A bus shall have a wheelchair securement device. However, the preceding sentence does not require a wheelchair securement device which is itself a barrier or hazard.

(iii) The vertical distance from a curb or from street level to the first front door step shall not exceed 8 inches; the riser height for each front doorstep after the first step up from the curb or street level shall also not exceed 8 inches; and the tread depth of steps at front and rear doors shall be no less than 12 inches.

(iv) A bus shall contain clearly legible signs that indicate that seats in the front of the bus are priority seats for handicapped or elderly persons, and that encourage other passengers to make such seats available to handicapped and elderly persons who wish to use them.

(v) Handrails and stanchions shall be provided in the entranceway to the bus in a configuration that allows handicapped and elderly persons to grasp such assists from outside the bus while starting to board and to continue to use such assists throughout the boarding and fare collection processes. The configuration of the passenger assist system shall include a rail across the front of the interior of the bus located to allow passengers to lean against it while paying fares. Overhead handrails shall be continuous except for a gap at the rear doorway.

(vi) Floors and stens shall have nonslip surfaces. Step edges shall have a band of bright contrasting color running the full width of the step.

(vii) A stepwell immediately adjacent to the driver shall have, when the door is open, at least 2 foot-candles of illumination measured on the step tread. Other stepwells shall have, at all times, at least 2 foot-candles of illumination measured on the step tread.

(viii) The doorways of the bus shall have outside lighting that provides at least 1 foot-candle of illumination on the street surface for a distance of 3 feet from all points on the bottom step tread edge. Such lighting shall be located below window level and shall be shielded to protect the eyes of entering and exiting passengers.

(ix) The fare box shall be located as far forward as practicable and shall not obstruct traffic in the vestibule.

(21) *Standards for rapid and light rail vehicles.* (i) Passenger doorways on the vehicle sides shall have clear openings at least 32 inches wide.

(ii) Audible or visual warning signals shall be provided to alert handicapped and elderly persons of closing doors.

(iii) Handrails and stanchions shall be sufficient to permit safe boarding, onboard circulation, seating and standing assistance, and unboarding by handicapped and elderly persons. On a level-entry vehicle, handrails, stanchions, and seats shall be located so as to allow a wheelchair user to enter the vehicle and position the wheelchair in a location which does not obstruct the movement of other passengers. On a vehicle that requires the use of steps in the boarding process, handrails and stanchions shall be provided in the entranceway to the vehicle in a configuration that allows handicapped and elderly persons to grasp such assists from outside the vehicle while starting to board, and to continue using such assists throughout the boarding process.

(iv) Floors shall have nonslip surfaces. Step edges on a light rail vehicle shall have a band of bright contrasting color running the full width of the step.

(v) A stepwell immediately adjacent to the driver shall have, when the door is open, at least 2 foot-candles of illumination measured on the step tread. Other stepwells shall have, at all times, at least 2 foot-candles of illumination measured on the step tread.

(vi) Doorways on a light rail vehicle shall have outside lighting that provides at least 1 foot-candle of illumination on the street surface for a distance of 3 feet from all points on the bottom step tread edge. Such lighting shall be located below window level and shall be shielded to protect the eyes of entering and exiting passengers.

(22) *Other barrier removals.* The provisions of this subparagraph apply to any barrier which would not be removed by compliance with paragraphs (b)(2) through (21) of this section. The requirements of this subparagraph are:

(i) A substantial barrier to the access to or use of a facility or public transportation vehicle by handicapped or elderly individuals is removed;

(ii) The barrier which is removed had been a barrier for one or more major classes of such individuals (such as the blind, deaf, or wheelchair users); and

(iii) The removal of that barrier is accomplished without creating any new barrier that significantly impairs access to or use of the facility or vehicle by such class or classes.

3. Section 7.190–3 is added to read as set forth below:

§ 7.190–3 Election to deduct architectural and transportation barrier removal expenses.

(a) *Manner of making election.* The election to deduct expenditures for removal of architectural and transportation barriers provided by section 190(a) shall be made by claiming the deduction as a separate item identified as such on the taxpayer's income tax return for the taxable year for which such election is to apply (or, in the case of a partnership, to the return of partnership income for such year). For the election to be valid, the return must be filed not later than the time prescribed by law for filing the return (including extensions thereof) for the taxable year for which the election is to apply.

(b) *Scope of election.* An election under section 190(a) shall apply to all expenditures described in § 7.190–2 (or, in the case of a taxpayer whose architectural and transportation barrier removal expenses exceed $25,000 for the taxable year, to the $25,000 of such expenses with respect to which the deduction is claimed) paid or incurred during the taxable year for which made and shall be irrevocable after the date by which any such election must have been made.

(c) *Records to be kept.* In any case in which an election is made under section 190(a), the taxpayer shall have available, for the period prescribed by paragraph (e) of § 1.6001–1 of this chapter (Income Tax Regulations), records and documentation, including architectural plans and blueprints, contracts, and any building permits, of all the facts necessary to determine the amount of any deduction to which he is entitled by reason of the election, as well as the amount of any adjustment to basis made for expenditures in excess of the amount deductible under section 190.

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Secs. 190 and 7805 of the Internal Revenue Code of 1954 (90 Stat. 1914 and 68A Stat. 917; 26 U.S.C. 190 and 7805).)

WILLIAM E. WILLIAMS,
Acting Commissioner of Internal Revenue.

Approved: March 28, 1977.

LAURENCE N. WOODWORTH,
Assistant Secretary of the Treasury.

[FR Doc.77-9995 Filed 3-30-77;4:50 pm]

SUBCHAPTER C—EMPLOYMENT TAXES

[T.D. 7476]

PART 31—EMPLOYMENT TAXES

PART 33—EMPLOYMENT TAX REGULATIONS

Repayment of Interest in Case of Certain Retroactive Elections of Social Security Coverage by Tax-Exempt Organizations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to repayment of interest in the case of certain retroactive elections of FICA coverage by tax-exempt organizations. These regulations clarify the circumstances under which a waiver certificate electing retroactive social security coverage for the employees of an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 will be considered filed with the Internal Revenue Service.

DATE: The regulations apply in the case of certain waiver certificates electing retroactive social security coverage that are furnished to the Internal Revenue Service after February 12, 1976.

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FOR FURTHER INFORMATION CONTACT:

William E. Mantle of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3734).

SUPPLEMENTAL INFORMATION:

BACKGROUND

On February 13, 1976, the FEDERAL REGISTER published proposed amendments to the Employment Tax Regulations (26 CFR Part 31) under section 3121(k) of the Internal Revenue Code of 1954, 41 FR 6776. The amendments were proposed in order to clarify the regulations under section 3121(k) of the Code (relating to the waiver of exemption from social security taxes by religious, charitable, and certain other organizations). After consideration of all comments regarding the proposed amendments, those amendments are adopted as revised by this Treasury decision. This Treasury decision also supersedes Part 33 of the Employment Tax Regulations under 26 U.S.C. 3121(k) (relating to waiver of exemption by religious, charitable, and certain other organizations (26 CFR Part 33)).

IN GENERAL

The amendment adds a new rule to § 31.3121(k)-1(c)(4) for determining when a waiver certificate electing retroactive social security coverage for the employees of an organization described in section 501(c)(3) of the Code is to be considered filed with the Internal Revenue Service. The amendment applies in those cases where an organization has filed a claim for credit or refund of social security taxes based on its exemption from paying those taxes. It provides that the organization must first repay interest it has received in connection with the claim for credit or refund. However, the interest received by the organization must be repaid only to the extent it relates to taxes for which the organization would be liable by reason of the waiver certificate. In the case of a waiver certificate that has been filed prior to the payment of such a refund to the organization, no credit or refund in respect of the taxes for which the certificate waives the exemption is allowable.

DATE CERTIFICATE CONSIDERED FILED

The certificate is to be considered filed on the date it was originally furnished to the Internal Revenue Service if the interest has been repaid on or before the last day of the calendar month following the calendar quarter in which it is furnished. If the repayment occurs after such day, the certificate is to be considered filed on the date the interest is actually repaid.

EFFECTIVE DATE

Due to administrative and equitable considerations, it was decided to modify the proposed rule to apply only in those cases where the waiver certificate electing retroactive social security coverage is furnished by the organization to the Internal Revenue Service after February 12, 1976.

DRAFTING INFORMATION

The principal author of this regulation was William E. Mantle of the Legislation and Regulations Division, of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

Accordingly, 26 CFR Part 33, Employment Tax Regulations, Temporary Employment Tax Regulations under 26 U.S.C. 3121(k) (relating to waiver of exemption by religious, charitable, and certain other organizations), adopted in T.D. 7405, is hereby superseded and reserved, and 26 CFR Part 31 is amended by adding at the end of paragraph (c)(4) of § 31.3121(k)-1 the following new sentences:

§ 31.3121(k)-1 Waiver of exemption from taxes.

• • • • • •

(c) *Effect of waiver.* • • •

(4) *Administrative provisions applicable when certificate has retroactive effect.* • • • A waiver certificate (as described in section 3121(k)(1) and this section) furnished to the Internal Revenue Service after February 12, 1976, shall not be considered filed with the Internal Revenue Service unless interest paid to the organization (or credited to its account) in connection with a claim for credit or refund of taxes, which claim was based upon the exemption from taxes the organization is waiving by such certificate, is repaid. The interest so paid must be repaid only to the extent such interest relates to any taxes for which the organization or its employees would be liable by reason of the waiver certificate. Furthermore, when a waiver certificate has been filed prior to the payment of a refund of taxes based upon the exemption from taxes the organization in waiving, no credit or refund in respect of the taxes for which the exemption has been waived shall be allowed. If repayment of the interest is made as required by this subparagraph, on or before the last day of the calendar month following the calendar quarter in which the certificate is furnished to the Internal Revenue Service, such certificate shall be considered to have been filed on the date it was originally furnished. If repayment occurs after that day, such certificate shall be considered to have been filed on the date of the repayment. References in this subparagraph to a waiver certificate refer also to any supplement to such a certificate.

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PART 33—[RESERVED]

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

WILLIAM E. WILLIAMS,
Acting Commissioner of Internal Revenue.

Approved: March 14, 1977.

LAURENCE N. WOODWORTH,
Assistant Secretary of the Treasury.

[FR Doc.77-9994 Filed 4-1-77;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74-194]

PART 110—ANCHORAGE REGULATIONS

Anchorage Grounds, Port of New York, N.Y.; Correction

In FR Doc. 76-25037 appearing at page 36018 in the FEDERAL REGISTER of August 26, 1976, paragraph (c)(5) of § 110.155 appearing on page 36019 is corrected in the eighth line by substituting longitude 73°59'18" W. in place of longitude 73° 59'13" W.

Dated: March 29, 1977.

O. W. SILER,
Admiral, U.S. Coast Guard, Commandant.

[FR Doc.71-9923 Filed 4-1-77;8:45 am]

Title 35—Panama Canal

CHAPTER I—CANAL ZONE REGULATIONS

PART 7—CLAIMS OF EMPLOYEES OF PANAMA CANAL COMPANY AND CANAL ZONE GOVERNMENT UNDER MILITARY PERSONNEL AND CIVILIAN EMPLOYEES' CLAIMS ACT OF 1964, AS AMENDED

Settlement of Employee Claims

This document revises 35 CFR Part 7 which governs the settlement of claims by employees of the Panama Canal Company and Canal Zone Government for loss of or damage to personal property under the Military Personnel and Civilian Employees Claims Act of 1964, 31 U.S.C. §§ 240-243. The substantive changes include (i) a provision for use of replacement cost, rather than purchase price, to determine the value of the property for which claim is made; (ii) extension of the regulations to cover claims for losses due to vandalism that is found to be politically motivated; and (iii) reduction from ten dollars to one dollar of the minimum amount for which a claim may be filed. The document also revises the regulations to show changes in the titles of agency personnel who handle the claims, to conform with amendments in the statute, to delete a section made obsolete by Pub. L. 91-311 which repealed a report-to-Congress requirement, and to restate portions of the text for purposes of clarity.

Accordingly, 35 CFR Part 7 is amended as follows:

1. By revising paragraphs (d), (e) and (f) of § 7.1 to read as follows:

§ 7.1 Definitions.

• • • • • •

(d) "Financial Vice President" means the Financial Vice President of the Panama Canal Company acting for and in behalf of that agency or for and in behalf of the Canal Zone Government, as the case may be;

(e) "Chief Accountant" means Chief Accountant of the Panama Canal Company acting for and in behalf of that agency or for and in behalf of the Canal Zone Government, as the case may be;

(f) "Chief, Claims Branch," means the Chief of the Claims Branch, Accounting Division, of the Panama Canal Company acting for and in behalf of that agency or for and in behalf of the Canal Zone Government, as the case may be.

2. By revising the title and text of § 7.2 to read as follows:

§ 7.2 Applicability and scope.

Pursuant to the Act, the Government will settle and pay claims by employees for the loss of or damage to personal property which occurs incident to Government service. Each such claim must be substantiated and the possession of the property must be shown to have been reasonable, useful, or proper under the circumstances. The maximum amount allowable on any claim is $15,000. In lieu of a cash settlement, property may be replaced in kind at the option of the Government.

3. By redesignating paragraphs (d), (e) and (f) of § 7.5 as paragraphs (e), (f) and (g); by revising the introductory paragraph and paragraph (c) and by inserting a new paragraph (d), the three last-mentioned paragraphs to read as follows:

§ 7.5 Principal types of claims payable.

The following examples are illustrative of the circumstances or situations out of which compensable claims may arise. Loss or damage due to other causes may also be payable under these regulations.

• • • • • •

(c) Damage to or loss of property, including vehicles, trailers, and property contained therein, which:

(1) Is incident to the performance of duty and is sustained as a result of or in connection with civil disturbance, public disorder, efforts to save human life or Government property, or a natural or other disaster; or

(2) Occurs in the Canal Zone and results from vandalism that is determined to have been politically motivated.

(d) Damage to or loss of property which is incident to the performance of duty, *Provided*, That such damage or loss results from an incident that is not attributable to a common or usual risk of the claimant's employment.

• • • • • •

§ 7.6 [Amended]

4. By deleting the figures "$10" from paragraph (a) of §7.6 and substituting therefor the words "one dollar"; by deleting the phrase "under § 7.5 (c) or (f)" from paragraph (g) of § 7.6 and substituting therefor the phrase "under § 7.5 (c) or (g)".

5. By revising § 7.8 to read as follows:

§ 7.8 Computation of award.

(a) *Lost or destroyed property.* The amount allowable for an item of property that is lost or destroyed may not exceed its actual value at the time the loss occurs. Such value may be based upon the replacement cost at the place where claimant resides when award is made, subject to appropriate depreciation to reflect the age and condition of the item at the time of loss and to reduction for salvage value, if any. Property is considered "destroyed", for purposes of this section, if the cost of repairs would exceed the value of the property immediately prior to the incident out of which the claim arose.

(b) *Damaged property.* Normally the amount allowable for damaged property will be the cost of repairs, unless it is determined to be in the best interests of the Government to authorize a higher award.

(c) *Special limitations.* There is reserved to the Chief, Claims Branch, subject to the supervision of the Chief Accountant, the authority to fix the maximum amount payable for specific classes of articles, to establish limitations on the maximum quantity of an item for which payment will be allowed, and, when appropriate, to require that repairs be made by the Government.

6. By revising § 7.9 to read as follows:

§ 7.9 Claims procedure.

The claimant must submit his claim in writing on a prescribed form covering employees claims for loss of or damage to personal property. The form should be sent to the Chief, Claims Branch, Office of the Financial Vice President, Panama Canal Company, Balboa Heights, Canal Zone. Copies of the required form may be obtained from the Claims Branch.

7. By revising the introductory paragraph and paragraph (a) of § 7.10 to read as follows:

§ 7.10 Supporting papers.

In addition to the information provided on the claim form, the claimant may be required to furnish the following:

(a) Detailed estimates of the value of the property immediately before the incident out of which the claim arose and detailed estimates of the repair costs.

• • • • • •

8. By revising § 7.11 to read as follows:

§ 7.11 Settlement.

Upon receipt of a claim under the regulations in this part, the Chief, Claims Branch, subject to the supervision of the Chief Accountant, shall make a determination with respect to its merits and, if allowable, authorize payment. If the claim is disallowed in whole or in part, the claimant shall be advised in writing as to the reason for the disallowance. The settlement determination by the Chief, Claims Branch, is final and conclusive.

§ 7.13 [Revoked]

9. By revoking § 7.13.

Effective date: These amendments are effective March 1, 1977, and apply to claims arising after February 28, 1977.

(Secs. 2-4, 78 Stat. 767, as amended (31 U.S.C. §§ 241-43).)

Dated: March 18, 1977.

RICHARD L. HUNT,
Acting Governor of the Canal Zone, Vice President, Panama Canal Company.

[FR Doc.77-9901 Filed 4-1-77;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 221—TIMBER

Extension of Interim Regulations for the Sale of National Forest Timber, Bidding Procedures

On November 4, 1976, interim regulations governing the sale of National Forest timber under the National Forest Management Act of 1976 were published in the FEDERAL REGISTER (41 FR 48538).

The interim regulations were to expire no later than April 1, 1977. Subsequently, on February 23, 1977, proposed permanent regulations were published in the FEDERAL REGISTER (42 FR 10806) with a deadline for comments on or before March 25, 1977. Because of delays in publishing the proposed regulations, it will not be possible to adequately consider comments received from the public and to adopt permanent regulations prior to the scheduled expiration of the interim regulations. Notice is hereby given that the interim regulations published in the FEDERAL REGISTER (41 FR 48538) on November 4, 1976, are extended as revised through April 30, 1977.

Included with the interim regulations published on November 4 was the addition of paragraph (d) to § 221.8. This paragraph implemented changes required by section 14(e) of the National Forest Management Act of 1976. Subsequent public comments have identified a need to revise the definition of dependent communities and to make some procedural changes in order to prevent adverse impacts on the economies of communities dependent upon National Forest timber. Permanent regulations will be prepared based on public input to the proposed regulations which were published on February 23, 1977. However, in order to minimize adverse impacts on local economies and timber supplies immediate implementation of the changes in bidding procedures are required. Since such immediate action is necessary, notice and provision for further public comment at this time on this change in § 221.8 would be impractical and contrary to the public interest. Section 221.8 is, therefore, amended by substituting a new paragraph (d), to read as follows:

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§ 221.8 Advertisements and bids.

* * * * *

(d) (1) During the period April 1 through April 30, 1977, sealed bidding will be used for competitive sale of National Forest timber, except as provided in paragraphs (d) (2) through (4) of this section.

(2) Oral auction bidding may be used in areas where pre-existing agreements required the sale of National Forest timber by oral auction.

(3) (i) In areas tributary to communities dependent upon National Forest timber, Forest Supervisors may authorize the use of a mix of sealed bidding and oral auction bidding methods. When a mix of bidding methods is used, bidding methods on individual sales shall be determined on a random basis designed to provide about 50 percent sealed bid and 50 percent oral auction bid by volume. A record of National Forest timber sales purchased by firms with primary manufacturing facilities outside the dependent community shall be maintained in areas where a mix of bidding methods is used. If there is a significant increase in the volume of timber purchased by such firms within the tributary area, the Forest Supervisor may increase the proportion of volume sold by oral auction for a period not to exceed one year.

(ii) As used herein, a community is an area with common social and economic interests, bounded by established daily marketing and workforce commuting patterns, and encompassing one or more primary wood product manufacturing facilities. A community is dependent upon National Forest timber when 10 percent or more of the total community workforce is employed in the primary manufacture of wood products, and when National Forest timber has accounted for 30 percent or more of the timber supply for the primary wood product manufacturing facilities in the last 5 years. Tributary are those portions of National Forest System lands from which the dependent communities obtained at least 75 percent of their timber supply in the last 5 years.

(iii) If the Regional Forester finds substantial indication of collusive bidding practices in the sale of timber in an area tributary to a dependent community, he may direct that sealed bidding be used in all future sales.

(4) Oral auction bidding may be used where there is urgent need to salvage insect-infested or damaged timber in order to prevent the spread of insects or product deterioration.

BOB BERGLAND,
Secretary.

MARCH 29, 1977.

[FR Doc.77-9851 Filed 3-31-77;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 707-5]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Revision of the Delaware State Implementation Plan

On September 3, 1975, the State of Delaware submitted to EPA Region III amendments to Section V of each portion of the Delaware State Implementation Plan (SIP) for the attainment and maintenance of ambient air quality standards. The State requested that the modified Section V be incorporated as a revision of the federally approved Delaware SIP.

The amendments consist of a revised Section V—Surveillance as it applies to both the State of Delaware SIP and the New Castle County portion of the SIP for attainment and maintenance of standards for particulate matter and sulfur dioxide. These changes to Section V consist of the following:

1. *General narrative*—The modifications listed below are made:

a. Changes are included to eliminate the requirement to monitor nitrogen dioxide. Monitoring of this pollutant is no longer required in the New Castle County portion of the Metropolitan Philadelphia Interstate Air Quality Control Region (AQCR), because this county has been redesignated Priority III (38 FR 16346). The State has indicated that nitrogen oxides are still being monitored at sites P–1 and P–2, to provide an ongoing assessment of its concentration level. The narrative also specifies that carbon monoxide and photochemical oxidants are being monitored at sites P–1 and P–2.

b. Changes are included to reflect availability of manually processed data for hourly periods only, rather than for both 15-minute and one-hour periods.

2. *Tables and figures*—The following modifications listed below are made:

Table V–1—The Jacobs-Hochheiser Method for nitrogen dioxide, as well as footnotes c and d, has been deleted.

Table V–2—This table replaces former Table V–3; former Table V–2 is deleted.

Table V–3—Former Tables V–4 and V–5 are combined and restructured so that the sampling frequency parameter is a function of the air pollutant.

Table V–4—Former Tables V–6 and V–7 are combined. Changes made as of January 1, 1973 are reflected.

Table V–5—This table replaces former Table V–9, and is restructured in format similar to Table V–3.

Figures V–1 and V–2 are amended to indicate changes in the location of monitoring sites.

3. *Changes to monitoring systems*—a. *Deletion of Narrative.* The narrative describing previously proposed additions to the State's monitoring network is deleted.

b. *Primary System.* i. The types of data listed below are still being generated, but either by using different reference methods or by monitoring only at specific sites:

(a) *Carbon monoxide*—The existing monitoring technique applies, but this information is being generated only at monitoring sites P–1 and P–2.

(b) *Photochemical Oxidants*—The existing monitoring technique applies, but this information is being generated only at monitoring sites P–1 and P–2.

(c) *Nitrogen Oxides*—Information is being generated only at monitoring sites P–1 and P–2.

(d) *Soiling Index*—Coefficient of Haze Units replaces reference units and are being monitored at site P–2 only.

ii. Data Reduction—The 15-minute and 6-hour averages are deleted; one-hour averages are now being reduced manually, and running 24-hour and annual averages are now being generated through computer processing.

iii. Changes in monitoring site—Site P–2 is relocated in downtown Wilmington and site P–1 is now located at the Woods Haven-Kruse School in Claymont.

c. *Secondary System.* i. The following types of data are still being generated but are either using different reference methods or are being monitored only at specific sites:

(a) *Soiling Index*—The Coefficient of Haze Units (continuous, stand-by basis) is replacing the A.I.S.I. Tape Sampler.

(b) *Sulfur Dioxide*—The conductivity method (½ hour averages) is being replaced with the West-Gaeke method (continuous) at all New Castle County Stations. In addition, the bubbler method is being used at monitoring sites S–11 and S–12.

ii. The following monitoring sites are added:

S–12, City Water Tower, Seaford
S–13, Danneker School, Milford (stand-by basis)

iii. The following monitoring sites are changed in status to stand-by basis:

S–4, Lombardy School, Faulk Road
S–6, Ferris School, Centre Road
S–7, Delaware SPCA, Greater Wilmington Airport
S–10, County Route 418, East of Mt. Pleasant

iv. The following monitoring site is deleted:

S–14, Georgetown

d. *Tertiary System* — (Telephone Poles)—The entire system is deleted.

e. *Mobile Unit System*—A mobile unit system is added.

f. *Federal System*—The following monitoring sites are deleted or relocated:

i. P–1, Silverside School, Claymont (deleted)
ii. P–2, Downtown Wilmington (relocated)

All four primary stations and the remaining secondary stations located throughout the State will continue full operation. The State has determined that the lack of resources prevents adequate data handling and analysis, and that reallocation of the available resources to the remaining stations would improve the overall efficiency of the network. The State has also indicated that once a fully automatic telemetry network is installed in the four primary stations and if additional resources become available, the standby stations will resume operations.

On June 9, 1976 (41 FR 23203), the Administrator acknowledged receipt of the amendments submitted by the State, proposed the amendments as a revision of the Delaware State Implementation Plan and provided for a 30 day public comment period, ending July 9, 1976. During the public comment period, no comments were received.

The revised system meets population and emergency episode requirements as well as collection reporting techniques as specified by the Administrator in 40 CFR 51.17. However, two of the relocated monitoring sites, P–1 and P–2, do not presently meet the requirements for locating monitors in areas of maximum concentrations as specified in 40 CFR 51.17(a)(2). Site P–1, which is designated to measure maximum concentration of photochemical oxidants (specifically ozone) is located too close to Route I–95. Site P–2, which is designed to measure maximum concentration of carbon monoxide (CO), is not located in a maximum downtown street canyon site. In addition, Region III's evaluation of the monitoring instrumentation portion of this plan revision indicates that the instrument that the State plans to use to measure sulfur dioxide is antiquated and outmoded. The State of Delaware has made commitments to relocate monitoring sites P–1 and P–2 during fiscal year (FY) 1977, and to negotiate a mutually acceptable compliance schedule for replacement of the outmoded instrumentation. Therefore, with the exception of the location of monitoring sites P–1 and P–2, and the type of instrumentation currently being used to measure sulfur dioxide, the Administrator approves changes to Part V of both the Delaware State Implementation Plan and the New Castle County portion of the Delaware State Implementation Plan as a revision to the federally approved Delaware State Implementation Plan effective May 4, 1977. However, in view of the commitment to relocate the P–1 and P–2 monitoring sites to acceptable locations and to update the monitoring instrumentation, the Administrator conditionally approves the present location of these two monitoring sites as well as the continued use of the current sulfur dioxide monitoring instruments.

Similarly, the Administrator hereby amends 40 CFR 52.20 to incorporate this revision into the Delaware SIP.

Copies of the amendments to the monitoring network for the State of Delaware are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106. Attention: Mr. Hank Sokolowski.
Delaware Department of Natural Resources & Environmental Control, Tatnall Building, Lackerman Street and Legislative Avenue, Dover, Delaware 19901. Attention: Mr. Robert French.
Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460.

(Authority: 42 U.S.C. 1857c-5.)

Dated: March 29, 1977.

BARBARA BLUM,
Acting Administrator.

Part 52 of Title 40, Code of Federal Regulations is amended as follows:

Subpart I—Delaware

1. In § 52.420, Paragraph (c)(10) is added as follows:

§ 52.420 Identification of Plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified. * * *

(10) Amendments to Section V (Surveillance) of the Delaware State Implementation Plan and amendments to Section V (Surveillance) of the New Castle County Portion of the Delaware State Implementation Plan, covering changes to the airpollution monitoring system; submitted on September 3, 1975 by the Delaware Department of Natural Resources and Environmental Control.

[FR Doc.77-9883 Filed 4-1-77;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 235—ADMINISTRATION OF FINANCIAL ASSISTANCE PROGRAMS

Certification of Receipt of AFDC; Extension

The Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare, hereby amends § 235.40 for the purpose of implementing section 2107(d) of Pub. L. 94–455, the Tax Reform Act of 1976.

Section 401 of Pub. L. 94–12, the Tax Reduction Act of 1975, provided for a Federal Welfare Recipient Employment Incentive Tax Credit to employers who hire AFDC recipients. This tax credit, originally effective through June 30, 1976, has been extended to December 31, 1979, under section 2107(d) of Pub. L. 94–455, enacted October 4, 1976.

Regulations in § 235.40 required welfare agencies to certify whether the individuals employed were in fact eligible for, and recipients of, Aid to Families with Dependent Children (AFDC). However, the requirement was effective only through June 30, 1976, and therefore was dropped from the CFR.

The basic purpose of the amendments is to conform the Department's regulations with the statutory changes by extending the certification requirement through December 31, 1979.

Experience under current regulation has indicated the need for clarification as to appropriate procedures and the confidentiality requirements. For instance, some employers have made their requests by phone. One large corporation wrote asking that a complete list of AFDC recipients be provided to them as a basis for determining which of their employees belong in the group for which the tax credit is available.

Accordingly, language has been added to make clear that:

1. The request for certification, and the certification itself, are to be in writing. (The State agency needs a record of the request and its purpose in order to comply with confidentiality requirements. The employer needs a written certification to submit in claiming the tax credit); and

2. The confidentiality provisions of 45 CFR 205.50 require that the information be released and used only for the stated purpose of claiming the tax credit (§ 205.50(a)(1)(i)(c) specifically refers to certification of receipt of AFDC for such purpose.)

Section 2107(f) of Pub. L. 94–455 also provides that either the Department of Labor or the State or local welfare agency may certify to employers that individuals hired were, in fact, AFDC recipients. Policies to implement this provision will be issued jointly by the Department of Labor and HEW.

The Department finds good cause to dispense with proposed rulemaking procedures for two reasons. The law is specific and provides no alternative but to extend the effective date. The tax year has ended and those who have employed welfare recipients (and should be encouraged to continue to do so) will need the certifications in order to claim the tax credit.

Accordingly, § 235.40, Part 235, Chapter II, Title 45 of the Code of Federal Regulations is restored, with its extended certification date, to read as set forth below:

§ 235.40 Certification of AFDC recipients for employment incentive tax credit.

(a) Upon written request from an employer of any individual who is hired and receives wages for services performed after March 28, 1975, and before January 1, 1980, the State or local welfare agency shall, if such individual was eligible for, and was continuously receiving, financial assistance under an approved State AFDC plan during the 90-day period immediately preceding the date on which he was hired by such employer, so certify. Such certification shall be made in writing and in accordance with provisions of § 205.50 of this chapter, and only for purposes of an employer

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claiming a Federal welfare recipient employment incentive tax credit under Section 401 of Pub. L. 94-12, the Tax Reduction Act of 1975, and Section 2107(d) of Pub. L. 94-455, the Tax Reform Act of 1976.

(b) The provisions of this section are applicable to both business and nonbusiness employers.

(c) The State agency shall make such reports in such form and containing such information as the Secretary may require.

Effective date: The statutory amendment implemented by this regulation was effective July 1, 1976.

(Section 1102, 49 Stat. 647 (42 U.S.C. 1302).) (Catalog of Federal Domestic Assistance Program No 13.761, Public Assistance—Maintenance Assistance (State Aid).)

Answers to specific questions may be obtained by calling Mr. James A. Watson, area code 202-245-0016.

NOTE.—The Social and Rehabilitation Service has determined that this document does not require preparation of an Inflationary Impact Statement under Executive Order No. 11821 and OMB Circular A-107.

Dated: January 10, 1977.

ROBERT FULTON,
Administrator, Social and Rehabilitation Service.

Approved: March 28, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc.77-9962 Filed 4-1-77;8:45 am]

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 908]

HANDLING OF VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Minimum Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed Rule.

SUMMARY: This proposal would require fresh Valencia oranges shipped from District 2 of the California-Arizona production area to measure at least 2.32 inches in diameter during the period April 22, 1977, through January 15, 1978. The proposal was submitted by the Valencia Orange Administrative Committee established under the order to administer the program locally. The committee reports that the composition of the crop is such that more than ample quantities of larger, more desirable sizes of oranges are available to meet fresh market demand, and it would be in the interest of producers and consumers to limit shipments to the sizes specified. The smaller sizes of oranges could be disposed of in export and in processing outlets.

DATE: Comments must be received on or before April 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250. (202-447-3545).

Notice is hereby given that the Department is considering the establishment of a size regulation for Valencia oranges grown in District 2, pursuant to the applicable provisions of the amended marketing agreement and order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposed amendment was recommended by the Valencia Orange Administrative Committee, established under the amended marketing agreement and order as the agency to administer its terms and provisions.

The 1976-77 season crop of Valencia oranges is currently estimated by the committee at 55,500 cars. The committee reports that demand in regulated fresh market channels is expected to require about 38 percent of this volume. The remaining 62 percent would be available for utilization in export and processing outlets. The committee indicates that volume and size composition of the crop of Valencia oranges grown in District 2 are such that ample supplies of the more desirable sizes will be available to satisfy the demand in regulated channels. The regulation is designed to permit shipments of ample supplies of fruit of the more desirable sizes in the interest of growers and consumers.

All persons who desire to submit written comment for consideration in connection with the proposed regulation shall file two copies with the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, not later than April 15, 1977. All written submissions will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Order. (a) During the period April 22, 1977, through January 15, 1978, no handler shall handle any Valencia oranges grown in District 2 which are of a size smaller than 2.32 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the Valencia oranges contained in any type of container may measure smaller than 2.32 inches in diameter.

(b) As used in this section, "handle", "handler", and "District 2" shall have the same meaning as when used in said amended marketing agreement and order.

Dated: March 29, 1977

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-9912 Filed 4-1-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 76-NW-19-AD]

BOEING MODEL 727-200 SERIES AIRPLANES

Withdrawal of Notice of Proposed Airworthiness Directive

AGENCY: Federal Aviation Administration/DOT (FAA).

ACTION: Withdrawal of Notice of Proposed Rulemaking.

SUMMARY: The Federal Aviation Administration has determined upon further consideration and in the light of comments received in response to the Notice of Proposed Rulemaking that the possible loss of braking during low speed ground operations does not presently exist as originally believed. Therefore, the proposed AD is not required at this time.

FOR FURTHER INFORMATION CONTACT:

Donald L. Riggin, Engineering and Manufacturing Branch, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108, telephone 206-767-2717.

SUPPLEMENTARY INFORMATION: Comments were received by letter dated November 15, 1976, from the Air Transport Association and by letter dated December 1, 1976, from the Boeing Company. The Boeing Company stated that a program had already been started with its vendor, HydroAire, and that they had modified 13 of the P/N 42-307-1 Mark III autobrake/antiskid control boxes out of a total of 23. Recently we received verification that all 23 of the affected control boxes have been modified. Boeing also provided us with new technical data which demonstrates that this fault does not exist on the basic P/N 42-307 Mark III antiskid control boxes as originally believed.

Withdrawal of this Notice of Proposed Rule Making constitutes only such action, and does not preclude the FAA from issuing another Notice or commit the FAA to any other course of action in the future.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), the proposed airworthiness directive published in the FEDERAL REGISTER on Thursday, September 30, 1976, Vol. 41, No. 191, (31 FR 43181) is hereby withdrawn.

Issued in Seattle, Washington, March 23, 1977.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.77-9860 Filed 4-1-77;8:45 am]

[14 CFR Part 39]

[Docket No. 76-WE-19-AD]

PROPOSED AIRWORTHINESS DIRECTIVES

Lockheed-California Company Model L-1011-385 Series Airplanes

AGENCY: Federal Aviation Administration/DOT (FAA).

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to amend Part 39 of the Federal Aviation

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Regulations (14 CFR Part 39) to amend Airworthiness Directive (AD) 76-20-08 (Amendment 39-2742, 41 FR 45817) to require modification of the main landing gear upper side brace trunnion joint. AD 76-20-08 was issued as a result of stress corrosion failures of the retaining bolts installed on the main landing gear upper side brace trunnion joint on Lockheed-California L-1011-385 Series airplanes.

DATES: Comments must be received on or before May 6, 1977. Proposed compliance date: Thirty days after adopted rule amendment effectivity date.

ADDRESS: Send comments on the proposal to: Federal Aviation Administration, Office of Regional Counsel, AWE-7, Attn: Rules Docket, P.O. Box 92007 Worldway Postal Center, Los Angeles, California 90009.

FOR FURTHER INFORMATION CONTACT:

Kyle L. Olsen, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007 Worldway Postal Center, Los Angeles, California 90009. Telephone 213-536-6351.

SUPPLEMENTARY INFORMATION: AD 76-20-08 requires repetitive visual inspections of the main landing gear upper side brace trunnion joint areas with replacement or repair of damaged parts, as necessary, on Lockheed-California Company Model L-1011-385 series airplanes. Amendment 39-2742 was issued as a result of several cases where one of the two main landing gear upper side brace spherical bearing trunnion retaining bolts failed due to stress corrosion on Lockheed-California Company L-1011-385 series airplanes. A single bolt failure will not usually result in secondary structural failures leading to unsafe conditions, however, continued operation with one failed bolt combined with severe landing or ground maneuver conditions, could lead to a collapse of a main landing gear assembly. The required repetitive visual checks provides an interim safety precaution until the compliance with § 25.573(b) of the Federal Aviation Regulations is established. After issuing Amendment 39-2742, the manufacturer modified the type design of the upper side brace trunnion joint components to eliminate the potential stress corrosion condition of the upper side brace spherical bearing trunnion retaining bolts. These modifications are described in FAA Approved Lockheed-California Company Service Bulletins 093-32-115 and 093-32-120. Therefore, the FAA is considering amending Amendment 39-2742 to require modification of the upper side brace spherical bearing trunnion joints in accordance with the manufacturer's Service Bulletins, and thereby secure compliance with FAR 25.573(b).

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Information on the economic, environmental, and energy impact that might result because of adoption of the proposed rule is requested. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Regional Counsel. All communications received on or before the closing date May 6, 1977 will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by amending Amendment 39-2742 (41 FR 45817), AD 76-20-08, by adding the following new paragraphs (c) and (d):

"(c) Compliance is required on or before (Calendar Date: Thirty days from effective date of the amendment, as adopted), unless already accomplished:

(1) Replace the existing side brace trunnion support fitting sleeves P/N 1538681-103, washers P/Ns LS 9672C18C and LS 9672C18, nuts P/N 69678M1812, bolts P/Ns 7654-18-71 or 6968V-18-71 or 69680-18-71, and shims P/N 1539005-101, with new sleeves P/N 1608956-101, washers P/Ns LS 15655C18C and LS 15655C18, nuts 72275K-1812, bolts P/N LS 15654-18-68, and shims, if required, P/N 1539005-101, in accordance with the accomplishment instructions of the FAA approved Lockheed-California Company Service Bulletin 093-32-115 dated December 21, 1976 or later FAA approved revisions. Installation of these new side brace trunnion components is considered to provide a safe service life of 70,000 flights in service for the upper side brace trunnion joint, or

(2) Replace the existing side brace trunnion support washers P/Ns LS 9672C18C and LS 9672C18, nuts P/N 69678M1812, bolts P/Ns 76754-18-71 or 69680V18-71 or 69680-18-71, with new washers P/Ns LS 15655C18C and LS 15655C18, nuts 72275K-1812, and bolts P/N LS 15654-18-68, in accordance with the accomplishment instructions of the FAA approved Lockheed-California Company Service Bulletin 093-32-120 dated December 21, 1976 or later FAA approved revisions. Installation of these new side brace trunnion components is considered to provide a safe service life of 6,000 flights in service for the upper side brace trunnion joint.

(d) Accomplishment of the replacements in accordance with paragraphs (c)(1) or (c)(2) will remove the need for accomplishment of requirements of paragraph (a). Operators are alerted to observe the safe life limits set forth in paragraphs (c)(1) and (c)(2), above."

(Secs. 313(a), 601, and 603 Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Section 6(c), Department of Transportation Act (49 U.S.C. 1655(c).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Los Angeles, California on March 21, 1977.

ROBERT H. STANTON,
Director,
FFA Western Region.

NOTE.—The incorporation by reference in the preceding document was approved by Director of the Federal Register on June 19, 1967.

[FR Doc.77-9861 Filed 4-1-77;8:45 am]

[14 CFR Part 39]

[Docket No. 76-NE-28]

IN PRATT & WHITNEY JT8D-1, -1A, -1B, -7, -7A, -7B, -9, -9A, AND -11 AIRCRAFT ENGINES

Proposed Airworthiness Directives

AGENCY: Federal Aviation Administration/DOT (FAA).

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice proposes to amend Airworthiness Directive 76-24-01, Amendment 39-2775 (41 FR 52047). Airworthiness Directive 76-24-01 presently requires removal of eight stage compressor disk, P/N 496908, prior to reaching 6,000 cycles in service since new, or by December 31, 1977, whichever comes later. This NPRM will revise the compliance time of the present AD to require earlier removal of the eighth stage compressor disk; P/N 496908.

Subsequent to the issuance of AD 76-24-01, Amendment 39-2775, an operator experienced an eighth stage compressor disk failure which resulted in serious aircraft damage. After review of this failure and the preceding failure history, the FAA has determined it necessary, in the interest of safety, to revise the compliance time of AD 76-24-01.

DATES: Comments must be received on or before May 4, 1977.

ADDRESS: Send comments on the proposals to: Federal Aviation Administration, Office of the Regional Counsel, New England Region, Attn: Rules Docket No. 76-NE-28, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION, CONTACT:

Jay J. Pardee, Propulsion Section, ANE-214, Engineering and Manufacturing Branch, Flight Standards Division; Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803. Telephone 617-273 7337.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to:

Federal Aviation Administration, Office of the Regional Counsel, New England Region, Attn: Rules Docket No. 76-NE-28, 12 New England Executive Park, Burlington, Massachusetts 01803.

All communications received on or before May 4, 1977, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket, for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public regulatory docket. Persons desiring copies of this NPRM should contact:

Docket Clerk, Office of the Regional Counsel, ANE-7, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

AD 76-24-01, Amendment 39-2775 (41 FR 52047), appeared in the FEDERAL REGISTER on November 26, 1976, and became effective December 27, 1976.

The present AD was issued to require removal of eighth stage compressor disk, P/N 496908, due to fatigue cracking of the disk which resulted in uncontained failure of the disk. The proposed NPRM would modify the compliance time in the present AD by requiring eighth stage disk removal by June 30, 1977, for those disks above 8,000 cycles, in lieu of the present requirement to remove disks by December 31, 1977, for those disks above 6,000 cycles. In addition, the proposed NPRM would create another compliance category which allows disks between 6,000 and 8,000 cycles to continue in service until September 30, 1977, after which they must be removed. The proposed NPRM also establishes a new retirement life of 6,000 cycles for P/N 496908 compressor disks after September 30, 1977.

After the issuance of AD 76-24-01, a U.S. certificated air carrier experienced a severe eighth stage compressor disk failure while climbing through 14,000 feet. The disk sustained a 360° rim separation which exited through a 12 inch by 20 inch hole in the engine case, resulting in separation of the engine starter, start bleed valve, and portions of the upper and lower cowling. A review of the preceding failure history indicated six similar uncontinued disk failures, two of which resulted in fires and five of which caused secondary aircraft damage. Based on the degree of serious secondary aircraft damage sustained during these failures, the FAA has determined that the eighth stage compressor disk failure mode does have potentially hazardous effects due to the release of high energy projectiles. The original AD compliance was based upon a low energy type failure. Therefore, the FAA has determined it necessary, in the interest of safety, to revise the compliance time of AD 76-24-01 to require earlier removal of eighth stage compressor disks.

This NPRM will affect U.S. domestic carriers and foreign carriers by requiring, in some instances, premature engine removals, aircraft on the ground, and increased maintenance effort to meet the proposed removal schedule. The cost for compliance is estimated as 47 million dollars.

Accordingly, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13), Amendment 39-2775 (41 FR 52047), AD 76-24-01 as follows:

1. By deleting the words in Paragraph 1 beginning with "prior to reaching" and ending with "not to be exceeded."

2. By inserting in Paragraph 1 after "P/N 496908," the words "in accordance with the following schedule:."

3. By adding the following new paragraphs:

A. By June 30, 1977, disks with over 8,000 cycles since new. The original established life of 11,000 cycles shall not be exceeded.

B. By September 30, 1977, disks with over 6,000 cycles, but less than 8,000 cycles since new. After September 30, 1977, disks shall not exceed 6,000 cycles.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Burlington, Massachusetts, on March 25, 1977.

QUENTIN S. TAYLOR,
Director,
New England Region.

[FR Doc.77-9862 Filed 4-1-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 404]

[Regulations No. 4]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Computing Self-Employment Income for Social Security Purposes

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendments to the regulations set forth in tentative form below are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. These proposed amendments update the self-employment provisions of the regulations which apply to certain ministers, members of religious orders, Christian Science Practioners, retired business partners, public officers and employees paid on a fee basis, and citizens engaging in business outside the United States. These provisions are based upon public laws which have already been fully implemented by the Social Security Administration.

The proposed amendments reflect changes made by sections 115, 118 and 122 of Pub. L. 90-248 enacted January 2, 1968, section 203 of Pub. L. 92-336 enacted July 1, 1972, sections 121, 124, and 140 of Pub. L. 92-603 enacted October 30, 1972, section 203 of Pub. L. 93-66 enacted July 9, 1973, and section 5 of Pub. L. 93-233 enacted December 31 1973.

Coverage of ministerial services of clergymen. Section 115 of Pub. L. 90-248 provides that the services a clergyman, Christian Science practitioner, or member of a religious order (except a member who has taken a vow of poverty) performs in the exercise of his profession are covered under social security under the provisions applicable to the self-employed unless, within certain time limits, he files an irrevocable application for exemption, effective for taxable years ending after 1967.

Prior to the 1967 amendments the services which a clergyman, Christian Science practitioner, or member of a religious order who had not taken a vow of poverty performed in the exercise of his respective calling were excluded from social security coverage unless he elected coverage. To elect coverage, the individual was required by law to file a waiver certificate within a prescribed time. Services which a member of a religious order who had taken a vow of poverty performed were compulsorily excluded from coverage.

An individual clergyman has been able to decide on a completely voluntary basis whether he would be covered under social security.

From time to time clergymen who did not file the waiver certificate within the prescribed time, later have wished to become covered. On several occasions in the past, the time has been extended in which clergymen could elect coverage.

The Act, as amended, now changes the coverage provisions for clergymen. All clergymen are automatically covered under social security, exeept those who are opposed for reasons of religious principles or conscience to the acceptance of public insurance, including social security benefits, based on their services as clergymen. Clergymen who are so opposed can have their ministerial services excluded from coverage by filing with the Internal Revenue Service a statement to that effect, together with an application for exemption. When the application is approved, it is irrevocable.

Members of religious orders who have taken a vow of poverty continue to be excluded from social security coverage.

Retirement payments made to retired partners. Section 118 of Pub. L. 90-248 provides that certain payments on account of retirement made by a partnership to a retired partner are excluded in the computation of his net earnings from self-employment, effective for taxable years ending on or after December 31, 1967.

Before the 1967 amendments, the retirement payments made by a partnership to a retired partner from the cur-

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rent earnings of the partnership were generally treated as earnings from self-employment and were covered under social security. This was true even though the retired partner had no relationship (other than receiving retirement payments) with, and performed no services for, the partnership. The law now provides, effective with taxable years ending on or after December 31, 1967, that these payments may be excluded not only for retirement test purposes but also for social security contributions and benefit computations.

The payments are excluded under conditions which assure that they are bona fide retirement income. The basic requirements that must be met are:

1. The retirement payments must be made pursuant to a written plan of the partnership, and

2. The written plan must apply to partners generally or to a class or classes of partners, and

3. The written plan provides periodic payments until the retired partner's death, and

4. The retired partner renders no service for the partnership during the partnership taxable year ending with or within his taxable year, and

5. At the end of the partnership's taxable year, the only obligation from the other partners to the retired partner is to make retirement payments and the retired partner's share in the partnership capital has been paid to him in full.

The requirements for the retirement plan of a partnership are the requirements prescribed by the Secretary of the Treasury's delegate, as required by section 211(a)(9) of the Social Security Act.

Employees in positions compensated solely on a fee basis. Section 122 of Pub. L. 90–248 provides that fees received after 1967 by State and local public officials and employees in positions compensated solely on a fee basis and not covered by social security under an agreement between the State and the Secretary of Health, Education, and Welfare are covered under social security under the provisions applicable to the self-employed.

This provision applies mainly to State and local government employees who are compensated solely on a fee basis. Fees received after 1967 by employees who are compensated solely on a fee basis in positions which are not covered under a State agreement are covered under the self-employment provisions of the law, except that employees in these positions in 1968 could have elected not to have their fees covered under the self-employment provisions by filing a statement, requesting the exclusions, with the Internal Revenue Service on or before the due date of the tax return for 1968.

Prior to this provision, the States were permitted to cover or exclude from coverage fee-basis employees at the time a State extended coverage to a coverage group. The State could extend coverage to fee-basis employees at a later date, if they were excluded at the time coverage was extended to a coverage group, but if they were once brought under coverage, they could not later be excluded. Under section 122 of Pub. L. 90–248, a State may be permitted to cover or exclude from coverage, employees who are compensated solely by fees by modifying its agreement after 1967. States have not provided coverage for most fee-basis employees, partly because fees are generally paid directly to the employee by the public and the employer would have difficulties in withholding the social security tax and in making accurate reports on the amount of fees received.

Maximum amount of self-employment earnings creditable. Section 203 of Pub. L. 92–336, section 203 of Pub. L. 93-66, and section 5 of Pub. L. 93–233 relate to the maximum amount of earnings creditable for social security purposes. The Social Security Act now provides for automatic increases in benefits and in the level of earnings subject to the social security tax. The automatic increases, which apply to both wages and self-employment income, are intended to keep the social security program up to date with changes in the economy. Whenever social security cash benefits are raised because of increases in the cost of living, the law requires a review of wages covered by social security. If average wages have gone up, the earnings base must be raised too.

Under this provision, the social security earnings base was automatically increased for 1977 to reflect increases in average earnings covered by social security. The new base is $16,500, compared to $15,300 for 1976. The self-employment income provisions in the regulations are being updated to reflect the 1977 increase in addition to other increases over the past several years.

Optional method of reporting self-employment income from nonfarm business. Section 121 of Pub. L. 92–603 provides an optional method of determining net earnings from nonfarm self-employment, effective for taxable years beginning after 1972.

Under the amendments, nonfarm self-employed people have the option of reporting as their net earnings for social security purposes two-thirds of their gross income from nonfarm self-employment but not more than $1,600. This option is comparable to the option which has been available to farm operators for some time. The provision includes a regularity of coverage requirement, and can be used only five times by any individual.

The intent of the option is to enable regularly self-employed operators of nonfarm business to maintain continuity of social security coverage in years when they have small net earnings or suffer net losses. The law contains the condition that, in order to use the optional method of reporting, a person must have had actual net earnings from self-employment of at least $400 in 2 of the 3 consecutive prior years. The optional method allows these people to receive higher social security credit than would be possible based on their actual net earnings.

U.S. citizens self-employed outside the U.S. who retain residence in the United States. Section 124 of Pub. L. 92–603 provides that a U.S. citizen self-employed outside the United States who retains his residence in the United States throughout the entire taxable year shall compute his net earnings from self-employment without regard to the Internal Revenue Code "earned-income-abroad" exclusions, effective for taxable years beginning after 1972.

The 1972 amendments provided that a U.S. citizen self-employed outside the United States who retains residence in the United States throughout the entire taxable year will compute his net earnings from self-employment for social security purposes on the same basis as a person self-employed in the United States. Under the Internal Revenue Code, the first $20,000 of self-employment income earned outside the United States by a citizen who was present in a foreign country at least 510 days out of an 18-consecutive month period was, under certain circumstances, excluded in computing gross income for income tax purposes. (This amount was reduced to $15,000, effective for taxable years beginning after December 31, 1975, by Pub. L. 94–455, enacted October 4, 1976.)

While identical exclusions in the Social Security Act and the Internal Revenue Code have permitted consistent administration and rules for taxpayers, the exclusions have had serious adverse effects on the social security protection of many workers and their families. For example, many free-lance newspapermen, news photographers and commentators, and clergymen did not have any covered earnings from self-employment outside the U.S. because they did not earn more than the excluded amount.

U.S. ministers and members of religious orders who maintain residence in a foreign country. Section 140 of Pub. L. 92–603 provides that an American minister or member of a religious order serving outside the United States shall compute his net earnings from self-employment without regard to the "earned-income-abroad" exclusions, effective for taxable years beginning after 1972.

The $20,000 exclusion ($15,000 for taxable years beginning after December 31, 1975) does not apply in taxable years beginning after 1972 to U.S. citizen clergymen and members of religious orders serving abroad who are residents of a foreign country. Thus, coverage is extended to such individuals who were previously excluded because they neither worked for an American employer nor served congregations composed predominantly of U.S. citizens. These individuals will compute their net earnings from self-employment for social security purposes in the same way as clergymen in the United States.

If there are any questions concerning this regulation, you may contact William J. Ziegler, Legal Assistant, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594–7415.

Prior to final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203, on or before May 19, 1977.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue, SW., Washington, D.C. 20201.

(Sec. 205, 211, and 1102 of the Social Security Act, as amended, 53 Stat. 1368, as amended, 64 Stat. 502, as amended, 49 Stat. 647, as amended; 42 U.S.C. 405, 411, and 1302)

(Catalog of Federal Domestic Assistance Program No. 13.803, Social Security—Retirement Insurance.)

NOTE.—The Social Security Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

Dated: February 28, 1977.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: March 28, 1977.

JOSEPH A. CALIFANO, JR.,
Secretary of Health, Education, and Welfare.

Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 404.1051 is amended by revising paragraph (a) to read as follows:

§ 404.1051 General rule for computation of net earnings from self-employment.

(a) *Determining net earnings.* In general, the gross income and deductions of an individual attributable to a trade or business, (including a trade or business conducted by an employee referred to in § 404.1070 (c)(2), (c)(3), (c)(4), and (e)) for the purpose of ascertaining his net earnings from self-employment, are to be determined by reference to the provisions of law and regulations applicable with respect to the taxes imposed by sections 1 and 3 of the Internal Revenue Code of 1954. Thus, if an individual uses the accrual method of accounting in computing taxable income from a trade or business for the purpose of the tax imposed by such sections, he must use the same method in determining net earnings from self-employment. Likewise, if a taxpayer engaged in a trade or business of selling property on the installment plan elects, under the provisions of section 453 of the Internal Revenue Code of 1954, to use the installment method in computing income for purposes of the tax under section 1 or 3 of the Internal Revenue Code of 1954, he must use the same method in determining net earnings from self-employment. Income which is excludable from gross income under any provision of subtitle A of the Internal Revenue Code of 1954 is not taken into account in determining net earnings from self-employment except as otherwise provided in § 404.1059, relating to certain residents of Puerto Rico, in § 404.1061, relating to ministers or members of religious orders, in § 404.1061a, relating to United States citizens temporarily living outside the United States, and in § 404.1063, relating to the term "possession of the United States." Thus, in the case of a citizen of the United States who resides outside the United States and is conducting, in a foreign country, a trade or business in which both personal services and capital are material income-producing factors, any part of the income therefrom which is excluded from gross income as earned income under the provisions of section 911 of the Internal Revenue Code of 1954 and the regulations thereunder is not taken into account in determining net earnings from self-employment.

. . . . .

2. Section 404.1058a is added to read as follows:

§ 404.1058a Retirement payment to retired partners.

(a) *In general.* In computing his net earnings from self-employment for taxable years ending on or after December 31, 1967, a retired partner shall exclude payments made to him on a periodic basis by a partnership on account of his retirement and pursuant to a written plan of the partnership. This exclusion applies only if the requirements prescribed in paragraph (b) of this section: and, in addition, the conditions set forth in paragraph (c) of this section are met.

(b) *Retirement plan of partnership.* (1) The written plan of the partnership must set forth the terms and conditions of the program or system established by the partnership for making payments to retired partners on account of their retirement. To qualify as payments on account of retirement, the payments must constitute bona fide retirement income. Thus, payments of benefits not customarily included in a pension or retirement plan such as layoff benefits are not payments on account of retirement. Eligibility for retirement generally is established on the basis of age, physical condition, or a combination of age or physical condition and years of service. Generally, retirement benefits are measured by, and based on, such factors as years of service and compensation received. In determining whether the plan of the partnership provides for payments on account of retirement, criteria such as factors, formulas, etc., reflected in public, and in broad based private, pension or retirement plans in prescribing eligibility requirements and in computing benefits may be taken into account.

(2) The plan of the partnership must provide for payments on account of retirement—

(i) To partners generally or to a class or classes of partners,

(ii) On a periodic basis, and

(iii) Which continue at least until the partner's death. A class of partners may, in an appropriate case, contain only one member. Payments are made on a periodic basis if made at regularly recurring intervals (usually monthly) not exceeding one year.

(c) *Other conditions relating to exclusion.* (1) *In general.* A payment made to a retired partner pursuant to a written plan of a partnership which meets the requirements of paragraph (b) of this section shall be excluded, in computing net earnings from self-employment, only if——

(i) The retired partner rendered no service with respect to any trade or business carried on by the partnership (or its successors) during the taxable year of the partnership (or its successors), which ended within or with the taxable year of the retired partner in which the payment was received by him;

(ii) No obligation (whether certain in amount or contingent on a subsequent event) exists (as of the close of the partnership's taxable year referred to in paragraph (c)(1)(i) of this section) from the other partners to the retired partner except with respect to retirement payments under the plan; and

(iii) The retired partner's share (if any) of the capital of the partnership has been paid to him in full before the close of the partnership's taxable year referred to in paragraph (c)(1)(i) of this section.

(2) Under paragraph (c)(1) of this section, either all payments on account of retirement received by a retired partner during the taxable year of the partnership ending within or with his taxable year are excluded or none of the payments are excluded. Paragraph (c)(1)(ii) of this section applies only to obligations from other partners, in their capacity as partners, as distinguished from an obligation which arises and exists from a transaction unrelated to the partnership or to a trade or business carried on by the partnership. In effect, paragraph (c)(1) of this section provides that the exclusion may apply to payments received by a retired partner during the partnership's taxable year ending within or with his taxable year only if, at the close of the partnership's taxable year, the retired partner had no financial interest in the partnership except for the right to retirement payments.

(d) *Examples.* The application of paragraph (c)(1) of this section may be illustrated by the following examples. Each example assumes that the partnership plan pursuant to which the payments are made meets the requirements of paragraph (b) of this section.

Example 1. A, who files his income tax returns on a calendar year basis, is a partner in the ABC partnership. The partnership's

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taxable year is the period July 1 to June 30, inclusive. A retired from the partnership on January 1, 1973, and receives monthly payments on account of his retirement. As of June 30, 1973, no obligation existed from the other partners to A (except with respect to retirement payments under the plan) and A's share of the capital of the partnership had been paid to him in full. The monthly retirement payments received by A from the partnership in his taxable year ending on December 31, 1973, are not excluded from net earnings from self-employment since A rendered service to the partnership during a portion of the partnership's taxable year (July 1, 1972, through June 30, 1973) which ended within A's taxable year—January 1 to December 31, 1973.

Example 2. D, a partner in the DEF partnership, retired from the partnership as of December 31, 1972. The taxable year of both D and the partnership is the calendar year. During the partnership's taxable year ending December 31, 1973, D rendered no service with respect to any trade or business carried on by the partnership. On or before December 31, 1973, all obligations (other than with respect to retirement payments under the plan) from the other partners to D were liquidated, and D's share of the capital of the partnership was paid to him. Retirement payments received by D pursuant to the partnership's plan in his taxable year ending December 31, 1973, are excluded in determining his net earnings from self-employment (if any) for that taxable year.

Example 3. Assume the same facts as in Example 2 except that as of the close of December 31, 1973, D had a right to a fixed percentage of any amounts collected by the partnership after that date attributable to services rendered by him prior to his retirement for clients of the partnership. The monthly payments received by D in his taxable year ending December 31, 1973, are not excluded from net earnings from self-employment since as of the close of the partnership's taxable year which ended with D's taxable year, an obligation (other than an obligation with respect to retirement payments) existed from the other partners to D.

3. Section 404.1061 is amended by revising paragraphs (a), (b), and (c) to read as follows:

§ 404.1061 Ministers and members of religious orders (computations of net earnings).

(a) *In general.* For each taxable year ending after 1954 in which a minister or a member of a religious order is engaged in a trade or business, within the meaning of section 211(c) of the Act (see § 404.1070(e)), net earnings from self-employment from such trade or business include the gross income derived during the taxable year from any such trade or business, less the deductions attributable to such gross income. For each taxable year ending on or after December 31, 1957, such minister or member of a religious order shall compute his net earnings from self-employment derived from the performance of such service without regard to the exclusions from gross income provided by section 107 of the Internal Revenue Code of 1954 (relating to rental value of parsonages) and section 119 of such code (relating to meals and lodging furnished for the convenience of the employer). Thus, a minister, engaged in a trade or business within the meaning of section 211(c) of the Act will include in the computation of his net earnings from self-employment for a taxable year ending on or after December 31, 1957, the rental value of a home furnished to him as remuneration for services performed in the exercise of his ministry or the rental allowance paid to him as remuneration for such services irrespective of whether such rental value or rental allowance is excluded from gross income by section 107 of the Internal Revenue Code of 1954. Similarly, the value of any meals or lodging furnished to a minister or to a member of a religious order in connection with services performed in the exercise of his ministry or as a member of such order will be included in the computation of his net earnings fom self-employment for a taxable year ending on or after December 31, 1957, notwithstanding the exclusion of such value from gross income by section 119 of the Internal Revenue Code of 1954.

(b) *Taxable years beginning after 1972.* For taxable years beginning after 1972, if a minister or member of a religious order engaged in a trade or business within the meaning of section 211(c) of the Act (see § 404.1070(e)) and was a citizen of the United States performing services outside the United States in his capacity as a minister or member of a religious order, his net earnings from self-employment derived from the performance of such service shall be computed as provided in paragraph (a) of this section but without regard to the exclusions from gross income provided in section 911 of the Internal Revenue Code of 1954, relating to earned income from sources without the United States, and section 931 of the Internal Revenue Code of 1954, relating to income from sources within possessions of the United States. Thus, even though all the income of the minister or member, for service of the character to which this paragraph is applicable, was derived from sources outside the United States, or from sources within possessions of the United States and, therefore, may for income tax purposes be excluded from gross income, such income is included in computing net earnings from self-employment. The provisions of this paragraph do not apply to a minister or a member of a religious order who has been granted an exemption from the payment of the tax on self-employment income under §§ 404.1086–404.1089.

(c) *Taxable years beginning before 1973.* (1) *In the employ of an American employer.* For taxable years beginning before 1973, if a minister or member of a religious order engaged in a trade or business within the meaning of section 211(c) of the Act (see §§ 404.1070(e) and 404.1080) was a citizen of the United States and performed service, in his capacity as a minister or member of a religious order, as an employee of an American employer, as defined in § 404.1003(c)(3), his net earnings from self-employment derived from such service shall be computed as provided in paragraph (a) of this section but without regard to the exclusions from gross income provided in section 911 of the Internal Revenue Code of 1954, relating to earned income from sources without the United States, and section 931 of the Internal Revenue Code of 1954, relating to income from sources within possessions of the United States. Thus, even though all the income of the minister or member of the character to which this paragraph is applicable was derived from sources outside the United States, and therefore may for income tax purposes be excluded from gross income, such income is included in computing net earnings from self-employment. The provisions of this paragraph do not apply with respect to a minister or member of a religious order who has been granted an exemption from the payment of the social security self-employment tax on self-employment income as ment income as provided in §§ 404.1086–404:1089.

(2) *Minister in a foreign country whose congregation is composed predominantly of citizens of the United States.*—(i) *Taxable years ending after 1956.* For any taxable year ending after 1956, a minister of a church, who engaged in a trade or business within the meaning of section 211(c) of the Act (see §§ 404.1070(e) and 404.1080), was a citizen of the United States, performed service in the exercise of his ministry in a foreign country, and had a congregation composed predominantly of citizens of the United States, shall compute his net earnings from self-employment derived from his services as a minister for such taxable year without regard to the exclusion from gross income provided in section 911 of the Internal Revenue Code of 1954, relating to earned income from sources without the United States. For taxable years ending on or after December 31, 1957, such minister shall also disregard sections 107 and 119 of the Internal Revenue Code of 1954 in the computation of his net earnings from self-employment. (See paragraph (a) of this section.) For purposes of section 211(a)(7) of the Act and this paragraph a "congregation composed predominantly of citizens of the United States" means a congregation the majority of which throughout the greater portion of its minister's taxable year were U.S. citizens. The provisions of this subdivision do not apply with respect to a minister who has been granted an exemption from the payment of the tax on self-employment income as provided in §§ 404.1086–404.1089.

(ii) *Election for taxable years ending after 1954 and before 1957.* (a) A minister described in paragraph (c)(2)(i) of this section who, for a taxable year ending after 1954 and before 1957, had income from service described in such paragraph (c)(2)(i) of this section which would have been included in computing net earnings from self-employment if such income had been derived in a taxable year ending after 1956 by an individual who had filed a waiver certificate under section 1402(e) of the Internal Revenue Code of 1954 may elect to have section 211(a)(7) of the Act and paragraph (c)(2)(i) of this section apply to his income from such service for his taxable years ending after 1954 and before 1957. If such minister filed a waiver certificate prior to August 1, 1956, in accordance with § 404.1080, or he files such a waiver certificate on or before the due date of his return (including any extensions thereof) for his last taxable year ending before 1957, he must make such election on or before the due date of his return (including any extensions thereof) for such taxable year or before April 16, 1957, whichever is the later. If a waiver certificate is not so filed, the minister must make this election on or before the due date of the return (including any extensions thereof) for his first taxable year ending after 1956. Notwithstanding the expiration of the period prescribed by section 1402(e)(2) of the Internal Revenue Code of 1954 (see § 404.1081) for filing such waiver, the minister may file a waiver certificate at the time he makes the election. In no event shall an election be valid unless the minister files prior to or at the time of the election a waiver certificate in accordance with § 404.1080.

(b) The election shall be made by filing with the District Director of Internal Revenue with whom the waiver certificate, Treasury/IRS Form 2031, is filed a written statement indicating that, by reason of the Social Security Amendments of 1956, the minister desires to have the Federal old-age, survivors, and disability insurance system established by title II of the Social Security Act extended to his services performed in a foreign country as a minister of a congregation composed predominantly of U.S. citizens beginning with the first taxable year ending after 1954 and prior to 1957 for which he had income from such services. The statement shall be dated and signed by the minister and shall clearly state that it is an election for retroactive self-employment tax coverage under the Self-Employment Contributions Act of 1954. In addition, the statement shall include the following information:

(1) The name and address of the minister.

(2) His social security number, if he has one.

(3) That he is a duly ordained, commissioned, or licensed minister of a church.

(4) That he is a citizen of the United States.

(5) That he is performing services in the exercise of his ministry in a foreign country.

(6) That his congregation is composed predominantly of citizens of the United States.

(7)(i) That he has filed a waiver certificate and, if so, where and under what circumstances the certificate was filed and the taxable year for which it is effective; or

(ii) That he is filing a waiver certificate with his election for retroactive coverage and, if so, the taxable year for which it is effective.

(8) That he has or has not filed income tax returns for his taxable years ending after 1954 and before 1957. If he has filed such returns, he shall state the years for which they were filed and indicate the District Director of Internal Revenue with whom they were filed.

(c) Notwithstanding the provisions set forth in section 1402(e)(3) of the Internal Revenue Code of 1954 (see § 404.1082 relating to such provisions), a waiver certificate filed pursuant to § 404.1080 by a minister making an election under this paragraph shall be effective (regardless of when such certificate is filed) for such minister's first taxable year ending after 1954 in which he had income from service described in paragraph (c)(2) of this section or for the taxable year of the minister prescribed by section 1402(e)(3) of the Internal Revenue Code of 1954 (see § 404.1082), if such taxable year is earlier, and for all succeeding taxable years.

* * * * *

4. Section 404.1061a is added to read as follows:

§ 404.1061a United States citizens temporarily living outside the United States; computation of net earnings.

For taxable years beginning after 1972, an individual engaged in a trade or business as described in section 211(c) of the Act, who is a citizen of the United States, who derives earnings from self-employment outside the United States, and who has been a resident of the United States during the entire taxable year, shall compute his net earnings from self-employment without regard to the exclusion from gross income provided by section 911(a)(2) of the Internal Revenue Code of 1954. Thus, even though all income of the individual to which this section is applicable was derived from sources outside the United States, and therefore may for income tax purposes be excluded from gross income, such income is included in computing net earnings from self-employment. (See § 404.1061 relating to ministers or members of a religious order performing services outside the United States.)

5. Section 404.1066 is added to read as follows:

§ 404.1066 Options available in computing net earnings from nonfarm self-employment.

(a) *In general.* For any taxable year beginning after 1972, an individual self-employed on a regular basis as defined in paragraph (d) of this section may use an optional method to determine his net earnings from nonfarm self-employment. This option is available when the actual net earnings from nonfarm self-employment are less than $1,600 and less than 66⅔ percent of the individual's gross nonfarm income. However, an individual may not use the nonfarm option with respect to earnings derived in more than 5 taxable years, nor may he report less than his actual net earnings from nonfarm self-employment.

(b) *Computing net earnings from nonfarm self-employment.* An individual who is self-employed on a regular basis as defined in paragraph (d) of this section may, under the optional method of computing net earnings from nonfarm self-employment, report 66⅔ percent of his gross nonfarm self-employment income not to exceed $1,600 as his net earnings from nonfarm self-employment, if his actual net earnings from such self-employment are less than $1,600 and less than 66⅔ percent of his gross income from such self-employment.

Example: A operates a grocery store and files his income tax returns on a calendar year basis. He meets the "self-employed on a regular basis" requirement as he had actual net earnings from self-employment of $400 or more in 1971 and in 1972. His gross income and net profit from operating his grocery store in 1973 through 1975 are as follows:

	1973	1974	1975
Gross income	$2,800	$1,200	$1,000
Net profit	300	400	800

For the year 1973, A may report as his annual net earnings from self-employment either:

1. None. (Actual net earnings from self-employment are less than $400); or

2. $1,600. (Nonfarm option, 66⅔ percent of $2,800 but not to exceed the $1,600 maximum.)

For the year 1974, A may report as his annual net earnings from self-employment either:

1. $400. (Actual net earnings from self-employment); or

2. $800. (Nonfarm option, 66⅔ percent of $1,200.)

For the year 1975, A must report $800, his actual net earnings from self-employment. The nonfarm option is not available to him because his actual net earnings are not less than 66⅔ percent of his gross income.

(c) *Computing net earnings from both nonfarm and farm self-employment.* An individual who is self-employed on a regular basis may use the nonfarm optional method where both nonfarm and farm businesses are involved, if his actual net earnings from nonfarm self-employment combined with his actual net earnings from farm self-employment, or optional net earnings from farm self-employment, if used, are less than $1,600, and the net nonfarm earnings are less than 66⅔ percent of his gross nonfarm self-employment income. If an individual qualifies for using both the nonfarm and farm option, he may report less than his actual total net earnings but not less than his actual net earnings from nonfarm self-employment alone; if he elects to use both options in a given taxable year, the combined maximum reportable net earnings from self-employment may not exceed $1,600.

Example 1: B operated a grocery store and a farm. He files his income tax return on a calendar year basis. He had actual net earnings from self-employment of $400 or more in 1971 and in 1972 thus meeting the "self-employed on a regular basis" test. His gross

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income and net profit from operating both of his businesses in 1973 through 1975 are:

	1973	1974	1975
Grocery store:			
Gross income	$1,800	$2,100	$1,500
Net profit	200	400	500
Farm:			
Gross income	$2,400	$1,200	$1,200
Net profit	100	400	900

For the year 1973, B may report as his net earnings from self-employment:

1. None. (Actual net earnings from self-employment from both businesses less than $400); or

2. $1,300. ($1,200 nonfarm option (66⅔ percent of $1,800 grocery store gross income) and $100 farm profit); or

3. $1,800. ($1,600 farm option (66⅔ percent of $2,400 farm gross income) and $200 grocery store profit).

The nonfarm option is not available to B for 1973 if he uses the farm option because the "less than $1,600" requirement would not be met. For the year 1974, B may report as his net earnings from self-employment:

1. $800. (Actual net earnings from self-employment from both businesses); or

2. $1,200. ($800 farm option (66⅔ percent of $1,200 farm gross income) and $400 grocery store profit); or

3. $1,800. ($1,400 nonfarm option (66⅔ percent of $2,100 grocery store gross income) and $400 farm profit); or

4. $1,600. ($800 farm option and $1,400 nonfarm option totaling $2,200 but not to exceed the $1,600 maximum).

For the year 1975, B may report as his net earnings from self-employment:

1. $1,400. (Actual net earnings from self-employment from both businesses); or

2. $1,300. ($800 farm option (66⅔ percent of $1,200 farm gross income) and $500 grocery store profit); or

3. $1,900. ($1,000 nonfarm option (66⅔ percent of $1,500 grocery store gross income) and $900 farm profit); or

4. $1,600. ($800 farm option and $1,000 nonfarm option totaling $1,800 reduced to $1,600 so as not to exceed the maximum).

Example 2: C was regularly self-employed having derived actual net earnings from self-employment of $400 or more in 1971 and in 1972. His gross income and net profit from operating both a grocery store and a farm in 1973 are:

Grocery Store	
Gross income	$1,000
Net profit	800
Farm	
Gross income	$2,600
Net profit	400

For the year 1973, C may report $1,200 (actual net earnings from self-employment from both businesses), or $2,400 ($1,600 farm option (66⅔ percent of $2,600 farm gross income not to exceed $1,600) and $800 grocery store profit). C cannot use the nonfarm option for 1973 because his actual grocery store net exceeds 66⅔ percent of his grocery store gross income.

(d) *Self-employed on a regular basis.* For any taxable year beginning after 1972, an individual is deemed to be self-employed on a regular basis, or to be a member of a partnership on a regular basis, if in at least 2 of the 3 taxable years immediately preceding such taxable year he had actual net earnings from self-employment of not less than $400 from farm and nonfarm trades or businesses (including his distributive share of the net income or loss from any partnership of which he is a member).

6. Section 404.1068 is amended by deleting paragraph (b)(2), redesignating paragraph (b)(3) as (b)(2) and by revising paragraphs (b)(1) and (c) to read as follows:

§ 404.1068 Self-employment income.

* * * * *

(b) *Maximum creditable self-employment income.* (1) The maximum creditable self-employment income of an individual for any taxable year (whether a period of 12 months or less) is

(i) The excess of—

(*a*) For taxable years ending before 1955, $3,600,

(*b*) For taxable years ending after 1954 and before 1959, $4,200,

(c) For taxable years ending after 1958 and before 1966, $4,800,

(*d*) For taxable years ending after 1965 and before 1968, $6,600,

(e) For taxable years ending after 1967 and beginning before 1972, $7,800.

(*f*) For taxable years beginning after 1971 and before 1973, $9,000,

(*g*) For taxable years beginning after 1972 and before 1974, $10,800,

(*h*) For taxable years beginning after 1973 and before 1975, $13,200,

(*i*) For taxable years beginning after 1974, an amount equal to the contribution and benefit base as determined under section 230 of the Act which is effective for such calendar year, which is

(*1*) $14,100 for taxable years beginning after 1974 and before 1976,

(*2*) $15,300 for taxable years beginning after 1975,

(*3*) $16,500 for taxable years beginning after 1976,

(ii) over the amount of any wages (as defined in section 209 of the Act) paid to such individual in such taxable year. For example, if during the taxable year ending in 1973 the individual had $12,000 of net earnings from self-employment, and was paid $1,000 of such wages he had only $9,800 of creditable self-employment income for the taxable year.

* * * * *

(c) *Minimum net earnings from self-employment.* Self-Employment income does not include the net earnings from self-employment of an individual when the amount of such earnings for the taxable year is less than $400. Thus, an individual having only $300 of net earnings from self-employment for the taxable year would not have any creditable self-employment income. However, an individual having net earnings from self-employment of $400 or more for the taxable year may have less than $400 of creditable self-employment income. This could occur in a case in which the amount of the individual's net earnings from self-employment is $400 or more for a taxable year and the amount of such net earnings from self-employment plus the amount of the wages paid to the individual during that taxable year exceed the maximum creditable earnings as prescribed in section 211(c) of the Act (see paragraph (b) of this section) for such year. For example, if an individual had net earnings from self-employment of $1,000 for 1973, and was also paid wages of $10,500 during 1973, his creditable self-employment income for 1973 was $300.

* * * * *

7. Section 404.1070 is amended by revising paragraphs (d)(1), (1)(i) and (d)(2), (e), and (g) to read as follows:

§ 404.1070 Trade or business.

* * * * *

(d) *Members of certain professions*—(1) *Professional service exclusion.* An individual is not engaged in carrying on a trade or business with respect to the performance of service in the exercise of his profession:

(i) As a Christian Science practitioner, except as provided in § 404.1080 for taxable years ending before January 1, 1968, and in 404.1087 for taxable years ending after December 31, 1967, or

* * * * *

(2) *Election of coverage.* Service performed by a Christian Science practitioner in the exercise of his profession during taxable years ending before January 1, 1968, for which a waiver certificate filed pursuant to § 404.1080 is effective, constitutes a trade or business within the meaning of section 211(c) of the Act. However, service performed by a Christian Science practitioner in the exercise of his profession during taxable years ending after 1967 constitutes a trade or business within the meaning of section 211(c) of the Act, unless an exemption from such coverage has been granted on the basis of filing for such exemption pursuant to § 404.1087.

* * * * *

(e) *Ministers and members of religious orders*—(1) *General.* Except as provided in § 404.1080 and § 404.1087, the performance of services by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry, or by a member of a religious order in the exercise of duties required by such order does not constitute a trade or business within the meaning of section 211(c) of the Act.

(2) *Taxable years ending before 1968.* The Social Security Amendments of 1954 extended coverage on an individual elective basis to duly ordained, commissioned, or licensed ministers of a church and members of religious orders who had not taken a vow of poverty effective for taxable years ending after 1954. Those who elected coverage are considered as self-employed persons, even though working in the exercise of their ministry as employees. To have elected coverage a minister, performing service described in § 404.1015, must have filed an irrevocable waiver certificate (see §§ 404.1080–404.1086).

(3) *Taxable years ending after 1967.* The Social Security Amendments of 1967 extended self-employment coverage of ministerial service, described in § 404.1015, performed by duly ordained, commissioned, or licensed ministers and members of religious orders who have not taken a vow of poverty for all taxable years ending after 1967, unless the minister has been granted an exemption from such coverage by the Internal Revenue Service on the basis of timely filing for such an exemption (see §§ 404.1087–404.1089). Service performed by members of religious orders who have taken a vow of poverty which are in the exercise of the duties required by the order are not covered by the self-employment provisions of the Act. An exemption cannot be granted to a minister who filed a waiver certificate which is effective for any taxable year ending before 1968.

* * * * *

(g) *Public office.* The performance of the functions of a public office does not constitute a trade or business, except as provided in paragraphs (g)(1) and (2) of this section for certain fee basis public officers and employees. The term "public office" includes any elective or appointive office of the United States or any possession thereof, the District of Columbia, or of a State or its subdivision, or of a wholly owned instrumentality of any one or more of the foregoing. For example, the President, the Vice President, a governor, a mayor, the Secretary of State, a member of Congress, a State representative, a county commissioner, a judge, a county or city attorney, a marshal, a sheriff, a register of deeds, or a notary public performs the functions of a public office.

(1) *Self-employment on fee basis.* Effective with taxable years beginning after 1967, services performed by public officers and employees of State and local governments in positions compensated solely on a fee basis constitute a trade or business under the self-employment provisions of the Social Security Act if such services are eligible for (but are not made the subject of) an agreement between the State and the Secretary of Health, Education, and Welfare pursuant to section 218 of the Act to extend social security coverage thereto. (Since notaries public are not "employees" within the meaning of section 218 of the Social Security Act, their services are not eligible for an agreement under that section. Accordingly, such services do not constitute a trade or business.) If an individual performs services for a State or political subdivision thereof in any period in more than one position, each position is treated separately for purpose of determining whether he is engaging in a trade or business on a fee basis. However, public officers and employees engaging in a trade or business on a fee basis in 1968 may elect not to have his fees covered under the self-employment provisions of the Act by filing Treasury/IRS Form 4415 pursuant to paragraph (g)(2) of this section.

(2) *Election by fee basis public officials and State and local employees with respect to fees received in 1968.* Any individual who in 1968 was in a position described in paragraph (g)(1) of this section and received fees in such position may elect to have the performance of functions or services in such position excluded from the term "trade or business" for the purpose of the self-employment social security tax on self-employment income. Such election shall not be limited to service to the performance of functions or services which the fees received in 1968 are attributable but must also apply in subsequent years to the performance of any functions or services which, except for the election, would constitute a trade or business pursuant to the provisions of paragraph (g)(1) of this section. An election made pursuant to the provisions of this paragraph (g)(2) is irrevocable. An individual shall make such an election by filing a certificate of election of exemption (Treasury/IRS Form 4415) on or before the due date of his income tax return (including any extension thereof) for his taxable year which begins in 1968. The certificate of election of exemption shall be filed with an internal revenue office in accordance with the instructions on the certificate.

* * * * *

8. Section 404.1080 is amended by revising the section heading and first sentence of paragraph (a) to read as follows:

§ 404.1080 Election of self-employment coverage prior to 1968: waiver certificate.

(a) *In General.* For taxable years ending before January 1, 1968, any individual who is:

* * * * *

9. Section 404.1081 is amended by revising paragraph (a) to read as follows:

§ 404.1081 Time limitation for filing waiver certificate.

(a) *General Rule.* For taxable years ending before January 1, 1968, a waiver certificate on Treasury/IRS Form 2031 must be filed on or before the due date of the individual's income tax return, including any extension thereof (see § 6072 and § 6081 of the Internal Revenue Code of 1954), for his second taxable year ending after 1954 for which he has net earnings from self-employment (completed as prescribed in paragraph (d) of this section) of $400 or more, any part of which is derived from service to which § 404.1080 applies.

* * * * *

10. Sections 404.1087, 404.1088 and 404.1089 are added to read as follows:

§ 404.1087 Exemption from self-employment coverage by ministers, members of religious orders and Christian Science practitioners for taxable years ending after 1967.

(a) *In General.* For taxable years ending after December 31, 1967, any individual who is a duly ordained, commissioned, or licensed minister of a church, or a member of a religious order (other than a member of a religious order who has taken a vow of poverty as a member of such order); or, a Christian Science practitioner, may request an exemption from the tax on self-employment income with respect to services performed by him in his capacity as a minister, member of a religious order, or a Christian Science practitioner, as the case may be. Such a request shall be made by filing an application for exemption on Treasury/IRS Form 4361 in the manner provided in paragraph (b) of this section and within the time specified in § 404.1088. For provisions relating to the taxable year or years for which an exemption from the tax on self-employment income with respect to service performed by a minister, member of a religious order, or Christian Science practitioner in his capacity as such is effective, see § 404.1089. An exemption from the tax imposed on self-employment income with respect to service performed by a minister, member of a religious order, or Christian Science practitioner in his capacity as such may not be granted where he (in accordance with the provisions of § 404.1080) filed a valid waiver certificate on Treasury/IRS Form 2031 (§§ 404.1080–404.1084) electing to have the Federal old-age, survivors, and disability insurance system established by title II of the Social Security Act extended to service performed by him in the exercise of his ministry or in the exercise of duties required by the order of which he is a member, or in the exercise of his profession as a Christian Science practitioner.

(b) *Application for exemption.* An application for exemption on Treasury/IRS Form 4361 shall be filed in triplicate with the internal revenue officer or the internal revenue office, as the case may be, designated in the instructions on the form. The application for exemption must be filed within the time prescribed in § 404.1088.

(1) The application for exemption shall contain, or there shall be filed with such application, a statement to the effect that the individual making application for exemption is conscientiously opposed because of religious considerations to, or because of religious principles is opposed to, the acceptance (with respect to services performed by him in his capacity as a minister, member of a religious order, or Christian Science practitioner) of any public insurance which makes payments in the even of death, disability, old age, or retirement, or makes payments toward the cost of, or provides services for medical care (including the benefits of any insurance system established by the Social Security Act). Thus, ministers, members of religious orders, and Christian Science practitioners requesting exemption from social security coverage must meet either of two alternative tests: (i) A religious principles test which refers to the institutional principles and discipline of the particular religious denomination to which he belongs, or (ii) a conscientious opposition test which refers to the opposition because of religious considerations of individual ministers, members of religious orders, and Christian Science practitioners (rather than opposition based upon the general conscience of any such individual or individuals).

(2) The term "public insurance", as used in paragraph (b)(1) of this section

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refers to governmental, as distinguished from private, insurance and does not include insurance carried with a commercial insurance carrier. To be eligible to file an application for exemption on Treasury/IRS Form 4361, a minister, member of a religious order, or Christian Science practitioner need not be opposed to the acceptance of all public insurance making payments of this specified type; he must, however, be opposed on religious grounds to the acceptance of any such payment which, in whole or in part, is based on, or measured by earnings from services performed by him in his capacity as a minister, member of a religious order, or Christian Science practitioner. For example, a minister performing service in the exercise of his ministry may be eligible to file an application for exemption on Treasury/IRS Form 4361 even though he is not opposed to the acceptance of benefits under the Social Security Act with respect to service performed by him which is not in the exercise of his ministry.

(c) *Approval of application for exemption.* The filing of an application for exemption on Treasury/IRS Form 4361 by a minister, a member of a religious order, or a Christian Science practitioner does not constitute an exemption from the tax on self-employment income with respect to services performed by him in his capacity as a minister, member, or practitioner. The exemption is granted only if the application is approved by an appropriate internal revenue officer.

§ 404.1088 Time limitation for filing application for exemption.

(a) *General rule.* (1) Any individual who desires an exemption from the tax on self-employment income with respect to service performed by him in his capacity as a minister or member of a religious order or as a Christian Science practitioner must file the application for exemption (Treasury/IRS Form 4361) on or before whichever of the following dates is later:

(i) The due date of the income tax return, including any extension thereof for his second taxable year ending after 1967, or

(ii) The due date of the income tax return, including any extension thereof, for his second taxable year beginning after 1953, for which he has net earnings from self-employment of $400 or more, any part of which:

(*a*) In the case of a duly ordained, commissioned, or licensed minister of a church, consists of remuneration for service performed in the exercise of his ministry; or

(*b*) In the case of a member of a religious order who has not taken a vow of poverty as a member of such order, consists of remuneration for service performed in the exercise of duties required by such order; or

(*c*) In the case of a Christian Science practitioner, consists of remuneration for service performed in the exercise of his profession as a Christian Science practitioner.

(2) No part of the net earnings from self-employment (computed as prescribed in paragraph (c) of this section) for the taxable year shall be considered as derived from service performed as a minister, member of a religious order, or Christian Science practitioners if he derived his gross income in the taxable year both from service performed in such capacity and from the conduct of another trade or business, and the deductions allowed by Chapter I of the Internal Revenue Code which are attributable to the gross income derived from service performed in such capacity equal or exceed the gross income derived from service performed in such capacity.

(3) The application of the rules set forth in paragraphs (a)(1) and (a)(2) of this section may be illustrated by the following examples:

Example 1. M, who makes his income tax returns on a calendar year basis, was ordained as a minister in January 1960. During each of two or more taxable years ending before 1968 M has net earnings for self-employment in excess of $400 some part of which is from service performed in the exercise of his ministry. M has not filed an effective waiver certificate on Treasury/IRS Form 2031 (See §§ 404.1080ff.). If M desires an exemption from the tax on self-employment income with respect to service performed in the exercise of his ministry, he must file an application for exemption on or before the due date of his income tax return for 1969 (his second taxable year ending after 1967), or any extension thereof.

Example 2. M, who makes his income tax returns on a calendar year basis, was ordained as a minister in January 1966. M has net earnings of $350 for the taxable year 1966 and has net earnings of $350 for the taxable year 1966 and has net earnings in excess of $400 for each of his taxable years 1967 and 1968 (some part or all of which is derived from service performed in the exercise of his ministry). M has not filed an effective waiver certificate on Treasury/IRS Form 2031 (see §§ 404.1080ff.). If M desires an exemption from the tax on self-employment income with respect to service performed in the exercise of his ministry, he must file an application for exemption on or before the due date of his income tax return for 1969 (his second taxable year ending after 1967), or any extension thereof.

Example 3. Assume the same facts as in Example 2 except that M has net earnings in excess of $400 for each of his taxable years 1967 and 1969 (but less than $400 in 1968). The application for exemption must be filed on or before the due date of his income tax return for 1969, or any extension thereof.

Example 4. M was ordained as a minister in May 1973. During each of the taxable years 1973 and 1975, M, who makes his income tax returns on a calendar year basis, derived net earnings in excess of $400 from his activities as a minister. M had net earnings of $350 for the taxable year 1974, $200 of which was derived from service performed by him in the exercise of his ministry. If M desires an exemption from the tax on self-employment income with respect to service performed in the exercise of his ministry, he must file an application for exemption on or before the due date of his income tax return for 1975, or any extension thereof.

Example 5. M, who was ordained a minister in January 1973, is employed as a toolmaker by the XYZ Corporation for the taxable years 1973 and 1974 and also engages in activities as a minister on weekends. M makes his income tax returns on the basis of a calendar year. During each of the taxable years 1973 and 1974 M receives wages of $10,800 and $13,200 respectively from the XYZ Corporation and derives net earnings of $400 from his activities as a minister. If M desires an exemption from the tax on self-employment income with respect to service performed in the exercise of his ministry he must file an application for exemption on or before the due date of his income tax return for 1974, or any extension thereof. It should be noted that although by reason of section 211(b)(1)(G) and (H) of the Act and section 1402(b)(1)(G) and (H) of the Internal Revenue Code no part of the $400 represents "self-employment income," nevertheless the entire $400 constitutes "net earnings from self-employment" for purposes of fulfilling the requirements of section 1402(e)(2) of the Internal Revenue Code.

Example 6. M, who files his income tax returns on a calendar year basis, was ordained as a minister in March 1973. During 1973 he receives $410 for service performed in the exercise of his ministry. In addition to his ministerial services, M is engaged during the year 1973 in a mercantile venture from which he derives net earnings from self-employment in the amount of $4,000. The expenses incurred by him in connection with his ministerial services during 1973 and which are allowable deductions under Chapter I of the Internal Revenue Code amount to $410. During 1974 and 1975, M has net earnings from self-employment in amounts of $4,600 and $4,800 respectively, and some part of each of these amounts is from the exercise of his ministry. The deductions allowed in each of the years 1974 and 1975 by Chapter I of the Internal Revenue Code which are attributable to the gross income derived by M from the exercise of his ministry in each of such years, respectively, do not equal or exceed such gross income in such year. If M desires an exemption from the tax on self-employment income with respect to service performed in the exercise of his ministry, he must file an application for exemption on or before the due date of his income tax return for 1975, or any extension thereof.

(b) *Effect of death.* The right of an individual to file an application for exemption shall cease upon his death. Thus, the surviving spouse, administrator, or executor of a decedent shall not be permitted to file an application for exemption for such decedent.

(c) *Computation of net earnings—*(1) *Taxable years ending before 1968.* Net earnings from self-employment for taxable years ending before 1968 shall be determined without regard to the fact that without an election (Treasury/IRS Form 2031) under section 1402(e) of the Internal Revenue Code (as in effect prior to amendment by section 115(b)(2) of the Social Security Amendments of 1967), the performance of services by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry, or by a member of a religious order in the exercise of duties required by such order, or the performance of service by an individual in the exercise of his profession as a Christian Science practitioner, does not constitute a trade or business for purposes of the tax on self-employment income.

(2) *Taxable years ending after 1967.* Net earnings from self-employment for taxable years ending after 1967 shall be determined without regard to the fact that Treasury/IRS Form 2031 has not been filed. Services performed by duly ordained, commissioned, or licensed ministers, members of religious orders who have not taken a vow of poverty, and Christian Science practitioners are covered unless the individual has been granted an exemption from such coverage pursuant to the procedures outlined in § 404.1087(b).

§ 404.1089 Period for which exemption is effective.

(a) *In general.* If an application for exemption on Treasury/IRS Form 4361 is filed by a minister, a member of a religious order, or a Christian Science practitioner eligible to file such an application and is approved, the exemption from the tax on self-employment income shall be effective for the first taxable year ending after 1967 for which such minister, member, or practitioner has net earnings from self-employment of $400 or more any part of which was derived from the performance of service in his capacity as a minister, member, or practitioner, and for all succeeding taxable years. However, the exemption applies only to income derived from services which the individual performs in his exercise of the ministry, or in his exercise of duties required by the religious order, or from his practice as a Christian Science practitioner.

(b) *Exemption irrevocable.* An exemption granted to a minister, a member of a religious order, or a Christian Science practitioner pursuant to the provisions of section 1402(e) of the Internal Revenue Code is irrevocable.

[FR Doc.77-9822 Filed 4-1-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 164]

[CGD 77-002]

LORAN–CON VESSELS OF 1600 GROSS TONS OR MORE

Notice of Proposed Rulemaking; Extension of Comment Deadline

The Coast Guard published a Notice of Proposed Rulemaking in the January 31, 1977, issue of the FEDERAL REGISTER (42 FR 5966). This notice solicited comments on an amendment to the navigation safety regulations to require LORAN–C on vessels of 1600 gross tons or more.

Because of a request of an extension of the comment deadline by an interested party, the Coast Guard is hereby extending the comment deadline for this notice until April 20, 1977.

Dated: March 30, 1977.

A. F. FUGARO,
Rear Admiral, United States Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.77-10024 Filed 4-1-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 173]

COMMUNITY SERVICE AND CONTINUING EDUCATION PROGRAMS

Proposed Priorities for Special Projects for Fiscal Year 1977

Notice is hereby given that pursuant to the authority contained in section 106 of Title I of the Higher Education Act of 1965, as amended (20 U.S.C. 1005a), the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to establish the priorities set forth below for reviewing applications submitted by institutions of higher education (or combination thereof) for special programs and projects which are designed to seek solutions to national and regional problems relating to technological and social changes and environmental pollution. When the priorities are published in final form, they will be codified in Part 173 of Title 45 of the Code of Federal Regulations.

Review of application. (a) All applications will be reviewed and evaluated in accordance with the regulations set forth in 45 CFR Part 100a and Part 173, subparts A and C (Part 173 was published in the FEDERAL REGISTER on March 17, 1975, 40 FR 12084–12086).

(b) Fiscal Year 1977 Priorities. Applications for new awards for Fiscal Year 1977 must be directed to one of the following priorities (attention may be given within the scope of any of the priorities to the special needs of particular groups, such as women or older adults):

(1) Experimentation with inter-State programs of continuing education directed to the problems of regional or national energy conservation, transportation, and/or environmental pollution;

(2) Demonstration of State and/or local-government cooperation with institutions of higher education in developing, operating, and evaluating innovative educational solutions to the national problem of citizen alienation from governmental processes;

(3) Demonstration of effective regional programs of continuing education which link higher education, labor, and management in solving problems of job security, productivity, and the quality of working life.

(4) National and regional evaluations of multi-institutional programs of continuing education for adults that are directed to the problems of employment, career mobility, and/or job re-entry. (20 U.S.C. 1005a)

Interested persons are invited to submit written comments, suggestions, or objections regarding this notice to Mr. Edwin J. Neumann, Community Service and Continuing Education Program, Bureau of Postsecondary Education, Regional Office Building 3, Room 3717, 7th and D Streets, SW., Washington, D.C. 20202. (Telephone 202/245–96868.) Comments received in response to this notice will be available for public inspection at the above office on Mondays through Fridays between 8:30 a.m. and 4:30 p.m. All relevant materials must be received not later May 19, 1977.

NOTE.—The Office of Education has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

(Catalog of Federal Domestic Assistance Number 13.557; Higher Education University Community Service—Special Projects)

Dated: February 7, 1977.

WILLIAM F. PIERCE,
Acting U.S. Commissioner of Education.

Approved: March 28, 1977.

JOSEPH A. CALIFANO, JR.,
Secretary of Health, Education, and Welfare.

[FR Doc.77-9960 Filed 4-1-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 148]

[CGD 76-198]

CARRIAGE OF SOLID HAZARDOUS MATERIALS IN BULK

Proposed Changes; Table of Permitted Cargoes

The Coast Guard is considering revising the amendments published in the FEDERAL REGISTER (41 FR 23401) on June 10, 1976, by correcting the Table for Permitted Cargoes, providing a relaxation to the requirements for the bulk shipment of metal borings, shavings, turnings, and cuttings, adding a special additional requirement to the carriage of unslaked lime, and exempting unmanned vessels from the requirements of shipping papers and dangerous cargo manifests.

Interested persons are invited to participate in this proposed rule making by submitting written data, views or arguments to the Commandant (G-CMC/81), U.S. Coast Guard, Washington, D.C. 20590. Each person submitting a comment should include his name and address, identify the notice (CGD 76–198), and give reasons in support of his comment. Comments received before May 15, 1977, will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination by interested persons in Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. The proposal may be changed in light of the comments received. No oral hearing is contemplated, but it will be held if

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requested by anyone who raises a genuine issue.

In the consolidation of hazardous materials regulations (41 FR 15972) the hazardous articles of 46 CFR 146.27 were reclassified as ORM (other regulated materials) in Title 49. In order to update the Table of Permitted Cargoes in § 148.01–7, it is proposed that all hazardous materials now classified as hazardous articles be classified as ORM.

It is proposed to relax the shipping paper requirements, 46 CFR 148.02–1, for unmanned barges transporting solid hazardous material in bulk to allow the shipping papers to be kept on board the towing vessel; and it is proposed to exempt unmanned barges from the requirements for a dangerous cargo manifest, 46 CFR 148.02–3, when transporting solid hazardous materials in bulk.

It is proposed that the specified moisture content of coconut pellets be revised to conform with the consolidation of hazardous materials (41 FR 15972) and the entry for tankage, garbage or rough ammoniate solid be revised to specify a moisture content of more than 7 percent because at 7 percent moisture or less this item is a flammable solid and not permitted in bulk.

It is proposed that the special requirements for metal borings, shavings, turnings or cuttings (§ 148.04–13) be amended to exempt this item from the requirements of § 148.04–13 when shipped in unmanned barges and transported entirely on the navigable waters of the United States. This exemption is based on a relaxation previously included in 46 CFR 146 that was inadvertently omitted from the amendments.

It is proposed that a special additional requirement for the carriage of "Lime, unslaked" be added that is consistent with the previous requirement of 46 CFR 146.27–29 which provided for the carriage of this material in bulk.

In consideration of the foregoing, it is proposed to amend Part 148 of Title 46 Code of Federal Regulations as follows:

1. By revising the part heading to read as follows:

PART 148—CARRIAGE OF SOLID HAZARDOUS MATERIALS IN BULK

2. By revising the Table of contents by adding, in the proper numerical sequence, the following:

Sec.
148.04–23 Unslaked lime.

3. By revising the table in § 148.01–7 to read as follows:

§ 148.01–7 Permitted cargoes.

Shipping name of the hazardous material	Hazard class of the hazardous material	Characteristic properties of the material
Aluminum dross	Flammable solid	Contact with water may cause self heating and the evolution of flammable gas.
Aluminum nitrate	Oxidizing material	If involved in a fire will greatly intensify the burning of combustible materials.
Ammonium nitrate fertilizer, formulation or mixture, containing less than 60 pct ammonium nitrate with no organic filler.	do	Do.
Ammonium sulfate nitrate	ORM–C	If involved in a fire will intensify the burning of combustible materials.
Barium nitrate	Oxidizing material	If involved in a fire will greatly intensify the burning of combustible materials.
Calcium nitrate	do	Do.
Charcoal briquets	Flammable solid	Contact with water may cause self heating.
Coconut meal pellets (or copra pellets) containing at least 6 pct and not more than 13 pct moisture and not more than 10 pct residual fat content.	ORM–C	Subject to spontaneous heating by biological decay or by oxidation.
Copra, dry	ORM–C	Susceptible to spontaneous heating or fire from spark or open flame.
Ferrophosphorous	ORM–A	May evolve poisonous gas (phosphine) in contact with moisture.
Ferrosilicon, containing less than 45 pct or more than 70 pct silicon.	ORM–A	May evolve poisonous and flammable gases (arsine/phosphine) in contact with water, acids or alkalines.
Fishmeal or scrap, ground, containing 6 to 12 pct moisture and no more than 18 pct fat by weight.	ORM–C	Susceptible to spontaneous heating and ignition.
Fishmeal or scrap, ground and pelletized (mixture), containing 6 to 12 pct moisture and no more than 18 pct fat by dry weight.	ORM–C	Do.
Fishmeal or scrap; pellitized, containing 6 to 12 pct moisture and no more than 18 pct fat by weight.	ORM–C	Do.
Lead nitrate	Oxidizing material	If involved in fire will greatly intensify the burning of combustible materials.
Lime, unslaked	ORM–B	Evolves heat on contact with water.
Magnesium nitrate	Oxidizing material	If involved in a fire will greatly intensify the burning of combustible materials.
Metal borings, shavings, turnings, or cuttings.	ORM–C	Susceptible to spontaneous heating and ignition.
Petroleum coke, calcined, at 130° F or above.	ORM–C	Do.
Petroleum coke, uncalcined	ORM–C	Do.
Potassium nitrate	Oxidizing material	If involved in a fire will greatly intensify the burning of combustible materials.
Radioactive material, low specific activity (LSA).	Radioactive material	Radiation hazard from ingestion, inhalation and contact with mucus membranes.
Sawdust	ORM–C	Susceptible to fire from sparks or open flame.
Sodium nitrate	Oxidizing material	If involved in a fire will greatly intensify the burning of combustible materials.
Strontium nitrate (not radioactive)	do	Do.
Sulfur	ORM–C	Dust forms explosive mixtures with air.
Tankage, garbage or rough ammoniate, solid, containing 7 pct or more moisture.	ORM–C	Susceptible to spontaneous heating and ignition.

4. By revising § 148.02–1(c) to read as follows:

§ 148.02–1 Shipping Papers.

* * * * *

(c) The shipping paper required in paragraph (a) of this section must be kept on board the vessel along with the dangerous cargo manifest (§ 148.02–3 of this subpart) except when the shipment is by an unmanned barge in which case it may be kept on board the towing vessel.

§ 148.02–3 [Amended]

5. By deleting paragraph (b) in § 148.02–3.

6. By revising the introductory text in § 148.04–13(a) to read as follows:

§ 148.04–13 Metal Borings, Shavings, Turnings, Cuttings.

(a) This section applies to the stowage and transportation in bulk of hazardous materials described as metal borings, shavings, turnings or cuttings on board vessels. However unmanned barges on which the article is stowed for or transported on a voyage entirely on the navigable waters of the United States are exempt from the requirements of this section. Metal borings, shavings, turnings and cuttings must not be stowed and transported in bulk unless the following conditions are met:

* * * * *

7. By adding a new § 148.04–23 to read as follows:

§ 148.04–23 Unslaked lime.

Unslaked lime may be transported in bulk in unmanned, all steel, double skin barges equipped with weathertight hatches or covers, if no other article is transported in these barges at the same time.

(46 U.S.C. 170, 49 U.S.C. 1655(b); 49 CFR 1.46.)

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

Dated: March 25, 1977.

O. W. SILER,
Admiral, U.S. Coast Guard Commandant.

[FR Doc.77–9625 Filed 4–1–77;8:45 am]

Materials Transportation Bureau

[49 CFR Parts 172, 175]

[Docket No. HM–149; Notice 77–2]

AIR TRANSPORTATION OF SMALL QUANTITIES OF MATERIALS EXHIBITING VERY LOW LEVELS OF RADIATION

Proposed Exemption Renewal

Correction

In FR Doc. 77–9207, appearing at page 16459 of the issue for Monday, March 28, 1977, the following changes should be made:

1. The last paragraph on page 16459 should read, "1. In § 172.204, paragraph (c)(4) would be amended by changing the last sentence to read, "* * * This requirement does not apply to materials excepted under the provisions of § 175.10(b) of this subchapter."

2. The first paragraph on page 16460 should read, "2. In § 175.10, paragraph (a)(6) would be revised and paragraph (b) added to read as follows:"

Federal Highway Administration

[49 CFR Part 395]

[Docket No. MC–69–2; Notice No. 77–4]

DRIVER'S MULTI-DAY LOG

Request for Comments

Purpose. The purpose of this Notice is to seek public comment on a proposal to permit commercial motor carriers engaged in interstate or foreign commerce to use a multi-day log.

Consideration is being given to amending Part 395 of the Federal Motor Carrier Safety Regulations which would permit drivers of commercial motor vehicles engaged in interstate or foreign commerce to record their time on a new log form. The major feature of the new proposed form would permit the use of a one day log sheet or any number of days on one sheet of paper as the carrier chooses to suit its particular operation. The proposed minimum size of the single daily driver's log would be 7" x 3". Additional units to be added on a single sheet would be 7" x 2". The log may be so located on the paper so as to provide approximately 1½" margin on the right for recapitulation of hours on duty if so desired.

This proposal is in line with governmental policy to minimize the paperwork burden upon businesses, consistent with its needs for information as set forth in Pub. L. 93–556, signed on December 27, 1974, which established a Commission on Federal Paperwork. One of the areas Congress instructed the Commission to consider involved "* * * the procedures used and the extent to which considerations of economy and efficiency impact upon Federal information activities, particularly as these matters relate to costs burdening the Federal Government and providers of information * * *"

This notice of rulemaking stems from the results of comments filed in response to two other rulemaking Notices. The first one was an Advance Notice of Proposed Rulemaking, Docket MC–47; Notice No. 74–20, which was published in the FEDERAL REGISTER on September 10, 1974 (39 FR 32620) following an experimental program of using a 7-day driver's daily log which took place from April 1, 1973, to April 1, 1974. The second rulemaking action involved a Notice of Proposed Rulemaking in Docket MC–69; Notice No. 76–1, proposing a 4-day driver's log.

The petition and claimed benefits of the 7-day log were studied in-depth, and alternative solutions considered. Because of objections raised to certain limitations placed on the 7-day log, a 4-day log was proposed as an alternative solution to overcome anticipated difficulties. Comments received on the proposed 4-day log were generally favorable including some preferring approval of the previously proposed 7-day log. Several carriers indicated that they could see no savings and would continue using the daily log. There were others, that although they approved of the 4-day log suggested an 8-day log, or a 5-day log based on their type of operation.

In reviewing all the comments submitted in response to both Notices, the American Trucking Associations, Inc., suggested that the concept of a multi-day log be adopted with a maximum limit of 7 days to a sheet. This suggestion appears to have merit and is therefore being proposed.

A copy of the multi-day log together with revisions to the instructions contained in § 395.8 for completing it, is reproduced below. The first section or unit will be the daily log, if used singely. This unit must be the first unit on a single sheet of paper when using more than 1 day since the additional units do not contain the information shown on the top half portion of the first unit. The first unit shall not be less than 7" x 3" and the additional units shall not be less than 7" x 2". All units must have at least a 1" of space for the remarks section.

There are three items not included in the proposed multi-log that are included in the present daily log. These are origin, destination and total mileage today.

The instructions for preparing the log shall be printed on either the front or back cover of the log book. In addition, a daily recap of the total hours worked and hours available must be provided with each log book. (An executed specimen multi-log will be provided in any final rule that may be issued).

A motor carrier will have the option of using either the daily log or any combination up to 7 days of logs on one sheet to suit his particular operation. It is proposed that carriers be limited to only one combination of daily logs. Carriers that elect to use a multi-day log must use it for all drivers in their employ that are subject to the daily log requirement. Conversion to a multi-day log may commence at any time a carrier chooses. However, if a safety survey reveals that the multi-day logs are being prepared in such a manner that the Safety Investigator is having a serious problem in making his survey, it is proposed that the Director, Regional Motor Carrier Safety Office issue a notice requiring that carrier to cease using the multi-day log and use the single day log only.

Interested persons are invited to submit written data, views, or arguments pertaining to adoption of the new format. All comments should refer to the Docket number and Notice number that appears at the top of this document and should be submitted in three copies to the Director, Bureau of Motor Carrier Safety, Washington, D.C. 20590. Comments received before the close of business on July 1, 1977, will be considered before further action is taken. Comments received will be available for examination by any interested person in the Docket Room of the Bureau of Motor Carrier Safety, Room 3404, 400 Seventh Street, SW., Washington, D.C. 20590, both before and after the closing date for comments.

1. Section 395.8 is amended by revising paragraphs (a), (e), (q), (r), and (s), adding paragraphs (u) and (v), and by amending paragraph (t) by deleting subparagraph (4) and redesignating subparagraph (5) as subparagraph (4).

§ 395.8 Driver's Log Sheet.

(a) Except provided in paragraph (t) of this section, every motor carrier shall require that a driver's log, Form MCS–139, or a multi-day driver's log, Form MCS–139 combined with additional units (MCS–139–A), not to exceed 7 consecutive days on one sheet, shall be made in duplicate by every driver used by him or it and every driver who operates a motor vehicle may make such a log. Failure to make logs, failure to make required entries therein, falsification of entries, or failure to preserve logs shall make both the driver and the carrier liable to prosecution. Drivers logs shall be prepared and retained in accordance with the provisions of paragraph (b) through (s) of this section.

(1) Form MCS–139 shall be not less than 7 inches by 3 inches overall dimensions with a minimum of 1" for the remarks section, as follows:

V 4264 APR 4 7 7 UMI

Form MCS 139
(Rev. 12/76)

U.S. DEPT. OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

DRIVER'S LOG

I certify these entries are true and correct:

Form Approved
OMB No.

(Name of carrier or carriers)

(Main Office Address)

(Driver's signature in full)

(Home Terminal Address)

(Month)_____ (Day) _____ (Year)____ (Vehicle numbers) (Name of co-driver) Total Hours

1 2 3 4 5 6 7 8 9 10 11 Noon 1 2 3 4 5 6 7 8 9 10 11

1. Off Duty
2. Sl. Berth
3. Driving
4. On Duty (Not Driving)

Remarks:

Total Mileage Driven Today

Shipping Number

(2) Carriers choosing to use the multi-day log sheet (combination of MCS 139 and 139 A), other than the single day sheet, must use that format exclusively.

(3) Form MCS–139 A shall be not less than 7 inches by 2 inches overall dimensions with a minimum of 1'' for the remarks section as follows:

(Month)_____ (Day) _____ (Year)____ (Vehicle numbers) (Name of co-drivers) Total Hours

1 2 3 4 5 6 7 8 9 10 11 Noon 1 2 3 4 5 6 7 8 9 10 11

1. Off Duty
2. Sl. Berth
3. Driving
4. On Duty (Not Driving)

Remarks:

Total Mileage Driven Today

Shipping Number

DOT-FHWA—MCS 139A (12-76)

. . . . . .

(e) *Total mileage driven today.* Total mileage driven today shall be that mileage traveled while driving.

. . . . . .

(q) *Continuous off-duty periods.* Continuous off-duty periods of 2 days or more may be recorded on one log unit.

(r) *Filing Driver's Log.* The driver shall forward the original log sheet, upon completion of the last unit, to his home terminal or to the carrier's principal place of business.

(s) *Retention of Driver's Log.* Log sheets for each calendar month may be retained at the driver's home terminal until the 20th day of the succeeding calendar month and shall then be forwarded to the carrier's principal place of business where they shall be retained for 12 months from date of receipt. However, upon a written request to, and with the approval of, the Director, Regional Motor Carrier Safety Office, for the Region in which a motor carrier has his principal place of business, a motor carrier may forward and retain such logs at a regional or terminal office. The addresses and jurisdictions of the Directors of Regional Motor Carrier Safety Offices are shown in § 390.40 of this subchapter. The driver shall retain a copy of each log sheet totaling 30-days activities which shall be in his possession while on duty.

. . . . . .

(u) *Non-compliance.* If investigation discloses violations of the regulations attributable to the use of the multi-day logs by a motor carrier, the Director, Regional Motor Carrier Safety Office, may require the carrier to use the single day log in lieu of the multi-day log.

(v) *Unused Units.* Unused units on a multi-day log sheet must be appropriately noted.

(Sec. 204, 49 Stat. 546, as amended (49 U.S.C. 304), Sec. 6, Pub. L. 89–670, 80 Stat. 937 (49 U.S.C. 1655); 49 CFR 1.48; 49 CFR 389.4.)

NOTE.—The Federal Highway Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A107.

FOR FURTHER INFORMATION CONTACT:

Principal Program Person—Gerald J. Davis, Chief, Driver Requirements Branch, Regulations Division, Bureau of Motor Carrier Safety, Federal Highway Administration, Department of Transportation, Washington, D.C. 20590 (202–426–9767).

Principal Lawyer—Francis J. Mulcahy, Attorney, Motor Carrier and Highway Safety Law Division, Office of the Chief Counsel, Federal Highway Administration, Department of Transportation, Washington, D.C. 20590 (202–426–0834).

Issued on March 28, 1977.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.

[FR Doc.77–9750 Filed 4–1–77;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

CIVIL AERONAUTICS BOARD

[Docket No. 29123, etc.; Agreement CAB 26439 R–1—R–4, etc.; Order 77–3–162]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreements Relating to Passenger Fare, Cargo Rate and Currency Matters; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 29th day of March, 1977. (Docket Nos. 29123, 27573; Agreement C.A.B. 26439, R–1 through R–4, Docket 27592; Agreement C.A.B. 26483; Agreement C.A.B. 26486, R–1 through R–17; Agreement C.A.B. 26488.)

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other car-Traffic Conferences of the International Air Transport Association (IATA).

Agreement C.A.B. 26439 was adopted at the Eighth Meeting of the IATA Cargo Agency Committee held in Ft. Lauderdale, November 29–December 2, 1976. The agreement, inter alia, revalidates and amends certain elements of the reduced-fare program for IATA cargo agents. The existing productivity feature for U.S.-based agents, which provides reduced-fare tickets above the normal yearly allotment where an agent's annual commissionable international sales exceed the average for all U.S. agents by a specified amount, would be revalidated through December 31, 1979. The extension of retroactive discounts, granted where an agent shows good cause for not having submitted the normal advance application, would be limited to a period of three months from the date of ticket purchase.[1] Finally, reduced tickets for agents' travel to group training courses would be permitted for courses of two-five days' duration rather than the present three-five days.[2] The Board will approve the resolutions inasmuch as they merely revalidate existing provisions already approved; limit the potential for abuse under the retroactive discount provisions; or do not affect U.S.-based agents.

Agreements C.A.B. 26483, 26486 and 26488, adopted at the recent currency conference in Cannes, largely involve amendments to currently effective currency surcharge and discount resolutions from foreign points, intended to align selling fares in local curency more closely with recent fluctuations in exchange rates. Agreement C.A.B. 26486 would also extend the validity of several resolutions which set up the basic framework by which IATA hopes to move toward a new fare and rate specification system based on the International Monetary Fund's Special Drawing Right (SDR)[3].

Finally, the method of calculating fares sold outside the country of commencement of travel would be clarified to further limit potential misuse of tickets sold in third countries; and the calculation of currency-related discounts on cargo rates from strong-currency countries would also be clarified.

The Board will approve the proposed amendments to these previously approved resolutions subject, where applicable, to previous conditions. We would note that the method of calculating discounts on cargo rates specifies rounding up in all cases, and is subject to the Board's recently-imposed condition on all rounding procedures, which stipulated normal rounding-up or down to be effective April 1, 1977. (See Order 77–2–22, February 3, 1977.)

Pan American World Airways, Inc. (Pan American), in a motion, states that, although it does not object to the rounding procedure specified by the Board, it nevertheless believes that the Board should delay the implementation date until October 1, 1977, insofar as it relates to cargo rates. In support of its request, Pan American asserts that the April 1 date poses no practical tariff-filing problem for pasenger fares which generally change on that date anyway. Cargo rates, however, are ordinarily published with a September 30 expiry date and for the carriers to meet the April 1 requirement would require a worldwide tariff revision entailing considerable cost (which Pan American estimates at $60,000 out-of-pocket alone). If the implementation of the condition is delayed until October 1, it can be undertaken as part of the annual worldwide cargo tariff revision.

The Board has determined to grant Pan American's motion, and will amend the effective date of our condition insofar as it relates to cargo rates to October 1, 1977. The intent of our action in Order 77–2–22 was to provide uniformity with previous Board conditions relating to rounding, and thus avoid confusion in fare and rate construction. Besides the consideration of extra costs to the carriers in publishing an extra worldwide tariff revision, we believe that implementation on October 1, 1977, the traditional date for worldwide cargo rate revisions, will assure the most orderly transition with the least possible confusion.

The Board, acting pursuant to the Federal Aviation Act of 1958 and particularly sections 102, 204(a) and 412 thereof, does not find that the following resolutions, which have direct or indirect application in air transportation as defined by the Act and are incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act, provided that approval is subject, where applicable, to conditions previously imposed by the Board:

Agreement C.A.B.	IATA No.	Title	Application
26439:			
R–1	002	Standard Revalidation Resolution (New)	1; 2; 3; 1/2; 2/3; 3/1; 1/2/3.
R–2	203a	Reduced Fares for Cargo Agents (United States Only) (Amending).	1; 2; 3; 1/2; 2/3; 3/1; 1/2/3.
R–3	203c	Reduced Fares for Cargo Agents (Except United States) (Amending).	1; 2; 3; 1/2; 2/3; 3/1; 1/2/3.
R–4	203e	Training Courses for Cargo Agents (Amending)	1; 2; 3; 1/2; 2/3; 3/1; 1/2/3.
26483	022l	JT12/JT123 (South Atlantic) Adjustment Factors for Sales of Passenger Air Transportation.	1/2; 1/2/3.
R–1	001aa	Expedited—Specia lEffectiveness Resolution (Amending)	1; 2; 3.
R–2	003	Expedited—Standard Rescission Resolution (New)	2/3; 3/1; 1/2/3.
R–3	013a	Establishing Basic SDR Passenger Fares and Related Charges (Revalidating and Amending).	1; 2; 3.
R–4	013b	Establishing Specified Cargo Rates and Charges Expressed in Special Drawing Rights (SDRs) (Revalidating and Amending).	1; 2; 3.
R–5	021L	Special Rules for Fares Currency Adjustments (Amending).	1; 2; 3.
R–6	022b	Expedited—JT23/123 Special Rules for Sales of Cargo Air Transportation (Amending).	2/3; 1/2/3.
R–7	022ii	Expedited—JT12 (Mid and South Atlantic) Special Rules for Sales of Cargo Air Transportation (Amending).	1/2.
R–8	022j	Expedited—JT12 (North Atlantic) Rules for Sales of Cargo Air Transportation (Amending).	1/2.
R–9	022jj	Expedited—JT12 (North Atlantic) Special Rules for Sales of Cargo Air Transportation (Amending).	1/2.
R–10	022k	Expedited—JT12 (Mid Atlantic) Special Rules for Sales of Cargo Air Transportation (Amending).	1/2.
R–11	022kk	Expedited—TC2 Special Rules for Sales of Cargo Air Transportation (Amending).	2.

[1] Presently there is no time limitation.

[2] Reduced tickets for training courses are not available to U.S. agents due to the Board's disapprovals of governing resolution 203e for U.S. agents in Order 76–3–160, March 25, 1976 and 74–3–109, March 26, 1974.

[3] These resolutions were approved with conditions by Order 76–4–135, April 26, 1976.

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Agreement C.A.B.	IATA No.	Title	Application
R-12	022L	Expedited—JT12 (South Atlantic) Special Rules of Sales of Cargo Air Transportation (Amending).	1/2.
R-13	022m	Expedited—TC2 Special Rules ofr Sales of Cargo Air Transportation (Amending).	2.
R-14	022mm	Expedited—JT23/123 Special Rules for Sales of Cargo Air Transportation (Amending).	2/3; 1/2/3.
R-15	022pp	Expedited—JT31 (North and Central Pacific) Special Rules for Sales of Cargo Air Transportation (Amending).	3/1.
R-16	022uu	Expedited—TC3 Special Rules for Sales of Cargo Air Transportation (Amending).	3.
R-17	023a	Expedited—Rounding-off Passenger Fares (Amending)	1; 2; 3; 1/2; 2/3; 3/1; 1/2/3.
26488	022d	JT23/JT123 Adjustment Factors for Sales of Passenger Air Transportation (New).	2/3; 1/2/3.

Accordingly, *it is ordered*, That:

1. Agreements C.A.B. 26439, R–1 through R–4, C.A.B. 26483, C.A.B. 26486, R–1 through R–17, and C.A.B. 26488, be and hereby are approved subject, where applicable, to conditions previously imposed by the Board;

2. Ordering paragraph 5(a) of Order 77–2–22 be and hereby is amended insofar as it affects cargo rates and charges in air transportation as defined by the Act to apply effective October 1, 1977; and

3. The March 3, 1977 motion of Pan American World Airways, Inc. in Docket 29123 be and hereby is granted.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-9809 Filed 4-1-77;8:45 am]

[Docket No. 30465]

SPANTAX, S.A. AND OVERSEAS NATIONAL AIRWAYS, INC.

Proposed Approval of Application

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded until April 14, 1977, within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., March 30, 1977.

PHYLLIS T. KAYLOR,
Secretary.

[Docket No. 30465]

SPANTAX, S.A. AND OVERSEAS NATIONAL AIRWAYS, INC.

ORDER GRANTING APPROVAL OF APPLICATION

Issued under delegated authority.

Spantax, S.A. (Spantax) and Overseas National Airways, Inc. (ONA) have requested that the Board approve without hearing, pursuant to the third proviso of section 408 (b) of the Federal Aviation Act of 1958, as amended (the Act), the lease of one DC–8–61 aircraft by ONA to Spantax. By amendment to their application, Spantax and ONA have requested that the Board approve a conditional sales contract in lieu of the lease.

ONA is a certificated supplemental air carrier authorized to perform domestic, transatlantic, and Caribbean air transportation.

Spantax holds a foreign air carrier permit under section 402 of the Act which authorizes transatlantic charter service to and from the United States.

Under the terms of the agreement, Spantax is required to make monthly payments of $98,000 for a minimum of two years. At the end of two years, it has a choice of terminating the agreement through payment of $50,000, of purchasing the aircraft outright for a fixed sum, or of continuing the agreement for two-year terms ending in 1958. Should it choose to purchase the aircraft, during this period, Spantax has the option of acquiring title to the aircraft at any time upon 120 days' notice. Unless Spantax pays the $50,000 termination fee in 1985, it is required to pay the purchase price and take title to the aircraft.

Spantax is to provide insurance and flight crews and all necessary overhauls, modifications, and repairs to the aircraft. Spantax is also required to make periodic payments into a reserve account for overhaul expenses. Payments are based on aircraft usage. Unused funds are to be returned to Spantax at the termination of the contract by payment of the $50,000 fee. Upon taking title to the aircraft, Spantax has a right to the entire account.

In support of their request, Spantax and ONA assert, inter alia, that the transaction would be subject to the exemption provided by Part 299 of the Board's Economic Regulations but for the fact that Spantax is not an air carrier;[1] that the transaction was the result of arm's length bargaining; that there are no control or interlocking relationships between ONA and Spantax; and that the transaction will not interfere with ONA's service commitments, but will, on the contrary, assist financially in the introduction of two DC–10 aircraft into ONA's fleet.

The applicants have also requested expedited action so that the aircraft can be delivered to Spantax at the earliest possible date.

No objections to the application or requests for a hearing have been received.

Notice of intent to dispose of this application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the above, it is concluded that ONA is an air carrier, that Spantax is a person engaged in a phase of aeronautics, and that the aircraft involved in the contemplated transaction constitutes a substantial part of the properties of ONA, all within the meaning of section 408 of the Act; and that the transaction is therefore subject to that section. However, it is further concluded that the above-described transaction will not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation or tend to unreasonably restrain trade, substantially lessen competition, or create a monopoly. This transaction was entered into after arm's length bargaining and there appear to be no interlocking or control relationships between ONA, on the one hand, and Spantax, on the other. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing, and it is concluded that the public interest does not require a hearing. It does not appear that ONA will be hindered in performing its certificate obligations since ONA will be taking delivery of two DC–10 aircraft shortly after the subject lease takes effect. It thus appears that the transaction will not be inconsistent with the public interest or leave the requirements of section 408 of the Act otherwise unfulfilled.

It is therefore found, pursuant to authority duly delegated by the Board in the Board's regulations, 14 CF 385.13, that the transaction as described above should be approved without hearing, pursuant to the third proviso of section 408(b) of the Act,[2]

Accordingly, it is ordered, That: The application for approval of the transaction described herein be and it hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations 14 CFR 385.50 may file such petitions within 10 days of the date of service of this order.

This order shall be effective immediately and the filing of such petitions shall not stay its effectiveness.

[FR Doc.77-9953 Filed 4-1-77;8:45 am]

[1] The aircraft involved constitutes 6.2 percent of ONA's aircraft, 9.5 percent of its overall lift capacity, and 12.3 percent of the market value of ONA's fleet.

[2] It is further found, pursuant to § 385.6 of the Board's that the action taken herein is governed by prior Board precedent and policy and that immediate action is required to enable effectuation of the transaction. Therefore, it is determined that the filing of petitions for review of this order will not preclude this order from becoming effective immediately. (See e.g. Hawaiian Airlines, Inc., Aerolinee Itavia, S.P.A., Lease Transaction, Order 76–5–141, May 27, 1976.)

CIVIL RIGHTS COMMISSION

MEMPHIS, EQUAL PROTECTION OF THE LAWS UNDER THE CONSTITUTION

Collection of Information Concerning Legal Developments Constituting Denial; Hearing

Notice is hereby given pursuant to the provisions of the Civil Rights Act of 1957, 71 Stat. 634, as amended, that a public hearing of the U.S. Commission on Civil Rights will commence on May 9, 1977, at the Memphis Federal Building, 167 North Main Street, Memphis, Tennessee. An executive session, if appropriate, may be convened at any time before or during the hearing.

The purpose of the hearing is to collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin, or in the administration of justice, particularly concerning police/community relations; to appraise the laws and policies of the Federal Government with respect to denials of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin, or in the administration of justice, particularly concerning police/community relations.

Dated at Washington, D.C., March 28, 1977.

ARTHUR S. FLEMMING,
Chairman.

[FR Doc.77-9955 Filed 4-1-77;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

SUBCOMMITTEE ON EXPORT ADMINISTRATION OF THE PRESIDENT'S EXPORT COUNCIL

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I (Supp. V, 1975)), notice is hereby given that a meeting of the Subcommittee on Export Administration of the President's Export Council will be held on Thursday, April 28, 1977, at 9:00 a.m., in Room 7A23 of the Federal Building at 1100 Commerce Street, Dallas, Texas.

The Subcommittee on Export Administration was initially established on June 1, 1976. On January 6, 1977, the Assistant Secretary for Administration approved the recharter and extension through December 31, 1978, of the Subcommittee, pursuant to the provisions of section 3 of Executive Order 11753 (December 20, 1973), as extended by section 1(k) of Executive Order 11948 (December 20, 1976), and the Federal Advisory Committee Act.

The Subcommittee advises the Secretary of Commerce on matters pertinent to those portions of the Export Administration Act of 1969, as amended (50 U.S.C. App. 2401 et seq.), that deal with United States policy of encouraging trade with all countries with which the United States has diplomatic or trading relations and of controlling trade for national security and foreign policy reasons.

The Subcommittee meeting agenda has seven parts:

GENERAL SESSION—9 A.M. TO 2:30 P.M.

1. Unfinished business.
   a. Demonstration policy.
   b. Provision of information to embassies.
2. Congressional action.
3. Identification by the Subcommittee of those parts of the Export Administration Regulations needing simplification and clarification.
4. Views of the Subcommittee on the appropriate basis for the Commodity Control List: Schedule B? CoCom List? Other?
5. Views of the Subcommittee on the nature and frequency of reports on agreements/understandings which may result in the export of technology.

EXECUTIVE SESSION—2:30 TO 5 P.M.

6. Unfinished business—CoCom.
7. Compliance inquiry views of the Subcommittee.

The General Session is open to the public. To the extent time permits, members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to Agenda Items 6 and 7, the Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 11, 1977, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government In the Sunshine Act (Pub. L. 94–409), that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters specifically authorized under criteria established by Executive Order 11652 to be kept secret in the interest of the national defense or foreign policy. Materials to be reviewed and discussed by the Subcommittee during the Executive Session of the meeting have been properly classified under the Executive Order. All Subcommittee members have appropriate security clearances.

The complete Notice of Determination to close portions of the series of meetings of the Subcommittee on Export Administration of the President's Export Council is printed at 42 FR 3011 (January 14, 1977).

Copies of the minutes of the General Session will be available upon written request addressed to Mr. Edward P. Kemp, Office of the Director, Bureau of East-West Trade, Room 3836, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Kemp either in writing at the address shown above or by telephone at (202) 377-5334.

Dated: March 29, 1977.

ARTHUR T. DOWNEY,
Deputy Assistant Secretary for East-West Trade.

[FR Doc.77-9921 Filed 4-1-77;8:45 am]

National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE OBSERVER PROGRAM

Fishing by Foreign Vessels in Waters Under the Jurisdiction of the United States of America

The Director, National Marine Fisheries Service, (the "Director") hereby issues notice of an observer program for foreign vessels fishing in the waters over which the United States exercises exclusive fishery management authority pursuant to the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801–1882) (the "Act"). Section 201(c)(2)(D) of the Act requires that any foreign nation which enters into a governing international fishery agreement, and the owner or operator of any fishing vessel fishing pursuant to such agreement, "• • • will abide by the requirement that • • • duly authorized United States observers be permitted on board any such vessel and that the United States be reimbursed for the cost of such observers."

Certain other requirements concerning the observer program, with which the foreign nation and the owner or operator of the fishing vessel must comply, are set forth in the Department of Commerce/NOAA/NMFS Foreign Fishing Regulations, at 50 CFR 611.8 (42 FR 8813, 8817, February 11, 1977).

This observer program is being established to meet the need of the United States to obtain onboard catch and effort data that are essential to the continued management of those fishery resources allocated to foreign nations and to determine compliance with the regulations promulgated for those fisheries. Therefore the responsibilities of the observers and the methods and procedures for implementation of the observer program are presented.

PURPOSE OF OBSERVER PROGRAM

Observers will be primarily responsible for data collection, including foreign vessel total catch, catch composition, fishing effort, gear utilized, disposition of catch, vessel efficiency, marine mammal catch, and biological sampling. Observers will record any violations of regulations and the terms of vessel permits and will determine the accuracy of foreign vessel reporting. The observers will not have direct enforcement responsibilities. However, their presence may serve as a deterrent to violations of U.S. regulations. The observers' records may be used in subsequent enforcement actions and in planning for deployment of observers and agents in future years.

FOREIGN VESSEL COVERAGE

The use of observers aboard fishing vessels will be limited to the level needed for providing a technically valid statistical sample of data for each fishery and to provide a presence to insure compliance with U.S. regulations. Allocations, the nature of the fishery, the incidental catch, the history of compliance in the fishery, and the number of vessels permitted to fish will be used to determine which vessels and nations will receive observers and in what number. Initial observer coverage for the 1977 program will be established at approximately the 20 percent level, although this may vary in the individual fisheries based upon the above considerations. After some operational experience has been gained, the effectiveness of this level of coverage will be evaluated.

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DEPLOYMENT OF OBSERVERS

In 1977, observers will be placed on vessels of the following nations operating in the Northwest Atlantic:

Bulgaria	Republic of Korea
France	Romania
German Democratic Republic	Spain
Italy	Union of Soviet Socialist Republics
Japan	West Germany
Poland	

Observers will also be placed aboard foreign fishing vessels of the following nations operating in the North and West Pacific:

Japan	Republic of Korea
Poland	Union of Soviet Socialist Republics
Republic of China (Taiwan)	

Observers also will be placed aboard vessels of other nations subsequently authorized to fish. Physically placing the observers on foreign fishing vessels will be accomplished by a variety of means, including boarding the vessel in its home port, having the Coast Guard arrange for boarding on the high seas, and permitting the foreign vessel to enter selected U.S. ports to pick up observers.

OBSERVER PROGRAM COSTS AND BILLING

The United States will recover the full costs of the observer program including appropriate costs of NMFS, NOAA, Navy, and Coast Guard. The NMFS will prepare a single bill which will be submitted to each foreign nation or that nation's agent for payment. The rationale used to calculate each nation's bill will be made available to that foreign nation.

Billing actual costs to each nation should provide an incentive to foreign nations to minimize the need for observers. It should encourage the adherence to regulations and the reporting of accurate statistics. It may further provide incentives to cooperate with the U.S. in reducing the costs of placing observers on board vessels.

It is currently estimated that the average trip of two months for each observer will cost the U.S. government about $4,000, including both direct and indirect support costs. The exact cost will be determined by the National Marine Fisheries Service, NOAA, as indicated in the accounting records of the applicable Financial Management Centers (FMCs). FMC records will be broken down into sufficient detail to indicate the name of the observer, the vessel, the foreign nation and the fishery, as well as the time period covered by the costs, and the amounts applicable to support costs. These costs will be accumulated for the period March 1, 1977 through December 31, 1977. The listing of observer costs will be transmitted by February 15, 1978 to the Office of Fisheries Management, NMFS (F3), Washington, D.C. 20235 for the preparation of a request for billing to the Central Accounting Branch (AD54), NOAA Finance Division, NBOC-1, Rockville, Maryland 20852. Bills for Collection prepared by the Central Accounting Branch covering payments due will be sent via covering transmittal memo to the Department of State, Office of the Deputy Assistant Secretary for Oceans and Fisheries Affairs (AES/OFA/FA): Attn: Coast Guard Fisheries Enforcement Officer, Washington, D.C. 20520, for forwarding to the foreign nations.

All payments received must be drawn in U.S. dollars, payable at a bank in the United States and be made payable to the U.S. Department of Commerce, NOAA. Payments should be sent to the Director, National Marine Fisheries Service, Attn: F3, Washington, D.C. 20235. Payments may be made in the United States also at NOAA Field Finance Offices located at 1700 Westlake Avenue, North, Seattle, Washington 98109, and at 75 Virginia Beach Drive, Building 2, Miami, Florida 33149.

PUBLIC NOTICE

The Director has determined that the Observer Program outlined herein is equitable and will be effective within the intent of the Act.

NOTE.—The National Marine Fisheries Service has determined that this document does not contain rulemaking and therefore does not require the preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: March 29, 1977.

ROBERT W. SCHONING,
Director, National Marine Fisheries Service.

[FR Doc.77-9915 Filed 4-1-77;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS FROM FEDERATIVE REPUBLIC OF BRAZIL

Establishment of Import Levels

MARCH 30, 1977.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: New levels for cotton textiles and cotton textile products exported from Brazil during the year beginning on April 1, 1977.

SUMMARY: The Bilateral Cotton Textile Agreement of April 22, 1976 between the Governments of the United States and the Federative Republic of Brazil establishes levels of restraint for certain specified categories of cotton textiles and cotton textile products, produced or manufactured in Brazil and exported to the United States during the three-year period, beginning on April 1, 1976 and extending through March 31, 1979. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to limit to the designated levels of restraint the amounts of cotton textiles and cotton textile products in Categories 1-4, 9, 18/19, 22/23, 26 (duck), 26/27 (other than duck), 30/31, 43, 44, 45, 46, 50, 51, 55, 56, 62 and parts of 64, produced or manufactured in Brazil, which may be entered into the United States for consumption or withdrawn from warehouse for consumption during the agreement period which begins on April 1, 1977 and extends through March 31, 1978.

EFFECTIVE DATE: April 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Donald R. Foote, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230. (202-377-5423).

ROBERT E. SHEPHERD,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance U.S. Department of Commerce.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20229

DEAR MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton Textile Agreement of April 22, 1976, between the Governments of the United States and the Federative Republic of Brazil, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on April 1, 1977, and for the twelve-month period extending through March 31, 1978, entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton textiles and cotton textile products in Categories 1-4, 9, 18/19, 22/23, 26 (duck), 26/27 (other than duck), 30/31, 43, 44, 45, 46, 50, 51, 55, 56, 62, and parts of 64 in excess of the following levels of restraint:

Category	*Twelve-Month Level of Restraint*	
1-4	9,304,348	pounds
9	16,371,000	square yards
18/19	13,803,000	square yards
22/23	6,099,000	square yards
26 (duck) [1]	3,424,000	square yards
26/27 (other than duck) [2]	8,881,000	square yards
30/31	9,224,138	numbers
43	151,906	dozen
44	43,614	dozen
45	86,670	dozen
46	96,300	dozen
50	123,050	dozen
51	90,184	dozen
55	32,100	dozen
56	107,000	dozen
62	227,957	pounds
64 (only T.S.U.S.A. 366.6500)	674,565	pounds
64 (floor coverings) [3]	465,217	pounds

[1] The T.S.U.S.A. Nos. for duck fabric are:

320.—01 through 04,06,08	326.—01 through 04,06,08
321.—01 through 04,06,08	327.—01 through 04,06,08
322.—01 through 04,06,08	328.—01 through 04,06,08

All T.S.U.S.A. Numbers in Category 26, except those listed in footnote 1.

[3] The T.S.U.S.A. Numbers for floor coverings are:

360.2000	361.0542
360.2500	361.1820
360.3000	361.2010
360.7600	361.5000
360.8100	361.5422
361.0522	361.5622

In carrying out this directive, entries of cotton textile products in the foregoing categories, produced or manufactured in Brazil and exported to the United States prior to April 1, 1977, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period April 1, 1976 through March 31, 1977. In the event that the levels of restraint established for that twelve-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment in the future pursuant to the provisions of the Bilateral Cotton Textile Agreement of April 22, 1976, between the Governments of the United States and the Federative Republic of Brazil which provide, in part, that: (1) within the aggregate and applicable group limits, specific limits may be exceeded by designated percentages; (2) specific ceilings may be increased for carryover and carryforward up to 11 percent of the applicable category limit; (3) consultation levels may be increased within the aggregate and applicable group limits upon agreement between the two governments; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate future adjustments under the foregoing provisions of the bilateral agreement will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010), as amended on December 31, 1975 (40 FR 60220), December 30, 1976 (41 FR 56881), January 21, 1977 (42 FR 3888), and March 7, 1977 (42 FR 12898).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Federative Republic of Brazil and with respect to imports of cotton textiles and cotton textile products from Brazil have been determined by the Committee for the implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions of the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROBERT E. SHEPHERD,
Acting Chairman, Committee for the Implementation of Textile Agreements and Acting Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.77-10027 Filed 4-1-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

CHIEF OF NAVAL OPERATIONS EXECUTIVE PANEL ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Advisory Committee will meet on April 19-20, 1977, at the Pentagon, Washington, D.C. Sessions of the meeting will commence at 9:00 a.m. on both days and terminate at 5:30 p.m. on April 19 and 4:30 p.m. on April 20. All sessions will be closed to the public.

The agenda will consist of matters required by Executive Order to be kept secret in the interest of national defense and are in fact properly classified pursuant to such Executive Order, including intelligence briefings on Soviet military capabilities and recent operational developments, U.S. naval strategy, specialized technology and U.S.-allied naval capabilities. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact Commander William A. Armbruster, USN, Executive Secretary of the CNO Executive Committee, 1401 Wilson Blvd., Room 405, Arlington, VA 22209, telephone number (202) 694-3191.

Dated: March 29, 1977.

K. D. LAWRENCE,
Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate, General (Administrative Law).

[FR Doc.77-9911 Filed 4-1-77;8:45 am]

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON COUNTER-COMMUNICATIONS, COMMAND AND CONTROL (C³)

Advisory Committee Meeting

The Defense Science Board Task Force on Counter-Communications, Command and Control (Counter-C³) will meet in closed session on 19 and 20 April 1977 in the Pentagon, Washington, D.C. The title of this Task Force has been changed from Electronic Warfare and Counter-Communications, Command and Control to Counter-Communications, Command and Control to reflect that electronic warfare is not the only consideration of the Task Force.

The mission of the Defense Science Board Task Force is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long-range guidance to the Department of Defense in these areas.

The Task Force will provide an analysis of the communications, command and control (C³) employed by potentially hostile forces and identify countermeasures that might be of significant help if the Department of Defense were required to counter those forces.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in Section 552b(c) of Title 5 of the United States Code, specifically Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Office of the Assistant Secretary of Defense (Comptroller).

MARCH 25, 1977.

[FR Doc.77-9893 Filed 4-1-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 708-7; OPP-50286]

ELANCO PRODUCTS CO., ET AL.

Issuance of Experimental Use Permits

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 979;

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89 Stat. 751; 7 U.S.C. 136(a) et seq.), experimental use permits have been issued to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 1471-EUP-49. Elanco Products Company, Indianapolis, Indiana 46206. This experimental use permit allows the use of 1,600 pounds of the herbicide tebuthiuron on sugarcane to control a broad spectrum of weeds and grasses. A total of 1617 acres is involved; the program is authorized only in the States of Louisiana, Florida, and Texas. The experimental use permit is effective from March 11, 1977, to March 11, 1978. Any crops treated under this permit will be destroyed or used for research purposes only.

No. 677-EUP-11. Diamond Shamrock Corporation, Cleveland, Ohio 44114. This experimental use permit allows the use of 972 pounds of the fungicide chlorothalonil on soybeans to evaluate control of Septoria brown spot and downy mildew. A total of 141 acres is involved; the program is authorized only in the States of Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, South Dakota, South Carolina, Tennessee, Texas, and Virginia. The experimental use permit is effective from March 9, 1977, to March 9, 1978. Any crops treated under this permit will be destroyed or used for research purposes only.

No. 6022-EUP-2. Armak Company, Chicago, Illinois 60606. This experimental use permit allows the use of the remaining supply of approximately 75 gallons of undecanol as a chemical pinching agent to treat an estimated 2,250,000 chrysanthemums and other flowers; this use was authorized in a previous experimental use permit. The program is authorized only in the States of Alabama, California, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Nebraska, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Vermont, and Virginia. The experimental use permit is being extended from January 22, 1977, to January 22, 1978.

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., SW., Washington, D.C. 20460. It is suggested that such interested persons call 202-755-4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: March 28, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.77-9887 Filed 4-1-77;8:45 am]

[FRL 708-8]

NATIONAL DRINKING WATER ADVISORY COUNCIL

Open Meeting

Pursuant to Pub. L. 92-423, notice is hereby given that a meeting of the National Drinking Water Advisory Council established under Pub. L. 93-523, the "Safe Drinking Water Act," will be held at 9:00 a.m. on April 28, 1977, in Conference Room 3305, Mall Area, Waterside Mall, and at 8:30 a.m., April 29, 1977, in Conference Room 3305, Mall Area, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.

The purpose of the meeting will be to discuss the National Academy of Sciences' Report on the health aspects of constituents found in drinking water; to review the revisions in EPA's Underground Injection Control Regulations; and to examine EPA's proposed regulation to control trihalomethanes in drinking water. In addition, five new Council members will be sworn in.

Both days of the meeting will be open to the public. The Council encourages the hearing of outside statements and allocates a portion of time for public participation. Any outside parties interested in presenting an oral statement should petition the Council in writing. The petition should include the general topic of the proposed statement and the petitioner's telephone number.

Any person who wishes to file a written statement can do so before or after a Council meeting. Accepted written statements will be recognized at Council meetings.

Any member of the public wishing to attend the Council meeting, present an oral statement, or submit a written statement should contact Patrick Tobin, Executive Secretary for the National Drinking Water Advisory Council, Office of Water Supply (WH-550), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

The telephone number is: Area Code 202-426-8847.

ANDREW W. BREIDENBACH,
Assistant Administrator
for Water and Hazardous Materials.

MARCH 29, 1977.

[FR Doc.77-9888 Filed 4-1-77;8:45 am]

[FRL 708-4; OPP-50283]

STAUFFER CHEMICAL CO., ET AL.

Issuance of Experimental Use Permits

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), experimental use permits have been issued to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 476-EUP-77. Stauffer Chemical Company, Richmond, California 94804. This experimental use permit allows the use of 5,224 pounds of the fungicide Captan on soybeans to evaluate control of Anthracnose, Cercospora leaf spot, Cercospora purple stain, mildew, Septoria brownspot, and Diaporthe pod and stem blight. A total of 1,308 acres is involved; the program is authorized only in the States of Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, and Texas. The experimental use permit is effective from March 1, 1977, to March 1, 1978. A permanent tolerance for residues of the active ingredient in or on soybeans has been established (40 CFR 180.103).

No. 476-EUP-86. Stauffer Chemical Company, Richmond, California 94804. This experimental use permit allows the use of 490 pounds of the herbicide S-propyl dipropylthiocarbamate on soybeans to evaluate control of various annual grasses. A total of 180 acres is involved; the program is authorized only in the States of Kentucky, Illinois, Indiana, and Louisiana. The experimental use permit is effective from March 1, 1977, to March 1, 1978. A permanent tolerance for residues of the active ingredients in or on soybeans has been established (40 CFR 180.240).

No. 7968-EUP-8. BASF Wyandotte Corporation, Parsippany, New Jersey 07054. This experimental use permit allows the use of 5,440 pounds of the herbicide pyrazon in sugar beets to evaluate control of various annual weeds. A total of 1,600 acres is involved; the program is authorized only in the States of Arizona, California, Colorado, Idaho, Maine, Michigan, Minnesota, Montana, North Dakota, Ohio, Oregon, Utah, Washington, and Wyoming. The experimental use permit is effective from March 1, 1977, to March 1, 1978. A permanent tolerance for residues of the active ingredient in or on sugar beets has been established (40 CFR 180.318).

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., SW., Washington, D.C. 20460. It is suggested that such interested persons call 202-755-4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: March 28, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 77-9884 Filed 4-1-77;8:45 am]

[FRL 708-6; OPP-50285]

STAUFFER CHEMICAL CO., ET AL.

Issuance of Experimental Use Permits

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), experimental use permits have been issued to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172. Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 476-EUP-88. Stauffer Chemical Company, Richmond, California 94804. This experimental use permit allows the use of 350 pounds of the herbicide S-ethyl dipropylthiocarbamate for pre-plant application through irrigation water on potatoes to evaluate control of lambsquarters, pigweed, nightshade, watergrass, and foxtail. A total of 92 acres is involved; the program is authorized only in the States of California, Idaho, Texas, and Washington. The experimental use permit is effective from February 14, 1977, to February 14, 1978. A permanent tolerance for residues of the active ingredient in or on potatoes has been established (40 CFR 180.232).

No. 476-EUP-89. Stauffer Chemical Company, Richmond, California 94804. This experimental use permit allows the use of 138.5 pounds of the herbicide S-ethyl dipropylthiocarbamate impregnated on dry fertilizer on alfalfa, potatoes, beans, and sugarbeets to evaluate control of annual grasses, and broadleaf and perennial weeds. A total of 45 acres is involved; the program is authorized only in the States of Idaho, Minnesota, Oregon, Pennsylvania, Washington, and Wisconsin. The experimental use permit is effective from February 16, 1977, to February 16, 1978.

No. 38338-EUP-1. University of Idaho Cooperative Extension Service, Twin Falls, Idaho 83301. This experimental use permit allows the use of 310 pounds of the insecticide methoxychlor on irrigation canals to evaluate control of blakfly larvae. The areas involved are the Twin Falls Canal in Murtaugh; the Northside Canal in Burley; the Walker Ditch and the Pioneer Reservoir in King Hill; and the East Branch Canal, the Bench Canal, the Turner Canal and the Soda Canal in Grace. The program is authorized only in the State of Idaho. The experimental use permit is effective from May 1, 1977, to May 1, 1978.

No. 1109-EUP-1. Cities Service Company, Atlanta, Georgia 30302. This experimental use permit allows the use of a fungicide which is a mixture of copper abietate, copper linoleate, and copper oleate on peaches and plums to evaluate control of bacterial spot. The experimental use permit is effective from February 18, 1977, to March 15, 1978.

No. 1109-EUP-2. Cities Service Company, Atlanta, Georgia 30302. This experimental use permit allows the use of a fungicide which is a mixture of cooper abietate, cooper linoleate, and cooper oleate on peaches and plums to evaluate control of bacterial spot. A total of 27 acres are involved in this permit and the one above; approximately 77 pounds of the fungicide will be used for both permits. The permits are authorized only in the States of Georgia, Illinois, Missouri, New Jersey, South Carolina, and Texas. This experimental use permit is also effective from February 18, 1977, to March 15, 1978. The permits will use the same active ingredient, but different formulations. An exemption from the requirement of a tolerance for residues of the fungicide mixture in or on peaches and plums has been established (40 CFR 180.1001(b)(1).

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., SW., Washington, D.C. 20460. It is suggested that such interested persons call 202-755-4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: March 28, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.77-9886 Filed 4-1-77;8:45 am]

[FRL 708-5; OPP-50284]

ZOECON CORP. AND TENNESSEE VALLEY AUTHORITY

Issuance of Experimental Use Permits

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), experimental use permits have been issued to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 20954-EUP-5. Zoecon Corporation, Palo Alto, California 94304. This experimental use permit allows the use of 346.9 pounds of the insecticide Methoprene in non-fish-bearing waters to evaluate control as an insect growth regulator for various species of mosquitoes. A total of 163 aquatic acres are involved; the program is authorized only in the States of Arizona, Arkansas, California, Florida, Georgia, Illinois, Louisiana, Minnesota, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Tennessee, Texas, Utah, Virginia, and Washington. The experimental use permit is effective from April 7, 1977, to April 7, 1978.

No. 39305-EUP-1. Tennessee Valley Authority, Muscle Shoals, Alabama 35660. This experimental use permit allows the use of 72 pounds of the herbicide diquat dibromide in the reservoirs on the Tennessee River to evaluate control of various aquatic weeds. The program is authorized only in the States of Alabama and Tennessee. The experimental use permit is effective from March 4, 1977, to March 4, 1978. A permanent tolerance for residues of the active ingredients in potable water has been established (40 CFR 193.160).

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., SW., Washington, D.C. 20460. It is suggested that such interested persons call 202-755-4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: March 28, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.77-9885 Filed 4-1-77;8:45 am]

[FRL 709-4]

SCIENCE ADVISORY BOARD; ENVIRONMENTAL POLLUTANT MOVEMENT AND TRANSFORMATION ADVISORY COMMITTEE

Open Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Environmental Pollutant Movement and Transformation Advisory Committee of the Science Advisory Board will be held on April 20, 1977, at 9:00 a.m. to 4:30 p.m. in Conference Room 1112A of Crystal Mall No. 2. The address is 1921 Jefferson Davis Highway, Arlington, Virginia.

The agenda includes discussions with selected grantees of the Office of Research and Development dealing with modeling studies in air pollution as part of the Committee's evaluation of the quality of research programs of the Office of Research and Development, and items of Member interest.

The meeting is open to the public. Any member of the public wishing to attend or obtain information should contact Dr. Joel L. Fisher, Executive Secretary of the Environmental Pollutant Movement and Transformation Advisory Committee by close of business April 14, 1977, at 703-557-7710.

LLOYD T. TAYLOR,
Acting Staff Director,
Science Advisory Board (A-101).

MARCH 30, 1977.

[FR Doc.77-9999 Filed 4-1-77;8:45 am]

[FRL 709-2]

SCIENCE ADVISORY BOARD; ENVIRONMENTAL POLLUTANT MOVEMENT AND TRANSFORMATION ADVISORY COMMITTEE

Request for Nominations for Members

The Administrator requests nominations for the Environmental Pollutant Movement and Transformation Advisory Committee, an entity of the Science Advisory Board. Current terms for five of the members expire in May, 1977.

The function of the Committee is to provide to the Administrator expert advice on issues related to the scientific and technical problems associated with the movement of pollutants through various media (air, water, land) and their subsequent chemical transformations within those media, and within biotic substrates (organisms and their tissues). Also of primary concern to the Committee is to provide advice on the intermedia aspects of pollutant movement and transformation.

The members are scientists of recognized accomplishment and stature in professional fields such at atmospheric chemistry, oceanography, limnology, biophysics, chemical and mechanical engineering. They are knowledgeable about problems of establishing material balances for selected pollutants on regional and global scales; modeling of the dynamics of pollutant movement and transformation in various media; and experienced in the uses of scientific information for various kinds of decision-making and regulatory activities. Employees of Federal Agencies will not be considered for membership.

Any interested person or organization may nominate one or more qualified persons for membership. Nominees should be

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identified by name, occupation or position, address, and telephone number. The nominations should include a resume of the nominee's background, experience and qualifications. This request for nominees does not imply any commitment on the part of the Agency to appointment of individuals nominated, nor will formal replies to letters of nomination be sent.

Nominations should be submitted to Mrs. Mary Beatty, Committee Management Office (PM-213), Room W405, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, no later than May 30, 1977.

LLOYD T. TAYLOR,
Acting Staff Director,
Science Advisory Board.

MARCH 28, 1977.

[FR Doc.77-9998 Filed 4-1-77;8:45 am]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

GOVERNMENT-WIDE STANDARD RACE/ETHNIC CATEGORIES

In a memorandum from the Office of Management and Budget dated October 13, 1976, the Equal Employment Opportunity Commission was advised that OMB had changed the government-wide standard race/ethnic categories. This revision requires EEOC to change its race/ethnic categories. These definitions do not revise the underlying regulations. Accordingly, the following changes are being made in the EEO-4, EEO-5, and EEO-6 survey definitions:

1. White, not of Hispanic Origin.—Persons having origins in any of the original peoples of Europe, North Africa, or the Middle East

Change: Indian Subcontinent deleted.

2. American Indian or Alaskan Native.—Persons having origins in any of the original peoples of North America, *and who maintain cultural identification through tribal affiliation or community recognition*

Change: Italicized wording added.

3. Asian or Pacific Islander.—Persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, and Somoa.

Change: Indian Subcontinent added.

With this notice, employers should have no difficulty implementing the changes, and will have ample time to change their internal records to reflect the changes.

The Equal Employment Opportunity Commission hereby gives notice that the State and Local Government Information (EEO-4) as required by 29 CFR 1602.30 for 1977 and for subsequent years will reflect five (5) revised race/ethnic categories. The same race/ethnic categories will also be reflected on the Elementary-Secondary Staff Information (EEO-5); 29 CFR 1602.39, and the Higher Education Staff Information (EEO-6) 29 CFR 1602.48 for 1977 and subsequent years. The five race/ethnic categories are defined as follows:

White, not of Hispanic Origin.—Persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.

Black, not of Hispanic Origin.—Persons having origins in any of the Black racial groups of Africa.

Hispanic.—Persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish Culture or origin, regardless of race.

American Indian or Alaskan Native.—Persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

Asian or Pacific Islander.—Persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa.

Signed at Washington, D.C. this 28th day of March, 1977.

ETHEL BENT WALSH,
Vice Chairman, Equal Employment Opportunity Commission.

[FR Doc.77-9920 Filed 4-1-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

AMES ELECTRIC UTILITY'S AMES GENERATING STATION, POWERPLANT 7

Negative Determination of Environmental Impact

Pursuant to 10 CFR 208.4 and 305.9, the FEA hereby gives notice that it has performed an analysis and review of the environmental impact of the proposed issuance of a Notice of Effectiveness for the prohibition order to Ames Electric Utility's Ames Generating Station, Powerplant 7.

On June 30, 1975, the FEA issued a prohibition order to the above-listed powerplant which prohibited the powerplant from burning natural gas or petroleum products as its primary energy source. The prohibition order provided, however, that in accordance with the requirements of 10 CFR Parts 303 and 305, the order would not become effective until either, (1) the Administrator of the Environmental Protection Agency (EPA) notifies the FEA, in accordance with section 119(d)(1)(B) of the Clean Air Act, that a particular powerplant will be able on and after July 1, 1975, to burn coal and to comply with all applicable air pollution requirements without a compliance date extension under Section 119, or (2) if no notification is given by EPA, the date that the Administrator of EPA certifies pursuant to Section 119(d)(1)(B) of the Clean Air Act is the earliest date that a particular powerplant will be able to comply with all applicable air pollution requirements under section 119 of that Act; and, until FEA has performed an analysis of the issuance of a Notice of Effectiveness, pursuant to 10 CFR 305.9, and has served the powerplant the Notice of Effectiveness, as provided in 10 CFR 303.10(b), 303.37 (b), and 305.7.

The FEA has analyzed and reviewed the effect on the human environment of issuance of the Notice of Effectiveness, and has determined it is clear that issuance of a Notice of Effectiveness for the prohibition order to the above-listed powerplant is not a "major Federal action significantly affecting the quality of the human environment." National Environmental Policy Act, at 42 U.S.C. 4332(2)(C). Therefore, pursuant to 10 CFR 208.4(c), FEA concludes that an environmental impact statement is not required.

Additional copies of this negative determination of environmental impact and copies of the environmental assessment upon which it is based are available upon request from the FEA National Energy Information Center, Room 1404, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461. Copies of the documents are also available for public review in the FEA Freedom of Information Reading Room, Room 2107, 12th and Pennsylvania Avenue NW., Washington, D.C.

Interested persons are invited to submit data, views, or arguments with respect to the environmental impacts of the Notice of Effectievness and the associated negative determination and environmental assessment to Executive Communications, Box LJ, Room 3309, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation, "Negative Determination—Proposed NOE to Ames Electric Utility's Ames Generating Station, Powerplant 7." Fifteen copies should be submitted on or before April 25, 1977.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Issued in Washington, D.C., March 30, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.77-1000 Filed 3-31-77;9:34 am]

FEDERAL MARITIME COMMISSION

BOARD OF TRUSTEES OF THE GALVESTON WHARVES AND BUNGE CORP.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before April 25, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Mr. Carl S. Parker, Jr., Traffic Manager, Port of Galveston, P.O. Box 328, Galveston, Texas 77553.

Agreement No. T-3289-3, between the Board of Trustees of Galveston Wharves (Wharves) and Bunge Corporation (Bunge), further modifies the basic lease of a grain elevator and terminal facilities. The modification enlarges the leased premises to include certain railroad trackage, as further described in the basic amendment. As compensation, Bunge will pay Wharves additional quarterly rental payments of $3,000.

By Order of the Federal Maritime Commission.

Dated: March 30, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-9988 Filed 4-1-77;8:45 am]

CITY OF LONG BEACH AND PIERPOINT MANAGEMENT CORP.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 1026; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 25, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Mr. Leslie E. Still, Jr., Deputy City Attorney, City of Long Beach, Suite 600 City Hall, Long Beach, California 90802.

Agreement No. T-3295-1, between City of Long Beach (City) and Pierpoint Management Company (Pierpoint), modifies the parties' basic agreement providing for the nonexclusive preferential assignment by City of certain premises at Pier A, to be used in the operation of a marine terminal. The purpose of the modification is to increase the area of the leased premises.

By Order of the Federal Maritime Commission.

Dated: March 30, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-9989 Filed 4-1-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-9583]

CENTRAL POWER & LIGHT CO. AND WEST TEXAS UTILITIES CO.

Filing of Complaint

MARCH 28, 1977.

Take notice that on March 7, 1977, Central Power and Light Company (CP&L) and West Texas Utilities Company (WTU) (collectively called the Petitioners) filed a Petition to Intervene and request that the order entered in the above-referenced docket by the Commission on February 4, 1977, be modified or supplemented by the issuance of an appropriate order pursuant to Section 202(c) of the Federal Power Act, 16 U.S.C. 824a(b). Pursuant to Section 1.6 of the Commission's Rules (18 CFR 1.6), the above-mentioned Petition to Intervene has been accepted for filing as a Complaint.

CP&L is a Texas Corporation with its principal place of business at Corpus Christi, Texas. WTU is a Texas Corporation with its principal place of business at Abilene, Texas. All of the outstanding shares of Common Stock of CP&L and WTU are owned by Central and South West Corporation (CSW), a Delaware Corporation with its offices in Wilmington, Delaware.

CP&L and WTU assert that they are members of the Electric Reliability Council of Texas (ERCOT) and are interconnected with each other and with certain other members of ERCOT, specifically Lower Colorado River Authority and the municipal electric utility systems of the City of Austin and the City of San Antonio, Texas (the South Texas Governmentals). Petitioners contend that prior to May 4, 1976, they were also interconnected and operated in synchronism with the major member of ERCOT, Texas Electric Service Company, (TESCO), (and through it with the other operating subsidiaries of Texas Utilities Company (TU): Dallas Power and Light Company (DP&L) and Texas Power & Light Company (TP&L)), and were also interconnected with Houston Light & Power Company (HL&P).

WTU states that on May 4, 1976, it commenced sales of electricity to three small communities in Oklahoma from its previously intrastate transmission lines, thus placing all ERCOT systems in interstate commerce. Petitioners state that TESCO and HL&P responded by opening their interconnections with CP&L, WTU and the South Texas Governmentals. On July 21, 1976, in Docket No. E-9558, the Commission entered an order authorizing emergency interconnection pursuant to Section 202(d) of the Federal Power Act.

In addition, Petitioners contend that substantially all of their present electric generating facilities are regularly fueled by natural gas purchased from intrastate sources. Petitioners state that in 1976, 97.5% of the Kilowatt-hour output was generated using natural gas and the remaining 2.5% using oil.

Petitioners assert that following the entry by the Commission on February 4, 1977, of its order authorizing emergency reinterconnection of ERCOT to facilitate reduction of gas consumption by ERCOT members so that gas could be diverted to interstate markets, CP&L and WTU, through C&SW's service company affiliate, wrote a letter to HL&P and TU requesting reinterconnection as a basis for reducing gas used to fuel spinning reserves. In addition, Petitioners contend that they have clearly indicated their desire to make gas available to the interstate market and are discussing arrangements with their respective principal gas suppliers Lo Vaca Gathering Company and Lone Star Gas Company, to transport diverted gas into the interstate pipeline system.

Therefore, Petitioners request that the Commission enter an order under Section 202(c) of the Federal Power Act requiring the immediate resumption and continuation of all interconnected service among all of the members of ERCOT as it was on May 3, 1976, specifically requiring HL&P and TESCO as well as DP&L and TP&L, to restore all of the interconnections and services which were opened on May 4, 1976. Petitioners aver that such an order is necessary in addition to, or in substitution for, the order already entered under Section 202(d) since neither TESCO nor HL&P has been willing to act under the earlier order.

Any person desiring to be heard or to make any protest with reference to said Complaint should on or before April 25, 1977, file with the Federal Power Com-

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mission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The Complaint is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-9938 Filed 4-1-77;8:45 am]

[Docket No. CP77-300]

COLUMBIA GAS TRANSMISSION CORP.

Notice of Application

MARCH 29, 1977.

Take notice that on March 16, 1977, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorckle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP77-300 an application pursuant to section 7(c) of the Natural Gas Act and section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of natural gas for PPG Industries, Inc. (PPG), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to transport up to 3,500 Mcf of natural gas per day for PPG for a primary period of two years, which gas would be received into Applicant's Lines O-880 and FO-1633 in Valley and Center Townships, Guernsey County, Ohio, to an existing point of delivery from Transcontinental Gas Pipe Line Corporation (Transco) to Applicant near Dranesville, Fairfax County, Virginia. Transco would transport such gas to the Cities of Lexington and Shelby, North Carolina, for ultimate delivery and use by PPG's facilities in these locations. Deliveries to Transco would be accomplished by reducing Applicant's scheduled receipts from Transco at Dranesville.

The application states that PPG has contracted with David S. Towner dba David S. Towner Enterprises (Towner) to purchase gas for a primary term extending from the date of first delivery of such gas through April 30, 1979, at which time PPG has the option to extend the contract for a two-year period and from year-to-year thereafter under terminated. It is stated that Towner has contracted to sell an average daily volume of 1,500 Mcf of gas per day in the contract periods of November 1 through April 30 of each year and 1,000 Mcf per day in the contract periods of May 1 through October 31 of each year. It is further stated that Towner affirms that gas from the lease covered by the PPG contract has never been sold in interstate commerce, that the gas would not be sold in the interstate market because intrastate markets are available, and that marginal gas reserves such as these cannot be developed for the regulated interstate market because of the high cost of development. The price at which PPG would purchase gas from Towner is $2.20 per Mcf from first delivery through April 30, 1977; $2.05 per Mcf from May 1 through October 31, 1977; $2.30 per Mcf from November 1, 1977, through April 30, 1978.

It is stated that PPG's plants in Lexington and Shelby make up its entire Fiber Glass Division, which accounts for approximately 40 percent of the continuous fiberglass filament produced in the United States and the gas to be transported would be used in furnace forehearths, refiners and cannals and other miscellaneous fiber "conditioning" equipment for which alternate fuels cannot be used since they require the constant flame and precise temperature control characteristics of a gaseous fuel.

It is asserted that PPG employs approximately 2,600 people in these two plants and is the major employers in the City of Lexington with a population of 1,350 people and in the City of Shelby with a population of 1,300 people and continued operation of these two plants is seriously threatened by present curtailment conditions. A shutdown of PPG's operations would have a direct economic effect on the Cities of Lexington and Shelby and ripple effects in the rest of North Carolina, it is said.

Applicant states that it has available pipeline capacity, to transport the natural gas without the construction of additional facilities.

It is stated that Applicant's transportation charge for all volumes delivered into its Line O-890 would be its average system-wide unit storage and transmission costs exclusive of company-use and unaccounted-for gas, which is currently 22.21 cents per Mcf effective November 1, 1976; for all volumes delivered into its Line FO-1633, the transportation charge would be Applicant's average systemwide unit gathering, storage and transmission costs exclusive of company-use and unaccounted-for gas, which charge is currently 24.75 cents per Mcf effective November 1, 1976. Applicant would retain for company-use and unaccounted-for gas a percentage of the total volumes received for the account of PPG, which percentage is currently 3.1 percent. The transported gas is subject to diversion to Applicant in emergency periods when such gas is required for the protection of Priority 1 requirements on its system.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 11, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-9939 Filed 4-1-77;8:45 am]

[Docket No. CP77-165]

COLUMBIA GAS TRANSMISSION CORP.

Notice of Application

MARCH 29, 1977.

Take notice that on March 16, 1977, Columbia Gas Transmission Corporation (Applicant 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP77-165 an application pursuant to section 7(c) of the Natural Gas Act and section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of natural gas for Wheeling-Pittsburgh Steel Corporation (Wheeling-Pittsburgh), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport natural gas for Wheeling-Pittsburgh from an existing point of Delivery from Texas Gas Transmission Corporation (Texas Gas) to Applicant in Warren County, Ohio, to existing points of delivery by Applicant to Columbia Gas of Ohio, Inc. (Columbia, Ohio), Columbia Gas of West Virginia, Inc. (Columbia, W. Va.), and Columbia Gas of Pennsylvania, Inc. (Columbia Pennsylvania), all of which are wholesale customers of Columbia. The gas would be delivered by the distributors to Wheeling-Pittsburgh's plants in Steubenville, Martins Ferry, and Yorkville, Ohio, in Beech Bottom, Follansbee, and Wheeling, West Virginia, and in Allenport, Pennsylvania.

It is asserted that Wheeling-Pittsburgh has been advised by Columbia Ohio that on February 1, 1977, its Steubenville, Ohio, would receive only plant maintenance gas and Columbia, W. Va. and Columbia, Pennsylvania had both increased curtailments to Wheeling-Pittsburgh plants. Applicant proposes herein to transport natural gas for Wheeling-Pittsburgh for a two-year period.

Wheeling-Pittsburgh, the ninth largest steel producer in the United States, is an integrated steel company manufacturing plates, hot and cold rolled sheets, coated sheets, tin mill products, welded and seamless tubular products and semi-finished steel, it is said. It is stated that Wheeling-Pittsburgh currently employs approximately 7,700 people in its Ohio operations to which natural gas deliveries would be made, approximately 1,500 people in its West Virginia operations to which deliveries would be made and approximately 2,500 people in its Pennsylvania operation to which deliveries would be made.

Applicant states that Wheeling-Pittsburgh has contracted with McGoldrick Joint Venture No. 1-73 (McGoldrick) to purchase gas for a period of 730 consecutive days from and after the date of first delivery of such gas. It is stated that McGoldrick would sell 5,000 Mcf of gas per day on a take or pay basis to Wheeling-Pittsburgh from certain of its leaseholds in Clairborne Parish, Louisiana, and Wheeling-Pittsburgh would pay McGoldrick $1.70 per Mcf, subject to Btu adjustment, for the first 365 days, after which time the price is subject to renegotiation on the basis of the highest price then being paid for natural gas in the Monroe and Shreveport, Louisiana, Conservation Districts, provided that the price would not be less than $1.85 nor more than $2.52 per Mcf. There is also a provision for the sale and purchase of excess gas, it is said.

Applicant states it would transport up to 5,000 Mcf per day. The gas is subject to diversion to Applicant in emergency periods when required for the protection of Priority 1 requirements on Applicant's system. Applicant states it would not have to construct any additional facilities.

Applicant states that its transportation charge for this service would be its average systemwide unit storage and transmission costs exclusive of company-use and unaccounted-for gas, which is 22.21 cents per Mcf effective November 1, 1976, and that it would retain for company-use and unaccounted-for gas a percentage of the total volumes received for the account of Wheeling-Pittsburgh, which percentage is currently 3.1 percent.

It is indicated that the natural gas which Wheeling-Pittsburgh will purchase from McGoldrick is not available to the interstate market, and that the gas would be used for Priority 2 purposes or those Priority 3 uses that would have been in Priority 2 had the gas been purchased on a firm basis.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 11, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-9940 Filed 4-1-77;8:45 am]

[Docket No. ER77-244]

CONNECTICUT LIGHT AND POWER CO.

Transmission Agreement

MARCH 28, 1977.

Take notice that on March 14, 1977, The Connecticut Light and Power Company (C.L. & P.) tendered for filing a proposed rate schedule with respect to the Transmission Agreement dated January 1, 1977 between (1) C.L. & P., The Hartford Electric Light Company (HELCO) and Western Massachusetts Electric Company (WMECO) and (2) Middleborough Gas and Electric Department (MGED).

CL&P states that the Transmission Agreement provides for a transmission service to MGED during the period from January 1, 1977 to October 31, 1977.

CL&P indicates that the transmission charge rate is a monthly rate equal to one-twelfth of the annual average cost of transmission service on the Northeast Utility system determined in accordance with Section 13.9 (Determination of Amount of Pool Transmission Facilities (PTF) Costs) of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee, multiplied by the number of kilowatts which MGED is entitled to receive.

C.L. & P. requests an effective date of January 1, 1977 for the Transmission Agreement.

HELCO and WMECO have filed certificates of concurrence in this docket.

C.L. & P. states that copies of this rate schedule have been mailed or delivered to C.L. & P., Hartford, Connecticut, HELCO, Hartford, Connecticut, WMECO, West Springfield, Massachusetts and MGED, Middleborough, Massachusetts.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 8, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-9931 Filed 4-1-77;8:45 am]

[Docket No. CP77-201]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Application

MARCH 29, 1977.

Take notice that on March 18, 1977, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP77-201 an application pursuant to Section 7(c) of the Natural Gas Act and Section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of natural gas for two years for Mobay Chemical Corporation (Mobay), an existing distribution customer of Applicant's Hope Natural Gas Company division (Hope), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to transport for Mobay up to 2,000 Mcf of gas per day for two years for use at Mobay's New Martinsville, West Virginia, chemical plant. The natural gas proposed to be transported would be received by Applicant into its existing Line Nos. 3, 4, and 106 in Wetzel County, West Virginia, and for delivery by Applicant into the distribution facilities of Hope, for Mobay's account at an existing point of delivery in Wetzel County, West Virginia.

It is stated that Hope is Mobay's sole gas supplier, that Hope curtailed deliveries to Mobay to the minimum level sufficient to protect property from January 16, 1977, to February 9, 1977, and that deliveries are currently being curtailed by 20 percent of Mobay's priority 2 requirements. Deliveries of Mobay's priority 5 boiler fuel gas have been completely curtailed since 1975, it is said.

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Applicant states it filed a telegraphic request for temporary emergency authorization for the transportation of natural gas for Mobay on February 11, 1977, and was granted a temporary certificate by the Commission on February 16, 1977.

It is stated that Mobay's New Martinsville plant employs approximately 850 persons and is one of the largest employers in the New Martinsville area. Mobay produces, among other things, polyurethane chemicals, plastics, and coating materials at the New Martinsville plant, which products are used in the manufacture of home and industrial insulation products, automobiles, and furniture, it is said. It is further stated that Mobay intends to use the volumes proposed to be transported for priority 2 process or feedstock uses in its reformer, sulphuric acid concentration and environmental control facilities. The reformer facility, which consumes approximately 90 percent of the gas proposed to be transported requires gaseous fuel as feedstock to produce carbon monoxide and hydrogen, which are essential in the operation of Mobay's TDI unit, it is said. Applicant states that continued insufficient gas supplies would result in shortages of critical materials, as well as the layoff of part or all of Mobay's work force, which layoffs would adversely affect the economic situation in that area.

Applicant states that it would charge Mobay 8.92 cents per Mcf for this transportation service[1] and would retain 4 percent of the gas to provide the service. The gas to be transported would be produced by Mobay from its own wells located in Wetzel County, West Virginia, and has never been sold in interstate commerce, the application states.

It is further stated that Applicant has available pipeline capacity to perform the proposed transportation service without the construction of additional facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 11, 1977, file with the Federal Power Commission, Washington, D.C. 20460, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

[1] It is stated that Applicant's February 9, 1977, telegraphic request for temporary emergency authorization to transport natural gas for Mobay in the instant docket inadvertently stated Applicant's proposed transportation charge as 7.60 cents per Mcf. Applicant states this error was due to a misapprehension as to the location of Mobay's plant and wells with respect to Applicant's zone boundaries.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-9941 Filed 4-1-77;8:45 am]

[Docket No. ER76-536]

GEORGIA POWER CO.

Filing of Settlement Agreement

(MARCH 29, 1977).

Take notice that on March 15, 1977, the Georgia Power Company submitted a Settlement Agreement in the above-named docket.

On March 18, 1977, the Presiding Administrative Law Judge certified the offer of settlement in this contested proceeding to the Commission for its consideration and ruling.

The proposed settlement provides that Georgia Power will file a revised tariff sheet containing rates which would have produced, on an annualized basis, an increase in revenues of $15,000,000 for the twelve-month period ending on December 31, 1976, based on the sales estimates contained in the Period II data as originally filed with the Commission on March 1, 1976. Georgia Power will refund to the collective Cities who are parties to this proceeding and to the City of Dalton, Georgia, also a party, with simple interest at 9% per annum, the difference between the amounts actually collected and the amounts which would have been collected if the revised rates had been in effect. Georgia Power will also file revised tariff sheets which will clarify the procedure used in applying the fuel adjustment clause.

Any person wishing to do so may submit comments in writing concerning the proposed Settlement Agreeemnt to the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, on or before April 29, 1977. The Settlement Agreement is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-9942 Filed 4-1-77;8:45 am]

[Docket No. ER77-145]

GULF STATES UTILITIES CO.

Filing of Agreement

(MARCH 28, 1977).

Take notice that on March 16, 1977, Gulf States Utilities Company (Gulf States) tendered for filing an agreement for wholesale service between it and the City of College Station, Texas.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 8, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-9933 Filed 4-1-77;8:45 am]

[Docket No. ER77-252]

ILLINOIS POWER CO.

Filing New Connection Point

MARCH 28, 1977.

Take notice that Illinois Power Company ("IP" or "Illinois Power") on March 21, 1977 tendered for filing two additional connection points to be included in Appendix A of the Interconnection Agreement between Central Illinois Public Service Company ("CIPS"), Union Electric Company ("UE") and Illinois Power. Illinois Power indicates that the new connection point, indentified as CIPS–IP Connection Point 34—West Mt. Vernon 345 kv, provides for a new 345 kv connection point in Class County, Illinois. Illinois Power also indicates that the new connection point, identified as CIPS–IP Connection Point 35—Humrick, provides for a new 69 kv connection point in Vermilion County, Illinois. Effective dates of March 12, 1976 and March 8, 1977 are respectfully requested.

A copy of this filing has been served upon CIPS and UE. In addition, Connection 34 is being filed with the Illinois Commerce Commission, Springfield, Illinois.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 14, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-9943 Filed 4-1-77;8:45 am]

[Docket No. ER77-242]

INDIANA & MICHIGAN ELECTRIC CO.

Changes in Rates and Charges

MARCH 28, 1977.

Take notice the American Electric Power Service Corporation (AEP) on March 14, 1977, tendered for filing on behalf of its affiliate, Indiana & Michigan Electric Company (I&M), a letter of agreement dated January 15, 1977 to the Operating Agreement dated March 1, 1966, between I&M and Michigan Companies, designated Indiana Rate Schedule FPC No. 68.

AEP states that the letter of agreement provides for an increase in the minimum energy charge for Emergency Service from 17.5 mills to three cents per kilowatt hour, proposed to become effective April 15, 1977. A similar letter agreement between Illinois Power Company and I&M was recently submitted to the Commission as a proposed settlement of FPC Docket No. ER76–21 and on September 8, 1976 the Commission issued an order approving this settlement making it effective as of March 2, 1976. AEP also states that since the use of Emergency Service under the proposed minimum charge cannot be accurately determined or estimated, it is impossible to determine or estimate the increase in revenues resulting from the letter of agreement.

Copies of the filing were served upon Michigan Companies, The Public Service Commission of Indiana and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 8, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-9932 Filed 4-1-77;8:45 am]

[Docket No. ER77-249]

KENTUCKY POWER CO.

Changes in Rates and Charges

MARCH 29, 1977.

Take notice that American Electric Power Service Corporation (AEP) on March 18, 1977 tendered for filing on behalf of its affiliate Kentucky Power Company (Kentucky Company), Modification No. 1 dated March 1, 1977 to the Interconnection Agreement dated May 14, 1963, between Kentucky Power Company and East Kentucky Power Cooperative, Inc. designated Kentucky Company rate schedule FPC No. 14.

AEP indicates that modification No. 1 replaces the existing Short Term Service Schedule E with a new updated version of that service. AEP also indicates that the modification provides for (1) an increase in the demand charge for Short Term Power from $0.30/kW-week to $0.60/kW-week, (2), reservation of Short Term Power from the system of a third party with a transmission charge of $0.15/kW-week and (3) a new initial rate schedule entitled "Limited Term Power" Service Schedule G with a demand charge rate of $3.25/kW-month and a transmission charge of $0.65/kW-month for third party transactions. AEP states that since the use of Short Term and Limited Term Power cannot be accurately estimated, it is impossible to estimate the increase in revenues resulting from the Modification.

Copies of the filing were served upon East Kentucky Power Cooperative, Inc. and the Kentucky Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 13, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-9944 Filed 4-1-77;8:45 am]

[Docket Nos. RI77-13 and CI76-806]

MESA OFFSHORE CO.

Order Consolidating Proceedings, Setting Consolidated Proceedings for Hearing, Setting Notice Period

MARCH 28, 1977.

On November 22, 1976, Mesa Offshore Company, a wholly owned subsidiary of Mesa Petroleum Company ("Mesa") filed in the instant docket, a Petition for special relief pursuant to § 2.56a(g) of the Commission's General Policy and Interpretations (18 CFR § 2.56a(g)) authorizing the sale of natural gas from the Federal Domain, offshore Louisiana as described below. Mesa Offshore requests authorization to sell its interests in gas underlying Eugene Island 256 an undeveloped block, and Vermilion 228, a developed block which is available for delivery upon completion of the connection to the pipeline ("Sea Robin Pipeline Company").

The underlying gas purchase contract between Mesa Offshore ("Offshore") and United Gas Pipe Line Company ("United"), dated February 1, 1972 covered the instant two blocks as well as Eugene Island 330 and Blocks 199 and 270 in the East Cameron Area. Mesa commenced sales of its interest in Eugene Island 330 and East Cameron 270 in July, 1973 for a one year limited term at 35 cents/Mcf under a certificate issued in Docket No. CI73–663. Thereafter, sales have continued at the applicable national rate under the authority of a small producer certificate issued to Mesa in Docket No. CS67–82. East Cameron 199 apparently is still undeveloped and without a pending request for Commission action.

The 1972 gas purchase contract ("contract") set a sale price for the gas of 35.0 cents/Mcf with tax and Btu adjustments for the first year following commencement of deliveries with a 0.5 cents/Mcf annual escalation thereafter for the duration of the 20 year contract term. The contract also included a FPC area rate clause which allowed the seller to collect any Commission established area rate applicable to the premises which was higher than the 35 cents/Mcf (with escalation) rate mentioned above. Under the area rate clause, seller could collect the higher applicable area rate for the first year following the establishment of such area rate and annual escalations of 0.5 cents/Mcf each year thereafter.

By an amendatory agreement dated October 7, 1976 Sea Robin (United's successor-in-interest to the February 1, 1972 contract, by virtue of a February 1, 1972 assignment) agreed to pay Mesa Offshore any price authorized by a final Commission order pursuant to the Commission's special relief regulations (18 CFR 2.56a(g); 2.76) for the Vermilion 228 and Eugene Island 256 gas. As was mentioned above, Offshore, on November 22, 1976 petitioned the Commission under Section 2.56a(g) for a special relief rate of $3.07/Mcf for its gas interests in the subject two blocks. Without special relief, Offshore is entitled to the base rates established in Opinion No. 770–A, namely 93 cents/Mcf or 1.43/Mcf depending on the particular well commencement dates involved. Offshore alleges that "its costs of producing all of the gas attributable to its interests in the two Blocks covered by this Petition is approximately $3.07 per Mcf • • •" (Petition at 2). It estimates that its "proved, probable and possible equivalent gas reserves" in the two Blocks "amounts to 45,800 MMcf". (Ibid.)

All of the five above-mentioned blocks involved in the February 1, 1972 contract were acquired by Mesa in the December 15, 1970 Outer Continental Shelf ("OCS") Lease Sale. The primary lease term of five years from the effective date of the lease within which to develop and produce the properties expired on February 1, 1976 for Eugene Island 256, Vermilion 228 and East Cameron 199. Extentions of the lease term beyond the primary 5 year term in the absence or

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cessation of production can be granted by a USGS supervisor in accordance with the pertinent regulations, particularly 30 CFR 250.1 et seq and OCS Order No. 4.

Mesa has not included into one project all of the leases it acquired at the December, 1970 OCS Lease Sale. There is a question as to whether the instant Petition for special relief is based upon one or more projects. Offshore does not allege in its Petition that the blocks herein have either geographical or geological coherence nor that these blocks were all the blocks it acquired at a single Outer Continental Shelf Lease Sale. In fact the distance between Eugene Island 256 and Vermilion 228 is approximately 60 linear miles. Accordingly, the Commission Staff is directed to examine those Blocks Mesa purchased at the Outer Continental Shelf Lease Sales in 1970, 1972 and 1973 in which its working interest was at least 5 percent. And the Commission directs Petitioner to submit evidence of gas supply and cost data for each of the instant blocks individually. Petitioner may also submit evidence supporting its view that the blocks should be treated as a single project. Petitioner shall fully explain why these blocks were included in the present Petition and other, as yet uncertificated blocks that they acquired in the 1970, 1972 and 1973 OCS Lease Sales were not so included.

In their Petition for special relief, Petitioner states its willingness "to accept the applicable Opinion No. 770–A National Rate" pending approval of its special relief rate in the event Sea Robin is willing and able to take deliveries, "provided such Petition will be acted upon by the Commission within 7 months" of the filing date [Petition at 3]. Petitioner also requests that this filing be consolidated with that of Pennzoil Offshore Gas Operators, Inc. in Docket No. CI76–806.

The delivery points for the gas herein involved are to be on the offshore production platforms at Eugene Island 256 and Vermilion 228. Petitioner's present ownership interest in Eugene Island 256 is 16.77% and it now owns 43.285% of Vermilion 228. It estimates that sales volumes from its interests in the two blocks will be 540,830 Mcf/month equally about 6,489,960 Mcf/year.

Mesa Petroleum Company, Incorrated in Delaware in 1964, formed Mesa Offshore Co. in 1971. Offshore is one of Mesa's seven wholly-owned subsidiaries. In addition, Mesa has interests in 2 other companies, General American Oil Company of Texas and Sunlite Oil Co., Ltd. As of December 31, 1975, Mesa had 7,365,563 Gross Acres of undeveloped acreage including leases, drilling permits and petroleum and natural gas reservations. In December, 1976 it had agreed to purchase McMoRan Exploration Company's interests in 6 Federal offshore Louisiana blocks and one Federal offshore Texas block, subject to certain closing conditions.

An examination of the Petition for Special Relief and the data submitted in support thereof raises a question as to whether there is sufficient basis for the Commission to find the proposed rate to be just and reasonable. Therefore, we deem it necessary that a hearing be held in this matter to help determine answers to all of the issues raised.

The Commission finds:

(1) It is necessary and in the public interest that the above-docketed proceeding be set for hearing.

(2) It is necessary and in the public interest that the above-docketed proceeding (RI77–13) be consolidated with that of Pennzoil Offshore Gas Operators, Inc. in Docket No. CI76–806.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14 and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Chapter I), a public hearing in Docket No. RI77–13 shall be held in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washintgon, D.C. 20426 for the purpose of hearing and disposition of the issues in this proceeding.

(B) The proceeding in the instant docket is hereby and hereafter consolidated for all purposes with the proceeding in Docket No. CI76–806.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

(D) Any person desiring to be heard or to make any protest with reference to this consolidated proceeding should, on or before April 12, 1977, file with the Federal Power Commission, at the address stated in Ordering Paragraph (A), a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to this proceeding, or to participate as a party in any hearing herein, must file a petition to intervene in accordance with the Commission's Rules.

(E) The interventions granted in Ordering Paragraph (G) of the Order Setting Proceeding For Hearing And Granting Interventions, in Docket No. CI76–806, issued March 11, 1977 are hereby and hereafter granted intervention in this consolidated proceeding under the same terms and conditions stated in the aforementioned Ordering Paragraph (G).

(F) Pursuant to § 1.8 of the Commission's Rules of Practice and Procedure (18 CFR 1.8), the Presiding Administrative Law Judge is hereby authorized to permit the participation at the prehearing conference or hearing of any party that has filed a petition to intervene pursuant to Ordering Paragraph (D) that has not been acted upon by the Commission.

(G) Petitioner and any intervenor supporting the Petition for special relief shall file their direct testimony and evidence on or before April 12, 1977. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all parties to this proceeding. Petitioner shall submit gas supply and cost data for each block individually. Petitioner may submit evidence supporting its view that the blocks should be treated as a single project. Mesa shall submit evidence as to why these blocks were included in this Petition and others that they acquired in the 1970, 1972 and 1973 OCS Lease Sales were excluded. Petitioner shall file not only opinion evidence on the costs and the gas supply issues but also sufficient underlying data so that the reasonableness and credibility of the opinion evidence can be weighed by application of traditional evidentiary standards. The aforementioned list of evidence is not intended to foreclose data, testimony, or other evidence not specifically enumerated from being brought within this proceeding. All relevant and material evidence shall be admissible.

(H) The Commission staff shall examine, and copy where appropriate, the records, accounts and memoranda of Mesa pertaining to its blocks purchased in the Outer Continental Shelf Lease Sales held in 1970, 1972, and 1973 in which it held a working interest of at least 5 percent.

(I) The Presiding Judge shall preside at a pre-hearing conference to be held in this consolidated proceeding on April 29, 1977 at 10 a.m. e.s.t. in a hearing room at the address noted in Ordering Paragraph (A).

(J) Upon completion of the necessary pipeline connections Petitioner is hereby authorized to commence deliveries to Sea Robin and receive the applicable national rate for such gas sales, in accordance with the terms of Opinion No. 770–A. Within 10 days of commencement of any deliveries under this Ordering Paragraph, Offshore shall so notify the Commission.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-9945 Filed 4-1-77;8:45 am]

[Docket No. E-9306]

NEVADA POWER CO.

Order Accepting Briefs on and Opposing Exceptions as Amicl Curiae

MARCH 29, 1977.

On March 3, 1975, Nevada Power Company (Nevada) tendered for filing a notice of cancellation of wholesale service to California-Pacific Utilities Company (Cal-Pac) at Henderson, Nevada, to become effective as of June 1, 1975. In its notice of cancellation, Nevada stated that the reason for termination is its inability to attract capital to support its sales to Cal-Pac at Henderson.

Notice of the March 3, 1975, filing was issued on March 18, 1975, with comments, protests or petitions to intervene due on or before May 1, 1975. Subsequently, Cal-Pac filed a motion to intervene within the prescribed period. Cal-Pac resisted the notice of cancellation of service at Henderson, Nevada and moved that Nevada's tendered filing of March 18, 1975, be rejected for not conforming with the terms of § 35.15 of the Commission's Regulations under the Federal Power Act.

The Initial Decision of Administrative Law Judge Curtis L. Wagner, Jr., in Docket No. E–9306, rendered December 15, 1976, permits Nevada to terminate service to Cal-Pac. On January 11, 1977, Cal-Pac, by letter, requested an extension until January 21, 1977 for filing briefs on exceptions. This extension was granted by notice issued January 17, 1977.

On January 18, 1977, North Carolina Electric Membership Corporation (N.C. EMC) and Four County Electric Membership Corporation (Four County EMC) filed a motion for Allowance of Untimely Petition to Intervene, For Acceptance of Brief on Exceptions or, in the Alternative, For Acceptance of Brief on Exceptions as Amicus. N.C. EMC and Four County EMC receive most of their power at wholesale in transactions governed by the Federal Power Act, and therefore seek to intervene in order to protect their interests and the interests of N.C. EMC's distribution member systems. By order issued February 9, 1977, the Commission denied N.C. EMC and Four County EMC's petition to intervene out of time, but accepted its Brief on Exceptions as amicus curiae.

On February 11, 1977, N.C. EMC and Four County EMC filed a motion for acceptance of its Brief Opposing Exceptions or, in the Alternative, for Acceptance of its Brief Opposing Exceptions as amicus curiae. For the reasons set forth in the Commission's order of February 9, 1977, we accept N.C. EMC and Four County EMC's Brief Opposing Exceptions as amicus curiae.

On March 1, 1977, the American Public Power Association (APPA) filed a Brief on Exceptions as amicus curiae pursuant to the Commission's Rules and Regulations, 18 CFR 1.31. On March 4, 1977, the National Rural Electric Cooperative Association (NRECA) joined in the APPA brief. The APPA is a national service organization representing over 1,400 local consumer-owned electric utility power systems, including municipalities, public utility districts and rural electric cooperatives. NRECA is an association representing 1,000 rural electric cooperatives. Many members of APPA and NRECA purchase all or part of their electric power requirements at wholesale from public utilities subject to regulation by the Federal Power Commission.

We find that it may be in the public interest to accept the APPA's brief on exceptions and we will allow Nevada fourteen days in which to respond to the brief.

The Commission finds:

(1) Good cause exists to accept N.C. EMC and Four County EMC's Brief Opposing Exceptions as amicus curiae.

(2) Good cause exists to accept APPA's Brief on Exceptions as amicus curiae.

The Commission orders:

(A) The motion of North Carolina Electric Membership Corporation and Four County Electric Membership Corporation for acceptance of its Brief Opposing Exceptions as Amicus Curiae is granted.

(B) The American Public Power Association's Brief on Exceptions, joined in by the National Rural Electric Cooperative Association is accepted as *amici curiae*.

(C) Nevada Power Company is granted 14 days from the date of this order to respond to the American Public Power Association's brief.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-9946 Filed 4-1-77;8:45 am]

[Docket No. CP77-288]

NORTHERN UTILITIES, INC.

Notice of Application

MARCH 29, 1977.

Take notice that on March 9, 1977, Northern Utilities, Inc. (Applicant), 1075 Forest Avenue, Portland, Maine 04103, filed in Docket No. CP77–288 an application pursuant to Section 3 of the Natural Gas Act for authorization to import liquefied natural gas (LNG) from Montreal, Canada to Lewiston, Maine, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into an agreement with Gaz Metropolitan, Inc. (Gaz Metro) for the purchase of 100,000 Mcf vaporous equivalent of LNG for delivery during November and December, 1977, which it proposes to take delivery of at Gaz Metro's storage tanks in Montreal, Canada and to transport to its facilities at Lewiston, Maine, via cryogenic semi-trailer tanker trucks which it would supply.

It is stated that Applicant and Gaz Metro have agreed upon a price of $2.80 per Mcf vaporous equivalent of LNG sold during November, 1977, and $3.25 per Mcf for volumes sold during December, 1977, and that these prices are subject to any gas cost increases approved by the Canadian National Energy Board. It is further stated that Applicant may take delivery of a portion of the 100,000 Mcf prior to November 1, 1977, dependent upon availability by Gaz Metro.

It is asserted that Applicant utilizes LNG for peak shaving, and to maintain service to its distribution customers during periods of curtailment of its natural gas supply; that Applicant obtains its entire natural gas supply from its wholly-owned subsidiary, Granite State Gas Transmission, Inc. (Granite State), which in turn receives its entire gas supply from Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) at Haverhill, Massachusetts. It is further asserted that Tennessee is currently curtailing service to its customers; the curtailments which Granite State experiences from Tennessee are passed on to Applicant, necessitating Applicant's requirements for supplemental LNG supplies.

Applicant further asserts that the location on the LNG storage and supply facility at the terminus of its system in Maine is an important safety factor in maintaining service to both the Portland and the Lewiston/Auburn markets in the event of an outage on Applicant's line in Maine or in the event of further extreme curtailments from Tennessee.

Applicant states that in the past, it purchased LNG from New England distributors which have LNG liquefaction capability and had excess LNG beyond their own immediate market requirements, but these purchases have been somewhat inflexible, being limited to single 60-day periods in the wintertime, and truck deliveries due to wintertime road meeting scheduled delivery dates. Applicant further states that it may request deliveries of a portion of its contract volume prior to November 1, 1977, which it desires to avail itself of because cryogenic tank trucks are less in demand during the off-season and road conditions are better, allowing more precise scheduling of deliveries.

It is stated that the prices per Mcf for LNG deliveries in November and December, 1977 as specified are less than what Applicant has paid for LNG supplies during the 1976–77 winter and probably less than what it could expect to pay for LNG supplies next winter from U.S. suppliers.

Any person desiring to be heard or to make any protest with reference to to said application should on or before April 16, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-9947 Filed 4-1-77;8:45 am]

[Docket No. ES77-14]

NORTHWESTERN PUBLIC SERVICE CO.

Notice of Application

MARCH 28, 1977.

Take notice that on March 21, 1977, Northwestern Public Service Company

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(Applicant) filed an application, pursuant to Section 204 of the Federal Power Act and the Regulations thereunder, for authorization to enter into a loan agreement with the City of Salix, Iowa, in connection with arrangements pursuant to which the City is to issue not to exceed $4,000,000 aggregate principal amount of its pollution control revenue bonds and loan the proceeds therefrom to Applicant to use to pay Applicant's share of the cost of pollution control facilities being constructed at Unit No. 4 at the George Neal Steam Electric Generating Station located near the City. Neal Unit No. 4 is owned by the Company and others as tenants in common with Applicant having an 8.681 percent interest. The loan agreement between Applicant and the City will provide for payments to be made thereunder by Applicant sufficient to enable the City to pay the principal, premium if any, and interest on the pollution control revenue bonds, when due.

The pollution control revenue bonds will be sold to underwriters by the City under a bond purchase agreement to be entered into by the City and the underwriters. Applicant will not be a party to such bond purchase agreement. The sale of the pollution control revenue bonds will be governed by State law and will be accomplished without competitive bidding by the City. The obligations of the Company under the loan agreement must correlate with the terms of the pollution control revenue bonds so that competitive bidding with respect to the loan agreement is not possible. Consequently, as part of its application, Applicant has requested an exemption from competitive bidding under Section 34.-2(f) of the Commission's Regulations with respect to the loan agreement.

Applicant is incorporated under the laws of the State of Delaware and is qualified to do business in the States of Iowa, Nebraska, North Dakota, and South Dakota, with its principal business office at Huron, South Dakota. Applicant is engaged in generating, transmitting, distributing and selling electric energy in the east central portion of South Dakota where it furnishes electric service in 108 communities and in distributing and selling natural gas in three Nebraska communities and in 24 communities in South Dakota.

Any person desiring to be heard, or to make any protest with reference to the application, should on or before April 15, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1 8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to became parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-9948 Filed 4-1-77;8:45 am]

[Docket No. ES77-23]

PACIFIC POWER & LIGHT CO.

Notice of Application

MARCH 29, 1977.

Take notice that on March 17, 1977, Pacific Power & Light Company (Applicant), a Maine corporation, qualified to transact business in the states of Oregon, Wyoming, Washington, California, Montana and Idaho, with its principal business office at Portland, Oregon, filed an application with the Federal Power Commission, pursuant to Section 204 of the Federal Power Act, seeking an order authorizing it to issue not to exceed 2,500,000 shares of its Common Stock of the par value of $3.25 per share (Additional Common Stock).

Applicant proposes to sell the Additional Common Stock at competitive bidding in accordance with the applicable requirements of Section 34.1a of the Commission's Regulations.

Proceeds from the issuance and sale of the shares of Additional Common Stock will be used to refund $29,000,000 of First Mortgage Bonds, 3½ percent Series due 1977, to repay short-term notes prior to or as they mature and to finance, in part, Applicant's 1977–1978 construction program presently estimated at $602,-141,000.

Any person desiring to be heard or to make any protest with reference to said application should, on or before April 14, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-9949 Filed 4-1-77;8:45 am]

[Docket No. ES77-24]

PACIFIC POWER & LIGHT CO.

Request for Permission To Negotiate With Underwriters for the Issue and Sale of Securities

MARCH 29, 1977.

Take notice that on March 14, 1977, Pacific Power & Light Company (Pacific), a Maine corporation, qualified to transact business in the states of Oregon, Wyoming, Washington, California, Montana and Idaho, with its principal business office at Portland, Oregon, filed a request with the Federal Power Commission (Commission) seeking permission to negotiate with underwriters for the issue and sale of securities. Pacific states that it plans to issue in early May, 1977, up to $40,000,000 in principal amount of its Serial Preferred Stock in the form of either up to 1,600,000 shares of its No Par Serial Preferred Stock with a $25 stated value or up to 400,000 shares of its $100 Par Serial Preferred Stock (Securities). It is anticipated that proceeds from the sale of the Securities will be used to retire outstanding short-term indebtedness issued to temporarily finance part of the Company's 1977 construction program.

Pacific states that at this time it applies for permission to negotiate with the underwriters with respect to terms on which the Securities might be issued in order to determine whether application for exemption from the competitive bidding requirements of Section 34.1a of Federal Power Commission Regulations should be made. Pacific states that it has not engaged in any negotiations for the sale or underwriting of the Securities, and will not do so prior to the Commission's granting of this request for permission to negotiate.

Pacific states that although it supports competitive bidding of debt and common issues during receptive markets, in the case of preferred stocks, it would like to have as an alternative the ability to seek to sell the Securities through negotiation in the event that market conditions require such a procedure for Pacific to obtain the lowest dividend cost. For the foregoing reasons, therefore, Pacific respectfully requests that the Commission grant it permission to engage in preliminary negotiations with underwriters in order to determine if exemption from the Commission's competitive bidding requirements should be sought.

Any person desiring to be heard or to make any protest with reference to the request should on or before April 8, 1977, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestant a party to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-9936 Filed 4-1-77;8:45 am]

[Docket No. ER77-248]

ROCHESTER GAS AND ELECTRIC CORP.

Notice of Cancellation

MARCH 29, 1977.

Take notice that on March 18, 1977, Rochester Gas and Electric Corporation (RG&E) tendered for filing a notice of cancellation of its Rate Schedule FPC No. 21 whereby it agrees to sell 100 MW of Firm Capability and the energy associated therewith to New York State Electric and Gas Corporation from October 31, 1976 through April 23, 1977. RG&E states that the Schedule will expire in accordance with its term provision on April 23, 1977.

RG&E further states, that a copy of the filing was served on New York State Electric and Gas Corporation.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 8, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-9935 Filed 4-1-77;8:45 am]

[Docket No. CP76-314]

SOUTHERN TRANSMISSION CORP.

Supplement to Application

MARCH 29, 1977.

Take notice that on March 11, 1977, Southern Transmission Corporation (Applicant), 1114 Avenue of the Americas, New York, N.Y. 10036, filed in Docket No. CP76-314 the second supplement to its application filed in said docket pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity by which supplement Applicant sets forth that agreements have been negotiated between Memphis Light, Gas and Water Division, City of Memphis, Tennessee, (MLG&W), Applicant and W. R. Grace & Co. (Grace), Applicant's parent, as a result of which MLG&W's objection to the pipeline proposed herein has been satisfied, all as more fully set forth in the supplement on file with the Commission and open to public inspection.

The supplement states that on March 30, 1976, Applicant filed in the instant docket an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of its proposed 148 miles of 8⅝ inch O.D. pipeline from the location of certain natural gas reserves owned by Grace in Monroe County, Mississippi to the anhydrous ammonia and urea fertilizer plant (Grace Plant) owned by Grace located approximately 12 miles north of Memphis in Shelby County, Tennessee.

It is stated that on April 21, 1976, MLG&W filed a petition to intervene in this proceeding which states although it has been the sole supplier of gas to the Grace Plant, it would be unable for the foreseeable future to meet Grace's requirements, but it has a policy of cooperation with its industrial customers in any attempts to obtain additional supplies of natural gas. However, MLG&W stated that it objected to the construction of a gas pipeline within its " * * * service area, which consists of Shelby County, Tennessee." The petition states that MLG&W expressed its willingness to provide transportation service for Grace " * * * from a point on the boundary of Shelby County to the Grace plant north of the City of Mexico."

It is indicated that on August 24, 1976, Applicant filed with the Commission a Supplement to the application in which it submitted responses to requests of the Secretary of the Commission dated May 28, 1976, and July 6, 1976, for additional information. Notice of a conference was issued on December 6, 1976, to attempt to resolve any and all questions presented by the application, the Secretary's letters of May 28 and July 6, 1976, and the petitions to intervene. An affidavit was submitted by Southern Transmission which concluded that " * * * it is apparent that a satisfactory long-term firm agreement cannot be worked out with existing pipelines which would assure the continued operation of the Grace anhydrous ammonia and urea plant."

In the instant supplement Applicant states that on January 11, 1977, a conference was held and attended by representatives of the various parties. A representative of Texas Eastern Gas Pipeline Company (Texas Eastern) stated that Texas Eastern could offer Grace only short-term interruptible transportation service. At the conference, Staff requested that a revised transportation tariff be filed.

It is indicated that several agreements were entered into, of which, the "Pipeline Agreement" contains the overall agreement reached between MLG&W and Applicant and incorporates as a part of such contract the "Construction Agreement," the "Pipeline Operating Contract," and the "Easement in Perpetuity."

Applicant states that the agreement provides that: MLG&W would support Applicant in its efforts to obtain expeditiously such Federal Power Commission authorizations as may be required for the construction and operation of the proposed pipeline during the term of the agreement and would withdraw its opposition to the application in this proceeding; MLG&W would design and construct for Applicant the 37-mile segment of the proposed pipeline to be located in Shelby County, Tennessee, referred to in the agreement as "Shelby Pipeline;" MLG&W would operate and maintain Shelby Pipeline; MLG&W would locate the Shelby Pipeline within MLG&W's utility easements and grant to Applicant all required easement rights; and MLG&W is granted the option upon the expiration of a 20-year period, to purchase the Shelby Pipeline and the related easements which Applicant obtained from MLG&W.

It is indicated that these changes do not alter the objective of the original application. Applicant states that the very minor change in the route of the line at the northwestern end is to provide that all of the Tennessee segment would be located in Shelby County. It is stated that the benefits flowing from this change are that the entire Shelby Pipeline would be located within utility easements now owned by MLG&W plus a short five-mile utility easement to be acquired by MLG&W.

In the instant supplement Applicant states that the effect of the agreements upon the cost of getting the gas through Shelby County, to the Grace Plant is difficult to evaluate. It is said that the Pipeline Operating Contract provides, in general, that Applicant shall pay to MLG&W $91,000 per year, subject to escalations after the first three calendar years of operation, and each succeeding three year period, tied into the actual cost experienced by MLG&W and as related to certain Federal Government price indices. The supplement further states that it is impracticable to estimate with any reasonable degree of accuracy what the effect would be upon the estimates of revenues, expenses and income, but, it is believed that it would be negligible.

Any person desiring to be heard or to make any protest with reference to said supplement should on or before April 15, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Persons who have heretofore filed petitions to intervene, notices of intervention, or protests in the instant docket or in the consolidated proceeding in Docket No. CP76-314, need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-9950 Filed 4-1-77;8:45 am]

[Docket No. ER77-246]

KENTUCKY POWER CO.

Changes in Rates and Charges

MARCH 29, 1977.

Take notice that American Electric Power Service Corporation (AEP) on

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March 18, 1977, tendered for filing on behalf of its affiliate, Kentucky Power Company (Kentucky Company), a letter of agreement dated March 1, 1977 to the Interconnection Agreement dated May 14, 1963 between Kentucky Power Company and East Kentucky Power Cooperative, Inc., designated Kentucky Company rate schedule FPC No. 14.

AEP states that the letter of agreement provides for a minimum energy charge for Emergency Service of "three ($0.03) cents" per kilowatt-hour, proposed to become effective May 1, 1977. A similar letter agreement between Illinois Power Company and I&M was submitted to the Commission as a proposed settlement of FPC Docket No. ER76-21 and on September 8, 1976 the Commission issued an order approving this settlement making it effective as of March 2, 1976. AEP also states that since the use of Emergency Service under the proposed minimum charge cannot be accurately determined or estimated, it is impossible to determine or estimate the increase in revenues resulting from the letter of agreement.

Copies of the filing were served upon East Kentucky Power Cooperative, Inc. and the Kentucky Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 8, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-9934 Filed 4-1-77;8:45 am]

[Docket No. E77-81]

EMERGENCY NATURAL GAS ACT OF 1977

Emergency Order

On March 29, 1977, Texas Gas Transmission Corporation (Texas Gas), as agent for certain of its customers,[1] filed, pursuant to Section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)), an application for authorization to transport natural gas which it is purchasing for certain of its customers and to construct the facilities necessary to receive the gas into its pipeline system.

Texas Gas, as agent, executed a contract on February 5, 1977, with National Exploration Company (National) for the purchase of approximately 1,000 Mcfd from the South Roanoke Field, Jefferson Davis Parish, Louisiana. The total price to be paid by Texas Gas, as agent, is $2.25 per MMBtu. Thus, the proposed price is fair and equitable in accordance with Order No. 2.

Texas Gas will construct a meter station, side valve and related facilities adjacent to Texas Gas' pipeline in Jefferson Davis Parish, Louisiana, at an estimated cost of $9,500. These costs will be paid on a pro-rata basis by Texas Gas' customers which receive these volumes. In addition, Texas Gas' proposed transportation rates are based upon the cost data supporting the settlement rates in Texas Gas' most recent Federal Power Commission rate case in Docket No. RP76-17 and the retention of a percent of the transported volumes for compressor fuel and company use and loss. I find no basis on which to fix other charges since the parties have agreed upon the transportation charges and payment of the construction costs.

Based upon the foregoing, Texas Gas is authorized to purchase gas, as agent, from National, to construct facilities to receive such gas and to transport such gas for certain of its customers. This authorization is conditioned on (i) Texas Gas' submission of the names of the customers for which it is acting as agent, (ii) those customers agreeing to submit reports as required by Order No. 4 and (iii) such customers certifying that they are entitled to purchase gas under the provisions of Order No. 6.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Texas Gas and National. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

MARCH 30, 1977.

[FR Doc.77-10004 Filed 4-1-77;8:45 am]

[1] These customers are local distribution companies and interstate pipelines as defined in §§ 2(1),(5) of the Act (91 Stat. 4).

[Docket No. RP76-91]

MONTANA-DAKOTA UTILITIES CO.

Availability of Draft Environmental Impact Statement

MARCH 30, 1977.

Take notice that copies of the Draft Environmental Impact Statement prepared by the Commission's Staff in connection with the proposal of Montana-Dakota Utilities Co. in Docket No. RP76-91 to implement on its interstate pipeline system a scheme of natural gas delivery curtailments has been published and is available for review and comment pursuant to the requirements of the National Environment Policy Act of 1969 and Section 2.82(b) of the Commission's General Policy and Interpretations (18 CFR 2.82(b)). The Draft Environmental Impact Statement is on file with the Commission and open to public inspection at its Office of Public Information, 825 North Capitol Street NE., Washington, D.C. 20426. Copies may be ordered from the Commission's Office of Public Information, Washington, D.C. 20426.

Any comments on the Draft Environmental Impact Statement shall be filed with the Commission on or before May 16, 1977, and mailed to the following address:

Secretary, Federal Power Commission, Washington, D.C 20426.

All parties filing comments with the Commission on the Draft Environmental Statement should transmit ten copies of their comments to the Council on Environmental Quality, Executive Office of the President, 722 Jackson Place NW., Washington, D.C. 20006.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10005 Filed 3-31-77;10:21 am]

[Docket No. ER77-241]

KENTUCKY UTILITIES CO.

Facilities Agreement

MARCH 28, 1977.

Take notice that on March 14, 1977, Kentucky Utilities Company (KU) tendered for filing Kentucky-Indiana Pool Facilities Agreement No. 3, dated June 18, 1974, among East Kentucky Rural Electric Cooperative Corporation, Indianapolis Power and Light Company, Public Service Company of Indiana, and KU. The agreement is in connection with the Kentucky-Indiana Pool Planning and Operating Agreement dated July 9, 1971, among the same parties. The latter agreement is designated as KU's Rate Schedule FPC No. 89.

KU states that the purposes of the agreement being filed are, among other things, to provide for an additional interconnection point between the members, and to determine what facilities are to be provided by each member, and how the operating expenses associated with the facilities are to be determined. KU further states that such an additional interconnection point was anticipated and referred to in the above mentioned agreement dated July 9, 1971.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before April 8, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-9930 Filed 4-1-77;8:45 am]

[Docket No. E77-80]

EMERGENCY NATURAL GAS ACT OF 1977

Emergency Order

On March 25, 1977, Tennessee Gas Pipeline Company (Tennessee) filed, pursuant to section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)), a request for an order authorizing certain emergency purchases of natural gas for which Tennessee had entered into an oral agreement on or prior to March 3, 1977. Tennessee furnished additional information with respect to some of the proposed purchases in a supplemental filing on March 29, 1977. For the reasons set forth below, I grant in part and deny in part Tennessee's application.

Tennessee is currently serving uses of natural gas classified in Federal Power Commission (FPC) Priorities 4 through 9 (18 CFR 2.78 (a)(1)(iv)-(ix)). Thus, under Order No. 6 (February 22, 1977), Tennessee is not eligible to make these proposed purchases unless it can satisfy the criteria of "Colorado Interstate Gas Company," Docket No. E77-31 (February 28, 1977). "Transwestern Pipeline Company," Docket No. E77-79 (March 28, 1977). "El Paso Natural Gas Company," Docket No. E77-53 (March 10, 1977); "Northern Natural Gas Company," Docket No. E77-49 (March 7, 1977); "Natural Gas Pipeline Company of America," Docket No. E77-48 (March 4, 1977); "United Gas Pipe Line Company," Docket No. E77-33 (March 2, 1977). Whether Tennessee has satisfied the "Colorado Interstate" criteria is to be determined at the time Tennessee determined that it was serving directly or indirectly any uses classified in Priorities 4 through 9. "Transwestern Pipeline," supra; "Columbia Gas Transmission Corporation," Docket No. E77-71 (March 24, 1977).

According to Tennessee's filing, it first learned on March 3, 1977, that certain of its customers were serving uses specified in Priorities 4 through 9. Tennessee's petitions indicate that only the proposed purchase from Texaco Inc. (Texaco) at the Roma Field, Starr County, Texas, satisfies the "Colorado Interstate" criteria. I will therefore approve this proposed sale. The other proposed purchases do not satisfy the "Colorado Interstate" criteria, and Tennessee is not eligible to make these purchases under Order No. 6.

Tennessee will purchase approximately 800 to 1000 Mcfd from Texaco at a price of $2.25 per MMBtu. This price is fair and equitable in accordance with Order No. 2.

Texaco will deliver this gas to Gulf Energy & Development Corporation (Gulf Energy) which will deliver the gas to Tennessee. Gulf Energy will charge 23.63 cents per Mcf, subject to refund, pursuant to rates filed with the FPC. I find no reason to prescribe other transportation charges since the parties have agreed on such charges.

Pursuant to section 6(a) of the Act, I authorize Texaco to sell natural gas from the Roma Field on the terms and conditions set for in Tennessee's filings in this proceeding. Pursuant to section 6 (c)(1) of the Act, I authorize Gulf Energy to transport and deliver gas to Tennessee.

Tennessee shall submit weekly reports as required by Order No. 4.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Tennessee, Texaco, Gulf Energy, C&K Petroleum Inc., Signal Petroleum Co., Clovelly Oil Company, Goodhope Refining Company, McCormick Exploration Company, The Dow Chemical Company, ON Coast Petroleum Company, Forman Exploration Company, Mitchell Energy and Development Corporation, Edwin L. Cox, and Tex-Can Resources. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

MARCH 30, 1977.

[FR Doc.77-10093 Filed 4-1-77;8:45 am]

[Docket No. E77-38]

EMERGENCY NATURAL GAS ACT OF 1977

Supplemental Emergency Order

On March 25, 1977, as supplemented by petition submitted on March 28, 1977, Columbia Gas Transmission Corporation (Columbia) filed, pursuant to section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)), an application for authorization to (i) divert gas purchased from Delhi Gas Pipe Line Corporation (Delhi) under the March 1, 1977 authorization in this proceeding to Pacific Lighting Service Company (Pacific) and Pacific Gas & Electric Company (PG&E), (ii) have such gas transported by El Paso Natural Gas Company (El Paso), and (iii) amend the March 1, 1977 authorization to permit Columbia to purchase up to an average of 60,000 Mcfd from the commencement of deliveries through July 31, 1977. Columbia proposes these changes to permit it to use the subject volumes to satisfy its repayment obligations to Pacific and PG&E and the repayment obligation of the Columbia Distribution Companies (Columbia Distribution).[1] These obligations total approximately 5.095 Bcf.[2] For the reasons set forth below, I grant Columbia's petition for a supplemental order.

Columbia states that it will make volumes from Delhi available to Columbia Distribution to permit Columbia Distribution to satisfy its repayment obligation. Columbia Distribution will pay Columbia $2.25 per MMBtu for all Delhi volumes used to satisfy its repayment obligation and a proportional share of all transportation charges. Columbia will divert the Delhi volumes to Pacific and PG&E until all repayment obligation is satisfied and will then resume the transportation of the Delhi volumes to its system. Columbia further states that it is able to divert the Delhi volumes because of other purchases under the Act and warm weather in the areas served by its system which have resulted in significant improvement in its storage inventory.

Delhi will deliver these volumes to El Paso for Columbia's account in Pecos County, Texas. El Paso will transport and deliver the appropriate volumes to Pacific and PG&E at existing delivery points on the Arizona-California border. El Paso will charge 1.0 cent per Mcf delivered plus 5 percent of the volumes received from Delhi for shrinkage. Since the parties have agreed to the transportation charges to be paid, I find no basis for prescribing other charges.

Columbia also requests that the March 1, 1977 authorization which authorized purchases up to 60,000 Mcfd, be amended to authorize purchases up to an average of 60,000 Mcfd. Columbia states that Delhi has been unable to deliver the full 60,000 Mcfd on many days because of other systems demands and that Delhi has agreed to deliver volumes in excess of 60,000 Mcfd on certain days so that volumes for the remaining term will average 60,000 Mcfd.

Pursuant to section 6(a)(1) of the Act, I authorize Columbia to divert volumes purchased from Delhi to Pacific and PG&E to satisfy Columbia's and Columbia Distribution's repayment obligations to such companies and Columbia Distribution to reimburse Columbia for all Delhi volumes used to satisfy Columbia Distribution's repayment obligation. Pursuant to section 6(c)(1) of the Act, I authorize El Paso to receive volumes from Delhi for transportation and delivery to Pacific and PG&E for the account of Columbia and Columbia Distribution. Such transportation and delivery shall be on the terms and at the charges agreed to by the parties. The March 1, 1977 authorizaton in this proceeding is further amended to authorize Delhi to deliver up to an average of 60,000 Mcfd of natural gas from the date of this order through July 31, 1977. To the extent not inconsistent with the provisions of this order, the provisions of the March 1, 1977 order in this proceeding remain in full force and effect.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon

[1] Columbia Gas of Kentucky, Inc., Columbia Gas of Maryland, Inc., Columbia Gas of New York, Inc., Columbia Gas of Ohio, Inc., Columbia Gas of Pennsylvania, Inc., Columbia Gas of Virginia, Inc. and Columbia Gas of West Virginia, Inc. Columbia's petition refers only to Columbia Gas of Kentucky, Inc., Columbia Gas of Pennsylvania, Inc., and Columbia Gas of West Virginia, Inc.

[2] Columbia acquired approximately (i) 2.641 Bcf from Pacific in Docket No. E77-10 and (ii) 1.425 Bcf from PG&E in Docket No. E77-21. Columbia Distribution acquired approximately 1.029 Bcf from Pacific in Docket No. E77-30.

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Columbia, Columbia Distribution, Pacific, PG&E, and El Paso. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

[FR Doc.77-10092 Filed 4-1-77;8:45 am]

FEDERAL RESERVE SYSTEM

HELMERICH & PAYNE, INC.

Prior Certification Pursuant to the Bank Holding Company Tax Act of 1976

Helmerich and Payne, Inc., Tulsa, Oklahoma ("H&P") has requested a prior certification pursuant to section 1101(b) of the Internal Revenue Code (the "Code"), as amended by section 2 (a) of the Bank Holding Company Tax Act of 1976, that its proposed divestiture of substantially all of the 85,510 shares of Utica Bankshares Corporation, Tulsa, Oklahoma ("Bankshares"), presently held by H&P, through the pro rata distribution of such shares to the common shareholders of H&P, is necessary or appropriate to effecutate the policies of the Bank Holding Company Act (12 U.S.C. 1841 et seq.) ("BHC Act"). H&P proposes to distribute to its shareholders one share of Bankshares for each 50 shares of H&P held by such shareholders. H&P shareholders who would be entitled to fractional interests in Bankshares will receive cash in lieu of such fractional interests. H&P anticipates that because it will not distribute fractional shares, it will, after the distribution, remain in possession of approximately 0.6 per cent of the total outstanding shares of Bankshares.

In connection with this request, the following information is deemed relevant, for purposes of issuing the requested certification: [1]

1. H&P is a corporation organized under the laws of the State of Delaware on February 3, 1940.

2. On July 7, 1970, H&P controlled 36.6 percent of the outstanding voting shares of Utica National Bank and Trust Company, Tulsa, Oklahoma ("Bank").

3. H&P became a bank holding company on December 31, 1970, as a result of the 1970 Amendments to the BHC Act, by virtue of its control at that time of more than 25 percent of the outstanding voting shares of Bank, and it registered as such with the Board in August 1971.

4. H&P holds property acquired by it on or before July 7, 1970, the disposition of which would be necessary or appropriate to effectuate section 4 of the BHC Act if H&P were to continue to be a bank holding company beyond December 31, 1980, which property is "prohibited property" within the meaning of section 1103 (c) of the Code.

5. On or about February 1, 1974, H&P sold 12,500 shares of voting stock of Bank, thereby reducing to approximately 23 per cent of Bank's outstanding voting stock the number of shares of such stock controlled by H&P. Subsequent to that date, H&P requested a determination by the Board that it was no longer a bank holding company. However, on July 11, 1974, H&P was advised that the Legal Division of the Board and the Federal Reserve Bank of Kansas City had concluded that H&P had not established that it no longer controlled or exercised a controlling influence over the management or policies of Bank. This conclusion was based in part upon the fact that H&P still held approximately 23 per cent of the voting shares of Bank; that three persons who were officers or directors of H&P served as directors of Bank; and that no other individual or organization controlled more than 9 per cent of Bank's voting stock.[2]

6. H&P has, continuously since its registration as a bank holding company, remained subject to the BHC Act and has conducted its affairs as a bank holding company. Specifically, on January 14, 1975, it filed with the Board, and the Board accepted, an irrevocable declaration, pursuant to § 225.4(d) of the Board's Regulation Y, that it will cease to be a bank holding company by January 1, 1981; on March 3, 1975, the Board approved an application filed by H&P as a bank-holding company pursuant to section 3(a)(3) of the BHC Act to acquire control of 22.2 per cent of the voting shares of Bankshares in connection with the reorganization of Bank into a wholly-owned subsidiary of Bankshares; and during 1975 and 1976 H&P filed with the Board all of the reports required of it under the BHC Act.

7. H&P has indicated that it will terminate all interlocking relationships between H&P and its subsidiaries, on one hand, and Bankshares and its subsidiaries, including Bank, on the other hand, within six months following the distribution of H&P's shares of Bankshares.

On the basis of the foregoing information, it is hereby certified that:

(A) H&P is a qualified bank holding corporation, within the meaning of subsection (b) of section 1103 of the Code, and satisfies the requirements of that subsection;

(B) the shares of Bankshares that H&P proposes to distribute to its shareholders are all or part of the property by reason of which H&P controls (within the meaning of § 2(a) of the BHC Act) a bank or bank holding company; and

(C) the distribution of such shares is necessary or appropriate to effectuate the policies of the BHC Act.

This certification is based upon the representations made to the Board by H&P and upon the facts set forth above. In the event the Board should hereafter determine that facts material to this certification are otherwise than as represented by H&P, or that H&P has failed to disclose to the Board other material facts, it may revoke this certification. This certification is granted upon the condition that no later than six months after the distribution by H&P of its shares of Bankshares, no person who is an employee with management functions, officer or director (including an advisory or honorary director) of H&P or any subsidiary of H&P shall at the same time serve in any such capacity with Bankshares or any subsidiary of Bankshares, including Bank.

By order of the Board of Governors, acting through its General Counsel, pursuant to delegated authority, (12 C.F.R. 265.2(b)(3)), effective March 25, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-9903 Filed 4-1-77;8:45 am]

[1] This information derives from H&P's correspondence with the Board concerning its request for this certification, H&P's Registration Statement filed with the Board pursuant to the BHC Act, and other records of the Board.

[2] In fact, although members of one family owned approximately 9 per cent of Bank's voting stock at that time, no single individual or organization controlled more than 5 per cent of Bank's voting stock.

JACOBUS CO., ET AL.

Order Approving Formation of a Bank Holding Company and Acquisition of Two Bank Holding Companies

In the matter of the Jacobus Company, Inland Heritage Corporation and Inland Beloit Corporation.

The Jacobus Company, Wauwatosa, Wisconsin, and its 45.4 per cent owned subsidiary, Inland Heritage Corporation, Wauwatosa, Wisconsin (hereinafter jointly referred to as "Applicant"), both of which are bank holding companies within the meaning of the Bank Holding Company Act, have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to acquire all of the voting shares of Financial Network Corporation ("FNC"), a one-bank holding company that owns 95.4 per cent of the voting shares of The Beloit State Bank ("Beloit Bank"), and to acquire all the voting shares of Community Holding Corporation ("CHC"), a one-bank holding company that owns 75.3 per cent of the voting shares of Community Bank of Beloit ("Community Bank"), all of which are located in Beloit, Wisconsin. The proposed acquisition of FNC and CHC would be effected through the formation of a new holding company to be named Inland Beloit Corporation, Milwaukee, Wisconsin, a corporation that is to be wholly owned by Inland Heritage Corporation and for which a section 3(a)(1) application has been filed with the Board. The proposed acquisitions would involve the merger of FNC and CHC into Inland Beloit Corporation, giving Inland Beloit Corporation direct ownership of FNC and CHC. As the parent companies of Inland Beloit Corporation, The Jacobus Company and Inland Heritage Corporation would thereby gain indirect ownership of FNC and CHC. FNC and CHC serve no purpose other than to hold the stock of their respective banks in corporate form, and Inland Beloit Corporation serves no purpose other than to facilitate the acquisition of FNC and CHC. Accordingly, the proposed acquisition of FNC and CHC by Inland Beloit Corporation is treated herein as the proposed acquisition of Beloit Bank and Community Bank by Applicant.

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. § 1842(c)).

By Order dated February 7, 1977, the Board denied Applicant's previous applications to acquire Beloit Bank and Community Bank.[1] Applicant's current applications differ from its earlier applications only with respect to their financial aspects.

Applicant presently controls four banks with aggregate deposits of $146.8 million.[2] Applicant's acquisition of Beloit Bank and Community Bank (aggregate deposits of $85.6 million) would represent Applicant's initial entry into the Janesville-Beloit banking market, and would result in Applicant controlling approximately 21.9 per cent of the deposits therein.[3] For reasons cited in the Board's earlier Order, the Board concludes that consummation of the proposed acquisitions would not have any significant adverse effects on existing or potential competition.

While competitive considerations were found to be consistent with approval of the proposed acquisitions, the Board was concerned with the financial aspects of Applicant's earlier proposal and concluded that the adverse financial considerations involved warranted denial of those applications. In its February 7th Order, the Board noted that the proposed acquisitions would result in a substantial addition ($3.6 million) to Applicant's already high level of long-term debt, and stated that it was concerned that Applicant would not be able to meet the increased debt servicing requirements and and also maintain and strengthen the capital of its existing subsidiary banks. The Board concluded that Applicant should direct its financial resources toward strengthening its existing subsidiaries before seeking further expansion of its banking interests.

In the context of Applicant's current proposal, the Board regards the financial and managerial resources and future prospects of Applicant, its subsidiaries, and the banks to be acquired, as generally satisfactory and consistent with approval of the applications. Applicant's current applications contain a substantially stronger financial proposal than that previously considered, and the Board is of the view that it would enable Applicant to meet the increased debt servicing requirements without placing additional funding requirements on its existing subsidiary banks. Pursuant to its revised financial plan, Applicant intends to promptly reduce the acquisition debt from $4.8 million to $1.3 million, and to bolster the capital positions of two of its existing subsidiary banks and of Beloit Bank by amounts totaling $1.25 million. Applicant would also maintain approximately $0.7 million as a reserve for future capital contributions to subsidiary banks which would be made as the need arose.[4] Accordingly, in view of the substantially revised financial aspects of the proposal, the Board concludes that banking factors are consistent with approval of the applications.

In its earlier Order, the Board noted that considerations relating to the convenience and needs of the community to be served were not sufficient to outweigh the adverse financial factors involved with the proposal. In view of the improved financial considerations reflected herein, it now appears that the proposed affiliation of the two Beloit banks with Applicant would enhance their operations and thereby benefit the residents of the area served by the two banks. Accordingly, convenience and needs considerations are consistent with approval of the applications. It is the Board's judgment that the proposed acquisitions would be in the public interest and that the applications should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago, pursuant to delegated authority.

By the order of the Board of Governors,[5] effective March 25, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-9904 Filed 4-1-77;8:45 am]

[1] 42 FEDERAL REGISTER 9059.

[2] All banking data are as of December 31, 1975, unless otherwise indicated.

[3] The Janesville-Beloit banking market is approximated by Rock County.

[4] In order to effect these actions, Applicant, in addition to using existing funds, has committed to issue and has received subscriptions for $2.0 million in convertible debentures, and has committed to sell $1.5 million in additional common stock of Inland Heritage Corporation.

[5] Voting for this action: Chairman Burns and Governors Gardner, Wallich, Coldwell and Partee. Absent and not voting: Governors Jackson and Lilly.

SUMITOMO BANK, LTD.

Order Approving Acquisition of Additional Shares of Bank

The Sumitomo Bank, Limited, Osaka, Japan, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to exercise preemptive rights to acquire additional voting shares of Central Pacific Bank, Honolulu, Hawaii ("Bank"). As a result of the exercise of these rights, Applicant would continue to hold 13.7 percent of the voting shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant presently owns 13.7 percent of the voting shares of Bank. With deposits of approximately $240 million, Bank controls 8.5 percent of the total deposits held by commercial banks in Hawaii and is the third largest bank in the State.[1] Applicant proposes to acquire 6,867 additional voting shares of Bank through the exercise of its preemptive rights in connection with a new issue of Bank's voting shares. If all of Bank's new shares are purchased, Applicant's percentage ownership of shares of Bank will not increase as a result of the proposal. Consummation of the proposal would not have any adverse effect on existing or potential competition, nor would it increase the concentration of banking resources or have any adverse effect on other banks in the area. Thus, competitive considerations are consistent with approval of the application.

The financial condition and managerial resources of Applicant and Bank are considered satisfactory and the future prospects for each appear favorable. Thus, the banking factors are consistent with approval of the application. Although there will be no immediate change or increase in the services offered by Bank as a result of the proposed transaction, the considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that the proposed transaction would be consistent with the public interest and that the application should be approved.

Under section 3(d) of the Bank Holding Company Act [12 U.S.C. 1842(d)] the Board may not approve an application by a bank holding company under section 3 of the Act to acquire shares of any "additional bank" located outside of the State in which the operations of the bank holding company's banking subsidiaries were principally conducted as of July 1, 1966, or the date on which it became a bank holding company, whichever is later, unless such acquisition is specifically authorized by the statute laws of the State in which the bank whose shares are to be acquired is located. Applicant became a bank holding company on December 31, 1970, by virtue of its ownership of a majority of the voting shares of The Sumitomo Bank of California, San Francisco, California, and thus, California is the State of Applicant's principal banking operations. The statute laws of the State of Hawaii do not specifically authorize the acquisition of shares or assets of a

[1] All banking data are as of December 31, 1975.

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State bank by an out-of-State bank holding company. Thus, the Board may only approve the subject application if Bank is not considered an "additional bank" for purposes of section 3(d).

Applicant's investment in Bank originated in 1954, prior to the enactment of the Bank Holding Company Act. Since section 3(d) is prospective in its application, that investment was effectively grandfathered at the time Applicant became a bank holding company in 1970. Consummation of the proposed transaction would enable Applicant to maintain its present interest in Bank.

The Board has considered the legislative history of section 3(d), particularly the intent of that section to prevent the interstate expansion of the commercial banking operations of bank holding companies, and has determined that, based on the particular facts and circumstances of this case, Bank should not be considered an "additional bank" for purposes of that section. Approval of this application would not permit Applicant either to acquire control of an additional bank or to expand its grandfathered interest in Bank. However, in keeping with the policy of section 3(d), this approval is granted subject to the condition that, in the event all of Bank's newly issued shares are not subscribed, Applicant will only acquire and hold such shares as are necessary in order to maintain its present interest in Bank.

In a letter of this date to Applicant, the Board has issued a preliminary determination, based upon the rebuttable presumptions of control in § 225.2(b)(1) of Regulation Y [12 CFR 225.2(b)(1)], that Applicant exercises a controlling influence over the management or policies of Bank. The Board's decision to approve the subject application was made independent of that preliminary determination of control, and does not signify a Board decision on any further action that may result from such preliminary determination.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of San Francisco pursuant to delegated authority.

By order of the Board of Governors,[1] effective March 29, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-9905 Filed 4-1-77;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Coldwell, Jackson, Partee, and Lilly. Absent and not voting: Governors Gardner and Wallich.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

CELLULAR AND MOLECULAR BASIS OF DISEASE REVIEW COMMITTEE

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Cellular and Molecular Basis of Disease Review Committee, National Institute of General Medical Sciences, June 6-10, 1977, National Institutes of Health, Building 31, Conference Room 4, Bethesda, Maryland.

This meeting will be open to the public on June 6, 1977, from 9 a.m. to 11 a.m. for background information and discussion of issues relevant to the Cellular and Molecular Basis of Disease Program of the National Institute of General Medical Sciences. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Title 5, U.S. Code 552b(c)(4) and 552b(c)(6), the meeting will be closed to the public on June 6, 1977, from 11 a.m. to adjournment June 10, 1977, for the review, discussion, and evaluation of individual grant applications. These applications could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. Paul Deming, Research Reports Officer, NIGMS, National Institutes of Health, Room 9A05, Westwood Building, Bethesda, Maryland 20014 (Telephone: 301/496-7301) will provide summaries of meetings and rosters of committee members.

Dr. Lee Van Lenten, Executive Secretary, CMBD Review Committee, NIGMS, National Institutes of Health, Room 907, Westwood Building, Bethesda, Maryland 20014 (Telephone: 301/496-7518) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13-863, General Medical Sciences.)

Date: March 28, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-9898 Filed 4-1-77;8:45 am]

INFECTIOUS DISEASE COMMITTEE

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Infectious Disease Committee, National Institute of Allergy and Infectious Diseases on April 22 in Building 31A, Conference Room 4, at the National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public from 8:30 a.m. until 9:00 a.m. on April 22 for the discussion of general policy matters and administrative reports. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), title 5, U.S. Code and Section 10(d) of P.L. 92-463, the meeting of the committee will be closed to the public from 9:00 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications and individual contract proposals. These applications, proposals, and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications and proposals.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, NIAID, National Institutes of Health, Building 31, Room 7A32, Bethesda, Maryland 20014, (301) 496-5717, will furnish rosters of committee members and summaries of the meetings. Dr. James A. Ferguson, Executive Secretary, Infectious Disease Committee, NIAID, National Institutes of Health, Westwood Building, Room 706, Bethesda, Maryland 20014, (301) 496-7465, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.856, National Institutes of Health.)

Date: March 29, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-9896 Filed 4-1-77;8:45 am]

NATIONAL ADVISORY EYE COUNCIL

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Eye Council, National Eye Institute, May 26, 27, and 28, 1977, Building 31, Conference Room No. 7, National Institutes of Health, Bethesda, Maryland.

This meeting will convene each day at 9:00 a.m. and will be open to the public from 9:00 a.m. until 11:00 a.m. on May 26 and 27, for opening remarks by the Director, National Eye Institute, discussion of procedural matters, and a presentation by the intramural staff of the National Eye Institute. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, the meeting will be closed to the public from 11:00 a.m. until adjournment on Thursday, May 26 and Friday, May 27, and the entire day on May 28 until adjournment for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. Julian Morris, Head, Office of Scientific Reports and Program Planning, National Eye Institute, Building 31, Room 6A-25, AC 301-496-5248 will provide summaries of meetings and rosters of committee members. Dr. William F. Raub, Associate Director for Extramural and Collaborative Programs, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.867, 13.868, 13.869, 13.870, and 13.871, National Institutes of Health.)

Dated: March 28, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-9895 Filed 4-1-77;8:45 am]

NATIONAL ADVISORY NEUROLOGICAL AND COMMUNICATIVE DISORDERS AND STROKE COUNCIL

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Neurological and Communicative Disorders and Stroke Council, National Institutes of Health, May 26, 27, and 28, 1977, at 9:00 a.m. in Building 31-C, Conference Room 6, Bethesda, Md. 20014. The meeting will be open to the public from 9:00 a.m. until 1:00 p.m. on May 26, 1977, and from 9:00 a.m. until the conclusion of the meeting on May 28, 1977, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provision set forth in Sections 552b(c)(4), and 552b(c)(6) of Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 1:00 p.m. on May 26, 1977, until the conclusion of the meeting that day, and from 9:00 a.m. until 5:00 p.m. on May 27, 1977, for review, discussion and evaluation of individual initial pending and renewal research grant applications and applications for Teacher-Investigator Awards and Research Career Development Awards. The portion of the meeting being closed involves the review, discussion, and evaluation of individual grant applications. These applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

The Chief, Office of Scientific and Health Reports, Mrs. Ruth Dudley, Building 31, Room 8A03, NIH, NINCDS, Bethesda, Maryland 20014, Telephone: (301) 496-5751, will furnish summaries of the meeting and rosters of committee members.

Dr. O. Malcolm Ray, Executive Secretary, Federal Building, Room 1020C, Bethesda, Maryland 20014, Telephone: (301) 496-9234, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.851, 13.852, 13.853, 13.854, National Institutes of Health.)

Date: March 28, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-9899 Filed 4-1-77;8:45 am]

NATIONAL DIABETES ADVISORY BOARD

Meeting

Notice is hereby given of a change in the meeting date of the National Diabetes Advisory Board, National Institute of Arthritis, Metabolism, and Digestive Diseases, which was published in the FEDERAL REGISTER on March 24, 1977, 42 FR 15972.

This Board was to have convened at 9:00 a.m. on April 15, 1977 only, but now it will meet on April 16, 1977 also, from 9 a.m. to adjournment at the address originally stated.

The meeting will be open to the public both days from 9 a.m. to adjournment.

Date: March 28, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-9897 Filed 4-1-77;8:45 am]

Assistant Secretary for Education

EDUCATION STATISTICS

Comments on Collection of Information and Data Acquisition Activity

Pursuant to Section 406(g)(2)(B), General Education Provisions Act, notice is hereby given as follows:

The National Center for Education Statistics, the National Institute of Education and the U.S. Office of Education have proposed collections of information and data acquisition activities which will request information from educational agencies or institutions.

The purpose of publishing this notice in the FEDERAL REGISTER is to comply with paragraph (g)(2)(B) of the "Control of Paperwork" amendment which provides that each educational agency or institution subject to a request under the collection of information and data acquisition activity and their representative organizations shall have an opportunity, during a 30-day period before the transmittal of the request to the Director of the Office of Management and Budget, to comment to the Administrator of the National Center for Education Statistics on the collection of information and data acquisition activity.

These data acquisition activities are subject to review by the HEW Education Data Acquisition Council and the Office of Management and Budget.

Descriptions of the proposed collections of information and data acquisition activities follow below.

Written comments on the proposed activities are invited. Comments should refer to the specific sponsoring agency and form number and must be received on or before May 4, 1977, and should be addressed to Administrator, National Center for Education Statistics, ATTN: Manager, Information Acquisition, Planning, and Utilization, Room 3001, 400 Maryland Avenue SW., Washington, D.C. 20202.

Further information may be obtained from Elizabeth M. Proctor of the National Center for Education Statistics, 202-245-1022.

Dated: March 30, 1977.

MARIE D. ELDRIDGE,
Administrator, National Center for Education Statistics.

DESCRIPTION OF A PROPOSED COLLECTION INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

Update of the Public Library Universe.

2. AGENCY/BUREAU/OFFICE

National Center for Education Statistics.

3. AGENCY FORM NUMBER

NCES 2349-1.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

• • • "The (National) Center (for Education Statistics) shall furnish such special statistical compilations and surveys as the Committees on Labor and Public Welfare and on Appropriations of the Senate and the Committees on Education and Labor and on Appropriations of the House of Representatives may request."

(Sec. 406(f)(1)(A) of the General Education Provisions Act (20 U.S.C. 1221-1).)

• • • "The (National) Center (for Education Statistics) shall • • • collect, collate, and, from time to time, report full and complete statistics on the conditions of education in the United States • • •"

(Sec. 501(a) of Pub. L. 93-380 (20 U.S.C. 1223e-1).)

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE

Voluntary.

6. HOW INFORMATION TO BE COLLECTED WILL BE USED

The data provided by an update of the public library universe would be used by the National Center for Education Statistics to generate a probability sample for the Public Library Survey, Library General Information Survey (LIBGIS) III, FY 77. An accurate current listing of public libraries is essential because the public library universe tape is run against the U.S. Bureau of the Census City Reference File to stratify the universe by location, region and population. These data will also be used by the Office of Libraries and Learning Resources and the Regional Library Officers of the U.S. Office of Education. The National Commission on Libraries and Information Science will use these data in support of its mandated National Library inventory, and in preparation for the White House Conference on Libraries and Information Services. Other Federal agencies have used these data for various projects in which communication with the public sector was directed through the public libraries throughout the United States. Such projects have been conducted by the Department of the Navy and the American Revolution Bicentennial Administration.

7. DATA COLLECTION PLAN

a. Method of collection: Mail.
b. Time of collection: Spring 1977.
c. Frequency: 3 year interval.

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6. RESPONDENTS

a. Type: State Library Agencies.
b. Number: 56.
c. Estimated average man-hours per respondent: .5.

9. INFORMATION TO BE COLLECTED

A computer printout of each State Library agency's public libraries will be mailed to the State Library Agencies for review. Corrections, deletions, and additions may be made directly on the printout. Information sought is library name, address and zip code, and population of area served.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

Survey of Special Libraries Serving State Government.

2. AGENCY/BUREAU/OFFICE

National Center for Education Statistics.

3. AGENCY FORM NUMBER

NCES 2394–1, 2394–2.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

• • • "The (National) Center (for Education Statistics) shall furnish such special statistical compilations and surveys as the Committees on Labor and Public Welfare and on Appropriations of the Senate and the Committees on Education and Labor and on Appropriations of the House of Representatives may request."
(Sec. 406(f)(1)(A) of the General Education Provisions Act (20 U.S.C. 1221–1).)

• • • "The (National) Center (for Education Statistics) shall • • • collect, collate, and, from time to time, report full and complete statistics on the conditions of education in the United States • • •
(Sec. 501(a) of Pub. L. 93–380 (Sec. 406(b) of the General Education Provisions Act (20 U.S.C. 1221e–1).)

The National Commission on Libraries and Information Science (NCLIS) requested data from this survey in support of their mandated national library inventory, and in preparation for The White House Conference on Library and Information Services. The legislation supporting these mandates are Pub. L. 91–345 and Pub. L. 93–568.

The National Commission on New Technological Uses of Copyrighted Works (CONTU) requested National Center for Education Statistics assistance in collecting data pertinent to and in direct support of their mission, as spelled out in Pub. L. 93–573.

5. VOLUNTARY/OBLIGATORY NATURE OF THE RESPONSE

Voluntary.

6. HOW INFORMATION TO BE COLLECTED WILL BE USED

The data, to be collected from special libraries of State governments, are essential for management uses on the State level. The establishment of size and location of resources and subject specialization will be of importance to other libraries and researchers. For the above reasons, the Association of State Library Agencies (ASLA) has endorsed this survey, and together with the Chief Officers of State Library Agencies (COSLA) have recommended that the data requested in the survey collection instrument be collected.

Through the use of the Library General Information Survey system of standardized core data items, direct comparison of those libraries may be made with other libraries which have been surveyed under this system i.e., Public Libraries, College and University Libraries, Federal Libraries, and Special Libraries in Commerce and Industry. This will provide NCES with additional input to United Nations Educational, Scientific, and Cultural Organizations (UNESCO).

The data gathered by this survey will provide core data on receipts, expenditures, resources, staffing, reference and loan transactions, facilities, etc. For the first time, this survey will identify sources of similar subject matter which will stimulate inter-library loans, and identify subject resources for cooperatives and networks.

NCLIS will use the data of NCES surveys which will become part of the "National Inventory of Library Needs" in conjunction with The White House Conference on Libraries. CONTU will use the data for its report to Congress on the uses of copyrighted data in libraries. The National Library of Medicine will use the data to identify health science resources of special libraries in State governments.

The data will be used also by administrators, educators, researchers, and libraries in identifying similar interests and sources of interlibrary exchange information and sharing of resources.

7. DATA ACQUISITION PLAN

a. Method of collection: Mail.
b. Time of collection: Verification survey—April–May 1977. Data Collection Survey—June–August 1977.
c. Frequency: Four year interval.

8. RESPONDENTS

Phase I—Verification of Universe

a. Type: State Library Agencies.
b. Number: 56.
c. Estimated average man-hours per respondent: .5.

Phase II—Data Collection Survey

a. Type: State agencies and departmental libraries.
b. Number: Approximately 2500 (sample).
c. Estimated average man-hours per respondent: .833.

9. INFORMATION TO BE COLLECTED

Phase I—Verification Survey

The names, addresses of State government libraries will be collected.

Phase II—Data Collection Survey

Information on expenditures, staff and resources will be collected. Specific information on photocopying and health science holdings will also be gathered.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

Survey of State Library Agencies.

2. AGENCY/BUREAU/OFFICE

National Center for Education Statistics.

3. AGENCY FORM NUMBER

NCES 2395.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

• • • "The (National) Center (for Education Statistics) shall furnish such special statistical compilations and surveys as the Committees on Labor and Public Welfare and on Appropriations of the Senate and the Committees on Education and Labor and on Appropriations of the House of Representatives may request."
(Sec. 406(f)(A) of the General Education Provisions Act (20 U.S.C. 1221–1).)

• • • "The (National) Center (for Education Statistics) shall • • • collect, collate, and, from time to time, report full and complete statistics on the conditions of education in the United States • • •"
(Sec. 501(a) of Pub. L. 93–380, Sec. 406(b) of the General Education Provisions Act (20 U.S.C. 1221e–1).)

The National Commission on Libraries and Information Science (NCLIS) requested data from this survey in support of their mandated National library inventory, and in preparation for The White House Conference on Library and Information Services. The legislation supporting these mandates are Pub. L. 91–345 and Pub. L. 93–568.

The National Commission on New Technological Uses of Copyrighted Works (CONTU) has requested National Center for Education Statistics (NCES) assistance in collecting data pertinent to and in direct support of their mission, as spelled out in Pub. L. 93–573.

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE

Voluntary.

6. HOW INFORMATION TO BE COLLECTED WILL BE USED

The data will be used by NCES, National Institutes of Health, National Library of Medicine, CONTU, college and university students, research staff, from State agencies and the private sector to determine the status of existing resources and plan for future needs.

State agencies will also be able to use these data in administering the various Federal library programs and in the planning and development of networks.

This will be the first time in depth information about State library agencies will be available to administrators of Federal programs, educators, and researchers in the public and private sectors.

7. DATA ACQUISITION PLAN

a. Method of collection: Mail.
b. Time of collection: April–July 1977.
c. Frequency: 5 year interval.

8. RESPONDENTS

a. Type: State library agencies.
b. Number: 56.
c. Estimated average man-hours per respondent: 1.

9. INFORMATION TO BE COLLECTED

The data collected will be receipts, expenditures, personnel, resources (books, periodicals, microforms, audiovisual materials etc.) utilization, physical facilities, activities, functions, services, and consortia or networks arrangements.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

Library Cooperatives, Consortia, and Networks Survey.

2. AGENCY/BUREAU/OFFICE

National Center for Education Statistics.

3. AGENCY FORM NUMBER

NCES 2396–1, 2396–2.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

• • • "The (National) Center (for Education Statistics) shall furnish such special statistical compilations and surveys as the Committees on Labor and Public Welfare and on Appropriations of the Senate and the Committees on Education and Labor and on Appropriations of the House of Representatives may request." (Sec. 406(f)(1)(A) of the

General Education Provisions Act (20 U.S.C. 1221–1).)

• • • "The (National) Center (for Education Statistics) shall • • • collect, collate, and, from time to time, report full and complete statistics on the conditions of education in the United States • • •" (Sec. 501 (a) of Pub. L. 93–380 (Sec. 406(b) of the General Education Provisions Act (20 U.S.C. 1221e–1)).)

The Higher Education Act (HEA), Title II B_a provides Federal funds "• • • to eligible parties to support research and demonstration projects relating to the improvement of libraries or the improvement of training in librarianship, including the development of new techniques, systems and equipment for processing, storing, and distributing information and for the dissemination of information derived from such research and demonstration."

The National Commission on Libraries and Information Science (NCLIS) requested data from this survey in support of their mandated National library inventory, and in preparation for The White House Conference on Library and Information Services. The legislation supporting these mandates are Pub. L. 91–345 and Pub. L. 93–568.

The National Commission on New Technological Uses of Copyrighted Works (CONTU) requested NCES assistance in collecting data pertinent to and in direct support of their mission, as spelt out in Pub. L. 93–573.

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE

Voluntary.

6. HOW INFORMATION TO BE COLLECTED WILL BE USED

There is no comprehensive, nationwide, directory or statistical report of the library cooperatives, consortia, and networks, available, although the Federal Government, State governments, and local governments have been supporting this relatively new type of library organization at an increasing rate for some ten years. This survey will remedy this gap in our knowledge. The purpose of the survey is to collect and report data on the impact of computers on libraries and information centers, and to help assess the results of the Federal legislation designed to promote and support library cooperatives, consortia, and networks at the national multi-State, State, and local levels. At present, these organizations are spreading and interconnecting, forming linkages with Federal, State, and local libraries, and no directory and no statistical survey of their operations exist, nationally or regionally; only State networks have been surveyed in some degree.

This information will be used by the Office of Libraries and Learning Resources of the Office of Education to provide basic data for the drafting of new legislation for library cooperatives, consortia, and networks; to provide data for comparison purposes (i.e. so that these organizations that receive Federal monies can be compared with the ones that do not receive Federal monies); and to provide a statistical base so that when the survey is repeated in a few years, trends will be able to be determined for both the Federally funded and the non-Federally funded categories of these organizations.

State and local governments will use the information provided by this survey for the same purposes, at their levels. The academic, public, and special libraries that are either members and users or are potential users of the services of these organizations, will use the information for evaluation of the services provided by the library cooperatives, consortia, and networks available to them, as well as the comprehensiveness and cost of such services, as related to their expenditures for and use of such services in the future.

7. DATA ACQUISITION PLAN

	Universe data	Pretest	Actual survey
a. Method of collection	Update of printout	Questionnaire	Questionnaire.
b. Time of collection	April to July 1977	April to May 1977	February to August 1978.
c. Frequency	4 to 5 yr		4 to 5 yr.

8. RESPONDENTS

Universe Survey

a. Type: Chief State Library Officers.
b. Number: 51.
c. Estimated Average Man-Hours Per Respondent: .333.

Actual Survey of Library Cooperatives, Consortia, and Networks

a. Type: Library cooperatives, Consortia, and Networks.
b. Number: Between 700 and 1700 (best estimate: 1,000).
c. Estimated Average Man-Hours Per Respondent: .5.

9. INFORMATION TO BE COLLECTED

Universe Survey: Name and address of organization; name, title and telephone number of chief officer.

Actual Survey of Organizations: Staff, receipts, expenditures, governance, years operational, and services/activities.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

California Beginning Teacher Evaluation Study:
A. Teacher Attitude Questionnaire.
B. Demographic Data Form.

2. AGENCY/BUREAU/OFFICE

National Institute of Education.

3. AGENCY FORM NUMBER

NIE 182 A–B.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

"(2) The Institute shall, in accordance with the provisions of this section, seek to improve education in the United States through concentrating the resources of the Institute on the following priority research and development needs—

"(A) Improvement in student achievement in the basic educational skills, including reading and mathematics;

"(B) Overcoming problems of finance, productivity, and management in educational institutions;

"(C) Improving the ability of schools to meet their responsibilities to provide equal educational opportunities for students of limited English-speaking ability, women, and students who are socially, economically, or educationally disadvantaged;

"(D) Preparation of youths and adults for entering and progressing in careers; and

"(E) Improved dissemination of the results of, and knowledge gained from, educational research and development, including assistance to educational agencies and institutions in the application of such results and knowledge." (Sec. 405(b)(2), the General Education Provisions Act as amended, Pub. L. 94–482, 20 U.S.C. 1221e.)

"(e)(1) In order to carry out the objectives of the Institute, the Director is authorized, through the Institute, to conduct educational research; collect and disseminate the findings of educational research; train individuals in educational research; assist and foster such research, collection, dissemination, or training through grants, or technical assistance to, or jointly financed cooperative arrangements with, public or private organizations, institutions, agencies, or individuals; promote the coordination of such research and research support within the Federal Government; and may construct or provide (by grant or otherwise) for such facilities as he determines may be required to accomplish such purposes. As used in this subsection, the term 'educational research' includes research (basic and applied), planning, surveys, evaluations, investigations, experiments, developments, and demonstrations in the field of education (including career education)." (Sec. 405(e)(1), General Education Provisions Act, Pub. L. 94–482, 20 U.S.C. 1221e.)

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE

Voluntary.

6. HOW INFORMATION COLLECTED WILL BE USED

In order to assist in research and the acquisition of new knowledge both parts of the above data collection and analysis will be used to categorize teachers and students so that further correlations may be drawn between teacher and student behavior and the variables (teacher attitudes and student socioeconomic status) to be assessed. Strict correlations will not be attempted but it is felt that information on these two variables can be useful within the context of all other teacher and student variables to be measured in other parts of the study.

7. DATA ACQUISITION PLAN

a. Method of Collection: Other—hand delivered by field worker, teacher completes form and returns to field worker.
b. Time of Collection: Late spring, 1977.
c. Frequency: One time only.

8. RESPONDENTS

a. Type: Teachers, elementary-secondary (Teacher Attitude Questionnaire).
b. Number: Sample (60).
c. Estimated Average Man-Hours Per Respondent: .20.
a. Type: Teachers, elementary/secondary (Demographic Data Form).
b. Number: Sample (60).
c. Estimated Average Man-Hours Per Respondent: .17.

9. INFORMATION TO BE COLLECTED

a. Teachers (Teacher Attitude Questionnaire)—will collect information on teachers' attitudes about reading and mathematics and their attitudes about instructing stu-

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dents and training other teachers in these areas.

b. Teachers (Demographic Data Form)—will collect information on the occupation(s) of one or both of the parents of target and other students in each teacher's classroom.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

Educational Opportunity Centers Financial Status and Performance Reports.

2. AGENCY/BUREAU/OFFICE

U.S. Office of Education, Bureau of Postsecondary Education, Division of Student Services and Veterans Program.

3. AGENCY FORM NUMBER

OE 366.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

• • • Sec. 417B(b)(4) a program of paying up to 75 percentum of the cost of establishing and operating Educational Opportunity Centers which—

(A) Serve areas with major concentrations of low-income populations by providing, in coordination with other applicable programs and services—

(i) Information with respect to financial and academic assistance available for persons in such areas desiring to pursue a program of postsecondary education;

(ii) Assistance to such persons in applying for admission to institutions, at which a program of postsecondary education is offered, including preparing necessary applications for use by admission and financial aid officer; and

(iii) Counseling services and tutorial and other necessary assistance to such persons while attending such institutions; and

(B) Serve as recruiting and counseling pools to coordinate resources and staff efforts of institutions of higher education and of other institutions offering programs of postsecondary education, in admitting educationally disadvantaged persons. • • • (Pub. L. 92-318; 20 U.S.C. 1070d-1.)

"This Circular promulgates standards for obtaining consistence and uniformity among Federal agencies in the administration of grants to, and other agreements with, public and private institutions of higher education, public and private hospitals, and other quasi-public and private nonprofit organizations • • • Each Federal sponsoring agency shall require recipients to use the standardized Financial Status Report to report the status of funds for all nonconstruction projects or programs • • • Recipients shall submit a Performance Report (technical report) for each agreement" • • • (OMB Circular No. A-110)

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE

Required to obtain or maintain benefits.

6. HOW INFORMATION TO BE COLLECTED WILL BE USED

The reports will be used to secure performance and financial information from grant-supported projects. The information will be used (a) to assess and monitor project effectiveness, and (b) to determine if the program is meeting the needs of the target populations intended and as a corollary to provide base information for planning future program needs and modifications.

7. DATA ACQUISITION PLAN

a. Method of collection: Mail.

b. Time of collection: Spring and summer, fall and winter.

c. Frequency: Annually.

8. RESPONDENTS

a. Type: Grant-supported projects in postsecondary institutions and nonprofit organizations.

b. Number: 13.

c. Estimated average man-hours per respondent: 16.

9. INFORMATION TO BE COLLECTED

Information/data collected are as follows:

(a) Description of actual accomplishments in terms of goals of the projects.

(b) Number of participants: By age; by sex; by ethno-racial background; by type of school enrolled in; by reason for dropping out. Also requested is the total number for each of the following: Physically disabled participants; veterans who are participants; participants receiving counseling, tutoring, or other assistance; participants who began or reentered postsecondary studies.

(c) Financial information required on the Office of Management and Budget (OMB) standard financial status report.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

Special Programs for the Disadvantaged: Financial Status and Performance Reports.

2. AGENCY/BUREAU/OFFICE

U.S. Office of Education, Bureau of Postsecondary Education, Division of Student Services and Veterans' Programs.

3. AGENCY FORM NUMBER

OE 1231.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

• • • "Sec. 417A.(a). The Commissioner shall, in accordance with the provisions of this subpart, carry out a program designed to identify qualified students from low-income families, to prepare them for a program of postsecondary education, and to provide special services for such students who are pursuing programs of postsecondary education." • • • (Pub. L. 92-138; 20 U.S.C. 1070d).

Authorization for Reports: "Only the following forms will be authorized for obtaining financial information from recipients Financial Status Report • • • Each Federal sponsoring agency shall require recipients to use the standardized Financial Status Report to report the status of funds for all nonconstruction projects or programs." (OMB Circular No. A-110, Attachment G.3).

"Recipients shall submit a performance report (technical report) for each agreement" • • • (OMB Circular No. A-110, Attachment M.3).

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE

Required to obtain or maintain benefits.

6. HOW INFORMATION TO BE COLLECTED WILL BE USED

Information collected will be used as the basis for making and justifying funding decisions in the OE regional offices; determining project compliance with eligibility criteria imposed by program legislation; and checking compliance with the Special Services regulation to have the ethno/racial composition of the students served reflect within a maximum 10 percent variance the ethno/racial composition of the students eligible to be served.

The data collected also serve as an effective measure of project accountability as indicated by project accomplishments: Number of clients served as compared with number proposed to be served; number of Talent Search clients placed in postsecondary education institutions and other education/training activities; number of clients prevented from dropping out of school; number of dropouts returned to school; number of clients receiving adequate financial assistance to enter postsecondary education institutions; kinds of services provided to Special Services clients; and client retention in Special Services projects. Detailed summary information maintained in the Program office serves as a data base from which to prepare budget reports and to respond to program information requests from Congress, Office of Management and Budget, the Department, various other Bureau programs, and other sources.

7. DATA ACQUISITION PLAN

a. Method of collection: Mail.

b. Time of collection: Winter and summer.

c. Frequency: Semiannually.

8. RESPONDENTS

a. Type: Directors of talent search projects.

b. Number: Grantee universe (118).

c. Estimated Average man-hours per respondent: .5.

a. Directors of special services projects.

b. Grantee universe (330).

c. Estimated average man-hours per respondent: .5.

9. INFORMATION TO BE COLLECTED

a. Performance reporting—both talent search and special services project directors:

1. Number of clients assisted.

2. Distribtuion of clients by program eligibility criteria.

3. Distribution of clients by ethno-racial background.

4. Distribution of clients by sex.

5. Number of veterans assisted.

6. Distribtuion of clients by educational status at beginning of program year.

b. Performance reporting—talent search project directors only:

1. Number of clients placed in postsecondary schools and types of schools where placed.

2. Number of clients assisted in entering other types of educational training programs.

3. Number of school dropouts returned to school or other educational programs, and number prevented from dropping out of school.

4. Number of clients placed in upward bound and special services programs.

5. Adequacy of financial aid for clients accepted in a postsecondary education program.

6. Number of clients who have delayed pursuing a postsecondary education for a period exceeding 12 months.

c. Performance reporting—special services project directors only:

1. Number of clients assisted by type of project activity.

2. Client retention in project as indicated by number of clients who left project for given reasons.

d. Financial reporting—both talent search and special services project directors: Items appearing on the standard financial status report, OMB Circular No. A-110.

DESCRIPTION OF PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

Student loan application supplement.

2. AGENCY/BUREAU/OFFICE

U.S. Office of Education, office of guaranteed student loans.

3. AGENCY FORM NUMBER

OE 1260.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

• • • "Sec. 428(a)(4). Each holder of a loan with respect to which payments of interest are required to be made by the Commissioner shall submit to the Commissioner, at such time or time and in such manner as he may prescribe, statements containing such information as may be required by or pursuant to regulation for the purpose of enabling the Commissioner to determine the amount of the payment which he must make with respect to that loan." (Pub. L. 89-329, as amended; 20 U.S.C. 1078)

• • • "Sec. 498(a). Notwithstanding any other provision of law, no grant, or loan guarantee authorized under this title may be made unless the student to whom the grant, loan, or loan guarantee is made has filed with the institution of higher education which he intends to attend, or is attending (or in the case of a loan or loan guarantee with the lender), an affidavit stating that the money attributable to such grant, loan, or loan guarantee will be used solely for expenses related to attendance at such institution." • • • (Pub. L. 92-318; 20 U.S.C. 1088g)

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE

Required to obtain or maintain benefits.

6. HOW INFORMATION TO BE COLLECTED WILL BE USED

This information will be used to perform two functions:

(1) To determine eligibility of student for federal payments to reduce student interest costs.

(2) To establish amount of loan approved for the student.

7. DATA ACQUISITION PLAN

a. Method of collection: mail.

b. Time of collection: usually late summer/early fall.

c. Frequency: Annually.

8. RESPONDENTS

a. Type: Students.

b. Number: 30,000.

c. Estimated average man-hours per respondent: .167.

a. Type: Financial aid officers.

b. Number: 1,500.

c. Estimated average man-hours per respondent: .167.

a. Type: Financial institutions.

b. Number: 3,700

c. Estimated average man-hours per respondent: .083.

9. INFORMATION TO BE COLLECTED

a. Students: Notarized signature on affidavit.

b. Financial aid officers: Cost of education, financial support available, recommended loan amount.

c. Financial institutions: Amount of loan approved.

[FR Doc.77-9951 Filed 4-1-77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[Docket No. N-77-747]

NATIONAL INSURANCE DEVELOPMENT PROGRAM ADVISORY BOARD

Public Meeting

The purpose of this notice is to announce that the Acting Federal Insurance Administrator, U.S. Department of Housing and Urban Development, Washington, D.C. 20410, will hold the quarterly Public Meeting of the National Insurance Development Program Advisory Board in Room 10233 of the Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. on Thursday, April 28, 1977, commencing at 10 a.m.

The National Insurance Development Program Advisory Board established under the authority of Section 1202 of the National Housing Act, enacted by the Urban Property Protection and Reinsurance Act of 1975 (Pub. L. 94-13, April 8, 1975), advises the Secretary of existing or potential problems of unavailability of essential property insurance, and other matters related to FAIR (Fair Access to Insurance Requirements) Plan operations and riot reinsurance rates and coverage.

The effectiveness of the private sector to provide essential property insurance on reasonable terms and conditions at reasonable rates is a matter of deep concern.

The Federal Insurance Administration is charged with the responsibility to assure that the programs authorized under the Urban Property Protection and Reinsurance Act of 1968, as amended, aid the insurance purchasing consumer.

The Chairman and Acting Federal Insurance Administrator, J. Robert Hunter, announces that the quarterly Public Meeting of the Advisory Board will be held on Apirl 28, 1977, to consider the following:

(A) Review of minutes from January 26, 1977 meeting.

(B) Proposed solutions to the availability problem (including higher cost which contributes to making insurance unavailable) such as:

(1) Full insurance availability;

(2) Federal subsidy through federal stamp program;

(3) FAIR plans, automobile assigned risk pools and joint underwriting associations through self-supporting programs.

(C) Disaster insurance.

(D) New riot reinsurance contract.

(E) Proposed changes in federal crime insurance program.

(F) Other matters.

The meeting is open to the public. Public attendance may be limited depending on available space. Any member of the public may file a written statement before, during or after the meeting. To the extent that time permits, interested persons will be allowed public presentation or oral statements at the meeting.

All communications concerning this meeting should be addressed to Acting Federal Insurance Administrator, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Issued in Washington, D.C. on March 31, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-10139 Filed 4-1-77;9:36 am]

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

ELLENSBURG SERVICE

Public Meeting

This notice is published to notify interested citizens of a public meeting to be held by the Bonneville Power Administration on Thursday, May 5, 1977, at 8:00 p.m. in the City-County Silver Circle Community Center, 506 South Pine, Ellensburg, Washington.

The environmental impact of constructing between two and four miles of new 115-kV transmission line and the construction of a new substation will be described. Comments on these proposed new facilities will be received from the public.

All interested parties are urged to attend. All comments are welcomed in order to assist the administration in fully evaluating the environmental factors pertinent to this particular aspect of BPA's Fiscal Year 1978 Program. Comments received will be conisdered in the preparation of the Final Environmental Statement.

The purpose of the above project is to service growing commercial, industrial, and residential electric loads in the Ellensburg area.

BPA proposes to build between two and four miles of new 115-kV transmission line and a new substation occupying approximately two acres of land. One alternative would require approximately one-half mile of new access road.

Limitations on land use in the area of the right-of-way and the substation location could be expected to result from constructing the facility. Vegetation removal would total approximately four acres. Some erosion and sedimentation would occur. Minor short-term disturbances to agricultural land would also occur. In addition, there would be some visual impact as well as noise and other minor disturbances during construction.

In addition to the nonconstruction alternative, with its lack of environmental impacts and resultant inability to adequately service the anticipated electrical load growth in the Ellensburg area, three alternative transmission line locations have been identified. The locations of the various alternatives and the environmental impact associated with each are more thoroughly presented in the Draft Facility Location Supplement on Ellensburg Service.

Copies of the Draft Facility Location Supplement describing the proposal are available for inspection in the library of the Headquarters Office of BPA, 1002 N.E. Holladay Street, Portland, Oregon 97232; the BPA Washington, D.C., Office in the Interior Building, Room 5600, and at the Spokane Area Office, U.S. Courthouse, W. 920 Riverside Avenue, Spokane, Washington 99201.

Dated: March 31, 1977.

WILLIAM H. CLAGETT IV,
Assistant Administrator.

[FR Doc.77-10042 Filed 4-1-77;8:45 am]

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Bureau of Land Management

CRAIG, MONTROSE, CANON CITY-GRAND JUNCTION TEAM LEADERS BRANCH OF ADJUDICATION, DIVISION OF TECHNICAL SERVICES COLORADO STATE OFFICE

Redelegation of Authority

1. Pursuant to authority contained in redelegation of authority, published in FEDERAL REGISTER, 42 FR 15372, No. 54—Monday, March 21, 1977 (FR Doc. 77-8333 Filed 3-18-77, 8:45 a.m.), I hereby redelegate to the Leaders, Craig, Montrose and Canon City-Grand Junction Teams, Branch of Adjudication, in the Division of Technical Services, authority to take action on the following matters:

Sections 2.2(b), 2.3(a), 2.5 (b) and (c), 2.6 (a) through (j) and (l), and 2.9 (a) through (f), (h) through (s), (u), (x), and (y), of Part II of Bureau Order No. 701, supra.

2. Effective date. This redelegation will become effective April 6, 1977.

JACK G. LORTS,
Acting Chief, Branch of Adjucations.

Approved:
DALE R. ANDRUS,
State Director.

[FR Doc.77-9900 Filed 4-1-77;8:45 am]

Fish and Wildlife Service

PATUXENT WILDLIFE RESEARCH CENTER

Endangered Species Permit Receipt of Request for Amendment

A permit authorizing the taking of eggs of Puerto Rican Parrot (*Amazona vittata*) was issued on December 3, 1975, to the Patuxent Wildlife Research Center, Laurel, Maryland (Dr. Lucille Stickel, Director).

A notice containing the application for the permit was published in the FEDERAL REGISTER on August 4, 1975 (40 FR 32766-68-69-70-71), soliciting public comments for a period of 30 days.

A notice of the issuance of the permit was published on March 9, 1976 (41 FR 10103-04).

Under date of March 24, 1977, the Patuxent Wildlife Research Center submitted a request for changes in the condition of this permit. Published herewith is a copy of the request for changes which will be considered as an amendment to this permit. This request is being considered pursuant to Section 13.23, Title 50 Code of Federal Regulations (see 39 FR 1162).

OMB NO. 42-R1470

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (*Indicate only one*)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Withdrawal of one drop of blood from each 1977 Puerto Rican parrot chick, and retention of two male parrot chicks for captive propagation. If blood analysis procedure is unsuccessful, three developing feathers must be obtained for karyotyping to determine sex to obtain two male parrots to even sex ratio of the captive population in the Puerto Rican

3. APPLICANT: (*Name, complete address and phone number of individual, business, agency, or institution for which permit is requested*)
Patuxent Wildlife Research Center
Laurel, Maryland 20811
301-776-4880

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING
N/A
☐ MR. ☐ MRS. ☐ MISS ☐ MS. | HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
U.S. Fish and Wildlife Service
Department of the Interior

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING
EXPLAIN TYPE OF KIND OF BUSINESS, AGENCY, OR INSTITUTION
Wildlife Research Center
Dr. Lucille F. Stickel, Director
Patuxent Wildlife Research Center
Laurel, Maryland 20811
Tel: 301-776-4880, Ext. 7211
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
N/A
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Aviary, P. O. Box 21
Luquillo Experimental Forest
Palmer, Puerto Rico 00721

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(*If yes, list license or permit number(s)*)
PRT 8-86-B-C, PRT 8-85-C, PRT 8-169-C, PRT 2-913-BA, PRT 2-197

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(*If yes, list jurisdictions and type of documents*)

9. CERTIFIED CHECK OR MONEY ORDER (*if applicable*) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ N/A

10. DESIRED EFFECTIVE DATE
April 15, 1977

11. DURATION NEEDED
Through June 15, 1977

12. ATTACHMENTS: THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (*See 50 CFR 13.12(b)*) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
See attachment (memorandum)

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (*In ink*) Lucille F. Stickel | DATE 3/25/77

3-200 (6/75)

GPO 893-042

OPTIONAL FORM NO. 10
JULY 1973 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : Chief, Wildlife Permit Office
Attn: Larry LaRochelle

DATE: March 24, 1977

FROM : Director, Patuxent Wildlife Research Center
Laurel, Maryland

SUBJECT: Authorization for an exemption to the 30-day Federal Register publication requirement

As Dr. Ray Erickson informed Mr. Larry LaRochelle on Wednesday, March 23rd, the Puerto Rican Parrot (Amazona vittata) is one of the most seriously endangered birds in the world. Essential actions are in progress and steps are being proposed which, if delayed, could result in even greater impairment of the prospects of survival of this species. Approval of the following proposed exemption to the 30-day Federal Register publication requirement is requested on the basis of the justification which follows.

The wild population of Puerto Rican Parrots has been fluctuating at about 15-20 individuals for the last 6 years. A captive population of the species has been established to guard against calamitous loss of the wild population (e.g., from a hurricane) and to serve as stock for augmenting the existing wild population, and for establishing new wild populations of the species. Total captive stock now includes 11 birds, 9 of which are in Puerto Rico and 2 of which are at Patuxent. Of these 11 birds, 7 are now old enough to be breeders and 3 have laid eggs although there has as yet been no successful reproduction in captivity. Unfortunately, it now appears that the sex ratio of captives is biased toward females. Through egg-laying evidence and through karyotype analyses run on feather pulp by personnel of the Houston Zoo we now know that at least 5 of the mature birds are female, and there is only one certain male among the remaining 6 captives. Of the 5 captives still of uncertain sex, 3 are of sufficiently subnormal quality that their potential for eventual breeding is in considerable doubt. Thus, regardless of what sex these unknowns turn out to be, there is a shortage of healthy males in the captive population.

The genetic base for reproduction among the captives is also very limited. Among the 11 birds, there are 6 family stocks represented, but only 3 of the stocks are represented by birds with clear breeding

0016-116

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males to be brought into captivity this spring. It will be necessary to mark each nestling with food coloring on down-feathers during the period in which sex-determination is being made; so that the young will be later identifiable when sexes have been determined.

Should it turn out that the blood-smear technique of Dr. Rasch does not prove successful in sexing the parrots, we have obtained a commitment from the San Diego Zoo to send a member of its staff, Dr. Baumgartel, to Puerto Rico for karyotype sexing of nestlings from feather pulp. To use the feather pulp technique, nestlings will have to be at least 5-6 weeks old, as no large flight feathers are sufficiently developed before this age.

Since with either technique, we have only a few weeks within which to perform the necessary procedures (young in the nests will have fledged within 8 weeks of today), we would appreciate an exemption to the 30-day Federal Register publication requirement and expeditious consideration of this proposal. Under our current permit the above operations are not specifically mentioned. However, because the situation facing the Puerto Rican Parrot is so desperate, we believe that this request is in keeping with the spirit of the intent of the authority under which an exemption can be approved. The procurement from the wild of two male Puerto Rican Parrot chicks this spring was discussed with and unanimously concurred in by the Puerto Rican Parrot Recovery Team during its most recent meeting in mid-March 1977. The Commonwealth representative on this Recovery Team, Mr. Herbert Rafaelle, indicated that the Commonwealth permit authorizes this procedure on an emergency basis.

Lucille F. Stickel

potential. One pair of parrots in the wild, the West Fork pair, is as yet unrepresented by progeny in captivity, and it is of crucial importance to the success of the captive program that we obtain representation from this pair, especially if males can be identified before final taking of young. The West Fork pair laid an unusually large clutch of 4 eggs this spring and all 4 eggs have proved fertile. Two have been taken into captivity under existing permit authority, and the resulting hatchlings, now a few days old, are being hand-raised at the field station. These two birds are, of course, of unknown sex, but if sex of these birds and their siblings still in the wild can be quickly determined, it will be possible through juggling of members of the brood between the wild and the field station to selectively obtain two males (should they exist) and still allow the pair to fledge two young in the wild.

Until the present there has been no safe, simple, and quick way of sexing parrots in captivity, and we have been separating pairs out largely on a self-selection basis. One such pair that reached maturity this year has turned out to consist of two females, one of which has produced five eggs, and the other has just started laying. The karyotype sexing we have been pursuing with personnel of the Houston Zoo for the past 2 years has been relatively slow, often requires repeated sampling, although it gives reliable results when completed.

Just last week we learned that Dr. Ellen Rasch of Marquette University has developed a fast sexing method which requires only one drop of blood smeared on a glass slide to distinguish sex of young or old birds through DNA density differentials in the two sexes. The technique has been used so far with success on various species of cranes and poultry, and there are good reasons to hope it may also prove successful with parrots. If so, it represents a real breakthrough because it allows sexing with an absolute minimum of disturbance or potential injury to the birds, at a minimum of expense of time and effort on the part of researchers.

Yesterday, we sent blood smears of 4 Hispaniolan Parrots of known sex to Dr. Rasch, and she has promised results within two weeks as to whether the technique is workable with this species. Since the Hispaniolan Parrot is very closely related to the Puerto Rican Parrot, we assume that success with this species would be a good indication of probable success with the Puerto Rican Parrot.

What we propose is the following: We believe it to be essential to obtain two additional males for the captive population, preferably from the West Fork pair of parrots, since this pair is as yet unrepresented in captivity. We would like to take blood samples from the West Fork nestlings and from the rest of the known and unknown-sexed parrots already in captivity for sexing by Dr. Rasch. Should it turn out that there are not two males in the West Fork brood of 4, we would like to seek male nestlings from the other two currently active pairs in the wild to make up a total of two

In keeping with the spirit of the Endangered Species Act of 1973, this notice is being published to allow public comment on the request for an amendment. Interested persons may comment on this amendment by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. Please refer to PRT 8-86-B-C when submitting comments. All relevant comments received within 30 days of the date of publication will be considered.

Dated: March 30, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch
Federal Wildlife Permit Office.

[FR Doc.77-9956 Filed 4-1-77;8:45 am]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-27]

CHICORY ROOT—CRUDE AND PREPARED

Termination of Investigation

WASHINGTON, D.C.

Notice is hereby given that, by order of the presiding officer in this matter, Judge Myron R. Renick, investigation No. 337-TA-27, Chicory Root—Crude and Prepared, is terminated.

Copies of the order of the presiding officer and his reasons therefor are available in the Office of the Secretary of the United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436.

Issued: March 30, 1977.

KENNETH R. MASON,
Secretary.

[FR Doc.77-9998 Filed 4-1-77;8:45 am]

WATCHES AND WATCH MOVEMENTS FROM INSULAR POSSESSIONS

Determination of Apparent U.S. Consumption and of Quotas for Duty-Free Entry

In accordance with headnote 6(c) of schedule 7, part 2, subpart E, of the Tariff Schedules of the United States (TSUS), the U.S. International Trade Commission has determined that the apparent U.S. consumption of watch movements for the calendar year 1976 was 66,608,000 units. The number of watches and watch movements, the product of the Virgin Islands, Guam, and American Samoa, which may be entered free of duty during calendar year 1977 under headnote 6(b) of subpart E of the TSUS is as follows:

Virgin Islands	6,476,000 units
Guam	616,000 units
American Samoa	309,000 units

By order of the Commission.

Issued: MARCH 30, 1977.

KENNETH R. MASON,
Secretary.

[FR Doc.77-9997 Filed 4-1-77;8:45 am]

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

ADVISORY COMMITTEE ON JOINT BOARD ACTUARIAL EXAMINATIONS

Meeting

Notice is hereby given that the Advisory Committee on Joint Board Actuarial Examinations will meet in the Continental Plaza Hotel, North Michigan at Delaware, Chicago, Illinois on April 19, 1977 at 9:00 a.m.

The purposes of the meeting are to discuss topics, syllabi and questions which may be recommended for inclusion in the Joint Board's examinations in actuarial mathematics and methodology referred to in Title 29, United States Code, section 1242(a)(1)(B), and to review other actuarial examinations in order to make recommendations regarding such examinations' adequacy to demonstrate the education and training in actuarial mathematics and methodology required for enrollment by Title 29, United States Code, section 1242(a)(1).

A determination as required by section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) has been made that the portion of the meeting dealing with discussion of questions which may appear on the Joint Board's examinations with fall within the exceptions to the open meeting requirement set forth in Title 5, United States Code, section 552(c)(9)(B), and that the public interest requires that such portion be closed to public participation.

The portion of the meeting dealing with examination topics, syllabi, and other actuarial examinations will commence at approximately 2:00 p.m. and will be open to the public as space is available. Time permitting, after discussion of agenda subjects by Committee members, interested persons may make statements germane to these subjects. Persons wishing to make oral statements should advise the Committee Management Officer in writing prior to the meeting to aid in scheduling the time available and should submit the written text or, at a minimum, an outline, of comments they propose to make orally. Such comments will be restricted to ten minutes in length. Any interested persons may file a written statement for consideration by the Committee by sending it to Mr. Leslie S. Shapiro, Joint Board for the Enrollment of Actuaries, c/o U.S. Department of the Treasury, Washington, D.C. 20220.

LESLIE S. SHAPIRO,
Advisory Committee Management Officer Joint Board for the Enrollment of Actuaries.

MARCH 31, 1977.

[FR Doc.77-10028 Filed 4-1-77;8:45 am]

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

NATIONAL CRIME INFORMATION CENTER ADVISORY POLICY BOARD

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the National Crime Information Center (NCIC) Advisory Policy Board will be held on May 12-13, 1977, at the Sheraton Four Ambassadors Hotel, Miami, Florida. The meeting will begin at 9 a.m. and terminate at 5 p.m. each day.

The purpose of this meeting will be to discuss matters relating to NCIC which are presented to the Board. In addition, the Board will receive a report on the NCIC Computerized Criminal History Technical Conference held in Washington, D.C., during the first week of April, 1977.

The meeting will be open to the public. Persons who wish to make statements and ask questions of the Board members must file written statements or questions at least twenty-four hours prior to the beginning of the meeting. All questions or statements shall be delivered to the person of the Designated Federal Employee or the Assistant Director, Administrative Services Division, FBI, Washington, D.C.

Additional information may be obtained from Mr. Frank B. Buell, Chief, NCIC Section, Administrative Services Division, FBI Headquarters, Washington, D.C. 20535, telephone 202-324-2606.

Minutes of the meeting will be available upon request from the above designated FBI official.

CLARENCE M. KELLEY,
Director.

[FR Doc.77-9925 Filed 4-1-77;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. STN 50-566, STN 50-567]

TENNESSEE VALLEY AUTHORITY (YELLOW CREEK NUCLEAR PLANT UNITS 1 AND 2)

Before the Atomic Safety and Licensing Board.

A prehearing conference; order pursuant to section 2.751a of the Commission's Regulations will be held in the above-captioned matter on April 19, 1977, at 2 p.m., at the Alcorn County Courthouse, 600 Waldron Street, Corinth, Mississippi.

Dated: March 29, 1977 at Bethesda, Md.

For the Atomic Safety and Licensing Board.

JOHN M. FRYSIAK,
Chairman.

[FR Doc.77-9870 Filed 4-1-77;8:45 am]

ENVIRONMENTAL SURVEY OF THE REPROCESSING AND WASTE MANAGEMENT PORTIONS OF THE LWR FUEL CYCLE

Availability of Public Comments and Responses

Notice is hereby given that a report, "Public Comments and Task Force Responses Regarding the Environmental Survey of the Reprocessing and Waste Management Portions of the LWR Fuel Cycle," NUREG-0216, prepared by the

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Commission's Office of Nuclear Material Safety and Safeguards, and a Staff paper entitled "Response to Comments on a Paper Entitled 'Impacts of Later Reversing a Decision to Adopt or Not to Adopt an Interim Rule Permitting Construction or Operation of Nuclear Power Plants'" (hereinafter "Response to Comments on Impacts Document") are available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C., and in local public document rooms associated with individual nuclear power plants.

On October 18, 1976, the Commission published in the FEDERAL REGISTER a notice of a proposed revision to Table S–3 of 10 CFR Part 51 and announced at the same time the availability of the document on which the proposed revision would be based—"Environmental Survey of the Reprocessing and Waste Management Portions of the LWR Fuel Cycle," NUREG–0116. In addition, in the notice the Commission referenced an analysis entitled "Impacts of Later Reversing a Decision to Adopt or Not to Adopt an Interim Rule Permitting Construction or Operation of Nuclear Power Plants." This notice solicited comments on the proposed rule change, NUREG–0116, and the impact analysis.

NUREG–0216, which is now being made available, contains responses to the comments received on NUREG–0116 from Federal, State, and local officials and from interested members of the public. It also provides additional information on the environmental impacts of reprocessing and waste management which has either become available since the publication of NUREG–0116 or which adds requested clarification to the information in that document.

Copies of NUREG–0216 may be purchased from the National Technical Information Service, Springfield, Virginia 22161; printed copy, $11.75; microfiche, $3.

Single copies of "Responses to Comments on Impacts Document" may be obtained without charge, to the extent of supply, by writing the Division of Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Silver Spring, Maryland, this 18th day of March 1977.

For the Nuclear Regulatory Commission.

WILLIAM P. BISHOP,
Chief, Waste Management Branch, Division of Fuel Cycle and Material Safety.

NOTE: This document is republished without change from the issue of April 1, 1977.

[FR Doc.77-9517 Filed 3-31-77;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 28, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

U.S. CIVIL SERVICE COMMISSION

Veterans Interested in Federal Jobs—Veterans' Jobs Questionnaire, single time, 150 VRA applicants from monthly VRA lists, Tracey Cole, 395–5870.

FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES

Statement of Claim, FM–542, single time, American citizens whose properties were confiscated by East German Government, Tracey Cole, 395–5870.

DEPARTMENT OF DEFENSE

Departmental and Other DOD Dependents Schools (DODDS) Needs Assessment Survey, single time, DODDS staff, students, and their parents, Kathy Wallman, 395–8140.

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:

An Assessment of Programs and Projects Funded Under Pub. L. 92–318, the Indian Education Act—Part A, OE–512, single time, LEA's Human Resources Division, Raynsford, R., 395–3532.

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VETERANS' ADMINISTRATION

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Center for Education Statistics, Salaries, Tensure, and Fringe Benefits of Full-time Instructional Faculty, 1977–78, OE 2300–3, annually, colleges and universities, Kathy Wallman, 395–8140.

EXTENSIONS

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration:

Monthly Fish Cold Storage Report, NOAA88–16, monthly, cold storage warehouses, Marsha Traynham, 395–4529.

Sea Grant Control, NOAA 90–1, annually, universities, Marsha Traynham, 395–4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-10023 Filed 4-1-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 9695; 812–4086]

E. I. DU PONT DE NEMOURS AND CO.

Order Exempting Proposed Transaction

MARCH 25, 1977.

Notice is hereby given that that E. I. du Pont de Nemours and Company, 1007 Market Street, Wilmington, Delaware 19898, ("Applicant"), a Delaware corporation, has filed an application pursuant to Section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of Section 17(a) of the Act Applicant's proposed grant to Toyo Products Company, Ltd. ("Toyo"), a Japanese corporation, of an exclusive right, with the right to grant similar rights to others, to use certain technology relating to the manufacture of spandex fiber. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that Toyo, a manufacturer of spandex fibers since 1966, seeks to acquire exclusive rights to use certain technology ("Sight Box Insert Technology") developed by Applicant to increase productive capacity of spandex fiber spinning machinery. Spandex fibers are described by Applicant as elastic textile yarns which have, in part, replaced cut rubber filaments in apparel markets.

The application states that the Applicant and Toyo have executed an agreement (the "Agreement") providing for the grant to Toyo of an exclusive right, with the right to grant similar rights to others, to use Sight Box Insert Technology in Japan in the manufacture of spandex fiber. Applicant submits that the Agreement is subject to (1) receipt of the order requested herein, and (2) approval by appropriate Japanese governmental authorities. Applicant states that the Agreement has been submitted to those authorities, and that their approval is expected shortly. Pursuant to the Agreement, Toyo proposes to pay Applicant $.20 per kilogram of spandex fiber packed by Toyo (or any other person to whom Toyo has granted the aforementioned rights) which have been produced through the use of Sight Box Insert Technology, provided that such payments shall not exceed a total of $400,000.

The application states that Christiana Securities Company ("Christiana"), a non-diversified, closed-end management investment company registered under the Act, owns approximately 27.8% of the outstanding common stock of Applicant, which in turn owns 50% of the outstanding common stock of Toyo. The application further states that the remaining 50% of Toyo's outstanding common stock is owned by Toray Industries, Inc., a Japanese corporation. Applicant concludes that both Applicant and Toyo are (1) presumed to be controlled by Christiana, and (2) affiliated persons of Christiana, for purposes of the Act.

Section 17(a) of the Act provides, in part, that it shall be unlawful for any affiliated person of a registered investment company, or any affiliated person of such a person, acting as principal, knowingly to sell to or purchase from such registered company, or any company controlled by such company, any security or other property. Applicant states that the proposed grant to Toyo of the exclusive rights to use Sight Box Insert Technology may be prohibited by Section 17(a) and therefore requests an order exempting that proposed grant from the provisions of Section 17(a).

Section 17(b) of the Act provides that the Commission, upon application shall exempt a proposed transaction from the provisions of Section 17(a) of the Act if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Applicant asserts that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person, and that the payments under the Agreement reasonably reflect the value of the technical information conveyed by the Agreement.

Applicant states (1) that Toyo is interested in Sight Box Insert Technology as a means of increasing its spandex fiber manufacturing capacity and believes the potential market for such fiber in Japan is favorable; (2) that Toyo does not maintain a research and development organization and, therefore, must purchase new technology from others; and (3) that, by granting such technology to Toyo, Applicant will provide itself with an opportunity to capitalize on its Sight Box Insert Technology in the Japanese market.

Finally, Applicant submits that the proposed transaction is consistent with the policies of Christiana and with the general purposes of the Act.

Notice is further given that any interested person may, not later than April 18, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-9979 Filed 4-1-77;8:45 am]

[Rel. No. 19962; 70–5994]

JERSEY CENTRAL POWER & LIGHT CO.

Issuance and Sale of First Mortgage Bonds at Competitive Bidding

MARCH 25, 1977.

Notice is hereby given that Jersey Central Power & Light Company, Madison Avenue at Punch Bowl Road, Morristown, New Jersey 07960, ("Jersey Central"), an electric utility subsidiary company of General Public Utilities Corporation, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Jersey Central proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, up to $60,000,000 principal amount of First Mortgage Bonds, to mature in 30 years. The interest rate (which will be a multiple of ⅛ of 1%) and the price (which will be not less than 98% and not more than 101% of the principal amount of the Bonds, plus accrued interest from May 1, 1977, to the date of delivery) will be determined by competitive bidding. The bonds will be issuer under the Indenture, dated as of March 1, 1946, between Jersey Central and Citibank, N.A., Trustee, as heretofore supplemented and amended, and as to be further supplemented and amended by a Thirty-First Supplemental Indenture to be dated as of May 1, 1977. None of the Bonds may be redeemed at the option of Jersey Central prior to May 1, 1982, if the funds for such redemption are obtained at an interest cost lower than the yield of the Bonds, except under certain circumstances.

The proceeds (exclusive of any premium or discount and accrued interest) from the sale of the Bonds will be applied to the payment at or before maturity of a portion of Jersey Central's $80,000,000 of short-term bank loans expected to be outstanding at the date of sale of the Bonds, or for construction purposes, or to reimburse Jersey Central's treasury for funds previously expended therefrom for such purposes. The estimated cost of Jersey Central's 1977 construction program is $220,000,000 (including allowance for funds used during construction). At March 16, 1977, Jersey Central had short-term bank loans outstanding of $25,400,000.

The fees and expenses to be incurred by Jersey Central in connection with the proposed transaction are estimated at $160,000, including legal fees of $34,000. The fees and expenses of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment. It is stated that the Board of Public Utility Commissioners of New Jersey has jurisdiction over the proposed transaction, and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 19, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-9960 Filed 4-1-77;8:45 am]

V4264 APR 4 77 UMI

[Rel. No. 19959; 31-758]

LYKES BROS., INC.

Application for Exemption

MARCH 25, 1977.

Notice is hereby given that Lykes Bros., Inc., 512 Florida Avenue, Tampa, Florida 33602 ("Lykes"), a holding company, has filed an application on behalf of itself and each of its subsidiaries as such under Sections 3(a) (1) and 3(a) (3) of the Public Utility Holding Company Act of 1935 ("Act"). All interested persons are referred to the application, which is summarized below, for a complete statement concerning the requested exemption.

Lykes, a Florida corporation, is directly or through its nonutility subsidiaries indirectly engaged in cattle ranching, meat packing, dairy, citrus and sugar processing, stevedoring and construction. Lykes' manufacturing and processing activities are carried on primarily in Florida. On a nonconsolidated basis, Lykes reported total assets at December 31, 1976 of $57 million, including investments in and advances to nonutility subsidiaries of $28.8 million. Lykes' corporate operating revenues for the period then ended were $114.6 million.

Lykes has nine nonutility subsidiaries, of which the Bank of Clearwater (81% owned) and Lykes Pasco Packing Company (97.5% owned) are the largest. The Bank of Clearwater has total assets of $130 million and operating income for the twelve months ended December 31, 1976, of $8 million. At September 30, 1976, Lykes Pasco reported total assets of $67.9 million and sales for the year then ended of $131.3 million.

Lykes is a holding company, as defined under Section 2(a)(7) of the Act. It owns substantially all of the capital stock of Peoples Gas System, Inc. ("Peoples"), a statutory gas utility company. Lykes acquired control of Peoples in June 1976, and is continuing to purchase the publicly-held minority stock interest in Peoples which remains outstanding.

Peoples supplies natural gas and, through two wholly-owned subsidiaries, liquefied petroleum gas (LP Gas) to approximately 126,000 customers in Dade and Broward counties on the southeastern coast of Florida and Hillsborough County on Florida's west coast. It serves, among other communities, Miami Beach, Fort Lauderdale, Pompano Beach and Tampa. At September 30, 1976, Peoples had total utility plant of $45.5 million and, for the twelve months then ended, $24.9 million of operating revenues, of which approximately 90% was attributable to the sale of natural gas. The company is subject to the jurisdiction of the Florida Public Service Commission.

Lykes claims an exemption under Section 3(a)(1) of the Act. It states that both it and Peoples are organized under Florida law and that all of Peoples' income and substantially all of Lykes' income are derived from operations in Florida. Lykes also asserts an exemption under Section 3(a)(3). It claims that it is only incidentially a holding company, being primarily engaged in nonutility businesses and not deriving a material part of its income from Peoples.

In anticipation of its acquisition of Peoples, Lykes filed a statement claiming exemption under Section 3(a)(1) of the Act pursuant to Rule 2 of the General Rules and Regulations, promulgated thereunder. By letter dated December 22, 1976, the Secretary of the Commission notified Lykes, pursuant to Rule 6, that a question exists as to whether Lykes is entitled to the claimed exemption. The letter also advised Lykes that its claim to exempt status would terminate 30 days after such notice unless, in the interim, it should choose to file a formal application under Section 3(a) requesting the Commission to issue, after notice and opportunity for hearing, an exemption order for itself and its subsidiaries. Lykes filed such application on January 12, 1977. Pending a determination, which either grants or denies its application, Lykes is and will remain an exempt holding company under Section 3(c) of the Act.

Notice is further given that any interested person may, not later than April 25, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including notice of the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-9981 Filed 4-1-77;8:45 am]

[Rel. No. 9698; 811-1888]

MERCURY GROWTH FUNDS, INC.

Proposal To Terminate Registration

MARCH 28, 1977.

Notice is hereby given that the Commission proposes, pursuant to Section 8(f) of the Investment Company Act of 1940 ("Act"), to declare, by order on its own motion, that Mercury Growth Funds, Inc., Suite 314 Professional Bldg., 215 Franklin Street, Monterey, California 93040 ("Fund"), registered under the Act as an open-end investment company, has ceased to be an investment company as defined in the Act.

The Fund registered under the Act on June 11, 1969. Information contained in the files of the Commission indicates that the Fund filed a registration statement under the Securities Act of 1933 (File No. 2-33687) on June 23, 1969. This registration statement did not become effective, and was ordered abandoned by the Commission on July 20, 1972. Thus, the Fund has never engaged in a public distribution of its securities. The State of Delaware, the state under which the Fund was organized, voided the Fund's corporate charter on April 15, 1972, for non-payment of taxes. The Fund has never filed any of the periodic reports required by the Act, and communications sent to the Fund's last known address by the Staff of the Commission have been returned as undeliverable. Thus, it appears that the Fund is not currently engaged in the business of an investment company, and that its corporate existence has terminated.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, which may be made upon appropriate conditions if necessary for the protection of investors, and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given tha any interested person may, not later than April 25, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Fund at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O-5 of the Rules and Regulations promulgated under the Act, an order disposing of this matter will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request, or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc 77-9982 Filed 4-1-77;8:45 am]

[Release No. 34-13409; File No. SR-MSE-76-20]

MIDWEST STOCK EXCHANGE, INC.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on September 20, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

TEXT OF PROPOSED RULE CHANGE

(New material italicized; deleted material bracketed)

ARTICLE XX

Rule 4: Midwest Stock Exchange Rules [Audited Financial Questionnaires].

[Rule 4. Each member organization using the facilities of the Midwest Stock Exchange Clearing Corporation or doing business with the public shall,

(a) File at least annually answers to a financial questionnaire in such form as the Exchange may prescribe certified by an independent public accountant and supplemented by the financial statements prescribed by Paragraph (k) and Paragraph (b) (4) of Rule 17a-5 of the Securities Exchange Act of 1934.

(i) The audit of the affairs of each such member organization made in connection with the certified answers to financial questionnaire must be made during each calendar year by an independent public accountant qualified under Rule 17a-5(f) of the Securities Exchange Act of 1934 and acceptable to the Exchange.

(ii) The audit required by this Rule may be conducted as of the end of the member organization's fiscal year, the end of the calendar year or on a surprise basis on a date to be selected by the independent public accountant without prior notice to the member organization or any other date which meets the approval of the Exchange. If a member organization chooses to have its audit conducted as of the end of its fiscal or calendar year or as of another date approved by the Exchange it shall have its audit done as of the same date in each calendar year. If the member organization elects to have its audit conducted on a surprise basis, on or before January 10 of each year, it shall cause its independent public accountant to notify the Exchange of the quarter of that calendar year in which such audit will take place and subsequently to notify the Exchange promptly of any change to a different quarter and specify the reasons therefor, and to notify the Exchange at the time it commences the audit.

(iii) If a member organization changes its fiscal year end or chooses to change its audit date from a calendar to a fiscal year end or from a fiscal to a calendar year end prompt notification must be given to the Exchange. Changes in other Exchange approved audit dates must have the prior written approval of the Exchange.

(iv) The audit required under this Rule shall be made in accordance with generally accepted auditing standards and shall include the minimum audit requirements of the Exchange and the Securities and Exchange Commission. The original audit and all working papers relative thereto shall be retained by the independent public accountant as a part of their records for three years after completion and such audit shall be subject to examination by the Exchange.

(b) File with the Exchange one copy of the statements furnished customers as required by Paragraphs (m) and (n) of Rule 17a-5 of the Securities Exchange Act of 1934 at the same time that these statements are furnished to customers.

(c) File a statement of its financial and operational condition in such form as may be prescribed by the Exchange and as of the end of any calendar month or months within the calendar year as requested by the Exchange. The reports required by this Paragraph will be due on or before the 15th calendar day following the date of the report unless a specific temporary extension of time has been granted by the Exchange.

(d) File a copy of an agreement evidencing the engagement of an independent public accountant to conduct the audit as required by this Rule. Whenever a change of independent public accountant is made the member organization shall, no more than 15 days following the termination of such engagement, file with the Exchange, with a copy to the independent public accountant, a notice stating the date of notification of the termination of the engagement. Such notice shall also include details of any disagreements between the member organization and the independent public accountant during the 24 months preceding termination of their agreement on any matters of accounting principles or practices, financial statement disclosure, auditing procedure or compliance with applicable rules of the Exchange, which disagreements, if not resolved to the satisfaction of such independent public accountant, would have caused him to make reference to the subject matter of the disagreements in connection with his opinion. The member organization shall also request the independent public accountant whose engagement has been terminated to furnish a letter addressed to the Exchange, with a copy to the member organization, stating whether such independent public accountant agrees with the statements contained in the notice to the Exchange by the member organization and, if he does not agree, stating the particulars with which he does not agree. Within 30 days after such termination a signed copy of an agreement with another independent public accountant pertaining to future audits shall be furnished to the Exchange. Suggested guides for the required agreements with independent public accountants are available from the Exchange on request.]

Financial Operational Reports

Rule 4. Each member organization doing any business in securities with others than members of a national securities exchange or who uses the facilities of the Midwest Clearing Corporation or Midwest Securities Trust Company shall:

(a) File a financial and operational report in such form and within such time period as prescribed by 17 CFR 240.17a-5 and Rule 3 of this Article. "Notwithstanding the foregoing, if the Exchange is not the designated examining authority for such member, and the member's designated examining authority has agreed to submit such data to the Exchange within a reasonable period of time after such member is required to file with its designated examining authority, the requirements of this Paragraph (a) shall be deemed to have been met."

(b) File annually financial statements and schedules certified by an independent public accountant acceptable to the Exchange in accordance with the requirements of 17 CFR 240.17a-5.

(i) The original audit and all working papers relative thereto shall be retained by the independent public accountant as a part of their records for three years after completion and such records shall be subject to examination by the Exchange at the office of the member organization or of the Exchange.

(ii) A copy of an agreement, satisfactory to the Exchange, evidencing the engagement of an independent public accountant to conduct the audit required by this Rule shall be filed with the Exchange no later than December 10 of each year to cover the following calendar year. Such agreement must be dated no later than December 1 and may be effective until cancelled or a new agreement may be filed each year. "Notwithstanding the foregoing, a copy of the audit agreement need not be filed with the Exchange if an agreement, satisfactory to the member's designated examining authority, has been filed with such designated examining authority."

(iii) If any information, report or statement is required to be filed with the Securities and Exchange Commission pursuant to paragraphs (c), (f)(2), (f)(4), (h)(2), (l)(1) or (m) of 17 CFR 240.17a-5, a copy thereof shall be filed concurrently with the Exchange.

(c) cause an audit to be made of its accounts by an independent public accountant, acceptable to the Exchange, in accordance with the requirements of 17 CFR 240.17a-5 and file the results of such audit with the Exchange at such other times as the Exchange for good cause, may require.

Interpretations and Policies

01. A suggested guide for the agreement with the independent public accountant required by paragraph (b)(ii) of this Rule 4 is reproduced below. Other provisions, not inconsistent with the provisions of this suggested guide, may also be included at the discretion of the individual member organization and its independent public accountant.

---------- 19 .

(Date)

To: (Name of Member Organization)

Gentlemen:

WE (1) hereby agree:

(1) to conduct an audit of your financial statements for the period ended ---------- 19----, the end of your (Calendar) (Fiscal) year (and each year thereafter) ** in accordance with applicable requirements of the Midwest Stock Exchange, Incorporated (Exchange) and the Securities and Exchange Commission (SEC);*

*(2) to notify the Exchange in writing (each year)** no later than five business days after the audit date that the audit has commenced;*

(3) to notify the Exchange in advance of the commencement of any substantial interim work which would result in a hardship on your organization should the Exchange conduct an examination of your organization concurrently; and

(4) to submit to the Exchange and the SEC, financial statements, schedule(s) and report(s) based upon the audit in accordance with Exchange and SEC requirements.

Very truly yours

(Signature of Independent Public Accountant)

V4264 APR 4 77 UMI

Agreement acknowledged:

(*Name of Member Organization*)

By ---
(*Signature and Title of General Partner, Officer or Member*)

Date: ---

*Indicate which is applicable.
**Delete this phrase to make agreement applicable to an Audit in a single year.

EXCHANGE STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the proposed rule change would be to adopt the FOCUS Reporting System by reference; retain the right of the Exchange to examine audit working papers; retain the requirement that the agreement with the independent public accountant meet minimum Exchange requirements and that the date filed with the Securities and Exchange Commission on changes of accountants be also filed with the Exchange; and add a provision that the Exchange may require an audit at any time.

The proposed rule change enhances the Exchange's capacity to carry out the purposes of the Act and to comply and to enforce compliance by its members and persons associated with its members, with the Act, the rules and regulations thereunder.

Comments were neither solicited nor received.

The Midwest Stock Exchange, Incorporated believes that no burden has been placed on competition.

On or before May 9, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 25, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 28, 1977.

[FR Doc.77-9985 Filed 4-1-77;8:45 am]

[Release No. 34-13407; File No. SR-NSCC 77-3]

NATIONAL SECURITIES CLEARING CORP.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on March 15, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

It is proposed that the second sentence of Paragraph 8 of the Certificate of Incorporation of National Securities Clearing Corporation (NSCC) be amended as follows:

(Brackets indicate deletions and *italics* indicate new material)

The post office address to which the Secretary of State shall mail a copy of any process against the corporation served upon him is [2 Broadway, New York, New York 10006] *55 Water Street, New York, New York 10041.*

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to change from 2 Broadway, New York, New York 10006 to 55 Water Street, New York, New York 10041 the post office address to which the Secretary of State of New York shall mail a copy of any process against NSCC served upon him.

Comments on the proposed rule change have neither been received nor solicited.

NSCC believes that no burdens will be placed on competition.

The foregoing rule change has become effective, pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying at the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 25, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 28, 1977.

[FR Doc.77-9985 Filed 4-1-77;8:45 am]

[Release No. 34-13407; File No. SR-NSCC 77-3]

NATIONAL SECURITIES CLEARING CORP.

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(Brackets indicate deletions and *italics* indicate new material)

The post office address to which the Secretary of State shall mail a copy of any process against the corporation served upon him is [2 Broadway, New York, New York 10006] *55 Water Street, New York, New York 10041.*

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to change from 2 Broadway, New York, New York 10006 to 55 Water Street, New York, New York 10041 the post office address to which the Secretary of State of New York shall mail a copy of any process against NSCC served upon him.

Comments on the proposed rule change have neither been received nor solicited.

NSCC believes that no burdens will be placed on competition.

The foregoing rule change has become effective, pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying at the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 25, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 25, 1977.

[FR Doc.77-9986 Filed 4-1-77;8:45 am]

[Release No. 34-13410; File No. SR-MSTC-77-3]

MIDWEST SECURITIES TRUST CO.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on March 28, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Dividend Reinvestment Program (DRP) is a service for the automatic reinvestment of cash dividends due on security positions held by Midwest Securities Trust Company ("MSTC") on behalf of participants. In recent years numerous issuers have implemented plans for the automatic reinvestment of dividends paid on securities issued by them. Some of these reinvestments are suitable for MSTC processing.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

Participants who have securities on deposit as of record date may authorize MSTC to reinvest the dividend from all or a portion of the record date position on such security. Upon receipt of the reinvestment plan payment (full shares, plus cash in lieu of fractional shares) a deposit is made to the participant's position and cash in lieu of fractional shares is disbursed via check or cash adjustment.

The DRP will enhance the safeguarding of securities through the encouragement of certificate immobilization because the participant can reinvest its dividends without withdrawing certificates from the depository.

The proposed rule change represents an equitable allocation of fees.

Comments have neither been solicited nor received.

The proposed rule change will impose no burden on competition.

On or before May 9, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 25, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 29, 1977.

[FR Doc.77-9984 Filed 4-1-77;8:45 am]

[Release No. 34-13408; File No. SR-NESDTCO-77-5]

NEW ENGLAND SECURITIES DEPOSITORY TRUST CO.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on March 24, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Proposed Rule Change sets forth the procedures and agreements pursuant to which New England Securities Depository Trust Company ("NESDTCO") will become, and act as, a participant in The Depository Trust Company ("DTC").

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to establish NESDTCO as a participant in DTC in order that, through the NESDTCO–DTC linkage, participants in NESDTCO will be able to receive and deliver securities between New York and Boston on either a book-entry or physical transfer basis while certificates representing their security holdings are retained in controlled locations.

The proposed rule change relates to the capacity of NESDTCO (A) to facilitate the prompt and accurate clearance and settlement of securities transactions for which it is responsible in that it will permit NESDTCO's participants to make safe and inexpensive securities receipts and deliveries between New York and Boston through the NESDTCO–DTC linkage while certificates representing their securities holdings are retained in controlled locations, and (B) to carry out the purposes of Section 17A of the Act by promoting the prompt and accurate clearance and settlement of securities transactions, doing away with the unnecessary costs involved in inefficient procedures for clearance and settlement, taking advantage of new data processing and communications techniques and linking NESDTCO and DTC clearing and settlement procedures.

No comments on the proposed rule change have been solicited or received.

NESDTCO believes that there will be no burden on competition imposed by the proposed rule change.

On or before May 9, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before ---

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 28, 1977.

[FR Doc.77-9987 Filed 4-1-77;8:45 am]

[Rel. No. 19963; 70-5995]

OHIO POWER CO.

Agreement With Municipal Authority for Construction of Pollution Control Equipment Financed by Sale of Revenue Bonds

MARCH 28, 1977.

Notice is hereby given that Ohio Power Company, 301 Cleveland Avenue, S.W., Canton, Ohio 44702 ("Ohio Power"), an electric utility subsidiary company of American Electric Power Company, Inc., a registered holding company, has filed an application-declaration with this Commission designating Sections 9(a) and 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 44(b)(3) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Ohio Power states that in order to comply with prescribed environmental quality control standards of the State of West Virginia it has been and will be necessary to construct certain high efficiency electrostatic precipitators for particulate emission control and related facilities (the "Project") to be installed on Units 2, 4, and 5 at its Phillip Sporn Generating Station. It is estimated that the Project will cost approximately $80,000,000, of which at December 31, 1976 approximately $17,000,000 had been expended. By resolutions adopted on March 11, 1975 and October 13, 1976, Mason County, West Virginia ("County") determined that it would authorize and issue one or more series of its pollution control revenue bonds ("Revenue Bonds") in a maximum amount of $80,000,000 to finance the acquisition, construction and installation of the Project.

Ohio Power proposes to enter into an agreement of sale ("Agreement") with the County whereby the County will construct and install the facilities comprising the Project. To finance the Project, the County will issue Revenue Bonds in an initial principal amount of $30,000,000 ("Series A Bonds") and additional Revenue Bonds in principal amounts presently estimated not to exceed $50,000,000, sufficient to cover construction cost of the Project. The proceeds from the sale of the Series A Bonds will be deposited by the County with The Charleston National Bank (Charleston, West Virginia), as trustee ("Trustee") under an indenture to be entered into between the County and the Trustee (the "Indenture") pursuant to which the Series A Bonds are to be issued and secured. Such proceeds will be applied to payment of the cost of construction of the Project.

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The Agreement will also provide for the sale of the Project to Ohio Power, the payment by Ohio Power of the purchase price in semi-annual installments over a term of years, and the assignment and pledge to the Trustee of the County's interest in, and of the monies receivable by the County under, the Agreement.

The Agreement will provide that each installment of the purchase price for the project payable by Ohio Power will be in such an amount (together with other monies held by the Trustee under the Indenture for that purpose) as will enable the County to pay, when due: (i) the interest on the Series A Bonds, any additional bonds and any refunding bonds, (ii) the principal amount of the Series A Bonds, any additional bonds and any refunding bonds payable at the time of their respective stated maturities, and (iii) amounts, including any accrued interest, payable in connection with any mandatory redemption of the Series A Bonds, any additional bonds or any refunding bonds. The Agreement will also obligate Ohio Power to pay the fees and charges of the Trustee, as well as certain administrative expenses of the County. The Agreement will further provide that Ohio Power may prepay the purchase price of the Project in whole: (i) upon the occurrence of certain events by paying amounts sufficient to redeem all Revenue Bonds then outstanding, the fees and expenses of the Trustee, and all other amounts payable under the Indenture, or (ii) at any time by depositing monies in the Bond Fund (as defined in the Indenture) or delivering to the Trustee governmental obligations sufficient in either case to provide for the release of the Indenture in accordance with its terms. Upon prepayment of the entire purchase price of the Project, Ohio Power may terminate the Agreement. Ohio Power may also prepay the purchase price in part, such payments to be paid to the Trustee for deposit in the Bond Fund, credited against the purchase price, and used for the redemption of outstanding Revenue Bonds in the manner and to the extent the outstanding Revenue Bonds are redeemable or subject to purchase as provided in the Indenture.

Ohio Power proposes to convey the electrostatic precipitators and related equipment, to the extent they have already been constructed and are then in place at the plant site ("Existing Facilities"), subject to its First Mortgage Lien, to the County. The Existing Facilities will thereupon become a part of the Project. Ohio Power will receive from the proceeds from the sale of the Series A Bonds an amount equal to Ohio Power's original cost of the Existing Facilities. The proceeds so received will be added by Ohio Power to its general corporate funds and will be used to prepay unsecured short-term debt, and for construction.

It is contemplated that the Series A Bonds will be sold by the County pursuant to arrangements with a group of underwriters represented by Goldman, Sachs & Co. In accordance with the laws of the State of West Virginia, the interest rate to be borne by the Series A Bonds will be fixed by the County Commission of the County.

Although Ohio Power will not be a party to the underwriting arrangements for the Series A Bonds, Ohio Power will not enter into the Agreement unless the terms of the Series A Bonds and their sale by the County are satisfactory to it.

Ohio Power has been advised that the annual interest rates on obligations, the interest on which is tax exempt, historically have been and can be expected at the time of issue of the Series A Bonds to be 1½% to 2½% lower than the rates on obligations of like tenor and comparable quality, the interest on which is fully subject to federal income tax.

The Series A Bonds will be dated on or about the first day of the month in which they are issued, will bear interest semi-annually and will mature at a date or dates not more than 30 years from the date of their issuance. It is expected that the Series A Bonds will not be redeemable at the option of the County within 10 years from their issue date except under certain circumstances. Series A Bonds will be subject to mandatory redemption under the circumstances and terms specified in the Indenture.

Fees and expenses incident to the proposed disposition of the Existing Facilities and the acquisition of the Project (as distinguished from and excluding fees and expenses incident to the sale of the Series A Bonds by the County payable out of the proceeds of such sale) will be supplied by amendment. It is stated the Public Utility Commission of Ohio has jurisdiction over the proposed transaction and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 22, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notice and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-9983 Filed 4-1-77;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1287; Amdt. No. 2]

MARYLAND

Declaration of Disaster Loan Area

The above numbered Presidential Declaration (See 42 FR 8253 and 42 FR 15392), amendment No. 1 is amended by extending the filing date for physical damage until close of business on April 28, 1977, and for economic injury until the close of business on November 28, 1977.

Date: March 25, 1977.

ROGER H. JONES,
Acting Administrator.

[FR Doc.77-9890 Filed 4-1-77;8:45 am]

[Declaration of Disaster Loan Area No. 1308]

MICHIGAN

Declaration of Disaster Loan Area

Baraga, Delta, Dickinson, Houghton, Iron, Marquette, Menominee, Ontonagon, and adjacent counties within the State of Michigan constitute a disaster area because of physical damage to wells resulting from drought which occurred during the Spring of 1976 through March 14, 1977. Eligible persons, firms and organizations may file applications for loans for physical damage as a result of drought until the close of business on May 26, 1977, and for economic injury until the close of business on December 27, 1977, at:

Small Business Administration,
District Office,
477 Michigan Avenue,
McNamara Bldg.,
Detroit, Mich. 48226.

or other locally announced locations.

Date: March 25, 1977.

ROGER H. JONES,
Acting Administrator.

[FR Doc.77-9889 Filed 4-1-77;8:45 am]

ADVISORY COUNCILS

Annual Comprehensive Review

The President's Memorandum of February 25, 1977, to Heads of Executive Departments and Agencies, expressed his concern about the number and usefulness of Federal advisory committees, and ordered a governmentwide zero-based review of all committees. The President also ordered that each agency should provide for open and public participation in its review process to the maximum extent consistent with an expeditious review.

The current goals of the advisory councils are:

a. To bring together leaders representing the 9.7 million small businesses (both full and part time) of the nation and 3.5 million farmers to provide a dialogue between people, organizations, and the Federal Government to stimulate a common sense of purposefulness oriented to the role and needs of the nation's small businesses.

b. To bring about a greater degree of awareness of the significance of small business throughout this nation's history and a greater recognition that the nation's future is, in large part, related to the opportunity to establish and success of small business.

c. To bring to the attention of the President, Congress, the Governors, and other leaders of the country through the Administrator that a balanced and prosperous economy must include viable small business and that small business not be unduly penalized simply because it is small.

d. To involve the nation's university community with government and the small business private enterprise system in a partnership-for-growth and productivity.

e. To aid the Small Business Administration, as the government representative and advocate of small business, in achieving a stature and role commensurate with the significance of the nation's small business community.

Public comments and recommendations concerning the advisory councils of the Small Business Administration may be addressed to Anthony S. Stasio, Acting Assistant Administrator for Advocacy and Public Communications, c/o Ms. K. Drew, U.S. Small Business Administration, 1441 L Street NW., Room 1034, Washington, D.C. 20416.

Comments should be received by April 11, 1977.

Dated: March 30, 1977.

ANTHONY S. STASIO,
Acting Assistant Administrator for Advocacy and Public Communications, Small Business Administration.

[FR Doc.77-9957 Filed 4-1-77;8:45 am]

SYRACUSE DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Syracuse District Advisory Council will hold a public meeting at 9 a.m., Friday, May 6, 1977, at the Fort Orange Club, 110 Washington Avenue, Albany, New York, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information, write or call J. Wilson Harrison, District Director, U.S. Small Business Administration, Room 1073, Federal Building, 100 South Clinton Street, Syracuse, New York, 13202, (315) 473-3460.

Dated: March 30, 1977.

ANTHONY S. STASIO,
Acting Assistant Administrator for Advocacy and Public Communications.

[FR Doc.77-9958 Filed 4-1-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD No. 77-048]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels, subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from December 14, 1976 to January 25, 1977 (List No. 1-77). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U. S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

SIGNALS, DISTRESS, COMBINATION FLARE AND SMOKE HAND, FOR MERCHANT VESSELS

Approval No. 160.023/4/0, signal distress, combination flare and smoke, hand-held, Propellex's drawing Model 13, Revision A dated October 7, 1969, manufactured by Propellex Company, P.O. Box 387, Edwardsville, Illinois 62025, effective January 13, 1977. (It is an extension of Approval No. 160.023/4/0 dated February 23, 1972.)

DAVITS FOR MERCHANT VESSELS

Approval No. 160.032/150/4, Type B-47 mechanical davit, straight boom with sheath screw; approved for a maximum working load of 9,450 lbs. per set (4,725 lbs. per arm); identified by general arrangement dwg. 80049, Rev. C dated January 15, 1969 and drawing list dated December 10, 1976, manufactured by Lake Shore, Inc., Iron Mountain, Michigan 49801, effective December 17, 1976. (It supersedes Approval No. 160.032/150/3 dated February 10, 1972 to show drawing revisions.)

Approval No. 160.032/175/0, gravity davit, Type CG-220-2G, approved for a maximum working load of 22,000 pounds per set (11,000 pounds per arm) using 2-part falls; identified by general arrangement dwg. DA-9159, Rev. A dated December 6, 1966, and drawing list dated March 10, 1967, manufactured by Carroll Engineering Company, 313 State Street, Box 711, Perth Amboy, New Jersey 08862, effective January 12, 1977. (It is an extension of Approval No. 160.032/175/0 dated February 1, 1972.)

Approval No. 160.032/203/0, Type GRA gravity davit; approved for a maximum working load of 21,000 lbs. per set (10,500 lbs. per arm); identified by general arrangement drawings F-102798, F-102799, and drawing list D-402077, manufactured by Watercraft America, Inc., P.O. Box 307, Mims, Florida 32754, effective January 25, 1977.

Approval No. 160.032/208/0, Type ORD/DHM (MK II) fixed gravity davit; approved for a maximum working load of 20,380 lbs. per set (10,190 lbs. per arm) using single-part falls; identified by Schat Davits, Ltd. general arrangement drawing F-102876 dated October 6, 1976 and drawing list D402218, undated, manufactured by Watercraft America, Inc., P.O. Box 307, Mims, Florida 32754 effective January 11, 1977.

MECHANICAL DISENGAGING APPARATUS, LIFEBOAT, FOR MERCHANT VESSELS

Approval No. 160.033/61/2, Rottmer type releasing gear, approved for maximum working load of 8700 pounds per hook, identified by disengaging apparatus No. 501-111, Rev. A dated July 26, 1976 and drawing list MDA-501-111, Revision A, dated August 6, 1976, manufactured by Whittaker Corporation, Survival Systems Division, 5159 Baltimore Drive, La Mesa, California 92041, effective January 12, 1977. (It supersedes Approval No. 160.033/61/2 dated May 20, 1975 to show new drawing list incorporating minor changes.)

Approval No. 160.033/64/0, Rottmer type releasing gear, approved for maximum working load of 25,100 pounds per hook, identified by disengaging apparatus drawing No. 502-111, Revision A, dated August 16, 1976 and disengaging apparatus master drawing list CA5000-111, Revision A, dated August 16, 1976, manufactured by Whittaker Corporation, Survival Systems Division, 5159 Baltimore Drive, La Mesa, California 92041, effective January 12, 1977. It supersedes Approval No. 160.033/64/0 dated April 12, 1976, revised to show new drawing list incorporating minor changes.

LIFEBOATS

Approval No. 160.035/89/4, 16.0' x 5.71' x 2.3' steel, oar-propelled lifeboat, 9-person[1] capacity, identified by general

[1] Approved for 12-person capacity for replacement lifeboats, 46 CFR 160.035-13(c). Marking, Weights: (steel gunwale) Condition "A"=1,050 pounds; Condition "B"=3,615 pounds, manufactured by Lane Lifeboat Division of Lane Marine Technology, Inc., 150 Sullivan Street, Brooklyn, New York 11231, effective January 13, 1977. (It is an extension of Approval No. 160.035/89/4 dated February 28, 1972.)

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arrangement and construction dwg. No. 49R–1612 dated August 27, 1950 and revised January 28, 1972. If mechanical disengaging apparatus is fitted, it shall be of an approved type and the installation in this particular lifeboat shall be approved by the Commandant.

Approval No. 160.035/178/7, 16.0′ x 5.5′ x 2.38′ steel, oar-propelled lifeboat, 9-person [2] capacity, identified by construction and arrangement dwg. No. 16–1, Rev. F dated January 27, 1972, for limited service use dwg. No. 16–1C dated January 31, 1947, 46 CFR 160.035–13(c) Marking, Weights: Condition "A"=1,070 pounds; Condition "B"=2,918 pounds, if mechanical disengaging apparatus is fitted, it shall be of an approved type and the installation in this particular lifeboat shall be approved by the Commandant.

Approval No. 160.035/338/2, 28.0′ x 9.0′ x 3.96′ aluminum, oar-propelled lifeboat, 59-person capacity, identified by general arrangement drawing No. 28–IE Rev. E dated February 9, 1972, alternate aluminum interior, 45 CR 160.035–13(c) Marking, Weights: Wood Interior: Condition "A"=3,120 pounds; Condition "B"=13,901 pounds, Aluminum Interior: Condition "A"=3,055 pounds; Condition "B"=13,836 pounds, manufactured by Marine Safety Equipment Corporation, Foot of Wyckoff Road, Farmingdale, New Jersey 07727, effective January 13, 1977. (It is an extension of Approval No. 160.035/338/2 dated February 18, 1972.)

Approval No. 160.035/428/3, 24.0′ x 8.0′ x 3.58′ fibrous glass reinforced plastic (FRP) motor-propelled Class 1, lifeboat, 37-person capacity identified by construction and arrangement dwg. No. WBA–9029 Rev. "E" dated December 23, 1975 and drawing list for 24 foot open lifeboat dated September 14, 1976, 46 CFR 160.035–13(c) Marking, Weights: Condition "A"=3,690 pounds; Condition "B"=10,707 pounds, manufactured by Welin Davit and Boat Division, Lake Shore, Inc., 3614 Kennedy Road, So. Plainfield, New Jersey 07080, effective January 24, 1977. (It supersedes Approval No. 160.035/428/2 dated December 19, 1973 to show updated drawing list.)

Approval No. 160.035/444/1, 28.0′ x 9.0′ x 3.96′ aluminum, hand-propelled life boat, 59-person capacity, identified by general arrangement dwg. No. 28–1F, Rev. D dated February 10, 1972, Alternate Aluminum Interior, 46 CFR 160.035–13(c) Marking, Weights: Wood Interior: Condition "A"=3,450 pounds; Condition "B"=14,195 pounds, aluminum Interior: Condition "A"=3,660 pounds; Condition "B"=14,405 pounds, manufactured by Marine Safety Equipment Corporation, Foot of Wyckoff Road, Farmingdale, New Jersey 07727, effective January 13, 1977. (It is an extension of Approval No. 160.035/444/1 dated February 22, 1972).

Approval No. 160.035/449/2, 26.0′ x 9.0′ x 3.83′ aluminum, motor-propelled lifeboat without radio cabin or searchlight (Class 1), 48-person capacity, identified by general arrangement dwg. No. 26–15 Rev. D dated November 20, 1969, or motor-propelled lifeboat with a searchlight and without radio cabin (Class 2), identified by general arrangement dwg. No. 26–18 dated October 16, 1969, to be fitted with Rottmer Type S–1 Release Gear 160.033/39/3 or Rottmer Type B–1 Release Gear 160.033/52/0, 46 CFR 160.035–13(c) Marking, Weights: Class 1 Condition "A"=3,765 pounds; Condition "B"=12,881 pounds, Class 2 Condition "A"=3,765 pounds; Condition "B"=13,050 pounds, manufactured by Marine Safety Equipment Corporation, Foot of Wyckoff Road, Farmingdale, New Jersey 07727, effective January 13, 1977. (It is an extension of Approval No. 160.035/449/2 dated February 15, 1972).

Approval No. 160.035/474/4, Model 1401 survival capsule, 11.2′ diameter x 3.35′ depth, fibrous glass reiforced plastic (FRP) motor-propelled, totally enclosed model, 14-person capacity, alternate for lifeboat, inflatable life raft or life float identified by master drawing list for Model 1401, revision D dated November 12, 1976, master drawing list for Model 1000, revision D dated November 12, 1976, and general arrangement drawing CA–1401–101, revision B dated September 30, 1975, approved for use only on artificial islands, fixed structures, and drilling rigs, both self-propelled semi-submersible and nonself-propelled, Marking, Weights: Condition "A"=2,310 pounds; Condition "B"=5,483 pounds, manufactured by Whittaker Corporation, Survival Systems Division, 5159 Baltimore Drive, La Mesa, California 92041, effective January 12, 1977. (It supersedes Approval No. 160.035/474/3 dated October 20, 1975 to show revision of drawing lists.)

Approval No. 160.035/479/1, 24.0′ x 8.0′ x 3.5′ F.R.P., motor-propelled lifeboat, without radio cabin (Class 2), 37-person capacity, identified by construction and arrangement dwg. No. P–24–LE, Rev. 8, dated August 6, 1976, and drawing list DL–P–24–LE, Rev. C, dated December 10, 1976, Marking, Weights: Condition "A"=4,265 pounds; Condition "B"=11,328 pounds, manufactured by Marine Safety Equipment Corporation, Foot of Wyckoff Road, Farmingdale, New Jersey 07727, effective January 12, 1977. (It supersedes Approval No. 160.035/479/0 dated October 23, 1974, revised to show alternate engine.)

Approval No. 160.035/480/3, Model CA2801, 14.0′ diameter x 4.8′ depth fibrous glass reinforced plastic (FRP) motor propelled, totally enclosed "Brucker" survival capsule fitted with Farymann S30M engine, 28 person capacity, as alternate for lifeboat, inflatable life raft or life float, identified by Master Drawing List for Model CA2801, Revision E dated November 12, 1976 and by general & equipment arrangement drawing No. CA2801–101, revision B dated August 4, 1975, approved for use only on artificial islands, fixed structures, and drilling rigs, both self-propelled semi-submersible and nonself-propelled, Marking, Weights: Condition "A"=4,350 pounds; Condition "B"=9,562 pounds, manufactured by Whittaker Corporation, Survival Systems Division, 5159 Baltimore Drive, La Mesa, California 92042, effective January 12, 1977. (It supersedes Approval No. 160.035/480/2 dated October 20, 1975 to show revision of Master Drawing List.)

Approval No. 160.035/483/1, Model CA5001, 19.75′ x 14.0′ x 5.12′ fibrous glass reinforced plastic (FRP) motor propelled, totally enclosed survival capsule fitted with Perkins 4.154 diesel engine, 50 person capacity, as alternate for lifeboat, inflatable life raft or life float, identified by master drawing list for Model CA5001, Revision B dated December 9, 1976 and general arrangement drawing CA5001–101 dated November 12, 1976, approved for use only on artificial islands, fixed structures, and drilling rigs, both self-propelled, semi-submersible and nonself-propelled, 46 CFR 160.035–13(c) Marking, Weights: Condition "A"=7,491 pounds; Condition "B"=17,100 pounds, manufactured by Whittaker Corporation, Survival Systems Division, 5159 Baltimore Drive, La Mesa, California 92041, effective January 12, 1977. (It supersedes Approval No. 160.035/483/0 dated April 12, 1976, revised to delete Model CA5000 and update drawing list.)

Inflatable Life Rafts

Approval No. 160.051/95/0, 10-person inflatable life raft, MK–5 Series; identified by general arrangement drawing CJH/MN/10 dated October 4, 1976 and drawing list dated September 22, 1976, inflation system can use either steel or aluminum cylinders, raft satisfies temperature-exposure inflation requirements of 46 CFR 160.051–5(e)(11) as per Federal Register dated March 13, 1974, manufactured by Patten/Pan-Avion Division of American Safety Flight Systems, Inc., P.O. Box 480213, Miami, Florida 33148, for C. J. Hendry Company, 139 Townsend Street, San Francisco, California 94107, effective December 14, 1976.

Approval No. 160.051/96/0, 12-person inflatable life raft, MK–5 Series; identified by general arrangement drawing CJH/MN/12 dated October 4, 1976 and drawing list dated September 22, 1976, inflation system can use either steel or aluminum cylinders, manufactured by C. J. Hendry Company, 139 Townsend Street, San Francisco, California 94107 or by Patten-Pan Avion Division of American Safety Flight Systems, Inc., P.O. Box 480213, Miami, Florida 33148 under subcontract for C. J. Hendry Company, effective January 11, 1977.

Marine Buoyant Device

Approval No. 160.064/14/0, 18½-inch ring buoy, vinyl coated PVC foam, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ–33, Type IV PFD, manufactured by Tuffy Products, Inc., 540 West Third Street, Bloomsburg, Pennsylvania 17815, effected January 14, 1977. (It is an extension of Approval No. 160.064/14/0 dated March 23, 1972.)

Approval No. 160.064/322/0, child medium, Canoe/Kayak vest, model No. SSV–800, cloth covered PVC foam, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ–29, Type III PFD, manufactured by Stearns Manufacturing Company, Division Street at Thirtieth, St. Cloud, Minnesota 56301, effective January 14, 1977. (It is an extension of Approval No. 160.064/322/0 dated March 14, 1972.)

Approval No. 160.064/323/0, adult, Canoe/Kayak vest, model No. SSV–900, cloth covered PVC foam, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ–29, Type III PFD, manufactured by Stearns Manufacturing Company, Division Street at Thirtieth, St. Cloud, Minnesota 56301, effective January 14, 1977. (It is an extension of Approval No. 160.064/323/0 dated March 14, 1972.)

Fire-Protective Systems

Approval No. 161.002/11/2, audible and visual supervised photoelectric optical smoke detection system, Model ESDS–2, one through seventy lines on main cabinet with wheelhouse annunciator, normally furnished with three supervised alarm bells, with provisions for addition of a fourth supervised alarm bell, General Testing Labs report 3808 dated June 20, 1969 and report 380–1 dated August 21, 1969, drawings 56086, 82458, 93336, 93353–93356, 93362, 93429, 93484, 93496, 97865, 97875–97900, 97930, 97932, 97943, 97946, 97995–98014, 98022–98024, 98035, 98036, 98042, 98043, 98050, 98073, 98079–98083, 98095, 98096, 98101, 98102, 98107, 98121, 98165–98179, 98181, 98182, 98184, 98185, 98187–98194, 98210–98214, 98217, 98225, 98226, 98231–98243, 98246–98248, 98267–98273, 98275–98277, 98294–98297, 98299–98314, 98319, 98321, 98343, 98349–98356, 98370, 98371, Norris Test Report dated June 1, 1970, manufactured by The Ansul Company, 1 Stanton Street, Marinette, Wisconsin 54143, formerly Norris Industries, effective December 15, 1976. (It is an extension of Approval No. 160.002/11/2 dated December 22, 1971 and change of name of manufacturer.)

Safety Valves (Power Boilers)

Approval No. 162.001/279/0, Style HC–MS–75 carbon steel body pop safety valve nozzle type, exposed spring fitted with cover 2000 p.s.i. primary service pressure rating and 675° F maximum temperature with standard inlet flange or optional inlet flange, approved for sizes 1½″, 2″, 2½″ and 3″, manufactured by Crosby Valve and Gage Company, Wrentham, Massachusetts 02093, effective January 24, 1977. (It is an extension of Approval No. 162.001/279/0 dated December 17, 1971.)

Approval No. 162.001/280/0, Style HC–MS–76 carbon steel body pop safety valve nozzle type, exposed spring fitted with cover 2000 p.s.i. primary service pressure rating and 750° F maximum temperature with standard inlet flange or optional inlet flange, approved for sizes 1½″, 2″, 2½″ and 3″, manufactured by Crosby Valve and Gage Company, Wrentham, Massachusetts 02093, effective January 24, 1977. (It is an extension of Approval No. 162.001/280/0 dated December 17, 1971.)

Approval No. 162.001/281/0, Style HCA–MS–77 alloy steel body pop safety valve nozzle type, exposed spring fitted with cover 2000 p.s.i. primary service pressure rating and 900° F maximum temperature with standard inlet flange; 1750 p.s.i. primary service pressure rating and 900° F maximum temperature with optional inlet flange, approved for sizes 1½″, 2″, 2½″ and 3″, manufactured by Crosby Valve and Gage Company, Wrentham, Massachusetts 02093, effective January 24, 1977. (It is an extension of Approval No. 162.001/281/0 dated December 17, 1971.)

Approval No. 162.001/282/0, Style HCA–MS–78 alloy steel body pop safety valve nozzle type, exposed spring fitted with cover 1655 p.s.i. primary service pressure rating and 1050° F maximum pressure with standard inlet flange; 995 p.s.i. primary service pressure rating and 1050° F maximum temperature with optional inlet flange, approved for sizes 1½″, 2″, 2½″ and 3″, manufactured by Crosby Valve and Gage Company, Wrentham, Massachusetts 02093, effective January 24, 1977. (It is an extension of Approval No. 162.001/282/0 dated December 17, 1971.)

Approval No. 162.001/287/0, Style HNP–MS–55 carbon steel body pilot safety valve, nozzle type, exposed spring fitted with spring cover, 1500 p.s.i. primary service pressure rating 650°F. maximum temperature, approved for sizes 1½″ and 2″, previously issued as U.S.C.G. Approval No. 162.001/259/0, given new approval number because of confusion arising from both styles HNP–MS–55 and HNP–MS–75 being covered by U.S.C.G. Approval No. 162.001/259/1, manufactured by Crosby Valve and Gage Company, Wrentham, Massachusetts 02093, effective January 24, 1977. (It supersedes Approval No. 162.001/287/0 dated January 11, 1971.)

Pressure Vacuum Relief Valves for Tank Vessels

Approval No. 162.017/118/0, Waukesha Bearings type HS–M, sizes 4″, 6″, 8″ and 10″ high velocity pressure-vacuum relief valve with bronze valve body and flame screen body, flame screen body and valve body must be bolted together, use of a spool piece or other separation is not permitted, manufactured by Waukesha Bearings Corporation, P.O. Box 798, Waukesha, Wisconsin 53186, effective December 17, 1976.

Safety relief valves, liquefied compressed gas, approval No. 162.018/80/1

Type	Seat	Inlet size	Orifice	MAWP [1] in pounds per square inch gage
81	Plastic	1″, 1″, 1½″	Dash 2 through 8	2,160
		1½″, 2″	F, G, H, J	2,160
83	O-ring	1″, 1″, 1½″	Dash 2 through 8	2,160
		1½″, 2″	F, G, H, J	2,160

1. The seat material shall be compatible with the intended service (chemistry, temperature), 2. refer to manufacturers literature for actual orifice area, nozzle coefficient for all sizes to 0.816, 3. service temperatures for the body and seat materials shall be as indicated on AGCO dwg. 3–5424, body materials may require impact testing for service temperatures below 0° F., weld procedure qualifications and welder qualifications must be in accordance with 46 CFR Part 57 and to the satisfaction of the Officer in Charge, Marine Inspection in Houston, Texas, manufactured by Anderson, Greenwood and Company, P.O. Box 1097, Bellaire, Texas 77401, effective January 19, 1977. (It supersedes Approval No. 162.018/80/1 dated January 25, 1974.)

Backfire Flame Control, Gasoline Engines; Flame Arresters; for Merchant Vessels and Motorboats

Approval No. 162.041/99/0, Onan Model 145B393 backfire flame arrester for gasoline engines, with the following major components:

Resonator
Disc Assembly
Adapter Assembly
Flame Arrester Tube Assembly
Spacer-Resonator Adapter

minor modification to Model 145B354, Certificate of Approval 162.041/16/0 to fit Zenith 1408 carburetor, manufactured by Onan Division, Onan Corporation, 1400 73rd Avenue, N.E., Minneapolis, Minnesota 55432, effective January 25, 1977. (It is an extension of Approval No. 162.041/99/0 dated February 2, 1972.)

Approval No. 162.041/100/0, Onan Model 145B386 backfire flame arrester for gasoline engines, with the following major components:

Resonator
Disc Assembly
Adapter Assembly
Flame Arrester Tube Assembly
Spacer-Resonator Adapter

minor modification to Model 145B354, Certificate of Approval 162.041/16/0 to fit Walbro carburetor, manufactured by Onan Division, Onan Corporation, 1400 73rd Avenue, N.E., Minneapolis, Minnesota 55432, effective January 25, 1977. (It is an extension of Approval No. 162.041/100/0 dated February 2, 1972.)

Deck Coverings for Merchant Vessels

Approval No. 164.006/2/0, SELBALITH magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TG–3610–1215; FR 1770 dated July 2, 940, approved for use without other in-

[2] Approved for 12-person capacity as a replacement in kind for an existing lifeboat requiring 12-person capacity, manufactured by Marine Safety Equipment Corporation, Foot of Wyckoff Road, Farmingdale, New Jersey 07727, effective January 13, 1977. (It is an extension of Approval No. 160.035/178/7 dated March 27, 1972.)

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sulating material as meeting Class A–60 requirements in a 1½-inch thickness, manufactured by Selby, Battersby & Company, 5220 Whitby Avenue, Philadelphia, Pennsylvania 19143, effective January 12, 1977. (It is an extension of Approval No. 164.006/2/0 dated February 3, 1972.)

STRUCTURAL INSULATIONS FOR MERCHANT VESSELS

Approval No. 164.007/1/0, "48" C. G. Felt, mineral wool type structural insulation to that described in National Bureau of Standards Test Report No. TG 3610–1372; FR–2235 dated April 1, 1944, bats and blankets approved for use without other insulating material to meet Class A–60 requirements in thicknesses and densities as follows:

3 inches at 8 pounds per cubic foot density
4 inches at 6 pounds per cubic foot density

manufactured by Forty-Eight Insulations, Inc., Aurora, Illionis 60504, effective January 12, 1977. (It is an extension of Approval No. 164.007/1/0 dated February 3, 1972.)

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/7/0, Gold bond A–C board, asbestos cement board type incombustible material identical to that described in National Gypsum Co. letter dated June 4, 1943, manufactured by National Gypsum Company, Buffalo, New York 14202, effective January 13, 1977. (It is an extension of Approval No. 164.009/7/0 dated March 1, 1972.)

Approval No. 164.009/153/0, Birma Products Corporation "Birma Spiral Duct Insulation—Aluminum faced" identical to that described in Birma Products Corporation letter dated January 31, 1972, manufactured by Birma Products Corporation, Jernee Mill Road, Sayreville, New Jersey 08872, effective January 13, 1977. (It is an extension of Approval No. 164.009/153/0 dated March 13, 1972.)

Approval No. 164.009/192/0, continuous molded pipe insulation identical to that described in the National Bureau of Standards Report No. 3919 dated August 17, 1976, in density of 5.6 pounds per cubic foot, manufactured by Owens-Corning Fiberglas Corporation, 900 17th Street, NW., Washington, D.C. 20006, Plant: Newark Ohio, effective January 11, 1977. (It supersedes Approval No. 164.009/192/0 dated September 22, 1976 to show change of plant location.)

Approval No. 164.009/193/0, Two-piece molded pipe insulation identical to that described in the National Bureau of Standards Report No. 3919 dated August 17, 1976, in density of 5.6 pounds per cubic foot, manufactured by Owens-Corning Fiberglas Corporation, 900 17th Street, NW., Washington, D.C. 20006, Plant: Newark, Ohio effective January 11, 1977. (It supersedes Approval No. 164.009/193/0 dated September 22 1976 to show change of plant location.)

Approval No. 164.009/194/0, "Refrasil" silicone dioxide cloth fabric, Type UC100–48, in thickness of 0.018 inch and weight of 18 oz./square yard, and type UC100–96, in thickness of 0.054 inch and weight of 34 oz./square yard, identical to that described in the National Bureau of Standards Test Report No. FR3923, dated November 5, 1976, manufactured by Hitco, Materials Division, 1600 West 135th Street, Gardena, California 90249, effective January 18, 1977.

INTERIOR FINISHES FOR MERCHANT VESSELS

Approval No. 164.012/15/0, Pressure-sensitive tape (aluminum foil) in 2 mil thickness, to be applied with manufacturer's adhesive LA–8100, manufactured by Morgan Adhesives Company, 4560 Darrow Road, Stow, Ohio 44224, effective January 18, 1977.

Dated: March 29, 1977.

H. G. LYONS,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.77–9924 Filed 4–1–77;8:45 am]

Federal Aviation Administration

RADIO TECHNICAL COMMISSION FOR AERONAUTICS (RTCA) SPECIAL COMMITTEE 132—AIRBORNE AUDIO SYSTEMS & EQUIPMENT

Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the RTCA Special Committee 132—Airborne Audio Systems & Equipment to be held April 27–28, 1977, RTCA Conference Room 261, 1717 H Street, NW., Washington, D.C. commencing at 9:30 a.m. The Agenda for this meeting is as follows: (1) Chairman's comments; (2) Approval of Minutes of First Meeting Held January 10–11, 1977; (3) Consideration of New Inputs from Members; (4) Assignment of Tasks; (5) Informal Working Group Sessions, and (6) Summaries of Working Group Sessions.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, RTCA Secretariat, 1717 H Street, NW., Washington, D.C. 20006; 202–296–0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on March 25, 1977.

KARL F. BIERACH,
Designated Officer.

[FR Doc.77–9859 Filed 4–1–77;8:45 am]

National Highway Traffic Safety Administration

TRUCK AND BUS SAFETY SUBCOMMITTEES

Public Meeting

As published in the FEDERAL REGISTER on March 28, 1977 the Truck and Bus Safety Subcommittees wil be meeting on April 14 from 1 p.m. to 5 p.m. and on April 15 from 8 a.m. to 12 noon at the Sheraton National Motor Hotel in Arlington, Virginia.

The following supplemental information on the agenda items. On April 14 the subcommittees will divide into the following task forces:

100, 200 and 300 Series FMVSS—to discuss requirements, problems and operational experiences with FMVSS 121 parking and emergency brake systems for trailers.

Operations and Driver—to discuss driver training, maintenance training and maintenance as they relate to FMVSS 121.

R&D and Government Operations—to review and analyze past, present and proposed FHWA and NHTSA research and development related to trucks and buses. In addition they will explore the relationship between Federal Highway Administration (FHWA), Bureau of Motor Carrier Safety (BMCS), and National Highway Traffic Safety Administration (NHTSA) as it affects truck and bus safety.

On April 15 from 8 a.m. to 12 noon the full subcommittees will meet to discuss the previous day's work, formulate appropriate recommendations to submit to the Secretary and discuss future task force agendas.

Attendance is open to the interested public but limited to the space available. With the approval of the Task Force Chairmen, members of the public may present positions, data or information at the meeting. Any member of the public may present a written statement to the subcommittees at any time. This meeting is subject to the approval of the appropriate DOT officials.

Additional information may be obtained from the NHTSA Executive Secretary, Room 5215, 400 Seventh Street SW. (DOT Headquarters Building), Washington, D.C. 20590, telephone 202–426–2872.

Issued in Washington, D.C. on March 30, 1977.

WILLIAM H. MARSH,
Executive Secretary.

[FR Doc.77–9922 Filed 4–1–77;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Public Debt Series—No. 8–77]

7 PERCENT TREASURY NOTES SERIES E–1982

Interest Rate

MARCH 30, 1977.

The Secretary of the Treasury announced on March 29, 1977, that the interest rate on the notes described in Department Circular—Public Debt Series—No. 8–77, dated March 22, 1977, will be 7 percent per annum. Accordingly, the notes are hereby redesignated 7 percent Treasury Notes of Series E–1982. Interest on the notes will be payable at the rate of 7 percent per annum.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.77–9959 Filed 4–1–77;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON JUDICIAL REVIEW

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Judicial Review of the Administrative Conference of the United States, to be held at 2 p.m., April 18, 1977 in the 7th floor Conference Room of Covington and Burling, 888 16th Street, NW., Washington, D.C. 20006.

The Committee will meet to consider, for the first time, an ongoing study of "Judicial Review of Customs Service Actions," by Professor Peter M. Gerhart. Other Conference business of a general nature may also be discussed.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C. 20037, at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact Jeffrey Lubbers, 202–254–7065. Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

MARCH 28, 1977.

[FR Doc.77–9891 Filed 4–1–77;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SHIPPERS ADVISORY COMMITTEE

Rescheduled Meeting

The April 5, 1977, meeting of the Shippers Advisory Committee, announced in the March 21, 1977, issue of the FEDERAL REGISTER (42 FR 15356), is canceled. At its meeting of March 29, 1977, the committee recommended amendment of the current regulations which it considers appropriate in the current supply situation, and requested that the meeting scheduled for April 5 be canceled.

Pursuant to the provisions of 10(a)(2) of the Federal Advisory Committee Act (86 Stat. 770), notice is hereby given of meetings of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR Part 905). This order regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The committee will meet in the A. B. Michael Auditorium of the Florida Citrus Mutual Building, 302 South Massachusetts Avenue, Lakeland, Florida, at 10:30 a.m., on April 19 and 26, 1977.

The meetings will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the committee includes analysis of current information concerning market supply and demand factors, and consideration of recommendations for regulation of shipments of the named fruits.

The names of committee members, agenda, summary of the meetings and other information pertaining to the meetings may be obtained from Frank D. Trovillion, Manager, Growers Administrative Committee, P.O. Box R, Lakeland, Florida 33802; telephone 813–682–3103.

Dated: March 31, 1977.

WILLIAM T. MANLEY,
Acting Administrator.

[FR Doc.77–10104 Filed 4–1–77;10:15 am]

Federal Grain Inspection Service

GRAIN STANDARDS

Michigan Grain Inspection Point

Notice is hereby given that the J. P. Magers, Inc., which is designated under section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79(f)) to operate as an official agency at Battle Creek, Michigan, has changed its name to Grain Inspection Services Inc. The change in name does not involve a change in management or ownership.

Done in Washington, D.C., on March 29, 1977.

WILLIAM T. MANLEY,
Interim Administrator.

[FR Doc.77–9913 Filed 4–1–77;8:45 am]

Packers and Stockyards Administration

BAKERSFIELD CATTLE AUCTION BAKERSFIELD, CALIFORNIA, ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Facility No., name, and location of stockyard	*Date of posting*
CA–103 Bakersfield Cattle Auction, Bakersfield, Calif.	July 29, 1970.
GA–179 Tobesofkee Livestock, Inc., Macon, Ga.	May 1, 1975.
PA–111 Bell's Sales Arena, Dillsburg, Pa.	Nov. 19, 1969.
TX–109 Austin Livestock Auction, Inc., Austin, Tex.	Apr. 2, 1957.
TX–192 North Houston Livestock Auction, Inc., Houston, Tex.	Sept. 30, 1968.

Notice or other public procedure has not preceded promulgation of the foregoing rule. There is no legal justification for not promptly depositing a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule relieving a restriction and may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective on April 4, 1977.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 29th day of March 1977.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.77–9914 Filed 4–1–77;8:45 am]

Soil Conservation Service

UPPER RED ROCK CREEK WATERSHED PROJECT, OKLA.

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for a portion of the Upper Red Rock Creek Watershed project, Garfield, Noble, Kay and Grant Counties, Oklahoma.

The environmental assessment of this federal action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with this portion of the project. As a result of these findings, Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for this portion of the project.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement covered by this negative declaration include conservation land treatment supplemented by 20 single-purpose floodwater retarding structures.

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The negative declaration is being filed with the Council on Environmental Quality and copies are being sent to various federal, state, and local agencies. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, USDA Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074. A limited number of copies of the negative declaration is available from the same address to fill single copy requests.

No administrative action on implementation on the proposal will be taken until April 19, 1977.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Public Law 83-566, 16 USC 1001-1008.)

Dated: March 24, 1977.

JAMES W. MITCHELL,
Director, Watersheds Division,
Soil Conservation Service.

[FR Doc.77-9892 Filed 4-1-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 360]

Assignment of Hearings

MARCH 30, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 142291, MDI, Inc., now being assigned June 7, 1977 (1 day), at Minneapolis, Minnesota, in a hearing room to be later designated.

MC 113678 (Sub-629), Curtis, Inc., now being assigned June 8, 1977 (1 day), at Minneapolis, Minnesota, in a hearing room to be later designated.

MC 118202 (Sub-60), Schultz Transit, Inc., now being assigned June 9, 1977 (2 days), at Minneapolis, Minnesota, in a hearing room to be later designated.

AB-1 (Sub-29), Chicago and Northwestern Transportation Company Abandonment Between Hayward and Bayfield, Also Between Ashland Junction and Ashland, all in Sawyer, Ashland, and Bayfield Counties, Wisconsin, now being assigned June 13, 1977 (1 week), at Ashland, Wisconsin, in a hearing room to be later designated.

No. 36420, Joint-Line Routing of Coal, CR and LN RR's, now being assigned for hearing on April 19, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 112617 Sub No. 145, Liquid Transporters, Inc., now being assigned June 6, 1977 (1 week), at Louisville, Kentucky, in a hearing room to be later designated.

MC 116915 Sub 28, Eck Miller Transportation Corp., now being assigned June 1, 1977 (1 day), at Louisville, Kentucky, in a hearing room to be later designated.

MC 116254 Sub 166, Chem-Haulers, Inc., MC 112617 Sub 346, Liquid Transporters, Inc., and MC 112595 Sub 64, Ford Brothers, Inc., now being assigned June 2, 1977 (2 days), at Louisville, Kentucky, in a hearing room to be later designated.

MC-C 9106, Freightways Express, Inc. v. Seco Trucking, Inc., now being assigned June 2, 1977 (1 day), at Memphis, Tennessee, in a hearing room to be later designated.

MC 142066 Sub 1, Theophane Lawrence Schlegel and Diana Gayle Schlegel, d.b.a. Central Pacific Freight Lines, now being assigned April 25, 1977 (3 days), for continued hearings at Salem, Oregon, and will be held in Conference Room A, Labor and Industries Building.

MC 111594 (Sub-72), CW Transport, Inc., now being assigned May 4, 1977 (1 day), at Chicago, Illinois, in Room 1319 Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 140850 (Sub-2), Jersey Steward Trucking, Inc., now being assigned May 5, 1977 (2 days), at Chicago, Illinois, in Room 1319 Everett McKinley Dirksen Building, 219 South Dearborn Street.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-9991 Filed 4-1-77;8:45 am]

[Notice No. 145]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before May 4, 1977. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-76930, filed March 23, 1977. Transferee: Grandview Enterprises, Inc., 8265 North Borthwick Ave., Portland, Oreg. 97217. Transferor: William W. Williams, 8265 N. Borthwick, Port Orchard, Wash. 98366. Applicant's representative: George Kargianis, Attorney-at-law, 2120 Pacific Building, Seattle, WA 98104. Authority sought for purchase by transferee of the operating rights of transferor set forth in Permits Nos. MC-136089 (Sub-No. 1), MC-136089 (Sub-No. 2), and MC-136089 (Sub-No. 4), issued by the Commission July 9, 1973, March 13, 1973, and December 7, 1976, respectively, as follows: Cleaning and chemical compounds, in containers, from Barberton, Ohio, to points in Arizona, California, Colorado, Idaho, Montana, New Mexico, Nevada, North Dakota, South Dakota, Texas, Utah, Wyoming, Washington, and Oregon, limited to a transportation service to be performed under a continuing contract, or contracts, with Malco Products, Inc, and finished plastic products, from Akron, Ohio, to points in Washington, Oregon, California, Colorado, Montana, New Mexico, Nevada, North Dakota, South Dakota, Idaho, Texas, Arizona, Wyoming, and Utah, limited to a transportation service to be performed under a continuing contract, or contracts with Cardinal Plastics, a division of Scott & Fetzer Company. Transferee presently holds authority from this Commission under Permit No. MC-139588. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76933, filed March 25, 1977. Transferee: H & M Transport, Inc., 3032 S. El Dorado, Stockton, Calif. 95206. Transferor: Douglas S. Whyte and Tony I. Cenbrano, d.b.a. Molasses Truck Service, P.O. Box 2147, Stockton, Calif. 95201. Applicants' representative: Arden Riess, 319 East Charter Way, P.O. Box 6067, Stockton, Calif. 95206. Authority sought for purchase by transferee of the operating rights of transferor set forth in Certificate No. MC-119175 (Sub-No. 1), issued August 11, 1961, authorizing the transportation of liquid molasses, with or without additives, in bulk, in tank vehicles, from Richmond and Stockton, Calif., to points in Nevada, and those set forth in Permit No. MC-140270 (Sub-No. 2) issued July 25, 1975, authorizing the transportation of natural spring water, potable, in bulk, in tank vehicles, from Mill Creek, Calif., to Las Vegas, Henderson, and Boulder City, Nev., restricted to a transportation service to be performed under a continuing contract or contracts with Five Springs Water Company. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b) of the Act.

No. MC-FC-76976, filed February 11, 1977. Transferee: Wayne's Heritage Tours of America, Inc., 809 West 26th St., Erie, Pa. 16502. Transferors: William W. Lacock, d.b.a. Heritage Tours of Pennsylvania, 809 West 26th St., Erie, Pa. 16502; Wayne C. Lacock, d.b.a. Wayne Travel Service, 1031 Jenkins Arcade, Pittsburgh, Pa. 15222. Applicants' representative: S. Harrison Kahn, Attorney-at-Law, Suite 733 Investment Building, Washington, D.C. 20005. Authority sought for purchase by transferee of the operating rights of transferors set forth in Licenses Nos. MC-12613 (Sub-No. 2), MC-12613 (Sub-No. 5), and MC-12531, issued January 21, 1974, June 16, 1975, and May 1, 1953, respectively, authorizing operations as a broker at Pittsburgh, Pa., in connection with the transportation of passengers and their baggage, in round-trip all expense tours, restricted to passengers moving by motor vehicle or by any combination of motor vehicle and other means of transportation, beginning and ending at Pittsburgh, Pa., or points within 25 miles of Pittsburgh and extending to all points in the United States, including the District of Columbia; operations as a broker at Fredonia, Mercer, and Sharon, Pa., in connection with the transportation of passengers and their baggage, in special charter operations, beginning and ending at points in Clarion, Clearfield, Crawford, Jefferson, Lawrence, and Mercer Counties, Pa., and extending to points in the United States, including Alaska and Hawaii; operations as a broker at Lake City, Pa., in connection with the transportation of passengers and their baggage, in special and charter operations, in all expense round-trip tours, beginning and ending at points in Erie and Warren Counties, Pa., and extending to points in the United States (except points in Alaska and Hawaii); and operations as a broker at Erie, Pa., in connection with the transportation of passengers and their baggage, in special and charter operations in round-trip tours, beginning and ending at Erie, Pa., and extending to points in the United States, except Alaska and Hawaii. Transferee presently holds no authority from this Commission.

No. MC-FC-76983 filed February 22, 1977. Transferee: Hub City Transfer & Storage Co., Inc., 200 East 3rd, Centralia, Washington, 98531. TRANSFEROR: William F. Conrad, d.b.a. Hub City Transfer & Storage Co., 200 East 3rd, Centralia, Washington, 98531. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Washington, 98101. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-1798 and MC-1798 (Sub-No. 4), issued April 27, 1959, and July 29, 1969, as follows: General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, Between Centralia, Wash., and Chehalis, Wash.; Household goods as defined by the Commission, Between points in Lewis and Thurston Counties, Wash., on the one hand, and, on the other, points in Oregon; and General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, Between Centralia and Chehalis, Wash., on the one hand, and, on the other, the Centralia Steam Electric plant site of Pacific Power and Light Company, in Lewis County, Wash., and the Skookumchuck Damsite of Pacific Power and Light Company, in Thurston County, Wash. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76987, filed February 23, 1977. Transferee: C M T, Inc., 5565 East 52nd Avenue, Commerce City, Colorado 80022. Transferor: J. B. Montgomery, Inc., A Delaware Corporation, 5565 East 52nd Avenue, Commerce City, Colorado 80022. Applicant's representative: Charles W. Singer, Attorney at Law, 2440 East Commercial Blvd., Fort Lauderdale, Florida 33308. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificate No. MC-140024, issued December 24, 1975, as follows: Meats, meat products, and meat by-products, and articles distributed by meat packinghouses from the plant site of Minden Beef Company at or near Minden, Nebr., to points in California, Idaho, Nevada, Oregon, Utah, and Washington. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-76988, filed February 22, 1977. Transferee: Lone Star Travelers, Inc., P.O. Box 52130, Houston, Texas. Transferor: Howard Warren Torrible, d.b.a. Houston Gray Line Tours, 6800 Main Street, Houston, Texas 77030. Applicant's Representative: S. Harrison Kahn, Attorney at Law, Suite 733, Investment Building, Washington, D.C. 20005. Application sought for purchase by transferee of License No. MC-12736 issued June 14, 1961 as a broker at Houston, Texas in connection with the transportation of passengers and their baggage in round-trip sightseeing tours beginning and ending at Houston, Texas and extending to points in the United States (except Alaska and Hawaii) but including ports of entry on the United States-Canada boundary line. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority.

No. MC-FC-76989, filed February 23, 1977. Transferee: Harvey G. Nobel, d.b.a. Gilch's Service, 1253 Black Horse Pike, Runnemede, New Jersey 08078. Transferor: George Gilch, Catherine B. Gilch, Executrix, 2961 David Road, Runnemede, New Jersey 08078. Applicant's representative: J. Raymond Clark, Attorney at Law, Suite 1150, 600 New Hampshire Avenue, NW., Washington, D.C. 20037. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-135798, issued November 30, 1972, as follows: Wrecked and disabled motor vehicles between points in Camden, Gloucester, Burlington, and Salem Counties, New Jersey, on the one hand, and, on the other, points in Connecticut, Virginia, New York, Pennsylvania, Delaware, Maryland, and the District of Columbia. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76990, filed February 25, 1977. Transferee: Rouse's Body Shop, Inc., E. 19 Ermina, Spokane, Washington 99207. Transferor: Custom Towing, Inc., E. 34 Trent, Spokane, Washington 99202. Applicant's representative: Donald A. Ericson, Attorney at Law, 708 Old National Bank Building, Spokane, Washington 99201. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-112570 issued June 5, 1964, as follows: Wrecked and disabled motor vehicles, and recovered, stolen, or repossessed automobiles between Spokane, Wash., on the one hand, and, on the other, points in Idaho and specified counties in Montana, and specified points in Washington. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76998 filed February 28, 1977. Transferee: Mid-Way Transportation, Inc., 8800 Oakdale, Waco, Texas, 76710. Transferor: D. G. Armstrong, d.b.a. Mid-Way Transportation Co., 8800 Oakdale, Waco, Texas 76710. Applicants' representative: Thomas F. Sedberry, 1102 Perry-Brooks Bldg., Austin, Texas 78701. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-140676 (Sub-No. 1), issued May 19, 1976, as follows: Brick and tile, from points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line and proceeding along U.S. Highway 283 to junction U.S. Highway 67 at or near Coleman, Tex., thence along U.S. Highway 67 to San Angelo, Tex., thence along U.S. Highway 277 to the United States-Mexico Boundary line at or near Del Rio, Tex. (Except points in Dallas and Tarrant Counties, Tex.), to points in Louisiana, Mississippi, Alabama, and Florida. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-76999 filed February 22, 1977. Transferee: Robinson Truck Line, Inc., Highway 50 West, West Point, Mississippi 39773. Transferor: William A. Robinson, Henry Clay Robinson, Jr., Richard Ray Robinson, and Frank Taylor Robinson, A Partnership, d.b.a. Robinson Truck Lines, Highway 50 West, West Point, Mississippi 39773. Applicants' representative: Robert B. Marshall, Jr., 203 Jordan Avenue, P.O. Box 835, West Point, Mississippi 39773. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate Nos. MC-16502, MC-16502 (Sub-No. 17) and MC-16502 (Sub-No. 19), issued November 11, 1974, September 4, 1975, and October 12, 1976, as follows: *General commodities*, except those of unusual value, classes A and B explo-

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sives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, over regular routes, Serving the site of the United States Navy Jet Air Base near Meridian, Miss., an as off-route point in connection with carrier's regular-route operations authorized herein. Serving the facilities of Slate Springs Glove Company at or near Lynville, Miss., as an off-route point in connection with carrier's regular route operations authorized herein. Between Scooba, Miss., and Electric Mills, Miss., serving all intermediate points: From Scooba over U.S. Highway 45 to Electric Mills, and return over the same route; *General commodities*, except those of unusual value, classes A and B explosives, liquors, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, over regular routes, Between Memphis, Tenn., and Starkville, Miss., serving all intermediate points between Okolona and Starkville, Miss., including Okolona, and the off-route points of Egypt, Gibson, Prairie, Tibbee, Mayhew, State College, Sessums, Artesia, Billups, Bent Oak, and Columbus, Miss., points on Mississippi Highway 10 between West Point, Miss., and junction Mississippi Highway 10 and Alternate U.S. Highway 45 (formerly Mississippi Highway 45W), not including West Point: From Memphis over U.S. Highway 78 via New Albany, Miss., to Tupelo, Miss., thence over U.S. Highway 45 to junction Alternate U.S. Highway 45 (formerly Mississippi Highway 45W), thence over Alternate U.S. Highway 45 to junction U.S. Highway 82, thence west over U.S. Highway 82 to Starkville, and return over the same route.

Between junction Alternate U.S. Highway 45 (formerly Mississippi Highway 45W), and U.S. Highway 82, and Macon, Miss., serving the intermediate point of Crawford, Miss., and off-route point of Brookville, Miss.: From junction Alternate U.S. Highway 45 (formerly Mississippi Highway 45W), and U.S. Highway 82 over Alternate U.S. Highway 45 to junction U.S. Highway 45, thence over U.S. Highway 45 to Macon, and return over the same route. Serving Columbus Air Base, Miss., as an off-route point in connection with carrier's regular-route operations authorized herein between Memphis, Tenn., and Starkville, Miss.; *General commodities*, except those of unusual value, classes A and B explosives, liquors, household goods as defined by the Commission, and commodities requiring special equipment, Between Macon, Miss., and De Kalb, Miss., serving the intermediate points of Shuqualak, Wahalak, and Scooba, Miss.: From Macon over U.S. Highway 45 to Scooba, Miss., thence over Mississippi Highway 16 to De Kalb, and return over the same route; MC-16502 Sub-17—*General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Serving the facilities of Weyerhaeuser Company, near Columbus, Miss., as an off-route point in connection with carrier's authorized regular-route operations between Memphis, Tenn., and Macon, Miss.; MC 16502 Sub-19—*Phosphorus pentasulfide*, in containers, From Columbus, Miss., to Port Arthur, Tex .Transferee presently holds no authority from this Commission. Application has not been filed from temporary authority under section 210a(b).

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-9990 Filed 4-1-77;8:45 am]

WABASH RAILROAD CO., ET AL.

Abandonment of Rail Lines

MARCH 21, 1977.

In the matter of the Wabash Railroad Company and Norfolk and Western Railway Company abandonment between Fairbury and Clay in Livingston County, Illinois, AB 10 (Sub-No. 6); Illinois Central Gulf Railroad Company abandonment between Saxony and Pontiac, in Livingston County, Illinois, AB 43 (Sub-No. 20); Illinois Central Gulf Railroad Company abandonment between Flanagan and Minonk Junction in Livingston and Woodford Counties, Illinois, AB 43 (Sub-No. 21).

The Interstate Commerce Commission hereby gives notice that its section of Energy and Environment has concluded that the proposed abandonments if approved by the Commission, do not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the diversion of the traffic presently moving over the lines would not appreciably affect ambient environmental conditions in the affected corridors and tributary territory. A serious adverse impact on rural and community development would not be expected to result from the proposed abandonments. No historic or archeological sites are involved in the proposed actions.

This conclusion is contained in a staff-prepared environmental threshold survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before May 4, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-9992 Filed 4-1-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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1

AGENCY HOLDING THE MEETING: Civil Aeronautics Board.

TIME AND DATE: 10 a.m., April 6, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue N.W., Washington, D.C. 20428.

SUBJECT: Oral Argument, Docket 28004, Pacific Overseas Fares Investigation.

STATUS: Open.

PERSON TO CONTACT:
Phyllis T. Kaylor, The Secretary, (202) 673-5068.

[S-79-77 Filed 3-30-77;4:50 pm]

2

AGENCY HOLDING THE MEETING: Civil Aeronautics Board.

TIME AND DATE: 10 a.m., April 5, 1977.
PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: Docket 30314, Part 370—Employee Responsibilities and Conduct.

STATUS: Open.

PERSON TO CONTACT:
Phyllis T. Kaylor, The Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: Those persons who previously filed individual or joint comments in Docket 30314 are invited to present their views orally to the Board at the April 5, 1977, meeting. For this purpose, information copies of a draft revised Part 370 prepared by the Office of General Counsel following the March 24, 1977 Board Meeting will be available at the Board's Publications Services Division, Room 516, 1825 Connecticut Avenue NW., Washington, D.C. 20428 after 1:00 p.m., March 30, 1977.

Individuals who filed designed separate comments may request the opportunity to address the Board. In the interests of time, those persons who filed joint comments are encouraged to select one speaker to represent the group. Persons who filed joint comments may also present their individual views to the Board, but if many such requests are received, it may be necessary to limit the amount of time for each such speaker.

All requests for presentation time must be made in writing to the Secretary no later than noon, Friday, April 1, 1977. Each request should specify the name of the individual or group filing the written comment and the name of the person who will address the Board. Persons who filed comments jointly but wish to address the Board as individuals must so note on their request. If desired, telephone numbers may be provided.

The order of speakers and time per speaker will be announced on Monday morning, April 4, 1977. The Secretary will notify each speaker of the schedule.

[S-80-77 Filed 3-30-77;4:50 pm]

3

AGENCY HOLDING THE MEETING: Federal Communications Commisison.

TIME AND DATE: 9:30 a.m., Wednesday, Apri 6, 1977.

PLACE: Room 856, 1919 M Street, NW., Washington, D.C.

STATUS: Open Commission Meeting.

MATTERS TO BE CONSIDERED:

Agenda and item No.	*Subject*
General—1	Early formation of 1979 WARC Delegation.
Common carrier—1	Memorandum opinion and notice of proposed rulemaking concerning uniform settlement rates on parallel international communications routes.
Renewal—1	Bureau's analysis of supplemental information filed pursuant to the Commission's memorandum opinion and order, 61 FCC 2d 523 (1976), by Station WHK, Cleveland, Ohio (BR-285).
Television—1	Petition for reconsideration of action denying an application for review of action by Broadcast Bureau dismissing an application for changes in the facilities of KRSD-TV, Rapid City, S.D. (BPCT-4077).
Compliants and Compliance—1	Application for review, filed on Oct. 28, 1976, by Melbourne A. Noel, Jr. of the Broadcast Bureau's ruling Oct. 14, 1976, denying his complaint against WLS-TV and radio, WBBM-TV and radio, WMAQ-TV, WGN-TV and radio and WLAK(FM), Chicago, Ill.
Special—1	Proposed rule changes in Part 73 to permit the use, on a permissive basis, of circular or elliptical polarization for television broadcast transmissions (Docket No. 20802).

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, Jr., FCC Public Information Officer, telephone number (202) 632-7260.

Issued: March 30, 1977.

[S-77-77 Filed 3-30-77;4:50 pm]

4

AGENCY HOLDING THE MEETING: Federal Home Loan Bank Board.

Pursuant to the Government in the Sunshine Act of 1976, 5 U.S.C. 552b(e)(2) and (3), announcement is made of a change of subject matter of a portion of a Board meetng scheduled to be held on March 31, 1977, at 9:30 a.m., in room 630. Mr. Garth Marston and Mr. Grady Perry, Jr., constituting the entire membership of the Board, hereby determine by recorded vote that Board business requires such change and that no earlier announcement of such change was possible. The announcement of this change and the vote of each member upon such change is being made at the earliest practicable time.

The changes are as follows:

1. Consideration of Proposal by Heizer Corporation, Chicago, Illinois, to Acquire Buckeye Savings Association, Forest

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Park, Ohio is Withdrawn from the Agenda.

2. Application for Bank Membership and Insurance of Accounts by Liberty Savings and Loan Association, Warrenton, Viginia, is Added to the Agenda for the Open Meeting.

Mr. Robert Marshall (202-376-3012) is the Board official designated to respond to requests for information pertaining to such meeting.

The Federal Home Loan Bank Board.

RONALD A. SNIDER,
Assistant Secretary.

[S-73-77 Filed 3-30-77;2:17 pm]

5

AGENCY HOLDING THE MEETING: Federal Power Commission.

MARCH 29, 1977.

The following items are added to the Commission meeting of March 31, 1977, upon the affirmative vote of Chairman Dunham, and Commissioners Smith, Holloman, and Watt.

G-23 Docket No. CP73-206, Consolidated Gas Supply Corporation
G-24 Docket No. CP77-213, Mid Louisiana Gas Company
G-25 Docket No. G-11138, Texas Gas Transmission Company and Southern Natural Gas Company

KENNETH F. PLUMB,
Secretary.

[S-78-77 Filed 3-30-77;4:50 pm]

6

AGENCY HOLDING THE MEETING: Federal Reserve System.

On Wednesday, April 6, 1977, at 10 a.m. a meeting of the Board of Governors of the Federal Reserve System will be held at the Board's offices at 20th Street and Constitution Avenue NW., Washington, D.C., to consider the following items of official Board business:

1. Amendments to the Federal Reserve System's retirement, thrift, and long-term disability income plan. (This matter was originally scheduled at a meeting on March 23, 1977).
2. Issues regarding electronics funds transfer systems in preparation for anticipated testimony before the Congress. (This matter was originally scheduled at a meeting on April 1, 1977.)
3. Any agenda items carried forward from a previously announced closed meeting.

This meeting will be closed to public observation because the items fall under exemptions contained in the Government in the Sunshine Act (5 U.S.C. 552b(c)). Information with regard to this meeting may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at (202) 452-3204.

Board of Governors of the Federal Reserve System, March 29, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-71-77 Filed 3-30-77;1:29 pm]

7

AGENCY HOLDING THE MEETING: Foreign Claims Settlement Commission.

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notices in regard to the scheduling of open meetings and oral hearings for the transaction of routine Commission business and other matters specified, as follows:

Date and time	*Subject matter*
Wed., Apr. 13, 1977, at 10 a.m.	Oral hearings on objections to decisions issued under the Hungarian Claims Program.
Thurs., Apr. 14, 1977, at 10 a.m.	Oral hearings on objections to decisions issued under the Hungarian Claims Program.
Fri., Apr. 15, 1977, at 10:30 a.m.	Consideration of Hungarian Claims.
Thurs., Apr. 21, 1977, at 10 a.m.	Oral hearings on objections to decisions issued under the Hungarian Claims Program.

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 1111 20th Street NW., Washington, D.C. Requests for information, or advance notices of intention to observe a meeting, may be directed to: Executive Director, Foreign Claims Settlement Commission, 1111 20th Street NW., Washington, D.C. 20579. Telephone: 202/653-6156.

Dated at Washington, D.C., on March 28, 1977.

FRANCIS T. MASTERSON,
Executive Director.

[S-76-77 Filed 3-30-77;2:54 pm]

8

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

In accordance with the requirements of the Government in the Sunshine Act and the Commission's rules implementing the Act, this Notice identifies an additional meeting scheduled for March 29, 1977.

ADDITIONAL CLOSED MEETING

By unanimous vote on March 28, 1977, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's rules that Commission business requires that the following closed meeting be held on less than one week's notice to the public. The need for the meeting did not arise until the conclusion of discussion of this same subject on March 28, and immediate additional discussion is required so that the matter can be handled promptly.

TUESDAY, MARCH 29

10:30 a.m.—Discussion of the Seabrook Opinion (Closed Meeting). (Authority to Close: 5 U.S.C. 552b(d)(1) and 5 U.S.C. 552b(c)(10) and §§ 9.105(a) and 9.104(a)(10) of the Commission's rules.)

The meeting will involve discussion of the drafting of an opinion in a particular case of formal agency adjudication pursuant to 5 U.S.C. 554, and will be a continuation of the closed meeting held on this subject on Monday, March 28.

(On March 3, 1977, the Commission unanimously voted to close meetings on Seabrook for up to 30 days after March 18, the date of the initial meeting.)

Those persons expected to be in attendance are:

The Commissioners and members of their personal staffs; Peter L. Strauss, General Counsel and members of his office; Benjamin Huberman, Director of Policy Evaluation and members of his office.
Samuel J. Chilk, Secretary and members of his staff. (One or more persons may also attend to operate recording or transcribing equipment.)

The meeting will be held in the Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C. For further information, contact Walter Magee, Office of the Secretary, telephone (202) 634-1410.

Dated this 29th day of March 1977, at Washington, D. C.

For the Commission.

JOHN C. HOYLE,
Assistant Secretary of the Commission.

[S-72-77 Filed 3-30-77;1:30 pm]

9

AGENCY HOLDING THE MEETING: Occupational Safety and Health Review Commission.

In accordance with 29 CFR 2203.3(d)(1) (regulations under the Government in the Sunshine Act), announcement is made of the following Commission meeting:

DATE: April 4, 1977.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

TIME: 2:30 p.m.

PROPOSED AGENDA: Discussion of specific cases in the Commission adjudication process.

Under 29 CFR 2203.3(c)(4), this meeting is subject to being closed by a vote of the Commissioners taken at the beginning of such meeting. Two Commissioners must vote to close or the meeting will remain open. The only matters to be discussed at this meeting will be specific cases in the Commission adjudication process. Under 29 CFR 2203.3(b)(10), the identity of the cases to be discussed is exempt from disclosure, and the meeting may be closed upon a proper vote taken.

For information on this meeting and all other Commission meetings, call Ms. Nori Heuberger (202) 634-7970, or Mrs. Lottie Richardson (same phone number).

Dated: March 7, 1977.

For the Commission,

PAUL R. WALLACE,
Counsel to the Commission.

[S-74-77 Filed 3-30-77;2:17 pm]

10

AGENCY HOLDING THE MEETING: Occupational Safety and Health Review Commission.

In accordance with 29 CFR 2203.3(d)(1) (regulations under the Government in the Supnshine Act), announcement is made of the following Commission meeting:

DATE: April 8, 1977.

PLACE: Room 1101, 1825 K Strret NW., Washington, D.C.

TIME: 9:30 a.m.

PROPOSED AGENDA: Discussion of possible revisions in the Commission's rules of procedure.

This meeting will be open.

For information on this meeting and all other Commission meetings, call Mrs. Nori Heuberger (202) 634-7970, or Ms. Lottie Richardson (same phone number).

Dated: March 30, 1977.

For the Commission,

PAUL R. WALLACE,
Counsel to the Commission.

[S-75-77 Filed 3-30-77;2:17 pm]

11

AGENCY HOLDING THE MEETING: U.S. Railroad Retirement Board.

TIME AND DATE: 10 a.m., April 12, 1977.

PLACE: Board's meeting room on the 8th floor of its headquarters building at 844 Rush Street, Chicago, Illinois, 60611.

STATUS: The entire meeting will be open to the public.

MATTERS TO BE CONSIDERED: (1) Information Requested from the Social Security Administration necessary for the administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act.

(2) Censorship of Union Publications.

(3) Personnel Information Processing System (PIPS).

(4) Decision of Administrative Law Judge, Social Security Administration, Holding That an Individual Can Split His Continuous Military Service under the Railroad Retirement Act and the Social Security Act.

(5) Scope of the Board's Authority Concerning Employee Details Under the Railroad Unemployment Insurance Act—General Counsel Opinion L-77-181.

(6) Proposal for Weekly Microfiching of the Bureau of Unemployment and Sickness Insurance Master File.

(7) Nomination of Board Employee to Attend the Civil Service Commission Course "Writting the Lanuage of the Collectively Bargained Agreement."

(8) Continuance of the Board's Only Advisory Committee, the Actuarial Advisory Committee with Respect to the Railroad Retirement Account.

(9) Transfer of Screening and Development Functions from the Bureau of Retirement Claims to the Bureau of Supply and Service.

CONTACT PERSON FOR MORE INFORMATION:

R. F. Butler, Secretary of the Board, Telephone No. (312) 387-4920.

[S-70-77 Filed 3-30-77;1:28 pm]

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AGENCY HOLDING THE MEETING: Consumer Product Safety Commission.

TIME AND DATE: Monday, April 4, 1977, 4 p.m.

PLACE: 3rd Floor Hearing Room, 1111 18th St. NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will meet with Igor Kamlukin of Briggs & Stratton, at his request, to discuss deadman controls for power lawn mowers. The Commission is scheduled to vote on a proposed consumer product safety standard for power lawn mowers at its April 7, 1977 meeting. In voting on March 30, 1977 to hold this April 4 meeting, the Commission also determined that Agency business requires waiving the usual seven days advance notice.

CONTACT PERSON FOR MORE INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Suite 300, 1111 18th St. NW., Washington, D.C. 20207, telephone (202) 634-7700

[S-83-77 Filed 3-31-77;4:06 pm]

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register

MONDAY, APRIL 4, 1977

PART II

federal

DEPARTMENT OF DEFENSE

Office of the Secretary

■

CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS)

V 4 2 6 4 APR 4 77 UMI

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

SUBCHAPTER M—MISCELLANEOUS

[DoD Instruction 6010.8 and 6010.8–R]

PART 199—IMPLEMENTATION OF THE CIVILIAN AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES

Pursuant to Chapter 55 of title 10, United States Code, Department of Defense Directive 5136.1 as amended, comprehensive regulations implementing the "Civilian Health and Medical Program of the Uniformed Services" (CHAMPUS) were adopted and made effective on January 10, 1977, through approval of Department of Defense Instruction 6010.8 by the Assistant Secretary of Defense for Health Affairs. The adopting Instruction and regulations were concurred in on January 10, 1977, by the Assistant Secretary for Health of the Department of Health, Education, and Welfare. The adopting Instruction and regulations will constitute a new Part 199 to Title 32 of the Code of Federal Regulations.

The adopting Instruction cancelled numerous memorandums and policy statements which previously governed CHAMPUS. Although some of the policies, practices, and procedures contained in those cancelled memorandums and statements have been rescinded or altered in substance by issuance of the new regulations, many have been retained and incorporated in the adopted regulations.

The new regulations comprehensively outline the authorities and responsibilities for the administration of CHAMPUS and identify eligible CHAMPUS beneficiaries and authorized CHAMPUS providers. They also establish the scope of authorized benefits for both the "Basic Program" and the "Program for the Handicapped" of CHAMPUS and set forth substantive and procedural requirements for the submission, review, and payment of claims filed under them. In addition, the regulations fix rules and procedures governing situations where benefits under other programs overlap or duplicate those under CHAMPUS, and they establish an administrative-appeals process which includes informal review, reconsideration of an informal review, and, in certain circumstances, appeal to, or formal review by, the Office of the Civilian Health and Medical Program for the Uniformed Services (OCHAMPUS). In some cases, appealing parties are entitled to an administrative hearing by a hearing officer as part of the appeal process.

Pursuant to a court order issued in the United States District Court for the Northern District of Georgia in the case of *Edison* v. *Department of Defense*, the regulations pertaining to the administrative-appeals process were previously published in Volume 41 of the FEDERAL REGISTER at page 47505 on September 29, 1976, to give public notice and to invite public comment. Only a few comments were received, generally expressing concern over the minimum-dollar requirements for various levels of appeal. In recognition of this concern, the requirements have been adjusted downward so that a CHAMPUS contractor's decision is final only in cases involving amounts in dispute of $50.00 or less (down from $100.00 or less) and so that there is a right to an administrative hearing by a hearing officer in cases involving amounts in dispute in excess of $300.00 (down from $500.00). In addition, the time to file an amended request for a hearing was extended from 10 to 30 days, and the requirement that a transcript be prepared and a copy provided to an appealing party for all hearings was changed to a requirement that all hearings be taped and a duplicate tape be provided to an appealing party upon request. Other minor changes have also been made for clarification and technical purposes.

With the exception of the sections pertaining to the administrative-appeals process (§ 199.16), the regulations were adopted without use of the proposed rulemaking process (see 32 CFR Part 296). The proposed rulemaking process was not used, because the regulations which do not concern the administrative-appeals process were still being developed until recently. When these regulations were developed, it was determined that further delay in their adoption would be contrary to the public interest (32 CFR 296.2(d)(4)). Among other things, the absence of comprehensive regulations for CHAMPUS has led to administrative difficulties and, in some cases, litigation regarding basic issues like eligibility to benefits, scope of authorized benefits, minimum standards and requirements for authorized providers, acceptable provider billing practices, and reasonable provider charges. In view of these and other problems relating to the administration of CHAMPUS which derive at least in part from the lack of comprehensive implementation, adoption at the earliest practicable date was deemed necessary.

In recognition of the value of public comment, written comments on the adopted regulations comprising new Part 199 are invited until June 3, 1977. Changes resulting from comments received during the 60-day period which operate to increase the rights, benefits, or privileges currently provided in the adopted regulations will be effective retroactively to this date insofar as administratively feasible.

Written comments on these regulations shall include the name and address of the submitting person and reasons for recommended changes. The comments should be submitted to:

Deputy Assistant Secretary of Defense (Health Resources and Programs), Room 3E182, the Pentagon, Washington, D.C. 20301.

32 CFR Chapter I is amended by adding a new Part 199, reading as follows:

Sec.
199.1 Purpose.
199.2 Cancellations.
199.3 Applicability and scope.
199.4 Policy.
199.5 Responsibilities.
199.6 Effective date and implementation.
199.7 General provisions.
199.8 Definitions.
199.9 Eligibility.
199.10 Basic program benefits.
199.11 Program of the handicapped.
199.12 Authorized providers.
199.13 Claims submission, review and payment.
199.14 Double coverage.
199.15 Federal Medical Care Recovery Act.
199.16 Appeal and hearing procedures.

AUTHORITY: 10 U.S.C. 1079, 1086, 5 U.S.C. 301.

§ 199.1 Purpose.

This Instruction:

(a) Authorizes publication of DoD Regulation 6010.8–R, "Civilian Health and Medical Program of the Uniform Services (CHAMPUS)."

(b) Sets forth the policies and procedures for:

(1) Dependents of active duty members of the Uniformed Services,

(2) Retired members of the Uniformed Services,

(3) Dependents of retired members of the Uniformed Services, and

(4) Dependents of deceased active duty or deceased retired members of the Uniformed Services.

(c) Furnishes medical benefits to dependents of active duty members of the Armed Forces of the foreign NATO nations, who, in connection with their official duties, are stationed in or passing through the United States.

§ 199.2 Cancellations.

Any memorandum or instruction not consistent with the policies of this Part, is hereby superseded. Insofar as DoD Directive 6010.4, "Dependents' Medical Care," April 25, 1962 (27 FR 5591, 13 Jun 62), only that section or sections applicable to the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) is hereby superseded and cancelled.

§ 199.3 Applicability and scope.

The provisions of this Part, apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Defense Agencies, and the Unified and Specified Commands (hereinafter referred to collectively as "DoD Components"); and, by agreement, to the Coast Guard, the Commissioned Corps of the National Oceanic and Atmospheric Administration and the Commissioned Corps of the U.S. Public Health Service.

§ 199.4 Policy.

(a) Regulations pertaining to the administration of the CHAMPUS, which have a substantial and direct impact on the CHAMPUS public, shall be promulgated as an enclosure to this Instruction and published in the FEDERAL REGISTER, in accordance with DoD Directive 5400.9, "Publication of Proposed and Adopted Regulations Affecting the Public," December 23, 1974 (32 CFR 286b).

(b) DoD Directive 5105.46[1] "Civilian Health and Medical Program of the Uniformed Services," December 4, 1974, provides that the Assistant Secretary of Defense (Public Affairs)[2] in coordination with the Assistant Secretary of Defense (Health Affairs) and the Director, OCHAMPUS shall ensure the conveyance of information regarding CHAMPUS programs and services to potential users.

§ 199.5 Responsibilities.

(a) Section 1073 of 10 U.S.C., Chapter 55, provides that the Secretary of Defense shall administer the Program for the Uniformed Services under his jurisdiction, and the Secretary of Health, Education and Welfare shall administer the Program for the Coast Guard (when the Coast Guard is not operating as a service in the Navy), and for the Commissioned Corps of the National Oceanic and Atmospheric Administration and for the U.S. Public Health Service.

(b) Sections 1079 and 1086 of 10 U.S.C., Chapter 55, provide that the Secretary of Defense and the Secretary of Health, Education, and Welfare, shall jointly prescribe regulations for the administration of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS).

(c) The Secretary of Defense in accordance with DoD Directive 5136.1, "Assistant Secretary of Defense (Health and Environment)" (under revision), as modified by the Secretary's Memorandum, March 5, 1976,[3] concerning organizational changes within the Office of the Secretary of Defense, provides that the Assistant Secretary of Defense (Health Affairs)[4] shall develop, issue and maintain regulations, as necessary and appropriate to fulfill the Secretary of Defense responsibility to administer 10 U.S.C., Chapter 55.

(d) DoD Directive 5136.1,[1] "Assistant Secretary of Defense (Health and Environment)" (under revision), also provides that the Assistant Secretary of Defense (Health Affairs) shall provide policy, guidance, management control and coordination (including coordination with the Department of Health, Education, and Welfare as required) for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) as authorized under 10 U.S.C., Chapter 55.

(e) The Director, Office of the Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS), or his designee, shall:

(1) Convey appropriate OCHAMPUS information to providers of care, practitioners, professional societies, health industry organizations, CHAMPUS contractors, and others who have need of such information, including CHAMPUS beneficiaries, in accordance with DoD Directive 5105.46[1] "Civilian Health and Medical Program of the Uniformed Services," December 4, 1974 and cited Deputy Secretary of Defense Memorandum, "CHAMPUS Information Program," September 21, 1973;

(2) Establish and maintain, for the functions assigned in DoD Directive 5105.46,[1] "Civilian Health and Medical Program of the Uniformed Services," December 4, 1974 an appropriate publications system for the promulgation of regulations, instructions, and reference documents, and changes thereto, pursuant to the policies and procedures prescribed in DoD Directive 5025.1,[1] "Department of Defense Directive System," March 7, 1961.

§ 199.6 Effective date and implementation.

For purposes of administering the CHAMPUS Program this part became effective as a Department of Defense Issuance on January 10, 1977.

§ 199.7 General provisions.

(a) *Purpose.* This Regulation prescribes policies and procedures for the administration of the Civilian Health and Medical Program of the Uniformed Services (hereinafter referred to as "CHAMPUS") for the following Uniformed Services: the Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the Commissioned Corps of the U.S. Public Health Service (USPHS) and the Commissioned Corps of the National Oceanic and Atmospheric Administration (NOAA).

(b) *Applicability.*—(1) *Geographic.* This regulation is applicable geographically within the States of the United States, the District of Columbia, Puerto Rico, the Territories, and in all foreign countries unless specific exceptions are granted in writing by the Director, OCHAMPUS (or a designee).

(2) *Agency.* The provisions of this regulation apply throughout the Department of Defense, the Coast Guard, the Commissioned Corps of the National Oceanic and Atmospheric Administration, and the Commissioned Corps of the U.S. Public Health Service.

(c) *Authority and responsibilities.*—(1) *Legislative authority.*—(i) *Joint regulations.* Chapter 55 of Title 10, United States Code, authorizes the Secretary of Defense and the Secretary of Health, Education, and Welfare to jointly prescribe regulations for the administration of CHAMPUS.

(ii) *Administration.* Chapter 55 also authorizes the Secretary of Defense to administer CHAMPUS for the Army, Navy, Air Force, and Marine Corps under DoD jurisdiction and the Secretary of Health, Education, and Welfare to administer CHAMPUS for the Coast Guard when the Coast Guard is not operating as a service in the Navy, and for the Commissioned Corps of the National Oceanic and Atmospheric Administration and the U.S. Public Health Service.

(2) *Organizational delegations and assignments.*—(i) *Assistant Secretary of Defense (Health Affairs).* The Secretary of Defense, by DoD Directive 5136.1[1], "Assistant Secretary of Defense (Health and Environment)," (under revision) delegated authority to the Assistant Secretary of Defense (Health Affairs) to provide policy guidance, management control and coordination (including coordination with the Department of Health, Education, and Welfare) as required for CHAMPUS and to develop, issue and maintain Regulations with the coordination of the Military Departments as necessary and appropriate. Additional implementing authority is contained in DoD Directive 5105.46[1], "Civilian Health and Medical Program of the Uniformed Services," December 4, 1974.

(ii) *Department of Health, Education, and Welfare.* The Secretary of Health, Education, and Welfare has delegated authority to the Assistant Secretary for Health, Department of Health, Education, and Welfare (DHEW), to consult with the Secretary of Defense or a designee and to approve and issue joint regulations implementing Chapter 55, Title 10, United States Code (Dependents' Medical Care Act, as amended). This delegation is effective April 19, 1976 (39 FR 18698, May 6, 1976).

(iii) *Office of CHAMPUS (OCHAMPUS).* By DoD Directive 5105.46,[1] "Civilian Health and Medical Program of the Uniformed Services," December 4, 1974, OCHAMPUS was established as an Office, Secretary of Defense field activity under the policy guidance and direction of the Assistant Secretary of Defense (Health Affairs). The Director, OCHAMPUS, is directed to execute the following responsibilities and functions:

(*a*) Supervise and administer the programs and missions to: (*1*) Provide technical direction and guidance on organizational, administrative, and operational matters.

(2) Conduct studies and research activities in the health care area to assist in formulating policy required to guide OCHAMPUS in carrying out its programs.

(3) Enter into agreements through the Department of Defense with respect to the Military Departments or other U.S. Government entities, as required, for the effective performance of CHAMPUS.

(4) Supervise and administer OCHAMPUS financial management activities to include:

(*i*) Formulating budget estimates and justifications to be submitted to the Deputy Assistant Secretary of Defense (Administration) for inclusion in the overall budget for the Office of the Secretary of Defense.

(*ii*) Assuring the establishment and maintenance of necessary accounting records and the submission of required financial reports to the Deputy Assistant Secretary of Defense (Administration).

[1] Filed as part of original. Extra copies available from Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pennsylvania 19120, Atten.: Code 300.

[2] This particular function was transferred from the Assistant Secretary of Defense (Manpower and Reserve Affairs) to the Assistant Secretary of Defense (Public Affairs) when Information Armed Forces (IAF) and its functions were transferred by Secretary of Defense Memorandum, February 20, 1976. (Copy filed as part of original.)

[3] One of the changes accomplished by the March 5, 1976 Memorandum was to change the designation of the Assistant Secretary of Defense (Health and Environment) to the Assistant Secretary of Defense (Health Affairs).

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(iii) Assuring the effective execution of approved budgets.

(5) Contract for claims processing services, studies and research, supplies, equipment, and services necessary to carry out the CHAMPUS programs.

(6) Monitor claims adjudication and processing contracts to ensure that CHAMPUS Contractors are fulfilling their obligations.

(7) Convey appropriate CHAMPUS information to providers of care, practitioners, professional societies, health industry organizations, fiscal agents, hospital contractors, and others who have need of such information.

(8) Collect, maintain, and analyze Program cost and utilization data appropriate for preparation of budgets, fiscal planning, and as otherwise needed to carry out CHAMPUS programs and missions.

(9) Arrange for the facilities, logistical and administrative support to be provided by the Military Departments.

(10) Execute such other functions as appropriate to administer the programs and missions assigned.

(b) Direct and control the office, activities and functions of OCHAMPUSEUR.

NOTE: The Director, OCHAMPUS may also establish similar offices for OCHAMPUSSO and OCHAMPUSPAC.

(c) Develop for issuance, subject to approval by the Assistant Secretary of Defense (Health Affairs), such policies or regulations as required to effectively administer and manage the CHAMPUS Program.

(d) *The Uniformed Services Health Benefits Committee.* (1) The Uniformed Services Health Benefits Committee, established by DoD Directive 5105.46, advises the Assistant Secretary of Defense (Health Affairs) and considers questions of policy with respect to CHAMPUS, facilitates exchanges of information among the Assistant Secretary of Defense (Health Affairs), the Director, OCHAMPUS, and the Uniformed Services, and provides advice and recommends policy to the Assistant Secretary of Defense (Health Affairs) on CHAMPUS operations.

(2) The Uniformed Services Health Benefits Committee consists of:

(i) A chairman, who is also the Deputy Assistant Secretary of Defense (Health Resources and Programs);

(ii) One representative from each of the Uniformed Services; and

(iii) The Director, OCHAMPUS, who serves as the Executive Secretary of the Committee.

(e) *Issuance of Identification Cards: Uniformed Services.* Each of the Uniformed Services is responsible for the issuance of identification cards to dependents of members of the Uniformed Services on active duty, to retired members of the Uniformed Services and their dependents, and dependents of deceased active duty and deceased retired members of the Uniformed Services as appropriate. (Refer to Chapter III of this regulation, "Eligibility".)

D. *Medical Benefits Program.* The CHAMPUS is a program of medical benefits provided by the Federal Government under public law to specified categories of individuals who are qualified for these benefits by virtue of their relationship to one of the seven Uniformed Services. Although similar in structure in many of its aspects, CHAMPUS is not an insurance program in that it does not involve a contract guaranteeing the indemnification of an insured party against a specified loss in return for a premium paid. Further, CHAMPUS is not subject to those state regulatory bodies or agencies which control the insurance business generally.

(e) *Program funds.* The funds used by the CHAMPUS Program are appropriated funds furnished by the Congress through the annual Appropriations Act for the Department of Defense and the Department of Health, Education, and Welfare. These funds are further disbursed by agents of the Government under contracts negotiated by the Director, OCHAMPUS (or a designee), under the provisions of the Armed Services Procurement Regulation (ASPR). These agents (referred to in this Regulation as "CHAMPUS Contractors") receive claims against the Program and adjudicate the claims under the provisions of this Regulation and in accordance with administrative procedures and instructions set forth in their contracts. The funds expended for CHAMPUS benefits are Federal funds provided CHAMPUS Contractors solely to pay CHAMPUS claims and are not a part of or obtained from the CHAMPUS Contractor's funds related to other programs or insurance coverage. CHAMPUS Contractors are reimbursed for the adjudication and payment of CHAMPUS claims at a fixed rate set forth in their contracts.

NOTE: Where a CHAMPUS contract has not yet been competitively procured, or where award was made on an emergency basis, administrative expenses are or may be on a cost-reimbursement rather than fixed-price basis. In such instances, reimbursement is is limited to those administrative expenses incurred and directly related to the administration of the CHAMPUS Program.

(f) *Claims adjudication and processing.* The Director, OCHAMPUS is responsible for making such arrangements as are necessary to adjudicate and process CHAMPUS claims worldwide.

(1) *The United States.*—(i) *Contracting out.* The primary method of processing CHAMPUS claims in the United States is through competitively procured, fixed-price contracts. The Director, OCHAMPUS (or a designee) is responsible for the issuance of appropriate Requests for Proposals (REP's) and the evaluation and award of such contracts for the purpose of adjudicating and processing CHAMPUS claims (and related supporting activities). Such contracts may be negotiated for a period of up to 1 year with the option to renew for 2 successive one-year periods. Under unusual circumstances (as set forth in Section III of ASPR), the Director, OCHAMPUS (or a designee) is authorized to negotiate such a CHAMPUS claims adjudication and processing agreement on an emergency contracting basis, generally limited to a six-month period with option to renew for one subsequent six-month period. Unless otherwise specifically approved by the ASD (HA), at the end of the second six-month period, such emergency award must be terminated and a contract awarded on the basis of competitive procurement.

NOTE: If necessary, an emergency award may be made on a cost-reimbursement rather than a fixed-price basis.

(ii) *In-house.* The Director, OCHAMPUS (or a designee) is authorized to adjudicate and process certain CHAMPUS claims in-house at OCHAMPUS, when it is determined to be in the best interests of the Program subject to considerations set forth in Office of Management and Budget Circular A-76. Such in-house claims processing may involve a special or unique type of claim (such as claims for dental care, or inpatient stays in residential treatment centers, or claims under the Program for the Handicapped) or all claims for a specific geographic area.

(2) *Outside the United States.*—(i) *Option: Special Subsidiary Office or contracting out.* For adjudicating and processing CHAMPUS claims for services and/or supplies provided outside the United States the Director, OCHAMPUS (or a designee) has the option of either setting up a special subsidiary claims paying operation (such as OCHAMPUS EUR) or contracting out in the same manner as described in paragraph (f)(1)(i) of this section. Such claims paying operations are reviewed periodically to determine whether current arrangements continue to be appropriate and the most effective.

(ii) *Support agreements.* In those situations outside the United States which demand special arrangements, the Director, OCHAMPUS may enter into support agreements through the Department of Defense with any of the Military Departments or other Government agency to process CHAMPUS claims in specific geographic locations. Such agreements may be negotiated for such period of time as the Director, OCHAMPUS (or a designee) may determine to be necessary to meet identified special demands.

(g) *Regulation: Recommendations for change.* The Director, OCHAMPUS (or a designee) shall establish procedures for receiving and processing recommendations for changes to this regulation from interested parties.

(h) *CHAMPUS claim forms.* The Director, OCHAMPUS (or a designee) is responsible for the development and/or updating of all CHAMPUS claim forms, application forms, information request forms, etc., necessary in the administration of the CHAMPUS Program as set forth in this Regulation, the CHAMPUS Operating Manual, or such other implementing instructions, procedures, etc., as may be issued.

(i) *CHAMPUS handbook.* The Director, OCHAMPUS (or a designee) shall develop a Program document designated as the "CHAMPUS Handbook". Such "CHAMPUS Handbook" shall be the official summary of this Regulation. The "CHAMPUS Handbook" shall be updated at least every 2 years, as of January 1.

(j) *Program integrity.* The Director, OCHAMPUS (or a designee) shall oversee all CHAMPUS personnel, contractors, providers and beneficiaries with respect to validation of the Program's operation in compliance with this regulation. The Director, OCHAMPUS (or a designee), shall accomplish this by means of proper delegation of authority, separation of responsibilities, establishment of reports, performance evaluations, internal and external management and fiscal audits, personal or delegated reviews of Program responsibilities, taking affidavits, exchange of information among state and Federal governmental agencies, insurers, providers and associations of providers, and such other means as may be appropriate to the circumstances. Compliance with this regulation shall include compliance with specific contracts and agreements, regardless of form, as well as general instructions, such as the CHAMPUS Operating Manual, and other instructions, procedures, criteria, etc. relating to Program operation.

(k) *Role of the CHAMPUS advisor (CA).* The CHAMPUS Advisor is appointed (generally by the Commander of a Uniformed Services Medical Treatment Facility) to service as an advisor to patients and staff in matters involving CHAMPUS. The CHAMPUS Advisor may assist beneficiaries (or sponsors) in applying for CHAMPUS benefits, in the preparation of claims and otherwise assist beneficiaries in their relations with OCHAMPUS and CHAMPUS Contractors. However, the CHAMPUS Advisor is not responsible for CHAMPUS policies and procedures and has no authority to make benefit determinations or obligate Government funds. Advice given to beneficiaries as to determination of benefits or level of payment is not binding on OCHAMPUS or CHAMPUS Contractors.

(l) *Cooperation and Exchange of Information with Other Federal Programs.* The Director, OCHAMPUS (or a designee), will disclose to appropriate officers or employees of the Department of Health, Education, and Welfare:

(1) *Investigation for Fraud.* The name and address of any physician or other individual being actively investigated for possible fraud in connection with CHAMPUS, and the nature of such suspected fraud. An active investigation exists when there is significant evidence supporting an initial complaint but there is need for further investigation.

(2) *Unnecessary Services.* The name and address of any provider of medical services, organization, or other person found, after consultation with an appropriate professional association or appropriate peer review body, to have provided unnecessary services. Such information will be released only for the purpose of conducting an investigation or prosecution, or for the administration of Titles XVIII and XIX of the Social Security Act, provided that the information will be released only to the agency's enforcement branch and that the agency will preserve the confidentiality of the information received and will not disclose such information for other than Program purposes.

(m) *Disclosure of Information to the Public.* Records and information acquired in the administration of CHAMPUS are records of the Department of Defense and may be disclosed in accordance with 32 CFR Parts 286, 286a, 286b, and 297, which constitute the applicable Departmental Directives implementing the Freedom of Information Act and the Privacy Act.

(n) *Transitional Authority.* It is recognized that there will be a transitional period after the effective date of this Regulation during which full implementation of all its provisions is accomplished. To facilitate such transitional implementation, and notwithstanding any other provisions of this Regulation, the Director, OCHAMPUS (or a designee) is granted the following transitional authority:

(1) *Basic Program Benefits.* Basic Program benefits (refer to § 199.10) being provided for continuing inpatient care as of the effective date of this regulation, which are not authorized under this regulation, may continue in effect for a reasonable period of time except that in no event shall such transitional benefits continue beyond ninety (90) days after the date of notification to the beneficiary (or sponsor) and provider that such benefits will no longer be payable.

(2) *Program for the Handicapped Benefits.* Program for the Handicapped benefits (refer to § 199.11) being provided for continuing inpatient care as of the effective date of this regulation which are not authorized under this regulation, may continue in effect for a reasonable period of time except that in no event shall such transitional benefits continue beyond 90 days after the date of notification to the beneficiary (or sponsor) and provider that such benefits will no longer be payable, or June 30, 1977, whichever occurs later.

(3) *Application of Required Rules and Procedures.* Certain rules and/or procedures required under the terms of this regulation may be phased-in over a period of time (rather than attempt to implement immediately) if it is determined necessary to permit OCHAMPUS and/or CHAMPUS Contractors to develop appropriate operational capability to implement such provisions.

NOTE.—CHAMPUS Contractors will be specifically advised as to those provisions of the Regulation which will be phased-in on a transitional basis.

(4) *Overall time limit on transitional period.* It is the intent that OCHAMPUS and the CHAMPUS Contractors make all reasonable effort to fully implement all provisions of this regulation as expeditiously as possible; in any event transitional authority granted under paragraph (n) of this section shall terminate 24 months from the effective date of this regulation.

NOTE.—Claims for outpatient care or new inpatient cases (or new inpatient episodes of an on-going case) received on and after the effective date of this regulation, and which include services and/or supplies provided after the effective date of this Regulation, shall be adjudicated on the basis of this regulation irrespective of the transitional authority granted in paragraph (n) of this section.

(o) *Discretionary Authority.* When it is determined to be in the best interest of the CHAMPUS Program, the Director, OCHAMPUS (or a designee) is granted discretionary authority to waive a requirement(s) of this regulation, except that any requirement specifically set forth in Chapter 55, Title 10, United States Code, or otherwise imposed by law, may not be waived. It is the intent that such discretionary authority be used only under very unusual and limited circumstances and not to deny any individual any right, benefit or privilege provided to him or her by statute or this regulation. Any such exception granted by the Director, OCHAMPUS (or a designee) shall apply only to the individual circumstance and/or case involved and will in no way be construed to be precedent setting.

(p) *Equality of Benefits.* All claims submitted for benefits under the CHAMPUS Program shall be adjudicated in a consistent, fair and equitable manner without regard to the rank or rate of the sponsor.

§ 199.8 Definitions.

(a) *General.* In an effort to be as specific as possible as to the word and intent of the CHAMPUS Program, the following definitions have been developed. While many of the definitions are general in nature and some assign meaning to relatively common terms within the health insurance environment, others are applicable only to CHAMPUS; however, they all appear in this regulation solely for the purpose of the CHAMPUS Program. Except when otherwise specified, the definitions in this section apply generally throughout this regulation.

(b) *Specific Definitions.*—(1) *Absent Treatment.* "Absent Treatment" means services performed by Christian Science practitioners for a person when the person is not physically present.

NOTE.—Technically, "Absent Treatment" is an obsolete term. The current Christian Science terminology is "Treatment Through Prayer and Spiritual Means," which is employed by a bona fide Christian Science Practitioner either with the beneficiary being present or absent. However, in order to be considered for coverage under CHAMPUS, the beneficiary must be physically present when a Christian Science service is rendered, regardless of the terminology used.

(2) *Accidental Injury.* "Accidental Injury" means physical bodily injury resulting from an external force, blow or fall, or the ingestion of a foreign body or harmful substance, such as iodine or bleach, requiring immediate medical treatment. Accidental injury also includes animal and insect bites and sunstrokes. For the purpose of CHAMPUS, the breaking of a tooth or teeth does not constitute a physical bodily injury.

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(3) *Active Duty.* "Active Duty" means full-time duty in the Uniformed Service of the United States. It includes duty on the active list, full-time training duty, annual training duty, and attendance while in the active Military Service, at a school designated as a service school by law or by the Secretary of the Military Department concerned.

(4) *Active Duty Member.* "Active Duty Member" means a person on active duty in a Uniformed Service under a call or order that does not specify a period of 30 days or less.

(5) *Acupuncture.* "Acupuncture" means the practice (most frequently employed by the Chinese) of inserting needles into various body parts to pierce specific peripheral nerves for the production of counter-irritation to relieve the discomfort of pain, induce surgical anethesia or for other treatment purposes.

NOTE.—Acupuncture is not covered by CHAMPUS.

(6) *Adjunctive Dental Care.* "Adjunctive Dental Care" means that dental care which is medically necessary in the treatment of an otherwise covered medical (not dental) condition, is an integral part of the treatment of such medical condition, and is essential to the control of the primary medical condition. Adjunctive dental care does not include preventive, routine, restorative or prosthodontic dental care; nor does it include emergency dental care except as it may otherwise qualify as adjunctive.

(7) *Admission.* "Admission" means the formal acceptance by a hospital or other authorized institutional provider of a CHAMPUS beneficiary for the purpose of occupying a bed with the reasonable expectation that the patient will remain on inpatient status at least 24 hours, with the registration and assignment of an inpatient number or designation. Institutional care in connection with in/out (ambulatory) surgery is not included within the meaning of "admission" whether or not an inpatient number or designation is assigned by the facility.

(8) *Adopted Child.* "Adopted Child" means a child taken into one's own family by legal process and treated as one's own child. In case of adoption, CHAMPUS eligibility begins as of 12:01 a.m. of the day of the final adoption decree.

NOTE.—There is no CHAMPUS benefit entitlement during any interim waiting period.

(9) *Ambulance.* "Ambulance" means a specifically designed and equipped, professionally operated, land vehicle which contains at a minimum a stretcher, linens, first aid supplies, oxygen equipment and such other lifesaving equipment required by state law or applicable local law, and manned by personnel trained to render first aid treatment. Voluntary ambulances or such vehicles as medicabs or ambicabs do not qualify as professional ambulances.

NOTE.—The reference to voluntary ambulance is intended to mean the situation in which the organization that operates the vehicle does not issue a legally binding bill for services rendered but rather requests a contribution. If a legally binding bill is issued, it is not a "voluntary" ambulance for purposes of CHAMPUS even if manned (in whole or in part) by voluntary personnel.

(10) *Ambulatory.* "Ambulatory" means: (i) A walking patient or one who is able to walk or ambulate in a wheelchair as opposed to requiring confinement to a bed; or (ii) An outpatient.

(11) *Amount in Dispute.* "Amount in Dispute" means the amount of money owed by or paid by a CHAMPUS beneficiary for medical services and/or supplies specifically in connection with an appeal situation. In determining the amount, only those charges which are related to potentially coverable services and supplies can be included. Further, in the same computation, only the CHAMPUS-determined reasonable charge/cost amounts will be considered to be in dispute for purposes of determining whether or not an appeal can be filed.

(12) *Anesthesia Services.* "Anesthesia Services" means the administration of an anesthetic agent by injection or inhalation, the purpose and effect of which is to produce surgical anesthesia characterized by muscular relaxation, loss of sensation, or loss of consciousness, when administered by or under the direction of a physician or dentist in connection with otherwise covered surgery or obstetrical care, or shock therapy. Anesthesia services do not include hypnosis or acupuncture.

(13) *Appealing Party.* "Appealing Party" means a CHAMPUS beneficiary or sponsor, a participating provider of services or their duly designated representative. In addition, an appealing party includes a provider (or representative) that has been denied approval by CHAMPUS as an authorized provider.

(14) *Appropriate Medical Care.* "Appropriate Medical Care" means: (i) That medical care where the medical services performed in the treatment of a disease or injury, or in connection with an obstetrical case, are in keeping with the generally acceptable norm for medical practice in the United States;

(ii) The authorized individual professional provider rendering the medical care is qualified to perform such medical services by reason of his or her training and education and is licensed and/or certified by the state where the service is rendered or appropriate national organization or otherwise meets CHAMPUS standards; and

(iii) The medical environment in which the medical services are performed is the minimum level adequate to provide the required medical care.

(15) *ASD(HA).* "ASD(HA) means the Assistant Secretary of Defense for Health Affairs.

(16) *Attending Physician.* "Attending Physician" means the physician who has the primary responsibility for the medical diagnosis and treatment of the patient. A consultant, an assistant-at-surgery or an anesthesiologist is not an attending physician. Under very extraordinary circumstances, because of the presence of complex, serious and multiple, but unrelated, medical conditions, a patient may have more than one attending physician concurrently rendering medical treatment during a single period of time.

(17) *Authorized Provider.* "Authorized Provider" means a hospital or institutional provider, physician or other individual professional provider, or other provider of services and/or supplies specifically authorized to provide benefits under CHAMPUS in § 199.12, "Authorized Providers."

(18) *Basic Program.* "Basic Program" means the primary medical benefits authorized under Chapter 55 of Title 10, United States Code, and as set forth in § 199.10. In general, the Basic Program covers medical services and supplies necessary and essential to the diagnosis and treatment of illness and injury rendered by hospitals, physicians, and other authorized providers. Treatment may be for medical, surgical, obstetrical or nervous and mental conditions. It specifically does not cover custodial, domiciliary and preventive care, eyeglasses or hearing aids, and is subject to such other conditions, limitations and exclusions set forth in the Regulation.

(19) *Beneficiary.* "Beneficiary" means an individual who has been determined to be eligible for CHAMPUS benefits, as set forth in § 199.9.

(20) *Beneficiary Liability.* "Beneficiary Liability" means the legal obligation of a beneficiary/patient, his or her estate, or responsible family member to pay for the costs of medical care or treatment received. Specifically for the purposes of services and supplies covered by CHAMPUS, beneficiary liability includes any annual deductible amount, cost-sharing amounts, or, in those instances where a provider does not submit a claim on a participating basis on behalf of the beneficiary/patient, amounts above the CHAMPUS-determined reasonable cost/charge. Beneficiary liability also includes any expenses for medical and/or related services and supplies not covered by CHAMPUS.

(21) *Brace.* "Brace" means an orthopedic appliance or apparatus (an orthosis) used to support, align, or hold parts of the body in correct position. For the purposes of CHAMPUS, it does not include orthodontic appliances or other dental appliances.

(22) *CHAMPUS.* "CHAMPUS" means the Civilian Health and Medical Program of the Uniformed Services as authorized in Chapter 55, Title 10, United States Code.

(23) *CHAMPUS Advisor (CA).* "CHAMPUS Advisor (CA)" means those individuals located at Uniformed Services medical facilities (on occasion at other locations) and assigned the responsibility for providing CHAMPUS information, information concerning availability of care from the Uniformed Services direct medical care system, and generally assisting beneficiaries (or sponsors). The term also includes "Health Benefits Counselor" and "Health Benefits Advisor."

(24) *Chemotherapy.* "Chemotherapy" means the administration of approved antineoplastic drugs for the treatment of malignancies (cancer) via perfusion, infusion or parenteral methods of administration.

(25) *CHAMPUS Contractor.* "CHAMPUS Contractor" means an organization with which the Director, OCHAMPUS, has entered into a contract for the adjudication and processing of CHAMPUS claims and the performance of related support activities.

(26) *Child.* A "Child" means an unmarried legitimate child, adopted child, stepchild, or illegitimate child, who otherwise meets the requirements (including age requirements) set forth in (b)(2)(iii) (and its subparts) of § 199.9, "Eligibility."

(27) *Chiropractor.* "Chiropractor" means a practitioner of chiropractic (also called chiropraxis): Essentially a system of therapeutics based upon the claim that disease is caused by abnormal function of the nerve system. It attempts to restore normal function of the nerve system by manipulation and treatment of the structures of the human body, especially those of the spinal column.

NOTE.—Services of chiropractors are not covered by the CHAMPUS Program.

(28) *Christian Science Nurse.* "Christian Science Nurse" means an individual who has been accredited as a Christian Science Nurse by the Department of Care of the First Church of Christ, Scientist, Boston, Massachusetts, and listed (or eligible to be listed) in the Christian Science Journal at the time the service is provided. The duties of such Christian Science Nurses are spiritual and are non-medical and non-technical nursing care performed under the direction of an accredited Christian Science practitioner. There exist two levels of Christian Science Nurse accreditation:

(i) *Graduate Christian Science Nurse.* This accreditation is granted by the Department of Care of the First Church of Christ, Scientist, Boston, Massachusetts, after completion of a three-year course of instruction and study.

(ii) *Practical Christian Science Nurse.* This accreditation is granted by the Department of Care of the First Church of Christ, Scientist, Boston, Massachusetts, after completion of a 1 year course of instruction and study.

(29) *Christian Science Practitioner.* "Christian Science Practitioner" means an individual who has been accredited as a Christian Science Practioner by the First Church of Christ, Scientist, Boston, Massachusetts, and listed (or eligible to be listed) in the "Christian Science Journal" at the time the service is provided. An individual who attains this accreditation has demonstrated results of his or her healing through their faith and prayer rather than by medical treatment. Instruction is executed by an accredited Christian Science teacher and is continuous.

(30) *Christian Science Sanitorium.* "Christian Science Sanitorium" means a sanitorium either operated by the First Church of Christ, Scientist or listed and certified by the First Church.

(31) *Chronic Medical Condition.* "Chronic Medical Condition" means a medical condition which is not curable but which is under control through active medical treatment. Such chronic conditions may have periodic acute episodes and may require intermittent inpatient hospital care. However, a chronic medical condition can be controlled sufficiently to generally permit continuation of some activities of persons who are not ill (i.e., work, school, etc.).

(32) *Chronic Renal Disease (CRD).* "Chronic Renal Disease" means the end stage of renal disease which requires a continuing course of dialysis or a kidney transplantation to ameliorate uremic symptoms and maintain life.

(33) *Civil Rights Act.* "Civil Rights Act" means the Federal law which provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any activity receiving Federal financial assistance. For the purposes of the Civil Rights Act only, the United States includes the 50 states, the District of Columbia, Puerto Rico, Virgin Islands, American Samoa, Guam, Wake Island, Canal Zone, and the territories and possessions of the United States.

NOTE.—Title VI of the Civil Rights Act of 1964 is specifically applicable to institutional providers under the CHAMPUS Program.

(34) *Clinical Psychologist.* "Clinical Psychologist" means a psychologist who is duly licensed or certified, has a doctoral degree in clinical psychology and a minimum of two years of supervised experience in clinical psychology in an appropriate clinical setting or is listed in the "National Register of Health Services Providers" established and published by the American Psychological Association.

(35) *Combined Daily Charge.* "Combined Daily Charge" means a billing procedure by an inpatient facility which uses an inclusive flat rate covering all professional and ancillary charges without any itemization.

(36) *Complications of Pregnancy.* "Complications of Pregnancy" means one of the following when commencing or exacerbating during the term of the pregnancy:

(i) Caesarean delivery; hysterotomy.

(ii) Pregnancy terminating before expiration of 26 weeks, except a voluntary abortion.

(iii) False labor or threatened miscarriage.

(iv) Nephritis or pyelitis of pregnancy.

(v) Hyperemesis gravidarum.

(vi) Toxemia.

(vii) Aggravation of a heart condition or diabetes.

(viii) Premature rupture of membrane.

(ix) Ectoptic pregnancy.

(x) Hemorrhage.

(xi) Other conditions as may be determined by the Director, OCHAMPUS (or a designee).

(37) *Confinement.* "Confinement" means that period of time from the day of admission to a hospital or other institutional provider, to the day of discharge, transfer, or separation from the facility, or death. Successive admissions may also qualify as one confinement provided not more than 60 days have elapsed between the successive admissions, except that successive admissions related to a single maternity episode shall be considered one (1) confinement regardless of the number of days between admissions.

(38) *Congenital Anomaly.* "Congenital Anomaly" means a condition existing at or from birth, which is a significant deviation from the common form or norm and is other than a common racial or ethnic feature. For purposes of CHAMPUS, congenital anomalies do not include anomalies relating to teeth (including malocclusion or missing tooth buds) or structures supporting the teeth, or to any form of hermaphroditism and/or sex gender confusion. Examples of congenital anomalies are harelip, birthmarks, webbed fingers or toes, or such other conditions that the Director, OCHAMPUS (or a designee), may determine to be congenital anomalies.

NOTE.—Also refer to paragraph (e)(7) of § 199.10 of this regulation ("Transsexualism and Hermaphroditism").

(39) *Conjoint Therapy.* "Conjoint Therapy" means the active involvement of persons other than the patient (father, mother, stepfather, stepmother or guardian, if the patient is a child; and husband or wife if the patient is an adult) in the psychiatric therapeutic treatment of the patient where the attending physician documents such involvement as being clearly necessary for the medical management of the primary case. (Conjoint therapy may also be referred to as collateral visits.)

(40) *Consulation.* "Consultation" means a deliberation with a specialist physician or dentist requested by the attending physician primarily responsible for the medical care of the patient, with respect to the diagnosis or treatment in any particular case. A consulting physician or dentist may perform a limited examination of a given system or one requiring a complete diagnostic history and examination. In order to qualify as a consultation, a written report to the attending physician of the findings of the consultant is required.

(41) *Consulting Physician or Dentist.* "Consulting Physician or Dentist" means a physician or dentist, other than the attending physician, who performs a consultation.

(42) *Consultation Services.* "Consultation Services" means services of a consulting physican. Staff consultations required by rules and regulations of the medical staff of a hospital or other institutional provider do not qualify as consultation services.

(43) *Coordination of Benefits.* "Coordination of Benefits" means the co-

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ordination, on a primary/secondary payer basis, of the payment of CHAMPUS benefits with the payment of benefits made by the double coverage plan, to the end that there is no duplication of benefits paid between the double coverage plan and CHAMPUS.

(44) *Cosmetic, Reconstructive and/or Plastic Surgery.* "Cosmetic, Reconstructive and/or Plastic Surgery" means that surgery which can be expected primarily to improve the physical appearance of a beneficiary, and/or which is performed primarily for psychological purposes, and/or which restores form, but does not correct or materially improve a bodily function.

(45) *Cost-Sharing.* "Cost-Sharing" means the amount of money for which the beneficiary (or sponsor) is responsible in connection with otherwise covered inpatient and outpatient services (other than the annual fiscal year deductible or disallowed amounts) as set forth in paragraph (f) of § 199.10, "Basic Program Benefits" and paragraph (b) of § 199.11, "Program for the Handicapped." Cost-sharing may also be referred to as "co-payment" or "co-insurance."

(46) *Custodial Care.* "Custodial Care" means that care rendered to a patient (i) who is mentally or physically disabled and such disability is expected to continue and be prolonged, and (ii) who requires a protected, monitored and/or controlled environment whether in an institution or in the home, and (iii) who requires assistance to support the essentials of daily living, and (iv) who is not under active and specific medical, surgical and/or psychiatric treatment which will reduce the disability to the extent necessary to enable the patient to function outside the protected, monitored and/or controlled environment. A custodial care determination is not precluded by the fact that a patient is under the care of a supervising and/or attending physician and that services are being ordered and prescribed to support and generally maintain the patient's condition, and/or provide for the patient's comfort, and/or assure the manageability of the patient. Further, a custodial care determination is not precluded because the ordered and prescribed services and supplies are being provided by a R.N. or L.P.N.

NOTE.—The determination of custodial care in no way implies that the care being rendered is not required by the patient; it only means that it is the kind of care that is not covered under the CHAMPUS Basic Program.

(47) *Day/Night Center.* "Day/Night Center" means a program of services for the diagnosis, care, and treatment of persons with psychiatric disorders that provides a planned medical therapeutic program for patients who do not require full-time hospitalization but who need broader programs than are possible through outpatient visits. Patients may participate in such programs on a day or night basis but not both programs (to do so would constitute inpatient psychiatric hospitalization). Such programs must vest patient care under the supervision of a professional staff of licensed physicians. Such programs must also be operated under the auspices of, either by contract or direct administration, a hospital accredited by the Joint Commission on Accreditation of Hospitals (JCAH) or a community mental health center.

NOTE.—The term, "Day/Night Center," is frequently inappropriately used to connote a single free-standing facility. More so, this term is synonymous with the term "Partial Hospitalization" as defined in the Community Mental Health Center Act of 1963 and its subsequent amendments and refers to the organization of a program of services to psychiatric patients.

(48) *Days.* "Days" means calendar days.

(49) *Deceased Service Member.* "Deceased Service Member" means a person who was, at the time of his or her death, an active duty member of a Uniformed Service under a call or order that did not specify a period of 30 days or less; or a retiree of a Uniformed Service.

(50) *Deductible.* "Deductible" means payment by a beneficiary of the first fifty ($50.00) dollars of the CHAMPUS-determined reasonable costs/charges for otherwise covered outpatient services and/or supplies provided in any one fiscal year; or for a family, the aggregate payment by two or more beneficiaries who submit claims, of the first one hundred ($100.00) dollars.

(51) *Deductible Certificate.* "Deductible Certificate" means a statement issued to the beneficiary (or sponsor) by a CHAMPUS Contractor certifying to deductible amounts satisfied by a CHAMPUS beneficiary for any applicable fiscal year.

(52) *Dentist.* "Dentist" means Doctor of Dental Medicine (D.M.D.) and Doctor of Dental Surgery (D.D.S.).

(53) *Dependent.* "Dependent" means a person who bears any of the following relationships to an active duty member (under a call or order that does not specify a period of thirty (30) days or less), retiree, or deceased active duty member or retiree, of a Uniformed Service, i.e., lawful spouse, unremarried widow or widower, or child; or a spouse and child of an active duty member of the armed forces of foreign NATO nations. (Refer to § 199.9, "Eligibility.")

(54) *Deserter/Desertion Status.* A service member is a deserter, or in a desertion status, when the Service concerned has made an administrative determination to that effect, or the member's period of unauthorized absence has resulted in a court-martial conviction of desertion. Administrative declarations of desertion are normally made when a member has been an unauthorized absentee for over 30 days, but particular circumstances may result in an earlier declaration. Entitlement to CHAMPUS benefits ceases as of 12:01 a.m. on the day following the day the desertion status is declared. Benefits are not to be authorized for treatment received during a period of unauthorized absence which results in a court-martial conviction for desertion. Dependent eligibility for benefits is reestablished when a deserter is returned to military control and continues, even though the member may be in confinement, until any discharge is executed. In cases where a deserter status is later found to have been erroneously determined, the status of deserter is considered never to have existed, and the member's dependents will have been continuously eligible for benefits under the Program.

(55) *Diagnostic Admission.* "Diagnostic Admission" means an admission to a hospital or other authorized institutional provider, or an extension of a stay in such a facility, primarily for the purpose of performing diagnostic tests, examinations, and procedures.

(56) *DSM, II.* "DSM, II" means a technical reference, "Diagnostic and Statistical Manual of Mental Disorders."

(57) *Doctor of Dental Medicine (D.M.D.).* "Doctor of Dental Medicine" means a person who has received a degree in dentistry, i.e., that department of the healing arts which is concerned with the teeth, oral cavity, and associated structures.

(58) *Doctor of Medicine (M.D.).* "Doctor of Medicine" means a person who has graduated from a college of allopathic medicine, and who is legally entitled to use the designation M.D.

(59) *Doctor of Osteopathy (D.O.).* "Doctor of Osteopathy" means a practitioner of osteopathy, i.e., a system of therapy founded by Andrew Taylor Still (1828–1927) and based on the theory that the body is capable of making its own remedies against disease and other toxic conditions, when it is in normal structural relationship and has favorable environmental conditions and adequate nutrition. It utilizes generally accepted physical, medicinal, and surgical methods of diagnosis and therapy, while placing chief emphasis on the importance of normal body mechanics and manipulative methods of detecting and correcting faulty structure.

(60) *Domiciliary Care.* "Domiciliary Care" means inpatient institutional care provided to the beneficiary, not because it is medically necessary, but because the care in the home setting is not available, is unsuitable and/or members of the patient's family are unwilling to provide the care. Institutionalization because of abandonment constitutes domiciliary care.

NOTE: Examples of domiciliary care situations are where a beneficiary is initially institutionalized and remains in an institution because there is no other family member or other person available in the home (care not available), the family home contains an alcoholic who is not sufficiently responsible (care is unsuitable), or where a family member(s) is capable but refuses to provide the care (unwilling). Domiciliary care is not covered under either the CHAMPUS Basic Program or PFTH.

(61) *Donor.* "Donor" means an individual who supplies living tissue or material to be used in another body, such as a person who furnishes a kidney for renal transplant.

(62) *Double Coverage.* "Double Coverage" means a situation in which a

CHAMPUS beneficiary also has entitlement to insurance, medical service, a health and medical plan, or other government program through employment, law, membership in an organization or as a student (including entitlement by reason of being retired from an organization or group), which in whole or in part duplicates CHAMPUS benefits, but not including entitlement to receive care from the Uniformed Services Medical Care System.

(63) *Double Coverage Plan.* "Double Coverage Plan" means the specific organization, insurance policy, government program, etc., under which a CHAMPUS beneficiary has entitlement to medical benefits which in whole or in part duplicate CHAMPUS benefits. For the purposes of CHAMPUS, the following are not included within the definition of "Double Coverage Plan":

(i) Medicaid; or

(ii) Privately purchased, non-group coverage; or

(iii) Coverage specifically designed to supplement CHAMPUS benefits (i.e., covering the deductible and cost sharing amounts not paid by CHAMPUS); or

(iv) Entitlement to receive care from the Uniformed Services Medical Care System.

(64) *Durable Medical Equipment.* "Durable Medical Equipment" means equipment for which the reasonable charge is over one hundred ($100.00) dollars and which:

(i) Is medically necessary for the treatment of a covered illness of injury;

(ii) Improves the function of a malformed body member, or retards further deterioration of a patient's physical condition;

(iii) Is person-particular and not useful to any person in the absence of illness or injury;

(iv) Is primarily and customarily used to serve a medical purpose rather than primarily for transportation, comfort or convenience;

(v) Can withstand repeated use;

(vi) Provides the medically appropriate level of performance and quality for the medical condition present (i.e., non-luxury, non-deluxe); and

(vii) Is other than eyeglasses, spectacles, or other lenses, optical devices, hearing aids, or communication devices.

(65) *Emergency Inpatient Admission.* "Emergency Inpatient Admission" means an unscheduled, unexpected, medically necessary admission to a hospital or other authorized institutional provider for treatment of a medical condition meeting the definition of medical emergency and which is determined to require immediate inpatient treatment by the attending physician.

(66) *Essentials of Daily Living.* "Essentials of Daily Living" means care which consists of providing food (including special diets), clothing and shelter; personal hygiene services; observation and general monitoring; bowel training and/or management; safety precautions; general preventive procedures (such as turning to prevent bedsores); passive exercise; companionship; recreation; transportation; and such other elements of personal care which can reasonably be performed by an untrained adult with minimal instruction and/or supervision.

(67) *Experimental.* "Experimental" means medical care that is essentially investigatory or an unproven procedure or treatment regimen (usually performed under controlled medicolegal conditions) which does not meet the generally accepted standards of usual professional medical practice in the general medical community. The conduct of biomedical or behavioral research involving human subjects at risk to physical, psychological or social injury is experimental medicine. For the purposes of CHAMPUS, any medical services or supplies provided under a scientific research grant, either public or private, are classified as "experimental." (Financial grants-in-aid to an individual beneficiary are not considered grants for this purpose.) Use of drugs and medicines not approved by the Food and Drug Administration for general use by humans (even though approved for testing on human beings) is also considered to be experimental. However, if a drug or medicine in the "U.S. Pharmacopeia" and/or "National Formulary" (and requires a prescription), it is not considered experimental even if it is under investigation by the Food and Drug Administration as to its effectiveness.

NOTE: In areas outside the United States, standards comparable to those of the U.S. Food and Drug Administration is the CHAMPUS objective.

(68) *Extramedical Individual Providers of Care.* "Extramedical Individual Providers of Care" means a marriage and family counselor, a pastoral counselor, a Christian Science Practitioner, or a Christian Science Nurse.

(69) *Fiscal Year.* "Fiscal Year" means the Federal government's twelve-month accounting period which currently runs from October 1, of one year through September 30 of the following year.

NOTE: Prior to October 1, 1976, the fiscal year ran July 1, to June 30.

(70) *Full-Time Course of Higher Education.* "Full-Time Course of Higher Education" means a complete, progressive series of studies to develop knowledge, skill, mind, character, etc., by formal schooling at a college or university, and which meets the criteria set out in § 199.9. In order to qualify as full-time, the student must be carrying a course load of a minimum of twelve (12) semester credit hours or equivalent credit hours.

(71) *General Staff Nursing Service.* "General Staff Nursing Service" means all nursing care (other than that provided by private duty nurses), including but not limited to general duty nursing, emergency room nursing, recovery room nursing, intensive nursing care, and group nursing arrangements performed by nursing personnel on the payroll of the hospital or other authorized institution.

(72) *Good Faith Payments.* "Good Faith Payments" means those payments made to civilian sources of medical care who provided medical care to persons purporting to be eligible beneficiaries but who are subsequently determined to be ineligible for CHAMPUS benefits. (The ineligible person usually possesses an erroneous or illegal identification card.) In order to be considered as good faith payments, the civilian source of care must have exercised reasonable precautions in identifying a person claiming to be an eligible beneficiary.

(73) *Handicapped, Program for the (PFTH).* "Program for the Handicapped" means the special program set forth in § 199.11, whereby dependents of active duty members receive supplemental benefits for the moderately or severely mentally retarded and the seriously physically handicapped, over and above those medical benefits available under the CHAMPUS Basic Program.

(74) *Hospital, Acute Care (General and Special).* "Hospital, Acute Care (General and Special)" means an institution which:

(i) Is primarily engaged in providing to inpatients, by or under the supervision of physicians, diagnostic services and therapeutic services for the medical or surgical diagnosis and treatment of illness, injury, or bodily malfunction.

(ii) Maintains clinical records on all inpatients (and outpatients if the facility operates an outpatient department or emergency room).

(iii) Has bylaws in effect with respect to its operations and medical staff.

(iv) Provides 24 hour nursing service rendered or supervised by a registered professional nurse, and has a licensed practical nurse or registered professional nurse on duty at all times.

(v) Has in effect a hospital utilization review plan.

(vi) In the case of an institution in a State in which State or applicable local law provides for the licensing of hospitals, the hospital:

(*a*) Is licensed pursuant to such law, or

(*b*) Is approved by the agency of such State or locality responsible for licensing hospitals, as meeting the standards established for such licensing.

(vii) Has in effect an operating plan and budget.

(viii) Is accredited by the Joint Commission on Accreditation of Hospitals and/or meets such other requirements as the Secretary of Health, Education, and Welfare or the Director, OCHAMPUS, finds necessary in the interest of the health and safety of individuals who are admitted to and furnished services in the institution.

(75) *Hospitals, Long Term (Tuberculosis, Chronic Care, Rehabilitation, etc.).* "Hospitals, Long Term" means an institution which is primarily engaged in providing, by or under the supervision of a physician, appropriate medical or surgical services for the diagnosis and treatment of the illness or condition in which the institution specializes (i.e., tuberculosis and chronic diseases or conditions). Such long term hospitals must otherwise meet the same provisions as outlined in the definition of "Hospitals, Acute Care, General and Special."

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ordination, on a primary/secondary payer basis, of the payment of CHAMPUS benefits with the payment of benefits made by the double coverage plan, to the end that there is no duplication of benefits paid between the double coverage plan and CHAMPUS.

(44) *Cosmetic, Reconstructive and/or Plastic Surgery.* "Cosmetic, Reconstructive and/or Plastic Surgery" means that surgery which can be expected primarily to improve the physical appearance of a beneficiary, and/or which is performed primarily for psychological purposes, and/or which restores form, but does not correct or materially improve a bodily function.

(45) *Cost-Sharing.* "Cost-Sharing" means the amount of money for which the beneficiary (or sponsor) is responsible in connection with otherwise covered inpatient and outpatient services (other than the annual fiscal year deductible or disallowed amounts) as set forth in paragraph (f) of § 199.10, "Basic Program Benefits" and paragraph (b) of § 199.11, "Program for the Handicapped." Cost-sharing may also be referred to as "co-payment" or "co-insurance."

(46) *Custodial Care.* "Custodial Care" means that care rendered to a patient (i) who is mentally or physically disabled and such disability is expected to continue and be prolonged, and (ii) who requires a protected, monitored and/or controlled environment whether in an institution or in the home, and (iii) who requires assistance to support the essentials of daily living, and (iv) who is not under active and specific medical, surgical and/or psychiatric treatment which will reduce the disability to the extent necessary to enable the patient to function outside the protected, monitored and/or controlled environment. A custodial care determination is not precluded by the fact that a patient is under the care of a supervising and/or attending physician and that services are being ordered and prescribed to support and generally maintain the patient's condition, and/or provide for the patient's comfort, and/or assure the manageability of the patient. Further, a custodial care determination is not precluded because the ordered and prescribed services and supples are being provided by a R.N. or L.P.N.

NOTE.—The determination of custodial care in no way implies that the care being rendered is not required by the patient; it only means that it is the kind of care that is not covered under the CHAMPUS Basic Program.

(47) *Day/Night Center.* "Day/Night Center" means a program of services for the diagnosis, care, and treatment of persons with psychiatric disorders that provides a planned medical therapeutic program for patients who do not require full-time hospitalization but who need broader programs than are possible through outpatient visits. Patients may participate in such programs on a day or night basis but not both programs (to do so would constitute inpatient psychiatric hospitalization). Such programs must vest patient care under the supervision of a professional staff of licensed physicians. Such programs must also be operated under the auspices of, either by contract or direct administration, a hospital accredited by the Joint Commission on Accreditation of Hospitals (JCAH) or a community mental health center.

NOTE.—The term, "Day/Night Center," is frequently inappropriately used to connote a single free-standing facility. More so, this term is synonymous with the term "Partial Hospitalization" as defined in the Community Mental Health Center Act of 1963 and its subsequent amendments and refers to the organization of a program of services to psychiatric patients.

(48) *Days.* "Days" means calendar days.

(49) *Deceased Service Member.* "Deceased Service Member" means a person who was, at the time of his or her death, an active duty member of a Uniformed Service under a call or order that did not specify a period of 30 days or less; or a retiree of a Uniformed Service.

(50) *Deductible.* "Deductible" means payment by a beneficiary of the first fifty ($50.00) dollars of the CHAMPUS-determined reasonable costs/charges for otherwise covered outpatient services and/or supplies provided in any one fiscal year; or for a family, the aggregate payment by two or more beneficiaries who submit claims, of the first one hundred ($100.00) dollars.

(51) *Deductible Certificate.* "Deductible Certificate" means a statement issued to the beneficiary (or sponsor) by a CHAMPUS Contractor certifying to deductible amounts satisfied by a CHAMPUS beneficiary for any applicable fiscal year.

(52) *Dentist.* "Dentist" means Doctor of Dental Medicine (D.M.D.) and Doctor of Dental Surgery (D.D.S.).

(53) *Dependent.* "Dependent" means a person who bears any of the following relationships to an active duty member (under a call or order that does not specify a period of thirty (30) days or less), retiree, or deceased active duty member or retiree, of a Uniformed Service, i.e., lawful spouse, unremarried widow or widower, or child; or a spouse and child of an active duty member of the armed forces of foreign NATO nations. (Refer to § 199.9, "Eligibility.")

(54) *Deserter/Desertion Status.* A service member is a deserter, or in a desertion status, when the Service concerned has made an administrative determination to that effect, or the member's period of unauthorized absence has resulted in a court-martial conviction of desertion. Administrative declarations of desertion are normally made when a member has been an unauthorized absentee for over 30 days, but particular circumstances may result in an earlier declaration. Entitlement to CHAMPUS benefits ceases as of 12:01 a.m. on the day following the day the desertion status is declared. Benefits are not to be authorized for treatment received during a period of unauthorized absence which results in a court-martial conviction for desertion. Dependent eligibility for benefits is reestablished when a deserter is returned to military control and continues, even though the member may be in confinement, until any discharge is executed. In cases where a deserter status is later found to have been erroneously determined, the status of deserter is considered never to have existed, and the member's dependents will have been continuously eligible for benefits under the Program.

(55) *Diagnostic Admission.* "Diagnostic Admission" means an admission to a hospital or other authorized institutional provider, or an extension of a stay in such a facility, primarily for the purpose of performing diagnostic tests, examinations, and procedures.

(56) *DSM, II.* "DSM, II" means a technical reference, "Diagnostic and Statistical Manual of Mental Disorders."

(57) *Doctor of Dental Medicine (D.M.D.).* "Doctor of Dental Medicine" means a person who has received a degree in dentistry, i.e., that department of the healing arts which is concerned with the teeth, oral cavity, and associated structures.

(58) *Doctor of Medicine (M.D.).* "Doctor of Medicine" means a person who has graduated from a college of allopathic medicine, and who is legally entitled to use the designation M.D.

(59) *Doctor of Osteopathy (D.O.).* "Doctor of Osteopathy" means a practitioner of osteopathy, i.e., a system of therapy founded by Andrew Taylor Still (1828–1927) and based on the theory that the body is capable of making its own remedies against disease and other toxic conditions, when it is in normal structural relationship and has favorable environmental conditions and adequate nutrition. It utilizes generally accepted physical, medicinal, and surgical methods of diagnosis and therapy, while placing chief emphasis on the importance of normal body mechanics and manipulative methods of detecting and correcting faulty structure.

(60) *Domiciliary Care.* "Domiciliary Care" means inpatient institutional care provided to the beneficiary, not because it is medically necessary, but because the care in the home setting is not available, is unsuitable and/or members of the patient's family are unwilling to provide the care. Institutionalization because of abandonment constitutes domiciliary care.

NOTE: Examples of domiciliary care situations are where a beneficiary is initially institutionalized and remains in an institution because there is no other family member or other person available in the home (care not available), the family home contains an alcoholic who is not sufficiently responsible (care is unsuitable), or where a family member(s) is capable but refuses to provide the care (unwilling). Domiciliary care is not covered under either the CHAMPUS Basic Program or PFTH.

(61) *Donor.* "Donor" means an individual who supplies living tissue or material to be used in another body, such as a person who furnishes a kidney for renal transplant.

(62) *Double Coverage.* "Double Coverage" means a situation in which a CHAMPUS beneficiary also has entitlement to insurance, medical service, a health and medical plan, or other government program through employment, law, membership in an organization or as a student (including entitlement by reason of being retired from an organization or group), which in whole or in part duplicates CHAMPUS benefits, but not including entitlement to receive care from the Uniformed Services Medical Care System.

(63) *Double Coverage Plan.* "Double Coverage Plan" means the specific organization, insurance policy, government program, etc., under which a CHAMPUS beneficiary has entitlement to medical benefits which in whole or in part duplicate CHAMPUS benefits. For the purposes of CHAMPUS, the following are not included within the definition of "Double Coverage Plan":

(i) Medicaid; or

(ii) Privately purchased, non-group coverage; or

(iii) Coverage specifically designed to supplement CHAMPUS benefits (i.e., covering the deductible and cost sharing amounts not paid by CHAMPUS); or

(iv) Entitlement to receive care from the Uniformed Services Medical Care System.

(64) *Durable Medical Equipment.* "Durable Medical Equipment" means equipment for which the reasonable charge is over one hundred ($100.00) dollars and which:

(i) Is medically necessary for the treatment of a covered illness of injury;

(ii) Improves the function of a malformed body member, or retards further deterioration of a patient's physical condition;

(iii) Is person-particular and not useful to any person in the absence of illness or injury;

(iv) Is primarily and customarily used to serve a medical purpose rather than primarily for transportation, comfort or convenience;

(v) Can withstand repeated use;

(vi) Provides the medically appropriate level of performance and quality for the medical condition present (i.e., non-luxury, non-deluxe); and

(vii) Is other than eyeglasses, spectacles, or other lenses, optical devices, hearing aids, or communication devices.

(65) *Emergency Inpatient Admission.* "Emergency Inpatient Admission" means an unscheduled, unexpected, medically necessary admission to a hospital or other authorized institutional provider for treatment of a medical condition meeting the definition of medical emergency and which is determined to require immediate inpatient treatment by the attending physician.

(66) *Essentials of Daily Living.* "Essentials of Daily Living" means care which consists of providing food (including special diets), clothing and shelter; personal hygiene services; observation and general monitoring; bowel training and/or management; safety precautions; general preventive procedures (such as turning to prevent bedsores); passive exercise; companionship; recreation; transportation; and such other elements of personal care which can reasonably be performed by an untrained adult with minimal instruction and/or supervision.

(67) *Experimental.* "Experimental" means medical care that is essentially investigatory or an unproven procedure or treatment regimen (usually performed under controlled medicolegal conditions) which does not meet the generally accepted standards of usual professional medical practice in the general medical community. The conduct of biomedical or behavioral research involving human subjects at risk to physical, psychological or social injury is experimental medicine. For the purposes of CHAMPUS, any medical services or supplies provided under a scientific research grant, either public or private, are classified as "experimental." (Financial grants-in-aid to an individual beneficiary are not considered grants for this purpose.) Use of drugs and medicines not approved by the Food and Drug Administration for general use by humans (even though approved for testing on human beings) is also considered to be experimental. However, if a drug or medicine in the "U.S. Pharmacopeia" and/or "National Formulary" (and requires a prescription), it is not considered experimental even if it is under investigation by the Food and Drug Administration as to its effectiveness.

NOTE: In areas outside the United States, standards comparable to those of the U.S. Food and Drug Administration is the CHAMPUS objective.

(68) *Extramedical Individual Providers of Care.* "Extramedical Individual Providers of Care" means a marriage and family counselor, a pastoral counselor, a Christian Science Practitioner, or a Christian Science Nurse.

(69) *Fiscal Year.* "Fiscal Year" means the Federal government's twelve-month accounting period which currently runs from October 1, of one year through September 30 of the following year.

NOTE: Prior to October 1, 1976, the fiscal year ran July 1, to June 30.

(70) *Full-Time Course of Higher Education.* "Full-Time Course of Higher Education" means a complete, progressive series of studies to develop knowledge, skill, mind, character, etc., by formal schooling at a college or university, and which meets the criteria set out in § 199.9. In order to qualify as full-time, the student must be carrying a course load of a minimum of twelve (12) semester credit hours or equivalent credit hours.

(71) *General Staff Nursing Service.* "General Staff Nursing Service" means all nursing care (other than that provided by private duty nurses), including but not limited to general duty nursing, emergency room nursing, recovery room nursing, intensive nursing care, and group nursing arrangements performed by nursing personnel on the payroll of the hospital or other authorized institution.

(72) *Good Faith Payments.* "Good Faith Payments" means those payments made to civilian sources of medical care who provided medical care to persons purporting to be eligible beneficiaries but who are subsequently determined to be ineligible for CHAMPUS benefits. (The ineligible person usually possesses an erroneous or illegal identification card.) In order to be considered as good faith payments, the civilian source of care must have exercised reasonable precautions in identifying a person claiming to be an eligible beneficiary.

(73) *Handicapped, Program for the (PFTH).* "Program for the Handicapped" means the special program set forth in § 199.11, whereby dependents of active duty members receive supplemental benefits for the moderately or severely mentally retarded and the seriously physically handicapped, over and above those medical benefits available under the CHAMPUS Basic Program.

(74) *Hospital, Acute Care (General and Special).* "Hospital, Acute Care (General and Special)" means an institution which:

(i) Is primarily engaged in providing to inpatients, by or under the supervision of physicians, diagnostic services and therapeutic services for the medical or surgical diagnosis and treatment of illness, injury, or bodily malfunction.

(ii) Maintains clinical records on all inpatients (and outpatients if the facility operates an outpatient department or emergency room).

(iii) Has bylaws in effect with respect to its operations and medical staff.

(iv) Provides 24 hour nursing service rendered or supervised by a registered professional nurse, and has a licensed practical nurse or registered professional nurse on duty at all times.

(v) Has in effect a hospital utilization review plan.

(vi) In the case of an institution in a State in which State or applicable local law provides for the licensing of hospitals, the hospital:

(*a*) Is licensed pursuant to such law, or

(*b*) Is approved by the agency of such State or locality responsible for licensing hospitals, as meeting the standards established for such licensing.

(vii) Has in effect an operating plan and budget.

(viii) Is accredited by the Joint Commission on Accreditation of Hospitals and/or meets such other requirements as the Secretary of Health, Education, and Welfare or the Director, OCHAMPUS, finds necessary in the interest of the health and safety of individuals who are admitted to and furnished services in the institution.

(75) *Hospitals, Long Term (Tuberculosis, Chronic Care, Rehabilitation, etc.).* "Hospitals, Long Term" means an institution which is primarily engaged in providing, by or under the supervision of a physician, appropriate medical or surgical services for the diagnosis and treatment of the illness or condition in which the institution specializes (i.e., tuberculosis and chronic diseases or conditions). Such long term hospitals must otherwise meet the same provisions as outlined in the definition of "Hospitals, Acute Care, General and Special."

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NOTE.—Custodial or domiciliary care cases are not covered under CHAMPUS whether or not the long term hospital qualified under CHAMPUS.

(76) *Hospitals, psychiatric.* "Psychiatric Hospital" means an institution which is primarily engaged in providing psychiatric services for the diagnosis and treatment of mental illness and conditions. There are two major categories of psychiatric hospitals:

(i) Private psychiatric hospitals, which includes both proprietary and not-for-profit institutions.

(ii) Psychiatric hospitals controlled, financed and operated by departments or agencies of either the Federal, state, or local governments.

In order for the services of a private psychiatric hospital to be covered, the hospital must comply with the provisions outlined in the definition, "Hospital, Acute Care, General and Special," except that all private psychiatric hospitals must be accredited by the JCAH in order for their services to be cost-shared under CHAMPUS.

(77) *ICU.* "ICU" means an intensive care unit in a hospital.

(78) *Illegitimate Child.* "Illegitimate Child" means a child not recognized as a lawful offspring; example, a child born of parents not married to each other.

(79) *Immediate Family.* "Immediate Family" means the spouse, natural parent, child and sibling, adopted child and adoptive parent, stepparent, stepchild, stepbrother and stepsister, father-in-law, mother-in-law of the beneficiary or provider as appropriate. For purposes of this definition only, to determine who may render services to a beneficiary, the step-relationship continues to exist even if the marriage upon which the relationship is based terminates through divorce or death of one of the parents.

(80) *Independent Laboratory.* "Independent Laboratory" means a freestanding laboratory approved for participation under Medicare and certified by the Social Security Administration.

(81) *Infirmaries.* "Infirmaries" means facilities operated by student health departments of colleges and universities to provide inpatient and/or outpatient care to enrolled students. When specifically approved by the Director, OCHAMPUS (or a designee), a boarding school infirmary is also included.

(82) *Initial Determination.* "Initial Determination" means a formal decision on the part of an individual in a CHAMPUS Contractor's office or in OCHAMPUS who has reviewed a claim, or a formal request for benefits under a provision of this Program. An initial determination may be in the form of a payment or rejection (in whole or in part) of a claim; or approval or disapproval of an application for a benefit; or a termination of a benefit.

(83) *Initial Payment.* "Initial Payment" means the extension of benefits prior to determination of primary/secondary payer status.

(84) *In-Out Surgery.* "In-Out Surgery" means that surgery performed in the outpatient department of a hospital or other institutional provider, in a physician's office or the office of another individual professional provider, in a clinic, or in a "freestanding," ambulatory surgical center which does not involve a formal inpatient admission for a period of twenty-four (24) hours or more.

(85) *Inpatient.* "Inpatient" means a patient who has been admitted to a hospital or other authorized institution for bed occupancy for purposes of receiving necessary medical care, with the reasonable expectation that the patient will remain in the institution at least twenty-four (24) hours, and with the registration and assignment of an inpatient number or designation. Institutional care in connection with in/out (ambulatory) surgery is not included within the meaning of inpatient whether or not an inpatient number or designation is made by the hospital or other institution. If death occurs prior to actual inpatient admission (such as in the emergency room), no inpatient admission exists even though had the patient lived, an inpatient admission would have occurred.

(86) *Inpatient Medical Care.* "Inpatient Medical Care" means the attending physician's medical (not surgical or maternity) care rendered to an inpatient confined as a bed patient in a hospital or other authorized institution, including intensive or prolonged inpatient medical care, inpatient psychotherapy or inpatient physiatry.

(87) *Intensive Care Unit (ICU).* "Intensive Care Unit" means a special segregated unit of a hospital in which patients are concentrated, by reason of serious illness, usually without regard to diagnosis. Special lifesaving techniques and equipment are regularly and immediately available within the unit, and patients are under continuous observation by a nursing staff specially trained and selected for the care of this type patient. The unit is maintained on a continuing rather than an intermittent or temporary basis. It is not a post-operative recovery room nor a post-anesthesia room. In some large or highly specialized hospitals, the ICU's may be further refined for special purposes, such as for respiratory conditions, cardiac surgery, coronary care, burn care or neurosurgery. For the purposes of CHAMPUS, these specialized units would be considered ICU's if they otherwise conformed to the definition of an intensive care unit.

(88) *Intern.* "Intern" means a graduate of a medical or dental school serving in a hospital in preparation for being licensed to practice medicine or dentistry.

(89) *I.C.D.A.* "I.C.D.A." means a technical reference, "International Classification of Diseases, Adapted."

(90) *JCAH.* "JCAH" means the Joint Commission on Accreditation of Hospitals.

(91) *Laboratory and Pathological Services.* "Laboratory and Pathological Services" means laboratory and pathological examinations (including machine diagnostic tests which produce hard copy results) ordered by the attending physician when necessary to, and rendered in connection with, medical, obstetrical or surgical diagnosis or treatment of an illness or injury.

(92) *Last Pay.* "Last Pay" means a double coverage situation where the tests set forth in paragraph (b) (8) of § 199.14. "Double Coverage," do not apply and the specified medical benefits plan (either CHAMPUS or the double coverage plan) is always the secondary payer.

(93) *Legitimized Child.* "Legitimized Child" means a formerly illegitimate child who is considered legitimate by reason of qualifying actions recognized in law.

(94) *Licensed Practical Nurse (LPN).* "Licensed Practical Nurse" means a person who is specially prepared in the scientific basis of nursing, who is a graduate of a school of practical nursing, whose qualifications have been examined by a state board of nursing and who has been legally authorized to practice as a licensed practical nurse (LPN) under the supervision of a physician.

(95) *Licensed Vocational Nurse (LVN).* "Licensed Vocational Nurse" means a person who is specifically prepared in the scientific basis of nursing, who is a graduate of a school of vocational nursing, whose qualifications have been examined by a state board of nursing and who has been legally authorized to practice as a licensed vocational nurse (LVN) under the supervision of a physician.

(96) *Long Term Hospital Care.* "Long Term Hospital Care" means any inpatient hospital stay in excess of 30 days.

(97) *Management Plan.* "Management Plan" means a detailed description of the medical history of, and proposed therapy for, a CHAMPUS beneficiary seeking benefits under the Program for the Handicapped as set forth in § 199.11. A management plan must include, as a minimum, a diagnosis (either ICDA or DSM II); detailed reports of prior treatment, family history, social history, history of handicapping condition and physical examination; diagnostic test results; consultant's (if any) reports; proposed therapeutic approach and modality (including anticipated length of time the proposed modality will be required); prognosis; problem list; and all-inclusive current or anticipated monthly charges related to the proposed management plan. If the management plan involves the transfer of a beneficiary from a hospital or another inpatient facility, medical records related to that inpatient stay are also required as a part of the management plan documentation.

(98) *Marriage and Family Counselor.* "Marriage and Family Counselor" means a person who has completed a recognized graduate professional education with the minimum of an earned Master's degree from an accredited educational institution in an appropriate behavioral science field or mental health discipline and meets the experience requirements set forth in § 199.12, "Authorized Providers."

(99) *Maternity Care.* "Maternity Care" means care and treatment related to conception, delivery and abortion, including prenatal and postnatal care (generally through the sixth post-delivery week); and also including treatment of the complications of pregnancy.

(100) *Medicaid.* "Medicaid" means those medical benefits authorized under Title XIX of the Social Security Act, as amended, provided to welfare recipients and the medically indigent through programs administered by the various states.

(101) *Medical.* "Medical" means the generally used term which includes the concept of (or being related to) "medical, surgical and obstetrical" care or condition or services, etc.; unless specifically stated in this regulation that the term is more restrictive.

NOTE.—For example of a more restrictive use, refer to Subparagraph (86) of this section, definition of "Inpatient Medical Care."

(102) *Medical Emergency.* "Medical Emergency" means the sudden and unexpected onset of a medical condition or the acute exacerbation of a chronic condition which is threatening to life, limb or sight, and requires immediate medical treatment and/or which manifests painful symptomatology requiring immediate palliative efforts to alleviate suffering. Medical emergencies include heart attacks, cardiovascular accidents, poisoning, convulsions, kidney stones, and such other acute medical conditions as may be determined to be medical emergencies by the Director, OCHAMPUS (or a designee).

(103) *Medically Necessary.* "Medically Necessary" means the appropriate level of services and supplies (i.e., frequency, extent, and kinds) adequate to the diagnosis and treatment of illness or injury (including maternity care). Medically necessary includes the concept of appropriate medical care.

(104) *Medical Supplies and Dressings (Consumables).* "Medical Supplies and Dressings (Consumables)" means necessary medical/surgical supplies (exclusive of durable medical equipment) which do not withstand prolonged, repeated use and which are needed for the proper medical management of a condition for which benefits are otherwise authorized under CHAMPUS, on either an inpatient or outpatient basis. Examples would include disposable syringes for a diabetic, colostomy sets, irrigation sets, Ace bandages, etc.

(105) *Medicare.* "Medicare" means those medical benefits authorized under Title XVIII of the Social Security Act, as amended, provided to persons 65 years or older, certain disabled persons, or persons with chronic renal disease, through a national program administered by the Social Security Administration, Bureau of Health Insurance

(106) *Mental Retardation.* "Mental Retardation" means subnormal general intellectual functioning and is associated with impairment of either learning and social adjustment or maturation, or both. The diagnostic classification of moderate and severe mental retardation relates to IQ as follows:

(i) *Moderate.* Moderate mental retardation—IQ 36–51.

(ii) *Severe.* Severe mental retardation—IQ 35 and under.

(107) *Midwife.* "Midwife" means a person who has been specially trained in the area of obstetrics, who assists in childbirth (but who is not a physician), and who holds a valid State license or certificate.

(108) *Missing in Action (MIA).* "Missing in Action" means a battle casualty whose whereabouts and status are unknown, provided the absence appears to be involuntary and the individual is not known to be in a status of unauthorized absence.

NOTE.—Claims for eligible CHAMPUS beneficiaries whose sponsor is classified as MIA are processed as dependents of active duty service members.

(109) *National Oceanic and Atmospheric Administration (NOAA).* "National Oceanic and Atmospheric Administration" means the agency within the U.S. Department of Commerce which has a Commissioned Corps which is classified as members of the "Uniformed Services."

(110) *NATO Countries.* "NATO Countries" means Belgium, Canada, Denmark, France, Federal Republic of Germany, Greece, Iceland, Italy, Luxemburg, the Netherlands, Norway, Portugal, Turkey, the United Kingdom, and the United States.

(111) *NATO Member.* "NATO Member" means a military member of an armed force of a foreign NATO nation who is on active duty and who in connection with official duties, is stationed in or passing through the United States. The foreign NATO nations are Belgium, Canada, Denmark, France, Federal Republic of Germany, Greece, Iceland, Italy, Luxemburg, the Netherlands, Norway, Portugal, Turkey, and the United Kingdom.

NOTE: Spouses and children of NATO members are eligible for CHAMPUS benefits while officially accompanying the NATO member who is in the United States on official business.

(112) *Naturopath.* "Naturopath" means a person who practices naturopathy, i.e., a drugless system of therapy making use of physical forces such as air, light, water, heat, massage, etc.

NOTE: Services of a Naturopath are not covered by CHAMPUS.

(113) *Nervous and Mental Disorders.* "Nervous and Mental Disorders" means the specific psychiatric conditions described in the "American Psychiatric Association's Diagnostic and Statistical Manual—Mental Disorders," (DSM II).

(114) *Nonavailability Statement.* "Nonavailability Statement" means a certification by a commander (or a designee) of a Uniformed Services inpatient medical care facility recorded on DD Form 1251 generally for the reason that the needed medical care being requested by a CHAMPUS beneficiary cannot be provided at the facility concerned because the necessary resources are not available.

(115) *Non-Participating Provider.* "Non-Participating Provider" means a hospital or other authorized institutional provider, a physician or other authorized individual professional provider, or other authorized provider, which/who furnished medical services and/or supplies to a CHAMPUS beneficiary but who did not sign the CHAMPUS claim form and submit it on behalf of the beneficiary/patient. A non-participating provider looks to the beneficiary (or sponsor) for payment of his or her charge, not CHAMPUS. In such cases CHAMPUS pays its benefits to the beneficiary (or sponsor), not the provider.

(116) *OCHAMPUS.* "OCHAMPUS" means the Office of the Civilian Health and Medical Program for the Uniformed Services (located at Denver, Colorado 80240) and is the managing agency for the CHAMPUS Program.

(117) *OCHAMPUSEUR.* "OCHAMPUSEUR" means the Office of Civilian Health and Medical Program of the Uniformed Services for Europe (located at Karlsrude Str. 144. Heidelberg, West Germany). It is a subsidiary office to the OCHAMPUS, and is the office where CHAMPUS claims for Europe, Africa, and the Middle East are adjudicated and processed.

(118) *OCHAMPUSPAC.* "OCHAMPUSPAC" means the Office of Civilian Health and Medical Program of the Uniformed Services for the Pacific Area, located at 1504 Kapiolani Boulevard (or Post Office Box 860), Honolulu, Hawaii, % Hawaii Blue Shield. This office handles claims for the Pacific area, except Korea and Thailand.

(119) *OCHAMPUSSO.* "OCHAMPUSSO" means the Office of Civilian Health and Medical Program of the Uniformed Services for the Southern Hemisphere located at 3301 Dodge Street, Omaha, Nebraska 68131, % Mutual of Omaha. This office handles claims for Canada, Mexico, South America, Central America, Bermuda and the West Indies.

(120) *Official Formularies.* "Official Formularies" means a book of official standards for certain pharmaceutics and preparations which are not included in the U.S. Pharmacopeia.

(121) *Optometrist (Doctor of Optometry).* "Optometrist (Doctor of Optometry)" means a person trained and licensed to examine and test the eyes and to treat visual defects by prescribing and adapting corrective lenses and other optical aids, and by establishing programs of exercises.

(122) *Oral Surgeon (D.D.S. or D.M.D.).* "Oral Surgeon (D.D.S. or D.M.D.)" means a person who has received a degree in dentistry and who limits his or her practice to oral surgery, i.e., that branch of the healing arts which deals with the diagnosis and the surgical correction and adjunctive treatment of diseases, injuries and defects of the mouth, the jaws, and associated structures.

(123) *Orthopedic Shoes.* "Orthopedic Shoes" means those shoes prescribed by an orthopedic surgeon to effect changes in foot or feet position and alignment and which are not an integral part of a brace.

(124) *Other Allied Health Professionals.* "Other Allied Health Profes-

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sionals" means a clinical psychologist, a Doctor of Optometry, a Doctor of Podiatry or Surgical Chiropody, a Registered Nurse (R.N.), a Licensed Practical or Vocational Nurse (LPN or LVN), a licensed midwife, a licensed, registered physical therapist, a psychiatric and/or clinical social worker, audiologist or speech therapist.

(125) *Other Specialized Treatment Facilities (STFs).* "Other Specialized Treatment Facilities (STFs)" means certain specialized medical treatment facilities, either inpatient or outpatient, other than those specifically defined, which provide courses of treatment prescribed by a doctor of medicine or osteopathy; where the patient is under the supervision of a doctor of medicine or osteopathy during the entire course of the inpatient admission or the outpatient treatment; where the type and level of care and services rendered by the institution are otherwise authorized in this regulation; where the facility meets all licensing and/or other certification requirements which are extant in the jurisdiction in which the facility is geographically located; and which is accredited by the Joint Commission on Accreditation if an appropriate accreditation program for the given type of facility is available; and which is not a nursing home, intermediate facility, home for the aged or other institution of similar purpose.

(126) *Outpatient.* "Outpatient" means a patient who has not been admitted to a hospital or other authorized institution as an inpatient.

(127) *Outpatient Care.* "Outpatient Care" means any medical services rendered to other than a person confined as a registered bed patient in a hospital or other authorized institution (i.e., medical care provided in the home or office, or in the outpatient department of a hospital, infirmary, or other authorized institution).

(128) *Participating Provider.* "Participating Provider" means a hospital or other authorized institutional provider, a physician or other authorized individual professional provider, or other authorized provider, which furnished services or supplies to a CHAMPUS beneficiary and which has agreed, by act of signing and submitting a CHAMPUS claim form, to accept the CHAMPUS-determined reasonable cost/charge as the total charge (even though less than the actual billed amount), whether paid for fully by the CHAMPUS allowance or requiring cost-sharing by the beneficiary (or sponsor).

(129) *Party to a Hearing.* "Party to a Hearing" means an appealing party or parties and CHAMPUS.

(130) *PFTH.* "PFTH" means Program for the Handicapped as set forth in § 199.11.

(131) *Pharmacist.* "Pharmacist" means a person who is specially trained in the scientific basis of pharmacology and who is licensed to prepare and sell or dispense drugs and compounds and to make up prescriptions ordered by a physician.

(132) *Physiatry Services.* "Physiatry Services" means the treatment of disease or injury by physical means such as massage, hydrotherapy, or heat.

(133) *Physical Handicap.* "Physical Handicap" means a physical condition of the body, which meets the following criteria:

(i) *Duration.* The condition is expected to result in death, or has lasted, or with reasonable certainty is expected to last, for a minimum period of 12 months; and

(ii) *Extent.* The condition is of such severity as to preclude the individual from engaging in substantially basic productive activities of daily living expected of unimpaired persons of the same age group.

(134) *Physical Therapist.* "Physical Therapist" means a person who is specially trained in the skills and techniques of physical therapy (i.e., the treatment of disease by physical agents and methods such as heat, massage, manipulation, therapeutic exercise, hydrotherapy and various forms of energy such as electrotherapy and ultrasound), who has been legally authorized (i.e., registered) to administer treatments prescribed by a physician and who is legally entitled to use the designation registered physical therapist. A physical therapist may also be called a physiotherapist.

(135) *Physician.* "Physician" means Doctor of Medicine (M.D.) or Doctor of Osteopathy (D.O.).

(136) *Podiatrist (Doctor of Podiatry or Surgical Chiropody).* "Podiatrist" means a person who has received a degree in podiatry (formerly called chiropody), i.e., that specialized field of the healing arts that deals with the study and care of the foot, including its anatomy, pathology, and medical and surgical treatment.

(137) *Preauthorization.* "Preauthorization" means written preapproval required under this Regulation for admissions to institutions (other than hospitals), specified surgery, adjunctive dental care and all services and supplies under the Program for the Handicapped.

(138) *Prescription Drugs and Medicines.* "Prescription Drugs and Medicines" means those drugs and medicines which at the time of use, were approved for general use by humans by the U.S. Food and Drug Administration as listed in the "U.S. Pharmacopeia" and "National Formulary", which were commercially available and which by law of the United States require a physician's or dentist's prescription, except that it includes insulin for known diabetics whether or not a prescription is required.

NOTE.—The fact that the U.S. Food and Drug Administration has approved a drug for testing on humans would not qualify it within this definition.

(139) *Preventive Care.* "Preventive Care" means diagnostic and/or medically indicated essentially preventive procedures not directly related to an illness, an injury, or a definitive set of symptoms. Preventive care includes (but is not limited to) well baby care (other than a newborn examination), immunizations, annual physical examinations or screening procedures such as chest X-rays and pap smears performed on the basis of periodic, preventive evaluation rather than on the basis of presenting symptoms.

NOTE.—Preventive care is not covered by CHAMPUS.

(140) *Primary Payer.* "Primary Payer" means the plan or program whose medical benefits are first payable in a double coverage situation, by virtue of the circumstances of the beneficiary's entitlement under either CHAMPUS or the double coverage plan first satisfying one of the three following tests. (Such tests are applied in the order set forth. If both medical benefit plans or programs, including CHAMPUS, meet the first two tests, the third test is applied.)

(i) *Test One.* The beneficiary's entitlement to the medical benefits plan or program, including CHAMPUS, is based upon the fact he or she is an employee, retired person, member of an organization or student; or

(ii) *Test Two.* The beneficiary's entitlement to the medical benefit plan or program, including CHAMPUS, is based upon the fact he or she is a child of a male employee, male retired person, male member of an organization or a male student; or

(iii) *Test Three.* The medical benefits plan or program, including CHAMPUS under which the beneficiary has been continuously entitled to benefits for the longest period of time (i.e., earliest effective date of coverage).

(141) *Prisoner of War.* "Prisoner of War" means a person who is captured during combat and held captive.

(142) *Private Duty (Special) Nursing Services.* "Private Duty (Special) Nursing Services" means skilled nursing services rendered to an individual patient requiring intensive medical care. Such private duty (special) nursing must be an actively practicing Registered Nurse (RN) or licensed Practical or Vocational Nurse (LPN or LVN), only when the medical condition of the patient requires intensified skilled nursing services (rather than primarily providing the essentials of daily living) and when such skilled nursing care is ordered by the attending physician.

(143) *Privately Purchased Plan.* "Privately Purchased Plan" means a privately purchased, non-group medical benefits coverage which the CHAMPUS beneficiary (or sponsor) purchases, provided such entitlement to purchase does not result because of law, employment, membership in an organization or student status.

(144) *Private Room.* "Private Room" means a room with one (1) bed and which is designated as a private room by the hospital or other authorized institutional provider.

(145) *Prosthetic Device (Prosthesis).* "Prosthetic Device (Prosthesis)" means an artificial substitute for a missing body part.

(146) *Provider.* "Provider" means a hospital or other institutional provider, physician or other individual professional provider, or other provider of services and/or supplies.

(147) *Psychiatric Services.* "Psychiatric Services" means individual or group psychotherapy.

(148) *Radiation Therapy Services.* "Radiation Therapy Services" means the treatment of diseases by X-ray, radium or radioactive isotopes when ordered by the attending physician.

(149) *Reasonable Charge.* "Reasonable Charge" means the CHAMPUS-determined level of payment to physicians, other individual professional providers and other providers, based on one of the approved reimbursement methods set forth in (e) (3) of § 199.12 "Authorized Providers."

(150) *Reasonable Cost.* "Reasonable Cost" means the CHAMPUS-determined level of payment to hospitals or other institutions, based on one of the approved reimbursement methods set forth in (e) (1) and (2) of § 199.12 "Authorized Providers."

(151) *Referral.* "Referral" means the act or an instance of referring a CHAMPUS beneficiary to another authorized provider to obtain necessary medical treatment. Under CHAMPUS, only a physician may make referrals.

(152) *Registered Nurse.* "Registered Nurse" means a person who is specially prepared in the scientific basis of nursing, who is a graduate of a school of nursing, and who is registered for practice after examination by a state board of nurse examiners or similar regulatory authority, who holds a current, valid license and who is legally entitled to use the designation R.N.

(153) *Representative.* "Representative" means any person who has been designated by the appealing party as counsel or advisor, or who is otherwise eligible to serve as the appealing party's counsel or advisor.

(154) *Resident.* "Resident" means a graduate physician or dentist who has an M.D. or D.O. degree or D.D.S. or D.M.D. degree, respectively, is licensed to practice, and who chooses to remain on the house staff of a hospital in order to get further training that will qualify him or her for a medical or dental specialty.

(155) *Residential Treatment Centers for Emotionally Disturbed Children (RTC's).* "Residential Treatment Centers" means institutions (or distinct units of an institution) existing specifically for round-the-clock, long-term psychiatric treatment of emotionally disturbed children who have sufficient intellectual potential for responding to active psychiatric treatment, for whom outpatient treatment is not appropriate and for whom inpatient treatment is determined to be the treatment of choice. RTC's do not provide domiciliary and/or custodial care, but rather, must be able to provide a total therapeutically planned group living and learning situation within which individual psychotherapeutic approaches are integrated. To be approved by CHAMPUS, private RTC's must:

(1) Be accredited by the Joint Commission on Accreditation of Hospitals under the Commission Standards for Psychiatric Facilities Serving Children and Adolescents; and

(ii) Have entered into a Participation Agreement with OCHAMPUS which requires that the RTC will comply with the CHAMPUS Standards for Psychiatric Residential Treatment Centers Serving Children and Adolescents. The current CHAMPUS Standards for Residential Treatment Centers are provided as Appendix A to this regulation.

(156) *Retiree.* "Retiree" means a member or former member of a Uniformed Service who is entitled to retired, retainer, or equivalent pay based on duty in a Uniformed Service.

(157) *RTC.* "RTC" means a residential treatment center for emotionally disturbed children.

(158) *Secondary Payer.* "Secondary Payer" means the medical benefit coverage determined not to be the primary payer (i.e., have first pay obligation) by virtue of applying the tests set forth in paragraph (b) of § 199.14, "Double Coverage."

(159) *Semi-Private Room.* "Semi-Private Room" means a room containing at least two beds but no maximum number. Therefore, if a room is publicly designated as a semi-private accommodation by the hospital or other authorized institutional provider and contains multiple beds, it qualifies as a semi-private room for the purposes of CHAMPUS.

(160) *Skilled Nursing Facility.* "Skilled Nursing Facility" means an institution (or a distinct part of an institution) which is primarily engaged in providing to inpatients, medically necessary skilled nursing care and which:

(i) Has policies which are developed with the advice of (and with provisions for review of such policies on a periodic basis by) a group of professional personnel, including one or more physicians and one or more registered professional nurses, to govern the skilled nursing care and related medical services it provides.

(ii) Has a physician, a registered professional nurse, or a medical staff responsible for the execution of such policies.

(iii) Has a requirement that the medical care of each patient must be under the supervision of a physician, and provides for having a physician available to furnish necessary medical care in case of an emergency.

(iv) Maintains clinical records on all patients.

(v) Provides 24-hour skilled nursing service which is sufficient to meet nursing needs and has at least one registered professional nurse employed full-time.

(vi) Provides appropriate methods and procedures for the dispensing and administering of drugs and biologicals.

(vii) Has in effect a utilization review plan that is operational and functioning.

(viii) In the case of an institution in a state in which state or applicable local law provides for the licensing of this type facility, the institution:

(*a*) Is licensed pursuant to such law, or

(*b*) Is approved by the agency of such state or locality responsible for licensing such institutions, as meeting the standards established for such licensing.

(ix) Has in effect an operating plan and budget.

(x) Meets such provisions of the most current edition of the Life Safety Code of the National Fire Protection Association as are applicable to nursing facilities; except that if the Secretary of Health, Education, and Welfare has waived, for such periods as deemed appropriate, specific provisions of such code which, if rigidly applied, would result in unreasonable hardship upon a skilled nursing facility.

(161) *Skilled Nursing Service.* "Skilled Nursing Service" means a service which can only be furnished by an RN (or LPN or LVN), and is required to be performed under the supervision of a physician in order to assure the safety of the patient and achieve the medically desired result. Examples of skilled nursing services are intravenous or intramuscular injections, levine tube or gastrostomy feedings, or tracheotomy aspiration and insertion. Skilled nursing services are other than those services which primarily provide support for the essentials of daily living or which could be performed by an untrained adult with minimum instruction and/or supervision.

(162) *Spectacles, Eyeglasses, Lenses.* "Spectacles, Eyeglasses, Lenses" means a pair of lenses which help to correct faulty vision, usually in a frame; but also including contact lenses.

(163) *Special Tutoring.* "Special Tutoring" means that teaching or instruction provided by a private teacher to an individual usually in a private or separate setting to enhance the educational development of an individual in one or more study areas.

(164) *Sponsor.* "Sponsor" means an active duty member, retiree, or deceased active duty member or retiree, of a Uniformed Service upon whose status his or her dependents' eligibility for CHAMPUS is based.

(165) *Spouse.* "Spouse" means a lawful husband or wife regardless of whether or not dependent upon the active duty member or retiree.

(166) *Student Status.* "Student Status" means a dependent of a member or former member of a Uniformed Service, who has not passed his or her twenty-third (23rd) birthday, and is enrolled in a full-time course of study in an institution of higher learning.

(167) *Suppliers of Portable X-Ray Services.* "Suppliers of Portable X-Ray Services" means a supplier which meets the conditions of coverage of the Medicare Program, set forth in 20 CFR 405. 1411 through 1416 (as amended) or the Medicaid Program in the state in which the covered service is provided.

(168) *Surgery.* "Surgery" means medically appropriate operative procedures, including related pre-operative and post-operative care; reduction of fractures and dislocations; injection and needling procedures of the joints; laser surgery of the eye; and those certain procedures listed in paragraph (c) (2) (i) of § 199.10 "Basic Program Benefits."

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(169) *Timely Filing.* "Timely Filing" means the filing of CHAMPUS claims within the prescribed time limits set forth in this Regulation.

(170) *Treatment Plan.* "Treatment Plan" means a detailed description of the medical care being rendered or anticipated being rendered a CHAMPUS beneficiary seeking approval for inpatient benefits, for which preauthorization is required as set forth in paragraph (b) of § 199.10, "Basic Program Benefits." A treatment plan must include, as a minimum, a diagnosis (either ICDA or DSM II); detailed reports of prior treatment, medical history, family history, social history and physical examination; diagnostic test results; consultant's (if any) reports; proposed treatment by type (i.e., surgical, medical, psychiatric, etc.); a description of who is or will be providing treatment (by discipline and/or specialty); anticipated frequency, medications and specific goals of treatment; type of inpatient facility required and why (including length of time the proposed treatment, and the related inpatient stay will be required); and prognosis. If the treatment plan involves the transfer of a beneficiary/patient from a hospital or another inpatient facility, medical records related to that inpatient stay are also required as a part of the treatment plan documentation.

(171) *Treatment Rooms.* "Treatment Rooms" means the emergency room, operating room, recovery room, special treatment rooms, and hyperbaric chamber and all related necessary medical staff and equipment so designated and maintained by the hospital or other authorized institution on a continuing basis.

(172) *Uniformed Services.* "Uniformed Services" means the Army, Navy, Air Force, Marine Corps, Coast Guard, Commissioned Corps of the National Oceanic and Atmospheric Administration, and the Commissioned Corps of the U.S. Public Health Service.

(173) *United States.* "United States" means the fifty (50) states and the District of Columbia.

(174) *United States Public Health Service (USPHS).* "United States Public Health Service (USPHS)" means an agency within the U.S. Department of Health, Education, and Welfare which has a Commissioned Corps which are classified as members of the "Uniformed Services."

(175) *Veteran.* "Veteran" means a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable.

NOTE.—Unless the veteran is eligible for "retired pay," "retirement pay" or "retainer pay," which refers to payments of a continuing nature and are payable at fixed intervals from the Government for military service, neither they or their dependents are eligible for benefits under the CHAMPUS.

(176) *Veterans Benefits.* "Veterans Benefits" means those medical benefits authorized under Chapter 17, Title 38, United States Code, available to veterans of the Military Services with service-connected illnesses or injuries, through programs administered by the Veterans Administration.

(177) *Well Baby Care.* "Well Baby Care" means preventive, routine-type care and includes physical examinations and associated services to assess the general state of health of an infant rather than for the purpose of diagnosis or treatment. It is not intended to include newborn examinations, PKU tests or newborn circumcisions.

(178) *Widow or Widower.* "Widow or Widower" means a person who was a spouse at the time of the death of the active duty member or retiree and who has not remarried.

(179) *Workmen's Compensation Benefits.* "Workmen's Compensation Benefits" means medical benefits available under any workmen's compensation law (including the Federal Employees Compensation Act), occupational disease law, employers liability law, or any other legislation of similar purpose, or under the maritime doctrine of maintenance, wages and cure.

(180) *X-Ray Services.* "X-Ray Services" means an X-ray examination from which an X-ray film is produced, ordered by the attending physician when necessary to and rendered in connection with medical or surgical diagnosis or treatment of an illness or injury.

§ 199.9 Eligibility.

(a) *General.* This section sets forth those persons who, by the provisions of Chapter 55 of Title 10, United States Code, and the NATO Status of Forces Agreement, are eligible for CHAMPUS benefits. For additional statements concerning the special requirements of the Program for the Handicapped refer to § 199.11. A determination that a person is eligible does not automatically entitle such a person to CHAMPUS payments. Other sections of this Regulation set forth additional requirements which must be met before any CHAMPUS benefits may be extended. Additionally, the Use of CHAMPUS may be denied if a Uniformed Service medical facility capable of providing the needed care is available.

(b) *Persons eligible*—(1) *Retiree.* A member or former member of a Uniformed Service who is entitled to retired, retainer, or equivalent pay based on duty in a Uniformed Service.

(2) *Dependent.* A person who bears one of the following relationships to an active duty member (under a call or order that does not specify a period of 30 days or less), to a retiree, or to a deceased person who, at the time of death, was an active duty member or a retiree, or NATO member.

(i) *Spouse.* A lawful husband or wife regardless of whether or not dependent upon the active duty member or retiree.

(ii) *Widow or Widower.* A person who was a spouse at the time of death of the active duty member or retiree and who has not remarried.

NOTE.—Unremarried widow or widower is not an eligible dependent of a NATO member.

(iii) *Child.* To be eligible the child must be unmarried and a member of one of the classes set forth in paragraphs (b)(2)(iii) (*a*) or (*b*) of this section and who also meets the requirements of paragraph (b)(2)(iii)(*c*) of this section.

(*a*) *Child of active duty member.* (*1*) A legitimate child.

(*2*) An adopted child whose adoption has been legally completed.

(*3*) A legitimate stepchild.

(*4*) An illegitimate child of a male member whose paternity has been judicially determined or an illegitimate child of record of a female member who has been judicially directed to support the child.

(*5*) An illegitimate child of a male active duty member whose paternity has not been judicially determined, or an illegitimate child of record of a female active duty member, (*i*) who resides with or in a home provided by the member, and (*ii*) who is and continues to be dependent upon the member for over fifty (50) percentum of his or her support.

(*6*) An illegitimate child of the spouse of an active duty member (i.e., the active duty member's stepchild) (*i*) who resides with or in a home provided by the active duty member or the parent who is the spouse of the member, and (*ii*) who is and continues to be dependent upon the member for over fifty (50) percentum of his or her support.

(*b*) *Child of retiree, or deceased member or retiree.* (*1*) A legitimate child.

(*2*) An adopted child whose adoption has been legally completed.

(*3*) A legitimate stepchild.

(*4*) An illegitimate child of a male retiree whose paternity has been judicially determined or an illegitimate child of record of a female retiree who has been judicially directed to support the child.

(*5*) An illegitimate child of a male retiree, or deceased male member or retiree whose paternity has not been judicially determined, or an illegitimate child of record of a female retiree, or deceased female member or retiree (*i*) who resides with or in a home provided by the retiree, or which was being provided by the deceased member or retiree at the time of death, and (*ii*) who is and continues to be dependent upon the retiree for over fifty (50) percentum of his or her support or who was so dependent on the deceased member or retiree at the time of death.

(*6*) An illegitimate child of the spouse of a retiree or deceased member or retiree (i.e., the retiree's stepchild or stepchild of a deceased member or retiree at the time of death) (*i*) who resides with or in a home provided by the retiree or the parent who is the spouse of the retiree or was the spouse of the deceased member or retiree, at the time of death and (*ii*) who is and continues to be dependent upon the retiree for over fifty (50) percentum of his or her support or

who was so dependent on the deceased member or retiree at the time of death.

(*c*) *Additional Requirements for a Child Who is a Member of One of the Classes in (1) and (2) Above.* The child must not be married. Additionally he or she must fall in one of the following three age groups:

(*1*) Not passed his or her twenty-first (21st) birthday.

(*2*) Passed his or her twenty-first (21st) birthday but incapable of self-support because of a mental or physical incapacity that existed prior to his or her twenty-first (21st) birthday and dependent on the member or retiree for over fifty (50) percentum of his or her support or dependent upon the member or retiree for over fifty (50) percent of his or her support on the date of the member's or retiree's death. Such incapacity must be continuous. If the incapacity significantly improves or ceases at anytime after age 21, even if such incapacity subsequently reoccurs, CHAMPUS eligibility cannot be reinstated on the basis of the incapacity. If the child was not mentally or physically handicapped at his or her twenty-first (21st) birthday, but becomes so incapacitated after that time, no CHAMPUS eligibility exists on the basis of the incapacity.

(*3*) Passed his or twenty-first (21st) birthday but not his or her twenty-third (23rd) birthday, dependent upon the member or retiree for over fifty (50) percentum of his or her support or dependent upon the member or retiree for over fifty (50) percentum of his or her support on the date of the member's or retiree's death, and pursuing a fulltime course of education in an institution of higher learning approved by the Secretary of Defense or the Secretary of Health, Education, and Welfare (as appropriate) or by a state agency under Title 38, U.S.C., Chapter 34 (Veterans' Educational Assistance) and Chapter 35 (War Orphans' and Widows' Educational Assistance) of Title 38, United States Code.

NOTE.—Courses of education offered by institutions listed in "Education Directory, Part 3, Higher Education" and "Accredited Higher Institutions" issued periodically by the Office of Education, Department of Health, Education, and Welfare meet the criteria approved by the Secretary of Defense or Secretary of Health, Education, and Welfare (refer to paragraph (b)(2)-(iii)(c)(3) of this section). For determination of approval of courses offered by a foreign institution, by an institution not listed in either of the above directories, or by an institution not approved by a State agency pursuant to Chapters 34 and 35 of Title 38, U.S.C., a statement may be obtained from the Office of Education, Department of Health, Education, and Welfare, Washington, D.C. 20202.

(c) *Beginning dates of eligibility*—(1) *General.* The beginning date of eligibility for a person is dependent upon two factors: The beginning date of eligibility for the class to which the person belongs and the date the person became a member of the class. Those who join the class after the class became eligible attain individual eligibility on the date they join the class.

(2) *Beginning dates of class eligibility.* (i) *Spouse, legitimate child, adopted child, or (legitimate) stepchild of an active duty member.* (*a*) For the medical benefits authorized by the Dependents' Medical Care Act of 1956—December 7, 1956.

(*b*) For outpatient medical benefits under the Basic Program—October 1, 1966.

(*c*) For inpatient medical benefits under the Basic Program—January 1, 1967.

(*d*) For benefits under the Program for the Handicapped—January 1, 1967.

(ii) *Retiree.* For medical benefits under the Basic Program—January 1, 1967.

NOTE.—Retirees and their dependents are not eligible for benefits of the Program for the Handicapped.

(iii) *Spouse, Legitimate Child, Adopted Child, or (Legitimate) Stepchild of a Retiree or of a Deceased Member or Retiree; Widow or Widower of Deceased Member or Retiree.* For medical benefits under the Basic Program—January 1, 1967.

NOTE.—These classes do not have eligibility for benefits of the Program for the Handicapped.

(iv) *Illegitimate Child of a Male Active Duty Member or Retiree (or Deceased Member or Retiree) Whose Paternity Has Been Judicially Determined or an Illegitimate Child of Record of a Female Active Duty Member or Retiree (or Deceased Member or Retiree) Who Has been Judicially Directed to Support the Child.* For all benefits for which otherwise eligible—August 31, 1972.

(v) *Illegitimate Child of Male Active Duty Member or Retiree (or Deceased Male Member or Retiree) Whose Paternity Has Not Been Judicially Determined, or an Illegitimate Child of Record of a Female Active Duty Member or Retiree (or Deceased Female Member or Retiree) Who Resides With or in a Home Provided by the Active Duty Member or Retiree (or Which Was Being Provided by the Deceased Member or Retiree at the Time of Death) and Who Is Dependent on the Member for Over Fifty (50) Percentum of His or Her Support (or Was so Dependent on the Deceased Member or Retiree at the Time of Death).* For all benefits for which otherwise eligible—January 1, 1969.

(vi) *Illegitimate Child of the Spouse of an Active Duty Member or Retiree (i.e., the Member or Retiree's Stepchild or Stepchild of a Deceased Member or Retiree at the Time of Death) Who Resides With or In a Home Provided by the Active Duty Member or Retiree, or the Parent Who Is the Spouse of the Active Duty Member or Retiree (or Was the Spouse of the Deceased Member or Retiree at the Time of Death) and Who is Dependent Upon the Active Duty Member or Retiree for Over Fifty (50) Percentum of His or Her Support (or Was so Dependent on the Deceased Member or Retiree at the Time of Death).* For medical benefits under the Basic Program—January 1, 1969. For benefits under the Program for the Handicapped, Dependents of an Active Duty Member only—January 1, 1969.

NOTE.—Retirees or their dependents do not have eligibility for benefits of the Program for the Handicapped.

(d) *Dual coverage.* In those circumstances where an active duty member is also the dependent of another active duty member, a retiree or a deceased active duty member or retiree, "Dual Coverage," i.e., entitlement to direct care from the Uniformed Services Medical Care System and CHAMPUS is the result. Since the active duty status is primary and it is the intent that all medical care be provided an active duty member through the Uniformed Services Medical Care System, CHAMPUS eligibility in such "Dual Coverage" situations is therefore terminated as of 12:01 a.m. on the day following the day Dual Coverage commences. (However, any dependent children in a marriage of two active duty persons or an active duty member and a retiree, are CHAMPUS eligible in the same manner as dependent children of a marriage involving only one CHAMPUS sponsor.) Should a spouse or dependent in such a dual coverage situation leave active duty status, that person's CHAMPUS eligibility is reinstated as of 12:01 a.m. of the day active duty ends, if he or she is otherwise eligible as a dependent of a CHAMPUS sponsor.

(e) *Changes in and termination of eligibility*—(1) *Changes in Status of Active Duty Member.* When an active duty member's period of active duty ends (for any reason other than retirement or death), his or her dependents lose their eligibility as of 12:01 a.m. of the day following the day the active duty ends. Entitlement to CHAMPUS benefits also ceases as of 12:01 a.m. of the day following the day a member is placed in desertion status. The member's dependent regains eligibility when the member is returned to military control. A member serving a sentence of confinement in conjunction with a sentence of a punitive discharge, is still considered on active duty until such time as the discharge is executed.

(2) *Change in status of retiree.* Should a retiree cease to be entitled to retired, retainer, or equivalent pay for any reason, that person and his or her dependents lose their eligibility as of 12:01 a.m. of the day following the day the retiree ceases to be entitled to such pay unless such persons are otherwise eligible. A retiree who simply waives his or her retired, retainer or equivalent pay is still considered a retiree for the purposes of CHAMPUS eligibility.

(3) *Change in status of dependent*—(i) *Divorce.* A spouse separated from an active duty member or retiree by a final divorce decree loses all eligibility based on his or her former marital relationship as of 12:01 a.m. of the day following the day the divorce becomes final. The eligibility of the member's or retiree's own children (including adopted and eligible illegitimate children) is unaffected by the divorce. An unadopted stepchild, however, loses eligibility with the

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termination of the marriage, also as of 12:01 a.m. of the day following the day the divorce becomes final.

(ii) *Annulment.* A spouse whose marriage to an active duty member or retiree is dissolved by annulment loses eligibility as of 12:01 a.m. of the day following the date the court grants the annulment order. The fact that the annulment legally declares the entire marriage void from its inception does not affect the termination date of CHAMPUS eligibility. In the unusual situation where there are children, the eligibility of the member's or retiree's own children (including adopted and eligible illegitimate children) is unaffected by the annulment. An unadopted stepchild, however, loses eligibility with the annulment of the marriage, also as of 12:01 a.m. on the day following the day the court grants the annulment order.

(iii) *Adoption.* A child of an active duty member or retiree who is adopted by a person other than a person whose dependents are eligible for CHAMPUS benefits, while the active duty member or retiree is living, thereby severing the legal relationship between the child and the sponsor, loses eligibility as of 12:01 a.m. of the day following the day the adoption becomes final. However, an adoption occurring after the death of an active duty member or retiree would not result in loss of the child's eligibility, since there would be no termination of the legal relationship between the child and the deceased sponsor.

(iv) *Marriage of child.* A child of an active duty member or retiree who marries a person whose dependents are not eligible for CHAMPUS, loses eligibility, as of 12:01 a.m. on the day following the day of the marriage. However, should the marriage be terminated, by death, divorce, or annulment before the child is 21 years of age, the child again becomes a CHAMPUS eligible dependent (as of 12:01 a.m. of the day following the day of the occurrence which terminates the marriage) and continues up to age 21, if the child does not remarry before that time. If the marriage terminates after the child's twenty-first (21st) birthday there is no reinstatement of CHAMPUS eligibility unless based on other entitlement.

(v) *Marriage of widow or widower.* The remarriage of a widow or widower of an active duty member or retiree to a person whose dependents are not eligible for CHAMPUS terminates his or her CHAMPUS eligibility as of 12:01 a.m. of the day following the day of marriage. Even if such remarriage should terminate for any reason, CHAMPUS benefits cannot be reinstated. However, the child of the widow or widower who was the stepchild of the deceased active duty member or retiree at the time of death continues to have CHAMPUS eligibility in the same manner as other classes of dependent children.

(vi) *Attainment of entitlement to hospital insurance benefits (Part A) under Medicare.* Retirees and all other CHAMPUS eligible persons except dependents of active duty members lose their eligibility for CHAMPUS if, upon reaching age 65, or because of disability or chronic renal disease, they become entitled to Hospital Insurance Benefits (Part A) of Medicare. This is true even though the persons attaining such status live outside the United States where Medicare benefits are not available.

(*a*) *Loss of CHAMPUS Eligibility: Age 65.* All CHAMPUS beneficiaries, except dependents of active duty members, automatically lose CHAMPUS eligibility at age 65 on the assumption that they have become eligible for Medicare. If the person is not entitled to Part A of Medicare, he or she must file a Social Security Administration "Notice of Disallowance" certifying to that fact with the Uniformed Service responsible for the issuance of his or her identification card so a new card showing CHAMPUS eligibility can be issued.

(*b*) *Loss of CHAMPUS eligibility: Chronic renal disease and disability—*(*i*) *Chronic renal disease.* Medicare coverage begins with the third (3rd) month after the month a course of maintenance dialysis begins, or with the month in which a patient enters the hospital to prepare to receive a transplant (providing the transplant is performed that month or the next month), whichever occurs sooner. All beneficiaries, except dependents of active duty members, lose their CHAMPUS eligibility when Medicare coverage becomes available to a person because of chronic renal disease.

Example. If a course of dialysis began on January 1, Medicare coverage would be effective on April 1. If the course of maintenance dialysis began on January 31, Medicare coverage would still be effective April 1.

(*ii*) *Disability.* Each case relating to Medicare eligibility resulting from being disabled requires individual investigation. All beneficiaries, except dependents of active duty members, lose their CHAMPUS eligibility when Medicare coverage becomes available to a disabled person.

(*c*) *Reinstatement of CHAMPUS eligibility.—*(*i*) *Over Age 65.* Beneficiaries who lose their CHAMPUS eligibility because they reached age 65 and were eligible for Part A cannot be reinstated under CHAMPUS.

(*ii*) *Chronic renal disease.* Medicare eligibility ceases for chronic renal disease patients twelve (12) months after the month in which a successful kidney transplant takes place or in which the course of maintenance dialysis ends. At this point CHAMPUS eligibility resumes if the person is otherwise still eligible. He or she is required to take action to be reinstated as a CHAMPUS beneficiary and to obtain a new identification card indicating renewed eligibility for civilian Uniformed Services medical care.

NOTE.—If a transplant should fail later than 12 months after surgery, the CHAMPUS beneficiary/patient must undergo another 3 month period of outpatient maintenance dialysis, at which time CHAMPUS benefits will again cease and Medicare eligibility be reestablished.

(*iii*) *Disability.* Some disabilities are permanent, others temporary. Each case must be reviewed individually. Where disability ends and Medicare eligibility ceases, CHAMPUS eligibility resumes if the person is otherwise still eligible. Again, he or she is required to take action to obtain a new CHAMPUS identification card.

(*d*) *Other Medicare entitlement.* Entitlement only to Supplementary Medical Insurance (Part B) of Medicare, but not Part A, or to Part A through the Premium-HI provision (provided for under the 1972 Amendments to the Social Security Act), does not affect CHAMPUS eligibility for any class of beneficiary. The only impact relates to double coverage. (Refer to § 199.14, "Double Coverage.")

(vii) *Disabling illness or injury of child age 21 or 22 who has eligibility based on his or her student status.* A child 21 or 22 years of age who is pursuing a full-time course of higher education and who either during the school year or between semesters suffers a disabling illness or injury with resultant inability to resume attendance at the institution, remains eligible for CHAMPUS medical benefits for 6 months after the disability is removed or until the student passes his or her twenty-third (23rd) birthday, whichever occurs first. However, if recovery occurs before the twenty-third (23rd) birthday and there is resumption of a full-time course of higher education, CHAMPUS benefits can be continued until the twenty-third (23rd) birthday. The normal vacation periods during an established school year do not change the eligibility status of a dependent child 21 or 22 years of age in full-time student status. Unless an incapacitating condition existed prior to, and at the time of, a dependent child's twenty-first (21st) birthday, a dependent child 21 or 22 years of age in student status does not have eligibility related to mental or physical incapacity as described in paragraph (b) (2) (iii) (c) (ii) of this section.

(f) *Actions required upon change in or termination of eligibility status.—*(1) *Separation from active duty.—*(i) *DD Form 1407.* Members being processed for separation or release from active duty, including those being retired, must complete Section I, DD Form 1407 (Dependent Medical Care) and DD Form 1173 (Statement), indicating whether they have a dependent receiving benefits under CHAMPUS.

(ii) *Actions required when dependent receives CHAMPUS benefits.—*(*a*) *Requirement to notify CHAMPUS offices.* When the DD Form 1407 (or Form PHS 3209) indicates that a member has a dependent receiving CHAMPUS benefits, the Commander processing the member will notify appropriate CHAMPUS officials as soon as posible but not later than the date of release. Notification is not required if the member simply transfers to another active duty status through reenlistment, commissioning, or other similar personnel action.

(*b*) *Contents of notification.* The notification, sent by message or other expeditious means, should contain the name and address of the dependent; the name, grade, service number, and social

security number of the member; date of the member's separation or release from active duty; and the names and addresses of all known civilian providers of care.

(*c*) *CHAMPUS official to whom notification is to be sent.* (1) Notifications will, in every instance, be sent to the Director, OCHAMPUS (or a designee). Notification will also be sent to OCHAMPUSEUR when care being provided includes areas assigned to that office.

(2) *Desertion of active duty member.* When an active duty member is administratively placed in a desertion status, the Commander responsible, if there is reason to believe that the member has a dependent receiving CHAMPUS benefits, will implement the notification procedure described in paragraph (f) (1) (ii) of this section, if the Commander has or can obtain the pertinent information.

(3) *Death of active duty member.* Upon death of an active duty member, the organization Commander will implement the notification procedure prescribed in paragraph (f) (1) (ii) of this section, if there is reason to believe that the member has a dependent receiving medical care from civilian sources.

(4) *Change in status of a dependent of active duty member.* When a Commander learns that a dependent of a member of the command is receiving CHAMPUS benefits and that the status of the dependent has changed so that the dependent is no longer entitled to such benefits, the notification procedures prescribed in paragraph (f) (1) (ii) of this section will be followed.

(5) *Termination of retiree status.* When a retiree ceases to be entitled to retired, retainer, or equivalent pay, the official responsible for making such a determination will notify CHAMPUS officials as outlined in paragraph (f) (1) (ii) (c) of this section. The notification will include the name, grade, service number, social security number, and last known address of the retiree and the names and relationships of his or her dependents and their addresses of record.

(g) *Determination of eligibility status—*(1) *Eligibility determination responsibility of uniformed services.* Determination of a person's eligibility as a CHAMPUS beneficiary is the responsibility of the Uniformed Service of which the active duty member, retiree, or deceased member or deceased retiree is or was, a member, or in the case of dependents of a NATO military member, the service which sponsors the NATO member. For the purposes of Program integrity the appropriate Uniformed Service shall, upon request of the Director, OCHAMPUS, review the eligibility determination of a specific individual where there is reason to question the eligibility status. In such cases a report on the result of the review and any action taken will be submitted to the Director, OCHAMPUS (or a designee).

(2) *Procedures for determination of eligibility.* Procedures for the determination of eligibility and issuance of identification cards evidencing that eligibility are prescribed by the following documents:

(i) *Department of Defense.* DoD Instruction 1000.13,[1] "Identification Cards for Issue to Members of the Armed Forces, their Dependents and Other Qualified Personnel," May 23, 1972.

(ii) *Army.* AR 606–5,[1] Identification Cards, Tags, and Badges.

(iii) *Navy.* (*a*) BUPERS Manual,[1] articles 4620150 (active duty members) and 462050 (retired members).

(*b*) BUPERSINST 1750.5 series,[1] Uniformed Services Identification and Privilege Card (DD Form 1173); regulations governing.

(iv) *Marine Corps.* (*a*) MCO in P1900 series,[1] Separation and Retirement Manual (DD Form 2MC–RETIRED).

(*b*) MCO in 1750 series,[1] Uniformed Services Identification and Privilege Card (DD Form 1173).

(v) *Air Force.* AFR 30–20,[1] Issue and Control of Identification Cards.

(vi) *U.S. Public Health Service.* CC29.2,[1] Personnel Instruction 1 and 2.

(vii) *Coast Guard.* Personnel Manual [1] (CG 207, Chapter 13, Section E and Chapter 18, Section C).

(viii) *National Oceanic and Atmospheric Administration.* No published regulations. Identification cards are issued by Headquarters, NOAA, or the applications are verified by Headquarters, NOAA, and presented to any Uniformed Service facility for issuance of a card.

(h) *Identification required—*(1) *Retired personnel.* The gray colored DD Form 2 (with letter suffix denoting branch of service) (RET) (Identification Card) is the prescribed identification for retired members of all the Uniformed Services except the Commissioned Corps of the Public Health Service when seeking benefits under CHAMPUS. The gray colored PHS–1866–3 (Ret) (Identification Card) is prescribed for retired members of the Public Health Service.

NOTE.—The red colored DD Form 2 (Res) Identification and Privilege Card is not acceptable identification for CHAMPUS.

(2) *Dependents.* DD Form 1173 (Uniformed Services Identification and Privilege Card) is prescribed for identification of dependents seeking benefits under CHAMPUS. Application for a DD Form 1173 will be made by submitting a DD Form 1172 (Application for Uniformed Services Identification and Privilege Card) as prescribed by the appropriate directive listed in paragraph (g) (2) of this section. It is incumbent upon each member and retired member to insure that his or her eligible dependents obtain and keep in their possession a DD Form 1173 and that a new DD Form 1173 be obtained prior to expiration date shown on the form for those dependents whose eligibility continues beyond that date.

NOTE.—DD Forms 1173 which do not have an affirmative entry in item 15b thereof, are not acceptable identification for CHAMPUS benefits.

§ 199.10 Basic program benefits.

(a) *General.* The CHAMPUS Basic Program is essentially a supplemental Program to the Uniformed Services direct medical care system. In many of its aspects, the Basic Program is similar to private medical insurance programs, and is designed to provide financial assistance to CHAMPUS beneficiaries for certain prescribed medical care obtained from civilian sources.

(1) *Scope of benefits.* Subject to any and all applicable definitions, conditions, limitations, and/or exclusions specified or enumerated in this regulation, the CHAMPUS Basic Program will pay for medically necessary services and supplies required in the diagnosis and treatment of illness or injury, including maternity care. Benefits include specified medical services and supplies provided to eligible beneficiaries from authorized civilian sources such as hospitals, other authorized institutional providers, physicians and other authorized individual professional providers as well as professional ambulance services, prescription drugs, authorized medical supplies and rental of durable equipment.

(2) *Persons eligible for basic program benefits.* Those persons eligible to receive the Basic Program benefits are as set forth in § 199.9, "Eligibility." Any person determined to be an eligible CHAMPUS beneficiary is eligible for Basic Program benefits.

(3) *Authority to act for CHAMPUS.* The authority to make benefit determinations and authorize the disbursement of funds under the Program is restricted to the Director, OCHAMPUS, designated OCHAMPUS staff, Director, OCHAMPUSEUR, and/or CHAMPUS Contractors. No other individuals or agents (such as physicians, staff members of hospitals, CHAMPUS Advisors, etc.) have such authority.

(4) *Status of patient controlling for purposes of cost-sharing.* Benefits for covered services and supplies as described in this section will be extended on either an inpatient or outpatient cost-sharing basis, in accordance with the status of the patient at the time the covered services and supplies were provided, unless otherwise specifically designated (such as for ambulance service or maternity care). For cost-sharing provisions, refer to paragraph (f) of this section.

(5) *Right to information.* As a condition precedent to the provision of benefits hereunder, OCHAMPUS and/or its CHAMPUS Contractors shall be entitled to receive information from a physician or hospital or other person, institution, and/or organization (including a local, state or Federal Government agency) providing services or supplies to the beneficiary for which claims or request for approval for benefits are submitted. Such information and records may relate to the attendance, testing, monitoring, or examination or diagnosis of, or treatment rendered, or services and supplies furnished to, a beneficiary and shall be necessary for the accurate and efficient administration of CHAMPUS benefits. In addition, before a determination on a request for preauthorization or claim or benefits, a beneficiary (or sponsor) must provide particular additional information rele-

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vant to the requested determination when necessary. The recipient of such information shall in every case hold such records confidential except when: (i) Disclosure of such information is specifically authorized by the beneficiary/patient; (ii) disclosure is necessary to permit authorized Governmental officials to investigate and prosecute criminal actions; or (iii) disclosure is specifically authorized or required under the terms of the Privacy Act and/or Freedom of Information Act. (Refer to paragraph (m) of § 199.7, "General.") For the purposes of determining the applicability of and implementing the provisions of §§ 199.14 and 199.15, "Double Coverage" and "Federal Medical Care Recovery Act" respectively, or any provision of similar purpose of any other medical benefits coverage or entitlement, OCHAMPUS and/or CHAMPUS Contractors may, without consent or notice to any beneficiary (or sponsor), release to any person, organization, governmental agency, provider or other entity any information with respect to any beneficiary when such release constitutes a routine use duly published in the FEDERAL REGISTER in accordance with the Privacy Act (5 U.S.C. 552a). Before an individual's claim of benefits will be adjudicated, the individual must furnish to CHAMPUS that information which may reasonably be expected to be in his or her possession and which is necessary to make the benefit determination. Failure to provide the requested information may result in denial of the claim.

(6) *Physical examinations.* The Director, OCHAMPUS (or a designee) may require a beneficiary to submit to one or more medical (including psychiatric) examinations to determine the beneficiary's entitlement to benefits for which application has been made or for otherwise authorized medically necessary services and supplies required in the diagnosis and/or treatment of an illness or injury (including maternity). When a medical examination has been requested, CHAMPUS will withhold payment of any pending claims(s) or action on any preauthorization requests for that particular beneficiary. If the beneficiary refuses to agree to the requested medical examination, or unless prevented by a medical reason acceptable to OCHAMPUS, the examination is not performed within 90 days of initial request, all pending claim(s) for services and supplies will be denied. A denial of payment for services and/or supplies provided prior to (and related to) the request for a physical examination, is not subject to reconsideration. The medical examination(s) and required beneficiary travel related to performing the requested medical examination will be at the expense of CHAMPUS. The medical examination may be performed by a physician(s) in a Uniformed Services medical facility or by an appropriate civilian physician, as determined and selected by the Director, OCHAMPUS (or a designee), who is responsible for making such arrangements as are necessary, including necessary travel arrangements.

(7) *Timely filing of claims.* All claims submitted for benefits under this section must be filed with the appropriate CHAMPUS Contractor no later than December 31 of the calendar year immediately following the one in which the covered service or supply was rendered. Failure to timely file a claim automatically waives all rights to any benefits for such services and/or supplies. (Refer to § 199.13, "Claims Submission, Review and Payment.")

(8) *Double coverage: Third party liability.* Where double coverage exists or where there is third party liability, all claims submitted for benefits under this section are also specifically subject to the provisions of § 199.14 or § 199.15, "Double Coverage", "Federal Medical Care Recovery Act," respectively.

(9) *Nonavailability statements (DD Form 1251).* In some geographic locations (or under certain special circumstances) it is necessary for a CHAMPUS beneficiary to determine whether the required medical care (primarily nonemergency, inpatient care) can be provided through a Uniformed Service facility. If the required medical care cannot be provided the hospital commander (or a designee) will issue a Nonavailability Statement (DD Form 1251). Except for emergencies, a Nonavailability Statement should be issued before medical care is obtained from a civilian source. Failure to secure such a statement may waive the beneficiary's rights to benefits under CHAMPUS.

(i) *Rules applicable to issuance of nonavailability statement (DD Form 1251).* The Assistant Secretary of Defense (Health Affairs) is responsible for promulgating rules and regulations for the issuance of Nonavailability Statements.

NOTE.—Applicable rules and regulations relating to Nonavailability Statements change, depending on the situation. For example, currently Section 750, Pub. L. 94-212 and Section 742, Pub. L. 94-419 relating to FY 76 and FY 77 respectively, restrict the use of CHAMPUS funds for payment of nonemergency civilian inpatient care if the required care is available at a Uniformed Services hospital within a 40-mile radius of the patient's residence. Therefore, CHAMPUS beneficiaries who reside within a 40-mile radius of a Uniformed Services hospital must first seek non-emergency inpatient care in the Uniformed Service hospital.

(ii) *Beneficiary responsibility.* The beneficiary is responsible for securing information as to whether or not he or she resides in a geographic area which requires obtaining a Nonavailability Statement. Information concerning current rules and regulations may be obtained from the Offices of the Army, Navy and Air Force Surgeon General, or a CHAMPUS Advisor, or the Director, OCHAMPUS (or a designee), or from the appropriate CHAMPUS Contractor.

(iii) *Rules in effect at time civilian medical care is provided apply.* The applicable rules and regulations regarding Nonavailability Statements in effect at the time the civilian care is rendered apply in determining whether a Nonavailability Statement is required.

(iv) *Nonavailability statement (DD Form 1251) must be filed with applicable claim.* When a claim is submitted for CHAMPUS benefits which includes services for which a Nonavailability Statement was issued, the statement must be submitted along with the claim form.

(10) *Utilization review: Quality assurance.* Prior to the extension of any CHAMPUS benefits under the Basic Benefit Program as outlined in this section, claims submitted for medical services and supplies rendered CHAMPUS beneficiaries are subjected to review for quality and appropriate untilization. The Director, OCHAMPUS (or a designee), is responsible for utilization review and quality assurance activities and shall issue such generally accepted standards, norms and criteria as are necessary to assure compliance. Such utilization review and quality assurance standards, norms and criteria shall include (but not be limited to) need for inpatient admission, length of inpatient stay, level of care, appropriateness of treatment, level of institutional care required, etc. Implementing instructions, procedures and guidelines may provide for retrospective, concurrent and prospective review, requiring both inhouse and external review capability on the part of both CHAMPUS Contractors and OCHAMPUS.

(11) *Implementing instructions.* The Director, OCHAMPUS (or a designee), shall issue a CHAMPUS Operating Manual and such other instructions, procedures, guidelines, standards and/or criteria as may be necessary to implement the intent of this regulation.

(b) *Institutional benefits*—(1) *General.* Benefits may be extended for those covered services and supplies described in paragraph (b) of this Section provided by a hospital or other authorized institutional provider (as set forth in § 199.12 "Authorized Providers"), when such services and supplies are ordered, directed and/or prescribed by a physician and provided in accordance with good medical practice and established standards of quality. Such benefits are subject to any and all applicable definitions, conditions, limitations, exceptions and/or exclusions as may be otherwise set forth in this or other sections of this Regulation.

(i) *Billing practices.* To be considered for benefits under this section, covered services and supplies must be provided and billed for by a hospital or other authorized institutional provider. Such billings must be fully itemized and sufficiently descriptive to the satisfaction of CHAMPUS. In the case of continuous care, claims should be submitted to the appropriate CHAMPUS Contractor at least every 30 days (i.e., monthly) either by the beneficiary (or sponsor) or on a participating basis, directly by the facility on behalf of the beneficiary/patient. (Refer to § 199.13, "Claims Submission, Review and Payment.")

(ii) *Preauthorization.* Except for admissions to authorized institutions which

qualify as hospitals, infirmaries or Christian Science Sanitoriums (in the event CHAMPUS benefits again become available for the latter type of institution), in order for benefits to be extended for otherwise covered services and/or supplies, preauthorization is required.

(a) *Admissions to Skilled Nursing Facilities (SNFs).* A preauthorization request for transfer or initial admission to a skilled nursing facility is processed by the CHAMPUS Contractor serving the area where the skilled nursing facility is located. Wherever possible the preauthorization request should be submitted prior to admission to a SNF. However, the beneficiary/patient (or sponsor) has up to 10 days after such admission in which to submit the request along with a treatment plan. If the stay in the skilled nursing facility is determined to be appropriate under the provisions of this regulation, benefits will be extended retroactive to the date of admission to the facility. If the stay in the skilled nursing facility is determined not to qualify under the provisions of this regulation, benefits will be denied as of the date of notice of such denial.

(b) *Admissions to authorized institutions requiring preauthorization (other than Skilled Nursing Facilities).* A preauthorization request for admission to an institution which requires such preauthorization (other than a skilled nursing facility) is processed by OCHAMPUS. If the beneficiary (or sponsor) elects to proceed with such an admission prior to receiving written authorization from OCHAMPUS, authorization may be subsequently requested. However, if the stay related to subsequent request for authorization is determined to be appropriate (in whole or in part) under the provisions of this Regulation, benefits may be extended, but only retroactively to the date the preauthorization request was received at OCHAMPUS.

(c) *Initial preauthorization: Limited to 30 days.* Initial preauthorization is limited to up to 30 days of inpatient care. The inpatient stay must continue to be reviewed and reevaluated. If so specified by CHAMPUS, such recertification process shall be repeated every 30 days, or at such other time period as may be determined by OCHAMPUS, for the purpose of determining the appropriateness of care and whether or not the case continues to be eligible for benefits.

(d) *Other preauthorization requirements.* (1) An approved preauthorization must specify the services and/or supplies the approval covers.

(2) An approved preauthorization is valid for only 90 days from date of issuance.

(3) If the preauthorized services and/or supplies are not obtained within the 90 day period, a new preauthorization request is required. However, unless due to unusual medical circumstances, the fact that the initially preauthorized services and/or supplies were not obtained during the specified time limit shall require a very careful review of a new request.

(4) Preauthorization is required for each admission to a skilled nursing facility, even though related to an ongoing medical condition.

(5) A preauthorization may set forth other special limits or requirements as indicated by the particular case and/or situation for which the preauthorization is being issued.

Example. An approved preauthorization for placing a child in a Residential Treatment Center may require that the initial medical review (to determine the necessity for continuing the stay) be made every 14 days.

(6) All preauthorization requests are responded to in writing and notification of approval or denial is sent by certified mail to the beneficiary (or sponsor) and, where applicable, to the provider.

NOTE.—For otherwise covered admissions to Residential Treatment Centers for emotionally disturbed children (RTC's), the proximity of the facility to the residence of the parent(s) and/or guardian will be a consideration in whether or not the authorization will be granted. If there is a CHAMPUS-approved facility closer to the parents, admission to the closer facility may be recommended.

(iii) *Approved treatment plan.* Except for an initial inpatient admission in those institutions which qualify as hospitals, preauthorization described in paragraph (b) (ii) of this section includes the submission of a detailed treatment plan. Such treatment plan is subject to approval in keeping with the CHAMPUS Operating Manual and such other instructions, procedures or guidelines issued or caused to be issued by the Director, OCHAMPUS (or a designee). Preauthorization will not be granted unless the request for approval includes a treatment plan. If the preauthorization request involves transfer from a hospital, the medical records related to the hospital stay should be submitted along with the treatment plan.

(iv) *Long term hospital care.* Even though the initial admission did not require preauthorization, any hospital stay anticipated to continue over 30 days requires recertification as of the 30th day. In order for the recertification process to be accomplished, on or before the 21st day, a treatment plan must be submitted for review and evaluation, including copies of the medical record covering the previous period of hospitalization. When a treatment plan is approved, such approval shall include a schedule of review and reevaluation for recertification of the continuing inpatient stay at least 30 days (or as designated by the Director, OCHAMPUS, or a designee) for the purpose of determining appropriateness of care and whether or not the beneficiary's inpatient hospital stay continues to be eligible for benefits. Should review of the case indicate that the beneficiary/patient is being institutionalized primarily in connection with any special studies or project and/or that the approved treatment plan has not been followed and/or that misinformation was provided and/or pertinent information was omitted for the purpose of receiving preauthorization, the beneficiary and provider shall be immediately notified that benefits for the inpatient stay are being terminated. Benefits extended in error will be recouped in accordance with the procedures set forth in § 199.13, "Claims Submission, Review and Payment."

(v) *Beneficiary/patient (or sponsor) and/or provider responsible for complete and timely request for preauthorization and/or submission of treatment plan.* Although a provider may actually prepare and make the submission to CHAMPUS, it ultimately remains the responsibility of the beneficiary (or sponsor) to assure that any request for preauthorization and/or submission of a treatment plan is made in a timely manner and in conformance with this Regulation.

NOTE: The Director, OCHAMPUS (or a designee) may issue special instructions on the handling of emergency requests which may be applied to limited exception situations.

(vi) *Related services and supplies.* Covered services and supplies must be rendered in connection with and directly related to a covered diagnosis and/or definitive set of symptoms requiring otherwise authorized medically necessary treatment.

(vii) *Inpatient: Appropriate level required.* For purposes of inpatient care, the level of institutional care for which Basic Program benefits may be extended must be at the appropriate level required to provide the medically neccessary treatment. If an appropriate lower level care facility would be adequate but is not available in the general locality, benefits may be continued in the higher level care facility but CHAMPUS institutional benefit payments shall be limited to the reasonable cost that would have been incurred in the appropriate lower level care facility, as determined by the Director, OCHAMPUS (or a designee). If it is determined that the institutional care can reasonably be provided in the home setting, no CHAMPUS institutional benefits are payable.

(viii) *General or special education not covered.* Services and supplies related to the provision of either regular or special education are not covered. Such exclusion applies whether a separate charge is made for education or whether it is included as a part of an overall combined daily charge of an institution. In the latter instance, that portion of the overall combined daily charge related to education must be determined, based on the reasonable costs of the educational component, and deleted from the institution's charges before CHAMPUS benefits can be extended. The only exception to this circumstance is when appropriate education is not available from or not payable by the cognizant public entity. Each such situation must be referred to the Director, OCHAMPUS (or a designee) for a review and a determination of the applicability of CHAMPUS benefits.

(2) *Covered hospital service and supplies.*—(i) *Room and board.* Includes special diets, laundry services, and other general housekeeping support services. (Inpatient only.)

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(ii) *General staff nursing services.*

(iii) *Intensive Care Unit.* Includes specialized units such as for respiratory conditions, cardiac surgery, coronary care, burn care or neurosurgery. (Inpatient only.)

(iv) *Operating room: Recovery room.* Operating room and recovery room, including other special treatment rooms and equipment; and hyperbaric chamber.

(v) *Drugs and medicines.* Includes sera, biologicals and pharmaceutical preparations (including insulin) which are listed in the official formularies of the institution or facility at the time of use. (In order to be considered as an inpatient supply, drugs and medicines must be consumed during the specific period the beneficiary/patient is a registered inpatient. Drugs and medicines prescribed for use outside the hospital, even though prescribed and obtained while still a registered inpatient, will be considered to be outpatient supplies and the provisions of paragraph (d) of this section apply.)

(vi) *Durable medical equipment: Medical supplies and dressings.* Includes durable medical equipment, medical supplies essential to a surgical procedure (such as artificial heart valve, artificial ball and socket joint, etc.), sterile trays, casts, and orthopedic hardware. Use of durable medical equipment is restricted to an inpatient basis.

NOTE: If durable medical equipment is to be used on an outpatient basis or continued in outpatient status after use as an inpatient, benefits will be provided as set forth in paragraph (d) of this section and cost-sharing will be on an outpatient basis (refer to paragraph (a)(4) of this § 199.10).

(vii) *Diagnostic Services.* Includes clinical laboratory examinations, X-ray examinations, pathological examinations, and machine tests which produce hardcopy results. Also includes computer-assisted tomography (CAT Scanning) under certain limited conditions.

(viii) *Anesthesia.* Includes both the anesthetic agent and its administration.

(ix) *Blood.* Includes blood, plasma and its derivatives (including equipment and supplies) and its administration.

(x) *Radiation therapy.* Includes radioisotopes.

(xi) *Physical therapy.*

(xii) *Oxygen.* Includes equipment for its administration.

(xiii) *Intravenous Injections.* Includes solution.

(xiv) *Shock Therapy.*

(xv) *Chemotherapy.*

(xvi) *Renal/peritoneal dialysis.*

(xvii) *Psychological evaluation tests.* When required by the diagnosis.

(xviii) *Other medical services.* Includes such other medical services as may be authorized by the Director, OCHAMPUS (or a designee): *Provided,* They are directly related to the diagnosis and/or definitive set of symptoms and rendered by a member of the institution's medical and/or professional staff (either salaried or contractual) and billed for by the hospital.

(3) *Covered services and supplies provided by special medical treatment institutions and/or facilities, other than hospitals or Residential Treatment Centers*—(i) *Room and board.* Includes special diets, laundry services and other general housekeeping support services. (Inpatient only.)

(ii) *General Staff Nursing Services.*

(iii) *Drugs and medicines.* Includes sera, biologicals and pharmaceutical preparations (including insulin) which are listed in the official formularies of the institution or facility at the time of use. (In order to be considered as an inpatient supply, drugs and medicines must be consumed during the specific period the beneficiary is a registered inpatient. Drugs and medicines prescribed for use outside the authorized institutional provider, even though prescribed and obtained while still a registered inpatient, will be considered to be outpatient supplies and the provisions of paragraph (d) of this section apply.)

(iv) *Durable medical equipment: Medical supplies and dressings.* Includes durable medical equipment, sterile trays, casts, and orthopedic hardware as well as dressings. Use of durable medical equipment is restricted to an inpatient basis.

NOTE: If the durable medical equipment is to be used on an outpatient basis or continued in outpatient status after use as an inpatient, benefits will be provided as set forth in paragraph (d) of this section, and cost-sharing will be on an outpatient basis. (Refer to paragraph (a)(4) of this § 199.10.)

(v) *Diagnostic services.* Includes clinical laboratory examinations, X-ray examinations, pathological examinations, and machine tests which produce hard copy results.

(vi) *Blood.* Includes blood plasma and its derivatives (including equipment and supplies) and its administration.

(vii) *Physical Therapy.*

(viii) *Oxygen.* Includes equipment for its administration.

(ix) *Intravenous injections.* Includes solution.

(x) *Shock therapy.*

(xi) *Chemotherapy.*

(xii) *Psychological evaluation tests.* When required by the diagnosis.

(xiii) *Renal/Peritoneal dialysis.*

(xiv) *Other medical services.* Such other medical services as may be authorized by the Director, OCHAMPUS (or a designee), provided they are directly related to the diagnosis and/or definitive set of symptoms and rendered by a member of the institution's medical and/or professional staff (either salaried or contractual) and billed for by the authorized institutional provider of care.

(4) *Services and supplies provided by Residential Treatment Centers (RTC's)*—(i) *Room and board.* Includes use of residential facilities such as food service (including special diets), laundry services, supervised reasonable recreational and social activity services, and other general services as may be deemed appropriate by the Director, OCHAMPUS (or a designee).

(ii) *Patient assessment.* Includes the assessment of each child or adolescent accepted by the RTC, including clinical consideration of each of his or her fundamental needs, i.e., physical psychological, chronological age, developmental level, family, educational, social, environmental and recreational.

(iii) *Diagnostic services.* Includes clinical laboratory examinations, X-ray examinations, pathological examinations and machine tests which produce hard copy results.

(iv) Psychological evaluation tests.

(v) *Drugs and medicines.* Includes sera, biologicals and pharmaceutical preparations (including insulin) which are listed in the official formularies of the Residential Treatment Center at the time of use. (In order to be considered as an inpatient supply, drugs and medicines must be consumed during the specific period the beneficiary is an inpatient. Drugs and medicines prescribed for use outside the Residential Treatment Center will be considered to be outpatient supplies and paragraph (d) of this section applies.)

(vi) *Other necessary medical care.* Emergency medical services or other authorized medical care may be rendered by the Residential Treatment Center provided it is professionally capable of doing so and meets those standards required by the Director, OCHAMPUS (or a designee). However, it is intended that a Residential Treatment Center should primarily render those services and supplies directly related to treatment of the mental condition requiring the inpatient stay.

(5) *Extent of institutional benefits.*—(i) *Inpatient room accommodation*—(a) *Semi-private.* The reasonable costs for room and board furnished an individual patient are payable for semi-private accommodations in a hospital or other authorized institution, subject to appropriate cost-sharing provisions. (Refer to paragraph (f) of this section.) A semi-private accommodation is a room containing at least two (2) beds but no maximum number. Therefore, if a room is publicly designated by the institution as a semi-private accommodation and contains multiple beds, it qualifies as semi-private for the purpose of CHAMPUS.

(*b*) *Private.* A private room is a room with one (1) bed and which is designated as a private room by the hospital or other authorized institutional provider. The reasonable cost of a private room accommodation is covered only under the following conditions:

(*1*) Where its use is medically required and when the attending physician certifies that a private room is medically necessary for the proper care and treatment of a patient; and/or

(2) When a patient's medical condition requires isolation; or

(3) When a patient (in need of immediate inpatient care but not requiring a private room) is admitted to a hospital or other authorized institution which has semi-private accommodations, but

at the time of admission, such accommodations are occupied.

(4) When a patient is admitted to an acute care hospital (general or special) without semi-private rooms.

(c) *Duration of private room stay.* The reasonable cost of private accommodations will be allowed under the circumstances described in paragraph (b)(5)(i)(*b*) of this section until the individual's condition no longer requires the private room for medical necessity purposes and/or medical isolation reasons; or, in the case of the patient not requiring a private room, when a semi-private accommodation becomes available; or, in the case of an acute care hospital (general or special) which does not have private rooms, for the duration of an otherwise covered inpatient stay.

(d) *Hospital (except an acute care hospital, general or special) or other authorized institutional provider without semi-private accommodations.* When a beneficiary/patient is admitted to a hospital (except an acute care hospital, general or special) or other institution which has no semi-private accommodations, for any inpatient day where the patient qualifies for use of a private room (as set forth in paragraphs (b)(5)(i)(*b*) (*1*) and (2) of this section), the reasonable cost of private accommodations will be allowed. For any inpatient day in such a hospital or other authorized institution where the patient does not medically require the private room, the reasonable cost of semi-private accommodations will be allowed, such reasonable costs to be determined by the Director, OCHAMPUS (or a designee).

(ii) *Successive inpatient admissions.* Successive inpatient admissions shall be deemed one (1) inpatient confinement for the purpose of computing the active duty dependent's share of the inpatient institutional charges, provided not more than 60 days have elapsed between the successive admissions. Successive inpatient admissions related to a single maternity episode shall be considered one confinement, regardless of the number of days between admissions. For the purpose of applying benefits, successive admissions will be determined separately for maternity admissions and admissions related to an accidental injury. (Refer to paragraph (f) of this section.)

(iii) *Nonavailability statement related to maternity care.* If a beneficiary received services and supplies as a registered inpatient from a hospital or other authorized institution, related to maternity care and/or the actual delivery, without securing a required Nonavailability Statement, CHAMPUS benefits are not available for any costs related to that maternity care.

NOTE.—If it is anticipated that any part of the maternity care is to be obtained from a civilian source (even if the beneficiary plans to deliver on an outpatient basis), as soon as the pregnancy has been established, the beneficiary is encouraged to obtain a Nonavailability Statement, if one is required in her geographic area. This will protect the beneficiary from incurring expenses in connection with unforeseen inpatient maternity care without a required Nonavailability Statement.

(iv) *General staff nursing services.* General staff nursing services cover all nursing care (other than that provided by private duty nurses), including but not limited to general duty nursing, emergency room nursing, recovery room nursing, intensive nursing care, and group nursing arrangements. Only nursing services provided by nursing personnel on the payroll of the hospital or other authorized institution are eligible under paragraph (b) of this section. If a nurse who is not on the payroll of the hospital or other authorized institution is called in specifically to care for a single patient (individual nursing) or more than one patient (group nursing), whether the patient is billed for the nursing services directly or through the hospital or other institution, such services constitute private duty (special) nursing services and are not eligible for benefits under this paragraph (b)(5)(iv) (the provisions of paragraph (c)(2)(xiv) of this section would apply).

(v) *Intensive care unit (ICU).* An intensive care unit is a special separate unit of a hospital in which patients are concentrated, by reason of serious illness, usually without regard to diagnosis. Special lifesaving techniques and equipment are regularly and immediately available within the unit, and patients are under continuous observation by a nursing staff specially trained and selected for the care of this type patient. The unit is maintained on a continuing rather than an intermittent or temporary basis. It is not a post-operative recovery room nor a post-anesthesia room. In some large or highly specialized hospitals, the ICU's may be further refined for special purposes, such as for respiratory conditions, cardiac surgery, coronary care, burn care or neurosurgery. For purposes of CHAMPUS, these specialized units would be considered ICU's if they otherwise conformed to the definition of an intensive care unit.

(vi) *Treatment rooms.* Standard treatment rooms include emergency room, operating room, recovery room, special treatment rooms, and hyperbaric chamber and all related necessary medical staff and equipment. In order to be recognized for purposes of CHAMPUS, such treatment rooms must be so designated and maintained by the hospital or other authorized institution on a continuing basis. A "treatment room" set up on an intermittent or temporary basis would not be so recognized.

(vii) *Drugs and medicines.* Drugs and medicines are included as a supply of a hospital or other authorized institution only under the following conditions:

(*a*) They represent a cost to the facility rendering treatment;

(*b*) They are furnished to a patient receiving treatment, and are directly related to that treatment; and

(*c*) They are ordinarily furnished by the facility for the care and treatment of inpatients.

(viii) *Durable medical equipment: Medical supplies and dressings.* Durable medical equipment and medical supplies and dressings are included as a supply of a hospital or other authorized institution only under the following conditions:

(*a*) If ordinarily furnished by the facility for the care and treatment of patients; and

(*b*) Is specifically related to, and in connection with, the condition for which the patient is being treated; and

(*c*) Is ordinarily furnished to a patient for use in the hospital or other authorized institution (except in the case of a temporary or disposable item); and

(*d*) Use of durable medical equipment is limited to those items provided while the patient is an inpatient. (If such equipment is provided for use on an outpatient basis, the provisions of paragraph (d) of this section apply.)

(ix) *Transitional use items.* Under certain circumstances, a temporary or disposable item may be provided by use beyond an inpatient stay, when such item is medical necessary to permit or facilitate the patient's departure from the hospital or other authorized institution or which may be required until such time as the patient can obtain a continuing supply; or in cases where it would be unreasonable or impossible from a medical standpoint to discontinue the patient's use of the item at the time of termination of his or her stay as an inpatient.

(x) *Computer-assisted tomography scanning (CAT scanning) diagnostic services.* Use of both the "general purpose" whole (full) body, and the "dedicated" head (brain) CAT scanners to examine the head, may be covered. Use of computerized tomography on parts of the body other than the head is not covered.

(*a*) CAT scanner procedures must be consistent with the diagnosis and symptoms, and performed after other appropriate noninvasive and less costly means of diagnosis have been exhausted.

(*b*) Further, benefits shall be extended only for those scanning procedures performed on a CAT scanner located in an acute general hospital, owned by such hospital and operated by the hospital staff, and, if applicable to the jurisdiction where located, approved by the regional health planning agency.

(xi) *Anesthetics and oxygen.* Anesthetics and oxygen and their administration are considered a service and/or supply if furnished by the hospital or other authorized institution, or by others under arrangements made by the facility under which the billing for such services is made through the facility.

(6) *Emergency Inpatient hospital services.* In the case of a medical emergency, benefits can be extended for medically necessary inpatient services and supplies provided to a beneficiary by a hospital, including hospitals which do not meet CHAMPUS standards, or comply with the provisions of Title VI of the Civil Rights Act or satisfy other conditions herein set forth. In a medical emergency, medically necessary inpatient services and supplies are those services and supplies which are necessary to prevent the death or serious impairment of

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the health of the individual, and which, because of the threat to the life or health of the individual, necessitate the use of the most accessible hospital available and equipped to furnish such services. The availability of benefits depend upon the three following separate findings and continue only so long as the emergency exists, as determined by medical consultants to the contractor and/or CHAMPUS. If the case qualified as an emergency at the time of admission, and the emergency is subsequently determined to no longer exist, benefits will be extended up through the date of notice to the beneficiary and provider that CHAMPUS benefits are no longer payable in that unathorized institutional provided.

(i) *Existence of medical emergency.* A determination that a medical emergency existed with regard to the patient's condition;

(ii) *Immediate admission required.* A determination that the condition causing the medical emergency required immediate admission to a hospital to provide the emergency care; and

(iii) *Closest hospital utilized.* A determination that diagnosis and/or treatment was received at the most accessible (closest) hospital available and equipped to furnish the medically necessary care.

(c) *Professional services benefit.*—(1) *General.* Benefits may be extended for those covered services described in this paragraph (c) of this section, which are provided in accordance with good medical practice and established standards of quality by physicians or other authorized individual professional providers, as set forth in § 199.12, "Authorized Providers." Such benefits are subject to any and all applicable definitions, conditions, exceptions, limitations and/or exclusions as may be otherwise set forth in this or other sections of this regulation. Except as otherwise specifically authorized, in order to be considered for benefits under this paragraph (c) of this section, the described services must be rendered by a physician or prescribed, ordered and medically referred by a physician to other authorized individual professional providers. Further, except under specifically defined circumstances, there should be an attending physician in any episode of care. (For example, certain services of a clinical psychologist are exempt from this requirement. For these exceptions refer to § 199.12, "Authorized Providers.")

(i) *Billing practices.* To be considered for benefits under this paragraph (c) of this section, covered professional services must be personally performed by the physician or other authorized individual professional provider, who is other than a salaried or contractual staff member of a hospital or other authorized institution, and who ordinarily and customarily bills on a fee-for-service basis for professional services rendered. Such billings must be fully itemized and sufficiently descriptive, to the satisfaction of CHAMPUS. For continuing professional care, claims should be submitted to the appropriate CHAMPUS Contractor at least every 30 days (i.e., monthly), either by the beneficiary (or sponsor), or directly by the physician or other authorized individual professional provider on behalf of a beneficiary/patient. (Refer to § 199.13, "Claims Submission, Review and Payment.")

(ii) *Services must be related.* Covered professional services must be rendered in connection with and directly related to a covered diagnosis and/or definitive set of symptoms requiring medically necessary treatment.

(2) *Covered services of physicians and other authorized individual professional providers.* (i) *Surgery.* Surgery means operative procedures, including related pre-operative and post-operative care; reduction of fractures and dislocations; injection and needling procedures of the joints; laser surgery of the eye; and including the following procedures:

Laryngoscopy
Bronchoscopy
Thoracoscopy
Catheterization of the heart
Arteriograph, Thoracic Lumbar
Esophagoscopy
Gastroscopy
Proctoscopy
Sigmoidoscopy
Peritoneoscopy
Cystoscopy
Colonoscopy
Upper G.I. Panendoscopy
Encephalograph
Myelography
Discography
Visualization of intracranial aneurysm by intracarotid injection of dye, with exposure of carotid artery, unilateral
Ventriculography
Insufflation of uterus and Fallopian tubes for determination of tubal patency (Rubin's test of injection of radiopaque medium or for dilation)
Introduction of opaque media into the cranial arterial system, preliminary to cerebral arteriography, or into vertebral and subclavian systems
Intraspinal introduction of air preliminary to pneumoencephalography
Intraspinal introduction of opaque media preliminary to myelography
Intraventricular introduction of air preliminary to ventriculography

NOTE.—The Director, OCHAMPUS (or a designee) shall determine such additional procedures which may fall within the intent of this definition of "surgery."

(ii) *Surgical assistance.* Surgical assistance means a physician who assists the operating surgeon in the performance of a covered surgical service when such assistance is certified as necessary by the attending surgeon, when the type of surgical procedure being performed is of such complexity and seriousness as to require a surgical assistant, and when interns, residents, or other house staff are not available to provide the surgical assistance services in the speciality area required.

(iii) *Inpatient medical care.* Inpatient medical care means the attending physician's medical (not surgical or maternity) care rendered to an inpatient confined as a bed patient in a hospital or other authorized institution, including intensive or prolonged inpatient medical care, inpatient psychotherapy or inpatient physiatry.

(iv) *Outpatient care.* Outpatient care means any medical services rendered in the home and office, or medical care rendered in the outpatient department of a hospital or other authorized institution.

(v) *Psychiatric services.* Psychiatric services means individual or group psychotherapy.

(vi) *Consultation services.* Consultation services means services of a consulting physician. Staff consultations required by rules and regulations of the medical staff of a hospital or other authorized institution do not qualify for benefits under this paragraph (c)(2)(vi).

(vii) *Anesthesia service.* Anesthesia service means the administration of an anesthetic agent by injection or inhalation, the purpose and effect of which is to produce surgical anesthesia characterized by muscular relaxation, loss of sensation, or loss of consciousness, when administered by or under the direction of a physician or dentist in connection with otherwise covered surgery or obstetrical care, or shock therapy. Anesthesia services do not include hypnosis or acupuncture.

(viii) *Radiation therapy services.* Radiation therapy services means the treatment of diseases by X-ray, radium or radioactive isotopes when ordered by the attending physician.

(ix) *X-ray services.* X-ray services means an X-ray examination for which an X-ray film is produced, ordered by the attending physician when necessary to and rendered in connection with medical or surgical diagnosis or treatment of an illness or injury. Under this paragraph (c) of this section, X-ray service does not include CAT scanning.

(x) *Laboratory and pathological services.* Laboratory and pathological services means laboratory and pathological examinations (including machine diagnostic tests which produce hard copy results) ordered by the attending physician when necessary to and rendered in connection with medical or surgical diagnosis or treatment of an illness or injury.

(xi) *Physiatry services.* Physiatry services means the treatment of disease or injury by physical means such as massage, hydrotherapy, or heat, when performed by or ordered by the attending physician.

(xii) *Maternity care.* Maternity care means care and treatment related to conception, delivery and abortion, including prenatal and postnatal care.

(xiii) *Other medical care.* Other medical care includes, but is not limited to, hemodialysis, inhalation therapy, shock therapy and chemotherapy. The Director, OCHAMPUS (or a designee), shall determine those additional medical services for which benefits may be extended under this paragraph (c)(2)(xiii).

NOTE.—A separate professional charge for the oral administration of an approved antineoplastic drug is not covered.

(xiv) *Private duty (special) nursing services.* Private duty (special) nursing services are skilled nursing services rendered to an individual patient requiring intensified medical care.

(3) *Extent of professional benefits.*—(i) *Multiple surgery.* In cases of multiple surgical procedures performed at the same time, benefits shall be determined as follows:

(a) If such multiple surgical procedures are for related conditions (whether or not, in the case of cutting procedures, such care is performed through the same surgical opening or by the same surgical approach), benefits shall be limited to that part of the surgical care for which the greatest amount is payable under the applicable reimbursement method (refer to paragraph (e) of this section of this regulation, "Authorized Providers"). For the purposes of CHAMPUS, all procedures performed through the same surgical approach shall be considered to be related conditions.

(b) If the multiple surgical procedures are for unrelated conditions, benefits shall be extended as follows:

(1) One-hundred (100) percentum of the CHAMPUS-determined reasonable charge for the major surgical procedure; and

(2) Fifty (50) percentum of the CHAMPUS-determined reasonable charge for each of the other surgical procedures; or

(3) Except that, if the multiple surgical procedures involve the fingers or toes, benefits for the first surgical procedure shall be at one hundred (100) percentum of the CHAMPUS-determined reasonable charge; the second at fifty (50) percentum; and the third and subsequent at twenty-five (25) percentum.

(ii) *Different types of inpatient care: Concurrent.* If a beneficiary receives inpatient medical care during the same admission in which he or she also receives surgical care or maternity care, the beneficiary shall be entitled to the greater of the CHAMPUS-determined reasonable charge for either the inpatient medical care or surgical or maternity care received, as the case may be, but not both; except that the provisions of this paragraph (c)(3)(ii) shall not apply if such inpatient medical care is for a diagnosed condition requiring inpatient medical care not related to the condition for which surgical care or maternity care is received, and is received from a physician other than the one rendering the surgical care or maternity care.

NOTE.—This provision is not meant to imply that in those situations where extra time and special effort are required due to post-surgical or post-delivery complications, the attending physician may not request special consideration for a higher than usual charge.

(iii) *Need for surgical assistanee.* Surgical assistance is payable only if it is medically necessary as determined by the primary surgeon. Further, in order for benefits to be extended for surgical assistance service, the attending physician (surgeon) may be required to certify in writing to the nonavailability of a qualified intern, resident or other house physician. When a claim is received for a surgical assistant involving the following circumstances, special review is required to ascertain whether the surgical assistance service meets the medical necessity and other requirements of this paragraph (c):

(a) If the surgical assistance occurred in a hospital that has a residency program in a specialty appropriate to the surgery;

(b) If the surgery was performed by a team of surgeons;

(c) If there were multiple surgical assistants; or

(d) If the surgical assistant was a partner of or from the same group of practicing physicians as the attending surgeon.

(iv) *Aftercare following surgery.* Except for those diagnostic procedures classified as surgery in this paragraph (c) of this section, and injection and needling procedures involving the joints, the benefit payments made for surgery (regardless of the setting in which it is rendered) include normal aftercare, whether the aftercare is billed for by the physician or other authorized individual professional provider on a global, all-inclusive basis, or billed for separately. The extent of normal aftercare for each surgical procedure is generally based upon local practice.

(v) *Cast and sutures: Removal.* The benefit payments made for the application of a cast or of sutures normally covers the post-operative care including the removal of the cast or sutures. In instances when the application is made in one geographical location and the removal of the cast or sutures must be done in another geographical location, a separate benefit payment may be provided for the removal. The intent of this provision is to provide a separate benefit only when it is impossible for the beneficiary to use the services of the provider that originally applied the cast. Benefits are not available for the services of a second provider if those services could have reasonably been rendered by the individual professional provider who initially applied the cast or sutures.

(vi) *Inpatient medical care: Concurrent.* If during the same admission a beneficiary receives inpatient medical care (non-surgical, non-maternity) from more than one physician, additional benefits may be provided for such concurrent care if required because of the severity and complexity of the beneficiary's condition. Any claim for concurrent medical care must be reviewed before extending benefits in order to ascertain the medical condition of the beneficiary at the time the concurrent medical care was rendered. In the absence of such determination, benefits are payable only for inpatient medical care rendered by the attending physician.

(vii) *Consultants who become the attending surgeon.* In many instances, the surgical consultant assumes the case shortly following a consultation, becomes the attending physician, and performs the surgery. If the surgery is performed within 3 days of the date of the consultation, by the same physician who performed the consultation, the consultation is then considered to be a part of the preoperative examination which is an integral part of the surgery and a separate benefit is not payable for the consultation. If more than 3 days elapse between the consultation and surgery (performed by the same physician), benefits may be extended for the consultation, subject to review.

(viii) *Anesthesia administered by the attending physician.* A separate benefit is not payable for anesthesia administered by the attending physician (surgeon or obstetrician) or dentist, or by the surgical or obstetrical or dental assistant.

(ix) *Psychiatric procedures.*—(a) *Maximum therapy per twenty-four (24)-hour period: inpatient and outpatient.* Generally, CHAMPUS benefits are limited to no more than one (1) hour of individual and/or group psychotherapy in any twenty-four (24)-hour period, inpatient or outpatient. However, for the purpose of crisis intervention only, CHAMPUS benefits may be extended for up to two (2) hours of individual psychotherapy during a twenty-four (24)-hour period.

(b) *Psychotherapy: Inpatient.* In addition, if individual or group psychotherapy, or a combination of both, is being rendered to an inpatient on an ongoing basis (i.e., non-crisis intervention), benefits are limited to no more than five (5) one-hour therapy sessions (in any combination of group and individual therapy sessions) in any seven (7) day period.

(c) *Review and evaluation: outpatient.* All outpatient psychotherapy (group or individual) are subject to review and evaluation at eight (8) session (visit) intervals. Such review and evaluation is automatic in every case at the initial eight (8) session (visit) interval and at the twenty-four (24) session (visit) interval (assuming benefits are approved up to twenty-four (24) sessions). More frequent review and evaluation may be required if indicated by the case. In any case where outpatient psychotherapy continues to be payable up to sixty (60) outpatient psychotherapy sessions, it must be referred to peer review before any additional benefits are payable. In addition, outpatient psychotherapy is generally limited to a maximum of two (2) sessions per week. Before benefits can be extended for more than two (2) outpatient psychotherapy sessions per week, peer review is required.

(x) *Physical therapy.* To be covered, physical therapy must be related to a covered medical condition. If performed by other than a physician, the beneficiary/patient must be referred by a physician and the physical therapy rendered under the supervision of a physician.

(a) Outpatient physical therapy is generally limited to a 60 day period, 2 physical therapy sessions per week, in connection with each medical condition. In order for CHAMPUS benefits to be extended for physical therapy rendered for a longer period of time than 60 days,

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and/or for more than 2 sessions per week, submission by the attending physician of documentation as to medical necessity and the reasonably anticipated results of such therapy is required.

(*b*) General exercise programs are not covered even if recommended by a physician. Passive exercises and/or range of motion exercises are not covered except when prescribed by a physician as an integral part of a comprehensive program of physical therapy.

(xi) *Maternity care: Cost-sharing.* Notwithstanding any other provisions of this section, except paragraph (d) (3) (i) of this section "ambulance," all otherwise covered services and/or supplies related to a maternity case shall be cost-shared on the basis of the status (or intended status) of the maternity patient at the time of delivery (or other termination of the pregnancy).

(*a*) If the beneficiary plans that the delivery will be on an inpatient basis, all covered services and supplies directly related to the maternity care shall be cost-shared as inpatient services, including the pre- and post-natal care..

(*b*) If the beneficiary plans that the delivery will be on an outpatient basis, all covered services and supplies directly related to the maternity care shall be cost-shared as outpatient services, including the delivery itself.

(c) When a patient plans an inpatient delivery, but delivers or otherwise terminates the pregnancy at home or enroute to the hospital or other authorized institution, benefits will be extended as if the pregnancy had terminated on an inpatient basis.

(*d*) When a patient plans an outpatient (home) delivery, but delivers or otherwise terminates in an inpatient setting, all covered services and/or supplies directly related to the maternity care shall be cost-shared on an inpatient basis providing that a Nonavailability Statement (DD 1251), if required, has been obtained. In the absence of a required Nonavailability Statement, no benefits are payable.

(*e*) If a beneficiary obtains a Nonavailability Statement and receives any part of her prenatal care from a civilian provider, then moves to another geographic location and subsequently delivers in a Uniformed Services hospital, the prenatal care received from the civilian source shall be cost-shared on an inpatient basis, inasmuch as it was related to an inpatient delivery.

(*f*) In those maternity cases where complications arise during the term of the pregnancy (refer to paragraph (c) (3) (xii) of this section), which require active medical treatment, otherwise covered medical services and supplies directly related to the complication of pregnancy will be cost-shared on the same basis as the related maternity care. This special cost-sharing proviso is limited to a period not to exceed 6 weeks following termination of the pregnancy, at which time the regular cost-sharing rules apply. (Refer to paragraph (f) of this section.)

(*g*) Other special situations which may arise requiring a determination of whether or not the maternity case should be cost-shared on an inpatient or outpatient basis shall be referred to the Director, OCHAMPUS (or a designee), who shall make such determinations in keeping with the intent expressed in paragraph (c) (3) (xi) of this section.

(xii) *Complications of pregnancy.* For the purpose of CHAMPUS the following have been determined to be complications of pregnancy when commencing or exacerbating during the term of the pregnancy. The Director, OCHAMPUS (or a designee), may determine what other conditions qualify under paragraph (c) (3) (i) of this section on the basis of individual consideration.

(*a*) Cesarean delivery; hysterotomy.

(*b*) Pregnancy terminating before expiration of 26 weeks, except a voluntary abortion.

(*c*) False labor or threatened miscarriage.

(*d*) Nephritis or pyelitis of pregnancy.

(*e*) Hyperemesis gravidarum.

(*f*) Toxemia.

(*g*) Aggravation of a heart condition or diabetes.

(*h*) Premature rupture of membrane.

(*i*) Ectopic pregnancy.

(*j*) Hemorrhage.

(*k*) Other conditions as may be determined by the Director, OCHAMPUS (or a designee).

NOTE.—Postpartum psychosis (as its name implies), does not occur during the term of the pregnancy and therefore for the purposes of CHAMPUS does not qualify as a complication of pregnancy.

NOTE.—The special maternity cost sharing rules set forth in paragraph (c) (3) (xi) and (xii) of this section, shall also be applied where appropriate to services and/or supplies set forth under other paragraphs of this section, except for paragraph (d) (3) (v) of this section.

(xiii) *Nonavailability statements related to maternity.* When a beneficiary resides in an area where Nonavailability Statements are required and receives inpatient maternity care from a civilian source without having secured the required Nonavailability Statement, CHAMPUS benefits are not available for any services and supplies related to that maternity case.

NOTE.—If it is anticipated that any part of the maternity care is expected to be obtained from a civilian source (even if the beneficiary plans to deliver on an outpatient basis), as soon as the pregnancy has been established, the beneficiary is encouraged to obtain a Nonavailability Statement, if one is required in her geographic area. This will protect the beneficiary from incurring expenses in connection with unforeseen inpatient maternity care without having obtained a Nonavailability Statement.

(xiv) *Private duty (special) nursing.* Benefits are available for the skilled nursing services rendered by a private duty (special) nurse to an individual beneficiary/patient requiring intensified skilled nursing services, which can only be provided with the technical proficiency and scientific skills of an R.N. The specific skilled nursing services being rendered are controlling, not the condition of the patient nor the professional status of the private duty (special) nurse rendering the services.

(*a*) Inpatient private duty (special) nursing services are limited to those rendered to an inpatient in a hospital which does not have an intensive care unit. In addition, under certain circumstances, private duty (special) nursing in the home setting is also covered.

(*b*) The private duty (special) nursing care must be ordered and certified to be medically necessary by the attending physician.

(*c*) The skilled nursing care must be rendered by a private duty (special) nurse who is not a member of the immediate family or is not a member of the beneficiary/patient's household.

(*d*) Private duty (special) nursing care does not, except incidentally, include services which primarily provide and/or support the essentials of daily living, or involve acting as a companion or sitter.

(*e*) If the private duty (special) nursing care services being performed are primarily those which could be rendered by the average adult with minimal instruction and/or supervision, the services would not qualify as covered private duty (special) nursing services regardless of whether performed by an R.N., regardless of whether or not ordered and certified to by the attending physician, and regardless of the condition of the patient.

(*f*) In order for such services to be considered for benefits, a private duty (special) nurse is required to maintain detailed daily nursing notes, whether the case involves inpatient nursing service or nursing services rendered in the home setting.

(*g*) Claims for continuing private duty (special) nursing care should be submitted at least every 30 days (i.e., monthly). Each claim will be reviewed and the nursing care evaluated as to whether it continues to be appropriate and eligible for benefits.

(*h*) In most situations involving private duty (special) nursing care rendered in the home setting, benefits will be available for only a portion of the care, i.e., providing benefits only for that time actually required to perform medically necessary skilled nursing services. In the event that full time private duty (special) nursing services are engaged (usually for convenience and/or to provide personal services to the patient), CHAMPUS benefits are payable only for that portion of the day during which skilled nursing services are rendered, but in no event is less than one (1) hour of skilled nursing care payable in any twenty-four (24) hour period during which nursing services are determined to have been rendered. Such situations are often better accommodated through use of visiting nurses. This allows the personal services, which are not coverable by CHAMPUS, to be obtained at lesser cost from other than an R.N. Skilled nursing services provided by visiting nurses are covered.

NOTE.—Where the services of an R.N. are not available, benefits may be extended for the otherwise covered services of an L.P.N. or L.V.N.

(d) *Other benefits*—(1) *General.* Benefits may be extended for the reasonable charge of those other covered services and supplies described in this paragraph (d) which are provided in accordance with good medical practice and established standards of quality by those other authorized providers described in § 199.12, "Authorized Providers." Such benefits are subject to any and all applicable definitions, conditions, limitations, and/or exclusions as may be otherwise set forth in this or other sections of this regulation. In order to be considered for benefits under this paragraph (d), the described services or supplies must be prescribed and ordered by a physician.

(2) *Billing practices.* To be considered for benefits under this paragraph (d), covered services and supplies must be provided and billed for by an authorized provider as set forth in § 199.12, "Authorized Providers." Such billing must be fully itemized and sufficiently descriptive, to the satisfaction of CHAMPUS. Whenever continuing charges are involved, claims should be submitted to the appropriate CHAMPUS Contractor at least every 30 days (i.e., monthly), either by the beneficiary (or sponsor) or directly by the provider.

(3) *Other covered services and supplies*—(i) *Blood.* If whole blood or plasma (or its derivatives) are provided and billed for by an authorized institution, in connection with covered treatment, benefits are extended as set forth in paragraph (b) of this section. If blood is billed for directly to a beneficiary, benefits may be extended under this paragraph (d) in the same manner as a medical supply.

(ii) *Durable medical equipment.*—(*a*) *Rental.* Rental of durable medical equipment (for the specific use of the beneficiary/patient) is covered: *Provided,* Such equipment meets the following criteria:

(*1*) It must be medically necessary for the treatment of an illness or injury.

(*2*) It must improve the function of a malformed, diseased or injured body part and retard further deterioration of the patient's physical condition.

(*3*) It must be person-particular and cannot be an item which could be useful to any other person in the absence of illness or injury.

(*4*) It must be primarily and customarily used to serve a medical purpose rather than primarily for transportation, comfort, or convenience.

NOTE.—A wheelchair is not considered to be primarily transportation in the sense of this paragraph (d) (3) (ii) (*4*) of this section. It qualifies as durable medical equipment under paragraph (d) (3) (ii) (2) of this section above, because by providing basic mobility it retards further deterioration of the patient's physical condition. Mobility beyond that basic mobility provided by a wheelchair is considered to be primarily transportation. For example, cart-type vehicles (such as the "Amigo") do not qualify as durable medical equipment.

(*5*) It must withstand repeated use and will be provided on a one-at-a-time basis only (based on the lifetime of the specific item of durable medical equipment).

(*6*) It must be other than spectacles, eyeglasses, contact lenses or other optical devices, hearing aids or other communication devices.

(*7*) It cannot be beyond the minimum level of performance and quality required under the circumstances (i.e., non-luxury, non-deluxe). However, this is not intended to preclude a special fitting of equipment to accommodate a particular disability (such as fitting a wheelchair for a one-armed individual).

(*8*) It must be ordered and/or prescribed by the attending physician.

(*9*) It is not for a patient in a facility which provides or can provide such equipment.

(*10*) It is not available for loan from a local Uniformed Services medical treatment facility.

(*11*) The reasonable charge of the item must be more than $100.00.

(*b*) *Lease/purchase.* In those situations where the lease/purchase of such durable medical equipment will be less costly to the CHAMPUS Program then continued monthly rental, lease/purchase arrangements will be entered into. Lease/purchase agreements must be limited in payments to the CHAMPUS-determined reasonable charge for the equipment with equal monthly payments proportionate to the CHAMPUS-determined reasonable charge for monthly rental. Such agreements do not include ordinary time payment plans or revolving charge accounts. When lease/purchase is authorized, benefits may also be extended for the reasonable charges related to the repair, replacement and adjustment of the purchased item of durable medical equipment. Durable medical equipment obtained through lease/purchase arrangements must meet the same criteria as rental items. (Refer to paragraph (d) (3) (ii) of this section.)

(iii) *Medical supplies and dressings (consumables).* Medical supplies and dressings (consumables) are those which do not withstand prolonged, repeated use. Such items must be directly related to an appropriate and verified covered medical condition of the specific beneficiary for whom the item was purchased, and obtained from a medical supply company, a pharmacy, or authorized institutional provider. Examples of covered medical supplies and dressings are disposable syringes for a known diabetic, colostomy sets, irrigation sets, Ace bandages, etc. An external surgical garment specifically designed for use following a mastectomy is considered a medical supply item.

NOTE.—Generally, the reasonable charge of a medical supply item will be under one hundred ($100.00) dollars. Any item in excess of this amount must be reviewed to make sure it would not qualify as an item of durable medical equipment. If it is, in fact, a medical supply item and does not represent an excessive charge, it can be considered for benefit.

(iv) *Oxygen.* Oxygen and equipment for its administration. Benefits are limited to providing a tank unit at one location, with oxygen limited to a 30 day supply. Repair and adjustment of CHAMPUS-purchased oxygen equipment is also covered.

(v) *Ambulance.* Local professional ambulance service to, from and between hospitals when medically necessary and in connection with otherwise covered services and supplies and a covered medical condition. For the purpose of CHAMPUS, ambulance service is always an outpatient service (including in connection with maternity care). A professional ambulance means a specifically designed and equipped land vehicle which contains at a minimum a stretcher, linens, first aid supplies, oxygen equipment and such other life-saving equipment required by state law or applicable local law, and manned by personnel trained to render first aid treatment.

(*a*) Voluntary ambulances or such vehicles as medicabs and ambicabs do not qualify for benefits for the purpose of CHAMPUS.

(b) Local service shall be that for which the reasonable charge does not exceed one hundred dollars ($100.00). Any professional ambulance service which exceeds that amount is considered long distance ambulance service and benefits are not available except as described in paragraph (d) (3) (v) (*d*) of this section.

(c) Ambulance service cannot be used in lieu of taxi service and is not payable when the patient's condition would have permitted use of regular private transportation; nor is it payable when transport or transfer of a patient is primarily for the purpose of having the patient nearer to home, family, friends and/or personal physician.

(d) Exceptional circumstances where the charge may exceed one hundred ($100.00) dollars and the ambulance service may still be considered for benefits under this section are limited to the following:

(*1*) The patient is being transported from a rural or remote area to the nearest hospital for treatment; or

(2) The patient is being transferred from one hospital which does not have the necessary facilities to treat the patient, to the nearest hospital which does have the necessary facilities.

(*e*) Air ambulance is specifically excluded except if used under the specific circumstances set forth in paragraph (d) (3) (v) (*d*) of this section. Even under such circumstances, air ambulance must be medically necessary and utilized as a last resort.

(vi) *Prescription drugs and medicines.* Prescription drugs and medicines which by law of the United States require a physician's or dentist's prescription and which are ordered or prescribed for by a

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physician or dentist (except that insulin is covered for a known diabetic, even though a prescription may not be required for its purchase) in connection with an otherwise covered condition or treatment, including Rhogam.

(a) Drugs administered by a physician or other authorized individual professional provider as an integral part of a procedure covered under paragraphs (b) and (c) of this section (such as chemotherapy) are not covered under this subparagraph inasmuch as the benefit for the institutional services or the professional services in connection with the procedure itself also includes the drug used.

(b) CHAMPUS benefits may not be extended for drugs not approved by the Food and Drug Administration for general use by humans (even though approved for testing with humans).

(vii) *Phosthetic devices.* The purchase of prosthetic devices is limited to artificial limbs and eyes, except those items which are surgically inserted inside the body as an essential and integral part of an otherwise covered surgical procedure are not excluded.

NOTE.—In order for CHAMPUS benefits to be extended, any surgical implant must be approved for use in humans by the U.S. Food and Drug Administration.

(viii) *Orthopedic braces and appliances.* The purchase of leg braces (including attached shoes), arm braces, back braces and neck braces are covered. Orthopedic shoes, arch supports, etc., including special-ordered, custom-made built-up shoes or regular shoes subsequently built-up, are not covered.

(e) *Special benefit information.*—(1) *General.* There are certain circumstances, conditions and/or limitations which impact the extension of benefits and which require special emphasis and explanation. This paragraph (e) sets forth those benefits and/or limitation areas recognized to be in this category. The benefits and/or limitations herein described are also subject to any and all applicable definitions, conditions, limitations, exceptions and/or exclusions as set forth in this or other sections of this Regulation, except as may be otherwise specifically provided in paragraph (e) of this section.

(2) *Abortion.* Benefits under the CHAMPUS Basic Program are available for otherwise covered services and supplies provided in connection with abortion, when legally performed in accordance with the applicable rulings of the United States Supreme Court in *Doe v. Bolton*, 410 U.S. 179 (1973), *Roe v. Wade*, 410 U.S. 113 (1973) and *Planned Parenthood of Missouri v. Danforth*, —— U.S. ----, 96 S.C.T. 2831 (1976).

NOTE.—Covered abortion services are limited to medical services and/or supplies only and do not include abortion counseling or referral fees.

(3) *Family planning.* It is considered essential that CHAMPUS-eligible families have access to information and services that will allow freedom to choose the number and spacing of their children within the dictates of individual conscience. The scope of the CHAMPUS family planning benefit is as follows:

(i) *Birth control* (i.e., contraception).—(a) *Benefits provided.* Benefits are available for services and supplies related to preventing conception, including the following:

(1) *Surgical insertion, removal and/or* replacement of, intrauterine devices.

(2) Measurement for, and purchase of, contraceptive diaphragms (and subsequent remeasurement and replacement).

(3) Prescription oral contraceptives.

(4) Surgical sterilization (either male or female).

(b) *Exclusions.* The Family Planning benefit does not include the following:

(1) *Prophylactics* (condoms).

(2) Spermicidal foams, jellies, sprays, etc., not requiring a prescription.

(3) Artificial insemination including any costs related to donors and/or semen banks.

(4) Reversal of a surgical sterilization procedure (male or female).

(ii) *Genetic testing.* Genetic testing is essentially preventive rather than related to active medical treatment of an illness or injury. However, under the Family Planning benefit, genetic testing is covered when performed in certain high risk situations. For the purpose of CHAMPUS, genetic testing includes tests to detect developmental abnormalities as well as purely genetic defects.

(a) *Benefits provided.* Benefits may be extended for genetic testing performed on a pregnant beneficiary under the following prescribed circumstances. The tests must be appropriate to the specific risk situation and must meet one of the following criteria:

(1) The mother-to-be is 35 years of age or older; or

(2) The mother and/or father-to-be have (has) had a previous child born with a congenital abnormality; or

(3) Either the mother or father-to-be has a family history of congenital abnormalities; or

(4) The mother-to-be contracted rubella during the first trimester of the pregnancy; or

(5) Such other specific situations as may be determined by the Director, OCHAMPUS (or a designee) to fall within the intent of this paragraph (e)(3)(ii).

(b) *Exclusions.* It is emphasized that routine or demand genetic testing is not covered. Further, genetic testing does not include the following:

(1) Tests performed to establish paternity of a child.

(2) Tests to determine the sex of an unborn child.

(4) *Alcoholism.* Inpatient hospital stays may be required for detoxification services during acute stages of alcoholism when the patient is suffering from delirium, confusion, trauma, unconsciousness and severe malnutrition, and is no longer able to function. During such acute periods of detoxification and physical stabilization (i.e., "drying out") of the alcoholic patient, it is generally accepted that there can be a need for medical management of the patient; i.e., there is a probability that medical complications will occur during alcohol withdrawal, necessitating the constant availability of physicians and/or complex medical equipment found only in a hospital setting. Therefore, inpatient hospital care, during such acute periods and under such conditions, is considered reasonable and medically necessary for the treatment of the alcoholic patient and thus covered under CHAMPUS. Active medical treatment of the acute phase of alcoholic withdrawal and the stabilization period usually takes from 3 to 7 days.

(i) *Rehabilitative phase.* An inpatient stay for alcoholism (either in a hospital or through transfer to another type of authorized institution) may continue beyond the 3 to 7 day period, moving into the rehabilitative program phase. Each such case will be reviewed on its own merits to determine whether an inpatient setting continues to be required.

Example. If a continued inpatient rehabilitative stay primarily involves administration of antabuse therapy and the patient has no serious physical complications otherwise requiring an inpatient stay, the inpatient environment would not be considered necessary and therefore benefits could not be extended.

(ii) *Repeated rehabilitative stays: Limited to 3 episodes.* Even if a case is determined to be appropriately continued on an inpatient basis, repeated rehabilitative stays will be limited to 3 episodes (lifetime maximum); and any further rehabilitative stays are not eligible for benefits. However, inpatient stays for the acute stage of alcoholism requiring detoxification/stabilization will continue to be covered. When the inpatient hospital setting is medically required, a combined program of detoxification/stabilization and rehabilitation will normally not be approved for more than a maximum of 3 weeks per episode.

(iii) *Outpatient psychiatric treatment programs.* Otherwise medically necessary covered services related to outpatient psychiatric treatment programs for alcoholism are covered and continue to be covered even though benefits are not available for further inpatient rehabilitative episodes, subject to the same psychotherapy review guidelines as other diagnoses. (Refer to paragraph (c) of this section; also refer to § 199.13, "Claims Submission, Review and Payment.")

(iv) *Review Guidelines and Criteria.* The Director, OCHAMPUS (or a designee), will issue specific instructions, guidelines and criteria for review of claims for services and supplies related to alcoholism.

(5) *Organ transplants.* CHAMPUS Basic Program benefits are available for otherwise covered services and/or supplies in connection with an organ transplant procedure: *Provided*, Such transplant procedure is generally in accordance with accepted professional medical standards, and is not considered to be experimental.

(i) *Recipient costs.* CHAMPUS benefits are payable for recipient costs when the recipient of the transplant is a beneficiary, whether or not the donor is a beneficiary.

(ii) *Donor costs.* (a) Donor costs are payable when both the donor and recipient are CHAMPUS beneficiaries.

(b) Donor costs are payable when the donor is a CHAMPUS beneficiary but the recipient is not.

(c) Donor costs are payable when the donor is the sponsor and the recipient is a beneficiary. (In such an event donor costs are paid as a part of the beneficiary/recipient costs.)

(d) Donor costs are also payable when the donor is neither a CHAMPUS beneficiary nor a sponsor, if the recipient is a CHAMPUS beneficiary. (Again, in such an event donor costs are paid as a part of the beneficiary/recipient costs.)

(iii) *General limitations.* (a) If the donor is not a beneficiary, CHAMPUS benefits for donor costs are limited to those directly related to the transplant procedure itself and do not include any medical care costs related to other treatment of the donor, including complications.

(b) In most instances, for costs related to kidney transplants, Medicare (not CHAMPUS) benefits will be applicable. (Refer to paragraph (e)(3)(vi) "Eligibility.")

(c) Donor transportation costs are excluded whether or not the donor is a beneficiary.

(d) Where the organ transplant is performed under a study, grant or research program, no CHAMPUS benefits are payable for either recipient or donor cost.

(iv) *Kidney acquisition.* With specific reference to acquisition costs for kidneys, each hospital which performs kidney transplants is required for Medicare purposes to develop for each year separate standard acquisition costs for kidneys obtained from live donors and kidneys obtained from cadavers. The standard acquisition cost for cadaver kidneys is compiled by dividing the total cost of cadaver kidneys acquired by the number of transplants using cadaver kidneys. The standard acquisition cost for kidneys from live donors is compiled similarly using the total acquisition cost of kidneys from live donors and the number of transplants using kidneys from live donors. All recipients of cadaver kidneys are charged the same standard cadaver kidney acquisition cost and all recipients of kidneys from live donors are charged the same standard live donor acquisition cost. The appropriate hospital standard kidney acquisition costs (live donor or cadaver) required for Medicare must in every instance be used as the acquisition cost for purposes of providing CHAMPUS benefits.

(6) *Eyeglasses, spectacles, contact lenses or other optical devices.* Eyeglasses, spectacles, contact lenses or other optical devices are excluded under the CHAMPUS Basic Program except under very limited and specific circumstances.

(i) *Exception to general exclusion.* Benefit for glasses and lenses may be extended only in connection with the following specified eye conditions and circumstances:

(a) Eyeglasses or contact lenses which perform the function of the human lens, lost as the result of intraocular surgery or ocular injury.

(b) "Pinhole" glasses prescribed for use after surgery for detached retina.

(c) Lenses prescribed as "treatment" in lieu of surgery for the following conditions:

(1) Contact lenses used for treatment of infantile glaucoma.

(2) Corneal or scleral lenses prescribed in connection with treatment of keratoconus.

(3) Scleral lenses prescribed to retain moisture in cases where normal tearing is not present or is inadequate.

(4) Corneal or scleral lenses prescribed to reduce a corneal irregularity other than astigmatism.

(ii) *Limitations.* The specified benefits are further limited to 1 set of lenses related to one of the qualifying eye conditions set forth in paragraph (e)(6)(i) of this section. If there is a prescription change requiring a new set of lenses (but still related to the qualifying eye condition), benefits may be extended for a second set of lenses, subject to specific medical review.

(7) *Transsexualism or hermaphroditism.* All services and supplies directly or indirectly related to transsexualism (or such other conditions as gender dysphoria) or hermaphroditism are excluded under the CHAMPUS Program. This exclusion includes, but is not limited to, psychotherapy, prescription drugs, intersex surgery, etc., which may be provided in connection with transsexualism or hermaphroditism. There is only one very limited exception to this general exclusion: notwithstanding the definition of congenital anomaly, CHAMPUS benefits may be extended for surgery performed on a child ten (10) years of age or under to correct sex gender confusion (i.e., ambiguous genitalia).

(8) *Cosmetic, reconstructive and/or plastic surgery.* For the purposes of CHAMPUS, cosmetic, reconstructive and/or plastic surgery is that surgery which can be expected primarily to improve physical appearance and/or which is performed primarily for psychological purposes and/or which restores form, but does not correct or materially improve a bodily function.

NOTE.—If a surgical procedure primarily restores function, whether or not there is also a concomitant improvement in physical appearance, the surgical procedure does not fall within the provisions set forth in this section.

(i) *Limited benefits under CHAMPUS.* Benefits under the CHAMPUS Basic Program are generally not available for cosmetic, reconstructive and/or plastic surgery. However, under certain limited circumstances, benefits for otherwise covered services and supplies may be provided in connection with cosmetic, reconstructive and/or plastic surgery, as follows:

(a) Correction of a congenital anomaly; or

(b) Restoration of body form following an accidental injury; or

(c) Revision of disfiguring and extensive scars resulting from neoplastic surgery.

(d) Generally, benefits are limited to those cosmetic, reconstructive and/or plastic surgery procedures performed no later than December 31 of the year following the year in which the related accidental injury or surgical trauma occurred. However, special consideration for exception will be given to cases involving children, which may require a growth period.

(ii) *General exclusions.* (a) For the purpose of CHAMPUS, dental congenital anomalies such as absent tooth buds, malocclusion, etc., are specifically excluded. Also excluded are any procedures related to transsexualism or hermaphroditism, except as otherwise specifically provided in paragraph (e)(7) of this section.

(b) Cosmetic, reconstructive and/or plastic surgery procedures performed primarily for psychological reasons or as a result of the aging process are also excluded.

(c) In addition, whether or not they would otherwise qualify for benefits under paragraph (e)(8)(i) of this section, the breast augmentation mammoplasty, surgical insertion of prosthetic testicles and the penile implant procedure are specifically excluded.

(iii) *Non-covered surgery: All related services and supplies excluded.* When it is determined that a cosmetic, reconstructive and/or plastic surgery procedure does not quality for CHAMPUS benefits, all related services and supplies are excluded, including any institutional costs.

(iv) *Preauthorization required.* In order for CHAMPUS benefits to be extended for cosmetic, reconstructive and plastic surgery procedures which might qualify under paragraph (e)(8) of this section, preauthorization is required from the Director, OCHAMPUS (or a designee).

(a) Such preauthorization requests must include full details of the proposed cosmetic, reconstructive and/or plastic surgery procedure, including photographs of the defect to be surgically corrected.

(b) When a preauthorization request is approved, it is for a specific surgical procedure and is valid for only 90 days from date of issuance.

(c) If the approved cosmetic, reconstructive and/or plastic surgical procedure is not performed within the 90 day period, a new preauthorization is required.

(d) Preauthorization is required for each specific procedure even though a series of surgical procedures is related to the correction of one defect or condition (for example, one which requires that the corrective surgery be done in steps). A preauthorization is not valid for any surgical procedure except as specifically stated in the preauthorization.

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NOTE.—If a surgical procedure primarily restores function, whether or not there is a concomitant improvement in physical appearance, there is no requirement for preauthorization. However, if a surgical procedure only marginally improves function or if there is any question on the part of the surgeon or beneficiary (or sponsor), OCHAMPUS should be contacted for a determination prior to performing the surgery.

(v) *Examples of non-covered cosmetic, reconstructive and/or plastic surgery procedures.* The following is a partial list of cosmetic, reconstructive and/or plastic surgery procedures which Do Not Qualify for Benefits under CHAMPUS. This list is for example purposes only, and is not to be construed as being all-inclusive.

(a) Any procedure performed for personal reasons, to improve the appearance of an obvious feature or part of the body which would be considered by an average observer to be normal and acceptable for the patient's age and/or ethnic and/or racial background.

(b) Cosmetic, reconstructive and/or plastic surgical procedures which are justified primarily on the basis of a psychological or psychiatric need.

(c) Augmentation mammoplasties.

(d) Face lifts and other precedures related to the aging process.

(e) Reduction mammoplasties (unless there is medical documentation of intractable pain not amenable to other forms of treatment, as the result of increasingly large, pendulous breasts).

(f) Panniculectomy; body sculpture procedures.

(g) Repair of sagging eyelids (without demonstrated and medically documented significant impairment of vision).

(h) Rhinoplasties (without evidence of accidental injury occurring within the previous 6 months which resulted in significant obstruction of breathing).

(i) Chemical peeling for facial wrinkles.

(j) Dermabrasion of the face.

(k) Revision of scars resulting from surgery and/or a disease process, except disfiguring and extensive scars resulting from neoplastic surgery.

(l) Removal of tatoos.

(m) Hair transplants.

(n) Electrolysis.

(o) Any procedures related to Transsexualism or Hermaphroditism, except as specifically provided in paragraph (e) (7) of this section.

(p) Penile implant procedure.

(q) Insertion or prosthetic testicles.

(9) *Complications (unfortunate Sequelae) resulting from non-covered initial surgery/treatment.* Benefits are available for otherwise covered services and supplies required in the treatment of complications resulting from a non-covered incident of treatment (such as non-adjunctive dental care, transsexual surgery, cosmetic surgery, etc.), but only if the subsequent complication represents a separate medical condition such as a systemic infection, cardiac arrest, acute drug reaction, etc. Benefits may not be extended for any subsequent care or procedure related to the complication that is essentially similar to the initial non-covered care. Examples of complications similar to the initial episode of care (and thus not covered) would be repair of facial scarring resulting from dermabrasion for acne or repair of a prolapsed vagina in a biological male who had undergone transsexual surgery.

(10) *Dental.* The CHAMPUS Program does not include a dental benefit. Under very limited circumstances, benefits are available for dental services and supplies when the dental services are adjunctive to otherwise covered medical treatment.

(i) *Adjunctive dental care: Limited.* Adjunctive dental care is limited to that dental care which is medically necessary in the treatment of an otherwise covered medical (not dental) condition, is an integral part of the treatment of such medical condition and is essential to the control of the primary medical condition.

(a) Elimination of a non-local oral infection (such as cellulitis or osteitis) which is clearly exacerbating and directly affecting a medical condition currently under treatment would be an example of adjunctive dental care.

(b) Another example of adjunctive dental care would be where teeth and tooth fragments must be removed in order to treat and repair facial trauma resulting from an accidental injury.

NOTE.—The test of whether or not dental trauma is covered is whether or not the trauma is solely dental trauma. Dental trauma must be related to, and an integral part of, medical trauma in order to be covered as adjunctive dental care.

(ii) *General exclusions.* Generally, preventive, routine, restorative, prosthodontic and/or emergency dental care are not covered by CHAMPUS.

(a) Dental care which is essentially preventive and (even if performed to prevent a potential medical condition) which is not an integral part of the treatment of a medical (not dental) condition, does not qualify as adjunctive dental care for the purposes of CHAMPUS. An example would be routine dental care provided a rheumatic heart patient as a "preventive" measure.

(b) Adjunctive care does not include dental services which involve only the teeth and/or their supporting structure, even if the result of an accident. An example would be the child who falls and breaks, chips or loosens a tooth.

(c) Adjunctive dental care does not include restoration or peridontal splinting of teeth and/or dental prosthesis, whether permanent or temporary and whether required as a result of an accidental injury or whether injured, affected or fractured during the medical or surgical management of a medical condition.

(d) Adjunctive dental care does not include treatment of peridontal disease and/or the consequence of peridontal disease; nor does it include such dental services as filling cavities or adding or modifying bridgework to assist in mastication whether or not related to gastrointestinal or hematopoietic diseases.

(e) All orthodontia is specifically excluded, except when directly related to and as an integral part of, surgical correction of cleft palate congenital anomaly.

(iii) *Preauthorization required.* Adjunctive dental care, in order to be covered, requires prior approval and written preauthorization from the Director, OCHAMPUS (or a designee).

(a) The preauthorization request must include a detailed statement from the dentist as to the dental procedure to be performed and its cost, and a statement from the attending physician providing the medical evidence as to its relationship to a medical condition currently under treatment.

(b) Such preauthorization is for specific dental service and is valid for only 90 days from date of issuance.

(c) If the approved adjunctive dental care is not rendered within the 90 day period, a new preauthorization is required. However, unless some unusual medical circumstance occurs, the fact that the dental care was not rendered during the specified time limit will raise significant question as to whether it was, in fact, adjunctive.

(d) Preauthorization is required for each specific adjunctive dental service or appliance (i.e., each instance of dental care), even though related to an ongoing medical episode. A preauthorization is not valid for any adjunctive dental service or supply except as specifically stated in the preauthorization.

(e) Where adjunctive dental care involves an emergency medical (not dental) situation (such as facial injuries resulting from an accident), preauthorization is waived. However, such waiver is limited to the essential adjunctive dental care related to the medical condition requiring the immediate emergency treatment. When claims are submitted for such adjunctive dental care rendered in an emergency situation, a complete explanation along with supporting medical documentation must be submitted.

(iv) *Covered oral surgery.* Notwithstanding the above limitations on dental care, there are certain oral surgical procedures which are performed by both physicians and dentists, and which are essentially medical rather than dental care. For the purposes of CHAMPUS, the following procedures, whether performed by a physician or dentist, are considered to be in this category and benefits may be extended for otherwise covered services and supplies without preauthorization:

(a) Excision of tumors and cysts of the jaws, cheeks, lips, tongue, roof and floor of the mouth, when such conditions require a pathological (histological) examination.

(b) Surgical procedures required to correct accidental injuries of the jaws, cheeks, lips, tongue, roof and floor of the mouth.

(c) Treatment of oral and/or facial cancer.

(d) Treatment of fractures of facial bones.

(e) External (extra-oral) incision and drainage of cellulitis.

(f) Surgery of accessory sinuses, salivary glands or ducts.

(g) Reduction of dislocations of and the excision of the temporamandibular joints, when surgery is a necessary part of the reduction.

(h) Any oral surgical procedure which falls within the cosmetic, reconstructive and/or plastic surgery definition is subject to the limitations and requirements set forth in paragraph (e) (8) of § 199.10, "Basic Program Benefits".

NOTE.—Preparation of the mouth for dentures is not a covered oral surgery procedure. Also excluded are the removal of unerupted or partially erupted, malposed and/or impacted teeth, with or without the attached follicular or development tissues.

(v) *Inpatient hospital stay in connection with nonadjunctive, non-covered dental care.* Institutional benefits specified in paragraph (b) of this section may be extended for inpatient hospital stays related to non-covered, non-adjunctive dental care when such inpatient stay is medically necessary to safeguard the life of the patient from the effects of dentistry because of the existence of a specific and serious non-dental organic impairment currently under active treatment. (Hemophilia is an example of a condition that could be considered a serious non-dental impairment.) Preauthorization by OCHAMPUS is required for such inpatient stay to be covered in the same manner as required for adjunctive dental care described in paragraph (e) (10) (iii) (and its subparts) of this section. Regardless of whether or not the preauthorization request for the hospital admission is approved and thus qualifies for institutional benefits, the professional service related to the non-adjunctive dental care is not covered.

(11) *Drug Abuse.* Under the CHAMPUS Basic Program, benefits may be extended for medically necessary prescription drugs required in the treatment of an illness or injury or in connection with maternity care (refer to paragraph (d) of this section). However, CHAMPUS benefits cannot be authorized to support and/or maintain an existing or potential drug abuse situation, whether or not the drugs (under other circumstances) are eligible for benefit consideration and whether or not obtained by legal means.

(i) *Limitations on who can prescribe drugs.* CHAMPUS benefits are not available for any drugs prescribed by a member of the beneficiary/patient's family or by a non-family member residing in the same household with the beneficiary/patient (or sponsor). CHAMPUS Contractors are not authorized to make any exception to this restriction.

(ii) *Drug maintenance programs excluded.* Drug maintenance programs where one addictive drug is substituted for another on a maintenance basis (such as methadone substituted for heroin) are not covered. Further, this exclusion applies even in areas outside the United States where addictive drugs are legally dispensed by physicians on a maintenance dosage level.

(iii) *Kinds of prescription drugs which are carefully monitored by CHAMPUS for possible abuse situations.*

(a) *Narcotics.* Examples are morphine and demerol.

(b) *Non-Narcotic Analgesics.* Examples are Talwin and Darvon.

(c) *Tranquilizers.* Examples are Valium, Librium, and Meprobamate.

(d) *Barbiturates.* Examples are Seconal and Nembutal.

(e) *Non-Barbiturate Hypnotics.* Examples are Doriden and Chloral Hydrate.

(f) *Stimulants.* Examples are Amphetamines and Methedrine.

(iv) *CHAMPUS contractor responsibilities.* CHAMPUS Contractors are responsible for implementing utilization control and quality assurance procedures designed to identify possible drug abuse situations. The CHAMPUS Contractor is directed to screen all drug claims for potential over-utilization and/or irrational prescribing of drugs, and to subject any such cases to extensive review to establish the necessity for the drugs and their appropriateness on the basis of diagnosis and/or definitive symptoms.

(a) When a possible drug abuse situation is identified, all claims for drugs for that beneficiary and/or provider vider will be suspended pending the results of a review.

(b) If the review determines that a drug abuse situation does in fact exist, all drug claims held in suspense will be denied.

(c) If the record indicates previously paid drug benefits, the prior claims for that beneficiary and/or provider will be reopened and the circumstances involved reviewed to determine whether or not a drug abuse situation also existed at the time the earlier claims were adjudicated. If drug abuse is subsequently ascertained, benefit payments previously made will be considered to have been extended in error and the amount paid recouped.

(d) Inpatient stays primarily for the purpose of obtaining drugs and any other service and supplies related to drug abuse situations are also excluded.

(v) *Unethical or illegal provider practices related to drugs.* Any such investigation into a possible drug abuse situation which uncovers unethical or illegal drug dispensing practices on the part of an institution or physician will be referred to the professional and/or investigative agency having jurisdiction. CHAMPUS Contractors are directed to withhold payment of all CHAMPUS claims for services and/or supplies rendered by a provider under active investigation for possible unethical or illegal drug dispensing activities.

(vi) *Detoxification.* The above monitoring and control of drug abuse situations shall in no way be construed to deny otherwise covered medical services and supplies related to drug detoxification (including newborn addicted infants) when medical supervision is required.

(12) *Custodial care.* The statute under which CHAMPUS operates specifically excludes custodial care. This is a very difficult area to administer. Further, many beneficiaries (and sponsors) misunderstand what is meant by custodial care, assuming that because custodial care is not covered, it implies the custodial care is not necessary. This is not the case; denial of benefits only means the care being provided is not a type of care for which CHAMPUS benefits can be extended.

(i) *Definition of custodial care.* Custodial Care is defined to mean that care rendered to a patient (a) who is mentally or physically disabled and such disability is expected to continue to be prolonged, and (b) who requires a protected, monitored and/or controlled environment whether in an institution or in the home, and (c) who requires assistance to support the essentials of daily living, and (d) who is not under active and specific medical, surgical and/or psychiatric treatment which will reduce the disability to the extent necessary to enable the patient to function outside the protected, monitored and/or controlled environment. A custodial care determination is not precluded by the fact that a patient is under the care of a supervising and/or attending physician and that services are being ordered and prescribed to support and generally maintain the patient's condition, and/or provide for the patient's comfort, and/or assure the manageability of the patient. Further, a custodial care determination is not precluded because the ordered and prescribed services and supplies are being provided by a R.N. or L.P.N.

(ii) *Kinds of conditions that can result in custodial care.* There is no absolute rule that can be applied. With most conditions there is a period of active treatment before custodial care, some much more prolonged than others. Examples of potential custodial care cases might be a spinal cord injury resulting in extensive paralysis, a severe cerebral vascular accident, multiple sclerosis in its latter stages, or pre-senile and senile dementia. These conditions do not necessarily result in custodial care but are indicative of the types of conditions that sometimes do. It is not the condition itself that is controlling but whether the care being rendered falls within the definition of custodial care.

(iii) *Benefits available in connection with a custodial care case.* CHAMPUS benefits are not available for services and/or supplies related to a custodial care case (including the supervisory physician's care), with the following specific exceptions:

(a) *Prescription drugs.* Benefits are payable for otherwise covered prescription drugs, even if prescribed primarily for the purpose of making the person receiving custodial care manageable in the custodial environment.

(b) *Nursing services: Limited.* It is recognized that even though the care being received is determined to be primarily custodial, an occassional specific skilled nursing service may be required. Where it is determined such skilled nursing services are needed, benefits may be extended for 1 hour of nursing care per day.

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(c) *Payment for prescription drugs and limited skilled nursing services does not affect custodial care determination.* The fact that CHAMPUS extends benefits for prescription drugs and limited skilled nursing services in no way affects the custodial care determination if the case otherwise falls within the definition of custodial care.

(iv) *Beneficiary recieving custodial care: Admission to a hospital.* CHAMPUS Benefits may be extended for otherwise covered services and/or supplies directly related to a medically necessary admission to an acute general or special hospital, under the following circumstances:

(a) *Presence of another condition.* When a beneficiary receiving custodial care requires hospitalization for the treatment of a condition other than the condition for which he or she is receiving custodial care (an example might be a broken leg as a result of a fall); or

(b) *Acute exacerbation of the condition for which custodial care is being received.* When there is an acute exacerbation of the condition for which custodial care is being received which requires active inpatient treatment which is otherwise covered.

(13) *Domiciliary care.* The statute under which CHAMPUS operates also specifically exludes domiciliary care. This is another area that is often misunderstood by beneficiaries (and sponsors).

(i) *Defintion of domiciliary care.* Domiciliary care is defined to mean inpatient institutional care provided the beneficiary, not because it is medically necessary, but because the care in the home setting is not available, is unsuitable and/or members of the patient's family are unwilling to provide the care. Institutionalization because of abandonment constitutes domiciliary care.

(ii) *Examples of domiciliary care situations.* The following are examples of domiciliary care for which CHAMPUS benefits are not payable:

(a) *Home care is not available.* Institutionalization primarily because parents work, or extension of a hospital stay beyond what is medically required because the patient lives alone, are examples of domiciliary care provided because there is no other family member or other person available in the home.

(b) *Home care is not suitable.* Institutionalization of a child because a parent or (parents) is an alcoholic who is not sufficiently responsible to care for the child, or because someone in the home has a contagious disease, are examples of domiciliary care being provided because the home setting is unsuitable.

(c) *Family unwilling to care for individual in the home.* A child who is difficult to manage may be placed in an institution, not because institutional care is medically required, but because the family does not want to handle him or her in the home. Such institutionalization would represent domiciliary care, i.e., the family being unwilling to assume responsibility for the child.

(iii) *Benefits available in connection with a domiciliary care case.* Should the beneficiary receive otherwise covered medical services and/or supplies while also being in a domiciliary care situation, CHAMPUS benefits are payable for those medical services and/or supplies in the same manner as though the beneficiary resided in his or her own home. Such benefits would be cost-shared as though rendered to an outpatient.

(iv) *General exclusion.* Domiciliary care is institutionalization essentially to provide a substitute home—not because it is medically necessary for the beneficiary to be in the institution (although there may be conditions present which have contributed to the fact that domiciliary care is being rendered). CHAMPUS benefits are not payable for any costs/charges related to the provision of domiciliary care. While a substitute home and/or assistance may be necessary for the beneficiary, domiciliary care does not represent the kind of care for which CHAMPUS benefits can be provided.

(f) *Beneficiary (or sponsor) liability.* (1) *General.* As stated in the introductory paragraph to this section, the CHAMPUS Basic Program is essentially a supplemental program to the Uniformed Services direct medical care system. In order to encourage use of the Uniformed Services direct medical care system wherever its facilities are available and appropriate, the CHAMPUS Basic Program benefits are designed so that it is to the financial advantage of a CHAMPUS beneficiary (or sponsor) to use the direct medical care system. When medical care is received from civilian sources, a CHAMPUS beneficiary is responsible for payment of certain deductible and cost-sharing amounts in connection with otherwise covered services and supplies. By statute, this joint financial responsibility between the beneficiary (or sponsor) and CHAMPUS is more favorable for dependents of active duty members than for other classes of beneficiaries.

(2) *Dependents of active duty members of the Uniformed Services.* CHAMPUS beneficiary (or sponsor) liability set forth for dependents of active duty members is as follows:

(i) *Annual fiscal year deductible for outpatient services and/or supplies.* A CHAMPUS beneficiary (or sponsor) is responsible for the payment of the first fifty ($50) dollars of the CHAMPUS-determined reasonable costs/charges for otherwise covered outpatient services and/or supplies provided in any one fiscal year. However, when such outpatient services are provided to more than one beneficiary member of a family during the same fiscal year, the aggregate outpatient deductible amount paid by any two or more beneficiary members of the family, who submit claims, shall not exceed one hundred ($100) dollars during any fiscal year.

NOTE.—The Federal Government's current fiscal year runs from October 1 through September 30 of each year. This fiscal year period became effective October 1, 1976. Prior to that time, the fiscal year period ran from July 1 through June 30 of each year. For purposes of applying the CHAMPUS fiscal year outpatient deductible provision, the transitional quarter July 1, 1976 through September 30, 1976, is considered to be a part of the fiscal year commencing July 1, 1975. Thus for the purposes of satisfying the annual fiscal year outpatient deductible, CHAMPUS beneficiaries have the advantage of a one-time 15-month fiscal year, running from July 1, 1975, through September 30, 1976.

(a) In any one fiscal year, if only one beneficiary member of a family files a claim (regardless of the number of beneficiary members actually in the family), that beneficiary member is only required to satisfy a fifty ($50) dollar annual fiscal year deductible for outpatient services and/or supplies as described in paragraph (f)(2)(i) of this section.

(b) In any one fiscal year, if 2 or more beneficiary members of a family file claims, the total amount of which is less than one hundred ($100) dollars, but none of the beneficiary members submit a claim for over fifty ($50) dollars, no CHAMPUS benefits are payable for otherwise covered outpatient services and/or supplies provided such beneficiary members during that particular fiscal year.

(c) For any family, the outpatient deductible amounts will be applied sequentially, as the CHAMPUS claims are submitted.

(d) If the fiscal year outpatient deductible has been met by a beneficiary ($50) or a family ($100 aggregate) through the submission of a claim(s) to a CHAMPUS Contractor in another geographic location from the location where a current claim is being submitted, the beneficiary (or sponsor) must obtain a deductible certificate from the CHAMPUS Contractor where the applicable individual and/or family fiscal year deductible was met. Such deductible certificate must be attached to the current claim being submitted for benefits. Failure to obtain a deductible certificate under such circumstances will result in a second individual and/or family fiscal year deductible being applied. However, this second deductible may be reimbursed once appropriate documentation as described in this paragraph (f)(2)(i)(d) of this section is supplied to the CHAMPUS Contractor applying the second deductible. (Refer to paragraph (a) of § 199.13, "Claims Submission, Review and Payment.")

(ii) *Inpatient cost-sharing.* Dependents of active duty members of the Uniformed Services (or their sponsors) are responsible for the payment of the first twenty-five ($25) dollars of the reasonable institutional costs incurred with each covered inpatient admission to a hospital or other authorized institutional provider (refer to § 199.12 "Authorized Providers"), or the amount the beneficiary/patient (or sponsor) would have been charged had the inpatient care been provided in a Uniformed Service hospital, whichever is greater.

NOTE.—The Secretary of Defense (after consulting with the Secretary of Health, Education and Welfare), prescribes the fair charges for inpatient hospital care provided through Uniformed Services medical facilities. This determination is currently made on an annual basis. The following chart gives the applicable amounts for each calendar year since 1966:

Calendar year	Charge per day
1966	$1.75
1967	1.75
1968	1.75
1969	1.75
1970	1.75
1971	1.75
1972	1.75
1973	1.75
1974	3.50
1975	3.70
1976	3.90
1977	4.10

(a) *Inpatient cost-sharing payable with each separate inpatient admission.* A separate cost-sharing amount (as described in paragraph (f)(2) of this section) is payable for each inpatient admission to a hospital or other authorized institution regardless of the purpose of the admission (i.e., maternity, surgery, etc.), regardless of the number of times the beneficiary/patient is admitted and regardless of whether or not the inpatient admissions are for the same or related conditions; except that successive inpatient admissions shall be deemed one inpatient confinement for the purpose of computing the inpatient cost-share payable, provided not more than 60 days have elapsed between the successive admissions. However, notwithstanding this provision, all admissions related to a single maternity episode shall be considered one confinement, regardless of the number of days between admissions. (Refer to paragraph (b) of this section.)

(b) *Multiple family inpatient admissions.* A separate cost-sharing amount is payable for each inpatient admission regardless of whether or not 2 or more beneficiary members of a family are admitted at the same time and/or from the same cause (such as an accident). A separate beneficiary inpatient cost-sharing amount must be applied for each separate admission of each beneficiary member of the family.

(c) *Newborn: Patient in his or her own right.* When a newborn infant remains as an inpatient in his or her own right (usually after the mother is discharged), the newborn child becomes the beneficiary/patient and the extended inpatient stay becomes a separate inpatient admission. In such a situation a new, separate inpatient cost-sharing amount is applied. If a multiple birth is involved (i.e., twins, triplets, etc.), and 2 or more newborn infants become patients in their own right, a separate inpatient cost-sharing amount must be applied to the inpatient stay for each newborn child who has remained as an inpatient in his or her own right.

(iii) *Outpatient cost-sharing.* Dependents of active duty members of the Uniformed Services (or their sponsors) are responsible for payment of 20 percent of the CHAMPUS-determined reasonable cost/charge in excess of the annual fiscal year deductible amount (as described in paragraph (f)(2)(i) of this section) for otherwise covered services and/or supplies provided on an outpatient basis by authorized providers. (Refer to § 199.12, "Authorized Providers.")

(3) *Retirees; dependents of retirees; dependents of deceased active duty members; and dependents of deceased retirees.* CHAMPUS beneficiary liability set forth for retirees, dependents of retirees, dependents of deceased active duty members, and dependents of deceased retirees is as follows:

(i) *Annual fiscal year deductible for outpatient services and/or supplies.* The annual fiscal year deductible for otherwise covered outpatient services and/or supplies provided retirees, dependents of retirees, dependents of deceased active duty members, and dependents of deceased retirees is identical to the annual fiscal year outpatient deductible applicable to dependents of active duty members. (Refer to paragraph (f)(2)(i) of this section.)

(ii) *Inpatient cost-sharing.* Retirees, dependents of retirees, dependents of deceased active duty members, and dependents of deceased retirees are responsible for the payment of 25 percent of the CHAMPUS-determined reasonable costs/charges for otherwise covered services and/or supplies provided on an inpatient basis by an authorized provider.

(iii) *Outpatient cost-sharing.* Retirees, dependents of retirees, dependents of deceased active duty members, and dependents of deceased retirees are responsible for payment of 25 percent of the CHAMPUS-determined reasonable costs/charges in excess of the annual fiscal year deductible amount (as described in paragraph (f)(2)(ii) of this section) for otherwise covered services and/or supplies provided on an outpatient basis by authorized providers.

(4) *Amounts in excess of CHAMPUS-determined reasonable costs/charges.* It is the responsibility of the CHAMPUS Contractor to determine reasonable costs for services and supplies provided by hospitals and other institutions and reasonable charges for services and supplies provided by physicians, other individual professional providers, and other providers. Such CHAMPUS-determined reasonable costs/charges are made in accordance with the provisions of paragraph (e) of § 199.12, "Authorized Providers." All CHAMPUS benefits, including calculation of the CHAMPUS and/or beneficiary cost-sharing amounts, are based on such CHAMPUS-determined reasonable costs/charges. The effect on the beneficiary when the billed cost/charge is in excess of the CHAMPUS-determined reasonable amount is dependent upon whether or not the applicable claim was submitted on a participating basis on behalf of the beneficiary/ patient or submitted directly by the beneficiary on a non-participating basis. This provision applies to all classes of CHAMPUS beneficiaries.

NOTE.—In any situation where the provider "forgives" or "waives" any beneficiary liability, such as amounts applicable to the annual Fiscal Year deductible for outpatient services and/or supplies, or the inpatient or outpatient cost-sharing as previously set forth in this section, the CHAMPUS-determined reasonable charge/cost allowance (whether payable to the CHAMPUS beneficiary or sponsor, or to a participating provider) shall be reduced by the same amount.

(i) *Participating provider.* Under CHAMPUS, an authorized provider has the option of participating on a claim-by-claim basis. If a provider elects to participate, the provider signs the applicable CHAMPUS claim form(s) and submits it to the appropriate CHAMPUS Contractor. (In the case of an institution or medical supplier, the claim must be signed by an individual having such authority.) This signature certifies that the provider has agreed to accept the CHAMPUS-determined reasonable charge/cost as payment in full for the medical services and supplies listed on the specific claim form; and further has agreed to accept the amount paid by CHAMPUS and/or the CHAMPUS payment combined with the cost-sharing amount paid by (or in behalf of) the beneficiary/patient, as full payment for the covered medical services and/or supplies. Therefore, when costs/charges are submitted on a particiapting basis, the patient is not obligated to pay any amounts disallowed as being in excess of the CHAMPUS-determined reasonable cost/charge for authorized medical services and/or supplies.

(ii) *Non-participating providers.* Non-participating providers are those providers who do not sign the CHAMPUS claim form and thereby do not agree to accept the CHAMPUS-determined reasonable costs/charges as the full charge. For otherwise covered services and supplies provided by such non-participating CHAMPUS providers, payment is made directly to the beneficiary (or sponsor) and the beneficiary is liable under applicable law for any amounts in excess of the CHAMPUS-determined reasonable costs/charges. CHAMPUS shall have no responsibility for any amounts in excess of reasonable costs/charges as determined by CHAMPUS.

(g) *Exclusions and limitations.* In addition to any definitions, requirements, conditions and/or limitations enumerated and described in other sections of this regulation, the following are specifically excluded from the CHAMPUS Basic Program:

(1) *Not medically necessary.* Services and supplies which are not medically necessary for the diagnosis and/or treatment of a covered illness or injury.

(2) *Unnecessary diagnostic tests.* X-ray, laboratory and pathological services and machine diagnostic tests not related to a specific illness or injury or a definitive set of symptoms.

(3) *Institutional level of care.* Services and supplies related to inpatient stays in hospitals or other authorized institutions above the minimum level required to provide necessary medical care.

(4) *Computer-Assisted Tomography Scanning (CAT Scanning).* Except as specifically provided in paragraph (b)(5)(viii) of this section.

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(5) *Diagnostic admission.* Services and supplies related to an admission primarily to perform diagnostic tests, examinations and procedures that could have been and routinely are, performed on an outpatient basis.

NOTE: If it is determined that the diagnostic X-ray, laboratory and pathological services and machine tests performed during such admission were medically necessary and would have been covered if performed on an outpatient basis, CHAMPUS benefits may be extended for such diagnostic procedures, but cost-sharing will be computed as if performed on an outpatient basis.

(6) *Unnecessary post-partum inpatient stay: Mother or Newborn.* Post-partum inpatient stay of a mother for purposes of staying with a newborn infant (usually primarily for the purpose of breast feeding the infant) when the infant (but not the mother) requires the extended stay; or continued inpatient stay of a newborn infant primarily for purposes of remaining with the mother when the mother (but not the newborn infant) requires extended post-partum inpatient stay.

(7) *Therapeutic absences.* Therapeutic absences from an inpatient facility; those absences which do not exceed 72 hours are not automatically excluded.

(8) *Custodial care.* Custodial care regardless of where rendered.

(9) *Domiciliary care.* Inpatient stays primarily for domiciliary care purposes.

(10) *Rest or rest cures.* Inpatient stays primarily for rest or rest cures.

(11) *Amounts above reasonable costs/charges.* Costs of services and supplies to the extent amounts billed are in excess of the CHAMPUS-determined reasonable cost/charge, as provided for in paragraph (e) of § 199.12, "Authorized Providers."

(12) *No legal obligation to pay: No charge would be made.* Services and/or supplies for which the beneficiary (or sponsor) has no legal obligation to pay; or for which no charge would be made if the individual was not an eligible beneficiary.

(13) *Furnished without charge.* Services and/or supplies furnished without charge.

(14) *Furnished by local, state or federal government.* Services and supplies paid for, or eligible for payment directly or indirectly by a local, state or Federal government, except as provided under the CHAMPUS Program or by government hospitals serving the general public, or medical care provided by a Uniformed Service medical care facility, or benefits provided under Title XIX of the Social Security Act (Medicaid). (Refer to § 199.14, "Double Coverage.")

(15) *Study, grant or research programs.* Services and supplies provided as a part of or under a scientific or medical study, grant or research program.

(16) *Not in accordance with accepted standards: Experimental.* Services and supplies not provided in accordance with accepted professional medical standards; or related to essentially experimental procedures or treatment regimens.

(17) *Immediate family: household.* Services or supplies provided or prescribed by a member of the beneficiary/patient's immediate family, or a person living in the beneficiary/patient's (or sponsor's) household.

(18) *Double coverage.* Services and supplies which are (or are eligible to be) payable under another medical insurance or program, either private or governmental (such as coverage through employment, Medicare, etc.). (Refer to § 199.14, "Double Coverage.")

(19) *Nonavailability statement required.* Services and supplies provided under circumstances and/or in geographic locations requiring a Nonavailability Statement (DD 1251), when such a statement was not obtained.

(20) *Preauthorization required.* Services or supplies provided in connection with an institution and/or circumstances which require preauthorization in order for CHAMPUS benefits to be extended, for which preauthorization was not obtained; or where preauthorization was obtained but the services and/or supplies it covered were not obtained within the prescribed time limit (usually a 90 day period).

(21) *Psychoanalysis and/or psychotherapy: Part of education.* Psychoanalysis and/or psychotherapy provided to mediate family, that is credited toward earning a degree or furtherance of the education or training of a beneficiary (or sponsor), regardless of diagnosis or symptoms that may be present.

(22) *Runaways.* Inpatient stays primarily to control and/or detain a runaway child, whether or not admission is to an authorized institution.

(23) *Court orders: Court directed inpatient stays.* Court ordered services and supplies; inpatient stays directed by or agreed to with the Court as an alternative to incarceration for a criminal act (i.e., jail, reform school, etc.) whether or not admission is to an authorized institution. It is intended that inpatient stays paid by CHAMPUS be directed only by an authorized physician provider.

(24) *Service connected.* Services and supplies related to military service-connected illness or injury.

(25) *Work-related (Occupational) disease or injury.* Services and supplies required as a result of occupational disease or injury for which any benefits are payable under a workman's compensation or similar law, whether or not such benefits have been applied for or paid; except if benefits provided under such laws are exhausted, as specifically provided for in paragraph (g) of § 199.14 "Double Coverage."

(26) *Cosmetic, reconstructive and/or plastic surgery.* Services and supplies in connection with cosmetic, reconstructive and/or plastic surgery except as specifically provided in paragraph (e) of this section.

(27) *Surgery: Psychological reasons.* Surgery performed primarily for psychological reasons (i.e., psychogenic).

(28) *Electrolysis.*

(29) *Dental care.* Dental care or oral surgery, except as specifically provided in paragraph (e) of this section.

(30) *Obesity: Weight reduction.* Services and supplies related to obesity and/or weight reduction; the intestinal or stomach bypass procedures, the stomach stapling procedure, wiring of the jaws, or any procedure of similar purpose, are also excluded regardless of the circumstances under which performed.

(31) *Transsexualism or hermaphroditism.* Services and supplies related to transsexualism (or other conditions such as gender dysphoria) or hermaphroditism (including but not limited to intersex surgery, psychotherapy, prescription drugs, etc.), except as specifically provided in paragraph (e) of this section for children ten (10) years of age or under.

(32) *Sexual dysfunctions or inadequacies.* Sex therapy; or other services or supplies provided in connection with sexual dysfunctions or inadequacies; sex behavior modification.

(33) *Corns, calluses and toenails.* Removal of corns or calluses or trimming of toenails, and other routine podiatry services, except those required as a result of a diagnosed systemic medical disease affecting the lower limbs, such as severe diabetes.

(34) *Minimal brain dysfunction.* Services and supplies related to minimal brain dysfunction (MBD), also sometimes called Organic Brain Syndrome, Hyperkinesis, Learning Disorder, etc.

(35) *Dyslexia.*

(36) *Sterilization: Reversal.* Surgery to reverse surgical sterilization procedures.

(37) *Artificial insemination.* Services and supplies related to artificial insemination (including semen donors and semen banks).

(38) *Non-prescription contraceptives.*

(39) *Tests to determine paternity or sex of a child.* Diagnostic tests to establish paternity of a child; or tests to determine sex of an unborn child.

(40) *Preventive care.* Preventive care, i.e., routine, annual or employment-requested physical examinations; routine screening procedures; immunizations; except that the following are not excluded: (i) Newborn examination (including PKU).

(ii) Rabies shots.

(iii) Tetanus shot following an accidental injury.

(iv) Rhogam.

(v) Genetic tests as specified in paragraph (e) of this section.

(vi) Immunizations and physical examinations provided when required in the case of dependents of active duty military personnel who are traveling outside the United States as a result of an active member's duty assignment and such travel is being performed under orders issued by a Uniformed Service.

(41) *Well baby care.* Services and supplies related to providing well baby care, except that newborn examinations, PKU tests and newborn circumcisions are not excluded.

(42) *Chiropractors and Naturopaths.* Services of chiropractors and naturopaths whether or not such services would be eligible for benefits if rendered by an authorized provider.

(43) *Counselors: Counseling.* Services of counselors, except Marriage and Family Counseling as specifically provided in § 199.12 in this Regulation, "Authorized Providers."

(44) *Acupuncture.* Acupuncture, whether used as a therapeutic agent or as an anesthetic.

(45) *Hair transplants: Wigs or hairpieces.*

(46) *Education/Training.* Educational services and supplies, training, non-medical, self care/self help training and any related diagnostic testing or supplies. (This exclusion includes such items as special tutoring, remedial reading, natural childbirth classes, etc.)

(47) *Occupational therapy.* Occupational therapy, and other similar modalities except when rendered as a part of treatment related to an otherwise covered inpatient stay.

NOTE.—This is not intended to exclude medically necessary outpatient physical therapy rendered by a licensed, registered physical therapist.

(48) *Exercise.* General exercise programs, even if recommended by a physician and regardless of whether or not rendered by an authorized provider. In addition, passive exercises and range of motion exercises are also included except when prescribed by a physician and rendered by a physical therapist concurrently with, and as an integral part of, a comprehensive program of physical therapy.

(49) *Audiologist; Speech therapist.* Services of an audiologist or speech therapist except when prescribed by a physician when rendered as a part of treatment addressed to the defect itself and not to any educational or occupational deficit.

(50) *Miscellaneous ancillary therapy modalities.* Art, music, dance therapy; play, recreation or similar ancillary therapy modalities; unless specifically approved as an incidental part of an otherwise covered inpatient treatment plan.

(51) *Mind expansion.* Services provided primarily for the purpose of mind expansion (i.e., increasing consciousness), including, but not limited to, Gestalt Therapy, Transactional Analysis, EST (Erhard), Rolfing, Transcendental Meditation, Z-therapy, etc.

(52) *Vision care.* Eye exercises or visual training (orthoptics).

(53) *Eye and hearing examinations.* Eye and hearing examinations except when rendered in connection with medical or surgical treatment of a covered illness or injury.

(54) *Prosthetic devices.* Prostheses, except artificial limbs and eyes, or if an item is surgically inserted in the body as an integral part of a surgical procedure. All dental prostheses are excluded, except for those specifically required in connection with otherwise covered orthodontia directly related to the surgical correction of a cleft palate anomaly.

(55) *Orthopedic shoes.* Orthopedic shoes, arch supports, etc., and including special-ordered, custom-made built up shoes or regular shoes subsequently built up.

(56) *Eyeglasses.* Eyeglasses, spectacles, contact lenses or other optical devices, except as specifically provided under paragraph (e) of this section.

(57) *Hearing aids.* Hearing aids or other auditory sensory enhancing devices.

(58) *Telephonic services.* Services or advice rendered by telephone or other telephonic device, including remote monitoring.

(59) *Air conditioners, humidifiers, dehumidifiers, and purifiers.*

(60) *Elevators or chair lifts.*

(61) *Alterations.* Alterations to living spaces and/or permanent features attached thereto, even where necessary to accommodate installation of covered durable medical equipment or to facilitate ingress or egress.

(62) *Clothing.* Items of clothing or shoes, even if required by virtue of an allergy (i.e., cotton fabric vs. synthetic fabric, and vegetable-dyed shoes, etc.).

(63) *Food: Food substitutes.* Food, food substitutes, vitamins or other nutritional supplements, including those related to prenatal care.

(64) *Enuresis.* Enuretic devices; enuretic conditioning programs.

(65) *Bio-feedback.*

(66) *Autopsy/Post Mortem.*

(67) *Camping.* All camping, even though organized for a specific therapeutic purpose (i.e., diabetic camp or a camp for emotionally disturbed children), and even though offered as a part of an otherwise covered treatment plan or offered through a CHAMPUS-approved facility.

(68) *Housekeeper: Companion.* Housekeeping, homemaker or attendant services; sitter or companion.

(69) *Non-covered condition: Unauthorized provider.* All services and supplies (including inpatient institutional costs) related to a non-covered condition or treatment; or provided by an unauthorized provider.

(70) *Comfort and/or convenience.* Personal comfort and/or convenience items (such as beauty and barber services), radio, television and telephone.

(71) *"Stop Smoking" programs.* Services and supplies related to "stop smoking" regimens.

(72) *Megavitamin psychiatric therapy: Orthomolecular psychiatric therapy.*

(73) *Transportation.* All transportation except by ambulance, as specifically provided under paragraph (d) of this section.

(74) *Travel.* All travel even though prescribed by a physician and even though for the purpose of obtaining medical care, except as specified in subparagraph (a)(6) of this section in connection with a CHAMPUS-required physical examination.

(75) *Institutions.* Services and supplies provided by other than a hospital unless the institution has been specifically approved by OCHAMPUS. Nursing homes, intermediate care facilities, halfway houses, homes for the aged, or institutions of similar purpose are excluded from consideration as approved facilities under the CHAMPUS Basic Program.

NOTE.—In order to be approved under CHAMPUS an institution must, in addition to meeting CHAMPUS standards, provide a level of care for which CHAMPUS benefits are payable.

(76) *Supplemental diagnostic services.* Diagnostic services including clinical laboratory examinations, X-ray examinations, pathological examinations, and machine tests which produce hard copy results performed by civilian providers at the request of the attending Uniformed Service medical department physician (active duty or Civil Service) is not a benefit under CHAMPUS.

(77) *Supplemental consultation.* Consultations done by civilian providers at the request of an attending Uniformed Service medical department physician (active duty or Civil Service) is not a benefit.

(78) *Not specifically listed.* Services and supplies not specifically listed as a benefit in this Regulation. However, this exclusion is not intended to preclude extending benefits for those services and supplies specifically determined to be covered within the intent of this regulation by the Director, OCHAMPUS (or a designee) even though not otherwise listed.

NOTE.—The fact that a physician may prescribe, order, recommend or approve a service or supply does not, of itself, make it medically necessary or make the charge an allowable expense, even though it is not specifically listed as an exclusion.

§ 199.11 **Program for the handicapped.**

(a) *General.* The Program for the Handicapped is essentially a program of financial assistance for military personnel on active duty whose spouses or children may be moderately or severely mentally retarded or seriously physically handicapped and in need of specialized institutional care, training, or rehabilitation and the required services are not available from public institutions or agencies. The Program for the Handicapped was established by Congress to be a source of financial assistance in those instances where an active duty member's handicapped dependents have, by virtue of residency laws, been excluded from appropriate publicly-operated programs or institutions for the handicapped. There is, therefore, a requirement that all local resources must be considered and those determined to be adequate, utilized first, before an application for coverage under the Program for the Handicapped will be acted on by the Director, OCHAMPUS (or a designee). There is a further requirement that all institutional care otherwise authorized be provided in not-for-profit CHAMPUS approved institutions. Coverage for any services or supplies under the Program for the Handicapped requires prior approval.

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(1) *Physical or mental examinations.* The Director, OCHAMPUS (or a designee), may request a beneficiary to submit to one or more appropriate medical (including psychiatric) examinations in order to determine the beneficiary's entitlement to benefits for which application has been made or for otherwise authorized services and supplies required in the proposed management plan for the handicapped individual. When such an examination has been requested, CHAMPUS will withhold payment of any pending claim(s) or preauthorization requests for that particular beneficiary. If the beneficiary (or sponsor) does not agree to the requested examination, or unless prevented by a medical reason acceptable to CHAMPUS, the examination is not performed within 90 days of the initial request, all pending claim(s) for services and supplies will be denied. A denial of payments for such services and/or supplies provided prior to, and related to the request for a physical examination, is not subject to reconsideration. The cost of the examination(s) will be at the expense of CHAMPUS (including any related beneficiary transportation costs). The examination(s) may be performed by a physician(s) in a Uniformed Services medical facility or by an appropriate civilian physician(s), as determined and selected by the Director, OCHAMPUS (or a designee), who is responsible for making such arrangements as are necessary.

(2) *Right to information.* As a condition precedent to the provision of benefits hereunder, OCHAMPUS and/or CHAMPUS Contractors shall be entitled to receive information from a physician or hospital or other person, institution, and/or organization (including a local, state or Federal Government agency) providing services or supplies to the beneficiary for which claims or requests for approval for benefits are submitted. Such information and records may relate to the attendance, testing, monitoring, or examination or diagnosis of, or treatment rendered, or services and supplies furnished to, a beneficiary and shall be necessary for the accurate and efficient administration of CHAMPUS benefits. In addition, before a determination on a request for preauthorization or claim for benefits, a beneficiary or sponsor must provide particular additional information relevant to the requested determination when necessary. The recipient of such information shall in every case hold such records confidential except when: (i) Disclosure of such information is specifically authorized by the beneficiary; (ii) disclosure is necessary to permit authorized Governmental officials to investigate and prosecute criminal actions; or (iii) disclosure is specifically authorized or required under the terms of the Privacy Act and/or Freedom of Information Act (refer to paragraph (m) § 199.7, "General"). For the purposes of determining the applicability of and implementing the provisions of §§ 199.12 and 199.15, "Double Coverage" and "Federal Medical Recovery Act", respectively, or any provision of similar purpose of any other medical benefits coverage or entitlement, OCHAMPUS and/or CHAMPUS Contractors may, without consent or notice to any beneficiary (or sponsor), release to any insurance company or other organization, Government agency, provider or other entity any information with respect to any beneficiary when such release constitutes a routine use duly published in the FEDERAL REGISTER in accordance with the Privacy Act (5 U.S.C. 552.a.). Before an individual's claim for benefits will be adjudicated, the individual must furnish to CHAMPUS that information which may reasonably be expected to be in his or her possession and which is necessary to make the benefit determination. Failure to provide the requested information may result in denial of the claim.

(3) *Timely filing of claims.* All claims submitted for benefits under this section must be filed with the appropriate CHAMPUS Contractor no later than December 31 of the calendar year following the one in which the covered service or supply was provided. Failure to timely file a claim automatically waives all rights to any benefits for otherwise covered services and/or supplies. (Refer to § 199.12 "Claims Submission, Review and Payment".)

(4) *Eligibility for benefits*—(i) *Eligibility criteria.* Eligibility criteria for CHAMPUS generally are contained in § 199.9. However, coverage of the Program for the Handicapped includes and is further limited to:

(a) The dependents, as defined in § 199.9, of a member of one of the Uniformed Services who is under call or order to active duty that does not specify a period of 30 days or less who are moderately or severely mentally retarded or who have a serious physical handicap; or

(b) The dependents of a deceased active duty service member who died after January 1, 1967, while eligible for receipt of hostile fire pay or from a disease or injury incurred while eligible for such pay, who are under 21 years of age, and who otherwise meet the criteria of paragraph (a) (4) (i) (a) of § 199.9, and were receiving benefits under the Program for the Handicapped at the time of said member's death.

(ii) *Sponsor Ceases to be Active Duty Member.* When the sponsor ceases to be an active duty member because of death, benefits under the Program for the Handicapped may be continued up through the last day of the calendar month following the month in which the sponsor's death occurred. When the sponsor ceases to be an active duty member for any other reason, i.e., retirement, separation or deserter status, benefits under the Program for the Handicapped cease as of 12:01 a.m. of the following day the status of the sponsor changes. Exception is made only for those spouses and children under 21 years of age of deceased members qualifying for continued benefits under provisions of paragraph (a) (4) (i) (b) of § 199.9. Any support or aid for the handicapped individual after CHAMPUS benefits cease are the responsibility of the sponsor (or parent or guardian).

(iii) *Scope of benefits.* Subject to the conditions and limitations set forth in this regulation, the Program for the Handicapped provides financial assistance toward the purchase of services and/or supplies necessary for the following:

(a) Diagnosis. (b) Inpatient, outpatient and home treatment. (c) Training, rehabilitation and special education. (d) Institutional care in private not-for-profit or public and state institutions and facilities. (e) When appropriate, transportation to and from such institutions and facilities.

(b) *Cost-sharing.* The sponsor is required to pay a portion of the costs for each month in which the dependent receives benefits under the Program for the Handicapped. The amount the sponsor pays is based upon the pay grade. The amounts required of members in each pay grade are as follows:

Member's pay grade:	*Share amount*
E–1 through E–5	$25
E–6	30
E–7 and O–1	35
E–7 and O–2	40
E–9, W–1, W–2, and O–3	45
W–3, W–4, and O–4	50
O–5	65
O–6	75
O–7	100
O–8	150
O–9	200
O–10	250

Except as specifically set forth in paragraph (b) (3) of this section, the Government's share of the cost of any benefits provided under the Program for the Handicapped cannot exceed $350 per month. Any amount remaining after the Government's maximum share has been reached is again the responsibility of the active duty member. In ascertaining the total charges against which the sponsor's and the Government's shares will be computed, certain considerations are made:

(1) *Charges/costs must be reasonable.* The charges/costs must be reasonable for the services and/or supplies provided. The cost-share computations will be made on the amount determined to be reasonable under the method used in the operation of the Basic Program (Refer to § 199.12, "Authorized Providers") and equivalent to a monthly billing unit.

(2) *CHAMPUS share limit.* The CHAMPUS share of the reasonable charges/costs of all benefits: *Provided,* The handicapped beneficiary in a given month will not exceed three hundred fifty ($350) dollars per month, except when there are two or more handicapped dependents in the same family, as described in paragraph (b) (3) of this section.

(3) *Two or more handicapped dependents.* In those instances where an active duty member has two or more dependents incurring expenses in a given month, the active duty member's monthly obligation will not be greater than he or she would be required to pay if he or she had but one such dependent receiving benefits under the Program for the Handicapped. Such active duty member will be charged on the basis of the handicapped dependent incurring the least expense under the Program for the Handicapped in any given month. The active duty member is, however, obligated to pay at least the amount indicated for his or her applicable pay grade shown in paragraph (b) of this section. When the cost for one dependent is less than the amount shown for the applicable pay grade, the active duty member is obligated to pay such additional amount as is required to meet the cost shown for his or her pay grade in paragraph (b) of this section toward satisfying the bill of the second dependent receiving benefits under the Program for the Handicapped.

(4) *No prepayment of services.* In no case will payment be made in advance for services not yet rendered.

(5) *Absence from an institution: Cost-sharing implications.* As a general rule, CHAMPUS will not cost-share any costs incurred during a period the handicapped dependent is absent from an institution with the following exceptions:

(i) *Illness or injury requiring hospitalization.* When the handicapped dependent requires hospitalization, benefits under the Program for the Handicapped may be continued up to the last day of the calendar month following the calendar month in which the hospital inpatient stay began.

(ii) *Emergency situations.* Benefits under the Program for the Handicapped may be continued in bona fide emergency situations, such as serious illness or death in the immediate family, but in no case longer than 7 days including travel time.

(iii) *Therapeutic absences.* When a handicapped dependent leaves an institution for a therapeutic absence, benefits under the Program for the Handicapped may be continued for a period not to exceed 72 hours, including travel time.

(iv) *Holiday or school vacation.* When a handicapped dependent leaves an institution for a recognized holiday or school vacation during the school term, benefits under the Program for the Handicapped are limited to not more than 7 days each, including travel time, except that one such absence of up to 15 days, including travel time, is authorized each year. Payments for holiday and vacation absences are authorized only when all paying patients in the facility are charged for the absence.

(v) *Recording of absences.* All absences must be noted on the claim form and a detailed statement attached to the claim form explaining the duration and reason for the absence. Failure to do so will result in termination of benefits.

(c) *Criteria for qualifying for the program for the handicapped beneficiary—(1) General requirements.* To be considered for benefits, the applicant must be medically determined to be moderately or severely retarded or seriously physically handicapped to the following extent:

(i) *Duration of handicap.* The condition is expected to result in death; or has lasted, or is, with reasonable certainty, expected to last for a minimum of 12 months; and

(ii) *Extent of handicap.* The disability caused by the handicap is of such severity as to preclude the handicapped individual from engaging in substantially basic productive activities of daily living expected of unimpaired persons of the same age group.

(2) *Management plan.* The services and supplies provided the individual under the Program for the Handicapped must be appropriate to the individual's disability and should, to the maximum extent possible, benefit the individual through the treatment of the disabling condition or by enhancing the individual's ability to cope with or overcome the disability. The primary goal of the Program for the Handicapped is to maximize the potential of the individual to achieve as nearly a normal life style as possible and to maintain the individual in or to return the individual to, the home, public school and community environment whenever possible.

(3) *Purchase limitations.* Such services and supplies as may be authorized for purchase under the Program for the Handicapped are limited to appropriately functional and utilitarian services and supplies. Utility and economy will be given primary consideration in approval of equipment.

Example. Where basic mobility is required, a manual wheelchair will be authorized unless the physical disability is such that only an electric wheelchair is suitable.

(4) *Application approval.* The Director, OCHAMPUS (or a designee), is vested with the final approval authority on all applications for coverage under the Program for the Handicapped. This includes the determination as to the severity of the handicap and the appropriateness of the supplies or services to the handicapping condition for which coverage is requested. The Director, OCHAMPUS (or a designee), will request such information as is deemed necessary to make these determinations before issuing approvals or denials. Failure to supply such information will be cause for deferral or denial of an application.

(i) *Deferral of application.* In those situations where there has been a deferral of an application for coverage under the Program for the Handicapped because of inadequate information, but where the application is subsequently approved, such subsequent approval may be applied retroactively (i.e., for any otherwise covered care provided prior to actual approval) but limited to the period from the date the initial preauthorization request was received at OCHAMPUS.

(ii) *Denial of application.* In those situations where there has been denial of an application for coverage under the Program for the Handicapped, for any reason, and a subsequent application received and approved, the subsequent application is considered a new application and benefits may not be extended retroactively except as specifically provided for in paragraph (c) (4) (i) of this section.

(d) *Mental retardation*—(1) *Definition.* The term "mental retardation" refers to subnormal general intellectual functioning and is associated with impairment of either learning and social adjustment or maturation, or both. The diagnostic classification of moderate and severe mental retardation relates to IQ as follows:

(i) *Moderate.* Moderate mental retardation—IQ 36–51.

(ii) *Severe.* Severe mental retardation—IQ 35 and under.

NOTE.—It is recognized that the intelligence quotient should not be the only criterion used in making a diagnosis of mental retardation or in evaluating its severity. It should serve only to help in making a clinical judgment of the patient's adaptive behavioral capacity. This judgment should also be based on an evaluation of the patient's developmental history and present functioning, including academic and vocational achievement, motor skills, and social and emotional maturity.

(2) *Acceptable tests to measure intelligence.* The Wechsler Pre-School and Primary Scale of Intelligence, the Wechsler Intelligence Scale for Children (WISC) or Wechsler Adult Intelligence Scale (WAIS) are the CHAMPUS instruments of choice to determine IQ; however, a Stanford-Binet will be accepted. A person who cannot be tested by an age-appropriate instrument listed above can be tested by another test, provided that an acceptable explanation of why one of the listed tests could not be used is furnished to OCHAMPUS, along with a detailed explanation of "scoring" the test, for the purpose of statistical comparison with one of the above tests. IQ tests must be interpreted by a qualified psychologist certified by the state where the test is administered, or in states where certification is not required, the psychologist must have at least a Master's Degree in psychology. In states which certify "psychometrists" to administer and interpret IQ tests, that certification will suffice.

(e) *Serious physical handicap.*—(1) *Definition.* The term "serious physical handicap" means a medical condition of the body, which meets the following criteria:

(i) *Duration of handicap.* The condition is expected to result in death, or has lasted, or with reasonable certainty is expected to last, for a minimum of 12 months; and

(ii) *Extent of handicap.* The condition is of such severity as to preclude the individual from engaging in substantially basic productive activities of daily living expected of unimpaired persons of the same age group. For example:

(a) Persons older than high school age must be generally unable to engage in gainful pursuits because of the handicap.

(b) Persons of school age, up to and through high school age, must be unable to be provided an education through the public school system because of the handicap.

(2) *Examples of conditions which may cause serious physical handicaps.* Conditions which may result in serious physi-

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cal handicaps include, but are not limited to, the following listed categories:

(i) *Visual impairment: Age seven (7) and over.* A vision impairment will be considered serious in persons seven (7) years of age and older if:

(*a*) The remaining vision in the better eye after best correction is 20/200 or less; or

(*b*) The contraction of visual fields is to 10 degrees or less from the point of fixation; or

(*c*) So the widest diameter subtends an angle no greater than 20 degrees; or

(*d*) The visual efficiency of the better eye after best correction is 20 percent or less; or

(*e*) Other conditions impairing visual function such as complete homonymous hemianopsia, or total bilateral ophthalmoplegia; and

(*f*) Which have reached the point where individual requires assistance to support the essentials of daily living.

(ii) *Vision Impairment: Under age seven (7).* A visual impairment in children under 6 years of age will be considered serious (even if correctable with lenses) in those cases where the visual impairment is manifested by 20/60 vision or less.

(iii) *Deafness: Age seven (7) and over.* Deafness will be evaluated in terms of the person's ability to hear and distinguish speech. The degree of functional hearing loss is that loss of hearing and discrimination for speech which is not restorable by a hearing aid. A hearing impairment will be considered serious in those cases where the hearing impairment (not correctable by a hearing aid) is manifested by:

(*a*) Absence of air and bone conduction in both ears (auditory perception of not more than one pure tone at high volume will be considered as absence of air and bone conduction); or

(*b*) No more than 40 percent discrimination for speech (i.e., ability to hear and understand no more than 40 out of 100 words of special test lists of words using a speech audiometer or hearing aid); and

(*c*) Which have reached a point where the individual requires assistance to support the essentials of daily living.

(iv) *Deafness: Under age seven (7).* A hearing impairment in children under 6 years of age will be considered serious (even if correctable by a hearing aid) in those cases where the hearing impairment is manifested by a 30 decibel or more air conduction hearing loss in at least one ear.

(v) *Epilepsy: Major.* Major motor seizures (grand mal or psychomotor) substantiated by EEG, occurring more frequently than once a month in spite of prescribed treatment. With:

(*a*) Diurnal episodes (loss of consciousness) and convulsive seizures; or

(*b*) Nocturnal episoges which show residuals interfering with activity during the day; and

(*c*) Which has reached the point where the individual requires assistance to support the essentials of daily living.

(vi) *Epilepsy: Minor.* Minor motor seizures (petit mal or psychomotor) substantiated by EEG, occurring more frequently than once weekly in spite of prescribed treatment. With:

(*a*) Alternation of awareness or loss of consciousness; and

(*b*) Transient postictal manifestations of unconventional or antisocial behavior; and

(*c*) Which has reached the point where the individual requires assistance to support the essentials of daily living.

(vii) *Paralysis Agitans (Parkinson's Disease).* With:

(*a*) Tremor, rigidity, and significant impairment of mobility (e.g., festination); and

(*b*) Which has reached the point where the individual requires assistance to support the essentials of daily living.

(viii) *Cerebral Palsy.* With:

(*a*) IQ of 83 or less; or

(*b*) Abnormal behavior patterns, such as destructiveness, or emotional instability; or

(*c*) Significant interference in communication due to speech, hearing, or visual defect; or

(*d*) Significant motor deficit in two extremities; and

(*e*) Which has reached a point where the individual requires assistance to support the essentials of daily living.

(ix) *Multiple Sclerosis.* With:

(*a*) Significant motor deficits in two extremities; and

(*b*) Ataxia substantiated by appropriate cerebellar signs or proprioceptive loss; and

(*c*) Which has reached the point where the individual requires assistance to support the essentials of daily living.

(x) *Muscular Dystrophy.* With:

(*a*) Significant motor impairment and restricted mobility; and

(*b*) Flexion deformities of both lower extremities; or

(*c*) Significant weakness or paralysis of muscles of the shoulder girdle or of neck, with abduction of both arms at shoulder restricted to less than 90 degrees; and

(*d*) Which has reached the point where the individual requires assistance to support the essentials of daily living.

(xi) *Degenerative neurological diseases.* Other degenerative neurological diseases (i.e., Huntington's chorea, Friedreich's ataxia, spinocerebellar degeneration, etc.) which have reached the point where the individual requires assistance to support the essentials of daily living.

(xii) *Musculoskeletal system.* Serious impairments of the musculoskeletal system which have reached the point where the individual requires assistance to support the essentials of daily living.

(xiii) *Respiratory system.* Serious impairments of the respiratory system which have reached the point where the individual requires assistance to support the essentials of daily living.

(xiv) *Trauma.* Serious impairments resulting from trauma which are at a level that requires assistance to support the essentials of daily living.

(xv) *Diabetes Mellitus.* Severe physical limitations resulting from diabetes mellitus occurring in children (i.e., under 18 years of age) which have reached the point where the individual requires assistance to support essentials of daily living.

(xvi) *Multiple conditions.* In some instances, there are two or more conditions involving separate body systems, neither condition in itself seriously handicapping, but which, in combination, are of such severity as to delimit activities in a seriously handicapping manner and have resulted in the individual requiring assistance to support the activities of daily living. Each such multiple condition case will be reviewed on its own merits.

(f) *Procedures for obtaining benefits.* Active duty members seeking benefits under the Program for the Handicapped for a dependent spouse or child must secure authorization from OCHAMPUS for such benefits in advance. Payments will not be made for any services or supplies under the Program for the Handicapped received/obtained prior to approval of the application by the Director, OCHAMPUS (or a designee).

(1) *Completed application.* Application is made by completing a CHAMPUS Form 190a, "Request for Health Benefits Under the Program for the Handicapped" (as may be amended), and mailing it to the Director, OCHAMPUS, Denver, Colorado 80420.

(2) *Additional required information.* The applicant will also submit along with the required CHAMPUS Form 190a, the following:

(i) *Statement of Dependent's Condition.* A medical statement of the dependent's condition, giving a specific diagnosis, using the most current ICDA, history of mental retardation or physical handicap, present condition, prognosis, and a proposed, detailed management plan for the handicapping condition, including estimated charges/costs. This statement must be signed by the supervising physician. The medical report may be submitted directly by the physician if so desired.

(ii) *Use of Other Than Public Facilities.* Within the United States, if the management plan proposes to use other than public facilities, a statement is required from a cognizant public official certifying to the fact that public facilities are or are not available or are or are not adequate to meet the needs of the the handicapped individual, and that public funds are or are not made available for support of the needs of the handicapped individual in alternative facilities deemed adequate.

NOTE.—Inasmuch as there is great diversity in the types of public programs and institutions offering services to the handicapped, it is impossible to list in detail the cognizant public officials in each state, county, or local community. As a general rule, the cognizant public official is associated with a public program who has broad knowledge of and authority for providing the services related to the types of handicap, for which CHAMPUS benefits are being requested. For example, in the case of a mentally retarded school-age child who needs to be placed in a special class for the educable handicapped, the cognizant public official could be the Director of Special Education for the local school district rather than the principal of the nearest school. In some states where special educational programs are managed at the state level, the cognizant public official may have to be the State Director of Special Education. In still other cases where some kind of vocational rehabilitation is required, the cognizant public official may be an official in the State Department of Vocational Rehabilitation, while in another state all vocational rehabilitation programs may be controlled by the Department of Human Resources or the Department of Social Services. It is the sponsor's responsibility to determine the appropriate cognizant public official.

(iii) *Information on available programs.* OCHAMPUS will assist a sponsor to obtain information from those agencies that are possible sources of assistance for the specific condition.

(iv) *Application review procedure.* A review of the Program for the Handicapped applications will be done by the Director, OCHAMPUS (or a designee), who will:

(*a*) Determine if the individual's degree of mental retardation or physical disability (as documented by a physician) is such as to qualify for benefits;

(*b*) Evaluate the proposed management plan to determine if it is appropriate to the handicapping condition and if the charge/cost is reasonable; or if the services to be provided can be obtained more effectively and economically in another CHAMPUS-approved facility providing the same services; and

(*c*) Evaluate the cognizant public official's statement if the management plan proposes the use of private facilities.

(*d*) If, in the opinion of the Director, OCHAMPUS (or a designee), the statement of the cognizant public official is inadequate or inappropriate, additional information will be required and the sponsor will be required to contact the agency or official determined to be most cognizant of programs for the handicapped in the sponsor's community and obtain a statement as to availability or nonavailability of appropriate public facilities.

NOTE.—Due to both the wide variety of handicapping conditions and the large number of public institutions and agencies which operate independently of each other, the Director, OCHAMPUS (or a designee), will establish contact with these institutions and agencies and offer information and assistance to CHAMPUS beneficiaries so that they can obtain access to those public programs to which they have a legal entitlement. This will include information on such matters as the Interstate Compact, in which many states participate, state laws regarding the right to education, services under the Rehabilitation Act, and similar programs. Approval for Program for the Handicapped benefits will be issued only when it has been determined to the satisfaction of the Director, OCHAMPUS (or a designee), that the required services are not available from public sources and that the proposed plan of management will be beneficial to the handicapped person.

(v) *Application approval: Limitations.* The application approval will be specific as to the approved facility, management plan and/or services and supplies being authorized under the Program for the Handicapped as well as the specific period of time for which authorization is being made. The application approval may also list other requirements (such as a specific reevaluation requirement in 6 months).

NOTE.—The approved application is valid for only 90 days. If admission to the approved facility is not accomplished and/or the management plan is not commenced within 90 days of the date the application is approved, a new application must be submitted for evaluation.

(vi) *Periodic review and reevaluation.* A periodic review and reevaluation of the status of individuals who have been approved for coverage under the Program for the Handicapped will be conducted by the Director, OCHAMPUS (or a designee), under the following circumstances:

(*a*) *At least annually.* The supervising physician's report, a completed CHAMPUS Form 141, "Diagnostic Evaluation, Program for the Handicapped," a new, updated management plan, and a new cognizant public official's statement will be submitted reflecting any changes which may have occurred in the 12 month period.

NOTE.—The Director, OCHAMPUS (or a designee) may require that any specific case be reviewed more often than annually.

(*b*) *Change of institution.* When a dependent handicapped beneficiary is removed from an institution which was the basis for the issuance of an approval under the Program for the Handicapped, placement in a new institution requires a new application.

(*c*) *Sponsor reassignment.* A sponsor who is reassigned to another location within the United States will be required to determine within 60 days from the date of reporting to a new duty assignment, if public facilities appropriate to the needs of the handicapped dependent are available. If they are not, it will be necessary to substantiate this fact with a new cognizant public official's statement. Failure to take such action will result in termination of coverage under the Program for the Handicapped on the 61st day following the date the sponsor reported to the new duty assignment.

NOTE.—If it is determined that public facilities are available at the new location, the Director, OCHAMPUS (or a designee) may determine that the handicapped beneficiary may continue to receive benefits for inpatient care at the former location under the PFTH until the end of the current school year.

(g) *Use of public facilities.* To qualify for benefits under the Program for the Handicapped, public facilities and/or state funds must be used to the maximum extent they are available or adequate.

(1) *Statement of school official or other cognizant public official.* For dependents for whom special educational benefits are requested, the sponsor must submit a statement from the superintendent of the local public school district, or designee, to the effect that the public school district is aware in detail of the individual's tested educational handicaps and that an adequate educational opportunity is or is not available for the individual, either in the public schools or through public resources. A statement must be made by certificate as to whether or not applicable law requires public funds to help defray the cost of private schooling in the event public schooling is not available or adequate; and if the law requires such funding. If there is a waiting list for "adequate" public care, the anticipated length of wait must be stated. A new statement from the superintendent of the local public school district, or a designee, will be required at the beginning of each school year, or more frequently, as determined by the Director, OCHAMPUS (or a designee).

(2) *Determination that public facility is adequate.* A certified statement by a cognizant public official that a public facility or service is or is not available and is or is not adequate to meet the needs of the handicapped spouse or child is prima facie evidence of the facts stated. The Director, OCHAMPUS (or a designee), has final authority in determining whether a facility is available and adequate. CHAMPUS benefits will not be extended in those situations where the beneficiary (or sponsor) elects not to use the public facilities which have been determined to be available and adequate.

(3) *State contracts with private facilities.* As an exception, when a state (but not a county or municipality) government contracts for institutional care in private facilities, payment to the state is authorized since the care provided in such facilities or homes is considered to be state institutional care. In such case, the following 4 requirements must be met and appropriate documentation submitted:

(i) *Determination of State responsibility.* A determination must be made by the state that it has a responsibility for providing care for the dependent's handicapping condition.

(ii) *Determination that Public facility placement cannot be made.* The state or other local jurisdiction must determine that the dependent cannot be placed in a public facility and no state funds are available for such care.

(iii) *State must make placement.* The state must make the placement, or determine that it is responsible for a dependent already placed.

(iv) *Acceptable billing and financial procedure.* The state must be billed for the services provided by the private facility. The state may not simply act as an "intermediary" or a conduit for billing and payment purposes; and CHAMPUS cannot be billed by the state for a greater amount than that billed to other non-CHAMPUS patients in like circumstances.

(h) *Covered services and supplies—*(1) *General.* As a general rule, the services and supplies covered under the Program for the Handicapped are those services and supplies which contribute directly to the habilitation or rehabili-

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tation of the handicapped individual. This may include institutional care when the severity of the disability requires protective custody in an institutional setting. Active medical or surgical treatment of an acute illness may be considered under the CHAMPUS Basic Program where such treatment is not included as a part of the management plan or a routine part of the institutional services approved under the Program for the Handicapped. Notwithstanding, all services, supplies, and equipment required by and directly related to the handicapping condition, including those services and supplies approved under the management plan, shall be considered for benefits only under the Program for the Handicapped, whether or not under other circumstances Basic Benefits could apply. The only exception to this requirement is a serious, acute exacerbation of the handicapping condition requiring an inpatient hospital stay. In such case, Basic Program benefits are applicable for the required period of hospitalization.

Examples. (i) A mentally retarded child in an institution for the retarded becomes ill with appendicitis and is admitted to a general hospital for surgery. The charges related to the inpatient episode in a general hospital for the acute appendicitis are considered under the Basic Program.

(ii) Another individual with a neurological disability, such as Parkinson's disease, is placed, under the Program for the Handicapped, in an institution for individuals similarly afflicted. The institutional charges are all-inclusive and all residents receive routine medications, diet supplements, periodic medical examinations, etc., and those services and supplies are part of the total management plan. This situation would be cost-shared under the Program for the Handicapped and benefits would not be available under the CHAMPUS Basic Program.

(iii) In the third situation, an individual, placed in an institution under the Program for the Handicapped because of Huntington's Chorea, experiences an acute episodic period which warrants admission to a hospital for medical treatment of the acute phase and which was not included as a part of the approved management plan. This inpatient hospital care would be considered for benefits under the Basic Program.

(2) *Extent of covered services and supplies.* Subject to such other definitions, conditions, limitations and exclusions enumerated in this and other sections of this regulation, the following services and supplies (including durable equipment) are covered under the Program for the Handicapped (PFTH):

(i) *Diagnostic evaluation.* Diagnostic evaluation on either an inpatient or outpatient basis by a physician. This includes hospitalization or institutionalization solely for the purpose of conducting diagnostic studies performed by or under the supervision of a physician if such an inpatient setting is medically necessary to perform the diagnostic evaluation. Diagnostic evaluations do not require prior approval, but are payable only in those cases resulting in approval of the handicapped beneficiary under the PFTH. If the diagnostic evaluation is done on an inpatient basis, any benefits for the inpatient stay related to such evaluation will not exceed 5 days of an inpatient stay.

(ii) *Durable equipment.* The purchase of durable equipment may be authorized where certified by a physician as necessary in the treatment, habilitation or rehabilitation of a handicapped beneficiary. Except under extremely unusual situations (which would require individual review and consideration), durable equipment required by an institutionalized handicapped beneficiary must be provided by the institution as a part of the management plan and included in the monthly institutional charges.

(*a*) In order to qualify as durable equipment under the PFTH, the item will be evaluated against the following criteria:

(*1*) It must be clearly related to and necessary for the habilitation, treatment, or training of beneficiaries with the given handicap.

(2) It must improve the function of a malformed body member or retard further deterioration of the handicapped beneficiary's physical condition.

(3) It cannot be useful to anyone in the absence of a physical or mental disability.

(*4*) It must be primarily and customarily used to serve a medical or habilitative purpose rather than primarily for transportation, comfort or convenience.

NOTE.—A wheelchair is not considered transportation in the sense of this paragraph (h)(2)(ii)(*a*)(*4*) of this section. It qualifies as durable medical equipment under paragraph (b)(2)(ii)(*a*)(2) of this section, because by providing basic mobility, it retards further deterioration of the patient's physical condition. Mobility, beyond that basic mobility provided by a wheelchair is considered to be primarily transportation. For example, cart-type vehicles, (such as the "Amigo") do not qualify as durable medical equipment.

(*5*) It cannot be beyond the minimum level of performance and quality required under the circumstances (i.e., nonluxury, non-deluxe). However, this subdivision is not intended to preclude special fitting of equipment to accommodate a particular disability (such as fitting a wheelchair for a one-armed individual).

(*6*) It is not available for loan from a local Uniformed Services medical treatment facility.

(7) Only one similar item of durable equipment will be purchased during any one period of time; and benefits include repair of durable equipment purchased under the PFTH and its subsequent replacement if it is determined that the previous item is no longer usable.

(*8*) There must be written preauthorization by OCHAMPUS prior to the date of purchase of durable equipment. Such authorization is specific as to the item of durable equipment being approved. Further such authorization is only valid for 90 days from date issued. If the item of durable equipment is not purchased within the time limit, a new preauthorization is required. Purchase of durable equipment may not be approved retroactively.

(*9*) Benefits may also be extended for the reasonable changes for repair and replacement parts (such as batteries), including adjustment of durable equipment purchased under the Program for the Handicapped. Such repair or part replacement or adjustment does not require preauthorization unless the charge is $50.00 or more. In the case of an emergency, a charge above that amount may be considered without preauthorization, subject to special review.

(*b*) *Cost-sharing of durable equipment purchases.* Durable equipment will normally be cost-shared in the month that the purchase is made. However, where the price of durable equipment is high charge/cost item, the sponsor has the option of spreading the purchase price evenly over a consecutive 6 month period, beginning with the month of purchase: *Provided,* That no payments will be made by CHAMPUS beyond the termination of eligibility as a CHAMPUS beneficiary. No other payment option is available.

(iii) *Prescription drugs and medicines.* Prescription drugs and medicines; and insulin for a known diabetic are covered. Drugs and medicines are limited to those approved for general use by humans (other than testing) by the U.S. Food and Drug Administration.

(iv) *Outpatient treatment.* Such outpatient treatment as may be appropriate to the treatment and habilitation of the handicapped person related to the handicapping condition is coverable. Such services would include, but not be limited to, physical therapy, occupational therapy, vocational training, speech therapy, and special educational services.

(v) *Home treatment.* Certain services authorized by this section may be provided to the handicapped individual in the home if that setting is considered the most reasonable and appropriate. Such services would include, but not be limited to, physical therapy, occupational therapy, vocational training, speech therapy, and special educational services.

(vi) *Institutional care (inpatient).* Institutional care within the PFTH is primarily long-term residential (inpatient) care for the handicapped individual in private nonprofit, public, or state institutions and facilities. Such institutions include, but are not limited to, schools for the deaf and blind and institutions for the physically and/or mentally handicapped persons.

(vii) *Special optical devices.* Certain special optical devices necessary to ameliorate the handicapping condition are covered, but are limited to the following:

(*a*) Contact lenses necessary to correct a visual handicap which qualifies under paragraph (e)(2)(i) of this section.

(*b*) Subnormal visual corrective devices such as telescopic and isoiconic lenses.

(*c*) Optical aids such as hand-held optical devices for reading.

(viii) *Prosthetic devices and orthopedic appliances.* Such prosthetic devices and orthopedic appliances as are

needed to correct or overcome a physical disability are covered. This includes artificial limbs and orthopedic braces.

(ix) *Professional services.* The services of a wide variety of both medical and educational professionals are covered. Their services may be provided on either an inpatient or an outpatient basis subject to the following criteria:

(*a*) Services of professional personnel include, but are not limited to, the services of physicians, dentists, optometrists, speech pathologists, audiologists, physical therapists, occupational therapists and nurses. Such professional personnel must be licensed within the jurisdiction in which the services are provided and must otherwise be in compliance with applicable Federal and state laws regarding the practice of their specialty. Where there is no license requirement, they must be eligible for membership in the state or national association setting the standards for their respective group.

(*b*) Services of teachers of the handicapped who meet the standards of the school system in the jurisdiction in which located and who provide special education such as, but not limited to, remedial reading, speech training, or special classes for seriously physically handicapped or moderately or severely mentally retarded children.

(*c*) Services of vocational instructors who teach physically handicapped or mentally retarded persons a trade or occupation, e.g., teaching a blind person to be a mechanic or typist. These instructors must meet the standards in the school system where the training is being conducted.

(*d*) The Director, OCHAMPUS (or a designee), is the final authority as to whether a professional (either as an individual or as a class) is approved as an authorized professional provider under the PFTH.

(x) *Related therapy.* Therapy, such as family counseling, for parents of a handicapped child, is authorized when needed as an integral part of the treatment for the child, as determined by the Director, OCHAMPUS (or a designee), and approved as a part of the management plan.

(xi) *Special tutoring.* Tutoring by qualified individuals provided on an outpatient basis or in the patient's home to individuals who are either physically handicapped or moderately or severely mentally retarded is an authorized benefit. Tutors must meet qualifications outlined in paragraph (h)(2)(i) (*a*), (*b*), and (*c*) of this section. Private tutoring to supplement a public education or special education enhancement programs, or training program for a child temporarily disabled due to acute illness or injury, is not covered under the Program for the Handicapped.

(xii) *Surgery and medical care.* When necessary to treat or correct a handicapping condition, as defined in this § 199.11 by the terms "mental retardation" (moderate or severe) or "serious physical handicap," surgery and medical care may be authorized on either an inpatient or outpatient basis. Where appropriate and approved as a part of the management plan, this may include authorized adjunctive dental care.

(xiii) *Training and special education.*

(*a*) Education or training needed to alleviate, overcome or adjust to a serious physical handicap or moderate or severe mental retardation is an authorized benefit provided it is included as a part of the approved management plan. This includes, but is not limited to, remedial reading, speech training, use of artificial aids, and education provided physically handicapped and mentally retarded persons on either an inpatient or outpatient basis.

(*b*) Training and special education also includes special vocational training or education wherein a physically handicapped or mentally retarded person is taught a trade or occupation to aid in overcoming or adjusting to his condition (e.g., teaching a blind person to be a mechanic or typist), but in no event beyond high school level.

(xiv) *Transportation.* (*a*) Transportation is authorized for medically eligible handicapped dependents by Government, commercial, public or private means to and from approved facilities in which the dependent is to receive or has received institutional care for which benefits have been approved under the Program for the Handicapped. Transportation must be necessary and justified by the attending physician.

(*b*) Transportation benefits may be requested in conjunction with an application for other benefits under the Program for the Handicapped, or a request for approval of transportation benefits may be submitted separately.

(*c*) If other than local public transportation or transportation by privately-owned vehicles is to be used, a request for approval must be supported with evidence that a less expensive means of transportation is not available, or that the means to be used is medically necessary.

(*d*) With respect to local transportation, if more than two round trips daily are necessary, supporting justification must be submitted. In every instance where Government transportation is available, it must be used.

(*e*) When distant transportation is medically necessary, Government transportation will be used in every instance, when available. Under very unusual circumstances, if determined to be medically necessary and also certified by the attending physician, transportation for a medical attendant may be approved.

(xv) *Transportation restrictions.* (*a*) Transportation benefits are subject to the $350 per month limitation on Government cost under the Program for the Handicapped and must be applied during the month the transportation actually occurs. The cost may not be prorated over a period of months. Any transportation cost shall be added to any other cost of care under the Program for the Handicapped for that month.

(*b*) Reimbursement for travel costs will be made on the basis of actual transportation costs when transportation is by privately-owned vehicle or the ticket costs in the case of other kinds of travel, plus other reasonable transportation costs, such as airport limousine, in connection with medically necessary air travel. Receipted bills must be obtained for any transportation costs not covered by a ticket. The cost of meals, motels, tips, etc., that may be related to transportation is not an authorized benefit.

(*c*) When commercial transportation is used, the least expensive form only is authorized, e.g., coach or tourist class rather than first-class accommodations must be utilized. Travel outside the United States is not authorized.

(*d*) Transportation is payable only to or from a public or private nonprofit facility. Transportation costs to or from a proprietary facility will not be paid.

(*e*) Carpooling will be required whenever possible when two or more handicapped dependents are seeking reimbursement of travel costs by private vehicle to and from the same location. Only the owner/operator of the vehicle used in the carpool may be reimbursed. Reimbursement is limited to actual transportation costs or $0.155 per mile, whichever is lower.

(*i*) *Utilization review/quality assurance.* It is the intent of this Regulation that before any benefits may be extended, any services and supplies furnished by any provider shall be subject to utilization review and quality assurance standards, norms and criteria issued by the Director, OCHAMPUS (or a designee).

(*j*) *General limitations.* All services and treatment received under the Program for the Handicapped must be in connection with the handicapping condition. Medical or surgical services required, but not in connection with the handicapping condition, can be considered for benefits under the Basic Program. In such a situation the active duty service member is responsible for cost-sharing under both programs. The following services are not covered under the Program for the Handicapped:

(1) *Academic education.* Specialized academic education for those with educational or learning disabilities normally provided in a public school system or institution of higher learning are not covered benefits under the Program for the Handicapped. These learning disabilities include dyslexia, perceptual handicaps, hyperkinetic behavior syndrome, neurological dysfunction, reading disability and minimal brain dysfunction. (This does not exclude learning disabilities which are derived from or related to moderate or severe mental retardation or a serious physical handicap.)

(2) *Alternations.* Alternations to living spaces and permanent-fixtures attached thereto even when necessary to accommodate installation of covered durable equipment or to facilitate ingress or egress, not authorized for payment under the Program for the Handicapped.

(3) *Custodial care.* Custodial care in the home, including homemaker, sitter and/or companion services are not covered.

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(4) *Dental care.* Dental care, except for adjunctial dental care required in the treatment of a handicapping condition, is not authorized. Orthodontic treatment is not authorized under any circumstance.

(5) *Non-approved drugs and medications.* Drugs and medications not approved for general use by humans by the U.S. Food and Drug Administration, whether or not legally available outside the United States. However, if a drug or medicine is listed in the "U.S. Pharmacopeia, and/or "National Formulary" and requires a prescription, it is not excluded by this provision even if it is under investigation by the U.S. Food and Drug Administration as to its effectiveness.

NOTE: In areas outside the United States standards similar to those of the U.S. Food and Drug Administration is the CHAMPUS objective.

(6) *Outside the United States.* Facilities outside the United States are not eligible as an approved facility under the PFTH regardless of whether otherwise qualified. In addition, any excursions outside the United States are not eligible for benefits even though part of a program offered by an approved facility in the United States.

(k) *Authority to determine eligibility under program for the handicapped.* The Director, OCHAMPUS (or a designee) is authorized to review a Basic Program case and make a determination that the particular beneficiary, meets the definitions of a moderately or severely retarded and/or seriously physically handicapped dependent as set forth in paragraphs (d) and (e) of this section, whether or not an application for benefits under the PFTH has been submitted by the sponsor. In such event, the Director, OCHAMPUS (or designee) will notify the sponsor that benefits for services and/or supplies related to the handicapping condition(s) are no longer available under the CHAMPUS Basic Program (except under those circumstances as may otherwise be specifically set forth in this section); and further, that the Basic Program case will be transferred to the Program for the Handicapped as of the first day of the second month following the date of such notice.

(l) *Implementing instructions.* The Director, OCHAMPUS (or a designee) shall issue a CHAMPUS Operating Manual and such other instructions, procedures, guidelines, standards and/or criteria as may be necessary to implement the intent of this section, "Program for the Handicapped."

§ 199.12 Authorized providers.

(a) *General.* This paragraph sets forth general policies and procedures that are the basis for the CHAMPUS cost-sharing of medical services and supplies provided by institutions, individuals, or other types of providers.

(1) *Listing of provider does not guarantee payment of benefits.* The fact that a type of provider is listed in this section is not to be construed to mean that CHAMPUS will automatically pay a claim for services or supplies provided by such a provider. CHAMPUS Contractors must also determine if the patient is an eligible beneficiary and whether the services or supplies billed are authorized and medically necessary, regardless of the standing of the provider to the provisions of this section.

(2) *Outside the United States or Emergency Situations within the United States.* Outside the United States, or within the United States and Puerto Rico in emergency situations, the Director, OCHAMPUS (or a designee), may after review of the facts provide payment to or on behalf of a beneficiary who receives otherwise covered services and/or supplies from a provider of service that does not meet the standards described in this regulation.

NOTE: Only the Secretary of Defense, or Secretary of Health, Education, and Welfare (or their designees) may authorize (in emergency situations) payment to civilian facilities in the United States and Puerto Rico which are not in compliance with Title VI of the Civil Rights Act of 1964.

(3) *Conflict of interest.* Federal law (5 U.S.C. 5536) prohibits medical personnel who are active duty members or civilian employees of the Government from receiving additional Government compensation above their normal pay and allowances for medical care rendered. This prohibition applies to CHAMPUS benefits whether the claim for reimbursement is filed by the individual who provided the care, the facility in which the care was rendered, or by the sponsor and/or beneficiary. CHAMPUS payments will also be disallowed to Special Treatment Facilities, Residential Treatment Centers, or other institutional providers that are found to employ (moonlighting) any member or employee of the Uniformed Services, either uniformed or civilian, who, through an official Federal position, has the opportunity to exert directly or indirectly, any influence on the referral of CHAMPUS beneficiaries to that institution. This prohibition is intended to preclude possible conflicts of interest. All such instances coming to the attention of the Director, OCHAMPUS (or a designee), will be referred to the applicable Uniformed Service for investigation and appropriate action. However, any situations in which it appears that CHAMPUS beneficiaries/patients are being channeled to selected individual professional providers in the civilian sector when other similar participating providers are available, will be investigated by the Director, OCHAMPUS (or a designee). If any conflicts or improprieties are found to exist, such cases will also be referred to the appropriate Uniformed Service for appropriate action. A report of the results of the findings and action taken shall be made to the Director, OCHAMPUS (with a copy to the General Counsel of the Department of Defense) by the Uniformed Service having jurisdiction, within 90 days of receiving the referral.

NOTE: Physicians of the National Health Service Corps (NHSC) may be assigned to remote areas where there is a shortage of medical providers. Although these physicians would be prohibited from accepting CHAMPUS payments, the private organizations to which they may be assigned would remain eligible for payment in certain cases, as determined by the Director, OCHAMPUS (or a designee).

(4) *Fraudulent practices or procedures.*—(i) *Provider exclusion CHAMPUS determination.* The Director, OCHAMPUS (or a designee) shall deny payments to any provider (or to a beneficiary for the services rendered by that provider) that has been found knowingly submitting or making any false, fictitious, or fraudulent statement or claim against the Program or assisting any beneficiary in making similar false, fictitious or fraudulent statements or claims. Payment will also be denied for claims resulting from care rendered by a provider subsequent to notice by OCHAMPUS of that provider's disqualification from participation in CHAMPUS. False, fictitious and fraudulent claims include those claims in which the amount has been adjusted to an artificial level (i.e., higher than the usual charge to other patients) to permit the provider to waive the deductible and/or cost-share amounts owed by the beneficiary (or sponsor) but still compensating the provider, without a significant reduction in the full amount normally received for such care. In such cases the Director, OCHAMPUS (or a designee), should also provide notice to the beneficiary population in the locality of the provider for whom payments are being denied, by means of notification to Uniformed Services' facilities and offices.

(ii) *Provider exclusion HEW determination.* Any provider that has been determined by the Secretary of the Department of Health, Education, and Welfare to have furnished supplies or services which were substantially in excess of the needs of individuals, or to be harmful to individuals, or to be of a grossly inferior quality; and the Secretary has on the basis of such a determination terminated the agreement of that provider for purposes of reimbursement under Titles XVIII and XIX of the Social Security Act, will also be denied CHAMPUS reimbursements (or to a beneficiary for services rendered by that provider).

(iii) *For-Profit Institutions Excluded Under Program for the Handicapped.* Public law precludes payment of benefits under the Program for the Handicapped for otherwise covered services and supplies provided by a for-profit institution. (Refer to § 199.11 "Program for the Handicapped.")

(5) *Utilization review/quality assurance.* It is the intent of this Regulation that before any benefits may be extended, any services and supplies furnished by any provider shall be subjected to utilization review and quality assurance standards, norms and criteria issued by the Director, OCHAMPUS (or a designee). (Refer to § 199.10, 199.11 and 199.13 "Basic Program Benefits," "Program for the Handicapped," and "Claims Submission, Review and Payment," respectively.)

(6) *Physician required.* Except as may otherwise be specifically provided in this and other sections of this regulation, in order to be considered for benefits, medical services and/or supplies received from any provider (other than a doctor of medicine or doctor of osteopathy) must be at the direction of, prescribed by and/or ordered by, a physician.

(7) *Participating provider.* Under CHAMPUS, an authorized provider has the option of participating on a claim-by-claim basis. If a provider elects to participate, the provider signs the applicable CHAMPUS claim form(s) and submits it to the appropriate CHAMPUS Contractor on behalf of the beneficiary/patient. (In the case of an institution or medical supplier, the claim must be signed by an individual having such authority.) This signature certifies that the provider has agreed to accept the CHAMPUS-determined reasonable charge/cost as payment in full for the medical services and supplies listed on the specific claim form; and further has agreed to accept the amount paid by CHAMPUS and/or the CHAMPUS payment combined with the cost-sharing amount paid by (or in behalf of) the beneficiary/patient, as full payment for the covered medical services and/or supplies.

(b) *Institutional providers*—(1) *General.* Institutional providers are those providers who bill for services in the name of an organizational entity (e.g., hospital, skilled nursing facility, etc.) rather than in the name of individual. The term "institutional provider" does not include professional corporations or associations qualifying as a domestic corporation under § 301.7701–5 of the Federal Income Tax Regulation nor does it include other corporations that provide principally professional services. Institutional providers may provide medical services and supplies on either an inpatient or outpatient basis.

(i) *Preauthorization.* Except for admissions to those institutions which qualify as hospitals, infirmaries or Christian Science sanitoriums, for purposes of Basic Program benefits, in order for benefits to be extended for inpatient services and supplies, written preauthorization is required in accordance with the CHAMPUS Operating Manual and such other instructions, procedures and guidelines issued or caused to be issued by the Director, OCHAMPUS (or a designee). (Refer to §§ 199.10 and 199.11, "Basic Program Benefits" and "Program for the Handicapped," respectively.)

(ii) *Billing practices.* Institutional billings must be fully itemized and sufficiently descriptive to the satisfaction of CHAMPUS. In the case of continuous care, claims should be submitted to the appropriate CHAMPUS Contractor, at least every 30 days (i.e., monthly), by either the beneficiary (or sponsor) or directly by the institution, on behalf of the beneficiary/patient.

(2) *Nondiscrimination policy.* Except as provided below, payment cannot be made for inpatient or outpatient care provided and billed by an institutional provider found by the Federal Government to practice discrimination in the admission of patients to its services on the basis of race, color or national origin. Further, reimbursement cannot be made to a beneficiary who pays for care provided by such a facility and submits a claim for reimbursement. In the following circumstances, the Secretary of Defense (or a designee) may authorize payment for care obtained in an ineligible facility:

(i) *Emergency care.* Emergency inpatient or outpatient care.

(ii) *Care rendered prior to finding of a violation.* Care initiated prior to a finding of violation and which continues after such violation when it is determined that a change in the treatment facility would be detrimental to the health of the patient and the attending physician so certifies.

(iii) *Other facility not available.* Care provided in an ineligible facility because of the absence of an eligible facility within a reasonable distance.

(3) *Procedures for qualifying as a CHAMPUS-approved institutional provider.* General and special hospitals otherwise meeting the qualifications outlined in paragraph (b)(4) (i), (ii), and (iii) of this section are not required to formally request CHAMPUS approval.

(i) *JCAH accreditation status.* Each CHAMPUS Contractor will keep informed as to the current JCAH accreditation status of all hospitals in its area; and the hospitals' status under Medicare with regard to compliance with Title VI of the Civil Rights Act of 1965 (42 U.S.C. 2000d(1)). All other authorized institutional providers providing services to CHAMPUS beneficiaries must be specifically approved as a source of care by the Director, OCHAMPUS (or a designee).

(ii) *Required to comply with criteria.* Facilities seeking CHAMPUS approval will be expected to comply with appropriate criteria set forth in subparts of this Section. They also are required to complete and submit CHAMPUS Form 200 ("Required Information, Facility Determination Instructions") and provide such additional information as may be requested by OCHAMPUS. An on-site evaluation, either scheduled or non-scheduled, may be conducted at the discretion of the Director, OCHAMPUS (or a designee). The final determination regarding approval, reapproval, or disapproval of a facility will be provided in writing to the facility and the appropriate CHAMPUS Contractor.

(iii) *Surveying of facilities.* The surveying of newly established institutional providers and the periodic resurveying of all authorized institutional providers is a continuing process conducted by OCHAMPUS.

(iv) *Institution not in Compliance with CHAMPUS Standards.* If a determination is made that an institution is not in compliance with one or more of the standards applicable to its specific category of institution, OCHAMPUS shall take immediate steps to bring about compliance or terminate its approval as an authorized institution.

(a) *Minor violations.* An institution determined to be in minor violation of one or more of the standards shall be advised by certified mail as to the nature of the discrepancy(ies) and will be given a grace period of not less than 30 days to effect appropriate corrections.

(1) During such grace period, CHAMPUS will not cost-share on any beneficiary/patients admitted during the grace period.

(2) Any beneficiaries already in the institution (or their sponsors) shall be notified in writing of the minor violations and the grace period granted to the institution to correct them.

(3) If the institution notifies OCHAMPUS (in writing) before the end of the grace period that corrective action has been taken, those beneficiaries in the institution (or their sponsors) will be notified and benefits continued (assuming the case is otherwise covered). Also, for any beneficiary admitted during the grace period, benefits may begin to be extended (if the case is otherwise covered) as of 12:01 a.m. on the day notice of correction is received by OCHAMPUS.

(4) If the institution has not notified OCHAMPUS (in writing) before the end of the grace period that corrective action has been completed, the Director, OCHAMPUS (or a designee) may terminate CHAMPUS approval as an authorized institution.

(b) *Major violations.* A determination that an institution is in major violation of standards significantly detrimental to life, safety and health, or substantially in violation of approved treatment programs, will result in immediate termination as an authorized institution. The institution shall be notified of the termination, by telegram or certified mail, such notice to include the nature of the violations.

(c) *Notice to beneficiary/patients (or sponsor) upon termination of approval as an authorized institutional provider.* Whenever approval as an authorized institutional provider is terminated any beneficiary/patient in the institution (or the sponsor) shall be notified by certified mail of such action at the same time the institution is notified. Notice to the beneficiary (or sponsor) shall also include the nature of the non-compliance violations which resulted in the termination. CHAMPUS benefits may be continued for those cases already approved for benefits for an interim period of up to the last day of the month following the month in which approval of the institution was terminated.

(d) *Reinstatement as an authorized institutional provider.* Any institution that has its approval as an authorized institutional provider terminated because of non-compliance with CHAMPUS standards and/or approved treatment programs may reapply to the Director, OCHAMPUS (or a designee) for approval. However, reapproval cannot be granted until an on-site facility review is conducted.

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(4) *Categories of institutional providers.* The following categories of institutional providers may be reimbursed by CHAMPUS for services provided CHAMPUS beneficiaries subject to any and all definitions, conditions, limitations and/or exclusions specified or enumerated in this regulation.

(i) *Hospitals, acute care: General and special.* The term "hospital" means an institution which:

(*a*) Is primarily engaged in providing to inpatients, by or under the supervision of physicians, diagnostic services and therapeutic services for the medical or surgical diagnosis and treatment of illness or injury (including maternity), and

(*b*) Maintains clinical records on all inpatients (and outpatients if the facility operates an inpatient department or emergency room).

(*c*) Has bylaws in effect with respect to its operations and medical staff.

(*d*) Has a requirement that every patient be under the care of a physician.

(*e*) Provides 24-hour nursing service rendered or supervised by a registered professional nurse, and has a licensed practical nurse or registered professional nurse on duty at all times.

(*f*) Has in effect a hospital utilization review plan that is operational and functioning.

(*g*) In the case of an institution in a state in which state or applicable local law provides for the licensing of hospitals, the hospital:

(*1*) Is licensed pursuant to such law, or

(2) Is approved by the agency of such state or locality responsible for licensing hospitals, as meeting the standards established for such licensing.

(*h*) Has in effect an operating plan and budget.

(*i*) Is accredited by the Joint Commission on Accreditation of Hospitals and/or meets such other requirements as the Secretary of Health, Education, and Welfare or the Secretary of Defense finds necessary in the interest of the health and safety of individuals who are admitted to and furnished services in the institution.

(ii) *Hospitals, psychiatric.* A psychiatric hospital is an institution which is primarily engaged in providing psychiatric services for the diagnosis and treatment of mental illness.

(*a*) There are two major categories of psychiatric hospitals:

(*1*) The private psychiatric hospital category includes both proprietary and the not-for-profit nongovernmental institutions.

(2) The second category are those psychiatric hospitals controlled, financed and operated by departments and agencies of either the Federal, state or local government and are always operated on a not-for-profit basis.

(*b*) In order for the services of a private psychiatric hospital to be covered, the hospital must comply with the provisions outlined in paragraph (b) (4) of this section, except that paragraph (b) (4) (i) (*f*) does not apply. In the case of private psychiatric hospitals, all must be accredited by the JCAH in order for their services to be cost-shared under CHAMPUS.

(*c*) Factors to be considered in determining whether CHAMPUS will cost-share care provided in a psychiatric hospital include, but are not limited to, the following considerations:

(*1*) Is the prognosis of the patient such that care provided will lead to resolution or remission of the mental illness to the degree that the patient is of no danger to others, can perform routine daily activities, and can be reasonably expected to function outside the inpatient setting.

(2) Can the services being provided be more economically provided in another facility or on an outpatient basis.

(*3*) Are the charges reasonable.

(*d*) Is, the care primarily custodial and/or domiciliary in nature. (Custodial or domiciliary care of the permanently mentally ill or retarded is not a coverable benefit under the CHAMPUS Basic Program.)

(iii) *Hospitals, long-term: Tuberculosis, chronic care, rehabilitation, etc.* To be considered a long-term hospital, institutions for individuals with tuberculosis or chronic diseases, etc., must be an institution (or distinct part of an institution) primarily engaged in providing, by and/or under the supervision of a physician, appropriate medical or surgical services for the diagnosis and active treatment of the illness or condition in which the institution specializes.

(*a*) In order for the services of long-term hospitals to be covered, the hospital must comply with the provisions outlined in paragraph (b) (4) (i) of this section. In addition, in order for services provided by such hospitals to be coverable by CHAMPUS, they must be primarily for the treatment of the presenting illness.

(*b*) Custodial and/or domiciliary care is not coverable under CHAMPUS, even if rendered in an otherwise authorized long-term hospital.

(*c*) The controlling factor in determining whether a beneficiary's stay in a long-term hospital is coverable by CHAMPUS is the level of professional care and supervision, and skilled nursing care that the beneficiary/patient requires, in addition to the diagnosis, type of condition, or degree of functional limitations. The type and level of medical services required and/or rendered is controlling for purposes of extending CHAMPUS benefits; not the type of provider or condition of the beneficiary/patient.

(iv) *Skilled nursing facility.* A skilled nursing facility is an institution (or a distinct part of an institution) which is primarily engaged in providing to inpatients, medically necessary skilled nursing care, which is other than a nursing home or intermediate care facility, and which:

(*a*) Has policies which are developed with the advice of (and with provisions for review of such policies on a periodic basis by) a group of professional personnel, including one or more physicians and one or more registered professional nurses, to govern the skilled nursing care and related medical services it provides.

(*b*) Has a physician, a registered nurse, or a medical staff responsible for the execution of such policies.

(*c*) Has a requirement that the medical care of each patient must be under the supervision of a physician, and provides for having a physician available to furnish necessary medical care in case of an emergency.

(*d*) Maintains clinical records on all patients.

(*e*) Provides 24-hour skilled nursing service which is sufficient to meet nursing needs in accordance with the policies developed as provided in paragraph (b) (4) (d) (*a*) of this section and has at least one registered professional nurse employed full time.

(*f*) Provides appropriate methods and procedures for the dispensing and administering of drugs and biologicals.

(*g*) Has in effect a utilization review plan that is operational and functioning.

(*h*) In the case of an institution in a state in which state or applicable local law provides for the licensing of this type facility, the institution:

(*1*) Is licensed pursuant to such law, or

(2) Is approved by the agency of such state or locality responsible for licensing such institutions, as meeting the standards established for such licensing.

(*i*) Has in effect an operating plan and budget.

(*j*) Meets such provisions of the most current edition of the Life Safety Code of the National Fire Protection Association as are applicable to nursing facilities; except that if the Secretary of Health, Education, and Welfare has waived, for such periods as deemed appropriate, specific provisions of such code which, if rigidly applied, would result in unreasonable hardship upon a nursing facility.

(v) *Residential Treatment Centers for Emotionally Disturbed Children (RTC's).* Residential Treatment Centers are institutions (or distinct units of an institution) existing specifically for round-the-clock, long-term psychiatric treatment of emotionally disturbed children who have sufficient intellectual potential for responding to active psychiatric treatment, for whom outpatient treatment is not appropriate, and for whom inpatient treatment is determined to be the treatment of choice. RTC's do not provide domiciliary and/or custodial care, but rather, must be able to provide a total therapeutically planned group living and learning situation within which individual psychotherapeutic approaches are integrated. To be approved by CHAMPUS, private RTC's must:

(*a*) Be accredited by the Joint Commission on Accreditation of Hospitals under the Commission Standards for Psychiatric Facilities Serving Children and Adolescents, and

(*b*) Have entered into a Participation Agreement with OCHAMPUS which requires that the RTC will comply with the CHAMPUS Standards for Psychiatric Residential Treatment Centers Serving Children and Adolescents. (The current CHAMPUS Standards for Residential Treatment Centers are provided as Appendix A to this regulation.)

(vi) *Christian Science Sanitoriums.* The services obtained in Christian Science Sanitoriums are by public law covered by CHAMPUS as inpatient care. To qualify for coverage, the sanitorium must be either operated by, or be listed and certified by the First Church of Christ, Scientist. Christian Science Sanitoria are covered without following caveat:

Inasmuch as Christian Science treatment is not medical treatment and the language of the Defense Appropriations Act of 1976 (Sections 751(f)) and 1977 (Section 743(f)) limit CHAMPUS coverage to those services and supplies which are "medically or psychologically necessary to diagnose and treat a mental or physical illness, injury, or bodily malfunction as diagnosed by a physician, dentist or a clinical psychologist," the services of Christian Science Sanitoriums may not be paid by CHAMPUS during FY 1976 and FY 1977. Coverage in the following fiscal years will be dependent upon the language of the Appropriations Act covering that year's appropriation.

(vii) *Infirmaries.* Infirmaries are facilities operated by student health departments of colleges and universities to provide inpatient and/or outpatient care to enrolled students. Charges for care provided by such facilities will not be cost-shared by CHAMPUS if the student would not be charged in the absence of CHAMPUS or if the student is covered by a mandatory student health insurance plan, enrollment in which is required as a part of the student's registration in the school and the charges by the college or university include a premium for the student health insurance coverage. CHAMPUS will cost-share only if enrollment in the student health program and/or health insurance plan is voluntary. (Refer to § 199.14 "Double Coverage.")

NOTE.—An infirmary in a boarding school may also qualify under this provision, subject to review and approval by the Director, OCHAMPUS (or a designee).

(viii) *Other Specialized Treatment Facilities (STF's).* (*a*) Care provided by certain specialized treatment facilities (on either inpatient or outpatient basis), other than those listed above, may be cost-shared by CHAMPUS under specified circumstances.

(*1*) The course of treatment is prescribed by a doctor of medicine or osteopathy.

(2) The patient is under the supervision of a physician during the entire course of the inpatient admission or the outpatient treatment.

(*3*) The type and level of care and services rendered by the institution are otherwise authorized by this Regulation.

(*4*) The facility meets all licensing and/or other certification requirements which are extant in the jurisdiction in which the facility is geographically located.

(*5*) Is other than a nursing home, intermediate care facility, home for the aged, halfway house, or other institution of similar purpose.

(*6*) Is accredited by the Joint Commission on Accreditation or other CHAMPUS-approved accreditation organization, if an appropriate accreditation program for the given type of facility is available. As future accreditation programs are developed to cover emerging specialized treatment programs, such accreditation will be a prerequisite to coverage by CHAMPUS for services provided by such facilities.

(*b*) In order to assure that CHAMPUS beneficiaries are provided quality care at a reasonable cost when treated by a specialized treatment facility, the Director, OCHAMPUS (or a designee), will retain the right to:

(*1*) Require prior approval of all admissions to specialized inpatient treatment facilities.

(*2*) Set appropriate standards for specialized treatment facilities in addition to or in the absence of JCAH accreditation.

(*3*) Monitor facility operations and treatment programs on a continuing basis and conduct on-site inspections on a scheduled and unscheduled basis.

(*4*) Negotiate agreements of participation.

(*5*) Terminate approval of a case when it is ascertained that a departure from the facts upon which the admission was originally based has occurred.

(*6*) Declare a specialized treatment facility not eligible for CHAMPUS payment if that facility has been found to have engaged in fraudulent or deceptive practices.

(*c*) In general, the following disclaimers apply to treatment by specialized treatment facilities:

(*1*) Just because one period or episode of treatment by a facility has been covered by CHAMPUS shall not be construed to mean that subsequent episodes of care by the same or similar facility will be automatically covered.

(2) The fact that one case has been authorized for treatment by a specific facility or similar type of facility shall not be construed to mean that similar cases or subsequent periods of treatment will be automatically extended CHAMPUS benefits.

NOTE.—Other specialized treatment facilities (STF's) also include those facilities which seek approval to provide care authorized under the program for the handicapped. (Refer to § 199.11 "Program for the Handicapped.")

(*c*) *Individual professional providers of care.*—(1) *General.* Individual professional providers of care are those providers who bill for their services on a fee-for-service basis and are not employed or contracted with by an institutional provider. This category also includes those individuals who have formed professional corporations or associations qualifying as a domestic corporation under § 301.7701-5 of the Federal Income Tax Regulations. Such individual professional providers must be licensed by the local licensing agency for the jurisdiction in which the care is provided; or in the absence of licensure be certified by or be eligible for membership in the appropriate national or professional association which sets standards for the profession of which the provider is a member. Services provided must be in accordance with good medical practice and prevailing standards of quality of care and within recognized utilization norms.

(i) *Licensing required: Scope of license.* Otherwise covered services shall be cost-shared only if the individual professional provider holds a current, valid license to practice his or her profession (or otherwise is legally authorized to practice) required in the jurisdiction where the service is rendered. Further, such service must be within the scope of the license (or other legal authorization).

(ii) *Monitoring required.* The Director, OCHAMPUS (or a designee), is responsible for developing appropriate monitoring programs and issuing guidelines, criteria and/or norms necessary to insure that Program expenditures are limited to necessary medical supplies and services at the most reasonable cost to the Government and beneficiary. The Director, OCHAMPUS (or a designee), will also take such steps as necessary to deter overutilization of services.

(iii) *Christian Science.* Christian Science Practitioners and Christian Science Nurses are recognized by public law to provide services under CHAMPUS. Inasmuch as they provide services of an extra-medical nature, the general criteria outlined above do not apply to Christian Science Services. (Refer to paragraph (c) (3) (iv) (*b*) of this section regarding services of Christian Science Practitioners and Nurses.)

(2) *Interns and residents.* Interns and residents may not be paid directly by CHAMPUS for services rendered to a beneficiary when their services are provided as part of their employment (either salaried or contractual) by a hospital or other institutional provider.

(*3*) *Types of providers.* Subject to the standards of participation provisions of this Regulation, the following individual professional providers of medical care are authorized to provide services to CHAMPUS beneficiaries:

(i) *Physicians.* (*a*) Doctors of Medicine (M.D.).

(*b*) Doctors of Osteopathy (D.O.).

(ii) *Dentists.* Except for covered oral surgery as specified in paragraph (e) of this section of this regulation, "Basic Program Benefits," all otherwise covered services rendered by dentists require preauthorization.

(*a*) Doctors of Dental Medicine (D.M.D.).

(*b*) Doctors of Dental Surgery (D.D.S.).

(iii) *Other allied health professions.* The services of the following individual professional providers of care are coverable on a fee-for-service basis providing such services are otherwise authorized in this or other sections of this Regulation.

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(a) *Clinical psychologists.* A clinical psychologist may provide therapy independent of physician referral and supervision. However, in order to provide therapy, a clinical psychologist must either:

(*1*) Be licensed or certified by the jurisdiction in which practicing, have a doctoral degree in clinical psychology and a minimum of two years of supervised experience in clinical psychology in a licensed hospital, a mental health center, or other appropriate clinical setting as determined by the Director, OCHAMPUS (or a designee), or

(2) Be listed in the National Register of Health Service Providers in Psychology, compiled and published by the Council of the National Register of Health Services Providers in Psychology.

(*b*) *Doctors of Optometry.*

(*c*) *Doctors of Podiatry or Surgical Chiropody.*

(*d*) *Other individual paramedical providers.* The services of the following individual professional providers of care, in order to be considered for benefits on a fee-for-service basis, may be provided only if the beneficiary/patient is referred by a physician for the treatment of a medically-diagnosed condition and a physician must also provide continuing and ongoing oversight and supervision of the program or episode of treatment provided by these individual paramedical providers.

(*1*) Licensed Registered Nurses.

(*2*) Licensed Practical or Vocational Nurses.

(*3*) Licensed Midwives.

(*4*) Licensed Registered Physical Therapists.

(*5*) Psychiatrist and/or Clinical Social Workers.

(*6*) Audiologists.

(*7*) Speech Therapists (Speech Pathologists).

(iv) *Extramedical individual providers.* Extramedical individual providers are individuals who do counseling or nonmedical therapy and whose training and therapeutic concepts are outside the medical field.

(*a*) *Marriage and family counselors.* The services of certain extramedical marriage and family counselors are coverable on a fee-for-service basis, under the following specific conditions:

(*1*) The CHAMPUS beneficiary must be referred for counseling by a physician.

(2) A physician is providing ongoing oversight and supervision of the counseling services being provided.

(3) The marriage and family counselor must certify on each claim for reimbursement that a written communication has been made or will be made to the referring physician of the results of the treatment. Such communications will be made at the end of the treatment or more frequently if required by the referring physician. (Refer to § 199.13, "Claims Submission, Review and Payment.")

(*4*) The counselor must have the following: (*i*) Recognized graduate professional education with the minimum of an earned master's degree from an accredited educational institution in an appropriate behavioral science field, mental health discipline.

(*ii*) The following experience: (*aa*) Either 200 hours of approved supervision of the practice of marriage and family counseling, ordinarily to be completed in a 2–3 year period, of which at least 100hours must be in individual supervision. This supervision will occur preferably with more than one supervisor, and should include a continuous process of supervision with at least three cases, and

(*bb*) 1000 hours of clinical experience in the practice of marriage and family counseling under approved supervision, involving at least 50 different cases; or

(*cc*) 150 hours of approved supervision of the practice of psychotherapy, ordinarily to be completed in a 2–3 year period, of which at least 50 hours must be individual supervision. Plus: At least 50 hours of approved individual supervision of the practice of marriage and family counseling, ordinarily to be completed within a period of not less than one nor more than two years, and

(*dd*) 750 hours of clinical experience in the practice of psychotherapy under approved supervision involving at least 30 cases. Plus: At least 250 hours of clinical practice of marriage and family counseling under approved supervision, involving at least 20 cases; plus,

(*iii*) Possession of a valid state license or certificate as a marriage and family counselor or hold a license or certificate that allows the individual to provide marriage and family counseling in states which require such licensing or certification.

(*b*) *Christian Science Practitioners and Christian Science Nurses.* Public Law 89–614 specifically provides authority for CHAMPUS to cost-share the services of Christian Science practitioners and nurses. In order to bill as such, individuals must be listed or be eligible for listing in the Christian Science Journal at the time the service is provided. These services are covered with the following caveat:

Inasmuch as the Christian Science method of healing is not medical treatment the language of the Defense Appropriations Acts of 1976 (Section 751(f)) and 1977 (Section 743(f)) limited CHAMPUS coverage to those services and supplies which are "medically or psychologically necessary to diagnose and treat a mental or physical illness, injury, or bodily malfunction as diagnosed by a physician, dentist or a clinical psychologist." Christian Science practitioners and nurses cannot be paid by CHAMPUS during FY 1976 or FY 1977. Coverage in following fiscal years will be dependent upon the language of the Appropriations Act covering that given year's appropriations.

(d) *Other Providers.* Certain medical supplies and services of an ancillary or supplemental nature are coverable by CHAMPUS subject to certain controls. This category of provider includes the following: (1) *Independent Laboratory.* Laboratory services of independent laboratories may be cost-shared if the laboratory is approved for participation under Medicare and certified by the Social Security Administration.

(2) *Suppliers of Portable X-Ray Services.* Such suppliers must meet the conditions of coverage of the Medicare Program, set forth in 20 CFR 405.1411 through 405.1416 (as amended) or the Medicaid Program in that state in which the covered service is provided.

(3) *Pharmacies.* Pharmacies must meet the applicable requirements of state law in the state in which the pharmacy is located.

(4) *Ambulance Companies.* Such companies must meet the requirements of state and/or local laws in the jurisdiction in which the ambulance firm is licensed.

(5) *Medical equipment firms: Medical supply firms.* As determined by the Director, OCHAMPUS (or a designee).

(e) *Provider reimbursement methods.*—(1) *Hospital and skilled nursing facilities.* The CHAMPUS-determined reasonable cost for reimbursement of a hospital or skilled nursing facility shall be determined on the basis of one of the following methodologies, i.e., whichever is in effect at a specific hospital or skilled nursing facility at the time covered services and/or supplies are provided to a CHAMPUS beneficiary/patient:

(i) *Billed charges/set rates.* The reasonable costs for authorized care shall not exceed the lower of: (*a*) The actual charge for such service made to the general public; or

(*b*) The allowed charge applicable to the policy holders and/or subscribers of the CHAMPUS Contractor for comparable services under comparable circumstances, where extended to CHAMPUS beneficiaries by consent or agreement; or

(*c*) The allowed charge applicable to the citizens of the community or state as established by local or state regulatory authority excluding Title XIX of the Social Security Act or other welfare program, where extended to CHAMPUS beneficiaries by consent or agreement.

(ii) *Cost-related reimbursement.* The Director, OCHAMPUS (or a designee), shall, subject to the approval of the ASD(HA), establish a cost reimbursement method similar to that utilized for reimbursement of institutional providers under Title XVIII of the Social Security Act (generally known as the RCCAC method).

(iii) *Prospective reimbursement.* The Director, OCHAMPUS (or a designee), shall, subject to the approval of the ASD(HA), develop an alternative reimbursement method utilizing a prospective payment concept.

(2) *Reimbursement for other than hospitals and skilled nursing facilities.* The Director, OCHAMPUS (or a designee), shall establish such other methods of determining reasonable cost/charge reimbursement for those institutions, other than hospitals and skilled nursing facilities, as may be required.

(3) *Reimbursement of individual professional providers (including physicians) and other providers.* The CHAMPUS-determined reasonable charge for reimbursement of an individual professional provider (including a physician) or other provider shall be one of the following methodologies, i.e., whichever is in effect in the specific geographic location at the time covered services and/or supplies are provided to a CHAMPUS beneficiary/patient. Such methodology in effect at the time covered services or supplies are provided shall be known as the "CHAMPUS Applicable Schedule."

(i) *Reasonable charge method.* The reasonable charge method utilized shall be the Medicare system which is the preferred and primary method for reimbursement of physicians, other individual professional providers, and other providers. The reasonable charge for authorized medical care shall not exceed the lowest of: (*a*) The billed charge for such services;

(*b*) The charge generally made by the physician or other source under similar circumstance, furnishing such service;

(*c*) The prevailing charge level that, on the basis of statistical data and methodology acceptable to the Director, OCHAMPUS (or a designee), does not exceed the 75th percentile of the customary charges made for similar services in the same locality during the last preceding calendar year elapsing prior to July 1 of the year in which the claim is received by the CHAMPUS Contractor; or

(*d*) The charge applicable to the policy holders and subscribers of the CHAMPUS Contractor for comparable services under comparable circumstances.

NOTE: However, arbitrary reduction in charges applicable to policy holders and/or subscribers of the CHAMPUS Contractor, including the CHAMPUS Contractor's failure to update allowed charges in its private business because of inadequate insurance reserves or other reasons, shall not be applicable in determining reasonable charges under this program unless the providers by law or contract agree to accept such reductions as full payment for services provided.

(*e*) A charge that exceeds either the customary charge, prevailing charge, or both, can be determined to be reasonable only where unusual circumstances or medical complications are documented that require additional time, effort, skill, or expense supporting the additional charge, and only if the additional charge made is a customary practice of the medical community within the locality where the medical care was rendered. A reasonable charge may not exceed the billed charge under any circumstances.

(*f*) The Director, OCHAMPUS (or a designee), may establish a variation of the above Medicare methodology system for the determination of reasonable charges in a specific geographic area (for authorized medical care) that is designed to achieve the same or similar results in average charge allowances as obtained by the methodology described above; but only under circumstances where an adequate information base to permit utilizing the above methodology is not available.

(ii) *Alternative Method.* The Director, OCHAMPUS (or a designee), may, subject to the approval of the ASD(HA), establish an alternative method of reimbursement designed to produce reasonable control over health care costs and to assure a high level of acceptance of the CHAMPUS-determined charge by the physicians or other individual sources of care furnishing such services and supplies. Alternative methodology may be established for any clearly defined geographic area by direct negotiation with the providers, or by such other means as may be established by the Director, OCHAMPUS (or a designee), which will produce by agreement or effect average charge allowances not greater than those charged to the general public on July 1, 1976 with an additional allowance representing the demonstrated increase in the cost of doing business for subsequent 12 month periods coincident with the implementation or agreement date for use of the alternative method.

(4) *Outside the United States.* The Director, OCHAMPUS (or a designee), shall determine the appropriate reimbursement method(s) to be used in the extension of CHAMPUS benefits for otherwise covered medical services and/or supplies provided by hospitals or other institutional provider, physicians or other individual professional provider or other providers, outside the United States.

(f) *Implementing Instructions.* The Director, OCHAMPUS (or a designee), shall issue a CHAMPUS Operating Manual and such other instructions, procedures, guidelines, etc. as may be necessary to implement the intent of this section.

§ 199.13 Claims submission, review and payment.

(a) *General.* The Director, OCHAMPUS (or a designee), is responsible for assuring that benefits under the CHAMPUS Program are paid only to the extent described in this Regulation. Before benefits can be paid, an appropriate claim must be submitted which provides sufficient information as to beneficiary identification, the medical services and supplies provided, and double coverage information, in order to permit proper, accurate and timely adjudication of the claim by the CHAMPUS Contractor and/or OCHAMPUS. Subject to such definitions, conditions, limitations, exclusions and requirements as may be set forth in this Regulation, the following are the CHAMPUS claim filing requirements:

(1) *CHAMPUS Identification Card Required.* A patient is responsible for presenting his or her applicable CHAMPUS Identification Card (i.e., Uniformed Services Identification Card) to the authorized provider of care, which identifies the patient as an eligible CHAMPUS beneficiary. (Refer to § 199.9, "Eligibility.")

(2) *Claim required.* No benefit may be extended under the CHAMPUS Basic Program or Program for the Handicapped without the submission of a properly and completely executed appropriate claim form.

(3) *Responsibility for perfecting claim.* It is the responsibility of the CHAMPUS beneficiary (or sponsor) and/or the authorized provider acting on behalf of the CHAMPUS beneficiary/patient to perfect a claim for submission to the appropriate CHAMPUS Contractor. Neither a CHAMPUS Contractor nor OCHAMPUS is authorized to prepare a claim on behalf of a CHAMPUS beneficiary.

(4) *Obtaining Appropriate Claim Form.* The CHAMPUS Program provides specific CHAMPUS forms appropriate for making a claim for benefits for various types of medical services and supplies (i.e., hospital, physician, prescription drugs, etc.). Claim forms may be obtained from the appropriate CHAMPUS Contractor in the state of residence, from the Director, OCHAMPUS (or a designee), or rfom CHAMPUS Advisors located at all Uniformed Services medical facilities.

(5) *Prepayment not required.* A CHAMPUS beneficiary (or sponsor) is not required to pay for the medical services or supplies before submitting a claim for benefits.

(6) *Deductible Certificate.* If the fiscal year outpatient deductible has been met by a beneficiary ($50) or a family ($100 aggregate) through the submission of a claim(s) to a CHAMPUS Contractor in another geographic location from the location where a current claim is being submitted, the beneficiary (or sponsor) must obtain a deductible certificate from the CHAMPUS Contractor where the applicable individual and/or family fiscal year deductible was met. Such deductible certificate must be attached to the current claim being submitted for benefits. Failure to obtain a deductible certificate under such circumstances will result in a second individual and/or family fiscal year deductible being applied. However, this second deductible may be reimbursed once appropriate documentation, as described in this paragraph (a)(6) of this section, is supplied to the CHAMPUS Contractor applying the second deductible. (Refer to paragraph (f) of § 199.10 "Basic Program Benefits.")

(7) *Nonavailability Statements (DD Form 1251).* In some geographic location and/or under certain special circumstances it is necessary for a CHAMPUS beneficiary to determine whether the required medical care can be provided through a Uniformed Service facility. In such instances if the required medical care cannot be provided by the Uniformed Services facility, a Nonavailability Statement (DD Form 1251) will be issued. Where required (except for emergencies), this Nonavailability Statement must be issued before medical care is obtained from civilian sources. Failure to secure such a statement will waive the beneficiary's rights to benefits under CHAMPUS, subject to appeal to the appropriate hospital commander (or higher medical authority).

(i) *Rules Applicable to Issuance of Nonavailability Statement (DD Form 1251).* The Assistant Secretary of Defense (Health Affairs) is responsible for promulgating rules and regulations for the issuance of Nonavailability Statements. Such rules and regulations will change depending on the current situations.

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(ii) *Beneficiary Responsibility.* The beneficiary is responsible for ascertaining whether or not he or she resides in a geographic area which requires obtaining a Nonavailability Statement. Information concerning current rules and regulations may be obtained from the appropriate CHAMPUS Contractor, a CHAMPUS Advisor or the Director, OCHAMPUS (or a designee).

(iii) *Rules in Effect at Time Civilian Care is Provided Apply.* The applicable rules and regulations regarding Nonavailability Statements in effect at the time the civilian care is rendered apply in determining whether a Nonavailability Statement is required.

(iv) *Nonavailability Statement (DD Form 1251) Must be Filed with Applicable Claim.* When a claim is submitted for CHAMPUS benefits which includes services for which a Nonavailability Statement is required, such statement must be submitted along with the claim form.

(b) *Information Required to Adjudicate a CHAMPUS Claim.* Claims received, which are not fully completed and which do not provide the following minimum information, may be returned. If sufficient space is not available on the appropriate claim form, the required information must be attached in the form of a separate statement (which should also include patient's name and address and be dated and signed).

(1) *Patient's Identification Information.* The following patient identification information must be completed on every CHAMPUS claim form submitted for benefits before a claim will be adjudicated and processed:

(i) *Patient's Full Name.*
(ii) *Patient's Residence Address.*
(iii) *Patient's Date of Birth.*
(iv) *Patient's Relationship to Sponsor.*

NOTE.—If name of patient is different from sponsor, explain (i.e., stepchild, illegitimate child, etc.).

(v) *Patient's Identification Number.* From DD Form 1173.

(vi) *Patient's Identification Card Effective Date and Expiration Date.* From DD Form 1173.

(vii) *Sponsor's Full Name.*

(viii) *Sponsor's Service and/or Social Security Number.*

(ix) *Sponsor's Grade.*

(x) *Sponsor's Organization and Duty Station.* Home port for ships; home address for retiree.

(xi) *Sponsor's Branch of Service.* Or deceased or retiree's former branch of service.

(xii) *Sponsor's Current Status.* Active duty, retired or deceased.

(2) *Patient Treatment Information.* The following patient treatment information is routinely required relative to the medical services and supplies for which a claim for benefits is being made before a claim will be adjudicated and processed:

(i) *Diagnosis.* A detailed diagnosis is required; standard nomenclature is acceptable. In the absence of a diagnosis, a narrative description of the definitive set of symptoms for which the medical care was rendered must be provided.

(ii) *Source of Care.* Full name of source of care (hospital, physician, etc.) providing the specific medical services being claimed.

(iii) *Full Address of Source of Care.* This address must be where the care was actually provided, not a billing address.

(iv) *Attending Physician.* Name of attending physician (or other authorized individual professional provider).

(v) *Referring Physician.* Name and address of ordering, prescribing and/or referring physician.

(vi) *Status of Patient.* Status of patient at the time the medical services and supplies were rendered (i.e., inpatient or outpatient).

(vii) *Dates of Service.* Specific and inclusive dates of service.

(viii) *Inpatient Stay.* Source and dates of related inpatient stay (if applicable).

(ix) *Physicians or Other Authorized Individual Professional Providers.* For services provided by physicians (or other authorized individual professional providers), the following information must also be included:

(*a*) Date of each service.

(*b*) Procedure code and/or narrative description of each procedure/service for each date of service.

(*c*) Individual charge for each item of service or each supply for each date.

(*d*) Detailed description of any unusual complicating circumstances related to the medical care provided which the physician or other individual professional provider may choose to submit separately.

(x) *Hospital or Other Authorized Institutional Providers.* For care provided by hospitals (or other authorized institutional providers), the following information must also be provided before a claim will be adjudicated and processed:

(*a*) An itemized billing showing each item of service and/or supply provided for each day covered by the claim.

NOTE.—The Director, OCHAMPUS (or a designee), may approve (in writing) an alternate billing procedure for RTC's or other special institutions, in which case the itemized billing requirement may be waived. The particular facility will be aware of such approved alternate billing procedure.

(*b*) Any absences from a hospital or other authorized institution during a period for which inpatient benefits are being claimed must be specifically identified as to date(s) and a detailed statement provided as to the purpose of the absence. Failure to provide such information will result in denial of benefits and in an ongoing case, termination of benefits for the inpatient stay at least back to the date of the absence.

(xi) *Prescription Drugs and Medicines (and Insulin).* For prescription drugs and medicines (and insulin, whether or not a prescription is required), receipted bills must be attached and the following additional information provided:

(*a*) Name of drug.

NOTE.—In those situations where the physician or pharmacist so requests, the name of the drug may be submitted to the CHAMPUS Contractor directly by the physician or pharmacist.

(*b*) Strength of drug.

(*c*) Name and address of pharmacy where drug was purchased.

(*d*) Prescription number of drug being claimed.

(xii) *Other Authorized Providers.* For items from other authorized providers (such as medical supplies), an explanation as to the medical need must be attached to the appropriate claim form. For purchases of durable equipment under the Program for the Handicapped, it is also necessary to attach a copy of the preauthorization.

(xiii) *Non-Participating Providers.* In every case where the beneficiary (or sponsor) submits the claim to the CHAMPUS Contractor (i.e., the provider elects not to participate), an itemized bill from the provider to the beneficiary (or sponsor) must be attached to the CHAMPUS claim form.

(3) *Double Coverage Information.* In those situations where the CHAMPUS beneficiary/patient is eligible for medical benefits coverage through another plan, insurance and/or program, either private or Government, the following information must be provided:

(i) *Name of Other Coverage.* Full name (and address) of double coverage plan, insurance and/or program (i.e., Blue Cross, Medicare, commercial insurance, State program, etc.).

(ii) *Source of Double Coverage.* Source of double coverage (i.e., employment, including retirement, private purchase, membership in a group, law, etc.).

(iii) *Employer Information.* If source of double coverage is employment, give name and address of employer.

(iv) *Identification Number.* Identification number and/or group number of other coverage.

(4) *Right to Additional Information.* As a condition precedent to the provision of benefits under this Regulation, OCHAMPUS and/or CHAMPUS Contractors may request and shall be entitled to receive information from a physician or hospital or other person, institution and/or organization (including a local, State or Federal Government agency) providing services or supplies to the beneficiary for which claims or requests for approval for benefits are submitted. Such information and records may relate to the attendance, testing, monitoring, or examination or diagnosis of, or treatment rendered, or services and supplies furnished to, a beneficiary and as shall be necessary for the accurate and efficient administration of CHAMPUS benefits. In addition, before a determination on a request for preauthorization or claim of benefits, a beneficiary (or sponsor) must provide particular additional information relevant to the requested determination when necessary. The recipient of such information shall in every case hold such records confidential except when: (i) Disclosure of such information is specifically authorized by the beneficiary/patient; (ii) disclosure is necessary to

permit authorized governmental officials to investigate and prosecute criminal actions; or (iii) disclosure is specifically authorized or required under the terms of the Privacy Act and/or Freedom of Information Act (Refer to paragraph (m) of § 199.7, "General"). For the purposes of determining the applicability of and implementing the provisions of §§ 199.14 and 199.15, "Double Coverage" and "Medical Care Recovery Act", respectively, or any provision of similar purpose of any other medical benefits coverage or entitlement, OCHAMPUS and/or CHAMPUS Contractors may, without consent or notice to any beneficiary (or sponsor), release to or obtain from any insurance company or other organization, governmental agency, provider or person any information with respect to any beneficiary when such release constitutes a routine use duly published in the FEDERAL REGISTER in accordance with the Privacy Act (5 U.S.C. 522a). Before an individual's claim of benefits will be adjudicated, the individual must furnish to CHAMPUS that information which may be reasonably expected to be in his or her possession and which is necessary to make the benefit determination. Failure to provide the requested information may result in denial of the claim.

(c) *Signature on CHAMPUS Claim Form*—(1) *Beneficiary/Patient (or Sponsor) Signature.* Every CHAMPUS claim form must be signed by the beneficiary if he or she is 18 years of age or older. The sponsor may sign for any beneficiary under 18 years of age (or in the absence of the sponsor, the beneficiary/patient or beneficiary/patient's parent or guardian may sign).

(i) *Certification of Identity.* This signature certifies that the patient identification information provided is correct.

(ii) *Certification of Medical Care Provided.* This signature certifies that the specific medical care for which benefits are being claimed were actually rendered to the beneficiary/patient on the dates indicated.

(iii) *Authorization to Release Medical Information.* This signature authorizes the release of medical records and information to the CHAMPUS Contractor and OCHAMPUS.

(iv) *Certification of Accuracy and Authorization to Release Double Coverage Information.* This signature certifies to the accuracy of the double coverage information and authorizes the release of any information related to double coverage. (Refer to § 199.14, "Double Coverage".)

(2) *Provider's Signature.* The provider may elect on a claim-by-claim basis whether to participate and submit a CHAMPUS claim on behalf of a beneficiary/patient. When the provider makes the election to participate, the provider is required to sign the CHAMPUS claim form.

(i) *Certification.* A participating provider's signature on a CHAMPUS claim form:

(*a*) Certifies that the specific medical care listed on the claim form was, in fact, rendered to the specific beneficiary/patient for which benefits are being claimed, on the specific date(s) indicated.

(*b*) Certifies that the provider has agreed to participate and that the CHAMPUS-determined reasonable charge/cost will constitute the full charge/cost for the medical care listed on the specific claim form; and further agrees to accept the amount paid by CHAMPUS and/or the CHAMPUS payment combined with the cost-shared amount paid by (or in behalf of) the beneficiary/patient, as full payment for the covered medical services and/or supplies.

(*1*) Thus, neither CHAMPUS nor the sponsor is responsible for any additional charges, whether or not the CHAMPUS-determined charge/cost is less than the billed amount.

(*2*) Any provider who signs and submits a CHAMPUS claim form and then violates this agreement by billing the beneficiary/patient (or sponsor) for any difference between the CHAMPUS-determined charge/cost and the amount billed, is acting in bad faith and subject to penalties including withdrawal of Program approval as a CHAMPUS provider by administrative action of the Director, OCHAMPUS (or a designee), and possible legal action on the part of CHAMPUS (either directly or as a part of a beneficiary action) to recover monies improperly obtained from CHAMPUS beneficiaries (or sponsors). (Refer to § 199.12, "Authorized Providers".)

(ii) *Physician or Other Authorized Individual Professional Provider.* A physician or other authorized individual professional provider is liable for any signature submitted on his or her behalf. Further, a facsimile signature is not acceptable unless such facsimile signature is on file with, and has been specifically authorized by, the CHAMPUS Contractor serving the state where the physician or other authorized individual professional provider practices.

(iii) *Hospital or Other Authorized Institutional Provider.* The provider signature on a claim form for institutional services must be that of an authorized representative of the hospital or other authorized institutional provider and whose signature is on file with and approved by the appropriate CHAMPUS Contractor.

(d) *Claims Filing Deadline.* In order to be considered for benefits, all claims submitted under the CHAMPUS Program must be filed with the appropriate CHAMPUS Contractor no later than December 31 of the calendar year immediately following the one in which the covered service or supply was rendered. Failure to timely file a claim automatically waives all rights to any benefits for such services and/or supplies provided during the period affected by the claims filing deadline.

(1) *Claims Returned for Additional Information.* When a claim is initially submitted within the claims filing time limit, but is returned (in whole or in part) for additional information, in order to be considered for benefits, the returned claim, along with the requested information, must be resubmitted and received by the appropriate CHAMPUS Contractor no later than the applicable December 31 deadline or 90 days from the date the claim was returned to the beneficiary, whichever is later.

(*2*) *Exception to Claims Filing Deadline.* The Director, OCHAMPUS (or a designee), may grant exceptions to the claims filing deadline requirements, except that such exception may not be granted for late claims involving services and supplies provided by governmental institutions or agencies (local, state or Federal).

(i) *Types of Exception.*—(*a*) *Retroactive Eligibility.* Retroactive CHAMPUS eligibility determinations.

(*b*) *Administrative Error.* Administrative error (i.e., misrepresentation, mistake or other accountable action) of an officer or employee of OCHAMPUS (including OCHAMPUSEUR) or a CHAMPUS Contractor, performing functions under the CHAMPUS Program and acting within the scope of that individual's authority.

(*c*) *Mental Incompetency.* Mental incompetency of the beneficiary or guardian (or sponsor in the case of a minor child) which includes inability to communicate, even if the result of a physical disability.

(*d*) *Provider Billings.* Direct billings by participating providers.

(ii) *Request for Exception to Claims Filing Deadline.* Beneficiaries who wish to request an exception to the claims filing deadline may submit such a request to the Director, OCHAMPUS, Denver, Colorado 80240, if the circumstances of the case fall within one of the exception areas described in paragraphs (d) (2) (i) (*a*), (*b*), (*c*), or (*d*) of this section.

(*a*) Such requests for an exception must include a complete explanation of the circumstances of the late filing, together with all available documentation supporting the request, and the specific claim denied for late filing.

(*b*) Each request for an exception to the claims filing deadline is individually reviewed and considered on its own merits.

(e) *Other Claims Filing Requirements.* Notwithstanding the claims filing deadline described in paragraph (d) of this section, in order to minimize any potential adverse impact on a CHAMPUS beneficiary (or sponsor) which could result from a retroactive denial, the following additional claims filing procedures are recommended or required:

(1) *Continuing Care.* In any situation where medical services and supplies are being rendered on a continuing basis, an appropriate claim(s) should be submitted every 30 days (i.e., monthly), whether submitted directly by the beneficiary (or sponsor) or by the provider on behalf of the beneficiary/patient. Such claims may be submitted more frequently if the beneficiary or provider so elects. The Director, OCHAMPUS (or a designee), may also require more frequent claims submission based on dollars. Examples of

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care which may be rendered on a continuing basis are outpatient physical therapy, private duty (special) nursing, or inpatient stays.

(2) *Outpatient Individual and/or Group Psychotherapy.* Any claim for outpatient individual and/or group psychotherapy (or marriage and family counseling) is limited to not more than 8 sessions (visits). All outpatient psychotherapy services are automatically reviewed and evaluated for benefit purposes at the initial 8-session (visit) interval, and at the 24-session (visit) interval. More frequent review and evaluation may be required if indicated by the case. Any outpatient psychotherapy extending (and approved for benefits) for up to 60 sessions must be referred to peer review to determine whether any additional benefits may be provided. This requirement applies whether the services are rendered by a psychiatrist, a psychologist, a psychiatric nurse, clinical social worker or a marriage and family counselor.

(3) *Claims Involving the Services of Marriage and Family Counselors.* Section 743(a) of Pub. L. 94-419, the Appropriations Act for the Department of Defense for Fiscal Year ending September 30, 1977, requires that marriage and family counselors make a written report to the referring physician concerning the CHAMPUS beneficiary's progress. Therefore, each claim for reimbursement for services of marriage and family counselors must include a certification to the effect that a written communication has been made or will be made to the referring physician at the end of treatment, or more frequently, as required by the referring physician.

(f) *Preauthorization.* Where specifically required in other sections of this regulation, preauthorization requires the following:

(1) *Preauthorization Must be Approved Before Benefits Can be Extended.* In those situations requiring preauthorization, such request must be submitted and approved before benefits may be extended. If the beneficiary (or sponsor) elects to proceed to obtain the medical services and/or supplies prior to receiving written approval from CHAMPUS, and the request is subsequently approved, except as otherwise specifically stated, benefits are limited to that period beginning with the date the preauthorization request was received. If the preauthorization request is denied or not submitted as required under this regulation, no benefits are payable for medical services and/or supplies obtained under such circumstances, whether or not otherwise covered.

(i) *Specifically Preauthorized Services.* An approved request specifies the exact services or supplies for which preauthorization is being given. In a preauthorization situation, benefits cannot be extended for services or supplies provided beyond the specific authorization.

(ii) *Time Limit on Preauthorization.* Preauthorizations are valid for specific periods of time, usually 90 days from date of issuance. If the authorized services or supplies are not obtained within the specified time limit, benefits cannot be extended.

(2) *Treatment Plan: Management Plan.* Each preauthorization request must be accompanied by a proposed medical treatment plan (for inpatient stays under the Basic Program) or management plan (for services under the Program for the Handicapped) which shall generally include a diagnosis, a detailed summary of complete history and physical, a detailed statement of the problem, the proposed type and extent of treatment/therapy, the proposed treatment modality (including anticipated length of time the proposed modality will be required), any available test results, consultant's reports and the prognosis. Where the preauthorization request involves transfer from a hospital to another inpatient facility, medical records related to the inpatient stay must also be provided.

(3) *Durable Equipment.* Requests for preauthorization to purchase durable equipment under the Program for the Handicapped must list all items of durable equipment previously authorized under the Program for the Handicapped and state whether the current item of equipment is the initial purchase or a replacement. If it is a replacement item, the date the initial item was purchased must also be provided.

(4) *Claims for Services and Supplies Which Have Been Preauthorized.* Whenever a claim is submitted for benefits under the CHAMPUS Program involving preauthorized services and supplies, the date of the approved preauthorization must be indicated on the claim form and a copy of the written preauthorization must be attached to the appropriate CHAMPUS claim.

(g) *Claims Review.* It is the responsibility of the CHAMPUS Contractor (and/or OCHAMPUS, including OCHAMPUSEUR) to review each CHAMPUS claim submitted for benefit consideration to assure compliance with all applicable definitions, conditions, limitations and/or exclusions specified or enumerated in this regulation. It is also required that before any CHAMPUS benefits may be extended, claims for medical services and supplies will be subject to utilization review and quality assurance standards, norms and criteria issued by the Director, OCHAMPUS (or a designee).

(h) *Benefit Payments.* CHAMPUS benefit payments are made either directly to the beneficiary (or sponsor) or to the provider, depending on the manner in which the CHAMPUS claim is submitted.

(1) *Benefit Payments Made to Beneficiary (or Sponsor).* In those instances where the CHAMPUS beneficiary (or sponsor) signs and submits a specific claim form directly to the appropriate CHAMPUS Contractor and/or OCHAMPUS (including OCHAMPUSEUR), and any CHAMPUS benefit payments due as a result of that specific claim submission will be made in the name of, and mailed to, the beneficiary (or sponsor). In such circumstances the beneficiary (or sponsor) is responsible to the provider for any amounts billed.

(2) *Benefit Payment Made to Participating Provider.* In those instances where the authorized provider elects to participate by signing a CHAMPUS claim form and submitting a specific claim on behalf of the beneficiary/patient to the appropriate CHAMPUS Contractor, any CHAMPUS benefit payments due as a result of that claim submission will be made in the name of and mailed to the participating provider. In this situation, by signing the claim form, the authorized provider agrees to abide by the CHAMPUS-determined reasonable charge/cost (whether or not lower than the amount billed). Therefore, the beneficiary (or sponsor) is responsible only for any required deductible amount and any cost-sharing portion of the CHAMPUS-determined reasonable charge/cost as may be required under the terms and conditions set forth in §§ 199.10 and 199.11, "Basic Program" and "Program for the Handicapped," respectively.

(3) *CHAMPUS Explanation of Benefits (CEOB).* In each instance when a CHAMPUS claim is adjudicated, a CHAMPUS Explanation of Benefits (CEOB) is sent to the beneficiary/patient (or sponsor). A copy of the CEOB is also sent to the provider if the claim was submitted on a participating basis. The CHAMPUS Explanation of Benefits form provides the following information (as a minimum):

(i) *Name and Address of Beneficiary.*

(ii) *Name and Address of Provider.*

(iii) *Services or Supplies Covered by Claim for Which CEOB Applies.*

(iv) *Dates Services or Supplies Provided.*

(v) *Amount Billed; CHAMPUS-Determined Reasonable Charge/Cost; Amount of CHAMPUS Payment.*

(vi) *To Whom Payment (if any) Was Made.*

(vii) *Reasons for Any Denial.*

(viii) *Recourse Available to Beneficiary for Review of Claim Decision.* (Refer to § 199.16, "Appeal and Hearing Procedure.")

NOTE.—The Director, OCHAMPUS (or a designee) may authorize a CHAMPUS Contractor to waive a CEOB to protect the privacy of a CHAMPUS beneficiary.

(4) *Benefit Under $1.00.* If the CHAMPUS benefit is determined to be under $1.00, payment is waived.

(i) *Fraud.*—(1) *Federal Law.* Federal laws (18 U.S.C. 287 and 1001) provide for criminal penalties for knowingly submitting or making any false, fictitious, or fraudulent statement or claim in any matter within the jurisdiction of any department or agency of the United States. Examples of fraud include situations in which ineligible persons knowingly use an unauthorized identification card in filing a claim; or where providers submit claims for treatment, supplies or equipment not rendered to, or used for, CHAMPUS beneficiaries; or where a participating provider bills the beneficiary for amounts over the CHAMPUS-determined reasonable charge/cost.

(2) *Suspected Fraud.* Any person, including CHAMPUS Contractors, who becomes aware of a suspected fraud must report the circumstances in writing, together with copies of any available documents pertaining thereto, to the Director, OCHAMPUS (or a designee), who will initiate an appropriate official investigation of the case.

(j) *Erroneous Payments and Recoupment.*—(1) *Types of Erroneous Payments.* Erroneous payments are expenditures of Government funds which are not authorized by law or regulation. Examples include mathematical errors, payment for care provided an ineligible person, payment for care which is not an authorized benefit, payment for duplicate claims, inaccurate application of the deductible or co-payment, payment for services not medically necessary, false claims, etc.

(2) *Federal Claims Collection Act of 1966.* Under the Federal Claims Collection Act of 1966 (31 U.S.C. 951-953), each agency of the Federal Government (pursuant to regulations jointly promulgated by the Attorney General and the Comptroller General of the U.S.) must attempt collection of claims of the Federal Government for money arising out of the activities of the agency.

(3) *Recoupment Procedures.*—(i) *CHAMPUS Contractors.* When an erroneous payment is discovered, CHAMPUS Contractors will take action to effect recoupment. Such action will be in accordance with the provisions of its CHAMPUS Contract and may include requests for refund or an offset against any other CHAMPUS payment becoming due to the debtor; and in appropriate cases, referral to the Director, OCHAMPUS (or a designee), for review and consideration for submission to the Department of Justice. Request to a beneficiary (or sponsor) or provider for refund or notice of intent to offset shall be made in writing.

(ii) *Uniformed Services.* When an erroneous payment has been made directly to a beneficiary (or sponsor) and no offset is available and there has been no response to a CHAMPUS refund request within 90 days, the Director, OCHAMPUS (or a designee), will submit the case to the appropriate Uniformed Service for recoupment. The Uniformed Services shall submit a monthly report(s) to the Director, OCHAMPUS, as to the status of such recoupment actions. The format and content of such report(s) shall be as determined necessary for Program integrity purposes by the Director, OCHAMPUS (or a designee).

(4) *Claims denials: clarification or change.* In those instances where claim review results in the denial of benefits previously provided but now denied due to a clarification or interpretation of the public law or this regulation; or due to a change in this regulation, no recoupment action need be taken to recover funds expended prior to the date of such determination. (Refer to paragraph (n) of § 199.7, "General.")

(5) *Good faith payment.* It is the responsibility of the Uniformed Services to provide eligible CHAMPUS beneficiaries with accurate and appropriate means of identification. When sources of civilian medical care exercise reasonable care and precaution in identifying persons claiming to be eligible CHAMPUS beneficiaries and furnish otherwise covered services and supplies to such persons in good faith, CHAMPUS benefits may be paid subject to prior approval by the Director, OCHAMPUS (or a designee), notwithstanding the fact that the person receiving the services and supplies is subsequently determined ineligible for benefits. When good faith payments are made by CHAMPUS as the result of (i) the issuance of erroneous identification cards, or (ii) the failure to retrieve identification cards in a timely manner from those persons no longer eligible for CHAMPUS benefits, or (iii) failure to retrieve outdated identification cards and issue new cards when a person's status changes (such as a change from active duty dependent to dependent of a retiree), it is the responsibility of the Uniformed Service to refund such amounts to CHAMPUS. Good faith payments will not be authorized for services and supplies provided by a civilian source of medical care as the result of its own careless identification procedures.

NOTE.—When it is subsequently determined that a person was not a CHAMPUS beneficiary, the CHAMPUS Contractor and/or the civilian source of medical care are expected to make all reasonable efforts to obtain payment or recoup the amount of the good faith payment from the person who erroneously claimed to be a CHAMPUS beneficiary. Where appropriate, legal action will be instituted.

(k) *General assignment of benefits not recognized.* CHAMPUS does not recognize any general assignment of CHAMPUS benefits to another person. All CHAMPUS benefits are payable as described in this and other sections of this regulation.

§ 199.14 Double coverage.

(a) *Introduction.* Since enactment of the 1966 Amendment to the law that eventually became known as CHAMPUS, double coverage has proliferated. Title 10, United States Code is specific that generally where double coverage exists, CHAMPUS benefits for other than dependents of active duty members shall be "last pay." However, application of double coverage rules for dependents of active duty members is left to be established under the broad discretionary authority granted the Secretary of Defense. In recognition that extensive double coverage exists, the following rules and procedures are promulgated to administer the CHAMPUS Program in line with general policies extant in the health and medical insurance industry. The Department of Defense cannot permit payment of CHAMPUS benefits in a manner that would result in the unjust enrichment of CHAMPUS beneficiaries (or sponsors) or providers, or which would result in payment of claims for services and/or supplies for which there is no longer any liability in whole or in part. Neither can other medical benefit plans or programs be permitted to pass to CHAMPUS a financial burden that should by law or contract be shared or borne by the other medical benefits plan or program. CHAMPUS is committed to the careful use of its funds in order that maximum benefits may be extended to the greatest number of beneficiaries possible within the resources provided by the Congress. The following double coverage provisions are designed to prevent duplicate payment of benefits, in keeping with these stated principles:

(b) *Definitions.*—(1) *Coordination of benefits.* "Coordination of Benefits" means the coordination, on a primary/secondary payor basis, of the payment of CHAMPUS benefits with the payments of benefits made by the double coverage plan, to the end that there is no duplication of benefits paid between the double coverage plan and CHAMPUS.

(2) *Double coverage.* "Double Coverage" means a situation in which a CHAMPUS beneficiary also has entitlement to insurance, medical service, health and medical plan, or other government program through employment, law, membership in an organization or as a student (including entitlement by reason of being retired from an organization or group), which in whole or in part duplicates CHAMPUS benefits, but not including entitlement to receive care from the Uniformed Services medical care system.

(3) *Double coverage plan.* "Double Coverage Plan" means the specific organization, insurance policy, government program, etc., under which a CHAMPUS beneficiary has entitlement to medical benefits which in whole or in part, duplicate CHAMPUS benefits. For the purposes of CHAMPUS, the following are not included within the definition of "Double Coverage Plan":

(i) Medicaid; or

(ii) Privately purchased, non-group coverage;

(iii) Coverage specifically designed to supplement CHAMPUS benefits (i.e., covering the deductible and cost-sharing amount not paid by CHAMPUS); or

(iv) Entitlement to receive care from Uniformed Services medical care facilities.

(4) *Initial Payment.* "Initial Payment" means the extension of benefits prior to determination of primary/secondary payor status.

(5) *Last Pay.* "Last Pay" means a double coverage situation where the tests set forth in paragraph (b)(8) of this section do not apply and the specified medical benefits plan (either CHAMPUS or the double coverage) is always the secondary payor.

(6) *Medicaid.* "Medicaid" means those medical benefits authorized under Title XIX of the Social Security Act, as amended, provided to welfare recipients and the medically indigent through programs administered by the various states.

(7) *Medicare.* "Medicare" means those medical benefits authorized under Title XVIII of the Social Security Act, as amended, provided to persons 65 years of age or older, certain disabled persons, or persons with chronic renal disease,

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through a national program administered by the Social Security Administration, Bureau of Health Insurance.

(8) *Primary Payor.* "Primary Payor" means the plan or program whose medical benefits are first payable in a double coverage situation, by virtue of the circumstances of the beneficiary's entitlement under either CHAMPUS or the double coverage plan first satisfying one of the three following tests. (Such tests are applied in the order set forth. If both medical benefit plans or programs, including CHAMPUS, meet the first two tests, the third test is applied.)

(i) *Test One.* The beneficiary's entitlement to the medical benefits plan or program, including CHAMPUS, is based upon the fact he or she is an employee, retired person, member of an organization or student; or

(ii) *Test Two.* The beneficiary's entitlement to the medical benefit plan or program, including CHAMPUS, is based upon the fact he or she is a child of a male employee, male retired person, male member of an organization or a male student; or

(iii) *Test Three.* The medical benefits plan or program, including CHAMPUS, under which the beneficiary has been continuously entitled to benefits for the longest period of time (i.e., earliest effective date of coverage).

(9) *Privately Purchased Plan.* "Privately Purchased Plan" means a privately purchased, non-group medical benefits coverage which the CHAMPUS beneficiary (or sponsor) purchases, provide such entitlement to purchase does not result because of law, employment, membership in an organization or student status.

(10) *Secondary Payor.* "Secondary Payor" means the medical benefit coverage determined not to be the primary payor (i.e., have first pay obligation) by virtue of applying the tests set forth in paragraph (b)(8) of this section.

(11) *Veterans Benefits.* "Veterans Benefits" means those medical benefits authorized under Chapter 17, Title 38, United States Code, available to veterans of the military services with service-connected illnesses or injuries, through programs administered by the Veterans Administration.

(12) *Workmen's Compensation Benefits.* "Workmen's Compensation Benefit" means medical benefits available under any workmen's compensation law (including the Federal Employees Compensation Act), occupational disease law, employers liability law, or any other legislation of similar purpose, or under the maritime doctrine of maintenance, wages and cure.

(c) *Dependents of Active Duty Members.* Coordination of benefits on CHAMPUS claims submitted for otherwise covered services and/or supplies provided to dependents of active duty members, and which involve double coverage, shall be as follows:

(1) *Initial Payment.* CHAMPUS benefits will be extended on an initial payment basis, regardless of whether or not it is known that double coverage entitlement exists.

(i) *After the Fact Determination.* After the fact of payment of the CHAMPUS benefit, the CHAMPUS Contractor or OCHAMPUS (including OCHAMPUS EUR) will determine the primary/secondary payor.

(ii) *Application of Primary Payor/Secondary Payor Rules.* If CHAMPUS, after the initial payment, is determined to be the secondary payor, appropriate reimbursement will be obtained from the double coverage plan determined to be the primary payor.

(iii) *Exception to Initial Payment Rule for Dependents of Active Duty Members.* When it is known by the CHAMPUS Contractor or OCHAMPUS (including OCHAMPUSEUR) prior to adjudication and payment of a CHAMPUS claim that double coverage exists, the CHAMPUS is the secondary payor "and that a benefit payment has already been made by the primary payor", the requirement to pay CHAMPUS benefits on an initial payment basis is waived and any applicable CHAMPUS benefits will be extended on a secondary payor basis. The initial payment requirement is also waived when the double coverage plan is Medicare (refer to paragraph (c)(2) of this section.)

(2) *Title XVIII of the Social Security Act, as Amended: Medicare.* When an active duty dependent is also eligible for Medicare benefits (either under Part A, "Hospital Insurance," or Part B, "Supplementary Medical Insurance") Medicare is always the primary payor and CHAMPUS is always the secondary payor.

(i) *Medicare Lifetime Reserve.* Before CHAMPUS benefits may be extended, the Medicare "lifetime reserve" benefit must be used.

(ii) *Initial Payment Waived.* When Medicare is the double coverage plan, the requirement for initial payment of CHAMPUS benefits described in paragraph (c)(1)(iii) of this section is waived.

(d) *Retirees; Dependents of Retirees; and Dependents of Deceased Active Duty Members or Retirees.* Chapter 55 of Title 10, United States Code, is clear that the CHAMPUS Program is designed as an interim, secondary coverage for retirees, dependents of retirees and dependents of deceased active duty members or retirees. Therefore, CHAMPUS claims submitted for otherwise covered services and/or supplies provided these beneficiary classes, and which involve double coverage, shall be adjudicated as follows:

(1) *CHAMPUS Always "Last Pay".* In any double coverage situations, CHAMPUS benefits shall be "last pay."

(2) *Exclusionary Clause: October 1, 1966 Rule.* Generally if a double coverage plan has an exclusionary clause which precludes payment of benefits as "primary payor" if the insured is covered under a Federal health and medical benefits program, it is not recognized by CHAMPUS (refer to paragraph (h)(2) of this section). However, if the double coverage plan had an exclusionary clause that was in effect prior to October 1, 1966, CHAMPUS becomes primary payor: *Provided,* The following requirements are met:

(i) *Continuously in Effect.* The specific double coverage plan containing such exclusionary clause has been continuously in effect since October 1, 1966, or prior, and

(ii) *Other than FEHBP Plan.* The double coverage plan is other than one of the plans authorized under the Federal Employees Health Benefits Law (FEHBP) Chapter 89, Title 5, United States Code, as administered by the United States Civil Service Commission.

(3) *Title XVIII of the Social Security Act, as Amended: Medicare.*

(i) *Eligible for Part A., "Hospital Insurance."* A retiree, dependent of a retiree and a dependent of a deceased active duty member or retiree loses his or her eligibility for CHAMPUS if, upon reaching 65 years of age, or because of disability or chronic renal disease, he or she becomes entitled to Hospital Insurance Benefits (Part A) of Medicare. (Refer to § 199.9, "Eligibility.")

(a) Under the circumstances described in paragraph (d)(3)(i) of this section, CHAMPUS eligibility ceases, even though the person lives outside the United States where Medicare benefits are not available.

(b) If upon reaching age 65, a CHAMPUS beneficiary is not entitled to "Hospital Insurance Benefits" (Part A) of Medicare, eligibility for CHAMPUS benefits continues. In such event the CHAMPUS beneficiary must file a Social Security Administration "Notice of Disallowance" (certifying to the fact that he or she does not have entitlement to Part A of Medicare) with the Uniformed Service responsible for the issuance of his or her ID card. A new ID card will then be issued showing continued CHAMPUS eligibility past age 65.

(ii) *1972 Amendments to the Social Security Act: Other Part A Eligibility.* Certain persons over 65 years of age, who were not previously entitled to Medicare Part A, "Hospital Insurance Benefits," became eligible to enroll in Part A after June 30, 1973, under the premium-HI provision of the 1972 Amendments to the Social Security Act. Entitlement to Medicare Part A benefits secured under these circumstances does not result in loss of CHAMPUS eligibility. However, in every such instance of double coverage with Medicare Part A, Medicare is the primary payor and CHAMPUS is the secondary payor, and initial payment of CHAMPUS benefit is not authorized.

(iii) *Eligibility for Medicare Part B, "Supplementary Medical Insurance."* Any person age 65 years or over may elect to purchase Medicare Part B coverage whether or not they are eligible for Part A. Entitlement to coverage only under Medicare Part B does not result in a loss of CHAMPUS eligibility. However, in every instance of double coverage with Medicare Part B, Medicare is the primary payor and CHAMPUS is the secondary payor and initial payment of CHAMPUS benefits is not authorized.

(e) *Title XIX of the Social Security Act, as Amended: Medicaid.* Medicaid is essentially a welfare program, providing medical benefits for persons under various state welfare programs (such as Aid to Dependent Children) or who qualify by reason of being determined to be "medically indigent" based on a means test. It is not the intent of CHAMPUS to require any class of beneficiary to resort to welfare programs before payment of CHAMPUS benefits. Therefore, for the purppse of this section, entitlement to Medicaid is not considered to constitute double coverage.

(1) *Medicaid: CHAMPUS Always Primary Payor.* Whenever a CHAMPUS beneficiary is also eligible for Medicaid, CHAMPUS is in every instance the primary payor. This applies to all classes of CHAMPUS beneficiaries, i.e., dependents of active duty members, retirees, dependents of retirees, dependent of deceased active duty members and dependents of deceased retirees.

(2) *Medicaid Payments Made in Error.* In those instances where Medicaid extends benefits on behalf of a Medicaid eligible person who is subsequently determined to be a CHAMPUS beneficiary, CHAMPUS shall reimburse the appropriate Medicaid agency for such amount as CHAMPUS would have paid in the absence of Medicaid benefits, under the following conditions:

(i) *Reimbursement Requirements.* The documentation required in order for CHAMPUS to make reimbursement to a Medicaid agency shall be established by the Director, OCHAMPUS (or a designee), and must provide sufficient information to permit the proper determination of the applicable CHAMPUS benefit.

(ii) *Time Limit on Reimbursement.* It is the responsibility of the appropriate Medicaid agency to determine such other health and medical coverage under which a Medicaid-eligible person may also seek reimbursement for medical services and supplies. In order to receive reimbursement from the CHAMPUS Program for Medicaid benefits paid in error on behalf of a person subsequently determined to be a CHAMPUS beneficiary, the appropriate Medicaid agency must submit a request for reimbursement no later than December 31 of the year following the year in which the medical service and/or supply was provided.

(f) *Veterans Benefits.* All CHAMPUS benefits are specifically excluded for any medical service and/or supply provided a CHAMPUS beneficiary in the treatment of a military service-connected illness or injury. Medical care for service-connected disabilities is specifically provided for under another Government Program set forth in CHAPTER 17, Title 38, United States Code and administered by the Veterans Administration.

(1) *No Option.* The CHAMPUS beneficiary may not elect to waive his or her veterans benefits in favor of using CHAMPUS.

(2) *Beneficiary Responsibility.* It is the responsibility of the CHAMPUS beneficiary to make application to the Veterans Administration for medical care related to service-connected illness or injury. Failure to make application and/or failure to comply with the procedures established by the Veterans Administration in order to qualify for veterans benefits, does not in any way change the CHAMPUS exclusion for service-connected illness or injury.

(3) *Dispute as to Whether Service-Connected.* The Veterans Administration shall have final authority in the determination of whether or not an illness or injury is, in fact, service-connected. In those disputed cases where it is determined by the Veterans Administration that an illness or injury is not service-connected, CHAMPUS will assume the case and benefits for otherwise covered services and/or supplies may be extended.

NOTE.—Such decisions are limited to cases involving a substantive determination related to the medical condition in dispute. It does not include decisions on nonavailability of veterans benefits because of technical reasons (i.e., non-compliance with required procedures).

(4) *Paid in Error.* Any CHAMPUS benefits extended for medical care subsequently determined to be related to a service-connected illness or injury shall be recouped. (Refer to § 199.13 "Claims Submission, Review and Payment.")

(g) *Workmen's Compensation.* All CHAMPUS benefits are specifically excluded for any medical service and/or supply provided a CHAMPUS beneficiary in the treatment of a work-related (i.e., occupational) illness or injury for which benefits are available under applicable workmen's compensation benefits (whether applied for or paid).

(1) *No Option.* The CHAMPUS beneficiary may not elect to waive his or her workmen's compensation benefits in favor of using CHAMPUS.

(2) *Beneficiary Responsibility.* It is the responsibility of the CHAMPUS beneficiary to make application for workmen's compensation benefits for medical care in connection with a work-related (i.e., occupational) illness or injury. Failure to make application and/or failure to comply with the procedures established to qualify for workmen's compensation benefits does not in any way change the CHAMPUS exclusion for work-related (i.e,. occupational) illness or injury.

(3) *Dispute as to Whether Work-Related.* The agency having authority to do so (as designated under the applicable workmen's compensation law, et al.), shall have final authority in the determination of whether or not an illness or injury is, in fact, work-related (i.e., occupational). In those disputed cases where it is determined by the workmen's compensation agency that an illness or injury is not work-related, CHAMPUS will assume the case and benefits for otherwise covered services and/or supplies may be extended.

NOTE.—Such decisions are limited to cases involving a substantive determination related to the medical condition in dispute. It does not include decisions on nonavailability of workmen's compensation benefits because of technical reasons (i.e., non-compliance with required procedures).

(4) *Exhaustion of Workmen's Compensation Benefits.* If a CHAMPUS beneficiary exausts available workmen's compensation benefits, CHAMPUS will assume the case and benefits for otherwise covered services and/or supplies may be extended providing the following conditions are met:

(i) *Written Request Required.* The CHAMPUS beneficiary must furnish such written documentation as is necessary to the fact that the workmen's compensation benefits have been exhausted.

(ii) *Lump Sum Settlement.* The workmen's compensation benefits did not cease to be available because of a lump sum settlement between the CHAMPUS beneficiary and the workmen's compensation agency. If the workmen's compensation case was settled on the basis of an award or a lump sum settlement, whether or not an amount was specified for medical expenses, CHAMPUS benefits will not become available until such time as the CHAMPUS beneficiary furnishes written documentation that he or she has incurred expenses for medical services and/or supplies in connection with the work-related condition for which the lump sum award was made, equal to the amount of the award designated for medical expenses (or, if no such designation was made, equal to the full amount of the award). At that time, CHAMPUS will assume the case and extend benefits for otherwise covered services and supplies.

(5) *Special Assistance Where Length of Time Involved Is Extensive.* In workmen's compensation cases which involve a lengthy investigation by the applicable workmen's compensation agency before a decision can be made as to whether a case is, in fact, work-related, or an unusual delay because the CHAMPUS beneficiary elects to appeal an adverse decision by the workmen's compensation agency, CHAMPUS benefits may be extended for otherwise covered services and supplies when authorized by the Director, OCHAMPUS (or a designee), and provided the following conditions are met:

(i) *Written Request Required.* The CHAMPUS beneficiary makes a request in writing.

(ii) *Agreement with Agency.* The appropriate workmen's compensation agency agrees in writing that in the event a favorable decision is made, CHAMPUS will be reimbursed up to the extent of an award, but not to exceed the amount of benefits provided by CHAMPUS.

(iii) *Preauthorization Required.* Agreement to make such payment is authorized by the Director, OCHAMPUS (or a designee), prior to the extension of CHAMPUS benefits.

(6) *CHAMPUS Benefits Extended in Error.* In those instances where, in error, CHAMPUS initially extends benefits in a case subsequently determined to be

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work-related (i.e., occupational) and thus recoverable under the applicable workmen's compensation law, or in such event CHAMPUS payments extended under paragraph (g)(5) of this section (because of administrative error on the part of the workmen's compensation agency) are not refunded to CHAMPUS by the workmen's compensation agency, standard recoupment procedures will be followed.

(h) *General Provisions.* The following general provisions shall be followed in the administration of this § 199.14, "Double Coverage."

(1) *Double Coverage Plan: No Coordination of Benefits (or Similar) Provision.* When a double coverage plan does not contain a coordination of benefits (or similar) provision, such double coverage plan shall automatically be the primary payor and CHAMPUS the secondary payor.

(2) *Exclusionary Clause.* The fact that a double coverage plan has an exclusionary clause which precludes payment of benefits as a "primary payor" if the insured is covered under a Federal health and medical benefits program is not recognized, except as specifically set forth in paragraph (d)(2) of this section, and the other provisions of this section shall be applied in the same manner as in the absence of such exclusionary clause.

(3) *Double Coverage Information.* It is the responsibility of the CHAMPUS beneficiary (or sponsor) to provide complete information related to double coverage in order to permit proper adjudication of claims in accordance with the provisions of this section. (Also refer to § 199.13, "Claims Submission, Review and Payment".)

(4) *Erroneous Payments: Recoupment.* Any CHAMPUS payments made in error relative to double coverage shall be recouped under one of the following procedures:

(i) *Reimbursement from Double Coverage Plan.* In those instances where the double coverage plan has not already made its benefit payment to the beneficiary and/or provider, CHAMPUS contractors or OCHAMPUS will request direct reimbursement.

(ii) *Refund or Offset.* If the double coverage plan has made its benefit payment prior to receiving the CHAMPUS request for reimbursement, the recoupment procedures set forth in § 199.13, "Claims Submission, Review and Payment" will be followed.

(5) *No Option.* A CHAMPUS beneficiary may not elect to waive benefits under his or her double coverage plan and use CHAMPUS. In all instances which are not benefits under both visions of this section will be applied.

(6) *Benefit Application*—(i) *Benefits Not Available Under Both Double Coverage Plans.* Services and/or supplies which are not benefits under both CHAMPUS and the double coverage plan will not be coordinated.

(ii) *Secondary Payor: Limitations.* CHAMPUS cannot pay more as a secondary payor than it would have as a primary payor; nor can CHAMPUS payments be made as a secondary payor for any services or supplies which are not otherwise covered under the Program. Application of double coverage provisions does not extend or add to the CHAMPUS benefits as otherwise set forth in this and other sections of this regulation.

(i) *Program for the Handicapped.* The Program for the Handicapped was established by Congress to be a source of financial assistance in those instances where an active duty member's handicapped dependents have, by virtue of residency laws, been excluded from appropriate publicly operated programs or institutions for the handicapped. There is, therefore, a requirement that all local resources must be considered and utilized first, before CHAMPUS benefits under the Program for the Handicapped may be extended. If a handicapped CHAMPUS beneficiary is eligible for other Federal, state and/or local assistance to the same extent as any other resident or citizen, CHAMPUS benefits are not payable. The sponsor does not have the option of waiving available Federal, state, and/or local assistance in favor of using CHAMPUS benefits.

(j) *Implementing Instruction.* The Director, OCHAMPUS (or a designee) shall issue a CHAMPUS Operating Manual and such other instructions, procedures, guidelines, etc., as may be necessary to implement the intent of this section.

§ 199.15 Federal Medical Care Recovery Act.

(a) *General.* The Federal Medical Care Recovery Act (FMCRA) (42 U.S.C. 2651–2653) provides that in any case in which the United States is authorized or required by law to furnish hospital, medical, surgical, or dental care and treatment to a person who is injured or suffers a disease under circumstances creating tort liability in some third person to pay damages for that care, the United States has a right to recover from the third person the reasonable value of the care and treatment furnished or to be furnished.

Example.—A beneficiary is injured in an automobile accident caused by another person and the beneficiary requires medical care. The Government, under FMCRA, may recover from the negligent party the reasonable value of the medical treatment provided. This includes care that may be received by the beneficiary at a Uniformed Services facility or under CHAMPUS, or both in some instances.

(b) *The Relationship Between the Government and the Patient.* The Government's right to recover the amounts expended for the patient's medical care is independent of the right the patient himself has to assert a claim against the third person for damages. The existence of the Government's right, however, is dependent upon establishing liability of the third person under ordinary principles of law; i.e., upon providing that the third person tortiously caused the injury. The attorney for the injured beneficiary may also agree to represent the Government, and join both claims in a single action against the third person. If the attorney for the injured beneficiary does not wish to join the Government's claim with that of his or her client, and court action is required to recover the amount expended for the patient's medical care, intervention or an independent suit will be initiated by the United States for the reasonable value of the care or treatment provided.

(c) *Value of care.* The Office of Management and Budget has established rates for medical care provided by Uniformed Service facilities. For care in civilian facilities, the Government's CHAMPUS payment is used. The patient's share under CHAMPUS would remain the patient's responsibility. Guidance in this area may be obtained from the appropriate Uniformed Service legal assistance officer.

(d) *Responsibility for recovery.* The responsibility for recovering medical expenses incurred by the Government is that of designated appropriate legal officers of the Uniformed Services with the cooperation of the injured party.

(1) *Army.* All major installations have an officer designated Recovery Judge Advocate.

(2) *Navy.* The Naval Legal Service Office responsible for the Claims Region in which the injury occurred.

(3) *Air Force.* Staff Judge Advocate at Air Force installations, General Court Martial jurisdictions at Major Commands and the Claims and Tort Litigation Division, Headquarters USAF/JAGC, Washington, D.C. 20314.

(4) *Coast Guard, Public Health Service, National Oceanic and Atmospheric Administration.* The Regional Attorney, Department of Health, Education, and Welfare.

(e) *CHAMPUS Obligation to Notify Federal Claims Officer.* In those instances where medical care is provided in civilian medical facilities and payment has been made for such care by a CHAMPUS Contractor, the CHAMPUS Contractor will promptly notify the appropriate claims officer in accordance with procedures established by the Director, OCHAMPUS.

(f) *Private Automobile Insurance: Federal Claims Collection Act.* Automobile insurance is not generally considered a medical insurance program although such policies may include payment for medical care. However, any amounts paid by CHAMPUS for medical care arising out of an automobile accident when these same amounts are also payable, in whole or in part, under a policy of automobile insurance, may be subject to recovery under the Federal Claims Collection Act (31 U.S.C. 951 SEQ.) The CHAMPUS Contractor therefore has a legal obligation to report all such cases to the appropriate legal departments of the Uniformed Services for appropriate recovery action.

§ 199.16 Appeal and hearing procedures.

(a) *General.* This section establishes and explains the procedures for review of benefit decisions by OCHAMPUS and by CHAMPUS Contractors who, under contract to OCHAMPUS, perform certain work in administering the CHAMPUS benefits. In the course of administering the CHAMPUS benefits, certain decisions are made by OCHAMPUS and by its CHAMPUS Contractors. Where these decisions affect the rights or liabilities of beneficiaries, their sponsors or participating providers of services, the affected parties may request a reconsideration or appeal in accordance with this section. Actions under this section will be confined to benefit issues arising out of determinations based upon CHAMPUS regulations and relate only to the specific dispute being considered. Actions under this section cannot be used to challenge such Regulations.

(b) *Definitions.* As used in this section, the following definitions apply:

(1) *Days.* "Days" means calendar days.

(2) *Appealing Party.* "Appealing Party" means a CHAMPUS beneficiary (or sponsor), a participating provider of services affected by an initial determition; or their representative. In addition, an appealing party includes a provider (or representative) that has been denied approval by CHAMPUS as an authorized provider.

(3) *Party to a hearing.* "Party to a Hearing" means an appealing party or parties and CHAMPUS.

(4) *Participating provider.* "Participating Provider" means a hospital or other authorized institutional provider, a physician or other authorized individual professional provider, or other authorized provider, which/who furnished services or supplies to a CHAMPUS beneficiary and has agreed, by act of signing and submitting a CHAMPUS claim form, to accept the CHAMPUS-determined reasonable cost/charge as the total charge (even though less than the actual billed amount), whether paid for fully by the CHAMPUS allowance or requiring cost-sharing by the beneficiary (or sponsor).

(5) *Representative.* "Representative" means any person who has been appointed by the appealing party as counsel or advisor, or who is otherwise eligible to serve as the appealing party's counsel or advisor, particularly in connection with a hearing. To avoid conflict of interest situations, an employee or Uniformed Service staff member of the Department of Defense, OCHAMPUS or the Offices of the Army, Navy or Air Force Surgeon General, or Office of the Surgeon General of the U.S. Public Health Service, a CHAMPUS Liaison Officer, a CHAMPUS Advisor or an employee or Uniformed Service staff member of a Uniformed Service legal office (or similar function), subject to the exception in 18 U.S.C. 205, is not eligible to serve as a "Representative".

(6) *Initial Determination.* "Initial Determination" means a formal decision on the part of an individual in a CHAMPUS Contractor's office or in OCHAMPUS who has reviewed a claim or a formal request for benefits under a provision of this Program. An initial determination may be in the form of a payment or rejection (in part or whole) of a claim; or approval or disapproval of an application for a benefit; or a termination of a benefit. There must be an adverse initial determination before a reconsideration and/or appeal can be initiated.

(7) *Amount in Dispute.* "Amount in Dispute" means the amount of money owed by or paid by a CHAMPUS beneficiary for medical services and/or supplies specifically in connection with the appeal situation. In determining the amount, only those charges which are related to potentially coverable services and supplies can be included. Further, in the same computation, only the CHAMPUS-determined reasonable charge/cost amounts will be considered to be in dispute for purposes of determining whether or not an appeal can be filed.

NOTE.—For purposes of this Regulation, a provider appealing a denial by CHAMPUS as an authorized provider, shall always be deemed to have met any required "Amount in Dispute." Further, this same principle will be applied in reviewing an appeal of a denial of a request for preauthorization unless it can be demonstrated by CHAMPUS that the CHAMPUS-determined cost/charge involved in such request would be less than the required level of "Amount in Dispute."

(c) *Types of Initial Determinations.* Initial determinations are made by CHAMPUS Contractors and OCHAMPUS (including OCHAMPUSEUR).

(1) *CHAMPUS Contractors.* CHAMPUS Contractors initially make the following determinations:

(i) *Individual Beneficiary.* With respect to an individual beneficiary:

(a) Whether the individual who obtained CHAMPUS benefits under the CHAMPUS Basic Program was an eligible CHAMPUS beneficiary as defined in § 199.9 "Eligibility," at the time services and supplies were obtained;

(b) Whether coverage of services and supplies furnished is authorized under either § 199.10 or § 199.11 "Basic Program Benefits" and "Program for the Handicapped," respectively;

(c) Whether a physician's certificate is required and where applicable, whether the Treatment Plan (Basic Program Benefits) or Management Plan (Program for the Handicapped) is being properly followed;

(d) Whether items or services are excluded from coverage or otherwise limited in terms of coverage;

(e) Whether the provider's bill or other evidence of payment due, or made, for authorized benefits received is acceptable; and

(f) The amount of an applicable deductible or cost share.

(ii) *Provider of Services and Supplies.* With respect to a provider of services or supplies:

(a) Whether the provider is eligible to participate in CHAMPUS, i.e., is licensed and/or certified to practice or conduct business in the state or jurisdiction where the services were provided (refer to § 199.12, "Authorized Providers");

(b) Whether the type and duration of care was reasonable and appropriate;

(c) Whether the services or supplies were medically necessary;

(d) Whether the costs or charges for services and supplies furnished were reasonable;

(e) Whether the provider is entitled to payment pursuant to a signed agreement of the appropriate claim form or whether payment is to be made to the beneficiary (or sponsor); and

(f) Whether a request to transfer and/or initially admit a beneficiary/patient to a skilled nursing facility is authorized under the terms of this regulation.

(2) *OCHAMPUS.* OCHAMPUS (or a designee) makes the following initial determinations:

(i) *Individual Beneficiaries.* With respect to individual beneficiaries:

(a) Whether to approve preauthorization requests for inpatient admissions to authorized institutions other than hospitals and skilled nursing facilities, and for cosmetic, reconstructive and/or plastic surgery, and for adjunctive dental care;

(b) Whether to authorize extended inpatient care over 30 days (extended inpatient care is also subject to periodic review as determined by OCHAMPUS); and

(c) Whether to approve all (initial and reapprovals) coverage under the Program for the Handicapped.

(ii) *Institutional Providers.* With respect to institutional providers, whether to approve Residential Treatment Centers and similar institutions as authorized providers. (Refer to § 199.12, "Authorized Providers.")

(3) *Notice of Determination and Right to Review*—(i) *CHAMPUS Contractors.* Where the initial determination is made by a CHAMPUS Contractor, written notice of this determination shall be mailed to the provider of the care (if participating) and/or the CHAMPUS beneficiary (or sponsor) at the last known address. For those beneficiaries under 18 years of age, notice to the sponsor or guardian constitutes notice to the beneficiary. Payment of a claim, along with the CHAMPUS Explanation of Benefits form (CEOB), constitutes notification. In each instance when a CHAMPUS claim is adjudicated, a CEOB is sent to the beneficiary/patient (or sponsor). A copy of the CEOB is also sent to the provider if the claim was submitted on a participating basis (refer to § 199.13, "Claims Submission, Review and Payment.") Where an initial determination results in the disallowance of a claim in whole or in part, the notice of determination shall inform the beneficiary (and, if participating, the provider) of the right to an informal review if the beneficiary (or sponsor) or participating provider is dissatisfied with the determination and that a request for informal review must be initiated within 180 days. (Refer to § 199.13, "Claims Submission, Review and Payment.") The initial determination becomes final unless an informal review is requested in accordance with paragraph (d) of this section or the determination is reopened by the CHAMPUS Contractor on its own motion for an administrative review.

(ii) *OCHAMPUS (including OCHAMPUSEUR).* Where the initial determina-

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tion is made by the Director, OCHAMPUS (or a designee) in response to applications for approval of certain inpatient care, coverage under the Program for the Handicapped or request for approval as a CHAMPUS-approved institution (or in such other instances as may be authorized by the Director, OCHAMPUS or a designee), written notice of this determination, including the reason for the determination and the underlying facts supporting the decision, shall be mailed to the applicant at the last known address. This written notice of determination shall inform each party to the determination of the right to review if the beneficiary (or sponsor) or provider is dissatisfied with the determination. The initial determination becomes final unless the applicant requests a reconsideration. The procedure for requesting a reconsideration is set forth in paragraph (g) of this section.

(d) *Request for informal review of an initial determination made by a CHAMPUS Contractor*—(1) *General.* The request for review may be made by the beneficiary (or sponsor), a participating provider, or their designated representative.

(2) *Procedure for requesting an informal review*—(i) *Written request required.* The request must be in writing, must state the specific matter in dispute and must include a copy of the applicable initial determination made by the CHAMPUS Contractor.

(ii) *Where to submit.* The request must be submitted to the office of the CHAMPUS Contractor where the initial determination was made.

(iii) *Allowed time to file.* The request must be received within 180 days after the date of the notice of the initial determination.

(iv) *Official filing date.* A request for an informal review shall be deemed filed on the date it is received in the office of the CHAMPUS Contractor.

(3) *Informal review.* The informal review process will be conducted by the office making the initial determination and will include a thorough review of the case. Such review must be based on the evidence submitted for the initial determination plus any further evidence that the appealing party or CHAMPUS may submit or obtain. The appealing party will be advised in writing by certified mail as to the result of the informal review, the reason for such determination and the underlying facts supporting the decision. Unless the case qualifies for automatic referral for the reconsideration process (refer to paragraph (d)(4) of this section), the appealing party will be further advised of the right to a reconsideration of the claim if still dissatisfied.

(4) *Automatic referral for reconsideration.* Where the informal review concurs with the initial determination and the amount in dispute is more than $300.00, the case will be automatically referred for the reconsideration process (refer to paragraph (e) of this section), without waiting for a specific request from the appealing party(ies).

(e) *Request for reconsideration of an informal review made by a CHAMPUS contractor.* (1) *General.* The request for reconsideration will be made by the same appealing party(ies) making the original request for informal review.

(2) *Procedure for requesting reconsideration.*—(i) *Written request required.* The request must be in writing, must state the specific matter in dispute and must include a copy of the written determination resulting from the informal review procedure.

(ii) *Where to submit.* The request must be submitted to the office of the CHAMPUS Contractor where the initial determination was made and informal review conducted.

(iii) *Allowed time to file.* The request must be received within 60 days after the date of the notice of the results of the informal review.

(iv) *Official filing date.* A request for a reconsideration shall be deemed filed on the date it is received in the office of the CHAMPUS Contractor.

(3) *Reconsideration process.* The reconsideration process will be a thorough and independent review of the case. It is based on the evidence submitted for the initial determination, the informal review, plus any further evidence that the appealing party or CHAMPUS may wish to submit or obtain in connection with the reconsideration. The reconsideration will be made by a different member of the CHAMPUS Contractor staff from the one who made the initial determination and/or performed the informal review. The appealing party will be advised in writing by certified mail as to the result of the reconsideration, the reasons for such determination and the underlying facts supporting the decision.

(i) *Amount in dispute is $50.00 or less.* This written notice will further advise the appealing party that the results of the reconsideration are final if the amount in dispute is $50.00 or less.

(ii) *Amount in dispute is more than $50.00.* If the amount in dispute is more than $50.00 and the appealing party is still dissatisfied, there is the further right to appeal the case to the Director, OCHAMPUS.

(f) *Appeal to OCHAMPUS of a reconsideration conducted by a CHAMPUS Contractor*—(1) *General.* If a dispute has not been resolved in the course of the CHAMPUS Contractor's Informal Review and Reconsideration procedures, and the amount in dispute is more than $50.00, the appealing party(ies) may appeal to OCHAMPUS. The appeal process within OCHAMPUS consists of two levels. The first level is a review by the Director, Contract Management. The second level is a formal hearing before a hearing officer appointed by the Director, OCHAMPUS.

(2) *Procedure for requesting a review by the Director, Contract Management (First Level Appeal)*—(i) *Written request required.* The request must be in writing, must state the specific matter in dispute and must include copies of the written determination as a result of the informal review and the reconsideration procedures of the CHAMPUS Contractor.

(ii) *Where to submit.* The request must be filed with the Director, Contract Management, OCHAMPUS, Denver, Colorado 80240.

(iii) *Allowed time to file.* The request must be received within 60 days after the date of the notice of the results of the reconsideration.

(iv) *Official filing date.* An appeal shall be deemed filed on the date it is received at OCHAMPUS.

(3) *The appeal process.* The appeal process is a thorough review of the facts in the case furnished or obtained by the appealing parties and CHAMPUS. The Director, Contract Management (or a designee), will conduct the review and as soon as possible will issue a written report of the review findings and conclusions, the reasons for such determination, and the underlying facts supporting the decision. A copy of this report will be sent to the appealing party(ies) by certified mail.

(i) *Amount in dispute is $300.00 or less.* The findings are final if the amount in dispute is $300.00 or less.

(ii) *Amount in dispute is more than $300.00.* If the amount in dispute is more than $300.00 and the appealing party(ies) continues to dispute the matter, there is the right to appeal to the Director, OCHAMPUS, and upon request, have a hearing conducted by a hearing officer.

(4) *Procedure for requesting a hearing (second level appeal).*—(i) *Written request required.* The request must be in writing, must state the specific matter in dispute and must include copies of the written determinations as a result of the informal review and the reconsideration procedures of the CHAMPUS Contractor and the report issued by the Director, Contract Management, from the first level appeal.

(ii) *Where to submit.* The request must be submitted to the Director, OCHAMPUS, Denver, Colorado 80240.

(iii) *Allowed time to file.* The request must be received within 60 days after the date of the report of findings by the Director, Contract Management.

(iv) *Official filing date.* An appeal shall be deemed filed on the date it is received at OCHAMPUS.

(5) *Contents of a request for a hearing.* The hearing request need not be formal but it must be specific as to such issues as continue to be disputed, setting forth the appealing party's contentions as to those issues. If an appeal fails to state the specific grounds upon which it is based, then the appealing party (or the representative) shall be notified by certified mail that it does not comply with the requirement of this regulation, and shall be granted 30 days after the date of mailing such notice to the appealing party within which to file an amended appeal. If within the time permitted the appealing party (or representative) fails to amend said appeal as notified, the appeal shall be dismissed. In such an event, the original

CHAMPUS decision in the case shall be deemed as to be final.

(6) *Merger of successive appeals.* If, at the time any apepal is filed, one or more prior appeals by the same appealing party involving the same or similar issues have not been heard by a hearing officer, such prior appeals may upon notice to the parties to the hearing be combined with the last appeal filed, and the hearing officer may issue a single decision.

(7) *Withdrawal of appeal.*—(i) *Withdrawal by appealing party.* An appeal may be withdrawn by the appealing party (or the representative) by written request at any time before the decision is issued or by oral request at the time of the hearing. If such request is made, the hearing officer shall issue a decision dismissing the appeal, and the original CHAMPUS decision in the case shall be deemed to be final unless paragraph (f)(7)(ii) of this section applies.

(ii) *Reinstatement of appeal.* An appeal so dismissed shall be reinstated by the hearing officer if the appealing party (or the representative) files a written application and shows therein that the requests for withdrawal resulted from misinformation given by OCHAMPUS or the Department of Defense or from fraud or coercion, or other good cause as determined by the hearing officer. An application for reinstatement shall be made within 30 days after personal service or mailing of the decision dismissing the appeal; or, in the event of fraud, within 30 days after discovery of such fraud, but in no event later than 1 year after issuance of the decision dismissing the appeal; otherwise the original CHAMPUS decision in the case shall be deemed to be final.

(8) *Notice and scheduling of hearing*—(i) *Written notice.* Written notice of the time and place of hearing an appeal shall be mailed to each party to the hearing at least 15 days before the date of the hearing. The time and place of the hearing will be determined by the hearing officer who shall select a reasonable time and location that are mutually convenient to OCHAMPUS and the appealing party.

(ii) *Reasonable time.* Appeals shall be heard as soon as reasonably possible.

(iii) *Records available.* Copies of records furnished by OCHAMPUS to the hearing officer shall be made available to the appealing party for inspection at a reasonable and convenient time.

(9) *Waiver of right to appear.* If all parties to the hearing waive their right to appear before the hearing officer personally or by representation, it will not be necessary for the hearing officer to give notice of or conduct a formal hearing as provided in paragraph (f)(8) of this section. A waiver of right to appear must be in writing and filed with the hearing officer or the Director, OCHAMPUS. When the right to appear has been waived, the hearing officer will decide the case on the records and documents submitted by all parties to the hearing.

(10) *Dismissal of request for hearing*—(i) *By application of appealing party.* With the approval of the hearing officer, a request for a hearing may be withdrawn or dismissed at any time prior to the mailing of notice of the decision upon the application of the party(ies) (or representative) filing the request for such hearing. A request for dismissal must be in writing and filed with the hearing officer or orally stated at the hearing. When dismissal is entered pursuant to request, it will be final and binding and the original CHAMPUS decision in the case shall be deemed to be final unless the dismissal is vacated in accordance with paragraph (f)(10)(iv) of this section.

(ii) *Dismissal by abandonment.* A hearing officer may dismiss a request for hearing upon abandonment by the appealing party or parties who filed the request. An appealing party will be deemed to have abandoned a request for a hearing, other than where personal appearance is waived in accordance with paragraph (f)(9) of this section, if neither the appealing party nor a designated representative appears at the time and place fixed for the hearing, and if within 10 days after the mailing of a notice by certified mail to the appealing party by the hearing officer to show cause, such party does not show good and sufficient cause for such failure to appear and failure to notify the hearing officer prior to the time fixed for hearing that an appearance cannot be made. When dismissal by abandonment occurs, the original CHAMPUS decision in the case shall be deemed to be final unless the dismissal is vacated in accordance with paragraph (f)(10)(iv) of this section.

(iii) *Dismissal for cause.* The hearing officer, may on personal motion, dismiss a hearing request, either entirely or as to any stated issue under one of the following circumstances:

(a) Where the appealing party requesting the hearing is not a proper party under paragraph (b)(1) of this section, or does not otherwise have a right to a hearing; or

(b) Where the appealing party who filed the hearing request dies and there is no information before the hearing officer showing that an individual who is not a party may be prejudiced by the determination of the CHAMPUS Contractor.

(c) The amount in dispute is less than required.

(d) When a hearing request is dismissed for cause, the original CHAMPUS decision in the case shall be deemed to be final unless the dismissal is vacated in accordance with paragraph (f)(10)(iv) of this section.

(iv) *Vacation of dismissal.* A hearing officer may, on request by an appealing party and for good and sufficient cause shown, vacate any dismissal of a request for hearing at any time within 6 months from the date of mailing notice of the dismissal to the party requesting the hearing at the last known residence address.

(11) *Witnesses and evidence.* All parties to the hearing are responsible for producing witnesses and other evidence in their own behalf at the hearing. Existing law does not authorize the Department of Defense to subpoena witnesses and/or records. The hearing officer may issue invitations and requests to individuals to appear and testify in order that the full facts in the case may be presented.

(12) *Additional parties.* Whenever it appears that other parties should be joined in order to dispose of all issues, the hearing officer may so order and may grant such continuance and hold such additional hearings as may be necessary.

(13) *Consolidation of proceedings.* Any number of proceedings may be consolidated for hearing or decision when the facts and circumstances are similar and no substantial right of any party to the hearing will be prejudiced.

(14) *Severance of Issues.* The hearing officer may, upon the motion of any party to the hearing, or upon personal motion, proceed to the hearing of any issue or issues before the hearing of any other issue in the appeal where it is found that the decision of that issue or issues could abate further proceedings on the appeal.

(15) *Preparation for Hearing.* A party to the hearing appearing at a hearing before a hearing office shall have the case evidence and witnesses present and be ready to proceed. The hearing officer, if it is deemed necessary for preparation for a hearing, may on reasonable notice require all parties to the hearing to submit a written statement of their contentions and the reasons therefor. A copy of such written statement(s) shall be provided prior to the hearing to all parties to the hearing.

(16) *Conduct of Hearing*—(i) *CHAMPUS Determinations First.* The basis of the CHAMPUS determination shall be presented to the hearing officer first. The appealing party (or the representative) will then be given the opportunity to demonstrate why this determination is held to be in error.

(ii) *Testimony.* Testimony shall be taken only on oath, affirmation or penalty of perjury.

(iii) *Right to examine parties to the hearing and their witnesses.* Each party to the hearing shall have the right to call and examine all other parties to the hearing and their witnesses; to introduce exhibits; to question opposing witnesses and parties to the hearing on any matter relevant to the issue even though the matter was not covered in the direct examination; to impeach any witness regardless of which party to the hearing first called the witness to testify; and to rebut any evidence presented.

(iv) *Relevant evidence.* Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil or criminal actions.

(v) *Interrogatories and depositions.* A hearing officer may order the taking of interrogatories and depositions (recog-

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nizing that the Department of Defense does not have subpoena power), and assess the expense to the requesting party when the hearing office deems it proper.

(vi) *Questioning and admission of evidence.* A hearing officer may question any party to the hearing or witness and may admit any relevant and material evidence.

(vii) *Conduct of hearing.* The hearing officer shall control the taking of evidence in a manner best suited to ascertain the facts and safeguard the rights of the parties to the hearing. Prior to taking evidence, the hearing officer shall identify and state the issues in dispute on the record and the order in which evidence will be received.

(viii) *Appealing party responsibilities.* An appealing party has the responsibility of providing whatever facts are necessary to support the opposition to the CHAMPUS determination.

(ix) *Burden of evidence.* The burden of producing evidence as to a particular fact is on the party to the hearing against whom a finding on that fact would be required in the absence of further evidence.

(x) *Transcript of hearing.* A verbatim taped record will be made of the hearing and made a permanent part of the record. Upon request, the appealing parties will be furnished a duplicate copy of the tape. An actual typed transcript of the testimony will be made only when determined to be necessary by the hearing (or subsequently, if a legal action results). In such event the appealing parties will be furnished a copy without charge. (Corrections will be allowed in the typed transcript by the hearing officer solely for the purpose of conforming the transcript to the actual testimony.)

(xi) *Right to open hearing.* Because of the personal nature of the matters to be adjudicated, hearings will normally be closed to the public. However, the appealing party (or the representative) may request an open hearing. In that event, it will be open except to the extent that other legitimate Government purposes can only be protected by closing portions of the hearing.

(17) *Department Records*—(i) *Hearing Officer Rights.* A hearing officer may order the production or inspection of any records or relevant portions of records in the possession of CHAMPUS when necessary to decide the issues in any proceedings before a hearing officer or to assist an appealing party in preparing for the proceeding.

(ii) *Rights of Appealing Party.* A request by an appealing party (or the representative) for an order to produce or inspect CHAMPUS records shall be in writing and shall state clearly the information desired, the records desired to be produced or inspected, and the reason therefor.

(18) *Continuance of hearings: Further hearing.* A hearing officer may continue a hearing to another time or place on his or her own motion or, upon a showing of good cause, at the request of any party. Written notice of the time and place of the continued hearing, except as provided herein, shall be in accordance with this regulation. When a continuance is ordered during a hearing, oral notice of the time and place of the continued hearing may be given to each party to the hearing present at the hearing. Prior to the decision to continue the hearing, the hearing officer on his or her own motion, or upon a showing of good cause, may order a further hearing. Notice thereof shall be given in accordance with this regulation.

(19) *Continuance for additional evidence.* If, after a hearing has begun, the hearing officer determines that additional evidence is necessary for the proper determination of the case, the following procedures may be invoked:

(i) *Continue hearing.* The hearing may be continued to a later date and any party to the hearing ordered to produce additional evidence; or

(ii) *Close hearing.* The hearing may be closed, but the record held open in order to permit the introduction of additional documentary evidence. Any material submitted after the close of the hearing shall be made available to all parties to the hearing and each party to the hearing shall have the opportunity for rebuttal. The hearing officer may order a further hearing if the nature of the additional evidence or the refutation thereof makes a further hearing desirable.

(20) *Representation at a hearing.* A hearing officer may refuse to allow any person to represent a party to the hearing in any hearing when such person engages in unethical, disruptive or contemptuous conduct or intentionally fails to comply with the proper instructions or order of the hearing officer or the provisions of this Regulation.

(21) *Oral argument and briefs.* At the request of any party to the hearing made prior to the close of the hearing, the hearing officer shall grant oral argument. If written argument is requested, it shall be granted and the parties to the hearing shall be advised as to the time and manner within which such argument is to be filed. The hearing officer may, at personal discretion, require any party to the hearing to submit written memoranda pertaining to any or all issues raised in the hearing.

(22) *Disqualification of Hearing Officer.* A hearing officer shall voluntarily disqualify himself or herself and withdraw from any proceedings in which the hearing officer cannot give a fair or impartial hearing or in which there is a personal interest. A party to the hearing may request the disqualification of a hearing officer by filing an affidavit stating in detail the grounds upon which it is claimed that a fair and impartial hearing cannot be given or that the hearing officer has an interest in the proceeding. The hearing officer shall immediately present the affidavit to the Director, OCHAMPUS (or a designee) who will investigate the allegations and shall advise the complaining party in writing of the decision. A copy of such decision shall also be mailed to any other appealing parties. If the Director, OCHAMPUS (or a designee) can conveniently reassign the case to another hearing officer, no investigation shall be required.

(23) *Decision.* At the conclusion of the hearing, the hearing officer shall take the matter under submission and, as soon as is reasonably possible thereafter, prepare a recommended decision in the case which will be based on the evidence adduced at the hearing or otherwise included in the hearing records. The written record must contain findings of fact and statement of reasons. The recommended decision will be submitted to the Director, OCHAMPUS (or a designee), for review.

(i) *Decision Review, Director, OCHAMPUS.* The recommended decision will be reviewed by the Director, OCAMPUS (or a designee), who may concur without comment or who may prepare a written opinion of the recommendation. However, the Director, OCHAMPUS (or a designee), may not alter the hearing officer's report or effect any change in the recommendations. The Director, OCHAMPUS (or a designee), must within 30 days of receipt, release the hearing officer's report, along with concurrence or a statement of reasons for disagreement.

(a) If the hearing officer finds for the appealing party(ies) and the Director, OCHAMPUS (or a designee) concurs, no further review is required and the appealing party(ies) will be so notified by certified mail by the Director, OCHAMPUS (or a designee).

(b) If the hearing officer finds against the appealing party(ies), whether or not the Director, OCHAMPUS (or a designee) concurs, or the Director, OCHAMPUS (or a designee) disagrees with the hearing officer's report (whether or not the findings is for or against the appealing party(ies)), the Director, OCHAMPUS (or a designee) will forward the hearing officer's report, along with concurrence and/or a statement giving the reasons for disagreement, to the Assistant Secretary of Defense (Health Affairs) for a final appellate review.

(ii) *Action by ASD(HA).* The ASD (HA) (or a designee) may adopt the recommended decision or the recommended decision may be rejected. In the case of rejection, the ASD(HA) (or a designee) shall prepare a statement outlining the reasons for disagreement with the hearing officer's report and the underlying facts supporting such disagreement. In this circumstance the ASD(HA) (or a designee) can have a revised decision prepared based upon the record, or may remand the matter to the hearing officer to take additional evidence. In the latter instance, the hearing officer thereafter shall submit a new recommended decision in a form that may be adopted as the decision of the ASD(HA).

(iii) *Final Decision.* The decision shall be final upon adoption by the ASD(HA) (or a designee). Copies of the final decision of the ASD(HA) shall be sent by certified mail to the appealing parties and any representative thereof. Such notification shall include the hearing officer's report and any statements by the Director, OCHAMPUS (or a designee) or the ASD(HA) (or a designee), where

there is nonconcurrence with the hearing officer's report.

(24) *Authority of the Hearing Officer.* The hearing officer in exercising the authority to conduct a hearing under this Regulation is to comply with Chapter 55 of Title 10, United States Code, Chapter 5 of Title 5, United States Code and this regulation, as well as with policy statements, manuals, instructions, procedures, and other guidelines issued by the Assistant Secretary of Defense (Health Affairs) and/or by the Director, OCHAMPUS (or a designee) in effect at the time the service and/or supply in dispute was rendered. A hearing officer may not establish or amend policy, procedures or instructions.

(25) *Representatives.*—(i) *Appealing Party Representative.* An appealing party may appoint any individual to act as representative (i.e., designated agent) at the hearing unless such person is disqualified or suspended from acting in administrative proceedings or unless otherwise prohibited by law or this regulation. When the representative is an attorney, in the absence of information to the contrary, a statement that such authority has been delegated will be accepted as evidence of authority to represent a party.

(ii) *Representative's Authority.* The representative will have the same authority as the appealing party and notice required to be given to an appealing party under this regulation will be given to the representative of such appealing party.

(g) *Request for Reconsideration of an Initial Determination Made by OCHAMPUS (Including OCHAMPUSEUR).*—(1) *General.* The request for reconsideration may be made by the beneficiary (or sponsor), the beneficiary's representative, the participating provider, a long-term care facility, or any other party whose rights with respect to the particular decision may be affected by such reconsideration.

(2) *Procedure for requesting reconsideration*—(i) *Written request required.* The request must be in writing, must state the specific matter in dispute and must include a copy of the applicable initial determination made by OCHAMPUS (or OCHAMPUSEUR).

(ii) *Where to submit.* The request must be filed with the Director, Health Services, OCHAMPUS, Denver, Colorado 80240.

(iii) *Allowed time to file.* The request must be received within 180 days after the date of the notice of the initial determination.

(iv) *Official filing date.* A request should be deemed filed on the date it is received at OCHAMPUS.

(3) *Conduct of reconsideration process.* The reconsideration will be conducted by the Director, Health Services (or a designee) and will be a thorough review of the case. It is based on the evidence submitted for the initial determination plus any further evidence that the requesting party or OCHAMPUS may submit or obtain. The appealing party will be advised in writing by certified mail as to the result of the reconsideration, the reasons for the determinations and the underlying facts supporting the decision and will be further advised of the right to request a formal review of the disputed case by the Director, OCHAMPUS, if dissatisfied with the results of the reconsideration.

(h) *Request for formal review of reconsideration made by OCHAMPUS*—(1) *Procedure for requesting a formal review*—(i) *Written request required.* The request must be in writing, must state the specific matter in dispute and must include a copy of the applicable initial determination made by OCHAMPUS (or OCHAMPUSEUR) and the result of the OCHAMPUS reconsideration.

(ii) *Where to submit.* The request must be received within 60 days after OCHAMPUS, Denver, Colorado 80240.

(iii) *Allowed time to file.* The request must be reecived within 60 days after the date of the reconsideration decision.

(iv) *Official filing date.* The request shall be deemed filed on the date it is received at OCHAMPUS.

(2) *Formal review.* The formal review will be a thorough and independent review of the case. It is based on the evidence submitted for the initial determination and/or the reconsideration, plus any further evidence that the appealing party or OCHAMPUS may wish to submit or obtain. The formal review will be conducted by either the Director or Deputy Director, OCHAMPUS. The appealing party will be advised in writing by certified mail as to the result of the formal review, the reasons for the determination and the underlying facts supporting the decision.

(i) *Amount in dispute is $300 or less.* The results of the formal review by the Director or Deputy Director, OCHAMPUS, are final if the amount in dispute is $300 or less.

(ii) *Amount in dispute is more than $300.00.* If the amount in dispute is more than $300 and the appealing party is dissatisfied, there is the right to appeal to the Director, OCHAMPUS (or a designee), and upon request, have a hearing conducted by a hearing officer in accordance with the procedures set forth in paragraphs (f)(4) through (f)(25) of this section.

(i) *Dismissal of Late Filing.* If a request for informal review or a reconsideration by a CHAMPUS Contractor, or a request for reconsideration or formal review by OCHAMPUS, or an appeal (either first or second level) is filed after the time permitted herein, a decision shall be issued denying or dismissing the request or appeal. Late filing may be permitted only if the appealing party can show to the satisfaction of the CHAMPUS Contractor or the Director, OCHAMPUS (or a designee), that timely filing of the request or appeal was not feasible due to extraordinary circumstances over which the beneficiary had no practical control. Each such late filing situation will receive individual consideration on its own merit.

(j) *Right to Legal Action.* The establishment of this § 199.15, "Appeal and Hearing Procedures," in no way shall be construed to deny the right to initiate legal action. However, before legal action may be instituted, all administrative remedies provided under this section must first be exhausted.

APPENDIX A

CHAMPUS STANDARDS FOR PSYCHIATRIC RESIDENTIAL TREATMENT CENTERS SERVING CHILDREN AND ADOLESCENTS

(a) *Organization and Administration*—(1) *Governing Body Responsibilities.* (i) The residential treatment center shall have a governing body which is responsible for, and has the authority of, the policies, bylaws and activities of the residential treatment center. In the event the treatment center is owned by a partnership or single owner, the partners or single owner shall be regarded as the governing body. Compliance Requirements:

(a) Corporations shall provide a list of names, addresses, telephone numbers and titles of the members of the governing body to OCHAMPUS on an annual basis. Notification of changes within the governing body shall be made in writing and reported to ing to OCHAMPUS within 7 working days.

(b) The residential treatment center owned by a partnership shall provide the names, addresses and telephone numbers of the partners to OCHAMPUS on an annual basis. Any changes shall be reported in writing to OCHAMPUS within 7 working days.

(c) The residential treatment center that is individually owned shall provide the name, address and telephone number of the sole proprietor on an annual basis. Any change shall be reported in writing to OCHAMPUS within 7 working days.

(d) The residential treatment center which is an agency of a governmental unit shall provide the name, address and telephone number of the individuals responsible for the operation of the program. Any change shall be reported in writing to OCHAMPUS within 7 working days.

(ii) The governing body shall be responsible for the program and standard of service of the residential treatment center. Compliance Requirements:

(a) All policies must be reviewed and approved, and approval must be recorded in the official minutes of the governing body.

(b) The residential treatment center shall maintain continued compliance with state licensing standards and national accreditation standards.

(c) When the residential treatment center is an agency of a governmental unit, the individuals identified in subdivision (a)(1)(i)(d) of this APPENDIX A shall be responsible for the program and standard of service for the residential treatment center.

(iii) The governing body shall establish bylaws/rules and regulations. Compliance Requirements:

(a) Bylaws/rules and regulations shall be in accordance with all legal requirements, and shall assure a high level of quality of care for patients. Bylaws/rules and regulations shall be current and available for review. They shall include, but not be limited to, the following areas: Powers and duties of the governing body, delegated authority and responsibility to the administrative and clinical staff, organizational structure of staff, method of selection for governing body, and regulations under which administrative staff and clinical staff function.

(b) When the residential treatment center is an agency of a governmental unit, the individuals identified in subdivision (a)(1)(i)(d) of this Appendix A shall be responsible for meeting the compliance requirement of this section.

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(2) *Objectives and policies.* The residential treatment center shall state its philosophy, objectives, goals, policies and procedures in a written plan of operation. Compliance Requirements:

(i) The residential treatment center shall have a written plan of operation.

(ii) The plan of operation shall include, but not be limited to, the following: Purposes and goals of the program, specific services provided, specific population served, intake and admission process, therapeutic modalities offered, qualifications of staff, resources utilized, methods to involve family members, and geographic areas served.

(3) *Chief Administrator's responsibilities and qualifications.* The governing body shall appoint a chief administrative officer or officers. Compliance Requirements:

(i) Qualifications, authority and duties of the administrative officer shall be defined in the bylaws of the residential facility.

(ii) The Chief Administrative Officer shall have, at a minimum, a Master's degree in Business Administration, Public Health, Hospital Administration, Nursing, Social Work, Psychology, etc., or shall have had at least five years of administrative experience in mental health facilities for children and/or adolescents.

(iii) Medical and psychiatric responsibility for each patient, as well as the treatment program, shall rest with the qualified psychiatrist or physician as described in subdivision (b)(1)(i) (*a*) and (*b*) of this Appendix A.

(4) *Fiscal Accountability.* The residential treatment center shall maintain complete and accurate financial records of income and disbursements which shall be open to inspection upon reasonable notice by the U.S. Government or its authorized agents. Compliance Requirements:

(i) Self Evident. (ii) The residential treatment center shall have a schedule of public rates and charges for all services provided and which shall be made available to all referral sources and families.

(iii) The residential treatment center shall have an insurance program that provides for the protection of the physical resources and adequate comprehensive liability insurance.

(5) *Personnel policies and records.* (i) The residential treatment center shall have written personnel policies and shall maintain personnel records. The personnel policies and practices shall be designed to promote the objectives of the residential treatment center. Compliance Requirements:

(*a*) Personnel policies shall be provided to each employee and shall have statements regarding at least the following: (*1*) Staff qualifications.

(2) Sick leave, holidays, vacations, insurance and retirement benefits.

(3) Performance Evaluation Procedures.

(*4*) Promotion policies.

(*5*) Conditions of and procedures for dismissal, and procedure for resignation.

(*6*) Orientation and training of new employees.

(7) Established grievance procedures.

(ii) There shall be a written description for each position in the residential treatment center and shall include statements regarding the following:

(*a*) Functions.

(*b*) Responsibilities.

(c) Supervision.

(*d*) Working days and hours.

(*e*) Academic requirements.

(*f*) Experience.

(iii) Personnel records shall be maintained on each employee of the residential treatment center. Compliance Requirements:

(*a*) These records shall contain information relative to: (*1*) Qualifications for the position.

(2) Preemployment references (including character references).

(3) Preemployment health examinations to insure that all employees are able to perform duties.

(*4*) Evaluation of performances on at least an annual basis.

(*5*) Dates and subject of inservice training and attendance at conferences, workshops, etc.

(*6*) Beginning date of employment.

(7) Date and reason for separation.

(*8*) Forwarding address of separated employee.

(*6*) *Emergency reports and records.* (i) Any serious occurrence involving a CHAMPUS beneficiary, outside the normal routine of the residential treatment center, shall be reported to OCHAMPUS, Health Resources Division. Compliance Requirements:

(*a*) An incident of a life-threatening accident requiring hospitalization, suicide attempt requiring hospitalization, incident of cruel or abusive treatment, or any equally dangerous situation involving a CHAMPUS beneficiary, shall be reported in writing to OCHAMPUS, Health Resources Division, as soon as possible, but not to exceed 7 working days.

(*b*) The incident and the followup report shall be documented in the patient's clinical record.

(c) Notification shall be provided to the parents or legal guardian and, if appropriate, other legal authorities.

(*d*) In the event of a death of any patient, OCHAMPUS, Health Resources Division, shall be notified telephonically, within 24 hours, followed by a comprehensive written report within 7 working days.

(ii) When CHAMPUS beneficiaries are absent without leave and are not located within 10 days, a written report of the incident shall be made to OCHAMPUS, Health Resources Division. Compliance Requirement: The report shall be documented in the patient's clinical record.

(iii) Any disaster or emergency situation, natural or man-made, such as fire, severe weather, etc., shall be reported telephonically within 72 hours, followed by a comprehensive written report within 7 working days to OCHAMPUS, Health Resources Division. Compliance Requirement: Self Evident.

(iv) The governing body or the administrator of the residential treatment center shall submit in writing to OCHAMPUS, Health Resources Division, any significant changes within the residential treatment center within 7 working days. Compliance Requirement: A report shall be made concerning the following items:

(*a*) Any change in administrator or primary professional staff.

(*b*) Any change in purpose, philosophy or any addition or deletion of services or programs.

(c) Any licensure, certification, accreditation or approval status change by a state agency or national organization.

(*d*) Any anticipated change in location or anticipated closure.

(*e*) OCHAMPUS and its authorized agents shall have the authority to visit and inspect the residential treatment center at all reasonable times (8 a.m. to 5 p.m., Monday through Friday) on an unannounced basis.

(*f*) The residential treatment center's records shall be available and open for review by OCHAMPUS during normal working hours (8 a.m. to 5 p.m., Monday through Friday) on an unannounced basis. Compliance Requirement: Self Evident.

(7) *Operational, licensure, and accreditation requirements.* (i) The residential treatment center shall be licensed and operational for a period of 6 months before CHAMPUS approval can be obtained. Compliance Requirement: Documentation shall be provided to OCHAMPUS by the residential treatment center that would indicate when the center became licensed and operational.

(ii) The residential treatment center shall maintain continuing accreditation by the Accreditation Council for Psychiatric Facilities Serving Children and Adolescents of the Joint Commission on Accreditation of Hospitals. Compliance Requirement: Self Evident.

(b) *Treating and residential services.*—(1) *Staff composition and organization.* (i) The residential treatment center shall provide the staff necessary to insure the proper care, treatment and safety of all patients.

(*a*) *Psychiatric services.* The staff shall include a person(s) professionally qualified to provide psychiatric services. Compliance Requirements:

(*1*) This person(s) shall be a physician currently licensed to practice in the state in which the center is located and who is a psychiatrist with three years' experience in the assessment and treatment of children and/or adolescents having psychiatric disorders.

(2) There shall be a 24-hour coverage each day of the week that the facility is in operation by a psychiatrist, as described in subdivision (b)(2)(i)(*a*)(*1*) of this Appendix A.

(3) The ultimate psychiatric responsibility for each patient shall rest with the person(s) described in subdivision (b)(2)(i)(*a*)(*1*) of this Appendix A.

(*4*) The licensed physician(s) described in subdivision (b)(2)(i)(*a*)(*1*) of this Appendix A shall play an active and continuing role in the development and monitoring of the entire treatment program, as well as the individual treatment program for each patient.

(*5*) A resident or intern does not meet the compliance requirement in this section.

(*6*) A physician member of the active duty Military Medical Corps or the U.S. Public Health Service does not meet the compliance requirement in this section.

(*b*) *Medical services (other than psychiatric).* The staff shall include a person(s) professionally qualified to provide medical services. Compliance Requirements:

(*1*) This person(s) shall be a physician (M.D., or D.O.) currently licensed to practice in the state in which the center is located.

(2) There shall be a 24-hour coverage each day of the week that the facility is in operation by a physician described in subdivision (b)(2)(i)(*b*)(*1*) of this Appendix A.

(3) The ultimate medical (other than psychiatric) responsibility for each patient shall rest with the person(s) described in subdivision (b)(2)(i)(*b*)(*1*) of this Appendix A.

(*4*) A resident or intern does not meet the compliance requirement of this section.

(*5*) A physician member of the active duty Military Medical Corps or the U.S. Public Health Service does not meet the compliance requirement of this section.

(c) *Other professional staff.* There shall be a sufficient number of other professional staff to carry out the particular goals and policies of the treatment center, but not necessarily be limited to, Ph.D. clinical psychologists, MSW social workers, nurses (RN's), educators, speech, hearing and language specialists, activity therapists, recreational therapists, etc. Compliance Requirements:

(*1*) Professional staff shall meet current licensing or certification requirements of the state in which the center is located. Social Workers and psychologists must at a minimum, have a Master's degree. Nurses must be, at a minimum, a registered nurse (RN).

(2) When the above qualified professionals are not available on a full-time basis, they shall be available on a part-time or regular, consistent consultative basis. The use of part-time professionals or consultants shall in no way substitute for full-time staff when a full-time person is essential to the maintenance of adequate clinical care and program development.

(d) *Mental Health and Child Care Staff.* There shall be an appropriate number of mental health or child care workers on duty 24 hours each day the facility is in operation. Compliance Requirements:

(*1*) There shall be child care workers on duty at all times. The number of child care workers shall be according to the needs of the patients, taking into account age, medical and psychiatric condition and other factors which affect the amount of attention required. Only personnel designated by job descriptions as Mental Health Staff or Child Care Workers may be counted in a child care/patient ratio.

(2) During sleeping hours, all child care workers must be located in a position to provide supervision and availability to patients.

(*e*) *Other Staff.* There shall be other staff (administrative, maintenance, dietetics and housekeeping personnel, etc.) to carry out the particular goals and policies of the treatment center. Compliance Requirement: Self Evident.

(ii) The residential treatment center shall have a written plan for the administrative and clinical staff organization for each service. Compliance Requirement: The organization will delineate, but not necessarily be limited to, include such items as regular supervision of para-professional staff, utilization review and implementation of policies.

(2) *Staff Development.* The residential treatment center shall provide orientation and professional staff development for all staff. Compliance Requirements:

(i) A written orientation plan shall be maintained for all new employees. Orientation shall provide training relating to the specific job function, as well as appropriate information concerning the operation of the residential treatment center.

(ii) Facility-based staff development and education program shall be planned and conducted on a regular and continuing basis. Sessions shall be documented in writing as to date, subject, attendance and instructor. Attendance at professional workshops and conferences shall also be documented.

(3) *Patients' rights.* (i) The residential treatment center shall provide adequate protection for all individual patients' rights provided under the Constitution of the United States. These rights include, but are not limited to, the following compliance requirements:

(*a*) The staff of the residential treatment center shall function in a manner so as to allow for privacy for each patient. The center's space and furnishings shall be designed and planned to enable the staff to respect the patient's right to privacy and, at the same time, provide adequate supervision according to the developmental and clinical needs of the patients. Arrangements for individual patients regarding privacy shall be made explicit to the patient and family. Each patient shall have access to a quiet, private area where he or she can withdraw from the group when not specifically engaged in structured activities. A written policy concerning patients' rights shall be provided to the patient and family.

(*b*) The residential treatment center's policies should allow patient's visits and communication with all members of the family and other visitors. When therapeutic considerations recommended by the responsible physician necessitate restrictions of communications and/or visits, these restrictions shall be evaluated at least weekly by the clinical staff for their continuing effectiveness. These restrictions shall be documented and signed by the responsible physician. The residential treatment center shall make known to the patient, the family and referring agency its policies regarding visiting privileges on and off the premises, correspondence and telephone calls. These policies shall be stated in writing and shall be provided to the patient and family. When limitations on such visits, calls or other communications are indicated by practical reason, e.g., the expense of travel or telephone calls, such limitation shall be determined with participation of the patient's family.

(*c*) Patients shall be allowed to contact an attorney. This shall be established as written policy, and the policy shall be provided to families and patients.

(*d*) Patients' opinions and recommendations shall be considered in the development and continued evaluation of the therapeutic program. The residential center shall have written policies to carry out appropriate procedures for receiving and responding to patient communications concerning the total program.

(*e*) The residential center shall have written policies regarding methods used for control and discipline of patients which shall be provided to the appropriate staff and to the patient's family. These policies shall be approved by the professional clinical staff responsible for the patients and by the governing board. Only staff members shall be allowed to handle discipline. Patients shall not be subject to cruel, severe, unusual or unnecessary punishment. Patients shall not be subject to remarks which ridicule them or their families, or others. Patients shall not be denied food, mail or visits with their families as punishment. Physical restraint will not be used as punishment.

(*f*) The residential treatment center shall have written policies regarding restraint and seclusion, which shall be provided to appropriate staff and the patient's family. These policies shall be approved by the facility's professional staff. Only in an emergency shall physical holding be employed unless there are physician's orders for a mechanical restraint. Physical holding or mechanical restraints, such as canvas jackets or cuffs, shall be used only when necessary to protect the patient from injury to himself or others. Mechanical restraints must be ordered by the responsible physician. Either procedure must be documented in the patient's clinical record. The need for the type of restraint used and the length of time it was employed and condition of the patient shall be recorded in the patient's record. An order for a mechanical restraint shall designate the type of restraints to be used, the circumstances under which it is to be used and the duration of its use. A patient in a mechanical restraint shall have access to a staff member at all times during the period of restraint.

(*g*) Seclusion, defined as a placement of a patient alone in a locked room, shall not be employed except on the order of the qualified physician, and shall not be used as punishment. If a seclusion room is used, the qualified physician's orders regarding its use shall be in writing, and shall be made known to all staff members and followed exactly. If a patient remains in seclusion for longer than 24 hours, the qualified physician's orders must be renewed in writing every 24 hours after the physician has observed the patient in seclusion. A staff member shall observe the patient in seclusion no less than on a half-hour basis and more frequently if medically necessary. A log shall be maintained which will record on a half-hour basis the observation of the patient in seclusion, and will also indicate when the patient was taken to the bathroom, when and where meals were served, when other professional staff visited, etc., and shall be signed by the observer. The need or reason for seclusion shall be made clear to the patient and shall be recorded in the patient's clinical record. The length of time in seclusion shall also be recorded in the clinical record, as well as the condition of the patient. A continuing log shall be maintained by the residential center that will indicate by name the patients placed in seclusion, date, time, specified reason for seclusion and length of time in seclusion.

(*h*) The residential treatment center shall not exploit a patient or require a patient to make public statements to acknowledge his gratitude of the treatment center.

(*i*) Patients shall not be required to perform at public gatherings.

(ii) The residential treatment center shall not use patients' pictures from which patients can be identified without written consent from the patient and the parents or legal guardian. The signed consent form shall be on file at the treatment center before any pictures from which patients can be identified are used. A signed consent form must indicate how pictures shall be used and placed in the patient's clinical record. Compliance Requirement: Self Evident.

(4) *Research and Human Rights.* A residential treatment center whose goals include clinical research involving human subjects must submit to OCHAMPUS all information concerning the research. All research involving CHAMPUS beneficiaries will comply with the regulations on protection of human subjects of the Department of Health, Education, and Welfare (45 CFR Part 46). Compliance Requirements:

(i) If a CHAMPUS beneficiary is to be used in a project for human research, information pertinent to that research must be submitted to OCHAMPUS for review before approval can be obtained.

(ii) There shall be written policies regarding the clinical research which shall include, but not be limited to, the following areas: (*a*) Signed consent by parent or legal guardian.

(*b*) Documented evidence of licensed supervision by qualified child psychiatrist.

(*c*) If goals or procedures of research projects change, an additional consent must be obtained.

(*d*) Patients or families of patients may withdraw consent at any time without jeopardy or prejudice.

(*e*) Reports of projects shall be available to OCHAMPUS at all times during the course of the study, if the study is approved.

(*5*) *Admission, referral and discharge policies.*—(i) *Admission policies.* The residential treatment center shall accept only those patients who meet the conditions outlined in the admission policies of the center and for whom the treatment center has an operational program. Compliance Requirement:

(*a*) Compliance with conditions for licensure of the center shall be observed, including the age, sex, type and number of patients accepted, as specified in the license.

(*b*) The admission process shall include a discussion with the patient and the family concerning residential placement. Compliance Requirements:

(*1*) Discussion must center on reasons for residential treatment.

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(2) Family's and patient's expectations.
(3) Patient's understanding of residential treatment and probable length of stay.
(4) Family's or responsible relative's, or legal guardian's understanding of residential treatment, and their involvement in treatment, if deemed necessary, as well as probable length of stay of patient.

(c) Professional staff of the residential center, to include the psychiatrists, shall review the admission assessment and determine whether admission is appropriate. Compliance Requirement: The residential treatment center shall document in policies and procedures the professional personnel responsible for making and reviewing the admission assessment for determining which applicants will be admitted.

(d) When an emergency psychiatric admission is necessitated, and admission assessment must be completed within 5 working days after admission. Compliance Requirements:

(1) The residential treatment center shall document in the clinical record the conditions necessitating the emergency admission.

(2) The treatment center shall document in the clinical record that initial assessment is completed within 5 working days of admission.

(e) The residential treatment center shall have a written plan for orientation of the new patients. Compliance Requirements: Self Evident.

(f) No person shall, on the grounds of race, color, religion or national origin, be denied admission to the residential treatment center. Compliance Requirement: Self Evident.

(ii) *Referral policies.* The residential treatment center shall have written referral policies. These policies shall be discussed with the patient's parents or legal guardian at time of admission. Appropriate consent forms shall be initiated during the admission process. Compliance Requirements:

(a) Referral policies should be consistent with the concept that patients under the care of the center who may have special needs for which the center cannot provide, shall be referred for appropriate examination, assessment or consultation.

(b) Referral policies should include keeping a log of all referrals made to other resources with appropriate entry in the patient's clinical record.

(c) Referral policies should indicate to the extent appropriate whether patient and/or family should be involved in the referral process.

(d) A follow-up report from the referral shall be placed in the patient's clinical record.

(iii) *Discharge policy.* The residential treatment center shall have a written plan concerning the discharge of patients. Compliance Requirements:

(a) All discharge planning shall be documented in the patient's clinical record and should include the requirements for the termination process, as indicated in the center's procedures manual.

(b) Discharge planning shall include the family and shall be documented in the patient's clinical record.

(c) If the patient is not returning to his family, appropriate documentation in the clinical record should indicate the types of preparation made with other persons and/or facilities who will be involved with the patient upon discharge.

(d) There shall be a follow-up and documentation by staff for after care or referral to other sources of care who provide after care services. Follow-up reports shall include a progress report for at least two six-month periods by the facility, either by home visits, telephone contact or by some other agency's findings.

(6) *Assessment and treatment planning*—(i) *Assessment.* The residential treatment center shall be responsible for a current assessment which includes clinical consideration of each of the fundamental needs of the patient to include, but not be limited to, the following: Physical, psychological, general development, family, educational, social, environmental, recreational, etc. Compliance Requirement:

(a) The medical examination shall be the responsibility of the qualified physician identified in Subparagraph (b)(1), and shall include at least the following: (*1*) A complete medical history.

(*2*) A general physical.

(*3*) An assessment of motor development and functioning.

(*4*) Vision and hearing assessment.

(*5*) A review of immunization status and completion of immunizations using the schedule as recommended by the American Academy of Pediatrics.

(*6*) A serology, urinalysis, and other routine blood work as indicated.

(*7*) A chest X-ray or Tuberculin test with results.

(*b*) The physical examination shall be included in the patient's clinical record, and shall include all pertinent findings resulting from the assessment.

(*1*) A complete physical examination shall be started within 24 hours after admission to the facility.

(*2*) If prior to admission (within 30 days), a complete medical history has been recorded by the patient's physician who was not a member of the facility staff, it may be made part of the patient's clinical record if recorded as acceptable by the responsible staff physician.

(c) There shall be a complete psychiatric assessment. Compliance Requirements: The psychiatric examination shall be the responsibility of the person(s) identified in subdivision (b)(2)(i)(*a*)(*1*) of this Appendix A, and shall include at least the following:

(*1*) A psychiatric histroy.

(*2*) Psychiatric evaluation and behavioral appraisal.

(*3*) Evaluation of sensory motor function.

(*4*) Mental status examination.

(*5*) Intellectual, projective and personality testing.

(*6*) Other assessments of self-help, social, affective and visual motor functioning.

(*7*) Developmental/chronological/age histories, to include coverage from prenatal to present, rate of progress, developmental milestones, developmental problems, current assessment of patient's age and appropriate developmental needs, detailed assessment of patient's peer and group relationships and activities.

(*8*) Environmental/family/social assessment histories to include evaluation of patient's relationships within the family and community, evaluation of the characteristics of the social peer group and institutional settings from which the patient comes, consideration of patient's family's circumstances, to include the family group, current living situation, social, religious, ethnic, cultural, financial, emotional and health factors, evaluation of past events and current problems that have affected the patient and the family, goals of family regarding patient's treatment, to include their expected involvement and expectations as to the time frame treatment will be required.

(*9*) An educational assessment, to include patient's current educational needs and functioning, stated interests and skills in relationship to recreational activities and vocational needs, and speech and language assessment.

(ii) *Treatment planning.* The residential treatment center shall have an individual written treatment plan for each patient and approved by the center's psychiatrist, as identified in subparagraph (b)(1) of this Appendix A. Compliance Requirements:

(*a*) There shall be a Diagnostic and Statistical Manual of Mental Disorders (DSM II) diagnosis, prognosis and estimated length of treatment as part of the treatment plan.

(*b*) The treatment plan shall specify how the identified needs of the patient, as identified in the assessment, to include an evaluation of strengths in parent, family and support system, shall be met.

(*c*) The treatment objectives shall include specific instructions and shall be shared with appropriate staff members.

(*d*) A tentative diagnosis and treatment plan shall be developed and recorded in the patient's clinical record within two weeks of admission. A final treatment plan, to include discharge planning, shall be established within thirty (30) days. This plan shall be reviewed and revised not less than every 90 days.

(*e*) Dates of staff meetings, where discussion is held relating to the patient's treatment plan, should be recorded in the clinical record.

(*f*) All specific therapeutic modalities, i.e., individual, group therapy, reality therapy, behavior modification, art therapy, psychodrama, family therapy, educational therapy, medications, therapeutic absences, etc., shall be spelled out in the treatment plan.

(*g*) The residential treatment center shall have regular staff meetings to include all personnel directly involved with the patient's treatment to discuss ongoing treatment plans and objectives.

(7) *Patient clinical record.* An adequate patient clinical record shall be maintained for each patient. Compliance Requirement:

(i) Individual patient clinical records shall contain all pertinent clinical information and shall contain at least the following information:

(*a*) Identifying data shall include, but not be limited to, the following items: Consent forms, date of birth, sex, next of kin, school and grade, date of initial contact, legal status, legal documents, religion, current home address, and telephone number of the family.

(*b*) Source of referral.

(*c*) Reason for referral.

(*d*) Record of medical, psychiatric and social functioning assessment.

(*e*) Initial psychiatric diagnosis and treatment plan based upon assessment.

(*f*) Current treatment plan and psychiatric diagnosis.

(*g*) Medication history and all medications prescribed.

(*h*) Individual record of all medications administered by staff, to include type of medication, dosages, frequency, and who administered medications and stop order for drugs.

(*i*) Consultation reports to include physicians, dietitians, physical and occupational therapists, etc.

(*j*) Documentation of treatment and all evaluations and examinations.

(*k*) Therapy sessions.

(*l*) Periodic progress reports.

(*m*) Other information obtained from other sources pertaining to the patient.

(*n*) Plan for discharge.

(*o*) Discharge or termination summary.

(*p*) Plan for followup.

(ii) The residential treatment center shall have written policies regarding the patient's clinical records. Compliance Requirement: Written policies should state how records will be kept confidential, current and accurate; how records shall be safeguarded;

what will be required for release of information.

(8) *Education and vocational training.* The residential treatment center shall assume the responsibility for arranging or providing an educational program appropriate for the individual needs of each patient. Compliance Requirements:

(i) The residential treatment center shall use community education resources, its own resources, or a combination of resources in offering an educational program.

(ii) A residential treatment center not having accreditation from a state agency, or an approved school program, shall make this information clear in its policies, brochures and information given to all applicants.

(iii) If the residential treatment center does have a school program accredited or approved by a state agency, documentation of this accreditation or approval shall be available for OCHAMPUS review.

(iv) Teachers shall meet state/local certification requirements for education and/or special education. Documentation of this shall be on file at the treatment center for OCHAMPUS review.

(v) If the residential treatment center has an organized vocational training program, the program shall meet all applicable local and state legal requirements. This shall be staffed by educational/vocational teachers.

(9) *Recreational Programs.* The residential treatment center shall provide a recreational and social activities program. Compliance Requirements:

(i) A structured, supervised recreational and social activities program shall be provided for all patients. A schedule of activities for leisure time to include daytime, evenings and weekends shall be posted at least one week in advance.

(ii) There shall be a variety of recreational and social activities available to include both indoor and outdoor activities.

(iii) There shall be a written plan to include the use of community resources to enhance the recreational program.

(iv) There shall be a written plan with implementation for patients who desire to participate in religious services and other religious activities within the framework of their individual and family interest and clinical status.

(v) Clinical records shall reflect participation.

(10) *Dietetic Services.* (i) The residential treatment center shall provide properly planned, nutritious and appealing food which meets national nutritional standards. Compliance Requirements:

(*a*) The dietetic service shall be patient-oriented and shall take into account the variations of eating habits, including cultural and ethnic needs of each individual patient.

(*b*) The food served shall be nutritionally and calorically adequate, as recommended by the National Nutritional Council, and served attractively.

(*c*) The dining area shall provide a congenial and relaxed atmosphere.

(*d*) Snacks shall be available on an informal basis, as appropriate to the clinical program.

(*e*) Special diets which are medically recommended shall be provided.

(ii) The residential treatment center shall have the services of a qualified dietitian in menu planning. Compliance Requirements:

(*a*) The dietitian shall be available on a full-time, part-time or consultant basis.

(*b*) The dietitian's role in the planning of the menus shall be documented. The current week's menu shall be posted in the dining area.

(iii) All dietetic services provided shall meet all applicable local, state and Federal rules and regulations. Compliance Requirements:

(*a*) Health policies for dietetic employees shall be in compliance with applicable Federal, state and local laws and regulations and health cards posted or filed.

(*b*) Food preparation, dining and storage areas, as well as equipment and furniture, shall be maintained in a state of cleanliness and good repair.

(*c*) All food items shall be stored off the floor in covered containers that are labeled and that are insect and vermin proof.

(*d*) All walk-in refrigerators and freezers shall be capable of being opened from the inside.

(*e*) All non-food supplies such as cleaning solutions shall be stored in an area separate from that in which food supplies are stored.

(*f*) Pets or other animals shall not be permitted in the area of food storage, preparation and dining.

(*g*) Perishable foods shall be stored at proper temperatures.

(*h*) Adequate hand-washing and drying facilities shall be located in convenient places throughout the food service area.

(*i*) Thehandling, transferring and disposing of garbage shall be done so as not to create a nuisance or breeding places for insects and rodents, or to cause diseases to be transmitted.

(*j*) All reusable eating and drinking utensils shall be sanitized after a thorough washing and rinsing which will meet appropriate Federal, state or local regulations.

(*k*) Chipped or broken dishes or glassware, or chipped porcelain cookware, shall be discarded.

(*l*) Reports of inspections shall be filed or posted and shall be available for review.

(10) *Pharmacy services.* The residential treatment center shall have arrangements for pharmacy services. There shall be written policies and procedures that govern the safe storage and administration of drugs and shall meet all applicable Federal, state and local laws and regulations. Compliance Requirements:

(i) The center shall have in writing names and signatures of physicians, including their Federal number, who can prescribe drugs and the names and signatures of staff members who can administer drugs. If nonprofessional staff administers drugs, they shall have appropriate inservice education from qualified medical personnel which shall be documented to include information about drugs, side effects, etc.

(ii) All medications administered shall be documented and signed including medication errors and drug reactions.

(iii) Internal and external drugs will be stored separately and outdated drugs will not be stocked.

(iv) Drugs dispensed must meet the standards established by the United States Pharmacopoeia (U.S.P.), the National Formulary (N.F.), or New and Non-official Drugs (N.N.D.).

(v) Drugs will be stored in a locked area, shall be in compliance with Federal regulations, shall be accessible only to the responsible clinical staff, and shall be administered by a safe system.

(vi) An emergency first aid kit shall be readily available to staff, but not accessible to patients.

(vii) All orders for the administration of medications shall have stop orders and shall be written and signed by the licensed physician, reviewed periodically, or rewritten or recertified. Telephone orders for drugs shall be signed by the physician within 72 hours.

(viii) All medications shall be labeled.

(12) *Emergency care and dental care.* The residential treatment center shall have written policies and procedures for obtaining diagnosis and treatment of dental problems. Compliance Requirement:

(i) The residential treatment center shall have written statements or a written, signed contract from a licensed dentist(s) stating what services they are providing to the patients at the treatment center.

(ii) The residential treatment center shall have a written plan to facilitate routine and emergency hospitalization in a licensed medical facility. Compliance Requirement: The residential treatment center shall make available a written statement from a licensed hospital verifying that routine and emergency hospitalization will be provided.

(iii) The residential treatment center shall have a written plan for providing emergency medical and psychiatric care. Compliance Requirements:

(*a*) There shall be a written plan which shall clearly specify who is available and authorized to provide necessary emergency psychiatric or medical care, or to arrange for referral or transfer to another facility to include ambulance arrangements, when necessary.

(*b*) There shall be a written plan regarding emergency notification to the parents or legal guardian. This plan and arrangements shall be discussed with all families or guardians of patients upon admission.

(c) *Physical plant.*—(1) *Physical Environment.* (i) Buildings and grounds of the residential treatment center shall be maintained, repaired and cleaned so that they are not hazardous to the health and safety of the patients and staff. All space, supplies, equipment, motor vehicles and facilities, both within the center and those used by patients outside of the facility, shall meet applicable Federal, state and local requirements for safety, fire, health and sanitation. Compliance Requirements:

(*a*) Equipment and furniture shall be of safe and sturdy construction and free of hazards to residents and staff. Furniture shall be comfortable, attractive, customary and should enhance the dignity of the patient.

(*b*) There shall be evidence of routine cleaning and ongoing maintenance programs within the residential treatment center.

(*c*) Repairs to broken items shall be taken care of promptly.

(*d*) Windows and doors used for ventilation shall be screened and in good repair.

(ii) The residential treatment center shall provide both indoor and outdoor areas where patients can gather for reading, study, relaxation and entertainment or recreation. Compliance Requirement: State licensure requirements shall be met.

(iii) All sleeping areas shall promote comfort and dignity, and provide adequate space and privacy for resident. Compliance Requirements:

(a) State licensure requirements shall be met.

(b) There shall be no more than eight patients in a sleeping room unless written justification on the basis of the program requirements is made.

(c) Linens, blankets, pillows, and towels shall be furnished by the center and shall be changed as often as required for cleanliness and sanitation, but not less frequently than once a week.

(*d*) Each patient shall have his own bed consisting of a level bedstead and a clean mattress in good condition.

(*e*) All mattresses shall have fire retardant, water repellent mattress covers or protectors.

(iv) There shall be storage areas for each resident's clothing and personal possessions.

(*a*) Adequate, securable personal storage shall be available for each patient.

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(b) Storage space shall be accessible and within easy reach of each patient.

(v) Privacy shall be provided for personal hygiene. Compliance Requirements:

(a) State licensure standards shall be met.

(b) All toilets shall have secured seats and be kept clean and in good working order, and all toilets will have partitions and doors.

(c) All tub and shower areas shall be appropriately partitioned for privacy.

(d) Bathrooms shall be conveniently located to the sleeping areas.

(e) Bathrooms shall be cleaned thoroughly each day.

(vi) The residential treatment center shall maintain a written policy of personal hygiene for all patients. Compliance Requirements:

(a) Written policy: Self Evident.

(b) Tooth brushes, toothpaste, soap, and other items for personal hygiene shall be provided by the facility if not provided by the patients.

(c) Good quality mirrors shall be furnished in each bathroom.

(2) *Physical plant safety.* (i) The residential treatment center shall be comprised of permanent construction and maintained in a manner that protects the lives and insures the physical safety of patients, staff and visitors. The center will currently comply with all applicable building codes, fire, health and safety laws and ordinances and regulations in the state where the facility is located. Current inspection reports shall be retained in the residential treatment center files for OCHAMPUS review. Compliance requirements:

(a) It is the responsibility of the treatment center to arrange for the necessary inspections and to comply within the time frame with any resulting recommendations noted in the inspection reports.

(b) The fire inspection shall meet or exceed the regulations set by the local Fire Marshal (as governed by local ordinances). Where applicable, they may never be less than those regulations set by the State Fire Marshal.

(c) The health inspection shall meet or exceed regulations set by the local health ordinances (where applicable) but may never be less than those regulations set by the State Health Department.

(d) Written documentation that all building codes, fire, health, and safety laws, ordinances and regulations are met shall be on file in the residential treatment center.

(e) Levels of lighting shall be maintained throughout the facility appropriate to the purpose of the designated area.

(ii) The number, type, capacity and location of fire extinguishers and/or smoke detectors shall comply with all applicable local fire regulations, or the regulations established by the State Fire Marshal. Compliance requirements:

(a) All staff shall be instructed in the use of fire extinguishers.

(b) All fire extinguishers shall be inspected as regulated by local requirements and shall be serviced as required.

(iii) All fire safety systems shall be kept in good operating condition. Compliance requirement: Fire safety systems shall be inspected regularly as regulated by local requirements, and records of such inspections shall be kept on file.

(iv) The residential treatment center shall provide for safety inspections by a facility personnel committee. Compliance requirements:

(a) Personnel responsible for safety evaluation shall receive appropriate training.

(b) Safety inspections by the safety committee shall be done on a monthly basis, shall be made into a written report, and shall be maintained on file.

(v) Special safety measures shall be provided for areas of the facility that may present an unusual hazard to patients, staff or visitors. Compliance Requirements:

(a) Special consideration shall be given to building features which may cause harm, such as "invisible glass doors," etc.

(b) All stairways shall have hand rails.

(3) *Disaster planning.* The residential treatment center shall have written policies and plans for taking care of casualties arising from internal and external disasters. The center shall rehearse these plans at least every 6 months. Compliance Requirements:

(i) The residential treatment center shall be prepared to handle internal and external disasters such as explosions, fire, tornadoes, etc. The written plan shall incorporate evacuation procedures and shall be developed with the assistance of qualified fire, safety and other appropriate experts.

(ii) The written plans for internal and external disasters shall include, but not be limited to: Instructions related to the use of alarm and smoke detection systems, methods of fire containment, plan for notifying appropriate personnel, posted evacuation routes, etc.

(iii) These plans shall be made available to all center personnel, and shall be posted in appropriate areas within the center.

(iv) There shall be records indicating the nature of disaster/training/orientation programs offered to employees.

(v) Written reports. An evaluation of all drills concerning internal and external disasters shall be made at least every 6 months. If deficiencies are noted, records shall note the deficiencies and the action taken to correct these deficiencies.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

MARCH 14, 1977.

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federal register

MONDAY, APRIL 4, 1977

PART III



COMMUNITY SERVICES ADMINISTRATION

FEDERAL GRANTS

Uniform Federal Standards

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Title 45—Public Welfare

CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

PART 1050—UNIFORM FEDERAL STANDARDS

On January 17, 1977, CSA published in the FEDERAL REGISTER interim regulations implementing eleven of the fifteen Uniform Federal Standards promulgated by OMB Circular A–110 and FMC 74–7 to be effective April 1, 1977.

Comments on the interim regulations were invited. Comments were received from the Executive Director, Human Services Inc., Columbus, Indiana; the Director, Finance and Data Processing, Total Action Against Poverty in Roanoke Valley, Roanoke, Virginia; and the Administrator of Sponsored Programs, Georgetown University, Washington, D.C. The questions raised, suggested changes, notations of ambiguities or contradictions, etc., were insightful and most helpful and a number of the policy statements have been revised as a result of these comments and those received from two CSA Regional Directors.

In order to facilitate the public's use of the standards as implemented by CSA, the agency is hereby republishing each of the eleven standards regardless of whether or not a particular policy had been changed subsequent to publication on January 17, 1977.

A. Following are substantive changes made to the interim regulations resulting from comments received.

1. Section 1050.40—Program Income: Wording has been added to section 2.c. of Attachment A to provide flexibility to the CSA administering office to determine in what grant period earned program income will be used therefore clarifying that the income need not be used in the program year that it was earned.

2. Section 1050.50—Cost Sharing and Matching: Wording has been added to allow, under certain circumstances, non-Federal funds contributed to pay salaries in excess of $15,000 to be counted toward the non-Federal share requirement. It is also noted in the revision that general revenue sharing funds now are acceptable for use as matching.

3. Section 1050.60—Standards for Financial Management: Section 1050.61 (a) (8) as published in the interim regulations noted that audits performed by grantees must include an appropriate sampling of CSA grants and other agreements. This has been changed to read Federal grants since that is the intent of the standards. However, it is possible that, due to the legislative requirement that audits be performed at least annually, a grantee may request an auditor to examine CSA agreements only. In this case the audit would be limited to a sampling of CSA agreements. A notation to this effect has also been added to § 1050.61(a) (8).

4. Section 1050.90—Payment Requirements: § 1050.93(c) has been revised to conform to § 1050.10 and now indicates that only in certain instances will separate bank accounts be required when a grantee is issued a letter-of-credit.

5. Section 1050.110(b)—Grant Closeout Procedures: The word "immediately" has been deleted and wording added to require that a check for all unobligated funds accompany the final financial report due 90 days after the termination date of a grant.

B. The following procedural change has been made:

1. Section 1050.90—Payment Requirements: § 1050.93(b) (2) has been changed to require that the written justification requesting special checks be submitted to the appropriate CSA administering office rather than directly to Headquarters. The administering office will review the request and, if approval is recommended, then will submit grantee's request to Headquarters.

C. The following recommendations were carefully reviewed and considered but were not accepted for the reasons noted:

1. Section 1050.115–8(d)—Suspension and Termination Procedures: The recommendation that the policy re place of termination hearings be changed to require that it be at the grantee's main office location is rejected because the present statement does not preclude this location but grants the responsible CSA official flexibility in fixing the time and place.

2. Section 1050.113(b)—Grant Closeout Procedures: The recommendation that the final audit be submitted 180 days after completion of a grant rather than 90 days is not accepted since it is not an annual audit but a final audit and therefore does not require the extensive review of an annual audit. Also the submission date coincides with all other final reporting requirements which are conditions of the grant.

3. Section 1050.22—Length of Retention Period (Retention and Custodial Requirements for Records): Grantee respondent noted that there seems to be no procedure for notifying the grantee that an audit has been satisfactorily closed and therefore there would seem to be no point in time at which the three year retention period would start for records affecting a grant which has audit problems. Grantee official suggests that regulations be included in § 1050.22 to insure that the grantee is notified when an audit is closed. This section is left unchanged as there are procedures in place in each Regional Office whereby a letter is forwarded to the grantee by the appropriate CSA Regional Audit Review Group noting disposition of the questioned items.

4. Section 1050.57(3)—Cost Matching and Sharing: The recommendation that OMB be requested to allow pooling of non-Federal share among all the Federal programs operated by a grantee regardless of funding source is rejected since it is, in the opinion of the CSA General Counsel, not permissible under the provisions of the Economic Opportunity Act.

The final regulations published herein will be forwarded to all CSA grantees in the form of CSA Instructions. They currently are at the printer and should be in the mail within a few weeks. A supply of the new Standard Forms 269, 272, and 272A will accompany that mailing. In the meantime, a small supply is available at each CSA Regional Office.

With the changes noted above the interim regulations are adopted as CSA policy as set forth below.

Effective date: April 1, 1977.

ROBERT C. CHASE,
Acting Director.

45 CFR Chapter X is amended by adding a new Part 1050 entitled "Uniform Federal Standards" and by adding the following to that Part:

1. The table of contents to Part 1050 is revised to read as follows:

Subpart A—Implementation of Uniform Federal Standards by the Community Services Administration

Sec.
1050.1 Applicability.
1050.2 Purpose.
1050.3 Exceptions to the Uniform Federal Standards.
1050.4 Definitions of terms as used in this Part.
1050.5 Implementing schema.

Subpart B—Cash Depositories

1050.10 Physical segregation and eligibility.
1050.11 Letter-of-Credit-Checks paid basis.
1050.12 FDIC insurance coverage.
1050.13 Minority-owned banks.

Subpart C—Bonding and Insurance

1050.15 References.
1050.16 Standard.
1050.17 CSA implementing polices and procedures.

Subpart D—Retention and Custodial Requirements for Records

1050.20 References.
1050.21 Documents affected.
1050.22 Length of retention period.
1050.23 Starting date of retention period.
1050.24 Substitution of microfilm.
1050.25 Access to records.
1050.26 Restrictions on public access.
1050.27 CSA implementing policies and procedures.

Subpart E—Program Income

1050.40 References.
1050.41 Definition of program income.
1050.42 Standard.
1050.43 CSA implementing policies and procedures.

Subpart F—Cost Sharing and Matching

1050.50 References.
1050.51 Definitions.
1050.52 Standards.
1050.53 Qualification.
1050.54 Valuation of grantee in-kind contributions.
1050.55 Valuation of third-party in-kind contributions.
1050.56 Supporting records for in-kind contributions from non-Federal third parties.
1050.57 CSA implementing policies and procedures.

Subpart G—Standards for Financial Management Systems

1050.60 References.
1050.61 Standards.
1050.62 CSA implementing policies and procedures.

Subpart H—Financial Reporting Requirements

1050.70 References
1050.71 Definitions.
1050.72 Standard.
1050.73 CSA implementing policies and procedures.

Subpart I—Monitoring and Reporting Program Performance [Reserved]

Subpart J—Payment Requirements

1050.90 References.
1050.91 Definitions.
1050.92 Standard.
1050.93 CSA implementing policies and procedures.

Subpart K—Revision of Financial Plans [Reserved]

Subpart L—Grant Closeout Procedures

1050.110 References.
1050.111 Definitions.
1050.112 Standards.
1050.113 CSA implementing policies and procedures.

Subpart M—Suspensions and Terminations

1050.115–1 References.
1050.115–2 Definitions.
1050.115–3 Failure to comply with grant terms and conditions.
1050.115–4 Suspension.
1050.115–5 Termination for cause.
1050.115–6 Termination for convenience.
1050.115–7 CSA implementing policies and procedures governing suspensions.
1050.115–8 CSA implementing policies and procedures governing termination of assistance.

Subpart N—Standard Form for Applying for Federal Assistance (SF 424)

1050.120 References.
1050.121 Standards.
1050.122 CSA implementing policies and procedures.

Subpart O—Property Management Standards [Reserved]

Subpart P—Procurement Standards [Reserved]

AUTHORITY: Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

2. Subpart A to Part 1050 is revised to read as follows:

Subpart A—Implementation of Uniform Federal Standards by the Community Services Administration (CSA Instruction 6800–1)

§ 1050.1 Applicability.

45 CFR 1050 is applicable to all grants and other agreements made under the Economic Opportunity Act of 1964, as amended, to public and private organizations/agencies, including those serving as delegate agencies, when the assistance is administered by the Community Services Administration.

§ 1050.2 Purpose.

The purpose of Part 1050 is to set forth the Uniform Federal Standards pursuant to OMB Circular A–110 and FMC 74–7 (A–102) and to provide grantees with CSA's policies and procedures implementing those standards the goal of which is to obtain consistency and uniformity among Federal agencies in the administration of grants to, and other agreements with, units of local and State Government, public and private institutions of higher education, public and private hospitals, and other quasi-public and private non-profit organizations.

§ 1050.3 Exceptions to the Uniform Federal Standards.

(a) *For classes of grantees.* Neither CSA nor any other Federal agency can apply more restrictive or differing requirements on a class of grantees unless (1) a statute expressly prescribes policies or specific requirements that differ from the standards or (2) the agency has received approval from the Office of Management and Budget.

(b) *For certain grantees.* CSA may impose additional requirements on individual grantees if the grantee has a history of poor performance, is not financially stable, or its management system does not meet the standards set forth in Part 1050. In those instances CSA must inform the grantee in writing as to (1) why the additional standards are being imposed and (2) what corrective action is needed. Copies of such notifications must be sent to OMB and other agencies funding the grantee at the same time the grantee is notified.

§ 1050.4 Definitions of terms as used in this part.

(a) The term "grant" means money or property provided in lieu of money paid or furnished by grantees under programs that provide financial assistance or that provide support or stimulation to accomplish a public purpose. The term "other agreements" does not include contracts which are required to be entered into and administered under procurement laws and regulations. Grants and other agreement exclude (1) technical assistance programs, which provide services instead of money, (2) assistance in the form of general revenue sharing, loans, loan guarantees, or insurance, and (3) direct payments of any kind to individuals.

(b) The term "grantee" is used by CSA in lieu of "recipient" and includes the following types of nonprofit organizations that are receiving Federal funds from a Federal agency or through a State or local government:

(1) Public and private institutions of higher education: public and private hospitals; and other quasi-public and private nonprofit organizations such as (but not limited to) community action agencies, research institutes, educational associations, and health centers. In addition, for purposes of this part, it includes private-for-profit organizations funded under Title VII of the EOA. The term does not include foreign or international organizations (such as agencies of the United Nations) and Government-owned contractor-operated facilities or research centers providing continued support for mission-oriented, large scale programs that are Government-owned, or are designed as federally-funded research and development centers.

(c) The term "delegate agency" is used by CSA in lieu of "subrecipient" and means a public or private agency, institution or organization or a State or other political jurisdiction to which the development, conduct and administration of all or part of a project assisted under the Economic Opportunity Act of 1964, as amended, has been delegated by a grantee or by another agency or organization which has received assistance by or through a grantee, but does not include individuals who ultimately receive benefits under any program or assistance.

§ 1050.5 Implementing Schema.

(a) *Responsibilities.* OMB Circular A–110 and FMC 74–7 (Cir. A–102) require all Federal agencies administering programs that involve grants and other agreements with grantees to issue appropriate implementing regulations.

(b) *Publication formats.* As with all policy statements CSA is issuing its implementing regulations both in the FEDERAL REGISTER and as part of the CSA directives system. However, a separate Part (1050) has been established in the Code of Federal Regulations within which all Uniform Federal Standards and accompanying CSA policies and procedures will be published. Also, in the CSA directives system the 6800 series will be used exclusively for promulgation of the standards. Each standard will be issued as a separate CSA Instruction within that series with accompanying CSA implementing policies and procedures (if required) to be issued as an Attachment to the appropriate Instruction. As a further means of more easily identifying the standards, CSA will deviate from its normal practice of using yellow stock to identify policy statements and will publish the standards on blue stock.

(c) *Cross Reference Index.* Following is an index which provides a cross reference to CSA implementing regulations:

Attachments to—		Title	Implementing regulations	
OMB circular A–110	FMC 74–7		CSA instruction	CFR reference
A	A	Cash Depositories	6800–2	1050.10
B	B	Bonding and Insurance	6800–3	1050.15
C	C	Retention and Custodial Requirements for Records.	6800–4	1050.20
D	E	Program Income	6800–5	1050.40
E	F	Cost Sharing and Matching	6800–6	1050.50
F	G	Standards for Financial Management Systems	6800–7	1050.60
G	H	Financial Reporting Requirements	6800–8	1050.70
H	I	Monitoring and Reporting Program Performance.	6800–9	1050.80
I	J	Payment Requirements	6800–10	1050.90
J	K	Revision of Financial Plans	6800–11	1050.100
K	L	Closeout Procedures	6800–12	1050.110
L	L	Suspension and Termination Procedures	6800–13	1050.115
M	M	Standard Form for Applying for Federal Assistance.	6800–14	1050.120
N	N	Property Management Standards	6800–15	1050.130
O	O	Procurement Standards	6800–16	1050.140

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3. This subpart sets forth standards governing the use of banks and other institutions as depositories of funds under grants and other agreements pursuant to OMB Circular A–110 and Federal Management Circular 74–7. In the past CSA has required separate bank accounts for CSA grant funds. This is now changed in that CSA, or any other Federal grant-making agency, can not require segregation for cash depositories. Other provisions in this subpart are in line with past CSA policy. Subpart B to Part 1050 is revised to read as follows:

Subpart B—Cash Depositories (Uniform Federal Standard) (CSA Instruction 6800–2)

§ 1050.10 Physical segregation and eligibility.

Except for situations described in §§ 1050.11, 1050.12 and 1050.13 the Community Services Administration does not:

(a) Require physical segregation of cash depositories for CSA funds which are provided to a grantee.

(b) Establish any eligibility requirements for cash depositories for CSA funds which are provided to a grantee.

§ 1050.11 Letter of credit—checks paid basis.

A separate bank account is required when applicable letter-of-credit agreements provide that drawdowns will be made when the grantee's checks are presented to the bank for payment.

§ 1050.12 FDIC insurance coverage.

Any monies advanced to a grantee which are subject to the control or regulation of the United States or any of its officers, agents or employees' (public monies as defined in Treasury Circular No. 176, as amended) must be deposited in a bank with Federal Deposit Insurance Corporation (FDIC) insurance coverage and the balance exceeding the FDIC coverage must be collaterally secured.

§ 1050.13 Minority-owned banks.

Consistent with the national goal of expanding the opportunities for minority business enterprises, grantees and delegate agencies are encouraged to use minority banks (a bank which is owned at least 50 percent by minority group members).

4. This subpart sets forth bonding and insurance requirements for grants and other agreements with grantees pursuant to Attachment B of Circular A–110 and Attachment B to FMC 74–7. As of the effective date of this subpart public agencies receiving CSA funds for the first initial grant will no longer be required to submit assurance of bonding (except for construction or facility improvements) to CSA. However, as in the past nongovernmental grantees will continue to be required to submit such notice of bonding. Coverage, length of duration, and responsibility vis-a-vis delegate agencies also continue to reflect the policies previously published in OEO Instruction 6809–01. Public grantees should take note of their continuing responsibilities vis-a-vis nongovernmental delegate agencies. Subpart C to Part 1050 is revised to read as follows:

Subpart C—Bonding and Insurance (Uniform Federal Standard) (CSA Instruction 6800–3)

§ 1050.15 References.

(1) OMB Circular A–110, Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations (Attachment B).

(2) FMC 74–7, Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments (Attachment B).

(3) CSA Instruction 6710–6, Applying for a grant under Title VII of the Community Services Act.

(4) CSA Instruction 6710–8, Preparing a Budget for a Title VII grant under the Community Services Act.

(5) CSA Instruction 6143–1a, Emergency Energy Conservation Program (45 CFR 1061.30).

§ 1050.16 Standard.

(a) In administering CSA grants, grantees shall observe their regular requirements and practices with respect to bonding and insurance. CSA will not impose additional bonding and insurance requirements including fidelity bonds, except as provided in (b) through (d) below.

(b) *Construction and facility improvement.* The recipient of a CSA grant which requires contracting or facility improvement (including any CSA grant which provides for alterations or renovations of real property) shall follow its own requirements and practices relating to bid guarantees, performance bonds, and payment bonds except for contracts exceeding $100,000. For contracts exceeding $100,000, CSA may determine that the grantee's bonding provisions adequately protect the Federal Government's interest; otherwise the minimum requirements shall be as follows:

(1) A bid guarantee from each bidder equivalent to five percent of the bid price. The bid guarantee shall consist of a firm commitment such as a bid bond, certified check or other negotiable instrument accompanying a bid as assurance that the bidder will upon acceptance of his bid, execute such contractual documents as may be required within the time specified.

(2) A performance bond on the part of the contractor for 100 percent of the contract price. A performance bond is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under the contract.

(3) A payment bond on the part of the contractor for 100 percent of the contract price. A payment bond is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

(c) *Loan guarantees.* Where in connection with a CSA grant, CSA also guarantees the payment of money borrowed by the grantee, CSA may, at its discretion, require adequate bonding and insurance if the bonding and insurance requirements of the grantee are not deemed adequate to protect the interests of the Federal Government.

(d) *Fidelity bonds.* If the grantee is a nongovernmental organization, CSA requires adequate fidelity bond coverage.

(e) *Source of bonds.* Any bonds obtained pursuant to (b)(1) through (3), (c) or (d) shall be obtained from companies holding certificates of authority as acceptable sureties (31 CFR 223).

§ 1050.17 CSA implementing policies and procedures.

(a) *Policy.* OMB Circular A–110 permits Federal agencies to require fidelity bond coverage of its nongovernmental grantees if the bonding and insurance requirements of the grantee are not deemed adequate to protect the interest of the Federal Government. Therefore, CSA will require evidence of appropriate bonding or assurance that arrangements have been made to obtain such coverage in line with the following policies and procedures.

(1) *Bond coverage of officials.*—(i) *Assurance of fidelity bond coverage.* (A) Prior to the release of funds to any nongovernmental grantee for the first initial grant CSA must receive written assurance that the grantee has or has made arrangements for appropriate bonding of grantee officials. This assurance will take the form of a letter from a bonding company or agent stating the type of bond, amount and period of coverage, positions covered, and the annual cost of the bond that has been obtained.

(ii) *Coverage.* In all other situations, nongovernmental grantees must either have secured or must take steps to secure fidelity bond coverage in line with the following guides:

(A) Coverage should be secured in the aggregate amount of $25,000 for persons authorized to sign or countersign checks or to disburse sizeable amounts of cash (such as for payrolls). Persons who handle only petty cash need not be bonded. Nor is it necessary to bond officials who are authorized to sign Payment Vouchers, but who are not authorized to sign or countersign checks or to disburse cash.

(B) Grantees normally should obtain a 3 year bond, payable annually, with an option to cancel in the event the program terminates before three years. Such terms are available from most surety companies.

(iii) *Responsibility vis-a-vis delegate agencies.* Grantees—both public and private—are responsible for assuring that appropriate officials of nongovernmental delegate agencies are bonded. Coverage for officials of delegate agencies which are private organizations shall be equal to the average of funds to be expended each month (up to an aggregate amount of $25,000.) If a delegate agency will expend less than $1,000 per month in program funds, on the average, bond coverage is not required.

(b) *Procedures.* Copies of bonds secured by the grantee and by delegate agencies should be filed by the grantee and need not be submitted to CSA.

(c) *Affect of this Subpart on other CSA Policies and Procedures.* (1) OEO Instruction 7570–1, pp. 17 and 18, item 11.(3) Bonding: The three paragraphs are superseded and the sentence "See Instruction 6800–3 regarding applicability of bonding requirements and procedures." should be inserted.

(2) OEO Instruction 7570–2, p. 7, item 8.b: The period at the end of the sentence is deleted and the sentence "(See CSA Instruction 6800–3 regarding applicability of bonding requirements and procedures.)" should be inserted.

5. The purpose of this subpart is to set forth the Uniform Federal Standard for the retention and custody of records in accordance with the provisions of references (1) and (2) of this subpart.

This policy requires the revision of two existing CSA policies, OEO Instruction 6801–1 which currently requires a retention period of five years and CSA Instruction 7050–1 (General Conditions) which requires retention for 3 years after expiration of the grant. This subpart also details the starting date for the retention period and who shall have access to records in order to make audits, examinations, excerpts and transcripts.

This new policy statement does not affect IRS' requirement that all employment tax records be kept for a period of at least four years, (OEO Instruction 6810–1, page 7). Nor does it affect the one year retention requirement of reports filed with the local office of the State employment service as part of the program to assist Vietnam era veterans, (OEO Instruction 6901–2). 45 CFR Chapter X is amended by adding the following:

Subpart D—Retention and Custodial Requirements for Records (Uniform Federal Standard) (CSA Instruction 6800–4)

§ 1050.20 References.

(1) OMB Circular A–110, Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations (Attachment C).

(2) FMC 74–7, Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments (Attachment C).

(3) CSA Instruction 6800–5, Program Income (Uniform Federal Standard) (45 CFR 1050.40).

(4) CSA Instruction 6800–15, Property Management Standards (Uniform Federal Standard) (45 CFR 1050.130).

(5) OEO Instruction 6801–1, Grantee Fiscal Responsibility and Auditing.

(6) OEO Instruction 6810–1, Grantee Compliance with IRS Requirements for Withheld Federal Income and Social Security Taxes.

(7) CSA Instruction 7050–1, General Conditions Governing CSA Grants Funded Under Titles II, III–B and VII of the EOA of 1964 as amended (45 CFR 1067.5).

§ 1050.21 Documents affected.

Financial records, supporting documents, statistical records, and all other records pertinent to a grant are covered by the requirements in this subpart.

§ 1050.22 Length of retention period.

Except as provided in paragraphs (a) and (b) of this section and reference (6) (employer's tax records), records shall be retained for three years.

(a) If any litigation, claim or audit by or on behalf of the Federal Government involving the records has not been fully resolved before the expiration of the three-year period, the records shall be retained until resolution or until the end of the regular three-year period, whichever is later. In no case, however, will CSA require retention of records relating to any grant with respect to which actions by the United States to recover for diversion of money paid under the grant are barred by the statute of limitations in 28 U.S.C. 2415(b). That statute bars legal actions unless filed within six years after the right of action accrues. The six years excludes any periods in which the circumstances listed in 28 U.S.C. 2416 apply, e.g., material facts cannot be known, or a state of war exists.

(b) In order to avoid duplicate recordkeeping, CSA may make special arrangements with grantees to retain any records which are continuously needed for joint use. CSA will request transfer of records to its custody from grantees when it determines that the records possess long-term retention value. When the records are transferred to or maintained by CSA, the three-year retention requirement is not applicable to the grantee.

§ 1050.23 Starting date of retention period.

(a) *General.* Except for records covered by paragraphs (1) and (2) of this section, where CSA grant support is continued or renewed on an annual basis, the retention period for each year's records starts from the date of submission to CSA of the grantee's annual or last financial report for that year; in all other cases the retention period starts from the date of submission to CSA of the grantee's final financial report.

(1) *Records for non-expendable property.* The retention period for records for non-expendable property required by reference (4) starts from the date of disposition of the property. However, for property that has been replaced pursuant to reference (4), the retention period starts from the disposition of the replacement property.

(2) *Records pertaining to certain classes of income.* For records that relate to classes of program income subject to reference (3), the three-year retention period starts from the date the income is earned.

§ 1050.24 Substitution of Microfilm.

Microfilm copies may be substituted for the original records.

§ 1050.25 Access to records.

(a) CSA and the Comptroller General of the United States, or any of their authorized representatives, shall have the right of access to any books, documents, papers, or other records of the grantee which are pertinent to a specific CSA grant, in order to make audits, examinations, excerpts and transcripts.

(b) In case of a delegation under a CSA grant, CSA, the Comptroller General of the United States, the grantee, any intermediate delegate agency or any of their authorized representatives shall have the right of access, at any time prior to expiration of the retention period, to any books, documents, papers or other records of the ultimate delegate agency which any of them determines are pertinent to the CSA grant, in order to make audits, examinations, excerpts and transcripts.

(c) In the case of a contract (or subcontract) under a CSA grant, CSA, the Comptroller General of the United States, the grantee, any intermediate delegate agency, contractor, or sub-contractor, or any of their authorized representatives shall have the right of access, at any time prior to expiration of the retention period, to any books, documents, papers or other records of the contractor or sub-contractor which any of them determines are pertinent to the CSA grant, in order to make audits, examinations, excerpts and transcripts.

§ 1050.26 Restrictions on public access.

(a) *Private Grantees.* Unless otherwise required by law, CSA will not place restrictions on grantees which will limit public access to records covered by this subpart except when CSA has determined that the records must be kept confidential and would have been excepted from disclosure pursuant to the Freedom of Information Act if the records had belonged to CSA.

(b) *Public Grantees.* Unless otherwise required by law, CSA will not place restrictions on State and local governments which will limit public access to the State and local governments' records except when records must remain confidential. Following are some of the reasons for withtholding records:

(1) Prevent a clearly unwarranted invasion of personal privacy.

(2) Specifically required by statute or Executive Order to be kept secret.

(3) Commercial or financial information obtained from a person or a firm on a privileged or confidential basis.

§ 1050.27 CSA implementing policies and procedures.

(a) Changes to Existing CSA Policy Statements.

(1) Following are changes to be made to OEO Instruction 6801–1, page 10, item 6, second sentence: Everything appearing after the word "retained" is deleted and the following inserted:

• • • for the time period and in the manner prescribed by CSA's policy on retention and custodial requirements for records. (See CSA Instruction 6800–4.)

(2) Following are changes to be made to CSA Instruction 7050–1, page 4, item 12, line 9: Everything appearing after the word "retained" is deleted and the following added:

• • • for the time period and in the manner prescribed by CSA's policy on retention and custodial requirements for records. (See CSA Instruction 6800–4.)

6. The purpose of this subpart is to set forth the Uniform Federal Standard

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pursuant to OMB Circular A–110 and Federal Management Circular 74–7 and CSA's implementing policies and procedures relating to program income, interest, and other monetary proceeds resulting from projects funded in whole or in part with CSA grant funds. This subpart reflects past CSA policy regarding the use of interest and program income, i.e. that interest must be returned to the Treasury (exception: States and their instrumentalities), and that program income may be retained by the grantee for specific uses. However, the Federal standards include several policies which CSA has not previously enunciated and which should be noted:

1. A public grantee, after termination or completion of a grant must return to the Federal agency any royalties of $200 or more earned by the Federal share in the absence of other specific agreements between CSA and the grantee.

2. Interest earned will now be reported on a new Standard Form (SF 272) and program income on a new financial report form, SF–269 and on SF–272.

45 CFR Chapter X is amended by adding the following:

Subpart E—Program Income (Uniform Federal Standard) (CSA Instruction 6800–5)

§ 1050.40 References.

(1) OMB Circular A–110, Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations. (Attachment D.)

(2) FMC 74–7, Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments (Att. E).

(3) CSA Instruction 6158–3, Small Business Programs Funded by CDCs (45 CFR 1076.20).

(4) CSA Instruction 6800–8, Financial Reporting Requirements (45 CFR 1050.70).

(5) CSA Instruction 6800–15, Property Management Standards (45 CFR 1050.130).

(6) OEO Guidance 6801–1, Grantee Financial Control Techniques.

(7) GSA Instruction 7050–1, General Conditions Governing CSA. Grants Under Titles II, III–B, and VII of the EOA of 1964 as amended (45 CFR § 1067.5).

§ 1050.41 Definition of program income.

Program income represents gross income earned by the grantee from CSA funded activities. Such earnings exclude interest earned on advances and may include, but will not be limited to, income from service fees, sale of commodities, usage or rental fees, and royalties on patents and copyrights.

§ 1050.42 Standard.

(a) *Interest.* Interest earned on advances of Title II funds shall be remitted to the Community Services Administration except for interest earned on advances to States or instrumentalities of a State as provided by the Intergovernmental Cooperation Act of 1968 (Pub. L. 90–577).

(b) *Program Income*—(1) *Sale of Real and Personal Property.* Proceeds from the sale of real and personal property either provided by CSA or purchased in whole or in part with CSA funds shall be handled in accordance with § 1050.130 (CSA Instruction 6800–15).

(2) *Royalties earned from copyrights or patents.* (i) Unless the grant provides otherwise, grantees shall have no obligation to the Community Services Administration with respect to royalties as a result of copyrights or patents produced under the grant. (See references (5) and (7).)

(ii) However, in the case of public grantees, if after termination or completion of the grant, there is an excess of royalties of $200 or more earned annually by the Federal share these sums shall be returned to CSA in the absence of other specific agreements between CSA and the grantee.

(3) *Other program income.* All other program income earned during the project period shall be retained by the grantee and, in accordance with the grant, shall be:

(i) Added to funds committed to the project by the Community Services Administration and the grantee and be used to further eligible program objectives; or

(ii) Deducted from the total project cost in determining the net cost on which the Federal share of costs will be based.

§ 1050.43 CSA implementing policies and procedures.

(a) *Policy*—(1) *Service fees.* Under limited circumstances CSA may approve the charging of a fee to grantees of services supported with CSA funds. Such approval, however, does not allow the grantee to use Federal funds to produce income for the benefit of the grantee.

(b) *Procedures.*—(1) *Return of interest.* Interest earned on the investment of CSA funds will be reported on SF–272, item 13.a (see reference (4)) and a check payable to the Treasurer of the United States for the earned interest should be attached to the report and sent to the CSA office responsible for administering the grant.

(2) *Return of royalties.* Public grantees who have royalty fees which must be returned to CSA (see § 1050.42(b)(2)) shall do so by forwarding a check, payable to the Treasurer of the United States, to the CSA office which had been responsible for administering the grant.

(3) *Other program income.* The CSA office responsible for administering the grant will also be responsible for determining the manner and grant period in which income retained by grantees is used within the constraints of the Standard outlined in § 1050.42(b)(3).

(4) *Reporting program income.* Program income will be reported on SF 269, Financial Status Report and on SF 272, Federal Cash Transactions. (See reference (4).)

7. This subpart sets forth criteria and procedures pursuant to OMB Circular A–110 and Federal Management Circular 74–7 (OMB Circular A–102) for the allowability of cash and in-kind contributions made by grantees and delegate agencies and criteria for the valuation of donated contributions such as personal services, property, etc. The Standards set forth in this subpart and the accompanying CSA implementing policies and procedures basically reflect the policy statements previously found in OEO Instruction 6802–1a and CSA Instruction 6802–2 with three major exceptions, i.e. there is no longer a prohibition against counting volunteer time of grantee staff and/or board members as a non-Federal share contribution when the services contributed are not required of individuals in their capacities as board members or staff; and, under certain circumstances, non-Federal funds contributed to pay salaries in excess of $15,000 may be counted toward the non-Federal share requirement; and general revenue sharing funds may now be used as the non-Federal matching share for other Federal grants. 45 CFR Chapter X is amended by deleting § 1068.9–1 through 9–5 and § 1068.10–1 through § 1068.10–9 and adding a new subpart as follows:

Subpart F—Cost Sharing and Matching (Uniform Federal Standard) (CSA Instruction 6800–6)

§ 1050.50 References.

(1) OMB Circular A–110, Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations (Attachment E).

(2) Federal Management Circular 74–7 (or OMB Circular A–102) Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments (Attachment F).

(3) CSA Instruction 6802–3, Non-Federal Share Requirements for Title II, sections 221, 222(a) and 231 Programs (45 CFR § 1068.20).

(4) CSA Instruction 6802–4, Additional Communities Eligible for Waivers of Non-Federal Share Requirement (Puerto Rico, Trust Territories, the Virgin Islands, and Indian Tribes on Reservations (45 CFR § 1068.21).

(5) CSA Instruction 6802–5, Eligibility for Waiver of Increased Non-Federal Share Contribution (45 CFR 1068.22).

(6) OEO Instruction 7641, Waiver of Non-Federal Share of Program Costs for Certain Title I–D Programs.

§ 1050.51 Definitions.

(a) *Project costs.* Project costs are all allowable costs (as set forth in the applicable Federal cost principles) incurred by a grantee and the value of the in-kind contributions made by the grantee or third parties in accomplishing the objectives of the grant or other agreement during the project or program period.

(b) *Cost sharing and matching.* In general, cost sharing and matching represent that portion of project or program costs not borne by the Federal Government.

(c) *Cash contributions.* Cash contributions represent the grantee's cash outlay, including the outlay of money contributed to the grantee by non-Federal third parties.

(d) *In-kind contributions.* In-kind contributions represent the value of non-cash contributions provided by the grantee and non-Federal third parties. Only when authorized by Federal legislation, may property purchased with Federal funds be considered as the grantee's in-kind contributions. In-kind contributions may be in the form of charges for real property and non-expendable personal property, and the value of goods and services directly benefiting and specifically identifiable to the project or program.

§ 1050.52 Standards.

(a) *Costs and contributions acceptable.* (1) Cost sharing or matching may consist of: (i) Charges incurred by the grantee as project costs. (Not all charges require cash outlays by the grantee during the project period: examples are depreciation and use charges for building and equipment.) (ii) Project costs financed with cash contributed or donated to the grantee by other non-Federal public agencies and institutions, and private organizations and individuals, except as provided in (i) below:

(A) Generally, any funds provided for payment of salaries in excess of $15,000 shall not be counted as a non-Federal share contribution toward a Title II grant per Section 244(2) of the Economic Opportunity Act of 1964 as amended. However, these funds may be counted as a non-Federal share donation in those cases "* * * (particularly in large metropolitan areas) where, because of the need for specialized or professional skills or prevailing local salary levels, application of the * * * restriction would greatly impair program effectiveness or otherwise be inconsistent with the purposes sought to be achieved." [1] Grantees who wish to request such an exception will submit data and written justification to the appropriate CSA Administering Office and the Administering Office's response shall be retained by the grantee for audit purposes.

(B) Project costs represented by services and real and personal property, or use thereof, donated by other non-Federal public agencies and institutions, and private organizations and individuals.[2]

§ 1050.53 Qualifications.

(a) All contributions, both cash and in-kind, shall be accepted as part of the grantee's cost sharing and matching when such contributions meet all of the following criteria:

(1) Are verifiable from the grantee's records;

(2) Are not included as contributions for any other federally assisted program;

(3) Are necessary and reasonable for proper and efficient accomplishment of project objectives;

(4) Are types of charges that would be allowable under the applicable cost principles;

(5) Are not paid by the Federal Government under another assistance agreement unless the agreement is authorized by Federal law to be used for cost sharing or matching, e.g., General Revenue Sharing; Title I of the Housing and Community Development Act of 1974, Pub. L. 93–383;

(6) Are provided for in the approved budget when required by CSA; and

(7) Conform to other provisions of this subpart.

§ 1050.54 Valuation of grantee in-kind contributions.

Values for grantee in-kind contributions will be established in accordance with the applicable cost principles.

§ 1050.55 Valuation of third-party in-kind contributions.

(a) *Valuation of volunteer services.* Volunteer services may be furnished by professional and technical personnel, consultants, and other skilled and unskilled labor. Volunteer services may be counted as cost sharing or matching if the service is an integral and necessary part of an approved program.

(1) *Rates for volunteer services.* Rates for volunteers should be consistent with those paid for similar work in the grantee's organization or which those paid for similar work in the labor market in which the grantee competes for the kind of services involved.

(2) *Volunteers employed by other organizations.* When an employer other than the recipient furnishes the services of an employee, these services shall be valued at the employee's regular rate of pay (exclusive of fringe benefits and overhead costs) provided these services are in the same skill for which the employee is normally paid.

(b) *Valuation of donated, expendable personal property.* Donated, expendable personal property includes such items as expendable equipment, office supplies, laboratory supplies or workshop and classroom supplies. Value assessed to expendable personal property included in the cost or matching share should be reasonable and should not exceed the market value of the property at the time of the donation.

(c) *Valuation of donated, nonexpendable personal property, buildings, and land or use thereof.* (1) The method used for charging cost sharing or matching for donated nonexpendable personal property, buildings and land may differ according to the purpose of the grant or other agreement as follows:

(i) If the purpose of the grant or other agreement is to assist the grantee in the acquisition of equipment, buildings or land, the total value of the donated property may be claimed as cost sharing or matching.

(ii) If the purpose of the agreement is to support activities that require the use of equipment, buildings or land, depreciation or use charges for equipment and buildings may be made. The full value of equipment or other capital assets and fair rental charges for land may be allowed provided that the Community Services Administration has approved the charges.

(2) The value of donated property will be determined in accordance with the usual accounting policies of the grantee with the following qualifications:

(i) *Land and buildings.* The value of donated land and buildings may not exceed its fair market value, at the time of donation to the grantee as established by an independent appraiser (e.g., certified real property appraiser or GSA representatives) and certified by a responsible official of the grantee.

(ii) *Nonexpendable personal property.* The value of donated nonexpendable personal property shall not exceed the fair market value of equipment and property of the same age and condition at the time of donation.

(iii) *Use of space.* The value of donated space shall not exceed the fair rental value of comparable space as established by an independent appraisal of comparable space and facilities in a privately-owned building in the same locality.

(iv) *Loaned equipment.* The value of loaned equipment shall not exceed its fair rental value.

§ 1050.56 Supporting records for in-kind contribution from non-Federal third parties.

(a) Volunteer services must be documented and, to the extent feasible, supported by the same methods used by the grantee for its employees. (See § 1050.57.)

(b) The basis for determining the valuation for personal services, material, equipment, buildings and land must be documented. (See § 1050.57.)

§ 1050.57 CSA implementing policies and procedures.

(a) *CSA Legislative Non-Federal Share Requirements.* Sections 225(c), 235(b), and 714 of the Economic Opportunity Act of 1964 as amended require the contribution of non-Federal share by grantees funded under Sections 221, 222 (a), 235, and 712 of that Act. In addition the Director of the Community Services Administration may administratively require a non-Federal share contribution from grantees funded under other sections of the Act if the grants are administered by Community Services Administration. Policies and procedures implementing the legislative requirements of the Economic Opportunity Act will be found in references (3) through (6) of this subpart.

[1] Section 244(2) of the EOA of 1964, as amended.

[2] This includes volunteer services of board members. However, to be counted these services must be other than those required of them in their capacities as board members. For example, time spent at board or committee meetings by a board member who is a doctor would not be acceptable but time spent by him/her working in a clinic would be accepted. This also allows volunteer services of staff to be counted as non-Federal share when such services are not required by the positions they hold. (Grantees are reminded that any work performed by staff members which is in line with the normal responsibilities of their positions and is in excess of the normal weekly working hours is covered by the CSA overtime regulations (see OEO Instruction 6000–01) and can not be considered as a non-Federal share contribution.)

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(b) *Accounting for the non-federal share.* (1) The Statement of CSA Grant, Form 314, shows the minimum percentage of total program expenditures which non-Federal funds must constitute in the grant period. The grantee is expected to maintain the rate of contribution of the non-Federal share so that throughout the grant period Federal funds will not be used to pay for a substantially larger percentage of project costs than the Federal funds shown on the Statement of CSA Grant constitute.

(2) It is important to note that the Federal share may never exceed either the dollar amount shown on the Statement of CSA Grant or the maximum percentage of the total program expenditures that this constitutes. The grantee must provide only sufficient non-Federal contributions so that the Federal share remains at or below the maximum percentage; however, the grantee may choose to provide additional non-Federal share, to insure a margin of safety, in the event that annual audits disallow some contributions.

(3) The non-Federal share may be provided in one program account for the entire grant or it may be spread among several program accounts. (See reference (3) to this subpart.)

(4) Non-Federal share contributions of cash shall be recorded as they occur. It is not necessary to maintain separate ledger accounts for the expenditures of grantee cash.

(5) All in-kind contributions, including those applicable to delegate agencies, must be recorded in the ledger accounts, either in separate accounts or in separate columns, as grant costs when the in-kind services or goods are performed or received. Records, including required supporting documentation, on in-kind services or goods performed or received must be established and maintained on a current basis.

(6) The non-Federal share is subject to audit, as is the Federal share.

(c) *Required documentation—Volunteered services.* All volunteered services claimed as non-Federal share must be substantiated by time cards or records that are signed by both the volunteer and his supervisor as is required for all other employees. Such records must show the actual hours worked and the specific duties performed .They should also indicate the basis for determining the rate of volunteer's contribution and such documentation must be available for audit.

(8) This subpart sets forth the standards for grantee financial management systems pursuant to the Uniform Federal Standard contained in Attachment F of OMB Circular A–110 and Attachment G of Federal Management Circular 74–7 and outlines CSA procedures to be followed in implementing the standards. The Uniform Federal Standards in this subject area do not conflict with any policies, procedures or other requirements previously imposed by CSA nor do they impose any additional requirements.

Subpart G—Standards for Financial Management Systems (Uniform Federal Standard) (CSA Instruction 6800–7)

§ 1050.60 References.

(1) OMB Circular A–110, Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations (Attachment F).

(2) FMC 74–7, Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments. (Attachment G.)

(3) OEO Instruction 6710–02, Instruction for Defining Cost Categories.

(4) CSA Instruction 6710–7, Amending a Grant Under Title VII of the Community Services Act.

(5) CSA Instruction 6710–8, Preparing a Budget for a Title VII Grant Under the Community Services Act.

(6) CSA Instruction 6800–6, Cost Sharing and Matching (Uniform Federal Standard). (45 CFR 1050–50.)

(7) OEO Instruction 6801–1, Grantee Fiscal Responsibility and Auditing, and Changes 1 and 2 to that Instruction.

(8) OEO Instruction 6803–1a, Allowances and Reimbursements for Members of Policy Making Bodies.

(9) OEO Instruction 6803–2, Allowability of Costs Incurred to Borrow Funds.

(10) OEO Instruction 6806–01, Establishing and Maintaining Program Accounts.

(11) OEO Instruction 6806–04, Accounting for Delegated or Contracted Activities.

(12) OEO Instruction 6807–1, Limitation on CAA Administrative Costs.

(13) CSA Instruction 7050–1, General Conditions Governing CSA Grants Funded Under Titles II, III–B and VII of the EOA of 1964 as amended. (45 CFR 1067.5.)

(14) OEO Instruction 7570–1, Applying for a New Research or Demonstration Grant Under the Economic Opportunity Act.

(15) OEO Instruction 7570–2, Applying for Continuation of a Research or Demonstration Grant Under the Economic Opportunity Act.

§ 1050.61 Standards.

(a) Following are the standards for financial management systems for grantees. (References (3) through (15) contain CSA's detailed implementing policies and procedures.) CSA will impose no additional standards on grantees unless they are specifically provided for in applicable statutes. Grantees' financial management systems will provide for the following: (1) Accurate, current and complete disclosure of each CSA sponsored project or program in accordance with the financial reporting requirements set forth in § 1050.70 (CSA Instruction 6800–8).

(2) Records that identify adequately the source and application of funds for CSA sponsored projects. These records shall contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, outlays and income.

(3) Effective control over and accountability for all funds, property and other assets. Grantees shall adequately safeguard all such assets and shall assure that they are used solely for authorized purposes.

(4) Comparison of actual outlays with budget amounts for each grant or other agreement. Financial information should be related to performance and unit cost data.

(5) Procedures to minimize the time elapsing between the transfer of funds from the U.S. Treasury and the disbursement by the grantee, whenever funds are advanced by the Federal Government. When advances are made by a letter-of-credit method, the grantee shall make drawdowns as close as possible to the time of making disbursement.

[See § 1050.90 (Instructions 6800–10) for letter-of-credit procedures.]

(6) Procedures for determining the reasonableness, allowability and allocability of costs in accordance with the provisions of the applicable Federal cost principles and the terms of the grant or other agreement.

(7) Accounting records that are supported by source documentation.

(8) Examinations in the form of audits or internal audits.[1] Such audits shall be made by qualified individuals who are sufficiently independent of those who authorize the expenditure of Federal funds, to produce unbiased opinions, conclusions or judgments. They shall meet the independence criteria along the lines of Chapter 3, Part 3 of the U.S. General Accounting Office publication, Standards for Audit of Governmental Organizations, Programs, Activities and Functions. These examinations are intended to ascertain the effectiveness of the financial management systems, and internal procedures that have been established to meet the terms and conditions of the agreements.

It is not intended that each agreement awarded to the grantee be examined. Generally examinations should be conducted on an organization wide basis to test the fiscal integrity of financial transactions, as well as compliance with the terms and conditions of Federal grants and other agreements. Such tests will include an appropriate sampling of Federal agreements.[2] Examination will be conducted with reasonable frequency on a continuing basis or at scheduled intervals but at least annually in accordance with reference (7) and Section 243 of the Economic Opportunity Act of 1964 as amended.

(9) Audits to be made by the grantee or at his direction to determine, at a minimum, the fiscal integrity of financial transactions and reports, and the compliance with laws, regulations, and administrative requirements. The grantee will schedule such audits annually in accordance with reference (7) and section 243 of the Economic Opportunity Act of 1964 as amended.[3]

[1] Applicable to private grantees only.

[2] Because Section 243 of the Economic Opportunity Act of 1964, as amended, requires more frequent audits, i.e., at least annually, than that prescribed for grants funded by most other Federal agencies, the independent auditor may be requested by the grantee to examine CSA agreements only. In those cases, of course, the audit would limit his/her examination to CSA agreements and would include a sampling of CSA agreements only.

[3] Applicable to public grantees only.

(10) A systematic method to assure timely and appropriate resolution of audit findings and recommendations.

(b) *Delegate agencies.* Grantees shall require delegate agencies to adopt the standards in § 1050.61(a) except for the requirement in (5), regarding the use of the letter-of-credit method and that part of (1) regarding reporting forms and frequencies prescribed in § 1050.70 (CSA Instruction 6800–8).

§ 1050.62 CSA implementing policies and procedures.

(See references (3) through (15) of this subpart for CSA's implementing policies and procedures as they relate to the standards set forth in this subpart.)

9. This subpart sets forth the standards for grantee financial reporting as prescribed by Attachment G to OMB Circular A–110 and Attachment H to FMC 74–7 (OMB Circular A–102) and CSA's procedures for completing SF 269, Financial Status Report; SF–271, Outlay Report and Report for Reimbursement of Construction Programs; and SF 272, Federal Cash Transactions Report. OMB Circular A–110 and FMC 74–7 prescribe new financial reporting forms to be used by all Federal agencies with grants-in-aid programs. Consequently, beginning with quarters ending April 30, 1977 CSA will require that grantees submit SF 269, Financial Status Report, to fulfill the quarterly financial reporting requirement in lieu of the currently used CSA Form 315. Grantees also will be required to submit a new form SF–272, Federal Cash Transactions Report at the same time, but not necessarily with, the SF–269. There is an additional form (SF–271, Outlay Report and Request for Reimbursement for Construction Programs) which may be used and/or required under certain circumstances as described in this subpart. Frequency of submission of the financial reports will not change nor will the distribution of such reports. An initial supply of Standard Forms 269 and 272 will be forwarded to grantees. They will accompany the standards when they are distributed in the form of CSA Instructions. Additional supplies of these and other referenced forms are available from the CSA Publications and Distribution Center.

Subpart H—Financial Reporting Requirements (Uniform Federal Standard) (CSA Instruction 6800–8)

§ 1050.70 References.

(1) OMB Circular A–110, Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations (Attachment G).

(2) FMC 74–7, (or OMB Circular A–102) Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments (Attachment H).

(3) OEO Instruction 6807–1, Limitation on CAA Administrative Reports.

§ 1050.71 Definitions.

(a) *Accrued expenditures.* Charges incurred by the grantee during a given period requiring the provision of funds for: (1) goods and other tangible property received; (2) services performed by employees, contractors, delegate agencies, and other payees; and (3) amounts becoming owed by the grantee under programs for which no current services or performance are required by the grantee.

(b) *Accrued income.* The earnings during a given period which is a source of funds resulting from (1) services performed by the grantee, (2) goods and other tangible property delivered to purchasers, and (3) amounts becoming owed to the grantee for which no current services or performance are required by the grantee.

(c) *Disbursements.* Payments in cash or check.

(d) *Federal funds authorized.* Represents the total amount of the Federal funds (in this case CSA funds) authorized for obligations as established in the grant document. This amount shall include any authorized carryover of unobligated funds from prior fiscal or program year.

(e) *In-Kind contributions.* Represent the value of noncash contributions provided by (1) the grantee, (2) other public agencies and institutions, and (3) private organizations and individuals. In-kind contributions may consist of charges for real property and equipment, and value of goods and services directly benefiting and specifically indentifiable to the grant program. When authorized by Federal legislation property purchased with Federal funds may be considered as grantee's in-kind contribution.

(f) *Obligations.* The amounts of orders placed, contracts and grants awarded, services received, and similar transactions during a given period, which will require payment during the same or a future period.

(g) *Outlays.* Represent charges made to the grant project or program. Outlays can be reported on a cash or accrued expenditure basis.

(h) *Program income.* Represents earnings by the grantee realized from the grant-supported activities. Such earnings exclude interest income and may include, but will not be limited to, income from services fees, sale of commodities, usage or rental fees, sale of assets purchased with grant funds, and royalties on patents and copyrights. Program income can be reported on a cash or accrued income basis.

(i) *Unobligated balance.* The portion of the funds authorized by CSA which has not been obligated by the grantee and is determined by deducting the cumulative obligations from the funds authorized.

(j) *Unliquidated obligations.* Represent the amount of obligations incurred by the grantee which have not been paid.

(k) *Program year.* A grantee's 12-month accounting period. For Community Action Agencies this is the funding period for the principal grant that provides funds for most of the grantee's administrative costs. For other agencies funded by CSA, this is their usual 12-month accounting period which may or may not correspond with funding period of their grant(s) from CSA.

(l) *Funding period.* A program account funding period extends from the effective date of a new or refunding action through the termination date, or expiration of the planned number of months for which funds are provided.

§ 1050.72 Standard.

(a) CSA will continue to utilize either the Letter of Credit or the predetermined monthly check issue as the two methods for making funds available to all construction and nonconstruction projects or programs. For the purpose of determining the status of those funds and to insure sound cash management on the part of grantees and delegate agencies CSA requires the submission of the following quarterly reports:

(1) *Reports required.* (A) Financial Status Report, SF 269 (for nonconstruction projects or programs).

(B) Federal Cash Transactions Report, SF 272 (and 272A—Continuation Sheet, if necessary).

(C) Outlay Report and Request for Reimbursement for Construction Programs, SF 271 (for construction programs only).

(2) *Preparation of reports.* Reports may be prepared on either a cash or an accrual basis with the appropriate indication on the report as to the method utilized. In the event that CSA should require all reports to be submitted on an accrual basis grantees will not be required to convert their accounting system, but shall develop such accrual information through estimates based on an analysis of documentation on hand.

(3) *Submission.* Reports are required within 15 working days after the end of each quarter of the grantees program year with a final report due within 90 days after the completion or termination of the grant. Extensions to reporting dates may be approved upon request of the grantee. CSA may require monthly reports from grantees with awards of $1 million or more annually.

(b) *SF 272, report of Federal cash transactions.* (1) CSA will use this report to monitor cash advanced to grantees and to obtain disbursement information for each agreement from the grantees. (2) CSA requires that grantees indicate in the "remarks" section of the SF 272 report the reason(s) for having and the need for retaining a cash balance of Federal funds in excess of current operating needs. For grantees on Letter of Credit current needs will relate to the amount of time required to fully effect a draw down in order to meet daily disbursement requirements. For grantees on monthly check issue current cash needs will mean a cash balance no greater than is necessary to meet operating requirements.

(c) *Additional reporting requirements.* When CSA needs additional information or more frequent reports in order to comply with legislative requirements or to monitor a grantee that has failed to meet the Standard for Financial Management as defined in CSA Instruction 6800–7, CSA will, prior to making any such request, adhere to the requirements imposed by OMB Circular No. A–40.

(d) CSA has the option of shading out any line item on any report that is unnecessary for decision-making purposes.

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(e) CSA will accept the identical information from grantees in machine usable format or computer printouts in lieu of prescribed formats.

(f) CSA may provide computer outputs to grantee when it will expedite or contribute to the accuracy of reporting.

(g) CSA is authorized to reproduce these forms.

§ 1050.73 CSA implementing policies and procedures.

(a) *Policy.* (1) If any CSA regulation prescribes policies or requirements that differ from the provisions provided herein, the provisions of this subpart shall govern.

(2) All references to CSA Forms 315 and 315a in other documents will be deemed to mean SF–272 and the SF–269. CSA Forms 315 and 315a will be obsolete after April 30, 1977.

(3) Quarterly financial reports which are due subsequent to April 30, 1977 will be reported on SF–269, Financial Status Report. The SF–272, Federal Transactions Report, will be submitted at the same time.

(b) *General instructions.* (1) These general instructions apply to the preparation of Standard Forms 269, 271, and 272. Detailed instructions for their preparation will be found on the forms themselves.

(i) *How many copies to prepare.* Grantees shall prepare sufficient copies of the reports for each program year to make the distribution as shown below.

(ii) *Where to send reports.* (A) Grantees whose grant is administered by a CSA Regional Office will send one copy to the appropriate Regional Office and one copy to the Grant Accounting Branch, Finance and Grants Management Division, CSA Headquarters, 1200 19th Street N.W., Washington, D.C. 20506.

(B) Grantees who have CSA grants administered by both a CSA Regional Office and a Headquarters Office(s) will send one copy to the appropriate Regional Office, one copy to each funding office in the CSA Headquarters, and one copy to the Grant Accounting Branch, Finance and Grants Management Division, CSA Headquarters.

(C) Grants receiving funds solely from Headquarters program offices will submit one copy to each funding office and one copy to the Grant Accounting Branch, Finance and Grants Management Division, CSA Headquarters.

(iii) *When to report.* (A) Standard Forms 269, 272, (and SF 271 when required for Construction Programs) will be submitted quarterly based upon the grantee's program year. The reports are to be submitted to the appropriate CSA Office 15 working days following the end of each quarter.

(B) Grantees are required to submit a final financial report for all programs with a fixed termination date within 90 days after the termination date. In those situations where the terminated program is the grantee's only CSA-funded program, a check (payable to CSA) for the amount of the unexpended funds should accompany the report.

(iv) *What to report.* CSA grants are to be charged only with those costs related to Community Services Administration sponsored programs.

(v) *Reporting delegate agency data.* When delays do not permit reporting in time to meet the CSA grantee reporting deadlines, expenditures of the delegate agencies should be estimated by the parent organization and incorporated into the grantee quarterly Financial Status Reports. However, these amounts should be identified by an asterisk to show that they include estimates. Adjustments should be made in subsequent quarterly financial reports by netting the effects of the adjustments made into the information reported for the current report quarter; it will not be necessary to amend previously submitted financial reports except in those instances where the error reported was in a final report for a terminated program.

(vi) *Amounts reported.* All amounts are to be rounded to the nearest dollar. Do not report cents.

(vii) *Delegate agency responsibilities.* Delegate agencies are required to provide their parent organizations with all data needed to prepare quarterly financial reports which will include cash balances and expenditures of the delegate agencies.

(2) *Other financial report requirements.* An administrative costs report is required annually. See OEO Instruction 6807–1 for detailed procedures for completing and submitting CSA Form 315d, Administrative Costs Report.

(3) *Availability of forms.* Supply of referenced forms are available upon written request to: CSA Publications and Distribution Center, 5458 3rd Street NE., Washington, D.C. 20001.

10. Subpart I is reserved.

Subpart I—Monitoring and Reporting Program Performance [Reserved]

11. This subpart establishes the required methods of making payments to grantees pursuant to the Uniform Federal Standards contained in Attachment I of OMB Circular A–110 and Attachment J of Federal Management Circular 74–7. These methods will minimize the time elapsing between the disbursement by grantees and the transfer of funds from the United States Treasury to grantees whether such disbursement occurs prior to or subsequent to the transfer of funds. The Uniform Federal Standards allow payments to a grantee by two methods which are currently used by CSA, i.e. Letter of Credit (for total payment of $250,000 or more), and advance by Treasury check (for payments less than $250,000). Therefore, the attached subpart does not make any substantive change to any CSA policy or procedures. (The CSA policies and procedures issued as § 1050.93 of this subpart are those previously found in Instruction 6714–1 and changes thereto which are hereby superseded.)

Subpart J—Payment Requirements (Uniform Federal Standard) (CSA Instruction 6800–10)

§ 1050.90 References.

(1) OMB Circular A–110, Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations (Attachment I).

(2) FMC 74–7, Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments (Attachment J).

(3) OEO Instruction 6806–05, Limitations on Program Expenditures.

(4) CSA Instruction 6800–12, Grant Closeout Procedures (Uniform Federal Standard) (45 CFR § 1050.110).

(5) CSA Instruction 6800–13, Suspension and Termination Procedures (Uniform Federal Standard) (45 CFR § 1050.120).

(6) CSA Instruction 6710–1, Change 10, "Preparation of CSA Form 314, Statement of CSA Grant."

(7) Treasury Department Circular No. 1075, as revised, "Regulations Governing Withdrawal of Cash From the Treasury for Advance Under Federal Grant and Other Programs."

(8) Treasury Fiscal Requirements Manual, Part VI, "Other Fiscal Matters."

§ 1050.91 Definitions.

(a) *Letter-of-Credit.* A Letter-of-Credit is an instrument certified by an authorized official of a Federal funding agency that authorizes a grantee to draw funds when needed from the Treasury, through a Federal Reserve bank and the grantee's commercial bank, in accordance with the provisions of Treasury Circular No. 1075, as revised.

(b) *Advance by Treasury check.* An advance by Treasury check is a payment made by a Treasury check to a grantee upon its request before outlays are made by the grantee or through the use of predetermined payment schedules.

(c) *Reimbursement by Treasury check.* A reimbursement by Treasury check is a Treasury check paid to a grantee upon request for reimbursement from the grantee.

§ 1050.92 Standard.

(a) Payments can be made to grantees through a letter-of-credit and an advance by Treasury check.

(b) Except for construction grants and other construction agreements for which optional payment methods are authorized, as described in paragraph (d) of this section, the letter-of-credit method shall be used by CSA if all of the following conditions exist:

(1) If there is or will be a continuing relationship between a grantee and CSA for a least a 12 month period and the total amount of advance payments expected to be received within that period from CSA is $250,000 or more, as prescribed by Treasury Circular No. 1075. For joint funded projects the Treasury has authorized a dollar criteria of $120,000.

(2) If the grantee has established or demonstrated to CSA the willingness and ability to maintain procedures that will minimize the time elapsing between the transfer of funds and their disbursement by the grantee.

(3) If the grantee's financial management system meets the standards for fund control and accountability prescribed in 45 CFR 1050.60 (CSA Instruction 6800–7, Standards for Financial Management Systems.)

(c) The method of advancing funds by Treasury check shall be used, in accordance with the provisions of Treasury Circular No. 1075, when the grantee meets all of the requirements specified in paragraph (b) of this section, except those in paragraph (b) (1) of this section.

(d) A reimbursement by Treasury check shall be the preferred method if the grantee does not meet the requirements specified in paragraphs (b) (2) and (b) (3) of this section. At the option of CSA this method may also be used on any construction agreement, or if the major portion of the program is accomplished through private market financing or Federal loans, and the Federal assistance constitutes a minor portion of the program. When the reimbursement method is used, CSA shall make payment within thirty days after receipt of the billing unless the billing is improper.

(e) When the letter-of-credit procedure is used, the grantee shall be issued one consolidated letter-of-credit whenever possible to cover anticipated cash needs for all grants and other agreements awarded by the sponsoring agency.

(f) (1) Unless otherwise required by law, CSA shall not withhold payments for proper charges made by grantees at any time during the project or program period unless (i) a grantee has failed to comply with the program objectives, general or special conditions, or CSA reporting requirements; or (ii) the grantee is indebted to the United States, and collection of the indebtedness will not impair accomplishment of the objectives of a project or program sponsored by the United States. (See § 1050.110 and § 1050.115 (CSA Instructions 6800–12 and 6800–13) for procedures in cases of closeouts, suspensions and terminations).

(2) Under such conditions, CSA may, upon reasonable notice, inform the grantee that payments will not be made for obligations incurred after a specified date until the conditions are corrected or the indebtedness to the Federal Government is liquidated.

§ 1050.93 CSA implementing policies and procedures.

(a) *Policy.* Federal funds awarded under CSA grants will be made available (advanced) by letter of credit or by check, depending upon the amount of the grant. Funds for grants of less than $250,000 annually will be advanced by the periodic issuance of Treasury checks. Funds for grants of over $250,000 and where there is an anticipated continuing relationship for one year will be made available through the issuance of a Treasury Department Letter of Credit.

(b) *Grants under $250,000 annually.* (1) Fund advances for grants totaling less than $250,000 annually will be made by a monthly check to the grantee. The amount of the monthly check will be computed based upon a grantee's anticipated rate of expenditure over the period of the grant, and subject to adjustment based upon an analysis of the required quarterly financial reports from the grantee. All Treasury checks will reflect the grantee number and the grant action to which the funds pertain. In the event subsequent funding actions result in a grantee's annual funding level to exceed $250,000, he will be notified that his funding procedures are to be changed and the necessary forms for conversion to Letter of Credit procedures will be sent.

(2) *Special checks.* (i) When a grantee anticipates needing cash in excess of that provided by the issuance of a monthly check, he must submit a written justification to the appropriate administering office for review and subsequent submission to the Finance and Grants Management Division, Headquarters, if approval is recommended.

(ii) Before approving issuance of a special check, the Finance and Grants Management Division will review current expenditure rates and cash balances reported on the financial reports. Delays in submission of these reports to CSA will result in delays in approval of special checks.

(c) *Grants over $250,000 annually.* When a letter-of-credit is issued the grantee will not be required to maintain a separate bank account for funds obtained in this manner except in those cases where the letter-of-credit agreement provides that draw downs will be made when the grantee's checks are presented to the bank for payment. Grantees will delay, to the extent possible, all drawdowns on the letter-of-credit until after their organizations have issued checks for disbursements properly chargeable to Federal funds.

(1) *Letter of credit procedure*—(i) *Selection of commercial bank.* (A) Grantees shall select a commercial bank which will agree to receive Payment Vouchers on Letter of Credit (TUS 5401) drawn on the Treasurer of the United States and forward these vouchers to the applicable Federal Reserve Bank or branch. In addition the grantee will assure that they comply with the Uniform Federal Standards applying to cash depositories (See § 1050.10 (CSA Instruction 6800–2).) The grantee shall notify the Finance and Grants Management Division, CSA Headquarters, of the name of the commercial bank, title of the bank account, and location of the applicable Federal Reserve Bank or branch.

(ii) *Authorized signature card.* (A) The Finance and Grants Management Division in Headquarters or Financial Services Branch in the regions will send the grantee three Standard Forms 1194, Authorized Signature Card for Payment Vouchers on Letters of Credit, as part of the grant package. When properly completed by the grantee, these cards will provide the appropriate Federal Reserve Bank or branch with specimen signatures of grantee officials authorized to sign Payment Vouchers on Letter of Credit or withdrawal of funds. A sample copy of SF 1194 and instructions for completion are provided in Exhibit II.

(B) Two copies of the properly completed signature card will be returned, with all other required documents, to the Finance and Grants Management Division, CSA Headquarters, or to the Financial Service Branches in regional offices, depending on whether the grant is administered by CSA Headquarters or by a regional office.

(C) A change of persons authorized to sign payment vouchers or a change in grantee name, address, or commercial bank will require that a grantee submit a new set of signature cards to the Headquarters Finance and Grants Management Division.

Blank signature cards may be obtained from that office or from the Financial Services Branches in the regional offices.

(D) The Finance and Grants Management Division, or the Financial Services Branches for regional grants, will notify the grantee when the signature cards and letter of credit have been sent to the Federal Reserve Bank or Branch via the Treasury Department. The grantee will not present a payment voucher which includes the new or changed information until it has received such notification. The grantee should assure that it has sufficient funds for operating until receipt of the notification.

(E) Each letter of credit must have its own signature card. If there is a need to change a prior signature card for a specific grant, a new signature card must be submitted to the Finance and Grants Management Division, CSA Headquarters.

(F) Grantees must provide signatures for at least two persons in order to enable the proper completion of the payment voucher (Form TUS 5401).

(*1*) *Withdrawal of funds.* (i) As funds are needed, the grantee will prepare and submit the original, duplicate, and triplicate copies of the Payment Voucher on Letter of Credit (Forms TUS 5401) to its commercial bank.

The commercial bank will transmit all forms to the Federal Reserve Bank or branch. The recipient organization will retain the quadruplicate copy for its own records. Instructions for preparing the form are provided in Exhibit III.

(ii) A supply of Forms TUS 5401 will be sent to each grantee with the letter-of-credit. Additional forms may be obtained by writing to the Finance and Grants Management Division, CSA Headquarters. Payment vouchers are preprinted with CSA's name and station symbol. They cannot be used for withdrawals from letters-of-credit issued by other Federal agencies. Only Forms TUS 5401 received from CSA may be used for withdrawal of funds from CSA letters-of-credit.

(iii) *Guidelines for withdrawal.* The U.S. Treasury Department policy provides that withdrawals by grantees shall be limited to the minimum amounts needed and shall be timed to be in accord with only the actual cash requirements needed in carrying out the purpose of the approved program or project. Where a grantee makes advances to a delegate agency, they shall conform substantially to the same standards of timing and amount as applicable to advances to the primary grantee. Grantee drawdowns shall not ordinarily be made more frequently than daily in order to maintain a minimum amount of cash on hand. However, the amount withdrawn may not exceed the dollar limitation placed on the letter-of-credit by CSA without prior CSA approval. Ordinarily, withdrawals should not be made for less than $10,000 nor for more than $1,000,000, and in no case in excess of $5,000,000 unless authorized by CSA, and should never exceed the amount of cash needed to operate for a thirty (30) day period.

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6 TREASURY FORM 2000 ATTACHMENT - EXHIBIT I

ISSUING AGENCY	LETTER OF CREDIT	LETTER OF CREDIT NUMBER
Community Services Administration (1) 1200 19th Street NW. Washington, D.C. 20506	Auth: TREASURY DEPARTMENT CIRCULAR No. 1075, Revised	(2) _____ AMENDMENT NUMBER _____ (3)
AGENCY STATION SYMBOL	(FOR AGENCY USE)	EFFECTIVE DATE
81-00-9701 (4)	(5)	(6)
TO: The Federal Reserve Bank, (7)	BRANCH BANK AT (8)	

In accordance with the authorization of the Fiscal Assistant Secretary, Treasury Department, there is hereby authorized for the account and responsibility of the issuing agency a letter of credit:

IN FAVOR OF	FOR DEPOSIT ONLY TO
(9)	(10) Recipient's ACCOUNT

AMOUNT AUTHORIZED		PRIOR AUTHORIZATION	THIS CHANGE
$ (11)	☐ EACH MONTH ☐ EACH QUARTER ☐ WITHOUT TIME LIMIT ☐ _____ (12)	$ (13)	Increase $ (14) Decrease $

(15)

☐ The unpaid balance of this letter of credit will remain available until you are advised in writing by the Treasury Department that this letter has been revoked.*

OR

☐ The unpaid balance of this letter of credit is revoked at the end of each period indicated and the full amount reestablished at the beginning of the following period until you are advised in writing by the Treasury Department that this letter has been revoked.*

The amount of this letter of credit is hereby certified to be drawn against, upon presentation to you of Form TUS 5401, Payment Voucher on Letter of Credit, by the official(s) of the recipient organization whose signature(s) appear(s) on the Standard Form 1194, Authorized Signature Card for Payment Vouchers on Letter of Credit, attached hereto or previously or subsequently furnished you through the Treasury Department.

The amount of each payment voucher paid by a Federal Reserve Bank or branch to a designated commercial bank for credit to the account of the recipient organization shall constitute payment to the recipient organization by the United States.

I certify to the Treasury Department that the payments authorized herein are correct and proper for payment from the appropriations or funds legally committed and available for the purpose, when paid in accordance with the terms and conditions cited above.

*This letter of credit is irrevocable to the extent the recipient organization has obligated funds in good faith thereunder in executing the authorized Federal program in accordance with the grant, contract, or other agreement.

DATE CERTIFIED _____ (16) _____
AUTHORIZED CERTIFYING OFFICER

_____
TYPED NAME AND TITLE

1193-103

EXHIBIT I

EXPLANATION OF INFORMATION ON LETTER OF CREDIT

1. *Issuing Agency.* Name and address of CSA Headquarters.

2. *Letter of Credit Number.* Number assigned by the agency to identify a particular Letter of Credit.

3. *Amendment Number.* This will represent a change to letter of credit.

4. *Agency Station Symbol.* The No. 81-00-9701 is the number assigned the Treasury Department to identify CSA Letters of Credit. It will appear on all Letters of Credit issued by CSA.

5. *For Agency Use.* Shows grantee identification number and grant action number.

6. *Effective Date.* Effective date of the Letter of Credit.

7. *To the Federal Reserve Bank.* Location of Federal Reserve Bank serving Federal Reserve Branch Bank.

8. *Branch Bank at.* Location of Federal Reserve Branch serving grantee's commercial bank.

9. *In Favor of.* Name and address of grantee, same as shown on the signature card and the CSA Form 314, Statement of CSA Grant.

10. *For Deposit Only to.* Name and address of commercial bank and recipient's account.

11. *Amount Authorized.* This space will be left blank.[1]

12. *Without Time Limit.* This space will be left blank.[1]

13. *Prior Authorization.* This space will be left blank.[1]

14. *This Change.* The amount of increase or decrease authorized by this Letter of Credit amendment.

15. This space will be left blank.[1]

16. *Authorized Certifying Officer.* Signature of authorized CSA official.

[1] Item 11, "Amount Authorized," equals item 13 "Prior Authorization," plus or minus item 14, "This Change."

[2] The Grant Accounting Branch, Finance and Grants Management Division, will complete Items 11, 12, 13, 14, and 15 before submitting a letter of credit to the U.S. Treasury.

ATTACHMENT
EXHIBIT II

Standard Form 1194 6 Treasury FRM 1000 Fiscal Service Bureau of Accounts	AUTHORIZED SIGNATURE CARD FOR PAYMENT VOUCHERS ON LETTER OF CREDIT	Letter of Credit Number (1) Federal Reserve Bank (2)
Letter of Credit Issued in Favor of (Recipient) (3)	Issued by (Federal Agency) (4)	
(5) SIGNATURES OF INDIVIDUALS AUTHORIZED TO DRAW ON THE CITED LETTER OF CREDIT	☐ ONLY ONE SIGNATURE REQUIRED ON PAYMENT VOUCHERS ☐ ANY TWO SIGNATURES REQUIRED TO SIGN OR COUNTERSIGN	
Typed Name and Signature (6)	Typed Name and Signature (6)	
Typed Name and Signature (6)	Typed Name and Signature (6)	
I CERTIFY THAT THE SIGNATURES ABOVE ARE OF THE INDIVIDUALS AUTHORIZED TO DRAW PAYMENT VOUCHERS FOR THE CITED LETTER OF CREDIT. (7) DATE AND SIGNATURE OF AUTHORIZING OFFICIAL (Employee)	APPROVED: (8) DATE AND SIGNATURE OF AGENCY CERTIFYING OFFICER	

COMPLETION OF SIGNATURE CARDS

Following are instructions for completing the Signature Cards:

1. *Letter of Credit Number.* When establishing a new Letter of Credit the Finance and Grants Management Division will complete this block prior to sending the forms to the grantee for signatures. To request a change of signatures shown on a previous Form 1194, the grantee should indicate, in this block, the assigned Letter of Credit number.

2. *Federal Reserve Bank.* The name of the Federal Reserve Bank or branch, as the case may be, that will serve the grantee's commercial bank will be entered by the Finance and Grants Management Division.

3. *Letter of Credit Issued in Favor of (Recipient).* Enter full name and address of grantee organization. Include city, state and zip code. This must agree with the information on the Statement of CSA Grant (CSA Form 314). If any of the information on the CSA Form 314 is incorrect, contact the CSA processing unit before completing the Form 1194.

4. *Issued by (Federal Agency).* The Community Services Administration, 1200 19th Street, NW., Washington, D.C. 20506; Code 81-00-9701.

5. *Signatures of Individuals, etc.* Mark X in space to indicate "any two signatures required to sign or countersign."

6. *Typed Name and Signature.* Enter the typed names and signatures of at least two (and preferably more than two) individuals authorized to sign payment vouchers (Form TUS-5401) to withdraw funds from Letter of Credit. The typed names must appear exactly as the individuals sign their names.

7. *Certification Block. Date and Signature of Authorized official* (Recipient). Date and sign. The signature should be that of the grantee official authorized to certify that the signatures are those of persons authorized to withdraw funds from the Letter of Credit.

8. *Approved.* Leave this space blank for CSA use.

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ATTACHMENT
EXHIBIT III

FORM TUS 5401 (Rev. 11-67) Dept. of the Treasury § TFRM 1000

PAYMENT VOUCHER ON LETTER OF CREDIT
(TO BE COLLECTED AS A NON-CASH ITEM)
The drawer's bank shall be the agent of the drawer for the collection of this instrument and each subsequent collecting commercial bank shall be the redrawee of the drawer.

SERIAL NO. 2058742
SYMBOL 17-865

VOUCHER NO. (1)	LETTER OF CREDIT NO. (2)	AGENCY STATION SYMBOL (3)	DATE VOUCHER DRAWN (4)	AMOUNT $ (5)
		81-00-9701		

NAME AND ADDRESS OF DRAWER (6)	NAME AND ADDRESS OF DRAWER'S BANK (7)	FEDERAL RESERVE BANK OR BRANCH (8)

NAME AND ADDRESS OF U.S. AGENCY
COMMUNITY SERVICES ADMINISTRATION
Grant Accounting & Management Branch
1200 19th Street NW.
Washington, D.C. 20506

I certify that this payment voucher has been drawn in accordance with terms and conditions of the letter of credit cited and that the amount for which drawn is properly for credit to the account of the drawer at the drawer's bank.

(9) (Signature) (Title)
(9) (Countersignature) (Title)

Per authorization of Fiscal Assistant Secretary, Treasury Department, debit the general account of the Treasurer of the U. S. and pay to the presenting bank the amount shown above.

FOR FEDERAL RESERVE BANK USE ONLY
(Date Drawn) (Authorized Signature)

ORIGINAL—Drawer will forward this form to bank for transmission to Federal Reserve Bank.

PREPARATION OF FORM TUS 5401

(1) *Voucher Number.* Grantees will number payment vouchers consecutively beginning with "1". Alphabetical designations will not be used as part of the voucher number. Amendments to the Letter of Credit will not interrupt the consecutive numbering of payment vouchers by the grantee.

(2) *Letter of Credit Number.* Enter the assigned Letter of Credit number. This is the eight-digit number shown on the Letter of Credit received from CSA.

(3) *Agency Station Symbol.* This is an eight-digit code assigned to CSA by the U.S. Treasury Department and is pre-printed on the vouchers sent to grantees.

(4) *Data Voucher Drawn.* Enter the date voucher is prepared and presented to the bank. To facilitate entering this date on a computer, the date must be written as follows:

Date Write
February 20, 1977 02 20 77
Year
Day
Month

(5) *Amount.* Enter the dollar amount to be withdrawn. Round off to hundreds or thousands of dollars.

Example: $35,500.00.

(6) *Name and Address of Drawer.* Complete name and address of grantee, including zip code, as shown on the Letter of Credit.

(7) *Name and Address of Drawer's Bank.* Enter name and address of the bank to which the payment voucher will be presented.

(8) *Federal Reserve Bank or Branch.* Enter name (city) of Federal Reserve Bank or Branch as shown on Letter of Credit.

(9) *Signatures.* Vouchers must be signed by two of the designated signees exactly as their signatures appear on current signature cards.

DISTRIBUTION OF PAYMENT VOUCHERS

Original, duplicate and triplicate: Presented to grantee's bank for payment. The Bank will retain the original and forward the duplicate and triplicate to the Federal Reserve Bank for their records.

Quadruplicate: Retain for grantee files.

12. Subpart K to Part 1050 is reserved.

Subpart K—Revision of Financial Plans [Reserved]

13. This subpart prescribes uniform closeout procedures for all CSA grants pursuant to the Uniform Federal Standards contained in Attachment K of OMB Circular A-110 and Attachment L of Federal Management Circular 74-7. Prior to publication of this subpart CSA had no published policy or procedures dealing with grant closeout procedures per se although many procedures existed which, by their very nature, were applicable and used in closeouts. This subpart notifies grantees of the Uniform Federal Standards covering this subject area, identifies the existing CSA Instructions which impact that subject, and includes a new section on closeout audits.

Subpart L—Grant Closeout Procedures (CSA Instruction 6800–12)

§ 1050.110 References.

(1) OMB Circular A-110, Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations (Attachment K).

(2) FMC 74-7, Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments (Attachment L).

(3) OEO Instruction 6302-2, CAAs: Eligibility and Establishment.

(4) OEO Instruction 6730-1, Denial of Application for Refunding.

(5) CSA Instruction 6800-4, Retention and Custodial Requirements for Records. (45 CFR § 1050.20.) (Uniform Federal Standard.)

(6) CSA Instruction 6800-5, Program Income. (45 CFR 1050.40.) (Uniform Federal Standard.)

(7) CSA Instruction 6800-8, Financial Reporting Requirements. (45 CFR § 1050.70.) (Uniform Federal Standard.)

(8) CSA Instruction 6800-9, Monitoring and Reporting Requirements. (45 CFR § 1050.70.) (Uniform Federal Standard.)

(9) CSA Instruction 6800-10, Payment Requirements. (45 CFR § 1050.90.) (Uniform Federal Standard.)

(10) CSA Instruction 6800.11, Revision of Financial Plans. (45 CFR § 1050.100.) (Uniform Federal Standard.)

(11) CSA Instruction 6800-13, Suspension and Termination Procedures. (45 CFR § 1050.115.) (Uniform Federal Standard.)

(12) CSA Instruction 6800-15, Property Management Standards. (45 CFR § 1050.130.) (Uniform Federal Standard.)

(13) OEO Instruction 6801-1, and Changes 1 and 2, Grantee Fiscal Responsibility and Auditing.

(14) CSA Instruction 7050-1, General Conditions Governing CSA Grants Funded Under Titles II, III-B, and VII of the EOA of 1964 as amended. (45 CFR § 1067.5.)

§ 1050.111 Definitions.

(a) "Closeout"—The closeout of a grant is the process by which CSA determines that all applicable administrative actions and all required work of the grant have been completed by the grantee and CSA.

(b) "Date of completion"—The date of completion is the date on which all work under the grant is completed or the date on the grant award document, or any supplement or amendment thereto, on which Federal assistance ends.

(c) "Disallowed costs"—Disallowed costs are those charges to a grant which CSA determines to be unallowable in accordance with the applicable Federal cost principles, other conditions contained in the grant agreement and CSA Instructions.

§ 1050.112 Standards.

The following requirements shall be applicable to the closeout of all CSA grants:

(a) Upon request, CSA shall make prompt payments to the grantee for allowable reimbursable costs under the grant being closed out.

(b) Within 90 calendar days after completion of a grant, the grantee shall refund any balance of unobligated cash that CSA has advanced or paid, and that is not authorized to be retained by the grantee for use in other grants or for other purposes specifically authorized in writing by CSA. A check (payable to CSA) will accompany the final financial report. (See reference (7) for procedures.)

(c) Within 90 calendar days after the completion of a grant, the grantee shall submit to CSA all financial, performance, and other reports required as conditions of the grant. (See references (7), and (8), and (13) for procedures.) CSA may grant extensions when requested by the grantee.

(d) When authorized by the grant agreement, CSA shall make a settlement for any upward or downward adjustment to the Federal share of costs after these reports are received.

(e) The closeout of a grant shall not, of itself, end or otherwise affect: (1) The grantee's responsibility to account for any property acquired with Federal funds, or received from the Government, in accordance with the provisions of § 1050.130 (CSA Instruction 6800-15) Property Management Standards;

(2) The grantee's responsibility to account for program income in accordance with the provisions of § 1050.40 (CSA Instruction 6800-5);

(3) The retention period for, or Federal rights of access to, grant records pursuant to § 1050.20 (CSA Instruction 6800-4).

(f) In the event a final audit has not been performed prior to the closeout of the grant, CSA retains the right to recover an appropriate amount, after fully considering the recommendations on disallowed costs resulting from any subsequent audit which may be performed. (See reference (13) for CSA audit requirements.)

§ 1050.113 CSA implementing policies and procedures.

(a) *General.* Procedures for various activities to be undertaken in closeouts will be found in references (3) through (14). This subpart provides additional detail on required closeout procedures relating to audits. (See reference (13) for basic procedures.)

(b) *Closeout Audits*—(1) *Scope of Audit.* (i) Within 90 days after the date of completion of a CSA grant, the grantee will be required to submit a final audit of grant operations. This audit will be done in accordance with the Accounting System Survey and Audit Guide, CSA Manual 2410-1. If the grantee will no longer be receiving CSA funds from other grants, the scope of audit should be adjusted as follows:

(A) The independent auditor will not be required to render an appraisal of the grantee's accounting system and internal controls. However, he will be required to review internal accounting controls in accordance with generally accepted auditing standards to ascertain the degree of reliance he can place on them in determining the extent of his audit tests and procedures. Therefore, the audit report will normally contain no comments or recommendations relative to the grantee's accounting system or internal controls.

(B) The independent auditor should explain in his audit report that the grantee will not continue to receive CSA funding and will not be involved in CSA programs as a grantee.

(C) The independent auditor should emphasize in his report any action required to clear the account such as recovery of any unexpended funds or disposition of grant property.

(ii) Where questions arise in regard to the audit of CSA grantees being closed out, independent auditors should contact the cognizant CSA Regional Auditor for guidance.

(2) *Audit disallowances.* The normal CSA audit disallowance procedures as set forth in reference (13) shall be followed for audit disallowances resulting from a final audit. Final audit disallowances can only be satisfied by cash payments to CSA when the grant in question has been or is in the process of being closed out.

14. This subpart prescribes uniform suspension and termination procedures for all CSA grants pursuant to the Uniform Federal Standards contained in Attachment L of OMB Circular A-110 and Federal Management Circular 74-7 (OMB Circular A-102).

CSA's previous policy statement and accompanying procedures re suspension and termination was found in 45 CFR § 1067.1 (OEO Instruction 6730-2) which is superseded by this subpart (CSA Instruction 6800-13). However, most of the policies and procedures found in 45 CFR § 1067.1 have been incorporated into this subpart. Changes in existing CSA procedures include:

General: Terminology has been corrected but very few substantive changes have been made. Procedures have not changed.

Specific: *Suspension,* § 1050.115-7: (1) Length of suspension increased from 21 to 30 days; (2) Regional Directors explicitly added to definition of "responsible CSA official" but only for purpose of suspensions; (3) suspension procedures have been reorganized into two sections—suspension on notice and summary suspension.

Termination, § 1050.115-8—(1) Regional Directors as well as "responsible CSA official" may initiate termination, but Regional Directors may not conduct termination hearing, unless designated by the responsible CSA official, since they are not grant making officials; and (2) a final section entitled "Consequences of Termination" was transferred from CSA Instruction 7050-1, General Condition 14, to subsection 8(j) of this subpart.

45 CFR Chapter X is amended by deleting §§ 1067.1-1 to 1067.1-11 and adding the following:

Subpart M—Suspension and Termination Procedures (Uniform Federal Standard) (CSA Instruction 6800–13)

§ 1050.115–1 References.

(1) 45 CFR 1010 (OEO Instruction 6004-01a) Nondiscrimination in Federally-Assisted Programs of the Office of Economic Opportunity—Effectuation of Title VI of the Civil Rights Act of 1964;

(2) 45 CFR 1067.2 (OEO Instruction 6730-1) Denial of Application for Refunding;

(3) 45 CFR 1050.110 (CSA Instruction 6800-12) Grant Closeout Procedures;

(4) 45 CFR 1069.3 (CSA Instruction 6910-1a) Travel Regulations for CSA Grantees and Delegate Agencies.

§ 1050.115–2 Definitions.

(a) "Termination"—The termination of a grant is the cancellation of Federal assistance, in whole or in part, under a grant at any time prior to its date of completion. The following do not constitute termination:

(1) Withdrawal of funds awarded on the basis of grantee's under estimate of the unobligated balance in a prior grant period;

(2) Failure on the part of CSA to refund a grantee or to make a continuation, extension, supplemental or other additional grant;

(3) Withdrawal of the unobligated balance as of the date of completion of a grant pursuant to the provision of CSA Instruction 6800-12 (45 CFR 1050.110);

(4) Annulment of a grant upon determination that the grant was obtained fraudulently or was otherwise illegal or invalid from inception;

(5) Withdrawal of unobligated funds from a CAA before the date of completion of its grant as a result of opt-out or de-designation proceedings under Section 210 of the Economic Opportunity Act of 1964 as amended, and OEO Instruction 6302-2.

(b) "Suspension"—The suspension of a grant is an action by CSA that temporarily suspends Federal assistance under the grant, pending a decision by CSA to terminate the grant.

§ 1050.115–3 Failure to comply with grant terms and conditions.

When a grantee has materially failed to comply with the terms and conditions of a grant (including all applicable CSA Instructions), CSA may suspend the grant in accordance with § 1050.115-4, terminate it for cause in accordance with § 1050.115-5, or take such other remedies as may be legally available and appropriate under the circumstances.

§ 1050.115–4 Suspension.

When a grantee has materially failed to comply with grant terms and conditions, CSA may suspend the grant, after giving the grantee reasonable notice and opportunity to show cause why the grant should not be suspended. Pursuant to section 604(2) of the Economic Opportunity Act as amended, CSA may summarily suspend a grant without previous notice in an emergency situation. If a grant is suspended, CSA may withhold further payments and prohibit the grantee from incurring further obligations of funds, pending corrective action by the grantee or a decision by CSA to initiate termination proceedings in accordance with § 1050.115-5. CSA will allow all necessary and proper costs that the grantee could not reasonably avoid during the period of suspension, provided that they meet the provisions of the applicable Federal cost principles (for public grantees, the applicable provisions are those of Federal Management Circular 74-4).

§ 1050.115–5 Termination for cause.

Whenever it is determined that a grantee has failed to comply with the terms and conditions of its grant, CSA may terminate the grant in whole or in part at any time prior to its date of completion. CSA shall promptly notify the grantee of the determination and the reasons for the termination, together with its effective date. Pursuant to section 604(3) of the Economic Opportunity Act of 1964, as amended, such determination shall not be made unless the grantee has been afforded the opportunity for a full and a fair hearing on the termination of its grant. Payment made to grantees or recoveries by CSA or other Federal grantor agencies under grants terminated for cause shall be in accordance with the legal rights and liabilities of the parties.

§ 1050.115–6 Termination for convenience.

CSA or the grantee may terminate any grant in whole or in part if and only if both parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds. The two parties must agree on the termination conditions, including the effective date, and, in the case of partial

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terminations, the portion to be terminated. The grantee shall not incur new obligations for the terminated program or portion thereof after the effective date of termination and shall cancel as many outstanding obligations as possible. CSA shall allow full credit to the grantee for the Federal share of the noncancellable obligations properly incurred by the grantee prior to the effective date of termination.

§ 1050.115–7 CSA implementing policies and procedures governing suspensions.

(a) *Purpose and scope.* (1) This section establishes rules for the suspension of assistance provided under the Economic Opportunity Act of 1964, as amended (hereinafter the Act), if the assistance is administered by the Community Services Administration; a grantee may be suspended for failure to comply with the terms and conditions of its grant, including applicable laws, regulations, CSA Instructions, grant conditions, or approved work programs.

(2) However, this section shall not apply to any administrative action of the Community Services Administration based upon any violation or alleged violation of Title VI of the Civil Rights Act of 1964; in case of such violation or alleged violation the provisions of 45 CFR 1010 (CSA Instruction 6004–01a) shall apply.

(3) Pursuant to section 604(2) of the Act and this subpart, the responsible CSA official may suspend a grant under the circumstances outlined in paragraph (a)(1) of this section. There are two kinds of suspension: (i) suspension on notice, as provided for in paragraph (c) of this section, and (ii) summary suspension as provided for in paragraph (d) of this section. Summary suspension may be invoked only when the responsible CSA official determines that an emergency situation exists (see paragraph (d)(1) of this section.)

(b) *Definitions.* (1) The term "responsible CSA official" means the Director, Deputy Director, and any other official who is authorized to make the grant in question, the Regional Director of the Regional Office administering the grant in question, or the designee of any of these officials.

(2) The term "summary suspension" means suspension of a grant without prior notice to the grantee.

(c) *Suspension on notice.* (1) The responsible CSA official shall notify the grantee by letter or telegram that CSA intends to suspend a grant in whole or in part unless good cause is shown why the grant should not be suspended. In such letter or telegram the responsible CSA official shall specify the grounds for the proposed suspension and the proposed effective date of the suspension.

(2) The responsible CSA official shall also inform the grantee of its right to submit written material in opposition to the intended suspension and of its right to request an informal meeting at which the grantee may respond an attempt to show why such suspension should not occur. The period of time within which the grantee may submit such written material or request the informal meeting shall be established by the responsible CSA official in the notice of intent to suspend. However, in no event shall the period of time within which the grantee must submit written material or request such a meeting be less than 5 days after the notice of intent to suspend has been sent. If the grantee requests a meeting, the responsible CSA official shall fix a time and place for the meeting, which shall not be less than 5 days after the grantee's request is received by CSA.

(3) In lieu of the provisions of paragraph (c)(2) of this section dealing with the right of the grantee to request an informal meeting, the responsible CSA official may on his own initiative establish a time and place for such a meeting. However, in no event shall such a meeting be scheduled less than 7 days after the notice of intent to suspend is sent to the grantee.

(4) The responsible CSA official may in his discretion extend the period of time or date referred to in the previous paragraphs of this section and shall notify the grantee of any such extension.

(5) At the time the responsible CSA official sends the notification referred to in paragraph (c), (1), (2), and (3) of this section to the grantee, he shall also send a copy of it to any delegate agency whose activities or failures to act are a substantial cause of the proposed suspension, and shall inform such delegate agency that it shall be entitled to submit written material or to participate in the informal meeting referred to in paragraph (c), (2) and (3) of this section. In addition, the responsible CSA official may in his discretion give such notice to any other delegate agency.

(6) Within 3 days of receipt of the notice referred to in paragraphs (c) (1), (2), and (3) of this section the grantee shall send a copy of these regulations to all delegate agencies which would be financially affected by the proposed suspension action. Any delegate agency that wishes to submit written material may do so within the time stated in the notice. Any delegate agency that wishes to participate in the informal meeting with the responsible CSA official contemplated herein (if not afforded a right to participate under the previous paragraphs) may request permission to do so from the responsible CSA official, who may in his discretion grant or deny such permission. In acting upon any such request from a delegate agency, the responsible CSA official shall take into account the effect of the proposed suspension on the particular delegate agency, the extent to which the meeting would become unduly complicated as a result of granting such permission; and the extent to which the interests of the delegate agency requesting such permission appear to be adequately represented by other participants.

(7) In the notice of intent to suspend assistance the responsible CSA official shall invite voluntary action to adequately correct the deficiency which led to the initiation of the suspension proceeding.

(8) The responsible CSA official shall consider any timely material presented to him in writing, any material presented to him during the course of the informal meeting provided for in paragraph (c)(2) and (3) of this section as well as any showing that the grantee has adequately corrected the deficiency which led to the initiation of suspension proceedings. If after considering the material presented to him the responsible CSA official concludes that the grantee has failed to show cause why the grant should not be suspended, he may suspend the grant in whole or in part and under such terms and conditions as he shall specify.

(9) Notice of such suspension shall be promptly transmitted to the grantee and shall become effective upon delivery. Suspension shall not exceed 30 days unless during such period of time termination proceedings are initiated in accordance with § 1050.115–8, or unless the responsible CSA official and the grantee agree to a continuation of the suspension for an additional period of time. If termination proceedings are initiated, the suspension shall remain in full force and effect until such proceedings have been fully concluded.

(10) During a period of suspension no new expenditures shall be made and no new obligations shall be incurred in connection with the suspended program except as specifically authorized in writing by the responsible CSA official. Expenditures to fulfill legally enforceable commitments made prior to the notice of susension, in good faith and in accordance with the grantee's approved work program, and not in anticipation of suspension or termination, shall not be considered new expenditures. However, funds shall not be recognized as committed solely because the grantee has obligated them by contract or otherwise to a delegate agency.

NOTE.—Willful misapplication of funds may violate section 627 of the Economic Opportunity Act of 1964, as amended, 42 U.S.C. 2971(f) or other criminal statutes.

(11) The responsible CSA official may in his discretion modify the terms, condition and nature of the suspension or rescind the suspension action at any time on his own initiative or upon a showing satisfactory to him that the grantee has adequately corrected the deficiency which led to the suspension and that repetition is not threatened. Suspensions partly or fully rescinded may in the discretion of the responsible CSA official be reimposed with or without further proceedings: Provided, however, that the total time of suspension may not exceed 30 days unless termination proceedings are initiated in accordance with § 1050.115–8, or unless the responsible CSA official and the grantee agree to a continuation of the suspension for an additional period of time. If termination proceedings are initiated, the suspension shall remain in full force and effect until such proceedings have been fully concluded.

(d) *Summary suspension.* (1) As stated in (a)(3) of this section the responsible CSA official may invoke summary suspension procedures only if he determines that an emergency situation exists because there is a serious risk of: (i) Substantial injury to or loss of project funds or property, or (ii) violation of a Federal, State or local criminal statute, or (iii) violation of section 603(b) or 613 of the Economic Opportunity Act of 1964, as amended or of CSA Instructions implementing these sections of the Act. He must also determine that such risk is sufficiently serious to outweigh the general policy in favor of advance notice and opportunity to show cause.

(2) Notice of summary suspension shall be given to the grantee by letter or by telegram, shall become effective upon delivery to the grantee, and shall specifically advise the grantee of the effective date of the suspension and the extent, terms, and condition of any partial suspension. The notice shall also forbid the grantee to make any new expenditures or incur any new obligations in connection with the suspended portion of the program. Expenditures to fulfill legally enforceable commitments made prior to the notice of suspension, in good faith and in accordance with the grantee's approved work program, and not in anticipation of suspension or termination, shall not be considered new expenditures. However, funds shall not be recognized as committed by a grantee solely because the grantee obligated them by contract or otherwise to a delegate agency.

(3) In the notice of summary suspension the responsible CSA official shall advise the grantee that it may request CSA to provide it with an opportunity to show cause why the summary suspension should be rescinded. If the grantee requests such an opportunity, the responsible CSA official shall immediately inform the grantee in writing of the specific grounds for the suspension and shall within 7 days after receiving such request from the grantee hold an informal meeting at which the grantee may show cause why the summary suspension should be rescinded. Notwithstanding the provisions of this paragraph, the responsible CSA official may proceed to initiate termination proceedings at any time even though the grant has been suspended in whole or in part. In the event that termination proceedings are initiated, the responsible CSA official shall nevertheless afford the grantee, if it so requests, an opportunity to show cause why suspension should be rescinded pending the outcome of the termination proceedings.

(4) Notices of summary suspension shall also be furnished by the responsible CSA official and by the grantee to delegate agencies in the same manner as notices of intent to suspend as set forth in paragraph (c) (5), (6), and (7) of this section. Delegate agencies shall have the same right to submit written material to the responsible CSA official or to participate in the informal meetings as in the case of intended suspension proceedings set forth in paragraph (c) (5) and (6) of this section.

(5) The effective period of a summary suspension may not exceed 10 days unless termination proceedings are initiated in accordance with § 1050.115–8 or unless the parties agree to a continuation of summary suspension for an additional period of time, or unless the grantee in accordance with paragraph (d)(3) of this section requests an opportunity to show cause why the summary suspension should be rescinded.

(6) If the grantee requests an opportunity to show cause why a summary suspension action should be rescinded the suspension shall continue in effect until the grantee has been afforded such opportunity and a decision has been made. Such a decision will be made within 5 days after the conclusion of the informal meeting referred in in paragraph (d)(3) of this section. If the responsible CSA official concludes after considering all material submitted to him, that the grantee has failed to show cause why the suspension should be rescinded, the responsible CSA official may continue the suspension in effect for an additional 10 days: *Provided, however,* That if termination proceedings are initiated, the summary suspension shall remain in full force and effect until all termination proceedings have been fully concluded.

(e) *Right to counsel; travel expenses.* In all proceedings under this section whether formal or informal, the grantee and CSA shall have the right to be represented by counsel or other authorized representatives. If the grantee and any delegate agencies which have a right to participate in an informal meeting pursuant to paragraph (d) and (e) of this section do not have an attorney acting in that capacity as a regular member of the staff of the organization, the Boards of Directors of such grantees and delegate agencies will be authorized to designate an attorney to represent their organizations at any termination hearing and transfer sufficient funds from their current operating grants to pay the fees, travel, and per diem expenses of such attorney. The fees for such attorney shall be the reasonable and customary fees for an attorney. However, such fees shall not exceed $100 per day without the express written approval of CSA. Travel and per diem expenses may be paid to such attorney from grant funds only in accordance with the policies set forth in the Standard Government Travel Regulations and 45 CFR 1069.3–1, 1069.3–6 (CSA Instruction 6910–1a). The Board of Directors of the grantee or any delegate agency which has a right to participate in an informal meeting pursuant to paragraph (d) and (e) of this section will also be authorized to designate two persons in addition to an attorney whose travel and per diem expenses to attend the meeting or hearing may be paid from the organization's current operating grant. Such travel and per diem expenses shall conform to the policies set forth in the Standard Government Travel Regulations and in 45 CFR 1069.3–1 to 1069.3–6 (CSA Instruction 6910–1a).

§ 1050.115–8 CSA implementing policies and procedures governing termination of assistance.

(a) *Purpose and scope.* (1) This section establishes rules for the termination of assistance provided under the Economic Opportunity Act of 1964, as amended (hereinafter the Act), if the assistance is administered by the Community Services Administration; a grantee may be terminated for failure to comply with the terms and conditions of its grant, including applicable laws, regulations, CSA Instructions, grant conditions, or approved work programs.

(2) However, this section shall not apply to any administrative action of the Community Services Administration based upon any violation or alleged violation of Title VI of the Civil Rights Act of 1964; in case of such violation or alleged violation the provisions of 45 CFR Part 1010 (CSA Instruction 6004–01a) shall apply.

(3) Pursuant to section 604(3) of the Act and CSA Instruction 6800–13, the responsible CSA official may terminate a grant under the circumstances outlined in paragraph (a)(1) of this section.

(b) *Definitions.* (1) The term "responsible CSA official" means the Director, Deputy Director, and any other official who is authorized to make the grant in question.

(2) The term "party" means CSA, the grantee concerned, and any other agency or organization which, by right or by permission of the presiding officer, is a participant in a termination hearing.

(c) *Notice and pre-hearing procedures.* (1) If the responsible CSA official believes a grantee's violation of the terms and conditions of its grant is sufficiently serious to warrant termination, whether or not the grant has been suspended, he shall state that there appear to be grounds which warrant termination and shall set forth the specific reasons therefor. If the reasons result in whole or substantial part from the activities of a delegate agency, the notice shall identify that delegate agency. The notice shall also advise the grantee that the matter has been set down for hearing at a stated time and place, in accordance with paragraph (d) of this section. In the alternative the notice shall advise the grantee of its right to request a hearing and shall fix a period of time which shall not be less than 10 days in which the grantee may request such a hearing. (If the grant is Regionally administered, the Regional Director of the grantee's Region may initiate the notice of intent to terminate on behalf of CSA. Any notice initiated by the Regional Director shall inform the grantee of the name and address of the responsible CSA official and shall direct the grantee to address all communications concerning the termination hearing to that official.)

(2) Termination hearings shall be conducted in accordance with the provisions of paragraph (e) and (f) of this section. They shall be scheduled for the earliest practicable date, but not later than 30 days after a grantee has re-

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quested such a hearing. Consideration shall be given to a request by a grantee to advance or postpone the date of a hearing scheduled by CSA. Any such hearing shall afford the grantee a full and fair opportunity to demonstrate that it is in compliance with all applicable laws, regulations, and other requirements specified in paragraph (a) of this section. In any termination hearing, CSA shall have the burden of justifying the proposed termination. However, if the basis of the proposed termination is the failure of a grantee to take action required by law, regulation, or other requirement specified in paragraph (a) of this section, the grantee shall have the burden of proving that such action was timely taken.

(3) If a grantee requests CSA to hold a hearing in accordance with paragraph (c)(1) of this section, it shall send a copy of its request for such a hearing to all delegate agencies which would be financially affected by termination and to each delegate agency identified in the notice pursuant to paragraph (c)(1) of this section. This material shall be sent to these delegate agencies at the same time the grantee's request is made to CSA. The grantee shall promptly send CSA a list of the delegate agencies to which it has sent such material and the date on which it was sent.

(4) If the responsible CSA official pursuant to paragraph (c)(1) of this section informs a grantee that a proposed termination action has been set for hearing, the grantee shall within 5 days of its receipt of this notice send a copy of it to all delegate agencies which would be financially affected by the termination and to each delegate agency identified in the notice pursuant to paragraph (c)(1) of this section. The grantee shall send the responsible CSA official a list of all delegate agencies notified and the date of notification.

(5) If the responsible CSA official has initiated termination proceedings because of the activities of a delegate agency, that delegate agency may participate in the hearing as a matter of right. Any other delegate agency, person, agency or organization that wishes to participate in the hearing may, in accordance with paragraph (e) of this section, request permission to do so from the presiding officer of the hearing. Such participation shall not, without the consent of CSA and the grantee, alter the time limitations for the delivery of papers or other procedures set forth in this section.

(6) The results of the proceeding and any measure taken thereafter by CSA pursuant to this section shall be fully binding upon the grantee and all its delegate agencies whether or not they actually participated in the hearing.

(7) A grantee may waive a hearing and submit written information and argument for the record. Such material shall be submitted to the responsible CSA official within a reasonable period of time to be fixed by him upon the request of the grantee. The failure of a grantee to request a hearing, or to appear at a hearing for which a date has been set, unless excused for good cause shall be deemed a waiver of the right to a hearing and consent to the making of a decision on the basis of such information as is then in the possession of CSA.

(8) The responsible CSA official may attempt, either personally or through a representative, to resolve the issues in dispute by informal means prior to the date of any applicable hearing.

(d) *Time and place of termination hearings.* The termination hearing shall be held in Washington, D.C., or in the appropriate Regional Office, at a time and place fixed by the responsible CSA official, unless he determines that the convenience of CSA or of the parties or their representatives requires that another place be selected.

(e) *Termination hearing procedures.*—(1) *General.* The termination hearing, the decision on termination and any review thereof shall be conducted in accordance with paragraphs (e), (f), and (g) of this section.

(2) *Presiding officer.* (i) The presiding officer at the hearing shall be the responsible CSA official or, at the discretion of the responsible CSA official an independent hearing examiner designated as promptly as possible in accordance with section 3105 of title 5 of the United States Code. The presiding officer shall conduct a full and fair hearing, avoid delay, maintain order, and make a sufficient record for a full and true disclosure of the facts and issues. To accomplish these ends, the presiding officer shall have all powers authorized by law, and he may make all procedural and evidentiary rulings necessary for the conduct of the hearing. The hearing shall be open to the public unless the presiding officer for good cause shown shall otherwise determine. (ii) After the notice described in paragraph (e)(6) of this section is filed with the presiding officer, he shall not consult any person or party on a fact in issue unless on notice and opportunity for all parties to participate. However, in performing his functions under this part the presiding officer may use the assistance and advice of an attorney designated by the General Counsel of CSA or the appropriate Regional Counsel: Provided, that the attorney designated to assist him has not represented CSA or any other party or otherwise participated in a proceeding, recommendation, or decision in the particular matter.

(3) *Presentation of evidence.* Both CSA and the grantee are entitled to present their case by oral or documentary evidence, to submit rebuttal evidence and to conduct such examination and cross-examination as may be required for a full and true disclosure of the facts bearing on the issues. The issues shall be those stated in the notice required to be filed by paragraph (e)(6) of this section, those stipulated in a prehearing conference or those agreed to by the parties.

(4) *Participation.* (i) In addition to CSA, the grantee, and any delegate agencies which have a right to appear, the presiding officer in his discretion may permit the partcipation in the proceedings of such persons or organizations as he deems necessary for a proper determination of the issues involved. Such participation may be limited to those issues or activities which the presiding officer believes will meet the needs of the proceeding, and may be limited to the filing of written material. (ii) Any person or organization that wishes to participate in a proceeding may apply for permission to do so from the presiding officer. This application, which shall be made as soon as possible after the notice of proposed termination has been received by the grantee, shall state the applicant's interest in the proceeding, the evidence or arguments the applicant intends to contribute, and the necessity for the introduction of such evidence or arguments. (iii) The presiding officer shall permit or deny such participation and shall give notice of his decision to the applicant, the grantee, and CSA, and, in the case of denial, a brief statement of the reasons therefor: Provided however, That the presiding officer may subsequently permit such participation if, in his opinion, it is warranted by subsequent circumstances. If participation is granted, the presiding officer shall notify all parties of that fact and may, in appropriate cases, include in the notification a brief statement of the issues as to which participation is permitted. (iv) Permission to participate to any extent is not a recognition that the participant has any interest which may be adversely affected or that the participant may be aggrieved by any decision, but is allowed solely for the aid and information of the presiding officer.

(5) *Filing.* All papers and documents which are required to be filed shall be filed with the presiding officer. Prior to filing, copies shall be sent to the other parties..

(6) *Notice.* The responsible CSA official shall send the grantee and any other party a notice which states the time, place, and nature of the hearing, and the legal authority and jurisdiction under which the hearing is to be held. The notice shall also identify with reasonable specificity the facts relied on as justifying termination and the CSA requirements which it is contended the grantee has violated. The notice shall be filed and served not later than 10 days prior to the hearing and a copy thereof shall be filed with the presiding officer.

(7) *Notice of intention to appear.* The grantee and any other party which has a right or permission to participate in the hearing shall give written confirmation to CSA of its intention to appear at the hearing 3 days before it is scheduled to occur. Failure to do so may, at the discretion of the presiding officer, be deemed a waiver of the right to a hearing.

(8) *Form and date of service.* All papers and documents filed or sent to a party shall be signed in ink by the appropriate party or his authorized representative. The date on which papers are filed shall be the day on which the papers or documents are deposited, postage prepaid in the U.S. mail, or are delivered in person: Provided however, that the effective date of the notice that there appear

to be grounds which warrant termination shall be the date of its delivery or attempted delivery at the grantee's last known address as reflected in the records of CSA.

(9) *Prehearing conferences.* Prior to the commencement of a hearing the presidign officer may, subject to the provisions of paragraph (e)(2)(ii) of this section, require the parties to meet with him or correspond with him concerning the settlement of any matter which will expedite a quick and fair conclusion of the hearing.

(10) *Evidence.* Technical rules of evidence shall not apply to hearings conducted pursuant to this section but the presiding officer shall apply rules or principles designed to assure production of relevant evidence and to subject testimony to such examination and cross-examination as may be required for a full and true disclosure of the facts. The presiding officer may exclude irrelevant, immaterial, or unduly repetitious evidence. A transcript shall be made of the oral evidence and shall be made available to any participant upon payment of the prescribed costs. All documents and other evidence submitted shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues.

(11) *Depositions.* If the presiding officer determines that the interests of justice would be served, he may authorize the taking of depositions provided that all parties are afforded an opportunity to participate in the taking of the depositions. The party who requested the deposition shall arrange for a transcript to be made of the proceedings and shall upon request, and at his expense, furnish all other parties with copies of the transcript.

(12) *Official notice.* Official notice may be taken of a public document, or part thereof, such as a statute, official report, decision, opinion or published scientific data issued by any agency of the Federal Government or a State or local government and such document or data may be entered on the record without further proof of authenticity. Official notice may also be taken of such matters as may be judicially noticed in the courts of the United States, or any other matter of established fact within the general knowledge of CSA. If the decision of the presiding officer rests on official notice of a material fact not appearing in evidence, a party shall on timely request be afforded an opportunity to show the contrary.

(13) *Proposed findings and conclusions.* After the hearing has concluded, but before the presiding officer makes his decision, he shall afford each participant a reasonable opportunity to submit proposed findings of fact and conclusions. After considering each proposed finding or conclusion the presiding officer shall state in his decision whether he has accepted or rejected them in accordance with the provisions of paragraph (f)(1) of this section.

(f) *Decisions, termination notices, and review by the director.* (1) Each decision of a presiding officer shall set forth his findings of fact, and conclusions, and shall state whether he has accepted or rejected each proposed finding of fact and conclusion submitted by the parties, pursuant to paragraph (e)(13) of this section. Findings of fact shall be based only upon evidence submitted to the presiding officer and matters of which official notice has been taken. The decision shall also specify the requirement or requirements with which it is found that the grantee has failed to comply.

(2) The decision of the presiding officer may provide for continued suspension or termination of the grant in whole or in part, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act.

(3) If the hearing is held by an independent hearing examiner rather than by the responsible CSA official, he shall make an initial decision, and a copy of this initial decision shall be mailed to all parties. Any party may, within 20 days of the mailing of such initial decision, or such longer period of time as the presiding officer specifies, file with the responsible CSA official his exceptions to the initial decision and any supporting brief or statement. Upon the filing of such exceptions, the responsible CSA official shall, within 20 days of the mailing of the exceptions, review the initial decision and issue his own decision thereon, including the reasons therefor. The decision of the responsible CSA official may increase, modify, approve, vacate, remit, or mitigate any sanction imposed in the initial decision or may remand the matter to the presiding officer for further hearing or consideration.

(4) Whenever a hearing is waived, a decision shall be made by the responsible CSA official and a written copy of the final decision of the responsible CSA official shall be given to the grantee.

(5) The grantee may request the Director to review a final decision by the responsible CSA official which provides for termination. Such a request must be made in writing within 15 days after the grantee has been notified of the decision in question and must state in detail the reasons for seeking the review. In the event the grantee requests such a review, the Director or his designee shall consider the reasons stated by the grantee for seeking the review and shall approve, modify, vacate or mitigate any sanction imposed by the responsible CSA official or remand the matter to the responsible CSA official for further hearing or consideration. The decision of the responsible CSA official will be given great weight by the Director or his designee during the review. During the course of his review the Director or his designee may, but is not required to, hold a hearing or allow the filing of briefs and arguments. Pending the decision of the Director or his designee, the grant shall remain suspended under the terms and the conditions specified by the responsible CSA official, unless the responsible CSA official or the Director or his designee otherwise determines. Every reasonable effort shall be made to complete the review by the Director or his designee within 30 days of receipt by the Director of the grantee's request. The Director or his designee may however extend this period of time if he determines that additional time is necessary for an adequate review.

(g) *Right to counsel: travel expenses.* In all proceedings under this section whether formal or informal, the grantee and CSA shall have the right to be represented by counsel or other authorized representatives. If the grantee and any delegate agencies which have a right to participate in a termination hearing pursuant to paragraph (c) of this section do not have an attorney acting in that capacity as a regular member of the staff of the organization, the Boards of Directors of such grantees and delegate agencies will be authorized to designate an attorney to represent their organizations at any termination hearing and to transfer sufficient funds from their current operating grants to pay the fees, travel, and per diem expenses of such attorney. The fees for such attorney shall be the reasonable and customary fees for an attorney practicing in the locality of the attorney. However, such fees shall not exceed $100 per day without the express written approval of CSA. Travel and per diem expenses may be paid to such attorney from grant funds only in accordance with the policies set forth in the Standard Travel Regulation and in 45 CFR 1069.3–1 to 3–6 (CSA Instruction 6910–1a). The Board of Directors of the grantee or any delegate agency which has a right to participate in a termination hearing pursuant to paragraph (e) of this section will also be authorized to designate two persons in addition to an attorney whose travel and per diem expenses to attend the meeting or hearing may be paid from the organization's current operating grant. Such travel and per diem expenses shall conform to the policies set forth in the Standard Government Regulations and in 45 CFR 1069.3–1 to 1069.3–6 (CSA Instruction 6910–1a).

(h) *Modification of procedures by consent.* The responsible CSA official or the presiding officer of a termination hearing may alter, eliminate or modify any of the provisions of this section with the consent of the grantee and, in the case of a termination hearing, with the consent of all delegate agencies that have a right to participate in the hearing pursuant to paragraph (c)(5) of this section. Such consent must be in writing or be recorded in the hearing transcript.

(i) *Other remedies.* The procedures established by this section shall not preclude CSA from pursuing other remedies authorized by law.

(j) *Consequences of termination.* Upon termination, the disposition of unexpected Federal funds and of property

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purchased with program funds shall be according to the provisions of CSA Instruction 6800–12, Grant Closeout Procedures. Termination shall not affect expenditures or legally binding commitments made prior to the grantee's receipt of notice of the termination, provided such expenditures were made in good faith and are otherwise allowable. Funds shall not be considered to be legally committed solely by virtue of a grantee's contract or other commitment to a delegate agency.

15. The purpose of this subpart is to notify grantees of the requirements in OMB Circular A–110 and FMC 74–7 that Standard Form 424 be used by both public and private non-profit grantees and contractors to fulfill certain requirements. CSA previously implemented the requirements of this standard when it published 45 CFR 1067.10 (CSA Instruction 6710–3a). Policies and procedures found in that subpart (and Instruction) continue to be in effect. Overprinting of the SF–424 as shown in 45 CFR 1067.10 was approved by the Office of Management and Budget. 45 CFR Chapter X is amended by adding the following:

Subpart N—Standard Form for Applying for Federal Assistance (SF 424) (Uniform Federal Standard) (CSA Instruction 6800–14)

§ 1050.120 References.

(1) OMB Circular A–110, Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations (Attachment M).

(2) FMC 74–7, Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments (Attachment M).

(3) CSA Instruction 6710–3a, Project Review and Notification System. (45 CFR 1067.10.)

(4) OEO Instruction 6710–1, Applying for a CAP Grant and Changes thereto.

(5) CSA Instruction 6710–6, Applying for a Grant Under Title VII of the Community Services Act. (45 CFR 1067.15.)

(6) CSA Instruction 6143–1a, Emergency Energy Conservation Program. (45 CFR 1061.30.)

(7) OEO Instruction 7570–1, Applying for a new Research or Demonstration Grant Under EOA.

(8) OEO Instruction 7570–2, Applying for Continuation of a Research or Demonstration Grant.

§ 1050.121 Standards.

(a) Standard Form 424 will be used by public agencies and private organizations as a face sheet for applications when applying for any CSA grant.

(b) The SF–424 will be used to fulfill the requirements of OMB Circular A–95 for a notification of intent from applicant to clearinghouse(s) that assistance will be applied for from CSA in those instances where clearinghouses do not require other forms.

(c) The SF 424 will also be used by CSA funding offices to report to the clearinghouses on major actions taken on applications reviewed by clearinghouses in accordance with OMB Circular A–95, and to notify States of grants-in-aid awarded in accordance with Treasury Circular 1082.

§ 1050.122 CSA implementing policies and procedures.

(a) Detailed CSA policies regarding the uses of the SF 424, including information on completing the form, will be found in reference (3).

(b) Detailed policies and procedures for applying for grants under the Economic Opportunity Act will be found in references (4) through (8).

16. Subpart O to Part 1050 is reserved.

Subpart O—Property Management Standards [Reserved]

17. Subpart P to Part 1050 is reserved.

Subpart P—Procurement Standards [Reserved]

[FR Doc.77–9882 Filed 3–30–77;2:00 pm]

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Rules Going Into Effect Today

NOTE: There are no items eligible for inclusion in the list of RULES GOING INTO EFFECT.

List of Public Laws

This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

H.J. Res. 351.....Pub. L. 95–16
Making further continuing appropriations for the fiscal year 1977, and for other purposes. (Apr. 1, 1977; 91 Stat. 28)
Price: $.35.

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

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Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

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Title 3—The President

Proclamation 4495 • **April 1, 1977**

Termination of Natural Gas Emergency

By the President of the United States of America

A Proclamation

On February 2, 1977, Proclamation No. 4485 was issued which proclaimed and declared the existence of a natural gas emergency within the meaning of Section 3 of the Emergency Natural Gas Act of 1977. Such action was necessary because of the imminent shortage of natural gas for high-priority uses and the inadequacy of remedial measures other than the extraordinary measures authorized by Section 4 of that Act. Section 3 of the Emergency Natural Gas Act of 1977, however, requires termination of such emergency when the President finds that such shortages no longer exist and are no longer imminent.

I now find that the severe natural gas shortages which necessitated the declaration of a natural gas emergency within the meaning of Section 3 of said Act no longer exist and are no longer imminent.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by virtue of the authority vested in me by the Constitution and statutes of the United States, including the Emergency Natural Gas Act of 1977, do hereby proclaim and declare that the natural gas emergency declared to exist by Proclamation No. 4485 of February 2, 1977 is terminated.

The fact that this winter's natural gas emergency is over in no way signals an end to our energy crisis. On the contrary, it is a reminder that our natural gas supply is far short of potential demand. Unless we take remedial action to develop a natural gas policy as part of a comprehensive energy policy, our economy, and even our homes, will be in increasing danger with each passing year. On April 20, 1977, I shall propose a policy to provide a long-term solution to our energy problems.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of April, in the year of our Lord nineteen hundred seventy-seven, and of the Independence of the United States of America the two hundred and first.

Jimmy Carter

[FR Doc.77-10219 Filed 4-1-77;4:59 pm]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 9]

PART 722—COTTON

Extra Long Staple Cotton Program; 1977 Crop Price Support Payment Factor and Price Support Payment Rate

On July 30, 1976, notice of proposed rule making regarding determinations with respect to the 1977 crop of extra long staple cotton was published in the FEDERAL REGISTER (41 FR 31850). Interested persons were invited to submit written data, views, and recommendations regarding the determinations within 30 days after publication of the notice. No comments were received in response to the factor and payment rate.

This amendment to the regulations governing the Extra Long Staple Cotton Program for 1968 and Succeeding Years is issued pursuant to section 101(f) of the Agricultural Act of 1949, as amended. The purposes of this amendment are to announce the 1977 price support payment factor and the 1977 price support payment rate.

The regulations governing the Extra Long Staple Cotton Program for 1968 and Succeeding Years, 33 FR 19159, as amended, are hereby further amended as follows:

1. Section 722.704 is amended by adding a new paragraph (h) to read as follows:

§ 722.704 Price support payment factor.

* * * * *

(h) For 1977, the price support payment factor is 0.6783.

2. Section 722.709 is amended by adding a new sentence at the end of paragraph (a).

§ 722.709 Price support payment.

(a) * * * For 1977, the price support payment rate shall be 0 cents per pound.

* * * * *

(Sec. 101(f), as amended, 82 Stat. 702 (7 U.S.C. 1441(f)).)

Effective date: This amendment shall become effective April 5, 1977.

Signed at Washington, D.C., on March 30, 1977.

VICTOR A. SENECHAL,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.77-9977 Filed 4-4-77;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 85, Amdt 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment increases the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period March 27–April 2, 1977. The amendment recognizes that demand for lemons has improved, since the regulation was issued. This action will increase the supply of lemons available to consumers.

DATES: Weekly regulation period March 27–April 2, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250; (202) 447-3545.

SUPPLEMENTARY INFORMATION: (a) *Findings.* (1) Pursuant to the amended marketing agreement and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of recommendations and information submitted by the Lemon Administrative Committee, established under the marketing agreement and order, and other available information, it is found that the limitation of handling of lemons, as provided in this amendment will tend to effectuate the declared policy of the act.

(2) Demand in the lemon markets has improved since the regulation was issued. Amendment of the regulation is necessary to permit lemon handlers to ship a larger quantity of lemons to market to supply the increased demand. The amendment will increase the quantity permitted to be shipped by 10,000 cartons, in the interest of producers and consumers.

(3) It is further found that it is impracticable and is contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of lemons.

(b) *Order, as amended.* Paragraph (b)(1) of § 910.385 Lemon Regulation 85 (42 FR 16129) is amended to read as follows: "The quantity of lemons grown in California and Arizona which may be handled during the period March 27, 1977, through April 2, 1977, is established at 245,000 cartons."

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674).)

Dated: March 31, 1977.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-10107 Filed 4-4-77;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1976 Crop Rice Loan and Purchase Program, Amdt. 2]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1976 Rice Loan and Purchase Program

1976 CROP RICE LOAN AND PURCHASE PROGRAM; MATURITY OF LOANS

The regulations issued by Commodity Credit Corporation (CCC), and published at 41 FR 23930, June 14, 1976, 41 FR 29809, July 20, 1976, and 41 FR 38156, September 9, 1976, which set forth specific requirements with respect to loans and purchases for the 1976 crop of rice are hereby amended to change the loan maturity date. It is impracticable and contrary to the public interest to give notice of proposed rulemaking with respect to this amendment because the current maturity date is April 30, 1977. It is essential that producers be advised of this change as soon as possible in order for such producers to plan their marketing of 1976 rice. Therefore, Section 1421.327 is amended to provide for the extension of the maturity dates of loans to producers who enter into agreements with CCC to extend the maturity date. The revised section reads as follows:

§ 1421.327 Maturity of loans.

Unless demand is made earlier, loans on rice will mature on April 30, 1977,

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except that by written agreement between CCC and a producer, the loan maturity date may be extended to June 30, 1977.

(Secs. 4, 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b, c); secs. 101, 401, 63 Stat. 1051, as amended (7 U.S.C. 1441 note, 1421).)

Effective date. This amendment shall be effective for all loans made on the 1976 crop of rice.

Signed at Washington, D.C., on March 30, 1977.

VICTOR A. SENECHAL,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.77-10106 Filed 4-4-77;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z; FC-0054 and FC-0055]

PART 226—TRUTH IN LENDING

Official Staff Interpretations

In accordance with 12 CFR 226.1(d), the Board is publishing the following official staff interpretations of Regulation Z, issued by a duly authorized official of the Division of Consumer Affairs.

Identifying details have been deleted to the extent required to prevent a clearly unwarranted invasion of personal privacy. The Board maintains and makes available for public inspection and copying a current index providing identifying information for the public subject to certain limitations stated in 12 CFR 261.6.

Official staff interpretations may be reconsidered by the Board upon request of interested parties and in accordance with 12 CFR 226.1(d)(2). Every request for reconsideration should clearly identify the number of the official staff interpretation in question, and should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

These interpretations shall be effective as of April 4, 1977.

[FC-0054]

§ 226.4(a)—Charges listed in 4(a) which are absorbed by creditor and not passed directly or indirectly on to customers are not finance charges.

§ 226.6(a)—"Meaningful sequence" does not require any particular arithmetical progression, but related terms must be presented so that customers can understand their relationship. (See also 780, 1047).

§ 226.8(b)—Right of acceleration is not an 8(b)(4) default charge, but if rebate upon prepayment after acceleration is different from rebate upon voluntary prepayment disclosed under 8(b)(7), the difference is an 8(b)(4) charge. (Clarifies 851).

§ 226.8(b)—Attorney's fees and foreclosure costs assessed automatically are 8(b)(4) charges; if not automatically imposed, need not be disclosed as such.

MARCH 21, 1977.

This is in reply to your letter of • • •, requesting official staff interpretations of the requirements of Regulation Z with regard to computation of finance charge, disclosure of late payment charges, disclosure of loan proceeds, and the meaning of the term "meaningful sequence." This letter is an official staff interpretation of these four matters.

Staff considers the three other questions raised in your letter as inappropriate for official staff interpretations at this time. An official interpretation concerning disclosure of a dealer's reserve is deemed inappropriate because the Board has proposed for comment an amendment and an interpretation of Regulation Z on this same subject. Similarly, an official interpretation concerning whether loan proceeds must be disclosed is deemed inappropriate because this question has been raised in *Pollock* v. *General Finance Corporation*, a case currently pending in the United States Court of Appeals for the Fifth Circuit in which the Board filed a brief amicus curiae. An official interpretation of your question regarding disclosure of notary fees under § 226.8(d)(3) would be inappropriate since staff's position is not one upon which a creditor may wish to rely in a civil action. A response to that issue will, therefore, be provided in a separate unofficial staff letter to you.

To answer your remaining four questions:

(1) You ask whether a creditor's right of acceleration upon default by the obligor must be disclosed as a default, delinquency, or late payment charge within the context of § 226.8(b)(4). It is staff's opinion that the phrase "default, delinquency, or similar charges in the event of late payments," found in § 128(a)(9) and § 129(a)(7) of the Truth in Lending Act and § 226.6(b)(4) of Regulation Z, refers to specific sums assessed against a borrower solely because of failure to make payments when due. It is staff's opinion that the mere right to accelerate contained in a contractual provision which sets out the creditor's right to accelerate the entire obligation upon a certain event (generally the obligor's failure to make a payment when due) is not a charge payable in the event of late payment. Therefore, it need not be disclosed under § 226.8(b)(4).

You refer to a prior Public Information Letter, No. 851, which discusses the right of acceleration. Staff believes that letter addresses a different issue than the one posed in your letter. Staff understands that letter to say that early payment of the balance of a precomputed finance charge obligation by a customer upon acceleration by the creditor is essentially the same as a prepayment of the obligation. Therefore, if the creditor does not rebate unearned finance charges in accordance with the rebate provisions disclosed under § 226.8(b)(7) when the customer pays the balance of the obligation upon acceleration, any amounts retained beyond those which would have been rebated under the disclosed rebate provisions do represent the type of charge that must be disclosed under § 226.8(b)(4).

(2) You ask a further question regarding what charges must be disclosed as default, delinquency, or late payment charges within the context of § 226.8(b)(4). Specifically, you ask whether attorney's fees and foreclosure costs assessed on a non-automatic basis at the sole discretion of the creditor need to be disclosed pursuant to that section. It is staff's opinion that, if the imposition of these charges is automatic (for example, if the charge becomes immediately due and collectible by virtue of default), the charges must be disclosed under § 226.8(b)(4). If, however, the imposition of the charge is not automatic but is conditioned upon employment of the services of an attorney to effect collection or expenditure of amounts in conjunction with foreclosure proceedings, such charge need not be disclosed under § 226.8(b)(4).

(3) You request an official staff interpretation regarding the requirement in § 226.6(a) that disclosures be made "in meaningful sequence." Specifically, you ask whether any particular arithmetical progression must be used in making the disclosures. You refer to the case of *Allen* v. *Beneficial Finance Co.*, 531 F. 2d 797 (7th Cir., 1976), which has been interpreted by some to mean that the various disclosure elements must be arranged in a "summation column," as opposed to a subtractional order, to comply with the "meaningful sequence" requirement.

Section 226.6(a) does not set forth any particular arithmetical progression which must be used in making disclosures. It is staff's opinion that the regulation does not require all presentations to be made within the rigid confines of a particular series of additions or subtractions. In fact, it is inappropriate to speak of a "summation" or "subtractional" method as if these were separate and mutually exclusive methods of disclosure. In order to comply with the requirements of § 226.8(d), for example, most disclosure statements would necessarily contain both additions and subtractions. A disclosure might begin with a total of payments figure and subtract the amount financed to show the finance charge. The same disclosure would probably involve an addition process in disclosing the amount financed, if it includes other charges, and in disclosing the finance charge, if it contains more than one component. By contrast, a disclosure might begin with the amount of credit paid to or on behalf of the customer (a sum) and require a series of subtractions, if the transaction involves a prepaid finance charge and/or a required deposit balance, to reach the amount financed. The invalidity of attempting to characterize disclosure methods by these labels may be further illustrated by the provisions of § 226.8(c), a series of disclosure items involving a mixture of subtractions and additions which, therefore, cannot be described with a single arithmetical label.

In staff's view, the term "meaningful sequence" cannot and should not be defined by reference to some rigid concept of arithmetical progression. We believe that § 226.6(a) requires related terms to be presented in an order which will assist the customer in understanding their relationship. Given the wide variety in credit transactions, "meaningful sequence" must be determined by reference to the particular set of disclosures under consideration. An arrangement of elements suitable for one type of transaction may not necessarily be adequate for another type of transaction.

(4) You ask whether finders' fees, appraisal fees, credit report fees, and other charges of the type mentioned in § 226.4(a) which are absorbed by the creditor and which are not passed on to the obligor either directly or indirectly (e.g., by increasing the amount financed or the rate of interest charged) must be itemized and disclosed as components of the finance charge under § 226.8(c)(8)(1) and § 226.8(d)(3). It is staff's opinion that such amounts which are absorbed by the creditor as a cost of doing business and are not directly or indirectly imposed upon the obligor do not constitute finance charges within the general definition of § 226.4(a). Since they are not part of the finance charge, they need not be itemized and disclosed under § 226.8(c) or § 226.8(d).

This letter is an official staff interpretation of Regulation Z, issued in accordance with § 226.1(d)(3) of the regulation, and limited in its application to the facts and issues presented herein. I trust it will be of assistance to you.

Sincerely,

JERAULD C. KLUCKMAN,
Associate Director.

[FC-0055]

§ 226.7(k)—Open end creditor may provide transaction date and date of crediting to the account for each transaction where both dates are identified.

§ 226.7(b)(1)(ii)—Open end creditor may provide transaction data and date of crediting to the account for each transaction where both dates are identified.

MARCH 22, 1977.

This is in reply to your letter of • • •, in which you asked for a clarification of official staff interpretation FC-0024, dated November 22, 1976. In particular, you ask whether certain language in that interpretation was intended by staff to mean that a creditor of an open end credit plan may not disclose on a periodic statement both the date of the transaction and the date of crediting the transaction to the account to aid in identifying transactions. Specifically, you are concerned with the following statement in that letter: "The requirement of posting dates would unnecessarily complicate the disclosure and necessitate the printing of two separate dates (i.e., the transaction date and the posting date) which could result in confusion on the part of the customer."

It was not staff's intention to imply by this language that a creditor may not disclose the transaction date and the crediting date in connection with each transaction on an account. That language was mainly intended as an explanation of the reason why the regulation does not require both dates to be disclosed for all transactions. In staff's opinion, it would be permissible, as you suggest, to disclose both such dates for each transaction on an open end credit account where the dates are identified as to type either by columnar heading or other appropriate means.

This is an official staff interpretation of Regulation Z, issued in accordance with § 226.1(d)(3) of the regulation and limited in its application to the facts and issues presented herein. I trust it is responsive to your inquiry.

Sincerely,

JERAULD C. KLUCKMAN,
Associate Director.

Board of Governors of the Federal Reserve System, March 30, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-10034 Filed 4-4-77;8:45 am]

CHAPTER VII—NATIONAL CREDIT UNION ADMINISTRATION

PART 720—DESCRIPTION OF OFFICE, DISCLOSURE OF OFFICIAL RECORDS—AVAILABILITY OF INFORMATION, PROMULGATION OF REGULATIONS

Freedom of Information Act; Unpublished, Confidential and Privileged Information

AGENCY: National Credit Union Administration.

ACTION: Final rule.

SUMMARY: The revision of § 720.4(a)(3) sets forth the requirements to be followed in determining whether agency materials are exempt from public disclosure by statute. This revision is necessary to bring the rule in conformance with the language of exemption (b)(3) of the Freedom of Information Act, which was recently amended by section 5(b) of the Government in the Sunshine Act.

EFFECTIVE DATE: April 5, 1977.

FOR FURTHER INFORMATION CONTACT:

Edward J. Dobranski, Office of General Counsel, National Credit Union Administration, 2025 M Street NW., Washington, D.C. 20456 (202-254-9810).

SUPPLEMENTARY INFORMATION: The notice, public participation, and deferred effective date requirements of 5 U.S.C. 553 were not followed in connection with the revision of § 720.4(a)(3). Such procedures were found to be unnecessary because the revision merely conforms § 720.4(a)(3) to the language of exemption (b)(3) of the Freedom of Information Act, as amended by section 5(b) of the Government in the Sunshine Act.

Accordingly, 12 CFR 720 is amended, effective immediately, as follows:

1. By revising Part 720.4(a)(3) as follows:

§ 720.4 Unpublished confidential and privileged information.

(a) • • •

(3) Specifically extempted from disclosure by statute (other than section 552(b) of Title 5 of the United States Code), provided that such statute (i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

• • • • • •

(Sec. 120, 73 Stat. 635 (12 U.S.C. 1766) and Sec. 209, 84 Stat. 1014 (12 U.S.C. 1789).)

C. AUSTIN MONTGOMERY,
Administrator.

MARCH 24, 1977.

[FR Doc.77-10018 Filed 4-4-77;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2873]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Cezar, Ltd. et al.

AGENCY: Federal Trade Commission.

ACTION: Issuance of order to cease and desist.

SUMMARY: On Thursday, January 6, 1977, there was published in the FEDERAL REGISTER (42 FR 1304) a proposed consent agreement with analysis In the Matter of Cezar, Ltd. et al. for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.[1]

SUPPLEMENTARY INFORMATION: The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows:

Subpart—Advertising Falsely or Misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.30 Composition of goods; 13.30-75 Textile Fiber Products Identification Act; § 13.45 Content; § 13.73 Formal regulatory and statutory requirements; 13.73-90 Textile Fiber Products Identification Act; § 13.205 Scientific or other relevant facts; § 13.270 Trademark registration or use. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533-37 Formal regulatory and/or statutory requirements; 13.553-45 Maintain records. Subpart—Failing to Maintain Records; § 13.1051 Failing to maintain records; 13.1051-30 Formal regulatory and/or statutory requirements. Subpart—Misbranding or Mislabeling: § 13.1170 Advertising and promotion; § 13.1185 Composition; 13.1185-80 Textile Fiber Products Identification Act; § 13.1200 Content; § 13.1212 Formal regulatory and statutory requirements; 13.1212-80 Textile Fiber Products Identification Act; § 13.1320 Scientific or other relevant facts. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1590 Composition; 13.1590-70 Textile Fiber Products Identification Act; § 13.1605 Content; § 13.1623 Formal regulatory and statutory requirements; 13.1623-80 Textile Fiber Products Identification Act; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, Unfairly or deceptively, to Make Material Disclosure: § 13.1845 Composition; 13.1845-70 Textile Fiber Products Identification Act; § 13.1895 Scientific or other relevant facts.

(6 Stat. 721 (15 U.S.C. 46). Interpret or apply Sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; (15 U.S.C. 45, 70).)

Issue Date: March 14, 1977.

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77-10056 Filed 4-4-77;8:45 am]

PART 502—REGULATIONS UNDER SECTION 5(C) OF THE FAIR PACKAGING AND LABELING ACT

CFR Correction

In the text of § 502.100, appearing on pages 449 and 450 of 16 CFR Parts 150 to 999, the following changes should be made:

(1) the following line should appear between the sixth and seventh line in the second column on page 450:

§ 502.100 "Cents-off" representations.

• • • • • •

(c) • • • construed to authorize or condone the • • •

(2) The source note on page 450 is corrected to read as follows:

[36 FR 23057, Dec. 3, 1971]

[1] Copies of the Complaint and Decision and Order filed with the original document.

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Title 20—Employees' Benefits

CHAPTER II—RAILROAD RETIREMENT BOARD

PART 210—EXECUTION AND FILING OF AN APPLICATION FOR AN ANNUITY

Use of Social Security Application as Railroad Retirement Application

This document provides a revision of the Board's regulations to permit a claimant's social security application to serve as his or her railroad retirement application in certain limited cases if the claimant had met all eligibility requirements under the Railroad Retirement Act as of the date of the application filed with the Social Security Administration except for the filing of an application with the Railroad Retirement Board.

Pursuant to the general authority contained in section 7 of the act of October 16, 1974 (88 Stat. 1338; 45 U.S.C. 231f), § 210.2 of Part 210 (20 CFR 210.2) of the regulations under such act are amended by Board Order 77-18, dated February 23, 1977, as follows:

§ 210.2 Application to be filed.

(a) No individual, irrespective of his qualifications, shall receive an annuity unless, on or before the date of his death, his duly executed application upon such form as the Board may from time prescribe is filed with the Board: *Provided, however*, that a claim or application filed with the Social Security Administration, whether before or after the adoption of this section, for monthly insurance benefits under title II of the Social Security Act (except an application for a disability insurance benefit where such benefit was terminated before the 120th month of railroad service was performed), based in whole or in part on service of an employee for an employer under the Railroad Retirement Act, shall be considered an application for an annuity duly filed with the Board: And *Provided Further*, that a claim or application filed with the Social Security Administration on or before December 31, 1974, for monthly insurance benefits under title II of the Social Security Act, regardless of whether such claim or application is based in whole or in part on service of an employee for an employer under the Railroad Retirement Act, shall be considered an application for an annuity duly filed with the Board if: (1) the individual filing such claim or application would have been entitled to an annuity under the Railroad Retirement Act as of the date of such filing if he had then filed an application with the Board, and (2) such individual elects to have such claim or application considered as an application for an annuity under the Railroad Retirement Act.

By Authority of the Board.

Dated: March 28, 1977.

R. F. BUTLER,
Secretary of the Board.

[FR Doc.77-10021 Filed 4-4-77;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER D—DRUGS FOR HUMAN USE

[Docket No. 77N-0028]

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Test Organism Name Change

AGENCY: Food and Drug Administration, HEW.

ACTION: Rule.

SUMMARY: This rule is amending the microbiological assay methods regulations by changing the name of a test organism.

EFFECTIVE DATE: April 5, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert J. Rice, Bureau of Drugs (HFD-30), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857 (301-443-5220).

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs, to maintain current regulations, is changing the name of "Test organism K" listed in § 436.103(a) (21 CFR § 436.103(a)) as "*Streptococcus faecalis* (ATCC 10541)" [1] to "*Streptococcus faecium* (ATCC 10541)" [2] to correspond with a similar change by the American Type Culture Collection.

A new taxonomic criterion has been applied to the differentiation between *S. faecalis* and *S. faecium*. As a result, American Type Culture Collection has reclassified the organism currently listed as *S. faecalis* in the antibiotic regulations. By the new criterion, it has been renamed *S. faecium*.

(Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR § 5.1).)

Part 436 is amended in the table in § 436.103(a) by revising the entry for Test organism K to read as follows:

§ 436.103 Test organisms.

(a) • • •

Test organism	Method used	Medium used for the— Slants	Roux bottles	Incubation period of Roux bottles	Suggested dilution factor	Suggested storage period of suspensions under refrigeration (hours)
• • •	•	•	•	•	•	•
Test organism K-*Streptococcus faecium* (ATCC 10541).[2]	5					24
• • •	•	•	•	•	•	•

Since the amendment merely corrects obsolete nomenclature and since the matter is noncontroversial, the Commissioner finds that notice and public procedure and delayed effective date are unnecessary for this promulgation.

Effective date: This amendment becomes effective April 5, 1977.

(Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357).)

Dated: March 16, 1977.

MARY A. MCENIRY,
Assistant Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.77-9879 Filed 4-4-77;8:45 am]

[Docket No. 76N-0221]

PART 442—CEPHA ANTIBIOTIC DRUGS

Sterile Cefazolin Sodium; Revision of pH Values and Increase in Samples Submitted for Certification

AGENCY: Food and Drug Administration, HEW.

ACTION: Rule.

SUMMARY: This rule is amending the antibiotic drug regulations by (1) establishing pH limits for sterile cefazolin sodium reconstituted with lidocaine hydrochloride injection 0.5 percent U.S.P. (United States Pharmacopeia), (2) raising the lower pH limit for sterile cefazolin sodium in the regulation providing for the bulk drug product, and (3) increasing the number of samples to be submitted for certification testing of sterile cefazolin sodium.

EFFECTIVE DATE: May 5, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert J. Rice, Bureau of Drugs (HFD-30), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, (301-443-5220).

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs proposed in the FEDERAL REGISTER of July 23, 1976 (41 FR 30349), that §§ 442.11a and 442.211 (21 CFR §§ 442.11a and 442.211) be amended regarding the use of lidocaine hydrochloride injection 0.5 percent U.S.P. as a diluent to be packaged in combination with sterile cefazolin sodium. Lidocaine hydrochloride is a local anesthetic that can be used in combination with other injectable drugs to reduce the discomfort of the injection.

The Commissioner concluded that the data supplied by the manufacturer concerning this combination package are adequate to establish its safety and efficacy. He therefore proposed that the regulations be amended to provide for its certification. Because the pH values obtained with the lidocaine diluent are higher than those obtained when the drug is reconstituted with the previously approved diluents, this action necessitates requiring an additional pH test to be performed on sterile cefazolin sodium reconstituted with lidocaine hydrochloride injection 0.5 percent U.S.P. and providing specifications for the pH limits therefor.

In addition, based on a review of certification data for the past several years, the Commissioner proposed to raise the lower pH limit from 4.0 to 4.5 for sterile cefazolin sodium after reconstituton with water.

Finally, the Commissioner proposed to amend the requirements concerning the number and size of samples of sterile cefazolin sodium to be submitted with a request for certification. The regulations currently require that if the batch is packaged for dispensing, the person requesting certification must submit 20 vials of sterile cefazolin sodium for sterility testing; and for all other tests, 12 vials or if the vials contain less than 500 milligrams each, 16 vials. The Commissioner found that this number of vials for tests other than sterility is inadequate to perform the necessary tests and assays. He proposed, therefore, to increase the requirement for tests other than sterility to 15 vials, or if the vials contain less than 1 gram each, 24 vials. Sixty days were allowed for public comment on the proposal. No comments were received. The Commissioner, therefore, finds that the amendment should be adopted as proposed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357)) and under authority delegated to the Commissioner (21 CFR 5.1), Part 442 is amended as follows:

1. In § 442.11a by revising paragraphs (a)(1)(vi) and (a)(3)(ii)(b)(*1*) to read as follows:

§ 442.11a Sterile cefazolin sodium.

(a) • • •

(1) • • •

(vi) Its pH in an aqueous solution containing 100 milligrams of cefazolin per milliliter is not less than 4.5 and not more than 6.0.

• • • • • •

(3) • • •

(ii) • • •

(b) • • •

(*1*) For all tests except sterility: A minimum of 15 immediate containers, except if each contains less than 1.0 gram, a minimum of 24 immediate containers.

• • • • • •

2. By revising § 442.211 to read as follows:

§ 442.211 Sterile cefazolin sodium.

The requirements for certification and the tests and methods of assay for sterile cefazolin sodium packaged for dispensing are described in § 442.11a, except for the following additional requirements if it is packaged with lidocaine hydrochloride injection 0.5 percent U.S.P.:

(a) The pH, when reconstituted and diluted to 100 milligrams per milliliter with lidocaine hydrochloride injection 0.5 percent U.S.P., is not less than 5.5 and not more than 7.0.

(b) In addition to the information required by § 442.11a (a)(3)(i), the following shall be submitted:

(1) The pH on the batch reconstituted with lidocaine hydrochloride injection 0.5 percent U.S.P.; and

(2) Results of tests and assays on the lidocaine hydrochloride injection 0.5 percent to show conformance with U.S.P. requirements.

Effective date. This amendment shall become effective May 5, 1977.

(Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357).)

Dated: March 16, 1977.

MARY A. MCENIRY,
Assistant Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.77-9876 Filed 4-4-77;8:45 am]

[Docket No. 76N-0164]

PART 444—OLIGOSACCHARIDE ANTIBIOTIC DRUGS

Sterile Neomycin Sulfate and Polymyxin B Sulfate Solution; Revised pH Limit

AGENCY: Food and Drug Administration, HEW.

ACTION: Rule.

SUMMARY: This rule is amending the antibiotic drug regulations by revising the lower pH limit from 5.0 to 4.5 for sterile neomycin sulfate and polymyxin B sulfate solution.

EFFECTIVE DATE: May 5, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert J. Rice, Bureau of Drugs (HFD-30), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857 (301-443-5220).

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs proposed in the FEDERAL REGISTER of July 15, 1976 (41 FR 29151), that § 444.942b (21 CFR § 444.942b) be amended by revising the lower pH limit from 5.0 to 4.5 for sterile neomycin sulfate and polymyxin B sulfate solution. Sixty days were allowed for public comment on the proposal. No comments were received. Therefore, the Commissioner finds that the amendment should be adopted as proposed.

(Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 5.1).)

Part 444 is amended in § 444.942b (a)(1) by revising the fourth sentence therein to read as follows:

§ 444.942b Sterile neomycin sulfate and polymyxin B sulfate solution.

• • • • • •

(a) • • •

(1) • • • Its pH is not less than 4.5 and not more than 6.0, except that for issuance of a certificate it is not less than 5.0. • • •

• • • • • •

Effective date. This amendment shall become effective May 5, 1977.

(Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357).)

Dated: March 16, 1977.

MARY A. MCENIRY,
Assistant Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.77-9877 Filed 4-4-77;8:45 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 510—NEW ANIMAL DRUGS

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Bambermycins Alone or in Combination; Change of Sponsor Firm Name

AGENCY: Food and Drug Administration (FDA).

ACTION: Final rule.

SUMMARY: The Food and Drug Administration provides for a sponsor name change—Hoechst-Roussel Pharmaceuticals to American Hoechst Corp.

EFFECTIVE DATE: April 5, 1977.

FOR FURTHER INFORMATION CONTACT:

David P. Ducharme, Bureau of Veterinary Medicine (HFV-140), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, (301-443-2280).

SUPPLEMENTARY INFORMATION: The following supplemental new animal drug applications (NADA's) filed by American Hoechst Corp., Agricultural Division, Route 202-206 North, Somerville, N.J. 08876 are approved by FDA:

44-759V Bambermycins.
95-543V Bambermycins, amprolium, and ethopabate (Hi E).
95-547V Bambermycins, amprolium, ethopabate (Hi E), and roxarsone.
95-548V Bambermycins, amprolium, and roxarsone.
95-549V Bambermycins, amprolium, ethopabate, and roxarsone.
98-340V Bambermycins and monensin.
98-341V Bambermycins, monensin and roxarsone.

They provide for a change of sponsor name from Hoechst-Roussel Pharmaceuticals, Inc., a Subsidiary of American Hoechst Corp., to its parent company, American Hoechst Corp. Hoechst-Roussel Pharmaceuticals, Inc., has similarly requested the sponsor change. The firms advise FDA that personnel, contract manufacturing and quality control, and quality assurance will remain unchanged. These approvals are effective April 5, 1977.

This action, to approve the intracorporate transfer of NADA's, has not required a reevaluation of the parent NADA's and does not constitute a re-

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affirmation of the drugs' safety and effectiveness.

The Commissioner of Food and Drugs is amending Parts 510 and 558 (21 CFR Parts 510 and 558) to reflect these approvals.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR § 5.1)

Parts 510 and 558 are amended as follows:

1. In Part 510, § 510.600(c)(1) is amended to delete the entry for Hoechst-Roussel Pharmaceuticals, Inc., and to add a new entry alphabetically; and in paragraph (c)(2) to delete the firm name and address in entry No. 000039 and to add a new firm name and address, to read as follows:

§ 510.600 Names, addresses, and code numbers of sponsors of approved applications.

• • • • • •

(c) • • •

(1) • • •

Firm name and address:	*Drug listing*
• • • • •	
American Hoechst Corp., Agricultural Division, Route 202–206 North Somerville, N.J. 08876----------	000039
• • • • •	

(2) • • •

Drug listing No.:	*Firm name and address*
• • • •	
000039----------	American Hoechst Corp., Agricultural Division, Route 202–206 North, Somerville, NJ 08876.
• • • •	

§ 558.15 [Amended]

2. In Part 558, § 558.15 *Antibiotic, nitrofuran, and sulfonamide drugs in the feed of animals* is amended in paragraph (g)(1) in the table in the column "Drug Sponsor" to delete the name Hoechst Pharmaceuticals and insert in its place the name American Hoechst Corp.

Effective date. This regulation becomes effective April 5, 1977.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: March 30, 1977.

C. D. HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.77-10006 Filed 4-4-77;8:45 am]

PART 510—NEW ANIMAL DRUGS

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Tylosin

AGENCY: Food and Drug Administration, HEW.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration approves a new animal drug application (NADA) for use of tylosin in swine feed.

EFFECTIVE DATE: April 5, 1977.

FOR FURTHER INFORMATION CONTACT:

Jack C. Taylor, Bureau of Veterinary Medicine (HFV–136), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, (301–443–5247).

SUPPLEMENTARY INFORMATION: The Food and Drug Administration approves an NADA (96–512V) filed by Dale Alley Co., P.O. Box 444, 222 Sylvanie St., St. Joseph, Mo. 64502, proposing safe and effective use of a tylosin premix for the manufacture of complete swine feed for increased weight gain and improved feed efficiency.

The Commissioner of Food and Drugs is amending §§ 510.600 and 558.625 (21 CFR §§ 510.600 and 558.625) to reflect this approval.

In accordance with § 514.11(e)(2)(ii) (21 CFR § 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4–65, 5600 Fishers Lane, Rockville, Md. 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)), and under authority delegated to the Commissioner (21 CFR 5.1).)

Parts 510 and 558 are amended as follows:

1. In Part 510, § 510.600 is amended by adding a new sponsor alphabetically to paragraph (c)(1) and numerically to paragraph (c)(2), to read as follows:

§ 510.600 Names, addresses, and code numbers of sponsors of approved applications.

• • • • • •

(c) • • •

(1) • • •

Firm name and address:	*Drug listing No.*
• • • • •	
Dale Alley Co., P.O. Box 444, 222 Sylvanie St., St. Joseph, Mo. 64502----	018083
• • • • •	

(2) • • •

Drug listing No.:	*Firm name and address*
• • • • •	
018083------	Dale Alley Co., P.O. Box 444, 222 Sylvanie St., St. Joseph, Mo. 64502.
• • • • •	

2. In Part 558, § 558.625 is amended by adding paragraph (b)(50), to read as follows:

§ 558.625 Tylosin.

• • • • • •

(b) • • •

(50) To 018083: 4 and 10 grams per pound; paragraph (f)(1)(vi)(*a*) of this section.

• • • • • •

Effective date. This amendment becomes effective April 5, 1977.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: March 24, 1977.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.77-9866 Filed 4-4-77;8:45 am]

PART 510—NEW ANIMAL DRUGS

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Zinc Bacitracin; Change of Sponsor

AGENCY: Food and Drug Administration, HEW.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration provides for a change in sponsor of a new animal drug application (NADA).

EFFECTIVE DATE: April 5, 1977.

FOR FURTHER INFORMATION CONTACT:

Lonnie W. Luther, Bureau of Veterinary Medicine (HFV–147), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, (301–443–4317).

SUPPLEMENTARY INFORMATION: The Food and Drug Administration approves a supplemental new animal drug application (NADA 98–452V) filed by A. L. Laboratories, Inc., a subsidiary of A/S Apothekernes Laboratorium for Specialpraeparater, 452 Hudson Terrace, Englewood Cliffs, N.J. 07632, providing for the change in sponsor from Thompson-Hayward Chemical Co. to A. L. Laboratories, Inc. Thompson-Hayward Chemical Co. has also requested the change in sponsor. The approval is effective April 5, 1977.

The Commissioner of Food and Drugs is amending Parts 510 and 558 (21 CFR Parts 510, 558) to reflect this approval. He is also amending § 558.15 (21 CFR § 558.15) to delete reference to certain uses for which the firm does not have approvals.

The intercorporate transfer of the NADA does not involve changes in manufacturing, packaging, or quality control facilities. The approval has not required a reevaluation of the parent NADA and does not constitute a reaffirmation of the drug's safety and effectiveness.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 5.1)

Parts 510 and 558 are amended as follows:

§ 510.600 [Amended]

1. In Part 510, § 510.600 *Names, addresses, and code numbers of sponsors of approved applications* is amended in paragraph (c)(1) by deleting the entry for "Thompson-Hayward Chemical Co." and in paragraph (c)(2) by deleting the entry for "011721."

2. Part 558 is amended:

a. In § 558.15, paragraph (g)(1) is amended in the second entry in the table in the column "Drug sponsor" to delete the firm name "Thompson-Hayward Chemical Co." and insert in its place the new firm name "A. L. Laboratories, Inc.," and to indicate approval for use in chickens, turkeys, pheasants, and quail only. The first two entries in the table read as follows:

§ 558.15 Antibiotic, nitrofuran, and sulfonamide drugs in animal feeds.

• • • • •

(g) • • •

(1) • • •

Drug sponsor	Drug premix	Species	Use levels	Indications for use
IMC Chemical Group, Inc..	Zinc bacitracin..	Chickens, turkeys, swine, pheasants, quail, and cattle.	Sec. 558.78..	Sec. 558.78.
A. L. Laboratories, Inc	do	Chickens, turkeys, pheasants, and quail.	do	Do.
•	•	•	•	•

§ 558.78 [Amended]

b. In § 558.78 *Bacitracin, zinc*, paragraph (a)(1) is amended by deleting the sponsor No. "011721" and inserting in its place the number "046573," and paragraph (e)(1) is amended in the table in items (i) and (ii) in the column headed "Sponsor" to delete the sponsor numbers "011721" and insert in their place the number "046573."

Effective date. These amendments become effective April 5, 1977.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: March 24, 1977.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.77-9875 Filed 4-4-77;8:45 am]

SUBCHAPTER G—COSMETICS

[Docket No. 75N–0110]

PART 701—COSMETIC LABELING

Designation of Ingredients; Termination of Judicial Stay of Effective Date

AGENCY: Food and Drug Administration (FDA).

ACTION: Notification of termination of stay.

SUMMARY: This document announces that the United States Court of Appeals for the District of Columbia Circuit has upheld the validity of § 701.3 (21 CFR 701.3) that requires cosmetic labels to bear a declaration of ingredients, and has vacated the stay of the effective date for complying with the regulation in labeling packages.

DATES: The agency will allow affected persons until April 15, 1977, to comply with § 701.3 in labeling packages.

FOR FURTHER INFORMATION CONTACT:

Heinz J. Eiermann, Bureau of Foods (HFF–440), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204. (202–245–1530).

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs issued a regulation, published in the FEDERAL REGISTER of October 17, 1973 (38 FR 28912), requiring the declaration of ingredients on cosmetic labels; amendments to the regulation were published in the FEDERAL REGISTER of March 3, 1975 (40 FR 8918). In the FEDERAL REGISTER of May 30, 1975 (40 FR 23458), the Commissioner established the following effective dates for complying with the regulation as amended: "All labeling for cosmetic products ordered after May 31, 1976 and all cosmetic product packages labeled after November 30, 1976 shall comply with the requirements of § 701.3."

The Independent Cosmetic Manufacturers and Distributors (ICMAD) challenged the regulation in lawsuits brought in the United States District Court for the District of Columbia and the United States Court of Appeals for the District of Columbia (*ICMAD* v. *Department of Health, Education, and Welfare*, Civil Action No. 75–1845; *ICMAD* v. *Mathews*, Civil Action No. 76–1007). The lawsuit in the District Court was dismissed on jurisdictional grounds. On January 27, 1977, the Court of Appeals affirmed the dismissal by the District Court, and denied the petition for review in the lawsuit initiated in the Court of Appeals.

On November 24, 1976, the Court of Appeals granted a motion by ICMAD for a stay "of effective date" of the regulation until further order of the Court. The Court of Appeals, on March 14, 1977, vacated the stay of the effective date that it had previously ordered.

The Food and Drug Administration issued a notice in the FEDERAL REGISTER of December 7, 1976 (41 FR 53477) notifying interested persons of the stay and its effect. The stay by the Court of Appeals applied only to the November 30, 1976 effective date for labeling packages. The stay did not affect the May 31, 1976 effective date for complying with the requirement to declare ingredients in all labeling for cosmetics ordered after that date. Thus, this latter requirement continues in effect without change.

The Novemebr 30, 1976 effective date stayed by the Court of Appeals applied to packages labeled after that date. Because of the stay, labels not complying with § 701.3 that were ordered before May 31, 1976 could continue to be applied to cosmetic packages until the stay ended. When the Court of Appeals terminated the stay on March 14, 1977, the requirement to comply with § 701.3 in labeling packages came into effect.

The Commissioner recognizes, however, that it may take some time for interested person to learn of the termination of the stay and to implement the necessary actions to comply. Accordingly, the Commissioner will not take regulatory action with respect to any noncompliance with the requirement in § 701.3 to declare cosmetic ingredients in labeling applied to packages before April 15, 1977. Since all labeling ordered after May 31, 1976 that can continue to be it is only labeling ordered on or before May 31, 1976 that can ocntinue to be applied to packages until April 15, 1977 without being subject to regulatory action if the labeling fails to comply with § 701.3.

In accordance with the Commissioner's advice stated in the FEDERAL REGISTER of March 3, 1975, labeled packages in inventory bearing labeling ordered before May 31, 1976 may be used up at any time hereafter, whether or not the packages comply with § 701.3. This is not affected by the termination of the stay of the effective date for labeling packages.

(Secs. 5(c), 6(a), 80 Stat. 1298, 1299 (15 U.S.C. 1454, 1455)) (sec. 7101(e), 52 Stat. 1055–1056 as amended) (21 U.S.C. 371(e)) and under authority delegated to the Commissioner (21 CFR § 5.1).)

Dated: March 28, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-9715 Filed 3-29-77;12:09 pm]

SUBCHAPTER J—RADIOLOGICAL HEALTH

[Docket No. 76N–0029]

PART 1002—RECORDS AND REPORTS

PART 1010—PERFORMANCE STANDARDS FOR ELECTRONIC PRODUCTS: GENERAL

Submissions of Data and Reports; Dealer and Distributor Records; Certification and Identification Labels

AGENCY: Food and Drug Administration, HEW.

ACTION: Rule.

SUMMARY: This rule is amending the radiological health regulations: (1) To require under new § 1002.7 (21 CFR § 1002.7) that all written material submitted pursuant to Part 1002 conform to the current applicable electronic product reporting guide or instruction when such a guide or instruction has been issued by the Director, Bureau of Radiological Health; (2) to delete the requirement under §§ 1002.40 and 1002.41 (21 CFR §§ 1002.40 and 1002.41) that dealers and distributors notify the Bureau of their election to preserve their own records, and to eliminate inconsistencies in the language between the two sections; and (3) to require under §§ 1010.2 and 1010.3 (21 CFR §§ 1010.2 and 1010.3) that certification and identification labels or

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tags be in the English language, except for certain abbreviations as currently described in § 1010.3(a)(1).

EFFECTIVE DATE: May 5, 1977.

FOR FURTHER INFORMATION CONTACT:

John Taschner, Bureau of Radiological Health (HFX-460), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, (301-443-3426).

SUPPLEMENTARY INFORMATION: In a notice proposing the subject amendments published in the FEDERAL REGISTER of March 30, 1976 (41 FR 13367), interested persons were given until June 1, 1976 to file written comments with the Hearing Clerk, FDA, regarding the proposal.

Six comments from manufacturers of electronic products subject to control under the Radiation Control for Health and Safety Act of 1968 (Pub. L. 90-602, 42 U.S.C. 263b et seq.) addressed the proposed requirement that all written material submitted pursuant to Subchapter J shall conform to the reporting guide or instruction issued by the Bureau. The issues raised by these comments and the Commissioner's conclusions thereon are as follows:

1. Four comments objected to requiring adherence to current reporting guides in submitting reports and data to FDA. These comments argued that such a requirement, rather than being for the benefit of the manufacturer, is for the administrative convenience of FDA and would place an enormous burden and expense on the manufacturer. Such requirement, according to the comments, has no connection with limiting radiation exposure of the population, but would impose on the affected industry specific formats for maintaining test data and other documentation that may be in conflict with marketing protocols or the manufacturer's own rules and procedures. They also argued that the reporting guides are intended to aid communication of information submitted in response to regulatory requirements and should not become rigid rules requiring justification of any deviation.

The Commissioner believes that reporting guides are of benefit to manufacturers as well as FDA. They provide a consistent and uniform reporting format that affords greater assurance that an adequate report is prepared initially, thereby minimizing the need for costly and time consuming correspondence between FDA and the manufacturer. In the past, some manufacturers have submitted test data that were not pertinent to FDA's responsibility for ascertaining whether the manufacturer's quality control program did, in fact, assure that hazardous radiation would not be emitted from their electronic products. Reporting guides identify to the manufacturer the pertinent information required by FDA reporting regulations to fulfill its delegated responsibilities under the act and to make the manufacturer's reporting task easier. Thus, the reporting guides are intended to reduce the burden and expense of reporting on the part of the manufacturer and to expedite the review of these reports by FDA.

The Commissioner does not intend to dictate to the affected manufacturers any specific format for maintaining their test data or other documentation concerning their electronic products. The amendment requires only that the necessary information be submitted to FDA in conformance with the applicable reporting guide or instruction. Thus, manufacturers may maintain their own records to conform to their own internal documentation standards and procedures.

The Commissioner also does not intend to require rigid adherence to the applicable reporting guide or instruction when it is not feasible or when it would be inappropriate to do so. To clarify this, § 1002.7 has been modified to permit a manufacturer to use an alternate format for that portion of the reporting guide considered to be inappropriate.

2. Three comments recommended that the reporting guides be submitted to the affected industry for review and comment before their being mandated.

The Commissioner has no objection to making the reporting guides available to the affected industry for their review and comment and in the future will do so to the extent possible. In addition, comments and suggestions for revision and improvement of the reporting guides will be solicited at the time of issuance.

3. One comment stated that if following the prescribed reporting guide or instruction is to become mandatory, FDA must make certain that the information called for is required by appropriate regulations and is within FDA's authority. The comment alleged that some items in the current FDA reporting guides have been viewed by manufacturers as being an expansion of the requirements of the particular standard or are outside the authority of FDA.

The Commissioner has authority under section 360A(b) of the act to require reports and information necessary to determine if the manufacturer is acting in compliance with the act and with an applicable standard. A reporting guide is intended to interpret the reporting regulations to obtain relevant and necessary information concerning electronic products and testing programs, whether or not these products are subject to performance standards. The reporting guide is not a mechanism for imposing additional performance requirements. However, an applicable performance standard is subject to interpretation and a reporting guide may, through language or construction, relate to an interpretation of a standard as well as the reporting regulations. A manufacturer who believes that any portion of a reporting guide is based upon an erroneous interpretation of a standard or reporting regulation may request an advisory opinion on the applicable portion of the regulation or submit written comments to FDA and request that the disputed portion of the reporting guide be reconsidered, modified or deleted.

4. In the March 30, 1976 proposal, the requirement that material submitted pursuant to Subchapter J shall conform to the applicable reporting guide or instruction was contained in a new § 1000.14 (21 CFR 1000.14). It was originally intended that this requirement apply to the submission of all written material required by Subchapter J such as test data, initial and annual reports, reports of model changes, and exemption and variance requests. The Commissioner has since determined that this requirement need apply only to the material submitted pursuant to Part 1002, related to "Records and Reports." Therefore, the requirement has been transferred to new § 1002.7 Submission of data and reports.

5. The abbreviation exception to the amended requirement in § 1010.2 that certification labels and tags be in the English language is being moved to § 1010.3 to clarify the original intent that the English language requirement is applicable also to identification labels and tags.

(Sec. 358, 82 Stat. 1177-1179 (42 U.S.C. 263f) and under authority delegated to the Commissioner (21 CFR 5.1).)

Parts 1002 and 1010 are amended as follows:

1. In Part 1002:

a. By adding new § 1002.7 to read as follows:

§ 1002.7 Submission of data and reports.

All submissions such as reports, test data, product descriptions, and other information required by this part, or voluntarily submitted to the Director, Bureau of Radiological Health, shall be filed with the number of copies as prescribed by the Director, Bureau of Radiological Health, and shall be signed by the person making the submission.

(a) In addition to the requirements of this part, all material submitted to the Director, Bureau of Radiological Health, shall be submitted pursuant to the provisions of Part 20—Public Information, of this chapter.

(b) Where guides or instructions have been issued by the Director, Bureau of Radiological Health, for the submission of material required by this part such as test data, initial and annual reports, and reports of model changes, the material submitted shall conform to the applicable reporting guide or instruction to the extent that it is possible or appropriate to do so. Where it is not feasible or where it would not be appropriate to conform to any portion of a prescribed reporting guide or instruction, an alternate format for providing the information requested by that portion of the guide or instruction may be used provided the submitter of such information submits adequate explanation and justification for use of an alternate format. If the Director, Bureau of Radiological Health, determines that such justification is inadequate and that it is feasible or appropriate to conform to the prescribed reporting guide or instruction, he may require resubmission of the information in conformance with the reporting guide or instruction.

b. By revising the section heading and paragraph (a) of § 1002.40 and by adding new paragraph (c) to read as follows:

§ 1002.40 Records to be obtained by dealers and distributors.

(a) Dealers and distributors of electronic products listed in § 1002.31(c), for which there are applicable Federal standards under this subchapter and for which the retail price is not less than $50, shall obtain such information as is necessary to permit tracing of specific products to specific purchasers.

* * * * *

(c) The information obtained pursuant to this section shall be forwarded immediately to the appropriate manufacturer of the electronic product, or preserved as prescribed in § 1002.41.

c. By revising the section heading and paragraphs (a)(2) and (b) of § 1002.41 to read as follows:

§ 1002.41 Disposition of records obtained by dealers and distributors.

(a) * * *

(2) The dealer or distributor, upon making the election under paragraph (a)(1) of this section, promptly notifies the manufacturer of such election; such notification shall be in writing and shall identify the dealer or distributor and the electronic product or products for which the information is being accumulated and preserved.

(b) Every dealer or distributor who elects to hold and preserve information required pursuant to § 1002.40 shall preserve the information for a period of 5 years from the date of the sale, award, or lease of the product, or until the dealer or distributor discontinues dealing in, or distributing the product, whichever is sooner. If the dealer or distributor discontinues dealing in, or distributing the product, such information as obtained pursuant to § 1002.40 shall be furnished at that time, or before, to the manufacturer of the product.

2. In Part 1010:

a. By revising § 1010.2(b) to read as follows:

§ 1010.2 Certification.

* * * * *

(b) The certification shall be in the form of a label or tag permanently affixed to or inscribed on such product so as to be legible and readily accessible to view when the product is fully assembled for use, unless the applicable standard prescribes some other manner of certification. All such labels or tags shall be in the English language.

* * * * *

b. By revising the introductory text of § 1010.3(a) to read as follows:

§ 1010.3 Identification.

(a) Every manufacturer of an electronic product to which a standard under this subchapter is applicable shall set forth the information specified in paragraph (a)(1) and (2) of this section. This information shall be provided in the form of a tag or label permanently affixed or inscribed on such product so as to be legible and readily accessible to view when the product is fully assembled for use or in such other manner as may be prescribed in the applicable standard. Except for foreign equivalent abbreviations as authorized in paragraph (a)(1) of this section all such labels or tags shall be in the English language.

* * * * *

Effective date. These amendments shall be effective May 5, 1977.

(Sec. 358, 82 Stat. 1177-1179 (42 U.S.C. 263f).)

Dated: March 18, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-9878 Filed 4-4-77;8:45 am]

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

[Dept. Reg. 108.736]

PART 6a—PRIVACY ACT POLICIES AND PROCEDURES

Denial of Access; Amendment

On February 17, 1977 the Department of State published a notice of proposed rulemaking in the FEDERAL REGISTER (42 FR 9684) setting forth proposed regulations to implement the Privacy Act of 1974 (5 U.S.C. 552a). The proposed regulations established administrative procedures to appeal the Department's denial of access to records requested under the Privacy Act. Interested persons were given until March 21, 1977 to submit comments concerning the proposed regulations; no comments were received.

Accordingly, the amendments to Part 6a are adopted as set forth below.

Effective date: These amendments are effective April 1, 1977.

(Sec. 4 of the Act of May 26, 1949, as amended (63 Stat. 111; 22 U.S.C. 2658); Pub. L. 93-579, 88 Stat. 1897; 5 U.S.C. 552a.)

For the Secretary of State.

Dated: March 30, 1977.

CLAYTON E. MCMANAWAY,
Acting Deputy Under Secretary for Management.

1. Section 6a.7 is revised to read as follows:

§ 6a.7 Denial of access.

The decision to deny an individual access to his or her record shall be made by the Department official of a rank not below the Deputy Assistant Secretary or equivalent level who is responsible for the system of records involved. When an authorized official denies access to a record or portion thereof, the official will advise the individual of the denial in writing. The letter of denial shall cite the Privacy Act exemption(s) claimed and shall give the specific reasons therefor. The letter shall also state that the denial may be appealed to the Privacy Policy and Appeals Board and shall include a copy of the Department's regulations on appeals, § 6a.8.

§ 6a.8 Redesignated as § 6a.9.

2. The present § 6a.8 is renumbered as § 6a.9 and a new § 6a.8 is added to read as follows:

§ 6a.8 Appeals for denial of access.

(a) Review of an initial denial of access to a record under § 6a.7 may be requested by the individual who submitted the initial request for access. The review (hereinafter referred to as the appeal) must be in writing and should be sent by certified mail to the Chairman, Privacy Policy and Appeals Board, Department of State, Room 1239, 2201 C Street N.W., Washington, D.C. 20520. The appeal should be received within 60 days of the date the individual is informed of the Department's refusal to grant access to a record in whole or in part.

(b) The time for decision on the appeal begins on the date the appeal is received by the Chairman, Privacy Policy and Appeals Board. The appeal of a denial of access to records shall include any documentation, information and statements to support the individual's request for access and to refute the use of the exemption(s) cited in the Department's justification concerning the denial of access.

(c) The Chairman of the Privacy Policy and Appeals Board (Assistant Secretary of State for Administration) or his designee and at least two other members of the Board designated by him shall constitute a panel to consider and decide the appeal; there shall be a written record of the reasons for the final determination. The final determination will be made within 30 days (excluding Saturdays, Sundays, and legal public holidays), unless for good cause shown, the Chairman of the Privacy Policy and Appeals Board extends such determination beyond the 30-day period.

(d) When the final determination is to grant access to the record in accordance with the individual's request, the Chairman of the Privacy Policy and Appeals Board shall inform the office responsible for the record of its decision. The Board shall then request the Director, Foreign Affairs Document and Reference Center, to notify the individual in writing of the Board's decision to grant access and at the same time to inform the individual of the Department's regulations concerning access and identification, § 6a.4. The individual shall choose the means of access most convenient to him or her.

(e) When the final decision of the Board is to refuse to grant an individual access to a record, the Chairman of the Board shall advise the individual in writing:

(1) of the refusal to grant the appeal and the reasons therefor including the exemption(s) of the Privacy Act under which access is denied;

(2) of his or her right to seek judicial review of the Department's decision.

3. In the renumbered § 6a.9, paragraph (f) is revised to read as follows:

* * * * *

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(f) If the office responsible for the record agrees with an individual's request to amend a record, a responsible official of the Department shall:

• • • • • •

§ 6a.9 Redesignated as 6a.10.

4. Section 6a.9 is renumbered as § 6a.10 and retitled. Paragraphs (a) and (d) of the new § 6a.10 are changed to read as follows:

§ 6a.10 Appeals for refusal to amend.

(a) Review of an initial refusal to amend a record under § 6a.9(g) may be requested by the individual who submitted the request.

The review (hereinafter referred to as the appeal) should be requested in writing within 60 days of the date the individual is informed of the Department's refusal to amend a record in whole or in part. The appeal must be in writing and should be sent by certified mail to the Chairman, Privacy Policy and Appeals Board, Room 1239, Department of State, 2201 C Street, N.W., Washington, D.C. 20520.

• • • • • •

(d) When the final determination is that the record should be amended in accordance with the individual's request, the Chairman of the Privacy Policy and Appeals Board shall direct the office responsible for the record to comply. A responsible official of the Department shall then:

• • • • • •

§ 6a.10 Redesignated as § 6a.11.

5. Section 6a.10 is renumbered as § 6a.11 with no change in text.

[FR Doc.77-10119 Filed 4-4-77;8:45 am]

[Dept. Reg. 108.735; 7705216-3]

PART 6a—PRIVACY ACT POLICIES AND PROCEDURES

Specific Exemptions of Systems of Records

On December 30, 1976 the Department of State published a notice of proposed rulemaking in the FEDERAL REGISTER (41 FR 56827) setting forth proposed regulations to implement the Privacy Act (5 U.S.C. 552a). The proposed regulations would exempt two records systems, the Public Affairs Records and the Privacy Act Requests Records, from certain provisions of the Act. Interested persons were given until January 31, 1977 to submit comments concerning the proposed regulations.

Since no comments were received, § 6a.6 is amended by adding the following paragraph (k):

§ 6a.6 Exemptions.

• • • • • •

(k) Portions of certain documents in the following systems of records are exempted pursuant to the provisions of 5 U.S.C. 552a (j) and (k) from subsections (c) (3) and (4); (d); (e) (1) and (e) (4) (G), (H), and (I); and (f) and 5 U.S.C. 552a:

PUBLIC AFFAIRS RECORDS—STATE-35

PRIVACY ACT REQUESTS RECORDS—STATE-40

These exemptions apply only to the extent that the records contained in the system have been obtained from other systems of records maintained by the Department of State for which exemptions from one or more provisions of the Privacy Act of 1974 have been promulgated. The exemptions claimed for these systems apply only to the records obtained from other Departmental systems and only to the extent that the records contained in such other systems have been exempted.

• • • • • •

Effective date: This amendment is deemed to have been effective as of March 21, 1977.

(Sec. 4 of the Act of May 26, 1949, as amended (63 Stat. 101; 22 U.S.C. 2658); Pub. L. 93-579 88 Stat. 1897; 5 U.S.C. 552a.)

Dated: March 30, 1977.

CLAYTON E. MCMANAWAY,
Acting Deputy Under Secretary for Management.

[FR Doc.77-10120 Filed 4-4-77;8:45 am]

Title 24—Housing and Urban Development

CHAPTER VIII—LOW INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-77-325]

PART 890—ANNUAL CONTRIBUTIONS FOR OPERATING SUBSIDY

Subpart A—Performance Funding System

MISCELLANEOUS AMENDMENTS; CORRECTIONS

On December 21, 1976, at 41 FR 55676-55684, the Department of Housing and Urban Development issued the Amendment to Final Rule in Part 890—Annual Contributions for Operating Subsidy, Subpart A—Performance Funding System. In the publication of this Amendment, certain inadvertent omissions and errors occurred, which are now being corrected.

Accordingly, Part 890, Subpart A, as published on December 21, 1976, should be corrected as follows:

1. In § 890.101(a), page 55677, lines 10-11; § 890.104, page 55678, lines 22-23; and § 890.108(a), page 55681, line 11, delete the words, "low-income housing projects", "low-income housing program", or "low-income public housing program" respectively, and replace with the words, "PHA-owned rental housing".

2. In § 890.105(d)(3), page 55679, line 5, at the end of the line, following the words, "the Allowable Expense Level", add the words, "will be equal to the Allowable Expense Level".

3. In § 890.107(c)(2), page 55680, line 19, delete the word, "rate".

Effective date: February 24, 1977.

JOSEPH BURSTEIN,
Acting Deputy Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc.77-10077 Filed 4-4-77;8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 675—FURNITURE AND FIXTURES AND LUMBER AND WOOD PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order

AGENCY: Department of Labor.

ACTION: Rule.

SUMMARY: Pursuant to Sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended (29 U.S.C. 205, 206, 208)), including the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259; 88 Stat. 55), and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 648 (42 FR 3038 and 3039), the Secretary of Labor appointed and convened Industry Committee No. 139-A for the Furniture and Fixtures and Lumber and Wood Products Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under Section 6 of the Act to such employees, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 139-A are hereby published, revising paragraphs (a) and (b) of § 675.2 of Part 675, Title 29, Code of Federal Regulations. In addition, paragraph (b) of § 675.1 is amended to reflect correct punctuation and paragraphs (c), (d), and (e) of § 675.2 are being deleted as having been merged into paragraphs (a) and (b) by the recommendations of an earlier Industry Committee.

EFFECTIVE DATE: April 21, 1977.

This document was prepared under the direction and control of Warren D. Landis, Acting Administrator, Wage and Hour Division.

FOR FURTHER INFORMATION CONTACT:

Josephine C. Stein, Director, Division of Industry Committees, Wage and Hour Division, U.S. Department of Labor, 200 Constitution Avenue NW., Room N4428, Washington, D.C. 20210, 202-523-8720.

As amended §§ 675.1 and 675.2 read as follows:

§ 675.1 Definition.

• • • • • •

(b) The industry includes, without limitation, furniture, office and store fixtures, mattresses and bedsprings, boxes and containers, cooperage, window and door screens and blinds, casket and coffins, matches, sawmill products, planing and plywood mill products, charcoal, trays, bowls, and other woodenware, excelsior, cork, bamboo, rattan and willowware articles.

§ 675.2 Wage rates.

• • • • • •

(a) *Pre-1966 coverage classification.* (1) The minimum wage rate for this classification is $2.30 an hour.

• • • • • •

(b) *1966 coverage classification.* (1) The minimum wage rate for this classification is $2.30 an hour.

• • • • • •

(c) [Deleted]
(d) [Deleted]
(e) [Deleted]

(Secs. 5, 6, 8, 52 Stat. 1062 and 1064, as amended; 29 U.S.C. 205, 206, 208.)

Signed at Washington, D.C. on this 30th day of March 1977.

WARREN D. LANDIS,
Acting Administrator, Wage and Hour Division, Department of Labor.

[FR Doc.77-10121 Filed 4-4-77;8:45 am]

PART 678—STONE, CLAY AND GLASS PRODUCTS AND NONMETALLIC MINING INDUSTRY IN PUERTO RICO

Wage Order

AGENCY: Department of Labor.

ACTION: Rule.

SUMMARY: Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended (29 U.S.C. 205, 206, 208)), including the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259; 88 Stat. 55), and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by mans of Administrative Order No. 648 (42 FR 3038 and 3039), the Secretary of Labor appointed and convened Industry Committee No. 139-B for the Stone, Clay and Glass Products and Nonmetallic Mining Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6 of the Act to such employees, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 139-B are hereby published, revising § 678.2 of Part 678, Title 29, Code of Federal Regulations. In addition, paragraph (d) is being deleted as obsolete. The increases in future wage rates prescribed by Section 6(c) of the Fair Labor Standards Act, as amended in 1974, are set forth in this wage order. The other wage rates have heretofore reached the mainland rate and are continued.

EFFECTIVE DATE: April 21, 1977. This document was prepared under the direction and control of Warren D. Landis, Acting Administrator, Wage and Hour Division.

FOR FURTHER INFORMATION CONTACT:

Josephine C. Stein, Director, Division of Industry Commttees, Wage and Hour Division, U.S. Department of Labor, 200 Constitution Avenue NW., Room N4428, Washington, D.C. 20210 (202) 523-8720.

As amended, § 678.2 reads as follows:

§ 678.2 Wage rates.

Wages at a rate not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in each of the classifications in the industry who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce as those terms are defined in section 3 of the Act.

(a) *Pre-1961 coverage classifications.*

• • •

(1 *Vitreous and semivitreous china food utensils classification.* (i) The minimum wage for this classification is 2.13 an hour for the period ending April 30, 1977. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1977 and an additional $0.15 on May 1 of each subsequent year until the mainland rate is reached, Section 6(c)(2)).

• • • • • •

(2) *Art pottery classification.* (i) The minimum wage for this classification is $1.70 an hour for the period ending April 30, 1977. Under Section 6(c) the rate will be increased by $0.15 an hour on May 1, 1977 and an additional $0.15 on May 1 of each subsequent year until the mainland rate is reached (Section 6(c)(2)).

• • • • • •

(d) [Deleted]

(Secs. 5, 6, 8, 52 Stat. 1062 and 1064, as amended; 29 U.S.C. 205, 206, 208.)

Signed at Washington, D.C., on this 30th day of March 1977.

WARREN D. LANDIS,
Acting Administrator, Wage and and Hour Division, U.S. Department of Labor.

[FR Doc.77-10122 Filed 4-4-77;8:45 am]

Title 30—Mineral Resources

CHAPTER II—GEOLOGICAL SURVEY, DEPARTMENT OF THE INTERIOR

PART 211—COAL MINING OPERATING REGULATIONS

Adoption of Final Cooperative Agreement With New Mexico for Enforcement and Administration of Surface Coal Mine Reclamation Standards

AGENCY: U.S. Department of the Interior, Geological Survey.

ACTION: Final Rule.

SUMMARY: The rule establishes the responsibilities of the Geological Survey and the State of New Mexico to regulate reclamation of lands disturbed by surface coal mining on Federal coal leases in New Mexico. The rule also prescribes certain requirements to be included in mining plans for these leases. The rule is being issued to minimize duplication and overlap between Federal-State jurisdiction over regulation of reclamation.

EFFECTIVE DATE: May 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert Uram, Solicitor's Office, Division of Energy and Resources, Department of the Interior, Washington, D.C. 20240 (202-343-4803).

SUPPLEMENTARY INFORMATION: The adoption of the Cooperative Agreement with New Mexico was published in proposed form on January 10, 1977, 42 FR 2082. The comment period expired on February 21, 1977. The Department received only one comment on the proposed rule. That comment requested clarification of how the agreement would affect the Department's compliance with NEPA. The answer to this comment is that the Agreement does not affect these responsibilities at all since the adoption of this rule does not change, in any way, the basic steps that the Department must take before it approves a mining plan, and the Department must comply in full with its procedures, including those involving NEPA. The Agreement does coordinate these procedures with those for the State of New Mexico, and gives the State basic responsibility to administer, inspect, and enforce the requirements of the mining plan, once it has been approved. More detail on the background of the rule may be found in the preamble to the proposal.

The Department believes that this Agreement and similar Cooperative Agreements do not lessen, in any way, the need for comprehensive Federal legislation on surface mining. The Agreement should not be construed as weakening the Department's support for that

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legislation. The Agreement should be construed as a part of the Department's efforts to provide effective reclamation prior to the passage of new legislation, not as a substitute for that legislation. The Department has supported and will continue to support the early passage of surface mining legislation.

The Cooperative Agreement published today is identical to the one published as a proposed rule except the final agreement contains an effective date of May 1, 1977.

Dated: March 30, 1977.

CECIL D. ANDRUS,
Secretary.

1. Accordingly, 30 CFR 211.10 is amended by the addition of a paragraph (e) (3) to read as follows:

§ 211.10 Exploration and mining plans.

* * * * * *

(e) *States with § 211.75(b) agreements.* * * *

(3) New Mexico. A Federal coal lessee in the State of New Mexico who must submit a mining plan or permit under both State and Federal law shall submit in lieu of the mining plan required in this section, a mining plan containing the information required by:

(i) New Mexico Stat. § 63–34–1 et seq. NMSA 1953.;

(ii) New Mexico Coal Surface Mining Commission Regulations;

(iii) 30 CFR 211.10(c) ; and

(iv) A statement certifying that a copy of the plan or permit application has been given to both the New Mexico Coal Surface Mining Commission and the Secretary.

2. Title 30 CFR 211.74 is amended by the addition of a paragraph (g) (3) to read as follows:

§ 211.74 Variances.

* * * * * *

(g) *States with § 211.75(b) agreements.* * * *

(3) New Mexico. A Federal coal lessee in the State of New Mexico shall request and receive variances from the State of New Mexico Secretary under the provisions of 30 CFR § 211.74.

3. Title 30 CFR § 211.77 is amended by the addition of a new paragraph (c) to read:

§ 211.77 States with cooperative agreements.

* * * * * *

(c) New Mexico. The administration and enforcement of reclamation requirements on federal coal leases in New Mexico subject to this part shall be done according to the Cooperative Agreement between the State of New Mexico and the Department of the Interior. The Cooperative Agreement is published at 42 FR 18065, April 5, 1977, and is available at appropriate offices of the Department of the Interior.

4. The State of New Mexico and the Department enter into a Cooperative Agreement to designate the State of New Mexico as the principal party to administer surface coal mine reclamation operations on Federal leases in New Mexico to read as follows:

Cooperative agreement between the United States Department of the Interior and the State of New Mexico under Section 32 of the Mineral Leasing Act of 1920, 30 U.S.C. Section 189, and Section 307 of the Federal Land Policy and Management Act of 1976, and 30 C.F.R. 211.75(b).

This agreement (referred to as the Cooperative Agreement) is made between the State of New Mexico, acting by and through Governor Jerry Apodaca (referred to as the Governor) and the United States Department of the Interior, acting by and through the Secretary of the Interior (referred to as the Secretary).

ARTICLE I

PURPOSE

This Cooperative Agreement provides for a cooperative program between the United States Department of the Interior and the State of New Mexico with respect to the administration and enforcement of surface coal reclamation requirements conducted under coal leases issued by the Department of the Interior under the Mineral Leasing Act of 1920. The basic purpose of the agreement is to prevent duality of administration and enforcement of surface reclamation requirements by designating the State of New Mexico, to the extent possible, as the principal entity to enforce reclamation laws and regulations on Federal coal leases in New Mexico.

ARTICLE II

EFFECTIVE DATE

The Cooperative Agreement is effective on the 1st day of May 1977, and remains in effect until terminated as provided in Article IX.

ARTICLE III

REQUIREMENTS FOR COOPERATIVE AGREEMENT

The Governor affirms that the State will comply with all of the provisions of this Cooperative Agreement and will continue to meet all the conditions and requirements specified in this Article upon which the approval of the Secretary is based.

A. *Responsible Administrative Agency.* The Coal Surface-mining Commission (referred to as the State Agency) is, and shall continue to be, the sole agency responsible for administering this Cooperative Agreement on behalf of the Governor on Federal coal leases throughout the State.

B. *Authority of State Agency.* The State Agency designated in Paragraph A of this Article has, and shall continue to have, authority to carry out this Cooperative Agreement.

C. *State Reclamation Law.* The State Agency shall ensure that all mining plans approved under this agreement shall afford general protection of the environment at least as stringent as would occur under the exclusive application of 30 C.F.R. Part 211, and that the standards used to approve a mining plan of a Federal Lessee will not unreasonably impair coal mining that is in the overriding national interest.

D. *Effectiveness of State Procedures.* The procedures of the State Agency shall be, in the judgment of the Secretary, substantially as effective for the purpose of enforcing the reclamation requirements of 30 C.F.R. Part 211 as the procedures of the Department of the Interior.

E. *Inspection of Mines.* The Governor affirms that the State Agency will inspect all mines on Federal coal leases located in the State, in accordance with the minimum schedule in Article V.

F. *Enforcement.* The Governor affirms that the State Agency will enforce the Agreement in a manner that ensures effective environmental protection.

G. *Qualified Personnel.* The State Agency will have an adequate number of fully qualified personnel necessary for the enforcement of this Cooperative Agreement.

H. *Funds.* The State will devote adequate funds for the administration and enforcement of reclamation requirements on Federal coal leases in the State.

I. *Reports and Records.* The State Agency shall make reports to the Secretary, containing information about its compliance with the terms of this Cooperative Agreement, as the Secretary shall from time to time require. The State Agency shall also make available to the Secretary, upon request, information developed under this Cooperative Agreement.

The Secretary affirms that the Department of the Interior will comply with all of the provisions of this Cooperative Agreement.

ARTICLE IV

MINE PLANS

Federal regulation, 30 C.F.R. 211.10(c), and State laws and regulations require the operator of lands leased, permitted or licensed for coal mining to receive approval of a mining plan or permit prior to conducting operations.

A. *Contents of Mining Plans and Permits.* The Governor and the Secretary agree that a Federal coal lessee must submit a mining plan or permit application under both State and Federal law, which plan or permit must include the following information:

1. The information required by:

a. New Mexico Stat. Section 63–34–1 et seq. NMSA 1953 Comp.;

b. New Mexico Coal Surfacemining Commission Regulations;

c. 30 C.F.R. 211.10(c).

2. A Statement certifying that a copy of the mining plan or permit application has been given to both the State Agency and the Secretary.

If either the State Agency or the Secretary requires the operator to submit additional information, the operator shall submit the information to both the State Agency and the Secretary.

B. *Review of Plan.* The State Agency and the Secretary shall each review and analyze the adequacy of the plan or permit or request for an amendment or a variance from the plan or permit.

C. *Approval of Mining Plans.* The State Agency shall review the adequacy of the mining plan or permit, as provided in New Mexico Stat. Sections 63–34–4(E) and 7(B), NMSA 1953 Comp., or request for an amendment, as provided in Sections 4 and 16 of the New Mexico Coal Surface mining Commission Regulations. The State Agency shall notify the Secretary of its action pursuant to such provisions. The Secretary shall then independently review and take action on the mining plan or permit as required by 30 C.F.R. 211.10(d), or request for a variance as required by 30 C.F.R. 211.74, or an amendment to an approved mining plan or permit which was acted upon by the State Agency. The Secretary shall notify the State Agency of his action and the State Agency shall reconsider the action if necessary to comply with this Cooperative Agreement.

ARTICLE V

INSPECTIONS

A. The State Agency shall inspect as authorized by New Mexico Stat. Section 63–34–14, NMSA 1953 Comp., as frequently as necessary but at least quarterly the operations area of all Federal leases, permits and licenses where operations affecting the reclamation of mined lands are conducted or are to be conducted, for the purpose of determining whether the operator is complying with all applicable laws, regulations and orders and all requirements of approved mining plans that affect the reclamation of mined lands. The State Agency shall also perform all inspections required under 211.41. Such inspections performed in accordance with 30 C.F.R. 211.41 shall be considered in meeting the quarterly inspection requirement.

B. The State Agency will, subsequent to conducting any inspection, file with the Secretary a report on (1) the general conditions of the lands under lease, permit or license, (2) the manner in which the operations are being conducted and (3) whether the operator is complying with applicable reclamation requirements. A copy of this report shall be furnished to the operator on request, and shall be made available for public inspection during normal business hours at the offices of the Federal Mining Supervisor.

C. For the purpose of evaluating the manner in which the Cooperative Agreement is being carried out and to ensure that reclamation is being effectively performed, the Secretary may inspect from time to time mines on Federal coal leases within the State. Inspections by the Secretary may be made in association with regular inspection by the State Agency.

D. The Secretary may conduct inspections on Federal coal leases to determine whether the operator is complying with requirements that are unrelated to reclamation.

ARTICLE VI

ENFORCEMENT

A. If the State Agency determines that the operator is not complying with a requirement that relates to the reclamation of lands disturbed by surface mining, it shall take such steps as required by New Mexico Stat., Section 63–34–17, NMSA 1953 Comp.

B. If, in the judgment of the State Agency, an operator is conducting activities on lands subject to this Agreement which fail to comply with a requirement that relates to reclamation and those activities threaten immediate and serious damage to the environment, the State Agency shall take immediate action, as authorized by New Mexico Stat. Sections 63–34–17 and 20, NMSA 1953 Comp.

C. The State Agency shall notify the Secretary of all violations of applicable laws regarding reclamation on Federal coal leases including violations of Federal laws and regulations or lease terms and of all actions taken under New Mexico Stat., Sections 63–34–17 and 20, NMSA 1953 Comp. with respect to such violations.

D. This section does not limit the Secretary's authority to seek cancellation of a Federal coal lease under Federal laws and regulations, or prevent the Secretary from taking appropriate steps to correct actions that violate Federal law, but not State law.

E. Failure to adequately enforce the reclamation laws and regulations shall be grounds for termination of this Cooperative Agreement.

ARTICLE VII

BONDS

A. *Amount and Responsibility.* The State Agency may require Federal coal lessees subject to the provisions of 30 C.R.F. Part 211 to submit a bond as provided in New Mexico Stat., Section 63–34–18, NMSA 1953 Comp. The Secretary shall reduce the Federal bond required for reclamation purposes under 43 C.F.R. 3041.3 and 30 C.F.R. 211.3, by the amount of the bond required by the Governor only if the release of all or any portion of the State Agency's bond is conditioned on compliance with the requirements of the approved plan, and the amount released is appropriate to the work completed. Where the surface of the lands is not owned by the United States, the State Agency shall notify the surface owner and solicit and take into account his comments before recommending release of the bond.

B. *Notification.* Prior to releasing the bond provided for in New Mexico Stat., Section 63–34–18, NMSA 1953 Comp. for lands the surface of which is owned by the Federal Government, the State Agency shall consult with and seek the advise and consent of the Secretary.

C. *Release of Bond.* The State Agency shall hold the operator responsible and liable for successful reclamation as required by New Mexico Stat., Section 63–34–8, NMSA 1953 Comp.

ARTICLE VIII

OPPORTUNITY TO COMPLY WITH COOPERATIVE AGREEMENT

The Secretary may, at his sole discretion, and without instituting or commencing proceedings for withdrawal of approval of the Cooperative Agreement, notify the State Agency that it has failed to comply with the provisions of the Cooperative Agreement. The Secretary shall specify how the State Agency has failed to comply and shall state the period of time within which the defects in administration shall be remedied and satisfactory evidence presented to him that the State Agency has remedied the defects in administration and is in compliance with and has met the requirements of the Secretary. Upon failure of the State Agency to meet the requirements of the Secretary within the time specified, the Secretary may institute proceedings for withdrawal of approval of the Cooperative Agreement as set forth in Article IX.

ARTICLE IX

TERMINATION OF COOPERATIVE AGREEMENT

The Cooperative Agreement may be terminated as follows:

A. *Termination by the State.* The Cooperative Agreement may be terminated by the State upon written notice to the Secretary, specifying the date upon which the Cooperative Agreement shall be terminated, but which date of termination shall not be less than 60 days from the date of the notice.

B. *Termination by the Secretary.* The Cooperative Agreement may be terminated by the Secretary whenever the Secretary finds, after giving due notice to the State and affording the State an opportunity for a hearing:

1. That the State has failed to comply substantially with any provision of the Cooperative Agreement; or

2. That the State has failed to comply with any assurance given by the State upon which the Cooperative Agreement is based, or any condition or requirement which is specified in Article III; or

3. That action unrelated to surface coal mine reclamation will unreasonably and substantially prevent the mining of federal coal.

C. *Termination by Operation of Law.* This Cooperative Agreement shall terminate by operation of law when no longer authorized by Federal laws and regulations or New Mexico laws and regulations.

D. *Notice of Proposed Termination.* Whenever the Secretary proposes to terminate the Cooperative Agreement he shall:

1. Give written notice to the Governor and to the State Agency;

2. Specify and set out in the written notice the grounds upon which he proposes to terminate the Cooperative Agreement;

3. Specify the date upon which and the place where the State will be afforded an opportunity for hearing and to show cause why the Cooperative Agreement should not be terminated by the Secretary. The date upon which such hearing shall be held shall be not less than 30 days from the date of such notice, and the place of hearing shall be in the State.

4. The Secretary shall also publish a notice in the FEDERAL REGISTER containing the items in 1–3 of this paragraph.

5. Within 30 days of the date of the written notice specifying the date of the hearing, the State may file a written notice with the Secretary stating whether or not it will appear and participate in the hearing. The notice shall specify the issues and grounds specified by the Secretary for termination which the State will oppose or contest and a statement of its reasons and grounds for opposing or contesting. Failure to file a written notice in the Office of the Secretary within 30 days shall constitute a waiver of the opportunity for hearing, but the State may present or submit before the time fixed for the hearing written arguments and reasons why the Cooperative Agreement should not be terminated, and within the discretion of the Secretary may be permitted to appear and confer in person and present oral or written statements, and other documents relative to the proposed termination.

E. *Conduct of Hearing.* The hearing will be conducted by the Secretary. A record shall be made of the hearing and the State shall be entitled to obtain a copy of the transcript. The State shall be entitled to have legal and technical and other representatives present at the hearing or conference, and may present, either orally or in writing, evidence, information, testimony, documents, records and materials as may be relevant and material to the issues involved.

F. *Notice of Withdrawal of Approval of Cooperative Agreement.* After a hearing has been held, or the right to a hearing has been waived or forfeited by the State, the Secretary, after consideration of the evidence, information, testimony, and arguments presented to him shall advise the State of his decision. If the Secretary determines to withdraw approval of the Cooperative Agreement, he shall notify the State Agency of his intended withdrawal of approval of the Cooperative Agreement, and afford the State an opportunity to present evidence satisfactory to the Secretary that the State has remedied the specified defects in its administration of the Cooperative Agreement. The Secretary shall state the period of time within which the defects in administration shall be remedied and satisfactory evidence presented to him, and upon failure of the State to do so within the time stated, the Secretary may thereupon withdraw his approval of the Cooperative Agreement without any further opportunity afforded to the State for a hearing.

ARTICLE X

REINSTATEMENT OF COOPERATIVE AGREEMENT

The Cooperative Agreement which has been terminated may be reinstated upon application by the State and upon giving evidence satisfactory to the Secretary that the State can and will comply with all the provisions of the Cooperative Agreement and has remedied all defects in administration for which the Cooperative Agreement was terminated.

ARTICLE XI

AMENDMENTS OF COOPERATIVE AGREEMENT

This Cooperative Agreement may be amended by mutual agreement of the Governor and the Secretary. An amendment proposed by one party shall be submitted to the other with a statement of the reasons for such proposed amendment. The party to whom the proposed amendment is submitted shall signify its acceptance or rejection of the proposed amendment, and if rejected shall state the reasons for rejection.

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Upon acceptance by the Governor and the Secretary, the amendment shall be adopted after rulemaking.

ARTICLE XII

CHANGES IN STATE OR FEDERAL STANDARDS

The Secretary of the Interior and/or the State of New Mexico may from time to time revise and promulgate new or revised reclamation requirements or enforcement and administration procedures. The Secretary and the State Agency shall immediately inform the other of any final changes in their respective laws or regulations. Each party shall, if it determines it to be necessary to keep this Cooperative Agreement in force, change or revise its respective laws or regulations. For changes which may be accomplished by rulemaking, each party shall have six months in which to make such changes. For changes which require legislative authorization, each party has until the close of its next legislative session at which such legislation can be considered in which to make the change. If such changes are not made, then the termination provision of Article IX may be invoked.

ARTICLE XIII

QUALIFICATIONS AND EXPERIENCE OF PERSONNEL

The State Agency shall be adequately staffed with, or have readily available to it an adequate number of qualified personnel to carry out fully the requirements of the Cooperative Agreement. The personnel of the State Agency shall be so qualified that the end result of their efforts is comparable to that which would have resulted from administration by Department of the Interior personnel.

ARTICLE XIV

CONFLICT OF INTEREST

No member of the State Agency responsible for the administration of the State law and rules and regulations relating to this Cooperative Agreement shall participate in the review, analysis, administration, decision-making, or enforcement actions relating to any operation subject to this Cooperative Agreement if such person has, directly or indirectly, any financial interest in a company, partnership, organization, or corporation (parent or subsidiary) which owns, operates or has a financial interest in such operation subject to this Cooperative Agreement.

ARTICLE XV

EQUIPMENT AND LABORATORIES

The State Agency shall have equipment, laboratories, and facilities with which all inspections, investigations, studies, tests, and analyses which are necessary to carry out the requirements of the Cooperative Agreement can be performed or determined or have access to such facilities.

ARTICLE XVI

EXCHANGE OF INFORMATION

A. *Organizational and Functional Statement.* The State Agency and the Secretary shall advise each other of the organization, structure, functions, and duties of the offices, departments, divisions, and persons within their organizations. Each shall advise promptly the other in writing of changes in personnel, officials, heads of department or division, or a change in the function or duties of persons occupying the principal offices within the organization. The State Agency and the Secretary shall advise each other in writing the location of its various offices, addresses, telephone numbers, and the names, location, telephone numbers of their respective mine inspectors and the area within the State for which such inspectors are responsible, and shall advise promptly of any changes in such.

B. *Laws, Rules and Regulations.* The State Agency and the Secretary shall provide to each other copies of their respective laws, rules, regulations and standards, pertaining to the enforcement and administration of this Cooperative Agreement and promptly furnish copies of any final revision of such laws, rules, regulations, and standards when the revision becomes effective.

ARTICLE XVII

RESERVATION OF RIGHTS

This Cooperative Agreement shall not be construed as waiving or preventing the assertion of any rights the Governor and the Secretary may have under the Mineral Leasing Act, the Constitution of the United States, or the Constitution of the State of New Mexico.

JERRY APODACA,
Governor, State of New Mexico.

THOMAS S. KLEPPE,
Secretary, Department of the Interior.

[FR Doc.77-10035 Filed 4-4-77;8:45 am]

PART 211—COAL MINING OPERATING REGULATIONS

Adoption of Final Cooperative Agreement With Utah for Enforcement and Administration of Surface Coal Mine Reclamation Standards

AGENCY: U.S. Department of the Interior, Geological Survey.

ACTION: Final Rule.

SUMMARY: The rule establishes the responsibilities of the Geological Survey and the State of Utah to regulate reclamation of lands disturbed by surface coal mining on Federal coal leases in Utah. The rule also prescribes certain requirements to be included in mining plans for these leases. The rule is being issued to minimize duplication and overlap between Federal-State jurisdiction over regulation of reclamation.

EFFECTIVE DATE: May 1, 1977.

FOR FURTHER INFORMATION CONTACT: Robert Uram, Solicitor's Office, Division of Energy and Resources, Department of the Interior, Washington, D.C. 20240 (202-343-4803).

SUPPLEMENTARY INFORMATION: The adoption of the Cooperative Agreement with Utah was published in proposed form on January 7, 1977, 42 FR 1489. The comment period expired on February 10, 1977. The Department did not receive any comments on the proposed rule. The Cooperative Agreement published today is identical to the one published as a proposed rule except that the final agreement contains an effective date of May 1, 1977. The background and explanation of this rule is set out in the preamble to the proposed rulemaking. The adoption of this rule does not change, in any way, the basic steps that the Department must take before it approves a mining plan, and the Department must comply in full with its procedures. The Agreement does coordinate these procedures with those for the State of Utah, and gives the State basic responsibility to administer, inspect, and enforce the requirements of the mining plan, once it has been approved.

The Department believes that this and similar Cooperative Agreements do not lessen, in any way, the need for comprehensive Federal legislation on surface mining. The Agreement should not be construed as weakening the Department's support for that legislation. The Agreement should be construed as a part of the Department's efforts to provide effective reclamation prior to the passage of new legislation, not as a substitute for that legislation. The Department has supported and will continue to support the early passage of surface mining legislation.

Dated: March 25, 1977.

CECIL D. ANDRUS,
Secretary.

1. Accordingly, 30 CFR 211.10 is amended by the addition of a paragraph (e)(2) to read as follows:

§ 211.10 Exploration and mining plans.

* * * * * * *

(e) *States with § 211.75(b) agreements.* * * *

(2) Utah. A Federal coal lessee in the State of Utah who must submit a mining plan or permit under both State and Federal law shall submit in lieu of the mining plan required in this section, a mining plan containing the information required by:

(i) Utah Code Ann., 1953, as amended, § 40-8-13;

(ii) Rule M-3, of Utah Division of Oil, Gas and Mining Rules and Regulations;

(iii) 30 CFR 211.10(c); and

(iv) A statement certifying that a copy of the plan or permit application has been given to both the Governor and the Secretary.

2. Title 30 CFR 211.74 is amended by the addition of a paragraph (g)(2) to read as follows:

§ 211.74 Variances.

* * * * * * *

(g) *States with § 211.75(b) agreements.* * * *

(2) Utah. A Federal coal lessee in the State of Utah shall request and receive variances from the State of Utah and the Secretary under the provisions of 30 CFR § 211.74.

3. Title 30 CFR 211.77 is amended by the addition of a new paragraph (b) to read:

§ 211.77 States with cooperative agreements.

* * * * * * *

(b) Utah. The administration and enforcement of reclamation requirements on federal coal leases in Utah subject to this part shall be done according to the Cooperative Agreement between the State of Utah and the Department of the Interior. The Cooperative Agreement is published at 42 FR 18068, April 5, 1977 and is available at appropriate offices of the Department of the Interior.

4. The State of Utah and the Department enter into a Cooperative Agreement to designate the State of Utah as the principal party to administer surface coal mine reclamation operations on Federal leases in Utah to read as follows:

Cooperative Agreement Between the United States Department of the Interior and the State of Utah under Section 32 of the Mineral Leasing Act of 1920, 30 U.S.C. 189, section 307 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. Section 1737 and 30 CFR 211.75(b).

This Agreement (referred to as the Cooperative Agreement) is made between the State of Utah, acting by and through its Governor (hereinafter referred to as the "State") and the United States Department of the Interior, acting by and through the Secretary of the Interior or his duly authorized representative (referred to as the "Secretary").

ARTICLE I

PURPOSE

This agreement provides for a cooperative program between the U.S. Department of the Interior and the State of Utah with respect to the administration and enforcement of surface coal reclamation operations conducted under coal leases issued by the Department of the Interior under the Mineral Leasing Act of 1920. The basic purpose of the agreement is to prevent duality of administration and enforcement of surface reclamation requirements by designating the State of Utah, wherever possible, as the principal entity to enforce reclamation laws and regulations in Utah.

ARTICLE II

EFFECTIVE DATE

The Cooperative Agreement is effective on the 1st day of May 1977, and remains in effect until terminated as provided in Article IX.

ARTICLE III

REQUIREMENTS FOR COOPERATIVE AGREEMENT

The State of Utah affirms that it will comply with all of the provisions of this Cooperative Agreement and will continue to meet all the conditions and requirements specified in this Article upon which the approval of the Secretary is based.

A. *Responsible Administrative Agency.* The Utah Division of Oil, Gas and Mining of the Department of Natural Resources (hereinafter referred to as "State Agency") is, and shall continue to be, the sole agency responsible for administering this Cooperative Agreement on behalf of the State throughout the State of Utah.

B. *Authority of State Agency.* The State agency designated in Paragraph A of this Article has, and shall continue to have authority to carry out this Cooperative Agreement, on behalf of the State throughout the State of Utah.

C. *State Reclamation Law.* The State shall ensure that all mining plans approved under this agreement shall afford general protection of the environment at least as stringent as would occur under the exclusive application of 30 CFR Part 211, and that the standards used to approve a mining plan of a Federal lessee will not unreasonably impair coal mining that is in the overriding national interest.

D. *Effectiveness of State Procedures.* The procedures of the State shall be in the judgment of the Secretary substantially as effective for the purpose of enforcing the reclamation requirements of 30 CFR Part 211 as the procedures of the Department of the Interior.

E. *Inspection of Mines.* The State affirms that the State Agency will inspect all mines located in the State, in accordance with minimum schedules in Article V.

F. *Enforcement.* The State affirms that it will enforce the Agreement in a manner that ensures effective environmental protection.

G. *Qualified Personnel.* The State Agency will have an adequate number of fully qualified personnel necessary for the enforcement of this Cooperative Agreement.

H. *Funds.* The State will devote adequate funds to the administration and enforcement of reclamation requirements in the State.

I. *Reports and records.* The State Agency shall make reports to the Secretary, containing information about its compliance with the terms of this Cooperative Agreement, as the Secretary shall from time to time require. The State Agency shall also make available to the Secretary, upon request, information developed under this Cooperative Agreement.

The Secretary affirms that the Department of the Interior will comply with all the provisions of this Cooperative Agreement.

ARTICLE IV

MINE PLANS

Federal regulations, 30 CFR 211.10(b), (c), and State laws and regulations require the operator of lands leased, permitted or licensed for coal mining to receive approval of a mining plan or permit prior to conducting operations.

A. *Contents of mining plans and permits.* The State and the Secretary agree to require a federal coal lessee who must submit a mining plan or permit application under both State and federal law to submit a plan or permit with the following information:

1. The information required by: (a) Utah Code Ann., 1953, as amended, § 40-8-13; (b) Rule M-3, of Utah Division of Oil, Gas and Mining Rules and Regulations; (c) 30 CFR 211.10(c).

2. A statement certifying that a copy of the plan or permit has been given to both the State Agency and the Secretary.

If either the State or the Secretary require the operator to submit additional information, the operator shall submit the information to both the Governor and the Secretary. The operator will request variances from the mining plan in accordance with 30 CFR 211.-74, and shall file the request with the State Agency and the Secretary.

B. *Review of Plans.* The State Agency and the Secretary shall each review and analyze the adequacy of the plan or request for a variance from a plan or changes in an approved plan.

C. *Approval of Mining Plans.* The State Agency shall review the adequacy of the mining plan, any request for a variance as provided in 40-8-13-18; Utah Code Ann. 1953, as amended, or a request for a change in a mining plan, and shall notify the Secretary of its action. The Secretary shall then independently review and take final action on the mining plan as required by 30 CFR 211.10(d), a request for a variance as required by 30 CFR 211.74, or a change in an approved mining plan which was acted on by the State Agency. The Secretary shall notify the State Agency of his action, and the State Agency shall reconsider its action if necessary to comply with this Agreement.

ARTICLE V

INSPECTIONS

A. The State Agency shall inspect as authorized by Utah Code Ann., 1953, as amended, 40-8-6-17 as frequently as necessary, but at least quarterly, the operations area of all federal leases, permits and licenses where operations affecting the reclamation of mine lands are conducted or to be conducted, for the purpose of determining whether the operator is complying with all applicable laws, regulations and orders and all requirements of approved exploration or mining plans that affect the reclamation of mined lands.

B. The State Agency shall subsequent to conducting any inspection, file with the Secretary a report on (1) the general conditions of the lands under lease permit or license, (2) the manner in which the operations are being conducted, and (3) whether the operator is complying with applicable requirements. A copy of such report shall be furnished to the operator on request, and shall be made available for public inspection during normal business hours at the offices of the Mining Supervisor.

C. For the purpose of evaluating the manner in which the Cooperative Agreement is being carried out and to ensure that reclamation is being effectively performed, the Secretary may inspect from time to time mines within the State of Utah. Inspections by the Secretary may be made in association with a regular inspection by the State Agency.

D. The Secretary may conduct inspections to determine whether the operator is complying with requirements that are unrelated to reclamation.

ARTICLE VI

ENFORCEMENT

A. If the State Agency determines that the operator is not complying with a requirement that relates to the reclamation of lands disturbed by surface mining, he shall take such steps as required by Utah Code Ann., 1953, as amended, § 40-8-6-16.

B. If, in the judgment of the State Agency, an operator is conducting activities on lands subject to this Agreement which fail to comply with a requirement that relates to reclamation, and those activities threaten immediate and serious damage to the environment, the State shall order the immediate cessation of such activities, as authorized by Utah Ann. Code 1953, as amended, § 40-8-6.

C. The State shall notify the Secretary of all violations of applicable laws regarding reclamation including violations of federal laws and regulations or lease terms and of all actions taken under Utah Ann. Code, 1953, as amended, §§ 40-8-6-16.

D. This Article does not limit the Secretary's authority to seek cancellation of a Federal coal lease under Federal laws and regulations, or prevent the Secretary from taking appropriate steps to correct actions that violate Federal, but not State law.

E. Failure to adequately enforce the reclamation laws and regulations shall be grounds for termination of this Agreement.

ARTICLE VII

BONDS

A. *Amount and Responsibility.* The State Agency shall require all Federal coal lessees subject to the provisions of 30 CFR Part 211 to submit a bond as required by Utah Ann. Code, 1953, as amended, § 40-8-14. The Secretary shall reduce the federal bond required for reclamation purposes under 43 CFR 3041.3, and 30 CFR 211.3 by the amount of the bond required by the State Agency only if the release of all or any portion of the State's bond is conditioned on compliance with the requirements of the approved plan, and the amount released is appropriate to the work completed. Where the surface of the lands is not owned by the United States, the State Agency shall notify the surface owner and solicit and take into account his comments before recommending release of the bond.

B. *Notification.* Prior to releasing the bond required by Utah Code Ann., 1953, as amended, § 40-8-14 for lands the surface of which is owned by the Federal Government, the State Agency shall consult with and seek the advice and consent of the Secretary.

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C. *Release of bond.* The State Agency shall hold the operator responsible and liable for successful reclamation as required by Utah Code Ann., 1953, § 40-8-16.

ARTICLE VIII

OPPORTUNITY TO COMPLY WITH COOPERATIVE AGREEMENT

The Secretary may, in his sole discretion, and without instituting or commencing proceedings for withdrawal of approval of the Cooperative Agreement, notify the State Agency that it has failed to comply with the provisions of the Cooperative Agreement. The Secretary shall specify how the State has failed to comply and shall specify and state the period of time within which the defects in administration shall be remedied and satisfactory evidence presented to him enat the State has remedied the defects in administration and is in compliance with and has met the requirements of the Secretary. Upon failure of the State Agency to meet the requirements of the Secretary within the time specified, the Secretary may institute proceedings for withdrawal of approval of the Cooperative Agreement as set forth in Article IX.

ARTICLE IX

TERMINATION OF COOPERATIVE AGREEMENT

This Cooperative Agreement may be terminated as follows:

A. *Termination by the State.* This Cooperative Agreement may be terminated by the State upon written notice to the Secretary, specifying the date upon which the State plan shall be terminated, but which date of termination shall not be less than 60 days from the date of the notice.

B. *Termination by the Secretary.* The Cooperative Agreement may be terminated by the Secretary whenever the Secretary finds, after giving due notice to the State and affording the State an opportunity for a hearing:

1. That the State has failed to comply substantially with any provision of the Cooperative Agreement; or

2. That the State has failed to comply with any assurance given by the State upon which the Cooperative Agreement is based, or any condition or requirement which is specified in Article III; or

3. That State action unrelated to surface coal mine reclamation will unreasonably and substantially prevent the mining of federal coal.

C. *Termination by Operation of Law.* This Cooperative Agreement shall terminate by operation of law when no longer authorized by federal laws and regulations.

D. *Notice of Proposed Termination.* Whenever the Secretary proposes to terminate the Cooperative Agreement he shall:

1. Give written notice to the Governor and to the State Agency specified in Article III.

2. Specify and set out in the written notice the grounds upon which he proposes to terminate the Cooperative Agreement.

3. Specify the date upon which and the place where the State will be afforded an opportunity for hearing and to show cause why the Cooperative Agreement should not be terminated by the Secretary. The date upon which such hearing shall be held shall be not less than 30 days from the date of such notice, and the place of hearing shall be in the State of Utah.

4. The Secretary shall also publish a notice in the Federal Register containing the items in 1-3 of this paragraph.

5. Within 30 days of the date of the written notice specifying the date of the hearing, the State shall file a written notice with the Secretary stating whether or not it will appear and participate in the hearing. The notice shall specify the issues and grounds specified by the Secretary for termination which the State will oppose or contest and a statement of its reasons and grounds for opposing or contesting. Failure to file a written notice in the Office of the Secretary within 30 days shall constitute a waiver of the opportunity for hearing, but the State may present or submit before the time fixed for the hearing written arguments and reasons why the Cooperative Agreement should not be terminated, and within the discretion of the Secretary may be permitted to appear and confer in person and present oral or written statements, and other documents relative to the proposed termination.

E. *Conduct of Hearing.* The hearing will be conducted by the Secretary. A record shall be made of the hearing and the State shall be entitled to obtain a copy of the transcript. The State shall be entitled to have legal and technical and other representatives present at the hearing or conference, and may present, either orally or in writing, evidence, information, testimony, documents, records, and materials as may be relevant and material to the issues involved.

F. *Notice of Withdrawal of Approval of Cooperative Agreement.* After a hearing has been held, or the right to a hearing has been waived or forfeited by the State, the Secretary, after consideration of the evidence, information, testimony, and arguments presented to him shall advise the State of his decision. If the Secretary determines to withdraw approval of the Cooperative Agreement, he shall notify the State Agency of his intended withdrawal of approval of the Cooperative Agreement, and afford the State an opportunity to present evidence satisfactory to the Secretary that the State has remedied the specified defects in its administration of the Cooperative Agreement. The Secretary shall state the period of time within which the defects in administration shall be remedied and satisfactory evidence presented to him, and upon failure of the State to do so within the time stated, the Secretary may thereupon withdraw his approval of the Cooperative Agreement without any further opportunity afforded to the State for a hearing.

ARTICLE X

REINSTATEMENT OF COOPERATIVE AGREEMENT

The Cooperative Agreement which has been terminated may be reinstated upon application by the State and upon giving evidence satisfactory to the Secretary that the State can and will comply with all the provisions of the Cooperative Agreement plan and has remedied all defecta in administration for which the Cooperative Agreement was terminated.

ARTICLE XI

AMENDMENTS OF COOPERATIVE AGREEMENT

This Cooperative Agreement may be amended by mutual agreement of the State and Secretary. An amendment proposed by one party shall be submitted to the other with a statement of the reasons for such proposed amendment. The amendment shall be adopted after rulemaking and the party to whom the proposed amendment is submitted shall signify its acceptance or rejection of the proposed amendment, and if rejected shall state the reasons for rejection.

ARTICLE XII

CHANGES IN STATE OR FEDERAL STANDARDS

The Secretary of the Interior or the State of Utah may from time to time revise and promulgate new or revised reclamation requirements or enforcement and administration procedures. The Secretary and the Governor shall immediately inform the other of any final changes in their respective laws or regulations. Each party shall, if it determines it to be necessary to keep this Cooperative Agreement in force, change or revise its respective laws or regulations. For changes which may be accomplished by rulemaking, each party shall have six months in which to make such changes. For changes which require legislative authorization, each party has until the close of its next legislative session at which such legislation can be considered in which to make the changes. If such changes are not made, then the termination provision of Article IX may be invoked.

ARTICLE XIII

QUALIFICATIONS AND EXPERIENCE OF PERSONNEL

The State Agency shall be adequately staffed with, or have readily available to it an adequate number of qualified personnel to carry out fully the requirements of the Cooperative Agreement. The personnel of the State Agency shall be so qualified that the end result of their efforts is comparable to that which would have resulted from administration by Department of Interior personnel.

ARTICLE XIV

CONFLICT OF INTEREST

No member of the State Agency or agencies responsible for the administration of the State law and rules and regulations relating to this Cooperative Agreement shall participate in the review, analysis, administration, decision-making, or enforcement actions relating to any operation subject to this Cooperative Agreement if such person has, directly or indirectly, any financial interest in a company, partnership, organization, or corporation (parent or subsidiary) which owns, operates or has a financial interest in such operation subject to this Cooperative Agreement.

ARTICLE XV

EQUIPMENT AND LABORATORIES

The State Agency shall have equipment, laboratories, and facilities with which all inspections, investigations, studies, tests, analyses, can be performed or determined, and which are necessary to carry out the requirements of the Cooperative Agreement or have access to such facilities and personnel.

ARTICLE XVI

EXCHANGE OF INFORMATION

A. *Organizational and Functional Statement.* The State Agency and the Secretary shall advise eacl. other of the organization, structure, functions, and duties of the offices, departments, divisions, and persons within their organizations. Each shall advise promptly the other in writing of changes in personnel, officials, heads of a department or division, or a change in the functions or duties of persona occupying the principal offices within the organization. The State Agency and the Secretary shall advise each other in writing the location of its various offices, addresses, telephone numbers, and the names, location, telephone numbers of their respective mine inspectors and the area within the State for which such inspectors are responsible, and shall advise promptly of any changes in such.

B. *Laws, Rules and Regulations.* The State Agency and the Secretary shall provide to each other copies of their respective laws, rules, regulations and standards pertaining to the enforcement and administration of this Cooperative Agreement and promptly furnish copies of any final revision of such laws, rules, regulations, and standards when the revision becomes effective.

ARTICLE XVII

RESERVATION OF RIGHTS

This Cooperative Agreement shall not be construed as waiving or preventing the assertion of any rights the Governor and the Secretary may have under the Mineral Leasing Act or the Constitution of the United States.

State of Utah,
SCOTT MATHESON,
Governor of Utah.

Department of the Interior,
THOMAS S. KLEPPE,
Secretary of the Interior.

[FR Doc.77-10036 Filed 4-4-77;8:45 am]

PART 211—COAL MINING OPERATING REGULATIONS

Adoption of Final Cooperative Agreement With North Dakota for Enforcement and Administration of Surface Coal Mine Reclamation Standards

AGENCY: U.S. Department of the Interior, Geological Survey.

ACTION: Final Rule.

SUMMARY: The rule establishes the responsibilities of the Geological Survey and the State of North Dakota to regulate reclamation of lands disturbed by surface coal mining on Federal coal leases in North Dakota. The rule also prescribes certain requirements to be included in mining plans for these leases. The rule is being issued to minimize duplication and overlap between Federal-State jurisdiction over regulation of reclamation.

EFFECTIVE DATE: May 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert Uram, Solicitor's Office, Division of Energy and Resources, Department of the Interior, Washington, D.C. 20240 (202-343-4803).

SUPPLEMENTARY INFORMATION: The adoption of the Cooperative Agreement with North Dakota was published in proposed form on January 25, 1977, 42 FR 4493. The comment period expired on February 21, 1977. The Department did not receive any comments on the proposed rule. The Cooperative Agreement published today is identical to the one published as a proposed rule except that the final agreement contains an effective date of May 1, 1977. The background and explanation of this rule is set out in the preamble to the proposed rulemaking. The adoption of this rule does not change, in any way, the basic steps that the Department must take before it approves a mining plan, and the Department must comply in full with its procedures. The Agreement does coordinate these procedures with those for the State of North Dakota, and gives the State basic responsibility to administer, inspect, and enforce the requirements of the mining plan, once it has been approved.

The Department believes that this and similar Coopeartive Agreements do not lessen, in any way, the need for comprehensive Federal legislation on surface mining. The Agreement should not be construed as weakening the Department's support for that legislation. The Agreement should be construed as a part of the Department's efforts to provide effective reclamation prior to the passage of new legislation, not as a substitute for that legislation. The Department has supported and will continue to support the early passage of surface mining legislation.

Dated: March 25, 1977.

CECIL D. ANDRUS,
Secretary.

1. Accordingly, 30 CFR 211.10 is amended by the addition of a paragraph (e)(4) to read as follows:

§ 211.10 Exploration and mining plans.

* * * * * *

(e) *States with § 211.75(b) agreements.* * * *

(4) North Dakota. A Federal coal lessee in the State of North Dakota who must submit a mining plan or permit under both State and Federal law shall submit in lieu of the mining plan required in this section, a mining plan containing the information required by:

(i) North Dakota Cent. Code § 38-14-04;

(ii) North Dakota Public Service Commission Rules and Regulations for Reclamation of Surface Mined lands. R38-14-04.1 through R38-14-04.20;

(iii) 30 CFR 211.10(c); and

(iv) A statement certifying that a copy of the plan or permit application has been given to both the Governor and the Secretary.

2. Title 30 CFR § 211.74 is amended by the addition of a paragraph (g)(4) to read as follows:

§ 211.74 Variances.

(g) *States with § 211.75(b) agreements.* * * *

* * * * *

(4) North Dakota. A Federal coal lessee in the State of North Dakota shall request and receive variances from the State of North Dakota and Secretary under the provisions of 30 CFR 211.74.

3. Title 30 CFR § 211.77 is amended by the addition of a new paragraph (d) to read:

§ 211.77 States with cooperative agreements.

* * * * *

(d) North Dakota. The administration and enforcement of reclamation requirements on federal coal leases in North Dakota subject to this part shall be done according to the Cooperative Agreement between the State of North Dakota and the Department of the Interior. The Cooperative Agreement is published at 42 FR 18071, April 5, 1977.

4. The State of North Dakota and the Department enter into a Cooperative Agreement to designate the State of North Dakota as the principal party to administer surface coal mine reclamation operations on Federal leases in North Dakota to read as follows:

COOPERATIVE AGREEMENT BETWEEN THE UNITED STATES DEPARTMENT OF THE INTERIOR AND THE STATE OF NORTH DAKOTA under Section 32 of the Mineral Leasing Act of 1920, 30 U.S.C. Section 189, and Section 307 of the Federal Land Policy and Management Act of 1976, and 30 CFR 211.75(b).

This Agreement (referred to as the Cooperative Agreement) is made between the STATE OF NORTH DAKOTA acting by and through its Governor and its Public Service Commission (referred to as the State) and the United States Department Of The Interior, acting by and through the Secretary of the Interior or his duly authorized representative (referred to as the Secretary).

ARTICLE I

PURPOSE

This Cooperative Agreement provides for a cooperative program between the United States Department of the Interior and the State of North Dakota with respect to the administration and enforcement of surface coal reclamation requirements conducted under coal leases issued by the Department of the Interior under the Mineral Leasing Act of 1920. The basic purpose of the agreement is to prevent duality of administration and enforcement of surface reclamation requirements by designating the State of North Dakota as the principal entity to enforce reclamation laws and regulations in North Dakota.

ARTICLE II

EFFECTIVE DATE

The Cooperative Agreement is effective on the 1st day of May, 1977, and remains in effect until terminated as provided in Article IX.

ARTICLE III

REQUIREMENTS FOR COOPERATIVE AGREEMENT

The State of North Dakota affirms that the State will comply with all of the provisions of this Cooperative Agreement and will continue to meet all the conditions and requirements specified in this Article upon which the approval of the Secretary is based.

A. *Responsible Administrative Agency.* The North Dakota Public Service Commission (hereinafter referred to as the State Agency) is, and shall continue to be, the sole agency responsible for administering this Cooperative Agreement on behalf of the State throughout the State of North Dakota.

B. *Authority of State Agency.* The State Agency designated in Paragraph A of this Article has, and shall continue to have, authority to carry out this Cooperative Agreement on behalf of the State throughout the State of North Dakota.

C. *State Reclamation Law.* The State Agency shall ensure that all mining plans covering coal subject to federal lease approved under this agreement shall afford general protection of the environment at least as stringent as would occur under the exclusive application of 30 CFR Part 211, and that the standards used to approve a mining plan of a Federal Lessee will not unreasonably impair coal mining that is in the overriding national interest.

D. *Effective of State Procedures.* The procedures of the State shall be, in the judgment of the Secretary, substantially as effective for the purpose of enforcing the reclamation requirements of 30 CFR Part 211 as the procedures of the Department of the Interior.

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E. *Inspection of Mines.* The State affirms that the State Agency will inspect all mines located in the State, in accordance with the minimum schedules in Article V.

F. *Enforcement.* The State affirms that it will enforce the Agreement in a manner that ensures effective environmental protection.

G. *Qualified Personnel.* The State Agency will have an adequate number of fully qualified personnel necessary for the enforcement of this Cooperative Agreement.

H. *Funds.* The State will devote adequate funds for the administration and enforcement of reclamation requirements in the State.

I. *Reports and Records.* The State Agency shall make reports to the Secretary, containing information about its compliance with the terms of this Cooperative Agreement, as the Secretary shall from time to time require. The State Agency and the Secretary shall exchange, upon request, information developed under this Cooperative Agreement.

The Secretary affirms that the Department of the Interior will comply with all of the provisions of this Cooperative Agreement.

ARTICLE IV

MINE PLANS

Federal regulation, 30 CFR 211.10(c), and State laws and regulations require the operator of lands leased, permitted or licensed for coal mining to receive approval of a mining plan, or permit, or amendment thereto, prior to conducting operations.

A. *Contents of Mining Plans and Permits.* The State and the Secretary agree to require a Federal coal lessee who must submit a mining plan or permit application under both State and Federal law, to submit a plan or permit with the following information:

1. The information required by:

a. North Dakota Cent. Code § 38–14–04.

b. North Dakota Public Service Commission Rules and Regulations for Reclamation of Surface Mined Lands, R38–14–04.1 through R38–14–04.20.

c. 30 CFR 211.10(c).

2. A Statement certifying that a copy of the plan or permit has been given to both the State Agency and the Secretary.

If either the State or the Secretary requires the operator to submit additional information, the operator shall submit the information to both the State and the Secretary. The operator will request variance from the mining plan in accordance with 30 CFR 211.74, and shall file the request with the State Agency and the Secretary.

B. *Review of Plan.* The State Agency and the Secretary shall each review and analyze the adequacy of the plan or request for a variance from a plan or changes in an approved plan.

C. *Approval of Mining Plans.* The State Agency shall review the adequacy of the mining plan, any request for a variance, or a request for a change in a mining plan, as provided in North Dakota Public Service Commission Rules and Regulations for Reclamation of Surface Mined Lands, R30–14–04.18, and shall notify the Secretary of its action. The Secretary shall then review and take final action on the mining plan as required by 30 CFR 211.10(d), a request for a variance as required by 30 CFR 211.74, or a change in an approved mining plan which was acted upon by the State Agency. The Secretary shall notify the State Agency of his action, and the State Agency shall reconsider its action if necessary to comply with this Cooperative Agreement.

ARTICLE V

INSPECTIONS

A. The State Agency shall inspect as authorized by North Dakota Cent Code § 38–14–03.1 as frequently as necessary but at least quarterly the operations area of all Federal leases, permits and licenses where operations affecting the reclamation of mined lands are conducted or are to be conducted, for the purpose of determining whether the operator is complying with all requirements of approved mining plans.

B. The State Agency shall subsequent to conducting any inspection, file with the Secretary a copy of their report on (1) the general conditions of the lands under lease permit or license, (2) the manner in which the operations are being conducted, and (3) whether the operator is complying with applicable reclamation requirements. A copy of such report shall be furnished to the operator on request, and shall be made available for public inspection during normal business hours at the offices of the Mining Supervisor.

C. For the purpose of evaluating the manner in which the Cooperative Agreement is being carried out and to ensure that reclamation is being effectively performed, the Secretary may inspect from time to time mines on Federal coal leases within the State of North Dakota. Inspections by the Secretary may be made in association with regular inspection by the State Agency.

D. The Secretary may conduct inspections to determine whether the operator is complying with requirements that are unrelated to reclamation.

ARTICLE VI

ENFORCEMENT

A. If the State Agency determines that the operator is not complying with a requirement that relates to the reclamation of lands disturbed by surface mining, it shall take such steps as required by North Dakota Cent. Code § 38–14–03.1, and § 38–14–12.

B. If, in the judgment of the State Agency, an operator is conducting activities on lands subject to this Agreement which fail to comply with a requirement that relates to reclamation and those activities threaten immediate and serious damage to the environment, the State shall order the immediate cessation of such activities, as authorized by North Dakota Cent. Code § 38–14–03.1.

C. The State shall notify the Secretary of all violations of applicable laws regarding reclamation including violations of Federal laws and regulations or lease terms and of all actions taken under North Dakota Cent. Code § 38–14–03.1, and § 38–14–12.

D. This Article does not limit the Secretary's authority to seek cancellation of a Federal coal lease under Federal laws and regulations, or prevent the Secretary from taking appropriate steps to correct actions that violate Federal law, other than those incorporated in this Agreement, but not State law.

E. Failure to adequately enforce the reclamation laws and regulations shall be grounds for termination of this Cooperative Agreement.

ARTICLE VII

BONDS

A. *Amount and Responsibility.* The State Agency shall require all Federal coal lessees subject to the provisions of 30 CFR Part 211 to submit a bond as required by North Dakota Cent. Code § 38–14–07. The Secretary shall reduce the federal bond required for reclamation purposes under 43 CFR 3041.3, and 30 CFR 211.3 by the amount of the bond required by the State Agency only if the release of all or any portion of the State's bond is conditioned on compliance with the requirements of the approved plan, and the amount released is appropriate to the work completed. Where the surface of the lands is not owned by the United States, the State Agency shall notify the surface owner and solicit and take into account his comments before recommending release of the bond.

B. *Notification.* Prior to releasing the bond required by North Dakota Cent. Code § 38–14–07 for lands the surface of which is owned by the Federal Government, the State Agency shall consult with and seek the advice and consent of the Secretary.

C. *Release of Bond.* The State Agency shall hold the operator responsible and liable for successful reclamation as required by North Dakota Cent. Code § 38–14–07.

ARTICLE VIII

OPPORTUNITY TO COMPLY WITH COOPERATIVE AGREEMENT

The Secretary may, at his sole discretion, and without instituting or commencing proceedings for withdrawal of approval of the Cooperative Agreement, notify the State Agency that it has failed to comply with the provisions of the Cooperative Agreement. The Secretary shall specify how the State has failed to comply and shall specify and state the period of time within which the defects in administration shall be remedied and satisfactory evidence presented to him that the State has remedied the defects in administration and is in compliance with and has met the requirements of the Secretary. Upon failure of the State Agency to meet the requirements of the Secretary within the time specified, the Secretary may institute proceedings for withdrawal of approval of the Cooperative Agreement as set forth in Article IX.

ARTICLE IX

TERMINATION OF COOPERATIVE AGREEMENT

The Cooperative Agreement may be terminated as follows:

A. *Termination by the State.* The Cooperative Agreement may be terminated by the State upon written notice to the Secretary, specifying the date upon which the Cooperative Agreement shall be terminated, but which date of termination shall not be less than 60 days from the date of the notice.

B. *Termination by the Secretary.* The Cooperative Agreement may be terminated by the Secretary whenever the Secretary finds, after giving due notice to the State and affording the State an opportunity for a hearing:

1. That the State has failed to comply substantially with any provision of the Cooperative Agreement; or

2. That the State has failed to comply with any assurance given by the State upon which the Cooperative Agreement is based, or any condition or requirement which is specified in Article III; or

3. That State action unrelated to surface coal mine reclamation will unreasonably and substantially prevent the mining of Federal coal.

C. *Termination by Operation of Law.* This Cooperative Agreement shall terminate by operation of law when no longer authorized by Federal laws and regulations.

D. *Notice of Proposed Termination.* Whenever the Secretary proposes to terminate the Cooperative Agreement he shall:

1. Give written notice to the Governor and to the State Agency specified in Article III;

2. Specify and set out in the written notice the grounds upon which he proposes to terminate the Cooperative Agreement;

3. Specify the date upon which and the place where tht State will be afforded an opportunity for hearing and to show cause why the Cooperative Agreement should not be terminated by the Secretary. The date upon which such hearing shall be held shall be not less than 30 days from the date of such notice, and the place of hearing shall be in the State of North Dakota.

4. The Secretary shall also publish a notice in the FEDERAL REGISTER containing the items in 1–3 of this paragraph.

5. Within 30 days of the date of the written notice specifying the date of the hearing, the State shall file a written notice with the Secretary stating whether or not it will appear and participate in the hearing. The notice shall specify the issues and grounds specified by the Secretary for termination which the State will oppose or contest and a statement of its reasons and grounds for opposing or contesting. Failure to file a written notice in the Office of the Secretary within 30 days shall constitute a waiver of the opportunity for hearing, but the State may present or submit before the time fixed for the hearing written arguments and reasons why the Cooperative Agreement should not be terminated, and within the discretion of the Secretary may be permitted to appear and confer in person and present oral or written statements, and other documents relative to the proposed termination.

E. *Conduct of Hearing.* The hearing will be conducted by the Secretary. A record shall be made of the hearing and the State shall be entitled to obtain a copy of the transcript. The State shall be entitled to have legal and technical and other representatives present at the hearing or conference, and may present, either orally or in writing, evidence, information, testimony, documents, records, and materials as may be relevant and material to the issues involved.

F. *Notice of Withdrawal of Approval of Cooperative Agreement.* After a hearing has been held, or the right to a hearing has been waived or forfeited by the State, the Secretary, after consideration of the evidence, information, testimony, and arguments presented to him shall advise the State of his decision. If the Secretary determines to withdraw approval of the Cooperative Agreement, he shall notify the State Agency of his intended withdrawal of approval of the Cooperative Agreement, and afford the State an opportunity to present evidence satisfactory to the Secretary that the State has remedied the specified defects in its administration of the Cooperative Agreement. The Secretary shall state the period of time within which the defects in administration shall be remedied and satisfactory evidence presented to him, and upon failure of the State to do so within the time stated, the Secretary may thereupon withdraw his approval of the Cooperative Agreement without any further opportunity afforded to the State for a hearing.

ARTICLE X

REINSTATEMENT OF COOPERATIVE AGREEMENT

The Cooperative Agreement which has been terminated may be reinstated upon application by the State and upon giving evidence satisfactory to the Secretary that the State can and will comply with all the provisions of the Cooperative Agreement and has remedied all defects in administration for which the Cooperative Agreement was terminated.

ARTICLE XI

AMENDMENTS OF COOPERATIVE AGREEMENT

This Cooperative Agreement may be amended by mutual agreement of the State and the Secretary. An amendment proposed by one party shall be submitted to the other with a statement of the reasons for such proposed amendment. The amendment shall be adopted after rulemaking and the party to whom the proposed amendment is submitted shall signify its acceptance or rejection of the proposed amendment, and if rejected shall state the reasons for rejection.

ARTICLE XII

CHANGES IN STATE OR FEDERAL STANDARDS

The Secretary of the Interior or the State of North Dakota may from time to time revise and promulgate new or revised reclamation requirements or enforcement and administration procedures. The Secretary and the Governor shall immediately inform the other of any final changes in their respective laws or regulations. Each party shall, if it determines it to be necessary to keep this Cooperative Agreement in force, change or revise its respective laws or regulations. For changes which may be accomplished by rulemaking, each party shall have six months in which to make such changes. For changes which require legislative authorization, each party has until the close of its next legislative session at which such legislation can be considered in which to make the changes. If such changes are not made, then the termination provision of Article IX may be invoked.

ARTICLE XIII

QUALIFICATIONS AND EXPERIENCE OF PERSONNEL

The State Agency, under appropriations from the Legislature, shall be adequately staffed with, or have readily available to it, an adequate number of qualified personnel to carry out fully the requirements of the Cooperative Agreement.

ARTICLE XVI

CONFLICT OF INTEREST

No member of the State Agency or agencies responsible for the administration of the State law and rules and regulations relating to this Cooperative Agreement shall participate in the review, analysis, administration, decision-making, or enforcement actions relating to any operation subject to this Cooperative Agreement if such person has, directly or indirectly, any financial interest in a company, partnership, organization, or corporation (parent or subsidiary) which owns, operates or has a financial interest in such operations subject to this Cooperative Agreement.

ARTICLE XV

EQUIPMENT AND LABORATORIES

The State Agency, under appropriations from the Legislature, shall have the equipment, laboratories, and facilities with which all inspections, investigations, studies, tests, and analyses can be performed or determined, and which are necessary to carry out the requirements of the Cooperative Agreement or have access to such facilities and personnel.

ARTICLE XVI

EXCHANGE OF INFORMATION

A. *Organizational and Functional Statement.* The State Agency and the Secretary shall advise each other of the organization, structure, functions, and duties of the offices, departments, divisions, and persons within their organizations. Each shall advise promptly the other in writing of changes in personnel, officials, heads of departments or divisions, or a change in the functions or duties of persons occupying the principal offices within the organization. The State Agency and the Secretary shall advise each other in writing the location of its various offices, addresses, telephone numbers, and the names, locations, and telephone numbers of their respective mine inspectors and the area within the State for which such inspectors are responsible, and shall advise promptly of any changes in such.

B. *Laws, Rules and Regulations.* The State Agency and the Secretary shall provide to each other copies of their respective laws, rules, regulations and standards pertaining to the enforcement and administration of this Cooperative Agreement and promptly furnish copies of any final revision of such laws, rules, regulations, and standards when the revision becomes effective.

ARTICLE XVII

RESERVATION OF RIGHTS

This Cooperative Agreement shall not be construed as waiving or preventing the assertion of any rights the Governor and the Secretary may have under the Mineral Leasing Act, the Constitution of North Dakota or the Constitution of the United States.

STATE OF NORTH DAKOTA,
ARTHUR A. LINK,
Governor of North Dakota.

RICHARD ELKIN,
Chairman, Public Service Commission.

DEPARTMENT OF THE INTERIOR,
THOMAS S. KLEPPE,
Secretary of the Interior.

[FR Doc.77-10037 Filed 4-4-77;8:45 am]

Title 31—Money and Finance: Treasury

CHAPTER V—OFFICE OF FOREIGN ASSETS CONTROL, DEPARTMENT OF THE TREASURY

PART 530—RHODESIAN SANCTIONS REGULATIONS

Prohibitions Against Imports of Strategic and Critical Materials of Southern Rhodesion Origin and of Ferrochromium and Chromium Steel Products From Any Country, Except as Authorized

The Rhodesian Sanctions Regulations are being amended in connection with the enactment of Pub. L. 95–12.

The amendments are:

(1) A revocation of § 530.518 which has permitted the importation of strategic and critical materials of Southern Rhodesian origin. The effect of this revocation is to again restrict the importation of a list of Rhodesian strategic commodities such as chromium ore, ferrochromium, nickel, asbestos, beryllium, and other strategic materials. It also again restricts the importation of ferrochromium produced in any other country from Rhodesian ores or concentrates.

(2) A new prohibition (§ 530.202) against the importation of chromium ore from any country except when imported directly or on a through bill of lading. Also, a new prohibition against the importation from any country of ferrochromium and steel mill products containing more than 3 percent chromium, except as authorized.

(3) A new section (§ 530.313) defining "steel mill products" and identifying those products affected by the import restrictions.

(4) An amendment of § 530.503 to authorize the importation of ferrochromium and steel mill products whenever they have been specially certified by the Government of the producing country not to contain any chromium of Southern Rhodesian origin. These special certificates may be issued only pursuant to

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special certification procedures to be agreed upon between the certifying country and the Treasury Department. Notices of the availablity of special certificates will be published from time to time in the FEDERAL REGISTER.

(5) A new section explaining that in-transit shipments of strategic and critical materials of Southern Rhodesian origin may be authorized to be imported, but in such cases a specific license will have to be obtained from the Office of Foreign Assets Control. The application should be supported by satisfactory documentary proof of exportation from Southern Rhodesia before March 18, 1977.

(6) A General License (§ 530.520) authorizing the importation, without application to Treasury, of ferrochromium and steel mill products from third countries when the materials were in-transit as of March 18, 1977. The ocean bill of lading must have been issued before March 18, 1977. Other in-transit shipments may be authorized to be imported, but in such cases a specific license will have to be obtained from the Office of Foreign Assets Control. The application should be supported by satisfactory documentary proof of exportation from the producing country before March 18, 1977.

(7) A new section (§ 530.521) explaining that imports of merchanise subject to the Regulations may be refused when there is reason to believe the merchandise contains Rhodesian materials. Refusal of these imports may occur although a special certificate of origin or license may have been obtained.

(8) A new section (§ 530.522) describing special certificates of origin and explaining that other certificates of origin are not acceptable for purposes of these Regulations.

(9) A technical amendment to § 530.808, authorizing certain Customs transactions in connection with these new controls.

In addition to these controls, the Office of Foreign Assets Control is also instructing Customs to sample all imports of chromium ore and ferrochomium from South Africa. The samples are to be forwarded for Customs' laboratory testing. This testing will ensure that Rhodesian chromium ore and ferrochromium does not enter the United States misdescribed as being of South African origin.

As the material contained herein involves a foreign affairs function, the provisions of the Administrative Procedure Act (5 U.S.C. 533) requiring notice of proposed rule making, opportunity for public participation, and delay in effective date, are inapplicable.

For further information, contact George F. Hazard, Chief of Licensing, Office of Foreign Assets Control, Treasury Department, Washington, D.C. 20220, telephone (202) 376-0428. The principal author of this amendment is Stanley L. Sommerfield.

31 CFR Part 530, is amended to revoke § 530.518; to revise §§ 530.503 and 530.808; and to add §§ 530.202, 530.313, 530.519, 530.520, 530.521, and 530.522. The revised and added sections read as follows:

§ 530.202 Imports of chromium ore, ferrochromium, and steel mill products containing chromium.

(a) All of the following direct or indirect transactions by any person subject to the jurisdiction of the United States are prohibited, except as authorized by the Secretary of the Treasury (or any person, agency, or instrumentality designated by him) by means of regulations, rulings, instructions, general or specific licenses or otherwise:

(1) Importation from any country of non-Rhodesian chromium ore except when imported directly or on a through bill of lading.

(2) Importation from any country of ferrochromium.

(3) Importation from any country of steel mill products in their basic shapes and forms which contain more than 3 percent chromium. Steel mill products subject to this prohibition are specified in § 530.313.

§ 530.313 Chromium ore, ferrochromium, and steel mill products.

The terms "chromium ore", "ferrochromium", and "steel mill products" as used in § 530.202 mean:

(a) Chromium ore provided for in item 601.15 of the Tariff Schedules of the United States (BTN ch. 26.01).

(b) Ferrochromium provided for in items 607.30 and 607.31 of the Tariff Schedules of the United States (BTN ch. 73, ch. note 1.(c)).

(c) Stainless steel and other alloy steels in their basic shapes and forms containing more than 3 percent chromium provided for in Schedule 6, Part 2, Subpart B, of the Tariff Schedules of the United States (BTN ch. 73, ch. note 1.(d)).

§ 530.503 Certain transactions with respect to merchandise affected by §§ 530.201 and 530.202.

(a) With respect to materials the unauthorized importation of which is prohibited by § 530.201 or § 530.202, all Customs transactions are authorized except the following:

(1) Entry for consumption (including any appraisement entry, and entry of goods imported in the mails, regardless of value, and any other informal entries);

(2) Entry for immediate exportation;

(3) Entry for transportation and exportation;

(4) Withdrawal from warehouse;

(5) Transfer or withdrawal from a foreign-trade zone; or

(6) Manipulation or manufacture in a warehouse or in a foreign-trade zone.

This paragraph is intended solely to allow certain restricted disposition of merchandise which is imported without proper authorization. This paragraph does not authorize the purchase or importation of any merchandise.

(b) With respect to materials the unauthorized importation of which is prohibited by § 530.202(a), (2), and (3), importation is authorized if there is presented to the District Director of Customs in connection with such importation the original of a special certificate of origin as defined in § 530.522. The materials must have been shipped to the United States directly, or on a through bill of lading, from the country issuing the special certificate of origin.

§ 530.518 [Revoked]

§ 530.519 In-transit materials of Southern Rhodesian Origin.

Specific licenses may be issued authorizing the importation into the U.S. of strategic and critical materials of Southern Rhodesian origin which were in transit on March 18, 1977. Applications will be decided on a case-by-case basis in the discretion of the Office of Foreign Assets Control. In such cases, importations will not be authorized unless the Office is satisfied that undue hardship would result from denial. Applications must be supported by documentary proof establishing the goods were in-transit on March 18, 1977, and establishing the claim of undue hardship.

§ 530.520 In-transit steel mill products.

(a) All transactions incidental to the importation into the United States of ferrochromium and steel mill products subject to the prohibitions of § 530.202 are authorized: *Provided*, The pertinent ocean bill of lading was issued before March 18, 1977.

(b) Such materials may also be licensed to be imported if the Office of Foreign Assets Control is satisfied the materials were exported from the producing country before March 18, 1977. The application must be supported by documentary proof establishing exportation before March 18, 1977.

(c) The authorization contained in paragraph (a) of this section shall expire at the close of business on May 18, 1977.

§ 530.521 Rejection of imports.

Imports of merchandise subject to § 530.202 will be refused, although a special certificate of origin or a special license has been obtained, if there is reason to believe the merchandise is of Southern Rhodesian origin or contains chromium materials of Southern Rhodesian origin.

§ 530.522 Special certificates of origin.

(a) There are many types of certificates of origin issued by governmental and commercial agencies abroad. However, the only certificates of origin which will be accepted by Customs for Foreign Assets Control purposes in connection with imports of commodities subject to § 530.202 are certificates issued pursuant to special agreements between the country of issue and the Treasury Department. The availability of special certificates of origin which are acceptable for Office of Foreign Assets Control purposes is announced in the FEDERAL REGISTER. The special certificate must bear a statement by the issuing foreign government agency referring to the Rhodesian Sanctions Regulations, stating that the special certificate has been issued under procedures agreed upon with the United States Government. The name of the issuing agency in each country will be published in the FEDERAL REGISTER.

(b) The Office of Foreign Assets Control reserves the right to refuse importations when the special certificate of origin presented to Customs in connection with an importation under § 530.202 has been improperly issued. Certificates must be requested from the certifying country prior to exportation. Certificates may be improperly issued if the goods were not produced in the certifying country or were produced in the certifying country by a non-registered producer. Further, if the certificate does not fully and specifically describe the merchandise to which it refers, the importation may likewise be rejected.

§ 530.808 Customs procedures; merchandise specified in §§ 530.201 and 530.202.

(a) With respect to merchandise specified in §§ 530.201 and 530.202, whether or not such merchandise has been imported into the United States, District Directors of Customs shall not accept or allow any:

(1) Entry for consumption (including any appraisement entry, any entry of goods imported in the mails, regardless of value, and any other informal entries);

(2) Entry for immediate exportation;

(3) Entry for transportation and exportation;

(4) Withdrawal from warehouse;

(5) Transfer or withdrawal from a foreign-trade zone; or

(6) Manipulation or manufacture in a warehouse or in a foreign-trade zone,

unless either:

(i) The merchandise was imported prior to March 18, 1977, in the case of merchandise subject to § 530.202; or

(ii) An applicable general license appears in Subpart E hereof of this part; or

(iii) A specific license issued pursuant to this part is presented; or

(iv) Instructions from the Office of Foreign Assets Control, either directly or through the Federal Reserve Bank of New York, authorizing the transactions are received; or

(v) The original of a special certificate of origin as defined in § 530.522 is presented; or

(vi) The merchandise is chromium ore of non-Rhodesian origin and is imported directly or on a through bill of lading from the country of origin.

(b) Whenever a specific license is presented to a District Director of Customs in accordance with this section, one additional legible copy of the entry, withdrawal or other appropriate document with respect to the merchandise involved shall be submitted to the District Director of Customs at the port where the transaction is to take place. Each copy of any such entry, withdrawal, or other appropriate document, including the additional copy, shall bear plainly on its face the number of the license pursuant to which it is submitted. The original copy of the specific license shall be presented to the District Director in respect to each such transaction. It shall bear a notation in ink by the licensee or person presenting the license showing the description, quantity, and value of the merchandise to be entered, withdrawn, or otherwise dealt with. This notation should be so placed and so written that there will exist no possibility of confusing it with anything placed on the license at the time of its issuance. If the license in fact authorizes the entry, withdrawal or other transaction with regard to the merchandise, the District Director or other authorized Customs employee shall verify the notation by signing or initialing it. He shall first assure himself that it accurately describes the merchandise it purports to represent. The license shall thereafter be returned to the person presenting it. The additional copy of the entry, withdrawal, or other appropriate document shall be forwarded by the District Director to the Office of Foreign Assets Control.

(c)(1) The original of a special certificate of origin as defined in § 530.522 must be presented to a District Director of Customs in accordance with the provisions of this section. An additional legible copy of the entry, withdrawal or other appropriate document with respect to the merchandise involved shall be submitted to the District Director of Customs at the port where the transaction is to take place. Each copy of the entry, withdrawal or other appropriate document, including the additional copy, shall bear plainly on its face the following statement: "This document is presented under the provisions of § 530.503(b) of the Rhodesian Sanctions Regulations." The original of the certificate of origin shall not be returned to the person presenting it, but shall be securely attached to the additional copy required by this subparagraph. It shall be forwarded by the District Director to the Office of Foreign Assets Control, Treasury Department, Washington, D.C. 20220. District Directors may forward such documents weekly, or more often if the volume warrants.

(2) The original of a special certificate of origin must be submitted to a District Director of Customs with respect to a transaction which is the first of a series of transactions allowed under subdivision (v) of paragraph (a)(6) of this section. (For example, merchandise has been entered in a bonded warehouse and a specific certificate of origin is submitted. The certificate relates to all of the merchandise entered. However, the importer desires to withdraw only part of the merchandise in the first transaction). The District Director shall so note on the original of the specific certificate of origin and return it to the importer. In addition, the District Director shall endorse his pertinent records so as to record what merchandise is covered by the specific certificate of origin submitted. The District Director may thereafter allow subsequent authorized transactions on presentation of the certificate of origin. The District Director shall, with respect to each such transaction, demand an additional copy of each withdrawal or other appropriate document. The additional copy shall be promptly forwarded by the District Director to the Director of the Office of Foreign Assets Control, Treasury Department, Washington, D.C. 20220. It shall bear an endorsement reading: "This document has been accepted pursuant to § 500.808(c)(2) of the Foreign Assets Control Regulations. Special certificate of origin No. —— from (country)." When the final transaction has been effected under the certificate of origin, the original shall be taken up and attached to the entry. It shall then be forwarded as in paragraph (c)(1) of this section.

(d) A person presenting an entry, withdrawal, or other appropriate document affected by this section may assert that no specific Foreign Assets Control license or special certificate of origin as defined in § 530.522 is required. The District Director of Customs shall then withhold action. He shall advise the person to communicate directly with the Federal Reserve Bank of New York, Foreign Assets Control Division. The person should request the Division to issue appropriate instructions to the District Director.

(22 U.S.C. 287(c); Pub. L. 95-12, March 18, 1977, 91 Stat. 22; Executive Order 11322; Executive Order 11419; Executive Order 11978.)

Effective date: These amendments take effect on March 18, 1977.

STANLEY L. SOMMERFIELD,
Acting Director.

Approved:

JOHN H. HARPER,
Acting Assistant Secretary, Enforcement, Operations and Tariff Affairs.

[FR Doc.77-10108 Filed 3-31-77; 4:37 pm]

Title 39—Postal Service

CHAPTER III—POSTAL RATE COMMISSION

[Order No. 157; Docket No. RM77-2]

PART 3001—RULES OF PRACTICE

Order Amending Rules of Practice; Correction

MARCH 29, 1977.

In FR Doc. 77-4112 appearing at 42 FR 8141, Wednesday, February 9, 1977, the following amendments should have been made to reflect the addition of new paragraphs (q), (r) and (s) in Subpart B, § 3001.54.

Since the amendments herein made involve matters of editorial change resulting from the amendment to the rules of practice appearing at 42 FR 8141, the notice requirements of the Administrative Procedure Act are unnecessary (5 U.S.C. 553). *Accordingly, it is ordered*, That effective April 1, 1977, Part 3001 of Chapter III of Title 39 of the Code of Federal Regulations is amended as follows:

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§ 3001.54 [Amended]

1. Section 3001.54, paragaphs (a)(1), (a)(2), (a)(3), and (a)(4) respectively are amended by changing the references to paragaphs "(b)–(o)" to paragraphs "(b)–(r)."

2. Section 3001.54, paragraphs (p)(2)(i) and (p)(3) are amended by changing the references to paragraphs "(b)–(l)" to paragraphs "(b)–(o)."

3. Section 3001.54(s) is amended by changing the reference to paragraphs "(b)–(o)" to paragraphs "(b)–(r)."

4. Section 3001.64(h)(2)(i) is amended to read as follows:

§ 3001.54 Contents of formal requests.

• • • • • •

(h) • • •

(2) • • •

(i) The information required by paragraphs (b)–(h), (j)–(l), and (o)–(p) of § 3001.54, together with the statement and opinion required by paragraphs (q) and (r) of § 3001.54; and;

• • • • • •

By the Commission.

DAVID P. HARRIS,
Secretary.

[FR Doc.77-10020 Filed 4-4-77;8:45 am]

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—GENERAL REGULATIONS

SUBCHAPTER B—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

[Docket No. 76–12; Amdt. No. 76–3]

MOTOR CARRIER SAFETY SETTLEMENT AND HEARING PROCEDURES

• *Purpose.* These amendments create uniformity for administrative proceedings relating to motor carriers conducted by the Federal Highway Administration (FHWA) pursuant to the Interstate Commerce Act, 49 U.S.C. 301 et seq., and the Hazardous Materials Transportation Act, Pub. L. 93–633, 49 U.S.C. 1801 et seq., by establishing procedures for commencement of actions, hearings, settlements, and decision-making. •

In order to promote uniformity and provide those subject to motor carrier safety and hazardous materials regulations with their due process rights, the rules of practice have been extensively revised and the settlement procedures formerly in Part 385 have been transferred to Part 386. In addition, the procedure for dealing with medical conflicts in driver qualification cases has been revised for the same purpose and the delegations of authority have been amended to clarify responsibilities under these changes.

This amendment adds to Part 386 procedures for handling driver qualification cases and civil forfeitures under the Interstate Commerce Act, 49 U.S.C. 304, 322(h), and the Hazardous Materials Transportation Act, 49 U.S.C. 1809, and alters slightly the procedures for handling enforcement actions. All proceedings are commenced under § 386.11 by the issuance of some type of notice. The content of the notice is suited to each proceeding and each contains sufficient information to notify those served of their opportunity to reply or petition and the consequences of their failure to do so. The reply and petition section is § 386.13, which explains to the parties what they must submit to petition or reply and what they must do in order to request a hearing or a decision without a hearing. One key element to the section is the requirement that the party submitting the reply or petition justify the need for oral hearing if one is requested. This requirement is added in order to expedite the decisionmaking process and to reduce the number of unnecessary hearings.

The amendments allow the Associate Administrator for Safety to make a decision whether a hearing is necessary in each case and to decide the case without a hearing if there are no material factual issues in dispute. If a hearing is to be held the Associate Administrator for Safety appoints a hearing officer who issues a decision which becomes final unless a review is requested. Although neither due process nor the Administrative Procedure Act requires administrative law judges to hear cases under the Hazardous Materials Transportation Act these rules provide for such judges in order to assure uniformity in all proceedings.

Certain general sections are added to the rules in order to expedite the proceedings and clarify procedural points which have arisen in the past. The following subjects are covered in the new tories and depositions, motions, official sections: computation of time, interrogatnotices, extensions of time, form of evidence, medical records, burden of proof, appearances, amendments to pleadings, interlocutory appeals, subpoenas and witness fees and motions to dismiss or make more definite. The computation of time, official notice, and extension of time sections are inserted to clarify procedural points that will lead to uniformity. The motions section allows parties to request certain action when no other rules apply. It formalizes an unstated procedure that was used in cases under the old rules. The interrogatory and deposition rules provide discovery upon approval by hearing officer. The medical records rule requires a full disclosure in all medical cases and the form of evidence rule provides guidelines for those submitting evidence in written form. The burden of proof is clearly placed on the Administration when enforcement action is taken and on the petitioner when there has been a determination under § 391.47 concerning a driver's physical qualifications. The interlocutory appeal rule clarifies that such appeal may only be taken in exceptional circumstances. The appearances, subpoenas, witness fees, change and withdrawal of pleading, and motion to dismiss or for more definite statement rules provide uniform procedures for circumstances that have in the past been handled on an ad hoc basis.

Part 385 is deleted as unnecessary. The granting of authority in this section had been duplicated in Part 301. This change eliminates that duplication. The procedures for settlement of civil forfeitures are transferred to Part 386 so that procedures for initiating and settling civil forfeiture claims under both the Interstate Commerce Act and the Hazardous Materials Transportation Act will be the same. The only difference in the procedures under the two Acts is the opportunity for a hearing in cases arising under the Hazardous Materials Transportation Act.

49 CFR 391.47 is completely revised to provide a better method of dealing with medical conflicts. The new procedures specify that sufficient medical information must be submitted, that an attempt be made to obtain a specialist's opinion, that the Director's decision may be appealed, and that on appeal a hearing may be held if one is requested and there are factual issues in dispute.

The delegations of authority are amended to clarify the responsibilities in carrying out these procedural rules. The Regional Administrators are given the authority to issue letters of disqualification when the standard involves a nonphysical qualification or when a physical qualification can be determined without a physician's subjective judgment. The physical qualification standards that can be determined in this manner are identified in the delegation.

The Director of the Bureau of Motor Carrier Safety's authority is clarified to make it clear that he does not have the authority to issue final decisions in proceedings under Part 386. He is, however, given the power to make determinations in conflict of medical opinion cases under § 391.47, issue letters of disqualification and notices of investigation, and initiate and settle civil forfeiture claims under the Hazardous Materials Transportation Act.

The Associate Administrator for Safety retains the authority to determine whether factual issues are in dispute, appoint hearing officers, and make final determinations when no settlement can be reached. In matters involving determinations by the Director of the Bureau of Motor Carrier Safety under § 391.47 and letters of disqualification issued by the Director or the Regional Administrators, the Director or Regional Administrator's decision becomes that of the Associate Administrator if no petition to review is filed within the time set out in the regulations.

Because these rules concern practice and procedure, relate to the internal organization of the Federal Highway Administration, and are necessary to ensure enforcement of hazardous materials regulations which went into effect on January 3, 1977, notice and comment are unnecessary and the regulations will go into effect upon publication. Although no comment period is required, the Federal Highway Administration is providing for comments which will be considered when these rules are reevaluated. All comments must be submitted on or before May 1, 1977, to:

Docket No. 76–12, Room 4217, Office of the Chief Counsel, HCC–20, Federal Highway Administration, Department of Transportation, Washington, D.C. 20590.

The reevaluation of these rules will take place not less than 6 months or more than 18 months after the rules have been in effect.

Because these changes are numerous and issuance of them on a piecemeal basis would create confusion, 49 CFR Part 386 is being republished in its entirety. In consideration of the foregoing, 49 CFR Parts 385, 386, 391 and 301 are revised as follows:

1. 49 CFR Part 385 is deleted from the Code of Federal Regulations.

2. 49 CFR Part 386 is revised to read as follows:

PART 386—RULES OF PRACTICE FOR MOTOR CARRIER SAFETY PROCEEDINGS

Subpart A—Scope of Rules; Definitions

Sec.
386.1 Scope of rules in this part.
386.2 Definitions.

Subpart B—Commencement of Proceedings, Pleadings

386.11 Commencement of proceedings.
386.12 Complaint.
386.13 Petitions to review, replies.
386.14 Action on petitions or replies.
386.15 Intervention.

Subpart C—Consent Order Procedure

386.21 Consent order.
386.22 Content of consent order.

Subpart D—General Rules and Hearings

386.31 Computation of time.
386.32 Extension of time.
386.33 Official notice.
386.34 Motions.
386.35 Deposition and interrogatories.
386.36 Medical records and physicians' reports.
386.37 Form of written evidence.
386.38 Filing and service of pleadings and papers.
386.39 Appearances and rights of witnesses.
386.40 Amendment and withdrawal of pleadings.
386.42 Motions to dismiss and for a more definite statement.
386.43 Subpoenas, witness fees.
386.44 Hearing officer.
386.45 Prehearing conferences.
386.46 Hearings.
386.47 Proposed findings of fact, conclusions of law.
386.48 Burden of proof.

Subpart E—Decision

386.51 Decision.
386.52 Review of hearing officer's decision.
386.53 Decision on review.
386.54 Reconsideration.
386.55 Publication of orders.
386.56 Motions for rehearing or for modification.

AUTHORITY: 18 U.S.C. 831–35; Pub. L. 93–633, 88 Stat. 2156 (49 U.S.C. § 1801 et seq.); delegations of authority 49 CFR 1.45, 1.48, Part 301.

Subpart A—Scope of Rules; Definitions

§ 386.1 Scope of rules in this part.

The rules in this part govern procedures in proceedings before the Associate Administrator authorized by §§ 204 and 222(h) of the Interstate Commerce Act (49 U.S.C. §§ 304 and 322(h) and those authorized by § 110 of the Hazardous Materials Transportation Act (49 U.S.C. § 1809) and those under 18 U.S.C. 831–35. The purpose of the proceedings is to enable the Associate Administrator to determine whether any motor carrier, its agent, employee or other person subject to the jurisdiction of the Federal Highway Administration under Part II of the Interstate Commerce Act (49 U.S.C. § 301, et seq.), the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.), or under 18 U.S.C. § 831–35 has failed to comply with any provision or requirement of those statutes or regulations issued under them and if such a violation is found, to issue an appropriate order to compel compliance with the statute or regulation.

§ 386.2 Definitions.

(a) "Administration" means the Federal Highway Administration.

(b) "Associate Administrator" means the Associate Administrator for Safety of the Federal Highway Administration or his delegate. Delegations are contained in Part 301 of this chapter.

(c) "Civil forfeiture proceedings" means proceedings to collect civil penalties for violations under the Hazardous Materials Transportation Act, 49 U.S.C. § 1809, or the Interstate Commerce Act, 49 U.S.C. § 322(h).

(d) "Claimant" means the representative of the Federal Highway Administration authorized to make claims.

(e) "Driver qualification proceeding" means a proceeding commenced under 49 CFR 391.47 or by issuance of a letter of disqualification.

(f) "Hearing officer" means an administrative law judge.

(g) "Motor carrier" means a common, contract, private or exempt carrier as defined in 49 U.S.C. 303.

(h) "Petitioner" means a party petitioning to overturn a determination in a driver qualification proceeding.

(i) "Respondent" means a party against whom relief is sought or claim is made.

Subpart B—Commencement of Proceedings, Pleadings

§ 386.11 Commencement of proceedings.

(a) *Driver qualification proceedings.* These proceedings are commenced by the issuance of a determination by the Director, Bureau of Motor Carrier Safety in a case arising under § 391.47 of this chapter or by the issuance of a letter of disqualification.

(1) Such determinations and letters must be accompanied by the following:

(i) A citation of the regulation under which the action is being taken,

(ii) A copy of all documentary evidence relied on or considered in taking such action, or in the case of voluminous evidence a summary of such evidence,

(iii) Notice to the driver and motor carrier involved in the case that they may petition for review of the action,

(iv) Notice that a hearing will be granted if the Associate Administrator determines there are material factual issues in dispute,

(v) Notice that failure to petition for review will constitute a waiver of the right to contest the action, and

(vi) Notice that the burden of proof will be on the petitioner in cases arising under § 391.47 of this chapter.

(2) At any time before the close of hearing, upon application of a party, the letter or determination may be amended in the discretion of the hearing officer upon such terms as he approves.

(b) *Civil forfeitures.* These proceedings are commenced by the issuance of a claim letter.

(1) Each claim letter must contain the following:

(i) A statement of the provisions of law alleged to have been violated;

(ii) A brief statement of the facts constituting each violation;

(iii) Notice of the amount being claimed, and notice of the maximum amount authorized to be claimed under the statute;

(iv) The form in which and the place where the respondent may pay the claim; and

(v) In proceedings for collection of civil penalties under the Hazardous Materials Transportation Act, notice of the opportunity for a hearing.

(2) In addition to the information required by pragraph (b)(1) of this section, the letter may contain such other matters as the claimant deems appropriate.

(c) *All other proceedings.* All other proceedings are commenced by issuance of a notice of investigation. The Associate Administrator may issue a notice of investigation on his own motion or upon a complaint filed pursuant to § 386.12.

(1) Each notice of investigation must include the following:

(i) A statement of the legal authority and jurisdiction for the institution of the proceedings,

(ii) The name and address of each motor carrier against whom relief is sought,

(iii) One or more clear, concise, and separately numbered paragraphs stating the facts alleged to constitute a violation of the law.

(iv) The relief demanded which, where practical, should be in the form of an order for the Associate Administrator's signature,

(v) A statement that the rules in this part require a reply to be filed within 30 days of service of the notice of investigation, and

(vi) A certificate that the notice of investigation was served in accordance with § 386.38.

(2) At any time before the close of hearing or upon application of a party, the notice of investigation may be amended in the discretion of the hearing officer upon such terms as he deems appropriate.

§ 386.12 Complaint.

(a) *Filing of a complaint.* Any person, State board, organization, or body politic may file a written complaint with the Associate Administrator, requesting the issuance of a notice of investigation

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under § 386.11(c). Each complaint must contain:

(1) The name and address of the party who files it, and a statement specifying the authority for a party (other than a natural person) to file the complaint;

(2) A statement of the interest of the party in the proceedings;

(3) The name and address of each motor carrier against whom relief is sought;

(4) The reasons why the party believes that a notice of investigation should be issued;

(5) A statement of any prior action which the party has taken to redress the violations of law alleged in the complaint and the results of that action; and

(6) The relief which the party believes the Administration should seek.

(b) *Action on complaint.* Upon the filing of a complaint, the Associate Administrator determines whether it states reasonable grounds for investigation and action by the Administration. If he determines that the complaint states such grounds, the Associate Administrator issues, or authorizes the issuance of, a notice of investigation under § 386.11(c). If he determines that the complaint does not state reasonable grounds for investigation and action by the Administration, the Associate Administrator dismisses it.

§ 386.13 Petitions to review, replies.

(a) *Driver qualification proceedings.* Within 60 days after service of the determination under § 391.47 of this chapter or the letter of disqualification the driver or carrier may petition to review such action. Such petitions must be submitted to the Associate Administrator and must contain the following:

(1) Identification of what action the petitioner wants overturned,

(2) Copies of all evidence upon which petitioner relies in the form set out in § 386.37,

(3) All legal and other arguments which the petitioner wishes to make in support of his position,

(4) A request for oral hearing if one is desired which must set forth material factual issues believed to be in dispute,

(5) Certification that the reply has been filed in accordance with § 386.38, and

(6) Any other pertinent material.

(b) *Civil forfeiture proceedings.* (1) The respondent must reply within 20 days after the claim letter is served or within such other additional time as the claim letter may specify. The reply must contain the following:

(i) A statement of whether the respondent admits liability under the claim;

(ii) A statement of whether the respondent wishes to discuss the amount of the claim or whether he agrees to pay the full amount claimed; and

(iii) A statement that the reply has been served in accordance with § 386.38.

(2) In proceedings under the Hazardous Materials Transportation Act, the respondent, if he desires one, at any time within 60 days after the service of his reply or within such other longer period as the claimant may prescribe, may request a hearing. If an oral hearing is not requested, the respondent must within the same time period submit all arguments and evidence in support of his position in the form specified in § 386.37.

(3) A request for an oral hearing must be accompanied by a listing of all material factual issues believed to be in dispute.

(c) *All other proceedings.* Within 30 days after the notice of investigation is served, the respondent must file a reply. The reply must contain the following information:

(1) In cases where an allegation of the notice of investigation is contested:

(i) A concise statement of facts constituting each defense and a specific admission, denial or explanation of each allegation, and

(ii) A request for an oral hearing if one is desired which must set forth material factual issues believed to be in dispute, and if one is not requested any evidence and arguments in support of the respondent's positon in the form specified in § 386.37.

(2) In cases where the respondent elects not to contest the allegations, the reply must so state. The respondent may also propose an appropriate order disposing of the proceedings or propose that the matter be terminated by entry of a consent order under Subpart C. A statement of election not to contest waives a hearing on the facts alleged in the notice of investigation and provides a record basis for a decision in the case.

(3) In all cases commenced by notice of investigation, the reply must contain a certification that it was served in accordance with § 386.38.

(d) *Failure to reply or petition, decision.* Failure to submit a petition as specified in paragraph (a) of this section shall constitute a waiver of the right to petition for review of the determination or letter of disqualificaiton. In these cases the determination or disqualification issued automatically becomes the final decision of the Associate Administrator, 30 days after the time to submit the reply or petition to review has expired unless the Associate Administrator orders otherwise. When no reply is received to the claim letter or notice of investigation under paragraphs (b) and (c) of this section, the Associate Administrator may then find the facts to be as alleged and issue a final order in the case.

§ 386.14 Action on petitions or replies.

(a) *Petitions or replies not requesting an oral hearing.* If the petition or reply submitted does not request an oral hearing, the Associate Administrator may issue a final decision and order based on the evidence and arguments submitted.

(b) *Petitions or replies requesting oral hearing.* If a petition or reply requests an oral hearing, the Associate Administrator shall determine whether there are material factual issues in dispute. If there are none, he shall issue a final decision and order. If there are material factual issues in dispute, he shall call the matter for a hearing.

(c) *Settlement of civil forfeitures.* (1) When the reply to a claim letter indicates that the respondent wishes to discuss payment and negotiations produce an agreement, a settlement agreement shall be drawn and signed by the respondent and the Associate Administrator. Such settlement agreement must contain the following:

(i) The statutory basis of the claim,

(ii) A brief statement of the violations,

(iii) The amount claimed and the amount paid,

(iv) The date, time, and place and form of payment, and

(v) A statement that the agreement is not binding upon the Associate Administrator until executed by him.

(2) Any settlement agreement may contain a consent order.

(3) An executed settlement agreement is binding on the respondent and the claimant according to its terms. The respondent's consent to a settlement agreement that has not been executed by the Associate Administrator may not be withdrawn for a period of 30 days after it is executed by the respondent.

§ 386.15 Intervention.

After the matter is called for hearing and before the date set for the hearing to begin, any person may petition for leave to intervene. The petition is to be served on the hearing officer. The petition must set forth the reasons why the petitioner alleges he is entitled to intervene. The petition must be served on all parties in accordance with § 386.38. Any party may file a response within 10 days of service of the petition. The hearing officer shall then determine whether to permit or deny the petition. Once admitted a petitioner is a party for the purpose of all subsequent proceedings.

Subpart C—Consent Order Procedure

§ 386.21 Consent order.

When a respondent has filed an election not to contest under § 386.13(c) or has agreed to settlement of a civil forfeiture, and at any time before the hearing is concluded, the parties may execute an appropriate agreement for disposing of the case by consent for the consideration of the Associate Administrator. The agreement is filed with the Associate Administrator who may (a) accept it, (b) reject it and direct that proceedings in the case continue, or (c) take such other action as he deems appropriate. If the Associate Administrator accepts the agreement, he enters an order in accordance with its terms.

§ 386.22 Content of consent order.

(a) Every agreement filed with the Associate Administrator under § 386.21 must contain:

(1) An order for the disposition of the case in form suitable for the Associate Administrator's signature that has been signed by the respondent.

(2) An admission of all jurisdictional facts,

(3) A waiver of further procedural steps, of the requirement that the decision or order must contain findings of fact and conclusions of law, and of all right to seek judicial review or otherwise challenge or contest the validity of the order,

(4) Provisions that the notice of investigation or settlement agreement may be used to construe the terms of the order,

(5) Provisions that the order has the same force and effect, becomes final, and may be modified, altered, or set aside in the same manner and within the same time as other orders issued under section 204(c) of the Interstate Commerce Act (49 U.S.C. 304(c)), and

(6) Provisions that the agreement will not be part of the record in the proceeding unless and until the Associate Administrator executes it.

(b) An agreement filed with the Associate Administrator under § 386.21 may contain:

(1) A statement that it is executed for settlement purposes only and does not admit any violations of law alleged in the notice of investigation, and

(2) Provisions for the compromise of any claim for civil forfeiture.

Subpart D—General Rules and Hearings

§ 386.31 Computation of time.

In computing any time period set out in these rules, the date of the act, event, or default after which the designated period begins to run is not included in the computation. The computation begins to run the date following the act, event, or default. The last day of the period is to be included unless it is a Saturday, Sunday or legal Federal holiday in which case the time period shall run to the end of the next day that is not a Saturday, Sunday, or legal Federal holiday. All Saturdays, Sundays, and legal Federal holidays except those falling on the last day of the period shall be computed.

§ 386.32 Extension of time.

All requests for extensions of time shall be filed with the Associate Administrator or, if the matter has been called for a hearing, with the hearing officer. All requests must state the reasons for the request. Only those requests showing good cause will be granted. No motion for continuance or postponement of a hearing date filed within 7 days of the date set for a hearing will be granted unless it is accompanied by an affidavit showing that extraordinary circumstances warrant a continuance.

§ 386.33 Official notice.

The Associate Administrator or hearing officer may take official notice of any fact not appearing in evidence if he notifies all parties he intends to do so. Any party objecting to the official notice shall file an objection within 10 days after service of the notice.

§ 386.34 Motions.

(a) *General.* An application for an order or ruling not otherwise covered by these rules shall be by motion. All motions filed prior to the calling of the matter for a hearing shall be to the Associate Administrator. All motions filed after the matter is called for hearing shall be to the hearing officer.

(b) *Form.* Unless made during hearing motions shall be made in writing, shall state with particularity the grounds for relief sought and shall be accompanied by affidavits or other evidence relied upon.

(c) *Answers.* Except when a motion is filed during a hearing, any party may file an answer in support or opposition to a motion accompanied by affidavits or other evidence relied upon. Such answers shall be served within 7 days after the motion is served or within such other time as the Associate Administrator or hearing officer may set.

(d) *Argument.* Oral argument or briefs on a motion may be ordered by the Associate Administrator or the hearing officer.

(e) *Disposition.* Motions may be ruled on immediately or at any other time specified by the Hearing Officer or the Associate Administrator.

(f) *Suspension of time.* The pendency of a motion shall not affect any time limits set in these rules unless expressly ordered by the Associate Administrator or hearing officer.

§ 386.35 Deposition and interrogatories.

At any time after the matter is called for a hearing a party may file a motion with the hearing officer requesting permission to take a deposition of any person including a party or to file written interrogatories on any party to the proceedings. All requests for depositions or interrogatories must include a description of the general subject matter about which the depositions and interrogatories are requested and the time and place for such matters to take place. Service of the motion shall be made on all other parties. Other parties may submit responses within 7 days after the motion is served. The hearing officer may then rule on the motion. His ruling may deny the motion or permit it in whole or in part.

§ 386.36 Medical records and physicians' reports.

In cases involving the physical qualifications of drivers, copies of all physicians' reports, test results, and other medical records that a party intends to rely upon shall be served on all other parties at least 10 days prior to the date set for a hearing.

§ 386.37 Form of written evidence.

All written evidence shall be submitted in the following forms:

(a) an affidavit of a person having personal knowledge of the facts alleged, or

(b) documentary evidence in the form of exhibits attached to an affidavit identifying the exhibit and giving its source.

§ 386.38 Filing and service of pleadings and papers.

Whenever these rules require filing with the Associate Administrator for Safety two copies must be filed with the Associate Administrator or his delegate. Filing should be addressed to the Associate Administrator for Safety, Federal Highway Administration, Department of Transportation, Washington, D.C. 20590. Delegations of authority are set out in Part 301 of this chapter. Once a hearing officer is appointed all papers should be filed with him at the address specified in the order appointing him. One copy of all pleadings and papers must be served on all other parties by registered or certified mail, first class, postage prepaid.

§ 386.39 Appearances and rights of witnesses.

(a) Any party to a proceeding may appear and be heard in person or by attorney.

(b) Any person who submits data or evidence in a proceeding governed by this part may, upon timely request and payment of costs, procure a copy of any document submitted by him or of any transcript. Original documents, data or evidence may be retained upon permission of the hearing officer or Associate Administrator upon substitution of copy therefor.

§ 386.40 Amendment and withdrawal of pleadings.

(a) Except in instances covered by other rules, anytime more than 15 days prior to the hearing, a party may amend his pleadings by filing the amended pleading on all parties and the hearing officer. After that time, amendment shall be allowed only at the discretion of the hearing officer. When an amended pleading is filed, the other parties may file a response and objection within 10 days. The hearing officer shall rule on the permissibility of the amendment.

(b) A party may withdraw his pleading only on approval of the hearing officer or Associate Administrator.

§ 386.41 Appeals from interlocutory rulings.

Rulings of the hearing officer may not be appealed to the Associate Administrator prior to his consideration of the entire proceeding except under exceptional circumstances and with the consent of the hearing officer. In deciding whether to allow appeals, the hearing officer shall determine whether the appeal is necessary to prevent undue prejudice to a party or to prevent substantial detriment to the public interest.

§ 386.42 Motions to dismiss and for a more definite statement.

(a) Motions to dismiss must be made within the time set for reply or petition to review except motions to dismiss for lack of jurisdiction which may be made at any time.

(b) Motions for more definite statement may be made in lieu of a reply. The motion must point out the defects complained of and the details desired. If the motion is granted, the pleading complained of must be remedied within 15 days of the granting of the motion or it will be stricken. If the motion is denied the party who requested the more

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definite statement must file his pleading within 10 days after the denial.

§ 386.43 Subpoenas, witness fees.

(a) Applications for the issuance of subpoenas must be submitted to the Associate Administrator, or in cases that have been called for a hearing, to the hearing officer. The application must show the general relevance and reasonable scope of the evidence sought. Any person served with a subpoena may, within 7 days after service, file a motion to quash or modify. The motion must be filed with the official who approved the subpoena. The filing of a motion shall stay the effect of the subpoena until a decision is reached.

(b) Witnesses shall be entitled to the same fees and mileage as are paid witnesses in the courts of the United States. The fees shall be paid by the party at whose instance the witness is subpoenaed or appears.

(c) Paragraph (a) of this section shall not apply to the Administrator or employees of the Federal Highway Administration or to the production of documents in their custody. Applications for the attendance of such persons or the production of such documents at a hearing shall be made to the Associate Administrator or hearing officer if one is appointed and shall set forth the need for such evidence and its relevancy.

§ 386.44 Hearing officer.

(a) *Appointment.* After the matter is called for hearing, the Associate Administrator appoints a hearing officer.

(b) *Power and duties.* Except as provided in paragraph (c) of this section, the hearing officer has power to take any action and to make all needful rules and regulations to govern the conduct of the proceedings to ensure a fair and impartial hearing, and to avoid delay in the disposition of the proceedings. His powers include the following:

(1) To administer oaths and affirmations;

(2) To issue orders permitting inspection and examination of lands, buildings, equipment, and any other physical thing and the copying of any document;

(3) To issue subpoenas for the attendance of witnesses and the production of evidence as authorized by law;

(4) To rule on requests for discovery by the parties or to order discovery on his own motion;

(5) To rule on offers of proof and receive evidence;

(6) To regulate the course of the hearing and the conduct of participants in it;

(7) To consider and rule upon all procedural and other motions, except motions which, under this Part, are made directly to the Associate Administrator;

(8) To hold conferences for settlement, simplification of issues, or any other proper purpose;

(9) To make and file decisions; and

(10) To take any other action authorized by these rules and permitted by law.

(c) *Powers reserved to Administrator.* Unless the Associate Administrator specifically directs him to do so, the hearing officer may not compel testimony of a witness who claims that such testimony may tend to incriminate him or subject him to penalty or forfeiture nor may he grant immunity from prosecution, penalty, or forfeiture to such a witness.

§ 386.45 Prehearing conferences.

(a) *Convening.* At any time before the hearing begins, the hearing officer, on his own motion or on motion by a party, may direct the parties or their counsel to participate with him in a prehearing conference to consider the following:

(1) Simplification and clarification of the issues;

(2) Necessity or desirability of amending pleadings;

(3) Stipulations as to the facts and the contents and authenticity of documents;

(4) Issuance of and responses to subpoenas;

(5) Taking of depositions and the use of depositions in the proceedings;

(6) Orders for discovery, inspection, and examination of premises, documents, and other physical objects and responses to such orders;

(7) Disclosure of the names and addresses of witnesses and the exchange of documents intended to be offered in evidence; and

(8) Any other matter that will tend to simplify the issues or expedite the proceedings.

(b) *Order.* The hearing officer issues an order which recites the matters discussed, the agreements reached, and the rulings made at the prehearing conference. The order is served on the parties and is filed in the record of the proceedings.

§ 386.46 Hearings.

(a) As soon as practicable after his appointment, the hearing officer issues an order setting the date, time, and place for the hearing. The order is served on the parties and becomes a part of the record of the proceedings. The order may be amended for good cause shown.

(b) *Conduct of hearing.* The hearing officer presides over the hearing. Hearings are open to the public unless the hearing officer orders otherwise.

(c) *Evidence.* Except as otherwise provided in these rules and the Administrative Procedure Act, 5 U.S.C. 551 et seq., the Federal Rules of Evidence shall be followed.

(d) *Information obtained by investigation.* Any document, physical exhibit, or other material obtained by the Administration in an investigation under the Interstate Commerce Act may be disclosed by the Administration during the proceeding and may be offered in evidence by counsel for the Administration.

(e) *Record.* The hearing is stenographically transcribed and reported. The transcript, exhibits, and other documents filed in the proceedings constitute the official record of the proceedings. A copy of the transcript and exhibits is available to any person upon payment of prescribed costs.

§ 386.47 Proposed findings of fact, conclusions of law.

The hearing officer shall afford the parties reasonable opportunity to submit proposed findings of fact, conclusions of law, and supporting reasons therefore. If the hearing officer orders written proposals and arguments each proposed finding must include a citation to the specific portion of the record relied on to support it. Written submissions, if any, must be served within the time period set by the hearing officer.

§ 386.48 Burden of proof.

(a) *Enforcement cases.* The burden of proof shall be on the Administration in enforcement cases.

(b) *Conflict of medical opinion.* The burden of proof in cases arising under § 391.47 of this chapter shall be on the party petitioning for review under § 386.13(a).

Subpart E—Decision

§ 386.51 Decision.

After receiving the proposed findings of fact, conclusions of law, and arguments of the parties, the hearing officer shall issue a decision. If the proposed findings of fact, conclusions of law, and arguments were oral, he may issue an oral decision. The decision of the hearing officer becomes the final decision of the Associate Administrator 45 days after it is served unless a petition or motion for review is filed under § 386.52. The decision shall be served on all parties and on the Associate Administrator.

§ 386.52 Review of hearing officer's decision.

(a) All petitions or motions to review must be accompanied by exceptions and briefs. Each must set out in detail objections to the initial decision and shall state whether such objections are related to alleged errors of law or fact. It shall also state the relief requested. Failure to object to any error in the initial decision shall waive the right to allege such error in subsequent proceedings.

(b) Reply briefs may be filed within 30 days after service of the appeal brief.

(c) No other briefs shall be permitted except upon request of the Associate Administrator.

(d) Copies of all briefs must be served on all parties.

(e) No oral argument will be permitted except on order of the Associate Administrator.

§ 386.53 Decision on review.

Upon review of a decision, the Associate Administrator may adopt, modify, or set aside the hearing officer's findings of fact and conclusions of law. He may also remand proceedings to the hearing officer with instructions for such further proceedings as he deems appropriate. The Associate Administrator issues a final order disposing of the proceedings. If not remanded, the Associate Administrator's order is served on the parties.

§ 386.54 Reconsideration.

Within 20 days after the Associate Administrator's final order is issued, any party may petition the Associate Administrator for reconsideration of his findings of fact, conclusions of law, or final order. The filing of a petition for reconsideration does not stay the effectiveness of the final order unless the Associate Administrator so orders.

§ 386.55 Publication of orders.

All final determinations in driver qualification proceedings shall be published in the Federal Register.

§ 386.56 Motions for rehearing or for modification.

(a) No motion for rehearing or for modification of an order shall be entertained for 1 year following the date the Associate Administrator's order goes into effect. After 1 year, any party may file a motion with the Associate Administrator requesting a rehearing or modification of the order. The motion must contain the following:

(1) A copy of the order about which the change is requested,

(2) A statement of the changed circumstances justifying the request, and

(3) Copies of all evidence intended to be relied on by the party submitting the motion.

(b) Upon receipt of the motion the Associate Administrator may make a decision denying the petition or modifying the order in whole or in part. He may also, prior to making his decision, order such other proceedings under these rules as he deems necessary and may request additional information from the party making the motion.

PART 391—QUALIFICATIONS OF DRIVERS

3. 49 CFR 391.47 is revised to read as follows:

§ 391.47 Resolution of conflicts of medical evaluation.

(a) *Applications.* Applications for determination of a driver's medical qualifications under standards in this part will only be accepted if they conform to the requirements of this section.

(b) *Content.* Applications will be accepted for consideration only if the following conditions are met.

(1) The application must contain the name and address of the driver, motor carrier, and all physicians involved in the proceeding.

(2) The applicant must submit proof that there is a disagreement between the physician for the driver and the physician for the motor carrier concerning the driver's qualifications.

(3) The applicant must submit a copy of an opinion and report including results of all tests of an impartial medical specialist in the field in which the medical conflict arose. The specialist should be one agreed to by the motor carrier and the driver.

(i) In cases where the driver refuses to agree on a specialist and the applicant is the motor carrier, the applicant must submit a statement of his agreement to submit the matter to an impartial medical specialist in the field, proof that he has requested the driver to submit to the medical specialist, and the response, if any, of the driver to his request.

(ii) In cases where the motor carrier refuses to agree on a medical specialist, the driver must submit an opinion and test results of an impartial medical specialist, proof that he has requested the motor carrier to agree to submit the matter to the medical specialist and the response, if any, of the motor carrier to his request.

(4) The applicant must include a statement explaining in detail why the decision of the medical specialist identified in paragraph (b)(3) is unacceptable.

(5) The applicant must submit proof that the medical specialist mentioned in paragraph (b)(3) of this section was provided, prior to his determination, the medical history of the driver and an agreed-upon statement of the work the driver performs.

(6) The applicant must submit the medical history and statement of work provided to the medical specialist under paragraph (b)(5) of this section.

(7) The applicant must submit all medical records and statements of the physicians who have given opinions on the driver's qualifications.

(8) The applicant must submit a description and a copy of all written and documentary evidence upon which the party making application relies in the form set out in 49 CFR § 386.37.

(c) *Information.* The Director may request further information from the applicant if he determines that a decision cannot be made on the evidence submitted. If the applicant fails to submit the information requested, the Director may refuse to issue a determination.

(d) *Action.* Upon receiving an application and sufficient evidence, a determination shall be made by the Director. Such determination shall become final if no petition to review is filed.

(e) *Petitions to review, burden of proof.* The driver or motor carrier may petition to review the Director's determination. Such petition must be submitted in accordance with § 386.13(a) of this chapter. The burden of proof in such a proceeding is on the petitioner.

(f) *Status of driver.* Once an application is submitted to the Director, the driver shall be deemed disqualified until such time as the Director makes a determination, or until the Director orders otherwise.

PART 301—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES OF THE FEDERAL HIGHWAY ADMINISTRATION

4. 49 CFR 301.60 is amended to read as follows:

§ 301.60 Delegations of authority relating to motor carrier safety.

(a) • • •

(2) *Consent orders.* A cease and desist order entered into voluntarily pursuant to §§ 386.14 or 386.21.

(3) *Civil forfeiture.* A civil penalty under 49 U.S.C. 322(h) or under the Hazardous Materials Transportation Act, 49 U.S.C. 1809.

• • • • • •

(d) • • •

(2) • • •

(i) Initiate, collect, compromise, suspend and terminate civil forfeiture claims under the Interstate Commerce Act, 49 U.S.C. 322(h), when the claim is less than $25,000 in the aggregate and issue consent orders with any settlement agreements.

(ii) • • •

(iii) Issue letters of disqualification under the objective standards of 49 CFR Part 391 including the following physical qualification standards, §§ 391.41(b)(1), (3), and (10) of this chapter. This authority may be redelegated.

(e) • • •

(1) Perform the functions, powers, and duties enumerated in § 1.48, paragraphs (a), (d), (e), (f), (g), (h), (k), (p), (u), and (v) in Part 1 of this title except the powers to call a matter for a hearing, appoint a hearing officer, and issue a final decision under § 386.

• • • • • •

(4) Issue determinations and letters of disqualification in cases pursuant to Part 391 and § 386.11.

(5) Initiate, collect, compromise, suspend, and terminate civil forfeiture claims under the Interstate Comerce Act, 49 U.S.C. 322(h), when the claim is $25,000 or more in the aggregate, and the Hazardous Materials Transportation Act, 49 U.S.C. 1809 on all claims in which a violation under that Act is included.

(6) Issue notices of investigation under § 386.11 of this chapter.

AUTHORITY: (49 U.S.C. 304, 322; 18 U.S.C. 831–35; Pub. L. 93–633, 88 Stat. 8156 (49 U.S.C. 1801, et seq.); 49 CFR 1.48, 301.60.)

Issued this 10th day of March, 1977, in Washington, D.C.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.
L. P. LAMM,
Acting Federal Highway Administrator.

[FR Doc.77-10003 Filed 4-4-77;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 1263]

PART 1033—CAR SERVICE

Chicago, Milwaukee, St. Paul and Pacific Railroad Co. Authorized To Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Co.

At a general session of the Interstate Commerce Commission, held in Washington, D.C., on the 29th day of March 1977.

It appearing, that because of deteriorated track conditions the line of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) between Culver, Iowa, and Polo, Missouri, is no longer suitable for daily operation of heavily loaded through freight trains; that such disability results in excessive delays to cars transported in such trains thus contributing to nationwide shortages of certain types of cars; that such delayed movements of freight cars renders the MILW unable to transport

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traffic over this line so as to properly serve the public; that the parallel line of the Chicago, Rock Island and Pacific Railroad Company (RI) between these points has excess capacity and is suitable for the movement of such trains; that the RI has consented to use of its line between these points by the MILW; that the MILW will request authority from the Commission for permanent operation over these tracks of the RI, including supplemental operation over the RI's line between Eldon, Iowa, and Ottumwa, Iowa; that the MILW has formally notified the Commission that if its petition for permanent authority to operate over these RI tracks is granted it will apply retroactively to the date operations commence under this order any employee protective conditions prescribed by the Commission in that Docket; that the MILW has notified the Commission that it will continue to provide service to patrons served directly by its line between Culver and Polo; that operation by the MILW over the aforementioned tracks of the RI is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1263 Service Order No. 1263.

(a) *Chicago, Milwaukee, St. Paul and Pacific Railroad Company authorized to operate over tracks of Chicago, Rock Island and Pacific Railroad Company.* The Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) be, and it is hereby authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) between RI milepost 221.6 at Culver, Iowa, and RI milepost 460.2 at Polo, Missouri, a distance of approximately 248.6 miles, and between RI milepost 63.73 at Eldon, Iowa, a point on the line between Culver and Polo, and RI milepost 74.47 at Ottumwa, Iowa, a distance of approximately 10.74 miles; and over drill tracks 2 and 4, and yard tracks 10 and 11, together with the necessary yard leads providing access to such tracks in the Eldon, Iowa, yard of the RI.

(b) Nothing herein shall be considered as a prejudgement by the Commission of the application of the MILW seeking permanent authority to operate over the aforementioned tracks of the RI.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(d) Rates applicable. Inasmuch as this operation by the MILW over tracks of the RI is deemed to be due to carrier's disability, the rates applicable to traffic moved by the MILW over the tracks of the RI shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(e) Effective date. This order shall become effective at 11:59 p.m. March 31, 1977.

(f) Expiration date. The provisions of this order shall expire at 11:59 p.m., April 30, 1977, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, 17(2), 24 Stat. 379, 383, 384, as amended (49 U.S.C. 1, 12, 15, 17(2)). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911 (49 U.S.C. 1(10–17), 15(4), 17(2)).

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission.

COMMISSIONER MURPHY, concurring in part:

The matter involved is of major importance. Ordinarily, it should have been considered at a special Commission conference so that this policy decision could be fully explored as to the many possible ramifications thereof. Unfortunately, the regulations recently adopted in Ex Parte No. 333, Meetings of the Commission, I.C.C. (Served March 11, 1977), 49 CFR 1012.3(d), which provide for short notice in appropriate situations do not cover issuance of car service orders in an emergency.

The proposed service order which undoubtedly will be of benefit to the two railroads will assuredly affect shippers as well as the railroad employees of the two carriers, possibly to the detriment of one or both groups. In these circumstances, I believe a more detailed analysis should have preceded issuance of the service order, even though it will be effective for a short period of time.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-10109 Filed 4-4-77;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

AGENCY: Civil Service Commission.

ACTION: Final Rule.

SUMMARY: Part 213 is amended to reflect the following title change from: Personal Assistant to the Secretary (Special Activities) to Steward. This change in title reflects more appropriately the duties of the position.

EFFECTIVE DATE: April 5, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR § 213.3316(a)(7) is amended to read as follows:

§ 213.3316 Department of Health, Education, and Welfare.

(a) Office of the Secretary. • • •

(7) One Steward.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-10267 Filed 4-4-77;11:37 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Parts 171, 177, 182, and 183]

MINING ON INDIAN LANDS

Mineral Development Contracts

MARCH 30, 1977.

This notile is published in exercise of authority delegated by the Secretary of the Interior to the Commission of Indian Affairs by 230 DM 2.

Notice is hereby given that it is proposed to revise Parts 171, 177, and 183, to revoke Parts 172 and 173, and to issue a new Part 182, Subchapter P–Q, Chapter 1, of Title 25 of the Code of Federal Regulations. This rulemaking is proposed pursuant to the authority contained in section 4 of the Act of May 11, 1938 (52 Stat. 348, 25 U.S.C. 396d), the Act of March 3, 1909, as amended (35 Stat. 783, 25 U.S.C. 396), section 1 of the Act of August 9, 1955, as amended (69 Stat. 539, 25 U.S.C. 415), the Act of July 8, 1940 (54 Stat. 745, 25 U.S.C. 380), sections 16 and 17 of the Act of June 18, 1934 (48 Stat. 987, 25 U.S.C. 476 and 477), section 2103 of Revised Statutes (25 U.S.C. 81), section 3 of the Act of February 28, 1891 (26 Stat. 795, 25 U.S.C. 397), the Act of May 29, 1924 (43 Stat. 244, 25 U.S.C. 398), the Act of March 3, 1927 (44 Stat. 1347, 25 U.S.C. 398a–e), Section 26 of the Act of June 30, 1919, as amended (41 Stat. 31, 25 U.S.C. 399), and section 3 of the Act of June 28, 1906, as amended (34 Stat. 543).

The purpose of this revision is to update and clarify current regulations governing mining on Indian lands in acknowledgement of the increasing desire of Indian mineral owners, both tribal and individual, to exercise greater responsibility in the development and management of their minerals and other natural resources. That desire is reflected in recent attempts to maximize the economic return on Indian mineral development, to achieve greater Indian self determination, and also to minimize the adverse effects of such development on Indian culture and the surrounding environment.

The initial impetus for the revision of the current regulatory scheme was provided by then Secretary Morton in his June 1974 decision on the petition of the Northern Cheyenne Tribe to rescind certain leases and permits for coal mining on tribal lands. He concluded his decision with a directive to the Interior Department Solicitor to rewrite Parts 171 and 177 of 25 CFR "to correct their present ambiguities" and in order "to better fulfill my future trust responsibility to assure the protection of Indian culture and environmental interests as well as to allow maximum development of Indian natural resources."

A preliminary draft revision of those regulations was then submitted by the Solicitor for Departmental comment in September 1974. There was also some circulation of that draft outside the Department for the commentary of interested parties. In December of that year representatives of the Solicitor's Office met in Denver with field realty officials of the Bureau of Indian Affairs to discuss the draft.

Meanwhile, employees of the Bureau began working independently to revise current regulations governing oil and gas development on Indian lands. It was decided that that subject should receive separate treatment in the regulations.

During much of 1975, however, work on the revisions was postponed while Congress was considering legislation to impose strict controls on coal surface mining, because it was expected that such legislation, if enacted, would have a significant effect on Indian lands. Later that year, after the Congress had failed to override a Presidential veto of the proposed legislation, the task of revision was undertaken once again by the Solicitor's Office in cooperation with the Bureau.

At this same time, the Department was nearing completion of the important task of promulgation of final regulations governing coal mining on federal lands. Those regulations contain environmental protections in the form of stringent operating and reclamation standards. Throughout the drafting period (they were first published as interim regulations on April 30, 1973), it was contemplated that those regulations would apply to both federal and Indian lands. On April 19, 1976, however, Secretary Kleppe announced that Indian-owned coal should be excluded altogether from their purview. That decision was based upon the conclusion that considerations governing the administration of Indian-owned resources are different from those involved in administering the public estate, and that certain provisions contained in the new regulations could not be married to the Department's legal relationship with Indian tribes. In announcing this decision, the Secretary directed the Commissioner of Indian Affairs to revise the regulations governing mining of Indian-owned coal in a manner that would adequately reflect both the Department's legal role as trustee of the natural resources of Indian tribes and also the national policy of Indian self-determination in the administration of those resources, while also providing needed measures to protect the environment and ensure reclamation of lands disturbed by surface mining of coal. That task was then coordinated with the more general revision project.

Shortly thereafter the Commissioner appointed task forces of BIA realty officials to review and revise regulations in 25 CFR governing Indian land management. Among those task forces were two assigned to review the latest drafts of the mineral regulations and the oil and gas regulations, respectively. Those task forces have since met with representatives of the Solicitor's Office and BIA Central Office to submit their comments on those drafts.

In addition, various preliminary drafts have received some circulation among Indian tribes, tribal attorneys, and Indian organizations. Representatives of the Solicitor's Office and the Bureau also accepted invitations to attend several meetings of the Native American Natural Resource Development Federation during the past year to discuss the proposed revisions and to solicit comments on them.

The proposed regulations published here are the result of these joint efforts. Proposed Part 171 covers that area of rulemaking now found in 25 CFR Parts 171, 172, and 173, except that oil and gas development is the subject of proposed Part 182. Proposed Part 177, and to a lesser extent, Part 183, are substantial revisions of the current regulations in those Parts.

While the current Part 171 can be read as presupposing almost exclusive use of a competitive bid/lease procedure administered by the Bureau of Indian Affairs, the proposed revision recognizes the authority of Indian mineral owners to negotiate with the mineral industry to develop their natural resources, and to enter into any lawful contractual arrangement which will further that goal—subject, of course, to the statutorily required approval of the Secretary of the Interior. Nevertheless, under this proposal mineral leases may still be advertised by a BIA official when the Indian mineral owner requests him to do so.

Proposed Part 171 is also intended to facilitate a management role on the part of Indian mineral owners during the period of the mineral development contract, where the contract so provides.

And the increased participation of Indian tribes in decision-making would be encouraged under the proposal whenever tribally-owned minerals are to be developed.

Though there are necessarily some differences between the development of individually-owned and tribally-owned Indian minerals, it was thought that the same basic principles should apply. Thus,

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the substance of current Part 172 is incorporated in proposed Part 171. It is anticipated, however, that Bureau officials will continue to play a major role in the award and supervision of leases of individually-owned Indian minerals in cases of fragmented ownership resulting from problems of heirship.

Current Part 173 is proposed to be revoked in acknowledgement of the fact that the Crow Tribe is now effectively subject to the same statutory authorities affecting Indian mineral development as are most other tribes, as a result of the Act of May 17, 1968 (82 Stat. 123).

Proposed Part 117 has been drafted to clarify the roles of Bureau and other Departmental officials in safeguarding of other Indian natural resources during mineral development. The technical examination required by current § 177.4 would be replaced by the requirement of a written environmental and cultural assessment. The assessment, as proposed, would require specific consideration of a number of environmental, cultural, and social factors prior to the approval of a mineral contract. It would serve to assist the Area Director and the Indian mineral owner in the decision whether to proceed with mineral development, and would also facilitate compliance with the requirements of the National Environmental Policy Act of 1969, which was enacted shortly after promulgation of the current Part 177.

Subpart B of proposed Part 177 contains reclamation and performance standards nearly identical to the standards found in the new coal regulations for public lands, 30 CFR 211.40, 211.41 (41 FR 20268, May 17, 1976). Those regulations were the subject of an environmental impact statement published in March of this year. While the proposed Indian coal standards are little different from those applicable to public lands, their application is coordinated with the other portions of the proposal so that they will be more in line with procedures and considerations which apply only to Indian lands.

Section 177.6(c) of the proposal is reserved for future promulgation of reclamation and performance standards applicable to minerals other than coal. Comprehensive standards for such mineral development do not now exist in the regulations governing either Indian lands or federal public lands.

Proposed Part 182 is similar to proposed Part 171 in its anticipation of greater Indian involvement in the development of oil and gas reserves. However, existing statutory requirements impose more limitations on the methods by which oil and gas development can proceed on most reservations. Certain so-called "organized" tribes may utilize virtually any method they choose while most other tribes must utilize a competitive bid procedure. It is not necessary, however, to conduct these bids on a set royalty basis with the award going to the bidder who offers the largest bonus. Bidders may be allowed to compete on such terms as rental, royalties on other returns to be paid on the oil and gas produced. The proposed Part 182 provides that the advertisement shall specify any terms requested by the Indian mineral owner. The proposed regulations are also intended to allow interested parties the necessary flexibility to capitalize their ventures. Accordingly, overriding royalties and assignments, including assignments of separate horizons, are expressly permitted under certain conditions that are designed to reflect the Department's continuing trust responsibility to the Indian mineral owners.

The proposed revisions to Part 183 reflect the desire of the Osage Tribe of Oklahoma to take a greater role in the management of its mineral estate. Accordingly, it is proposed that the primary terms of oil and gas leases to be issued on the Osage Reservation shall be set by the Osage Tribal Council and stated in the notice of sale. Section 183.9 is clarified, and proposes to raise the annual rental on combination oil and gas leases from $1.50 to $2.00 per acre. It is also proposed to change the prescribed royalty of 16⅔ percent and to set that figure, based on market value, as a floor for royalties to be paid on all oil and gas produced on the Osage Reservation.

Because these proposed regulations are procedural in nature, with the exception of the standards dealing specifically with coal operations in Subpart B of Part 177, it has been determined that, as a matter of law, no environmental impact statement pursuant to section 102(2)(c) of the Natural Environmental Policy Act of 1969 is required. The subject matter of proposed Subpart B of Part 177 was covered by a final environmental statement published in April, 1976.

The Department of the Interior has determined that this proposed rulemaking does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

It is the policy of the Department of the Interior, whenever practicable to afford the public an opportunity to participate in the rulemaking process. Accordingly, all interested persons are invited to submit written comments, suggestions, or objections with respect to these proposed regulations to the Commissioner of Indian Affairs. Comments from Indian tribes and regional and national Indian organizations will be particularly welcomed. BIA Area Directors are encouraged to consult with the tribes in their respective jurisdictions with regard to this proposed rulemaking.

Special attention to and comment on the following issue is invited: to what extent should these regulations, when made final, apply to existing permits and leases.

All written comments received by June 6, 1977 will be considered. Comments should be sent to the Commissioner of Indian Affairs—Code 202, Bureau of Indian Affairs, Washington, D.C. 20245. However, consideration of and response to comments on the proposed revision of Part 183 will be expedited if they are sent directly to Superintendent, Osage Indian Agency, Pawhuska, Oklahoma 74056.

It is anticipated that public meetings will be held in six Areas (Aberdeen, Billings, Albuquerque, Phoenix, Window Rock, and Muskogee-Anadarko) to receive public comments on the proposed regulations. The dates, times, and places of these meetings will be announced in the FEDERAL REGISTER.

RAYMOND V. BUTLER,
Acting Commissioner of Indian Affairs.

1. Part 171 is revised as follows:

PART 171—CONTRACTS FOR PROSPECTING AND MINING ON INDIAN MINERAL LANDS

Sec.

171.1 Purpose and scope.
171.2 Definitions.
171.3 Authority to contract.
171.4 Procedures for awarding contracts and types of contracts authorized.
171.5 Approval of contracts.
171.6 Economic considerations.
171.7 Performance bonds.
171.8 Approval of amendments to contracts.
171.9 Responsibilities.
171.10 Recordkeeping and inspection.
171.11 Assignments; overriding royalties.
171.12 Enforcement of orders.

AUTHORITY: Sec. 4, Act of May 11, 1938 (52 Stat. 348, 25 U.S.C. 396d), Act of March 3, 1909, as amended (35 Stat. 783, 25 U.S.C. 396); sec. 1, Act of August 9, 1955, as amended (69 Stat. 539, 25 U.S.C. 415), Act of July 8, 1940 (54 Stat. 745, 25 U.S.C. 380); secs. 16 and 17, Act of June 18, 1934 (48 Stat. 987, 25 U.S.C. 476 and 477), sec. 2103, Revised Statutes (25 U.S.C. 81), sec. 3, Act of February 28, 1891 (26 Stat. 795, 25 U.S.C. 397), Act of May 29, 1924 (43 Stat. 244, 25 U.S.C. 398), Act of March 3, 1927 (44 Stat. 1347, 25 U.S.C. 398a-e); sec. 28, Act of June 30, 1919, as amended (41 Stat. 31, 25 U.S.C. 399); sec. 3, Act of June 28, 1906, as amended (34 Stat. 543)

§ 171.1 Purpose and scope.

(a) The regulations in this part govern contracts for the prospecting for and mining of Indian-owned minerals, other than oil and gas. These regulations are intended to ensure that Indians desiring to have their mineral reserves developed receive, at least, fair market value for their ownership rights; to ensure at the same time that any adverse environmental or cultural impact on Indians, resulting from such development, is minimized; and to allow Indian mineral owners to enter into contracts which reserve to them the responsibility for overseeing the management and/or development of their mineral reserves.

(b) The regulations in this part do not apply to leasing and mining governed by the regulations in 25 CFR Parts 174, 175, and 176. The regulations in 25 CFR Parts 172 and 173 are hereby revoked.

(c) The regulations in this Part apply only to contracts subject to the approval of the Secretary of the Interior which have not already been approved on the date on which these regulations become effective. All contracts which were approved prior to the effective date of these regulations shall be governed by the regulations applicable to them on the date of approval. However, existing contracts which are modified by agreements entered into after the effective date of these regulations, shall be subject to § 171.8 of this part.

§ 171.2 Definitions.

As used in the regulations in this Part:

(a) "Area Director" means the Bureau Area Director or his authorized representative having immediate jurisdiction over the minerals covered by a contract under this part.

(b) "Bureau" means the Bureau of Indian Affairs.

(c) "Contract" means any written contract or legally-binding agreement, and is not limited in its meaning to leases, permits, or licenses.

(d) "Gas" means any fluid, either combustible or noncombustible, which is produced from a natural state from the earth and which maintains a gaseous or rarefied state at ordinary temperature and pressure conditions.

(e) "Indian mineral owner" means—

(1) A federally recognized Indian tribe, band, nation, community, group, colony, or pueblo, or agency or subdivision thereof; or

(2) An individual Indian; who owns trust or restricted minerals or mineral rights or is entitled to the proceeds or benefits of the mining or development of minerals, title to which is held by the United States.

(f) "Indian-owned minerals" means—

(1) Minerals, title to which is held by the United States in trust for the benefit of an Indian mineral owner;

(2) Minerals in which an interest is held by an Indian mineral owner subject to federal restrictions against alienation or encumbrance; or

(3) Minerals the proceeds from the mining or development of which are required by federal law to be used for the benefit of Indians.

(g) "Individual Indian mineral owner" means an Indian mineral owner as defined in paragraph (e)(2) of this section.

(h) "Minerals" includes both metalliferous and nonmetalliferous minerals, except oil and gas, and also includes but is not limited to, sand, gravel, pumice, cinders, granite, building stone, limestone, clay, and silt.

(i) "Mining" means the science, technique and business of mineral development, including opencast and underground work directed to severance and treatment of minerals. However, when sand, gravel, pumice, cinders, granite, building stone, limestone, clay, or silt is the subject mineral, an enterprise is mining only if the sale and removal of such mineral exceeds 250 cubic yards.

(j) "Mining Supervisor" means the Area Mining Supervisor, United States Geological Survey, having responsibility for the area in which the property covered by a contract under this Part is located.

(k) "Oil" means any liquid hydrocarbon substance which occurs naturally in the earth, including drip gasoline or other natural condensates recovered from gas, without resort to manufacturing process.

(l) "Operator" means a person, proprietorship, partnership, corporation, or other business association which has made application for, is negotiating with an Indian mineral owner with respect to, or has entered into a contract to mine for Indian-owned minerals.

(m) "Prospector" means a person, proprietorship, partnership, corporation, or other business association which has made application for, is negotiating with an Indian mineral owner with respect to, or has entered into a contract to prospect or explore for Indian-owned minerals.

(n) "Secretary" means the Secretary of the Interior or his authorized representative.

(o) "Tribal mineral owner" means an Indian mineral owner as defined in paragraph (e)(1) of this section.

§ 171.3 Authority to contract.

(a) Contracts authorizing prospecting for or mining of Indian-owned minerals may be entered into by a tribal mineral owner through its governing body, by an individual Indian mineral owner, or by a group of Indian mineral owners acting jointly through an association or entity in which they all participate. Such contracts, as well as amendments thereto, shall be subject to the approval authority described in § 171.5 of this part, and shall not be valid until such approval has been secured. Indian mineral owners are encouraged to consult with the Area Director during the negotiation of a mineral contract.

(b) An Indian mineral owner may at any time seek technical or other advice or assistance regarding development of Indian-owned minerals from the Area Director, Mining Supervisor, or the representatives of other appropriate federal monitoring agencies such as the Bureau of Mines, who shall provide such advice or assistance upon request, consistent with his authority.

(c) The Secretary may enter into contracts authorizing prospecting for or mining of Indian-owned minerals on behalf of an individual Indian mineral owner only under the following circumstances:

(1) Where the individual Indian mineral owner of record is deceased and the heirs to or devisees of any interest in the minerals have not been determined, and the Area Director has complied with Bureau regulations regarding the timeliness of the probate of the estate;

(2) Where there are multiple individual Indian mineral owners in an undivided tract which is sought for mining or prospecting, and (i) one or more owners desires to enter into a contract pursuant to this Part but the remainder of the owners cannot be located, or (ii) none of the owners can be located; or

(3) Where the individual Indian mineral owner or a majority ownership interest in an Indian mineral tract is incapacitated by reason of minority;

Provided, that the procedures in § 171.4 (c) of this part must be followed.

(d) The Secretary may not otherwise award any contracts affecting rights in Indian-owned minerals unless he has been requested to do so by the Indian mineral owner.

§ 171.4 Procedures for awarding contracts and types of contracts authorized.

(a) An Indian mineral owner may utilize the following procedures, among others, in entering into a mining or prospecting contract. A contract may be entered into through competitive bidding, negotiation, or a combination of both, and may relate to prospecting, mining, or both. The Indian mineral owner may also request the Secretary to undertake the preparation, advertisement, negotiation, and/or award of such a contract on his behalf. If so requested, the Secretary shall undertake such responsibility in accordance with the procedure hereinafter described in this section. If application is made to the Secretary by a potential prospector or operator for a contract to prospect and/or mine Indian-owned minerals, the Secretary shall promptly notify the Indian mineral owner thereof, and advise the owner in writing of the alternatives open to him, and that he may decline to permit any prospecting for or mining of his minerals.

(b) All prospecting or mining contracts entered into by Indian mineral owners shall be in writing and approved by the Secretary in accordance with § 171.5 of this part. Except as otherwise provided in these regulations or by applicable law, there shall be no restrictions on the terms of such contracts, provided however that no interest in land or minerals may be granted in perpetuity and the Indian mineral owner shall be guaranteed a fair share of the minerals extracted or produced or of the revenue derived therefrom. Individual contracts shall be written to express the will of the parties considering local conditions and circumstances.

(c) Where the Secretary exercises his authority to enter into contracts on behalf of individual Indian mineral owners pursuant to § 171.3(c) of this part, or where he has been requested by the Indian mineral owner under paragraph (a) of this section to assume the responsibility of awarding the contract, he shall offer contracts to the highest responsible qualified bidder subject to the following procedures, unless he determines in accordance with paragraph (d) of this section that the highest return can be obtained on the minerals by other methods of contracting (such as negotiation):

(1) Contracts shall be offered for a bonus consideration under sealed bids or public auction at least 30 days in advance of sale or such longer time as is necessary to achieve optimum competition;

(2) The advertisement shall specify any terms requested by the Indian mineral owner and may permit bidders to compete on such terms as rental and royalty rates as well as upon bonus payment; and it shall provide that the Secretary reserves the right to reject any or all bids, and that acceptance of the

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contract bid by or on behalf of the Indian mineral owner is required;

(3) Each bid must be accompanied by a cashier's check, certified check, or postal money order or any combination thereof, payable to the payee designated in the advertisement, in an amount of not less than 25 percent of the bonus bid, which will be returned if that bid is unsuccessful;

(4) If no bid is received which meets the criteria of § 171.5 or if the accepted bidder fails to complete the contract, or if the Indian mineral owner refuses the highest bid, the Secretary may readvertise the contract, or if deemed advisable, and in accordance with paragraph (d) of this section, he may attempt to award the contract by private negotiations, provided that the Secretary shall not award a contract by private negotiations without the written concurrence of the Indian mineral owner unless he is exercising his authority under § 171.3(c) of this part;

(5) A successful bidder must remit within 30 days after notification of the bid award the balance of the bonus, the first year's rental, a $25 filing fee, his share of the advertising costs, and all required bonds, with the Area Director. The successful bidder shall also file the contract in completed form at that time. However, for good and explicit reasons the Secretary may grant an extension of time for filing of the contract. Failure on the part of the bidder to comply with the foregoing will result in forfeiture of 25 percent of any bonus bid for the use and benefit of the Indian mineral owner, in addition to pursuit of any and all other available remedies.

(d) If methods of contracting other than the competitive bid procedure are used, the Area Director shall prepare written findings stating the reasons why it was determined that the method used was more satisfactory than other methods, after consultation with the Mining Supervisor.

(e) Where the Indian mineral owner has requested the Secretary to offer a contract to the highest responsible bidder in accordance with paragraph (c) of this section, the Secretary shall advise the Indian mineral owner of the results of the bidding, and shall not award the contract to the successful bidder until the consent of the Indian mineral owner has been obtained.

(f) No mining contract with an Indian mineral owner shall exceed a term of ten years and as long thereafter as minerals are produced in paying quantities, except where a longer period is permitted or a shorter period required by federal law. For the purpose of this provision, the term of a mining contract entered into by means of the exercise of an option shall be measured from the date of the exercise of the option.

(g) Where a mining contract specifies a term of years and "as long thereafter as minerals are produced in paying quantities" or similar phrase, the term "paying quantities" shall mean:

(1) That quantity of recovered minerals which produces, during the fiscal year of the contract, an after-tax profit to the operator, over and above the total cost of: Extraction, processing, including beneficiation, and handling to the point of sale; all rents and royalties paid under the contract; all salaries and employee expenses incident to such extraction, processing and handling; all taxes incident thereto; all depreciation on salvageable production equipment; all administrative expenses attributable to operation of the subject mine; and any other expenses so attributable, such as business licenses, repairs of equipment, and transportation; and also

(2) That quantity of minerals which produces sufficient income so that a reasonably prudent operator would continue to operate the mine in a diligent manner for the purpose of making a profit from the subject mine and not merely for speculation.

(h) In order to continue production in paying quantities, the operator must not suspend mining operations at any time for a period of 30 days or more without the prior express written approval of the Secretary unless production is impossible as a result of an Act of God or some other cause clearly beyond the operator's power to control. At the expiration of the principal term of the mining contract and at the end of each fiscal year thereafter until expiration of the contract, the operator shall present sufficiently detailed written evidence to the Indian mineral owner and to the Secretary to demonstrate under both standards above that minerals are being produced in paying quantities.

§ 171.5 Approval of contracts.

A prospecting contract or a mining contract shall be approved by the Secretary if he determines that the following conditions are met:

(1) The contract provides a fair and reasonable remuneration to the Indian mineral owner;

(2) The contract does not have adverse cultural or environmental consequences sufficient to outweigh its benefits to the Indian mineral owner;

(3) The contract complies with the requirements of this part, Part 177 of this title, all other applicable regulations, the provisions of applicable federal law, and applicable tribal law where not inconsistent with Federal law.

Such determinations must also be made prior to the award of any contract pursuant to § 171.4(c) of this part.

§ 171.6 Economic considerations.

(a) To aid in the Secretary's consideration of the criteria in § 171.5 of this part, the Area Director shall prepare a written economic assessment of the contract with the assistance of the Mining Supervisor. Such assessment shall include the following findings to the extent of their applicability to mining or prospecting:

(1) Assurances in mining contracts that the minerals will be mined with appropriate diligence;

(2) The availability of water in the amount needed for purposes of operations under the contract;

(3) The adequency of production royalties or other form of return on the minerals, considering the history and the economics of the mineral industry involved;

(4) The adequacy of payment and enforcement provisions in the contract;

(5) Provisions for the training and preferential employment of the local Indian labor force;

(6) The size and shape of the area to be mined (the mineral tract shall be contained in a reasonably compact body); and

(7) The reputation of the prospector or operator for responsible and diligent development of mineral resources. Contracts shall not be entered into for purposes of speculation.

Information required to be included in such an assessment may be incorporated therein by reference to attached documentation. Such an assessment shall be regarded as an intra-agency memorandum, but shall be made available to the Indian mineral owner in all cases.

(b) In all cases where the mineral estate has been severed from the surface estate, the Area Director shall advise the Indian mineral owner in writing of the possible legal and economic consequences of such severance. At his discertion, the Secretary may postpone approval of a contract until problems of severed ownership have been resolved. Prior to approval the Area Director shall insure that attempts have been made to provide all users and owners of the surface estate with the best practicable notice of the impending operation.

(c) A prospecting contract which also confers mining rights or includes an option on such rights may be approved in two steps: approval may first be given to those parts of the contract relating to prospecting, with the mining aspects of the contract being held in abeyance for subsequent approval at such time as the option is exercised. A prospecting contract granting an exclusive option to mine for potentially substantial or valuable mineral reserves shall be subject to special scrutiny prior to exercise of the approval power. If it appears that the Indian mineral owner will be able to obtain a measurably more favorable return on his minerals by means of a contract or contracts not containing provisions for such an exclusive option, then a prospecting contract granting such an exclusive option shall not be approved; or in the alternative, approval of the mining aspects of such contract shall be withheld pending exercise of the option and submission of a mining plan, as provided above. No prospecting permit containing an exclusive option to mine shall prescribe an inflexible royalty rate or fixed return on production to be paid to the Indian mineral owner.

(d) In aid of his consideration of whether approval should be given to a contract, the Secretary may request that any party thereto submit additional information regarding his financial structure or experience in mining or any other relevant matter. Failure to supply such information may be regarded as a ground for declining to grant approval.

§ 171.7 Performance bonds.

The prospector or operator shall furnish a bond to secure performance on each contract in accordance with § 177.8 of Part 177 of this title.

§ 171.8 Approval of amendments to contracts.

(a) Amendments to or modification of contracts approved pursuant to § 171.5 of this part shall be approved by the Secretary if the entire contract after amendment or modification meets the conditions of that section. The Secretary shall review assessments compiled pursuant to paragraph (a) of § 171.6 of this part and § 177.4 of Part 177 of this title in light of the amendment or modification, and shall revise such assessments, where appropriate.

(b) An amendment to or modification of a contract for the prospecting for or mining of Indian-owned minerals, which contract was approved by the Secretary prior to the effective date of these regulations, shall be approved by the Secretary if, to the extent of the application of the amendment or modification, it meets the conditions of § 171.5. When appropriate, the Secretary shall prepare a written economic assessment of the amendment or modification pursuant to paragraph (a) of § 171.6. Whenever an amendment or modification to a contract increases the acreage covered by the contract, a written economic assessment of the amendment or modification shall be required.

§ 171.9 Responsibilities.

(a) The Mining Supervisor shall be responsible for advising the Secretary, the Area Director, and Indian mineral owners regarding development and conservation of Indian mineral resources. He is responsible for all geologic, engineering, and economic value determinations incident to contracts for the development of Indian-owned minerals.

(b) In addition to the other responsibilities under this part and part 177 of this title, the Area Director is responsible for promptly transmitting to a tribal mineral owner, and upon request, to an individual Indian mineral owner, all information found and determinations made by the Mining Supervisor regarding the subject minerals or contracts for the development thereof.

(c) In addition to their other responsibilities under this part and Part 177 of this title, the Area Director and Mining Supervisor shall be responsible for consulting with a tribal mineral owner, and upon request, with an individual Indian mineral owner before acting on the approval of a contract or any amendment or modification thereto, a complete or partial mining plan or any amendment or modification thereto, a variance from applicable reclamation or performance standards, the release of any portion of any bond, or before taking any other action which substantially affects the rights of such Indian mineral owner.

(d) Where an approved contract provides for authority on the part of the Indian mineral owner for overseeing the management and/or the development of mineral reserves and/or other natural resources, the Mining Supervisor and Area Director shall take all steps necessary to insure that the Indian mineral owner is involved in such management and/or development in accordance with the terms of the contract.

§ 171.10 Recordkeeping and inspection.

(a) The prospector or operator shall maintain records of all prospecting and mining operations done under contract, including information on the type, grade, or quality, and weight of all minerals mined, sold, used on the premises, or otherwise disposed of, and all minerals in storage (remaining in inventory), and all information on the sale or disposition of the minerals. Such records shall be kept so that they may be readily inspected.

(b) All records maintained under subsection (a), all records regarding the financial structure of the prospector or operator, and any other records which are pertinent or related to operations done under contract shall be available for examination, upon request, by the Secretary or the Indian mineral owner until all obligations under the contract have been fulfilled. Such records shall at all times be available for purpose of audit upon the request of the Secretary. When an independent audit is requested by the Secretary the cost thereof shall be borne by the operator.

(c) The Indian mineral owner, the Area Director, and the Mining Supervisor shall at any reasonable time have the right to enter upon all parts of the premises of the operations under the contract for the purpose of inspection.

§ 171.11 Assignments; overriding royalties.

(a) No assignment or sublease of any interest in a contract under this part shall be effective without the approval of the Secretary pursuant to and subject to the criteria of § 171.5. Such approval shall not relieve the assignor of his obligations under the original contract. However, the Secretary, with the consent of the Indian mineral owner, may permit the release of any bonds executed by the assignor upon execution of satisfactory bonds by the assignee.

(b) Agreements creating overriding royalties or payments out of production are hereby authorized and the approval of the Secretary shall not be required with respect thereto, but such agreement shall not be construed as modifying any of the obligations of the prospector or operator under his contract and the regulations in this part and Part 177 of this title, including the requirement of Department approval prior to abandonment.

§ 171.12 Enforcement of orders.

(a) If the Secretary determines that a prospector or operator subject to the regulations in this part has failed to comply with the regulations in this part, other applicable laws or regulations, the terms of the contract, the requirements of an approved exploration or mining plan, or the orders of the Mining Supervisor, and such noncompliance does not threaten immediate and serious damage to the environment, the mine or the deposit being mined, or other valuable mineral deposits or other resources, the Secretary shall serve a notice of noncompliance upon the prospector or operator by delivery in person or mailed to him at his last known address. Copies of said notice shall be sent to all interested parties. Failure of the prospector or operator to take action in accordance with the notice of noncompliance within the time limits specified by the Secretary or to initiate an appeal pursuant to either Part 2 of this title or Part 290 of Title 30 of the Code of Federal Regulations shall be grounds for suspension of operations subject to such notice by the Secretary or his recommendations for the initiation of action for cancellation of the lease, permit, license, or contract and forfeiture of any compliance bonds.

(b) The notice of noncompliance shall specify in what respect the operator has failed to comply with the provisions of applicable regulations, laws, terms of the mining plan or contract, or the orders of the Mining Supervisor, and shall specify the action which must be taken to correct such noncompliance and the time limits within which such action shall be taken. A written report shall be submitted by the prospector or operator to the Secretary when such noncompliance has been corrected.

(c) If, in the judgment of the Secretary, a prospector or operator is conducting activities on lands subject to the provisions of this part which fail to comply with the provisions of this part, other applicable laws or regulations, the terms of the contract, the requirements of an approved exploration or mining plan, or the orders of the Mining Supervisor, and which threaten immediate and serious damage to the environment, the mine or the deposit being mined, or other valuable mineral deposits or other resources, the Secretary shall order the immediate cessation of such activities, without prior notice of noncompliance. Such order may be appealed as provided in either Part 2 of this Title or Part 290 of Title 30 of the Code of Federal Regulations, whichever is applicable. Compliance with such order shall not be suspended by reason of the taking of an appeal, unless such suspension is ordered in writing by the official before whom such appeal is pending, and then only upon a written determination by such official that such suspension will not be detrimental to the Indian mineral owner or upon submission of a bond deemed adequate by both the Indian mineral owner and the Secretary to indemnify the Indian mineral owner from any resulting loss or damage.

(d) The Mining Supervisor shall investigate all claims of the Indian mineral owner regarding a prospector's or operator's failure to comply with the provisions of this part, other applicable laws or regulations, the terms of the contract, the requirements of an approved explor-

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ation or mining plan, or the orders of the Mining Supervisor. The Mining Supervisor shall consult with the Area Director and Indian mineral owner, where possible, prior to taking any action pursuant to this section.

(e) No provision in this section shall be interpreted as replacing or superseding any other remedies of the Indian mineral owner as set forth in the contract or otherwise available at law.

2. Part 177 is revised as follows:

PART 177—PLANS FOR PROSPECTING AND MINING ON INDIAN MINERAL LANDS: RECLAMATION OF NONMINERAL RESOURCES

Subpart A—General Provisions

Sec.
177.1 Purpose.
177.2 Scope.
177.3 Definitions.
177.4 Environmental and cultural assessment.
177.5 Approval of exploration and mining plans.
177.6 Reclamation and performance standards.
177.7 Responsibilities.
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177.9 Reports.
177.10 Enforcement; appeals.
177.11 Waiver.

Subpart B—Coal Operations

177.21 Operating and reclamation standards.
177.22 Completion of operations and abandonment.

AUTHORITY: Sec. 4, Act of May 11, 1938 (52 Stat. 348, 25 U.S.C. 396d), Act of March 3, 1909, as amended (35 Stat. 783, 25 U.S.C. 396); sec. 1, Act of August 9, 1955, as amended (69 Stat. 539, 25 U.S.C. 415), Act of July 8, 1940 (54 Stat. 745, 25 U.S.C. 380); secs. 16 and 17, Act of June 18, 1934 (48 Stat. 987, 25 U.S.C. 476 and 477), sec. 2103, Revised Statutes (25 U.S.C. 81), sec. 3, Act of February 28, 1891 (26 Stat. 795, 25 U.S.C. 397), Act of May 29, 1924 (43 Stat. 244, 25 U.S.C. 398), Act of March 3, 1927 (44 Stat. 1347, 25 U.S.C. 398–e); sec. 26, Act of June 30, 1919, as amended (41 Stat. 31, 25 U.S.C. 399); sec. 3, Act of June 28, 1906, as amended (34 Stat. 543)

Subpart A—General Provisions

§ 177.1 Purpose.

It is the policy of this Department to encourage the development of Indian-owned minerals when the Indian mineral owner desires such development. However, the federal government's trust responsibilities to Indian tribes and their members require that adequate measures be taken to avoid, minimize, or correct damage to the environment—land, water, and air—as a result of such development, and to avoid, minimize, or correct hazards to the public health and safety. The regulations in this Part prescribe procedures to that end.

§ 177.2 Scope.

(a) Except as provided in paragraphs (b) and (c) of this section, the regulations and this part are applicable to contracts governing operations for the discovery, development, mining, and onsite processing of Indian-owned minerals.

(b) The regulations in this part do not apply to the exploration for or development of oil or gas.

(c) Contracts approved by the Secretary prior to the effective date of this part shall not be subject to the requirements of this part, except that:

(i) The reclamation standards and requirements of this part shall apply to approved contracts for the surface-mining of minerals 180 days after the effective date of this part with respect to those lands from which the overburden has not been removed; and

(ii) The requirements of approved exploration and/or mining plans under this part shall apply to new or modified plans with respect to an existing operation, which plans are submitted for approval more than 18 months after the effective date of this part.

§ 177.3 Definitions.

The definitions in § 171.2 of Part 171 of this title are applicable to the regulations in this part. In addition, as used in the regulations in this part:

(a) "Affected area" or "area to be affected" means any lands affected or to be affected by exploration, development, mining operations, or the construction of any facilities necessary or related to such operations.

(b) "Casual use" means activities which do not cause significant surface disturbance or damage to lands, resources, or improvements, such as activities which do not include heavy equipment, explosives, or heavy vehicular movement off established roads or trails which causes such disturbance.

(c) "Coal" includes coal of all ranks from lignite to anthracite.

(d) "Operation" or "operations" means all of the activities related to mineral exploration or development on or within close proximity to the land identified in a prospecting or mining contract as being subject to the terms of the contract.

(e) "Overburden" means the earth and other materials which lie above a natural deposit of minerals, and such earth and other materials after removal from their natural state in the process of mining or prospecting.

(f) "Pollution" means man-made or man-induced adverse alteration of the chemical, physical, biological, or radiological integrity of land, water, or air, which does or has the potential of reducing the beneficial uses of these resources.

(g) "Reclamation" means the processes of land, air, vegetation, and water treatment that restrict and control water quality and flow degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other harmful effects on the environment resulting from exploration, mineral development, mining, on-site mineral preparation, transport, or waste disposal so that the affected area is reclaimed to a stable condition capable of supporting the uses established prior to commencement of such operations, or an equal or better use which has been identified in an approved exploration or mining plan under this part.

(h) "Refuse" means solid or liquid waste material produced by an operations and any other wastes having no further use on the affected area.

(i) "Revegetation" means the emergence, continued growth, sustained productivity, and achievement of a long-term natural succession of vegetation, as determined by a qualified scientist, suitable to the approved post-disturbance land use for the surface of the affected area, and includes seeding, planting, and measures taken to support stable vegetative growth, such as fertilization, cultivation, mulching, and irrigation where these support measures are necessary to achieve the vegetative cover required by a prospecting or mining contract, an approved exploration or mining plan, and these and other applicable regulations.

(j) "Topsoil" means the unconsolidated soil horizons that exist in the natural state, and that are or can be made suitable for plant growth, and also the unconsolidated mineral matter naturally present on the surface of the earth which has been subjected to and influenced by genetic and environmental factors of parent materials, climate, macro- and micro-organisms, and topography, all acting over a period of time, and that is necessary for the growth and regeneration of vegetation on the surface of the earth.

§ 177.4 Environmental and cultural assessment.

(a) To aid in the Secretary's consideration of the cultural and environmental consequences of a contract, pursuant to § 171.5(2) of Part 171 of this title or other provision governing approval of contracts for the mining of or prospecting for minerals other than oil and gas, and to determine whether preparation of an environmental impact statement is required by section 102(2)(C) of the National Environmental Policy Act of 1969, the Area Director shall prepare a written environmental and cultural assessment of the contract.

(b) Such assessment shall examine the prospective effects of the proposed operation upon the environment and the local Indian culture, and shall specifically consider:

(1) The prevention and control of flooding, erosion, and earth slides;

(2) The effect of the operation on the quality and flow of water and watercourses in the affected area;

(3) The effect on air quality;

(4) The need for reclamation of the affected area by revegetation, replacement of soil, or other means;

(5) Land uses both before and after operations;

(6) The protection of fish and wildlife and their habitat;

(7) Measures designed to guarantee health and safety;

(8) The effect on items of historical, scenic, archeological, and ethnological value;

(9) The impact on the local Indian population, with particular reference to:

(i) The possible dislocation of people from their homes or occupations;

(ii) The influx of non-Indians into the Indian community, and its effect on the local cost of living, tribal government, housing, educational services, police protection, transportation and communication facilities, health care, and intercultural relationships;

(iii) Noise and esthetics; and

(iv) Threats to vegetation, wildlife, and natural or other monuments which play an important role in local Indian culture or religion; and

(10) Any other potentially adverse effects on the environment.

The format for such an assessment is provided in the Environmental Quality Handbook, 30 BIAM Supplement 1. When it is recognized that a complete environmental impact statement is to be prepared prior to approval of the contract, it is sufficient that information required to be included in the assessment appear in the impact statement. The environmental and cultural assessment shall be made available to the Indian mineral owner prior to contract approval, and may be made available for public review at the Bureau office having jurisdiction over the proposed contract.

(c) In the making of any assessment under this section, the Area Director may obtain the assistance of the Mining Supervisor.

§ 177.5 Approval of exploration and mining plans.

(a) Before conducting any operation other than casual use, the prospector or operator shall submit to the Mining Supervisor and Area Director and obtain their approval of, an exploration or mining plan. Such plans shall be consistent with and responsive to the requirements of the underlying contract, and shall demonstrate that reclamation of the affected area, to the extent it is possible, is an integral part of the planned operations and that reclamation will progress in accordance with all applicable performance standards. The details of the reclamation aspects of the plan shall be based upon the advice of technically trained personnel experienced in the type of reclamation to be undertaken. The Mining Supervisor shall be available to consult with the Indian mineral owner before acting to approve or disapprove any such plan.

(b) Where a contract involves both prospecting and mining operations in an affected area, or where a prospecting permit conveys an option to conduct mining operations or a right of first refusal with regard to contracting for such operations, prospecting operations may commence after approval of an exploration plan but prior to submission and approval of a mining plan.

(c) The plan required by paragraph (a) of this section shall include: (1) Accurate and up-to-date maps of the area to be affected by the operation, drawn to a scale acceptable to the Mining Supervisor and showing roads, dwellings, utilities, and fences, and the topographic, cultural and drainage features of the area;

(2) A detailed description of the prospecting, mining, processing, and transporting methods to be used in any given portion of the affected area, including, but not necessarily limited to, descriptions of equipment, locations of vehicular trails, roads, and railroads, drilling, trenching, and blasting requirements, size and location of support facilities, and a designation of those portions of the affected area which will be specifically disturbed or damaged by these methods and a description of the anticipated disturbance or damage to each such portion;

(3) Identification of all known items of archeological, historical, ethnological, or cultural value in the affected area, and a description of the specific measures to be taken to identify and protect any such items during the course of the operation;

(4) A list of the anticipated number of persons to be employed in each occupation at an operation at any given time, and plans for the training and utilization of the local Indian labor force;

(5) A description of the condition and uses of the area to be affected at the time the plan is prepared, and a statement of the capability of the area to support its existing use or any equal or better use, giving consideration to topography, vegetative cover, and soil, foundation and water characteristics;

(6) A projection of the quantity of water to be used during an operation, the source of such water, a description of any pollutants which are expected to enter any receiving waters, and a detailed plan for the control and treatment of all water and water courses (both surface and subsurface) connected with or to be affected by the operation;

(7) Consistent with the proposed land use after cessation of an operation, a planting and revegetation program calculated to restore permanently to the affected area, where possible, the native vegetation; such program shall provide for soil stabilization and preservation prior to such revegetation and shall show proposed methods of preparation and fertilization of the soil and proposed methods of planting;

(8) A description of all measures to be taken to prevent or control fire, soil erosion, air pollution, damage to fish and wildlife (key wildlife habitats in the affected area shall be identified), and hazards to public health and safety both during and upon cessation of the operation;

(9) The names and addresses of supervisory personnel employed by the prospector or operator and responsible for the planned activities under the contract;

(10) A detailed description of the methods to be used to grade, backfill, and contour, if necessary, the affected area; and

(11) An integrated timetable for the planned commencement and completion of prospecting, mining, and reclamation operations.

(d) After the plan is approved, it shall be attached to the contract, and shall be made a part thereof. The prospector and/or operator and all subcontractors shall conform all their operations to the terms of the plan.

(e) A plan may be reasonably revised or supplemented at any time at the direction of the Mining Supervisor, after consultation with the Area Director and Indian mineral owner, to adjust to changed conditions or to correct oversights. If the prospector or operator seeks to change an approved plan, he shall submit a written statement of the proposed revision and the justification therefor to the Mining Supervisor, the Area Director and the Indian mineral owner.

(f) If development of an exploration or mining plan for the entire operation is dependent upon unknown factors which cannot be determined except during the progress of the operations, the Mining Supervisor may, after consultation with the Area Director and Indian mineral owner, approve a partial plan and permit commencement of the operation under such partial plan. A partial plan shall include all information required by paragraph (c) of this section and other applicable regulations to the extent that such information is available. Before approval of a partial plan may be secured, the prospector or operator must demonstrate to the Mining Supervisor that the data or information necessary to complete the plan could not be obtained, and provide the Mining Supervisor with adequate assurances that such data or information will be collected with due diligence during the progress of the operation, and that when sufficient data or information has been obtained, a complete plan will be promptly submitted for approval. If it appears to the Mining Supervisor that a prospector or operator has failed to abide by such assurances, he shall inform the Area Director and Indian mineral owner. The Area Director may then order operations suspended in accordance with enforcement procedures provided by applicable regulations or the terms of the contract.

§ 177.6 Reclamation and performance standards.

(a) In addition to the reclamation and performance standards provided for in a prospecting or mining contract, the standards found in Subpart B of this Part shall be applicable to all operations for the prospecting for or mining of coal.

(b) Upon completion or suspension of prospecting operations for minerals other than coal, and as provided in the prospecting contract, a prospector shall submit to the Mining Supervisor, the Area Director, and the Indian mineral owner signed copies of records and geologic interpretations of all prospecting operations conducted on the subject lands, including all calculations of recoverable mineral reserves, maps showing all prospecting activities, and any other data or maps revealing the mineral composition of the subject lands and the accessibility of the minerals. All such information shall be regarded as geological and geophysical information

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and data subject to section 552(b)(9) of Title 5 of the U.S. Code.

(c) [Reserved]

NOTE.—The preparation of reclamation and performance standards applicable to mining operations for minerals other than coal is currently being considered within the Department.

(d) Variances from compliance with the reclamation and performance standards in this section and in § 177.21 of Subpart B of this part may be allowed only upon the written application of the operator and the Indian mineral owner to the Secretary. The application shall state with particularity the standards sought to be waived and the proposed alternatives to compliance with such standards, and shall provide appropriate information demonstrating the need for such a variance. In considering such application, the Secretary shall be guided by the criteria of § 171.5 of Part 171 of this title. Before approving an application for variance, the effect of such variance on the surrounding environment shall be indicated in an amendment to the environmental and cultural assessment prepared pursuant to § 177.4 of this part.

§ 177.7 Responsibilities.

(a) The responsibilities stated in § 171.9 of Part 171 of this title are applicable to the provisions in this part.

(b) Nothing in the regulations in this part shall be construed as abridging the rights of Indian mineral owners to enforce the provisions of any such contract, or (in the case of an Indian Tribe exercising governmental authority) to promulgate rules, regulations, or ordinances governing mineral development or reclamation of mineral lands. To the extent that any such tribal law is more stringent than the standards in this Part governing the management and supervision of natural resources, such tribal law shall supersede these regulations.

(c) Where the regulations in this part recognize certain responsibilities on the part of the Indian mineral owner, such responsibilities shall be assumed by the Area Director in situations where the Secretary has assumed the responsibility for contracting pursuant to § 171.3(c) of Part 171 of this title, or other applicable regulation, or where the Indian mineral owner has delegated such responsibilities to the Secretary pursuant to § 171.4(a) of Part 171 of this title.

§ 177.8 Performance bond.

(a) Upon approval of an exploration or mining plan, and before conducting any operation other than casual use, the prospector or operator shall be required to furnish a bond, payable to the Secretary, with surety satisfactory to the Mining Supervisor and the Area Director, conditioned on the faithful performance of the requirements of the prospecting or mining contract, the approved exploration or mining plan, the regulations of this Part, and all other applicable regulations. The bond shall be in an amount sufficient to secure diligent performance of the terms of the contract and approved plan, and to satisfy the reclamation requirements of these and other applicable regulations. In determining the amount of the bond, consideration shall be given to the character and nature of the reclamation requirements and the estimated costs of reclamation in the event that the prospector or operator forfeits his performance bond.

(b) Liability under the bond shall be for the duration of the prospecting or mining operations and for a period of five years thereafter. The Mining Supervisor and Area Director may, after consultation with the Indian mineral owner, permit complete or partial release of the bond prior to the expiration of five years after the cessation of operations, in accordance with § 177.9 of this part.

(c) The right is specifically reserved to the Secretary to increase the amount of the bond during the term of the contract if changed economic conditions make such an increase necessary to secure performance under the contract or to satisfy the reclamation requirements of all applicable regulations.

§ 177.9 Reports.

(a) Within 30 days after the end of each calendar year, or if operations cease before the end of a calendar year, within 30 days after the cessation of operations, the prospector or operator shall submit a report to the Mining Supervisor and the Area Director containing the following information:

(1) Identification of the contract and the location of the operation;

(2) A description of the operations performed during the period of time for which the report is filed;

(3) Identification of the area of land affected by the operations during the report period and a description of the manner in which the land has been affected;

(4) A statement of the number of acres disturbed by the operations and the number of acres which were reclaimed during the report period;

(5) A description of the methods utilized for reclamation, and data showing the success of such reclamation; and

(6) A statement and description of the reclamation work remaining to be done and a time schedule.

Such report shall be made available to the Indian mineral owner, upon request.

(b) Upon completion of such grading and back-filling as may be required by an approved exploration or mining plan and applicable regulations, the prospector or operator shall make a report thereon to the Mining Supervisor and the Area Director, who shall advise the Indian mineral owner, and request their inspection for approval. Whenever it is determined by such inspection that backfilling and grading have been carried out in accordance with the established requirements and approved exploration or mining plan, the Area Director may issue a release of an appropriate amount of the performance bond for the area graded and backfilled. Appropriate amounts of the bond shall be retained to assure that the required revegetation program is carried out.

(c) Upon completion of such revegetation as may be required by an approved exploration or mining plan and applicable regulations, the prospector or operator shall make a report thereon to the Mining Supervisor and the Area Director, who shall advise the Indian mineral owner. Such report shall—

(1) Identify the contract;

(2) Show the type of planting or seeding, including mixtures and amounts, and equipment used;

(3) Show the date(s) of planting or seeding;

(4) Identify or describe the areas of the lands which have been planted or seeded;

(5) Describe any mulching, surface manipulation, fertilization, and irrigation procedures;

(6) Describe the weather conditions (precipitation, temperature, wind) preceding, during, and following vegetation, as these may have affected or affect revegetation;

(7) Describe plant nutrient fertilizers incorporated into the soils of the revegetated lands; and

(8) Contain such other information as may be relevant.

As soon as possible after the completion of the first full growing season, the Mining Supervisor and Area Director shall make an inspection and evaluation of the vegetative cover to determine if a satisfactory growth has been established. If it is determined that a satisfactory vegetative cover has been established in accordance with the approved exploration or mining plan and applicable regulations, and that it is likely to continue to grow, any remaining portion of the performance bond may be released if all other requirements have been met by the prospector or operator.

(d) Not less than 30 days prior to cessation or abandonment of operations, the prospector or operator shall report to the Mining Supervisor and the Area Director, who shall advise the Indian mineral owner, his intention to cease or abandon operations, together with a statement of the exact number of acres of land affected by his operations, the extent and kind of reclamation accomplished, a statement and description of the structures and other facilities that remain in the affected area, and any other relevant information. Upon receipt of such a report the Mining Supervisor shall inspect the affected area and consult with the Area Director to determine whether operations have been carried out in accordance with the terms of the contract, the approved exploration or mining plan and applicable regulations.

§ 177.10 Enforcement; appeals.

The provisions of this part may be enforced as provided by § 171.12 of Part 171 of this title. The Mining Supervisor shall promptly notify the Indian mineral owner and Area Director of violations or impending violations of the provisions of this Part so that they may take appropriate action. Appeals from decisions of

the Mining Supervisor under this part may be made pursuant to 30 CFR Part 290.

§ 177.11 Waiver.

The Indian mineral owner may seek a waiver from any of the provisions of this Part by making a written request to the Area Director, detailing the provisions sought to be waived and the reasons therefore. After consultation with the Indian mineral owner, the Area Director shall forward the request for waiver to the Commissioner of Indian Affairs for appropriate action. The Commissioner may grant such a waiver in accordance with § 1.2 of Part 1 of this title. Waivers may not be made by the inclusion of a waiver provision in a federal government contract form.

Subpart B—Coal Operations

§ 177.21 Operating and reclamation standards.

(a) Performance standards. The following performance standards shall be applicable to all coal exploration, development, mining, preparation, handling, and reclamation operations on the surface of land subject to this part, including the surface effects of underground mining:

(1) The operator shall reclaim affected lands pursuant to his approved plan, as contemporaneously as practicable with operations, to a condition capable of supporting all practicable uses which such lands were capable of supporting immediately prior to any exploration or mining, or equal or better uses that have been approved in accordance with this subpart.

(2) The operator shall replace overburden and waste minerals in the mined area by backfilling (compacting, where necessary, to ensure stability or to prevent leaching of toxic materials), grading, or other means, so as to cover all acid-forming or other toxic materials, eliminate highwalls and spoil piles and restore the approximate original contour. Where the thickness of the coal deposits relative to the volume of overburden is large and where the overburden and other spoil and waste materials are either insufficient or more than sufficient to restore the approximate original contour, the operator shall, in order to provide adequate drainage, backfill, grade, and, where necessary, compact, using all available overburden or spoil material, to obtain the lowest practicable grade, which shall in any event be less that the angle of repose. Excess overburden or other spoil material shall be fully reclaimed in accordance with the requirements of this subpart. Variance from the requirements of paragraphs (a) (1) and (2) of this section may be allowed in an approved mining plan if the Mining Supervisor, with the concurrence of the Area Director, determines that unusual physical conditions, such as steeply dipping coal beds or multiple seam mining, exist at the site, and such conditions make backfilling pursuant to such requirements impracticable as a result of the volume of material excavated or environmentally undesirable as a result of the duration of the operation.

(3) The operator shall stabilize and protect all surface areas, including spoil piles, affected by the coal mining and reclamation operation, to effectively control slides, erosion, subsidence, and attendant air and water pollution.

(4) The operator shall remove topsoil separately, for replacement on the backfill area, and if not so utilized immediately, segregate it in a separate pile from other soil. When topsoil is not to be replaced on a backfill area within a time short enough to avoid deterioration, the operator shall establish and maintain an approved quick growing vegetative cover or employ other approved measures so that the topsoil is protected from wind and water erosion and establishment of noxious plant species, and is in a condition for sustaining vegetation when used during reclamation. If topsoil is of insufficient quantity or of poor quality for sustaining vegetation, and if other excavated materials can be shown to be more suitable for revegetation, then the operator may be authorized in the approved plan to remove, segregate, protect, and utilize in a like manner such other material.

(5) The operator shall utilize water impoundments, water retention facilities, dams, or settling ponds only pursuant to an approved plan, and shall ensure that:

(i) Such facility is adequate for its intended purposes and the quality and quantity of impounded water will be suitable for its intended use.

(ii) Such facility is designed, located, built, used and maintained in accordance with sound engineering standards and practices and applicable Federal and tribal laws and regulations to ensure that such facilities will have necessary stability with an adequate margin of safety.

(iii) Final grading will provide adequate safety and access for proposed or reasonably anticipated water users.

(iv) Such facilities will not have a significant adverse impact on the water resources utilized by adjacent or surrounding landowners for agricultural, industrial, recreational, or domestic uses, provided, however, that this subparagraph shall not be deemed or construed to increase or diminish any property rights to any water held by any person.

(v) No mine or processing waste is used in the construction of such facilities unless authorized in the approved plan.

(6) The operator shall cover or plug all auger mine holes with noncombustible and, where necessary to minimize, control or prevent harmful drainage, impervious material.

(7) The operator shall utilize the best practicable commercially available technology to minimize, control, or prevent disturbances of the prevailing quality, quantity, and flow of water in surface and ground water systems, and of the prevailing erosion and deposition conditions at the mine site and in affected offsite areas, both during and after coal mining operations and reclamation by:

(i) Controlling acid or toxic drainage and the adverse consequences thereof by such measures as, but not limited to, diverting surface runoff water away from disturbed areas; excluding oxygen from, or restricting the flow of water through, acid or toxic-producing materials; treating drainage to reduce acid or toxic content which adversely affects downstream water upon being released to water courses; and casing, sealing, or otherwise treating drill holes, shafts, and walls to keep acid or toxic drainage from entering ground and surface waters.

(ii) Conducting surface mining operations so as to minimize, control, or prevent (A) contributions of suspended solids to streamflow or runoff outside the mining site above natural levels under seasonal flow conditions as measured for a period and at sites determined by the Mining Supervisor, in consultation with the Area Director, and (B) except where specifically authorized in an approved plan, deepening or enlarging of stream channels where operations include the discharge of water from mines.

(iii) Removing or modifying siltation structures after disturbed areas are revegetated and stabilized unless otherwise authorized by the Mining Supervisor in an approved plan, with the concurrence of the Area Director, provided, however, that any siltation structure retaining water shall in any event be subject to the requirements of paragraph (a)(5) of this section.

(iv) Protecting the quality, quantity, and flow, including depth of flow, of both upstream and downstream surface and ground water resources of those valley floors which provide water sources that support significant vegetation or supply significant quantities of water for other purposes, by such measures as, but not limited to, relocating and maintaining the gradients of streams, avoiding mining, installing, reestablishing, or replacing aquifers or aquicludes, and replacing soil, provided, however, that this subparagraph shall not be deemed or construed to increase or diminish any property right to any water held by any person.

(8) The operator shall: (i) Treat or dispose of all rubbish and noxious substances in a manner designed to minimize, control, or prevent air and water pollution and the hazards of ignition and combustion.

(ii) Dispose of all waste resulting from the mining and preparation of coal in a manner designed to minimize, control, or prevent air and water pollution and hazards of ignition and combustion. Where surface disposal of solid wastes in areas other than the mine workings or other excavations has been authorized in the approved plan, stabilize such waste including, where necessary, constructing waste piles in compacted layers with the use of incombustible and impervious materials; shape

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waste piles to be compatible with the natural surroundings and terrain; cover with topsoil or other suitable material in accordance with paragraph (a)(4) of this section, and revegetate in accordance with paragraph (a)(13) of this section. All impoundments of liquid wastes shall comply with the requirements of paragraph (a)(5) of this section. Waste containing coal in such quantity that it may be later separated from the waste by washing or other means shall be stored separately.

(9) Except as provided herein, the operator shall not conduct excavation, drilling, or blasting operations within 200 feet of an active or abandoned underground mine. Where it can be established by certified maps or inspection of such an underground mine that such activities may be conducted without danger of interference with, or penetration of, an underground mine, they may be authorized in an approved plan to be conducted up to but not less than 25 feet from such underground mine, provided that nothing in this paragraph shall preclude daylighting or similar surface coal mining activities intended to improve resource recovery, abate water pollution, or eliminate public hazards resulting from such underground mines.

(10) To prevent personal injury or damage to public and private property, the operator shall use explosives only in accordance with all applicable Federal and tribal laws and an approved plan, and shall:

(i) Provide adequate advance written notice by publication and/or posting of planned blasting schedules, to tribal and other local governments and to residents who might be affected by the use of such explosives, and maintain a log of the magnitudes and times of blasts for a period of at least two years.

(ii) Limit the size, timing, and frequency of blasts to those least disruptive of normal activities in the vicinity of the blasting.

(11) The operator shall design to applicable standards, construct, maintain, and, when no longer necessary and unless otherwise authorized in an approved plan, remove all roads, pipelines, powerlines and similar utility access facilities and associated bridges, culverts, and ditches, into and across the site of operations, in a manner that will minimize, control, or prevent erosion and siltation, pollution of water, damage to fish and wildlife or their habitat and public or private property. The operator shall maintain dust control by watering down or other suitable methods.

(12) (i) Roads shall not be surfaced with any acid or toxic producing material. No access roads will be constructed unless (A) the operator shall have first submitted to the Mining Supervisor a surveyed profile accompanied by typical cross-sections of the road and ditches, showing pipe, entrance and exit channels and sediment control structures and other structures or configurations to be used on the road to meet performance standards and (B) the location shall have been marked, and inspected and approved by the Mining Supervisor, in consultation with the local tribal government and the Area Director.

(ii) No access road shall be constructed in a stream, nor shall any stream or stream bed be used as an access road. Insofar as possible, all roads shall be located on benches, ridges, and flatter slopes to enhance stability and minimize disturbance. Stream fordings shall be avoided and the normal season flow and the normal seasonal sediment load shall not be detrimentally affected by access roads in a continuous fashion that results in harm to the aquatic eco-system, provided, however, that nothing in this subparagraph shall be construed to prohibit relocation or alteration of such beds or channels pursuant to the provisions of this Subpart and as set forth in an approved plan.

(13) (i) The operator shall, except where other reclamation based upon post-mining land use and not requiring revegetation pursuant to the requirements of this section is expressly provided for in an approved plan, establish on regraded areas and all other affected lands a diverse vegetative cover, native to the area and capable of regeneration and plant succession, at least equal in density and permanence to the natural vegetation; provided, however, that the Mining Supervisor, with the concurrence of the Area Director, may allow the use of approved mixtures or introduced or native species where preferable to achieve quick cover or assure successful revegetation. In approving such mixture, preference will be given to noxious species.

(ii) The operator's responsibility and liability under his performance bond for revegetation of each planting area shall extend until such time as the Mining Supervisor and the Area Director determine that successful revegetation in compliance with paragraph (a)(13)(i) of this section has occurred, provided, however, that this period shall extend for a minimum of five full years after the first planting, and for a total period of liability not to exceed 10 years from the original planting; and further provided that,

(A) Where the Area Director, in consultation with the Mining Supervisor, determines that natural conditions such as annual precipitation, soil characteristics, and native vegetation are stable and favor rapid revegetation, and that revegetation pursuant to paragraph (i) of this section is likely to occur before the expiration of such minimum period, he may specify in the contract that such minimum period will not apply with respect to some or all of the lands included in such contract; and

(B) Where during any period the Area Director, in consultation with the Mining Supervisor, determines that natural conditions such as annual precipitation and soil characteristics are sufficiently unstable so as to favor only slow and uncertain revegetation, he may recommend to the Mining Supervisor that the liability of the operator be extended for a period of up to five years beyond the period initially established, if the financial liability that would be incurred by the operator as a result is reasonably commensurate with the increased probability of successful revegetation.

(iii) During the relevant period of liability, the Mining Supervisor and the Area Director shall jointly inspect and evaluate the revegetated areas as soon as possible after each full growing season to determine whether satisfactory vegetative growth is being established, or whether additional revegetation efforts should be ordered by the Mining Supervisor.

(14) The operator shall regulate public access, vehicular traffic and wildlife or livestock grazing in all areas of active operations, including lands undergoing reclamation, in order to protect the residents and the public wildlife and livestock from hazards associated with such operations, and to protect revegetated areas from unplanned and uncontrolled grazing. For this purpose, the operator shall provide warning signs, fencing, flagmen, barricades and other safety and protective measures as may be necessary.

(15) Coal storage areas shall be designed and maintained so as to eliminate fire hazards from spontaneous combustion and other accidental ignition. If a coal seam exposed by surface mining or an accumulation of slack coal or combustible waste becomes ignited during the term of a contract, the operator shall immediately take all necessary steps to extinguish the fire.

(16) Upon completion or temporary or permanent abandonment of mining operations in all or any part of a strip pit, the face of the coal shall be covered with noncombustible material that will effectively protect the coal bed from becoming ignited.

(17) The driving of any underground openings by auger or other methods from any strip pit shall not be undertaken except as specifically approved by the Mining Supervisor in an approved plan.

§177.22 Completion of operations and abandonment.

(a) *Grading and backfilling.* Upon completion of backfilling and grading as required by the approved plan and prior to replacing topsoil and revegetation, the operator shall submit a report thereon, in duplicate, to the Mining Supervisor and request inspection for approval. Whenever it is determined by such inspection that the backfilling and grading requirements have been met, the Mining Supervisor shall recommend to the Area Director release of an appropriate amount of the compliance bond for the area satisfactorily backfilled and graded.

(b) *Temporary abandonment.* In areas in which there are no current operations, but operations are to be resumed under an approved plan, the operator shall substantially backfill, fence, protect, or otherwise effectively close all surface openings, auger holes, areas prone to subsidence, and surface facilities or workings which are a hazard to people or animals. Conspicuous signs shall be posted prohibiting entrance of unauthorized persons. All such protective measures shall be maintained in a secure condition until such operations are resumed or permanently abandoned.

(c) *Permanent abandonment.* Before permanent abandonment of exploration or mining operations, all openings and excavations, including water discharge points, shall be closed or backfilled, or otherwise permanently dealt with in accordance with sound engineering practices and according to the approved plan. Drill holes, trenches, and other excavations, for exploration, development, or prospecting shall be abandoned in such a manner as to protect the surface and not to endanger any present or future underground operations or any deposit of oil, gas, other mineral resources, or ground water. Methods of abandonment shall be approved in advance by the Mining Supervisor in an approved plan, and may include casing, or combinations of these or other methods. Reclamation and clean-up of permanently abandoned underground or surface mines and surrounding areas, including, except where otherwise expressly provided in an approved plan, removal of equipment and structures related to the mining operations, shall commence without delay following cessation of mining operations. Areas affected by access roads will be graded, drained, and revegetated in accordance with the approved mining plan and therein approved post-mining land use prior to bond release. In the event that access or haul roads are intended to remain after abandonment of the operation, pursuant to section 177.21 of this Subpart, they must be designed and constructed so as to be permanently stabilized, using adequate drains, water barriers, and other practices.

(d) *Notice of Abandonment; release of bond.* (1) Not less than 30 days prior to cessation or abandonment of operations, the operator shall submit to the Mining Supervisor, in duplicate, a notice of his intention to cease or abandon operations, together with a statement of the exact number of acres affected by his operations, the extent and kind of reclamation accomplished, and a statement as to the structures and other facilities that are to be removed from or remain on the leased, permitted, or licensed lands.

(2) Upon receipt of such notice, the Mining Supervisor and the Area Director shall promptly make an inspection to determine whether all operations have been completed in accordance with the terms and conditions of all contracts, and with the requirements of the approved operating plan. Where the operator has complied with all such terms, conditions, and requirements, and the regulations of this part, the Mining Supervisor shall recommend to the Area Director that the appropriate period of liability be terminated.

(3) When the surface of lands in a contract is not owned by the Indian mineral owner and is not held in trust by the United States for the Indian mineral owner, the Mining Supervisor shall notify the surface owner and solicit and take into account his comments before recommending to the Area Director that the period of such bond liability be terminated.

3. Part 182 is added as follows:

PART 182—OIL AND GAS CONTRACTS

Sec.

182.1 Scope of regulations.
182.2 Definitions.
182.3 Applicability of U.S. Geological Survey regulations.
182.4 Authority and responsibility of Area Supervisor.
182.5 Appeals.
182.6 General provisions.
182.7 Removal of restrictions.
182.8 Removal of restrictions upon part of acreage.
182.9 Geological and geophysical permits.
182.10 Application for geological and/or geophysical permits, leases, and other development contracts.
182.11 Authority to contract.
182.12 Procedures for awarding contracts and types of contracts authorized.
182.13 Approval of contracts.
182.14 Persons signing in representative capacity; furnishing of corporate and other information.
182.15 Bonds.
182.16 Rentals, minimum royalty, production royalty.
182.17 Manner of payments.
182.18 Inspection of premises, books and accounts.
182.19 Assignments, operating and development agreements, and overriding royalties.
182.20 Restrictions on operations, workover and shut-in applications.
182.21 Unitization, communization and well spacing.
182.22 Contracts for subsurface storage of oil or gas.
182.23 Termination and cancellation, enforcement of orders.
182.24 Fees.

AUTHORITY: Sec. 4, Act of May 11, 1938 (52 Stat. 348, 25 U.S.C. 396d), Act of March 3, 1909, as amended (35 Stat. 783, 25 U.S.C. 396); sec. 1, Act of August 9, 1955, as amended (69 Stat. 539, 25 U.S.C. 415), Act of July 8, 1940 (54 Stat. 745, 25 U.S.C. 380), secs. 16 and 17, Act of June 18, 1934 (48 Stat. 987, 25 U.S.C. 476 and 477); sec. 2103, Revised Statutes (25 U.S.C. 81); sec. 3, Act of February 28, 1891 (26 Stat. 795, 25 U.S.C. 397), Act of May 29, 1924 (43 Stat. 244, 25 U.S.C. 398), Act of March 3, 1927 (44 Stat. 1347, 25 U.S.C. 398a–e); sec. 26, Act of June 30, 1919, as amended (41 Stat. 31, 25 U.S.C. 399); sec. 3, Act of June 28, 1906, as amended (34 Stat. 543).

§182.1 Scope of regulations.

(a) Except as provided in this section, the regulations in this part govern oil and gas development on individually owned and tribal land and other lands under the jurisdiction of the Department of the Interior where the proceeds from oil and/or gas development belong to Indians or are required to be used for the benefit of Indians, except lands leased by the Bureau of Land Management pursuant to the Minerals Leasing Act for Acquired Lands, enacted August 7, 1947 (61 Stat. 918; 30 U.S.C. 351–359). These regulations shall not apply to the Osage Reservation or to lands of Members of the Five Civilized Tribes in Oklahoma.

(b) Where oil and gas mineral rights are acquired for or by Indians and at the time of such acquisition they are under lease pursuant to 43 CFR, those leases shall be administered by the Commissioner of Indian Affairs in accordance with 43 CFR except that appeals shall be governed by 25 CFR, Part 2, and all payments or reports required by such leases shall be made to the official of the Bureau of Indian Affairs having jurisdiction over the land instead of to the Bureau of Land Management as designated in 43 CFR.

(c) All former regulations in Parts 171, 172, 173, and 174 (except as otherwise provided in this part) governing oil and gas exploration and leasing are superseded by the regulations in this Part. Except as otherwise provided in this Part, all contracts which were approved prior to the effective date of these regulations shall be governed by the regulations applicable to them on the date of approval.

(d) The operating and development standards in this Part may be superseded by the provisions of any tribal Constitution, by-laws or charter issued pursuant to the Indian Reorganization Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 461, et seq.), the Alaska Act of May 1, 1936 (49 Stat. 1250; 25 U.S.C. 473a); or the Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967; 25 U.S.C. 501, et. seq.), or by ordinance, resolution or other action authorized under such Constitution, by-laws or charter, if the tribal action provides protection at least as stringent as is provided by these regulations. The operating and development standards in this Part, insofar as they are not so superseded, shall apply to contracts made by organized tribes if the validity of the contract depends upon the approval of the Secretary of the Interior.

(e) Valid leases previously approved and renewed pursuant to Part 184 shall continue through the present renewal period according to their terms until expiration. Subsequent renewals shall be subject to the regulations of this part and applicable provisions of 30 CFR, Part 221, including development and production requirements.

§ 182.2 Definitions.

As used in the regulations in this part:

(a) "Area Director" means the Bureau Area Director or his authorized representative having immediate jurisdiction over the oil or gas covered by a contract governed by the regulations of this part.

(b) "Bureau" means the Bureau of Indian Affairs.

(c) "Contract" means any written contract or other legally binding agreement, and is not limited in its meaning to leases, and does not include geological or geophysical permits.

(d) "Gas" means any fluid, either combustible or noncombustible, which is produced from a natural state from the earth and which maintains a gaseous or rarefied state at ordinary temperature and pressure conditions.

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(e) "Indian mineral owner" means:
(1) A federally recognized Indian tribe, band, nation, community, group, colony, or Pueblo, or agency or subdivision thereof; or
(2) An individual Indian;

Who owns trust or restricted minerals or mineral rights, or is entitled to the proceeds or benefit of the mining or development of minerals, title to which is held by the United States.

(f) "Individual Indian mineral owner" means an Indian mineral owner as defined in subsection (e) (2) of this section.

(g) "Oil" means any liquid hydrocarbon substance which occurs naturally in the earth, including drip gasoline or other natural condensates recovered from gas, without resort to manufacturing process.

(h) "Operator" means a person, proprietorship, partnership, corporation, or other business association which has made application for, is negotiating with an Indian mineral owner with respect to, or has entered into a contract to mine for oil or gas.

(i) "Secretary" means the Secretary of the Interior or his authorized representative.

(j) "Superintendent" means the Bureau Superintendent or his authorized representative having immediate jurisdiction over the minerals covered by a contract under this Part.

(k) "Supervisor" means the Area oil and gas Supervisor, a representative of the Secretary, subject to the direction and supervisory authority of the Director, Geological Survey.

(l) "Tribal mineral owner" means an Indian mineral owner as defined in subsection (e) (1) of this section.

§182.3 Applicability of U.S. Geological Survey regulations.

The regulations of the United States Geological Survey published in 30 CFR, Part 221, as amended, are applicable to geological and geophysical permits, leases, and other contracts governed by this Part when not inconsistent with the express provisions of the permits, leases, or other contracts, or with the regulations of this Part.

§182.4 Authority and responsibility of area supervisor.

The Area Supervisor is authorized and empowered to approve, supervise, and direct operations under oil and gas contracts governed by the regulations of this part; to furnish to the Secretary and the Indian mineral owner scientific and technical information and advice; to ascertain and record the amount and value of production; to determine and record rentals and royalties due and paid. As to oil land gas contracts involving profit-sharing or other than percentage royalty method of payment, the Supervisor shall not be responsible for monitoring, accounting for and collecting the funds resulting from such contractual agreements. However, the Supervisor shall be responsible for reviewing and reporting to the Secretary his recommendations concerning any proposed oil and gas contracts.

§182.5 Appeals.

Appeals from decisions regarding contracts governed by the regulations in this part shall be made in accordance with Part 2 of this title if the decision is made by an official of the Bureau of Indian Affairs. If the decision appealed is rendered by an official of the U.S. Geological Survey, the appeal shall be made in accordance with Part 290 of Title 30 of the Code of Federal Regulations.

§ 182.6 General provisions.

(a) All geological and geophysical permits, leases, or other contracts, and all assignments thereof for the exploration for or development of oil and/or gas, and all bonds shall be in a form approved by the Secretary, and such instruments and ratifications of such instruments shall be subject to his written approval. The forms may be obtained from the officer having jurisdiction over the lands.

(b) All leases or other contracts executed before the removal of restrictions against alienation on land from which all restrictions are removed after execution but before Departmental approval, whether now filed with the Secretary or presented for consideration hereafter, will be considered and acted upon by the Department of the Interior if such leases or contracts contain specific provision for approval by the Secretary.

§ 182.7 Removal of restrictions.

(a) Nothing contained in any oil or gas contract shall operate to delay or prevent a termination of Federal trust responsibilities with respect to the land by the issuance of a fee patent or otherwise during the term of a contract. The owners of the land and the holder of any such contract shall be notified of any change in the status of the land.

(b) Notwithstanding the provisions of any oil or gas contract to the contrary, the removal of all restrictions against alienation shall operate to divest the Department of all supervisory authority and responsibility with respect to the contract. Thereafter, all payments required to be made under the contract shall be made directly to the mineral owner(s).

(c) In the event restrictions are removed from a part of the land included in any contract to which this part applies, the entire contract shall continue subject to the supervision of the Secretary until such time as the holder of the contract and the mineral owner shall furnish to the Secretary satisfactory evidence that adequate arrangements have been made to account for the oil and gas upon the restricted land separately from that upon the unrestricted. Thereafter, the unrestricted portion shall be relieved from supervision of the Secretary, and the restricted portion shall continue subject to such supervision as is provided by the contract, the regulations of this part, and all other applicable laws and regulations.

§ 182.8 Removal of restrictions upon part of acreage.

Should restrictions be removed from only part of the acreage covered by a contract which provides that payments to the mineral owners shall thereafter be paid to each owner in the proportion which his acreage bears to the entire acreage covered by the contract, the operator on any unrestricted portion shall continue to be required to make the reports required by the regulations in this Part with respect to the beginning of drilling operations, completion of wells, and production, the same as if no restrictions had been removed. In the event the unrestricted portion of the contracted premises is producing, the operator will also be required to pay the portion of the royalties or other revenue due the Indian mineral owner at the time and in the manner specified by the regulations in this Part.

§ 182.9 Geological and geophysical permits.

Geological and geophysical permits may be granted to search for evidence of oil or gas. Prior consent of the tribe must be obtained for geological and/or geophysical permits on tribal land and the consent of a majority of the ownership interest if known on individually owned land. Such permits must describe the area to be explored, definitely state the term and the consideration to be paid. A geological and/or geophysical permit will not give the permittee any preference right to a lease or other development contract nor authorize the production or removal of oil or gas.

§ 182.10 Application for geological and/or geophysical permits, leases and other contracts, and sales of leases or other development contracts.

Applications for geological and/or geophysical permits accompanied by a plan of the work which the applicant intends to perform and requests for tracts to be advertised may be made to the official of the Bureau of Indian Affairs having jurisdiction over the land, or to the Indian mineral owner.

§ 182.11 Authority to contract.

(a) Contracts authorizing exploration or prospecting for, or for development and production of Indian-owned oil and/or gas may be entered into by a tribal mineral owner through its governing body, by an individual Indian mineral owner, or by a group of Indian mineral owners acting jointly or through an association or entity in which they all participate. Such contracts, as well as amendments thereto, shall be subject to the approval authority described in section 182.13 of this Part, and shall not be valid until such approval has been secured. Indian mineral owners are encouraged to consult with the Area Director during the negotiation of an oil or gas contract.

(b) An Indian mineral owner may at any time seek technical or other advice or assistance regarding development of Indian-owned minerals from the Superintendent or Supervisor, who shall provide such advice or assistance upon request consistent with his authority.

(c) The Secretary may enter into contracts authorizing exploration for or development of Indian-owned oil and/or gas on behalf of individual Indian mineral owners only under the following circumstances:

(1) Where the individual Indian mineral owner of record is deceased and the heirs to or devisees of any interest in the minerals have not been determined, and the Superintendent has complied with Bureau regulations regarding the timeliness of the probate of the estate; or

(2) Where there are multiple individual Indian mineral owners in an undivided tract which is sought for exploration or development, and

(i) One or more owners desires to enter into a contract pursuant to this Part but the remainder of the owners cannot be locaed, or

(ii) None of the owners can be located; or

(3) Where the individual mineral owner or a majority ownership interest in the mineral tract is incapacitated by reason of minority.

(d) The Secretary may not otherwise award any contracts affecting rights in Indian-owned oil or gas unless he has ben requested to do so by the Indian mineral owner.

§ 182.12 Procedures for awarding contracts and types of contracts authorized.

(a) Except in the case of leases by tribal mineral owners who are not organized under sections 16 and 17 of the Act of June 18, 1934 (25 U.S.C. 476, 477), an Indian mineral owner may utilize the following procedures, among others, in entering into a mining or prospecting contract. A contract may be entered into through competitive bidding, negotiation, or a combination of both, and may relate to prospecting, mining or both. The Indian mineral owner may also request the Secretary to undertake the preparation, advertisement, negotiation, and/or award of such contract on his behalf. If so requested, the Secretary shall undertake such responsibility in accordance with the procedures hereinafter described in this section. If application is made to the Secretary by a potential prospector or operator for a contract to prospect and/or mine Indian-owned minerals, the Secretary shall promptly notify the Indian mineral owner thereof, and advise the owner in writing of the alternatives open to him, and that he may decline to permit any prospecting for or mining of his minerals.

(b) All prospecting or mining contracts entered into by Indian mineral owners shall be in writing and approved by the Secretary. Except as otherwise provided in these regulations or by applicable law, there shall be no restrictions on the terms of such contracts, provided, however, that no interest in land or minerals may be granted in perpetuity and the Indian mineral owner shall be guaranteed a fair royalty or share of the minerals extracted or produced or of the revenue derived therefrom. Individual contracts shall be written to express the will of the parties considering local conditions and circumstances.

(c) Where the Secretary exercises his authority to enter into contracts on behalf of individual Indian mineral owners pursuant to § 162.11(c) of this part, or where he has been requested by the Indian mineral owner under paragraph (a) of this section to assume the responsibility of awarding the contract, he shall offer contracts to the highest responsible qualified bidder subject to the following procedures, unless he determines in accordance with paragraph (d) of this section that the highest return can be obtained on the minerals by other methods of contracting (such as negotiation):

(1) Contracts shall be offered for a bonus consideration under sealed bids or public auction at least 30 days in advance of sale or such longer time as is necessary to achieve optimum competition.

(2) The advertisement shall specify any terms requested by the Indian mineral owner and may permit bidders to compete on such terms as rental and royalty rates as well as upon bonus payment; and it shall provide that the Secretary reserves the right to reject any or all bids, and that acceptance of the contract bid by or on behalf of the Indian mineral owner is required;

(3) Each bid must be accompanied by a cashier's check, certified check, or postal money order or any combination thereof, payable to the payee designated in the advertisement, in an amount not less than 25 percent of the bonus bid, which will be returned if that bid is unsuccesful;

(4) If no bid is received which meets the criteria of § 182.13, or if the accepted bidder fails to complete the contract, or if the Indian mineral owner refuses to accept the highest bid, the Secretary may readvertise the contract, or if deemed advisable, and in accordance with subsection (d) of this section, he may attempt to award a contract by private negotiations, provided that the Secretary shall not award a contract by private negotiations without the written concurrence of the Indian mineral owner unless he is exercising his authority under § 182.11(c) of this part.

(5) A successful bidder must remit within 30 days after notification of the bid award the balance of the bonus, the first year's rental, a $25 filing fee, and his share of the advertising costs, and all required bonds, with the Superintendent. The successful bidder shall also file the contract in completed form at that time. However, for good and explicit reasons the Secretary may grant an extension of time for filing of the contract. Failure on the part of the bidder to comply with the foregoing will result in forfeiture of 25 percent of any bonus bid for the use and benefit of the Indian mineral owner, in addition to pursuit of any and all other available remedies.

(d) If methods of contracting other than the competitive bid procedure are used, the Superintendent shall prepare written findings stating the reasons why it was more satisfactory than other methods, after consultation with the Mining Supervisor.

(e) Where the Indian mineral owner has requested the Secretary to offer a contract to the highest responsible bidder in accordance with paragraph (c) of this section, the Secretary shall advise the Indian mineral owner of the results of the bidding, and shall not award the contract to the successful bidder until the consent of the Indian mineral owner has been obtained.

(f) No oil or gas contract with an Indian mineral owner shall exceed a term of ten years and as long thereafter as minerals are produced in paying quantities, except where a longer period is permitted or a shorter period required by Federal law. For the purposes of this provision, the term of a contract entered into by the exercise of an option shall be measured from the date of the exercise of the option.

(g) Where a mining contract specifies a term of years and "as long thereafter as minerals are produced in paying quantities" or similar phrase, the term "paying quantities" shall mean:

(1) That quantity of recovered minerals which produces during the fiscal year of the contract, an after-tax profit to the operator, over and above the total cost of: extraction, processing, and handling to the point of sale; all rents and royalties paid under the contract; all salaries and expenses incident to such extraction, processing, and handling; all taxes incident thereto; all depreciation on salvageable production equipment; all administrative expenses attributable to the operation; and any other expenses so attributable, such as business licenses, repair of equipment, and transportation; and also

(2) That quantity of minerals which proudces sufficient income so that a reasonably prudent operator would continue to operate in a diligent manner for the purpose of making a profit from the subject operation and not merely for speculation.

(h) In order to continue production in paying quantities, the operator must not suspend mining or production operations at any time for a period of 30 days or more without the prior express written approval of the Secretary unless production is impossible as a result of an Act of God or some other cause clearly beyond the operator's power to control. At the expiration of the principal term of the mining or production contract and at the end of each fiscal year thereafter until expiration of the contract, the operator shall present sufficiently detailed written evidence to the Indian mineral owner and to the Secretary to demonstrate under both standards above that minerals are being produced in paying quantities.

(i) Where development or production contracts are for a primary term of less than ten years, it may be provided in the contract that if actual drilling operations have commenced prior to the end of the primary term and are being diligently prosecuted at the expiration of the primary term, and subject to the consent of the Indian mineral owner, the operator shall have the right to drill such

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well or wells to completion with reasonable diligence and, if oil or gas as covered by the contract is found in paying quantities, the contract shall continue in force and effect as if such well or wells had been completed within the primary term.

(j) Oil and/or gas leases by tribal mineral owners, who are not organized under sections 16 and 17 of the Act of June 18, 1934 (25 U.S.C. 476, 477), shall be entered into in accordance with the procedures in subsection (c) of this section. However, if no satisfactory bid is received, or the accepted bidder fails to complete the lease, the Secretary may readvertise the lease for sale, or the lease may be let through private negotiations, subject to the consent of the tribal governing body and the approval of the Secretary pursuant to § 182.13 of this part. This provision is not applicable to oil and gas contracts other than leases.

§ 182.13 Approval of contracts.

An oil and/or gas contract shall be approved by the Secretary if he determines that the following conditions have been met:

(1) The contract provides fair and reasonable remuneration to the Indian mineral owner;

(2) The contract does not have adverse cultural or environmental consequences sufficient to outweigh its benefits to the Indian mineral owner;

(3) The contract complies with the requirements of this Part, all other applicable laws and regulations, and tribal law where not inconsistent with federal law.

§ 182.14 Persons signing in a representative capacity; furnishing of corporate and other information.

(a) The signing in a representative capacity and delivery of bids, geological and geophysical permits, contracts or assignments, bonds, or other instruments required by these regulations constitutes certification that the individual signing, except a surety agent, is authorized to act in such capacity. An agent for a surety shall furnish a satisfactory power of attorney.

(b) A corporation proposing to acquire an interest in a permit or a contracted real property interest in Indian-owned oil and/or gas shall file with the instrument a statement showing:

(1) The state in which the corporation is incorporated, and that the corporation is authorized to hold such interests in the state where the land described in the instrument is situated; and

(2) That it has power to conduct all business and operations as described in the instrument; and

(3) Such other information as the Secretary may require in the exercise of his trust responsibility to the Indian mineral owner.

(c) The Secretary may, either before or after the approval of a permit, contract, assignment, or bond call for any additional information necessary to carry out the regulations in this Part, other applicable laws and regulations and his trust responsibility to the Indian mineral owner. Failure to furnish the requested information will be deemed sufficient cause for disapproval or cancellation of the instrument, whichever is appropriate.

§ 182.15 Bonds.

(a) The Secretary may require a geological or geophysical permittee to furnish a surety bond in such amount as he deems advisable.

(b) Operators shall furnish a bond with each contract and assignees shall furnish a bond with each assignment in a sum of at least double the amount of the annual rental, but in no case less than $1,000 per quarter-section or fractional quarter-section covered by a contract, and conditioned upon compliance with all the terms of the contract. Before beginning drilling operations, an additional bond in an amount to be determined by the Supervisor and the approving official must be furnished, but in no event less than $10,000.

(c) In lieu of the lease or drilling bonds required under paragraph (b) of this section, the operator may file one bond for $50,000 for all oil and gas contracts in any one state, or such lesser jurisdiction as determined by the Secretary, including contracts on that part of an Indian reservation extending into states contiguous thereto, to which the operator may become a party. The total acreage covered by such bond shall not exceed 10,240 acres.

(d) In lieu of the bonds required under paragraphs (a), (b), and (c) of this section, a operator or permittee may file a bond in the sum of $150,000 for full nationwide coverage for all contracts and permits without geographic or acreage limitations.

(e) Bonds shall be corporate surety bonds.

(f) The right is specifically reserved to the Secretary to increase the amount of bonds in his discretion.

§ 182.16 Rentals, minimum royalty, production royalty.

(a) An oil or gas lessee shall pay, in advance, beginning with the effective date of the lease, an annual rental of not less than $2 per acre or such other rate authorized by the Secretary. This rental shall not be credited on production royalty or prorated or refunded because of surrender or cancellation or for any other reason.

(b) If the royalty on production paid during any year aggregates less than $2.50 per acre, the lessee must pay the difference at the end of the lease year. On unitized leases, the minimum royalty shall be payable only on the participating acreage.

(c) Unless otherwise provided by the Secretary (or his authorized representative prior to the offering of land for oil and gas leases), a royalty of not less than 16⅔ per cent shall be paid on the value of all oil and gas, and products extracted therefrom from the land leased.

(d) During the period of supervision, "value" for the purpose of the lease may, in the discretion of the Secretary, be calculated on the basis of the highest price paid or offered at the time of production for a significant portion of the oil of the same gravity, gas, and/or natural gasoline, and/or all other hydrocarbon substances produced and sold from the field where the leased lands are situated, and the actual volume of the marketable product less the content of foreign substances as determined by the Oil and Gas Supervisor. The actual amount realized by the lessee from the sale of said products may, in the discretion of the Secretary, be deemed mere evidence of or conclusive evidence of such value.

(e) If the leased premises produce gas in excess of the lessee's requirements for the development and operation of said premises, gas shall be furnished by the lessee to any tribally-owned building or enterprise, at a rate not to exceed the price-less-royalty being received by a gas purchaser, and by means of a regulator installed, connected to the well and maintained by the lessee. *Provided*, That this requirement shall be subject to the determination by the Superintendent that gas in sufficient quantities is available above that needed for lease operation and that waste would not result. Gas furnished to the tribe under this section may be terminated only with the approval of the Superintendent.

§ 182.17 Manner of payments.

(a) All payments shall be paid to the Secretary or such other party as he may designate and shall be made at such time as provided in the advertisement, permit, or contract. When there is production, each payment shall be transmitted through the Supervisor, with a statement by the operator in duplicate, showing the specific contract payment that the remittance is intended to cover, identified by both Departmental Contract and other lease or contract number. Such statement shall identify each remittance by number, date, amount, name of each payee, and shall show the total amount paid and shall be supported by a copy of the purchaser's settlement or pipeline statement for each lease under which royalties are paid.

(b) Operators may make arrangements with the purchasers of oil and gas for the payment of the royalties as provided in the lease and regulations, but such arrangement, if made, shall not relieve the operator from responsibility should the purchaser fail or refuse to pay the royalties when due.

§ 182.18 Inspection of premises, books and accounts.

Operators shall agree to allow Indian mineral owners, their representatives or any authorized representative of the Secretary to enter, from time to time, all parts of the contracted premises for the purpose of inspection, and shall further agree to keep a full and correct account of all operations and make reports thereof, as required by the contracts and regulations; and their books and records, showing manner of operations and persons interested, shall be open at all times for examination by the Secretary and the Indian mineral owner.

§ 182.19 Assignments, operating and development agreements, and overriding royalties.

(a) *Assignments.* Approved contracts hereafter approved, or any interest therein, may be assigned or transferred only with the approval of the Secretary. The assignee must be qualified to hold such contract under existing rules and regulations and shall furnish a satisfactory bond conditioned for the faithful performance of the covenants and conditions thereof. An operator must assign either his entire interest in a contracted area or a legal subdivision (which may be a separate horizon) thereof, or an undivided interest in the whole lease or contracted area. *Provided*, That when an assignment covers only a legal subdivision of a contract area or covers interests in separate horizons such assignment shall be subject to both the consent of the Secretary and the Indian mineral owner. If a contract area is divided by the assignment of an entire interest in any part, each part shall be considered a separate contract, and the assignee shall be bound to comply with all the terms and conditions of the original contract. A fully executed copy of the assignment shall be filed with the Superintendent within 30 days after the date of the execution by all parties.

(b) *Overriding royalty.* Agreements creating overriding royalties or payments out of production shall not be considered as an assignment. Agreements creating overriding royalties or payments out of production are hereby authorized and the approval of the Department of the Interior or any agency thereof shall not be required with respect thereto, but such agreements shall be subject to the condition that nothing in any such agreement shall be construed as modifying any of the obligations of the operator with the Indian mineral owner under his contract and the regulations in this Part, including requirements for Departmental approval before abandonment. All such obligations are to remain in full force and effect, the same as if free of any such royalties or payments. The existence of agreements creating overriding royalties or payments out of production need not be filed with the Superintendent unless incorporated in assignments or instruments required to be filed pursuant to paragraph (a) of this section. An agreement creating overriding royalties or payments out of production shall be suspended when the working interest income per active producing well is equal to or less than the operational cost of the well, as determined by the Superintendent.

(c) *Operating or development contracts.* The Superintendent is authorized to approve drilling contracts with a stipulation that such approval does not in any way bind the Department to approve subsequent assignments that may be provided for in said contracts. Approval merely authorizes entry on the lease or contracted area for the purpose of development work.

§ 182.20 Restrictions on operations, work-over and shut-in applications.

(a) The Secretary may impose such restrictions as in his judgment are necessary for the protection of Indian-owned natural resources.

(b) The Secretary may, under such terms and conditions as he may prescribe and after obtaining the consent of any Indian mineral owner affected, authorize suspension of operating and producing requirements whenever it is considered that marketing facilities are inadequate or economic conditions unsatisfactory. Such suspensions shall not extend beyond the ten-year primary term of tribal leases approved pursuant to the Act of May 11, 1938 (52 Stat. 347; 25 U.S.C. 396(a)-(g)). Applications by operators for relief from operating and producing requirements shall be filed in triplicate in the Office of the Supervisor and a copy thereof filed with the Superintendent. Complete information must be furnished showing the necessity for such relief. Suspension of operations and production shall not relieve the operator from the obligations of continued payment of annual rental or the minimum royalty. The operator shall pay as shut-in royalty an additional $2.50 per acre in advance for each annual period of suspension, provided that if the period of suspension is less than 12 months, the rate will be prorated. Said shut-in royalty shall not be recoverable out of royalties or otherwise from subsequent production.

(c) The Secretary may, after obtaining the consent of any Indian mineral owner affected, and under such terms and conditions as he may prescribe, authorize suspension of operating and producing whenever it is determined that reworking or drilling operations is in the best interests of the Indian mineral owner, *provided*, That such reworking or drilling operations are commenced within 60 days and thereafter conducted with reasonable diligence during the period of nonproduction. Any suspension under this paragraph shall not relieve the operator from liability for the payment of rental and minimum royalty or other contract payments due under the terms of the contract.

§ 182.21 Unitization, communization and well spacing.

For the conservation and proper utilization of natural resources the Secretary, subject to obtaining the prior consent of the tribe where the tribe is the mineral owner, may approve, recognize and require that contracted areas shall be subject to cooperative or unit agreements, communization or drilling agreements and well spacing or development programs. All applications and documents incident to such agreements shall be filed with the Supervisor and a copy of the application fully describing the lands and listing the contracted areas shall be filed with the Superintendent.

§ 182.22 Contracts for subsurface storage of oil or gas.

(a) The Secretary may approve, subject to obtaining the prior consent of the Indian mineral owners, storage contracts or modifications, amendments or extensions of oil and gas leases or other contracts, on tribal lands subject to lease or contract under the Act of May 11, 1938 (52 Stat. 347; 25 U.S.C. 396a), and on allotted lands subject to lease or contract under the Act of March 3, 1909 (35 Stat. 783; 25 U.S.C. 396) to provide for subsurface storage of oil or gas, irrespective of the lands from which production is initially obtained. The storage contract or modification, amendment, or extension, shall provide for the payment of such storage fee or rental, or in lieu thereof, for a royalty or percentage payment other than that prescribed in the oil and gas production contract when such stored oil and gas is produced in conjunction with oil or gas not previously produced.

(b) The Secretary may approve, subject to obtaining the prior consent to the Indian mineral owners, a provision in an oil and gas contract, under which storage of oil and gas is authorized, for continuance of the contract at lease for the period of such storage use and so long thereafter as oil or gas not previously produced is produced in paying quantities.

(c) Applications for subsurface storage of oil or gas shall be filed in triplicate with the oil and gas supervisor and shall disclose the ownership of the lands involved, the parties in interest, the storage fee, rental, or royalty offered to be paid for such storage, and all essential information showing the necessity for such project. Enough copies of the final agreement signed by the Indian mineral owners and other parties in interest shall be submitted for approval of the Secretary to permit retention of five copies by the Department after approval.

§ 182.23 Termination and cancellation, enforcement of orders.

(a) Any lease or contract area on which there has been no drilling, exploration or surface disturbance activity shall automatically terminate by operation of law if the lessee fails to pay the rental on or before the due date. If the time for payment falls upon any day in which the proper office to receive payment is not open, payment received on the next office working day shall be deemed timely.

(b If the Supervisor determines that a permittee or operator subject to the regulations in this part has failed to comply with the regulations in this part, other applicable laws or regulations, the terms of the contract, the requirements of an approved exploration or drilling plan, or the orders of the Supervisor, and such noncompliance does not threaten immediate and serious damage to the environment, the resource or the deposit being developed, or other valuable mineral deposits or other resources, the oil and gas supervisor shall serve a notice of noncompliance upon the permittee or

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operator by delivery in person or mailed to him at his last known address. Failure of the permittee or operator to take action in accordance with the notice of noncompliance within the time limits specified by the Supervisor or to initiate an appeal pursuant to Part 290 of Title 30 of the Code of Federal Regulations shall be grounds for suspension of operations subject to such notice by the Supervisor or his recommendations for the initiation of action for cancellation of the contract and forfeiture of any compliance bonds.

(c) The notice of noncompliance shall specify in what respect the operator has failed to comply with the provisions of applicable regulations, laws, terms of the drilling plan or contract, or the orders of the Supervisor, and shall specify the action which must be taken to correct such noncompliance and the time limits within which such action shall be taken. A written report shall be submitted by the permittee or operator to the Supervisor when such noncompliance has been corrected.

(d) If, in the judgment of the Secretary, a permittee or operator is conducting activities on lands subject to the provisions of this Part which fail to comply with the provisions of this Part, other applicable laws or regulations, the terms of the contract, the requirements of an approved exploration or drilling plan, or the orders of the Supervisor, and which threaten immediate and serious damage to the environment, the resource or deposit being mined, or other valuable mineral deposits or other resources, the Supervisor shall order the immediate cessation of such activities, without prior notice of noncompliance. Such order may be appealed as provided in Part 290 of Title 30 of the Code of Federal Regulations. Compliance with such order shall not be suspended by reason of the taking of an appeal, unless such suspension is ordered in writing by the official before whom such appeal is pending, and then only upon a written determination by such official that such suspension will not be detrimental to the Indian mineral owner or upon submission of a bond deemed adequate by both the Indian mineral owner and the Secretary to indemnify the Indian mineral owner from any resulting loss or damage.

(e) The Supervisor shall investigate all claims of the Indian mineral owner regarding permittee's or operator's failure to comply with the provisions of this Part, other applicable laws or regulations, the terms of the contract, the requirements of an approved exploration or drilling plan, or the orders of the Supervisor. The Supervisor shall consult with the Superintendent and the Indian mineral owner, where possible, prior to taking any action pursuant to this section.

(f) No provision in this section shall be interpreted as replacing or superseding any other remedies of the Indian mineral owner as set forth in the contract or available in law or equity.

(g) Termination for non-payment of rental and/or cancellation as provided in this section shall not relieve the permittee or contractor, or the sureties, from liabilities for payment of rental, other than rental referred to in paragraph (a) of this section, or other obligations under the contract.

§ 182.24 Fees.

Unless otherwise authorized by the Secretary, each permit, lease, sublease, or other contract, or assignment or surrender thereof, shall be accompanied by a filing fee of $25.

PART 183—LEASING OF OSAGE RESERVATION LANDS FOR OIL AND GAS MINING

4. It is proposed to amend Part 183:

a. By adding paragraph (k) and (l) to § 183.1 as follows:

§ 183.1 Definitions.

As used in this Part 183, terms shall have the meaning set forth in this section.

* * * * *

(k) "Oil well" means any well which produces one (1) barrel or more of crude petroleum oil for each 15,000 standard cubic feet of natural gas.

(l) "Gas well" means any well which:

(i) produces natural gas not associated with crude petroleum oil at the time of production or

(ii) produces more than 15,000 standard cubic feet of natural gas to each barrel of crude petroleum oil from the same producing formation.

b. By adding paragraph (f) to § 183.2 as follows:

* * * * *

(f) The Osage Tribal Council may utilize the following procedures among others, in entering into a mining lease. A contact may be entered into through competitive bidding as outlined in Sec. 183.2(b), negotiation, or a combination of both. The Osage Tribal Council may also request the Superintendent to undertake the preparation, advertisement and negotiation. The Superintendent may approve any such contract made by the Osage Tribal Council.

c. By revising paragraphs (a), (b), and (c) of § 183.6 to read as follows:

§ 183.6 Bonds.

Lessee shall furnish with each lease a corporate surety bond acceptable to the Superintendent as follows:

(a) A bond on Form D shall be filed with each lease submitted for approval. Such bond shall be in the penal sum of not less than $2,500 for each quarter section or fractional quarter section covered by said lease: *Provided, however,* That one bond in the penal sum of not less than $50,000 may be filed on Form G covering all leases on the Osage Mineral Estate not in excess of 10,240 acres to which Lessee is or may become a party.

(b) In lieu of the bonds required under paragraph (a) of this section, a bond in the penal sum of $150,000 may be filed on Form 5-5438 for full nationwide coverage of all leases, without geographic or acreage limitation, to which the Lessee is or may become a party.

(c) A bond on Form H shall be filed in the penal sum of not less than $2,500 covering a lease acquired through assignment where the assignee does not have a collective bond, or the corporate surety does not execute its consent to remain bound under the original bond given to secure the faithful performance of the terms and conditions of the lease.

* * * * *

d. By revising paragraphs (a), and (b) of § 183.9 to read as follows:

§ 183.9 Rental and drilling obligations.

(a) Oil leases, gas leases, and combination oil and gas leases. Unless lessee shall complete and place on production a well producing and selling oil and/or gas in paying quantities on the land embraced within the lease within 12 months from the date of approval of the lease, or as otherwise provided in the lease terms, or 12 months from the date the Superintendent consents to drilling on any restricted homestead selection, the lease shall terminate unless rental at the rate of not less than $1 per acre for an oil or gas lease, or not less than $2 per acre for a combination oil and gas lease, shall be paid before the end of the first year of the lease. The lease may also be held for the remainder of its primary term without drilling upon payment of the specified rental annually in advance, commencing with the second lease year. The lease shall terminate as of the due date of the rental unless such rental shall be received by the Superintendent, or shall have been mailed as indicated by postmark on or before said date. The completion of a well producing in paying quantities shall, for so long as such production continues, relieve Lessee from any further payment of rental, except that should such production cease during the primary term the lease may be continued only during the remaining primary term of the lease by payment of advance rental which shall commence on the next anniversary date of the lease. Rental shall be paid on the basis of a full year and no refund will be made of advance rental paid in compliance with the regulations in this part: *Provided,* That the Superintendent in his discretion may order further development of any leased acreage or separate horizon if, in his opinion, a prudent operator would conduct further development. If Lessee refuses to comply, the refusal will be considered a violation of the lease terms and said lease shall be subject to cancellation as to the acreage or horizon the further development of which was ordered: *Provided further,* That the Superintendent may impose restrictions as to time of drilling and rate of production from any well or wells when, in his judgment, such action may be necessary or proper for the protection of the natural resources of the leased land and the interests of the Osage Tribe. The Superintendent may consider, among other things, Federal and Oklahoma laws regulating either drilling or production. If a Lessee hols both an oil

lease and a gas lease covering the same acreage, such Lessee is subject to the provisions of this section as to both the oil lease and the gas lease.

(b) The Superintendent may, with the consent of and under terms approved by the Osage Tribal Council, grant an extension of the primary term of a lease on which the actual drilling of a well shall have commenced within the term thereof or for the purpose of enabling Lessee to obtain a market for his oil and/or gas production.

e. By revising § 183.10 to read as follows:

§ 183.10 Term of lease.

Leases issued hereunder shall be for a primary term as established by the Osage Tribal Council, approved by the Superintendent, and so stated in the notice of sale of such leases, and so long thereafter as the minerals specified are produced in paying quantities.

f. By revising paragraphs (a) and (b) of § 183.11 to read as follows:

§ 183.11 Royalty payments.

(a) *Royalty on oil*—(1) *Royalty rate.* Lessee shall pay or cause to be paid to the Superintendent, as royalty, the sum of not less than 16⅔ percent of the gross proceeds from sales after deducting the oil used by Lessee for development and operation purposes on the lease: *Provided,* That when the quantity of oil taken form all the producing wells on any quarter-section or fraction thereof, according to the public survey, during any calendar month is sufficient to average one hundred or more barrels per active producting well per day the royalty on such oil shall be not less than 20 percent. The Osage Tribal Council may, upon presentation of justifiable economic evidence by Lessee, agree to a revised royalty rate subject to approval by the Superintendent, applicable to additional oil produced from a lease or leases by enhanced recovery methods, which rate shall not be less than 12½ percent of the gross proceeds from sale of oil produced by enhanced recovery processes, other than gas injection, after deducting the oil used by Lessee for development and operating purposes on the lease or leases.

(2) Unless the Osage Tribal Council, with approval of the Secretary, shall elect to take the royalty in kind, payment shall be made at the time of sale or removal of the oil, except where payments are made on division orders, and settlement shall be based on the actual selling price, or the highest posted or offered price by a major purchaser in the Kansas-Oklahoma area whichever is higher on the day of the sale or removal. Where different prices are paid simultaneously for oil from a lease and the highest such price exceeds the higher of the aforementioned prices, then that price shall be the basis of royalty on all oil from said lease.

(3) Royalty in kind. Should Lessor, with approval of the Secretary, elect to take the royalty in kind, Lessee shall furnish free storage for royalty oil for a period not to exceed 60 days from date of production after notice of such election.

(b) *Royalty on gas*—(1) *Oil Lease.* All casinghead gas shall belong to the oil Lessee subject to any rights under existing gas leases. All casinghead gas removed from the lease from which it is produced shall be metered unless otherwise approved by the Superintendent and subject to a royalty of not less than 16⅔ percent of the market value of the gas and all products extracted therefrom, less a reasonable allowance for manufacture or processing. If oil Lessee supplies casinghead gas produced from one lease for operation and/or development of other leases, either his or others, a royalty of not less than 16⅔ percent shall be paid on the market value of all casinghead gas so used. All casinghead gas not utilized by the oil Lessee may, with the approval of the Superintendent, be utilized by the gas Lessee, subject to the prescribed royalty of not less than 16⅔ percent of the market value.

(2) *Gas lease.* Lessee shall pay a royalty of not less than 16⅔ percent of the market value of all natural gas and products extracted therefrom produced and sold from his lease. Natural gas used in the reasonable and prudent operation and development of said lease shall be exempted from royalty payment.

(3) Combination oil and gas lease. Lessee shall pay royalty as provided in (1) and (2) above.

* * * * *

g. By deleting the proviso at the end of paragraph (e) of § 183.18 so that it reads as follows:

§ 183.18 Information to be given surface owners prior to commencement of drilling operations.

* * * * *

(e) Where the surface owner or his representative is not a resident of or is not physically present in Osage County, then the Superintendent shall be so advised whereupon the Superintendent may authorize Lessee to proceed with operations.

* * * * *

h. By revising paragraphs (a) and (b) of § 183.19 to read as follows:

§ 183.19 Use of surface land.

(a) Lessee or his authorized representative shall have the right to use so much of the surface of the land within the Osage Mineral Estate as may be reasonable for operations and marketing. This includes but is not limited to the right to lay and maintain pipelines, electric lines, pull rods, other appliances necessary for operations and marketing, and the right-of-way for ingress and egress to any point of operations. If Lessee and surface owner are unable to agree as to the routing of pipelines, electric lines, etc., said route shall be set by the Superintendent. The right to use water for lease operations is set out in § 183.24. Lessee shall conduct his operations in a workmanlike manner, commit no waste and allow none to be committed upon the land, nor permit any nuisance to be maintained on the premises under his control.

(b) Before commencing a drilling operation, Lessee shall pay or tender to the surface owner commencement money in the amount of $25 per seismic shot hole and commencement money in the amount of $300 for each well, after which Lessee shall be entitled to immediate possession of the drilling site. Commencement money will not be required for the drilling of a well which was drilled under the original lease contract. A drilling site shall be held to the minimum area essential for operations and shall not exceed one and one-half acres in area unless authorized by the Superintendent. Commencement money shall be a credit toward the settlement of the total damages. Acceptance of commencement money by the surface owner does not in any way affect his right to compensation for damages as described in § 183.20, occasioned by the drilling and completion of the well for which it was paid. Since actual damage to the surface from operations cannot be ascertained prior to the completion of a well as a serviceable well or dry hole, a damage settlement covering the drilling operation need not be made until after completion of drilling operations.

* * * * *

h. By revising paragraphs (c) and (d) of § 183.20 to read as follows:

§ 183.20 Settlement of damages claimed.

* * * * *

(c) In settlement of damages on restricted land all sums due and payable shall be paid to the Superintendent for credit to the account of the Indian entitled thereto. The Superintendent will make the apportionment between the Indian landowner or owners and surface Lessee of record.

(d) Any person claiming an interest in any leased tract or in damages thereto, must furnish to the Superintendent a statement in writing showing said claimed interest. Failure to furnish such statement shall constitute a waiver of notice and estop said person from claiming any part of such damages after the same shall have been disbursed.

i. By revising § 183.44 to read as follows:

§ 183.44 Hearings and appeals.

Any person, firm, or corporation aggrieved by any decision or order issued by or under the authority of the Superintendent, pursuant to the regulations in this part, may file with the Superintendent within 30 days an application for modification or revocation of such decision or order. The Superintendent shall give notice of the time and place and conduct a hearing upon the application within 10 days after its receipt by him. If the applicant is not satisfied with the decision of the Superintendent, an appeal may be taken as provided in 25 CFR Part 2.

RAYMOND V. BUTLER,
Acting Commissioner of Indian Affairs.

[FR Doc.77-10017 Filed 4-4-77;8:45 am]

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Bureau of Land Management

[43 CFR Part 2610]

CAREY ACT GRANTS

Proposed Regulations for Segregating and Patenting Public Lands

This proposed addition to the regulations contained in Title 43 of the Code of Federal Regulations is being made to specify the requirements and procedures for segregating and granting of desert lands to States under the provisions of the Act of August 18, 1894, as amended (43 U.S.C. 641), also known as the Carey Act.

The regulations pertaining to the Carey Act were removed from the Code of Federal Regulations in 1970, because no applications had been filed nor had any patents been granted in recent years. However, in 1970 the State of Idaho expressed an interest in obtaining land under the Carey Act and has filed a number of applications for segregation.

The proposed regulations are a complete revision of the previous regulations. They clarify a number of points, eliminate unnecessary requirements and forms, and require classification of the land prior to segregation. They provide up-to-date guidance for processing Carey Act applications and are in accordance with the Federal Land Policy and Management Act of 1976 and current Departmental policies and procedures.

It is hereby determined that the publication of this proposed rulemaking is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

NOTE.—The Department of the Interior has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107.

In accordance with section 310 of the Federal Land Policy and Management Act of 1976, public participation is invited in rulemaking. Interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Director (210), Bureau of Land Management, Department of the Interior, Washington, D.C., on or before May 31, 1977.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection at the foregoing address during regular working hours (7:45 a.m. to 4:15 p.m.).

It is therefore proposed to add 43 CFR Part 2610 as set forth below.

PART 2610—CAREY ACT GRANTS

Subpart 2610—Carey Act Grants, General

Sec.

2610.0-2 Objectives.
2610.0-3 Authority.
2610.0-4 Responsibilities.
2610.0-5 Definitions.
2610.0-7 Background.
2610.0-8 Character of lands subject to application.
2610.1 Segregation of lands.

Subpart 2611—Segregation Under the Carey Act—Procedures

Sec.

2611.1 Applications for segregation.
2611.2 Approval of map and plan and contract.
2611.3 Period of segregation.
2611.4 Rights-of-way over other public lands.

Subpart 2612—Issuance of Patents

Sec.

2612.1 Lists for patents.
2612.2 Publication of lists for patents.
2612.3 Issuance of patents.

Subpart 2613—Preference Right of Entry Upon Restoration

Sec.

2613.0-3 Authority.
2613.1 Allowance of filing of applications.
2613.2 Applications.
2613.3 Allowance of preference right.

AUTHORITY: Sec. 4 of the Act of August 18, 1894 (28 Stat. 422), as amended (43 U.S.C. 641), known as the Carey Act.

Subpart 2610—Carey Act Grants, General

§ 2610.02 Objectives.

The objective of section 4 of the Act of August 18, 1894 (28 Stat. 442), as amended (43 U.S.C. 641), known as the Carey Act, is to aid certain public land States in the reclamation of the desert lands therein, and the settlement, cultivation, and sale thereof in small tracts to actual settlers.

§ 2610.0-3 Authority.

(a) The Carey Act authorizes the Secretary of the Interior, with the approval of the President, to contract and agree to grant and patent to States, in which there are desert lands, not to exceed 1,000,000 acres of such lands to each State, under the conditions specified in the act. After a State's application for a grant has been approved by the Secretary, the lands are segregated from the public domain for a period of from 3 to 15 years, the State undertaking within that time to cause an adequate irrigation system to be constructed and a sufficient water supply to be made available for the reclamation of the lands by irrigation. The lands, when patented, are disposed of by the States to actual settlers. Entries are limited to 160 acres to each actual settler.

(b) The Act of June 11, 1896 (29 Stat. 434; 43 U.S.C. 642), authorizes a lien on the land for the cost of construction of the irrigation works, and permits the issuance of patents to States for particular tracts actually reclaimed without regard to settlement or cultivation.

(c) Section 3 of the Act of March 3, 1901 (31 Stat. 1188; 43 U.S.C. 641), authorizes an extension of the period of segregation for not exceeding 5 years.

(d) The Act of March 1, 1907 (34 Stat. 1056), extends the provisions of the law to the former Southern Ute Indian Reservation in Colorado.

(e) The Joint Resolution approved May 25, 1908 (35 Stat. 577), authorizes grants to the State of Idaho of an additional 1,000,000 acres.

(f) The Act of May 27, 1908 (35 Stat. 347; 43 U.S.C. 645), authorizes grants of an additional 1,000,000 acres to the State of Idaho and the State of Wyoming.

(g) The Act of February 18, 1909 (35 Stat. 638; 43 U.S.C. 646), extends the provisions of the Carey Act to the States of Arizona and New Mexico.

(h) The Act of February 24, 1909 (35 Stat. 644; 43 U.S.C. 647), extends the provisions of the Carey Act to the former Ute Indian Reservation in Colorado.

(i) The Act of February 16, 1911 (36 Stat. 913), extends the Carey Act to the former Fort Bridger Military Reservation in Wyoming.

(j) The Act of February 21, 1911 (36 Stat. 925; 43 U.S.C. 523-252), permits the sale of surplus water by the United States Bureau of Reclamation for use upon Carey Act lands.

(k) The Act of March 4, 1911 (36 Stat. 1417; 43 U.S.C. 645), authorizes grants to the State of Nevada of an additional 1,000,000 acres.

(l) The Joint Resolution of August 21, 1911 (37 Stat. 38; 43 U.S.C. 645), authorizes grants to the State of Colorado of an additional 1,000,000 acres.

(m) The Act of February 14, 1920 (41 Stat. 407; 43 U.S.C. 644), relates to preference rights of Carey Act entrymen upon lands restored to the public domain from Carey Act segregations.

(n) The Act of January 6, 1921 (41 Stat. 1085; 43 U.S.C. 641), further amends the Carey Act by limiting the time within which the work of reclamation must be commenced to 6 years following approval of the application for segregation.

§ 2610.0-4 Responsibilities.

(a) The authority of the Secretary of the Interior to approve the application for segregation, including the map of the lands and the plan of irrigation, under the Act of August 18, 1894 (28 Stat. 422; 43 U.S.C. 641), and to approve extensions of time as provided under the act, as amended, has been delegated to the Director of the Bureau of Land Management and to State Directors of the Bureau of Land Management.

(b) Upon approval of the application for segregation, which includes the map of the land and the plan of irrigation, the grant contract must be signed by the Secretary of the Interior, or an officer authorized by him, and approved by the President.

§ 2610.0-5 Definitions.

As used in the regulations of this part:

(a) "Actual settler" means a person who establishes a bona fide residence on the land to the exclusion of a home elsewhere.

(b) "Cultivation" means tilling or otherwise preparing the land for seed, and keeping the ground in a state favorable for the growth of crops, and requires irrigation as an attendant act.

(c) "Desert lands" means unreclaimed lands which will not, without irrigation, produce any reasonably remunerative agricultural crop by usual means or methods of cultivation. This includes lands which will not, without irrigation, produce paying crops during a series of years, but on which crops can be successfully grown in alternate years by means of the so-called dry-farming system. Lands which produce native grasses sufficient in quantity, if ungrazed by grazing animals, to make an ordinary crop of hay in usual seasons, are not desert lands. Lands which will produce an agricultural crop of any kind without irrigation in amount sufficient to make the cultivation reasonably remunerative are not desert. Lands containing sufficient moisture to produce a natural growth of trees are not to be classed as desert lands.

(d) "Irrigation" means the application of water to the land for the purpose of growing crops.

(e) "Ordinary agricultural crops" means any agricultural products to which the land under consideration is generally adapted, and which would return a fair reward for the expense of producing them.

(f) "Reclamation" means the establishment of structures for conducting water in adequate volume and quality to the land so as to render it available for distribution when needed for irrigation and cultivation.

(g) "Segregation" means the action under the Act of August 19, 1894 (39 Stat. 422; 43 U.S.C. 641), by which the lands are reserved from the public domain and closed to application or entry under the public land laws, including location under the mining laws.

(h) "Application for segregation" means an application for a grant contract under the Act of August 19, 1894 (39 Stat. 422; 43 U.S.C. 641), and includes the map, irrigation plan, list, contract, and petition for classification prescribed in Subpart 2611 of this chapter.

(i) "Water right" means the authority, whether by prior ownership, contract, purchase, or appropriation in accordance with State law, to use water on the land to be irrigated.

§ 2610.0-7 Background.

The Carey Act authorizes the Secretary of the Interior, with the approval of the President, to contract and agree to grant and patent to States, in which there are desert lands, not exceeding 1,000,000 acres of such lands to each State, as the State may cause to be irrigated, reclaimed, occupied, and not less than 20 acres of each 160-acre tract cultivated by actual settlers. A number of amendments allowed additional acreages for certain States. The following States were allowed 1,000,000 acres: Arizona, California, Montana, New Mexico, North Dakota, Oregon, South Dakota, Utah, and Washington. The following States were allowed 2,000,000 acres: Colorado, Nevada, and Wyoming. Idaho was allowed 3,000,000 acres.

§ 2610.0-8 Character of lands subject to application.

(a) The lands must be unreclaimed desert lands capable of producing ordinary agricultural crops by irrigation.

(b) The lands must be nonmineral, except that lands withdrawn, classified, or valuable for coal, phosphate, nitrate, potash, sodium, sulphur, oil, gas, or asphaltic minerals may be applied for subject to a reservation of such mineral deposits, as explained in Subpart 2093 of this chapter.

(c) Lands embraced in mineral permits or leases, or in applications for such permits or leases, or classified, withdrawn, or reported as valuable for any leasable mineral, or lying within the geologic structure of a field are subject to the provisions of §§ 2093.0-3 through 2093.0-7 of this chapter.

§ 2610.1 Segregation of lands.

Lands covered by approved segregations under the Act of August 18, 1894, are not subject to location, entry or application under other laws while segregated. The segregation takes effect and the segregation period begins to run upon approval of the grant contract by the President.

Subpart 2611—Segregation Under the Carey Act—Procedures

§ 2611.1 Applications for segregation.

An application for segregation shall consist of the following:

(a) *Map and plan of irrigation.* (1) The State shall file a map of the lands proposed to be irrigated, which shall exhibit the plan for the contemplated irrigation works and the source of the water. The map and plan shall set forth or be accompanied by data showing that the plan will be sufficient to thoroughly irrigate and reclaim the land to raise ordinary agricultural crops. Such data cannot be fully prescribed, as it will depend upon the particular plan. The State Director may require the State to submit additional data concerning the specifics of the plan and its feasibility without rejecting the application.

(2) The map and plan must be on such material and of such dimensions as specified by the State Director and must be drawn to a scale not greater than 1,000 feet to 1 inch. A smaller scale is desirable if the necessary information can be clearly shown. The map and plan, in duplicate, must be filed in the State Office of the State in which the land is located. Each smallest legal subdivision (quarter quarter section) of the lands shall be clearly indicated on the map and plan. The map and plan must connect canels, pipelines, and reservoirs with public survey lines or corners, and with public survey corners wherever section or township lines are crossed by the proposed irrigation works, and must show whatever other data is needed to enable retracement of the layout of the proposed irrigation works on the ground.

(3) The map and plan shall bear certification statements (i) by the engineer who drew up the map and plan that the plan of irrigation submitted is accurately and fully represented in the map, plan, and any accompanying data, and that the system proposed is sufficient to thoroughly irrigate and reclaim the lands and prepare them to raise ordinary agricultural crops, and (ii) by the State official authorized to file the application that the lands are applied for subject to the provisions of Subpart 2093 of this chapter.

(b) *List of lands.* The map and plan shall be accompanied by a list of the lands desired, designated by legal subdivisions. The list shall be dated and verified by an official authorized by the State. Such official must file with the BLM State Office evidence of his authority to so act. When a township has not been subdivided, but its exteriors have been surveyed, the whole township may be designated (omitting, however, the sections to which the State may be entitled under its grant of school lands). When the records are in such condition that the proper notations may be made, a section or part of a section of unsurveyed land may be designated in the list; but no patent can issue thereon until the land has been surveyed.

(c) *Contract.* A grant contract in a form prescribed by the Director of the Bureau of Land Management, in duplicate, signed by the authorized State official, must also be filed. A carbon copy of the contractor will not be accepted. The person who signs the contract on behalf of the State must furnish evidence of his authority to do so. The contract shall obligate the State to all terms and conditions of the act and all specifications of the approved map and plan, and shall obligate the United States to issue patents to the State upon actual reclamation of the land according to the plan, as provided in Subpart 2612 of this chapter.

(d) *Petition for classification.* A petition for classification under Group 2400 of this chapter, in a form prescribed by the Director, Bureau of Land Management, must also be filed.

§ 2611.2 Approval of map and plan and contract.

(a) If the lands are classified under Group 2400 of this chapter for agricultural development under the Carey Act, the map and plan may be approved by the appropriate State Director of the Bureau of Land Management. The map and plan shall not be approved if it is determined that the State laws or regulations concerning disposal of the lands to actual settlers are contrary to the requirements and restrictions of the act.

(b) Upon approval of the map and plan, the grant contract may be signed by the Secretary of the Interior, or an officer in the Office of the Secretary who has been appointed by the President, by and with the advice and consent of the Senate, and who has been delegated the authority to sign the contract by the Secretary. As a condition to entering into the contract, the Secretary or his delegate may, in his discretion, require terms and conditions in the public interest other than those provided for in § 2166.1(c). If such terms and conditions have not been incorporated in the grant contract approved by the State, the new contract form shall be returned to the State for signing.

(c) The contract must be approved by the President.

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(d) After the land has been classified for disposition under the Carey Act, the map and plan have been approved, and the contract signed and approved, the land may be entered by the State and its agents for reclamation.

§ 2611.3 Period of segregation.

(a) The States are allowed 10 years from the date of the approval of the contract by the President in which to cause the lands to be irrigated and reclaimed. If the State fails in this, the State Director may, in his discretion, extend the period for up to 5 years, or may restore the lands to the public domain at the end of the 10 years or any extension thereof. If actual construction of the reclamation works has not been commenced within 3 years after the segregation of the land or within such further period not exceeding 3 years as may be allowed for that purpose by the State Director, the State Director may, in his discretion, restore the lands to the public domain.

(b) All applications for extensions of the period of segregation must be submitted to the State Director. Such applications will be entertained only upon the showing of the happening of some event preventing compliance by the State with the requirements within the time allowed, which could not have been reasonably anticipated or guarded against, such as the destruction irrigation works by storms, floods, or other unavoidable casualties, unforeseen structural or physical difficulties encountered in the operations, or errors in surveying and locating needed ditches, canals, or pipelines.

§ 2611.4 Rights-of-way over other public lands.

When the canals, ditches, pipelines, or reservoirs required by the plan of irrigation will cross public lands not applied for by the State under the Carey Act, an application for right-of-way over such lands under the Act of October 21, 1976 (90 Stat. 2743), should be filed separately by the proposed constructor. Rights-of-way shall be approved simultaneously with the approval of the map and plan, but shall be conditioned on approval of the contract.

Subpart 2612—Issuance of Patents

§ 2612.1 Lists for patents.

When patents are desired for any lands that have been segregated, the State shall file in the BLM State Office a list of lands to be patented, with a certificate of the presiding officer of the State land board, or other officer of the State who may be charged with the duty of disposing of the lands which the State may obtain under the law, that the lands have been reclaimed according to the plan of irrigation, and that a permanent supply of ample water has been actually furnished to each tract in the list, sufficient to thoroughly irrigate and reclaim each 160-acre tract for the raising of ordinary agricultural crops. If there are portions which cannot be irrigated, the nature, extent, location, and area of such portions should be fully stated. If less than 5 acres of a smallest legal subdivision (quarter quarter section) can be irrigated, such legal subdivision must be relinquished, and shall be restored to the public domain as provided in a notice published in the FEDERAL REGISTER.

§ 2612.2 Publication of lists for patents.

(a) *Notice of lists.* When a list for patents is filed in the State Office, it shall be accompanied by a notice of the filing, in duplicate, prepared for the signature of the State Director, or his delegate, fully incorporating the list. This notice shall be published at the expense of the State once a week for 5 consecutive weeks, in a newspaper of established character and general circulation in the vicinity of the lands, to be designated by the State Director, as provided in Subpart 1824 of this chapter.

(b) *Proof of publication.* At the expiration of the period of publication, the State shall file in the State Office proof of publication and of payment for the same.

§ 2612.3 Issuance of patents.

Upon the receipt of proof of publication of the notice of the list for patents by the State Office, such action shall be taken in each case as the showing may require, and all tracts that are free from valid protest, and respecting which the law and regulations and grant contract have been complied with, shall be patented to the State.

Subpart 2613—Preference Right of Entry Upon Restoration

§ 2613.0–3 Authority.

The Act approved February 14, 1920 (41 Stat. 407; 43 U.S.C. 644), provides that upon restoration of Carey Act lands from segregation, the Secretary is authorized, in his discretion, to allow a preference right of entry under applicable agricultural land laws to any Carey Act entryman on any such lands which such person had entered under and pursuant to the State laws providing for the administration of the grant and upon which such person had established actual, bona fide residence or had made substantial and permanent improvements.

§ 2613.1 Allowance of filing of applications.

(a) *Status of lands under State laws.* Prior to the restoration of lands segregated under the Carey Act, the Bureau of Land Management shall ascertain from the proper State officials whether any entries have been allowed under the State Carey Act laws on any such lands, and if any such entries have been allowed, the status thereof and action taken by the State with reference thereto.

(b) *No entries under State laws.* If it is shown with reasonable certainty, either from the report of the State officers or by other available information, that there are no entries under State law, then the Act of February 14, 1920, shall be disregarded in the restoration of the lands. Lands shall be restored as provided in a notice published in the FEDERAL REGISTER.

(c) *Entries under State laws.* If it appears from the report of the State officials or otherwise that there are entries under the State law which may properly be the basis for preference rights under this act, in the order restoring the lands the authorized officer may, in his discretion, allow only the filing of applications to obtain a preference right under the Act of February 14, 1920: *Provided, however,* That no more than 90 days is allowed from the date of restoration for the filing of applications for preference rights.

§ 2613.2 Applications.

(a) Applications shall be on a form approved by the Director and shall set forth sufficient facts to show that the applicant is qualified under the act and these regulations. The application must be subscribed and sworn to before a notary public.

(b) Persons qualified. The Act of February 14, 1920, applies only to cases of entries in good faith in compliance with the requirements of State law, with a view to reclaiming the land and procuring title pursuant to the provisions of the Carey Act; the act does not apply to cases where persons have settled on or improved the segregated land, either with the approval of the State authorities or otherwise, not pursuant to State law or not in anticipation of reclaiming the lands and procuring title under the Carey Act but in anticipation of initiating some kind of a claim to the land on its restoration because of failure of the project or cancellation of the segregation.

(c) Persons not qualified. The Act of February 14, 1920, does not apply to cases where the applicant's entry has been canceled by the State or forfeited for failure to perfect the entry according to State law, unless such default is the result of conditions which culminated in the elimination of the lands from the project; the allowance of a subsequent entry for the same land by the State shall be presumptive evidence that the default was the fault of the State entryman whose entry was forfeited or canceled.

§ 2613.3 Allowance of preference right.

If a person's application is approved, such person shall be entitled to a preference right of entry if and when the lands are classified for such entry under the regulations found in Part 2400 of this chapter.

CHRIS FARRAND,
Acting Assistant Secretary of the Interior.

MARCH 31, 1977.

[FR Doc.77-10084 Filed 3-31-77;3:26 pm]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 76]

[Docket No. 21002]

CABLE TELEVISION SERVICES

Applications for Certificates of Compliance and Federal-State/Local Regulatory Relationships; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Extension of time.

SUMMARY: In reply to a petition for extension of time, the Commission is granting a two-week extension of the date on which reply comments are due in this proceeding. This extension is intended to afford the petitioner the opportunity to present its position.

DATES: Reply Comments must be received on or before April 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert Jacobs, Certificates of Compliance Division, Cable Television Bureau, Federal Communications Commission, Washington, D.C. 20554 (202–254–3407)

Adopted: March 28, 1977.

Released: March 30, 1977.

Order. In the matter of amendment of Subparts B and C of Part 76, of the Commission's rules pertaining to applications for Certificates of Compliance and Federal-State/Local Regulatory Relationships, Docket No. 21002, RM–2695, RM–2723.

1. Reply comments in this proceeding are due on or before April 1, 1977. The Philadelphia Community Cable Coalition (PCCC) and Citizens for Cable Awareness in Pennsylvania (CCAP) have jointly requested a two-month extension of that filing date. In support of their request, PCCC/CCAP have stated that extra time is needed because of the voluminous comments that have been filed and because of the unavailability and heavy workloads of the groups' personnel.

2. Comments in this proceeding were originally due on January 31, 1977, and reply comments on March 2, 1977.[1] Those dated were later extended to March 1 and April 1, 1977, respectively. The Commission has expressed its desire to complete this proceeding by June 30, 1977.[2] Although PCCC/CCAP have shown good cause for granting an extension, an additional two-month delay would unduly prolong the resolution of the important matters addressed herein. An extension of two weeks would appear to be more reasonable.

Accordingly, it is ordered, That the date for filing reply comments in the captioned proceeding is extended to April 15, 1977.

This action is taken by the Chief, Cable Television Bureau, pursuant to authority delegated by § 0.288(a) of the Commission's rules.

FEDERAL COMMUNICATIONS COMMISSION,
JAMES R. HOBSON,
Chief, Cable Television Bureau.

[FR Doc.77-10054 Filed 4-4-77;8:45 am]

[47 CFR Part 97]

[Docket No. 21033]

AMATEUR RADIO SERVICE

Licensing and Operation of Complex Systems Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Extension of time for filing reply comments in Docket 21033.

SUMMARY: The deadline for filing reply comments in Docket 21033 is extended from April 15, 1977 to April 29, 1977 to enable greater public participation in the rulemaking process.

DATE: Reply comments must be received by April 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Gregory M. Jones, Personal Radio Division, Federal Communications Commission, Washington, D.C. 20554, (202–632–7175).

Adopted: March 28, 1977.

Released: March 30, 1977.

In the matter of deregulation of Part 97 of the Commission's rules concerning the licensing and operation of complex systems of amateur radio stations and the modification of repeater sub-bands, Docket 21033, RM–2664, RM–2780.

1. The Chief, Safety and Special Radio Services Bureau has under consideration an extension of time for filing reply comments in the above-captioned proceeding. The present deadline for filing reply comments is April 15, 1977.

2. It appears that an additional two weeks in which to file reply comments would enable greater public participation in this proceeding and would not significantly delay action on the proposals contained in the notice of proposed rulemaking, 42 FR 2089, 1977. See 42 FR 5708, January 31, 1977.

3. *Accordingly, it is ordered,* Pursuant to §§ 0.331 and 1.46 of the Commission's rules, that the time for filing reply comments in Docket 21033 is extended to April 29, 1977.

CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.77-10055 Filed 4-4-77;8:45 am]

[1] See 42 FR 5708, January 31, 1977.

[2] Paragraph 36, Notice of Proposed Rule Making, FCC 76–1070, 63 FCC 2d____(1976).

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[49 CFR Part 396]

[Docket No. MC–48; Notice No. 77–5]

COMMERCIAL MOTOR VEHICLES

Inspection, Repair and Maintenance

• *Purpose.* This document proposes to amend Part 396 of the Federal Motor Carrier Safety Regulations (FMCSR), 49 CFR Part 396, for purposes of reducing vehicle defect-related accidents caused by inadequate inspection and maintenance procedures. •

A complete revision of Part 396 of the FMCSR is being considered. Part 396 requires motor carriers who conduct operations in interstate or foreign commerce to inspect and maintain their equipment on a systematic basis. In particular, it provides that carriers must maintain prescribed records detailing the servicing, inspection, and repairs performed on each vehicle (§ 396.2), and that drivers must make a daily written report to employing carriers setting forth any defects or deficiencies in their vehicles that the drivers have encountered during the day's work (§ 396.7). Part 396 also contains recommended maintenance practices and forms for use by motor carriers (§ 396.9).

Proper maintenance of commercial motor vehicles is essential to safety of motor carrier operations. The Bureau is charged by law with assuring safe operations of motor carriers. The basic technique used to monitor the quality of vehicle maintenance and mechanical condition is roadside inspections of commercial motor vehicles during the course of their operations. In 1974 the Bureau of Motor Carrier Safety's (BMCS) field staff inspected 39,801 property-carrying vehicle units at roadside checkpoints in all sections of the country.

The results of these inspections do not demonstrate the efficacy of current maintenance practices of some members of the motor carrier industry. Some 21 percent of the vehicles selected for inspection in 1974 were found to be mechanically unsafe to the point where they were declared out of service by the inspector. These vehicles were not allowed to depart from the place of inspection until repairs to restore them to safe operating condition had been made. The proportion of selected vehicles that has been found unserviceable has not improved significantly in recent years. In 1971, the out-of-service rate was 23.8 percent. In 1972 and 1973, the out-of-service rate was 22.2 percent and 21.6 percent, respectively. The historical trend, in terms of the percentage of vehicles inspected that were placed out of service, indicates that carriers' vehicle inspection and maintenance practices leave substantial room for improvement.

During calendar year 1975, the BMCS received 1,403 accident reports from for-

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hire carriers which indicated that one or more mechanical defects or failures were causative factors in the accidents. These accidents resulted in 77 fatalities, 1,293 injuries, and $12,900,000 in property damage. Faulty wheels, tires and brake systems constituted over 60 percent of the accidents involving mechanical defects. Since these defects rarely arise suddenly after dispatch as the result of external causes, the Bureau has concluded that a large percentage of the motor carrier accidents which are caused by defects or mechanical failures could have been prevented or had their consequences mitigated by proper vehicle inspection and maintenance practices.

Complaints to the Bureau by truck and bus drivers who allege that their employers are following poor maintenance practices continue to be commonplace. The most disturbing feature of the complaints is the frequent allegation by drivers that the carriers exhibit indifference to drivers' reports of unsafe mechanical conditions. Even if one assumes that a number of unjustified reports of this nature are made the fact remains that the driver is one of the best sources of information about the mechanical performance of vehicles operating on the highway, and simple prudence would seem to dictate that carriers should investigate these reports and take corrective action where warranted. Yet, the Bureau continues to receive a steadily increasing volume of complaints that drivers have repeatedly called mechanical defects to the attention of the employing carriers, and the carriers have failed to take any action in response to the reports.

On March 16, 1973, an Advance Notice of Proposed Rulemaking (ANPRM) was published in the FEDERAL REGISTER (38 FR 7127) inviting comments on eight specific questions for improved inspection and maintenance procedures including pre-trip and post-trip inspections.

The ANPRM responded to a petition by the Professional Driver Council, Inc., (PROD) to amend § 396.7, which deals with the drivers' daily vehicle condition reports, so that the drivers' vehicle condition reports for the preceding 3 weeks or a complete vehicle maintenance log, or both, would have to be located on each vehicle at all times while it is being operated in interstate or foreign commerce. The maintenance log would contain a description of any mechanical repairs or maintenance work performed on the vehicle, the date when the repairs of work was performed, and the name of the mechanic who performed the work or made the repairs. In support of the petition, PROD says that drivers are presently unable to detect most safety defects by visual inspection before they are dispatched from their terminals. Requiring carriers to maintain a maintenance log in a place where a driver can examine it prior to dispatch will, according to the petition, make it possible for a driver to learn the true condition of his equipment before it is too late to do something about an unsafe vehicle.

The BMCS received over 80 responses to the ANPRM, from many facets of the trucking industry including drivers, owner-operators, union representatives, trucking associations, motor carriers, and insurance companies. Most of the responses contained little in the way of new data or facts, and many were critical of revising Part 396 in light of the lack of BMCS resources for enforcement of the FMCSR. The BMCS elected to further study the problem by entering into a research contract with the University of Michigan's Highway Safety Research Institute (HSRI). In the HSRI final report "Effect of Commercial Vehicle Systematic Preventive Maintenance on Specific Causes of Accidents," a definite relationship was identified between accident frequency and the degree of motor carrier preventive maintenance.[1]

The HSRI report contained several conclusions and recommendations designed to reduce highway accidents caused by vehicle mechanical defects. Pertinent conclusions were:

1. Interstate motor carrier vehicle inspection and preventive maintenance systems can reduce the accident rate on the highway.

2. Nearly 70 percent of the commercial vehicle defect accident cases reported involved brakes, tires, and wheel failures—all relatively visible components of the vehicles.

3. Commercial vehicle drivers who conduct a careful pre-trip inspection are less likely to become involved with a vehicle-defect caused accident than those drivers who do not conduct such inspections.

4. A major limitation to many State operated periodic motor vehicle inspection (PMVI) activities is that the intervals between inspections are much longer than the wearout period of many commercial vehicle components.

5. Maintenance practices used by the trucking industry can be characterized as "sophisticated," "adequate," and "breakdown." Carriers who practice the first two methods recognize the economic benefits resulting from keeping the rolling stock serviceable. Carriers using the "breakdown" maintenance practice, actually a repair system, use their system only when failure or breakdown of the vehicle occurs while in service.

6. The inspection practices of BMCS safety investigators are effective in identifying grossly defective vehicles on the highway.

7. Smaller and private companies—the occasional interstate trucker—generally have a poorer understanding of the FMCSR and have poorer maintenance practices.

Among the HSRI report recommendations, the following were most applicable to this proposed revision to Part 396:

1. Commercial vehicle drivers should be required to prepare written pre-trip vehicle inspection reports. A driver could accomplish this by either driving through a safety lane check, or by a careful walk-around the vehicle with a checklist. The written record should be carried on the vehicle and be capable of being audited.

2. The present post-trip driver inspection requirements found in § 396.7 provide a means of reporting defects observed during the trip, but should be strengthened. Driver walkaround, as in the pre-trip inspection, is recommended.

3. Inspection and maintenance records should be carried on-board the vehicle. The records could be in a form similar to the driver's log.

4. Educational safety information, and data from the roadside vehicle inspections conducted by BMCS field personnel, should be more fully developed and circulated by the BMCS, particularly to smaller firms. These firms are more apt to lack knowledge of BMCS Regulations and sound safety practices such as the kinds of defects which cause accidents and the need for pre-trip inspections.

Another source of information which reinforces the need for improved inspection and maintenance procedures for heavy trucks is the Fatal Accident Reporting System (FARS) sponsored by the National Highway Traffic Safety Administration. In this system, heavy trucks are defined as articulated vehicles or single unit trucks have a Gross Vehicle Weight Rating of at least 26,000 pounds.[2] The FARS data for 1975 show the following:

a. Heavy trucks were responsible for 7 percent of all fatalities, or 2,873 deaths.

b. Over 70 percent of the heavy trucks were less than 5 years old.

c. Of the 2,491 heavy trucks involved, 2,233 were two-unit vehicles.

d. Police reported 129 heavy truck defects (brakes, tires and wheels accounted for 93 of the defects).

The data and facts outlined above support the need for revising the requirements presently contained in Part 396. A summary of the changes contemplated follows:

PART 396—INSPECTION, REPAIR AND MAINTENANCE

§ 396.1—No change.

§ 396.3 (Presently § 396.2)—Primarily editorial changes except that a new requirement for retaining records on inspections of certain bus safety equipment is proposed.

§ 396.5 (Presently § 396.3)—Editorial changes only are proposed.

§ 396.7 (Presently § 396.4)—Several editorial changes are proposed. In addition, several specific vehicle components are identified which BMCS field personnel have been inspecting for many years, but which are not specifically required by Part 393: frames, springs, axles, wheels, rims, and steering mechanisms.

[1] Copies of this report are available for sale at $6 each from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22161, under Accession No. PB-248379/AS.

[2] The FARS data sampling does not take into consideration whether the heavy trucks were being operated in interstate, intrastate or local operations.

§ 396.9 (Presently § 396.5)—Editorial changes only are proposed.

§ 396.11 (Presently § 396.6)—Editorial changes only are proposed.

§ 396.13 (Presently § 396.7)—It is proposed that drivers be required to prepare a written pre-trip vehicle inspection report in addition to the presently-required post-trip report. The pre-trip and post-trip reports may be combined on a single form. Copies of the reports for the past 30 days would be required to be carried on the vehicle. Prior to operation of any vehicle, motor carriers would be required to correct any safety-related deficiency noted on a pre-trip or post-trip report, or to determine that no correction is necessary.

§ 396.15 (Presently § 396.8)—The only change proposed is that written driver pre-trip and post-trip vehicle condition reports would be required for vehicles which are part of the shipment being delivered.

Finally, it is proposed that the present § 396.9, Recommended practices and forms, be deleted. It is felt that the majority of motor carriers have record-keeping systems which are highly tailored to individual needs, and that generalized forms would be of limited value

The Director invites interested persons to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Such communications should refer to the docket number and the notice number appearing at the top of this document and should be submitted in three copies to the Director, Bureau of Motor Carrier Safety, Room 3401, Federal Highway Administration, U.S. Department of Transportation, Washington, D.C. 20590.

All comments received on or before July 29, 1977, will be considered by the Director of the BMCS before taking final action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date, for examination by interested persons in the docket room of the Bureau of Motor Carrier Safety, Room 3402, 400 Seventh Street SW., Washington, D.C.

It is hereby proposed to amend 49 CFR 396 effective April 1, 1978, to read as follows:

PART 396—INSPECTION, REPAIR AND MAINTENANCE

Sec.
396.1 Scope of the rules in this part.
396.3 Inspection, repair and maintenance.
396.5 Lubrication.
396.7 Unsafe operations forbidden.
396.9 Inspection of motor vehicles in operation.
396.11 Damaged vehicles, inspection.
396.13 Drivers vehicle condition reports.
396.15 Driveaway-towaway operation, inspections.

AUTHORITY: Sec. 204, 49 Stat. 546, as amended (49 U.S.C. 304, sec. 6, Pub. L. 89-670, 80 Stat. 937 (49 U.S.C. 1655); 49 CFR 1.48; 49 CFR 389.4.

§ 396.1 Scope of the rules in this part.

(a) *General.* Except as provided in paragraphs (b) and (c) of this section, every motor carrier, its officers, drivers, agents, representatives, and employees directly concerned with the inspection or maintenance of motor vehicles shall comply and be conversant with the rules in this part.

(b) *Intracity operations.* The rules in this part do not apply to a driver or a vehicle wholly engaged in exempt intracity operations as defined in § 390.16 of this subchapter.

(c) *Lightweight mail trucks.* The rules in this part do not apply to a motor carrier or driver wholly engaged in transporting mail under contract with the U.S. Postal Service in motor vehicles which have a manufacturer's gross vehicle weight rating of 10,000 pounds or less.

§ 396.3 Inspection, repair and maintenance.

(a) Every motor carrier shall systematically inspect, repair and maintain or cause to be systematically inspected, repaired and maintained all motor vehicles subject to its control. Parts and accessories shall be in safe and proper operating condition. Pushout windows, emergency doors and warning lights in buses shall be inspected at least every 90 days.

(b) Systematic inspection, repair and maintenance records shall be maintained for each motor vehicle controlled by a motor carrier. These records shall be retained in the motor carrier's files for a period of 3 years, or 1 year after the motor vehicle leaves the motor carrier's control. The minimum records required are—

(1) An identification of the vehicle including make, serial number, number of tires including size and load rating and, if non-owned, the name of the person furnishing the vehicle;

(2) Records of inspection, repairs and maintenance indicating their date and nature;

(3) Lubrication records; and

(4) Records of tests conducted on pushout windows, emergency doors and warning lights on buses.

§ 396.5 Lubrication.

Every motor carrier shall insure that motor vehicles subject to its control are—

(a) Properly lubricated;

(b) Free of unnecessary accumulations of oil and grease; and

(c) Free of oil and grease leaks.

§ 396.7 Unsafe operations forbidden.

(a) No motor carrier shall permit or require a driver to drive, nor shall any driver drive, a motor vehicle in such condition that it would be so hazardous to operate as to be likely to cause an accident or a breakdown of the vhelcle.

(b) If while any motor vehicle is being operated on a highway, it is discovered to be in an unsafe condition, it may be continued in operation only to the nearest place where repairs can safely be effected; such operations shall be conducted only if less hazardous to the public than to permit the vehicle to remain on the highway.

(c) Parts and accessories in addition to those specified in Part 393 of this subchapter shall be inspected, repaired and maintained in a safe operating condition. Such parts and accessories shall include but are not limited to, frame and frame assemblies, springs and spring hangers, axles and attaching parts, wheels and rims, and steering mechanisms.

§ 396.9 Inspection of motor vehicles in operation.

(a) *Personnel authorized to perform inspections.* Every special agent of the Federal Highway Administration (as defined in Appendix B to this Subchapter) is authorized and hereby ordered to enter upon and perform inspections of motor carriers' vehicles in operation.

(b) *Prescribed inspection report.* Form MCS 63, Driver-Equipment Compliance Check, shall be used to record results of motor vehicle inspections conducted by authorized employees.

(c) *Motor vehicles declared "out of service."* (1) Authorized employees shall declare and mark "out of service" any motor vehicle which by reason of its mechanical condition or loading is so hazardous to operate as to be likely to cause an accident or a breakdown. Form MCS 64, "Out of Service Vehicle" sticker, shall be used to mark vehicles "out of service."

(2) No motor carrier shall require or permit any person to operate nor shall any person operate any motor vehicle declared and marked, "out of service" until all repairs required by the "out of service notice" on Form MCS 63 have been satisfactorily completed. The term operated as used in this section shall include towing the vehicle, except that vehicles marked "out of service" may be towed away by means of a vehicle using a crane or hoist. A vehicle combination consisting of an emergency towing vehicle and an "out of service" vehicle shall meet the performance requirements of this subchapter.

(3) No person shall remove the "Out of Service Vehicle" sticker from any motor vehicle prior to completion of all repairs required by the "out of service notice" on Form MCS 63.

(4) The person completing the repairs required by the "out of service notice" shall sign the "Certification of Repairman" in accordance with the terms prescribed on Form MCS 63, entering the name of the shop or garage and the date and time the repairs were completed. If the driver completes the repairs, he shall sign and complete the "Certification of Repairman."

(d) *Motor carrier disposition of Form MCS 63.* (1) The driver of any motor vehicle receiving a Form MCS 63 shall deliver it to the motor carrier operating the vehicle upon his arrival at the next terminal or facility. If the driver does

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not arrive at a terminal or facility of the motor carrier operating the vehicle within twenty-four (24) hours he shall immediately mail the Form MCS 63 to the motor carrier.

(2) Motor carriers shall examine Form MCS 63. Violations or defects noted thereon shall be corrected.

(3) Within 15 days following the date of the inspection, the motor carrier shall—

(i) Complete the "Motor Carrier Certification of Action Taken" on Form MCS 63 in accordance with the terms prescribed thereon; and

(ii) Return Form MCS 63 to the Director, Regional Motor Carrier Safety Office of the Bureau of Motor Carrier Safety, Federal Highway Administration, at the address indicated upon Form MCS 63.

§ 396.11 Damaged vehicles, inspection.

No motor carrier shall permit or require a driver to drive, nor shall any driver drive a motor vehicle, which has been damaged in an accident or by other causes until inspection has been made by a person qualified to ascertain the nature and extent of the damage and the relationship of such damage to the safe operation of the motor vehicle. No motor vehicle shall be operated until it has been determined to be in safe operating condition.

§ 396.13 Driver vehicle condition reports.

(a) Every motor carrier shall require its drivers to report, and every driver shall prepare such a report in writing, which lists any defect or deficiency of the motor vehicle discovered by or reported to the driver. Such reports are to be prepared both prior to (pre-trip) and at the completion of (post-trip) each day's work or tour of duty for every vehicle operated. If no defect or deficiency is discovered, the report(s) shall so indicate.

(b) Prior to operating a vehicle, motor carriers shall repair any items listed in either a pre-trip or post-trip inspection report which would be likely to affect the safety of operation of the vehicle or result in its mechanical breakdown. Motor carriers shall certify on reports listing defects or deficiencies that each has been corrected or that correction is unnecessary.

(c) A copy of the pre-trip and post-trip vehicle condition reports shall be carried on board the vehicle for at least 30 days. Motor carriers shall retain copies of these reports in their files for at least 1 year.

§ 396.15 Driveaway-towaway operations, inspections.

Every motor carrier, with respect to motor vehicles engaged in driveaway-towaway operations, shall comply with the requirements of this part except that the maintenance records required by § 396.3 shall not be required for any vehicle which is part of the shipment being delivered. Before the beginning of any driveaway-towaway operation of motor vehicles in combination, the motor carrier shall make a careful inspection and test to ascertain that the tow-bar or saddle-mount connections are properly secured to the towed and towing vehicles, that they function adequately without cramping or binding of any of the parts, and that the towed motor vehicle follows substantially in the path of the towing vehicle without whipping or swerving. Every motor carrier shall maintain practices to insure that following completion of any trip in a driveaway-towaway operation of motor vehicles in combination, and before they are used again, the tow-bars and saddle-mounts are disassembled and inspected for worn, bent, cracked, broken, or missing parts. Before reuse, suitable repair or replacement shall be made of any defective parts and the devices shall be properly reassembled.

(Sec. 204, 49 Stat. 546, as amended (49 U.S.C. 304), Sec. 6, Public Law 89-670, 80 Stat. 937 (49 U.S.C. 1655); 49 CFR 1.48; 49 CFR 389.4).

NOTE.—The Federal Highway Administration has determined that this document does not contain a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A-107.

FOR FURTHER INFORMATION CONTACT

Principal Program Person—Donnell W. Morrison, Chief, Vehicle Requirements Branch, Regulations Division, Bureau of Motor Carrier Safety, Federal Highway Administration, Department of Transportation, Washington, D.C. 20590 (202-426-1700).

Principal Lawyer—Francis J. Mulcahy, Attorney, Motor Carrier and Highway Safety Law Division, Office of the Chief Counsel, Federal Highway Administration, Department of Transportation, Washington, D.C. 20590 (202-426-0834).

Issued on March 31, 1977.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

[FR Doc.77-10097 Filed 4-4-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Proposed Threatened Status and Critical Habitat for the Golden Coqui

The Director, U.S. Fish and Wildlife Service (hereinafter, the Director and the Service, respectively), hereby issues a proposed rulemaking, pursuant to sections 4 and 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543, 87 Stat. 884; hereinafter the Act), which would determine the golden coqui (*Eleutherodactylus jasperi*), a small, live-bearing frog recently discovered on Puerto Rico, to be a Threatened Species and which would determine Critical Habitat for that species.

The golden coqui is known only from a semicircular area, 10 km. in radius south of Cayey, Puerto Rico. The elevational range is from 700 to 850 meters. The critical factor determining presence of populations appears to be dense bromeliad growth, which in turn seems to be dependent on heavy dew produced by orographic uplift of air striking the mountain range. The species is found only in water-containing bromeliads of the genera *Vriesia, Hohenbergia* and *Guzmania*. Inhabited bromeliads have usually been found in clusters. A low incidence of golden coquis in isolated bromeliads suggests that dispersal distances are short.

BACKGROUND

Section 4(a) of the Act states:

General.—(1) The Secretary shall by regulation determine whether any species is an endangered species or a threatened species because of any of the following factors:

(1) The present or threatened destruction, modification, or curtailment of its habitat or range;

(2) Overutilization for commercial, sporting, scientific, or educational purposes;

(3) Disease or predation;

(4) The inadequacy of existing regulatory mechanisms; or

(5) Other natural or manmade factors affecting its continued existence.

This authority has been delegated to the Director.

SUMMARY OF FACTORS AFFECTING THE SPECIES

These findings are summarized herein under each of the five criteria of section 4(a) of the Act. These factors, and their application to the golden coqui are as follows:

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Within the range of the golden coqui, there is great demand for high elevation land because temperatures are moderate and rainfall is much lower than at most other comparable elevations. The presence of dirt roads and the suitability of the land for pasture have promoted development to the summits well ahead of pavement construction.

The habitat is generally somewhat xeric and susceptible to fire damage. One scrub area searched in 1973 had golden coquis in bromeliads on the ground, in low trees, and on some large boulders. Re-examination in 1973, after a fire, revealed that only the bromeliads and their inhabitants on the boulders survived. Most of the known habitat is privately owned except for a small fraction which is primarily highway right of way. The conflict between uncontrolled human development and the continued existence of the golden coqui is clear.

2. *Overutilization for commercial, sporting, scientific, or educational purposes.* The golden coqui has only recently been discovered and is currently known only to a few individuals; however, its unique reproductive adaptation and attractive coloration are likely to create a large demand for specimens for scientific, educational and display purposes. Similarly bright colored frogs from the tropics, *Amphodus auratus* from Trinidad and *Atelopus varius zeteki* from Panama, have suffered from extensive

collecting pressure because of their attractiveness.

3. *Disease or predation.* Unknown.

4. *The inadequacy of existing regulatory mechanisms.* There currently exist no regulations pertaining to the protection and conservation of this species.

5. *Other natural or manmade factors affecting its continued existence.* The specialized, obligate bromeliad-dwelling mode of existence employed by this species coupled with its low reproductive rate, apparent inability to disperse, and limited range have created a naturally precarious status.

CRITICAL HABITAT

Section 7 of the Act, entitled "Interagency Cooperation", states:

The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal departments and agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with affected States, to be critical.

An interpretation of the term Critical Habitat was published by the Fish and Wildlife Service and the National Marine Fisheries Service in the FEDERAL REGISTER of April 22, 1975 (40 FR 17764-17765).

The areas delineated below do not necessarily include the entire Critical Habitat of the golden coqui, and modifications to Critical Habitat descriptions may be proposed in the future. In accordance with section 7 of the Act, all Federal departments and agencies would be required to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of the Critical Habitat of the golden coqui found within the areas delineated below.

Until the issuance of additional guidelines, all Federal departments and agencies should, in accordance with section 7 of the Act, consult with the Secretary of the Interior with respect to any actions which might reasonably be expected to affect Critical Habitat within the delineated areas.

CRITICAL HABITAT DETERMINATION

The following area (exclusive of those existing manmade structures or settlements which are not necessary to the survival or recovery of the species) is proposed as Critical Habitat for the golden coqui (*Eleutherodactylus jasperi*). This proposal is based primarily on data supplied by George E. Drewry.

(1) Cerro Avispa—elevations above 700 meters on the south and southeastern slope of the mountain: from the northern junction of Highway 715 and an unnumbered dirt road southeast and southwest along Highway 715 to the southern junction with the same unnumbered dirt road and Highway 715, north and northeast along the unnumbered dirt road just below the southeast facing crest of Cerro Avispo to its junction with Highway 715.

(2) Monte el Gato—entire summit above 700 meters: from the junction of Highway 715 and the 700 meter contour interval west along Highway 715 to the junction of Highway 715 and an unnumbered road, north and northeast along this road to where it crosses the 700 meter contour interval, and east along the 700 meter contour interval to where it crosses Highway 715.

(3) Sierra de Cayey—elevations above 700 meters: southeast from the junction of Highways 738 and 15 along Highway 15 to a point .5 kilometer south of Benchmark 684.5, northeast from this point in a line to a point on Highway 7741 two kilometers south of the junction of Highways 738 and 7741, north and northwest along Highway 7741 to its junction with Highway 738, and northwest from the junction of Highways 7741 and 738 along Highway 738 to its junction with Highway 15.

Refer to 7.5 minute U.S.G.S. Topographical Map, Cayey, Puerto Rico, 1972.

EFFECT OF THE RULEMAKING

The effects of these determinations and this rulemaking include, but are not necessarily limited to, those discussed below. Endangered Species regulations published in Title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all Endangered Species. All of those prohibitions and exceptions also apply to any Threatened Species *unless* a Special Rule pertaining to that Threatened Species has been published and indicates otherwise. The regulations referred to above, which pertain to Endangered Species, are found at § 17.21 of Title 50 and, for the convenience of the reader, are reprinted below:

§ 17.21 *Prohibitions.*

(a) Except as provided in Subpart A of this part, or under permits issued pursuant to § 17.22 or § 17.23, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit or to cause to be committed, any of the acts described in paragraphs (b) through (f) of this section in regard to any endangered wildlife.

(b) *Import or export.* It is unlawful to import or to export any endangered wildlife. Any shipment in transit through the United States is an importation and an exportation, whether or not it has entered the country for customs purposes.

(c) *Take.* (1) It is unlawful to take endangered wildlife within the United States, within the territorial sea of the United States, or upon the high seas. The high seas shall be all waters seaward of the territorial sea of the United States, except waters officially recognized by the United States as the territorial sea of another country, under international law.

(2) Notwithstanding paragraph (c)(1) of this section, any person may take endangered wildlife in defense of his own life or the lives of others.

(3) Notwithstanding paragraph (c)(1) of this section, any employee or agent of the Service, any other Federal land management agency, the National Marine Fisheries Service, or a State conservation agency, who is designated by his agency for such purposes, may, when acting in the course of his official duties, take endangered wildlife without a permit if such action is necessary to:

(i) Aid a sick, injured or orphaned specimen; or

(ii) Dispose of a dead specimen; or

(iii) Salvage a dead specimen which may be useful for scientific study; or

(iv) Remove specimens which constitute a demonstrable but nonimmediate threat to human safety, provided that the taking is done in a humane manner; the taking may involve killing or injuring only if it has not been reasonably possible to eliminate such threat by live capturing and releasing the specimen unharmed, in a remote area.

(4) Any taking pursuant to paragraphs (c)(2) and (3) of this section must be reported in writing to the United States Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 19183, Washington, D.C. 20036, within 5 days. The specimen may only be retained, disposed of or salvaged in accordance with directions from the Service.

(5) Notwithstanding paragraph (c)(1) of this section, any qualified employee or agent of a State Conservation Agency which is a party to a Cooperative Agreement with the Service in accordance with section 6(c) of the Act, who is designated by his agency for such purposes, may, when acting in the course of his official duties take Endangered Species, for conservation programs in accordance with the Cooperative Agreement, provided that such taking is not reasonably anticipated to result in: (i) the death or permanent disabling of the specimen; (ii) the removal of the specimen from the State where the taking occurred; (iii) the introduction of the specimen so taken, or of any progeny derived from such a specimen, into an area beyond the historical range of the species: or (iv) the holding of the specimen in captivity for a period of more than 45 consecutive days.

(d) *Possession and other acts with unlawfully taken wildlife.* (1) It is unlawful to possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any endangered wildlife which was taken in violation of paragraph (c) of this section.

Example. A person captures a whooping crane in Texas and gives it to a second person, who puts it in a closed van and drives thirty miles, to another location in Texas. The second person then gives the whooping crane to a third person, who is apprehended with the bird in his possession. All three have violated the law—the first by illegally taking the whooping crane; the second by transporting an illegally taken whooping crane; and the third by possessing an illegally taken whooping crane.

(2) Notwithstanding paragraph (d)(1) of this section, Federal and State law enforcement officers may posses, deliver, carry, transport or ship any endangered wildlife taken in violation of the Act as necessary in performing their official duties.

(e) *Interstate or foreign commerce.* It is unlawful to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever, and in the course of a commercial activity, any endangered wildlife.

(f) *Sale or offer for sale.* (1) It is unlawful to sell or to offer for sale in interstate or foreign commerce any endangered wildlife.

(2) An advertisement for the sale of endangered wildlife which carries a warning to the effect that no sale may be consummated until a permit has been obtained from the U.S. Fish and Wildlife Service shall not be considered an offer for sale within the meaning of this subsection.

The determination set forth in these Proposed Rules and the proposal of Crit-

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ical Habitat also would make the Golden Coqui eligible for the consideration provided by section 7 of the Act.

The Director is preparing, in consultation with the affected agencies, guidelines for Federal agencies for the application of section 7 of the Act. In the future, regulations will be published regarding section 7. Proposed regulations were issued on January 26, 1977 (42 FR 4868).

Regulations published in 50 CFR Part 17 provide for the issuance of permits to carry out otherwise prohibited activities involving Endangered or Threatened species under certain circumstances. Such permits involving Endangered species are available for scientific purposes or to enhance the propagation or survival of the species. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship which would be suffered if such relief were not available.

Pursuant to section 4(b) of the Act, the Director will notify the Governor of Puerto Rico with respect to this proposal and request his comments and recommendations before making final determinations.

Public Comments Solicited

The Director intends that the rules finally adopted will be as accurate and effective in the conservation of any Endangered or Threatened species as possible. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

(1) Biological or other relevant data concerning any threat (or the lack thereof) to the Golden Coqui;

(2) The location of and reasons why any habitat of the Golden Coqui should or should not be determined to be "Critical Habitat" as provided for by section 7 of the Act;

(3) Additional information concerning the range and distribution of the Golden Coqui.

Final promulgation of the regulations on the Golden Coqui will take into consideration the comments and any additional information received by the Director and such communications may lead him to adopt final regulations that differ from this proposal.

An Environmental assessment has been prepared in conjunction with this proposal. It is on file in the Service's Office of Endangered Species, 1612 K Street, N.W., Washington, D.C. 20240, and may be examined during regular business hours. A determination will be made at the time of final rulemaking as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969.

Submittal of Written Comments

Interested persons may participate in this rulemaking by submitting written comments and other documents, preferably in triplicate, to Director (FWS/WPO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. All relevant comments and materials received no later than June 6, 1977, will be considered. Comments and materials received will be available for public inspection during normal business hours at the Service's Office in Suite 600, 1612 K Street NW., Washington, D.C.

This proposed rulemaking is issued under the authority contained in the Endangered Species Act of 1973.

(16 U.S.C. 1531–1543; 87 Stat. 884.)

This proposed rulemaking was prepared by Dr. C. Kenneth Dodd, Jr., Office of Endangered Species.

Dated: March 8, 1977.

Galen L. Buterbaugh,
Acting Director,
Fish and Wildlife Service.

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter 1, Title 50 of the Code of Federal Regulations, as set forth below:

It is proposed to amend § 17.11 by adding in alphabetical order the following to the list of animals:

§ 17.11 Endangered and threatened wildlife.

Species			Range				
Common name	Scientific name	Population	Known distribution	Portion of range where threatened or endangered	Status	When listed	Special rules
AMPHIBIANS							
Coqui, golden.	*Eleutherodactylus jasperi*...	NA	Puerto Rico.	Entire	T	NA.	

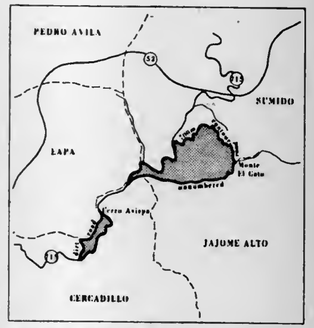
It is further proposed to amend 50 CFR Part 17; By amending proposed Subpart I of Part 17 [41 FR 55729; December 22, 1976] by adding new § 17.95 (d)(1) reading as follows:

§ 17.95 Critical habitat—fish and wildlife.

(d) *Amphibians*—(1) *Golden Coqui.* (i) The following area (exclusive of those existing manmade structures or settlements which are not necessary to the survival or recovery of the species) is Critical Habitat for the Golden Coqui (*Eleutherodactylus jasperi*):

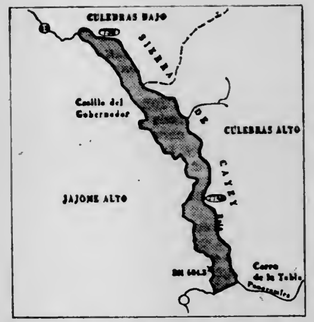
(A) Cerro Avispa—elevations above 700 meters on the south and southeastern slope of the mountain: from the northern junction of Highway 715 and an unnumbered dirt road southeast and southwest along Highway 715 to the southern junction with the same unnumbered dirt road and Highway 715, north and northeast along the unnumbered dirt road just below the southeast facing crest of Cerro Avispo to its junction with Highway 715.

(B) Monte el Gato—entire summit above 700 meters: from the junction of Highway 715 and the 700 meter contour interval west along Highway 715 to the junction of Highway 715 and an unnumbered road, north and northeast along this road to where it crosses the 700 meter contour interval, and east along the 700 meter contour interval to where it crosses Highway 715.



Proposed Critical Habitat for the Golden Coqui in Cerro and Monte El Gato.

(C) Sierra de Cayey-elevations above 700 meters: southeast from the junction of Highways 738 and 15 along Highway 15 to a point .5 kilometer south of Benchmark 684.5, northeast from this point in a line to a point on Highway 7741 two kilometers south of the junction of Highways 738 and 7741, north and northwest along Highway 7741 to its junction with Highway 738, and northwest from the junction of Highways 7741 and 738 along Highway 738 to its junction with Highway 15. Refer to 7.5 minute U.S.G.S. Topographical Map, Cayey, Puerto Rico, 1972.



Proposed Critical Habitat for the Golden Coqui in Sierra de Cayey

[FR Doc.77-9917 Filed 4-4-77;8:45 am]

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Proposed Endangered Status and Critical Habitat for the Pine Barrens Treefrog in Florida

The Director, U.S. Fish and Wildlife Service (hereinafter, the Director and the Service, respectively), hereby issues a proposed rulemaking, pursuant to sections 4 and 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543, 87 Stat. 884: hereinafter the Act), which would determine the Pine Barrens Treefrog in Florida (*Hyla andersonii*) to be an Endangered species and which would determine Critical Habitat for the Florida populations of that species. These populations occur in Okaloosa County, Florida. Until 1972, populations were known from adjacent Walton County; these populations have now been extirpated.

Background

Section 4(a) of the Act states:

General—(1) The Secretary shall by regulation determine whether any species is an endangered species or a threatened species because of any of the following factors:

(1) The present or threatened destruction, modification, or curtailment of its habitat or range;

(2) Overutilization for commercial, sporting, scientific, or educational purposes;

(3) Disease or predation;

(4) The inadequacy of existing regulatory mechanisms; or

(5) Other natural or manmade factors affecting its continued existence.

This authority has been delegated to the Director.

Summary of Factors Affecting the Species

These findings are summarized herein, under each of the five criteria of section 4(a) of the Act. These factors, and their application to the Florida population of the Pine Barrens Treefrog are as follows:

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The Pine Barrens Treefrog is now known to exist as seven small populations in Okaloosa County, Florida. Four other populations, including those in Walton County, have been extirpated since the frog's discovery in 1970. These losses were due to development and land clearing for agricultural use. These Florida populations, isolated by over 750 kilometers from the nearest Pine Barrens Treefrog populations in South Carolina, are unique in their color pattern, mating calls, and body proportions. At present, their relationship with other isolated populations of the Pine Barrens Treefrog in North Carolina, South Carolina, and New Jersey, remains unclear. Unless measures are taken soon to protect the remaining seven populations which include less than 500 individuals, a unique member of the Florida Gulf Coast herpetofauna may be extirpated.

2. *Overutilization for commercial, sporting, scientific, or educational purposes.* The location of these populations is not generally known to the public, and there is no evidence of overutilization at present. If, however, the populations were to be discovered by collectors, serious reduction of the populations might occur.

3. *Disease or predation.* Not applicable for this species.

4. *The inadequacy of existing regulatory mecahnisms.* Populations of the Pine Barrens Treefrog are protected by the Florida Game and Fresh Water Fish Commission against taking, possession, and transport of specimens. Addition to the Endangered and Threatened Wildlife list would provide additional discouragement to collectors, especially as regards prohibitions against interstate commerce.

5. *Other natural or manmade factors affecting its continued existence.* None.

Critical Habitat

Section 7 of the Act, entitled "Interagency Cooperation", states:

The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal departments and agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out program for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical.

An interpretation of the term Critical Habitat was published by Fish and Wildlife Service and the National Marine Fisheries Service in the Federal Register of April 22, 1975, (40 FR 17764–17765).

The areas delineated below do not necessarily include the entire Critical Habitat of the Pine Barrens Treefrog in Florida and modifications to Critical Habitat descriptions may be proposed in the future. In accordance with section 7 of the Act, all Federal departments and agencies would be required to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of the Critical Habitat of the Pine Barrens Treefrog in Florida found within the areas delineated below.

Until the promulgation of section 7 regulations, all Federal departments and agencies should, in accordance with section 7 of the Act, consult with the Secretary of the Interior with respect to any action which is considered likely to affect Critical Habitat within the delineated areas. Consultation pursuant to section 7 should be carried out using the procedures contained in the "Guidelines to Assist the Federal Agencies in Complying with section 7 of the Endangered Species Act of 1973" which have been made available to the Federal agencies by the Service.

Critical Habitat Determination

Based upon literature reviews and conversation with Mr. D. Bruce Means, who has looked for populations throughout the Florida panhandle and conducted studies on remaining populations, Critical Habitat for the Florida Pine Barrens Treefrog includes the following areas (exclusive of those existing manmade structures or settlements which are not necessary to the survival or recovery of the species):

I. NW¼ Section 35 T4NR22W Okaloosa Co.

II. NE¼ Section 27 T4NR22W Okaloosa Co.

III. SW¼ Section 26 T5NR23W Okaloosa Co.

IV. NW¼ Section 34 T5NR23W Okaloosa Co.

V. NW¼ Section 32 T4NR22W Okaloosa Co.

VI. NW¼ Section 12 T4NR22W Okaloosa Co.

VII. NE¼ Section 11 T4NR22W Okaloosa Co.

Effect of the Rulemaking

The effects of these determinations and this rulemaking include, but are not necessarily limited to, those discussed below. Endangered Species regulations already published in Title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all Endangered species. All of those prohibitions and exceptions also apply to any Threatened species unless a Special Rule pertaining to that Threatened species has been published and indicates otherwise. The regulations referred to above, which pertain to Endangered species, are found at § 17.21 of Title 50 and, for the convenience of the reader, are reprinted below:

§ 17.21 *Prohibitions.*

(a) except as provided in Subpart A of this part, or under permits issued pursuant to § 17.22 or § 17.23, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit or to cause to be committed, any of the acts described in paragraphs (b) through (f) of this section in regard to any endangered wildlife.

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(b) *Import or export.* It is unlawful to import or to export any endangered wildlife. Any shipment in transit through the United States is an importation and an exportation, whether or not it has entered the country for customs purposes.

(c) *Take.* (1) It is unlawful to take endangered wildlife within the United States, within the territorial sea of the United States, or upon the high seas. The high seas shall be all waters seaward of the territorial sea of the United States, except waters officially recognized by the United States as the territorial sea of another country, under international law.

(2) Notwithstanding paragraph (c)(1) of this section, any person may take endangered wildlife in defense of his own life or the lives of others.

(3) Notwithstanding paragraph (c)(1) of this section, any employee or agent of the Service, any other Federal land management agency, the National Marine Fisheries Service, or a State conservation agency, who is designated by his agency for such purposes, may, when acting in the course of his official duties, take endangered wildlife without a permit if such action is necessary to:

(i) Aid a sick, injured or orphaned specimen; or

(ii) Dispose of a dead specimen; or

(iii) Salvage a dead specimen which may be useful for scientific study; or

(iv) Remove specimens which constitute a demonstrable but nonimmediate threat to human safety, provided that the taking is done in a humane manner: the taking may involve killing or injuring only if it has not been reasonably possible to eliminate such threat by live-capturing and releasing the specimen unharmed, in a remote area.

(4) Any taking pursuant to paragraphs (c) (2) and (3) of this section must be reported in writing to the United States Fish and Wildife Service, Division of Law Enforcement, P.O. Box 19183, Washington, D.C. 20036, within 5 days. The specimen may only be retained, disposed of, or salvaged in accordance with directions from the Service.

"(5) Notwithstanding paragraph (c)(1) of this section, any qualified employee or agent of a State Conservation Agency which is a party to a Cooperative Agreement with the Service in accordance with section 6(c) of the Act, who is designated by his agency for such purposes, may, when acting in the course of his official duties take Endangered Species, for conservation programs in accordance with the Cooperative Agreement, provided that such taking is not reasonably anticipated to result in: (i) the death or permanent disabling of the specimen; (ii) the removal of the specimen from the State where the taking occurred; (iii) the introduction of the specimen so taken, or of any progeny derived from such a specimen, into an area beyond the historical range of the species; or (iv) the holding of the specimen in captivity for a period of more than 45 consecutive days."

(d) *Possession and other acts with unlawfully taken wildlife.* (1) It is unlawful to possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any endangered wildlife which was taken in violation of paragraph (c) of this section.

Example. A person captures a whooping crane in Texas and gives it to a second person, who puts it in a closed van and drives thirty miles, to another location in Texas. The second person then gives the whooping crane to a third person, who is apprehended with the bird in his possession. All three have violated the law—the first by illegally taking the whooping crane; the second by transporting an illegally taken whooping crane; and the third by possessing an illegally taken whooping crane.

(2) Notwithstanding paragraph (d)(1) of this section, Federal and State law enforcement officers may possess, deliver, carry, transport or ship any endangered wildlife taken in violation of the Act as necessary in performing their official duties.

(e) *Interstate or foreign commerce.* It is unlawful to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever, and in the course of a commercial activity, any endangered wildlife.

(f) *Sale or offer for sale.* (1) It is unlawful to sell or to offer for sale in interstate or foreign commerce any endangered wildlife.

(2) An advertisement for the sale of endangered wildlife which carries a warning to the effect that no sale may be consummated until a permit has been obtained from the U.S. Fish and Wildlife Service shall not be considered an offer for sale within the meaning of this subsection.

Regulations published in the FEDERAL REGISTER of September 26, 1975 (40 FR 44412) provided for the issuance of permits to carry out otherwise prohibited activities involving Endangered or Threatened Species under certain circumstances. Such permits involving Endangered Species are available for scientific purposes or to enhance the propagation or survival of the species. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship which would be suffered if such relief were not available.

Pursuant to section 4(b) of the Act, the Director will notify the Governor of Florida with respect to this proposal and request his comments and recommendations before making final determinations.

PUBLIC COMMENTS SOLICITED

The Director intends that the rules finally adopted will be as accurate and effective in the conservation of any Endangered or Threatened species as possible. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

(1) Biological or other relevant data concerning any threat (or the lack thereof) to the Pine Barrens Treefrog in Florida;

(2) The location of and reasons why any habitat of the Pine Barrens Treefrog in Florida should or should not be determined to be "Critical Habitat" as provided for by Section 7 of the Act;

(3) Additional information concerning the range and distribution of the Pine Barrens Treefrog in Florida.

Final promulgation of the regulations on the Pine Barrens Treefrog in Florida will take into consideration the comments and any additional information received by the Director, and such communications may lead him to adopt final regulations that differ from this proposal.

An environmental assessment has been prepared in conjunction with this proposal. It is on file in the Service's Office of Endangered Species, 1612 K Street NW., Washington, D.C. 20240, and may be examined during regular business hours. A determination will be made at the time of final rulemaking as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rulemaking by submitting written comments and other documents, preferably in triplicate, to Director (FWS/WPO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. All relevant comments and materials received no later than June 3, 1977, will be considered. Comments and materials received will be available for public inspection during normal business hours at the Service's Office in Room 514, 1717 H Street NW., Washington, D.C.

This proposed rulemaking is issued under the authority contained in the Endangered Species Act of 1973 (16 U.S.C. 1531–1543; 87 Stat. 884).

This proposed rulemaking was prepared by Dr. C. Kenneth Dodd, Jr., Office of Endangered Species.

Dated: March 22, 1977.

LYNN A. GREENWALT,
Director,
Fish and Wildlife Service.

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter 1, Title 50 of the Code of Federal Regulations, as set forth below:

It is proposed to amend § 17.11(i) by adding in alphabetical order the following to the list of animals:

§ 17.11 Endangered and threatened wildlife.

Species		Population	Range		Status	When listed	Special rules
Common name	Scientific name		Known distribution	Portion of range where threatened or endangered			
AMPHIBIAN							
Treefrog, pine barrens	*Hyla andersonii*	Florida	Florida	Entire	E		NA

It is further proposed to amend 50 CFR Part 17

1. By adding new § 17.95(d)(2) reading as follows:

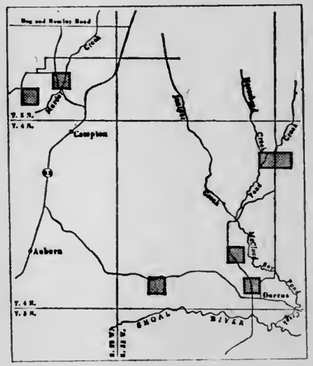
§ 17.95 Critical habitat—fish and wildlife.

(d) • • •

• • • • • •

(2) Pine Barrens Treefrog (Florida population) (a) The following area (exclusive of those existing manmade structures or settlements which are not necessary to the survival or recovery of the species) is Critical Habitat for the Florida population of the Pine Barrens treefrog (*Hyla andersonii*):

I. NW¼ Section 35 T4NR22W Okaloosa Co.
II. NE¼ Section 27 T4NR22W Okaloosa Co.
III. SW¼ Section 26 T5NR23W Okaloosa Co.
IV. NW¼ Section 34 T5NR23W Okaloosa Co.
V. NW¼ Section 32 T4NR22W Okaloosa Co.
VI. NW¼ Section 12 T4NR22W Okaloosa Co.
VII. NE¼ Section 11 T4NR22W Okaloosa Co.



PROPOSED CRITICAL HABITAT FOR THE PINE BARRENS TREEFROG IN FLORIDA (OKALOOSA COUNTY).

[FR 77-9918 Filed 4-4-77;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

[40 CFR Part 1500]

PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS: GUIDELINES

Request for Comments

APRIL 1, 1977.

AGENCY: Council on Environmental Quality

ACTION: Request for Comment on Guideline Change

SUMMARY: This documents proposes to clarify CEQ's Guidelines to indicate that the environmental impact statement process applies to agency proposals for legislation, but inviting comment as to whether agency comments or reports on Congressional proposals should be required statements. This proposal is intended to avoid ambiguity and possible misinterpretation of when an environmental impact statement is required. The need for the rule has been made evident by the filing of a lawsuit on the subject.

DATES: Comments due May 5, 1977.

ADDRESSES: Comments to Nicholas C. Yost, General Counsel; Council on Environmental Quality; 722 Jackson Place, NW.; Washington, D.C. 20006.

CONTACT: Nicholas C. Yost; 202–382–6173.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Council on Environmental Quality intends to revise § 1500.5(a)(1) of its Guidelines for the Preparation of Environmental Impact Statements. Written comments and recommendations should be submitted to the General Counsel, Council on Environmenal Quality, 722 Jackson Place, NW., Washington, D.C. 20006. All comments and recommendations received on or before May 5, 1977 will be considered.

On March 21, 1977 an action was commenced in the United States District Court for the District of Columbia, *Wingfield* v. *OMB.* No. 77–0489, alleging, inter alia, that section 102(2)(C) of the National Environmental Policy Act requires agencies to prepare environmental impact statements on agency comments on proposed legislation pending in Congress. The plaintiffs rely in part on § 1500.5(a)(1) of the Council's Guidelines for the Preparation of Environmental Impact Statements in support of their claim.

The Council did not intend that § 1500.5(a)(1) be interpreted to require that agencies prepare EISs when they comment on legislation initiated by and pending before Congress. Indeed, neither NEPA nor this provision of the Guidelines has been interpreted to this effect in the past, and no EISs have ever been prepared in connection with Federal agency comments on Congressional proposal. In order to avoid any ambiguity and/or possible misinterpretation of this paragraph, however, the Council proposes to amend it.

The proposed revision would clarify the Guidelines to indicate that the EIS process applies to agency proposals for legislation, but not to agency comments or reports on Congressional proposals. In the latter situation, individual members of Congress or Congressional committees can request such information as they may need to assist them. The preparation of environmental impact statements on agency reports on Congressionally initiated legislation has not been found to be useful to the public or to agencies or Congressional decisionmaking. Moreover, legislation proposed by members of Congress frequently lies dormant or is modified so frequently that no real opportunity arises for the EIS process to work effectively. In contrast, when agencies develop legislative proposals, EIS procedures apply because there is an opportunity for agencies to study and incorporate environmental concerns in their planning and decisionmaking prior to the constraints of time and constant change which occur once a draft legislative proposal is introduced.

The Council is considering alternative approaches to resolving the current ambiguity. Approaches we are considering include are not limited to the following: The first approach would be to delete entirely any reference to agency reports on Congressionally initiated legislation. A second approach would be to apply the EIS process in those circumstances when agency involvement in the Congressional development of a legislative proposal is so extensive that the agency is in effect a co-proponent of the proposed legislation. In the latter situation, an EIS may be necessary. The Council solicits comments and recommendations on these alternatives.

NICHOLAS C. YOST,
Acting General Counsel.

[FR Doc.77-10238 Filed 4-4-77;10:00 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

EXECUTED MEMORANDA OF AGREEMENT

Pursuant to § 800.6(a) of the Council's "Procedures for the Protection of Historic and Cultural Properties" (36 CFR Part 800), notice is hereby given that the following Memoranda of Agreement were executed during the month of February 1977. The Memoranda of Agreement were executed in fulfillment of Federal agencies' responsibilities for protection of properties on or eligible for inclusion in the National Register of Historic Places in accordance with Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470f, as amended, 90 Stat. 1320).

Middle Fork Pictograph-Petroglyph Panels and the Castle Rock Archeological Site, Power River, Wyoming, affected by construction of the Middle Fork Reservoir undertaken by the Bureau of Land Management, U.S. Department of the Interior (2/10/77).

Alfred Buffat Homestead, Knox County, Tennessee, affected by Tennessee Highway Project I-640 undertaken by the Federal Highway Administration, U.S. Department of Transportation (2/10/77).

Pennsylvania Canal, Delaware Division, Northampton County, Pennsylvania, affected by the construction of Interstate Route 78 undertaken by the Federal Highway Administration, U.S. Department of Transportation (2/10/77).

Historic Sites No. 1, No. 3, No. 4, Lehigh and Northampton Counties, Pennsylvania, affected by construction of Interstate Route 78 undertaken by the Federal Highway Administration, U.S. Department of Transportation (2/10/77).

Bellows Falls Armory, Rockingham, Vermont, affected by the Housing Assistance Payments Program undertaken by the U.S. Department of Housing and Urban Development (2/1/77).

Jackson Ward Historic District, Richmond, Virginia, affected by Housing Conservation Program for 1977 undertaken by the City of Richmond assisted by the U.S. Department of Housing and Urban Development (2/1/77).

The Memoranda are available for inspection at the Advisory Council offices, Suites 430 and 530, 1522 K Street, NW., Washington, D.C. 20005.

ROBERT M. UTLEY,
Deputy Executive Director, Advisory Council on Historic Preservation.

[FR Doc.77-10190 Filed 5-4-77;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Designation No. A467]

COLORADO

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Colorado Counties as a result of drought and wind January 1 through December 31, 1976, in Douglas County and drought January 1, 1976, through February 28, 1977, and a severe windstorm February 23, 1977, in Lincoln County.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Richard D. Lamm that such designation be made.

Applications for emergency loans must be received by this Department no later than May 23, 1977, for physical losses and December 23, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 28th day of March, 1977.

FRANK W. NAYLOR, JR.,
Acting Administrator, Farmers Home Administration.

[FR Doc.77-10105 Filed 4-4-77;8:45 am]

Forest Service

SPEARFISH DISTRICT GRAZING ADVISORY BOARD; BLACK HILLS NATIONAL FOREST

Meeting Cancellation

The Spearfish District Grazing Advisory Board meeting scheduled for April 15, 1977 is cancelled. This board has been terminated.

The Notice of this meeting was published on page 13570, FEDERAL REGISTER Volume 42, Number 48, Friday, March 11, 1977.

FRANK P. SMEDLEY,
Acting Forest Supervisor.

MARCH 28, 1977.

[FR Doc.77-10052 Filed 4-4-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 30616]

AMERICAN AIRLINES, INC., ET AL.

"Super-Saver" Discount Fares; Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on April 28, 1977, at 9:30 a.m. (local time), in Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Burton S. Kolko.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Economics will circulate its material on or before April 8, 1977, and the other parties on or before April 18, 1977. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., March 29, 1977.

HENRY M. SWITKAY,
Acting Chief Administrative Law Judge.

[FR Doc.77-10098 Filed 4-4-77;8:45 am]

[Dockets Nos. 26368, 26369, 27415, 28292, 28294, 28597, 28830, 29213, 29216, 29228, 29229, 29247, 29856, 29998]

EASTERN AIR LINES, INC.

Enforcement Proceeding; Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on April 25, 1977 at 9:30 a.m. (local time) in Room 1003, Hearing Room C, Universal North Building, 1875 Connecticut Avenue, Washington, D.C. 20428, before the undersigned.

Dated at Washington, D.C., March 28, 1977.

BURTON S. KOLKO,
Administrative Law Judge.

[FR Doc.77-10099 Filed 4-4-77;8:45 am]

[Docket Nos. 29123, 27813; Order 77-3-163]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding North/Central and Intra-Pacific Passenger Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of March 1977.

By Order 76-12-85, December 15, 1976, the Board directed United States carriers to submit justification in support of Agreement C.A.B. 26257 which would establish fares over the North/Central Pacific from April 1, 1977 through November 30, 1977.[1] Pan American World Airways, Inc. (Pan American), the only U.S. IATA member providing service over the North/Central Pacific, has submitted the requested data as has Northwest Airlines, Inc. (Northwest), which is not a member of IATA. Trans International Airlines, Inc. (TIA) and World Airways, Inc. (World), two supplemental carriers, have jointly filed initial comments and comments in reply, as has the Puget Sound Traffic Association (PSTA).

In addition, Pan American has filed a petition for reconsideration of Order 77-1-60, January 11, 1977, which acted upon an earlier Agreement C.A.B. 26064, relating to North/Central Pacific fares through March 31, 1977. TIA and World have jointly filed an answer. Pan American's petition contests the Board's disapproval of first- and economy-class fare increases, as well as certain proposed 30/120 day excursion fares. Since its arguments apply equally to matters here before us in the instant agreement, we will consider them in that context.[2]

THE AGREEMENTS

When compared to fare levels in existing tariffs (See Attachment A),[3] Agreement C.A.B. 26257 would increase west coast/Honolulu first-class fares by approximately seven to 10 percent, and normal economy-class fares by approximately three to seven percent.[4] Normal fares from Alaska, however, would generally remain unchanged. Promotional fares would be increased by approximately two to 30 percent with the higher-rated 21-day excursion fares being subject to lesser increases and the lower-rated fares to greater increases. Except for discontinuation of individual inclusive-tour (IIT) fares and the affinity group-100 fare from Alaska, the structure would remain essentially unchanged. However, certain westbound 30/120-day excursion fares, now available only from Canada, would be extended to travel from San Francisco/Honolulu to Manila at the Vancouver level for San Francisco, and at the Vancouver level less $100 from Honolulu. Finally, the agreement would permit fully reclinable seats to be made available to first-class passengers in the upper deck of B-747 aircraft, upon payment of a "sleeper surcharge."

CARRIER JUSTIFICATIONS

For the forecast year ending March 1978, Pan American expects the agreement to produce additional revenue of $3.5 million, 1.2 percent above the forecast at "present" fares.[5] Using the revenue-offset methodology for treating cargo service, the carrier states that it sustained an operating loss of $6.3 million, resulting in a 0.49 percent return on investment (ROI) during the historical year ending September 1976. It forecasts an operating profit of $22.0 million and an ROI of 8.73 percent during the forecast period under "present" fares, and an operating profit of $25.4 million and an ROI of 9.74 percent under those proposed. These estimates are based upon a historical load factor of 44.8 percent, and forecast load factors of 50.0 percent and 49.1 percent under "present" and proposed fares, respectively. The improved load factors stem from an expected 3.7 percent increase in traffic (1.9 percent after application of an elasticity factor) coupled with a 7.0 percent cutback in available capacity. (See Attachment B which shows carrier results for the historical and forecast periods).

Pan American contends that the agreement addresses the concern which the Board has expressed with respect to the fare structure in the Pacific area by decreasing the spread between promotional and normal economy fares and by narrowing the disparity in yield between Alaska-Far East and U.S. west coast/Honolulu-Far East fares. The carrier also states that introduction of 30/120-day fares, now limited to Canadian originations, into the San Francisco/Honolulu-Manila markets was at the firm requirement of Philippine Air Lines, and that the "sleeper surcharge" was adopted to accommodate the strong position held by Japan Air Lines on this issue.

In its petition, Pan American contends that the Board's earlier disapproval of increased first-class fares in Order 77-1-60, solely because of their relationship to excess-baggage charges and without a finding that the increase was unreasonable, is not proper; that the carriers have complied with the Board's order in Docket 24869[6] to the best of their ability; that withholding revenue from U.S. carriers because of the failure of foreign governments to accept the Board's policy is unreasonable and arbitrary; and that in any event IATA has now adopted an agreement prohibiting use of increased first-class fares in the calculation of excess-baggage charges.[7] The carrier further maintains that the Board's refusal, in that order, to approve any increase in normal economy fares rests upon the Board's unwarranted assumption that the cost per-passenger is the same regardless of the type of fare used; that this assumption is erroneous since normal economy-fare traffic, in contrast to that moving on restricted promotional fares, incurs costs, some quantifiable and some not, which produce a total cost for that class of traffic well above average cost. These additional costs, it is contended, stem in part from the normal economy-fare passenger's unconditional access to seats, unlimited free stopovers, need for an expensive, instantaneous reservation/confirmation system, plus access to numerous other amenities not fully available to other types of traffic.

With respect to the Asia-originating 30/120-day excursion fares, which the Board disapproved, it is contended that they are required to protect the IATA carriers from illegal practices which cannot be adequately handled within IATA and which have continued in the absence of definitive governmental action. Pan American has submitted a profit-impact analysis purporting to show that the fare would improve its revenues by $2 million. It also claims that the westbound 30/120-day excursion fares, which it alleges were disapproved by the Board, were not required by C.P. Air as a result of Pan American's requirement for the Asia-originating excursion fares;[8] and that

[1] Agreement C.A.B. 26257, R-14, which deals with Japan-originating group 30/40 inclusive-tour fares has been disposed of by the Board in Order 77-3-77 March 14, 1977.

[2] The petition also discusses the Board's adjustments to Pan American's elasticity estimates but offers no arguments not previously considered. The Board has since stated its overall view on this matter in Order 77-2-32, February 4, 1977, page 3, and we need not restate those views herein.

[3] Appendix A and Attachment B filed as part of the original document.

[4] Agreement C.A.B. 26319 would establish an intra-Pacific fare structure for effect April 1, 1977 through March 31, 1978 and affects air transportation only insofar as transportation to/from Guam and American Samoa is concerned.

[5] "Present fares", as used by Pan American, means the higher fares proposed in C.A.B. 26064, not those in presently effective tariffs. Board action on C.A.B. 26064 was still pending at the time justification for the present agreement was being prepared and Pan American has used those proposed fares rather than effective fares in its projections.

[6] Baggage Allowance Tariff Rules in Overseas and Foreign Air Transportation, Order 76-3-81, served March 12, 1976.

[7] Agreement C.A.B. 26424, Docket 29123. Additionally, the carriers have recently filed with the Board a limited agreement (C.A.B. 26508) which establishes free baggage allowances and excess charges to/from the United States and its territories.

[8] In point of fact the Board did approve these fares which were specified for Canadian origins only, although it also urged their elimination from the structure in view of its disapproval of the corresponding eastbound fares. Moreover, in a letter dated January 25, 1977, C.P. Air states "the Board's understanding that C.P. Air's introduction of the 30/120 day excursion fares followed Pan American is correct." The carrier goes on to stress the competitive need for continuation of this fare from Canada, urges favorable consideration of normal fare increases, and contends that lack of a uniform commissions agreement and only partial approval of Agreement C.A.B. 26064 has damaged its revenues. C.P. Air's letter has been placed in the correspondence section of Dockets 27813 and 29123.

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the carriers need to respond competitively to the westbound fare offered by C.P. Air or lose substantial interior U.S. traffic to that carrier.[9]

In its justification, Pan American restates arguments which it has previously made on the issue of common-faring Seattle with other U.S. west-coast cities,[10] and estimates a loss in revenue of $2 million were Seattle fares recalculated at the lower average fare per-mile applicable on direct routings from the California gateways, assuming continued common-faring and extension of the resultant reduction to U.S. interior points. Were Seattle de-common-fared completely and were fares to interior points based on the shortest operated mileage, Pan American estimates an additional $24 million loss in revenue. In either event, the IATA carriers would be under pressure to seek appropriate fare increases to recoup lost revenues.

Northwest states that the proposed fare increases will provide it with $6.7 million in additional revenue, 3.3 percent aboce that forecast at present fares for the year ending March 1978. The carrier states that it earned a $25.4 million operating profit and an ROI of 11.99 percent during the historical year ended September 1976, and that it anticipates an operating profit of $28.6 million and an ROI of 12.24 percent during the forecast period under present fares, and an operating profit of $33.4 million and ROI of 14.21 percent under the proposed fares. These estimates are based upon load factors of 51.3 percent in the historical period, and 54.8 percent during the forecast period under both present and proposed fares. The improved seat-factor appears to result from an anticipated 9.2 percent increase in traffic, offset slightly by a 2.2 percent increase in forecast capacity.

On the question of common-faring Seattle, Northwest argues that the Board should not act to de-common-fare these points without a complete formal investigation in view of the routing complexities and competitive considerations which are involved.

THIRD PARTY COMMENTS AND REPLIES

In their joint opposition to Pan American's petition for reconsideration and in their comments on this agreement, TIA and World maintain that Pan American has failed to show error in the Board's decision to disallow the proposed increase in normal economy fares, and recommend continued disallowance of normal economy fare increases until discount-fare levels are further increased. Both also contend that disapproval of the Asia-originating 30/120-day excursion fares was entirely consistent with past actions of the Board; that Pan American's profit-impact statement is untimely and questionable; and that the excursion fare should continue to be disapproved in the absence of adequate economic justification. Finally, the two supplementals characterize as insufficient the increases proposed in the affinity group-100 fares and request that the scheduled carriers be directed either to increase these fares to a compensatory level or to eliminate them from the structure.

Maintaining that it merely seeks application to Seattle of existing domestic common-fare policies which clearly preclude the practice absent special circumstances not yet demonstrated here, PSTA requests that any approval of the agreement be conditioned to remove undue prejudice to Seattle by requiring mileage-related fares to/from all U.S. west-coast gateways. PSTA restates arguments previously made and contends that, although explicitly placed on notice to justify Seattle common-faring, the carriers have submitted only a recast of previously refuted arguments;[11] that Pan American's estimated $2 to $24 million revenue loss is unsupported and represents its "worst-case" analysis; that under a variety of scenarios its revenues could be increased or its losses offset; that to the extent losses do occur, they can be offset by general fare increases; and that the public interest in relief of undue prejudice against Seattle must outweigh theoretical damage to Pan American's private interest.

Absent the requested conditioning of the agreement, PSTA urges institution of an expedited investigation of west coast-Hawaii/Far East/South Pacific common-faring. However, while it is willing to accept such an investigation, PSTA does not believe it necessary. In return for an immediate end to west coast-Far East common-faring, PSTA is willing to accept, without hearing, elimination of west coast-Hawaii/South Pacific common-faring, both of which favor Seattle. However, should the Board order an investigation, PSTA urges disapproval of the agreement on the ground that the carriers' justifications show irreconcilable contradictions. PSTA argues that Northwest's stated inability to show revenue by fare category does not square with its activity in several formal proceedings nor with its auditors' own sampling requirements used to estimate earned revenues; that while Northwest serves the high-yield Seattle-Tokyo market and forecasts a traffic mix with a greater percentage of normal fare traffic than does Pan American, its average yield is lower than that forecast by Pan American; and that in view of this and for other reasons dealing with commissions expenses,[12] Pan American's elasticity adjustment, the apparent end of rebating practices on sales from the United States, and reported illegal practices in Asia, suggests that various adjustments should be made in the carriers' economic data which would place them in an excess earnings posture.

FINDINGS

Upon full consideration of the agreement, the carriers' justification and replies thereto, and all other relevant matters, the Board has decided to approve the North/Central Pacific fare package with the exceptions noted below.

The Board has frequently expressed its concern that the normal economy fares are substantially in excess of the cost of providing this service and that, as a result, economy-class passenger bear the burden of supporting the carriage of below-cost, discount-fare traffic. Indeed, our concern has been sufficient to prompt initiation of a formal proceeding to examine, among other things, the relationship with normal economy fares should properly bear to cost on the basis of a fully-developed record. (Order 75-6-42, June 9, 1975). Although that investigation is limited to North Atlantic service, the evidence gathered there will, in our opinion, provide useful guidelines for evaluation of fares in other areas as well.

In view of the present differentiated North/Central Pacific fare structure, the question is raised whether it is reasonable to insist that normal economy fares be set at a level directly related to the cost of providing that service. This matter aside, the narrow question here is whether or not the proposed economy-class fares so exceed the cost of this service that approval cannot be justified. The fact of the matter is that the present normal economy fare for the longest operated west coast-Tokyo routing (Seattle-Tokyo via Honolulu) is approximately 18 percent above cost, and would be 26 percent above cost under the proposed fares. This routing is, of course, far longer than the more direct routings used by a majority of travelers and, accordingly, the average cost/price discrepancy is significantly greater than these relationships would indicate. For this reason, the Board concludes that a further increase in the normal economy fare level has not been substantiated. We reach the same conclusion with respect to the 21-day excursion fare which, over the same routing, today exceeds cost by five percent and with the proposed increase would result in a differential of somewhat more than 12 percent. Moreover, it should be pointed out that these comparisons are made against average cost and are, therefore, understated to the extent that excursion-fare passengers receive less in value of service than do those traveling at the normal economy fare. Accordingly, in view of the relationship between the proposed levels of fares and cost, and in view of the carriers' forecast composite ROI position, as detailed below, the

[9] The Canadian-originating 30/120-day excursion fares are presently available in tariffs from certain U.S. points by combination of fares over Canada.

[10] See Order 77-1-60, January 11, 1977.

[11] See Order 77-1-60, January 11, 1977.

[12] The Board is re-examining its policy with respect to uniform commission rates in IATA Agreements Concerning Agency Matters Uniform Commission Rates Agreements C.A.B. 25606, R-1 through R-4, Docket 28672, and presently is considering a carrier motion for interim approval of the IATA-agreed commission rates.

Board will disapprove the increases proposed in these two fare categories.[13]

As indicated, the agreement again incorporates a 30/120 day excursion fare for Asia-originating travel at discounts approaching 40 percent for the normal economy fare. This fare was initially filed on a unilateral basis by Pan American in early 976 for the alleged purpose of countering comparable and illegal competition in Asian markets. That filing, as well as several subsequently attempted, was not accepted by the Board, primarily due to the fact that we do not accept as adequate justification the need to "meet competition" which is not demonstrated by valid tariffs on file with the Boad.[14] The fares were later incorporated into an IATA agreement designed to close North/Central Pacific fares for a short interim period pending implementation of the agreement here before us. The Board again declined to approve the fares, not only on the basis previously articulated but also in view of Pan American's failure to provide any meaningful economic data in their support.

It seems clear that the proposed continuation of these fares reflects a continuation of the competitive situation in Asia which prompted their initial introduction. Were this the only argument advanced in their support, we would once again be disposed toward disapproval since, at the relatively steep discount involved, the fares are clearly inconsistent with the long-term structural improvement which the Board seeks to encourage.

On the other hand, Pan American has provided a profit impact analysis which indicates an annual profit improvement of $2 million over that to be expected were it not permitted to offer the Asia-originating excursion fares. The Board is not, of course, in a position to undertake a detailed verification of Pan American's estimate. Nor are we prepared to conclude that its opportunity for additional revenue and profit would be less were it foreclosed from offering the fares, even accepting the competitive situation which allegedly continues with respect to sales in Asia. The Board certainly cannot condone the apparent circumstances which prompted the filing of these low and relatively unrestricted fares in the first place. On the other hand, Pan American has now provided data which indicate that, in the present environment, its profit potential will be enhanced despite the nature of the fares themselves and their inter-relationship with the overall North/Central Pacific structure. Finally, it must be noted that, while TIA and World lodged a complaint against the fares as being substantially below cost, no showing has been made that they will have a materially detrimental impact upon operations of the supplemental carriers in this area. Accordingly, albeit with some reluctance, the Board has decided to approve this facet of the agreement.[15]

In January of this year, the Board disapproved proposed increases in North/Central Pacific first-class fares (Order 77-1-60). Our disapproval was not based upon dissatisfaction with the fare level per se but, rather, rested essentially upon the fact that, at that time, most IATA carriers were continuing to use the first-class fare level as the basis for determining charges for excess-baggage—in direct contravention of the Board's decision in the "Baggage Allowance Tariff Rules in Overseas and Foreign Air Transportation Case," Docket 24869. Today, the situation has changed. The U.S. carriers now charge the rate prescribed by the Board for outbound travel from the United States and the extent to which they cannot do likewise for inbound travel is a matter beyond their control. Accordingly, and in consideration of the carriers' recent proposals to establish a "piece method" baggage system, the increased first-class fares will be approved.[16]

Our estimates of the carriers' forecast results are set forth in Attachment B. In summary, after adjusting Pan American's forecast to eliminate elasticity and anticipatory fuel costs, the carriers would earn a composite ROI of 13.16 percent. Adjustment in the carriers' revenues to reflect our disapproval of the normal economy and 21-day excursion fare increases, produces an 11.75 percent composite return.[17] While this return falls slightly short of the Board's 12-percent guideline, it should in our opinion be evaluated in the context of the relatively moderate load factors forecast by both U.S. carriers.[18]

PSTA again raises the argument that Seattle is discriminated against in relation to fares from other west coast points. We had earlier directed the carriers to respond fully to PSTA's position in their submission on this agreement. While, as indicated below, we believe that PSTA's argument must be heard, we have concluded that it should not affect our disposition of this IATA agreement. No IATA carrier presently holds authority to provide direct service between Seattle and points in the Far East. Pan American, the only U.S. carrier member of IATA serving the area, presently serves the Seattle market via connections with its wide-body service at either San Francisco or Los Angeles. The purpose of an IATA agreement is to establish fares for its members in a manner consistent with the authorized routings by which each must operate. In that context, we find no cause for disapproval of the alleged disparity between fares (on a per-mile basis) from Seattle and those from other west-coast gateways. In fact, it could be argued that the IATA agreement actually favors Seattle-Far East passengers who use the services of IATA carriers since (based upon the present west-coast-Tokyo normal economy fare) they pay a per-mile fare of 8.61 cents and 7.79 cents for routings via San Francisco and Los Angeles, respectively. These compare with higher per-mile fares of 9.75 cents and 9.15 cents paid by passengers using the direct route from the two respective California points.

Nevertheless, the Board is of the opinion that the thrust of PSTA's argument has merit. It is a fact that Northwest, which alone has direct non-stop service authority from Seattle to the Far East and which forecasts very favorable earnings in the upcoming year, generally files to match those fares agreed to in IATA. This quite clearly raises a question of whether or not travelers from Seattle are reaping appropriate benefits from Northwest's direct-route authority. For this reason, the Board intends to institute an investigation of the practices of common-faring in the North/Central Pacific area within sixty days, and intends that this exploration include fare relationships to the South Pacific as well.

Finally, the Board has decided to defer action on the new intra-Pacific fares package proposed by Agreement C.A.B. 26319. We understand that the carriers, at a special meeting of Traffic Conference 3 in Manila, have adopted an agreement which makes substantial modification in the intra-Pacific structure now before us. We anticipate receiving this agreement soon, and will consider both that agreement and Agreement C.A.B. 26319 as one package.

The Board, acting pursuant to sections 102, 204(a) and 412, of the Act, makes the following findings:

1. It is not found that the following resolutions, incorporated in Agreement C.A.B. 26257 as indicated, are adverse to the public interest or in violation of the Act: *Provided*, That approval is subject, where applicable, to conditions previously imposed by the Board:

[13] These comparisons are based upon the cost of U.S.-carrier wide-body operations for the historical period, at a 50-percent load factor. While they account for dilution resulting from mileage circuitry and stopovers, they do not reflect dilution resulting from children's fares and pro-rates. However, as noted, most west coast-Tokyo flights are now operated on much more direct routings which results in lower economic costs. Therefore, we believe, on balance, that these two fares substantially exceed economic cost.

[14] See Orders 76-2-103 (February 26, 1976), 76-6-162 (June 24, 1976, 76-10-25 (October 5, 1976), and 77-1-60 (January 11, 1977).

[15] In a contrary action, the Board is herein disapproving the proposed extension to the San Francisco/Hawaii-Manila markets of the present Canada-originating, westbound 30/120-day excursion fares. We can find no reason to justify establishment of these fares at or below the Vancouver level as opposed to a level which reflects a combination of fares over a routing via Vancouver.

[16] In reaching our conclusion to now approve this increase, we note that two IATA agreements relating to baggage matters are now pending before the Board. See footnote six, supra.

[17] Our adjustment of Pan American's forecast revenues also reflects our earlier disapproval (Order 77-1-60) of certain normal economy-fare increases, which Pan American assumed to have been in effect in its forecasts under both "present" and proposed fares.

[18] We would point out that, aside from consideration of the carriers' return position, the normal economy and 21-day excursion fares would have been disapproved for lack of meaningful support.

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Agreement C.A.B.	IATA No.	Title	Application
26257			
R-1	001b	North & Central Pacific Special Effectiveness Resolution (Tie-in)	3/1.
R-2	001z	Special Escape JT31 (North & Central Pacific) Agreement (New)	3/1.
R-3	002	Standard Revalidation Resolution	3/1. (N/C Pacific.)
R-4	014o	JT31 Construction Rule (Revalidating and Amending)	3/1. (N/C Pacific.)
R-5	015b	North & Central Pacific Proportional Fares—North America (Revalidating and Amending).	3/1.
R-6	022e	JT31 (North & Central Pacific) Adjustment Factors for Sales of Passenger Air Transportation (New).	3/1.
R-7	056	North & Central Pacific First Class Fares	3/1.
R-9	070pp	North & Central Pacific 120-Day Excursion Fares (EB) (Revalidating and Amending).	3/1.
R-12	076j	North & Central Pacific Affinity and/or Own Use Group Fares (Revalidating and Amending).	3/1.
R-13	084b	North & Central Pacific Group Inclusive Tour Fares (Revalidating and Amending).	3/1.
R-15	097	North & Central Pacific Special One Way Fares (Revalidating and Amending).	3/1.
R-16	102	Passenger Expenses en Route (Amending)	3/1. (N/C Pacific.)
R-17	250	Sleeper Surcharge (Amending)	3/1. (N/C Pacific.)

2. It is found that the following resolutions, incorporated in Agreement C.A.B. 26257 as indicated, are adverse to the public interest and in violation of the Act:

Agreement C.A.B.	IATA No.	Title	Application
26257:			
R-8	066	North & Central Pacific Economy Class Fares	3/1.
R-10	070qq	North & Central Pacific 120-Day Excursion Fares (WB) (Revalidating and Amending).	3/1.
R-11	070u	North & Central Pacific 21-Day Excursion Fares (Revalidating and Amending).	3/1.

Accordingly, it is ordered, That:

1. Those portions of Agreement C.A.B. 26257 set forth in finding paragraph one above be and hereby are approved subject, where applicable, to conditions previously imposed by the Board;

2. Those portions of Agreement C.A.B. 26257 set forth in finding paragraph two above be and hereby are disapproved;

3. Except to the extent granted herein, the petition of Pan American World Airways, Inc. for reconsideration of Order 77-1-60, be and hereby is denied;

4. The carriers are hereby authorized to file tariffs implementing the approved portions of Agreement C.A.B. 26257 on not less than one day's notice for effectiveness not earlier than April 1, 1977. The authority granted in this paragraph expires May 1, 1977;

5. Tariffs implementing the approved portions of Agreement C.A.B. 26257 shall be marked to expire November 30, 1977; and

6. Action on Agreement C.A.B. 26319 be and hereby is deferred.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-9954 Filed 4-4-77;8:45 am]

[Doc. 29123; Order 77-3-56; Agreement C.A.B. 26517, R-1 through R-3]

TRAFFIC CONFERENCE 2 OF THE INTERNATIONAL AIR TRANSPORT ASSOCIATION

Passenger Fares Agreement

Issued under delegated authority March 29, 1977.

An agreement has been filed with the Board pursuant to Section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Taffic Conference 2 of the International Air Transport Association (IATA). The agreement, adopted by mail vote, has been assigned the above C.A.B. agreement number.

The agreement would increase by ten percent first-class and normal economy-class fares applicable on the following four sectors within the Middle East: Amman-Beirut, Amman-Cairo, Damascus-Cairo and Beirut-Cairo. In addition, creative fares between Cairo, on the one hand, and Amman and Beirut, on the other hand, also would be increased by ten percent. We will approve those portions of the agreement governing fares which are combinable with fares to/from United States points and thus have indirect application in air transportation as defined by the Act. Jurisdiction will be disclaimed on the balance of the agreement which governs noncombinable fares and thus has no application in air transportation.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14:

1. It is not found that the following resolutions, incorporated in the agreement as indicated and which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement C.A.B.	IATA No.	Title	Application
26517:			
R-1	052	TC2 First-Class Fares (Amending)	2 (within Middle East).
R-2	062	TC2 Economy-Class Fares (Amending)	2.

2. It is not found that the following resolution, incorporated in the agreement as indicated, affects air transportation within the meaning of the Act:

Agreement C.A.B.	IATA No.	Title	Application
26517:			
R-3	052b	TC2 Creative Fares Except Europe (Amending)	2 (within Middle East).

Accordingly, *It is ordered* That:

1. Those portions of Agreement C.A.B. 26517, described in finding paragraph 1 above and which have indirect application in air transportation as defined by the Act, be and hereby are approved; and

2. Jurisdiction be and hereby is disclaimed with respect to that portion of Agreement C.A.B. 26517 described in finding paragraph 2 above.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such a period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

By James L. Deegan, Chief Passenger and Cargo Rates Division Bureau of Economics.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-10101 Filed 4-4-77;8:45 am]

[Doc. 29964; Order 77-3-85]

POLSKIE LINIE LOTNICZE

Application for Renewal and Amendment of Foreign Air Carrier Permit

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of March, 1977.

1. Ordering paragraph 5 on page 3 of Order 77-3-85, March 15, 1977, published at 42 FR 15357; March 21, 1977, should read: "This order shall be served on the Ambassador of Poland, Pan American Airways, Polskie Linie Lotnicze, and the Departments of State and Transportation."

2. In the specimen foreign air carrier permit attached to Order 77-3-85, footnote 1 on page 2 should be placed next to line 2 of the Period-Frequency table.

Dated: March 28, 1977.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-10100 Filed 4-4-77;8:45 am]

[Doc. 21866-9; Order 77-3-171]

UNITED AIR LINES, INC.

Domestic Passenger Fare Investigation; Phase 9

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of March, 1977.

Petition of United Air Lines, Inc. for modification of Orders 74-3-82 and 74-12-109, domestic passenger fare investigation, Phase 9 Fare Structure.

Acting on a petition of United Air Lines, Inc. (United) the Board, in Order 76-8-18, directed all scheduled certificated air carriers and other interested persons to show cause why ordering paragraph 2 of Order 74-12-109 [1] should not be amended to add, at the end of the paragraph, the following:

; and provided further that in implementing a Board-approved general fare increase, carriers may except particular markets to match competitor's fares.

The intent of such an amendment is essentially to permit carriers to derive to the maximum extent possible additional revenue from a general fare increase which has been subjected to the Board's ratemaking evaluation and found warranted, without being required to implement the increase simultaneously on a system wide basis. The situation which prompted United's petition arises from the fact that not all carriers propose a general fare increase (whether or not in the same amount) on the same date and that, accordingly, not all increases can be implemented on the same date (even though involving the same amount) due to the notice requirements of the statute. In its order to show cause, the Board also stated its intention (and solicited comments thereon) to treat such staggered tariff filings, for purposes of future evaluation of the industry's revenue need in computing the ratemaking rate of return on investment (ROI), as though all had become effective in all markets on the date the first filing was implemented.

Responses in support of the proposed amendment have been filed by Continental Air Lines, Inc. (Continental), the Puget Sound Traffic Association (PSTA) and Trans World Airlines, Inc. (TWA), Northwest Airlines, Inc. (Northwest) has filed an objection to the proposed amendment, and a response to that objection (urging favorable consideration of the amendment) has been filed by the original petitioner, United.

Continental contends that "the Board has no power to proscribe individual fare filings merely because they do not conform to * * * the Board's fare formula" and that it, therefore, has no objection to liberalization of the Board's policy as requested by United. Indeed, the carrier would go even further.[2] Continental does, however, object to the proposed treatment of staggered effective dates for ratemaking purposes. The carrier alleges that, as proposed, the adjustment to return on investment (ROI) "would force all carriers to implement general fare increases" proposed by others. The carrier further alleges that, in the past, the single consolidated date chosen was "not necessarily the earliest effective date but rather a date falling somewhere between the various effective dates," and that applying the actual dates for each carrier would not be unduly burdensome.

TWA "generally agrees with the Board's tentative findings", but alleges that a regulatory adjustment which assumes that all carriers file a general fare increase for effect on the same date (when it is known they do not always do so) is "unrealistic." The carrier also requests that "the Board modify its ratemaking methodology to permit cost projections to the midpoint of the tariff effective period."

PSTA states that its "only concern with the proposed amendment suggested is its possible impact on common-fared markets such as exist as a result of the commonfarings of West Coast cities to/from points in the northeastern portion of the United States." The respondent proposes that the amendment be expanded to include a further proviso; i.e., "*provided further* that this exception shall not be applied in common-fared markets if the result would be to produce higher fares to/from the nearer of the common-fared points than to/from the more distant of the common-fared points."

Northwest requests "that the Board not add the proposed language to its Phase 9 order" because it would "destroy the incentive of the more efficient carrier to hold the line on fares." The carrier urges the Board to uphold the status quo, alleging that public benefit would flow from affording a "more efficient" carrier an economic veto over a general fare increase among its "less efficient" competitors, or in the alternative forcing them into a noncompetitive position. Northwest also alleges that, in the event one

[1] The Board's Order and Opinion on Reconsideration in Phase 9 of the Domestic Passenger-Fare Investigation.

[2] Continental reiterates its long-standing position that the Board should remove the prohibition on individual fare filings altogether.

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or more carriers does hold out against a general fare increase, the proposed amendment will encourage a chaotic situation in the area of joint fares by perpetuating intercarrier fare differentials. Finally, the carrier takes issue with the Board's proposed approach to the ROI adjustment, contending that it will prove "totally ineffective" in curbing the development of a two-tiered pricing structure since it would be an arbitrary adjustment pertinent only to an unrealistic regulatory world.

United's reply strongly favors implementation of the proposed amendment and observes that "neither Northwest nor any other party responded to the directive of the Board that any request for a hearing be accompanied by a statement of facts intended to be developed at a hearing." United further alleges that Northwest's "efficient"-carrier hypothesis is contrary to the Board's decision in the Domestic Passenger-Fare Investigation (DPFI), that the basic ratemaking approach be based upon industry-average cost. Taken to its logical conclusion, United argues, Northwest's proposal suggests that the Board abandon its DPFI findings with respect to average ratemaking cost and permit the most "efficient" carrier to dictate industry fare levels. United further contends that the proposed ROI adjustment "creates a negative incentive to carriers attempting to effectuate a two-tier pricing structure," and that under such a computation there can be no market cross-subsidization. Finally, United takes issue with the relevance of Northwest's allegations concerning joint fares, pointing out that "when a carrier is forced to wait to see if the Board will permit an ad hoc exemption from Phase 9 (of the DPFI) the problem of uncorrected joint fares is accentuated."

Upon consideration of the responses to our order to show cause, and essentially for the reasons tentatively stated in that order, the Board has decided to modify its decision in Phase 9 of the DPFI that carriers be required to implement a general fare increase on a systemwide basis. We adhere to the fundamental tenent that coach fares be established according to a formula which produces like fares for like distances. It could be argued that our decision here will compromise that basic ratemaking criterion; however, the deviation, which we envisage should be of short duration, is in our opinion justified by the competitive dislocations which sometimes arise as a result of the tariff-filing procedures and requirements.

Among the respondents, only Northwest opposes the proposed amendment per se. In essence, the carrier argues that ratemaking should be heavily, if not decisively, influenced by the most efficient carrier operating in a market. This is, of course, a very broad issue, going far beyond the question at hand, and one which was thoroughly explored in Phase 7 of the DPFI. Suffice it to say that in that proceeding the Board found that the appropriate basis for ratemaking purposes was the industry's average experience. Northwest has advanced no persuasive argument here to prompt a reassessment of that determination. Northwest also argues that by legitimizing intercarrier fare differentials the proposed amendment would also inadvertently make permanent a chaotic situation in joint fares, alleging that joint fares might, in some cases, be lower than the comparable nonstop fare. However, we are not aware of any simple or universally applicable principle that the fare structure must not, even occasionally or temporarily, result in anomalous side effects. In our opinion, the potential denial of needed and justified revenue improvement outweighs the relatively minor anomaly which could result from a rigid adherence to the present system.[3]

Having decided to provide an additional degree of flexibility in implementing a general fare increase, we turn to the question of how best to protect the general principle developed in Phase 9 that equal fares be prescribed for equal distances. It is most certainly not our intent that a bias toward higher fares result in selected markets. Specifically, our concern is that, without some type of safeguard, the burden of an increase in system revenue need might be concentrated in selected markets, rather than spread equally throughout the system. In our show cause order,[4] we stated our intention to preclude this possibility by treating a fare increase "as if it had been in effect for all carriers in all markets from the date implemented by even a single carrier." Most respondents expressed reservations about this procedure. However, none offered a remedy for the upward bias on future fare increases which would be introduced into the calculation of industrywide ROI by the revenue "shortfall" from carriers declining a previous increase. While we believe the carriers should be afforded the limited pricing flexibility herein being granted, we are equally convinced that the basic concept of Phase 9 must be protected.

Conceptually, the most straightforward and accurate means of accomplishing this objective would be to require carriers to report full-fare revenue by market. However, we would be most reluctant to impose such a burdensome requirement for what we anticipate will be a relatively moderate adjustment in the calculation of the industry's ROI.

The Board proposes to make the adjustment by splitting the annualization of an increase implemented during the base period into two parts—one being those markets in which the fare increase was initially implemented on the date proposed, the other including those markets in which the increase was not implemented or delayed for competitive reasons until a later effective date (the "foregone" markets). As an example, and assuming implementation of a 2.0-percent general increase halfway through the base period, a carrier may choose to postpone the increase for three months in markets accounting for 20 percent of its revenues. In such a situation, we intend to annualize a 0.4-percent increase, (20 percent x 2.0 percent) for nine months, and separately annualize a 1.6-percent increase (80 percent x 2.0 percent) for six months. There is admittedly a problem in segregating revenues between "foregone" and other markets. The methodology we intend to use is a "trade-off" against the burdensome reports which would be required for an exact analysis.[5] We will assume that the revenues in such markets equal total entity revenues in the same proportional relationship of revenue passenger-miles. An adjustment will be made to reflect length-of-haul differences, but only when the average length of haul in the "foregone" markets varies significantly from the average for the system as a whole. We readily concede that other factors (principally traffic mix) distort the relationship between revenue and revenue passenger-miles in any given market, and that our approach falls short of precision in this respect. Despite this fact, however, we believe that our compromise approach will produce reasonable accurate results, and that this modest accommodation to the desirability of accuracy is warranted in the interior of the minimal reporting requirements which it will entail.

In view of the considerations discussed above, we adopt the tentative findings and conclusions set forth in Order 76-8-18 and, in addition, will direct the reporting requirement described above.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered That: 1. Ordering paragraph 2 of Order 74-12-10 (Domestic Passenger-Fare Investigation—Phase 9) is hereby amended to add, at the end of the paragraph, the following:

; and *Provided, further,* That in implementing a Board-approved general fare increase, carriers may exempt particular markets to match competitors' fares. However, carriers availing themselves of the latter proviso will be required to file, in Docket 21866-9, a list of those markets in which the carrier foregoes a general domestic passenger-fare increase that it is adopting over the balance of its system.[6]

2. Copies of this order be served upon all scheduled certificated air carriers providing air transportation within the 48-contiguous States and the District of Columbia.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[3] See Orders 76-2-98, February 25, 1976, and 76-8-18, August 4, 1976 for a further discussion.

[4] Order 76-8-18, Ibid.

[5] The only report we will require is a list of "foregone" markets, by month, filed in this docket.

[6] For the purpose of this report, a market shall be included if the increase foregone apans a period of one-half or more of the total days of a month. The report will be due 15 days after the end of the month.

[FR Doc.77-10120 Filed 4-4-77;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR § 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Secretary/Coordinator of Special Studies, Immediate Office of the Secretary, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-10025 Filed 4-4-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Title Change in Noncareer Executive Assignment

By notice of November 9, 1976, FR Doc. 76-32774 the Civil Service Commission authorized the Department of Health, Education, and Welfare to fill by noncareer executive assignment the position of Special Assistant to the Under Secretary. This is notice that the title of this position is now being changed to Executive Assistant to the Under Secretary, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY;
Executive Assistant to the Commissioners.

[FR Doc.77-10026 Filed 4-4-77;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

NATIONAL RADIO ASTRONOMY OBSERVATORY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 77-00054. Applicant: National Radio Astronomy Observatory Associated Universities, Inc., P.O. Box 1000 Bullock Blvd., Socorro, New Mexico 87801. Article: (1000 pieces) Circular Waveguide, Model TE_{01} and (1025 each) Coupling sleeves. Manufacturer: Furukawa Electro Co. Ltd., Japan. Intended use of article: The article is intended to be used as part of the very Large Array Radio Telescope to transmit radio wavelength radiation received from extraterrestrial objects to recording apparatus. The study of this radiation enables astronomers to study the sources of energy, origin, and evolution of the universe.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article it intended to be used, is being manufactured in the United States. Reasons: The foreign articles which are custom-made provide (1) low loss of signal strength over the long transmission paths (21 kilometers) required by the Very Large Array Radio Telescope under construction by the applicant, (2) transmission of wide signal bandwidths, needed for handling very high data rates, (3) very low signal distortion (VSWR) and (4) elimination of the need for complex electronic amplifiers (repeaters) at 800 meters along the transmission line. The National Bureau of Standards (NBS) advises in its memorandum dated March 4, 1977 that the capabilities of the articles described above are perinent to the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-10043 Filed 4-4-77;8:45 am]

Economic Development Administration

ROBIN FOOTWEAR CORP.

Petition for a Determination of Eligibility To Apply for Trade Adjustment Assistance

A new petition by Robin Footwear Corporation, 208 North Division Street, Mount Union, Pennsylvania 17066, a producer of women's footwear, was accepted for filing on March 29, 1977, pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § § 315.23 and 315.30 of the Adjustment Assistance Regulations for Firms and Communities (CFR 13 Part 315). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

JACK W. OSBURN, JR.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.77-10045 Filed 4-4-77;8:45 am]

VOGUE INDUSTRIES, INC.

Petition for a Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by Vogue Industries, Inc., John Street, Lowell, Massachusetts 01852, a producer of stainless steel flatware, was accepted for filing on March 30, 1977, pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

CHARLES L. SMITH,
Acting Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.77-10044 Filed 4-4-77;8:45 am]

National Oceanic and Atmospheric Administration

ATLANTIC HERRING

Public Meeting

AGENCY: National Marine Fisheries Service.

ACTION: Public Meeting on Atlantic Herring.

SUMMARY: By authority of the Fishery Conservation and Management Act of 1976 (the Act), 16 U.S.C. 1801, the National Oceanic and Atmospheric Administration published on February 22, 1977 (42 FR 10496) a Preliminary Fishery Management Plan for the Atlantic Herring Fishery of the Northwestern Atlantic Ocean. The Plan was prepared in order to govern the taking of Atlantic herring by foreign vessels within the Fishery Conservation Zone of the United

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States (sometimes called the 200 mile zone) created by the Act. The Plan was implemented by the Foreign Fishing Regulations (50 CFR 611) published on February 11, 1977 (42 FR 8813). Under the Plan and the Regulations, a directed fishery for Atlantic herring by foreign vessels will not take place until August 15, 1977.

The State of Maine and the New England Regional Fishery Management Council have requested that the record on the Plan and the Regulations regarding Atlantic herring be reopened and an additional hearing be held to receive additional scientific information and further testimony on the capacity of U.S. vessels to harvest Atlantic herring. The requests address the question whether the Atlantic herring allocations to foreign vessels are appropriate under the Act.

In view of the requests and the fact that directed fishing for Atlantic herring will not begin until August 15, the Department of Commerce has decided to reopen the record on the Atlantic Herring Plan and Regulations to receive comment and information on all aspects thereof.

DATES: The public may submit additional information and comments on the Atlantic Herring Plan and Regulations at a hearing to be held April 19, 1977, from 1 p.m.–5 p.m. and reconvening at 7 p.m. until approximately 11 p.m. The hearing will continue April 20 from 9:30 a.m. to approximately 5 p.m. The hearing will be held at the Holiday Inn, Route 1 North at the junction of Routes 1 and 128 at Peabody, Massachusetts. Written comments may be submitted at the hearing or to the Northeast Regional Director of the National Marine Fisheries Service which must be received no later than 4:30 p.m., April 20, 1977, at the following address:

ADDRESS: Regional Director, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930.

FOR FURTHER INFORMATION CONTACT:

Mr. William Gordon, telephone 617–281–3600, at the above address.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc.77–10216 Filed 4–4–77;8:45 am]

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL AND ITS SCIENTIFIC AND STATISTICAL COMMITTEE

Public Meetings

Notice is hereby given of meetings of the South Atlantic Fishery Management Council established by Section 302 and its Scientific and Statistical Committee established by Section 302(g) of the Fishery Conservation and Management Act of 1976 (P.L. 94–265).

The South Atlantic Council has authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to the east coast of Florida, Georgia, North Carolina, and South Carolina. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public hearings. The Scientific and Statistical Committee will assist the Council in the development, collection, and evaluation of such statistical, biological, economic, social and other scientific information as is relevant to the Council's development and amendment of any fishery management plan.

The meeting of the Council will be held Tuesday through Thursday, April 26, 27 and 28, 1977, in the Federica Room, Ramada Inn, 3241 Glynn Avenue, U.S. 17 North, Brunswick, Georgia. The meeting of the Council will convene at 1:30 p.m. on April 26 and adjourn at about noon on April 28. The daily sessions will start at 9 a.m. and adjourn at 5 p.m., except as otherwise noted. The meeting may be extended or shortened depending on progress on the agenda.

PROPOSED AGENDA

1. Formalization of Council organization and administrative and technical procedures, with particular emphasis on fishery management plan development.
2. Development of timetable for Council action related to priority management, e.g., billfish, snapper-grouper complex and king and Spanish mackerel.
3. Report of Scientific and Statistical Committee.

The meeting of the Scientific and Statistical Committee will be held Tuesday through Thursday, April 26, 27, and 28, 1977, at the afore-mentioned facility. The committee will meet jointly with the Council on April 26 and 28 and separately from the Council at the same facility, on April 27. This session will convene at 9 a.m. and adjourn at approximately 5 p.m.

PROPOSED AGENDA FOR APRIL 27 SESSION

1. Election of Chairman.
2. Internal organizational matters.
3. Review of priority fishery management plans.
4. Other management business.

The meetings will be open to the public and there will be seating for a limited number of public members available on a first come, first served basis. Members of the public having in interest in specific items for discussion are also advised that agenda changes are at time made prior to the meetings. To receive information on changes, if any, made to the agendas, interested members of the public should contact on or about April 22, 1977:

Mr. Ernest D. Premetz, Executive Director, South Atlantic Fishery Management Council, in care of National Marine Fisheries Service, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702.

At the discretion of the Council and committee, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council and Committee business. Interested members of the public who wish to submit written comments should do so by addressing Mr. Ernest Premetz at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the meetings.

Dated: March 25, 1977.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.77–10123 Filed 4–4–77;8:45 am]

PACIFIC FISHERY MANAGEMENT COUNCIL'S ANCHOVY ADVISORY PANEL

Public Meeting

Notice is hereby given of a meeting of the Pacific Fishery Management Council's Anchovy Advisory Panel, established under Section 302(g) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265).

The Pacific Council, established under Section 302 of the Act, has authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to the States of California, Oregon, and Washington. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public meetings.

The Anchovy Advisory Panel, composed of persons who are either actually engaged in the harvest of, or are knowledgeable and interested in the conservation and management of the anchovy resource, assists the Council in the development or amendment of an anchovy fishery management plan.

The meeting will be held April 26, 1977, at the California Department of Fish and Game offices, 350 Golden Shore, Long Beach, California. The meeting will convene at 10 a.m. and adjourn at approximately 2:30 p.m.

Proposed Agenda:

1. Panel organization.
2. Review of work team progress to date.
3. Review of reports and documents related to anchovy management.
4. Inter-fishery aspects of anchovy management.

This meeting will be open to the public and there will be seating for approximately 25 members of the public on a first-come, first served basis.

Members of the public having an interest in specific items for discussion are advised that changes to the agenda are, at times, made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact by April 19, 1977:

Mr. Svein Fougner, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731, Telephone 213–548–2575.

At the discretion of the Panel, interested members of the public may be permitted to speak at times which will allow the orderly conduct of business. Persons who wish to submit written statements should contact Mr. Fougner at the address given above. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the meeting.

Dated: March 25, 1977.

ROBERT J. AYERS,
Acting Assistant Director for Fisheries Management, F3.

[FR Doc.77–10124 Filed 4–4–77;8:45 am]

Office of the Secretary

"U.S. TECHNOLOGY POLICY," DRAFT STUDY

Request for Comments

In March 1976 the Office of the Assistant Secretary for Science and Technology undertook a study entitled "U.S. Technology Policy" which focuses on U.S. technology policy in its relationship to the Nation's economic welfare.

A first draft of this study has now been completed.

In order to assure maximum public participation in the development of this study this notice invites all interested persons to submit comments by April 30 on the draft study to the Assistant Secretary-designate for Science and Technology Jordan J. Baruch, Room 3862, U.S. Department of Commerce, Washington, D.C. 20230.

In order that interested persons may determine whether or not they desire to comment on the draft study there is set out below an Executive Summary.

Persons desiring a copy of the draft study can purchase a copy of it for $9.50 from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, as Draft Report No. PB–263806. (This price includes first class mail shipment.)

Issued: March 31, 1977.

BETSY ANCKER-JOHNSON, Ph. D.,
Assistant Secretary for Science and Technology.

EXECUTIVE SUMMARY OF U.S. TECHNOLOGY POLICY

INTRODUCTION

This paper discusses U.S. technology policy in its relationship to the Nation's economic welfare and makes specific recommendations for an improved policy.

The goal of U.S. technology policy should be to maximize our capacity to develop and utilize technology for national purposes. Market economic criteria alone are not adequate for making social choices and for determining the national goals which technology policy should help achieve. Many non-economic factors are important in formulating a national technology policy, including the protection of the ecological system, the quality of employment, and the effects of technology on life styles. A comprehensive discussion of these important non-economic factors is outside the scope of this paper.

Since technology is a pervasive force throughout society, it is affected by a large variety of Government actions. In the context of this paper, U.S. technology policy is the sum of actions taken by the Federal Government affecting the production, diffusion, and utilization of technology. The elements comprising the policy lack unity and coherence. The pluralistic development of U.S. technology policy has resulted in a national technology enterprise with considerable strengths. But the fragmentation, incoherence and sometimes contradictory aspects of the various elements of the policy hold some disadvantages for the U.S., particularly in a world no longer dominated by U.S. technology.

BACKGROUND

Contributions of technology to U.S. economic development. It has been estimated that technological innovation was responsible for 45 percent of the Nation's economic growth between 1929 and 1969.

A comparison of technology-intensive manufacturing industries with other industries in the period 1957–1973 shows that:

Technology-intensive industries grew 45 percent faster;

Employment in technology-intensive industries grew 88 percent faster;

Productivity in technology-intensive industries grew 38 percent faster; and

The ratio of price to unit output increased 44 percent less in technology-intensive industries.

Disquieting trends. Recently, some disquieting trends have appeared in the Nation's inventiveness, entrepreneurship, productivity, and international trade:

The U.S. share of patents filed worldwide and the number of U.S. patents awarded to U.S. nationals has decreased in the last decade.

The number of innovative technology-based companies that are starting in the U.S. is much less than a few years ago.

The U.S. worldwide lead in productivity, measured as GNP per civilian employee, has narrowed by 50 percent since the 1950's, and current U.S. productivity growth is below its historical trend.

The Nation's large favorable balance of trade in products of R&D-intensive industries has come to depend primarily upon exports to developing countries and Canada.

We cannot establish definite relationships between the disquieting economic and technological trends, or even agree on how "disquieting" they are. Nevertheless, the trends are serious enough to require that U.S. technology policy be studied to identify weaknesses and opportunities for improvement. That study is the subject of this paper.

CONTRADICTORY ELEMENTS OF CURRENT DE FACTO POLICY

In this paper the elements of the current technology policy are discussed under the following headings:

Production of technology,

Diffusion and utilization of technology in the domestic economy, and

Diffusion and utilization of technology internationally for achieving foreign policy objectives.

The elements pertinent to each of these areas are set forth in terms of concerns and possible alternative remedial actions in the appendix to this summary. Many of the actions are not mutually exclusive.

Many of the elements are contradictory in their effects on innovation:

The innovation incentive of patent protection is undermined by compulsory licensing.

The support of long-range undirected basic research is called for at the same time that the "Mansfield Amendment" restricts DoD to mission-oriented research.

Government-industry cooperation in large R&D projects of national concern is promoted at the same time that Federal patent policy discourages this cooperation.

Cooperative industrial R&D on high risk, expensive projects to alleviate national problems is desired, but is discouraged by antitrust attitudes.

Technological innovation is called for at the same time that tax and regulatory barriers are erected to innovation.

The economic benefits of exporting technology-intensive products are desired at the same time that overly restrictive controls on exports are imposed.

RECOMMENDATIONS FOR AN IMPROVED NATIONAL TECHNOLOGY POLICY

A coherent national technology policy needs to be developed in order to maximize the U.S. capacity to develop and utilize technology to achieve national purposes. The solid definition of, and reasonable degree of continuity in, a consistent Federal technology policy would promote private sector investment in technological innovation.

Several of the actions discussed in the appendix of this summary are new to the U.S. and, in our opinion, necessary to the formulation of a coherent policy, while others can be implemented by continuation and/or straight-forward expansion of ongoing programs. We recommend that eight particular areas should receive priority attention in order to achieve the economic gains a coherent policy would foster:

Industrial Technology Analysis Office (Appendix D, I).[1] Every proposed national policy, whether or not obviously technology related, should be evaluated for its potential impact on technology. The means for such analyses are lacking. An industrial technology analysis office should be established immediately in the Department of Commerce. This office would evaluate proposed U.S. Government actions against the goal of U.S. technology policy to maximize the capacity to create and utilize technology for accomplishing national objectives. It would perform analyses of technico-economic indicators related to economic

[1] These references cite the relevant part of the full report.

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and industrial growth and productivity; technological factors in foreign trade and direct foreign investment, including costs and benefits of technology transfer; resources (manpower, capital, etc.) applied to the generation and acquisition of technology; effectiveness of various governmental policies in promoting the Nation's technological health; legal, regulatory, institutional and other barriers to technological innovation; and social cost-benefits of currently debated or anticipated major technological developments.

Industrial R&D (Section III, A). Some types of industrial R&D of high potential social value are not being performed because the economic rewards to individual companies are not great enough and the risks and costs are too high. The Federal Government should investigate direct (grants, loans, etc.) and indirect (tax, regulation, etc.) means of promoting the needed technological innovation in the private sector.

Modification of regulatory inhibitions on innovation (Section IV, A, 1). The present regulatory climate contains unnecessary disincentives for technological innovation. Under the Office of Science and Technology Policy leadership, actions should be undertaken to strengthen the required data base, and to develop more appropriate mechanisms for deciding on acceptable risks and developing optimum regulatory strategies. Also, more adequate assessments of the probable impacts on technological innovation, as well as costs vs. benefits of such regulatory strategies, are needed.

Improving the climate for starting technology-based enterprises (Section IV, B). The U.S. economy is losing a traditional growth stimulus because the present tax and regulatory climate is not conducive to the start-up of new advanced-technology companies. The Departments of Commerce and Treasury should work with the Securities and Exchange Commission to investigate a variety of possible remedial actions.

Innovation information for state and local governments (Section IV, C, 2). The present scattered Federal Government pilot programs aimed at providing innovation information to state and local governments are not adequate to supply the needs and to capitalize on the potential for productivity increases in these sectors. The existing demonstration projects should be administratively consolidated and strengthened.

Export promotion of technology-intensive products (Section V, A). The economic benefits of technology-intensive products exported from the U.S. are being less and less fully realized. Additional foreign markets must be developed for nonmilitary technology products. This is especially necessary to create employment opportunities to compensate for those that may be lost if foreign military sales by U.S. aerospace and defense-related industries are reduced. The Government should work with industry to streamline further the various export control procedures and reporting requirements, to shorten the list of commercial products or technical data requiring specific permission to export, to continue reducing delays in the various export licensing processes, to improve efforts in market identification and analyses for technology-intensive products, to develop better Federal promotional practices, and to improve the relevant financing policies to be more competitive with foreign countries.

Export control, of design and manufacturing technology (Section V, B). Export control involves the Departments of Commerce, State, Defense, as well as the Energy Research and Development Administration, NASA, the Nuclear Regulatory Commission, the National Security Council, and the Intelligence Community. A recent turnabout in Defense thinking, increased concern of the Congress, and new attitudes on arms exports and nuclear proliferation indicated by the Carter Administration have created the need and opportunity for a greatly improved policy. There is no satisfactory interagency means for addressing these issues, nor is consultation with industry any better. Both Commerce and Defense have elaborate committee structures that are foundering because top-level leadership is lacking. The Executive Office of the President, through the OSTP or the NSC, should assume leadership in developing an export control and technology transfer policy which better serves both U.S. national security and economic interests.

Technological support of less-developed countries (LDC's) (Section V, C). Technology issues relevant to LDC's have been receiving too low priority. An unsound policy in this field could have very large adverse impacts on the economy and on foreign relations. A U.N. Conference on Science and Technology for Development in 1979 requires the establishment of a U.S. policy which contributes to the progress of LDC's while being consistent with U.S. interests. The Departments of State and Commerce should work closely with industry to promote cooperation in industrial R&D and to assist technological infrastructure development in LDC's.

APPENDIX TO THE EXECUTIVE SUMMARY—SUMMARY OF CONCERNS GENERATED BY THE ELEMENTS OF CURRENT DE FACTO FEDERAL TECHNOLOGY POLICY AND POSSIBLE REMEDIAL ACTIONS

PRODUCTION OF TECHNOLOGY (SECTION III)

A. *Industrial R. & D.*

Concern: Industrial research of a generic and "overhead" nature needs to be performed, but because the near-term economic rewards are not enough and/or the risk is too great, the research is not being done. Similarly, much research with a large potential social return but small economic return is not being done.

Possible actions: Direct support—

(a) Establish a Department of Commerce (DoC) industrial R. & D. support program.

(b) Alternatively, DoC should participate in NSF's RANN Program.

(c) Establish a Federal institute for industrial R. & D.

(d) The Office of Science and Technology Policy (OSTP) should recommend and monitor the distribution of funds to individual Government agencies to support applied, mission-oriented R. & D. carried out by industrial firms in support of the agencies' programs and national needs and capable of commercialization.

Possible actions: Tax incentives—

(a) The Experimental Technology Incentives Program (ETIP) in cooperation with the Treasury Department should conduct experiments and studies in which tax breaks are examined for their effect on innovation (Congressional approval may be needed).

(b) Congress should consider the likely effect of tax changes on technological innovation.

The tax changee to be considered should include the following possibilities:

Increase substantially the tax investment credit for R. & D. plant from the present 10 percent to, e.g., 25 percent.

Increase tax depreciation allowances for R. & D. plant.

Provide new special tax credits or equivalent cash payments to industrial R. & D. performers. R. & D. would be defined in accordance with the Financial Accounting Standards Board concept or some other standard specifically designed for the purpose.

Trade the present tax credit for investment in plant and equipment (10 percent) for tax credit or equivalent cash payments for expenditures on industrial R. & D.

Provide new tax credits or equivalent cash payments for incremental industrial R. & D.

Provide new tax credits or equivalent cash payments for incremental R. & D. in chemicals and capital goods industries.

B. *Patent incentive*

Concern: The patent system is in danger of being eroded, so that the incentive it traditionally has provided for innovative product development is not being fully realized. Confidence in the patent system needs strengthening through the adoption of procedures to enhance the validity of patents.

Possible actions:

(a) The Department of Commerce should assume the lead role in developing an Administration position on patent revision legislation which is consistent with the needs of the patent system.

(b) The new Administration should adopt a position of selectively revising existing law and not continue support of the previously introduced comprehensive patent revision bills.

(c) The views of the Department of Commerce concerning patent law revision should be brought to the attention of Congress, whether or not they also become the Administration position.

C. Basic R. & D. support

Concern: Federal and private sector R. & D. programs are increasingly mission-oriented and do not provide an optimum level or mode of support for unfettered basic research.

Possible actions:

(a) OSTP should work with the various Federal agencies to determine an appropriate level, mode and distribution of support for basic R. & D., consistent with the economy's long-term need and its ability to support R. & D.—and make the level reasonably stable over time.

(b) The Administration should conduct a study of the impact of the "Mansfield Amendment" on basic R. & D. and, if found detrimental to the country's interest, propose that the "Mansfield Amendment" be repealed.

D. *Skilled scientific and technical manpower development*

Concern: Skilled manpower development for science and technology is too often out of phase and focus with demand.

Possible action: OSTP should develop the coordinated Government policies and programs which are necessary for a long-term supply of skilled S&T manpower, including blue collar craftsmen, with an appropriate occupational and skill mix.

Diffusion and Utilization of Technology in the Domestic Economy (Section IV)

A. *Reduction of regulatory and social barriers to innovation*

Modification of Regulatory Inhibitions on Innovation

Concern: Regulations which are based on inadequate knowledge or which are developed without sufficient analysis of their total impact may unnecessarily have an adverse effect on technological innovation.

Possible actions:

(a) Under OSTP leadership, determine and modify those regulations and existing policies which inhibit innovation.

(b) Establish in the Department of Commerce a unit to assess the impact of regulations on technological innovation.

(c) Base all future regulations on the outcomes of rigorous analyses of social cost-benefit ratios, and require rejustification of regulations on a regular basis.

Modification of Antitrust Laws To Permit Cooperative R. & D.

Concern: Some cooperative R. & D. leading to socially useful technological innovation may be inhibited by antitrust laws.

Possible actions:

(a) ETIP in cooperation with the Justice Department should conduct experiments and studies which test the effect of antitrust law relaxation on cooperative R. & D. to see if such relaxation will lead to socially desired innovation.

(b) Introduce legislation to relax antitrust restrictions on R. & D. cooperation by small firms but not large firms.

Credibility of Scientific Information

Concern: Procedures should be improved by which scientific information and (often disputed) interpretations, relevant to controversial governmental decisions, are placed before policy-makers and the general public.

Possible actions:

(a) Institute a "science court," in which impartial experts would examine data and direct adversary argumentation in order to determine the state of acientific information (separated from value judgments) bearing on major national issues.

(b) Adopt (a) on an experimental, time-limited basis.

(c) Work through existing institutions (professional societies, universities) to better sensitize and train scientists concerning maintenance of objectivity and integrity as "expert witnesses" on controversial issues.

Educational Publications

Concern: There is lacking a systematic effort to generate and distribute publications to inform the general public about the consequences of major technological developments and decisions.

Possible actions:

(a) Continue the present system under which individual Federal agencies prepare and distribute educational publications whenever they see a need to inform individual's about technological changes.

(b) Increase agency efforts for education and provide a central coordination.

(c) Reduce Government effort, and assume the task would be taken over by private publishers who are better at promoting sales of publications.

B. *Improving the climate for starting technology-based enterprises*

Concern: The climate for the start-up of new technology companies, including the contribution of tax and securities regulation, should be improved.

Possible actions:

(a) The Department of Commerce through ETIP should work with the Securities and Exchange Commission on analytical research and policy experiments to develop an efficient regulatory structure—one which provides both sufficient investor protection and sufficient access to equity capital for small technology-based firms. For instance, it appears that:

Rule 144 should be relaxed to increase the liquidity of both venture capitalists' portfolios and the markets for individual company's securities.

(b) The Department of Commerce should conduct studies with the Department of Treasury to determine the advisability of implementing the following measures, and submit recommendations to the President six months after initiation of the studies:

U.S. Government to provide guarantee for some portion (such as 50 percent) of loans granted by SBIC's or other financial institutions to new technology-based enterprises;

U.S. Government to provide more generous capital gains tax treatment to new technical enterprises;

U.S. Government to allow corporations, estates and trusts to invest in Subchapter S corporations and to receive benefits of Section 1244 stock;

IRS to allow "good will" to be written off in merger accounting before tax rather than after tax;

U.S. Government to provide for more favorable stock option incentives to founder and key personnel of new technical enterprises by (a) increasing the qualified options time from the current five to ten years, and (b) postponing the tax on income derived from the exercise of non-qualified options until the shares have been sold rather than paying the tax at the time the option is exercised;

IRS to make investments in new technology-based enterprises (by individuals, institutions and corporate entities) tax deductible until the investments are sold, analogous to certain real estate transactions;

IRS to provide for a graduated corporate income tax rate structure to benefit new technology-based enterprises; and

IRS to reduce or eliminate corporate tax on dividends.

(c) The Department of Commerce through the National Technical Information Service, in order to maximize the impact of available venture capital, should administer the funds for developing entrepreneurs presently administered by NSF/RANN. Some of these funds could be used to establish a nationwide system of small technical enterprise associates programs with engineering educational institutions patterned, for example, after MIT's Associates program. These programs would provide eligible enterprises with ad hoc advice on management, new product development, marketing and technical "trouble shooting" on a continuous, cost-free or subsidized basis.

(d) The Department of Commerce, working with the Securities and Exchange Commission and the Treasury Department, should conduct a forum for major investment institutions to discuss the potential and problems of investment in advanced-technology companies, particularly in the start-up and early growth stages, in order to generate more venture capital.

C. *Enhancement of diffusion of innovations*

Collecting, Organizing, and Disseminating Information

Concern: The existing network of public and private information activities for promoting technological innovation has significant weaknesses, contributing to slower-than-desired technology diffusion, with loss in productivity and national competitiveness.

Possible actions:

(a) The appropriations and staff of the National Technical Information Service (NTIS) should be increased to mount the necessary collection effort.

(b) Ensure use of NTIS services by other U.S. Government agencies.

(c) Expand the Government's information analysis activities.

(d) Create a unified, national industrial technology extension service.

Innovation Information for State and Local Governments.

Concern: There is need for an innovation information system to serve adequately state and local governments.

Possible actions:

(a) Create an information clearinghouse to collect, organize, and disseminate technological innovation information for state and local governments.

(b) Consolidate the existing field demonstration programs of various Federal agencies into a DoC program.

(c) Place high priority on the policy-making responsibilities of OSTP for effective transfer of Federally-developed technology to state and local governments.

(d) Provide categorical grants to the states to aid them in developing internal means to express their technological needs and work toward meeting them, drawing on any resources available.

Consumer Technology Information Services

Concern: Insufficient information on consumer products and services results in extensive economic loss, and prevents the potential of market forces for stimulating innovation from being realized.

Possible actions:

(a) Expand the Department of Commerce effort to provide consumer information services on product performance and product servicing, and increase the Department's consumer technical education focus.

(b) Proceed with existing consumer information efforts supplemented by the proposed National Voluntary Consumer Product Information Labeling Program.

Product Standards Generation

Concern: Lack of a clear cut, national product standards policy inhibits economic growth and disserves public interest.

Possible actions:

(a) Support the Purpose of Title I (National Standardization) of the Voluntary Standards and Accreditation Act of 1977 (S. 825), but with certain modifications.

(b) Prepare new legislation to establish a national policy for maximizing the effectiveness of the U.S. product standards effort, particularly that of the voluntary standards-setting community.

(c) Continue through the Interagency Committee on Standards Policy (ICSP) to

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promote interagency cooperation and coordination with the private sector.

(d) Plan jointly with the private sector standards community (possibly through the ICSP) to identify present needs and their possible resolution.

Stimulation of Innovation Through Federal Procurement Policy

Concern: Federal procurement policy in its present form does not adequately stimulate technological innovation even though some improvement has been achieved recently.

Possible actions:

(a) Rely on ETIP experimentation with Federal procurement policy to foster policies favorable for innovation.

(b) Make creation and diffusion of innovations a more prominent objective of all Federal procurement policy.

Federal Patent Policy

Concern: The great variety of existing Federal patent policies with their emphasis on Government ownership of inventions is a hindrance to the commercialization of technology developed with Government funds.

Possible action: The Administration should introduce the draft bill developed by the Government Patent Policy Committee.

Funding of Commercialization of Selected Government Inventions

Concern: Most Government-owned inventions are not commercialized, indeed much Government-funded R. & D. is not exploited for patentable inventions, so that U.S. taxpayers do not obtain an adequate return on their investment in R. & D.

Possible actions:

(a) Continue the present NTIS program alerting potential users to the existence of Government-owned inventions at present funding and staff level.

(b) Fund the commercialization of selected Government-owned inventions.

Diffusion and Utilization of Technology Internationally (Section V)

A. *Export promotion of technology-intensive products*

Concern: No integrated system presently exists either for determining U.S. and foreign barriers, in particular non-tariff barriers, to increased U.S. exports of technology-intensive products, or for formulating coordinated steps toward lowering those barriers, including rejection of any unnecessary proposed new controls, as well as removal of any unnecessary present ones which restrict the export of products.

Possible actions:

(a) Establish a policy board for export control, including the international transfer of technology per se. The board would be composed of the President's Science Advisor, Director of the National Security Council, Director of Defense Research and Engineering, Assistant Secretary of Commerce for Science and Technology, Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs, Deputy Administrator of the Energy Research and Development Administration (ERDA), Deputy Administrator of NASA, and the National Intelligence Officer for Economics of the Directorate of Central Intelligence, from among whom the President would appoint a chairman. The board would establish a working group composed of carefully selected individuals from the Government and private sector who would aid in developing positions on broad policy issues. In addition, the board would establish a set of joint Government/industry committees of experts encompassing all the technologies in the three major areas of export concern—military products, nuclear power, and commercial technology-intensive products. These committees would provide specific scientific and technical advice to the policy board regarding the products requiring validated licenses. The board would establish the technological guidelines for use by the agencies responsible for administering the controls. All existing Department of Defense (DoD) and Department of Commerce (DoC) committees, whose functions would be replaced by this single interagency board with its coordinated set of Government/industry advisory committees, would be abolished.

(b) Negotiate a shortened International Export Control Coordinating Committee (CoCom) List and a streamlined means for keeping it updated. Both a shorter current List and a systematic method for keeping it in step with technological advances would be expected to result from implementing (a).

(c) Develop new DoC program(s) to achieve, for selected industrial sectors, a sound assessment of the relative level internationally of technologies, and the direction and velocity of their progress toward applications in order to provide aid to industry in planning what products to export.

(d) Assist industry—particularly firms shifting from military-related to industrial, technology-intensive products—to achieve expanded export levels through improved market identification and analyses, better Federal promotional practices, and exposure of foreign governmental protective practices.

(e) Improve existing means by which Government and industry together can develop a more effective international trade strategy that accommodates the increasingly expanded emphasis on technology embodied in exportable products.

(f) Continue the efforts to simplify the various export licensing procedures of DoC, Department of State and National Regulatory Commission/ERDA and so lessen the delays encountered by exporters.

(g) Improve the financing policies of the Export-Import Bank.

B. *Export control of design and manufacturing technology*

Concern: No Government agency is responsible for the continuing assessment of foreign technology developments in noncommunist countries. This omission contributes to present export controls inadequately protecting national security and economic interests that involve critical design and manufacturing technology.

Possible actions:

(a) Establish the interagency board described in A(a).

(b) Require DoD to provide a continuing technical assessment of its position vis-a-vis the U.S.S.R., or other potential adversaries, and identify for DoC those areas of commercial technology which it recommends for control to all foreign destinations. This would be accomplished in the course of the board's work if A(a) and B(a) are implemented.

(c) Establish within the Science and Technology Secretariat of DoC (See Appendix D, I) a capability for the analysis of technology developments in non-communist countries, based upon information available from Government and industry sources, to assess if more control of technology per se—particularly military-related technology which could become commercially significant—is advisable. This DoC activity could provide analyses to the interagency board described in A(a) and B(a).

(d) Determine the consequences of making all exports of U.S. "frontier" technology per se (i.e., data and know-how related to the design and/or production of specific militarily-significant products or processes) subject to Government approval (validated license) based on the potential impact on the balance of payments, employment opportunities, national security and the U.S. responsibility vis-a-vis the political, strategic, and economic interests of the international community.

C. *Technological support of less-developed countries (LDC's)*

Concern: A program of technological aid to LDC's needs to be developed which contributes to the progress of LDC's and is consistent with the economic needs of the U.S. free enterprise system.

Possible actions:

(a) Participate more actively in the international effort to develop a mutually agreeable "Code of Behavior" for multinational corporations and to encourage multinational corporations to invest in LDC's.

(b) Organize additional U.S./LDC joint commissions for mutually beneficial economic and technological collaboration.

(c) Organize consortia of developed countries to participate jointly in commission-type programs for economic and social development with specific LDC's.

(d) Work through the World Bank to plan and execute the industrial development of Third World countries.

(e) Expand the level of support for technological development in traditional ways.

(f) Promote mutually advantageous cooperation in industrial R&D not being pursued by U.S. private interests.

(g) Assist technological infrastructure development in LDC's.

D. *International product standards*

Concern: U.S. trade interests are likely to suffer unless the U.S. is more effective in development of international product standards.

Possible actions:

(a) Propose a joint Federal/private sector study to identify U.S. needs in the international standards area, assess existing measures to meet these needs, and prepare an action plan to meet unfulfilled needs.

(b) Support Title II (International Standardization) of the Voluntary Standards and Accreditation Act of 1977 (S. 825) but with certain modifications.

This draft study was prepared under the direction of: Betsy Ancker-Johnson, Assistant Secretary and David B. Chang, Deputy Assistant Secretary.

[FR Doc.77-10015 Filed 4-4-77;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

CORNING GLASS WORKS, INC.

Provisional Acceptance of Settlement Agreement

On March 24, 1977, the Consumer Products Safety Commission (Commission) issued a Notice of Violation and Assessment of Civil Penalty against Corning Glass Works, Inc. (Corning) charging Corning with knowing violation of section 19(a) (4) of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2068(a) (4), in that Corning obtained information which reasonably supported the conclusion that the E-1210 coffee percolator, a consumer product which Corning manufactured and distributed in commerce, contained a defect which could create a substantial product hazard, and failed immediately to so inform the Commission as required by section 15(b) of the CPSA, 15 U.S.C. 2064(b) and 16 CFR Part 1115. The Commission's Notice of Violation and Assessment of Civil Penalty assessed a civil penalty against Corning in the amount of $400,000.

On March 24, 1977, Corning Glass Works, Inc., offered to settle the alleged violation for the amount of $325,000. The Consumer Product Safety Commission has provisionally accepted the settlement offer, subject to a 30 day public comment period. A copy of the Notice of Violation and Assessment of Civil Penalty and Corning's settlement offer are on file at the Office of the Secretary, Suite 300, 1111 18th St. NW., Washington, D.C. and may be seen during working hours Monday through Friday.

Interested persons are invited to submit, on or before May 6, 1977, written comments regarding this settlement. Comments and any accompanying data or material should be submitted, preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the Office of the Secretary, Suite 300, 1111 18th St. NW., Washington, D.C. during working hours Monday through Friday.

Dated: March 31, 1977.

SADYE E. DUNN,
Secretary.

[FR Doc.77-10048 Filed 4-4-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

JANNAF INTERAGENCY PROPULSION COMMITTEE

Closed Workshop

In accordance with section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a workshop on liquid propellants for gun applications will be held on Tuesday and Wednesday, May 3-4, 1977 at 9 a.m. in Building 328, U.S. Army Ballistic Research Laboratory, Aberdeen Proving Ground, Md. This workshop is sponsored by the Department of Defense Chemical Propulsion Advisory Committee (Combustion Working Group).

The Committee's primary responsibilities are to provide technical advice to the Joint Army, Navy, NASA, Air Force (JANNAF) Interagency Propulsion Committee and to promote the exchange of technical information in the field of chemical propulsion. This workshop will address the physical and chemical properties of liquid propellants with specific emphasis on monopropellants as these properties relate to gun applications.

Under the provision of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463), meetings may be closed to the public when they are concerned with matters listed in section 522(b) of Title 5, United States Code. One of the matters so listed is that specifically required by Executive Order to be kept secret in the interest of the national defense or foreign policy (5 U.S.C. 522(b)(1)).

Accordingly, this workshop will be closed to the public because matters concerned are related to the design and development of classified liquid propellant guns. However, those individuals who possess a personal security clearance of at least confidential and a certified need-to-know in the area of chemical gun propulsion may attend, provided they have notified the Workshop Coordinator in writing at least five (5) days prior to the workshop.

Members of the public who may wish to do so are invited to submit material in writing to the Workshop Coordinator concerning matters believed to be deserving of the Committee's attention. All communication regarding this workshop should be addressed to the Workshop Coordinator, Dr. Nathan Klein, DRDAR-BLP, U.S. Army Ballistic Research Laboratory, Aberdeen Proving Ground, Md. 21005.

NATHAN KLEIN,
Deflagration Physics Branch, Propulsion Division, Ballistic Research Laboratory.

[FR Doc.77-10016 Filed 4-4-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

PERSONAL USE RADIO ADVISORY COMMITTEE

Meeting

The next meeting of the Personal Use Radio Advisory Committee (PURAC) will be held Wednesday, April 20, 1977, and Thursday, April 21, 1977 at 10 a.m. at the FCC's offices at 2025 "M" Street NW., Washington, D.C. 20554.

Surveys of the coordinators heading up the eleven task areas indicated that no task area was ready to report to the full Committee, but many expressed a need for additional time to meet with their task contributors. Accordingly, the agenda for the two-day meeting will be eleven individual fact finding meetings the purposes of which are to progress towards formulation of task area reports. There will be no general meeting of the full Committee.

The schedule of meetings will be as follows:

April 20, 10 a.m.—Local Interference Problems, User Rule Compliance, Disseminating Information, Technical Standards, Part 95 Readability, Personal Use Radio Communications Needs, General Mobile Radio Service.

April 20, 1:30 p.m.—Electromagnetic Compatibility, User Rule Compliance, Operator Training Programs, Disseminating Information, Part 95 Readability, Public Safety Uses of Personal Radio, Equipment Theft.

April 10 a.m.—Local Interference Problems, User Rule Compliance, Disseminating Information, Technical Standards, Part 95 Readability, Personal Use Radio Communications Needs, Equipment Theft.

April 21, 1:30 p.m—Local Interference Problems, Electromagnetic Compatibility, Operator Training Programs, Technical Standards, Public Safety Uses of Radio, Personal Use Radio Communications Needs, General Mobile Radio Service.

There will be short administrative meetings among Task Coordinators and FCC Representatives at the following times: April 20, 9-10 a.m.; April 21, 9-10 a.m.; and April 21, 4-5 p.m.

Room assignments for each task area meeting and the administrative conferences can be obtained from the PURAC reception desk to be located in the lobby of 2025 "M" Street, NW, on both days of the meeting.

Meetings of PURAC are open to the public; however, facilities are extremely limited. Priority seating will be as follows:

1. Chairman and Secretary of PRAC.
2. Task Coordinators.
3. FCC Representatives.
4. PURAC Task Contributors.
5. Those PURAC members who have contacted the Task Coordinator expressing interest in attending.
6. Other PURAC members.
7. Observers.

Further information concerning this meeting of PURAC may be obtained from Mr. Robert Cassler, Room 5114, Federal Communications Commission, Washington, D.C. 20554 (202-634-6620).

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-10053 Filed 4-4-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

ELECTRIC UTILITIES ADVISORY COMMITTEE

Charter Amendment

This notice is to advise of a revision in the Charter of the Electric Utilities Advisory Committee to the Federal Energy Administration.

The Charter published in the August 27, 1976, issue of the FEDERAL REGISTER (41 FR 36253) is amended to add an additional subcommittee. Specifically, the Charter is hereby amended by revising Section B-9 to read as follows:

9. Subcommittees—The Electric Utilities Advisory Committee shall have two subcommittees as follows: (a) Executive Subcommittee; (b) Solar Electric Generation Subcommittee.

The objectives of these subcommittees are to make recommendations to the parent Committee with respect to matters concerning FEA plans and programs which are related to the responsibilities of the Electric Utilities Advisory Committee. The Subcommittees shall be comprised of such members of the parent Committee as may be determined by the Chairman of the parent Committee. All actions of the Subcommittees shall be consistent with the provisions of B-1 through B-11.

The above amendment is effective immediately.

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Issued at Washington, D.C., on March 25, 1977.

JOHN F. O'LEARY,
Administrator.

[FR Doc.77-10046 Filed 3-31-77;2:03 pm]

ENVIRONMENTAL ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given that the Environmental Advisory Committee will meet Friday, April 22, 1977, at 9 a.m., Room 5041, FEA Headquarters, 12th and Pennsylvania Avenue NW., Washington, D.C.

The Committee was established to provide advice and information to FEA concerning environmental aspects of FEA policies and programs.

The agenda for the meeting is as follows:

1. Federal Activities Relating to Greater Use of Co-generation.

2. Briefing on National Energy Plan—(a) Introductory Remarks by Mr. O'Leary; (b) Overview of Plan; (c) Energy Conservation Elements: energy pricing, mandatory measures, incentives; (d) Relationship of EAC Scenario Studies to Plan; (e) Supply Elements.

3. Organizational Questions Affecting EAC—(a) Role and Functions of EAC (within FEA); (b) Status Report on Energy Reorganization Effort; (c) Unresolved Organizational Questions of Interest to EAC; (d) Role and Functions of Advisory Committees Within Department of Energy.

4. Discussion with EAC "alumni"—(a) Charles Warren, Chairman, Council on Environmental Quality; (b) Barbara Heller, Special Assistant to the Secretary of the Interior; (c) Kathy Fletcher, White House Domestic Policy Staff; (d) Nicholas C. Yost, General Counsel, Council on Environmental Quality.

5. Development of EAC Comments Regarding National Energy Plan.

6. Discussion of EAC Subcommittee Activities—(a) Nuclear Policy; (b) Coal Policy; (c) Energy Conservation; (d) Non-attainment of Air Quality Standards; (e) OCS/Energy Facility Siting.

Subcommittees may meet informally in Washington the preceding evening, at the discretion of the subcommittee chairmen; the meetings will be open to the public. For further information on subcommittee activities, call Lois G. Weeks, Director, Advisory Committee Management, at (202) 566-9996.

The Committee meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or afer the meeting. Members of the public who wish to make oral statements should inform the Director, Advisory Committee Management, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

The transcript of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 2107, FEA, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

Issued at Washington, D.C. on March 31, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77-10047 Filed 3-31-77;2:04 pm]

FEDERAL POWER COMMISSION

[Docket No. RI77-46]

C. D. JACOBS

Petition for Special Relief

MARCH 29, 1977.

Take notice that on February 11, 1977, C. D. Jacobs, 1100 South Lakeside Drive, Lake Worth, Florida 33460, filed a petition for special relief pursuant to Section 2.76 of the Commission's General Policy and Interpretations (18 CFR 2.76).

Petitioner seeks authorization to charge a base rate of 62.85 cents per MCf for the sale of gas to Columbia Gas Transmission Corporation in consideration for the completion of remedial work on ten wells located in Pike County, Kentucky. Petitioner states he is presently receiving 29 cents per Mcf for the subject gas.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 12, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc 77-10010 Filed 4-4-77;8:45 am]

[Docket No. ER77-243]

CONNECTICUT LIGHT AND POWER CO.

Transmission Agreement

MARCH 30, 1977.

Take notice that on March 14, 1977, The Connecticut Light and Power Company (CL&P) tendered for filing a proposed rate schedule with respect to the Transmission Agreement dated January 1, 1977 between (1) CL&P, The Hartford Electric Light Company (HELCO) and Western Massachusetts Electric Company (WMECO) and (2) Templeton Municipal Lighting Plant (TMLP).

CL&P states that the Transmission Agreement provides for a transmission service to TMLP during the period from January 1, 1977 to October 31, 1977.

CL&P indicates that the transmission charge rate is a monthly rate equal to one-twelfth of the annual average cost of transmission service on the Northeast Utility system determined in accordance with § 13.9 (Determination of Amount of Pool Transmission Facilities (PTF) Costs) of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee, multiplied by the number of kilowatts which TMLP is entitled to receive.

CL&P requests an effective date of January 1, 1977 for the Transmission Agreement.

HELCO and WMECO have filed certificates of concurrence in this docket.

CL&P states that copies of this rate schedule have been mailed or delivered to CL&P, Hartford, Connecticut, HELCO, Hartford, Connecticut, WMECO, West Springfield, Massachusetts and TMLP, Baldwinville, Massachusetts.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 8, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10160 Filed 4-4-77;8:45 am]

[Docket No. CI77-332]

EL RAN INC., (OPERATOR), ET AL.

Application

MARCH 31, 1977.

Take notice that on March 11, 1977, El Ran Inc., (Operator), et al., (El Ran), 1603 Broadway, Lubbock, Texas, 79401, filed in Docket No. CI77-332 an application pursuant to section 7(c) of the Natural Gas Act for a limited term certificate of public convenience and necessity with pregranted abandonment to sell a quantity of residue gas covered under a two year term Gas Purchase Contract dated January 25, 1977, with El Paso Natural Gas Company (El Paso) produced from its Davis lease, located in the Levelland Field area, Hockley County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

El Ran operates on behalf of W. W. Ranck and Ruth P. Samuel, who have entered into the above dated contract with El Paso. El Ran operates under a small producer certificate issued in Docket No. CS75-391. Pursuant to said contract, El Ran proposes to sell the residue gas to El Paso at the FPC Opinion No. 770, as amended, rate, for an initial term of two years with the option to terminate same on thirty days notice at the date of expiration. El Ran did not state in its application a reason for requesting a limited-term certificate.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application, on or before April 7, 1977, should file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10161 Filed 4-4-77;8:45 am]

[Docket No. E77-82]

EMERGENCY NATURAL GAS ACT OF 1977

Emergency Order

On March 31, 1977, Panhandle Eastern Pipe Line Company (Panhandle) filed, pursuant to section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)), a request for an order authorizing an emergency purchase of natural gas from Grayrock Corporation (Grayrock) at the Tolpers No. 1 well, Adams County, Colorado, as agent for its customer, Kokomo Gas and Fuel Company (Kokomo), through July 31, 1977.

Panhandle will purchase the subject volumes at a price of $2.25 per MMBtu. I find this price to be fair and equitable in accordance with Order No. 2.

Grayrock will deliver these volumes to Colorado Interstate Gas Company (CIG) which will deliver to Panhandle. Panhandle will receive these gas supplies from CIG and deliver them to Kokomo at existing delivery points. CIG will charge 17.35 cents per Mcf transported, and Panhandle will charge 20 cents per Mcf transported plus eight (8) percent of the volumes transported for compressor fuel.

Panhandle advises that Kokomo had advised that it is not serving any uses set forth in 18 CFR 2.78(a)(1) (iv)-(ix) and that the sale complies with Order No. 6. The appfoval of this sale is conditioned upon the submission of a sworn statement by Kokomo that the subject purchase complies with Order No. 6.

Pursuant to section 6(a) of the Act, I authorize Grayrock to sell gas to Panhandle as agent for Kokomo. Pursuant to section 6(c)(1) of the Act, I authorize CIG and Panhandle to transport this gas for Kokomo. Since the parties have agreed upon the transportation charges, I find no basis on which to fix other charges.

Kokomo shall submit weekly reports as required by Order No. 4.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Panhandle, Grayrock, CIG and Kokomo. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

MARCH 31, 1977.

[FR Doc.77-10159 Filed 4-4-77;8:45 am]

[Docket No. ER77-249]

KENTUCKY POWER CO.

Changes in Rates and Charges

MARCH 29, 1977.

Take notice that American Electric Power Service Corporation (AEP) on March 18, 1977 tendered for filing on behalf of its affiliate Kentucky Power Company (Kentucky Company), Modification No. 1 dated March 1, 1977 to the Interconnection Agreement dated May 14, 1963, between Kentucky Power Company and East Kentucky Power Cooperative, Inc. designated Kentucky Company rate schedule FPC No. 14.

AEP indicates that modification No. 1 replaces the existing Short Term Service Schedule E with a new updated version of that service. AEP also indicates that the modification provides for (1) an increase in the demand charge for Short Term Power from $0.30/kW-week to $0.60/kW-week, (2) reservation of Short Term Power from the system of a third party with a transmission charge of $0.15/kW-week and (3) a new initial rate schedule entitled "Limited Term Power" Service Schedule G with a demand charge rate of $3.25/kW-month and a transmission charge of $0.65/kW-month for third party transactions. AEP states that since the use of Short Term and Limited Term Power cannot be accurately estimated, it is impossible to estimate the increase in revenues resulting from the Modification.

Copies of the filing were served upon East Kentucky Power Cooperative, Inc. and the Kentucky Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 13, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10008 Filed 4-4-77;8:45 am]

[Docket No. RI77-45]

JOSEPH P. MUELLER

Petition for Special Relief

MARCH 29, 1977.

Take notice that on March 14, 1977, Joseph P. Mueller (Mueller), 1010 Wilson Building, Corpus Christi, Texas 78401, filed a petition for special relief in Docket No. RI77-45 pursuant to Section 2.76 of the Commission's General Policy and Interpretations (18 CFR 2.76).

Mueller seeks authorization to charge $1.80 per Mcf for the sale of gas to United Gas Pipe Line Company from a well located in the Ramirena, N. (Pettus) Field, Line Oak County, Texas. Mueller states that he will be forced to plug and abandon the well if his request for rate relief is not granted.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 12, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to be-

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come a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10000 Filed 4-4-77;8:45 am]

[Docket No. RI77-41]

PACIFIC STATES GAS & OIL, INC.

Petition for Special Relief

MARCH 29, 1977.

Take notice that on March 14, 1977, Pacific States Gas & Oil, Inc. (Petitioner), P.O. Box 67, Glenville, West Virginia 26351, filed a petition for special relief in Docket No. RI77-41, pursuant to Commission Order No. 481. Petitioner seeks a proposed rate of $1.42 per Mcf for gas sold to the Equitable Gas Company. Petitioner states that the requested increase will be used to recement the production string and hydrofracture the Benson Sand, thus obtaining additional production from the C. P. Snider 2A-5 well in Glenville Field, Gilmer County, West Virginia. The subject gas is currently being sold at the rate of $.6385 per Mcf.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 12, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10011 Filed 4-4-77;8:45 am]

[Docket No. RI-77-42]

RELIABLE ENERGY, INC.

Petition for Special Relief

MARCH 29, 1977.

Take notice that on March 16, 1977, Reliable Energy, Inc., Securities Building, Billings, Montana filed a petition for special relief pursuant to Section 2.76 of the Commission's General Policy and Interpretations (18 CFR 2.76).

Petition seeks authorization to charge $2.34 per Mcf for the sale of gas from the Martin No. 1 Well, Pleasant Ridge Field, Morgan County, Colorado. Petitioners recently have re-entered the well, which was originally drilled for oil in September, 1971 and was plugged and abandoned as a "dry hole". Petitioners plan to sell the gas to Colorado Interstate Gas Company, P.O. Box 749, Denver, Colorado. Petitioner states that this well's reserves equal 300,000 Mcf. Petitioner says it needs the special relief rate in order for it to install approximately 6 miles of 4" pipeline, condition the gas for hydrocarbon dew point and compress the gas for delivery into CIG's pipeline.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 12, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10012 Filed 4-4-77;8:45 am]

[Docket No. G-11854]

SUN OIL CO.

Application To Amend Certificate

MARCH 31, 1977.

Take notice that on December 27, 1976, Sun Oil Company (Sun), 2 Northpark East, P.O. Box 20, Dallas, Texas, 75221, filed in Docket No. G-11854 an application pursuant to section 7 of the Natural Gas Act to amend its certificate of public convenience and necessity for authorization to sell to El Paso Natural Gas Company (El Paso) certain casinghead gas from acreage in Noland and Coke Counties, Texas.

Sun filed on October 20, 1976, an application in Docket No. CI77-74, for permission and approval to abandon its sale of subject gas to Union Texas Petroleum, which is pursuant to a percentage-type contract dated May 1, 1967, as amended. The residue gas, after processing, is currently being resold to El Paso at the outlet of Union Texas' Perkin's Plant, Coke County, Texas. By letter dated August 31, 1976, Sun notified Union Texas that it is cancelling the May 1, 1967, contract, effective May 1, 1977.

Sun proposes to divert subject gas to Sun's Jameson Gasoline Plant for processing therein, with the volume of attributable surplus residue gas made available for purchase by El Paso at a rate of 53.0 cents per Mcf at 14.73 psia, plus tax reimbursement, subject to upward and downward Btu adjustment from a base of 1,000 and a gathering allowance of 1.5 cents. Concurrently with the application filed October 20, 1976, Sun submitted an agreement dated December 1, 1976, which provides for the sale of the gas to El Paso upon approval of Sun's application to abandon service to Union Texas.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application, on or before April 7, 1977, should file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10162 Filed 4-4-77;8:45 am]

FEDERAL RESERVE SYSTEM

D. H. BALDWIN CO.

Acquisition of Bank

D. H. Baldwin Company, Cincinnati, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire substantially all of the voting shares of Rifle Bank Agency, Inc., and its sole bank subsidiary, The First National Bank of Rifle, both located in Rifle, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

D. H. Baldwin Company is also engaged in the following nonbank activities: Underwriting life and casualty insurance and manufacturing and marketing musical instruments. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 26, 1977.

Board of Governors of the Federal Reserve System, March 29, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-10032 Filed 4-4-77;8:45 am]

SUMMIT HOME INSURANCE CO.

Request for Determination and Notice Providing Opportunity for Hearing

Notice is hereby given that a request has been made to the Board of Governors of the Federal Reserve System, pursuant to the provisions of section 2(g)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(g)(3)) ("the Act"), by Summit Home Insurance Company, Minneapolis, Minnesota, for a determination that Summit Home Insurance Company is not nor will be capable of controlling Colfax National Bank of Denver, Denver, Colorado.

Section 2(g)(3) of the Act provides that shares transferred after January 1, 1966, by any bank holding company (or any company which, but for such transfer, would be a bank holding company) directly or indirectly to any transferee that is indebted to the transferor or has one or more officers, directors, trustees, or beneficiaries in common with or subject to control by the transferor, shall be deemed to be indirectly owned or controlled by the transferor, unless the Board, after opportunity for hearing, determines that the transferor is not, in fact, capable of controlling the transferee.

Notice is hereby given, that, pursuant to section 2(g)(3) of the Act, an opportunity is provided for filing a request for oral hearing. Any such request or written comments on the application should be submitted in writing (in duplicate) to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than May 5, 1977. If a request for oral hearing is filed, each request should contain a statement of the nature of the requesting person's interest in the matter, his reasons for wishing to appear at an oral hearing, and a summary of the matters concerning which such person wishes to give testimony. The Board subsequently will designate a time and place for any hearing it orders, and will give notice of such hearing to the transferor, the transferee, and all persons that have requested an oral hearing. In the absence of a request for an oral hearing, the Board will consider the requested determination on the basis of documentary evidence filed in connection with the application.

Board of Governors of the Federal Reserve System, March 30, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-10033 Filed 4-4-77;8:45 am]

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review

RECEIPT OF REPORT PROPOSAL

Public Notice

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on March 30, 1977. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FEA request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before April 25, 1977, and should be addressed to Mr. John M. Lovelady, Acting Assitant Director, Regulatory Reports Review, United State General Accounting Office, Room 5033, 441 G Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

FEDERAL ENERGY ADMINISTRATION

The FEA requests clearance of a revision to Form FEA-100A, Producers and Wholesale Purchaser-Resellers Monthly Report. This form is designed to provide summary data regarding product availability in inventory, product supply (production, imports, purchases and exchanges) and the demand on inventory and supply for the current month, the preceding month and the following. The revision to the form will consist of the addition of the product line "natural gasoline". This information is mandatory under 10 CFR 21, Subpart D & E, issued pursuant to the Federal Energy Administration Act of 1973 (Pub. L. 93-275) as amended by the Energy Policy and Conservation Act (Pub. L. 94-163). The estimated number of respondents is 250 and the estimated reporting burden for Form FEA-100A is approximately 8.4 hours a month per respondent.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.77-10078 Filed 4-4-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 77N-0086]

SOURCE PLASMA (HUMAN)

Shipment Without License

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) gives notice that manufactures of Source Plasma (Human) who have not received a license or an approved amendment of a license by May 11, 1977, may no longer ship Source Plasma (Human) in interstate commerce.

EFFECTIVE DATE: May 11, 1977.

ADDRESSES: Written comments (identified with the FDA docket number) to: Office of the Hearing Clerk, RM. 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Joe Holloway, Bureau of Biologics (HFB-620), Food and Drug Administration, Department of Health, Education, and Welfare, 6110 Executive Blvd., Rm. 190, Rockville, Md. 20852. (301-443-4626).

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of March 12, 1976 (41 FR 10762), the Commissioner of Food and Drugs amended the Source Plasma (Human) regulations §§ 640.60 through 640.70 (21 CFR §§ 640.60 through 640.70) by redefining Source Plasma (Human) to include plasma collected by plasmapheresis intended for manufacturing noninjectable products. The effective date of the regulation was May 11, 1976.

In recognition of the time needed to review the applications or amendments, the Commissioner provided that Source Plasma (Human) intended for manufacturing noninjectable products could continue to be shipped in interstate commerce if an application or amendment was submitted prior to May 11, 1976, and the applicant was complying with the additional standards.

Since May 11, 1976, the Bureau of Biologics has reviewed approximately 150 applications and amendments. In addition to evaluating administrative and technical documents, on-site inspections of applicants' facilities and manufacturing methods have been conducted, as necessary, to assess compliance with the regulations. The Food and Drug Administration will complete its evaluations and make a final decision to approve or disapprove still-pending applications on or before May 11, 1977.

Therefore, the Commissioner hereby announces that effective May 11, 1977, Source Plasma (Human), as defined in 21 CFR 640.60 may no longer be shipped

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in interstate commerce unless the manufacturer holds an approved license issued pursuant to section 351 of the Public Health Service Act (42 U.S.C. 262).

Dated: March 28, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-9880 Filed 4-4-77;8:45 am]

Health Resources Administration

NATIONAL ADVISORY COUNCIL ON NURSE TRAINING

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of May 1977:

Name: National Advisory Council on Nurse Training.
Date and time: May 23-25, 1977, 10:30 a.m.
Place: Conference Room 4, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014.
Open May 23, 10:30 a.m.-12:15 p.m.
Closed remainder of meeting.
Purpose: The Council advises the Secretary and Administrator, Health Resources Administration, concerning general regulations and policy matters arising in the administration of the Nurse Training Act of 1975. The Council also performs final review of grant applications for Federal assistance for nurse training grants, national research service awards, nurse practitioner grants, research project grants, and special projects for the improvement of nurse training, and makes recomendations to the Administrator, HRA.
Agenda: Agenda items for the open portion of the meeting will cover announcements; consideration of minutes of previous meetings; discussion of future meeting dates; and administrative and staff reports. The remainder of the meeting will be closed to the public for the review of grant applications for Federal assistance in accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S.C. Code and the Determination by the Deputy Administrator, Health Resources Administration, pursuant to Public Law 92-463.

Anyone wishing to obtain a roster of members, minutes of meeting, or other relevant information should contact Dr. Mary S. Hill, Bureau of Health Manpower, Room 6C-08, Federal Building, 9000 Rockville Pike, Bethesda, Maryland 20014, Telephone (301) 496-6985.

Agenda items are subject to change as priorities dictate.

Date: March 25, 1977.

CLIFFORD ALLEN,
Acting Associate Administrator for Operations and Management.

[FR Doc.77-10007 Filed 4-4-77;8:45 am]

Office of Education

ACCREDITATION AND INSTITUTIONAL ELIGIBILITY ADVISORY COMMITTEE

Public Meeting

AGENCY: Department of Health, Education, and Welfare, U.S. Office of Education.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of the next public meeting of the Advisory Committee on Accreditation and Institutional Eligibility. It also describes the functions of the Committee. Notice of these meetings is required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1, 10(a)(2). This document is intended to notify the general public of their opportunity to attend.

DATES: April 20, 1977, 8:30 a.m. to 5 p.m., local time; and April 29, 9 a.m. to 5 p.m.

ADDRESS: Old Town Holiday Inn, 480 King Street, Alexandria, Virginia 22314.

FOR FURTHER INFORMATION CONTACT:

John R. Proffitt, Director, Division of Eligibility and Agency Evaluation, Office of Education, Room 3030, ROB 3, 400 Maryland Avenue SW., Washington, D.C. 20202, (202-245-9873).

The Advisory Committee on Accreditation and Institutional Eligibility is established pursuant to section 253 of the Veterans' Readjustment Assistance Act (Chapter 33, Title 38, U.S. Code). The Committee is directed to:

1. Review all current and future policies relating to the responsibility of the Commissioner for the recognition and designation of accrediting agencies and associations wishing to be designated as nationally recognized accrediting agencies and associations, and recommend desirable changes in criteria and procedures;

2. Review all current and future policies relating to the responsibility of the Commissioner for the recognition and listing of State agencies wishing to be designated as reliable authority as to the quality of public postsecondary vocational education, and of nurse education, and recommend desirable changes in criteria and procedures;

3. Review and advise the Commissioner of Education in the formation of all current and future policy relating to the matter of institutional eligibility;

4. Review the provisions of current legislation affecting Office of Education responsibility in the area of accreditation and institutional eligibility and suggest needed changes to the Commissioner of Education;

5. Develop and recommend to the Commissioner of Education criteria and procedures for the recognition and designation of accrediting agencies and associations in accordance with legislative provisions, Presidential directives, or interagency agreements;

6. Review and recommend to the Commissioner of Education for designation as nationally recognized accrediting agencies and associations of reliable authority all applicant accrediting agencies and associations which meet criteria established under (5) above;

7. Develop and recommend to the Commissioner of Education criteria and procedures for the recognition, designation and listing of State agencies in accordance with statutory provisions, Executive Orders, or interagency agreements;

8. Review and recommend to the Commissioner of Education for designation as State agencies of reliable authority as to the quality of public postsecondary vocational education, and of nurse education, all applicant State agencies which meet criteria established under (7) above;

9. Develop, under the authority of the Vocational Education Act of 1963, as amended, and recommend for the approval of the Commissioner of Education, standards and criteria for specific categories of private vocational training institutions which have no alternative route by which to establish eligibility for Federal funding programs;

10. Develop, under the authority of the Higher Education Act of 1965, as amended, and recommend for the approval of the Commissioner of Education, standards and criteria for specific categories of institutions of higher education, for which there is no recognized accrediting agency or association, in order to establish eligibility for participation in the student loan programs authorized by Title IV-B thereof;

11. Maintain a continuous review of Office of Education administrative practice, procedures and judgments relating to accreditation and institutional eligibility and advise the Commissioner of needed changes;

12. Keep within its purview the accreditation and approval process as it develops in all levels of education;

13. Advise the Commissioner of Education concerning the relations of the Office with accrediting agencies or associations, or other approval bodies as the Commissioner may request;

14. Advise the Commissioner of Education, pursuant to the Bureau of the Budget (Office of Management and Budget) policy dated December 23, 1954, regarding the award of degree-granting status to Federal agencies and institutions.

15. Not later than March 31 of each year, make an annual report of its activities, findings and recommendations.

The meeting on April 28 and 29, 1977, will be open to the public. This meeting will be held at the Old Town Holiday Inn, Alexandria, Virginia. The Committee will review:

Policy matters related to eligibility for Federal funding;
Policy matters related to the recognition of accrediting and State approval agencies;
Policy matters related to accreditation;
Elements of the Criteria for Recognition of National Accrediting Bodies and State Approval Agencies, including issues regarding the interpretation and implementation of the Criteria;
Policy issues pertaining to the administration of the Office of Education's eligibility system, as it is affected by the Education Amendments of 1976;
Policy issues pertaining to draft regulations in the area of eligibility; and
Advisory Committee operating procedures.

Records shall be kept of all Committee proceedings and shall be available for public inspection at the Division of Eligibility and Agency Evaluation, Bureau of Postsecondary Education, Room 3030, ROB 3, 400 Maryland Avenue SW., Washington, D.C. 20202.

Signed at Washington, D.C., on March 31, 1977.

JOHN R. PROFFITT,
Director, Division of Eligibility and Agency Evaluation, Office of Education.

[FR Doc.77-10051 Filed 4-4-77;8:45 am]

Office of Human Development

REHABILITATION SERVICES ADMINISTRATION

Priorities and Closing Date for Receipt of Applications Regarding Vocational Rehabilitation Short-Term Training of Regional Scope

Notice is hereby given that pursuant to the authority contained in Section 203 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 763), grants may be made to State vocational rehabilitation agencies and other public or nonprofit agencies and organizations, including institutions of higher education, to assist in increasing the numbers of personnel trained in providing vocational rehabilitation services to handicaped individuals and in performing other functions necessary to the development of such services.

Applications for rehabilitation short-term training projects of Regional Scope must be submitted to the appropriate Regional Office of the Rehabilitation Services Administration by May 6, 1977.

Regulations governing rehabilitation short-term training were published in the FEDERAL REGISTER in Subpart A and Subpart E of Part 1362 of Chapter XIII of Title 45 of the Code of Federal Regulations (45 CFR Part 1362), on November 25, 1975.

A. PURPOSE

Short-term training grants in vocational rehabilitation are made for the purpose of paying part of the costs of projects designed for improving the professional practice skills of vocational rehabilitation workers serving the physically and mentally disabled, especially those who are severely disabled.

B. ELIGIBLE APPLICANTS

Applications may be submitted by State vocational rehabilitation agencies and other public or nonprofit agencies or organizations, including institutions of higher education.

C. AVAILABLE FUNDS

An estimated $850,000 is available for rehabilitation short-term training of Regional scope in FY 1977. The amount of the individual grants is variable. In FY 1976 the 60 short-term training grants of Regional scope ranged from $1,800 to $71,500 with the median grant amounting to $11,700.

D. PURPOSE OF SHORT-TERM TRAINING OF REGIONAL SCOPE AND PROGRAM PRIORITIES

1. Short-term training of Regional scope includes workshops, institutes, seminars, or other short-term training courses designed for the direct training of employees of State vocational rehabilitation agencies or employees of cooperating vocational rehabilitation agencies or facilities, or other individuals with a special interest in the vocational rehabilitation of the physically and mentally disabled. Trainees participating within a Regional short-term training course are limited to those residing within a geographical Region designated by the Department of Health, Education, and Welfare.

2. In FY 1977 the following program priorities have been identified for short-term training of Regional scope:

REGION I

(a) Rehabilitation of the SSI-SSDI Client;
(b) Vocational Rehabilitation of the Industrially Injured;
(c) Expansion and Improvement of the Randolph-Sheppard Vending Facility Program;
(d) Improving the Management of the Rehabilitation Process;
(e) Assessing Regional rehabilitation training needs and evaluating the effectiveness of rehabilitation training;
(f) Program and Financial Planning;
(g) The Role of Motivation in the Rehabilitation Process;
(h) Cancer Rehabilitation;
(i) Consumer Involvement and Consultation in Policy Development for the State/Federal Vocational Rehabilitation Program; and
(j) The Utilization of Medical Consultants in the Rehabilitation Process.

REGION II

(a) Job Placement for the severely handicapped;
(b) Rehabilitation of the mentally retarded;
(c) Vocational Rehabilitation's Role in Implementation of Title V of the Rehabilitation Act of 1973;
(d) Rehabilitation of the SSI-SSDI Client;
(e) Implementation of the Randolph-Sheppard Act;
(f) Interagency Cooperation in the Rehabilitation of Severely Handicapped Youth;
(g) Vocational Rehabilitation of the Industrially Injured;
(h) Rehabilitation of the Mentally Ill; and
(i) Rehabilitation of the Deaf and Hard of Hearing.

REGION III

(a) Job Placement;
(b) Cancer Rehabilitation;
(c) Epilepsy Rehabilitation;
(d) Program Evaluation;
(e) Rehabilitation of the Homebound;
(f) Supervision; and
(g) Interdependence of Rehabilitation Facilities and State Agencies.

REGION IV

(a) The Use of Qualitative Measures in Program/Financial Management;
(b) Rehabilitation and Other Federal Programs Serving Handicapped Individuals;
(c) Consumer Involvement in the Rehabilitation Process;
(d) SSI/SSDI Vocational Rehabilitation;
(e) Program and Financial Management in Facility Operation;
(f) Improving Management Practices in State Rehabilitation Agencies;
(g) The Implementation of the Randolph-Sheppard Act;
(h) Utilization of Medical Consultation;
(i) Case Recording and Documentation;
(j) Deaf/Blind (Impact on Client and Counselor);
(k) Role of the Vocational Rehabilitation Agency in Developing Affirmative Action in Advocacy for the Handicapped;
(l) Regional Training Institute for the Industrially Injured;
(m) Advance Communication Training of the Deaf;
(n) Rehabilitation of the Mentally Retarded;
(o) Rehabilitation of the Mentally Ill; and
(p) Interpreter Training for the Deaf.

REGION V

(a) Identification of and Special Outreach Efforts to Underserved Severely Disabled Populations;
(b) Servicing Employer Needs As a Method of Developing Placement Opportunities for Severely Disabled Persons;
(c) Evaluation and Adjustment Services for Specific Severely Disabled Groups;
(d) Job Re-Engineering and Job Modification for the Severely Disabled;
(e) Labor-Management Relations in the State Vocational Rehabilitation Agency;
(f) Vocational Rehabilitation Service Delivery Alternatives for Urban Developments;
(g) Cancer Rehabilitation;
(h) End-stage Renal Disease;
(i) Rehabilitation of the Deaf and Hearing Impaired Persons;
(j) Cardiac Rehabilitation; and
(k) Rehabilitation of Persons with Cerebral Palsy.

REGION VI

(a) Rehabilitation of the Severely Disabled;
(b) Utilization of Rehabilitation Facilities;
Regional Training Seminar on the Implementation of the Rehabilitation Act of 1973:
(c) Randolph-Sheppard Act;
(d) Affirmative Action Programs;
(e) Legal Concerns of the Rehabilitation Practitioner;
(f) Rehabilitation of the Homebound;
(g) Consumer Involvement and Policy Development Consultation;
(h) Mental Retardation;
(i) Removal of Architectural and Transportation Barriers;
(j) The Severely Disabled as a Priority Service Population;
(k) SSI/SSDI Programs; and
(l) Case Recording and Documentation.

REGION VII

(a) Rehabilitation of the SSI/SSDI Client;
(b) Program and Financial Management;
(c) Rehabilitation Facilities Specialists;
(d) Training the Trainers;
(e) Randolph-Sheppard Act;
(f) The Consumer and the Vocational Rehabilitation Program;
(g) Implementation of the Individualized Written Rehabilitation Program;
(h) Vocational Rehabilitation of the Industrially Injured; and
(i) Interagency Cooperation in the Rehabilitation of Severely Handicapped Youth.

REGION VIII

(a) Vocational Rehabilitation's Role in Implementation of Title V of the Rehabilitation Act of 1973, as amended;
(b) Vocational Rehabilitation's Role in Implementation of Title V, Section 501(e), "Un-

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paid Federal Work Experience Program for Vocational Rehabilitation Clients (OJT), Rehabilitation Act of 1973, as amended;

(c) Program and Financial Management;

(d) Rehabilitation of the Blind and Visually Handicapped;

(e) Rehabilitation of the SSI/SSDI Client—"Casework Problems and Procedures" in the SSI/SSDI–VR Program;

(f) Understanding the Requirements and Guidelines in Preparation and Maintenance of Individualized Written Rehabilitation Program;

(g) Rehabilitation of the Deaf and Hard of Hearing, "Workshop on the Vocational Rehabilitation Program and Long-Term Training Program in Communicative Disorders";

(h) Program Evaluation and its Role Regarding the General Standards;

(i) Seminar for State Agency Facility Specialists. "Program and Fiscal Aspects of Discretionary Grants";

(j) Interagency cooperation between Rehabilitation Services and other Related Programs, i.e., Education: Adult Education and Vocational Education of Handicapped; Workmen's Compensation, CETA;

(k) Consumer Involvement and Consultation in Policy Development for the State/Federal Vocational Rehabilitation Program;

(l) Rehabilitation of Emotionally Disabled Individuals who have Learning Problems; and

(m) Improving State/Federal Vocational Rehabilitation Agency Communication with Directors of Long-Term Training Educational Projects in the Field of Rehabilitation Services.

REGION IX

(a) The Severely Disabled in a Workshop Setting;

(b) The Changing Role of Medical Consultants;

(c) Implementation of the Randolph-Sheppard Act;

(d) Vocational Rehabilitation of the Deaf-Blind Individual;

(e) An Expanded Role for the Rehabilitation Nurse;

(f) Cultural Factors in the Rehabilitation Process;

(g) Daily Living and Leisure Time Skills in Rehabilitation Services;

(h) Affirmative Action Training;

(i) Accessibility/Standards and the Severely Disabled; and

(j) New Patterns of Training in the Understanding of Severe Disability.

REGION X

(a) Case recording and case documentation requirements;

(b) Program and financial management requirements;

(c) SSI/SSDI program requirements;

(d) Rehabilitation of deaf and hearing impaired persons;

(e) Rehabilitation of persons with epilepsy;

(f) Implementation of the Randolph-Sheppard Act;

(g) Program Evaluation requirements;

(h) Interagency cooperation in the rehabilitation of the severely handicapped;

(i) Rehabilitation of spinal cord injured;

(j) Job placement for the severely handicapped; and

(k) Program evaluation in rehabilitation facilities.

E. APPLICATION REVIEW AND EVALUATION

Applications for the support of rehabilitation short-term training of Regional scope will be evaluated in terms of the following factors:

1. The relevance of the content of the proposed short-term training to the administratively established objectives of the public rehabilitation program, the objectives of the rehabilitation Act of 1973, as amended, and the FY 1977 priorities for rehabilitation short-term training;

2. The qualifications of the instructional staff;

3. The speed with which the training can be put to use by the persons proposed to be trained;

4. The reasonableness of the budget in relation to the proposed project;

5. The methodology to be employed in implementing the project and its feasibility for the achievement of the established educational objectives;

6. The financial and other resources of the applicant for accomplishing the objectives of the training project and how much the applicant plans to contribute to the total cost of the project;

7. The criteria to be used for the selection of individuals to whom traineeships are to be awarded;

8. Evidence that the training facility is architecturally accessible to the handicapped;

9. Where appropriate, evidence of current accreditation by the designated accrediting agency;

10. The extent to which application instructions are adequately addressed, including both the narrative statement and budget justification;

11. The extent to which the proposal provides for an evaluation methodology, including the manner in which such methodology will be employed to measure the achievement of the objectives of the training program; and

12. The evidence of a working relationship with an appropriate State vocational rehabilitation agency and other agencies providing vocational rehabilitation services.

G. PROGRAM INFORMATION AND APPLICATION FORMS

Program information, including specific FY 1977 short-term training plans for each Regional Office with a description of each priority training area and application forms may be obtained from:

REGION I

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, John F. Kennedy Federal Building, Government Center, Boston, Massachusetts 02203.

REGION II

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, Federal Building, 26 Federal Plaza, New York, New York 10007.

REGION III

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, 3535 Market Street, P.O. Box 13716, Philadelphia, Pennsylvania 19101.

REGION IV

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, 50 7th Street NE., Room 358, Atlanta, Georgia 30323.

REGION V

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, 300 South Wacker Drive, 15th Floor, Chicago, Illinois 60606.

REGION VI

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, 1511 Bryan Street, Dallas, Texas 75201.

REGION VII

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, 601 East 12th Street, Kansas City, Missouri 64106.

REGION VIII

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, Federal Office Building, Room 7415, 19th and Stout Streets, Denver, Colorado 80202.

REGION IX

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, Federal Office Building, 50 United Nations Plaza, San Francisco, California 94102.

REGION X

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, Arcade Building, 1321 Second Avenue (MS 622), Seattle, Washington 98101.

H. APPLICATION SUBMITTAL

1. *Applications sent by mail.* Applications for the support of short-term training of Regional scope should be addressed to the appropriate Director, Office of Rehabilitation Services Administration. An application sent by mail will be considered to be received on time if:

(a) The application was sent by registered or certified mail not later than May 6, 1977 as evidenced by the U.S. Postal Service postmark, or on the original receipt from the U.S. Postal Service; or

(b) The application is received on or before the closing date in either the Department of Health, Education, and Welfare or the Office of Human Development mailrooms in a Regional Office. (In establishing the date of receipt, consideration will be given to the time date stamps of such mailrooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare; or the Office of Human Development.)

2. *Hand delivered applications.* An application to be hand delivered must be taken to the appropriate Regional Office of the Director, Office of Rehabilitation Services. Hand delivered applications will be accepted during normal working hours. Applications will not be accepted after 5 p.m., on the closing date.

3. *Late submittals.* Grant applications received after the closing date will not be considered for review.

(29 U.S.C. 763.)

(Catalog of Federal Domestic Assitance Number 13.629, Rehabilitation Training.)

Dated: March 10, 1977.

JOSEPH A. MOTTOLA,
Acting Commissioner, Rehabilitation Services Administration.

[FR Doc.77-10091 Filed 4-4-77;8:45 am]

Office of the Secretary

BOARD OF ADVISORS TO THE FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION

Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), that the next meeting of the Board of Advisors to the Fund for the Improvement of Postsecondary Education will be held on April 17, 1977 at 5 p.m. through April 18, 1977, at 4 p.m. at the Channel Inn, 650 Water Street, SW., Washington, D.C.

The Board of Advisors to the Fund was established to recommend to the Director of the Fund and the Assistant Secretary for Education priorities for funding and the approval or disapproval of grants and contracts of a given kind or over a designated amount under section 404 of the General Education Provisions Act.

The meeting will be for the sole purpose of discussing current program initiatives and dissemination activities, and considering and formulating advice to the Director of the Fund regarding the approval or disapproval of proposals submitted to the Fund under the Comprehensive Program.

The meeting on April 17 from 5 p.m. to 10 p.m. will be open to the public.

The meeting on April 18, from 9 a.m. to 4 p.m. will not be open to the public. This portion of the meeting will be for the sole purpose of reviewing and evaluating grant applications submitted to the Fund under the Comprehensive Program. It will involve discussion of project designs, personnel, and other information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. It has therefore been determined that closing this portion of the meeting is in accordance with 5 U.S.C. 552b(c)(6) and the policies of the Federal Advisory Committee Act.

A summary of the proceeding of the meeting and a roster of members may be obtained from the Fund for the Improvement of Postsecondary Education, 400 Maryland Avenue, SW., Room 3141, Washington, D.C. 20202, telephone 202–245–8091.

Signed at Washington, D.C., on April 1, 1977.

VIRGINIA B. SMITH,
Director, Fund for the Improvement of Postsecondary Education.

[FR Doc.77-10172 Filed 4-4-77;8:45 am]

Office of the Assistant Secretary for Health

PHARMACEUTICAL REIMBURSEMENT ADVISORY COMMITTEE

Request for Nomination of Members

In the FEDERAL REGISTER of November 10, 1975 (40 FR 52428) the Department of Health, Education, and Welfare requested nominations for membership on the Pharmaceutical Reimbursement Advisory Committee, an advisory committee under the Department's MAC program. The Committee consists of 15 members not in the full time employ of the United States. Members are selected to provide as full a range as possible of knowledge, experience, and judgment in the areas of pharmacy, pharmacology, medicine, pharmaceutical marketing, public health, and consumer affairs.

Members are selected for terms of two years except that eight of the initial members serve for one year. As of May 31, 1977 the one year terms of eight of the initial members will expire. In addition, another member for personal reasons had to resign for the remainder of his term which will expire May 31, 1978.

Any interested person may, therefore, nominate one or more qualified persons for membership to fill the eight new positions for two year terms, such terms to run from June 1, 1977 through May 31, 1979, and to fill the unexpired term of the retiree whose term will expire May 31, 1978. A complete curriculum vitae on the nominee must be included. Nominations shall state that the nominee is aware of the nomination, is willing to serve as a member of the Advisory Committee and appears to have no conflict of interest that would preclude committee membership.

Nominations shall be submitted to Dr. Carl T. DeMarco, Acting Executive Secretary, Pharmaceutical Reimbursement Advisory Committee, Office of Quality Standards, 5600 Fishers Lane, Rockville, Maryland 20857 no later than May 5, 1977.

Dated: March 29, 1977.

JAMES F. DICKSON III,
Acting Assistant Secretary for Health.

[FR Doc.77-10094 Filed 4-4-77;8:45 am]

Office of the Secretary

OFFICE OF PERSONNEL AND TRAINING

Statement of Organization, Functions, and Delegations of Authority

Part A of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education and Welfare is amended to reflect the following changes in Section AMP "Office of Personnel and Training" (38 FR 34753, December 18, 1973, and 40 FR 11626, March 12, 1975:

Delete from Section AMP. 10 Organization—HEW Fellows Staff.

Delete from Section AMP. 20 Functions 4. HEW Fellows Staff.

Change Section AMP. 20 Functions to read as follows: 6. Office of Executive Manpower and Career Development. A. Formulates policies, develops and administers programs, and provides technical assistance to Principal Operating Components on activities related to recruitment, placement, utilization, development, retention, and separation of employees subject to the executive assignment system. Forecasts needs for executive positions and prepares justification for additional quota spaces; assures a continuing supply of well-qualified candidates for executive positions from DHEW and external sources; establishes and coordinates an executive development program for incumbents of executive positions; monitors and evaluates effectiveness of DHEW-wide executive and management development programs; promotes the concepts of equal opportunity for women and minorities in executive positions.

B. Develops and administers policies, procedures and standards, provides leadership, guidance, and support for the Department in all matters relating to the training and career-development of the entire workforce. Insures that all such activity is directly related to the fulfillment of program missions.

C. Administers the Department's Management Intern, College Intern, HEW Fellows, Inter-Department, and Intergovernmental Staff Exchange, and Cooperative Education Programs.

Dated: March 28, 1977.

JOHN D. YOUNG,
Assistant Secretary for Management and Budget.

[FR Doc.77-10096 Filed 4-4-77;8:45 am]

OFFICE OF THE REGIONAL DIRECTOR, REGION IV

Statement of Organization, Functions, and Delegation of Authority

Part A of the Statement of Organization, Functions, and Delegation of Authority of the Department of Health, Education, and Welfare, Office of the Secretary, Office of the Regional Director, Region IV, is amended to reflect the addition of Section AD4.20I (formerly numbered 1E84.20I), Office of the Assistant Regional Director for Intergovernmental Affairs and to delete the Section currently numbered 1E84.10M, Federal Regional Council Coordinator (40 FR 1540, January 8, 1975). The added Section reads as follows:

SECTION AD4.20I. Assistant Regional Director for Intergovernmental Affairs

1. Serves as a principal representative to the Regional Director and supervises a staff unit to help accomplish the Department's Intergovernmental technical

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assistance and program coordination mission in the Region.

2. Serves as the Regional Director's representative in establishing and maintaining systematic contacts with the office of governors, Congressmen, State legislators, county executives and mayors. Recommends alternative methods for achieving goals and objectives, exercising priorities and implementing policies pertaining to relationships with State and local general purpose governments.

3. As a result of establishing a system for intergovernmental contacts, establishes and maintains a process for the identification of intergovernmental issues; refers these issues to the Regional Director, Assistant Regional Director, Planning and Evaluation (ARD/P&E), and the Regional POCs for proper analysis and resolution; and coordinates the dissemination of information on problems that have been resolved to State and local governments and representatives of private interest groups.

4. In cooperation with the ARD/P&E and POCs, coordinates and monitors procedures for securing timely State and local GPG review and comment on appropriate policies, legislation and regulations, keeps Regional Office and Headquarters Staff informed about major current developments concerning significant new human resosurces legislation and policies at the State and local levels.

5. Identifies, and brings to the attention of the ARD/P&E problems and issues in the States that may be amenable to DHEW evaluation efforts; facilitates, in coordination with the ARD/P&E, the dissemination of significant human resource evaluation, and monitoring findings to and from State and local governments.

6. Ensures that the Regional Office role in the implementation of DHEW policies, through such systems as OPS, is clearly spelled out to State and local general purpose governments. In cooperation with the ARD/P&E develops a process for disseminating information on operational objectives to State and local governments and special concerns groups. In cooperation with the ARD/P&E and POCs, attempts to ensure that State and local governments institute adequate mechanisms for implementing major common operational objectives. Provides for an exchange of information and interface with other Departments where interdepartmental efforts are required to implement policies.

7. Coordinates the planning and delivery of technical assistance to assist States and local general purpose government in the accomplishment of common program objectives.

8. Maintains liaison with ARD/P&E and POCs regarding implementation of a capacity building plan. Participates in the identification and assessment of the constraints which impede current and/or potential participants from developing effective delivery systems.

9. Participates from time to time in interagency or interdepartmental studies with responsibility for fact-finding, analysis, and making recommendations to top level policy making officials about National and intergovernmental program planning.

10. Provides guidance and staff support to the Federal Regional Council, in connection with operations and activities that require coordination with Federal, State and local governments. This includes responsibility for maximizing the Federal Regional Council's potential for improving the quality and effectiveness of intergovernmental operations. Coordinates Regional participation on the Federal Executive Board, its committees and task forces.

11. Has leadership responsibility for carrying out the Regional Office responsibilities for the CETA program. Administers and assures that the Regional of intergovernmental operations. Co-Office manpower work plan is being accomplished. Participates actively in the implementation of Departmental policy for CETA through the Regional Office Manpower Coordinator and Regional Agency program-related staff. Assures and identifies the inter-relationships of DHEW CETA activities with related Departmental initiatives such as capacity building and services integration.

12. Assures that DHEW resources are provided to special concerns groups including Indian Reservations. Develops and maintains systematic contact with Indian reservation tribal leaders, and the principal representatives of special concerns groups.

13. Insures regional office compliance with the National Environmental policy Act, National Historic Preservation Act, National Archeological Preservation Act, related laws, executive orders, regulations and guidelines. Recommends regional office policy and develops procedures to insure a coordinated and interdisciplinary approach to assist programs in the conduct of environmental analysis and preparation of documents for activities subject to the above-mentioned requirements in accordance with Departmental procedures. Identifies and advises the Regional Director as to a recommended course of action with respect to emerging environmental issues of concern to the Department and coordinates environmental reviews by regional program staff in response to other Federal agency requests for input. Apprises general purpose government, Federal Regional Councils, clearinghouses and other concerned organizations with respect to HEW NEPA requirements and proposed actions impacting on the community. Serves as the principal regional contact point with the Department's Chief Environmental Officer and notifies him of key issues and emerging problems on which the Secretary should be advised. Participates in and coordinates regional input to environmentally related interagency studies and task forces.

14. Manages External Affairs efforts with each of the Regional OS units and POCs through liaisons in each of these areas.

15. Serves as the consumer focal point in the Regional Office and as a source of information regarding consumer representation activities in Region IV, assuring that consumers will receive a prompt and substantive response to their inquiries.

16. Reviews Regional Advisory Committees in order to evaluate the scope and effectiveness of consumer representation.

17. Assures that consumer information is easily understandable, widely disseminated, and non-duplicative.

18. Establishes permanent liaisons with voluntary groups at the Regional level, to augment existing liaison with such groups at the National level, as a vehicle for improving citizens' information and participation in decisions on HEW-related issues and initiatives.

19. In conjunction with ARD/PA, maintains an updated system for disseminating information to citizens in Region IV while examining the efficacy of HEW methods for receiving and responding to feedback from these individuals.

20. Designs, utilizes, and tests new approaches to achieving interaction with the public.

21. Directs and carries out Legislative Liaison procedures in the Region so as to monitor and keep informed of State legislation impacting human resources.

22. Initiates and maintains contact with key State legislative officials in order to address legislative issues with the appropriate individuals when necessary.

23. Assures that notices of proposed Federal legislation and proposed rulemaking are reviewed and that Regional, State, and local governments are notified of these along with an indication of opportunities for comment and/or response.

24. Assures that an accurate Legislative Directory is maintained and published for Regional use.

25. Directs the coordination of the Appalachian Regional Commission Development and Investment Program with States and affected Regional Departmental POCs and Headquarters ARC.

26. Serves as the alternate representative for the Regional Director to the Federal Executive Board and assures the appropriate relationship and involvement of local and State governmental officials.

Dated: March 8, 1977.

THOMAS S. MCFEE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.77-10095 Filed 4-4-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[SAC 079877]

CALIFORNIA

Partial Termination of Proposed Withdrawal and Reservation of Lands

MARCH 25, 1977.

Notice of a Bureau of Reclamation, U.S. Department of the Interior, application, Sacramento 079877, for withdrawal and reservation of lands for the planned facilities of the Auburn—Folsom South Unit of the Central Valley Project was published as FR Doc. 65-11539 on pages 13747 and 13748 of the issue for October 28, 1965. The applicant agency has cancelled its application insofar as it affects the following described lands:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 15 N., R. 10 E.,
Section 27: Patented Small Tracts Lots 25 and 32.

The area described contains approximately 6.16 acres.

Therefore, pursuant to the regulations contained in 43 CFR Part 2350, such lands at 10 a.m. on May 2, 1977, will be relieved of the segregative effect of the above mentioned application.

JOAN B. RUSSELL,
Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc.77-10060 Filed 4-4-77;8:45 am]

[NM 30090, 30210, 30211, 30212, 30213, 30214, 30215, and 30216]

NEW MEXICO

Applications

MARCH 28, 1977.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for nine 6⅝-inch and one 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 22 E.,
Sec. 11, S½SE¼;
Sec. 12, N½SW¼ and SW¼SW¼;
Sec. 14, NW¼NE¼ and NW¼;
Sec. 15, S½NE¼, SW¼ and N½SE¼;
Sec. 20, NE¼NE¼;
Sec. 21, N½N½.
T. 17 S., R. 27 E.,
Sec. 31, lot 4.
T. 18 S., R. 27 E.,
Sec. 6, lots 4, 5, and 6.
T. 21 S., R. 27 E.,
Sec. 1, lot 13;
Sec. 2, lots 13, 14, 15, and 16;
Sec. 27, SW¼NW¼;
Sec. 28, E½NE¼.
T. 20 S., R. 28 E.,
Sec. 9, N½SW¼ and SE¼;
Sec. 10, N½S½;
Sec. 29, E½SW¼ and SW¼SW¼.
T. 18 S., R. 32 E.,
Sec. 34, SE¼SW¼.

These pipelines will convey natural gas across 8.176 miles of national resource lands in Eddy and Lea Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Rosewell, New Mexico 88201.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-10058 Filed 4-4-77;8:45 am]

[NM 30239 and 30240]

NEW MEXICO

Applications

MARCH 28, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½-inch and one 6-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 26 S., R. 35 E.,
Sec. 12, W½E½;
Sec. 13, W½SE¼;
Sec. 24, W½E½;
Sec. 25, NW¼NE¼.
T. 26 S., R. 37 E.,
Sec. 24, N½NE¼.

These pipelines will convey natural gas across 2.897 miles of national resource lands in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-10059 Filed 4-4-77;8:45 am]

[OR 6786]

OREGON

Order Providing for Opening of Lands Formerly in Powersite Classification No. 410

MARCH 28, 1977.

By Powersite Cancellation No. 301 of December 6, 1972 (37 FR 62621) as corrected January 31, 1973 (38 FR 2992) and by Powersite Cancellation No. 325 of February 5, 1975 (40 FR 6517) the U.S. Geological Survey cancelled Powersite Classification No. 410 of November 9, 1950, in its entirety.

1. The following described lands which were included in Powersite Classification No. 410 are not otherwise appropriated or withdrawn;

WILLAMETTE MERIDIAN

REVESTED OREGON AND CALIFORNIA RAILROAD GRANT LANDS

T. 39 S., R. 3 W.,
Sec. 2, NW¼SW¼;
Sec. 3 S½NE¼;
Sec. 9, SE¼SE¼;
Sec. 11, SW¼NE¼ and NE¼NW¼;
Sec. 15, W½NE¼, SE¼NE¼, W½W½SW¼, N½SE¼, and SW¼SE¼;
Sec. 21, E½E½;
Sec. 27, SE¼SW¼NW¼;
Sec. 33, W½NE¼;

Containing 770 acres.

LANDS WITHIN THE ROGUE RIVER NATIONAL FOREST

T. 39 S., R. 3 W.,
Sec. 28, N½NW¼NE¼, SW¼NE¼, and E½SW¼SE¼;

Containing 80 acres.

The areas described aggregate 850 acres in Jackson County.

The State of Oregon has not exercised the preference right of application for highway rights-of-way or material sites afforded it by Section 24 of the Federal Power Act.

2. At 10:00 a.m. on May 3, 1977, the national forest lands and revested Oregon and California Railroad Grant lands described above shall be open to such forms of appropriation as may by law be made of such lands, subject to valid existing rights and the provisions of existing withdrawals. The lands have been and remain open to applications and offers under the mineral leasing laws, and to location under the United States mining laws subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

3. Inquiries concerning this land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

HAROLD A. BERENDS,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-10057 Filed 4-4-77;8:45 am]

Geological Survey

LESSEES AND OPERATORS OF INDIAN OIL AND GAS LEASES

Procedures for Reporting and Accounting for Royalties

Notice is hereby given that the Geological Survey has finalized its procedures and reporting forms for reporting and accounting for royalties and other compensation accruing to Indian oil and gas leases, except those on the Osage Reservation. This Notice also prescribes certain information which a lessee or operator must provide in support of reports and payments made to the Geological Survey.

On March 1, 1976, the Geological Survey published in the FEDERAL REGISTER (Vol. 41, No. 41, pp. 8802-8805) a Notice which set forth its proposed requirements for onshore Federal leases in respect to: (1) the submittal of Monthly Report(s) of Operations (Form 9-329), Monthly Report(s) of Sales and

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Royalty (Form 9–361), and Rental and Royalty Remittance Advice(s) (Form 9–614–A); (2) the submittal of related supporting documentary evidence and Application(s) for the Establishment of Royalty Values (Form 9–1926); and (3) the procedures for remitting all payments to the Geological Survey. Said Notice solicited the submittal of written comments from interested parties by March 25, 1976. On March 24, 1976, the Geological Survey published in the FEDERAL REGISTER (Vol. 41, No. 58, p. 12235) a Notice extending the period for written comments to May 1, 1976.

Written and oral comments received by the Geological Survey were carefully considered in the preparation of the final NTL–1, whether received before or after May 1, 1976. Comments were received from 13 oil and gas companies and 1 oil and gas association. Even though the industry responses received represent only a small percentage of companies and individuals operating Federal and Indian oil and gas leases, those received were very comprehensive. Certain of the comments were adopted or essentially satisfied, and the Geological Survey made other changes on its own motion.

The final NTL–1, which was published in the FEDERAL REGISTER of January 25, 1977 (Vol. 42, No. 16, pp. 4596–4550), gave notice of the Geological Survey's intent to publish shortly in final form an NTL–1A which would address its requirements with respect to accounting procedures and reports for Indian oil and gas leases. NTL–1A follows the format and rationale of NTL–1, except where necessary to recognize certain inherent differences between Federal and Indian leases.

The requirements of NTL–1A should not be construed as requiring all rental payments due under Indian oil and gas leases to be submitted to the Geological Survey. However, advance rental payments for those leases which are in a producing status, as well as rentals for nonproducing leases which are committed to producing units, are to be submitted to the Geologicsal Survey. Thus, where rentals are now paid directly to the Bureau of Indian Affairs, a Tribe, or to individual Allottees, that practice should be continued unless notification is subsequently received that the lease account has been transferred to the jurisdiction of the Geological Survey.

All previous directives concerning the subject matter addressed by NTL–1A are superseded and canceled by this final NTL–1A to the extent that they conflict herewith. In other words, where a conflict exists, the provisions of this final NTL–1A will prevail.

The principal differences between NTL–1 (Onshore Federal) and NTL–1A (Indian) are:

Payments: Indian rental and royalty remittances must be made payable to a Tribe, an individual Allottee, or the Bureau of Indian Affairs, as applicable, even when the payment is submitted to the U.S. Geological Survey.

Remittance Advice (Form 9–614–A): Two copies of Form 9–614–A are required to be filed with each payment.

Overpayments: Overpayments of rentals and/or royalties generally may not be recovered by refunds. Overpayments may be recovered only by withholding payments from future accruals with the prior approval of the Tribe or the allottee involved.

Royalties on Gas Production: Royalties on gas production must be calculated by three methods each month with payment being made on the method that yields the greatest royalty revenue.

Reimbursement for Taxes Paid: There are instances where lessees and operators pay certain State and/or local taxes on behalf of the Indian lessor. Provision is made for the lessee or operator to recover these payments.

As with NTL–1, it is not feasible to implement all provisions of NTL–1A on or immediately following its effective date. Therefore, provisions have been included in NTL–1A to phase in the various requirements of the new procedures and the use of the revised reporting forms. During this phase-in period, lessees and operators will be furnished a supply of the new reporting forms and will be instructed in their proper use. Also, the system, as established by NTL–1A, will continue to be studied with the intent that modifications will be made in the requirements of NTL–1A, as warranted. The first such formal review will occur in December of 1977, and all concerned parties are invited and encouraged, prior to that time, to provide constructive comments concerning their practical experience with NTL–1A and the associated reporting forms.

The U.S. Geological Survey has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

W. A. RADLINSKI,
Acting Director.

NOTICE TO LESSEES AND OPERATORS OF INDIAN OIL AND GAS LEASES (NTL–1A)

PROCEDURES FOR REPORTING AND ACCOUNTING FOR ROYALTIES

I. *General.* Pursuant to the regulations contained in Title 30 CFR Part 221 and the requirements of this Notice, operators of Indian (except Osage) oil and gas leases are required to timely file with the Area Oil and Gas Supervisor (Supervisor) the below defined sales agreements, operations reports, production and sales reports, supporting documentary evidence, remittance advices and royalty payments, and the other items required herein.

Item	Copies required by USGS [1]	Due date
Division orders	2	Within sixty (60) days following the date of first sales.
Sales Agreements/Contracts	1	Within sixty (60) days following the effective date of the contract or the date of first sales, whichever occurs first. Any amendment to an existing contract must be filed within sixty (60) days following the effective date of the amendment.
Monthly report of operations (form 9–329).	2	Due monthly with the first report submitted for the month in which the initial well on, or for the benefit of, a lease is commenced.
Monthly report of sales and royalty (form 9–361).	1	Due monthly with the first report submitted for the month in which the first well was completed for production on, or for the benefit of, a lease, even if no sales were made.
Purchaser's and gasoline plant statements.	1	Evidence to confirm the monthly sale of all lease products must be submitted monthly beginning with the month of first sales.
Rental and royalty remittance advice (form 9–614–A).	2	All payments made to the Geological Survey must continue to be submitted monthly beginning with the month of first sales accompanied by two copies of the remittance advice, form 9–614–A.
Application for establishment of royalty value (form 9–1926).	1	Within 6 mo after the effective date hereof for all leases in a producing status at that time or within sixty (60) days following the date of first sales, if after June 1, 1977.

[1] Unless otherwise specified by the supervisor.

Inquiries regarding the general requirements of this Notice may be directed to any Supervisor. However, specific questions concerning a particular reporting problem should be directed to the appropriate Supervisor having jurisdiction over the area in which the involved lease, unit area, or communitized tract is situated.

This Notice shall remain in effect until modified or revoked. However, it will be subject to periodic reviews, the first of which will be completed not later than January 1, 1978. Should any of the requirements prove to be inadequate, impractical, or unnecessary for the proper conduct of the Geological Survey's assigned responsibilities in this regard, the Notice will thereafter be revised accordingly.

II. *Division Orders, Sales Agreements, and Sales Contracts—A. Division Orders.* Where a division order is the means by which a sale is consummated of any product produced from, or for the benefit of, an Indian lease, each such division order, properly identified by Indian lease or contract number, must be furnished in duplicate to the Supervisor within sixty (60) days following the date of initial sales. A copy approved by the Supervisor will be returned to the operator. Division orders are approved as a proper means of distributing lease proceeds, and such approval is subject to the condition that nothing contained therein will be construed as affecting the relationship between the leasee (operator) and the Secretary of the Interior. Division orders submitted to the Supervisor need not be signed by working interest owners or other royalty owners under the lease or contract, since the Supervisor's approval is intended only to verify to the party making payment that the Indian royalty interest is correctly stated and to authorize transportation companies and purchasers to receive products from the leased lands.

The due date for royalty payments will be enforced even though a division order is incomplete and purchasers should be advised that nothing contained in a division order may in any way alter the royalty rate specified in a lease. Indian royalties must be released even though other monies are being held in suspense by a purchaser due to an incomplete division order or other irregularities. However, if a purchaser fails to

timely release Indian royalties, the operator shall be held responsible for making such payments by the due date.

B. *Sales Agreements/Contracts.* A copy of each agreement or contract for the disposal of leasehold products must be furnished to the Supervisor within sixty (60) days following the effective date of first sales. Any amendment to the contract must also be forwarded to the Supervisor within sixty (60) days following the effective date of the amendment. Any applicable rulings by the Federal Power Commission or the Federal Energy Administration which are incorporated in, or which affect the prices shown in a contract or amendment, must be cited. All agreements, contracts, supplemental amendments, and citations must identify, by Indian lease(s) or contract number(s), the Indian lease(s) affected or be accompanied by a transmittal letter which provides sucfh information. If a contract, agreement, supplemental amendment, or citation does not apply to all production, wells, or zones on a given lease, that production and wells or zones to which it does apply must be specified.

Operators are advised that the price which the seller agrees to accept and the price which the buyer agrees to pay in any contract or other arrangement made for the sale or disposal of products from the leased lands shall not be construed as establishing a value that is binding on the Supervisor for royalty computation purposes.

III. *Gas and Associated Liquids Protection, Sales, and Royalty Requirements.*—The value of all produced gas and associated liquid hydrocarbons will be established by the Supervisor. Such value will be based on the Supervisor's estimated reasonable value of both the natural gas and its entrained liquid hydrocarbons with due consideration being given to the highest price paid for a part or for a majority of like quality production in the same field or area, to the price(s) received by the operator, to the Btu content of the gas, and to other relevant matters. Under no circumstances will the royalty value be computed on less than the gross proceeds accruing to the operator from the sale of such leasehold production. Gross proceeds include, but are not limited to, tax reimbursements and payments to the operator for gathering, measuring, compressing, dehydrating, or performing other services necessary to market the production. Likewise, no deduction will be allowed for the cost which an operator incurs by reason of placing the gas in a marketable condition as an operator is obligated to do so at no cost to the lessor.

The weighted average Btu content of all gas produced from, or for the benefit of, each Indian lease or contract must be shown on the Monthly Report of Operations (Form 9–329). The Btu content of the gas should also be shown monthly on the purchaser's statement (includes gas settlement and gasoline plant statements).

The Supervisor may adjust royalty values to reflect the Btu content of the gas regardless of whether the gas is sold on that basis. The Supervisor may also redetermine the value of the gas for royalty purposes at any subsequent date should such action be required to reflect the reasonable value of the gas and its entrained liquid hydrocarbons.

Unless and until the Supervisor has established that one of the following methods consistently yields the greatest royalty to the Indian lessor, lessees and operators shall compute royalty based on (1) the value of the wet gas produced from the lease adjusted for its Btu content, (2) the value of the separate components after processing and adjustment for the approved manufacturing allowance, and (3) the gross proceeds accruing to the operator. The method that yields the greatest royalty on a monthly basis each month will be reported as royalty due on Form 9–361. An equivalent payment must then be made and reported on the Remittance Advice (Form 9–614–A). When appropriate, the Supervisor may require the lessee or operator to submit supporting information substantiating all three methods of royalty computation.

If an operator is receiving an escalated gas price under the provisions of an interstate gas sales contract prior to the approval of said price by the Federal Power Commission, royalty must be based on such escalated price. If said price is subsequently disallowed or reduced by the Federal Power Commission, any overpayment may be recoverable as a credit against future rental and royalty accruals subject to the provisions of Section IX of this Notice.

Payments made by a gas purchaser pursuant to a contractual "take-or-pay" clause are subject to royalty under the terms of the lease agreement. The receipt of such monies by the operator and the subsequent recovery of "take-or-pay" gas by the purchaser must be reported and properly identified as such on Form 9–361. Any problems related to computation of such royalties should be referred to the Supervisor.

IV. *Crude oil and condensate production, sales, and royalty requirements.* Royalty is due on the value of all crude oil or condensate produced from, or for the benefit of, Indian oil and gas leases which is saved, except that which is consumed on, or for the benefit of, a lease for operational or developmental purposes or which is unavoidably lost through an Act of God. The Supervisor shall establish the value of crude oil and condensate production for which royalty or other compensation is due. The value so established will be based on the estimated value of the crude oil or condensate with due consideration given to the highest price paid for a part or for a majority of production of like quality in the same field or area, to the price received by the operator, to posted prices, and to other relevant matters. Under no circumstances will the value be computed on less than the gross proceeds accruing to the operator from the sale of leasehold production or on less than the highest price legally obtainable for production from the lease, unit participating area, or communitized tract. Deduction of transportation charges will not be allowed unless justified in writing and approved by the Supervisor. Generally, the deduction of transportation charges will not be allowed for a field or area in which there is a willing purchaser who would absorb such costs, and provided that the regulations of the Federal Energy Administration do not prohibit the operator from selling to said purchaser.

V. *Application for Establishment of Royalty Values.* A properly completed Application for the Establishment of Royalty Values on Form 9–1926 must be submitted to the Supervisor by August 1, 1977, for those leases in a producing status as of June 1, 1977. Separate applications must be filed by each operator and working interest owner who is responsible for the payment of royalty or other compensation. An operator may file a single application for its leases in the same field or area if they are subject to identical marketing arrangements. However, where upper and lower tier oil or different vintages of gas are involved, the application must be supplemented with appropriate information identifying the production subject to each tier or vintage. For those leases which achieve production after June 1, 1977, the application must be submitted within sixty (60) days following the date of first sales. Failure to file an accurate and complete application within the time allowed will result in the Supervisor establishing a royalty value equal to the highest price paid for like quality production in the field or area, assessing liquidated damages, or taking other appropriate action to bring about compliance.

In the interim period between the filing of an application and final action by the Supervisor, operators may submit payments based on the price(s) paid by their purchasers. The Supervisor will advise the operator by letter of the value(s) which have been established for royalty purposes and the effective date thereof. The difference, if any, between the approved value(s) and the value(s) upon which payments have been made shall be reconciled by the operator within sixty (60) days thereafter. This includes the submittal of amended reports and additional payments, as necessary. Any subsequent adjustments or amendments in the sales arrangements set forth in an Application for Establishment of Royalty Values must be reported promptly to the Supervisor.

VI. *Monthly Reporting and Payment Requirements General.* The production and sale or other disposition of all oil, condensate, gas, associated liquid hydrocarbons, and other byproducts produced from, or for the benefit of, Indian leases, and for which the Supervisor requires a separate accounting, must be reported individually on a monthly basis to the Supervisor, unless waived by the Supervisor as hereinafter provided.

Where an operator is solely responsible for the sale or disposition of all production, said operator will be held responsible for the timely submittal of operations reports, sales and royalty reports, remittance advices, and payments as well as for the submittal of purchaser(s) and gasoline plant statements and other supporting documentary evidence to substantiate the reported volume(s) and unit price(s) or value(s) of all production from the lease, unit participating area, or communitized tract.

In those instances where there are multiple operators under a single lease, each operator will be individually responsible for the timely submittal of the foregoing reports, documentary evidence, remittance advices, and payments for that portion of the lease which they operate.

In those joint venture projects (whether conducted on a lease basis or under the terms of an approved communitization or unitization agreement) where the operator sells or otherwise disposes of all production, but each working interest owner elects to make separate payments, the operator is responsible for the timely submittal of all reports and supporting documentary evidence which reflect the disposition of the total production and the value(s) or unit price(s) established by the Supervisory for such production. Each working interest owner, including the operator, will be held accountable for the timely submittal of remittance advices and payments for their proportionate share in the total production. However, in those situations where the operator and individual working interest owners in a joint venture project conducted on a lease basis elect to separately sell or dispose of their proportionate share in that production, the operator must timely submit the operations reports for the lease. Each working interest owner, including the operator, will be held responsible for the timely submittal of sales and royalty reports, supporting documentary evidence, remittance advices, and payments which reflect the disposition of their share in the total production from the lease, and the value(s) or unit price(s) established by the Supervisor for their proportionate share in such production. Where each working interest owner in a joint venture project conducted pursuant to a com-

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munitization or unitization agreement elects to separtely sell or dispose of its proportionate share in that production, the reporting requirements for each such party are, with one exception, the same as those specified above in regard to individual reporting for joint venture projects conducted on a lease basis. That exception is that the individual Monthly Reports of Sales and Royalty (Form 9–361) must reflect the disposition of the total production from the communitized tract or unit participating area.

Beginning with the production month of April 1977, operators and working interest owners, as applicable, will be required to file for each lease, unit participating area, or communitized tract, for which they have reporting responsibilities, a package submittal which includes the Monthly Report of Sales and Royalty (Form 9–361), purchaser(s) and gasoline plant statements, and other supporting documentary evidence. The initial package report must be received by the Supervisor no later than June 10, 1977. Unless otherwise authorized in writing by the Supervisor, all subsequent package submittals must be received in the office of the Supervisor by the 10th day of the second month next following the production month. However, if said 10th day of the month falls on a nonwork day, the submittal shall be due not later than the last official working day prior thereto.

Beginning with the production month of April 1977, the Monthly Report of Operations (Form 9–329) must also be received by the 10th day of the second month next following the production month unless otherwise modified as specified above but need not accompany the Form 9–361 and its attachments.

Beginning with the production month of April 1977, all royalty payments submitted to the Geological Survey must be accompanied by duplicate copies of the Rental and Royalty Remittance Advice (Form 9–614–A) and must be received without exception in the office of the Supervisor by the last day of the month next following the production month or the next official working day thereafter if said last day occurs on a nonwork day. In the event that royalty payments are made directly to an Indian lessor, a Rental and Royalty Remittance Advice (Form 9–614–A) must be timely submitted to the Supervisor.

All reports, supporting documentary evidence, and payments must be identified by the appropriate Indian lease, unit, or communitization agreement contract number(s), and each report must be signed by an authorized person.

Beginning with the manually prepared data submitted for the production month of October 1977, the use of Forms 9–329, 9–361, and 9–614–A, as revised effective February 1976, will be mandatory.

Operators who currently furnish magnetic tape or key-punched card data to the specifications of the Conservation Division for direct input of charge and/or payment data into the Division's automated data processing system will be permitted to continue that practice; provided, however, that beginning with the production month of April 1977, all reports, including printouts of automated input, supporting documentary evidence, remittance advices, and applicable payments must be sumitted to the Supervisor in accordance with the schedule set out above.

Beginning with the production month of October 1977, operators having computer capability will be permitted to submit printouts in lieu of the revised Forms 9–329, 9–361, and 9–614–A provided that such printouts are identical in all respects to said forms.

The following is a detailed explanation of the required monthly items which are to be submitted.

A. *Monthly Report of Operations (Form 9–329).* A report covering the operations conducted on each well on a lease, unit area, unit participating area, or communitized tract must be filed by the operator each month in duplicate on Form 9–329 or an acceptable computer printout as above defined. This report must be furnished monthly beginning with the month in which the first well is commenced. All wells must be shown on the report until approved by the Geological Survey as plugged and abandoned.

Shut-in, temporarily abandoned, and other inoperative wells must be reported each month even though there may be no operations or production. A separate monthly report is required for each lease, unit area, unit participating area, or communitized tract. The report must be fully completed and provide a detailed breakdown of all production by well and the disposition of all production from the lease, unit participating area, or communitized tract.

Gas volumes shall be reported in MCF (1,000 cubic feet) at a pressure and temperature base of 14.73 psia and 60° F., unless otherwise directed in writing by the Supervisor.

Annual reports may be submitted for shut-in leases provided that prior approval is obtained from the Supervisor. When approved, annual reports must be filed on a lease-year basis and received by the Supervisor no later than 30 days following the end of the lease year. However, monthly reports must be commenced immediately whenever operations and/or production are resumed.

B. *Monthly Report of Sales and Royalty (Form 9–361).* A report on Form 9–361, or an acceptable computer printout as above defined, must be filed monthly, in accordance with the instructions set forth under the general requirements of this Section VI., by each responsible party beginning with the month in which the first well is completed. The initial report must also include those volumes of oil and gas produced during testing and completion operations which are subject to royalty or compensation.

These separate reports must reflect, by individual product, the disposition of the total production from the lease, unit participating area, or communitized tract which is subject to royalty or compensation and the value(s) or unit price(s) established by the Supervisor for each reporting party's proportionate share in such production.

Gas volumes shall be reported in MCF (1,000 cubic feet) at a pressure and temperature base of 14.73 psia and 60° F., unless otherwise directed in writing by the Supervisor.

Each report shall include only the disposition of products for the month being reported. Annual reports on a lease-year basis may be submitted for shut-in leases if prior approval is obtained from the Supervisor, provided that the report is received within thirty (30) days after the end of the lease year.

Leases whose royalty is based on a sliding or step scale rate are affected by the total production, well count, gravity, or number of days in the month, depending on the terms of the lease; accordingly, these items are essential for computing royalties and must be properly reported each month. The lease instrument sets forth the criteria for determining monthly the appropriate well count. Other information related to computing royalties for these leases may be obtained from the Supervisor.

The Supervisor will consider proposals for the submittal of magnetic tape or key-punched card data in lieu of Form 9–361, and may be contacted for more information regarding the Division's requirements for this type of reporting.

C. *Purchaser's Statements, Run Tickets, Tank Tables, and Gas Plant Statements.* All sales of crude oil, condensate, gas, associated liquid hydrocarbons, and other byproducts produced from, or for the benefit of, Indian oil and gas leases, and for which the Supervisor requires a separate accounting, should be confirmed by copies of appropriate purchaser, settlement, or gasoline plant statements properly identified by Indian lease or contract number, In situations where purchaser, settlement, or gasoline plant statements are not available or it is determined that such statements are insufficient to confirm reported volume(s) and value(s), the Supervisor may require that additional documentation be furnished. When required, run tickets, related tank tables, meter proving reports, pipeline run statements issued by common carrier pipelines, gas meter charts, check counterfoils, or other documents that confirm the operator's or working interest owner's reported volumes and receipts must be submitted.

Where purchaser, settlement, pipeline run, or gasoline plant statements are submitted the operator generally will not be requested to also submit run tickets and related tank tables, gas meter charts, or check counterfoils covering shipments shown on such statements, provided that (1) such documents, properly identified by Indian lease or contract number, must be submitted promptly when requested by the Supervisor and (2) all such documents are retained by the operator for a period of not less than six years. Tank tables shall be retained during the life of the tank and for six years thereafter.

D. *Payments.* The Geological Survey is responsible for maintaining the lease accounts of all producing Indian leases, all Indian leases committed to producing units or communitization agreements, and Indian leases which are subject to compensatory royalty assessments or underground storage agreements. Remittances under such leases for rental, or for production royalty, compensatory royalty, minimum royalty, royalty or compensation for lost oil or gas, or fees pursuant to a storage agreement must be made payable to the Bureau of Indian Affairs, the Tribe, or individual allottee, as applicable, even when the payment is submitted to the Geological Survey.

Indian leases generally provide for advance rental which is credited against royalty accruals during the year. Such rental payments, when submitted to the Geological Survey, must be received in the office of the Supervisor on or before the anniversary date of the lease. Operators are encouraged to file separate payments and remittance advices when submitting advance rentals to assure proper and timely credit to the lease account.

All payments submitted to the Geological Survey must be accompanied by duplicate copies of Rental and Rayalty Remittance Advice (Form 9–614–A) that identifies each Indian lease or contract number and, as applicable, the product, month of sale, and the amount attributable to each lease or contract.

The Supervisor will consider proposals for the submittal of magnetic tape or key-punched card data in lieu of the Rental and Royalty Remittance Advice (Form 9–614–A), and may be contacted for more information regarding the Division's requirements for this type of reporting.

VII. *Recovery of Taxes Paid on Behalf of Indian Lessors.* In those instances where the royalty interest in production from an Indian oil and gas lease is properly subject to State and/or local taxes and the lessee or operator pays these taxes on behalf of the Indian lessor, the lessee or operator may recover said taxes by withholding from current payments an amount equal thereto. The right of recovery is subject to the prior approval of the Supervisor and the further requirement that the lessee or operator must submit legible and properly identified copies of all paid tax receipts that support the claim of taxes paid on behalf of the Indian lessor.

VIII. *Load Oil.* Any oil or other liquid hydrocarbons produced from, or for the benefit of, an Indian lease, and which is used for the treatment of a well on or off that lease, is defined as load oil. Royalty is due on all transfers of load oil whether the oil is used on the lease or otherwise, and must be accounted for on the monthly reports. Forms 9–329 and 9–361, as though a sale had occurred.

The value of any such load oil must be equal to the highest net price paid for any regular crude oil or other liquid hydrocarbon run of comparable gravity made from the lease, unit participating area, or communitized tract during the month of the transaction or the actual price received by the operator, whichever is greater.

Where royalty is paid at the time of transfer, a volume of crude oil or other liquid hydrocarbon equal to the volume of the load oil used in the treatment may be recovered and disposed of royalty-free, provided that such recovery is credited against the first production from the treated well. If an operator fails to request a credit against production immediately after treatment, no such royalty-free recovery will be allowed unless the operator presents evidence, acceptable to the Supervisor, that such delay is justified. The value of load oil recovered shall not exceed the average weighted price of all oil or other liquid hydrocarbons sold from the lease, unit participating area, or communitized tract during the month of recovery.

No credit or royalty will be allowed the operator for recovered load oil unless complete documentation is attached to the Monthly Report of Sales and Royalty (Form 9–361) to substantiate the use and recovery of such load oil. This documentation must include the following information:

A. For transfers between Indian leases: The Indian lease number from which the oil was produced; The Indian lease number to which the oil was transferred; The number and location of the well which was treated; The volume of oil used in the treatment; Acceptable evidence to substantiate the recovery of load oil for which a credit is sought.

B. For transfers to an Indian lease from a non-Indian source: The source from which the oil was obtained; The name and address of the seller; Date of purchase; Transporter; The Indian lease number to which the oil was transferred; The number and location of the well which was treated; The volume of oil used in the treatment; Acceptable evidence to substantiate the recovery of load oil for which a credit is sought.

C. Transfers of load oil from an Indian lease to a non-Indian lease are to be reported as a sale, and no subsequent credit will be allowed.

If the required information under item A or B hereof is contained in an affidavit prepared for submittal to the purchaser or to another Federal or State agency, a copy of said affidavit will normally meet the documentation requirements of the Geological Survey.

IX. *Overpayments.* Overpayments on Indian leases ordinarily cannot be recovered by refund. Recovery from future accruals may be accomplished as follows:

A. *Tribal Leases.* Overpayments may be recovered as a credit against future rental or royalty accruals due under the same lease or, with approval of the Tribe, accruals due under other tribal leases. Such credits may be made only with the prior authorization of the Supervisor.

In the event that current rental or royalty accruals are insufficient to recover an overpayment within a reasonable period of time, the lessee or operator may apply for a refund from the Tribe. Such a request should detail how and why the overpayment was inadvertently made and provide, as a minimum, information such as payment date(s), products involved, unit prices used in the original computation, corrected unit prices, and other pertinent data. A copy of each such request should be provided to the Supervisor.

B *Allotted Leases.* An overpayment may be recovered as a credit against future rental and royalty accruals only under the lease on which the operpayment was made. However, such credit allowances are subject to the prior approval of the Supervisor and to the further restriction that the recovery will be prorated over the period of time necessary to prevent an allottee's current monthly revenue being reduced by more than 50 percent.

In the event that current rental or royalty accruals are insufficient to recover an overpayment within a reasonable period of time, the lessee or operator may request a refund from the individual allottee(s) involved. The request should be filed with the Supervisor but addressed to the appropriate Area Director of the Bureau of Indian Affairs. The request should include data similar to that submitted in support of a requested refund made with respect to a tribal lease.

X. *Lease Account Adjustment.* An error on a Monthly Report of Sales and Royalty (Form 9–361) and/or a Rental and Royalty Remittance Advice (Form 9–614–A) requires special attention because of the problems that an adjustment, if not accounted for properly, may cause in reconciling a lease account when monthly royalty charges and payments do not agree.

In order that these problems may be substantially eliminated, it is required that the disposition of each month's production and the corresponding payments be reported separately and not combined with any other month's business. A separate Monthly Report of Sales and Royalty and/or Rental and Royalty Remittance Advice, identified as an "amended" report or advice, will be required to correct any erroneous entry shown on a previous month's report or advice. Amended reports must show the total entry, as corrected, not just the difference between that previously reported and what should have been reported. In other words, where previously reported data is to be corrected, a two-line entry will be required on the amended report or advice. One entry will show the information previously reported as a credit or negative entry and the second entry will show the corrected information as a debit or positive entry.

Unless otherwise directed in writing by the Supervisor, amended reports or advices may include corrections for more than one lease, unit participating area, or communitization tract and may also include corrections covering more than one month. No method different from that prescribed above may be used in making adjustments without the prior approval of the Supervisor.

XI. *Measurement and Storage Requirements.* All production from a lease, unit participating area, or communitized tract shall be gauged or measured according to methods approved by or acceptable to the Supervisor. However, the Supervisor's specific written approval must be obtained prior to installing an ACT meter, commingling production between leases or formations, or the use of common storage or off-lease facilities.

XII. *Statement of Account (Form 9–1424).* Lessees and operators will be provided a Statement of Account (Form 9–1424) recapitulating all transactions affecting each of their leases on a month-to-month basis.

Lessees and operators should review the Statement(s) of Account to ensure that royalty charges and payments are properly accounted for and that the lease account is correct. Any amount shown as owed must be promptly remitted unless there is an apparent error, in which event the discrepancy must be called immediately to the attention of the Supervisor.

XIII. *Noncompliance, Violations, and Assessment of Liquidated Damages.* Failure to submit properly completed reporting forms, supporting documentary evidence, remittance advices, or payments by the due dates will be considered as incidences of noncompliance and will result in the assessment of liquidated damages or other appropriate action being taken for each violation. When liquidated damages are assessed, the amount of the assessment will be determined in accordance with Title 30 CFR 221.

Dated: April 1, 1977.

Oil and Gas Supervisor.
RUSSELL G. WAYLAND,
Acting Chief,
Conservation Division.

[FR Doc.77–10002 Filed 4–4–77;8:45 am]

Office of Hearings and Appeals

[Docket No. M 77–134]

A B D & G COAL CO. INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), A B D & G Coal Co., Inc., Route 1, Box 101, Lake City, Tennessee 37769, has filed a petition to modify the application of 30 CFR 77.1605, loading and haulage equipment; installations, to its No. 1 Mine, located in Anderson County, Tennessee.

The substance of Petitioner's statement is as follows:

1. Petitioner feels that its haulroads are as safe as it is possible to make them and that installing guardrails or berms would lessen the safe condition of its roads for the following reasons:

a. Berms and guardrails would hamper snow removal and would result in the roads icing during winter months.

b. Berms and guardrails would create a drainage hazard. Proper drainage would be impossible to maintain and washouts and hazardous conditions would result in wet weather.

c. Guardrails would have to be installed on fill material. It would be almost impossible to build them on such material in an effective manner.

d. More than 80 percent of haulage time is spent on county and state roads

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which are not as safe as Petitioner's haulroads.

2. For all these reasons, Petitioner feels its roads would be less safe if Petitioner is forced to install berms or guardrails.

REQUEST FOR HEARINGS OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 5, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

MARCH 29, 1977.

[FR Doc.77-10063 Filed 4-4-77;8:45 am]

[Docket No. M 77-141]

ALLIED COALS, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Allied Coals, Inc., Box 447, Hindman, Kentucky 41832, has filed a petition to modify the application of 30 CFR 75.1710, cabs or canopies, to its No. 2 Mine, located in Knott County, Kentucky.

The substance of Petitioner's statement is as follows:

1. Petitioner states that the application of the regulation will result in a diminution of safety for the miners in the affected mine.

2. The average height of the seam of coal in the affected mine ranges between 37 and 50 inches. The seam height varies over short distances in the mine and frequently rolls.

3. The face equipment currently in use at the mine includes: 3 CX1 scoops; 2 Galis 300 roof bolters; one 15RB Joy cutter; 1 Owens coal drill; 2 AR 5 Elkhorn scoops. During the period of operation, sufficient safety hazards were created by use of canopies to warrant their removal. Some of the hazards created were:

(a) The operator's vision is severely impaired in that he cannot see over the top of the scoop. Operation of the scoop in this manner is hazardous to fellow workers as well as to the operator.

(b) Due to the close confinement caused by the canopy, the operator's head must extend beyond the protection of the canopy to see ahead of or behind the scoop and other equipment. This results in a danger of the operator being crushed between the canopy and rib.

(c) Ingress to and egress from the cab is so limited that the operator might be held captive preventing escape when such is clearly warranted. The operator could also be held captive for indefinite periods in case of machine malfunction or power failure.

4. Modification of the canopies has been considered by Petitioner but it, at the present time, is unaware of any means of modification to the canopies which could be made and utilized with the same degree of safety as complete removal of the canopies would insure.

5. No history of injury resulting from the use of the face equipment without protective canopies exists in the mine. The operators are under fully supported roof at all times, pursuant to an approved roof bolting plan.

6. Petitioner states that with respect to low-ceiling mines, the use of currently available canopies with mobile electrical face equipment severly diminishes rather than increases the overall safety of the miners. Further use of these canopies in the mine will inevitably cause injuries to the operators or other personnel.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 5, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

MARCH 29, 1977.

[FR Doc. 77-10064 Filed 4-4-77;8:45 am]

[Docket No. M 77-135]

CANNELTON INDUSTRIES, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Cannelton Industries, Inc., P.O. Box 553, Charleston, West Virginia 25322 has filed a petition to modify the application of 30 CFR 75.1710, cabs or canopies, to its Mines Nos. 4, 5, 8, and Mine Lady Dunn No. 105, located in Kanawha and Boone Counties, West Virginia.

The substance of Petitioner's statement is as follows:

1. Petitioner avers that the application of this standard to its mines will result in a diminution of safety to the miners in each mine, and in support thereof states:

a. *Mine Lady Dunn No. 105.* This mine employs approximately 212 employees and the mine workers are represented by Local Union No. 8843 of District 17 of the United Mine Workers of America. The mine currently produces, approximately, 900 tons of coal per day on two coal producing shifts with five operating sections. This mine is operating in two coal seams, the Powellton and the No. 2 Gas. The mining height in the Powellton seam is approximately 46 to 54 inches and the mining height in the No. 2 Gas seam is approximately 36 to 48 inches, although the mining height may vary in each seam as much as 12 inches depending upon mining conditions.

b. *Mine No. 8.* This mine employs approximately 132 employees and the mine workers are represented by Local Union 8843 of District 17 of the United Mine Workers of America. The mine currently produces approximately 1,100 tons of coal per day on two coal producing shifts with three operating sections. This mine is operating in the Eagle seam, with a mining height of approximately 42 to 44 inches, although the mining height may vary in such seam as much as 12 inches depending upon mining conditions.

c. *Mine No. 4.* This mine employs approximately 68 employees and the mine workers are represented by Local Union 1460 of District 17 of the United Mine Workers of America. The mine currently produces approximately 600 tons of coal per day on two coal producing shifts with two operating sections. This mine is operating in the No. 2 Gas seam, with a mining height of approximately 34 to 56 inches, although the mining height may vary in such seam as much as 12 inches depending upon mining conditions.

d. *Mine No. 5.* This mine employs approximately 29 employees represented by Local Union No. 1460 of District 17 of the United Mine Workers of America. The mine currently produces approximately 300 tons of coal per day on two coal producing shifts with one operating section. This mine is operating in the No. 2 Gas seam, with a mining height of approximately 34 to 56 inches, although the mining height may vary in such seam as much as 12 inches depending upon mining conditions.

e. This Petition for Modification relates to all electric face equipment being operated in all sections of the aforesaid mines of Petitioner.

f. Petitioner has been experimenting with canopies for its self-propelled electric face equipment as required by the provisions of 30 CFR 75.1710-1. However, in most instances, operators of such equipment have refused to operate such equipment on the ground that the operation of such equipment with a canopy increases hazards to personnel in the mines. Petitioner has continued to investigate the possibility of using canopies on its electric face equipment but has determined that compliance with 30 CFR 75.1710-1 at its mines will result in a diminution of safety to the miners because the operation of electric face equipment in each mine with a cab or canopy increases hazards to personnel. Such hazards include, but are not necessarily limited to, reduced vision of equipment operators, difficulty in reaching equipment controls and difficulty of getting into and out of such equipment.

g. No imminent danger is involved. The operation of electric face equipment with cabs or canopies will be more hazardous to the personnel in such mines than operation of such equipment without cabs or canopies and will result in a diminution of safety to the miners in each mine.

h. Petitioner requests, in lieu of the mandatory safety standard, that it be permitted to continue the use of electric face equipment in each mine without cabs or canopies.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 5, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

MARCH 29, 1977.

[FR Doc.77-10065 Filed 4-4-77; 8:45 am]

[Docket No. M 77-127]

E AND S COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), E and S Coal Co., R.D. No. 2, Box 370-A, Pottsville, Pennsylvania 17901, has filed a petition to modify the application of 30 CFR 75.301, air quality, quantity and velocity, to its Mammoth Middle Slope Mine, located in Schuylkill County, Pennsylvania.

The substance of Petitioner's statement is as follows: 1. Petitioner requests 30 CFR 75.301 be modified for this anthracite mine to require, in part, that the minimum quantity of air reaching each working face be 1,500 cubic feet a minute, that the minimum quantity of air reaching the last open crosscut in any pair or set of developing entries shall be 5,000 cubic feet a minute, and that the minimum quantity of air reaching the intake end of a pillar line shall be 5,000 cubic feet a minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful mine atmosphere.

2. This petition requesting modification of 30 CFR 75.301 is submitted for the following reasons:

a. Air sample analysis history reveals that harmful quantities of methane are nonexistent in the mine.

b. Ignition, explosion and mine fire history are nonexistent for the mine.

c. There is no history of harmful quantities of carbon dioxide and other noxious or poisonous gases.

d. Mine dust sampling programs have revealed extremely low concentrations of respirable dust.

e. Extremely high velocities in small cross sectional areas of airways and manways required in friable anthracite veins for control purposes, particularly in steeply pitching mines, present a very dangerous flying object hazard to the miners.

f. High velocities and large air quantities cause extremely uncomfortable damp and cold conditions in the already uncomfortable, wet mines.

g. Difficulty in keeping miners on the job and securing additional mine help is due primarily to the conditions cited.

3. The Petitioner avers that a decision in its favor will in no way provide less than the same measure of protection afforded the miners under the existing standard.

4. A copy of this petition will be posted at the mine by the operator.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 5, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

MARCH 29, 1977.

[FR Doc.77-10067 Filed 4-4-77;8:45 am]

[Docket No. M 77-142]

CLINCHFIELD COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Clinchfield Coal Company, Dante, Virginia 24237, has filed a petition to modify the application of 30 CFR 75.1710, cabs or canopies, to its Hurricane Mine, located in Russell County, Virginia.

The substance of Petitioner's statement is as follows:

1. Petitioner's mine has been in operation for approximately 7 years, with an additional life expectancy of 3 to 4 years. The mine is located in the Upper Tiller Seam and has a total of two units operating on a multiple shift operation. The mine employs approximately 70 workmen and is being operated with the following type equipment: two 120 Jeffrey continuous miners that are 44 inches in height; 4 Jeffrey Ram-type shuttle cars that are 43 to 44 inches in height; 2 Fletcher Dual-head roof bolting machines that are 37 to 41 inches in height.

2. Prior to this petition, Petitioner had been mining in a seam height of 6 to 9 feet, but it is now mining in a seam height of 55 inches (minimum).

3. All face equipment was equipped with cabs in an area where mining was conducted in seam heights ranging from 6 to 9 feet.

4. Petitioner's greatest problem in extending use of canopies has been operator acceptance, and it has been able to gain no significant experience with prototype canopies at the mine covered by this petition because of refusal of miners to operate the equipment.

5. This subjective reaction is predictable in situations of seams 60 inches in height and under, but is extremely difficult to deal with, because of the provisions of Article III, Section (i) of the National Bituminous Coal Wage Agreement of 1974, which allows individual miners to withdraw from conditions which they believe to be abnormal and dangerous by following certain procedures.

6. Petitioner submits that the application of the regulation will result in a diminution of safety and is impossible to apply.

7. Petitioner asserts that 30 CFR 75.1710-1 would result in a diminution of safety to its employees in that: A. Petitioner is constantly encountering undulations in the height of its coal seam.

B. As a result of the undulations in seam height the likelihood of jamming the canopy against the roof is increased. Moreover, safe clearance from the roof is not assured in that roof bolts have been and will continue to be sheared or dislodged, thereby creating a greater risk of roof fall and injury to employees than would exist otherwise.

C. Technology in the industry is not available to design and install canopies on existing equipment which will protect the operators in the conditions described above, insure vision and safe operations, and prevent the hazards described herein. Instead, results of attempts to do so have included the following:

(1) Cramped and awkward operator positions, created by the installation of cabs, put the operator in a strained position making it difficult for him to operate the controls safely and effectively and create a mental strain for the operator.

(2) Poor vision created by the installation of canopies, creates a major hazard in that the operator's vision is obstructed and limited because he cannot see the area in which he is traveling. This creates an additional hazard to any workman that might be traveling on foot. Due to the poor vision the operator has a tendency to lean outside of the canopy, which exposes him to the hazards of moving equipment, roof support and coal "ribs."

(3) Changes in conditions, after installation of canopies, caused by variations in seam height and undulations cause equipment clearance to be inadequate and cause collisions with the top, shearing roof bolts, damaging cross beams, destroying equipment and roof support.

D. In an effort to solve problems of equipment modification, Petitioner knows of consultations with the MESA Technical Support Center, which it believes to be considering the type of problems described herein. Petitioner does not know of results from such consultations. In addition, Petitioner, as is common in the industry, is in repeated and fre-

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quent consultation with vendors on equipment problems, and knows that vendors with whom it has consulted are unable to solve the problems described herein.

E. Existence of the cab itself becomes a hazard in seams, or in portions of seams, in which the Petitioner operates because present equipment known to the Petitioner limits the paths of escape to an operator faced with a roof or rib fall in a confined space.

F. Much of the equipment used in these mines was not manufactured or designed for the installation of canopies and Petitioner has been unable to construct or purchase suitable canopies without encountering all of the foregoing problems.

G. In petitioning for modification of the mandatory standard herein, Petitioner is forced to request relief from all time limits set forth in 30 CFR 75.1710–1 as applied to date because of the variations described above within each mine. The standard prescribes time limits for use of canopies based upon maximum height within a mine. If the standard becomes immediately applicable throughout the mine, Petitioner is forced to install canopies in the lower reaches of coal before other coal mine operators in like situations. If the different time limits are to apply to the separate mining sections or other areas in the mines, then Petitioner is faced with a vague situation as mining uncovers new conditions and it is faced with little time to comply, or where compliance is impossible as described herein, its mine may be rendered worthless.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 5, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

MARCH 29, 1977.

[FR Doc.77-10066 Filed 4-4-77;8:45 am]

[Docket No. M 77-136]

FAITH COAL SALES, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Faith Coal Sales, Inc., Box 69, Regina, Kentucky 41559, has filed a petition to modify the application of 30 CFR 75.1710, cabs or canopies, to its No. 3 Mine, located in Pike County, Kentucky.

The substance of Petitioner's statement is as follows:

1. Petitioner feels that the installation of canopies on its equipmnt is creating hazards to equipment operators because of the height and size of the equipment and rolls and dips in the coalbed.

2. Petitioner's haulage equipment consists of 3 S & S scoops, 1–D2 Acme roof bolting machine, 1–Long Airdox coal drill and a belt line.

3. The mine is in the Hazard No. 4 Seam and ranges from 46 to 55 inches in height. The coal seam has consistent ascending and descending grades creating dips in the coalbed. As a result of these dips, the canopies have to be installed in a manner which prevents the canopies from getting against the roof and possibly destroying roof support. This only allows a small vertical operating compartment which limits the vision of the equipment operator and creates a hazard to him as well as to other employees in the mine.

4. Petitioner feels that since the equipment operator's vision is limited and because of the position required to be seated in the decks, the installation of canopies could be a contributing factor in any accidents which may arise.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 5, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

MARCH 29, 1977.

[FR Doc.77-10068 Filed 4-4-77;8:45 am]

[Docket No. M 77-143]

KAISER STEEL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Kaiser Steel Corporation, 300 Lakeside Drive, Oakland, California 94666 has filed a petition to modify the application of 30 CFR 75.326, air courses and belt haulage entries, to its Sunnyside No. 1 Mine, located in Sunnyside, Utah.

The substance of Petitioner's statement is as follows:

1. Petitioner seeks to modify the regulation to permit it to utilize, in lieu of separate and distinct passageways with the belt haulage entry separate from the entries used as intake and return air courses, a single entry separated into two separate compartments by a fireproof wall down the center with the return air coursed over the belt conveyor on the opposite side of the fire wall from the intake air course. This single split entry would be developed and maintained on the same plan as that approved by the Secretary for the entry for 18th Left, Sunnyside No. 1 Mine. See Exhibit A.[1] Upon the linkage of the proposed 14 Left entry with the longwall face and the existing 16 Left entry, compliance with 30 CFR 75.326 and 30 CFR 75.1704 would be achieved.

2. Petitioner believes that the alternate method will at all times guarantee no less than the same measure of protection as would be afforded by 30 CFR 75.326 and 75.1704. Specifically, the alternate method was approved on an experimental basis by the Secretary for two other entries and was successfully maintained. The construction of the fireproof wall down the center adequately separates the intake and return air and the presence of escape doors in the fire wall not more than 100 feet apart allows the miners alternative escape routes in the event of an emergency.

3. Petitioner further believes that application of the regulation would result in diminution of safety to miners in the affected mine. Specifically, the development of multiple entries along 14 Left would preclude the use of the longwall mining method because of the lack of a sufficiently wide face of coal. As a result, the room and pillar method would be required to feasibly extract the coal, which, because of the presence of a bad top due to a split in the coal seam, would be less safe than the longwall method.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 5, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

MACRH 29, 1977.

[FR Doc.77-10069 Filed 4-4-77;8:45 am]

[Docket No. M77-144]

KAISER STEEL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Kaiser Steel Corporation, 300 Lakeside Drive, Oakland, California 94666 has filed a petition to modify the application of 30 CFR 75.1704, escapeways, to its Sunnyside Mine No. 1, located in Sunnyside, Utah.

[1] Exhibit A is available for inspection at the address listed in the last paragraph of this notice.

The substance of Petitioner's statement is as follows:

1. Petitioner seeks to modify the regulation to permit it to utilize, in lieu of separate and distinct passageways with the belt haulage entry separate from the entries used as intake and return air courses, a single entry separated into two separate compartments by a fireproof wall down the center with the return air coursed over the belt conveyor on the opposite side of the fire wall from the intake air course. This single split entry would be developed and maintained on the same plan as that approved by the Secretary for the entry for 18th Left, Sunnyside No. 1 Mine. See Exhibit A.[1] Upon the linkage of the proposed 14 Left entry with the longwall face and the existing 16 Left entry, compliance with 30 CFR 75.326 and 30 CFR 75.1704 would be achieved.

2. Petitioner believes that the alternate method will at all times guarantee no less than the same measure of protection as would be afforded by 30 CFR 75.326 and 75.1704. Specifically, the alternate method was approved on an experimental basis by the Secretary for two other entries and was successfully maintained. The construction of the fireproof wall down the center adequately separates the intake and return air and the presence of escape doors in the fire wall not more than 100 feet apart allows the miners alternative escape routes in the event of an emergency.

3. Petitioner further believes that application of the regulation would result in diminution of safety to miners in the affected mine. Specifically, the development of multiple entries along 14 Left would preclude the use of the longwall mining method because of the lack of a sufficiently wide face of coal. As a result, the room and pillar method would be required to feasibly extract the coal, which, because of the presence of a bad top due to a split in the coal seam, would be less safe than the longwall method.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 5, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

MARCH 29, 1977.

[FR Doc.77-10070 Filed 4-4-77;8:45 am]

[1] Exhibit A is available for inspection at the address listed in the last paragraph of this notice.

[Docket No. M 77-137]

KYANCO COALS, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Kyanco Coals, Inc., Box 447, Hindman, Kentucky 41822, has filed a petition to modify the application of 30 CFR 75.1710, cabs or canopies, to its No. 1 Mine, located in Knott County, Kentucky.

The substance of Petitioner's statement is as follows:

1. Petitioner requests modification of the mandatory safety standard for the reason that the application of such standard will result in diminution of safety for the miners in the affected mine.

2. The average height of the seam of coal in the affected mine ranges between 37 and 50 inches. The seam height varies over short distances in the mine and there are frequent rolls.

3. The face equipment currently in use at the mine includes: 3 Galis shuttle cars; 2 Galis 300 roof bolters; 1 Long Airdox coal drill; one 11RU Joy cutting machine; one 202 Jeffery loader; one 16RB Joy cutter; and 1 Kersey scoop. During the period of operation, sufficient safety hazards were created by use of canopies to warrent their removal. Some of the hazards created were:

(a) The operator's vision is severely impaired in that he cannot see over the top of the equipment. Operation of the equipment in this manner is hazardous to fellow workers as well as to the operator as he strains to see.

(b) Due to the close confinement of the canopy, the operator's head must extend beyond the protection of the canopy in order to see ahead or behind of the equipment. This results in a danger of him being crushed between the canopy and rib.

(c) Ingress to and egress from the cab is so limited that the operator might be held captive preventing escape when such is warranted. The operator could also be held captive for indefinite periods in case of machine malfunction or power failure.

4. Modification of the canopies has been considered by Petitioner but it is, at the present time, unaware of any means of modification to the canopies which could be made and utilized with the same degree of safety as complete removal of the canopies would insure.

5. No history of injury from the use of the face equipment without protective canopies exists in the mine. The operators are under fully supported roof at all times, pursuant to an approved roof bolting plan.

6. Petitioner states that with respect to low-ceiling mines, the use of currently available canopies with mobile electrical face equipment severely diminishes rather than increases the overall safety of the miners, and that further use of these canopies in the mine will cause injuries to the operators or other personnel.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 5, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

MARCH 29, 1977.

[FR Doc.77-10071 Filed 4-4-77;8:45 am]

[Docket No. M 77-138]

PHYLLIS COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Phyllis Coal Company, P.O. Box 87, Harold, Kentucky 41635, has filed a petition to modify the application of 30 CFR 75.1710, cabs or canopies, to its Mine No. 10, located in Floyd County, Kentucky.

The substance of Petitioner's statement is as follows:

1. After several months of operation in its mine, Petitioner feels that its mobile mining equipment cannot be operated in a safe manner with canopies installed.

2. There are several reasons why Petitioner cannot use canopies safely. These are as follows:

(A) The passageways have irregularities on both bottom and top surfaces causing height variations.

(B) The average coal seam height is 44 inches. The roof support system reduces this to an opening height of 40 inches.

(C) All equipment is of the rubber tire type that requires high ground clearance. This greatly reduces the operator's space.

(D) The operator's vision is restricted because he must ride bent over with a field of vision of about 45 degrees. This often results in collisions and it is impossible to tram a machine around a corner safely.

(E) The canopy causes the operator great discomfort. He must ride in a cramped, bent over position with his head lower than his shoulders. This causes both physical and mental strain

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resulting in slow reaction time, bad judgment, and short tempers.

(F) The canopy poses a threat to the roof control system because roof bolts and crossbars are constantly being knocked loose. Often posts, telephone lines, and power lines are torn down because the operator can not see them.

(G) The mine ventilation is often disrupted because the canopies destroy ventilation curtains as the machine passes under them.

3. Petitioner cannot operate its machines safely with canopies installed.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 5, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

MARCH 29, 1977.

[FR Doc.77-10072 Filed 4-4-77;8:45 am]

[Docket No. M 77-139]

PROSPECT COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Prospect Coal Company, Route 1, Box 219, Elkhorn City, Kentucky 41522, has filed a petition to modify the application of 30 CFR 75.1710, cabs or canopies, to its No. 3 Mine, located in Pike County, Kentucky.

The substance of Petitioner's statement is as follows:

1. Petitioner feels that the installation of canopies on its equipment is creating a hazard to the equipment operators.

2. Petitioner's equipment consists of 2 tractors, 1 loading machine, 1 roof bolt machine and 1 cutting machine.

3. The mine is in the Peach Orchard Seam and ranges from 42 to 48 inches in height. The coal seam has consistent ascending and descending grades creating dips in the coalbed. As a result of these dips, the canopies have to be installed in such a manner as to prevent the canopies from getting against the roof and possibly destroying roof support. This only allows a 23-inch vertical operating compartment thus limiting the vision of the equipment operators and creating a hazard to them as well as to the other employees in the mine.

4. Petitioner feels that since the equipment operator's vision is limited because of the position required in order to be seated in the decks, the installation of canopies could be a contributing factor in any accidents which may arise.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 5, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

MARCH 29, 1977.

[FR Doc.77-10073 Filed 4-4-77;8:45 am]

[Docket No. M 77-140]

ROCHESTER AND PITTSBURGH COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(C) (1970), Rochester and Pittsburgh Coal Co., 1730 K St., NW., Washington, D.C. 20006, has filed a petition to modify the application of 30 CFR 75.1710, cabs or canopies, to its Emile No. 4 Mine, located in Armstrong County, Pennsylvania.

The substance of Petitioner's statement is a follows:

1. Petitioner asserts that the installation of canopies on its electric face equipment, including shuttle cars, in its mine will create a hazard to personnel operating such equipment as well as to other workers. The mining height of the mine is 36 to 39 inches.

2. The coal seams in Petitioner's mine undulate, resulting in ascending and descending grades.

3. Roof conditions in Petitioner's mine frequently vary, requiring extra supports, cross beams, etc. This reduces overhead clearance.

4. Due to the type of coal mined and the seam heights, Petitioner does not experience rib falls or rib rolls.

5. Petitioner does not encounter face falls or face rolls in its mine because of the type of continuous mining machines used and seam conditions.

6. Operators of face equipment, including shuttle car operators, are under a MESA approved plan for permanently supported roof at all times. These supports consist of roof bolts and/or crossbars of wood or steel and such roof support is considered satisfactory for all other face employees, including helpers on face equipment.

7. Equipment in one of Petitioner's subsidiary company mines, having similar seam heights, was unusable with canopies installed.

8. Petitioner's newly purchased low coal equipment, factory equipped with MESA approved canopies, are not usable due to seam heights.

9. Petitioner believes that an application of the mandatory standard will result in a diminution of safety to miners for the following reasons:

(a) The installation of canopies on equipment purchase prior to the Act for Petitioner's Jane Nos. 1 and 2 Mines (with even higher mining heights) severely limits the operators' vision, thereby endangering operators and other workers. The same problem will occur at this mine if Petitioner is required to install canopies on its equipment.

(b) Petitioner has had a canopy rejected by the Pennsylvania Department of Environmental Resources.

(c) Operators of canopied equipment have complained of cramped conditions which induce fatigue and of an impairment of altertness and safety. In addition, the inconvenience to operators has induced them to operate equipment from outside, thereby exposing them and fellow workers to further hazard.

(d) Because of reduced vision, operators have and may continue to lean out of the cab while it is in motion, thereby exposing themselves to danger.

(e) In traveling over undulating surfaces, the operators strike their heads on the top of the canopy. Other injuries have occurred involving the use of canopies.

(f) Equipment with canopies in one of Petitioner's mines, having approximately the same seam height as Emile No. 4, sheared off roof bolts and created hazardous roof conditions.

10. MESA's Technical Support Group has been unable to provide Petitioner with suggestions or methods to alleviate the hazards referred to above.

11. Petitioner is willing to install canopies, when same are available which do not diminish safety, and to obtain replacement equipment which does not diminish safety if the same is available.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 5, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

MARCH 29, 1977.

[FR Doc.77-10074 Filed 4-4-77;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions, and Corrections

By notice in the FEDERAL REGISTER of February 1, 1977, Part IX, there was published a list of the properties included in the National Register of Historic Places. Further notice is hereby given that certain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 16 U.S.C. 470 et seq. (1970 ed.), and the procedures of the Advisory Council on Historic Preservation 36 CFR Part 800.

WILLIAM J. MURTAGH,
Chief, Office of Archeology and Historic Preservation.

The folowing properties have been added to the National Register since March 1, 1977. National Historic Landmarks are designated by NHL; properties recorded by the Historic American Buildings Survey are designated by HABS; and properties recorded by the Historic American Engineering Record are designated by HAER.

ARKANSAS

Washington County

Prairie Grove vicinity, *Borden House*, NE of Prairie Grove on U.S. 62 (3-17-77).

CALIFORNIA

Fresno County

Wilsonia vicinity, *Gamlin Cabin*, NW of Wilsonia (3-8-77).

Mariposa County

Curry Village, *Le Conte Memorial Lodge*, Yosemite Valley, Yellowstone National Park (3-8-77).
Yosemite National Park, *Ahwahnee Hotel*, Yosemite Valley (2-15-77).

San Francisco County

San Francisco vicinity, *Farallone Islands*, 28 mi. W of San Francisco (3-8-77).

San Mato County

Pescadero vicinity, *Pigeon Point Lighthouse*, S of Pescadero at Pigeon Point off CA 1 (3-8-77) HABS.

Santa Clara County

San Jose, *Roberto-Sunol Adobe*, 770 Lincoln Ave. (3-17-77).

Tulare County

Lone Pine vicinity, *Smithsonian Institution Shelter*, W of Lone Pine on Sequoia National Park (3-8-77).
Three Rivers vicinity, *Squatter's Cabin*, NE of Three Rivers (3-8-77).
Three Rivers vicinity, *Tharp's Log*, NE of Three Rivers (3-8-77).

Tuolumne County

Lee Vining vicinity, *McCauley Cabin*, W of Lee Vining at Tuolumne Meadows (3-8-77).

COLORADO

Chaffee County

Buena Vista vicinity, *Vicksburg Mining Camp*, 15 mi. NW of Buena Vista on SR 390 (3-8-77).

Moffat County

White-Indian Contact Site, Brown's Park (3-8-77).

LOUISIANA

West Feliciana Parish

Weyakoke vicinity, *Live Oak*, 1.3 mi. S of Weyakoke (3-11-77) HABS.

MAINE

Cumberland County

Portland, *Greenough, Byron, Block*, Free and Middle Sts. (3-10-77).

Sagadahoc County

Georgetown vicinity, *Seguin Island Light Station*, S of Georgetown (3-8-77).

MARYLAND

Montgomery County

Bethesda, *Bethesda Naval Hospital Tower*, 8901 Wisconsin Ave. (3-8-77).

MASSACHUSETTS

Plymouth County

Duxbury vicinity, *Plymouth Light Station*, SE of Duxbury at Gurnet Point (3-8-77).

MICHIGAN

Keweenaw County

Isle Royale National Park, *Edisen Fishery*, Rock Harbor (3-8-77).
Isle Royale National Park, *Rock Harbor Lighthouse*, Rock Harbor (3-8-77).

MINNESOTA

Ramsey County

St. Paul, *C.S.P.S. Hall*, 381-383 Michigan St. (2-17-77).

NEW MEXICO

Eddy County

Carlsbad vicinity, *Painted Grotto*, SW of Carlsbad off U.S. 62/180 in Carlsbad Caverns National Park (3-8-77).

NORTH CAROLINA

Buncombe County

Asheville, *Zealandia*, 40 Vance Gap Rd. (3-14-77).

OREGON

Clackamas County

Camby vicinity, *Barlow, William, House*, SW of Canby, 24670 U.S. 99E (2-15-77).

Jackson County

Medford vicinity, *Bybee, William, House*, 883 Old Stage Rd. (2-15-77) HABS.

Lake County

Lakeview, *Post and King Saloon*, N. 2nd and E Sts. (3-17-77).

Multnomah County

Portland, *Barber Block*, 532-538 SE Grand Ave. (2-15-77).
Portland, *Hamilton Building*, 529 S.W. 3rd Ave. (3-17-77).
Portland, *Poulsen, Johan, House*, 3040 SE McLoughlin Blvd. (3-14-77).

Washington County

Hillsboro vicinity, *Imbrie Farm*, NE of Hillsboro off U.S. 26 (2-15-77).

Yamhill County

Lafayette vicinity, *Mattey, Joseph, House*, W of Lafayette at jct of Mattey Lane and Rutherford Rd. (2-15-77).

PENNSYLVANIA

Philadelphia County

Philadelphia, *Bellevue Stratford Hotel*, 200 S. Broad St. (3-24-77) HABS.

WISCONSIN

Ashland County

Bayfield vicinity, *Apostle Islands Lighthouses*, N and E of Bayfield on Michigan, Raspberry, Outer, Sand, and Devils Islands (3-8-77) (also in Bayfield County).

Bayfield County

Apostle Islands Lighthouses. Reference see Ashland County.

WYOMING

Natrona County

Casper vicinity, *Martin's Cove*, W of Casper (3-8-77).

. . . . .

The following is a list of corrections to properties previously listed in the FEDERAL REGISTER.

CONNECTICUT

Hartford County

East Granby, *Old Newgate Prison*, Newgate Rd. (10-15-70) NHL; G.

New London County

North Stonington vicinity, *Miner, Samuel, House*, N of North Stonington off CT 2 on Hewitt Rd. (6-18-76) (county correction).

COLORADO

Teller County

Cripple Creek, *Cripple Creek Historic District* (10-15-66) NHL.

DISTRICT OF COLUMBIA

Washington

Arts Club of Washington (Cleveland Abbe House), 2017 I St., NW. (3-24-69) NHL; HABS.

Executive Office Building (State, War, and Navy Building), Pennsylvania Ave. and 17th St., NW. (6-4-69) NHL; HABS.

Renwick Museum, 17th and Pennsylvania Ave., NW. (3-24-69) NHL; HABS.

FLORIDA

Monroe County

Key West, *Fort Zachary Taylor*, U.S. Naval Station (3-11-71) NHL.

Sumter County

Bushnell vicinity, *Dade Battlefield Historic Memorial*, 1 mi. W of Bushnell off U.S. 301 (4-12-72) NHL.

HAWAII

Maui County

Ualapue, *Hokukano-Ualapue Complex*, on HI 45 (10-15-66) NHL (county correction).

IOWA

Johnson County

Iowa City, *Close House*, 538 S. Gilbert St. (5-31-74).

KENTUCKY

Garrard County

Lancaster, *Boyle-Robertson-Letcher House*, 106 W. Maple St. (4-14-75).

LOUISIANA

Orleans Parish

New Orleans, *Isaacs-Williams Mansion, (Milton H. Latter Memorial Library)*, 5120 St. Charles Ave. (10-21-76).

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MASSACHUSETTS

Norfolk County

Brookline, *Minot, George R., House*, 71 Sears Rd. (1-7-76) NHL (county correction).

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The following properties have been demolished and therefore removed from the National Register of Historic Places.

CALIFORNIA

Napa County

Napa, *Behlow Building*, 2nd and Brown Sts.

NEW YORK

Niagara County

Niagara Falls, *Shredded Wheat Office Building*, 430 Buffalo Ave.

OHIO

Franklin County

Columbus, *Union Station Entrance*, 348 N. High St.

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The following properties were omitted from the February 1, 1977, listing of properties in the FEDERAL REGISTER.

KENTUCKY

Kenton County

Covington, *Covington and Cincinnati Suspension Bridge*, spans Ohio River between Covington, KY and Cincinnati OH (8-18-75) NHL (also in Hamilton County, OH).

MASSACHUSETTS

Middlesex County

Wayland vicinity, *Old Town Bridge*, N of Wayland on MA 27 (5-2-75).

NEW YORK

Orange County

Delaware and Hudson Canal (11-24-68) NHL; HAER (also in Sullivan and Ulster Counties and Pike and Wayne Counties, PA).

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Official shall refer any questionable actions to the Director, Office of Archeology and Historic Preservation, National Park Service, Department of the Interior, for an opinion respecting a property's eligibility for inclusion in the National Register.

Historical properties which are determined to be eligible for inclusion in the National Register of Historic Places are entitled to protection pursuant to section 106 of the National Historic Preservation Act of 1966, as amended, and the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800. Agencies are advised that in accord with the procedures of the Advisory Council on Historic Preservation, before an agency of the Federal Government may undertake any project which may have an effect on such a property, the Advisory Council on Historic Preservation shall be given an opportunity to comment on the proposal.

ALABAMA

Green County

Gainesville vicinity, *Archeological Sites in Gainesville Project*. Tombigbee Waterway (also in Pickens and Sumter counties).

Jefferson County

Site 1Je36. Project I-459-4(4).

Madison County

Huntsville, *Lee House*, Red Stone Arsenal.

Maricopa County

Site U:1:30 (ASU).
Site U:1:31 (ASU).

Washington County

Sunflower vicinity, *Dr. Williams Home*, AL project RF-98(7).

ALASKA

Nome Division

Little Diomede Island, *Iyapana, John, House*.

Sitka Division

Crab Bay, *Crab Bay Petroglyph*.

ARIZONA

Apache County

Grand Canyon National Park, *Old Post Office*.

Coconino County

Gray Mountain Site, (AR-02-020-946).
House Rock Springs, Upper Houserock Valley.
Paria Plateau Archeological District.

Graham County

Foote Wash—No name Wash Archeological District.

Maricopa County

Cave Creek Archeological District.
Glendale vicinity, *Cave Creek Dam*
New River Dams Archeological District.
Site T:4:6.
Site U:1:30 (A.S.U.).
Site U:1:31 (A.S.U.).
Skunk Creek Archeological District.

Mohave County

Colorado City vicinity, *Short Creek Reservoir States NA 13,257 and NA 13,258*.

Navajo County

Polacca vicinity, *Walpi Hopi Village*, adjacent to Polacca.

Pima County

Tucson, *Convento Site*.

Yavapai County

Copper Basin Archeological District, Prescott National Forest.

Yuma County

Eagle Tail Mountains Archeological Site. Yuma, Southern Pacific Depot.

ARKANSAS

Archeological Sites, Black River Watershed.

Clay County

Site 3CY34, Little Black River Watershed.

Faulkner County

Site 3WH145, E fork of Cadron Creek Watershed (also in White county).
Sites 3VB49-3VB51, N fork Cadron Creek Watershed.

Hempstead County

Archeological Sites in Ozan Creeks Watershed.

Ouachita County

Camden, *Old Post Office*, Washington St.

CALIFORNIA

Archeological Sites, Buchanan Dam at Chowchilla River.

Alpine County

Woodsford vicinity, *Archeological Site 4-Alp-105*.

Amador County

Amador City, 35 mi. SE of Sacramento.

Benito County

Chalone Creek Archeological Sites, Pinnacles National Monument.

Calavras County

New Melones Historical District, New Melones Lake Project area, Stanislaus River (also in Tuolumne County).

Colusa County

Stoneyford vicinity, *Upper and Lower Letts Valley Historical District*, 12 mi. SW of Stoneyford.

Del Norte County

Chimney Rock, Six Rivers National Forest.
Doctor Rock, Six Rivers National Forest.
Peak No. 8, Six Rivers National Forest.

El Dorado County

Site Eld-58.
Giebenhahn House and Mountain Brewery Complex.

Fresno County

Helms Pumped Storage Archeological Sites, Sierra National Forest.
Home Camp T.S. (6 archeological sites) in Sierra National Forest.
Muir Hut, King's Canyon National Park.

Glenn County

Willows vicinity, *White Hawk Top Site*, Twin Rocks Ridge Road Reconstruction Project.

Humbolt County

Eureka, Eureka Historic District.

Imperial County

Glamis vicinity, *Chocolate Mountain Archeological District*.
Lake Cahuilla, *Lot 1*.
Lake Cahuilla, *Lot 5*.

Inyo County

Scotty's Castle, Death Valley National Monument.
Scotty's Ranch, Death Valley National Monument.
The 20-Mule Team Borax Wagon Road (also in Kern and San Francisco counties).

Kern County

Site Ca-Ker-322.

Lassen County

Archeological Site HJ-1 and HJ-5.

Los Angeles County

Big Tujunga Prehistoric Archeological Site, I 210 Project.
Los Angeles, *Fire Station No. 26*, 2475 W. Washington Blvd.
Simi Valley, *Archeological Site Ven-341*.
Van Norman Reservoir, Site CA-LAN 646, CA-LAN 643, Site CA-LAN 490, and a cluster made up of Sites CA-LAN, 475, 491, 492, and 493.

Madera County

Bass Lake Archeological Sites
CA-MAD 176-185.
Lower China Crossing.
New Site.

Marin County

Point Reyes, P. E. Booth Company Pier, Point Reyes National Seashore.
Point Reyes, *Point Reyes Light Station*.

Modoc County

Alturas vicinity, *Rail Spring*, about 30 mi. N of Alturas in Modoc National Forest.

Tulelake vicinity, *Lava Bed National Monument Archeological District*, S of Tulelake (also in Siskiyou County).

Mono County

Archeological Site CA-MNO-684.

Monterey County

Big Sur, *Point Sur Light Station*.
Pacific Grove, *Point Pinos Light Station*.

Napa County

Archeological Sites 4-Nap-14, 4-Nap-261.
Napa River Flood Control Project.

Plumas County

Mineral, *Hay Barn and Cook's Cabin, Drakesbad (Stford Family) Guest House*, Lassen Volcanic National Park.
Mineral, *Summit Lake Ranger Station*, Lassen Volcanic National Park.

Riverside County

Twentynine Palms, *Cottonwood Oasis (Cottonwood Springs)*, Joshua Tree National Monument.
Twentynine Palms, *Lost Horse Mine*, Joshua Tree National Monument.

Sacramento County

Sacramento River Bank Protection Project, Site 1, Sacramento River.
Sacramento Weir
Sacramento, *Tower Bridge*, M St. over Sacramento River (also in Yolo County).

San Bernardino County

Squaw Spring Well Archeological District.
Steam Well Petroglyph Archeological District.
Trona Pinnacles Railroad Camp.
Twentynine Palms, *Keys, Bill, Ranch*, Joshua Tree National Monument.
Twentynine Palms, *Twentynine Palms Oasis*, Joshua Tree National Monument.

San Diego County

North Inland, *Camp Howard, U.S. Marine Corps*, Naval Air Station.
North Island, *Rockwell Field*, Naval Air Station.
San Diego, *Marine Corps Recruit Depot*, Barnett Ave.

San Francisco County

San Francisco, *Twin Peaks Tunnel*.

San Luis Obispo County

New Cuyana vicinity, *Caliente Mountain Aircraft Lookout Tower*, 13 mi. NW of New Cuyana off Rte. 166.
San Luis Obispo, *San Luis Obispo Light Station*.

San Mateo County

Hillsborough, *Point Montara Light Station*.

Santa Barbara County

Santa Barbara, *Site SBa-1330*, Santa Monica Creek.

Santa Clara County

Sunnyvale, *Theuerkauf House*, Naval Air Station, Moffett Field.

Shasta County

Mineral, *Comfort Station*, Lassen Volcanic National Park.
Mineral, *Park Entrance Station and Residence*, Lassen Volcanic National Park.
Mineral, *Park Naturalist's Residence*, Lassen Volcanic National Park.
Mineral, *Warner Valley Ranger Station*, Lassen Volcanic National Park.
Redding vicinity, *Squaw Creek Archeological Site*, NE of Redding.
Whiskeytown, *Irrigation System (165 and 166)*, Whiskeytown National Recreation Area.

Sierra County

Archeological Site HJ-5 (Border Site 26WA-1676).
Properties in Bass Lake Sewer Project.

Siskiyou County

Thomas-Wright Battle Site, Lava Beds National Monument.

Sonoma County

Dry Creek-Warm Springs Valley Archeological District.
Petaluma, *Ferrell Home*, 500 E. Washington St.
Santa Rosa, *Santa Rosa Post Office*.

Tehama County

Los Molinos vicinity, *Ishi Site (Yahi Camp)*, E of Los Molinos in Deer Creek Canyon.

Tulare County

Atwell's Mill, Sequoia National Park.
Cattle Cabins, Sequoia National Park.
Quinn Ranger Station.

Yuba County

Site 4-Yub-S27 (Marysville Riverfront Park Project), along the Feather River, City of Marysville.

COLORADO

Denver County

Denver, *Eisenhower Memorial Chapel*, Building No. 27, Reeves St., on Lowry AFB.

Douglas County

Keystone Railroad Bridge, Pike National Forest.

El Paso County

Colorado Springs, *Alamo Hotel*, corner of Tejon and Cucharras Sts.
Colorado Springs, *Old El Paso County Jail*, corner of Vermijo and Cascade Ave.

Larimer County

Estes Park, *Beaver Meadows Maintenance Area*, Rocky Mountain National Park utility area.
Sites 5-LR-257 and 5-LR-263, Boxelder Watershed Project.

Pueblo County

Pueblo, *Pueblo Federal Building (U.S. Post Office)*, 5th and Main Sts.

CONNECTICUT

Fairfield County

Bridgeport Harbor, *Bridgeport Canal Barges*.
Norwalk, *Washington Street—S. Main Street Area*.

Hartford County

Farmington, *Gridley-Parsons-Staples Homestead*, Rte. 4, Farmington Ave.
Hartford, *Houses on Charter Oak Place*.
Hartford, *Houses on Wethersfield Avenue*, between Morris and Wyllys Sts., particularly Nos. 97-81, 65.
Southington, *Lewis, Sally, House*, 500 N. Main St.

New London County

New London, *Buckingham Memorial Building*, 307 Main St.
New London, *Washington Street Historic District*, project 103-159.
New London, *Williams Memorial Institute Building*, 110 Broad St.

DISTRICT OF COLUMBIA

Auditors' Building, 201 14th St. SW.
Brick Sentry Tower and Wall, along M St. SE between 4th and 6th Sts SE
Central Heating Plant, 13th and C Sts. SW.
1700 Block Q Street NW, 1700-1744, 1746, 1748 Que St. NW.; 1536, 1538, 1540, 1602, 1604, 1606, 1608, 17th St. NW.

FLORIDA

Broward County

Hillsboro Inlet, *Coast Guard Light Station*.

Collier County

Marco Island, *Archeological Sites on Marco Island*.

Monroe County

Knights Key Moser Channel—Packet Channel Bridge (Seven Mile Bridge)
Long Key Bridge
Old Bahia Honda Bridge

Pinellas County

Bay Pines, *VA Center*, Sections 2, 3, and 11 TWP 31-S, R-15E.

GEORGIA

Bibb County

Macon, *Vineville Avenue Area*, both sides of Vineville Ave. from Forsyth and Hardman Sts. to Pio Nono Ave.

Chatham County

Archeological Site, end of Skidway Island.
Savannah, *516 Ott Street*.
Savannah, *908 Wheaton Street*.
Savannah, *914 Wheaton Street*.
Savannah, *920 Wheaton Street*.
Savannah, *928 Wheaton Street*.
Savannah, *930 Wheaton Street*.
Skidaway Island, *Priest's Landing Mounds*.

Chatooga County

Archeological Sites in area of Structure 1-M, and Trion Dikes 1 and 2, headwaters of Chatooga Watershed (also in Walker County).

Clay County

Archeological Site WGO-73, downstream from Walter F. George Dam.

De Kalb County

Atlanta, *Atkins Park Subdivision*, St. Augustine, St. Charles, and St. Louis places.
Decatur, *Sycamore Street Area*.

Fulton County

Atlanta, *Downtown Atlanta Historic District*, beginning at jct. Atlanta St. and Central Ave.

Gordon County

Haynes, Cleo, House and Frame Structure, University of Georgia.
Moss—Kelly House, Sallacoa Creek area.

Gwinnett County

Duluth, *Hudgins, Scott, Home (Charles W. Summerour House)*, McClure Rd.

Hall County

Odd Fellows Building (Chamblee).

Heard County

Philpott Homesite and Cemetery, on bluff above Chattahoochee River where Grayson Trail leads into river.

Richmond County

Archeological Sites Project F-117-1 (7).
Augusta, *Blanche Mill*.
Augusta, *Enterprise Mill*.
Augusta, *Green Street*.

Stewart County

Rood Mounds, Walter F. George Dam and Reservoir.

Sumter County

Americus, *Aboriginal Chet Quarry*, Souther Field.

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HAWAII

Hawaii County

Hawaii Volcanoes National Park, *Mauna Loa Trail.*
Kwalakakwa Bay, *Kona Field System.*

Maui County

Hana vicinity, *Kipahulu Historic District*, SW of Hana on Rts. 31.

Oahu County

Moanalua Valley.

IDAHO

Ada County

Boise, *Alexanders*, 826 Main St.
Boise, *Falks Department Store*, 100 N. 8th St.
Boise, *Idaho Building*, 216 N. 8th St.
Boise, *Simplot Building (Boise City National Bank)*, 805 Idaho St.
Boise, *Union Building*, 712½ Idaho St.

Clearwater County

Orofino vicinity, *Canoe Camp—Suite 18*, W of Orofino on U.S. 12 in Nez Perce National Historical Park.

Gem County

Marsh and Ireton Ranch, Montour Flood project.
Town of Montour, Montour Flood project.

Idaho County

Kamiah vicinity, *East Kamiah—Suite 15*, SE of Kamiah on U.S. 12 in Nez Perce National Historical Park.

Lemhi County

Tendoy, *Lewis and Clark Trail, Pattee Creek Camp.*

Nez Perce County

Lapwai, *Fort Lapwai Officer's Quarters*, Phinney Dr. and C St. in Nez Perce National Park.
Lapwai, *Spalding.*
Lewiston, *Fix Building*, 211–213 Main St.
Lewiston, *Lower Snake River Archeological District*
Lewiston, *Moxley Building*, 215 Main St.
Lewiston, *Scully Building*, 209 Main St.

ILLINOIS

Bureau County

I & M Canal (also in Henry, Rock Island, and Whiteside counties).

Carroll County

Savanna vicinity, *Spring Lake Cross Dike Island Archeological Site*, 2 mi. SE of Savanna.

Cook County

Chicago, *Ogden Building*, 180 W. Lake St.
Chicago, *Oliver Building*, 159 N. Dearborn St.
Chicago, *Springer Block (Bay, State, and Kranz Buildings)*, 126–146 N. State St.
Chicago, *Unity Building*, 127 N. Dearborn St.

De Kalb County

De Kalb, *Haish Barbed Wire Factory*, corner of 6th and Lincoln Sts.

Lake County

Fort Sheridan, *Museum Bldg. 33*, Lyster Rd.
Fort Sheridan, *Water Tower*, Bldg. 49, Leonard Wood Ave.

Madison County

American Bottoms, 69 archeological sites in Madison, Monroe, and St. Clair counties.

Rock Island County

Archeological Site 11–Ri–337, East Moline, Mississippi and Rock Rivers.

Scott County

Naples vicinity, *Naples-Castle Site*, SW of Naples.

Williamson County

Wolf Creek Aboriginal Mound, Crab Orchard National Wildlife Refuge.

INDIANA

Lawrence County

Mitchell, *Riley School.*

Marion County

Indianapolis, *Lockfield Gardens Public Housing Project*, 900 Indiana Ave.
Indianapolis vicinity, *Garfield Park Pagoda*, 2 mi S of Indianapolis in Garfield Park.

Monroe County

Bloomington, *Carnegie Library.*

Orange County

Cox Site, Lost River Watershed.
Half Moon Spring, Lost River Watershed.

St. Joseph County

Mishawaka, *100 NW Block*, properties fronting N. Main St. and W. Lincoln Way.

Spencer County

Evansville, *Pollard, Maier, House.*

Vanderburgh County

Evansville, *Riverside Neighborhood.*

Vermillion County

Houses in SR 63/32 Project, jct. of SR 32 and SR 63 and 1st rd. S. of Jct.

IOWA

Boone County

Saylorville Archeological District (also in Polk and Dallas counties).

Johnson County

Indian Lookout.

KANSAS

Douglas County

Lawrence, *Curtis Hall (Kiva Hall)*, Haskell Institute.

Pottawatomie County

Coffey Archeological Site, 14 PO 1.

KENTUCKY

Jefferson County

Archeological Sites: Section 2, SW Jefferson County Local Protection Project.

Johnson County

Fishtrap United Methodist Church.

Lawrence County

Fort Ancient Archeological Site.

Lee County

Beattyville, Lee County Courthouse, Main St.

Trigg County

Golden Pond, *Center Furnace*, N of Golden Pond on Bugg Spring Rd.

LOUISIANA

East Baton Rouge Parish

Baton Rouge, *Spanish Town*, Baton Rouge.

Orleans Parish

New Orleans, *Casey, Kate, House*, 932–934 Howard.
New Orleans, *Central City District.*
New Orleans, *Cordes, John, House*, 3027–3029 Royal St., Square 170.
New Orleans, *Deyron, Dr. J. A., House*, 3037 Royal St., Square 170.
New Orleans, *Dunn, Andrew Jackson, House*, 928–930 Calliope St., Square 119.
New Orleans, *Duyer, James, House*, 933–935 Galenne St., Square 119.
New Orleans, *Gasquet, William, Houses*, 1128–1130 Constance St., Square 119.
New Orleans, *Hart, James S., House*, 615 Erato St., Square 71.
New Orleans, *I-Sea Storage and Transfer Company Building*, 2201 Clio St., Square 348.
New Orleans, *Jahucke Building*, 814 Howard Ave., Square 237.
New Orleans, *Lee Circle and Lee Monument*, St. Charles Ave. at Howard Ave.
New Orleans, *Maginnis Cotton Mills*, 1054 Constance St., Square 120.
New Orleans, *McDowall, Robert, House*, 1119–1121 Constance St., Square 130.
New Orleans, *McLaughlin, M. A., House*, 1122–1126 Constance St., Square 119.
New Orleans, *McLeod, Euphenia Napir, House*, 1523–1525 Calliope St., Square 183.
New Orleans, *Murray, Thomas, House*, 1131 S. Rampart St., Square 290.
New Orleans, *Old Firehouse*, 1045 Magazne St., Square 158.
New Orleans, *Peyton, William H., House*, 1135 S. Rampart St., Square 290.
New Orleans, *Roper, George W., House*, 1032 St. Charles Ave., Square 183.
New Orleans, *St. John the Baptist Church*, 1139 Dryedes St., Square 277.
New Orleans, *Saulet, Marie Theresa, House*, 1218–1222 Annunciation St., Square 100.
New Orleans, *Schwegmann, G. A., House* 4044 Royal St., Square 142.
New Orleans, *Sincer, Louis, House*, 1061 Camp St., Square 183.
New Orleans, *Sporl, C. J., House*, 3015 Royal St., Square 142.
New Orleans, *Talen, Aaldemar Appollonius, Studio-House*, 1029 Calliope St., Square 137.
New Orleans, *Temple Sinai*, 1032 Ceroudelet St., Square 215.
New Orleans, *Verret, Theodore, House*, 1216 Annunciation St., Square 109.
New Orleans, *Tourae, Nicholas, House*, 1169 Tchoupitoulas St., Square 71.
New Orleans, *Zangel, Frederick, House*, 1118 Constance St., Square 119.

St. Martins Parish

Site 16, Sm—45, Atchafalaya Basin Floodway.

Vernon Parish

Ft. Polk, *Site 16 VN 18.*

MARYLAND

Allegany County

Flintstone vicinity, *Martin Gordon Farm*, Breakneck Rd. (Rte. 1).
Flintstone vicinity, *Martins Mountain Farm*, Breakneck Rd. (Rte. 1).

Anne Arundel County

Claiborne, *Bloody Point Bar Light*, on Chesapeake Bay.
Skidmore, *Sandy Point Shoal Light*, on Chesapeake Bay.

Baltimore (independent city)

Baltimore Belt (Baltimore and Ohio) Railroad (Howard Street Tunnel and Power House).
Barre Circle Historic District, Lombard St., Fremont Ave., Scott St.
Mount Calvary Church Historic District, Biddle St., Madison Ave., N. Eutaw St.

Baltimore County

Fayette Street Methodist Episcopal Church, 745 West Fayette St.

Fort Howard, *Craighill Channel Upper Range Front Light*, on Chesapeake Bay.
Hollins-Lombard Historic District, 800 blocks of Hollins and Lombard Sts., bet. Fremont and Callender; unit block of Parkin St.
New Owings Mills Railroad Station, W of Reisterstown Rd.
Old Owings Mills Railroad Station, Reisterstown Rd.
Old Western Police Station (Old Pine Street Station).
Ridgely's Delight Historic District.
Sparrows Point, *Craighill Channel Range Front Light*, on Chesapeake Bay.
St. Paul's Cemetery, Union Block, Fremont Ave.

Carroll County

Bridge No. 1–141 on Hughes Road.

Cecil County

Sassafras Elk Neck, *Turkey Point Light*, at Elk River and Chesapeake Bay.

Dorchester County

Hoppersville, *Hooper Island Light*, Chesapeake Bay-Middle Hooper Island.

St. Marys County

Piney Point, *Piney Point Light Station.*
St. Inigoes, *St. Inigoes Manor House*, Naval Electronic System Test and Evaluation Detachment.
St. Marys City, *Point No Point Light*, on Chesapeake Bay.

Talbot County

Tilghman Island, *Sharps Island Light*, on Chesapeake Bay.

MASSACHUSETTS

Barnstable County

North Eastham, *French Cable Hut*, jct. of Cable Rd. and Ocean View Dr.
Rider, Samuel, House, Gull Pond Rd. off Mid-Cape Hwy. 6.
Truro, *Highland Gold Course*, Cape Cod Light, area.
Truro, *Highland House*, Cape Cod Light (Highland Light) area.
Wellfleet vicinity, *Atwood—Higgins House*, Boundbrook Island.

Bristol County

New Bedford, *Fire Station No. 4*, 79 S. 6th St.

Hampden County

Holyoke, *Caledonia Building (Crafts Building)*, 185–193 High St.
Holyoke, *Cleary Building (Stiles Building)*, 190–196 High St.
Holyoke, *Steamer Company No. 3.*

Middlesex County

Wayland, *Old Town Bridge (Four Arch Bridge)*, Rte. 217, 1.5 m. NW of Rte. 126 Jct.

Suffolk County

Northern Avenue Bridge, Fort Point Channel.

Worcester County

Leicester, *Shaw Site (Sites 4, 5, and 6)*, Upper Quaboag River Watershed project.
North Brookfield, *Meadow Site No. 11*, Upper Quaboag River Watershed.
Worcester, *Oxford-Crown Streets District*, Chatham, Congress, Crown, Pleasant, Oxford Sts., and Oxford Pl.

MICHIGAN

Little Forks Archeological District.

MINNESOTA

St. Louis County

Duluth, *Morgan Park Historic District.*

Winona County

Winona, *Second Street Commercial Block.*

MISSISSIPPI

Lowndes County

Tibbee Creek Archeological Site, Columbus lock and dam project.

Tishomingo County

Tennessee—Tombigbee Waterway.

MISSOURI

Buchanan County

St. Joseph, *Hall Street Historic District*, bounded by 4th St. on W., Robidoux on S., 10th on E., and Michel, Corby, and Ridenbaugh on N.

Dent County

Lake Spring, *Hyer, John, House.*

Franklin County

Leslie, *Noser's Mill and adjacent Miller's House*, Rural Rte. 1.

Greene County

Springfield, *Landers Theater*, 311 East Walnut St.

Henry County

La Due, *Batschelett House*, near Harry S Truman Dam and Reservoir.
Little Black River Watershed (also in Ripley County).

Monroe County

Violette, Alexander House.

MONTANA

Big Horn County

Fort Smith *Big Horn Canal Headgate.*

Carbon County

Hardin *Pretty Creek Site (Hough Creek Site)* Big Horn Canyon National Recreation Area.

Custer County

"Old Fort" at Fort Keogh.

Fergus County

Lewis & Clark, Campsite, May 23, 1805.
Lewis & Clark, Campsite, May 24, 1805.

Lewis and Clark County

Marysville, *Marysville Historic District.*

NEBRASKA

Cherry County

Valentine vicinity, *Fort Niobrara National Wildlife Refuge.*
Valentine vicinity, *Newman Brothers House.*

Knox County

Niobrara Historic Properties.

NEVADA

Clark County

Las Vegas vicinity, *Blacksmith Shop*, Desert National Wildlife Range.
Las Vegas vicinity, *Mesquite House*, Desert National Wildlife Range.

Elko County

Carlin vicinity, *Archeological Sites 26EK1669, 26EK1672.*

Nye County

Las Vegas vicinity, *Emigrant's Trail*, about 75 mi. NW of Las Vegas on U.S. 95.

Pershing County

Lovelock vicinity, *Adobe in Ruddell Ranch Complex.*
Lovelock vicinity, *Lovelock Chinese Settlement Site.*

Storey County

Sparks vicinity, *Derby Diversion Dam*, on the Truckee River 19 mi. E of Sparks, along I 80 (also in Washoe County).

Washoe County

Site 26Wa2065.

NEW HAMPSHIRE

Hillsborough County

Amoskaag Millyard Complex.
Smyth Tower.

Rockingham County

Portsmouth, *Pulpit Rock Observation Station*, Portsmouth Harbor.

Strafford County

Odd Fellow's Hall (Morning Star Block).
O'Neill House (Cocheco Co. Housing).
Public Market (Morrill Block).
Trella House (Dover Manufacturing Co. Housing).
Veteran's Building (Central Fire House).
Western Auto Block (Merchants Row).

NEW JERSEY

Hudson County

S.S. Newton, midway between Ellis and Liberty islands.

Mercer County

Hamilton and West Windsor Townships, *Assunpink Historic District.*
Trenton, *Lamberton Interceptor.*
West Windsor Township Wastewater Facilities (Archeological Site 3313.14)—Extended.

Middlesex County

New Burnswick, *Delaware and Raritan Canal*, between Albany St. Bridge and Landing Lane Bridge.

Monmouth County

Long Branch, *The Reservation*, 1–9 New Ocean Ave.

Ocean County

Joseph Holmes Mill (The Mill Site), SW corner of intersection of Mill and Parker Sts.

Warren County

Oxford Industrial District, Oxford Township.

NEW MEXICO

Chaves County

Cites LA11809—LA11822, Cottonwood-Walnut Creek Watershed (also in Eddy County).

Dona Ana County

Placitas Arroyo, *Cites SCSPA 1—8.*

Guadalupe County

Los Esteros Lake Archeological Site.

Lee County

Laguna Plata Archeological District.

McKinley County

Zuni Pueblo Watershed, *Oak Wash Sites N.M.G.:13:19—N.M.G.:13:37.*

Otero County

Three Rivers Petroglyphs.

Rio Arriba County

Cerrito Recreation Site Archeological District.

NEW YORK

Albany County

Guilderland, *Nott Prehistoric Site.*
Tetilla Peak Site.

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Bronx County

New York, *Bronx Post Office.*
New York, *North Brothers Island Light Station*, in center of East River.

Broome County

Mill Site at Site 7–A, Manticoke Creek project (also in Tioga County).
Vestal, *Vestal Nursery Site*, Vestal Project (also in Union County).

Chautauqua County

Dunkirk, *Properties in the city of Dunkirk.*
Loomis Archeological Site, South and Central Chautauqua Lake

Greene County

New York, *Hudson City Light Station*, in center of Hudson River.

Nassau County

Greenvale, *Toll Gate House*, Northern Blvd.
Long Island, *Seafood Park Archeological Site.*

New York County

New York, *Harlem Courthouse*, 170 E. 121st St.
New York, *New York Cancer Hospital (Towers Nursing Home)*, 2 W. 106th St.

Onondaga County

Palmer Lane Midden (Baldwinsville/Seneca Knolls Sewage Treatment Plant).

Orange County

Port Jervis, *Church Street School*, 55 Church St.
Port Jervis, *Farnum, Samuel, House*, 21 Ulster Pl.

Oswego County

Gustin-Earle Factory Site, village of Mexico.
Musico Motors Building, W. First and W. Seneca Sts.

Otsego County

Swart-Wilcox House

Queens County

Fort Totten Officers' Club.

Richmond County

New York, *Romer Shoal Light-Station*, located in lower bay area of New York Harbor.
Staten Island, *U.S. Coast Guard Base, St. George.*

Saratoga County

Saratoga Springs, *Yaddo House and Gardens, District.*
Saratoga Springs, *Yaddo House and Gardens*, Saratoga Springs Historic District.
Schuylerville, *Archeological Site*, Schuylerville Water Pollution Control Facility.

Schoharie County

Breakabeen, *Breakabeen Historic District*, between village of North Blenheim and Breakabeen.

Staten Island

Tottenville, *Ward's Point*, Oakwood Beach Project.

Suffolk County

Janesport vicinity, *East End Site.*
Janesport vicinity, *Hallock's Pond Site*
New York, *Fire Island Light Station*, U.S. Coast Guard Station.
New York, *Little Gull Island Light Station*, off North Point of Orient Point, Long Island.
New York, *Plum Island Light Station*, off Orient Point, Long Island.
New York, *Race Rock Light Station*, S. of Fishers Island, 10 mi. N. of Orient Point.
Northville Historic District, houses along Sound Ave.

Ulster County

Kingston vicinity, *Esopus Meadows Light Station*, middle of Hudson River.
New York, *Rondout North Dike Light*, center of Hudson River at Jct. of Rondout Creek and Hudson River.
New York, *Saugerties Light Station*, Hudson River.
Wildmere and Cliffhouse Resort Hotels (Minnewaska Acquisition Project), towns of Gardiner and Rochester.

Washington County

Greenwich, *Palmer Mill (Old Mill)*, Mill St.

Westchester County

Port Washington vicinity, *Execution Rocks Light Station*, lower SW portion of Long Island Sound.
Yonkers, *Women's Institute Building.*
Yorktown, *Yorktown Railroad Station.*

NORTH CAROLINA

Alamance County

Burlington, *Clapp's Mill and Dam Site* (also in Guilford County).
Burlington, *Faust Mill* (also in Guilford County).
Burlington, *Low House* (also in Guilford County).
Burlington, *Southern Railway Passenger Depot*, NE corner Main and Webb Sts.

Brunswick County

Southport, *Fort Johnston*, Moore St.

Caswell County

Archeological Sites CS–12, County Line Creek Watershed Project (also in Rockingham County).
Womack's Mill, in County Creek Watershed Project (also in Rockingham County).

Cleveland County

Archeological Resources in Second Brood River Watershed Project (also in Rutherford County).

Cumberland County

Fayetteville, *Veterans Administration Hospital Confederate Breastworks*, 23 Ramsey St.

Dare County

Buxton, *Cape Hatteras Light*, Cape Hatteras National Seashore.

Hyde County

Ocracoke, *Ocracoke Lighthouse.*

NORTH DAKOTA

Burleigh County

Bismarck, *Fort Lincoln Site.*

OHIO

Adams County

Wrightsville vicinity, *Grimes Site (33 AD 39)*, Killen Electric Generating Station.
Wrightsville vicinity, *Killen Bridge Site, (33 AD 36)*, *Killen Electric Generating Station.*

Astabula County

Astabula, *West Fifth Street Bridge*, over Astabula River.

Clermont County

Neville vicinity, *Maynard House*, 2 mi. E of Neville off U.S. 52.

Crawford County

Calvary Reformed Church, First United Methodist Church, Crestline Shunk Museum.

Darke County

DAR–S.R.–571–0.00.

Montgomery County

Columbia Bridge Works.
Lower Cratis Road Bridge.

Pickaway County

Williamsport vicinity, *The Shack (Daugherty, Harry, House)*, 5.5 mi. NW of Williamsport.

Richland County

Mansfield, *Ritter, William, House*, 181 S. Main.

Seneca County

Tiffin, *Old U.S. Post Office*, 215 S. Washington St.

Summit County

United Way Building, Perkins St.

Tuscarawas County

Conotton Creek Bridge, CR 90 in Warren Township, over Conotton Creek.

Warren County

Corwin, *Shafer Mound*, S of New Burlington Rd.
Harveysburg, *E. L. Anderlee Mound*, S of New Burlington Rd. in Caesar Creek Lake Project.

Wayne County

Wooster, *Thorne House*, 1578 Beall Ave.

OKLAHOMA

Atoka County

Estep Shelter, Lower Clear Boggy Watershed.
Graham Site, Lower Clear Boggy Watershed.

Comanche County

Fort Sill, *Blockhouse on Signal Mountain off Mackenzie Hill Rd.*
Fort Sill, *Camp Comanche Site*, E range on Cache Creek.
Fort Sill, *Chiefs Knoll*, Post Cemetery, N of

Haskell County

Keota vicinity, *Otter Creek Archeological Site*, SW of Keota.

Kay County

Newkirk vicinity, *Bryson Archeological Site*, NE of Newkirk.

OREGON

Baker County

Baker vicinity, *Virtue Flat Mining District*, 10 mi. E of Baker off Hwy. 86.

Columbia County

Scappose vicinity, *Portland and Southwestern Railroad Tunnel*, 13 mi. NW of Scappose.

Coos County

Charleston, *Cape Arago Light Station.*

Curry County

Port Orford, *Cape Blanco Light Station.*

Douglas County

Winchester Bay, *Umpqua River Lighthouse.*

Gilliam County

Archeological Sites (Ghost Camp Reservoir).
Arlington vicinity, *Four Mile Canyon Area (Oregon Trail)*, 10 mi. SE of Arlington.
Orum Gristmill, Ghost Camp Reservoir area.
Old Wagon Road, Ghost Camp Reservoir area.
Olex School, Ghost Camp Reservoir area.
Steel Truss Bridge, Ghost Camp Reservoir area.

Klamath County

Crater Lake National Park, *Crater Lake Lodge.*

Lane County

Roosevelt Beach, *Heceta Head Lighthouse.*
Roosevelt Beach, *Heceta Head Light Station.*

Lincoln County

Agate Beach, *Yakuina Head Lighthouse.*

Tillamook County

Tillamook, *Cape Meares Lighthouse.*

Wasco County

Memaloose Island, River Mile 177.5 in Columbia River.

Wheeler County

Antone, *Antone Mining Town*, Barite 1901–1906.

PENNSYLVANIA

Adams County

Gettysburg, *Barlow's Knoll*, adjacent to Gettysburg National Military Park.
Kuhn's Fording Bridge, spans Conewago Creek.

Allegheny County

Bruceton, *Experimental Mine*, U.S. Bureau of Mines, off Cochran Mill Rd.
McJunkin Site, New Texas Rd.

Berks County

Mt. Pleasant, *Berger-Stout Log House*, near jct. of Church Rd. and Tulephocken Creek.
Mt. Pleasant, *Conrad's Warehouse*, near jct. of Rte. 183 and Powder Mill Rd.
Mt. Pleasant, *Heck-Stamm-Unger Farmstead*, Gruber Rd.
Mt. Pleasant, *Miller's House*, jct. of Rte. 183 and Powder Mill Rd.
Mt. Pleasant, *O'Bolds-Billman Hotel and Store*, Gruber Rd. and Rte. 183.
Mt. Pleasant, *Pleasant Valley Roller Mill*, Gruber Rd.
Mt. Pleasant, *Reber's Residence and Barn*, on Tulephocken Creek.
Mt. Pleasant, *Union Canal*, Blue Marsh Lake Project area.

Butler County

Butler, *Bonnie Brook Archeological Site.*

Chester County

Charlestown, *Nesspor House (Thomas Davis House)*, State Rd.
Charlestown, *Pickering Creek Ice Dam*, State Rd.
Lock Aerie.
Nature Center of Charleston, State Rd. Charleston township.

Clinton County

Lockhaven, *Apsley House*, 302 E. Church St.
Lockhaven, *Harvey Judge, House*, 29 N. Jay St.
Lockhaven, *McCormick, Robert, House*, 234 E. Church St.
Lockhaven, *Mussina, Lyons, House*, 23 N. Jay St.

Delaware County

I 476 Historic Sites (20 Historic Sites), Mid-County Expwy. (also in Montgomery County).
Minshall House, Media Borough.

Huntingdon County

Brumbaugh Homestead, Raystown Lake Project.

Lackawanna County

Carbondale, *Miners and Mechanics Bank Bldg.*, 13 N. Main St.

Lancaster County

Bainbridge Township, *Haldeman Mansion.*

Lehigh County

Colesville vicinity, *Site 1: Farmhouse, barn, and outbuildings*, I–78.
Dorneyville, *King George Inn and two other stone houses*, Hamilton and Cedar Crest Blvds.

Lycoming County

Williamsport, *Fazon Co., Inc.*, Williamsport Beltway.

Northampton County

Lehigh Canal.
Site 3: Farmhouse, barn, and outbuildings, I–78.
Site 4: Farmhouse, barn, and outbuildings, I–78.

Philadelphia County

Philadelphia, *Bridge on "I" Street*, over Tacony Creek.
Philadelphia, *Courthouse and Post Office*, 9th St., between Chestnut and Market Sts.
Philadelphia, *New Forest Theatre*, 1106–1114 Walnut St.
Philadelphia, *Poth, Frederick, House*, 216 N. 33rd St.
Philadelphia, *Tremont Mills*, Wigonocking St. and Adams Ave.
U.S. Naval Base, *Quarters "A" Commandant's Quarters.*

Washington County

Charleroi, *Ninth Street School.*
Somerset Township, *Wright No. 22 Covered Bridge.*

RHODE ISLAND

Providence County

Providence, *Woonesquatucket Bridge.*
Woonsocket, *Club Marquette Building (St. Anne's Gymnasium)*, Cumberland St.

SOUTH CAROLINA

Beaufort County

Parris Island, *Marine Corps Recruit Depot.*

Charleston County

Charleston, *139 Ashley St.*
Charleston, *69 Barre St.*
Charleston, *69r Barre St.*
Charleston, *316 Calhoun St.*
Charleston, *316r Calhoun St.*
Charleston, *268 Calhoun St.*
Charleston, *274 Calhoun St.*
Charleston, *Old Rice Mill*, off Lockwood Dr.

SOUTH DAKOTA

Minnehaha County

Orpheum Theater, 315 N. Phillips Ave.

Pennington County

Rapid City, *Rapid City Historic Commercial District*, portions of 612–632 Main St.

TENNESSEE

Davidson County

Nashville, *Ancient Indian Village and Burial Ground*, section 203(b).

Trousdale County

Dixon Springs, *McGee House.*

TEXAS

Bexar County

Fort Sam Houston, *Eisenhower House*, Artillery Post Rd.

Concho County

Middle Colorado River Watershed, *Prehistoric Archeology in the Southwest Laterals Subwatershed* (also in McCulloch County).

Denton County

Hammons, George House, between Sangera and Pilot Point.

El Paso County

Castner Range Archeological Sites.

Galveston County

Galveston, *U.S. Customhouse*, bounded by Avenue B, 17th, Water, and 18th Sts.

Hardeman County

Quanah, *Quanah Railroad Station*, Lots 2, 3, and 4 in Block 2.

Uvalde County

Leona River Watershed, Archeological Sites.

Webb County

Laredo, *Bertani, Paul Prevost House*, 604 Iturbide St.
Laredo, *De Leal, Viscaya, House*, 620 Zaragoza St.
Laredo, *Garza, Zoila De La, House*, 500 Iturbide St.
Laredo, *Leyendecker/Salinas House*, 702 Iturbide St.
Laredo, *Montemayor, Jose A., House (Carols Vela House)*, 601 Zaragosa St.

UTAH

Emery County

Site ML–2145, Manti-LaSal National Forest.

Salt Lake County

Salt Lake City, *Lollin Block*, 236–240 S. Main St.

VERMONT

Windham County

Rockingham, *Bellow Falls Armory*, 72 Westminster St., Bellows Falls.

Windsor County

Windsor, *Post Office Building.*

VIRGINIA

Accomack County

Captain's Cove Dev., Archeological Sites (Chincoteague Bay).

Allegheny County

Gathright Lake Project (Archeological sites), (also in Bath County).

Wythe County

Fort Criswell

WASHINGTON

Benton County

Richland vicinity, *Paris Archeological Site*, Hanford Works Reservation.
Richland vicinity, *Wooded Island Archeological District*, N of Richland.

Callam County

Cape Alava vicinity, *White Rock Village Archeological Site, S of Cape Alava.*
Olympic National Park Archeological District, Olympic National Park (also in Jefferson County).
Segium, *New Dungeness Light Station.*

Grays Harbor County

West Port, *Grays Harbor Light Station.*

King County

Burton, *Point Robinson Light Station.*
Seattle, *Alki Point Light Station.*
Seattle, *Home of the Good Shepherd.*
Seattle, *West Point Light Station.*

Kitsap County

Hansville, *Point No Point Light Station.*

Pacific County

Ilwaco, *North Head Light Station.*

Pierce County

Fort Lewis Military Reservation, *Captain Wilkes, July 4, 1841, Celebration Site.*

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Longmire, *Longmire Cabin*, Mount Rainier National Park.

San Juan County

San Juan Islands, *Patos Island Light Station.*

Skamania County

North Bonneville, *Site 45SA11*, Bonneville Dam Second Powerhouse Project.

Snohomish County

Mukilteo, *Mukilteo Light Station.*

WEST VIRGINIA

Barbour County

Covered Bridge across Rooting Creek, Elk Creek Watershed (also in Harrison County).

Cabell County

Huntington, Old Bank Building, 1208 3rd Ave.

Kanawha County

Charleston, *Kanawha County Courthouse.*
St. Albans, *Chilton House*, 439 B St.

Wood County

Parkersburg, *Wood County Courthouse.*
Parkersburg, *Wood County Jail.*

WISCONSIN

Ashland County

Ashland vicinity, *Madeline Island Site 7302.*

Fond du Lac County

Fond du Lac, Aetna Station No. 5, 193 N Main St.

LaCrosse County

LaCrosse, *LaCrosse Post Office.*

WYOMING

Albany County

Woods Landing vicinity, *Boswell Ranch*, WY 10.

Fremont County

Pilot Butte Powerplant, Wind River Basin.

Johnson County

Casper, *Cantonment Reno.*
Casper, *Castle Rock Archeological Site.*
Casper, *Dull Knife Battlefield.*
Casper, *Middle Fork Pictograph-Petroglyph Panels.*
Casper, *Portuguese Houses.*

Park County

Mammouth, *Chapel at Fort Yellowstone*, Yellowstone National Park.

PUERTO RICO

Mona Island, *Sardinero Site and Ball Courts.*

[FR Doc.77-9927 Filed 4-4-77;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before March 28, 1977. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by (10 days after publication).

JERRY L. ROGERS,
Chief, Office of Archeology and Historic Preservation.

CALIFORNIA

Alameda County

Alameda, *Alameda High School*, 2200 Central Ave.

Los Angeles County

Pearland vicinity, *Little Rock Creek Dam*, 4.5 mi. S of Pearland off CA 138.

San Mateo County

San Gregorio, *San Gregorio House*, Old Stage Rd.

Ventura County

Ventura, *Dudley House*, 4065 Telegraph Rd.

GEORGIA

Butts County

Jackson, *Carmichael, J. R., House*, 149 McDonough Rd.

Catoosa County

Ringgold, *Whitman-Anderson House*, 309 Tennessee St.

Fulton County

Atlanta, *DeGive's Grand Opera House*, 157 Peachtree St., NE.
Atlanta, *Rose, Rufus M., House*, 537 Peachtree St.
Atlanta, *Western and Atlantic Railroad Zero Milepost*, Central Ave. between Wall St. and Railroad Ave.

Stewart County

Lumpkin vicinity, *West Hill*, S of Lumpkin on U.S. 27.

INDIANA

Carroll County

Lockport, *Burris House and Potawatomi Spring*, Towpath Rd.

IOWA

Washington County

Washington, *Washington County Hospital*, S. 4th Ave. and Clara Barton.

KENTUCKY

Boyle County

Danville vicinity, *Cambus-Kenneth*, 3 mi. NW of Danville off U.S. 127.

Hancock County

Lewisport vicinity, *Pate, Samuel, House*, 3 mi. E of Lewisport on KY 334.

Hardin County

West Point, *Young, James, House and Inn*, 109 Elm St.

Jefferson County

Louisville, *Old U.S. Customs House and Post Office*, 300 W. Liberty St.

Meade County

Rhodelia vicinity, *St. Theresa Roman Catholic Church*, 3 mi. NW of Rhodelia on KY 144.

Simpson County

Franklin, *Goodnight House*, 201 S. Main St.

MARYLAND

Montgomery County

Bethesda, *Bethesda Meetinghouse*, 9400 Wisconsin Ave.

NEW YORK

New York County

New York, *Old St. Patrick's Cathedral Complex*, Mott and Prince Sts.

PENNSYLVANIA

Berks County

Leesport, *Leesport Lock House*, Wall St.

Bucks County

Newtown, *Half-Moon Inn*, 101-106 Court St.

Chester County

Marshallton, *Marshallton Inn*, W. Strasburg Rd.

Wayne County

Bethany, *Wilmont Mansion*, Wayne and Sugar Sts.

TENNESSEE

Davidson County

Nashville, *Church of the Assumption*, 1227 7th Ave. N.

Shelby County

Memphis, *Orpheum Theatre*, 197 S. Main St.

Washington County

Limestone, *Gillespie, Col. George, House*, off U.S. 411.

TEXAS

Andrews County

Andrews vicinity, *Andrews Lake Sites*, SE of Andrews.

DeWitt County

Cuero vicinity, *Cuero Hydroelectric Plant*, 2 mi. N. of Cuero on Guadalupe River.

Galveston County

Galveston, *Galveston Seawall*, Seawall Blvd.

Harris County

Houston, *Old Sixth Ward Historic District*, bounded by W. Capitol, Union St., Washington and Houston Aves., and Glenwood Cemetery.

Navarro County

Corsicana, *Corsicana Oil Field Discovery Well*, 400 block S. 12th St.

UTAH

Salt Lake County

Salt Lake City, *Independent Order of Odd Fellows Hall*, 41 Post Office Pl.
Salt Lake City, *McCornick Building*, 10 W. 100 South.

Utah County

Payson, *Dixon, Christopher F. Jr., House*, 248 N. Main St.
Provo, *Eggertsen, Simon P. Sr., House*, 390 S. 500 West.

WASHINGTON

Benton County

Prosser vicinity, *Glade Creek Site*, SE of Prosser.

Grant County

Soap Lake vicinity, *Mesa 36*, E of Soap Lake.

Jefferson County

Chimacum vicinity, *Kuhn Spit Archeological Site*, N of Chimacum.

King County

Seattle, *Merrill, E. D., House*, 919 Harvard Ave. E.

Kittitas County

Thorp, *Thorp Mill*, Thorp Highway off U.S. 10/97.

Klickitat County

Goldendale, *Newell, Charles, House*, 114 Sentinel St.

Spokane County

Spokane, *Empire State Building*, W. 901 Riverside.

Yakima County

Sawyer, *Sawyer, W. P., House*, U.S. 12.
Sawyer vicinity, *Matoon Cabin*, S of Sawyer on U.S. 12.

[FR Doc.77-9761 Filed 4-4-77;8:45 am]

Office of the Secretary

ADMINISTRATOR, SOUTHWESTERN POWER ADMINISTRATION

Adjustment of Salary

Pursuant to the provisions of the new Executive Schedule Pay Raise, CSC Bulletin 534-3, dated February 28, 1977, the salary of the Administrator, Southwestern Power Administration is adjusted to $47,500 per annum, effective on the first day of the first pay period which begins on or after February 20, 1977.

CECIL D. ANDRUS,
Secretary.

MARCH 28, 1977.

[FR Doc. 77-10062 Filed 4-4-77;8:45 am]

[Int DES 77-13]

EAST GILLETTE MINE

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental impact statement on the proposed East Gillette surface coal mining operation by the Kerr-McGee Corporation in Campbell County, Wyoming. The draft statement assesses the environmental impacts of the lessee's plan for the surface mining of federally owned coal and the concurrent reclamation and revegetation of surface lands. The proposed action is on Federal coal leases W-311810, and W-312311, and W-313668, T. 50 N., R. 71 W., 6th Prin. Mer.

The draft environmental statement is available for public review in the U.S. Geological Survey Public Inquiries Office, Room 1012, Federal Bldg., Denver, CO 80202; the U.S. Geological Survey Library, Bldg. 25, Denver Federal Center, Denver, CO 80225; the U.S. Geological Survey Library, Room 4A100, USGS National Center, Reston, VA 22092; the Converse County Library, 300 Walnut St., Douglas, WY 82633; the George Amos Memorial Library, 412 South Gillette Ave., Gillette, WY 82716; the Library of Natrona County, 307 East Second, Casper, WY 82601; and the State Library, State of Wyoming, Supreme Court Bldg., Cheyenne, WY 82002.

A limited number of copies are available from the United States Geological Survey, National Center, Mailstop 760, Reston, VA 22092; and, over the counter only, from the U.S. Geological Survey Public Inquiries Office, Room 1012, Federal Building, Denver, CO.

The Department will accept written comments on the draft statement for a period of 45 days subsequent to the date of this notice, and will consider any comments received in preparing the final environmental statement on this proposal. Written comments should be addressed to Director, United States Geological Survey, National Center (Mailstop 108) Reston, VA 22092.

The proposed mining and reclamation plan assessed in this statement was one of the mining proposals identified in the preparation of the regional analysis (Part I) of the Department's final environmental statement, FES 74-55, entitled "Proposed Development of Coal Resources in the Eastern Powder River Coal Basin of Wyoming," which was filed with the Council on Environmental Quality on October 18, 1974. Public hearings on the draft of the FES 74-55 statement were held as follows: June 24-25, 1974, at Cheyenne, Wyoming; June 26, 1974, at Casper, Wyoming; and June 27-28, 1974, at Gillette, Wyoming.

Public hearings on this draft will be held on May 3, 1977, at the Campbell County High School auditorium, 1000 Camel Drive, Gillette, Wyo. Hearings will begin at 1 p.m. and 7 p.m. and will continue until all present have spoken.

Dated: March 31, 1977.

STANLEY D. DOREMUS,
Secretary of the Interior.

[FR Doc.77-10079 Filed 4-4-77;8:45 am]

OWRT PROCUREMENT ACTIONS

Notice of Requirement for Legal Review

Notice is hereby given that pursuant to Interior Procurement Regulations 14-1.352 the following OWRT procurement related documents will require review by the Department of the Interior Solicitor prior to issuance:

a. Invitation for Bids and Requests for Proposals expected to exceed $200,000.00
b. One of each type of Grant and supporting files (i.e. Allotments, Matching Grants and Title II)
c. Proposed contracts, including modifications thereto and supporting files, that exceed $200,000.00
d. Cooperative agreements and memorandums of understanding
e. Novation Agreements
f. Protests
g. Mistakes-in-bids
h. Show cause and cure letters
i. Letter contracts
j. Notice of proposed termination for default or convenience
k. Final decisions under the dispute clause
l. Any other document regardless of dollar amount when legal review or advice is desired.

The Chief, Contracts and Grants Management Division OWRT, with the written concurrence of the Assistant Solicitor for Procurement, Department of the Interior is authorized to modify the legal review plan as deemed appropriate.

For additional information contact: George J. Mehallesu, Chief, Contracts and Grants Management, OWRT, the Department of the Interior, Washington, D.C. 20240. Telephone: 202-343-6992.

CHRIS FARRAND,
Acting Assistant Secretary of the Interior.

MARCH 30, 1977.

[FR Doc.77-10061 Filed 4-4-77;8:45 am]

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Joint Board Advisory Committee on Actuarial Examinations

ADVISORY COMMITTEE ANNUAL REVIEW

Request for Public Comment

In compliance with the President's letter to the Office of Management and Budget of February 25, 1977, with Office of Management and Budget Circular A-63, Transmittal Memorandum No. 5, March 7, 1977, and with Section 7(b) of the Federal Advisory Committee Act (Pub. L. 92-463), the Joint Board is conducting its annual review of the Joint Board Advisory Committee on Actuarial Examinations ("the Committee"). The Committee's purpose is to assist the Joint Board in fulfilling its responsibility, imposed by 29 U.S.C. 1242(a), to insure that persons enrolled to perform actuarial services with respect to plans to which the Employee Retirement Income Security Act of 1974 applies meet certain standards and qualifications. The specific functions performed by the Committee in this connection are:

1. Recommendation of topics and questions for inclusion on the Joint Board's examinations in actuarial mathematics and methodology,

2. Recommendations regarding the adequacy for enrollment purposes of other actuarial examinations, and

3. Recommendations regarding whether particular university and college programs in actuarial mathematics will demonstrate the education and training required for enrollment.

The Joint Board's annual review of the Committee is set forth in proposed form below. Interested persons may participate in this review process by submitting written data, views and arguments to the Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220. In addition, because of the press of time, comments may be hand-delivered to the Executive Director, Joint Board for the Enrollment of Actuaries, Room 1523, Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. Comments received on or before April 13, 1977 will be considered in the process of the Joint Board's review of the Committee.

Dated: March 31, 1977.

ROWLAND E. CROSS,
Chairman, Joint Board for the Enrollment of Actuaries.

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JUSTIFICATION STATEMENT

1. COMMITTEE FUNCTION

The Joint Board for the Enrollment of Actuaries is responsible for the enrollment of individuals who wish to perform actuarial services with respect to plans to which the Employee Retirement Income Security Act of 1974, Pub. L. 93-406, applies. The standards and qualifications for enrollment, as set forth in 29 U.S.C. 1242(a)(1), include education and training in actuarial mathematics and methodology as evidenced by:

1. A degree in actuarial mathematics or its equivalent from an accredited college or university.

2. Successful completion of an examination in actuarial mathematics and methodology to be given by the Joint Board, or

3. Successful completion of other actuarial examinations deemed adequate by the Joint Board.

The Committee renders assistance to the Joint Board in the Joint Board's fulfillment of its responsibility to administer examinations in actuarial mathematics and methodology to individuals wishing to demonstrate that they satisfy the standards and qualifications required for enrollment. Specifically, the Committee considers topics and questions appropriately covered by and included in the Joint Board's examinations and will recommend topics and questions for inclusion in future examinations. In addition, the Committee reviews other actuarial examinations offered by actuarial organizations and will make recommendations regarding the adequacy of such other examinations to demonstrate the education and training required for enrollment. The Committee also reviews university and college programs in actuarial mathematics for the purpose of recommending to the Joint Board those programs which will meet the requirement for enrollment of education and training.

2. NEED FOR CONTINUATION OF THE COMMITTEE

The considerations which justified the Committee's creation continue. It should be noted that the Committee's charter was not filed with the appropriate Congressional committees until December 2, 1976, and that the Committee did not, therefore, exist prior to that date. The Committee has had only four meetings and has not yet submitted a report. It has not had sufficient time to develop and pretest topics and questions for the Joint Board's examinations and, consequently, is not yet prepared to make recommendations.

The Joint Board for the Enrollment of Actuaries is comprised of five individuals, each of whom has other, full-time government positions. In accordance with its by-laws, only three of the Joint Board members are actuaries. Further, staff provided the Joint Board is minimal. While the Director of Practice (Office of the Secretary, Department of the Treasury) serves as the Joint Board's Executive Director, he has no actuarial expertise at his disposal. Finally, from their experience in writing actuarial examinations which were administered to those individuals who applied for enrollment prior to January 1, 1976, the actuarial members of the Joint Board have determined that their fulfillment of the entire responsibility for design of those examinations entails too great a sacrifice of their other governmental responsibilities. Accordingly, the Joint Board wishes to use the technical expertise of an advisory committee of actuaries outside the government to assist it in writing future examinations.

The Joint Board has neither created nor used an advisory committee other than the Committee discussed herein. Consequently, the Committee's efforts do not duplicate the work of another advisory committee within the agency. As far as the Joint Board is aware, it is the only Federal agency responsible for writing actuarial examinations or setting other criteria to determine actuaries' qualifications. Theerfore, the Joint Board does not believe that the work of its Committee is duplicated elsewhere in the Federal Government.

In adition, other means to fulfill the responsibilities of the Committee are not feasible. Public hearings are not the kind of forum in which sophisticated tests of actuarial knowledge can be developed and tested. Further, breaches of the security necesary for prospective examination materials are unavoidable in the context of public hearings. The Joint Board considered the possibility of obtaining examination materials from consultants in the educational testing field. However, it determined that consulting firms do not have the expertise to provide examination questions in the highly specialized area of actuarial education.

Because of the Commitee's short existence and the fact that it has not yet submitted reports, recomendations or other information to the Joint Board, the relationship of the cost of the Committee to its reports, etc. cannot be ascertained at this time.

3. BALANCED MEMBERSHIP

Section 5(c) of the Federal Advisory Committee Act, Pub. L. 92-463, requires that, to the extent the requirement is applicable, the membership of the advisory committee shall be fairly balanced in terms of the points of view represented and the functions the advisory committee performs. In attempting to insure maximum practicable representation on the Commitee of points of view regarding the Joint Board's examination extant in the community of actuaries, the Joint Board published an invitation to submit application for Committee membership in the FEDERAL REGISTER and through a press release.

Several considerations affected the Joint Board's judgment in achieving balanced representation. The Committee's purposes are such that it must be comprised, to the extent possible, of persons experienced in actuarial education. In addition, because the Committee works on examinations to be taken by applicants for enrollement, consideration for membership could not be given anyone not enrolled. It is clearly inappropriate for examination condidates to participate in writing parts of the examination which they are to take. Those applicants for membership who were considered, qualified for enrollment under the regulations governing enrollment before January 1, 1976. The Joint Board believes that the method by which individuals satisfied the education or examination requirement for enrollment as actuaries under those regulations (20 CFR 901.12) will be a significant influence on their perspectives on future Joint Board examinations. That requirement was satisfied in any one of the following ways:

1. Successful completion of an examination in actuarial mathematics and methodology administered by the Joint Board;

2. Certain classes of membership in actuarial organizations attained by proctored examination;

3. A bachelor's or higher degree from an accredited college or university granted after satisfactory completion of a course of study in actuarial science; or a bachelor's or higher degree from an accredited college or university granted after successful completion of a course of study in which the major area of concentration was mathematics, statistics or computer science, but only if the applicant has also successfully completed courses in life contingencies of a prescribed number of hours given by accredited schools.

Of the eight members of the Committee, one satisfied the education or examination requirement by successful completion of the Joint Board's examination, five by organization membership, and two by bachelor's or higher degrees in actuarial mathematics and methodology. It should be noted that three different actuarial organizations are represented by the five members who qualified for enrollment in that fashion. Further, the work experience of the Committee's members is comprised of employment by consulting firms (4), university (1), insurance companies (2), and manufacturing company (1).

Because the Committee does not consider policy other than that discussed above, the Joint Board is of the view that representation of consumer and other public interest groups on the Committee is not warranted. The possibility of breaches of security with respect to prospective examination materials also underlies this view.

[FR Doc.77-10030 Filed 4-4-77;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

MANUFACTURE OF CONTROLLED SUBSTANCES

Registration

By Notice dated February 4, 1977, and published in the FEDERAL REGISTER on February 11, 1977; (41 FR 8725), Merck & Co., Inc., Dept. A, Bldg. No. 19, Merck Chemical Manufacturing Division, Lincoln Avenue, Rahway, N.J. 07065, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic class of controlled substances listed below:

Drug:	Schedule
Apomorphine	II
Codeine	II
Ethylmorphine	II
Hydrocodone	II
Morphine	II
Thebaine	II
Cocaine	II
Anileridine	II

No comments or objections having been received, and pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and 21 CFR 1301.54(e), the Acting Deputy Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substances listed above is granted.

Dated: March 28, 1977.

DONALD E. MILLER,
Acting Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.77-10040 Filed 4-4-77;8:45]

MANUFACTURE OF CONTROLLED SUBSTANCES

Registration

By Notice dated February 16, 1977, and published in the FEDERAL REGISTER on February 23, 1977; (41 FR 10745), the following manufacturers made application to the Drug Enforcement Administration to be registered as bulk manufacturers of the basic class of controlled substances listed below:

Mallinckrodt Inc., Mallinckrodt and Second Streets, St. Louis, MO 63147 (1/24/77):

Drugs:	Schedule
Codeine	II
Dihydrocodeine	II
Oxycodone	II
Diphenoxylate	II
Hydrocodone	II
Pethidine-inter. B	II
Methadone	II
Morphine	II
Thebaine	II
Opium extracts	II
Opium fluid extracts	II
Opium tinctures	II
Opium powders	II
Opium granulated	II
Methadone-inter	II

M.B.H. Chemical Corporation, 377 Crane Street, Orange, NJ 07051 (1/5/77):

Drug:	Schedule
Methylphenidate	II

No comments or objections having been received, and pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and 21 CFR 1301.54(e), the Acting Deputy Administrator hereby orders that the applications submitted by each of the above firms for registration as bulk manufacturers of the basic class of controlled substances listed therein are granted.

Dated: March 29, 1977.

DONALD E. MILLER,
Acting Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.77-10041 Filed 4-4-77;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

ADAMS ELECTRONIC WORKERS ET AL.

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 11, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 11, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 15th day of March 1977.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

Appendix

Petitioner: union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Adams Electronics (A.I.W.)	Bangor, Mich	Feb. 16, 1977	Feb. 14, 1977	TA-W-1,803	Circuit boards, coils, and components for color TV.
Louis Cantor & Son (ILG WU).	Egg Harbor, N.J.	Mar. 14, 1977	Feb. 26, 1977	TA-W-1,804	Ladies' coats.
Gulf Piper (workers)	Corpus Christi, Tex.	Mar. 10, 1977	Mar. 4, 1977	TA-W-1,805	Catching and selling of shrimp.
Manhattan Hosiery (workers).	Aquadilla, P.R.	Mar. 14, 1977	Mar. 2, 1977	TA-W-1,806	Panty hose.
Messinger Bearing Co. (U.S.A.)	Philadelphia, Pa.	Mar. 10, 1977	Feb. 15, 1977	TA-W-1,807	Speciality bearings.
R. & P. Manufacturing, Inc. (company).	South River, N.J.	Mar. 14, 1977	Mar. 4, 1977	TA-W-1,808	Ladies' slacks and skirts.
L. E. Smith Glass Co. (American Flint Glass Workers' Union of North America).	Mount Pleasant, Pa.	Feb. 25, 1977	Feb. 22, 1977	TA-W-1,809	Handcrafted glassware.
Stride Rite Manufacturing Co. (workers).	Lawrence, Mass.	Feb. 28, 1977	Feb. 25, 1977	TA-W-1,810	Children's shoes.
Terex Division, General Motors (UAW).	Hudson, Ohio	Mar. 14, 1977	Mar. 11, 1977	TA-W-1,811	Off-the-road equipment.
Tyson Bearing Co. (U.S.A.)	Massillon, Ohio.	Mar. 10, 1977	Mar. 9, 1977	TA-W-1,812	Tapered bearings.
Doug & Neil Yeaman (workers).	Aransas Pass, Tex.	Mar. 14, 1977	Mar. 10, 1977	TA-W-1,813	Catching and selling of shrimp.

[FR Doc.77-9847 Filed 4-4-77;8:45 am]

[TA-W-1352]

AIRWAY MANUFACTURING CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1352: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 1, 1976 in response to a worker petition received on December 1, 1976 which was filed by the United Steelworkers of America on behalf of workers and

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former workers producing hydraulic fittings at the Olivet, Michigan plant of Airway Manufacturing Company.

The Notice of Investigation was published in the FEDERAL REGISTER on January 4, 1977 (42 FR 866). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Airway Manufacturing Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that the first three criteria have been met, but criterion (4) has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average annual employment of production workers at the Olivet plant declined 11 percent in the last half of 1975 compared to the same period in 1974. Average employment declined 19 percent in the first 11 months of 1976 compared to the first 11 months of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Annual sales by the Olivet plant decreased 15 percent in value in 1975 compared to 1974. Sales decreased 18 percent in the first three quarters of 1976 compared to the first three quarters of 1975.

Production data was not made available.

INCREASED IMPORTS

Airway produces threaded and flanged hydraulic fittings. Hydraulic fittings are not separately identified in the import statistics. They are included in the various categories of steel pipe fittings. All hydraulic fittings under the various categories of steel pipe fittings are somewhat like or directly competitive with each other. However, hydraulic fittings contained in the category of "carbon and stainless steel forged flanges; and forged steel threaded and socket weld fittings" are most like those produced by Airway. Therefore, import data is presented for both the best available statistics on articles considered competitive with hydraulic fittings and the best available statistics on articles most like those produced at the Airway plant.

Imports of all steel pipe fittings increased from 75.0 million pounds in 1971 to 79.9 million pounds in 1972 then decreased to 64.8 million pounds in 1973. Imports increased to 114.1 million pounds in 1974 and further increased to 185.9 million pounds in 1975. In the first 9 months of 1976 imports decreased 39.7 percent in quantity compared to the like period in 1975, from 147.4 million pounds to 88.9 million pounds.

The ratio of imports to domestic production of all steel pipe fittings increased from 21.4 percent in 1971 to 45.3 percent in 1975. In the first 9 months of 1976 the ratio of imports to domestic production of all steel pipe fittings increased to 48.2 percent from 45.3 percent in the first 9 months of 1975.

Imports of carbon and stainless steel forged flanges; and forged steel threaded and socket weld fittings and unions increased from 28.8 million pounds in 1971 to 30.7 million pounds in 1972, then decreased to 21.6 million pounds in 1973. Imports increased to 57.2 million pounds in 1974 and further increased to 123.8 million pounds in 1975. In the first 9 months of 1976 imports decreased 46.7 percent compared to the first 9 months of 1975, from 98.4 million pounds to 52.4 million pounds.

The ratio of imports to domestic production of carbon and stainless steel forged flanges; and forged steel threaded and socket weld fittings and unions increased from 14.7 percent in 1971 to 16.1 percent in 1972, then decreased to 12.3 percent in 1973. The import to production ratio increased to 29.2 percent in 1974 and further increased to 61.8 percent in 1975. The ratio decreased from 62.4 percent in the first 9 months of 1975 to 58.6 percent in the first 9 months of 1976. The import penetration ratio in the first 9 months of 1976 was 119 percent greater than the average of the import penetration ratios for the years 1971 through 1975.

CONTRIBUTED IMPORTANTLY

The Office of Trade Adjustment Assistance contacted customers of Airway to determine if they had switched from the hydraulic fittings made at the Olivet plant to imports. None of the customers reported buying any imported hydraulic fittings.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with hydraulic fittings produced at the Olivet, Michigan plant of Airway Manufacturing Company did not contribute importantly to the total or partial separation of workers at the plant as required by Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 25th day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-9963 Filed 4-4-77;8:45 am]

AMERACE CORP., ET AL.

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 11, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 11, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 22nd day of March 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Amerace Corp., ESNA Division (UAW).	Union, N.J.	Mar. 21, 1977	Mar. 18, 1977	TA-W-1,843	Stainless steel, monel, and aluminum nuts.
Lori Charles Sportswear (ILGWU).	Luzerne, Pa.	Mar. 22, 1977	Mar. 16, 1977	TA-W-1,844	Dresses.
Connellsville Sportswear Co. (A.C.T.W.U.).	Connellsville, Pa.	Mar. 21, 1977	Mar. 18, 1977	TA-W-1,845	Men's slacks.
CTS Corp. (UAW)	Elkhart, Ind	do	Mar. 16, 1977	TA-W-1,846	Electronic and electromechanical components.
Harris Composition Systems Div. (Company).	Winchester, Va.	do	do	TA-W-1,847	Typesetting matrices.
International Shoe Co. (workers).	St. Louis, Mo.	do	Feb. 17, 1977	TA-W-1,848	Ladies', men's, and juvenile shoes.
Jonart Manufacturing (ILGWU).	Wilkes-Barre, Pa.	Mar. 22, 1977	do	TA-W-1,849	Dresses.
Karen Manufacturing (ILGWU).	Sweet Valley, Pa.	do	Mar. 15, 1977	TA-W-1,850	Do.
Kenneth Manufacturing Co. (ILGWU).	Wilkes-Barre, Pa.	Mar. 22, 1977	Mar. 15, 1977	TA-W-1, 851	Do.
Kingston Fashions (ILGWU).	Kingston, Pa.	do	do	TA-W-1, 852	Do.
L.A. Dress (ILGWU)	Wilkes-Barre, Pa.	do	do	TA-W-1, 853	Do.
LBJ Garment (ILGWU)	Larksville, Pa.	do	do	TA-W-1, 854	Do.
Leslie Fashions (ILGWU)	Plains, Pa.	do	Mar. 16, 1977	TA-W-1, 855	Do.
Leslie Fay (ILGWU)	Wilkes-Barre, Pa.	do	do	TA-W-1, 856	Do.
Littzi Fashions (ILGWU)	Pringle, Pa.	do	do	TA-W-1, 857	Do.
Lyndwood Fashions (ILGWU).	Wilkes-Barre, Pa.	do	do	TA-W-1, 858	Sportswear.
Maner Sportswear (ILGWU).	Sugar Notch, Pa.	do	do	TA-W-1, 859	Dresses.
Michele Sportswear (ILGWU).	Dallas, Pa.	do	do	TA-W-1, 860	Sportswear.
Parson Fashions (ILGWU)	Parsons, Pa.	Mar. 22, 1977	Mar. 17, 1977	TA-W-1,861	Dresses.
Penn State Belt & Buckle (ILGWU).	Wilkes-Barre, Pa.	do	Mar. 16, 1977	TA-W-1,862	Belts and buckles.
Plains Blouse (ILGWU)	Plains, Pa.	do	do	TA-W-1,863	Blouses.
Plymouth Dress (ILGWU)	Nanticoke, Pa.	do	Mar. 15, 1977	TA-W-1,864	Dresses.
Do.	Plymouth, Pa.	do	do	TA-W-1,865	Do.
R. & K. Apparel (ILGWU)	do	do	do	TA-W-1,866	Do.
Riverside Novelty Printers, Inc. (Machine Printers & Engravers Association).	Paterson, N.J.	Mar. 21, 1977	Mar. 16, 1977	TA-W-1,867	Textile printing on fabrics.
Walk-Over/John E. Lucey Division (workers).	Bridgewater, Mass.	do	Mar. 18, 1977	TA-W-1,868	Men's dress shoes.

[FR Doc.77-9848 Filed 4-4-77;8:45 am]

[TA-W-1560]

BERMAN MANUFACTURING COMPANY, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1560: investigation regarding certification of eligibility to apply for worker assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 10, 1977 in response to a worker petition received on that date which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers engaged in employment related to the production of women's slacks, jackets, vests, skirts, and blouses at the Berman Manufacturing Company, Inc., South River, New Jersey.

The notice of investigation was published in the FEDERAL REGISTER on January 25, 1977 (42 FR 4555). No public hearing was requested, and none was held.

The information upon which the determination was made was obtained principally from officials of the Berman Manufacturing Company, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or threatened to become totally or partially separated;

(2) That sales or production, or both of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of production workers at the Berman Manufacturing Company, Inc. decreased 4 percent from 1974 to 1975, and decreased another 4 percent from 1975 to 1976.

Average weekly hours worked by production workers at the Berman Manufacturing Company, Inc. increased 1 percent from 1974 to 1975 and decreased 13 percent from 1975 to 1976.

Average employment of salaried workers at Berman Manufacturing Company, Inc. remained constant from 1974 to 1975, then decreased 25 percent from 1975 to 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales at the Berman Manufacturing Company, Inc. decreased 17 percent in value from 1974 to 1975, and 17 percent from 1975 to 1976.

Production of the Berman Manufacturing Company, Inc. increased 3 percent in quantity from 1974 to 1975, and decreased 26 percent from 1975 to 1976.

INCREASED IMPORTS

Imports of women's, misses', and children's slacks and shorts decreased absolutely from 1972 to 1973 and from 1973 to 1974, then increased 13 percent from 1974 to 1975 and 10 percent from 1975 to 1976. The ratio of imports to domestic production increased from 30.3 percent in 1974 to 32.1 percent in 1975.

Imports of women's, misses', and children's coats and jackets increased absolutely from 1972 to 1973, decreased from 1973 to 1974, then increased 3 percent from 1974 to 1975 and 48 percent from 1975 to 1976. The ratio of imports to domestic production increased from 30.9 percent in 1974 to 31.1 percent in 1975.

Imports of women's, misses', and children's skirts decreased absolutely from 1972 to 1973 and from 1973 to 1974, then increased 100 percent from 1974 to 1975 and 54 percent from 1975 to 1976. The ratio of imports to domestic production increased from 4.9 percent in 1974 to 8.3 percent in 1975.

Imports of women's, misses' and children's blouses and shirts increased absolutely in each year compared to the previous year from 1973 through 1976. Imports increased 27 percent absolutely from 1974 to 1975 and 16 percent from 1975 to 1976. The ratio of imports to domestic production increased from 56.0 percent in 1974 to 65.0 percent in 1975.

CONTRIBUTED IMPORTANTLY

One of Berman Manufacturing Company, Inc.'s customers accounts for 90 percent of Berman's sales. This customer indicated that they decreased the number of garments they contracted out to be sewn and pressed at the Berman Manufacturing Company, Inc. due to a decline in their sales, which they attribute to a switch on the part of their customers from domestic women's sportswear to imported women's sportswear.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's slacks, jackets, vests, skirts, and blouses at the Berman Manufacturing Company, Inc., South River, New Jersey contributed importantly to the total or partial separation of the workers at that plant. In accord-

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ance with the provisions of the Act, I make the following certification:

All workers at the Berman Manufacturing Company, Inc., South River, New Jersey, who became totally or partially separated from employment on or after December 23, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 25th day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-9964 Filed 4-4-77;8:45 am]

[TA-W-1,269]

BONNIE FASHIONS CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance; Correction

In FR Doc. 76-35795 appearing at page 53554 in the FEDERAL REGISTER of December 7, 1976, the date of the petition, appearing on page 53554, is corrected in the 22nd and 23rd lines from the bottom of the 1st column to read "October 18, 1976."

Signed at Washington, D.C., this 24th day of March 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-9965 Filed 4-4-77;8:45 am]

BRONCO BILL II WORKERS ET AL.

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 11, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 11, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 21st day of March 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Bonco Bill II (workers)	Port Isabel, Tex.	Mar. 18, 1977	Mar. 14, 1977	TA-W-1,838	Catching and selling of shrimp.
Classic Trim, Inc. (ILGWU)	New York, N.Y.	Mar. 17, 1977	do	TA-W-1,814	Textile trimmings, novelty stitches, tucking, smocking, and pleatings.
Coastal Ice & Fuel (workers)	Brownsville, Tex.	Mar. 15, 1977	Mar. 6, 1977	TA-W-1,815	Catching and selling of shrimp.
Hyde Park Foundry & Machine Co. (USA)	Hyde Park, Pa.	Mar. 17, 1977	Feb. 18, 1977	TA-W-1,816	Grey iron rolls.
International Shoe Co. (workers)	Belle, Mo.	Mar. 15, 1977	Mar. 8, 1977	TA-W-1,817	Women's shoes.
Optal Corp., (workers)	Princeton, N.J.	Mar. 16, 1977	Mar. 14, 1977	TA-W-1,819	Electronic digital watches.
Plymouth Tube Co. (USA)	Dunkirk, N.Y.	Mar. 15, 1978	Mar. 1, 1977	TA-W-1,820	High specialty stainless tubing.
R. M. Fashions (ILGWU)	Wilkes-Barre, Pa.	Mar. 18, 1978	Mar. 15, 1977	TA-W-1,821	Dresses.
Ricky Fashions (ILGWU)	do	do	Mar. 16, 1977	TA-W-1,822	Do.
Ronnie Dress (ILGWU)	Shickshinny, Pa.	do	do	TA-W-1,823	Do.
Rosemarie Dress No. 2 (ILGWU).	Wilkes-Barre, Pa.	do	Mar. 15, 1977	TA-W-1,824	Do.
Rosmar Manufacturing (ILGWU).	do	do	Mar. 16, 1977	TA-W-1,825	Sportswear.
Rozanne Fashions (ILGWU).	Plymouth, Pa.	do	do	TA-W-1,826	Dresses.
San Sue Frocks (ILGWU)	Nanticoke, Pa.	do	Mar. 15, 1977	TA-W-1,827	Do.
Sea Isle Sportswear (ILGWU).	Glen Lyon, Pa.	do	Mar. 16, 1977	TA-W-1,828	Sportswear.
Do	Wilkes-Barre, Pa.	do	do	TA-W-1,829	Do.
Sea Life Ice & Fuel (workers)	Brownsville, Tex.	Mar. 15, 1977	Mar. 6, 1977	TA-W-1,830	Catching and selling of shrimp.
Sharmat, Inc. (ILGWU)	Luzerne, Pa.	Mar. 18, 1977	Mar. 16, 1977	TA-W-1,831	Dresses.
Sharon Lee Apparel Co. (ILGWU).	Plains, Pa.	do	do	TA-W-1,818	Do.
Slocum Dress (ILGWU)	Luzerne, Pa.	do	do	TA-W-1,832	Do.
Stanley Manufacturing (ILGWU).	Wilkes-Barre, Pa.	do	do	TA-W-1,833	Women's apparel.
Stelmar Manufacturing (ILGWU).	do	do	do	TA-W-1,834	Sportswear.
Tina Dress (ILGWU)	do	do	Mar. 15, 1977	TA-W-1,835	Women's pantsuits.
Val Sportswear (ILGWU)	do	do	Mar. 16, 1977	TA-W-1,836	Dresses.
Valley Fashions (ILGWU)	Kingston, Pa.	do	do	TA-W-1,837	Do.
West Side Mfg. (ILGWU)	Luzerne, Pa.	do	do	TA-W-1,839	Do.
Whitinsville Spinning Ring Co. (workers).	Whitinsville, Mass.	Feb. 23, 1977	Feb. 18, 1977	TA-W-1,840	Textile spinning and twister rings for cotton and wool spinning.
Wilkes-Barre Apparel Co., Inc. (ILGWU).	Wilkes-Barre, Pa.	Mar. 18, 1977	Mar. 16, 1977	TA-W-1,841	Dresses.
Do	Noxen, Pa.	do	do	TA-W-1,842	Do.

[FR Doc.77-9846 Filed 4-4-77;8:45 am]

[TA-W-1405]

ELECTRALLOY CORP.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 222 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1405: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 14, 1976 in response to a worker petition received on December 14, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing stainless steel ingots at the Electralloy Corporation in Oil City, Pennsylvania.

The Notice of Investigation was published in the FEDERAL REGISTER on January 4, 1977 (42 FR 877). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Electralloy Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, the investigation has revealed that criterion (3) has not been met.

FINDINGS OF THE INVESTIGATION

Electralloy Corporation produces stainless steel ingots for the specialty steel industry. Electralloy was previously investigated and denied on May 24, 1976 (see TA-W-760) because imports of stainless ingots, blooms, billets, slabs, castings and sheet bars were declining and customers of Electralloy did not purchase imports. The Department's investigation has revealed that imports of stainless ingots, blooms, billets, slabs, castings and sheet bars are still declining.

The tonnage volume of imports of stainless steel ingots, blooms, billets, slabs, castings and sheet bars declined 30.3 percent from 1972 to 1973 and increased 43.5 percent from 1973 to 1974. Imports of stainless steel ingots, blooms, billets, slabs, castings and sheet bars declined 39.3 percent from 1974 to 1975 and further declined 64.9 percent from 1975 to 1976. The ratio of imports to domestic shipments of stainless steel ingots, blooms, billets, slabs, castings and sheet bars declined from 27.4 percent in 1972 to 15.6 percent in 1973. The ratio increased to 17.8 percent in 1974, then decreased to 13.1 percent in 1975 and 4.9 percent in 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that articles like or directly competitive with stainless steel ingots produced at the Electralloy Corporation in Oil City, Pennsylvania are not being imported in increased quantities, either absolute or relative to domestic production; as required by Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 25th day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-9966 Filed 4-4-77;8:45 am]

[TA-W-1526]

ELECTRO MOTIVE CORP.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1526: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 28, 1976 in response to a worker petition received on December 28, 1976 which was filed by the Communication Workers of America on behalf of workers and former workers producing capacitors at Electro Motive Corporation, Florence, South Carolina.

The notice of investigation was published in the FEDERAL REGISTER on January 18, 1977 (42 FR 3371). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Electro Motive Corporation and its customers, the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATION

Employment in the Mica Division declined 9.3 percent in the last four weeks of 1976. Employment in the Trimmer Division declined in each quarter of 1976 compared to the previous quarters. Employment in the fourth quarter of 1976, in the Trimmer Division, was 18.9 percent lower than in the first quarter of 1976. Employment in the Film Division declined 9.9 percent from 1975 to 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Total shipments of fixed mica and film capacitors which includes subassemblies imported from Electro Motive's Haiti plant increased from 1975 to 1976. Shipments of mica capacitors from Haiti increased 93.1 percent from 1975 to 1976. Shipments of film capacitors from Haiti increased 156.3 percent in the last nine months of 1976 compared to the same period in 1975. Adjusted shipments, discounting Haiti production, of fixed mica and film capacitors decreased 23.9 percent and 19.7 percent, respectively from 1975 to 1976.

Production of variable capacitors (padders and trimmers) began in Florence in mid 1975. Production declined in each quarter from the second quarter of 1976 through the fourth quarter of 1976 compared to the previous quarter. Production declines in those three quarters were 21.2 percent, 6.0 percent, and 24.0 percent, respectively.

INCREASED IMPORTS

Imports, by value, of paper and film capacitors increased 89.2 percent from 1975 to 1976. Imports, by value, of mica capacitors increased 4.0 percent from 1975 to 1976. Imports, by value, of variable capacitors increased 37.0 percent from 1975 to 1976.

CONTRIBUTED IMPORTANTLY

Operations at Electro Motive's plant in Haiti have been increasing in recent months. Production equipment has been transferred from Florence, South Carolina to Haiti, and subassembly production of mica and film capacitors has been increasingly transferred offshore.

With the initial transfer of operations to Haiti and increased capacitor sales due to the offshore production, the work load at the Florence plant (in 1976) was temporarily increased. As subassembly operations are further increased and more operations are transferred to Haiti, labor requirements in Florence are necessarily reduced. With the transfer of machinery to Haiti, a smaller number of the manual functions required in making capacitors are being performed at the Florence plant. Although development, testing, finishing and shipping operations continue to be conducted in Florence, South Carolina, the total labor force at that plant has been scaled down as a result of increased offshore production. While current employment levels reflect the transfer of subassembly operations to Haiti, there exists a threat of further employment displacement since other operations are scheduled to be transferred in the future.

Trimmer Division employees have been directly affected by increased imports of variable capacitors. Customers of Electro Motive stated that imports have ex-

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erted a great influence in the capacitor market in recent years. Customers indicated that their purchases of imported capacitors, bought either directly or indirectly, increased from 1975 to 1976. Customer orders from Electro Motive that were reduced were replaced by imported capacitors.

CONCLUSION

After careful review of the fact obtained in the investigation, I conclude that increases of imports like or directly competitive with mica, film and variable capacitors produced at Electro Motive Corporation, Florence, South Carolina contributed importantly to the total or partial separations of the workers at that plant. In accordance with the provisions of the Act, I make the following certifications:

"All workers at the Mica Division, Electro Motive Corporation, Florence, South Carolina who became totally or partially separated from employment on or after December 19, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."; and "All workers at the Film Division, the Trimmer Division and all plant-wide personnel of Electro Motive Corporation, Florence, South Carolina separated from employment on or after December 2, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 24th day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-9967 Filed 4-4-77;8:45 am]

[TA-W-1188]

JEFF RICHARD, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1188: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 19, 1976 in response to a worker petition received on October 19, 1976 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing girls' slacks at Hatboro, Pennsylvania; Philadelphia, Pennsylvania and the New York, New York facilities of Jeff Richard, Inc.

The Notice of investigation was published in the FEDERAL REGISTER on November 5, 1976 (41 FR 48812). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Jeff Richard, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely; and

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard as to whether any of the other criteria have been met, criterion (2) has not been met with respect to girls' slacks, coveralls, jumpers, or skirts.

FINDINGS OF THE INVESTIGATION

The petitioning group of workers were engaged in employment related to the production of girls' slacks, coveralls, jumpers and skirts at the Hatboro and Philadelphia, Pennsylvania production facilities. Girls' slacks accounted for 80 percent of production in 1976. Production workers are used interchangeably in the production of girls' slacks, coveralls, jumpers and skirts.

Sales by Jeff Richard, Inc. increased 2.3 percent in value and 8.1 percent in quantity in the fourth quarter of 1975 compared to the like quarter in 1974 and increased 42.4 percent in value and 20.3 percent in quantity in 1976 compared to 1975. Sales equal production.

CONCLUSION

It is concluded that sales of girls' slacks, coveralls, jumpers and skirts produced at the Hatboro, Pennsylvania; the Berkley Street, Philadelphia, Pennsylvania and the 112 W 34th Street, New York, New York facilities of Jeff Richards, Inc., have not declined as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 25th day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-9971 Filed 4-4-77;8:45 am]

[TA-W-1323]

LADISH CO.

Negative Determination Regarding Eligibility To Apply for Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1323: investigation regarding eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 30, 1976 in response to a worker petition received on November 30, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing valves and fittings at the Cynthiana, Kentucky plant of Ladish Company, Kentucky Division.

The Notice of Investigation was published in the FEDERAL REGISTER on December 14, 1976 (41 FR 54560). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Ladish Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first (3) criteria have been met, the fourth criterion has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average annual employment of workers at the Cynthiana, Kentucky plant declined 20.1 percent in the first 11 months of 1976 compared to the first 11 months of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of valves by the Cynthiana, Kentucky plant decreased 6.4 percent in quantity in the first 11 months of 1976 compared to the first 11 months of 1975. Sales of fittings by the Cynthiana, Kentucky plant decreased 27.0 percent in quantity in the first 11 months of 1976 compared to the first 11 months of 1975.

Production of valves at the Cynthiana, Kentucky plant decreased 16.0 percent in quantity in the first 11 months of 1976 compared to the first 11 months of 1975. Production of fittings at the Cynthiana, Kentucky plant decreased 52.8 percent in quantity in the first 11 months of 1976 compared to the first 11 months of 1975.

INCREASED IMPORTS

Imports of valves, all hand-operated and check, increased each year between 1971 and 1975, from $30.3 million in 1971 to $114.5 million in 1975. Imports decreased 2.8 percent in the first 9 months of 1976 compared to the like period of 1975, from $89.8 million to $87.3 million.

Imports of steel pipe fittings increased from 75.0 million pounds in 1971 to 79.9 million pounds in 1972 then decreased to 64.8 million pounds in 1973. Imports increased in 1974 to 114.1 million pounds and increased again in 1975 to 185.9 million pounds. Imports decreased 39.7 percent in the first 9 months of 1976 compared to the like period of 1975, from 147.4 million pounds to 88.9 million pounds. The ratio of imports to domestic production of steel pipe fittings increased from 45.3 percent in the first 9 months of 1975 to 48.2 percent in the first 9 months of 1976.

CONTRIBUTED IMPORTANTLY

Most customers of the Cynthiana plant of Ladish Company that were surveyed indicated that they did not purchase imported valves or fittings. None of the customers had decreased purchases from Ladish and switched to imports.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with valves and fittings produced at the Cynthiana, Kentucky plant of Ladish Company, Kentucky Division did not contribute importantly to the total or partial separation or workers at the plant as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 25th day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-9968 Filed 4-4-77;8:45 am]

[TA-W-1578]

NATIONAL SUPPLY CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor herein presents the result of TA-W-1578: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 9, 1977 in response to a worker petition received on January 9, 1977 which was filed by the United Steelworkers of America on behalf of workers and former workers producing steel triplex pumps, slush pumps, converters and cranes, at the Gainesville, Texas plant of National Supply Company, a division of Armco Steel Corporation.

The notice of investigation was published in the FEDERAL REGISTER on January 28, 1977 (42 FR 5454). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of National Supply Company, the United Steelworkers of America, U.S. Customs officials and industry sources.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof, have increased either actual, or relative to domestic production, and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any other criteria have been met, criterion (3) has not been met.

Evidence developed in the Department's investigation reveals that there are no known imports of steel triplex pumps, slush pumps, converters and cranes, commonly called pumping systems, like or directly competitive with pumping systems produced by the Gainesville, Texas plant of National Supply Company.

CONCLUSION

After careful review of the facts obtained in the investigation, I concluded that imports of steel triplex pumps, slush pumps, converters and cranes like or directly competitive with those produced at the Gainesville, Texas plant of National Supply Company have not increased as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 25th day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-9969 Filed 4-4-77;8:45 am]

[TA-W-1267]

ROYAL TYPEWRITER CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1267: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 15, 1976 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing typewriters at the Royal Typewriter Company, Hartford, Connecticut, a division of Litton Industries. During the course of the investigation it was established that since 1973 all workers in the Manufacturing and Engineering Division of the Royal Typewriter Company, Hartford, Connecticut, have been engaged in employment related to the product development, assembly, and refurbishment of electrostatic photocopiers and text editing typewriter systems and to the refurbishment of console bond photocopiers.

The notice of investigation was published in the FEDERAL REGISTER on December 3, 1976 (41 FR 53096). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Royal Typewriter Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that with respect to photocopiers criteria (1), (2), and (4) have not been met and that with respect to editing typewriters criteria (1) and (3) have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employees in the Manufacturing and Engineering Division of the Royal Typewriter Company, Hartford, Connecticut work on photocopiers and text editing typewriter systems. The average number of production workers in the Manufacturing and Engineering Division declined 25 percent from 1973 to 1974 and increased by 58 percent from 1974 to 1975 and by 30 percent from 1975 to

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1976. Total division employment decreased 28 percent from 1973 to 1974 and rose by 19 percent from 1974 to 1975 and by 22 percent from 1975 to 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Unit production of new, desktop, electrostatic copiers at Hartford declined by 75 percent from 1973 to 1974 and increased by 106 percent from 1974 to 1975 and 89 percent from 1975 to 1976. Unit production of new, console, electrostatic copiers decreased by 65 percent from 1973 to 1974 and by 86 percent from 1974 to 1975. Production of console electrostatic copiers ceased completely in April 1975. Unit production of new text editing typewriter systems increased 902 percent from 1974 to 1975 and decreased 84 percent from 1975 to 1976. Production of text editing typewriter systems began in August 1974 and ceased in June 1976.

INCREASED IMPORTS

The dollar value of domestic production and imports of photocopy equipment, including electrostatic and bond copiers, increased annually from 1972 through 1976. Imports rose from $86.4 million in 1975 to $117.9 million in 1976. The ratio of imports to domestic production rose from 3.9 percent in 1975 to 5.0 percent in 1976.

Imports of editing typewriters are negligible, comprising less than one percent of domestic production during 1975 and 1976. Imports declined from 11,479 units valued at $7.1 million in 1974 to 3,124 units valued at $4.2 million in 1975 and increased to 3,722 units valued at $5.0 million in 1976. Domestic production increased annually from $383.2 million in 1974 to $608.3 million in 1976. The ratio of the dollar value of imports compared to the dollar value of domestic production declined from 1.9 percent in 1974 to .8 percent in 1975 and remained unchanged at .8 percent in 1976.

CONTINUED IMPORTANTLY

Following the transfer of its typewriter production to overseas company plants in 1972, Royal shifted its manufacturing operations at Hartford into the photocopier market and later expanded into the word processing market. Since mid-1975 workers in the Manufacturing and Engineering Division at Hartford have assembled and refurbished desktops electrostatic copiers and text editing typewriter systems and have refurbished older models of Royal's imported console bond copier.

Customers who leased or bought copiers from the Royal Typewriter Company had not shifted fro mRoyal's electrostatic copiers to imported electrostatic copiers in 1976. Most of the customers contacted had selected Royal based on competitive bids and had made long term rental arrangements with Royal. Customers indicated that Royal was generally price competitive in the electrostatic copier and bond copier markets and that Royal offered good maintenance and repair services through its regional offices in the U.S.

Unit imports by Royal of new console bond copiers declined annually from 1974 through 1976. Company imports of desktop bond copiers, which began in October 1975, rose in units from 1975 to 1976. In 1976, unit imports of desktop bond copiers amounted to less than 15 percent of the number of new desktop electrostatic copiers made at Hartford.
had not shifted from Royal's electrostatic

Unit production of desktop electrostatic copiers, which accounted for about 65 percent of total hours worked in 1976, increased 89 percent from 1975 to 1976. Refurbishing activities on electrostatic copiers were expanded in late 1975 to include refurbishing of older model console bond copiers. Refurbishing operations at Hartford accounted for about 30 percent of total hours worked in 1976.

The increased production and the expanded refurbishing activities in the Manufacturing and Engineering Division caused total division employment to rise annually from 1974 through 1976. Quarterly employment increased steadily from the fourth quarter of 1974 through the second quarter of 1976. The division layoffs which occurred in mid-1976 were attributable primarily to a company-wide reorganization instituted by the new company president. Declines in division employment since mid-1976 were due to normal attrition and a company-wide hiring freeze.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the photocopy equipment and text editing typewriter systems produced in the Manufacturing and Engineering Division of the Royal Typewriter Company, Hartford, Connecticut did not contribute importantly to the total or partial separation of the workers at such plant.

Signed at Washington, D.C. this 25th day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-9972 Filed 4-4-77;8:45 am]

[TA-W-1520]

RUBBER CORPORATION OF ARKANSAS

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1520: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 27, 1976 in response to a worker petition received on December 27, 1976 which was filed on behalf of workers and former workers producing rubber/canvas footwear at the DeQueen, Arkansas plant of the Rubber Corporation of Arkansas.

The notice of investigation was published in the FEDERAL REGISTER on January 18, 1977 (42 FR 3379). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Rubber Corporation of Arkansas, its customers, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers employed at the Rubber Corporation of Arkansas declined 5.1 percent in 1975 compared to 1974 and 32.9 percent in 1976 compared to 1975.

The average number of salaried workers employed at the Rubber Corporation of Arkansas remained constant in 1975 compared to 1974 and then declined 6.7 percent in 1976 compared to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of rubber/canvas footwear by the Rubber Corporation of Arkansas declined 4.7 percent in 1975 compared to 1974 and 44.5 percent in 1976 compared to 1975.

INCREASED IMPORTS

Imports of rubber/canvas footwear declined absolutely and relatively in 1972 compared to 1971 and then increased absolutely and relatively in 1973 compared to 1972. Imports increased absolutely and relatively in 1974 compared to 1973 and then decreased absolutely and relatively in 1975 compared to 1974. Imports of rubber/canvas footwear increased 17.5 percent in the first nine months of 1976 compared to the same period in 1975. The ratios of imports to domestic production and consumption increased from 18.3 percent and 15.5 percent, respectively, in the first nine months of 1975 to 25.4 percent and 20.2 percent, respectively, in the first nine months of 1976.

Imports of athletic footwear increased absolutely and relatively in 1972 compared to 1971 and then increased absolutely but declined relatively in 1973 compared to 1972. Imports increased absolutely and relatively in 1974 compared to 1973 and in 1975 compared to 1974. Imports of athletic footwear increased 118.6 percent in the first nine months of 1976 compared to the first nine months of 1975. The ratios of imports to domestic production and consumption increased from 203.9 percent and 67.1 percent respectively, in the first nine months of 1975, to 333.3 percent and 76.9 percent, respectively, in the first nine months of 1976.

CONTRIBUTED IMPORTANTLY

Customers of the Rubber Corporation of Arkansas indicated that they have switched purchases from the Rubber Corporation of Arkansas to imported sport-style (athletic) shoes.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the rubber/canvas footwear produced by the DeQueen, Arkansas plant of the Rubber Corporation of Arkansas contributed importantly to the total or partial separations of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the DeQueen, Arkansas plant of the Rubber Corporation of Arkansas who became totally or partially separated from employment on or after December 6, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 25th day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-9973 Filed 4-4-77;8:45 am]

[TA-W-1577]

UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1577: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 7, 1977 in response to a worker petition received on January 7, 1977 which was filed on behalf of workers and former workers of the United Automobile, Aerospace and Agriculture Implement Workers of America, Local No. 72, Kenosha, Wisconsin.

The notice of investigation was published in the FEDERAL REGISTER on January 28, 1977 (42 FR 5456). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of American Motors Corporation Local No. 72, U.A.W. and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

If any of the above criteria is not satisfied, a negative determination must be made.

Local No. 72, U.A.W. does not produce an article within the meaning of Section 222(3) of the Act and this Department has already determined that the performance of services are not covered by the adjustment assistance program. See Notice of Determination in Pan American World Airways, Incorporated (TA-W-153, 40 FR 54639). The only question in this case is whether American Motors Corporation, i.e., a firm which produces an article, namely automobiles and for whom the service is provided, can be considered the "workers' firm". The Department has also previously determined that an independent firm for which such services are provided cannot be considered the "workers' firm". See Notice of Determination in Nu-Car Driveaway, Incorporated (TA-W-393, 41 FR 12749).

Local No. 72, United Automobile, Aerospace and Agriculture Implement Workers of America represents the workers at American Motors Corporation, Kenosha, Wisconsin. The petition was filed on behalf of two secretaries employed at the Financial and Recording Office at the Local No. 72, U.A.W. Their job responsibilities included collecting monthly union dues, recording all changes of each member's status, maintaining membership grievance records and taking minutes at all meetings.

The secretaries' jobs were confined to union business. The secretaries were employed by Local No. 72, U.A.W. and were at no time under the employ or supervision of American Motors Corporation. The union employees were not responsible for performing any tasks for American Motors Corporation.

Salaries were paid by Local No. 72 and no salary benefits were received from American Motors Corporation. American Motors has no power or authority over employees of the union. The president of Local No. 72, U.A.W. has the power to hire and lay off employees of the union.

CONCLUSION

After careful review of the issues and facts involved, I have determined that services of the kind provided by Local No. 72, United Automobile, Aerospace and Agricultural Implement Workers of America, Kenosha, Wisconsin are not "articles" within the meaning of Section 222(3) of the Trade Act of 1974, and that the American Motors Corporation cannot be considered the "workers' firm". The petition for trade adjustment assistance is, therefore, denied.

Signed at Washington, D.C. this 25th day of March, 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-9974 Filed 4-4-77;8:45 am]

[TA-W-1291]

UNITED STATES METALS REFINING CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1291: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 17, 1976 in response to a worker petition received on that date which was filed by the United Steel Workers of America on behalf of workers and former workers producing refined copper at the Carteret, New Jersey plant of United States Metals Refining Company.

The notice of investigation was published in the FEDERAL REGISTER (41 FR 53097) on December 3, 1976. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of U.S. Metals Refining Company, its customers, the U.S. Department of the Interior, industry analysis and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased

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quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that although the first (3) criteria have been met, the fourth criterion has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers decreased 10 percent in 1975 compared to 1974, then decreased 15 percent in 1976 compared to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Company sales of refined copper decreased in quantity 15 percent in 1975 compared to 1974, then increased 44 percent (estimated) in 1976 compared to 1975. Company production of refined copper increased 4 percent in 1974 compared to 1973, decreased 21 percent in 1975 compared to 1974, then decreased 11 percent in 1976 compared to 1975.

INCREASED IMPORTS

Imports of refined copper increased absolutely and relative to domestic production each year from 1972 through 1974 compared to the previous year. These imports decreased 53 percent in 1975 compared to 1974, then increased 291 percent in the first 9 months of 1976 compared to the like period of 1975. The ratio of imports to domestic production decreased from 14.6 percent in 1974 to 8.2 percent in 1975, then increased from 6.0 percent in the first 9 months of 1975 to 22.6 percent in the like period of 1976.

CONTRIBUTED IMPORTANTLY

Declines in production, sales, and employment are due *in part* to a shortage of scrap feed material for electrolytic copper refining operations.

United States Metals Refining Company sells much of its refined copper to the Commodities Exchange. Increased imports of refined copper therefore would affect company sales in value as prices drop, but would not affect company sales in quantity.

Consumer customers who were surveyed, representing approximately 65 percent of U.S. Metals Refining Company's sales in value in 1976, stated that they have not switched purchases from U.S. Metals Refining Company to imports.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports like or directly competitive with refined copper produced at the Carteret, New Jersey plant of United States Metals Refining Company did not contribute importantly to the total or partial separation of the workers of that plant.

Signed at Washington, D.C. this 25th day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-9975 Filed 4-4-77;8:45 am]

[TA-W-1317]

WILLIAM POWELL MANUFACTURING CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1317: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 30, 1976 in response to a worker petition received on November 30, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing industrial valves at the Cincinnati, Ohio plants of William Powell Manufacturing Company.

The Notice of Investigation was published in the FEDERAL REGISTER on December 21, 1976 (41 FR 55610). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of William Powell Manufacturing Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause, which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first three criteria have been met, the fourth criterion has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at Plant No. 1 (Springrove Avenue) declined 2.2 percent in the first eleven months of 1976 compared to the same period in 1975. The average number of production workers declined 12.6 percent in the last quarter of 1975 compared to the same quarter one year earlier.

The average number of production workers at Plant No. 2 (Colerain Street) increased 4.8 percent in the first eleven months of 1976 compared to the same period in 1975. The average number of production workers increased 1.5 percent in the last quarter of 1975 compared to the same quarter one year earlier.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Plant No. 1 (Springrove Avenue) produces valves three inches or less in diameter. Sales of valves produced at Plant No. 1 declined 9.3 percent in value during the first eleven months of 1976 compared to the same period in 1975.

Sales declined .2 percent in value in the last quarter of 1975 compared to the same period one year earlier.

Plant No. 2 (Colerain Street) produces valves three inches or more in diameter. Sales of valves produced at Plant No. 2 increased 14.0 percent in value in the first eleven months of 1976 compared to the same period in 1975. Sales declined 2.6 percent in value in the last quarter of 1975 compared to the same quarter one year earlier.

Production of valves at Plant No. 1 increased 11.9 percent in quantity in the first eleven months of 1976 compared to the like period in 1975.

Production of valves at Plant No. 2 declined 26.8 percent in quantity in the first eleven months of 1976 compared to the like period in 1975. Production declined 2.5 percent in quantity in the last quarter of 1975 compared to the same quarter one year earlier.

INCREASED IMPORTS

Imports of valves and similar devices in terms of value increased each year from $56.5 million in 1971 to $165.1 million in 1975. Imports further increased from $127.6 million in the first nine months of 1975 to $134.2 million in the first nine months of 1976.

The ratio of imports to domestic production increased from 4.0 percent in 1974 to 4.7 percent in 1975. The ratio of imports to domestic production decreased from 4.9 percent in the first nine months of 1975 to 4.5 percent in the first nine months of 1976.

CONTRIBUTED IMPORTANTLY

Customers of William Powell Company indicated that they did not shift purchases from William Powell to imported sources. Some customers who reduced purchases from William Powell indicated that lack of new construction starts reduced the demand for the type of valves made by William Powell. Some customers indicated that they shifted purchases to other domestic manufacturers whose valves were priced lower than the valves made by William Powell.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the valves produced at Plant No. 1 (Springgrove Avenue) and Plant No. 2 (Colerain Street) of William Powell Manufacturing Company in Cincinnati, Ohio did not contribute importantly to the total or partial separations of workers at the plants as required for certification in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 24th day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-9970 Filed 4-4-77;8:45 am]

[TA-W-1249]

WORCESTER CONTROLS CORP.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1249; investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 9, 1976 in response to a worker petition received on that date which was filed by the United Steelworkers of America on behalf of workers and former workers producing ball valves and actuators at the West Boylston, Massachusetts plant of Worcester Controls Corporation.

The notice of investigation was published in the FEDERAL REGISTER on November 23, 1976 (41 FR 51635). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Worcester Controls Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first three criteria have been met, the fourth criterion has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average annual employment of hourly production workers declined 16.4 percent from 1975 to 1976. Average quarterly employment declined 27.0 percent during the last quarter of 1975 and declined 23.8 percent, 23.4 percent, and 17.1 percent, respectively, during the first three quarters of 1976, as compared to the corresponding quarters of previous years. Employment increased 3.1 percent during the fourth quarter of 1976, as compared to the same quarter of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

The dollar value of total sales declined 25.9 percent, 16.9 percent and 5.0 percent, respectively, during the last quarter of 1975 and the first two quarters of 1976, as compared to the corresponding quarters of previous years. Sales increased 6.6 and 36.7 percent, respectively, during the last two quarters of 1976, as compared to the same quarters of 1975. Production, in terms of units produced declined 22.9 percent from 1974 to 1975 and then declined 3.9 percent from 1975 to 1976. Production declined 34.4 percent, 22.0 percent and 5.6 percent respectively, during the last quarter of 1975 and the first two quarters of 1976, as compared to the corresponding quarters of previous years. Production increased 3.3 percent and 17.5 percent, respectively during the last two quarters of 1976, compared to the same quarters of 1975.

INCREASED IMPORTS

Imports of valves and similar devices increased both absolutely and relatively from 1971 to 1975. During the first nine months of 1976, imports increased 5.2 percent, as compared to the first nine months of 1975. During the same period domestic production increased 12.6 percent. The ratios of imports to domestic production and consumption decreased from 4.9 percent and 5.3 percent, respectively, in the January-September period of 1975 to 4.5 percent and 5.0 percent, respectively, in the same period of 1976. Worcester Controls Corporation imports ball valves, actuators and component parts from corporate facilities located in England. Imports of the above items increased 142.8 percent from 1974 to 1975 and then declined 34.5 percent from 1975 to 1976.

Most imports of valves and similar devises into the U.S. are primarily of the less highly sophisticated, mass produced type. Worcester Controls Corporation manufactures high quality, high priced, specialized valves.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that customers of Worcester Controls have not switched to purchases of imported ball valves and actuators. Customers surveyed indicated that ball valves and actuators manufactured by Worcester Controls are of high quality and that the firm has an established reputation as being one of the leading manufacturers in the field. They attribute their reduced purchases to the general downturn in the economy.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with ball valves and actuators produced at the West Boylston, Massachusetts plant of Worcester Controls Corporation have not contributed importantly to the total or partial separation of the workers at that plant.

Signed at Washington, D.C., this 25th day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-9976 Filed 4-4-77;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and budget on March 29, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

NATIONAL SCIENCE FOUNDATION

Survey of Research and Development in Small Companies, single time, small R. & D.-performing companies, Gaylord Worden, 395-4730.

OVERSEAS PRIVATE INVESTMENT CORPORATION

Political Risk Insurance Market Survey, OPIC-65, single time, individuals, Gaylord Worden, 395-4730.

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DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration, Directory Survey of Criminal Justice Agencies, CJ-37, 38, 39, 40, single time, public criminal justice agencies, Ellett, C. A., 395-5867.

DEPARTMENT OF LABOR

Employment and Training Administration, title VI, Economic Stimulus TWX Report, ETA-3, weekly, State and local agencies, Housing, Veterans and Labor Division, Lowry, R. L., 395-3532.

REVISIONS

VETERANS ADMINISTRATION

Application (Medical) for Reinstatement-Life Insurance/Disability Income Prov., 29-352, on occasion, insured veterans, Caywood, D. P., 395-3443.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, custom work rates, annually, custom operators and farmers, Gaylord Worden, 395-4730.

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration, study of needs and capabilities of county law enforcement agencies, single time, sheriffs and county police departments, Ellett, C.A., 395-5867.

EXTENSIONS

SMALL BUSINESS ADMINISTRATION

Technology Utilization Program—Evaluation Survey, SBA-941, annually, small businesses, Marsha Traynham, 395-4529.

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Qualifications Inquiry—Administrative, Scientific and Technical, Clerical, AEC 581 A, on occasion, personal references listed by job candidate, Marsha Traynham, 395-4529.

DEPARTMENT OF COMMERCE

Bureau of Census, Inventory Valuation Wholesale Establishments (supplement), BUS-231(W), BUS-231(L), BUS-231(I), annually, wholesale firms, Laverne V. Collins, 395-5867.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Production and Mortgage Credit, request for approval of loan correspondent as mortgagee, 2001-D, on occassion, mortgage companies, Housing, Veterans and Labor Division, 395-3532.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc. 77-10151 Filed 4-4-77;8:45 am]

LABOR ADVISORY COMMITTEE ON STATISTICS

Notice of Public Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Labor Advisory Committee on Statistics to be held in Room 10103, New Executive Office Building, 726 Jackson Place, NW., Washington, D.C., on Tuesday, May 10, 1977 at 2 p.m.

The purpose of the meeting is to obtain advice on the content of several important Federal statistical programs and on possible improvements in Federal statistical programs. The meeting will be open to public observation and participation.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.77-10152 Filed 4-4-77;8:45 am]

POSTAL RATE COMMISSION

[Order No. 156 Docket No. RM77-5]

RULES OF PRACTICE AND PROCEDURE

Order Granting Rule 22 Waiver and Deferring Rulemaking Proceeding

MARCH 29, 1977.

On February 18, 1977, the United States Postal Service (Postal Service or Service) filed a "Petition to Initiate Rulemaking" for the purpose of amending § 54(f)(2) of the Commission's rules of practice (39 CFR 3001.54(f)(2)) which defines the test period in rate proceedings. The Postal Service requested that the test year be defined so that it is not limited to a fiscal year. On February 24, 1977 (42 FR 12102, March 2, 1977), the Commission issued a notice indicating that it intended to treat the Service's petition as a request for waiver pursuant to rule 22 (39 CFR 3001.22) and requested comments.[1]

Comments have been filed by the Postal Service, the OOC, United Parcel Service (UPS), and the Association of American Publishers (AAP).[2] With the exception of AAP, all the parties support (albeit with qualifications) the Commission's proposal and suggest that the waiver be granted. Upon review of all the comments filed, the Commission has decided to grant the relief requested by the Service in the form of a one-time waiver for the next rate case.

OPPOSITION OF AAP

In its comments AAP states that the Service's petition be denied and that no waiver be granted. In support of its position the following arguments are made: (1) The statute and the analogous case law do not recognize the use of such "novel and doubtful ratemaking procedures"; (2) The contemplated test period is too future to permit accurate cost estimates; (3) Adoption of the Service's proposal will leave a "gap in the continuum of information" so as not to permit verification of future cost estimates; (4) The lack of adjustments taken at the end of the fiscal year may distort the data; and (5) the possibility of distortion will complicate and protract the ratemaking proceedings.

At the outset we would note that AAP misreads the Service's petition. The Service has not proposed that the test period begin more than 12 months in the future. In fact its petition specifically disavows that such a change in rule 54(f)(2) is contemplated.[3] Accordingly, the argument that the proposal would result in more speculative cost estimates because the test period is too far in the future is totally without merit since the Service would be under the same 12 month limitation that has been in existence since 1973 when the rules were adopted. The test period still cannot begin more than 12 months subsequent to the filing date of the formal request.[4]

AAP cites no cases to buttress its statement that the instant proposal involves "novel and doubtful ratemaking procedures." There is nothing novel or doubtful about recognizing the importance of a forward-looking test year.[5] We find nothing in 39 U.S.C. 3621 which requires the use of a fiscal year as the test period. In fact, we believe the self-sufficiency standard of section 3621 requires a certain flexibility in choosing the test period. The courts have consistently approved this type of flexibility as long as the resultant rates are reasonable.[6]

The argument that the proposal will leave a "gap in the continuum of information" has been answered by the Postal Service in its reply comments. There the Service represents that it will supply the requisite cost data for all periods from the base year[7] to the test year as required by rule 54(f)(1).

AAP's observations concerning year-end adjustments and the possibility of delay and controversy are also not very compelling. As the Service points out in its reply, year-end adjustments can be accommodated to the non-fiscal year format. With respect to delay and controversy, every rate case is replete with the potential for such, and we cannot let this stand in the way of the discharge of our statutory functions. As we have in the past, we will deal with these matters as they arise. We believe there is less likelihood of delay and controversy if we settle the ground rules before a case is filed, rather than treat the problem on an ad hoc basis as AAP appears to suggest.

UPS AND OOC COMMENTS

While supporting a waiver of rule 54(f)(2), UPS and OOC would attach certain conditions to it. UPS requests that actual costs and volumes for the non-fiscal year be developed and filed with the Commission upon completion of the test year, whether or not the record in the rate case in question is still open. In rule 54(n), as amended, the Commission requires reconciliation of cost and volume estimates in the case after the case in question. Whether or not we should require a reconciliation prior to that time is a question we need not decide at this time. Since we intend to address this entire matter again in a rulemaking proceeding sometime in the near future, we can decide then what additional data, if any, is needed, to evaluate a potential change in the test year rule.

Both OOC and UPS indicate that the Service should file additional data comparable to the non-fiscal test year data that will be supplied. OOC argues that the Service should file estimated data for the hybrid year in between the base and test years. To use the example offered by OOC, if the Postal Service chose to file a request on May 1, 1977, utilizing the base year of FY 1976 and a test year consisting of part FY 1978 and part of FY 1979, it is argued that the Service should also supply the estimated data for part of FY 1977 and part of FY 1978. According to OOC, test year estimates could be better tracked with such a procedure.

UPS, on the other hand, "assumes" that the Service will submit actual revenue data for years comparable to the non-fiscal test year selected by the Service. Stated differently, UPS expects that base year revenues will be put into a hybrid year format.

The Postal Service opposes both suggestions primarily on the basis of undue burden. With respect to the OOC position, the Service states that "multiple" test years would not aid any kind of reasonable tracing process and would delay the filing of a case for months. In response to UPS, the Service states that construction of hybrid base periods would be time consuming and very expensive. In addition, it is contended that hybrid base years will not be comparable with information now on file with the Commission, thus making time series and other serial analyses very difficult.

As an alternative to these approaches, the Service makes the following proposal. First, it would file estimated costs for FY 1977 and as a separate submission give its best estimate of expenses for the period from the end of FY 1977 to the beginning of the non-fiscal test period—approximately six months in duration. At the time the President's Budget is compiled, probably in the fall of 1977, the Service would file its most recent cost and revenue data for FY 1978.

We believe the Service's proposal is a reasonable solution to the problem of tracing the changes in costs and revenue from the base year to the test year. All gaps in time and financial data from FY 1976 to the test year will be filled in and the cost development for each successive period can be compared.[8]

However, the Commission is not persuaded that some type of hybrid base year data is not necessary in addition to the fiscal year data that will be supplied. At present, our rules are constructed so that base and test years are both developed on the basis of fiscal year data. Without some actual historical data presented on a nonfiscal year basis for comparison purposes, we will not be able to fully explore the reasonableness of a nonfiscal year approach, which is admittedly experimental at this stage. Consequently, as a condition to a grant of the waiver we will require the Service to file nonfiscal base year data, which is comparable to the proposed test year (i.e., each would begin with the same postal quarter).

In conditioning our grant of the waiver we are also mindful of the potential burden on the Service as well as the potential delay involved. Therefore, the Service will have 2 months from the date it files its rate case to submit the data in question.[9] In addition, we will give the Service an opportunity to file a petition for reconsideration of this requirement if it wishes to demonstrate that the burden involved outweighs the benefit that might accrue. Such a petition should be filed concurrently with the Service's next rate change request. Other parties may also file additional comments on this one point in order to more fully explore this matter. The Commission will provide for the filing of such comments and for replies to the Service's petition for reconsideration (if one is filed), by further order to be issued shortly after the next rate request is filed.

The other conditions suggested by OOC and UPS either will be met voluntarily[10] by the Service or are not appropriate at this time. UPS states that the requirement of rule 54 (g), (k)(2) and (k)(3) (39 CFR 3001.54 (g), (k)(2), (k)(3)) should be observed in future proceedings in terms of a nonfiscal period. These rules concern the filing of actual accrued costs. To the extent we are requiring such a filing in this case, this request has been granted. With respect to future proceedings, as stated earlier, we will address this matter in a later rulemaking.[11]

CONCLUSION

It appears that the requirements for a rule 22 waiver of section 54(f)(2) of our rules have been met. Such a waiver will not unduly prejudice the interests of other participants and is consistent with the public interest as well as the Commission's expeditious discharge of its responsibilities under the Act. We find that the self-sufficiency standard of 39 U.S.C. 3621, the potential for rate stability, and the Service's inability to impose temporary rates 100 days after a rate filing all require this action.

Therefore, the Commission orders:

(1) The Postal Service is granted a one-time waiver of 39 CFR 3001.54(f)(2) so as to permit the filing of test year data on a non-fiscal year basis.

(2) The Postal Service shall also file additional base year data on a non-fiscal year basis within 2 months after its rate filing, as explained elsewhere in this order.

(3) The rulemaking requested by the Service is deferred until further notice.

By the Commission.[12]

DAVID F. HARRIS,
Secretary.

COMMISSIONER SAPONARO, CONCURRING IN PART AND DISSENTING IN PART

I concur in granting the Postal Service a waiver of the fiscal year test period requirement of sections 54(f)(2), et al. of the rules of practice and procedure.

In agreeing with this waiver, however, I dissent to the Commission's failure also to require the Postal Service's "non-fiscal year" test period to begin not more than ten (vice twelve) months from the filing date of its formal request. Such a change would then conform our Rules, as now being waived, to the statute, as amended.[13]

In other words, the present statute, as amended, coupled with the "non-fiscal year" test period granted by this order, without changing the start of the test period from twelve months to ten months after the filing, can give rise to the collection of rate revenues, either temporary or permanent, prior to the incurrence of the test year costs. (See 39 U.S.C. 3621, 3624(c)(1), 3641(a)-(c), as amended)

Although note 1 at page 3 of this order acknowledges, in part, my concern, it casts the problem as one of jurisdiction and, thus, fails to come to grips with our responsibilities under the statute, as amended. What is in issue here is conforming the beginning of the "non-fiscal year" test period to our responsibility to decide a case within a ten month timeframe. The issue—whether you assume a ten month recommended decision, or not—is not to alert the Governors to their possible inability to implement either permanent or temporary rates because the test period will not commence for another two months.

[FR Doc.77-10019 Filed 4-4-77;8:45 am]

[1] In a separate order, the Commission also designated the Assistant General Counsel, Litigation as the Officer of the Commission (OOC).

[2] The Postal Service also filed reply comments.

[3] See Postal Service Petition to Initiate Rulemaking, p. 2; see also Postal Service Reply Comments, p. 9.

[4] It might be observed that there exists the potential for a possible violation of 39 U.S.C. 3641(b) and 3621 if temporary or permanent rates were implemented prior to the beginning of the test year. However, this is a matter for the Governors and not the Commission since the Governors have unilateral authority to implement both permanent and temporary rates. 39 U.S.C. 3625, 3641(a). See also Docket No. R71-1, PRC Order No. 25 (January 6, 1972); *DMAA* v. *USPS*, 458 F.2d 813 (D.C. Cir 1972).

[5] See PRC Op. R76-1, App. B.

[6] See, e.g., *FPC* v. *Hope Natural Gas*, 320 U.S. 591, 602 (1944); *American Public Power Association* v. *FPC*, 522 F.2d 142 (D.C. Cir. 1975).

[7] We discuss later what base year data should actually be submitted. See pp. 5-7, infra.

[8] We would expect that Transition Quarter data will also be supplied so as to avoid any information gaps and hereby aid in the expedition of the rate case by providing such information concurrently with the rate request.

[9] Ideally, the hybrid base year would consist of part FY 1976 and Part FY 1977 so as to make available the most recent actual data. If this is not possible, we would consider accepting part FY 1975 and part FY 1976, but this seems less desirable. In any case, we expect the Service to make a good faith effort to comply. See 39 U.S.C. 3624(c)(2), as amended.

[10] The Service states that four consolidated quarters will be used, and not any random 12-month period.

[11] This also applies to the question of certifying the supporting historical data as required by 39 CFR 3001.54(q), as amended.

[12] Commissioner Saponaro concurring in part and dissenting in part, separate statement attached hereto.

[13] 39 U.S.C. 101 et seq., as amended by the "Postal Reorganization Amendments of 1976", Pub. L. No. 94-421, 90 Stat. 1303 (Sept. 24, 1976).

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 19970; 70–5992]

ALLEGHENY POWER SYSTEM, INC., ET AL.

Proposed Issuance and Sale of Common Stock by Subsidiary Companies to Holding Company and Proposed Amendment of Charter of Subsidiary To Increase Authorized Shares of Common Stock

MARCH 30, 1977.

In the matter of Allegheny Power System, Inc., 320 Park Avenue, New York, New York 10022; Monongahela Power Company, 1310 Fairmont Avenue, Fairmont, Virginia 26554; The Potomac Edison Company, Downsville Pike, Hagerstown, Maryland 21740; West Penn Power Company, Cabin Hill, Greensburg, Pennsylvania 15601.

Notice is hereby given that Allegheny Power System, Inc. ("APS"), a registered holding company, and three of its public-utility subsidiary companies, Monongahela Power Company ("Monongahela"), The Potomac Edison Company ("PE"), and West Penn Power Company ("West Penn"), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9, 10, and 12 thereof and Rule 50(a)(3) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

PE, West Penn, and Monongahela propose to issue and sell common stock to APS from time to time prior to December 31, 1977, and APS proposes to acquire such common stock in amounts and for a consideration not to exceed those set forth below:

	Maximum number of shares	Cash consideration
Monongahela: Common stock—$50 par	400,000	$20,000,000
PE: Common stock—no par	1,500,000	30,000,000
West Penn: Common stock—no par	1,500,000	80,000,000

The net proceeds of the issuance and sale of the common stock by Monongahela, PE, and West Penn will be used by each of them for their construction programs and for other corporate purposes. For the year 1977, construction expenditures are estimated at $81 million in the case of Monongahela, $88 million in the case of PE, and $139 million in the case of West Penn. All of the presently outstanding common stock of Monongahela, PE, and West Penn is owned by APS.

APS proposes to obtain the additional funds necessary to purchase the aforesaid common stock of Monongahela, PE, and West Penn from internal cash generation, short-term borrowings (See File No. 70–5809), and the issuance and sale of such other securities as may be authorized. As of March 1, 1977, APS had no short-term borrowings and no commercial paper outstanding.

PE proposes to amend its charter to increase the number of shares of common stock which it is authorized to issue from 6,000,000 shares to 6,875,000 shares.

It is estimated that total expenses, including legal fees, to be incurred by APS, Monongahela, PE, and West Penn will not exceed $5,500. It is stated that the West Virginia Public Service Commission, the Ohio Public Utilities Commission, the Virginia State Corporation Commission, the Pennsylvania Public Utility Commission, and the Maryland Public Service Commission have jurisdiction over the proposed transactions. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 25, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77–10031 Filed 4–4–77;8:45 am]

[Release No. 19964; 70–5991]

COLUMBIA GAS SYSTEM, INC. ET AL.

Proposed Intrasystem Financing

MARCH 28, 1977.

In the Matter of the Columbia Gas System, Inc., 20 Montchanin Road, Wilmington, Delaware 19807; Columbia Gas of West Virginia, Inc., Columbia Gas of Kentucky, Inc., Columbia Gas of Virginia, Inc., Columbia Gas of Pennsylvania, Inc., Columbia Gas of New York, Inc., Columbia Gas of Maryland, Inc., Columbia Gas of Ohio, Inc., 99 North Front Street, Columbus, Ohio 43215; Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314; Columbia Gulf Transmission Company, 3805 West Alabama Avenue, Houston, Texas 77027; Columbia Hydrocarbon Corporation, Columbia Coal Gasification Corporation, the Inland Gas Company, Inc., 340–17th Street, Ashland, Kentucky 41101; Columbia Gas Development Corporation, Columbia LNG Corporation, Columbia Gas Development of Canada Ltd., 20 Montchanin Road, Wilmington, Delaware 19807.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company and Columbia Gas of West Virginia, Inc. ("Columbia of West Virginia"), Columbia Gas of Kentucky, Inc. ("Columbia of Kentucky"), Columbia Gas of Virginia, Inc. ("Columbia of Virginia"), Columbia Gas of Pennsylvania, Inc. ("Columbia of Pennsylvania"), Columbia Gas of New York, Inc. ("Columbia of New York"), Columbia Gas of Maryland, Inc. ("Columbia of Maryland"), Columbia Gas of Ohio, Inc. ("Columbia of Ohio"), Columbia Gas Transmission Corporation ("Transmission") Columbia Gulf Transmission Company ("Gulf Transmission"), Columbia Hydrocarbon Corporation ("Hydrocarbon"), Columbia Coal Gassification Corporation ("Coal Gassification"), The Inland Gas Company, Inc. ("Inland"), Columbia Gas Development Corporation ("Development U.S."), Columbia LNG Corporation ("Columbia LNG") and Columbia Gas Development of Canada, Ltd. ("Development Canada"), all of which are wholly-owned subsidiaries of Columbia, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(b), 9, 10, 12(b) and 12(f) of the Act and Rules 43, 45 and 50(a)(3) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below for a complete statement of the proposed transactions.

The estimated expenditures by Columbia's subsidiaries for construction programs and gas supply projects for 1977 are as follows:

	Gross additions	Net salvage and noncash items	Net capital expenditures
Columbia of Kentucky	$1,129,000	($19,000)	$1,148,000
Columbia of Ohio	14,892,000	285,000	14,607,000
Columbia of Maryland	832,000	89,000	743,000
Columbia of New York	1,255,000		1,255,000
Columbia of Pennsylvania	7,260,000	1,106,000	6,154,000
Columbia of Virginia	966,000	(8,000)	974,000
Columbia of West Virginia	4,384,000	639,000	3,745,000
Transmission	88,628,000	12,411,000	76,217,000
Gulf Transmission	62,875,000	4,250,000	58,625,000
Development United States	85,970,000	2,301,000	83,579,000
Development Canada	15,662,000		15,662,000
Columbia LNG	25,370,000	9,870,000	15,500,000
Hydrocarbon	2,338,000	40,000	2,298,000
Inland	4,514,000	318,000	4,196,000
Coal Gasification	22,857,000	482,000	22,375,000
Totals	338,400,000	31,951,000	306,458,000

Certain subsidiaries plan to finance a part of their capital expenditure programs and other corporate needs with funds generated from internal sources and to finance the balance prior to April 1, 1978, through their issuance and sale to Columbia of Common stock, and unsecured Installment Promissory Notes ("Installment Notes") up to the amounts indicated:

	Equity			Installment notes aggregate amount	Total
	Number of shares	Par value	Aggregate amount		
Columbia of Kentucky				$400,000	$400,000
Columbia of Ohio				7,300,000	7,300,000
Columbia of Maryland				400,000	400,000
Columbia of New York				800,000	800,000
Columbia of Pennsylvania				5,100,000	5,100,000
Columbia of Virginia				700,000	700,000
Columbia of West Virginia	200,000	$25	$5,000,000		5,000,000
Gulf Transmission				18,000,000	18,000,000
Development United States				45,000,000	45,000,000
Development Canada	800,000	25	20,000,000		20,000,000
Columbia LNG				55,000,000	55,000,000
Hydrocarbon				1,500,000	1,500,000
Inland				2,300,000	2,300,000
Coal Gasification	538,000	25	13,450,000	13,450,000	26,900,000
Totals			38,450,000	149,950,000	188,400,000

The Installment Notes will be non-registered and dated the date of their issue. The principal amounts will be due in twenty equal annual installments on March 31st of each of the years 1979 to 1998, inclusive (except for Coal Gasification). The Installment Notes issued by Coal Gasification in amounts of up to $13,450,000 will be due in equal annual installments on each March 31st commencing the fifth year after the date of issuance. Interest on all notes will accrue from the date of issuance and is to be paid semi-annually in accordance with the provisions of said note on the unpaid principal thereof until fully paid. The interest rate will be the actual cost of money to Columbia with respect to its last sale of debentures or preferred stock prior to the issuance of said Installment Notes, decreased by an amount necessary in order that the interest rate be a multiple of ⅛ of 1 percent. Columbia sold $75,000,000 principal amount of debentures on May 19, 1976 (HCAR No. 19518), at a cost of money of 9.327 percent, and may sell additional long-term securities during the financing period. The Installament Notes to be issued initially will, therefore, bear an interest rate of 9.3 percent and Installment Notes to be issued subsequent to Columbia's future financings will carry an interest rate related to the last such sale of securities prior to the issuance of said Notes. None of the Installment Notes will be purchased by Columbia subsequent to March 31, 1978.

Columbia also proposes to advance on open account to certain subsidiaries, and have outstanding from time to time as needed, up to $322,000,000 to finance the purchase by such subsidiaries of underground storage gas inventories and miscellaneous other inventories and for short-term seasonal purposes. Substantially all of such advances are expected to be taken down by December 31, 1977, however, a portion of such advances may be taken down during the period January 1, 1978, through May 31, 1978. All such advances are to be repaid on or before May 31, 1978.

Two subsidiary companies, Transmission and Columbia of Pennsylvania, operate facilities for the underground storage of natural gas and, during the off-peak seasonal periods, purchase gas for storage in such underground facilities to be held in storage until the following winter when it is withdrawn from storage and sold. Certain other subsidiaries are included in a winter service tariff provision under which such companies prepay the commodity portion of the service for storage inventory gas during the summer months, against which prepayments, the commodity charge would be credited for winter deliveries. The subsidiaries also have additional cash requirements to finance normal seasonal growth in miscellaneous operating and maintenance supplies, inventories and for other short-term seasonal requirements. Columbia states that the most economical method of financing these inventories and other short-term seasonal requirements of subsidiary companies is for Columbia to provide such funds on a short-term basis to its subsidiaries; borrowings are to be made as needed during the summer months and to be repaid during the winter from the proceeds of the sale of gas.

The advances to be made by Columbia with respect to each subsidiary will be limited to the following maximum aggregate principal amounts:

Columbia of Ohio	$70,700,000
Columbia of West Virginia	18,000,000
Columbia of Kentucky	8,100,000
Columbia of Virginia	2,700,000
Columbia of Pennsylvania	17,900,000
Columbia of Maryland	600,000
Columbia of New York	3,000,000
Transmission	150,000,000
Hydrocarbon	6,000,000
Columbia LNG	45,000,000
Total	322,000,000

The open account advances will initially bear interest at the minimum commercial lending rate in effect from time to time at Morgan Guaranty Trust Company of New York. Interest charges to the subsidiaries will be adjusted, after the storage financing period, to the effective interest cost Columbia achieves on its short-term borrowing for this purpose.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at $12,000. It is stated that authorization for the sale of securities is required from the various state public utility regulatory commissions for Columbia of Kentucky, Columbia of Ohio, Columbia of New York, Columbia of Pennsylvania, Columbia of Virginia and Columbia of West Virginia.

It is further stated that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. It is stated that the issuance of the Installment Notes and common stock by subsidiaries is excepted from the competitive bidding requirements of Rule 50 by reason of paragraph (a)(3) thereof since the acquisition by Columbia of the Installment Notes and common stock will have been approved by this Commission pursuant to Section 10 of the Act. It is further requested that the applicants be authorized to file certificates under Rule 24 with respect to the proposed transactions on a quarterly basis.

Notice is further given that any interested person may, not later than April 21, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the isues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such re-

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quest should be served personally or by mail upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporation Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-9978 Filed 4-4-77;8:45 am]

[File No.: 2-23763 (22-3905)]

MARYLAND NATIONAL BANK

Application and Opportunity for Hearing

MARCH 31, 1977.

Notice is hereby given that Maryland National Bank (the "Bank") has filed an application pursuant to section 310(b)(1)(ii) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Commission that the trusteeship of the Bank under three trust agreements, each securing a proposed issue of pollution control bonds to be issued by a political subdivision of the State of Maryland for the benefit of Baltimore Gas and Electric Company (the "Company"), will not disqualify the Bank from continuing to act as trustee under an indenture dated as of August 1, 1965 with the Company, pertainin gto its issue of 4⅝ percent Sinking Fund Debentures due August 1, 1990 (the "1965 Indenture"), which Indenture is qualified under the Act. The three issues of pollution control bonds hereinabove referred to are proposed to be issued by the following political subdivisions of the State of Maryland and are presently expected to be authorized not to exceed the following amounts:

Political subdivision:	*Maximum authorized amount*
Anne Arundel County, Md	$6,000,000
Baltimore County, Md	5,00,000
Mayor and City Council of Baltimore	10,000,000

Each of the foregoing political subdivisions is hereinafter referred to as an "Issuer" and the pollution control bonds to be issued by an Issuer are hereinafter referred to as the "Proposed Bonds."

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in such Section), it shall within ninety days after ascertaining that it has such conflicting interest either eliminate such conflicting interest or resign. Subsection (1) of such Section provides that with certain exceptions a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereof, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under both indentures.

The Bank alleges that:

(1) As of March 1, 1977, there were outstanding under the 1965 Indenture $23,400,000 principal amount of 4⅝ percent Debentures due 1990.

(2) The Company is not in default under the 1965 Indenture.

(3) The Proposed Bonds will be limited obligations of the Issuer payable solely from and secured by a pledge of the revenue derived from payments which will be made pursuant to a loan agreement to be entered into between the Issuer and the Company (the "Loan Agreement") which will provide for the lending of the proceeds of the sale of the Proposed Bonds to the Company to finance the acquisition, construction, installation and equipping of certain pollution control facilities at certain of the Company's plants located within the geographic boundaries of the Issuer. The Proposed Bonds will not constitute general obligations of the Issuer nor an indebtedness or change against the general credit or taxing powers of the Issuer. The Proposed Bonds will be issued as term or as term and serial obligations.

Pursuant to the Loan Agreement, the Company will deliver to the Issuer certain of its First Refunding Mortgage Bonds in an aggregate principal amount equal to the aggregate principal amount of the Proposed Bonds to evidence and secure the Company's obligation to repay the loan. The First Refunding Mortgage Bonds will be issued under the Indenture of Mortgage or Deed of Trust dated February 1, 1919 between the Company and Bankers Trust Company, New York, New York, as trustee, as supplemented and amended, including a supplemental indenture to be dated as of the date the Proposed Bonds are issued.

The Proposed Bonds will be issued under a bond authorization resolution to be adopted by the Issuer which will include provisions constituting a trust agreement between the Issuer and a corporate trustee for the benefit of bondholders (the "Trust Agreement"). Payment of the principal of, the interest on and any redemption premium with respect to the Proposed Bonds will be secured by an assignment by the Issuer to the trustee, for the benefit of the holders of the Proposed Bonds, of the Loan Agreement and the rights of the Issuer thereunder including the evidence of the obligation of the Company to repay the loan evidenced thereby and the interest thereon. By virtue of section 304(a)(4)(B) of the Act, the Trust Agreement is not required to be qualified under the Act.

Maturity dates, interest rates and other details of the Proposed Bonds will be determined by resolutions to be adopted by the Issuer. Maturities and call dates of the Proposed Bonds will coincide in all respects with the Company's payment schedule under the Loan Agreement.

The purpose of the issuance and sale of the Proposed Bonds will be to finance part or all of certain pollution control facilities at certain of the Company's plants located within the geographic boundaries of the Issuer through a loan of the proceeds of sales to the Company under the terms and conditions set forth in the Loan Agreement in order to control, reduce and abate pollution of the environment of the State of Maryland and of the Issuer and thus to protect natural resources, to encourage economic development and to protect the health, welfare and safety of the citizens of the State of Maryland and the Issuer.

(4) The participation by the Bank as trustee under one, two or all three of the Trust Agreements, each securing a separate issue of the Proposed Bonds, would not create a conflict of interest under the provisions of section 310(b)(1) resulting in the Bank being disqualified from continuing to act as trustee under the 1965 Indenture.

The Bank has waived notice of hearing, hearing and any and all rights to specify procedures under the rules of practice of the Securities and Exchange Commission.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at 1100 L Street NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than April 18, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-10039 Filed 4-4-77;8:45 am]

DEPARTMENT OF STATE

[Public Notice 533]

BUREAU OF OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS

Availability of Report of the International Working Group on Radioactivity Objective for the Great Lakes Water Quality Agreement

The Department of State hereby gives notice that the report of the joint Canada-United States Working Group on Radioactivity Objective for the Great Lakes Water Quality Agreement is available for review and comment. This report, which is presently under review by both governments, was prepared under the terms of the Agreement on Great Lakes Water Quality, signed April 15, 1972.

The next of the report, together with the text of a dissenting opinion on the report's recommendation by the State of Minnesota, follows below.

Interested persons may submit their comments in writing to the Office of International Activities, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, on or before June 1, 1977. All comments received will be considered prior to completion of the review by the U.S. Government.

Dated: March 25, 1977.

DONALD R. KING,
Director, Office of Environmental Affairs.

REFINED RADIOACTIVITY OBJECTIVE FOR THE GREAT LAKES WATER QUALITY AGREEMENT

SUMMARY

This document represents the joint recommendations of U.S. and Canadian advisory groups on a radioactivity objective to preserve the water quality of the Great Lakes. The objective is in terms of a dose equivalent to ICRP Reference Man from a standard annual intake of the Great Lakes water. The recommended objective for the general water quality in the Great Lakes is that level of radioactivity which results in a whole body dose equivalent not exceeding one millirem. Release of radioactive materials shall be as low as reasonably achievable and controlled by specified actions at defined levels.

The Canada-United States Great Lakes Water Quality Agreement specified radioactivity as a constituent of water for which there should be an agreed Water Quality Objective. The relevant statements in the Agreement are as follows:

Annex 1, Section 1(h) states: "Radioactivity should be kept to the lowest practicable level. In any event, discharges should be controlled to the extent necessary to prevent harmful effects on health."

Annex 1, Section 7(b) further states: "for radioactivity, the objectives shall be considered in the light of the recommendations of the International Commission on Radiation Protection."

Further, this section requires the parties to consult for the purpose of considering "refined objectives for radioactivity".

Subsequently, advisory groups were formed in Canada and in the United States to consider the technical aspects involved in developing such "refined objectives". The present report was developed following extensive consultation between the two groups.

To restore and enhance water quality in the Great Lakes System, as called for in the Agreement, it is necessary to limit the quantity of radioactive materials introduced due to activities of the United States of America and Canada. An acceptable quality for water in the system can best be maintained by a vigorous application of appropriate control measures. These controls should be applied to radioactive effluents from point sources as well as run-off, drainage, and seepage from non-point sources, including aerial deposition.

The Radioactivity Objective for the Great Lakes Basin is based principally on three criteria: (1) Introduction of radioactive materials into System Waters should be permitted only when it results from socially beneficial activities.

(2) The concentration of radioactivity in the System Waters and in biota should not constitute an unacceptable health risk on either a long-term or short-term basis.

(3) Since the ingestion of any amount of radioactivity may involve some risk, additional controls should be instituted until their cost is incommensurate with any further reduction in potential health risks.

In keeping with these criteria, several recommendations have been agreed to. These recommendations refer to an Ambient Water Quality Objective, the control of radioactive releases, a defined hierarchy of Action Levels and the surveillance of Lake Waters. None of the proposed levels, including particularly the lowest, should be interpreted as necessarily defining an acceptable dose to the population using System Waters. The acceptability of any dose level depends on whether the three criteria given above are being met in a responsible manner. It is further proposed that these objectives be reviewed at least every five years to consider any necessary changes and to determine if they continue to reflect "as low as reasonably achievable".

AMBIENT WATER QUALITY

It is necessary to specify an ambient water quality level for the Lakes as a whole so that contributions from all sources including aerial deposition are taken into account. This water quality level is expressed in terms of the total equivalent dose to ICRP Reference Man integrated over 50 years. (TED_{50}). It is proposed that water quality outside of any Source Control Area, as defined herein, shall not result in a TED_{50} greater than one millirem to the whole body from daily ingestion of 2.2 liters of Lake water for one year. Therefore, even for lifetime (50 years) ingestion, the annual dose rate will not exceed 1 millirem per year. The total equivalent dose to a single organ or tissue shall be in proportion to the dose limit recommended by the ICRP for that tissue. Because levels in the lakes may fluctuate as a result of uncontrollable releases, such as fallout from weapon testing, it is further recommended that the one millirem value be reviewed at least every five years to ensure that the contribution from these uncontrollable releases does not constitute an unreasonable proportion of the dose.

CONTROL OF RELEASE OF RADIOACTIVE MATERIALS

Dumping of radioactive wastes or other radioactive material into waters of the Great Lakes system is prohibited. Dumping is defined as any deliberate disposal of packaged or unpackaged wastes or other matter from vessels, platforms or other man-made structures into the System Waters, but dumping does not include the release of effluents that are permitted by the responsible regulatory bodies.

Both the concentrations and quantities of radioactive materials released into the Great Lakes System shall be controlled to the extent necessary to protect public health and the environment. Releases of radioactive materials from each operation or type of operation should be controlled so as to conform with the ICRP recommendation that "all doses be kept as low as is reasonably achievable economic and social considerations being taken into account". (ICRP Pub. 22 1973).

Effluents should be controlled by the regulatory bodies having jurisdiction, taking into account the cost of further reductions, the efficacy of available additional control measures, and the significance of the potential reduction in public health risk associated with further discharge limitations.

A graded scale of actions for each identifiable source shall be implemented based on annual average measurements of the TED_{50} in water monitored at the periphery of each source control area, in accordance with the action conditions given below in Table I.

TABLE 1.—*Action conditions*

Condition	Action required	Action level TED_{50} (mrem)
A	Periodic confirmatory monitoring.	Less than 1.
B	Source investigation and corrective action if releases are not as low as reasonably achievable.	Between 1 and 5.
C	Corrective action by responsible regulatory authorities.	In excess of 5.

Action levels are to be calculated in accordance with the dose models used by the ICRP.

The annual average shall be based on the average value of at least 4 measurements in a year. Since there is a relatively high probability of sampling error, measurements should be verified before action is taken.

When the concentrations of radionuclides in the water correspond to Condition A, no corrective action is indicated. However, periodic monitoring is required to confirm that the condition does not change.

When the concentrations of radionuclides in the water correspond to Condition B, an investigation must be conducted to identify the source and the cause. If this investigation demonstrates that releases are as low as reasonably achievable no further action is necessary; otherwise, corrective action shall be taken.

Concentrations of radionuclides in the water corresponding to Condition C probably reflect a failure of effluent controls and are unacceptable on a continuing basis. The responsible regulatory authorities shall determine appropriate corrective actions to minimize the public health risk.

SURVEILLANCE

Adequate periodic monitoring of System Waters, sediment, and the appropriate food organisms contained therein should be provided for those radionuclides likely to be present in measurable concentrations. Such monitoring should be conducted under the direction of the responsible Federal, State, and Provincial jurisdictions and reported to the International Joint Commission. The nuclides and food organisms investigated,

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and sampling locations and frequency should take into account the known effluent sources and particular nuclides released.

The monitoring reports should include calculations of the TED_{50} to ICRP Reference Man from standard annual intake of the water since this is the parameter to be used in determining the applicable Action Condition. At present it is not necessary to determine explicitly the dose equivalents due to the intake of food harvested from the Lakes as they are relatively insignificant.

DEFINITIONS

1. *Total Equivalent Dose* (TED_{50}). For the purpose of this report, the total equivalent dose to a particular organ, tissue or the whole body is the cumulated dose equivalent over 50 years resulting from the daily ingestion of 2.2 liters of lake water for one year.

where:

$TED_{50} = \Sigma_i D_{50,i} Q_i N$, rem.

$D_{50,i}$ = total absorbed dose integrated over a period of 50 years after intake of the radionuclide "i".

Q_i = quality factor.

N_i = product of all other modifying factors.

ICRP report No. 10[1] lists the dosimetric data, including the TED_{50}, for a number of radionuclides.

2. *Reference Man:* For the purpose of this report, Reference Man refers to the definitions and parameters for adult males outlined in ICRP Report 23.[2]

3. *Source Control Area:* It is proposed that the "source control area" be defined as follows: "The source control area shall be bounded by a distance of 1 km radius from the point of release or, in those cases where the release point is to a narrow channel or river, the boundary shall be a point 1 km downstream from the source."

It is further proposed that the operator of a facility can request a larger source control area subject to the approval of the regulatory authorities and similarly these authorities may require a more restrictive area from an operator.

4 *Ambient Water:* The water in the Great Lakes System outside the source control areas.

MINNESOTA POSITION AS PRESENTED TO THE AD HOC GROUP IN SEPTEMBER, 1974

An ad hoc Radioactivity Objective Committee has been formed to refine the radioactivity objectives of the Great Lakes Water Quality Agreement pursuant to Annex I, § 7(b).

Annex I to the agreement requires that "Radioactivity should be controlled to the extent necessary to prevent harmful affects on health." It is universally accepted by responsible bodies that radiation damage is a linear effect, that is, that radiation produces detrimental effects down to the lowest levels. The State of Minnesota believes that the linear theory of radiation damage and the Annex I requirement of preventing "harmful effects on health" require that any refinement of objectives for radioactivity in the Great Lakes allow no additional discharge of radioactivity to the Great Lakes.

Annex I, § 7(b) also requires that the refined objective for radioactivity * * * shall be considered in the light of the recommendations of the International Commission or Radiation Protection." The ICRP dose limits are recommended as upper limits. Allowing no additional discharge of radioactive waste to the Great Lakes will meet the ICRP limits. Consequently, our position has properly taken into account the position of the ICRP.

Minnesota further believes that any refinements of the radioactivity objectives should be consistent with the 1972 Federal Water Pollution Control Act Amendments. This would require that existing facilities provide the best practicable treatment by 1977, the best available treatment by 1983, and a goal of zero discharge by 1985.

[FR Doc.77-10075 Filed 4-4-77;8:45 am]

[1] ICRP Pub. 10, 1968 Report of Committee IV, Pergamon Press.

[2] ICRP Pub. 23, 1975 Report of the Task Group on Reference Man, Pergamon Press.

Agency for International Development

ADVISORY COMMITTEE ON VOLUNTARY FOREIGN AID

Meeting

Pursuant to Executive Order 11769 and the provisions of section 10(a)(2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the meeting of the Advisory Committee on Voluntary Foreign Aid which will be held on April 25, 1977, from 9 a.m. to 5 p.m., in Room 1107, New State Building, 21st and Virginia Avenue NW., Washington, D.C.

The purpose of the meeting is to formulate recommendations for the Administrator concerning (1) the size, composition and membership of the Committee, and (2) to review the status of plans for the expanded registry and to consider such other matters related to the foreign assistance advisory concerns of the Committee as may be appropriate.

The meeting will be open to the public. Any interested person may attend, appear before, or file statements with the Committee in accordance with procedures established by the Committee and to the extent time available for the meeting permits. Written statements may be filed before or after the meeting.

Mr. Allan Furman will be the A.I.D. representative at the meeting. Information concerning the meeting may be obtained from Mr. Robert S. McClusky, Telephone: AC202-632-1892. Persons desiring to attend the meeting should enter the New State Building through the Diplomatic Entrance, 22nd and C Streets.

Dated: March 29, 1977.

ALLEN R. FURMAN,
Acting Assistant Administrator for Population and Humanitarian Assistance.

[FR Doc.77-10038 Filed 4-4-77;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

WRENCHES, PLIERS, SCREWDRIVERS, AND METAL-CUTTING SNIPS AND SHEARS FROM JAPAN

Antidumping Duties

AGENCY: United States Custom Service, Treasury.

ACTION: Notice of petition filed by American manufacturer, producer or wholesaler.

SUMMARY: This notice is to advise the public that a petition has been filed by an American manufacturer requesting that antidumping duties be assessed with regard to wrenches, pliers, screwdrivers, and metal-cutting snips and shears from Japan. Interested persons are invited to comment on this action.

EFFECTIVE DATE: This notice is effective on April 5, 1977.

FOR FURTHER INFORMATION CONTACT:

Michael Lublinski, Classification and Valve Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-2938).

On March 15, 1977, a petition was received in proper form, pursuant to section 516(a) of the Tariff Act of 1930, as amended by the Trade Act of 1974 (19 U.S.C. 1516(a)), from counsel acting on behalf of certain American manufacturers and wholesalers of wrenches, pliers, screwdrivers and metal-cutting snips and shears (including bolt cutters), among other things, asserting that a finding of dumping be issued and antidumping duties be assessed on those entries of the above-mentioned hand tools from Japan where it has been determined that sales were being made at prices less than the foreign market (or constructed) value, within the meaning of the Antidumping Act of 1921, as amended (19 U.S.C. 160 et seq.). As a result of a negative determination of injury rendered by the International Trade Commission on October 21, 1974 (39 FR 38133), a finding of dumping was not made in this matter, and therefore merchandise of the class or kind in question was not subject to appraisement under the Antidumping Act.

The petition requested the following relief:

1. The Secretary of the Treasury or his delegate should conclude that the Tariff Commission (now "International Trade Commission;" hereinafter, "Commission") erred, as a matter of law, when it concluded that an industry in the United States was not being injured or likely to be injured or prevented from being established by reason of imports of wrenches, pliers, screwdrivers and metal-cutting snips and shears from Japan sold at less than fair value ("LTFV");

2. The Secretary of the Treasury or his delegate should publish a finding of dumping with respect to wrenches, pliers, screwdrivers, and metal-cutting snips and shears from Japan forthwith;

3. Appropriate Customs officers should make Antidumping Act appraisements (foreign market (or constructed) value and purchase (or exporter's sales) price) for every entry of wrenches, pliers, screwdrivers, and metal-cutting snips and shears from Japan where it has been determined that the foreign market (or constructed) value exceeds the purchase (or exporter's sales) price.

4. Appropriate Customs officers should assess antidumping duties on those entries of wrenches, pliers, screwdrivera, and metal-cutting snips and shears from Japan where it has been determined that the foreign market (or constructed) value exceeds the purchase (or exporter's sales) price.

In accordance with the provisions of § 175.21(a) of the Customs Regulations (19 CFR 175.21(a)), notice is hereby given that a domestic producer has filed a petition requesting that antidumping duties be assessed with regard to wrenches, pliers, screwdrivers, and metal-cutting snips and shears from Japan. Before a decision is made with regard to this petition, consideration will be given to any relevant data, views or arguments submitted in writing. Submission should be addressed to the Commissioner of Customs, 1301 Constitution Avenue NW., Washington, D.C. 20229, in time to be received by his office not later than April 12, 1977.

Written submissions will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)), at the Classification and Value Division, Headquarters, United State Customs Service, Washington, D.C., during regular business hours.

VERNON D. ACREE,
Commissioner of Customs.

MARCH 30, 1977.

[FR Doc.77-10050 Filed 4-4-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 361]

ASSIGNMENT OF HEARINGS

MARCH 31, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 71459 (Sub-No. 55), O. N. C. Freight Systems, now assigned April 12, 1977, is amended as follows; April 12 through 22 at San Francisco, Calif. at the Sir Francis Drake Hotel, Cypress Room & Sutter Streets, May 10 through May 13, at Grand Junction, Colo. at the Holiday Inn, 755 Horizon Drive and May 16 through May 20 at Pueblo, Colo. at the Ramada Inn, 2001 Hudson, Interstate Highway 25 and U.S. Highway 50 East.

MC 119974 Sub 61, L. C. L. Transit Company now being assigned June 14, 1977 (9 days) at Chicago, Illinois in a hearing room to be later designated.

MC 115826 Sub 263, W. J. Digby, Inc. now being assigned June 7, 1977 (14 days) at Seattle, Washington in a hearing room to be later designated.

FF-361 (Sub-1), Crest-Mayflower International, Inc., now assigned May 4, 1977 at Chicago, Illinois, is cancelled and transferred to Modified Procedure.

MC 106373 (Sub-35), The Service Transport Co., now being assigned June 1, 1977 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 135235 Sub 5, Loma Cartage, Inc. now being assigned June 6, 1977 (1 week) at Chicago, Illinois in a hearing room to be later designated.

MC 127187 Sub 16, Floyd Duenow, Inc. now being assigned June 20, 1977 (1 week) at Minneapolis, Minnesota in a hearing room to be later designated.

MC 117940 Sub No. 187, Nationwide Carriers, Inc. now being assigned June 16, 1977 (2 days) at Minneapolis, Minnesota in a hearing room to be later designated.

MC 136786 Sub 108, Roboo Transportation, Inc. now being assigned June 15, 1977 (1 day) at Minneapolis, Minnesota in a hearing room to be later designated.

MC 133490 Sub 11, Lee's Trucking, Inc. now being assigned June 14, 1977 (1 day) at Minneapolis, Minnesota in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-10110 Filed 4-4-77;8:45 am]

[I.C.C. Order No. 27; S.O. No. 1252]

CONSOLIDATED RAIL CORP.

Rerouting or Diversion of Traffic

In the opinion of Joel E. Burns, Agent, the Consolidated Rail Corporation is unable to transport traffic routed via its car ferry between Norfolk, Virginia, and Cape Charles, Virginia, because of discontinuance of ferry service.

It is ordered, That (a) *Rerouting traffic.* The Consolidated Rail Corporation being unable to transport traffic routed via its car ferry between Norfolk, Virginia, and Cape Charles, Virginia, because of discontinuance of ferry service that line and its connections are hereby authorized to divert and reroute such traffic over any available route to expedite the movement regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 2 p.m., March 24, 1977.

(g) Expiration date: This order shall expire at 11:59 p.m., May 31, 1977, unless otherwise modified, changed or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 24, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.77-10116 Filed 4-4-77;8:45 am]

[Rule 19; Ex Parte No. 241; Exemption No. 131, Amdt. 2]

EXEMPTION UNDER PROVISION OF MANDATORY CAR SERVICE RULES

Upon further consideration of Exemption No. 131 issued February 8, 1977.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 131 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire April 30, 1977.

This amendment shall become effective March 31, 1977.

Issued at Washington, D.C., March 28, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.77-10112 Filed 4-4-77;8:45 am]

[Rule 19, Ex Parte No. 241, 6th Rev. Exemption No. 123]

EXEMPTION UNDER PROVISION OF MANDATORY CAR SERVICE RULES

It appearing, that railroads named herein own numerous plain flat cars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain flat cars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 402, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "FM", and having less than 200,000 lbs. carrying ca-

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pacity, and bearing reporting marks assigned to railroads named below, shall be exempted from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

The Atchison, Topeka and Santa Fe Railway Company, Reporting Marks: ATSF
Missouri-Kansas-Texas Railroad Company, Reporting Marks: BKTY-MKT-MKTT
Missouri Pacific Railroad Company, Reporting Marks: C&EI-CEI-MP-TP [1]
Southern Railway Company, Reporting Marks: AEC-CG-NS-SOU-TA&G

Effective April 1, 1977, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., March 28, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.77-10113 Filed 4-1-77;8:45 am]

[Rule 19; Ex Parte No. 241, Corrected Exemption No. 104, Amdt. 6]

EXEMPTION UNDER PROVISION OF MANDATORY CAR SERVICE RULES

Upon further consideration of Corrected Exemption No. 104 issued October 7, 1975.

It is ordered, That, under the authority vested in me by Car Service Rule 19, Corrected Exemption No. 104 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby amended to expire August 31, 1977.

This amendment shall become effective March 31, 1977.

Issued at Washington, D.C., March 24, 1977.

INTERSTATE COMMERCE COMMISSION
JOEL E. BURNS,
Agent.

[FR Doc.77-10114 Filed 4-4-77;8:45 am]

[Rule 19; Ex Parte No. 241; Exemption No. 135]

EXEMPTION UNDER PROVISION OF MANDATORY CAR SERVICE RULES

It appearing, that The Alaska Railroad owns numerous plain flat cars; that under present conditions, there is virtually no demand for these cars on the line of the car owner; that return of these cars to the car owner would result in their being stored idle on its line; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owner; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain flat cars described in the Official Railway Equipment Register, I.C.C.–R.E.R. No. 402, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "FM", bearing reporting marks assigned to The Alaska Railroad and identified below, shall be exempted from the provisions of Car Service Rules 1(a), 2(a) and 2(b).

The Alaska Railroad, Reporting Marks: ARR, Series 12900-12999 only.

Effective April 1, 1977, and continuing in effect until further order of this Commission.

Issued at Washington, DC., March 25, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.77-10115 Filed 4-4-77;8:45 am]

[Notice No. 42]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 24, 1977.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 50069 (Sub-No. 520 TA), filed March 14, 1977. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Ave., Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Propane*, in bulk, in shipper-owned trailers, from Hastings, W. Va., to points in Pennsylvania, for 180 days. Supporting shipper: Robinson L. P. Gas Company, R. D. No. 1 Beaver Grade Road, Coraopolis, Pa. 15108. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Bldg., 234 Summit St., Toledo, Ohio 43604.

No. MC 107002 (Sub-No. 498 TA), filed March 14, 1977. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: Edward M. Regan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insecticides*, liquid, in bulk, in tank vehicles, from Becker, Miss., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Tennessee and Texas, for 180 days. Supporting shipper: United States Steel Corporation, USS Agri-Chemicals Division, 233 Peachtree St., N.E., Atlanta, Ga. 30303. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 E. Amite Bldg., Jackson, Miss. 39201.

No. MC 107496 (Sub-No. 1070 TA), filed March 15, 1977. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Ave., Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid wood preservatives*, in bulk, in tank vehicles, from (1) Valparaiso, Ind., to Minneapolis, Minn.; Prairie du Chien, Wis.; Munising, Schoolcraft and St. Clair, Mich.; Washington Court House, Columbus and Orrville, Ohio; W. Elizabeth, Pa., and Henry, Tenn.; and (2) Bonham and Bryan, Tex., to Valparaiso, Ind., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Koppers Company, Inc., 850 Koppers Bldg., Pittsburgh, Pa. 15219. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 109028 (Sub-No. 15 TA), filed March 14, 1977. Applicant: S & W TRANSFER, INC., 1050 E. Bay St., Milwaukee, Wis. 53207. Applicant's representative: Wm. P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products and lubricating oils*, in containers, from the plantsite and warehouse facilities of Mobil Oil Corporation, located at or near Cicero, Ill., to points in the Upper Peninsula of Michigan; and (2) Empty containers for petroleum products and lubricating oils, from points in the Upper Peninsula of Michigan, to Chicago, Ill. Restriction: Restricted to the transportation of shipments under a continuing contract with Mobil Oil Corporation, for 180 days. Supporting Shipper: Mobil Oil Corporation, 8350 N. Central Expressway, Suite 522, Dallas, Tex. 75206. Send protests to: Gail Daugherty, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, U.S. Federal Bldg., and Courthouse, 517 E. Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

[1] Southern Pacific Transportation Company deleted.

No. MC 109124 (Sub-No. 25 TA), filed March 15, 1977. Applicant: SENTLE TRUCKING CORPORATION, Box 7850, Toledo, Ohio 43619. Applicant's representative: James M. Burtch, 100 E. Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone, limestone products and refractory materials*, from the plantsite of The J. E. Baker Company, located at or near Millersville (Sandusky County), Ohio, to Chicago, Ill.; Gary, Ind.; Flat Rock, Jackson, Taylor, Trenton, Warren and River Rouge, Mich., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The J. E. Baker Company, 232 E. Market St., York, Pa. 17405. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Bldg., 234 Summit St., Toledo, Ohio 43604.

No. MC 110988 (Sub-No. 338 TA), filed March 15, 1977. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Ave., Giltedge Bldg., Neenah, Wis. 54911. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum sulphate or liquid alum*, in bulk, in tank vehicles, from Wisconsin Rapids, Wis., to Des Moines and Waterloo, Iowa, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Allied Chemical Corporation, P.O. Box 1057R, Morristown, N.J. 07960. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Bldg., and Courthouse, 517 E. Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 111309 (Sub-No. 8TA), filed March 14, 1977. Applicant: NEWPORT TRUCKING CORP., c/o Franklin Swersky, Suite 1803, 744 Broad St., Newark, N.J. 07102. Applicant's representative: A. David Millner, 167 Fairfield Road, Fairfield, N.J. 07006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flavoring syrup and compounds* (except in bulk), from Long Island City, N.J., to the following points: Bristol, Fairfield, Windsor, Conn.; Wilmingotn, Del.; Annapolis, Baltimore, Cheverly, Havre DeGrace, Salisbury, Md.; Allston, Ayer, Cambridge, Mass.; Asbury Park, Atlantic City, Pennsauken, Teterboro, N.J.; Batavia, Buffalo, Cicero, Geneva, Memands (Albany), Newburgh, North Tonowanda, Rochester, Schenectady, Syracuse, N.Y.; Charlotte, Durham, Elkins, Fayetteville, Greensboro, Greenville, Hickory, Lumberton, New Bern, Raleigh, Rocky Mount, Wilmington, Winston Salem, Goldsboro, Kinston, Littleton, Roxboro, Selma, N.C.; Geistown, Mt. Pleasant, McKees Rock, Newville, Philadelphia, Pa.; Charleston, Cheraw, Columbia, Conway, Florence, Greenville, Spartanburg, S.C.; Charlottesville, Danville, Hollins, Lynchburg, Marion, Petersburg, Newport News, Norfolk, Va., under a continuing contract with Pepsi Cola Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pepsi Cola Company, Purchase, N.Y. 10577. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 111401 (Sub-No. 482 TA), filed March 9, 1977. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *N-Pentane*, in bulk, in tank vehicles, from Shreveport, La., to Brownsville, Tex., in foreign commerce only, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Atlas Processing Company, P.O. Box 9389, Shreveport, La. 71109. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 N.W. Third St., Oklahoma City, Okla. 73102.

No. MC 11365 (Sub-No. 214 TA), filed March 14, 1977. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 N. Broadway, Muncie, Ind. 47303. Applicant's representative: Daniel C. Sullivan, 327 S. LaSalle St., Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* (except hides and commodities in bulk), from Union City and Humboldt, Tenn., to points in New York, New Jersey, Massachusetts, Connecticut, Rhode Island, Maryland, Michigan, Indiana, Ohio, Pennsylvania and Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Reelfoot Packing Company, Reelfoot Ave., P.O. Box 689, Union City, Tenn. 38261. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 W. Wayne St., Suite 113, Fort Wayne, Ind. 46802.

No. MC 115311 (Sub-No. 212TA), filed March 14, 1977. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: Kim G. Meyer, 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertisting matter*, from Belleville, Ill., to points in Alabama, Mississippi, Louisiana and Texas; and (2) *Empty malt beverage containers, malt beverage pallets, dunnage, damaged, refused, and rejected shipments of malt beverages*, from points in Alabama, Mississippi, Louisiana and Texas, to Belleville, Ill., for 180 days. Supporting shipper: Carling National Breweries, Inc., 3720 Dillon St., Baltimore, Md. 21224. Send protests to: Sara K. Davis, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 1252 W. Peach tree St., N.W., Room 546, Atlanta, Ga. 30309.

No. MC 120978 (Sub-No. 15TA), filed March 14, 1977. Applicant: REINHART MAYER, doing business as MAYER TRUCK LINE, 1203 S. Riverside Drive, Jamestown, N. Dak. 58401. Applicant's representative: Gene P. Johnson, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer ingredients*, from Clara City and Gluek, Minn., to points in North Dakota, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Cargill, Incorporated, Boc 9300, P.M.D. No. 20, Minneapolis, Minn. 55440. Martrex, Inc., 7701 Arboretum Blvd., Chanhassen, Minn. 55317. Send protests to: Ronald R. Mau, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 127459 (Sub-No. 2TA), filed March 14, 1977. Applicant: ROBERT L. EMERY, R.D. No. 1, Brookville, Pa. 15825. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from the facilities of Robert L. Emery, at Brookville, Jefferson County, Pa., to Dunkirk, N.Y., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: A.R.G. Corporation, R.D. No. 1, DuBois, Pa. 15801. Send protests to: Richard C. Gobbell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 133966 (Sub-No. 48TA), filed March 14, 1977. Applicant: NORTH EAST EXPRESS, INC., P.O. Box 127, Mountaintop, Pa. 18707. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt* (except in bulk), from Manistee, Mich., to points in Pennsylvania, New York and New Jersey, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hardy Salt Company, P.O. Drawer 449, St. Louis, Mo. 63166. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission,

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314 U.S. Post Office Bldg., Scranton, Pa. 18503.

No. MC 138469 (Sub-No. 41TA), filed March 14, 1977. Applicant: DONCO CARRIERS, INC., 641 N. Meridian, P.O. Box 75354, Oklahoma City, Okla. 73107. Applicant's representative: Jack H. Blanshan, Suite 200, 205 W. Touhy Ave., Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products*, from the facilities of Bunte Candies, Inc., at Oklahoma City, Okla., to points in Alabama, Florida, Georgia, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia and West Virginia, for 180 days. Supporting shipper: Bunte Candies, Inc., 129 E. California, Oklahoma City, Okla. Send protests to: Joe Green, District Supervisor, Room 240, Old Post Office Bldg., 215 NW. Third St., Oklahoma City, Okla. 73102.

No. MC 139193 (Sub-No. 59TA), filed March 14, 1977. Applicant: ROBERTS & OAKE, INC., 527 E. 52d St., North, P.O. Box 1356, Sioux Falls, S. Dak. 57101. Applicant's representative: Jacob P. Billig, Suite 300, 2033 K St., NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, dairy products and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and liquid commodities in bulk), from the plantsite and storage facilities of John Morrell & Co., Sioux Falls, S. Dak., to points in Nebraska on and west of U.S. Highway 183, and points in Wyoming, under a continuing contract with John Morrell & Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: John Morrell & Company, 208 S. LaSalle St., Chicago, Ill. 60604. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 139193 (Sub-No. 60TA), filed March 14, 1977. Applicant: ROBERTS & OAKE, INC., 527 E. 52d St., North, P.O. Box 1356, Sioux Falls, S. Dak. 57101. Applicant's representative: Jacob P. Billig, Suite 300, 2033 K St. NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles and hides, skins and tannery products), from Sioux City and Estherville, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia and the District of Columbia; and *such commodities* as are used by meat packers in the conduct of their business (except commodities in bulk, in tank vehicles and hides, skins and tannery products), from points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia and the District of Columbia, to Sioux City and Estherville, Iowa, under a continuing contract with John Morrell & Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: John Morrell & Co., 208 S. LaSalle St., Chicago, Ill. 60604. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 140029 (Sub-No. 6TA), filed March 15, 1977. Applicant: CLIFFORD H. HALL, INC., Pearl St., Bliss, N.Y. 14024. Applicant's representative: William J. Hirsch, Suite 1125, 43 Court St., Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bran*, in bulk, from the bulk loading facility of The Pillsbury Company, at Buffalo, N.Y., to Mansfield, Middlebury Center, Westfield, Wellsboro, Knoxville and Wysox, Pa., restricted to traffic destined to the facilities of Agway, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Agway, Inc., Feed Division, Box 1333, Syracuse, N.Y. 13201. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 910 Federal Bldg., 111 W. Huron St., Buffalo, N.Y. 14202.

No. MC 140153 (Sub-No. 2TA), filed March 9, 1977. Applicant: JOE BRAND, INC., 601 N. Portland, P.O. Box 82461, Oklahoma City, Okla. 73108. Applicant's representative: Rufus H. Lawson, 106 Bixler Bldg., 2400 Northwest 23d St., Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Butter*, in packages and/or containers, in refrigerated equipment, from the plantsite of Wilsey-Bennett Company of Oklahoma, Inc., located in Oklahoma City, Okla., to points in North Carolina, South Carolina and Tennessee, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wilsey-Bennett Company of Oklahoma, Inc., 3949 NW. 36th St., Oklahoma City, Okla. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 NW. Third St., Oklahoma City, Okla. 73102.

No. MC 140267 (Sub-No. 3TA), filed March 14, 1977. Applicant: R. A. TRANSPORTATION, INC., 115 Jacobus Ave., South Kearny, N.J. 07032. Applicant's representative: S. Michael Richards, 44 North Ave., P.O. Box 14580, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bags, from Buffalo and Lockport, N.Y., and Martel, Ohio, to Baltimore, and Jessup, Md., under a continuing contract with Frank A. Serio and Sons, Inc., for 180 days. Supporting shipper: Frank A. Serio and Sons, Inc., 250 Dickman St., Baltimore, Md. 21230. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 140665 (Sub-No. 8TA), filed March 11, 1977. Applicant: PRIME, INC., Route 1, Urbana, Mo. 65767. Applicant's representative: Clayton Geer, P.O. Box 786, Ravenna, Ohio 44266. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Welding equipment and welding supplies* (except commodities because of their size and weight require the use of special equipment), from Dover and Ashtabula, Ohio; Waverly and Pittsburgh, Pa.; Worth, Chicago Heights and Chicago, Ill.; Florence, S.C.; Sykesville, Md.; Kokomo, Ind., and St. Paul, Minn., to points in Arizona, California, Colorado, New Mexico, Utah, Nevada, Wyoming, Montana, Idaho, Oregon and Washington, for 180 days. Supporting shipper: Weldmatic Corporation, 300 Market St., Oakland, Calif. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 141197 (Sub-No. 16TA), filed March 14, 1977. Applicant: FLEMING-BABCOCK, INC., 4106 Mattox Road, Riverside, Mo. 64150. Applicant's representative: Tom B. Kretsinger, 910 Brookfield Bldg., 101 W. 11th St., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from Nowata, Craig, Ottawa, Delaware, Rogers and Mayes Counties, Okla., to the Kansas City Commercial Zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Tri-Con, Ltd., 2211 S. May Ave., Oklahoma City, Okla. City Power & Light Department, 21500 E. Truman Road, Independence, Mo. 64056. Custom Coal, 900 Walnut, Kansas City, Mo. 64106. Associated Products Co., 5005 N. Pennsylvania, Suite 105, Oklahoma City, Okla. 73112. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 141914 (Sub-No. 7TA), filed March 14, 1977. Applicant: FRANKS & SON, INC., P.O. Box 108A, Route 1, Big Cabin, Okla. 74332. Applicant's representative: Gary Brasel, Mezzanine Floor, Beacon Bldg., Tulsa, Okla. 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Maple syrup* products, from the International Border, at or near Trout River, N.Y., to Chicago, Ill., and Kansas City, Mo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Canada Starch Co., Ltd., 1 Place du Commerce, Nuns' Island, Verdun, Quebec H3E 1A7. Send protests to Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 NW. Third St., Oklahoma City, Okla. 73102.

No. MC 141921 (Sub-No. 5TA), filed March 11, 1977. Applicant: SAV-ON TRANSPORTATION, INC., 143 Frontage Road, Manchester, N.H. 03103. Applicant's representative: Daniel McCoy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides skin, and commodities in bulk), from the plantsite and warehouse facilities of the Morgan Colorado Beef Company, at or near Fort Morgan, Colo., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Maryland, Delaware and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Morgan Colorado Beef Company, P.O. Box 437, Fort Morgan, Colo. 80701. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 425 Federal Bldg., 55 Pleasant St., Concord, N.H. 03301.

No. MC 142965 (Sub-No. 1TA), filed March 14, 1977. Applicant: RC CORPORATION, 100 California Ave., Reno, Nev. 89509. Applicant's representative: Robert J. Smeath (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer, wine, alcoholic beverages and related items*, from points in Los Angeles, San Francisco, San Mateo, Napa, Sonoma, Santa Rosa, Sacramento, San Joaquin, Fresno and Alameda Counties, Calif., on the one hand, to Reno, Nev., on the other, under a continuing contract with Luce and Son, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Luce and Son, Inc., 670 E. 6th St., Reno, Nev. 89502. Send protests to: W. J. Huetig, District Supervisor, Interstate Commerce Commission, 203 Federal Bldg., 705 N. Plaza St., Carson City, Nev. 89701.

No. MC 143031 (Sub-No. 1TA), filed March 10, 1977. Applicant: LLOYD PAUL MURPHY, JAMES EDWARD MURPHY, TIMOTHY PAUL MURPHY AND ERNEST STEWART MURPHY, doing business as, MURPHY & SONS, Route 2, Box 139, Spring City, Tenn. 37381. Applicant's representative: Harlan Dodson, III, P.O. Box 2524, Nashville, Tenn. 37219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *New furniture, furniture parts*, crated and uncrated, *materials and supplies* to be used by La-Z-Boy Chair Company, in manufacturing new furniture (except commodities in bulk). Restriction: The operations are limited to a transportation service to be performed, under a continuing contract with La-Z-Boy Chair Company; and (b) (1) from the plantsites and storage facilities of La-Z-Boy Chair Company, at or near Dayton, Tenn., to points in Alabama, Arkansas, California, Florida, Georgia, Illinois, Indiana, Kentucky, Michigan, Mississippi, Missouri, North Carolina, Ohio, South Carolina and Virginia; and (b) (2) from dealers of, customers of, plantsites and facilities of, and suppliers of La-Z-Boy Chair Company in Alabama, Arkansas, California, Florida, Georgia, Illinois, Indiana, Kentucky, Michigan, Mississippi, Missouri, North Carolina, Ohio, South Carolina and Virginia, to the plantsites and facilities of La-Z-Boy Chair Company, at or near Dayton, Tenn., and at or near Florence, S.C., under a continuing contract with La-Z-Boy Chair Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: La-Z-Boy Chair Company, P.O. Box 191, Walnut Grove Road, Dayton, Tenn. 37321. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422 U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 143035 TA, filed March 15, 1977. Applicant: GUNDY H. ROBERTS AND MARY T. ROBERTS doing business as, GUNDY'S TRANSFER & STORAGE, 301 Gundy's Lane, Enterprise, Ala. 36330. Applicant's representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Barbour, Coffee, Covington, Dale, Henry, Houston, Geneva and Pike Counties, Ala., restricted to the transportation of traffic having a prior or subsequent movement, in container, and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization of unpacking, uncrating, or decontainerization of such traffic, for 180 days. Supporting shipper: Sunpak Movers, Inc., 100 W. Harrison Plaza, Seattle, Wash. 98119. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 143037 TA, filed March 15, 1977. Applicant: JERRY E. TILLER, doing business as T & T TRUCKING, 6632 E. Parlier Ave., Fowler, Calif. 93625. Applicant's representative: Edward L. Fanucchi, 2409 Merced St., Suite 3, Fresno, Calif. 93721. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil shortening, shortening meat fat, imitation cheese*, made from vegetable oils, margarine, liquid salad/cooking oil, salad dressing, lard, vegetable oil, and animal fat blend, table sauces, and cheese, from Shipper's plant in Fresno County, Calif., to Shipper's warehouse in Phoenix, Maricopa County, Ariz., and to other consignees at various destinations within the state of Arizona, under a continuing contract with Anderson Clayton Foods, 3390 S. Chestnut Ave., Fresno, Calif. 93725. Send protests to: Claud W. Reeves, District Supervisor, 211 Main, Suite 500, San Francisco, Calif. 94105.

No. MC 143038 TA, filed March 14, 1977. Applicant: BAY AREA CARTAGE COMPANY, 801 Maritime St., Oakland, Calif. 94607. Applicant's representative: Floyd L. Farano, 2555 E. Chapman Ave., Fullerton, Calif. 92631. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as described by the Commission, between points in San Francisco, San Mateo, Contra Costa, Alameda, Santa Clara, Marin, Sonoma Counties, Calif., for 180 days. Supporting shipper: U.S. Department of Defense, Office of The Judge Advocate General, Department of The Army, Washington, D.C. 20310. Send protests to: A. J. Rodriguez, District Supervisor, 211 Main, Suite 500, San Francisco, Calif. 94105.

No. MC 143039 TA, filed March 14, 1977. Applicant: FREDERICO C. SEAMAN, doing business as SEAMAN TRUCKING, 1548 Melrose Ave., Chula Vista, Calif. 92011. Applicant's representative: William J. Monheim, P.O. Box 1756, Whittier, Calif. 90609. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial and street sweeping brushes or brooms and parts and accessories therefor*, between Pomona, Calif., and the port of entry between the United States and the Republic of Mexico, at or near San Ysidro, Calif. Applicant intends to interline at the port of entry with Mexican carrier, for 180 days. Supporting shipper: Merit Products de Mexico S. A. De C. V., Centro Ind. Las Brisas, 2 da. Secc. LOC No. 5, La Mesa, Tijuana, Baja, CA Republic of Mexico. Protests to: Linda H. Spyher, District Supervisor, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 N. Los Angeles, Calif. 90012.

No. MC 143040 TA, filed March 15, 1977. Applicant: SPRINGER VAN LINES, INC., 1212 W. Fairmont, Tempe, Ariz. 85282. Applicant's representative: William A. Booth, 606 S. Olive St., Suite 825, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Arizona, restricted to the transportation of traffic having prior or subsequent movement in interstate or foreign commerce, further restricted to the performance of pickup and delivery service in connection with packing, crating, containerization or unpack-

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ing, uncrating and decontainerization of such traffic, for 180 days. Supporting shipper: U.S. Department of Defense, Department of The Army, Washington, D.C. 20310. Send Protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427, Federal Bldg., 230 N. First Ave., Phoenix, Ariz. 85025.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-10111 Filed 4-4-77;8:45 am]

[Notice No. 45]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 30, 1977.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 11722 (Sub-No. 53 TA), filed March 22, 1977. Applicant: BRADER HAULING SERVICE, INC., P.O. Box 655, Zillah, Wash. 98953. Applicant's representative: Douglas A. Wilson, 303 E. D St., Yakima, Wash 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm supplies, limited to coir yarn, hop cloth, sisal, steel wire and paper twine*, restricted to traffic having a prior movement by water, from ports of entry at Seattle and Tacoma, Wash., and Portland, Oreg., to Yakima and Benton Counties, Wash., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hop Growers Supply Company, Inc., P.O. Box 325, Toppenish, Wash. 98948. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 33970 (Sub-No. 17 TA), filed March 11, 1977. Applicant: GEORGE HILDEBRANDT, INC., R.D. 2, Hudson, N.Y. 12534. Applicant's representative: Neil D. Breslin, Twin Towers—1111, 99 Washington Ave., Albany, N.Y. 12210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from White Marsh, Md., to points in New York, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Watkins Salt Company, Watkins Glen, N.Y. Send protests to: Robert A. Radler, District Supervisor, 518 Federal Bldg., P.O. Box 1167, Albany, N.Y. 12201.

No. MC 45893 (Sub-No. 13TA), filed March 21, 1977. Applicant: ROSS TRUCK LINES, INC., 1010 N. Pearl, P.O. Box 249, Paola, Kans. 66071. Applicant's representative: Clyde N. Christey, 514 Capitol Federal Bldg., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Welda, Kans., on the one hand, and Wolf Creek Generating Station and/or construction site located approximately 3 miles west of New Strawn, Kans., on the other, in connection with carrier's presently authorized operations, from Welda, Kans., over U.S. 169 to its intersection with Kansas Highway 57; thence westerly over Kansas Highway No. 57 to its intersection with U.S. Highway No. 75; thence north over said U.S. Highway No. 75 to New Strawn, Kans.; and thence west over County roads to the Wolf Creek Generating Station and or construction site, and return over the same route, serving no intermediate points; from Welda, Kans., westerly over County roads to Burlington, Kans.; thence north on U.S. Highway 75 to New Strawn, Kans.; and thence west over County roads to the Wolf Creek Generating Station and/or construction site, and return over the same route, serving no intermediate points, as an alternate route for operating convenience of the carrier. Applicant intends to tack and interline at Kansas City, Mo., for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kansas Gas and Electric, P.O. Box 309, Burlington, Kans. 66839. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Bldg., Topeka, Kans 66603.

No. MC 52704 (Sub-No. 140TA), filed March 17, 1977. Applicant: GLENN MCCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", Opelika Hwy., LaFayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 W. Peachtree St., N.W., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles and glass containers*, for food and beverages, from the warehouse facilities utilized by Laurens Glass Company, at or near Bernice, La., to points in Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas and Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Laurens Glass Company, P.O. Box 9, Laurens, S.C. 29360. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 61396 (Sub-No. 327TA), filed March 21, 1977. Applicant: HERMAN BROS., INC., 2565 St. Marys Ave., P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith, II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, from the plantsite of ConAgra, Inc., at Fremont, Nebr., to points in Iowa, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Edward S. Duncza, Supervisor of Fleet Operations, ConAgra, Inc., 200 Kiewit Plaza, Omaha, Nebr. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 N. 14th St., Omaha, Nebr. 68102.

No. MC 63871 (Sub-No. 3 TA), filed March 21, 1977. Applicant: ANDREWS & PIERCE INC., 1431 Bedford St., P.O. Box 97, North Abington, Mass. 02351. Applicant's representative: James E. Mahoney, 84 State St., Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers; (2) *Materials, supplies and equipment* used in the manufacture, sale and distribution of malt beverages; and (3) *Empty glass bottles*, not exceeding one gallon capacity; (1) from South Volney, N.Y., to points in Massachusetts and Rhode Island; (2) from points in Massachusetts and Rhode Island, to South Volney, N.Y.; and (3) from Milford, Mass., to South Volney, N.Y., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: (1) Miller Brewing Company, 4000 W. State St., Milwaukee, Wis. 53201. (2) Foster Forbes Co., Division of National Can Co., National St., Milford, Mass. 01757. Send protests to: D. W. Hammons, District Supervisor, Interstate Commerce Commission, 150 Causeway St., Room 501, Boston, Mass. 02114.

No. MC 82492 (Sub-No. 146 TA), filed March 22, 1977. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, Box 2853, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* (except hides and commodites in bulk), as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and storage facilities of Hygrade Food Products, at or near Storm Lake and Cherokee, Iowa, to points in Indiana and Ohio, for 180 days. Supporting shipper: Hygrade Food Products Corporation, Detroit, Mich. 48219. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 83539 (Sub-No. 455TA), filed March 18, 1977. Applicant: C & H TRANSPORTATION CO., INC., 1936-2010 W. Commerce St., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors), from the plantsite of Ford Motor Company, at Romeo, Mich., to points in the United States, east of Montana, Wyoming, Colorado and New Mexico (except Michigan), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ford Motor Company, Ford Tractor Operations, 2500 E. Maple, Troy, Mich. 48084. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 94597 (Sub-No. 1TA), filed March 21, 1977. Applicant: HENRY LAMBERT TRUCKING CO., INC., 101 First Ave., N.E., Minneapolis, Minn. 55413. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude vermiculite ore*, in bulk, in dump vehicles, from points in the Chicago, Ill., Commercial Zone, to Minneapolis, Minn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Vermiculite Co., 52 Executive Park So., Atlanta, Ga. 30329. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 98952 (Sub-No. 43 TA), filed March 21, 1977. Applicant: GENERAL TRANSFER COMPANY, 2880 N. Woodford St., P.O. Box 2203, Decatur, Ill. 62526. Applicant's representative: Paul E. Steinhour, 918 E. Capitol Ave., Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery and confectionery products*, from the plantsite of Charms Company, at or near Covington, Tenn., to points in Michigan, Wisconsin, Minnesota, Missouri, Kentucky, Indiana, Iowa and Illinois, restricted to the transportation of shipments moving in vehicles equipped with mechanical refrigeration, for 180 days. Supporting shipper: George McQueeney, Traffic Manager, Charms Company, Halls Mills Road, Freehold, N.J. 07728. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commision, P.O. Box 2418, Springfield, Ill 62705.

No. MC 106748 (Sub-No. 11 TA), filed March 21, 1977. Applicant GODDARD'S TRANSPORTATION, INC., Box 185, Fair Haven, Vt. 05743. Applicant's representative: John P. Monte, 61 Summer St., Barre, Vt. 05641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground limestone slurries*, from Tutland County and New Haven Junction, Vt., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island and Vermont and Canadian Provinces of Quebec and Ontario, for 180 days. Supporting shipper: Vermont Marble Co. & White Pigment Corp., Proctor, Vt. 05765. Send protests to: David A. Demers, District Supervisor, Interstate Commerce Commission, P.O. Box 548, 87 State St., Montpelier, Vt. 05602.

No. MC 110563 (Sub-No. 197TA) (Correction), filed February 28, 1977, published in the FEDERAL REGISTER issue of March 15, 1977, and republished as corrected this issue. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, 113 N. Ohio Ave., Ohio Bldg., Sidney, Ohio 45365. Applicant's representative: John L. Maurer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal briquettes and related advertising materials*, from Marion, Ohio, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Great Lakes Carbon Corporation, 299 Park Ave., New York, N.Y. 10017. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Bldg., 234 Summit St., Toledo, Ohio 43604. The purpose of this republication is to correct the territorial description in this proceeding.

No. MC 112617 (Sub-No. 361TA), filed March 22, 1977. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, 1292 Fern Valley Road, Louisville, Ky. 40219. Applicant's representative: Charles R. Dunford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Muriatic acid*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Indiana, Kentucky, Illinois, Ohio, West Virginia, Pennsylvania and Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Tommy Childress, President, Sealand Chemicals, Inc., P.O. Box 1182, Henderson Ky. 42420. Send protests to: Elbert Brown, Jr., District Supervisor, Interstate Commerce Commission, 426 Post Office Bldg., Louisville, Ky. 40202.

No. MC 116073 (Sub-No. 349TA), filed March 22, 1977. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Ave., P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: John C. Barrett (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles (except travel trailers), *and buildings*, complete or in sections, from the plantsites of Champion Home Builders Company, at or near Dinuba and Lindsay, Calif.; Lake City and Oneco, Fla.; Ellaville and Woodbury, Ga.; Monroe, Ind.; Dryden, Mich.; Central City and York, Nebr.; Lillington, N.C.; Claysburg, Pa.; Kanona, Richfield Springs and Sangerfield, N.Y.; Buffalo, Commerce, Honey Grove and Wills Point, Tex.; Henry, Tenn.; and Mount Jackson, Va.; and points in their commercial zones, to points in the United States, including Alaska but excluding Hawaii, for 180 days. Supporting shipper: Champion Home Builders Company, 5573 North St., Dryden, Mich. 48428. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 116073 (Sub-No. 350TA), filed March 22, 1977. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Ave., P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: John C. Barrett (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, *and buildings*, complete or in sections (except travel trailers), from Nappanee, Ind., to points in the United States, including Alaska, for 180 days.

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Supporting shipper: Monarch Commercial Structures, R.R. No. 3, Box 325A, Nappanee, Ind. 46550. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 116073 (Sub-No. 351TA), filed March 22, 1977. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Ave., P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: John C. Barrett (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles (except travel trailers); and (2) *Buildings*, complete or in sections, from the plantsites of Guerdon Industries, Inc., located at or near Alexander City and Russellville, Ala.; Beebe, Cabot and Manila, Ark.; Ocala, Fla.; Waycross, Ga.; Manhattan, Kans.; Vicksburg, Miss.; and Gering, Nebr.; and points within their commercial zones; to points in the United States, including Alaska but excluding Hawaii, for 180 days. Supporting shipper: Guerdon Industries, Inc., P.O. Box 1259, Louisville, Ky. 40201. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 116763 (Sub-No. 373TA), filed March 22, 1977. Applicant: CARL SUBLER TRUCKING, North West St., Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrapping paper, printing paper and pulpboard*, from the plantsite, warehouse and storage facilities of Union Camp Corporation, located at or near Franklin, Va., to points in Illinois, Indiana, Kentucky, Michigan and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Union Camp Corporation, 1600 Valley Road, Wayne, N.J. 07470. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514–B Federal Bldg., 550 Main St., Cincinnati, Ohio 45202.

No. MC 119531 (Sub-No. 162TA), filed March 21, 1977. Applicant: SUN EXPRESS, INC., P.O. Box 1031, 3893 Market St., NE., Warren, Ohio 44484. Applicant's representative: Paul F. Berry, 275 E. State St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and tin containers*, from the plantsite of Vulcan Containers, Steel Pail Division, West Chicago, Ill., to points in Michigan, Missouri, Indiana, Kentucky, Ohio, Pennsylvania and New York, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Vulcan Containers, Steel Pail Division, 1700 Western Drive, West Chicago, Ill. 60185. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 E. Ninth St., Cleveland, Ohio 44199.

No. MC 119789 (Sub-No. 331TA), file March 18, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from Plymouth, Wis., to points in Connecticut, Florida, Georgia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Tennessee, Virginia and the District of Columbia, for 180 days. Supporting shipper: Borden Foods Division, Borden, Inc., 180 E. Broad St., Columbus, Ohio 43215. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 123797 (Sub-No. 4TA), filed March 21, 1977. Applicant: ATLANTIC INTERSTATE MESSENGERS, INC., 201 Henry St., Stamford, Conn. 06904. Applicant's representative: Doyle Cloud, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, limited to shipments weighing not more than 2,000 pounds, from one consignor to one consignee at one location, at any one time, in messenger service, restricted to vehicles classified by the DOT & ICC as being a light weight vehicle per Title 49, Section 390.17 for pickup and delivery. NOTE.—Automobile-type equipment is to be used; (a) Between points in Connecticut, Massachusetts, Maine, Rhode Island and New York south of Interstate 84; (b) between New Jersey and Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island and Vermont; and (c) between points in Part A, on the one hand, and, on the other, points in Delaware, the District of Columbia, Maryland, Maine, New Hampshire, Pennsylvania and Vermont, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 16 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: J. D. Perry, Jr., District Supervisor, Interstate Commerce Commission, 135 High St., Room 324, Hartford, Conn. 06101.

No. MC 124771 (Sub-No. 44 TA), filed March 21, 1977. Applicant: BECKER CORPORATION, P.O. Box 1050, 2643 W. Central, El Dorado, Kans. 67042. Applicant's representative: T. M. Brown, 223 Ciudad Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions* (except petroleum products), in bulk, in tank vehicles, from the facilities of Agrico Chemical Company, at or near Indianola, Nebr., to points in Colorado and Kansas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Bldg., Wichita, Kans. 67202.

No. MC 124939 (Sub-No. 12 TA), filed March 22, 1977. Applicant: FOOD HAUL, INC., 1215 W. Mount St., Rear, P.O. Box 23394, Columbus, Ohio 43224. Applicant's representative: Paul F. Berry, 275 E. State St., Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bakery products;* and (2) *Merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses; (1) from the facilities of The Kroger Co., at Columbus, Ohio, to Dallas and Houston, Tex.; and (2) from the facilities of The Kroger Co., at Cincinnati, Ohio, to Dallas and Houston, Tex., under a continuing contract with The Kroger Co., of Cincinnati, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Kroger Co., 1014 Vine St., Cincinnati, Ohio 45201. Send protests to: Frank L. Galvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg., and U.S. Courthouse, 85 Marconi Blvd., Columbus, Ohio 43215.

No. MC 126716 (Sub-No. 3 TA), filed March 18, 1977. Applicant: WESTON TRUCKING COMPANY, doing business as WESTON TRUCKING, 111 "C" St., Encinitas, Calif. 92024. Applicant's representative: William D. Taylor, 100 Pine St., San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rocket motors and igniter assemblies* for rocket motors, having prior or subsequent movement by air, between Los Angeles International Airport, at Los Angeles, Calif., on the one hand, and, on the other, San Diego, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Airlines, International Airport, San Diego, Calif. 92101. Send protests to: Linda H. Sypher, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 N. Los Angeles St., Los Angeles, Calif. 90012.

No. MC 127524 (Sub-No. 13 TA), filed March 18, 1977. Applicant: QUADREL BROS. TRUCKING COMPANY, INC., 1603 Hart St., Rahway, N.J. 07065. Applicant's representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Muratic acid*, in bulk, from Baltimore, Md., to Velvidere and Nutley, N.J., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hoffman-La Roche, 340 Kingsland St., Nutley, N.J. 07110. Send protests to: Robert E. Johnston,

District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 136553 (Sub-No. 46 TA), filed March 21, 1977. Applicant: ART PAPE TRANSFER, INC., 1080 E. 12th St., Dubuque, Iowa 52001. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pesticides* (except in bulk), from Streator, Ill., to points in Iowa and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Smith-Douglass Division of Borden Chemical, Borden, Inc., P.O .Box 419, Norfolk, Va. 23501. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 136796 (Sub-No. 2 TA), filed March 18, 1977. Applicant: CHARLES OTTO, doing business as OTTO TRANSFER, 417 E. Elm St., Delano, Minn. 55328. Applicant's representative: John B. Van de North, Jr., 4610 IDS Center, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Insulation products* (except in bulk), from Rockford, Minn., to points in Colorado, Montana, Wyoming, Kansas, Nebraska, Missouri, Michigan, Wisconsin, Iowa, North Dakota, South Dakota, Kentucky, Indiana and Illinois (except points in Cook County), under a continuing contract with Minnesota Diversified Products, Inc., for 180 days. Supporting shipper: Minnesota Diversified Products, Inc., 2281 Hampden Ave., St. Paul, Minn. 55114. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 138635 (Sub-No. 36TA), filed March 21, 1977. Applicant: CAROLINA WESTERN EXPRESS, INC., 1511 K St., NW., Suite 712, Washington, D.C. 20005. Applicant's representative: Eric Meierhoefer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Wallula, Wash., to points in Pennsylvania and Maryland, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Columbia Foods, Inc., Division of Iowa Beef Processors, Inc., Box 926, Pasco, Wash. 99301. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 139193 (Sub-No. 63TA), filed March 21, 1977. Applicant: ROBERTS & OAKE, INC., 527 E. 52nd St., North, Sioux Falls, S. Dak. 57101. Applicant's representative: Jacob P. Billig, Suite 300, 2033 K St., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities in bulk), from the facilities of John Morrell & Co., at Shreveport, La., to Birmingham, Dothan, Mobile and Montgomery, Ala.; Hialeah, Jacksonville, Miami, Panama City, Pensacola, Plant City, Pompano Beach and Tampa, Fla.; Atlanta Augusta, Ft. McPherson and Quitman, Ga.; Chicago, Elmhurst and Geneseo, Ill.; Estherville, Iowa; Arkansas City, Emporia and Kansas City, Kans.; Louisville, Ky.; Baltimore and Landover, Md.; Boston, Mass.; Detroit and Livonia, Mich.; St. Paul, Minn; Biloxi, Gulfport, Jackson and Tupelo, Miss.; Kansas City and St. Louis, Mo.; Elizabeth, Florence, South Kearney and Woodbridge, N.J.; Cortland, Mt. Kisco, New York, Syracuse and Waterford, N.Y.; Charlotte, N.C.; Columbus and Salem, Ohio; Philadelphia and Pittsburgh, Pa.; Charleston, S.C.; Knoxville, Memphis, Nashville and Whites Creek, Tenn.; Hampton, Mechanicsville, Richmond, Roanoke and Salem, Va.; Eau Claire and Milwaukee, Wis.; and points in Arkansas, Louisiana and Texas; Ft. Bragg and Raleigh, N.C.; Oklahoma City, Okla.; Cincinnati, Cleveland, Ohio; and *Such commodities* as are used by meat packers in the conduct of their business (except liquid commodities in bulk), from the destination points above to the facilities of John Morrell & Co., at Shreveport, La., under a continuing contract with John Morrell & Co., of Chicago, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: John Morrell & Co., 208 S. LaSalle St., Chicago, Ill. 60604. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369 Federal Bldg., Pierre, S. Dak. 57501.

No. MC 139495 (Sub-No. 214 TA), filed March 21, 1977. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, 1501 E. 8th St., Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St., NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations, buffing and polishing compounds, sweetening compounds, and foodstuffs* (except commodites in bulk, in tank vehicles), from the facilities of Alberto-Culver Company, located at or near Melrose Park, Ill., to points in Union, Essex, Hudson, Bergen and Middlesex Counties, N.J., for 180 days. Supporting shipper: Alberto-Culver Company, 2525 Armitage Ave., Melrose Park, Ill. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Suite 101 Litwin Bldg., Wichita, Kans. 67202.

No. MC 140829 (Sub–No. 44 TA), filed March 21, 1977. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 55 Madison Ave., Morristown, N.J. 07960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plantsite and/or warehouse facilities utilized by Anderson Clayton Foods, at or near Jacksonville, Ill., to Baltimore, Md.; Boston, Mass.; Secaucus, N.J.; and Philadelphia, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Denny Glassmeyer, Traffic Manager, Anderson Clayton Foods, P.O. Box 6165, Dallas, Tex. 75222. Send Protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 N. 14th St., Omaha, Nebr. 68102.

No. MC 141773 (Sub-No. 2 TA), filed March 22, 1977. Applicant: THERMO TRANSPORT, INC., 156 E. Market St., Indianapolis, Ind. 46204. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from the plantsites and warehouse facilities of Jones & Laughlin Steel Corporation, at Indianapolis, Ind.; Aliquippa, Pa.; Youngstown and Louisville, Ohio, to Portland, Milwaukee, Salem and Eugene, Oreg.; San Francisco, Fresno, Kingsburg, Tulare, Cucamonga, Chatsworth, Irving, Pacoima, San Diego, Gustine, Covina, San Jose, Santa Clara, Bakersfield, Emeryville and Oakland, Wash.; Seattle, Tacoma and Vancouver Wash.; Lake Havasu City, Phoenix and Tucson, Ariz., under a continuing contract with Jones & Laughlin Steel Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Jones & Laughlin Steel Corporation, 1600 W. Carso St., Pittsburgh, Pa. 15263. Send protests to: William Ennis, District Supervisor, Interstate Commerce Commission, Federal Bldg., and U.S. Courthouse, 46 E. Ohio St., Room 429, Indianapolis, Ind. 46204.

No. MC 141998 (Sub-No. 1 TA), filed March 21, 1977. Applicant: NORMAN C. DRENNEN, doing business as DRENNEN TRUCKING, P.O. Box 31, Braddyville, Iowa 51631. Applicant's representative: J. Max Harding, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, dirt, rock, hot mix and crushed limestone* (except in bulk, in tank vehicles), between points in

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Adams, Fremont, Mills, Montgomery, Page, Taylor, and Union Counties, Iowa; points in Cass and Sarpy Counties, Nebr.; and points in Atchison, Holt and Nodaway Counties, Mo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 6 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., copies thereof which may be examined at the field office named below. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 N. 14th St., Omaha, Nebr. 68102.

No. MC 143008 TA (Correction), filed March 7, 1977, published in the FEDERAL REGISTER issue of March 24, 1977, and republished as corrected this issue. Applicant: ITG TRUCKING COMPANY, INC., 249 Copeland St., Jacksonville, Fla. 32203. Applicant's representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, Fla. 33202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles* distributed by meat packinghouses (except commodities in bulk), between Jacksonville, Fla., on the one hand, and, on the other, points in Alabama, California, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, Wisconsin and Washington, under a continuing contract with Jones-Chambliss Co., Henry's Hickory House, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Jones-Chambliss Co., Henry's Hickory House, 2135 Forest St., Jacksonville, Fla. 33204. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 W. Bay St., Jacksonville, Fla. 32202. The purpose of this republication is to correct the territorial description.

No. MC 142812TA (Amendment), filed January 12, 1977, published in the FEDERAL REGISTER issue of January 28, 1977, and republished as amended this issue. Applicant: DONNA LEE GOODNER, doing business as THE TRUCKEE STAGE COMPANY, P.O. Box 775, Truckee, Calif. 95734. Applicant's representative: Donna Lee Goodner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transport: *Passengers and their baggage, including recreational equipment;* Route (1) Commencing at Stateline, Nev., over and along U.S. Highway 50 to the junction of Nevada Highway 28, thence over and along Nevada Highway 28 to the Nevada-California State line (Crystal Bay, Nev.), thence via California Highway 28 to California Highway 89 (Tahoe City), thence via that highway south to Granlibakken Road, to Granlibakken Ski Resort, thence return to California Highway 89, north to Alpine Meadows Road, to Alpine Meadows Ski Resort, thence return to California Highway 89, north to Sqaw Valley Road, to Squaw Valley Ski Resort, thence return to California 89, north to Truckee, Calif., returning over the same route; Alternate Route: Commencing at Stateline, Nev., over and along U.S. Highway 50 to junction of Nevada Highway 28, thence over and along Nevada Highway 28 to the Nevada-California State line (Crystal Bay, Nev.), thence via California Highway 28 to the junction of California Highway 267, thence via California Highway 267 to Northstar Ski Resort, thence return to California Highway 267, north to the Truckee-Tahoe Airport, thence return to California Highway 267, north to Truckee, Calif., returning over the same route.

Route (2) Commencing at Incline Village, Nev., over and along Nevada Highway 28 to the Nevada-California State line (Crystal Bay, Nev.), thence via California Highway 28 to the junction of California Highway 267, thence via California Highway 267 to Northstar Ski Resort, thence return to California Highway 267 to the junction of California Highway 28 and via California Highway 28 to California Highway 89 (Tahoe City), and via that Highway north to Alpine Meadows Road, to Alpine Meadows Road, to Alpine Meadows Ski Resort, thence return to California Highway 89, north to Squaw Valley Road, to Squaw Valley Ski Resort, returning over the same route; Charter and special operations, between Stateline, Nev., on the one hand, and, on the other, points in Placer and Nevada Counties, Calif. (Tahoe Donner Ski Resort, Donner Lake, Prosser Lakeview Estates and Sierra Meadows, Calif.), for 180 days. Supporting shipper: Squaw Valley Ski Corporation, P.O. Box 2007, Olympic Valley, Calif. 95730. Send protests to: District Supervisor Huetig, Interstate Commerce Commission, 203 Federal Bldg., 705 N. Plaza St., Carson City, Nev. 89701.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-10117 Filed 4-4-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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1

AGENCY HOLDING THE MEETING: Consumer Product Safety Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 14898, March 17, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: March 24, 1977.

CHANGES IN THE MEETING: The Commission, at its March 24, 1977, meeting decided to amend the agenda for that meeting and consider in a closed session a settlement offer from Corning Glass Works in a substantial product hazard "timeliness" case. In making this change, the Commission determined that Agency business required consideration of the matter without seven days advance notice. A copy of the notice of closed meeting and the General Counsel's certification of that decision are on file in the Office of the Secretary. Also, a copy of the proposed settlement will be published in the FEDERAL REGISTER on April 5, 1977.

CONTACT PERSON FOR MORE INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Consumer Product Safety Commission, Suite 300, 1111-18th St., NW., Washington, D.C. 20207, telephone (202) 634-7700.

[S-86-77 Filed 4-1-77;10:03 am]

2

AGENCY HOLDING THE MEETING: Federal Election Commission.

LOCATION: 1325 K Street, NW., Washington, D.C. 20463.

DATE AND TIME: Thursday, April 7, 1977, 10 a.m.

PORTION OF THE MEETING OPEN TO THE PUBLIC:

I. Future Meetings:
II. Correction and Approval of Minutes—March 24, 1977.
III. Advisory Opinion Response 1977-9.
IV. Promulgation of Regulations.
V. Policy: (A) Policy on Executive Assistant Signing Documents; (B) Invitation Policy.
VI. Budget Execution Report.
VII. Audit Procedures.
VIII. Presentation of Proposed Commission Internal Management Control and Program Development System.

PORTION OF THE MEETING CLOSED TO THE PUBLIC:

IX. Executive Session: (A) Compliance; (B) Personnel.

PERSON TO CONTACT FOR INFORMATION:

Mr. David Fiske, Press Officer, telephone 202-52-34065.

MARJORIE W. EMMONS,
Secretary to the Commission.

[S-81-77 filed 3-31-77;1:59 pm]

3

AGENCY HOLDING THE MEETING: Federal Home Loan Bank Board.

[No. 7]

MARCH 31, 1977.

Pursuant to the Government in the Sunshine Act of 1976, 5 U.S.C. 552b(e)(1) and (3), announcement is made of a Board meeting to be held on April 7, 1977, at 9:30 a.m., at 320 First Street, NW., in room 630, at which the following agency business will be conducted:

Satellite Office Application, Biscayne Federal Savings and Loan Association, Miami, Florida.

Application for Permission to Change Office Location, Sunshine State Federal Savings and Loan Association, Plant City, Florida.

Application for Insurance of Accounts and Bank Membership, Sentinel Savings and Loan Association, Richlands, Virginia.

Remote Service Unit Application, TMS Project, Lincoln, Nebraska.

Branch Office Application, Minnesota Federal Savings and Loan Association, St. Paul, Minnesota.

Branch Office Application, Home Federal Savings and Loan Association of San Diego, San Diego, California.

Branch Office Application, Axia Federal Savings and Loan Association, Rahway, New Jersey.

The Federal Home Loan Bank Board,

RONALD A. SNIDER,
Assistant Secretary.

[S-82-77 Filed 3-31-77;2:33 pm]

4

AGENCY HOLDING THE MEETING: Federal Reserve System.

ADDITION OF PREVIOUSLY ANNOUNCED AGENDA ITEM

The Board of Governors has previously announced a meeting to be held on Monday, April 4, 1977, which will be closed to public observation under exemption(s) of the Government in the Sunshine Act (5 U.S.C. 552b(c)). One of the items announced for inclusion at that meeting was consideration of any agenda items carried forward from a previous meeting. The purpose of this announcement is to inform the public that the following such item, postponed from Friday, April 1, 1977, will be considered at this meeting:

Draft testimony to be presented before the Senate Committee on Banking, Housing and Urban Affairs regarding the 1977 budget for the Federal Reserve System.

The previously announced closed items for the April 4, 1977 meeting are:

Issues regarding electronic funds transfer systems in preparation for anticipated testimony before the Congress. This matter was originally scheduled at a meeting on April 1, 1977.

Consideration of the appointment of a Federal Reserve Bank director. This matter was originally scheduled at a meeting on March 16, 1977.

The meeting will be held at 10 a.m. in the Board's offices at 20th Street and Constitution Avenue NW., Washington, D.C. Information may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at (202) 452-3204.

Board of Governors of the Federal Reserve System, March 31, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-84-77 Filed 3-31-77;4:37 pm]

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AGENCY HOLDING THE MEETING: Federal Maritime Commission.

FEDERAL REGISTER CITATION of PREVIOUS ANNOUNCEMENT: 42 FR 16056; March 24, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: March 30, 1977 2:00 p.m.

CHANGES IN THE MEETING: Time of meeting changed to 3:30 p.m.

[S-85-77 Filed 4-1-77;9:42 am]

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federal register

TUESDAY, APRIL 5, 1977

PART II



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations

V4265 APR 5 77

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-2789]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Perry, Georgia

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Perry, Georgia.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, P.O. Drawer A, Perry, Georgia 31069.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor James O. McKinley, City Hall, P.O. Drawer A, Perry, Georgia 31069. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Big Indian Creek	Interstate 75	293
	U.S. Highway 41	292
Bay Creek	Valley Dr.	297
Tributary 1	Main St.[1]	316
	do.[1]	311
	Tucker Rd.[1]	302
	do.[1]	292
Tributary 2	Perimeter Dr.	319
	Ball St.[1]	312
	do.[1]	301
Tributary 4	Central of Georgia RR.[1]	328
	do.[1]	309
Tributary 5	Elko Rd.	287
Tributary 6	Tucker Rd.	346
	Scatterfield Rd.	290

[1] Upstream side.
[2] Downstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 17, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9279 Filed 4-4-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2822]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Town of Stratford, Connecticut

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Stratford, Connecticut.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Town Hall, 2725 Main Street, Stratford, Connecticut 06497.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Bern Ewert, Town Hall, 2725 Main Street, Stratford, Connecticut 06497. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year flood Elevations for selection locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bruce Branch	Hollister Ave.	11
	I-95	11
	Stratford Ave.	14
	Penn Central RR.	22
	Barnum Ave. and Sage Ave.	24
	Boston Ave.	31
	Clover Ave.	44
	Benjamin St.	51
	Light St.	60
	Broadbridge Ave.	78
	Andrew St.	84
	Greenfield Ave.	91
	Albright Ave.	93
	Nichols Ave.	95
	Quail St.	96
	Spring St.	99
Long Branch	Broad St.	11
	Ferry Blvd.	11
	Fill Rd.	13
	Penn Central RR.	18
	Longbrook Ave.	19
	Hurd Ave.	19
Tanners Branch	Broadbridge Ave.	20
	Catharine St.	30
Pumpkin Ground Branch	Route 110	26
	Whippoorwill Lane	61
	Chapel St.	76
	Merritt Parkway	80
	Circle Dr.	102
	Beaver Dam Rd.	176

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 7, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9298 Filed 4-4-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2823]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Town of Woodbury, Connecticut

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Woodbury, Connecticut.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Town Hall, P.O. Box 369, Woodbury, Connecticut 06798.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mrs. Marin Shealy, Town Hall, P.O. Box 369, Woodbury, Connecticut 06798. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pomperaug River	Pomperaug Rd.	237
	Route 317	243
	Judson Ave.	257
Nonewaug River	Route 47	261
	Route 6	272
	Minortown Rd. (extension).	346
	Mill Rd.	371
	Route 6	401
	Route 61	446
	Pumping station road.	460
Weekeepeemee River.	Jacks Bridge Rd.	264
	Route 47	284
	Paper mill road	338
	Route 132	347
	Clohees Trail	438
Sprain Brook	Route 47	302
	Hazel Plain Rd.	358
	Route 47	397
	do.	418
	Ski area road	439
	Route 47	461
Hesseky Brook	Route 317	262
	Transylvania Rd.	285

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 7, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9297 Filed 4-4-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2824]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Valdosta, Georgia

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Valdosta, Georgia.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, P.O. Box 1125, Valdosta, Georgia 31601.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Gil Harbin, City Hall, P.O. Box 1125, Valdosta, Georgia 31601. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Dukes Bay Canal west of Patterson St.	St. Augustine Rd.	193
	Myddleton Rd.	192
	Georgia Southern & Florida RR.	192
	do.	191
	Bay St.	191
Dukes Bay Canal east of Patterson St.	Cypress St.	206
	Georgia Southern & Florida RR.	206
	Hill Ave.	205
	Seaboard Coastline RR.	204
	Georgia Southern & Florida RR.	203
	Lake Park Rd.	193
	Troupe St.	193
	Lee St.	193
	Wisenbaker Lane.	191
One Mile Branch	Lakeland Ave.	200
	Park Ave.	200
	Valloton Dr.	198
	Lee St.	196
	Ashley St.	193
	Iola Dr.	189
	Williams St.	189
	Patterson St.	189
	Oak St.	179
	Sustella Dr.	171
	Wainright Dr.	162
	Lankford Dr. or Melody Lane.	160
	Edgewood St.	157
	West Gordon St.	157
	Georgia Southern & Florida RR.	154
Two Mile Branch	Bamiss Rd.	218
	Seymour St.	213
	University Dr.	199
	North Ashley St.	195
	Patterson St.	185
	Oak St.	181
	Berkley Dr.	156
	Jerry Jones Rd.	148
Sugar Creek	3d Ave.	190
	2d Ave.	188
	West St.	186
	Lamar St.	175
	Hightower St.	167
	Georgia Southern & Florida RR.	167
	Baytree Rd.	145
	Georgia Southern & Florida RR.	140
	Gornto Rd.	133
Withlacoochee River.	Georgia Southern & Florida RR.	133
	Interstate 75	133

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(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 4, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9296 Filed 4-4-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2825]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Rockville, Montgomery County, Maryland

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Rockville, Montgomery County, Maryland.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Bulletin Board at City Hall, Maryland at Vinson Street, Rockville.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor William E. Hanna, Jr., City Hall, Maryland at Vinson Street, Rockville, Maryland. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Cabin John Creek	Downstream corporate limits.	312
	Wheel of Fortune Rd.	312
	Leverton Rd.	338
	Edmonston Dr.	348
	Monroe St.	367
Rock Creek tributary No. 1.	Downstream corporate limit.	288
	Wainwright Ave.	307
	Halpine Rd.	317
Rock Creek tributary No. 2.	Downstream corporate limit.	293
	Atlantic Ave.	310
	Midway Ave.	320
	Ardennes Ave.	327
	Landbrook Pl. (extended).	338
Watts Branch tributary No. 3.	Nelson St.	372
	Madison St. (extended).	386
	Mannkee St.	407
Cabin John Creek tributary No. 4.	Leverton Rd (extended).	345
	Edmonston Dr.	359
	Brice Rd.	375
	Jefferson St. (extended).	389
	Rockville Pike.	399
Rock Creek tributary No. 5.	Norbeck Rd.	368
	First St.	374
	Upstream culvert.	380

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 4, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9295 Filed 4-4-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2826]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of River Rouge, Michigan

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of River Rouge, Michigan.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 10600 Jefferson West, River Rouge, Michigan 48218.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor John F. McEwan, City Hall, 10600 Jefferson West, River Rouge, Michigan 48218. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Detroit River	Belanger Park Rd. area.	577
Rouge River	ConRail RR.	577
	Jefferson Ave.	577
	D.T. & I. RR.	577
Short Cut Canal	do.	577

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 7, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9294 Filed 4-4-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2827]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Town of Tunica, Mississippi

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Tunica, Mississippi.

These base flood elevations are the basis for the flood plain management

measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measure required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Town Hall, Box 395, Tunica, Mississippi 38676.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Ellis E. Koonce, Town Hall, Box 395, Tunica, Mississippi 38676. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Stream 1	Upstream Harris St.	192
	Downstream Harris St.	191
	2d South St. West	191
	Maryland Ave.	188
Stream 2	East side of the intersection of 4th North St. and Hospital St.	190

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 7, 197.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9293 Filed 4-4-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2828]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Town of Ellisburg, Jefferson County, New York

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Ellisburg, Jefferson County, New York.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measure required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Town Hall, Ellisburg, New York.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. William Fulkerson, Town Supervisor, Town Hall, Ellisburg, New York 13636. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Bear Creek	Milk plant road	570
	ConRail	591
	Wardwell settlement road.	617
	U.S. Route No. 11	618
	East corporate limits.	700
Sandy Creek	North corporate limits.	528
	Mathers Mills Rd.	482
	Route No. 289	442
	Barney Rd. (extended).	388
	Route No. 193	301
Skinner Creek	South corporate limits.	249
Lake Ontario	Northwest corporate limits.	251
	Jefferson Park Rd.	251
	Montario Rd.	251
	Renshaw Bay Rd.	249

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 7, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9292 Filed 4-4-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2829]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Town of Richland, Oswego County, New York

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Richland, Oswego County, New York.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Town Clerk's Office, Courthouse, Pulaski, New York.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Arthur Hilliker, Supervisor of the Town of Richland, Box 29, Pulaski, New York 13142. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

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Source of flooding	Location	Elevation in feet above mean sea level
Lake Ontario	Southernmost town boundary.	253
	Ramona Beach Rd	252
	Southern limit of Selkirk Shores State Park.	253
	Northern limit of Selkirk Shores State Park.	253
	Mouth of Salmon River.	252
	Mouth of Deer Creek	252
	Northernmost town boundary.	253
Salmon River	Mouth at Lake Ontario.	252
	N.Y. State Route 3	257
	Maltby Rd. (extended).	265
	Downstream village of Pulaski corporate boundary.	302
	Upstream village of Pulaski corporate boundary.	351
	Penn-Central RR	366
	Lehigh Rd	421
	Western town boundary.	440

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effetcive January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 7, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9291 Filed 4-4-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2830]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Village of South Dayton, Cattaraugus County, New York

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968, (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Village of South Dayton, Cattaraugus County, New York.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Village Hall, Park Street, South Dayton, New York.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Robert L. Killock, Cherry Street, South Dayton, New York 14138. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum 1929
West Branch of Conemaugh Creek.	Downstream corporate limit.	1,200
	2d Ave. (extended)	1,231
	2d St. (extended)	1,232
	Upstream corporate limit.	1,294

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 7, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9290 Filed 4-4-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2831]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Village of Wilson, Niagara County, New York

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Village of Wilson, Niagara County, New York.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Village Hall on the Bulletin Board, 375 Lake Street, Wilson, New York.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Ms. Jean Seefeldt, Village Clerk of Wilson, 375 Lake Street, Wilson, New York 14172. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
East Branch of Twelvemile Creek.	Lake Rd	256
	Youngtown Rd	259
	Upstream study limit.	264

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 4, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9289 Filed 4-4-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2832]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Beulah, North Dakota

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Beulah, North Dakota.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, Beulah, North Dakota 58523.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Wilmer Wiedrich, City Hall, Beulah, North Dakota 58523. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
East tributary, Knife River.	Private bridge	1,791
	Second St. North	1,789
	First St. North	1,784
	Main St	1,780
	Burlington Northern RR.	1,778
West tributary, Knife River.	North Dakota State Highway 49.	1,809
	2d St. North	1,795
	1st St. North	1,792
	4th Ave. West	1,791
	Main St	1,787
	N.P. Street	1,784
	Burlington Northern RR.	1,780
Knife River	Burlington Northern R.R. siding.	1,782
	North Dakota State Highway 49.	1,781

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 7, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9288 Filed 4-4-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2833]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Borough of Port Royal, Juniata County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Borough of Port Royal, Juniata County, Pennsylvania.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain mangement requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Juniata Valley National Bank, Port Royal Office, Port Royal, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor John Longenecker, Port Royal, Pennsylvania 17082. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Juniata River	Southeast corporate limits.	438
	Milford St. (extended)	438
	North corporate limits.	439
Tuscarora Creek	Con Rail	438
	Confluence with Licking Creek.	438
Licking Creek	Northwest corporate limits.	438

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 7, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9287 Filed 4-4-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2834]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Grand Strand Flood District Horry County, South Carolina

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Grand Strand Flood District, Horry County, South Carolina.

These base flood elevations are the basis for flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information

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showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Counselor's office, County Court House, Conway, South Carolina.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Julian Richardson, Chairman of the County Council of Grand Strand Flood District, County Court House, Conway, South Carolina 29526. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Atlantic Ocean	5th Ave	13
	Old Conway Highway	13
	Shore Dr	13
	Kings Rd	13
	Beach Dr	13
	Waccamaw Dr	14
	Ocean Blvd	14

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 7, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9286 Filed 4-4-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2835]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Charlottesville, Independent City, Virginia

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C 4001-4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Charlottesville, Independent City, Virginia.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Planning Office, Department of Community Development, City Hall, 7th and Main Street, Charlottesville.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Cole Hendrix, City Manager, P.O. Box 911, Charlottesville, Virginia 22902. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Rivanna River	Chesapeake St. (extended).	329
	Riverview St. (extended).	333
	Fairway Ave. (extended).	334
	U.S. 250	339
	Confluence with Meadow Creek.	342
Meadow Creek	Holmes Ave	344
	Glendale Rd. (extended).	349
	Essex Rd. (extended)	403
	King Mountain Rd. (extended).	404
	Hydraulic Rd	420
	Route 250 Bypass	427
	Earhart St	431
	Private Rd	435
North Fork Meadow Creek.	Confluence with Meadow Creek.	435
	200 ft upstream from Emmet St.	440
	1,000 ft upstream from Emmet St.	445
	50 ft downstream from Cedar Court Rd.	451
	Cedar Court Rd	456
Moores Creek	Downstream corporate limit.	332
	Monticello Ave. (extended).	338
	Paladine Ave. (extended).	344
	Meridian St. (extended).	353
	Old Scottsville Rd	359
	Hartman Mill Rd. (extended).	362
Rock Creek	Confluence with Moores Creek.	365
	5th St. downstream	370
	5th St. upstream	373
	Prospect Ave. (extended).	370
	Orangedale Ave. (extended).	381
	Elkhorn Rd. (extended).	390
	Briarcliff Ave. (extended).	395
	Laurel Circle (extended).	400
5th Street Creek	Confluence with Rock Creek.	373
	700 ft upstream from confluence.	375
	1,000 ft upstream from confluence.	380

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 4, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9285 Filed 4-4-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2836]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Chelan, Chelan County, Washington

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 32 U.S.C. 4001-4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Chelan, Chelan County, Washington.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Hall, Chelan.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Glenn Geer, Box 1669, Chelan, Washington 98816. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Lake flooding		
Lake Chelan	Emerson St. (extended).	1,100
	Woodin St	1,100
	Corporate limits	1,100

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 4, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9284 Filed 4-4-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2837]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Town of Wickenburg, Maricopa County, Arizona

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Wickenburg, Maricopa County, Arizona.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Wickenburg Post Office, 55 East Yavapai, Wickenburg, Arizona.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Marvin Millsap, Town Clerk of Wickenburg, P.O. Box 1269, Wickenburg, Arizona. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Hassayampa River	Downstream corporate limit.	2,030
	Confluence with Sunset Wash.	2,033
	900 ft with downstream from Center St.	2,038
	Center St	2,047
	Confluence with Powder House Wash.	2,050
	Upstream corporate limit.	2,051
Powder House Wash	Confluence with Hassayampa River.	2,050
	Constellation Rd	2,050
	250 ft upstream from Constellation Rd.	2,055
	600 ft upstream from Constellation Rd.	2,060
	800 ft upstream from Constellation Rd.	2,065
Sols Wash	River St	2,050
	Highway 89	2,064
	1,000 ft Upstream from Highway 89.	2,067
	Olander St. (extended).	2,061
	Park St. (extended)	2,065
	Upstream corporate limit.	2,093
Hospital Wash	Rose Lane	2,065
	550 ft upstream from Rose Lane.	2,090
	800 ft upstream from Rose Lane.	2,095
	Upstream corporate limits.	2,103
Casandro Wash	Highway 89	2,064
	A.T. & S.F. RR	2,063
	Adam St	2,072
	Madison St	2,076
	Jackson St	2,082
	Navajo St	2,088
	Avispa St	2,093
	Cucoracha St	2,104
	Mariposa Dr	2,115
	900 ft upstream from Mariposa Dr.	2,125
	1,000 ft upstream from Mariposa Dr.	2,135
	1,500 ft upstream from Mariposa Dr.	2,150
	Los Altos Rd. (extended).	2,158
	2,500 ft upstream from Mariposa Dr.	2,170
	Horseshoe Trail	2,180
	Buckskin Trail	2,185
	Horseshoe Trail	2,195
	Country Club Rd	2,210
	Confluence with S. Branch Casandro Wash.	2,216
	Corporate limits	2,220
	do	2,247
	Park Pl	2,281
	West Dr	2,263
	Vulture Mines Rd	2,272
	Upstream corporate limits:	2,277
South Branch Casandro Wash.	U.S. Highway 60 and 70.	2,230
	Yucca Dr	2,245
	Yaqui Dr	2,262
	500 ft upstream from Yaqui Dr.	2,270
	Upstream corporate limit.	2,285
Flying "E" Wash	Downstream corporate limit.	2,288
	U.S. Highway 60 and 70.	2,294
	Wilshire Dr. (extended).	2,302
	Pike Dr. (extended)	2,309
	Sunset Dr. (extended).	2,315
	Upstream corporate limit.	2,321

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 18, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9283 Filed 4-4-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2838]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Town of Fairfax, California

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Fairfax, California.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Town Hall, 142 Bolinas Road, Fairfax, California 94930.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Randall Garrison, Town Hall, 142 Bolinas Road, Fairfax, California 94930. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

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Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Fairfax Creek	School St. and Park Rd.	115.4
	Spruce Rd. and Arroyo Rd.	119.3
	Scenic Rd. and Arroyo Rd.	127.3

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 17, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9282 Filed 4-4-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2839]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Town of Columbine Valley, Colorado

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Columbine Valley, Colorado.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Columbine Country Club, 17 Fairway Lane, Littleton, Colorado 80123.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Joseph F. Kindregan, Columbine Country Club, 17 Fairway Lane, Littleton, Colorado 80123. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
South Platte River	West Bowles Ave.	5,322
	Dutch Creek	5,330
	South Jefferson County drainage (north).	5,342
Dutch Creek	Cart Bridge (by corporate limits).	5,334
Cart Bridge	Cart Bridge (2,000 ft above South Platte).	5,346
	Fairway Lane	5,360
	Platte Canyon Rd.	5,372

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 18, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9281 Filed 4-4-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2840]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the County of Adams, Colorado

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pbu. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the County of Adams, Colorado.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by §1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Administration Building, 450 South Fourth Avenue, Brighton, Colorado 80601.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. David Strasburger, Administration Building, 450 South Fourth Avenue, Brighton, Colorado 80601. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Big Dry Creek	West 120th Ave.	5,216
	Interstate 25	5,162
	East 144th Ave.	5,124
	York St.	5,091
	East 160th St.	5,077
Little Dry Creek	Lowell Blvd.	5,267
	Federal Blvd.	5,245
Comanche Creek	U.S. Highway 36.	5,369
	26th Ave.	5,338
Little Comanche Creek.	U.S. Highway 36.	5,369
Clear Creek	Tennyson Blvd.	5,244
	Lowell Blvd.	5,232
	Pecos St.	5,183
	Washington St.	5,136
Box Elder Creek	U.S. Highways 36-40, 287.	5,530
South Platte River	Interstate 76	5,105
	McKay Rd.	5,061
	East 124th St.	5,013
	Base Line Rd.	4,953
Niver Creek	North Washington St.	5,200
	Downing St.	5,181
	Explorador St.	5,168
Northfield Creek	88th Ave.	5,105
	Rainbow Ave.	5,175

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4000-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 18, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc. 77-9280 Filed 4-4-77;8:45 am]

federal register

TUESDAY, APRIL 5, 1977

PART III

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

FEDERAL ELECTION COMMISSION

ADVISORY OPINION REQUESTS

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FEDERAL ELECTION COMMISSION

[Notice 1977-21, AOR 1977-14]

ADVISORY OPINION

Request

Pursuant to 2 U.S.C. 437f(c) and the procedures reflected in Part 112 of the Commission's Proposed Regulations, published on August 25, 1976 (41 FR 35954), Advisory Opinion Request 1977-14 has been made public at the Commission. Copies of AOR 1977-14 were made available on March 29, 1977. These copies of the advisory opinion request were made available for public inspection and purchase at the Federal Election Commission, Public Records Division, at 1325 K Street NW., Washington, D.C. 20463.

Interested persons may submit written comments on any advisory opinion request within ten days after the date the request was made public at the Commission. These comments should be directed to the Office of General Counsel, Advisory Opinion Section, at the Commission. Persons requiring additional time in which to respond to any advisory opinion requests will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered before the Commission issues an advisory opinion. Comments on pending requests should refer to the specific AOR number of the requests and statutory references should be to the United States Code citations rather than to the Public Law citations.

A description of the request recently made public as well as the identification of the requesting party follows hereafter:

AOR 1977-14: May a special joint fundraising committee be utilized to retire the 1976 campaign debts of three (3) presidential candidates who unsuccessfully sought nomination and may such a committee participate in a fundraising dinner held to raise contributions for a party-related political committee?—Requested by Dennis J. Whittlesey, Esq., on behalf of the presidential campaign committees of Senator Birch Bayh, Fred R. Harris, and Sargent Shriver, Washington, D.C.

Dated: March 29, 1977.

VERNON W. THOMSON,
Chairman for the
Federal Election Commission.

[FR Doc.77-9926 Filed 4-4-77;8:45 am]

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PART IV



COMMODITY FUTURES TRADING COMMISSION

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COMMODITY OPTIONS TRANSACTIONS

Proposed Amendment of Interim Regulations

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COMMODITY FUTURES TRADING COMMISSION

[17 CFR Parts 1 and 32]

REGULATION OF COMMODITY OPTION TRANSACTIONS

Interim Regulations

The Commodity Futures Trading Commission is proposing to amend its interim regulations under the Commodity Exchange Act relating to commodity options, which were adopted by the Commission on November 22, 1976.[1] Adoption of the interim regulations was the first stage of a two stage procedure for the regulation of commodity option transactions in the United States. The proposed amendments would implement the second stage: a limited, rigidly controlled, three-year pilot program. The pilot program is designed to limit commodity option transactions in the United States to options offered and sold through the facilities of (1) boards of trade located in the United States, which have heretofore been designated as contract markets under the Act, and which are licensed by the Commission as domestic commodity option exchanges, and (2) existing foreign boards of trade which are recognized by the Commission as foreign commodity option exchanges. The interim regulations currently in effect were designed to provide basic customer protections in connection with the offer and sale of commodity options until second-stage regulations of the type now proposed can be implemented.

PRIOR PROPOSALS

On October 22, 1975, the Commission announced that it was considering the adoption of rules to regulate—or perhaps forbid—transactions in commodity options, including promulgation of a temporary rule pending the adoption of a definitive regulatory program. (40 FR 49360.)

On February 20, 1976, the Commission proposed comprehensive regulations governing commodity option transactions not entered into on domestic boards of trade, including options granted by commodity option dealers located in the United States. (41 FR 7774.) Under those proposed regulations it would have been unlawful for any commodity option dealer to offer or sell commodity options unless the dealer met certain financial requirements and was registered with the Commission. In its release announcing those proposals, the Commission invited interested persons to submit comments and to participate in oral hearings, held on March 8, 1976. The Commission also noted that comprehensive regulations would not be adopted until it had an opportunity to consider the recommendations on commodity options of its Advisory Committee on the Definition and Regulation of Market Instruments chaired by Commission Vice Chairman John V. Rainbolt, II. The Advisory Committee's recommendations were delivered to the Commission in July, 1976 (CCH Comm. Fut. L. Rep. (Special Supp. July, 1976)). After analysis of the comments received, the presentations made at the oral hearing and and the report and recommendations of its Advisory Committee, the Commission decided against the adoption of regulations in the form that had been proposed in February, 1976.

Instead, in a resolution dated September 13, 1976, introduced by Vice Chairman Rainbolt, the Commission determined to implement a test program for commodity option transactions. As the first step in this program, on October 8, 1976, the Commission published a proposal to adopt interim regulations. (41 FR 44560.) The proposed interim regulations were designed to permit a gradual phase-in of the pilot program that the Commission now proposes to adopt. Interested persons were invited to submit written comments on the proposed rules to the Commission prior to November 8, 1976. Following consideration of all the comments received, the Commission adopted the interim regulations substantially in the form it had proposed. (41 FR 51808.)[2]

As adopted, the interim regulations now in effect generally (1) prohibit any option transaction involving any commodity futures contract traded on or subject to the rules of any contract market or involving the prices of such contracts (§ 32.2); (2) make it unlawful for any person to accept money, securities or property from an option customer as payment of the purchase price in connection with a commodity option transaction unless that person is registered with the Commission as a futures commission merchant (§ 32.3); (3) require individuals soliciting or accepting orders for the purchase or sale of commodity options, or supervising any person or persons so engaged, to register with the Commission as associated persons of a specified futures commission merchant (§ 32.3); (4) require registered futures commission merchants that are engaged in commodity option transactions to maintain a greater minimum adjusted working capital than those only engaged in futures transactions (17 CFR § 1.17); and (5) require persons engaged in the offer and sale of commodity options to segregate in a separate account in the United States ninety percent of the money, securities or property received from an option customer as payment of the purchase price in connection with a commodity option transaction, and to maintain that segregation until the expiration of the term of the option or, if the option is exercised, until all rights of the option customer under the option have been fulfilled (§ 32.6).[3]

The interim regulations also require that persons engaged in the offer and sale of commodity options provide existing and prospective option customers with a summary disclosure statement, which sets forth general information relating to the option being offered, including the cost, commission, profit and other elements comprising the purchase price to be charged and an explanation of all other costs imposed upon the customer. In addition, as part of the written confirmation of the execution of a transaction, an option customer must be furnished particularized price information regarding the option transaction within 24 hours after execution (§ 32.5). Furthermore, § 32.7 requires each person engaged in the offer and sale of commodity options to maintain specified books and records.

The Commission now proposes to amend the interim rules in order to implement the Commission's pilot program while, at the same time, adding to the existing framework of customer protection. The Commission expects to adopt these regulations no later than approximately July 31, 1977, effective some time during the Fall of 1977. With this objective in mind the Commission is publishing these proposals for a 60-day comment period and seeks meaningful comments from members of the industry and the public. The Commission will also hold public hearings in May, 1977 in Washington, D.C., to afford interested persons an opportunity to make their views known through oral statements. A specific date for the hearings will be announced. Since the regulations being proposed are part of a test program designed to gain data that will permit the Commission to determine whether and, if so, how commodity option trading will be permitted in the United States after the pilot program has ended, comments will be most valuable which address the efficacy of the proposed regulations for this purpose.

THE COMMISSION'S STATUTORY RESPONSIBILITY

Section 8a(5) of the Commodity Exchange Act[4] broadly empowers the Commission "to make and promulgate such rules and regulations as, in the judgment of the Commission, are reasonably necessary to effectuate any of the provisions or to accomplish any of the purposes of [the Act] * * *" Section 4c(b) of the Act vests the Commission with pervasive authority to regulate commodity option transactions. It provides in pertinent part:

> No person shall offer to enter into, enter into, or confirm the execution of, any [commodity option] transaction * * * contrary to any rule, regulation, or order of the Commission prohibiting any such transaction or allowing any such transaction under such terms and conditions as the Commission shall prescribe * * *

Consistent with this authority, the Commission may ultimately prohibit all commodity option trading in the United States. Alternatively, it may permit commodity option trading subject to such requirements as it may choose to prescribe and, perhaps, allow some forms of option trading while prohibiting others.

In deciding whether or on what terms to permit option trading to continue during and after the pilot program, the Commission proposes to apply a test analogous to the test contained in Section 5(g) of the Commodity Exchange Act[5] for the designation of commodity futures contract markets. The Act reflects a Congressional judgment that commodity futures contract trading is, in general, in the public interest; the Commission's role under Section 5(g) is to determine whether trading in a particular futures contract for which designation is sought will "not be contrary to the public interest." On the other hand, the prohibition against trading in certain commodity options, which is contained in Section 4c(a)(B) of the Act, reflects a Congressional judgment that option trading in those commodities is contrary to the public interest. The Commission has the statutory duty to make a judgment whether or not option trading involving other commodities is also contrary to the public interest. The proposed regulations will require the Commission affirmatively to determine that any commodity option trading is "not contrary to the public interest." To make a positive determination in this regard, the Commission will have to assure itself that commodity options in general, and specific options in particular (1) serve an economic purpose, (2) may be offered and sold consistent with adequate protection of option customers and (3) do not have a material adverse effect on domestic futures or cash markets. It has structured its proposals accordingly.

OBJECTIVES OF THE PILOT PROGRAM

The Congressional mandate that commodity trading be prohibited or be regulated completely and effectively arose out of scandals that occurred in the early 1970's. The Commission's experience to date in regulating the offer and sale of commodity options has not provided an adequate basis upon which the Commission can determine either to prohibit option trading or the proper manner in which to remedy completely these problems.[7] Thus, in order properly to carry out its Congressional mandate, the Commission needs to accumulate additional data. At the same time, it must provide option customers with adequate safeguards and must minimize the adverse effect, if any, of option trading on the existing futures and cash markets in the United States.

The Commission has decided that the best way to achieve these purposes is through a limited, rigidly controlled pilot program. With these objectives in mind, the Commission proposes to limit trading to domestic and foreign boards of trade and that boards of trade will be licensed as domestic commodity option exchanges and recognized as foreign commodity option exchanges, but only after the Commission determines that the offer and sale of options through their facilities to customers in the United States would not be contrary to the public interest.[8] In addition, the Commission proposes to limit the types of instruments and commodities in which it will allow option trading during the test period.

For this purpose, the Commission might, on the one hand, adopt regulations which limit option trading on domestic exchanges to call options on futures contracts; on the other hand, the Commission might permit option trading in put options as well as options on physical commodities. In their present form the Commission's proposals take the former approach; but this does not reflect a judgment by the Commission that this is the best approach or the approach that it will ultimately decide to take. Rather, it is offered for comment and discussion. The Commission would welcome comments that propose specific alternatives to implement a pilot program that may include put options or options on physical commodities. The Commission will consider the merits of these comments and any specific alternatives that may be advanced.

Options that will be permitted on a domestic commodity option exchange may not be traded otherwise than on or subject to the rules of the exchange,[9] but may be either transferable (the option position may be liquidated on or subject to the rules of the exchange by an offsetting exchange transaction) or non-transferable.

The Commission also proposes to prohibit the margining of premiums on domestic commodity option exchanges during the pilot program because the comparatively low purchase cost of a margined option might reduce the liquidity of domestic futures markets by drawing trading activity away from those markets. To avoid the possibility that option trading will disrupt trading in the underlying futures contract, the Commission believes that there should be a sufficiently high trading volume in the contract. The Commission proposes to permit option trading only if the futures contract averages at least 1000 trades per week for the previous twelve months.

Further, to avoid possible adverse effects on the underlying futures contract and in order to enable the Commission adequately to conduct market surveillance, the commodities underlying the futures contracts on which options will be allowed will have to satisfy certain basic criteria, as follows:

(1) have a readily available deliverable supply and accurate statistics thereon,

(2) have an efficiently functioning delivery system, and

(3) have a reliable mechanism available to the public for determining cash prices on such commodity (cash price series).

The Commission anticipates that not all commodities will be able to meet these tests and, consequently, that option trading on domestic commodity option exchanges would be limited to futures contracts involving certain carefully selected commodities.

The Commission is aware that a small number of persons in the United States are engaged in the offer and sale of dealer options on physical commodities. At the time the Commission proposed the first stage of its option program in October, 1976, the Commission expressly stated that, except for the trade option exemption, off-exchange commodity option transactions would in fact be prohibited once the pilot program began.[10] The Commission is aware of no reason why it should depart from that position. Consequently, it proposes to make the offer or sale of dealer options unlawful during the test period.

As stated above, the Commission believes the trade option exemption affords commercial participants the opportunity to engage in option transactions on physical commodities. In addition, the Commission believes that the absence of a clearing, or equivalent, mechanism on the dealer markets, as well as the difficulty attending the supervision and control of trade practices in a dealer market, make dealer options unsuitable for the pilot program. Nevertheless, the Commission remains interested in re-

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[1] 41 FR 51808, et seq. (November 24, 1976). The interim regulations were adopted by the Commission pursuant to Sections 2(a)(1), 4c(a), 4c(b) and 8a of the Commodity Exchange Act, as amended, 7 U.S.C. 2, 6c(a), 6c(b) and 12a (Supp. V, 1975).

[2] In view of certain revisions which the Commission effected in response to comments it had received, the effective date of the rules was deferred until December 9, 1976, and in the case of the segregation provisions, until December 27, 1976.

[3] On December 21, 1976, in *British American Commodity Options, Inc.* v. *Bagley*, CCH Comm. Fut. L. Rep. ¶20,245 (S.D.N.Y.), the United States District Court for the Southern District of New York upheld all of the provisions of the option regulations except the segregation requirement, the application of which was enjoined as against the plaintiffs in that suit. On December 22, 1976, the Commission announced that, for the time being, it would not enforce its segregation rules against any commodity option dealer selling London options in the United States. Cross-appeals have been taken to the United States Court of Appeals for the Second Circuit and oral argument was held on February 9, 1977.

[4] 7 U.S.C. 12a(5) (Supp. V, 1975).

[5] 7 U.S.C. 6c(b) (Supp. V, 1975). Section 4c(a)(B) of the Act expressly prohibits option transactions involving certain commodities which are enumerated in Section 2(a) of the Act. The interim regulations presently in effect and the regulations now being proposed regulate only option transactions that are not prohibited under Section 4c(a)(B).

[6] 7 U.S.C. 7(g) (Supp. V, 195).

[7] As was noted at the time of the adoption of the Commission's interim regulations, a very substantial part of the Commission's resources have been devoted, and continue to be devoted, to monitoring the activities of commodity option dealers, to investigating those activities, and to bringing enforcement actions as necessary.

[8] To make a determination with respect to domestic boards of trade the Commission proposes to impose certain requirements which are contained in Commission Guideline I, CCH Comm. Fut. L. Rep. ¶20,041 (May 13, 1975), for contract market designation (proposed § 32.5).

[9] The requirement that options be traded only on or subject to the rules of a domestic commodity option exchange is consistent with Sections 4 and 4h of the Act, 7 U.S.C. 6 and 6h, which prohibit futures contracts to be traded otherwise than on or subject to the rules of a contract market and by or through a member thereof.

[10] Previously, at the time of its proposals in February, 1976, the Commission indicated that it might ultimately confine commodity option trading to organized exchanges.

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ceiving comments whether there is any reason why this position should be altered, if at all.

The Commission has tentatively determined that the restrictions concerning commodity option instruments that are proposed for domestic commodity option exchanges will not be imposed on foreign commodity option exchanges. Presently, options on either foreign futures contracts or physical commodities are being offered and sold on foreign boards of trade. The Commission is not aware of any facts that would lead it to conclude that trading in these instruments would materially affect the futures and cash markets in the United States, although it will consider any probative facts that may be brought to its attention. Moreover, the Commission believes that adequate customer protection can be provided for option customers in the United States for trading in these instruments.

By limiting its pilot program to trading on organized exchanges the Commission will better be able adequately to monitor, through the auspices of existing exchange mechanisms, the offer and sale of commodity options during the test period. The Commission does not believe it is necessary or even desirable to impose identical requirements upon foreign and domestic boards of trade for purposes of the pilot program; such differences as will be permitted to exist may permit valuable comparisons to be made by the Commission during and at the end of the pilot program. The Commission does consider it essential, however, to achieve a parity in customer protection between options offered through the facilities of domestic and foreign boards of trade. Thus, the Commission proposes to require any foreign board of trade that wishes to participate in the pilot program and be recognized as a foreign commodity option exchange to provide for (1) the segregation of option customer funds, or an equivalent which is approved by the Commission, (2) a mechanism for the clearing of trades, or an equivalent which is approved by the Commission, (3) registration of commodity option transactions in the names of option customers in the United States, and (4) the general quotation and dissemination of option, and underlying futures or commodity, price information in the United States on a timely basis.

The Commission recognizes that the present form of its proposals would impose direct obligations on foreign boards of trade wishing to be recognized as foreign commodity option exchanges. As an alternative to this approach, the Commission is considering placing formal obligations solely upon the persons in the United States offering and selling foreign commodity options. For example, the Commission could require that persons may offer and sell these options in the United States only if the options originate through the facilities of foreign boards of trade that have established segregation, clearing, customer registration and price quotation and dissemination procedures. Of course, the cooperation of foreign boards of trade would be necessary in order to enable a person in the United States to offer and sell their options. The Commission requests specific comments on this alternative and on any other alternatives to its proposal concerning the recognition of foreign boards of trade.

The Commission has also proposed specific customer protection through the regulations of persons dealing directly with option customers in the United States. This is discussed more fully below.

Economic Contribution of Option Trading

As part of the pilot program the Commission wishes to determine whether option contracts traded on licensed domestic commodity option exchanges and recognized foreign commodity option exchanges will be used by producers, processors, merchants, or consumers engaged in handling or utilizing the commodity (including the products, by-products or source commodity thereof) on which such options are traded. To become licensed, a domestic board of trade will have to demonstrate that trading in a particular commodity option contract can reasonably be expected (1) to be used by commercial interests on something more than an occasional basis for other than speculative purposes and (2) provide data useful to the Commission in evaluating option trading in other commodities (proposed § 32.5(a)(4)). Thereafter, in order to enable the Commission to obtain actual data on commercial participation, domestic commodity option exchanges will be required to furnish the Commission with such information relating to commodity option transactions effected on or subject to their rules as the Commission may from time to time request (proposed § 32.6(e)).

The Commission recognizes that conceptually the option premium reflects the market's valuation of expected volatility of the price of the underlying commodity and that, under some circumstances, option positions may function partially to transfer price risk in a manner similar to the hedging function performed by futures contracts. Accordingly, the Commission intends to judge the economic utility of option trading on how well the option markets perform these functions. In this connection, the Commission is aware of arguments that some economic benefits may be derived from the trading of commodity options; however, it has insufficient basis at present to substantiate the nature and magnitude of any such benefits. Consequently, during the pilot program, the Commission intends to make a full study of the commercial use of option trading to facilitate the production, marketing and processing of commodities in interstate commerce, the economic effect of option trading, and the public interest served thereby. If the Commission determines as a result of the experience obtained through the pilot program and its study that commodity options do not make a positive net contribution to the national public interest or are against the public interest (for example, option trading had a negative impact on the functioning of underlying futures or cash markets), the Commission would ban or restrict option trading.

To enable the Commission to analyze the economic utility of foreign options, foreign commodity option exchanges will be required to furnish the Commission with general background and demographic information concerning the quantity and nature of market participants in the United States and with specific information pertaining to volume of trading, the prices at which option contracts are traded and exercised, futures and spot prices for underlying commodities, as well as other information the Commission may from time to time specify (proposed § 32.8(b)).

The Commission will reserve the right, during the term of the pilot program, to suspend or revoke the license of any domestic commodity option exchange, or to suspend or withdraw the recognition of any foreign commodity option exchange, if, among other things, the Commission determines, after notice and opportunity for hearing, that commercial interests are not in fact participating in the option markets and utilizing them as an integral part of their ongoing commercial business on something more than an occasional basis for other than speculative purposes (proposed §§ 32.11 and 32.12). Irrespective of the market on which regulated options originate, the Commission is interested in evaluating the extent of commercial participation in trading by option customers in the United States.

Customer Protection

Customer protection will be provided to option customers in the United States during the pilot program through Commission oversight of the boards of trade licensed as domestic commodity option exchanges, through effective monitoring of recognized foreign commodity option exchanges and through regulation of persons engaged in the offer and sale of commodity options. The Commission will impose strict standards on boards of trade wishing to be licensed as domestic commodity option exchanges. These requirements, set forth in proposed § 32.5, will include approval of the terms and conditions of the option contract for which licensing is sought; review of the board of trade's program to secure compliance with the option regulations and with all bylaws, rules, regulations and resolutions which the board of trade is required to enforce; [11] and, in the Commission's discretion, a general review pursuant to Commission Regulation 17 CFR § 1.50, relating to continued compliance with the conditions and requirements for designation as a contract market for the commodity futures contract underlying the option.

The Commission also proposes to impose continuing obligations on domestic commodity option exchanges (proposed § 32.6), including a requirement that copies of all proposed bylaws, rules, regulations or resolutions relating to commodity option transactions be submitted to the Commission for approval not less than thirty days prior to the proposed effective date thereof or within such shorter period of time as the Commission may permit. In addition, the Commission proposes to impose requirements for the keeping of books, records, minutes and journals of proceedings and for the enforcement of all bylaws, rules, regulations and resolutions (proposed § 32.6(b) and (c)). Moreover, the proposed rules contain provisions (1) to suspend or revoke the license of any domestic commodity option exchange for specific cause shown (proposed § 32.11); (2) to prohibit any person believed to be violating or to have violated the Act or any of the Commission's rules or orders thereunder from offering to enter into, entering into, confirming the execution of, or maintaining a position in, any commodity option in the United States and to require all domestic commodity option exchanges to refuse such person trading privileges thereon for specific periods of time (proposed § 32.13); (3) to alter or supplement the rules and practices of domestic commodity option exchanges (proposed § 32.14); (4) to require the delivery of a standardized disclosure statement prepared by a domestic commodity option exchange to each option customer or prospective option customer (proposed § 32.16); (5) to require segregation of money, securities and property (i) representing premiums to be used for the purchase of an option contract for an option customer, (ii) representing premiums payable to an option customer, (iii) received from an option customer to guarantee or secure performance of option contracts, or (iv) accruing to an option customer as the result of option contracts (proposed § 32.17(a)); (6) to require retention of promotional material used by registered futures commission merchants in their commodity option activities (proposed § 32.18), and (7) to protect option customers against fraud and manipulation in connection with commodity option transactions (proposed §§ 32.28 and 32.29).

While the customer protection proposed in connection with the pilot program on domestic commodity option exchanges is directed toward the monitoring of both the exchanges and the persons who trade on or through their facilities, the customer protection proposed with respect to foreign commodity option exchanges is more pointedly directed to effective regulation and monitoring of the persons who engage in foreign option transactions with customers in the United States.

The Commission feels justified in permitting the standards for recognition as a foreign commodity option exchange to be somewhat less stringent than those imposed on a domestic board of trade seeking to be licensed as a domestic commodity option exchange (proposed § 32.7). The foreign boards of trade which may be expected to participate in the pilot program are primarily, if not exclusively, those on or through which "London" options are presently traded. These are options offered and sold by or through a member of one of the London commodity markets and cleared through the International Commodities Clearing House, Ltd., in London, as well as options issued by or through an individual member of the London Metal Exchange. Wrongful acts in the United States in connection with London options appear to have been perpetrated exclusively by sales persons or organizations here and not abroad. No fraudulent or other wrongful activity that has worked to the detriment of option customers in the United States has apparently been attributable to any act or ommission of foreign boards of trade themselves. For these reasons the Commission has some confidence in their integrity and in the ability of these markets meaningfully to police their own members and proposes to focus its attention on the offerors and sellers of London options in the United States rather than on the London exchanges. Nevertheless, the Commission intends to impose certain minimum requirements on foreign boards of trade intending to be recognized as foreign commodity option exchanges.

Proposed § 32.1(i) defines a foreign commodity option exchange as a foreign board of trade located outside the United States and in existence on September 1, 1976, on or through which commodity option transactions are effected and which is recognized as such by the Commission pursuant to proposed § 32.7. By prescribing a September 1, 1976, cut-off date, the Commission proposes to confine trading of foreign options in the United States to known and existing entities for purposes of the pilot program. Of course, even these entities will be required to demonstrate a willingness to cooperate with the Commission in its pilot program by complying with its requirements for recognition as a foreign commodity option exchange. To be recognized, a foreign board of trade will be required (1) to show that it will provide specified protection to option customers in the United States, (2) to furnish copies of the terms and conditions of the commodity option contracts proposed to be offered to customers in the United States to which the Commission does not object, and (3) to undertake to provide specific information concerning its option markets to the Commission on a continuing basis.

The customer protection that the Commission proposes to require as a condition for recognizing a foreign commodity option exchange will be basically fourfold: (1) segregation of the funds of option customers, or an equivalent approved by the Commission (proposed § 32.7(a)(1)); (2) a clearing mechanism for commodity option transactions effected for commodity option customers in the United States, or an equivalent approved by the Commission (proposed § 32.7(a)(2));[12] (3) registration of commodity options bought or sold for the account of customers in the United States in the names of those customers (proposed § 32.7(a)(3)) and (4) the general quotation and dissemination of option, and underlying futures or commodity, price information in the United States on a timely basis (§ 32.7(a)(4)).

Additional customer protection will be provided through Commission review of the terms and conditions of option contracts proposed to be used on foreign commodity option exchange both before and after recognition (proposed §§ 32.7(b) and 32.8(a), respectively). If the Commission has concerns about a term or condition of an option contract, under the proposed rules it would convey such concerns to the exchange and possibly request that appropriate changes be made. If suggested changes should not be made, and if that form of option contract should be offered to persons within the United States, the Commission could, after notice and opportunity for hearing, suspend or withdraw the recognition of the foreign commodity option exchange (proposed § 32.12(d)).

The bulk of the protection that the Commission proposes to require for customers in the United States who purchase options offered through foreign commodity option exchanges will be provided through the strict regulation of the persons offering and selling those options in the United States. All transactions on foreign commodity option exchanges that are for the account of option customers in the United States will be required to be conducted through a member of the exchange located in the United States. Persons accepting money, securities or property (or extending credit in lieu thereof) from customers as payment of the purchase price for a commodity option or to guarantee or secure performance of a commodity option will be required to be registered as futures commission merchants under the Act; and persons soliciting or accepting orders for the purchase or sale of commodity options or supervising any person or persons so engaged, will continue to be required to be registered as futures commission merchants or, if individuals, as associated persons of specified futures commission merchants or as floor brokers (proposed § 32.3).

[11] The proposed requirements are similar to those imposed by Commission Regulation 17 CFR § 1.51 and Guideline II, CCH Comm. Fut. L. Rep. ¶ 20,042 (May 13, 1975), relating to contract market rule enforcement programs. The Commission will consider how effectively the applicant board of trade is presently discharging its responsibilities for the surveillance of futures market activities and trading practices to determine whether it can reasonably expect the board of trade to meet the same responsibilities for its option markets without adverse effects on its existing surveillance program.

[12] At present the London Metal Exchange does not provide a formal clearing mechanism for transaction effected thereon. Unless such a mechanism is established, or a method of providing equivalent customer protection is devised, the London Metal Exchange could not qualify as a foreign commodity option exchange under the Commission's pilot program.

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Prior to the entry into a commodity option transaction on or subject to the rules of a foreign commodity option exchange, the person soliciting or accepting the order will be required to furnish the option customer or prospective option customer with a dated disclosure statement containing current information with respect to the options being offered. This disclosure statement will not be a standardized exchange document like that required with respect to the options on domestic commodity option exchanges. Rather, it will be prepared by the futures commission merchant with whom an option customer deals. Appropriate confirmation statements and particularized price information will continue to be required (proposed §§ 32.16 (d) and (e)).

Protection of option customers in the United States will (whether they grant or purchase options) also be achieved through the segregation provisions (proposed § 32.17(b)). This section basically provides that persons required to register as futures commission merchants under the Act shall treat and deal with all money, securities and property received by such person (i) as a premium to be used to purchase an option for an option customer in the United States who purchases an option, (ii) as a premium payable to an option customer in the United States who has granted an option, (iii) to guarantee or secure performance of option contracts of an option customer in the United States who has granted an option, or (iv) representing accruals to an option customer in the United States who has purchased an option as the result of option contracts, as belonging to such option customer, in the same manner as futures contract customers' funds are dealt with under section 4d(2) of the Act.[14] However, these persons will be permitted to deposit the funds, securities and property with the foreign commodity option exchange, which in turn, will be obligated to segregate and to treat and deal with the funds, securities and property as belonging to option customers in the United States.

This segregation proposal is significantly different from that imposed in the Commission's interim regulations, pursuant to which persons have been required only to segregate 90% of the funds received as payment of the purchase price of the option from option customers who purchased options until the option lapsed or was exercised and all rights of option customers were fulfilled. The interim regulations did not cover segregation of funds put up by or payable to option customers who granted options or funds accruing to option customers who purchased options as a result of the transaction. However, the Commission's new proposals require segregation of these funds as well as option premiums payable by an option customer who purchases the option. The Commission believes that the proposal requiring segregation of funds deposited with foreign commodity option exchanges and the proposed requirement that transactions be registered in the name of option customers will permit all funds and property of option customers to be traced directly to the London markets, if need be, in the event a futures commission merchant in the United States, or any other person involved in the option transaction, should fail to meet its obligations to option customers because of its insolvency or otherwise.[15] Option customers would no longer be at a firm's mercy in seeking to pursue their rights on the London markets. The London markets presently keep no record of the identity of options customers in the United States who are the beneficial owners of option contracts that are presently recorded in omnibus accounts with member firms. Given this additional protection, the Commission believes that it will no longer be necessary for 90% of funds representing the purchase price of the transaction to be segregated during the entire term of an option contract.

[13] As is explained under "Definitions" below, an option customer may be a futures commission merchant for purposes of the segregation provisions.

Protection of Cash and Futures Markets

In order to minimize any adverse effects of option trading on futures and cash markets, it is proposed that whenever the Commission has reason to believe that an emergency or potential emergency exists threatening the interests of option customers in the United Sates or jeopardizing the orderly functioning of the option, futures or cash markets in the United States, it may take, and direct others to take, such action as in its judgment is necessary to restore orderly trading in, or the liquidation of, any option contract, including suspending the offer and sale of option contracts in the United States for such period as the Commission may determine (proposed § 32.15). This authority, in conjunction with the authority granted the Commission to deal with emergencies related to futures trading by section 8a(9) of the Act,[16] will allow the Commission maximum flexibility to deal with problems affecting the orderly functioning and liquidity of the markets in the United States as they arise. Furthermore, before it may be licensed as a domestic commodity option exchange, a board of trade will be required to provide safeguards appropriate to protect its futures markets and commodity option markets from each other so as to avoid congestion, potential manipulation, tape racing, corners, squeezes, and similar risks (proposed § 32.5(c)). As stated above, the Commission does not believe that option trading abroad will materially affect the functioning of the markets in the United States. For that reason it does not propose to impose a similar requirement on foreign commodity option exchanges seeking recognition. If any person should have reason to believe that the Commission is in error in this respect, it is extremely important that his or her views be made known to the Commission so that the Commission may further evaluate whether similar provisions concerning foreign markets would be appropriate.

The Commission will carefully monitor the effects of option trading on the functioning of existing domestic markets. Should the Commission at any point during, or upon termination of, the pilot program perceive an effect adverse to the interests of option customers or the underlying markets, or an effect otherwise contrary to the public interest, the Commission may determine to prohibit further option trading on certain exchanges, in certain instruments or commodities, or in its entirety.

[14] This proposal will impose additional bookkeeping requirements on foreign markets, but the Commission considers this requirement extremely important if the segregation proposals are to be expected to work. Suggestions for meaningful alternatives would be welcomed.

[15] U.S.C. 12a(9) (Supp. V, 1975).

Section 1.19; Financial Rules

At the time of its October 8, 1976, proposal, the Commission announced that in connection with the second stage of its regulations it would consider the repeal of its Regulation 17 CFR § 1.19—which prohibits a futures commission merchant from issuing or otherwise assuming financial responsibility for a commodity option transaction. The Commission is now proposing that § 1.19 be repealed.

The Commission earlier recognized that repeal of § 1.19 would not be possible without substantial revisions of its financial rules for futures commission merchants contained in Regulation 17 CFR § 1.17, and it stated that revisions could not be made without additional study. The Commission expects shortly to propose substantial revisions to § 1.17 which, among other things, will incorporate changes in connection with commodity options that will enable the Commission to repeal § 1.19. The Commission hopes to adopt them to coincide with the implementation of the Commission's pilot program. If this is not possible, the Commission will timely propose modification of § 1.17 solely with respect to commodity option trading.

Requests for Comment

The Commission is requesting both general and specific comments on its proposals as well as any alternatives that may be suggested. The Commission particularly desires comments on the types of options it proposes for the pilot program. Also of particular interest to the Commission would be suggestions concerning the criteria the Commission should use to select the commodities in which options will be traded during the pilot program.

The Commission also seeks to be apprised of (1) the public's views as to the pilot program in general, (2) the limitations it seeks to impose on the participants therein, (3) the criteria it has proposed for domestic and foreign commodity option exchanges, (4) the economic and other criteria the Commission should apply to determine whether to allow option trading to continue after the termination of the test program, (5) whether any distinctions should be drawn between the licensing of domestic commodity option exchanges and the recognition of foreign commodity option exchanges, (6) whether the customer protection sought to be provided during the pilot program is sufficient or is lacking in any respect, and whether the proposed regulations are adequate for the stated purpose, (7) whether any additional exemptions should be provided other than the trade option exemption, (8) the types of record keeping and reporting requirements and the type of information which should be requested concerning participants in the pilot program, (9) the feasibility of instituting a computerized trading system on domestic commodity option exchanges—including the method for the establishment of such a system and the timing for its implementation, (10) whether commodity option pools should be banned,[16] as well as (11) any other subject which may be of assistance to the Commission in formulating and implementing its pilot program. It may, of course, become necessary for the Commission to alter, substantially or in part, its proposals prior to their ultimate adoption.

A section-by-section explanation of certain of the Commission's proposed regulations is set forth below:

Definitions

Section 32.1 defines certain terms used in the rules. The Commission proposes to add additional terms and to modify certain existing definitions. Proposed § 32.1(b) adds the term "United States", defined as the jurisdictional entities comprising the United States of America, including its states, territories, possessions and the District of Columbia. The proposed rules frequently refer to option transactions taking place and option customers located in the United States.

Proposed § 32.1(d) modifies the existing definition of "option customer" to (1) include grantors of commodity options, (2) exclude owners or holders of "proprietary option accounts" (defined in proposed § 32.1(k)) for certain purposes of the proposed rules, and (3) include futures commission merchants for certain purposes of the proposed rules.

The Commission's interim regulations were designed to protect purchasers of commodity options. Domestic exchange-traded options can be expected to attract large numbers of public customers who wish to grant as well as purchase options. The Commission therefore proposes to expand the definition of "option customer" to include an option grantor.

Proposed § 32.1(k) defines "proprietary option account" as a commodity option trading account carried on the books of an individual or other person required to register as a futures commission merchant for, or which is partially owned by, one of the persons listed in Commission regulation 17 CFR § 1.3(y)(1)–(viii), which defines a "proprietary account" for trading in commodity futures contracts. Commission regulation 17 CFR § 1.3(k) excludes the owners or holders of proprietary accounts from the definition of "commodity customer" for purposes of the segregation requirements and, with certain exceptions, the attendant record keeping provisions, of the Act and regulations. The Commission believes that the owners and holders of proprietary option accounts should be afforded similar treatment. Thus, the Commission proposes to exclude the owners and holders of proprietary option accounts from the definition of "option customer" for purposes of the segregation and many of the record keeping requirements of the rules, and in addition, from the disclosure requirements.[17]

Futures commission merchants continue to be excluded from the definition of "option customer" for most purposes. However, since the Commission proposes to repeal § 1.19 of its regulations, these persons may commence to sell and thereby become financially obligated to fulfill commodity options on domestic exchanges. In addition, they can be expected to purchase domestic exchange options. Consequently, the Commission believes that persons registered as futures commission merchants who act as customers for their own account have as much need for the protection of the segregation provisions of proposed § 32.17 as other option customers. Moreover, proposed § 32.5(g)(5) provides that domestic commodity option exchanges are required to investigate complaints of option customers, and proposed § 32.7 requires foreign commodity option exchanges to provide option customers with certain segregation, clearing, customer identification, and price information protections. The Commission believes that futures commission merchants acting as customers in their own right require the protection of these provisions and are entitled to have their complaints concerning option trades and accounts investigated as well. Accordingly, the Commission proposes to include persons registered as futures commission merchants under the Act within the definition of "option customer" for purposes of these sections of its rules.

[16] The Commissions' proposed rules for commodity pool operators (42 FR 9266, February 15, 1977) would impose certain requirements on commodity pool operators investing funds in commodity options in connection with their business. Notwithstanding this proposal, the Commission is now requesting comment on whether any person should be permitted to solicit, accept or receive and to pool the funds, securities or property of others for the purpose of trading commodity options.

[17] Consistent with 17 CFR § 1.3(k), owners or holders of proprietary option accounts will be included in the definition of "option customer" for purposes of that subsection of proposed § 32.19 which will apply the record keeping requirements of Commission regulation § 1.37 to option transactions on domestic commodity option exchanges.

In view of the Commission's proposed modification of the option customer definition, technical amendments have also been made to the definitions of "purchase price" (proposed § 32.1(e)) and "striking price" (proposed § 32.1(g)) to exclude references therein to "option customers" and refer instead to "persons." "Striking price" has also been amended to clarify that it applies to the total, rather than the per unit, price at which a person may purchase or sell the commodity or futures contract which is the subject of a commodity option on exercise.

For purposes of defining those funds which are owed to and must be segregated for the benefit of the person granting an option, the term "premium" is defined in proposed § 32.1(f) as the money, securities or property paid or to be paid to a person for granting a commodity option.

Promotional material is referred to in existing § 32.7(a) Books and Record Keeping). For purposes of clarification the Commission has added a definition of "promotional material" in proposed § 32.1(j).

Prohibited Transactions

Proposed § 32.2(a) is unchanged and continues to incorporate the existing statutory ban on the offer and sale of commodity options involving specific commodities. Proposed § 32.2(b) prohibits the offer and sale of commodity options involving domestically traded futures contracts or the prices of those contracts except under the terms and conditions prescribed in the Commission's proposed rules. Of course, pending adoption of the Commission's proposals, the prohibition in § 32.2(b) of the interim rules on the offer and sale of these options continues in effect.

Unlawful Commodity Option Transactions

Proposed § 32.3(a) basically implements the pilot program by making it unlawful for any person to offer to enter into, enter into, confirm the execution of, or maintain a position in, any commodity option transaction that is not traded on or subject to the rules of a domestic commodity option exchange, by or through a member thereof, or on or subject to the rules of a foreign commodity option exchange, by or through a member thereof located in the United States. The Commission is proposing that option transactions on foreign commodity option exchanges be conducted through a member located in the United States so as to enable the Commission and option customers continuously to have ready access to a person in the United States responsible for performance in connection with an option transaction.

Proposed §§ 32.3 (b) and (c)(1) specify the circumstances under which persons accepting funds or other property from option customers in connection with a commodity option transaction, or soliciting or accepting orders for commodity options, are required to register as futures commission merchants or associ-

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ated persons, respectively, under the Act. These sections correspond to existing §§ 32.3 (a) and (b) and have been changed to delete the January 17, 1977, registration deadline as superfluous. In addition, because the definition of option customer has been changed to include grantors or commodity options, § 32.3(b) is proposed to be amended to make it unlawful for any person to accept any money, securities or property from an option customer to guarantee or secure performance of a commodity option unless registered as a futures commission merchant under the Act. Proposed § 32.3 (c)(2), which corresponds to existing regulation § 32.3(b)(2), makes it unlawful for any person required to be registered as a futures commission merchant under the Act to permit an individual to be associated with it in certain specified capacities unless that individual is registered as an associated person under the Act.

Proposed § 32.3(d) makes it unlawful for any person to use any facility or computerized trading system (when and if established) provided by a domestic commodity option exchange for the purchase or sale of commodity options, to purchase or sell an option for any other person without being registered with the Commission as a floor broker under the Act. Proposed § 32.3(h) provides, however, that a person already registered as a floor broker under the Act need not reregister to trade options for another person's account, but such person must (or if such person is employed by a futures commission merchant, the futures commission merchant must) notify the Commission of the date such person commenced or intends to commence trading options. The Commission is aware that the term "floor broker" in section 2(a)(1) of the Act is not defined to include persons engaged in brokerage activities on the floor of a domestic commodity option exchange. However, as in the case of requiring certain persons dealing in commodity options to register as futures commission merchants, the Commission has determined to entrust floor brokerage activities on domestic commodity option exchanges solely to persons registered with the Commission as floor brokers.

Proposed § 32.3(e), the counterpart of existing § 32.3(c), adds floor brokers to the categories of registered persons (presently consisting of futures commission merchants and associated persons) who will not be included within the definition of commodity trading advisor contained in the Act provided certain conditions are met. Proposed §§ 32.3 (f) and (g) incorporate the provisions of §§ 32.3 (d) and (e) of the interim regulations without change, except that registered floor brokers have been included as persons who need not reregister as associated persons or as floor brokers in order to comply with the registration provisions of the rules.

Exemptions

The trade option exemption contained in § 32.4(a) of the interim option regulations applies to a commodity option offered by a person which has a reasonable basis to believe that the option is offered to a producer, processor, or commercial user of, or a merchant handling, the commodity which is the subject of the commodity option transaction, or the products or by-products thereof, and that the producer, processor, commercial user or merchant is offered or enters into the commodity option transaction solely for purposes related to its business as such. Under the existing trade option exemption a person who is not engaged in commercial activity could offer an option to a person who is. Upon reconsideration, the Commission is aware of no reason why the trade option exemption should apply other than between persons who are commercial interests. Accordingly, the Commission now proposes to amend the "trade" exemption to limit its applicability to options which are issued by, offered to and purchased by persons each of which has a reasonable basis to believe the other is a person engaged in commercial activity of the type described above. The Commission also made certain technical amendments to the trade option exemption to make clear that, during the pilot program, the exemption will continue to be inapplicable to options involving futures contracts on contract markets or the prices of such contracts. As stated above, the offer and sale of these options are presently prohibited by the interim regulations but trading in these options is proposed to be permitted on domestic commodity option exchanges during the pilot program. In addition, the Commission proposes that the provisions of § 32.13 (Orders Prohibiting Trading In Commodity Options) will apply to transactions between commercial interests. The Commission believes that it should be able to prohibit persons found to have violated, or who are violating, the Act or the rules, regulations or orders thereunder from engaging in trade option transactions in the same manner as it may prohibit persons from engaging in other option transactions in the United States and cause domestic commodity option exchanges to refuse such persons trading privileges thereon.

The Commission also proposes that the provisions of proposed §§ 32.19 and 32.22 concerning, respectively, record keeping requirements for persons registered as futures commission merchants and reports by foreign commodity option exchanges, will apply to trade option transactions. This will enable the Commission to obtain additional data concerning the use of foreign options by commercial interests. The Commission requests specific comments on its amended "trade" exemption.

Proposed § 32.4(b) retains, without substantive change, the general exemptive provision of the interim rules. That provision permits the Commission, by order, upon written request or upon its own motion, to exempt any person, either unconditionally or on a temporary or other conditional basis, from any of the provisions of the regulations, except proposed §§ 32.2(a) (prohibited transactions), 32.28 (unlawful activities) and 32.29 (antifraud), if it finds that it would not be contrary to the public interest to grant such exemption. As stated in its previous releases, due to the limited nature of its test program the Commission contemplates granting few exemptions to its rules. This provision is contained in the regulations, however, to permit maximum Commission flexibility in the operation of its pilot program.

Licensing of Domestic Commodity Option Exchanges

As previously stated, the proposed pilot program is intended to enable the Commission to accumulate and analyze data to determine if option transactions serve an economic purpose, are not contrary to the protection of option customers in the United States and have no material adverse effect on domestic futures or cash markets. The requirements for the licensing of domestic commodity option exchanges and the continuing requirements to retain such license have been structured to accomplish this purpose.

Before the Commission will license a board of trade as a domestic commodity option exchange, the Commission must satisfy itself that option trading thereon will not be contrary to the public interest. To aid in this determination a board of trade seeking to be licensed must (1) submit to the Commission an application pursuant to proposed § 32.9(a) for trading an approved option which meets the requirements previously described; (2) undertake to comply, on a continuing basis, with the requirements of proposed §§ 32.5 and 32.6, (3) submit, if requested by the Commission, the information called for by Commission regulation 17 CFR § 1.50 concerning continued compliance with the requirements for designation as a contract market in the futures contract for which the option license is sought (proposed § 32.5(a)(3)); (4) demonstrate that it is reasonable to expect that the option contracts proposed will be used on something more than an occasional basis for other than speculative purposes by commercial interests engaged in handling or utilizing the underlying commodity, or any products, by-products or source commodity thereof, in interstate commerce and that trading in such contracts will provide data which will be useful in evaluating option trading in other commodities (proposed §§ 32.5(a)(4)(i) and (iv)); (5) provide for making effective any orders entered by the Commission under proposed § 32.13 prohibiting a person from trading on or subject to the rules of a domestic commodity option exchange and for compliance with all other requirements applicable to the board of trade under this Part (proposed § 32.5(b)); (6) provide appropriate safeguards to its futures markets from any potential adverse effects which may arise from the trading of options and vice versa (proposed § 32.5(c)); (7) submit to the Commission all by-laws, rules, regulations and resolutions made or issued by it, its governing board, or any committee or clearing organization thereof relating to commodity option transactions (proposed § 32.5(d)); (8) submit for the Commission's review the required standardized disclosure statement (proposed § 32.5(f)); (9) maintain an adequate program to secure compliance with the Commission's commodity option regulations and with all by-laws, rules, regulations or resolutions which the board of trade is required to enforce (proposed § 32.5(g)); (10) provide for the general quotation and dissemination of bids and offers and volume and last sale price information on a timely basis in the option contracts for which designation is sought and the underlying futures contracts (proposed § 3205(h)); (11) demonstrate that clearance and processing of the option contracts proposed will not adversely affect the capability of the board of trade and its members to clear and process transactions for future delivery on the board of trade (proposed § 32.5(i)); and (12) receive Commission approval of the terms and conditions of the proposed option contract (proposed § 32.5(e)).

Requirements Imposed on Domestic Commodity Option Exchanges

After licensing, proposed §§ 32.6(a) requires a domestic commodity option exchange to submit to the Commission for approval all proposed by-laws, rules, regulations or resolutions and proposed changes therein made or issued by it or any of its affiliate entities relating to commodity option transactions in the manner prescribed in Commission regulation 1.41,[18] governing submission of rules of designated contract markets, not less than thirty days prior to the proposed effective date thereof, or within such shorter period as the Commission shall permit. No by-law, rule, regulation or resolution, or proposed change therein, may become effective without Commission approval. The Commission will grant approval within 30 days of the proposed amendment's receipt (unless the exchange is informed that a longer period is necessary) unless it determines that the proposed amendment is in violation of the Act or the regulations thereunder, is not in accordance with just and equitable principles of trade or is otherwise inconsistent with the interests of option customers in the United States or contrary to the public interest. In submitting proposed by-laws, rules, regulation or resolutions, or proposed changes therein, a domestic commodity option exchange may place an operational, administrative or temporary emergency rule into effect or may deal with a physical emergency in the same manner and subject to the same conditions as provided in Commission regulation § 1.41. In addition, the exchange must (1) keep, and permit inspection by representatives of the Commission of specified books and records for five years

[18] 41 FR 40091 (September 17, 1976).

(proposed § 32.6(b));[19] (2) enforce all by-laws, rules, regulations or resolutions issued by it or by its governing board, or any committee or clearing organization thereof, relating to commodity option transactions on the exchange and revoke and not enforce any such by-law, rule, regulation or resolution made, issued or proposed which the Commission has disapproved (proposed § 32.6(c)); (3) make continually available for dissemination to option customers, and provide the Commission with copies of, a standardized disclosure statement containing current information (proposed § 32.6(d)); and (4) furnish the Commission with such information concerning option transactions on the exchange as the Commission may from time to time request (proposed § 32.6(e)).

Recognition of Foreign Commodity Option Exchanges

Proposed § 32.7(a) provides that the Commission may recognize any foreign board of trade in existence on September 1, 1976 as a foreign commodity option exchange when the Commission determines that trading by option customers in the United States in the option for which recognition is sought will not be contrary to the public interest, and the foreign board of trade provides for (1) the segregation of all funds and other property received by the exchange or its members for the account of option customers in the United States, or accruing to those customers, as belonging to those customers, or a substantive equivalent thereto approved by the Commission, (2) a clearing mechanism for option transactions effected for option customers in the United States or a substantive equivalent thereto approved by the Commission, (3) the registration of option transactions effected for option customers in the United States in the name of those customers, and (4) the general quotation and dissemination of bids and offers and volume and last sale price information in the United States on a timely basis with respect to the commodity option contracts for which recognition is sought and the underlying futures contract or physical commodity. The Commission believes that these requirements will provide adequate protection for customer funds, provide a method of tracing an option customer's option should performance not occur, and make available current option market information on which option customers in the United States can make their trading decisions.

The Commission also proposes that a foreign board of trade seeking recognition must furnish copies of the terms and conditions of the option contracts proposed to be marketed in the United States to determine if the Commission has any material objections thereto (proposed § 32.7(b)), and to undertake to provide the Commission with certain specified information on a continuing basis or at the Commission's request (proposed § 32.7(c)).

[19] The Commission has not included a requirement that books and records be kept available for inspection by representatives of the Department of Justice. Section 5a(2) of the Act imposes this requirement on contract markets. The Commission requests specific comment on whether this requirement should be imposed on domestic commodity option exchanges.

Obligations of Foreign Commodity Option Exchanges

Paragraph (a) of proposed § 32.8 requires a foreign commodity option exchange to submit all proposed changes in any term or condition of any option contract for which it is recognized not less than thirty days prior to the proposed effective date thereof or within such shorter time as the Commission shall permit. The Commission will notify the foreign commodity option exchange within thirty days of its receipt of the proposed change if the Commission has any material objections thereto. Should the proposed change be implemented despite the Commission's objection, the Commission could suspend or withdraw the exchange's recognition for the particular option contract under proposed § 32.12(d).

Paragraph (b) of proposed § 32.8 also requires a foreign commodity option exchange to provide the Commission at its request with certain information concerning volume of trading, market participants, options exercised, corresponding futures and spot prices for the commodities on which option contracts are traded, and such other information as the Commission shall from time to time specify regarding the options for which the system is recognized. The Commission believes this information will provide it with sufficient data to determine if foreign option trading should be permitted to continue in the United States during and after conclusion of the test program and, if so, under what conditions.

Application for Licensing of Domestic Commodity Option Exchanges and for Recognition of Foreign Commodity Option Exchanges

A board of trade seeking to be licensed as a domestic commodity option exchange must submit an application pursuant to proposed § 32.9(a). A foreign board of trade in existence on September 1, 1976 desiring recognition as a foreign commodity option exchange must notify the Commission of its intention to participate in the Commission's pilot program pursuant to proposed § 32.9(b). Proposed § 32.9(c) provides that the Commission shall not refuse to license a board of trade as a domestic commodity option exchange or to recognize a foreign board of trade as a foreign commodity option exchange without affording it an opportunity for a hearing on the matter before the Commission. Proposed § 32.9(d) provides that a license as a domestic commodity option exchange or the recognition as a foreign commodity option exchange shall in no event exceed three years (the term of the pilot program) from the effective date of the proposed rules or such shorter period as the Commission shall determine.

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VACATION OF LICENSE; WITHDRAWAL OF RECOGNITION

Under § 32.10 of the proposed rules, a domestic or foreign commodity option exchange may have its license vacated or recognition withdrawn, respectively, on submission of a written request to the Commission. The request must set a date at least 90 days after its receipt by the Commission on which vacation or withdrawal is to take place. Should a board of trade again apply for a license as a domestic commodity option exchange or again seek recognition as a foreign commodity option exchange, it must reapply, or again notify the Commission, as the case may be, and satisfy all original requirements imposed for licensing or recognition by this Part.

SUSPENSION OF REVOCATION OF LICENSE; SUSPENSION OR WITHDRAWAL OF RECOGNITION

Proposed § 32.11 provides that the Commission may suspend or revoke the license of a domestic commodity option exchange for trading in an option contract at any time if it determines that (1) cause exists which would warrant a denial of a license under § 32.5, (2) the exchange is violating or has violated § 32.6, (3) the exchange, or any of its officers, agents, or employees, is violating or has violated the Act or any of the Commission's regulations thereunder, (4) the option contract is not sufficiently used on more than an occasional basis for other than speculative purposes by commercial interests in interstate commerce, (5) option trading on the exchange in the option contract for which the license was granted, or all option trading in the commodity underlying that contract, is contrary to the protection of option customers or underlying futures or cash markets or is otherwise contrary to the public interest, or (6) all commodity option trading in the United States should be prohibited in the public interest or otherwise for the protection of option customers. Under proposed § 32.12 the Commission may suspend or withdraw the recognition of a foreign commodity option exchange for any option contract for substantially similar reasons. The Commission believes that these standards are consistent with the basic goals of the pilot program (1) to provide protection to option customers in the United States and existing domestic cash and futures markets and (2) to determine if option transactions on domestic and foreign commodity option exchanges serve an economic purpose to option customers in the United States.

ORDERS PROHIBITING OPTION TRADING

Consistent with the Commission's desire to establish strict customer protections standards for its test program, proposed § 32.13 permits the Commission to prohibit a person which it has reason to believe is violating or has violated any provision of the Act, or the regulations or any order of the Commission thereunder from participating in any commodity option transaction in the United States and to require all domestic commodity option exchanges, and to request foreign commodity option exchanges, to refuse all trading privileges to such person for such period as the Commission may specify in its order. Proposed § 32.13 specifies that any order prohibiting trading may be issued in accordance with the procedures set out in Section 6(b) of the Act, 7 U.S.C. 9 (Supp. V, 1975).

SUPPLEMENTING DOMESTIC COMMODITY OPTION EXCHANGE RULES

In order to maintain strict control of its test program for option trading on domestic commodity option exchanges, proposed § 32.14 permits the Commission to alter or supplement the rules and practices of a domestic commodity option exchange, its governing board, or any committee or clearing organizations thereof. This may be accomplished if, after making written request to the exchange that specific changes in certain rules or practices be implemented, the Commission determines, after affording the exchange an opportunity for a hearing, that the changes requested have not been made and are necessary (1) to protect option customers, persons producing, handling or consuming any commodity which is the subject of a commodity option transaction on the exchange (or a product or by-product thereof), or underlying futures or cash markets, or traders thereon, or (2) to insure fair dealing in the commodity options traded on the exchange.

EMERGENCY ACTIONS

Proposed § 32.15 provides that whenever the Commission has reason to believe that a potential or actual emergency exists which threatens the interests of option customers in the United States or jeopardizes the orderly functioning of cash, futures or options markets in the United States, it may take, and direct others to take, such action as it deems necessary to maintain or restore orderly trading in, or liquidation of, any commodity option contract, including the suspension of the further offer and sale of any option contract in the United States for such period as it shall determine.

DISCLOSURE

Proposed § 32.16 amends the summary disclosure requirements of the interim regulations (1) to take into account the differences between option transactions on domestic and foreign commodity option exchanges, and (2) to provide more detailed information to option customers and prospective option customers concerning option transactions. With respect to domestic commodity option exchanges, the Commission proposes in § 32.16(a) that the exchanges prepare the disclosure statements required to be distributed to option customers and prospective option customers by persons soliciting or accepting the order for the option transaction. A single exchange document will permit the Commission to review disclosure statements at the time application for licensing is made and easily monitor changes in the disclosure statements thereafter. The Commission considers this a more practical and efficient approach than supervising or having exchanges supervise the use of numerous disclosure statements prepared individually by futures commission merchants.

The exchange disclosure statement furnished to option customers must be dated, contain then current information, and include the following information in addition to that currently required to be delivered to persons purchasing London options or domestic dealer options:

(1) A modified, bold-faced statement on the cover page highlighting the financial risks involved in option transactions and indicating that a person should not grant an option unless he either owns the futures contract or physical commodity underlying the option or is able to sustain a substantial financial loss;

(2) Statements to the effect that (i) the grantor of an uncovered option is subject to risk of loss should the price of the futures contract underlying the option increase, and (ii) the grantor of a covered option is subject to the full risk of the underlying position;

(3) A description of (i) the procedural prerequisites for the exercise of the option contracts, (ii) an grantor's obligations to perform upon exercise, (iii) the rights and obligations of the option customer, including his rights upon default, (iv) any material risks not otherwise required to be stated, and (v) a description of the domestic commodity option exchange where the options are sold, including the operation of its clearing mechanism and an explation of any clearinghouse guarantees;

(4) A list of the futures contracts which are the subject of the options being offered; and

(5) A clear explanation of any force majeure clauses contained in the option contract.

With respect to options originating on foreign commodity option exchanges, proposed §32.16(b) would continue the requirement in § 32.5 of the interim regulations that persons soliciting or accepting orders for option transactions furnish option customers, or prospective option customers, with a disclosure statement prior to the time an option transaction is entered into. The proposed disclosure statement is similar in content to that required in the case of options on domestic commodity option exchanges and must contain then current information with respect to the option being offered. Proposed § 32.16(b) would expand the information required by the interim regulations in summary disclosure statements to include the following data:

(1) The additional information described in paragraphs (1) through (5) above for option transactions on domestic commodity option exchanges, modified as appropriate for transactions on foreign commodity option exchanges;

(2) A statement that the grantor of a put option is subject to risk of loss should the price of the futures contract or physical commodity underlying the option decrease; and

(3) The name of the person registered as a futures commission merchant with whom the option customer's account is established and the address and telephone number of such person's principal business office.

Proposed § 32.16(c) incorporates the provisions of § 32.5(b) of the interim regulations and sets forth those circumstances under which an option customer need not be furnished with a disclosure statement. Similarly, proposed §32.16(e) continues the requirement of § 32.5(c) of the interim regulations that option customers be furnished with a confirmation statement not more than 24 hours after execution of a commodity option transaction containing certain specified information about the transaction.

Proposed § 32.16(d) modifies § 32.5(c) of the interim regulations to require that prior to the entry into a commodity option transaction, an option customer must be informed about specified costs, fees and other information not only if the actual amounts are then known but also if the amounts can reasonably be approximated. The Commission understands that many option dealers have adopted the practice of establishing their charges as percentages of the premium paid by an option customer. Since the actual amount of the premium is seldom known prior to the execution of an option transaction, little pre-transaction price disclosure is presently being made to option customers. However, the Commission understands that premiums generally do not fluctuate from day-to-day to such an extent that they cannot be reasonably approximated. It therefore proposes that information concerning approximate premiums, costs, fees and other charges be provided to option customers prior to entry into an option transaction where they can be reasonably approximated.

SEGREGATION

With respect to option transactions on or subject to the rules of domestic commodity option exchanges, proposed § 32.17(a) basically provides that each person required to register as a futures commission merchant under the Act shall treat and deal with all money, securities and property which he receives representing funds owing to an option customer, whether premiums, accrued equity payable to, or security put up by, the option customer, in the same manner and under the same conditions as futures contract customers' funds are dealt with under section 4d(2) of the Act. Option customers' option funds may be commingled only with the option funds of other option customers trading on domestic commodity opton exchanges and deposited in banks or trust companies, with the clearing organization of a domestic commodity option exchange, or with other persons registered as futures commission merchants under the Act. The Commission believes that segregation of all monies owing to an option customer is essential for option transactions to assure, to the extent feasible, the financial integrity of option transactions on domestic exchange markets and to prevent fraud. Consistent with trading in futures contracts, the Commission does not propose to require that amounts representing commissions, fees or other charges be segregated.

Proposed §§ 32.17(a)(3)–(14) have been reserved for the incorporation of regulatory requirements concerning the segregation of funds and property similar to those contained in Commission regulations 17 CFR §§ 1.20–1.30 and 1.32 for futures transactions on contract markets. The Commission requests comments concerning the applicability of the requirements contained in §§ 1.20–1.30 and 1.32 to option transactions on domestic commodity option exchanges and whether those sections could be appropriately modified to incorporate requirements related to option transactions.

As indicated above, proposed § 32.17 (b) provides the segregation requirements for options traded on or subject to the rules of a foreign commodity option exchange, and have been modified significantly from the requirements in the interim regulations to coincide with the segregation provisions for transactions on domestic commodity option exchanges.

Because of the strict control which the Commission wishes to have exercised over option customers' funds, the Commission's proposals do not permit customer funds used for, or resulting from, option transactions on domestic commodity option exchanges to be commingled with customer funds used for, or resulting from, option transactions on foreign commodity option exchanges. The Commission seeks specific comment on this proposal.

PROMOTIONAL MATERIAL

To aid it in its efforts to detect abuses in the solicitation of commodity option transactions, the Commission proposes to retain in proposed § 32.18 the requirements of existing § 32.7(a) that each person required to register as a futures commission merchant under the Act retain and make available for inspection upon request of an authorized Commission representative for five years all promotional material used by it in its commodity option activities.

RECORD KEEPING REQUIREMENTS

Paragraphs (a)–(l) of proposed § 32.19 have been reserved with the intention of incorporating and applying the record keeping requirements for futures transactions contained in Commission regulation 17 CFR §§ 1.31 and 1.33–1.40 to option transactions on domestic commodity option exchanges. Comments on this proposal are requested.

With respect to transactions on foreign commodity option exchanges, proposed §§ 32.19(j) (1), (2) and (5) incorporate the books and record keeping provisions of existing §§ 32.7 (a), (b) and (e) without substantive change except for the deletion of the requirment regarding promotional material covered by proposed § 32.18. Proposed §§ 32.19(j) (3) and (4) modify the record keeping requirements currently contained in §§ 32.7 (c) and (d) of the interim regulations to apply only to persons required to register as futures commission merchants under the Act. The existing requirements also impose these requirements on persons required to register as associated persons. The Commission is proposing the modifications to reduce the potential for fragmentation, mishandling or loss of records which might result from the division of responsibility regarding record keeping requirements.

REPORTING, INFORMATIONAL AND TRADING REQUIREMENTS

Sections 32.20–32.27 of the proposed rules have been reserved with the intention of applying the regulatory standards for futures transaction contained in Commission regulations 17 CFR §§ 1.46 (Applications and Closing Out of Offsetting Long and Short Positions), 1.50 (Filing of Information by Contract Markets), 17.00 through 17.03 (Reports by Futures Commission Merchants), 18.00 through 18.07 (Reports by Traders), 20.00 (Reports by Members of Contract Markets), and 21.00 through 21.02 (Special Calls for Information) to option transactions on domestic commodity option exchanges and 17 CFR §§ 16.00–16.03 (Reports by Contract Markets) to commodity option transactions on both domestic and foreign commodity option exchanges. The Commission believes that the information that it will obtain by applying these rules to option markets can be of substantial value to it in making its final decisions concerning option trading. The Commission requests specific comments on these proposals.

The Commission also believes that the trading standards estblished in §§ 155.1–155.3 and 155.10[20] may be necessary for a strictly controlled test program on domestic commodity option exchanges. The Commission requests comments on the application of the regulatory standards contained in those sections to option trading on domestic commodity option exchanges.

UNLAWFUL ACTIVITIES

Proposed §§ 32.28(a)–(c) redesignate §§ 32.8(a)–(c) of the interim regulations without change. Proposed §§ 32.28(d) makes it unlawful for any person to manipulate or attempt to manipulate the market price of any commodity option on or subject to the rules of any domestic commodity option exchange. A provision is included, however, indicating that any action taken by such an exchange pursuant to a rule approved by the Commission or in emergency situations permitted by proposed § 32.15 shall not be a manpulation for purposes of this section. The Commission believes this section to be essential for the protection of option customers and the maintenance of orderly and reliable domestic option markets. Proposed § 32.28(e), makes unlawful in the United States any commodity option transaction of the character of or commonly known as, as "wash sale", "cross trade", "accommodation trade" or a "fictitious sale". The Commission believes that sections 4c(a)(A) and (B) of the Act, by their express terms, make option transactions of this type unlawful. This provision has been included

[20] 41 FR 55887 (December 23, 1976).

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as part of the proposed rules to clarify the Commission's position on the types of transactions described and to incorporate all rules affecting commodity option transactions in one place in the Code of Federal Regulations.

ANTIFRAUD

Proposed § 32.29 incorporates the Commission's existing antifraud rule governing commodity option transactions without change.

OPTION TRANSACTIONS ENTERED INTO PRIOR TO THE EFFECTIVE DATE OF THIS PART; CERTAIN SUBSEQUENT TRANSACTIONS

Proposed § 32.30 makes clear that the proposed rules have only prospective effect and that the current interim regulations will apply to all option transactions entered into while they were in effect. The Commission wishes to point out, however, as it did when it adopted its interim options rules, that fraudulent activity occurring after the effective date of the proposed rules, in connection with a commodity option transaction lawfully entered into prior to the effective date, is unlawful.

AMENDMENT TO § 1.3

The proposed rules amend regulation §§ 1.3 (d) and (n), to include, respectively, in the definition of "clearing organization", the clearing organization of a domestic commodity option exchange and, in the definition of "floor broker", a floor broker trading on a domestic commodity option exchange.

REPEAL OF § 1.19

The proposed regulations would repeal Commission regulation § 1.19, which currently precludes a futures commission merchant from issuing or otherwise assuming financial responsibility for the fulfillment of a commodity option transaction. In view of the various customer protections which the Commission proposes in the pilot program, the Commission see no reason to continue this prohibition so long as persons registered as futures commission merchants meet strict financial requirements designed to prevent their insolvency. As indicated above, the Commission intends to amend its financial rules for futures commission merchants under § 1.17 to revise those requirements in time to accompany the repeal of § 1.19.

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In consideration of the foregoing, the Commission, pursuant to its authority contained in sections 2(a)(1), 4(ca), 4c (b) and 8a of the Act, 7 U.S.C. 2, 6c(a), 6c(b) and 12a (Supp. V, 1975), hereby proposes to amend Chapter 1 of Title 17 of the Code of Federal Regulations by amending §§ 1.3(d) and 1.3(n), by revoking § 1.19 and amending Part 32 as follows:

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

1. Section 1.3 (d) and (n) are amended to read as follows:

§ 1.3 Definitions.

• • • • •

(d) *Clearing organization.* This term means the person or organization which acts as a medium for clearing transactions in commodities for future delivery and/or transactions in commodity options, or for effecting settlements of contracts for future delivery and/or commodity option contracts, for and between members of any board of trade.

• • • • •

(n) *Floor broker.* This term means any person who, in or surrounding any pit, ring, post or other place provided by a contract market for the meeting of persons similarly engaged, shall purchase or sell for any other person any commodity for future delivery on or subject to the rules of any contract market and shall include any person required to register as a floor broker under the Act by virtue of Part 32 of this Chapter.

§ 1.19 [Revoked]

2. Section 1.19 is hereby revoked.

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PART 32—REGULATION OF COMMODITY OPTION TRANSACTIONS

1. Part 32 is amended to read as follows:

Sec.

32.1 Definitions.
32.2 Prohibited Transactions.
32.3 Unlawful commodity option transactions.
32.4 Exemptions.
32.5 Licensing of domestic commodity option exchanges.
32.6 Requirements imposed on domestic commodity option exchanges.
32.7 Recognition of foreign commodity exchanges.
32.8 Obligations of foreign commodity option exchanges.
32.9 Application for licensing of domestic commodity option exchanges and recognition of foreign commodity option exchanges.
32.10 Vacation of license as a domestic commodity option exchange, withdrawal of recognition as a foreign commodity option exchange.
32.11 Suspension or revocation of license as a domestic commodity option exchange.
32.12 Suspension or withdrawal of recognition of foreign commodity option exchange.
32.13 Orders prohibiting trading in commodity options.
32.14 Supplementing domestic commodity option exchange rules.
32.15 Emergency actions.
32.16 Disclosure.
32.17 Segregation.
32.18 Promotional material.
32.19 Record keeping requirements.
32.20 Application and closing out of offsetting long and short positions.
32.21 Filing of information by domestic commodity option exchanges.
32.22 Reports by domestic and foreign commodity option exchanges.
32.33 Reports by futures commission merchants.
32.24 Reports by traders.
32.25 Reports by members of domestic commodity option exchanges
32.26 Special calls for information.
32.27 Trading requirements.
32.28 Unlawful activities.
32.29 Fraud in connection with commodity option transactions.
32.30 Option transactions entered into prior to the effective date of this Part; certain subsequent transactions.

AUTHORITY: Secs. 2(a)(1), 4c(a), 4c(b), 8a, Commodity Exchange Act (7 U.S.C. 2, 6c(a), 6c(b) and 12a (Supp. V, 1975)).

§ 32.1 Definitions.

As used in this part—

(a) "Commodity option transaction" and "commodity option" each means any transaction or agreement in interstate commerce which is or is held out to be of the character of, or is commonly known to the trade as, an "option", "privilege", "indemnity", "bid", "offer", "call", "put", "advance guaranty", or "decline guaranty" involving any commodity regulated under the Act other than wheat, cotton, rice, corn, oats, barley, rye, flaxseed, grain sorghums, mill feeds, butter, eggs, onions, Solanum tuberosum (Irish potatoes), wool, wool tops, fats and oils (including lard, tallow, cottonseed oil, peanut oil, soybean oil and all other fats and oils), cottonseed meal, cottonseed, peanuts, soybeans, soybean meal, livestock, livestock products and frozen concentrated orange juice;

(b) "United States" means the jurisdictional entities comprising the United States of America, including its states, territories, possessions and the District of Columbia;

(c) "Interstate commerce" shall be construed and have the same meaning as set forth in Sections 2(a) and 2(b) of the Act;

(d) "Option customer" means any person who, directly or indirectly, purchases or grants, or otherwise acquires or disposes of any interest in a commodity option for value, but shall not include (1) for purposes of §§ 32.16 through 32.19, the owner or holder of a proprietary option account to the extent of such ownership or holdings or (2) except for purposes of §§ 32.5, 32.7 and 32.17, a person required to register as a futures commission merchant under the Act;

(e) "Purchase price" means the total actual cost paid or to be paid, directly or indirectly, by a person for entering into a commodity option transaction, by whatever named called;

(f) "Premium" means the money, securities or property paid or to be paid to a person for granting a commodity option;

(g) "Striking price" means the total price at which a person may purchase or sell the commodity or the contract of sale of a commodity for future delivery which is the subject of a commodity option;

(h) "Domestic commodity option exchange" means any board of trade located in the United States licensed by the Commission as such in accordance with the provisions of § 32.5;

(i) "Foreign commodity option exchange" means any board of trade located outside the United States and in existence on September 1, 1976, on or through which commodity option transactions are effected and which is recognized by the Commission as such in accordance with the provisions of § 32.7;

(j) "Promotional material" includes (1) any text of a standard oral presentation, or any communication for publication in any newspaper, magazine or similar medium or for broadcast over television, radio, or other electronic medium which is disseminated or directed to an option customer or prospective option customer concerning a commodity option transaction, (2) any standardized form of report, letter, circular, memorandum, or publication which is disseminated or directed to an option customer or prospective option customer, and (3) any other written literature or advice disseminated or directed to an option customer or prospective option customer for the purpose of soliciting entry into an option transaction;

(k) "Proprietary option account" means a commodity options trading account carried on the books of an individual or other person required to register as a futures commission merchant in accordance with this Part for, or which is partially or jointly owned by, one of the presons listed in § § 1.3(y)(i)–(viii) of this chapter.

§ 32.2 Prohibited transactions.

No person may offer to enter into, enterinto, confirm the execution of, or maintain a position in, any transaction in interstate commerce involving—

(a) Wheat, cotton, rice, corn, oats, barley, rye, flaxseed, grain sorghums, mill feeds, butter, eggs, onions, Solanum tuberosum (Irish potatoes), wool, wool tops, fats and oils (including lard, tallow, cottonseed oil, peanut oil, soybean oil and all other fats and oils), cottonseed meal, cottonseed, peanuts, soybeans, soybean meal, livestock, livestock products, and frozen concentrated orange juice, or

(b) Any contract of sale of any commodity for future delivery traded on or subject to the rules of any contract market or involving the prices of such contracts, except under the terms and conditions prescribed in this Part; if the transaction is or is held out to be of the character of, or is commonly known to the trade as, an "option," "privilege," "indemnity," "bid," "offer," "put," "call," "advance guaranty," or "decline guaranty."

§ 32.3 Unlawful commodity option transactions.

(a) It shall be unlawful for any person to offer to enter into, enter into, confirm the execution of, or maintain a position in, any commodity option transaction that—

(1) Is not traded on or subject to the rules of a domestic commodity option exchange and by or through a member thereof, or

(2) Is not traded on or subject to the rules of a foreign commodity option exchange and by or through a member thereof located in the United States.

(b) It shall be unlawful for any person to accept any money, securities, or property (or to extend credit in lieu thereof) from an option customer as payment of the purchase price in connection with a commodity option transaction or to guarantee or secure performance of a commodity option unless such person is registered as a futures commission merchant under the Act and such registration shall not have expired, been suspended (and the period of suspension has not expired) or revoked.

(c) It shall be unlawful for—

(1) Any person to solicit or accept orders (other than in a clerical capacity) for the purchase or sale of any commodity option, or to supervise any person or persons so engaged, unless such person is—

(i) Registered as a futures commission merchant under the Act, or

(ii) If such person is an individual, registered as an associated person of a specified person registered as a futures commission merchant under the Act;

and such registration shall not have expired, been suspended (and the period of suspension has not expired) or revoked;

(2) Any person required to be registered as a futures commission merchant under the Act to permit an individual to become or remain associated with such person as a partner, officer or employee (or in any status or position involving similar functions) in any capacity involving such solicitation, acceptance or supervision if such person knew or should have known that such individual was not registered as required by this Part or that such registration has expired, been suspended (and the period of suspension has not expired) or revoked.

(d) It shall be unlawful for any person in or surrounding any "pit," "ring," "post," or other place provided by a domestic commodity option exchange for the purchase or sale of commodity options, or through the use of any computerized trading system provided by a domestic commodity option exchange, to purchase or sell for any other person any commodity option on or subject to the rules of such exchange, unless such person is registered as a floor broker under the Act and such registration shall not have expired, been suspended (and the period of suspension has not expired) or revoked.

(e) A person required to register as a futures commission merchant, as a floor broker, or as an associated person in accordance with this Part which furnishes the services specified in that portion of Section 2(a)(1) of the Act defining the term "commodity trading advisor" shall not be included in the term commodity trading advisor if:

(1) At the time such services are furnished, such person is registered as a futures commission merchant, as a floor broker, or as an associated person under the Act, and such registration shall not have expired, been suspended (and the period of suspension has not expired) or revoked; and

(2) The furnishing of such services is solely incidental to the conduct of such person's activities relating to commodity option transactions.

(f) A person already registered as a futures commission merchant under the Act, need not reregister as such in order to comply with this Part, but shall immediately notify the Commission in writing, specifying the date such person commenced or intends to commence engaging in activities otherwise requiring registration under this section.

(g) A person already registered as an associated person or as a floor broker under the Act, who is required to register as an associated person by virtue of this Part, need not register as such in order to comply with this Part, but the person registered as a futures commission merchant under the Act employing such person shall immediately notify the Commission in writing, specifying the date such person commenced or intends to commence engaging in activities otherwise requiring registration under this Part.

(h) A person already registered as a floor broker under the Act, need not reregister as such in order to comply with this Part, but shall immediately notify the Commission in writing, specifying the date such person commenced or intends to commence engaging in activities otherwise requiring registration under this Part; *Provided, however,* if such person is employed by a person registered as a futures commission merchant under the Act, such futures commission merchant shall provide the information.

§ 32.4 Exemptions.

(a) Except for the provisions of §§ 32.2(a), 32.2(b) and the provisions of this Part applicable to transactions referred to therein, 32.13, 32.19, 32.22, 32.28 and 32.29, the provisions of this Part shall not apply to a commodity option which is issued by a person and offered to and purchased by a person each of which has a reasonable basis to believe that the other is a producer, processor, or commercial user of, or a merchant handling, the commodity which is the subject of the commodity option transaction, or the products, by-products or source commodity thereof, and enters into the commodity option transaction solely for purposes related to its business as such.

(b) The Commission may, in its discretion, by order, upon written request or upon its own motion, exempt any other person, either unconditionally or on a temporary or other conditional basis, from any provisions of this Part, other than §§ 32.2(a), 32.28 or 32.29, if it finds that it would not be contrary to the public interest to grant such exemption.

§ 32.5 Licensing of domestic commodity option exchanges.

The Commission may license any board of trade located in the United States as a domestic commodity option exchange when the Commission deter-

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mines that trading in the commodity options for which the license is sought will not be contrary to the public interest and the following conditions and requirements are satisfied:

(a) Such board of trade—

(1) Applies for a license for trading "call" options which: (i) Involve contracts of sale for future delivery of a commodity; (ii) Are not capable of being conveyed other than on or subject to the rules of the board of trade; and (iii) Do not provide for payment of less than the full amount of the premium at the time the option is purchased;

(2) Is designated as a contract market for the commodity underlying the contract of sale for future delivery for which the license is sought;

(3) Submits, if so requested by the Commission, the information called for by regulation § 1.50 of this chapter (relating to continued compliance with the conditions and requirements for designation as a contract market) for the specified futures contract underlying the option for which the license is sought and the Commission finds the applicant to be in continued compliance with the requirements for designation as a contract market for such commodity; and

(4) Demonstrates that: (i) The options for which the license is sought can reasonably be expected to be used on more than an occasional basis for other than speculative purposes, by producers, processors, merchants or consumers engaged in handling or utilizing the commodity (including the products, by-products or source commodity thereof) underlying the contract of sale for future delivery in interstate commerce,

(ii) The volume of trading in the contract for future delivery for which the option license is sought has averaged at least 1000 contracts per week for the 12 months preceding the date of application for license,

(iii) With respect to the commodity underlying the contract of sale for future delivery for which the license is sought there is—(A) A readily available deliverable supply; (B) Accurate available statistics concerning deliverable supply; (C) An efficient functioning delivery system; and (D) A reliable mechanism available to the public for determining cash prices of such commodity (cash price series)—to support trading in both commodity options and contracts for future delivery in that commodity, and

(iv) It is reasonable to anticipate that trading in the option for which the license is sought will provide the Commission with data as to the type of market participants and the uses to which options are put which will be useful in evaluating option trading in other commodities.

(b) The governing board of such board of trade provides for making effective the final orders entered pursuant to the provisions of § 32.13, and for compliance in all other respects with the requirements applicable to such board of trade under this Part.

(c) Such board of trade provides appropriate safeguards to protect its futures markets from its commodity option markets so as to avoid congestion, potential manipulation, tape racing, corners, squeezes, and similar occurrences in such markets.

(d) Such board of trade furnishes the Commission with copies of all by-laws, rules, regulations, and resolutions made or issued by it or by its governing board, and any committee or clearing organization thereof, relating to commodity option transactions.

(e) The Commission approves the terms and conditions of the option contract for which the license is sought. In determining whether to approve contract terms and conditions, the Commission shall take into account the justification submitted for such factors as:

(1) Whether contract terms and conditions reflect normal commercial practice;

(2) The expiration date of the commodity option relative to the delivery period on the contract of sale for future delivery underlying the commodity option;

(3) The conditions precedent to the exercise of the commodity option and the method by which the option may be exercised;

(4) The cover and initial margin and variation margin requirements for option issuers;

(5) The nature of the clearing mechanism to be utilized for the commodity option, and the differences, if any, between that clearing mechanism and that utilized for the contract of sale for future delivery underlying the option;

(6) Specific notice periods including the periods from the date notice of intent to exercise an option is given until exercise is accomplished;

(7) The default provisions or procedures contained in the option contract, if any; and

(8) Permitted deviations from or substitutions for compliance with the terms and conditions set forth in paragraphs (e)(1) through (7) of this section.

(f) Such board of trade submits for the Commission's review a standardized disclosure statement conforming to the requirements of § 32.16 with respect to the option for which the license is sought.

(g) The Commission is satisfied that such board of trade maintains an adequate affirmative action program to secure compliance with the provisions of this Part and with all of the bylaws, rules, regulations and resolutions which the board of trade is required by this Part to enforce. Such program shall include at a minimum:

(1) A suitable staff consisting of full time paid employees, or persons hired on a contract basis, to be responsible for the implementation and operation of a rule enforcement program with a sufficient degree of control over such persons to maintain an effective, continuing action program with no conflict of interest on the part of such persons;

(2) Surveillance of futures and options market activity for indications of possible congestion or other market situations conducive to possible price distortions, including monitoring of

(i) Price movements and changes in price relationships among the cash, futures and options markets,

(ii) Open interest and changes in open interest,

(iii) Concentrations of positions among clearing members,

(iv) Volume of trading and changes therein,

(v) Deliveries and the functioning of the delivery system, and

(vi) Market news;

(3) Surveillance of trading practices on the floor of such board of trade;

(4) Examination of the books and records kept by members of such board of trade relating to their business in commodity options on such board of trade;

(5) Investigation of complaints received from option customers concerning their accounts or orders, including, when appropriate, examination of records and documents, interviewing members and their employees and agents and making whatever other inquiries are necessary;

(6) Investigation of alleged or apparent violations of the bylaws, rules, regulations and resolutions of such board of trade;

(7) A prompt and effective disciplinary procedure for any violations of the bylaws, rules, regulations and resolutions of such board of trade found to have been committed and/or taking prompt, effective action to prevent or eliminate market disruption which shall provide that:

(i) The findings are supported by the evidence,

(ii) The action is taken with reasonable dispatch, and

(iii) In cases where penalties are warranted, the sanctions are sufficient to deter future violations and are sufficiently publicized;

(8) Such other surveillance, record examination and investigation as is necessary to enforce the bylaws, rules, regulations and resolutions of such board of trade; and

(9) The keeping of full, complete and systematic records stating the actions taken under the program.

(h) Such board of trade provides for the general quotation and dissemination of bids and offers and volume and last sale price information on a timely basis with respect to the commodity option contracts for which licensing is sought and with respect to the underlying futures contracts.

(i) Such board of trade demonstrates that clearance and processing of option transactions on or subject to the rules of the board of trade will not adversely affect the capability of the board of trade and its members to clear and process transactions for future delivery on the board of trade.

(j) Such board of trade undertakes to comply, on a continuing basis, with all the requirements of this section and of § 32.6 of this Part.

§ 32.6 Requirements imposed on domestic commodity option exchanges.

Each domestic commodity option exchange shall—

(a) Submit to the Commission for its approval, in the same manner as provided in § 1.41 of this chapter (relating to the submission of rules of a contract market), copies of all proposed bylaws, rules, regulations or resolutions relating to commodity option transactions made or issued rules, regulations or resolutions not less than thirty days prior to the proposed effective date thereof or within such shorter period of time as the Commission shall permit. No such bylaw, rules, regulation or resolution, or proposed change therein, shall become effective unless approved by the Commission. The Commission shall approve the bylaw, rule, regulation, resolution, or proposed change therein, unless the Commission determines that it is in violation of the provisions of the Act or the regulations thereunder, is not in accordance with just and equitable principles of trade, or is otherwise inconsistent with the interests of option customers in the United States, or contrary to the public interest in which case the Commission shall disapprove, after appropriate notice and opportunity for hearing, the bylaw, rule, regulation, resolution or proposed change therein. Such approval shall be made within thirty days after the receipt of the rule, unless the Commission notifies the domestic commodity option change of the Commission's inability to make a determination within such period of time. In the event the Commission disapproves a bylaw, rule, regulation or resolution, or proposed change therein, within thirty days, it shall not become effective, except upon such conditions as the Commission may prescribe. In submitting proposed bylaws, rules, regulations or resolutions, or proposed changes therein to the Commission, a domestic commodity option exchange may place into effect an operational or administrative rule or a temporary emergency rule or may take action to deal with a physical emergency in the same manner and subject to the same terms and conditions as provided in § 1.41 of this chapter.

(b) Keep all books, records, minutes and journals of proceedings of such domestic commodity option exchange, and its governing board, and any committee or clearing organization thereof in a manner that will clearly describe all matters discussed by such domestic commodity option exchange, governing board, committee or clearing organization and reveal any action taken in such matters, and allow inspection at all times by any authorized representative of the Commission of all such books, records, minutes and journals of proceedings. Such books, records, minutes and journals of proceedings shall be kept for a period of five years from the date thereof.

(c) Enforce all bylaws, rules, regulations, and resolutions, made or issued by it or its governing board, or a committee or clearing organization thereof relating to commodity option transactions on such domestic commodity option exchange; and revoke and not enforce any such bylaw, rule, regulation, or resolution made, issued, or proposed to be issued, which has been disapproved by the Commission.

(d) Make continually available for dissemination to option customers and prospective option customers a standardized disclosure statement containing current information, amend the standardized disclosure statement submitted to the Commission pursuant to § 32.5(f) when, and as necessary to keep current information required to be included therein and provide the Commission with copies of all such amendments at the time the amended standardized disclosure statement is first disseminated to option customers.

(e) Furnish such information relating to commodity option transactions effected on or subject to the rules of the exchange as the Commission may from time to time request.

§ 32.7 Recognition of foreign commodity option systems.

The Commission may recognize any foreign board of trade which was in existence on September 1, 1976, as a foreign commodity option exchange when the Commission determines that trading by option customers in the United States in the commodity option for which recognition is sought will not be contrary to the public interest and the following conditions and requirements are satisfied—

(a) The foreign board of trade provides for:

(1) The treating and dealing of all money, securities and property received by the foreign commodity option exchange or the members thereof for the account of option customers in the United States

(i) Which represents premiums payable to option customers in the United States,

(ii) Which is used to guarantee or secure the performance of option contracts of option customers in the United States, or

(iii) Which has accrued to option customers in the United States as the result of option transactions on such foreign commodity option exchange,

As belonging to option customers in the United States and the segregation of such money, securities and property for their benefit from the money, securities and property of other persons, as provided in § 32.17(b), or a substantive equivalent thereto approved by the Commission;

(2) A clearing mechanism for commodity option transactions effected for the accounts of option customers in the United States, or a substantive equivalent thereto approved by the Commission;

(3) Registration of commodity option transactions effected for the accounts of option customers in the United States in the name of such customers;

(4) The general quotation and dissemination of bids and offers of volume and last sale price information in the United States on a timely basis with respect to the commodity option contracts for which recognition is sought and with respect to the underlying futures contracts and cash commodities.

(b) The foreign board of trade furnishes the Commission with copies of the terms and conditions of the commodity option contracts proposed to be used for transactions with option customers in the United States and the Commission has no material objections to such terms and conditions.

(c) The foreign board of trade undertakes to comply, on a continuing basis, with all the requirements of § 32.7(a) and to provide the information required by § 32.8 of this Part.

§ 32.8 Obligations of foreign commodity option exchanges.

Each foreign commodity option exchange shall furnish the Commission at its principal office in Washington, D.C., with

(a) Copies of any proposed change in any term or condition of any commodity option contract for which the foreign commodity option exchange is recognized not less than thirty days prior to the proposed effective date thereof or within such shorter period of time as the Commission shall permit. Any proposed change in the terms and conditions of such commodity option contracts shall be considered by the Commission, which shall notify the foreign commodity option exchange within thirty days after receipt thereof if the Commission has any material objections thereto;

(b) The following information upon the Commission's request,

(i) The total volume of trading on the foreign commodity option exchange in each commodity option contract for which the exchange is recognized,

(ii) General background information and demographic statistics about the quantity and nature of market participants in the United States,

(iii) The number of options exercised in each commodity option contract for which the exchange is recognized during a specified period, including the dates of, and the striking prices at which such options were exercised,

(iv) Corresponding futures and spot prices for the commodities on which option contracts are traded, and

(v) Such other information as the Commission shall from time to time specify regarding the commodity options for which the exchange is recognized.

§ 32.9 Application for licensing of domestic commodity option exchanges and recognition of foreign commodity option exchanges.

(a) Any board of trade desiring to be licensed as a domestic commodity option exchange shall make application to the Commission and accompany the same with a showing that it meets the conditions set forth in, and provides all the information and materials required by, § 32.5 of this Part.

(b) Any foreign board of trade in existence on September 1, 1976, wishing to participate in the pilot program as

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a recognized foreign commodity option exchange shall notify the Commission of its intention for such recognition and accompany the same with (1) a showing that it meets the conditions of § 32.7(a) and (2) the materials and undertaking required by § 32.7 (b) and (c) respectively.

(c) The Commission shall not refuse to license any board of trade as a domestic commodity option exchange or to recognize any foreign board of trade as a foreign commodity option exchange without affording such board of trade an opportunity for a hearing before the Commission.

(d) The effective period for a license as a domestic commodity option exchange or for recognition as a foreign commodity option exchange under this Part shall be for a period not to exceed three years from the effective date of this paragraph, or for such shorter period as the Commission shall determine.

§ 32.10 Vacation of license as a domestic commodity option exchange; withdrawal of recognition as a foreign commodity option exchange.

(a) Any board of trade may have its license as a domestic commodity option exchange vacated and set aside by giving notice in writing to the Commission, which notice shall be submitted at least 90 days prior to the date named therein as the date when the vacation of license shall take effect. Upon receipt of such notice the Commission shall forthwith order the vacation of the license of such board of trade as a domestic commodity option exchange, effective upon the day named in the notice, and shall forthwith send a copy of the notice and its order to all other domestic commodity option exchanges. From and after the date upon which the vacation became effective the said board of trade may thereafter be licensed again as a domestic commodity option exchange only by making application to the Commission in the manner provided in this Part for an original application.

(b) Any foreign board of trade may have its recognition as a foreign commodity option exchange withdrawn by giving notice in writing to the Commission, which notice shall be served at least 90 days prior to the date named therein as the date when the withdrawal of recognition shall take effect. Upon receipt of such notice the Commission shall forthwith order the withdrawal of recognition of such foreign board of trade as a foreign commodity option exchange, effective upon the date named in the notice. From and after the date upon which the withdrawal of recognition became effective the foreign board of trade may thereafter be recognized again as a foreign commodity option exchange only by notifying the Commission in the manner provided in this Part for an original request for recognition.

§ 32.11 Suspension or revocation of license as a domestic commodity option exchange.

The Commission may, after notice and opportunity for hearing, suspend or revoke the license of any board of trade as a domestic commodity option exchange in an option contract for which it is licensed if it determines that—

(a) Cause exists which would warrant a denial of license under § 32.5;

(b) The domestic commodity option exchange is violating or has violated any of the provisions of § 32.6;

(c) The domestic commodity option exchange, or any director, officer, agent or employee thereof, otherwise is violating or has violated any of the provisions of the Act, or any of the rules, regulations, or orders of the Commission thereunder;

(d) The option contract is not used on more than an occasional basis for other than speculative purposes by producers, processors, merchants or consumers engaged in handling or utilizing the commodity (including the products, by-products or source commodity thereof) underlying the contract of sale for future delivery on which such option is traded in interstate commerce;

(e) Option trading on the domestic commodity option exchange in that contract, or all option trading in the commodity underlying that contract, is contrary to the protection of option customers or the underlying fuures or cash markets, or is otherwise contrary to the public interest; or

(f) All commodity option transactions in the United States should be prohibited for any reason consistent with the public interest or the protection of option customers.

§ 32.12 Suspension or withdrawal of recognition of foreign commodity option exchanges.

The Commission may, after notice and opportunity for hearing, suspend or withdraw the recognition of any foreign board of trade as a foreign commodity option exchange in an option contract for which it is recognized if it determines that—

(a) Cause exists which would warrant the withholding of recognition under § 32.7;

(b) The foreign commodity option exchange has failed to comply with the provisions of § 32.8;

(c) The foreign commodity option exchange, or any director, officer, agent or employee of such exchange, otherwise is violating or has violated any of the provisions of the Act, or any of the rules, regulations, or orders of the Commission;

(d) The foreign commodity option exchange implements a change in the terms or conditions of the commodity option contract to which the Commission has raised material objections, as provided in § 32.8, and which objections have not been resolved to the Commission's satisfaction;

(e) The option contract is not used on more than an occasional basis for other than speculative purposes by producers, processors, merchants or consumers in the United States engaged in handling or utilizing the commodity (including the products, by-products or source commodity thereof) on which such option is traded, or the commodity underlying the contract of sale for future delivery on which such option is traded, in interstate commerce;

(f) Option trading on the foreign commodity option exchange in that contract, or all option trading in the commodity underlying that contract, is contrary to the protection of option customers in the United States or is otherwise contrary to the public interest; or

(g) All commodity option transactions in the United States should be prohibited for any reason consistent with the public interest or for the protection of option customers in the United States.

§ 32.13 Orders prohibiting trading in commodity options.

If the Commission has reason to believe that any person is violating or has violated any of the provisions of the Act or of the rules, regulations, or orders of the Commission thereunder, it may in accordance with the procedures provided in paragraph (b) of section 6 of the Act, prohibit such person from offering to enter into, entering into, confirming the execution of, or maintaining a position in, any commodity option transaction in the United States and require all domestic commodity option exchanges, and request foreign commodity option exchanges, to refuse such person all trading privileges thereon for such period as may be specified in the Commission's order.

§ 32.14 Supplementing domestic commodity option exchange rules.

The Commission may alter or supplement the rules and practices of a domestic commodity option exchange, its governing board, or any committee or clearing organization thereof, by rule or regulation or by order, if, after making a request in writing to the domestic commodity option exchange that such exchange effect specified changes in such rules and practices, and after affording an opportunity for a hearing, it determines that such domestic commodity option exchange, its governing board, or any committee or clearing organization thereof, has not made the changes so required, and that such changes are necessary or appropriate for the protection of option customers, persons producing, handling, or consuming any commodity which is the subject of a commodity option transaction on such domestic commodity option exchange, or the products or by-products thereof, or for the protection of the underlying futures or cash markets, including persons trading thereon, or to insure fair dealing in commodity options traded on

such domestic commodity option exchange.

§ 32.15 Emergency actions.

The Commission, whenever it has reason to believe that an emergency or potential emergency exists which threatens the interests of option customers in the United States or jeopardizes the orderly functioning of the options, futures or cash markets in the United States, may take, and direct others to take, such action as, in the Commission's judgment, is necessary to maintain or restore orderly trading in, or liquidation of, any commodity option contract, including suspending the further offer and sale of such option contract in the United States for such period as the Commission shall determine.

§ 32.16 Disclosure.

(a) Except as provided in paragraph (c) of this section, prior to entry into the purchase or sale of a commodity option on or subject to the rules of a domestic commodity option exchange, each option customer or prospective option customer shall be furnished with a dated copy of the disclosure statement, prepared by such domestic commodity option exchange and containing then current information with respect to the option being offered by the person soliciting or accepting the order therefor. The disclosure statement shall contain at least the following:

(1) The following boldface statements in ten point type on the first page:

Because of the volatile nature of the commodities markets, the purchase and granting of commodity options involve a high degree of risk and are not suitable for many members of the public. Such transactions should be entered into only by persons who have read and understand this disclosure statement and who understand the nature and extent of their rights and obligations and of the risks involved in the option transactions covered by this disclosure statement. A person should not purchase a commodity option unless he is able to sustain a total loss of the premium and transaction costs of purchasing the option. A person should not grant a commodity option unless he either owns the futures contract or physical commodity underlying the option or is able to sustain a substantial financial loss. These commodity options have not been approved or disapproved by the commodity futures trading commission nor has the commission passed upon the accuracy or adequacy of this statement. Any representation to the contrary is a violation of the Commodity Exchange Act and the regulations thereunder.

(2) A statement to the effect that:

(i) Specific market movements of the commodities or contracts of sale for future delivery underlying the commodity options being offered cannot be accurately predicted.

(ii) The grantor of a call option who does not own the futures contract required to be delivered upon exercise of the option is subject to risk of loss should the price of the underlying futures contract increase,

(iii) The grantor of a call option who owns the futures contract underlying the option is subject to the full risk of his underlying position; in exchange for the premium, so long as he remains obligated under the option contract, he had given up an opportunity for gain resulting from an increase in the price of the underlying futures contract above the price at which the option may be exercised,

(3) A description of the call options being offered including:

(i) The nature of a call option contract,

(ii) A list of the futures contracts which are the subject of the options being offered,

(iii) The total quantity and quality of the commodities which underlie the contracts of sale for future delivery which may be purchased upon exercise of the options,

(iv) The duration of the option contracts,

(v) A listing of the elements comprising the purchase price to be charged including the premium, commissions, costs, fees and other charges, as well as the method by which the premium is established,

(vi) A description of any and all costs in addition to the purchase price which may be incurred by an option customer if the commodity option is exercised, including, but not limited to, the amount of interest, commissions (whether denominated as sales commissions or otherwise), and all similar fees and charges which may be incurred,

(vii) The method by which the striking price is established,

(viii) The procedural requirements for exercise of the options contracts being offered,

(ix) A description of the grantor's obligations to perform upon exercise of the option,

(x) A description of the rights and obligations of the option customer, including the option customers' rights upon default,

(xi) A clear explanation of any force majeure clause contained in the option contracts, and

(xii) A description of any material risks not included in the statements required by paragraphs (a) (1) and (2) of this section;

(4) A description of the domestic commodity option exchange on which the options are traded, including the operation of the clearing mechanism and an explanation of any clearinghouse guarantees; and

(5) If the commodity option is incapable of being liquidated by an offsetting transaction on or subject to the rules of the domestic commodity option exchange on which it is traded, a statement to the effect that (i) the price of the contract of sale for future delivery underlying the option must rise above the striking price by an amount in excess of the sum of the premium and all other costs incurred in entering into and exercising the commodity option in order for the option customer to realize a profit on the option transaction, and (ii) an option customer will be unable to sell any option purchased an any market to recover any of the purchase price, but rather may only liquidate by exercising an option before the expiration date of the option.

(b) Except as provided in paragraph (c) of this section, prior to the entry into a commodity option transaction for the purchase or sale of a commodity option on or subject to the rules of a foreign commodity option exchange, each option customer or prospective option customer shall be furnished with a dated disclosure statement containing then current information with respect to the option being offered by the person soliciting or accepting the order therefor. The disclosure statement shall contain at least the following:

(1) The statements required by paragraphs (a) (1) and (a) (2) (i) of this section in the form specified by those paragraphs;

(2) A statement to the effect that:

(i) The grantor of a call option who does not own the futures contract or physical commodity required to be delivered upon exercise of the option is subject to the risk of loss should the price of the underlying futures contract or physical commodity increase.

(ii) The grantor of a put option is subject to risk of loss should the price of the underlying futures contract or physical commodity decrease,

(iii) The grantor of a call option who owns the futures contract or physical commodity underlying the option is subject to the full risk of his underlying position; in exchange for the premium, so long as he remains obligated under the option contract, he has given up an opportunity for gain resulting from an increase in the price of the underlying futures contract or physical commodity above the exercise price of the option,

(3) A description of the commodity options being offered including:

(i) The type and nature of the contracts being offered,

(ii) A list of the actual commodities and/or futures contracts which are the subject of such options,

(iii) The total quantity and quality of the commodities which may be purchased or sold upon exercise of the commodity options being offered or which underlie the contracts of sale for future delivery which may be purchased or sold upon exercise of the options,

(iv) The duration of the option contracts,

(v) A listing of the elements comprising the purchase price to be charged including the premium, commissions costs, fees and other charges, as well as the method by which the premium is established,

(vi) The services to be provided for the separate elements comprising the purchase price,

(vii) A description of any and all costs in addition to the purchase price which may be incured by an option customer if the commodity option

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is exercised, including, but not limited to, the amount of storage, interest, commissions (whether denominated as sales commissions or otherwise), and all similar fees and charges which may be incurred,

(viii) The method by which the striking price is established,

(ix) The procedural requirements for exercise of the options,

(x) A description of the issuer's obligations to perform upon exercise of the option,

(xi) A description of the rights and obligations of the option customer, including the option customer's rights upon default,

(xii) A clear explanation of any force majeure clause contained in the option contracts, and

(xiii) A description of any material risks not included in the statements required by paragraphs (a)(1), (a)(2)(i) and (b)(2) of this section;

(4) A description of the foreign commodity option exchange on which the commodity options are traded, including its clearing mechanism, or the substantive equivalent thereto approved by the Commission;

(5) If the commodity option is incapable of being liquidated by an offsetting transaction on or subject to the rules of the foreign commodity option exchange on which it is traded, a statement to the effect that (i) the price of the commodity or contract of sale for future delivery underlying the option must either rise above the striking price, or fall below the striking price, as the case may be, by an amount in excess of the sum of the premium and all other costs incurred in entering into and exercising the commodity option in order for the option customer to realize a profit on the option transaction, and (ii) an option customer will be unable to sell any option purchased in any market to recover any of the purchase price, but rather may only liquidate by exercising an option before the expiration date of the option;

(6) The name of the person required to register as a futures commission merchant under the Act with whom the account agreement is established, as well as the address and telephone number of the person's principal business office; and

(7) A clear explanation of the effect of any foreign currency fluctuations with respect to commodity options being offered.

(c) A person shall not be required to deliver the disclosure statement to an option customer as provided by paragraphs (a) and (b) of this section if the required disclosure statement has previously been furnished by such person to the option customer: Provided, however, that an appropriate disclosure statement shall be delivered in any event (1) upon the request of the option customer, or (2) if the previously delivered disclosure statement has become inaccurate in any material respect.

(d) Prior to the entry into a commodity option transaction on or subject to the rules of a domestic or foreign commodity option exchange, each option customer or prospective option customer shall, to the extent the following amounts are known or can reasonably be approximated, be informed by the person soliciting or accepting the order therefor of the amount of the premium, and any commissions, costs, fees and other charges incurred in connection with the commodity option transaction, as well as the striking price and all costs to be incurred by the option customer if the commodity option is exercised.

(e) Not more than 24 hours after the execution of a commodity option transaction on a domestic or foreign commodity option exchange, each person required to register as a futures commission merchant under the Act which deals directly with an option customer and which places, or causes to be placed, an order for a commodity option transaction on behalf of its option customer, shall furnish such option customer, by mail or other generally accepted means of communication, with a written confirmation statement containing at least the following information:

(1) A separate listing of the actual amount of the premium, as well as each commission, cost, fee and other charge incurred in connection with the commodity option transaction;

(2) The striking price;

(3) The total quantity and quality of the commodity which may be purchased or sold, or which underlies the contract of sale for future delivery which may be purchased or sold, upon exercise of the commodity option;

(4) The expiration date, and the final exercise date, if different, of the commodity option purchased or sold, and in the case of an option on a contract of sale for future delivery, the final trading date on such contract; and

(5) The date the commodity option transaction was executed.

§ 32.17 Segregation.

(a) With respect to commodity options traded on or subject to the rules of a domestic commodity option exchange—

(1) Each person required to register as a futures commission merchant under the Act shall treat and deal with all money, securities and property received by such person (i) as a premium to be used for the purchase of an option contract for an option customer, (ii) as a premium payable to an option customer, (iii) to guarantee or secure performance of the option contracts of an option customer, or (iv) representing accruals to an option customer as the result of option contracts, as belonging to such option customer. Such money, securities and property shall be separately accounted for and shall not be commingled with the money, securities or property of such person required to register as a futures commission merchant under the Act or with the money, securities or property of such person's commodity customers (as defined in § 1.3(k) of this chapter) or of any other person or be used to secure or guarantee the trades or contracts, or to secure or extend the credit, of any option customer or person other than the one for whom the same are held: *Provided, however,* that such money, securities or property treated as belonging to the option customers of such person who engage in commodity option transactions executed on or subect to the rules of a domestic commodity option exchange may for convenience be commingled and deposited in the same account or accounts with any bank or trust company, with the clearing organization of such domestic commodity option exchange, or with another person registered as a futures commission merchant under the Act, in the United States, and that such share thereof as in the normal course of business shall be necessary to guarantee, secure, transfer, adjust, or settle the commodity option contracts of such option customers, or resulting market positions, with the clearing organization of such domestic commodity option exchange or with any other person registered as a futures commission merchant under the Act, may be withdrawn and applied to such purposes, including the payment of commissions, brokerage, interest, taxes, storage and other fees and charges, lawfully accruing in connection with such option contracts and trades: *Provided, further,* that such money may be invested in obligations of the government of the United States, in general obligations of any State or of any political subdivision thereof, and in obligations fully guaranteed as to principal and interest by the government of the United States.

(2) It shall be unlawful for any person, including but not limited to any clearing organization of a domestic commodity option exchange, and any depository, that has received any money, securities, or property for deposit in a separate account, as provided in paragraph (a)(1) of this section, to hold, dispose of or use any such money, securities or property as belonging to any person other than the option customers of the person required to register as a futures commission merchant which deposited such option customer money, securities and property.

(3)–(14) [Reserved]

(b) With respect to commodity options traded on or subject to the rules of foreign commodity option exchange—

(1) Each person required to register as a futures commission merchant under the Act shall treat and deal with all money, securities and property received by such person (i) as a premium to be used for the purchase of an option contract for an option customer in the United States, (ii) as a premium payable to an option customer in the United States, (ii) to guarantee or secure performance of option contracts of an option customer in the United States, or (iv) representing accruals to an option customer in the United States as the result of option contracts, as belonging to such option customer. Such money, securities and property shall be separately accounted for and segregated in the United States and shall not be commingled with the money, securities or property of such person required to register as a futures commission merchant or with the money, securities or property of such person's commodity customers (as defined in § 1.3(k) of this chapter) or of any other person or be used to secure or guarantee the trades or contracts, or to secure or extend the credit, of any option customer or person other than the one for whom the same are held: *Provided, however,* that the money, securities or property treated as belonging to the option customers of such person who engage in commodity option transactions executed on or subject to the rules of a foreign commodity option exchange may for convenience be commingled and deposited in the same account or accounts with any bank or trust company in the United States or with another person registered as a futures commission merchant under the Act in the United States or with the foreign commodity option exchange and that such share thereof as in the normal course of business shall be necessary to guarantee, secure, transfer, adjust, or settle the foreign commodity option contracts of such option customers or resulting market positions, with the foreign commodity option exchange, or with any person registered as a futures commission merchant under the Act, may be withdrawn and applied to such purposes. Such money, securities and property, when so deposited with any bank, trust company, other person required to be registered as a futures commission merchant under the Act, shall be deposited under an account name which will clearly show that it contains money, securities or property treated as belonging to option customers, segregated as required by this Part. Each person required to register as a futures commission merchant under the Act depositing such money, securities or property shall obtain and retain in its files for the period provided in § 1.31 of this chapter an acknowledgment from such bank, trust company or person required to register as a futures commission merchant under the Act that it was informed that the money, securities and property so deposited are being treated as belonging to option customers and are being held in accordance with the provisions of this Part. Such bank, trust company, or person required to register as a futures commission merchant under the Act must allow inspection of such accounts at any reasonable time by representatives of the Commission.

(2) No money, securities or property deposited in accordance with paragraph (b)(1) of this section shall be held, disposed of, used or treated as belonging to the depositing person or any person other than the option customers in the United States of such person: *Provided, however,* that such money may be invested in obligations of the government of the United States, in general obligations of any State or of any political subdivision thereof, and in obligations fully guaranteed as to principal and interest by the government of the United States. Such investments shall be made through an account or accounts used for the deposit of money, securities or property received from or for the account of option customers and proceeds from any sale of such obligations shall be redeposited in such account or accounts. Each person which invests money belonging or accruing to option customers in obligations as described in this paragraph (2), shall separately account for such obligations and segregate such obligations as belonging to such option customers. Such obligations shall be deposited under an account name which will clearly show that it contains obligations treated as belonging to option customers, segregated as required by this Part. Each person depositing such obligations shall obtain and retain in its files an acknowledgment from such bank or trust company that it was informed that the obligations are treated as belonging to option customers and are being held in accordance with the provisions of this Part. Such acknowledgment shall be retained for the period provided in § 1.31 of this chapter. Such bank or trust company must allow inspection of the obligations at any reasonable time by representatives of the Commission.

(3) Each person which invests money treated as belonging to option customers as permitted hereunder shall keep a record showing the following: (i) the date on which such investments were made, (ii) the name of the person through which such investments were made, (iii) the amount of money so invested, (iv) a description of the obligations in which such investments were made, (v) the identity of the depositories or other places where such obligations are segregated, (vi) the date on which such investments were liquidated or otherwise disposed of and the amount of money received on such disposition, if any, and (vii) the name of the person to or through which such investments were disposed of.

(4) Persons which invest money in obligations described in paragraph (b)(2) of this section shall include such obligations in segregated account at values which at no time shall be greater than current market value, determined as of the close of the market on the last preceding market day.

(5) The deposit and/or investment of money as provided in paragraph (b)(1) or (2) of this section shall not operate to prevent the person so depositing and/or investing such money from receiving and retaining as its own any increment or interest resulting therefrom.

(6) The amount of money, securities and property which is and which must be in a segregated account in order to comply with the segregation requirements of this paragraph (b) of this section shall be computed by each person required to register as a futures commission merchant under the Act as of the close of each business day. A record of such computation shall be made and kept, together with all supporting data, in accordance with the provisions of § 32.19 of this Part. Such computation shall be made prior to the opening of business on the next business day.

§ 32.18 Promotional material.

Each person required to register as a futures commission merchant under the Act shall retain for a period of at least five years, all promotional material used by it in its commodity option activities with option customers and shall make such promotional material available for inspection upon request by any authorized representative of the Commission.

§ 32.19 Record keeping requirements.

(a)–(i) [Reserved]

(j) With respect to commodity options traded on or subject to the rules of a foreign commodity option exchange, each person required to be registered as a futures commission merchant under the Act—

(1) Shall keep full, complete and systematic records together with all pertinent data and memoranda of or relating to its commodity option transactions. Such records shall at least include all orders (filled, unfilled or cancelled), signature cards, books and records, journals, ledgers (separate for proprietary option accounts), cancelled checks, copies of all statements of purchase, exercise or lapse, customer month end statements, monthly trial balances, monthly listing of open option positions arranged by commodity and striking price, and reports, letters, disclosure statements and confirmation statements required by § 32.16. Upon the request of an authorized representative of the Commission, such person shall furnish the true name and address of each commodity option customer in the United States or prospective commodity option customer solicited.

(2) Shall also keep a record in permanent form which shall show the true name and address of each maker, underwriter, issuer or other person who assumes or purports to assume any financial responsibility for the fulfillment of any commodity option transaction solicited or accepted by such person to the extent that such information is known or may reasonably be obtained by such person.

(3) Which accepts an order for a commodity option from a person other than an option customer, shall keep full, complete and systematic records together with all pertinent data and memoranda of or relating to the transaction. Such records shall at least include the items set forth in paragraph (j)(2) of this section and, to the extent necessary to reflect such person's participation in the transactions, shall include all items set forth in paragraph (j)(1) of this section.

(4) Which accepts an order for a commodity option as provided in paragraphs (j)(1) through (3) of this section shall immediately upon receipt thereof prepare a written record of such order, including an account identification and order number, and shall record thereon by time-stamp or other device, the date and time, to the nearest minute, that

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the order is (i) accepted, (ii) transmitted for execution, and (iii) executed.

(5) Shall retain all records, memoranda and other documents required to be maintained by paragraphs (j) (1) through (3), and to be prepared by paragraph (j)(4), of this section for the period specified in § 1.31 of this chapter, and shall produce the same for inspection and furnish true and correct copies thereof and information and reports as to the contents or meaning thereof when and as requested by any authorized representative of the Commission or the United States Department of Justice.

§ 32.20 Application and closing out of offsetting long and short positions.

[Reserved.]

§ 32.21 Filing of information by domestic commodity option exchanges.

[Reserved.]

§ 32.22 Report by domestic and foreign commodity option exchanges.

[Reserved.]

§ 32.23 Reports by futures commission merchants.

[Reserved.]

§ 32.24 Reports by traders.

[Reserved.]

§ 32.25 Reports by members of domestic commodity option exchanges.

[Reserved.]

§ 32.26 Special calls for information.

[Reserved.]

§ 32.27 Trading requirements.

[Reserved.]

§ 32.28 Unlawful activities.

It shall be unlawful for any person—

(a) Required to be registered with the Commission in accordance with this Part expressly or impliedly to represent that the Commission, by declaring effective the registration of such person or otherwise, has directly or indirectly approved such person, or any commodity option transaction solicited or accepted by such person;

(b) In or in connection with an offer to enter into, the entry into, the confirmation of the execution of, or the maintenance of any commodity option transaction expressly or impliedly to represent that compliance with the provisions of this Part constitutes a guarantee of the fulfillment of the commodity option transaction;

(c) Upon receipt of an order for a commodity option transaction, unreasonably to fail to secure prompt execution of such order;

(d) To manipulate or attempt to manipulate the market price of any commodity option on or subject to the rules of any domestic commodity option exchange: *Provided, however*, that any action taken by any domestic commodity option exchange pursuant to a rule approved by the Commission or any emergency action which a domestic commodity option exchange is permitted to take pursuant to § 32.15 shall not be deemed to be a manipulation for purposes of this paragraph;

(e) To offer to enter into, enter into, or confirm the execution of, any commodity option transaction, if such transaction is, is of the character of, or is commonly known to the trade as, a "wash sale", "cross trade", or "accommodation trade", or is a fictitious sale.

§ 32.29 Fraud in connection with commodity option transactions.

It shall be unlawful for any person directly or indirectly—

(a) To cheat or defraud or attempt to cheat or refraud any other person;

(b) To make or cause to be made to any other person any false report or statement thereof or cause to be entered for any person any false record thereof;

(c) To deceive or attempt to deceive any other person by any means whatsoever;

in or in connection with an offer to enter into, the entry into, or the confirmation of the execution of, any commodity option transaction.

§ 32.30 Option transactions entered into prior to the effective date of this Part; certain subsequent transactions.

Nothing contained in this Part shall be construed to affect any lawful activities that occurred prior to the effective date of this Part. All option transactions offered or entered into on or after December 9, 1976, and prior to July 30, 1977, shall be subject to the terms and conditions of this Part in effect on and between those dates.

Interested persons are invited to submit comments on the proposed regulations to the Commission, 2033 K Street, N.W., Washington, D.C., 20581, Attention: Secretariat. Comments received on or before June 6, 1977, will be considered by the Commission before taking action on the proposed regulations. Copies of all comments received will be available for inspection in the Commission's offices in Washington, D.C.

Issued in Washington, D.C. on March 30, 1977, by the Commission.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.77-10013 Filed 4-4-77;8:45 am]

federal register

TUESDAY, APRIL 5, 1977

PART V

DEPARTMENT OF STATE

FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

Applications for Permits To Fish Off the Coasts of the United States

V 42 65 APR 5 77 UMI

DEPARTMENT OF STATE

[Pub. Notice 634]

FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

Applications for Permits To Fish Off the Coasts of the United States

The Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) (the "Act") provides that no fishing shall be conducted by foreign fishing vessels in the Fishery Conservation Zone of the United States after February 28, 1977, except in accordance with a valid and applicable permit issued pursuant to section 204 of the Act.

The Act also requires that all applications for such permits be published in the FEDERAL REGISTER.

Additional Applications for fishing beginning March 1, 1977, have been received from the Polish People's Republic, and are published herewith.

Dated: March 31, 1977.

ALBERT L. ZUCCA,
Director, Office of Fisheries Affairs.

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

PL-77-0034

Permit Period Applied For: 1977

Application No. PL-77-0034 For Use of Issuing Office

State: POLAND

1. Name of Vessel: MARLIN
2. Vessel No.: Hull No. SWI-219 Registration No. 440225
3. Name and Address of Owner / Name and Address of Charterer
   Name: DEPP SEA FISHING COMPANY "ODRA"
   Address: 78-602 ŚWINOUJŚCIE
   Jana Sołtana 1
   Cable Address: "ODRA" - ŚWINOUJŚCIE
4. Homeport and State of Registry: ŚWINOUJŚCIE
5. Type of Vessel: stern trawler B-417
6. Tonnage (Gross) 2390 (Net) 988
7. Length 89,88 m. 8. Breadth 15,03 m. 9. Draft 6,50 m.
10. Horsepower 3600 shp. 11. Maximum Speed 15,0 kt.
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ).
    Other
13. Date Built 1977
14. Number and Nationality of Personnel 78 Poles
    Officers 16 Crew 62 Other (Specify)
15. Communications: VHF-FM (X), AM/SSB, Voice (X), Telegraphy (X).
    Other
    International Radio Call Sign SQGY
    Radio Frequencies Monitored 500 KHz
    Other Working Frequencies 2506 KHz
    Schedule 08.00-12.00,20.00-22.00 on the zone times
16. Navigation Equipment: Loran C ( ), Loran A (X), Omega ( ), Decca (X), Navsat ( ), Radar ( ), Fathometer (X)
    Other
17. Cargo Capacity (MT)

Salted Fish	
Fresh Fish	
Frozen Fish	810
Fish Meal	180
Other	Fish oil 40

18. Cargo Space

	Number	Hatch
Freezer	2	1,2
Dry Hold	1	
Tanks	2	19,20
Other		

19. Processing Equipment (indicate daily capacity, MT)
    Baader-33/unit 1-140 fish/min.,B-694/unit 1/, Techest/unit 1/, filleting line B-181, Trio-4-10 tons/day, filleting line B-189, B-423, OFD1/unite 2/-5-21 tons/day, filleting B-188,B-413,OFD-1/unite2/-5-21 tons/day,Plate freezere/unite5/-50 tons/day. Fish meal and oil plant F.M-50,-50 tons/day raw mat.
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NE PACYFK	1977	Hake	3000	
		Jack Mackrel	400	
		Pollock	1000	
		Atka Mackrel	170	
		Other ground fish	20	
		Cod	30	

21. Name and Address of Agent appointed to receive any legal process issued in the United States:
    Ameropol International Inc. Officiel Representative
    Two Werrld Trade Center Ireneusz Wrześniewski
    Suite 2222, New York NY 10048

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

PL-77-0035

Permit Period Applied For: 1977

Application No. PL-77-0035
For Use of Issuing Office

State: POLAND

1. Name of Vessel KOLIAS

2. Vessel No.: Hull No. ŚWI-220 Registration No. _____

3. Name and Address of Owner / Name and Address of Charterer

Name: DEEP SEA FISHING COMPANY "ODRA"

Address: 72-602 ŚWINOUJŚCIE
Jana Sołtena 1

Cable Address: ODRA - ŚWINOUJŚCIE

4. Homeport and State of Registry: ŚWINOUJŚCIE

5. Type of Vessel stern trawler B-417

6. Tonnage (Gross) 2395 (Net) 998

7. Length 89,88 M. 8. Breadth 15,03 M. 9. Draft 6,90 M.

10. Horsepower 3600 shp. 11. Maximum Speed 15,0 kt.

11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ),
Other _____

13. Date Built 1977

14. Number and Nationality of Personnel 78 Poles
Officers 16 Crew 62 Other (Specify) _____

15. Communications: VHF-FM (X), AM/SSB, Voice (X), Telegraphy (X),
Other _____
International Radio Call Sign SQOM
Radio Frequencies Monitored 500 KHz
2506 KHz
Other Working Frequencies _____
Schedule 08.00-12.00, 20.00-22.00 on the zone times

16. Navigation Equipment: Loran C (XX), Loran A (X), Omega (X),
Decca (X), Navsat (X), Radar (X), Tachometer ( ),
Other _____

17. Cargo Capacity (MT)

Salted Fish	_____
Fresh Fish	_____
Frozen Fish	810
Fish Meal	180
Other	Fish oil 40

18. Cargo Space

	Number	Name
Freezer	2	1,2
Dry Hold	1	
Tanks	2	19,20
Other		

19. Processing Equipment (Indicate daily capacity, MT)
Seader-33/unit 1-140 fish/min., B-694/unit 1/, Technet/unit 1/, filleting line B-188, Trio-4-10 tons/day, filleting line B-189, B-413, OFD1/units 2/-5-21 tons/day, filleting B-188, B-413, OFD-1 /units 2/-5-21 tons/day, Plate freezers/units5/-60 tons/day. Fish meal and oil plant F.M-50,-50 tons/day raw mat.

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NE PACYFIK	1977	Hake	3000-	
	1.VI-31.X.77	Jack Mackrel	400	
		Pollock	1000	
		Altka Mackrel	170	
		Other ground fish	20	

21. Name and Address of Agent appointed to receive any legal process issued in the United States:
Agropol International Inc. Official Representative
Two World Trade Center Ireneusz Wrzesniewski
Suite 2222, New York, NY 10048

[FR Doc.77-10078 Filed 4-4-77;8:45 am]

FEDERAL REGISTER, VOL. 42, NO. 65—TUESDAY, APRIL 5, 1977

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Supplement 2

PRINCIPAL EXECUTIVE BRANCH OFFICIALS OF THE ADMINISTRATION OF JIMMY CARTER

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federal register

WEDNESDAY, APRIL 6, 1977

highlights

"THE FEDERAL REGISTER—WHAT IT IS AND HOW TO USE IT"

Reservations for May and June are being accepted for the free weekly workshops on how to use the FEDERAL REGISTER. The sessions are held at 1100 L St. N.W., Washington, D.C. in Room 9409, from 9 to 11:30 a.m.

Each session includes a brief history of the FEDERAL REGISTER, the difference between legislation and regulations, the relationship of the FEDERAL REGISTER to the Code of Federal Regulations, the elements of a typical FEDERAL REGISTER document, and an introduction to the finding aids.

FOR RESERVATIONS call: Dean Smith, 202–523–5282.

OUT OF TOWN WORKSHOPS PREVIOUSLY ANNOUNCED

Dallas, Fort Worth, Waco, and El Paso, Tex., 4–12, 4–13, 4–18.
(Details: 42 FR 14889, 3–17–77.)
Dallas, 4–12. For reservations call: Connie Burke, 214–749–3355.
Fort Worth, 4–12. Call: Chris Horton, 817–334–3285.
Waco, 4–13. Call: Basil Thomson, 817–755–2561.
El Paso, 4–18. Call: Lupe Romero, 915–543–7714.

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The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

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(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

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presidential documents

Title 3—The President

Memorandum of April 1, 1977

Decision on Non-Rubber Footwear Under Section 202(b) of the Trade Act of 1974

Memorandum for the Special Representative for Trade Negotiations

THE WHITE HOUSE,
Washington, April 1, 1977.

Pursuant to section 202(b) of the Trade Act of 1974 (PL 93–618, 88 Stat. 1978), I have determined the action I will take with respect to the report of the U.S. International Trade Commission (USITC) dated February 8, 1977, concerning the results of its investigation on non-rubber footwear. This investigation was undertaken at the request of the Senate Finance Committee.

I have determined that the import relief remedy recommended by the USITC does not provide a balance among the various interests involved. Therefore, I am directing you to negotiate and conclude the necessary agreements with the appropriate foreign exporting countries to moderate the problems caused to our domestic footwear manufacturers, workers, and communities by rapid shifts in foreign exports of non-rubber footwear to the United States. This should be a short term program sufficient to allow the domestic industry to become more competitive.

In seeking these agreements you should remain mindful of the interests of American consumers and the difficult economic problems faced by a number of our trading partners, in particular the developing country suppliers with serious balance of payments deficits.

I am also asking the Secretaries of Commerce and Labor to work closely with you to ensure effective use of the resources available under existing law for the benefit of the shoe industry and the communities in which shoe plants are located.

In addition, I am ordering a full review of the Government's trade adjustment assistance program and will recommend to the Congress within the next 90 days any legislation which may be warranted. This will coincide with your negotiating effort, and in accordance with the law, I will present a program of relief to the Congress no later than 90 days from today.

This determination is to be published in the FEDERAL REGISTER.

Jimmy Carter

[FR Doc.77–10378 Filed 4–5–77;10:46 am]

EDITORIAL NOTE: The President's statement of Apr. 1, 1977, and his memorandum for the heads of certain departments and agencies, dated Apr. 1, 1977, on import relief for the non-rubber footwear industry, are printed in the Weekly Compilation of Presidential Documents (vol. 13, pp. 478 and 479).

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Orange Reg. 75, Amdt. 9; Grapefruit Reg. 77, Amdt. 7]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Amendment of Grade Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The amendment for Florida oranges lowers the minimum grade requirements applicable to domestic and export shipments of Murcott Honey oranges during the period April 1 through August 14, 1977. The amendment of the grapefruit regulation lowers the minimum grade requirements for domestic and export shipments of Florida pink seeded grapefruit during the same period. The amendments recognize the supplies of fruit remaining for fresh shipment and the quality of the crops and are designed to permit movement of available supplies of fruit consistent with the interests of producers and consumers.

EFFECTIVE DATE: April 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-3545.

SUPPLEMENTARY INFORMATION: *Findings.* (1) Pursuant to the amended marketing agreement, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the amended marketing agreement and order, and upon other available information, it is hereby found that the regulation of shipments of oranges and grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) These amendments reflect the Department's appraisal of the current and prospective demand for Murcott Honey oranges and grapefruit by domestic and export market outlets. Less restrictive grade requirements for such fruit are consistent with the character of much of the fruit remaining for fresh shipment.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of these amendments until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information became available upon which these amendments are based and the time when these amendments must become effective in order to effectuate the declared policy of the act is insufficient; and these amendments relieve restrictions on the handling of Murcott Honey oranges and grapefruit grown in Florida.

Order. 1. The provisions of paragraphs (a) (7) and (b) (7) of § 905.564 (Orange Regulations 75; 41 FR 42177, 49474, 51029, 53007, 54917; 42 FR 5071, 8361, 9663, 10833) are revised to read as follows:

§ 905.564 Orange Regulation 75.

(a) • • •

(7) Any Murcott Honey oranges, grown in the production area, which do not grade at least Florida No. 1 Golden grade for Murcotts: *Provided,* That during the period April 1, 1977, through August 14, 1977, no handler shall ship any Murcott Honey oranges, grown in the production area, which do not grade at least U.S. No. 2 Russet;

• • • • • •

(b) • • •

(7) Any Murcott Honey oranges, grown in the production area, which do not grade at least Florida No. 1 Golden grade for Murcotts: *Provided,* That during the period April 1, 1977, through August 14, 1977, no handler shall ship any Murcott Honey oranges, grown in the production area, which do not grade at least U.S. No. 2 Russet;

• • • • • •

2. The provisions of § 905.565 (Grapefruit Regulation 77; 41 FR 42177, 49474, 51029, 54917; 42 FR 9663, 10833, 14865) are amended by revising paragraphs (a) (1) and (b) (1) as follows:

§ 905.565 Grapefruit Regulation 77.

(a) • • •

(1) Any seeded grapefruit, grown in the production area, which do not grade at least U.S. No. 1: *Provided,* That during the period April 1, 1977, through August 14, 1977, no handler shall ship any pink seeded grapefruit, grown in the production area, which do not grade at least Improved No. 2 Russet;

• • • • • •

(b) • • •

(1) Any seeded grapefruit, grown in the production area, which do not grade at least U.S. No. 1: *Provided,* That during the period April 1, 1977, through August 14, 1977, no handler shall ship any pink seeded grapefruit, grown in the production area, which do not grade at least Improved No. 2 Russet;

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674).)

Dated, April 1, 1977, to become effective April 1, 1977.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-10180 Filed 4-5-77;8:45 am]

[Grapefruit Reg. 17, Amdt. 5]

PART 944—FRUITS; IMPORT REGULATIONS

Minimum Grade Requirements for Imports of Pink Seeded Grapefruit

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment lowers the minimum grade requirement applicable to imported pink seeded grapefruit from U.S. No. 1 to Improved No. 2 Russet grade to coincide with such requirements being made effective on Florida grapefruit.

EFFECTIVE DATE: April 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250; telephone (202) 447-3545.

SUPPLEMENTARY INFORMATION: This amendment is consistent "with section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This section requires that whenever specified commodities, including grapefruit, are regulated under a federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodity. This amendment fixes the same minimum grade requirement on imported pink seeded grapefruit as is effective under Marketing Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida.

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Order. In § 944.113 (Grapefruit Regulation 17; 41 FR 42181, 49109; 42 FR 9664, 10835, 14867) the provisions of paragraph (a) are revised to read as follows:

§ 944.113 Grapefruit Regulation 17.

(a) • • •

(1) Seeded grapefruit shall grade at least U.S. No. 1: *Provided,* That during the period April 1, 1977, through August 14, 1977, pink seeded grapefruit shall grade at least Improved No. 2 Russet;

• • • • • •

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to Section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) this amendment fixes the same requirements for imports of pink seeded grapefruit as are applicable under amended Grapefruit Regulation 77 (§ 905.565) to the shipment of pink seeded grapefruit grown in Florida; and (c) this amendment lowers the minimum grade requirement applicable to imported pink seeded grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674).)

Dated April 1, 1977, to become effective April 1, 1977.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-10181 Filed 4-5-77;8:45 am]

Title 20—Employee's Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Reg. No. 4]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Subpart J—Procedures, Payment of Benefits, and Representation of Parties

Subpart O—Interrelationship of Old-Age, Survivors, and Disability Insurance Program With the Railroad Retirement Program

CATEGORIES OF CASES WHERE BENEFITS SHALL BE CERTIFIED TO THE RAILROAD RETIREMENT BOARD

On August 12, 1976, there was published in the FEDERAL REGISTER (41 FR 34060) a notice of proposed rulemaking with proposed amendments to Subparts J and O, Regulations No. 4 of the Social Security Administration. In these amendments, occasioned principally by enactment of the Railroad Retirement Act of 1974 (Pub. L. 93–445), a new § 404.1413 is added in which provisions are made for the certification of certain benefit payments to the Railroad Retirement Board for payment under section 205(i) of the Social Security Act. These provisions apply to an individual who first becomes entitled to benefits under title II of the Social Security Act after 1974, and has completed 10 years of service under the Railroad Retirement Acts of 1937 or of 1974; to the wife or husband of a worker who has completed 10 years of service under these Acts; to the survivor of such a worker if the survivor is entitled, or could upon application become entitled, to an annuity under section 2 of the Railroad Retirement Act of 1974; and to any other person entitled to benefits under section 202 of the Social Security Act on the basis of wages and self-employment income of such a worker (except a survivor of such a worker when the worker did not have a "current connection", as defined in section 1(o) of the Railroad Retirement Act of 1974 with the railroad industry at the time of his death). The amount of the benefits shall be certified to the Railroad Retirement Board for certification of payment to the Secretary of the Treasury together with any benefits payable under the Railroad Retirement Act of 1974 for payment in a single check. The amendments also revise §§ 404.968 and 404.968a to extend the expedited benefit payment procedure, provided under section 205(q) of the Social Security Act, to those benefit payments certified to the Railroad Retirement Board. The amendments revise and update § 404.1410 of the regulations to show the successive benefit bases as determined under section 230 of the Social Security Act, as amended by section 5 of Pub. L. 93–233, enacted December 31, 1973. Revisions have also been made to update cross-references because of enactment of the Railroad Retirement Act of 1974 which, in effect, replaces the Railroad Retirement Act of 1937. In addition, the amendments revise § 404.1412, regarding compensation quarters of coverage, to indicate that the granting of compensation quarters of coverage based on service and earnings will no longer be applicable for periods beginning January 1975, but may continue to be granted for prior periods. Interested persons were given the opportunity to submit, within 90 days, data, views, or arguments with regard to the proposed changes. Because the comment period has expired and no comments were received, the proposed amendments are hereby adopted with changes made only to correct typographical errors, as set forth below, and shall be effective April 6, 1977.

(Secs. 202(1), 205, and 1102 of the Social Security Act; 64 Stat. 482, as amended, 536 Stat. 1368, as amended, and 49 Stat. 647, as amended (42 U.S.C. 402(1), 405, and 1302).)

Effective date: The amendments shall be effective April 6, 1977.

(Catalog of Federal Domestic Assistance Programs Nos. 13.802, Social Security-Disability Insurance and 13.803–4, Social Security Retirement and Survivors Insurance.)

NOTE.—The Social Security Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

Dated: December 29, 1976.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: March 31, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare.

Part 404 of Chapter III, Title 20, of the Code of Federal Regulations is amended as follows:

1. Sections 404.968 and 404.968a(b) are amended to read as follows:

§ 404.968 Certification of payment.

Determination or decision providing for payment. When a determination or decision has been made under any provision of §§ 404.905 to 404.963, inclusive, to the effect that a payment or payments under title II of the Act should be made to any person, the Social Security Administration shall, except as hereafter provided, certify to the Managing Trustee of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund, as appropriate, the name and address of the person to be paid (see § 404.1601), the amount of the payment or payments from the appropriate Trust Fund, and the time at which such payment or payments should be made. (See also § 404.1413.)

§ 404.968a Expedited benefit payments.

• • • • • •

(b) *Applicability of section.* (1) This section applies to monthly benefits payable under title II of the Act, including benefits payable under section 228, except as provided in subparagraph (2) of this paragraph; and to those cases to be certified by the Secretary to the Railroad Retirement Board to the same extent as it does to those cases to be certified by him to the Managing Trustee.

(2) This section does not apply:

• • • • • •

2. Section 404.1401 is amended to read as follows:

§ 404.1401 General relationship of Railroad Retirement Act with the old-age, survivors, and disability insurance program of the Social Security Act.

The Railroad Retirement Act sets up a system of benefits for railroad employees, their dependents and survivors, and has been integrated with the Social Security Act to provide a coordinated system of retirement, survivor, dependent, and disability benefits payable on the basis of an individual's work in the railroad industry and in employement and self-employment covered by the Social Security Act. With respect to the coordination between the two programs, the Railroad Retirement Act distinguishes between "career" railroad workers and those individuals who may be considered "casual" railroad workers. The line of demarcation is generally 10 years of service in the railroad industry, including service prior to 1937. The Railroad Retirement Act transfers to the old-age, survivors, and disability insurance system the compensation records of individuals who at the time of retirement, onset of disability, or death have less than 10 years of service in the railroad industry and meet certain other requirements. Any compensation paid to such individuals for such service after 1936 becomes wages under the Social Security Act (to the extent they do not exceed the annual wage limitations described in § 404.1027(a)). Whatever benefits are payable to them, their dependents, and their survivors are computed on the basis of the combined compensation and social security covered earnings creditable to the individuals' records. The compensation paid to individuals with 10 or more years of railroad service remain under the Railroad Retirement Act, but in certain circumstances, the compensation of such workers who die may be transferred to the old-age, survivors, and disability insurance program (see §§ 404.1402(b) and 404.1407). Under certain circumstances (see § 404.1413), certification of benefits payable under the provisions of the Social Security Act will be made to the Railroad Retirement Board. The Railroad Board will certify such benefits to the Secretary of the Treasury.

3. Section 404.1402 is amended to read as follows:

§ 404.1402 When services in the railroad industry are covered.

Services performed by an individual in the railroad industry which would, but for the provisions of this section, be excepted from "employment" by reason of § 404.1017 shall be considered to be included under "employment" as defined in section 210 of the Social Security Act in the following situations:

(a) For the purpose of determining entitlement to, or the amount of, any monthly benefits or lump-sum death payment on the basis of the wages and self-employment income of an individual where the years of service in the railroad industry are less than 10;

(b) For the purpose of determining entitlement to, or the amount of, any survivor monthly benefit or any lump-sum death payment on the basis of the wages and self-employment income of an individual whose years of service in the railroad industry were 10 or more but a "current connection", as defined in section 1(o) of the Railroad Retirement Act of 1974 (45 U.S.C. 228a), with the railroad industry did not exist at the time of death; (in such cases, survivor benefits are not payable under the Railroad Retirement Act);

(c) For the purpose of determining entitlement to a period of disability (see Subpart B of this part) on the basis of the wages and self-employment income of an individual; or

(d) For the purpose of applying the provisions of section 203 of the Act concerning deductions from benefits under the retirement test (see Subpart E of this part).

4. Paragraph (a) of § 404.1405 is amended to read as follows:

§ 404.1405 When the provisions of § 404.1402 do not apply.

(a) *Awards by the Railroad Retirement Board prior to October 30, 1951.* The provisions of § 404.1402(a) shall not apply with respect to the wages and self-employment income of an individual if, prior to October 30, 1951, the Railroad Retirement Board has awarded under the Railroad Retirement Act a retirement annuity to such individual or a survivor annuity with respect to the death of such individual and such retirement or survivor annuity, as the case may be, was payable at the time an application for benefits is filed under the Social Security Act on the basis of the wages and self-employment income of such individual. A pension payable under section 6 of the Railroad Retirement Act of 1937 as in effect prior to the Railroad Retirement Act of 1974, or an annuity paid in a lump sum equal to its commuted value under section 3(i) of the Railroad Retirement Act in effect prior to the Social Security Act of October 30, 1951, is not a "retirement or survivor annuity" for the purpose of this paragraph.

• • • • • •

5. Section 404.1406 is amended to read as follows:

§ 404.1406 Eligibility to railroad retirement benefits as a bar to payment of social security benefits.

Notwithstanding the fact that, pursuant to the preceding provisions of this subpart, services rendered by an individual in the railroad industry are in employment, no lump-sum death payment or survivor monthly benefits shall be paid (except as provided in § 404.1407) under the regulations in this part on the basis of such individual's wages and self-employment income if any person, upon filing application therefor, would be entitled to an annuity under section 2 of the Railroad Retirement Act of 1974 or a lump-sum payment under section 6(b) of such Act with respect to the death of that individual; or for periods prior to 1975, would have been entitled to an annuity under section 5 or a lump-sum payment under section 5(f)(1) of the Railroad Retirement Act of 1937 with respect to the death of that individual.

6. Section 404.1407 is amended to read as follows:

§ 404.1407 When railroad retirement benefits do not bar payment of social security benefits.

The provisions of § 404.1406 shall not operate if:

(a) The survivor is, or upon filing application would be, entitled to a monthly benefit with respect to the death of an insured individual for a month prior to January 1947, if such monthly benefit is greater in amount than the survivor annuity payable to such survivor after 1946 under the Railroad Retirement Act; or

(b) The residual lump-sum payment provided by section 6(c) of the Railroad Retirement Act of 1974 (or section 5(f)(2) of the Railroad Retirement Act of 1937 prior to the 1974 Act) with respect to the death of an insured individual is paid by the Railroad Retirement Board pursuant to an irrevocable election filed with the Board by a widow, widower, or parent of such individual to waive all future annuities or benefits based on the combined record of earnings and compensation to which such widow, widower, or parent might become entitled, but only to the extent that widow's, widower's, or parent's benefits may be payable under the regulations of this part to such widow, widower, or parent, as the case may be, solely on the basis of the wages and self-employment income of such deceased individual and without regard to any compensation which may be treated as wages pursuant to § 404.1408.

7. Section 404.1408 is amended to read as follows:

§ 404.1408 Compensation to be treated as wages.

Where, pursuant to the preceding provisions of this subpart, services rendered by an individual in the railroad industry are considered to be in employment as defined in section 210 of the Social Security Act (see Subpart K of this part) any compensation (as defined in section 1(h) of the Railroad Retirement Act of 1974 or prior to the 1974 Act, section 1(h) of the Railroad Retirement Act of 1937) received by such individual for such services shall constitute wages provided that the provisions of § 404.1406 do not operate to bar the payment of benefits under title II of the Social Security Act; except that any compensation attributable as having been paid during any month on account of military service creditable under section 1 of the Railroad Retirement Act of 1974 (or section 4 of the Railroad Retirement Act of 1937 prior to the 1974 Act) shall not constitute wages for purposes of title II of the Social Security Act if, based on such military service, wages are deemed to have been paid to such individual during such month under the provisions described in § 404.1308 or § 404.1309.

8. Section 404.1410 is amended to read as follows:

§ 404.1410 Presumptions on basis of certified compensation record.

(a) *Years prior to 1975.* Where the Railroad Retirement Board certifies to the Social Security Administration a report of record of compensation, which is treated as wages under § 404.1408, and periods of service which do not identify the months or quarters in which such compensation was paid, the sum of the compensation quarters of coverage (see § 404.1412) will be presumed, in the absence of evidence to the contrary, to represent an equivalent number of quarters of coverage (see §§ 404.103 and 404.104). No more than four quarters of coverage shall be credited to an individual in a single calendar year.

(b) *Years after 1974.* Compensation paid in a calendar year will, in the absence of evidence to the contrary, be presumed to have been paid in equal proportions with respect to all months in the year in which the employee will have been in railroad service. (For years prior to 1975, see § 404.1412.)

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(c) *Allocation of compensation to months of service.* If by means of the presumptions in this section an individual does not have an insured status (see Subpart B of this part) on the basis of quarters of coverage with which he is credited, or a deceased individual's primary insurance amount (see § 404.201) may be affected because he attained age 22 after 1936, the Administration may request the Railroad Retirement Board to furnish a report of the months in which such individual rendered service for compensation which is treated as wages under § 404.1408 if it appears the identification of such months may result in an insured status or if it will affect such primary insurance amount.

(d) *Effect of self-employment income and maximum earnings.* However, if such individual also had self-employment income for a taxable year and the sum of such income and wages (including compensation which is treated as wages under § 404.1408) paid to or received by him during such taxable year equals the following amounts, each calendar quarter any part of which falls in such taxable year, shall be a quarter of coverage:

(1) After 1950 and prior to 1955, equals $3,600 of remuneration;
(2) After 1954 and prior to 1959, equals $4,200 of remuneration;
(3) After 1958 and prior to 1966, equals $4,800 of remuneration;
(4) After 1965 and prior to 1968, equals $6,600 of remuneration;
(5) After 1967 and beginning prior to 1972, equals $7,800 of remuneration (including a fiscal year which began in 1971 and ended in 1972);
(6) Beginning after 1971 and prior to 1973, equals $9,000 of remuneration;
(7) Beginning after 1972 and prior to 1974, equals $10,800 of remuneration;
(8) Beginning after 1973 and prior to 1975, equals $13,200 of remuneration;
(9) Beginning after 1974 and prior to 1976, equals $14,100 of remuneration;
(10) Beginning after 1975 and prior to 1977, equals $15,300 of remuneration; or
(11) Beginning after 1976, an amount equal to the contribution and benefit base as determined under Section 230 of the Social Security Act which is effective for such calendar year.

This subsection is an exception to the rule in paragraph (a) of this section concerning a presumption applicable to conversion of railroad compensation into quarters of coverage for years prior to 1975.

§ 404.1411 [Removed]

9. Section 404.1411 is deleted.

10. Section 404.1412 is revised to read as follows:

§ 404.1412 Compensation quarters of coverage.

As used in this subpart, a compensation quarter of coverage is any quarter of coverage computed with respect to compensation paid to an individual for railroad employment after 1936 and prior to 1975 in accordance with the provisions for determining such quarters of coverage as contained in section 5(l)(4) of the Railroad Retirement Act of 1937. (For years beginning 1975, see § 404.1410 (b).)

11. A new § 404.1413 is added to read as follows:

§ 404.1413 Certification of payment to Railroad Retirement Board.

Certification of benefits shall be made to the Railroad Retirement Board upon final decision of the Secretary of Health, Education, and Welfare that any person is entitled to any payment or payments under title II and that certification shall include the name and address of the person so entitled to receive such payment or payments, the amount of such payment or payments, and the time at which such payment or payments should be made which shall provide for payment on behalf of the Managing Trustee if:

(a) The claimant will have completed 10 years of service under the Railroad Retirement Act of 1937, the Railroad Retirement Act of 1974, or any combination of service under such Acts; or

(b) The claimant is the wife or husband of an individual who has completed 10 years of service under the Railroad Retirement Act of 1937, the Railroad Retirement Act of 1974, or any combination of service under such Acts; or

(c) The claimant is the survivor of an individual who had completed 10 years of service under the Railroad Retirement Act of 1937, the Railroad Retirement Act of 1974, or any combination of service under such Acts, if such survivor is entitled, or could upon application be entitled to an annuity under section 2 of the Railroad Retirement Act of 1974; or

(d) The claimant is entitled to benefits under section 202 of the Social Security Act on the basis of the wages and self-employment income of an individual who has 10 years of railroad service (except a survivor of such individual if such individual did not have a "current connection", as defined in section 1(o) of the Railroad Retirement Act of 1974 (45 U.S.C. 228a) with the railroad industry at the time of his death).

The applicability limitations identified in paragraphs (a) through (d) of this section affects any claimant who first becomes entitled to benefits under title II of the Social Security Act after 1974. (See also § 404.968.)

[FR Doc.77-10135 Filed 4-5-77;8:45 am]

[Regs. No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Criteria for Determination of Reasonable Charges; Reimbursement for Services of Hospital Interns, Residents, and Supervising Physicians

In the matter of provision to prevent reduction of prevailing charges below Fiscal Year 1975 levels as a result of application of the Economic Index Limitation and to continue the period July 1 through June 30, in lieu of the Federal Fiscal Year, for the purpose of determining medicare reasonable charges.

On June 7, 1976, there was published in the FEDERAL REGISTER (41 FR 22835), a notice of proposed rulemaking with a proposed amendment to Subpart E of Regulations No. 5 (20 CFR Part 405). This amendment implements the statutory mandate contained in section 101 of Pub. L. 94-182 (known as the "no-rollback provision"), which provides that prevailing charge levels for physicians' services for fiscal year 1976 may not, as a result of the application of economic index data, be reduced below fiscal year 1975 levels. It further provides that if the amount paid on any claim previously processed by a carrier is at least $1 less than the amount that is due pursuant to the new legislation, the difference between the amount previously paid and the amount due shall be paid by the carrier within 6 months after December 31, 1975, the date of enactment of Pub. L. 94-182. However, payment shall not be made on any claim where the amount due is less than $1. (Medicare carriers have already been instructed to make the necessary payments in accordance with the above statutory provisions.) In the notice of proposed rulemaking published on June 7, 1976, interested parties were given 30 days in which to submit written comments or suggestions. The single substantive comment which was received suggested that the no-rollback provision erodes the cost containment function of the economic index limitation on increases in prevailing charges.

However, the no-rollback provision was enacted to remove the unintended rollback of prevailing charges below fiscal year 1975 levels due to the initial application of the economic index. In any case, this provision is mandated by law (Pub. L. 94-182 and Pub. L. 94-368) and must, therefore, be implemented.

Since the publication of notice of proposed rulemaking, Pub. L. 94-368 was enacted on July 16, 1976, and mandated the following changes:

1. Section 2—the no-rollback provision is made permanent. This is reflected by the revisions made in § 405.504(a)(3)(ii); and

2. Section 3—where appropriate, references in section 1842(b)(3) of the Social Security Act to the fiscal year are amended to refer to the 12-month period beginning July 1 of each year. This is reflected by the revisions made in §§ 405.504 (a)(2) and (a)(3). Section 4 of Pub. L. 94-368 provides that the amendments made by sections 2 and 3 of that law shall be effective with respect to periods beginning after June 30, 1976; except that, for the 12-month period beginning July 1, 1976, the amendments made by section 3 shall be applicable with respect to claims filed with a carrier and processed by such carrier after the appropriate changes were made pursuant to such section 3 in the prevailing charge levels for that 12-month period.

The Secretary finds that another notice of proposed rulemaking is unnecessary for these amendments to regulations since Pub. L. 94-368 merely (1) makes permanent the no-rollback provision of Pub. L. 94-182 which was already published in a notice of proposed rulemaking and (2) requires certain editorial changes in the regulatory language. Although notice of proposed rulemaking is being dispensed with, consideration will be given to any data, views, or arguments pertaining thereto which are submitted to the Commissioner on or before May 23, 1977. With the changes noted above, the amendments as set forth below are hereby adopted.

For further information contact Paul Riesel, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone 594-9595. Mr. Riesel will respond to questions but any comments must be submitted in writing.

(Secs. 1102, 1842(b)(3), as amended and 1871 of the Social Security Act, 49 Stat. 647, as amended; 79 Stat. 309, as amended, 79 Stat. 331; (42 U.S.C. 1302, 1395u(b)(3), as amended, and 1395hh).)

(Catalog of Federal Domestic Assistance Program No. 13.801, Health Insurance for the Aged—Supplementary Medical Insurance.)

Effective date: The amendments to the regulations, as set forth below, will be effective May 6, 1977.

NOTE.—The Social Security Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: February 28, 1977.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: March 31, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare.

Part 405 of Chapter III of Title 20 of the Code of Federal Regulations is amended by amending § 405.5041(a) as follows:

§ 405.504 Determining prevailing charges.

(a) • • •

(2) With respect to claims received by carriers on and after January 1, 1971, no charge may be determined to be reasonable if it exceeds the higher of: (i) The prevailing charge that, on the basis of statistical data and methodology acceptable to the Secretary, would cover 75 percent of the customary charges made for similar services in the same locality during the calendar year preceding the start of the 12-month period (beginning July 1 of each year) in which the claim is submitted or the request for payment is made; or (ii) The prevailing charge for similar services in the same locality in effect on December 31, 1970, provided such prevailing charge had been found acceptable by the Secretary.

(3) (i) In the case of physicians' services, each prevailing charge in each locality may not exceed the prevailing charge determined for the fiscal year ending June 30, 1973 (without reference to the adjustments made pursuant to the economic stabilization program then in effect), except on the basis of appropriate economic index data which demonstrate that such higher prevailing charge is justified by: (A) Changes in general earnings levels of workers that are attributable to factors other than increases in their productivity; and (B) changes in expenses of the kind incurred by physicians in office practice. The office-expense component and the earnings component of such index shall be given the relative weights shown in data on self-employed physicians' gross incomes.

EXAMPLE. The available data indicate the office-expense and earnings components of the index should be given relative weights of 40 percent and 60 percent, respectively, and it is calculated that the aggregate increase in expenses of practice for a particular calendar year was 3 percent over the expenses of practice for calendar year 1971 and the increase in earnings (less increases in workers' productivity) was 5 percent over the earnings for calendar year 1971. The allowable increase in any prevailing charge that could be recognized during the next 12-month period (beginning on July 1) would be 4.2 percent ((.40×3)+(.60×5)=4.2) above the prevailing charge recognized for fiscal year 1973.

(ii) (A) If the increase in the prevailing charge in a locality for a particular physician service resulting from an aggregate increase in customary charges for that service does not exceed the index determined under paragraph (a)(3)(i) of this section, the increase is permitted and any portion of the allowable increase not used is carried forward and is a basis for justifying increases in that prevailing charge in the future. However, if the increase in the prevailing charge exceeds the allowable increase, the increase will be reduced to the allowable amount. Further increases will be justified only to the degree that they do not exceed further rises in the economic index. (B) Notwithstanding the provisions of paragraphs (a)(3)(i) and (a)(3)(ii)(A) of this section, the prevailing charge in the case of a physician service in a particular locality determined pursuant to paragraphs (a)(2) and (a)(3)(i) of this section for the fiscal year beginning July 1, 1975, and for subsequent 12-month periods beginning July 1 of each year, shall, if lower than the prevailing charge for the fiscal year ending June 30, 1975, by reason of the application of economic index data, be raised to such prevailing charge which was in effect for the fiscal year ending June 30, 1975. (If the amount paid on any claim processed by a carrier after the original reasonable charge update for the fiscal year beginning July 1, 1975, and prior to the adjustments required by the preceding sentence, was at least $1 less than the amount due pursuant to the preceding sentence, the difference between the amount previously paid and the amount due shall be paid within 6 months after December 31, 1975; however, no payment shall be made on any claim where the difference between the amount previously paid and the amount due is less than $1.)

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[FR Doc.77-10136 Filed 4-5-77;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7478]

PART 7—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1976

Election to Amortize Certain Costs of Rehabilitating Certified Historic Structures

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides temporary regulations for electing to amortize certain rehabilitation expenditures for certified historic structures. Changes to the applicable tax law were made by the Tax Reform Act of 1976. These regulations affect all persons desiring to amortize rehabilitation expenditures and provide them with the guidance needed to comply with the law.

DATE: The regulations apply to elections for expenses incurred after June 14, 1976, and before June 15, 1981.

FOR FURTHER INFORMATION CONTACT:

H. B. Hartley of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention CC:LR:T), 202-566-3287.

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document provides temporary income tax regulations under section 191 of the Internal Revenue Code of 1954, as added by section 2124(a) of the Tax Reform Act of 1976 (the "Act") (Pub. L. 94-455; 90 Stat. 1916) to provide rules for electing to amortize certain rehabilitation expenditures for certified historic structures. The temporary regulations provided by this document will remain in effect until superseded by final regulations on this subject.

PROVISIONS OF THE REGULATIONS

Under section 191, every person may elect to amortize expenditures incurred in a certified rehabilitation of a certified historic structure over a 60-month period. By reason of section 2124(a)(4) of the Act, this election applies only to additions to capital account made after June 14, 1976, and before June 15, 1981.

The temporary regulations provide the mechanism for electing to amortize the qualified rehabilitation expenses. To elect, the taxpayer attaches a statement to its return for the taxable year in which falls the first month of the amortization period chosen pursuant to section 191(a).

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The election may be made after a request has been made for, but prior to, certification of the project by the Department of the Interior. In such a case, proof of certification is to be submitted with the first income tax return filed by the taxpayer after receipt of such certification. If a certification is not submitted within 30 months of the commencement of the amortization period, the taxpayer may be asked to agree to an extension of time for assessment of additional tax for the period in which deductions are claimed.

Once made, the election may be discontinued by filing written notice with the Internal Revenue Service prior to the month in which amortization is to cease.

DRAFTING INFORMATION

The principal author of this regulation was H. B. Hartley of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

Accordingly, the temporary Income Tax Regulations under the Tax Reform Act of 1976 are amended as set forth below:

§ 7.0 [Amended]

PARAGRAPH 1. Paragraph (a) of § 7.0 is amended by striking out the item relating to section 191 (b) of the Code.

PAR. 2. The following new section is added at the appropriate place:

§ 7.191–1 Election to amortize certain rehabilitation expenditures for certified historic structures.

(a) *Time and manner of election of amortization*—(1) *In general.* Under section 191 (b), an election by the taxpayer to claim an amortization deduction with respect to a certified historic structure shall be made by a statement to that effect attached to its return for the taxable year in which fall the first month of the 60-month amortization period selected. The 60-month amortization period shall begin either with the month following the month in which the amortizable basis, as defined by section 191 (d) (2), is acquired, or with the first month of the taxable year succeeding the taxable year in which such amortizable basis is acquired, whichever the taxpayer selects. If a taxpayer elects to begin the 60-month amortization period with the month following the month in which the amortizable basis is acquired, a separate 60-month amortization period will be established for the amortizable basis acquired by the taxpayer in any month for which such an election is made. The statement claiming the deduction shall include the following information:

(i) A description clearly identifying each certified rehabilitation of a certified historic structure for which an amortization deduction is claimed;

(ii) The date on which the amortizable basis, as defined in section 191(d)(2), was acquired;

(iii) The date the amortization period is to begin;

(iv) The total amount of amortizable basis claimed for the rehabilitation of the historic structure, as of the first month for which the amortization deduction provided for by section 191(a) is elected;

(v) Either (A) a statement that the historic structure and rehabilitation have been certified by the Secretary of the Interior as provided for in sections 191 (d)(1) and 191(d)(3) along with the dates of such certifications; or (B), if the historic structure and rehabilitation have not been certified by the Secretary of the Interior, a statement that requests for certification have been made in accordance with procedures established by such Secretary with the dates of such requests.

If paragraph (a)(1)(v)(B) of this section applies, the taxpayer shall submit a statement showing receipt of the certifications required by section 191 and their dates with its first income tax return filed after the receipt by the taxpayer of such certifications.

(2) *Failure to submit required certifications.* If the required certifications are not received within 30 months of the date of the commencement of the 60-month amortization period, the electing taxpayer may be requested to consent to an agreement under section 6501(c)(4) extending the period of assessment for any tax relating to the time in which amortization deductions are claimed.

(3) *Failure to elect as provided by this section.* No method of making the election provided for in section 191(a) other than that prescribed in this section shall be permitted. A taxpayer who does not elect in the manner prescribed in this section to take amortization deductions with respect to the rehabilitation of a certified historic structure shall not be entitled to such deductions.

(b) *Election to discontinue amortization.* An election to discontinue the amortization deduction provided by section 191 (c) shall be made by a statement filed with the district director, or with the director of the internal revenue service center, with whom the return of the taxpayer is required to be filed for its taxable year in which falls the first month for which the election terminates. This statement shall specify the month as of the beginning of which the taxpayer elects to discontinue the amortization deductions, and it must be filed before the beginning of that month. In addition, the statement shall contain a description clearly identifying the certified historic structure and rehabilitation with respect to which the taxpayer elects to discontinue the amortization deduction. If certifications of the structure or rehabilitation have been issued, their dates shall be shown. If, at the time of the election to discontinue amortization deductions, certifications have not been issued, the taxpayer shall file the dates with its next succeeding tax return after their receipt. For purposes of this paragraph, notification to the Secretary or his delegate from the Secretary of the Interior that the historic structure or the rehabilitation no longer meet the requirements for certification shall have the same effect as notice from the taxpayer electing to terminate amortization as of the first day of the month following the month that the structure or rehabilitation ceased to meet the requirements of section 191.

There is a need for immediate guidance with respect to the provisions in this Treasury decision. For this reason it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Secs. 191(b) and 7805, Internal Revenue Code of 1954 (90 Stat. 1916, 68A Stat. 917; 26 U.S.C. 191(b), 7805).)

WILLIAM E. WILLIAMS,
Acting Commissioner of Internal Revenue.

Approved: March 25, 1977.

LAURENCE N. WOODWORTH,
Assistant Secretary of the Treasury.

[FR Doc.77-10217 Filed 4-5-77;8:45 am]

Title 32—National Defense

CHAPTER VI—DEPARTMENT OF THE NAVY

PART 723—BOARD FOR CORRECTION OF NAVAL RECORDS

Miscellaneous Amendments

AGENCY: Board for Correction of Naval Records, Department of the Navy.

ACTION: Final Rule.

SUMMARY: This rule amends the procedures for the Board for Correction of Naval Records (Board). These amendments are adopted in accordance with a District Court approved settlement, and they are intended to provide more comprehensive guidance for the Board and for those who bring matters before it.

EFFECTIVE DATE: April 1, 1977.

ADDRESSES: Applications for correction of naval records, written comments, or any other correspondence with the Board should be addressed to:

Board for Correction of Naval Records, Department of the Navy, Washington, D.C. 20370.

All written comments received will be available for public inspection during normal business hours at the Law Library of the Office of the Judge Advocate General, room 2527, Navy Arlington Annex (Federal Office Building No. 2), Southgate Road and Columbia Pike, Arlington, Virgina.

FOR FURTHER INFORMATION CONTACT:

John E. Corcoran, Jr., Executive Secretary, Board for Correction of Naval Records, Department of the Navy, Washington, D.C. 20370. (202) 694–1671

SUPPLEMENTARY INFORMATION: Under the authority of 10 U.S.C. 1552, the Secretary of the Navy amends 32 CFR Part 723. Part 723 is the codification of the Department of the Navy's "Procedures of the Board for Correction of Naval Records" (NAVSO P–473), which was established to review naval records pursuant to 10 U.S.C. 1552. These amendments reflect a revision of NAVSO P–473, which was adopted by the Secretary of the Navy on March 31, 1977, and was approved by the Secretary of Defense on March 31, 1977. These amendments include changes in procedures for handling requests for reconsideration by the Board [§ 723.3(e)(3), and new requirements that when an application or request for further consideration is denied, the applicant and his counsel shall be furnished a brief statement of the grounds for denial, including any advisory staff opinion considered by the Board and any minority opinion; that the applicant and his counsel be informed that the name and final vote of each Board member will be furnished or made available upon request; and that sanitized copies of the Board's findings, conclusions, and recommendations or statements of the grounds for denial of an application, together with the record of votes of Board members and required appendices, be promptly indexed and made available for public inspection and copying at a designated reading room in the Washington, D.C. metropolitan area (§723.3(e)(4) through (7)). The amendments also include changes in the description of record of proceedings (§ 723.6(c)); adds a limited delegation of authority to the Board to take final action for the Secretary of the Navy in certain limited categories of cases (§ 723.6(e)); requires the Secretary to furnish reasons for his actions on Correction Board cases (§ 723.7); adds a list of the specific material which must be made available to the applicant and his counsel following the Board's determination (§ 723.8); eliminates the requirement of semiannual reports from the Chairman of the Board concerning claims paid during the period covered by the report (§ 723.10); and adds the requirement that decisional documents be indexed and made available for public inspection and copying and describes the index to be prepared (§ 723.11). These substantive changes to the procedures for the Board are required under a stipulation of dismissal approved by the U.S. District Court for the District of Columbia on January 31, 1977. The amendments also contain a number of minor, typographical changes.

Since the changes to the "Procedures of the Board for Correction of Naval Records" (NAVSO P–473), upon which these amendments to Part 723 are based, are required by a District Court stipulation of dismissal, it has been determined by the Department of the Navy that invitation of public comment on these amendments prior to adoption would be unnecessary and impracticable, and is therefore not required under the public rule-making provisions in Parts 296 and 701 of 32 CFR. However, interested persons are invited, on a continuing basis, to comment in writing on these amendments and any other provisions contained in Part 723. All written material received will be considered before taking action on any future amendments or revisions to this part or the regulations upon which it is based, and they may be changed in light of comments received.

Accordingly, Part 723 of 32 CFR is amended as follows:

1. Section 723.2 is amended by revising paragraph (b) as follows:

§ 723.2 Establishment, function, and jurisdiction of the Board.

* * * * *

(b) *Function.* The function of the Board is to consider all applications properly before it for the purpose of determining the existence of an error or an injustice, and, when appropriate, to make recommendations to the Secretary.

* * * * *

§ 723.3 [Amended]

2. In paragraph (a)(1) of § 723.3, seventh line, the words, "Naval Records, Washington" are changed to "Naval Records, Department of the Navy, Washington."

3. In paragraph (a)(2) of § 723.3, 11th line, the word "sec." is changed to "Secs.".

4. Section 723.3 is further amended by revising paragraph (e)(3), and adding paragraphs (e)(4), (e)(5), (e)(6), and (e)(7), which provide as follows:

(e) * * *

(3) All requests for further consideration may be initially screened by the staff of the Board to determine whether any evidence or other matter (including, but not limited to, any factual allegations or any arguments why the relief should be granted) has been submitted by the applicant that was not in the record at the time of any prior Board consideration. If such evidence or other matter has been submitted, the request shall be forwarded to the Board for a determination in accordance with paragraph (e)(2) of this section. If no such evidence or other matter has been submitted, the applicant will be informed that his request was not considered by the Board because it did not contain any evidence or other matter that was not in the record at the time of any previous Board consideration.

(4) When an original application or a request for further consideration of a previously denied application is denied without a hearing, the Board's determination shall be made in writing and include a brief statement of the grounds for denial.

(5) The brief statement of the grounds for denial shall include the reasons for the determination that relief should not be granted, including the applicant's claim of constitutional, statutory and/or regulatory violations that were rejected, together with all the essential facts upon which the denial is based, including, if applicable, factors required by regulation to be considered for determination of the character of and reasons for a discharge. Attached to the statement shall be any advisory staff opinion considered by the Board which is not fully set out in the statement, together with any minority opinion.

(6) The brief statement of the grounds for denial, together with all attachments, shall be furnished promptly to applicant and counsel, who shall also be informed that the name and final vote of each Board member will be furnished or made available upon request. Classified or privileged material contained in or attached to the statement of the grounds for denial may be deleted only if a written statement of the basis for the deletion is provided the applicant and counsel.

(7) Documents sent to each applicant in accordance with paragraph (e)(6) of this section, and § 723.8(d), and all other non-boiler-plate statements of findings and conclusions made on final determination of an application by the Board, the Secretary or his designee, together with the record of votes of Board members, and required appendices, will be promptly indexed and made available for public inspection and copying at a designated reading room in the Washington, D.C. metropolitan area. There will be deleted from such documents information which would be a clearly unwarranted invasion of personal privacy Privileged or classified material may be deleted only if a written statement of the basis for deletion is provided applicant and counsel.

5. Section 723.6 is revised as follows:

§ 723.6 Action by the Board.

(a) *Deliberations, findings, conclusions, and recommendations.* (1) Only members of the Board and its staff shall be present during the deliberations of the Board.

(2) Whenever, during the course of its review of the case, it appears to be Board's satisfaction that the facts have not been fully and fairly disclosed by the records or by the testimony and other evidence before the Board, the Board may require the applicant to obtain, or the Board may obtain, such further information as it may consider essential to a compete and impartial determination of the facts and issues.

(3) Following a hearing, or where the Board determines to recommend that the record be corrected without a hearing, the Board will make written findings, conclusions, and recommendations. If denial of relief is recommended following a hearing, such written findings and conclusions will include a statement of the grounds for denial as described in § 723.3(e)(5). The name and final vote of each Board member will be recorded. A majority vote of the members present on any matter before the Board will constitute the action of the Board and shall be so recorded.

(4) Where the Board deems it necessary to submit comments or recommendations to the Secretary of the Navy as to matters arising from but not directly

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related to the issues of any case, such comments and recommendations shall be the subject of separate communication.

(b) *Minority report.* In case of a disagreement between members of the Board, a minority report may be submitted, either as to the findings, conclusions or recommendations or to all, including the reasons therefor.

(c) *Record of proceedings.* When the Board has completed its determination, a record thereof shall be prepared. Such record shall indicate whether or not a quorum was present, and the name and vote of each member present. The record shall include the application for relief, a transcript of any testimony, affidavits, papers and documents considered by the Board, briefs and written arguments, advisory opinions, if any, minority reports, if any, the findings, conclusions and recommendations of the Board, where appropriate, and all other papers, documents, and reports necessary to reflect a true and complete history of the proceedings. The record so prepared will be certified by the Chairman or his designee as being true and complete.

(d) *Withdrawal.* The Board may permit an applicant to withdraw his application without prejudice at any time before its proceedings are forwarded to the Secretary of the Navy.

(e) *Delegation of authority to correct certain military or naval records.* (1) The Board for Correction of Naval Records is authorized to take final action on behalf of the Secretary of the Navy, under 10 U.S.C. 1552, in approving the correction of military or naval records, provided

(i) The relief granted is completely in accord with that requested by the applicant, and

(ii) Such action has (A) been recommended by the proper naval authority; (B) is agreed to by the Board; and (C) falls into one of the following categories:

(*1*) Restoration of leave unduly charged to applicants.

(2) Promotion retroactively of applicants who would have been promoted during regular promotion cycles but were inadvertently or improperly excluded from consideration during such cycles; and adjustment of their pay accounts accordingly.

(3) Adjustment of enlisted grades and promotion of applicants to grades held immediately prior to reenlistment who were inadvertently or improperly reenlisted in a lower grade.

(*4*) Awards of basic allowance for subsistence, family separation allowance, dislocation allowance and travel allowance to applicants entitled thereto.

(*5*) Authorizing participation, declination, or modification of an election under the Retired Serviceman's Family Protection Plan and/or the Survivor Benefit Plan where failure to elect to participate, decline to participate, or to make an appropriate election was due to inadvertence, misunderstanding or through no fault of the service member.

(*6*) Placement in a temporary or permanent disability retired status, including appropriate percentage of disability, of applicants who were clearly physically unfit and were inadvertently or improperly separated.

(*7*) Award of variable reenlistment bonus, proficiency pay, enlistment and/or reenlistment bonus to applicants clearly entitled thereto.

(*8*) Change of home of record where upon entry on duty applicants erroneously reported other than actual home.

(*9*) Award of reserve participation credit in computation of years of satisfactory service where such service was improperly or erroneously credited.

(2) The Executive Secretary of the Board, after assuring compliance with the above conditions, will announce the final action on applications processed under this paragraph.

6. Section 723.7 is revised as follows:

§ 723.7 Action by the Secretary.

The record of proceedings of the Board, except in cases finalized by the Board under the authority delegated in paragraph (e) of § 723.6 or those denied by the Board without a hearing, will be forwarded to the Secretary of the Navy who will direct such action in each case as he determines to be appropriate, which may include the return of the record to the Board for further consideration when deemed necessary. Those cases returned for further consideration shall be accompanied by a brief statement setting out the reasons for such action and any specific instructions. If the Secretary's decision is to deny relief, such decision shall be in writing and, unless he expressly adopts in whole or in part the findings, conclusions and recommendation of the Board, shall include a brief statement of the grounds for denial. See paragraph (e) (5) of § 723.3.

7. Section 723.8 is amended by deleting paragraph (e), and revising paragraph (d) as follows:

§ 723.8 Staff action.

* * * * *

(d) Upon receipt of the record of proceedings after final action by the Secretary of the Navy, or by the Board acting under the authority contained in paragraph (e) of § 723.6, the Board shall communicate the decision to the applicant and counsel.

(1) If the recommendation of the Board was to deny relief or if the final decision of the Secretary or the Board was to deny relief, the following material will be made available to the applicant and counsel:

(i) A statement of the findings, conclusions, and recommendations made by the Board;

(ii) Any advisory staff opinions considered by the Board or the reviewing authority;

(iii) Any minority reports; and

(iv) Any material prepared by the Secretary of the Navy as required in § 723.7. Moreover, applicant and counsel shall also be informed that the name and final vote of each Board member will be furnished or made available upon request. To the extent that any of the above material consists of classified or otherwise privileged matters, deletions may be made only if a written statement of the basis therefor is provided the applicant and counsel.

(2) If the final decision was other than to deny relief, the applicant and counsel are entitled, upon request, to receive a copy of the Board's findings, conclusions and recommendations.

8. Section 723.10 is amended by revising paragraph (d) as follows:

§ 723.10 Settlement of claims.

* * * * *

(d) *Report of settlement.* In every case where payment is made, the amount of such payment and the names of the payee or payees shall be reported to the Chairman of the Board.

9. Section 723.11 is amended by adding a new paragraph (e) which provides as follows:

§ 723.11 Miscellaneous.

* * * * *

(e) *Indexing of decisions.* (1) Documents sent to each applicant and counsel in accordance with § 723.3(e)(8) and § 723.8(d), together with the record of the votes of board members and all other statements of findings, conclusions and recommendations made on final determination of an application by the Board or the Secretary of the Navy will be indexed and promptly made available for public inspection and copying at a reading room within the Washington, D.C. metropolitan area.

(2) The index prepared shall be in a usable and concise form so as to indicate the grounds for which the Board and/or Secretary granted or denied relief. This index shall be published quarterly and shall be distributed by sale or otherwise. In addition, it shall be available for inspection and distribution at the reading room in the Washington, D.C. area.

(3) To the extent necessary to prevent a clearly unwarranted invasion of personal privacy, identifying details of the applicant and other persons will be deleted from the documents made available for public inspection and copying. Names, addresses, social security numbers and military service numbers must be deleted. Deletions of other information which may result in a clearly unwarranted invasion of personal privacy or which is privileged or classified may be made only if a written statement of the basis for such deletion is made available for public inspection.

Dated: April 1, 1977.

K. D. LAWRENCE,
Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate, General (Administrative Law).

[FR Doc.77-10230 Filed 4-5-77;8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 122—HEALTH SYSTEMS AGENCIES

Subpart C—Grants to Health Systems Agencies

On March 26, 1976, the Secretary published in the FEDERAL REGISTER (41 FR 12812–12834) regulations implementing that portion of Title XV of the Public Health Service Act that relates to entities designated as health systems agencies (42 CFR Part 122, Subpart C). Subsequently, on September 21, 1976, an amendment to these regulations was published (41 FR 41089–41090) which revised the provision of the regulations (§ 122.204(b)) relating to the formula for determining the funding for grants to conditionally designated health systems agencies. The purpose of this amendment is to set forth additional modifications of that provision.

Section 1516(b)(1) of the Act provides the Secretary with broad discretion in determining the amount of grants to be awarded to conditionally designated health systems agencies (HSAs). The formula used for the first award of grants to the health systems agencies, all of whom were designated conditionally, was computed using the statutory formula for fully designated agencies except that, instead of a minimum of $175,000 per agency per year provided in the Act for fully designated agencies, there were three minimum levels, each depending upon the population of the health service area served by the health systems agency. The basis for this approach, as summarized in the preamble to the regulations (41 FR 12823), was the Secretary's view that there is a minimum amount of funds required for all conditionally designated health systems agencies to perform their functions and that this minimum level increases as the population to be served increases. The approach was based also on the need to allocate available funds in the most equitable manner.

When the Second Supplemental Appropriation Act 1976 (Pub. L. 93–303), was signed by the President on June 1, 1976, an additional $12.5 million was made available for HSAs. The funds were intended by Congress to be used for urban, suburban and rural HSAs. The formula was revised by raising two of the three minimum levels so that rural HSAs would share the benefits of the increased appropriation with urban and suburban HSAs.

On September 30, 1976, the President signed the Appropriation Act for FY 1977 (Pub. L. 94–439), which made $97 million available to HSAs for their second year of funding, an addition of $32 million over last year's appropriation. The Senate Committee on Appropriations stated in its Report that the increased amount was specifically for HSAs to raise the per capita rate for 180 agencies and to provide a minimum of $175,000 for the remaining agencies.

The purpose of this amendment is to effecuate this Congressional intent by providing that both conditionally and fully designated agencies will be funded in accordance with the statutory formula, and that all agencies will receive at least $175,000 as long as funds are sufficient to provide $175,000 for all fully designated agencies.

The Secretary published in the FEDERAL REGISTER of August 17, 1976 (41 FR 34811–34812) a policy which requires the submission of a regulations development plan and the publication of a notice of intent for regulations which have a major program significance. Because of the technical nature of this amendment the Secretary has determined that a regulations development plan, notice of intent, and notice of proposed rulemaking are not necessary.

Because immediate action is necessary in order to provide the increased funds to health systems agencies that will be presently applying for renewals of their designation agreements so that their programs for assuming more functions can be properly implemented, the Secretary has concluded that notice, public participation, and delay in effective date with respect to the adoption of this amendment are impracticable and contrary to the public interest and has, therefore, found good cause for this omission.

Accordingly, 42 CFR Part 122 is amended by revising § 122.204(b) thereof as set out below.

For further information, contact Ms. Libby Merrill, Acting Director, Office of Policy Coordination, 301–443–1670.

Effective Date: This amendment shall be effective April 6, 1977.

The Department of Health, Education, and Welfare has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

Dated: March 1, 1977.

JAMES F. DICKSON,
Acting Assistant Secretary for Health.

Approved: March 28, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary.

§ 122.204 Grant award.

* * * * *

(b) The amount of any grant under the subpart shall be an amount determined by the Secretary in accordance with the formula set forth in section 1516(b) (1) and (2) of the Act, except that no such grant may be less than $175,000; *Provided*, That: (1) If the total of the amount so computed for any fiscal year exceeds the total of the amounts appropriated for such grants in such year, the amount of the grant for that fiscal year to each agency shall be the greater of:

(i) An amount which bears the same ratio to the amount so computed for that agency for that fiscal year as the total of the amounts appropriated for such grants for such fiscal year bears to the total of the amounts so computed, reduced by an amount necessary to assure that no grant will be less than $175,000, or

(ii) $175,000.

(2) If the amount appropriated for any fiscal year is less than the product of $175,000 times the number of conditionally and fully designated agencies, each fully designated agency shall receive $175,000 and each conditionally designated agency shall receive an equal share of the remainder of the funds appropriated.

(3) If the amount appropriated for any fiscal year is less than the product of $175,000 times the number of fully designated agencies, each fully designated agency shall receive an equal share of the funds appropriated.

* * * * *

[FR Doc.77-9961 Filed 4-5-77;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 115—ASSISTANCE FOR LOCAL EDUCATIONAL AGENCIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES AND ARRANGEMENTS FOR EDUCATION OF CHILDREN WHERE LOCAL EDUCATIONAL AGENCIES CANNOT PROVIDE SUITABLE FREE PUBLIC EDUCATION

Final Regulations for Treatment of Payments Under State Equalization Programs; Correction

The following corrections are made in the FEDERAL REGISTER document 77–8032 which was published on March 22, 1977, page 15547.

§ 115.62 General qualifying standard for State Aid programs.

General standard. For the purposes of section 5(d)(2) of the Act, the Commissioner will consider a program of State aid to be designed to equalize expenditures for free public education among local educational agencies in that State if the program—

(a) Is authorized by State law in effect for the fiscal year for which the determination under this subpart is made;

(b) Provides for the apportionment of State aid among local educational agencies in the State in order to carry out the objectives of the program;

(c) Provides that in determining the amount to be apportioned to each local educational agency in the State, the State will take into consideration the relative financial resources available to local educational agencies in that State for the program; and

(d) Meets the standard of either § 115.63, § 115.64 or § 115.65 of this subpart.

(20 U.S.C. 240(d)(2))

Dated: March 28, 1977.

WILLIAM F. PIERCE,
Acting U.S. Commissioner of Education.

[FR Doc.77-10231 Filed 4-5-77; 8:45 am]

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Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20977; RM-2733]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Sulphur Springs, Texas; Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: In response to a petition for rule making, filed by Mr. Galen O. Gilbert, the Commission adopts the Report and Order assigning Channel 240A to Sulphur Springs, Texas, as its first FM assignment.

DATE: Effective May 11, 1977.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Victor D. Ines, Policy and Rules Division, Legal Branch, Broadcast Bureau, Federal Communications Commission, Washington, D.C. 20554, (202–632–7792).

Adopted: March 28, 1977.

Released: March 31, 1977.

1. The Commission herein considers the notice of proposed rulemaking, 41 FR 49658 (1976), in the above-captioned proceeding instituted in response to a petition filed by Mr. Galen O. Gilbert (petitioner). The Notice proposed the assignment of Channel 240A to Sulphur Springs, Texas, as its first FM assignment. Petitioner filed supporting comments in which he reaffirmed his intention to apply for the channel if assigned. No other comments were filed.

2. Sulphur Springs, Texas (pop. 10,642),[1] seat of Hopkins County (pop. 20,710), is located in northeast Texas, approximately 80 kilometers (50 miles) south of the Oklahoma state line and approximately 129 kilometers (80 miles) northeast of Dallas, Texas. Sulphur Springs currently has only one local broadcast facility, fulltime Class IV AM Station KSST, 1230 kHz, licensed to Hopkins County Broadcasting Company. The Notice proposed a first FM assignment.

3. After carefully considering items discussed in the Notice and petitioner's comments, the Commission has been persuaded that the public interest would be served by making the amendment proposed. Sulphur Springs appears to be a growing community at the center of its county's economic, social and governmental activities, and we believe the assignment will bring to the county and to Sulphur Springs, its seat, a needed first local FM service.

4. As pointed out in the Notice, petitioner's engineering affidavit had calculated the distance from Sulphur Springs to the co-channel KKTX transmitter in Kilgore, Texas, at approximately 106 kilometers (66 miles). Since a minimum distance of approximately 105 kilometers (65 miles) is required by § 73.207(a) of the Commission's rules, this close spacing situation requires care in the selection of a transmitter site which will meet this spacing requirement.

5. Accordingly, *it is ordered*, That effective May 11, 1977, the FM Table of Assignments [§ 73.202(b)] is amended with respect to the city listed below, as follows:

City	*Channel No.*
Sulphur Springs, Tex.	240A.

6. Authority for the action taken herein is contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules and regulations.

7. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.)

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.77-10184 Filed 4-5-77;8:45 am]

[Docket No. 20809; RM-2651]

PART 73—RADIO BROADCAST SERVICES

TV Broadcast Stations in Cheyenne, Oklahoma; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: TV Channel 12 is assigned to Cheyenne, Oklahoma, for noncommercial educational television service at the request of the Oklahoma Educational Television Authority. This assignment requires a change of carrier frequency offset for one existing station operating on the same channel.

DATE: Effective May 11, 1977.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

James J. Gross, Policy and Rules Division, Legal Branch, Broadcast Bureau, Federal Communications Commission, Washington, D.C. 20554, 202–632–7792.

Adopted: March 28, 1977.

Released: March 31, 1977.

By the Chief, Broadcast Bureau: 1. The Commission now considers the Notice of Proposed Rule Making, 41 FR 21366, adopted May 13, 1976, in response to a petition filed February 5, 1976, by the Oklahoma Educational Television Authority ("OETA"). The petition proposed the assignment of TV Channel 12 to Cheyenne, Oklahoma, and reservation of that channel for noncommercial educational use. Only the petitioner has commented in this proceeding, reaffirming its support for the proposal, and no reply comments were received.

2. OETA is the Oklahoma state agency responsible for providing educational television service to the residents of that state, and it is the licensee of noncommercial educational television Stations KETA–TV (Channel *13), Oklahoma City, and KOED–TV (Channel *11), Tulsa. OETA was granted a construction permit by the Commission on December 28, 1976, for a new station on Channel *3 at Eufaula, Oklahoma (BPET–544). Cheyenne (1970 pop. 892), the seat of Roger Mills County (1970 pop. 4,452), is located some 32 kilometers (20 miles) from the western border of Oklahoma, and OETA seeks an assignment there to supply educational television service to the western portion of the state.

3. The Notice indicated that the proposed assignment at OETA's suggested transmitter site 3.7 kilometers (2.3 miles) south of Cheyenne, would meet the Commission's minimum separation requirements and other technical criteria, if the carrier frequency offset of one station was changed. The Notice therefore contained a Show Cause Order to Bass Broadcasting Co., licensee of Station KFDW–TV, Clovis, New Mexico, proposing to modify its license specifying a change from Channel 12+ to Channel 12—, and requested a statement of OETA's willingness to reimburse this station. OETA stated in its comments that it is willing to do so and intends to reimburse KFDW–TV for all reasonable expenses that are incurred in modifying its offset. KFDW–TV did not file an objection to the Show Cause Order.

4. There being no objection, the Commission finds that the public interest would be served by adopting the OETA proposal to enable it to provide educational television service to a new segment of the state's population. Accordingly, *It is ordered*, That effective May 11, 1977, the Television Table of Assignments (§ 73.606(b) of the Commission's Rules) is amended, with respect to the cities listed below to read as follows:

City	*Channel No.*
Cheyenne, Oklahoma	*12+
Clovis, New Mexico	12—

5. *It is further ordered*, That effective May 11, 1977, and pursuant to Section 316 of the Communications Act of 1934, as amended, the following outstanding license is modified as follows: Bass Broadcasting Co., KFDW–TV, Clovis, New Mexico, Channel 12—, subject to the following conditions:

(a) The licensee shall inform the Commission in writing no later than May 11, 1977, specifying when they will be able to effectuate the change.

(b) The licensee may continue to operate under its present authorization for one year from the effective date of this *Order* or until 60 days after the grant of a construction permit on Channel *12+ at Cheyenne, Oklahoma, whichever is later, or effect the change sooner if desired. The licensee should coordinate its efforts with the grantee at Cheyenne to minimize the possibility of fringe area interference. The Commission should be informed of the progress and any problems faced in accomplishing the offset modification.

(c) The licensee shall not commence operation with the newly authorized frequency offset until the Commission specifically authorizes it to do so.

(d) Ten days after commencing operation with the newly authorized frequency offset, the licensee shall submit acceptable data indicating that the frequency tolerance of the visual and aural carriers is being maintained as required by § 73.668 of the Rules.

6. Authority for the action taken herein is found in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules.

7. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083 (47 U.S.C. 154, 303, 307).)

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.77-10185 Filed 4-5-77;8:45 am]

[1] All population figures are taken from the 1970 U.S. Census.

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

CIVIL AERONAUTICS BOARD

[14 CFR Parts 288, 399]

[EDR 321A/PSDR-46A Docket No. 29387; Dated: April 4, 1977]

EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION; STATEMENTS OF GENERAL POLICY

Minimum Rates; Supplemental Notice of Proposed Rulemaking

AGENCY: Civil Aeronautics Board.

ACTION: Supplemental Notice of Proposed Rulemaking.

SUMMARY: This notice extends for two weeks the filing dates for comments and reply comments in a rulemaking proceeding involving Military Airlift Command rates. This action was requested by World Airways, Inc.

DATES: Initial comments: April 21, 1977; Reply comments: May 6, 1977.

FOR FURTHER INFORMATION CONTACT:

Simon J. Eilenberg, Rules Division, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, 202-673-5442.

SUPPLEMENTARY INFORMATION: By Notice of Proposed Rulemaking EDR-321/PSDR-46, 42 FR 15336, March 21, 1976, the Civil Aeronautics Board gave notice that it had under consideration amendments to Part 288 and 399 of its regulations (14 CFR Parts 288 and 399) concerning air transportation services performed for the Department of Defense and procured by the Military Airlift Command (MAC).

By letter dated April 1, 1977, counsel for World Airways, Inc. (World) has requested an extension of two weeks for the filing of comments and reply comments in response to EDR-321/PSDR-46. In support of his request World's counsel stated that, due to the complexity of the ratemaking proposals contained in the Notice, World and several other MAC carriers will not be able to complete their analyses of the proposals in time to comply with the due dates for filing comments. It was further stated that all known interested parties in the proceeding have been apprised of the request for extension and have no objection to it.

Upon consideration of the foregoing the undersigned finds that good cause has been shown for the granting of the requested extension. No previous extension of time has been granted in this proceeding and it does not appear that an extension of two weeks in the dates for filing comments and reply comments will prejudice any party to this proceeding.

Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's Organization Regulations (14 CFR 385.20(d)) the undersigned hereby extends the time for filing comments to April 21, 1977 and the time for filing reply comments to May 6, 1977.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 49 U.S.C. 1324.)

SIMON J. EILENBERG,
Associate General Counsel, Rules Division.

[FR Doc.77-10356 Filed 4-5-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 115]

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

Proposed Rulemaking; Correction

The following correction is made in the FEDERAL REGISTER document 77-8031 published on March 22, 1977 on page 15541.

§ 115.62 General qualifying standard for State aid programs.

* * * * *

General standard. * * *

(d) Meets the standards of §§ 115.63, 115.64 or 115.65 of this subpart.

* * * * *

Dated: March 28, 1977.

WILLIAM F. PIERCE,
Acting U.S. Commissioner of Education.

[FR Doc.77-10232 Filed 4-5-77;8:45 am]

[45 CFR Part 189]

VETERANS' COST-OF-INSTRUCTION PAYMENTS TO INSTITUTIONS OF HIGHER EDUCATION

Proposed Rulemaking

Pursuant to the authority contained in section 420 of the Higher Education Act of 1965, as amended (20 U.S.C. 1070e-1), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, and the Administrator of Veterans' Affairs propose to amend Part 189 of Title 45 of the Code of Federal Regulations to read as set forth below. Part 189 covers the Veterans' Cost-of-Instruction Program (VCIP).

1. Section 420 of the Higher Education Act of 1965 was recently amended by section 126 of the Education Amendments of 1976 (Pub. L. 94-482) to provide that the outreach efforts required of institutions participating in VCIP place a special emphasis on educationally disadvantaged veterans. The Commissioner and the Administrator therefore propose to amend §§ 189.11(b), 189.13(b) and 189.16(b)(1) to incorporate this new statutory requirement.

2. Section 420 of the Higher Education Act of 1965 was further amended to provide that the outreach, recruiting and counseling activities currently required of participating institutions through the use of funds available under federally assisted work-study programs place a special emphasis on the veteran student services program conducted under section 1685 of Title 38 of the United States Code. Accordingly, it is proposed to further amend § 189.13(b) to reflect this additional new statutory requirement.

3. The Commissioner and the Administrator propose to amend §§ 189.14 and 189.21(b)(9) to delete the present requirement that a participating institution have less than 70 undergraduate veteran students in order to qualify for an exemption from the need to comply with all the requirements contained in §§ 189.12 and 189.13. The present cut-off of 70 undergraduate veteran students is not required by statute. Program experience suggests that relaxation of this eligibility standard would make the most dollar efficient use of VCIP awards to institutions with a total enrollment of less than 2,500 students. Currently these institutions which have more than 70 veteran students in attendance are receiving an award that is too small to enable them adequately to carry out all of the requirements imposed by §§ 189.12 and 189.13. It should be noted, however, that the requirement that an institution have less than 2,500 students in order to qualify is one imposed by statute and may not be relaxed by regulation.

Currently, an institution qualifying for the exemption provided in § 189.14 must provide a full-time office of veterans' affairs (which may be staffed by part-time employees who assume the equivalent responsibility of at least one full-time employee) and must carry out the recruitment and counseling activities required by § 189.13(b). A qualifying institution need not, however, carry out the education programs required by § 189.13 (a) and (c), or the outreach activities required by § 189.13(b). Current § 189.14 does not make immediately clear to the reader what the responsibilities of a qualifying institution are. It is therefore proposed to further amend § 189.14 to clarify what is required of institutions which qualify under § 189.14. The requirements themselves are not changed by this proposed amendment.

4. The Commissioner and the Administrator further propose to amend § 189.16(a)(2) to clarify that sound program management by participating institutions is required in order to ensure the delivery of program services to eligible veterans. Current § 189.16(a)(2) is not clear in this regard.

Interested persons are invited to submit written comments and recommendations regarding the proposed regulations to Robert L. Martinez, Veterans' Programs Branch, Division of Student Services and Veterans' Programs, Bureau of Postsecondary Education, U.S. Office of Education, Room 4613, 400 Maryland Avenue SW., Washington, D.C. 20201. Hand delivered comments may be delivered to Room 4613, Regional Office Building No. 3, 7th and D Streets SW., Washington, D.C. Responses to this notice may be inspected by the public at the above office in Regional Office Building No. 3 Monday through Friday between 8:30 a.m. and 4:00 p.m. All comments and suggestions received on or before May 23, 1977, will be considered.

In consideration of the foregoing, it is proposed to amend Part 189 of 45 CFR Chapter I as set forth below.

NOTE: The Office of Education has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order No. 11821 and OMB Circular A-107.

Dated: February 9, 1977.

WILLIAM F. PIERCE,
Acting U.S. Commissioner of Education.

Approved: February 28, 1977.

A. J. SCHULTZ, Jr.,
Associate Deputy Administrator of Veterans' Affairs.

Approved: March 31, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare.

(Catalog of Federal Domestic Assistance No. 13.540, Higher Education—Veterans' Cost-of-Instruction Program (VCIP).

1. Section 189.11(b) is amended to read as follows:

§ 189.11 Special definitions.

* * * * *

(b) "Outreach" means an extensive, coordinated, community-wide program of reaching veterans, with special emphasis on educationally disadvantaged veterans, within the institution's normal service area, determining their needs, and making appropriate referral and follow-up arrangements with relevant service agencies.

* * * * *

2. Section 189.13(b) is amended to read as follows:

§ 189.13 Related veterans' services.

* * * * *

(b) Active outreach (which places special emphasis on educationally disadvantaged veterans), recruiting, and counseling activities through the use of other funds such as those available under federally assisted work-study programs, with special emphasis on the veteran-student services program under section 1685 of title 38 of the United States Code; and

* * * * *

3. Section 189.14 is amended to read as follows:

§ 189.14 Institutions with small numbers of students.

An institution with less than 2,500 students in attendance on April 16 (or, where such date falls between academic terms of the institution, the end of the previous academic term) of an academic year during which assistance under this part is sought need provide the services described in § 189.12 only to the extent of maintaining a full time office of veterans' affairs which provides the services required by § 189.13(b) in the areas of recruitment and counseling, but which need not provide the other services described in § 189.13.

4. Section 189.16 (a)(2) and (b)(1) are revised to read as follows:

§ 189.16 Criteria for assessing adequacy of veterans' programs.

* * * * *

(a)(2) The implementation of a mechanism which adequately identifies the number of veterans assisted and the types of services and programs provided to veterans enrolled at the institution.

* * * * *

(a) * * *

(1) Contact with veterans, especially educationally disadvantaged veterans, in the institution's normal service area;

* * * * *

5. Section 189.21(b)(9) is revised to read as follows:

§ 189.21 Submission of application by individual institutions.

* * * * *

(b) * * *

(9) If the institution is seeking a waiver of any of the required activities specified in §§ 189.12 and 189.13 pursuant to § 189.14, information necessary to show that it has less than 2,500 students in attendence on April 16 (or, where such date falls between academic terms of the institution, the end of the previous academic term) of the academic year during which assistance under this part is sought.

[FR Doc.77-1031 Filed 4-5-77;8:45 am]

[45 CFR Part 198]

HIGHER EDUCATION PERSONNEL TRAINING PROGRAM

Proposed Rulemaking

Under the authority contained in section 533 of the Higher Education Act of 1965 (HEA) as enacted by section 153 of Pub. L. 94-482 (20 U.S.C. 1119a-1), the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Title 45 of the Code of Federal Regulations by adding a new Part 198. In this document the Commissioner proposes, for public comment, regulations concerning the "Higher Education Personnel Training Program," enacted as a part of the Education Amendments of 1976.

The proposed regulations set forth rules and criteria governing grant awards by the Commissioner to institutions of higher education, (1) to assist them in providing specialized training designed to increase the number of professors, administrators, and other personnel serving in institutions of higher education who are from certain disadvantaged backgrounds (Sec. 533(a)(1)(A) of HEA), (2) to prepare persons in institutions of higher education to assist students from such backgrounds (Sec. 533(a)(1)(B) of HEA), and (3) to meet changing personnel needs in institutions of higher education (Sec. 533(a)(2) of HEA). The proposed regulations would apply to all grant awards made with funds appropriated to carry out the "Higher Education Personnel Training Program," section 533 of the Higher Education Act of 1965, as amended.

Reference to "Sec." in the citations of authority following provisions of the proposed regulations refers to sections of the Higher Education Act of 1965. If the citation uses the word "Interprets," the regulation provisions include an interpretation of the cited statutory provision. If the citation uses the word "Implements," the regulation provisions include rules deemed necessary to implement the statute.

I. *Resolution of issues.* The proposed regulations reflect an effort to regulate as little as possible, and do not focus the program on specific training or activities. This permits institutions of higher education maximum flexibility to design programs to meet their own needs. The proposed projects will be competitively judged on the basis of need and quality, as measured by the evaluation criteria set forth in the regulations. The Commissioner particularly seeks comments concerning the following points where regulatory decisions are proposed. In each case the reason for the decision is given.

(a) *Changing personnel needs; national priorities.* Section 533(a)(2) of the Higher Education Act (20 U.S.C. 1119a-1(a)(2)) authorizes training of higher education personnel "* * * to meet the changing personnel needs, such as in areas determined to be national priority areas pursuant to section 532 of this title." The reference to section 532 originated in an earlier version of the amendments to Title V of the Higher Education Act contained in Senate bill 2657. In the Senate bill, the Teacher Centers Program was designated section 531, and section 532 provided for a continuing survey of institutions of higher education and local educational agencies to determine the demand for and availability of qualified teacher and administrative personnel. In the final version of the legislation, the survey dealing with priority areas of need was made an amendment to section 406 (b) of the General Education Provisions Act (GEPA), and the Teacher Centers Program became section 532. The continued reference to section 532 with re-

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spect to national priorities in the enacted law is an oversight by the Congress and is treated in this proposed regulation as a reference to section 406(b) of GEPA. Steps are being taken to secure a technical amendment to correct the statutory reference.

Pending completion of the priority personnel needs survey under section 406(b) of GEPA, the Commissioner is not identifying priorities for these projects. Section 198.6 identifies two examples of changing personnel needs and allows applicants to identify and document other categories of personnel needs. The examples described in subparagraphs (1) and (2) of § 198.5(a) relate to the need for personnel from disadvantaged backgrounds and personnel with professional-level bilingual capabilities. An official publication, "Annual Evaluation Report on Programs Administered by the U.S. Office of Education—FY 1975," declares (p. 6) that "• • • the largest Federal thrust over the last ten years has been the attempt to redress inequalities in educational opportunity • • •" and (p. 44) that, in the field of bilingual education, there is "• • • a severe shortage of trained teachers." The shortage of teachers with professional training which enables them to teach through a language other than English is further demonstrated by recent amendments to the Bilingual Education Act and to the Vocational Education Act.

(b) *Limitation to graduate study.* Proposed § 198.3 (a) and (m) limits eligibility for training to persons who are studying at the post-baccalaureate level and preparing to serve in institutions of higher education. Since any school child with an ambition for college teaching could be said to be studying to become a college professor, it is necessary to set a minimum level of attainment for participants in the program. The Commissioner proposes to limit the program to trainees at the post-baccalaureate level because it is at that level where specialized preparation for serving as a college or university professor occurs, and because there are other programs of financial assistance to students from disadvantaged backgrounds who are enrolled at the undergraduate level.

(c) *Justification of specialized training.* Section 198.3 of the proposed regulations does not allow any support of the regular course of study of participating trainees except those who are to receive inservice training to meet changing personnel needs in institutions of higher education under § 198.3(c). This limitation is proposed (1) because the Congress eliminated language in an earlier bill which provided stipends and other direct financial assistance to trainees and (2) to assure that limited program funds will be used only for activities related directly to the purposes of this part.

(d) *Definition of target group.* Definition of the key term "cultural or educational backgrounds which have hindered individuals from achieving success in the field of education" in § 198.2 is a difficult matter on which the Commissioner welcomes additional advice. The history of this legislation reveals that the intent of the Congress is to provide special assistance to members of the minority ethnic groups commonly found to be educationally disadvantaged, e.g., Aleuts, American Indians, Appalachian whites, blacks, Eskimos, Mexican Americans, Puerto Ricans, orientals, and persons with limited English-speaking ability. Many individuals from these groups are eligible for training, although all members of these groups cannot be regarded as being from educationally or culturally disadvantaged backgrounds. Accordingly, and in the light of Title VI of the Civil Rights Act, the proposed definition has been expressed in generic terms which do not draw racial or ethnic classifications. The definition sets forth examples of categories of cultural and educational background without excluding other possible categories.

II. *Response to notice of intent to publish regulations.* The notice of intent to publish regulations for the Higher Education Personnel Training Program, which appeared in the FEDERAL REGISTER on November 22, 1976, elicited very few public comments. In general, the comments addressed program management rather than points which require regulation.

III. *Invitation to comment.* Interested persons are invited to submit written comments and recommendations concerning the proposed regulations to Dr. A. Bruce Gaarder, Regional Office Building 3, Room 5652, 7th and D Streets SW., Washington, D.C. 20202. Telephone (202) 245–9786. All communications received on or before May 23, 1977 will be considered. The proposed provisions contained in this notice may be changed in light of the comments received. All comments submitted will be available for public inspection both before and after the closing date for comments, in Room 5652, Regional Office Building, 3, 7th and D Streets SW., Washington, D.C. between 8:30 a.m. and 4 p.m., Monday through Friday of each week.

NOTE.—The Office of Education has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

(Catalog of Federal Domestic Assistance No. 13–417 Higher Education Personnel Training Program.)

Dated: March 11, 1977.

WILLIAM F. PIERCE,
Acting U.S. Commissioner of Education.

Approved: March 31, 1977.

JOSEPH A. CALIFANO, JR.,
Secretary of Health, Education, and Welfare.

It is proposed that Title 45 of the Code of Federal Regulations be amended by adding a new part 198 to read as follows:

PART 198—HIGHER EDUCATION PERSONNEL TRAINING

Sec.
198.1 Scope and purpose.
198.2 Definitions.
198.3 Types of projects; eligible participants.
198.4 Allowable and unallowable project activities and costs.
198.5 Changing personnel needs.
198.6 Application requirements.
198.7 Evaluation criteria.
198.8 Project duration.

AUTHORITY: Sec. 533, Higher Education Act of 1965 as enacted by Pub. L. 94–482 (20 U.S.C. 1119a–1).

§ 198.1 Scope and purpose.

(a) *Scope.* (1) This part applies to the award of grants with funds appropriated to carry out section 533 of Title V of the Higher Education Act of 1965 as enacted by Pub. L. 94–482, which authorizes the higher education personnel training program.

(2) The award of grants under this part is subject to applicable provisions contained in general provisions regulations of the Office of Education (Parts 100, 100a of this chapter), except that the criteria in § 100a.26(b) do not apply to applications under this part.

(Sec. 533, 20 U.S.C. 1119a–1, 1221c, 1232c(b), (3).)

(b) *Purpose.* The purpose of the higher education personnel training program is to provide—

(1) Specialized training to prepare persons from cultural or edcuational backgrounds which have hindered such individuals in achieving success in the field of education to serve in institutions of higher education as teachers, including guidance and counseling personnel, administrative personnel, or education specialists;

(Sec. 533(a)(1)(A), 20 U.S.C. 119a–1(a)(1)(A))

(2) Specialized training to prepare persons to serve in institutions of higher education as teachers, including guidance and counseling personnel, administrative personnel, or education specialists, if they are preparing to serve in educational programs designed to meet the special needs of students from the backgrounds noted in subparagraph (b)(1) of this section; and

(Sec. 533(a)(2), 20 U.S.C. 119a–1(a)(2))(B))

(3) Inservice training for persons serving in institutions of higher education as teachers, including guidance and counseling personnel, administrative personnel, or education specialists to meet changing personnel needs in institutions of higher education.

(Sec. 533(a)(2), 20 U.S.C. 119a–1(a)(2).)

§ 198.2 Definitions.

As used in this part:

"Act" means section 533 of the Higher Education Act of 1965, as enacted by the Education Amendments of 1976, Pub. L. 94–482.

(Sec. 533, 20 U.S.C. 1119a–1)

"Cultural or educational backgrounds which have hindered individuals from achieving success in the field of education" include but are not limited to: (a) Residence in a neighborhood characterized by a high concentration of low-income families, (b) rural isolation, (c) limited English-speaking ability, as defined in section 703(a)(1) of the Bilingual Education Act (20 U.S.C. 880b–1(a)(1)), or (d) attendance at a minority group isolated school, as defined for purposes of the Emergency School Aid Act in § 185.02(g) of this chapter.

(Interprets Sec. 533(a), 20 U.S.C. 1119a–1(a))

"Education specialist" means a person who trains teachers, or performs other professional services closely related to the training of teachers, for service at the higher education level.

(Interprets Sec. 533(a), 20 U.S.C. 1119a–1(a))

"Institution of higher education" means an institution of higher education in any State as defined under section 1201(a) of the Higher Education Act of 1965, as amended.

(Sec. 1201(a), 20 U.S.C. 1141)

§ 198.3 Types of projects; eligible participants.

The Commissioner funds three types of projects under this part:

(a) *Training for individuals from disadvantaged backgrounds.*

(1) *Eligible participants.* Persons with a baccalaureate degree are eligible to receive training under this paragraph if they are—

(i) Preparing to serve in institutions of higher education as teachers, including guidance and counseling personnel, administrative personnel, or education specialists, and

(ii) From cultural or educational backgrounds which have hindered such persons in achieving success in the field of education. As used in this paragraph, "education" is meant in the general sense, including all academic disciplines.

(2) *Nature of training.* Training under this paragraph may include only specialized training for eligible participants designed to help them successfully complete their studies. Examples of permissible training services include tutoring, counseling, orientation to research methods, training in speed reading, and vocabulary development.

(Interprets and implements Sec. 533(a)(1)(A), (b), 20 U.S.C. 1119a–1(a)(1)(A), (b))

(b) *Training for individuals preparing to serve persons from disadvantaged backgrounds.*

(1) *Eligible participants.* Persons with a baccalaureate degree are eligible to receive training under this paragraph if they are:

(i) Preparing to serve in institutions of higher education as teachers, including guidance and counseling personnel, administrative personnel, or education specialists; and

(ii) Preparing to serve in educational programs designed to meet the special needs of college or university students from the cultural or educational backgrounds described in § 198.2.

(2) *Nature of training.* Training under this paragraph may include only specialized training for eligible participants designed to prepare them to provide training or services to meet the special needs of students from the cultural or educational backgrounds described in § 198.2 of this chapter.

(Interprets and implements Sec. 533(a)(1)(B), (b), 20 U.S.C. 1119a–1(a)(1)(B), (b))

(c) *Training to meet changing personnel needs.* Training under this paragraph may include only inservice training for persons serving in institutions of higher education as teachers, including guidance and counseling personnel, administrative personnel, or education specialists, to prepare them to meet changing personnel needs in institutions of higher education.

(Interprets and implements Sec. 533(a)(2), (b), 20 U.S.C. 1119a–1(a)(2), (b))

§ 198.4 Allowable and unallowable project activities and costs.

(a) *Allowable costs.* An institution of higher education may file an application under this part to carry out one or more of the three types of project activities described in § 198.3 of this chapter

(1) Training activities funded under this part may include—

(i) Courses of training or study in academic year institutes;

(ii) Courses of training or study in short-term institutes;

(iii) Symposia; and

(iv) Other inservice training.

(2) Direct and indirect costs incurred by a grantee in carrying out allowable activities described in § 198.3 of this chapter and subparagraph (a)(1) of this section, in accordance with the cost principles in Appendix C to subchapter A of this chapter (Office of Education General Provisions Regulations), are allowable.

(Implements Sec. 533, 20 U.S.C. 1119a–1)

(b) *Unallowable costs.* (1) Stipends and other direct financial assistance to participating trainees are not allowable costs.

(Interprets and implements Sec. 533(b), 20 U.S.C. 1119a–1(b))

(2) Support of the regular, or general, course of study of participating trainees is not an allowable cost in projects described in § 198.3 (a) and (b) of this chapter.

(Interprets and implements Sec. 533(a)(1), (b), 20 U.S.C. 1119a–1(a)(1), (b))

(3) The costs of construction and remodeling are not allowable.

(Implements Sec. 533(b), 20 U.S.C. 1119a–1(b))

§ 198.5 Changing personnel needs.

(a) Projects designed to meet changing personnel needs, under § 198.3(c) of this chapter, may address the following areas of need:

(1) The need for more persons from the disadvantaged cultural or educational backgrounds defined in § 198.2 of this chapter to serve in institutions of higher education as teachers, guidance and counseling personnel, administrative personnel, or education specialists. (Sen. Rep. No. 94–882 on S. 2557, p. 37 (1976))

(2) The need for persons with professional capabilities (including a high degree of literacy) in a non-English language to serve in programs of bilingual education.

(3) Such other categories of personnel needs as may be proposed by an applicant, and as supported by evidence of need in the application.

(b) During the first year of operation of the higher education personnel training program and until such time as the national priority areas of need for educational personnel shall have been determined pursuant to section 406(b)(5) of the General Education Provisions Act, the Commissioner funds applications under this section without according priority to particular types of personnel needs, subject to the assignment of extra points under § 198.70(h) of this chapter to projects serving students with the cultural or educational backgrounds described in § 198.2 of this chapter.

(Interprets and implements Sec. 533(a)(2), 20 U.S.C. 1119a–1(a)(2))

§ 198.6 Application requirements.

Each institution of higher education seeking assistance shall submit an application to the Commission.

(a) The application must—

(1) State, in terms of § 198.3 of this chapter, the category or categories of service or training to be provided;

(2) State the need for the services or training in terms that reflect—

(i) In the case of an application under § 198.3(a) of this chapter, the number of students in the category described in § 198.3(a) who are enrolled in the applicant institution, the number of participants in the project, the groups represented by those students, including information documenting the eligibility of those students under § 198.3(a), and the criteria used for their identification and selection for participation in the project;

(ii) In the case of an application under § 198.3(b) of this chapter, the number of persons in the category described in § 198.3(b) who are enrolled or employed by the applicant institution, and the criteria used for their identification; and

(iii) In the case of an application under § 198.3(c) of this chapter, the number of persons employed by the applicant institution with needs addressed by the project, the number to be trained under the project, and the personnel need which the proposed training or study is designed to meet.

(3) Certify, with respect to applications under § 198.3 (a) and (b) of this chapter, that trainees are in fact preparing to serve in institutions of higher education as teachers, including guidance and counseling personnel, administrative personnel, or education specialists.

(4) Describe the program of training or study proposed.

(b) In addition to the requirements in paragraph (a) of this section, if similar training to that proposed is already being

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provided by the applicant institution, the application must include—

(1) A description of the current activities and the cost thereof; and

(2) Information to satisfy the Commissioner that Federal funds will be used only to expand or improve the training and study provided without Federal funds.

(c) The application should contain information responding to each applicable criterion in § 198.7 of this chapter in order to permit an evaluation of the application by the Commissioner. Failure of an application to contain information responding to an applicable criterion in § 198.7 of this chapter will deny the applicant of the opportunity to earn points attached to that criterion.

(Implements Sec. 533, 20 U.S.C. 1119a–1)

§ 198.7 Evaluation criteria.

An application for a grant under this part which meets all of the application requirements in § 198.6 of this chapter will be evaluated by the Commissioner on the basis of the following criteria. The maximum number of points which will be assigned to an application for each criterion is indicated in parenthesis next to the criterion. The maximum number of points for all criteria is 100. An application must receive a minimum of 50 points to be considered for funding.

(a) The extent of need for the proposed training, as documented in the application, and the responsiveness of the proposed training to that need. (15 points)

(b) Adequacy of qualifications and experience of personnel designated to carry out the proposed project. (15 points)

(c) Adequacy of facilities and other resources. (10 points)

(d) Reasonableness of estimated cost in relation to anticipated results. (10 points)

(e) Sufficiency of size, scope, and duration of the project so as to secure productive results. (5 points)

(f) Soundness of the proposed plan of operation, including consideration of the extent to which:

(1) The objectives of the proposed project are sharply defined, clearly stated, and capable of being attained by the proposed procedures. (10 points)

(2) Provision is made for adequate evaluation of the effectiveness of the project and for determining the extent to which the objectives are accomplished. (10 points)

(3) Provision is made for disseminating the results of the project and for making materials, techniques, and other outputs resulting therefrom available to the general public and specifically to those concerned with the area of education with which the project is itself concerned. (5 points)

(g) Adequacy of the methods used to determine the eligibility of persons to be served by the project. (5 points).

(Implements Sec. 533, 20 U.S.C. 1119a–1)

(h) The extent to which the persons to be trained are from the cultural or educational backgrounds described in § 198.2 of this chapter. (15 points)

(Sen. Rep. No. 94–882 on S. 2657, p. 37 (1976))

§ 198.8 Project duration.

(a) The Commissioner awards projects under this part for a specified project period which generally will not exceed 36 months, subject to the availability of funds.

(b) The Commissioner may permit applicants for assistance under the Act to project their goals and activities over a period of up to three years. Approval of multi-year projects is intended to offer programs or projects a reasonable degree of stability over time and to facilitate additional long range planning.

(c) Applications proposing multi-year projects must be accompanied by an explanation of the need for multi-year support, an overview of the objectives and activities proposed, and budget estimates to attain these objectives in any proposed subsequent year.

(d) Subject to the availability of funds, applications for assistance to continue a project during the project period will be reviewed on a non-competitive basis to determine:

(1) If the award recipient has complied with the award terms and conditions, the Act, and applicable regulations;

(2) The effectiveness of the project to date in terms of progress toward its goals, or the constructive changes proposed as a result of the ongoing evaluation of the project; and

(3) If continuation of the project would be in the best interest of the Government.

(Implements Sec. 533, 20 U.S.C. 1119a–1)

[FR Doc.77–10134 Filed 4–5–77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20903; RM–2708]

FM BROADCAST STATION, DECATUR, TEXAS

Report and Order Denying Petition for Rulemaking

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: Denial of assignment of Channel 244A to Decatur, Texas, because the proposed assignment could not provide the requisite city coverage without causing a short-spacing to an existing station in Fort Worth, Texas.

DATES: Proceeding Terminated.

ADDRESS: Federal Communications Commission, Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Legal Branch, Policy and Rules Division, Federal Communications Commission, Washington, D.C. 20554 (202–632–7792).

Adopted: March 28, 1977.

Released: March 31, 1977.

1. The Commission has under consideration the notice of proposed rule making, adopted September 1, 1976, 41 FR 38785, proposing the assignment of FM Channel 244A to Decatur, Texas, as had been proposed in a petition filed by Wise Media, Inc. In order to assign the channel to Decatur it would be necessary to employ a site some 14.5 kilometers (9 miles) north-northwest of the community. This raised a question about the ability to provide a city-grade signal over the entire community from this site. Even so, the Commission decided to explore the matter so that it could consider the possibility of assigning Decatur (pop. 3,240) in Wise County (pop. 19,687)[1] its first local aural service.

2. Petitioner had alleged that, due to sloping of the terrain toward Decatur, a Class A FM station, operating with maximum facilities, would be able to provide a 70 dBu signal over the community. However, based on the Commission's staff analysis of the terrain configuration, such did not appear to be the case. Thus, the Notice requested petitioner to show, with particularity, whether such a station would, in fact, be able to provide the requisite city-grade signal over Decatur.

3. In its comments petitioner attempted to show the station's capability of providing the requisite city-grade signal by selecting a transmitter site about 3 kilometers (1.85 miles) southwest of that specified in its petition. Petitioner asserted that, from this site, the 70 dBu contour would extend 12.7 kilometers (7.9 miles) and would encompass about 52% of the Decatur incorporated area and 38% of the urban area. Even this figure is based on consideration of the terrain roughness factor. However, use of such a factor in the prediction of contours was suspended April 29, 1976, until May 1, 1977. On the presently accepted basis, the 70 dBu contour would extend 12 kilometers (7.5 miles) and encompass about 35% of the incorporated area and only a very small portion of the Decatur urban area, perhaps about 5%. Although petitioner recognizes that the proposed station would not be able to provide the city-grade signal over all of Decatur, it argues that the coverage it would provide is only slightly below the minimum of 70 dBu specified by the rules and that the situation is similar to that of Austin, Texas. There, the only available Class A channel was not able to provide 70 dBu over all of Austin, and substantial portions of the population were outside the projected contour. Petitioner also states that Channel 244A is the only channel that can be assigned to Decatur but adds that, if the Commission decides that the assignment should not be made to Decatur, then it urges that it be assigned to Alvord, Texas. However, it indicates that such an assignment would be less desirable because Alvord is a small community and most of the support of an FM station would have to come from surrounding communities, primarily Decatur.

[1] Both population figures are taken from the 1970 U.S. Census.

4. In opposing comments Capital Cities Communications, Inc. ("Capital"), licensee of Station KSCS–FM (Channel 242), Fort Worth, Texas, contends that the proposed assignment to Decatur conflicts with its plan to relocate the transmitter site of its FM station toward Fort Worth. Capital argues that the proposed Decatur station would not be able to provide the required city coverage to any part of the city of Decatur, with the relevant 70 dBu contour falling over a mile short of the city limits. It asserts that a Channel 244A station located at any alternate site meeting the minimum spacing requirements, would have the same or more serious difficulties in rendering principal city coverage to Decatur. Capital alleges that Decatur and Wise County are not without services from other stations in that, within the 1 mV/m coverage area of the proposed Decatur station, twenty aural services during the day and three to ten aural services at night are available, and it states that the city of Decatur receives three nighttime and nine daytime services.

5. Although we agree that Decatur and Wise County are in need of local service, the spacing limitations which would require the use of a site at least 14.5 kilometers (9 miles) from Decatur, appear to preclude effective use of Channel 244A there. From the required transmitter site, the principal city coverage signal would not reach the urban area of Decatur. This is a matter of considerable significance—see New Castle, Pennsylvania, 32 F.C.C. 2d 131 (1971); Bloomsburg, Pennsylvania, 34 F.C.C. 2d 940 (1972); Batavia, New York, FCC 69–837 (1969). The assignment of a first Class A FM channel to Decatur would be warranted if it could be demonstrated that the assignment would be technically feasible. The channel proposed here, however, would necessitate a derogation of either the minimum distance separation requirements or the required signal intensity over the city. In this regard, the Commission has steadfastly held to the position in FM rule making proceedings that strict enforcement of the mileage distance separation rules is of particular importance to the integrity of the entire FM allocation plan, see e.g., Livingston, Texas, 8 R.R. 2d 1626 (1966) and Lake Geneva, Wisc., 17 F.C.C. 2d 284 (1969). The Commission finds no supporting data or justification which would warrant waiving the requirement that the entire city be provided with at least a 70 dBu signal. The need for such a showing is especially important since no part of the city would be included within the 70 dBu contour from a site where all spacing requirements can be met. Only a serious deviation from these standards would alter the situation, and nothing has been submitted upon which to base such a departure from standards designed to maximize fairness and efficiency. Nor is the Austin case a basis for such action, as that case presented special circumstances which related to the negotiations which led to the U.S.-Mexican FM Broadcasting Agreement.

6. In the event the assignment is not made to Decatur, petitioner has urged the assignment to Alvord, Texas. However, it is noted that there are a number of communities much larger than Alvord and without local aural service, where Channel 244A could be assigned. Without a showing of greater need for Alvord and the availability of other channels to these other communities, the public interest would not appear to be served by assigning the channel to Alvord.

7. After careful consideration of all pertinent facts, the Commission is unable to find that a sufficient showing has been made in the public interest to support the assignment of Channel 244A to Decatur, Texas.

8. Accordingly, *It is ordered*, That the petition filed by Wise Media, Inc., for assignment of FM Channel 244A to Decatur, Texas, is denied.

9. *It is further ordered*, That this proceeding is terminated.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.77–10183 Filed 4–5–77;8:45 am]

[47 CFR Part 73]

PRIME TIME ACCESS RULES—TOP 50 MARKETS

Order Extending Time For Filing Comments and Reply Comments

PREAMBLE

AGENCY: Federal Communications Commission.

ACTION: Extension of time for comments and reply comments in rulemaking proceeding (D. 21115).

SUMMARY: On the basis of request by an interested party, the time for comments in Docket 21115, looking toward changing the basis on which the "top 50 markets" are determined for prime time access rule purposes, is extended by three weeks.

DATES: New dates for comments: April 22, 1977 for initial comments; May 23, 1977 for reply comments.

FOR FURTHER INFORMATION CONTACT:

John H. Bass, Jr., Chief, Office of Network Study, Federal Communications Commission, Washington, D.C. 20554 (Area 202–632–6339).

Adopted: March 30, 1977.

Released: March 31, 1977.

In the matter of effect of changes in TV market rank on applicability of prime time access rule (§ 73.658(k)); request of Station WTOL–TV, Toledo, Ohio, for temporary waiver of prime time access rule.

1. This proceeding was begun by Memorandum Opinion and Order and Notice of Proposed Rule Making adopted February 10 and released February 18, 1977, FCC 77–206 (42 FR 10860, February 24, 1977). The dates for comments and reply comments specified therein were April 1 and May 2, 1977 respectively.

2. On March 25, 1977, LIN Broadcasting Corporation, licensee of Station WAVY–TV, Portsmouth, Virginia, filed a request for additional time—an extension of three weeks, or until April 22 and May 23, 1977 respectively. It is stated that the proposed rule, to provide a more stable basis for determining the "top 50 markets" for the purpose of the prime time access rule, will have an important effect upon station operation, and requires review of various aspects of industry program procurement and rating practices, as well as of the consequences of the rule proposed and possible alternatives. It is claimed that, with the necessity for considerable analysis and other commitments of people involved, the rather brief time allowed in the Notice is not sufficient.

3. It appears that good cause exists for the requested extension and that the public interest would be served thereby. Accordingly, *It is ordered*, That the time for filing comments and reply comments in this proceeding is extended to and including April 22 and May 23, 1977 respectively.

4. This action is taken pursuant to authority found in §§ 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934 as amended, and § 0.281 of the Commission's Rules.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.77–10203 Filed 4–5–77;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

CROCODYLIA

Treatment of 8 Species as Endangered

The Director, U.S. Fish and Wildlife Service, hereby issues a notice of proposed rulemaking which would treat as endangered, under the "Similarity of Appearance" clause of the Endangered Species Act of 1973 (16 U.S.C. 1533(e)), the common caiman (*Caiman (crocodilus) crocodilus*); the brown caiman (*Caiman crocodilus fuscus*); the dwarf caiman (Cuvier's smooth-fronted caiman) (*Paleosuchus palpebrosus*); the smooth-fronted caiman (Schneider's smooth-fronted caiman) (*Paleosuchus trigonatus*); the American crocodile (*Crocodylus acutus*), other than the population in Florida; Johnston's crocodile (*crocodylus johnstoni*); the New Guinea crocodile (*Crocodylus novaeguineae novaeguineae*); and the salt water crocodile (*Crocodylus porosus*). Through such treatment, these eight species (hereinafter referred to as "the eight 'look-

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alike' species") would be subject to the provisions of law applicable to listed endangered species.

BACKGROUND

On December 5, 1969, the Endangered Species Conservation Act of 1969 (secs. 1–6, Pub. L. No. 91–135, 83 Stat. 275–278) was signed into law. This Act gave the Secretary of the Interior the power to determine certain species to be threatened with worldwide extinction and to restrict the importation of those species (secs. 2–4, Pub. L. No. 91–135, 83 Stat. 275–276). On June 2, 1970, the Secretary exercised this power and determined the Yacare (Caiman) (*Caiman (crocodylus) yacare*) to be threatened with worldwide extinction (35 FR 8491). On June 2, 1970, the Secretary also determined the Cuban crocodile (*Crocodylus rhombifer*), Morelet's crocodile (*Crocodylus moreletii*), the Nile crocodile (*Crocodylus niloticus*), the Orinoco crocodile (*Crocodylus intermedius*), and the Gavial (Gharial) (*Gavialis gangeticus*) to be threatened with worldwide extinction (35 FR 8491). The importation of the six species was restricted, and they appeared on the U.S. List of Endangered Foreign Fish and Wildlife (secs. 2–4, Pub. L. No. 91–135, 83 Stat. 275–276; 50 CFR 17, Appendix A (1971)).

On December 28, 1973, the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) was signed into law. The 1973 Act redesignates the Yacare (Caiman), the Cuban crocodile, Morelet's crocodile, the Nile crocodile, the Orinoco crocodile, and the Gavial (Gharial) as "endangered species" within the meaning of the Act (16 U.S.C. 1533(c)(3)), and thereby restricts not only their importation, but also their exportation, transportation, sale and taking (16 U.S.C. 1538(a)).

In addition, on September 25, 1975, the Secretary by regulation promulgated pursuant to the Endangered Species Act of 1973 determined that the population of the American crocodile (*Crocodylus actus*) found in Florida was an endangered species (40 FR 44149). And on September 26, 1975, the Secretary determined that the American alligator (*Alligator mississippiensis*), wherever found in the wild, except in Cameron, Vermilion and Calcasieu Parishes in Louisiana, was an endangered species (40 FR 44412). (On January 10, 1977, the Secretary reclassified the wild American alligator from its status as an endangered species to the status of a threatened species in certain parts of its range including all of Florida and certain coastal areas of Georgia, Louisiana, South Carolina, and Texas (42 FR 2071). That reclassification leaves the wild alligator classified as "endangered" throughout the remainder of its range, except for Cameron, Vermilion and Calcasieu Parishes in Louisiana.) Hereinafter, the endangered Yacare (Caiman) (*Caiman yacare*), the Cuban crocodile (*Crocodylus rhombifer*), Morelet's crocodile (*Crocodylus moreletii*), the Nile crocodile (*Crocodylus niloticus*), the Orinoco crocodile (*Crocodylus intermedius*), the Gavial (Gharial) (*Gavialis gangeticus*, the American crocodile (*Crocodylus acutus*) population found in Florida, and the American alligator (*Alligator mississippiensis* shall be referred to as "the eight 'listed' species."

Section 4(e) of the Endangered Species Act of 1973, 16 U.S.C. 1533(e), provides that the Secretary of the Interior may promulgate regulations treating, to the extent he deem advisable, a nonendangered species as an endangered species.

Specifically, the Act provides that:

(e) The Secretary may, by regulation, and to the extent he deems advisable, treat any species as an endangered species or threatened species even though it is not listed pursuant to this section if he finds that—

(A) such species so closely resembles in appearance, at the point in question, a species which has been listed pursuant to such section that enforcement personnel would have substantial difficulty in attempting to differentiate between the listed and unlisted species;

(B) the effect of this substantial difficulty is an additional threat to an endangered or threatened species; and

(C) such treatment of an unlisted species will substantially facilitate the enforcement and further the policy of this chapter (16 U.S.C. 1533(e)).

50 CFR 17.50 (1976) sets forth the manner in which a "similarity of appearance" species is to be denoted, and prescribes additional criteria to be considered in determining whether to treat a species as Endangered or Threatened. Specifically, the section provides that:

(b) In determining whether to treat a species as endangered or threatened due to similarity of appearance, the Director shall consider the following factors in addition to the criteria in section 4(e) of the Act:

(1) The degree of difficulty which law enforcement personnel would have in distinguishing the species in question from an endangered or threatened species especially where: (i) The distinction between the endangered or threatened species and other species is based upon geographical boundaries; (ii) the normal morphological or other differentiating characteristics of the species are minute, or can be easily masked, or would not be apparent when products are processed;

(2) The additional threat posed to the endangered or threatened species by the loss of control occasioned because of the similarity of appearance; and

(3) The amount of control over transactions involving endangered or threatened species to be gained either by: (i) Imposing the same prohibitions on the species which is similar, as apply to the endangered or threatened species, or (ii) providing, where the species is treated as threatened, special rules in Subpart D of this part to distinguish the similar species from the endangered or threatened species.

50 CFR 17.50. By a letter dated May 23, 1975, Professor Frederico Medem of the Institute de Ciencas Naturales, Universidad Nacional de Colombia (Institute of Natural Sciences, National University of Colombia), petitioned the Secretary of the Interior to list seven South American crocodilians (including five of the proposed "look-alike" species and two other species which have since been listed as endangered) as endangered species under section 4(a)(1) of the Act (16 U.S.C. 1532(4), 1533(a)(1)). The Office of Endangered Species is currently undertaking an active investigation into the possibility of such a determination with respect to the five species still not listed. However, Dr. Medem's letter also pointed out the "similarity of appearance" provision of the Endangered Species Act of 1973 and the need for invoking that provision with respect to the above-named South American crocodilians:

In Section 4(e) of the Endangered Species Act of 1973 the Secretary is given the prerogative to treat similar species as Endangered Species. While I believe that each species listed in this petition deserves protection in its own right, it is instructive to point out the great similarity between species proposed here and those already found on the Endangered Species List.

King (1971) in his key to the identification of commercial crocodilian skins groups the following species with the proposed American Crocodile (*Crocodylus acutus*): Cuban crocodile (*Crocodylus rhombifer*), Morelet's crocodile (*Crocodylus moreletii*), Orinoco crocodile (*Crocodylus intermedius*), and the Gavial (*Gavialis gangeticus*). In the same key King groups the Yacare caiman (*Caiman yacare*) under the Spectacled caiman (*Caiman crocodilus*) as a subspecies, but gives no differentiating characteristics. Brazaitis (1974) treats the live crocodilians. In his key the same species are separated only by careful measurement and counting of anatomical features. *It is evident then that the identification and separation of these species is not within the realm of the enforcement personnel.*

Finally, it must be pointed out that the Convention on International Trade in Endangered Species of Wild Fauna and Flora has been ratified by the United States Government and more recently by the necessary ten nations to bring the Conventions rules into effect. The Convention's Appendix I includes the Black Caiman (*Melanosuchus niger*), the Broad Snouted Caiman (*Caiman latirostris*), and another subspecies of the Spectacled Caiman known as the Apaporis River Caiman (*Caiman crocodilus apaporiensis*). This last named caiman is only distinguishable in life from the other subspecies in the Spectacled Caiman group by experts intimately familiar with it cranial characteristics. Furthermore, the hides of this caiman are not distinguishable from the other subspecies. Appendix I also includes all the species similar to the American Crocodile (*Crocodylus acutus*) (see preceding paragraph) plus some others (see King 1974 and 1971). (Emphasis added.)

Professor Medem repeated this suggestion in letter dated August 2, 1975:

Caiman skins from Columbia were not imported into the U.S.A. during the last few years. This, however, has changed in 1975. A quick review of export permits for January 1975, shows that Bogota exported 2,000 bracelets to Florida, and 175 belts to Texas, all made from Spectacled Caiman skins. If identification of entire skins is difficult, identifications of manufactured products is nearly impossible. How could Fish and Wildlife Service Agents distinguish a belt made of Black Caiman hide from one made of Spectacled Caiman hide? *The only practical means of enforcing the law and of protecting the already listed species is to add all South American Crocodilians to the Endangered Species List, by invoking the Similarity of Appearance provisions of the 1973 Endangered Species Act.* Only such a step will stop an incipient import trade of Caiman products into the U.S.A. (Emphasis added.)

In response to the needs of Fish and Wildlife Service enforcement personnel and to Professor Medem's recommendations, the Director has considered the matter and finds as follows:

FINDINGS

(A) THE EIGHT "LOOK-ALIKE" SPECIES SO CLOSELY RESEMBLE IN APPEARANCE EVEN LIVE SPECIMENS OF THE EIGHT "LISTED" SPECIES THAT ENFORCEMENT PERSONNEL HAVE SUBSTANTIAL DIFFICULTY IN ATTEMPTING TO DIFFERENTIATE BETWEEN THE "LOOK-ALIKE" SPECIES AND THE "LISTED" SPECIES

Discussion: Agents of the U.S. Fish and Wildlife Service, Division of Law Enforcement, have uniformly reported that they have substantial difficulty in differentiating between those species of crocodilians listed as endangered species and those not listed.

The agents reported that even though they may have a live crocodilian or a full mounted specimen complete with head there is still a good chance of confusion.

Moreover, three of the crocodilians, *Caiman crocodilus crocodilus, Caiman crocodilus fuscus,* and *Crocodylus novaeguineae novaeguineae,* are subspecies of other crocodilians. The Fish and Wildlife agents and biologists in the Office of Endangered Species reported that there are no readily identifiable external characteristics to differentiate between subspecies of protected crocodilians and either unprotected species or other protected subspecies. Subspecies can be distinguished from the species or other subspecies only by cranial bone structure, internal organs or geographical location, and therefore it is extremely difficult for law enforcement personnel to differentiate between the protected species and the unprotected subspecies even though agents may be dealing with a live crocodilian or a full mounted specimen.

Division of Law Enforcement agents have great difficulty distinguishing between endangered crocodilians and nonendangered crocodilians when the sole distinction is based upon geographical boundaries. For example, the population of the American crocodile (*Crocodylus acutus*) in Florida was determined to be endangered by the Secretary on September 25, 1975. All other American crocodiles (*Crocodylus acutus*) wherever found are not endangered and are not protected under the 1973 Act. Inasmuch as there is but one American crocodile and the distinction drawn is solely geographical, agents have great difficulty in differentiating between the protected American crocodile found in Florida and the unprotected American crocodile found elsewhere. Therefore, Fish and Wildlife agents are often powerless to prevent the taking, sale, transportation or exportation of American crocodiles because they are unable to prove definitely that the crocodile in question was the protected American crocodile from Florida and not an unprotected American crocodile from the West Indies or from central or northern South America.

In addition, U.S. Fish and Wildlife Service agents have reported that it is virtually impossible for law enforcement personnel to differentiate between hides, parts and products of crocodilians that are not listed as endangered species and those that are protected by the Act. Concerning crocodilian hides, F. Wayne King, the Curator of Herpetology at the New York Zoological Park and Peter Brazaitis, the Assistant Animal Manager, Department of Herpetology at the New York Zoological Park, wrote in their article "Species Identification of Commercial Crocodilian Skins" that "[w]hen it comes to identifying a species of crocodilian from a commercial hide, however, even a trained herpetologist faces serious difficulty. All commercial skins are grossly alike. All crocodilian leather is related throughout the United States as 'alligator' while in Europe, Africa and Asia the same hides are sold as 'crocodile'."[1]

Furthermore, differentiating between protected and unprotected crocodilian species is practically impossible when the hides have been made into shoes, belts, wallets, handbags or other products. The differentiating characteristics of crocodilians are minute and often depend on scutellation, color, size, the presence of osteoderm buttons or the presence of follicle glands, which are not readily apparent even in full hides. For example, the color of the crocodilian hide is most often altered by preservation, tanning or dyeing. Thus, it would be impossible to determine if the hide of the unprotected Johnston's crocodile (*Crocodylus johnstoni*) or New Guinea crocodile (*Crocodylus novaeguineae novaeguineae*) has been used to manufacture a pair of blue or red crocodilian shoes. Moreover, these identifying characteristics are most often not discernable at all when the hide has been tanned or dyed and manufactured into belts, wallets, handbags, or shoes. Indeed, in the case of finished crocodilian products, expert herpetologists have acknowledged that there is no way to distinguish the endangered crocodilian from the nonendangered crocodilian. Since manufacturers of crocodilian products often use small pieces of crocodilian hide in manufacturing belts, wallets or shoes, the identifying characteristics of many species, such as scutellation, are missing and correct identification by law enforcement personnel is thereby rendered virtually impossible.

In their article, F. Wayne King and Peter Brazaitis underscored the difficulty in differentiating between crocodilian species by writing: "In the past two years, the authors have seen live African slender-snouted crocodiles and South American caimans shipped into the United States from Bangkok, Thailand, as Siamese crocodiles; finished African dwarf crocodile hides enter from a tanner in France who labelled them gavial; and wallets made from South American caimans arrive from an Italian manufacturer who declared they were Nile crocodile".[2]

B. THE SIMULARITY OF APPEARANCE AND THE SUBSTANTIAL DIFFICULTY THAT LAW ENFORCEMENT PERSONNEL HAVE IN DIFFERENTIATING BETWEEN THE EIGHT "LOOK-ALIKE" SPECIES AND THE EIGHT "LISTED" SPECIES POSE ADDITIONAL THREATS TO PROTECTED CROCODILIANS BY PREVENTING PROSECUTION IN MANY CASES AND THEREBY CAUSING A LOSS OF CONTROL OVER TRANSACTIONS INVOLVING ENDANGERED CROCODILIANS.

Discussion. Traffic and commerce in crocodilians and crocodilian parts and products is enormous. In many ports, because of the great difficulty law enforcement agents have in distinguishing the endangered species from the nonendangered species, it is very likely that much of the volume is composed of endangered parts and products. The inability of agents to differentiate correctly endangered crocodilian parts and products from nonendangered crocodilian parts and products encourages importers to harvest endangered crocodilians and import them into the United States, thereby posing an additional threat to the endangered species.

Moreover, it is very likely that commercial hunters experience great difficulty in attempting to distinguish between the endangered crocodilians and the nonendangered crocodilians. As a result, endangered crocodilians may be slaughtered by hunters incorrectly identifying their prey as nonendangered species.

In addition, the difficulty that Fish and Wildlife agents and trained herpetologists have in correctly distinguishing the parts and products of endangered crocodilians from those of nonendangered crocodilian prevents prosecution of importers in many cases, thereby increasing the threat to endangered species. At the present time, when the Government cannot prove that a given item is from an endangered crocodilian rather than a nonprotected species, prosecution for an Endangered Species Act violation is impossible. Yet when the item is in fact from an endangered crocodilian and prosecution is prevented by the similarity of appearance, the loss of control over the endangered species is substantial, for the harm to the endangered species is the same whether or not the item can be distinguished from a similar nonprotected crocodilian item. When this harm is repeated unchecked by prosecution for thousands of items, it poses a very real threat to the endangered species. Thus, the deterrent value of the Endangered Species Act in protecting endangered crocodilians is greatly diminished when prosecution in cases involving such crocodilians is prevented by the inability to distinguish them from the nonendangered species. This loss of deterrence constitutes a threat to the

[1] F. Wayne King and Peter Brazaitis, "Species Identification of Commercial Crocodilian Skins", Zoologica, Vol. 56, Summer 1971, p. 15.

[2] Ibid. p. 18.

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endangered crocodilians beyond the threat which initially precipitated their listing.

(C) TREATMENT OF THE EIGHT "LOOK-ALIKE" SPECIES AS ENDANGERED WILL SUBSTANTIALLY FACILITATE ENFORCEMENT OF THE ACT AND FURTHER ITS POLICY OF PROTECTING THE EIGHT "LISTED" SPECIES

Section 9 of the Endangered Species Act of 1973 restricts the taking, possession, importation, exportation, and transportation or sale in interstate or foreign commerce of the endangered Yacare (Caiman) (*Caiman yacare*), Cuban crocodile (*Crocodylus rhomifer*), Morelet's crocodile (*Crocodylus moreletii*), Nile crocodile (*Crocodylus niloticus*), Orinoco crocodile (*crocodylus intermedius*), Gavial (Gharial) (*Gavialis gangeticus*), American crocodile (*Crocodylus acutus*) population in Florida, and the American alligator (*Alligator mississippiensis*), except as provided in 50 CFR 17.42 (16 U.S.C. 1538 and 50 CFR 17.21). If the common caiman (*Caiman crocodilus crocodilus*), the brown caiman (*Caiman crocodilus fuscus*), the dwarf caiman (*Paleosuchus palpebrosus*), the smooth-fronted caiman (*Paleosuchus trigonatus*), the American crocodile (*Crocodylus acutus*) other than the population in Florida, Johnston's crocodile (*Crocodylus johnstoni*), the New Guinea crocodile (*Crocodylus novaeguineae novaeguineae*), and the salt water crocodile (*Crocodylus porosus*) are treated as endangered, their taking, possession, importation, exportation, and transportation or sale in interstate or foreign commerce will also be restricted by the requirements of section 9 of the Act. This will substantially facilitate prosecution in cases where an item can be identified as a crocodilian, but cannot be specifically identified as an endangered crocodilian.

As discussed in Findings (A) and (B), it is extremely difficult if not impossible for law enforcement personnel to distinguish between the endangered crocodilians and the nonendangered crocodilians. This is particularly true in the case of crocodilian parts and products, where tanning and dyeing alters the color of the crocodilian hides and where identifying characteristics are destroyed when the hides are manufactured into belts, wallets, handbags or shoes.

The difficulty in differentiating poses a serious threat to the endangered crocodilians. Traffic and commerce in crocodilian hides and products is heavy, and indications are that many of the crocodilians involved are endangered. As discussed in Finding (B), prosecution for Endangered Species Act violations is impossible without proof that the item in question is from an endangered species.

As a result, prosecution for violations involving endangered crocodilians is often prevented by the inability of experts and enforcement personnel to identify the part or product as being from an endangered species of from a nonendangered species. Thus, importation, exportation, transportation and sale of endangered crocodilian parts and products is often unchecked by prosecution under the Endangered Species Act of 1973. Since large scale commercial traffic in parts and products results in large scale taking of crocodilians, and since many of the unidentified crocodilians or crocodilian items imported, exported, transported and sold may in fact be from endangered crocodilians, the effect of the inability to differentiate between species is a serious threat to the survival of the endangered crocodilians.

Treatment of the common caiman, the brown caiman, the dwarf caiman, the smooth-fronted caiman, the American crocodile other than the population in Florida, Johnston's crocodile, the New Guinea crocodile, and the salt water crocodile as endangered to the full extent provided by Title 50, Code of Federal Regulations, §§ 17.51 and 17.52, would facilitate prosecution of violations potentially involving endangered crocodilians and thereby alleviate the threat described in the Discussion to Finding (B). §§ 17.51 and 17.52 would impose upon the common caiman, the brown caiman, the dwarf caiman, the smooth-fronted caiman, the American crocodile other than the population in Florida, Johnston's crocodile, the New Guinea crocodile, and the salt water crocodile virtually the same restrictions on taking, importation, exportation, transportation, and sale as apply to the endangered crocodilians. Thus, successful prosecution would be possible in the numerous cases where the product can be identified as crocodilian, although it cannot be positively identified as endangered crocodilian. This would further the Act's policy of conserving endangered wildlife.

CONCLUSION

For these reasons, it is deemed advisable to treat the common caiman (*Caiman crocodilus crocodilus*), the brown caiman (*Caiman crocodilus fuscus*), the dwarf caiman (*Paleosuchus palpebrosus*), the smooth-fronted caiman (*Paleosuchus trigonatus*), the American crocodile (*Crocodylus acutus*) other than the population in Florida, Johnston's crocodile (*Crocodylus johnstoni*), the New Guinea crocodile (*Crocodylus novaeguineae novaeguineae*), and the salt water crocodile (*Crocodylus porosus*) as endangered species to the full extent provided by §§ 17.51 and 17.52 of Title 50, Code of Federal Regulations.

DESCRIPTION OF PROPOSED REGULATIONS

As indicated above, these regulations would treat the eight "look-alike" species as endangered species under the "similarity of appearance" clause of the Act (16 U.S.C. 1533(e)).

Accordingly, as provided by 50 CFR 17.50, these eight species would appear as endangered species on the List of Endangered and Threatened Wildlife in § 17.11, with the notation "S/A" to indicate that each was placed on the list due to similarity of appearance. Section 17.21 of Title 50, Code of Federal Regulations, sets forth a series of general prohibitions and exceptions which apply to all endangered species. Those regulations are reprinted below for the convenience of the reader:

§ 17.21 *Prohibitions.*

(a) Except as provided in Subpart A of this part, or under permits issued pursuant to § 17.22 or §17.23, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit or to cause to be committed, any of the acts described in paragraphs (b) through (f) of this section in regard to any endangered wildlife.

(b) *Import or export.* It is unlawful to import or to export any endangered wildlife. Any shipment in transit through the United States is an importation and an exportation, whether or not it has entered the country for customs purposes.

(c) *Take.* (1) It is unlawful to take endangered wildlife within the United States, within the territorial sea of the United States, or upon the high seas. The high seas shall be all waters seaward of the territorial sea of the United States, except waters officially recognized by the United States as the territorial sea of another country, under international law.

(2) Notwithstanding paragraph (c)(1) of this section, any person may take endangered wildlife in defense of his own life or the lives of others.

(3) Notwithstanding paragraph (c)(1) of this section, any employee or agent of the Service, any other Federal land management agency, the National Marine Fisheries Service, or a State conservation agency, who is designated by his agency for such purposes, may, when acting in the course of his official duties, take endangered wildlife without a permit if such action is necessary to:

(i) Aid a sick, injured or orphaned specimen; or

(ii) Dispose of a dead specimen; or

(iii) Salvage a dead specimen which may be useful for scientific study; or

(iv) Remove specimens which constitute a demonstrable but nonimmediate threat to human safety, provided that the taking is done in a humane manner; the taking may involve killing or injuring only if it has not been reasonably possible to eliminate such threat by live-capturing and releasing the specimen unharmed, in a remote area.

(4) Any taking pursuant to paragraphs (c)(2) and (3) of this section must be reported in writing to the United States Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 19183, Washington, D.C. 20036, within 5 days. The specimen may only be retained, disposed of, or salvaged in accordance with directions from the Service.

(d) *Possession and other acts with unlawfully taken wildlife.* (1) It is unlawful to possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any endangered wildlife which was taken in violation of paragraph (c) of this section.

Example. A person captures a whooping crane in Texas and gives it to a second person, who puts it in a closed van and drives thirty miles, to another location in Texas. The second person then gives the whooping crane to a third person, who is apprehended with the bird in his possession. All three have violated the law—the first by illegally taking the whooping crane; the second by transporting an illegally taken whooping crane; and the third by possessing an illegally taken whooping crane.

(2) Notwithstanding paragraph (d)(1) of this section, Federal and State law enforcement officers may possess, deliver, carry, transport or ship any endangered wildlife taken in violation of the Act as necessary in performing their official duties.

(e) *Interstate or foreign commerce.* It is unlawful to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever, and in the course of a commercial activity, any endangered wildlife.

(f) *Sale or offer for sale.* (1) It is unlawful to sell or to offer for sale in interstate or foreign commerce any endangered wildlife.

(2) An advertisement for the sale of endangered wildlife which carries a warning to the effect that no sale may be consummated until a permit has been obtained from the United States Fish and Wildlife Service shall not be considered an offer for sale within the

§ 17.51 *Treatment as endangered or threatened.*

(a) Any species listed in § 17.11, pursuant to § 17.50, shall be treated as endangered or threatened, as indicated in the "status" column.

(b) All of the provisions of Subparts C (Endangered Wildlife) and D (Threatened Wildlife) shall apply to any such species of wildlife; as appropriate.

§17.52 *Permits—similarity of appearance.*

Upon receipt of a complete application, and unless otherwise indicated in a special rule, the Director may issue permits for any activity otherwise prohibited with a species designated as endangered or threatened due to its similarity of appearance with an endangered or threatened species (see Subpart E—Similarity of appearance).

(a) *Application requirements.* Applications for permits under this section must be submitted to the Director by the person who wishes to engage in the activity with the similar species. Each application must be submitted on an official application form (Form 3-200) provided by the Service, and must include, as an attachment, all of the following information: Documentary evidence, sworn affidavits, or other information to show species identification and the origin of the wildlife (or if born in captivity, the place where born) of the wildlife in question. This information may be in the form of hunting licenses, hide seals, official stamps, export documents, expert opinion, bills of sale, or other appropriate information.

(b) *Issuance criteria.* Upon receiving an application completed in accordance with

paragraph (a) of this section, the Director will decide whether or not a permit should be issued. In making his decision, the Director shall consider, in addition to the general criteria, in § 13.21(b) of this subchapter, the following factors:

(1) Whether the information submitted by the applicant appears reliable;

(2) Whether the information submitted by the applicant adequately identifies the wildlife in question so as to distinguish it

(c) *Permit conditions.* In addition to the from any endangered or threatened wildlife. general conditions set forth in Part 13 of this subchapter, every permit issued under this section shall be subject to the following special conditions:

(1) If indicated in the permit, a special mark, to be specified in the permit, must be applied to the wildlife, and remain for the time designated in the permit;

(2) A copy of the permit must accompany the wildlife at all times.

(d) *Duration of permits.* The duration of permits issued under this section shall be designated on the face of the permit.

PUBLIC PARTICIPATION

The Director wishes the final regulations treating the common caiman, the brown caiman, the dwarf caiman, the smooth-fronted caiman, the American crocodile other than the population in Florida, Johnston's crocodile, the New Guinea crocodile and the salt water crocodile as endangered species to provide the most effective conservation possible for the already endangered Yacare (Caiman), Cuban crocodile, Morelet's crocodile, Nile crocodile, Orinoco crocodile, Gavial (Gharial), American crocodile population in Florida, and American alligator. The Director therefore invites the public, concerned private interests, and other Government agencies to participate in this rulemaking by submitting written comments on the proposed regulations. Comments should contain file number REG 17-02-21 and be addressed to the Director (FWS/LE), U.S. Fish and Wildlife Service, P.O. Box 19183, Washington, D.C. 20036. All relevant comments received no later than July 6, 1977 will be considered in promulgating the final regulations. Such comments and other information may cause the Director to promulgate final regulations differing from these proposed regulations.

The Service will attempt to acknowledge receipt of comments, but substantive responses to individual comments may not be provided. All comments timely received will be available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

ENVIRONMENTAL ASSESSMENT

The Service has prepared an Environmental Assessment concerning these regulations.

AUTHORITY

This notice of proposed rulemaking is issued under authority of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543, 1533(é)).

AUTHOR OF PROPOSED REGULATIONS

These proposed regulations were originated by Peter T. Tonnessen, Branch of Regulations and Penalties, Division of Law Enforcement, Fish and Wildlife Service.

Dated: March 29, 1977.

LYNN A. GREENWALT,
Director, Fish and Wildlife Service.

Accordingly, it is hereby proposed to amend Part 17, Title 50, Code of Federal Regulations, as follows:

§ 17.11 [Amended]

1. Add to the list of endangered species in § 17.11, the following:

Species			Range				
Common name	Scientific name	Population	Known distribution	Portion of range where threatened or endangered	Status	When listed	Special rules
• • •	• • •	•	•	•	•	•	•
Reptiles:							
Caiman, brown	*Caiman crocodilus fuscus*	NA	Central America	Entire	E(S/A)		NA
Caiman, common	*Caiman crocodilus crocodilus*	NA	Northern South America	do	E(S/A)		NA
Caiman, dwarf	*Paleosuchus palpebrosus*	NA	Northern and Central South America.	do	E(S/A)		NA
Caiman, smooth-fronted	*Paleosuchus trigonatus*	NA	do	do	E(S/A)		NA
Crocodile, American	*Crocodylus acutus*	Wherever found except Florida.	West Indies, Central and Northern South America.	do	E(S/A)		NA
Crocodile, Johnston's	*Crocodylus johnstoni*	NA	Northern Australia	do	E(S/A)		NA
Crocodile, New Guinea	*Crocodylus novaeguineae novaeguineae.*	NA	New Guinea	do	E(S/A)		NA
Crocodile, salt water	*Crocodylus porosus*	NA	India and Ceylon, east to Australia and New Guinea.	do	E(S/A)		NA

[FR Doc.77-10049 Filed 4-5-77;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COMMITTEE ON FEDERAL PAY

CONTIUATION OF COMMITTEE; PUBLIC INQUIRY

This is to request any expressions from the public as to the desirability of continuation of the Advisory Committee on Federal Pay.

The Advisory Committee on Federal Pay was established by the Federal Pay Comparability Act of 1970. It consists of three experts on pay and labor relations who are Federal employees only for the time that they serve on this Committee. The Committee serves as an independent third party in advising the President on salary adjustments for Federal white-collar employees. In making its recommendations on pay increases for these Federal employees, the Committee considers pay in the private sector, the views of Federal employee organizations, government officials and pay experts.

Any comments should be sent in writing to the Advisory Committee on Federal Pay, Suite 205, 1730 K Street NW., Washington, D.C. 20006, by April 14. Any such communications will be incorporated in the report that the Advisory Committee makes to the Director of the Office of Management and Budget.

JEROME M. ROSOW,
Chairman.

[FR Doc.77-10143 Filed 4-4-77;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

ADVISORY COMMITTEE ON STATE AND PRIVATE FORESTRY

Meeting

The Advisory Committee on State and Private Forestry will meet in Arlington, Virginia, April 26-27, 1977. The meeting will convene at 8:45 a.m. on April 26 in the Hospitality House, 2000 Jefferson Davis Highway, Arlington, Virginia.

This Committee, comprised of 15 members from a broad spectrum of geographic and interest areas, advises the Secretary of Agriculture and various agencies of the Department on the protection, management and development of the Nation's non-Federal forest land and resources. M. Rupert Cutler, Assistant Secretary designate for Conservation, Research and Education, is Chairman of the Committee. He and representatives of the Forest Service, Farmers Home Administration, Extension Service, Soil Conservation Service, and the Agricultural Stabilization and Conservation Service will attend from the Department of Agriculture.

The meeting is structured to provide members of the Committee ample time for discussion. Included will be an overview of Departmental programs concerned with forestry activities on State and private lands.

The meeting will be open to the public. Persons who wish to attend, should notify the Committee's Executive Secretary, Charles Krebs, USDA-Forest Service, P.O. Box 2417, Washington, D.C. 20013, telephone 202-447-7065. Written statements may be filed with the Committee before or after the meeting.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

APRIL 1, 1977.

[FR Doc.77-10192 Filed 4-5-77;8:45 am]

BIG GAME HABITAT IMPROVEMENT IN CLEARWATER, IDAHO PANHANDLE AND NEZPERCE NATIONAL FORESTS

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for Big Game Habitat Improvement Burning of Seral Brushfields in the Clearwater, Idaho Panhandle, and Nezperce National Forests, Forest Service Report Number USDA-FS-R1-DES-Adm. R1-77-4.

The environmental statement concerns a proposed resource use Big Game Habitat Improvement.

This final environmental statement was transmitted to CEQ on March 29, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave. SW., Washington, D.C. 20250.
USDA Forest Service, Northern Region, Federal Building, Room 3077, Missoula, Mont. 59801.
USDA Forest Service, Clearwater National Forest, Route No. 4, Ahsahka Road, Orofino, Idaho 83544.
USDA Forest Service, Idaho Panhandle National Forests, P.O. Box 310, Coeur d'Alene, Idaho 83814.
USDA Forest Service, Nezperce National Forest, 319 E. Main, Grangeville, Idaho 83530.

A limited number of single copies are available upon request to Forest Supervisor Kenneth P. Norman, Clearwater National Forest, Rt. 4, Ahsahka Road, Orofino, Idaho 83544.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

USDA, Forest Service, Region One

KENNETH P. NORMAN,
Forest Supervisor, Clearwater National Forest, Northern Region.

MARCH 29, 1977.

[FR Doc.77-10210 Filed 4-5-77;8:45 am]

TIMBER MANAGEMENT PLAN, ELDORADO NATIONAL FOREST

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the proposed revision of the ten-year Timber Management Plan for the Eldorado National Forest, USDA-FS-R5-DES(Adm)-77-03. Portions of the Forest are located in El Dorado, Amador, Placer and Alpine Counties, California.

The environmental statement concerns proposed changes in harvesting timber from the Eldorado National Forest and analyzes the environmental effects of the proposed new plan. The recommended alternative is the harvest of 133.9 million board feet per year.

The draft environmental statement was transmitted to the Council on Environmental Quality (CEQ) on March 30, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Rm 3230, 12th St. and Independence SW., Washington, D.C. 20250.
Eldorado National Forest, Supervisor's Office, 100 Forni Road, Placerville, California 95667.
Placerville Ranger Station, 3491 Carson Court, Placerville, Calif. 95667.
Regional Forester, U.S. Forest Service, Rm 529, 630 Sansome Street, San Francisco, Calif. 94111.
Georgetown Ranger Station, Georgetown, Calif. 95634.
Pacific Ranger Station, Pollock Pines, Calif. 95726.
Amadar Ranger Station, Jackson, Calif. 95642.

A limited number of single copies are available, upon request, from Forest Supervisor Joseph H. Harn, Eldorado National Forest, 100 Forni Road, Placerville, California 95667.

Copies of the environmental statements have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental effects for which comments have not been specifically requested.

Comments concerning the proposed action, and requests for additional information should be addressed to Forest Supervisor Joseph H. Harn, Eldorado National Forest, 100 Forni Road, Placerville, California 95667.

Comments must be received within 90 days after transmittal to CEQ in order to be considered in the preparation of the final environmental statement.

ROBERT W. CERMAK,
Deputy Regional Forester.

MARCH 30, 1977.

[FR Doc.77-10209 Filed 4-5-77;8:45 am]

HUMBOLDT NATIONAL FOREST LIVESTOCK ADVISORY BOARD

Meeting

The Humboldt National Forest Livestock Advisory Board will meet on May 16, 1977 at 10:00 A.M., in Room D at the Stockmen's Motor Hotel, Elko, Nevada.

The meeting is open to the public.

The purpose of the meeting is to:

1. Elect Advisory Board Officers.
2. Discuss Drought Situation.
3. Discuss Pub. L. 94-579 as concerns U.S. Forest Service.
4. Discuss Wildhorse Management.
5. Review grazing problems.

Dated: March 29, 1977.

HAROLD L. GREER,
Acting Forest Supervisor.

[FR Doc.77-10204 Filed 4-5-77;8:45 am]

Soil Conservation Service

NORTH BLACK VERMILLION WATERSHED PROJECT

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for a portion of the North Black Vermillion Watershed Project, Marshall and Nemaha Counties, Kansas.

The environment assessment of this federal action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Robert K. Griffin, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for this portion of the project.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment supplemented by ten floodwater retarding structures and two combination floodwater retarding-grade stabilization structures.

The negative declaration is being filed with the Council on Environmental Quality and copies are being sent to various federal, state, and local agencies. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, 760 S. Broadway, Salina, Kansas 67401. A limited number of copies of the negative declaration is available from the same address to fill single copy requests.

No administrative action on implementation on the proposal on or before April 21, 1977.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Pub. L. 83-566, 16 U.S.C. 1001-1008.)

Dated: March 29, 1977.

JOSEPH W. HAAS,
Assistant Administrator for Water Resources.

[FR Doc.77-10201 Filed 4-5-77;8:45 am]

UPPER BLACK VERMILLION WATERSHED PROJECT

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for a portion of the Upper Black Vermillion Watershed Project, Marshall and Nemaha Counties, Kans.

The environmental assessment of this federal action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environment and that no signficant controversy is associated with the project. As a result of these findings, Mr. Robert K. Griffin, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for this portion of the project.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment supplemented by one floodwater retarding structure, one multipurpose structure, and six combination floodwater retarding-grade stabilization structures.

The negative declaration is being filed with the Council on Environmental Quality and copies are being sent to various federal, state, and local agencies. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, 760 S. Broadway, Salina, Kansas 67401. A limited number of copies of the negative declaration is available from the same address to fill single copy requests.

No administrative action on implementation on the proposal on or before April 21, 1977.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Pub. L. 83-566, 16 U.S.C. 1001-1008.)

Dated: March 29, 1977.

JOSEPH W. HAAS,
Assistant Administrator for Water Resources.

[FR Doc.77-10202 Filed 4-5-77;8:45 am]

CIVIL AERONAUTICS BOARD

NORTH AMERICAN CENTRAL AIRLINES, INC.

Application for Amendment of Certificate of Public Convenience and Necessity

MARCH 31, 1977.

Notice is hereby given that the Civil Aeronautics Board on March 21, 1977, received an application, Docket 30646, from North Central Airlines, Inc. for amendment of its certificate of public convenience and necessity for route 86 to provide Bismarck/Mandan-Fargo/Moorhead-Twin Cities nonstop and Fargo/Moorhead-Chicago one-stop authority.

The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-10214 Filed 4-5-77;8:45 am]

[Docket No. 30525, Order No. 77-3-75]

OZARK AIR LINES, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 31st day of March, 1977.

On February 18, 1977, Ozark Air Lines filed an application, and a petition for issuance of an order to show cause why its certificate of public convenience and necessity for Route 107 should not be amended so as to authorize nonstop services in the following markets: (1) Waterloo, Iowa-Denver, (2) Springfield, Missouri-Denver, (3) Quad Cities[1]-Dallas/Ft. Worth, (4) Springfield, Missouri-Dallas/Ft. Worth, and (5) Rockford, Illinois-Detroit.

In support of its petition, Ozark stresses: that no other carrier has any authority in the above five markets; that

[1] Moline, Rock Island and East Moline, Illinois, and Davenport, Iowa.

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in each of the markets, except the Rockford-Detroit market, the carrier has applied for nonstop authority in its pending route realignment application, Docket 28887, and the answers filed in Ozark's realignment case contained no objection by any carrier to Ozark's proposal for nonstop authority in these markets; and that Ozark intends to file an amendment to its realignment application requesting nonstop authority in the Rockford-Detroit market.

No answers to Ozark's petition have been received.

Upon consideration of the foregoing and all of the relevant facts, we have tentatively concluded: that the public convenience and necessity require the amendment of Ozark's certificate of public convenience and necessity so as to authorize the nonstop operations proposed by the carrier that the application presents no questions of fact or law which require a hearing and that all interested persons should be directed to show cause why the Board's tentative findings and conclusions herein should not be made final.[3]

In support of the above determination, we further find that the amendment proposed herein is consistent with the Board's often reiterated general policy of eliminating or modifying certificate restrictions, the retention of which have been placed in issue, absent an affirmative showing that their continuance is required.[4] The authority requested involves no new stations or equipment for Ozark and will permit the carrier more scheduling and operating flexibility. Moreover, the requested authority plainly falls within those route realignment guidelines presently established by the Board[5]—guidelines which we have specifically held are applicable to Ozark.[6]

We have tentatively determined that the proposed authority would be most efficiently granted by the amendment of condition 13 of the carrier's certificate so that it reads, in its entirety:

(13) Notwithstanding the linear route description in this certificate, the holder may operate nonstop service between: Denver, Colo., on the one hand, and Peoria, Springfield, and Champaign-Urbana, Ill., Waterloo, Iowa, and Springfield, Mo., on the other; Dallas/Ft. Worth, Tex., on the one hand, and Davenport, Iowa-Moline, Ill., and Springfield, Mo., on the other; and Detroit, Mich., on the one hand, and Rockford, Ill., on the other.[3]

[3] We further find that Ozark is a citizen of the United States within the meaning of the Act and is fit, willing and able to properly perform the transportation proposed herein and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder.

[4] See e.g., Orders 77-3-13, March 2, 1977, 75-7-15, July 2, 1975; 74-7-63, July 16, 1974, 69-6-67, June 17, 1969.

[5] See Order 76-5-101, May 21, 1976.

[6] Order 76-7-102, July 26, 1976.

[6] Ozark has indicated that its proposal will not result in any substantial increase in air carrier operations. Consequently, we also tentatively find and conclude that the Board action proposed herein will not constitute a "major Federal action significantly affecting the quality of the environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969.

Finally, within 30 days of adoption of this order, we will expect Ozark to file with the Board an estimate, with supporting data, of the annual gross transport revenue increase for the first full year of operations to result from the award proposed herein. This data is necessary for the purpose of computing the license fee pursuant to section 389.24 (a)(2) of the Board's Regulations.

Accordingly, *it is ordered*, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending the certificate of public convenience and necessity of Ozark Air Lines, Inc. for Route 107 so as to authorize the carrier to engage in nonstop air transportation in the five markets stated above;

2. Any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein, shall, within 30 days after the date of adoption of this order, file with the Board and serve upon all persons listed in ordering paragraph 6, a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections. Answers thereto shall be filed within 15 days thereafter;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board; [7]

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein;

5. To the extent not granted in ordering paragraphs 1 through 4, the petition of Ozark Air Lines, Inc. for issuance of an order to show cause be and it hereby is denied; and

6. This order shall be served upon all persons contained in the service list attached to the petition of Ozark Air Lines, Inc. for issuance of an order to show cause.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-10212 Filed 4-5-77;8:45 am]

[7] Since provision is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

[Docket Nos. 28405, 30682;
Order No. 77-3-178]

PAN AMERICAN WORLD AIRWAYS, INC.

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 31st day of March, 1977.

On February 14, 1977, Pan American World Airways filed an application pursuant to section 205.2 of the Board's Economic Regulations, for further postponement of the date of inauguration of service at Chicago, Illinois, and Washington, D.C.-Baltimore, Maryland, on Routes 117 (Mainland-Hawaii) and 130 (Mainland-South Pacific), for a further period of one year.[1]

In support of its application, Pan American alleges, *inter alia*, that: it should not at this time be required to inaugurate Hawaii/South Pacific service at Chicago or Washington-Baltimore because of the lack of traffic support; there would be no public benefit from deletion of Pan American's authority at these points and deletion is not necessary to prevent serious injury to any other carrier; if the Board decides to institute an investigation pursuant to section 401(g), it should consider Pan American's applications for amendment of its certificates which would permit it to combine traffic flows between Chicago and Hawaii with traffic flows between California and Hawaii, permit the carriage of local Chicago-Los Angeles/San Francisco traffic on such flights, and permit such flights to originate or terminate in Hawaii; and if proceedings are instituted Pan American should be permitted to defer the inauguration of service over Routes 117 and 130 at Washington-Baltimore and Chicago during the next year while such proceedings are in progress.

United Air Lines filed an answer to Pan American's application, renewing its request, made in response to the original application for delayed inauguration of service, that the Board institute a proceeding under section 401(g) of the Act for deletion of Chicago and Washington-Baltimore from Pan America's certificates for Routes 117 and 130. United states that the scope of such a proceeding should be strictly limited to the issue of deletion, and that in no event should Pan American's newly filed applications for improved authority at the points be consolidated. Finally, United has no objection to the continued postponement of service at Chicago and Washington-Baltimore pending final Board decision on the deletion question.[2]

Upon consideration of the pleadings and all the relevant facts, we have decided to institute an investigation of Pan American's Washington/Baltimore/Chicago Service, Routes 117 and 130, Docket 30682 to consider the future of the authority now held but not used by Pan American between Chicago and Washington-Baltimore; on the one hand, and Hawaii and the South Pacific points on Routes 117 and 130, on the other. Although Pan American has been authorized to serve the two points since 1975 as a result of approval of the American-Pan American Route Exchange Agreement, it has never instituted service at either point on its South Pacific routes. Under the circumstances, we find it is appropriate to consider (a) whether Pan American's present authority to delay the inauguration of service at Chicago and Washington-Baltimore shall be terminated, continued, or altered; and (b) whether, and to what extent, its existing unused authority should be deleted or suspended. The issues in the proceeding will be limited to the questions set out immediately above.[3]

We have also determined to maintain the status quo with respect to Pan American's existing authorization to postpone inauguration of service to Chicago and Washington-Baltimore pending completion of the proceeding instituted herein. On the basis of the renewal application, it appears that the circumstances warranting the previous grants of such authority remain valid at least during the pendency of the proceeding instituted herein and that grant of continued authority to postpone inauguration of service to Pan American pending a full exploration of the issues set forth above on an evidentiary record is in the public interest.

Accordingly, *it is ordered*, That:

1. A proceeding designated as the Investigation of Pan American's Washington/Baltimore/Chicago Service, Routes 117 and 130, be and it hereby is instituted in Docket 30682 and shall be set for hearing before an administrative law judge of the Board at a time and place hereafter designated, as the orderly administration of the Board's docket permits;

2. Said proceeding shall determine (a) whether the existing authorization of Pan American World Airways, Inc., to postpone the inauguration of service at Washington, D.C.-Baltimore, Md., and at Chicago, Ill., should be terminated, continued, or altered; and (b) whether the certificates of Pan American World Airways, Inc., for Routes 117 and 130 should be altered, amended, or modified so as to delete or suspend Washington, D.C.-Baltimore, Md., and/or Chicago, Ill., under section 401(g) of the Act;

3. Pan American World Airways, Inc., be and it hereby is authorized to postpone inauguration of service to Washington, D.C.-Baltimore, Md., and Chicago, Ill., on Routes 117 and 130, until 90 days after final Board decision in the investigation instituted in paragraph 1, above;

4. The authority granted in paragraph 3, above, may be amended or revoked at any time in the discretion of the Board without hearing; and

5. This order shall be served on Pan American World Airways, Inc.; all other certificated carriers; Mayor, City of Baltimore; Mayor, City of Washington, D.C.; Mayor, City of Chicago; Mayor, City of Honolulu; Governor, State of Maryland; Governor, State of Illinois; Governor, State of Hawaii; Airport Manager, Dulles International Airport; Airport Manager, Baltimore-Washington International Airport; Airport Manager, O'Hare International Airport; Airport Manager, Honolulu International Airport; and the Postmaster General.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-10213 Filed 4-5-77;8:45 am]

[1] Pan American is authorized to serve, inter alia, Chicago and Washington, D.C.-Baltimore, Md. on Routes 117 and 130 as a result of the transfer of American Airlines' authority at the points in the American-Pan American Route Exchange Agreement, Docket 26245. By Order 75-11-108, November 26, 1975, the Board authorized Pan American to delay inauguration of service at Chicago until April 1, 1976, and at Washington-Baltimore until November 26, 1976. The former authority was renewed for a one-year period by Order 76-4-7; the latter was renewed until April 1, 1977, by Order 77-2-8.

[2] Pan American filed a reply to United's answer.

[3] We will not in the context of the proceeding instituted herein consider Pan American's requests for new authority in Mainland-Hawaii and Mainland markets, which requests present quite separate issues which would completely alter the size and focus of the limited proceeding contemplated.

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

MILTON S. HERSHEY MEDICAL CENTER, PENNSYLVANIA STATE UNIVERSITY AND UNIVERSITY OF TEXAS

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00019. Applicant: The Milton S. Hershey Medical Center of the Pennsylvania State University, Department of Anatomy, 500 University Drive, Hershey, Pennsylvania 17033. Article: Electron Miscroscope, Model EM 400 HM, and High Magnification Goniometer Stage. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in all of the current on-going research activities of the entire faculty and staff with the Department of Anatomy, as well as ongoing programs within the Divisions of Ophthalmology, Neurology, Neurosurgery and Plastic Surgery. These research programs will include the following:

Histophysiology and Pathogenesis of Diabetes Mellitus Fetal and Infantile Development of Oral Sensory Receptors in Primates: Microscopic and Ultramicroscopic Histology.
The Developmental Histology and Cytology of Mucosal Sensory Receptors of the Larynx, Pharynx and Nose.
Studies of the Etiology and Diabetes Mellitus.
Anatomical Studies of the Internal Ear.
Retinal Zinc: Cellular Location and Visual Function.
The Vertebrate Eye: Studies of Aqueous Outflow.
Ultrastructural Correlates of Myocardial Ischemia.
The Effects of Ethylnitrosourea on Developing Brain.

The article will also be used in the research training programs with the Department of Anatomy in terms of its graduate educational program as well as training of post-doctoral fellows. Application received by Commissioner of Customs: October 9, 1976. Advice submitted by the Department of Health, Education, and Welfare on: February 25, 1977. Article ordered: April 16, 1976.

Docket Number 77-00024. Applicant: The University of Texas Medical Branch, Department of Pathology, Galveston, Texas 77550. Article: Electron Microscope, Model EM 400 with High Magnification Goniometer Stage and Accessories. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for the study of biological materials including liver, gastrointestinal epithelium, heart, lung, and blood vessels of man and animal.

Experiments to be conducted involve changes in the ultrastructure and composition of cells and tissues following exposure to chemicals and bacteria which injure cellular constituents. Many will involve morphologic characterization of changes in configuration of membranes which constitute the cell surface, and its cytoplasmic membraneous constituents such as endoplasmic reticulum. The objectives of the research to be conducted are to determine the effects of toxic chemicals and environmental agents on components of cells and to determine the relationships between altered structures and its altered chemical composition. Medical students, graduate students and post-doctoral fellows who elect courses of study in pathology research and who need the use of this instrument and the types of information it generates will be instructed in its use and the interpretation of the data it generates. Application received by Commissioner of Customs: October 29, 1976. Advice submitted by the Department of Health, Education, and Welfare on: February 25, 1977. Article ordered: May 11, 1976.

Comments: No comments have been received in regard to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, was being manufactured in the United States at the time the articles were ordered.

Reasons: Each foreign article provides a eucentric goniometer stage with ±30 degree tilt and a guaranteed resolution of 5.0 Angstroms point to point. The Department of Health, Education, and Welfare (HEW) advises in its respec-

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tively cited memoranda that the eucentric goniometer stage described above is pertinent to each applicant's intended purposes. HEW further advises that it knows of no domestic instrument which provided the pertinent features of the articles at the time of order.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-10145 Filed 4-5-77;8:45 am]

UNIVERSITY OF CALIFORNIA, ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before April 26, 1977.

Amended regulations issued under cited Act, (15 CFR 301) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00161. Applicant: University of California—Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, NM 87545. Article: (2) Two Lasers, Tea, CO_2, Model 103-2 and accessories. Manufacturer: Lumonics Research Limited, Canada. Intended use of article: The articles will be used for laser-induced separation of uranium isotopes. Specifically, one laser is to be used to optically pump gas samples to investigate the scalable potential of such a 15.9 micron system. The new molecular systems to be investigated include CF_4, SO_2, CF_2O, and FCN. The other laser will be used to produce a tunable wavelength in the 16 micron region by mixing the CO_2 frequency in a nonlinear crystal. The ultimate goal of the investigations is to demonstrate the scientific and economic feasibility of the separation of uranium isotopes by laser methods. Application received by Commissioner of Customs: March 17, 1977.

Docket Number: 77-00162. Applicant: University of California — Lawrence Berkeley Laboratory, One Cyclotron Road, Berkeley, California 94720. Article: 3 (Three) Amplifier electron tubes, Model TH-515, 200 MHZ R.F. Manufacturer: Compagnie Generale de Telegraphic, France. Intended use of article: The articles are to be used as spares to identical tubes now in service in a proton-deuteron accelerator complex (the Bevatron) to furnish power at approximately 200 MHz for the second of three stages of acceleration, a 50 MeV linear accelerator. Application received by Commissioner of Customs: March 17, 1977.

Docket Number: 77-00163. Applicant: Henry Ford Hospital, 2799 West Grand Blvd., Detroit, MI 48202. Article: Electron Miscroscope, Model EM 201C and accessories. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for studies of a wide variety of biological materials including organs, tissues, cells, cellular products and individual molecules. The overall fine structural details of cells composing various normal organ systems and tissues as well as the alterations accompanying disease states will be studied. The objectives of the investigations will be as follows: (1) Assessment of various potential risk factors for thrombosis in different forms of arthritic and hematologic disorders, (2) exploration of the distribution and type of receptor sites associated with several different cell types that are important in the arthridites, (3) to determine whether or not certain biological crystals are formed inside or outside of cells and (4) to evaluate similar and/or unique ultrastructural details present in normal or abnormal samples of synovial membrane. Application received by Commissioner of Customs: March 18, 1977.

Docket Number: 77-00164. Applicant: St. Francis Hospital, 929 North St. Francis Avenue, Wichita, Kansas 67214. Article: Electron Microscope, Model EM 10A and accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in the areas of renal biopsies, liver biopsies and tumor pathology. A definitive diagnosis of kidney diseases based on the findings of electron microscopic studies will help determine the modality of treatment for the patients. The projected experiment to be conducted will be in the field of virology, particularly the clinical study of viral hepatitis. Application received by Commissioner of Customs: March 18, 1977.

Docket Number: 77-00165. Applicant: University of Rhode Island, Graduate School of Oceanography, Kingston, RI 02881. Article: Three-Spectrometer Scanning Electron Microprobe, Model JEOL JXA-50A. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in geologic research which will include the following:

(1) Studies on the partitioning of minor and major elements between basaltic melts and crystals.

(2) Mineralogic Petrologic studies of basaltic rocks from the mid-ocean ridges.

(3) Studies of minor element concentrations in calcareous skeletons of marine microorganisms.

In addition, the article will be used for the following educational purposes:

(1) Graduate petrological laboratory course dealing with the utilization and applications of the electron microprobe to petrologic, geologic and oceanographic problems.

(2) Electron microproble analyses of earth material conducted by graduate students, in conjunction with their Ph.D and M.S. thesis research requirements.

(3) Use of teaching materials and information acquired in several courses including Petrology of the Oceanic Crust including Petrology of the Oceanic Crust OCG-645 and Geochemistry OCG-630.

Application received by Commissioner of Customs: March 18, 1977.

Docket Number: 77-00166. Applicant: University of Oregon Health Sciences Center, Department of Ophthalmology, Research Bldg., Room 324, 3181 SW. Sam Jackson Park Road, Portland, Oregon 97201. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for sectioning eye tissues which have been embedded in hardened epoxy resins. Investigations will include ultrastructural studies on normal and pathologic tissues, cyto- and histochemical studies on enzyme and subcellular organelle localization in cells and tissues, membrane interactions, and subcellular changes in cells induced by changes in their biochemical and physical environments. The objective of these investigations is to further basic knowledge on eye cell and tissue ultrastructure and to reveal, at the ultrastructural level, the enzyme localization and organelle distribution in cells and tissues developing under normal and pathological conditions. Application received by Commissioner of Customs: March 18, 1977.

Docket Number: 77-00167. Applicant: Yale University School of Medicine, Section of Cell Biology, 333 Cedar St., New Haven, Conn. 06510. Article: Scanning Electron Microscope, Model JFSM-30. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies of cells and subcellular components; blood vessels. Structural details on membrane surfaces will be investigated to detect surface molecules either directly or after appropriate tagging. The article will be used only by graduate students in training for research or in actual research. Application received by Commissioner of Customs: March 18, 1977.

Docket Number: 77-00618. Applicant: Robert B. Brigham Hospital, 125 Parker Hill Avenue, Boston, Massachusetts 02120. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for the study of biological materials which include tissues, cells and subcellular fractions. The various types of specimens will be embedded in hardened epoxy resins for scetioning. Investigations will include ultrastructural studies on normal cells which have been exposed to various biologically active peptides and proteins, studies on the morphology of subcellular fractions, studies on cell parasite interactions, immunocytochemical studies to localize binding sites of biologically active peptides and studies on the pathologically altered renal glomerulus. The main objective of this research is to elucidate morphologic changes that occur during the inflammatory response, to localize binding sites of small peptides on the surfaces of cells and to study structural alternations seen in allergic reactions. Application received by Commissioner of Customs: March 18, 1977.

Docket Number: 77-00169. Applicant: State University of New York—Upstate Medical Center, 155 Elizabeth Blackwell St., Syracuse, New York 13210. Article: Multiple Inoculator: Repliscan Processor and accessories. Manufacturer: KVL Laboratories, Canada. Intended use of article: The article is intended to be used for the study of gram negative bacilli, gram positive cocci, their identification and biochemical characteristics. Specifically, the system incorporates inoculation of pure test cultures on appropriate agar base media by means of a multiple inoculator thereby achieving simultaneous inoculation of a large number of test organisms on a wide range of agar base products. Application received by Commissioner of Customs: March 18, 1977.

Docket Number: 77-00170. Applicant: Brookhaven National Laboratory Associated Universities, Inc., Upton, New York 11973. Article: Angular Distribution Photoelectron Spectrometer, Model ADES 400 and accessories. Manufacturer: VG Scientific Ltd., United Kingdom. Intended use of article: The article is intended to be used for measurements which give information about the electronic structures of solids-metals and alloys, semiconductors, superconductors and insulators. Specifically, the valence and conduction electrons which give these materials their properties; the energies and spatial characteristics of these electrons are investigated through measurements of their photoelectron spectra. Application received by Commissioner of Cutoms: March 18, 1977.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-10147 Filed 4-5-77;8:45 am]

UNIVERSITY OF WISCONSIN AND UNIVERSITY OF CALIFORNIA

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00027. Applicant: University of Wisconsion, the McArdle Laboratory, Madison, Wisconsin 53706. Article: Electron Microscope, Model H-500 and Accessories. Manufacturer: Hitachi Perkin-Elmer, Japan. Intended use of article: The article is intended to be used in experimental oncology (cancer research) in the following studies of biological ultrastructure:

(1) Studies involving a structural analysis and map location of SV40 virus-specific RNA's using the "R loop" method and that of chemically coupling ferritin to the ends of RNA molecules as well as direct visualization of RNA molecules with the extremely high resolution capable with this microscope.

(2) Continued molecular mapping of many deletions and other arrangements in the genome, using the heteroduplex mapping technique by electron microscopy. Methods for the localization of various RNA transcripts on the map using electron microscopy of DNA-RNA heteroduplexes will also be undertaken as well as the visualization of various controlling proteins bound to DNA of the virus.

(3) Investigations of the ultrastructure of junctional complexes formed between two hepatocytes in cell culture. Studies of the overall morphology of the cultural cells at extremely low magnification extending up to magnifications in excess of 100,000 times will also be carried out.

(4) Studies undertaken to visualize with this electron microscope the ribosomal precursor RNAs (45s, 41s, 32s, etc.) taken from cells treated with base analogues including 5-azacytidine, 5-fluorouracil, 8-azaquanine and 6-thloguanine.

Application received by Commissioner of Customs: November 5, 1976. Advice submitted by the Department of Health, Education, and Welfare on: February 25, 1977. Article ordered: August 30, 1976.

Docket Number: 77-00035. Applicant: University of California, San Francisco, 1438 South Tenth Street, Richmond, CA 94804. Article: Electron Microscope, Model JEM 100C. Manufacturer: JEOL (West), Inc., Japan. Intended use of article: The article is intended to be used to study the detailed fine structure of a variety of biological tissues which are currently under investigation by the Department of Physiology. Some of the specific experiments to be carried out include:

(1) Immunohistochemical localization of neurosecretory peptides in the brain.

(2) Role of microfilaments and microtubules in secretion from the pancreas.

(3) Role of zymogen granule membrane in secretion from the pancreas.

(4) Insertion of biologically active proteins into artificial phospholipid membranes.

(5) Ultrastructural basis of neuronal "competition" for peripheral fields during development.

(6) Isolation and purification of the synaptic vesicles and toxin binding sites involved in secretion from motor nerves.

(7) Ultrastructural basis of neurosecretion.

(8) Isolation and Chemical characterization of the cholinergic receptor protein from the synapse.

The overall objectives to be pursued in the course of these investigations are to reveal the relationships between the molecular organization and function of cellular and subcellular components of biological systems. The article will also be used to teach graduate students the methods of electron microscopy in the course Physiology 203. At various other times during the year, selected students will be allowed to carry out their Ph.D. research on the article. Application received by Commissioner of Customs: November 9, 1976. Advice submitted by the Department of Health, Education, and Welfare, on: February 25, 1977. Article ordered: August 30, 1976.

Comments: No comments have been received in regard to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, was being manufactured in the United States at the time the articles were ordered. Reasons: Each foreign article has a specified resolving capability of 3.0 Angstroms. The Department of Health, Education, and Welfare advises in the respectively cited memoranda, that: (1) The additional resolving capability of the foreign articles is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used, and (2) it knows of no domestic instrument which provided the pertinent feature of the articles at the time of order.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the

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United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-10146 Filed 4-5-77;8:45 am]

National Oceanic and Atmospheric Administration

NEW ENGLAND FISHERY MANAGEMENT COUNCIL'S SCIENTIFIC AND STATISTICAL COMMITTEE

Public Meeting

Notice is hereby given of a meeting of the New England Fishery Management Council's Scientific and Statistical Committee established under section 302(g) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The Scientific and Statistical Committee assists the Council in the development, collection, and evaluation of such statistical, biological, economic, social and other scientific information as is relevant to the Council's development and amendment of any fishery management plan.

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), the Scientific and Statistical Committee must be legally chartered before it can meet or take action. At this time the Committee does not have an approved charter. This notice is being given on the condition that a charter will be in effect by the meeting date and will only meet if its charter is in effect at the time scheduled for the meeting.

In order to determine whether the charter will be in effect in time for the meeting to take place, interested persons should contact the Council official listed elsewhere in this notice.

The meeting of the Committee will be held April 26, 1977, at the Council's headquarters office located at the Peabody Office Building, One Newbury Street, Peabody, Massachusetts. The meeting will convene at 9:30 a.m. and adjourn at approximately 4:00 p.m.

PROPOSED AGENDA

1. Review of existing Preliminary Management Plan for Atlantic Herring in the Northwest Atlantic.

The meeting will be open to the public with seating for approximately five public members available on a first come, first served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meetings. To receive information on changes if any, made to the agendas, interested members of the public should contact on or about April 21, 1977:

Mr. Spencer Apollonio, Executive Director, New England Fishery Management Council, 1 Newbury St., Peabody, Mass. 01960; 617-535-5450.

At the discretion of the Committee interested members of the public may be permitted to speak at times which will allow the orderly conduct of Committee business. Interested members of the public who wish to submit written comments should do so by addressing Mr. Spencer Apollonio at the above address. To receive due consideration and facilitate inclusion of those comments in the record of the meetings, typewritten statements should be received within 10 days after the close of the meeting.

Dated: April 1, 1977.

ROBERT SCOTT,
Acting Assistant Director for Scientific and Technical Services.

[FR Doc.77-10220 Filed 4-5-77;8:45 am]

COMMUNITY SERVICES ADMINISTRATION

CONTINUATION OF NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY

Opportunity for Public Comment

The Community Services Administration is conducting a review of Federal advisory committees as directed in the President's letter of February 25, 1977, and OMB Circular No. A-63, Transmittal Memorandum No. 5 of March 7, 1977. In connection with that review, notice is hereby given to provide the public an opportunity to comment on the continuation of the National Advisory Council on Economic Opportunity and its effectiveness in carrying out its purpose as defined in Section 605 of the Community Services Act of 1974. That purpose is (1) to advise the Director of the Community Services Administration with respect to policy matters arising in the administration of the Act, and (2) to review the effectiveness and the operation of programs under this Act and make recommendations concerning, (a) the improvement of such programs, (b) the elimination of duplication of effort, and (c) the coordination of such programs with other Federal programs designed to assist low income individuals and families.

Interested persons may comment on this proposal, including recommendations for modifications of Council policies and practices or for proposals of legislative change for either continuation or termination. Comments should be addressed to the Associate Director for Administration, Community Services Administration, 1200 19th Street NW., Washington, D.C. 20506. As the Office of Management and Budget has set an April 15 deadline for this review, comments must be submitted by April 12.

ROBERT C. CHASE,
Acting Director, Community Services Administration.

[FR Doc.77;10298 Filed 4-5-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 709-7]

AMBIENT AIR MONITORING REFERENCE AND EQUIVALENT METHODS

Receipt of Application for Reference or Equivalent Method Determination

Notice is hereby given that on March 9, 1977, the Environmental Protection Agency received an application from The Bendix Corporation, to determine if its Model 8101C Oxides of Nitrogen Analyzer for the Chemiluminescent Measurement of Nitrogen Dioxide should be designated by the Administrator of the EPA as a reference method under 40 CFR Part 53, promulgated February 18, 1975 (40 FR 7044) as revised December 1, 1976. If, after appropriate technical study, the Administrator determines that this method should be so designated, notice thereof will be given in a subsequent issue of the FEDERAL REGISTER.

C. R. GERBER,
Acting Assistant Administrator for Research and Development.

March 30, 1977.

[FR Doc.77-10142 Filed 4-5-77;8:45 am]

[FRL 709-5]

CONNECTICUT DRINKING WATER

Approval of State Application for Primary Enforcement Responsibility

In accordance with the provisions of Section 1413 of the Safe Drinking Water Act (SDWA), (88 Stat. 1661; 42 U.S.C. 300f et seq.) and 40 CFR 142 (41 FR 2918, January 20, 1976), Dr. Douglas S. Lloyd, Commissioner of the Connecticut Department of Health, has submitted an application to assume primary enforcement responsibility under the SDWA to the Environmental Protection Agency (EPA) for approval.

Notice is hereby given that the Regional Administrator, EPA, Region I, has approved this application for primary enforcement authority, to become effective May 6, 1977. This action is based on a thorough evaluation of the State's water supply supervision program in relation to the requirements of 40 CFR 142.10, including the adoption and implementation of:

(1) State primary drinking water regulations; (2) an inventory of public water systems; (3) a systematic program of sanitary surveys; (4) a State program for certification of laboratories; (5) State laboratory facilities certified by EPA; (6) a plan review program; (7) adequate statutory or regulatory enforcement authority; (8) record-keeping and reporting procedures; (9) a program for issuing variances and exemptions; (10) a plan for providing safe drinking water under emergency circumstances.

This evaluation has shown that the program which will be carried out by the State Health Department's Water Supplies Section fulfills all requirements for obtaining primary enforcement authority.

Any interested person may request a public hearing to consider the Regional Administrator's determination within 30 days of the publication of this notice. If a public hearing is requested and granted, this determination shall not become effective until such time, following the hearing, as the Regional Administrator issues an order affirming or rescinding the determination. Requests for hearing shall be addressed to:

John A. S. McGlennon, Regional Administrator, U.S. Environmental Protection Agency, Room 2203, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

and shall include the following information:

(1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing.

(2) A brief statement of the requesting person's interest in the Regional Administrator's determination and of in formation that the requesting person intends to submit at such hearing.

(3) The signature of the individual making the request; or, if the reguest is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

A complete copy of the State Health Department's application for primary enforcement responsibility is available for public inspection during normal business hours at the Office of the Regional Administrator and at the following location in Connecticut:

State of Connecticut, Department of Health, Water Supplies Section, Room 418, 79 Elm Street, Hartford, Connecticut 06115.

Dated: March 24, 1977.

JOHN A. S. MCGLENNON,
Regional Administrator, Region I.

[FR Doc.77-10141 Filed 4-5-77;8:45 am]

[FRL 709-6; OPP-30000/12]

PESTICIDE PRODUCTS CONTAINING AMITRAZ

Notice of Rebuttable Presumption Against Registration and Continued Registration

The Deputy Assistant Administrator, Office of Pesticide Programs (OPP), Environmental rotection Agency (EPA), has determined that a rebuttable presumption exists against registration and continued registration of all pesticide products containing Amitraz.[1,2]

[1] Amitraz is the common name for N-(2,4-dimethylphenyl)-N - [[(2,4-diemthylphenyl) imino]methyl] -N-methylmethanimidamide. Experimentally it is known as Triazid, U-36059, BTS 27419, RD 27419, Ent 27967 or JA-119. It is registered as a technical grade product under EPA registration number 1023-58. There are no other registered products in the United States. However, an application is pending for the registration of BAAM EC, an emulsifiable concentrate containing 19.9% Amitraz. This notice applies to both Amitraz and BAAM EC.

[2] A position document prepared by the Agency working group on Amitraz is available for public inspection in the Office of Special Pesticides Review (WH-568), Office of Pesticide Programs, Environmental Protection Agency, East Tower, Room 447, 401 M Street, S.W., Washington, D.C. 20460. This position document contains an appendix of references, background information, and other material pertinent to the issuance of this notice of rebuttable presumption. Where appropriate the supporting materials contained in the position document are referenced in this notice.

I. REGULATORY PROVISIONS

A. *General.* EPA promulgated regulations (40 CFR 162) for the registration, reregistration, and classification of pesticides on July 3, 1975 (40 FR 28242). Section 162.11 of the regulations provides that a rebuttable presumption against registration shall arise if it is determined that a pesticide meets or exceeds any of the criteria for risk set forth in Section 162.11 (a)(3). If it is determined that such a presumption against continued registration of a pesticide has arisen, the regulations require that the registrant be notified by certified mail and that the registrant be provided with an opportunity to submit evidence in rebuttal of the presumption. In addition, the Agency has determined that the public should be provided with notice of the presumption in order to solicit comments from interested parties and to obtain any additional information relevant to the presumption.

A notice of rebuttable presumption against registration or continued registration of a pesticide is not to be confused with a notice of intent to cancel the registration of a pesticide, and may or may not lead to cancellation. The notice of rebuttable presumption is issued when the evidence related to risk meets or exceeds any of the Agency's risk criteria. The notice of intent to cancel is issued only after the risks and benefits of a pesticide are carefully considered and it is determined that the pesticide generally may cause unreasonable adverse effects on the environment or poses a substantial question of safety to man or the environment.

Accordingly, all registrants and applicants for registration are invited pursuant to 40 CFR 162.11(a)(4) to submit evidence in rebuttal of the presumptions listed in Part II and, in the case of oncogenicity, to submit information which relates to the assessment of oncogenic risks as set forth in the Interim Procedures and Guidelines for Health Risk and Economic Impact Assessment of Suspected Carcinogens (May 25, 1976; 41 FR 21402). Registrants and other interested parties may submit data on benefits which they believe would justify registration or continued registration in the event that the Agency determines that the risk presumptions have not been completely rebutted. In addition, any registrant may petition the Agency to voluntarily cancel any current registration pursuant to Section 6(a)(1) of FIFRA.

The notice of rebuttable presumption against Amitraz describes scientific studies which suggest that it induces oncogenic effects in test animals. The Agency is soliciting further information and comment to the oncogenicity of Amitraz, as well as on other risk criteria listed in 40 CFR 162.11(a)(3).

B. *Rebuttal Criteria.* Section 162.11(a)(4) provides that a registrant seeking continued registration may rebut the presumption by sustaining the burden of proving:

(1) In the case of a pesticide presumed against pursuant to the chronic toxicity criteria of § 162.11(a)(3)(ii), "that when considered with proposed restrictions on use and widespread and commonly recognized practices of use, the pesticide will not concentrate, persist or accrue to levels in man or the environment likely to result in any significant chronic adverse effects"; or

(2) That "the determination by the Agency that the pesticide meets or exceeds any of the criteria for risk was in error."

II. PRESUMPTIONS

40 CFR 162.11(a)(3) provides that a rebuttable presumption shall arise if a pesticide's ingredient(s), metabolite(s), or degradation product(s) meet or exceed (i) acute toxicity risk criteria relating to hazards to human, domestic animals or wildlife, or (ii) chronic toxicity risk criteria relating to oncogenic, mutagenic, and delayed toxic effects in man and/or test animals, or relating to population reductions in nontarget organisms or fatality to members of endangered species.

Pesticide products containing Amitraz meet or exceed the chronic risk criteria relating to oncogenic effects set forth in 40 CFR 162.11(a)(3)(ii)(A).

A. *Chronic Toxicity: Oncogenic Effects in Test Animals.* 40 CFR 162.11(a)(3)(ii)(A) provides, "A rebuttable presumption shall arise if a pesticide's ingredient(s) * * * [i]nduces oncogenic effects in experimental mammalian species or in man as a result of oral, inhalation or dermal exposure * * *" As a further clarification of this provision, the preamble to the Interim Procedures and Guidelines for Health Risk and Economic Impact Assessment of Suspected Carcinogens (May 25, 1976; 41 FR 21402) states that "a substance will be considered a presumptive cancer risk when it causes a statistically significant excess incidence of benign or malignant tumors in humans or animals." It is emphasized that at the time of issuing this notice of rebuttable presumption, the Agency has not completely assessed the carcinogenic risks associated with the uses of Amitraz. One function of this notice is to solicit information which refutes the evidence presented in this notice, adds to the evidence, or otherwise contributes to the Agency's assessment of the oncogenic risk posed by Amitraz and BAAM EC.

At this time, the only scientific evidence available which, by itself, meets the criterion for oncogenicity is the Boots Chemical Company study entitled "BTS 27419: 80-week Carcinogenesis Study in Mice—Final Report" (Burnett et al. 1976. The Upjohn Co., Kalamazoo, Michigan). Should additional evidence

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indicate that the other risk criteria have been exceeded, the position document will be redrafted. This new information will be published in the FEDERAL REGISTER.

Section B, below, contains the findings of EPA as to the evidence in this study which meets the criterion for oncogenic effects cited above. Section C presents methods and results of the Boots' report. Interpretations of the reports by Boots and Upjohn are presented in Section C, and then compared and contrasted with those of EPA's Carcinogen Assessment Group (CAG), EPA consultants, and the Agency.

B. *Summary of EPA Findings.* 1. The dose-response relationship for lymphoreticular (LR) tumors in female mice shows a significantly increasing linear trend ($p<0.02$).

2. The incidences of LR tumors in the high dose (400 ppm) and control (0 ppm) female mice are 0.49 and 0.23, respectively, and are significantly different from each other ($p<0.03$).

3. The dose-response relationship for lung lesions in female mice, whose sample sizes were corrected for survival, shows a significantly increasing linear trend ($p<0.05$).

4. No satisfactory explanation has been presented to account for these relationships other than the oncogenic activity of Amitraz. Thus Amitraz its formulated product, BAAM EC, meet the criterion for oncogenic effects.

C. *Review of the Boots Mouse Study.*—(1) *"80-week Carcinogenicity Study in Mice—Final Report" (Burnett et al. 1976).*

(a) *Methods.* CAG in its "Preliminary Review of Oncogenicity of Amitraz (BAAM)," has summarized the experimental methods employed by Boots as follows (EPA 1977):

> CFLP mice (Anglia Laboratories (Carworth)) mice were used in the study. It is an outbred strain not available in the U.S. which was originally derived from the albino Swiss Schofield strain at Imperial Chemical Industries in the 1950's. Since then it was rederived by fostering pups on gnotobiotic CF1 mice.
>
> Male and female mice were received at 21–23 days; after 2 weeks acclimatization, they were divided into groups of 5 animals/cage. Cages were mounted in a rectangular array on the wall in fixed position throughout the study; the 10 cages of sex/treatment groups were in a row. The cage height on the wall was different for each of the 4 treatment groups and in decreasing order was control, lowest-, middle-, and highest-dosage BAAM groups; the sexes were separated.
>
> In most cases same-sex littermates were put into different treatment groups; 2 or more siblings seldom were put into the same treatment group unless the other three treatment groups contained a member of that litter. Littermates were never allocated to the same cage. Very frequently littermates were placed in cages on the wall that were in the same or adjacent column of cages.
>
> Animals received powdered Oxoid breeding diet for 2 weeks. BAAM was then added at 0, 25, 100 and 400 ppm and fed for 80–84 wks. Diets were prepared weekly.

Extra animals, fed identically to those in the original treatment groups were used to replace mice which died or became unthrifty during the first 12 weeks of the study.

After 80 weeks feeding, surviving animals were sacrificed over a 4-week period and examined. Animals dying during the study were handled similarly, when possible. Histopathological examination was not possible on 18 males and 22 females due to autolysis or cannibalism. Animals were observed for clinical signs at least weekly throughout the study. A blood smear was taken from each animal and gross examination of organs and cavities was performed.

Thymus was rarely fixed and examined, and lymph nodes were taken from most but not all animals.

(b) *Results.* The results of the Boots study were as follows.

1. Lymphoreticular tumor incidences showed doserelated increases. They were 0.23, 0.32, 0.34 and 0.49, respectively, in control, low-, middle-, and high-dosage Amitraz-treated female mice.

2. Lesions of the lung (hyperplasia, adenomas, and carcinomas) in female mice whose sample sizes were corrected for survival were 0.26, 0.48, 0.34, and 0.55, respectively, in control, low-, middle-, and high-dosage Amitraz-fed groups.

3. The incidence of all types of liver tumors was higher in five of six Amitraz treatment groups in both males and females than in the controls.

4. Estimated food consumption was greater among high-dose (400 ppm) males than among males in the other dosage groups; females had a greater intake than males throughout the test; and the high-dose (400 ppm) females tended to show greater consumption than the controls (0 ppm), while the low (25 ppm) and medium (100 ppm) females ate less than the controls.

5. Body-weight gain in the high-dose males was 37% less than the control group at the first 40 weeks, but only 16% less at 80 weeks; female body-weights were less adversely affected than males; high-dose females had 18% less body-weight gain than controls at 40 weeks, and only 9% less at 80 weeks.

(2) *Interpretations of the Boots Study.* In interpreting this study, its authors, the Boots consultants, and the Upjohn Company raise four particular issues: (a) the statistics of the tumor incidences, (b) the possibility that the LR tumors arose as a non-specific response to several factors in combination with Amitraz, (c) the potential for viral induction of LR tumors, and (d) the overall interpretation of the results.

(a) *Statistics.* The results of the Boots study are stated in Section II.C.(1)(b). To provide a quantitative basis for an interpretation of the mouse tumor data, the authors of the Boots study conducted various statistical comparisons. They concluded that the only pathological finding of note was the significantly higher incidence of LR tumors in high-dosage females as compared to that in the controls (Burnett et al. 1976). Later, both a Boots' consultant and the Upjohn Company expressed their confirmation of this finding (Roe 1976; Letter 1976a; 1977b).

In addition, CAG found that:

1. The LR tumors in female mice exhibit a significantly increasing linear trend in dose-response relationship ($p<0.02$);

2. Survival-corrected female mice show a significantly increasing linear trend in the dose-response relationship for lung lesions ($p<0.05$(EPA 1977).

The Agency finds that these statistical determinations by Boots, Upjohn and CAG meet the RPAR criterion for oncogenic effects.

(b) *LR Tumor Etiology.* The primary conclusion presented by the authors of the Boots study was that LR tumors could have been a nonspecific response to the combination of several factors and Amitraz. They listed such factors as the mouse strain, endocrinal activity, immunological response and dietary intake.

(i) *Mouse Strain.* Both a consultant for the Boots Company, Dr. F. J. C. Roe, and one of the Boots study authors, Dr. G. T. Turnbull, have asserted that the genetic background of the mice contributed to the incidence of LR tumors in treated females. Dr. Roe stated that the historical incidence of such tumors in these mice was relatively high compared to other mouse strains, while Dr. Turnbull asserted the background incidence was intermediate to that of other strains.

The EPA consultants have commented:

> Swiss albino mice are widespread, outbred, and consequently somewhat variable genetically. The isolation of the CFLP strain is likely to have stabilized its genetic variability somewhat, but without inbreeding it cannot be regarded as a strain with homogeneous characteristics. It is not appropriate to compare its spontaneous incidence of tumors quantitatively with that of other Swiss strains. The most precise information available to the review team is that provided in the Upjohn submission. These tabulate observations in untreated mice in 13 experiments completed between 1972 and 1975. With one exception * * * these experiments appear to have been conducted under similar conditions to that with BAAM, and for the same exposure period, and hence should be directly comparable.
>
> In males, the incidence of LR tumors in controls varied between 3% and 20%, mean 12%. None of these incidences falls outside the 95% probability limits for a binomial distribution based on a uniform probability of occurrence of 0.12 * * *. In females the incidence in controls varied between 10% and 31%, mean 19%. None of these incidences falls outside the 90% probability limits for a binomial distribution based on a uniform probability of occurrence of 0.19. In neither sex do the figures for spontaneous incidence show a significant upward or downward trend with time (Parks et al 1977. Report of consultants. Clement Assoc., Inc.).

Generally, then, this analysis shows that the historical incidence of LR tumors in the present Boots study mice falls within the normal range of the incidences in historical studies. Thus, there is insufficient evidence to indicate the LR tumors observed in treated females arose spontaneously.

(ii) *Endocrinal Activity and Immune Response.* The Boots Company and its consultants suggested that the activity or response of the endocrine or immunological systems of the mice contributed to the induction of the LR tumors. The authors of the Boots study admitted, however, that it had found no evidence to support these suggestions. The Agency agrees.

(iii) *Food Intake.* The Boots study suggests that overfeeding of mice is associated with tumor induction. The authors state that the female mice ate more food per bodyweight than did males; so they concluded that it was likely that food intake accounted for the increase in tumors.

The EPA consultants do not agree:

> [Dr.] Roe points out an association between incidence of lymphosarcomas and food intake. However, in our experience * * * the association is between tumor incidence and condition (body-weight) rather than with food intake per se. In this experiment, the group with the largest tumor incidence was the 400 ppm females, which had an increased food intake but decreased body-weight. In any case, as [Dr.] Roe pointed out, one would have expected the effect to have shown up also in males, in which the effects on food intake and body-weight were proportionately larger (Parks et al. 1977).

Consequently, the Agency finds the food intake argument to be unsupported.

(c) *Viral Induction of LR Tumors.* The Upjohn Company has asserted that the higher incidence of LR tumors in female mice is the result of a horizontal or vertical spread of a leukemia virus.

To support the hypothesis of a horizontal spread of virus, Upjohn claims that the frequency of tumor-bearing females in the lower right quadrant of cages was significantly higher than the frequency of tumor-bearing females in the lower left quadrant. However, Upjohn did not apply a correction for continuity in the chi-square computation. When the appropriate correction is included, the difference is not significant ($p>0.08$). CAG and the EPA concultants also analyzed the possibility of clustering of LR tumors by litter and cage and found no evidence of clustering (Parks et al. 1977).

Upjohn also discussed vertical spread of a virus by showing that certain litters appeared to be over-represented in the LR tumor group. However, when an analysis was performed by CAG and the EPA consultants there was very good agreement between the number of affected animals observed and those expected, assuming a uniform probability for any animal being affected.

An electron microscope study was initiated to find leukemia virus in the LR tumor tissue of the high dose female mice. Tissues from two such mice were examined. While there was some suggestion of viral particles in the examined tissue, the poor condition of the preserved tissue made impossible a certain determination.

On the basis of the analyses of the CAG and the EPA consultants, the Agency finds no evidence of a vertical or horizontal viral spread.

(d) *Overall Interpretation of the Findings in the Boots Study.* The Boots' consultants, the Upjohn Company, the EPA consultants, and CAG have offered various interpretations of the Boots mouse report data.

The Boots and Upjohn Companies concluded that the Boots mouse test results in no way establish that Amitraz caused tumors. The facts they cited in addition to evidence already discussed included: (1) The lack of LR tumors in male mice, (2) the lack of change in the latency period or overall incidence of tumors, (3) the apparent negative results for rats, (4) the apparent negative results of several mutagenic assays, (5) the lack of teratogenic effects in rats or rabbits, and (6) a lack of significant differences in mortality among groups (Burnett et al. 1976).

On the other hand, the EPA consultants concluded that the Boots mouse test results constituted "substantial evidence" of carcinogenicity in CFLP mice, although the evidence "fell somewhat short of definitive proof" (Parks et al. 1977). They also noted that the study was conducted for only 80 weeks, as opposed to the 24 months recommended by National Cancer Institute guidelines, and concluded that the test was "expected to be insensitive * * * for carcinogenicity." The consultants for EPA also examined the chronic feeding studies for rats and dogs, and assessed the results of the mutagenic assays, but did not report that these studies affected an interpretation of the Boots mouse test results.

CAG also found the mouse study meets the RPAR criterion for oncogenic effects. They stated that this criterion "is a statistically significant excess tumor incidence in a study that cannot be dismissed as invalid."

To reach an overall interpretation of the mouse study in relation to the oncogenic criterion requires an answer to the question, did Amitraz induce any oncogenic effects?

The Boots and the Upjohn companies concluded that the only oncogenic effect was the significantly greater incidence of LR tumor in the female mice, but that this effect was explained away by other evidence. However, the information or explanation proposed by Boots and Upjohn to refute the Boots data have been found by the CAG or the EPA consultants to be unsubstantiated.

A statistically significant increase in LR tumors in treated female mice cannot be explained away by any of the six facts Boots and Upjohn cite above (lack of LR tumors in mice, lack of change in latency period, etc.). These facts similarly do not refute the dose response relationships found in both the LR tumors and lung lesions of treated female mice. Therefore, the Agency finds that the criterion for oncogenic effects has been met.

III. Rebuttable Presumption Criteria for Which the Agency Seeks Additional Information

In order to more adequately assess the oncogenic potential of Amitraz, BAAM or their metabolites or degradation products, the EPA requests:

1. Access to the histological slides generated in the Boots mouse and rat carcinogenicity studies;

2. Further information on the metabolites of Amitraz, especially on the status of 2,4-dimethylaniline;

3. Information on the tumor types and rates in control CFLP mice and Ash-Wistar rats from the supplier of animals in the Boots studies.

The EPA also requests additional information on other risk criteria listed in 40 CFR 162.11(a)(3), in order to assess any other potential risks of Amitraz.

IV. Grounds for Pesticide Review in Addition to Rebuttable Presumption Criteria

The Agency examined other oncogenicity-related effects of Amitraz. Individually these studies presented insufficient evidence to initiate a rebuttable presumption on the basis of oncogenic effects.

A. *2,4-dimethylaniline—A Potential Metabolite.* 2,4-dimethylaniline (BTS 24868) may be a metabolite of Amitraz. The Boots Company has traced the fate of Amitraz in dogs' stomachs and identified BTS 24868 as a breakdown product.

A recent National Cancer Institute study has presented some suggestive evidence that the compound exhibits some oncogenic effects (Homburger et al. 1973. Carcinogenicity of chemicals present in man's environment. Bio-Research Consultants, Inc.). CAG has reviewed this study and found that sarcomas occurred more frequently in treated female mice than in control mice, and treated male rats had a higher incidence of malignancies than did controls.

B. *Effects of Amitraz in Rats.* A two-year feeding study by the Boots Company presented evidence that Amitraz is not carinogenic in rats.

CAG has found no significant differences in tumor rates among treatment groups except for pituitary adenomas. In this case, the ratios of tumor-bearing male rats to the tested populations were 4/40, 9/40, 18/39, and 8/40 in the zero, 15, 50, and 200 ppm Amitraz-treated groups, respectively ($p<0.05$). To CAG the significance associated with pituitary adenomas was due to the 50 ppm dosage group. CAG found it doubtful that the finding represented a chemically induced effect. The EPA consultants concurred.

C. *Effects of Amitraz in Dogs.* The Boots Company has conducted a long-term feeding study of the effects of Amitraz on dogs. Boots observed no tumors in any of the dogs. The EPA consultants evaluated the study results and concurred. They state, however, that the duration of the test was not adequate for it to be considered as a carcinogenic bioassay.

D. *Structurally Related Compounds.* On September 6, 1976, the Ciba-Geigy and Nor-Am Corporations voluntarily recalled their chlordimeform-containing pesticide products, since preliminary results indicated chlordimeform induced a significant increase of malignant tumors in mice.

In November 1976, the Registration Division of OPP recommended that OSPR review the literature to uncover

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the potential of the formamidine class compounds, which included chlordimeform and Amitraz, to cause oncogenic effects.

Soon thereafter, Upjohn submitted to EPA a report of the Boots Company on the relationship of Amitraz to chlordimeform. This study stated that there are no metabolites common to the breakdown pathways of these two chemicals and that there are differences in their molecular structures as well. The report concluded that on this basis no connection could be drawn between the toxicological potential of chlordimeform and that of Amitraz.

The EPA consultants have generally concurred (Parks et al. 1977).

E. *Mutagenic Effects.* The Upjohn Company has submitted to EPA the results of several mutagenicity tests conducted by the Boots Company. These tests were evaluated by Boots as revealing a non-mutagenic response for Amitraz and several of its metabolites, BTS 27271, BTS 27919 and BTS 28369.

The EPA consultants did not validate this mutagenicity report. It lacks detailed description of methods, referring to an outdated paper by Ames and to two unpublished company reports. The studies did not use the more sensitive bacterial strains developed since 1973, used phenobarbitone instead of Aroclor 1254 as an enzyme inducer, and did not use metabolic activation at all for the metabolites. Moreover, the results with positive controls were irregular and lower than those usually obtained in this assay (Parks et al. 1977).

V. Registrations and Products Subject to the Notice

The registrant and applicant for registration listed below are being notified by certified mail of the rebuttable presumption existing against registration and continued registration of their products.

The registrant and applicant for registration of the following products shall have 45 days from the date this notice is sent, or until May 16, 1977, to submit evidence in rebuttal of the presumption. However, the Administrator may, for good cause shown, grant an additional 60 days during which such evidence may be submitted. Notice of such an extension, if granted, will appear in the Federal Register.

EPA Registration No. 1053–58. Amitraz. Upjohn Co., 7171 Portage Road, Kalamazoo, MI, 49001.

EPA File Symbol 1053–LO. BAAM EC. Upjohn Co., 7171 Portage Road, Kalamazoo, MI, 49001.

VI. Duty to Submit Information on Adverse Effects

Registrants are required by law to submit to EPA any additional information regarding any adverse effects on man or the environment which comes to a registrant's attention at any time, pursuant to Section 6(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act and 40 CFR 162.8(d). If the registrant of Amitraz has any published or unpublished information, studies, reports, analyses, or reanalyses regarding any adverse effects in animal species or humans, residues, and claimed or verified accidents to humans, domestic animals, or wildlife, which has not been previously submitted to EPA, the material must be submitted immediately. At the time of response to this notice, the registrant shall submit a written certification to the Agency that all information regarding any adverse effects known to the registrant has been submitted. In addition, the registrant should notify EPA of any studies currently in progress, including the purpose of the study, the protocol, the approximate completion data, and a summary of all results observed to date.

VII. Public Comments

A Position Document, dated March 4, 1977, prepared by an Agency Working Group on Amitraz and containing background information and copies of references to published studies and Agency reports is available for public inspection. During the time allowed for submission of rebuttal evidence, comments on the presumption set forth in the notice and on the material contained in the Position Document are also solicited from the public. In particular, any documented episodes of adverse effects to humans, domestic animals, or wildlife, and information as to any laboratory studies in progress or completed, are requested to be submitted to EPA as soon as possible. Likewise, any studies or comments on the benefits from the use of Amitraz are requested to be submitted.

All comments and information should be sent to the Federal Register Section, Technical Services Division (WH–569), Office of Pesticides Programs, Rm. 401, East Tower, 401 M St., SW., Washington, D.C. 20460. Three copies of the comments or information should be submitted if possible to facilitate the work of the Agency and others interested in inspecting them. The comments and information should bear the identifying notation "OPP–30000/12." Comments and information received within the specified time limit shall be considered before it is determined whether a notice shall be issued in accordance with 40 CFR 162.11(a)(5)(ii). Comments received after the specified time period will be considered only to the extent feasible consistent with the time limits imposed by 40 CFR 162.11(a)(5)(ii). All written comments and information filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. during normal working days.

The material contained in the Position Document is available for inspection in the Office of Special Pesticide Reviews, Rm. 447, East Tower, during the same time period.

Dated: March 30, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77–10140 Filed 4–5–77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

BROADCAST STATIONS AND CABLE TELEVISION SYSTEMS

Minority Ownership Conference

MARCH 31, 1977.

A two-day conference to explore possible methods of improving the extent of minority participation in the ownership of broadcast stations and cable television systems will be held at the Federal Communications Commission April 25 and 26.

Sessions will be held from 9:30 a.m. to 12 noon, and from 2 p.m. to 4:30 p.m. each day in the Commission's meeting room, Room 856.

A plenary session will be held at 9:15 a.m., April 25. FCC Chairman Richard E. Wiley and Commissioner Benjamin L. Hooks will give the opening remarks.

The panel schedule is as follows:

APRIL 25

PANEL A—SOURCES OF FINANCING—9:30 A.M. TO 12 NOON

Problems in financing minority enterprises and whether low-interest government loans or other incentives should be made available to minority applicants.

PANEL B—ACCESS TO AND USE OF PROFESSIONAL HELP—2 TO 4:30 P.M.

The adequacy of professional help e.g., media brokers, lawyers, engineers, etc.; and the available programs and/or personnel from various educational institutions that may assist minority broadcast applicants.

PANEL C—OPERATIONAL PROBLEMS AND BARRIERS TO ENTRY—9:30 A.M. TO 12 NOON

Possible marketplace impediments e.g., media brokers' failure to contact prospective minority applicants regarding available broadcast properties; problems concerning rating services, national advertisers and selected program formats that might discourage minority applicants from becoming interested in station ownership.

PANEL D—PUBLIC POLICY RELATING TO MINORITY OWNERSHIP—2 TO 4:30 P. M.

An analysis of governmental policies that may increase the pool of minority applicants.

The panelists are drawn from both the public and private sector. Following are the panels and their members:

PANEL A—SOURCES OF FINANCING

Moderator

Roderick K. Porter, FCC, legal assistant to Chairman Wiley.

Panelists

Representative, Office of the General Counsel, Small Business Administration.
Michael Finkelstein, attorney, Washington, D.C.
Stuart Hallock, U.S. Office of Education, Department of Health, Education, and Welfare.
Representative, Economic Development Administration, U.S. Department of Commerce.
Ragan Henry, Broadcast Enterprises, Inc., Philadelphia.
Elliott Franks, WOIC–AM, Columbia, S.C.
Jack Gloster, Opportunity Funding Corporation, Washington.
David Davis, Ford Foundation, New York.
Jack O'Connell, Perpetual Corporation, Houston, Tex.

PANEL B—ACCESS TO AND USE OF PROFESSIONAL HELP

Moderator

Patricia Russell, FCC, deputy chief, Industry Equal Employment Opportunity Unit

Panelists

Joseph Sittrick, Blackburn and Company, Washington
George Shapiro of Arent, Fox, Kintner, Plotkin & Kahn, Washington
Patti Grace, Community Affairs Director, National Association of Broadcasters, Washington
Cecil L. Richards, Cecil L. Richards, Inc., Falls Church, Va.
Robert C. Davidson, Jr., financial consultant, Los Angeles
Gloria Walker, Dean, School of Communications, Clark College, Atlanta
Lionel Barrow, Dean, School of Communications, Howard University, Washington
William Kearney, Division of Fine Arts and Humanities, Department of Mass Media Arts, Hampton Institute, Hamtpon, Va.

PANEL C—OPERATIONAL PROBLEMS AS BARRIERS TO ENTRY

Moderator

Clarence McKee, FCC, legal assistant to Commissioner Hooks

Panelists

Skip Finley, WAMO–AM/FM, Pittsburgh
Richard Jones, J. Walter Thompson and Comapny, New York
Peter Roslow, associate director, Pulse, Inc., New York
R. R. Ridgeway, Arbitron Rating Service, New York
Thomas Hardy, Professor, School of Communications, Howard University, Washington
Cathy Liggins, WHUR–FM(ED), Washington
Rene Anselmo, president, Spanish International Network, New York
William Summers, Summers Broadcasting, Inc., Louisville, Ky.
Dan Robinson, WNJR, Union, N.J.
Fransisco Briones, "Activate Channel 44", (public television), Alamo, Tex.

PANEL D—PUBLIC POLICY RELATING TO MINORITY OWNERSHIP

Moderator

J. Clay Smith, Jr., FCC, Associate General Counsel

Panelists

Curtis White, attorney, Hayes and White Law Professional Corporation, Washington
Ronald Davenport, Dean, Duquesne University School of Law, Pittsburgh.
Harry M. Shooshan III, counsel, House Subcommittee on Communications
Martin I. Levy, FCC, Chief, Broadcast Facilities Division, Broadcast Bureau
John Lyons, FCC, attorney adviser, Office of Plans and Policy Representative, Small Business Administration
Ragan Henry, Broadcast Enterprises, Inc., Philadelphia
Joseph Sittrick, Blackburn and Company, Washington
Skip Finley, WAMO–AM/FM, Pittsburgh
Irwin Krasnow, general counsel, National Association of Broadcasters
Dan Young, Amistod Productions, Inc., Atlanta

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77–10182 Filed 4–5–77;8:45 am]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Adopted: March 21, 1977.

Released: March 24, 1977.

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on May 10, 1977, the standard broadcast applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to § 1.227(b)(1) and § 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on May 9, 1977, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C. by the close of business on May 9, 1977. The attention of prospective applicants is directed to the fact that some contemplated proposals may not be eligible for consideration with an application appearing in the attached Appendix by reason of conflicts between the listed applications and applications appearing in previous notices published pursuant to § 1.571(c) of the Commission's Rules.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast applications, pursuant to Section 309(d)(1) of the Communication Act of 1934, as amended, is directed to § 1.580(i) of the Commission's Rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPENDIX

BMP–14,129 WVCG, Coral Gables, Fla., Independent Music Broadcasters, Inc., Has Lic: 1080 kHz, 500 W, 10 kW–LS, DA–2, U. Has CP: 1080 kHz, 10 kW, DA–2, U. Req: 1080 kHz, 10 kW, 50 kW–LS, DA–2, U.

BP–19,922 KARV, Russellville, Ark., Horne Industries, Inc. Has: 1490 kHz, 250 W, 1 kW–LS, U. Req: 610 kHz, 500 W, 1 kW–LS, DA–2, U.

BP–20,117 WAMB, Donelson, Tenn., Great Southern Broadcasting Co. Inc. Has: 1190 kHz, 250 W, Day. Req: 1170 kHz, 5 kW (500 W–CH), DA–2, Day.

BP–20,146 WVJP, Caguas, Puerto Rico, Borinquen Broadcasting Co., Has: 1110 kHz, 250 W, U. Req: 1110 kHz, 500 W, 2.5 kW–LS, U.

BP–20,164 KFAX, San Francisco, Calif., Argonant Broadcasting Co. Has: 1100 kHz, 1 kW, 50 kW–LS, DA–Day, S.H. Req: 1100 kHz, 50 kW, DA–2, U.

BP–20,181 WMCL, McLeansboro, Ill., Community Service Broadcasting, Inc. Has: 1060 kHz, 250 W, Day. Req: 1060 kHz, 2.5 kW, DA–Day.

BP–20,202 (new), Ontario, Ohio, GSM Media Corp. Req: 1440 kHz, 1 kW, DA–Day.

BP–20,214 WKYK, Burnsville, N.C., Mark Media, Inc. Has: 1540 kHz, 1 kW, Day. Req: 940 kHz, 250 W, 1 kW–LS, DA–N, U.

BP–20,230 WPSO, Pinellas Park, Fla., Pinellas Radio Corp. Has: 570 kHz, 500 W, DA–Day. Req: 570 kHz, 500 W, DA–2, U.

BP–20,231 WINI, Murphysboro, Ill., Radio Station WINI. Has: 1420 kHz, 500 W, Day. Req: 1420 kHz, 500 W, DA–N, U.

BP–20,240 KAPR, Douglas, Ariz., K.A.P.R., Inc. Has: 930 kHz, 1 kW, Day. Req: 930 kHz, 2.5 kW, Day.

BP–20,241 KKLS, Rapid City, S. Dak., James River Broadcasting Co. Has: 920 kHz, 1 kW, Day. Req: 920 kHz, 5 kW, DA–Day.

BP–20,242 WVSA, Vernon, Ala., Lamar County Broadcasting Co., Has: 1380 kHz, 1 kW, Day. Req: 1380 kHz, 5 kW, Day.

BP–20,244 WAVL, Apollo, Pa., Tri-Borough Broadcasting, Inc. Has: 910 kHz, 1 kW, Day. Req: 910 kHz, 5 kW, DA–Day.

BP–20,245 WXLW, Speedway, Ind., Shirk, Inc. Has: 950 kHz, 5 kW, DA–Day (Indianapolis, Ind.). Req: 950 kHz, 5 kW, DA–2, U (Speedway, Ind.).

BP–20,246 (new), Dobson, N.C., Dobson, Broadcasting Co. Req: 1560 kHz, 2.5 kW (500 W–CH), Day.

BP–20,247 KWBZ, Englewood, Colo., Western Broadcasting Corp. Has: 1150 kHz, 5 kW, Day. Req: 1150 kHz, 1 kW, 5 kW–LS, DA–N, U.

BP–20,248 WRSC, State College, Pa., State College Communications Corp. Has: 1390 kHz, 1 kW, Day. Req: 1390 kHz, 2.5 kW, Day.

BP–20,249 (new), Pearl, Miss., Mid South Media, Inc. Req: 1190 kHz, 1 kW, Day.

BP–20,252 WRNG, North Atlanta, Ga., Ring Radio Co. Has: 680 kHz, 25 kW, Day. Req: 680 kHz, 10kW, 25 kW–LS, DA–N, U.

MP–20,253 KLUC, North Las Vegas, Nev., KLUC Broadcasting Co. Has: 1140 kHz, 10 kW, Day (Las Vegas). Req: 1140 kHz, 2.5 kW, 10 kW–LS, DA–N, U (North Las Vegas).

BP–20,254 WKMC, Roaring Springs, Pa., Cove Broadcasting Co., Inc. Has: 1370 kHz, 1 kW, Day. Req: 1370 kHz, 5 kW, DA–Day.

BP–20,273 WIBR, Baton Rouge, La., Community Broadcasting Co., Inc. Has: 1300 kHz, 1 kW, DA–2, U. Req: 1300 kHz, 1 kW, 5 kW–LS, DA–2, U.

BP–20,550 WCDS, Glasgow, Ky., John M. Barrick. Has: 1440 kHz, 1 kW, Day. Req: 1440 kHz, 5kW, DA–Day.

BP–20,688 KHVH, Honolulu, Hawaii, KHVH, Inc. Has: 1040 kHz, 5 kW, U. Req: 1040 kHz, 10 kW, U.

APPLICATION DELETED FROM PUBLIC NOTICE OF NOVEMBER 22, 1974 (MIMEO 33282)

BP–19730 KVHV, Honolulu, Hawaii, KHVH, Inc. Has: 1040 kHz, 5 kW, U. Req: 1010 kHz, 10 kW, U.
Req: 1010 kHz, 10 kW, U.
(Assigned New File Number BP–20,688).

[FR Doc.77–10186 Filed 4–5–77;8:45 am]

FEDERAL ELECTION COMMISSION

[Notice 1977–22, AOR 1977–15]

ADVISORY OPINION REQUESTS

Pursuant to 2 U.S.C. 437f(c) and the procedures reflected in Part 112 of the Commission's Proposed Regulations, published on August 25, 1976 (41 FR 35954), Advisory Opinion Request 1977–15 has been made public at the Commission. Copies of AOR 1977–15 were made available on April 1, 1977. These copies of the advisory opinion request were made available for public inspection and purchase at the Federal Election Commission, Public Records Divi-

V 4266 APR 77 UMI

sion, at 1325 K Street NW., Washington, D.C. 20463.

Interested persons may submit written comments on any advisory opinion request within ten days after the date the request was made public at the Commission. These comments should be directed to the Office of the General Counsel, Advisory Opinion Section, at the Commission. Persons requiring additional time in which to respond to any advisory opinion requests will normally be granted such time upon written request to the Commission. All timely comments received by the Commisison will be considered before the Commission issues an advisory opinion. Comments on pending requests should refer to the specific AOR number of the requests and statutory references should be to the United States Code citations rather than to the Public Law citations.

A description of the request recently made public as well as the identification of the requesting party follows hereafter:

AOR 1977-15: May a candidate's principal campaign committee accept at this time contributions from family members for the purpose of retiring outstanding debts of the committee without regard to contributions made by those family members before January 29, 1976.—Requested by Richard H. Kimmel, Counsel for the Caputo for Congress Committee, New York, New York.

Dated: April 1, 1977.

VERNON W. THOMSON,
Chairman for the
Federal Election Commission.

[FR Doc.77-10215 Filed 4-5-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

OFFICE OF EXCEPTIONS AND APPEALS

Cases Filed Week of March 11 Through March 18, 1977

Notice is hereby given that during the week of March 11 through March 18, 1977, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

ERIC J. FYGI,
Acting General Counsel.

MARCH 30, 1977.

APPENDIX.—*List of cases received by the Office of Exceptions and Appeals, week of Mar. 11 through Mar. 18, 1977*

Date	Name and location of applicant	Case No.	Type of submission
Mar. 11, 1977	Baltimore Gas & Electric Co., Baltimore, Md. (If granted: FEA's Jan. 27, 1977, order would be modified to permit the Baltimore Gas & Electric Co. to use an additional quantity of naphtha after Mar. 31, 1977, to complete the testing and preliminary startup operation of both production trains of its Sollers Point, Md., SNG plant.)	FMR-0091	Modification of FEA's Jan. 27, 1977, order.
Mar. 14, 1977	Aminoil U.S.A., Inc., Houston, Tex. (If granted: Aminoil U.S.A., Inc., would receive an extension of the exception relief granted in the FEA's Sept. 17, 1976, decision and order and would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at the following natural gas plants: Aline, Fox, Huntington Beach, Taloga, and Tioga.)	FXE-3933 FXE-3938	Extension of exception relief granted in Aminoil U.S.A., Inc., 4 FEA par. 83,091 (Sept. 17, 1976).
Do	Getty Oil Co., Los Angeles, Calif. (If granted: Getty Oil Co. would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at the following natural gas plants: Bastian Bay, Calumet, Cocodrie, Hollywood, Houma, Katy, Levelland, and Old Ocean.)	FEE-3945 FEE-3952	Price exception (sec. 212.165).
Do	Hunt Industries (Zoller), Dallas, Tex. (If granted: Hunt Industries would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at the Zoller plant.)	FEE-3939	Do.
Do	John Wight, Inc., Billings, Mont. (If granted: John Wight, Inc., would receive exception relief which would permit the firm to receive an allocation of crude oil to use as feedstock in its refinery located at Shelby, Mont., when such refinery is made operable.)	FEE-3944	Allocation exception (sec. 211.65).
Do	Marathon Oil Co., Findlay, Ohio. (If granted: Marathon Oil Co. would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at the following natural gas plants: Camrick, Cotton Valley, Heyser, Indian Basin, Knox, Markham, Jock River, Scipio, South Coles Levee, Stephens, Welder, West Forelands, and West Sidney.)	FEE-3953— FEE-3965	Price exception (sec. 212.165).
Do	Signal Petroleum (Lake Washington), New Orleans, La. (If granted: Signal Petroleum would receive an extension of the exception relief granted in the FEA's Sept. 22, 1976, decision and order and would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at the Lake Washington plant.)	FXE-3940	Extension of exception relief granted to Signal Petroleum, 4 FEA par. 83,110 (Sept. 22, 1976).
Do	Sun Co., Inc. Dallas, Tex. (If granted: Sun Co., Inc., would receive an extension of the relief granted in the FEA's Sept. 30, 1976, and Oct. 29, 1976, decisions and orders and would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at the Belle Isle plant, the Sun plant, and the Victoria plant.)	FXE-3941— FXE-3943	Extention of exception relief granted in Sun Oil Co., 4 FEA par. 83,135 (Sept. 30, 1976); Sun Oil Co., 4 FEA par. 83,146 (Oct. 29, 1976).
Do	Texaco, Inc., Tulsa, Okla. (If granted: FEA's Jan. 20, 1977, assignment order would be rescinded and Texaco, Inc., would not be required to supply Ron La Brue, doing business as Lamont Texaco Station, with his annual base period use of motor gasoline.)	FEA-1221	Appeal of the FEA region VI's assignment order dated Jan. 20, 1977.
Do	Wagner Oils, Inc., Fairborn, Ohio (If granted: Wagner Oils, Inc., would be relieved of its obligation to file FEA form P112-M-1 (No. 2 heating oil/price monitoring report).)	FEE-3931	Exception to reporting requirement (sec. 211.-127).
Do	Williams, Paul H., Plainville, Kans. (If granted: Crude oil produced from the South Paradise Creek well located in Rooks County, Kans., would be sold at upper tier ceiling prices.)	FEE-3932	Price exception (sec. 212.73).
Mar. 15, 1977	A. & N. Producing Services, Inc., Jackson, Miss. (If granted: A. & N. Producing Services, Inc., would receive an extension of the exception relief granted in the FEA's Oct. 29, 1976, decision and order and would be permitted to sell crude oil produced from the U.S.A. well No. 2 lease at upper tier ceiling prices.)	FXE-3969	Extension of exception relief granted in A. & N. Producing Services, Inc., 4 FEA par. 83,166 (Oct. 29, 1976).
Do	Barnard, George A., Eureka, Kans. (If granted: George A. Barnard would be granted an exception from the provisions of sec. 211.63 to permit him to retain certain crude oil which he is currently selling to Phillips Petroleum Co. and the Wesco Pipeline.)	FEE-3970	Allocation exception (sec. 211.63).
Do	Boyd Oil Corp., Concord, N.H. (If granted: FEA's Mar. 3, 1977, stay decision would be modified to permit the Boyd Oil Corp. an extension of time in which to comply with the provisions of the Mar. 3 stay which required Boyd to establish an escrow account for funds in dispute.)	FMR-0092	Modification of decision and order in Boyd Oil Corp., 5 FEA par. ------ (Mar. 3, 1977).
Do	Coastal States Gas Corp., Houston, Tex. (If granted: Coastal States Gas Corp. would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at the following natural gas processing plants: Albany, Bay City, Corpus Christi, Freer, Hidalgo, Mission, and San Antonia.)	FEE-3978— FEE-3984	Price exception (sec. 212.165).
Do	General Distributors, Inc., Snow Hill, Md. (If granted: General Distributors, Inc., would be granted a stay of the requirement specified in the FEA's Feb. 23, 1977, remedial order that it refund alleged overcharges made on sales of propane.)	FES-0078	Stay request.
Do	Grier Oil Co., Aberdeen, Md. (If granted: Grier Oil Co. would receive a stay of the requirements of the FEA's Feb. 18, 1977, remedial order and would not be required to make refunds for overcharges on sales of No. 2 heating oil made during the period Nov. 1, 1973, through Mar. 31, 1974.)	FES-0080	Do.

Date	Name and location of applicant	Case No.	Type of submission
Do	Gulf Oil Corp., Houston, Tex. (If granted: FEA's Jan. 14, 1977, decision and order issued to the Ashland Oil Co. would be rescinded and the Gulf Oil Corp. would not be required to furnish Ashland with motor gasoline.)	FZA-1222	Appeal of decision and order in Ashland Oil Co., 5 FEA par. ------ (Jan. 14, 1977).
Do	H. & K. Oil Co., Yankton, S. Dak. (If granted: FEA's Mar. 1, 1977, decision and order would be rescinded and the H. & K. Oil Co. would be granted a stay of the refund requirements specified in FEA region VIII's Jan. 21, 1977, remedial order.)	FMR-0093	Modification of decision and order in H. & K. Oil Co., 5 FEA par. ------ (Mar. 1, 1977).
Do	Hoxsey, Merwin L., doing business as Hoxsey Shell Service, San Diego, Calif. (If granted: Merwin L. Hoxsey doing business as Hoxsey Shell Service would be granted an exception to sec. 212.93 to permit him to increase the maximum permissible selling price of the motor gasoline which he sells.)	FEE-3967	Price exception (sec. 212.93).
Do	Mustang Gas Products Co., Oklahoma City, Okla. (If granted: Mustang Gas Products Co. would be permitted to increase its prices for natural gas liquid products produced at the Calumet gas plant to reflect nonproduct increases in excess of $0.005/gal.)	FEE-3971	Price exception (sec. 212.165).
Do	Oil Development Co. of Texas, Amarillo, Tex. (If granted: Oil Development Co. of Texas would be permitted to determine the prices of crude oil produced from the Cooper-Johnson lease located in Stephens County, Okla., without regard to the property's current cumulative deficiency.)	FEE-3966	Price exception (sec. 212.74).
Do	Perrault Production Co., Tulsa, Okla. (If granted: FEA's Feb. 25, 1977, decision and order would be rescinded and Perrault Production Co., would be permitted to receive upper tier ceiling prices for the crude oil which it produced and sold from the South Myers waterflood lease and the City Lake lease during the month of February 1976.)	FXA-1223	Appeal of decision and order in Perrault Production Co., 5 FEA par. ------ (Feb. 25, 1977).
Do	Skelly Oil Co., Tulsa, Okla. (If granted: Skelly Oil Co. would receive a stay of the requirements of the FEA's Dec. 6, 1976, remedial order issued to the firm pending a final determination of Skelly's appeal of the order.)	FES-0079	Stay request.
Do	Standard Oil Co. of California, San Francisco, Calif. (If granted: Standard Oil Co. of California would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at the following natural gas plants: Gaviota, Inglewood, KNDGP 31², McKittrick, 32-Z, and Torrance.)	FEE-3972— FEE-3977	Price exception (sec. 212.165).
Do	Standard Oil Co. of California, San Francisco, Calif. (If granted: Standard Oil Co. of California would receive an extension of the exception relief granted in the FEA's Dec. 14, 1976, decision and order and would be permitted to increase its prices to reflect nonproducts cost increases in excess of $0.005/gal for natural gas liquid products produced at the following natural gas processing plants: Carpinteria, Colonia Booster, Greeley System, Marietta, Wilson Creek, and Yates.)	FXE-3985— FXE-3990	Extension of exception relief granted in Standard Oil Co. of California, 5 FEA par. 83,259 (Dec. 14, 1976).
Do	T. & F. Oil Co., Long Beach, Calif. (If granted: Crude oil produced from the T. & F. Oil Co.'s El Segundo No. 1 well would be sold at upper tier ceiling prices.)	FEE-3968	Price exception (sec. 212.73).
Mar. 16, 1977	Advanced Sales Corp., St. Petersburg, Fla. (If granted: Advanced Sales Corp. would be assigned a new, lower priced supplier of motor gasoline to replace its base period supplier, Gulf Oil (Corp.)	FEE-3991	Exception to change base period supplier (sec. 211.9).
Do	C. & K. Oil Co., Beckley, W. Va. (If granted: C. & K. Oil Co. would be granted an exception to the provisions of sec. 212.93 to permit the firm to increase its maximum permissible selling prices for motor gasoline.)	FEE-3993	Price exception (sec. 212.93).
Do	Eason Oil Co., Oklahoma City, Okla. (If granted: Crude oil produced from the Eason Oil Co.'s Weiner property located in Madison County, Miss., would be sold at upper tier ceiling prices.)	FEE-3994	Price exception (sec. 212.73).
Mar. 17, 1977	Golden Flame Fuel Co., Uniontown, Pa. (If granted: FEA's Feb. 23, 1977, remedial order would be rescinded and the Golden Flame Fuel Co. would not be required to refund overcharges made on sales of petroleum products during the period November 1973 through April 1975.)	FRA-1226	Appeal of FEA region III's remedial order dated Feb. 23, 1977.
Do	Grigsby, Jack W., doing business as Grigsby Oil & Gas, Shereveport, La. (If granted: Jack W. Grigsby doing business as Gribsgy Oil & Gas would receive a stay of the requirements of the FEA's Mar. 8, 1977, decision and order pending judicial review of the order.)	FES-0082	Stay request.
Mar. 16, 1977	Tenneco Oil Co., Washington, D.C. (If granted: FEA's Feb. 18, 1977, information request denial would be rescinded and the Tenneco Oil Co. would be granted access to certain documents pertaining to FEA case No. NOOAO0304.)	FFA-1225	Appeal of FEA's information request denial dated Feb. 18, 1977.
Do	Texas Pacific Oil Co., Inc., Dallas, Tex. (If granted: Crude oil produced from the Texas Pacific Oil Co.'s O. L. Wilson lease located in Adams County, Miss., would be sold at upper tier ceiling prices.)	FEE-3992	Price exception (sec. 212.73).
Do	Uranich Coal & Oil, LaSalle, Ill. (If granted: FEA's Feb. 4, 1977, remedial order would be rescinded and Uranich Coal & Oil would not be required to refund overcharges made in its sales of No. 2 heating oil during the period Nov. 1, 1973, through Dec. 31, 1974.)	FRA-1224	Appeal of FEA region V's remedial order dated Feb. 4, 1977.
Mar. 17, 1977	Donald J. Johnson, Salt Lake City, Utah. (If granted: Donald J. Johnson would be granted an exception to the provisions of sec. 212.76 and to sec. 212.73 to permit the firm to sell crude oil produced from the Roosevelt unit located in Uintah County, Utah, at upper tier ceiling prices.)	FEE-3995	Price exception (sec. 212.73).
Do	Mar-Low Corp., Lafayette, La. (If granted: FEA's Feb. 24, 1977, decision and order would be modified and the Mar-Low Corp. would be granted additional relief to permit a larger percentage of the crude oil produced from the Mazie Broussard No. 1-D well located in Vermilion Parish, La., for the benefit of the working interest owners to be sold at upper tier ceiling prices.)	FXA-1228	Appeal of decision and order in Mar-Low Corp., 5 FEA par. ------ (Feb. 24, 1977).

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Date	Name and location of applicant	Case No.	Type of submission
Do.....	Joe E. Sharber, Washington, D.C. (If granted: FEA's Jan. 13, 1977, decision and order would be rescinded and Joe E. Sharber would be permitted to sell crude oil produced from the Rodden No. 1 well located in Seminole County, Okla., at price levels which exceed the applicable maximum lawful ceiling price level.)	FXA-1229	Appeal of decision and order in Joe E. Sharber, 5 FEA par. 83,043 (Jan. 13, 1977).
Do.....	Shell Oil Co., Houston, Tex. (If granted: Regional administrator of FEA region VI would be permitted additional time in which to issue a revised remedial order to the Shell Oil Co.)	FEX-0132	Supplemental order.
Do.....	Snedigar Flying Service, Inc., Rapid City, S. Dak. (If granted: FEA's Feb. 24, 1977, remedial order would be modified to reflect voluntary remedial price reductions implemented by Snedigar prior to the issuance of the Feb. 27 remedial order.)	FRA-1227 FRS-1227	Appeal of FEA region VIII's remedial order dated Feb. 27, 1977; stay requested.
Do.....	Texaco, Inc. (Lignite), Houston, Tex. (If granted: Texaco, Inc., would receive an extension of the exception relief granted in the FEA's Dec. 29, 1976, decision and order and would be permitted to increase its prices for natural gas liquid products produced at the Lignite plant to reflect nonproduct cost increases in excess of $0.005/gal.)	FXE-3995	Extension of exception relief granted in Texaco, Inc., 5 FEA par. 83,031 (Dec. 29, 1976).
Mar. 18, 1977	Air Transport Association of America, Washington, D.C. (If granted: Air Transport Association of America would be permitted to intervene in an appeal of the Getty Oil Co. from a remedial order issued by the FEA to Getty on Aug. 12, 1976.)	FEX-0123	Supplemental to Getty Oil Co. (FEA-0078) and (FRA-1230).

[FR Doc.77-10001 Filed 3-31-77;9:34 am]

PROCEDURES FOR NON-PARTY ATTENDANCE

Procedures in Certain Application for Exception From Refiners' Price Rules Governing Order of Recovery of Increased Nonproduct Costs Prior to February 1, 1976

Notice is hereby provided of the procedures which the Office of Exceptions and Appeals of the Federal Energy Administration intends to follow with respect to personal attendance by nonparties in connection with proceedings conducted with respect to certain pending Applications for Exception filed by the Continental Oil Company (Case No. FEE-3520), Exxon Company, U.S.A. (Case No. FEE-3417) and the Southland Oil Company (Case No. FEE-3448). Each of these firms has requested exception relief from the FEA Regulations governing the order of recovery of increased nonproduct costs by refiners during the period January 1, 1975 through January 31, 1976. In view of the general interest in these proceedings, the FEA has concluded that all hearings and conferences involving this matter in which official stenographic transcripts are maintained shall be open to the general public, except to the extent that such conferences or hearings involve the presentation or discussion of confidential proprietary material which is protected by federal law from public disclosure. In order to inform all interested members of the public of the time and place of such conferences and hearings in the most efficient manner, appropriate notices shall be posted in the Public Docket Room of the Office of Private Grievance and Redress, (Room B-120), 2000 M Street, NW., Washington, D.C.

Issued in Washington, D.C., April 1, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.77-10229 Filed 4-4-77;9:21 am]

FEDERAL MARITIME COMMISSION

NORTH ATLANTIC CONTINENTAL FREIGHT CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before April 26, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004

Agreement No. 9214-21, among the members of the above-named Freight Conference, amends the basic agreement to authorize absorption of transfer costs between the ports of Amsterdam, Rotterdam and Antwerp.

By Order of the Federal Maritime Commission.

Dated: April 1, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-10187 Filed 4-5-77;8:45 am]

U.S. NORTH ATLANTIC SPAIN RATE AGREEMENT

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before April 26, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

John R. Attanasio, Esq., Billig, Sher & Jones, P.C., Suite 300, 2033 K St., NW., Washington, D.C. 20006.

Agreement No. 10117-3, among the parties of the above-named agreement, amends the basic agreement to establish voting procedures; to provide for new self-policing procedures, increased penalties, and cargo inspection services; and increases the amount of the financial guarantee to be posted and maintained by each party.

By Order of the Federal Maritime Commission.

Dated: March 31, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-10189 Filed 4-5-77;8:45 am]

PACIFIC-STRAITS CONFERENCE

Agreement filed; Correction

Correction to notice of agreement filed by:

F. Conger Fawcett, Esq., Graham & James, 1 Maritime Plaza, San Francisco, Calif. 94111.

On March 25, 1977 in Volume 42, No. 58 at page 16182, notice of the filing of "Agreement No. 5680-24" was published in the FEDERAL REGISTER. That notice is corrected to read: "Agreement No. 5680-25."

The purpose of this correction is to state the correct assigned Number to the agreement. The notice is correct in all other respects. Time for comments remains unchanged.

By Order of the Federal Maritime Commission.

Dated: April 1, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-10188 Filed 4-5-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. ER77-216 and ER77-217]

CENTRAL MAINE POWER CO.

Order Accepting for Filing and Suspending Proposed Rate Changes, Granting Intervention and Establishing Procedures

MARCH 30, 1977.

On February 28, 1977, Central Maine Power Company (Company) filed with the Commission (in Docket No. ER77-216) six (6) copies of its Contract to provide new wholesale electric service to Fox Islands Electric Cooperative under the Company's Tariff Schedule W-1 as previously filed with the Commission.[1] The Company stated that it began providing service to the Customer on January 11, 1977 under the Tariff Schedule W-1 and that a formal contract for service was entered into on August 11, 1976.

The Company was of the opinion that the information which the Commission's Regulations require to be submitted with the filing of this contract was contained in the Company's rate filing to revise Tariff Schedule W-1 (i.e. Docket No. ER77-217). To avoid unnecessary duplication of this information, the Company requested that the Commission waive any requirements of § 35.12 with respect to the Customer's Contract (including waiver of notice to permit initiation of service under the present rates to other wholesale customers in Docket No. ER77-217).

Public notice of this filing was issued on March 7, with comments, protests or petitions to intervene due on or before March 21, 1977.

On February 28, 1977, Central Maine Power Company (The Company) also submitted for filing a proposed rate increase of $363,333 for the 12 month period succeeding the proposed effective date of April 1, 1977.[2] The proposed increase is applicable to its four wholesale customers.[3]

Public notice of the filing was issued on March 7, with comments, protests or petitions to intervene due on or before March 21, 1977.

On March 17, 1977, the Commission received a letter of Protest from Kennebunk Light and Power District (Kennebunk). In its letter of Protest, Kennebunk states that the projected rate increase would put Kennebunk's wholesale cost approximately 30% above the Company's retail rates to their industrial customers with the same size load as Kennebunk's retail customers. In addition, Kennebunk states that the proposed rate increase would cause Kennebunk to restructure its retail rates charged to its customers. Consequently, Kennebunk requests a 5 month suspension in order to conduct a rate study.

On March 21, 1977, the Maine Public Utilities Commission filed a Notice of Intervention pursuant to § 1.8 of the rules of practice and procedure of the Federal Power Commission.

Our review indicates that the proposed tariff changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, the proposed rates (designated in ER77-217) shall be suspended for one day until April 2, 1977, when they shall go into effect subject to refund. The proposed submittal (Docket No. ER77-216) providing for wholesale electrical service to Fox Island Electric Cooperative shall be accepted and the notice requirement shall be waived to establish an effective date of January 11, 1977 as herein discussed.

The Commission finds: (1) Good cause exists to accept for filing the proposed rates Docket No. ER76-217 and to suspend those rates for one day until April 2, 1977 when they shall become effective subject to refund.

(2) Good cause exists to accept for filing Docket No. ER77-216 and good cause exists to waive the notice requirements to establish an effective date of January 11, 1977 as herein described.

(3) It is necessary and proper in the public interest to aid in the enforcement of the provisions of the Federal Power Act, that the Commission enter upon a hearing to determine the justness and reasonableness of the proposed rates, terms and conditions of service included in the company's FPC Rate Schedule.

(4) Good cause exists to allow Maine Public Utilities Commission to intervene in this proceeding.

The Commission orders: (A) Pursuant to the authority contained under the Federal Power Act, the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act, a public hearing shall be held concerning the justness and reasonableness of the rates, charges, terms and condition of service included in the Company's FPC Electric Rate Schedules.

(B) Pending a hearing and final decision thereon, the Company's filings for rate increases in Docket No. ER77-217 is hereby accepted for filing and suspended for one day, to become effective April 2, 1977, subject to refund.

(C) The submittal (Docket No. ER77-216) providing for new service to Fox Island Electric Cooperative shall be accepted for filing and the notice requirements to establish an effective date of January 11, 1977 is hereby waived as herein discussed.

(D) Maine Public Utilities Commission is hereby permitted to intervene in Docket No. ER77-217, *Provided, however,* That participation by Maine Public Utilities Company shall be limited to matters affecting asserted rights and interests as specifically set forth in its petition to intervene.

(E) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before June 6, 1977. (See Administrative Order No. 157).

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at an initial conference in this proceeding to be held on June 14, 1977, at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Said Law Judge is authorized to establish all procedural dates and to rule upon all motions, (except petitions to intervene, motions to consolidate and sever and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(G) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(H) The Secretary shall cause prompt publication of this order to be made in the Federal Register.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10167 Filed 4-5-77;8:45 am]

[Docket No. CP77-306]

CITIES SERVICE GAS CO.

Notice of Application

MARCH 29, 1977.

Take notice that on March 21, 1977, Cities Service Gas Company (Applicant), P.O. Box 25128, filed in Docket No. CP77-306 an application pursuant to section 7 of the Natural Gas Act for permission and approval to abandon certain existing facilities and for a certificate of public convenience and necessity authorizing the construction and operation of natural gas pipeline facilities required as a

[1] This filing is designated as Docket No. ER77-216.

[2] This filing is designated as Docket No. ER77-217.

[3] The 4 wholesale Customers are: (1) Kennebunk & Power District; (2) Canabasset Light & Power Company; (3) Town of Madison; (4) Fox Island Electric Cooperative.

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result of the construction of the Copan Reservoir in Oklahoma and Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it is required to rearrange its facilities because of the construction of the Copan Reservoir on the Little Caney River by the U.S. Army Corps of Engineers. Applicant further states that the Corps of Engineers would reimburse it for the estimated construction costs of $686,100 and reclaim costs of $45,860.

Applicant proposes the following:

Item 1: Construct and operate 2.2 miles of 16-inch gas pipeline and appurtenant facilities to connect the Blackwell-Caney 16-inch pipeline and the Quapaw 16-inch pipeline, Washington County, Oklahoma.

This construction is said to be required to continue the existing flow of natural gas into the Quapaw 16-inch pipeline.

Item 2: Construct and operate 1.78 miles of 4-inch and 6-inch pipeline, Montgomery County, Kansas.

Item 3: Construct and operate measuring, regulating and appurtenant facilities in Sec. 13, T. 35 S., R. 13 E., Montgomery County, Kansas.

Items 2 and 3 are said to be necessary to maintain the sale of natural gas to Union Gas System, Inc., the gas distributor for the city of Caney, Montgomery County, Kansas.

Item 4: Abandon by reclaim approximately 1.03 miles of 16-inch and 18-inch pipeline and appurtenant facilities in the Quapaw 16-inch pipeline, Washington County, Oklahoma.

Item 5: Abandon by reclaim approximately 1.97 miles of 16-inch and 12-inch pipeline and appurtenant facilities in the Blackwell-Caney pipeline, Washington County, Oklahoma, and Chautauqua and Montgomery County, Kansas.

Item 6: Abandon by reclaim approximately 2.02 miles of 12-inch pipeline and appurtenant facilities on the Caney-Wichita pipeline, Chatauqua and Montgomery Counties, Kansas.

Item 7: Abandon by reclaim measuring, regulating and appurtenant facilities currently used for the sale of gas to Union Gas System, Inc., in Sec. 14, T. 35 S., R. 13 E., Montgomery County, Kansas.

Applicant indicates that all facilities proposed for abandonment lie within the reservoir flood plain or would be isolated by flood waters. It is stated that the proposed abandonments will not result in any abandonments of service.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 18, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.-10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonments are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10165 Filed 4-5-77;8:45 am]

[Docket No. CP 77-126, etc.]

COLUMBIA GAS TRANSMISSION CORP., ET AL.

Waiving Regulations

MARCH 31, 1977.

In the matter of Columbia Gas Transmission Corporation (Great Lakes Gas Transmission Company), Natural Gas Pipeline Company of America, Trunkline Gas Company (Docket Nos. CP77-126, CP77-305, CP77-312).

On January 18, 1977, the Commission issued its order authorizing Columbia Gas Transmission Corporation (Columbia) in Docket No. CP77-126 to import 15 Bcf of natural gas from Canada pursuant to Section 3 of the Natural Gas Act. On February 20, 1977, the Commission issued its "Order Extending Limited Term Authorization to Import Natural Gas" from Canada by authorizing Columbia to import an additional 12 Bcf over and above the import volumes authorized by the Commission's Order issued on January 18, 1977, in the same proceeding, i.e., Docket No. CP77-126.

The aforementioned import volumes were and are in the process of being delivered to Columbia from the point of receipt on the international border through several jurisdictional pipeline companies. These pipelines have since the date of initial import been transporting this gas to Columbia pursuant to § 157.22 of the Commission's regulations.

On January 19, 1977, Trunkline Gas Company (Trunkline) commenced emergency transportation of 40,000 Mcf per day of this import gas on behalf of Columbia for a period of sixty days pursuant to § 157.22 of the Commission's Regulations. The Commission in the above-noted February 20, 1977, order, not only authorized the import of additional volumes by Columbia, but extended the term of the import for an additional 45 days, i.e., until May 3, 1977. Trunkline on or February 20, 1977, increased its transportation of import volumes on behalf of Columbia up to 90,000 Mcf per day. On March 23, 1977, Trunkline filed a motion requesting a waiver of the provisions of § 157.22 in order to permit it to continue transporting these import volumes for Columbia until May 3, 1977. On March 21, 1977, Natural Gas Pipeline Company of America (Natural) filed a similar request for a waiver of the provisions of § 157.22 in order to enable it to continue the transport of 50,000 Mcf per day on behalf of Columbia beyond the initial 60-day period.

On March 18, 1977, Great Lakes Gas Transmission Company (Great Lakes) filed a notice of intention with the Commission indicating that it had received the import volumes from TransCanada Pipeline Limited through its existing facilities at the international border on behalf of Columbia pursuant to § 157.22 and that it intends to continue such receipt and transport beyond 60 days pursuant to § 157.22(a) unless otherwise required by the Commission. In the latter filing Great Lakes notes the proclamation of a natural gas emergency made by the President on February 20, 1977, and directs the Commission's attention to the following language in § 157.22(a) and § 157.22(d):

Section 157.22(a)

• • • where such acts and operations are limited to a single period of not more than 60 days or in the event a national emergency has been declared by the President, for 6 months or such further period as the Commission may, by order, allow.

Section 157.22(d)

Emergency operations undertaken without certificate authorization pursuant to paragraph (a) of this section shall be discontinued upon the expiration of the 60-day period. In the national emergency, emergency operations shall be discontinued upon the expiration of the 6 months period or any extension thereof ordered by the Commission.

In view of the significantly improved natural gas supply situation over the course of the past thirty days due to warmer than normal weather, it would serve no useful purpose for the Commission at this time and in this proceeding to endeavor to determine whether or not the emergency contemplated under § 157.22(a) would qualify as falling within the scope of the February 20, 1977, proclamation by the President.[1] The resolution of the complex question raised is not required in order to provide a readily expedient means of continuing the flow of the import volumes authorized by the Commission.

[1] It appears to be a debatable question whether the national emergency set forth in § 157.22(a) should encompass the emergency proclamation of the President issued on February 20, 1977. It could be earnestly urged that the latter proclamation was specifically directed toward the provisions of the Emergency National Gas Act of 1977 (Pub. L. 95-2) and not the Natural Gas Act.

The requests of Trunkline and Natural for a waiver of § 157.22 for this purpose up until May 3, 1977, appears to offer a practical and adequate resolution to any difficulties those pipelines transporting import volumes previously authorized for Columbia may be confronted with. The Commission will therefore permit such a waiver in order to permit Trunkline, Natural and any other pipeline that is still in the process of transporting the import gas authorized pursuant to our orders of January 18, 1977, and February 20, 1977, in Docket No. CP77-12 to continue in this endeavor.

The Commission finds: Good cause exists for the Commission, effective on March 20, 1977, to waive § 157.22 of its Regulation in order to permit Trunkline, Natural and any other pipelines to transport Canadian import gas on behalf of Columbia as authorized by orders issued on January 18, 1977, and February 20, 1977, in Docket No. CP77-126, as long as such transportation is terminated by May 3, 1977.

The Commission orders: Effective as of March 20, 1977, the provisions of § 157.22 will be waived in order to permit Trunkline, Natural and other jurisdictional piplines to continue the transportation of import gas on behalf of Columbia as previously authorized in Docket No. CP77-126 by the Commission as long as such transportation is terminated by May 3, 1977.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10166 Filed 4-5-77;8:45 am]

[Project No. 785]

CONSUMERS POWER CO.

Application for Approval of Conveyance of Interests in Project Lands

MARCH 30, 1977.

Public notice is hereby given that an application was filed on January 24, 1977, under the Federal Power Act, 16 U.S.C. 791a et seq., by Consumers Power Company (correspondence to: Mr. P. A. Perry, Secretary, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201) for Commission approval of a proposed easement and right-of-way that would allow the City of Allegan, Michigan, to use lands and waters of the Calkins Bridge Project, FPC Project No. 785, to extend, construct, and improve certain wastewater collection and treatment facilities. The easement and right-of-way would be located upstream of the dam of Project No. 785, which is in the City of Allegan, Allegan County, Michigan.

In June, 1971, the City of Allegan was ordered by the Michigan Water Resources Commission to improve its sewage treatment facilities, which were releasing unacceptable levels of pollutants into the Kalamazoo River and Lake Michigan. The improvements proposed by the City would be capable of removing a minimum of 80 percent of the total phosphorus content of the untreated sewage and would meet all wastewater treatment quality standards of the State of Michigan.

Easements across project lands and waters would be obtained by the City to allow the installation of three proposed gravity flow, ductile iron sewer mains, as follows:

1. The first easement would be about 1,150 feet long, of which 610 feet would involve project waters. Within the 610-foot segment would be placed two 190-foot, 6-inch diameter pipes converging into one 420-foot, 12-inch diameter pipe. The pipes would be placed in a three-foot wide trench at the bottom of the Kalamazoo River, and covered with stone. The 12-inch main would extend easterly from Park Drive in the City of Allegan to the treatment plant.

2. The second easement would be approximately 2,000 feet long. An 18-inch diameter pipe would be placed in this right-of-way and would approach the treatment plant from the south. Of the total length, about 275 feet would involve project waters. This section of the pipe would also be covered with stone in a three-foot wide trench at the bottom of the river.

3. The third easement would be about 330 feet long. Within it would be placed a 24-inch diameter main that would not enter project waters, but which would be located on lands within the project boundary.

All mains would be centered on 20-foot wide rights-of-way, and would be buried to a minimum depth of three feet, both on project lands and in project waters.

The application is on file with the Commission and is available for public inspection.

The City of Allegan has obtained permits for the proposed construction work in navigable waters from the U.S. Army Corps of Engineers pursuant to section 10 of the River and Harbor Act of 1899, 33 U.S.C. 401, and section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344.

Applicant has requested the shortened procedures set forth in § 1.32(b) of the Commission's rules of practice and procedure, 18 CFR 1.32(b) (1976).

Any person desiring to be heard or to make any protest with reference to said application should on or before May 16, 1977, file with the Federal Power Commission, 825 North Capitol Street, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR 1.8 or 1.10 (1976). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing in the proceeding must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by sections 308 and 309 of the Federal Power Act, 16 U.S.C. 825g and 825h, and the Commission's rules of practice and procedure, specifically § 1.32(b), a hearing on this application may be held before this Commission without further notice if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to this notice within the time required herein. If an issue of substance is so raised, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will not be necessary for Applicant to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10171 Filed 4-5-77;8:45 am]

[Docket No. ER77-262]

INDIANA & MICHIGAN ELECTRIC CO.

Changes in Rates and Charges

MARCH 31, 1977.

Take notice that American Electric Power Service Corporation (AEP) on March 25, 1977, tendered for filing on behalf of its affiliate, Indiana & Michigan Electric Company (Indiana Company), Modification No. 8 dated March 1, 1977 to the Interconnection Agreement dated December 30, 1960 between Indiana & Michigan Electric Company and Indianapolis Power & Light Company, designated Indiana Company Rate Schedule FPC No. 21.

AEP indicates that section 1 of Modification No. 8 provides for an increase in the Demand Charge for Short Term Power from $0.50 to $0.60 per kilowatt per week and from $0.125 to $0.15 per kilowatt per day and section 3 provides for an increase in the Demand Charge for Limited Term Power (Firm) from $2.75 to $3.25 per kilowatt per month. AEP also indicates that section 2 of Modification No. 8 provides for an increase in the transmission charge for third party Short Term Power transactions from $0.125 per kilowatt per week to $0.15 per kilowatt per week and section 4 provides for an increase in the transmission charge for third party Limited Term Power transactions from $0.55 per kilowatt per month to $0.65 per kilowatt per month, both schedules proposed to become effective May 1, 1977.

AEP states that since the use of Short Term and Limited Term Power cannot be accurately estimated, for the twelve months' period succeeding the date of filing, it is impossible to estimate the increase in revenues resulting from this modification for such period. AEP also states that applicants' Exhibit I and II which were included with the filing of this modification, demonstrate that the increase in revenues, which would have resulted had the modification been in effect during the twelve month period ending December 1976, would have been $8,000 (i.e. from $50,609.90 to $58,609.90) for sales and $70,000 (i.e. from $2,049,-129.77 to $2,119,129.77) for purchases.

Copies of the filing were served upon Indianapolis Power & Light Company, the Public Service Commission of Indiana

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and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 13, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10168 Filed 4-5-77;8:45 am]

[Project No. 477]

PORTLAND GENERAL ELECTRIC CO.

Application for Major License

MARCH 31, 1977.

Public notice is hereby given that an application for a major license was filed on November 13, 1973, under the Federal Power Act, 16 U.S.C. 791a et seq., by Portland General Electric Company (Applicant) (correspondence to: Mr. Frank M. Warren, President and Director, and H. H. Phillips, Esq., Vice President, Corporate Counsel and Secretary, Portland General Electric Company, Electric Building, Portland, Oregon 97025; and Mr. Lee S. Sherline, Leighton and Sherline, 1701 K Street NW., Washington, D.C. 20006) for its constructed Bull Run Project, FPC No. 477, located on the Sandy, Little Sandy, and Bull Run Rivers in Clackamas County, Oregon. The application was supplemented on October 1, 1976.

Project No. 477 affects lands of the United States administered by the U.S. Forest Service and the Bureau of Land Management. The original project was constructed between 1910 and 1912; various modifications and additions to the project have been accomplished since that time. The Commission issued a minor part license to Applicant's predecessor on November 17, 1924, for a period ending November 16, 1974. The project is currently being operated and maintained under an annual license.

Project No. 477, the installed capacity of which is 21,000 kW, consists of: (1) Marmot diversion dam, a rock-filled timber crib dam 40 feet high and 345 feet long at the crest, located on the Sandy River with a concrete diversion structure at the right abutment; (2) a flowline, 16,280 feet in length, consisting of concrete lined canals, tunnel sections, and a concrete flume; (3) a concrete box flume crossing the Little Sandy River with a crest length of 94 feet and diverting part of the flow of the river to the box flume; (4) a flowline, approximately 16,810 feet in length, consisting of a treated wood box flume, concrete lined canals, and a tunnel section; (5) Roslyn Lake, the storage reservoir and forebay created by approximately 8,000 feet of homogenous earth-fill dikes, with a usable storage capacity of 928 acre-feet at elevation 650.27 feet USGS datum; (6) two penstocks, each 1400 feet in length, from the outlet structure of the forebay to (7) a powerhouse containing four horizontal turbine generator units, each rated at 5,250 kW; (8) a transformer building adjacent to the powerhouse with two 9,000-kVA, 57/6.6 kV transformer banks; (9) an outdoor switchyard with a single circuit 57-kV transmission line extending approximately 2.8 miles to a switching substation; and (10) appurtenant facilities. The power provided by the project is transmitted through the Licensee's transmission and distribution systems.

Recreational facilities at the project include Lake Roslyn Park, with restrooms, shelters, a small concession building, picnic tables, stone fireplaces, electric stoves, a domestic water supply, a swimming beach, softball diamonds, horseshoe pits, rental boats, and a parking area. Roslyn Lake is used for swimming and unpowered boating during the summer months, and for fishing throughout the year. The Oregon State Department of Game periodically stocks the lake with game fish.

Applicant proposes to spend $54,200 to develop two angler parking areas, with chemical toilets, at the project, and to replace part of the existing park road and parking area.

The application is on file with the Commission and is available for public inspection.

Any person desiring to be heard or to make any protest with reference to this application should on or before June 20, 1977, file with the Federal Power Commission, 825 North Capitol Street, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR 1.8 or 1.10 (1976). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing in the proceeding must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10170 Filed 4-5-77;8:45 am]

[Docket No. ER77-260]

SOUTHERN CALIFORNIA EDISON CO.

Initial Rate Schedule and Request for Waiver

MARCH 31, 1977.

Take notice that on March 25, 1977, Southern California Edison Company (Edison) tendered for filing a December 31, 1976 Agreement with the City of Pasadena providing for the transmission by Edison on an interruptible basis of power purchased on a non-firm basis by Pasadena from sources in the Pacific Northwest from Nevada Power Company from Salt River Project and from others. Edison indicates that it will charge Pasadena for transmission, dispatching and scheduling services, and for losses between the scheduling points of such non-firm energy and Edison's point of interconnection with Pasadena.

Edison states that Pasadena requests that service is initiated at the earliest possible date under this Agreement, and for that reason Edison requests that the notice provisions of the Commission's regulations be waived and the filing be permitted to become effective at the time of acceptance for filing but in no event later than 30 days thereafter.

Any person desiring to be heard or to protest this application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 13, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10169 Filed 4-5-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education

STATE DISSEMINATION GRANTS PROGRAM, FY 1977

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 405 to the General Education Provisions Act, as amended, 20 U.S.C. 1221e, and 45 CFR Part 1460, applications are being accepted from State education agencies (SEAs) for grants under the State dissemination grant program.

Awards will be made (i) for new special purpose or capacity building dissemination grants and (ii) for continuation of capacity building grants made in fiscal 1975 and 1976.

Applications for new grants must be received by the National Institute of Education, Proposal Clearinghouse, on or before June 1, 1977, in accordance with the following instructions:

A. Applications sent by mail. An application sent by mail should be addressed as follows: National Institute of Education, Proposal Clearinghouse, Washington, D.C. 20208, Attention: NIE State Dissemination grants program. An application sent by mail will be considered to be received on time by the Clearinghouse if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such calendar day is a Saturday, Sunday or Federal holiday, not later than the next following business day) as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by the mail room in Washington, D.C. of either the Department of Health, Education, and Welfare or the National Institute of Education. (In establishing the date of receipt, the Director of the Institute will rely upon the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department or the Institute.)

B. Hand-delivered applications. An application to be hand delivered must be taken to the Proposal Clearinghouse, 1832 "M" Street, NW, Washington, D.C. Hand-delivered applications will be accepted daily between the hours of 9 a.m. and 4:30 p.m., Washington, D.C. time, except Saturdays, Sundays and Federal holidays. Applications will not be accepted after 4:30 p.m. on the closing date of June 1, 1977. A receipt will be issued upon acceptance of the application package.

Applications for continuation grants are due approximately three months before expiration of the existing capacity building grant.

C. Program information and forms. Information and application forms may be obtained from the Information and Communication Systems Division, Office of Dissemination and Resources, National Institute of Education, Room 711, 1200 19th Street NW., Washington, D.C. 20208, telephone 202-254-7930.

D. Applicable regulations. The regulations applicable to this program include the National Institute of Education General Provisions Regulations (45 CFR Subchapter A) published in the FEDERAL REGISTER on November 4, 1974 at (39 FR 38992) and regulations for the State dissemination grants program published in the FEDERAL REGISTER on June 16, 1975 (40 FR 25454).

(Catalog of Federal Domestic Assistance Program Number 13.950, Educational Research and Development.)

Dated: March 31, 1977.

HAROLD L. HODGKINSON,
Director,
National Institute of Education.

[FR Doc.77-10153 Filed 4-5-77;8:45 am]

Office of Education

VETERANS' COST-OF-INSTRUCTION PROGRAM—PAYMENTS TO INSTRUCTIONS OF HIGHER EDUCATION

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 420 of the Higher Education Act of 1965, as amended by section 126 of Pub. L. 94-482, applications for funds are being accepted from institutions of higher education under the Veterans' Cost-of-Instruction Program.

Applications must be received by the Veterans' Programs Branch, U.S. Office of Education on or before May 17, 1977.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: Veterans' Programs Branch, U.S. Office of Education, Bureau of Postsecondary Education, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention 13.540. An application sent by mail will be considered to be received on time by the Veterans' Programs Branch if:

(1) The application was sent by registered or certified mail not later than May 12, 1977, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education, Veterans' Programs Branch, Room 4613, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. up to and including the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the Veterans' Programs Branch, U.S. Office of Education, Bureau of Postsecondary Education, 400 Maryland Avenue SW., Washington, D.C. 20202, or from the various Regional Offices of the Office of Education.

The addressees in the Regional Offices are as follows:

Mr. Paul McManus, Acting Veterans' Programs Coordinator, Postsecondary Education, Region I, Office of Education, DHEW, John Fitzgerald Kennedy Federal Bldg., Boston, Mass. 02203.

Mr. Ed Feinstein, Veterans' Program Coordinator, Postsecondary Education, Region II, Office of Education, DHEW, 26 Federal Plaza, New York, N.Y. 10007.

Mr. Prince O. Teal, Jr., Veterans' Programs Coordinator, Postsecondary Education, Region III, Office of Education, DHEW, 3535 Market St., Philadelphia, Pa. 19104.

Mr. Merlyn Burton, Veterans' Program Coordinator, Postsecondary Education, Region IV, Office of Education, DHEW, 50 7th St. NE., room 544, Atlanta, Ga. 30323.

Mr. Robert Schmidt, Veterans' Programs Coordinator, Postsecondary Education, Region V, Office of Education, DHEW, 300 South Wacker Dr., Chicago, Ill. 60606.

Mr. Benito Botello, Veterans' Programs Coordinator, Postsecondary Education, Region VI, Office of Education, DHEW, 1200 Main Tower Bldg., suite 1560, Dallas, Tex. 75202.

Mr. Bruce Boggs, Veterans' Programs Coordinator, Postsecondary Education, Region VII, Office of Education, DHEW, 601 East 12th St., Kansas City, Mo. 64106.

Mr. William Hogbin, Veterans' Programs Coordinator, Postsecondary Education, Region VIII, Office of Education, DHEW, Federal Office Bldg., 19th and Stout Sts., Denver, Colo. 80202.

Dr. Albert Piltz, Veterans' Programs Coordinator, Postsecondary Education, Region IX, Office of Education, DHEW, 50 Fulton St., San Francisco, Calif. 94102.

Mr. James Manning, Veterans' Programs Coordinator, Postsecondary Education, Region X, Office of Education, DHEW, Arcade Plaza Bldg., 1321 2nd Ave., Seattle, Wash. 98101.

D. *Applicable regulations.* The regulations applicable to this program appear at 45 CFR Part 189 (40 FR 23301; May 29, 1975).

(20 U.S.C. 1070e-1.)

(Catalog of Federal Domestic Assistance Program Number 13.540; Higher Education—Cost of Veterans' Instruction (VCIP).)

Dated: March 17, 1977.

WILLIAM F. PIERCE,
Acting U.S. Commissioner
of Education.

[FR Doc.77-10132 Filed 4-5-77;8:45 am]

Office of the Assistant Secretary for Health

NATIONAL COMMISSION FOR PROTECTION OF HUMAN SUBJECTS OF BIOMEDICAL AND BEHAVIORAL RESEARCH

Addition to Agenda of Announced Meeting

As announced in the FEDERAL REGISTER on March 22, 1977 (42 FR 15468), the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research will meet on April 8 and 9, 1977, in Conference Room 6, C Wing, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland. In addition to the agenda items identified in the Notice of Meeting, dated March 22, 1977, the Commission will also discuss the disclosure of research information, as mandated by the Health Research and Health Services Amendments of 1976 (Pub. L. 94-278).

Dated: March 22, 1977.

MICHAEL S. YESLEY,
Staff Director, National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research.

[FR Doc.77-10352 Filed 4-5-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S 229]

CALIFORNIA

Partial Termination of Proposed Withdrawal and Reservation of Lands

MARCH 29, 1977.

Notice of a Bureau of Reclamation, U.S. Department of the Interior, application, S 229, for withdrawal and reservations of lands for the planned facilities of the Auburn-Folsom South Unit of the Central Valley Project was published as FR

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Doc. No. 67-1721 on page 2902 of the issue for February 15, 1967. The applicant agency has cancelled its application insofar as it affects the following described lands:

MOUNT DIABLO MERIDIAN

T. 13 N., R. 10 E.,
Section 4, Lots 48, 49, 50 and 51. Also patented Small Tract Lot 47
Section 6, Lot 17 and Mineral Lot 57
T. 14 N., R. 10 E.,
Section 12, N½, N½N½S½, S½NW¼SW¼, SW¼SE¼SW¼, S½S½SE¼SE¼SW¼, SE¼NE¼SE¼
Section 25, Lots 10, 11 and 12 (Lot 10 formerly S½NE¼SE¼)
Section 26, Lot 10
Section 34, Lots 3, 4, and portions of N½N½NE¼ and N½N½NE¼NE¼NW¼
Section 36, Lots 6, 7, 8 and 9

The area described contains approximately 643.84 acres.

Therefore, pursuant to the regulations contained in 43 CFR Part 2350, such lands at 10 a.m., on May 9, 1977, will be relieved of the segregative effect of the above mentioned application.

JOAN B. RUSSELL,
Chief, Lands Section Branch of Lands and Minerals Operations.

[FR Doc.77-10199 Filed 4-5-77;8:45 am]

[NM 30235]

NEW MEXICO

Application

MARCH 29, 1977.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Continental Oil Company has applied for one 4-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 19 S., R. 34 E, Sec. 4, S½SW¼, NE¼SE¼ and SW¼SE¼.

This pipeline will convey natural gas across 0.828 of a mile of national resource land in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District manager, Bueau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-10198 Filed 4-5-77;8:45 am]

[M 141]

NORTH DAKOTA

Transfer of Submarginal Lands, Fort Totten Indian Reservation

MARCH 29, 1977.

1. Pursuant to Pub. L. 94-114 (89 Stat. 577) and Sec. 2 thereof, the land described in paragraph 3 of this notice, together with all minerals underlying this land, whether acquired or otherwise owned by the United States, are hereby declared to be held by the United States in trust for the use and benefit of the Devils Lake Sioux Tribe of North Dakota. The land shall be a part of the established Fort Totten Indian Reservation. These lands were submarginal lands acquired under Title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and Sec. 55 of the Act of August 24, 1935 (49 Stat. 750, 781). This notice is issued under the authority delegated to me by Bureau Order No. 701, dated July 23, 1946, as amended.

2. All existing mineral leases, including oil and gas leases, which have been issued on this land will remain in force and effect in accordance with the terms and provisions of the Act under which the leases were issued. The lease files will be transferred to the Office of the Area Director, Bureau of Indian Affairs, Aberdeen, South Dakota.

Future rentals for these leases will be paid to and collected by that office. Jurisdiction of these mineral leases is transferred from the Bureau of Land Management to the Bureau of Indian Affairs in trust for the Devils Lake Sioux Tribe.

3. Fifth Principal Meridian, North Dakota.

T. 152 N., R. 65 W.,
Section. 17, lots 4 and 5, and SW¼NW¼;
Sec. 18, lots 5, 6, 7, 8, 9, and 10, and S½NE¼;
Sec. 19, all;
Sec. 20, SW¼;
Sec. 29, E½NW¼ and NW¼NW¼; and
Sec. 30, E½NW¼.

The area described contains 1,424.45 acres.

KANNON C. RICHARDS,
Acting State Director.

[FR Doc.77-10197 Filed 4-5-77; 8:45 am]

National Park Service

SOUTHWEST REGIONAL ADVISORY COMMITTEE

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Southwest Regional Advisory Committee will be held at 8:30 a.m., C.D.T., May 2 and 3, 1977, in the Auditorium at the Hot Springs National Park Headquarters, Hot Springs, Arkansas.

The Southwest Regional Advisory Committee was established pursuant to Pub. L. 91-383 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advise or other counsel from members of the public on programs and problems pertinent to the Southwest Region of the National Park Service.

The members of the Southwest Regional Advisory Committee are:

Mr. Bob Burleson, Temple. Tex.
Dr. Neil Compton, Bentonville, Ark.
Mr. Ernie C. Deane, Fayetteville, Ark.
Mr. Perry A. Denton, Carlsbad, N. Mex.
Dr. Bertha P. Dutton, Santa Fe, N. Mex.
Mr. Sam R. Powell, Tulsa, Okla. (Chairman).
Mr. J. R. Singleton, Austin, Tex.
Mrs. Roulhac Toledano, New Orleans, La.
Mr. Elo P. Urbanovsky, Lubbock, Tex.

Designated Federal Officer to attend the meeting is John E. Cook, Regional Director, Southwest Region, National Park Service, or his designee.

The matters to be discussed at this meeting include:

1. Management and Operation of Hot Springs National Park.
2. National Park System Proposals for Alaska.
3. Urban Park Concerns of the National Park Service.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come, first-served basis. Any member of the public may appear before the Committee or file with the Committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Frank Mentzer, Assistant to the Regional Director, P.O. Box 728, National Park Service, Southwest Regional Office, Santa Fe, New Mexico 87501, telephone Area Code 505 988-6375. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Southwest Region.

Dated: March 30, 1977.

WAYNE B. CONE,
Acting Regional Director, Southwest Region, National Park Service.

[FR Doc.77-10200 Filed 4-5-77;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

Lists of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 30, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

UNITED STATES INTERNATIONAL TRADE COMMISSION

Producers questionnaire for cast-iron stoves and parts of cast-iron stoves investigations, single time, producers of cast-iron stoves, Will Sherman, 395-4730.

Importers questionnaire for cast-iron stoves and parts of cast-iron stoves investigation, single time, importers of cast-iron stoves, Will Sherman, 395-4730.

DEPARTMENT OF COMMERCE

Bureau of Census Survey of Migrant Farmworkers: 1977, S-335, S-336, S-337, single time, migrant farmworkers, Gaylord Worden, Strasser, A., 395-4730.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health, vendor ordering office address verification and correction, other (see SF-83), vendors doing business with NIH, Lowry, R. L., 395-3772.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management, energy consumption data collection form, HUD-52725, single time, selected public housing agencies, Housing, Veterans and Labor Division, Sunderhauf, M. B., 395-3532.

REVISIONS

VETERANS ADMINISTRATION

Application for automobile or other conveyance and adaptive equipment, 21-4502, on occasion, veterans and service persons, Tracey Cole, 395-5870.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control, National Disease Surveillance Program—II Disease Summary, CDCBE0222, CDC 4.457, monthly, State and territorial health departments, Richard Eisinger, 395-6140.

Food and Drug Administration, techniques for improving dietary intake through nutrition labels, FDABF 0925, single time, adult consumers in Denver, Colorado, Sunderhauf, M. B., 395-6140.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration, request for mail list data—REA borrowers, REA 87, annually, REA electric and telepone borrowers, Will Sherman, 395-4730.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control, supervisory effects on worker safety in roofing industry, NIOSH 0718, single time, persons in the roofing industry, Ellett, C. A., 395-5867.

DEPARTMENT OF LABOR

Employment and Training Administration:
Enrollment and departure report, ETA 6-57, on occasion, applicants assigned to job corps centers, Lowry, R. L., 395-3772.
Statement from court or other agency, statement from institution, recommendation for Job Corps, MA6-55, MA6-55A, MA6-55B, on occasion, courts, institutions, or other agencies, Lowry, R. L., 395-3772.
Request for readmission, MA6-60, on occasion Job Corps applicants (disadvantaged youth), Lowry, R. L., 395-3772.
Job Corps—corpsmember allotment determination, MA-6-58, on occasion, Job corps members electing to make allotments, Lowry, R. L., 395-3772.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.77-10309 Filed 4-5-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 9701, 812-4061]

DREYFUS LEVERAGE FUND, INC. AND IRVING TRUST CO.

Filing of Application Exempting Proposed Arrangement

MARCH 31, 1977.

Notice is hereby given that The Dreyfus Leverage Fund, Inc. (the "Fund"), 767 Fifth Avenue, New York, New York 10022, a diversified, open-end investment company registered under the Investment Company Act of 1940 ("Act"), and Irving Trust Company, One Wall Street, New York, New York 10015 (the "Bank," collectively with the Fund referred to as "Applicants"), a commercial bank organized under the laws of the State of New York, filed an application on December 10, 1976, and an amendment thereto on March 29, 1977, for an order pursuant to Section 17(d) of the Act and Rule 17d-1 thereunder permitting the Fund to borrow money from the Bank under a proposed arrangement more fully described below. All interested persons are referred to the aplication which is on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that the Fund was organized to provide interested investors an opportunity to participate in a professionally managed program for capital growth in which speculative investment techniques are utilized, including the unsecured borrowing of money from banks in order to increase its holdings of securities. In accordance with its investment technique of "leverage through borrowing" the Fund has entered into agreements and understandings with four banks which provide that the Fund may borrow up to an aggregate of $90 million under short-term unsecured lines of credit. As of January 31, 1977, $78.5 million of borrowings was outstanding. The Fund is contemplating adding the Bank to the group of lending banks or substituting the Bank in place of one of the banks presently participating in such borrowing arrangements.

Applicants state that the Bank serves as subinvestment adviser to Dreyfus Money Market Instruments, Inc. ("Money Fund"), a Maryland corporation which is also a diversified, open-end investment company registered under the Act. The Dreyfus Corporation ("Dreyfus"), a New York corporation, serves as manager to both the Fund and Money Fund. As subinvestment adviser, the Bank reviews the investment decisions of Money Fund and reports on economic trends and policies pertaining to investment strategy to Dreyfus and Money Fund's Board of Directors. For its services, the Bank is paid by Dreyfus at a rate determined annually by mutual agreement between the Bank and Dreyfus. Prior to November 15, 1976, the Bank served as investment adviser to Money Fund, and Dreyfus Sales Corporation, a wholly-owned subsidiary of Dreyfus, served as Administrator and distributor of Money Fund. Applicants represent that no other material relationships exist between the Bank and Dreyfus or any registered investment company affiliated with Dreyfus.

Section 17(d) of the Act provides, in relevant part, that "it shall be unlawful for any affiliated person of or principal underwriter for a registered investment company • • • or any affiliated person of such a person or principal underwriter, acting as principal to effect any transaction in which such registered company • • • is a joint or a joint and several participant with such person, principal underwriter or affiliated person, in contravention of such rules and regulations as the Commission may prescribe for the purpose of limiting or preventing participation by such registered or controlled company on a basis different from or less advantageous than that of such other participant."

Rule 17d-1 under the Act provides, in relevant part, that "[n]o affiliated person of or principal underwriter for any registered investment company • • • and no affiliated person of such a person • • •, acting as principal, shall participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement • • • in which any such registered company • • • is a participant • • • unless an application regarding such joint enterprise [or] arrangement • • • has been filed with the Commission and has been granted by an order entered prior to the • • • adoption [of such joint arrangement] • • •. "It is also provided that in passing upon such applications, the Commission will consider whether the participation of such registered company in such joint enterprise or joint arrangement on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such

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participation is on a basis different from or less advantageous than that of other participants. Section 2(a)(3) of the Act defines an "affiliated person" of another person, in relevant part, as "(C) any person directly or indirectly controlling, controlled by or under common control with, such other person; (D) any officer, director, partner, copartner, or employee of such other person; (E) if such other person is an investment company, any investment adviser thereof * * * *."

Applicants state that it may be argued that either Dreyfus, as the manager of the Fund, or Money Fund, as a person having the same manager as the Fund and a substantially similar board of directors as the Fund (and which therefore may be deemed to be under common control with the Fund), is an affiliate of the Fund. Moreover, the Bank, as subinvestment adviser of Money Fund, may be deemed an affiliate of Money Fund and Dreyfus. Accordingly, Applicants have filed the instant application for an order pursuant to Rule 17d-1 of the Act exempting the proposed arrangement from the provisions of Section 17(d) of the Act and permitting the Fund to borrow money from the Bank.

It is asserted that as a major New York commercial bank engaged in general banking activities, the making of the loan to the Fund would be in the routine, ordinary business operations of the Bank. Similarly, the borrowing by the Fund would be pursuant to its stated investment objective and investment techniques. The terms of the line of credit would in no event be any more favorable or more advantageous to the Bank than the terms relating to any other similar borrowing arrangement between the Bank and an "unaffiliated" borrower of equal credit standing.

Applicants further represent that in the event the Fund increases the amount of borrowings under such lines of credit and the then current effective rate of interest to be charged by the Bank for such borrowing is greater than the current effective rate of interest to be charged by one or more of the other banks participating in such borrowing arrangements, the Fund intends to borrow such funds from such other bank or banks, except in such unusual situations when such restriction may not be in the best interests of the Fund. In addition, in the event that the then current effective rate of interest to be charged by the Bank for such borrowing is equal to the then current effective rate of interest to be charged by one or more of the other banks participating in such borrowing arrangements, the Fund does not intend to borrow from the Bank an amount greater than the total amount to be borrowed from the Bank and such other bank or banks multiplied by a fraction, the numerator of which is the amount of borrowing available under the outstanding line of credit between the Bank and the Fund and the denominator of which is the total amount of borrowings available under the outstanding lines of credit of the Bank and such other bank or banks, to the extent practicable and in the best interest of the Fund. It is the intention of the Fund that one or more other banks not controlled by, or under common control with, the Bank will continue to participate in such borrowing arrangements.

Notice is further given that any interested person may, not later than April 25, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the addresses stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the matter will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-10208 Filed 4-5-77;8:45 am]

[Rel. No. 9702, 812-3805]

METROPOLITAN LIFE INSURANCE CO.

Application for Exemption

MARCH 31, 1977.

Notice is hereby given that Metropolitan Life Insurance Company, One Madison Avenue, New York, N.Y. 10010, ("Metropolitan"), a New York mutual life insurance company, and Metropolitan Variable Account B of Metropolitan Life Insurance Company ("Account B"), a separate account of Metropolitan registered under the Investment Company Act of 1940 ("Act") as an open-end management investment company (hereinafter collectively referred to as "Applicants"), filed an application on May 9, 1975 and amendments thereto on December 8, 1975, February 22, 1977 and March 30, 1977, pursuant to Section 6(c) of the Act for an order exempting Applicants from the provisions of Sections 22(e), 27(c)(1) and 27(d) of the Act to the extent necessary to permit compliance by Applicants with certain provisions of the Education Code of the State of Texas. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Account B, a separate account of Metropolitan, was established by Metropolitan pursuant to New York Insurance Law on December 16, 1969. Metropolitan allocates to Account B net purchase payments under individual variable anuity contracts ("contracts") designed to provide retirement payments (i) to employees of public school systems and other tax-exempt organizations under annuity purchase arrangements meeting the requirements of Section 403(b) of the Internal Revenue Code of 1954, as amended ("Code"), and (ii) when purchased for use under Section 408 of the Code. Metropolitan serves as investment adviser to and principal underwriter for Account B.

In 1967, the State of Texas directed the governing boards of all Texas institutions of higher education to make available to certain employees an Optional Retirement Program ("Program"), codified as Subchapter G of Chapter 51 of the Texas Education Code. The statute provides as the funding media for the Program fixed or variable annuity contracts purchased from any insurance or annuity company qualified to do business in Texas. In 1973, the Texas legislature made two amendments in the Program legislation, which amendments became effective on June 14, 1973. The statutory definition of the Program was amended to provide that the benefits of such annuities are to be available only upon termination of employment in the Texas public institutions of higher education, retirement, death or total disability of the participant. The other amendment added a new Section 51.358 to Subchapter G which also provides that the benefits of such annuities will be available only if the participant dies, terminates his employment due to total disability, accepts retirement, or terminates employment in the Texas public institutions of higher education.

Because of uncertainty regarding the effect of these amendments, the University of Texas System ("System") requested the opinion of the Attorney General of Texas with respect to several questions concerning such amendments. The Attornel General rendered an opinion dated February 18, 1975, in response to the System's letter. The Attorney General interpreted 51.358 to prohibit provisions in a variable annuity contract issued in connection with the Program on or after June 14, 1973, which provide for making available the redemption value of such contract prior to the occurrence of one of the conditions specified in the statute, i.e., termination of employment, retirement, death or total disability. Moreover, the opinion further stated that the prohibitions of 51.358 were impliedly in effect upon the establishment of the Program (in 1967) and that notwithstanding any language which may be contained in existing contracts, a participant in the Program has never had the right to redeem his annuity contract otherwise than in accordance with the limitations described above. The opinion did not affect the right of a participant to transfer the redemption value of his annuity contract from one carrier to another; accordingly, the granting of the relief requested in the application would not affect such right.

SECTIONS 27(c)(1), 22(e) AND 27(d)

Section 27(c)(1) of the Act makes it unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate unless such certificate is a redeemable security. Section 2(a)(32) of the Act defines "redeemable security" to mean any security under the terms of which the holder upon its presentation to the issuer or to a person designated by the issuer is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof.

Section 22(e) of the Act provides that no registered investment company shall suspend the right of redemption or postpone the date of payment or satisfaction upon redemption of any redeemable security in accordance with its terms for more than seven days after the tender of such security to the company or its agent designated for that purpose for redemption except in certain prescribed circumstances.

Section 27(d) of the Act makes it unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate unless the certificate provides that the holder thereof may surrender the certificates at any time within the first eighteen months after the issuance of the certificate and receive in payment thereof, in cash, the sum of (1) the value of his account, and (2) an amount, from such underwriter or depositor, equal to that part of the excess paid for sales loading which is over 15 per centum of the gross payments made by the certificate holder.

Applicants request exemptions from the provisions of Sections 22(e), 27(c)(1) and 27(d) of the Act to the extent necessary to permit compliance with Section 51.358 as it pertains to redemption values under Contracts issued to participants in the Program subsequent to the date of such exemptive order.

Applications assert that if such exemptions are not granted, persons participating in the Program effectively will be denied an opportunity to select as a funding medium for their retirement benefits one of two funding media (the other being fixed annuity contracts) specifically provided in the Texas statute for such purpose. Additionally, participants will be unable to obtain the State's matching contributions for the purchase of an equity-based retirement vehicle. In this respect, the Attorney General's opinion indicated that these matching contributions will encourage participation in the retirement plan but that unrestricted withdrawals prior to retirement might be detrimental to an effective retirement vehicle. In view of the foregoing, Applicants assert that the Commission should grant the requested exemptions because: (1) the limited restriction on redemption would be voluntarily assumed by participants, i.e., eligible employees are not required to participate in the Program; (2) the restrictions were not formulated nor suggested by Applicants; and (3) participants' relinquishment of the full right of redemption is a reasonable requirement in exchange for the benefits bestowed by the matching contributions of the State of Texas.

Applicants will ensure that appropriate disclosure is made to persons who consider participation in the Program, informing them of the restriction on the availability of redemption values under Contracts to be issued to them. This disclosure will take the form of an appropriate reference in each Prospectus to the restrictions on redemption of these Contracts, as well as requiring each participant, as a part of the determination that the sale of these Contracts is suitable for that participant, to sign a statement indicating that he/she is aware that these restrictions will be placed on his/her Contract when it is issued. In addition, Metropolitan will review all sales literature that is to be used in conjunction with the sales of these contracts for the existence of material representations that are inconsistent with the restrictions to be placed on these contracts and will instruct the salespeople involved in soliciting in this market specifically to bring this restriction to the attention of the potential participants.

Section 6(c) authorizes the Commission to exempt any person, security or transaction or any class or classes of persons, securities or transactions, from the provisions of the Act and Rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 25, 1977, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following April 25, 1977, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-10205 Filed 4-5-77;8:45 am]

[Release No. 34-13414; File No. SR-NYSE-77-10]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Rescission

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, § 16 (June 4, 1975), notice is hereby given that on March 24, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

TEXT OF AMENDMENT TO ARTICLE XIV, SECTION 18 TO BE RESCINDED

DISAPPROVAL OF BUSINESS CONNECTIONS

Sec. 18. Whenever it shall appear to the Board of Directors that a member or allied member is a partner in a partnership, a stockholder, officer, or director in or employee of a corporation, or has an office or headquarters, or is individually or through any member of his member firm or through any stockholder in his member corporation interested in a partnership, corporation or business, or has any business connection whereby the interest or good repute of the Exchange may suffer, the Board may require the member or allied member to dissolve any such partnership or to sever all connection therewith (whether or not such partnership is a member firm) or require the member or allied member to sever all connection with the corporation (whether or not it is a member corporation) and cease to be a stockholder, officer or director therein or employee thereof or may require the discontinuance of such business, office or headquarters or business connection, as the case may be.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

PURPOSE OF PROPOSED RULE CHANGE

In a letter to the Chairman of the Exchange dated March 2, 1976, the Securities and Exchange Commission described certain types of Exchange rules pertaining to membership and association with members which may not be consistent with particular sections of the Securities Exchange Act of 1934 as amended (the "Act"). Among the rules mentioned was Section 18 of Article XIV of the Exchange Constitution which provides that if the "interest of good repute of the Exchange may suffer" due to the relationship of a member or allied member with any business entity, the Board

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of Directors may force the discontinuance of such a relationship or cause the dissolution of the entity if it is a member organization. There are no standards as to what constitutes a business connection which could cause the Exchange's interest or good repute to suffer.

Article XIV, Section 18 is not a threshold requirement for membership but rather more in the nature of a disciplinary provision under Article XIV of the Constitution which is entitled "Expulsion and Suspension from Membership or from Allied Membership—Disciplinary Proceedings". Section 18 gives the Board the absolute and sole authority to impose disciplinary sanction.

Article XIV, Section 14 of the Exchange Constitution provides procedures for disciplinary proceedings which comply with the requirements of Section 6 (d) of the Act (Specific charges, opportunity to defend, a record of proceedings, etc.). Section 18, however, unlike other disciplinary sections of Article XIV, does not require an adjudication in a proceeding. The purpose of rescinding Article XIV, Section 18 is to eliminate an Exchange regulation which appears to be inconsistent with the Act.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

The rescission of Article XIV, section 18 is based on sections 6(b)(1), 6(b)(2), 6(b)(6) and 6(b)(7) of the Act as follows:

(i) The proposed rescission will better enable the Exchange to comply with the Act in regard to the disciplining of members and persons associated with members.

(ii) The proposed rescission would eliminate a potential impediment to remaining a member or allied member of the Exchange caused by an association "whereby the interest or good repute of the Exchange may suffer".

(iii) Inapplicable.

(iv) Inapplicable.

(v) Inapplicable.

(vi) The proposed rescission would eliminate a basis for disciplinary action which may not be appropriate and within the purposes of the Act.

(vii) The proposed rescission will eliminate an Exchange regulation which appears to be inconsistent with Section 6(d)(1) of the Act.

(viii) Inapplicable.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGE

No comments were solicited or received with respect to the proposed rule change other than the Securities and Exchange Commission's letter to Chairman Needham dated March 2, 1976.

BURDEN ON COMPETITION

Inapplicable.

On or before May 11, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 27, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 30, 1977.

[FR Doc.77-10206 Filed 4-5-77;8:45 am]

[File No. SR-NYSE-77-1]
[Release No. 34-13415;

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organization; Proposed Rule Change

Pusuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, section 16 (June 4, 1975), notice is hereby given that on March 25, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGES

The text of the proposed amendments is attached as Exhibit I-A.

PURPOSE OF THE PROPOSED CONSTITUTIONAL AND RULE CHANGES

The proposed changes would accomplish the following:

(a) Rescind the requirement that members, allied members and employees of member organizations not in a supervisory capacity devote their entire time during business hours to the business of their member organizations.

The purpose of these proposed changes is to assist member organizations in their capital raising efforts. Rescinding the requirement that non-supervisory members and allied members must devote the major portion of their time to their member organization's business will permit those individuals having capital to invest, but who are unwilling or unable to devote all their time to the member organization, to become associated with member organizations, e.g., as general partners in member firms. Furthermore, the elimination of the "time" requirement is consistent with the recent Amendments supported by the membership, adopted by the Board and approved by the Commission aimed at removing restrictions on capital raising by member corporations.

Permitting part-time employment of registered representatives would serve the public interest by allowing member organizations flexibility in servicing a broader spectrum of investors whose business might not generate sufficient revenues to merit the use of full-time sales persons. It would also permit the effective utilization of services of qualified professionals who do not wish to devote their full business day to member organizations, including presently full-time representatives who may wish to broaden their business activities into other fields. Finally, the change would permit member organizations to better compete with non-members, especially since in many cases securities salesmen who are not associated with member organizations are permitted to work part-time.

The Exchange would still require that the competence of any person required to be registered be demonstrated by passing appropriate qualifying examinations.

While these amendments eliminate restriction which may not be consistent with changes in the securities industry, particularly the diversification of activities, certain restrictions on activities of supervisory personnel have been retained. It is proposed that individuals who have supervisory responsibilities should still be required to devote their entire time during business hours to the administration of their duties. Supervisory personnel carry the responsibility of enforcing the provisions of the Act and NYSE rules with regard to the daily operations of member organizations. The Exchange therefore believes that such a provision is necessary for the protection of customers and the public interest.

(b) Rescind the requirement of Exchange approval for all activities, including writing and broadcasting, performed outside the member organization by its employees, and permit member organizations, and their employees to be associated with, compensated by or have a financial interest in any securities or non-securities related business without Exchange approval.

The proposed rule would, however, require the prior approval of the member organization employer, who is best qualified to determine whether any outside association is in its best interest and in the interest of the public it serves, or, on the contrary, constitutes an unacceptable conflict of interest.

(c) Rescind the requirement of Exchange approval for a member's association with, compensation by or financial interest in any securities or non-securities related business, but require Exchange approval for a member's association with a registered broker or dealer. Under the Act a member's association with a registered broker or dealer bestows membership under the Act on that broker or dealer. Therefore, the Exchange must approve such associations to insure compliance with its responsibilities under the Act.

(d) Institute a requirement that whenever a member or member organization knows, or in the exercise of reasonable care should know, of any person controlling, controlled by or under common control with such member or member organization, written notice shall promptly be given to the Exchange. This would provide the Exchange with information essential to fulfill its regulatory responsibilities under the Act over persons associated with members.

(e) Permit individuals to maintain status as members and allied members in more than one member organization provided that any such person exercises supervisory responsibilities in only one member organization. However, no member could qualify more than one member organization.

(f) Provide that no member, member organization and person associated therewith shall be associated with any person, if they know, or in the exercise of reasonable care should know, that such person is subject to a statutory disqualification as defined in the Act.

(g) Rescind the requirement that the Exchange must approve gratuities in excess of $25 and compensation in excess of $100 paid by members, allied members, member organizations or employees thereof to another member or member organization, financial institution, or financial information media or non-member broker or dealer. With the exception of floor employees, only written consent of the employer is needed for payment of the aforementioned gratuities and compensation. Retaining the requirement for floor employees serves a valid regulatory function because it relates directly to the Exchange's ability to perform a surveillance function regarding the possibility of compensation or gratuity payments being used to influence performance of members' clerks or to buy business from other members.

BASIS UNDER THE ACT

(i) The proposed Amendments requiring (a) members and member organization employees who are in a supervisory capacity to devote their entire time during business hours to their member organization; (b) notice to the Exchange whenever any member or member organization controls, is controlled by or is under common control with any person, other than a member, allied member or employee; and (c) Exchange approval of any member's association with a registered broker or dealer and prohibiting any associations with a person subject to a statutory disqualification are essential for the Exchange to carry out the purposes of the Act and to comply, and to enforce compliance by its members and persons associated therewith, with the Act and the rules and regulations thereunder.

(ii) The proposed amendments permitting less than full-time employment by members and persons associated therewith not in a supervisory capacity, removing restrictions on outside business activities and interests and permitting member and allied member status in more than one member organization are consistent with section 6(b)(2) of the Act in that they enable qualified persons to become members or persons associated with a member.

(iii) Is inapplicable.

(iv) Is inapplicable.

(v) The proposed amendments provide greater flexibility with regard to filed duties and other associations of members, member organizations, and persons associated with members and member organizations. The Exchange submits that, in general, such changes tend to remove impediments to the mechanism of a free and open market and are consistent with section 6(b)(5) of the Act. Furthermore, the proposed amendments relating to supervisory persons, employer consent for outside activities of member organization personnel and the payment of gratuities and compensation in excess of stated amounts are designed to protect investors and the public interest.

(vi) Is inapplicable.

(vii) Is inapplicable.

(viii) Is inapplicable.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGES

Comments on the proposed amendments were solicited from the Exchange membership and those received are attached as Exhibit I-B.

The substance of comments received is as follows:

Three member organizations and one registered representative fully support the proposals and would like to see them adopted promptly. Three member organizations oppose the amendments which permit or encourage part-time employment for registered representatives and outside activities on the theory that they are a "step backwards", are neither economically sound nor feasible and place a burden on the membership for approving outside activities.

BURDEN ON COMPETITION

The proposed rule changes will not impose any burden on competition.

On or before May 11, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection and copying in the Public Reference Room, 1100 "L" Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 27, 1977.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

MARCH 30, 1977.

GEORGE A. FITZSIMMONS,
Secretary.

EXHIBIT 1-A

1. Text of Proposed Amendments. Deleted language in brackets [ ]. New language in italics.

PROPOSED AMENDMENTS TO CONSTITUTION

Article IX

MEMBERSHIP—ALLIED MEMBERSHIP—MEMBER FIRMS MEMBER CORPORATIONS

• • • • • •

Sec. 7 Approval of Partnerships, Corporations, Allied Members and Approved Persons.

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Conditions of approval of member corporation

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[(b)(2) Every member or allied member of the Exchange who is an employee of such corporation (unless he is in active government service or health does not permit) actively engages in its business and devotes the major portion of his time thereto; and]

• • • • • •

Connection with former member corporation

[(d) Without the consent of the Board of Directors of the Exchange no member or allied member shall be an officer, director, employee or stockholder of a corporation which, having been a member corporation, has ceased to be such for any reason.]

• • • • • •

Connection with more than one member organization

[(f) Except as may be permitted by a Rule adopted by the Board of Directors or otherwise specifically permitted by the Board of Directors, no party may be a member, allied member or approved person in more than one member firm or member corporation.]

• • • • • •

List of non-members owning 5% or more of voting stock

[(i) The chief executive officer of each member corporation shall submit to the Exchange at such time as the Exchange may require an affidavit listing, to the best of his knowledge and belief, the name of each non-member beneficially owning 5% or more of its outstanding voting stock.]

PROPOSED RULE CHANGES

Rule 317

Rule 317. [(a) Except as provided in (c) below, no party shall be a member or allied member in more than one member organization.

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(b) No person who is a member or allied member in any member firm, or a director, member, or allied member in any member, corporation, or any individual Exchange member, may beneficially own any stock of any other member corporation, except in connection with a merger into, or acquisition of assets, or other takeover by, or of, such other member corporation, or except as otherwise specifically approved by the Exchange; and no individual member or member organization may own beneficially any stock of any other member corporation, except:

1. In connection with any such merger, acquisition or other takeover;

2. In connection with an underwriting of such stock;

3. In connection with his or its activity as a market maker in such stock, in which event the member or member organization shall be required to be registered with the Exchange as a market maker in such stock; or

4. As provided in (c) or (d) below.

(c) One or more member organizations may, with the approval of the Board of Directors, own all of the voting stock of another member corporation, except for qualifying shares of voting stock held by members, allied members or directors of such controlled member corporation, and members, and allied members in such parent member organization(s) may be approved as members and allied members in such controlled member corporation; but no member shall qualify more than one organization for membership.

(d) Any member or member organization or any member, allied member, director or employee of a member organization may own less than 5% of the stock of another member corporation. Under appropriate circumstances the Exchange may treat as a single holding stock which is nominally held by different persons or organizations.

* * * Supplementary Material

.10 For the purposes of this Rule, the term "market maker" means a member or member organization which, with respect to a particular stock of another member corporation, holds itself out (by entering indications of interest in purchasing and selling in an inter-dealer quotations system or otherwise) as being willing to buy and sell for his or its own account on a continuous basis.

In order to become registered as a market maker for the purposes of this Rule with respect to the stock of any member corporation, a member or member organization must file such application with the Exchange as it may require, must have and maintain minimum net capital as defined in Rule 325 of $50,000 plus $5,000 for each such stock in excess of five in respect of which such member or member organization is registered as a maker under this Rule, and must except when such activity is unlawful, meet all of the following conditions with respect to such stock;]

(i) Such member or member organization publishes bona fide competitive bid and offer quotations in a recognized inter-dealer quotations system;

(ii) Such member or member organization furnishes bona fide competitive bid and offer quotations to other brokers and dealers on request;

(iii) Such member or member organizations is ready, willing and able to effect transactions in reasonable amounts and at his or its quoted prices with other brokers or dealers; and

(iv) Such member or member organization has a satisfactory rate of inventory turn-over.]

Rule 318

(a) * * *

[(b) Unless otherwise permitted by the Exchange every individual member must be actively engaged in the securities business and devote the major portion of his time thereto, and every member and allied member in a member organization must be actively engaged in the business of his organization and devote the major portion of his time thereto.

Without prior approval of the Exchange, no individual member and no member or allied member in a member organization shall become:

(1) A partner in any non-member business organization;

(2) An officer or employee of any non-member business corporation, firm or association;

(3) An employee of any firm or individual engaged in business; or

(4) Associated with any outside securities; financial or kindred business.

* * * Supplementary Material

.10 The Board of Directors has determined upon the following permissible exceptions:

(1) Director of corporation not in the securities business;

(2) Chairman of a Board of Directors of a corporation not in the securities business;

(3) Officer of personal holding company not publicly owned;

(4) Officer of operating company not in the securities business, if duties are nominal and not operational;

(5) Officer of an investment trust, open end or closed, if it is not self-managed and self-distributing;

(6) Officer, for a reasonable period, of an operating company whose securities the firm under wrote, distributed or sponsored; and

(7) Affiliations of members and allied member existing on December 31, 1956.

In respect of item (4) of Rule 318, above, the Board has determined that a financial interest in a securities or financial or kindred business, whether through stock ownership, or bonds, or loans of any nature, would constitute an "association", unless the ownership was nominal—not exceeding 5%—and the other securities or financial or kindred business were publicly owned.

The Exchange may treat as a single holding stock nominally held by different persons or organizations.

The Board has determined that an individual member is "actively engaged in the securities business", as the phrase is used in Rule 318, when he is active as a Floor trader, specialist, so-called two dollar broker, or associated odd lot broker, or engaged in business with the public by servicing customers' accounts and introducing them to another member organization.]

EMPLOYEE-REGISTRATION, APPROVAL, RECORDS, DISCIPLINE

Rule 345

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* * * Supplementary Material

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.16 Agreements.

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Further, each registered representative, in consideration of the Exchange's approving his application, shall sign the following statements:

* * * * * * *

(H) I agree that I will not take, accept, or receive, directly or indirectly, from any person, firm, corporation or association, other than my employer, compensation of any nature, as a bonus, commission, fee, gratuity or other consideration, in connection with any securities, commodities or insurance transaction or transactions, except with the prior written consent of [the Exchange] *my employer.*

Fixed Duties and Other Associations of sons Associated with Members and Member Organizations
Members, Member Organizations, and Per-

Rule 346 as amended

(a) Unless otherwise permitted by the Exchange every member not associated with a member organization must be actively engaged in the securities business and every member, allied member, registered representative and officer of a member or member organization who is assigned or delegated any responsibility or authority pursuant to Rule 342 shall devote his entire time during business hours to the business of such member or member organization.

(b) No member, allied member or employee of a member or member organization shall at any time be engaged in any other business; or be employed or compensated by any other person; or serve as an officer, director, partner or employee of another business organization; or own any stock or have, directly or indirectly, any financial interest in any other organization engaged in any securities, financial or kindred business without the prior written consent of his member or member organization employer. (See also requirements of Rule 311 and 350.)

(c) No member shall be associated with any broker or dealer registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934 without the prior approval of the Exchange.

(d) Prompt written notice shall be given the Exchange whenever any member or member organization knows, or in the exercise of reasonable care should know, that any person, other than a member, allied member or employee, directly or indirectly, controls, is controlled by or is under common control with such member or member organization.

(e) Any member or allied member may become a partner, officer, director or employee in one or more organizations provided that such member or allied member may have supervisory responsibilities pursuant to Rule 342 in only one member organization. No member shall qualify more than one member organization for membership.

(f) Except as otherwise permitted by the Exchange:

1. No member or member organization shall have as a person associated with such member or member organization, any person who is known, or in the exercise of reasonable care should be known, to be subject to any "statutory disqualification" defined in the Securities Exchange Act of 1934; and

2. No allied member, approved person, employee or any person directly or indirectly controlling, controlled by or under common control with a member or member organization shall have associated with him any person who is known, or in the exercise of reasonable care should be known, to be subject to any "statutory disqualification" defined in Section 3(a)(39) (A), (B), or (C) of the Securities Exchange Act of 1934.

** * * Supplementary Material*

.10 The Board has determined that a member not associated with a member organization is "actively engaged in the securities business", as the phrase is used in Rule 346, when he is active as a Floor trader, specialist, so-called two dollar broker, associated odd lot broker or odd lot dealer, or engaged in business with the public by servicing customers' accounts and introducing them to another member organization.

.11 For the purpose of this rule, control is defined in Rule 2.

.12 For the purposes of this rule, the term associated with a member or member organization shall have the same meaning as the term "associated with a member" is defined in Section 3(a)(21) of the Securities Exchange Act of 1934; the term "associated with a broker or dealer" shall have the same meaning as defined in Section 3(a)(18) of that Act.

.20 Under the appropriate circumstances the Exchange may treat as a single holding stock which is nominally held by different persons or organizations.

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Employees—Fixed Duties

Rule 346. Every registered representative or officer of a member or member organization shall devote his entire time during business hours to the business of the member or member organization employing him, and shall not at any time be engaged in any other business or be employed by any other corporation, firm or individual, or serve as an officer or director of another corporation, or own any stock, or have, directly or indirectly, any financial interest in any other member organization or any non-member organization engaged in any securities, financial or kindred business without the prior written approval of the Exchange, or except as otherwise permitted by the Rules of the Board of Directors.

No non-registered employee, without the prior approval of the Exchange, shall be engaged at any time in any other financial or securities or kindred business, or be connected by employment or otherwise (in any but a purely part-time clerical capacity which does not conflict with his normal duties and full-time hours of employment with his regular member organization employer) with any other corporation, firm or individual engaged in such business. For the purpose of this Rule, investment companies, investment trust management companies and investment advisors shall be considered to be engaged in the securities business. (See ¶ 2350)

Amendment, March 26, 1970

* * * Supplementary Material.

.10 Writing and Broadcasting.—Consent of the Exchange will not be required for outside writing or broadcasting activities by members, allied members and employees of member organizations, when all of the following conditions are met:

(1) The total number of articles or appearances by any one such person published or broadcast in any calendar year does not exceed four, or the media is in the nature of a trade publication addressed primarily to persons or groups within the securities industry (such as the Analysis Journal or the Bulletin of the Association of Customers' Brokers).

(2) The subject is in the field of finance, any compensation is nominal, and the activity does not interfere with the performance of fulltime duties for the member organization.

(3) A member or member organization approves the activity and assumes responsibility for adherence to Exchange standards in articles or broadcasting scripts prepared by personnel of that organization, and for information supplied for such articles or broadcasts; a member, allied member or competent authorized delegate approves material prepared by an employee in advance of publication or broadcast.

(4) The author is identified with the material, and it is made clear that the author is associated with a securities firm.

(5) The article or broadcast is broadly educational.

The term "outside writing and broadcasting activities" refers to activities other than those engaged in by the member, allied member or employee of the member organization in the conduct of his or its securities business.

Amendment, March 26, 1970

.11 Permission for Writing and Broadcasting Activities. The Exchange may grant permission in individual cases for outside writing or broadcasting activities not meeting all conditions in ¶ 2346.10 above, upon application, where conditions in subparagraphs (2), (3) and (4) of ¶ 2346.10 are met, plus the following:

(1) The Exchange is satisfied that the nature of the commentary, the media and the audience are such that the author or broadcaster will continue to be identified in the public eye primarily as a member of the securities community, and will not become generally identified as a writer or broadcaster;

(2) In cases where the nature of the writing or broadcasting ceases to be broadly educational and tends more toward current commentary:

(a) In the case of broadcasts, no recommendations are made to buy, sell, switch or retain investments, whether labeled as such or not;

(b) In the case of articles, where recommendations may be made, they are clearly identified as those of the author or of the author's member organization, whose name shall be stated in that case;

(c) The Exchange is satisfied with the general format and purpose of the article or broadcast.

.12 Speaking and Teaching Activities.—Approval of the Exchange will not be required for single talks, courses or lecture series on investment subjects given by members, allied members and other member organization personnel as outside speaking activities before community groups and institutions, when all of the following conditions are met:

(1) Consent for each such talk or lecture has been given by a member, allied member or competent authorized delegate.

(2) The member organization assumes responsibility for the general content of each talk or lecture and the speaker's educational approach;

(3) In the case of talks and lectures, no more than $25.00 is to be charged as admission, registration or tuition, or is to be paid to the speaker as a total fee by the sponsoring organization; in the case of courses at accredited colleges or universities, the charges and payment to the teacher are not more than the educational institution's normal fees and payments.

The term "outside speaking activities" refers to activities other than those engaged in by the member, allied member or employee of the organization in the conduct of his or its securities business.

Amendment, March 26, 1970

.13 Permission for Speaking Activities.—In individual cases of outside speaking activities where fees may be greater than specified in sub-paragraph (3) of paragraph above, specific approval of the Exchange will be required.

.14 Standards and Guideposts.—All outside writing, broadcasting or speaking activities by members, allied members and other member organization personnel, whether requiring specific Exchange approval or not, must comply with standards established in Rules 471, 472 and 473 and in Supplementary Material to these Rules. Copy and clippings for articles, radio-TV scripts, and a log of all speaking engagements must be retained by the member or member organization for three years for delivery to the Exchange on request.

.15 Director or Officer.—Consent of the Exchange will not be required for the following activities, provided the member or member organization employer wishes to have the employee so serve and the activities do not interfere with the performance of full-time duties of the registered representative.

(1) Director of up to three corporations not in the securities business, including chairman of the board of directors of one corporation if not chief executive officer.

(2) Director of a bank or trust company in compliance with state and federal banking laws.

(3) Officer or an operating company not in the securities business, if duties are nominal and non-operational.

The Exchange will consider on their individual circumstances any requests for outside activities which do not conform with the above conditions.

.16 Leave of Absence.—Consent of the Exchange will not be required for leave of absence, provided all of the following conditions are met:

(1) The member or member organization employer retains a written record of the leave.

(2) The registered representative is not physically present at any office of his employer, and does not act as a registered representative of his employer.

(3) The registered representative does not use the leave to engage in any other business, or be employed by any other corporation, firm or individual, or serve as a partner, officer or director of any other partnership or corporation.

(4) The total time on leave of absence does not exceed one year.

(5) The registered representative receives no compensation from the firm other than maintenance of fringe benefits such as medical insurance, etc.

The Exchange will consider on their individual circumstances any requests for leave of absence which do not conform with the above conditions.]

Compensation or Gratuities to Employees of Others

Rule 350

(a) No member, allied member, member organization or employee thereof shall:

(1) Employ or compensate for services rendered, except as specified below or with the prior written consent of the employer and *in the case of floor employees* prior *written consent of the employer and* the Exchange, or

(2) give any gratuity in excess of $25 per person per year to any principal, officer, or employee of the Exchange or its subsidiaries, another member or member organization, financial institution, news or financial information media, or non-member broker or dealer in securities, commodities, or money instruments.

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A gift of any kind is considered a gratuity.

(b) Compensation for services rendered of up to $100 per person per year may be paid with the prior written consent of the employer, but not of the Exchange, to operations employees of the following types:

(1) A telephone clerk on the NYSE Floor who provides courtesy telephone relief to a member's clerk, or handles such a member's orders over the member's own wire.

(2) Employees who make out commission bills or prepare Exchange reports for members.

(3) A specialist's Floor clerk who maintains records for a specialist other than his employer, or provides courtesy relief to another specialist's clerk.

(4) When the service rendered by the employee exceeds that which the primary employer is obligated to furnish.

(a) A telephone clerk who handles a member's orders transmitted over the wire of the clerk's employer.

(b) Odd-lot clerks assigned to assist an Associate Odd-lot Broker.

(c) A telephone clerk who handles orders directly by the clerk's employer to the member who receives them.

[(d) Operations employees of a carrying or clearing firm assigned by their employer to give a major amount of service to a member or member organization introducing accounts to, clearing through, corresponding with, or making an office with the employer firm.]

(c) Records shall be retained for at least three years of all such gratuities and compensation for inspection by Exchange examiners.

• • • Supplementary Materials

10. When close relatives work in different financial organizations, gifts arising from the family relationship are not considered subject to Rule 350.

Employment of or gratuities to personnel working on the Floor of other exchanges and approved by the other exchange under a rule similar to Rule 350 are not considered subject to Rule 350.

Requests for Exchange consent under Section a(1) of this Rule should be addressed as follows, and sent at least 10 days in advance of the proposed date of employment:

(A) Exchange employees—Attention: Personnel Department.

(B) Floor employees of other members or member organizations—Attention: [Market Surveillance Division] *Market Operations Division.*

[(C) All Others—Attention: Regulation & Surveillance].

Consents under a (1) or (b), above, should include name and position of proposed employee, amount of proposed compensation, name and title of person giving consent for employer, and nature of proposed duties of employee. Approvals under a (1) will not be given in December.

Requests for exceptions to section a(2) above will be considered only under very unusual circumstances.

In general, approval to employ an Exchange employee outside of the hours of regular employment by the Exchange will be limited to employment of a routine or clerical nature. Approval will not be given for the employment of an Exchange employee in an advisory or professional capacity with reference to Exchange operations or policies.

When the Exchange has granted permission for part-time employment of an employee of the Exchange or of another member or member organization no approval is required for a subsequent gratuity or bonus to such person provided it is in proportion to gratuities given full-time employees of the employing organization.

[FR Doc.77-10207 Filed 4-5-77;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 15; Amdt. 3]

ASSISTANT ADMINISTRATOR FOR ADMINISTRATION

Audit and Investigation Authority; Rescission

Delegation of Authority No. 15 (37 FR 20753), as amended (39 FR 1898 and 40 FR 18054), is hereby further amended to rescind audit and investigation authority previously given to the Assistant Administrator for Administration. This function is now being performed in the Administrator's Office.

Section E of Delegation of Authority No. 15, as amended, is hereby rescinded in its entirety.

Effective date: April 6, 1977.

Dated: March 31, 1977.

ROGER H. JONES,
Acting Administrator.

[FR Doc.77-10155 Filed 4-5-77;8:45 am]

[Colorado Equity Capital Corporation Application No. 08/08-5040]

COLORADO EQUITY CAPITAL CORP.

Application for License to Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by Colorado Equity Capital Corporation (applicant), with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1976).

The officers and directors of the applicant are as follows:

Edward R. Lucero, President, General Manager, Director, 10370 West 18th Pl., Lakewood, Colo. 80215.

Roger C. Cohen, Secretary, Legal Counsel, 4949 South Birch St., Littleton, Colo. 80121.

Darl C. Hobson, Director, 1130 South Fenton St., Denver, Colo. 80226.

The applicant, a Colorado corporation, with its principal place of business located at 1108 Fifteenth Street, Suite 713, Denver, Colorado 80202, will begin operations with $300,000 of paid-in capital and paid-in surplus, derived from the sale of 3,000 shares of common stock to approximately 15 private investors including five local banks and other business concerns. No stockholder will hold 10 percent or more of the applicant's voting stock. The applicant will conduct its operations within the State of Colorado.

Applicant intends to provide assistance to all qualified socially or economically disadvantaged small business concerns as the opportunity to profitably assist such concerns is presented.

As a small business investment company under Section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and SBA Rules and Regulations.

Any person may, not later than 15 days from the date of publication of this notice, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Denver, Colorado.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: March 30, 1977.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.77-10154 Filed 4-5-77;8:45 am]

DEPARTMENT OF STATE

[Public Notice CM-7/53]

ADVISORY COMMITTEE ON THE LAW OF THE SEA

Change of Date for April Meeting

Notice is hereby given that due to exigencies imposed by intersessional consultations preparatory to the 1977 Third United Nations Conference on the Law of the Sea, the Advisory Committee on the Law of the Sea, which, according to 51 FR 14798 of March 16, 1977 was to meet in both an open and closed session on Thursday, April 28 and Friday, April 29 will not meet in a closed session on Monday, April 25 and in a partially closed session on Tuesday, April 26, 1977. The basis for the closed meeting is as originally stated in the FEDERAL REGISTER cited above.

The open session of the meeting will convene on Tuesday, April 26, 1977 at 2:30 p.m. in the Dean Acheson Auditorium, U.S. Department of State, 22nd and C Streets NW., Washington, D.C. The closed session will commence on Monday, April 26 at 9 a.m. in the Main Lounge, Constitution Hall, 18th and C Streets NW., and on Tuesday, April 26, 1977 at 9 a.m. in the Dean Acheson Auditorium. Attendees should use the Diplomatic Entrance to the Department of State at 22nd and C Streets NW.

Dated: March 28, 1977.

FRANK HODSOLL,
Director, Office of the Law of the Sea Negotiations.

[FR Doc.77-10194 Filed 4-5-77;8:45 am]

[Public Notice CM-7/51]

SHIPPING COORDINATING COMMITTEE, SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on fire protection of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting on Tuesday, April 26, 1977, at 9:30 a.m. in Room 8236 of the Department of Transportation, 400 Seventh Street SW., Washington, D.C.

The purpose of the meeting will be to:

Discuss fire safety measures for tank vessels;

Prepare documents for submittal to the 20th Session of the Intergovernmental Maritime Consultative Organization (IMCO) Subcommittee on Fire Protection, scheduled to be held July 4–8, 1977;

Review recently submitted documents by other delegations to determine if a response is appropriate or required.

Requests for further information on the meeting should be directed to Mr. Daniel F. Sheehan, United States Coast Guard. He may be reached by telephone on (area code 202) 426–2197.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman,
Shipping Coordinating Committee.

MARCH 28, 1977.

[FR Doc.77-10195 Filed 4-5-77;8:45 am]

[Public Notice CM-7/54]

SHIPPING COORDINATING COMMITTEE, SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on subdivision and stability's panel on bulk cargoes of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 10:00 a.m. on Wednesday, April 28, 1977, in Suite 2757, One World Trade Center, New York, New York.

The purpose of the meeting will be to:

Discuss items on the agenda for the 18th Session of the Subcommittee on Containers and Cargoes of the Intergovernmental Maritime Consultative Organization (IMCO) pertaining to bulk cargoes scheduled to be held July 11–15, 1977, in London;

Review the work statements on sampling procedures and shifting angle; and

Discuss paper on securing of cants as an addendum to Code of Safe Practice for Timber Deck Cargoes.

Requests for further information on the meeting should be directed to either Mr. Edward H. Middleton, United States Coast Guard (202/426–2170) or Capt. S. Fraser Sammis, National Cargo Bureau, Inc. (212–432–1260).

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman,
Shipping Coordinating Committee.

MARCH 28, 1977.

[FR Doc.77-10193 Filed 4-5-77;8:45 am]

[Public Notice CM-7/50]

STUDY GROUPS 10 AND 11 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Meeting

The Department of State announces that Study Groups 10 and 11 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet jointly on April 28, 1977, under the chairmanship of Mr. Neal K. McNaughton. The meeting will convene at 9:30 a.m. in Room A–110, Federal Communications Commission Annex, 1229 20th Street NW., Washington, D.C.

Study Group 10 deals with questions relating to sound broadcasting; Study Group 11 deals with questions relating to television broadcasting. The purpose of the meeting on April 28 will be to review the proposed contributions to the international meetings of Study Groups 10 and 11 in October 1977.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

Dated: March 30, 1977.

GORDON L. HUFFCUTT,
Chairman,
U.S. CCIR National Committee.

[FR Doc.77-10196 Filed 4-5-77;8:45 am]

DEPARTMENT OF THE TREASURY

[Treasury Dept. Order No. 248]

SOUTHERN RHODESIA

Delegation of Authority Relating to Embargo

By virtue of the authority vested in me as Secretary of the Treasury by Pub. L. 95–12 of March 18, 1977; Executive Order 11322, January 5, 1967; Executive Order 11419, July 29, 1968; Executive Order 11978, March 18, 1977; and Reorganization Plan No. 26 of 1950:

I hereby delegate to the Director of the Office of Foreign Assets Control all authority vested in me as Secretary of the Treasury by Pub. L. 95–12. All actions taken by him prior to this delegation to implement Pub. L. 95–12 are hereby ratified and confirmed.

Dated: March 31, 1977.

ANTHONY M. SOLOMON,
Acting Secretary of the Treasury.

[FR Doc.77-10211 Filed 4-5-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 362]

ASSIGNMENT OF HEARINGS

APRIL 1, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 114211 Sub 261, Warren Transport, Inc. now assigned April 7, 1977 at Salt Lake City, Utah is cancelled.

MC 120472 (Sub-2), Gollot & Sons Transfer & Storage, Inc., now assigned May 9, 1977 at New Orleans, Louisiana, is cancelled and reassigned May 9, 1977 at Biloxi, Mississippi, in a hearing room to be later designated.

MC 117068 (Sub-No. 71), Midwest Specialized Transportation, Inc. now assigned May 3, 1977, at Minneapolis, Minnesota will be held in Room B–44, Federal Building, 110 4th Street.

MC 133095 (Sub-No. 114), Texas Continental Express, Inc., now assigned May 4, 1977, at Minneapolis, Minnesota, will be held in Room B–44, Federal Building, 110 South 4th Street.

MC 720 (Sub-No. 17), Bird Trucking Co., Inc., now assigned May 5, 1977, at Minneapolis, Minnesota, will be held in Room B–44, Federal Building, 110 South 4th Street.

MC 114211 (Sub-No. 279), Warren Transport, Inc., and MC 118806 (Sub-No. 49), Arnold Bros. Transport, LTD, now assigned May 9, 1977, at Minneapolis, Minnesota will be held in Room B–44, Federal Building, 110 South 4th Street.

MC 109397 Sub 344, Tri-State Motor Transit Co. now assigned May 26, 1977 at Atlanta, Georgia and will be held in Room 556, Federal Office Building, 275 Peachtree Street.

MC 139468 Sub 4, International Contract Carrier, Inc. now assigned May 24, 1977 at Atlanta, Georgia and will be held in Room 556, Federal Office Building, 275 Peachtree Street.

MC 139495 Sub 171, National Carriers, Inc. now assigned May 23, 1977 at Atlanta, Georgia and will be held in Room 556, Federal Office Building, 275 Peachtree Street.

MC 99161 Sub 6, Alabama Freight, Inc. now assigned May 19, 1977 at Atlanta, Georgia and will be held in Room 526, U.S. Courthouse, 56 Forsyth Street.

MC 108393 Sub 109, Signal Delivery Service, Inc. now assigned May 17, 1977 at Atlanta, Georgia and will be held in Room 526, U.S. Courthouse, 56 Forsyth Street.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-10223 Filed 4-5-77;8:45 am]

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[Ex Parte No. 278 [1]]

EQUAL OPPORTUNITY IN SURFACE TRANSPORTATION

Decided: February 3, 1977.

Upon investigation into (a) the employment practices of, and minority participation within, the surface transportation industry subject to economic regulation by this Commission pursuant to the provisions of the Interstate Commerce Act, (b) that industry's compliance with applicable civil rights statutes and Executive Orders, and (c) the proper role to be assumed by this Commission in regard to these matters, found:

(1) That unlawful discriminatory employment practices do exist in the surface transportation industry subject to our jurisdiction as in other industries not within the purview of our regulatory authority, but visible efforts are being made by the industry itself to correct these problems.

(2) That the Interstate Commerce Commission is bound by the principles set forth in "NAACP v. FPC," 44 USLW 4659 (U.S. May 19, 1976) and therefore, has jurisdiction (a) to disallow any quantifiable costs demonstrably the product of discriminatory employment practices as unnecessary costs which may not be included as justification for rate increases; and direct the Bureau of Accounts to advise all carriers as soon as practicable of the appropriate accounting for such costs, and (b) to consider the consequences of employment discrimination, as a factor, in licensing fitness, and other areas, but only if the discriminating activity impacts on the regulatee's regulated activities.

(3) That this Commission's range of concern in the area of employment discrimination involves more than specifically quantifiable costs, but does not extend beyond the scope of the regulatee's regulated activity.

(4) That the Commission's existing rules and regulations appear adequate, at this time, for the bringing of matters involving employment discrimination relevant to our proceedings to the Commission's attention for appropriate consideration and, therefore, neither the adoption of those proposed rules which are within our power to adopt, nor the promulgation of any new rules is necessary.

(5) That the Commission will handle issues involving employment discrimination on a case-by-case basis until we gain the experience and a need for additional rules presents itself.

(6) That the Commission should continue to assist and participate in programs designed to enhance and encourage greater female, minority, and small business concerns participation in surface transportation subject to our jurisdiction.

(7) That the petition proceeding in No. MC-C-7255 should be dismissed.

(8) That since no new rules are adopted herein or any other good cause shown why this proceeding should be held open for further comment, the proceeding should be discontinued.

(9) That this decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-10228 Filed 4-5-77;8:45 am]

[1] This report also embraces No. MC-C-7255, Petition for Rulemaking Proceeding Relative to Employment Practices of Motor Carriers.

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY-ELIMINATION OF GATEWAY LETTER NOTICES

APRIL 1, 1977.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR Part 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before April 18, 1977. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-1647 (Sub-No. E4), filed June 4, 1974. Applicant: READDING VAN & STORAGE CO. INC., 1725 Pine Avenue, Vineland, N.J. 08360. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Household goods* as defined by the Commission, between points in New Jersey, on the one hand, and, on the other, points in Florida. The purpose of this filing is to eliminate the gateway of points in Cape May County, N.J. within 20 miles of Egg Harbor City, N.J.

No. MC-1647 (Sub-No. E5), filed June 4, 1974. Applicant: READDING VAN & STORAGE CO. INC., 1725 Pine Avenue, Vineland, N.J. 08360. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Household goods* as defined by the Commission, between points in New Jersey, on the one hand, and, on the other, points in Georgia. The purpose of this filing is to eliminate the gateway of points in Cape May County, N.J. within 20 miles of Egg Harbor City, N.J.

No. MC-1647 (Sub-No. E6), filed June 4, 1974. Applicant: READDING VAN & STORAGE CO. INC., 1725 Pine Avenue, Vineland, N.J. 08360. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Household goods* as defined by the Commission, between points in New Jersey, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateway of points in Cap May County, N.J. within 20 miles of Egg Harbor City, N.J.

No. MC-1647 (Sub-No. E7), filed June 4, 1974. Applicant: READDING VAN & STORAGE CO. INC., 1725 Pine Avenue, Vineland, N.J. 08360. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Household goods* as defined by the Commission, between points in New Jersey, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateway of points in Cape May County, N.J. within 20 miles of Egg Harbor City, N.J.

No. MC-1647 (Sub-No. E18), Filed June 4, 1974. Applicant: READDING VAN & STORAGE CO. INC., 1725 Pine Avenue, Vineland, N.J. 08360. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicele, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Kent County, Delaware, and points in Delaware on and north of Kent County, on the one hand, and, on the other, points in Florida on and east of Interstate Highway 75. The purpose of this filing is to eliminate the gateway of points in Cape May County, N.J. within 20 miles of Egg Harbor City, N.J.

No. MC-1647 (Sub-No. E19), filed June 4, 1974. Applicant: READDING VAN & STORAGE CO. INC., 1725 Pine Avenue, Vineland, N.J. 08360. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Rhode Island, on the one hand, and, on the other, points in Maryland, Delaware, and the District of Columbia. The purpose of this filing is to eliminate the gateway of points in Cape May County, N.J. within 20 miles of Egg Harbor City, N.J.

No. MC 105045 (Sub-No. E157), filed November 28, 1975. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania Street, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* and *aluminum articles* (except commodites in bulk), which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment* and *supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Michigan on and south of a line beginning at Holland, Michigan, on Lake Michigan, and extending along Michigan Highway 21, thence along Michigan Highway 21 to Port Huron, Michigan, at Lake Huron, to points in Minnesota.

The purpose of this filing is to eliminate the gateway of the facilities of Amax Aluminum Mill Products, Inc., in Grundy County, Ill.

No. MC 105045 (Sub-No. E158), filed November 28, 1975. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania Street, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* and *aluminum articles* (except commodites in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment*, and *supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipelines, from points in Louisiana, on and south and east of a line beginning at the Louisiana-Mississippi state line, and extending along U.S. Highway 80, to junction U.S. Highway 165, to junction U.S. Highway 167, thence along U.S. Highway 167 to Abbeville, La., at or near Vermillion Bay, to those points in Minnesota on and north of a line beginning at the Minnesota-Wisconsin state line, and extending along U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-South Dakota state line.

The purpose of this filing is to eliminate the gateway of the facilities of Amax Aluminum Mill Products, Inc., in Grundy County, Ill.

No. MC 105045 (Sub-No. E160), filed November 28, 1975. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania Street, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Aluminum* and *aluminum articles* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment*, and *supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipelines, from points in Arkansas, on and east of a line beginning at the Arkansas-Tennessee state line, and extending along U.S. Highway 79 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Arkansas-Louisiana state line, to those points in Minnesota on and north and east of a line beginning at the Minnesota-Wisconsin state line, and extending along U.S. Highway 12, to junction Minnesota Highway 15, to junction Interstate Highway 94, to junction U.S. Highway 10, thence along U.S. Highway 10 to the Minnesota-North Dakota state line.

The purpose of this filing is to eliminate the gateway of the facilities of Amax Aluminum Mill Products, Inc., in Grundy County, Ill.

No. MC 105045 (Sub-No. E161), filed November 28, 1975. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania Street, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Aluminum* and *aluminum articles* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment*, and *supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Florida and Georgia, to those points in Iowa, on and north of a line beginning at the Iowa-Illinois state line, and extending along U.S. Highway 61, to junction Interstate Highway 80, thence along Interstate Highway 80, to the Iowa-Nebraska state line.

The purpose of this filing is to eliminate the gateway of the facilities of Amax Aluminum Mill Products, Inc., in Grundy County, Ill.

No. MC 105045 (Sub-No. E162), filed November 28, 1975. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania Street, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Aluminum* and *aluminum articles* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment*, and *supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Alabama on and east of a line beginning at the Alabama-Tennessee state line, and extending along Interstate Highway 65 to junction U.S. Highway 331, to junction U.S. Highway 29, to junction Alabama Highway 137, thence along Alabama Highway 137 to the Alabama-Florida state line, on the one hand, and, on the other, those points in Iowa on and north of a line beginning at the Iowa-Illinois state line, and extending along U.S. Highway 61 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Iowa-Nebraska state line.

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The purpose of this filing is to eliminate the gateway of the facilities of Amax Aluminum Mill Products, Inc., in Grundy County, Ill.

No. MC 105045 (Sub-No. E163), filed November 28, 1975. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania Street, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* and *aluminum articles* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment* and *supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk line pipe lines, between points in Iowa, on the one hand, and, on the other, those points in Michigan on and south of a line beginning at Lake Michigan and extending along Michigan Highway 32, thence along Michigan Highway 32 to Lake Huron.

The purpose of this filing is to eliminate the gateway of the facilities of Amax Aluminum Mill Products, Inc., in Grundy County, Ill.

No. MC 105045 (Sub-No. E164), filed November 28, 1975. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania Street, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* and *aluminum articles* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in conncetion with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment*, and *supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Nebraska, to points in the Lower Peninsula of Michigan.

The purpose of this filing is to eliminate the gateway of the facilities of Amax Aluminum Mill Products, Inc., in Grundy County, Ill.

No. MC 105045 (Sub-No. E165), filed November 28, 1975. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum articles* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment, and supplies* used in, or in connection with main or trunk pipe lines, from points in Alabama on and south of a line beginning at the Alabama-Mississippi State line, and extending along U.S. Highway 84, thence along U.S. Highway 84 to the Alabama-Georgia State line, to those points in Michigan on and west of a line beginning at the Michigan-Indiana State line, and extending along U.S. Highway 27 to junction Interstate Highway 75, thence along Interstate Highway 75 to Mackinaw City, Mich., and all points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of the facilities of Amax Aluminum Mill Products, Inc., in Grundy County, Ill.

No. MC 105045 (Sub-No. E166, filed November 28, 1975. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum articles* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Wisconsin on and south of a line beginning at the Wisconsin-Iowa State line, and extending along U.S. Highway 18, thence along U.S. Highway 18 to Lake Michigan, on the one hand, and, on the other, those points in Michigan on and south of a line beginning at Lake Michigan, at Holland, Mich., and extending along Michigan Highway 21, thence along Michigan Highway 21 to Lake Huron. The purpose of this filing is to eliminate the gateway of the facilities of the Amax Aluminum Mill Products, Inc., in Grundy County, Ill.

No. MC–105045 (Sub-No. E167), filed November 28, 1975. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum articles* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Missouri on and south of a line beginning at the Wisconsin-Iowa State line, and extending along U.S. Highway 18, thence along U.S. Highway 18 to Lake Michigan, on the one hand, and, on the other, those points in Michigan on and south of a line beginning at Lake Michigan, at Holland, Mich., and extending along Michigan Highway 21, thence along Michigan Highway 21 to Lake Huron. The purpose of this filing is to eliminate the gateway of the facilities of the Amax Aluminum Mill Products, Inc., in Grundy County, Ill.

No. MC–105045 (Sub-No. E168), filed November 28, 1975. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum articles* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Wisconsin on and south of a line beginning at the Wisconsin-Iowa State line, and extending along U.S. Highway 18, thence along U.S. Highway 18 to Lake Michigan, on the one hand, and, on the other, those points in Michigan on and south of a line beginning at Lake Michigan, at Holland, Mich., and extending along Michigan Highway 21, thence along Michigan Highway 21 to Lake Huron. The purpose of this filing is to eliminate the gateway of the facilities of the Amax Aluminum Mill Products, Inc., in Grundy County, Ill.

No. MC–105045 (Sub-No. E169), filed November 28, 1975. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum articles* (except commodities in bulk), which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, op-

eration, repair, picking up up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Iowa, Nebraska, Kansas, Oklahoma, Texas, and Missouri, to points in New Jersey and New York. The purpose of this filing is to eliminate the gateway of the facilities of Amax Aluminum Mill Products, Inc., in Grundy County, Ill.

No. MC–105045 (Sub-No. E170), filed November 28, 1975. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum articles* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Arkansas to points in New York. The purpose of this filing is to eliminate the gateway of the facilities of Amax Aluminum Mill Products, Inc., in Grundy County, Ill.

No. MC–105045 (Sub-No. E171), filed November 28, 1975. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum articles* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment, and supplies* used in, or in connection with the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Arkansas, on and north of a line beginning at the Arkansas-Mississippi State line, and extending along U.S. Highway 82, to junction U.S. Highway 167, thence along U.S. Highway 167 to the Arkansas-Louisiana State line, to points in New Jersey. The purpose of this filing is to eliminate the gateway of the facilities of Amax Aluminum Mill Products, Inc., in Grundy County, Ill.

No. MC–105045 (Sub-No. E172), filed November 28, 1975. Applicant: R. L. JEFFRIES TRUCKINK CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum articles* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Wisconsin to points in New Jersey and New York. The purpose of this filing is to eliminate the gateway of the facilities of Amax Aluminum Mill Products, Inc., in Grundy County, Ill.

No. MC–105045 (Sub-No. E173), filed November 28, 1975. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum articles* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Wisconsin, Nebraska, Kansas, Missouri, Oklahoma, Texas and Arkansas, to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateway of the facilities of Amax Aluminum Mill Products, Inc., in Grundy County, Ill.

No. MC–105045 (Sub-No. E176), filed November 28, 1975. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum articles* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Louisiana on and north and west of a line beginning at the Gulf of Mexico, and extending along Louisiana Highway 82, to junction U.S. Highway 167, to junction Louisiana Highway 28, to junction U.S. Highway 84, to junction U.S. Highway 65, thence along U.S. Highway 65 to the Louisiana-Arkansas State line, on the one hand, and, on the other, points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateway of the facilities of Amax Alumi-

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num Mill Products, Inc., in Grundy County, Ill.

No. MC–108449 (Sub-No. E36), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Winona, Minn., to points in Iowa within 150 miles of La Crosse, Wis. The purpose of this filing is to eliminate the gateway of La Crosse, Wis.

No. MC–108449 (Sub-No. E223), filed May 16, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above) Authority sought to opearte as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, in bulk, in tank vehicles, from Lemont and Lockport, Ill., to points in Iowa on, west, and north of a line beginning at the Iowa-Minnesota state line and extending along U.S. Highway 65, to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Iowa Highway 3, thence along Iowa Highway 3 to the Iowa-South Dakota state line. The purpose of this filing is to eliminate the gateways of La Crosse, Wis., the site of the pipeline terminal of American Oil Company at or near Spring Valley, Minn., and the Williams Brothers Pipe Line Company terminal located at or near Spirit Lake, Iowa.

No. MC–108449 (Sub-No. E224), filed May 16, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Lemont and Lockport, Ill., to points in Wisconsin on, south, and west of a line beginning at the Wisconsin-Minnesota State line at or near Houlton, Wis., and extending along Wisconsin Highway 64 to junction Wisconsin Highway 178, thence along Wisconsin Highway 178 to junction U.S. Highway 53, thence along U.S. Highway 53 to junction Wisconsin Highway 35, thence along Wisconsin Highway 35 to the Wisconsin-Minnesota State line (except Chippewa Falls, Menomonie, New Richmond, Eu Claire, Durand, Independence, Mondovi, Osseo, Whitehall, and Arcadia, Wis., and points in the town of Dodge, Trempealeau County, Wis.). The purpose of this filing is to eliminate the gateways of La Crosse, Wis. and Winona, Minn.

No. MC–108449 (Sub-No. E225), filed May 16, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Lemont and Lockport, Ill., to points in Wisconsin on and west of a line beginning at Superior, Wisc. and extending along Wisconsin Highway 35 to the Wisconsin-Minnesota state line at or near Danbury, Wisc. The purpose of this filing is to eliminate the gateways of La Crosse, Wisc. and St. Paul, Minn.

No. MC–108449 (Sub-No. E228), filed May 29, 1974. Applicant: INDIANHEAD TRUCK LINES, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petoleum gas*, in bulk, in tank vehicles, from the port of entry on the International Boundary line between the United States and the Province of Manitoba, Canada, located in Cavalier County, North Dakota, to points in Montana, (except Glacier, Toole, Liberty, Hill, Blaine, Phillips, Valley, Daniels, Sheridan, Roosevelt, Mc Cone, Richland, Dawson, Wibaux, Prairie, Custer, Fallon, Powder River, and Carter counties). Limitation: The authority granted herein shall be of no further force and effect after December 6, 1977.

The purpose of this filing is to eliminate the gateway of the terminal facilities of the Kaneb Pipe Line Company located at or near Jamestown, N. Dak.

No. MC–108676 (Sub-No. E10), filed June 4, 1974. Part I, Sec. O & P. Applicant: A. J. METLER HAULING & RIGGING, 117 Chicamauga Avenue, Knoxville, Tennessee 37917. Applicant's representative: A. J. Metler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, consisting of *contractors' equipment*, and *coal and coke mining equipment; Iron and steel articles*, consisting of *construction equipment*, and *parts, accessories*, and *attachments therefor* (not including contractors' equipment), *maintenance equipment*, and *parts, accessories*, and *attachements*, therefor (not including contractors' equipment), *power distribution equipment*, and *parts, accessories*, and *attachements* therefor (not including contractors' equipment), and *plant equipment*, and *parts, accessories* and *attachments* therefor (not including contractors' equipment); *Iron and steel articles*, consisting of *signs, sign poles* and *parts and accessories*, Q(1) Between points in North Carolina in, east, or southeast of Gaston, Lincoln, Catawba, and Alexander Counties, in or south of Alexander, Iredell, Davie, and Davidson Counties, and in or east of Guilford and Rockingham Counties, on the one hand, and, on the other, points in Kentucky in or west of Pendleton, Harrison, Bourbon, Clark, Madison, Rock Castle, Laurel, Knox, and Bell Counties; (2) Between points in North Carolina in, southeast, or south of Scotland, Hoke, Cumberland, Sampson, and Duplin Counties, and in or east of Lenior, Pitt, Edgecombe, Halifax, and Northampton Counties, on the one hand, and, on the other, points in Kentucky in or southwest of Campbell, Pendleton, Harrison, Bourbon, Clark, Powell, Wolfe, and Breathitt Counties, and in or west of Breathitt, Owsley, Jackson, Laurel, and McCreary Counties; (3) Between points in North Carolina excluding those located in or north of Watauga, Wilkes, Yadkin, Forsyth, Guilford, Alamance, Caswell, Person, Granville, Vance, Warren, and Halifax Counties, and in, north, northeast of Bertie County, on the one hand, and, on the other, points in Kentucky in or west of Mason, Fleming, Bath, Menifee, Powell, Estill, Jackson, Laurel, and Whitley Counties; (4) Between points in North Carolina, on the one hand, and, on the other, points in Kentucky in or west of Campbell, Pendleton, Harrison, Bourbon, Clark, Powell, Estill, Jackson, Laurel and Whitley Counties. P(1) Between points in North Carolina in or west of Warren, Halifax, Edgecombe, Wilson, Wayne, Sampson, Cumberland, and Robeson Counties, on the one hand, and, on the other, points in Tennessee excluding those in Hawkins County and the western half of Sullivan County; (2) Between points in North Carolina in or west of Warren, Franklin, Wake, Harnett, Cumberland and Robeson Counties, on the one hand, and, on the other, points in Tennessee; (3) Between points in North Carolina, on the one hand, and, on the other, points in Tennessee in or west of Claiborne, Grainger, Hamblen, and Cocke Counties. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn.

No. MC–108676 (Sub-No. E11), filed June 4, 1974. Part I, Sec. Q & R. Applicant: A. J. METLER HAULING & RIGGING, 117 Chicamauga Avenue, Knoxville, Tennessee 37917. Applicant's representative: A. J. Metler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, consisting of *contractors' equipment*, and *coal and coke mining equipment; Iron and steel articles*, consisting of *construction equipment*, and *parts, accessories* and *attachments*, therefor (not including contractors' equipment), *maintenance equipment*, and *parts, accessories and attachements*, therefore (not including contractors' equipment), *power distribution equipment*, and *parts, accessories and attachments*, therefor (not including contractors' equipment), and *plant equipment*, and *parts, accessories and attachments* therefor (not including contractors' equipment); *Iron and steel articles*, consisting of *signs, sign poles* and *parts and accessories*, Q(1) Between points in North Carolina in or south of Pulaski and Laurel counties, and in or west of Knox and Bell Counties;

(5) Between points in Virginia, on the one hand, and, on the other, points in Kentucky, in, west, or southwest of Hardin and Larue Counties, in or south of Marion, Casey, Pulaski, and Laurel Counties, and in or east of Knox and Bell Counties; (6) Between points in Virginia in or west of Buchanan, Russell, and Washington Counties, on the one hand, and, on the other, points in Kentucky in, east, or southeast of Mason, Robertson, Nicholas, Bourbon, and Fayette Counties, and in or northeast of Clark, Estill, Lee, Breathitt, Perry, and Letcher Counties; (7) Between points in Virginia in or north of Lee, Scott, Washington, Smyth, Wythe, and Pulaski Counties and in or southwest of Giles and Montgomery Counties, on the one hand, and, on the other, points in Kentucky in or east of Mason, Fleming, Rowan, Morgan, Wolfe, Breathitt, Perry and Letcher Counties; (8) Between points in Virginia in or east of Carroll, Floyd, Roanoke, Botetourt, and Rockbridge Counties, in or southwest of Bath and Rockbridge Counties, on the one hand, and, on the other points in Kentucky in or east of Boyd, Lawrence, Johnson, Magoffin, Breathitt, Perry, and Letcher Counties; (9) Between points in Virginia in or West of Henry, Franklin, Roanoke, Botetourt, and Rockbridge Counties, in or southwest of Bath and Rockbridge Counties, on the one hand, and, on the other, points in Kentucky in or east of Boyd, Lawrence, Johnson, Floyd, Knott, Perry, and Letcher Counties; (10) Between Lynchburg, Virginia; on the one hand, and, on the other, points in Virginia in or west of Henry, Franklin, Bedford, and Rockbridge Counties and in or southwest of Augusta and Highland Counties, and Ashland, Kentucky; R(1) Between points in Virginia in, southwest, or south of Bath, Rockbridge, Nelson, Buckingham, and Cumberland Counties and in or west of Amelia, Nottoway, Lunenburg, and Mecklenburg Counties, on the one hand, and, on the other, points in Tennessee; and (2) Between points in Virginia, on the one hand, and, on the other, points in Tennessee in or west of Scott, Anderson, Knox and Blount Counties.

The purpose of this filing is to eliminate the gateway of Knoxville, Tennessee.

No. MC 108676 (Sub-No. E14), filed June 4, 1974. Applicant: A. J. METLER HAULING & RIGGING, 117 Chicamauga Avenue, Knoxville, Tennessee 37917. Applicant's representative: A. J. Metler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal and coke mining machinery, equipment and vehicles and mine cars*, consisting of *maintenance machinery* and *equipment and parts, accessories and attachment* therefor (not including contractors' machinery and equipment), *Iron or steel conveying, dredging, dumping or hoisting buckets, dippers, or skips*, consisting of *construction machinery, tools*, and *equipment*, and *parts, accessories* and *attachments* therefor (not including contractors' machinery and equipment), *maintenance machinery, tools* and *equipment* and *parts, accessories* and *attachments* therefor (not including contractors' machinery and equipment), *power distribution machinery, tools* and *equipment*, and *parts, accessories*, and *attachments* therefor (not including contractors' machinery and equipment), and *plant machinery, tools* and *equipment*, and *parts, accessories*, and *attachments* therefor (not including contractors' machinery and equipment), E (1) Between points in Alabama in or east of Barbour, Dale, and Geneva Counties, on the one hand, and, on the other, points in Kentucky; (2) Between points in Alabama in or south of Leburne, Calhoun, Clay, Tallapoosa, Macon, Bullock, Pike, Coffee, Covington, Escambia, Baldwin, and Mobile Counties, on the one hand, and, on the other, points in Kentucky north of Crittenden, Caldwell, Christian, Todd, Logan, Warren, and Allen Counties; (3) Between points in Alabama in or south of Leburne, Calhoun, Talladega, Coosa, Elmore, Montgomery, Butler, Monroe, Clarke, and Choctaw Counties, on the one hand, and, on the other, points in Kentucky in or south of Daviess and Breckinridge and in or east of Ohio, Butler, Edmonson, Barren, and Allen Counties; (4) Between points in Alabama, on the one hand, and, on the other, points in Kentucky in or east of Meade, Hardin, Hart, Metcalf, and Monroe Counties. F (1) Between points in Alabama in Barbour County, on the one hand, and, on the other, points in Tennessee on and east of a line beginning at the Tennessee-Kentucky state line, and extending along U.S. Highway 41 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Tennessee-Alabama state line; (2) Between points in Alabama in or south of Barbour, Dale, and Geneva Counties, on the one hand, and, on the other, points in Tennessee on and east of a line beginning at the Tennessee-Kentucky state line, and extending along U.S. Highway 41, thence along U.S. Highway 41 to the Tennessee-Georgia state line; (3) Between points in Alabama in or south of Barbour, Pike, Crenshaw, Butler, Conecuh, Escambia, Baldwin, and Mobile Counties, on the one hand, and, on the other, points in Tennessee on and east of a line beginning at the Tennessee-Kentucky state line, and extending along Tennessee Highway 56, thence along Tennessee Highway 56 to the Tennessee-Alabama state line; (4) Between points in Alabama in or south of Barbour, Pike, Crenshaw, Butler, Monroe, Clarke, and Washington

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Counties, on the one hand, and, on the other, points in Tennessee in or east of Clay, Jackson, Putnam, White, Van Buren, Dequatchie, and Hamilton Counties; and (5) Between points in Alabama, on the one hand, and, on the other, points in Tennessee in or east of Clay, Jackson, Putnam, White, Van Buren, Bledsoe, Rhea, Meigs and Bradley Counties.

The purpose of this filing is to eliminate the gateway of Knoxville, Tenn., and points within 75 miles thereof.

No. MC 108676 (Sub-No. E16), filed June 4, 1974. Applicant: A. J. METLER HAULING & RIGGING, 117 Chicamauga Avenue, Knoxville, Tennessee 37917. Applicant's representative: A. J. Metler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal and coke mining machinery, equipment* and *vehicles* and *mine cars*, consisting of *maintenance machinery* and *equipment*, and *parts, accessories* and *attachments*, therefor, (not including contractors' machinery and equipment), *Iron or steel conveying, dredging, dumping or hoisting buckets, dippers, or skips*, consisting of *construction machinery, tools*, and *equipment*, and *parts, accessories* and *attachments* therefor (not including contractors' machinery and equipment), *maintenance machinery, tools*, and *equipment*, and *parts, accessories* and *attachments* therefor (not including contractors' machinery and equipment), *power distribution machinery, tools* and *equipment*, and *parts, accessories* and *attachments* therefor (not including contractors' machinery and equipment), and *plant machinery, tools* and *equipment*, and *parts, accessories* and *attachments* therefor (not including contractors' machinery and equipment), G (1) Between points in Georgia in or north of Union, Gilmer, Pickens, Bartow, and Floyd Counties, on the one hand, and, on the other, points in South Carolina on and west of a line beginning at the North Carolina-South Carolina state line, and extending along Interstate Highway 26 to junction South Carolina Highway 72, thence along South Carolina Highway 72 to the South Carolina-Georgia state line, thence from Georgia-South Carolina state line, extending along U.S. Highway 378 to junction U.S. Highway 178, thence along U.S. Highway 178 to the Atlantic Ocean; (2) Between points in Georgia in or north of Polk, Bartow, Cherokee, Dawson, Lumpkin and Union Counties, on the one hand, and, on the other, points in South Carolina on and west of a line beginning at the South Carolina-North Carolina state line, and extending along Interstate Highway 26, thence along Interstate Highway 26 to the Atlantic Ocean; (3) Between points in Georgia on and west of a line beginning at the North Carolina-Georgia state line, and extending along U.S. Highway 23, to junction Georgia Highway 120, thence along Georgia Highway 120 to the Georgia-Alabama state line, on the one hand, and, on the other, points in Horry County, S.C.

H(1) Between points in Georgia on and west of a line beginning at the Georgia-North Carolina state line and extending along U.S. Highway 23 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Georgia-Alabama state line, on the one hand, and, on the other, points in North Carolina; (2) Between points in Georgia on and north of a line beginning at the Georgia-South Carolina state line, and extending along U.S. Highway 378 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Georgia-Alabama state line, and in or west of Clayton, Fayette, Coweta, Merriwether, Talbott, and Chattahooche Counties, from Atlanta to Chattahoochee-Steward County line, on the one hand, and, on the other, points in North Carolina excluding those in or south of Richmond, Scotland, Hoke, Cumberland, Sampson, Duplin, and Onslow Counties; (3) Between points in Georgia on and north of a line beginning at the Georgia-South Carolina state line and extending along U.S. Highway 378, to junction U.S Highway 78, thence along U.S. Highway 78 to the Georgia-Alabama state line, and points in or west of Clarke, Oconee, Morgan, Jasper, Jones, Twiggs, Houston, Dooly Crisp Turner Tift Colquitt and Thomas Counties, on the one hand, and, on the other, points in North Carolina in or west or north of Cleveland, Lincoln, Iredell, Rowan, Davidson, Randolph, Chatham, Wake, Nash, Wilson Edgecombe Martin, Washington, Tyrrell, and Dare Counties; (4) Between points in Georgia on and north of a line beginning at the Georgia-South Carolina state line, and extending along Interstate Highway 20, thence along Interstate Highway 20 to the Georgia-Alabama state line, and those points on and west of Clarke, Oconee, Morgan, Jasper, Jones, Twiggs, Houston, Dooly, Crisp, Turner, Tift, Colquitt and Thomas Counties, on the one hand, and, on the other, points in North Carolina in, west or north of Cleveland, Lincoln, Iredell, Rowan, Davidson, Randolph, Chatham, Durham, and Granville Counties; (5) Between points in Georgia excluding those in or south of Chatham, Bryan, Evans, Tattnall, Tombs, Montgomery, Wheeler, and Dodge Counties and those in or east of Pulaski, Wilcox, Ben Hill, Irwin, Berrien, Cooke, and Brooks Counties, on the one hand, and, on the other, points in North Carolina in or west of Surry, Yadkin, Iredell, Lincoln, and Cleveland Counties; (6) Between points in Georgia excluding those in McIntosh, Glynn, and Camden Counties, on the one hand, and, on the other, points in North Carolina in or east of Wilkes, Caldwell, Burke, and Rutherford Counties; (7) Between points in Georgia, on the one hand, and, on the other, points in North Carolina in or east of Yancey, Buncombe, and Henderson Counties.

The purpose of this filing is to eliminate the gateway of Knoxville, Tenn., and points within 75 miles thereof.

No. MC–116014 (Sub-No. E9), filed June 15, 1975. Applicant: OLIVER TRUCKING COMPANY, INC., P.O. Box 53, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden pallets, skids, bases, boxes, crating, veneer, baskets, staves, nails*, and *metal banding*, from points in Illinois, Indiana, Ohio and Wheeling, Parkersburg, and Huntington, W. Va., to points in Georgia. The purpose of this filing is to eliminate the gateways of Powell and Adair Counties, Ky.

No. MC–116014 (Sub-No. E10), filed June 15, 1975. Applicant: OLIVER TRUCKING COMPANY, INC., P.O. Box 53, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in that part of Kentucky west and north of a line beginning at the West Virginia-Kentucky state line, thence along U.S. Highway 23 to its junction with U.S. Highway 460, to junction Kentucky U.S. Highway 30, to junction Interstate Highway 75, to the Kentucky-Tennessee state line, to points in that part of Virginia, on, north, and east of a line beginning at the West Virginia-Virginia state line, thence along U.S. Highway 60 to junction Interstate Highway 64, to junction U.S. Highway 220, to the Virginia-North Carolina state line. The purpose of this filing is to eliminate the gateway of points in Kentucky.

No. MC–112070 (Sub-No. E100), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (a) between points in Ohio, on the one hand, and, on the other, those points in New Mexico on and west of a line beginning at the New Mexico-Colorado state line and extending along U.S. Highway 85 to junction Interstate Highway 25, thence along Interstate Highway 25 to the New Mexico-Texas state line; (b) between points in Ashtabula, Lake, Geauga, and Trumbull counties, Ohio, on the one hand, and, on the other, points in New Mexico except Curry, Roosevelt, Lea and Eddy counties, N. Mex.; (c) between points in Ohio on and north of a line beginning at the Ohio-West Virginia state line, and extending along U.S. Highway 22 to junction Ohio Highway 7, to junction U.S. Highway 36, to junction U.S. Highway 33, to junction Ohio Highway 29, thence along Ohio Highway 29 to the Ohio-Indiana state line, on the one hand, and, on the other, those points in New Mexico on and west of a line beginning at the New Mexico-Colorado state line, and extending along U.S. Highway 85, to junction U.S. Highway 285, to junction New Mexico Highway 3,

to junction U.S. Highway 54, thence along U.S. Highway 54 to the New Mexico-Texas state line. The purpose of this filing is to eliminate the gateways of points in Illinois, Missouri, and Denver, Colo., and points within 10 miles thereof.

No. MC–112070 (Sub-No. E101), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (a) between points in New York on and north and west of a line beginning at or near the Vermont-New York state line, and extending along New York Highway 29, to junction Interstate Highway 90, thence along Interstate Highway 90 to junction Interstate Highway 81, thence along Interstate Highway 81 to the New York-Pennsylvania state line, on the one hand, and, on the other, points in New Mexico; (b) between points in New York, on the one hand, and, on the other, points in New Mexico, except Roosevelt, Lea, Curry, and Quea counties, N. Mex.; (c) between points in New York, on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateways of points in Illinois, Missouri, and Denver, Colo., and points within 10 miles thereof.

No. MC–112070 (Sub-No. E102), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Tennessee, on the one hand, and, on the other, points in San Juan County, N. Mex. The purpose of this filing is to eliminate the gateways of points in Missouri and Denver, Colo., and points within 10 miles thereof.

No. MC–112070 (Sub-No. E103), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (a) between points in Kentucky, on and north of a line beginning at the West Virginia-Kentucky state line, and extending along Interstate Highway 64, thence along Interstate Highway 64 to the Kentucky-Indiana state line, on the one hand, and, on the other, points in New Mexico on and west of the Rio Grande River; (b) between points in Kentucky, on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateways of points in Missouri, and Denver, Colo., and points within 10 miles thereof.

No. MC–123407 (Sub-No. E284), filed March 30, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel articles* used as building materials, from Hancock County, Ill., to points in Brunswick, Chowan, Perquimans, Pasquotank, Camden, and Currituck counties, N.C. The purpose of this filing is to eliminate the gateways of Warren, Ill. and New Castle, Ind.

No. MC–123407 (Sub-No. E285), filed March 30, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel articles* used as building materials, from Boone County, Ill., to points in South Carolina, points in North Carolina in and east of Yancey, Buncombe, Jackson, and Henderson counties, N.C., points in Georgia in and east of Rabun, Haversham, Banks, Madison, Clarke, Oconee, Morgan, Putnam, Jones, Bibb, Houston, Dooly, Crisp, Worth, Colquitt, and Thomas counties, Ga. The purpose of this filing is to eliminate the gateways of Warren, Ill., and New Castle, Ind.

No. MC–123407 (Sub-No. E286), filed March 30, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel articles* used as building materials, from Marshall County, Ill., to points in Brunswick and New Hanover counties, N.C. and to points in Horry County, S.C. The purpose of this filing is to eliminate the gateways of Warren, Ill. and New Castle, Inc.

No. MC–123407 (Sub-No. E293), filed March 30, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel articles* used as building materials, from Lee County, Ill., to points in North Carolina, and South Carolina, and to points in Georgia in and east of Rabun, Habersham, Stephens, Banks, Madison, Oglethorpe, Taliaferro, Warren, Glascock, Jefferson, Emanuel, Treutlen, Wheeler, Telfair, Ben Hill, Turner, Worth, Mitchell and Decatur counties Ga. The purpose of this filing is to eliminate the gateways at Warren, Ill. and New Castle, Ind.

No. MC–123407 (Sub-No. E294), filed March 30, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel articles* used as building materials, from Henry County, Ill., to points in Chatham County, Ga., to points in North Carolina in and east of Vance, Franklin, Wake, Chatham, Randolph, Davidson, Rowan, Iredell, and Mecklenburg counties, N.C., and to points in South Carolina (except Oconee, Pickens, Greenville and Spartanburg counties, S.C.). The purpose of this filing is to eliminate the gateways at Warren, Ill. and New Castle, Ind.

No. MC–123407 (Sub-No. E295), filed March 30, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* used as building materials, from DeKalb County, Ill., to points in Long, Liberty, McIntosh and Chatham counties, Ga., to points in Brunswick, New Hanover, Pasquotank, Camden and Currituck counties, N.C., and to points in South Carolina in and east of Dillon, Florence, Clarendon, Berkeley, Dorchester, Bamberg, and Allendale counties, S.C. The purpose of this filing is to eliminate the gateways at Warren, Ill., and New Castle, Ind.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77–10224 Filed 4–5–77;8:45 am]

[Ex Parte No. MC–43]

LEASE AND INTERCHANGE OF VEHICLES BY MOTOR CARRIERS

Order. At a session of the Interstate Commerce Commission, Division 1, Acting as an Appellate Division, held at its office in Washington, D.C. on the 28th day of March 1977.

It appearing, That by joint petition filed January 28, 1977, Ligon Specialized Hauler, Inc., Cherokee Hauling and Rigging, Inc., Virginia Hauling Company and Horne Heavy Hauling, Inc., seek reconsideration of the order of the Commission, Motor Carrier Leasing Board, of December 20, 1976, denying the petitioners' request for waiver of 49 CFR 1057.4(a)(3) and (c).

It further appearing, that no convincing evidence has been presented which would support a vacation of the said order of December 20, 1976.

It is ordered, that the said petition be and it is hereby denied.

By the Commission, Division 1, Acting as an Appellate Division.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77–10227 Filed 4–5–77;8:45 am]

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[Notice No. 44]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 28, 1977.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 200 (Sub-No. 287TA), filed March 17, 1977. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Ave., P.O. Box 2809, Kansas City, Mo. 64142. Applicant's representative: Ivan E. Moody (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk), from the plantsite and/or storage facilities of Kraft, Inc., at Champaign, Ill., to points in Maine, New Hampshire, Vermont, New York, Massachusetts, Rhode Island, Connecticut, Pennsylvania, New Jersey, Delaware, Virginia, Maryland and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kraft, Inc., 500 Peshtigo Court, Chicago, Ill. 60690. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 2202 (Sub-No. 532TA), filed March 16, 1977. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, Ohio 44309. Applicant's representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite of Sun City Fashions, Inc. located at or near Midlothian, Tex., as an off-route point in connection with carrier's regular route operations, Applicant intends to tack its existing authority with MC 2202 and subs thereto and will effect interchange at all points served. Applicant also intends to interline an all points of interchange, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sun City Fashions, Inc., Highway 67 S., P.O. Box 397, Midlothian, Tex. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 E. Ninth St., Cleveland, Ohio 44199.

No. MC 31389 (Sub-No. 225TA), filed March 18, 1977. Applicant: McLEAN TRUCKING COMPANY, 617 Waughtown Street, Winston-Salem, N.C. 27107. Applicant's representative: David F. Eshelman, P.O. Box 213, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving the plantsite and distribution facilities of Bridgeton Dyeing and Finishing Corp., a subsidiary of Stevcoknit Inc., located at or near Bridgeton, N.J., as an off-route point in conjunction with applicant's regular route operations, restricted to shipments moving to or from points in North Carolina or South Carolina, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Jantzen, Inc., P.O. Box 3001, Portland, Oreg. 97208. Send protests to: District Supervisor Terrell Price, 800 Briar Creek Rd Rm. CC516, Mart Office Building, Charlotte, N.C. 28205.

No. MC 36556 (Sub-No. 39TA), filed March 21, 1977. Applicant: BLACKMON TRUCKING, INC., P.O. Box 186, 1111 120th Ave., Somers, Wis. 53171. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and/or preserved foodstuffs*, from Coleman and Gillet, Wis., to points in Indiana, Michigan and Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Country Gardens Foods, 660 N. Second St., New Richmond, Wis. 54017. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Bldg., and Courthouse, 517 E. Wisconsin Ave, Room 619, Milwaukee, Wis. 53202.

No. MC 68483 (Sub-No. 5TA), filed March 21, 1977. Applicant: MARVIN ROSENDAHL, doing business as MARVIN ROSENDAHL, 215 9th St., N.W., Mason City, Iowa 50401. Applicant's representative: Clayton L. Wornson, 626 Brick & Tile Bldg., Mason City, Iowa 50401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick and tile and drain tile*, between Rockford, Iowa, on the one hand, and on the other, points in Minnesota, for 180 days. Supporting shipper: Rockford Brick & Tile Co., Rockford, Iowa 50468. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 102616 (Sub-No. 928TA), filed March 17, 1977. Applicant: COASTAL TANK LINES, INC., 250 N. Cleveland-Massillon Road, P.O. Box 5555, Akron, Ohio 44313. Applicant's representative: David F. McAllister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquified petroleum gas*, in bulk, in tank vehicles, from Lake County, Ohio, to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Pennsylvania, West Virginia and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Petrolane, Inc., P.O. Box 410, St. Charles, Ill. 60174. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 E. Ninth St., Cleveland, Ohio 44199.

No. MC 107515 (Sub-No. 1068TA), filed March 17, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, 3901 Jonesboro Road SE., Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of Spencer Foods, Inc., at Spencer, Hartley and Ft. Dodge, Iowa, and Fremont and Schuyler, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Spencer Foods, Inc., P.O. Box 1228, Spencer, Iowa 51301. Send protests to: Sara K.

Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St. NW., Room 546, Atlanta, Ga. 30309.

No. MC 107544 (Sub-No. 133TA), filed March 21, 1977. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, P.O. Box 580, Marion, Va. 24354. Applicant's representative: Daryl J. Henry (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except petrochemicals), in bulk, in tank vehicles, from Knoxville, Tenn., to points in Kentucky, for 180 days. Supporting shipper: Exxon Company, U.S.A., P.O. Box 367, Memphis, Tenn. 38101. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke, Va. 24011.

No. MC 108393 (Sub-No. 116TA), filed March 18, 1977. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 E. Ogden Avenue, Hinsdale, Ill. 60521. Applicant's representative: Thomas B. Hill, (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by mail order houses and retail department stores, and equipment, materials and supplies used in the conduct of such business, restricted against transportation of commodities in bulk, from Findlay, Ohio, on the one hand, to Elizabeth and Maywood, N.J., and Buffalo and Farmingdale, N.Y., on the other, under a continuing contract or contracts with Sears, Roebuck and Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Sears, Roebuck and Co., Thomas J. McCormac, Eastern Territorial Traffic Manager, 4640 Roosevelt Boulevard, Philadelphia, Pa. 19132. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 108676 (Sub-No. 101TA), filed March 21, 1977. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Ave., Knoxville, Tenn. 37917. Applicant's representative: William T. McManus (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone products* (except commodities in bulk), from Luttrell (Union County), Tenn., to points in Alabama, Arkansas, Georgia, Indiana, Illinois, Kentucky, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Virginia, West Virginia, and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Luttrell Mining Company, P.O. Box 12009, Knoxville, Tenn. 37912. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 108676 (Sub-No. 102TA), filed March 21, 1977. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Ave., Knoxville, Tenn. 37917. Applicant's representative: William T. McManus (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated flat glass*, from the points of entry between the United States and Canada located at Detroit, Mich., and Niagara Falls, N.Y., to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pilkington Brothers (Canada) Limited, 101 Richmond St., West, Toronto, Ontario M5H 1V9. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 109443 (Sub-No. 24TA), filed March 18, 1977. Applicant: SEABOARD TANK LINES, INC., Monahan Ave., Dunmore, Pa. 18512. Applicant's representative: Joseph F. Hoary, 121 S. Main St., Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Litharge*, dry, in bulk, from Dunmore, Pa., to points in Ohio, for 180 days. Supporting shipper: Gould, Inc., Metals Division, Dunham Drive, Dunmore, Pa. 18512. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Bldg., Scranton, Pa. 18503.

No. MC 111375 (Sub-No. 86TA), filed March 17, 1977. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., P.O. Box 3358, Madison, Wis. 53704. Applicant's representative: Charles E. Dye (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Burley, Idaho and points in its Commercial zone, to points in Wisconsin, for 180 days. Supporting shipper: ORE-IDA Foods, Inc., P.O. Box 10, Boise, Idaho 83707. Send protests to: Ronald A. Morken, District Supervisor, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 111729 (Sub-No. 694TA), filed March 17, 1977. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blood; whole human blood; blood components; blood plasma; blood derivatives; and business papers* moving therewith, from airports serving Miami, Ft. Lauderdale, Jacksonville, Orlando, and Tampa, to points in Florida, restricted to the transportation of shipments having an immediately prior movement by air, for 180 days. Supporting shipper: Tidewater Regional Red Cross Blood Program, 415 W. York St., Norfolk, Va. 23510. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 111812 (Sub-No. 529TA), filed March 18, 1977. Applicant: MIDWEST COAST TRANSPORT, INC., 900 West Delaware, P.O. Box 1233, Sioux Falls, S. Dak. 57104. Applicant's representative: David Peterson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery*, from the plantsite and storage facilities of Blum's of San Francisco, Inc., at or near Jackson, Minn., to Harrisburg, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Blum's of San Francisco, Inc., Industrial Parkway, Jackson, Minn. 56143, David E. Rowland, Vice President- Production. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 112822 (Sub-No. 415TA), filed March 21, 1977. Applicant: BRAY LINES, INC., 1401 N. Little St., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except in bulk), from the plantsite of Stouffer Food Corporation, at or near Solon, Ohio and the warehouse facilities utilized by Stouffer Food Corporation, at Cleveland, Ohio, to points in Arizona, California, Colorado, Arkansas, Nevada, Oklahoma, Oregon, West Tennessee, Texas, Utah, and Washington, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Stouffer Food Corporation, 5750 Harper Road, Solon, Ohio 44139. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 NW. Third St., Oklahoma City, Okla. 73102.

No. MC 113362 (Sub-No. 307TA), filed March 18, 1977. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 E. Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, P.O. Box 429, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products, articles distributed by meat packing plants and foodstuffs* (except hides and commodities in bulk), from the plantsite and/or warehouse facilities utilized by Geo. A. Hormel & Co., at or near Knoxville, Iowa, to points Illinois, Indiana,

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Michigan, Minnesota, Nebraska, New York, Ohio, and Pennsylvania, restricted to traffic originating at named origin and destined to named states; and (2) *Meat, meat products, meat by-products, articles distributed by meat packing plants, foodstuffs, packing plant materials, equipment and supplies* (except hides and commodities in bulk), from points in Illinois, Indiana, Kansas, Michigan, Minnesota, Nebraska, New York, Ohio, and Pennsylvania, to the plantsite and/or warehouse facilities utilized by Geo. A. Hormel & Co., at or near Knoxville, Iowa, restricted to traffic originating at named origins and destined to named destination, for 180 days. Supporting shippers: Geo. A. Hormel & Co., P.O. Box 800, Austin, Minn., 55912. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 113651 (Sub-No. 215TA), filed March 16, 1977. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 N. Broadway, Muncie, Ind. 47303. Applicant's representative: George E. Batty (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery products, and foodstuffs*, when in shipments with candy and/or confectionery products in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Standard Brands, confectionery division of Standards Brands, Inc., at or near Chicago, Ill., to points in Florida, Georgia, Louisiana, North Carolina, South Carolina, and Cincinnati, Ohio, restricted to traffic originating at the named origins and destined to the named destinations, for 180 days. Supporting shipper: Standard Brands Confectionery Division of Standard Brands, Inc., 3401 Mt. Prospect Road, Franklin Park, Ill. 60131. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 W. Wayne St., Suite 113, Fort Wayne, Ind. 46802.

No. MC 113651 (Sub-No. 216TA), filed March 21, 1977. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 N. Broadway, Muncie, Ind. 47303. Applicant's representative: Daniel C. Sullivan, 327 S. LaSalle St., Chicago, Ill. 60604. Authority sought to operate at a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk), from Lexington, Ky., to Jacksonville, Hilaleah and Tampa, Fla.; Atlanta, Ga.; Chicago and Rockford, Ill.; Pennville, Ind.; Baltimore, Md.; Boston and Waltham, Mass.; Detroit, and Grand Rapids, Mich; Columbus, Bellfontaine, St. Marys and Cincinnati, Ohio; Folcroft, Philadelphia, and Scranton, Pa.; Nashville, Memphis, and Knoxville, Tenn.; New London, Green Bay, Butler, and Milwaukee, Wis.; and Gulfport, Miss., for 180 days. Supporting shipper: Elmhill Packing Co., Inc., P.O. Box 496, Lexington, Ky. 40501. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 W. Wayne St., Suite 113, Fort Wayne, Ind. 46802.

No. MC 113666 (Sub-No. 114TA), filed March 16, 1977. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. 16229. Applicant's representative: Daniel R. Smetanick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Saltcake*, in bulk, in tank vehicles, from Petrolia, Pa., to Chillicothe, Ohio and Elmira, N.Y., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Prior Chemical Corporation, 420 Lexington Ave., New York, N.Y. 10017. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 113843 (Sub-No. 239TA), filed March 21, 1977. Applicant: REFRIGERATED FOOD EXPRESS INC., 316 Summer St., Boston, Bass. 02210. Applicant's representative: Lawrence T. Sheils (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Oneida, N.Y., to points in Connecticut, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, and West Virginia, for 180 days. Supporting shipper: GolPak Corporation, Stone St., Oneida, NY. 13421. Send protests to: D. W. Hammons, District Supervisor, Interstate Commerce Commission, 159 Causeway St., Room 501, Boston, Mass. 02114.

No. MC 114822 (Sub-No. 13TA), filed March 21, 1977. Applicant: RUDOLPH PAFFRATH, WILLIAM PAFFRATH AND THOMAS PAFFRATH, doing business as PAFFROTH BROS., 1415 Clinton St., Linden, N.J. 07036. Applicant's representative: Charles J. Williams, 1815 Front St., Scotch Plains, N.J. 07076. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, from New York, N.Y., to Coatesville, Pa., for 180 days. Supporting shipper: Luria Brothers & Co., Inc., P.O. Box 6548, Cleveland, Ohio 44101. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 114896 (Sub-No. 47TA), filed March 17, 1977. Applicant: PUROLATOR SECURITY, INC., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin, currency, and securities*, between New Orleans, La., on the one hand, and on the other, points in Alabama, Florida and Mississippi, under a continuing contract with Federal Reserve Bank of Atlanta, for 180 days. Supporting shipper: Federal Reserve Bank of Atlanta, New Orleans Branch, 525 St. Charles Ave., New Orleans, La. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 115860 (Sub-No. 14TA), filed March 7, 1977. Applicant: DALBY TRANSFER AND STORAGE, INC., P.O. Box 7187, Colorado Springs, Colo. 80933. Applicant's representative: John P. Thompson, 450 Capitol Life Center, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural sprinkler systems, parts and supplies*, from points in El Paso County, Colo., to points in South Carolina. Restriction: Against (a) the transportation of commodities which because of size or weight require the use of special equipment; (b) earth drilling machinery; and (c) pipe incidental to and used in connection with the construction, repairing or dismantling of pipelines, for 180 days. Supporting shipper: Higromatic Division, Butler Manufacturing Company, P.O. Box 7406, Colorado Springs, Colo. 80933. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 721 19th St., Denver, Colo. 80202.

No. MC 116014 (Sub-No. 80TA), filed March 16, 1977. Applicant: OLIVER TRUCKING CO., INC., P.O. Box 53, Lexington Road, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Propane;* (1) from Painesville, Ohio, to Winchester, Nicholasville, Mt. Sterling, and Georgetown, Ky.; (2) from Lemont, Ill., to Winchester and Mt. Sterling, Ky.; (3) from Middletown, Ohio, to Mt. Sterling, Ky.; and (4) from Hutchinson, McPherson, and Conway Springs, Kans., and Mont Belvieu, Tex., to Winchester and Mt. Sterling, Ky., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Support shippers: There are approximately 5 statements of support attached to the application, which may be examined at Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Room 216 Bakhaus Bldg., 1500 W. Main St., Lexington, Ky. 40505.

No. MC 117119 (Sub-No. 616TA), filed March 18, 1977. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as decribed in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and storage facilities of Land O'Frost, Inc., at Searcy, Ark., to points in Colorado, Idaho, Nevada, Oregon, Utah, and Washington, for 180 days. Supporting shipper: Land O'Frost, Inc., 16850 Chicago Ave., Lansing, Ill. 60438. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 W. Capitol, Little Rock, Ark. 72201.

No. MC 120954 (Sub-No. 2TA), filed March 18, 1977. Applicant: FAST FREIGHT, INC., 226 42nd St., P.O. Box 216, Moline, Ill. 61265. Applicant's representative: Joseph M. Scanlan, 111 W. Washington St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic or plastic articles N.O.I.*, from the plantsite and its warehouse of Amoco Plastic Products Company of Seymour, Ind., to points in Michigan and Wisconsin, and from points in Michigan and Wisconsin, to Seymour, Ind., for 180 days. Supporting shipper: Amoco Plastic Products Company, C. W. Brock, Traffic and Warehouse Supervisor, Seymour, Ind. 47274. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 123778 (Sub-No. 34TA), filed March 16, 1977. Applicant: JALT CORP., doing business as UNITED NEWSPAPER DELIVERY SERVICE, 75 Cutters Dock Road, Woodbridge, N.J. 07095. Applicant's representative: Morton E. Kiel, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magazines and advertising matter*, from Woodbridge, N.J., to Wilmington, Del.; Baltimore, Md., the District of Columbia and points in New Jersey, points in that part of Pennsylvania on and east of U.S. Highway 15, and points in that part of New York on and east of New York Highway 14, under a continuing contract with News Times, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: News Times, 1 Park Ave., New York, N.Y. 10016. Send protests to: Robert S. H. Vance, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 125010 (Sub-No. 15TA), filed March 18, 1977. Applicant: GIBCO MOTOR EXPRESS, INC., 3405 North 33rd St., P.O. Box 312, Terre Haute, Ind. 47806. Applicant's representative: Michael V. Gooch, 777 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys*, from Calvert City, Ky., to Flat Rock, Mich. and Defiance, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Airco Alloys, Division of Airco, Inc., 3801 Highland Avenue, Niagara Falls, N.Y. 14305. Send protests to: William S. Ennis, District Supervisor, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, Ind. 46204.

No. MC 128030 (Sub-No. 114TA), filed March 18, 1977. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 177, R.R. No. 1, Urbana, Ill. 61801. Applicant's representative: James R. Madler, 120 W. Madison, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plant and warehouse facilities of Kraft, Inc., at Champaign, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia and the District of Columbia, restricted to traffic originating at the named origin and destined to the named destination points, for 180 days. Supporting shipper: A. P. Stefanisin, Transportation Analyst, Kraft, Inc., 500 Peshtigo Court, Chicago, Ill. 60690. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett Mckinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 129600 (Sub-No. 29TA), filed March 21, 1977. Applicant: POLAR TRANSPORT, INC., 176 King St., P.O. Box 44, Hanover, Mass. 02339. Applicant's representative: Frank J. Weiner, 15 Court Sq., Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lecithin*, in bulk, from Gibson City, Ill., to Monroe, N.C., under a continuing contract with Central Soya Company, Inc., for 180 days. Supporting shipper: Central Soya Company, Inc., 1300 Fort Wayne National Bank Bldg., Fort Wayne, Ind. 46802. Send protests to: Max Gorenstein, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 150 Causeway St., Boston, Mass. 02114.

No. MC 129624 (Sub-No. 9TA), filed March 18, 1977. Applicant: ROUTE MESSENGERS OF PENNSYLVANIA, INC., 2425 Bainbridge Street, Philadelphia, Pa. 19146. Applicants representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business forms and materials* used in accounting systems, no single parcel or package to exceed 50 pounds, in weight, between the facilities of Safeguard Business Systems, Inc., located at or near Lansdale, Pa., on the one hand, and, on the other, Camden, N.J.

NOTE.—Carrier intends to interline at Camden, N.J., with New York and New Jersey Freightways, Inc., for 180 days.

Supporting shipper(s): Safeguard Business Systems, Inc., Church Road, North Wales, Pa. 19454. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 133377 (Sub-No. 10TA), filed March 17, 1977. Applicant: COMMERCIAL SERVICES, INC., 114 Memorial Road, Storm Lake, Iowa 50588. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products, articles distributed by meat packinghouses and foodstuffs* (except hides and commodities in bulk), from the plantsite and/or warehouse facilities of Geo. A. Hormel & Co., at or noear Knoxville, Iowa, to points in Illinois, Minnesota and Nebraska, restricted to traffic orginiating at named origin and destined to named states; and (2) *Meat, meat products, meat by-products, articles distributed by meat packing plants, foodstuffs, packing plant materials, equipment and supplies* (expect hides and commodities in bulk), from points Illinois, Minnesota and Nebraska, to the plantsite and/or warehouse facilities utilized by Geo. A. Hormel & Co., at or near Knoxville, Iowa, restricted to traffic originating at named origins and destined to the named destinations, for 180 days. Supporting shipper: Geo. A. Hormel & Company, P.O. Box 800, Austin, Minn. 55912. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 135797 (Sub-No. 70TA), filed March 18, 1977. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, U.S. Highway 71, Lowell, Ark. 72745. Applicant's representative: Don Garrison, 204 Highway 71 North, Suite 3, Springdale, Ark. 72764. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Petroleum sorbents, padding and cushioning materials;* (b) *Wallboard, insulation and insulating materials;* (c) *Mulch;* and (d) *Equipment, materials and accessories* used in the installation of application of commodities named in (b) and (c) above, from the plantsite and warehouse facilities of or used by Conwed Corporation, Cloquet, Minn., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Sup-

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porting shipper: Conwed Corporation, Cloquet, Minn. 55720. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 W. Capitol, Little Rock, Ark. 72201.

No. MC 135881 (Sub-No. 3 TA), filed March 18, 1977. Applicant: CURTIS R. LUNNEY, Westfield, Maine 04787. Applicant's representative: Curtis R. Lunney (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer, malt beverages and wine*, in containers, from Fulton and Syracuse, N.Y.., and Cranston, R.I., to Caribou, Maine, restricted to a transportation service performed under a continuing contract with William J. Anderson d/b/a Anderson Beverage Co., Caribou, Maine, for 180 days. Supporting shipper: William J. Anderson, d/b/a Anderson Beverage Co., Caribou, Maine 04736. Send protests to: Donald G. Weller, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 307, 76 Pearl St., Portland, Maine 04111.

No. MC 138126 (Sub-No. 12TA), filed March 17, 1977. Applicant: WILLIAMS REFRIGERATED EXPRESS, INC., P.O. Box 47, Old Denton Road, Federalsburg, Md. 21632. Applicant's representative: Chester A. Zyblut, 1030 15th St., NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and commodities* the transportation of which is exempt under the provisions of Section 203(b)(6) of the Interstate Commerce Act when moving in the same vehicle and at the same time with frozen foods, from Syracuse, N.Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, Michigan and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Charles A. Cleveland, Director of Sales, Empire Freezers of Syracuse, Inc., P.O. Box 770, Syracuse, N.Y. 13201. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814–B Federal Bldg., Baltimore, Md, 21201.

No. MC 138126 (Sub-No. 13TA), filed March 17, 1977. Applicant: WILLIAMS REFRIGERATED EXPRESS, INC., P.O. Box 47, Old Denton Road, Federalsburg, Md. 21632. Applicant's representative: Chester A. Zyblut, 1030 15th St., NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Ridgely, Md., to points in Florida, North Carolina, South Carolina and Virginia, for 180 days. Supporting shipper: Darryl B. Jopp, Traffic Manager, Saulsbury Bros., Inc., Railroad Ave., Ridgely, Md. 21660. Send protests to: William H. Hughes, District Supervisor, Interstate Commerce Commission, 814–B Federal Bldg., Baltimore, Md. 21201.

No. MC 138126 (Sub-No. 14TA), filed March 17, 1977. Applicant: WILLIAMS REFRIGERATED EXPRESS, INC., P.O. Box 47, Old Denton Road, Federalsburg, Md. 21632. Applicant's representative: Chester A. Zyblut, 1030 15th St., NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from Salisbury, Md., to points in Kentucky, for 180 days. Supporting shipper: Donald R. Loring, Manager of Transportation, Campbell Soup Company, P.O. Box 1618, Salisbury, Md. 21801. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814–B Federal Bldg., Baltimore, Md. 21201.

No. MC 138304 (Sub-No. 11TA), filed March 21, 1977. Applicant: NATIONAL PACKERS EXPRESS, INC., 3445 Patterson Plank Road, P.O. Box 162, North Bergen, N.J. 07047. Applicant's representative: Graig B. Sherman, 1108 Kane Concourse, Bay Harbor Islands, Fla. 33154. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* (except commodities in bulk), from Chicago, Ill., to points in New York, New Jersey, Pennsylvania, Maryland and the District of Columbia, for 180 days. Supporting shipper: Peter Hand Brewing Co., Inc., 1000 W. North Ave., Chicago, Ill. Send protests to: Robert E. Johnson, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 139335 (Sub-No. 3TA), filed March 18, 1977. Applicant: JACKSON TRANSFER, INC., 1803 W. Washington Street, Bloomington, Ill. 61701. Applicant's representative: Wesley Becker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum sheet and zinc wire rods* in packages (except commodities which because of size or weight require specialized transportation equipment), from La Salle, Ill., to Jackson, Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Matthiessen & Hegeler, Michael Grubick, Traffic Manager, 9th and Sterling Streets, La Salle, Ill. 60301. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1386, Chicago, Ill. 60604.

No. MC 139495 (Sub-No. 212TA), filed March 16, 1977. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, 1501 E. 8th St., Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St., NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lamps;* (1) from St. Marys, Pa., to points in Arkansas, Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin and Wyoming; and (2) from Versailles, Ky., and Dyersburg, Tenn., to points in Arkansas (except points on and south of Interstate Highway 40), Arizona, California, Colorado, Idaho, Iowa (except Davenport, Clton and Council Bluffs, and points in their respective commercial zones), Kansas (except Topake), Minnesota (except Minneapolis and points in its commercial zone), Missouri (except St. Louis and points in its commercial zone and Kansas City), Montana, Nebraska (except Omaha, Lincoln and Hastings), Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas (except points on and east of Interstate Highway 35), Utah, Washington, Wisconsin (except Milwaukee), Wyoming, and points in Jo-Daviess, Stephenson, Winnebago, Boone, Carroll, Ogle, DeKalb, Whiteside and Lee Counties, Ill., and Elk Grove Village, Ill., for 180 days. Supporting shipper: GTE Sylvania Lighting Products Group, 100 Endicott St., Danvers, Mass. 01923. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Suite 101 Litwin Bldg., 110 N. Market, Wichita, Kans. 67202.

No. MC 139495 (Sub-No. 213TA), filed March 17, 1977. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, 1501 E. 8th St., Liberal, Kans. 67901. Applicant's representative: Hebert Alan Dubin, 1819 H St., N.W., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery and confectionery products*, from the plantsite and storage facilities of M & M Mars, Division of Mars, Inc., at or near Chicago, Ill., and its commercial zone, to points in Connectiout, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont and the District of Columbia, for 180 days. Supporting shipper: M & M/Mars, High St., Hackettstown, N.J. 07840. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Suite 101 Litwin Bldg., 110 N. Market, Wichita, Kans. 67202.

No. MC 140605 (Sub-No. 3TA), filed March 18, 1977. Applicant: OHIO OIL GATHERING CORPORATION, Chilton Building, Suite 400, 201 King of Prussia Road, Radnor, Pa. 19087. Applicant's representative: Walter R. Hall, II, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* in bulk, from points in Belmont, Harrison, Jefferson and Monroe Counties, Ohio, to points in Carroll, Coshocton, Fairfield, Hocking, Holmes, Knox, Licking, Morgan, Muskingum, Perry, Stark, Washington and Wayne Counties, Ohio, for continuing contract, or contracts, transported by pipeline, rail or water to points in Pennsylvania and West Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to

90 days of operating authority. Supporting shipper(s): Ohio Oil Gathering Corporation II, Chilton Building, Suite 400, 201 King of Prussia Road, Radnor, Pa. 19087. Send protests to: Monroe A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 141776 (Sub-No. 8TA), filed March 17, 1977. Applicant: FOODTRAIN, INC., Spring and South Center Sts., Ringtown, Pa. 17967. Applicant's representative: L. Agnew Myers, Suite 407 Walker Bldg., 734 15th St., N.W., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs*, in vehicles equipped with mechanical refrigeration, (except commodities in bulk, in tank vehicles), from the plant and warehouse facilities of Kraft, Inc., at Champaign, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kraft, Inc., 500 Peshtigo Court, Chicago, Ill. 60690. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Bldg., Scranton, Pa. 18503.

No. MC 142254 (Sub-No. 2TA), filed February 21, 1977. Applicant: FRIEDL FUEL & CARTAGE, INC., 417 W. Whitewater St., Whitewater, Wis. 53190. Applicant's representative: Wayne W. Wilson, P.O. Box 8004, Madison, Wis. 53708. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Castings, foundry products, and fasteners*, from Palmyra and Whitewater, Wis., to points in Illinois (except Chicago and its commercial zone and points within 50 miles of Marengo, Ill.), Indiana, Iowa, Michigan and Ohio; (2) *materials, equipment and supplies* used or useful in the manufacture, sale, installation, or distribution of the commodities named in Part (1) above, from points in Illinois (except Chicago and its commercial zone and points within 50 miles of Marengo, Ill.), Indiana, Iowa, Michigan, and Ohio, to Palmyra and Whitewater, Wis., for 180 days. Supporting shipper(s): Alpha-Cast, Inc., 520 N. Jefferson St., Whitewater, Wis. 53190, (Gordon L. Sass). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 142274 (Sub-No. 2TA), filed March 16, 1977. Applicant: ADMIRAL DELIVERY SYSTEM, INC., 2436 Hamilton Ave., Cleveland, Ohio 44144. Applicant's representative: Robert E. McFarland, 999 W. Big Beaver Road, Suite 1002, Troy, Mich. 48084. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, limited to individual articles, not exceeding 100 pounds in weight, moving in shipments not exceeding 500 pounds in weight from one consignor to one consignee in a single day on bills of lading of surface, interstate freight forwarders, between points in Williams, Defiance, Paulding, Van Wert, Allen, Putnam, Henry, Fulton, Lucas, Ottawa, Wood, Hancock, Hardin, Wyandot, Seneca, Sandusky, Erie, Lorain, Cuyahoga, Huron, Medina, Ashland, Richland, Crawford, Wayne, Stark, Summit, Lake, Ashtabula, Trumbull, Geauga, Portage, Mahoning, Columbiana, Carroll, Jefferson, Tuscarawas, Harrison and Belmont Counties, Ohio; Hancock, Brooke, Ohio, Marshall, Wetzel, Marion, and Monogalia Counties, W. Va.; Monroe County, Mich.; Lawrence County, Pa.; and Steuben and Allen Counties, Ind. Applicant intends to interline with various other freight forwarder agents at numerous points, including, but not limited to, Celeveland, Ohio; Monroe County, Mich.; Lawrence County, Pa., and Steuben and Allen Counties, Ind., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Delivery Systems, Inc., 300 E. Seven Mile Road, Detroit, Mich. 48203. Send protests to: James Johnson, District Supervisor, Bureau of Operations, 181 Federal Office Bldg., 1240 E. Minth St., Cleveland, Ohio 44199.

No. MC 142810 (Sub-No. 3TA), filed March 17, 1977. Applicant: LEWIS TRANSPORT, INC., 114 N. Reed St., Columbia, Ky. 42728. Applicant's representative: Rudy Yessin, 314 Wilkinson St., Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from (1) points in Floyd and Clark Counties, Inc., to points in Mercer, Anderson, Woodford, Jessamine, Boyle, and Pulaski Counties, Ky.; and (2) from Louisville, Ky., to points in Floyd and Clark Counties, Ind., for 180 days. Supporting shipper: William L. Jessie, Operations, Manager, Remote Services, Inc., 981 S. 3rd St., Louisville, Ky. Send protests to: Elbert Brown, Jr., District Supervisor, Interstate Commerce Commission, 426 Post Office Bldg., Louisville, Ky. 40202.

No. MC 142941 (Sub-No. 1TA), filed March 17, 1977. Applicant: SCARBOROUGH TRUCK LINES, 1313 N. 25th Ave., Phoenix, Ariz. 85009. Applicant's representative: Lewis P. Ames, 10th Floor, 111 W. Monroe, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alcoholic beverages*, from Frankfort, Lawrenceburg, Bardstown and Louisville, Ky.; Lawrenceburg, Ind.; St. Louis, Mo.; Peoria and Chicago, Ill.; and Relay, Md.; to Phoenix, Tucson, Flagstaff, and Yuma, Ariz.; (2) *Wine and alcoholic beverages*, from Madera, Menlo Park, San Jose, and Rutherford, Calif., to Phoenix, Tucson, Flagstaff, and Yuma, Ariz.; and (3) *Malt beverages*, from Azusa and Irvine, Calif.; to Phoenix, Tucson, Casa Grande, Globe, Flagstaff, and Holbrook, Ariz., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: All American Distributing Co., 490 E. Pima St., Phoenix, Ariz. 85004. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427 Federal Bldg., 230 N. First Ave., Phoenix, Ariz. 85025.

No. MC 143029TA, filed March 16, 1977. Applicant: MC-MOR-HAN TRUCKING CO., INC., P.O. Box 368, Shullsburg, Wis. 53586. Applicant's representative: Donald B. Levine, 39 S. La Salle St., Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Ore and mine rock*, from Grant and Lafayette Counties, Wis., to the Eagle-Picher Industries, Inc., Graham Mill, at or near Galena, Ill.; (b) *Ore concentrates*, from the Eagle-Pitcher Industries, Inc., Graham Mill., at or near Galena, Ill., to Galena, Ill., and Dubuque, Iowa; and (c) *Mine tailings*, from the Eagle-Picher Industries, Inc., Graham Mill, at or near Galena, Ill., to points in Grant and Lafayette Counties, Wis., under a continuing with Eagle-Picher Industries, Inc., for 180 days. Supporting shipper: Eagle-Picher Industries, Inc., P.O. Box 1869, Reno, Nev. 89505. Send protests to: Ronald Morken, District Supervisor, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 143044TA, filed March 21, 1977. Applicant: EQUIPMENT EXPRESS LIMITED, 8105 Don Mills Road, Markham, Ontario, Canada L3R 2P1. Applicant's representative: Thomas E. Acey, Jr., 1660 L St. NW., Suite 1100, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prescast prestressed reinforced concrete wall, roof and floor slabs, structural forms or shapes, girders and beams, and materials and supplies* used in the erection thereof, from ports of entry on the International Boundary line between the United States and Canada located at Buffalo, Niagara Falls, Lewiston, N.Y., to Syracuse, Rochester, and Buffalo, N.Y., restricted to shipments originating at the plantsites of Pre-Con Company, in Ontario, Canada, for 180 days. Supporting shipper: Pre-Con Company, 35 Rutherford Road, Brampton, Ontario, Canada. Send protests to: George M. Parker, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 910 Federal Bldg., 111 W. Huron St., Buffalo, N.Y. 14202.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77–10225 Filed 4–5–77;8:45 am]

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[Notice No. 46]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 1, 1977.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protects to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protect must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 53965 (Sub-No. 130TA), filed March 22, 1977. Applicant: GRAVES TRUCK LINE, INC., 2130 S. Ohio, P.O. Box 1387, Salina, Kans. 67401. Applicant's representative: Larry E. Gregg, 641 Harrison, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving the construction site and plant of the Phillips Petroleum Company, located 13 miles south of Guymon, Okla., in Hansford County, Tex., as an off-route point in connection with carrier's presently authorized regular route operation. Applicant intends to interline at Amarillo, Tex.; Wichita, Kans.; Kansas City, Kansas-Missouri Commercial zone, Oklahoma City, Okla.; Denver, Colo., and Omaha, Nebr., for 180 days. Supporting shipper: Phillips Petroleum Company, P.O. Drawer K, Borger, Tex. 79007. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

No. MC 66129 (Sub-No. 9TA), filed March 22, 1977. Applicant: HUGHES BROS. TRANSPORTATION CO., INC., 113 Metropolitan Ave., Brooklyn, N.Y. 11211. Applicant's representative: Piken & Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ink*, in bulk, from the plantsite of Inmont Corporation, at Lodi, N.J., to Depew, N.Y.; and *returned, refused or rejected shipments*, in the reverse direction, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Inmont Corporation, 1133 Avenue of the Americas, New York, N.Y. 10036. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 103051 (Sub-No. 391TA), filed March 23, 1977. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Ave., North, P.O. Box 90408, Nashville, Tenn. 37209. Applicant's representative: David L. Morgan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Activated carbon*, in bulk, in tank or hopper type vehicles, from Romeo, Fla., to points in Kentucky, New Jersey, Ohio and Pennsylvania, for 180 days. Supporting shipper: Husky Industries, 62 Perimiter Circle East, Atlanta, Ga. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422 U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 103051 (Sub-No. 392TA), filed March 25, 1977. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Ave., North, P.O. Box 90408, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in tank or hopper type vehicles, from Newton, N.C., to Johnson City, Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Midstate Mills, Inc., P.O. Box 349, Newton, N.C. 28658. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422 U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 103051 (Sub-No. 393TA), filed March 23, 1977. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Ave., North, P.O. Box 90408, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and blends thereof*, in bulk, in tank vehicles, from Chattanooga, Tenn., to Louisville, Ky., for 180 days. Supporting shipper: Central Soya Company, Inc., 1300 Fort Wayne Bank Bldg., Fort Wayne, Ind. 46802. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422 U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 106398 (Sub-No. 772TA), filed March 22, 1977. Applicant: NATIONAL TRAILER CONVOY, INC., 525 S. Main, P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from Hampshire, Tenn., to points in Louisiana, Alabama, Kentucky, Georgia, Arkansas, Oklahoma and Florida, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Office Master, Inc., P.O. Box 8, Hampshire, Tenn. 38461. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 NW. Third St., Oklahoma City, Okla. 73102.

No. MC 107496 (Sub-No. 1071TA), filed March 23, 1977. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Ave., Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrogran peroxide, liquid*, in bulk, from Woodstock, Tenn., to Irigary Mine site, located 93 miles north of Casper, Wyo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Van Waters & Rogers, 4300 Holly St., Denver, Colo. 80216. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 109689 (Sub-No. 308TA), filed March 21, 1977. Applicant: W. S. HATCH CO., 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 S. State St., Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude oil*, in bulk, in tank vehicles, from Railroad Valley Oil Field, near Currant, Nev., to Bakersfield, Calif., and points within 10 miles, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Husky Oil Company, 333 W. Center St., North Salt Lake, Utah 84054. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 S. State St., Salt Lake City, Utah 84138.

No. MC 111274 (Sub-No. 19TA), filed March 18, 1977. Applicant: ELMER C. SCHMIDGALL AND BENJAMIN G. SEHMIDGALL doing business as SCHMIDGALL TRANSFER, Box 249, Tremont, Ill. 61568. Applicant's representative: Frederick C. Schmidgall, Rt. 98, P.O. Box 356, Morton, Ill. 61550. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials and components* used in the manufacture and construction of pole buildings. Restriction: All materials will have a subsequent motor carrier movement in either interstate of intrastate commerce. from points in Indiana, Michigan, Missouri, Ohio, Wisconsin, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Kansas, Kentucky, Tennessee and Mississippi, to the plantsite of Morton Buildings, Inc., at or near Morton, Ill., under a continuing contract with Morton Buildings, Inc., for 180 days. Supporting shipper: Morton Buildings, Inc., Lyle Malinowski, Plant Manager, 252 W. Adams, Morton, Ill. 61550. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1385, Chicago, Ill. 60604.

No. MC 113382 (Sub-No. 17TA), filed March 23, 1977. Applicant: NELSON BROS., INC., P.O. Box 613, Nebraska City, Nebr. 68410. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tires and tubes, from* Batesville, Miss., and Memphis, Tenn., to Lincoln, Nebr., under a continuing contract with T. O. Hass Tire Company, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Randy Hass, Vice President, T. O. Hass Tire Company, Inc., 640 W. "O" St., Lincoln, Nebr. 68528. Send protests to: Max H. Johnston, District Supervisor, Room 285 Federal Bldg., and Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 114632 (Sub-No. 105TA), filed March 23, 1977. Applicant: APPLE LINES, INC., 212 S.W., Second St., Madison, S. Dak. 57042. Applicant's representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Denver, Colo., to points in New York and Detroit, Mich.; Philadelphia, Pa.; Salem, Ohio; Newark, N.J.: Boston and Springfield, Mass.: Hartford, Conn.; Chicago, Ill.; Baltimore, Md.; Greensburg, Ind., and Milwaukee and Eau Claire, Wis., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Flavorland Industries, Inc., P.O. Box 16345, Denver, Colo. 80216. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 115322 (Sub-No. 128TA), filed March 21, 1977. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: J. V. McCoy, P.O. Box 426, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, canned or preserved, other than frozen (except commodities in bulk), from the plantsite and storage facilities of Pfeiffer Foods, Inc., Division International Salt Company, at Wilson and Lockport, N.Y., to points in Pennsylvania, New Jersey, Maryland, Delaware, West Virginia, Virginia, North Carolina, Tennessee, South Carolina, Georgia, Alabama, Louisiana, Mississippi and Florida, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pfeiffer's Foods, Inc., 5820 Main St., Williamsville, N.Y. 14221. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 W. Bay St., Jacksonville, Fla. 32202.

No. MC 115231 (Sub-No. 420TA), filed March 22, 1977. Applicant: TRUCK TRANSPORT INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Ave., E. St. Louis, Mo. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer ingredients*, in bulk, from Springfield, Ill., to points in Missouri, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Agrico Chemical Company, Box 3166, Tulsa, Okla. 74101. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 116763 (Sub-No. 374TA), filed March 23, 1977. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products*, from Minneapolis, Minn., to points in Alabama, Florida, Georgia, North Carolina, South Carolina and Tennessee, for 180 days. Supporting shipper: Parke A. Heffern, Sales Manager, Northern Star Company, 3171 5th St., S.E., Minneapolis, Minn. 55414. Send protests to: Paul J. Lowrey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514-B Federal Bldg., 550 Main St., Cincinnati, Ohio 45202.

No. MC 117088 (Sub-No. 4TA), filed March 23, 1977. Applicant: ASPHALT TRANSPORT, INC., P.O. Box 10416, 3000 Airline Hwy., New Orleans, La. 70121. Applicant's representative: Edward A. Winter, 235 Rosewood Drive, Metairie, La. 70005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in bulk, in insulated tank vehicles, from the plantsite of Gulf States Asphalt Company, Inc., located at or near Beaumont, Tex., to Harvey, Marrero and Westwego, La., for 180 days. Supporting shipper: Gulf States Asphalt Co., Inc., 601 Jefferson, Suite 535, Houston, Tex. 77002. Send protests to: Ray C. Armstrong, Jr., District Supervisor, 9038 Federal Bldg., 701 Loyola Ave., New Orleans, La. 70113.

No. MC 123061 (Sub-No. 86TA), filed March 21, 1977. Applicant: LEATHAM BROTHERS, INC., 46 Orange St., Salt Lake City, Utah 84104. Applicant's representative: Harry D. Pugsley, 310 S. Main St., P.O. Box 780, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diatomaceous earth*, from Storey and Pershing Counties, Nev., to points in Washington, Oregon, Idaho, Wyoming, Utah, Colorado, and Montana, for 180 days. Supporting shipper: Eagle-Pincher Industries, Inc., P.O. Box 1869, Reno, Nev. 89505. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 S. State St., Salt Lake City, Utah 84138.

No. MC 123534 (Sub-No. 5TA), filed March 23, 1977. Applicant: ADDIEVILLE TRUCKING COMPANY, INC., 1315 W. 4th Ave., Belleville, Ill. 62221. Applicant's representative: Gregory M. Rebman, Suite 1230 Marquette Bldg., 314 N. Broadway, St. Louis, Mo. 63102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Milk*, from St. Louis, Mo., to Hammond and Westville, Ind.; (2) *Ice cream*, from Peoria, Ill., and Huntington, Ind., to St. Louis, Mo.; and (3) *Foodstuff*, from Champaign, Ill.; and *Foodstuff*, from Kraft, Inc., plantsites in these locations, in mechanically refrigerated equipment (except shipments in bulk tank trucks), under a continuing contract with Kraft, Inc., for 180 days. Supporting shipper: Paul J. Fiske, District Dist. Manager, Kraft, Inc., 2001 Chestnut St., St. Louis, Mo. 63103. Send Protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 124735 (Sub-No. 18TA), filed March 23, 1977. Applicant: R. C. KERCHEVAL, JR., 2201 Sixth Ave., South, Seattle, Wash. 98134. Applicant's representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foundry supplies and materials*, from points in New York, Ohio, Indiana, Illinois, Pennsylvania, New Jersey, Michigan and Missouri, to points in Idaho, Oregon and Washington, under a continuing contract with R. A. Barnes, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: R. A.

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Barnes, Inc., 151 S. Michigan St., Seattle, Wash. 98108. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, Wash. 98174.

No. MC 126243 (Sub-No. 22TA), filed March 23, 1977. Applicant: ROBERTS TRUCKING CO., INC., U.S. Highway 271 South, Drawer G, Poteau, Okla. 74953. Applicant's representative: Prentiss Shelley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex*, in shipper owned tank trailers, from Uniroyal Scotts Bluff Plant, at or near Baton Rouge, La., to Poteau, Wilburton, Anadarko and Pawhuska, Okla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Textile Rubber & Chemical Co., P.O. Box 850, Poteau, Okla. 74953. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 W. Capitol, Little Rock, Ark. 72201.

No. MC 129712 (Sub-No. 11TA), filed March 22, 1977. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 954, McDonough, Ga. 30253. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, Ga. 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, metal*, knocked down, *and component parts thereof; electrical conduits; electric wire and moldings; pipe and pipe fittings; metal tubing; asphalt*, solid or liquid, in packages; *and supplies, equipment and materials* used in the installation and maintenance of the foregoing named commodities; and, *advertising material*, printed, from the plantsite of Walker-Parkersburg, a Division of Textron, Inc., at or near Parkersburg, W. Va., to the warehouses, distribution points, and dealers of Walker-Parkersburg, a Division of Textron, Inc., located at Phoenix, Ariz.; Birmingham, Ala.; Little Rock, Ark.; Cerritos, Los Angeles and San Francisco, Calif.; Englewood, Colo.; East Hartford, Conn.; District of Columbia; Miami and Orlando, Fla.; Atlanta, Ga.; Chicago, Rockford and Lyons, Ill.; Indianapolis, Ind.; Des Moines, Iowa; Kansas City, Kans.; Covington and Louisville, Ky.; New Orleans, La.; Minneapolis, Minn.; St. Louis, Kansas City and Overland, Mo.; Detroit and Cedar Rapids, Mich.; Baltimore and Wheaton, Md.; Boston, Mass.; Jackson, Miss.; Omaha, Nebr.; Buffalo and New York City, N.Y.; Charlotte, N.C.; Cleveland and Columbus, Ohio; Oklahoma City, Okla.; Portland, Oreg.; Lansdale, Pa.; Memphis and Nashville, Tenn.; Dallas, Houston and Hubbock, Tex.; Salt Lake City, Utah; Richmond, Va.; Seattle, Wash.; and Wauwatosa, Wis., under a continuing contract with Walker-Parkersburg, a Division of Textron, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Walker-Parkersburg, a Division of Textron, Inc., 620 Depot St., Parkersburg, W. Va., 26101. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

No. MC 133689 (Sub-No. 115TA), filed March 23, 1977. Applicant: OVERLAND EXPRESS, INC., 719 First St., S.W., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, W. St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor coverings and materials and supplies* used in the installation, manufacture, packaging and sale of floor coverings when moving in mixed shipments with floor coverings (except commodities in bulk), from Lylerly, Ga., and Greenville and Landrum, S.C., to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota, for 180 days. Supporting shipper: Bigelow-Sanford, Inc., Box 3089, Greenville, S.C. 29602. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 134060 (Sub-No. 16TA), filed March 23, 1977. Applicant: DAVINDER FREIGHTWAYS LTD., 435 Truck Road, Duncan, British Columbia, Canada V9L 2P8. Applicant's representative: James T. Johnson, 1610 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste paper*, from points in Oregon and Washington lying on and west of U.S. Highway 97, to the Ports of Entry on the United States-Canada Boundary, at or near Blaine and Sumas, Wash., for 180 days. Supporting shipper: Belkin Packaging Ltd., P.O. Box 8930, Vancouver, B.C., Canada. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, Wash. 98174.

No. MC 13863 (Sub-No. 35TA), filed March 21, 1977. Applicant: CAROLINA WESTERN EXPRESS, INC., 1511 K St. NW., Suite 712, Washington, D.C. 20005. Applicant's representative: Eric Meierhoefer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated wood slat products* (including but not limited to shades, draperies, dividers, and doors), *and materials and supplies* used in the manufacture, marketing, and sales thereof, from Westminster, Calif., to Athens, Ga., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Del Mar Loomcrafted Woven Wood, 7130 Fenwick Lane, Westminster, Calif. 92683. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 139193 (Sub-No. 62TA), filed March 22, 1977. Applicant: ROBERTS & OAKE, INC., 527 E. 52nd St., North P.O. Box 1356, Sioux Falls, S. Dak. 57101. Applicant's representative: Jacob P. Billig, 2033 K St. NW., Suite 300, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as defined by the Commission Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except liquid commodities in bulk), from the facilities of John Morrell & Co., at Memphis, Tenn., to points in Alabama, Arkansas, California, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, South Dakota, Texas, Virginia, and West Virginia; and (2) *Such commodities* as are used by meat packers in the conudct of their business (except liquid commodities in bulk), from the above-mentioned destination points to the above-described origin points, under a continuing contract with John Morrell & Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: John Morrell & Co., 208 S. LaSalle St., Chicago, Ill. 60604. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 139196 (Sub-No. 14TA), filed March 22, 1977. Applicant: RAY WAGNER & SON TRUCKING CO., INC., Box 117, Owen, Wis. 54460. Applicant's representative: Ray Wagner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, from Abbotsford and New Holstein, Wis., to points in North Dakota, South Dakota, and Nebraska, for 180 days. Supporting shippers: Wisco Frozen Foods, Inc., Box 10, Abbotsford, Wis. 54405 and Milk Specialties Co., a division of Cudahy Co., Box 119, New Holstein, Wis. 53061. Send protests to: Ronald A. Morken, District Supervisor, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 139495 (Sub-No. 215TA), filed March 23, 1977. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, 1501 East 8th St., Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irrgeular routes, transporting: *Toilet preparations, buffing and polishing compounds, sweetening compounds, and foodstuffs* (except commodities in bulk, in tank vehicles), from the facilities of Alberto-Culver Company, located at or near Reno, Nev., to Portland, Oreg., and Seattle, Wash., for 180 days. Supporting shipper: Alberto-Culver Company, 2525 Armitage Ave., Melrose Park, Il. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Suite 101 Litwin Bldg., 110 N. Market, Wichita, Kans. 67202.

No. MC 140363 (Sub-No. 6TA), filed March 21, 1977. Applicant: CHAMP'S TRUCK SERVICE, INC., P.O. Box 1233, Meraux, La. 70075. Applicant's representative: Edward A. Winter, 235 Rosewood Dr., Metairie, La. 70005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Coke, in bulk, in dump trucks, from Purvis, Miss., to Alcoa, Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kaiser Aluminum & Chemical Corp., 4948 Chef Menteur, New Orleans, La. 70126. Send protests to: Ray C. Armstrong, Jr., District Supervisor, 9038 U.S. Federal Bldg., 701 Loyola Ave., New Orleans, La. 70113.

No. MC 140756 (Sub-No. 1TA), filed March 18, 1977. Applicant: FANN McKELVEY, doing business as McKELVEY TRUCKING, 5420 West Missouri, Glendale, Ariz. 85301. Applicant's representative: A. Michael Bernstein, 1441 East Thomas Rd., Phoenix, Ariz. 85014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from the counties of Jackson, Josephine, Curry, Klamath, Coos, Douglas, Lane, Yamhill, Benton, Clackamas, Hood River, Linn, Marion, Multnomah, Polk, Washington, Tillamook, Deschutes, Columbia, Union, Lake, Umatilla, Crook, Lincoln, Wasco, Jefferson, Wallowa, Chemult, Crescent, and Gilchrist, Oreg., to points in Arizona, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Forest Products, 3601 N. 34th Ave., Phoenix, Ariz. 85017. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427 Federal Bldg., 230 N. First Ave., Phoenix, Ariz. 85025.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-10226 Filed 4-5-77;8:45 am]

[Ex Parte No. 241; Rule 19, 2nd Rev. Exemption No. 133]

MISSOURI PACIFIC RAILROAD CO.

Exemption Under Mandatory Car Service Rules

To: *All Railroads.*

It appearing, That there are substantial shortages of fifty-foot plain boxcars on the lines of the Missouri Pacific Railroad Company (MP); that there is an available supply of such cars on the National Railways of Mexico (NDM); that the NDM has consented to use by the MP of certain of these cars; and the MP has secured clearance from the United States Customs Service for use of these cars provided they are interchanged from and to the NDM exclusively by the MP; and that use of these cars by the MP will substantially relieve boxcar shortages on the MP.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain boxcars owned by the National Railways of Mexico (NDM) identified herein may be used by the Missouri Pacific Railroad Company (MP) without regard to the requirements of Car Service Rules 1 and 2.

It is further ordered, That NDM plain boxcars identified herein available empty on lines other than the MP must be returned to the MP either loaded or empty and may not be returned to the NDM by any line other than the MP, regardless of the requirements of Car Service Rules 1 and 2; and

It is further ordered, That this exemption is applicable to freight cars owned by the NDM identified in Appendix A hereto.

Effective March 25, 1977, and continuing in effect until further order of the Commission.

Issued at Washington, D.C., March 25, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

APPENDIX A TO 3/25/77
SECOND REVISED EXEMPTION NO. 133
REPORTING MARKS NDM

100020	100023	100027	100030	100041	100049	100067	100081	100093	100103
100113	100115	100117	100121	100126	100127	100133	100146	100152	100156
100158	100162	100188	100192	100190	100200	100204	100220	100222	100234
100235	100260	100263	100299	100301	100302	100315	100317	100324	100331
100339	100342	100359	100362	100371	100377	100383	100389	100396	100397
100400	100403	100406	100427	100430	100449	100453	100458	100474	100478
100481	100483	100486	100488	100492	100498	100520	100526	100530	100541
100548	100551	100570	100583	100592	100595	100606	100618	100619	100628
100649	100657	100660	100662	100670	100674	100693	100703	100708	100721
100726	100728	100729	100732	100738	100744	100750	100763	100766	100773
100778	100781	100786	100790	100801	100805	100814	100819	100823	100831
100836	100853	100859	100867	100869	100884	100891	100894	100897	100909
100916	100925	100930	100932	100945	100949	100955	100967	100970	100973
101009	101029	101030	101035	101040	101055	101056	101065	101066	101072
101073	101084	101096	101110	101131	101143	101166	101178	101181	101187
101195	101196	101206	101214	101228	101234	101236	101241	101249	101251
101261	101265	101270	101280	101282	101284	101291	101301	101309	101314
101316	101326	101329	101336	101340	101341	101346	101354	101359	101368
101369	101372	101376	101377	101381	101388	101394	101397	101402	101403
101404	101409	101422	101432	101436	101464	101468	101471	101477	101494
101497	101501	101502	101507	101510	101513	101514	101516	101565	101571
101588	101598	101605	101609	101621	101636	101665	101672	101675	101682
101686	101708	101712	101721	101727	101733	101736	101739	101772	101779
101797	101808	101827	101828	101830	101846	101849	101853	101865	101878
101884	101885	101888	101889	101890	101902	101911	101913	101917	101919
101921	101931	101941	101951	101959	101961	101978	101983	101994	101997
104002	104010	104012	104022	104023	104024	104030	104031	104036	104039
104039	104041	104045	104047	104053	104055	104057	104060	104062	104064
104067	104072	104073	104074	104079	104081	104085	104086	104090	104092
104100	104102	104103	104106	104108	104109	104110	104115	104118	104122
104125	104127	104129	104130	104132	104134	104138	104140	104147	104148
104152	104153	104154	104164	104166	104168	104169	104174	104177	104180
104181	104183	104184	104185	104188	104196	104198	104200	104208	104211
104220	104222	104223	104226	104227	104230	104231	104241	104242	104245
104248	104249	104251	104260	104262	104267	104274	104275	104276	104286
104289	104291	104296	104300	104301	104303	104307	104311	104312	104315
104318	104319	104321	104322	104326	104331	104332	104334	104338	104348
104350	104354	104356	104363	104364	104365	104367	104368	104371	104373
104377	104379	104380	104384	104389	104395	104396	104397	104398	104401
104403	104405	104407	104412	104416	104417	104420	104422	104428	104433
104446	104444	104448	104452	104456	104462	104472	104474	104475	104479
104486	104481	104482	104487	104489	104490	104492	104499	104500	104501
104503	104504	104514	104518	104519	104532	104537	104547	104548	104551
104556	104559	104560	104561	104562	104563	104568	104573	104576	104578
104582	104584	104588	104591	104598	104599	104601	104604	104605	104606
104615	104624	104631	104635	104636	104643	104648	104651	104652	104654
104658	104660	104662	104670	104674	104676	104679	104681	104683	104688
104694	104699	104703	104709	104721	104725	104726	104727	104728	104730
104736	104737	104738	104744	104745	104748	104749	104753	104755	104756
104757	104760	104761	104762	104767	104768	104769	104772	104775	104778
104783	104784	104788	104793	104794	104799	104804	104810	104814	104818
104819	104824	104827	104829	104832	104833	104835	104837	104842	104843
104847	104848	104849	104850	104852	104858	104860	104861	104866	104873
104876	104878	104883	104885	104887	104905	104907	104908	104910	104911
104912	104915	104916	104926	104929	104934	104935	104943	104949	104958
104951	104952	104956	104958	104959	104967	104974	104976	104977	104978
104981	104984	104989	104990	104995	104998	104999			

TOTAL=0567

[FR Doc.77-10118 Filed 4-5-77;8:45 am]

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sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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Federal Reserve System	3
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1

AGENCY HOLDING THE MEETING: Civil Aeronautics Board.

TIME AND DATE: 10:00 a.m.-April 7, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: 1. Briefing by the Bureau of Enforcement-Activities and Plans. 2. Briefing by the Bureau of Enforcement-Pending and Proposed Court Cases.

STATUS: Item 1—Open; Item 2—Closed.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: The following Members have voted that the discussion of Item 2 will be closed to public observation:

Chairman John E. Robson, Vice Chairman Richard J. O'Melia, Member R. Tenney Johnson.

Member G. Joseph Minetti and Member Lee R. West abstained from voting.

EXPLANATION OF THE CLOSING OF ITEM 2

Item 2, the Bureau of Enforcement "Briefing-Pending and Proposed Court Cases, will concern a variety of issues involved in the enforcement of the Federal Aviation Act and the Board's regulations. Disclosure of areas of increased or decreased enforcement activity, reports of on-going investigations, and proposed court actions, particularly to those persons who might be engaged in suspect practices, could lead to violations of the law, destruction of evidence, or behavior designed to frustrate BOE activity and could interfere with enforcement proceedings. Disclosure of the strengths, weaknesses, and negotiating positions in cases which might be settled, particularly to those who are or might be engaged in settlement discussions, could significantly frustrate the ability of BOE and the Board to achieve a settlement in the best interests of the public. Disclosure of the strategy, goals, and legal theories regarding pending or shortly-to-be-initiated court cases, particularly to those against whom the cases are being brought, would hinder the Board's efforts in these cases and might violate the attorney-client privilege between the Board and its staff. Accordingly, the Board finds that public observation of the discussion of Item 2 would be likely to disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records, and would interfere with enforcement proceedings; be likely to significantly frustrate implementation of proposed agency action, and would be likely to specifically concern the Board's participation in civil actions or proceedings within the meaning of the exemptions provided under 5 U.S.C. 552b (c) (7) (A), (9) (B), and (10) respectively and 14 CFR 310b.5 (7) (A), (9) (B), and (10) respectively and that the discussion of Item 2 will be closed.

PERSONS EXPECTED TO ATTEND

BOARD MEMBERS

Chairman John E. Robson
Vice Chairman Richard J. O'Melia
Member G. Joseph Minetti
Member Lee R. West
Member R. Tenney Johnson

ASSISTANTS TO BOARD MEMBERS

Mr. Howard A. Cohen
Mr. Elias C. Rodriquez
Mr. Frederic D. Houghteling
Mr. Charles M. Palmer
Mr. Robert E. Cohn
Mr. John R. Hancock
Mr. Charles E. Rains
Mr. James L. Casey

OFFICE OF THE MANAGING DIRECTOR

Dr. Norma Maine Loeser

BUREAU OF ENFORCEMENT

Mr. Thomas F. McBride
Mr. T. Christopher Browne
Mr. James W. Tello
Mr. John T. Golden
Mr. Joseph H. Hermosillo
Mr. Paul Bessel

OFFICE OF THE GENERAL COUNSEL

Mr. Jerome Nelson
Ms. Carol Light

OFFICE OF THE SECRETARY

Mrs. Phyllis T. Kaylor
Mrs. Deborah A. Lee

OTHER

Alderson Reporting Company:
Ms. Rose Basiliko
Mr. Paul Bultman

GENERAL COUNSEL CERTIFICATION

I certify that this meeting may be closed to the public under 5 U.S.C. 552b (c) (7) (A), (9) (B), and (10) and 14 CFR 310b.5 (7) (A), (9) (B) and (10).

JAMES C. SCHULTZ,
General Counsel.

MARCH 31, 1977.

[S-90-77 Filed 4-1-77;4:20 pm]

2

AGENCY HOLDING THE MEETING: Federal Power Commission.

The following notice of meeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-409), 5 U.S.C. 552f:

TIME AND DATE: April 7, 1977 2:00 p.m.

PLACE: 825 North Capitol Street, Room 9306, Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED (Agenda.) Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, Telephone 202-275-4166.

This is a list of the matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda. However, all public documents may be examined in the Office of Public Information.

POWER AGENDA
7575TH MEETING—APRIL 7, 1977
REGULAR MEETING—PART I (2:00 P.M.)

P-1 Docket No. ER76-320, Connecticut Light & Power Company.
P-2 Project No. 2727, Bangor Hydro-Electric Company.

POWER AGENDA
7575TH MEETING—APRIL 7, 1977
REGULAR MEETING—PART II

CP-1 Docket No. ER77-136, Black Hills Power & Light Company.
CP-2 Docket No. ER76-728, Tucson Gas & Electric Company.
CP-3 Docket No. ER77-192, Montaup Electric Company.
CP-4 Docket No. ES77-7, El Paso Electric Company.
CP-5 Docket No. ES77-18, Delmarva Power & Light Company.
CP-6 Docket No. ES77-21, Interstate Power Company.
CP-7 Docket No. ES77-22, Iowa Southern Utilities Company.
CP-8 Docket No. ID-1802, Richard L. Johnson.
CP-9 Project No. 2769, Allegheny Electric Corporative, Inc., Pennsylvania Electric Company.
CP-10 Project No. 1759, Wisconsin Michigan Power Company.
CP-11 Project No. 2082, Pacific Power & Light Company.
CP-12 Project No. 2538, Beebe Island Corporation.
CP-13 Project No. 2113, Wisconsin Valley Improvement Company.
CP-14 Project No. 2232, Duke Power Company.
CP-15 Project No. 2280, Pennsylvania Electric Company and the Cleveland Electric Illuminating Company.
CP-16 Docket No. DA-15-Alabama U.S. Forest Service.
CP-17 (A) *Appalachian Power Company* v. *F.P.C.*, D.C. Cir. No. 77-1232. (B) *City of Cleveland, Ohio* v. *F.P.C.*, D.C. Cir. No. 77-1230.

MISCELLANEOUS AGENDA
7575TH MEETING—APRIL 7, 1977
REGULAR MEETING—PART II

CM-1 Bangor Hydro-Electric Company.
CM-2 Michigan Power Company.
CM-3 Commission Minutes.

GAS AGENDA
7575TH MEETING—APRIL 7, 1977
REGULAR MEETING—PART I

G-1 Docket No. RP77-33, Transcontinental Gas Pipe Line Corporation (Janney Cylinder Company).
G-2A Docket No. R-425, Area Rate Proceeding (Rocky Mountain Area).
G-2B Docket No. AR70-1, Area Rate Proceeding (Permiam Basin Area III).
G-3 FPC Gas Rate Schedule No. 7, The Superior Oil Company.
G-4 Docket No. R177-47, Imperial Oil Company, Charter Oil Company, Inc., Polumbus Company and Jack Rouse, Western Oil Producers, Inc., Clark Fuel Producing Company, Inc., and W. Earl Griffin.
G-5 Docket Nos. C175-626 and C175-656, Bill J. Graham and Permian Corporation.
G-6 Docket Nos. C176-633 and C176-644, Tenneco Exploration, Ltd., Docket No. C176-678, Tenneco Oil Company, Docket Nos. C176-722 and C176-784, Texaco Inc.
G-7 Docket No. CP74-299, Kansas-Nebraska Natural Gas Company, Inc.
G-8 Docket No. CP65-393, Florida Gas Transmission Company, Docket Nos. C165-584, C177-80, C177-81, Amoco Production Company, a subsidiary of Standard Oil Company of Indiana, Docket C173-70 and CP77-31, Columbia Gulf Transmission Company, Docket No. CP73-157, Natural Gas Pipeline Company of America, Docket No. CP77-31, Tennessee Gas Pipeline Company, a division of Tenneco Inc., Docket No. CP77-37, Sea Robin Pipeline Company.
G-9 Docket No. CP76-208, Mid-Continental Gas Storage Company, Docket No. CP76-276, Iowa-Illinois Gas and Electric Company, Docket No. G-10632, Northern Illinois Gas Company.
G-10 Docket Nos. CP73-258, et al., El Paso Eastern Company, et al., Docket No. CP77-269, El Paso LNG Terminal Company, Docket No. CP77-270, El Paso Eastern Company, Docket No. CP77-271, United Gas Pipe Line Company, Docket No. CP77-272, United LNG Company.
G-11 Docket No. CP76-313, National Fuel Gas Supply Corporation, Docket No. CP76-381, Transcontinental Gas Pipe Line Corporation, Docket No. CP76-536, Columbia Gas Transmission Corporation and National Fuel Gas Supply Corporation, Docket No. RP76-----, National Fuel Gas Distribution Corporation.
G-12 Docket No. CP76-448, National Fuel Gas Distribution Corporation.
G-13 Docket No. CP77-234, United Gas Pipeline Company.
G-14 Docket No. CP70-289, Inter-City Minnesota Pipelines Ltd, Inc.
G-15 Docket No. CP76-455, Transcontinental Gas Pipe Line Corporation, Florida Gas Transmission Company, Sea Robin Pipeline Company.

MISCELLANEOUS AGENDA
7575TH MEETING—APRIL 7, 1977
REGULAR MEETING—PART I

M-1 Docket No. RM77-13, National rates for jurisdictional sales of natural gas from wells commenced on or after January 1, 1977, for the period January 1, 1977, to December 31, 1978.

GAS AGENDA
7575TH MEETING—APRIL 7, 1977
REGULAR MEETING—PART II

CG-1 Docket No. RP73-32, (PGA No. 77-2), Raton Natural Gas Company.
CG-2 Docket No. RP73-8, North Penn Gas Company.
CG-3 Docket No. RP72-149, (PGA Nos. 77-5A and 77-6A), Mississippi River Transmission Corporation.
CG-4 Docket Nos. CP76-529 and RP76-84, United Gas Pipe Line Company.
CG-5 Docket Nos. RP72-136 and RP74-19, et al., Florida Gas Transmission Company.
CG-6 Docket No. RP72-156, et al., Texas Gas Transmission Corporation.
CG-7 Docket Nos. AR61-2, AR69-1 and RP73-65, Columbia Gas Transmission Corporation.
CG-8 Docket Nos. AR64-1, et al., and RP73-36, Panhandle Eastern Pipe Line Company.
CG-9 Colorado Interstate Gas Company.
CG-10 Docket No. C176-341, Ladd Petroleum Corporation.
CG-11 Docket No. CP76-387, Sea Robin Pipe Line Company and Transcontinental Gas Pipe Line Corporation.
CG-12 Docket No. CP76-304, Transcontinental Gas Pipe Line Corporation.
CG-13 Docket No. CP72-162, Transcontinental Gas Pipe Line Corporation and Texas Gas Transmission Corporation.
CG-14 Docket No. CP76-322, Tennessee Gas Pipeline Company.
CG-15 Docket No. CP77-219, Colorado Interstate Gas Company.
CG-16 Docket No. CP73-232, Florida Gas Transmission Company and United Gas Pipe Line Company, Docket No. C175-243, Mapco Inc., Docket No. C175-244, Florida Gas Exploration Company.
CG-17 Docket No. CP73-219, Natural Gas Pipeline Company of America.
CG-18 Docket No. CP77-130, Northern Natural Gas Company.
CG-19 Docket No. CP77-207, Texas Gas Transmission Corporation.
CG-20 Docket No. RP77-18, El Paso Natural Gas Company.
CG-21 Docket No. RP77-31, Southern Natural Gas Company.
CG-22 Docket No. RP77-32, South Georgia Natural Gas Company.
CG-23 Docket No. CP76-511, Natural Gas Pipeline Company of America.

KENNETH F. PLUMB,
Secretary.

[S-88-77 Filed 4-1-77;2:12 pm]

3

AGENCY HOLDING THE MEETING: Federal Reserve System.

On Friday, April 8, 1977; at 10:00 a.m. a meeting of the Board of Governors of the Federal Reserve System will be held at the Board's offices at 20th Street and Constitution Avenue NW., Washington, D.C., to consider the following items of official Board business:

1. A major equipment purchase by a Federal Reserve Bank.
2. A major equipment purchase by a Federal Reserve Bank.
3. A possible amendment to the Board's rules of Employee Responsibilities and Conduct with respect to filing statements of employment and financial interests.
4. Any agenda items carried forward from a previously announced closed meeting.

This meeting will be closed to public observation because the items fall under exemptions contained in the Government in the Sunshine Act (5 U.S.C. 552b(c)). Information with regard to this meeting may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at (202) 452-3204.

Board of Governors of the Federal Reserve System, April 1, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-89-77 Filed 4-1-77;2:12 pm]

4

AGENCY HOLDING THE MEETING: Renegotiation Board.

CHANGE IN PUBLIC ANNOUNCEMENT

Pursuant to RBR 1482.3(b) of its regulations, the Renegotiation Board hereby announces that the date of its meeting originally scheduled for March 15, 1977, as announced in the FEDERAL REGISTER of March 9, 1977 (42 FR 13167-8), and subsequently changed to April 5, 1977, as announced in the FEDERAL REGISTER of March 28, 1977 (42 FR 16547), is further changed to April 26, 1977.

Dated: April 1, 1977.

GOODWIN CHASE,
Chairman.

[S-87-77-Filed 4-1-77;2:06 pm]

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AGENCY HOLDING THE MEETING: Federal Deposit Insurance Corporation.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 17227.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 11:00 a.m., April 5, 1977.

CHANGES IN THE MEETING: Because of the need for additional staff consideration of the proposal, the memorandum and resolution proposing the publication for comment of a new Part 340 of the Corporation's rules and regulations, to be entitled "Minimum Offering Circular Requirements for Public Distribution of Bank Securities," have been removed from the agenda.

[S-91-77 Filed 4-4-77;9:15 am]

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federal register

WEDNESDAY, APRIL 6, 1977

PART II



DEPARTMENT OF THE TREASURY

Office of Revenue Sharing

■

FISCAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

Interim Regulations

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Title 31—Money and Finance

CHAPTER I—MONETARY OFFICES, DEPARTMENT OF THE TREASURY

PART 51—FISCAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

Interim Regulations

AGENCY: Office of Revenue Sharing, Office of the Secretary.

ACTION: Interim Regulations.

SUMMARY: This notice amends subparts A, E and G of the Office of Revenue Sharing regulations. These amendments are required to conform the current regulations with the changes made by the State and Local Fiscal Assistance Amendments. The purpose of these Amendments is to provide necessary guidance to the recipient governments, and to inform other interested persons of the changes necessitated by the amendments to the General Revenue Sharing Program.

EFFECTIVE DATE: Immediately upon filing in the FEDERAL REGISTER.

FOR FURTHER INFORMATION CONTACT:

William H. Sager, Chief Counsel, Office of Revenue Sharing (202) 634-5182.

SUPPLEMENTARY INFORMATION

SUBPART A

In 31 CFR, Part 51, Subpart A, § 51.0 is being amended to include the State and Local Fiscal Assistance Amendments of 1976 (Pub. L. 94-488) within the scope and application of the regulations. Section 51.2 amends or adds definitions. The definition of entitlement period, § 51.2(f) is amended to include entitlement periods beginning January 1, 1977 and ending September 30, 1980. A new definition of "generally accepted auditing standards" is added to § 51.2(h). Section 51.2 (l) adds a definition of lobbying to reflect a new prohibition on the expenditure of entitlement funds. The definition of recipient governments in § 51.2(m) is amended to include the Louisiana office of the separate law enforcement officers. The definition of unit of local government in § 51.2(p) is amended to remove the reference to "other units of government below the State."

Section 51.3 has been amended by the addition of a new subsection (a) which provides that the time limits for the conduct of an investigation or a compliance review set forth in §§ 51.60 and 51.61 of subpart E shall also apply to investigations and compliance reviews of allegations of violations of the remaining subparts. Section 51.4, extension of time, is deleted. Section 51.5, transfer of funds to secondary recipients, has been redesignated § 51.4.

SUBPART E

The nondiscrimination provisions of 31 CFR, Part 51, Subpart E have been expanded to reflect the changes contained in section 122 of the Revenue Sharing Amendments. Subpart E is retitled nondiscrimination by recipient governments receiving entitlement funds because the provisions of Subpart E have been made applicable to all programs and activities of a recipient government unless such government proves by clear and convincing evidence that entitlement funds were not expended in a particular program or activity.

Section 51.50 is amended to include among the prohibited forms of discrimination, discrimination on the basis of age under the Age Discrimination Act of 1975, handicapped status under section 504 or the Vocational Rehabilitation Act of 1974 and religion, limited by exemptions under the Civil Rights Acts of 1964 and 1968. Section 51.51 is amended by the addition of definitions for age discrimination, finding, handicapped status discrimination, holding, and religious discrimination.

Section 51.52 is amended to include discrimination on the basis of age, handicapped status and religion among the prohibited forms of discrimination. Section 51.52(b) is amended to clarify to which prohibited specific discriminatory practices the prohibited grounds of discrimination apply, particularly the newly added categories of age, handicapped status and religion. To this end, the subsections have been reorganized to group related discriminatory practices together. Section 51.52 is further amended by the addition of a new paragraph (c) which sets forth the situations in which the prohibitions of § 51.52 do not apply. Section 51.52(c)(1) provides that the prohibitions set forth in subsections (a) and (b) of § 51.52 shall not apply where a recipient government can prove by clear and convincing evidence that entitlement funds were not expended, in whole or in part, in a particular program or activity.

Section 51.52(c)(2) provides that the prohibition against discrimination on the basis of handicapped status shall not apply to construction projects commencing prior to January 1, 1977. The commencement of a construction project is defined as the obligation of the recipient government by contract for the physical construction of the project or a portion thereof.

Section 51.53(a) is amended to add age discrimination, discrimination on the basis of handicapped status, and religious discrimination to the prohibited forms of discrimination. A new § 51.53(c) has been added concerning recruitment practices of a recipient government. Current § 51.53(c) has been redesignated § 51.53(d). Section 51.53(e) is amended to provide that employment compliance reviews will be conducted in accordance with the Standards of Title VII of the Civil Rights Act of 1964.

Section 51.54(d)(2) has been amended because of the recent Supreme Court decision in *General Electric* v. *Gilbert* (45 Law Week 4031) which holds that it is not sex-based discrimination under Title VII of the Civil Rights Act of 1964 for an employer to exclude pregnancy-related disabilities from a disability insurance plan which provides general coverage. The amended section now provides that recipient government shall not have an employment policy which treats temporary disabilities caused by pregnancy in a different manner with respect to commencement or duration of employment or leave.

Section 51.56 provides that the Office of Revenue Sharing will follow the EEOC guidelines on discrimination on the basis of national origin. The EEOC guidelines are set forth in § 51.56 in their entirety. Section 51.57 provides that the exemption from discrimination on the basis of religion contained in the Civil Rights Act of 1964 and 1968 also apply to programs and activities funded by recipient governments which receive entitlement funds under the Act. The purpose of the exemption is to assure that recipient governments will not be charged with discrimination on the basis of religion through the support of programs and activities of religious institutions. Section 51.57(b) provides that the Office of Revenue Sharing will follow the EEOC guidelines of discrimination on the basis of religion which guidelines are set forth in § 51.57 in their entirety. Current § 51.55 redesignated § 51.58 and is amended to provide that the chief executive officer of a recipient government is required to assure that in the event a Federal or State court or Federal administrative agency makes a holding against the recipient government, a certified copy of the holding will be forwarded to the Director within 10 days of receipt by the recipient government.

Current § 51.56 is redesignated § 51.59. Section 51.59(a) is amended to provide that where information required of a recipient government is in the exclusive possession of another who refuses to furnish the Office of Revenue Sharing or its authorized representatives with such information, it shall be the sole responsibility of the recipient government to provide the information. Mere certification of the failure to acquire the information is no longer sufficient. Section 51.59(b) is amended to include data concerning age and handicapped status among the data on which a recipient government must keep records. Current § 51.58 is redesignated § 51.60. Section 51.60(a), compliance reviews, is amended to provide that such reviews shall be completed within 180 days of initiation. Section 51.60(b) is amended to provide that a recipient government determined to have violated the provisions of this subpart shall take such action as approved by the Director to achieve compliance. A new § 51.60(c) sets forth the adoption of the Equal Employment Opportunity Coordinating Counsel's policy statements on affirmative action programs for State and local government agencies (41 F.R. 38814), which appears in this section in its entirety.

Current § 51.57 is redesignated § 51.61 and is retitled "administrative complaints and investigations." Section 51.61 (b)(1) requires the Director to advise a recipient government of an administrative complaint received against it within 30 days of the receipt of the complaint. Section 51.61(b)(2) provides that an investigation will be made by the Office of

Revenue Sharing within 60 days of the receipt of the complaint if the Director has reason to believe that the recipient government has failed to comply. Section 51.61(b)(3) provides that 90 days after the filing of a complaint the Director shall make a finding. Section 51.61 (b)(4) provides that the agreements between agencies will be used to the maximum extent feasible to facilitate enforcement of the provisions of Subpart E.

Section 51.62 defines the term "finding" and describes the effect of a finding of noncompliance upon a recipient government. Section 51.62(b) provides that a finding based upon an administrative complaint shall be made within 90 days of the filing of an administrative complaint with the Director. The recipient government shall be notified of a finding of noncompliance made against it within ten days. Section 51.62(c) provides that a finding of noncompliance may result from a holding by a State or local administrative agency. Section 51.62(b) provides that a finding of noncompliance with the provisions of subpart E need not result from an administrative complaint.

Section 51.63 provides that upon written request a complainant may be advised by the Director as to the status of investigations of administrative complaints. Further, the Director shall notify the complainant of the nature of a finding ten days after the finding is made.

Section 51.65(a) provides that the Director, upon making a finding of noncompliance, shall notify the recipient government that it has 30 days within which to demonstrate compliance or enter into a compliance agreement. By the 30th day the Director shall issue a determination as to whether a recipient government has failed to comply with the provisions of Subpart E. Section 51.65(b) provides that upon making a determination that a recipient government is in noncompliance with the provisions of subpart E, the Director shall notify the government that failure to enter compliance or to request a hearing within 10 days will result in the suspension of further payments of entitlement funds to the government.

Section 51.66(a) provides that where a recipient government requests a hearing it shall be held before an administrative law judge and shall commence within 30 days of the request. Section 51.66 (b) provides that where an administrative law judge issues a preliminary finding that the recipient government has failed to comply with the provisions of subpart E, the Director shall suspend temporarily further payment of entitlement funds to the recipient government pending completion of the hearing and final adjudication by the administrative law judge. Upon the completion of a hearing on the merits, if the administrative law judge issues a determination that the recipient government is in noncompliance, the Director shall, upon the initial decision and order of the administrative law judge, suspend further payment of entitlement funds, continue the temporary suspension previously invoked, or terminate the payment of entitlement funds, unless the recipient government enters into compliance before the 31st day after such determination. Section 51.66(c) provides that where the administrative law judge makes a preliminary determination that the recipient government has not failed to comply with the provisions of Subpart E, any temporary suspension of funds will be terminated and the Director will promptly pay over entitlement funds, if any, temporarily suspended.

Section 51.67(a) provides that upon receipt of a holding by a Federal court, State court, or Federal administrative law judge, the Director shall notify the recipient government of the noncompliance. Section 51.67(b) provides that the holding by an administrative law judge shall have been preceded by notice and opportunity for a hearing conducted pursuant to the provisions of the Administrative Procedure Act (5 U.S.C. 556).

Section 51.67(c) provides that within 30 days of notification by the Director that the recipient government is in noncompliance, pursuant to the holding of a State or Federal court or a Federal administrative law judge, the recipient government shall have the opportunity to informally present evidence only as to whether the noncompliance was in a program or activity funded in whole or in part with entitlement funds. The holding of noncompliance shall be treated as conclusive. Section 51.67(d) provides that where a holding is reversed, any proceedings on the basis of that holding by the Director including the termination or suspension of entitlement funds, shall be discontinued and entitlement funds temporarily withheld, if any, shall be repaid.

Section 51.68(a) provides that the Director shall issue a determination of noncompliance within 30 days after notifying the recipient government of its noncompliance unless a compliance agreement is entered into with the government. Section 51.68(b) provides that upon making a determination of noncompliance the Director shall notify the recipient government that it has ten days to come into compliance or request a hearing before an administrative law judge, or further entitlement payments to the recipient government shall be suspended. A hearing requested by the recipient government shall commence within 30 days of receipt of the request. The administrative law judge, within 30 days of the commencement of a hearing, shall issue a preliminary finding as to whether the particular program or activity was funded with entitlement funds. If there is a finding of noncompliance, entitlement funds will immediately be suspended by the Director pending final decision of the administrative law judge unless a compliance agreement between the Director and the recipient government is entered into.

Section 51.68(c) provides that after a hearing on the merits the administrative law judge shall make his initial findings and decision (not to be confused with the preliminary decision) based upon the evidence of the whole record, that the recipient government has failed to comply with the provisions of subpart E. The Director shall, within 31 days after such findings and decision indefinitely suspend payment of entitlement funds, continue the suspension invoked earlier or terminate the payment of entitlement funds, unless a compliance agreement is entered into between the recipient government and the Director within that time period.

Section 51.69(a) provides that the initial decision of the administrative law judge, (not to be confused with the preliminary decision) made after the conclusion of the hearing on the merits, shall be based upon the findings of fact and the conclusions of law and shall consist of an order either to suspend, terminate, or resume payment of entitlement funds to recipient governments. Section 51.69 (b) defines suspension of entitlement funds. Section 51.69(c) defines termination of entitlement funds.

Section 51.70 sets forth the steps which must be taken in order to resume entitlement payments which have been suspended. Section 51.70(a) provides that payments may be resumed when the recipient government enters into a compliance agreement with the Director and complies with the provisions thereof. Section 51.70(b) provides that payments suspended pursuant to a preliminary decision by the administrative law judge may be resumed when the administrative law judge holds that the recipient government is in compliance with the provisions of subpart E. Section 51.70(c) provides that payments may be resumed where the recipient government complies fully with a dispositive order of the court or an administrative law judge. Section 51.70(d) provides that payments may be resumed where a court or administrative law judge, upon rehearing of a proceeding, finds that the recipient government was in compliance. Section 51.70 (e) provides for resumption of suspended entitlement funds where an appellate court reverses the holding of noncompliance by a lower court or an administrative law judge upon which the Director's suspension of entitlement funds was based.

Section 51.71(a) defines a compliance agreement entered into between the Federal or State agency responsible for prosecuting the claim and the chief executive officer of the recipient government against whom discrimination is alleged. The section further makes it discretionary with the Director as to whether or not he will accept such agreement. Section 51.71(b) sets forth the requirements of a compliance agreement negotiated between the Director and the chief executive officer of the recipient government. Section 51.71(c) provides that the Director shall submit copies of the compliance agreement to the complainant within 15 days of the execution or approval of the agreement.

Section 51.72 provides that any hearing shall be conducted pursuant to section 7 of the Administrative Procedure

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Act (5 U.S.C. 556) and the applicable provisions of Subpart G of the regulations.

Current § 51.61 is redesignated § 51.73 and further amended to provide certain clarifying definitions. Section 51.73(a) sets forth a new requirement that recipient governments maintain separate records of real and tangible personal property having a value in excess of $1,000. This paragraph further provides that upon outright transfer of bona fide sale of the property, the provisions of § 51.73 will no longer be applicable.

Current § 51.62 is redesignated § 51.74 and retitled Agreements Between Agencies. Section 51.74(a) sets forth the purposes for which cooperative agreements are to be formed. Section 51.74(b) sets forth the content of such agreements. Section 51.74(c) provides that the Director may not delegate, pursuant to any agreement, the authority to review the preliminary and initial decisions of an administrative law judge.

A new § 51.75 provides that the Attorney General of the United States may bring civil action against any State or unit of local government which he has reason to believe has engaged in or is engaging in a pattern and practice of discrimination. Section 51.75(b) sets forth the relief a court may grant upon holding that a State or unit of local government is engaging in a pattern or practice of discrimination.

SUBPART G

Amendments to 31 CFR Part 51, subpart G are minimal. They primarily consist of redesignations and the change of references from the Secretary to the Director. Sections 51.80 to 51.105 are redesignated §§ 51.200 to 51.225 (see 42 FR 2422, January 11, 1977). Section 51.200 is amended to specifically remove subpart E from the scope of this subpart where provision is otherwise made.

OTHER PROVISIONS

Amendments to subpart B or title 31, CFR, part 51 (relating to Assurances, Reports, Public Participation and Public Hearings) were published in the FEDERAL REGISTER as interim regulations on January 10, 1977 (42 FR 2196).

Amendments to subpart F of title 31, CFR, part 51, relating to Fiscal Procedures and Auditing, were published in the FEDERAL REGISTER as interim regulations on January 11, 1977 (42 FR 2422).

NEED FOR IMMEDIATE GUIDANCE

Because these interim regulations are necessary to provide immediate guidance to recipient governments it is found impractical to issue these interim regulations with the notice and public procedure thereon under 5 U.S.C. 553(b) or subject to the effective date limitations of 5 U.S.C. 553(d).

WRITTEN COMMENTS SOLICITED

Consideration will be given to any written comments or suggestions pertaining to these amendments to subparts A, E and G which are received on or before June 6, 1977. Written comments shall be addressed to the Director, Office of Revenue Sharing (Symbols CC), Department of the Treasury, Washington, D.C. 20226. Written comments submitted in response to this solicitation will be available to the public upon request unless the comments are exempt from disclosure under the Freedom of Information Act, (5 U.S.C. 552) and the Department invokes the applicable exemption. A file of all written comments will be indexed and logged with the Treasury Library.

These amendments and interim regulations are issued under the authority of the State and Local Fiscal Assistance Act of 1972, as amended, Title I, Pub. L. 92-512 and the State and Local Fiscal Assistance Amendments of 1972, Pub. L. 94-488, (31 U.S.C. 1221-1263) and Treasury Department Order No. 224, dated January 26, 1973 (38 FR 3342).

The Department of the Treasury has determined that these amendments and interim regulations do not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Orders 11821 and 11949, and OMB Circular A-107.

Dated: March 31, 1977.

ANTHONY M. SOLOMON,
Under Secretary for Monetary Affairs.

Subpart A—General Information

51.0 Scope and application of regulations.
51.1 Establishment of Office of Revenue Sharing.
51.2 Definitions.
51.3 Procedure for effecting compliance.
51.4 Transfer of funds to secondary recipients.

AUTHORITY: State and Local Assistance Act of 1972, as amended, Title I, Pub. L. 92-512; State and Local Fiscal Assistance Amendments of 1972, Pub. L. 94-488 (31 U.S.C. 1221-1263); Treasury Department Order No. 224, dated January 26, 1973 (38 FR 3342).

Subpart A—General Information

§ 51.0 Scope and application of regulations.

(a) *In general.* The rules and regulations in this subpart are prescribed for carrying into effect the State and Local Fiscal Assistance Act of 1972 (Pub. L. 92-512) applicable to entitlement periods beginning January 1, 1973 and the State and Local Fiscal Assistance Amendments of 1976 (Pub. L. 94-488) applicable to entitlement periods beginning January 1, 1977. Subpart A sets forth general information and definitions of terms used in this part. Subpart B of this part prescribes reports required under this part and publicity and public hearings concomitant thereto. Subpart C of this part contains rules regarding the computation, allocation and adjustment of entitlements. Subpart D of this part prescribes prohibitions and restrictions on the use of funds. Subpart E of this part contains the nondiscrimination provisions applicable to programs funded with revenue sharing funds. Subpart F of this part prescribes fiscal procedures and auditing requirements. Subpart G of this part contains rules relating to procedure and practice requirements where a recipient government has failed to comply with any provision of this part.

(b) *Saving clause.* Any cause of action arising out of noncompliance with the interim regulations covering payments made for the first and second entitlement periods (January 1, 1972, through June 30, 1972, and July 1, 1972, through December 31, 1972) shall continue to be covered by such regulations and any proceeding commenced thereon shall be governed by the procedures set forth in Subpart G of this part. Any cause of action arising out of the expenditure of entitlement payments in violation of the prohibitions and restrictions of subparts D, E and F of this part prior to January 1, 1977 shall be covered by regulations in effect on December 31, 1976 and any proceedings commenced thereon shall be governed by the procedures set forth in Subpart G of this part.

§ 51.1 Establishment of Office of Revenue Sharing.

There is established in the Office of the Secretary of the Treasury the Office of Revenue Sharing. The office shall be headed by a Director who shall be appointed by the Secretary of the Treasury. The Director shall perform the functions, exercise the powers and carry out the duties vested in the Secretary of the Treasury by the State and Local Fiscal Assistance Act of 1972, Title I, Pub. L. 92-512 and the State and Local Fiscal Assistance Amendments of 1976, Pub. L. 94-488. A reference to the Director in the masculine gender shall not be construed to exclude the feminine gender.

§ 51.2 Definitions.

As used in this part (except where the context clearly indicates otherwise, or where the term is defined elsewhere in this part) the following definitions shall apply:

(a) "Act" means the State and Local Fiscal Assistance Act of 1972, Title I of Public Law 92-512, approved October 20, 1972 as amended by the State and local Fiscal Assistance Amendments of 1976, Pub. L. 94-488, approved October 13, 1976. (31 U.S.C. 1221, et seq, as amended).

(b) "Chief executive officer" of a unit of local government means the elected official, or the legally designated official, who has the primary responsibility for the conduct of that unit's governmental affairs. Examples of the "chief executive officer" of a unit of local government may be: The elected mayor of a municipality, the elected county executive of a county, the chairman of a county commission or board in a county that has no elected county executive, the township supervisor, trustee, first selectman, chairman, city manager, or such other official as may be designated pursuant to law by the duly elected governing body of the unit of local government; or the chairman, governor, chief or president (as the case may be) of an Indian tribe or Alaskan native village.

(c) "Department" means the Department of the Treasury.

(d) "Director" means the Director of the Office of Revenue Sharing.

(e) "Entitlement" means the amount of payment to which a State government or unit of local government is entitled as determined by the Director pursuant to an allocation formula contained in the Act and as established by regulation under this part.

(f) "Entitlement funds" means the amount of funds paid or payable to a State government or unit of local government for the entitlement period.

(g) "Entitlement period" means one of the following periods of time:

(1) The 6-month period beginning January 1, 1973, and ending June 30, 1973.

(2) The fiscal year beginning July 1, 1973, and ending June 30, 1974.

(3) The fiscal year beginning July 1, 1974, and ending June 30, 1975.

(4) The fiscal year beginning July 1, 1975, and ending June 30, 1976.

(5) The 6-month period beginning July 1, 1976, and ending December 31, 1976.

(6) Entitlement Period Eight is the 9-month period beginning January 1, 1977, and ending September 30, 1977.

(7) Entitlement Period Nine is the fiscal year beginning October 1, 1977, and ending September 30, 1978.

(8) Entitlement Period Ten is the fiscal year beginning October 1, 1978, and ending September 30, 1979.

(9) Entitlement Period Eleven is the fiscal year beginning October 1, 1979, and ending September 30, 1980.

(h) Generally accepted auditing standards means those auditing standards pronounced by the American Institute of Certified Public Accountants and incorporated in its Statements on Audit Standards, and further included in summary form in the Standards for Audit of Governmental Organizations, Programs, Activities, and Functions as reissued in 1974 by the Comptroller General of the United States.

(i) "Governor" means the Governor of any of the 50 States or the Mayor of the District of Columbia.

(j) "Independent public accountants" means independent certified public accountants, and licensed public accountants licensed on or before December 31, 1970, certified or licensed by a regulatory authority of a State or other political subdivision of the United States.

(k) "Indian tribes and Alaskan native villages" means those Indian tribes and Alaskan native villages which have a recognized governing body and which perform substantial governmental functions. Certification to the Director by the Secretary of the Interior (or by the Governor of a State in the case of a State affiliated tribe) that an Indian tribe or an Alaskan native village has a recognized governing body and performs substantial governmental functions, shall constitute prima facie evidence of that fact.

(l) "Lobbying." See § 51.44 for definition of this term.

(m) "Recipient government" means a State government or unit of local government as defined in this section, or the office of the separate law enforcement officer for any parish in the State of Louisiana other than the Parish of Orleans.

(n) "Secretary" means the Secretary of the Treasury.

(o) "State government" means the government of any of the 50 States or the District of Columbia.

(p) "Unit of local government" means the government of a county, municipality, or township, which is a unit of general government and which shall be determined on the basis of the same principles as used by the Bureau of the Census for general statistical purposes. The term "unit of local government" shall also include the recognized governing body of an Indian tribe or Alaskan native village which performs substantial governmental functions. The District of Columbia, in addition to being treated as a State, shall also be treated as a county area which has no units of local government (other than itself) within its geographic area.

§ 51.3 Procedure for effecting compliance.

(a) *In general.* Whenever the Director receives an administrative complaint, audit report, or other information alleging violation of any provision of this part, other than subpart E, he shall employ the time limits for the conduct of an investigation or a compliance review set forth in §§ 51.60 and 51.61 of subpart E of this part.

(b) *Determination of noncompliance.* If the Director determines that a recipient government has failed to comply substantially with any provision of this part, other than subpart E, and after giving reasonable notice and opportunity for a hearing to the Governor of the State or the chief executive officer of the unit of local government pursuant to subpart G of this part, the Director shall notify the recipient government that if it fails to take corrective action within 60 days from the date of receipt of such notification further payments to it will be withheld for the remainder of the entitlement period and for any subsequent entitlement period until such time as the Director is satisfied that appropriate corrective action has been taken and that there will no longer be any failure to comply. Until he is satisfied, the Director shall make no further payments of such amounts.

(c) *Determination to delay payment.* Whenever the Director determines that a recipient government has failed to comply with the reporting or assurance requirements of subpart B, he may delay payment of entitlement funds to such recipient. A determination to delay payment of entitlement funds shall not be subject to the procedure set forth in paragraph (a) of this section and shall be in effect only for such time as is necessary to effect compliance.

§ 51.4 Transfer of funds to secondary recipients.

Those prohibitions and restrictions set forth in Subparts D, E, and F of this part which are applicable to a recipient government's entitlement funds continue to be applicable to such funds if they are transferred to another governmental unit or private organization. A violation of Subparts D, E, and F of this part by a secondary recipient shall constitute a violation by the recipient government and the applicable penalty shall be imposed on the recipient government.

Subpart E—Nondiscrimination by Recipient Governments Receiving Entitlement Funds

Sec.
51.50 Purpose.
51.51 Definitions.
51.52 Discrimination prohibited.
51.53 Employment discrimination.
51.54 Discrimination on the basis of sex.
51.55 Reserved.
51.56 Discrimination on the basis of national origin.
51.57 Discrimination on the basis of religion.
51.58 Assurances required.
51.59 Compliance information and reports.
51.60 Compliance reviews and affirmative action.
51.61 Administrative complaints and investigations.
51.62 Finding by the Director.
51.63 Notification of complainant.
51.64 Exhaustion of administrative remedies.
51.65 Procedure for effecting compliance.
51.66 Hearings before administrative law judge.
51.67 Holding by a court or Federal governmental agency.
51.68 Procedure for affecting compliance in case of holding.
51.69 Initial decision of administrative law judge pursuant to 5 U.S.C. 557.
51.70 Resumption of suspended entitlement payments.
51.71 Compliance agreements.
51.72 Hearing procedures.
51.73 Jurisdiction over property.
51.74 Agreements between agencies.
51.75 Authority of the Attorney General of the United States.

AUTHORITY: State and Local Assistance Act of 1972 as amended, Title I, Pub. L. 92-512; State and Local Fiscal Assistance Amendments of 1972, Pub. L. 94-480 (31 U.S.C. 1221-1263); Treasury Department order No. 224, dated January 26, 1973 (38 FR 3342).

Subpart E—Nondiscrimination by Recipient Governments Receiving Entitlement Funds

§ 51.50 Purpose.

The purpose of this subpart is to effectuate section 122 of the Act to the end that no person in the United States shall, on the ground of race, color, national origin, or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity of a recipient government, which government receives funds made available under subpart A. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to an otherwise qualified handicapped individual as provied in Section 504 of individual as provided in section 504 of prohibition against discrimination on the basis of religion as well as any exemption from such prohibition, as pro-

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vided in the Civil Rights Act of 1964 or the Civil Rights Act of 1968, shall also apply to any such program or activity.

§ 51.51 Definitions.

Unless the context requires otherwise, as used in this subpart, the term:

(a) "Age discrimination" refers to any discrimination on the basis of age under the Age Discrimination Act of 1975.

(b) "Compliance review" means a review of a recipient's selected employment practices, facilities, or delivery of services for compliance with the provisions of this part.

(c) "Facility" includes all or any part of structures, equipment, or other real or personal property or interests therein.

(d) "Finding"—See § 51.62 for meaning of this term.

(e) "Funded" means funds have been made available for expenditure in a designated program or activity through legislative action.

(f) "Handicapped status discrimination" refers to discrimination with respect to an otherwise qualified handicapped individual under § 504 of the Rehabilitation Act of 1973.

(g) "Holding"—See § 51.67 for meaning of this term.

(h) "Investigation" includes both fact-finding efforts and attempts to secure the voluntary resolution of complaints.

(i) "Program or activity" means any function conducted by an agency or department of the recipient government which government has received or is receiving entitlement funds, or by any other unit of government or private contractor which has received or is receiving entitlement funds from the recipient government.

(j) "Religious discrimination" refers to any prohibition against discrimination on the basis of religion as well as any exemption from such prohibition as provided in the Civil Rights Act of 1964 or the Civil Rights Act of 1968.

§ 51.52 Discrimination prohibited.

(a) *In general.* No person in the United States shall, on the ground of race, color, national origin, or sex, be excluded from participation under, denied the benefits of, or be subjected to discrimination under any program or activity of a recipient government which government receives funds made available under Subtitle A of the Act. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 (hereinafter referred to as discrimination on the basis of age) or with respect to an otherwise qualified handicapped individual as provided in section 504 of the Rehabilitation Act of 1973, (hereinafter referred to as discrimination on the basis of handicapped status) or any prohibition against discrimination on the basis of religion, as well as any exemption from such prohibition as provided in the Civil Rights Act of 1964 or the Civil Rights Act of 1968 (hereinafter referred to as discrimination on the basis of religion) shall also apply to any such program or activity.

(b) *Specific discriminatory actions prohibited.* (1) A recipient government shall not, on the ground of race, color, national origin, or sex:

(i) Deny any service or other benefit provided.

(ii) Provide any service or other benefit which is different, or is provided in a different form from that provided to others.

(iii) Subject any person to segregated or separate treatment in any facility or in any matter or process related to receipt of any service or benefit.

(iv) Restrict in any way the enjoyment of any advantage or privilege enjoyed by others receiving any service or benefit.

(v) Treat an individual differently from others in determining whether the individual satisfies any admission, enrollment, eligibility, membership, or other requirement or condition which individuals must meet in order to be provided any service or other benefit.

(2) A recipient government shall not on the ground of race, color, national origin, sex, handicapped status, age or religion:

(i) Deny any person an opportunity to participate in a program or activity as an employee.

(ii) Deny any person an equal opportunity to participate as appointed members of planning or advisory bodies in connection with the disposition of entitlement funds.

(3) In areas of employment, a recipient government may not utilize criteria or methods of administration which have the effect of:

(i) Subjecting individuals to discrimination on the basis of race, color, national origin, sex, age, handicapped status, or religion.

(ii) Perpetuating the results of past discriminatory practices.

(iii) Defeating or substantially impairing the accomplishment of the objectives of the program or activities with respect to individuals of a particular race, color, national origin, sex, age, handicapped status, or religion.

(4) A recipient government may not on the ground of race, color, national origin, or sex make selections of site or location of facilities which have the effect of:

(i) Excluding individuals from such facilities.

(ii) Denying the individuals the benefits of such facilities.

(iii) Subjecting individuals using the facilities to discrimination.

(5) Recipient governments are encouraged to take action with entitlement funds to ameliorate an imbalance in services or facilities provided to any geographic area or specific group in order to overcome the effects of prior discriminatory practice or usage. If a recipient government funds a program or activity which is found to provide an imbalance of services or facilities to persons protected by this subpart, then such imbalance shall be ameliorated.

(6) The enumeration of specific forms of prohibited discrimination in this paragraph does not limit the generality of the prohibition in paragraph (a) of this section.

(c) *Exemptions.* The provisions of paragraphs (a) and (b) shall not apply:

(1) Where a recipient government demonstrates by clear and convincing evidence that a program or activity, with respect to which discrimination is alleged, is not funded in whole or in part with entitlement funds.

(2) To construction projects commenced prior to January 1, 1977, with respect to discrimination on the basis of handicapped status. A construction project shall be deemed to have commenced when the recipient government has obligated itself by contract for the physical construction of the project or any portion of the project.

§ 51.53 Employment discrimination.

(a) *Employment practices.* In general, employment practices mean all terms and conditions of employment including recruitment, recruitment advertising, hiring, layoff, termination, upgrading, demotion, transfer, rates of pay, fringe benefits, training, or other forms of compensation, use of facilities, and other terms and conditions of employment. A recipient government which receives entitlement funds may not (through contractual or other arrangements) subject any individual to employment discrimination on the ground of race, color, national origin, sex, age, handicapped status, or religion.

(b) *Employee selection procedures.* The Equal Employment Opportunity Commission, in carrying out its responsibilities in ensuring compliance with title VII of the Civil Rights Act of 1964, has published Guidelines on Employee Selection Procedures (29 CFR Part 1607) to assist in establishing and maintaining equal employment opportunities. Among other things, these Guidelines forbid the use of employee selection practices, procedures, and devices (such as tests, minimum educational levels, and the like) which disqualify a disproportionate number of minority individuals or women for employment and which are not related to job performance. Recipient governments using selection procedures which are not in conformity with the EEOC Guidelines shall, upon request of the Director, set forth the reasons for any such nonconformity.

(c) *Recruitment practices of recipient governments.* Recruitment practices of recipient governments should be analyzed to determine whether they are making information about job opportunities equally available to minority groups and women. Where racial, ethnic or sex groups are being or have been denied employment opportunities, or are underutilized in a job classification or classifications, the use of recruiting procedures designed to attract members of racial, ethnic or sex groups which have been denied employment opportunities is permissible and may be required to comply with these regulations.

(d) *Self-evaluation.* Recipient governments are expected to conduct a continuing program of self-evaluation to assess certain whether any of their recruitment, employee selection, or promotional policies (or lack thereof) directly or indirectly have the effect of denying equal employment opportunities to minorities or women.

(e) *Employment compliance reviews.* Compliance reviews of recipient governments will be scheduled by the Office of Revenue Sharing, giving priority to any recipient government receiving entitlement funds which shows a significant disparity between the percentage of minorities or women in the relevant work force and the percentage of minority or women employees in the applicable government. On such reviews the standards of Title VII of the Civil Rights Act of 1964 shall apply.

§ 51.54 Discrimination on the basis of sex.

(a) *General.* No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in recruitment, hiring, or employment, whether full-time or part-time, under any program or activity funded in whole or in part by a recipient government which receives entitlement funds.

(b) *Recruitment and advertisement.* (1) Recipient governments engaged in recruiting activity shall recruit employees of both sexes for all jobs.

(2) Advertisements in newspapers and other media for employment shall not express a sex preference. The placement of an advertisement in columns headed "Male" or "Female" will be considered to be a discriminatory limitation.

(3) A recipient government shall not recruit primarily or exclusively at entities which furnish as applicants only or predominantly members of one sex if such recruitment has the effect of discriminating on the basis of sex.

(c) *Job policies and practices.* (1) Employees of both sexes shall have an equal opportunity to any available job that he or she is qualified to perform.

(2) Recipient governments shall not make any distinction based upon sex in employment opportunities, wages, hours or other conditions of employment. It shall be an unlawful employment practice for an employer to have a pension or retirement plan which establishes different optional or compulsory retirement ages based on sex. It shall be an unlawful employment practice for an employer to provide for both unequal benefits and unequal contributions in the areas of insurance, pension or retirement plans, welfare or other fringe benefit programs. Further, if shall be an unlawful employment practice for an employer to provide for either unequal benefits or unequal contributions in such areas unless such unequal benefits or unequal contributions are directly related to actuarial differences. Proof of such actuarial differences shall be provided by the recipient government upon the request of the director. In the areas of insurance, pensions, welfare programs and other fringe benefits, it shall be an unlawful employment practice for a recipient government to make available benefits for the wives of male employees which are not made available for female employees; or to make available benefits to the husbands of female employees, which are not made available for male employees.

(3) Any distinction between married males and married females and any distinction between unmarried males and unmarried females will be considered to be a distinction made on the basis of sex. Similarly, a recipient government must not deny employment to women with young children unless it has the same exclusionary policies for men; or terminate an employee of one sex in a particular job classification upon reaching a certain age unless the same rule is applicable to persons of the opposite sex.

(4) A recipient government may not refuse to hire men or women, or deny men or women a particular job because there are no separate restrooms or other separate facilities. The recipient government's policies and practices shall assure that appropriate facilities are available for use by both sexes.

(5) Recipient governments may not deny any employee the right to any job, which the employee is qualifield to perform, in reliance upon a State "protective" law that does not apply equally to both sexes.

(6) A recipient government shall not:

(i) Classify a job as being for males or for females;

(ii) Maintain or establish separate lines of progression, seniority lists, career ladders, tenure, systems, position descriptions or job requirements which are based on sex or which classify persons on the basis of sex unless such procedure is dictated by the provisions of an Affirmative Action Program.

(d) *Marital or parental status.* In any program or activity funded in whole or in part by a recipient government which receive entitlement funds:

(1) *Family status.* A recipient government shall not treat an employee or applicant for employment differently on the basis of sex in any employment action or policy because of the employee's or applicant's marital status or status as a parent.

(2) *Pregnancy as a basis for employment action.* A recipient government shall not have a written or unwritten policy which results in different treatment of temporary disabilities caused by pregnancy with respect to the commencement or duration of employment or leave.

(3) *Sex as a bona fide occupational qualification.* Nothing in these regulations shall prohibit the hiring of employees of one sex if sex is a bona fide occupational qualification. A bona fide occupational qualification is only allowed where there is a reasonable factual basis to believe that all, or substantially all, of one sex are unable to perform the job in question. Further, the burden of demonstrating that sex is a bona fide occupational qualification for a given job rests on the recipient government.

§ 51.55 [Reserved]

§ 51.56 Discrimination on the basis of national origin.

The Equal Employment Opportunity Commission has adopted guidelines on discrimination on the basis of national origin. These guidelines provide practical assistance to enable recipient governments to bring themselves into compliance with Federal law. Recipient governments using selection procedures which are not in conformity with the E.E.O.C. Guidelines shall, upon the request of the Director set forth the reasons for such nonconformity. The Equal Employment Opportunity Commission guidelines are as follows:

§ 1606.1 *Guidelines on discrimination because of national origin.*

(a) The Commission is aware of the widespread practices of discrimination on the basis of national origin, and intends to apply the full force of law to eliminate such discrimination. The bona fide occupational qualification exception as it pertains to national origin cases shall be strictly construed.

(b) Title VII is intended to eliminate covert as well as the overt practices of discrimination, and the Commission will, therefore, examine with particular concern cases where persons within the jurisdiction of the Commission have been denied equal employment opportunity for reasons which are grounded in national origin considerations. Examples of cases of this character which have come to the attention of the Commission include: The use of tests in the English language where the individual tested came from circumstances where English was not that person's first language or mother tongue, and where English language skill is not a requirement of the work to be performed; denial of equal opportunity to persons of a specific national origin; denial of equal opportunity because of membership in lawful organizations identified with or seeking to promote the interests of national groups; denial of equal opportunity because of attendance at schools or churches commonly utilized by persons of a given national origin; denial of equal opportunity because their name or that of their spouse reflects a certain national origin; and denial of equal opportunity to persons who as a class of persons tend to fall outside national norms for height and weight where such height and weight specifications are not necessary for the performance of the work involved.

(c) Title VII of the Civil Rights Act of 1964 protects all individuals, both citizens and noncitizens, domiciled or residing in the United States, against discrimination on the basis of race, color, religion, sex, or national origin.

(d) Where discrimination on the basis of citizenship against a lawfully immigrated alien residing in the United States has the purpose or effect of discrimination against persons of a particular national origin, such person may not be discriminated against on the basis of citizenship, except that it is not an unlawful employment practice for an employer pursuant to section 703(g), to refuse to employ any person who does not fulfill the requirements imposed in the interests of national security pursuant to any statute of the United States or any Executive Order of the President respecting the particular position or the particular premises in question.

(e) In addition, some states have enacted laws prohibiting the employment of noncitizens. Where such laws have the purpose

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of effect of discrimination on the basis of national origin, they are in conflict with and are, therefore, superseded by Title VII of the Civil Rights Act of 1964, as amended. (Sec. 713(a), 78 Stat. 265; 42 U.S.C. 2000e-12) (35 FR 421, Jan. 13, 1970; 39 FR 10123, Mar. 18, 1974.)

§ 51.57 Discrimination on the basis of religion.

(a) *In general.* Any prohibition against discrimination on the basis of religion, or any exemption from such discrimination, as provided in the Civil Rights Act of 1964 or title VIII of the Act of April 16, 1968, hereafter referred to as the Civil Rights Act of 1968, shall apply to any program or activity of a recipient government which receives entitlement funds under the Act.

(b) *EEOC guidelines.* The Equal Employment Opportunity Commission has adopted guidelines on discrimination on the basis of religion. These guidelines provide practical assistance to enable recipient governments to bring themselves into compliance with Federal law and recipient governments using selection procedures which are not in conformity with the E.E.O.C. Guidelines shall upon the request of the Director, set forth the reasons for such nonconformity. The E.E.O.C. guidelines are as follows:

§ 1605.1 *Observation of the Sabbath and other religious holidays.*

(a) Several complaints filed with the Commission have raised the question whether it is discrimination on account of religion to discharge or refuse to hire employees who regularly observe Friday evening and Saturday, or some other day of the week, as the Sabbath or who observe certain special religious holidays during the year and, as a consequence, do not work on such days.

(b) The Commission believes that the duty not to discriminate on religious grounds, required by section 703(a)(1) of the Civil Rights Act of 1964, includes an obligation on the part of the employer to make reasonable accommodations to the religious employees where such accommodations can be made without undue hardship on the conduct of the employer's business. Such undue hardship, for example, may exist where the employee's needed work cannot be performed by another employee of substantially similar qualifications during the period of absence of the Sabbath observer.

(c) Because of the particularly sensitive nature of discharging or refusing to hire an employee or applicant on account of his religious beliefs, the employer has the burden of proving that an undue hardship rends the required accommodations to the religious needs of the employee unreasonable.

(d) The Commission will review each case on an individual basis in an effort to seek an equitable application of these guidelines to the variety of situations which arise due to the varied religious practices of the American people. (Sec. 713(a), 78 Stat. 265; 42 U.S.C. 2000e-12) (32 FR 10298, July 13, 1967.)

§ 51.58 Assurances required.

(a) *General.* In order to qualify for any payment of entitlement funds for any entitlement period, each Governor of a State or each chief executive officer of a unit of local government shall, prior to the beginning of each entitlement period, executive to the satisfaction of the Director an assurance that all programs and activities of a recipient government will be conducted in compliance with the requirements of this subpart. The chief executive officer is also required to assure that, in the event a Federal or State court or Federal administrative law judge makes a holding as defined in § 51.67 of this subpart against the recipient government, such recipient government will forward a certified copy of the holding to the Director within 10 days of receipt by the recipient government. Assurances required under this paragraph shall be submitted pursuant to § 51.10(b) and shall be in such form and detail as prescribed by the Director.

(b) *Failure to comply.* Any recipient government which fails to comply with paragraph (a) of this section shall have its entitlement payments withheld for the applicable entitlement period and shall be entitled to notice and opportunity for hearing. However, notwithstanding § 51.65 no payments shall be made for the applicable entitlement period pending the outcome of such hearing.

§ 51.59 Compliance information and reports.

(a) *Access to sources of information.* Each recipient government shall permit access by authorized representatives of the Office of Revenue Sharing and the Department of Justice during normal business hours to such of its facilities, books, records, accounts, personnel, and other sources of information as may be relevant to a determination of whether the recipient government is complying with this subpart. Where any information required of a recipient government is in the exclusive possession of any other agency, institution, or person, and such agency, institution, or person fails or refuses to furnish this information to the Office of Revenue Sharing or its authorized representatives, the responsibility for providing such information shall remain solely with the recipient government.

(b) *Compliance reports.* Each recipient government shall keep such records and submit on request of the Director timely, complete and accurate compliance reports at such times, in such form, and containing such information, as the Director may determine to be necessary or useful to enable the Office of Revenue Sharing to ascertain whether the recipient government has complied or is complying with the requirements of this subpart. Recipient governments shall make available on request of Office of Revenue Sharing officials, racial, ethnic, male/female, and national origin data showing the extent to which minorities and females will be beneficiaries of entitlement funds. The recipient government shall also make available on request similar data concerning aged and handicapped status. In the case of any program under which a primary recipient government extends or will extend entitlement funds to any other secondary recipient, such secondary recipient shall submit such compliance reports to the primary recipient as may be necessary or useful to enable the primary recipient to carry out its obligations as a recipient government under this subpart. Each recipient government shall identify, on request of the Office of Revenue Sharing, any State or local agency which has been legally authorized to monitor its civil rights compliance activities.

§ 51.60 Compliance reviews and affirmative action.

(a) *Compliance reviews.* The Director shall monitor and determine compliance of recipient governments with the requirements of this subpart and of the Act. Compliance reviews will be undertaken from time to time, as appropriate and feasible, at the discretion of the Director. Such reviews shall be completed within 180 days of initiation by the Director.

(b) *Affirmative action.* Any recipient government which has been determined to be in violation of any provisions of this subpart shall take such action as approved by the Director in order to remove or overcome the consequences of such discrimination.

(c) *Equal Employment Opportunity Coordinating Council Policy Statement on Affirmative Action Programs for State and Local Government Agencies.* The Equal Employment Opportunity Coordinating Council has issued a policy statement on Affirmative Action Programs for State and Local Government Agencies. This Statement which has been adopted by the Department of the Treasury (41 FR 38814) provides additional guidance to States and local governments in meeting their affirmative action requirements. The EEOC policy statement is as follows:

EQUAL EMPLOYMENT OPPORTUNITY COORDINATING COUNCIL

AFFIRMATIVE ACTION PROGRAMS FOR STATE AND LOCAL GOVERNMENT AGENCIES POLICY STATEMENT

The Equal Employment Opportunity Coordinating Council was established by Act of Congress in 1972, and charged with responsibility for developing and implementing agreements and policies designed, among other things, to eliminate conflict and inconsistency among the agencies of the Federal government responsible for administering Federal law prohibiting discrimination on grounds of race, color, sex, religion, and national origin. This statement is issued as an initial response to the requests of a number of State and local officials for clarification of the Government's policies concerning the role of affirmative action in the overall Equal Employment Opportunity program. While the Coordinating Council's adoption of this statement expresses only the views of the signatory agencies concerning this important subject, the principles set forth below should serve as policy guidance for other Federal agencies as well.

1. Equal employment opportunity is the law of the land. In the public sector of our society this means that all persons, regardless of race, color, religion, sex, or national origin shall have equal access to positions in the public service limited only by their ability to do the job. There is ample evidence in all sectors of our society that such equal access frequently has been denied to members of certain groups because of their sex, racial, or ethnic characteristics. The remedy for such past and present discrimination is twofold.

On the one hand, vigorous enforcement of the laws against discrimination is essential. But equally, and perhaps even more important are affirmative, voluntary efforts on the part of public employers to assure that positions in the public service are genuinely and equally accessible to qualified persons, without regard to their sex, racial, or ethnic characteristics. Without such efforts equal employment opportunity is no more than a wish. The importance of voluntary affirmative action on the part of employers is underscored by Title VII of the Civil Rights Act of 1964, Executive Order 11246, and related laws and regulations—all of which emphasize voluntary action to achieve equal employment opportunity.

As with most management objectives, a systematic plan based on sound organizational analysis and problem identification is crucial to the accomplishment of affirmative action objectives. For this reason, the Council urges all State and local governments to develop and implement results oriented affirmative action plans which deal with the problems so identified.

The following paragraphs are intended to assist State and local governments by illustrating the kinds of analyses and activities which may be appropriate for a public employer's voluntary affirmative action plan. This statement does not address remedies imposed after a finding of unlawful discrimination.

2. Voluntary affirmative action to assure equal employment opportunity is appropriate at any stage of the employment process. The first step in the construction of any affirmative action plan should be an analysis of the employer's work force to determine whether percentages of sex, race or ethnic groups in individual job classification are substantially similar to the percentages of those groups available in the work force in the relevant job market who possess the basic job related qualifications.

When substantial disparities are found through such analyses, each element of the overall selection process should be examined to determine which elements operate to exclude persons on the basis of sex, race, or ethnic group. Such elements include, but are not limited to, recruitment, testing, ranking, certification, interview, recommendations for selection, hiring, promotion, etc. The examination of each element of the selection process should at a minimum include a determination of its validity in predicting job performance.

3. When an employer has reason to believe that its selection procedures have the exclusionary effect described in paragraph 2 above, it should initiate affirmative steps to remedy the situation. Such steps, which in design and execution may be race, color, sex or ethnic "conscious" include, but are not limited to, the following:

The establishment of a long term goal, and short range, interim goals and timetables for the specific job classifications, all of which should take into account the availability of basically qualified persons in the relevant job market;

A recruitment program designed to attract qualified members of the group in question;

A systematic effort to organize work and re-design jobs in ways that provide opportunities for persons lacking "journeyman" level knowledge or skills to enter and, with appropriate training, to progress in a career field;

Revamping selection instruments or procedures which have not yet been validated in order to reduce or eliminate exclusionary effects on particular groups in particular job classifications;

The initiation of measures designed to assure that members of the affected group who are qualified to perform the job are included within the pool of persons from which the selecting official makes the selection;

A systematic effort to provide career advancement training, both classroom and on-the-job, to employees locked into dead end jobs; and

The establishment of a system for regularly monitoring the effectiveness of the particular affirmative action program, and procedures for making timely adjustments in this program where effectiveness is not demonstrated.

4. The goal of any affirmative action plan should be achievement of genuine equal employment opportunity for all qualified persons. Selection under such plan should be based upon the ability of the applicant(s) to do the work. Such plans should not require the selection of the unqualified, or the unneeded, nor should they require the selection of persons on the basis of race, color, sex, religion or national origin. Moreover, while the Council believes that this statement should serve to assist State and local employers, as well as Federal agencies, it recognizes that affirmative action cannot be viewed as a standardized program which must be accomplished in the same way at all times in all places.

Accordingly, the Council has not attempted to set forth here either the minimum or maximum voluntary steps that employers may take to deal with their respective situations. Rather, the Council recognizes that under applicable authorities, State and local employers have flexibility to formulate affirmative action plans that are best suited to their particular situations. In this manner, the Council believes that affirmative action programs will best serve the goal of equal employment opportunity (41 FR 38814).

§ 51.61 Administrative complaints and investigations.

(a) *Administrative complaints.* Any person who believes anyone has been subjected to discrimination prohibited by this subpart, may personally or by a representative file with the Director of the Office of Revenue Sharing (Treasury Department, Washington, D.C. 20226) a written statement setting forth the nature of the discrimination alleged and the facts upon which the allegation is based. No representative of a recipient government nor any of its agencies shall intimidate, threaten, coerce, or discriminate against any person or class of persons because of testimony, assistance, or participation in an investigation, proceeding, or hearing under this subpart.

(b) *Investigations.* (1) The Director shall advise the chief executive officer of the recipient government of any administrative complaint received pursuant to paragraph (a) within 30 days of the receipt of such complaint.

(2) If the Director has reason to believe that the administrative complaint shows that a recipient government has failed to comply with the provisions of this subpart, an investigation will be made by the Office of Revenue Sharing, or other appropriate Federal or State agency, of the program or activity concerned within 60 days of receipt of such complaint alleging noncompliance by the recipient government with the provisions of this subpart.

(3) The Director shall make a finding within 90 days from the time of filing of a complaint alleging noncompliance by a recipient government with the provisions of this subpart.

(4) To the maximum extent feasible, the Director will make use of the agreements between agencies as provided for in § 51.74 of this subpart in order to facilitate the enforcement of the provisions of this subpart.

§ 51.62 Finding by the Director.

(a) *In general.* A finding is the administrative action taken by the Director based on an investigation with regard to the alleged noncompliance of a recipient government with the provisions of this subpart.

(b) *Finding as result of administrative complaint.* The Director may make a finding as a result of an administrative complaint filed with him alleging noncompliance of a recipient government with the provisions of this subpart. Such finding shall be made within 90 days after the filing of the administrative complaint with the Director. If the Director makes a finding of noncompliance against a recipient government, he shall notify the chief executive officer within 10 days of his finding, pursuant to § 51.65 of this part.

(c) *Finding as result of a holding of administrative agency.* Where a State or local administrative agency has made a determination or holding pertaining to a recipient government, to the effect that there has been exclusion, denial, or discrimination on the grounds of race, color, national origin, or sex, or a violation of any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975, or with respect to an otherwise qualified handicapped individual as provided in section 504 of the Rehabilitation Act of 1973, or on the basis of religion as provided in the Civil Rights Act of 1964 or the Civil Rights Act of 1968, the Director may make a finding of noncompliance on the basis of such State or local administrative agency determination or holding.

(d) *Finding based on other information.* The Director may make a finding of noncompliance as a result of information contained within, or generated within, the files of the Office of Revenue Sharing, without the necessity of an administrative complaint filed by a private party.

§ 51.63 Notification to the complainant.

Upon the written request of the complainant the Director shall advise such complainant of the status of the investigation or review of the administrative complaint filed by the complainant. Within 10 days after the Director's finding, the Director shall notify the complainant or the complainant's counsel (if any) as to the nature of the finding.

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§ 51.64 Exhaustion of administrative remedies.

A complainant shall be deemed to have exhausted his or her administrative remedies upon the expiration of 90 days from the date the administrative complaint was filed with the Director or with an agency with which the Director has an agreement under § 51.74 of this subpart where the Director of such agency:

(a) Issues a determination that the recipient government against whom the allegation is made, is in compliance with the provisions of this subpart, or

(b) Fails to make a determination on such complaint.

§ 51.65 Procedure for effecting compliance.

(a) *General.* Whenever the Director, upon the conclusion of his investigation, makes a finding that a recipient government has failed to comply with any of the provisions of this subpart, he shall within 10 days notify the chief executive officer of the noncompliance of the recipient government and in the case of a unit of local government, the Governor of the State in which the recipient government is located. In the next succeeding 30 days after notification to the recipient government by the Director of its noncompliance, the recipient government will be afforded an opportunity to demonstrate compliance, or to informally present its evidence, or to enter into a compliance agreement with the Director. On or before the 30th day following the Director's notification of noncompliance to the recipient government, the Director shall issue a determination as to whether such government has failed to comply with the provisions of this subpart unless the recipient government has entered into a compliance agreement.

(b) *Effect of determination by the Director.* When the Director issues a determination, pursuant to paragraph (a) of this section, that the recipient government has failed to comply with the provisions of this subpart, he shall notify the chief executive officer of the recipient government and the Governor of the State in which the recipient government is located that unless such recipient government enters into a compliance agreement as set forth in § 51.71 within 10 days following the Director's determination, or requests a hearing within the 10 day period with respect to the Director's determination, the Director shall suspend the further payment of entitlement funds to such recipient government.

§ 51.66 Hearings before administrative law judge.

(a) *Request by recipient government.* A hearing requested by a recipient government pursuant to paragraph (b) of § 51.65 shall be held before an administrative law judge commencing within 30 days subsequent to the receipt of such request by the Director.

(b) *Suspension of Funding or termination of payment by administrative law judge—preliminary finding.* (1) Within 30 days after the commencement of a hearing the administrative law judge conducting the hearing will, on the record of evidence then before him, issue a preliminary finding as to whether the recipient government has failed to comply with the provisions of this subpart. If the preliminary finding of the administrative law judge is to the effect that the recipient government would not prevail (or is not likely to prevail) on the issues to which the hearing pertained, the Director shall suspend (or continue the suspension of) the further payment of entitlement funds to the recipient government.

(2) The preliminary finding by an administrative law judge in favor of the Director pursuant to subparagraph (1) of this paragraph will result in the immediate suspension of any further payments of entitlement funds to the recipient government pending the final adjudication by the administrative law judge, unless in the interim a compliance agreement has been entered into by the recipient government and the Director. Such preliminary finding by the administrative law judge is not appealable by the recipient government. After the completion of the hearing on the merits the administrative law judge will make his findings and decision based upon the complete record of the evidence. If the administrative law judge issues his determination that the recipient government has failed to comply with the provisions of this subpart then, unless the recipient government enters into a compliance agreement with the Director before the 31st day after such determination, the Director shall, upon the initial decision and order of administrative law judge, indefinitely suspend the payment of entitlement funds to the recipient government, continue the suspension invoked under paragraph (b)(1) of this section or terminate the payment of entitlement funds.

(c) *Preliminary finding of compliance by administrative law judge; resumption if funding.* A determination by the administrative law judge that the recipient government has not failed to comply with the provisions of this subpart, will terminate a suspension of entitlement funds invoked by the Director pursuant to paragraph (b) of this section. In such case the Director shall, as promptly as feasible, pay over to the recipient government all entitlement funds the payment of which were temporarily suspended.

§ 51.67 Holdings by a court or Federal governmental agency.

(a) *In general.* Whenever a Federal court, a State court, or a Federal administrative law judge, issues a holding pertaining to a recipient government, to the effect that there has been exclusion, denial, or discrimination on the grounds of race, color, national origin, or sex, or a violation of any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975, or with respect to an otherwise qualified handicapped individual as provided in section 504 of the Rehabilitation Act of 1973, or on the basis of religion as provided in the Civil Rights Act of 1964, or the Civil Rights Act of 1968, the Director shall within 10 days of the actual receipt of a certified copy of such holding, notify the Chief Executive Officer of the noncompliance of the recipient government. In the case of a unit of local government, the Director shall also notify the Governor of the State in which the recipient government is located.

(b) *Holding by Federal administrative law judge.* The holding of a Federal administrative law judge shall have been preceded by a notice and opportunity for hearing and such holding must have been rendered pursuant to the provisions of the Administrative Procedure Act (5 U.S.C. 557).

(c) *Effect of a holding by court or Federal administrative agency.* Where there has been a holding pursuant to paragraph (a) of this section with respect to a recipient government, then within 30 days after the Director has sent a notice of noncompliance to the recipient government, such government may informally present evidence to the Director which evidence shall relate only with respect to the question of whether the program or activity in which the noncompliance was found was funded in whole or in part with entitlement funds. In all other respects a holding pursuant to paragraph (a) of this section, to the effect that there has been exclusion, denial, or discrimination on account of race, color, national origin, or sex, or a violation of any prohibition against discrimination on the basis of age effected by the Age Discrimination Act of 1975, or with respect to an otherwise qualified handicapped individual as provided in section 504 of the Rehabilitation Act of 1973, or on the basis of religion as provided in the Civil Rights Act of 1964 or Title VIII of the Civil Rights Act of 1968, shall be treated as conclusive.

(d) *Reversal of holding by appellate tribunal; resumption of funding.* If a holding pursuant to paragraph (a) of this section is reversed by an appellate tribunal, or by a reviewing authority in the case of a holding by a Federal administrative law judge, then any proceedings initiated by the Director which are dependent on such holding shall be immediately discontinued, and any suspension or termination of entitlement payments resulting from such proceedings shall also be discontinued, and any entitlement funds the payment of which were temporarily suspended shall be paid over to the recipient government as promptly as feasible.

§ 51.68 Procedure for effecting compliance in case of holding.

(a) *In general.* Within 30 days after the Director has notified a recipient government of its noncompliance, pursuant to § 51.67(a) of this subpart, and unless a compliance agreement is entered into with such government, the Director shall issue a determination as to whether such government has failed to comply with the provisions of this subpart.

(b) *Effect of determination by Director; preliminary finding of administrative law judge and suspension of funding.* Where the Director makes a determination pursuant to paragraph (a) of this section that the recipient government has failed to comply with the provisions of this subpart, he shall notify the chief executive officer of the recipient government and the Governor of the State in which the recipient government is located that unless such recipient government enters into a compliance agreement as set forth in § 51.71 within 10 days following the Director's determination, or requests a hearing within the 10 day period with respect to the Director's determination, the Director shall suspend further payment of entitlement funds to such recipient government. Such hearing requested by a recipient government pursuant to this subparagraph shall be held before an administrative law judge within 30 days subsequent to the receipt of such request by the Director. Within 30 days after the commencement of the hearing the administrative law judge will issue a preliminary finding relating only on the point of whether the specific program or activity against which the holding originally was rendered was funded with entitlement funds. If the preliminary finding by an administrative law judge supports the Director's determination, further payments of entitlement funds to the recipient government will be immediately suspended by the Director pending a final adjudication by the administrative law judge, unless in the interim a compliance agreement has been entered into by the recipient government and the Director.

(c) *Final decision of administrative law judge.* After the completion of a hearing on the merits, if one is held, the administrative law judge will make his findings and decision based upon the complete record of the evidence. If the administrative law judge issues his determination that the recipient government has failed to comply with the provisions of this subpart and that the specific program or activity complained of has been, or is, funded with entitlement funds, then, unless the recipient government enters into a compliance agreement with the Director before the 31st day after such determination, the Director shall, upon the initial decision and order of the administrative law judge, indefinitely suspend the payment of entitlement funds to the recipient government, continue the suspension invoked under paragraph (b) of this section, or terminate the payment of entitlement funds.

§ 51.69 Initial decision of administrative law judge pursuant to 5 U.S.C. 557.

(a) *In general.* As soon as practicable after the conclusion of a hearing on the merits and the receipt of any proposed findings and conclusions timely submitted by the parties, but in no event later than 30 days after the conclusion of the hearing, the administrative law judge shall, in accordance with 5 U.S.C. 557, make his initial decision in the case. The initial decision shall include a statement of the findings of fact and the conclusions therefor as well as the reasons or basis therefor upon all the material issues of fact, law or discretion presented on the record, and shall provide for one of the following orders:

(1) An order that the Director suspend the payment of all entitlement funds to the recipient government.

(2) An order that the Director terminate the payment of all entitlement funds to the recipient government.

(3) An order that the Director resume the payment of entitlements to the recipient government including all entitlements previously suspended.

(b) *Order of suspension of funding.* An order of suspension of entitlement funds means that such funds will not be paid to the recipient government but will continue to accumulate in the State and Local Government Fiscal Assistance Trust Fund until such time as compliance is achieved by the recipient government.

(c) *Order of termination of funding.* An order to terminate the payment of entitlement funds means that such funds will be returned to the general fund of the Treasury and will not thereafter be available for entitlement payments unless the determination resulting in the termination of funding is reversed by an appellate tribunal.

§ 51.70 Resumption of suspended entitlement payments.

Entitlement payments to a recipient government which have been suspended may be resumed when:

(a) The recipient government enters into a compliance agreement with the Director and the Director ascertains to his satisfaction that the recipient government has complied with certain provisions of a compliance agreement, and that the compliance is continuing; or

(b) Subsequent to a hearing on the merits in a case where the Director has invoked a preliminary suspension of entitlement funds, the administrative law judge holds that the recipient government is in compliance with the provisions of this subpart; or

(c) The recipient government complies fully with the order of a court or a Federal administrative law judge if the order covers all matters raised by the Director in his original notice of noncompliance to the recipient government; or

(d) After a rehearing or similar adjudicative proceedings a court or an administrative law judge which originally held that the recipient government had failed to comply with the provisions of this subpart, subsequently holds that the recipient government did not so fail to comply; or

(e) An appellate court reverses the findings of discrimination by a lower court or administrative law judge upon which the original findings the Director ultimately suspended the payment of entitlement funds.

§ 51.71 Compliance agreements.

(a) *In matters before a court of record or administrative law judge.* For purposes of this subpart a compliance agreement means an agreement between the Federal or State agency or official responsible for prosecuting the claim (including the Attorney General of the United States) and the chief executive officer of the recipient government against whom the noncompliance with this subpart is alleged. Such compliance agreement may take the form of a consent decree to be entered in the proceedings before a court of record or to be entered by a Federal administrative law judge having jurisdiction over the proceedings. Counsel of record representing the chief executive officer of the recipient government or other appropriate defendant officials of the recipient government may initiate or negotiate the compliance agreement on behalf of the chief executive officer of the recipient government. However, in each case the Director shall, through his counsel or representative, indicate his approval or rejection of the compliance agreement. The Director may reject the compliance agreement if, in his discretion, he determines that such agreement has not adequately remedied the discrimination complained of.

(b) *In matters between the Director and a recipient government.* In those instances where a compliance agreement is negotiated by the Director and the chief executive officer of the recipient government such agreement shall:

(1) Be in writing signed by the Director and by the chief executive officer of the recipient government concerned.

(2) Cover all matters that constitute the failure of the recipient government to comply with the requirements of this subpart.

(3) Contain the terms and conditions with which the recipient government has agreed to comply in order to achieve compliance with the requirements of this subpart. Such terms and conditions may include the payment of restitution to persons injured by the failure of the recipient government to comply with any provisions of this subpart.

(4) If necessary, consist of a series of agreements or a series of bench marks by which the recipient government will achieve compliance with the requirements of this subpart.

(c) *Notification to complainants of compliance agreement.* Within 15 days after the execution of a compliance agreement (or, in the case of an agreement executed under paragraph (a) of this section, upon the approval of the Director if later than 15 days) the Director shall submit a copy of such agreement to the complainant or complainants who initiated the complaint against the recipient government. The submission of a copy of the compliance agreement to counsel of record (if any) for the complainants shall meet the requirements of this paragraph.

§ 51.72 Hearing procedures.

Whenever a procedure under this subpart requires a hearing before an ad-

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ministrative law judge, such hearing will be conducted pursuant to section 7 of the Administrative Procedure Act (5 U.S.C. 556) and the applicable procedural regulations contained in subpart G of this part shall govern.

§ 51.73 Jurisdiction over property.

(a) *In general.* The Director shall have jurisdiction over any program or activity for purposes of this subpart for as long as a recipient government retains ownership or possession of any real or personal property or any interest therein, which was purchased in whole or in part with entitlement funds for the applicable program or activity. Further, if such property is transferred to another party, the Director will retain jurisdiction over the recipient government for purposes of this subpart for as long as the property is used to provide benefits similar to those which were provided by the property before the transfer.

(b) *Definitions.* For the purposes of this section:

(1) Real property includes land, structures upon land and fixtures attached to land, and buildings or structures which cannot be removed without damage to the fixtures, buildings or structures.

(2) Personal property includes, at the least, non-expendable tangible property having a useful life of more than one year and an acquisition cost of $1,000 or more per unit of property.

(3) The transfer of property means the passage of possession or title, or both (except bona fide sale) of the property to a secondary recipient, another unit of government, another government agency within the primary recipient government, or to any other person, firm or agency.

(c) *Use of property to provide similar benefits.* For the purposes of this section the clause in paragraph (a) of this section "so long as the property is used to provide benefits similar to those provided by the property before the transfer" means the primary use or function of the property and not the specific or particular use of the property in the program or activity for which originally acquired.

(d) *Record keeping requirements.* Recipient governments shall maintain a separate record of real property and of tangible personal property having a value in excess of $1,000. Such records shall set forth the date of purchase, date of disposal or transfer and the transferee of the property. Upon outright sale, discard, or trade of such property the provisions of this section shall no longer be applicable.

§ 51.74 Agreements between agencies.

(a) *Purpose of cooperative agreements.* The Director shall endeavor to enter into cooperative agreements with officials of the Department, officials of other departments, agencies of the Federal Government, or officials of State agencies to investigate noncompliance with and effectuate the purposes of this subpart, including the achievement of effective coordination within the executive branch in the implementation of Title VI and Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000d; 2000e), the Civil Rights Act of 1968, the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975.

(b) *Consent of cooperative agreements.* The agreements between the Director and other agencies or officials shall:

(1) Describe the cooperative efforts to be undertaken (including the sharing of civil rights enforcement personnel and resources) to secure compliance with this subpart.

(2) Provide for immediate notification to the Director of any actions instituted by such agencies against a recipient government alleging a violation of any Federal civil rights statute or regulations issued thereunder.

(c) *Preliminary decision of administrative law judge.* The Director may not, pursuant to any agreement, delegate authority to any agency to review the preliminary or initial decision of an administrative law judge to officials outside the Department.

§ 51.75 Authority of the Attorney General of the United States.

(a) *Determination of Attorney General.* When the Attorney General of the United States has reason to believe that a State government or unit of local government has engaged in, or is engaging in, a pattern or practice of discrimination in violation of this subpart, he may bring a civil action in the appropriate United States district court.

(b) *Relief to be granted.* Upon holding that a State government or unit of local government is engaging in a pattern or practice discrimination a court may grant any relief necessary and appropriate to insure the full enjoyment of the rights protected under this subpart including, but not limited to, temporary restraining order, preliminary or permanent injunction, suspension, termination or repayment of entitlement funds, or placing any further entitlement funds in escrow pending the outcome of the litigation.

Subpart G—Proceedings for Reduction in Entitlement, Withholding or Repayment of Funds

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AUTHORITY: State and Local Assistance Act of 1972, as amended, Title I, Pub. L. 92-512; State and Local Assistance Amendments of 1972, Pub. L. 94-4488 (31 U.S.C. 1221-1263); Treasury Department order 245, dated January 26, 1973.

Subpart G—Proceedings for Reduction in Entitlement, Withholding, or Repayment of Funds

§ 51.200 Scope of subpart.

The regulations of this subpart govern the procedure and practice requirements involving adjudications where the Act requires reasonable notice and opportunity for hearing except where otherwise provided for in subpart E of the Act.

§ 51.201 Liberal construction.

The regulations in this subpart shall be liberally construed to secure just, expeditious, and efficient determination of the issues presented. The Rules of Civil Procedure for the District Courts of the United States, where applicable, shall be a guide in any situation not provided for or controlled by this subpart, but shall be liberally construed or relaxed when necessary.

§ 51.202 Reasonable notice and opportunity for hearing.

Whenever the Director has reason to believe that a recipient government has failed to comply with any section of the Act or of the provisions of this part, and that repayment, withholding, or reduction in the amount of an entitlement of a recipient government is required, he shall give reasonable notice and opportunity of hearing to such government prior to the invocation of any sanction under the Act.

§ 51.203 Opportunity for compliance.

Except in proceedings involving willfulness or those in which the public interest requires otherwise, a proceeding under this part will not be instituted until such facts or conduct which may warrant such action have been called to the attention of the chief executive officer of the recipient government in writing and he has been accorded an opportunity to demonstrate or achieve compliance with the requirements of the Act and the regulations of this part. If the recipient government fails to meet the requirements of the Act and regulations within such reasonable time as may be specified by the Secretary, a proceeding shall be initiated. If the recipient government is a unit of local government, a copy of all written communications regarding the alleged violation shall be transmitted by the Secretary to the Governor of the State in which the unit of local government is located.

§ 51.204 Institution of proceeding.

A proceeding to require repayment of funds to the Director, or to withhold funds from subsequent entitlement payments, or to reduce the entitlement of a recipient government, shall be instituted by the Director by a complaint which names the recipient government as the respondent.

§ 51.205 Contents of complaint.

(a) *Charges.* A complaint shall give a plain and concise description of the allegations which constitute the basis for the proceeding. A complaint shall be deemed sufficient if it fairly informs the respondent of the charges against it so that it is able to prepare a defense to the charges.

(b) *Demand for answer.* Notification shall be given in the complaint as to the place and time within which the respondent shall file its answer, which time shall be not less than 30 days from the date of service of the complaint. The complaint shall also contain notice that a decision by default will be rendered against the respondent in the event it fails to file its answer as required.

§ 51.206 Service of complaint and other papers.

(a) *Complaint.* The complaint or a true copy thereof may be served upon the respondent by first-class mail or by certified mail, return receipt requested; or it may be served in any other manner which has been agreed to by the respondent. Where the service is by certified mail, the return Postal Service receipt duly signed on behalf of the respondent shall be proof of service.

(b) *Service of papers other than complaint.* Any paper other than the complaint may be served upon the respondent or upon its attorney of record by first-class mail. Such mailing shall constitute complete service.

(c) *Filing of papers.* Whenever the filing of a paper is required or permitted in connection with a proceeding under this part, and the place of filing is not specified in this subpart or by rule or order of the administrative law judge, the paper shall be filed with the Director, Office of Revenue Sharing, Treasury Department, Washington, D.C. 20226. All papers shall be filed in duplicate.

(d) *Motions and requests.* Motions and requests may be filed with the designated administrative law judge, except that an application to extend the time for filing an answer shall be filed with the Director, Office of Revenue Sharing, pursuant to § 51.207(a).

§ 51.207 Answer; referral to administrative law judge.

(a) *Filing.* The respondent's answer shall be filed in writing within the time specified in the complaint, unless on application the time is extended by the Director. The respondent's answer shall be filed in duplicate with the Director, Office of Revenue Sharing.

(b) *Contents.* The answer shall contain a statement of facts which constitute the ground of defense, and it shall specifically admit or deny each allegation set forth in the complaint, except that the respondent shall not deny a material allegation in the complaint which it knows to be true; nor shall a respondent state that it is without sufficient information to form a belief when in fact it possesses such information. The respondent may also state affirmatively special matters of defense.

(c) *Failure to deny or answer allegation in the complaint.* Every allegation in the complaint which is not denied in the answer shall be deemed to be admitted and may be considered as proved, and no further evidence in respect of such allegation need be adduced at a hearing.

(d) *Failure to file answer.* Failure to file an answer within the time prescribed in the complaint, except as the time for answer is extended under paragraph (a) of this section, may constitute an admission of the allegations of the complaint and a waiver of hearing, and the administrative law judge may make his findings and decision by default without a hearing or further procedure.

(e) *Reply to answer.* No reply to the respondent's answer shall be required, and new matter in the answer shall be deemed to be denied, but the Secretary may file a reply in his discretion and shall file one if the administrative law judge so requests.

(f) *Referral to administrative law judge.* Upon receipt of the answer by the Director, or upon filing a reply if one is deemed necessary, or upon failure of the respondent to file an answer within the time prescribed in the complaint or as extended under paragraph (a) of this section, the complaint (and answer, if one is filed) shall be referred to the administrative law judge who shall then proceed to set a time and place for hearing and shall serve notice thereof upon the parties at least 15 days in advance of the hearing date.

§ 51.208 Supplemental charges.

If it appears that the respondent in its answer falsely and in bad faith, denies a material allegation of fact in the complaint or states that it has no knowlege sufficient to form a belief, when in fact it does possess such information, or if it appears that the respondent has knowingly introduced false testimony during the proceedings, the Director may thereupon file supplemental charges against the respondent. Such supplemental charges may be tried with other charges in the case, provided the respondent is given due notice thereof and is afforded an opportunity to prepare its defense thereto.

§ 51.209 Proof; variance; amendment of pleadings.

In the case of a variance between the allegations in a pleading and the evidence adduced in support of the pleading, the administrative law judge may order or authorize amendment of the pleading to conform to the evidence: *Provided,* The party that would otherwise be prejudiced by the amendment is given reasonable opportunity to meet the allegation of the pleading as amended. The administrative law judge shall make findings on any issue presented by the pleadings as so amended.

§ 51.210 Representation.

A respondent or proposed respondent may appear in person through its chief executive officer or it may be represented by counsel or other duly authorized representative. The Secretary shall be represented by the General Counsel of the Treasury.

§ 51.211 Administrative law judge; powers.

(a) *Appointment.* An administrative law judge, appointed as provided by section 11 of the Administrative Procedure Act (5 U.S.C. 3105), shall conduct proceedings upon complaints filed under this subpart.

(b) *Powers of administrative law judge.* Among other powers provided by law, the administrative law judge shall have authority, in connection with any proceeding under this subpart, to do the following things:

(1) Administer oaths and affirmations;

(2) Make ruling upon motions and requests. Prior to the close of the hearing no appeal shall lie from any such ruling except, at the discretion of the administrative law judge, in extraordinary circumstances;

(3) Determine the time and place of hearing and regulate its course and conduct. In determining the place of hearing the administrative law judge may take into consideration the requests and convenience of the respondent or its counsel;

(4) Adopt rules of procedure and modify the same from time to time as occasion requires for the orderly disposition of proceedings;

(5) Rule upon offers of proof, receive relevant evidence, and examine witnesses;

(6) Take or authorize the taking of depositions;

(7) Receive and consider oral or written arguments on facts or law;

(8) Hold or provide for the holding of conferences for the settlement or simplification of the issues by consent of the parties;

(9) Perform such acts and take such measures as are necessary or appropriate to the efficient conduct of any proceeding; and

(10) Make initial findings and decision.

§ 51.212 Hearings.

(a) *In general.* The administrative law judge shall preside at the hearing on a complaint. Testimony of witnesses shall be given under oath or affirmation. The hearing shall be stenographically recorded and transcribed. Hearings will be conducted pursuant to section 7 of the Administrative Procedure Act (5 U.S.C. 556).

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(b) *Failure to appear.* If a respondent fails to appear at the hearing, after due notice thereof has been served upon it or upon its counsel of record, it shall be deemed to have waived the right to a hearing and the administrative law judge may make his findings and decision against the respondent by default.

(c) *Waiver of hearing.* A respondent may waive the hearing by informing the administrative law judge, in writing, on or before the date set for hearing, that it desires to waive hearing. In such event the administrative law judge may make his findings and decision based upon the pleadings before him. The decision shall plainly show that the respondent waived hearing.

§ 51.213 Stipulations.

The administrative law judge shall prior to or at the beginning of the hearing require that the parties attempt to arrive at such stipulations as will eliminate the necessity of taking evidence with respect to allegations of facts concerning which there is no substantial dispute. The administrative law judge shall take similar action, where it appears appropriate, throughout the hearing and shall call and conduct any conferences which he deems advisable with a view to the simplifications, clarification, and disposition of any of the issues involved.

§ 51.214 Evidence.

(a) *In general.* Any evidence which would be admissible under the rules of evidence governing proceedings in matters not involving trial by jury in the Courts of the United States, shall be admissible and controlling as far as possible: *Provided that,* The administrative law judge may relax such rules in any hearing when in his judgment such relaxation would not impair the rights of either party and would more speedily conclude the hearing, or would better serve the ends of justice. Evidence which is irrelevant, immaterial or unduly repetitious shall be excluded by the administrative law judge.

(b) *Depositions.* The deposition of any witness may be taken pursuant to § 51.215 and the deposition may be admitted.

(c) *Proof of documents.* Official documents, records, and papers of a respondent shall be admissible as evidence without the production of the original provided that such documents, records and papers are evidence as the original by a copy attested or identified by the chief executive officer of the respondent or the custodian of the document, and contain the seal of the respondent.

(d) *Exhibits.* If any document, record, paper, or other tangible or material thing is introduced in evidence as an exhibit, the administrative law judge may authorize the withdrawal of the exhibit subject to any conditions he deems proper. An original document, paper or record need not be introduced, and a copy duly certified (pursuant to paragraph (b) of this section) shall be deemed sufficient.

(e) *Objections.* Objections to evidence shall be in short form, stating the grounds of objection relied upon, and the record shall not include argument thereon, except as permitted by the administrative law judge. Rulings on such objections shall be a part of the record. No exception to the ruling is necessary to preserve the right of either party to the proceeding.

§ 51.215 Depositions.

(a) *In general.* Depositions for use at a hearing may, with the written approval of the administrative law judge, be taken by either the Director or the respondent or their duly authorized representatives. Depositions may be taken upon oral or written interrogatories, upon not less than 15 days written notice to the other party, before any officer duly authorized to administer an oath for general purposes. Such written notice shall state the names of the witnesses and the time and place where the depositions are to be taken. The requirement of 15 days written notice may be waived by the parties in writing, and depositions may then be taken from the persons and at times and places mutually agreed to by the parties.

(b) *Written interrogatories.* When a deposition is taken upon written interrogatories, any cross-examination shall be upon written interrogatories. Copies of such written interrogatories shall be served upon the other party with the notice, and copies of any written cross-interrogatories shall be mailed by first class mail or delivered to the opposing party at least 10 days before the date of taking the depositions, unless the parties mutually agree otherwise. A party upon whose behalf a deposition is taken must file it with the administrative law judge and serve one copy upon the opposing party. Expenses in the reporting of depositions shall be borne by the party at whose instance the deposition is taken.

§ 51.216 Stenographic record; oath of reporter; transcript.

(a) *In general.* A stenographic record shall be made of the testimony and proceedings, including stipulations and admissions of fact in all proceedings, but not arguments of counsel unless otherwise ordered by the administrative law judge. A transcript of the proceedings (and evidence) at the hearing shall be made in all cases.

(b) *Oath of reporter.* The reporter making the stenographic record shall subscribe an oath before the administrative law judge, to be filed in the record of the case, that he (or she) will truly and correctly report the oral testimony and proceedings at such hearing and accurately transcribe the same to the best of his (or her) ability.

(c) *Transcript.* In cases where the hearing is stenographically reported by a Government contract reporter copies of the transcript may be obtained from the reporter at rates not to exceed the maximum rates fixed by contract between the Government and the reporter. Where the hearing is stenographically reported by a regular employee of the Department of the Treasury, a copy thereof will be supplied to the respondent or its counsel at actual cost of duplication. Copies of exhibits introduced at the hearing or at the taking of depositions will be supplied to the parties upon the payment of a reasonable fee (31 U.S.C. 483(a)).

§ 51.217 Proposed findings and conclusions.

Except in cases where a respondent has failed to answer the complaint or has failed to appear at the hearing, or has waived the hearing, the administrative law judge, prior to making his initial decision, shall afford the parties a reasonable opportunity to submit proposed findings and conclusion and supporting reasons therefor.

§ 51.218 Initial decision of the administrative law judge.

As soon as practicable after the conclusion of a hearing and the receipt of any proposed findings and conclusions timely submitted by the parties, but in no event later than 30 days after the submission of proposed findings and conclusions if they are submitted, the administrative law judge shall make his initial decision in the case. The initial decision shall include a statement of the findings of fact and the conclusions therefor, as well as the reasons or basis therefor, upon all the material issues of fact, law or discretion presented on the record, and shall provide for one of the following orders:

(a) An order that the respondent pay over to the Secretary an amount equal to 110 percent of any amount determined to be improperly expended by the respondent prior to January 1, 1977 in violation of § 51.41 relating to priority expenditures; or

(b) An order that the respondent pay over to the Director an amount equal to the amount of entitlement funds determined to be expended in violation of the Act and the provisions of this part; or

(c) An order that the Director withhold from subsequent entitlement payments to the respondent an amount equal to the amount of entitlement funds determined to be expended in violation of the Act and the provisions of this part; or

(d) An order that the entitlement of a recipient government be reduced and the amount of such reduction to be withheld from subsequent entitlement payments; or

(e) An order dismissing the proceedings.

§ 51.219 Certification and transmittal of record and decision.

After reaching his initial decision, the administrative law judge shall certify to the complete record before him and shall immediately forward the certified record, together with a certified copy of his initial decision, to the Director. The administrative law judge shall serve also a copy of the initial decision by certified mail to the chief executive officer of the respondent or to its attorney of record.

§ 51.220 What constitutes record.

The transcript of testimony, pleadings and exhibits, all papers and requests filed in the proceeding, together with all finding, decisions and orders, shall constitute the exclusive record in the matter.

§ 51.221 Procedure on review of decision of administrative law judge.

(a) *Appeal to the Secretary.* Within 30 days from the date of the initial decision and order of the administrative law judge, the respondent may appeal to the Secretary and file his exceptions to the initial decision and his reasons therefor. The respondent shall transmit a copy of his appeal and reasons therefor to the Director of the Office of Revenue Sharing, who may, within 30 days from receipt of the respondent's appeal, file a reply brief in opposition to the appeal. A copy of the reply brief, if one is filed, shall be transmitted to the respondent or its counsel of record. Upon the filing of an appeal and a reply brief, if any, the Secretary shall make the final agency decision on the record of the administrative law judge submitted to him.

(b) *Appeal by the Director of the Office of Revenue Sharing.* In the absence of an appeal by the respondent, the Director of the Office of Revenue Sharing may, on his own motion, within 45 days after the initial decision, serve on the respondent by certified mail a notice that he will appeal the decision to the Secretary, for review. Within 30 days from such notice, the Director of the Office of Revenue Sharing or his counsel will file with the Secretary his exceptions to the initial decision and his supporting reasons therefor. A copy of the exceptions shall be transmitted to the respondent or its counsel of record, who, within 30 days after receipt thereof, may file a reply brief thereto with the Secretary and submit a copy to the Director of the Office of Revenue Sharing or his counsel. Upon the filing of a reply brief, if any, the Secretary will make the final agency decision on the record of the administrative law judge.

(c) *Absence of appeal.* In the absence of either exceptions by the respondent or a notice of appeal by the Director of the Office of Revenue Sharing within the time set forth in paragraphs (a) and (b) of this section, or a review initiated by the Secretary on his own motion within the time allowed to the Director of the Office of Revenue Sharing, the initial decision of the administrative law judge shall constitute the final decision of the Department.

§ 51.222 Decision of the Secretary.

On appeal from or review of the initial decision of the administrative law judge, the Secretary will make the final agency decision. In making his decision the Secretary will review the record or such portions thereof as may be cited by the parties to permit limiting of the issues. The Secretary may affirm, modify, or revoke the findings and initial decision of the administrative law judge. A copy of the Secretary's decision shall be transmitted immediately to the chief executive officer of the respondent or its counsel of record.

§ 51.223 Effect of order of repayment or withholding of funds.

In case the final order against the respondent is for repayment of funds to the United States, such amount as determined by the order shall be repaid upon request by the Director. To the extent that the respondent fails to do so upon request of the Director, the Director shall withhold from subsequent entitlement payments to the respondent an amount equal to the amount not repaid. In case the final order against the respondent is for the withholding of an amount of subsequent entitlement payments, such amounts as ordered shall be withheld by the Director after notice to the chief executive officer of the recipient government that if it fails to take corrective action within 60 days after receipt of the notice, further entitlement payments will be withheld until the Director is satisfied that appropriate corrective action has been taken and there is full compliance with the Act and regulations of this part. In every case in which the respondent is a unit of local government, a copy of the final order and notice shall be submitted to the Governor of the State in which the respondent is located.

§ 51.224 Publicity of proceedings.

(a) *In general.* A proceeding conducted under this subpart shall be open to the public and to elements of the news media provided that, in the judgment of the administrative law judge, the presence of the media does not detract from the decorum and dignity of the proceeding.

(b) *Availability of record.* The record established in any proceeding conducted under this subpart shall be made available to inspection by the public as provided for and in accordance with regulations of the Department of the Treasury pursuant to 31 CFR Part 1.

(c) *Decisions of the administrative law judge.* The statement of findings and the initial decision of the administrative law judge in any proceedings, whether or not on appeal or review, shall be indexed and maintained by the Director of the Office of Revenue Sharing and made available for inspection by the public at the public documents room of the Department. If practicable, the statement of findings and the decisions of the administrative law judge shall be published periodically by the Department and offered for sale through the Superintendent of Documents.

§ 51.225 Judicial review.

Actions taken under administrative proceedings pursuant to this subpart shall be subject to judicial review pursuant to section 143 of Subtitle C of the Act. If a respondent desires to appeal a decision of the administrative law judge which has become final, or a final order of the Secretary for review of appeal, to the U.S. Court of Appeals, as provided by law, the Secretary, upon prior notification of the filing of the petition for review, shall have prepared in triplicate, a complete transcript of the record of the proceeding, and shall certify to the correctness of the record. The original certificate together with the original record shall then be filed with the Court of Appeals which has jurisdiction.

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WEDNESDAY, APRIL 6, 1977
PART III



COMMUNITY SERVICES ADMINISTRATION

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CIVIL RIGHTS PROGRAM

Proposed Funding Eligibility Requirements

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COMMUNITY SERVICES ADMINISTRATION

[45 CFR Part 1010]

CIVIL RIGHTS PROGRAM

Proposed Funding Eligibility Requirements

AGENCY: Community Services Administration.

ACTION: Proposed rule.

SUMMARY: The Community Services Administration proposes to amend its regulations to combine all of the funding eligibility Civil Rights requirements of its grantees and to add a requirement that there be a Human Rights certification of compliance with these regulations prior to the approval and the awarding of funds by GSA. The intended effect of this proposed rule is to make these regulations more accessible.

DATES: Comments must be received on or before May 6, 1977.

ADDRESSES: Community Services Administration, 1200—19th Street, NW., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT:

Mr. N. Tilt Kurtz, Acting Associate Director, Office of Human Rights, CSA, 202–254–5960.

SUPPLEMENTARY INFORMATION:

This subpart prescribes the Civil Rights Program, requirements and procedures required for initial funding and refunding of grants and contracts by the Community Services Administration. It adds a requirement that there be a Human Rights Certification of compliance with this subpart prior to the approval of and the awarding of funds by Community Service Administration.

CSA has promulgated numerous Civil Rights requirements with which grantees must comply. These requirements are contained in various CSA Instructions, Notices and Guidances. This subpart combines all of the funding eligibility Civil Rights requirements of CSA grantees. It provides the minimum standards for compliance with all Civil Rights statutory, Executive Order, and administrative requirements. This subpart oragnizes all of the grantees' Civil Rights requireemnts and activities into a comprehensive Civil Rights program. These proposed regulations also implement Executive Order 11764 (28 CFR Parts 42 and 50.3) and Section 624 of the Economic Opportunity Act of 1964, as amended.

A companion document "CSA grantees' Civil Rights Program Manual" will be developed which will provide grantees with details to assist them in complying with this subpart.

The Community Services Administration welcomes comments on these proposed regulations. Comments received prior to May 6, 1977 will be considered in any revision if warranted. Please address all comments to: N. Tilt Kurtz, Acting Associate Director, Office of Human Rights, Community Services Administration, 1200 19th Street NW., Washington, D.C. 20506.

ROBERT C. CHASE,
Acting Director.

45 CFR Chapter X, Part 1010.1–1010.13 is revised to read as follows:

Subpart A—General

Sec.
1010.1–1 Applicability.
1010.1–2 Policy.
1010.1–3 Grantee Civil Rights Program—funding eligibility requirement.
1010.1–4 Responsibilities of the grantee.
1010.1–5 Funding eligibility requirement.

Subpart B—Effactuation of the Provisions of Title VI of the Civil Rights Act of 1964

1010.10–1 Purpose.
1010.10–2 Definitions.
1010.10–3 Applications of this subpart.
1010.10–4 Discrimination prohibited.
1010.10–5 Procedures to determine compliance.
1010.10–6 Data and information collection.
1010.10–7 Cooperation and assistance.
1010.10–8 Public dissemination of Title VI Information.
1010.10–9 Complaint procedure.
1010.10–10 Procedure for effecting compliance.
1010.10–11 Hearings.
1010.10–12 Decisions and notices.
1010.10–13 Judicial review.
1010.10–14 Effect on other regulations; form and instructions.
1010.10–15 Employment practices.
1010.10–16 Continuing state programs.

Subpart C—Nondiscrimination in Federally Assisted Programs of the Community Services Administration

1010.20–1 Coverage.
1010.20–2 Data information collection.
1010.20–3 Assurances required.
1010.20–4 Procedures to determine compliance.
1010.20–5 Complaint procedure

Subpart D—Resolving Complaints of Discrimination in Employment, Program Participation and Benefits Against Grantees

1010.30–1 Introduction.
1010.30–2 Pre-complaint procedure.
1010.30–3 Formal complaint procedure.

Appendix C—Funding Authorities under the Economic Opportunity Act of 1964, as amended.

AUTHORITY: Sec. 6002, 78 Stat. 530 (42 U.S.C. 2942).

Subpart A—General

§ 1010.1–1 Applicability.

(a) This Instruction applies to all grantees, and the delegate agencies of all grantees receiving financial assistance under Title II, III–B, and VII of the Economic Opportunity Act of 1964, as amended, if the assistance is administered by the Community Services Administration.

§ 1010.1–2 Policy.

(a) It is the policy of the Community Services Administration that no person shall, on the grounds of race, color, national origin, religion, sex, handicap, political affiliation, or belief be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with any program or activity receiving assistance from the Community Services Administration.

(b) It is also the policy of CSA that all grantees have a primary catalytic mission to make the entire community more responsive to the needs and interests of the poor by mobilizing resources and bringing about greater institutional sensitivity.

(c) It is further the policy of CSA that no person on the basis of age shall be denied employment or otherwise discriminated against in employment in connection with any program or activity receiving assistance from CSA.

§ 1010.1–3 Grantee Civil Rights Program—funding eligibility requirements.

To be eligible for funding each CSA Grantee shall have a comprehensive Civil Rights Program which shall include the following:

(a) A written Equal Opportunity Policy approved by CSA;

(b) An Equal Opportunity Committee;

(c) An Equal Opportunity Officer;

(d) A written informal discrimination complaint procedure approved by CSA.

(e) A data collection, record keeping and reporting system;

(f) An annual Affirmative Action Plan (AAP) approved by CSA and an annual self-evaluation of the implementation of the AAP, accepted by CSA.

(g) The requirement that all of the grantee's vendors, contractors and suppliers of service are equal opportunity employers.

§ 1010.1–4 Responsibilities of the grantee.

(a) The grantee Board shall have the ultimate responsibility for enforcing and monitoring the grantee's Civil Rights Program and for ensuring compliance with this Part. At a minimum the following requirements must be met:

(1) Each grantee Board shall establish an Equal Opportunity Committee which shall reflect the composition of the Board in regard to representation of the public and private sectors and low-income persons.

(2) The Board or a committee thereof shall review the informal determination of all the grantee's Equal Opportunity Officers (EOO) in complaints of discrimination. If the Board utilizes a committee, it shall insure that the committee avoids conflict of interest in the resolution of the complaint.

(3) Grantees shall have at a minimum one EOO at the Senior staff level with responsibility for the Civil Rights Program within the agency, and such additional full or part time personnel as are necessary to carry out the requirements of a civil rights program. The EOO shall not be the Executive Director, Deputy Director or Personnel Officer.

(4) The EOO shall undergo training as prescribed by the CSA. All expenses incurred by such training shall be borne by the grantee.

(5) The EOO shall be granted the authority to carry out the following activities:

(i) Receive and attempt to resolve complaints of discrimination, on an informal basis.

(ii) Provide aggrieved persons with information and advice on equal opportunity procedures including local, state, and federal redress procedures, and notification of the filing deadlines for EEOC complaints.

(iii) Take any other steps which may assist in the resolution of the problem, prior to the filing of a formal complaint.

(iv) Assist in preparing a formal complaint to CSA of alleged discrimination based on race, color, religion, sex, national origin, age, physical handicap, political affiliation or belief.

(6) Grantees shall establish written procedures for the processing of informal discrimination complaints. Such procedures must conform to the requirements of this regulation and must be approved by the appropriate CSA regional office. Headquarters funded grantees must secure approval from national office CSA.

(7) Grantees shall display, in conspicuous places, posters which summarize the rights of employees, program participants and beneficiaries under Title VI of the Civil Rights Act of 1964, Section 624 of the Economic Opportunity Act of 1964, as amended, and this regulation; including the functions of the grantee's EOO and the procedures for filing complaints of discrimination.

(8) Nothing contained herein shall be construed to deny a complainant the right to make a direct complaint to CSA.

(9) No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 624 of the Economic Opportunity Act, as amended; Title VI of the Civil Rights Act of 1964 or this regulation, or because he/she has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding or hearing under this part. The identity of complainants shall be kept confidential except to the extent necessary to carry out purposes of this part, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

§ 1010.10–1 Purpose.

The purpose of this subpart is to effectuate the provisions of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Act") to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Community Services Administration.

§ 1010.10–2 Definitions.

As used in this subpart:

(a) The term "CSA" means the Community Services Administration, and includes all of its organizational units.

(b) The term "Director" means the Director of the Community Services Administration.

(c) The term "responsible CSA official" with respect to any program receiving Federal financial assistance means the Director or other official of the CSA who by law or by delegation has the principal responsibility within CSA for the administration of the law extending such assistance.

(d) The term "United States" means the States of the United States, the District of Columbia, Puerto Rico, Wake Island, the Canal Zone, and the territories, and incorporated territories and possessions of the United States, and the term "State" means any one of the foregoing.

(e) The term "Federal financial assistance" includes (1) grants or donation of Federal funds, (2) the grant or donation of Federal property and interest in property, (3) the detail of Federal personnel, (4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration, or at a nominal consideration, or at a consideration which is reduced for the purposes of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and (5) any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

(f) The term "program" includes any program, project, or activity for the provision of services, financial aid, or other benefits to individuals (including education or training, health, welfare, rehabilitation, housing, or other services, whether provided through employees of the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient, and including work opportunities and cash or loan or other assistance to individuals), or for the provision of facilities for furnishing services, financial aid or other benefits to individuals. The services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any services, financial aid, or other benefits provided with the aid of Federal financial assistance or with the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet matching requirements or other conditions which must be met in order to receive the Federal financial assistance, and to include any services, financial aid, or other benefits provided in or through a facility provided with the aid of Federal financial assistance or such non-Federal resources.

(g) The term "facility" includes all or any portion of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

(h) The term "recipient" means any State, political subdivision of any State or instrumentality of any State or political subdivision, any public or private agency, institution, organization, or other entity, or any individual, in any State, to whom Federal financial assistance is extended, directly or through another recipient thereof, but such term does not include any ultimate beneficiary under any such program.

(i) The term "primary recipient" means any recipient which is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program.

(j) The term "applicant" means one who submits an application, request, or plan required to be approved by a responsible CSA official, or by a primary recipient, as a condition to eligibility for Federal financial assistance, and the term "application" means any such application, request, or plan.

(k) In complying with the requirements of this part, it will be necessary to refer to persons by race, color or national origin. The following designations will be used by grantees in reporting participant characteristics: (1) *Black, not of Hispanic Origin.* A person having origins in any of the black racial groups of Africa; (2) *Hispanic.* A person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish Culture or origin, regardless of race; (3) *Asian or Pacific Islander.* A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa; (4) *American Indian or Alaskan Native.* A person having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition; (5) *White, not of Hispanic Origin.* A person having origins in any of the original people of Europe, North Africa, or the Middle East. Additional subcategories based on national origin or primary language spoken may be used where appropriate, on either a national or a regional basis. Paragraphs (k)(1) through (5), inclusive, set forth in this section are in conformity with the OMB Ad Hoc Committee on Race/Ethnic Categories' recommendations. To the extent that said designations are modified by the OMB Ad Hoc Committee, paragraphs (k)(1) through (5), inclusive, set forth in this section shall be interpreted to conform with those modifications.

§ 1010.10–3 Application of this subpart.

(a) This subpart applies to any program for which Federal financial assistance is authorized under a provision of any law administered by CSA. This part applies to money paid, property transferred, or other Federal financial assistance extended under any such program after January 7, 1965 pursuant to an application approved prior to such date. This subpart does not apply to (1) any Federal financial assistance by way of insurance or guaranty contracts, (2) money paid, property transferred, or other assistance extended under any such program, before January 7, 1965, (3) any assistance to any individual

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who is the ultimate beneficiary under any such program, (4) any employment practice, under any such program, of any employer, employment agency or labor organization, except to the extent described in 1010.10–4. Any action or inaction on the part of a recipient which is a direct violation of the Economic Opportunity Act of 1964, as amended, will be dealt with under regulations enacted pursuant to such Act. Other programs under statutes now in force or hereinafter enacted may be covered by this subpart after notice is published in the FEDERAL REGISTER.

(b) This subpart also applies to any program which is funded and administered by CSA with funds transferred from another Federal agency to CSA when such transfer is authorized by applicable law.

§ 1010.10–4 Discrimination prohibited.

(a) General. No person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program to which this subpart applies.

(b) Specific discriminatory actions prohibited.

(1) A recipient under any program to which this subpart applies may not, directly or through contractual or other arrangements on the grounds of race, color, or national origin;

(i) Deny an individual any services, financial aid, or other benefit provided under the program;

(ii) Provide any service, financial aid, or other benefit to an individual which is different, from that provided to others under the program;

(iii) Subject an individual to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;

(iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;

(v) Treat an individual differently from others in determining whether he/she satisfies any admission, enrollment, quota, eligibility, membership or other requirement or condition which individuals must meet in order to be provided any service, financial aid, or other benefit provided under the program;

(vi) Deny an individual an opportunity to participate in the program through the provisions of services or otherwise afford him/her an opportunity to do so which is different from that afforded others under the program, including the opportunity to participate in the program as an employee but only to the extent set forth in paragraph (c) of this section.

(vii) Deny a person the opportunity to participate as a member of a planning or advisory body which is an integral part of the program.

(2) A recipient in determining the type of services, financial aid, or other benefits, or facilities which will be provided under any such program, or the class of individuals to whom, or the situations in which such services, financial aid, other benefits, or facilities will be provided under any such program, or the class of individuals to be afforded an opportunity to participate in any such program, may not, directly or through contractual or other arrangements, utilize citeria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respect to individuals of a particular race, color, or national origin.

(3) In determining the site or location of facilities, an applicant or recipient may not make selections with the purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act of this subpart.

(4) As used in this section, the services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any service, financial aid, or other benefit provided in or through a facility provided with the aid of Federal financial assistance.

(5) The enumeration of specific forms of prohibited discrimination in this paragraph and paragraph (c) of this section does not limit the generality of the prohibition in paragraph (a) of this section.

(6) In administering a program regarding which the recipient has previously discriminated against persons on the ground of race, color, or national origin, the recipient must take affirmative action to overcome the effects of prior discrimination. Even in the absence of such prior discrimination, a recipient in administering a program shall take affirmative action to overcome the effects of conditions which resulted in limiting participation by persons of a particular race, color or national origin.

(c) *Employment practices.* (1) Where a primary objective of the Federal financial assistance to a program or part thereof to which this part applies is to provide employment, a recipient may not (directly or through contractual or other arrangements) subject an individual to discrimination on the grounds of race, color, or national origin in its employment practices under such program (including recruitment or recruitment advertising employment, layoff or termination, upgrading, demotion or transfer, rates of pay or other forms of compensation, and use of facilities), including programs where a primary objective of the Federal financial assistance is (i) to reduce the unemployment of such individuals or to help them through employment to meet subsistence needs, (ii) to assist such individuals through employment to meet expenses incident to the commencement or continuation of their education or training, or (3) to provide work experience with contributes to the education or training of such individuals. The following programs administered by CSA have one of the above objectives as a primary objective:

(A) Community Action Programs or parts thereof which have as a primary objective the provision of employment.

(B) Programs of assistance for migrant, and other seasonally employed, agricultural employees and their families which have as a primary objective the provision of employment.

(2) The requirements applicable to construction employment under any such program shall be those specified in or pursuant to Part III of Executive Order 11246 or any Executive Order which supersedes it. Where a primary objective of the Federal financial assistance is not to provide employment, but discrimination on the grounds of race, color or national origin in the employment practices of the recipient or other persons subject to the regulation tends, on the grounds of race, color or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program to which this subpart applies, the provisions of the foregoing paragraph of this paragraph (c) shall apply to the employment practices of the recipient or other persons subject to the regulation, to the extent necessary to assure equality of opportunity to, and nondiscriminatory treatment of beneficiaries.

(d) Exclusion from Participation in Programs for Indians. An individual shall not be deemed subjected to discrimination by reason of his exclusion from the benefits of a program limited by Federal law to individuals of a particular race, color, or national origin different from his/her, for example programs funded exclusively to serve on-reservation Indians.

(e) Medical emergencies. Notwithstanding the foregoing provisions of this section, a recipient of Federal financial assistance shall not be deemed to have failed to comply with paragraph a. of this section if immediate provision of a service or other benefit to an individual is necessary to prevent his death or serious impairment of his health, and such service or other benefit cannot be provided except by or through a medical institution which refuses or fails to comply with paragraph (a) of this section.

§ 1010.10–5 Procedures to determine compliance.

(a) *Assurances.* (1) Every application for Federal financial assistance to a program to which this subpart applies, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal assistance pursuant to the application, contain or be accompanied by an assurance that the program will be conducted or the facility operated in compliance with all

requirements imposed by or pursuant to this subpart, and that the applicant will in all phases and levels of programs and activities, install a CSA approved affirmative action program to achieve equal opportunities for participation, with provisions for effective periodic self-evaluation. In the case where Federal financial assistance is to provide or is in the form of personal property, or real property or interest therein or structures thereon, the assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the property is used for a purpose involving the provision of similar services and benefits, or for as long as the recipient retains ownership or possession of the property, whichever is longer. The responsible office official shall specify the form of the foregoing assurances for each program, and the extent to which like assurance will be required of subgrantees, contractors, and subcontractors, transferees, successors in interest, and other participants in the program. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

(2) In the case of real property, structures or improvements thereon, or interests therein, which was acquired with Federal financial assistance, or in the case where Federal financial assistance is provided in the form of a transfer of real property or interest therein from the Federal Government, the instrument effecting or recording the transfer shall contain a covenant running with the land assuring nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits, or for as long as the recipient retains ownership or possession of the property, whichever is longer. Where no transfer of property is involved, but property is acquired or improved with Federal financial assistance, the recipient shall agree to include such a covenant in any subsequent transfer of such property. Where the property is obtained from the Federal Government, such covenant may also include a condition coupled with a right to be reserved by CSA to revert title to the property in the event of a breach of the responsible official, such a condition and right of reverter is appropriate to the program under which the real property is obtained and to the nature of the grant and the grantee. In such event if a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement for the purposes for which the property was transferred, the Director may agree, upon request of the transfer and if necessary to accomplish such financing, and upon such conditions as he deems appropriate, to forbear the exercise of such right to revert title for so long as the lien of such mortgage or other encumbrance remains effective.

(3) Transfers of surplus property are subject to regulations issued by the Administrator of General Services (41 CFR 101–6.2).

(4) Elementary and Secondary schools. In the case of any program for the benefit of elementary or secondary school students which, as a necessary part of such program, utilizes to a substantial extent the facilities of an elementary or seacondary school or school system, the requirements of paragraph (a) of this section shall be deemed to be satisfied if such school or school system (i) is subject to a final order of a court of the United States for the desegregation of such school or school system, and provides an assurance that it will comply with such order, including any future modification of such order, or (ii) submits a plan for the desegregation of such school or school system which the responsible official of the Department of Health, Education and Welfare determines is adequate to accomplish the purposes of the Act and this part within the earliest practicable time, and provides reasonable assurance that it will carry out such plan. In any case in which a final order of a court of the United States for the desegregation of such school or school system is entered after submission of such a plan, such plan shall be revised to conform to such final order including any future modification of such order. The provisions of this paragraph do not apply to programs for pre-school children.

(5) *Assurances from institutions.* In the case of any application for Federal financial assistance to an institution of higher education (including assistance for construction, for research, for a special training project, for a student loan program, or for any other purpose), the assurance required by this section shall extend to admission practices and to all other practices relating to the treatment of students. The assurance required with respect to an institution of higher education, hospital, or any other institution, insofar as the assurance relates to the institution's practices with respect to admission or other treatment of individuals as students, patients, or clients of the institution or of the opportunity to participate in the provision of services or other benefits to such individuals, shall be applicable to the entire institution unless the institution establishes, to the satisfaction of the responsible CSA official, that the institution's practices in designated parts or programs of the institutions will in no way effect its practices in the program of the institution for which Federal financial assistance is sought or the beneficiaries of or participants in such program. If in any such case the assistance sought is for the construction of a facility or part of a facility the assurance shall in any event extend to the entire facility and to facilities operated in connection therewith.

(b) *Pre-Review approval.* (1) Prior to approval of financial assistance, all such applications for financial assistance shall be reviewed by the appropriate civil rights officer who will make a written determination as to whether the applicant is in compliance with Title VI. The basis for such a determination shall be submission of an assurance of compliance and a review of the data and AAP submitted by the applicant or report on a file of a review. Where a determination cannot be made from this data, CSA will require the submission of necessary additional information. Such other steps may include, for example, communicating with local government officials or minority group organizations and field reviews.

(2) No final approval for any financial assistance shall be given by CSA unless the appropriate civil rights officer has made a written determination as to whether the applicant is in compliance with Title VI. The appropriate civil rights officer with respect to regionally administered programs is the regional Human Rights Chief and with respect to headquarters administered programs it is the Associate Director for Human Rights.

(c) *Post-approval review.* (1) All recipients will submit annual reports which will contain the compliance information specified in § 1010.10–6. Additionally, the CSA Office of Human Rights will periodically but at least once every two years, conduct a field review of each recipient to determine compliance with Title VI.

(2) The results of the post-approval review shall be committed to writing and shall include specific findings of fact and recommendation.

(d) Investigations. The responsible Office official or his designee wil make a prompt investigation whenever a compliance review, report or any other information indicates a possible failure to comply with this part. The investigation should include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible non-compliance with this subpart occurred, and other factors revelant to a determination as to whether the recipient has failed to comply with this subpart.

(e) *Resolution of matters.* (1) If an investigation pursuant to paragraph (d) of this section indicates a failure to comply with this subpart, the responsible Office official or his designee will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in 1010.10–11.

(2) If an investigation does not warrant action pursuant to paragraph (d) of this section, the responsible Office official or his designee will so inform the recipient if any, in writing.

(f) *Notice to Assistant Attorney General.* Whenever the appropriate CSA Human Rights officer determines that an applicant or recipient is in probable noncompliance with Title VI, he or she will promptly notify the General Counsel of CSA who is charged with review of said determination and for forwarding same, if appropriate, to the Assistant Attorney-General for Civil Rights.

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§ 1010.10–6 Data and information collection.

(a) Recipients will collect and maintain the data and information listed in paragraph (a) (1)–(7) of this section relative to their programs. This data and information will be submitted to CSA in accordance with 1010.10–5 and any other guidelines promulgated by CSA and on forms supplied by CSA. It will reflect:

(1) The manner in which services are or will be provided by the program in question, and related data necessary for determining whether any persons are or will be denied such services on the basis of discrimination.

(2) The population eligible to be served by race, color and national origin.

(3) The location of existing proposed facilities connected with the program and related information adequate for determining whether the location has or will have the effect of unnecessarily denying services to any persons on the basis of prohibited discrimination.

(4) The present or proposed membership by race, color and national origin in any policy making or advisory body which is an integral part of the program.

(5) Where relocation is involved, the requirements and steps used of proposed to guard against unnecessary impact on persons on the basis of race, color or national origin.

(6) Data regarding covered employment, including use or planned use of bilingual public contact employees serving the beneficiaries of the program where necessary to permit effective participation by beneficiaries unable to speak or understand English.

(7) Where CSA determines it is necessary and appropriate to Title VI enforcement, additional data such as demographic maps, the racial composition of affected neighborhoods or census data will be required. Such additional data will be required, however, only to the extent that it is readily available or can be compiled with reasonable effort.

(b) In addition to the type of data mentioned above, each applicant or recipient will:

(1) Promptly notify CSA of any lawsuits filed against the applicant or recipient alleging discrimination on the basis of race, color, or national origin; and each recipient will notify CSA every six months of any complaints filed against it alleging such discrimination.

(2) Provide CSA with a brief description of any of its pending applications to other federal agencies for assistance and of federal assistance being provided at the time of the application or requested report.

(3) Submit at the time of application and in a periodic or requested report, a statement describing any civil rights compliance reviews regarding the applicant or receipient conducted during the two year period before application of report, and the results and conclusions of those reviews.

(4) Submit, at the time of application and in a periodic or requested report, a written assurance that it will compile and maintain records required pursuant to this subpart.

(5) Provide CSA with a copy of any procedures it may have regarding internal procedures for processing Title VI complaints. Said copy (if such an internal processing exists) will be provided at the time of application and in the case of a continuing program within sixty (60) days after the effective date of this part, and said procedure will be reviewed and its use approved or disapproved by the appropriate regional or headquarters Human Rights Officer.

(6) Maintain a log of Title VI complaints filed with it; identifying each complainant by race, color, or national origin, the nature of the complaint, the dates the complaint was filed and the date grantee's investigation was completed; the disposition and date of disposition.

§ 1010.10–7 Cooperation and assistance.

(a) *Role of CSA officials.* Each responsible CSA official shall to the fullest extent practicable seek the cooperation of recipients in obtaining compliance with this subpart, and shall provide assistance and guidance to recipients to help them comply voluntarily with this subpart.

(b) *Access to sources of information.* Each recipient shall permit access by the responsible CSA official or his designee during normal business hours to each of its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this subpart. Where any information required of a recipient is in the exclusive possession of any other agency, institution or person and this agency, institution or person shall fail or refuse to furnish this information, the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information.

§ 1010.10–8 Public dissemination of Title VI Information.

(a) *Display of Title VI poster.* Each recipient, where possible, will display prominently and in reasonable numbers and places posters which state that the recipient operates programs subect to the non-discrimination requirements of Title VI, summarize those requirements, note the availability of Title VI information from recipient and federal agencies, and explain briefly the procedures for filing complaints. When CSA prints and distribute a Title VI poster, recipients will use it to comply with this subpart.

(b) *Information to beneficiaries and participants.* In addition to the poster requirement of § 1010.18–8 each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this subpart and its applicability to the program under which the recipient receives Federal financial assistance, and make such information available to them in such manner as the responsible CSA official finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this subpart.

(c) *Publication in other languages.* Recipients will, where a significant number of, or proportion of the population eligible to be served or likely to be directly affected by a federally assisted program needs service in a language other than English in order to comply with paragraphs (a) and (b) of this section shall cause their poster and other material to be available in a language other than English. The appropriate CSA Human Rights Officer will determine when publication in a language other than English is necessary, § 1010.10–9 Complaint Procedure. Any person who believes himself/herself or any specific class of individuals to have been subjected to discrimination prohibited by this part should follow the procedures outlined in Part c of this regulation. Problems may be submitted by any person or by any group or representative with the approval of the aggrieved person.

§ 1010.10–10 Procedure for effecting compliance.

(a) *General.* If there appears to be a failure or threatened failure to comply with this subpart, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this subpart may be effected by the suspension or termination of or refusal to grant or continue Federal financial assistance or by any other means authorized by Law. Such other means may include, but are not limited to (1) a reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the Act), and any assurance or other contractual undertaking, (2) any applicable proceeding under State or local law and (3) use of one of the alternative means of enforcement referred to in 28 CFR 50.3.

(b) *Noncompliance with § 1010.10–5.* If an applicant fails or refuses to furnish an assurance under § 1010.10–5 or fails or refuses to supply data as referred by § 1010.10–6 or otherwise fails or refuses to comply with the requirements imposed by or pursuant to those sections, Federal financial assistance may be refused in accordance with the procedures of paragraph (c) of this section. CSA shall not be required to provide assistance in such a case during pendency of the administrative proceedings under such paragraph.

(c) *Termination of or refusal to grant or to continue financial assistance.* No order suspending, terminating or refusing to grant or continue Federal financial assistance shall become effective until (1) the responsible CSA official has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by voluntary means, (2) there has been an express finding on the record, after opportunity for hearing of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this subpart, (3) the action has been approved by the Director pursuant to § 1010.10–11, and (4) the expiration of 30 days after the Dircetor has filed with the committee of the House and the committee of the Senate having legislative jurisdication over the program involved, a full written report of the circumstances and the grounds for such action. Any action to suspend or terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom such a finding has been made and shall be limited in its effect of the particular program, or part thereof, in which such noncompliance has been so found.

(d) *Other means authorized by law.* No action to effect compliance with Title VI of the Act by any other means authorized by law shall be taken until (1) the responsible office official has determined that compliance cannot be secured by voluntary means, (2) the recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance, and (3) the expiration of at least 10 days from the mailing of such notice to the recipent or other person to comply with this subpart and to take such corrective action as may be appropriate.

§ 1010.10–11 Hearings.

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by this section, reasonable notice of such hearing shall be given by registered or certified mail, return receipt requested. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and either (1) fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request of the responsible CSA official that the matter be scheduled for hearing, or (2) advise the applicant or recipient that the matter in question has been set down for hearing at a stated place and time. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this subsection or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under section 602 of the Act and this section and consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearing.* Hearings shall be held in Washington, D.C., at a time and place fixed by the responsible CSA official unless he determines that the convenience of the applicant or recipient or of CSA requires that another place be selected. Hearings shall be held before the responsible CSA official, or at his discretion, before a hearing examiner designated in accordance with 5 U.S.C. 3105 and 3344 (section 11 of the Administrative Procedure Act).

(c) *Right to counsel.* In all proceedings under this section the applicant or recipient and CSA shall have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any review thereof shall be conducted in confirmity with U.S.C. 554–557 (sections 5–8 of the Administrative Procedure Act) and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both CSA and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

(2) Technical rules of evidence shall not apply to hearings conducted pursuant to this subpart, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence unless dispensed with by stipulation. All decisions shall be based upon the hearing record and written findings shall be made.

(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this part and the regulations of one or more other Federal departments or agencies issued under Title VI of the Act, the Director may, by agreement with such other departments or agencies, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules of procedure not inconsistent with this part. Final decisions in such cases, insofar as this part is concerned, shall be made in accordance with § 1010.10–12.

§ 1010.10–12 Decisions and notices.

(a) *Hearing examiner.* Decision by person other than the responsible Office official. If the hearing is held by a hearing examiner, such hearing examiner shall either make any initial decision, if so authorized, or certify the entire record including his/her recommended findings and proposed decision to the responsible CSA official for a final decision and a copy of such initial decision or certification shall be mailed to the applicant or recipient. Where the initial decision is made by the hearing examiner, the applicant or recipient may within 30 days of the mailing of such notice of initial decision file with the responsible CSA official his exceptions to the initial decision with his reasons therefor. In the absence of exceptions, the responsible CSA official may, on his own motion, within 45 days after the initial decision serve on the applicant or recipient a notice that he will review the decision. Upon the filing of such exceptions or of such notice of review, the responsible CSA official shall review the initial decision and issue his own decision thereon, including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision shall constitute the final decision of the responsible CSA official.

(b) *Responsible CSA official.* Decisions on record or review by the responsible CSA official. Whenever a record is certified to the responsible CSA official for decision or he reviews the decision of a hearing examiner pursuant to paragraph (a) of this section, or whenever the responsible CSA official conducts the hearing, the applicant or recipient shall be given reasonable opportunity to file with him/her briefs or other written statements of its contentions, and a copy of the final decision of the responsible CSA official shall be given in writing to the applicant or recipient, and the complainant, if any.

(c) *Waived hearings.* Whenever a hearing is waived pursuant to § 10.10.11 (a), a decision shall be made by the responsible CSA official on the record and a copy of such decision shall be given in writing to the applicant or recipient, and to the complainant, if any.

(d) *Rulings required.* Each decision of a hearing officer or responsible CSA official shall set forth his ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or found that the applicant or recipient has failed to comply.

(e) *Approval by Director.* Any final decision of a responsible CSA official (other than the Director) which provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under this subpart of the Act, shall promptly be transmitted to the Director, who may approve such decision, may vacate it, or remit or mitigate any sanction imposed.

(f) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this subpart, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such program to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this subpart, or to have otherwise failed to comply with this subpart, unless and until it cor-

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rects its noncompliance and satisfies the responsible CSA official that it will fully comply with this subpart.

(g) *Post termination proceedings.* (1) An applicant or recipient adversely affected by an order issued under paragraph (f) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this part and provides reasonable assurance that it will fully comply with this subpart.

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (f) of this section may at any time request the responsible CSA official to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of paragraph (g)(1) of this section. If the responsible CSA official determines that those requirements have been satisfied, he shall restore such eligibility.

(3) If the responsible CSA official denies any such request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes such official to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record, in accordance with rules of procedure issued by the responsible CSA official. The applicant or recipient will be restored to such eligibility if it proves at such a hearing that it satisfied the requirements of paragraph (g)(1) of this section. While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (f) of this section shall remain in effect.

§ 1010.10–13 Judicial review.

Any action taken pursuant to section 602 of the Act is subject to judicial review as provided in section 603 of the Act.

§ 1010.10–14 Effect on other regulations; forms and instructions.

(a) *General.* Nothing in this subpart shall be deemed to supersede (1) Executive Orders 10925, 11114 and 11246 and regulations issued thereunder, or (2) any other regulations or instructions insofar as they prohibit discrimination on the grounds of race, color, or national origin in any program or situation to which this part is inapplicable, or prohibit discrimination on any other ground.

(b) *Forms and instructions.* Each responsible CSA official shall issue and promptly make available to interested persons existing forms and instructions and procedures for effectuating this subpart as applied to programs to which this part applies and for which he is responsible.

(c) *Supervision and coordination.* The Director may, from time to time, assign to officials of other departments or agencies of the Goverment (with the consent of such department or agency) responsibilities in connection with the effectuation of the purposes of Title VI of the Act and this subpart (other than responsibility for final decision as provided in § 1010.10–11, including the achievement of effective coordination and maximum uniformity within the CSA and within the Executive Branch of the Government in the application of Title VI and this subpart to similar programs in similar situations. Any action taken, determination made, or requirements imposed by an official of another department or agency acting pursuant to an assignment of responsibility under this subsection shall have the same effect as though such action had been taken by the responsible official of this agency.

§ 1010.10–15 Employment practice.

Enforcement of Title VI compliance with respect to covered employment practices shall not be superceded by State and local merit systems relating to the same recipient.

§ 1010.10–16 Continuing State programs.

(a) Each State agency administering a continuing program which received Federal assistance from CSA shall establish a Title VI compliance program for itself and other recipients which obtain financial assistance through it.

(b) This program will parallel the provisions of this subpart, including the maintenance of records necessary to permit Federal officials to determine Title VI compliance of the State agency and the sub-recipient.

Subpart C—Nondiscrimination in Federally Assisted Programs of the Community Services Administration

§ 1010.20–1 Coverage.

(a) The Economic Opportunity Act of 1964, as amended, in Section 624 requires that no person with responsibilities for the operation of a CSA funded program shall discriminate with respect to any such program because of race, creed, color, national origin, sex, political affiliation, or beliefs. It further provides that no person on the ground of sex shall be excluded from participation in, be denied the benefits of, be subjected to discrimination under or be denied employment in connection with any program or activity receiving assistance under the Economic Opportunity Act of 1964, as amended.

(b) Section 504 of the Rehabilitation Act of 1973 provides that no otherwise qualified handicapped individual shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

(c) The Age Discrimination in Employment Act prohibits discrimination in employment on the basis of age.

§ 1010.20–2 Data information collection.

(a) The purpose of this subpart is to require grantees to provide CSA with certain data and information on participant and employee characteristics in order that CSA may enforce the prohibitions on employment and participant discrimination which are found in the Policy section and described in this section.

(b) Grantees shall provide CSA with information (if possible) on participant and employee characteristics in regard to sex, age and handicap. This information will be provided in accordance with and in addition to the provisions of Subpart B, § 1010.10–6.

§ 1010.20–3 Assurances required.

Every application for assistance under the Economic Opportunity Act of 1964, as amended, shall contain an assurance that the grantee or its delegate agencies will comply with the provisions of this subpart and the policy of CSA as outlined in § 1010.1–1.

§ 1010.20–4 Procedures to determine compliance.

Compliance with the provisions of this subpart will be accomplished utilizing the pre-review and post-approval procedures outlined in Subpart B, § 1010.10–5 (b) and (c). Compliance Investigations pursuant to this subpart shall be in accordance with Subpart B, § 1010.10–5 (d). If such an investigation indicates a failure to comply with this subpart, the responsible office official or his designee will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in 45 CFR 1067, except where the discrimination is on the ground of sex in which case action will be taken as provided for in Subpart B, § 1010.10–10.

§ 1010.20–5 Complaint procedure.

Any person who believes himself/herself or any specific class of individuals to have been subjected to discrimination prohibited by this subpart should follow the procedures outlined in Subpart D. Problems may be submitted by any person or any group or representative with the approval of the aggrieved person.

Subpart D—Resolving Complaints of Discrimination In Employment.

Program Participation and Benefits Against Grantees

§ 1010.30–1 Introduction.

This subpart provides the procedures to be followed in resolving complaints of discrimination against CSA grantees in employment, program participation and benefits.

§ 1010.30–2 Pre-complaint procedures.

(a) *Submission of equal opportunity problem.* Any person who believes he or she has encountered discrimination because of race, creed, color, sex, national origin, age, political affiliation, belief or physical handicap should first discuss the problem with the Equal Opportunity Officer of the grantee within 30 calendar days but no more than 180 calendar days after the act complained of occurred. A

copy of the informal complaint shall be immediately mailed to the Human Rights Chief (HRC) of the appropriate CSA Regional Office, or for Headquarters funded grants to the Associate Director for Human Rights.

(b) *Informal resolution and decision by the grantee.*

(1) The EOO shall make every effort to resolve the problem informally. To this end, the EOO shall, if requested by the complainant, assist in discussion with any party to the problem and may take other steps which may assist in the resolution of the problem.

(2) The aggrieved person(s) has the right to be accompanied, represented and advised by a representative or attorney of his/her own choice. If the aggrieved person and/or his representative is an employee of the agency, he/she shall be given a reasonable amount of working time to prepare and present his/her request for a solution of the problem. These procedures shall be included in the grantee's personnel policies.

(3) The EOO shall be given access within the agency to any information necessary to provide the aggrieved person(s) with a basis for determining whether there are grounds for filing a formal civil rights complaint and to resolve the problem.

(4) The EOO shall have 20 working days to attempt to resolve the problem before the filing of a formal complaint.

(5) Nothing in the subpart should be construed to mean that a complainant(s) cannot file a complaint directly with CSA at anytime.

(6) The EOO shall inform the complainant of the right to file a formal complaint with other appropriate Federal, State and local civil rights agencies or offices.

(c) *Reports on grantee efforts at resolution.* (1) When the EOO has completed attempts to resolve the problem, a report shall be prepared, setting out a summary of the problem, the investigation and the disposition of the problem, indicating the basis for that disposition.

(2) Copies of the report shall be given to the grantee's board, the complainant(s) and to the Human Rights Chief in the appropriate CSA Regional Office. This report shall be forwarded within 25 calendar days after an informal complaint has been filed with the EOO, regardless of the disposition of the problem, including filing a formal complaint with CSA.

§ 1010.30–3 Formal complaint procedure.

(a) *Filing and content of complaint.* (1) If the result of the procedures outlined in § 1010.30–2 (a) and (b) are unsatisfactory to the complainant, a formal complaint may be filed with CSA within 15 calendar days after receipt of notice of the disposition of the EOO and decision of the grantee's board.

(2) A formal signed complaint shall be addressed to the Human Rights Chief of the Regional Office or, for Headquarters administered grants, to the Associate Director for Human Rights. (CSA Form 265 may be used for this purpose.)

(3) The complaint should contain the following information:

(i) Name and address of the grantee involved and, if known, the source of financial assistance received by the grantee for the program giving rise to the complaint;

(ii) A description of the act(s) forming the basis of the complaint (e.g., employment or program benefits based on race, color, religion, sex, national origin, age, handicap, political affiliation, or belief); and the names of persons involved; the alleged discriminating person and witnesses if any;

(iii) Dates or period of time the discriminatory act(s) occurred;

(iv) Name and address of any Federal, State or local agency to which the complainant has reported the matter or filed a formal complaint.

(v) If the discrimination involves a covered employment practice identify (if possible), the source from which the applicant or employee's salary is paid.

(b) *Notice of receipt of complaint by CSA.* The CSA Regional Human Rights Chief or Associate Director for Human Rights will promptly notify the complainant in writing that the complaint has been received. In addition, the complainant must be advised that:

(1) In order to assure the protection of employment rights under Title VII of the Civil Rights Act of 1964, as amended, complainants should be apprised of their right to file charges with the United States Equal Employment Opportunity Commission.

(2) The Community Services Administration will inform complainants of their right to file complaints with any appropriate State, or local civil rights agency. The Human Rights Chief or Associate Director for the Office of Human Rights will provide to the complainant the address of the appropriate agency.

(c) *Grantee's report.* The Human Rights Chief shall also inform the complainant that:

(1) A report and/or any additional information necessary to substantiate or reject the complaint is being requested from the grantee and the time allowed for the grantee to respond;

(2) A copy of the complaint is being sent to the CSA Headquarters Office of Human Rights for information of that Office.

(d) *Acceptance or rejection of the complaint.* After receipt of the report from the grantee, the Human Rights Chief or the Associate Director for Human Rights for Headquarters administered grants, will review the facts presented in the entire case file and notify the complainant whether it is being accepted or rejected. If it is rejected, the reasons why the complaint cannot be processed will be stated in writing. The complainant shall be informed, where possible, of other sources of possible remedy.

(e) *Complaints presented to State or local commissions or to the Equal Opportunity Commission.* When a complainant has also filed a complaint with the Equal Employment Opportunity Commission or with a Federal, State or local commission having jurisdiction over the matter, the Regional Human Rights Chief or Associate Director for Human Rights shall communicate with the responsible official of the enforcement agency which has received the complaint and shall arrange to handle the complaint in such a way as to avoid duplication and to secure the most effective action to resolve the problem. It shall be the general practice of CSA to investigate a Title VI complaint, unless there appears to be a compelling reason to do otherwise.

(f) *Processing the complaint.* (1) If the Regional Human Rights Chief or Associate Director for Human Rights accepts the complaint, an attempt must be made to resolve the complaint by informal means.

(2) In the event that the Regional Human Rights Chief is unable to accomplish the informal resolution of the discrimination complaint within 15 calendar days after its acceptance or determines that it warrants an investigation, the Human Rights Chief will arrange a full investigation of the complaint. The Investigator will be provided with written authorization to investigate all aspects of complaints of discrimination. Directors of grantee agencies will require all employees to cooperate with the investigation and to have all employees having any knowledge of the matter available for interview. Thirty calendar days shall be allowed for the investigation.

(3) After the investigation is completed the Human Rights Chief shall prepare a report of the investigation including findings of fact and a recommendation as to whether there is reasonable cause to credit the complaint of discrimination.

(g) *Determination as to reasonable cause.* (1) Within 15 calendar days after the investigation has been completed the Regional Human Rights Chief shall forward to the Regional Director the independent report of the investigation, including the findings of fact and the recommendation as to reasonable cause.

(2) The Regional Counsel, or General Counsel for Headquarters grants shall review the investigation report and the findings of fact. The Regional Counsel, and General Counsel shall render an opinion to the Regional Director or the appropriate CSA Headquarters Official as to reasonable cause, including whether the report and findings are legally sufficient to support the determination of reasonable cause to credit the allegation of discrimination.

(h) *Determination of CSA decision.* (1) CSA Decision: The CSA decision regarding a complaint of discrimination shall be made by either the Regional Director or the appropriate CSA Headquarters Official. The decision shall include findings of fact, a determination as to whether there is reasonable cause to credit the allegation(s) of complaint. In appropriate complaints the proposed

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disposition shall include remedial action to be taken by the grantee as well as any sanctions which may be imposed against the grantee.

(2) Headquarters Administered Grants. For grants which are administered by CSA Headquarters, the Headquarters General Counsel shall send the investigative report, the findings of facts and the recommendation as to reasonable cause through the AD/OHR to the appropriate CSA Headquarters official who is responsible for administering the grant from which the complaint arose. The CSA Headquarters official shall make the agency decision after a review by General Counsel. Should there occur the need to resolve a dispute of the appropriateness of a finding of reasonable cause between the AD/OHR and the headquarters administering official, the Office of the Director shall resolve the issue within 15 days.

(i) *Resolution of complaint and implementation of Agency decision.*

(1) Notification of the Parties. Within 15 calendar days after receipt of the Human Rights Chief's report and recommendations, the Regional Director or appropriate CSA Headquarters official shall send a copy of the CSA decision to the complainant and respondent.

(i) Where it is determined that there is not reasonable cause to credit the allegation(s) of discrimination, the CSA decision shall indicate that the complaint is dismissed. To the extent practicable, the complainant will be advised of any other administrative office or judicial forum which might accept the complaint without regard to the results of CSA investigation.

(ii) Where it is determined that there is reasonable cause to credit the allegation(s) of discrimination, the complainant and respondent shall have thirty (30) days after receipt of the CSA decision to respond to it.

(2) Informal Resolution: The Regional Director or appropriate CSA Headquarters official will attempt by informal methods of conference, conciliation and persuasion to obtain from the parties an acceptance of the CSA decision, a just resolution of the complaint and assurances that the respondent will eliminate the unlawful discriminatory practices and take such action to insure that such practices do not occur again.

(3) Formal Conciliation: Where informal reslution is unsuccessful or if the Regional Director or CSA Headquarters official deems it appropriate, formal conciliation procedures may be entered into in order to resolve the complaint.

(4) Time Limits for Resolution and Conciliation. Efforts shall be made to complete resolution or conciliation within 60 calendar days after receipt of the respondent's response to the agency decision.

(j) *Imposition of sanctions.* (1) If the respondent fails or refuses to confer or conciliate with the Regional Director or CSA Headquarters official, or to adopt the recommended remedial action, or if informal and formal conciliation efforts to resolve the complaint are unsuccessful, CSA efforts to conciliate the dispute will be terminated.

(2) The Regional Director or appropriate CSA Headquarters official shall notify the parties that CSA efforts at conciliation are terminated.

(3) In appropriate cases, the Regional Director or CSA Headquarters official may determine that the matter requires the imposition of sanctions against the respondent for its failure to confer, conciliate, adopt the recommended remedial action, or otherwise successfully resolve the complaint of discrimination. Such sanctions may include termination or suspension of Federal financial assistance or the denial of refunding to the respondent, disallowance of expenditures which are the result of discriminatory practices; referral of the matter to the Department of Justice for disposition; or any other means authorized by law or regulations.

(i) In all cases which are based upon a violation of Title VI of the Civil Rights Act of 1964 or where the discrimination is based upon the ground of sex, the procedures for effecting compliance with the provisions of this Part including termination, suspension or refusal to grant or to continue federal financial assistance shall be those set forth in Subpart B, § 1010.10–10.

(ii) In all other cases where it is determined that termination suspension or denial of refunding is an appropriate sanction, the procedures set forth in 45 CFR 1067 shall be followed.

APPENDIX C—FUNDING UNDER THE ECONOMIC OPPORTUNITY ACT OF 1964, AS AMENDED

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221—Community Action.
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222(a)(7)—Senior Opportunities and Services.
222(a)(10)—Environmental Action.
222(a)(11)—Rural Housing Development and Rehabilitation.
222(a)(12)—Emergency Energy Conservation Services.
222(a)(13)—Summer Youth Recreation.
226—Design and Planning Assistance Programs.
227—National Youth Sports Program.
228—Consumer Action and Cooperative Programs.
230—Technical Assistance and Training.
231—State Agency Assistance.
232—Research and Pilot Programs.
234—Special Assistance.
235—Demonstration Community Partnerships.
302(a)—Loans to Families (Rural Loan Programs).
312—Assistance for Migrant, and other Seasonally Employed, Farmworkers and Their Families.
712(a)—Community Development Corporations.
747(b)—Research and Planning (Community Economic Development).
901(a)—Programs and Project evaluation.

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Rules Going Into Effect Today

HEW/FDA—Expanded use of National Drug Code (NDC) number..... 13017; 3–8–77

DOT/FAA—Beech 99 series airplanes; airworthiness directive.. 12163; 3–3–77

Standard instrument approach procedures..... 12168; 3–3–77

List of Public Laws

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see **OFR** notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 408]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final Rule.

SUMMARY: This regulation establishes the quantity of California-Arizona navel oranges that may be shipped to fresh market during the weekly regulation period April 8–14, 1977. This regulation is needed to provide for orderly marketing of fresh navel oranges for the regulation period because of the production and marketing situation confronting the navel orange industry.

EFFECTIVE DATE: April 8, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–3545.

SUPPLEMENTARY INFORMATION: (a) *Findings.* (1) Pursuant to the amended marketing agreement and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the amended marketing agreement and order, and upon other available information, it is found that the limitation of handling of such navel oranges, as provided in this regulation will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of navel oranges that may be marketed during the specified week stems from the production and marketing situation confronting the navel orange industry.

(i) The committee has submitted its recommendation for the quantity of navel oranges it considers advisable to be handled during the specified week. The recommendation resulted from consideration of the factors covered in the order. The committee further reports the demand for navel oranges continues about steady at this time. Average f.o.b. price was $3.84 per carton on a reported sales volume of 1,225 carlots last week, compared to $3.78 per carton on sales of 1,421 carlots a week earlier. Track and rolling supplies at 529 cars were down 91 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of navel oranges which may be handled should be established as provided in this regulation.

(3) It is further found that it is impracticable and is contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because the time intervening between the date when information upon which this regulation is based became available and the time when it must become effective to effectuate the declared policy of the act is insufficient. A reasonable time is permitted, for preparation for the effective time; and good cause exists for making the regulation effect as specified. The committee held an open meeting during the current week, after giving due notice, to consider supply and market conditions for naval oranges and the need for regulation. Interested persons were afforded an opportunity to submit information and views at this meeting. The recommendation and supporting information for regulation during the period specified were promptly submitted to the Secretary after the meeting was held, and information concerning the provisions and effective time has been provided to handlers of navel oranges. It is necessary, to effectuate the declared policy of the act, to make this regulation effective as specified. The committee meeting was held on April 5, 1977.

§ 907.708 Navel Orange Regulation 408.

* * * * * *

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period April 8, 1977, through April 14, 1977, are hereby fixed as follows:

(i) District 1: 1,175,000 cartons;

(ii) District 2: 275,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section: "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 6, 1977.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-10523 Filed 4-6-77;1:07 pm]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 51—LICENSING AND REGULATORY POLICY AND PROCEDURES FOR ENVIRONMENTAL PROTECTION

Minor Corrective Amendment

AGENCY: Nuclear Regulatory Commission.

ACTION: Correction.

SUMMARY: The amendment makes a minor correction in the entry to Table R–3 for gaseous radiological effluents in the column entitled "Natural resource use." The reference in the Table read as published ".023" and is hereby corrected to read ".203."

EFFECTIVE DATE: The amendment is effective on April 7, 1977.

FOR FURTHER INFORMATION CONTACT:

Martin Weinstein, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (301) 443–6907.

SUPPLEMENTARY INFORMATION: Because these amendments relate solely to corrections and minor amendments, the Commission has found that good cause exists for omitting notice of proposed rulemaking, and public procedure thereon, as unnecessary, and for making the amendments effective on April 7, 1977. Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 51, Table S–3 is published as a document subject to codification:

The entry in the Table S–3 under the column "Natural resource use" for Effluents—radiological (curies):

Fission products and transuranics ..... .023

is amended by deleting ".023" and substituting therefor ".203".

V 42 R 67 APR 7 7 UMI

(Sec. 102, Pub. L. 91-190, 83 Stat. 853, as amended, Pub. L. 94-83, 89 Stat. 424 (42 U.S.C. 4332); sec. 161, as amended, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); sec. 202, Pub. L. 93-438, 88 Stat. 1244 (42 U.S.C. 5842))

Dated at Bethesda, Md., this 21st day of March 1977.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.

[FR Doc.77-10305 Filed 4-6-77;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 4, Amdt. 5]

PART 108—LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

Loans; Use of Personal Assets; Clarification

AGENCY: Small Business Administration.

ACTION: Final Rule.

SUMMARY: SBA is clarifying the use of personal assets in approving a loan from a local development company for a project to acquire, conduct, modernize or expand a small business. Also SBA will allow the acceptance or refusal of a lender to participate in a project on a first mortgage basis as satisfactory evidence of the availability or non-availability of financing for the project. It is intended to reduce restrictive applications of the rules for use of personal assets that are detrimental when applied to economic development of a community.

EFFECTIVE DATE: March 21, 1977.

FOR FURTHER INFORMATION CONTACT:

William B. Dean, Chief, Development Company Loan Division—(202) 653-6842.

SUPPLEMENTARY INFORMATION: The economic growth of the community is the primary reason for the financial assistance to the LDC. The establishment, modernization, and expansion of a small business beneficiary have been determined to aid the economic growth of the community by providing employment opportunities, tax base, and similar general economic factors. The development company needs to assure itself that the beneficiary small business concern has invested or is investing an economically realistic amount of its business asset in the proposed project.

To clarify this relationship, revised § 108.502-1(f)(1) would delete reference to the small business concern and; revised § 108.502-1(f)(2) would add the provision that the refusal or acceptance of a lender to participate in a project either on a first mortgage basis, or on a guaranty, or immediate participation basis with the development company will be satisfactory evidence of the availability or non-availability of such financing.

The first mortgage plan is an arrangement for joint financing whereby the lender agrees to finance a portion of the project cost and takes a first lien position with other debt including the SBA loan subordinated thereto. The percentage portion of project cost acceptable is based on the generally accepted or normal lending practice for mortgage financing in the area in which the project is located.

Revised § 108.502-1(f)(3) would clarify the use of assets other than business assets to secure SBA loan.

The Small Business Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A 107.

On March 1, 1977, there was published in the FEDERAL REGISTER (42 FR 11842) a notice of this proposed rule making. Interested parties were given an opportunity to submit comments no later than March 21, 1977. No comments were received. Accordingly, pursuant to authority contained in section 502 of the Small Business Investment Act of 1958 (SBI Act), 15 U.S.C. 696 as amended, notice is hereby given that the Small Business Administration amends § 108.502-1(f) Chapter I, Title 13 of the Code of Federal Regulations to read as follows:

§ 108.502-1 Section 502 loans.

* * * * *

(f) *Other financing.* (1) A loan application will be accepted for processing if the development company shall show to the satisfaction of SBA that the desired financial assistance is not available on reasonable terms from other sources.

(2) It must be satisfactorily demonstrated that the desired financing is not available to the development company by means of sale of stock or debt securities, or both, of the development company; from funds agreed to be furnished by participating members of the development company; by means of a first mortgage participation; or by loans from a lending institution (or not less than two lending institutions where the population of the community exceeds 200,000) which has a sufficient lending limit to cover the loan applied for.

(3) Generally, the plant should constitute adequate collateral. However, SBA may require a pledge of additional assets where the use of such additional collateral is necessary for the loan to be so secured as to reasonably assure repayment.

* * * * *

(Catalog of Federal Domestic Programs No. 59.013 State and Local Development Company Loans.)

Dated: March 31, 1977.

ROGER H. JONES,
Acting Administrator.

[FR Doc.77-10308 Filed 4-6-77;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION; DEPARTMENT OF TRANSPORTATION

[Doc. 77-NW-8-AD; Amendment 39-2868]

PART 39—AIRWORTHINESS DIRECTIVE

ADS Supply Co., and Air Spares International, Inc.; Unapproved Appliances Installed in Boeing Model Airplanes

AGENCY: Federal Aviation Administration/DOT (FAA).

ACTION: Final Rule, Amendment to Existing AD.

SUMMARY: This amendment of AD 77-05-05, Amendment 39-2849 to Part 39 of the Federal Aviation Regulations (14 CFR Part 39) (42 FR 13271) adds to the listing six additional unapproved appliances which must be removed from service. The appliances have not been shown to conform to FAA approved type design data and cannot, therefore, be considered to be in a condition for safe operation.

DATES: Effective date—April 7, 1977

FOR FURTHER INFORMATION, CONTACT:

Donald L. Riggin, Engineering and Manufacturing Branch, NW Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108; telephone (206) 767-2717.

SUPPLEMENTARY INFORMATION: Airworthiness Directive 77-05-05 was issued March 2, 1977, and published in the FEDERAL REGISTER on March 10, 1977, (42 FR 13271) effective that date. AD 77-05-05 superseded AD 77-04-03 and contained a more comprehensive listing of unapproved appliances as well as incorporating the requirements of an AD issued telegraphically on February 19, 1977. Six additional unapproved appliances are now known to the FAA and AD 77-05-05 is being amended to include those appliances. The effect of the rule is to require the removal of such appliances.

This rule was coordinated with the Boeing Company and with the operators through the Air Transport Association (ATA) prior to issuance. There were no substantial comments.

§ 39.13 [Amended]

Accordingly, pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of the Federal Aviation Regulations, Amendment 39-2849 (AD 77-05-05) is further amended, effective April 7, 1977, as follows:

1. By redesignating paragraph H as paragraph I.

2. By adding a new paragraph H reading as follows:

ADS SUPPLY CO. AND AIR SPARES INTERNATIONAL, INC.

* * * * *

H. By May 6, 1977, remove the following appliances: (additional dash numbers identify airline configuration):

BOEING PART NO. AND UNIT	
69-37339-	Stall warning test module.
65-79479-	Autobrake accessory unit.
69-37334-	Cabin altimeter and rate of climb module.
65-73606-	Engine accessory unit.
65-52812-	Autopilot accessory unit.
65B-46136-	Fire detector module.

* * * * *

(Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—An evaluation of the anticipated impacts has been made, and it is expected that the final regulation is neither costly nor controversial. The preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107 is not required.

Issued in Seattle, Washington, on March 29, 1977.

C. B. WALK, JR.,
Director, Northwest Region.

[FR Doc.77-10088 Filed 4-6-77;8:45 am]

[Doc. No. 77-EA-17; Amdt. 39-2866]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Hiller Aircraft

AGENCY: Federal Aviation Administration/DOT(FAA).

ACTION: Final Rule.

SUMMARY: This amendment to Part 39 of the Federal Aviation Regulations (14 CFR Part 39) adds a new Airworthiness Directive which is applicable to Fairchild Hiller type 1100 and FH-1100 helicopters and requires an inspection of the two tail rotor tension torsion (T-T) bars and replacement where necessary.

DATES: Effective date: April 11, 1977. Compliance with the Airworthiness Directive is required within 25 hours in service after the effective date.

ADDRESSES: Fairchild Hiller Service Bulletin SBFH 1100-55-2A is available from the manufacturer at Fairchild Industries, Inc., Fairchild Republic Company, Hagerstown, Maryland 21740.

FOR FURTHER INFORMATION CONTACT:

Marion Jozefowski, Manufacturing Inspection Section, AEA-218, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212-995-2845.

SUPPLEMENTARY INFORMATION: There have been reports of failed T-T bars on the subject helicopters which have resulted in extensive tail rotor damage and could have resulted in loss of the helicopter. Since this deficiency can exist or develop in helicopters of similar type design an Airworthiness Directive is being issued which will require an inspection of the T-T bars and replacement if the bar does not meet the service bulletin or other approved criteria. Since air safety is involved, notice and public procedure hereon are impractical and the amendment can be made effective in less than 30 days.

It has been determined that the expected impact of the proposed regulation is so minimal that the proposal does not warrant an evaluation.

§ 39.13 [Amended]

Accordingly, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, effective April 11, 1977, by issuing a new Airworthiness Directive as follows:

FAIRCHILD (HILLER): Applies to Model 1100 and FH-1100 type helicopters certified in all categories.

Compliance required as follows: To detect improper surface finish in the bolt holes at each end of the tail rotor tension torsion bars, P/N's 24-55106 which could lead to cracking of the bar plates, accomplish the following within the next 25 hours in service after the effective date of this AD unless already accomplished.

Inspect the two tail rotor tension torsion bars, P/N's 24-55106 which have serial numbers prior to 1902 or illegible serial numbers, in accordance with Fairchild FH-1100 Service Bulletin No. SBFH1100-55-2A dated 19 January 1977, Section 2 "Accomplishment Instructions" or equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

If tension torsion bars are found unacceptable in accordance with the service bulletin or those procedures approved by the Chief, Engineering and Manufacturing Branch, replace the bar with one that has been inspected and found acceptable in accordance with the service bulletin or an equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region may adjust the inspection interval specified in this AD.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended 49 U.S.C. 313(a), 1421, and 1423; Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of a Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Jamaica, New York, on March 28, 1977.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.77-10086 Filed 4-6-77;8:45 am]

[Doc. No. 76-EA-99; Amdt. 39-2864]

PART 39—AIRWORTHINESS DIRECTIVES

Lycoming Aircraft Engines

AGENCY: Federal Aviation Administration/DOT(FAA).

ACTION: Final Rule.

SUMMARY: This amendment to Part 39 of the Federal Aviation Regulations (14 CFR Part 39) adds a new Airworthiness Directive which requires the alteration of the oil level gage on certain Lycoming 0-320 type aircraft engines.

DATES: Effective date: April 11, 1977. Compliance with the amendment is required within 50 hours in service after the effective date.

ADDRESSES: Lycoming Service Bulletin 407A may be obtained from the manufacturer at Williamsport, Pennsylvania 17701.

FOR FURTHER INFORMATION CONTACT:

E. Manzi, Propulsion Section, AEA-214, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212-995-2894.

SUPPLEMENTARY INFORMATION: There have been reports of metal contamination of the oil systems and loss of oil pressure due to failure of the oil level gage. Apparently, improper positioning of the gage permits contact with the rotating parts of the engine and ultimate failure. Since this condition is likely to exist or develop in other similarly designed type engines, an airworthiness directive is being issued which will require alteration of the oil level gage. As this deficiency affects air safety, notice and public procedure hereon are impractical and an airworthiness directive may be made effective in less than 30 days.

It has been determined that the expected impact of the proposed regulation is so minimal that the proposal does not warrant an evaluation.

§ 39.13 [Amended]

Accordingly, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, effective April 11, 1977, by issuing a new Airworthiness Directive as follows:

AVCO LYCOMING. Applies to the 0-320-H2AD-76 series Lycoming engines Serial Numbers 101-76 thru 1049-76.

Compliance required within 50 hours in service after the effective date of this AD, unless previously accomplished.

To prevent the incorrect installation of the P/N LW-14784 or the P/N LW-15481 oil level gage modify the P/N 75675 oil filler extension by installing a P/N LW-15498 perforated sleeve as follows:

(a) Remove the P/N 75675 oil filler extension from the engine.

(b) Insert the P/N LW-15498 perforated sleeve in the oil filler extension. Make certain that the flanged end rest evenly against the recessed surface below the threads inside of the oil filler extension. Locate and mark the perforated sleeve where it protrudes through the base of the oil filler extension.

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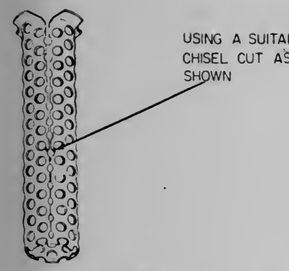


FIGURE 1

(c) After locating this position, remove the perforated sleeve from the oil filler extension and insert a length of ¾ inch diameter steel rod into the sleeve. Place the steel rod and sleeve in a vise or other suitable holding device and with a narrow chisel cut the perforated sleeve as shown in figure 1 at the location marked per instructions of item (b) of this AD.

(d) Remove the ¾ inch diameter steel rod and install the perforated sleeve in the oil filler extension. Bend the chiseled section of the perforated sleeve at the seam to form a tab as shown in figure 2.

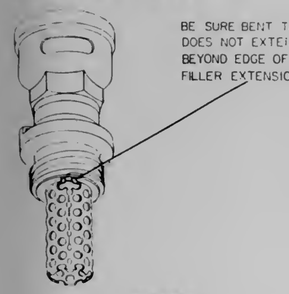


FIGURE 2

(e) Install the reworked oil filler extension and perforated sleeve in the engine, making certain that the P/N 70457 gasket is properly in place between the oil filler extension and the engine crankcase. Install either P/N LW-14784 or P/N LW-15481 oil level gage. Apply lockwire as required.

(f) Upon submission of substantiating data through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, may adjust the compliance time.

NOTE.—AVCO Lycoming Service Bulletin No. 407A covers this subject.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended 49 U.S.C. 313(a), 1421, and 1423; Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of a Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Jamaica, New York, on March 28, 1977.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.77-10087 Filed 4-6-77;6:45 am]

[Doc. No. 76-EA-86; Amdt. 39-2865]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

AGENCY: Federal Aviation Administration/DOT (FAA).

ACTION: Final Rule.

SUMMARY: This amendment to Part 39 of the Federal Aviation Regulations (14 CFR Part 39) amends AD 74-17-04 applicable to Piper PA-12, 14, 15, 16, 17, 20, and 22 type airplanes. This amendment extends the applicability to additional PA-22 type airplanes, which had been omitted from the AD. The problem supporting the AD concerns itself with the failure of fabric at the top of the windshield.

DATES: Effective date: April 11, 1977. The original compliance time of 25 hours in service after the effective date of this AD applies to the newly covered aircraft.

ADDRESSES: Piper Kits and Service Bulletins may be obtained from Piper, 820 East Bald Eagle Street, Lock Haven, Pennsylvania 17745.

FOR FURTHER INFORMATION CONTACT:

C. Kallis, Airframe Section, Engineering and Manufacturing Branch, AEA-212, Federal Building, J.F.K. International Airport, Jamaica, New York 11430 (212-995-2875).

SUPPLEMENTARY INFORMATION: AD 74-17-04 was effective on August 16, 1974, and amended April 9, 1975. The AD requires the incorporation of a Piper Kit which remedies a fabric deficiency problem and requires repetitive inspections.

Since the foregoing affects air safety, notice and public procedure hereon are impractical and good cause exists for making the directive effective in less than 30 days.

It has been determined that the expected impact of the proposed regulation is so minimal that the proposal does not warrant an evaluation.

§ 39.13 [Amended]

Accordingly, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, effective April 11, 1977, by amending AD 74-17-04 as follows:

Amend the applicability paragraph of AD 74-17-04 Amendment 39-2154 to read as follows:

Applies to the following Models which are covered with cotton or linen at the critical area on top of the windshield where the fabric attaches to the channel: PA-12, Serial Numbers 12-2904 and higher, except 12-2907, 12-2911, 12-2914, 12-2915, 12-2917, 12-2925, 12-2950, 12-3026-S and 12-3901 through 12-3903; PA-14; PA-15; PA-16; PA-17; PA-20; and PA-22 airplanes, Serial Numbers 22-1 and up, certificated in all categories.

Also amend paragraph 1(b) to read as follows:

(b) Kit 754 404 effective on: All PA-15, PA-16, PA-17 and PA-20 and PA-22 Airplane Serial Numbers 22-1 and up.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended 49 U.S.C. 313(a), 1421, and 1423; Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of a Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Jamaica, New York, on March 28, 1977.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.77-10085 Filed 4-6-77;8:45 am]

[Doc. No. 15414; Amdt. No. 61-65]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

Second-in-Command Qualifications

• *Purpose.* The purpose of this amendment to Part 61 of the Federal Aviation Regulations is to make an exception for the holder of a commercial pilot or airline transport pilot certificate with appropriate category and class ratings from certain of the qualification requirements applicable to pilots who serve as second in command of large airplanes or turbojet-powered multiengine airplanes type certificated for more than one required pilot flight crewmember. •

Interested persons have been afforded an opportunity to participate in the making of this amendment by a notice of proposed rulemaking (Notice No. 76-4) issued on February 24, 1976, and published in the FEDERAL REGISTER on March 4, 1976 (41 FR 9366). Due consideration has been given to all comments presented in response to that notice. This amendment and the reasons therefor are the same as those contained in Notice No. 76-4.

A total of 34 public comments were received in response to the notice. All but two of those comments agreed with the proposal. The two commentators opposed to the notice were of the belief that the proposal constituted a lowering of flight crewmember qualifications and would, therefore, derogate safety. The FAA does not agree. The amendment that is adopted herein merely permits a holder of a commercial or airline transport pilot certificate with appropriate category and class ratings to conduct ferry flights, aircraft flight tests, or airborne equipment evaluation, without having performed and logged: (1) three takeoffs and three landings to a full stop as sole manipulator of the flight controls; and (2) engine-out procedures and maneuvering with an engine out while executing the duties of a pilot in command. The latter requirement may be accomplished in an airplane simulator. It is to be noted that the second in command is still required to familiarize himself with all information concerning the airplane's powerplant, major components and systems, major appliances, performance and limitations, standard and emergency operating procedures, and the contents of the approved airplane flight manual, if one is required. Moreover, appropriate category and class ratings are still required. Accordingly, the FAA believes that the holder of a commercial or airline transport pilot certificate with appropriate category and class ratings possesses sufficient aeronautical experience and knowledge to serve as second in command of a large airplane or a turbojet-powered multiengine airplane type certificated for more than one pilot flight crewmember, during ferry flights, flight tests, or when equipment evaluations are conducted, without meeting the requirements in § 61.55(b)(2).

One commentator expressed concern that the term "ferry flights" might be interpreted to mean only flights requiring a special flight permit, so as to exclude flights for the "relocation, delivery, or deadhead return" of aircraft. For this reason, the commentator requested that the term be defined. However, the FAA believes that the ordinary dictionary meaning of the word "ferry", when applied to these flights, is broad enough to include the operations referred to by the petitioner, and that it would not be appropriate to define "ferry flights" at this time.

(Secs. 313(a), 601, 602, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1422); sec. 6(c), Department of Transportation Act (49 U.S.C. 1656(c)).)

In consideration of the foregoing, Part 61 of the Federal Aviation Regulations is amended, effective May 9, 1977, by amending the lead in phrase of paragraph (b)(2) and by adding a new paragraph (e) to § 61.55 to read as follows:

§ 61.55 Second-in-command qualifications: operation of large airplanes or turbojet-powered multiengine airplanes.

• • • • • •

(b) • • •

(2) Except as provided in paragraph (e) of this section, performed and logged—

• • • • • •

(e) The holder of a commercial or airline transport pilot certificate with appropriate category and class ratings need not meet the requirements of paragraph (b)(2) of this section for the conduct of ferry flights, aircraft flight tests, or airborne equipment evaluation, if no persons or property other than as necessary for the operation are carried.

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Issued in Washington, D.C., on March 24, 1977.

JOHN MCLUCAS,
Administrator.

[FR Doc.77-10090 Filed 4-6-77;8:45 am]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Doc. No. 16621; Amdt. No. 1067]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

AGENCY: Federal Aviation Administration/DOT (FAA).

ACTION: Final Rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, and because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For examination—1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs, mailed weekly, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The current annual subscription price is $150.00; add $30.00 for each additional copy mailed to the same address.

FOR FURTHER INFORMATION CONTACT:

William L. Bersch, Flight Procedures and Airspace Branch (AFS-730), Aircraft Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the FEDERAL REGISTER expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97)

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is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective on the dates specified, as follows:

1. By amending § 97.23 VOR-VOR/DME SIAPs identified as follows:

• • • *effective June 16, 1977.*

College Station, TX—Easterwood Field, VOR Rwy 10 (TAC), Amdt. 12.
College Station, TX—Easterwood Field, VOR Rwy 28, Amdt. 4.

• • • *effective May 19, 1977.*

Dothan, ALA, Dothan Arpt., VOR/DME Rwy 13, Amdt. 6, cancelled.
Dothan, ALA, Dothan Arpt., VOR/DME Rwy 18, Amdt. 7, cancelled.
Dothan, AL—Wheelless Arpt., VOR-B, Amdt. 2.
Dothan, AL—Dothan Arpt., VOR Rwy 13, Original.
Dothan, AL—Dothan Arpt., VOR Rwy 18, Original.
Orlando, FL—Herndon Arpt., VOR Rwy 13, Amdt. 9.
Orlando, FL—Herndon Arpt., VOR Rwy 31, Amdt. 9.
Moultrie,, GA—Moultrie-Thomasville Arpt. VOR Rwy 4, Amdt. 8.
Lihue, HI—Lihue Arpt., VORTAC Rwy 21, Amdt. 4, cancelled.
Lihue, HI—Lihue Arpt., VOR-A (TAC), Amdt. 4.
Lihue, HI—Lihue Arpt., VOR-B (TAC), Amdt. 1.
Lihue, HI—Lihue Arpt., VOR/DME Rwy 21 (TAC), Orig.
Canton, IL—Ingersoll Arpt., VOR-A, Amdt. 1.
Chicago (Wheeling), IL—Chicagoland Arpt, VOR-A, Amdt. 3.
Joliet, IL—Joliet Municipal, VOR Rwy 12, Amdt. 7.
Bloomington, IN—Monroe County, VOR Rwy 6, Amdt. 11.
Bloomington, IN—Monroe County, VOR Rwy 17, Amdt. 6.
Bloomington, IN—Monroe County, VOR Rwy 24, Amdt. 4.
Bloomington, IN—Monroe County, VOR Rwy 35, Amdt. 9.
Houma, LA—Houma-Terrebonne Arpt., VOR/DME Rwy 30, Amdt. 6.
Caro, MI—Caro Muni Arpt., VOR/DME-A, Original.
Caledonia, MN—Houston County, VORTAC-A, Original.
Ephrata, WA—Ephrata Municipal Arpt., VOR Rwy 20, Amdt. 17.
Ephrata, WA—Ephrata Municipal Arpt., VOR/DME Rwy 2, Amdt. 3.

• • • *effective May 5, 1977.*

Bemidji, MN—Bemidji Muni Arpt., VOR Rwy 13, Amdt. 10.

• • • *effective April 21, 1977.*

Anderson, IN—Anderson Municipal Arpt., VOR-A, Amdt. 3.

2. By amending § 97.25 SDF-LOC-LDA SIAPs identified as follows:

• • • *effective June 16, 1977.*

Denver, CO—Arapahoe County Arpt., LOC-Rwy 34R, Amdt. 1.
College Station, TX—Easterwood Field, LOC (BC) Rwy 16, Amdt. 3.

• • • *effective May 19, 1977.*

Dothan, AL—Dothan Arpt., LOC(BC) Rwy 13, Amdt. 1.
Orlando, FL—Herndon Arpt., LOC(BC) Rwy 25, Amdt. 11.

• • • *effective April 21, 1977.*

Anderson, IN—Anderson Municipal Arpt., LOC Rwy 30, Original.

The FAA published Amendments in Docket No. 16588, Amdt. No. 1063 to Part 97 of the Federal Aviation Regulations (42 FR 13274; March 10, 1977) under Section 97.25 effective April 21, 1977, which is hereby amended as follows: Bethel, AK—Bethel Arpt., LOC/DME (BC) Rwy 36, Amdt. 1 is revoked. (Original is to remain.)

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

• • • *effective June 16, 1977.*

Denver, CO—Arapahoe County Arpt., NDB Rwy 34R, Amdt. 1.
College Station, TX—Easterwood Field, NDB Rwy 34, Amdt. 3.

• • • *effective May 19, 1977.*

Orlando, FL—Herndon Arpt., NDB Rwy 7, Amdt. 8.
Canton, IL—Ingersoll Arpt., NDB Rwy 36, Amdt. 1.
Bloomington, IN—Monroe County, NDB Rwy 35, Amdt. 1.
Houma, LA—Houma-Terrebonne Arpt., NDB Rwy 17, Amdt. 3.
Bennettsville, SC—Bennettsville Arpt., NDB Rwy 6, Orig.

• • • *effective May 5, 1977.*

Bemidji, MN—Bemidji Muni. Arpt., NDB Rwy 31, Original.

• • • *effective April 21, 1977.*

Anderson, IN—Anderson Municipal Arpt., NDB Rwy 12, Amdt. 6, cancelled.
Anderson, IN—Anderson Municipal Arpt., NDB Rwy 30, Original.

4. By amending § 97.29 ILS—MLS SIAPs identified as follows:

• • • *effective June 16, 1977.*

College Station, TX—Easterwood Field, ILS Rwy 34, Amdt. 3.

• • • *effective May 19, 1977.*

Dothan, AL—Dothan Arpt., ILS Rwy 31, Amdt. 2.
Orlando, FL—Herndon Arpt., ILS Rwy 7, Amdt. 12.
Bloomington, IN—Monroe County Arpt., ILS Rwy 35, Amdt. 1.

• • • *effective May 5, 1977.*

Bemidji, MN—Bemidji Muni Arpt., MLS Rwy 31 (Interim), Orig.

• • • *effective May 5, 1977.*

New Haven, CT—Tweed-New Haven Arpt., ILS Rwy 2, Amdt. 6.

The FAA published Amendments in Docket No. 16568, Amdt. No. 1063 to Part 97 of the Federal Aviation Regulations (42 FR 13274; March 10, 1977) under § 97.29 effective April 21, 1977, which is hereby amended as follows: Bethel, AK—Bethel Arpt., ILS/DME, Rwy 18, Amdt. 1 is revoked. (Original is to remain.)

5. By amending § 97.31 RADAR SIAPs identified as follows:

• • • *effective May 19, 1977.*

Orlando, FL—Herndon Arpt., RADAR-1, Amdt. 16.
Charleston, WV—Kanawha Arpt., RADAR-1, Amdt. 9.

6. By amending § 97.33 RNAV SIAPs identified as follows:

• • • *effective May 19, 1977.*

Joliet, IL—Joliet Municipal Arpt., RNAV Rwy 12, Amdt. 8.

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Delegation: 24 FR 5662 and Paragraph 802 of Order FS P 1100.1, as amended March 9, 1973.)

The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

NOTE.—The incorporation by reference in the preceding document was approved by the Director of the FEDERAL REGISTER on May 12, 1969.

Issued in Washington, D.C., on April 1, 1977.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

[FR Doc.77-10179 Filed 4-6-77;8:45 am]

[Doc. No. 12881; Amdt. Nos. 121-133; 123-7; and 135-44]

AIR TRANSPORTATION OF HANDICAPPED PERSONS WHO MAY NEED EVACUATION ASSISTANCE

Certification and Operations

The purpose of these amendments to Parts 121 and 135 of the Federal Aviation Regulations is to provide rules for the safe carriage by the holders of Parts 121 and 135 certificates of persons who may require the assistance of another person during an emergency evacuation.

Interested persons have been afforded an opportunity to participate in making of this amendment by a Notice of Proposed Rule Making (Notice 74-25) issued July 2, 1974, and published in the FEDERAL REGISTER on July 5, 1974 (39 FR 24667). Due consideration has been given to all comments presented in response to the notice. Except as specifically discussed hereinafter, and except for minor editorial changes, these amendments and the reasons therefor are the same as those in Notice 74-25.

Because of increasing concern about the availability of adequate air carriage for the millions of handicapped persons in the United States, the Civil Aeronautics Board (CAB) on October 14, 1971, issued an advance notice of proposed rule making (ANPRM) to notify the public of the Board's consideration of rule making action to amend its "Economic Regulations" (14 CFR Part 221) and "Policy Statements" (14 CFR Part 399) to provide for terms and conditions governing the carriage by air of physically handicapped persons.

Subsequent to the issuance of the CAB notice, the CAB referred the matter to the Department of Transportation (FAA) for a determination of the relevant safety parameters associated with the carriage by air of disabled persons, and deferred its own proceedings until the appropriate safety standards had been established. Consequently, on May 30, 1973, the FAA issued an ANPRM, Notice No. 73-16 (published in the FEDERAL REGISTER on June 5, 1973; 38 FR 14757), entitled "Air Transportation of Handicapped Persons." The purpose of that notice was to solicit comments from interested persons in order to select a course, or alternative courses, of action to take in order to develop a notice of proposed rule making (NPRM). Moreover, subsequent to the issuance of the ANPRM, and due to significant public interest, six public hearings concerning the transportation of handicapped persons were held throughout the United States.

Based upon the comments received in response to the ANPRM, statements made at the public hearings, and the FAA's consideration of the problems of evacuating persons with specific types of handicaps and the effect the carriage of those persons might have on the emergency evacuation of the other passengers, the FAA issued Notice 74-25 proposing to limit the carriage of handicapped persons in the interest of air safety only when those persons need the assistance of other persons to expeditiously evacuate the airplane.

The FAA received 1,551 public comments in response to Notice 74-25. Approximately 1,380 were opposed to proposed new § 121.584, *Carriage of persons needing evacuation assistance.* The main objections were to: the definition of a handicapped person; the provision for a physician's statement; the restriction of the number of handicapped passengers; and the designation of specific seating locations. Comments received also indicated that the provision for carriage of large groups of handicapped persons was in need of clarification.

Subsequent to the issue of Notice 74-25, the FAA Civil Aeromedical Institute (CAMI) conducted simulated air carrier aircraft evacuations using individuals with actual handicaps, alone and in groups of persons without handicaps. The CAMI research was directed at determining where handicapped passengers should be seated in an air carrier aircraft so that in the event of an emergency evacuation they can leave the aircraft, assisted or unassisted, by the safest, most expeditious route while not slowing the evacuation of fellow passengers. The results of this research indicate that the seating requirements of proposed § 121.584, particularly with respect to nonambulatory handicapped persons, would not be appropriate.

As a part of its research, CAMI examined air carrier accident files to determine if any evacuation problems have been attributed to handicapped persons. It determined that official reports of air carrier jet aircraft incidents and accidents from 1961 to the present do not contain any reference to significant delays created by handicapped passengers in aircraft evacuations. Of note is the fact that from 1970 to 1973 the National Transportation Safety Board and the FAA recorded a total of 23 evacuations for which passengers and crew had time to prepare, four of which involved handicapped passengers, and 62 evacuations for which there was no time to prepare, eleven of which involved handicapped passengers. Although the potential for handicapped passengers delaying aircraft evacuations would appear minimal, a definitive statement in this regard cannot be made due to inadequate official documentation of aircraft evacuations with respect to delay, if any, caused by handicapped persons.

In light of the large number of adverse comments received in response to proposed new § 121.584, the results of the recent CAMI research, the difficulty of prescribing seating procedures applicable to all aircraft configurations, and the lack of evidence of significant delays created by handicapped persons in actual aircraft evacuations, the FAA has determined that it would not be in the public interest to adopt § 121.584 as proposed. The FAA recognizes that difficulties encountered in providing transportation to these passengers may vary from certificate holder to certificate holder because of differences in aircraft interiors, passengers loading facilities, and other aspects of the certificate holder's operating enviroment. In view of this, the FAA has concluded that each certificate holder should be allowed to develop procedures appropriate to its own operations and aircraft.

Accordingly, the regulation, adopted as § 121.586, provides that a passenger may not be refused transportation on the basis that his transportation would or might be inimical to safety of flight unless the certificate holder has established procedures (including reasonable notice requirements) for the carriage of passengers who may need the assistance of another person to move expeditiously to an exit in the event of an emergency. Moreover, if the certificate holder has these procedures, he may not refuse to carry the passenger unless: (1) the passenger fails to comply with the notice requirements in the certificate holder's procedures; or (2) the passenger cannot be carried in accordance with the certificate holder's procedures. A copy of the procedures must be provided to the FAA district office charged with overall inspection of the certificate holder's operation.

Section 121.586 also provides that, whenever the Administrator finds that revisions in the certificate holder's procedures are necessary in the interest of safety or in the public interest, the certificate holder is required, after notification by the Administrator, to make any changes in those procedures that are found necessary by the Administrator. Within 30 days after the certificate holder receives such notice, it may file a petition to reconsider the notice with the FAA district office charged with the overall inspection of the certificate holder's operations. The filing of a petition to reconsider stays the notice pending a decision by the Administrator. However, if the Administrator finds that there is an emergency that requires immediate action in the interest of safety in air commerce, he may, upon a statement of the reasons, require a change effective without stay.

It should be noted that § 121.586, as adopted, does not affect the authority of the pilot in command under § 91.3.

The FAA is issuing an advisory circular that will be of assistance to certificate holders in developing their procedures. The advisory circular, entitled "Air Transportation of Handicapped Persons," is based on the information gained as a result of the recent CAMI research and from comments received in response to Notice 74-25. It contains guidance material for use by certificate holders in training their personnel. It will help them to become aware of the problems that the handicapped face in air travel and how to help alleviate those problems. Some of the subjects covered are: the appropriate attitude of personnel toward the handicapped; assisting passengers with specific disabilities; what to expect from guide dogs; and assisting handicapped passengers traveling in groups. In addition, the advisory circular recommends locations for seating handicapped passengers where they will not slow the evacuation of other passengers and, at the same time, be in the best position to effect their own evacuation. Sources where additional information on the transportation problems of handicapped can be obtained are also provided in the advisory circular.

Consistent with the intent of Notice 74-25, § 121.13 is being amended to include new § 121.586 in the list of those provisions with which persons operating helicopters under Part 121 must comply.

One commentator objected to the proposed amendment to § 121.311(d)(2) that would except a person who is unable to sit erect for a medical reason from the requirement that the back of his or her seat be in the upright position for takeoff and landing, on the ground that, if the aircraft were full, the reclined seat back would constitute an obstruction. The FAA does not agree because even in a full aircraft the person could be seated in the last row before a partition, and, thus, comply with the requirement that the other passengers' access to the aisle and any emergency exit not be blocked. Accordingly, § 121.311(d)(2) has been amended as proposed.

Several commentators objected to proposed new § 121.571(a)(3) that would require an individual briefing before takeoff of each handicapped person and his or her attendant, if any, concerning procedures to be followed in the event of an emergency evacuation. Some suggested that there is not sufficient time to brief those passengers and one suggested that the briefing be conducted after takeoff. Two commentators felt that repeated instructions before takeoff for each leg of a flight would be an annoyance. One commentator believed that the proposed rule is not sufficiently specific as to the briefing required.

The FAA believes that the briefing of all handicapped persons should be com-

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pleted before takeoff, even if takeoff must be delayed, since an emergency evacuation might be necessary prior to takeoff. However, the FAA agrees that the rule should be clarified and § 121.571 (a)(3), as adopted, requires that the flight attendant brief the person and his attendant, if any, on the routes to each appropriate exit and the most appropriate time to begin moving to an exit in the event of an emergency. It also requires that the flight attendant inquire as to the most appropriate manner of assisting the person to prevent pain and further injury.

The FAA agrees that a briefing before each leg of a flight may be impractical and an annoyance. Therefore, § 121.571 (a)(3), as adopted, does not apply to a person who has been given a briefing before a previous leg of a flight in the same aircraft when the flight attendants on duty have been advised as to the most appropriate manner of assisting the person so as to prevent pain and further injury. An exception for a flight of more than one leg in the same aircraft has also been incorporated into new § 135.81 (b), as adopted.

Notice 74-25 proposed to amend § 121.589 by adding a new paragraph (d) that would have required the certificate holder to ensure that each crutch or cane carried aboard by a passenger who may need it in the event of an emergency evacuation is stowed so that it is readily accessible. Although this proposal received favorable comment, the CAMI research indicated that the use of crutches or canes by handicapped persons during an evacuation can result in delay. However, the CAMI evacuation tests showed that many non-ambulatory handicapped persons reached the exit with remarkable speed using seat backs for support or in the sitting position, pulling themselves backwards with their arms. Moreover, the FAA has determined that crutches and canes can cause serious damage to evacuation slides. Accordingly, the FAA has not adopted proposed § 121.589(d), and, thus, these items will have to be carried in accordance with § 121.589(a).

Finally, § 123.27 is being amended to exclude new § 121.586 from those provisions of Part 121 with which air travel clubs must comply. This is consistent with the intent of Notice 74-25.

(Sections 313(a), 601, 604, and 1111 of the Federal Aviation Act of 1958; 49 U.S.C. 1354 (a), 1421, 1424, and 1511. Section 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c).)

In consideration of the foregoing, and for the reasons stated in Notice 74-25, Parts 121, 123, and 135 of the Federal Aviation Regulations are amended, effective May 16, 1977, as follows:

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

§ 121.13 [Amended]

1. By amending § 121.13(a) by inserting the phrase "121.586," after the phrase "121.575,".

§ 121.311 [Amended]

2. By amending § 121.311(d)(2) by striking out the words "stretcher cases" and by inserting in place thereof the words "persons who are unable to sit erect for a medical reason".

3. By amending § 121.417(b)(3)(iii) to read as follows:

§ 121.417 Crewmember emergency training.

* * * * *

(b) * * *

(3) * * *

(iii) Ditching and other evacuations, including the evacuation of persons and their attendants, if any, who may need the assistance of another person to move expeditiously to an exit in the event of an emergency.

* * * * *

4. By amending § 121.571 by adding new paragraphs (a)(3) and (a)(4) to read as follows:

§ 121.571 Briefing passengers before takeoff.

(a) * * *

(3) Except as provided in paragraph (a)(4) of this section, before each takeoff a flight attendant assigned to the flight shall conduct an individual briefing of each person who may need the assistance of another person to move expeditiously to an exit in the event of an emergency. In the briefing the flight attendant shall—

(i) Brief the person and his attendant, if any, on the routes to each appropriate exit and on the most appropriate time to begin moving to an exit in the event of an emergency; and

(ii) Inquire of the person and his attendant, if any, as to the most appropriate manner of assisting the person so as to prevent pain and further injury.

(4) The requirements of paragraph (a)(3) of this section do not apply to a person who has been given a briefing before a previous leg of a flight in the same aircraft when the flight attendants on duty have been advised as to the most appropriate manner of assisting the person so as to prevent pain and further injury.

* * * * *

5. By adding a new § 121.586 to Part 121 to read as follows:

§ 121.586 Authority to refuse transportation.

(a) No certificate holder may refuse transportation to a passenger on the basis that, because the passenger may need the assistance of another person to move expeditiously to an exit in the event of an emergency, his transportation would or might be inimical to safety of flight unless—

(1) The certificate holder has established procedures (including reasonable notice requirements) for the carriage of passengers who may need the assistance of another person to move expeditiously to an exit in the event of an emergency; and

(2) At least one of the following conditions exist:

(i) The passenger fails to comply with the notice requirements in the certificate holder's procedures.

(ii) The passenger cannot be carried in accordance with the certificate holder's procedures.

(b) Each certificate holder shall provide the FAA district office charged with the overall inspection of its operations with a copy of each procedure it establishes in accordance with paragraph (a)(2) of this section.

(c) Whenever the Administrator finds that revisions in the procedures described in paragraph (a)(2) of this section are necessary in the interest of safety or in the public interest, the certificate holder, after notification by the Administrator, shall make those revisions in its procedures. Within 30 days after the certificate holder receives such notice, it may file a petition to reconsider the notice with the FAA district office charged with the overall inspection of the certificate holder's operations. The filing of a petition to reconsider stays the notice pending a decision by the Administrator. However, if the Administrator finds that there is an emergency that requires immediate action in the interest of safety in air commerce, he may, upon a statement of the reasons, require a change effective without stay.

PART 123—CERTIFICATION AND OPERATIONS: AIR TRAVEL CLUBS USING LARGE AIRPLANES

§ 123.27(k) [Amended]

6. By amending § 123.27(k) by deleting the phrase "and 121.574." and substituting therefor the phrase "121.574, and 121.586.".

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

7. By amending § 135.27 by striking out the period at the end of the paragraph (b)(14) and inserting a semicolon in place thereof, revising paragraph (b)(15), and adding a new paragraph (b)(16) to read as follows:

§ 135.27 Manual requirements.

* * * * *

(b) * * *

(15) Procedures for the evacuation of persons who may need the assistance of another person to move expeditiously to an exit in the event of an emergency; and

(16) Other procedures and policy instructions pertinent to the certificate holder's operations, that are issued by the certificate holder.

* * * * *

8. By revising § 135.81 to read as follows:

§ 135.81 Briefing of passengers before flight.

(a) Before each takeoff the pilot in command shall ensure that all passengers are familiar with information on—

(1) Smoking;

(2) Use of seat belts;

(3) Location and means of opening the passenger entry door and emergency exits;

(4) Location of survival equipment;

(5) If the flight involves extended over-water operation, ditching procedures and the use of required flotation equipment; and

(6) If the flight involves operations above 10,000 feet MSL, the normal and emergency use of oxygen.

(b) Before each takeoff the pilot in command shall ensure that each person who may need the assistance of another person to move expeditiously to an exit in the event of an emergency and his attendant, if any, has received a briefing as to the procedures to be followed in the event of an evacuation. The requirements of this paragraph do not apply to a person who has been given a briefing before a previous leg of a flight in the same aircraft.

9. By amending § 135.139 by striking out the word "and" at the end of the paragraph (g) and the period at the end of paragraph (h); by adding a semicolon followed by the word "and" at the end of paragraph (h); and by amending paragraph (c) and adding a new paragraph (i) to read as follows:

§ 135.139 Initial and recurrent flight attendant crewmember testing requirements.

* * * * *

(c) Crewmember assignments, functions, and responsibilities during ditching and evacuation, including evacuation of persons who may need the assistance of another person to move expeditiously to an exit in the event of an emergency;

* * * * *

(i) Seating of persons who may need the assistance of another person to move expeditiously to an exit in the event of an emergency as prescribed by the certificate holder's operations manual.

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Orders 11821 and 11949 and OMB Circular A-107.

Issued in Washington, D.C., on March 25, 1977.

JOHN MCLUCAS,
Administrator.

[FR Doc.77-10080 Filed 4-6-77;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

PETROLEUM AND PETROLEUM PRODUCTS

Extension of Existing Export Controls for Second Quarter, 1977

AGENCY: Department of Commerce, Office of Export Administration.

ACTION: Final rules and an interim rule.

SUMMARY: These regulations extend existing export controls over petroleum and petroleum products for the second quarter of 1977 and make certain modifications in the controls. Having reviewed the current petroleum supply/demand situation, and having consulted with other Federal agencies, the Department has concluded that the controls must be extended.

EFFECTIVE DATE: April 1, 1977.

FOR FURTHER INFORMATION CONTACT:

John Shepard, Acting Director, Exporters' Service Staff, Office of Export Administration, Department of Commerce, Washington, D.C. 20230 (telephone 202-377-4811).

SUPPLEMENTARY INFORMATION: The Export Administration Regulations (15 CFR Part 368 et seq.) are changed in the following respects:

1. Quota restrictions are removed from specialty naphtha solvents, but remain applicable to those naphthas suitable for fuel use or as a feedstock for petrochemical or synthetic natural gas production. Validated export licensing is extended to all naphthas, naphtha solvents and related intermediate oils irrespective of the Schedule B number under which these commodities are classified. This action is taken following a detailed review and consultations which indicated that quantitative restrictions on the export of all naphthas are not appropriate at this time.

2. Adopted as a final rule, with only minor additions relating to certain general licenses, are the interim regulations, published in Export Administration Bulletin No. 160, dated September 30, 1976 (41 FR 44155, October 7, 1976) and Export Administration Bulletin No. 163, dated January 1, 1977 (42 FR 1222, January 6, 1977), implementing the export prohibition contained in the Naval Petroleum Reserves Production Act of 1976 (Pub. L. 94-258). Regulations governing General Licenses Ship Stores, Plane Stores, and RCS are revised to assure that the provisions of that Act are made applicable to these General Licenses. In addition, a technical change is made to prevent the use of certain other General Licenses (GUS, GTF-US, GLR and GMS) for the export of commodities subject to the Naval Petroleum Reserves Production Act export restriction, or of commodities otherwise subject to export control for reasons of short supply. This action is taken, after review of public comments received which were relevant to the interim regulations and experience gained in their administration, to finalize and improve the regulations implementing the Naval Petroleum Reserves Production Act.

3. Interim regulations are promulgated, establishing a new commodity group, comprising commodities classified under Schedule B No. 332.9510, "petroleum asphalt," and Schedule B No. 332.9610, "paving mixtures," and placing exports of these commodities exceeding $5,000 in value under validated licensing control. The effect of this change will be to require exporters of large quantities of these commodities to demonstrate, in order to obtain an export license, that the commodities are destined for users or suppliers of petroleum asphalt and paving mixtures and will be used for non-energy purposes. This change was needed in light of substantial increases in exports of these commodities—which, either alone or blended, may be put to fuel usage—under circumstances indicating that such increased shipments may be intended for energy use; a result that would impair the effectiveness of existing volumetric controls on exports of petroleum energy commodities.

4. The regulations are revised to require exporters to certify that they will take certain actions intended to ensure that export sales of certain petroleum products have been or will be reported to the Federal Energy Administration, so that appropriate adjustments can be made by that Agency under its Domestic Crude Oil Entitlements Program.

5. The regulations are revised to provide for consideration of requests by individual exporters for authorization to accumulate their quota entitlements for a particular commodity and destination for a maximum of four calendar quarters and to apply for export licenses against such accumulated entitlements. This change is made in order to facilitate the consolidation of small shipments and to accommodate other unusual circumstances which may warrant the granting of permission to accumulate quota entitlements, provided such action is determined in the individual case not to be inconsistent with the national interest.

6. A technical revision is made permitting the face of the export license to reflect a limitation as to the port of export from which an export may be effected, when warranted under other provisions of the Export Administration Regulations. This action is taken to make clear that when such a limitation does not appear on the face of the license, that license is valid for use at any U.S. port of export. In taking the actions announced herein the Department has consulted with the Federal Energy Administration and other appropriate agencies of the Government and has reviewed the supply/demand situation with respect to the domestic availability of crude petroleum and petroleum products. Further, the Department has considered comments relevant to the subjects addressed herein which were received from interested parties in response to the invitation to comment contained in Export Administration Bulletin No. 160 of September 30, 1976 (41 FR 44155, October 7, 1976) and Bulletin No. 163 of January 1, 1977 (42 FR 1222, January 6, 1977). As a result of these consultations and reviews, the Department has determined that export controls on petroleum and petroleum products must be continued for the foreseeable future and has found that the extension of the controls and the other actions announced herein are in the national interest and consistent with the purposes of the Energy Policy and Conservation Act (Pub. L. 94-163). Accordingly, the present controls over the export of petroleum and pe-

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troleum products are extended for the second quarter 1977, with the modifications announced herein. Quotas applicable to the export of petroleum products for each calendar quarter are contained in Supplement No. 2 to Part 377 of the Export Administration Regulations (15 CFR Part 377). Individual exporters will continue to be advised of their quota entitlements quarterly.

DISCUSSION OF MAJOR COMMENTS

Ten comments pertaining to the petroleum export controls were received. Of these, three comments were directed to the controls on naphtha. Suggestions as to possible changes in naphtha controls included:

(1) Exempting small quantity shipments from quantitative export restrictions;

(2) Allowing the carryover of unused quotas from one calendar quarter to another—or the transfer of unused quotas from one country to another; and

(3) Redefining "naphthas" subject to the controls so as to exclude certain specialized naphtha solvents.

It will be noted that several of the suggested changes are generally reflected in the regulations announced herein. With respect to the suggestion that small quantity shipments be exempted from export restrictions the Department has determined that it would be impractical to implement this suggestion at this time.

Another comment suggested that a growth factor be incorporated in the quota allocation system in order to allow for normal business growth. This suggestion is rejected, since a general growth in the level of exports of our domestic petroleum supplies would not be in the national interest or consistent with the purposes of the Energy Policy and Conservation Act.

Regarding the interim Naval Petroleum Reserves regulations announced in Bulletin No. 160, and supplemented in Bulletin No. 163, one firm, noting that it often stockpiled products for longer than 90 days before exporting them, requested a restructuring of the formula used to determine whether or not particular petroleum products are of Naval Petroleum Reserves origin or derivation. Another firm stated that the 90-day formula is inappropriate in instances when a refiner must shut down for repairs—often for longer than 90 days. The Department believes that unique situations such as these can best be dealt with administratively on an individual basis, and that a change in the regulations of the type suggested to accommodate such situations would result in a system too complex for effective overall administration.

With regard to the interim Naval Petroleum Reserves Production Act regulations, the Department has considered the suggestions for changes received from interested parties and, after reviewing its licensing experience under these regulations since they were announced, has concluded that no changes in these interim regulations are necessary, with the exception of the additions relating to the use of certain general licenses.

NAPHTHA, NAPHTHA SOLVENTS AND OTHER INTERMEDIATE OILS

The Department has reviewed the comments with respect to the extension of the petroleum export control program to include naphthas which were submitted in response to the invitation to comment. The Department also reviewed the technical data sheets and other documentation submitted by naphtha exporters in connection with the audit of their Past Participation Statements, and considered its experience in licensing exports of naphthas from October 1, 1976 to date. The Department has also consulted extensively with several of the principal naphtha exporting firms, outside experts in the field, and other Government agencies, with a view toward determining whether it is feasible to distinguish between (a) those intermediate naphthas suitable for fuel or feedstock use, and (b) those naphthas which have been specially formulated or otherwise treated or packaged so as to virtually preclude, for economic or technological reasons, that they would be so used.

As a result of its study and consultations, the Department has concluded that quota limitations based upon the historical pattern of exports must be maintained for those naphthas capable of being used as a fuel, either alone or when blended with other petroleum products, or which are suitable for further refining or for use as a feedstock for petrochemical or synthetic natural gas production. On the other hand, those naphthas with a distillation dry point exceeding the boiling range of gasoline or with a Kauri-Butanol value so low as to inhibit their being blended with other petroleum products for fuel usage, or which are shipped in drums or containers not exceeding 55 U.S. Gallons per container, may be licensed for export without quantitative limitation upon receipt of satisfactory evidence that they are intended for a non-energy end use.

The modification of the regulations relevant to exports of naphtha, naphtha solvents and other intermediate oils (herein collectively referred to as "naphthas") also makes validated licensing requirements applicable not only to all the commodities classified within Schedule B Nos. 322.9110 and 521.4022, which were made subject to such requirements on October 1, 1976, but also those naphthas which may be classified within Schedule B Nos. 512.0993, 521.4040 or 599.9520. In this regard the Department has noted from examination of Bureau of the Census data and exporter documentation that naphthas have sometimes been classified for export purposes under other Schedule B numbers than those to which export restrictions were applied by Bulletin No. 160. Accordingly the Department has concluded that it would be inappropriate to permit the unrestricted export under one Schedule B number of naphthas which would be subject to quota restriction if exported under another Schedule B number.

The regulations are accordingly revised, effective 12:01 a.m., e.s.t., April 1, 1977, so as to require the submission of a technical data sheet or independent inspector's certificate of analysis of the product and an affidavit from the exporter as to the intended end use in the case of those naphthas which the exporter seeks to ship outside export quota limitations.

The Department has completed its audit of the documentation submitted by naphtha exporters in substantiation of the Past Participation Statements filed in accordance with Export Administration Bulletin No 160; and letters of quota participation based upon the results of this audit are being issued for the second quarter 1977 for those naphthas remaining under export quota restriction. Naphtha exporters wishing to participate in these export quotas who have not filed Past Participation Statements, or who have documentation in support thereof which they have not submitted to the Department for audit are invited to do so at their earliest convenience. All such Statements and supporting documentation received in the Office of Export Administration by May 17, 1977, will be audited, and the results of such audit will be reflected in the letters of quota participation to be issued for the third quarter 1977. Although the Department will attempt, with respect to any new submissions, to issue letters of quota participation for the remaining portion of the second quarter of 1977, no assurance can be given that the documentation submitted can be audited in time to permit the issuance of such letters before the end of the second quarter.

Under the interim licensing procedure established in Bulletin No. 160, licenses for the export of naphthas and naphtha solvents were issued for the unshipped balance of contracts calling for delivery prior to December 31, 1976, with the quantities licensed thereunder to be charged against any quota allocations thereafter issued to the exporter. Under the modified interim licensing procedure established in a memorandum, dated December 2, 1976, to exporters of naphthas, and continued for the first quarter 1977 by Bulletin No 163, licenses issued for the export of naphthas and naphtha solvents were limited to the destinations and average quarterly volumes of exports to such destinations shown on the face of an applicant's Past Participation Statement. Furthermore, it was announced that all quantities licensed under that procedure would be charged against the quota entitlements issued to the applicant (following audit of the documentation he submitted in substantiation of his Past Participation Statements) for the first quarter 1977 and, if amounts licensed could not be fully recouped out of his first quarter entitlements, quota entitlements in subsequent quarters would be charged as necessary.

However, because of the substantial delay which has occurred in completing the audit of naphtha exporters' substantiating documentation, and because of the significant change in the naphtha quota system announced herein, the Department will not at this time debit individual exporters' quota entitlements for the second quarter 1977 by quantities which may have been overlicensed to them in the fourth quarter 1976 and/or the first quarter 1977. Parties submitting comments on this matter are requested to respond by May 15, 1977.

REPORTING OF EXPORTS FOR PURPOSES OF FEA'S ENTITLEMENTS PROGRAM

The Federal Energy Administration's Domestic Crude Oil Entitlements Program provides for a negative adjustment in a refinery's entitlements when the refinery exports certain refined petroleum products or when the refiner sells such products to a domestic purchaser who certifies to the refiner that the product is for export. (See 10 CFR 211.67(d)(2)). However, where a domestic customer of a refiner does not certify to the refiner his export or intended export of such products, or his sales for later export, the refiner is not required under FEA regulations to report such export for purposes of this adjustment. Moreover, an exporter who is not also a refiner does not participate in FEA's Entitlements Program, and thus is not required to report an export to the FEA.

In order to prevent any circumvention of domestic price controls (or associated FEA programs), the regulations are being revised to require that an applicant for a license to export a product refined from petroleum which is subject to FEA reporting requirements state in an affidavit accompanying his application, either that: (a) The exporter is himself the refiner, and thus required to report the export to the FEA; or (b) the exporter has or will certify the export to the refiner of the product involved so that the refiner can report the export to the FEA. Any exporter who is not a refiner and who is in doubt as to the specific products which are or may be covered by this provision should contact the Office of Export Administration through the person whose name and address are listed above.

WAIVER OF PROPOSED RULEMAKING PROCEDURES AND INVITATION FOR COMMENT

The requirements for notice of proposed rulemaking and opportunity for comment are waived by the Department: (a) Because it has found, under the Energy Policy and Conservation Act, that compliance with such procedures would seriously impair the Department's ability to impose and maintain effective and timely controls over exports of petroleum and petroleum products; (b) because it believes that notice and public comment procedure on the extension of petroleum controls is both impracticable and unnecessary; (c) because the changes to the regulations announced herein, other than those imposing controls on additional commodities or which are designed to prevent circumvention of domestic price control programs, either relieve a restriction imposed by the regulations or make technical modifications; and (d) as otherwise authorized in 5 U.S.C. 553.

Written comments regarding all of the regulations announced herein, whether interim or final, are solicited on a continuing basis. Interested parties and Government agencies are encouraged to submit written comments, views or data concerning the regulations to the U.S. Department of Commerce, Office of Export Administration, P.O. Box 7138, Ben Franklin Station, Washington, D.C. 20230.

SAVING CLAUSE

Shipments of commodities removed from general license as a result of changes set forth herein which were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of export pursuant to actual orders for export prior to 11:59 p.m. e.s.t. March 31, 1971, may be exported under the previous general license provisions up to and including April 15, 1977. Any such shipment not laden aboard the exporting carrier on or before April 15, 1977, requires a validated license for export.

Accordingly, the Export Administration Regulations (15 CFR 368 et seq.) are revised as follows:

1. The portions of parts 371 and 377 which contain interim regulations implementing the Naval Petroleum Reserves Production Act of 1976 (Pub. L. 94-258) issued in Export Administration Bulletin No. 160 of September 30, 1976 (41 FR 44155, October 7, 1976) and Bulletin No. 163 of January 1, 1977 (42 FR 1222, January 6, 1977), are adopted as final regulations.

PART 371—GENERAL LICENSES

2. Section 371.2(c)(9) is revised to read as follows:

§ 371.2 General provisions.

* * * * *

(c) * * *

(9) The commodity is listed in a Supplement to Part 377 of this chapter as being under short supply control, unless the export is authorized under the provisions of General Licenses G-NNR, GLV, Ship Stores, Plane Stores or RCS.

* * * * *

3. Section 371.9(a)(1)(i) and (ii) are revised and paragraph (b)(5) is added to read as follows:

§ 371.9 General license ship stores.

(a) * * *

(1) * * *

(i) Bunker fuel, except crude petroleum, which is of non-Naval Petroleum Reserves origin or derivation;

(ii) Deck, engine, and steward department stores, provisions, and supplies for both port and voyage requirements, except crude petroleum, provided that any commodities which are listed in Supplement No. 3 to Part 377 of this chapter hereof are of non-Naval Petroleum Reserves origin or derivation.

* * * * *

(b) * * *

(5) Crude petroleum may not be exported under this general license; and no export of any petroleum product listed in Supplement No. 3 to Part 377 of this chapter hereof may be made under this general license unless the exporter, prior to the export of such commodity, has assembled documentary evidence establishing that the commodity was not produced or derived from a Naval Petroleum Reserve. Such documentary evidence may take the form of the affidavit prescribed in § 377.6(e)(1)(iv) of this chapter, or it may consist of other documentation establishing the factual data to be covered in such affidavit. The exporter shall retain such documentary evidence in his files for the period prescribed in § 387.11(e) of this chapter, and is put on notice that the Office of Export Administration will, in appropriate cases, conduct audits of exporters' files to determine that such documentary evidence is available covering each export of a commodity listed in Supplement No. 3 to Part 377 of this chapter that was made under a Shipper's Export Declaration showing General License Ship Stores as the authority for the export. Crude petroleum may only be exported under a validated license issued pursuant to § 377.6(d)(1) of this chapter; any other petroleum commodity listed in Supplement No. 3 to Part 377 of this chapter which does not meet the conditions for export under General License Ship Stores may be exported only under a validated license issued pursuant to § 377.6(d)(6) of this chapter.

4. Section 371.10 (a)(1)(i) and (ii) are revised and (b) is amended by renumbering present paragraph (b) as paragraph (b)(1) and by adding a new paragraph (b)(2) to read as follows:

§ 371.10 General license plane stores.

(a) * * *

(1) * * *

(i) Fuel which is of non-Naval Petroleum Reserves origin or derivation;

(ii) Deck, engine, and steward department stores, provisions, and supplies for both port and voyage requirements, provided that any commodities which are listed in Supplement No. 3 to Part 377 of this chapter hereof are of non-Naval Petroleum Reserves origin or derivation.

* * * * *

(b) * * *

(2) No export of any petroleum product listed in Supplement No. 3 to Part 377 of this chapter hereof may be made under this general license unless the exporter, prior to the export of such commodity, has assembled documentary evidence establishing that the commodity was not produced or derived from a Naval Petroleum Reserve. Such documentary evidence may take the form of the affidavit prescribed in § 377.6(e)(1)(iv) of this chapter, or it may consist of other documentation establishing the factual data to be covered in such affidavit. The exporter shall retain such documentary evidence in his files for the period prescribed in § 387.11(e) of this chapter, and is put on notice that the Office of Export Administration will, in appropriate cases, conduct audits of exporters' files to de-

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termine that such documentary evidence is available covering each export of a commodity listed in Supplement No. 3 to Part 377 of this chapter, that was made under a Shipper's Export Declaration showing General License Plane Stores as the authority for the export.

A petroleum commodity listed in Supplement No. 3 to Part 377 of this chapter which does not meet the conditions for export under General License Plane Stores may be exported only under a validated license issued pursuant to § 377.6(d)(6) of this chapter.

5. Sections 371.12(d)(1) and (2) are revised and (e) is added to read as follows:

§ 371.12 General license RCS; shipments to U.S. or Canadian vessels, planes, and airline installations or agents.

• • • • • •

(d) • • •

(1) Fuel, except crude petroleum, which is of non-Naval Petroleum Reserves origin or derivation;

(2) Deck, engine, and steward department stores, provisions, and supplies for both port and voyage requirements, except crude petroleum; *Provided*, That any commodities which are listed in Supplement No. 3 to Part 377 of this chapter hereof are of non-Naval Petroleum Reserves origin or derivation.

• • • • • •

(e) Crude petroleum may not be exported under this general license; and no export of any petroleum product listed in Supplement No. 3 to Part 377 of this chapter hereof may be made under this general license unless the exporter, prior to the export of such commodity, has assembled documentary evidence establishing that the commodity was not produced or derived from a Naval Petroleum Reserve. Such documentary evidence may take the form of the affidavit prescribed in § 377.6(e)(1)(iv) of this chapter, or it may consist of other documentation establishing the factual data to be covered in such affidavit. The exporter shall retain such documentary evidence in his files for the period prescribed in § 387.11(e) of this chapter; and is put on notice that the Office of Export Administration will, in appropriate cases, conduct audits of exporters' files to determine that such documentary evidence is available covering each export of a commodity listed in Supplement No. 3 to Part 377 of this chapter, that was made under a Shipper's Export Declaration showing General License RCS as the authority for the export. Crude petroleum may only be exported under a validated license issued pursuant to § 377.6(d)(1) of this chapter; while any other petroleum commodity listed in Supplement No. 3 to Part 377 of this chapter, which does not meet the conditions for export under General License RCS may be exported only under a validated license issued pursuant to § 377.6(d)(6) of this chapter.

6. Section 371.16(a) is revised by changing the last sentence thereof to read as follows:

§ 371.16 General license G–NNR; shipments of certain non-naval reserve petroleum commodities.

(a) • • • Any commodity listed in Petroleum Commodity Group Q which does not meet the conditions for export under General License G–NNR, GLV, Ship Stores, Plane Stores or RCS may be exported only under a validated license issued pursuant to § 377.6(d)(6) of this chapter.

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

7. Section 376.9(c)(5) is revised by adding the following at the end thereof:

§ 376.9 Ship stores, plane stores, supplies, and equipment.

• • • • • •

(c) • • •

(5) • • • In addition, the affidavit required by § 377.6(e)(1)(iv) of this chapter must accompany the application.

• • • • • •

PART 377—SHORT SUPPLY CONTROLS

8. Section 377.6 is amended in paragraph (c) by substituting "N[2]" for "N" in the title and text and by adding four new sentences to the end thereof; in paragraph (d) by revising subparagraph (7) and by adding a new subparagraph (9); and in paragraph (e) by revising subparagraph (2) and by adding subparagraphs (9) and (10) to read as follows:

§ 377.6 Petroleum and petroleum products.

• • • • • •

(c) • • • An individual exporter may request authorization to accumulate the unused portion of his present quota entitlement for a particular commodity and destination and his entitlements for up to a maximum of three of the immediately succeeding quarters, and to apply for export licenses against such accumulated entitlements. Such requests may be granted in order to facilitate consolidation of small shipments, or where there exist other unusual circumstances warranting the authorization of such accumulation of quota entitlements: *Provided*, Such action is determined not to be inconsistent with the national interest. No accumulation of quota entitlements may be made by any exporter prior to his having been granted authorization for such accumulation. A request for such authorization, fully setting forth the facts and circumstances which the exporter believes justify the actions requested, should be made by letter addressed to the Office of Export Administration, P.O. Box 7138, Ben Franklin Station, Washington, D.C. 20044.

(d) • • •

(7) *Groups N[1] and N[2].* An application for a validated license to export a commodity from Petroleum Commodity Group N[1] or N[2] as established in Supplement No. 2 will be considered if submitted with supporting documentation as required by § 377.6(e)(10) by the date specified in Supplement No. 2, subject to the following conditions:

(i) *Group N[1].* An application to export a commodity from this Petroleum Commodity Group will be considered only to the extent of an exporter's quota share for such commodity. Pending establishment of an exporter's quota share in accordance with § 377.2(d), licenses may be issued for the unfilled balance of contracts calling for delivery prior to the end of the current calendar quarter. However, all such licenses issued to an exporter under this licensing system prior to establishment of an exporter's quota share shall be charged against the quota share subsequently established for that exporter for that calendar quarter and, if necessary to cover the quantity licensed, additional calendar quarters as well.

(ii) *Group N[2].* An application for a validated license to export a commodity from this Petroleum Commodity Group will be considered without regard to quota limitation if the application is accompanied by documentation adequately establishing (*a*) that it is properly classified in Petroleum Commodity Group N[2], (*b*) that it is being exported for purposes other than use as a fuel or as a feedstock for a refinery or for synthetic natural gas production, and (*c*) that it will not be substituted for a commodity which will be so used.

• • • • • •

(9) *Group R.* An application for a validated license to export a commodity from Petroleum Commodity Group R as established in Supplement No. 2 will be considered without regard to quota limitation if the application calls for shipment to users or suppliers of petroleum asphalt and paving mixtures for non-energy purposes. Applications must be accompanied by the supporting documentation required by § 377.6(e)(9).

(e) • • •

(2) Groups B, C, D, E, F, G, K, L, M, N[1], N[2], P, Q, and R. An application for a validated license to export a commodity from Petroleum Commodity Group B, C, D, E, F, G, K, L, M, N[1], N[2], P, Q, or R, must be accompanied by:

(i) The same documentation required by § 377.6(e)(1), except that the affidavit described in 377.6(e)(1)(iii) is not required; and

(ii) If the commodity when exported by a refiner is required to be reported to the Federal Energy Administration for purposes of adjustment of the volume of that refiner's crude oil runs to stills pursuant to 10 CFR 211.67(d)(2), a sworn affidavit signed by an authorized representative of the exporter stating, as appropriate, either:

(A) "The person or company submitting the accompanying export license application is the refiner of the petroleum products listed on such application"; or

(B) "The petroleum commodities listed on the accompanying export license application were refined by _____ (company) at _____ (city, state), or were produced from unfinished oils produced in that refinery, and the export of such commodities made by the applicant will be reported to the refiner listed above for purposes of the adjustment of such refiner's volume of crude oil runs to stills pursuant to 10 CFR 211.67(d)(2). In the event that the petroleum commodities listed on the accompanying license application will be taken from a commingled inventory produced by more than one refiner, the applicant will report to each such refiner the export volume attributable to such refiner, calculating that volume in proportion to the percentage of the commingled inventory that was purchased from that refiner."

• • • • • •

(9) An application for a validated license to export a commodity from Petroleum Commodity Group R must be submitted with the same documentation required by § 377.6(e)(2), and with all of the following:

(i) An end use statement by the applicant, in affidavit format, indicating the name, location and type of business of the end user, and the intended end use of the commodity to be exported;

(ii) An independent inspector's certificate of analysis of the product to be exported, and;

(iii) Such additional documentation—including a statement from the end user if deemed necessary—as the Office of Export Administration may, in particular cases, require.

(10) *Groups N[1] and N[2].* An application for a validated license to export a commodity from Petroleum Commodity Group N[1] must be submitted with the same documentation required by § 377.6(e)(1), except the affidavit described in § 377.6(e)(1)(iii) is not required. An application for a validated license to export a commodity from Petroleum Commodity Group N[2] must be submitted with the same documentation required for Petroleum Commodity Group N[1] above and by either:

(i) (*a*) An end use statement by the applicant in affidavit format indicating the name, location and type of business of the end user, the nature of the end use, and stating that, to the best of his knowledge and belief, the commodity will not be used as a fuel, either alone or when blended with other petroleum products, nor will it be used as a refinery feedstock or for synthetic natural gas production, nor will it be substituted for a commodity which will be so used, and

(*b*) A published technical data sheet (unless one has previously been submitted) or independent inspector's certificate of analysis of the product to be exported which clearly indicates that the commodity is properly classifiable under Petroleum Commodity Group N[2], or

(ii) An affidavit from the applicant stating that the commodity is normally packaged or shipped in drums or containers not exceeding 55 U.S. gallons per container and that it will be exported in such drums or containers.

• • • • • •

9. Supplement No. 2 to Part 377 is revised to read as follows:

Petroleum and petroleum products subject to short supply licensing controls

Schedule B No.	Commodity description	Unit of quantity
	Petroleum licensed only in accordance with § 377.6(d)(1)	
	Group A:	
331.0100	Crude petroleum, including tar sands	Barrel.
331.0200	Petroleum partly refined for further refining	Do.
	Petroleum products subject to validated licensing and historical quotas	
332.1015	Grouh B: Aviation gasoline	Do.
	Group C:	
332.1030	Gasoline, n.e.c.	Do.
332.1050	Gasoline blending agents, hydrocarbon compounds only, n.e.c.	Do.
332.2010	Group D: Kerosene, except kerosene-type jet fuel	Do.
332.2020	Group E: Jet fuel	Do.
332.3000	Group F: Distillate fuel oils	Do.
332.4000	Group G: Residual fuel oils	Do.
341.1025	Group K: Butane	Do.
341.1030	Group L: Propane	Do.
341.1040	Group M: Natural gas liquids, including L.P.G. n.e.c.	Do.
	Group N[1]:	
332.9110	Naphtha, naphtha solvents and other intermediate oils only, classified	
512.0993	under the schedule B numbers listed, which are (a) capable of being	
521.4022	used as a fuel, either alone or when blended with other petroleum	
521.4040	products, or (b) suitable for use in refinery processing or as a feedstock	
599.9520	for petrochemical or synthetic natural gas production, but excluding	
	(1) naphthas having a distillation dry point of 440° F or more, (2)	
	naphthas having a Kauri-Butanol value of less than 35 as determined	
	by the ASTM D1133 test method, and (3) naphthas normally packaged and shipped in drums or containers not exceeding 55 U.S. gallons per container and which will be exported in such drums or containers.[1]	
	Petroleum Products Subject to Validated Licensing But Not Quotas	
332.9110	Group N[2]: Other naphthas, naphtha solvents and intermediate oils only,	Barrel or pound.[1]
512.0993	classified under the schedule B numbers listed.	
521.4022		
521.4040		
599.9520		
332.9160	Group H: Carbon black feedstock oil	Barrel.
341.1010	Group J: Synthetic natural gas [2]	1,000 ft[3].
341.2000	Gas, manufactured	1,000 ft[3].
	Group P:	
332.9410	Petroleum coke, calcined	Short ton.
332.9420	Petroleum coke, except calcined	Do.
	Group R:	
332.9510	Petroleum asphalt	Do.
332.9610	Paving mixtures	Dollar value.
	Petroleum products subject to provisions of either § 371.16 or § 377.6(d)(6)	
	Group Q:	
332.5005	Aviation engine lubricating oil, except jet engine lubricating oil	Barrel.
332.5010	Jet engine lubricating oil	Do.
332.5015	Automotive, diesel and marine engine lubricating oil	Do.
332.5020	Turbine lubricating oil including marine	Do.
332.5025	Automotive gear oils	Do.
332.5030	Red and pale oils	Do.
332.5035	Bright stock	Do.
332.5040	Black oils	Do.
332.5045	Steam cylinder oils	Do.
332.5050	Lubricating oils, n.e.c.	Dollar value.
332.5055	Lubricating greases	Pound.
332.6100	Petroleum jelly, petrolatum, all grades	Do.
332.6210	Microcrystalline wax	Do.
332.6220	Paraffin wax, crystalline, fully refined	Do.
332.6230	Paraffin wax, crystalline, except fully refined	Do.
332.9120	Insulating or transformer oils	Barrel.
332.9130	Quenching and cutting oils	Do.
332.9140	White mineral oils	Do.
332.9180	Nonlubricating and non-fuel petroleum oils, n.e.c.	Do.
332.9210	Coal-tar asphaltum	Short ton.
332.9220	Pitch, from petroleum refining	Do.
332.9300	Pitch coke	Do.
332.9520	Petroleum and shale oil residues, n.e.c.	Do.

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Schedule B No.	Commodity description	Unit of quantity
332.9620	Asphalt and tar contings, cements, and pitches	Dollar value.
512.0601	Butylene	Pound.
512.0602	Acetylene	1,000 ft.[3]
512.0603	Ethylene	Pound.
512.0605	Propylene	Do.
512.0616	Methanol, including matural	Gallon.
512.0664	Isoprene	Pound.
512.0691	Butadiene monomer	Do.
513.1306	Helium and mixtures containing helium	Cnt. cubic feet.
513.1350	Hydrogen and rare gases, n.e.c.	1,000 ft.[3]
513.3830	Carbon monoxide and carbon dioxide	Dollar value.
515.2000	Deuterium	Do.
513.6110	Ammonia (anhydrous or in aqueous solution) fertilizer grade	Cnt. short ton.
513.6120	Ammonia (anhydrous or in aqueous solution) except fertilizer grade	Do.
521.1000	Mineral tar	Gallon.
521.4010	Benzene, crude	Do.
521.4020	Toluene, crude	Do.
521.4027	Xylenes, n.e.c.	Pound.
521.4040	Tar oils, chemicals, and crude products from coal, petroleum, and natural gas, n.e.c.	Do.

[1] Report unit of quantity as specified in schedule B.
[2] Natural gas and liquefied natural gas (L.N.G.), and synthetic natural gas commingled with natural gas (schedule B No. 341.1010) require export authorization from the U.S. Federal Power Commission. See § 370.10(g).

Quantities: Report commodities in schedule B units as indicated above.
Base periods:
Commodity groups B, C, D, E, F, and G: Jan. 1, 1971 through June 30, 1973.
Commodity groups K, L, and M: The corresponding calendar quarter during the period Apr. 1, 1972 through Mar. 31, 1973.
Commodity group N: Jan. 1, 1974 through June 30, 1976.
Shipping tolerance: 10 pct.
Submission dates:
Applications against historical quotas: Not prior to the beginning of the applicable quarter and received in the Office of Export Administration not later than the close of business on the 10th day prior to the end of the applicable quarter.
Applications for hardship and all commodities subject to validated licensing but not historical quotas: At any time.

Quarterly country quotas

Country	Quota (barrels)
Country quotas for group B	
(Schedule B No. 332.1015, aviation gasoline)	
Bahamas	1,676
Belgium	78
Bolivia	2,761
Cameroon	65
Canada	3,313
Dahomey	58
French Pacific Islands	3,853
Gabon	115
Honduras	307
India	12,743
Ivory Coast	98
Mexico	13,607
Netherlands	18,940
Singapore	14,783
All other countries	165
Country quotas for group C	
(Schedule B No. 332.1030, gasoline)	
(Schedule B No. 332.1050, gasoline blending agents, hydrocarbon compounds only, n.e.c.)	
Australia	554
Austria	139
Bahamas	872
Belgium	3,929
Brazil	29,061
Canada	76,078
Denmark	76
Finland	162
France	635
French Pacific Islands	20,141
Germany, Federal Republic of	3,966
India	143
Iran	106
Italy	314
Japan	299
Leeward and Windward Islands	1,109
Mexico	149,791
Mozambique	66
Netherlands	48,039
Nigeria	143
Philippines	137
South Africa, Republic of	556
Sweden	56
United Kingdom	3,111
Venezuela	165
All other countries	513
Country quotas for group D	
(Schedule B No. 332.2010, kerosene, except kerosene-type jet fuel)	
Australia	1,118
Brazil	150
Canada	1,067
Chile	122
Congo	56
Egypt	88
France	59
French Pacific Islands	3,248
Gabon	266
Germany, Federal Republic of	7,047
Israel	386
Italy	467
Japan	2,354
Mexico	72
Netherlands	349
Nigeria	740
Peru	71
Philippines	89
Singapore	442
South Africa, Republic of	371
United Kingdom	9,201
Venezuela	454
All other countries	252
Country quotas for group E	
(Schedule B No. 332.2020, jet fuel)	
Bahamas	31
Canada	42,797
Mexico	58,193
Country quotas for group F	
(Schedule B No. 332.3000, distillate fuel oils)	
Bahamas	3,125
Canada	113,393
Columbia	36,385
Denmark	22,413
French Pacific Islands	11,616
Japan	49,195
Mexico	260,283
Netherlands	58,895
Netherlands Antilles	34,072
Peru	13,577
Surinam	327
United Kingdom	49,195
All other countries	1,359
Country quotas for group G	
(Schedule B No. 332.4000, residual fuel oils)	
Bahamas	110,780
Barbados	11,275
Belgium	12,865
Brazil	63,662
Canada	833,224
Canary Islands	14,182
Denmark	32,003
France	2,493
French Pacific Islands	16,967
Greece	19,798
Ireland	11,626
Italy	181,979
Jamaica	152,066
Japan	271,601
Leeward and Windward Islands	12,745
Mexico	643,500
Netherlands	50,108
Netherlands Antilles	99,078
Panama	74,793
Peru	30,821
Philippines	862
Poland	2,070
Portugal	19,240
Singapore	15,455
South Africa, Republic of	21,432
Spain	36,283
Sweden	75,413
United Kingdom	227,631
All other countries	814

Country quota for group K (in barrels)

(Schedule B No. 341.1025, butane)

Country	1st quarter	2d quarter	3d quarter	4th quarter
Brazil				18,055
Canada	1,760	1,594	1,176	1,346
Mexico	197,183	169,338	174,916	185,206
Netherlands			10,927	
All other countries	703	738	245	877

Country quota for group L (in barrels)

(Schedule B No. 341.1030, propane)

Country	1st quarter	2d quarter	3d quarter	4th quarter
Bahamas				10,046
Canada	4,931	2,081	1,521	2,108
Japan	380,509		221,346	622,447
Mexico	811,862	593,894	886,509	707,695
New Zealand			1,041	1,220
All other countries	3,511	2,088	1,203	619

Country quota for group M (in barrels) (Schedule B No. 341.1040, natural gas liquids, including liquified petroleum gas (L.P.G.), n.e.c.)

Country	1st quarter	2d quarter	3d quarter	4th quarter
Canada	22,414	17,878	15,954	41,596
Guatemala	2,355	737	2,335	1,901
Japan	150,514			
Mexico	1,687,569	1,783,460	2,059,081	1,855,328
All other countries	3,946	1,638	3,168	1,359

Country quotas for group N[1]

(Schedule B Nos. 332.9110; 512.0993; 521.4022; 521.4040; 599.9520 Naphtha, naphtha solvents and other intermediate oils only, classified under the schedule B numbers listed, which are (a) capable of being used as a fuel, either alone or when blended with other petroleum products, or (b) suitable for use in refinery processing or as a feedstock or petrochemical or synthetic natural gas production, but excluding (1) naphthas having a distillation dry point of 440° F or more, (2) naphthas having a Kauri-Butanol value of less than 35 as determined by the ASTM D1133 test method, and (3) naphthas normally packaged and shipped in drums or containers not exceeding 55 U.S. gallons per container and which will be exported in such drums or containers.[1])

Country	Quota (barrels)	Quota (pounds)
Argentina		70,475
Australia	1,366	1,599,185
Belgium	556	
Brazil		6,834,972
Canada	1,752	166,301
Colombia		160,972
England	7,500	
France	348	
Hong Kong	575	
Liberia	375	
Malaysia		273,974
Mexico	359	271,757
Netherlands	15,647	2,204,280
Philippines		110,622
South Africa		207,920
Switzerland	347	
Thailand		69,347
Venezuela		605,041
West Germany	2,955	646,102
All others	863	92,814

[1] Report units of quantity as specified in schedule B.

PART 386—EXPORT CLEARANCE

10. Section 386.2(a) is revised to read as follows:

§ 386.2 Use of validated license.

(a) *License normally valid for shipment from any port.* Unless otherwise noted on the face thereof a validated license authorizes exports from the United States from any port of export. Commodities or technical data that leave the United States at one port, cross adjacent foreign territory, and reenter the United States at another port before final export to a foreign country will be treated as an export from the last U.S. port of export.

* * * * * *

(Sec. 4, Pub. L. 91-184, 83 Stat. 842 (50 U.S.C. App. 2403); E.O. 11533, 13 CFR Part 538 (1971), 50 U.S.C. App. 2403 nt. (Supp. IV, 1974), as amended by E.O. 11907, 41 FR 9085 (1976); sec. 103, Pub. L. 94-163, 89 Stat. 871 (42 U.S.C. 6212); Sec. 2, E.O. 11912, 41 FR 15825 (1976); sec. 201, Pub. L. 94-258, 90 Stat. 307 (10 U.S.C. 7420); sec. 101, Pub. L. 93-153 (30 U.S.C. 158); Pub. L. 94-362; sec. 2, E.O. 11940, 41 FR 43707 (1976); Department Organization Order 10-3, dated Nov. 17, 1975, 40 FR 58876 (1975), as amended; and Domestic and International Business Administration Organization and Function Order 46-1, dated November 17, 1975, 40 FR 59784 (1975), as amended.)

NOTE.—The Office of Export Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11949 and OMB Circular A-107.

RAUER H. MEYER,
Director, Office of Export Administration.

[FR Doc.77-10218 Filed 4-1-77;4:45 pm]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CDG 76-130]

PART 87—ALTERNATIVE COMPLIANCE

Implementation and Interpretation of the 72 COLREGS; Certification for Alternative Compliance Under Rule 1(e), International Regulations for Preventing Collisions at Sea, 1972

Correction

In FR Doc. 77-9700 appearing at page 17111 in the issue of Thursday, March 31, 1977, make the following change:

In Annex I, paragraph 2(c), the last line should read "the gunwale of not less than 2.5 metres."

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

[Public Land Order 5614]

ALASKA

Withdrawal of Lands for Selection by Village of Klukwan, Inc.

AGENCY: Bureau of Land Management, (Interior).

ACTION: Final Rule.

SUMMARY: This public land order withdraws land for selection by the village of Klukwan, Inc. The Secretary of the Interior is required to withdraw 70,000 acres for selection by the village of Klukwan, Inc. Lands subject to this order are withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and from selection by the State of Alaska under the Alaska Statehood Act.

EFFECTIVE DATE: April 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert L. Means, 202-343-3066.

SUPPLEMENTARY INFORMATION: The Secretary hereby finds that: (a) The lands described in paragraph 1 of this order are of similar character and comparable value, to the extent possible, to those of the Chilkat Valley surrounding the Village of Klukwan, Inc.; (b) the lands described in paragraph 1 have been identified in consultation with the Secretary of Agriculture and; (c) none of the lands hereby withdrawn for selection have been selected by or are subject to an outstanding nomination for selection by any other Native Corporation organized pursuant to the Alaska Native Claims Settlement Act (ANCSA), 85 Stat. 688, and none are located on Admiralty Island. Therefore, in accordance with

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these findings and by virtue of the authority vested in the Secretary of the Interior by section 1 of Pub. L. 94-456, October 4, 1976 (hereinafter referred to as the Act), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and from selection by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, and are reserved for selection by the Village of Klukwan, Inc.:

TONGASS NATIONAL FOREST

COPPER RIVER MERIDIAN

(Protracted Descriptions)

T. 79 S., R. 81 E.,
Secs. 1, 2, 3, 11 through 14.
T. 79 S., R. 82 E.,
Secs. 5 through 13, 17, 18, 19, 24, 25, 36.
T. 79 S., R. 83 E.,
Secs. 18 19, 30, 31, 32.
T. 80 S., R. 82 E.,
Secs. 1, 2, 11, 12.
T. 80 S., R. 83 E.,
Secs. 5 through 9, 15 through 21, 27 through 35.
T. 80 S., R. 84 E.,
Secs. 14 through 36.
T. 80 S., R. 85 E.,
Secs. 19, 29 through 32.
T. 81 S, R. 83 E.,
Secs. 1, 2, 11 through 14, 23 through 26, 35 and 36.
T. 81 S., R. 84 E.,
Secs. 1 through 24, 27 through 30, except those lands identified in Sealaska Corporation's applications, Nos. AA-10454 and 10461.
T. 81 S., R 85 E.,
Secs. 1 through 24, 26 through 28, and 34, except those lands identified in Sealaska Corporation's application, No. AA-10467.
T. 81 S., R. 86 E.,
Secs. 6, 7, 18.

Aggregating approximately 70,000 acres.

2. Pursuant to the ANCSA and the Act: (a) Selections shall be in conformity with the regulations of the Secretary; (b) the total selection by Klukwan, Inc., shall not exceed 23,040 acres; (c) selections shall be completed within one year from the date of this order; (d) prior to the selection of any of the lands withdrawn by this order, Klukwan, Inc., shall furnish copies of the quitclaim deeds in accordance with the provisions of the Act; (e) any conveyances of lands withdrawn by this order shall be subject to section 22(k) of the ANCSA; and (f) applications for leases under the Mineral Leasing Act, as amended, 30 U.S.C. 181-287 (1970), shall be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

3. This order shall remain in effect until revoked. All lands withdrawn by this order shall remain subject to administration by the Secretary of Agriculture under applicable laws and regulations as part of the national forest and his authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by this withdrawal.

CECIL D. ANDRUS,
Secretary of the Interior.

APRIL 1, 1977.

[FR Doc.77-10241 Filed 4-6-77;8:45 am]

Title 45—Public Welfare

CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

[CSA Instruction 6710-1, CH 11]

PART 1067—FUNDING OF CSA GRANTEES

Applying for a Grant Under Title II, Sections 221, 222(a) and 231 of the EOA

AGENCY: Community Services Administration.

ACTION: Final rule.

SUMMARY: The Community Services Administration is making minor amendments to its rules on procedures and policies in applying for funds under Title II of the Economic Opportunity Act of 1964, as amended. The rules were adopted to consolidate policies and procedures previously found in various policy statements and to provide an overview of the application processes for the differing funding activities and of the activities and documents required for these fundings according to the category of applicant/grantee. These amendments are in response to comments received.

DATES: These changes are effective April 6, 1977.

FOR FURTHER INFORMATION CONTACT:

Jacqueline G. Lemire, 254-5670.

SUPPLEMENTARY INFORMATION: On February 23, 1977 CSA published interim regulations in the FEDERAL REGISTER at 42 FR 10689 detailing policies and procedures for applying for a grant under Title II, Sections 221, 222(a), and 231 of the Economic Opportunity Act of 1964, as amended. The regulations became effective on March 25, 1977. Three CSA grantees responded to the invitation to comment, i.e., Goldenrod Hills Community Action Council, Walthill, Nebraska; Nortwest Georgia Economic Opportunity Authority, Inc., Lafayette, Georgia; and Shawnee County Community Assistance and Action, Inc., Topeka, Kansas.

The following changes are being adopted in response to comments:

1. *Section 67.10 3(g)* has been revised to specifically state, in accordance with OMB Circular A-110, under what circumstances CSA may require additional documentation in response to a comment that the interim regulations gave "* * * CSA officials total flexibility to require different CAAs to adhere to different documentation * * * requirements."

2. *Section 1067.40-3(f)*: One CAA Director recommended deletion of the requirement for submission of the CAP Form 84, Participant Characteristics Plan, for applications for funds under Section 221. CSA agrees that Program Account 01 is "* * * hardly amendable to translation on a Participant Characteristics Plan" and, therefore, is footnoting CAP Form 84 on the chart of "Required Documents" to indicate that it is not required for that Program Account. However, CSA believes that it is useful for all other Program Accounts under Section 221 and is retaining the requirement.

The following suggestion is not accepted for the reasons stated:

Section 167.40-3(f): It was suggested that the requirement for submission of the budget Forms 25 and 25a be dropped because they constitute excessive paperwork and should be kept on file by the grantee only. CSA disagrees with this recommendation since it is a vital piece in enabling CSA to carry out its management responsibilities in the review process. It also is noted that in developing a standard application form for public grantees that OMB made the budget form an integral part of the application form itself.

The regulations are hereby adopted with the changes indicated below.

EFFECTIVE DATE: April 6, 1977.

(Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.)

ROBERT C. CHASE,
Acting Director.

Paragraphs (f) and (g) of 45 CFR 1067.40-3 are revised as follows:

§ 1067.40-3 Application process for funds under Title II, sections 221, 222(a), and 231 of the EOA.

* * * * *

(f) *Required documents—(grantee).* (See chart which follows.)

Required documents

Sections of the act under which funds requested	Applicant	Forms to be submitted prior to formal application [1]						Forms to be submitted at time of formal application							
		424	3	5	393	394	395	424	25	25a	419	84	When delegating programs [3]		
													85	87	11
I. 221:															
A. Initial funding.	Community action agency	X	X	X	----	Opt.	X	X	X	X	X	X	X	X	X
	Limited purpose agency (including SEOO's).	X	----	X [4]	X [4]	X	X [4]	X	X	X	X	X	X	X	X
B. Refunding	Community action agency	X	X [5]	X [4]	----	Opt.	X	X	X	X	X	X	X	X	X
	Limited purpose agency (including SEOO's).	X	----	X [4]	----	X	X [4]	X	X	X	X	X	X	X	X
II. 222:															
A. Initial funding.	Community action agency	X	----------			Opt.	X [4]	X	X	X	X	X	X	X	X
	Limited purpose agency (including SEOO's).	X	----	X [4]	X	Opt.	X [4]	X	X	X	X	X	X	X	X
B. Refunding	Community action agency	X	----------			Opt.	X [4]	X	X	X	X	X	X	X	X
	Limited purpose agency (including SEOO's).	X	----------			Opt.	X [4]	X	X	X	X	X	X	X	X
III. 231	State economic opportunity offices.	X	----------			Opt.	X [4]	X	X	X	----	X	X	X	X

[1] For refundings, submission will be 150 d prior to PYE. [2] Except program account 01. [3] Except SEOO's. [4] Except sec. 1. [5] Keep on file.

(g) *Special CSA requests for grantee documentation.* In accordance with OMB Circular A-110 and FMC 74-7, CSA reserves the right to require additional documentation in any areas of planning, specifications of work programs, or budget details if the grantee has a history of poor performance, is not financially stable, or if its management system does not meet the Uniform Federal Standards promulgated under PART 1050 (6800 series of CSA's directives system).

[FR Doc.77-10269 Filed 4-6-77;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 959]

HANDLING OF ONIONS GROWN IN SOUTH TEXAS

Changing Rate of Assessment for Fiscal Year Ending July 31, 1977

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice invites written comment on a proposed amendment to increase the rate of assessment under a marketing order on onions grown in South Texas. Poor growing conditions have reduced the potential onion crop. An increased assessment rate is necessary to provide the necessary funds for budgeted committee expenses.

DATE: Comments due on April 25, 1977.

ADDRESS: Written comments may be addressed to the Hearing Clerk, United States Department of Agriculture, Room 1077 South Building, Washington, D.C. 20250. Two copies of all written documents should be submitted, and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250. 202-447-3545.

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 143 and Order No. 959, both as amended, regulate the handling of onions grown in designated counties in South Texas. The program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The South Texas Onion Committee, established under the order, is responsible for its local administration.

The production area in the southern part of Texas has experienced cool, wet weather during much of the growing season. Current estimates indicate production may be down 49 percent. This will reduce income at the current rate of assessment. Therefore, at a meeting at Laredo, Texas, on March 16, 1977, the committee unanimously recommended that the rate of assessment be increased from 1½ to 2½ cents per 50-pound bag or equivalent quantity of onions. The income generated by this increased assessment will be used for expenses set forth in the current budget.

The proposed amendment is as follows:

Paragraph (b) of § 959.217 (42 F.R. 2308) is amended to read as follows:

§ 959.217 Expenses and rate of assessment.

* * * * *

(b) rate of assessment to be paid by each handler in accordance with the marketing agreement and this part shall be two and one-half cents ($0.025) per 50-pound container of onions, or equivalent quantity, handled by him as the first handler thereof during the fiscal period.

* * * * *

Dated: April 4, 1977.

GEORGE H. GOLDSBOROUGH,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-10361 Filed 4-6-77;8:45 am]

FEDERAL HOME LOAN BANK SYSTEM

[12 CFR Part 526]

[No. 77-197]

MAXIMUM RATE OF RETURN

MARCH 23, 1977.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: This proposed rule would limit the authority of a member institution to continue to pay the announced rate of return on any savings account following a reduction in the prescribed maximum rate of return applicable to such account. Additionally, it would require that, at the time of deposit, (1) all savings account depositors be given written notification of such limitation, and (2) certificate account depositors be given written notification of certain specified provisions of the savings agreement. Present regulations provide that, notwithstanding any reduction in the prescribed maximum rate, a member institution may continue to pay the announced rate of return on any certificate account for such period, including any renewal period, as the certificate may remain outstanding. The purpose of the proposed rule would be to limit the period during which a savings account may receive a rate of return in excess of the maximum prescribed rate and provide additional assurance that savings account depositors will be informed of certain critical provisions of the savings agreement.

DATES: Comments must be received on or before: May 9, 1977.

ADDRESSES: Send comments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552. Comments available for public inspection at the above address.

FOR FURTHER INFORMATION CONTACT:

Harry W. Quillian, Associate General Counsel, Federal Home Loan Bank Board (202-376-3556) at the above address.

SUPPLEMENTARY INFORMATION: The Federal Home Loan Bank Board considers it desirable to propose to amend Part 526 of the Regulations for the Federal Home Loan Bank System (12 CFR Part 526), by amending §§ 526.2 and 526.6-1 thereof, for the purpose of limiting the period during which a savings account may receive a rate of return in excess of the maximum prescribed rate and providing additional assurance that a savings account depositor will be informed of certain critical provisions of the savings agreement.

Present § 526.2 provides that, notwithstanding any reduction in the prescribed maximum rate, a member institution may continue to pay the announced rate of return on any certificate account for such period, including any renewal period, as the certificate may remain outstanding. It is the Board's view that, although certificate accounts outstanding on the date of any such reduction should continue to be permitted to receive the announced rate of return until maturity, no additions should be accepted after any such reduction nor should such accounts be renewable. Likewise, the period following any such reduction during which other types of accounts may receive a return at the announced rate should also be limited. Therefore, the Board proposes to limit payment of the announced rate of return following any such reduction, as follows: (a) A regular account may receive such return until the next regular distribution date; (b) a certificate account may receive such return only until maturity, and no further additions thereto are permitted; (c) a notice account may receive such return until the first date following such reduction on which withdrawal may be made from the account without loss of earnings; and (d) a bonus account, which is, or after a qualifying period will be, eligible to receive a return at a rate higher than the regular rate, may receive such return until the first date following such reduction on which a bonus is distributable or an addition to the account is accepted.

The following are examples of the effect of the proposed amendments on various kinds of accounts:

I. REGULAR ACCOUNTS

(a) Prescribed maximum rates reduced between distribution dates.

March 1, 1977—Deposit in regular account.
March 15, 1977—Prescribed maximum rate reduced.
March 31, 1977—Distribution date; distribution at old rate.
April 1, 1977—Reduced rate begins to apply.

(b) Prescribed maximum rates reduced on distribution date.

March 1, 1977—Deposit in regular account.
March 31, 1977—Prescribed maximum rate reduced; distribution date; distribution at old rate.
April 1, 1977—Reduced rate begins to apply.

II. CERTIFICATE ACCOUNTS

April 1, 1977—Four year certificate issued.
April 1, 1978—Prescribed maximum rate reduced.
April 1, 1981—Certificate matures; return at state rate; renewal only at new reduced rate.

III. NOTICE ACCOUNTS

(a) Ninety-day notice given before reduction of prescribed maximum rates.

May 1, 1977—Deposit in notice account.
June 1, 1977—Notice of withdrawal given.
June 15, 1977—Prescribed maximum rate reduced.
June 30, 1977—Distribution date; not withdrawable because funds on deposit less than 90 days; old rate continues to apply.
September 1, 1977—Account withdrawable; 90 days after notice given.
September 2, 1977—Reduced rate begins to apply.

(b) Withdrawal permitted on distribution date without notice 90 days after deposit.

May 1, 1977—Deposit in notice account.
August 1, 1977—Prescribed maximum rate reduced.
September 30, 1977—Distribution date on which withdrawal would be permitted without loss of earnings.
October 1, 1977—Reduced rate begins to apply.

IV. BONUS ACCOUNTS WITH MINIMUM QUALIFYING PERIODS OF 3 TO 36 MONTHS

(a) Prescribed maximum rate reduced during minimum qualifying period.

May 1, 1977—Deposit in 3 month bonus account.
June 1, 1977—Maximum prescribed rate reduced.
August 1, 1977—Bonus distributed at end of minimum qualifying period.
August 2, 1977—Reduced rate begins to apply.

(b) Prescribed maximum rate reduced after elapse of minimum qualifying period.

May 1, 1977—Deposit in 3 month bonus account.
August 1, 1977—Minimum qualifying period elapsed; bonus distributed.
August 15, 1977—Prescribed maximum rate reduced.
September 30, 1977—Regular distribution date; bonus distributed.
October 1, 1977—Reduced rate begins to apply.

(c) Addition to account after prescribed maximum rate reduced.

May 1, 1977—First deposit in 3 month bonus account.
August 1, 1977—Minimum qualifying period elapsed; bonus distributed.
August 15, 1977—Prescribed maximum rate reduced.
September 25, 1977—Second deposit in account; new qualifying period begins.
September 26, 1977—Reduced rate begins to apply.

The Board believes that, in view of the impact that such limitations could have on rates of return, depositors should be informed of any such limitation which would be applicable in the event of a reduction in the prescribed maximum rate of return applicable to their accounts. For the same reason, the Board believes that a certificate account depositor should receive written notification of any provision for the rate of return payable on such certificate after conclusion of its term or, if the account is automatically renewable, the terms of such renewal, including specific notice that penalties for premature withdrawal are applicable from the date of such renewal.

Accordingly, the Board hereby proposes to amend §§ 526.2 and 526.6-1 to read as set forth below.

§ 526.2 Maximum rate of return.

* * * * *

(b) *Exceptions.* Notwithstanding any reduction in the prescribed maximum rate, a member institution may continue to pay the announced rate of return on any account outstanding on the effective date of such reduction, as follows:

(1) *Regular accounts.* Payment at the announced rate of return may be continued until the first regular distribution date after the effective date of such reduction, but may not be so continued if such dates coincide;

(2) *Certificate accounts.* Payment at the rate of return specified in the certificate may be continued only until maturity of the certificate, and no addition to the account shall be accepted;

(3) *Notice accounts.* Payment at the announced rate of return may be continued until the first date after the effective date of such reduction on which withdrawal from the account may be made without loss of earnings, but may not be so continued if such dates coincide; and

(4) *Bonus accounts.* On bonus accounts which are, or after a qualifying period will be, eligible to receive a return at a rate higher than the regular rate, payment at such higher rate may be continued until the first date after the effective date of such reduction on which a bonus is distributable or an addition to the account is accepted, but may not be so continued if a bonus is distributable, or an addition to the account is accepted, on such effective date.

* * * * *

§ 526.6-1 Disclosure upon acceptance.

(a) At the time a member institution accepts a savings account deposit, it shall provide to the depositor a written description of the following:

(1) The provision of § 526.2(b) which would be applicable in the event of a reduction in the prescribed maximum rate of return applicable to such savings account; and

(2) In the case of a certificate account, (i) the penalty imposed by such institution on a withdrawal from such account before the end of the fixed or minimum term or qualifying period thereof, and (ii) any provision for the rate of return that such account will receive after conclusion of such term or period or, if such account is automatically renewable, the terms of such renewal, including specific notice that penalties for premature withdrawal are applicable from the date of such renewal.

(b) A member institution need not provide such a written statement in connection with renewal of an existing certificate account.

(Sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended; sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1425b, 1437). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

[FR Doc.77-10370 Filed 4-6-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 77-EA-8]

AIRWORTHINESS DIRECTIVES

Canadair Aircraft

AGENCY: Federal Aviation Administration/DOT(FAA).

ACTION: Notice of Proposed Rule Making.

SUMMARY: This notice proposes to amend Part 39 of the Federal Aviation Regulations (14 CFR Part 39) to add an Airworthiness Directive applicable to Canadair CL-215-1A10 type airplanes, which will require an inspection of the right hand canopy sill for missing rivets.

DATE: Compliance will be required prior to issuance of U.S. airworthiness certificate. Comments must be received on or before May 9, 1977.

ADDRESS: Canadair Service Information Circular 129-CL-215 may be obtained from the manufacturer at P.O. Box 6087, Montreal, Canada.

FOR FURTHER INFORMATION CONTACT:

Charles Birkenholz, Airframe Section, Engineering and Manufacturing Branch, AEA-212, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone 212-995-2875.

SUPPLEMENTARY INFORMATION: There have been reports that inspection of new aircraft at the plant established missing rivets from the right hand canopy sill. The omission of these rivets can cause the right hand longeron, to which they attach, to fail during water landings in 2 foot high waves. This in turn could cause distortion at the side of the

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airplane affecting air safety. Since this deficiency can exist in similar type design aircraft, an airworthiness directive is proposed which will require an inspection and repairs where necessary. However, there are presently no aircraft of this type in U.S. registry and therefore a notice is being issued proposing accomplishment prior to acquisition of a U.S. airworthiness certificate.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Engineering and Manufacturing Branch, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before May 9, 1977, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Engineering and Manufacturing Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

CANADAIR: *Applies to CL–215 Airplanes, Serial Numbers 1001 through 1040 and 1046, certificated in all categories.*

Compliance required prior to U.S. airworthiness certification, unless already accomplished:

(a) Inspect the right hand canopy sill for missing rivets forward and aft of bulkhead 234.5 as indicated in Figures 1 and 3 of the Canadair Information Circular (S.I.C.) No. 129–CL–215 dated May 12, 1976, or an approved equivalent inspection.

(b) If rivets have been omitted forward of the bulkhead, between stations 223 and 229, install three NAS 1103–4 bolts with MS21041.3 Nuts and Strip Washer as shown in Figure 2 of the S.I.C. or an approved equivalent alteration.

(c) If rivet spacing aft of the bulkhead is greater than 1.25 inch install intermediate rivets as indicated in Figure 3 of the S.I.C. or an approved equivalent alteration.

(d) Equivalent inspections, alterations or parts must be approved by Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, 49 U.S.C. 313(a), 1421, and 1423; Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c).)

It has been detremined that the expected impact of the proposed regulation is so minimal that the proposal does not warrant an evaluation.

NOTE.—The Federal Aviation Administration has determined that this document contains a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A–107 and certifies that an Economic Impact Statement has been prepared.

Issued in Jamaica, New York, on March 25, 1977.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.77–10083 Filed 4–6–77;8:45 am]

[14 CFR Part 71]

[Airspace Doc. No. 77–EA–22]

TRANSITION AREA

Proposed Designation of Marion, Va.

AGENCY: Federal Aviation Administration/DOT (FAA).

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR 71.181) to designate a Marion, Va. 700 foot transition area.

A new NDB Runway 26 instrument approach procedure developed for Mountain Empire Airport, Marion, Va., predicated on the Retreat nonfederal NDB, will require designation of the transition area to provide controlled airspace protection for IFR arrivals and departures at that airport.

DATE: Comments must be received on or before May 9, 1977.

ADDRESS: Copies of this NPRM may be obtained from Chief, Airspace and Procedures Branch, AEA–530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT:

Frank Trent, Airspace and Procedures Branch, AEA–530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone 212–995–3391.

SUPPLEMENTARY INFORMATION: Interested parties are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Airspace & Procedures Branch, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430. All communications received on or before May 9, 1977, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rule making will be filed in the public regulatory docket.

Accordingly, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR 71.181) as follows:

§ 171.181 [Amended]

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a Marion, Va. 700 foot floor transition area as follows:

MARION, VA.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 36°53'45" N., 81°20'45" W. of Mountain Empire Airport, Marion, Va.; within a 16-mile radius of the center of the airport, extending clockwise from a 123° bearing to a 145° bearing from the airport; within a 14.5-mile radius of the center of the airport, extending clockwise from a 145° bearing to a 175° bearing from the airport; within a 15.5-mile radius of the center of the airport, extending clockwise from a 175° bearing to a 192° bearing from the airport; within a 22-mile radius of the center of the airport, extending clockwise from a 192° bearing to a 207° bearing from the airport; within a 24.5-mile radius of the center of the airport, extending clockwise from a 207° bearing to a 225° bearing from the airport; within a 13.5-mile radius of the center of the airport, extending clockwise from a 225° bearing to a 320° bearing from the airport; within a 15.5-mile radius of the center of the airport, extending clockwise from a 320° bearing to a 336° bearing from the airport; within a 17.5-mile radius of the center of the airport, extending clockwise from a 336° bearing to a 024° bearing from the airport; within a 13.5-mile radius of the center of the airport, extending clockwise from a 024° bearing to a 034° bearing from the airport; within a 19-mile radius of the center of the airport, extending clockwise from a 034° bearing to a 056° bearing from the airport, within an 18-mile radius of the center of the airport, extending clockwise from a 056° bearing to a 067° bearing from the airport; within 3.5-miles each side of a 069° bearing from the Retreat RBN (36°55'01" N., 81°16'27" W.), extending from the RBN to 10 miles east of the RBN, excluding the portion that coincides with Bluefield, W. Va., and Dublin, Va. 700-foot floor transition areas.

(Section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348(a)) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

Issued in Jamaica, New York, on March 24, 1977.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.77–10082 Filed 4–6–77;8:45 am]

[14 CFR Part 183]

[Doc. No. 16622; Notice No. 77–5]

DESIGNATED MANUFACTURING INSPECTION REPRESENTATIVES

Evaluation Inspections, Etc., Performed Outside Plant

The Federal Aviation Administration is considering amending Part 183 of the Federal Aviation Regulations to permit designated manufacturing inspection representatives (DMIRs) to conduct evaluation inspections and to perform all of their authorized functions outside the manufacturing plant at which they are employed. In addition, this notice proposes that certain obsolete terminology be deleted.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before June 7, 1977, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Centre, APA–430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

Under § 183.31 of the Federal Aviation Regulations, inspection authorizations are valid only for the manufacturing plant at which a DMIR is employed.

By Amendment 183–4, effective October 6, 1969 (34 FR 14124), the authority of a DMIR to conduct station inspections was revoked. In revoking the station inspection function of the DMIR, the FAA stated that it had become obsolete since, for many years, this function had been reserved for FAA personnel having the responsibility for monitoring quality assurance in the production of aircraft and aircraft parts. Although station inspections no longer are conducted, evaluations of manufacturers' quality control systems are still performed by the FAA within and without the manufacturing plant.

At the present time, the FAA faces a serious shortage of personnel qualified to perform these evaluations to determine compliance with approved quality control procedures and applicable regulations. Therefore, it is proposed to utilize qualified persons as DMIRs for the purpose of performing this function, which would involve conducting systems analysis and other evaluation inspections. Since DMIRs work under the supervision of FAA principal inspectors, they would receive additional training from those inspectors, including a review of applicable regulations, procedures, and engineering data.

In addition, this notice proposes that DMIRs be permitted to perform their functions outside the manufacturing plant at which they are employed. In this connection, it should be noted that many of the functions that the DMIR is qualified to perform currently are performed away from the plant. These include witnessing of tests, conducting of conformity inspections to determine conformance with data submitted by the applicant for airworthiness approval, the submission of findings of conformance or nonconformance with the type design data submitted by the applicant, and the issuance of airworthiness certificates in the standard and experimental categories.

Finally, current § 183.31(b) provides that a DMIR may issue export ferry permits. Since such permits now are obsolete, it is proposed to delete the reference in § 183.31(b) to "export ferry permits."

(Sections 313(a), 314, 601, 603, 608, and 609 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1355, 1421, 1423, 1428, and 1429) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

In consideration of the foregoing, it is proposed to amend Part 183 of the Federal Aviation Regulations by revising § 183.31 to read as follows:

§ 183.31 Designated manufacturing inspection representatives.

A designated manufacturing inspection representative may, within limits prescribed by, and under the general supervision of, the Administrator—

(a) Issue—

(1) Original airworthiness certificates for aircraft and airworthiness approvals for engines, propellers, and product parts that conform to the approved design requirements;

(2) Export certificates of airworthiness and airworthiness approval tags in accordance with Subpart L of Part 21 of this chapter; and

(3) Experimental certificates for aircraft for which the manufacturer holds the type certificate and which have undergone changes to the type design requiring a flight test.

(b) Conduct—

(1) Conformity inspections and any other inspections that may be necessary to determine if prototype and production articles are airworthy and safe for operation; and

(2) Evaluations of a manufacturer's quality control system to determine compliance with §§ 21.123, 21.143, and 21.303 of this chapter and the manufacturer's approved quality control procedure; and

(c) Perform functions authorized by this section at the manufacturing plant at which the DMIR is employed or at other locations at which work is performed by the manufacturer under his approved quality control system.

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A–107.

Issued in Washington, D.C., on March 30, 1977.

R. P. SKULLY,
Director,
Flight Standards Service.

[FR Doc.77–10089 Filed 4–6–77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 192]

STATE STUDENT INCENTIVE GRANT PROGRAM

Proposed Allotment and Application Procedures for Fiscal Year 1977

AGENCY: Office of Education, HEW.

ACTION: Proposed rule.

SUMMARY: The State Student Incentive Grant (SSIG) Program makes incentive grants to States to assist them in providing awards to eligible students with substantial financial need. SSIG enables students to attend or to continue to attend institutions of higher education. This document provides a procedure for distributing the appropriation between initial and continuation awards.

DATE: All comments must be received on or before May 9, 1977.

ADDRESSES: Written comments to: R. L. McVity, State Student Incentive Grant Program, Bureau of Postsecondary Education, U.S. Office of Education, Room 4669, Regional Office Building No. 3, Seventh and D Streets, SW., Washington, DC 20202, telephone 202–245–2354.

Comments received in response to this notice will be available for public inspection at the above office on Mondays through Fridays between 8:00 a.m. and 4:30 p.m.

FOR FURTHER INFORMATION CONTACT:

R. L. McVity, State Student Incentive Grant Program, Bureau of Postsecondary Education, U.S. Office of Education, Room 4669, Regional Office Building No. 3, Seventh and D Streets, S.W., Washington, D.C. 20202, telephone 202–245–2354.

SUPPLEMENTARY INFORMATION:

Notice is hereby given that pursuant to the authority contained in § 415B of the Higher Education Act of 1965, as amended (20 U.S.C. 1070c–1), the Commissioner of Education, with the approval of the Secretary of Health, Edu-

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cation, and Welfare, proposes to allot funds under the continuing resolution or if such funds are appropriated for the State Student Incentive Grant Program for academic year 1977–1978 in the manner set forth below, unless Congress establishes specific appropriations for initial and continuation awards. The purpose of the State Student Incentive Grant (SSIG) Program is to make incentive grants to States to assist them in providing awards to eligible students with substantial financial need, thereby enabling such students to attend or to continue to attend institutions of higher education.

A. BACKGROUND

Currently applicable regulations governing the SSIG Program are set forth in 45 CFR Part 192. These regulations and the authorizing legislation are founded on separate appropriations (1) for the purpose of initial awards to eligible students who have not previously received SSIG awards and (2) for the purpose of continuation awards to eligible students who have previously received initial awards, and they presume the use of separate annual applications from the States for these two purposes. The statute also provides a formula for allotting the appropriation for initial awards among the States, but gives the Commissioner discretion in allotting the appropriation for continuing awards. However, the Fiscal Year 1977 continuing resolution and possible appropriation act, like the corresponding appropriation acts for Fiscal Years 1975 and 1976, might not make such separate appropriations for initial and continuing awards. Consequently, the Commissioner must once again provide a procedure for distributing the appropriation between initial and continuation awards.

The proposed procedures set forth below are identical with those approved for Fiscal Years 1975 and 1976. They provide that the entire appropriation will be allotted according to the statutory formula for initial awards and further provide the States with discretion to make determinations, based on their individual circumstances, for the distribution of such allotments between initial and continuing awards. The Commissioner recognizes that students who have formerly received awards under the SSIG Program may reasonably expect continued financial support, and that some priority should therefore be given for continuing awards.

Following the procedures in operation for Fiscal Years 1975 and 1976, published in the FEDERAL REGISTER on June 30, 1975 (40 FR 27459), and March 18, 1976 (41 FR 11311), respectively, the proposed procedures for Fiscal Year 1976 would supersede 45 CFR 192.3(e) but would otherwise incorporate all published provisions of SSIG regulations.

B. ALLOTMENT AND APPLICATION PROCEDURES

(1) From the sum appropriated for the SSIG Program for Fiscal Year 1977, the Commissioner will allot to each State that applies for such funds an amount which bears the same ratio to such sum as the number of students in attendance at institutions of higher education in such State bears to the total number of students in attendance in all such States. (A table containing a distribution among all States according to this formula has been appended to the Fiscal Year 1977 State application form as a guide for the States in developing their applications.)

(2) Each State wishing to obtain a grant under this Program shall apply for such grant in accordance with the provisions of the program regulations (45 CFR 192.5). In such application, each State will specify what proportion of its allotment it intends to use for continuing awards and what proportion for initial awards.

(3) The Commissioner will review all State applications for conformity with the program statute and regulations, and will approve all requests for continuation awards where the amount applied for does not exceed the amount of the State's allotment established under paragraph (1) above. The difference between the amount of each State's allotment and the amount approved for continuation awards by that State may be used by the State for making initial awards.

(4) The Commissioner may require each State receiving an allotment under this Program to submit a report prior to September 30, 1977, projecting the portion, if any, of such allotment that will not be needed to make SSIG awards for the academic year 1977–78. Such unused funds may be redistributed among the other States in proportion to the original allotments.

C. PUBLIC COMMENT

Interested persons are invited to submit written comments, suggestions, or objections regarding these proposed allocation and application procedures to R. L. McVity, State Student Incentive Grant Program, Bureau of Postsecondary Education, U.S. Office of Education, Room 4669, Regional Office Building No. 3, Seventh and D Streets, S.W., Washington, D.C. 20202, telephone: (202–245–2354). Comments received in response to this notice will be available for public inspection at the above office on Mondays through Fridays between 8:00 a.m. and 4:30 p.m.

All relevant material must be received on or before May 9, 1977.

The Office of Education has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

(20 U.S.C. 1070c–1.)

Dated: January 27, 1977.

WILLIAM F. PIERCE,
Acting Commissioner of Education.

Approved: March 28, 1977.

JOSEPH A. CALIFANO, JR.,
Secretary of Health, Education, and Welfare.

(Catalog of Federal Domestic Assistance Number 13.548; State Student Incentive Grant Program.)

[FR Doc.77–10311 Filed 4–6–77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 81]

[Docket No. 20949; RM–2635; FCC 77–222]

RADIOTELEGRAPH LOG

Report & Order Terminating Proceeding

AGENCY: Federal Communications Commission.

ACTION: Report and Order denying a request for a ship radio station rule amendment.

SUMMARY: A provision in the Commission's rules for ship radiotelegraph stations requires that operators make log entries at least once each 15 minutes of signals received on the distress and calling frequency 500 kHz. The Commission was requested to eliminate that requirement as burdensome and unnecessary. This action denies the request based on comments that the requirement is not burdensome and that it promotes efficient radio operation and safety.

DATES: None. (Rules remain unchanged)

FOR FURTHER INFORMATION CONTACT:

Robert H. McNamara, Aviation and Marine Division, Safety and Special Radio Services Bureau, Federal Communications Commission, Washington, D.C. 20554, 202–632–7197.

Adopted: March 24, 1977.

Released: April 1, 1977.

In the matter of amendment of Part 81 of the rules to eliminate certain requirements regarding entries in the radiotelegraph log.

1. A Notice of Proposed Rule Making in the above captioned matter was released on October 28, 1976, and was published in the FEDERAL REGISTER on October 29, 1976, (41 FR 47496). The specified time for filing comments and reply comments has expired.

2. The proposed amendment, as requested by RCA Global Communications, Inc. (hereafter RCA Globcom), was designed to eliminate the requirement for

public coast stations, which by reason of Subpart G of Part 81 of the rules are required to maintain a watch on the frequency 500 kHz, to make a positive entry in the radiotelegraph log at least once each 15 minutes regarding signals received on that frequency. RCA Globcom contended that this record keeping requirement, contained in Section 81.214 (a)(4) of the rules, was burdensome and unnecessary in light of other log entry requirements. Further, it was argued that deletion would promote efficiency. In the Notice of Proposed Rule Making the Commission noted that since the proposal may have a negative effect on the level of compliance with watch standing requirements on 500 kHz, the international distress and calling frequency in the band 405–535 kHz, comments were desired from concerned members of the public. Comments were filed by Mr. John C. Anderson, Mr. L. H. Baumlin, The Central Committee on Telecommunications of the American Petroleum Institute (API), The American Institute of Merchant Shipping (AIMS), TRT Telecommunications Corporation, and the American Radio Association (ARA) and the Radio Officers Union (ROU). Reply comments were filed by API and the Communications Workers of America (CWA).

3. Three of the commenters strongly opposed adoption of the proposed amendment. Mr. Baumlin, a radio operator at public coast station WCC, disagreed with RCA Globcom's petition to delete the subject log entry requirement. He stated that the requirement has never been found to be burdensome, and does not detract from efficiency or productivity, while it does promote safety and makes personnel more cognizant of their duties. The ARA and ROU, representing radio officers serving aboard 92 percent of U.S. flag merchant ships, likewise strongly opposed the proposal. They indicated that such long entries are necessary to insure that the higher level of compliance with watch requirements is sustained for safety purposes. Further, they maintained that these entries involve no observable burden and that no apparent efficiencies would result from their deletion. AIMS, the national association of the U.S. flag merchant vessel industry, representing 70% of all active U.S. registered privately owned tonnage, stated that the maintenance of an efficient watch on 500 kHz would not be served by elimination of the subject logging requirement. AIMS feels that discontinuance of the positive entry requirement would lead to inattentive monitoring and possibly encourage abandonment of the 500 kHz listening watch for extended periods, compounding maritime communications problems. AIMS concluded by strongly suggesting denial of the proposal CWA, the bargaining agent for employees of the public coast radiotelegraph stations operated by ITT World Communications, Inc., filed reply comments endorsing AIMS' position. CWA also noted that the personnel it represents have not reported the subject log entry to be burdensome or conductive to added operating costs.

4. The three other commenters supported the proposal. Mr. Anderson of public coast station WMH, stated that he agreed with the proposed amendment. He also recommended adding a clause to § 81.214(a)(4) relative to log entries concerning the observance of silence periods. This latter suggestion does not appear necessary, nor germane to the present proceeding. TRT, the operator of public coast station coast station WNU, concurred with the petitioner's position that the subject log entries are unnecessary in view of the other requirements. While TRT submitted that the radiotelegraph industry cannot afford unnecessary requirements which increase operating costs, it was also indicated that the proposed rule change would have no significant affect on operating costs. API, herein representing companies in the petroleum and gas industry which operate vessels equipped with radiotelegraph facilities, also endorsed the deletion of the rule as proposed. Such a log entry requirement, in API's opinion, is not essential to insure that the 500 kHz watch is in fact maintained. They feel it is most important to free personnel manning public coast stations from unnecessary duties in order that they may handle essential functions properly. API also suggested a similar log entry requirement in Section 83.330, applying to ship radiotelegraph stations, be deleted from the rules. The rationale and conclusion given below apply to this additional proposal as well. In reply comments, noting the views of AIMS and others opposing the proposed amendment, API made it clear that its support is conditioned on the continuation of an efficient watch on the 500 kHz frequency, and enforcement of the other log entry requirements of § 81.214 of the rules.

5. The subject log entry requirement contained in § 81.214(a)(4) was not arbitrarily adopted, rather, it was implemented as part of a program to promote the safety of life and property at sea through the use of radio. The Commission reaffirmed in Docket No. 19544 (FCC 76–454) that the public interest, convenience and necessity required that public radiotelegraph coast stations authorized to provide service on the medium frequency bands, maintain coverage on 500 kHz, the international distress and calling frequency. The subject log entries were designed to substantiate that a proper listening watch is maintained and discourage abandonment of the watch for extended periods of time. In an adequately staffed public coast station the required entries are far from onerous. If traffic is handled the message is entered in the log as a matter of course. If no traffic is handled but stations are heard, a simple entry indicating the stations heard is sufficient. For example: "1200; stations heard—KNCB, WOE, WLO." The time involved for a qualified operator to make such an entry is approximately 5 seconds. Even less time is required to enter "nothing heard", when applicable. The comments received from the representatives of the merchant shipping industry and ship and coast station radiotelegraph operators (who strongly opposed the proposed amendment) generally reflected the Commission's reasoning in requiring these log entries initially. Namely, safety on the high seas is promoted by insuring a high level of compliance with the 500 kHz listening watch requirement, and the entries themselves are not burdensome and do not result in operating inefficiencies. The comments supporting the proposal failed to show any significant savings or improvement that would result therefrom.

6. In light of the possible negative effect on radiotelegraph communications in the maritime services, and the fact that the subject log entry requirement is not found to be burdensome, we conclude that it is not in the public interest to amend the rules as proposed in the Notice of Proposed Rule Making in this docket.

7. In view of the foregoing, *it is ordered*, That this proceeding is terminated.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77–10331 Filed 4–6–77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[49 CFR Parts 173, 178]

[Doc. No. HM–139, Notice No. 77–3]

INDIVIDUAL EXEMPTIONS, CONVERSION TO REGULATION OF GENERAL APPLICABILITY

Transportation of Hazardous Materials

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The Materials Transportation Bureau is considering amending the regulations governing the transportation of hazardous materials to incorporate therein a number of changes based on existing exemptions which have been granted to individual applicants allowing them to perform particular functions in a manner that varies from that specified by the regulations. Adoption of these exemptions as rules of general applicability would provide wider access to the benefits of transportation innovations recognized as effective and safe.

DATES: Comments by May 5, 1977.

ADDRESS COMMENTS TO: Section of Dockets, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. It is requested that five copies be submitted.

FOR FURTHER INFORMATION CONTACT:

D. L. Raines, Office of Hazardous Materials Operations, 2100 Second

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Street SW., Washington, D.C. 20590 (202–755–4962).

SUPPLEMENTARY INFORMATION: Each of the proposed amendments described in the table below is founded upon either: (1) actual shipping experience gained under an exemption, or (2) the data and analysis supplied in the application. In each case the resulting level of safety being afforded the public is considered at least equal to the level of safety provided by the current regulations.

Analysis of these proposed amendments also indicates that the costs of regulatory enforcement will not be significantly affected, nor will additional costs be imposed on the private sector, consumers, or Federal, State or local governments, since these amendments, if adopted, will authorize the general use of shipping alternatives previously available to only a few users under exemptions. The safety record or analysis of shipments under the identified exemptions demonstrates that significant environmental impacts will not result from any of the amendments proposed herein.

Adoption of an amendment derived fron an existing exemption will obviate the need for that exemption and effectively terminate it, in which event the affected exemption holder and parties to that exemption will be individually notified. Adoption of an amendment derived from an application for exemption should provide the relief sought, in which event, the exemption request will be denied and the applicant so notified. In the event the Bureau decides not to adopt any of those proposed amendments, that application will be evaluated and acted upon in accordance with the applicable provisions of the exemption procedures in 49 CFR Part 107, Subpart B. Consequently, persons commenting on proposed amendments may wish to address both the proposed amendment and the exemption application. Consideration of comments of the merits of including within an amendment modes of transportation other than those for which the exemption application requested is anticipated.

Each mode of transportation for which a particular exemption is authorized or requested is indicated in the "Nature of Exemption or Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. The status of the exemption action is indicated in the column titled Identification Number where prefix "E" means an exemption has been issued and prefix "SP" means a special permit exists under previous authorities. The suffix "No" means no applications for exemptions are pending, but the Bureau is taking action by this proposal; the suffix "X" means a renewal application is pending; and the suffix "P" means one or more party status applications are pending; and the suffix "N" means a new application for exemption is pending.

Proposed amendments of hazardous materials regulations to terminate special permits and exemptions

Identification No.	Applicant or holder	Regulation affected	Nature of exemption or application	Nature of proposed amendment
E-4586-No.	White Chemical Corp.	173.247(a)(2)	Authorizes shipment of various corrosive and flammable liquids (including primethyl acetyl chloride) in a DOT specification 6D cylindrical steel overpack with an inside polyethylene liner fabricated from type III polyethylene. (Modes 1, 2, and 3.) NOTE.—Trimethyl acetyl chloride was inadvertently omitted from docket No. HM-139; notice No. 76-7.	To amend the last sentence of subpar. (a)(2) to read: "Authorized for acetyl chloride, dichloroacetyl chloride, sulfuryl chloride, and trimethyl acetyl chloride only."
E-5167-No.	Mobay Chemical Corp.	173.377(b)(6)	Authorizes shipment of an organic phosphate compound mixture, dry in 12B fiberboard boxes with inside 2D paper bags with either a foil liner or with inside polyvinyl alcohol film pouches. NOTE.—Docket HM-139, amendments 173.104 and 177.38 (42 CFR 11238) added (b)(6) to sec. 173.377. The 2d sentence erroneously reads: "Paper bags must also have an additional foil liner and the mixture must be further packed in water soluble 1½ mil polyvinyl alcohol film pouches of not more than 8 oz capacity with not more than 10 pouches per bag." That sentence should read: "Paper bags must also have an additional foil liner or the mixture must be further packed in water soluble 1½ mil polyvinyl alcohol film pouches of not more than 8 oz capacity with not more than 10 pouches per bag."	To revise par. (b)(6) to read: "(6) Specification 12B (sec. 178.205 of this subchapter). Fiberboard box with inside specification 2D (sec. 178.23 of this subchapter). Paper bags not over 4-lb capacity each. The paper bags must also have an additional foil liner or the mixture must be further packed in water soluble 1½ mil polyvinyl alcohol film pouches of not more than 8 oz capacity with not more than 10 pouches per specification bag. Completed package must not exceed 65 lb gross weight and must meet the test requirements of pars. (d) and (e) of this section. Authorized only for mixtures in which the liquid is absorbed in concentrations no greater than 67 pct."
SP 6165-No.	Ashland Chemical Co.	173.272(i)(6)	Authorizes shipment of sulfuric acid in DOT 6D/2S on 2SL composite packaging. (Modes 1, 2, and 3.) NOTE.—Docket HM-139, amendment 173-101 (49 F.R. 50262, Nov. 15, 1976) amended 173.272(i)(6). The last sentence erroneously reads "overpack of 30-gal capacity must be constructed of 16-gage steel throughout when used for sulfuric acid of 93 pct or greater concentration." That sentence should have read "overpack of over 30-gal capacity must be constructed of 16-gage steel throughout when used for sulfuric acid or 93 pct or greater concentration."	To amend the last sentence of par. (6) to read: "Overpack of over 30-gal capacity must be constructed of 16-gage steel throughout when used for sulfuric acid of 93 pct or greater concentration."
SP 6561-X	Olin Corp.	173.276	Authorizes shipment of up to 64.9 pct solutions of hydrazine in DOT specification 2E polyethylene bottles inside a DOT 12B fiberboard box with certain additional requirements. (Modes 1 and 2.)	To add para. (a)(9) to read: "(9) Specification 12B (sec. 178.205 of this subchapter). Fiberboard box with 1 inside specification 2E (sec. 178.24a of this subchapter) polyethylene bottle not over 4½-qt capacity. Polyethylene bottle must be of type III high density polyethylene having a minimum wall thickness of 30 mil and bottle must be securely closed with a screw cap.
SP 6575-X	Remington Arms Co.	173.107(d)	Authorizes shipment of percussion caps in metal cans packed in chipboard boxes and further overpacked in specification 12B fiberboard boxes. (Modes 1 and 2.)	To add par. (d)(1) to read: (1) Specification 12B (sec. 178.205 of this subchapter). Fiberboard box. Caps must be packed in inside metal cans containing not more than 100 caps each. Can must then be packed in a chipboard box with not more than 10 cans per box. Not more than 5 such boxes shall be packed in the 12B fiberboard box. The completed package must be such that the explosion of a part of the caps will not cause the explosion of all the caps.

Identification No.	Applicant or holder	Regulation affected	Nature of exemption or application	Nature of proposed amendment
SP 6725-No. SP 6823-No.	3M Co.; E. I. du Pont de Nemours & Co.; Shell Oil Co.	173.119(b)	Authorizes flammable liquids, n.o.s. with flashpoint above 20° F to be shipped in DOT specification 12P/2U composite packaging not over 5-gal capacity. (Modes 1, 2, and 3.)	To add par. (b)(11) to read: "(11) Specification 12P (sec. 178.211 of this subchapter). Fiberboard boxes with inside specification 2U (sec. 178.24 of this subchapter) polyethylene containers not over 5-gal capacity. Authorized only for material which will not react dangerously with or cause decomposition of polyethylene. Not authorized for transportation by air."
E-6803-X	Halocarbon Products Corp.	173.264(b)(1)	Authorizes shipment of hydrofluoric acid, anhydrous in DOT specification 4BW welded steel cylinders. (Mode 1.)	To amend the first sentence of par. (b)(1) to read: "(1) Specifications 3Z, 3A, 3AA, 2H, 2C, 3E, 4, 4A, 2S, or 2S2, (secs. 178.36, 178.37, 178.38, 178.40, 178.42, 178.48, or 178.49 of this subchapter), also specifications 4B, 4BA, 4C, or 4BW (secs. 178.50, 178.51, 178.52, or 178.6) of this subchapter) if not brazed."
SP 6814-X	Allied Chemical Corp.	173.272(d), (i)(28).	Authorizes shipments of sulfuric acid of 57.9-pct and 62.2-pct concentration in DOT specification MC-310, MC-311, or MC-312 tank motor vehicles having steel cargo tanks equipped with a phenolic lining impervious to the lading. (Mode 1.)	To revise par. (d) to read: "(d) Sulfuric acid concentration of greater than 51 pct to not over 65.25 pct: Authorized packaging is described in subpars. (1) through (16), (27), and (28) of par. (i) of this section. To add par. (28) to read: "(28) Specification MC-310, MC-311, or MC-312 (sec. 178.343 of this subchapter). Tank motor vehicles having steel cargo tanks equipped with a phenolic lining impervious to the lading.
E-6914-No.	Hercules Inc.	173.66	Authorizes shipment of blasting caps having inside packaging consisting of polethylene bags. NOTE.—The revision to sec. 173.66(c) as published in docket HM-139; amendment 173-101 did not completely obviate the need of SP 6914. (Mode 1.)	To revise pars. (c), (d), and (d)(1) to read: (c) Blasting caps containing not more than 50 gr of explosive composition each must be placed in strong inside containers in which they fit snugly. When caps are loaded vertically in metal containers, they must be covered by suitable elastic material placed over the caps. Not more than 100 such blasting caps may be packed in a single container. All inside containers, except polyethylene plastic bags not subject to static generation, must then be packed snugly in cartons or wrappings made of paper or pasteboard. (d) Not more than 5,000 blasting caps, containing not more than 50 gr of explosive composition each, packed in inside containers as prescribed in par. (c) of this section, must be packed in outside containers complying with the following specifications: (1) Specifications 14, 15A, or 16A (secs. 178.165, 178.168, and 178.185 of this subchapter). Wooden boxes (see sec. 173.67 (a) (1) note 1) or specifications 12H, 23F, or 23H (secs. 178.209, 178.214, or 178.219 of this subchapter). Fiberboard boxes, with inside containers which must be either cartons or wrappings with inside containers, or polyethylene plastic bags not subject to static generation, as prescribed in paragraph (c) of this section which, except for inside containers of polyethylene plastic bags not subject to static generation which must fit snugly in the outside box, must be separated from the outside box by at least 1 in of tightly packed sawdust, excelsior, or equivalent cushioning material. Gross weight not to exceed 150 lb.
E-6917-No.	Atlas Powder Co.	173.239(a)	Authorizes shipment of barium azide—50 pct or more water wet, in accordance with 49 CFR 173.239(a) (1) except outside container may be a DOT specification 21C fiber drum. (Modes 1 and 2.)	To add para. (a)(2) to read: "(2) Specification 21C (sec. 178.224 of this subchapter). Fiber drum with inside glass bottles not over 1-lb capacity each. Bottles must have rubber stoppers wire-tied for securement. If shipment is to take place at a time freezing weather is to be anticipated, a suitable antifreeze solution must be used to prevent freezing."
SP 6950-X	Ozark Mahoning Co.	173.275(a)	Authorizes shipments of hexafluorophosphoric acid in 55-gal DOT specification 6D cylindrical steel overpack with an inside specification 2SL polyethylene container. (Modes 1 and 3.)	To add para. (a)(5) to read: "(5) Specification 6D (sec. 178.102 of this subchapter). Cylindrical steel overpack with inside specification 2S or 2SL (secs. 178.35, 178.35a or this subchapter) polyethylene packaging. Maximum net weight 550 lb.
SP 7059-X	Oxford Chemicals; Chemtech Resources, Inc.	173.245b(a)(6)	Authorizes shipment of a corrosive solid, n.o.s. in accordance with 49 CFR 173.245b (a)(6) except maximum capacity may be 7 gal. (Modes 1 and 2.)	To revise par. (a)(6) to read: "(6) Plastic drum or pail not exceeding 80 lb net weight and not over 7-gal capacity."
E-7082-X	Igloo Corp.	173.276(a)	Authorizes shipment of corrosive liquids in a non-DOT specification 55-gal reusable molded polyethylene container. (Modes 1, 2, and 3.)	To add subpar. (9) to read: "(9) Specification 34 (sec. 178.19 of this subchapter) polyethylene container without overpack, not over 30-gal capacity. Authorized for hydrazine solution only.
E-7229-X	Dow Chemical Co.	173.304(a)(2)	Authorizes shipment of sulfuryl fluoride in DOT specification 3E cylinder having a service pressure of not more than 1,800 lb/in²g. (Modes 1, 2, 3, and 4.)	To revise the 3d column of sec. 173.304(a)(2) for sulfuryl fluoride to read: DOT-3AA480; DOT-3AA480; DOT-3E1800; DOT-4B480; DOT-4BA480; and DOT-4BW480.
E-7281-No.	RMI Titanium Co.	173.306(b)	Authorizes shipment of titanium metal powder, dry in DOT specification 17C metal drums not over 30-gal capacity. (Mode 1.)	To add par. (b)(4) to read: "(4) Specification 17C (sec. 178.115 of this subchapter). Metal drums (single trip) not over 30-gal capacity."
E-7423-No.	Dow Chemical Co.	173.220	Authorizes shipment of magnesium, metal in DOT specification 56 aluminum portable tanks. (Modes 1, 2, and 3.)	To revise par. (b) to read: (b) Magnesium metallic (other than scrap), powdered, pellets, turnings, or ribbon must be packed in containers as prescribed in sec. 173.154 or in DOT specification 56 (sec. 178.252 of this subchapter) metal portable tanks.
E-7439-No.	BernzOmatic Corp.	178.33a-2(b)	Authorizes shipment of dichlorodifluoromethane in DOT specification 2Q containers except that the maximum capacity is 55 in³ (30.5 fluid oz). (Modes 1 and 2.)	To revise par. (b) to read: "(b) The maximum capacity of containers in this class shall not exceed 55 in³ (30.5 fluid oz). The maximum inside diameter shall not exceed 3 in.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e) and paragraph (a)(4) of App. A to Part 102.)

Issued in Washington, D.C., on March 25, 1977.

DR. C. H. THOMPSON, P.E.,
Acting Director, Office of Hazardous Materials Operations.

[FR Doc.77-10022 Filed 4-6-77;8:45 am]

V 4267 APR 7 7 7 UMI

[49 CFR Part 195]

[Notice 77-3; OPSO Doc. No. 77-4]

TRANSPORTATION OF LIQUIDS BY PIPELINE

Conversion of Existing Pipeline to Liquid Service

AGENCY: The Materials Transportation Bureau's Office of Pipeline Safety Operations (OPSO).

ACTION: Proposed rule.

SUMMARY: This notice proposes to establish minimum requirements for the conversion of existing steel pipeline to liquid service. The proposal is issued in response to a petition by the American Petroleum Institute (API). The new regulations would eliminate the burden and delay of accomplishment of conversion through the current waiver process while at the same time providing the necessary level of safety.

DATES: Comments must be received on or before May 13, 1977.

ADDRESS: Send comments to: Director, Office of Pipeline Safety Operations, Department of Transportation, 2100 Second Street, SW., Washington, D.C. 20590.

Comments are available at Docket Room 6500, 2100 Second Street SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Peggy Hammond, (202) 426-0135.

SUPPLEMENTARY INFORMATION: The safety standards in Part 195 govern the design, construction, operation, and maintenance of onshore and offshore pipelines used for the transportation in interstate or foreign commerce of hazardous materials subject to Parts 172 and 173 of this chapter, petroleum, and petroleum products. However, conversion of existing pipelines to service subject to Part 195 is not specifically covered in the present regulations.

Since Part 195 does not specifically address the subject of conversion, the current OPSO interpretation is that an existing pipeline in other service may be used in service subject to Part 195 if it is operated and maintained in accord with Subpart F of Part 195, and complies, as required by § 195.402(d), with applicable design, construction, initial testing, and initial inspection standards of that Part or if a waiver from compliance with one or more of the Part 195 regulations has been approved.

Section 195.402(d) requires that:

> No carrier may operate any part of a pipeline system upon which construction was begun after March 31, 1970, or in the case of offshore pipelines located between a production facility and a carrier's trunkline reception point, after July 31, 1977, unless it was designed and constructed as required by this part.

Because most of the facilities that would be converted to liquid service were constructed prior to the controlling dates of § 195.402(d) in accordance with specifications and procedures applicable at the time they were installed, they cannot realistically comply with all the design, construction, initial testing, and initial inspection requirements of Part 195. Therefore, the carrier's only alternative is to accomplish conversion of an existing pipeline through the waiver process. However, the processing of a large number of waiver requests can be unnecessarily cumbersome and time consuming for both OPSO and the carrier. The Materials Transportation Bureau (MTB) believes that the procedures contained in the proposed subpart will facilitate timely conversion of existing pipelines to liquid service and assure the safe operation of such pipelines in their new services. MTB further believes that the adoption of these procedures will enhance the ability of the pipeline industry to deliver much needed energy supplies in a timely, economically, and environmentally sound manner, all of which are in the national interest.

In its petition, API points out that the energy supply pattern in our nation has changed significantly during recent years and will continue to change because of declining production from older oil and gas fields and the discovery and development of new oil and gas fields. The availability of crude oil and natural gas from Alaska's North Slope, increased imports, anticipated future offshore production, shifts in population, and the operation of the Strategic Petroleum Reserve Program will alter petroleum patterns even more. The conversion of existing pipelines not now utilized for the transportation of liquid petroleum to such service can go far in assisting to satisfy the demand for pipeline transportation created by these changed patterns of petroleum distribution.

API further states:

> From the environmental point of view, conversion of existing pipelines to the transportation of liquid petroleum is highly desirable in several respects. The need for new rights-of-way is reduced; multiple surface use of existing rights-of-way remains virtually undisturbed, as do wildlife and existing vegetation.
>
> Service conversions directly benefit the consumer because they can make efficient use of now under utilized capital facilities. Service conversions are also advantageous because of the speed with which they can be accomplished, compared to the construction of entirely new pipeline facilities.
>
> Service conversion is also conservative of raw materials and of energy, which are necessary to produce entirely new pipelines. The energy conservation and economic benefits of pipeline service conversion combine to produce a highly beneficial economic impact for such projects.

The proposed subpart conditions the conversion of existing pipelines to liquid service on the carrier taking specified actions in conformance with a written procedure. In general they are reviewing the design and construction and the operating and maintenance history of the pipeline, and, based on that review, making any repairs, replacements, or alterations that are necessary for safe operation, and then performing leak and strength tests appropriate for the intended service as added assurance that the pipeline will be serviceable and then commencing operations in accordance with the preplanned procedure. The fact that a converted line will be placed in liquid service, and, consequently be subject to Part 195, immediately requires that it be operated and maintained in accord with that Part.

Conversion under new Subpart G would apply only to the conversion of steel pipelines to liquid service. This is consistent with existing § 195.8 that requires Secretarial approval before pipelines constructed of material other than steel may be used in service subject to Part 195.

Also, proposed herein is an amendment to 49 CFR § 195.402(d). By proposing the new Subpart G, as discussed above, the currently controlling dates in § 195.402(d) would become inappropriate in relation to compliance with that new subpart. The proposed amendment would avoid that conflict.

This notice also takes into consideration the information contained in Notice 77-2, "Conversion of Existing Pipeline to Gas Service," published in the FEDERAL REGISTER on March 24, 1977. Notice 77-2 proposes rulemaking action to establish a new Subpart N, Conversion of Existing Pipeline to Gas Service within Part 192 of Title 49, Code of Federal Regulations. Notice 77-2 was based on a petition for rulemaking filed by the Interstate Natural Gas Association of America (Docket No. Pet. 77-3).

Interested persons are invited to participate in this rulemaking action by submitting such data, views, or arguments as they may desire. Communications should identify the regulatory docket and notice numbers and be submitted in triplicate to the above address. All communications received by May 13, 1977, will be considered before final action is taken on the notice. Late filed comments will be considered so far as practicable. The proposal contained in this notice may be changed in light of comments received.

MTB is considering making these proposed amendments to 49 CFR Part 195 effective upon their publication as final rules. This would allow carriers to take immediate advantage of a beneficial conversion procedure.

IMPACT EVALUATION: MTB has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107.

PRINCIPAL AUTHORS OF THIS PROPOSAL: Mr. Frank E. Fulton, Chief, Technical Division, OPSO, and Mr. Robert L. Beauregard, Attorney, Office of the General Counsel.

In consideration of the foregoing, MTB proposes that Part 195 of Title 49 of the Code of Federal Regulations be amended as follows:

1. By adding to the table of contents immediately following "§ 195.438, Smoking or open flames." the following entries:

Subpart G—Conversion of Existing Pipeline to Liquid Service

Sec.
195.500 Scope.
195.502 General.
195.504 Determining integrity of pipeline.
195.506 Operation and maintenance.
195.508 Maximum allowable operating pressure.

2. By revising paragraph (d) of § 195.402 to read as follows:

§ 195.402 General requirements.

* * * * * *

(d) Except as provided in Subpart G of this Part, no carrier may operate any part of a pipeline system upon which construction was begun after March 31, 1970, or in the case of offshore pipelines located between a production facility and a carrier's trunkline reception point, after July 31, 1977, unless it was designed and constructed as required by this Part.

3. By adding a new Subpart G immediately following existing Subpart F to read as follows:

Subpart G—Conversion of Existing Pipeline to Liquid Service

§ 195.500 Scope.

This subpart prescribes minimum requirements for converting steel pipelines from service not subject to this Part to service subject to this Part. Conversion to service subject to this Part of existing pipeline constructed of material other than steel requires specific approval by the Secretary (see § 195.8 of this Part).

§ 195.502 General.

(a) As used in this subpart "convert a pipeline," "converting a pipeline," or "conversion of a pipeline" means to change an existing steel pipeline or segment of existing steel pipeline from service not subject to this Part to service subject to this Part.

(b) After (effective date) no person may convert a pipeline unless each requirement of this subpart is complied with.

(c) Each carrier who intends to convert a pipeline shall establish and implement a written procedure for that pipeline that will ensure compliance with each requirement of this subpart.

(d) Each carrier who converts a pipeline shall retain for the life of that pipeline, a record of each investigation required by this subpart, of all modifications performed, and of each test conducted in connection with the conversion.

§ 195.504 Determining integrity of pipeline.

(a) No person may operate a converted pipeline unless the requirements of this section have been met.

(b) Before converting a pipeline, the carrier shall—

(1) Review the design, construction, operation, and maintenance history of the pipeline and determine the physical condition of the pipeline by examination of appropriate maintenance and internal and external corrosion control records, conduct appropirate visual inspections, and, if sufficient records are not available, conduct new tests to verify whether the proposed conversion will be consistent with this Part.

(2) Make any repairs, replacements, or alterations that are necessary for operation under this Part. Such repairs, replacements, or alterations must be made in accord with this Part.

(3) Perform a hydrostatic test on the pipeline as prescribed in Subpart E of this Part, unless testing of the pipeline has been performed in a manner equivalent to Title 49 Part 192 or 195 within the five years prior to conversion.

§ 195.506 Operation and maintenance.

(a) Each converted pipeline must be operated and maintained in accordance with this Part.

(b) Within 12 months after a converted pipeline is put in service that pipeline must be protected from atmospheric, internal, and external corrosion in accordance with this Part.

§ 195.508 Maximum allowable operating pressure.

Except for surge pressures and other variations from normal operations, no carrer may operate a converted pipeline at a pressure that exceeds any of the following:

(a) The internal design pressure determined in accordance with § 195.106 (a) of this Part for a new pipeline constructed of the same materials as the converted pipeline.

(b) Eighty percent of the pressure to which the converted pipeline has previously been tested in accordance with Title 49 Part 192 or eighty percent of a hydrostatic test made in accordance with Subpart E of this Part.

(18 U.S.C. 834, 49 CFR 1.53(g) and paragraph (b) (1) of Appendix A of Part 102.)

Issued in Washington, D.C., on April 4, 1977.

CESAR DELEON,
Acting Director, Office of Pipeline Safety Operations.

[FR Doc.77-10490 Filed 4-6-77;10:12 am]

National Highway Traffic Safety Administration

[49 CFR Part 531]

[Doc. No. FE 76-1; Notice 4]

PASSENGER AUTOMOBILE AVERAGE FUEL ECONOMY STANDARDS

Extension of Comment Period

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Proposed rule, extension of period for public comments.

SUMMARY: This notice responds to a petition for extension of the period for written comments on the notice of proposed rulemaking on average fuel economy standards for passenger automobiles manufactured in model years 1981–84 and for written responses to questions asked at the March 22–24 hearing on the proposal. The closing date is changed from April 7, 1977, to April 12, 1977.

DATE: Comments must be received on or before April 12, 1977.

ADDRESS: Comments should be submitted to: Docket Section, Room 5108, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Mr. Roger Fairchild, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590 (202–426–2993).

SUPPLEMENTARY INFORMATION: On February 22, 1977, at 41 FR 10311, the Department of Transportation proposed the establishment of average fuel economy standards for passenger automobiles manufactured in model years 1981–84. That notice also announced a public hearing on those standards and established a deadline of April 7, 1977, for the submission of written comments on the proposal and of written responses to matters raised at the hearing. At the hearing, several participants agreed to provide detailed written responses to certain questions. These questions were of a technical nature, requiring the compilation and analysis of test and engineering data and of economic information.

One of the participants, Chrysler Corporation, has petitioned for a 10-day extension of the comment period to prepare its comments on the proposal and responses to the questions posed at the hearing. The Department had established a 45-day comment period on the proposal to allow sufficient time to issue a final rule by July 1, 1977. Nevertheless, it has been determined a slight extension is justified. Accordingly, the petition is partially granted and the comment closing date is hereby extended until April 12, 1977.

Comments received by the new comment closing date will be considered in developing the final rule on the 1981–84 fuel economy standards. To the extent possible, consistent with the schedule for issuing the final rule by July 1, late comments will also be considered.

(Sec. 9, Pub. L. 89-670, 80 Stat. 931 (49 U.S.C. 1657); sec. 502, Pub. L. 94-163, 89 Stat. 902 (15 U.S.C. 2002); delegation of authority at 41 FR 25015, June 22, 1976.)

Issued on April 1, 1977.

ALAN A. BUTCHMAN,
Acting Administrator.

[FR Doc.77-10307 Filed 4-6-77;8:45 am]

V 4267 APR 7 77 UMI

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

GRAIN STANDARDS

Iowa Grain Inspection Point

Statement of considerations. On January 3, 1977, a notice was published in the FEDERAL REGISTER (42 FR 59) announcing that (1) the Davenport Grain Exchange, Inc., the official agency designated pursuant to section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79(f)) for Davenport, Iowa, requested that its designation be transferred to the Eastern Iowa Grain Inspection and Weighing Service, Inc., Blue Grass, Iowa, effective December 31, 1976, and (2) Eastern Iowa Grain Inspection and Weighing Service, Inc., an existing official agency, filed an application in accordance with § 26.96 of the regulations under the U.S. Grain Standards Act to become the official agency at Davenport, Iowa.

The notice further stated that in order to continue orderly inspection services at Davenport, Iowa, during the period from January 1, 1977, until a new agency was designated, the Eastern Iowa Grain Inspection and Weighing Service, Inc., would be given an interim designation as the official agency. Interested persons were given until February 2, 1977, to submit written views and comments on the requested transfer and/or to make application to become the official agency at Davenport, Iowa.

No written views, comments, or additional applications have been received in response to the above notice.

After due consideration of all relevant matters, the official inspection point at Davenport, Iowa, formerly operated by Davenport Grain Exchange, is hereby transferred to Eastern Iowa Grain Inspection and Weighing Service, Inc., Blue Grass, Iowa. Accordingly, Eastern Iowa's assignment of inspection points is hereby amended to add Davenport, Iowa, as a designated inspection point.

(Sec. 7, (Pub. L. 94-582) 90 Stat. 2870, (7 U.S.C. 79).)

Effective date: This notice shall become effective April 7, 1977.

Done in Washington, D.C., on April 1, 1977.

WILLIAM T. MANLEY,
Interim Administrator.

[FR Doc.77-10296 Filed 4-6-77;8:45 am]

Forest Service

BIGHORN NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting

The Bighorn National Forest Grazing Advisory Board will meet at 10 a.m., Tuesday, May 3, 1977, in Room 300 of the Northern Hotel in Billings, Montana.

The purpose of the meeting is to elect officers and to discuss Bighorn National Forest range management activities and programs for the next few years. Particular items for discussion are:

1. Role of National Forest ranges in relieving drought problems.

2. Cooperative construction and maintenance of National Forest range improvements.

3. Key values associated with Wyoming National Forests.

4. Land use planning on the Bighorn National Forest.

5. Forest Service National and Regional program goals and objectives.

The meeting will be open to the public. Persons who wish to attend may notify Jack Booth, Bighorn National Forest Supervisor, Sheridan, Wyoming 82801 (Phone 307-672-2457). Written statements may be filed with the Advisory Board before or after the meeting. Persons wishing to appear before the Board to present oral statements must submit the topic and content of their presentation to Jack Booth by April 23, 1977.

JACK BOOTH,
Forest Supervisor.

MARCH 29, 1977.

[FR Doc.77-10338 Filed 4-6-77;8:45 am]

SIERRA SKI RANCH EXPANSION—ELDORADO NATIONAL FOREST

Land Management Plan; Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the proposed expansion of Sierra Ski Ranch Winter Sports Site, Eldorado National Forest, California, USDA-FS-R5-DES(Adm)-77-04.

The environmental statement concerns the proposed expansion of a winter sports site near Echo Summit in the Eldorado National Forest. The area is located in El Dorado County, California, approximately 83 miles east of Sacramento, and is accessible by U.S. Highway 50. There are no inventoried roadless areas within the proposed expansion boundary.

The draft environmental statement was transmitted to the Council on Environmental Quality (CEQ) on March 18, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3210, 12th St., and Independence, SW., Washington, D.C. 20250

Regional Forester, U.S. Forest Service, Room 529, 630 Sansome Street, San Francisco, Calif. 94111.

Forest Supervisor, Eldorado National Forest, 100 Forni Road, Placerville, Calif. 95667.

Forest Service, District Ranger, Placerville District, 3491 Carson Court, Placerville, Calif. 95667.

A limited number of single copies are available, upon request, from Forest Supervisor Joseph H. Harn, Eldorado National Forest, 100 Forni Road, Placerville, California 95667.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental effects for which comments have not been specifically requested.

Comments concerning the proposed action, and requests for additional information should be addressed to Forest Supervisor Joseph H. Harn, Eldorado National Forest, 100 Forni Road, Placerville, California 95667. Comments must be received within 60 days after transmittal to CEQ in order to be considered in the preparation of the final environmental statement.

ROBERT W. CERMAK,
Acting Regional Forester.

MARCH 18, 1977.

[FR Doc.77-10340 Filed 4-6-77;8:45 am]

LAND MANAGEMENT PLAN FOR WHITE RIVER NATIONAL FOREST, COLO.

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement and land management plan for the Eagle-Aspen Unit of the White River National Forest. The Forest Service report number is USDA-FS-R2-DES(Adm) FY-77-03.

The environmental statement concerns a proposal to implement a revised land management plan for the Eagle-Aspen Unit, White River National Forest. Such plans identify the allocation of resource uses on National Forest lands.

This draft environmental statement was transmitted to CEQ on March 31, 1977.

Copies are available for inspection during regular working hours at the following locations:

Forest Service, USDA, S. Agriculture Bldg., Room 3230, 12 St. and Independence Ave., SW., Washington, D.C. 20250.
Forest Service, USDA, 11177 West 8th Ave., P.O. Box 25127, Lakewood, Colo. 80225.
Forest Service, USDA, White River National Forest, P.O. 948, Glenwood Springs, Colo. 81601.

A limited number of single copies are available upon request to Thomas C. Evans, Forest Supervisor, Forest Service, USDA, White River National Forest, P.O. Box 948, Glenwood Springs, Colorado 81601.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Thomas C. Evans, Forest Supervisor, Forest Service, USDA, White River National Forest, P.O. Box 948, Glenwood Springs, Colorado 81601. Comments must be received by May 31, 1977, in order to be considered in the preparation of the final environmental statement.

THOMAS C. EVANS,
Forest Supervisor.

MARCH 31, 1977.

[FR Doc.77-10239 Filed 4-6-77;8:45 am]

PRESCOTT NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting

The Prescott National Forest Grazing Advisory Board will meet at 10 a.m. on May 6, 1977, at the Forest Supervisor's Office in Prescott, Arizona.

The purpose of this meeting is to elect officers and review items of mutual interest to grazing permittees and the Forest Service.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor, Prescott National Forest, 344 South Cortez Street, Prescott, Arizona, telephone number 602-445-1762. Written statements may be filed with the Board before or after the meeting.

The Board has established the following rules for public participation:

Members of the public will be given an opportunity for comments and questions following discussion by the Advisory Board.

JOHN W. BOHNING,
Acting Forest Supervisor.

MARCH 31, 1977.

[FR Doc.77-10339 Filed 4-6-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket Nos. 30679, 29113, 29125, 29126, 29152, 29312; Order 77-3-167]

DAYTONA BEACH/VOLUSIA COUNTY PARTIES, ET AL.

Atlanta-Daytona Beach/Sarasota-Bradenton Nonstop Proceeding

In the matter of Petition of the Daytona Beach/Volusia County Parties for institution of an Air Service Investigation and Petition of the Sarasota/Bradenton Parties for institution of an Air Service Investigation and Applications of Delta Air Lines, Inc., Northwest Airlines, Inc., and Southern Airways, Inc.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of March, 1977.

On April 9, 1976, the County of Volusia, Florida, the City of Daytona Beach, Florida, the Volusia County Airports Advisory Board, the Volusia County Council of Governments, and the Daytona Beach Chamber of Commerce (the Daytona Beach parties) petitioned the Board for an investigation of the need for first competitive nonstop service between Daytona Beach and Atlanta. In support of their petition, the Daytona Beach parties allege, inter alia, that service to Atlanta and the midwestern United States is conducted solely by Eastern pursuant to monopoly rights, or is nonexistent where Eastern has no route authority; that traffic levels at Daytona have increased dramatically since 1960 and continue to grow at a rate higher than the national rate; and that service interruptions due to labor disputes are a frequent problem for Daytona Beach passengers.

On April 12, 1976, the Sarasota-Manatee Airport authority, the Manatee County, Florida Chamber of Commerce, and the Sarasota County, Florida Chamber of Commerce (the Sarasota Parties) also petitioned the Board to institute an investigation of the need for an additional air carrier [1] at Sarasota-Bradenton, and for competitive nonstop service between Sarasota and Atlanta, with an ultimate view toward improved service between Sarasota and points to the north and west of Atlanta. In support of their petition, the Sarasota parties allege, inter alia, that traffic demand and growth have outstripped the ability of incumbent carriers to respond to air service needs, that load factors between Sarasota and Atlanta have been extremely high,[2] and that traffic levels between Sarasota and Atlanta can readily support the operations of two carriers.

Northwest Airlines filed an answer in support of the petition of the Sarasota Parties, while Eastern filed separate answers in opposition to both petitions. Delta filed a consolidated answer in support of both petitions. Eastern submitted a motion to file an otherwise unauthorized document together with a reply to Delta's consolidated answer.[3] A petition for leave to intervene was filed by the Minneapolis-St. Paul Metropolitan Airports Commission.

Eastern opposes the petition of the Daytona Beach parties on the grounds that its service has been responsive to the needs of the market and has encouraged its growth. Eastern also maintains that the Daytona Beach parties have failed to show a need for an additional carrier since part of the petitioner's data was compiled during an "abnormal year" (1974). Eastern explains that, although high, its load factors over the Atlanta segment have declined,[4] but that, in any event, additional service by Eastern would be a preferable approach to the issues raised in the Daytona Beach petition. Eastern advances similar arguments for its opposition to Sarasota's petition.

Upon consideration of the foregoing pleadings and all relevant facts, we have decided to institute an investigation to consider whether the public convenience and necessity require additional nonstop service in the Sarasota/Bradenton-Atlanta and Daytona Beach-Atlanta markets. We emphasize, however, that the proceeding will be limited solely to consideration of the need for competitive nonstop service in the subject markets and will no tinclude issues related to nonstop service between Sarasota and Daytona Beach on the one hand, and points to the north and west of Atlanta, on the other hand. Toward that end, any award which might result from this proceeding will be in the form of a new segment.[5] Further, we will consolidate the applications of Northwest and Delta in Dockets 29152 and 29126, respectively, insofar as these applications conform to the scope of the proceeding herein instituted.[6] Consistent with our intention to limit the scope of the proceeding, we will deny consolidation of that part of Delta's application in Docket 29126 which seeks to amend segments 1, 2 and 5 of route 27, and segments 1 and 5 of route 54, since Atlanta is not served by Delta on those segments.

[1] Both Eastern and National serve both Sarasota-Bradenton and Daytona Beach. However, Eastern provides the only nonstop service to Atlanta from the communities. Eastern schedules five nonstops and two one-stop flights from Atlanta to Daytona and six nonstops and one one-stop in the opposite direction. Eastern operates six daily nonstop round trips between Sarasota and Atlanta. OAG, January 15, 1977.

[2] Load factors for Eastern's service between Sarasota and Atlanta averaged 71.16 percent for the year ending September 30, 1976, and averaged 82 percent for the first four months of 1976.

[3] We will grant Eastern's motion.

[4] Load factors for Eastern's Daytona-Atlanta service averaged 60.9 percent for the year ended September 30, 1976.

[5] Notwithstanding our determination to award any authority in the form of a new segment, it is not our intention to preclude the award of permissive authority should the evidence so require.

[6] Although all current applications are seeking to add Sarasota and/or Daytona Beach to certificates as intermediate points, and, as a technical mat ter, do not conform to the scop eof this proceeding, we will deem them to be in substantial conformity for purposes of this order.

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Finally, in order to determine the environmental consequences which might result from an award herein, we will require the applicant carriers, Delta, Northwest, and Southern, and any other carrier who may file an application in this proceeding, to file the information set forth in Part 312 of the Board's Procedural Regulations. We will allow all carriers a period of 40 days from the date of service of this order to file such environmental evaluations.

Accordingly, *it is ordered*, That:

1. A proceeding to be known as the Atlanta-Daytona Beach/Sarasota-Bradenton Nonstop Proceeding, Docket 30679, be and it hereby is instituted and shall be set down for hearing before an administrative law judge of the Board at a time and place hereinafter designated as the orderly administration of the Board's docket permits;

2. The proceeding instituted by Paragraph 1, above, shall include consideration of the following issues:

a. Do the public convenience and necessity require the certification of an air carrier or air carriers to engage in competitive nonstop air transportation between Atlanta, Georgia, on the one hand, and Daytona Beach and/or Sarasota-Bradenton, Florida, on the other hand?

b. If the answer to (a) is in the affirmative, which air carrier(s) should be authorized to engage in such service?

c. What terms, conditions and/or limitations, if any, should be placed on the operation of such carrier(s)?

3. Any authority granted in said proceeding shall be in the form of a new segment and shall be ineligible for subsidy;

4. The following applications and petitions, to the extent that they conform to the scope of the issues and hereinabove stated, be and they hereby are consolidated with said proceeding:

Delta Air Lines, Inc., Docket 29126; Northwest Airlines, Inc., Docket 29152; Southern Airways, Inc., Docket 29312; the Daytona Beach Parties, Docket 29113; the Sarasota Parties, Docket 29125;

5. To the extent they do not conform to the issues of said proceeding, the applications of Delta Air Lines in Docket 29126, Northwest Airlines in Docket 29152, and Southern Airways in Docket 29312, be and they hereby are dismissed without prejudice;

6. The motion for leave to file an otherwise unauthorized document filed by Eastern Air Lines, Inc., be and it hereby is granted;

7. Applications, motions to consolidate, and petitions for reconsideration of this order shall be filed 20 days from the date of service of this order and answers thereto shall be filed 10 days thereafter;

8. Delta Air Lines, Northwest Airlines, Southern Airways, and all other carriers filing applications in this proceeding shall file environmental evaluations pursuant to § 312.12 of the Board's Procedural Regulations within 40 days of the date of service of this order; and

9. The following persons are hereby made parties to the proceeding instituted herein: the Daytona Beach parties, the Sarasota parties, Delta Air Lines, Inc., Eastern Air Lines, Inc., Northwest Airlines, Inc., and Southern Airways, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[7]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-10342 Filed 4-6-77;8:45 am]

[Docket 25659; Order 77-4-5]

HUGHES AIR CORP.

Investigation of the Local: Service Class Subsidy Rate, Class Rate VII

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 1st day of April, 1977.

By this order the Board is providing $75,504 to Hughes Air Corp. d/b/a Hughes Airwest (Airwest) in addition to the subsidy otherwise due and payable under Class Rate VII in order to provide Airwest with a tax allowance for the month of May 1974.

On May 2, 1974, Airwest filed a pro forma tax return indicating that it had exhausted its tax loss carryforwards in June of 1974. Based on this pro forma tax filing, the Board provided the carrier with a tax allowance for the period beginning July 1, 1974 (See Class Rate VII, Amendment 2, Order 74-7-76). On September 18, 1975, Airwest submitted a copy of its Federal income tax return for the calendar year 1974, which indicated that it had exhausted its tax loss carryforwards in May of 1974. The Board examined the return [1] and determined that the carrier had exhausted all of its loss carryforward credits during May 1974 instead of June 1974.[2]

Order 76-2-111, February 27, 1976, provided Airwest with a lump-sum payment of $73,069 for the tax effect for the month of June 1974. In determining its income tax position in 1974, however, Airwest used an unaudited net operating loss carryforward. Also, the years 1970 through 1974 had not been closed by the Internal Revenue Service (IRS) at that time. On February 4, 1977, the carrier supplied supporting schedules and copies of documents indicating that the tax years 1970 through 1974 had been audited and closed by IRS. The IRS audit resulted in a smaller net operating loss carryover from 1973 to 1974. Therefore, Airwest actually exhausted its loss carryforward credits during April 1974. On this basis, the carrier filed a revised claim for a tax allowance effective May 1, 1974.

We have decided to provide Airwest with a lump sum payment of $75,504 [3] for the tax effect for the month of May 1974 since—except for tax adjustments—Class Rate VII terminated as of June 30, 1976.

Accordingly, *it is ordered*, That:

1. Hughes Air Corp. d/b/a Hughes Airwest be paid subsidy in a lump sum amount of $75,504 for the tax allowance for the month of May 1974. This lump sum payment will be in addition to the subsidy otherwise due and payable under the terms of Class Rate VII to Hughes Air Corp. d/b/a Hughes Airwest for the month of May 1974.

2. This order shall become effective on the seventh day after the date of service hereof, unless prior to that date exceptions and supporting reasons shall have been filed. If exceptions and supporting reasons are filed within the time prescribed above, the effective date of this order shall be stayed pending disposition of the exceptions.

3. This order shall be served upon Hughes Air Corp. d/b/a Hughes Airwest, and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-10344 Filed 4-6-77;8:45 am]

[Docket 30182; Order 77-4-6]

OZARK AIR LINES, INC.

Iowa/Illinois-Atlanta Route Proceeding

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 1st day of April, 1977.

On December 9, 1976, Ozark Air Lines filed an application for a new segment consisting of the terminal point Des Moines, Iowa, the intermediate points Quad Cities, Iowa-Illinois,[1] and Peoria, Illinois, and the terminal point Atlanta, Georgia. In addition, Ozark filed a petition for an order to show cause, or, in the alternative, a motion for hearing on its application. If awarded the authority requested, Ozark proposes to provide first single-plane service between Atlanta, on the one hand, and Cedar Rapids, Iowa, Rochester, Minnesota, Des Moines, Quad Cities, and Peoria, on the other hand.

In support of its motion, Ozark alleges that it would provide Des Moines, Peoria, and Quad Cities each with one daily nonstop DC-9 round trip to Atlanta. The carrier maintains that these trips would be extended into its system and, as a result, provide first single-plane service between Cedar Rapids/Rochester and Atlanta. Additionally, on-line connecting service to Atlanta from Sioux Falls, South Dakota, Sioux City, Iowa, and Waterloo, Iowa would be offered. The carrier estimates that these new services would result in a operating profit of $1,528,000 during the first year, and would provide new single-plane and single-carrier service alternatives to over 115,000 passengers annually. In addition to providing an opportunity for improved profitability and new service to the public, Ozark argues that air passengers would be able to eliminate the inconvenience of congestion now required by their present routings via Chicago's O'Hare Airport. As a result of this new Chicago bypass service, Ozark forecasts that the present O&D traffic volumes of the markets in issue would be substantially stimulated, and that such projections accord with the carrier's experience in the Peoria/Champaign-Denver markets where passenger traffic increased well in excess of 100% after the introduction of new single-plane service bypassing Chicago.

Answers in support of Ozark's motion were filed by the Cedar Rapids parties [2] and the Peoria parties.[3] Petitions for leave to intervene were submitted by the Illinois Department of Transportation, Delta Air Lines, the Board of Commissioners of the Metropolitan Airport Authority of Rock Island County, Illinois, and the Iowa Department of Transportation.

Eastern Air Lines, Northwest Airlines, and Southern Airways each have filed answers in opposition to Ozark's petition.

Eastern maintains that Ozark's traffic forecasts for the markets in issue are greatly inflated, and place an undue reliance on interline connecting traffic. Consequently, Eastern argues, the relatively small traffic volumes, particularly those that would be served on a single-carrier basis, do not justify commitment of the Board's resources to the present consideration of Ozark's application. Eastern further states that if the Board should elect to give Ozark's application prompt attention, it should preclude consideration of any new authority which would permit Ozark to operate new single-plane service between Chicago, Milwaukee, Minneapolis/St. Paul, St. Louis, and Omaha, on the one hand, and Atlanta, on the other hand. In support of such a restriction, Eastern notes that each of the above-mentioned markets presently receive multiple daily single-plane services and that Ozark does not allege any additional need for services in these markets.

Northwest, in its answer, echoes the contention of Eastern that the traffic volumes involved in the markets in issue simply do not warrant the present expenditure of the Board's resources. However, should a hearing be granted, Northwest requests that a restriction be imposed prohibiting Ozark from operating single-plane service between Minneapolis/St. Paul, Milwaukee/Madison, and Rochester, on the one hand, and Atlanta, on the other hand.

Southern filed an answer in opposition to the motion contending that Ozark's proposed operations will be uneconomic. In support of this claim, Southern argues that necessary adjustments to Ozark's financial forecast show a loss after return and tax.

Ozark filed a motion for leave to file an otherwise unauthorized document, accompanied by a consolidated reply to the answers of Eastern, Northwest and Southern.[4]

Upon consideration of the above pleadings and of all relevant facts, we have decided to institute the Iowa/Illinois-Atlanta Route Proceeding for the purpose of considering whether the public convenience and necessity require authorization of a carrier to engage in the air transportation proposed in the application of Ozark. We note that no carrier has challenged Ozark's assertion that a substantial operating profit would result from institution of the proposed operations. Furthermore, consideration at this time of the Chicago bypass services in issue is justified in light of the Board's often expressed concern with the congestion problem associated with traffic movement at O'Hare Airport.

We further find that no convincing argument has been made for the imposition of pretrial restrictions against single-plane service between Atlanta and either (1) Minneapolis/St. Paul and Milwaukee/Madison, as advocated by both Eastern and Northwest, or (2) Chicago, St. Louis and Omaha, as advocated by Eastern alone, or (3) Rochester, as advocated by Northwest alone. No carrier could receive new nonstop authority in these markets as a result of this proceeding and there appears to be no compelling reason why ordinary beyond-segment rights should be excluded in advance. If there is in fact a need for such restrictions, it can be shown at hearing.

Lastly we note that, by Notice of Environmental Rejection, contemporaneously issued with this order, the Chief of Legal Division, Bureau of Operating Rights, having reviewed the environmental evaluation provided with Ozark's motion and having been duly designated by the Director, Bureau of Operating Rights, pursuant to section 312.8 of the Board's Procedural Regulations, has found, pursuant to section 312.13 of the Board's Procedural Regulations, that the proceeding instituted herein is not one which could lead to a "major Federal action significantly affecting the quality of the environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA). However, that conclusion is not intended to foreclose any party from presenting evidence (subject to the usual evidentiary rules in force in C.A.B. proceedings) or from making arguments with respect to relevant environmental issues. Nor are we foreclosed from consideration of environmental facts resulting from the possible licensing actions in issues in this proceeding, which, although of a lesser magnitude than those required to trigger further procedures under the requirements of NEPA and Part 312 of the Board's rules, might nonetheless be relevant to our decision.

Accordingly, *it is ordered*, That:

1. The application of Ozark Air Lines, Docket 30182, be and it hereby is set for hearing, on a subsidy ineligible basis, before an administrative law judge of the Board at a time and place hereinafter designated, as the orderly administration of the Board's docket permits;

2. The proceeding instituted by paragraph 1, above, shall hereafter be known as the Iowa/Illinois-Atlanta Route Proceeding;

3. The proceeding instituted by paragraph 1, above, shall include consideration of the following issue:

(a) Do the public convenience and necessity require the certification of an air carrier or air carriers to engage in air transportation between Atlanta, Georgia, on the one hand, Des Moines, Iowa, Quad Cities, Iowa-Illinois, and/or Peoria, Illinois, on the other hand?

(b) If the answer to (a) is in the affirmative, which air carrier(s) should be authorized to engage in such service? and

(c) What conditions, if any, should be placed on the operation of such carrier(s)?

4. The motion of Ozark Air Lines for hearing be and it hereby is granted;

5. To the extent not granted in paragraph 4, above, the petition of Ozark Air Lines be and it hereby is denied;

6. The petitions for leave to intervene submitted by the Illinois Department of Transportation, Delta Air Lines, the Board of Commissioners of the Metropolitan Airport Authority of Rock Island County, Illinois, and the Iowa Department of Transportation be and they hereby are granted, and the Cedar Rapids parties, the Peoria parties, Eastern Air Lines, Northwest Airlines, and Southern Airways be and they hereby are "made parties to the proceeding instituted by paragraph 1, above;

7. The motion of Ozark Air Lines for leave to file an otherwise unauthorized document be and it hereby is granted;

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[7] Concurring statement of Members Minetti and West filed as part of the original document.

[1] Section III. G.2. of the rate formula in Order 74-1-123 states that if a carrier's tax return discloses tax liability different from the taxes paid on the basis of the pro forma return, the Board will examine the return to determine whether the effective date of the carrier's tax allowance, as established by the pro forma return, should be changed.

[2] Section III. F. of the rate formula in Order 74-1-123 states that the taxes so provided shall be payable commencing on the first day of the month next succeeding the month in which the carrier exhausted all of its available loss carryforward credits. Section III. B. of the rate formula contained in Order 74-1-123 states that unless a carrier is actually incurring liability under the Federal Tax Code it is not eligible to receive an allowance for federal income taxes in its subsidy rate.

[3] The amounts used to determine the lump sum payment are the daily Federal tax rate of $2,339.73 for 31 days and the daily profit offset provision of $95.89 for 31 days. The effect of the tax allowance for May 1974 removes the profit offset from ineligible services for the month of May 1974.

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[1] Moline, East Moline, and Rock Island, Illinois, and Davenport, Iowa.

[2] The Cedar Rapids Airport Commission and the Cedar Rapids-Marion Area Chamber of Commerce.

[3] The Greater Peoria Airport Authority, the Peoria Area Chamber of Commerce, and the City of Peoria.

[4] We shall grant Ozark's motion for leave to file an otherwise unauthorized document. The motion to file stands unopposed; the reply is brief and responsive to those issued raised by Eastern, Northwest, and Southern.

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8. Applications, motions to consolidate and petitions for reconsideration of this order shall be filed within twenty days from the service date of this order and answers thereto shall be filed within 10 days thereafter.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-10345 Filed 4-6-77;8:45 am]

[Docket 30182]

OZARK AIR LINES, INC.

Iowa/Illinois-Atlanta Route Proceeding

On December 9, 1976, Ozark Air Lines, Inc. submitted an environmental evaluation, pursuant to § 312.12(a)(1) of the Board's Procedural Regulations, in connection with its application seeking a new route segment encompassing the terminal point Des Moines, Iowa, the intermediate points Quad Cities, Iowa-Illinois,[1] and Peoria, Illinois, and the terminal point Atlanta, Georgia.

Ozark's calculations are based upon the assumption that it would operate two daily nonstop flights between Des Moines and Atlanta, two daily nonstop flights between Moline and Atlanta, and two daily nonstop flights between Peoria and Atlanta.

Pursuant to § 312.8 and 312.13 of the Board's Procedural Regulations, the undersigned—having reviewed the environmental evaluation and other available information with respect to the application described above and having been duly designated by the Director, Bureau of Operating Rights, pursuant to § 312.8—hereby finds that any subsequent Board action approving, denying, or otherwise acting upon such application would not constitute a "major Federal action significantly affecting the quality of the environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969.

Dated at Washington, D.C., April 1, 1977.

BARBARA A. CLARK,
Chief, Legal Division,
Bureau of Operating Rights.

[FR Doc.77-10346 Filed 4-6-77;8:45 am]

[Docket 29282; Order 77-4-8]

PACIFIC COASTAL AIRLINES LTD.

Statement of Tentative Findings and Conclusions and Order to Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 1st day of April 1977.

By application filed May 18, 1976,[1] amended November 15, 1976, Pacific Coastal Airlines Limited (Pacific Coastal) requests a foreign air carrier permit to engage in charter foreign air transportation with respect to persons and their accompanying baggage, and planeload charter foreign air transportation with respect to property, between any point or points in Canada and any point or points in the United States, utilizing "small aircraft"[2] pursuant to the Nonscheduled Air Service Agreement executed on May 8, 1974, by the Governments of the United States and Canada.

In its application, the carrier lists three aircraft available for charters to the United States: two Cessna 172's, seating capacity 4, and a maximum authorized takeoff weight of 2,300 pounds; and one Piper PA 23 "160," seating capacity 5, and a maximum authorized takeoff weight of 3,800 pounds.[4] The applicant has had no safety or tariff violations during the last five-year period nor has the company experienced an aircraft accident resulting in death or injury.

FITNESS OF THE APPLICANT FOR A FOREIGN AIR CARRIER PERMIT

Pacific Coastal was incorporated under the Companies Act of British Columbia on May 3, 1956.[5] The Air Transport Committee of the Canadian Transport Commission has issued Pacific Coastal license No. A.T.C. 265/60 (CP), dated February 27, 1975, a class 9-4 license which authorizes the holder to operate international charter commercial air services from a base at Nanaimo, British Columbia. The licensee is restricted in its operations to the use of Group A aircraft.[6] The Canadian Department of Transport, Civil Aviation Branch, has issued Pacific Coastal Operating Certificate Number 1319 which certifies that Pacific Coastal is adequately equipped and able to conduct a safe operation.

The applicant's balance sheet as of December 31, 1976 shows current assets of $55,821 compared with current as well as total liabilities of $325,185. Total assets equaled $393,568 resulting in shareholder's equity of $68,383. The company's revenue statement, for the year ended December 31, 1976, shows a net income of zero after allowing for depreciation. In view of the apparent imbalance between current assets and current liabilities, the application raises some doubt as to the applicant's financial ability.[7] In view of the financial backing afforded by the shareholders, however, it appears the company has an adequate financial base. In addition, we note that the Canadian Government has endorsed the application, and has granted Pacific Coastal the authority to perform the services it proposes. Furthermore, the carrier states that since its inception in 1956 the company has always met its current financial obligations and has never defaulted on any commitment to provide transportation.

"PUBLIC INTEREST" IN AWARD OF THE AUTHORITY SOUGHT

The applicant relies upon the Nonscheduled Air Service Agreement signed by the Governments of Canada and the United States on May 8, 1974, as the basis for the grant of the requested authority. By diplomatic note No. ECT-850, dated May 9, 1974,[7] the Government of Canada designated the applicant under the Agreement to perform charter services with small aircraft. The aircraft the applicant plans to use in its operations between the United States and Canada are within the scope of the designation.

OWNERSHIP AND CONTROL OF THE APPLICANT

The officers of the corporation are Mr. Donald Fred McGillivary, President, and Mrs. Shirley McGillivary, Secretary. Both officers are Canadian citizens. The company has issued 1,000 common shares and 1,520 preferred shares all of which are owned by the President of the corporation, Mr. Donald Fred McGillivary.[8] The carrier's debt is held by Royal Bank of Canada.

The applicant states that no officer or stockholder of Pacific Coastal owns any shares of stock in any U.S. air carrier or other foreign air carrier (except as noted above—see footnote 8), any citizen of the United States engaged in a phase of aeronautics, any common carrier, or in any person whose principal business is the holding of stock in, or control of such entities.

In view of the foregoing and all the facts of record, the Board tentatively finds and concludes:

1. That Pacific Coastal Airlines Limited is substantially owned and effectively controlled by nationals of Canada;

2. That it is in the public interest to issue a foreign air carrier permit for small aircraft operations to Pacific Coastal Airlines Limited authorizing it to engage in charter foreign air transportation with small aircraft with respect to persons and their accompanied baggage and planeload charters of property between any point or points in Canada and any point or points in the United States;

3. That the public interest requires that the exercise of the privileges granted by said permit shall be subject to the terms, conditions, and limitations contained in the specimen form of permit attached to this order, and to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board;

4. That Pacific Coastal Airlines Limited is fit, willing, and able properly to perform the above-described foreign air transportation and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board thereunder;

5. That except to the extent granted herein, the application of Pacific Coastal Airlines Limited in Docket 29282 should be denied; and

6. That an evidentiary hearing is not required in the public interest.

Accordingly, it is ordered, That:

1. All interested persons be and they hereby are directed to show cause why the Board should not make final the tentative findings and conclusions stated herein, and why a foreign air carrier permit in the form of the specimen permit attached to this order should not, subject to the approval of the President pursuant to section 901 of the Act, be issued to Pacific Coastal Airlines Limited;

2. Any interested person having objection to the issuance, without hearing, of an order making final the tentative findings and conclusions stated herein shall file a statement of objections supported by evidence within 21 days after the adoption of this order. If an evidentiary hearing is requested, the objection should state in detail why such hearing is considered necessary and what relevant and material facts would be expected to be established through such hearing which cannot be established in written pleadings;

3. Pacific Coastal Airlines Limited shall submit prior to the granting of a permit a current balance sheet listing individually, *inter alia,* its current liabilities (that is, that percent of its total liabilities due and payable in fiscal year 1977), and liabilities.

4. If timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;[9]

5. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

6. Copies of this order shall be served upon Pacific Coastal Airlines Limited and the Ambassador of Canada in Washington, D.C.

This order will be published in the FEDERAL REGISTER and will be transmitted to the President.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

(SPECIMEN PERMIT)

PERMIT TO FOREIGN AIR CARRIER FOR SMALL AIRCRAFT OPERATIONS

PACIFIC COASTAL AIRLINES LIMITED

Is hereby authorized subject to the provisions hereinafter set forth, the provisions of the Federal Aviation Act of 1958 and the orders, rules, and regulations issued thereunder, to engage in charter foreign air transportation as follows:

Charter flights with respect to persons and their accompanied baggage, and planeload charter flights with respect to property, between any point or points in Canada and any point or points in the United States.

The holder shall be authorized to perform those types of charters originating in Canada as are now, or may hereafter be, prescribed for carriage by small aircraft in Annex B(III)(B) of the Nonscheduled Air Service Agreement between the United States and Canada, signed May 8, 1974, including any amendments, supplements, reservations, or supersessions to that Agreement: *Provided,* That any such charters may be performed only to the extent authorized by the Air Carrier Regulations of the Canadian Transport Commission applicable to operations by small aircraft, and the authority of the holder to perform such charters shall be subject to those Regulations.[1] The authority of the holder to perform United States-originating charters shall, in accordance with Annex B (III)(A) of such Nonscheduled Air Service Agreement, be limited to commercial air transportation of passengers and their accompanied baggage, and property, on a time, mileage or trip basis, where the entire planeload capacity of one or more aircraft has been engaged by a person for his own use or by a person for the transportation of a group of persons and/or their property, as agent or representative of such groups, or such small aircraft operations as may be authorized pursuant to any amendment, supplement, reservation or supersession to the Agreement.

This permit shall be subject to the following terms, conditions, and limitations:

(1) In the performance of the charter operations authorized by this permit, the holder shall not use "large aircraft" as defined in Annex A(I)(A) of the Nonscheduled Air Service Agreement between the United States and Canada, signed May 8, 1974, including amendments supplements, reservations, or supersessions to that Agreement.

(2) The holder shall not engage in foreign air transportation between the United States and any point or points, other than a point or points in Canada, or transport any property or persons whose journey includes a prior, subsequent, or intervening movement by air (except for the movement of passengers independently of any group) to or from a point not in the United States or Canada: *Provided,* That the Board may, upon application by the holder, or by regulation, authorize the performance of charters where such movements are involved.

(3) The holder shall not perform United States-originating charter flights which at the end of any calendar quarter would result in the aggregate number of all United States-originating charter flights performed by the holder on or after May 8, 1974 exceeding by more than one-third the aggregate number of all Canadian-originating charter flights performed by the holder on or after May 8, 1974: *Provided,* That the Board may authorize the performance of charters not meeting the requirements set forth. For the purpose of making such computation the following shall apply:

(a) A charter shall be considered to originate in the United States (or Canada) if the passengers or property are first taken on board in that country, and shall be considered as one flight whether the charter be one-way, round-trip, circle tour, or open jaw, even if a separate contract is entered into for a return portion of the charter trip from Canada (or the United States).

(b) The computation shall be made separately for (i) "small aircraft" flights of persons; and (ii) "small aircraft" flights of property.

(c) In the case of a lease of aircraft with crew for the performance of a charter flight on behalf and under the authority of another carrier, the flight shall be included in the computation if the holder is the lessee, and shall not be included if the holder is the lessor.

(d) There shall be excluded from the computation:

(i) flights utilizing aircraft having a maximum authorized takeoff weight on wheels (as determined by Canadian Transport Commission Regulations) not greater than 18,000 pounds; and

(ii) flights originating at a United States terminal point of a route authorized pursuant to the Air Transport Services Agreement between the United States and Canada, signed January 17, 1966, as amended, or any agreement which may supersede it, or any supplementary agreement thereto which establishes obligations or privileges thereunder (if, pursuant to any such agreement, the holder also holds a foreign air carrier permit authorizing individually ticketed or individually waybilled service over such route, and provides some scheduled service on any route pursuant to any such agreement), when such flights serve either (a) a Canadian terminal point on such route, or (b) any Canadian intermediate point authorized for service on such route by such foreign air carrier permit.

(4) The holder may grant stopover privileges at any point or points in the United States only to passengers and their accompanied baggage moving on a Canadian-originating flight operating under a contract for round-trip charter transportation to be provided solely by the holder and as to which the same aircraft stays with the passengers throughout the journey: *Provided,* That the Board may authorize the performance of charters not meeting the requirements set forth.

(5) The Board, by order or regulation and without hearing, may require advance approval of individual charter trips conducted by the holder pursuant to the authority granted by this permit, if it finds such action to be required in the public interest.

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[1] Moline, East Moline, and Rock Island, Illinois, and Davenport, Iowa.

[2] A copy of the application has been transmitted to the President of the United States in accordance with the requirements of section 801 of the Act.

[3] "Small aircraft" are defined by the Nonscheduled Air Service Agreement as aircraft which are not "large aircraft." "Large aircraft" are defined as aircraft having both (a) a maximum passenger capacity of more than 30 seats or a maximum payload capacity of more than 7,500 pounds, and (b) a maximum authorized takeoff weight on wheels greater than 35,000 pounds.

[4] The company was originally incorporated under the name Cassidair Services Limited which was changed to Pacific Coastal Airlines Limited on October 28, 1964.

[5] Under Canadian Air Transport Committee regulations, Group A consists of aircraft having a maximum authorized takeoff weight on wheels not greater than 4,300 pounds.

[6] Therefore the Board will require a more detailed balance sheet prior to granting the permit sought.

[7] The applicant also lists one Beechcraft Super H-18 Trigear, seating capacity 11, and a maximum authorized takeoff weight of 9,900 pounds. The applicant's class 9-4 license currently restricts the holder to the use of Group A aircraft (see footnote 4). However, the applicant has applied to the Canadian Transport Commission for authority to also operate Group B, C, and D category aircraft. The Beechcraft Super H-18 is classified in Group C.

[8] See Docket 26473.

[9] Mr. McGillivary is also the president and owner of McGillivary Helicopters Ltd. which holds license No. A.T.C. 1840/68 (H), a class 4 license, authorizing charter commercial air service within Canada from a base at Nanaimo, British Columbia using rotating wing aircraft.

[1] Annex B(III)(B) presently authorizes Canadian-originating small aircraft charters of the types prescribed in section (II)(B); but only to the extent applicable to small aircraft pursuant to Canadian Transport Commission Regulations. The applicable types of charters presently authorized are: Single Entity Passenger, Single Entity Property, Pro Rata Common purpose, and Inclusive Tour. (In some instances split passenger charters are authorized.)

[1] Since provision is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

V 4267 APR 7 7 UMI

(6) The holder shall conform to the airworthiness and airman competency requirements prescribed by the Government of Canada for Canadian international air service.

(7) This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and Canada shall be parties.

(8) This permit shall be subject to the condition that the holder shall keep on deposit with the Board a signed counterpart of CAB Agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and the Hague Protocol approved by the Board Order E-23680, May 13, 1966, and a signed counterpart of any amendment or amendments to such agreement which may be approved by the Board and to which the holder becomes a party.

(9) The holder (1) shall not provide foreign air transportation under this permit unless there is in effect third-party liability insurance in the amount of $1,000,000 or more to meet potential liability claims which may arise in connection with its operations under this permit, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the third-party liability insurance provided, and (2) shall not provide foreign air transportation with respect to persons unless there is in effect liability insurance sufficient to cover the obligations assumed in CAB Agreement 18900, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the passenger liability insurance provided. Upon request, the Board may authorize the holder to supply the name and address of an insurance syndicate in lieu of the names and addresses of the member insurers.

(10) By accepting this permit, the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

The exercise of the privileges granted by this permit shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

This permit shall become effective on ---------- Unless otherwise terminated at an earlier date pursuant to the terms of any applicable treaty, convention, or agreement, this permit shall terminate (1) upon the effective date of any treaty, convention, or agreement, or amendment thereto, which shall have the effect of eliminating the charter foreign air transportation hereby authorized from the transportation which may be operated by carriers designated by the Government of Canada (or in the event of the elimination of part of the charter foreign air transportation hereby authorized, the authority granted herein shall be terminated to the extent of such elimination), or (2) upon the effective date of any permit granted by the Board to any other carrier designated by the Government of Canada in lieu of the holder hereof, or (3) upon the termination or expiration of the Nonscheduled Air Service Agreement between the United States and Canada, signed May 8, 1974: *Provided, however*, That clause (3) of this paragraph shall not apply if, prior to the occurrence of the event specified in clause (3), the operation of the foreign air transportation herein authorized becomes the subject of any treaty, convention, or agreement to which the United States and Canada are or shall become parties.

In witness whereof, the Civil Aeronautics Board has caused this permit to be executed by the Secretary of the Board, and the seal of the Board to be affixed hereto, on the ----------

Secretary.

[SEAL]

Issuance of this permit to the holder approved by the President of the United States on ---------- in ----------

[FR Doc.77-10343 Filed 4-6-77;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

NASA LEWIS RESEARCH CENTER

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00037. Applicant: NASA Lewis Research Center, 21000 Brookpark Rd., Cleveland, Ohio 44135. Article: electron microscope, model JEM-100C/SEG. Manufacturer: JEOL Limited, Japan. Intended use of article: The article is intended to be used in a wide variety of research programs which will include the following:

(1) Identification of precipitates and/or inclusions in dispersion strengthened alloys, directionally solidified alloys, ceramics, fibers, powders, fiber reinforced plastics, solar cells, cell separators, etc.;

(2) Investigation of high temperature lubrication properties which will be applicable in space technology;

(3) Research on high strength, high temperature alloys, high strength plastics, ceramics fiber reinforced materials, solar cells, etc.; and

(4) Characterization and identification of all the materials used in the various research projects and to aid in correlating physical phenomena with mental characteristics.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (October 26, 1976). Reasons: The description of the applicant's research and/or educational purposes establishes the fact that a conventional transmission electron microscope comparable to the foreign article is pertinent to the purposes for which the article is intended to be used. We know of no conventional transmission electron microscope which was being manufactured in the United States at the time the foreign article was ordered. ("Conventional transmission electron microscopes" are not to be confused with "scanning electron microscope" which were manufactured domestically at the time the article was ordered and are still being manufactured in the United States.)

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Special Import Programs Division.

[FR Doc.77-10304 Filed 4-6-77;8:45 am]

Economic Development Administration

J. BASS & CO., INC.

Petition for Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by J. Bass & Company, Inc., 1450 Broadway, New York, New York 10018, a producer of printed fabrics, was accepted for filing on April 1, 1977, pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased impotrs into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington D.C. 20230, no later than the close of business on or before April 18, 1977.

JACK W. OSBURN, JR.,
Chief Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.77-10266 Filed 5-6-77;8:45 am]

Maritime Administration

[Docket No. S-555]

ANTIETAM TANKERS, INC.

Application

Notice is hereby given that Antietam Tankers, Inc., 611 Wilmington Trust Building, 100 West 10th Street, Wilmington, Delaware 19801, has filed an application dated March 1, 1977, with the Maritime Subsidy Board (the Board) pursuant to Title VI of the Merchant Marine Act, 1936, as amended (the Act), for an operating-differential subsidy contract, to expire December 31, 1977, unless extended, to operate the SS *Antietam*, 28,029 deadweight tons, in the carriage of export bulk raw and processed agricultural commodities in the foreign commerce of the United States (U.S.) from ports in the U.S. to ports in the Union of Soviet Socialist Republics (U.S.S.R.), or other permissible ports of discharge. Dry and liquid bulk cargoes may be carried from the U.S.S.R. and other foreign ports inbound to U.S. ports during voyages subsidized for carriage of export bulk raw and processed agricultural commodities to the U.S.S.R., or other permissible ports of discharge.

Full details concerning the U.S.-U.S.S.R. export bulk raw and processed agricultural commodities subsidy program, including terms, conditions and restrictions upon both the subsidized operators and vessels, appear in Title 46 of the Code of Federal Regulations, Part 294.

For purposes of section 605(c) of the Act, it should be assumed that should the Board grant the requested approval, the vessel named above will engage in the described trade, on a full-time basis, during the indicated time period. Under such approval, each voyage must be approved for subsidy assistance prior to its commencement, and the Board will act on such request(s) as an administrative matter for which there is no requirement for further section 605(c) notice(s).

Any person having an interest in the granting of the application and who would contest a finding by the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes previously specified is inadequate, must on or before April 18, 1977, notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's Rules of Practice and Procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Act and, with as much specificity as possible, the facts that the intervenor would undertake to prove at such hearing.

In the event a hearing under section 605(c) of the Act is ordered to be held with respect to the subject application, the purpose of such hearing will be to receive evidence relevant to (1) whether the application herein described, with respect to the vessel to be operated in an essential service and served by citizens of the U.S., would be in addition to the existing service or services, and if so, whether the service already provided by the vessels of U.S. registry is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such actions as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidy (ODS).)

Dated: April 1, 1977.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.77-10362 Filed 4-6-77;8:45 am]

National Oceanic and Atmospheric Administration

CERTIFICATES OF EXEMPTION

Receipt of Applications

Notice is hereby given that the following applicants have applied in due form for Certificates of Exemption under Pub. L. 94-359, and the regulations issued thereunder (50 CFR Part 222, Subpart B), to engage in certain commercial activities with respect to pre-Act endangered species parts or products.

APPLICANT

1. J. L. Houston, Inc., 1408 12th Avenue, Seattle, Washington 98122.

PERIOD OF EXEMPTION

The applicant requests that the period of time to be covered by the Certificate of Exemption begin on the date of the original issuance of the Certificate of Exemption and be effective for a 3-year period.

COMMERCIAL ACTIVITIES EXEMPTED

(i) The prohibition, as set forth in section 9(a)(1)(E) of the Act, to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of commercial activity any such species part;

(ii) The prohibition, as set forth in section 9(a)(1)(F) of the Act, to sell or offer for sale in interstate or foreign commerce any such species part.

PARTS OR PRODUCTS EXEMPTED

(i) Finished scrimshaw products made from whale teeth consisting of approximately 1,620 jewelry items and 338 miscellaneous carved or engraved items.

(ii) Finished scrimshaw products to be made from partially worked pieces of whale teeth consisting of approximately 56,304 beads, an additional 27 pounds 6 ounces of beads and 3,803 miscellaneous items.

(iii) Finished scrimshaw products to be made from approximately 5,566.5 pounds of sperm whale teeth, 7,241 pounds of sperm whale tooth pieces and scrap, 2,701 pieces of whale bone, 662 pounds of fossil whale bone, and 1,526 pieces of baleen.

2. Robert Bruce Hartman, d/b/a Whaler's Locker, P.O. Box 842, Lahaina, Maui, Hawaii 96761.

PERIOD OF EXEMPTION

The applicant requests that the period of time to be covered by the Certificate of Exemption begin on the date of the original issuance of the Certificate of Exemption and be effective for a 3-year period.

COMMERCIAL ACTIVITIES EXEMPTED

(i) The prohibition, as set forth in section 9(a)(1)(E) of the Act, to deliver, receive, carry, transport, or ship in interstate or foreign commerce by any means whatsoever and in the course of commercial activity any such species part;

(ii) The prohibition, as set forth in section 9(a)(1)(F) of the Act, to sell or offer for sale in interstate or foreign commerce any such species part.

PARTS OR PRODUCTS EXEMPTED

Approximately 83,236 jewelry items carved from whale teeth and 2,715 scrimshawed whale teeth.

Written comments on these applications may be submitted to the Director, National Marine Fisheries Services, Department of Commerce, Washington, D.C. 20235 on or before May 9, 1977.

Dated: March 29, 1977.

ROBERT J. AYERS,
Acting Associate Director for Fisheries Management.

[FR Doc.77-10349 Filed 4-6-77;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Public Law 92-463, as amended by Section 5 of Public Law 94-409, notice is hereby given that a closed meeting of a Panel of the DIA Scientific Advisory Committee will be held as follows:

Wednesday, May 18, 1977, Pomponio Plaza, Rosslyn, Va.

The entire meeting commencing at 0845 hours is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter is to work on a study of specialized intelligence data requirements.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Office of the Assistant Secretary of Defense (Comptroller).

APRIL 4, 1977.

[FR Doc.77-10329 Filed 4-6-77;8:45 am]

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JOINT STRATEGIC TARGET PLANNING STAFF SCIENTIFIC ADVISORY GROUP

Closed Meeting

Pursuant to the provisions of Section 10 of Public Law 92–463, effective 5 January 1973 as amended by Public Law 94–409, notice is hereby given that a closed meeting of the Joint Strategic Planning Staff Scientific Advisory Group will be held at Offutt Air Force Base, Nebraska, during the period Wednesday, 8 June 1977, through Thursday, 9 June 1977.

The entire meeting is devoted to the discussion of classified information within the meaning of Section 552b(c)(1), Title 5 of the U.S. Code, and therefore will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Office of the Assistant Secretary of Defense (Comptroller).

APRIL 4, 1977.

[FR Doc.77–10330 Filed 4–6–77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 710–1; OPP–00046]

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT SCIENTIFIC ADVISORY PANEL

Meeting

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Notice of Meeting.

SUMMARY: There will be two three-day special subcommittee meetings of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel from 9:30 a.m. to 4:30 p.m. daily on Friday, April 22, Saturday, April 23, Sunday, April 24; and Thursday, April 28, Friday, April 29, and Saturday, April 30, 1977. The meetings will be held in the main Lodge at Bryce Mountain, Bayse, Virginia. The meetings will be open to the public.

FOR FURTHER INFORMATION CONTACT:

Dr. H. Wade Fowler, Jr., Executive Secretary, FIFRA Scientific Advisory Panel, Office of Pesticide Programs (WH–567), Room E–315, EPA, 401 M St., SW., Washington, D.C. 20460, telephone 202–755–4851.

SUPPLEMENTARY INFORMATION: In accordance with Section 25(d) of the amended FIFRA, the Scientific Advisory Panel will comment on the impact on health and the environment of regulatory actions under Sections 6(b) and 25(a) prior to implementation. The purpose of these two meetings is to discuss the following topics.

APRIL 22–24, 1977

1. Advance draft of proposed regulations for classification of pesticides.

2. Advance draft of the subpart on chemistry requirements of the Guidelines for Registering Pesticides in the United States.

APRIL 28–30, 1977

1. Advance draft of proposed regulations for classification of pesticides.

2. Advance draft of the subpart on hazard evaluation—wildlife and aquatic organisms—of the Guidelines for Registering Pesticides in the United States.

Any member of the public wishing to attend these meetings should contact Dr. H. Wade Fowler, Jr., at the address shown above. Time will be allotted for brief comments by the public each day; interested persons should contact Dr. Fowler for special instructions regarding oral statements. Individuals who wish to file written statements are advised to submit ten copies of statements to the Executive Secretary in a timely manner to ensure appropriate consideration by the Advisory panel. All statements will be made a part of the record and will be taken into consideration by the Panel in formulating its own comments.

All interested persons are further advised that the meetings announced in this notice are subcommittee meetings of the Advisory Panel for the purpose of conducting preliminary reviews of draft proposed rulemaking. Formal review of topics considered by the subcommittee will be conducted by the FIFRA Scientific Advisory Panel at a later date.

(Sec. 25(d) of FIFRA, as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.) and sec. 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 86 Stat. 770).)

Dated: April 1, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77–10235 Filed 4–6–77;8:45 am]

[FRL 710–2; OPP–66026]

PBI-GORDON CORP.

Cancellation of Registration of Pesticide Product Containing Basic Copper Arsenate

Pursuant to section 6(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 89 Stat. 751, 7 U.S.C. 136(a) et seq.), on January 18, 1977, PBI-Gordon Corp., Acme Division, 300 S. Third St., Kansas City KS 66118, requested that the Environmental Protection Agency (EPA) cancel its registrations for Acme Basic Copper Arsenate (EPA Registration No. 33955–90).

Cancellation shall be effective on May 9, 1977, unless the registrant, or an interested person with the concurrence of the registrant, requests that the registration be continued in effect.

The Agency has determined that the distribution, sale, and use of existing stocks of this product would not be inconsistent with the purposes of FIFRA, and would not have an unreasonable adverse effect on the environment. Therefore, pursuant to section 6(a)(1) of FIFRA, the distribution, sale and use of existing stocks of this product by persons other than the registrant named in this notice shall be permitted after the effective date of cancellation, *Provided*, That this product shall only be used consistent with labeling approved by EPA.

Requests concurred in by the registant that the registration of this product be continued, and any comments concerning this action, may be submitted in triplicate to the Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, Environmental Protection Agency, East Tower, Rm. 401, 401 M St. SW, Washington, DC 20460. Any such submissions should bear a notation indicating both the subject and the OPP document control number (OPP–66026). Any comments or other documents filed regarding this notice of cancellation will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: March 31, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77–10233 Filed 4–6–77;8:45 am]

[FRL 709–8; OPP–33000/497]

RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data to be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ["Interim Policy Statement"]. On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" (41 FR 3339). This document described the changes in the Agency's procedures for implementing Section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement which were effected by the enactment of the recent amendments to FIFRA on November 28, 1975 (Pub. L. 94–140), and the new regulations governing the registration and re-registration of pesticides which became effective on August 4, 1975 (40 CFR Part 162).

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room 209, East Tower, 401 M Street, S.W., Washington, D.C. 20460. In the case of applications subject to the new section 3 regulations, and applications not subject to the new section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH–567), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW, Washington, DC 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

Specific questions concerning applications made to the Agency should be addressed to the designated Product Manager (PM), Registration Division (WH–567), Office of Pesticide Programs, at the above address, or by telephone as follows:

PM 11, 12, & 13—202/755–9315
PM 21 & 22—202/426–2454
PM 24—202/755–2196
PM 31—202/426–2635
PM 33—202/755–9041
PM 15, 16, & 17—202/426–9425
PM 23—202/755–1397
PM 25—202/755–2632
PM 32—202/426–9486
PM 34—202/426–9490

The Interim Policy Statement requires that claims for compensation be filed on or before June 6, 1977. With the exception of 2(c) applications not subject to the new section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under section 10 of FIFRA, as amended, should be made on or before May 9, 1977.

Dated: March 29, 1977.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

APPLICATIONS RECEIVED (OPP–33000/497)

EPA Reg. No. 100–535. Agricultural Division, CIBA-GEIGY Corp., Greensboro NC 27409. AATREX 4LC. Active ingredients: Atrazine 2-chloro-4-ethylamino-6-isopropylamino-s-triazine 40.8%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added uses. PM25

EPA Reg. No. 100–439. CIBA-GEIGY Corp. AATREX 80W. Active Ingredients: Atrazine: 2-chloro-4-ethylamino-6-isopropylamino-s-triazine 76%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added uses. PM25

EPA Reg. No. 100–497. CIBA-GEIGY Corp. AATREX 4L. Active Ingredients: Atrazine: 2-chloro-4-ethylamino-6-isopropylamino-s-triazine 40.8%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added uses. PM25

EPA Reg. No. 100–585. CIBA-GEIGY Corp. AATREX 90W. Active Ingredients: Atrazine: 2-chloro-4-ethylamino-6-isopropylamino-s-triazine 85.5%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added uses. PM25

EPA File Symbol 432–LUU. S.B. Penick & Co., a Unit of CPC International, Inc., 1050 Wall St. W, Lyndhurst NJ 07071. SBP–1382 2% TRANSPARENT EMULSION CONCENTRATE (Contains 0.17 pounds SBP–1382 per gallon) A SYNTHETIC PYRETHROID. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methpropenyl) cyclopropanecarboxylate 2.000%; Related compounds 0.274%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 432–LUG. S.B. Penick & Co. SBP–1382 0.35% TRANSPARENT EMULSION SPRAY. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.350%; Related compounds 0.048%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 1457–LI. Fine Organics, Inc., 205 Main St., Lodi NJ 07644. GERM-I-TOL 50%. Active Ingredients: Alkyl (C12 65%, C14 25%, C16 10%) dimethyl benzyl ammonium chloride 50%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA Reg. No. 1839–25. Onyx Chemical Co., Div. of Millmaster-Onyx Corp., 190 Warren St., Jersey City NJ 07302. BTC 471. Active Ingredients: n-Alkyl (50% C12, 30% C14, 17% C16, 3% C18) dimethyl ethylbenzyl ammonium chlorides 50%. Method of Support: Application proceeds under 2(a) of interim policy. PM31

EPA File Symbol 2342–OTA. Kerr-McGee Chemical Corp., Kerr-McGee Center, PO Box 25861, Oklahoma City OK 73102. GRO-TONE MULTI-PURPOSE SYSTEMIC INSECTICIDE Contains Dylox† and Metasystox-R†. Active Ingredients: Dimethyl (2,2,2-trichloro-1-hydroxyethyl) phosphonate 18.0%; S-[2-(ethylsulfinyl) ethyl] 0,0-dimethyl phosphorothioate 6.0%; Aromatic petroleum distillate 36.4%. Method of Support: Application proceeds under 2(b) of interim policy. PM16

EPA File Symbol 5667–OI. Barrett Chemical Co., Inc., H & Luzerne Sts., Philadelphia PA 19124. BARRETT'S CLEANER CONCENTRATE NO. 17. Active Ingredients: Butoxy polpropoxy polyethoxy ethanol-iodine complex 12.47%; Polyethoxy polypropoxy polyethoxy ethanol-iodine complex 0.37%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM34

EPA File Symbol 5667–RNN. Barrett Chemical Co., Inc. BARRETT'S CLEANER CONCENTRATE NO. 16. Active Ingredients: alpha - (p - Nonylphenyl) - omega - hydroxypoly(oxyethylene) - iodine complex 18.05%; Phosphoric Acid 16.00%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM34

EPA File Symbol 5667–RNR. Barrett Chemical Co., Inc. BARRETT'S CLEANER CONCENTRATE NO. 15. Active Ingredients: alpha - (p - Nonylphenyl) - omega - hydroxpoly (oxyethylene)-iodine complex 18.05%; Phosphoric Acid 16.00%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM34

EPA File Symbol 5667–RNL. Barrett Chemical Co., Inc. BARRETT'S SANITIZER NO. 26. Active Ingredients: Didecyl dimethyl ammonium chloride 7.5%; Isopropanol 3.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 5741–6. Spartan Chemical Co., Inc., 110 N. Westwood Ave., Toledo OH 43607. STERI-PHENE DISINFECTANT DEODORANT. Active Ingredients: Ethyl alcohol 67.659%; o-phenylphenol 0.146%; n-alkyl (C18 95%, C16 8%) n-ethyl morpholinium ethylsulfate 0.040%; 2-chloro-4-phenylphenol 0.032%. Method of Support: Application proceeds under 2(a) of interim policy. PM32

EPA Reg. No. 6836–2. Lonza Inc., 22–10 Route 208, Fair Lawn NJ 07410. BARQUAT MB–50. Active Ingredients: Alkyl (C14 50%, C12 40%, C16 10%) Dimethyl Benzyl Ammonium Chloride 50%; Ethanol 10%. Method of Support: Application proceeds under 2(a) of interim policy. PM31

EPA Reg. No. 6836–14. Lonza, Inc. BARQUAT MB–80. Active Ingredients: Alkyl (C14 50%, C12 40%, C16 10%) Dimethyl Benzyl Ammonium Chloride 80%; Ethanol 20%. Method of Support: Application proceeds under 2(a) of interim policy. PM31

EPA Reg. No. 6836–23. Lonza, Inc. BARQUAT 4280–Z. Active Ingredients: n-Alkyl (C14 60%, C16 30%, C12 5%, C18 5%) Dimethyl Benzyl Ammonium Chlorides 40%; n-Alkyl (C12 68%, C14 32%) Dimethyl Ethylbenzyl Ammonium Chlorides 40%; Ethanol 20%. Method of Support: Application proceeds under 2(a) of interim policy. PM31

EPA Reg. No. 6836–24. Lonza, Inc. BARQUAT 4280. Active Ingredients: n-Alkyl (C14 60%, C16 30%, C12 5%, C18 5%) Dimethyl Benzyl Ammonium Chlorides 40%; n-Alkyl (C12 50%, C14 30%, C16 17%, C18 3%) Dimethyl Ethylbenzyl Ammonium Chlorides 40%; Ethanol 20%. Method of Support: Application proceeds under 2(a) of interim policy. PM31

EPA Reg. No. 6836–25. Lonza, Inc. BARQUAT 4250. Active Ingredients: n-Alkyl (C14 60%, C16 30%, C12 5%, C18 5%) Dimethyl Benzyl Ammonium Chlorides 25%; n-Alkyl (C12 50%, C14 30%, C16 17%, C18 3%) Dimethyl Ethylbenzyl Ammonium Chlorides 25%. Method of Support: Application proceeds under 2(a) of interim policy. PM31

EPA Reg. No. 6836–26. Lonza, Inc. BARQUAT 4250–Z. Active Ingredients: n-Alkyl (C14 60%, C16 30%, C12 5%, C18 5%) Dimethyl Benzyl Ammonium Chlorides 25%; n-Alkyl (C12 68%, C14 32%) Dimethyl Ethylbenzyl Ammonium Chlorides 25%. Method

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of Support: Application proceeds under 2(a) of interim policy. PM31

EPA Reg. No. 6836-35. Lonza, Inc. BARQUAT MX-80. Active Ingredients: Alkyl (C14 60%, C16 30%, C12 5%, C18 5%) Dimethyl Benzyl Ammonium Chloride 80%; Isopropanol 20%. Method of Support: Application proceeds under 2(a) of interim policy. PM31.

EPA Reg. No. 6836-36. Lonza, Inc. BARQUAT MX-50. Active Ingredients: Alkyl (C14 60%, C16 30%, C12 5%, C18 5%) Dimethyl Benzyl Ammonium Chloride 50%; Isopropanol 5%. Method of Support: Application proceeds under 2(a) of interim policy. PM31.

EPA File Symbol 8591-GR. The Mogul Corp., PO Box 200, Chagrin Falls OH 44022. MOGUL AG-444. Active Ingredients: Disodium cyanodithioimidocarbonate 4.90%; Potassium N-methyldithiocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 8591-GE. The Mogul Corp. MOGUL AG-445. Active Ingredients: Disodium cyanodithioimidocarbonate 14.7%, Potassium N - methyldithiocarbamate 20.3%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA Reg. No. 10065-3. Fisons Corp., Agricultural Chemicals Div., 2 Preston Ct., Bedford MA 01730. *FISONS* FICAM W. Active Ingredients: 2,2-dimethyl-1,3-benzodioxol-4-ol methylcarbamate+76%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: amend label to add control of fleas in buildings. PM12

EPA File Symbol 12014-RG. A & V, Inc., PO Box 211, Butler WI 53007. A&V DISINFECTANT TOILET BOWL CLEANER. Active Ingredients: Octyl decyl dimethyl ammoninm chloride 1.250%; Dioctyl dimethyl ammonium chloride 0.625%; Didecyl dimethyl ammonium chloride 0.625%; Alkyl amino betaine 1.000%; Hydrogen chloride 8.000%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA Reg. No. 12180-2. Columbia Chemical Co., Inc., 1216 Boseman Ave., Helena MT 59601. MINT DISINFECTANT. Active Ingredients: Alkyl (60% C14, 30% C16, 5% C12, 5% C18) Dimethyl Benzyl Ammonium Chlorides 1.28%; Alkyl (68% C12, 32% C14) Dimethyl Ethylbenzyl Ammonium Chlorides Sodium carbonate 2.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 15382-RU. Kalo Laboratories, Inc., 9233 Ward Parkway, Kansas City MO 64114. STAND UP LIQUID SOYBEAN SEED TREATMENT. Active Ingredients: Thiram (Tetramethylthiuram disulfide) 11.61%. Method of Support: Application proceeds under 2(b) of interim policy. PM21

EPA File Symbol 15382-RL. Kalo Laboratories, Inc. TRIPLE-NOCTIN L LIQUID SOYBEAN SEED TREATMENT. Active Ingredients: Thiram (Tetramethylthiuram Disulfide) 11.61%. Method of Support: Application proceeds under 2(b) of interim policy. PM21

EPA File Symbol 19605-RR. Gulf Chemicals Co., 6840 Piccadilly, Houston TX 77061. CT-14. Active Ingredients: 1-Hydroxyethyl-1-Benzyl-2-Alkyl (as in fatty acids derived from coconut oil) Imidazo-limium Chlorides 10%; Isopropyl Alcohol 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 21137-4. EM Laboratories, Inc., Pesticides Div., 500 Executive Blvd., Elmsford NY 10523. FUNGINEX. Active Ingredients: Triforine (N,N'-[1,4-piperazinediylbis (2,2,2-trichloro-ethylidene)] bis [formamide]) 18.2%. Method of Support: Application proceeds under 2(b) of interim policy. PM21

EPA Reg. No. 32694-1. Contrast Maintenance Chemicals, Inc., 6832 Hawthorne Park Dr., Indianapolis IN 46220. STAT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 34771-G. AXON Corp., PO Box 171222, Germantown TN 38138. ATRAZINE 4L. Active Ingredients: Atrazine (2-chloro - 4-ethylamino-6-isopropylamino-s-triazine) 43%. Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA Reg. No. 34775-1. Culligan Industrial Water Conditioning Co., Inc., 2199 Frisco Ave., Memphis TN 38114. TOWERCIDE. Active Ingredients: Poly [oxyethylene(dimethyliminio)-ethylene (dimethyliminio)-ethylene dichloride] 30.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM 34

EPA File Symbol 39161-E. Easton Chemical Caribbean Co., Inc., Ponce de Leon 69; Pda. 27, Hato Rey PR 00917. QUICK-QUAT 3.2. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.6%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.6%; Sodium Carbonate 3.0%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 39161-R. Easton Chemical Caribbean Co., Inc. QUICK QUAT DIS. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chloride 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 39444-R. Katadyn Products, Ltd., PO Box 154, CH-8304 Wallisellen Switzerland. KATADYN POCKET FILTER. Active Ingredients: Elemental Silver 0.28%. Method of Support: Application proceeds under 2(a) of interim policy. PM33

EPA File Symbol 39529-R. Walsh Enterprises, Inc., 3829 El Cajon Blvd., San Diego CA 92105. WEI-625 LIQUID ALGAECIDE. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene-(dimethyliminio) ethylenedichloride] 6.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 39860-R. Chemrich Laboratories, Inc., 5211 Telegraph Rd., Los Angeles CA 90022. CHEMICIDE. Active Ingredients: Alkyl (40% C12, 50% C14, 10% C16) Dimethyl Benzyl Ammonium Chlorides 0.133%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 39967-R. Mobay Chemical Corp., Penn-Lincoln Parkway W., Pittsburgh PA 15205. MICROCIDE CMK. Active Ingredients: 4-Chloro-m-Cresol 100%. Method of Support: Application proceeds under 2(a) of interim policy. PM32

[FR Doc.77-10236 Filed 4-6-77;8:45 am]

[FRL 710-3; OPP-66027]

RHODIA INC.

Cancellation of Registration of Pesticide Product Containing Copper Acetoarsenite

Pursuant to section 6(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 89 Stat. 751, 7 U.S.C. 136(a) et seq.), on January 13, 1977, Rhodia Inc., P.O. Box 125, Monmouth Junction NJ 08852, requested that the Environmental Protection Agency (EPA) cancel its regulation for Paris Green (EPA Registration No. 359-44), which contains the active ingredient copper acetoarsenite.

Cancellation shall be effective on or before May 9, 1977, unless the registrant, or an interested person with the concurrence of the registrant, requests that the registration be continued in effect.

The Agency has determined that the distribution, sale, and use of existing stocks of this product would not be inconsistent with the purposes of FIFRA, and would not have an unreasonable adverse effect on the environment. Therefore, pursuant to section 6(a)(1) of FIFRA, the distribution, sale and use of existing stocks of this product by persons other than the registrant named in this notice shall be permitted after the effective date of cancellation, *Provided*, That this product shall only be used consistent with labeling approved by EPA.

Requests concurred in by the registrant that the registration of this product be continued, and any comments concerning this action, may be submitted in triplicate to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, East Tower, Rm. 401, 401 M St. SW, Washington DC 20460. Any such submissions should bear a notation indicating both the subject and the OPP document control number (OPP-66027). Any comments or other documents filed regarding this notice of cancellation will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: March 31, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77-10234 Filed 4-6-77;8:45 am]

[FRL 710-8; PP 6G1838/T93]

BUTACHLOR

Establishment of Temporary Tolerances

Monsanto Agricultural Products Co., 800 N. Lindbergh Blvd., St. Louis, MO 63116, has submitted a pesticide petition (PP 6G1838) to the Environmental Protection Agency (EPA). This petition requests that temporary tolerances be established for residues of the herbicide butachlor (*N*-(butoxymethyl)-2-chloro-2',6'-diethylacetanilide) in or on the raw agricultural commodities rice at 0.5 part per million (ppm) and rice straw at 3 ppm.

Establishment of these temporary tolerances will permit the marketing of the above raw agricultural commodities when treated in accordance with an experimental use permit that is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) *et seq.*).

Permanent tolerances have not been established for any uses of the pesticide. However, elsewhere in today's FEDERAL REGISTER there appears a document establishing a temporary feed additive regulation for butachlor in rice bran and hulls.

An evaluation of the scientific data reported and other relevant material has shown that the requested tolerances are adequate to cover residues resulting from the proposed experimental use, and it has been determined that the temporary tolerances will protect the public health. The temporary tolerances are established for the pesticide, therefore, with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Monsanto Agricultural Products Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire April 1, 1978. Residues not in excess of 0.5 ppm remaining in or on rice and 3 ppm in or on rice straw after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates such revocation is necessary to protect the public health.

Dated: April 1, 1977.

(Sec. 408(j), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)).)

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc.77-10369 Filed 4-6-77;8:45 am]

[FRL 710-6]

ENVIRONMENTAL POLLUTANT MOVEMENT AND TRANSFORMATION ADVISORY COMMITTEE; SCIENCE ADVISORY BOARD

Amended Notice of Open Meeting

Notice is hereby given of a change in the meeting room of the Environmental Pollutant Movement and Transformation Advisory Committee of the Science Advisory Board which was published in the FEDERAL REGISTER on April 4, 1977 (42 FR 17899). The meeting will be held in Conference Room 2117 of Waterside Mall, 401 M Street SW., Washington, D.C., on April 20, 1977, rather than at Crystal Mall #2 as originally scheduled.

The agenda includes discussions with selected grantees of the Office of Research and Development dealing with modeling studies in air pollution as part of the Committee's evaluation of the quality of research programs of the Office of Research and Development, and items of Member interest.

The meeting is open to the public. Any member of the public wishing to attend or obtain information should contact Dr. Joel L. Fisher, Executive Secretary of the Environmental Pollutant Movement and Transformation Advisory Committee by close of business April 14, 1977 at (703) 557-7710.

LLOYD T. TAYLOR,
Acting Staff Director, Science Advisory Board (A-101).

APRIL 4, 1977.

[FR Doc.77-10364 Filed 4-6-77;8:45 am]

[FRL 711-1; PP5G1561/T96]

GLYPHOSATE

Renewal of a Temporary Tolerance

On March 22, 1976, the Environmental Protection Agency (EPA) announced (41 FR 11868) a renewal of a temporary tolerance for combined residues of the herbicine glyphosate (*N*-(phosphonomethyl) glycine) and its metabolite aminomethylphosphonic acid in or on the raw agricultural commodity grapes at 0.2 part per million (ppm). This tolerance was established (40 FR 12842) in response to a pesticide petition (PP 5G1561) submitted by Monsanto Agricultural Products Co., 800 N. Lindbergh Blvd., St. Louis MO 63116. This renewal expired March 17, 1977.

Monsanto Co. has requested an additional one-year renewal of this temporary tolerance both to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodity when treated in accordance with the provisions of an experimental use permit that is being extended concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

The scientific data reported and all other relevant material have been evaluated, and it has been determined that a renewal of the temporary tolerance will protect the public health. Therefore, the temporary tolerance is renewed on condition that the pesticide is used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Monsanto Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires March 31, 1978. Residues not in excess of 0.2 ppm remaining in or on grapes after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

Dated: March 31, 1977.

(Sec. 408(j), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)).)

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc.77-10368 Filed 4-6-77;8:45 am]

[FRL 711-6]

NATIONAL AMBIENT AIR QUALITY STANDARD FOR LEAD

Meeting

The Notice of public meeting on lead published in the FEDERAL REGISTER on March 23, 1977 (42 FR 15728) inadvertently omitted the Agency's request that those wishing to make an oral presentation at the April 19, 1977 meeting should contact the Agency. Prior contact should be made by April 14, 1977, with Joseph Padgett and Stanton Coerr, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, MD-12, Research Triangle Park, North Carolina 27711, telephone number 919-688-8146, extension 355.

Dated: April 1, 1977.

ERIC STORK,
Acting Assistant Administrator for Air and Waste Management.

[FR Doc.77-10363 Filed 4-6-77;8:45 am]

[FRL 711-3; OPP-42039A]

STATE OF KANSAS

Approval of State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides

Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136 et seq.), and the implementing regulations of 40 CFR Part 171 require each State desiring to certify applicators to submit a plan for its certification programs. Any State certification program under this section shall be maintained in accordance with the State Plan approved under this section.

On January 31, 1977, notice was published in the FEDERAL REGISTER (42 FR 5753) of the intent of the Acting Regional Administrator, Environmental Protection Agency (EPA), Region VII, to approve on a contingency basis, the Kansas Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides (Kansas Plan). Contingency approval was requested by the State of Kansas pending enactment of proposed amendments to present legislation and promulgation of additional implementing regulations. Copies of the Kansas Plan with the exception of sample ex-

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aminations were made available for public inspection at the Kansas Board of Agriculture, Topeka, Kansas; EPA, Region VII Office, Kansas City, Missouri; and the Office of Pesticide Programs, Washington, D.C.

No comments were received concerning the Kansas Plan and the proposed amendments to present legislation have been enacted. Therefore, it has been determined that the Kansas Plan will satisfy the requirements of section 4(a)(2) of the amended FIFRA and of 40 CFR Part 171, if the regulations described in the Plan, which are necessary for its implementation are promulgated by the Kansas Board of Agriculture. Accordingly, the Kansas Plan is approved contingent upon promulgation of implementing regulations.

This contingency approval shall expire October 21, 1977, if these terms and conditions are not satisfied by that time. On or before the expiration of the period of contingency approval, a notice shall be published in the FEDERAL REGISTER concerning the extent to which these terms and conditions have been satisfied, and the approval status of the Kansas Plan as a result thereof.

EFFECTIVE DATE

Pursuant to section 4(d) of the Administrative Procedure Act, 5 U.S.C. 533(d), the Agency finds that there is good cause for providing that the contingency approval granted herein to the Kansas Plan shall be effective upon signature of this notice. Neither the Kansas Plan itself nor this Agency's contingency approval of the Plan create any direct or immediate obligations on pesticide applicators, or other persons in the State of Kansas. Delays in starting the work necessary to implement the Plan such as may be occasioned by providing some later effective date for this contingency approval, are inconsistent with the public interest. Accordingly, this contingent approval shall become effective immediately.

Dated: March 30, 1977.

DONALD A. TOWNLEY,
Acting Regional Administrator,
EPA Region VII.

[FR Doc.77-10366 Filed 4-6-77;8:45 am]

[FRL 710-6]

STATE OF LOUISIANA

Determination of Primary Enforcement Authority

This public notice is issued pursuant to section 1413 of the Safe Drinking Water Act, Pub. L. 93-523, December 16, 1974, and § 142.10 of the National Interim Primary Drinking Water Regulations, published in the FEDERAL REGISTER on January 20, 1976.

An application has been received from the Assistant Secretary, Office of Health Services and Environmental Quality, Louisiana Department of Health and Human Resources, dated February 16, 1977, requesting that the Department of Health and Human Resources be granted primary enforcement responsibility for water systems in the State of Louisiana, in accordance with the provisions of this Act.

In response, I have determined that the Louisiana Department of Health and Human Resources has met all conditions of the Safe Drinking Water Act and subsequent regulations for the assumption of primary enforcement responsibility for water systems in the State of Louisiana. The State:

(1) Has adopted drinking water regulations which are no less stringent than the National Interim Primary Drinking Water Regulations;

(2) Has adopted and will implement adequate procedures for the enforcement of such State regulations, including adequate monitoring and inspections;

(3) Will keep such records and make such reports as required;

(4) If it permits variances or exemptions from the requirements of its regulations, will issue such variances and exemptions in accordance with the provisions of the National Interim Primary Drinking Water Regulations;

(5) Has adopted and can implement an adequate plan for the provision of safe drinking water under emergency circumstances.

All documents relating to this determination are available for public inspection between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

Assistant Secretary, Office of Health Services and Environmental Quality, Louisiana Department of Health and Human Resources, State Office Building, 325 Loyola, New Orleans, Louisiana 70160.
Regional Administrator, Environmental Protection Agency, Region VI, First International Building, 1201 Elm Street, Dallas, Texas 75270.

All interested parties are invited to submit written comments on this determination and may request a public hearing. Written comments and/or a request for a public hearing must be submitted on or before May 9, 1977. A request for a public hearing shall include the following information:

(1) The name, address and telephone number of the individual, organization or other entity requesting a hearing.

(2) A brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such hearing.

(3) The signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public hearing is made within thirty (30) days after this notice a public hearing will be held. The Regional Administrator will give further notice in the FEDERAL REGISTER and in a newspaper or newspapers of general circulation in the State of Louisiana of any hearing to be held pursuant to a request submitted by an interested person, or on his own motion. Notice of the hearing shall be given not less than fifteen (15) days prior to the time scheduled for the hearing. In addition to publication as described above, notice will be sent to the person requesting a hearing and to the State. Notice of the hearing will include a statement of the purpose of the hearing, information regarding the time and location for the hearing, and the address and telephone number of an office at which interested persons may obtain further information concerning the hearing.

After receiving the record of the hearing, the Regional Administrator will issue an order affirming or rescinding his determination. If the determination is affirmed, it shall become effective as of the date of this order.

If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become effective thirty (30) days after issuance of this initial notice.

Please bring this notice to the attention of any persons known by you to have an interest in this determination.

Dated: March 18, 1977.

J. PAUL COMOLA,
Acting Regional Administrator,
Region VI, Environmental
Protection Agency.

[FR Doc.77-10365 Filed 4-6-77;8:45 am]

[FRL 711-2; PP6G1708/T96]

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Extension of Temporary Tolerances

On April 30, 1976, the Environmental Protection Agency (EPA) gave notice (41 FR 18140) that in response to a pesticide petition (PP 6G1708) submitted to the Agency by Ciba-Geigy Corp., PO Box 11422, Greensboro, N.C. 27409, temporary tolerances were established for combined residues of the herbicide 2-chloro-*N*-(2-ethyl-6-methylphenyl)-*N*-(2-methoxy-1-methylethyl) acetamide and its metabolites determined as 2-([2-ethyl-6-methyphenyl]-amino) propanol and 4-(2-ethyl-6-methylphenyl)-2-hydroxy-5-methyl-3-morpholinone (calculated as the herbicide), in or on soybean forage and hay at 1.25 parts per million (ppm), in or on soybeans at 0.1 ppm, and in meat, milk, poultry, and eggs at 0.02 ppm. These temporary tolerances are scheduled to expire April 23, 1977.

Ciba-Geigy Corp. has requested a one-year extension of these temporary tolerances both to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of an experimental use permit that is being extended concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

The scientific data reported and all other relevant material have been evaluated, and it has been determined that an extension of the temporary tolerances will protect the public health. Therefore, the temporary tolerances are extended on condition that the pesticide is used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Ciba-Geigy Corp. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance—and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire April 1, 1978. Residues not in excess of 1.25 ppm remaining in or on soybean forage and hay, 0.1 ppm in or on soybeans, and 0.02 ppm in meat, milk, poultry, and eggs after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

(Sec. 408(j), Federal Food, Drug and Cosmetic Act (21 U.S.C. 346a(j)).)

Dated: April 1, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.77-10367 Filed 4-6-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[RM-2102]

LEWIS COUNTY BROADCASTING CO.

Table of Assignments, FM Broadcast Stations (Hohenwald, Tennessee)

Adopted: March 28, 1977.

Released: April 1, 1977.

1. The Commission has before it the petition for rule making filed by Lewis County Broadcasting Co. ("Lewis County"), proposing the assignment of FM Channel 292A to Hohenwald, Tennessee. The proposal was dependent upon the substitution of Channel 224A for Channel 292A which is used by Station WRCK-FM at Sheffield, Alabama. This, in turn, would have made it possible to assign Channel 292A to Haleyville, Alabama, in lieu of Channel 224A, which was then proposed and is presently assigned. The Lewis County petition was not consolidated into the rule making proceeding in Docket No.19551 involving the Haleyville and Sheffield assignments because it was not timely filed.

2. By the Third Report, Memorandum Opinion and Order in Docket No. 19551, 49 FCC 2d 1270 (1974), Channel 224A was assigned to Haleyville, Alabama, leaving Channel 292A at Sheffield, Alabama. As a consequence, the short-spacing of the Hohenwald proposal to the Sheffield assignment was not removed, but action on the proposal was withheld pending a ruling on the Commission's decision in Docket No. 19551 which had been appealed. Action can now be taken since there has been a decision rendered affirming the Commission's action.

3. Since the proposed assignment to Hohenwald was dependent upon the substitution of a channel at Sheffield, Alabama, which was not effected, the proposed Channel 292A assignment at Hohenwald would be short-spaced 19 kilometers (12 miles) to Station WRCK-FM at Sheffield, Alabama. No showing whatever has been offered upon which to base such a serious violation of the Commission's rules in assigning the channel proposed, and since petitioner has not shown that another channel is available as a substitute, the request must be denied.

4. *Accordingly, it is ordered,* That the petition for rule making (RM-2102) filed by Lewis County Broadcasting Co. is denied.

5. *It is further ordered,* That this proceeding is terminated.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.77-10327 Filed 4-6-77;8:45 am]

[Docket Nos. 21187, 21188; File Nos. 6617-CM-P-73, 8430-CM-P-73]

MULTI VIDEO, INC., AND TERM-COMM CORP.

Construction Permits in the Multipoint Distribution Service for a New Station at Terre Haute, Indiana

Adopted: March 7, 1977.

Released: April 1, 1977.

By the Chief, Common Carrier Bureau:

1. The Commission has before it the above-referenced applications of Multi Video, Inc. (MV), filed on March 9, 1973 and Term-Comm Corporation (Term-Comm), filed on May 18, 1973. Both applications propose Channel 1 operation in the Terre Haute, Indiana area, and thus are mutually exclusive and require comparative consideration. Both applications have been amended as a result of informal requests of the Commission staff for additional information, and no petitions to deny or other objections to any of the applications have been received.

2. MV is permittee of an MDS station in Anderson, Indiana and has an application pending for Springfield, Illinois. Eastern Broadcasting Corporation, 50 percent owner of MV, is licensee of WBOW-AM-FM in Terre Haute. Term-Comm, subsidiary of Wabash Valley Broadcasting Corporation, licensee of WTHI, AM-FM-TV in Terre Haute, has only this MDS application pending.

3. Upon review of the captioned applications, we find that both applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

4. Accordingly, *it is hereby ordered,* That pursuant to Section 309(e) of the Communications Act of 1934, as amended, and Section 0.291 of the Commision's Rules, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to ed, and Section 0.291 of the Commission's termine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered: [1]

(a) The relative merits of each proposal with respect to service area and efficient frequency use;

(b) The nature of the services and facilities proposed, and whether they will satisfy service requirements known to exist or likely to exist in the Terre Haute, Indiana area;

(c) The anticipated quality and reliability of the service proposed, including selection of equipment, installation, subscriber security and maintenance;

(d) The charges, regulations and conditions of the service to be rendered, and their relation to the nature, quality and costs of service; and

(e) The managerial and entrepreneurial qualifications of the applicants.

5. It is further ordered, That Multi Video, Inc., Term-Comm Corporation, and the Chief, Common Carrier Bureau, are made parties to this proceeding.

6. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of Section 1.221 of the Commission's Rules.

WALTER R. HINCHMAN,
Chief, Common Carrier Bureau.

[FR Doc.77-10328 Filed 4-6-77; 8:45 am]

FEDERAL MARITIME COMMISSION

[Docket No. 77-6]

CONTINENTAL NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE AND NORTH ATLANTIC CONTINENTAL FREIGHT CONFERENCE

Order of Investigation and Hearing

Agreements Nos. 8210-29 and 9214-19 were filed with the Commission for approval under section 15 of the Shipping Act, 1916, by the Continental North Atlantic Westbound Freight Conference (CNAWFC) and the North Atlantic Continental Freight Conference (NACFC) respectively. These two identical amendments to the basic conference agreements generally provide that full members of each of the two conferences shall

[1] Consideration of these factors shall be made in light of the Commission's discussion in *Peabody Telephone Answering Service,* et al., 55 FCC 2d 626 (1975).

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be divided into two categories designated as Class A and Class AA; that Class A/AA status shall be determined on the basis of cellular/non-cellular vessel configuration, utilization, and service frequency; and that Class AA members may quote rates lower than those of a Class A member by a fixed percentage, all as more fully described hereinafter. Approval of these amendments was requested for a period of two calendar years beginning with the effective date of the approval.

EARLY PROPOSALS

Agreement No. 8210–29 was originally filed by CNAWFC on May 23, 1975, and was noticed in the FEDERAL REGISTER on June 2, 1975. It read as follows:

Full members of the Conference shall be divided into two categories designated as Class A and Class AA. All full members shall be equally bound to the provisions of the Agreement and shall enjoy equal rights thereunder: *Provided, however,* That rates and charges published in Section II of the Conference tariff shall be applicable to Class AA members only.

As a result of Commission staff insistence that the A/AA provisions must spell out the membership criteria, during the period between June 1975 and February 1976, the CNAWFC filed various amended provisions.

These amendments evolved from:

Full members of the Conference shall be divided into two categories designated as Class A and Class AA. All full members shall be equally bound to the provisions of the Agreement and shall enjoy equal rights thereunder: *Provided, however,* That rates and charges published in Section II of the Conference tariff shall be applicable to Class AA members only. Class A/AA status shall be determined and redetermined on basis of cellular/non-cellular vessel configuration, utilization and service frequency as specified in the Conference tariff and such tariff shall also plainly show the current membership status of each carrier party.

to the more complete A/AA criteria which follows:

A. *Class AA privileges.* (1) May quote rates up to 8½ percent below Class A rates the first year and up to 6½ percent the second year.

(2) May pay up to 1 percent additional freight forwarder compensation for first two years.

All second year provisions to remain in effect unless otherwise agreed by the parties and approved by the Federal Maritime Commission.

B. *Class AA qualifications.* (1) At least 50 percent of under-deck cargo capacity of each multi-purpose ship must be non-cellular and used for common carrier operations.

(2) Total TEU capacity of any vessel allocated to the conference trade may not exceed 550.

(3) May allocate to the conference trade no more than 2400 TEU's per month, cumulative, nor more than 7200 TEU's per quarter, non-cumulative.

(4) No more than two sailings a month in the conference trade with fully cellularized, ro/ro or LASH/Seabee vessels.

(5) On ro/ro vessels employed in the conference trade no more than 30 percent of under-deck cargo capacity shall be allocated per voyage to non-containerizable cargo.

(6) In the event a Class AA member fails, at any time, to meet one or more of the requirements for such status, it shall operate as a Class A member as soon thereafter as such facts are established and applicable tariff filings take effect except that in the event of allocations in excess of that provided in (3) above, not resulting in a change of membership status, a full report thereof shall be provided to the Federal Maritime Commission justifying the determination not to make the change in membership status within 15 days of the last day of the month in which such excess allocation occurs.

Thereafter, on February 5, 1976, the Commission gave notice of its intent to conditionally approve Agreement No. 8210–29 (41 FR 5307) for the purpose of providing the basis upon which the two Eastern Bloc carriers operating as independents in the trade, i.e., Baltic Shipping Company (BSC) and Polish Ocean Line (POL), would join the conference. In this respect, the Commission observed:

It is the Commission's opinion that the proposed two-class membership system may be a practical means of accommodating both modern container operators and traditional breakbulk operators in the same conference. It would also appear that it is a legitimate attempt to resolve a serious transportation problem in the trades involved. Based on recent reports of declining trade and continuing increase in carrier services and capacity in the U.S. Atlantic/European trades, it would seem that competition, especially from state-owned non-conference carriers, may be posing a serious threat to the stability of the trades involved.

* * * * *

We believe trade conditions on the North Atlantic warrant a strong and viable conference system. We believe the proposed amendments may help assure continuation of such a system.

On that basis the Commission stated that it intended to approve the A/AA membership provisions (as amended) subject to specified conditions, unless any "* * * interested person is able to come forward with a clear, concise statement of material matters upon which it desires to adduce evidence and a statement of facts which, if so adduced, would result in disapproval."

After the Commission gave notice of its intent to conditionally approve this agreement protests and/or requests for hearing on the amendments were filed by the National Association of Alcoholic Beverage Importers (NAABI), Boston Consolidation Service (an NVO), Outboard Marine Corporation (OMC), the Wine and Spirits Wholesalers of America (importers), the American Importers Association (importers), and the Department of Transportation (DOT). Although the Department of Justice (Justice) did not file comments at that time, DOT stated that, when consulted in this matter, Justice expressed its concern over the anti-competitive implications of the proposed agreements.

Additionally, Baltic Shipping Company (BSC) filed comments on the amendments advising that the proposed membership criteria would have to be changed in two respects before it would be in a position to apply for Class AA membership in the conferences. The rate differential between A and AA rates would have to be increased from 8½ percent to 10 percent for the first year and from 6½ to 8½ percent for the second year, and the limit on the number of TEU's which AA carriers may allocate per quarter must be cumulative rather than non-cumulative.

The primary objection of protestants to these amendments was apprehension that these would almost certainly result in the elimination of all non-conference competition in the involved trades, thereby removing any control or restraint on the level of conference rates by depriving shippers of any bargaining power. Protestants feared that once non-conference competition had been eliminated the conference would introduce a dual rate system to prevent the entry of non-conference operators.

DOT urged that elimination of independent operators would be contrary to the Congressional intent expressed in the Shipping Act, 1916, and that maintenance of the conference system depends in part on the existence of independent operators to maintain the integrity of the pricing system. DOT claimed that during the drafting of the 1961 amendments to the Shipping Act, "* * * Congress deliberated long and hard to come up with a formula that would retain and strengthen independent competition in the conference-dominated shipping industry."

Most protestants requested a hearing on the amendments on the grounds that they were "anti-competitive" or had "potentially serious anti-competitive effects" for which no persuasive justification had been given. They contended that there was no evidence that BSC and POL now posed, or would pose in the near future, a "serious threat" to the conferences or to the stability of rates and services in the involved trades. To illustrate the lack of any disruptive competitive practices, NAABI provided a rate comparison on 37 major moving commodities in the Continental Westbound trade for the first half of 1975 between the Eastern Bloc carriers and the CNAWFC. As NAABI pointed out, this comparison showed that the "* * * independent carriers either had the same rate level as the conference for many commodities or up to 10 percent lower rates, which is nothing unusual for an independent operator." On this basis, NAABI concluded that the 48-Hour Rate Agreement between CNAWFC and the two independents "* * * is an effective controlling device." Other protestants, such as DOT, discounted the "serious threat" posed by BSC and POL on the basis that they "* * * offer only a very small percentage of the capacity available in the trades."

Protestants objected to the requirement in the Commission's Order that, to prevail, protestants bring forth

facts "* * * which * * * would result in disapproval." Protestants urged that this constituted shifting the burden of proof from the proponents to the protestants. They argued that, since these amendments have serious anti-competitive potential, the burden of proving the need for their approval rests upon the proponents as held by the Commission and the Courts.

THE "LENINGRAD PRINCIPLES"

During the period in which these comments were received and analyzed, Commission Chairman Bakke entered into a Memorandum Agreement with the Soviet Ministry of Merchant Marine regarding principles which should govern the participation of Soviet carriers in the United States foreign commerce. This accord, signed on July 16, 1976, set forth the undertaking of the Chairman of the Federal Maritime Commission and the Soviet Ministry of Merchant Marine to:

* * * utilize the good offices of their respective agencies to achieve the following:

1. All ocean cargo rates contained in tariffs of Soviet carriers now engaged as independents in the liner trades of the United States shall, as promptly as it is feasible, be adjusted to a level no less than that of the lowest rate in use for the same commodity of any other independent carriers in those trades.

2. Thereafter, prompt action shall be taken, as necessary, to maintain the foregoing relationship between ocean cargo rates of Soviet carriers engaged as independents in the liner trades of the United States and the ocean cargo rates for the same commodity contained in the tariffs of other independent carriers in those trades,

3. Discussions shall promptly be resumed concerning equitable terms and conditions for conference membership of Soviet carriers in the North Atlantic liner trades of the United States, with particular attention to the principle of temporary rate differentials for Soviet carriers in those trades based upon differences in the services offered by Soviet carriers and by other carriers in those trades, such rate differentials to be (a) reasonably related to the degree of differences in such services, and (b) to be promptly eliminated as the services in question reach a reasonable degree of comparability, and

4. Discussions shall promptly be initiated concerning equitable terms and conditions for conference membership of Soviet carriers in the inbound and outbound conferences serving Pacific liner trades of the United States in which the Soviet carriers are not now conference members, with particular attention to the principle of temporary rate differentials for Soviet carriers as set forth in paragraph 3 above.

The parties hereto have also mutually agreed that henceforth there must be closer working relationships between their respective agencies concerning exchange of factual information and policy questions, and that the necessary steps shall be promptly undertaken.

The Memorandum Agreement was submitted for approval by the Commission at a special meeting on July 19, 1976. At that meeting, the Commission unanimously adopted the following statement endorsing and supporting the principles of the Memorandum Agreement:

We fully subscribe to these principles and pledge the good offices of the Federal Maritime Commission to that end. We wish, however, to emphasize that we do not construe this Agreement as intended to commit the Chairman of this Commission or any of the other Commissioners with respect to any Commission decision which may arise incidental to the implementation of these principles. Accordingly, while fully subscribing to the principles enunciated in this Agreement, we do not thereby prejudge our views as to the legality of any rates charged in the liner trades of the United States or of agreements governing the activities of conferences operating in such trades.

THE PRESENT PROPOSALS

On October 22, 1976, the CNAWFC filed an amended version of Agreement No. 8210–29 and the NACFC filed an initial A/AA amendment, Agreement No. 9214–19.[1] These amendments differ slightly from the previous provisions. The differences be in the following three respects:

(1) AA carriers may charge up to 10% below Class A rates the first year (1977) and 6½ % after the first year.

(2) AA carriers may allocate no more than 500 TEU's per week or 2,166 TEU's per month, cumulative, or 6,500 TEU's per quarter non-cumulative.

(3) Class AA carriers may have up to 20 sailings per quarter.

Notice of the filing of these agreements was published in the FEDERAL REGISTER on November 3, 1976.

COMMENTS OF PARTIES

Responses to the November 3, 1976, FEDERAL REGISTER Notice of the (present) revised amendments indicated that the only new protestants were Justice and the Great Lakes Task Force (GLTF). Three of the earlier protestants did not submit further comments: AIA, Wines and Spirits Wholesalers of America and Boston Consolidation Service. Neither BSC nor POL filed further comments.

Examination of these later protests revealed that no additional reasons for holding a full evidentiary hearing had been advanced. As before, the primary reasons cited were: (1) The probability that the agreements will result in the elimination of all independent competition in the trade thereby removing any restraint on the level of conference rates, (2) the failure of the proponents to demonstrate that the agreements are in the public interest, (3) lack of evidence that the Eastern Bloc carriers pose a serious threat to stability, (4) no evidence of overtonnaging or serious competitive problems in the trade, (5) no evidence of declining trade, and (6) because the agreements have not been justified and have been protested, a hearing is mandatory.

DOT and Justice also argued that the likelihood that these agreements will result in the elimination of all independent competition renders them contrary to the intent of Congress to preserve such competition. That intent, they urge, is made manifest in the legislative history of the Shipping Act and amendments thereto.

Outboard Marine additionally contended that the agreements will result in violations of sections 16 and 17 of the Shipping Act, 1916, i.e.:

Section 16 First of the Shipping Act, 1916 declares it to be unlawful for any common carrier by water to make or give any undue or unreasonable preference or advantage to any particular person, locality or description of traffic in any respect whatsoever, or to subject them to undue or unreasonable prejudice or disadvantage in any respect whatsoever. Section 15 of the Shipping Act directs the Commission to reject, cancel or modify any agreement submitted to it for approval that it finds, after notice and hearing, to be unjustly discriminatory or unfair between carriers, shippers, exporters, importers, or ports. FMC Agreement No. 9214–19 would violate Section 16 First. By limiting the number of sailings and the carrying capacity of Class AA members, FMC Agreement No. 9214–19 will restrict the availability of ocean common carrier service by placing artificial, capricious limits thereon. Class AA members will be restrained from serving all ports at which a demand for service occurs merely because the number of sailings they may undertake is limited by FMC Agreement No. 9214–19. Section AA members will be restrained from serving all those who indicate a need or desire for their services since the vessel carrying capacity of Class AA members is restricted by FMC Agreement No. 9214–19. These restrictions will unduly prefer those who are able to secure carriage by Class AA members and will unduly prejudice those who are not able to secure such carriage, thereby forcing the latter to utilize the higher cost Class A carrier's services. Such a result should not be permitted without a hearing on the propriety thereof.

Section 17 of the Shipping Act, 1916, forbids common carriers subject to the Act to demand, charge, or collect a rate, fare or charge which is unjustly prejudicial to exporters of the United States as compared with their foreign competitors. Section 15 of the Shipping Act, 1916, commands the Commission to reject, cancel or modify any agreement that it finds, after notice and hearing, to be unjustly discriminatory between exporters from the United States and their foreign competitors. Under the auspices of a grant of Commission approval, FMC Agreement No. 9214–19 would permit carriers to openly practice such discrimination. No limitation is placed upon the possibility of a given carrier operating as a Class A (high rate) carrier in the NACFC while simultaneously offering reduced rates as a Class AA (lower rate) carrier in the trade from Europe to the U.S. By so doing, the carrier would be operating under color of Commission permission subject to a filed and approved agreement. This matter deserves the closer attention of the Commission and should be made the subject of hearings.

COMMISSION NOTICE OF JANUARY 1977

Following receipt and analysis of these comments, the Commission served its Notice dated January 14, 1977. That Notice set forth the circumstances which, in the opinion of the Commission, militated in favor of approval of the proposed amendments and indicated the Commission's disposition to approve them. The rationale for the Commission's position was based upon its analysis and interpretation of the data available at the time. These had differed slightly from the bases previously discussed by the

[1] The A/AA amendment of the North Atlantic French Atlantic Freight Conference, Agreement No. 7770–13, originally filed with Agreement No. 8210–19, has been withdrawn.

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Commission in earlier public notices. The Notice stated that:

• • • because our ultimate disposition of these agreements will depend upon • • • [stated] considerations, not heretofore directly addressed by the protestants herein, we believe due process dictates that we allow any interested party an opportunity to address such considerations. To that end, we are inviting interested parties to submit affidavits and memoranda of law on the matters • • •

discussed in the Notice. Those matters on which parties were asked to comment were:

(1) The capability of Eastern Bloc fleets to charge rates well below those which can be charged by Western commercially profit-motivated carriers;

(2) The disposition toward, and possibility of, those fleets taking such actions in the future, and

(3) The potential of the agreements to inhibit the risk of rate wars.

As may be discerned from the Notice and the issues to which the parties were asked to direct their comments, the reasoning of the Commission addressed the salutary effect of present approval of these agreements in avoiding future disruption and predatory rate resulting from unbridled competition. It was our view that the underlying facts and data reasonably supported our forecast of future disruption of the North Atlantic trades in the event these agreements were disapproved. However, because of the importance which we attach to these agreements, we wished to provide protestants and other interested parties, the opportunity to supply their interpretations of the data.

In response to the Notice of January 14, 1977, OMC, GLTF, Justice and the president of Delta Steamship Lines, Captain J. W. Clark (Delta) filed timely comments.[2] All were opposed to Commission approval of the agreements.

OMC's position was premised largely on what it considers to be a reflection in the Commission's proposed action of "• • • the complete biased feeling of Chairman Bakke despite the fact that he has excused himself from consideration of this matter." Additionally, however, OMC raised two particular issues of fact.

1. The independent competition is paramount to our international trade. Without it, we would now be deprived of providing any parts whatsoever for any of our foreign operations. There has been no real threat nor does one exist which would destroy the powerful conferences serving the North Atlantic ports to the continent.

and

2. • • • we are vigorously opposed to the adoption of the captioned agreement for it will line the coffers of the so-called "predators" non-conference carriers who, by your own [FMC] finding, operate more reasonably but would enjoy the higher level of rates currently and for the future to be established by the conference lines. This inequity in and of itself would be throwing hard currency to carriers whom your Commission has condemned as predators or threats but would suddenly gain tremendous revenue without any change in their services or costs.

GLTF argued only two major points. It first expressed the concern of its members over the anticompetitive effects which they foresee if the amendments are approved by the Commission. GLTF stated:

We have no objections to the Eastern Bloc Carriers joining established conferences. Our objections in these agreements are based upon the fact that these carriers will be allowed to publish rates below the conference level, that the members of the double class category conference will have access to shipping and tonnage records of both classes of cargo and can determine, by mutual agreement, reductions in rates which will not only be below competitive seaboards, but below non-conference members as well. Once the competition is eliminated, their rates could have the tendency to rise and the shipping public will suffer the consequences.

Second, GLTF urged that, while the Commission has given this problem much analysis, it has not given adequate consideration to the effect of approval on sections of the public not here directly concerned. It urged that the Commission:

• • • take into consideration the effect the two category designations will have on other concerned areas.

To approve the agreements with such broad application for one section of the country, with no regard or protection for other sections to the detriment of the shippers and receivers using the other seaboards is not in the best public interest.

The comments of the Department of Justice are more extensive than those of the other parties. In those comments, Justice reaffirmed its opposition to approval of the proposed amendments on the grounds put forth by it previously and for various additional reasons. Because of their importance, those additional reasons will be discussed *seriatim* hereafter.

The first reason is that:

The proposed modifications are not justified by current trade conditions, but create current anticompetitive effects.

In support of this position, Justice cited the same data sources upon which we relied in our January Notice. Justice claimed that these sources show that as of January, 1977 the Soviet fleet in the North Atlantic consisted only of "four or five general cargo ships and one Ro–Ro with 778 TEU capacity" while the "present western lines fleet serving the North Atlantic consists almost totally of technologically advanced full containerships and Ro-Ro's, including ships having space for nearly 3,000 containers and speeds of up to 33 knots."[3]

Justice's second reason is that:

The evidence does not support the Commission conclusion that the two-tier conference structure is necessary to prevent future rate wars and chaotic trade conditions.

In support of its second contention, Justice challenged two assumptions upon which it alleged we based our decision to approve the proposed amendments. The assumptions challenged are that the projected increased Soviet liner capacity poses a substantial threat to the commercially oriented Western liners, and that state controlled carriers have engaged in and will continue to engage in pricing below cost. Justice disagreed that on the basis of these assumptions a two-tier conference systems is necessary to avoid rate wars or other chaotic conditions in the North Atlantic.

Again citing the same sources as those used by the Commission, Justice claimed that such data only shows that the projected increased Soviet capability will be 25 to 30 percent below present western containerships capacity at the end of the Current Soviet Five-year Plan in 1980. Additionally, Justice alleged that the figures show that in numbers of vessels, even by 1980, the Soviets would have a full containership fleet of approximately 50 vessels with slower average ship speed and less than half the total capacity of the present U.S. fleet alone. In short, the USSR will have 50 containership vessels as opposed to a total U.S. fleet of 148 ships including 110 full containerships.

With respect to the claim that Soviet state controlled carriers engage and will continue to engage in below-cost pricing, Justice claimed that no finding has ever been made that Soviet Bloc carriers set their rates below Western costs. Justice also claimed that available evidence suggests that Soviet Bloc carriers do not even set their rates below the lowest non-conference carrier.[4] What is shown, according to Justice, is only the fact that the Soviet Bloc regularly set their rates

[2] Two other comments were received. Boston Consolidation Service sent a telex advising that while it was not filing a formal protest, it was concerned over the possible anticompetitive effect of the proposed plan, and that should monopolistic abuses result, it "• • • will look to the FMC to preserve its mandate in protecting the interests of all segments of the shipping public—the small exporters/importers and the corporate giants with shipping interest who we have reason to distrust."

The National Association of Alcoholic Beverage Importers (NAABI) filed comments late by four working days. Their comments indicate the willingness of NAABI to rely on its previous record positions. NAABI does, however, make explicit an issue which has heretofore been implicit:

To believe that this particular amendment "will inhibit the risk of a rate war" is totally naive. If the Eastern Bloc carriers become increasingly unhappy with their market share, who will stop them from leaving the Conference, anyway? This amendment will not stop them from doing that.

[3] Department of Justice Memorandum of February 18, 1977, p. 3, citing William Carr, "Soviet Shipping Strength and its Employment" at 334, Committee Print of the U.S. Committee on Commerce and National Ocean Policy Study, Pursuant to S. Rep. 22, 94th Congress, 2d Sess. (1976).

[4] Citing R. Adams and M. Witteveen, "Soviet Maritime Activities in the Liner Trades of the United States," Committee Print of the U.S. Committee on Commerce and National Ocean Policy Study, pursuant to S. Rep. 222, 94th Cong., 2d Sess. (1976) at p. 358.

below conference levels—a practice which is normal for non-conference carriers. As a result, Justice concluded that there is no available evidence supporting any alleged need to restructure the conference system in the North Atlantic.

The third and final reason of Justice is that:

The proposed modifications are no more likely to achieve their goal of Soviet conference participation than maintenance of the current conference structure, which would not entail anticompetitive consequences.

In support of this contention, Justice explained that:

The proposed modifications cerate a likelihood, supported by the expressions of the Eastern Bloc carriers, that they will become Class AA members upon approval. There is no guarantee, nor can there be, that the carriers will remain in the conference when their competitive potential is reached. Apparently, the Soviet's current determination concerning conference membership is based upon Commission efforts to eliminate rebating, and the threat of legislation. Whether these incentives will continue to exist when state controlled capacity reaches its projected magnitude is uncertain. It is likely, however, that the incentives for full conference membership will be the same whether Eastern Bloc carriers become Class AA members, or remain outside the conference. In fact, it is probable, in light of past Soviet behavior, that the Soviets will become amenable to joining the conferences as full members as their ships become more competitive, in absence of the proposed two-tier structure.[5]

Justice therefore concluded that the proposed amendments are unnecessarily anticompetitive and ineffectual as a means of achieving their avowed purpose of Soviet conference membership.

The comments of the president of Delta Steamship Lines, Inc., Captain J. W. Clark, represent the first participation by any carrier other than the conferences involved. Captain Clark raised a number of concerns.

Delta is a U.S. flag carrier which operates in the trades from the United States Gulf to the east coast of South and Central America and the west coast of Africa. Delta "reluctantly" opposed approval of the proposed amendments because of their alleged inevitable effect on "all essential trade routes of the United States." The President of Delta claimed:

It is my view that the Commission's notice is a direct and irretrievable affront to the friendly democratic nations whose governments seek to follow what have been the same modes of governmental and economic philosophy as that followed by our own nation. To state that we will avoid the "hazard of government-to-government confrontation of major world powers" while reserving to ourselves the obvious right to refuse to deal on an equal basis with what we may then determine to be "minor" world powers in a public document issued by an agency of the government should be unthinkable. Unfortunately, that document has been issued and unless it is categorically rejected by the Commission it will operate to our substantial detriment in the years ahead. There are, in fact, no dual standards for the application of our Shipping Acts against strong nations versus weak nations.[6]

Additionally, Captain Clark alleged that the Commission's concern for the size and speed of future Soviet vessels is inappropriate. The "real considerations" with which the Commission must allegedly deal are, rather, speed of actual delivery of cargo, dependability, freedom from damage, frequency of service and similar concerns. Further considerations with which the Commission must come to grips in Captain Clark's view are:

1. The Soviets [and the Polish carrier] do not and will not recognize ordinary commercial considerations for the operation of their vessels.

2. As the Commission has pointed out "even a full evidentiary hearing could not reveal the future intentions of these carriers." This, in itself, is an understatement. The present and future intention of "these carriers" is to operate in their own system, to their own advantage and with total disregard for the other carriers and countries involved.

3. Any adherence by the Soviets to the amended agreements will be on a "today only" basis with their obvious right to say "Nyet" tomorrow and to resign from the Conference if the differentials established in their favor do not produce the result which they desire at any particular time.

• • • • • •

The solution, however, does not lie in our acceding to the Soviet demands through the form of appeasement sought by the Conferences and contemplated by the Commission here. Appeasement is a policy which does not lead anywhere except to ultimate surrender, an end which we do not believe our government or the carriers in our commerce should regard as acceptable.[7]

In conclusion, Captain Clark urged that approval of the proposed amendments will work toward the destruction of Carriers in the Relevant trade. He stated:

We do not believe that the Soviets can or should be given an "edge" over their competitors. Once such a policy is established, it will be impossible to get rid of it and it certainly will spread to every other trade in which the Soviets choose to engage.

The simple fact is that the Soviet fleet at the present time is fully capable of competing, on a commercial basis, with the other carriers in the trade. It is in the latter stage of a program to further modernize and increase the capacity of its vessels and fleet. When this further modernization is coupled with the advantage which it seeks to obtain through the current amendments—as it will be coupled since we may be certain that the Soviets will not retreat from the competitive advantage accorded to them here—the Soviets will control our foreign commerce with the blessing, guidance and assistance of the Federal Maritime Commission.[8]

Conclusions

We had earlier thought that on the basis of the information available to us, hearing in this matter would not produce any usable factual evidence or information which we did not already have available. We now have second thoughts. The position of Justice that the proposed agreements are justified neither by current trade conditions nor by the need to curb future rate wars has revealed areas of inquiry which we had not previously considered in the light now shown us. We are persuaded that there are questions now raised on which the parties should be permitted to be heard and accordingly, we have determined to order a hearing to allow their full development.

We emphasize that our action here is premised solely upon our desire to afford all parties the administrative due process to which they are entitled. Nothing we have said here, is to be construed as a repudiation in whole or in part of the principles stated in the Leningrad Agreement which were endorsed by us on July 19, 1977, nor as any indication of our disposition towards approval or disapproval of Agreements Nos. 8210–29 and 9214–19. Our decision will be based on the full record after completion of the hearing which we now believe is required.

Therefore, it is ordered, That pursuant to section 15 (46 U.S.C. 814) and section 22 (46 U.S.C. 821) of the Shipping Act, 1916, a proceeding is hereby instituted to determine whether or not Agreements Nos. 8210–29 and 9214–19 shall be approved, disapproved, or modified under the provisions of that section.

It is further ordered, That the conferences, member lines and those non-conference lines listed in Appendix A to this Order be named proponents in this proceeding; and that the parties listed in Appendix B to this Order be named protestants in this proceeding.

It is further ordered, That in accordance with the Rules of Practice and Procedure of this Commission (46 CFR 502.42), Hearing Counsel shall be a party to this proceeding.

It is further ordered, That this proceeding be referred for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined and announced by the Presiding Administrative Law Judge.

It is further ordered, That the hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

It is further ordered, That this Order be published in the FEDERAL REGISTER.

It is further ordered, That all persons (including individuals, corporations, associations, firms, partnerships and public bodies) desiring to intervene in this proceeding shall notify the Secretary of the Commission immediately; shall file a petition in accordance with the rules of practice and procedure of this Commission (46 CFR 502.72) seeking leave to intervene; and shall serve notice of such petition upon the Commission's Hear-

[5] Citing Messrs. Adams and Witteveen, supra, at p. 352.

[6] Comments, Captain J. W. Clark, president of Delta Steamship Lines, Inc., pp. 2–3.

[7] Id., pp. 3 & 4.

[8] *Id.*, p. 5.

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ing Counsel and all parties to this proceeding;

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding be mailed directly to all parties of record.

By the Commission.

JOSEPH C. POLKING,
Acting Secretary.

APPENDIX A

1. Continental North Atlantic Westbound Freight Conference.
2. North Atlantic Continental Freight Conference.
3. American Export Lines, Inc.
4. Atlantic Containerline (GIE).
5. Dart Containerline (CWA).
6. Hapag Lloyd A/G.
7. Sea-Land Service, Inc.
8. Seatrain International, S.A.
9. United States Lines, Inc.
10. Baltic Shipping Company.
11. Polish Ocean Line.

APPENDIX B

1. National Association of Alcoholic Beverage Imports.
2. Boston Consolidation Service.
3. Outboard Marine Corporation.
4. The Wine and Spirits Wholesalers of America.
5. American Importers Association.
6. United States Department of Transportation.
7. United States Department of Justice.
8. Great Lakes Task Force.
9. Delta Steamship Lines.

[FR Doc.77-10359 Filed 4-6-77;8:45 am]

COORDINATED CARIBBEAN TRANSPORT, INC. AND MARINA MERCANTE NICARAGUENZA, S.A.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, or or before April 27, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they deisre to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

James N. Jacobi, Esq., Kurrus and Ash, 1055 Thomas Jefferson Street, N.W., Washington, D.C. 20007.

Agreement 10290 has been filed with the Commission for approval under Section 15 of the Shipping Act, 1916 by Coordinated Caribbean Transport, Inc. and Marina Mercante Nicaraguensa, S.A., both of whom profess to be common carriers by water between ports of Florida and Nicaragua, including inland points of each place. The purpose of Agreement 10290 is, essentially, to permit both to discuss and agree upon the "rates, charges, classifications, practices, and tariff matters appropriate and conformable with law" to be observed by them with respect to the transporatation of goods between Florida and Nicaragua, subject to the right of independent action by either upon forty-eight hours advance notice, one to the other.

By order of the Federal Maritime Commission.

Dated: April 4, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-10358 Filed 4-6-77;8:45 am]

[Docket No. 77-5]

JOHNSON SCANSTAR COMBINED SERVICES, ET AL.

Order of Investigation and Hearing and Order of Approval of Agreement No. 9973-3 Pendente Lite

This proceeding is instituted to determine whether Article 1 of Agreement No. 9973-3 and Article 1 of Agreement No. 9863, both authorizing the parties thereto to have separate votes in conferences and other agreements should be approved or modified pursuant to Section 15.

Agreement No. 9973 is the organic Agreement of the Johnson Scanstar Combined Service (JSS) among Bluestar Line, Ltd., East Asiatic Company, Ltd., and Johnson Line. It operates between U.S. Pacific Coast ports including Alaska and Hawaii and ports in the United Kingdom, Republic of Ireland and the European Continent including Scandinavia and Finland but excluding Mediterranean ports. JSS has intermodal authority in Europe.

Agreement No. 9863 is the organic agreement of the Bluestar Line/EAC Joint Service which operated for a time as Scanstar. It serves the trade between the U.S. Pacific Coast and the United Kingdom, Republic of Ireland and the North European Continent, including Scandinavia and Finland. As the name implies its membership consists of two of the three members of JSS and, as far as can be determined, conducts little or no operations apart from its involvement in JSS.

Agreement No. 9973-3, as originally filed on October 20, 1976, extended the term of the basic agreement through December 31, 1981, and restated the basic agreement incorporating previously approved amendments authorizing the service to charter additional containerships or container slots to meet peak seasonal shipper demands.

Notice of Agreement No. 9973-3 was published in the FEDERAL REGISTER on November 5, 1976. Protests were received from United States Lines, Inc. (USL) and Sea-Land Service, Inc. (Sea-Land).

USL objected to the lack of specific vessel and capacity limitations within the agreement to reflect the limitations imposed on the service at various times by the Commission and the right of JSS to make "pre-approved" charters to meet seasonal demand unless it would first be shown in each case that shippers could not obtain needed space from other carriers serving the trade, including USL. It also felt that a five year extension of the agreement could not be justified given the unsettled conditions in the trade. USL also objected to the provisions of Article I of Agreement No. 9973, allowing the parties to vote as individuals in the conferences in the trade to which they belong.

Sea-Land questioned the need for "seasonal" charters of additional capacity when there had been a sharp increase in competition within the trade; whether unlimited authority for vessel or slot charters was in the public interest; and whether five years was not too long a time to extend the agreement.

After discussion with the protestants, the parties achieved the following compromises:

A. Article 3 of the agreement was modified to state specifically that charters made to meet seasonal demand would be limited to 400 TEU's on any one vovage and 1600 TEU's in any calendar year. All such charters are to be reported to the Commission within 14 days of fixture;

B. Article 12 of the agreement was modified to change the expiration date to March 30, 1980 in lieu of the original date of December 31, 1981.

The above changes were accomplished by a refiling of the pertinent pages of the agreement.

No compromise was achieved with respect to individual voting in conferences. The parties to JSS attempted to dispose of this objection by claiming that USL lacked standing in this matter since it was no longer a conference member and could not be affected. However, it has been stated that this multiple voting situation was one important reason for USL's withdrawal in the first place and could well be inhibiting its return. In addition, Sea-Land, in reporting its satisfaction with the changes agreed to, also advised that it supported the position of USL with respect to individual voting in conferences and that it was still a conference member. In addition, this same issue has been raised as an issue in "Docket No. 77-4, Agreements Nos. 9902-3, 9902-4, 9902-5, and 9902-6 (Modification of Euro-Pacific Joint Service Agreement)" served March 21, 1977.

There are two questions which need our consideration. First, whether the agreement continues to be in the public interest by meeting a serious transportation need and/or conferring important public benefits. Second, whether the provision for individual voting rights within conferences is violative of any of the provisions of Section 15 of the Act.

In consideration of the first question after examination of the statements alleged by the parties in sworn affidavits and of data developed by the Commission staff, we have concluded that the continued existence of JSS as modified is in the public interest because:

1. The parties offer a high-quality containership service which allows shippers to make delivery commitments based on confidence of future service and to reduce inventory carrying costs on both sides of the Atlantic;
2. That the participation of the parties in a lower-risk, cooperative service is preferable to their absence from the trade or their individual participation with a probable overtonnaging of the trade as a result;
3. That JSS's position as one of the largest operations in the trade has enabled it to better withstand the increased competition of minibridge operators and tramp operators, but has not in itself been a source of unfair competition to other carriers in the trade.

The second question, that of multiple votes in conferences, has been considered by the Commission in "Docket No. 71-80 Maritime Fruit Carriers Co., Ltd., and Refrigerated Express Lines (A/ASIA) Pty, Ltd.," served May 8, 1972. In that proceeding, we refrained from pronouncing any rule of general application and observed with respect to voting:

> Clearly in the vast majority of cases the approvability of an agreement will depend upon the operational impact of the joint service or cooperative arrangement on the conference operating in the trade involved.

In the instant case, USL has alleged that bloc voting by JSS and Euro-Pacific was an important factor in its decision to leave the conference. It is, therefore, necessary to conduct a hearing for the purpose of determining the impact of the voting arrangements on the conferences involved.

Given the desirability of the service offered by the parties and given the need to determine with particularity the approvability of JSS's present voting arrangements, we shall approve Agreement No. 9973-3 pendente lite a hearing whose purpose shall be to determine the approvability of JSS's conference voting provisions.

Agreement No. 9863 (Scanstar) has similar voting provisions and is still in effect between two of the three members of JSS. Since Scanstar appears to conduct little or no operations apart from JSS, it is necessary that Scanstar's voting procedures also be made subject to the same investigation.

Like Euro-Pacific, the multiple voting arrangement of JSS has remained in effect for some years. We, therefore, see no overwhelming reason for discontinuing the arrangement with respect to JSS while its approvability is determined. Hence, we shall approve the entire agreement pendente lite.

Therefore, it is ordered, That, Pursuant to Section 15 of the Shipping Act, 1916, an investigation and hearing is hereby commenced in order to determine whether the separate voting provisions of Agreements Nos. 9973-3 and 9863 are unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or to operate to the detriment of the commerce of the United States, or to be contrary to the public interest, or to be in violation of the Shipping Act, 1916.

It is further ordered, That Blue Star Line, Ltd., East Asiatic Co., Ltd., and Johnson Line are hereby made proponents in this proceeding.

It is further ordered, That United States Lines, Inc. and Sea-Land Service, Inc., are hereby made the protestants in this proceeding.

It is further ordered, That this proceeding shall be limited to the submission of affidavits of fact and memoranda of law, replies thereto, and oral argument, if requested and/or deemed necessary by the Commission. Should any party feel that an evidentiary hearing is required, that party must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding and why such proof cannot be submitted through affidavit. Requests for hearing shall be filed on or before May 1, 1977. Affidavits of fact and memoranda of law shall be filed by proponents and served upon all parties no later than the close of business May 1, 1977. Reply affidavits and memoranda shall be filed by the Commission's Bureau of Hearing Counsel, protestants and intervenors, if any, no later than close of business May 31, 1977. Oral arguments will be scheduled at a later date if requested and/or deemed necessary by the Commission.

It is further ordered, That a notice of the Order be published in the FEDERAL REGISTER and that a copy thereof be served upon proponents and protestants as listed in the Appendix hereto.

It is further ordered, That persons other than those already parties to this proceeding who desire to become parties to this proceeding and to participate therein shall file a petition to intervene pursuant to Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) no later than the close of business on April 20, 1977.

It is further ordered, That all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573 in an original and 15 copies as well as being mailed directly to all parties of record.

By the Commission.

JOSEPH C. POLKING,
Acting Secretary.

APPENDIX

PROPONENTS

Blue Star Line, Ltd., c/o John R. Mahoney, Esq., Casey, Lane & Mittendorf, 26 Broadway, New York, New York 10004.
East Asiatic Co., Ltd, c/o John R. Mahoney, Esq., Casey, Lane & Mittendorf, 26 Broadway, New York, New York 10004.
Johnson Line, c/o John R. Mahoney, Esq., Casey, Lane & Mittendorf, 26 Broadway, New York, New York 10004.
Johnson Scanstar Combined Service, c/o John R. Mahoney, Esq., Casey, Lane & Mittendorf, 26 Broadway, New York, New York 10004.

PROTESTANTS

United States Lines, Inc., c/o Russell T. Well, Esq., Kirlin, Campbell & Keating, Suite 800, 1150 Connecticut Avenue NW., Washington, D.C. 20036.
Sea-Land Service, Inc., c/o Edward M. Shea, Esq., Ragan & Mason, 900 Seventeenth Street NW., Washington, D.C. 20006.

[FR Doc.77-10360 Filed 4-6-77;8:45 am]

MEDITERRANEAN ASSOCIATED CONFERENCES

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before April 27, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

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Notice of agreement filed by:

Stanley O. Sher, Esquire, Billig, Sher & Jones, P. C., Suite 300, 2033 K Street NW., Washington, D.C. 20006.

Agreement No. 9976–2, among the parties of the above-named agreement, amends the basic agreement by adding a new Article 1A to provide that the conferences may establish and maintain common self-policing and cargo inspection systems and may agree on and appoint a common entity or entities to provide them with policing and cargo inspection services. Each conference reserves its right of independent action and shall make any and all of its decisions in accordance with its own conference agreement.

Dated: April 1, 1977.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77–10357 Filed 4–6–77;8:45 am]

FEDERAL POWER COMMISSION

[Doc. No. G–3072, et al.]

EXXON CORP.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MARCH 30, 1977.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 25, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft [3]	Pressure base
G–3072..... C 3–14–77	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Tennessee Gas Pipeline Co. (Texas Railroad Commission District No. 4 Area).	[4] 31.72¢ [5] 101.07¢	14.65
G–4579..... B 3–21–77	Cities Service Oil Co., P.O. Box 300, Tulsa, Okla. 74102.	Trunkline Gas Co., (Krider Unit and Hayes Stephens Lease, Ramsey Field, Colorado County, Tex.).	(6)	-------
G–7241..... C 6–29–76	Aztec Oil & Gas Co., 2000 First National Bank Bldg., Dallas, Tex. 75202.	Southern Union Gathering Co. (certain acreage in San Juan and Rio Arriba Counties, N. Mex.).	[8] 84.74¢	15.025
G–17264..... B 3–7–77	Shell Oil Co., Two Shell Plaza, P.O. Box 2099, Houston, Tex. 77001.	Tennessee Gas Pipeline Co. (portion of State Lease No. 1595, Atchafalaya Bay Field, St. Mary, et al., Parishes, La.)	(7)	-------
CI62–1184..... A 2–17–77	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Arkansas Louisiana Gas Co., (Conway Unit No. 1 Well, Latimer County, Okla.).	[8] 154.14¢	14.65
CI63–708..... B 3–8–77	CRA, Inc., P.O. Box 7305, Kansas City, Mo. 64116.	Northern Natural Gas Co., (Mertzon Gas Products Plant, Irion County, Tex.).	[10]	-------
CI71–460..... E 1–18–77	Mobil Oil Corp., (successor to Union Texas Petroleum, a division of Allied Chemical Corp.), Three Greenway Plaza East, Suite 800, Houston, Tex. 77046.	Natural Gas Pipeline Co. of America (Caprito Field, Ward County, Tex.).	[11] 37.944¢	14.65
CI71–492..... D 2–22–77	Cities Service Oil Co.	Consolidated Gas Supply Corp., (Sandy River District, McDowell County, W. Va.).	[12]	-------
CI72–440..... C 3–14–77	Amoco Production Co., Security Life Bldg., Denver, Colo. 80202.	Panhandle Eastern Pipe Line Co., (Chieftain Field, Adams County, Colo.).	[8] $1.44	14.73
CI72–679..... B 3–3–77	Amoco Production Co.	Michigan Wisconsin Pipe Line Co. (North Woodward Field, Harper and Woodward Counties, Okla.).	[13]	-------
CI76–498..... C 3–14–77	Gulf Oil Corp., P.O. Box 2100, Houston, Texas 77001.	Colorado Interstate Gas Co. (Southwest Tablerock Field, Sweetwater County, Wyo.).	[8] [9] [14] 98.3896¢	14.65
CI77–260 [15]..... 2–10–77	Mesa Petroleum, P.O. Box 2009, Amarillo, Tex. 79105.	Natural Gas Pipeline Co. (Quinduno Field, Roberts County, Tex.).	[8] 52.0¢	14.65
CI77–323..... A 3–10–77	Phillips Petroleum Co., 5 C4 Phillips Bldg., Bartlesville, Okla. 74004.	Northwest Pipeline Corp. (Basin Dakota Field, Rio Arriba and San Juan Counties, N. Mex.).	145.0¢ [8] 94.0¢	14.73
CI77–324..... (CS71–431) B 3–11–77	S. & G. Oil Co., Inc., P.O. Box 1383, Tulsa, Okla. 74101.	Cities Service Gas Co. (Eureka Field, Alfalfa County, Okla.).	(6)	-------
CI77–325..... A 3–14–77	Amoco Production Co.	Natural Gas Pipeline Co. of America (Burton Flat Field, Eddy County, N. Mex.).	[8] $1.44	14.73
CI77–326..... A 3–14–77	The Superior Oil Co., P.O. Box 1521, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co. (Eugene Island block 296 field, offshore Louisiana).	[8] $1.44	15.025
CI77–327..... A 3–14–77	Cities Service Oil Co.	El Paso Natural Gas Co. (Little Box Canyon Unit No. 1 Well, Elizando Federal "A" No. 4 Well, State "CV" No. 1 Well and State "CW" No. 1 Well, Eddy County, N. Mex.	[8] 163.913¢	14.73
CI77–330..... A 3–7–77	CIG Exploration, Inc., Five Greenway Plaza East, Houston, Tex. 77046.	Colorado Interstate Gas Co. (Shell Creek Unit, Moffat County, Colo.).	[8] $1.3772	14.65
CI77–333..... A 3–14–77	Florida Gas Exploration Co., P.O. Box 44, Winter Park, Fla. 32790.	Florida Gas Transmission Co. (northeast Lake Palourde Field, Assumption Parish, La.).	[8] 147.3939¢	15.025
CI77–334..... A 3–11–77	Southland Royalty Co., 1600 First National Bldg., Fort Worth, Tex. 76102.	Transcontinental Gas Pipe Line Corp. (certain acreage in Vermilion block 22, offshore Louisiana).	[8] $1.4038	14.73
CI77–335..... A 3–11–77	Southland Royalty Co.	Florida Gas Transmission Co. (Well No. 1, Vermilion Area, offshore Louisiana).	[8] $1.4038	14.73
CI77–337..... A 3–14–77	Union Texas Petroleum, a division of Allied Chemical Corp., P.O. Box 2120, Houston, Tex. 77001.	Transcontinental Gas Pipe Line Corp. (blocks 154 and 155, High Island Area, offshore Texas).	[8] 163.8901¢	14.65
CI77–338..... (CI60–299) B 3–14–77	Howell Drilling, Inc., et al. (operators), P.O. Box 3732, Victoria, Tex. 77901.	United Gas Pipe Line Co. (Gabrysch Field, Jackson County, Tex.).	[16]	-------
CI77–339..... A 3–15–77	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	El Paso Natural Gas Co., (Leonard Brothers No. 1 South Leonard Queen Field, Lea County, N. Mex.).	[8] 156.1483¢	14.73
CI77–340..... (CI70–563) B 3–15–77	TGT Petroleum Corp., (successor to Rosen Enterprises, Inc., operator, et al.), 208 East William, Wichita, Kans. 67202.	Panhandle Eastern Pipe Line Co., (Pyle Taylor Unit, Kiowa, Kans.).	[17]	-------

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft [3]	Pressure base
CI77–341..... (CI68–1400) B 3–16–77	Gulf Oil Corp.	Natural Gas Pipeline Co. of America (West Cameron block 163 field, Federal domain, offshore Louisiana).	(6)	-------
CI77–342..... A 3–16–77	Union Oil Co. of California, P.O. Box 7600, Los Angeles, Calif. 90051.	Northwest Pipeline Corp. (Carson Prospect, San Juan County, N. Mex.).	[8] 160.0000¢	14.73
CI77–343..... A 3–16–77	Continental Oil Co., Five Greenway Plaza East, Houston, Tex. 77046.	El Paso Natural Gas Co. (Jicarillo 22 No. 8 Well, Rio Arriba County, N. Mex.).	[18] $1.55.16	14.73
CI77–344..... A 3–16–77	Southland Royalty Co.	Panhandle Eastern Pipe Line Co. (Shannon sandstone formation in Campbell County, Wyo.).	[8] [19] $1.666122	14.73
CI77–345..... A 3–17–77	Amoco Production Co.	Sea Robin Pipeline Co. (south Marsh Island block 128 field, offshore Louisiana).	[19] $1.90	15.025
CI77–346..... A 3–17–77	American Natural Gas Production Co., One Woodward Ave., Detroit, Mich. 48226.	Michigan Wisconsin Pipe Line Co. (Beckham County, Okla.).	[18] $1.44	14.65

[1] Wells were commenced prior to Jan. 1, 1973.
[2] Wells commenced on or after Jan. 1, 1973, but prior to Jan. 1, 1975.
[3] Applicant is willing to accept a permanent certificate in accordance with opinion No. 770, as amended.
[4] Well(s) plugged and abandoned.
[5] Applicant is willing to accept a certificate conditioned to the adjusted national rate established in FPC opinion No. 699 or such higher rate as may be made applicable by the FPC.
[6] Filing reflects renewal contract is being construed as a petition to amend certificate for authorization to sell gas from added acreage inasmuch as the renewal contract dedicates acreage not covered by the original contract.
[7] Lease surrendered.
[8] Subject to adjustments pursuant to opinion No. 770, as amended.
[9] Applicant proposes to collect the national rate in accordance with opinion No. 770, as amended.
[10] CRA purchased raw gas from T. C. Meador for resale to Northern. On Jan. 13, 1977, the Commission approved Meador's application to abandon his sale of raw gas to CRA. Therefore, CRA hereby seeks abandonment authorization of its sale to Northern of the Meador residue gas.
[11] Mobil will assume the obligations of Union Texas under the gas purchase contract dated Nov. 25, 1970, and gas exchange agreement dated Nov. 25, 1970.
[12] Nonproductive.
[13] Well released from contract as uneconomical.
[14] Applicable to sales of gas from wells commened, or which may be commenced, on or after Jan. 1, 1975, effective April 1, 1977.
[15] Under renegotiated (rollover) gas purchase contract dated July 18, 1976.
[16] Wells plugged.
[17] Base rate $1.44 plus $0.1116 tax.
[18] Includes $1.432179 base price, .233444 Btu adjustment and .000499 tax reimbursement.
[19] Subject to upward and downward Btu adjustment.

[FR Doc.77–10164 Filed 4–6–77;8:45 am]

[Doc. No. ER77–215]

OKLAHOMA GAS & ELECTRIC CO.

Order Accepting for Filing and Suspending Proposed Rate Schedules, Granting Intervention, Consolidating Proceedings and Establishing Procedures

MARCH 30, 1977.

On February 28, 1977, Oklahoma Gas and Electric Company (OG&E) submitted for filing Electric Service Agreements for the Cities of Tecumseh and Wynnewood and the Towns of Manchester and Orlando, Oklahoma. These service agreements are intended to supersede existing individual rate schedules and were requested to be made effective on various dates in April 1977, consistent with the expiration of each of the respective agreements (see Attachment for designations, dates, etc.).

The proposed rates were previously filed in tariff format in Docket No. ER 77–127 on December 27, 1976. The Commission, by order issued January 26, 1977, accepted the tariff for filing and suspended its effectiveness for two months until April 1, 1977. OG&E in its earlier December 27 submittal stated that inasmuch as its agreements with its 21 municipal customers terminate at various terms during the period March 17, 1977, through April 18, 2000, it would file, as each individual contract expired, a service agreement to the ER77–127 tariff for continued service for each of the terminated contracts. The instant submittals accomplish that purpose for the four towns. The agreements with Orlando and Manchester are executed; the agreements for Tecumseh and Wynnewood are not.

OG&E's filing was noticed on March 4, 1977, with protests and petitions to intervene due March 24, 1977. A Protest, Petition to Intervene, Motion to Reject Rate Filing, and Motion to Consolidate was filed by the Cities of Tecumseh and Wynnewood, Oklahoma (Cities).

The Cities contend that OG&E's submittal cannot be accepted for filing in Docket No. ER77–215 pursuant to Section 205 of the Federal Power Act. They maintain that proceedings may only be initiated as to the Cities pursuant to Section 206 of the Act. The Cities state that §§ 35.3(a) and 35.13(b)(4)(iii) of the Commission's Regulations preclude OG&E from proceeding under both Sections 205 and 206 of the Federal Power Act simultaneously. The Cities request that OG&E's filing be rejected. Alternatively, the Cities request that OG&E's filing be suspended for five months and that the rates should be collected subject to refund. Cities maintain that the maximum suspension is required because early implementation of OG&E's rate increase will impose a "price squeeze" upon wholesale customers. In addition, Cities state that since OG&E has only furnished Cost of Service Data in Docket No. ER77–127, and the issues in this proceeding and in Docket No. ER77–127 are nearly identical, Docket No. ER77–215 should be consolidated with Docket No. ER77–127.

On March 25, 1977, OG&E filed an answer to the Cities petition. OG&E does not oppose the intervention on the Cities in this proceeding, and agrees that this Docket should be consolidated with Docket No. ER77–127.

OG&E states that it is seeking a hearing under Section 205 of the Act for those customers whose contracts have expired and for whom Electric Service Agreements have been filed in this docket (Tecumseh, Wynnewood, Manchester, and Orlando). OG&E also contends that a simultaneous hearing under Section 206 should be held for its remaining customers. OG&E acknowledges that hearings under Sections 205 and 206 would be held simultaneously, but only for different customers.

The filings in this docket have been submitted as rate schedule changes pursuant to Section 205 of the Act to replace the Cities' expired contracts. In Docket No. ER77–127, OG&E requested an effective date for its filing as of the earlier time when either (1) approval is granted for a rate increase to the other 15 municipalities or (2) when the contract has been terminated for each municipality. Applicable to the Cities of Manchester, Orlando, Pond Creek, Prague, Tecumseh and Wynnewood, Oklahoma. Accordingly, the lawfulness of those filings will be judged under Section 205 criteria.

Tecumseh's contract expired by its own terms March 7, 1977, and Wynnewood's contract will expire on April 3, 1977. The contracts for Manchester and Orlando terminate on March 29, 1977, and April 17, 1977, respectively. Since OG&E's filing purports to supersede a rate schedule on file with this Commission, and the underlying contracts have expired, a hearing on those filings should be held under Section 205 of the Act.

The Cities' motion to reject OG&E's filing should be denied. OG&E's filing, with respect to the affected Cities in this docket, is consistent with the Commission's Regulations. The City of Manchester's contract, the longest term contract of the Cities in this docket, expires on April 17, 1977. There is no prohibition against OG&E's filing. The Cities have not presented any facts or principles of law which would warrant rejection of OG&E's filing.

The Cities request for a five month suspension period should also be denied. After careful consideration, the Commission will order a one day suspension of the subject filings.

The Cities and OG&E's request that Docket Nos. ER77–127 and ER77–215 be consolidated will be granted. The issues in this docket and Docket No. ER77–127 are substantially the same and such consolidation will avoid needless duplication of effort and permit a more prompt resolution of these issues.

Review of OG&E's proposed rates indicates that they have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. The Commission will therefore accept for filing and suspend OG&E's service agreements for Manchester, Orlando,

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Tecumseh, and Wynnewood, Oklahoma as hereinafter ordered.

The Commission finds: (1) Good cause exists to accept for filing OG&E's proposed rates tendered for filing on February 28, 1977, and suspend those rates for one day to become effective in the manner reflected in the Attachment subject to refund, pending the outcome of a hearing and decision thereon.

(2) The participation in the proceeding of the Cities of Tecumseh and Wynnewood, Oklahoma may be in the public interest.

(3) Good cause exists to consolidate Docket Nos. ER77-215 and ER77-127 for the purposes of a hearing and decision thereon.

(4) Good cause exists to deny Cities request for rejection of OG&E's filing.

The Commission orders: (A) Pending a hearing and decision thereon, OG&E's proposed Service Agreements are hereby accepted for filing and suspended for one day, to become effective in the manner reflected in the Attachment, subject to refund.

(B) Pursuant to the Federal Power Act especially Sections 205 and 206 thereof, the Commission's Rules of Practice and Procedure, and the Commission's Regulations, a hearing shall be held concerning the justness and reasonableness of OG&E's proposed rates.

(C) The Cities of Tecumseh and Wynnewood, Oklahoma are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights to intervene and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order issued by the Commission in this proceeding.

(D) Docket No. ER77-215 is hereby consolidated with Docket No. ER77-127 for purposes of a hearing and decision.

(E) The Cities request for rejection of OG&E's filing is hereby denied.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

OKLAHOMA GAS AND ELECTRIC COMPANY

DESIGNATIONS

Dated: (1) and (3) Undated; (2) February 22, 1977; (4) February 21, 1977.
Filed: February 28, 1977.

(1) Service Agreement under FPC Electric Tariff, Original Volume No. 1—Municipalities.

Other party	Supercedes	Effective date
City of Tecumseh..	Rate schedule FPC No. 48 (as supplemented).	Apr. 1, 1977
Town of Manchester.	Rate schedule FPC No. 43 (as supplemented).	Do.
Town of Wynnewood.	Rate schedule FPC No. 51 (as supplemented).	Apr. 4, 1977
City of Orlando ..	Rate schedule FPC No. 44 (as supplemented).	Apr. 18, 1977

(2) Index of Purchasers. 1st Revised Sheet No. 24 under Original Volume No. 1. (Supersedes Original Sheet No. 24 under Original Vol. No. 1.)

Dated: December 27, 1976.
Filed: February 28, 1977.
Effective: April 1, 1977.

[FR Doc.77-10163 Filed 4-6-77;8:45 am]

[Doc. No. E-9584]

CITY OF SANTA BARBARA, CALIF.

Declaration of Intention

MARCH 30, 1977.

Public notice is hereby given that a Declaration of Intention was filed on February 10, 1977, under the Federal Power Act, 16 U.S.C. 791a–825r, by the City of Santa Barbara, California (Applicant) (Correspondence to: Mr. Robert W. Puddicombe, Public Works Director, City of Santa Barbara, P.O. Box 33, Santa Barbara, California 93102) for a proposed hydroelectric facility in the County of Santa Barbara, in or near the City of Santa Barbara, California.

Applicant proposes to build a power plant with an installed capacity of less than 2,000 horsepower utilizing water to be conveyed primarily for its water supply system. The power plant would be located on Applicant's land at the lower end of a proposed raw water supply line which would carry water from Applicant's Mission Tunnel to its enlarged Carter Treatment Plant or to the Bureau of Reclamation's Lauro Reservoir.

The power produced by the project would be used by Applicant or exchanged with or sold to Southern California Edison.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 16, 1977, file with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, a petition to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 C.F.R. 1.8 or 1.10 (1976). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The declaration of intention is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10277 Filed 4-6-77;8:45 am]

[Doc. No. G-7115, etc.]

COASTAL STATES GAS PRODUCING CO., ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates; Correction

MARCH 17, 1977.

In FR Doc 77-2042, issued January 7, 1977, and published in the FEDERAL REGISTER on January 25, 1977 at 42 FR 4529 the tabulation on page 4530, FPC Docket No. CI77-184, Pan Eastern Exploration Co., under column headed "Docket No. and Date Filed" change "CI77-184" to read "CI74-184".

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10282 Filed 4-6-77;8:45 am]

[Doc. No. CP77-183]

COLUMBIA GAS TRANSMISSION CORP.

Application

APRIL 1, 1977.

Take notice that on March 23, 1977, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP77-183 an application pursuant to Section 7(c) of the Natural Gas Act and § 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of natural gas for 60 days for the Board of Education of upper Arlington City School District (Board), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to 125 Mcf of natural gas on an average day for 60 consecutive days for the account of Board from a mutually agreeable point of receipt in Muskingum County, Ohio from Benatty Corporation (Benatty), for redelivery to Columbia Gas of Ohio, Inc. (Columbia Ohio), a wholesale customer of Applicant, at existing points of delivery in Franklin County, Ohio.

Applicant states that Columbia, Ohio indicated that Boards curtailment for February and March would be 629 Mcf of natural gas per day and that Board's total end use requirements for this 2-month period would be approximatley 600 Mcf of natural gas per day. Applicant asserts that Board needs the propose transportation services in order to maintain temperatures at sufficient protective levels in its schools and to maintain the integrity of the schools.

Applicant states that its transportation service provided for the account of Board commenced on February 19, 1977, pursuant to the temporary authorization granted by the Commission on February 4, 1977 in the instant docket. Applicant further states that it would transport up to 125 Mcf of natural gas on an average day and deliver said volumes to Columbia, Ohio which would make the gas available to Board through existing distribution facilities.

It is stated that Benatty has contracted to sell to Board all of the gas produced from its well, Vernon 76C, located in Adams Township, Muskingum County, Ohio, for sixty days, and that the purchase price to the gas is $2.00 per Mcf at the wellhead. Board is also responsible for the purchases and installation of all facilities needed to deliver the gas to Applicant's lines which amount is estimated to be approximately $3,500, it is said.

Applicant indicates that its transportation charge for the proposed service would be its average system-wide unit storage and transmission costs exclusive of company-use and unaccounted-for gas, which is 22.21 cents per Mcf, and that it would retain for company-use and unaccounted-for gas a percentage of the total volumes received for the account of Board which percentage is currenty 3.1 percent.

Applicant states that the proposed transportation gas would supply the curtailed volumes of gas which Board is experiencing in it Priority 2 uses.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 14, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedures (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10294 Filed 4-6-77;8:45 am]

[Doc. No. CP73-206]

CONSOLIDATED GAS SUPPLY CORP.

Petition

MARCH 29, 1977.

Take notice that on March 11, 1977, Consolidated Gas Supply Corporation (Petitioner), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP73-206 a petition, as supplemented March 22, 1977, to amend the Commission's orders issued October 22 and December 9, 1975, in said docket pursuant to Section 7(c) of the Natural Gas Act by authorizing an extension of time to redeliver gas from storage under Petitioner's 1975–1976–1977 storage service program authorized by said orders, all as more fully set forth in the petition to amend, as supplemented, which is on file with the Commission and open to public inspection.

The authorized storage service was for a period to expire March 31, 1977, and Petitioner requests that the March 31, 1977, date be extended so that the expiration date for each of its eleven storage customers be terminated two years after the respective dates of initiation in May, June, and August, 1975.

It is indicated that during the past winter period it was not anticipated by Petitioner that the instant request beyond March 31, 1977, would be required; however, Petitioner states that the warm weather experienced in recent weeks and other developments affecting gas markets and supplies have reduced the need to withdraw this gas from storage.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 11, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10274 Filed 4-6-77;8:45 am]

[Doc. No. RP76-73]

DISTRIGAS OF MASSACHUSETTS CORP.

Revised Tariff Sheets; Correction

MARCH 24, 1977.

In the matter of revised tariff sheets issued March 14, 1977, and published in the FEDERAL REGISTER on March 18, 1977 at 42 FR 15126, the last sentence in the first paragraph of that notice should read:

The proposed Current Adjustment is 0.639 cents per MMBtu which reflects the 1977–1978 contract year increase to 78.758 cents per MMBtu.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10281 Filed 4-6-77;8:45 am]

[Doc. Nos. CP75-96, et al., and Doc. No. RM77-6; Order No. 558-D]

EL PASO ALASKA CO., ET AL.

Order Setting Oral Argument; Correction

MARCH 24, 1977.

In the matter of setting oral argument issued March 17, 1977 and published in the FEDERAL REGISTER on March 28, 1977, 42 FR 16472, change the schedule for April 6, 1977, as follows:

Date	Time	Issues
Apr. 6, 1977	9 to 11 a.m., 1 to 3 p.m. 3:30 to 5:30 p.m...	Financing and tariffs.[1] Distribution in the lower 48 States, including the western leg issue. Gas supply and system expansibility.

[1] In conjunction with this argument, the parties, in addition, should address the issues set forth in app. A hereto.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10280 Filed 4-6-77;8:45 am]

[Doc. Nos. CP75-96, et al.; Doc. No. RM77-6; Order No. 558-F]

EL PASO ALASKA CO., ET AL.

Order Revising Order Setting Oral Argument

MARCH 31, 1977.

On March 17, 1977, the Federal Power Commission issued Order No. 558-D, setting oral argument in these proceedings for April 4 through 8. The Commission ordered that requests for time for such

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oral argument should be filed with the Commission on or before March 24, 1977.

By that date, some fifteen parties had filed requests for time to address one or more of the issues outlined in the Commission's order. In addition, El Paso Alaska Company filed on March 24 a motion urging the Commission to withdraw Order 558–D, as well as Orders 558–C and 558–E.

These latter two orders provided for the submission of additional information by March 22, and allowing responses to that information by March 30 (later extended to April 8). Order 558–E allows interrogatories concerning the information to be served until 10 A.M., March 28, with answers due by 10 A.M., April 4. El Paso disapproves of these latter proceedings stating that the Commission "must pick a cut-off date", and that "the record must at some point in time become static".

The Commission declines to alter these two opinions. Under the Alaska Natural Gas Transportation Act, Section 5(b)(1), the Commission is required to consider not only the developed record, but other reasonable alternatives as well.

It is certainly open to El Paso or to any other party to argue that the newly submitted data should be disregarded in whole or in part, once submitted. Also, the alleged inadequacy of the testing and cross-examination of these proposals may be urged as a reason for disapproving them. Such arguments would, of course, be considered by the Commission and accorded weight commensurate with their merits.

Given that this additional material should be addressed, the Commission holds that the basic outlines of our original hearing schedule must be adhered to, if the Commission is to render its statutorily required decision by May 1. El Paso makes a number of specific attacks on the Commission's oral argument schedule, which are discussed below.

1. El Paso states that the segment on financing and tariffs must be allocated more than two hours for argument. This is correct, and an erratum issued March 24, 1977, indicated that the allocation of time for that issue should have been four hours. In the final schedule issued herewith, all requests for time on this section have been honored in full, amounting to three hours and fifty minutes.

2. El Paso contends that distribution in the lower 48 states is "not a matter of partisan dispute" and "does not require oral argument." Over three hours of time were requested on this topic by parties of quite differing persuasions, so that we believe this issue should be argued. We have reduced considerably the time request in this segment, both to fit the time available, and because the times requested generally seemed excessive for the issue involved.

3. El Paso argues generally that oral argument cannot be meaningful when some materials still may be filed up until 5 P.M., April 8, after the conclusion of the argument. We would note, however, that essentially all new data was filed as of March 22. Additional information will be filed before oral argument begins on April 4, in response to previous interrogatories. Obviously, all parties will be aware of the contents of their own answers in advance. And since each party has structured its own interrogatories, each one should be in a position to assimilate very quickly the responses received. The "response material" that may be filed up until April 8 should be primarily exposition and argumentation of the type which will be presented in the oral argument in any event. We therefore hold that adherence to the current oral argument schedule will not significantly detract from its usefulness, and is required by scheduling considerations.

4. El Paso makes additional arguments as to the timing and arrangements of the oral argument. In the schedule we issued today, all parties who have asked to speak have been accommodated within the time limits set out. With only a few exceptions, primarily concerning the Western Leg and Gas Supply issues, the parties have been allocated the full amount of time they requested. The Commission finds no possible unfairness to any party in adhering to the schedule herewith promulgated.

Finally, concluding arguments will not be postponed at least one week. If the Commission is to have time to consider adequately its own decision, such a delay cannot be permitted.

The Commission orders: (A) The motion for withdrawal of Orders 558–C and 558–E is denied.

(B) The Commission's Order No. 558–D, setting oral argument, is revised to the extent set forth in the attached schedule, and is ordered to take place as scheduled.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[Docket Nos. CP75–96, et al. RM77–6]

ORAL ARGUMENT—APRIL 4, 5, 6, AND 8, 1977—HEARING ROOM A

April 4, 1977, 2 to 6 p.m., environmental and geotechnical issues

[Commissioner Watt, presiding]

Participant:	Time allocated (minutes)
Alcan	45
Arctic gas project	45
El Paso Alaska Co	45
FPC staff counsel	30
Western LNG Terminal Co., Pacific Gas LNG Terminal Co., and Western LNG Terminal Associates	15
State of Alaska	30
Sierra Club, The Wilderness Society, The National Audubon Society, and The Alaska Conservation Society	45
Total	[1] 255

[1] Equivalent to 4 h 15 min.

April 5, 1977, 2 to 6 p.m., construction costs, scheduling and economics

[Commissioner Smith, presiding]

Participant:	Time allocated (minutes)
Alcan	60
El Paso Alaska Co	60
Arctic gas project	60
FPC staff counsel	15
Sierra Club, The Wilderness Society, The National Audubon Society, and The Alaska Conservation Society	30
State of Alaska	20
Total	[1] 245

[1] Equivalent to 4 h 5 min.

April 6, 1977, 9 to 11:30 a.m., financing and tariffs, 1 to 2:30 p.m.,

[Chairman Dunhan, presiding]

Participant:	Time allocated (minutes)
Arctic gas project	30
Alcan	15
El Paso Alaska Co	30
Department of the Treasury	15
Western LNG Terminal Co., Pacific Gas LNG Terminal Co., and Western LNG Terminal Associates	10
FPC staff counsel	30
Atlantic Richfield Co	20
Exxon Corp	15
Tennessee Gas Pipeline Co	10
Arizona Intervenors	10
State of California	30
State of Alaska	20
Total	[1] 235

[1] Equivalent to 3 h 55 min.

3 to 6 p.m.: (A) Distribution in the Lower 48 States including the "Western Leg" issue; (B) gas supply and system expansibility

[Commissioner Holloman, presiding]

Participant (A):	Time allocated (minutes)
El Paso Alaska Co	25
Arctic gas project	25
Public Service Commission of the State of New York	20
State of California	10
Arizona Intervenors	10
FPC staff counsel	25
Tennessee Gas Pipeline Co	10
Total	[1] 125

[1] Equivalent to 2 h 5 min.

Participant (B):	
El Paso Alaska Co	15
Arctic gas project	15
Tennessee Gas Pipeline Co	5
FPC staff counsel	15
State of Alaska	15
Total	[2] 65

[1] Equivalent to 2 h 5 min.

[2] Equivalent to 1 h 5 min

April 8, 1977, 9 to 11:30 a.m., 12:30 to 3:30 p.m., concluding arguments

[Chairman Dunham, presiding]

Participant:	Time allocated (minutes)
FPC staff counsel	20
State of California	15
Western LNG Terminal Co., Pacific Gas LNG Terminal Co., and Western LNG Terminal Associates	10
Sierra Club, The Wilderness Society, The National Audubon Society, and The Alaska Conservation Society	30
Department of the Treasury	5
Tennessee Gas Pipeline Co	10
Southern Natural Gas Co	10
State of Alaska	30
Arizona Intervenors	10
Arctic gas project	60
El Paso Alaska Co	60
Alcan	60
Total	[1] 320

[1] Equivalent to 5 h 20 min.

[FR Doc.77–10271 Filed 4–6–77;8:45 am]

[Doc. Nos. CP73–258, CP73–259, CP73–260]

EL PASO EASTERN CO. AND EL PASO NATURAL GAS CO.

Supplement and Amendments; Correction

MARCH 24, 1977.

In the matter of supplement and amendments issued March 9, 1977 and published in the FEDERAL REGISTER on March 16, 1977, 42 FR 14776, 3d paragraph of the document, line 20: Change "$3.23 per million Btu" to "3.23 per Mcf".

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–10279 Filed 4–6–77;8:45 am]

[Docket No. RP72–155 (PGA77–2)]

EL PASO NATURAL GAS CO.

Pipeline Rates; Order Accepting for Filing and Suspending Proposed PGA Rate Increases

MARCH 31, 1977.

On February 25, 1977, El Paso Natural Gas Company (El Paso) tendered for filing proposed increases for services rendered under rate schedules affected by and subject to Article 19, Purchased Gas Adjustment Provision (PGA), of its FPC Gas Tariff, Original Volume No. 1, Third Revised Volume No. 2 and Original Volume No. 2A, and under rate schedules affected by and subject to the PGA—Clean High Pressure Gas Provision (PGA–CHPG) of El Paso's FPC Gas Tariff, Original Volume No. 2A.[1] For the PGA portion of the filing, the proposed increases are $65,000,730 in net annual purchased gas costs and $32,196,669 in net jurisdictional unrecovered purchased gas costs. For the PGA–CHPG portion of the filing, the increases are $263,434 in the weighted average cost of clean high pressure pipeline quality purchased gas and $62,372 in net unrecovered purchased gas costs. For the reasons stated, the Commission shall accept the proposed tariff sheets for filing and suspend their operation for one day. In addition, the Commission shall grant the petitions to intervene filed.

The PGA portion of the increase includes an average gas cost adjustment of 5.69¢ per Mcf for the above-mentioned increase in purchased gas costs based on total annual interstate sales volumes for the twelve months ended December 31, 1976, of 1,142,101,784 Mcf. According to El Paso, this increase is due to producer-supplier rate increases permitted by contractual escalation provisions which will be effective on April 1, 1977; producer-supplier rate increases filed pursuant to Opinion No. 770, as modified by Opinion No. 770–A, which are effective on January 1, 1977, and April 1, 1977; increases attributable to certain reversionary interest owners; and, emergency purchases and rate changes for producer-suppliers holding small producer status. The proposed surcharge adjustment for the PGA portion relates to the balance as of December 31, 1976, in El Paso's Account 191, Unrecovered Purchased Gas Cost, which amounts to $49,217,474. Of this total, El Paso states that it recovered $17,020,805 through its special Opinion No. 770–A surcharge and, therefore, deducted this amount from the total in Account 191, leaving a net of $32,196,669 in unrecovered purchased gas costs. Based on sales volumes for the six months ended December 31, 1976 of 525,426,267 Mcf, the proposed increase is 6.13¢ per Mcf. Thus, the total amount of El Paso's proposed current adjustment is 11.82¢. From the current adjustment, El Paso deducted 4.00¢ per Mcf for its August 23, 1976, surcharge adjustment which was effective December 1, 1976. This deduction leaves a net increase under this filing of 7.82¢ per Mcf for the PGA portion.

The increases in PGA–CHPG portion relate primarily to the same factors discussed above. The proposed change in these rates was based upon the weighted average cost of clean, high-pressure gas as determined under Section 6(A) of the PGA–CHPG on the basis of the applicable producer-supplier rates to be effective on or before April 1, 1977. The proposed increase for the purchased gas costs is 10.2844c per Mcf. The net surcharge adjustment for clean high pressure gas sale rates under this proposal is 10.8888c per Mcf. The total amount of the surcharge under the PGA–CHPG is 21.1732c per Mcf from which El Paso deducted 4.4913c per Mcf for the surcharge adjustment effective December 1, 1976. Thus, the net increase to the PGA–CHPG sales rates under the proposed filing is 16.6819c per Mcf.

Included as part of the increases in this filing are amounts which El Paso states are subject to refund from its payment to certain reversionary interest holders for purchases made pursuant to Opinion No. 737–B, Docket No. CP75–209 and Docket No. CI75–594 (issued December 18, 1975). Under the PGA portion of this filing $6,861,513 is attributed to the claimed amount subject to refund for purchased gas costs paid to the reversionary interest holders; for the surcharge related to the PGA portion the amount claimed for refunds for purchases from the reversionary interest holders is $2,762,679. For the PGA–CHPG, the amount of claimed refunds related to purchases from reversionary interest holders is $506,640; for the surcharge under the PGA–CHPG, the amount of claimed refunds related to purchases from reversionary interest holders is $40,679.

The Commission held in Opinion No. 737, Docket No. CP75–209 and Docket No. CI75–594 (issued July 11, 1975), that the reversionary interest holders of certain leases were subject to the dedication of natural gas to the interstate market by the leaseholders, and that the reversionary interest holders could not sell gas from the leases on the intrastate market without obtaining abandonment approval under Section 7(b) of the Natural Gas Act. In Opinion No. 737–B, issues December 18, 1975, the Commission ruled that the reversionary interest holders during the "period of the Commission and Court stay (of Opinion No. 737) • • • (are) not required to make rate schedule or certificate filings with respect to sales" from their interests. In *Southland Royalty Co. et al.* vs. *FPC*, 543 F.2d 1134 (5th Cir. 1976), the Court ruled that gas sales by the reversionary interest holders were not dedicated to the interstate market as a result of the actions of the prior interest holder or from the acceptance of royalties by the reversionary interest holders during the prior lease. The Commission intends to file a petition for writ of certiorari of this decision shortly.

Public notice of El Paso's proposed tariff changes was issued on March 10, 1977, with comments, protests or petitions to intervene due on or before March 25, 1977. Timely petitions to intervene were filed by Salt River Project Agricultural Improvement and Power District (Salt River) on March 25, 1977; San Diego Gas & Electric Company (San Diego) on March 25, 1977; and, Southern California Gas Company (SoCal) on March 25, 1977. Each of the petitions states that the petitioner will be affected directly by the proposed increase and that its interest cannot be represented adequately by any other party. The Commission finds that good cause exists to grant the petition to intervene of each of the petitioners.

The Commission's review of the amounts relating to purchases from the reversionary interest holders indicates that they have not been shown to be just and, therefore, they may be unjust, un-

[1] The proposed revised tariff sheets are: (a) Original Volume No. 1—First Substitute Nineteenth Revised Sheet No. 3–B; (b) Third Revised Volume No. 2—First Substitute Ninth Revised Sheet No. 1–D; (c) Original Volume No. 2A—First Substitute Eleventh Revised Sheet No. 1–C and Seventh Revised Sheet No. 1–D.

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reasonable, unduly discriminatory or preferential, or otherwise unlawful. The Commission believes that the proposed tariff sheets should be accepted for filing and their operation suspended for one day. In view of the present status of this issue, the Commission believes it is appropriate to defer any additional procedures on these amounts until the question is resolved by a final Court decision.

El Paso included in its filing a table showing that certain emergency purchases were made at prices higher than the applicable area or national rates. Nevertheless, the prices paid for these emergency purchases were equal to the rates allowed by Opinion No. 770–A, as adjusted. The Commission finds that emergency purchases made at the rates allowed by Opinion No. 770–A, even though these rates may be higher than the otherwise applicable area or national rate for that gas, are reasonable and, therefore, should be approved.

The Commission orders: (A) El Paso's proposed tariff sheets listed herein are hereby accepted for filing and the use thereof suspended for one day, that is, until April 2, 1977, at which time they shall be permitted to become effective, subject to refund, pending further Commission action consistent with this order.

(B) El Paso shall be permitted to file a revised PGA rate increase to be effective April 1, 1977, which excludes the amounts for gas purchases paid to reversionary interest holders in excess of similar amounts paid to prior owners for gas purchases.

(C) Pursuant to Section 3.5(a)(30) of the Commission's General Rules, as promulgated by Order No. 557 (issued December 10, 1976), the named petitioners are hereby permitted to intervene in the captioned proceeding subject to the Rules and Regulations of the Commission; *Provided, however,* That participation of the intervenors shall be limited to the matters affecting asserted rights and interests specifically set forth in the petitions to intervene; and, *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any order entered in this proceeding.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–10295 Filed 4–6–77;8:45 am]

[Docket No. CI77–273]

GULF OIL CORP.

Extension of Time

MARCH 29, 1977.

On March 16, 1977, Gulf Oil Corporation filed a motion for an extension of time to file for a certificate of public convenience and necessity covering the compression and dehydration service provided Mid-Louisiana Gas Company or to respond to the Commission's show cause order issued February 17, 1977, in the captioned proceeding.

Upon consideration, notice is hereby given that an extension of time is granted to and including April 20, 1977, within which Gulf Oil Corporation must comply with the February 17, 1977 order.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–10275 Filed 4–6–77;8:45 am]

[Project No. 1971]

IDAHO POWER CO.

Land Withdrawal Idaho and Oregon

MARCH 30, 1977.

On May 8, 1953, the Idaho Power Company filed, as parts of an application for license, map Exhibit J (FPC No. 1971–24), and map Exhibit K (FPC No. 1971–25) showing a tentative project boundary and reserving approximately 3,100 acres of U.S. lands for the Hells Canyon Development, a unit of Project No. 1971. The map Exhibit K (FPC No. 1971–25) was superseded by a revised map Exhibit K (FPC No. 1971–190), filed April 21, 1961, which increased the project area to provide for the inclusion of an access road. No formal Notice of Land Withdrawal was issued in connection with these filings.

Conformable to Article 31 of its major license for Project No. 1971, the Idaho Power Company filed, on June 24, 1970, map Exhibit K, sheets 1 through 9 (FPC Nos. 1971–255 through –263, inclusive) to show the "as built" project boundary of the Hells Canyon Development.

Therefore, in accordance with the provisions of Section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the land hereinafter described insofar as title thereto remains in the United States is, from the date of said filing of June 24, 1970, reserved from entry, location or other disposal under the laws of the United States until otherwise directed by this Commission or by Congress:

All portions of the following described subdivisions lying within the project boundary as shown on map Exhibit K, sheets 1 through 9 (FPC Nos. 1971–255 through –263, inclusive).

BOISE MERIDIAN, IDAHO

T. 21 N., R. 3 W.,
Sec. 4, lots 3, 4, 7, 8, 9, and W½SE¼NW¼;
Sec. 5, lot 1;
Sec. 8, lots 1, 2, 3, and 4;
Sec. 9, W½NW¼;
Sec. 17, lots 1, 2, 3, and 4;
Sec. 20, lots 1, 2, 3, 4, unpatented portion of lot 5, and NW¼SE¼NE¼;
Sec. 29, NE¼NW¼, E½SW¼NW¼, and SW¼NW¼SW¼;
Sec. 31, lots 2, 3, 4, and NE¼SW¼.
T. 22 N., R. 3 W.,
Sec. 15, lot 3, and SW¼SW¼;
Sec. 16, lot 1;
Sec. 21, lots 1, 2, 3, and 4;
Sec. 28, lots 1, 2, 4, and 5;
Sec. 33, lots 1, 2, 3, and 4.
T. 19 N., R. 4 W.,
Sec. 5, lots 1, 2, 3, and 4;
Sec. 8, lots 1, 2, 3, and 4;
Sec. 17, lots 1, 2, 4, and 5.
T. 20 N., R. 4 W.,
Sec. 1, NW¼ of lot 2, lots 3, 4, and 5;
Sec. 2, lot 1;
Sec. 11, lots 1, 2, 3, and 4;
Sec. 12, SW¼SW¼;
Sec. 14, lots 1, 2, SE¼NE¼, W½NW¼SE¼, and SW¼SE¼;
Sec. 22, lots 1 and 2;
Sec. 23, lot 2, and NW¼NW¼SW¼;
Sec. 27, NW¼NW¼NE¼, NW¼SW¼;
Sec. 28, lots 1, 2, and 3;
Sec. 32, lots 1 and 2;
Sec. 33, lots 1, 2, and NW¼NE¼.
T. 21 N., R. 4 W.,
Sec. 36, lots 1 and 2.

WILLAMETTE MERIDIAN, OREGON

T. 5 S., R. 48 E., (Protracted)
Sec. 25, SE¼NE¼, E½SE¼, SW¼SE¼;
Sec. 36, W½NE¼NE¼, W½E½.
T. 6 S., R. 48 E.,
Sec. 1, lots 1, 2, 3, and 4;
Sec. 11, lot 1;
Sec. 12, lot 1;
Sec. 14, lot 1;
Sec. 15, lots 1 and 2;
Sec. 21, E½ of lot 1;
Sec. 22, lot 1;
Sec. 28, lot 4;
Sec. 33, lots 3 and 4.
T. 7 S., R. 48 E.,
Sec. 4, lot 1.
T. 4 S., R. 49 E., (Protracted)
Sec. 4, S½NE¼, SE¼SW¼, W½SE¼;
Sec. 9, W½NE¼, E½SW¼, NW¼SE¼;
Sec. 16, E½NW¼, SW¼NW¼, E½SW¼;
Sec. 21, E½NW¼, SW¼NW¼, N½SW¼, SW¼SW¼;
Sec. 28, W½NW¼;
Sec. 29, E½NE¼, E½SE¼, SW¼SE¼;
Sec. 32, W½NE¼, E½NW¼, E½SW¼, W½SE¼.
T. 5 S., R. 49 E., (Protracted)
Sec. 4, W½NE¼, E½SW¼, NW¼SE¼;
Sec. 8, SE¼SE¼;
Sec. 9, E½W½, SW¼SW¼;
Sec. 17, N½NE¼, SW¼NE¼, E½SW¼, W½SE¼;
Sec. 19, S½SE¼;
Sec. 20, W½NW¼, NW¼SW¼;
Sec. 30, W½NW¼, NW¼SW¼.

The total area of U.S. lands reserved by this notice is approximately 2,979.11 acres, all of which have been variously reserved for power purposes by Power Site Reserve Nos. 77 and 226, Power Site Classification Nos. 78, 263, 420, 421, and 424, and Project No. 1971.

Copies of the aforementioned project map exhibits have been transmitted to the Geological Survey, Bureau of Land Management, and Forest Service.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–10278 Filed 4–6–77;8:45 am]

[Docket No. ER77–256]

ILLINOIS POWER CO.

Filing Modification No. 5

MARCH 30, 1977.

Take notice that Illinois Power Company ("Illinois Power") on March 24, 1977, tendered for filing proposed Modification No. 5 to the Interconnection Agreement (Agreement) dated March 30, 1973, between Central Illinois Light Company and Illinois Power. The Commission has previously designated the March 30, 1973 Agreement as Illinois Power Rate Schedule FPC No. 63 and Central Illinois Light Company Rate Schedule FPC No. 14.

The parties state that Modification No. 5 provides for a proposed increase in the charges effective May 1, 1977 for Maintenance, Short-Term Firm and Short-Term Non-Firm Power transactions between Illinois Power and Central Illinois Light Company.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 or 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 13, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc 77–10272 Filed 4–6–77;8:45 am]

[Doc. No. ES77–25]

INTERSTATE POWER CO.

Application

APRIL 1, 1977.

Take notice that on March 21, 1977, the Interstate Power Company (Applicant), filed an Application with the Commission pursuant to Section 204 of the Federal Power Act and Part 34 of the Commission's Regulations thereunder, seeking authority to engage in direct negotiations with underwriters with respect to the proposed issue of not exceeding 140,000 shares of its authorized but unissued Cumulative Preferred Stock, par value $50 per share, total par value of $7,000,000. Applicant states that it is of the belief that the best interests of its stockholders and customers may be served and that lower costs of money could possibly be achieved for the new preferred stock if the Commission were to authorize direct negotiations with underwriters.

Applicant is incorporated under the laws of the State of Delaware, with its principal business office at Dubuque, Iowa and is engaged principally in the electric utility business in northern, and northeastern Iowa, in southern Minnesota and a few small communities in Illinois.

Any person desiring to be heard or to make any protest with reference to said Application should on or before April 22, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The Application is on file and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–10290 Filed 4–6–77;8:45 am]

[Docket No. CI77–347]

LOUISIANA LAND & EXPLORATION CO.

Application

APRIL 1, 1977.

Take notice that on March 18, 1977, The Louisiana Land and Exploration Company (Applicant), Suite 1200, 225 Baronne Street, New Orleans, Louisiana, 70112, filed in Docket No. CI77–347 for a certificate of public convenience and necessity. Applicant states that it is filing this application under compulsion of Opinion No. 722, in Docket No. CI67–1810, and not voluntarily, and with full reservation of all rights under the proceedings for review of Opinion Nos. 772 and 772–A now pending before the U.S. Court of Appeals for the Fifth Circuit. The gas in question is produced from the Bastian Bay Field located in Plaquemines Parish, Louisiana.

Any person desiring to be heard or to make any protest with reference to said application, on or before April 20, 1977, should file with the Federal Power Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77–10288 Filed 4–6–77;8:45 am]

[Doc. No. ER77–211]

MT. CARMEL PUBLIC UTILITY CO.

Electric Rates; Suspension

MARCH 31, 1977.

On February 18, 1977, Mt. Carmel Public Utility (Company) tendered for filing proposed changes in its FPC Electric Rate Schedule.[1] The Company's filing proposes a rate increase of $47,441 for the 12 month period succeeding the proposed effective date of April 1, 1977. The customer affected by this rate increase is the Village of Allendale, Illinois (Allendale) which is the Company's only wholesale customer. The Company states that the change in this rate schedule is being made to produce a rate of return for serving Allendale that is substantially equal to the Company's overall rate of return.

Notice of the filing was issued on March 1, 1977, with comments, protests, or petitions to intervene due on or before March 14, 1977. On March 14, 1977, Allendale filed a motion to reject or alternatively to suspend for five months, the Company's proposed rate increase and a petition to intervene. In support of its motion to reject or suspend, Allendale makes several arguments.

Allendale's first argument is that the requested rate increase of $47,411 which constitutes approximately a 300 percent rate increase to Allendale is clearly excessive.[2] Secondly, Allendale argues that the Company failed to provide certain information (required to be filed by §§ 35.12(b)(2) and 35.12(b)(5)) concerning rate base and rate design.

Thirdly, Allendale argues that the filing does not show the cost bases for the power factor adjustment penalty, the demand ratchet or the propriety of using a simple ratio of Allendale's annual peak demand to the Company's annual peak for allocation purposes. The Company has staed that it does not have the necessary equipment for determining Allendale's coincident demand.

Fourthly, Allendale argues that the proposed fuel clause is defective on its face when measured against § 35.14(a)(4) in that the fuel clause adjustment factor shows no modification to allow for losses associated only with its wholesale sales for resale. We are of the opin-

[1] Designated as: *Mt. Carmel Public Utility Company*, Rate Schedule FPC No. 3 (supersedes Rate Schedule FPC No. 2).

[2] With respect to the proposed rate to Allendale, it should be noted that the level of the rate is virtually identical to those being charged to the Company by Central Illinois Public Service Company (CIP). CIP's rate to the Company became effective on January 2, 1977, subject to refund, pursuant to the Commission's order issued December 30, 1976, in Docket No. ER77–84.

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ion that the format of the fuel adjustment clause does conform to Commission Order No. 517. However, the Commission believes that the Company has mistakenly used the energy charge for purchased power, as opposed to the fuel cost component of purchased power, in developing the base cost of fuel as of December 1975.

Fifthly, Allendale argues that a return of 9.5 percent overall and 11.2 percent on equity is excessive. Finally, Allendale alleges that this tariff is anti-competitive [1] on its face in that it provides that all electricity sold by Allendale shall be purchased from the Company.

On March 16, 1977, Allendale filed a supplemental motion to reject the Company's filing on the basis that the Company's projected load growth for Allendale of 5.0 percent is incorrect. Allendale contends that a 10.30 percent load growth is appropriate and therefore, the amount of increase would exceed $50,000. In view of this, Allendale contends that the Company has not met the requirements of § 35.13(b)(4)(ii) of the Regulations.

In view of the protest which has been filed and in view of apparent errors in Mt. Carmel's fuel clause, it seems appropriate that the instant submittal be suspended and the matter set for hearing. However, we are of the opinion that the filing is in substantial compliance with the Regulations and we do not believe the filing should be rejected.

The Commission finds: (1) Good cause exists to accept for filing the proposed rates and to suspend those rates for one month until May 1, 1977 when they shall become effective subject to refund.

(2) Good cause exists to require the Company to file a revised cost of service study for Allendale reflecting any change in the cost of power purchased from Central Illinois Public Service Company occasioned by the disposition of Docket No. ER77-89 within 30 days of the entry of a final order in Docket No. ER77-89.

(3) Good cause exists to require the Company to file within 30 days a revised fuel clause eliminating any purchased power costs other than fuel from the base cost of fuel.

(4) Good cause does not exist to grant Allendale's motion to reject the filing.

(5) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act, that the Commission enter upon a hearing to determine the lawfulness of the Company's proposed rate schedule as proposed to be revised herein.

(6) Good cause exists to allow Allendale to intervene in this proceeding.

The Commission orders: (A) Pursuant to the authority contained under the Federal Power Act, the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act, a public hearing shall be held concerning the justness and reasonableness of the rates, charges, terms and conditions of service included in the Company's FPC Electric Rate Schedule.

(B) Within 30 days of the entry of a final order in Docket No. ER77-89, the Company shall file a revised cost of service study with respect to Allendale reflecting any change in the cost of power purchased from Central Illinois Public Service Company.

(C) Within 30 days of the issuance of this order, the Company shall file a revised fuel adjustment clause using only the fuel cost component of purchased power in developing the base cost of fuel.

(D) Pending a hearing and final decision thereon, the Company's filing is hereby accepted for filing and suspended for one month to become effective May 1, 1977, subject to refund and subject to the condition that it file revised rates pursuant to Paragraph (B) and (C) above.

(E) Allendale is hereby permitted to intervene in Docket No. ER77-211, *Provided, however,* That participation by Allendale shall be limited to matters affecting asserted rights and interests as specifically set forth in its petition to intervene; and *Provided, further,* That the admission of Allendale shall not be construed as recognition by the Commission that Allendale might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(F) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before May 31, 1977.

(G) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at an initial conference in this proceeding to be held on June 7, 1977, at 10:00 A.M., in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Law Judge is authorized to establish all procedural dates and to rule upon all motions, (except petitions to intervene, motions to consolidate and sever and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(H) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's Rules of Practice and Procedure.

(I) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10291 Filed 4-6-77;8:45 am]

[1] Allendale does not specify in what way the tariff is anticompetitive. We hereby direct the staff to convene a prehearing conference to clarify Allendale's allegation.

[Doc. No. CP77-245]

NORTHERN NATURAL GAS CO.

Application

APRIL 1, 1977.

Take notice that on March 21, 1977, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP77-245 an application pursuant to section 7(c) of the Natural Gas Act and § 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79), for a certificate of public convenience and necessity authorizing the transportation of up to 5,000 Mcf of natural gas per day for six months for Wheeling-Pittsburgh Steel Corporation (Wheeling-Pittsburgh), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Wheeling-Pittsburgh would purchase up to 5,000 Mcf of natural gas per day from Elk Oil Company (Elk Oil) in Lea County, New Mexico, for priority 2 uses in its plants in the states of Ohio, West Virginia, and Pennsylvania. Applicant indicates that the subject gas is unavailable to the interstate market.

Applicant proposes to transport such gas from the point of receipt on Applicant's gathering system from Elk Oil to El Paso Natural Gas Company (El Paso) through an existing interconnection near Plains, Texas, and El Paso would redeliver the gas to Northern at the tailgate of the Coyanosa Gasoline Plant located in Pecos County, Texas. Applicant states that it would then transport and deliver the gas to Panhandle Eastern Pipe Line Company (Panhandle) at an existing interconnection in Kiowa County, Kansas.

It is stated that the gas Northern receives from Elk Oil is high in hydrocarbon content and must be processed through Northern's Hobbs, New Mexico Gasoline Plant, and Wheeling-Pittsburgh would incur an 8 percent shrinkage due to processing. Applicant states that the parties involved have agreed that Wheeling-Pittsburgh receive compensation for its share of the liquids extracted in the form of a credit adjustment to the transportation rate.

It is stated that Wheeling-Pittsburgh would pay Applicant 13.93 cents per Mcf for gas stransported and redelivered to Panhandle for Wheeling-Pittsburgh's account, and Applicant would retain 4 percent of the volume received for transportation as fuel and unaccounted for gas.

Applicant proposes to install and operate a meter and install a tee to the N.B. Kemnitz No. 2 well and a meter for the D.K. State No. 1 well and to operate an existing meter for the N.K. Kemnitz No. 1 well in order to accommodate the receipt of gas from Elk Oil. Applicant states that the total cost to install the proposed facilities and to remove the three meters is estimated to be $7,000, and Wheeling-Pittsburgh would reimburse Applicant for the total cost of installing and removing such facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 14, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-10314 Filed 4-6-77;8:45 am]

[Doc. No. CP77-307]

NORTHERN NATURAL GAS CO.

Application

APRIL 1, 1977.

Take notice that on March 21, 1977, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP77-307 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas, on a best efforts basis, for United Gas Pipe Line Company (United) during the period May 1, 1977 through January 31, 1978, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to the terms of a gas transportation agreement dated March 8, 1977 between Applicant and United, Applicant proposes to transport for United up to 60,000 Mcf of natural gas per day, less 6 percent fuel, from the point of receipt from Delhi Gas Pipeline Corporation (Delhi) in Pecos County, Texas to the point of redelivery to Natural Gas Pipe Line Company of America (Natural) at at existing point of interconnection between the pipeline of applicant and Natural in Mills County, Iowa. The proposed transportation is for the period May 1, 1977, through January 31, 1978.

It is stated that United would pay Applicant 27.88 cents per Mcf for all gas transported and redelivered to Natural by Applicant, and that United would purchase the subject gas from Delhi.

Applicant also requests authority to retain in place, the temporary tie-over facilities (two 6-inch hot tap valves and riser, in Pecos County, Texas) as emergency interconnections with Delhi. Applicant installed these tie-over facilities to accommodate the receipt of gas to Applicant from Delhi for the account of Columbia Gas Transmission Corporation and Transcontinental Gas Pipe Line Corporation and others for transportation, it is said. Applicant anticipates similar emergency transportation arrangements in the future.

Applicant indicates that a severe gas supply shortage exists on United's system, and that the proposed transportation of gas would assist United in maintaining adequate and reliable service to its high priority customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 22, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10293 Filed 4-6-77;8:45 am]

[Doc. No. ER77-259]

PACIFIC POWER & LIGHT CO.

Supplemental Rate Filing

APRIL 1, 1977.

Take notice that Pacific Power & Light Company (Pacific) on March 25, 1977, tendered for filing, in accordance with Section 35 of the Commission's Regulations, a supplement to Pacific's Rate Schedule FPC No. 118, under which Pacific transmits electric power and energy for Black Hills Power and Light Company (Black Hills). Pacific indicates that the supplement provides for an extension of such transfer service to provide for delayed completion by Black Hills of the Wyodak-Stegall 230 kv transmission line.

Pacific requests waiver of the Commission's notice requirements to permit this rate schedule to become effective November 1, 1976. which it claims is the date of commencement of service.

Copies of the filing were supplied to Black Hills.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 13, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10289 Filed 4-6-77;8:45 am]

[Doc. No. ER77-102]

PENNSYLVANIA POWER CO.

Proposed Municipal Resale Service Rate, Permitting Intervention, Providing for Hearing, and Establishing Procedures; Correction

MARCH 15, 1977.

In FR Doc. 77-3941, issued January 28, 1977 and published in the FEDERAL REGISTER on February 8, 1977 (42 FR 7996), on page 7997, Paragraph (C), Line 5: Change "July 28, 1977" to "June 28, 1977".

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10283 Filed 4-6-77;8:45 am]

[Doc. No. CI77-331]

PLACID OIL CO.

Application for Transportation of Natural Gas

APRIL 1, 1977.

Take notice that on March 10, 1977, Placid Oil Company, (Operator), (Applicant) [1] filed in Docket No. CI77-331 an

[1] Placid Oil Company is Operator for itself and Hunt Oil Company, Hassie Hunt Exploration Company, Hunt Petroleum Corporation, Hunt Industries, Caroline Hunt Trust Estate, Lamar Hunt Trust Estate, N. B. Hunt and W. H. Hunt.

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application pursuant to Section 7 of the Natural Gas Act, covering the proposed transportation of natural gas for Michigan Wisconsin Pipe Line Company from Block 291, Ship Shoal, South Addition Area, Offshore Louisiana, all as more fully set forth in its application on file with the Commission which is open to public inspection.

Applicant requests authority to transport natural gas through an existing crude oil pipeline for the account of Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) pursuant to the terms of a Transportation Service Agreement dated as of January 28, 1977. Applicant will charge Michigan Wisconsin 4.5 cents per Mcf at 15.025 psia for the transportation service.

The gas to be transported by Applicant is produced and sold by independent producers to Michigan Wisconsin at Block 291, Ship Shoal Area, South Addition, Offshore Louisiana. Michigan Wisconsin will deliver such natural gas to Applicant at Block 291, and Applicant will transport and redeliver such gas to Michigan Wisconsin at its facilities located in Block 207, Ship Shoal Area, Offshore Louisiana.

Any person desiring to be heard or to make any protest with reference to said application, on or before April 20, 1977, should file with the Federal Power Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-10285 Filed 4-6-77;8:45 am]

[Doc. Nos. CP77-304 and C177-329]

SABINE PIPE LINE CO. AND TEXACO INC.

Order To Show Cause; Correction

MARCH 22, 1977.

In FR Doc. 77-8920, issued March 17, 1977, and published in the FEDERAL REGISTER on March 25, 1977 (42 FR 16187) on page 16187, footnote "[1]" change to "[2]".

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10284 Filed 4-6-77;8:45 am]

[Doc. No. CP77-302]

SEA ROBIN PIPELINE CO.

Application

APRIL 1, 1977.

Take notice that on March 22, 1977, Sea Robin Pipeline Company (Sea Robin) filed in Docket No. CP 77-7302, an application for a temporary and permanent certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act requesting authorization to make sales to its two resale customers, United Gas Pipe Line Company (United) and Southern Natural Gas Company (Southern) at a point of delivery onshore at Pecan Island in Vermilion Parish, Louisiana.

Sea Robin states that it proposes to transport natural gas it will purchase in Block 22, Vermilion Area, Offshore Louisiana, through pipeline facilities owned by itself, Transcontinental Pipe Line Corporation (Transco) and Florida Gas Transmission Company (Florida Gas), to a point onshore where the subject pipeline interconnects with the Central Louisiana Gathering System of Transco in Vermilion Parish, Louisiana. Sea Robin further states that by this means deliveries of new volumes of natural gas can be made to its customers, United and Southern, to augment their decreasing gas supplies, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application, on or before April 20, 1977, should file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-10286 Filed 4-6-77; 8:45 am]

[Doc. No. ER77-232]

SOUTHERN CALIFORNIA EDISON CO.

Extension of Time

MARCH 31, 1977.

On March 30, 1977, the Cities of Anaheim and Riverdale, California, filed a motion for an extension of the time, fixed by Commission Notice issued March 15, 1977, for filing protests and petitions to intervene in the captioned proceeding. The motion states that the Applicant, Southern California Edison Company, and Pacific Gas and Electric Company concur in the request for an extension.

Upon consideration, notice is hereby given that an extension of time is granted to and including April 14, 1977, within which protests and petitions to intervene must be filed in this proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10292 Filed 4-6-77;8:45 am]

[Doc. No. CP77-315]

TARPON TRANSMISSION CO.

Application

APRIL 1, 1977.

Take notice that on March 25, 1977, Tarpon Transmission Company (Tarpon), 4665 First International Building, Dallas, Texas, 75270, filed in Docket No. CP77-315, an application pursuant to Section 7(c) of the Natural Gas Act and the regulations thereunder for a Certificate of Public Convenience and Necessity authorizing the construction and operation of certain facilities for the transportation of natural gas for Trunkline Gas Company (Trunkline), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Tarpon proposes to construct and operate approximately 40.4 miles of 16-inch pipeline to connect Trunkline's existing system in Block 274, Ship Shoal Area, South Addition, to a production platform in Block 380, Eugene Island Area, South Addition. The total cost of the facilities applied for by Tarpon is estimated to be approximately $16,838,000.

Tarpon will transport to Trunkline's T-27 platform located in Ship Shoal Block 274 gas produced in Blocks 377 and 380, Eugene Island Area, South Addition under a form of Transportation Agreement which upon completion of the construction of its proposed facilities, will be filed with the Commission as Tarpon's tariff.

Any person desiring to be heard or to make any protest with reference to said application, on or before April 20, 1977, should file with the Federal Power Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-10287 Filed 4-6-77;8:45 am]

[Doc. No. CP77-310]

TENNESSEE GAS PIPELINE CO. AND EAST TENNESSEE NATURAL GAS CO.

Application

APRIL 1, 1977.

Take notice that on March 23, 1977, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) and East Tennessee Natural Gas Company (East Tennessee) (Applicants), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP77-310 a joint application pursuant to Section 7(c) of the Natural Gas Act and § 2.79 of the Commission General Policy and Interpretations (18 CFR 2.79), for a certificate of public convenience and necessity authorizing the transportation of natural gas for 2 years for Steel Service Company, a Division of Azcon Corporation (Steel Service), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose to transport up to 1,957 Mcf of natural gas per day for 2 years for Steel Service through the utilization of their existing pipeline facilities.

It is indicated that Steel Service has arranged to have the proposed volumes of gas made available to Tennessee by Texas Gas Transmission Corporation (Texas Gas) at the existing interconnection of the facilities of Tennessee and Texas Gas at Tennessee's Main Line Valve 87, located in Sumner County, Tennessee. Tennessee proposes to transport and deliver volumes of natural gas up to the maximum daily quantity of 1,957 Mcf to East Tennessee at Tennessee's existing Greenbrier Sales Meter Station Delivery Point located in Robertson County, Tennessee at Tennessee's Main Line Valve No. 864-1 plus 10.31 miles (Greenbrier). East Tennessee proposes to receive the subject gas from Tennessee at Greenbrier and transport and deliver the gas to Knoxville Utilities Board (KUB) for the account of Steel Service, with reductions for volumes of gas to be used for its fuel and use requirements associated with this proposed transportation service.

It is further indicated that Steel Service would pay Tennessee each month for transportation service: (1) a demand charge to be determined by multiplying 3.69 cents by the maximum daily quantity, less any demand charge credit provided therein, if applicable; and (2) a volume charge equal to 0.49 cents per Mcf multiplied by (a) the total of the daily volumes delivered during such month or (b) the number of days in said month multiplied by 66⅔ percent of the maximum daily quantity, whichever is greater, less any applicable annual minimum bill credit as provided therein. It is stated that Steel would pay East Tennessee each month for transportation service a charge to be determined by multiplying the rate of 20.74 cents per Mcf by the volume of natural gas actually transported and delivered by East Tennessee for the account of Steel Service; East Tennessee would retain each day for its fuel and use requirements a daily volume determined by multiplying 0.72 percent times the volume delivered by Tennessee to East Tennessee for the account of Steel Service for such day.

It is stated that Steel Service proposes to purchase the subject volumes of gas from McGoldrick Joint Venture No. 1-73 at an initial price of $1.60 per Mcf, and the subject gas would be produced from the Leatherman Creek Field, Claiborne Parish, Louisiana. It is asserted that Steel Service needs the proposed transportation service in order to mitigate the effects of curtailment being imposed on it by KUB and that said gas would be used for priority 2 purposes on priority 3 purposes which would have been priority 2 had such gas been purchased on a firm basis.

It is stated that the subject gas is produced from onshore and is not available to Applicants or to any other pipeline for resale in interstate commerce.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 14, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-10313 Filed 4-6-77;8:45 am]

[Doc. No. CP76-238]

UNITED GAS PIPE LINE CO.

Extension of Time

MARCH 29, 1977.

On March 22, 1977, United Gas Pipe Line Company (United) filed a motion for a two-week extension of time within which to produce the data required by the Commission Order issued January 25, 1977, in the captioned proceeding. The motion states that Staff counsel has been contacted and has no objection to the extension.

Upon consideration, notice is hereby given that an extension of time is granted to and including April 8, 1977, to produce the required data.

KENNETH F. PLUMB,
Secretary.

[FR Doc 77-10273 Filed 4-6-77;8:45 am]

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[Doc. No. ER77-257]

WISCONSIN POWER & LIGHT CO.

Wholesale Power Agreement

MARCH 30, 1977.

Take notice that on March 24, 1977, Wisconsin Power and Light Company (WPL) tendered for filing a Wholesale Power Contract dated March 9, 1977, between the Village of Black Earth, Wisconsin and WPL. WPL. states that this contract will supersede an existing contract for wholesale electric service dated June 23, 1972, and designated WPL Rate Schedule FPC No. 93.

WPL requests a proposed effective date of March 11, 1977, and waiver of the notice requirements of section 35.11 of the Commission's regulations. WPL states that a copy of the Wholesale Power Contract and the filing have been provided to the Village of Black Earth.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 13, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any persons wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10276 Filed 4-6-77;8:45 am]

[Docket No. ER77-258]

INDIANA & MICHIGAN ELECTRIC CO.

Changes in Rates and Charges

APRIL 1, 1977.

Take notice that American Electric Power Service Corporation (AEP) on March 24, 1977 tendered for filing on behalf of its affiliate, Indiana & Michigan Electric Company (Indiana Company), a letter of agreement dated March 1, 1977 to the Interconnection Agreement dated December 30, 1960 between Indiana & Michigan Electric Company and Indianapolis Power & Light Company, designated Indiana Company Rate Schedule FPC No. 21.

AEP states that the letter of agreement provides for an increase in the minimum energy charge for Emergency Service from 17.5 mills to three $0.03 cents per kilowatthour, proposed to become effective May 1, 1977. A similar letter agreement between Illinois Power Company and I&M was recently submitted to the Commission as a proposed settlement of FPC Docket No. ER76-21 and on September 8, 1976 the Commission issued an order approving this settlement making it effective as of March 2, 1976. AEP also states that since the use of Emergency Service under the proposed minimum charge cannot be accurately determined or estimated, it is impossible to determine or estimate the increase in revenues resulting from the letter of agreement.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, Washington, D.C. 20426 in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 13, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10322 Filed 4-6-77;8:45 am]

[Project No. 77]

PACIFIC GAS AND ELECTRIC CO.

Issuance of Annual License(s)

APRIL 1, 1977.

On May 1, 1970, Pacific Gas and Electric Company, Licensee for the Potter Valley Project No. 77, located on the Eel and Russian Rivers in the Mendocino National Forest, Lake and Mendocino Counties, California, filed an application for a new license pursuant to the Federal Power Act and Commission Regulations thereunder.

The license for Project No. 77 was issued effective April 15, 1922, for a period ending April 14, 1972. Since expiration of the original license, the project has been maintained and operated under annual licenses, the most recent of which will expire on April 14, 1977. In order to authorize the continued operation and maintenance of the project, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to the Pacific Gas and Electric Company.

Take notice that an annual license is issued to the Pacific Gas and Electric Company for the period April 15, 1977, to April 14, 1978, or until Federal takeover, or until the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Potter Valley Project No. 77 subject to the terms and conditions of the original license. Take further notice that if Federal takeover or issuance of a new license does not take place on or before April 14, 1978, a new annual license will be issued each year thereafter, effective April 15 of each year, until such time as Federal takeover takes place or a new license is issued, without further notice being given by the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10323 Filed 4-6-77;8:45 am]

[Docket No. E-8927]

PENNSYLVANIA POWER & LIGHT CO.

Motion of Ephrata, et al., To Reopen

APRIL 1, 1977.

Take notice that on March 18, 1977 Ephrata, et al. (Ephrata) by motion requested that the Commission reopen the above captioned matter on the basis that as of the date of Initial Decision herein, April 20, 1976, the Supreme Court had not made its determination in the case of *F.P.C. v. Conway Corporation*, 426 U.S. 271, 48 L. Ed 2d 626 (1976).

Ephrata states that by that determination the Supreme Court has established law that was not available to the Presiding Administrative Law Judge at the time of his decision and which is essential to the proper determination of the case.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 20, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10321 Filed 4-6-77;8:45 am]

[Project No. 637]

PUBLIC UTILITY DISTRICT NO. 1 OF CHELAN COUNTY

Issuance of Annual License(s)

APRIL 1, 1977.

On October 30, 1975, Public Utility District No. 1 of Chelan County, Licensee for Lake Chelan Project No. 637, located on the Chelan River and Chelan Lake, Chelan County, Washington, filed an application for a new license pursuant to the Federal Power Act and Commission Regulations thereunder.

The license for Project No. 637 was issued effective April 1, 1924, for a period ending March 31, 1974. Since expiration of the original license, the project has been maintained and operated under annual licenses, the most recent of which will expire on March 31, 1977. In order to authorize the continued operation and maintenance of the project, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to the Public Utility District No. 1 of Chelan County.

Take notice that an annual license is issued to the Public Utility District No. 1 of Chelan County for the period April 1, 1977, to March 31, 1978, or until the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Lake Chelan Project No. 637 subject to the terms and conditions of the original license. Take further notice that if issuance of a new license does not take place on or before March 31, 1978, a new annual license will be issued each year thereafter, effective April 1 of each year, until such time as a new license is issued, without further notice being given by the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10319 Filed 4-6-77;8:45 am]

[Project No. 199]

SOUTH CAROLINA PUBLIC SERVICE AUTHORITY

Issuance of Annual License(s)

APRIL 1, 1977.

On September 4, 1973, South Carolina Public Service Authority, Licensee for Project No. 199, located in Orangeburg, Calhoun, Clarendon, Sumter, and Berkeley Counties, South Carolina, filed an application for a new license pursuant to the Federal Power Act and Commission Regulations thereunder.

The license for Project No. 199 was issued effective April 2, 1926, for a period ending April 1, 1976. Since expiration of the original license, the project has been maintained and operated under an annual license which will expire on April 1, 1977. In order to authorize the continued operation and maintenance of the project, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to the South Carolina Public Service Authority.

Take notice that an annual license is issued to the South Carolina Public Service Authority for the period April 2, 1977, to April 1, 1978, or until the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Project No. 199 subject to the terms and conditions of the original license. Take further notice that if issuance of a new license does not take place on or before April 1, 1978, a new annual license will be issued each year thereafter, effective April 2 of each year, until such time as a new license is issued, without further notice being given by the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10320 Filed 4-6-77;8:45 am]

[Project No. 344]

SOUTHERN CALIFORNIA EDISON CO.

Issuance of Annual License(s)

APRIL 1, 1977.

On April 20, 1970, Southern California Edison Company, Licensee for San Gorgonio No. 1 and No. 2 Project No. 344, located in the counties of Riverside and San Bernardino, California, on the east and south forks of the Whitewater and San Gorgonio Rivers near the cities of Yucaipa and Banning, filed an application for a new license pursuant to the Federal Power Act and Commission Regulations thereunder.

The license for Project No. 344 was issued effective April 27, 1923, for a period ending April 26, 1973. Since expiration of the original license, the project has been maintained and operated under annual licenses, the most recent of which will expire on April 26, 1977. In order to authorize the continued operation and maintenance of the project pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to the Southern California Edison Company.

Take notice that an annual license is issued to the Southern California Edison Company for the period April 27, 1977, to April 26, 1978, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the San Gorgonio No. 1 and No. 2 Project No. 344 subject to the terms and conditions of the original license. Take further notice that if Federal takeover or issuance of a new license does not take place on or before April 26, 1978, a new annual license will be issued each year thereafter, effective April 27 of each year, until such time as Federal takeover takes place or a new license is issued, without further notice being given by the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10318 Filed 4-6-77;8:45 am]

FEDERAL RESERVE SYSTEM

[H.2, 1977 No. 12]

ACTIONS OF BOARD

Applications and Reports Received During the Week Ending March 19, 1977

ACTIONS OF THE BOARD

Location for a permanent facility for the Miami Branch.

Annual report to Congress on section 18(f) of the Federal Trade Commission Act for the year 1976.

Views of Board relating to "Accounting by Debtors and Creditors for Troubled Debt Restructurings".

Banks of Iowa, Inc., Cedar Rapids, Iowa, order amending requirement for injection of additional capital into First National Bank in Sioux City, Sioux City, Iowa, in connection with applicant's acquisition of that bank; the Board extends the time to June 30, 1977, in which to satisfy applicant's capital commitment.

Republic of Texas Corporation, Dallas, Texas, extension of time to May 9, 1978, within which to fulfill various commitments.

Deseret Bancorporation, Pleasant Grove, Utah, extension of time to June 29, 1977, within which to acquire shares of the successors by merger to Bank of Pleasant Grove, Pleasant Grove, Utah; State Bank of Lehi, Lehi, Utah; and Mountain View Bank, American Fork, Utah.[1]

First City Bancorporation of Texas, Inc., Houston, Texas, extension of time to April 30, 1977, within which to consummate the acquisition of Red Bird National Bank, Dallas, Texas.[1]

Trinity Capital Corporation, Los Alamos, New Mexico, extension of time to May 13, 1977, within which it may consummate the acquisition of Los Alamos National Bank, Los Alamos, New Mexico.[1]

Trust Company of Georgia, Atlanta, Georgia, extension of time to June 3, 1977, within which to acquire Central Bankshares Corporation, Jonesboro, Georgia.[1]

Dale Sprague Enterprises, Inc., Blue Mound, Kansas, extension of time to April 11, 1977, within which to file its registration statement.[1]

Termination of registration pursuant to Regulation G for Jefferson City Production Credit Association, Jefferson, Missouri.[1]

State Bank of Freeport, Freeport, Illinois, extension of time to July 22, 1977, within which to establish a remote teller facility within 3,500 yards of the main banking office.[1]

United California Bank, Los Angeles, California, extension of time to September 30, 1977, within which to establish a branch office in the vicinity of the intersection of Mooney Boulevard and Caldwell Avenue, Visalia, California.[1]

Reedsville National Bank, Reedsville, Pennsylvania, proposed merger with The Russell National Bank, Lewiston, Pennsylvania; report to the Comptroller of the Currency on competitive factors.[1]

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

APPROVED

United Jersey Bank/Northwest, Dover, New Jersey. Branch to be establish at Route 10, Township of Roxbury (Block 258, Lot 3, Zone B-2) Morris County.[2]

The Community Bank, Petersburg, Virginia. Branch to be established at 2618 South Crater Road, Petersburg.[2]

Barclays Bank of New York, New York, New York. Branch to be established at 390 North Broadway, Jericho, Nassau County.[2]

* * * * * *

To Withdraw from Membership in the Federal Reserve System without a Six-Month Notice as prescribed by Section 9 of the Federal Reserve Act.

DENIED

Citizen Bank & Trust Company, Campbellsville, Kentucky.[2]

* * * * * *

International Investments and Other Actions Pursuant to Sections 25 and 25 (a) of the Federal Reserve Act and Sections 4(c) (9) and (13) of the Bank Holding Company Act of 1956, as amended.

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[1] Application processed on behalf of the Board of Governors under delegated authority.

V 4267 APR 7 77 UMI

APPROVED

Boston Overseas Financial Corporation: re—to continue to hold Corporacion Financiera De Boston, S.A., Bolivia, after the latter issues debt obligations.

Citibank North America: re—continue to hold shares of National and Grindlays Bank, London, after the latter establishes an agency in New York City.

To Form a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956.

SUSPENDED

First Bancshares of Kirksville, Inc., Kirksville, Missouri, for approval to acquire at least 80 per cent of the voting shares of First National Bank, Kirksville, Missouri.[1]

Torrington National Company, Torrington, Wyoming, for approval to acquire 100 per cent of the voting shares of First National Bank, Torrington, Torrington, Wyoming.[2]

APPROVED

Kruse Insurance Agency, Inc., Mineola, Iowa, for approval to acquire 80 per cent or more of the voting shares of Mineola State Bank, Mineola, Iowa.

• • • • •

To Expand a Bank Holding Company Pursuant to Section 3(a)(3) of the Bank Holding Company Act of 1956.

APPROVED

Trust Company of Georgia, Atlanta, Georgia, for approval to acquire 100 per cent of the voting shares (less directors' qualifying shares) of the successor by merger to The First National Bank of Albany, Albany, Georgia.[2]

• • • • •

To Expand a Bank Holding Company Pursuant to Section 4(c)(8) of the Bank Holding Company Act of 1956.

DELAYED

BankAmerica Corporation, San Francisco, California, notification of intent to engage in de novo activities (making or acquiring, for its own account loans and other extensions of credit such as would be made or acquired by a finance company and servicing loans and other extensions of credit; such activities will include, but not be limited to, making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses, and making loans secured by real and personal property; acting as agent or broker for the sale of credit related life and credit related accident and disability insurance in connection with extensions of credit made or acquired by FinanceAmerica Corporation) at 5198 South Broadway, Englewood, Colorado, through its subsidiary, FinanceAmerica Corporation (a Colorado Corporation) (3/18/77).[2]

BankAmerica Corporation, San Francisco, California, notification of intent to engage in de novo activities (making or acquiring, for its own account loans and other extensions of credit such as would be made or acquired by a finance company and servicing loans and other extensions of credit; such activities will include, but not be limited to, making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses, and making loans secured by real and personal property; acting as agent or broker for the sale of credit related life and credit related accident and disability insurance in connection with extensions of credit made or acquired by FinanceAmerica Corporation (a New Mexico Corporation), a subsidiary of FinanceAmerica Corporation (3/14/77).[2]

[1] Application processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.

[2] 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

limited to, making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses, and making loans secured by real and personal property; acting as agent or broker for the sale of credit related life and credit related accident and disability insurance in connection with extensions of credit made or acquired by FinanceAmerica Corporation) at 520 North Madison Avenue, Greenwood, Indiana, through its subsidiary, FinanceAmerica Corporation (an Indiana Corporation), a subsidiary of FinanceAmerica Corporation (3/14/77).[2]

BankAmerica Corporation, San Francisco, California, notification of intent to engage in de novo activities (making or acquiring, for their own account extensions of credit such as would be made or acquired by a finance company; FinanceAmerica Corporation will engage in making consumer installment loans and other extensions of credit to small businesses and loans secured by real or personal property; FinanceAmerica Industrial Plan, Inc., will engage in purchasing installment sales finance contracts; both corporations will engage in servicing loans and other extensions of credit; credit related life and credit related accident and disability insurance in connection with extensions of credit made or acquired by FinanceAmerica Corporation Industrial Plan, Inc.) at 311 West Street, Tupelo, Mississippi through its subsidiaries, FinanceAmerica Corporation and FinanceAmerica Industrial Plan, Inc. (Mississippi Corporations), subsidiaries of FinanceAmerica Corporation (3/14/77).[2]

BankAmerica Corporation, San Francisco, California, notification of intent to engage in de novo activities (making or acquiring, for its own account loans and other extensions of credit such as would be made or acquired by a finance company and servicing loans and other extensions of credit; such activities will include, but not be limited to, making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses, and making loans secured by real and personal property; acting as agent or broker for the sale of credit related life and credit related accident and disability insurance in connection with extensions of credit made or acquired by FinanceAmerica Corporation) at 6910G Montgomery Boulevard N.E., Albuquerque, New Mexico, through its subsidiary, FinanceAmerica Corporation (a New Mexico Corporation), a subsidiary of FinanceAmerica Corporation (3/14/77).[2]

Security Pacific Corporation, Los Angeles, California, notification of intent to engage in de novo activities (acting as agent or broker for the sale of credit related property and casualty insurance) at Point West Executive Centre, 1455 Response Road, Sacramento, California, through its subsidiary, Security Pacific Finance Corp. (3/15/77).[2]

Security Pacific Corporation, Los Angeles, California, notification of intent to engage in de novo activities (acting as agent or broker for the sale of credit related property and casualty insurance) at the Warner Victory Center, 6355 Topanga Canyon Boulevard, Woodland Hills, California, through its subsidiary, Security Pacific Finance Corp. (3/15/77).[2]

PERMITTED

Industrial National Corporation, Providence, Rhode Island, notification of intent to relocate de novo activities (consumer finance and insurance agency for any insurance directly related to an extension of credit or provision of other financial services or otherwise sold as a matter of convenience to the purchaser) from 141 W. Broad Avenue, Albany, Georgia to 715 W. Ogelthorpe Boulevard, Albany, Georgia, through a subsidiary, Southern Discount Company, a subsidiary of Industrial National Corporation (3/15/77).[2]

New Jersey National Corporation, Trenton, New Jersey, notification of intent to relocate de novo activities making, acquiring, selling, and servicing for its own account or the account of others, loans and other extensions of credit principally secured by mortgages and such incidental activities as are necessary to carry on the activities specified) from Marlton Pike and Sawmill Road, Cherry Hill, New Jersey to The Washington Square Professional Building, Black Horse Pike and Fries Mill Road, Turnersville, New Jersey, through its subsidiary, Underwood Mortgage and Title Co. (3/16/77).[2]

Bank of Virginia Company, Richmond, Virginia, notification of intent to engage in de novo activities (full notification and non-notification factoring of accounts receivable, secured and unsecured commercial financing without restriction as to the nature of security taken including, but not limited to, providing guarantees of letters of credit and issuing letters of guaranty of any kind) at Suite 619, 2975 Wilshire Boulevard, Los Angeles, California, through its subsidiary, BVA Credit Corporation (3/13/77).[2]

Mercantile Bankshares Corporation, Baltimore, Maryland, notification of intent to engage to de novo activities (making or acquiring, for its own account and for the account of others, loans and other extensions of credit such as would be made by a mortgage company) at One Plaza, East, Main and Division Streets, Salisbury, Maryland, through its subsidiary, Mercantile Mortgage Corporation (3/17/77).[2]

Southeast Banking Corporation, Miami, Florida, notification of intent to engage in de novo activities (performing or carrying on any one or more of the functions or activities that may be performed or carried on by a trust company including activities of a fiduciary, agency or custodian nature) at 1010 Fifth Avenue, South Naples, Florida, through a subsidiary, Southeast Bank Trust Company, N.A. (3/18/77).[2]

Wells Fargo & Company, San Francisco, California, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit, servicing loans and other extensions of credit for other persons; acting as an insurance agent or broker with respect to the following types of insurance that are directly related to the extension of credit by Wells Fargo & Company or its subsidiaries: credit life and credit accident and health insurance, mortgage redemption life insurance, and group mortgage disability insurance) in the First National Bank Building, One East First Street, Suite 900, Reno, Nevada, through its subsidiaries, Wells Fargo Mortgage Company and WFMC Corporation (3/17/77).[2]

APPROVED

Kruse Insurance Agency, Inc., Mineola, Iowa, for permission to continue to operate as an insurance agency engaged in the sale of credit life and credit accident and health insurance directly related to extensions of credit by Mineola State Bank, Mineola, Iowa.

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To Expand a Bank Holding Company Pursuant to Section 4(c)(12) of the Bank Holding Company Act of 1956.

PERMITTED

Archer-Daniels-Midland Company, Decatur, Illinois, notification of intent to acquire all the outstanding shares of New Era Milling Company, Arkansas City, Kansas, indirectly through their wholly owned subsidiary, Fleischmann Malting Company, Inc. (3/17/77).[2]

Applications Received

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

The Cleveland Trust Company, Cleveland, Ohio. Branch to be established at the Southwest Corner of Superior Avenue and East 105th Street, Cleveland, Cuyahoga County.

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Thirty Day Notice of Intention to Establish an Additional Branch of a Member Bank in a Foreign Country.

Bank of America N.T. and S.A.: re—Branch—Additional in New Delhi, India.

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To Form a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956.

Chalfen—Holiday, Inc., Minneapolis, Minnesota, for approval to acquire 70 percent or more of the voting shares of First National Bank in Anoka, Anoka, Minnesota.

Bendena Bancshares, Inc., Bendena, Kansas, for approval to acquire 92 percent of the voting shares of The Bendena State Bank, Bendena, Kansas.

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To Expand a Bank Holding Company Pursuant to Section 3(a)(3) of the Bank Holding Company Act of 1956.

D. H. Baldwin Company, Cincinnati, Ohio, for approval to directly acquire 100 percent of the voting shares of Rifle Bank Agency, Inc., Rifle, Colorado and indirectly acquire 100 percent of the voting shares of The First National Bank in Rifle, Rifle, Colorado.

First National Charter Corporation, Kansas City, Missouri, for approval to acquire 80 per cent or more of voting shares of The Farmers Trust Company of Lee's Summitt, Lee's Summitt, Missouri.

Republic of Texas Corporation, Dallas, Texas, for approval to acquire 100 per cent of the voting shares (less directors' qualifying shares) of Preston State Bank, Dallas, Texas.

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To Expand a Bank Holding Company Pursuant to Section 4(c)(8) of the Bank Holding Company Act of 1956.

Citicorp, New York, New York, notification of intent to engage in de novo activities (operating as an industrial loan company pursuant to the Utah Industrial Loan Law issuing thrift certificates and thrift passbook certificates; if this proposal is effected, the establishment will also be known as Citicorp Person-to-Person Financial Center of Utah) at 432 West Main Street, Vernal, Utah, through its subsidiary, Nationwide Financial Services Corporation, presently operating as Citicorp Person-to-Person Financial Center (3/14/77.)[2]

Manufacturers Hanover Corporation, New York, New York, for approval for the continuance of certain activities by its subsidiary, Ritter Financial Corporation, Wyncote, Pennsylvania with offices located in Sicklerville, New Jersey; Fairmont, North Carolina; Red Springs, North Carolina; Wadesboro, North Carolina; Hummelstown, Pennsylvania; Warsaw, Virginia; Woodstock, Virginia (engaged in making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be made by a finance company; servicing loans and other extensions of credit for any person; and acting as agent or broker for the sale of credit related life and accident and health insurance and consumer credit related property and casualty insurance which is related to extensions of credit by Ritter Financial Corporation).

Manufacturers Hanover Corporation, New York, New York, for approval to commence certain activities by its indirect subsidiary, Ritter Life Insurance Company, Wyncote, Pennsylvania (engaged in underwriting, as reinsurer, credit life and credit accident and health insurance which is related to extensions of credit made or acquired by Ritter Financial Corporation).

Citibanc Group, Inc., Alexander City, Alabama, notification of intent to engage in de novo activities (the business of acting as agent or broker for the sale of credit life/accident and health insurance directly related to extensions of credit by the bank holding company and for its bank and non-banking subsidiaries) at Covington County Bank, Andalusia; City Bank of Goodwater, Goodwater; City Bank of Lineville, Lineville; City Bank of Tuskegee, Tuskegee; City Bank of Roanoke, Roanoke; Peoples Bank, Anniston; and Citibanc Group, Inc., Alexander City, all located in Alabama (3/14/77).[2]

The Fulton National Corporation, Atlanta, Georgia, notification of intent to engage in de novo activities (making or acquiring, for its own account loans secured by real estate and other loans and extensions of credit; and the sale of credit life insurance) at 8540 Powers Ferry Road, N.W., Suite 140, Atlanta, Georgia, through a subsidiary, FNC Financial Corporation (3/17/77).[2]

BankAmerica Corporation, San Francisco, California, notification of intent to engage in de novo activities (making or acquiring, for its own account loans and other extensions of credit such as would be made or acquired by a finance company and servicing loans and other extensions of credit; such activities will include, but not be limited to, making consumer installment loans, purchasing installment sales finance contracts, making loans secured by real and personal property; acting as agent or broker for the sale of credit related life and credit related accident and disability insurance in connection with extensions of credit made or acquired by a Finance America Corporation) at 6075 South State Street, Murray, Utah, through its indirect subsidiary, Finance America Corporation (a Utah Corporation), a subsidiary of FinanceAmerica Corporation (2/22/77).[2]

Seafirst Corporation, Seattle, Washington, for approval to engage de novo in the activity of underwriting credit life and credit accident and health insurance directly related to extensions of credit by Seafirst Life Insurance Company, Seattle, Washington and SFC Insurance Company, Phoenix, Arizona.

Security Pacific Corporation, Los Angeles, California, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and extensions of credit including making consumer installment personal loans, purchasing consumer installment sales finance contracts, making loans to small businesses and other extensions of credit such as would be made by a factoring company or a consumer finance company; and acting as broker or agent for the sale of credit-related life/accident and health insurance and credit-related property and casualty insurance) at the Warner Victory Center, 6355 Topanga Canyon Boulevard, Woodland Hills, California, through its subsidiary, Security Pacific Finance Corp. (3/8/77).[2]

Security Pacific Corporation, Los Angeles, California, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and extensions of credit including making consumer installment personal loans, purchasing consumer installment sales finance contracts, making loans to small businesses and other extensions of credit such as would be made by a factoring company or a commercial finance company; and acting as broker or agent for the sale of credit-related life/accident and health insurance and credit-related property and casualty insurance) at Point West Executive Centre, 1455 Response Road, Sacramento, California, through its subsidiary, Security Pacific Finance Corp. (3/7/77).[2]

U.S. Bancorp, Portland, Oregon, notification of intent to engage in de novo activities (making, acquiring, and servicing of loans and other extensions of credit either secured or unsecured for its own account or for the account of others including the making of consumer installment loans, purchasing consumer installment and real estate sales finance contracts and evidences of debt, making consumer home equity loans secured by real estate, making industrial loans; and acting as insurance agent with regard to credit life and disability insurance solely in connections with extensions of credit by U.S. Creditcrop) at 32 Oakway Mall, Eugene, Oregon, through its subsidiary, U.S. Creditcorp (3/10/77).[2]

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To Expand a Bank Holding Company Pursuant to Section 4(c)(12) of the Bank Holding Company Act of 1956.

Arkansas Best Corporation, Fort Smith, Arkansas, through its wholly-owned subsidiary, Arkansas-Best Freight Systems, Inc., Fort Smith, Arkansas, to acquire certain operating rights from Western Gillette, Inc., a California Corporation based in Los Angeles (3/16/77).[2]

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Reports Received

Current Report Filed Pursuant to Section 13 of the Securities Exchange Act.

Union Bank & Trust Company, Montgomery, Alabama.

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[2] 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

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PETITIONS FOR RULEMAKING

None.

Board of Governors of the Federal Reserve System, April 1, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-10242 Filed 4-6-77;8:45 am]

TEXAS COMMERCE BANCSHARES, INC.

Order Approving Acquisition of Bank

Texas Commerce Bancshares, Inc., Houston, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)), to acquire 100 percent of the voting shares, less directors' qualifying shares, of the successor by merger to Southern Bank and Trust Company, Garland, Texas ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the third largest banking organization in Texas, controls 31 banks with aggregate deposits of approximately $3.3 billion, representing approximately 7.0 percent of total commercial bank deposits in Texas.[1] Acquisition of Bank (approximately $17.6 million in deposits) would increase Applicant's share of Statewide commercial bank deposits by less than 0.1 of one percent and would have no appreciable effect upon the concentration of banking resources in this State.

Bank is the fifty-eighth largest of 109 banking organizations in the Dallas banking market, which is the relevant banking market,[2] and controls approximately 0.2 percent of the total deposits in commercial banks in the market. Applicant currently is the fifth largest banking organization in the market, controlling seven existing banking subsidiaries in the market with deposits of $245.2 million representing 2.7 percent of market deposits. Approval of the application would increase Applicant's market share to 2.9 percent, leaving its relevant market position well below that of the four larger banking organizations in the market, which hold 67.1 percent of market deposit. Accordingly, consummation of the proposal would not substantially affect the structure of banking within the market.

It appears from the record that the proposal would not have significant adverse effects on existing or potential competition. Applicant's existing subsidiary banks in the market are, like Bank, relatively small in size and oriented toward a rather localized service area; the closest of the seven is located some seven miles from Bank. The factors of size and distance prevent significant present competition between Bank and any one of the seven existing subsidiaries and severely limit the possibility of development of such competition in the future. The market would remain attractive to de novo entry after acquisition of Bank, and numerous banks would remain in the market as potential entry points for expanding bank holding companies. Accordingly, on the basis of the record, it is concluded that consummation of the proposed transaction would not have any significant adverse effects on existing or potential competition on a Statewide basis and only a slightly adverse effect on competition in the Dallas banking market.

Considerations relating to the financial and managerial resources and future prospects of Bank, Applicant, and its subsidiaries are regarded as generally satisfactory and consistent with approval, particularly in light of Bank's retention of $200,000 of interim capital. Applicant will provide Bank with the capability to offer a full array of banking services and to expand services to commercial and industrial concerns in the areas of real estate financing, trusts, data processing services, and international business. Thus, considerations relating to the convenience and needs of the community to be served lend weight toward approval of the application and have been determined to be sufficient to outweigh any slightly adverse competitive effects that might result from consummation of the proposal. It has therefore been determined that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas acting pursuant to delegated authority.

By order of the Secretary of the Board, acting pursuant to delegated authority from the Board of Governors, effective March 31, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-10242 Filed 4-6-77;8:45 am]

[1] All banking data are as of December 31, 1975, and reflect bank holding company formations and acquisitions through February 28, 1977.

[2] The relevant banking market is approximated by the Dallas RMA, which includes Dallas County and portions of six adjacent counties.

TRUST COMPANY OF GEORGIA

Order Approving Acquisition of Bank

Trust Company of Georgia ("Applicant"), Atlanta, Georgia, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (except directors' qualifying shares) of the successor by merger to The First National Bank of Brunswick ("Bank"), Brunswick, Georgia. The successor bank into which Bank is to be merged has no significance except as a means of facilitating the acquisition of the voting shares of Bank. Accordingly, the proposed transaction is treated in this Order as a proposed direct acquisition by applicant of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the third largest banking organization in Georgia, directly controls Trust Company Bank, Atlanta, Georgia, which has deposits of $796 million, and indirectly controls five other banks with aggregate deposits of approximately $400 million.[1] The aggregate deposits of Applicant's existing and approved subsidiary banks represent about ten percent of the total deposits in commercial banks in the State. Acquisition of Bank would increase Applicant's share of the commercial bank deposits in the State by 0.5 percent, and the Board views this increase with a degree of concern because of the increasing trend toward further concentration in the State.[2]

Bank is the largest of three banking organizations in the relevant banking market [3] and holds deposits of $57.2 million, representing approximately 51 percent of the total deposits in commercial banks in the market. The other two banks in the market hold about 36 and 13 percent of the market's deposits, respectively. Applicant's nearest existing or proposed subsidiary bank is located almost 75 miles from Bank, and it appears that this acquisition will eliminate no significant existing competition between Bank and Applicant's bank and nonbank subsidiaries. Although Applicant has sufficient resources to enter the Brunswick banking market de novo, Georgia law prohibits Applicant from branching into or acquiring a de novo bank in the relevant banking market. In bypassing a smaller existing bank as a market entry vehicle, however, Applicant will add 0.5 percent to a rising level of statewide concentration, and will contribute to some extent to an imbalance of the financial resources among existing banks in the market by solidifying Bank's position in that market. For these reasons and based on the facts of record, the Board concludes that the proposed acquisition would have slightly adverse effects on competition.

The financial and managerial resources of Applicant and Bank, and their future prospects, are regarded as generally satisfactory, and considerations relating to banking factors are consistent with approval of the application. Applicant intends to offer services not now available to Bank's customers and to strengthen Bank's management and improve the services presently offered by Bank. Following consummation of the acquisition, Applicant will provide full-time executive personnel for Bank, and will provide Bank's customers with new services, including corporate trust, investment management, international banking, and factoring services. In addition, Bank may be expected to benefit from access to Applicant's specialized expertise in all areas of existing services. These considerations relating to convenience and needs of the community to be served lend weight toward approval of the application to acquire Bank, and in the Board's judgment outweigh the slightly adverse effects on competition that might result from consummation of this proposal. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

Accordingly, the application is approved on the basis of the record and for the reasons summarized above. The transaction shall not be consummated before the thirtieth calendar day following the effective date of this Order or later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[4] effective April 1, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-10243 Filed 4-6-77;8:45 am]

[1] All banking and market data are as of December 31, 1975, unless otherwise noted. Since that date, the Board has approved Applicant's acquisition of Security National Bank, Smyrna, Georgia, which has deposits of $17.4 million, and its merger with Central Bankshares Corporation, Jonesboro, Georgia, the subsidiary bank of which has deposits of $13.7 million. This expansion has occurred in part because of more permissive State bank holding company legislation that became effective in July, 1976.

[2] Georgia's three largest banking organizations, including both existing and approved bank subsidiaries, presently control approximately 44 percent of State deposits, and applications by those organizations now pending would add 1.7 percent to that figure, if approved.

[3] The relevant banking market is approximated by Glynn County.

[4] Voting for this action: Governors Wallich, Coldwell, Jackson, Partee and Lilly. Absent and not voting: Chairman Burns and Governor Gardner.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Assistant Secretary for Health

AMERICAN SCIENCE AND ENGINEERING CORP.

Intent to Grant Exclusive Patent License

Notice is hereby given of an intent to grant to American Science and Engineering Corporation of Cambridge, Massachusetts an exclusive License to manufacture, use and sell in the United States the inventions described in United States patent applications Serial Nos. 726,556 and 728,312 pursuant to 45 CFR 8.2(b). Copies of any of the subject patent applications may be obtained upon written request submitted to the Patent Counsel of the Department of Health, Education and Welfare, Westwood Building, Room 5A-03, National Institutes of Health, Bethesda, Maryland 20014.

The proposed license will have a duration of five (5) years from the date the license is granted. The license will contain other terms and conditions to be negotiated by the parties in accordance with Department of Health, Education and Welfare (HEW) patent regulations. HEW will grant the license on or before June 6, 1977 unless the Patent Counsel named hereinabove receives in writing any of the following, together with supporting documents:

(1) A statement setting forth reasons why it would not be in the best interest of the United States to grant the proposed license; or

(2) An application for a nonexclusive license from a responsible applicant in accordance with 41 CFR 101-4-104-2 stating that applicant has already bought or is likely to bring the inventions to the point of practical application expeditiously. Applicants for a nonexclusive license are requested to identify patents and/or patent applications owned by applicant which would necessarily be infringed by the manufacture and sale of the invention for which applicant is requesting a license.

The Assistant Secretary for Health of the Department of Health, Education, and Welfare will review all written responses to this Notice.

Dated: April 1, 1977.

JAMES F. DICKSON III,
Acting Assistant Secretary for Health.

[FR Doc.77-10355 Filed 4-6-77;8:45 am]

KONTES OF VINELAND, NEW JERSEY

Intent To Grant Exclusive Patent License

Pursuant to § 6.3, 45 CFR, part 6, notice is hereby given of an intent to grant to Kontes of Vineland, New Jersey, an exclusive license to manufacture, use, and sell in the United States the invention described in United States patent application Serial No. 671,713, entitled "Apparatus for Producing High-Purity Water." A copy of the subject patent application may be obtained upon written request submitted to the Patent Counsel of the Department of Health, Education, and Welfare, Westwood Building, Room 5A03, 5333 Westbard Avenue, Bethesda, Maryland 20014.

The proposed license will have a duration of five (5) years, may be royalty-bearing, and will contain other terms and conditions to be negotiated by the parties in accordance with Department of Health, Education, and Welfare (HEW) patent regulations. HEW will grant the license unless on or before June 6, 1977 the Patent Counsel named hereinabove receives in writing any of the following, together with supporting documents:

(1) A statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed license; or

(2) An application for a nonexclusive license to manufacture, use, or sell the invention in the United States is submitted in accordance with 41 CFR 101-4-104-2 and the applicant states that he has already brought the invention to practical application or is likely to bring the invention to practical application expeditiously.

The Assistant Secretary for Health of the Department of Health, Education, and Welfare will review all written responses to this Notice. Authority: 45 CFR.

Dated: April 1, 1977.

JAMES F. DICKSON,
Acting Assistant Secretary for Health.

[FR Doc.77-10363 Filed 4-6-77;8:45 am]

THERMO ELECTRON CORP.

Intent To Grant Exclusive Patent License

Notice is hereby given of an intent to grant to Thermo Electron Corporation of Waltham, Massachusetts, an exclusive license to manufacture, use, and sell in the United States the inventions described in United States patent applications Serial Nos. 602,385; 647,679; 647,680; 647,842; 647,841; 751,232; pursuant to 45 CFR 8.2(b). Copies of any of the subject patent applications may be obtained upon written request submitted to the Patent Counsel of the Department of Health, Education and Welfare, Westwood Bldg. Room 5A03, 5333 Westbard Ave., Bethesda, Maryland 20014.

The proposed license will have a duration of either eight (8) years from the date the license is granted or five (5) years from the date of the first commercial sale of the products covered by these patent applications, whichever is later. The license will contain other terms and conditions to be negotiated by the parties in accordance with Department of Health, Education, and Welfare (HEW) patent regulations. HEW will grant the license on or before June 6, 1977 unless the Patent Counsel named hereinabove receives in writing any of the following, together with supporting documents:

(1) A statement from any person setting forth reasons why it would not be

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in the best interest of the United States to grant the proposed license; or

(2) An application for a nonexclusive license to manufacture, use, or sell the invention in the United States is submitted in accordance with 41 CFR 101-4-104-2 and the applicant states that he has already bought the invention to practical application or is likely to bring the invention to practical application expeditiously.

The Assistant Secretary for Health of the Department of Health, Education and Welfare will review all written responses to this Notice.

Dated: April 1, 1977.

JAMES F. DICKSON III,
Acting Assistant Secretary for Health.

[FR Doc.77-10354 Filed 4-6-77;8:45 am]

Office of Education

STATE STUDENT INCENTIVE GRANT PROGRAM

Closing Date for Receipt of State Applications

Notice is hereby given that pursuant to the authority contained in section 415C of the Higher Education Act of 1965, as amended (20 U.S.C. 1070c-2), applications are being accepted from the 50 States, the District of Columbia, and outlying areas for initial and/or continuing grants under the State Student Incentive Grant Program (Title IV-A, HEA, 20 U.S.C. 1070c-1070c-4).

In order to be assured of consideration, the applications must be received on or before May 4, 1977.

A. APPLICATIONS SENT BY MAIL

An application sent by mail should be addressed as follows: Dr. Richard L. McVity, Director, State Student Incentive Grant Program (SSIGP), Bureau of Student Financial Assistance, U.S. Office of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202. An application sent by mail will be considered to be received on time by the State Student Incentive Grant Program if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or, if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

B. HAND DELIVERED APPLICATIONS

An application to be hand delivered must be taken to the U.S. Office of Education, State Student Incentive Grant Program, Room 4669, Regional Office Building No. 3, 7th and D Streets SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m., except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. PROGRAM INFORMATION AND FORMS

Information and application forms may be obtained from the State Student Incentive Grant Program, Bureau of Student Financial Assistance, U.S. Office of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202.

D. APPLICABLE REGULATIONS

The regulations applicable to the State Student Incentive Grant Program are found in Part 192 of Title 45 of the Code of Federal Regulations (45 CFR 192). In addition, a Notice of Proposed Rulemaking setting forth proposed regulations for the allotment of initial and continuing grant funds is published in this issue of the FEDERAL REGISTER. Applicants are advised to follow the requirements and standards published in the proposed regulations. If the final regulation contains new or inconsistent requirements, the closing date will be extended to allow applicants who have submitted applications based on the proposed regulations to revise their applications.

(Catalog of Federal Domestic Assistance Number 13.548; State Student Incentive Grant Program.)

Dated: March 30, 1977.

WILLIAM F. PIERCE,
Acting Commissioner of Education.

[FR Doc. 77-10312 Filed 4-6-77;8:45 am]

Health Care Financing Administration

PUBLIC ASSISTANCE RESEARCH AND DEMONSTRATION GRANTS

Availability of Grants

The Office of Planning, Research, and Evaluation (OPRE) gives notice of the availability of Fiscal Year 1977 funds for public assistance research and demonstration (R&D) grants. The grants are authorized under Section 426 of Title IV, and Sections 1110 and 1115 of Title XI of the Social Security Act for domestic research and demonstrations supportive of the public assistance programs funded under titles IV, XIX, and XX of the Act, and under Section 222 of Pub. L. 92-603 including Section 402(a) of Pub. L. 90-248 (as amended by 222(b) of Pub. L. 92-603) for experiments and demonstration projects under Title XIX of the Social Security Act. Applications must be received by July 1, 1977, with the exception of certain specified projects in social services, which must be received by May 15, 1977.

Applications for grants may be made by States and public or nonprofit agencies, organizations or institutions, including State or local agencies responsible for administering federally aided programs of financial or medical assistance or services. Section 1115 grants are available only to the State agency responsible for administering the federally aided programs of income maintenance, medical and social services.

GENERAL POLICY CONSIDERATION

The R&D activities are intended to resolve major Department of Health, Education, and Welfare policy and program issues and to assist States in developing new methods for controlling cost and improving effectiveness of the public assistance programs: Aid to Families with Dependent Children (AFDC), Medicaid, and Social Services. Three types of projects will be emphasized:

1. Those which develop and demonstrate new financing mechanisms, management and administrative procedures, service delivery concepts, and technological innovations for improving the effectiveness and efficiency of public assistance programs at the State and local level;

2. Those which develop more knowledge about the process of identifying the financial and service needs of a target group as well as about how such identified services and assistance are used by that group;

3. Those which develop and implement analytical models for comparing the relative merits of alternative methods of carrying out the public assistance programs.

The basic criteria for funding new projects include the following:

1. The project must address a priority area as discussed below.

2. The concept to be researched must be innovative and not duplicative of other efforts.

3. The knowledge, methods or technology developed must be such that an impact can be made on a significant portion of a public assistance program.

4. The knowledge, methods or technology developed in experimental, developmental, or other demonstration projects must be replicable in whole or in part and potentially applicable in areas other than the test sites.

5. The proposed research procedures must be rigorous and consistent with what is generally agreed to be the advanced state of the art. Where possible, a comparison or a control group should be utilized.

6. Demonstration projects with States must have a commitment of State interest and cite conditions for State continuation of demonstrations judged to be successful once the demonstration project terminates.

PRIORITY AREAS FOR R&D FUNDS

Research and demonstration projects will be directed toward priorities and strategies derived from major policy and program issues. The basic conceptual framework of research and demonstration activities will be built on the delineation of a specific set of research issues to which all grants and contracts must address themselves in order to be considered. The process of identifying issues and setting priorities will usually take place in the first half of the fiscal year. New projects derived from these issues will not start until the second half of the fiscal year.

The following topics within the three major functional areas have been designated as high priority for R&D funding purposes for FY 77. (However, unsolicited proposals on other topics within these areas will not be discouraged. These will be funded only if judged to be of greater potential value than the topics identified below.)

1. INCOME MAINTENANCE R&D

Income maintenance R&D efforts for new projects in FY 77 will be concentrated on: (a) demonstration of improved resources for workload management which would address such problems as how to identify and meet specific recruitment requirements and training needs and how to improve State/county agency working relationships; (b) demonstration of simplified sampling for improved AFDC-QC management to determine how valid AFDC-QC sampling can be undertaken by States with reduced manpower assigned to sampling tasks; (c) demonstration of assessment of the utility of using data routinely gathered by AFDC-QC auditors in program planning and (d) assessment of the effectiveness of State work requirements and job development programs for AFDC recipients.

2. HEALTH SERVICES R&D

FY 77 funds for Section 1110 and Section 1115 projects in health are sufficient only for one new project and to provide support for continuation of multi-year projects begun in earlier years. The new project will be a demonstration of incentive reimbursement systems to reduce Medicaid costs for long-term care. Additional money is available through Section 222 of Public Law 92-603 for new projects. Section 222 directs the Secretary of HEW to develop and carry out experiments and demonstration projects whose overall objective is to explore ways to reduce health care costs, including Medicaid program costs.

Mechanisms to be used include: (a) innovative approaches to hospital reimbursement, including "prudent buyer" techniques, prospective reimbursement, reimbursement by diagnosis or other case-specific characteristics; (b) exploring cost-effective social and health care service alternatives to more costly and unnecessary in-hospital or long-term institutional care; (c) encouraging use of the most cost-effective forms of ambulatory care; (d) exploring the cost and effectiveness of greater use of physician assistants of various kinds; (e) exploring the effects of negotiated rates and/or performance incentives upon the efficiency of, and economy of, health care delivery upon the Medicaid program; and (f) investigating the effects of adding supplementary services to those normally covered by and included in the Medicaid program when these services can be provided as part of an organized health care system and when their purposes are to reduce either short or long-range costs of both, e.g., mental health care services, outpatient surgical services, other comprehensive health care services; and institutional type health care services given outside the traditional institutional setting.

3. SOCIAL SERVICES R&D

Social services R&D efforts in FY 1977 will be concentrated in four principal areas: improving the delivery of services to Indians; developing programs to prevent more serious social problems or to deal with emerging service responsibilities of public social service agencies; improving the efficiency and effectiveness of program administration, including capacity to evaluate; and understanding the economic, political and legal dimensions of social services.

The focus of improving the delivery of services to the Indians will be on: (a) developing a State agency model program for delivery of Indian foster care and adoption services; (b) developing the capacity of Indian tribes to plan, manage and deliver social services; (c) designinng and testing alternative methods for improving State agency delivery of Title XX/IV-B services to Indians; (d) a feasibility test of amendments to Title XX to improve delivery of services to Indians; (e) designing and testing standards for child care and/or foster care for Indian children on a reservation; and (f) designing and testing a needs assessment and planning model for use by an Indian tribe or organization acting as the sub-State planning area for CASP development (application due date for the above six projects is May 15, 1977).

Preventive social service research will include: (a) assessment of existing models for treating battered spouses and a plan for demonstrations to test other alternatives; (b) demonstration of a model of improved and expanded resources for services to troubled youth; (c) demonstration of a residential treatment for adult multi-problem female-headed families; (d) designing and testing of a preventive services strategy in a new community or an energy impacted community; (e) a state-of-the-art paper on child welfare research; (f) development of national standards (operational) for residential placements of children (application due date for this project is May 15, 1977); and (g) a planning grant for a housing improvement demonstration.

Research to improve the effectiveness and efficiency of program administration will include: (a) development of information and referral systems to be used by local agencies which will maintain comprehensive information on a full range of local service providers; (b) improvement in child welfare services reporting—including Title XX/IV-B State funds; (c) designing and testing of Title XX State agency evaluation models (application due date for this project is May 15, 1977); and (d) development and testing of a model for Regional Office provision of technical assistance to States for contracting for social services.

Research aimed at improved understanding of the economic, political and legal dimensions of social services will include: (a) a survey of gaps in agency rules and the responsibilities for mentally retarded adults, juvenile delinquents and neglected children and the development of a corrective action plan; (b) development of a family impact statement; (c) a study of factors affecting the demand for, and utilization of, social services; and (d) a planning grant for an R&D strategy to design and test a free-standing personal social service system.

DURATION AND AVAILABILITY OF FUNDS

Available funds for FY 77 for grants under Sections 426, 1110, and 1115 of the Social Security Act total $3,877,586. This amount is available for new and continuation projects in three functional areas:

	New	Continuations
Income maintenance	$225,000	$310,000
Health services	100,000	1,425,086
Social services	1,025,000	792,500

Of the total appropriation for Sections 426, 1110, and 1115, $3,500,000 has been set aside for contract procurement.

Available funds for FY 77 for grants under Section 222 of Pub. L. 92-603 total $5,125,000, of which 2,067,000 is for new projects and $3,058,000 is for continuation projects.

Grants will be awarded for a period of one year, but may be continued on a competing basis, for a longer period depending on the availability of funds, the meeting of the project objectives and completion of first year products, and relevance of the project to current program priorities. Generally only one new project under each priority area will be funded.

REVIEW OF THE RESEARCH AND DEMONSTRATION PROPOSALS

The selection of the new research and demonstration proposals and continuations will be based on their relevance to R&D objectives, their potential impact, and technical and scientific adequacy, as well as the capability of the prospective grantee to carry out the indicated scope of work.

The review process will consist of two phases. During the first phase, project proposals which are not relevant to the three functional areas will be screened out and the applicant notified of this action. Those project proposals passing the first screening will be submitted for methodological review. The final decision on relevance will be made at the time all in-house study and reviews by a designated expert panel are completed. The review process will use a minimum of three review panelists outside of the Office of Planning, Research, and Evaluation and will be coordinated by the R&D Project Officer. The Project Officer

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will prepare the recomendation for approval. Numerical ratings and written assessments will be made for each application and a rank ordering of applications will be made. In general, project funding requirements should fall between $50,000 and $300,000 per year.

PROJECT REQUIREMENTS

In addition to meeting the basic criteria described under General Policy Considerations, the project proposal must meet the following requirements as detailed in the Project Narrative section of the Grant Application Package.

1. Project objectives must be explicitly described and measurable.

2. A well-defined and carefully worked out methodolgy must be included for determining the cost-benefits of any R&D effort undertaken which deals with policies and program options.

3. Tasks and milestones must be clearly described and scheduled.

4. The project should list the qualifications of the project personnel and demonstrate how those qualifications make those people capable to perform their assigned tasks in the project in a competent manner.

5. The budget must be given in detail with justifications and explanations. Estimated costs must be reasonable considering the anticipated results.

6. All projects must have an evaluation component which describes data collection and analysis procedures geared to quantitative assessment of the degree to which intended objectives are achieved. Such analysis must be clearly distinguished from activities designed primarily for giving project staff feedback on their progress toward meeting project.

7. The applicant organization must have adequate facilities and resources to carry out the project.

8. A research project must include hypotheses to be tested, a research design which specifies dependent and independent variables, basis of sample design and size, controls if any, and research and analytical methodologies.

9. A demonstration project must include a demonstration design, objectives, analytical methodologies, and evaluation methodologies.

10. Plans for utilization of a research or a demonstration project's results must be described along with the deliverable products to be derived.

APPLICATION PROCEDURES

1. APPLICATION FORM

A standard application form has been developed for all OPRE research and demonstration grant programs which can be utilized by potential governmental and non-governmental applicants. Project guidances with application kits which provide specifications for each of the topics within the three functional areas are available upon request. For a copy of the form and the detailed instructions, write:

Division of Project Grants Administration (DPGA); HEW, Room 4200-C, Switzer Building, 330 C Street, SW., Washington, D.C. 20201.

Applications must be received at the above address by July 1, 1977, or May 15, 1977 where specified in social services R&D to be considered for fiscal year 1977 funding. An application will be considered to be received on time if:

a. The application was sent by registered or certified mail not later than May 15, 1977, as evidenced by the U.S. Postal Service postmark, or on the original receipt from the U.S. Postal Service; or

b. The application is received on or before the closing date by the Department of Health, Education, and Welfare in Washington, D.C. (In establishing the date of receipt, consideration will be to the time date stamp of the mailroom or other documentary evidence of receipt maintained by DHEW.)

For those potential grantees who desire a preliminary assessment of the prospects for funding, a concept paper of 3-5 pages or a grant preapplication form may be submitted discussing:

a. Project objectives;
b. Methodological approach;
c. Major milestones;
d. Funding requirements;
e. End products to be derived; and
f. Qualifications of proposed project staff and sponsoring organization.

The concept paper or grant preapplication should be sent to:

Associate Administrator for Planning, Research, and Evaluation, HEW, Room 5074, Switzer Building, 330 C Street SW., Washington, D.C. 20201.

(Submission of this concept paper or grant preapplication does not constitute an application.)

2. GRANT POLICIES

Funding of grants, when possible, will be through a competitive process, based on a choice among proposals submitted in response to notices. States applying for demonstration grants are encouraged to apply to the Central Office with a copy to the HEW Regional Office. Under Section 1115 of the Social Security Act grants made to States may cover the entire cost of an R&D project. Section 1115 R&D funds may be used to pay what would normally be the State's share of the project activity.

R&D policies in terms of grantee responsibilities, awarding and payment procedures, special provisions, and assurances can be found in the following documents:

SRS Project Grants Policy Handbook, DHEW Publication No. (SRS) 76-04001.
Administration of Grants, 45 CFR Part 74.

These documents are available from DPGA at the above address.

(Catalog of Federal Domestic Assistance Program No. 13.766—Public Assistance Research.)

Dated: April 1, 1977.

DON WORTMAN,
Acting Administrator, Health Care Financing Administration.

[FR Doc.77-10350 Filed 4-6-77;8:45 am]

Public Health Service

NATIONAL INSTITUTES OF HEALTH

Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HN (National Institutes of Health) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (40 FR 22859, May 27, 1975, as amended most recently at 41 FR 29010, July 14, 1976) is amended to reflect: (1) the establishment of the Development Therapeutics Program (HNC67) and (2) the abolishment of the Experimental Therapeutics Program (HNC64) and the Drug Research and Development Program (HNC65) within the National Cancer Institute. This action will combine closely related activities in order to speed development of new therapeutic modalities.

Sec. HN-B, Organization and Functions, is amended as follows:

1. Under the heading National Cancer Institute (HNC), delete the statements for the Experimental Therapeutics Program (HNC64) and the Drug Research and Development Program (HNC65).

2. Insert the following statement after the statement for the Cancer Therapy and Evaluation Program (HNC66):

Developmental Therapeutics Program (HNC67): (1) Plans, directs, and conducts a basic and applied research program in the preclinical development of therapeutic modalities especially those related to chemotherapy; (2) establishes program priorities, allocates resources, maintains project integration, evaluates program effectiveness and represents the program area in management and scientific decisionmaking meetings in the Institute; (3) through intramural laboratories and contracts, administers research in programmed preclinical evaluation of potential cancer therapeutic agents, molecular pharmacology and toxicology of drugs, and molecular biological aspects of neoplastic transformation; (4) advises the Director of the Division and supports the activities of the National Cancer Advisory Board and other scientific advisory committees with regard to the program area.

Dated: March 30, 1977.

JOHN D. YOUNG,
Assistant Secretary for Management and Budget.

[FR Doc.77-10351 Filed 4-6-77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing-Federal Housing Commissioner

[Docket No. D-77-485]

AREA DIRECTORS AND DEPUTY AREA DIRECTORS

Redelegation of Authority With Respect to Housing; Temporary Continuation of Authority

The redelegations of authority published at 41 FR 52450 and 41 FR 42545 on November 30, 1976, and as they may be amended, designated certain Insuring Offices as Full Service Housing Offices and, thereby, redelegated to the Directors and Deputy Directors of these offices the authority for additional housing programs.

In order to provide continued administration of such housing programs, including management thereof, during a transition period, all redelegations of authority as cited above are temporarily and concurrently continued in and redelegated to Area Directors and Deputy Area Directors and subordinate officials who exercised such redelegated powers and authorities with respect to the territorial area of each such listed Insuring Office prior to September 13, 1976, and those officials may exercise these powers and authorities in such areas of jurisdiction as before September 13, 1976.

In addition, the redelegations of authority vested in the Director and Deputy Director and subordinate officials of the Fresno Insuring Office by approval of the Secretary of the establishment of the Fresno Insuring Office and the insuring jurisdiction of that office with respect to the counties of Fresno, Kern, Kings, Madera, Mariposa, Merced, Stanislaus, and Tulare of the State of California are also temporarily and concurrently continued in the Area Director and Deputy Area Director and subordinate officials of the San Francisco Area Office with respect to all counties, except Kern, and in the Area Director and Deputy Area Director and subordinate officials of the Los Angeles Area Office with respect to Kern County.

Effective Date: These temporary and concurrent redelegations of authority are effective from September 13, 1976, and shall remain in effect until terminated.

Issued at Washington, D.C. on April 2, 1977.

MORTON BARUCH,
Deputy Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc.77-10333 Filed 4-6-77;8:45 am]

The proposed rule making was published in the January 19, 1977 FEDERAL REGISTER. The comment period was extended until May 23, 1977 by a notice in the March 15, 1977 FEDERAL REGISTER.

Public Meetings will be conducted by the Fairbanks District Office May 2 in Galena at the Galena Public School; May 3 in Nome at the Nome Elementary School; May 4 in Kotzebue at the City Conference Room; May 5 in Barrow at the North Slope Borough Assembly Room; May 6 in Fort Yukon at the Community Center; May 9 in Fairbanks at the Hutchinson Adult Career Development Center; May 10 in Delta at the school gymnasium; and May 11 in Tok at the school library. All meetings will be held from 7 to 10 pm.

Public meetings will also be conducted by the Anchorage District Office May 3 in Anchorage at BLM's Anchorage District Office from 1-4:30 p.m. and at 7 p.m.; May 6 in McGrath at the BLM Mess Hall at 7 p.m.; and on May 19 in Bethel BLM officials will appear on "BLM Land Report" on KYUK TV.

Oral or written statements may be submitted at the meetings. Written statements may also be submitted to he Director (210), Bureau of Land Management, U.S. Deartment of the Interior, Washington, D.C. 20240. Copies of the proposed regulations are available from Bureau of Land Management offices in Anchorage or Fairbanks.

Further information concerning the meetings may be obtained from Bill Robertson, Public Information Officer, Fairbanks District Office, Bureau of Land Management, Box 1150, Fairbanks, AK 99701, telephone (907) 452-4725 or Joette Storm, Public Information Officer Anchorage District Office, Bureau of Land Management, 4700 East 72d, Anchorage, AK 99502, telephone 907-344-9661.

CLAIR M. WHITLOCK,
Acting State Director.

[FR Doc.77-10337 Filed 4-6-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Public Meetings

Notice is hereby given that the Bureau of Land Management, Alaska, U.S. Department of the Interior, will hold public meetings May 2 through May 19 on the proposed amendment of regulations concerning principles and procedures for land classification in Alaska. [43 CFR Part 2400]

This proposed amendment of and addition to the regulations contained in Part 2400 of Title 43 of the Code of Federal Regulations is being made to add the authority for classification and reclassification of lands in Alaska contained in section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616 (d)(1), and to place all classification criteria and procedures relating to lands in Alaska under the proposed Subpart (2480).

[M 36710]

MONTANA

Proposed Withdrawal and Reservation of Lands

APRIL 1, 1977.

The Bureau of Land Management, Department of the Interior, has filed an application, Serial Number M 36710, for the withdrawal of approximately 4,471.31 acres of national resource land from settlement, sale, location, or entry under all of the general land laws, including the general mining laws, but not from leasing under the mineral leasing laws, subject to valid existing rights.

The purpose of the withdrawal is to permit the continuation of the Chamberlain Creek study in reference to the effects of roads and logging practices on elk populations. This study is being conducted on a cooperative basis with the following participants: Montana Department of Fish and Game, Intermountain Forest and Range Experiment Station, University of Montana School of Forestry, the Forest Service, and the Bureau of Land Management.

On or before May 9, 1977, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, at the address shown below, by May 10, 1977. Upon determination by the State Director that a public hearing will be held, the time and place will be announced.

The Department of the Interior's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

On or before April 7, 1979, the lands will be segregated from entry as specified above unless the application is rejected or the withdrawal is approved prior to that date. If the withdrawal is approved by the Secretary, the lands will remain segregated.

The lands involved in the application are:

PRINCIPAL MERIDIAN, MONTANA

T. 13 N., R. 13 W.,
Sec. 4, lots 2, 3, and 4, SW¼NE¼, S½NW¼, and SW¼;
Sec. 5, all;
Sec. 6, all;
Sec. 7, all;
Sec. 8, all; and
Sec. 9, W½NW¼ and NW¼SW¼.
T. 14 N., R. 13 W.,
Sec. 20, lots 1, 2, and 3, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 28, W½NE¼, NW¼, and S½;
Sec. 30, E½E½;
Sec. 32, all; and
Sec. 34, W½NW¼, and NW¼SW¼.

The areas described aggregate 4,471.31 acres in Powell County, Montana.

All communications in connection with this withdrawal should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, P.O. Box 30157, Billings, Montana 59107.

ROLAND F. LEE,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-10336 Filed 4-6-77;8:45 am]

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[ES 17056]

MINNESOTA

Proposed Withdrawal and Reservation of Lands; Correction

MARCH 29, 1977.

The Notice of Proposed Withdrawal and Reservation of Lands under serial No. ES 17056, dated March 17, 1977, which appeared in 42 FR 15372–15373 on Monday, March 21, 1977, is hereby corrected by inserting in the seventh paragraph, immediately after "The lands involved in the application are:", the following words: Fourth Principal Meridian, Minnesota.

CLAUDE A. MARTIN,
Acting Director.

[FR Doc.77-5910 Filed 4-6-77;8:45 am]

[Wyoming 58782]

WYOMING

Application

MARCH 30, 1977.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Company of Colorado Springs, Colorado filed an application for a right-of-way to construct a 4 inch O.D. pipeline for the purpose of transporting natural gas across the following described National Resource Lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 20 N., R. 94 W.
Sec. 18, lot 3, SW¼NE¼, SE¼NW¼, and NE¼SW¼.

The pipeline will transport natural gas from the #1–18 Federal well in section 18, T. 20 N., R. 94 W., into an existing natural gas pipeline in section 13, T. 20 N., R. 95 W. in Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-10240 Filed 4-6-77;8:45 am]

[NM 30232 and 30238]

NEW MEXICO

Notice of Applications

MARCH 30, 1977.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corporation has applied for one 8⅝-inch and seven 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 29 N., R. 5 W.,
Sec. 3, SW¼NW¼ and SW¼SW¼;
Sec. 4, S½NE¼;
Sec. 5, SE¼NW¼;
Sec. 8, S½SE¼;
Sec. 9, E½NE¼;
Sec. 10, NW¼NW¼.
T. 29 N., R. 6 W.,
Sec. 26, SW¼NW¼.
T. 25 N., R. 10 W.,
Sec. 6, lot 7;
Sec. 7, lots 1, 2, 3, and 4;
Sec. 19, lots 1, 2, and SE¼NW¼.

These pipelines will convey natural gas across 3.260 miles of national resource lands in Rio Arriba and San Juan Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-10270 Filed 4-6-77;8:45 am]

National Park Service

[Order 84, Amdt. 3]

MANAGER, DENVER SERVICE CENTER

Delegation of Authority

Order No. 84, approved April 8, 1974, and published in the FEDERAL REGISTER of April 18, 1974, (39 FR 13904), as amended, set forth in section 2 the limitations on redelegations of authority.

Section 2 is hereby amended to read as follows:

SEC. 2. *Redelegation.* (1) The Manager, Denver Service Center may, in writing, redelegate to his officers and employees the authority delegated in this order and may authorize written redelegations of such authority except that contract and procurement authority in excess of $50,000 may only be redelegated to the Project Manager for the Saudi Arabian Project; and to the Chief, Contract Administration, Denver Service Center who may in turn redelegate such authority to his Divisional Chiefs. Each redelegation shall be published in the FEDERAL REGISTER. (205 DM as amended, 245 DM, as amended; sec. 2 of Reorganization Plan No. 3 of 1950.)

Dated March 31, 1977.

GARY EVERHARDT,
Director, National Park Service.

[FR Doc.77-10348 Filed 4-6-77;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

FEDERAL GRAPHICS EVALUATION ADVISORY PANEL

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a meeting of the Federal Graphics Evaluation Advisory Panel will be held on April 29, 1977, from 9:30 a.m. to 4:30 p.m., in Room 1125, Columbia Plaza Building, 2401 E. Street, NW., Washington, D.C.

A portion of this meeting will be open to the public on April 29, from 9:30 a.m. to 11:30 a.m. and 2:30 p.m. to 4:30 p.m., on a space available basis. Accommodations are limited. Interested persons may submit written statements with the committee. The agenda for the open session will include a review and discussion of a portfolio of graphics material from the National Endowment for the Humanities.

The remaining sessions of this meeting on April 29, from 1:30 p.m. to 2:30 p.m., are for the purpose of Panel review, discussion, evaluation, and recommendation on Federal Graphics under the National Foundation on the Arts and the Humanities Act of 1965, as amended in accordance with the President's Directives of May 16, 1972, August 23, 1974, and June 26, 1975, on Improvement of Federal Graphics. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of March 17 1977. These sessions may be closed to the public pursuant to subsection (c), (6), and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506. or call 202–634–6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.77-10306 Filed 4-6-77;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Special Nuclear Material License Nos. SNM–145 and SNM–414]

BABCOCK & WILCOX CO.

Hearing

Babcock and Wilcox Company (Facilities at Apollo and Leechburg, Pennsylvania), Nuclear Materials Division, P.O. Box 1260, Lynchburg, Virginia, 24505 ("the licensee") is the holder of Special Nuclear Material License Nos. SNM–145 and SNM–414, granted by the Atomic Energy Commission ("the Commission"). The licenses authorize the licensee to receive, possess, use, and transfer special nuclear materials, including uranium of any enrichment in the isotope U–235, U–233, and plutonium in the fabrication of reactor fuel and radiation sources, at facilities located at Apollo and Leechburg. These facilities use highly enriched uranium for the fabrication of fuel for the Naval Nuclear Program. License No. SNM–145 has an expiration date of September 30, 1969 and License No. SNM–414 has an expiration date of July 31, 1968, but timely applications for renewal of these licenses were submitted by the licensee and both licenses continue in effect.

On February 28, 1977 the Director, Office of Inspection and Enforcement, pursuant to the Atomic Energy Act of 1954, as amended, and 10 CFR Parts 2 and 70 of the Commission's regulations, served on the licensee an order requiring special reconciliation of highly enriched uranium inventory. The order alleged that the licensee has not demonstrated sufficient accounting control over highly enriched uranium in its possession, as evidenced by the specific items of noncompliance identified in a Notice of Violation attached to the order. Upon these premises the order imposed specific inventory reconciliation and reporting requirements and made plant start-up following the April 1977 inventory contingent upon written approval by the Office of Inspection and Enforcement.

In accordance with the provisions of the order and of section 2.204 of 10 CFR Part 2, the licensee filed a demand for hearing ("licensee's request for hearing") on March 21, 1977. On the same day, the company's Vice President, Nuclear Division, sent to the Director a lengthy response to the Notices of Violation which had accompanied the Director's order. This reply did not, however, state the date when full compliance would be achieved, as our regulations require. 10 CFR 2.201. On March 23, 1977 the licensee filed a "further response to NRC order" noting that, although it had requested a hearing on March 21, 1977, it was concurrently engaged in urgent discussions with the NRC staff toward achieving an appropriate resolution of the matters covered by the order. The March 23 filing then requested that the initiation of hearing procedures be deferred pending the outcome of the discussions with the NRC staff.

The effect of filing the request for hearing is to suspend the effectiveness of the Director's order pending completion of the hearing process. Noting this impact and its belief that the licensee's March 23 request, if granted, could indefinitely delay the time for the licensee's demonstration of full compliance with the Commission's requirements, our Staff has opposed the request in a pleading filed with us March 30, 1977. The Staff notes that, in taking this position, it in no way intends to imply that the ongoing efforts to resolve disputed matters through negotiation should not be vigorously pursued, and suggests leaving open the possibility of such deferral on a proper showing that the public interest would thereby be served.

Our Staff also addresses the question whether the circumstances of the alleged violations are such as to require immediate effectiveness for the Director's order. It states that:

"Prior to issuing the Order the Director of the Office of Inspection and Enforcement, after careful consideration of the specific nature of the individual items of non-compliance, determined that the public health, safety or interest did not require that the Order be made immediately effective. The items of alleged non-compliance deal with such matters as the procedures for measuring incinerator ash, the proper procedure to follow when a scale or balance is outside of control limits, processing of scrap within the time requirements of the license, and proper filling out of transfer documents. The specific items were not deemed in the context of the licensee's activities to be of the character to reasonably suggest that loss or diversion of material is in fact occurring; they suggest instead that there are weaknesses in material control and accounting that require remedial action.

In the aggregate, these items of non-compliance clearly warrant the imposition of the inventory reconciliation and reporting requirements set out in the Order. Beyond that, continued violation of regulatory requirements cannot be ignored.

While these considerations persuade it that, for the present, immediate effectiveness is not called for, the Staff properly notes its understanding of its continuing authority and responsibility to issue further orders, immediately effective, if available information reveals such a need. 10 CFR 2.201, 2.202, 2.204, 2.217(b).

These considerations persuade us that the March 23 request for deferral of hearing should be denied. The Director's February 28 order reflects a situation which appears to be the occasion for timely action. Recognizing the substantial expense which compliance with the Director's order might impose upon the licensee, and the possible impact as well of forced closure of an important fuel facility on our defense program, we are also concerned that continued operation in the present apparent circumstances not cause significant harm to the national interest.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Title 10, Code of Federal Regulations, Part 2, "Rules of Practice," notice is hereby given that a hearing will be held before an atomic safety and licensing board designated by the Chairman of the Atomic Safety and Licensing Board Panel, at times and places to be designated by it, under the authority conferred by the Commission's rules. The nature of the issues raised appears to require that these hearings be conducted with dispatch, and the presiding officer is directed to take all appropriate measures to bring them to a prompt conclusion. However, we give this direction without prejudice to the licensee's right to renew his request for deferral before the tribunal or to the granting of such a request upon a proper showing that the public interest would thereby be best served.

The company's response to the Notices of Violation, already filed, will doubtless be of substantial assistance in framing its answer to this Notice of Hearing. For this reason, and to promote the necessary expedition the company is directed to file its answer to be received by the Secretary of the Commission no later than the close of business April 11, 1977, and the presiding officer is directed to begin immediately any necessary prehearing considerations.

The Panel will consider and initially decide, as the issues in this proceeding:

1. Whether the licensee has fully implemented the Fundamental Nuclear Material Control Plan and has demonstrated adequate accounting control of highly enriched uranium.

2. Whether the licensee is in non-compliance with the Atomic Energy Act of 1954, as amended, the Commission's Rules and Regulations, and the conditions of License Nos. SNM–145 and SNM–414, as described in order requiring special reconciliation of highly enriched uranium inventory dated February 28, 1977 and the Notice of Violation attsched thereto.

3. Whether, on the basis of 1 and 2 above, the February 28, 1977 Order, appropriately modified as to date, should be sustained.

A prehearing conference or conferences will be held by the Panel, at a date and place to be set by it, to consider pertinent matters in accordance with the Commission's "Rules of Practice". The date and place of the hearing will be set at or after the prehearing conference. Notices as to the dates and places of the prehearing conference and the hearing, and any possible application of Subpart I or Part 2 of the Commission's rules, will be published in the FEDERAL REGISTER.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555.

Because of its obvious interests in any action impinging on a facility fabricating fuel for its program, the Energy Research and Development Administration should have an opportunity to speak to the issues presented at the hearing, and in any consideration of interim action. Accordingly, the Administration will be invited to participate in all proceedings herein as an amicus curiae, and the parties are directed to serve copies of all papers herein on Alfred D. Starbird, Assistant Administrator for National Security, Energy Research and Development Administration.

Pending further order, Parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission.

Pursuant to 10 CFR 2.785, the Commission authorizes an Atomic Safety and Licensing Appeal Board to exercise the authority and perform the review func-

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tions which would otherwise be exercised and performed by the Commission. The Appeal Board will be designated pursuant to 10 CFR 2.787, and notice as to its membership will be published in the FEDERAL REGISTER.

For the Nuclear Regulatory Commission.

Dated at Washington, D.C. this 1st day of April, 1977.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-10247 Filed 4-6-77;8:45 am]

[Doc. No. 50-471]

BOSTON EDISON CO., ET AL.

Pilgrim Nuclear Generating Station, Unit No. 2; Order

It is ordered That: the evidentiary hearing will resume on April 18, 1977, at 1:00 p.m. in the Middlesex Bar Association Meeting Room, 4th Floor, Middlesex Superior Courthouse, 40 Thorndike Street, East Cambridge, Massachusetts.

Dated at Bethesda, Maryland, this 30th day of March, 1977.

The Atomic Safety and Licensing Board,

FREDERIC J. COUFAL,
Chairman.

[FR Doc.77-10248 Filed 4-6-77;8:45 am]

[Doc. Nos. 50-295 and 50-304]

COMMONWEALTH EDISON CO.

Proposed Issuance of Amendments to Facility Operating Licenses

The Nuclear Regulatory Commission (the Commission) is considering the issuance of amendments to Facility Operating Licenses Nos. DPR-39 and DPR-48 issued to Commonwealth Edison Company (the licensee) for operation of the Zion Station Units 1 and 2 (the facility) located in Zion, Illinois.

The amendments will involve changes to the common Technical Specifications relative to three-loop operation for both Zion Units 1 and 2. Present restrictions to three-loop operation will be removed from the Facility Operating Licenses and revised operating limits based on an ECCS analysis specified by 10 CFR Part 50.46, "Acceptance Criteria for Emergency Core Cooling Systems for Light Water Nuclear Power Reactors," will be added to the Technical Specifications.

Prior to issuance of the proposed license amendments, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By May 9, 1977, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendments to the subject facility operating licenses. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER Notice and § 2.714 of 10 CFR, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Docketing and Service Section by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to Mr. John W. Rowe, Isham, Lincoln & Beale, One First National Plaza, Chicago, Illinois 60690, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to the action, see the application for amendments dated January 27, 1977, which is available for inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Waukegan Public Library, 128 North County Street, Waukegan, Illinois 60085.

Dated at Bethesda, Maryland, this 29th day of March 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.77-10249 Filed 4-6-77;8:45 am]

[Doc. No. 50-3]

CONSOLIDATED EDISON CO. OF NEW YORK, INC.

Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 15 to Provisional Operating License No. DPR-5, issued to Consolidated Edison Company of New York, Inc. (the licensee), which revised Technical Specifications for the Indian Point Nuclear Generating Unit No. 1 (the facility) located in Westchester County, New York. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to delete the requirement for containment spray system tests of the defueled, nonoperating reactor.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 16, 1976, (2) Amendment No. 15 to License No. DPR-5, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room; 1717 H Street, N.W., Washington, D.C. and at the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 23rd day of March 1977.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.77-10255 Filed 4-6-77;8:45 am]

[Doc. No. RM-50-5]

GENERIC ENVIRONMENTAL STATEMENT ON MIXED OXIDE FUEL

Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding will be held on Thursday afternoon, April 21, 1977, at 1:30 p.m. in Room 1046 at the offices of the Nuclear Regulatory Commission at 1717 H St. NW.

The main purpose of the conference will be to discuss the sequence of witnesses at the hearing scheduled to begin May 3, 1977. See Board Order Concerning Discovery, Future Hearing Schedule and Other Matters docketed January 19, 1977, p. 28. This hearing is for questioning by the Board of full participants who served written testimony pursuant to the Board's Order docketed January 19, 1977. Counsel representing witnesses who served such testimony and who wish to participate in our consideration of when their witnesses will be scheduled to appear should plan to attend the conference.

The Board is considering two alternative methods of proceeding. The first would be to schedule witnesses one participant at a time, perhaps starting with the vendors, then the utilities, then the NRC Staff, then the "public interest" groups, and then the states.

The second alternative is to schedule witnesses one subject at a time. Based on the testimony heard or filed so far, there are three broad subject headings (and a number of subheadings) within which most of the areas of dispute lie:

1. *Projections of the growth of the nuclear industry* to the year 2000 with and without plutonium recycle. (Chap. III of final GESMO I, §§ 2-5) The disputed areas include the projected consumption of energy, the projected growth in electrical generating capacity, the alternate sources of electrical generating capacity, the projected nuclear and non-nuclear shares of total electrical generating capacity and the relationship between plutonium recycle and the long-term nuclear option.

2. *The environmental impact* (including health and safety) with and without plutonium recycle of the following steps of the fuel cycle: Reactors (Chap. IVC); Mixed oxide fuel fabrication plants (Chap. IVD); Reprocessing plant operations (Chap. IVE); Mining and milling (Chap. IVF); Radioactive waste management (Chap. IVH); Radiological health assessment (Chap. IVJ). In this second step, we would also ask questions concerning written testimony relating to the environmental impact of methods other than the GESMO recycle alternatives for utilization of plutonium (e.g., tandem fuel cycle and co-processing), on methods other than recycle for conserving uranium (e.g., reducing enrichment tails assay), and on methods other than nuclear for providing electrical energy (e.g., coal and conservation).

3. *Economic costs and the cost/benefit analysis* with and without plutonium recycle (including the "other methods" mentioned in 2 above). (Chap. XI).

The first method would permit a witness who wanted to testify on several subjects to get on and off the witness stand in the shorter possible period of time. The witnesses, however, have generally limited their testimony to one of the three major subjects listed above.

The first method would produce a record in which the same subject would be discussed at many more places than seems either necessary or conducive to the most effective use of the record by the Commission. Moreover, the second method would probably take less time than the first, particularly if the Board attempted to limit questioning to the important subjects of dispute and if all experts on a particular subject were available for questioning at the same time. Under the second method, the Board could question witnesses singly or in panels.

The second method is similar to that used by the Board in questioning the NRC Staff during the first phase of the hearing. While we did not attempt to limit questioning to a few disputed subjects, we did save time by having all the witnesses on a particular subject available for questioning at the same time.

Other alternatives or variations may occur to the full participants. We invite written comments or proposals before the conference by any who choose to make them.

Other business which may come before the prehearing conference will include possible dates for filing testimony in rebuttal to that filed in March, procedures for submitting follow-up questions during this phase of the proceeding, and plans for a recess in July and August.

NRDC has submitted a request for oral argument concerning the adequacy of the replies given by the NRC Staff to certain questions suggested by full participants. We do not perceive the need for such argument and therefore deny NRDC's motion. By acting on the follow-up questions suggested by full participants, we have ruled on specific complaints concerning particular Staff responses to the best of our ability. However, if counsel for NRDC or any other full participant has a better procedure to suggest for the future, he or she may suggest it at or before the prehearing conference.

It is so ordered.

Dated at Madison, Wisconsin, this 29th day of March, 1977.

For the Gesmo Hearing Board.

GEORGE BUNN,
Chairman.

[FR Doc.77-10251 Filed 4-6-77;8:45 am]

[Doc. No. 50-334]

DUQUESNE LIGHT CO. ET AL.

Hearing on Amendment of Facility Operating License

Duquesne Light Co.; Ohio Edison Co.; and Pennsylvania Power Co. (Beaver Valley Power Station, Unit No. 1).

The U.S. Nuclear Regulatory Commission (the Commission) on January 27, 1977, published in the FEDERAL REGISTER, 42 FR 5155, a "Proposed Issuance of the Amendment to Facility Operating License" relating to the above-identified facility. The proposed amendment would permit an increase in the spent fuel storage capacity at the Beaver Valley Power Station, and opportunity was afforded to interested parties to request a hearing with regard thereto.

The City of Pittsburgh filed a petition to intervene and requested a hearing in response to the above aforementioned announcement in the FEDERAL REGISTER. That petition was granted by this Atomic Safety and Licensing Board which had been established to hear such petitions. In view of our Memorandum and Order granting the petition, we are hereby issuing a Notice of Hearing in connection with the proposed amendment to increase the spent fuel storage capacity at the Beaver Valley Power Station.

Accordingly, please take notice That a hearing will be held at a time and place to be fixed by the Atomic Safety and Licensing Board which has been designated to conduct the proceeding with regard to the proposed amendment requesting an increase in the spent fuel storage capacity at the Beaver Valley Power Station.

The members of the Atomic Safety and Licensing Board designated by the Atomic Safety and Licensing Board Panel to conduct the above-noticed hearing are Mr. Lester Kornblith, Jr. and Dr. James C. Lamb, III as technically qualified members, and Mr. Daniel M. Head as chairman.

Members of the public may request permission to make a limited appearance pursuant to § 2.715(a) of the Commission's Rules of Practice, 10 CFR Part 2. Persons desiring to make limited appearances are requested to inform the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A person making a limited appearance does not become a party but may state his position and raise questions which, if relevant, the Board will require to be answered with evidence on the record. Limited appearances will be received at the time of the evidentiary hearing at the discretion of the Board, within such limits and on such conditions as may be fixed by the Board.

It is so ordered.

Issued at Bethesda, Maryland, this 1st day of April, 1977.

For the Atomic Safety and Licensing Board.

DANIEL M. HEAD,
Chairman.

[FR Doc.77-10250 Filed 4-6-77;8:45 am]

PITTSBURGH-DES MOINES STEEL CO.

[Byproduct Material License No. 37-02607-02]

Hearing

Pittsburgh-Des Moines Steel Company, Grand Avenue, Neville Island, Pittsburgh, Pennsylvania; 15225 is the holder of Byproduct Material License No. 37-02607-02, which authorizes the company to perform industrial radiography with conditions specified therein. The license was issued originally on September 9, 1966 and will expire on October 30, 1980.

On January 5, 1977, the Director of Inspection and Enforcement, pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282) and 10 CFR 2.205 of the Commission's regulations, served on the Licensee a Notice of Violation together with a Notice of Proposed Imposition of Civil Penalties. The Notice of Proposed Imposition of Civil Penalties, incorporating by reference the Notice of Violation,

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alleged that the Licensee was responsible for three separate items of noncompliance which were violations of the Commission's regulations and license conditions and set forth the civil penalty to be assessed for each violation. These alleged violations were based on the results of an inspection of licensed activities on November 16, 17, and 23, 1976.

An answer dated January 26, 1977 to the Notice of Proposed Imposition of Civil Penalties was received from the Licensee. The Director of Inspection and Enforcement, after due consideration of the response by Licensee, served on the Licensee an Order Imposing Civil Penalties by letter dated February 25, 1977. By letter dated March 11, 1977 the Licensee requested a hearing.

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Title 10, Code of Federal Regulations, Part 2, notice is hereby given that a hearing will be held before Hon. Samuel W. Jensch, Administrative Law Judge, at a time and place to be set by the Administrative Law Judge.

The issues before the Administrative Law Judge to be considered and decided shall be:

(a) Whether the Licensee committed violations of the Commission's regulations and condition of the license designated as Items A, B, and C, in the Notice of Violation issued to Licensee; and

(b) Whether the Order Imposing Civil Penalties as it relates to Items A, B, and C in the Notice should be sustained.

A prehearing conference will be held by the Administrative Law Judge, at a date and place to be set by him, to consider pertinent matters in accordance with the Commission's Rules of Practice. The date and place of hearing will be set at or after the prehearing conference and noticed in the FEDERAL REGISTER.

Pursuant to 10 CFR 2.705, an answer to this Notice may be filed by the Licensee not later than April 27, 1977.

Required papers may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Docketing and Service Branch, or by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555.

Pending further order of the Administrative Law Judge, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission. Pursuant to 10 CFR 2.785, the Commission authorizes an Atomic Safety and Licensing Appeal Board to exercise the authority and perform the review functions which would otherwise be exercised and performed by the Commission. The Appeal Board will be designated pursuant to 10 CFR 2.787, and notice as to membership will be published in the FEDERAL REGISTER.

For the Nuclear Regulatory Commission.

Dated at Washington, D.C., this 31st day of March, 1977.

SAMUEL J. CHILK,
Secretary to the Commission.

[FR Doc.77-10252 Filed 4-6-77;8:45 am]

[Doc. Nos. 50-361 and 50-362]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS & ELECTRIC CO.

Receipt of Application for Facility Operating Licenses; Availability of Environmental Report; and Opportunity for Hearing

In the Matter of Southern California Edison Co. and San Diego Gas and Electric Co.; San Onofre Nuclear Generating Station, Units 2 and 3.

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has received an application for facility operating licenses from Southern California Edison Company and San Diego Gas and Electric Company (the applicants) which would authorize the applicants to possess, use, and operate two pressurized water nuclear reactors (the facilities), located on the applicants' site in San Diego County, California. Each unit would operate at a steady-state power level of 3390 megawatts thermal.

The applicants have also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, an environmental report. The report, which discusses environmental considerations related to the proposed operation of the facilities, is being made available at the Office of the Governor, Office of Planning and Research, 1400 Tenth Street, Sacramento, California 95814, and at the San Diego County Comprehensive Planning Organization, Security Pacific Plaza, 1200 Third Avenue, San Diego, California 92101.

After the environmental report has been analyzed by the Commission's Director of Nuclear Reactor Regulation or his designee, a draft environmental statement will be prepared by the Commission's staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that any comments of Federal agencies and State and local officials will be made available when received. The draft environmental statement will focus only on any matters which differ from those previously discussed in the final environmental statement prepared in connection with the issuance of the construction permits. Upon consideration of comments submitted with respect to the draft environmental statement, the staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

The Commission will consider the issuance of facility operating licenses to Southern California Edison Company and San Diego Gas & Electric Company which would authorize the applicants to possess, use, and operate the San Onofre Nuclear Generating Station, Units 2 and 3, in accordance with the provisions of the licenses and the technical specifications appended thereto, upon: (1) the completion of a favorable safety evaluation on the application by the Office of Nuclear Reactor Regulation; (2) the completion of the environmental review required by the Commission's regulations in 10 CFR Part 51; (3) the receipt of a report on the applicants' application for facility operating licenses by the Advisory Committee on Reactor Safeguards; and (4) a finding by the Commission that the application for the facility licenses, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (Act), and the Commission's regulations in 10 CFR Chapter 1. Construction of the facilities was authorized by Construction Permits Nos. CPPR-97 and CPPR-98, both issued by the Commission on October 18, 1973. Construction of Unit No. 2 is anticipated to be completed by February 1980 and Unit No. 3 by May 1981. The Atomic Safety and Licensing Board presiding at the hearing relating to the issuance of construction permits issued its Initial Decision on October 15, 1973. The Initial Decision was subsequently appealed to the Atomic Safety and Licensing Board. The Appeal Board has affirmed, with modifications, the Initial Decision, except with respect to one issue (exclusion area control) which it remanded to the Licensing Board for further proceedings. The Appeal Board has retained jurisdiction over this issue and will, therefore, consider the matter further upon completion of the proceedings currently pending before the Licensing Board.

Prior to issuance of any operating licenses, the Commission will inspect each facility to determine whether it has been constructed in accordance with the application, as amended, and the provisions of the Construction Permits. In addition, the licenses will not be issued until the Commission has made the findings reflecting its review of the application under the Act, which will be set forth in the proposed licenses, and has concluded that the issuance of the licenses will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the licenses, the applicants will be required to execute an indemnity agreement as required by Section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

On or before May 9, 1977, the applicants may file a request for a hearing with respect to issuance of the facility operating licenses and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

A petition for leave to intervene must be filed under oath or affirmation in accordance with the provisions of 10 CFR 2.714. As required by 10 CFR 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H. Street, N.W., Washington, D.C. by May 9, 1977. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Mr. Rollin E. Woodbury, General Counsel, Southern California Edison Company; 2244 Walnut Grove Avenue, P.O. Box 800, Rosemead, California 91770, and Chickering & Gregory, San Diego Gas and Electric Company, 111 Sutter Street, San Francisco, California 94104, attorneys for the applicants.

A petition for leave to intervene which is not timely will not be granted unless the Commission, the presiding officer, or the Atomic Safety and Licensing Board designated to rule on the petition determines that the petitioner has made a substantial showing of good cause for failure to file on time and after considering those factors specified in 10 CFR 2.714(a)(1)-(4) and 2.714(d).

For further details pertinent to the matters under consideration, see the application for the facility operating licenses, which includes the applicants' Final Safety Analysis Report and Environmental Report, dated March 21, 1977 and docketed March 23, 1977, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Mission Viejo Branch Library, 24851 Chrisanta Drive, Mission Viejo, California. As they become available, the following documents may be inspected at the above locations: (1) the safety evaluation report prepared by the Office of Nuclear Reactor Regulations; (2) the draft environmental statement; (3) the final environmental statement; (4) the report of the Advisory Committee on Reactor Safeguards on the application for facility operating licenses; (5) the proposed facility operating licenses; and (6) the technical specifications, which will be attached to the proposed facility operating licenses.

Copies of the proposed operating licenses and the ACRS report, when available, may be obtained by request to the Director, Division of Project Management, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the Office of Nuclear Reactor Regulation's safety evaluation report and final environmental statement, when available, may be purchased at current rates, from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Md., this 23rd day of March, 1977.

For the Nuclear Regulatory Commission.

KARL KNIEL,
Chief Light Water Reactors Branch No. 2, Division of Project Management.

[FR Doc. 77-10253 Filed 4-6-77;8:45 am]

[Docket No. 50-390, 50-391]

TENNESSEE VALLEY AUTHORITY

Watts Bar Nuclear Plant, Units 1 and 2; Special Prehearing Conference

APRIL 1, 1977.

A notice of opportunity to file petitions for leave to intervene in this proceeding involving consideration of issuance of facility operating licenses to the Applicant, was published by the Nuclear Regulatory Commission (NRC) in the FEDERAL REGISTER on December 27, 1976 (41 FR 56244). Such notice provided that any person whose interest may be affected by this proceeding may file a petition for leave to intervene by January 26, 1977 in accordance with the provisions of 10 C.F.R. 2.714.

In response to this notice, a timely petition dated January 26, 1977 was filed by Jeannine W. Honicker of Nashville, Tennessee, appearing pro se. Oppositions to such petition were filed by the Applicant on February 10, 1977 and by the NRC Staff on February 8, 1977, respectively.

Please take notice, That a special prehearing conference pursuant to the provisions of § 2.751a of the Commission's Rules of Practice (10 CFR 2.751a), will be held at 10:00 a.m., local time, on May 12, 1977 at the Rhea County Circuit Court Chamber, Old Brady Building, Second Avenue, Dayton, Tennessee. All parties and any petitioners for intervention or their counsel are directed to appear at such special prehearing conference to consider all intervention petitions, including the interest of petitioners under either the judicial standing tests for intervention as a matter of right, or intervention as a matter of discretion, as well as the identification of at least one relevant contention with reasonable specificity and with some basis assigned for it.

It is so ordered.

For the Atomic Safety and Licensing Board.

Dated at Bethesda, Maryland this 1st day of April 1977.

MARSHALL E. MILLER,
Chairman.

[FR Doc.77-10254 Filed 4-6-77;8:45 am]

[Docket No. P-558-A]

SAN DIEGO GAS AND ELECTRIC CO., ET AL.

Receipt of Additional Antitrust Information: Time for Submission of Views on Antitrust Matters

San Diego Gas & Electric Company, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, filed on January 21, 1977, information requested by the Attorney General for Antitrust Review as required by 10 CFR Part 50, Appendix L. This information concerns the following prospective owners: California Department of Water Resources, and the Cities of Anaheim, Glendale, Pasadena, and Riverside, California. The information was filed in connection with the application for construction permits and operating licenses filed by the San Diego Gas & Electric Company to construct and operate two pressurized water nuclear reactors on a site near Blythe in Riverside County, California. The original antitrust portion of the application was submitted on October 29, 1975 by San Diego Gas & Electric Company. The Notice of Receipt of the Antitrust Application was published in the FEDERAL REGISTER on December 5, 1975 (40 FR 56985).

A portion of the application consisting of general and financial information accompanied by an Environmental Report, dated November 30, 1976, is currently undergoing a detailed acceptance review. Upon acceptance, a Notice of Receipt of Application for Construction Permits and Operating Licenses and Availability of Environmental Report and a separate Notice of Hearing will be published in the FEDERAL REGISTER. A copy of the above stated documents, except for the Notice of Receipt for Construction Permits and Operating Licenses and Availability of Environmental Report, and the Notice of Hearing, which

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will be available upon issuance, are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the local public document room in the Palo Verde Valley District Library, 125 West Chanslorway, Blythe, California 92255.

Any person who wishes to have his views on the antitrust matters of the application with respect to the California Department of Water Resources, and the Cities of Anaheim, Glendale, Pasadena, and Riverside, California presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commissfon, Washington, D.C. 20555, Attention: Antitrust and Indemnity Group, Office of Reactor Regulation, on or before May 23, 1977.

Dated at Bethesda, Maryland, this 14th day of March 1977.

For the Nuclear Regulatory Commission.

OLAN D. PARR,
Chief, Light Water Reactors Branch No. 3, Division of Project Management.

[FR Doc.77-8565 Filed 3-23-77;8:45 am]

PRIVACY ACT OF 1974

Systems of Records: Minor Amendment

In accordance with the Privacy Act of 1974, the Nuclear Regulatory Commission has published notices of those systems of records maintained by the NRC which contain personal information about individuals and from which such information can be retrieved by an individual identifier. The notices were published as a document subject to publication in the annual compilation of Privacy Act documents.

The amendment set forth below amends the paragraph entitled "System location" of NRC–10, Freedom of Information Act (FOIA) and Privacy Act Requests Records, to state that duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Part 1 (a), (b), (c), (d), (e), (f), (g), (h), and (i).

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 552a of Title 5 of the United States Code, as amended, notice is hereby given of the adoption of the following amendment to NRC systems of records NRC–10, which is published as a document subject to publication in the annual compilation of Privacy Act documents.

1. In NRC–10, the paragraph entitled "System location" is revised to read as follows:

NRC–10

* * * * *

System location:

Primary system—Division of Rules and Records, Office of Administration, NRC, 7735 Old Georgetown Road, Bethesda, Maryland.

Duplicate systems—duplicate systems exists, in whole or in part, at the locations listed in Addendum I, Part 1 (a), (b), (c), (d), (e), (f), (g), (h), and (i).

* * * * *

Effective date: This amendment to the Notices of Systems of Records becomes effective on April 7, 1977.

Dated at Bethesda, Maryland, this 30th day of March 1977.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.

[FR Doc.77-10246 Filed 4-6-77;8:45 am]

[Doc. Nos. 50-269, 50-270, and 50-287]

DUKE POWER CO.

Issuance of Amendments to Facility Operating Licenses and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendmends Nos. 39, 39, and 36 to Facility Operating Licenses Nos. DPR–38, DPR–47 and DPR–55, respectively, issued to Duke Power Company which revised Technical Specifications for operation of the Oconee Nuclear Station Units Nos. 1, 2, and 3, located in Oconee County, South Carolina. The amendments are effective as of the date of issuance.

The amendments revise the common Technical Specifications to: (1) Increase the upper limit for pH of water discharged from the station from 8.5 to 9.0, and (2) change the method of control of station chemical effluents from a chemical inventory program to a chemical concentration monitoring program.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has prepared an environmental impact appraisal for the revised Technical Specifications and has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the action.

For further details with respect to this action, see: (1) The application for amendments dated May 13, 1976, as supplemented September 29 and December 2, 1976, and application dated September 1, 1976: (2) Amendments Nos. 39, 39, and 36 to Licenses Nos. DPR–38, DPR–47, and DPR–55, respectively; and (3) the Commission's related Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Oconee County Library, 201 South Spring Street, Walhalla, South Carolina 29691. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 17th day of March 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.77-10256 Filed 4-6-77;8:45 am]

INTERNATIONAL ATOMIC ENERGY AGENCY DRAFT SAFETY GUIDE

Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will be developed in the following five areas: Government Organization, Siting, Design, Operation, and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs.

The IAEA Codes of Practice and Safety Guides are developed in the following way. The IAEA receives and collates relevant existing information used by member countries. Using this collation as a starting point, an IAEA Working Group of a few experts then develops a preliminary draft. This preliminary draft is reviewed and modified by the IAEA Technical Review Committee to the extent necessary to develop a draft acceptable to them. This draft Code of Practice or Safety Guide is then sent to the IAEA Senior Advisory Group which reviews and modifies the draft as necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the Member States. The Senior Advisory Group then considers the Member State comments, again modifies the draft as necessary to reach agreement and forwards it to the IAEA Director General with a recommendation that it be accepted.

As part of this program, Safety Guide, SG–QA8, "Quality Assurance for Manufacture of Items for Nuclear Power Plants," has been developed. An IAEA Working Group, consisting of Mr. C. Carrier, France; Mr. G. S. Horne, United Kingdom; Mr. H. Wilhelm, Federal Republic of Germany; and Mr. J. P. Jackson (Management Analysis Company), United States of America developed this draft from an IAEA collation during a meeting on October 3, 1976, and we are soliciting public comment on it. Comments on this draft received by May 6, 1977, will be useful to the U.S. representatives to the Technical Review Committee and Senior Advisory Group in evaluating its adequacy prior to the next IAEA discussion.

Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a).)

Dated at Rockville, Maryland, this 24th day of March,1977.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.77-10257 Filed 4-6-77;8:45 am]

[Doc. No. 50-219]

JERSEY CENTRAL POWER & LIGHT CO.

Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 23 to Provisional Operating License No. DPR–16 issued to Jersey Central Power & Light Company which revised Technical Specifications for operation of the Oyster Creek Nuclear Generating Station, located in Ocean County, New Jersey. The amendment is effective as of its date of issuance.

The amendment consists of changes in the Technical Specifications that will allow unloading and reloading of the core fuel during the spring outage scheduled to begin April 9, 1977. Removal of all the fuel assemblies from the Oyster Creek reactor vessel will reduce personnel radiation exposure during the planned inspection of the reactor vessel feedwater nozzles and replacement of the feedwater sparger.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazard consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 19, 1976, (2) Amendment No. 23 to License No. DPR–16, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Ocean County Library, Brick Township Branch, 401 Chambers Bridge Road, Brick Town, New Jersey. 08723. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 31 day of March 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactor Branch No. 3, Division of Operating Reactors.

[FR Doc 77-10259 Filed 4-6-77;8:45 am]

[Docket No. 50-219]

JERSEY CENTRAL POWER & LIGHT CO.

Issuance of Amendment to Provisional Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 22 to Provisional Operating License No. DPR–16 issued to Jersey Central Power & Light Company which revised Technical Specifications for operation of Oyster Creek Nuclear Generating Station, located in Ocean County, New Jersey. The amendment is effective as of its date of issuance.

The amendment will increase the spent fuel pool storage capacity from 840 to 1800 fuel assemblies. The increase will (1) provide storage for all spent fuel assemblies removed from the core between the present time and 1984, (2) provide sufficient additional fuel assembly storage capacity that the entire core (560 fuel assemblies) can be removed from the reactor vessel and stored in the spent fuel pool and (3) continue to accommodate one fuel assembly shipping cask for offsite shipping of spent fuel assemblies from the Oyster Creek spent fuel pool when offsite fuel shipment is resumed at some indefinite future date within the next 8 years.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Provisional Operating License in connection with this action was published in the FEDERAL REGISTER on April 22, 1976 (41 FR 16891). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has prepared an environmental impact appraisal for the revised Technical Specifications and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the Oyster Creek Nuclear Generating Station in December 1974 in the FEDERAL REGISTER.

For further details with respect to this action, see (1) the application for amendment dated March 18, 1976 and supplements dated August 11, 1976, November 30, 1976, January 18, 1977 and February 23, 1977, (2) Amendment No. 22 to License No. DPR–16, (3) the Commission's related Safety Evaluation and (4) the Commission's Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room. 1717 H Street, N.W., Washington, D.C. and at the Ocean County Library, Brick Township Branch, 401 Chambers Bridge Road, Brick Town, New Jersey 08723. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 30th day of March 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77-10258 Filed 4-6-77;8:45 am]

[Docket No. 50-220]

NIAGARA MOHAWK POWER CORP.

Issuance of Facility License Amendment

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 14 to Facility Operating License No. DPR–63 to the Niagara Mohawk Power Corporation (the licensee) which revised Technical Specifications for operation of the Nine Mile Point Nuclear Station, Unit No. 1 (the facility) located in Oswego County, New York. The amendment is effective as of its date of issuance.

The amendment consists of changes to the Technical Specifications which will allow lowering the reactor water level below the low-low-low level set point during major maintenance on the reactor vessel.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

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For further details with respect to this action, see (1) the application for amendment dated March 10, 1977, (2) Amendment No. 14 to License No. DPR-63, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Oswego City Library, 120 E. Second Street, Oswego, New York 13126.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 25th day of March 1977.

For the Nuclear Regulatory Commission.

DONALD M. ELLIOTT,
Acting Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 77-10260 Filed 4-6-77;8:45 am]

[Docket No. 50-285]

OMAHA PUBLIC POWER DISTRICT

Issuance of Amendment to Facility Opearating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 22 to Facility Operating License No. DPR-40 issued to Omaha Public Power District, which revised Technical Specifications for operation of the Fort Calhoun Station Unit No. 1 located in Washington County, Nebraska. The amendment is effective as of its date of issuance.

The amendment consists of changes to the Technical Specifications that modify the pressure-temperature limits for reactor coolant system heatup and cooldown operations.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 14, 1976, (2) Amendment No. 22 to License No. DPR-40, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Blair Public Library, 1665 Lincoln Street, Blair, Nebraska.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 1st day of April 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77-10261 Filed 4-6-77;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatry

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 10.4, Revision 1, "Guide for the Preparation of Applications for Licenses to Process Source Material," describes the information needed to evaluate an application for a specific license to process source materials, e.g., the manufacture of depleted uranium and thorium-magnesium alloy products and shaping, grinding, and polishing of lenses containing thorium. This guide was revised following consideration of comments from the public and additional staff review.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Md., this 28th day of March 1977.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.77-10264 Filed 4-6-77;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 3.11, Revision 1, "Design, Construction, and Inspection of Embankment Retention Systems for Uranium Mills," describes some engineering practices and methods generally considered satisfactory for the design, construction, and inspection of earth and rockfill embankments used for retaining uranium mill tailings. This revision is the result of additional staff review and suggestions from other Federal agencies and the public on the original version of the guide.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 3.11, Revision 1, will, however, be particularly useful in evaluating the need for an early revision if received by June 3, 1977.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Md., this 30th day of March 1977.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.77-10265 Filed 4-6-77;8:45 am]

[Doc. No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 33 to Facility Operating License No. DPR-28, issued to Vermont Yankee Nuclear Power Corporation (the licensee), which revised Technical Specifications for operation of the Vermont Yankee Nuclear Power Station (the facility) located near Vernon, Vermont. The amendment is effective as of its date of issuance.

This amendment revises the pressure-temperature limitations in order to comply with 10 CFR Part 50, Appendix G, "Fracture Toughness Requirements." It also establishes a surveillance capsule removal schedule to assure compliance with 10 CFR Part 50, Appendix H, "Reactor Vessel Material Surveillance Program Requirements."

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5 (d)(4) an environmental statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 9, 1976, (2) Amendment No. 33 to License No. DPR-28, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 23rd day of March 1977.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.77-10262 Filed 4-6-77;8:45 am]

[Doc. Nos. 50-338 OL, 50-339 OL]

VIRGINIA ELECTRIC & POWER CO., (NORTH ANNA POWER STATION, UNITS 1 AND 2)

Order Regarding Evidentiary Hearing

It is ordered, That:

(1) The evidentiary hearing scheduled to begin on May 2, 1977, will begin at 9:30 a.m. on that day in the City Council Chambers on the Second Floor of City Hall, 7th and Main Streets, Charlottesville, Virginia; and

(2) The Applicant and Staff will at that hour respond to questions raised by those who made limited appearances.

Dated at Bethesda, Md., this 30th day of March 1977.

The Atomic Safety and Licensing Board.

FREDERIC J. COUFAL,
Chairman.

[FR Doc.77-10263 Filed 4-6-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SITING EVALUATION SUBCOMMITTEE

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Siting Evaluation Subcommittee will hold an open meeting on April 28, 1977 in Room 1046, 1717 H St. NW., Washington, DC 20555. The purpose of this meeting is to discuss general nuclear facility siting considerations with members of the NRC Staff.

The agenda for subject meeting shall be as follows:

THURSDAY, APRIL 28, 1977

8:30 A.M. UNTIL CONCLUSION OF BUSINESS

The Subcommittee, with any of its consultants who may be present, will meet in Executive Session to explore their preliminary opinions regarding matters which should be considered in order to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will meet to hear presentations by representatives of the NRC Staff, and its consultants, and will hold discussions with these groups pertinent to general nuclear facility siting considerations.

The Subcommittee may caucus to determine whether the matters identified in the session have been adequately covered and whether they are ready for review by the full Committee. During the caucus Subcommittee members and consultants will discuss their opinions and recommendations on these matters.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety & Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the safety area.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than April 21, 1977 to Mr. Thomas G. McCreless, ACRS, NRC, Washington, D.C. 20555, will normally be received in time to be considered at this meeting.

(b) Persons desiring to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Subcommittee will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on April 27, 1977 to the Office of the Executive Director of the Committee (telephone 202/634-1374, Attn: Mr. Thomas G. McCreless) between 8:15 a.m. and 5 p.m., e.s.t.

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(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) A copy of the transcript of meeting where factual information is presented and a copy of the minutes of the meeting will be available for inspection on or after May 5 and July 28, 1977, respectively, at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555.

Copies may be obtained upon payment of appropriate charges.

Dated: April 5, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-10396 Filed 4-6-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON EMERGENCY CORE COOLING SYSTEMS

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Subcommittee on Emergency Core Cooling Systems (ECCS) will hold an open meeting on April 23, 1977 in Room 10046, 1717 H Street NW., Washington, D.C. 20555. The purpose of this meeting is to discuss in Executive Session a variety of topics concerning emrgency core cooling systems and methods that the Subcommittee might use to review these topics.

The agenda for subject meeting shall be as follows:

SATURDAY, APRIL 23, 1977—8:30 A.M. UNTIL NOON

The Subcommittee will meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding methods to be used in reviewing topics concerning emergency core cooling systems.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety & Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the safety area.

With respect to public participation in the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than April 16, 1977 to Mr. Thomas G. McCreless, ACRS, NRC, Washington, D.C. 20555, will normally be received in time to be considered at this meeting.

(b) Persons desiring to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Subcommittee will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discused, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on April 22, 1977 to the Office of the Executive Director of the Committee (telephone 202/634-1374, Attn: Mr. Thomas G. McCreless) between 8:15 a.m. and 5 p.m., est.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment and/or recordings will not, however, be allowed while the meeting is in session.

(f) A copy of the minutes of the meeting will be available for inspection on or after July 25, 1977 at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555.

Copies may be obtained upon payment of appropriate charges.

Dated: April 5, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-10394 Filed 4-6-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON EMERGENCY CORE COOLING SYSTEMS

Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Subcommittee on Emergency Core Cooling Systems (ECCS) will hold an open meeting on April 22, 1977 in Room 1046, 1717 H Street, NW., Washington, D.C. 20555. The purpose of this meeting is to discuss fundamental research for understanding phenomena associated with emergency core cooling systems.

The agenda for subject meeting shall be as follows:

FRIDAY, APRIL 22, 1977, 8:30 A.M. UNTIL THE CONCLUSION OF BUSINESS

The Subcommittee will hear presentations by and hold discussions pertinent to fundamental research relating to ECCS with representatives of the NRC Staff, and its consultants, and with representatives of other organizations such as those from the reactor vendors and from the Electric Power Research Institute.

Practical considerations may dictate alterations; in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety & Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the safety area.

With respect to public participation in the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than April 15, 1977 to Mr. Thomas G. McCreless, ACRS, NRC, Washington, DC 20555, will normally be received in time to be considered at this meeting.

(b) Persons desiring to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be obtained by a prepaid telephone call on April 21, 1977 to the Office of the Executive Director of the Committee (telephone 202/634-1374, Attn: Mr. Thomas G. McCreless) between 8:15 a.m. and 5 p.m., e.s.t.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) A copy of the transcript of the meeting where factual information is presented and a copy of the minutes of the meeting will be available for inspection on or after May 2, 1977 and July 25, 1977, respectively, at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555.

Copies may be obtained upon payment of appropriate charges.

Dated: April 5, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-10395 Filed 4-6-77;8:45 am]

[Special Nuclear Material License Nos. SNM-145 and 414]

BABCOCK & WILCOX CO.

Establishment of Atomic Safety and Licensing Board

Pursuant to the Notice of Hearing in the above matter issued by the Commission on April 1, 1977, an Atomic Safety and Licensing Board is being established in the following proceeding:

BABCOCK & WILCOX COMPANY

NUCLEAR MATERIALS DIVISION

(Facilities at Apollo and Leechburg, Pennsylvania)

The members of the Board and addresses are as follows:

John F. Wolf, Esq., Chairman, 3409 Shepherd Street, Chevy Chase, Maryland 20015.

Dr. A. Dixon Callihan, Member, 102 Oak Lane, Oak Ridge, Tennessee 37830.

Dr. Hugh C. Paxton, Member, 1229 41st Street, Los Alamos, New Mexico 87544.

Dated at Bethesda, Md., this 5th day of April 1977.

JAMES R. YORE,
Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.77-10397 Filed 4-6-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS ENVIRONMENTAL SUB-COMMITTEE

Change of Agenda

The agenda for the April 14-15, 1977 meeting of the ACRS Environmental Subcommittee, announced in FR Vol. 42, No. 59, Monday, March 28, 1977, page 16492, has been changed as indicated below:

THURSDAY, APRIL 14, 1977

8:30 a.m to 9:00 a.m.

The Subcommittee, with any of its consultants who may be present, will meet in Executive Session to explore their preliminary opinions regarding matters which should be considered.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by representatives of the NRC Staff, and their consultants, and will hold discussions with these groups pertinent to the following subjects:

9 a.m. to approximately 3 p.m.

Radiation dose calculation methodology, and front end of light water recator fuel cycle doses.

Aproximately 3 p.m. until conclusion of business of April 14

Status of Emergency Planning.

The agenda for Friday, April 15, 1977 remains the same as announced in the FR notice cited above.

All other matters pertaining to this meeting remain unchanged.

Dated: April 5, 1977.

JOHN C. HOYLE,
Advisory Committee, Management Officer.

[FR Doc.77-10489 Filed 4-6-77;9:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 77-14]

RESPONSES TO NTSB RECOMMENDATIONS

Receipt and Availability

Aviation Safety Recommendation Response

In connection with the National Transportation Safety Board's 1972 special study, "General Aviation Stall/Spin Accidents, 1967-1969," the Federal Aviation Administration on March 14 provided a copy of its recent status report, "Stall/Spin Research and Development." The status report, dated February 15, 1977, relates to recommendation A-72-233, one of nine recommendations directed to FAA as a result of the Board's special study.

The report indicates that FAA efforts have been directed down two paths: Aircraft and Pilot. Aircraft research and development involved two projects at Princeton University—one involving light plane stall avoidance and the other longitudinal control characteristics at light planes. Objective of the first project, now completed, was to develop criteria for light plane design and airworthiness certification to avoid unintentional stall during terminal area operations. The second project, to be completed in June 1977, is to develop quantitative criteria for longitudinal stability and control of light aircraft which can serve as guidelines for design and for airworthiness certification. In-flight investigation of the effects of degraded low-speed longitudinal stability are underway; included are consideration of the influence of mechanical augmentation devices (such as bob weights and down springs) and their secondary effects such as destabilization of the phugoid mode and inducement of inadvertent stalls.

A third project completed, responsive to the need for better stall warning systems, was performed by Ohio State University. According to the FAA report, a tactual stall warning system was developed consisting of an angle of attack sensor that provides a signal to a plunger which translates fore and aft within the control yoke and impinges upon the pilot's palm and fingers—forcing him to correct his attitude immediately. A report has been distributed. FAA states that recommendations for further evaluation of improved devices have not been effected.

A fourth project evaluating the practicality of reduced elevator travel and control devices was carried out by Texas A & M. FAA states, "The results were encouraging but further support was withheld due to economic penalties and serious questions regarding certification for General Aviation Aircraft. In the area of actions to improve *Pilot* performance vis-a-vis the stall/spin problem, the following project refers: A contract was left to Aerospace Systems, Inc.-Burling-

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ton, Massachusetts to develop and evaluate an experimental stall/spin increment to a flight training syllabus."

The FAA report adds that experimental groups of student pilots were exposed to revised ground training, stall training, and spin training. They were then evaluated in a special flight check ride and their performances compared with that of a control group. The final report is under review and will be published in April 1977.

FAA plans to initiate a study of the pros and cons of a return to spin training for civil pilots. Approval and funding must be secured prior to any actuation, according to FAA.

Marine Safety Recommendation Responses

U.S. Coast Guard letter of March 21 concerns recommendation M–74–27, issued as a result of investigation into the death of three ship's officers on board the SS WILLIAM T. STEELE at Guayanilla, Puerto Rico, November 18, 1972. The recommendation asked Coast Guard to establish functional or location requirements which assure that piping system components on tank vessels cannot cause cargo to spill when men enter cargo tanks, regardless of the operation to be performed.

Coast Guard reports, re M–74–27, that it has considered prohibiting the installation of devices in cargo piping systems which if in normal use or operation would result in spillage of liquid from the piping system. According to Coast Guard, there is no practical method of providing the necessary positive isolation of cargo between tanks other than blind flanges which require tank entry for installation. As an alternative action, Coast Guard will promulgate more stringent operational requirements for safe tank entry to provide adequate safeguards for personnel performing this function. An advance notice of proposed rulemaking implementing the more stringent operational requirements is anticipated for publication May 15, 1977.

Two letters received by the Safety Board last week—one from the U.S. Coast Guard, the other from the Maritime Administration of the U.S. Department of Commerce—concern recommendations M–76–20 through M–76–24 and M–76–26 and M–76–27, issued following investiagtion of the stranding on September 26, 1974, of the SS TRANSHURON at Kiltan Island, near the southwest coast of India. (See 42 FR 1323, January 6, 1977.)

Concerning recommendation M–76–20 which asked Coast Guard to insure that required specifications and plan-approved documents for ship modification are transmitted to the inspectors before equipment is installed or construction and modification is begun, Coast Guard indicates that every effort is made to provide its marine inspectors with approved drawings and specifications prior to commencing vessel construction or modification. Due to the normal fluctuation in workload, time lapse for plan approval response is subject to significant variations, and Coast Guard states that it cannot maintain the reserve work force necessary to insure that approval of all plans would always be completed before commencement of work nor is it practical to conduct plan approval at the detail level needed to assure compliance with all regulations. In the case of the TRANSHURON casualty, Coast Guard states that the drawing required for review is a "diagram of the cooling water to reefer system," and that a typical diagram would not show the location of that system with respect to other equipment located in the vicinity. Coast Guard further states that the marine inspectors are required to approve final installation of piping systems, including their location relative to other equipment in accordance with the applicable sections of 46 CFR Part 56.

Recommendation M–76–21 asked the Coast Guard to expedite issuance of regulations to require spray shield protection when saltwater piping must be in the vicinity of switchboards or other open electrical equipment. Coast Guard has prepared a proposed regulation change incorporating this recommendation, publication expected prior to June 1977.

In response to recommendation M–76–22, which requested Coast Guard to expand either the Merchant Marine Safety Manual or other suitable instructions to include aids for inspection and repair of firefighting equipment, particularly CO_2, Coast Guard reports that five published Navigation Vessel Inspection Circulars provide amplifying information to existing guidelines for acceptance and inspection of firefighting equipment contained in the Merchant Marine Safety Manual. These circulars provide additional aids as recommended. Coast Guard also notes that the Merchant Marine Safety Manual is currently being expanded and rewritten, and that the circulars will be made a part of the revised manual. With regard to the TRANSHURON casualty, Coast Guard has amended the Code of Federal Regulations by adding 46 CFR 147.04–1(a) (8) which requires the testing of discharge hoses of semiportable CO_2 systems whenever the cylinders are retested under various conditions. Also, Coast Guard will continue to disseminate information to the field offices on firefighting systems as improvements and new systems appear.

As requested by M–76–23, Coast Guard will continue to disseminate to its inspectors and licensed Merchant Marine officers the information that all concerned are responsible for the compliance of any vessel with the regulations and that this responsibility is found in and protected by law and regulations. Also, Coast Guard will revise its licensed officer examinations to include questions on this subject to insure the awareness of such responsibility.

Recommendation M–76–24 asked Coast Guard to include in the engineer's license examination questions on all phases of damage control and engineering casualty control for various powerplants in addition to the existing firefighting and emergency equipment questions. Coast Guard reports that approximately 5 percent of the questions now in the licensed engineering officer examination are on the subject of damage control and engineering casualty control. Coast Guard will revise this examination to include addition questions on these two subjects.

The Maritime Administration of the Department of Commerce reports by letter of March 25 that it has taken the following action in implementing recommendations M–76–26 and M–76–27: (1) MARAD ADVISORY NO. 77–5 was distributed to all U.S.-flag steamship operators; (2) copies of marine casualty report No. USCG/NTSB MAR–76–2 concerning the TRANSHURON accident are being distributed to all U.S.-flag vessels; and (3) literature pertaining to the MARISAT System was distributed to U.S.-flag steamship operators. Copies of MARAD ADVISORY No. 77–5 and the MARISAT information distributed to U.S.-flag vessel operators accompanied the Martime Administration's letter.

Railroad Safey Recommendation Responses

The Federal Railroad Administration has provided the Safety Board with two letters, both dated March 14, 1977, concerning the hazardous materials accident at the Southern Pacific Transportation Company's Englewood Yard, at Houston, Texas, on September 21, 1974. Investigation of the open-air explosion of liquefied petroleum gas resulted in the issuance on October 11, 1974, of recommendations R–74–29 and R–74–30. At the time of release of the accident report, July 29, 1975, the Safety Board issued to FRA two additional recommendations, Nos. R–75–29 and R–75–30, concerning the Houston accident. (See 40 FR 33288, August 7, 1975.) FRA's March 14 letters report on the implementation of these recommendations.

Recommendations R–74–29 and R–74–30 asked FRA, through its emergency powers, to issue an order to prohibit switching of tank cars containing compressed flammable gases unless the tank cars are under the control of a locomotive and to prohibit such tank cars from being coupled by other free-rolling equipment, and, to assure conformance with such an order, to issue a list of the compressed flammable gases that are normally shown on waybills. FRA reports that upon receipt of these recommendations, action was immediately initiated to prevent recurrence of a similar accident: On October 30, 1974, Emergency Order No. 5, addressing the issue of switching tank cars loaded with hazardous materials, was published in the FEDERAL REGISTER. FRA states that this emergency order also contains a provision which ensures that employees in the presence of loaded tank cars are aware of their presence and contents. The order was made effective at 12:01 a.m., October 27, 1974.

According to FRA, existing regulations provide the "listing" specified in recommendation R–74–30, i.e.:

(1) Flammable compressed gases which are "normally" shipped are listed by commodity name and classification in the "Hazardous Materials Table," 49 CFR 172.101. A typical entry is "Butadiene, inhibited, Flammable gas."

(2) This "Hazardous Materials Table" is reproduced in "R. M. Graziano's Tariff," which is distributed to and maintained by all rail carriers.

(3) Shipping papers, including waybills, covering shipments of flammable compressed gases require:

(a) The name of the commodity, e.g., "Butadiene, inhibited." (172.202(a)(1).)

(b) The prescribed hazardous class, e.g., "Flammable gas." (172.202(a)(2).)

(c) The name of the placard applied, e.g., "Placard Flammable Gas." (172.203(g)(1).)

(d) The special notation—

(i) "Must be handled in accordance with FRA E. O. No. 5," or

(ii) "Shove to rest per E.O. No. 5." (172.203(g)(3).)

(4) Railroad employees engaged in switching and transfer operations will be advised of pertinent information regarding flammable compressed gases by the information contained in the waybills.

(5) On July 1, 1977, the rail placarding system will require placards which reflect the nature of the hazardous material being transported. For example, 49 CFR 172.504 provides for a "FLAMMABLE GAS" placard on shipments of flammable gases.

Recommendations R–75–29 and R–75–30, addressed in FRA's second letter concerning the Houston accident, asked that FRA in cooperation with the Association of American Railroads research and develop minimum performance standards for retarding systems in gravity switching yards, and issue regulations superseding Emergency Order No. 5 to require railroads to handle the switching of cars containing large shipments of hazardous materials, with a danger range beyond railroad property boundaries, in the same manner as they handle operations of cars containing explosives.

FRA reports re R–75–29 that following the accident at Englewood Yard, the Southern Pacific Company developed the idea of placing a "slippery wheel detector" on the lead track to the hump in a classification yard. The device is based on the principle that a slippery wheel will have less friction when squeezed by metal brake shoes than a nonslippery wheel, according to FRA; therefore, when wheels are squeezed, the forces, accelerations, and strains in the squeezing element of the detector will be lower for a slippery wheel.

FRA further reports that Stanford Research Institute was subsequently contracted by Southern Pacific to fabricate, analyze, and calibrate equipment useable in a slippery wheel detector device. An experimental unit already has been fieldtested, and the data developed are being evaluated. FRA is monitoring the slippery wheel research project and, upon completion of the research and manufacture of appropriate devices, will evaluate potentials, and the need for hump yard/retarder performance standards will be considered by FRA.

In answer to recommendation R–75–30, FRA states that the switching of placarded tank cars containing hazardous commodities was the subject of a notice of proposed rulemaking, Docket No. HM–120, Notice No. 74–11, published by the Hazardous Materials Regulations Board in the FEDERAL REGISTER on August 14, 1974. This notice proposed changes in § 174.589 to prohibit the uncoupling or cutting off of cars placarded "Dangerous" while in motion, the striking of such cars by other cars moving under their own motion, and the coupling of these cars with more force than is necessary to complete the coupling, but in no case at a speed of more than 4 m.p.h. FRA relates that at the request of commenters the date for filing comments was extended from September 20, 1974, to October 30, 1974. In the interim, FRA notes, the Safety Board issued recommendation R–74–29 (see above), which was followed by publication on October 30 of Emergency Order No. 5. FRA states that the emergency order prohibited the switching or coupling of any DOT 112A or 114A tank car loaded with flammable compressed gas placarded "Dangerous" that was not equipped with head shields required by 49 CFR 179.100–23.

FRA reports that more than 40 comments were received in response to HM–120, Notice No. 74–11, many commenters wanting further study and interim precautionary measures taken with the cars that caused the problems (DOT 112A and 114A). FRA believes that the commenters raised valid points which require further study and that Emergency Order No. 5 covers the specific problem of the DOT 112A and 114A uninsulated tank cars transporting flammable compressed gas. In view of this, the Office of Hazardous Materials determined that action on Docket No. HM–120; Notice No. 74–11, was not appropriate at that time and therefore withdrew the proposal on April 21, 1976.

FRA further reports that on November 29, 1976, the Materials Transportation Bureau published in the FEDERAL REGISTER a notice of proposed rulemaking, Docket No. HM–144, Notice No. 76–12, which specifies that "previously built specifications 112 and 114 tank cars shall be required to be * * * equipped in accordance with the following schedule:

1. Either shelf couplers or a tank head puncture resistance system within one year after the effective date of the rule;

2. Notwithstanding "1", shelf couplers within two years after the effective date of the rule; and

3. Thermal protection and tank head puncture resistance systems with adequate safety relief valve capacity within four years after the effective date of the rule.

A third letter of March 14 from the Federal Railroad Administration concerns Safety Board report No. NTSB–RAR–76–8, issued following investigation of a derailment of tank cars with subsequent fire and explosion on the Chicago, Rock Island and Pacific Railroad near Des Moines, Iowa, September 1, 1975. The letter addresses reiterated recommendation R–75–19, issued in connection with the Norfolk and Western Railway switching yard accident at Decatur, Illinois, July 19, 1974. (See 41 FR 37165, September 2, 1976, and 40 FR 27081, June 26, 1976, respectively.) The recommendation asked FRA to determine the capabilities of top and bottom shelf couplers, head shields, and a combination of both, and to issue regulations to require that DOT–112A and 114A tank cars be equipped with the best practical combination.

In response to R–75–19, FRA reports that a series of switchyard impact tests, held in cooperation with the Association of American Railroads and the Railway Progress Institute, were completed last November at the Transportation Test Center in Pueblo, Colorado. The test program objectives were to study the specific problems of head punctures and to determine the probable effectiveness of "Type E" and "Type F" shelf couplers, head shields or combinations of shields and shelf couplers in preventing head punctures. After test program results were evaluated, FRA recommended to the Materials Transportation Bureau regulatory action affecting construction and continued use of DOT Specification 11A and 114A tank cars. As a result, MTB published a notice of proposed rulemaking, Docket No. HM–144; Notice No. 76–12, in the FEDERAL REGISTER on November 29, 1976. (See above.)

NOTE.—The above consists of abridgements of safety recommendation letter responses received during the week preceding publication of this notice. Copies of the full text of these letters may be obtained at a cost of $4 for service and 10¢ per page for reproduction. All requests must be in writing, identified by recommendation number and date of publication of this notice in the FEDERAL REGISTER. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(Sec. 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2172 (49 U.S.C. 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

APRIL 4, 1977.

[FR Doc.77–10334 Filed 4–6–77;8:45 am]

PRESIDENT'S COMMISSION ON MENTAL HEALTH

MEETING

In accordance with section 10(A)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following Presidential Commission meeting scheduled to assemble during the month of April, 1977.

The President's Commission on Mental Health, April 19, 1977; 9:30 a.m. to 12:30 p.m., Room 2525, Everett McKinley Dirksen Bldg., 219 South Dearborn St., Chicago, Ill. 60604.

CONTACT:

Mary Ann Orlando, Special Assistant to the Chairperson, President's Commission on Mental Health, Room 121, Old Executive Office Bldg., Washington, D.C. 20500. (202–456–7100).

V42 67 APR 7 77 UMI

PURPOSE: The President's Commission on Mental Health is a policy recommendation commission composed of 20 members representing a broad spectrum of interested and informed private citizens. The Commission was created by the President by Executive Order No. 11973 and was directed to identify the mental health needs of the nation. In particular, the Commission shall seek to identify: How the mentally ill, emotionally disturbed and mentally retarded are being served or underserved and who is affected by such underservice; projected needs for dealing with emotional stress during the next twenty-five years; ways the President, the Congress and the Federal Government may efficiently support the treatment of the underserved mentally ill, emotionally disturbed and mentally retarded; methods for coordinating a unified approach to all mental health services; types of research the Federal Government should support to further prevention and treatment of mental illness and mental retardation; roles of various educational systems, volunteer agencies and other people-helping institutions can perform to minimize emotional disturbance; and what programs will cost, when the money should be spent and how the financing should be divided among Federal, State and local governments, and the private sector. The Commission shall conduct such public hearings, inquiries and studies as may be necessary, and shall submit a preliminary report to the President by September 1, 1977. A final report with recommendations and priorities shall be submitted to the President by April 1, 1978.

AGENDA: This meeting will be open to the public. Agenda items include discussion of task groups, their composition and assignment; discussion of public hearings, dates and locations; discussion of existing programs and policies.

SUBSTANTIVE PROGRAM INFORMATION MAY BE OBTAINED FROM:

Mary Ann Orlando, Special Assistant to the Chairperson, The President's Commission on Mental Health, Room 121, Old Executive Office Bldg., Washington, D.C. 20500. (202–456–7100).

Attendance by the public will be limited to space available.

Mary Ann Orlando will furnish upon request summaries of the meeting and a roster of the Commission. President's Commission on Mental Health, Room 121, Old Executive Office Building, Washington, D.C. 20500.

Dated: April 5, 1977.

THOMAS E. BRYANT,
Chairperson, and Executive Director, President's Commission on Mental Health.

[FR Doc.10487 Filed 4–6–77;9:50 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–6884]

PACIFIC RESOURCES, INC.

Application To Withdraw From Listing and Registration

APRIL 1, 1977.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2–2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the Pacific Stock Exchange Incorporated (the "PSE").

The reasons alleged in the application for withdrawing this security from listing and registration include the following: "The Company • • • believes the interests of its shareholders will be better served if the Common Stock were traded in the over-the-counter market and quoted through NASDAQ (to which the Company has made application)."

On March 28, 1977 the PSE filed an application for unlisted trading privileges in the common stock of Pacific Resources, Inc. That application is currently pending before the Securities and Exchange Commission.

Any interested person may, on or before April 22, 1977 submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. An order granting the application will be issued after the date mentioned above, on the basis of the application and any other information furnished to the Commission, unless it orders a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77–10325 Filed 4–6–77;8:45 am]

[File No. 7–4933]

PACIFIC STOCK EXCHANGE, INC., AND PACIFIC RESOURCES, INC.

Application for Unlisted Trading Privileges and of Opportunity for Hearing

APRIL 1, 1977.

In the matter of application of the Pacific Stock Exchange, Inc., for unlisted trading privileges in Pacific Resources, Inc., common stock, no par value.

The Pacific Stock Exchange, Inc. ("PSE"), has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(C) of the Securities Exchange Act of 1934 (the "Act") and Rule 12f–1 thereunder for unlisted trading privileges in the above captioned securities, which securities are registered with the Commission pursuant to Section 12 of the Act or which would be required to be so registered except for the exemption from registration provided in subsection (g)(2)(B) or (g)(2)(G) of Section 12.

Pacific Resources, Inc. is currently listed on the PSE. Pacific Resources has filed an application to withdraw from listing and registration on the PSE, which application is currently pending before the Securities and Exchange Commission.

In its rule filing SR–PSE–76–17 the PSE proposed an amendment to its off-board trading rule (PSE Rule XIII, Section 4) to exempt from that rule securities that are not listed and registered on any national securities exchange and that are traded on the PSE pursuant to unlisted trading privileges in accordance with Section 12(f)(1)(C) of the Act (see Securities Exchange Act of 1934 Release No. 12539 (June 11, 1976) and 41 Fed. Reg. 24787 (June 18, 1976)). That proposal is currently pending before the Securities and Exchange Commission.

Upon receipt of a request on or before April 22, 1977 from any interested person the Commission will determine whether the application with respect to the company named shall be set down for hearing. Any such request should state briefly the title of the security in which the party is interested, the nature of the party's interest in making the request, and the position which the party proposes to take at the hearing, if ordered. In addition, any interested persons may submit his views or any additional facts bearing on the said application or amendments thereto by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to the application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77–10326 Filed 4–6–77;8:48 am]

SMALL BUSINESS ADMINISTRATION

HARTFORD DISTRICT ADVISORY COUNCIL

Meeting

The Small Business Administration Hartford District Advisory Council will hold a public meeting at 9:30 a.m., Thursday, May 5, 1977, at the University of New Haven, 300 Orange Avenue, West Haven, Connecticut, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information write or call Thomas E. Higgins, District Director, U.S. Small Business Administration, One Financial Plaza, Hartford, Connecticut 06103, (203) 244–2511.

Dated: April 1, 1977.

ANTHONY S. STASIO,
Acting Assistant Administrator for Advocacy and Public Communications.

[FR Doc.77–10301 Filed 4–6–77;8:45 am]

NATIONAL ADVISORY COUNCIL

Annual Meeting

The Small Business Administration Annual Meeting of the National Advisory Council will meet at 9 a.m., Monday May 9, 1977, at The Homestead, Hot Spring, Virginia, to discuss such business as may be presented by members, the staff of the Small Business Administration, and others attending. Registration for this meeting will begin at 3 p.m., Sunday, May 8, 1977. The meeting will adjourn at 1 p.m., Wednesday, May 11, 1977. For further information, call or write Anthony S. Stasio, Acting Assistant Administrator for Advocacy and Public Communications, U.S. Small Business Administration, 1441 L St. NW., Room 1006, Washington, D.C. 20416, (202) 653–6924.

Dated: March 30, 1977.

ANTHONY S. STASIO,
Acting Assistant Administrator for Advocacy and Public Communications.

[FR Doc.77–10302 Filed 4–6–77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CDG 77–066]

SHIP STRUCTURE COMMITTEE

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Ship Structure Subcommittee to be held Tuesday, May 3, 1977 at 9 a.m. in Room 4833, Maritime Administration, Department of Commerce Building, 14th and Constitution Ave. NW., Washington, D.C. The agenda for this meeting is as follows: Discussion of the research program, project status, and operations of the Ship Structure Committee.

Attendance is open to the interested public. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, LCDR E. A. Chazal, USCG, Secretary, Ship Structure Committee, U.S. Coast Guard Headquarters, Washington, D.C. 20590 (202) 426–2205. Any member of the public may present a written statement to the Committee at any time.

H. G. LYONS,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

APRIL 1, 1977.

[FR Doc.77–10310 Filed 4–6–77;8:45 am]

Federal Aviation Administration

AIR TRAFFIC PROCEDURES ADVISORY COMMITTEE

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Federal Aviation Administration Air Traffic Procedures Advisory Committee to be held April 26 through April 29, 1977, from 9 a.m. E.D.T. to 4 p.m. daily, except for the last day which will terminate at 1 p.m., in conference rooms 6 A and B at FAA Headquarters, 800 Independence Ave. SW., Washington, D.C.

The agenda for this meeting is as follows: A continuation of the Committee's review of present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, Mr. Franklin L. Cunningham, Executive Director, Air Traffic Procedures Advisory Committee, Air Traffic Service, AAT–300, 800 Independence Ave. SW., Washington, D.C. 20591, telephone (202) 426–3725.

Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on April 1, 1977.

GEORGE W. HARVEY,
Acting Executive Director, ATPAC.

[FR Doc.77–10178 Filed 4–6–77;8:45 am]

AIRPORT TRAFFIC CONTROL TOWER AT PUEBLO, COLO.

Reduce Hours

Notice is hereby given that on or about June 23, 1977, the Airport Traffic Control Tower at Pueblo, Colorado, will be closed each day from 10 p.m. until 6 a.m. local time. This notice amends our notice of January 18, 1977, which proposed to reduce the hours of operation at Pueblo Airport Traffic Control Tower effective March 24, 1977. This information will be reflected in forthcoming issues of the Airman Information Manual.

Issued in Aurora, Colorado, on March 24, 1977.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc.77–10081 Filed 4–6–77;8:45 am]

FLIGHT SERVICE STATION AT RICHMOND, VA.

Relocation

Notice is hereby given that on or about April 1, 1977, the Flight Service Station at Richmond, Virginia, will be relocated to Leesburg, Virginia, where it will be consolidated with the Washington Flight Service Station. It will continue to provide service to the general aviation public in the Richmond area without interruption from the new location. Communications to the Flight Service Station should be addressed as follows:

Washington Flight Service Station, Department of Transportation, Federal Aviation Adminstration, Air Route Traffic Control Center, Intersection Routes 7 and 654, Leesburg, Virginia 22075.

(Sec. 313(a) of the Federal Aviation Act of 1958, 72 Stat. 752, 49 U.S.C. 1354.)

Issued in New York, N.Y., on March 28, 1977.

WILLIAM E. MORGAN,
Director, Eastern Region.

[FR Doc.77–10174 Filed 4–6–77;8:45 am]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS (RTCA), EXECUTIVE COMMITTEE

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the RTCA Executive Committee to be held May 13, 1977, Ball Room, Fort Myer Officers Club, Arlington, Virginia commencing at 9:30 a.m. The Agenda for this meeting is as follows: (1) Approval of Minutes of March 18, 1977 Meeting; (2) Special Committee Activities Report for March and April 1977; (3) Chairman's Report of RTCA Administration and Activities; (4) Report of Finance Committee and Approval of FY–1978 Budget; (5) Consideration of Resolution for changes to Constitution and By Laws, and (6) Consideration of Establishing New Special Committees.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, RTCA Secretariat, 1717 H Street NW., Washington, D.C. 20006; (202) 296–0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on March 31, 1977.

KARL F. BIERACH,
Designated Officer.

[FR Doc.77–10178 Filed 4–6–77;8:45 am]

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RADIO TECHNICAL COMMISSION FOR AERONAUTICS (RTCA), SEPARATION STUDY REVIEW GROUP

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the RTCA Separation Study Review Group to be held May 10-11, 1977, Conference Room 9C, DOT/Federal Aviation Administration Building, 800 Independence Avenue SW., Washington, D.C. commencing at 9:30 a.m. The Agenda for this meeting is as follows: (1) Chairman's Comments; (2) Appointment of Group Secretary; (3) Review of the Terms of Reference; (4) Overview of FAA Lateral Separation Study Program; (5) Briefing and Discussion of Data Requirements; (6) Briefing and Discussion of Plans for Data Collection; and (7) Briefing and Discussion of Separation Analysis Studies.

Attendance is open to the interested public but limited to space available. With the approval of the chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, RTCA Secretariat, 1717 H Street NW., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on April 1, 1977.

KARL F. BIERACH,
Designated Officer.

[FR Doc.77-10177 Filed 4-6-77;8:45 am]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS (RTCA), SPECIAL COMMITTEE 125—MLS IMPLEMENTATION

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the RTCA Special Committee 125—MLS Implementation to be held May 3-4-5, 1977, Conference Room 3201, FAA Transpoint Building, 2100 Second Street SW., Washington, D.C. commencing at 9:30 a.m. The Agenda for this meeting is as follows: (1) Approval of Minutes of 16th Meeting held March 22-23-24, 1977, and (2) Continuation of Review and Editing Final Report.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, RTCA Secretariat, 1717 H Street NW., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on March 31, 1977.

KARL F. BIERACH,
Designated Officer.

[FR Doc.77-10176 Filed 4-6-77;8:45 am]

TECHNICAL ADVISORY COMMITTEE

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Federal Aviation Administration Technical Advisory Committee to be held Thursday, May 5, 1977 (10 a.m.-5 p.m.) and Friday, May 6, 1977 (9 a.m.-1 p.m.) at the Federal Aviation Administration headquarters building, Room 1010, 800 Independence Avenue SW., Washington, D.C. The agenda for this meeting is as follows:

Briefing on present automation program and on plans for the future.
Briefings on Air Crew Performance Enhancement and Error Reduction.
Program Development.
Briefings on FAA R. & D. Efforts in Aircraft Safety.
Review of previous Efforts by Committee Members.
Discussion of Future Topics for Committee consideration.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons having any questions about the meeting or wishing to attend and present oral statements should notify, not later than the day before the meeting, Mr. Thomas M. Johnston (AEM-200), Executive Director, FAA Technical Advisory Committee, 800 Independence Avenue SW., Washington, D.C. 20591 (tel: 202/426-8796). Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on March 30, 1977.

THOMAS M. JOHNSTON,
Executive Director,
FAA Technical Advisory Committee.

[FR Doc.77-10175 Filed 4-6-77;8:45 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on Thursday, May 5, 1977, at 10:00 a.m., the Los Angeles Regional Office Station Committee on Educational Allowances shall at 11000 Wilshire Blvd., Los Angeles, Calif. 90024, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in National Training College, 4300 Campus Drive, Newport Beach, Calif. 92660, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: April 1, 1977.

JOHN G. MILLER,
Director, VA Regional Office.

[FR Doc.77-10335 Filed 4-6-77;8:45 am]

VETERANS ADMINISTRATION HOSPITAL, RICHMOND, VIRGINIA

Availability of Draft Environmental Impact Statement

Notice is hereby given that a document entitled "Draft Environmental Impact Statement for the Proposed 820-Bed Replacement Veterans Administration Hospital, Richmond, Virginia", dated January 1977, has been prepared as required by the National Environmental Policy Act of 1969.

The proposed Replacement Hospital will be on the existing Veterans Administration Hospital property in Richmond, Virginia. This proposed new construction will provide for 820 hospital beds along with necessary hospital services for the accomplishment of health care delivery to the veterans in the area. The proposed development will replace a functionally inadequate and outmoded 870-bed facility presently existing on the Veterans Administration property.

This Draft Statement discusses the environmental impact of the Replacement Hospital. The document is being placed for public examination in the Veterans Administration Office of Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Jack Westall, Assistant Chief Medical Director for Administration (13), Room 600, Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420.

Single copies of the Draft Statement may be obtained on request to the above office.

Dated: April 1, 1977.

By direction of the Administrator,

RUFUS H. WILSON,
Deputy Administrator.

[FR Doc.77-10303 Filed 4-6-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission on or before May 9, 1977. Such protest shall comply with Special Rule 247 (d) of the Commissions' *General Rules of Practice* (49 CFR 1100.247) [1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitoner's representative, or petitioner in no representative is named.

No. MC 115212 (Notice of filing of petition to change radial authority to nonradial authority) filed March 21, 1977. Petitioner: H. M. H ENTERPRISES, INC., Route 130, Cranbury, N.J. 08512. Petitioner's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Petitioner holds a motor *contract carrier* Permit in No. MC 115212 issued October 24, 1975, authorizing transportation over irregular routes, of *such commodities* as are dealt in by retail women's and children ready-to-wear apparel stores, and in connection therewith, *supplies and equipment* used in the conduct of such business, between New York, N.Y., and those points in New Jersey within 5 miles of New York, N.Y., and all of any New Jersey municipality any part of which is within 5 miles of New York, N.Y., on the one hand, and, on the other, points in Virginia, North Carolina, South Carolina, Georgia, Florida, and Alabama.

By the instant petition, petitioner seeks to modify the above radial territorial description to read as a nonradial between movement between the above points.

No. MC 133485 (Sub-Nos. 9, 10, 13, 15, and 16) (Notice of filing of petition to modify certificates) filed February 4, 1977. Petitioner: INTERNATIONAL DETECTIVE SERVICE, INC., 1828 Westminister St., Providence, R.I. 02909. Petitioner's representative: Morris J. Levin, 1620 Eye Street, NW., Washington, D.C. 20006. Petitioner holds motor *common carrier* Certificates in No. MC 133485 (Sub-Nos. 9, 10, 13, 15, and 16), issued December 9, 1976, December 9, 1976 April 4, 1975, July 14, 1976, and February 3, 1977, respectively, authorizing transportation over irregular routes, (A) Sub-No. 9 of *Bullion, coin, and precious metals*, in armored vehicles escorted by armed guards, (1) between Providence, R.I., on the one hand, and, on the other, ports of entry on the International Boundary line between the United States and Canada located at points in New York, Vermont, and Maine; and (2) between Providence, R.I., and New York, N.Y., on the one hand, and, on the other, Chicago, Ill.; (B) Sub-No. 10, of (1) *Stocks, bonds, securities, legal tender negotiable instruments, stamps, precious stones, and rare objects*, in armored vehicles escorted by armed guards, between Providence, R.I., on the one hand, and, on the other, points in Connecticut; (2) *bonds, securities, legal tender, monies, negotiable instruments, and stamps*, in armored vehicles escorted by armed guards, between New York, N.Y., and Hartford, Conn.; and (3) *bullion, coin, and precious metals*, in armored vehicles escorted by armed guards, (a) between Providence, R.I., and New York, N.Y., on the one hand, and, on the other points in Connecticut; and (b) between points in New Jersey, on the one hand, and, on the other, New York, N.Y., and points in Connecticut;

(C) Sub-No. 13, of (1) *Bullion, precious metals, coin, precious stones, jewelry and rare objects*, in armored motor vehicles escorted by armed guards, between points in Barnstable, Bristol, Middlesex, Norfolk, Plymouth, Suffolk, and Worcester Counties, Mass., and points in Rhode Island on the one hand, and, on the other, points in Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa.; and (2) *Nuclear materials*, in armored motor vehicles escorted by armed guards, between points in Rhode Island, Massachusetts, Connecticut, and New York, on the one hand, and, on the other, Sargents, Ohio, and Oak Ridge and Erwin, Tenn.; (D) Sub-No. 14, of (1) *Bullion, precious metals, precious ores, precious stones, jewelry, and rare objects*, in armored cars escorted by armed guards, (a) between Providence, R.I., and New York, N.Y., on the one hand, and, on the other, points in Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and (b) between points in Broward and Dade Counties, Fla., on the one hand, and, on the other, Reno and Las Vegas, Nev., San Francisco, Calif., and points in Dade and Broward Counties, Fla., and (b) between points in Broward and Dade Counties, Fla., on the one hand, and, on the other, Can Francisco, Calif., Reno and Las Vegas, Nev., and Chicago, Ill.; and (2) *bullion, precious metals, precious ores, precious stones, jewelry, and rare objects* (except coins), in armored cars escorted by armed guards, between Chicago, Ill., on the one hand, and, on the other, San Francisco, Calif., and Reno and Las Vegas, Nev.; and (E) Sub-No. 16, of *Precious metals* (except new coins), *previous stones, jewelry*, and *rare and valuable objects*, in armored motor vehicles escorted by armed guards, (a) between points in Delaware, on the one hand, and, on the other, points in New York and New Jersey and those in Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., (b) between points in New York, on the one hand, and, on the other, points in Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and (c) between points in Delaware, on the one hand, and, on the other, points in Rhode Island.

By the instant petition, petitioner seeks to tack the above-noted Certificates in No. MC 133485 (Sub-Nos. 9, 10, 13, 15, and 16) to provide transportation, over irregular routes, of *Bullion and precious metals*, in armored motor vehicles escorted by armed guards, (1) between points in Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., on the one hand, and, on the other, Chicago, Ill., and ports of entry on the international boundary line between the United States and Canada located at points in New York, Vermont, and Maine, by tacking at New York, N.Y., and Providence, R.I.; and (b) between points in Connecticut and New Jersey, on the one hand, and, on the other, points in Dade and Broward Counties, Fla., Las Vegas and Reno, Nev., and San Francisco, Calif., by tacking at New York, N.Y. and Providence, R.I.

No. MC 136342 (Sub-No. 5) (Notice of filing of petition to broaden commodity description), filed January 24, 1977, published in the FR issue of March 10, 1977, and republished as corrected this issue. Petitioner: JACKSON AND JOHNSON, INC., Rte. 31, Box 327, Savannah, N.Y. 13146. Petitioner's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. NOTE.—The purpose of this partial republication is to reflect the correct address of the Petitioner's representative. The rest of the publication remains as previously published.

REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

NOTICE

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of protests to the granting of the authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition shall not be tendered at this time. A copy of the protest shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 88621 (Sub-No. 14) (Republication), filed October 8, 1976, published in the FR issue of October 29, 1976, and republished this issue. Applicant: BEAVERSON TRUCKING, INC., 1752 Locust, Wooster, Ohio 44691. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. An Order of the Commission, Review Board Number 1, dated March 10, 1977, and served March 17, 1977, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, in the

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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transportation of *machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products (except commodities in bulk), between points in Illinois, Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, and West Virginia, restricted to service performed under a continuing contract or contracts with Cofsco, Inc., of Wooster, Ohio, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the addition of Kentucky, Michigan, New York, and Ohio as additional States to be served in applicant's grant of authority.

No. MC 106674 (Sub-No. 187) (Republication), filed March 1, 1976, published in the FR issue of April 1, 1976, republished as corrected in the FR issue of April 22, 1976, and republished this issue. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). An Order of the Commission, Review Board No. 2, dated February 17, 1977, and served March 17, 1977, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *pelletized agricultural limestone and gypsum*, from Irvington, Ky., and the facilities utilized by American Pelletizing Corporation, located at or near Knoxville, Iowa, to points in the United States (except Alaska and Hawaii); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the deletion of Knoxville, Iowa, as an origin point and the substitution in lieu thereof of "the facilities utilized by American Pelletizing Corporation, located at or near Knoxville, Iowa," in applicant's grant of authority.

No. MC 117831 (Sub-No. 4) (Republication), filed January 16, 1976, published in the FR issue of March 18, 1976, republished as corrected in the FR issue of June 3, 1976, and republished this issue. Applicant: S. SISKIND & SONS, INC., 1567 Watson Avenue, Bronx, N.Y. 10474. Applicant's representative: Arthur J. Piken, 1 Lefrak City Plaza, Flushing, N.Y. 11368. The Initial Decision of the Administrative Law Judge, dated January 31, 1977, and served February 9, 1977, became the order of the Commission by a notice dated March 11, 1977, and served March 23, 1977. The Administrative Law Judge finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *baggage and personal effects of campers*, in seasonal operations, extending from June 1 to September 30, inclusive, of each year, between New York, N.Y., and points in Nassau, Suffolk; Westchester, and Rockland Counties, N.Y., points in New Jersey, points in Fairfield County, Conn., Philadelphia, Pa., and points in Pennsylvania on, south and east of a line extending from the intersection of the Delaware River and U.S. Highway 22 at or near Easton, Pa., thence southwesterly along U.S. Highway 22 to its intersection with Pennsylvania Highway 230 at or near Harrisburg, Pa., thence to Pennsylvania Highway 283, thence to Pennsylvania Highway 272, thence to U.S. Highway 222 to the Pennsylvania-Maryland State boundary line, on the one hand, and, on the other, points in Wayne, Monroe, and Pike Counties, Pa., points in Delaware, Greene, Chenango, Dutchess, Orange, Warren, Sullivan, Putnam, Albany, Columbia, and Ulster Counties, N.Y., points in Litchfield and New London Counties, Conn., points in Sussex County, N.J., and points in Berkshire County, Mass.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the addition of Columbia and Ulster Counties, N.Y., as additional radial counties in applicant's grant of authority.

No. MC 130218 (Republication), filed September 13, 1973, published in the FR issue of November 15, 1973, and republished this issue. Applicant: TRAVEL TOURS, a Corporation, E. 11905 23d, Spokane, Wash. 99206. Applicant's representative: Raymond P. Tipp, 2200 Brooks St., P.O. Box 3778, Missoula, Mont. 59801. An Order of the Commission, dated February 1, 1977, and served February 4, 1977, substitutes Travel Tours as applicant in No. MC 130218 in lieu of Senior Citizen Tours. A Decision and Order of the Commission, Division 1, dated April 15, 1976, and served April 21, 1976, finds that operation by applicant as a *broker* at Spokane, Wenatchee, and Tacoma, Wash., and at Missoula, Mont., in arranging for transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage* in sightseeing and pleasure tours, beginning and ending at points in Idaho, Montana, and Washington, and extending to points in the United States (including Alaska and Hawaii) will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and our rules and regulations thereunder. The purpose of this republication is (I) to indicate the substitution of applicant; and (II) to indicate the actual grant of authority to applicant.

No. MC 140644 (Republication), filed February 7, 1975, published in the FR issue of March 6, 1975, and republished this issue. Applicant: SURE WAY TRUCK SERVICE, INC., R.R. No. 2, Auburn, Ind. 46706. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. An Order of the Commission, Review Board Number 2, dated April 26, 1976, and served May 3, 1976, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, in the transportation of *cheese*, (1) from the plant site of County Line Cheese Co., Inc., located at Auburn, Ind., to points in Florida and Georgia, and (2) returned shipments of cheese from points in Florida and Georgia to the plant site of County Line Cheese Co., Inc., located at Auburn, Ind., under a continuing contract or contracts with County Line Cheese Co. of Auburn, Ind., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the addition of an additional territorial description in (2) above in applicant's grant of authority.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

NOTICE

The following applications are governed by Special Rule 247 of the Commission's *General Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests

shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 1328 (Sub-No. 24) filed February 22, 1977. Applicant: MGS TRANSPORTATION, INC., P.O. Box 270, Alexandria, Ind. 46001. Applicant's representative: Charles Garrett (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic products*, from the plantsite of Amoco Plastic Products Company, located at Seymour, Ind., to points in Georgia, Florida, Illinois, Kentucky, Michigan, Ohio, and Wisconsin, under a continuing contract, or contracts, with Amoco Plastic Products Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind. or Cincinnati, Ohio.

No. MC 2484 (Sub-No. 52), filed February 14, 1977. Applicant: E. & L. TRANSPORT COMPANY, A corporation, 14201 Prospect Avenue, P.O. Box 4299, Dearborn, Mich. 48121. Applicant's representative: Eugene C. Ewald, 100 West Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in secondary movements, in truckaway service, from Lorain, Ohio, to points in the United States (excluding Alaska and Hawaii).

NOTE.—Common control may be involved. If hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Detroit, Mich.

No. MC 2484 (Sub-No. 53), filed February 14, 1977. Applicant: E. & L. TRANSPORT COMPANY, a corporation, 14201 Prospect Avenue, P.O. Box 4299, Dearborn, Mich. 48121. Applicant's representative: Eugene C. Ewald, 100 West Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in secondary movements, in truckaway service, from Buffalo, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic having had a prior movement from manufacturing facilities of the Ford Motor Company, located at or near Dearborn, Mich.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Detroit, Mich.

No. MC 2862 (Sub-No. 61), filed February 18, 1977. Applicant: ARROW TRANSPORTATION COMPANY OF DELAWARE, doing business as ARROW TRANSPORTATION COMPANY, 3125 NW. 35th Avenue, Portland, Oreg. 97210. Applicant's representative: Robert R. Hollis, 400 Pacific Building, Portland, Oreg. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk in tank vehicles, between points in Spokane County, Wash., on the one hand, and, on the other, points in Montana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Portland, Oreg., or Spokane, Wash.

No. MC 4405 (Sub-No. 548), filed February 15, 1977. Applicant: DEALERS TRANSIT, INC., 522 South Boston Avenue, Enterprise Bldg., Tulsa, Okla. 74103. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooling towers, cooling tower parts and accessories*, from the facilities of E. D. Goodfellow Co., Inc., located at Tulsa, Okla., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Tulsa, Okla. or Dallas, Tex.

No. MC 4405 (Sub-No. 549), filed February 18, 1977. Applicant: DEALERS TRANSIT, INC., 522 South Boston Avenue, Enterprise Bldg., Tulsa, Okla. 74103. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *comon carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailer mounted asphalt plants*, in initial movements, in truckaway and driveaway service, from Seattle, Wash., to points in the United States (except Alaska and Hawaii); (2) *tractors*, in secondary movements, in driveaway service, when drawing trailer mounted asphalt plants in initial movements, from Seattle, Wash., to points in Arizona, Nevada, Oregon, and Vermont.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 9812 (Sub-No. 3), filed February 22, 1977. Applicant: C. F. KOLB TRUCKING CO., INC., R.R. 1, Box 294, Mount Vernon, Ind. 47620. Applicant's representative: Edwin J. Simcox, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic and plastic articles* (except in bulk), between the plantsite and facilities of H. & B. Industries, Inc., located at Mount Vernon, Ind., and Prairie, Miss., on the one hand, and, on the other, points in Alabama, Arkansas, Arizona, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Minnesota, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin; and (2) *materials, equipment and supplies* (except in bulk), used in the manufacture, distribution, and sale of plastic and plastic articles, between points in the above-named States, on the one hand, and, on the other, the plantsite and facilities of H. & B. Industries, Inc., located at Mount Vernon, Ind., and Prairie, Miss.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Indianapolis, Ind., or St. Louis, Mo.

No. MC 9812 (Sub-No. 4), filed February 25, 1977. Applicant: C. F. KOLB TRUCKING COMPANY, INC., R.R. 1, Box 294, Mount Vernon, Ind. 47620. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic resins, sheets and articles* (except in bulk), from Mt. Vernon, Ind., to points in Arizona, California, Colorado, Indiana, Louisiana, Maryland, Massachusetts, Minnesota, Nebraska, New Jersey, New Mexico, New York, North Carolina, Oklahoma, South Carolina, Texas, and Virginia, (2) *electrolytic cell cathodes and parts and supplies* for electrolytic cell cathodes, between Mt. Vernon, Ind., and points in Louisiana; and (3) *materials, equipment and supplies* (except in bulk), used in the manufacture, distribution and sale of plastic resins, sheets and articles, from points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Maryland, Minnesota, Mississippi, Missouri, Michigan, North Carolina, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, to Mt. Vernon, Ind., restricted to the transportation of traffic originating at or destined to Mt. Vernon, Ind.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind. or St. Louis, Mo.

No. MC 13087 (Sub-No. 42) (Correction), filed December 20, 1976, published in the FR issue of February 3, 1977, as MC 130387 Sub 42, republished as corrected this issue. Applicant: STOCKBERGER TRANSFER & STORAGE, INC., 524 Second Street, SW., Mason City, Iowa 50401. Applicant's representative: James M. Hodge, 1980 Financial

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Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Peoria, Ill., to Mason City, Iowa.

NOTE.—The purpose of this republication is to correct docket number MC 13087 Sub 42 in lieu of MC 130387 Sub 42 which was previously published in error. If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 14321 (Sub-No. 10), filed March 4, 1977. Applicant: ENGEL VAN LINES, INC., 901 Julia Street, Elizabeth, N.J. 07201. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in New Jersey, New York, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Louisiana, Kentucky, Tennessee, Missouri, Indiana, West Virginia, Ohio, Illinois, Michigan, Wisconsin, Minnesota, Arkansas, Mississippi, Oklahoma, Texas, Colorado, Nebraska, Eureka, Kans., and points within 45 miles of Eureka, Kans., and the District of Columbia, on the one hand, and, on the other, points in Arizona and California.

NOTE.—Applicant states that it and its affiliates, T.E.K. Van Lines, Inc. hold all of the authority sought by this application; the purpose of this application is to remove the necessity of interlining with T.E.K. Common control may be involved. If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 19416 (Sub-No. 14), filed March 1, 1977. Applicant: DUNN BROS., INC., 1410 Mercantile Building, P.O. Box 5771, Dallas, Tex. 75222. Applicant's representative: Phillip Robinson, P.O. Box 2207, Austin, Tex. 78768. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, *and machinery, materials, equipment and supplies* used in, or in connection with the construction, operation, repair, servicing maintenance and dismantling of pipe lines, including the stringing and picking up thereof, (2) *earth drilling machinery and equipment, and machinery equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina, and Virginia, on the one hand, and, on the other, points in the United States, including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests a consolidated record with other similar applications at Houston, Tex., Tulsa, Okla., San Francisco, Calif., St. Louis, Mo. and Pittsburgh, Pa.

No. MC 21436 (Sub-No. 4), filed February 14, 1977. Applicant: RELIANCE VAN COMPANY, INC., 67 West Kings Highway, Maple Shade, N.J. 08052. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty household goods shipping containers*, set up or knocked down, between points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa.

No. MC 25255 (Sub-No. 2), filed February 10, 1977. Applicant: LEE ROY HEERMAN, doing business as, COIN TRANSFER, P.O. Box 296, Coin, Iowa, 51636. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bearings*, from Clarinda, Iowa, to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment, and supplies*, utilized in the manufacture, sales and distribution of bearings, from points in the United States (except Alaska and Hawaii), to Clarinda, Iowa, restricted in (1) and (2) above against the transportation of commodities in bulk.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 26396 (Sub-No. 141), filed January 28, 1977. Applicant: POPELKA TRUCKING CO., doing business as, THE WAGGONERS, Box 990, Livingston, Mont. 59047. Applicant's representative: David Waggoner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum board and accessories* for installation thereof (except in bulk, in tank vehicles), from points Big Horn and Park Counties, Wyo., to ports of entry on the International Boundary line between the United States and Canada, located in Idaho, Montana, North Dakota and Washington, restricted to the transportation of shipments destined to Alberta, Saskatchewan, and British Columbia, Canada.

NOTE.—Applicant holds contract carrier authority in various subs under MC 136777, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Billings, Mont.

No. MC 26739 (Sub-No. 94), filed February 17, 1977. Applicant: CROUCH FREIGHT SYSTEMS INC., P.O. Box 1159, St. Joseph, Mo. 64502. Applicant's representative: Roland Rice, 1111 E Street, N.W., Suite 501, Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), Between New York, N.Y. and Amarillo, Tex.: From New York, N.Y. over Interstate Highway 78 to the junction of Interstate Highway 76, thence over Interstate Highway 76 to the junction of Interstate Highway 70, thence over Interstate Highway 70 to the junction of Interstate Highway 44, thence over Interstate Highway 44 to the junction of U.S. Highway 66, west of Springfield, Mo., thence over U.S. Highway 66 to Amarillo, Tex. and return over the same route, serving no intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or San Francisco, Calif.

No. MC 26739 (Sub-No. 95), filed February 22, 1977. Applicant: CROUCH FREIGHT SYSTEMS INC., P.O. Box 1159, St. Joseph Mo. 64502. Applicant's representative: Martin J. Rosen, 256 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Between Kansas City, Kans. and Flagstaff Ariz., serving no intermediate points. From Kansas City, Kans. over Interstate Highway 70 to the junction of the Kansas Turnpike located at or near Topeka, Kans., thence over the Kansas Turnpike to the junction of U.S. Highway 50, thence over U.S. Highway 50 to the junction of U.S. Highway 81, thence over U.S. Highway 81 to the junction of U.S. Highway 54, thence over U.S. Highway 54 to the junction of Interstate Highway 40, thence over Interstate Highway 40 to Flagstaff, Ariz., and return over the same route.

NOTE.—Applicant states the purpose of this filing is to request relocation of an interchange point for economical reasons. Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at either Washington, D.C. or San Francisco, Calif.

No. MC 26739 (Sub-No. 96), filed February 10, 1977. Applicant: CROUCH FREIGHT SYSTEMS, INC., P.O. Box 1159, St. Joseph, Mo. 64502. Applicant's representative: Roland Rice, Suite 501 Perpetual Bldg., 1111 E. St., N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment): Between Springfield, Ill., and Amarillo, Tex., serving no intermediate points.: From Springfield, Ill., over U.S. Highway 66 to the junction of U.S. Highway 40, thence over U.S. Highway 40 to the junction of U.S. Highway 50, thence over U.S. 50, to the junction of U.S. Highway 75, thence over U.S. Highway 75 to the junction of U.S. Interstate Highway 40, thence over U.S. Interstate Highway 40, to Amarillo, Tex., and return over the same route, restricted against the transportation of shipments having a point of origin or destination at Dallas, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C., or San Francisco, Calif.

No. MC 29910 (Sub-No. 175), filed February 22, 1977. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901. Applicant's representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Avenue, Fort Smith, Ark. 72902. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Serving the facilities of the Houston Lighting & Power Company, located at or near Wallis (Austin County), Tex., as an off-route point in connection with carrier's presently authorized regular-route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Houston, Tex. or New Orleans, La.

No. MC 30260 (Sub-No. 4), filed February 10, 1977. Applicant: DELMOT MOTOR EXPRESS, INC., 1024 Lackawanna Ave., Elmira, N.Y. 14901. Applicant's representative: Clinton Cornell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, high explosives, household goods, commodities in bulk, commodities requiring special equipment): Serving the terminal sites of B & D Transfer, Inc. located at Blossburg, and Liberty, Pa., as off-route points in conjunction with applicant's regular route authority, for the purpose of interchange and operating convenience only.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Elmira, N.Y.; Williamsport, Pa.; Syracuse, N.Y.; or Harrisburg, Pa.

No. MC 30844 (Sub-No. 575), filed February 10, 1977. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50702. Applicant's representative: John P. Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salad dressings and food sauces* in containers requiring protective service from heat and cold, from Grundy Center, Iowa, to points in Illinois on and north of U.S. Highway 36, and points in Wisconsin, restricted to shipments originating at the plantsite and facilities at the above-named origin and destined to the indicated destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 30844 (Sub-No. 580), filed February 18, 1977. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 5000, Waterloo, Iowa 50704. Applicant's representative: John P. Rhodes, 2125 Commercial Street, Waterloo, Iowa 50702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packing houses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from East St. Louis, Ill., and St. Louis, Mo., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, restricted to shipments originating at the plantsite and facilities of Krey Packing Co. at the above named origin and destined to the above named states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Missouri.

No. MC 35334 (Sub-No. 79) (correction), filed December 23, 1976, published in the FEDERAL REGISTER issue of March 3, 1977, and republished as corrected this issue. Applicant: COOPER-JARRETT, INC., 23 South Essex Ave., Orange, N.J. 07051. Applicant's representative: Irving Klein, 371 Seventh Avenue, (Southgate Tower), New York, N.Y. 10001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Memphis, Tenn., on the one hand, and, on the other, Cincinnati, Ohio, serving Cincinnati, Ohio for the purpose of joinder only, and serving no intermediate points, (1) from Memphis, Tenn. over Interstate Highway 40 to Nashville, Tenn., thence over Interstate Highway 65 to Louisville, Ky., thence over Interstate Highway 71 to its junction with Interstate Highway 75, and thence over Interstate Highway 75 to Cincinnati, Ohio and return over the same route; and (2) from Memphis, Tenn. over U.S. Highway 51 to its junction with U.S. Highway 45 located at or near Mayfield, Ky., thence over U.S. Highway 45 to Paducah, Ky., thence over U.S. Highway 62 to junction with Interstate Highway 65 located at or near Elizabethtown, Ky., thence over Interstate Highway 65 to Louisville, Ky., thence over Interstate Highway 71 to junction with Interstate Highway 75, thence over Interstate Highway 75 to Cincinnati, Ohio and return over the same route.

NOTE.—The purpose of this correction is to indicate the correct authority. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Louisville, Ky.

No. MC 35628 (Sub-No. 390), filed February 14, 1977. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville Ave., SW., Grand Rapids, Mich. 49503. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat by-products, meat products, and articles distributed by meat packing plants and foodstuffs* (except hides and commodites in bulk), from the plantsite and warehouse facilities utilized by Geo. A. Hormel & Co. located at or near Fremont, Nebr., to points in Kansas and Missouri.

NOTE.—If a hearing is deemed necessary the applicant requests it be held on a consolidated record with similar applications at either Kansas City, Kans., Minneapolis, Minn. or Washington, D.C.

No. MC 35628 (Sub-No. 391), filed February 22, 1977. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville Avenue, SW., Grand Rapids, Mich. 49503. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantside of Hartsville Nuclear Plant, located at or near Hartsville, Tenn., as an off-route point in connection with applicant's presently authorized regular route operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held on a consolidated record with similar applications at Nashville, Tenn. or Washington, D.C.

No. MC 41406 (Sub-No. 57), filed February 22, 1977. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, Ind. 46323. Applicant's representative: Alki E. Scopelitis, 815 Merchant Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Warren, Ohio, and East Chicago and Portage, Ind., to Scottsville, Ky.

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NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Detroit, Mich.

No. MC 42011 (Sub-No. 32), filed February 14, 1977. Applicant: D. Q. Wise & CO., INC., P.O. Box 15125, Tulsa, Okla. 74115. Applicant's representative: J. Michael Alexander, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum scrap*, between the facilities of Texas Reduction Corp., located at or near Manvel, Tex., on the one hand, and, on the other, points in Arkansas, Alabama, Kansas, Kentucky, Louisiana, Missouri, Mississippi, Oklahoma, Ohio, Illinois, Indiana and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas or Houston, Tex.

No. MC 42866 (Sub-No. 16), filed February 18, 1977. Applicant: NATIONAL VAN LINES, INC., 2800 Roosevelt Road, Broadview, Ill. 60153. Applicant's representative: Patrick H. Smyth, Suite 521, 19 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture, new furniture, new house furnishings, new commercial and institutional fixtures, new hospital and laboratory equipment, new office fixtures, new household fixtures and appliances, new household and office furnishings, office fixtures and equipment, store equipment, office fixtures, commercial and institutional fixtures, and kitchen fixtures, physical fitness and gymnasium equipment and apparatus*, in straight or mixed shipments, *and aircraft seating*, between points in the United States (except Alaska and Hawaii), restricted to shipments originating at or destined to the facilities of Conwed Corporation, or W. & J. Sloane Co.

NOTE.—Common control may be involved If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 42866 (Sub-No. 17), filed February 18, 1977. Applicant: NATIONAL VAN LINES, INC., 2800 Roosevelt Road, Broadview, Ill. 60153. Applicant's representative: Patrick H. Smyth, Suite 521, 19 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail department stores (except foodstuffs, commodities of unusual value, explosives, commodities in bulk, household goods, and those requiring special equipment), between points in the United States (except Alaska and Hawaii), restricted to shipments originating at or destined to the facilities of Gamble-Skogmo, Inc., or its divisions and subsidiaries.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant request it be held at Minneapolis, Minn., or Washington, D.C.

No. MC (Sub-No. 19), filed February 22, 1977. Applicant: MERCER TRUCKING COMPANY, INC., N. 1414 Francher Road, P.O. Box 11585, Spokane, Wash. 99211. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed scrap automobiles*, and *scrap metal*, from points in Montana, to points in Washington and Oregon.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Spokane or Seattle, Wash.

No. MC 43867 (Sub-No. 31), filed February 14, 1977. Applicant: A. LEANDER McALISTER TRUCKING COMPANY, a corporation, P.O. Box 2214, Wichita Falls, Tex. 76307. Applicant's representative: Brian E. Brewton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Castings, empty shipping containers, scrap metal, variable speed drives, electrical cable, switch boards, transformers, motors, pumps, motor and pump parts and accessories;* (2) *equipment, materials, and supplies*, used in, or in connection with, the transportation, installation, operation, removal, repair, manufacture, and maintenance of the commodities named in (1) above, between the facilities of Byron Jackson Pump Division and Centrilift Division, Borg-Warner Corporation, located at or near Ardmore, Healdton, and points in Tulsa County, Okla., Casper and Cody, Wyo., Glendive, Mont., Huntington Beach and Los Angeles, Calif., Rangely, Colo. and Conroe, Midland, Plainview and Tyler, Tex., on the one hand, and, on the other, points in the United States, including Alaska, but excluding Hawaii, restricted against the transportation of commodities in bulk; and (3) *Variable speed drives, electrical cable, switch boards, motors, pumps, pump parts and accessories*, and (4) *equipment, materials, and supplies* used in connection with the transportation, installation, operation, removal, repair, manufacture, and maintenance of the commodities named in (3) above, between the facilities of Byron Jackson Pump Division, Borg-Warner Corporation, located at Healdton and Tulsa, Okla., Midland, Tex., Great Bend, Kans., and Rangely, Colo., on the one hand, and, on the other, points in Colorado, Illinois, Kansas, Louisiana, Mississippi, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests a consolidated hearing with similar applications to be held at Wichita Falls, Tex.

No. MC 47583 (Sub-No. 43), filed February 22, 1977. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, Kans. 66118. Applicant's representative: D. S. Hults, P.O. Box 225, Lawrence, Kans. 66044. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cellulose insulation*, in bags, *liquid adhesives* in drums, and *blowing machines and replacement parts and supplies*, from the plant site and storage facilities of Thermo Products Co. located at or near Chilton, Tex., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment and supplies* used in the manufacture and distribution of cellulose insulation (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to the plant site and storage facilities of Thermo Products Co., located at or near Chilton, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Kans.

No. MC 51146 (Sub-No. 490), filed February 18, 1977. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plantsite facility of Kraft Foods located in New Ulm, Minn., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the above named origin and destined to points in the above named destination states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 52657 (Sub-No. 740), filed February 18, 1977, Applicant: ARCO AUTO CARRIERS, INC., 16 W. 151 Shore Court, Burr Ridge, Ill. 60521. Applicant's representative: James Bourii (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and trailer chassis* (except those designed to be drawn by passenger automobiles), (1) from points in Stearns County, Minn., to points in the United States, including Alaska, but excluding Hawaii; and (2) from points in United States, including Alaska, but excluding Hawaii, to points in Stearns County, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Chicago, Ill., or Minneapolis-St. Paul, Minn.

No. MC 52704 (Sub-No. 139), filed February 25, 1977. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", Lafayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree St., N.W., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Newsprint, groundwood papers, printing paper and woodpulp*, from the plantsite of Bowater Southern Paper Corporation, located at Calhoun, Tenn., to points in Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, (except Louisville), Maryland, Missouri (except St. Louis), Ohio, Pennsylvania, and West Virginia, and those points in Michigan on and south of Michigan Highway 21; and (2) *paper core tubes, materials, equipment, and supplies* used in the manufacture of the commodities described in (1) above (except in bulk, from points in the destination states named in (1) above, to the plantsite of Bowater Southern Paper Corporation, located at Calhoun, Tenn.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Atlanta, Ga.

No. MC 63562 (Sub-No. 55), filed February 17, 1977. Applicant: BN TRANSPORT INC., 796 South Pearl Street, Galesburg, Ill. 61401. Applicant's representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) Between Missoula, Mont., and Portland, Oreg., serving all intermediate points and the offroute points of Sumner, Longview, Ellensburg, Connel, Kenewick, Toppenish, Bristol, Teanaway, Cle Elum, Roslyn, Ronald, Snoqualmie, Issaquah, Enumclaw, Buckley, Napavine, Winlock, Vader, Castle Rock, Kelso, Kent, Auburn, Medical Lake, Renton and Puyallup, Wash.: From Missoula over U.S. Highway 10 to junction with Montana Highway 200, thence over Montana and Idaho Highways 200 to junction with U.S. Highway 95, (North of Sandpoint, Idaho), thence over U.S. Highway 95 to junction Idaho Highway 53, thence over Idaho Highway 53 to Washington Highway 290, thence over Washington Highway 290 to Spokane, Wash., thence over U.S. Highway 395 to Pasco, Wash., thence over U.S. Highway 12 to Yakima, Wash., thence over U.S. Highway 97 to junction with Interstate Highway 90, thence over Interstate Highway 90 to Seattle, Wash., thence over Interstate Highway 5 to Portland, and return over same route; (2) between junction U.S. Highway 10 and U.S. Highway 93 (Northwest of Missoula, Mont.), and Spokane, Wash., serving all intermediate points: From junction U.S. Highway 10 and U.S. Highway 93, over U.S. Highway 10 to Spokane, and return over the same route;

(3) Between Yakima, Wash., and junction Washington Highway 22 and U.S. Highway 12, serving all intermediate points: From Yakima over U.S. Highway 97 to its junction with Washington Highway 22, thence over Washington Highway 22 to its junction with U.S. Highway 12, and return over the same route; (4) between Spokane, Wash., and Lewiston, Idaho, serving all intermediate points and the off-route point of Moscow, Idaho: From Spokane over U.S. Highway 195 to Lewiston, and return over the same route; (5) between Pasco, Wash., and Lewiston, Idaho, serving all intermediate points: From Pasco, Wash. over U.S. Highway 12 to Lewiston, and return over the same route; (6) between Wallula, Wash., and Walla Walla, Wash., serving all intermediate points and the off-route point of College Place, Wash: From Wallula over U.S. Highway 395 to Pendleton, Oreg., thence over Oregon Highway 11 to the Washington-Oregon State boundary line, thence over Washington Highway 125 to Walla Walla, and return over the same route; (7) between Seattle, Wash. and Sumas, Wash., serving all intermediate points and the off-route points of Edmonds and Anacortes, Wash.: From Seattle over Washington Highway 522 to its junction with Washington Highway 9, thence over Washington Highway 9 to its junction with U.S. Highway 2, thence over U.S. Highway 2 to Everett, Wash., (also from Seattle over Interstate Highway 5 to Everett), thence over Interstate Highway 5 to Bellingham, Wash., thence over Washington Highway 542 to its junction with Washington Highway 9, thence over Washington Highway 9 to Sumas, and return over the same route; (8) between Snohomish, Wash., and Lawrence, Wash., serving all intermediate points: From Snohomish over U.S. Highway 2 to its junction with Washington Highway 9, thence over Washington Highway 9 to Lawrence, and return over the same route; (9) between Olympia, Wash., and Hoquiam, Wash., serving all intermediate points: From Olympia over U.S. Highway 101 to its junction with Washington Highway 8, thence over Washington Highway 8 to its junction with U.S. Highway 12, thence over U.S. Highway 12 to Hoquiam, and return over the same route.

(10) Between junction U.S. Highway 101 and Washington Highway 8 (west of Olympia, Wash.), and Bremerton, Wash., serving all intermediate points: From junction U.S. Highway 101 and Washington Highway 8 over U.S. Highway 101 to Shelton, Wash., thence over Washington Highway 3 to Bremerton, Wash., and return over the same route; (11) between Chehalis, Wash., and Hoquiam, Wash., serving all intermediate points and the off-route point of South Bend, Wash.: From Chehalis over Washington Highway 6 to Raymond, Wash., thence over U.S. Highway 101 to Hoquiam, and return over the same route; (12) between Tacoma, Wash., and junction Washington Highways 16 and 3, via Gorst, Wash., serving all intermediate points: From Tacoma over Washington Highway 16 to its junctions with Washington Highway 3, and return over the same route; (13) between junction U.S. Highway 95 and Idaho Highway 53; (near Garwood, Idaho), and Coeur d'Alene, Idaho, serving all intermediate points: From junction U.S. Highway 95 and Idaho Highway 53 over U.S. Highway 95 to Coeur d'Alene, Idaho, and return over the same route; (14) between Ritzville, Wash., and junction Interstate Highway 90 and U.S. Highway 97, serving all intermediate points and the off-route points of Wheeler, Moses Lake, and Kittitas, Wash.: From Ritzville over Interstate Highway 90 to its junction with U.S. Highway 97, and return over the same route; (15) between Burbank, Wash., and Waitsburg, Wash., serving all intermediate points: From Burbank over U.S. Highway 12 to its junction with Washington Highway 124, thence over Washington Highway 124 to Waitsburg and return over the same route; (16) between Portland, Oreg., and junction U.S. Highways 730 and 395, serving all intermediate points: From Portland over Interstate Highway 80N to junction with U.S. Highway 730 (East of Boardman, Oreg.), thence over U.S. Highway 730 to its junction with U.S. Highway 395, and return over the same route; (17) between Vancouver, Wash., and junction Washington Highway 14 and U.S. Highway 12, serving all intermediate points: From Vancouver over Washington Highway 14 to its junction with U.S. Highway 12, and return over the same route;

(18) Between Lewiston, Idaho, and Missoula, Mont., serving all intermediate points: From Lewiston over U.S. Highway 12 to Missoula and return over the same route; (19) between Arlington, Wash. and junction Interstate Highway 5 and Washington Highway 530, serving all intermediate points: From Arlington over Washington Highway 530 to junction with Interstate Highway 5, and return over the same route; (20) between Sedro Woolley, Wash., and Burlington, Wash., serving all intermediate points: From Sedro Woolley over Washington Highway 20 to Burlington, and return over the same route; (21) between Granger, Wash., and junction Washington Highways 223 and 22, serving all intermediate points: From Granger over Washington Highway 223 to junction with Washington Highway 22 and return over the same route; and (22) between Three Forks, Mont., and Helena, Mont., serving all intermediate points: From Three Forks over U.S. Highway 10 to junction U.S. Highway 287, thence over U.S. Highway 287 to Helena, and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Seattle, Wash.; Portland, Oreg.; Spokane, Wash.; Billings, Mont.; or Chicago, Ill.

No. MC 65941 (Sub-No. 43), filed February 10, 1977. Applicant: TOWER LINES, INC., 3rd and Warwood Avenue, Box 6010, Wheeling, W. Va. 27003. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, cable, conduit, wire and strip steel* and *attachments therefor*, from the plantsite of Triangle PWC, Inc., at Glendale (Marshall County), W. Va., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New Hampshire, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, Wisconsin and the District of Columbia,

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restricted (a) to transportation performed on vehicles equipped with mechanical unloading devices, and (b) to traffic originating at and destined to the points named.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 71642 (Sub-No. 24), filed February 22, 1977. Applicant: CONTRACTUAL CARRIERS, INC., Harmony Industrial Park, Newark, Del. 19711. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemically hardened fibre and insulating materials, articles, sheets, shapes, and forms, including plastics and plastic articles, sheets, shapes, forms, rods, tubes, grindings and pellets*, (1) from the plantsite of Keyser-Century Corporation, located at or near Delaware City, Del., to Nashville, Tenn.; and (2) between the plantsite of Keyser-Century Corporation, located at or near Delaware City and Newark, Del., on the one hand, and, on the other, Nashville, Tenn., under a continuing contract, or contracts, with Keyser-Century Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 71652 (Sub-No. 9), filed February 17, 1977. Applicant: BYRNE TRUCKING, INC., 4669 Crater Lake Highway, P.O. Box 1124, Medford, Oreg. 97501. Applicant's representative: William D. Taylor, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum wallboard and materials* used in the installation and application of gypsum wallboard, from the plantsite of Kaiser Gypsum Company, Inc., located at or near Antioch, Calif., to points in Oregon.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Portland, Oreg., or San Francisco, Calif.

No. MC 80430 (Sub-No. 160), filed February 22, 1977. Applicant: GATEWAY TRANSPORTATION CO., INC., 455 Park Plaza Drive, La Crosse, Wis. 54601. Applicant's representative: F. Neil Aschemeyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products*, and *articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, and 767 (except hides and commodities in bulk), from the facilities of Spencer Foods, Inc., located at Spencer and Hartley, Iowa, to points in Illinois, Michigan, New Jersey, New York, Ohio, Pennsylvania, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Des Moines, Iowa, Omaha, Nebr. or Chicago, Ill.

No. MC 84273 (Sub-No. 7), filed February 16, 1977. Applicant: JONES TRUCKING CO., INC., 324 North Baird Street, Green Bay, Wis. 54302. Applicant's representative: Wayne W. Wilson, 329 West Wilson Street, P.O. Box 8004, Madison, Wis. 53708. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese products, synthetic cheese, synthetic cheese products*, and *materials, equipment and supplies* used in the manufacture, production, sale and distribution of cheese products and synthetic cheese products, between the facilities of L. D. Schreiber Cheese Co., Inc., located at Green Bay, Wis., Carthage and Monett, Mo., and Logan, Utah, on the one hand, and on the other, points in Michigan under a continuing contract, or contracts, with L. D. Schreiber Cheese Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Milwaukee or Madison, Wis.

No. MC 93840 (Sub-No. 25), filed February 16, 1977. Applicant: W. W. GLESS, doing business as GLESS BROS., P.O. Box 216, Blue Grass, Iowa 52726. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum*, crude, crushed, ground, or pulverized, in bulk in dump equipment, from the plantsite and warehouse facilities of the United States Gypsum Company located at or near Sperry, Iowa, to points in Illinois and Missouri.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Des Moines, Iowa, or Chicago, Ill.

No. MC 94201 (Sub-No. 147), filed January 31, 1977. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, Ga. 30316. Applicant's representative: Maurice F. Bishop, 601-09 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Between Mobile, Ala. and Memphis, Tenn.: From Mobile, Ala., over U.S. Highway 98 to its junction with U.S. Highway 49 at or near Hattiesburg, Miss., thence over U.S. Highway 49 to Jackson, Miss., thence over Interstate Highway 55 or U.S. Highway 51 to Memphis, Tenn., and return over the same route, as an alternate route for operating convenience only.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala., or Washington, D.C.

No. MC 94350 (Sub-No. 378), filed February 22, 1977. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Single-wide and double-wide mobile homes*, in initial movements, from points in Wisconsin, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, and South Dakota,

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Madison, Wis.

No. MC 94350 (Sub-No. 379), filed February 18, 1977. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Single-wide and double-wide mobile homes*, in initial movements, from points in Kansas, to those points in that part of the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada, including Alaska, but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Topeka, Kans.

No. MC 95540 (Sub-No. 972), filed February 10, 1977. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, Fla. 33802. Applicant's representative: Benjy W. Fincher (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* (except hides and commodites in bulk), as defined in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Anderson Meat Company, a subsidiary of Wilson Foods Corporation, located at Oklahoma City, Okla., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the above named origins and destined to the named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.; Washington, D.C.; or Tampa, Fla.

No. MC 95540 (Sub-No. 973), filed February 15, 1977. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, Fla. 33802. Applicant's representative: Benjy W. Fincher (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Extracts, flavoring compounds, imitation flavors, bottlers flavoring compounds* (except commodities in bulk, in tank vehicles), from the plantsite and/or storage facilities of of Griffith Laboratories, Inc., located at or near Crossville, Tenn., to points in the United States (except Alaska and Hawaii), restricted to traffic originating at the above named origin point.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Nashville, Tenn.; Washington, D.C.; or Tampa, Fla.

No. MC 103993 (Sub-No. 879), filed February 25, 1977. Applicant: MORGAN DRIVE AWAY, INC., 28651 U.S. 20 West, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* (except motor homes, campers, and camp coaches), in secondary movements, in truckaway and driveaway service, from points in Elkhart County, Ind., to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Chicago, Ill.

No. MC 105045 (Sub-No. 64), filed February 15, 1977. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air pollution, heating and cooling equipment*, and *parts* and *accessories* for such commodities, from the plant site and facilities of the Fuller Company, located in Houston, Tex., to those points in that part of the United States in and east of Kansas, Nebraska, North Dakota, Oklahoma, and South Dakota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Houston, Tex., or Washington, D.C.

No. MC 106644 (Sub-No. 232), filed January 14, 1977. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road, NW., Atlanta, Ga. 30318. Applicant's representative: Hubert Johnson, P.O. Box 916, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial air coolers and air cleaners*, from Charlotte, N.C., to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Charlotte, N.C., or Washington, D.C.

No. MC 106644 (Sub-No. 237), filed February 10, 1977. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road, NW., Atlanta, Ga. 30318. Applicant's representative: Hubert Johnson, P.O. Box 916, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailer converter dollies, packers refuse containers, refuse compactors, cargo containers, storage containers, and material handling containers*, in truckaway service, from points in Lamar County, Ala., to points in the United States (except Alaska and Hawaii); and (2) *materials, supplies and parts* (except commodities in bulk), used in the manufacture, assembly and servicing of commodities in (1) above, from points in the United States (except Alaska and Hawaii), to points in Lamar County, Ala.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 107403 (Sub-No. 1003), filed February 21, 1977. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: Martin C. Hynes, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid sugar*, in bulk, in tank vehicles, from Reserve, La., to points in Georgia, Missouri, and Ohio; and (b) *dry sugar*, in bulk, in tank vehicles, from Reserve, La., to points in Alabama, Georgia, Mississippi, Missouri, Ohio, and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 1067), filed February 22, 1977. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Avenue, Des Moines, Iowa 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, Iowa 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid wood preservatives*, from Valparaiso, Ind., to points in Illinois, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin; (2) *arsenic acid*, from Bryan and Bonham, Tex., to Valparaiso, Ind.; and (3) *fertilizer*, in bulk, from West Memphis, Ark., to points in Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or St. Louis, Mo.

No. MC 107515 (Sub-No. 1056), filed February 22, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30005. Applicant's representative: Alan E. Serby, 3379 Peachtree Road, NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Coffee, coffee extract and tea and tea extract*, in vehicles equipped with mechanical refrigeration, from the plantsite and storage facilities of Standard Brands, Inc., located at or near New Orleans, La., to points in Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either New York, N.Y., or Washington, D.C.

No. MC 107743 (Sub-No. 45), filed February 14, 1977. Applicant: SYSTEM TRANSPORT, INC., P.O. Box 3456TA, Spokane, Wash. 99220. Applicant's representative: Eugene Engle (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the facilities of Nucor Corporation located at or near Norfolk, Nebr., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming; and (2) *materials, supplies, and equipment* used in the manufacture and distribution of the commodities in (1) above on a return movement.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 107993 (Sub-No. 49), filed February 17, 1977. Applicant: J. J. WILLIS TRUCKING COMPANY, a corporation, 2608 Electronic Lane, P.O. Box 5328-Terminal Station, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles and wire products and building paper*, from City of Commerce; City of Industry; Hayward; and Riverside, Calif., to points in Arizona, Nevada, New Mexico, and Utah; and (2) *materials, equipment and supplies* used in the manufacture or production of the commodities named in (1) above, from points in Arizona, Nevada, New Mexico, and Utah, to City of Commerce; City of Industry; Hayward; and Riverside, Calif.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 108053 (Sub-No. 134), filed February 14, 1977. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., P.O. Box 129, Fremont, Nebr. 68025. Applicant's representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, and *potato products* (except frozen), from points in Idaho, Oregon and Washington, to points in Delaware, Indiana, Massachusetts, Michigan, Minnesota, New Jersey, New York, Ohio, Pennsylvania, Wisconsin, District of Columbia, Louisville, Ky. and Baltimore, Md.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

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No. MC 108119 (Sub-No. 56), filed February 17, 1977. Applicant: E. L. MURPHY TRUCKING COMPANY, a Corporation, 3303 Sibley Memorial Highway, P.O. Box 3010, St. Paul, Minn. 55165. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Waste water treatment equipment and parts*, between the plantsite and storage facilities of Autotrol Corporation, located at or near Oak Creek, Wis., on the one hand, and, on the other, points in the United States (excluding Alaska and Hawaii), and (2) *materials, equipment and supplies* used in the manufacture of the commodities named in (1) above from points in the United States (excluding Alaska and Hawaii) to the plantsite and storage facilities of Autotrol Corporation, located at or near Oak Creek, Wis.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Milwaukee, Wis., or Washington, D.C.

No. MC 108460 (Sub-No. 58), filed February 22, 1977. Applicant: PETROLEUM CARRIERS COMPANY, a Corporation, 5104 West 14th Street, P.O. Box 762, Sioux Falls, S. Dak. 57101. Applicant's representative: Gary Mundhenke (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Greenwood, Nebr. and Little River, Kans., to points in Iowa, Kansas, Minnesota, Nebraska and South Dakota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Sioux Falls, S. Dak. or Sioux City, Iowa.

No. MC 108676 (Sub-No. 101), filed February 22, 1977. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville, Tenn. 37916. Applicant's representative: Louis J. Amato, P.O. Box B, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *buildings, complete, knocked down, or in sections;* (b) *building sections and building panels;* (c) *parts and accessories* used in the installation and completion of the commodities named in (a) and (b) above; and (d) *metal prefabricated structural components and panel and accessories* used in the installation and completion thereof. Between Eufaula, Alabama; Atlantic, Iowa; and Jamestown, Ohio, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to traffic originating at or destined to facilities of American Buildings Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala.

No. MC 109124 (Sub-No. 24), filed February 22, 1977. Applicant: SENTLE TRUCKING CORPORATION, Box 7850, Toledo, Ohio 433619. Applicant's representative: James M. Burtch, 100 E. Broad Street, Suite 1800, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials*, from the plantsite of Certain-Teed Corporation, located at or near Avery, Ohio, to the plantsite of Certain-Teed Corporation, located at Chicago Heights, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa. or Washington, D.C.

No. MC 109397 (Sub-No. 354), filed February 7, 1977. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mining machinery and equipment;* and (2) *attachments, parts, and accessories*, for the commodities named in (1) above, (a) from Monroe, N.C., to points in the United States, including Alaska, but excluding Hawaii; and (b) from Monroe, N.C., to ports of entry on the International Boundary Line between the United States and Canada located at all ports of entry, restricted in (2) (b) above, to traffic destined to the Provinces of Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland, Nova Scotia, Saskatchewan and the Yukon, Canada; and (3) *materials, supplies, and equipment* (except commodities in bulk), used in the manufacture and distribution of commodities named in (1) and (2) above, from points in the United States (except Alaska and Hawaii), to Monroe, N.C.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Salt Lake City, Utah or Washington, D.C.

No. MC 109583 (Sub-No. 5), filed February 22, 1977. Applicant: H. J. FIKES, doing business as FIKES TRUCK LINE, 1904 West 5th Avenue, Pine Bluff, Ark. 71601. Applicant's representative: Horace Fikes, Jr., 414 National Building, Pine Bluff, Ark. 71601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, finished and dressed, green and dry, between points in Arkansas, restricted to shipments moving to final destinations in interstate commerce.

NOTE.—Applicant states that the purpose of this application is to convert its Certificate of Registration to a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, the applicant requests that it be held at either Little Rock, Ark. or Memphis, Tenn.

No. MC 109584 (Sub-No. 171), filed February 13, 1977. Applicant: ARIZONA-PACIFIC TANK LINES, A Corporation, 3980 Quebec St., P.O. Box 7240, Denver, Colo. 80207. Applicant's representative: Rick Barker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid trace minerals*, in bulk, in tank vehicles, (1) between Bisbee, Ariz., and Anaheim, Calif., and (2) from Anaheim, Calif., to Colorado, Nebraska, Texas, Guymon, Okla., and Pasco, Wash.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles, Calif., or Phoenix, Ariz.

No. MC 109692 (Sub-No. 43), filed February 22, 1977. Applicant: GRAIN BELT TRANSPORTATION COMPANY, a Corporation, 340 North James Street, Kansas City, Kans. 66118. Applicant's representative: Warren H. Sapp, 910 Brookfield Building, 101 West Eleventh Street, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer spreaders*, with poles detached and *agricultural implement parts*, from the plantsite and storage facilities of Lenox Division, Hoover Ball and Bearing Company located at or near Lenox, Iowa, to points in Arkansas, Illinois, Indiana, Kansas, Missouri, Nebraska, Oklahoma and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo., Omaha, Nebr., or Des Moines, Iowa.

No. MC 110525 (Sub-No. 1181), filed February 10, 1977. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mineral seal oil*, in bulk, in tank vehicles, from Nashville, Tenn., to Macon, Ga.; (2) *Industrial process water treating compound*, liquid, in bulk, in tank vehicles, from the plantsite of Betz Laboratories, located at Garland, Tex., to Casper, Wyo.; Wickliffe, Ky.; and points in Kansas, Louisiana and Oklahoma; and (3) *Industrial process water treating compound*, liquid, in bulk, in tank vehicles, from the plantside of Betz Laboratories, located at Macon, Ga., to points in Louisiana and Mississippi, restricted in Part (2) to exclude those commodities that are petroleum products.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa.

No. MC 110567 (Sub-No. 13), filed February 18, 1977. Applicant: SOONER TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Avenue, Des Moines, Iowa 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, Iowa 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, in tank and hopper-type vehicles, from Van Buren, Ark., to points in Illinois, Missouri, Oklahoma and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Fort Smith, Ark., or Kansas City, Mo.

No. MC 111201 (Sub-No. 26), filed February 22, 1977. Applicant: J. N. ZELLNER & SON TRANSFER COMPANY, a Corporation, P.O. Box 90818, East Point, Ga. 30044. Applicant's representative: Frank D. Hall, 3384 Peachtree Rd. NE., Suite 713, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers*, and *parts thereof*, including but not limited to tops, ends and sides, (1) from Bishopville, S.C., to the plantsite and warehouse facilities of Shasta Beverages, located at Tarrant City, Ala., Charlotte, N.C. and Eustis, Fla.; and (2) from Collierville, Tenn., to the plantsite and warehouse facilities of Shasta Beverages, located at Tarrant City, Ala. and Kenner, La.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No MC 111401 (Sub-No. 480), filed February 13, 1977 Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid Chemicals*, (except petrochemicals and cryogenic liquids) in bulk, in tank vehicles, from Odessa, Tex., to points in Arizona, Kansas, New Mexico, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Oklahoma City or Tulsa, Okla.

No. MC 112304 (Sub-No. 115), filed March 15, 1977. Applicant: ACE DORAN HAULING & RIGGING CO, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof; and (2) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injecting or removal of commodities into or from holes or wells, between points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina, and Virginia, on the one hand, and on the other, points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests a consolidated record with other similar applications at Houston, Tex.; Tulsa, Okla., San Francisco, Calif.; St. Louis, Mo. and Pittsburgh, Pa.

No. MC 112520 (Sub-No. 333), filed February 17, 1977. Applicant: MCKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Thomas F. Panebianco (same address as applicant). Authority sought to operte as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulphur*, in bulk, in tank vehicles, from the plant site and facilities of Phillips Petroleum Company, located at or near Chatom, Ala., to points in Louisiana and Mississippi.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga., or Washington, D.C.

No. MC 112595 (Sub-No. 68), filed February 17, 1977. Applicant: FORD BROTHERS, INC., Box 727, Ironton, Ohio 45638. Applicant's representative: James W. Muldoon, 50 West Broad Street—Suite 1815, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Anhydrous ammonia*, in bulk, in tank vehicles, from Middletown, Ohio, to points in Indiana, Illinois, Michigan, and Kentucky; and (2) *propane*, in bulk, in tank vehicles, from West Kankakee, Ill., and Middletown, Ohio to points in Indiana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Washington, D.C.

No. MC 112696 (Sub-No. 55), filed February 25, 1977. Applicant: HARTMANS, INCORPORATED, P.O. Box 898, Harrisonburg, Va. 22801. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Building, Pennsylvania Ave. and 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material, equipment and supplies* (except commodities in bulk) used in processing poultry, from points in and east of Florida, Georgia, Tennessee, Missouri, Iowa and Wisconsin, to the production and storage facilities of Shenandoah Valley Poultry Co., Inc.; Marval Poultry Company, Inc.; Shen-Mar Food Products Corporation; and Wampler Food Incorporated, located in Rockingham County, Va.

NOTE.—If a hearing is deemed necessary, the applicant resquests it be held at either Richmond, Va. or Washington, D.C.

No. MC 113165 (Sub-No. 9), filed February 22, 1977. Applicant: PENINSULA TRUCK LINES, INC., 6314 7th Avenue South, Seattle, Wash. 98108. Applicant's representative: George R. LaBissoniere, 1100 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except in bulk, in tank vehicles), between Port Angeles, Wash and Forks, Wash., serving all intermediate points, and serving the off-route points in Clallam and Jefferson Counties, Wash.: From Port Angeles, over U.S. Highway 101 to Folks, and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Forks, Wash.

No. MC 113651 (Sub-No 212), filed February 22, 1977. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Daniel C. Sullivan, 327 South LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* (except hides and commodities in bulk), from points in Tennessess on and west of Interstate Highway 65 and Kinston, N.C., to points in the United States (except Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington and Wyoming).

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Chicago, Ill.

No. MC 113678 (Sub-No. 654), filed February 14, 1977. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malted beverages* and *related promotional material* when moving in the same vehicle with malted beverages, from Fort Worth, Tex., to points in Colorado, Kansas, and Oklahoma.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 113908 (Sub-No. 394), filed February 10, 1977. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar, vinegar stock, vinegar stock concentrate, cider, cider stock, cider stock concentrate, fruit juice, fruit juice concentrate, fruit juice products and by-products*, in bulk, from points in Michigan, to points in Alabama, Arkansas, California, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, and Wisconsin.

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NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo., Chicago, Ill., or Washington, D.C.

No. MC 114045 (Sub-No. 459), filed February 22, 1977. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, Dallas-Fort Worth Airport, Tex. 75261. Applicant's representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: ***Foodstuffs***, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), (1) from Oswego, Fulton and Syracuse, N.Y., to points in California, Oregon and Texas; and (2) from Burlington, Wis., to points in California, Oregon and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 114273 (Sub-No. 294), filed February 22, 1977. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Building, 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen bakery goods*, from Burlington, Iowa, to points in Colorado, Oklahomo, Texas, and points in that part of Kansas on and west of U.S. Highway 81.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114274 (Sub-No. 42), filed February 17, 1977. Applicant: VITALIS TRUCK LINES, INC., 137 NE. 48th Street Place, P.O. Box 1703, Des Moines, Iowa 50306. Applicant's representative: William H. Towle, 180 North LaSalle Street, Suite 3520, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities, in bulk), from the plantsites and storage facilities of or utilized by Farmland Foods, Inc., located at or near Carroll, Denison and Iowa Falls, Iowa, and Crete, Nebr., to points in Michigan.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Omaha, Nebr., or Chicago, Ill.

No. MC 114569 (Sub-No. 165), filed February 22, 1977. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: N. L. Cummins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical appliances, electric motors, household stools, kitchen chairs, lawn care products, home care products, personal care products, barbeque grills, barbeque equipment, and recreational equipment*, from the facilities of Neosho Products Company, Division of Sunbeam Corporation, located at or near Neosho, Mo., to those points in the United States in and east of Kentucky, Illinois, Minnesota, Mississippi, Tennessee and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or Washington, D.C.

No. MC 114569 (Sub-No. 166), filed February 22, 1977. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: N. L. Cummins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery and confectionery products*, from the plantsite and storage facilities of M & M Mars, division of Mars, Inc., located at or near Chicago, Ill., and points in its commercial zone, to points in Delaware, New Jersey, New York, Maryland, Massachusetts, Pennsylvania, Rhode Island and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg, Pa. or Washington, D.C.

No. MC 116763 (Sub-No. 365), filed February 7, 1977. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters, P.O. Box 81, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from the plantsite and warehouse facilities of Lakeside Packing Co., located at or near Plainview, Minn., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York on and east of Interstate Highway 81, North Carolina, Oklahoma, Pennsylvania on and east of U.S. Highway 15, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wis.

No. MC 117068 (Sub-No. 76) (correction), filed December 27, 1976, published in the FEDERAL REGISTER issue of February 17, 1977, and republished as corrected this issue. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, North Highway 63, Rochester, Minn. 55901. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as *a common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products, plywood and particle board* (except commodities in bulk), (1) from ports of entry on the International Boundary line between the United States and Canada located at points in Idaho, Montanta, and Washington; and (2) from points in Idaho, Montana, Oregon and Washington, to points in Iowa, Illinois, Minnesota, and Wisconsin, restricted to traffic originating at or destined to facilities of or utilized by Emmer Brothers Co.

NOTE.—The purpose of this republication is to correct applicant's territorial description. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 117686 (Sub-No. 164), filed February 9, 1977. Applicant: HIRCHBACH MOTOR LINES, INC., 5000 South Lewis Blvd., P.O. Box 417, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach (same adress as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural commodities*, otherwise exempt from economic regulation under Section 203(b)(6) of the Act, when moving in the same vehicles and at the same time with shipments of bananas, from Gulfport, Miss., and Galveston, Tex., to Rock Island, and Peoria, Ill., and points in Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota and Wyoming.

NOTE.—Applicant states that it presently holds authority for the transportation of bananas from Gulfport, Miss., and Galveston, Tex., to the above named destination. Applicant also states that the purpose of this application is to allow the mixing of exempt agricultural commodities therewith. If a hearing is deemed necessary, applicant requests it be held at either New Orleans, La., Houston, Tex., or Tampa, Fla.

No. MC 117686 (Sub-No. 166), filed February 25, 1977. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Blvd., Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cloth, and materials and supplies* used in the manufacture, sale and distribution of goods produced from cloth, when moving in mixed shipments with cloth, from Sylacauga, Opelika and Lanett, Ala.; Decatur, Columbus and Atlanta, Ga.; Lawrenceburg and Louisville, Ky.; Stonewall, Miss.; St. Louis and Kansas City, Mo.; and Memphis, Nashville, and Knoxville, Tenn., to LeMars, Sheldon, Sioux City, Spencer and Storm Lake, Iowa; and (2) *jeans and uniforms* when moving in mixed shipments with cloth and materials and supplies used in the manufacture, sale and distribution of goods produced from cloth, from LeMars, Sheldon, Sioux City, Spencer and Storm Lake, Iowa, to points in Iowa.

NOTE—If a hearing is deemed necessary, the the applicant requests that it be held at either Chicago, Ill. or Washington, D.C.

No. MC 117820 (Sub-No. 12), filed February 18, 1977. Applicant: AURELIA TRUCKING CO., a corporation, 2136 Pine Grove Avenue, Port Huron, Mich. 48060. Applicant's representative: Robert D. Schuler, 100 West Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, in vehicles equipped with mechanical refrigeration, from the plant site of C. F. Burger Creamery Co., located in Detroit, Mich., to points in Wisconsin and Minnesota.

NOTE.—Applicant holds contract carrier authority in No. MC 141918, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Chicago, Ill. or Washington, D.C.

No. MC 117940 (Sub-No. 201) (Amendment), filed November 26, 1976, published in the FEDERAL REGISTER issue of December 30, 1976, and republished as amended this issue. Applicant: NATIONWIDE CARRIERS:, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail and wholesale department and hardware stores (except foodstuffs, articles of unusual value, commodities in bulk, and household goods as defined by the Commission), from the Los Angeles, Calif., Commercial Zone as defined by the Commission; the Los Angeles, Calif., Harbor Commercial Zone as defined by the Commission; and the Seattle, Wash., Commercial Zone as defined by the Commission, to points in Minnesota and South Dakota, restricted to the transportation of traffic originating at the named origins or having an immediately prior movement by water and destined to the named destination points.

NOTE.—The purpose of this republication is to modify the restriction in applicant's territorial description. Applicant holds contract carrier authority in MC 114789 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn. or St. Paul, Minn.

No. MC 118159 (Sub-No. 200), filed February 18, 1977. Applicant: N.A.B. TRUCKING CO., INC., 1644 W. Edgewood, Indianapolis, Ind. 46217. Applicant's representative: James L. Beattey, 130 E. Washington St., Suite 1000, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Tile, floor covering, wall paper*, and *materials, equipment, and supplies* used in the manufacture, distribution, installation, maintenance, removal, and sale of the above commodities, (except commodities in bulk), (1) from the plantsite and warehouse facilities of Color Tile Supermart, Inc., located at or near Houston, Tex., to those points in that part of the United States in and east of North Dakota, South Dakota, Kansas, Oklahoma, and Louisiana; and (2) from the above destinations in (1) to the plantsite and warehouse facilities of Color Tile Supermarts, Inc., located at or near Houston, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Fort Worth, Tex., or Indianapolis, Ind.

No. MC 118806 (Sub-No. 52) (Amendment), filed December 27, 1976, published in the FEDERAL REGISTER issue of February 3, 1977, and republished this issue. Applicant: ARNOLD BROS. TRANSPORT, LTD., a corporation, 739 Lagimodiere Blvd., Winnipeg, Manitoba, Canada R2J OT8. Applicant's representative: Daniel C. Sullivan, 327 South LaSalle Street, Chicago, Ill., 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Egg floats, egg cartons and peat moss pots*, from the ports of entry on the International Boundary Line between the United States and Canada located at or near Pembina, N. Dak., and Noyes, Minn., to points in the United States in and east of Kansas, Nebraska, North Dakota, Oklahoma, South Dakota and Texas.

NOTE.—The purpose of this republication is to amend applicant's territorial description. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 118831 (Sub-No. 147), filed February 15, 1977. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 7007, High Point, N.C. 27261. Applicants' representative: E. Stephen Heisley, Suite 805, 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to opreate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk, in tank vehicles, from points in Berkeley, County, S.C., to points in Pitt County, N.C.

NOTE.—Applicant states it intends to tack the requested authority sought herein with its Sub 32 to serve points in Virginia, South Carolina and Georgia; with its Sub 64 to serve on limestone, in bulk, to points in New Jersey, New York, Ohio, Pennsylvania and Texas; with its Sub 73 to serve points in North Carolina east of U.S. Highway 21 and north of U.S. Highway 74 on dry chemicals; with Sub 83 to serve points in Tennessee; with its Sub ,107 to serve points in North Carolina; with its Sub 85 to serve points in Alabama, Georgia and Mississippi; with its Sub E-12 to serve Mississippi, and with E-16 to serve points in Alabama and Mississippi. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 119726 (Sub-No. 80), filed January 28, 1977. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, P.O. Box 1384, Lufkin, Tex. 75901. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products* and *materials, equipment and supplies* utilized in the manufacture and distribution thereof, (except commodities in bulk), between Monroe and West Monroe, La., on the one hand, and, on the other, points in New Mexico and Texas.

NOTE.—Applicant holds contract carrier authority in MC 140271 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 119988 (Sub-No. 110) (Correction), filed January 17, 1977, published in the FEDERAL REGISTER issue of March 3, 1977, as MC 140271 Sub 5, republished as corrected this issue. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, P.O. Box 1384, Lufkin, Tex. 75901. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Dubuque Packing Company, Inc., located at or near Mankato, Kans., to points in Connecticut, Delaware, Illinois, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Missouri, Minnesota, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic originating at the named origin and destined to the named destinations:

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Kansas City, Mo. or Lincoln, Nebr.

No. MC 119934 (Sub-No. 212), filed February 10, 1977. Applicant: ECOFF TRUCKING, INC., 625 E. Broadway, Fortville, Ind. 46040. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in bulk, in tank vehicles, from Reserve, La., to points in Georgia, Kentucky, Missouri, and Ohio.

NOTE.—Applicant holds contract carrier authority in MC 128161 and Sub-No. 1, thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at either Indianapolis, Ind. or Louisville, Ky.

No. MC 119988 (Sub-No. 106), filed February 17, 1977. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, P.O. Box 1384, Lufkin, Tex. 75901. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products* and *materials, equipment and supplies* utilized in the manufacture and distribution thereof, (except commodities in bulk), between Monroe and West Monroe, La., on the one hand, and, on the other, points in New Mexico and Texas.

NOTE.—Applicant holds contract carrier authority in MC 140271 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 119988 (Sub-No. 110) (Correction), filed January 17, 1977, published in the FEDERAL REGISTER issue of March 3, 1977, as MC 140271 Sub 5, republished as corrected this issue. Applicant: GREAT WESTERN TRUCKING CO., INC., High-

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way 103 East, P.O. Box 1384, Lufkin, Tex. 75901. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Eugene, Oreg., to points in Kansas, Louisiana, Missouri, Oklahoma and Texas.

NOTE.—The purpose of this republication is to correct docket number MC 119988 Sub 110 in lieu of MC 140271 Sub-No. 5 which was previously published in error. If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 120626 (Sub-No. 3), filed February 10, 1977. Applicant: LAW FARMS AND CATTLE CO., doing business as, LAW MOTOR LINES, 1705 Elm Street, Rocky Ford, Colo. 81067. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grand St. Bldg., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sugar*, from American Crystal Sugar Company, located at or near Rocky Ford, Colo., to points in Kansas, New Mexico, Oklahoma and Texas; and (2) *molasses, and liquid animal feed*, from points in Kansas, to points in Colorado.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo., or Wichita, Kans.

No. MC 120675 (Sub-No. 3), filed February 14, 1977. Applicant: ACME TRUCK LINES, INC., 2501 Peters Road, P.O. Box 183, Harvey, La. 70059. Applicant's representative: Phillip Robinson, 1806 Rio Grande, P.O. Box 2207, Austin, Tex. 78768. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, (2) *earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina, and Virginia, on the one hand, and, on the other, points in the United States, including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held on a consolidated record with similar applications at Houston, Tex., San Francisco, Calif., St. Louis, Mo., Tulsa, Okla. and Pittsburgh, Pa.

No. MC 121240 (Sub-No. 4), filed February 22, 1977. Applicant: ABC TRUCK LINES, INC., P.O. Box 1824, Elko, Nev. 89801. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Owyhee, Nev., and Boise, Idaho: From Owyhee over State Highway 51 to Mountain Home, Idaho; thence over Interstate Highway 80N to Boise, Idaho, and return over the same route, serving all intermediate points.

NOTE.—Applicant states that it presently holds a Certificate of Registration in No. MC 121240 (Sub-No. 1) which authorizes *commodities generally*, between Elko, Nev., and Owyhee, Nev., via State Route 11 to four miles beyond Dinner Station; via State Route 43 to Mountain City Ranger Station, and via Route 11A to Owyhee, serving all intermediate points. Applicant further states that by this application it seeks to convert that Certificate of Registration to a Certificate of Public Convenience and Necessity to enable it to provide through service between Elko, Nev., and Boise, Idaho. If a hearing is deemed necessary, the applicant requests that it be held at either Boise, Idaho, or Elko, Nev.

No. MC 121589 (Sub-No. 3), filed January 26, 1977. Applicant: DUANE L. HOBSCHEIDT, doing business as N. & W. TRANSFER, P.O. Box 188, Nehawka, Nebr. 68413. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Drainage systems and irrigation equipment*, from Carthage, Mo., to points in Otoe and Cass Counties, Nebr.; and (2) *grain bins*, from Kansas City, Mo., to points in Otoe and Cass Counties, Nebr.

NOTE.—The purpose of this application is to convert Certificates of Registration to Certificates of Public Convenience and Necessity and concurrently to convert irregular to regular route operations. If a hearing is deemed necessary the applicant requests it be held at Omaha, Nebr.

No. MC 121630 (Sub-No. 5), filed February 16, 1977. Applicant: LEMORE TRANSPORTATION, INC., doing business as ROYAL TRUCKING CO., 1420 Royal Industrial Way, Concord, Calif. 94520. Applicant's representative: Daniel W. Baker, 100 Pine St., Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron and scrap metals*, loose; and *such bulk commodities* as are transported in dump vehicles (a) between points in California; and (b) between points in California, on the one hand, and, on the other, points in Arizona, Colorado, Nevada, New Mexico, Oregon, Texas, Utah, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 123048 (Sub-No. 351), filed February 16, 1977. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, Racine, Wis. 53406. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors), each weighing 15,000 pounds or less, *attachments, parts and accessories* therefore when moving at the same time and in the same equipment, from the facilities of Ford Motor Company, located at Troy, Mich., to points in Indiana, the lower peninsula of Michigan, Ohio, points in that part of Illinois east of U.S. Highway 51 and north of U.S. Highway 50, points in that part of Kentucky east of U.S. Highway 127, points in New York west of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 219 to Hamburg, N.Y., and thence along U.S. Highway 62 to Niagara, N.Y., and those points in Pennsylvania and West Virginia located west of U.S. Highway 219, restricted to the transportation of traffic from the facilities of Ford Motor Company, located at Troy, Mich., and destined to points in the above named destination States, and also restricted to imported traffic having a prior movement by water, water-rail, water-motor carrier, or water-rail-motor carrier.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Detroit, Mich., or Chicago, Ill.

No. MC 123048 (Sub-No. 352), filed February 16, 1977. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, Racine, Wis. 53406. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products and lumber by-products; wood, wood products and wood by-products; millwork; poles, posts and pilings; timbers; pallets, platforms and skids; building board; insulation building board and insulation sheets*, from points in Alabama, Arkansas, Louisiana, Mississippi, and that portion of Texas on, north and east of a line beginning at the Oklahoma-Texas border on U.S. Highway 281 to junction with Interstate Highway 410, thence west and south on Interstate Highway 410 to junction with U.S. Highway 281, thence over U.S. Highway 281 to the Texas boundary line, to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either New Orleans, La., or Jackson, Miss.

No. MC 123255 (Sub-No. 97), filed January 27, 1977. Applicant: B. & L. MOTOR FREIGHT, INC., 140 Everett Ave., Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite of Bruce Foods Corporation, located at or near

Wilson, N.C., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, those points in that part of Ohio on and east of Interstate Highway 71, and points in Pennsylvania, Rhode Island, West Virginia, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 123255 (Sub-No. 98), filed February 18, 1977. Applicant: B&L MOTOR FREIGHT, INC., 140 Everett Ave., Newark, Ohio 43055. Applicant's representative: C. F. Schnee Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated boxes and sheets* and *materials, equipment and supplies* used in the manufacture and distribution of corrugated boxes and sheets (except commodities in bulk), between the plantsite of Boise Cascade Corp., located at or near West Memphis, Ark., on the one hand, and, on the other, points in Alabama, Louisiana, Mississippi, Missouri, and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Columbus, Ohio.

No. MC 123389 (Sub-No. 33), filed February 22, 1977. Applicant: CROUSE CARTAGE COMPANY, a corporation, Highway 30 West, P.O. Box 586, Carroll, Iowa 51401. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by American Beef Packers, Inc., located at or near Omaha, Nebr., and Oakland, Iowa., to points in Illinois, Indiana, Iowa, Kentucky, Minnesota, Missouri, Ohio, and Wisconsin, restricted to traffic originating at the named origins and destined to the named destination States.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 123405 (Sub-No. 48), filed February 22, 1977. Applicant: FOOD TRANSPORT, INC., R.D. No. 1, Thomasville, Pa. 17364. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the facilities of Heinz U.S.A., Division of H. J. Heinz Company located at or near Fremont and Toledo, Ohio, to points in Alabama and Florida, restricted to traffic originating at the above-named facilities and destined to the named States.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg, Pa., or Washington, D.C.

No. MC 123819 (Sub-No. 42), filed February 11, 1977. Applicant: ACE FREIGHT LINE, INC., 3359 Cazassa Rd., P.O. Box 16589, Memphis, Tenn. 38116. Applicant's representative: Bill R. Davis, Suite 101, Emerson Center, 2814 New Spring Rd., Atlanta, Ga. 30339. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bags, bagging, or fabric*, from Nashville, Ga., to points in Alabama, Arkansas, Louisiana, Mississippi, Oklahoma, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Macon, or Albany, Ga.

No. MC 124025 (Sub-No. 6), filed February 15, 1977. Applicant: GLASS TRUCKING COMPANY, a corporation, P.O. Box 276, Newkirk, Okla. 74647. Applicant's representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, Okla. 73106. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: (1) *Mill feed*, in bags and in bulk, from Newton, Wellington, and Wichita, Kans., to points in Arkansas, Missouri, Oklahoma, and Texas; and (2) *flour*, in bags, from Arkansas City, Kans., to points in Tennessee, under a continuing contract, or contracts, with Dixie-Portland Flour Mills, Inc., and Ross Industries Dept., Cargill, Inc.

NOTE.—Applicant has pending common carrier authority in No. MC 142544, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No. MC 124025 (Sub-No. 7), filed February 18, 1977. Applicant: GLASS TRUCKING COMPANY, a corporation, P.O. Box 276, Newkirk, Okla. 74647. Applicant's representative: C. L. Phillips, Room 248, Classen Terrace Building, 1411 N. Classen, Oklahoma City, Okla. 73106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Baler wire, fencing, nails, fence posts, and reinforcing bar* (except commodities which because of size or weight, require the use of special equipment), from Pueblo, Colo., to points in Nebraska, New Mexico, and Texas, under a continuing contract or contracts with Glass Wholesale, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No. MC 124211 (Sub-No. 288), filed February 13, 1977. Applicant: HILT TRUCK LINE, INC., Post Office Box 988 D.T.S., Omaha, Nebr., 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from points in Colorado, to those points in that part of the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held on a consolidated record with similar applications at Denver, Colo.

No. MC 124213 (Sub-No. 10), filed February 10, 1977. Applicant: SWIFTLINES, INC., 7878 "I" Street, Omaha, Nebr. 68106. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Hygrade Food Products Corporation, located at or near Storm Lake and Cherokee, Iowa, to points in Illinois, restricted to traffic originating at the named origin points and destined to points in Illinois.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 124939 (Sub-No. 11), filed February 10, 1977. Applicant: FOOD HAUL, INC., 1215 West Mound Street Rear, Columbus, Ohio 43223. Applicant's representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith, *equipment, materials and supplies*, used in the conduct of such business, (1) between points in Indiana, Kentucky, Ohio, points in that part of Pennsylvania on and west of U.S. Highway 15, and points in Tennessee and West Virginia; and (2) between points in the above specified territory, on the one hand, and, on the other, Chicago, Ill.; Baltimore and Landover, Md.; Detroit, Mich.; and Charlotte, N.C., under a continuing contract, or contracts, with The Great Atlantic & Pacific Tea Company, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 125433 (Sub-No. 97), filed February 10, 1977. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: Michael J. Norton, Suite 404—Boston Building, P.O. Box 2135, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, materials, supplies, parts and accessories* used in the production, manufacture, assemblage or distribution of contractors' construction, and *mining*

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machinery, equipment, materials, supplies and parts, from points in Arizona, Arkansas, California, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming, to Pocatello, Idaho.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Boise, Idaho, or Salt Lake City, Utah.

No. MC 125777 (Sub-No. 185), filed February 14, 1977. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Edward C. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, in dump vehicles, between points in California, Connecticut, Delaware, Idaho, Maine, Maryland, Massachusetts, Nevada, New Hampshire, New Jersey, New York, Oregon, Rhode Island, Utah, Vermont, Virginia, Washington, and the District of Columbia, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 126118 (Sub-No. 31), filed February 17, 1977. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Marl K. Pugsley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tobacco and tobacco products*, and *advertising and promotional items;* when moving in the same vehicle and at the same time with tobacco and tobacco products, from Durham, N.C., to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, and Washington; (2) *tobacco products*, from Durham, N.C., to El Paso, Tex., and points in Iowa, Minnesota, Missouri, and Wisconsin; (3) *Tobacco products* (except cigarettes and redried tobacco), from Owensboro, Ky., to Durham, N.C.; (4) *tobacco products* (except cigarettes), from Owensboro, Ky., to points in Alaska, Arizona, California, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming; (5) *tobacco products*, from Durham, N.C., to points in Illinois, Indiana, those points in that part of Kentucky on and west of U.S. Highway 127, points in Michigan, and points in that part of Tennessee on and west of U.S. Highway 127; and (6) *tobacco products* (except in bulk, and except redried tobacco and cigarettes), from Owensboro, Ky., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Texas, restricted to traffic originating at or destined to facilities utilized by Liggett Group, Inc., whose corporate name was formerly Liggett & Myers, Inc.

NOTE.—Applicant seeks by this application to convert its permits in MC 126375 Subs 56, 62, 94, 110, 114, and 116, into a certificate of public convenience and necessity. Applicant holds contract carrier authority in MC 126375 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Durham, N.C., or Lincoln, Nebr.

No. MC 126118 (Sub-No. 33), filed February 10, 1977. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Duane W. Acklie (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor vehicle parts and equipment, and tools* used in connection therewith, (a) from Paulding, Ohio, to Nashville, Tenn., (b) from Loudon, Nashville and Pulaski, Tenn., to points in that part of the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada, and to points in Illinois, Indiana, Michigan, Mississippi and Wisconsin, (c) from Haleyville, Ala., to Harvey, Ill., and Loudon, Tenn., (2) *used brake shoe cores*, from Detroit, Mich., and Buffalo, N.Y., to Paulding, Ohio, (3) *automotive replacement parts and automotive accessories*, from Loudon, Nashville and Pulaski, Tenn., to Duluth, Minn., and points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia, and the District of Columbia, (4) *equipment, materials, and supplies* used in the manufacture of the above-described commodities, from points in California, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Michigan, Minnesota, Missouri, New Jersey, New Mexico, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Texas, Vermont, and West Virginia, to Loudon, Nashville and Pulaski, Tenn., and Paulding, Ohio.

(5) *Automotive replacement parts and automotive accessories, and equipment, materials, and supplies* used in the manufacture of the above-described commodities (except commodities in bulk), between ports of entry on the International Boundary line, between the United States and Canada located in Michigan and New York, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), (6) *automotive replacement parts, and automotive accessories*, from Bayonne, N.J., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, (7) *automotive replacement parts and automotive accessories*, (a), from points in Los Angeles, County, Calif., to points in Arizona, Colorado, Idaho, New Mexico, Oregon, Texas, Utah, and Washington; and (b), from Harvey, Ill., to points in Los Angeles County, Calif., (8) *such commodities* as are dealt in and used by manufacturers and distirbutors of automotive parts, accessories, equipment, materials and supplies (except in bulk), between Saco, Maine, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), (9) *automotive replacement parts and accessories*, from points in Connecticut, Ohio and Rhode Island, to Lawrenceburg, Tenn., (10) *automotive replacement parts and automotive accessories, and materials and supplies* used in the manufacture and distribution of the above-described commodities (except commodities in bulk), between Chickasha, Okla., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), (11) *motor vehicle parts, and materials and supplies* used in the distribution and manufacture of motor vehicle parts, from points in Wisconsin to points in Tennessee.

(12) *Motor vehicle parts and accessories, and commodities* used in the manufacture, production, and distribution of motor vehicle parts and accessories (except in bulk), between Ripley, Tenn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), (13) *motor vehicle parts, and accessories, and materials* used in the manufacture, production, and distribution of motor vehicle parts and accessories (except commodities in bulk), between Bayonne, N.J., on the one hand, and, on the other, points in Illinois, Indiana, Maryland, Ohio, and Oklahoma, (14) *motor vehicle parts, accessories, and equipment, and materials and supplies* used in the production and distribution of the foregoing commodities (except commodities in bulk and those which because of size and weight require the use of special equipment), between Paulding, Ohio, on the one hand, and, on the other, points in the United States (except Alaska, Hawaii, and Ohio); and (15) *returned, replacement, and obsolete motor vehicle parts, accessories and related items*, from points in the United States (except Alaska and Hawaii), to the facilities of Maremont Corporation, located at or near Loudon, Nashville, and Pulaski, Tenn., restricted to traffic originating at or destined to facilities utilized by the Maremont Corporation.

NOTE.—The purpose of this application is to convert from contract carrier to common carrier authority, restricted to traffic originating at or destined to the facilities utilized by the contracting shipper. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Lincoln, Nebr.

No. MC 126715 (Sub-No. 11), filed February 17, 1977. Applicant: TRANSPORT SERVICE, a Corporation, 8101 N.E. 11th Avenue, Portland, Oreg. 97211. Applicant's representative: Jerry R. Woods, Suite 1440, 200 Market Bldg., Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial asphalt* (except road surfacing), in tank vehicles, (1) from points in Alameda and Contra Costa Counties, Calif., to points in Multnomah and Umatilla Counties, Oreg., and Pierce County, Wash.; and (2) from points in Yellowstone County, Mont., to points in Columbia, Multnomah and Umatilla Counties, Oreg.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 126844 (Sub-No. 36), filed February 25, 1977. Applicant: R.D.S. TRUCKING CO., a corporation, 1713 North Main Road, Vineland, N.J. 08360. Applicant's representative: Terrence D. Jones, 2033 K Street, N.W., Suite 300, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coffee, coffee extract, tea*, and *tea extract*, from the facilities of Standards Brand Incorporated located at or near New Orleans, La., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 127974 (Sub-No. 8), filed February 10, 1977. Applicant: P. LIEDTKA TRUCKING, INC., 110 Patterson Avenue, Trenton, N.J. 08610. Applicant's representative: Alan Kahn, Suite 1920, Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plasterboard and plasterboard joint systems*, from Camden, N.J., to points in New Hampshire.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Trenton, N.J.

No. MC 128273 (Sub-No. 252), filed February 17, 1977. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Elden Corban (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuff* (except meats, frozen foods, and commodities in bulk), from points in North Carolina, to points in the United States (except Alaska, Hawaii, and North Carolina).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 128273 (Sub-No. 254), filed February 22, 1977. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Elden Corban (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical appliances, electric motors, household stools, kitchen chairs, lawn care products, home care products, personal care products, barbeque grills, barbeque equipment, and recreational equipment*, from the facilities of Neosho Products Company, Division of Sunbeam Corporation, located at or near Neosho, Mo., to those points in the United States in and east of Kentucky, Illinois, Minnesota, Mississippi, Tennessee and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Little Rock, Ark., or Kansas City, Mo.

No. MC 128527 (Sub-No. 77), filed February 14, 1977. Applicant: MAY TRUCKING COMPANY, a corporation, P.O. Box 398, Payette, Idaho 83661. Applicant's representative: Edward G. Rawle, 4635 S.W. Lake View Blvd., Lake Oswego, Oreg. 97034. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cut log buildings*, knocked down, and *materials and supplies* used in the construction of such commodities, from the plantsite of Real Log Homes, located at or near Missoula, Mont., to point in Arizona, California, Colorado, Idaho, Iowa, Minnesota, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boise, Idaho, Missoula, Mont., or Portland, Oreg.

No. MC 128685 (Sub-No. 25), filed February 18, 1977. Applicant: DIXON BROS., INC., P.O. Drawer 8, Newcastle, Wyo. 82701. Applicant's representative: Jerome Anderson, 100 Transwestern Building, 404 North 31st Street, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed animal feeds*, in bulk and in bags, from Morill and Gering, Nebr., to points in Montana and Wyoming and to those points in that part of South Dakota west of the Missouri River.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Cheyenne or Casper, Wyo.

No. MC 129631 (Sub-No. 54), filed February 22, 1977. Applicant: PACK TRANSPORT, INC., 3975 S. 300 West, Salt Lake City, Utah 84107. Applicant's representative: Max D. Eliason, P.O. Box 2602, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings, building components, building parts, building sections*, knocked down, prefabricated or partially set up, and *materials and supplies* used in the erection construction of buildings, from points in Salt Lake County, Utah, to those points in that part of the United States in and west of Colorado, Montana, New Mexico and Wyoming (except Hawaii); and (2) *materials and supplies* used in the manufacture, construction or erection of buildings, building parts or building sections, from those points in that part of the United States in and west of Colorado, Montana, New Mexico and Wyoming (except Hawaii), to points in Salt Lake County, Utah.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

No. MC 129830 (Sub-No. 10), filed February 18, 1977. Applicant: JACOBSMA TRANSPORTATION COMPANY, a corporation, 2600 Highway 75 North, Sioux City, Iowa 51105. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solution*, in bulk, in tank vehicles, from Oyens (Plymouth County), Iowa, to points in Minnesota, Nebraska and South Dakota, restricted to traffic originating at Oyens, Iowa, and destined to points in the named destination states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 133095 (Sub-No. 142), filed January 26, 1977. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail auto and home supply stores, and *material, equipment and supplies* utilized in the distribution thereof (except in bulk), between points in Mississippi, on the one hand, and, on the other, points in the United States in and east of Alabama, Tennessee, Kentucky, West Virginia and Pennsylvania, restricted to the transportation of traffic originating at or destined to the retail stores, manufacturing facilities and warehouse facilities utilized by Western Auto Supply Co.

NOTE.—The purpose of this application is to convert applicant's existing contract carrier authority to common carrier authority. If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex., or New Orleans, La.

No. MC 133095 (Sub-No. 151), filed February 18, 1977. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: K. Edward Wolcott, 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hair care toiletries and equipment;* and (2) *cosmetics and cosmetic equipment*, from the plantsite of Clairol, Inc. located at Stamford, Conn., to Memphis, Tenn.; Atlanta, Ga.; Detroit, Mich., and points in the United

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States in and west of Arkansas, Illinois, Mississippi, Missouri and Wisconsin (except Alaska and Hawaii).

NOTE.—Applicant states this is an application to convert existing contract carrier authority to common carrier authority. Applicant holds contract carrier authority in No. MC 136032 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or New York City, N.Y.

No. MC 133095 (Sub-No. 152), filed February 22, 1977. Applicant: TEXAS CONTINENTAL EXPESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: K. Edward Wolcott, 1600 Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hair care toiletries and equipment*, from Camarillo, Calif., to Dallas, Tex.; Chicago, Ill.; Atlanta, Ga.; and Stamford, Conn.

NOTE.—Applicant holds contract carrier authority in No. MC 136032 and subs thereunder; therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Dallas, Tex. or New York City, N.Y.

No. MC 133437 (Sub-No. 5), filed February 25, 1977. Applicant: DAVIS CARTAGE CO., a corporation, P.O. Box 96, Corunna, Mich. 48817. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sugar, corn syrup, dextrose, and blends* thereof, and *dried sugar beet pulp and sugar beet molasses*, blended, from points in Bay County, Mich., to points in Illinois, Indiana, New York, Pennsylvania, Ohio and Wisconsin, under a continuing contract, or contracts, with Michigan Sugar Company, located in Saginaw, Mich.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Lansing or Detroit, Mich., or Chicago, Ill.

No. MC 133655 (Sub-No. 96), filed February 14, 1977. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 4168, Amarillo, Tex. 79105. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter*, and *materials and supplies* used in the manufacture of printed matter (except commodities in bulk), between Chicago, Ill., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Kansas, Louisiana, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 133655 (Sub-No. 97), filed February 14, 1977. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 4185, Amarillo, Tex. 79105. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter, and materials and supplies* used in the manufacture of printed matter (except commodities in bulk), between Lancaster, Pa., on the one hand, and, on the other, points in the United States (except Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia and the District of Columbia).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 133655 (Sub-No. 98), filed February 14, 1977. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 4168, Amarillo, Tex. 79105. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter*, and *materials and supplies* used in the manufacture of printed matter (except commodities in bulk), (1) between Gallatin, Tenn., on the one hand, and, on the other, points in Alabama, Arizona, California, Georgia, Florida, North Carolina, Nevada, Oregon, South Carolina, Tennessee, Utah and Washington; (2) between Warsaw, Ind., on the one hand, and, on the other, points in Alabama, Arizona, California, Georgia, Florida, North Carolina, Nevada, Oregon, South Carolina, Tennessee (except Memphis), Utah and Washington; and (3) between Mattoon, Ill., Crawfordsville, Ind., Glasgow, Ky., and Willard, Ohio, on the one hand, and, on the other points in Alabama (except Mobile), Arizona, California, Florida, Georgia, Idaho, Montana, Nevada, North Carolina, Oregon, South Carolina, Tennessee (except Memphis), Utah, Washington and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 133689 (Sub-No. 105), filed February 16, 1977. Applicant: OVERLAND EXPRESS, INC., 719 First St. SW., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), (a) from Chippewa Falls, Wis., to points in Connecticut, Delaware, Georgia, Kentucky, Maine, Maryland, Massachusetts, Michigan, North Carolina, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia; and (b) from Eau Claire, Wis., to points in Georgia, Michigan, North Carolina, Ohio, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 133708 (Sub-No. 29), filed February 18, 1977. Applicant: FIKSE BROS., INC., 12647 East South Street, Artesia, Calif. 90701. Applicant's representative: Carl H. Fritze, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from points in Maricopa County, Ariz., to points in Imperial, Kern, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, and Ventura Counties, Calif.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 133937 (Sub-No. 20), filed February 25, 1977. Applicant: CAROLINA CARTAGE COMPANY, INC., P.O. Box 1075, Greenville, S.C. 29602. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and motor vehicles), restricted to traffic having a prior or subsequent movement by air or substituted for air service, between points in Anderson, Oconee, Pickens, Greenville and Spartanburg Counties, S.C., on the one hand, and, on the other, Dallas, Ft. Worth and Houston, Tex.; New Orleans, La.; St. Louis and Kansas City, Mo.; Detroit, Mich.; Los Angeles and San Francisco, Calif.; and Chicago, Ill., and airports serving the above cities.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbia, S.C.

No. MC 134201 (Sub-No. 7), filed February 22, 1977. Applicant: JAMES V. PALMER, doing business as JIM PALMER TRUCKING, Route No. 2 Mill Creek, Missoula, Mont. 59801. Applicant's representative: Jerome Anderson, 100 Transwestern Building, 404 North 37st Street, Billings, Mont. 59101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated metal buildings*, knocked down, *prefabricated metal sections*, knocked down, *component parts thereof*, and *equipment, materials and supplies* used in the installation, construction and erection thereof, from the plantsite of Armco Building Systems, located at or near Washington Courthouse, Ohio, to points in Montana and Wyoming, restricted to traffic originating at the above-named plantsite, under a continuing contract, or contracts, with Palmer Construction Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Great Falls or Helena, Mont.

No. MC 134292 (Sub-No. 1), filed February 14, 1977. Applicant: RIVERSIDE DISTRIBUTORS, INC., 3633 South Racine Avenue, Chicago, Ill. 60609. Applicant's representative: Samuel M. Kane, 10 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated, between Rockford and Belvidere, Ill., and points in Cook, Lake, Du Page, Will, Kendall, Kane, and McHenry Counties, Ill., on the one hand, and, on the other, points in Hammond, Whiting, East Chicago, Gary, Highland, Hobart, and Griffith, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 135325 (Sub-No. 3) filed February 17, 1977. Applicant: WEMCO, INC., 10111 Mercier, Dearborn, Mich. 48120. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground coal and foundry facing*, in bulk, in pneumatic equipment, from Cleveland, Ohio to points in the Lower Peninsula of Michigan.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Detroit or Lansing, Mich., or Washington, D.C.

No. MC 135539 (Sub-No. 6), filed February 16, 1977. Applicant: FARM SERVICE & SUPPLIES, INC., P.O. Box 5351, 4505 Pollack Avenue, Evansville, Ind. 47715. Applicant's representative: Margie Market, 305 Van Buren,. Box 154, Marengo, Ill. 60152. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lawn mowers, tractors, paints* (nonflammable), *rotary tillers, snow blowers, and related parts and accessories*, including grass catchers, engines, decks, blades, tires, and shute defectors, between the plantsite of General Power Equipment located at Cary, Ill., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract, or contracts, with General Power Equipment Company Division of Cotter Company located at Cary, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 135797 (Sub-No. 67), filed February 22, 1977. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, Ark. 72745. Applicant's representative: Don Garrison, 204 Highway 71 North, Suite 3, Springdale, Ark. 72764. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Diet and nutritional foods;* (2) *drugs, vitamins and toilet preparations;* and (3) *food grinders, water purifiers, can openers, container lids, cookbooks, seed sprouting kits, safety matches, candles and seeds*, from the plantsite and warehouse facilities of or used by Arrowhead Mills, Inc., located at or near Hereford, Tex., to points in Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Illinois, Maryland, Massachusetts, Michigan, Missouri, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, Tennessee, Vermont, Washington, and Wisconsin, restricted to traffic, in mixed shipments, originating at the named plantsite and warehouse facilities, and destined to named destination states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Amarillo or Lubbock, Tex.

No. MC 135797 (Sub-No. 69), filed February 18, 1977. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, Ark. 72745. Applicant's representative: Don Garrison, 204 Highway 71 North, Suite 3, Springdale, Ark. 72764. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood residuals and compounds*, from Dakota County, Nebr., and Sioux City, Iowa, to points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Sioux City, Iowa, or Kansas City, Mo.

No. MC 135936 (Sub-No. 21), filed February 17, 1977, Applicant: C & K TRANSPORT, INC., 503 Des Moines Street, Webster City, Iowa 50595. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from Presque Isle and Caribou, Maine, to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, West Virginia and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Boston, Mass.

No. MC 136086 (Sub-No. 6), filed February 22, 1977. Applicant: BACIL GUILEY, doing business as GUILEY TRUCKING, 8615 Pecan Avenue, Fontana, Calif. 92335. Applicant's representative: Milton W. Flack, 4311 Wilshire Boulevard, Suite 300, Los Angeles, Calif. 90010. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dies and die molds* used in the manufacture of processing of steel roofing, siding and floor decking in mixed shipments with steel roofing, siding and floor decking, between the plantsites of Verco Manufacturing, Inc., located at Phoenix, Ariz., Fontana, Calif., and Everett, Wash.; (2) *pre-painting solvent and solution* used in the manufacturing or processing of steel roofing, siding and floor decking, from Los Angeles and Oakland, Calif., to the plantsite of Verco Manufacturing, Inc., located at Phoenix, Ariz.; and (3) *steel roofing, siding and floor decking*, from the plantsite of Verco Manufacturing, Inc., located at Everett, Wash., to points in Nevada, under a continuing contract, or contracts in (1), (2) and (3) above, with Verco Manufacturing, Inc.

NOTE.—Applicant states that this application is a request for an extension of operating authority for the contracting shipper which it holds in its Sub-No. 4 Permit. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 136762 (Sub-No. 12), filed February 10, 1977. Applicant: OSBORNE HIGHWAY EXPRESS, a Corporation, 1725 South River Road, Sacramento, Calif. 95691. Applicant's representative: Edward A. Francom, 6400 Village Parkway, Dublin, Calif. 94566. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles* and *wire products and building paper*, from City of Commerce, City of Industry, Hayward and Riverside, Calif., to points in Arizona, Nevada, New Mexico, and Utah; and (2) *materials, equipment and supplies* used in the manufacture or production of the commodities named in (1) above, from points in Arizona, Nevada, New Mexico, and Utah, to City of Commerce, City of Industry, Hayward and Riverside, Calif.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either San Francisco or Los Angeles, Calif.

No. MC 138018 (Sub-No. 34), filed March 9, 1977. Applicant: REFRIGERATED FOODS, INC., 1420 33rd Street, Denver, Colo. 80201. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from points in Colorado, to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, and Washington.

NOTE.—Common control may be involved. Hearing: set for 8 days, beginning April 20, 1977, at Denver, Colo.

No. MC 138308 (Sub-No. 19), filed February 17, 1977. Applicant: KLM, INC., 2102 Old Brandon Road, P.O. Box 6098, Jackson, Miss. 39205. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen onion rings*, from Gilroy, Calif., to New Orleans, La.

NOTE.—Applicant holds contract carrier authority in MC-126592 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Jackson, Miss., or Denver, Colo.

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No. MC 136328 (Sub-No. 32), filed February 25, 1977. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32nd Avenue, P.O. Box 831, Council Bluffs, Iowa 51501. Applicant's representative: Donald L. Stern, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen macaroni products*, and *dry macaroni products*, from the facilities of Skinner Macaroni Company located at Omaha, Nebr., to points in Arizona, California, Colorado, New Mexico, and Washington; and (2) *flour, containers*, and *corrugated cartons, cellophane, polyethylene paper, and dry macaroni products*, from points in Arizona, California, Colorado, New Mexico, and Washington, to the facilities of Skinner Macaroni Company located at Omaha, Nebr., restricted in (1) and (2) above to traffic originating at or destined to the facilities of Skinner Macaroni Company located at Omaha, Nebr.

NOTE.—Applicant holds contract carrier authority in various subs under MC 133233, therefore dual operations may be involved. The purpose of this application is to convert the permit in MC 133233 (Sub-No. 38) to a certificate. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 138328 (Sub-No. 33), filed February 7, 1977. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32d Avenue, P.O. Box 831, Council Bluffs, Iowa 51501. Applicant's representative: Donna Ehrlich (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel doors, steel door frames, and brass, bronze, copper and steel hardware*, from the plantsite of The Ceco Corporation located at or near Milan, Tenn., to points in Illinois (except Broadview, Morton, and Peoria.), Indiana, Iowa, Michigan, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE.—Applicant holds contract carrier authority in No. MC 133233 (Sub-No. 1) and other subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 138635 (Sub-No. 34), filed February 16, 1977. Applicant: CAROLINA WESTERN EXPRESS, INC., Box 3961, Gastonia, N.C. 28052. Applicant's representative: Eric Meierhoefer, Suite 712, 1511 K Street, NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Air cleaners, coolers, heaters, humidifiers, washers, blowers and fans, cooling or freezing machines, furnaces;* and (2) *materials and supplies* used in the manufacture, marketing, and installation of those commodities in (1) above, from Los Angeles, Calif., to points in Alabama, Arkansas, Florida, Georgia, Iowa, Kansas, Louisiana, Maryland, Missouri, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Texas, and Utah.

NOTE.—Applicant holds contract carrier authority in various subs under MC 136464, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 138875 (Sub-No. 44), filed February 15, 1977. Applicant: SHOEMAKER TRUCKING CO., a corporation, 11900 Franklin Road, Boise, Idaho 83705. Applicant's representative: F.L. Sigloh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in the manufacture, assembly and distribution of mobile homes, campers, and recreational vehicles, between points in California, Oregon, and Washington, on the one hand, and, on the other, the facilities of Suppliers Warehouse, Inc., located in Ada and Canyon Counties, Idaho.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boise, Idaho, or Meridian, Idaho.

No. MC 138875 (Sub-No. 45), filed February 16, 1977. Applicant: SHOEMAKER TRUCKING CO., a corporation, 11900 Franklin Road, Boise, Idaho 83705. Applicant's representative: F. L. Sigloh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors, door hardware*, and *accessories*, from the plantsite of Jim Walter Doors, located at Lindenburst and Williamsport, Pa., to points in California, Colorado, Idaho, Nevada, Oregon, Utah, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boise, Idaho, or Washington, D.C.

No. MC 138875 (Sub-No. 47), filed February 14, 1977. Applicant: SHOEMAKER TRUCKING CO., a corporation, 11900 Franklin Road, Boise, Idaho 83705. Applicant's representative: Frank L. Sigloh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors, door hardware*, and *accessories*, from the plantsite of Jim Walter Door Corporation located at Terrell, Tex., to points in California, Colorado, Idaho, Nevada, Oregon, Utah, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boise, Idaho, or Washington, D.C.

No. MC 138875 (Sub-No. 48), filed February 18, 1977. Applicant: SHOEMAKER TRUCKING CO., a corporation, 11900 Franklin Road, Boise, Idaho 83705. Applicant's representative: F. L. Sigloh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum pipe and pipe fittings* (except commodities as described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459, and 103 M.C.C. 823), from the plantsite of Kroy Metal Products, Inc., located at or near York, Nebr., to points in Idaho, Nevada, Oregon, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boise, Idaho, or York, Nebr.

No. MC 138941 (Sub-No. 22), filed February 22, 1977. Applicant: COUNTRY WIDE TRUCK SERVICE, INC., 1110 South Reservoir Street, Pomona, Calif. 91766. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic granules and pellets* (except commodities in bulk), from points in Beaver County, Pa., and Jefferson County, Tex., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, under a continuing contract, or contracts, with Arco Polymers, Incorporated.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 139010 (Sub-No. 5), filed February 22, 1977. Applicant: BLACKLINE AMERICAN CORPORATION, 1918 West Grant St., Phoenix, Ariz. 85009. Applicant's representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, Ariz. 85009. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, roofing materials, insulation, sheathing* and *related accessories*, from points in Oklahoma and Texas, to points in Colorado, Idaho, Montana, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, under a continuing contract, or contracts, with Roofing Wholesale Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Phoenix, Ariz.

No. MC 139495 (Sub-No. 200), filed February 14, 1977. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street, NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical household appliances and equipment; kitchen and bathroom appliance and equipment; oral hygiene appliances and equipment; hydrotherapy equipment; sink and shower fixtures; smoke alarms; food processing machines and filters;* and (2) *materials, supplies and equipment* (except commodities in bulk) used in the manufacture and distribution of the commodities named in (1) above, between points in Larimer County, Colo., and those points in the United States in and east of Minnesota, Iowa, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—Applicant holds contract carrier authority in 133106 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 201), filed February 22, 1977. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street, NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Barbeque grills*, from Mabank, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in No. MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 202), filed February 22, 1977. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street, NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aquariums and aquarium supplies*, from Canton, Ga., to points in the United States west of Montana, Wyoming, Colorado, and New Mexico (except Alaska and Hawaii); and (2) *materials and supplies* used in the manufacture of aquariums, from points in the United States west of Montana, Wyoming, Colorado, and New Mexico (except Alaska and Hawaii), to Canton, Ga., restricted to the transportation of shipments originating at or destined to the facilities of Triton Industries, Inc., located at Canton, Ga.

NOTE.—Applicant holds contract carrier authority in No. MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139850 (Sub-No. 9), filed February 17, 1977. Applicant: FOUR STAR TRANSPORTATION, INC., 301–12 Park Building, Council Bluffs, Iowa 51501. Applicant's representative: Leonard D. Wilkins, P.O. Box 66, Underwood, Iowa 51576. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities owned and utilized by Union Packing Co., located at or near Omaha, Nebr., to points in Connecticut, Illinois, Indiana, Kansas, Maryland, Massachusetts, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Omaha, Nebr. or Kansas City, Mo.

No. MC 140421 (Sub-No. 15), filed January 21, 1977. Applicant: ACTION MOTOR EXPRESS, INC., P.O. Box 29102, New Orleans, La. 70189. Applicant's representative: Sandra H. Roberson (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fibre drums*, from the plantsite of the Continental Group, Inc., located at Van Wert, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, Missouri, Pennsylvania, West Virginia, and Wisconsin; and (2) *drums, components, materials and supplies*, between the plantsites of the Continental Group, Inc., located at Midland, Mich.; Carteret, N.J.; Pittsburg, Calif.; Culloden, W. Va.; Windsor Locks, Conn.; Tonawanda, N.Y.; Van Wert, Ohio; Reading, Pa.; Overland, Mo.; Jacinto City, Tex.; Charlotte, N.C.; and Lithonia, Ga., under contract with The Continental Group, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either New Orleans or Baton Rouge, La.

No. MC 140717 (Sub-No. 2), filed February 18, 1977. Applicant: JULIAN MARTIN, INC., 1490 S. 14th Street, Batesville, Ark. 72501. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic sheeting*, from Avenel, N.J., to Madison, Ga., and Iowa City, Iowa, under a continuing contract, or contracts, with Process Systems, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 140842 (Sub-No. 4), filed December 15, 1976. Applicant: B AND P MOTOR LINES, INC., P.O. Box 741, Forest City, N.C. 28043. Applicant's representative: Charles G. Dennis, Suite 101, 10205 Oasis Street, San Antonio, Tex. 78216. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Industrial and commercial air coolers and air conditioners* (except water evaporative types), from the plantsite of Friedrich Air Conditioning and Refrigeration Company, located at San Antonio, Tex., to points in Florida, under a continuing contract, or contracts, with Friedrich Air Conditioning and Refrigeration Company, located at San Antonio, Tex.

NOTE.—Applicant holds common carrier authority in No. MC 106074 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either San Antonio, Tex., Charlotte, N.C., or Jacksonville, Fla.

No. MC 141273 (Sub-No. 1), filed February 14, 1977. Applicant: CARL NEESAM, Pardeeville, Wis. 53954. Applicant's representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blood, meat scraps, entrails, offal, tripe, ground bones, tallow, animal fats, cracklings, feather meal, fish, and fish meal; animal poultry, and fish by-products; tankage*, and *other feed ingredients*, between the plantsite of Badger By-Products Co., Inc., located at Milwaukee, Wis., on the one hand, and, on the other, points in Indiana, Illinois, Iowa, and Minnesota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Milwaukee, Wis., or Chicago, Ill.

No. MC 141546 (Sub-No. 12), filed February 17, 1977. Applicant: BULK TRANSPORT SERVICE, INC., 1 Dundee Park, Andover, Mass. 01810. Applicant's representative: Kenneth B. Williams, 84 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Hartford, Conn.; to points in Massachusetts, New Hampshire, New York, Rhode Island, and Vermont, restricted to shipments having a prior movement by rail.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 141617 (Sub-No. 3), filed February 17, 1977. Applicant: EUGENE MCDONALD, doing business as MCDONALD TRUCKING, Box 94, Selby, S. Dak. 57472. Applicant's representative: Mark Menard, 5301, North Cliff, P.O. Box 480, Sioux Falls, S. Dak. 57101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap iron*, from Mobridge, Philip and Belle Fourche, S. Dak., to ports of enry on the International Boundary Line between the United States and Canada located at points in Montana, under a continuing contract, or contracts, with Mardians, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held either Sioux Falls, S. Dak., or Sioux City, Iowa.

No. MC 141804 (Sub-No. 37) (Correction), filed December 6, 1976, and published in the FEDERAL REGISTER issue of January 13, 1977, and republished this issue. Applicant: WESTERN EXPRESS, division of Interstate Rental, Inc., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68509. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Auto and motorcycle parts*, from the plant site and storage facilities of Nippondenso located at or near Carson, Calif., to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada, restricted to traffic originating at the above location; and (2) *materials and supplies* used in the manufacture of the above items, from Clinton, Tenn., and Cleveland, Ohio to the plant site and storage facilities of Nippondenso located

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at or near Carson, Calif., restricted to traffic destined to the above-named destination point.

NOTE.—The purpose of this republication is to clarify applicant's territorial description in (1) above. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles, Calif., or Lincoln, Nebr.

No. MC 141804 (Sub-No. 45), filed February 10, 1977. Applicant: WESTERN EXPRESS, DIVISION of Interstate Rental, Inc., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Frederick J. Coffman, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Label stock and equipment, parts, and supplies*, used in the manufacture thereof (except commodities in bulk, and commodities requiring specialized equipment for the loading, unloading, or transportation thereof), (1) from Cucamonga, Calif., to Quakertown, Mill Hall, and Philadelphia, Pa.; International Falls and Minneapolis, Minn.; Hamilton, Painesville, Akron, Dayton, and Cleveland, Ohio; Chicago, Watseka and Niles, Ill.; Holyoke and Fitchburg, Mass.; Atlanta and Peachtree City, Ga.; Charlotte and Greensboro, N.C.; Gulfport, Miss.; Kansas City and St. Louis, Mo.; St. Petersburg and Tampa, Fla.; Kansas City and Topeka, Kans.; Milwaukee and Rhinelander, Wis.; New York, N.Y.; New Orleans, La.; Sioux Falls, S. Dak.; Salt Lake City, Utah; Dallas, Tex.; Denver, Colo.; Omaha, Nebr.; and Des Moines, Iowa; and (2) from the destination points to the origin point named in (1) above, restricted to the transportation of articles originating at or destined to the plantsite and storage facilities of Fasson Graphic Arts, located at Cucamonga, Calif.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Lincoln, Nebr.

No. MC 141804 (Sub-No. 48), filed February 16, 1977. Applicant: WESTERN EXPRESS, a division of Interstate Rental, Inc., a corporation, P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Frederick J. Coffman, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Modular accoustical panels* and *related products, metal, glass, and fabric combined*, (except wall panels, and permanent partions), from the plantsite and storage facilities of Pleion Corporation located at or near Santa Ana, Calif., to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada (except the District of Columbia).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles, Calif. or Lincoln, Nebr.

No. MC 141838 (Sub-No. 2), filed February 18, 1977. Applicant: BOBBY L. LAMB, doing business as LAMB TRUCKING COMPANY, Highway 75, Centre Church Road, P.O. Box 1115, Oneonta, Ala. 35121. Applicant's representative: George M. Boles, 903 Frank Nelson Bldg., Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, between points in Alabama, Georgia, Mississippi, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala., or Atlanta, Ga.

No. MC 142101 (Sub-No. 1), filed February 25, 1977. Applicant: JAMES BROOMALL, doing business as BROOMALL TRUCKING, 5313 Waldo Place, Los Angeles, Calif. 90041. Applicant's representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, Calif. 90010. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bakery goods and supplies and empty pallets and containers*, between Los Angeles, Calif., on the one hand, and, on the other, Mesa, Phoenix, Tempe, Tucson and Scottsdale, Ariz., under a continuing contract or contracts with California Milling Corp.; and (2) *bakery goods and supplies and empty pallets and containers*, between Phoenix, Ariz., on the one hand, and, on the other, City of Industry, Culver City, Garden Grove, Long Beach, Los Angeles and Vernon, Calif., under a continuing contract or contracts with Holsom Bakery, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 142178 (Sub-No. 1), filed February 15, 1977. Applicant: KENNETH J. PRENGER, doing business as CHERKEN TRUCK LINES, P.O. Box 1302, Columbia, Mo. 65201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* used in the construction of heating and ventilating systems, from the plant site of Semco Mfg. Inc. located at Salisbury, Mo., to points in Alaska, Hawaii, and Missouri), under a continuing contract or contracts with Semco Mfg. Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City or Columbia, Mo.

No. MC 142268 (Sub-No. 12), filed February 14, 1977. Applicant: GORSKI BULK TRANSPORT, INC,, R.R. No. 4, Harrow, Ontario, Canada NOR IG0. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol and alcoholic beverages*, in bulk, in tank vehicles, from Pekin, Ill., to Cleveland, Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Detroit, Mich., or Chicago, Ill.

No. MC 142295 (Sub-No. 1), filed February 10, 1977. Applicant: ROGER H. CLARK, doing business as R. H. CLARK TRUCKING, 919½ North Randolph Avenue, Elkins, W. Va. 26241. Applicant's representative: Harry A. Smith III, 15 Randolph Avenue, P.O. Box 466, Elkins, W. Va. 26241. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed*, in bulk, and in bags, such as beef and stock feeds, dairy cattle feeds, dog feeds, horse feeds, poultry feeds, rabbit feeds, swine feeds, between Harrisonburg and Roanoke, Va., on the one hand, and, on the other, points in West Virginia, under a continuing contract, or contracts with Southern States Cooperative, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Charleston, or an unspecified point in West Virginia, or Richmond, Va.

No. MC 142349 (Sub-No. 1), filed February 14, 1977. Applicant: SE-BE TRUCK LINE, INC., Box 392, Denver, Iowa 50622. Applicant's representative: Grant J. Merritt, 415 Peavey Building, 730 Second Avenue South, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel*, from the facilities of Jones & Laughlin Steel Corporation, Service Center, located at Chicago, Ill., to points in Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 142361 (Sub-No. 2), filed February 17, 1977. Applicant: RISBERG TRUCK SERVICE, INC., 2339 S. E. Grand Avenue, Portland, Oreg. 97214. Applicant's representative: Jerry R. Woods, Suite 1440, 200 Market Bldg., Portland, Oreg. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities in bulk, in tank vehicles, commodities requiring special equipment household goods, and Classes A and B explosives), between the facilities of Pay Less Drug Stores Northwest, Inc., located at or near Beaverton, Oreg., and points in California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, under a continuing contract, or contracts, with Pay Less Drug Stores Northwest, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 14285 (Sub-No. 1), filed February 25, 1977. Applicant: KENDRICK MOVING AND STORAGE, INC., P.O. Box 209, Lebanon, Ohio 45036. Applicant's representative: James M. Burtch, 100 E. Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper bags*, with or without *plastic liners and closing materials*, from the plantsite of Hoerner Waldorf Corporation, located at Middletown, Ohio, to points in Arkansas, Georgia, Illinois, Indiana, Kentucky, Michigan, Missouri, North Carolina, Pennsylvania, Tennessee, Texas and West Virginia.

NOTE.—If hearing is deemed necessary, the applicant requests that it be held at Columbus, Ohio.

No. MC 142508 (Sub-No. 3), filed February 17, 1977. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, Omaha, Nebr. 68137. Applicant's representative: Joseph Winter, 33 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides, skins and pieces and thereof), (1) Between the facilities utilized by Dugdale Packing Company and National Foods located at or near Norfolk, Nebr., on the one hand, and, on the other, points in Colorado, Illinois, Indiana, Iowa, Kansas, Missouri, Ohio, South Dakota, and Wisconsin; (2) from the facilities utilized by Dugdale Packing Company located at or near Darr, Nebr., to points in the United States (except Alaska and Hawaii); (3) from the facilities utilized by Dugdale Packing Company and National Foods located at or near Norfolk, Nebr., to points in Alabama, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Idaho, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming and the District of Columbia.

(4) Between the facilities utilized by Prairie Maid Meat Products, Inc., located at or near Lincoln, Nebr., on the one hand, and, on the other, points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Montana, Nebraska, Wisconsin, South Dakota, North Dakota and Wyoming; (5) from the facilities utilized by Land O'Frost, Inc., located at or near Lansing, Ill., to points in Oklahoma and Texas, and Joplin and Springfield, Mo.; and (6) between the facilities utilized by Cornland Dressed Beef, Inc., located at or near Lexington, Nebr., on the one hand, and, on the other, points in Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, Wisconsin, and the District of Columbia, restricted in (1) thru (6) above to traffic originating at the above-named origins and destined to the above-named destinations.

NOTE.—The purpose of this application is to convert contract carrier authority to common carrier authority. Applicant holds contract carrier authority in MC-134734 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 142707 (Sub-No. 2), filed February 11, 1977. Applicant: CENTRAL VIRGINIA TRUCKING CO., INC., 3719 Old Forest Road, Lynchburg, Va. 24501. Applicant's representative: Frank B. Hand, Jr., P.O. Box 187, Berryville, Va. 22611. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal castings*, between the facilities of Lynchburg Foundry, a Mead Company located at Archer Creek, Va. on U.S. Highway 460, eight miles east of Lynchburg, on the one hand, and, on the other, the facilities of Carolina Commercial Heat Treat Corp. located at Reidsville, N.C., under a continuing contract, or contracts, with Lynchburg Foundry, a Mead Company located at Lynchburg, Va.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 142820 (Sub-No. 1) (Partial correction), filed January 19, 1977, published in the FEDERAL REGISTER issue of March 17, 1977, and republished in part, as corrected, this issue. Applicant: ODEX EXPRESS, INC., 169 Avenue F, Bayonne, N.J. 07002. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. The purpose of this republication in part is to indicate the correct name of applicant's representative. The rest of the publication remains the same.

No. MC 142844, filed January 10, 1977. Applicant: DON HAUSAUER, doing business as, DON HAUSAUER TRUCKING, Fort Lincoln Estates, Bismarck, N. Dak 58501. Applicant's representative: R. W. Wheeler, P.O. Box 773, 220 North 4th Street, Bismarck, N. Dak. 58501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Oregon and Washington, to points in Minnesota and Wisconsin, under contract with Owen's Forest Products, located at Duluth, Minn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak., or Minneapolis, Minn.

No. MC 142881 (Sub-No. 1), filed February 18, 1977. Applicant: REXFORD C. GREER, doing business as AMERICAN TRUCK STOP, U.S. Route 15, Mansfield, Pa. 16933. Applicant's representative: S. Michael Richards, 44 North Ave., P.O. Box 225, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles, and replacement vehicles therefor*, between points in Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Scranton or Harrisburg, Pa.

No. MC 142895 (Sub-No. 2), filed February 13, 1977. Applicant: EIGHTY EIGHT ENTERPRISES, INC., 8100 South 100 East, Sandy, Utah 84070. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, millwork, wood products, reinforcing steel, and building materials*, from Arizona, California, Colorado, Idaho, Montana, Oklahoma, Oregon, Texas and Washington, to Utah, under a continuing contract or contracts with Gene's Building Materials, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Salt Lake City, Utah or Washington, D.C.

No. MC 142905, filed February 15, 1977. Applicant: PETROLEUM TRANSPORTATION CORPORATION, 9717 East 42nd Street, Tulsa, Okla. 74145. Applicant's representative: Harry J. Jordan, 1100 Sixteenth Street, N.W., Suite 502, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, nitogen fetrilizer solutions and urea liquor*, from the plantsites of Oklahoma Nitrogen Corporation and Bison Chemical Company, located at or near Woodward, Okla., to points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, South Dakota, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Oklahoma City or Tulsa, Okla.

No. MC 142906 (Sub-No. 1), filed February 10, 1977. Applicant: SUNWARD TRUCKING INCORPORATED, 808 South 14th, Worland, Wyo. 82401. Applicant's representative: Calvin A. Calton, 226 Hedden-Empire Bldg., 208 North 29th Street, Billings, Mont. 59101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Unassembled steel buildings and component parts thereof, and unassembled steel sheeting; pre-cut lumber and components*, for pole barns, from Jamestown, N. Dak., to points in the United States (except Alaska and Hawaii); and (2) *galvanized steel coils and flats, including colored flats and black flat steel and galvanized and colored corrugated sheets and other associated steel products and components*, for steel buildings and pole barns. *and rot-resistant treated dimensional lumber and other associated lumber and components*, for pole barns, from points in the United States (except Alaska and Hawaii), to Jamestown, N. Dak., under

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contract with Marvel Brute Steel Buildings, Inc., at Jamestown, N. Dak.

NOTE.—If a hearing is deemed necessary, applicant requests it be held as Casper, Wyo.; Bismark, N. Dak.; or Billings, Mont.

No. MC 142912 (Sub-No. 2), filed February 17, 1977. Applicant: JIMMIE CROWDER EXCAVATING AND LAND CLEARING, INC., Rt. 4, Box 475, Tallahassee, Fla. 32301. Applicant's representative: Thomas F. Panebianco, P.O. Box 1200, Tallahassee, Fla. 32302. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in bulk, in dump trucks, from points in Gadsden County, Fla., to the plantsite and facilities of Engelhard Minerals and Chemical Corporation, located at Attapulgus, Ga., under contract with Engelhard Mineral and Chemical Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Tallahassee, Fla., or Atlanta, Ga.

No. MC 142913 (Sub-No. 1), filed February 18, 1977. Applicant: TRAVIS TRANSPORT, INC., 3546 Vandalia Road, Des Moines, Iowa 50317. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, lumber products, wood products, building and construction materials and supplies;* and (2) *such commodities* as are distributed by dealers in the commodities named in (1) above, between the facilities of St. Regis Paper Company, Wheeler Lumber Division located at or near Hastings and Norfolk, Nebr., and Des Moines and West Des Moines, Iowa, on the one hand, and, on the other, points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska and South Dakota, under a continuing contract, or contracts, with St. Regis Paper Company, Wheeler Lumber Division, restricted against the transportation of commodities in bulk.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Des Moines, Iowa.

No. MC 142930, filed February 9, 1977. Applicant: MARLEN SYSTEMS, INC., 88 Twin Oaks Oval, Springfield, N.J. 07081. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment and supplies*, used in the installation of swimming pools, between the plantsite of Major Pool Equipment Corp., located at Delawanna, N.J., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia, under a continuing contract, or contracts, with Major Pool Equipment Corp., located at Delawanne, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 142931, filed February 9, 1977. Applicant: RICHARD KISLING, P.O. Box 302, Cedarville, Ohio 45314. Applicant's representative: Boyd B. Ferris, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, rough or surfaced, *green or dry*, from points in Alabama, Arkansas, Florida, Georgia, Indiana, Louisiana, Maryland, Mississippi, North Carolina, Ohio, Oklahoma, South Carolina, Texas and Virginia, to points in Florida, Illinois, Indiana, Kansas, Kentucky, Michigan, Missouri, New York, Ohio, Pennsylvania, Tennessee, Texas, West Virginia and Wisconsin, restricted to a transportation service to be performed, under a continuing contract, or contracts, with Fireside Forest Industries, Inc., located at Columbus, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 142932 (Sub-No. 1), filed February 17, 1977. Applicant: A. M. RISHER TRUCKING, INC., State Road 54 West, Linton, Ind. 47441. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nitro carbo nitrate, ammonium nitrate fertilizer*, in packages and in bulk, and *blasting accessories*, when in mixed shipments with nitro carbo nitrate or ammonium nitrate fertilizer, between Midland, Ind., on the one hand, and, on the other, points in Illinois and Kentucky, under contract with Monsanto Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind., or St. Louis, Mo.

No. MC 142974 (Sub-No. 1), filed February 18, 1977. Applicant: SURE TRANSPORT, INC., 135 State Street, Suite 200, Springfield, Mass. 01103. Applicant's representative: David M. Marshall (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vermiculite, perlite, plastic and vermiculite, perlite and plastic articles, peat moss, plant bed media, building materials and potting soil, and materials and supplies*, used in the manufacture, sale and distribution of such commodities (except in bulk, in tank vehicles), between the plants and facilities of W. R. Grace & Co., located in the United States (except Alaska and Hawaii), on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with W. R. Grace & Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 142978, filed February 17, 1977. Applicant: W. L. DAVIS, INC., 800 Fourth Financial Center, Wichita, Kans. 67202. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products* and *articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from the plantsite of Iowa Beef Processors, located at Dakota City, Nebr., and Emporia, Kans., to Reno, Nev., and Sacramento, Calif., under a continuing contract or contracts with Raleys Supermarkets.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 142981, filed February 22, 1977. Applicant: LEROY M. WEAVER, Sun Valley Road, Stevens R. D. No. 1, Pa. 17578. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural pulverized limestone* in spreader type equipment, and in full trailers for use with and incidental to spreader type equipment, from points in Lancaster County, Pa., to points in Delaware, Maryland, New Jersey and Virginia (except to incorporated municipalities).

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Lancaster, Pa. or Washington, D.C.

No. MC 142985, filed February 22, 1977. Applicant: LOUIS E. MARTIN, R.D. No. 1, Narvon, Pa. 17555. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural pulverized limestone* in spreader type equipment and in full trailers for use with and incidental to spreader type equipment, from points in Lancaster County, Pa. to points in Delaware, Maryland, New Jersey, and Virginia (except to incorporated municipalities).

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Lancaster, Pa., or Washington, D.C.

No. MC 142986, filed February 22, 1977. Applicant: ELVIN E. MARTIN, R.D. No. 1, Box 435, Narvon, Pa. 17555. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural pulverized limestone* in spreader type equipment, and in full trailers for use with and incidental to spreader type equipment, from points in Lancaster County, Pa., to points in Delaware, Maryland, New Jersey and Virginia (except to incorporated municipalities).

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Lancaster, Pa., or Washington, D.C.

No. MC 142987, filed February 14, 1977. Applicant: WILLIAM C. CHERWIN, doing business as, ROADY ENTERPRISES, Route 1, Box 48C, Big Rock, Ill, 60511. Applicant's representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, Wis. 53705. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pet food and small animal food*, not fit for human consumption, from the plantsite of Federal Foods, Inc., located in Mequon, Wis., to points in New Jersey and Pennsylvania under a continuing contract or contracts with Federal Foods, Inc., located in Mequon, Wis.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Milwaukee, Wis., or Chicago, Ill.

No. MC 142988, filed February 22, 1977. Applicant: LUKE G. BURKHOLDER, R.D. No. 2, Mohnton, Pa. 19540. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural pulverized limestone* in spreader type equipment, and in full trailers for use with and incidental to spreader type equipment, from points in Lancaster County, Pa. to points in Delaware, Maryland, New Jersey and Virginia (except to incorporated municipalities).

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Lancaster, Pa. or Washington, D.C.

No. MC 142989, filed February 22, 1977. Applicant: LESTER K. BURKHOLDER, R.D. No. 2, Box 122, Ephrata, Pa. 17522. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural pulverized limestone* in spreader type equipment, and in full trailers for use with and incidental to spreader type equipment, from points in Lancaster County, Pa., to points in Delaware, Maryland, New Jersey and Virginia (except to incorporated municipalities).

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Lancaster, Pa., or Washington, D.C.

No. MC 142996, filed February 9, 1977. Applicant: CHARLES WILLIAMS, doing business as WILLIAMS TEXACO & WRECKER SERVICE, 1523 N. Elm Place, Broken Arrow, Okla. 74012. Applicant's representative: Max G. Morgan, 223 Ciudad Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled automobiles, trucks, truck trailers, and trailers*, between points in that part of Oklahoma on, north, and east of a line beginning at the junction of Interstate Highway 40 and the Arkansas-Oklahoma State Line, thence west along Interstate Highway 40 to junction Interstate Highway 35, thence north along Interstate Highway 35 to junction Kansas-Oklahoma State Line, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Oklahoma City or Tulsa, Okla., or Dallas, Tex.

No. MC 142997, filed February 11, 1977. Applicant: MILTON SCHMIDT, doing business as CENTURY TRANSFER & STORAGE, 9623 32 Ave. Court SW., Tacoma, Wash. 98409. Applicant's representative: Milton Schmidt (same address as applicant). Authority sought to operates as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Washington, restricted to the transportation of traffic having a prior or subsequent movement beyond said points in containers, and further, restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 142999, filed February 11, 1977. Applicant: TRANSPORT MANAGEMENT SERVICE CORPORATION, Route 332 and Terry Drive, Newtown, Pa. 18940. Applicant's representative: Ronald N. Cobert, 1730 M Street, N.W., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Starch and chemicals*, (except in bulk), from the plantsites and warehouse facilities of National Starch and Chemical Corporation, located at or near Meredosia, Ill., Indianapolis, Ind., and Bloomfield, Finderne, and Plainfield, N.J., to points in Alabama, Arkansas, Arizona, California, Florida, Georgia, Idaho, Louisiana, Mississippi, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, and Washington; and (2) *materials, equipment, and supplies* (except in bulk), used in the manufacture of distribution of starch and chemicals, on return; and (3) *starch and chemicals* (except in bulk), *and materials, equipment and supplies* (except in bulk), used in the manufacture or distribution of starch and chemicals, between the plantsites and warehouse facilities of National Starch and Chemical Corporation, located at or near Meredosia, Ill., and Indianapolis, Ind., on the one hand, and, on the other, the plantsites and warehouse facilities of National Starch and Chemical Corporation, located at or near Bloomfield, Finderne, and Plainfield, N.J., under a continuing contract, or contracts with National Starch and Chemical Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 143000, filed February 15, 1977. Applicant: THE HIGH PLAINS GRAIN COMPANY, INC., East Highway 40, P.O. Box 7, Hays, Kans. 67601. Applicant's representative: Erle W. Francis, Suite 719, 700 Kansas Avenue, Topeka, Kans 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry processed feed and feed ingredients*, from McPherson, Kans., to points in Canadian, Grady, Cleveland, Washita, Caddo, Blaine, Roger Mills, Dewey, Woodward, Major, Alfalfa, Woods, Grant, Garfield, Kingfisher, Payne, Pontotoc, Oklahoma, Osage, Kay, Comanche, Custer, Kiowa, Ellis, Creek, Washington, Beckham, Pawnee, Texas, Beaver, Harper, Cimarron and Noble Counties, Okla.

NOTE.—If a hearing is deemed necessary, applicant requests it be at either Lincoln, Nebr., or Kansas City, Mo.

No. MC 143007 (Amendment), filed October 15, 1976, published in the FEDERAL REGISTER issue of November 18, 1976 as No. MC 142570 (Sub-No. 1), and republished as amended this issue. Applicant: WELDON G. WILSON, doing business as ADVANCE MOVING & STORAGE CO., 120 East "D", P.O. Box 202, Altus, Okla. 73521. Applicant's representative: Weldon G. Wilson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods and military baggage* restricted to a pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such shipments, between points in Beaver, Beckham, Custer, Dewey, Ellis, Greer, Harmon, Jackson, Roger Mills, and Washita Counties, Okla., and Childress, Collingsworth, Donley, Gray, Hall, Hemphill, Lipscomb, Ochiltree, Roberts and Wheeler Counties, Tex.

NOTE.—The purpose of this republication is (I) to indicate the change in the docket number in this proceeding by the substitution of MC 143007 in lieu of MC 142570 (Sub-No. 1); and (II) to indicate applicant's amended request for common carrier authority in lieu of contract carrier. If a hearing is deemed necessary, the applicant requests it be held at either Fort Worth or Amarillo, Tex., or Oklahoma City, Okla.

PASSENGER APPLICATIONS

No. MC 50655 (Sub-No. 31), filed February 14, 1977. Applicant: GULF TRANSPORT COMPANY, a corporation, 505 South Conception Street, Mobile, Ala. 36603. Applicant's representative: John H. Doeringer, 233 North Michigan Avenue, 26th Floor, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, Between Memphis, Tenn., and New Albany, Miss., serving all intermediate points: From Memphis over U.S. Highway 78 to New Albany, and return over the same route.

NOTE.—Applicant states the requested authority will be joined at Holly Springs and New Albany, Miss., to provide through service between Memphis and points south and southeast of Albany and Holly Springs, Miss.

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Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Memphis, Tenn., or Jackson, Miss., or Mobile, Ala.

No. MC 142799 (Sub-No. 1), filed February 14, 1977. Applicant: COLONIAL COACH CORP., 17 Franklin Turnpike, Mahwah, N.J., 07450. Applicant's representative: Samuel B. Zinder, 98 Cutter Mill Road, Great Neck, N.Y. 11021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, beginning and ending at Collingswood, N.J., and extending to Philadelphia, Pa., under a continuing contract, or contracts, with J & G Managerment.

NOTE.—Applicant holds common carrier Authority in No. MC 39491 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa.

BROKER APPLICATIONS

No. MC 130273 (Sub-No. 1), filed February 17, 1977. Applicant: AUTOMOBILE CLUB OF SOUTHERN OHIO, INC., 710 Waller St., Portsmouth, Ohio 45662. Applicant's representative: Gerald P. Wadkowski, 85 E. Gay St., Columbus, Ohio 43215. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Portsmouth, Athens, Ironton, Gallipolis, Logan, Jackson and Chillicothe, Ohio, to sell or offer to sell the transportation of *Passengers and their baggage*, in special and charter operations, in all-expense round trip tours, by motor, air, and rail, beginning and ending at points in Highland, Morgan, Ross and Washington Counties, Ohio and points in Wood County, West Va., and extending to points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Portsmouth or Columbus, Ohio or Parkersburg, W. Va.

No. MC 130441, filed February 8, 1977. Applicant: JAMES L. DAVIS, 550 N.W. 118th Ave., Ft. Lauderdale, Fla. 33325. Applicant's representative: S. Harrison Kahn, Investment Building, Suite 733, Washington, D.C. 20005. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Ft. Lauderdale, Fla., to sell or offer to sell the transportation of: *Passengers and their baggage* as individuals and in groups, by motor, rail, water and air carriers, in special and charter operations, in sightseeing and pleasure tours, between points in the United States, including Alaska and Hawaii, restricted to tours beginning and ending at Broward and Palm Beach Counties, Fla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Ft. Lauderdale or Miami, Fla.

FREIGHT FORWARDER APPLICATION

No. FF-435 (Sub-No. 1), filed February 22, 1977. Applicant: NATIONAL FORWARDING COMPANY, INC., National Plaza, Roosevelt and Gardner Roads, Broadview, Ill. 60153. Applicant's representative: Alan F. Wohlstetter, 1700 K Street, N.W., Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce as a *freight forwarder*, through use of the facilities of common carriers by rail, motor, water and express, in the transportation of (1) *Used household goods and unaccompanied baggage;* and (2) *used automobiles*, between points in the United States, including Alaska and Hawaii, restricted in (2) above to the transportation of export and import traffic.

NOTE.—Applicant states the purpose of this application is to add Alaska to its present authority. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

FINANCE APPLICATIONS

NOTICE

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this Federal Register notice. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's *General Rules of Practice* (49 FR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC-F-13146. Authority sought for purchase by William Gilchrist, an individual, 105 N. Keyser Avenue, Old Forge, Pa. 18519, of the operating rights of TRANS-WAYS CO., R.D. No. 3, Box 36, Moscow, Pa., 18444, and for acquisition by William S. Gilchrist and John Gilchrist, both of Old Forge, Pa. 18519, of control of such rights throught the purchase. Applicants' attorney: Joseph F. Hoary, I.C.C. Practitioner, 121 S. Main Street, Taylor, Pa. 18517. Operating rights sought to be transferred: Materials, supplies and products used in or produced by the food processing industry (except commodities in bulk), as a contract carrier over irregular routes between Erie and North East, Pa., and Westfield, Dunkirk, Buffalo, and Newark,, N.Y., on the one hand, and on the other, points in New Jersey, New York, and Pennsylvania, with restrictions. Vendee is authorized to operate as a common carrier in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13165. Application under Section 5(1) of the Interstate Commerce Act for approval of an agreement between common carriers for the pooling of traffic. Applicants: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA., 94025 (MC 42487) with twelve (12) carriers, namely, Columbia City Freight Lines, Inc., P.O. Box 328, Columbia City, IN., 46725, (MC 107487), W. N. Daul Transfer Lines, Inc., 1511 Ellis Street, Kewaunee, WI., 54216, (MC 68717), Glennon Transports, Inc., 1000 N. 14th Street, St. Louis, MO., 63106, (MC 67210), Lime City Trucking Company, Inc., 1455 Swan Street, Huntington, IN., 46750, (MC 20872), McBride's Express, Inc., East Route 316, Mattoon, IL., 61938, (MC 112049), McLaren Truck Lines, Inc., P.O. Box 295, Terre Haute, IN., 47808, (MC 2078), Neuendorf Transportation Company, 121 South Stoughton Road, Madison, WI., 53701, (MC 2754), Schneider Transfer, 1013 Longfellow Avenue, Edwardsville, IL., 62025, (MC 59449), Teeple Truck Lines, Inc., 2235 Pennsylvania Street, Fort Wayne, IN., (MC 24130), Turner Trucking Co., Inc., 1215 West Main Street, Lebanon, IN., 46052, (MC 97251), Underwood Truck Lines, Inc., 21 South Depot Street, Brazil, IN., (MC 99539), and West Bend Transit & Service Company, Inc., 105 Forest Avenue, West Bend, WI., (MC 44469), seeks to enter into an agreement for the pooling of traffic consisting of general commodities and various specified commodities moving to and from points in Fort Wayne, Indiana (point of interchange), points in Howe, LaGrange, Shipshewanna, Indiana; Green Bay, Wisconsin terminal of Consolidated Freightways (interchange point), points in Alaska, Algoma, Kewaunee, Rankin, and Two Creeks, Wisconsin; St. Louis, MO., (point of interchange), points in Alorton, Belleville, Caseyville, Centreville, Columbia, Dupo, East Carondelet, Fairview, Fairview Heights, French Village, Millstadt, North Dupo, Pontiac (St. Clair County), Rosemont, Signal Hill, State Park Place, and Washington Park, IL.; Fort Wayne, IN., (point of interchange), points in Huntington, and Roanoke, IN.; St. Louis, MO. (point of interchange), points in Altamont, Avena, Bluff City, Brownstown, *Effingham, Funkhouser, Greenville, Hargarstown, Highland, Keptown, Mulberry Grove, Pocahontas, St. Elmo, St. Jacob, Smithboro, Vandalia, and Pierron, Illinois.

* Restriction: Restricted to traffic originating at or destined to points west of the Western Boundaries of the States of Indiana (including traffic generated over the Highland, South Bend and Michigan City, Indiana terminals of Consolidated Freightways Corporation of Delaware), Kentucky, Tennessee (including traffic generated over the Memphis, Tennessee terminal of Consolidated Freightways Corporation of Delaware)

Applicants' representatives: G. T. West, Vice President—Traffic, 175 Linfield Drive, Menlo Park, CA., 94025, and Robert M. Bowden, Commerce Supervisor, P.O. Box 3062, Portland, OR., 97208.

No. MC-F-13166. Application under section 5 (1) of the Interstate Commerce Act for approval of an agreement between common carriers for the pooling of traffic. Applicants: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA., 94025 (MC 42487) with nine (9) carriers, namely, A.B.C. Cartage, 129 S.E. 18th, Des Moines, IA., 50317 (MC 129802), Elway Express, Inc., P.O. Box 328, Fort Wayne, IN., 46801 (MC 25290), Jones Transfer Company, 300 Jones Avenue, Monroe, MI., 48161 (MC 4968), Knox Motor Service, Inc., P.O. Box 5206, Rockford, IL., 61125 (MC 19553), Minnesota-Wisconsin Truck Lines, Inc., 965 Eustis, St. Paul, MN., 55114 (MC 119914), Morley Transfer Co., 79 Northwest 4th Street, Forest Lake, MN., 55025 (MC 120217), R.D. Motor Express, Inc., 613 North Madison Street, Muncie, IN., 47305 (MC 57203), Schmidt Truck Service, Inc., Number One Clyde Avenue, Litchfield, IL., 62056 (MC 87566), and Witte Transportation Company, P.O. Box 3564, St. Paul, MN., 55165 (MC 8964), seeks to enter into an agreement for the pooling of traffic consisting of general commodities moving to and from points in Des Moines, Iowa (interchange point), points in Albia, Davis City, Lamoni, Leon, Medora, and Osceola, IA.; Fort Wayne, Indiana (points of interchange), points in Kendallville, and Lisbon, Indiana; Toledo, Ohio (interchange point), points in Adrian, MI., Alvordton, Assumption, Bryan, Brunersburg, Defiance, Fayette, Kunkle, Oakshade, Winamag, and Zone, OH.; Rockford, Illinois terminal of Knox Motor Lines (interchange point), points in Alden, Argyle, Benld, Big Rock, Burlington, Caledonia, Capron, Chemung, Clare, Compton, Creston, Davis Junction, Esmond, Fairdale, Franklin Grove, Garden Prairie, Harlem, Harrison, Herbert, Hinkley, Holcomb, Holliday Hills, Kaneville, Kings, Kingston, Kirkland, Kee, Lindenwood, Malta, Maple Park, Monroe Center, Morristown, Nachusa, Paw Paw, Poplar Grove, Rainbow Gardens, Richardson, Scarboro, Seward, Shabbona, Steward, Stillman Valley, Waterman, West Brooklyn, and Winnebago, IL., Springfield, Illinois terminal of Consolidated Freightways (interchange point), points in Alexander, Arnold, Ashland, Auburn, Bates, Blue Mound, Boody, Bradforton, Chatham, Clarksdale, Divernon, Elwin, Farmersville, Girard, Glenarm, Harristown, Harvel, Morrisonville, Nilwood, Orleans, Palmer,, Raymond, Riddle Hill, Stonington, Thayer, Virginia, Waggoner, Willeys, and Virden, IL.; St. Paul, Minnesota (point of interchange).

Points in Almena, Amery, Angus, Baldwin, Balsam Lake, Barron, Bloomer, Bruce, Cameron, Centuria, Chetek, Chippewa Falls, Clayton, Clear Lake, Cumberland, Eagleton, Eau Claire, Elk Mound, Frederick, Hammon Hershey, Hillsdale, Hudson, Knapp, Ladysmith, Luck, Menomonie, Milltown, New Auburn, New Richmond, North Hudson, Poskin, Prairie Farm, Range, Rice Lake, Richardson, Roberts, Rusk, St. Croix Falls, Shell Lake, Spooner, Star Prairie, Weyerhaeuser, Wilson, Woodville, Bald Eagle, Farmington, Hamel, and Willernie, MN.; Minneapolis, Minnesota (point of interchange), points in Center City, Chisago City, Forest Lake, Lindstrom, Lino Lakes, Taylors Falls, Lexington, and Circle Pines, MN.; Indianapolis, Indiana (point of interchange), points in Charlottesville, Cleveland, Dunreith, Fortville, Gem, Greenfield, Huntsville, Indalls, Knightstown, McCordsville, Ogden, Philadelphia, Raysville, and Spiceland, IN.; St. Louis, Missouri (point of interchange), points in Butler, Hillsboro, Litchfield, Mt. Olive, Schram City, Staunton, and Taylor Springs, IL.; St. Paul, Minnestoa (points of interchange), points in Cannon Falls, Goodview, Hastings, Hokah, La Crescent, Red Wing, and Winona, MN., points in Black River Falls, **La Crosse, **La Crosse S.E., **West La Crosse, and Prescott, WI., all points between Merrillan (including Merrillan) and Tomah (not including Tomah) on Highway 12, point in Decorah, IA.

Applicants' representatives: G. T. West, Vice President—Traffic, 175 Linfield Drive, Menlo Park, CA., 94025, and Robert M. Bowden, Commerce Supervisor, P.O. Box 3072, Portland, OR., 97208.

No. MC-F-13167. Authority sought for merger by MC LEAN TRUCKING COMPANY, 617 Waughtown Street, (P.O. Box 213), Winston-Salem, N.C., 27102, with TOPEKA MOTOR FREIGHT, INC., 617 Waughtown Street, (P.O. Box 213), Winston-Salem, N.C., 27102, of control of such rights through the merger. Applicant's attorneys: Francis W. McInerny, 1000 16th Street, N.W., Washington, D.C., 20036 and Claude M. Hamrick, P.O. Box 213, Winston-Salem, N.C., 27102. Operating rights sought to be merged: *General commodities*, with exceptions as a *common carrier* over regular routes (A) Between Concordia, Kans., and Hastings, Nebr., serving the intermediate point of Hebron, Nebr., between Hastings, Nebr., and Grand Island, Nebr., serving all intermediate points between Grand Island, Nebr., and North Platte, Nebr., serving all intermediate points, between Conordia, Kans., and Kearney, Nebr., serving all intermediate points (except Belleville, Kans.), and the off-route point of Kenesaw, Nebr., with restrictions: (B) *General commodities*, with exceptions serving off-route points within 4 miles of junction U.S. Highway 24 and U.S. Highway 81 in Cloud County, Kans., in connection with carrier's regular route operations authorized in Parts (B) and (C) herein, between Wakefield, Kans., and Kansas City, Mo., serving the off-route point of North Kansas City, Mo., without restriction; the intermediate and off-route points of Kansas City, Kans., and those within 9 miles of Wakefield, restricted to pickup and delivery of feed, agricultural machinery and implements and parts thereof, twine, and seed; and Leonardville, Kans., and points within 20 miles thereof (except Manhattan, Wakefield Ogden, Randolph, and Fort Riley, Kans.), for pickup only on eastbound traffic, between Kansas City, Mo., and junction Kansas Highways 9 and 15, south of Palmer, Kans., serving the intermediate and off-route points of North Kansas City, Mo., Kansas City, Kans., and those within 15 miles of junction Kansas Highways 9 and 15, without restriction; and intermediate and off-route points within 15 miles of Clay Center, Kans., except as otherwise authorized, restricted to the transportation of feed and agricultural machinery on westbound traffic only, from Kansas City, Mo., to Junction City, Kans., serving the intermediate and off-route points of North Kansas City, Mo., Kansas City, Kans., and those within 15 miles of Junction City;

Seeds, twine, agricultural implements and parts, hardware, and building materials, from Junction City, Kans., to Kansas City, Mo., serving no intermediate points; *general commodities*, with exceptions from Kansas City, Mo., to Concordia, Kans., serving the off-route point of North Kansas City, Mo., without restriction; and the intermediate and off-route points of Kansas City, Miltonvale, Clay Center, Clyde, Ames, and Aurora, Kans., restricted to delivery only, between Marysville, Kans., and St. Joseph, Mo., between Marysville, Kans., and Kansas City, Mo., serving the intermediate and off-route point of

and Alabama, including traffic originating at or destined to points in the State of Michigan; Terre Haute (point of interchange), points in Dana, Hillsdale, and Montezuma, IN.; Milwaukee, Wisconsin (point of interchange), points in Abbotsford, Almond, Altoona, Auburndale, Augusta, Bancroft, Blenker, Boyd, Cabbot, Colby, Coloma, Curtiss, Edgar, Fairchild, Fall Creek, Hancock, Junction City, Marathon Milladore, Neillsville, Owen, Plainfield, Stanley, Thorp, Unity, and Withee, WI.; St. Louis MO., (interchange point), Collinsville, Carpenter, Maryville, Edwardsville, and Glen Carbon, IL.; Fort Wayne, Indiana, (point of interchange), points in Antiville, Baine, Bryant, Como, Fairview, Liberty, Portland, Webster, and Williamsburg, Indiana; Indianapolis, Indiana (point of interchange), points in Fickle, Frankfort, Gadsden, Jefferson, Lafayette, Lebanon, Monroe, Reagan, Whitestown, and West Lafayette, Indiana; Terre Haute, Indiana terminal of Consolidated Freightways Corporation of Delaware (interchange point), points in Brazil, Cloverland, Glenn, Harmony, Knightsville, Seelyville, and Staunton, Indiana; Milwaukee, Wisconsin (interchange point), points in Barton, Jackson and West Bend, Wisconsin, Consolidated Freightways Corporation of Delaware is authorized to operate as a common carrier in all the States in the United States (except Hawaii).

**Restricted to Traffic originating at or destined to points west of the Eastern boundaries of Minnesota, Nebraska, Colorado and New Mexico. Consilidated Freightways Corporation of Delaware is authorized to operate as a common carrier in all the States in the United States (except Hawaii).

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Kansas City, Kans., and those within 10 miles of Marysville, Kans., in connection with the two routes described next above, between Winifred, Kans., and Kansas City, Mo., serving the intermediate and off-route points of Kansas City, Frankfort, Bigelow, and Lillis, Kans., from Kansas City, Mo., to Waterville, Kans., serving the intermediate and off-route points of Kansas City, Green, and Frankfort, Kans., and those within 15 miles of Waterville, between Junction City, Kans., and Kansas City, Mo., serving the intermediate point of Kansas City, Kans., and the off-route point of North Kansas City, Mo.; *grain, seeds, feed, agricultural implements, hardware, building materials, petroleum products in containers binder twine, and automobile accessories*, between Frankfort, Kans., and St. Joseph, Mo., serving intermediate and off-route points within 20 miles of Frankfort, Kans., between Frankfort, Kans., and Kansas City, Mo., serving the intermediate and off-route points of Kansas City, Kans., and points within 20 miles of Frankfort, Kans.; *building and fencing materials and bale ties*, between Chapman, Kans., and Kansas City, Mo., serving the intermediate points of Kansas City, Kans., and the off-route points of Alida, Kans., and North Kansas City, Mo.; *farm machinery*, between Beatrice, Nebr., and Ames, Kans., serving the intermediate and off-route points of Concordia and Aurora, Kans., between Salina, Kans., and Kansas City, Mo., serving no intermediate points but serving the off-route point of North Kansas City, Mo.; *feed and seed*, between Concordia, Kans., and Superior, Nebr., serving no intermediate points; *seeds*, from Junction City, Kans., to St. Joseph, Mo., serving intermediate and off-route points within 15 miles of Junction City.

General commodities, with exceptions between Kansas City, Mo., and Hill City, Kans., serving the intermediate points of Miltonvale and Glasco, Kans., and the intermediate and off-route points in Phillips, Rooks, Smith, Osborne, Jewell and Mitchell Counties, Kans., unrestricted; the intermediate and off-route points of North Kansas City, Mo., Kansas City, Kans., and the Fairfax Industrial District, restricted to traffic moving to or from points west of Kansas City, Kans.; and all other intermediate and off-route points in the Kansas City, Mo.-Kansas City, Kans. Commercial Zone, as defined by the Commission, unrestricted except as otherwise noted herein, between Concordia, Kans., and junction Kansas Highway 9 and U.S. Highway 24, serving no intermediate points, between Concordia, Kans., and junction U.S. Highways 81 and 24, serving no intermediate points, with restrictions; (C) *general commodities*, with exceptions, between Atchison, Kans., and Kansas City, Mo., serving the intermediate points of Victory Junction, Lansing, Richardson, Soldier's Home, Leavenworth, Fort Leavenworth and Lowemont, Kans., and serving intermediate and off-route points in the Kansas City, Mo.-Kansas City, Kans., Commercial zone, as defined by the Commission; between Kansas City, Mo., and Topeka, Kans., serving all intermediate points, and the off-route points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, as defined by the Commission, and the site of the Goodyear plant (located approximately one and one-third miles northwest of the city limits of Topeka, Kans.); *malt beverages*, from St. Louis, Mo., to Lawrence, Kans., serving no intermediate points; *malt beverages, pickles, spices*, and *mustard*, from St. Louis, Mo., to Topeka, Kans., serving no intermediate points; *empty malt beverage containers*, from Lawrence, Kans., to St. Louis, Mo., serving no intermediate points, from Topeka, Kans., to St. Louis, Mo., serving no intermediate points; *cartons and containers* used in the transportation of bakery products, as a *common carrier* over irregular routes, from Junction City, Kans., to Kansas City, Mo., with no transportation for compensation on return except as otherwise authorized; *general commodities*, with exceptions between points in Adams, Clay, Fillmore, Nuckolls, Thayer, and Webster Counties, Nebr., on the one hand, and, on the other, points in Kansas, between points in Cloud, Jewell, Mitchell, and Republic Counties, Kans., on the one hand, and, on the other, points in Nebraska; *dry fertilizer* in bags and in bulk, in vehicles other than tank or hopper-type, from Lawrence Kans., and points within 10 miles thereof, to points in Nebraska; and returned shipments of the next above-described commodities, from points in Nebraska, to Lawrence, Kans., and points within 10 miles thereof, with restrictions:

(D) *General commodities*, with exceptions as a *common carrier* over regular routes serving the facilities of Western Electric Company, Inc., at or near Underwood, Iowa, as an off-route point in connection with carrier's otherwise authorized regular-route operations from and to Omaha, Nebr., between Clay Center, Kans., and Longford, Kans., serving those intermediate and off-route points in that part of Kansas bounded on the south by Kansas Highway 18, on the west by U.S. Highway 81, on the north by U.S. Highway 24, and on the east by U.S. Highway 77, including points on the indicated portions of said highways, between Junction City, Kans., and junction Kansas Highway 15 and unnumbered highway east of Longford, Kans., serving those intermediate and off-route points in that part of Kansas bounded on the south by Kansas Highway 18, on the west by U.S. Highway 81, on the north by U.S. Highway 24, and on the east U.S. Highway 77, including points on the indicated portions of said highways, between Topeka, Kans., and Seneca, Kans., serving no intermediate points, but serving Horton, Kans., as an off-route point in connection with the regular-route authorized herein, between Marysville, Kans., and Fairbury, Nebr., serving the intermediate points of Washington and Marrowville, Kans.; (E) *general commodities*, with exceptions between Tobias, Nebr., and Omaha, Nebr., serving the intermediate points between Tobias, and Lincoln, Nebr., including the latter, and the off-route points of Dorchester, Belvidere, Bruning and Alexandria, Nebr., unrestricted, and Beaver Crossing, Mt. Clare and Cadams, Nebr., restricted against the transportation of livestock, between Tobias, Nebr., and Lincoln, Nebr., serving all intermediate points; and the off-route points of Princeton, Cortland, and Hallam, Nebr., between Wilber, Nebr., and junction Nebraska Highway 41 and U.S. Highway 77, serving all intermediate points, between Tobias, Nebr., and Beatrice, Nebr., serving all intermediate points; and the off-route point of Pickrell, Nebr., between Alma, Nebr., and Beatrice, Nebr., serving all intermediate points, between junction U.S. Highway 281 and Nebraska Highway 4, approximately 3 miles south of Blue Hill, Nebr., and Bairbury, Nebr., serving all intermediate points, unrestricted; and the off-route point of Daykin, Nebr., restricted against the transportation of livestock.

General commodities, with exceptions between Fairbury, Nebr., and Montrose, Kans., serving all intermediate points in Kansas, between Fairbury, Nebr., and Red Cloud, Nebr., serving intermediate points between Guide Rick and Red Cloud, Nebr., and the off-route point of Northbranch, Kans., between Alma, Nebr., and Omaha, Nebr., serving intermediate points between Alma and Lincoln, Nebr., including Lincoln, between Fairbury, Nebr., and Linn, Kans., serving intermediate points in Kansas, and the off-route point of Munden, Kans., from Hebron, Nebr., to Chester, Nebr., serving all intermediate points, from Nelson, Nebr., to Nora, Nebr., serving all intermediate points, from Milligan, Nebr., to Exeter, Nebr., serving all intermediate points and the off-route point of Burress, Nebr., from Dorchester, Nebr., to Crete, Nebr., serving all intermediate points, from Wilber, Nebr., to DeWitt, Nebr., serving all intermediate points, from Grand Island, Nebr., to junction U.S. Highway 281 and Nebraska Highway 4, serving all intermediate points and the off-route point of Pauline, Nebr., from Beatrice, Nebr., to Western, Nebr., serving all intermediate points, from Ong, Nebr., to Grand Island, Nebr., serving all intermediate points and the off-route point of Stockham, Nebr., between Strang, Nebr., and junction unnumbered highway and Nebraska Highway 74 at a point approximately 2 miles west of Tobias, Nebr., serving all intermediate points, between Edgar, Nebr., and Hastings, Nebr., serving all intermediate points and the off-route point of Harvard, Nebr., between Edgar, Nebr., and Oak, Nebr., serving all intermediate points; *fruits*, from Fairbury, Nebr., to Washington, Kans., serving no intermediate points; *commodities usually dealt in by wholesale grocery companies*, except in bulk, between Fairbury, Nebr., and Osborne and Clyde, Kans., serving Osborne and Clyde, Kans., and intermediate points in Kansas, restricted to traffic moving from Fairbury, Nebr., between Osborne, Kans., and Stockton, Kans., serving all intermediate points; *household goods*, as a *common carrier* over irregular routes between Fairbury, Nebr., on the one hand, and, on the other, points in Kansas and Iowa, *windmills, and other parts*, manufactured by Windmill Manufacturing Companies, from Fairbury, Nebr., to Sioux City and Des Moines, Iowa, and Salina and Hutchinson, Kans., with no transportation for compensation on return except as otherwise authorized, with restrictions.

(F) Alternate routes for operating convenience only: General commodities, with exceptions, (1) between Omaha, Nebra., and Kansas City, Kans., in connection with carrier's authorized regular-route operations, serving no intermediate points, (2) between Lincoln, Nebr., and Kansas City, Kans., in connection with carrier's authorized regular-route operations, serving no intermediate points, with restrictions; General commodities, with exceptions, as a common carrier over regular routes serving the facilities of Jeffery Energy Center, in Pottawatomie County, Kans., as an off-route point in connection with carrier's authorized regular-route operations between Topeka and Manhattan, Kan. Vendee is authorized to operate as a common carrier in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South, Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

NOTE.—McLean Trucking Company, was granted control of Topeka Motor Freight, Inc., in MC–F–11666, served October 30, 1973.

No. MC–F–13168. Authority sought for control by McCARTY TRUCK LINE, INC., 17th and Harris Avenue, Trenton, Mo., 64683, of Nebraska-Iowa-Missouri Express, Inc., 1501 Norton, Trenton, Mo., 64683, and for acquisition by James M. McCarty, also of Trenton, Mo., 64683, of control of Nebraska-Iowa-Missouri Express, Inc., through the acquisition by James M. McCarty. Applicants' attorneys: Earl H. Scudder, Jr., and Brian Ridenour, P.O. Box 82028, Lincoln, Neb., 68501. Operating rights sought to be controlled: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, over irregular routes, as a *common carrier* between points in Buchanan County, Mo., on the one hand, and, on the other, points in Missouri north of U.S. Highway 36 and west of U.S. Highway 69, points in Iowa south of Iowa Highway 2 and west of U.S. Highway 69, and Nebraska City, Nebr., and points in its commercial zone, including points on the indicated portions of the highways specified. McCarty Truck Line Inc., is authorized to operate as a common carrier in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–13172. Authority sought for control by C. P. BROWN and I. C. HEMMINGS, individuals, 352 University Avenue, SW., Atlanta, Ga., 30315, of Chicago Express Co., Inc., 2418 S. Loomis Ave., Chicago, Ill., 60608, and for acquisition by C. P. Brown and I. C. Hemmings, both of Atlanta, Ga., 30315, of control of such rights through the acquisition by C. P. Brown and I. C. Hemmings. Applicants attorneys: Harry C. Ames Jr., 666 Eleventh Street, NW., Washington, D.C., 20001, Donald B. Levine, 39 S. LaSalle St., Chicago, Ill. Operating rights sought to be controlled: General commodities, with exceptions as a common carrier over irregular routes between points in the Chicago, Illinois Commercial Zone as defined by the Commission, with restrictions. Under a certificate of registration in Docket No. MC–68656 (Sub-No. 2), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Illinois, C. P. Brown and I. C. Hemmings, holds no authority from this Commission. However, C. P. Brown is principal stockholder (80%) and I. C. Hemmings holds the remaining stock (20%) in Brown Transport Corp., a common carrier who is authorized to operate in all the States in the United States (except Alaska, Colorado, Hawaii, Nevada, and Montana). Application has been filed for temporary authority under section 210a(b).

No. MC–F–13173. Authority sought for purchase by ROOT'S EXPRESS, INC., 11 Karlada Drive, Binghamton, N.Y., 13902, of the operating rights of Alfred Fagan, an individual, dba Fagan's Express, 431 Grand Street, Susquehanna, Pa., 18847, and for acquisition by Robert C. Root, 11 Karlada Drive, Binghamton, N.Y., and Stanley I. Root, Jr., 7230 Schuyler Road, East Syracuse, N.Y., of control of such rights through the purchase. Applicants' attorney: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Operating rights sought to be transferred: General commodities, with exceptions, as a common carrier over regular routes, between Johnson City, N.Y., and Lanesboro, Pa., serving the intermediate points of Great Bend, Pa., and Windsor, N.Y., restricted to commodities other than those in bulk, and serving all other intermediate points without restrictions, from Johnson City over New York Highway 17–C to Binghamton, N.Y., thence over U.S. Highway 11 to Great Bend, Pa., thence over Pennsylvania Highway 171 to junction Pennsylvania Highway 92, thence over Pennsylvania Highway 92 to Susquehanna, Pa., and thence over Pennsylvania Highway 171 to Lanesboro, and return over the same route, from Johnson City over New York Highway 17–C to Binghamton, N.Y., thence over U.S. Highway 11 to junction New York Highway 17, thence over New York Highway 17 to Windsor, N.Y., thence over New York Highway 79 to the New York Pennsylvania State Line, thence over Pennsylvania Highway 92 to Susquehanna, Pa., and thence over Pennsylvania Highway 171 to Lanesboro, and return over the same route. Vendee is authorized to operate as a common carrier in New York, and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC–99261 (Sub-No. 4) is a directly related matter.

No. MC–F–13174. Authority sought for purchase by TRUCK TRANSPORT, INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131, of a portion of the operating rights and property of Ecoff Trucking, Inc., P.O. Box 127, Fortville, Ind. 46040, and for acquisition by Robert B. Schilli, 29 Clayton Hills Lane, St. Louis, Mo. 63131, of control of such rights and property through the purchase. Applicants' attorneys: Leonard A. Jaskiewicz, 1730 M Street, NW., Washington, D.C. 20036, and Robert W. Loser II, 1009 Chamber of Commerce Building, Indianapolis, Ind. 46204. Operating rights sought to be transferred: Sulfuric Acid, in bulk, in tank vehicles, as a common carrier over irregular routes from Coosa Pines, Ala., to points in Georgia; nitrogen solutions and anhydrous ammonia, in bulk, in tank vehicles, from Ketona, Ala., to points in Georgia, points in that part of Florida on and north of Florida Highway 60, points in that part of Tennessee on and east of a line beginning at the Kentucky, Tennessee State Line and extending along U.S. Highway 31W to Nashville, Tenn., thence along U.S. Highway 31 to the Tennessee, Alabama State Line, and points in the part of Mississippi on and east of U.S. Highway 51; sulphate soap skimmings, in bulk, in tank vehicles, from Krannert and Macon, Ga., Monroe, La., Port St. Joe, and Palatka, Fla., and Calhoun, Tenn., to Tuscaloosa, Ala., and points within 5 miles thereof; tall oil, in bulk, in tank vehicles, from Valdosta, Ga., to Fox, Ala.; anhydrous ammonia, in bulk, in tank vehicles, and dry urea, in bulk, from the plant site of American Cyanamid Company at Avondale, La., to points in North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Tennessee, Kentucky, Arkansas, Missouri, Oklahoma, and Kansas; sugar, dry, in bulk, from points in St. Bernard Parish, La., to points in Alabama, Louisiana, Mississippi, and Tennessee, with restrictions; lime and limestone, in bulk, from points in Shelby County, Ala., to points in Mississippi, Tennessee, Florida, Georgia, Louisiana, Arkansas, North Carolina, and South Carolina, with restrictions; dry sugar, in bulk, from points in St. Bernard Parish, La., to points in Arkansas and Texas, with restrictions; dry sugar in bulk, from points in Louisiana (except points in St. Bernard Parish), to points in Arkansas, Texas, Alabama, Mississippi, and Tennessee (except Memphis and points in its commercial zone as defined by the Commission), with restrictions.

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Corn syrup, liquid sugar, and blends of corn syrup and liquid sugar, in bulk, in tank vehicles, from points in St. Bernard, Orleans, Jefferson and St. John the Baptist Parishes, La., to points in Alabama, Arkansas, Florida, Mississippi, Tennessee, and Texas, with restrictions; liquid sugar, in bulk, in tank vehicles, from Reserve, La., to Oak Grove and Monroe, La.; molasses, in bulk, in tank vehicles, from Harvey, La., to Baerfield, Ind., with restrictions; molasses, in bulk, in tank vehicles, from New Orleans, La., to points in Georgia, with restrictions; (1) lime and cement, from the facilities of Cheney Lime & Cement Company at or near Graystone (Blount County), Ala., to points in Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee; (2) cement, from the facilities of the shipper in (1) above located at or near Landmark (Shelby County), Ala., to points in the States named in (1) above; (3) lime, in bulk, from the facilities described in (2) above to points in Fulton County, Ga., with restrictions; molasses, in bulk, in tank vehicles, from the plant sites of Colonial Molasses Company, located at New Orleans and Gretna, La., to Baerfield (Allen County), Ind., and Springfield, Mo., with restrictions; molasses, in bulk, in tank vehicles, from New Orleans, La., to points in Kentucky, with restrictions; molasses, in bulk, in tank vehicles, from New Orleans, La., to points in Ohio, with restrictions; molasses, in bulk, in tank vehicles, from the facilities of Colonial Molasses Co., of Louisiana and Xtravim, both Divisions of SuCrest Corporation at New Orleans and Gretna, La., to points in Alabama, Arkansas, Colorado, Idaho, Illinois, Maryland, Michigan, Mississippi, and Wisconsin, with restrictions. Vendee is authorized to operate as a common carrier in all the States in the United States (except Alaska, Hawaii, and the District of Columbia). Application has been filed for temporary authority under section 210a(b).

No. MC-F-13175. Authority sought for purchase by GORDON FAST FREIGHT, INC., 2205 Pacific Highway East, Tacoma, Wash., 98424, of the operating rights of P & N Truck Service, Inc., 2821 Orindale Road, Klamath Falls, Oreg., 97601, and for acquisition by Jay Gordon, 2205 Pacific Highway East, Tacoma, Wash. 98424, of control of such rights through the purchase. Applicants attorney: Michael D. Duppenthaler, 515 Lyon Building, 607 Third Ave., Seattle, Wash. 91804. Operating rights sought to be transferred: Beer and wine, as a common carrier over irregular routes from points in California to points in Oregon, with no transportation for compensation on return except as otherwise authorized. Vendee is authorized to operate as a common carrier in California, Oregon, and Washington. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13177. Authority sought for purchase by ROAD RUNNER TRUCKING, INC., P.O. Box 37491, Omaha, Nebr., 68137, of a portion of the operating rights of JOHNSRUD TRANSPORT, INC., Highway 9, West, P.O. Box 447, Cresco, Ind., 52136, and for acquisition by George Bacon and Terri Bacon, P.O. Box 37491, Omaha, Nebr., 68137, of control of such rights through the purchase. Applicants' attorneys and representatives: Thomas J. Beener, Suite 340 Waterloo Savings Bank, Waterloo, Ind., 50704, Patrick E. Quinn P.O. Box 82028, Lincoln, Nebr., 68501, George Bacon, President, P.O. Box 37491, Omaha, Nebr., 68137, and Leon Johnsrud, Highway 9, West, P.O. Box 447, Cresco, Ind., 52136. Operating rights sought to be transferred: (1)(a) Cheese, in mixed loads with milk and whey, and (b) milk and whey, in mixed loads with cheese, as a common carrier over irregular routes from the facilities of Associated Milk Producers, Inc., at points in Iowa, Minnesota, South Dakota, and Wisconsin, to points in Arizona, California, Idaho, Nevada, Oregon, and Washington, with no transportation for compensation on return except as otherwise authorized; malt beverages, from Milwaukee, Wisc., and Chicago, Ill., to Calmar, Iowa, with no transportation for compensation on return except as otherwise authorized. Vendee is authorized to operate as a common carrier in Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Virginia, Washington, Wisconsin, Wyoming and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

ABANDONMENT OF APPLICATIONS; NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act that orders have been entered in the following abandonment applications which are administratively final and which found that subject to conditions the present and future public convenience and necessity permit abandonment.

A Certificate of Abandonment will be issued to the applicant carriers 30 days after this FEDERAL REGISTER publication unless the instructions set forth in the notice are followed.

[Docket No. AB-12 (Sub-No. 36)]

SOUTHERN PACIFIC TRANSPORTATION COMPANY ABANDONMENT BETWEEN SHELBURN AND WEST STAYTON IN LINN AND MARION COUNTIES, OREGON

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on February 14, 1977, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B. & Q. R. Co., Abandonment*, 257 I.C.C. 700, and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by the Southern Pacific Transportation Company of the line of railroad extending from railroad milepost 704.68 north of Shelburn in a northerly direction to the end of the branch at railroad milepost 708.11 south of West Stayton, a distance of 3.43 miles in Linn and Marion Counties, Oregon. A certificate of abandonment will be issued to the Southern Pacific Transportation Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-12 (Sub-No. 38)]

SOUTHERN PACIFIC TRANSPORTATION COMPANY ABANDONMENT BETWEEN WINONA AND GERLINGER, IN POLK COUNTY, OREGON

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on February 15, 1977, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B. & Q. R. Co., Abandonment*, 257 I.C.C. 700, and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by the Southern Pacific Transportation Company of its line of railroad extending from railroad milepost 721.41 near Winona in a westerly direction to railroad milepost 729.01 near Gerlinger, a distance of 7.60 miles in Polk County, Oregon. A certificate of abandonment, will be issued to the Southern Pacific Transportation Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-12 (Sub-No. 43)]

SOUTHERN PACIFIC TRANSPORTATION COMPANY ABANDONMENT BETWEEN WIEBLING AND HUNTINGTON BEACH IN ORANGE COUNTY, CALIFORNIA

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on February 14, 1977, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B. & Q. R. Co., Abandonment*, 257 I.C.C. 700, and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by the Southern Pacific Transportation Company of its line of railroad extending from railroad milepost 722.56 near Wiebling in a southerly direction to the end of the branch at railroad milepost 524.65 near Huntington Beach, a distance of 2.09 miles in Orange County, California. A certificate of abandonment will be issued to the Southern Pacific Transportation Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

OPERATING RIGHTS APPLICATION(S) DIRECTLY RELATED TO FINANCE PROCEEDINGS

NOTICE

The following operating rights application(s) are filed in connection with pending finance applications under section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 10761 (Sub-No. 281) (Amendment), filed January 3, 1977, published in the FEDERAL REGISTER issue of February 10, 1977, republished for amendment March 24, 1977, and republished this issue for additional amendment. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 5650 Foremost Drive SE., Grand Rapids, Mich. 49506. Applicant's representative: John P. Tynan, P.O. Box 1409, Fairfield, N.J. 07006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and commodities requiring special equipment), (23) Between Chicago, Ill., and Peoria, Ill., serving all intermediate points on westbound traffic restricted to pickups, all intermediate points on eastbound traffic restricted to delivery, in conjunction with the carrier's route between Chicago, and Lincoln, Nebr.; From Chicago over U.S. Highway 66 to junction U.S. Highway 24, thence over U.S. Highway 24 to Peoria, and return over the same route.

NOTE.—Applicant states that the purpose of this filing is to assure that certain routes retained by applicant upon sale of a portion of its operating rights in Docket No. MC-F-12872, are nevertheless available to applicant following the transfer in the directly related Section 5(2) proceeding. This application, as amended, is consolidated for continued hearing at Dallas, Tex. from April 12 through April 22, 1977, at 9:30 a.m. local time (or such earlier time as may be fixed by the Administrative Law Judge) before Law Judge Harold J. Sarbacher, with MC-F-12872, East Texas Motor Freight Lines, Inc.—Purchase (Portion)—Transamerican Freight Lines, Inc. Publication of the first 12 routes by designation of numbers appeared on page 8474 of the FEDERAL REGISTER issue of February 10, 1977.

No. MC 97995 (Sub-No. 3), filed March 7, 1977. Applicant: A.C.U. TRANSPORT, INC., 131 East Broad Street, P.O. Box 10177, Utica, N.Y. 13503. Applicant's representative: Roy D. Pinsky, 345 S. Warren Street, Syracuse, N.Y.

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13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment or handling), between Utica, Oneonta, Schenectady, Amsterdam, Gloversville, Johnstown, Herkimer (Herkimber County), Llion (Herkimer County), and Central Bridge (Schoharie County), N.Y., on the one hand, and, on the other, Fort Plains (Montgomery County), Palatine Bridge (Montgomery County), and Nelliston (Montgomery County), N.Y.; and (2) *canned goods*, from Canajoharie (Montgomery County), N.Y., to points in Fulton, Herkimer, Montgomery, Otsego and Schoharie Counties, N.Y.

NOTE.—The purpose of this application is to convert a Certificate of Registration in MC 97995 (Sub-No. 2) to a Certificate of Public Convenience and Necessity. This is a matter directly related to a Section 5(2) finance proceedings in MC–F–13149, published in the FEDERAL REGISTER issue of March 24, 1977. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 99680 (Sub-No. 4), filed January 26, 1977. Applicant: NORTH SHORE & CENTRAL ILLINOIS FREIGHT CO., a corporation, 7701 West 95th Street, Hickory Hills, Ill. 60457. Applicant's representative: James C. Hardman, 33 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (I) Regular routes: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) (A) (1) Between Decatur, Ill. and Springfield, Ill., over U.S. Highway 36, and return over the same route; (2) Between Decatur, Ill. and Bloomington, Ill., over U.S. Highway 51, and return over the same route; (3) Between Decatur, Ill. and Pana, Ill., over U.S. Highway 51, and return over the same route; (4) Between Decatur, Ill. and Champaign, Ill.: From Decatur over Illinois Highway 47 to Monticello, thence over Interstate Highway 72 to Champaign, and return over the same routes; (5) Between Decatur, Ill. and Peoria, Ill.; From Decatur over Illinois Highway 121 to its junction with Interstate Highway 74, thence over Interstate Highway 74 to Peoria, and return over the same routes; (6) Between Champaign, Ill. and Bloomington, Ill., over Interstate Highway 74, and return over the same route; (7) Between Champaign, Ill. and Pana, Ill.: From Champaign over U.S. Highway 45 to Matoon, thence over Illinois Highway 16 to Pana, and return over the same routes.

(8) Between Bloomington, Ill. and Springfield, Ill., over Interstate Highway 55, and return over the same route; (9) Between Springfiled, Ill. and Pana, Ill., over Illinois Highway 29, and return over the same route; (10) Between Peroria, Ill. and Springfield, Ill., over Illinois Highway 29, and return over the same route; and (11) Between Peoria, Ill. and Bloomington, Ill., over Interstate Highway 74, and return over the same route, serving with respect to (1) through (11) above, points in Woodford, Livingston, Ford, Champaign, McLean, Douglas, Coles, Moultrie, Shelby, Christian, Sangamon, Menard, Mason, Logan, Tazewell and Peoria Counties, Ill. as intermediate or off-route points; (B) (1) Between Chicago, Ill. and Rockford, Ill., over Interstate Highway 90, and return over the same route; (2) Between Chicago, Ill. and Rockford, Ill., over U.S. Highway 20, and return over the same route; (3) Between Chicago, Ill. and Rock Island, Ill.: From Chicago over Interstate Highway 55 to its junction with Interstate Highway 80, thence over Interstate Highway 80 to Rock Island, and return over the same routes; (4) Between Chicago, Ill. and East St. Louis, Ill., over Interstate Highway 55, and return over the same route; (5) Between Chicago, Ill. and East St. Louis, Ill.: From Chicago over Interstate Highway 57 to Effingham, thence over U.S. Highway 40 to East St. Louis, and return over the same routes; (6) Between Chicago, Ill. and Cairo, Ill., over Interstate Highway 57, and return over the same route; (7) Between Chicago, Ill. and Brookport, Ill.: From Chicago over Interstate Highway 94 to its junction with Illinois Highway 1, thence over Illinois Highway 1 to its junction with U.S. Highway 45, thence over U.S. Highway 45 to Brookport, and return over the same routes; (8) Between Chicago, Ill. and Cairo, Ill.: From Chicago, over Interstate Highway 55 to Bloomington, thence over U.S. Highway 51 to Cairo, and return over the same routes.

(9) Between Chicago, Ill. and Litchfield, Ill.: From Chicago over Interstate Highway 55 to Bloomington, thence over U.S. Highway 51 to Decatur, thence over Illinois Highway 48 to its junction with Interstate Highway 55, thence over Interstate Highway 55 to Litchfield, and return over the same routes; (10) Between Chicago, Ill. and Quincy, Ill.: From Chicago over Interstate Highway 55 to Chenoa, thence over U.S. Highway 24 to Quincy, and return over the same routes; (11) Between Chicago, Ill. and Fulton, Ill.: From Chicago over Interstate Highway 90 to its junction with Illinois Highway 5, thence over Illinois Highway 5 to its junction with U.S. Highway 30, thence over U.S. Highway 30 to Fulton, and return over the same routes; (12) Between Chicago, Ill. and Alton, Ill.: From Chicago over Interstate Highway 55 to Hamel, thence over Illinois Highway 140 to Alton, and return over the same routes; (13) Between Chicago, Ill. and Pana, Ill.: From Chicago over Interstate Highway 55 to Bloomington, thence over U.S. Highway 51 to Pana, and return over the same routes; (14) Between Chicago, Ill. and Rushville, Ill.: From Chicago over Interstate Highway 55 to its junction with Interstate Highway 80, thence over Interstate Highway 80 to its junction with U.S. Highway 34, thence over U.S. Highway 34 to Monmouth, thence over U.S. Highway 67 to Rushville, and return over the same routes; (15) Between Chicago, Ill. and Effingham Ill.: From Chicago over Interstate Highway 94 to its junction with Illinois Highway 1, thence over Illinois Highway 1 to Marshall, thence over U.S. Highway 40 to Effingham, and return over the same routes; (16) Between Chicago, Ill. and Litchfield, Ill.: From Chicago over Interstate Highway 57 to Effingham, thence over U.S. Highway 40 to its junction with Illinois Highway 127, thence over Illinois Highway 127 to Hillsboro, thence over Illinois Highway 16 to Litchfield, and return over the same routes.

(17) Between Chicago, Ill., and Shawneetown, Ill.: From Chicago over Interstate Highway 57 to its junction with Illinois Highway 13, thence over Illinois Highway 13 to Shawneetown, and return over the same routes; (18) Between Chicago, Ill., and East Cape Girardeau, Mo.: From Chicago over Interstate Highway 57 to its junction with Illinois Highway 146, thence over Illinois Highway 146 to East Cape Girardeau, and return over the same routes; (19) Between Chicago, Ill., and Gulfport, Ill.: From Chicago over Interstate Highway 55 to its junction with Interstate Highway 80, thence over Interstate Highway 80 to its junction with U.S. Highway 34, thence over U.S. Highway 34 to Gulfport, and return over the same routes; (20) Between Chicago, Ill., and Quincy, Ill.: From Chicago over Interstate Highway 55 to its junction with Interstate Highway 80, thence over Interstate Highway 80 to its junction with U.S. Highway 34, thence over U.S. Highway 34 to its junction with U.S. Highway 67, thence over U.S. Highway 67 to Macomb, thence over U.S. Highway 136 to Hamilton, thence over Illinois Highway 96 to Quincy, and return over the same routes; (21) Between Rockford, Ill., and East Dubuque, Ill., over U.S. Highway 20, and return over the same route; (22) Between Rockford, Ill., and Rock Island, Ill., over Illinois Highway 2, and return over the same route; (23) Between Rockford, Ill., and South Beloit, Ill., over U.S. Highway 51, and return over the same route; (24) Between Rockford, Ill., and Cairo, Ill., over U.S. Highway 51, and return over the same route; (25) Between Rockford, Ill., and Quincy, Ill.: From Rockford over Illinois Highway 2 to Rock Falls, thence over Illinois Highway 88 to Peoria, thence over U.S. Highway 24 to Quincy, and return over the same routes; (26) Between Rockford, Ill., and Carlo, Ill.: From Rockford over U.S. Highway 51 to Bloomington, thence over Interstate Highway 74 to Champaign, thence over Interstate Highway 57 to Cairo, and return over the same routes; (27) Between Rockford, Ill., and Peoria, Ill.: From Rockford over Illinois Highway 2 to Rock Island, thence over Interstate Highway 80 to its junction with Interstate Highway 74, thence over Interstate Highway 74 to Peoria, and return over the same routes.

(28) Between Rockford, Ill. and Alton, Ill.: From Rockford over Illinois Highway 2 to Rock Island, thence over Interstate Highway 80 to its junction with Interstate Highway 74, thence over Interstate Highway 74 to Galesburg, thence over U.S. Highway 34 to its junction with U.S. Highway 67, thence over U.S. Highway 67 to Alton, and return over the same routes; (29) Between Rockford, Ill. and East St. Louis, Ill.: From Rockford over U.S. Highway 51 to Bloomington, thence over Interstate Highway 55 to East St. Louis and return over the same routes; (30) Between Rockford, Ill. and Savanna, Ill.: From Rockford over Illinois Highway 2 to Oregon, thence over Illinois Highway 64 to Savanna, and return over the same routes; (31) Between Rockford, Ill. and Danville, Ill.: From Rockford over U.S. Highway 51 to Bloomington, thence over Interstate Highway 74 to Danville, and return over the same route; (32) Between Rockford, Ill. and Jacksonville, Ill.: From Rockford over U.S. Highway 51 to Bloomington, thence over Interstate Highway 55 to Springfield, thence over U.S. Highway 36 to Jacksonville, and return over the same routes; (33) Between Rockford, Ill. and Effingham, Ill.: From Rockford over U.S. Highway 51 to its junction with Illinois Highway 16, thence over Illinois Highway 16 to its junction with Illinois Highway 32, thence over Illinois Highway 32 to Effingham, and return over the same routes; (34) Between Morris, Ill. and Rockford, Ill.: From Morris over U.S. Highway 6 to Peru, thence over U.S. Highway 51 to Rockford, and return over the same routes; (35) Between Morris, Ill. and Chicago, Ill.: From Morris over U.S. Highway 6 to Interstate Highway 55, thence over Interstate Highway 55 to Chicago, and return over the same routes; (36) Between Morris, Ill. and Chicago, Ill.: From Morris over U.S. Highway 6 to Joliet, thence over Illinois Highway 7 to Chicago, and return over the same routes; and

(37) Between Morris, Ill., and Chicago, Ill.: From Morris over U.S. Highway 6 to its juntcion with U.S. Highway 30, thence over U.S. Highway 30 to its junction with Interstate Highway 94, thence over Interstate Highway 94 to Chicago, and return over the same routes, serving with respect to (B) (1) through (B) (37) above, all intermediate points, and the off-route points of Charleston, Robinson, Onley, McLeansboro, Pickneyville, Murphysboro, DuQuoin, Jerseyville, Beardstown, Edwardsville, Streator, Canton, and Havana, restricted, with respect to (B) above (a) to the transportation of shipments moving from, to or through points in Stephenson, Winnebago, Boone, McHenry, Lake, Cook, DuPage, Kane, DeKalb, LaSalle, Lee, Ogle, Carroll, Will, Grundy, Kankakee, and Kendall Counties, Ill.; and (b) the regular route authority shall not be severable by sale or otherwise from carrier's underlying irregular route authority requested below; and (II) Irregular route: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) (a) between points in Stephenson, Winnebago, Boone, McHenry, Lake, Cook, DuPage, Kane, DeKalb, LaSalle, Lee, Ogie, Carroll, Will, Grundy, Kankakee, and Kendall Counties, Ill.; (b) between points in the counties named in (a) above, on the one hand, and, on the other, points in Illinois; and (c) from St. Louis, Mo., to points in the counties named in (a) above, restricted against the transportation of shipments moving between any points authorized to be served by applicant in regular route operations.

NOTE.—The purpose of this filing is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. This is a matter directly related to a Section 5(2) finance proceeding in MC–F–13104, published in the FEDERAL REGISTER issue of February 10, 1977, in which applicant seeks to purchase the operating authority of Buske Lines, Inc. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., St. Louis, Mo., or Washington, D.C.

No. MC 133828 (Sub-No. 6), filed November 16, 1976. Applicant: CASAZZA TRUCKING CO., a corporation, 1250 Glendale Avenue, Sparks, Nev. 89431. Applicant's representative: Raymond A. Greene, Jr., 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building and paving materials*, including clay concrete or earthen *conducts, drain tile, sewer pipe*, and *related articles; conducts, pipe, smoke stacks, tubing and fittings* (except clay, concrete or earthen); *electrical appliances and equipment*, and *parts* for electrical appliances and equipment; *iron and steel articles; machinery and machine;* and *parts* for machinery and machines; *railway materials and equipment; outfits; motor vehicles and motor vehicle parts;* natural or Portland Culvert *cement, hydraulic, masonry and mortar; mine props and timbers; railroad ties;* and *tunnel segments;* (a) between points in Butte, Plumas, Yuba and Sierra Counties, Calif., (b) between points in Lassen County, Calif., on and within 10 miles of U.S. Highway 395 between its intersection with California State Highway 70 at Hallelujah Junction, Calif., and thence along U.S. Highway 395 to its intersection with California Highway 36, thence along California Highway 36 to its intersection with the Lassen-Plumas County, Calif., boundary line located approximately 5 miles west of Westwood; (c) between points in Nevada County, Calif., on and within 10 miles of California Highway 20 beginning at its intersection with the Yuba-Nevada County boundary line, thence along California Highway 20 beginning at its intersection with the Yuba-Nevada Couy boundary lne, thence along California Highway 20 (also portion California Highway 49) to Grass Valley, thence along California Highway 49 (also portion California Highway 20) to its intersection with the Yuba-Nevada County boundary line;

(2) *Such commodities* as are used in the establishment, maintenance or dismantling of oil, gas or water wells, pipelines, refineries and cracking or casing head plants (except lumber and forest products); *materials and equipment* used in the construction of roads, dams, bridges; and *materials and equipment* used in the contraction of and destined for power and compressor plants, between points in Alpine, Amador, Calaveras, El Dorado, Fresno, Imperial, Inyo, Kern, Kings, Los Angeles, Madera, Mariposa, Merced, Mono, Monterey, Nevada, Orange, Placer, Riverside, San Benito, San Bernardino, San Diego, San Luis, Obispo, Santa Barbara, Sierra, Tulare, Tuolumne, and Ventura Counties, Calif., restricted against (a) shipments which carries a charge lower than that applicable to a shipment of 10,000 pounds; (b) shipments of iron and steel articles and tin plate originating at or destined to Pittsburg, Calif.; and restricted to (a) commodities originating at or destined to oil well sites, construction sites or storage yards. (3) *road construction machinery and equipment* as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *excavation and logging machinery and equipment*, the transportation of which because of size or weight requires the use of special equipment, between points in Alpine, El Dorado, Mono, Nevada, Placer and Sierra Counties, Calif., Douglas, Lyon and Ormsby Counties, Nev., and those points in Washoe County, Nev., on and south of U.S. Highway 40 in non-radial movements.

NOTE.—The purpose of this applicant is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. The above request has been modified to conform to trade language. The applicant does not wish to broaden its authority beyond that which it presently holds in the Certificate of Registration. This matter is related to a Section 212(b) transfer proceeding in MC–FC–76834, published in the Federal Register issue of March 22, 1977. If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

NOTICE

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules, Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC 11220 (Deviation No. 30) GORDONS TRANSPORTS, INC., 185 W. McLemore Ave., Memphis, Tenn. 38101, filed March 22, 1977. Carrier proposes to operate as a *common carrier*, by motor

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vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 71 and Alternate U.S. Highway 71 near Carthage, Mo., over Alternate U.S. Highway 71 to junction Interstate Highway 44, thence over Interstate Highway 44 to junction U.S. Highway 69 near Vinita, Okla., thence over U.S. Highway 69 to Durant, Okla., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From junction U.S. Highway 71 and Alternate U.S. Highway 71 near Carthage, Mo., over U.S. Highway 71 to Fort Smith, Ark., thence over Arkansas Highway 45 to junction U.S. Highway 271, thence over U.S. Highway 271 to junction U.S. Highway 70, thence over U.S. Highway 70 to Durant, Okla., and return over the same route.

No. MC 26739 (Deviation No. 44), CROUCH FREIGHT SYSTEMS, INC., P.O. Box 1159, St. Joseph, Mo. 64502, filed March 25, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Omaha, Nebr., over U.S. Highway 6 to junction U.S. Highway 71 and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Omaha, Nebr., over U.S. Highway 275 to Glenwood, Iowa, thence over U.S. Highway 34 to Emerson, Iowa, thence over U.S. Highway 59 to Shenandoah, Iowa, thence over Iowa Highway 2 to Clarinda, Iowa, thence over U.S. Highway 71 to junction U.S. Highway 6 and return over the same route.

No. 43421 (Deviation No. 36), DOHRN TRANSFER COMPANY, 4016 9th St., P.O. Box 1237, Rock Island, Ill. 61201, filed March 28, 1977. Carrier's representative: Edward G. Bazelon, 89 S. LaSalle St., Chicago, Ill. 60603. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highways 41 and 8 near Hammond, Ind., over U.S. Highway 6 to junction Interstate Highway 75, thence over Interstate Highway 75 to junction U.S. Highway 68, thence over U.S. Highway 68 to junction U.S. Highway 30, thence over U.S. Highway 30 to Mansfield, Ohio, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 41 to junction U.S. Highway 52, thence over U.S. Highway 52 to Indianapolis, Ind., thence over U.S. Highway 40 to Columbus, Ohio, thence over Interstate Highway 71 to Cleveland, Ohio, and return over the same route.

No. MC 94201 (Deviation No. 4), BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, Ga. 30316, filed March 3, 1977. Carrier's representative: Maurice F. Bishop, 601-09 Frank Nelson Bldg., Birmingham, Ala. 35203. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Baton Rouge, La., over Interstate Highway 10 to Lake Charles, La., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Baton Rouge, La. over U.S. Highway 190 to Kinder, La., thence over U.S. Highway 165 to junction U.S. Highway 90 (Interstate Highway 10), thence over U.S. Highway 90 (Interstate Highway 10) to Lake Charles, La., and return over the same route.

Motor Carrier Alternate Route Deviations

NOTICE

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Passengers (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 723), GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz., 85077, filed March 23, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: From East St. Louis, Ill., over Interstate Highway 64 to junction U.S. Highway 41 north of Evansville, Ind., with the following access route: From Mt. Vernon, Ill., over Illinois Highway 37 to junction Interstate Highway 64 south of Mt. Vernon, Ill., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From E. St. Louis, Ill., over Illinois Highway 13 to Belleville, Ill., thence over Illinois Highway 177 to junction Illinois Highway 160, thence over Illinois Highway 160 to junction Illinois Highway 15, thence over Illinois Highway 15 to Mt. Carmel, Ill., thence across the Wabash River to junction Indiana Highway 64, thence over Indiana Highway 64 to junction U.S. Highway 41, thence over U.S. Highway 41 to junction Interstate Highway 64 and return over the same route.

Motor Carrier Intrastate Application(s)

NOTICE

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's General Rules of Practice (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 57091 (Partial Correction) filed February 16, 1977, published in the FEDERAL REGISTER issue of March 10, 1977, and republished as corrected this issue. Applicant: JAMES WILLIAM LIVESAY AND GEORGE HOXTER, a partnership, doing business as Golden Bay Freight Lines, 1097 Old County Road, San Carlos, Calif. 94070. Applicant's representative: Ann M. Pougiales, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104. NOTE.—The purpose of this partial correction is to indicate the correct territory sought in paragraph (2) to read: Between all points and places on and within 20 miles of the routes indicated in (a) through (t), the rest remains the same. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102 and should not be directed to the Interstate Commerce Commission.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-10222 Filed 4-6-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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1

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

In accordance with the requirements of the Government in the Sunshine Act and the Commission's rules implementing the Act, this Notice identifies an additional meeting scheduled for April 1, 1977.

ADDITIONAL CLOSED MEETING

By unanimous vote on March 31, 1977, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's Rules that Commission business requires that this agenda item be held on less than one week's notice to the public. The Commission was unable to consider scheduling the meeting until March 31, and immediate discussion is required so that the licensee's request for hearing can be handled promptly.

On Thursday, March 31, 1977, the Nuclear Regulatory Commission (all members participating) voted unanimously to hold the following closed meeting.

FRIDAY, APRIL 1—11:30 A.M.

Discussion of order in Babcock & Wilcox request for hearing. (Authority to close: 5 U.S.C. 552b(d)(1) and 5 U.S.C. 552b(c)(10) and 10 CFR 9.105(a) and 9.104(a)(10).)

The meeting will include discussion of a possible Order in connection with a request for a formal hearing made by an NRC licensee.

Attendees will include the Commissioners and their staff, P. Strauss, the General Counsel, and members of his office, B. Huberman, the Director of the Office of Policy Evaluation, and members of his staff, S. Chilk, the Secretary, and members of his staff.

The meeting will be held in the Commissioners' Conference Room, 1717 H Street NW., Washington, D.C. For further information, contact Walter Magee, Office of the Secretary, telephone: 634-1410.

Dated at Washington, D.C., this 31st day of March 1977.

For the Commission.

JOHN C. HOYLE,
Assistant Secretary of the Commission.

[S-93-77 Filed 4-4-77;11:01 am]

2

AGENCY HOLDING THE MEETING: Securities and Exchange Commission.

TIME AND DATE: 10 a.m. on Monday, April 4, 1977, room 825, 500 North Capitol Street, Washington, D.C. Closed to the public.

The Commission will consider an accounting matter relating to a registrant.

Chairman Hills, Commissioners Loomis, Evans and Pollack voted to close this meeting.

The Commissioners, their legal assistants, the Secretary of the Commission and recording secretaries will attend the meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission has certified that the items to be considered at the closed meeting may be so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)A and (10).

Requests for information concerning the meeting(s) should be directed to Sam Knight (202) 755-1482.

Dated: April 1, 1977.

GEORGE A. FITZSIMMONS,
Secretary.

[S-94-77 Filed 4-4-77;11:40 am]

3

AGENCY HOLDING THE MEETING: Securities and Exchange Commission.

Time and date: 4 p.m. Tuesday, April 5, 1977, room 825, 500 North Capitol Street, Washington, D.C. Open to public observation.

Subject matter of the meeting: Representatives of the Chicago Board Options Exchange will meet with the Commission to discuss:

(1) Applications of the uniform net capital rule to market-makers in options;

(2) The operation and practices of the Chicago Board Options Exchange and its members in relation to the uniform net capital rule; and

(3) Possible impacts of applications of the uniform net capital rule on present operations and practices of the Chicago Board Options Exchange and its members.

Chairman Hills, Commissioners Loomis, Evans and Pollack voted that Commission business requires consideration of this matter at a time which does not permit the giving of a full weeks notice as provided in 5 U.S.C. 552(e)(1), 17 CFR 200.403(b).

Requests for information concerning the meeting should be directed to Sam Knight (202) 755-1462.

Dated: April 1, 1977.

GEORGE A. FITZSIMMONS,
Secretary.

[S-95-77 Filed 4-4-77;11:40 am]

4

AGENCY HOLDING THE MEETING: Consumer Product Safety Commission.

TIME AND DATE: April 13, 1977, 9:30 a.m.

PLACE: 3rd Floor Hearing Room, 1111 18th St. NW., Washington, D.C.

STATUS: Part of the meeting is open to the public; part is closed.

MATTERS TO BE CONSIDERED: Portion open to the public beginning at 2:30 p.m.

1. *Petition on Patching Compounds Containing Asbestos (HP 76-18)*. In this petition, Consumers Union has asked the Commission to ban patching compounds containing asbestos from sale to consumers. The Commission has asked its staff to brief the Commission on technical and legal issues related to action on this petition.

Portion closed to the public beginning at 4 p.m.

2. *Fluorocarbons: CPSC/EPA Memorandum of Understanding*. At this closed briefing, the staff will discuss the draft Memorandum of Understanding between CPSC and the Environmental Protection Agency, which discusses action which each agency will take in dealing with hazards associated with fluorocarbons as aerosol propellants and refrigerants.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Suite 300, 1111 18th St. NW., Washington, D.C. 20207, telephone (202) 634-7700.

[S-102-77 Filed 4-4-77;4:48 pm]

5

AGENCY HOLDING THE MEETING: Consumer Product Safety Commission.

TIME AND DATE: April 14, 1977, 9:30 am.

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PLACE: 3rd Floor Hearing Room, 1111 18th St. NW., Washington, D.C.

STATUS: Parts of the meeting open to the public; parts are likely to be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public beginning at 9:30 a.m.

1. *Responsibility for Special Packaging of Prescription Drugs, Including Physician Samples.* This item concerns two related issues on prescription drugs for which the Poison Prevention Packaging Act (PPPA) requires special packaging (1) should manufacturers who distribute such drugs in consumer packages be permitted to distribute the drugs to pharmacies in noncomplying packaging if they also distribute them in complying packaging, and (2) when distributing prescription drugs to physicians as samples, should manufacturers be subject to PPPA packaging responsibilities.

2. *Petition on Window Bars* (CP 75-20). Dr. Stephen J. Lerman of Omaha, Nebr. has asked the Commission to regulate window bars (window guards) to prevent children from falling.

3. *Petition on Miniature Cigarette Lighters and Knives Sold from Vending Machines* (MC 75-17). In this petition, former U.S. Rep. Leonor K. Sullivan asked the Commission to ban the sale of miniature cigarette lighters and knives from vending machines, alleging that such items are dangerous to children.

4. *First Aid Instructions for Methyl Alcohol-Base Radiator Antifreeze.* In September, 1976, the Commission granted a petition which requested a change in the regulation for first aid labeling for this product, which currently recommends a saline solution to induce vomiting. At this meeting, the Commission will consider two documents: a proposed revision of the regulation and a statement of policy on the issue.

5. *Proposed Generic Exemption from PPPA Requirements for Certain Pediatric Vitamin Preparations Containing Fluoride.* The staff has presented three options for language which would propose to exempt these drugs, in generic terms, from special packaging requirements of the Poison Prevention Packaging Act. In March, 1977, the Commission granted a petition from Hoffman-La-Roche, Inc. to propose such an exemption.

Beginning at 2 p.m.

6. *Mid-year Review.* The Commission will begin the mid-fiscal year review of its Operating Plan for FY-77. Topics for review include ranking of petitions, administrative rules, and priority products/projects.

Portions closed to the public. The Commission will consider the following two items in closed session, immediately following consideration of item 5 above.

7. *Proposal to Seek Consent Agreement* (BCMI No. 6-048). In this Flammable Fabrics Act matter, the staff seeks authority to issue a consent agreement and letter offering the firm an opportunity for settlement, and authority for automatic issuance of a Notice of Enforcement should the firm refuse to enter into the consent agreement.

8. *Possible FHSA and PPPA Violation* (BCMI No. 2264). The staff and the Office of the General Counsel have presented options for Commission action in this case involving possible violation of the Federal Hazardous Substances Act (FHSA) and the Poison Prevention Packaging Act (PPPA).

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Suite 300, 1111 18th St. N.W., Washington, D.C. 20207, telephone (202) 634-7700.

[S-101-77 Filed 4-4-77;4:48 pm]

6

AGENCY HOLDING THE MEETING: Federal Power Commission.

CHANGE OF MEETING SUBJECT MATTER

MARCH 30, 1977.

The following item is added to the Commission meeting of March 31, 1977, upon the affirmative vote of Chairman Dunham, and Commissioners Smith, Holloman and Watt:

G-26 Docket No. CI77-298, Tenneco Inc.

The following item is added to the Commission meeting of March 31, 1977, upon the affirmative vote of Chairman Dunham, and Commissioners Smith, and Watt:

G-27 Docket Nos. CP76-255, et al., Michigan Wisconsin Pipe Line Company, et al.

KENNETH F. PLUMB,
Secretary,

[S-96-77 Filed 4-4-77;11:45 am]

7

AGENCY HOLDING THE MEETING: Federal Power Commission.

CHANGE OF MEETING SUBJECT MATTER

APRIL 1, 1977.

The following items are added to the Commission meeting of April 7, 1977, upon the affirmative vote of Chairman Dunham, Commissioners Smith and Watt. Commissioner Holloman did not participate in the voting of these items.

G-17 Docket No. RI76-134, Glen A Martin, et al.
G-18 Docket No. RI76-157, Bridwell Oil Company
Docket No. RI76-158, W. M. Laughlin
Docket No. RI76-159, Manier Oil Company
Docket No. RI76-161, William Perlman
G-19 Docket No. CS76-1068, Oxoco
G-20 Docket Nos. G-2601 and CI72-50, Getty Oil Company, (Operator) et al.
Docket Nos. G-10029 and CI71-722, Phillips Petroleum Company (Operator), et al.
G-21 Docket No. CP76-161, City of Falfurrias, Texas (Applicant) Natural Gas Pipe Line Company of America (Respondent)
G-22 Docket No. CP76-72, Panhandle Eastern Pipe Line Company
G-23 Kansas-Nebraska Natural Gas Company
Docket No. CP75-154, Montana-Dakota Utilities Company

KENNETH F. PLUMB,
Secretary.

[S-97-77 Filed 4-4-77;11:45 am]

8

AGENCY HOLDING THE MEETING: Federal Power Commission.

CHANGE OF MEETING SUBJECT MATTER

APRIL 1, 1977.

The following items are added to the Commission meeting of April 7, 1977, upon the affirmative vote of Chairman Dunham, Commissioners Smith and Watt. Commissioner Holloman did not participate in the voting of these items.

P-34 Project No. 1971—Idaho and Oregon, Idaho Power Company.
G-24 Docket No. R-386, City of Fulton, Mississippi, Manatachie Natural Gas District.

KENNETH F. PLUMB,
Secretary.

[S-98-77 Filed 4-4-77;4:47 pm]

9

AGENCY HOLDING THE MEETING: Federal Reserve System.

On Monday, April 11, 1977, at 10:00 a.m. a meeting of the Board of Governors of the Federal Reserve System will be held at the Board's offices at 20th Street and Constitution Avenue, NW., Washington, D.C., to consider the following items of official Board business:

1. Request by protestants for an oral presentation on the application of Central Bancompany, Jefferson City, Missouri, to acquire shares of The First National Bank of Mexico, Mexico, Missouri.
2. Proposed purchase of three computers now under lease at the Little Rock, Louisville, and Memphis Federal Reserve Branches.
3. Record of discount rate policy actions during 1976 for inclusion in the Annual Report for 1976.
4. Legislative recommendations for inclusion in the Board's Annual Report for 1976.
5. Proposal to reduce the frequency with which Edge Act corporations engaged in banking must file a certain report with the Board.
6. A possible amendment to Regulation Z (Truth in Lending) to require disclosure of any variable rate interest clause that is part of the contract. (Proposed earlier for public comment; docket no. R-0003). This matter was originally considered at a meeting on March 26, 1977.
7. A possible interpretation of Regulation Z (Truth in Lending), to be issued for comment, exempting credit card systems that bill their customers on a transaction-by-transaction basis rather than on a cumulative account basis from certain of the regulation's provisions.
8. A possible amendment to Regulation Z (Truth in Lending) to permit Spanish language Truth in Lending disclosures in the Commonwealth of Puerto Rico with English language disclosures provided upon the customer's request. (Proposed earlier for public comment; docket no. R-0066).
9. A possible interpretation of Regulation H (Membership of State Banking Institutions in the Federal Reserve System), to be issued for comment, that would extend the existing restrictions on lending secured by property located in a flood hazard area to the purchase of loans so secured.
10. Possible technical amendments to the flood insurance provisions of Regulation H (Membership of State Banking Institutions in the Federal Reserve System) that would exempt certain loans from the insurance purchase requirements of the regulation. These amendments would implement exemptive provisions included in the Housing Authorization Act of 1976.

This meeting will be open to public observation. Information with regard to this meeting may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at (202) 452-3204.

Board of Governors of the Federal Reserve System, April 1, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-92-77 Filed 4-4-77;10:19 am]

10

AGENCY HOLDING THE MEETING: National Transportation Safety Board.

TIME AND DATE: 9:30 a.m., Thursday, April 14, 1977 [NM-77-4].

PLACE: Conference Rooms 8 A, B, and C, National Transportation Safety Board, 800 Independence Avenue, SW., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Pipeline Accident Report.* United Gas Pipe Line Company, 20-inch Pipeline Rupture and Fire, Cartwright, Louisiana, August 9, 1976.
2. *Regulation.* Proposed amendment to Part 804—Rules Implementing the Government in the Sunshine Act.
3. *Aircraft Accident Report.* Midair Collision, Reeds Aviation, Inc./Piper N7941C and Illini Aviation/Piper N8592C near Huntsville, Missouri, July 24, 1976.
4. *Aircraft Accident Report.* Air Chicago Freight Airlines, North American TB-25N, N9446Z, Chicago, Illinois, August 6, 1976.
5. *Highway Accident Report.* Transport Company of Texas Tractor-Semitrailer Tank Collision With Bridge Column and Sudden Dispersal of Anhydrous Ammonia Cargo, I-610 at Southwest Freeway, Houston, Texas, May 11, 1976.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, (202) 755-4930.

[S-99-77 Filed 4-4-77;4:47 pm]

11

AGENCY HOLDING THE MEETING: National Transportation Safety Board.

TIME AND DATE: 2:30 p.m., Thursday, April 14, 1977 [NM-77-5].

PLACE: Conference Rooms 8A, B, and C, National Transportation Safety Board, 800 Independence Avenue, SW., Washington, D.C. 20594.

STATUS: Closed.

MATTER TO BE CONSIDERED:

Aircraft Accident Report. Air Manila, Inc., Lockheed L-188A, Philippine Registry RP-C1061, Guam, Mariana Islands, June 4, 1976.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, (202) 755-4930.

[S-100-77 Filed 4-4-77;4:47 pm]

12

AGENCY HOLDING THE MEETING: Harry S. Truman Scholarship Foundation.

TIME AND DATE: 2 p.m., Monday, April 18, 1977; to be continued at 10 a.m., Tuesday, April 19, 1977.

PLACE: Board Room, 712 Jackson Place, NW., Washington, D.C.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

APRIL 18, 1977; 2 P.M.

1. Adoption of proposed agenda.
2. Correction and adoption of minutes of December 13, 1976 meeting.
3. Report of the Chairman of the Board.
4. Report of the Executive Secretary of the Foundation.
5. Report on the 1976-77 Truman Scholarship selection process.

APRIL 19, 1977; 10 A.M.

1. Consideration of the Foundation's budget for 1977-78.
2. Consideration of methods of selection for Truman Scholars after 1977-78 academic year.
3. Consideration of technical amendments to the Harry S. Truman Memorial Scholarship Act.
4. Discussion of May 8, 1977 ceremony in Independence, Missouri.
5. New business.
6. Tentative date for next meeting.

Portion closed to the public:

Selection of Truman Scholars for 1977-78 (April 18, 1977; 3 p.m.).

CONTACT PERSON FOR MORE INFORMATION:

Dr. Ralph N. Malvik, Deputy Executive Secretary. Tel.: (202) 395-4831.

ROBERT E. CLEARY,
Executive Secretary.

Approved:

JOHN W. SNYDER,
Chairman, Board of Trustees.

[S-103-77-Filed 4-5-77;9:25am]

13

AGENCY HOLDING THE MEETING: Federal Trade Commission.

TIME AND DATE: 10 a.m., Tuesday, April 12, 1977.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

STATUS: Closed.

MATTERS TO BE CONSIDERED: The Commission has not yet scheduled any matters for discussion at this meeting. If no item is placed on the agenda by 10 a.m., on Tuesday, April 12, 1977, the meeting will automatically be cancelled.

CONTACT PERSON FOR MORE INFORMATION:

Leonard J. McEnnis, Jr., Office of Public Information: (202) 523-3830; Recorded Message: (202) 523-3806.

[S-104-77 Filed 4-5-77;9:29 am]

14

AGENCY HOLDING THE MEETING: Federal Trade Commission.

TIME AND DATE: 10 a.m., Wednesday, April 13, 1977.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission has not yet scheduled any matters for discussion at this meeting. If no item is placed on the agenda by 10 a.m., on Wednesday, April 13, 1977, the meeting will automatically be cancelled.

CONTACT PERSON FOR MORE INFORMATION:

Leonard J. McEnnis, Jr., Office of Public Information: (202) 523-3830; Recorded Message: (202) 523-3806.

[S-105-77 Filed 4-5-77;9:34 am]

15

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

In accordance with the requirements of the Government in the Sunshine Act and the Commission's rules implementing the Act, this Notice identifies changes in the Commission's schedule for April 4 and 5, 1977.

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MEETINGS ON APRIL 4 AND 5

1. *Postponing Closed Meeting.* The closed Briefing on 1977 Comprehensive Evaluation Plan for SSNM Fuel Facilities, which had been scheduled for Monday, April 4, 1977 at 3:30 p.m. has been rescheduled for Wednesday, April 6, 1977 at 2 p.m.

The closed Discussion of Proposed Congressional Testimony on S.897, which had been scheduled for Tuesday, April 5 at 10 a.m., has been postponed; no definite date has been set for its rescheduling.

2. *Additional Closed Meetings.* By unanimous vote on April 4, 1977, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's rules that Commission business requires that the following agenda items be held on less than one week's notice to the public. The need for these meetings did not arise until April 4 and immediate discussion is necessary because prompt Commission action is required in connection with both meetings.

On Monday, April 4, 1977, the Nuclear Regulatory Commission (all members participating) voted unanimously to close the following meetings:

MONDAY, APRIL 4, 1977

4 p.m.—KORI Export License.

(Authority to close: 5 U.S.C. 552b(d)(1) and 5 U.S.C. 552b(c)(1) and 10 CFR 9.105(a) and 9.104(a)(1).)

5 p.m.—Discussion of Sufficiency of Safeguards.

(Authority to close: 5 U.S.C. 552b(d)(1) and 5 U.S.C. 552b(c)(1), (c)(3), (c)(4), and (c)(6); and 10 CFR 9.105(a) and 9.104(a)(1), (a)(3), (a)(4) and (a)(6).)

The first meeting will include discussion of a classified document involving foreign relations.

The second meeting is likely to include discussion of classified material, discussion of restricted data, the release of which is prohibited by statute, safeguards and safeguards-related material which is proprietary (10 CFR 2.790(d)) and discussions which might disclose personal information, the release of which would constitute a clearly unwarranted invasion of personal privacy.

Attendees at the first meeting will include the Commissioners and their staff, P. Strauss, the General Counsel, and members of his office, B. Huberman, the Director of the Office of Policy Evaluation, and members of his staff, J. Shea, Director of the Office of International Programs and members of his staff, S. Chilk, the Secretary, and members of his staff. Attendees at the second meeting will include the Commissioners, B. Eagle, Executive Assistant to the Chairman, T. McTiernan, Director of the Office of Inspector and Auditor, P. Strauss, General Counsel, and C. Stoiber of his staff, L. Gossick, Executive Director of Operations, K. Chapman, Director, Office of Nuclear Materials Safety and Safeguards, and S. Chilk, Secretary. One or more persons will attend both meetings to operate recording and transcribing equipment.

The meetings will be held in the Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C. For further information, contact Walter Magee, Office of the Secretary, telephone: 634-1410.

Dated at Washington, D.C., this 4th day of April 1977.

For the Commission,

SAMUEL J. CHILK,
Secretary of the Commission.

[S-106-77 Filed 4-5-77;10:23 am]

16

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

In accordance with the requirements of the Government in the Sunshine Act and the Commission's Rules implementing the Act, this Notice identifies the Commission's meetings for April 11 and April 12, 1977, and, for each meeting, the subject matter and whether all or part of the meeting is closed. The public is invited to attend the section marked "Public Meetings."

SECTION I—PUBLIC MEETINGS

MONDAY, APRIL 11

10 a.m.—Briefing on Resident Inspector Program—Cost Benefit Analysis.

11 a.m.—Consideration of Proposed Rule to Require Licensee Safeguards Contingency Plans.

12 noon—Affirmation of Commission action on: Amendments to 10 CFR Part 40; FOIA Appeal.

(The affirmations will consist of votes on matters previously reviewed individually by the Commissioners and are expected to take no more than five minutes.)

1:30 p.m.—Briefing on Detailed Program Plan for LMFBR, Confirmatory Assessment Program.

TUESDAY, APRIL 12

10 a.m.—Consideration of Statement on Standardization of Nuclear Power Plants.

SECTION II—CLOSED MEETINGS

TUESDAY, APRIL 12

3 p.m.—Briefing on U.S.-Indian Nuclear Cooperation and Supply Issues

(Authority to Close: 5 U.S.C. 552b(d)(1) and 5 U.S.C. 552b(c)(1) and (c)(9B) and §§ 9.105(a) and 9.104(a)(1) and (a)(9) of the Commission's rules.)

The meeting will include discussion of classified material and sensitive information about U.S. cooperation with and supply to India. (Rescheduled from 3/31/77.)

The meetings will be held in the Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C. For further information, contact Walter Magee, Office of the Secretary, telephone: (202) 634-1410.

Dated this 4th day of April 1977, at Washington, D.C.

For the Commission,

SAMUEL J. CHILK,
Secretary of the Commission.

[S-107-77 Filed 4-5-77;10:23 am]

17

AGENCY HOLDING THE MEETINGS: Securities and Exchange Commission.

TIMES AND DATES: 10 a.m., April 6, 7, 12, 21, and 26, 1977.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

STATUS: April 6, 12, and 26 closed, April 7 and 21 open.

CHANGE IN TIME OF MEETING: The meeting scheduled for April 12, 1977, in the Commission Notice of Meetings which appeared in 42 FR No. 63, PP 17580-17583 will be held on April 13, 1977.

ADDITIONAL MATTERS TO BE CONSIDERED AT THE FOLLOWING MEETINGS which were announced in the above Notice:

April 6—Other litigation matter; Proposed suspension of trading.

April 26—Opinions.

April 7—Consideration of a shareholder proposal submitted to Automation Industries, Inc. by Mr. Carl Olson.

MATTER TO BE DELETED FROM THE MEETING:

April 21—Exchange Act Section 12(h) application of Gracious Estates Properties, Ltd. File No. 81-254. Application withdrawn.

Chairman Hills, Commissioners Loomis, Evans and Pollack have determined that Commission business requires the above changes and that no earlier announcement of the changes was possible.

GEORGE A. FITZSIMMONS,
Secretary.

APRIL 5, 1977.

[S-114-77 Filed 4-5-77;3:46 p.m.]

federal register

THURSDAY, APRIL 7, 1977

PART II

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

VOCATIONAL EDUCATION

State Programs and Commissioner's Discretionary Programs; Meetings

V 42 67 APR 7 77 UMI

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Parts 100a, 100b, 100c, 104, 105]

VOCATIONAL EDUCATION

State Programs and Commissioner's Discretionary Programs

AGENCY: Office of Education, HEW.

ACTION: Proposed rule.

SUMMARY: Regulations are proposed to implement the Vocational Education Act of 1963, as amended by Title II of the Education Amendments of 1976, Pub. L. 94-482. The proposed regulations cover both the State administered programs and the Commissioner's discretionary programs. Generally, the regulations are designed to assist States to improve planning in the use of all resources for vocational education and to overcome sex discrimination in vocational education. Also, the regulations permit consolidation of programs to provide greater flexibility to the States in conducting vocational education programs.

DATE: Comments must be received on or before May 9, 1977. [For list of public meetings on this proposed rule, see FR Doc. 77-10300 in this Part of this FEDERAL REGISTER].

ADDRESS: Send comments to: Regulations Task Force, Bureau of Occupational and Adult Education, Room 5002, Regional Office Building No. 3, 7th and D Streets, SW., Washington, D.C. 20202. Comments available for inspection at the above address from 8:30 a.m. to 4:00 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

Ms. Juliette Lester, Chair of the Regulations Task Force, Bureau of Occupational and Adult Education, Room 5002, Regional Office Building No. 3, 7th & D Streets, SW., Washington, D.C. 20202 (202-245-2696).

SUPPLEMENTARY INFORMATION:

OVERVIEW OF THE REGULATIONS

PART 104—STATE ADMINISTERED PROGRAMS

STATE ADMINISTRATION

Any State which desires to receive funds under the Act must designate a State board to be the sole State agency responsible for the administration of programs under the Act (§ 104.31). This board may delegate any of its responsibilities (§ 104.33) except those listed in § 104.32 (a) to (d). The State must also assign full-time personnel to assist in reducing sex bias and sex stereotyping in vocational education programs and activities throughout the State (§ 104.72). Each State is to reserve $50,000 from the basic grant for this purpose (§ 104.74).

Each participating State must establish a State advisory council representing at least 20 designated interests (§ 104.92). There must be an appropriate representation by sex, race, ethnicity, and geography on the council (§ 104.92 (b)). The functions and responsibilities of the State advisory council are expanded to include identifying manpower as well as vocational needs, commenting on the reports of the State Manpower Services Council, and providing technical assistance to local advisory councils (§ 104.93). The expenditure of funds made available to the council is to be determined solely by the council for carrying out its functions (§ 104.96).

Each local educational agency (LEA) and postsecondary institution receiving Vocational Education Act (VEA) funds through the State board must establish a local advisory council composed of members of the general public to provide advice on job needs and relevancy of courses to those needs (§ 104.111).

Each participating State must also establish a State Occupational Information Coordinating Committee (SOICC) (§ 104.121). This SOICC must implement an occupational information system in the State which will meet the common needs for the planning for, and operation of, programs of the State board and of the administering agencies under the Comprehensive Employment and Training Act (§ 104.123).

PLANNING

To be eligible to receive funds, a State must maintain on file with the Commissioner a general application containing ten assurances covering a broad range of administrative and fiscal matters (§ 104.141). This application includes the assurance that the State will give priority, in distributing funds, to (1) economically depressed areas and areas with high unemployment rates which are unable to meet the vocational needs of these areas without Federal assistance, and to (2) programs which are new to the areas to be served and which meet new and emerging manpower needs. The State must also use as the two most important factors in distributing funds to local educational agencies (1) the relative financial ability to provide needed services and (2) the relative concentration of low-income populations within such agencies. In the case of other eligible recipients, the State must use, as the two most important factors, the recipient's relative financial ability to provide needed services and the relative concentration of students it serves who impose higher than average costs (e.g. handicapped, disadvantaged, those with limited English-speaking ability).

The State must submit to the Commissioner a five-year State plan by July 1, 1977 for fiscal years 1978 through 1982 and a second five-year State plan on July 1, 1982 for fiscal years 1983 through 1987 (§ 104.161).

In formulating the plan, the State board is to involve actively a representative of the State agencies for secondary education, postsecondary vocational education, community and junior colleges, and institutions of higher education. The State board must also involve representatives from local school boards, vocational teachers, local school administrators, the State Manpower Services Council, the State agency for Comprehensive Postsecondary Education Planning, and the State advisory council (§ 104.162). The State board and these designated representatives must meet at least four times during the planning year (§ 104.163). If these representatives are not able to agree on the contents of the State plan, the State board is responsible for reaching a final decision (§ 104.164). In this event, the State board must include in the plan the recommendations rejected by the State board and the reason for each rejection. Any dissatisfied agency may appeal the State board's decision to the Commissioner (§ 104.281). The Commissioner will then decide whether that State plan is supported by substantial evidence, as shown in the State plan, and will best carry out the purposes of the Act (§ 104.288).

The five-year State plan must contain the procedures for carrying out certain assurances of the general application (§ 104.182) and the specific program provisions described in § 104.183 through § 104.188. These provisions include an assessment of employment opportunities in the State (§ 104.183), the goals the State will seek to meet employment needs (§ 104.184), the planned funding to meet employment needs (§ 104.185), the intended uses of funds to meet specific program needs (§ 104.186), the policies adopted by the State to eradicate sex discrimination (§ 104.187), and a description of the mechanism established for coordination between manpower training programs and vocational education programs (§ 104.188).

The planning process also includes the submission of an annual program plan (§ 104.202) and annual accountability report (§ 104.203). The procedural requirements for developing the five-year plan are also applicable to the annual plan and accountability report but the number of required planning meetings is reduced to three (§ 104.204).

Even though the annual plan is essentially an updating of the five-year plan, it must contain the proposed distribution of funds among eligible recipients. The additional requirements of the annual plan are described in §§ 104.221 and 104.222. The content of the annual accountability report is described in § 104.241.

FISCAL REQUIREMENTS

Federal VEA funds must be used to share only in expenditures which are made in accordance with the assurances of the general application, five-year State plan and annual program plan (§ 104.301). The Federal share of expenditures under the five-year State plan and annual program plan may not exceed 50 percent of the cost of carrying out the programs (§ 104.302).

The fiscal requirements for allowable expenditures for the national priority programs are described in § 104.304. At least 10 percent of the State's allotment under section 102(a) of the Act is to be used to pay up to 50 percent of the costs of programs for the handicapped (§ 104.312); up to 20 percent to pay 50

percent of the costs of programs for the disadvantaged, for persons with limited English-speaking ability and for stipends for students with acute economic needs which cannot be met under other programs (§ 104.313); and 15 percent to pay up to 50 percent of the cost of postsecondary and adult programs (§ 104.314). The percentage of the 20 percent set-aside which goes to persons with limited English-speaking ability is equivalent to the proportion such persons age 15-24 are to the entire population of the State in the same age bracket (§ 104.313).

The Federal share for State administration of the five-year State plan and annual program plan, from funds allotted to the State under section 102(d) of the Act, is up to 50 percent of the cost of administration of the plans (§ 104.306). The Federal share in fiscal year 1978 is up to 80 percent and in fiscal year 1979 the Federal share is up to 60 percent.

STATE EVALUATION

Each State must evaluate the effectiveness of each funded program within a five-year period (§ 104.402). These evaluations must be in terms of the planning and operational processes, results of student achievement, results of student employment success and other results as measured by services to special populations (§ 104.402). Programs which purport to impart entry level job skills are to be evaluated according to the extent to which program completers and leavers find employment in related occupations and are considered well-trained by their employers (§ 104.404).

BASIC GRANT

Each State shall use its basic grant, which is 80 percent of the funds allotted under section 102(a) of the Act, for the purposes described in § 104.502. These purposes include vocational education programs, work-study programs, cooperative vocational programs, energy education programs, construction of area vocational education facilities, support of full-time personnel to eliminate sex bias, stipends for students who have acute economic needs which cannot be met by other programs, placement services for students whose needs cannot be met by other programs, industrial arts programs, support services for women who enter programs designed to prepare individuals for programs traditionally limited to men, day care services for children of persons enrolled in vocational schools. The scope and specific program requirements of each purpose are set forth in §§ 104.511 through 104.634. This extensive list of programs, activities, and services has been consolidated into a single basic grant to allow the States to determine their own priorities for funding.

PROGRAM IMPROVEMENT AND SUPPORTIVE SERVICES

The State must use the remaining 20 percent of its allotment under section 102(a) of the Act for Subpart 3—program improvement and supportive services (§ 104.704), exemplary and innovative programs (§ 104.706), and curriculum development programs (§ 104.708). These programs are to be operated by research coordination units (RCU) or are to be conducted by contracts awarded by the RCU (§ 104.703). The RCU must develop a comprehensive plan of program improvement which includes the intended uses of funds and a description of the State's priorities. The pertinent contract requirements for research programs and for curriculum programs are described in § 104.704. Exemplary and innovative programs must give priority to reducing sex stereotyping in vocational education (§ 104.706).

Not less than 20 percent of the funds reserved for program improvement and supportive services are to be used for guidance and counseling services which may include initiation and improvement of counseling services, counseling leading to greater understanding of educational and vocational options, provision of placement and follow-up services for vocational students and individuals preparing for occupations requiring a baccalaureate or higher degree, training to help overcome sex-biased counseling, counseling in correctional institutions, counseling for persons of limited English-speaking ability, resource centers for out-of-school individuals, and leadership for guidance and counseling personnel (§ 104.763).

The State may also use part of the funds reserved for program improvement and supportive services for vocational education personnel training (§ 104.771). Training may be provided to persons serving or preparing to serve in vocational education programs, including teachers, administrators, supervisors, and vocational guidance and counseling personnel (§ 104.773).

Funds under program improvement and supportive services may also be used for grants to overcome sex bias (§ 104.791). The purpose of these grants is to support activities which show promise of overcoming sex bias and sex stereotyping in vocational education and may be in the areas of research, curriculum development, or guidance and counseling (§ 104.793).

SPECIAL PROGRAMS FOR THE DISADVANTAGED

Each State must use the funds allotted to it from the authorization under section 1002(b) of the Act for special programs of vocational education for disadvantaged persons in areas of high youth unemployment and school dropouts (§ 104.802). The criteria of need and eligibility for disadvantaged persons are described in § 104.804. These projects for the disadvantaged may receive up to 100 percent Federal support (§ 104.802).

CONSUMER AND HOMEMAKING

The State must also use the funds allotted to it from the authorization under section 102(c) of the Act for programs of consumer and homemaking education (§ 104.901). The Federal share is 50 percent except in economically depressed areas where the Federal share is 90 percent (§ 104.906). One-third of the separate authorization is for these areas. Grants may be used for (1) educational programs that encourage males and females to prepare for combining homemaking and wage earning roles, develop curriculum materials which encourage elimination of sex stereotyping, give greater consideration to needs in economically depressed areas, encourage outreach programs, prepare persons for the homemaker role, emphasize consumer, nutrition, and parenthood education (§ 104.904) and (2) for ancillary services (§ 104.905).

PART 105—COMMISSIONER'S DISCRETIONARY PROGRAMS

PROGRAM IMPROVEMENT

Under this subpart the Commissioner is authorized to support projects of national significance for improvement of vocational education (§ 105.101). The Commissioner may fund up to 100 percent of the cost of the following types of activities if they are found to be of national significance: (a) Research projects; (b) exemplary and innovative projects; (c) vocational curriculum development projects; (d) vocational guidance and counseling programs; (e) vocational education personnel training programs; and (f) grants to assist in overcoming sex bias (§ 105.104).

A grant applicant must be able to demonstrate a reasonable probability that the project will result in improved teaching techniques or curriculum materials that will be used in a substantial number of classrooms or other learning situations within five years after the termination date. Projects must provide for appropriate participation by nonprofit private school children (§ 105.109). Activities funded shall include contracts to convert job preparation curriculums prepared for use by the armed services to curriculums usable by the schools (§ 105.103). The criteria which will be used to review applications are described in § 105.110. These criteria, and the other criteria in these regulations, do not apply to procurement contracts, which are made in accordance with the Federal Procurement Regulations in Title 41, Code of Federal Regulations.

CONTRACT PROGRAM FOR INDIAN TRIBES

The Commissioner will enter into contracts with Indian tribal organizations at the request of Indian tribes to plan, conduct, and administer programs which are consistent with the Act and regulations (§ 105.201). The sections of the Indian Self-Determination and Education Assistance Act of 1975 which are applicable are set forth in § 105.202. The criteria for the selection of award recipients are in § 105.211. Additional factors for declining to enter into a contract are listed in § 105.212.

TRAINING AND DEVELOPMENT PROGRAMS FOR VOCATIONAL EDUCATION PROGRAMS FOR VOCATIONAL EDUCATION PERSONNEL

The Commissioner is to provide opportunities for full-time advanced study of vocational education, opportunities for certified teachers in other fields to be-

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come vocational education teachers, and opportunities for persons in industry with skills in fields for which there is a need for vocational educators to be so trained (§§ 105.302 and 105.431). Persons having two years of experience in vocational education or in comparable types of situations and who have a baccalaureate degree may receive awards for use at the graduate level, in approved institutions of higher education (§ 105.304). Persons certified to teach in any field who have applicable vocational skills or persons employed in industry with similar skills may receive awards for use in approved teacher-training institutions (§ 105.311). The criteria for approving applications for leadership development awards are in § 105.309. The criteria for approving applications for certification fellowships are in § 105.443.

EMERGENCY ASSISTANCE FOR REMODELING AND RENOVATING OF VOCATIONAL EDUCATION FACILITIES

The Commissioner will make grants to local educational agencies which are unable to provide vocational programs to meet existing manpower needs because of the obsolescence of their facilities or equipment (§ 105.501). Grants may be used to support 75 percent of the cost of modernizing such facilities (100 percent in cases of extreme need) and the cost of changes necessary to comply with the Architectural Barriers Act (§ 105.506). The criteria for approving applications are set forth in § 105.505.

BILINGUAL VOCATIONAL TRAINING

The Commissioner will make grants to support bilingual vocational training programs (§ 105.601), bilingual vocational instructor training programs (§ 105.611), and programs for the development of bilingual instructional materials (§ 105.621). The criteria to be used in reviewing applications for these three programs are set forth in §§ 105.605, 105.615 and 105.625 respectively.

EXPLANATION OF THE DOCUMENT

SELF-CONTAINED DOCUMENT

The proposed regulations are designed as a self-contained document, making it unnecessary to refer constantly to the Act. Accordingly, the regulations repeat all essential requirements of the Act so that the States, local educational agencies, and other eligible recipients under the State administered program (45 CFR Part 104) and all eligible applicants under the Commissioner's discretionary programs (45 CFR Part 105) may, in general, rely on the regulations without reference to the Act.

Reference to the General Education Provisions Act (GEPA) and the General Education Provisions Regulations (GEPR) will, however, be necessary. In particular, the civil rights requirements of the General Education Provisions Regulations (45 CFR 100a.262 and 45 CFR 100b.262) have a direct application to Part 104 and Part 105. Accordingly, Federal financial assistance under the Vocational Education Act is subject to the regulations in 45 CFR Part 80 (which effectuate the provisions of Title VI of the Civil Rights Act of 1964) and to the regulations in 45 CFR Part 86 (which effectuate the provisions of Title IX). Title IX provides that no person in the United States shall on the basis of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. To repeat these civil rights requirements, as well as the other requirements of the General Education Provisions Regulations, in Part 104 and Part 105 would defeat the express purpose of the General Education Provisions Regulations, which is to publish in one place regulations which affect the various education programs generally.

TERMINOLOGY

To make reading and understanding of the regulations easier, the new Vocational Education Act is referred to simply as "the Act." Sections of the Act are referred to in the text, for example, as "section 101 of the Act." A section of the regulations is referred to, for example, as "§ 104.101" with use of the section symbol (§). The phrase "of these regulations" is not repeated. Thus a reference to "section 101" should be recognized as a reference to section 101 of the Act; a reference to "§ 104.101" is a reference to § 104.101 of the regulations.

To make the regulations more readable (and at the same time shorter) acts or regulations which are frequently mentioned are referred to by their acronym, "CETA," "GEPA," "GEPR," for example. The Department of Health, Education, and Welfare is "HEW." If an acronym is used, it is defined in the definitions or the text.

CITATION TO LEGAL AUTHORITY

As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232(a)), a citation to the statutory or other legal authority for each provision of the proposed regulations has been placed in parentheses on the line immediately following the text of the regulation. Each citation applies to the text of the regulations between that citation and the next preceding citation.

Citation is to the Vocational Education Act of 1963, as amended by Title II of the Education Amendments of 1976 (Pub. L. 94-482), unless otherwise noted. Citation to another act refers to the other act by name or other designation. For example "section 434 of GEPA" is a citation to section 434 of the General Education Provisions Act. Citation to the United States Code, for example "(20 U.S.C. 2301)," generally follows a citation to a section of the Act.

It is important to note that a citation standing alone means that the regulation closely follows the section of the Act cited, with only minor editorial simplification. Where language is added in the regulation in order to interpret the Act, the citation reads "Interprets Sec. ------)." Where the regulations implements the Act, such as when criteria are set forth, the citation reads "(Implements Sec. ------)."

INTERNAL FEDERAL MATTERS NOT REGULATED

The requirements of the Act relating to matters of internal Federal administration are not set forth in the regulations. For example, these regulations do not repeat the statutory requirement that the President appoint members of the National Advisory Council on Vocational Education (section 162 of the Act). Likewise, the regulations do not address the following: (a) The establishment and duties of the Bureau of Occupational and Adult Education (section 160 of the Act); (b) the requirement that the Commissioner make findings and suggestions in relation to State plans (section 112(a)(1) of the Act); (c) the requirement that the Bureau of Occupational and Adult Education (BOAE) review and analyze the programs in at least 10 States a year (section 112(a)(2) of the Act); (d) the requirement that the HEW Audit Agency conduct fiscal audits within the same States in which BOAE conducts its reviews (section 112(a)(2) of the Act); (e) the requirement that the Commissioner file an annual report with Congress (section 112(c) of the Act); and (f) the establishment and duties of the National Occupational Information Coordinating Committee (section 161(b) of the Act).

To conclude, in general terms, matters of internal Federal administration appearing in the Act under "Federal and State Evaluation" (section 112 of the Act) and "Federal Administration" (sections 160–162 of the Act) are not set forth in the regulations.

The Act provides for appeal to the United States Court of Appeals in several instances, including an appeal from the Commissioner's findings of noncompliance with the State plan (section 109(d)). Since an appeal to the courts is a legal matter to be handled by attorneys, the procedures for appeal set forth in the Act are not repeated in the regulations.

The Commissioner's delegations of authority are not set forth in the regulations. Hence, when the regulations say "the Commissioner" will perform a function, the Commissioner's authority to perform this function may have been delegated to another official in the Office of Education.

PUBLIC PARTICIPATION IN THE NOTICE OF INTENT

In response to a directive by the Secretary of Health, Education, and Welfare for maximum public participation in the development of regulations, a Notice of Intent to Issue Regulations was published in the FEDERAL REGISTER on November 10, 1976. This Notice of Intent set forth an overview of the new Act and contained descriptions of 15 issues on which the Commissioner sought public comment. A 65-day comment period followed during which telephone calls and written comments and suggestions were accepted and public meetings were held in each State.

Over 550 written comments were received in response to the Notice of Intent. Comments came from a wide variety of organizations and individuals. Individuals who wrote included concerned laymen, State legislators, school counselors, and most frequently teachers. Their concerns covered a broad range but seemed to focus mainly on the programs assisted by the new Act.

The interest groups which responded to the Notice were also diverse. Many of the groups addressed not only their specific interest area but all of the issues set out in the Notice of Intent. The National Advisory Council on Vocational Education prepared detailed comments on all 15 issues, as did many other national organizations. Several educational, professional, and community groups outside of vocational education submitted comments. Women's groups focused on the provisions to eliminate sex bias and sex stereotyping throughout the entire Act, while vocational, professional, and student groups focused on areas such as guidance and counseling, and vocational student organizations. Most State advisory councils were concerned with their enlarged role, while State education departments addressed the planning and other administrative provisions.

Following the publication of the Notice of Intent in the FEDERAL REGISTER, public meetings were conducted in every State and in the District of Columbia, Puerto Rico and the Virgin Islands. These public meetings were hosted by the States and coordinated by the Assistant Regional Commissioners for Occupational and Adult Education. Notice of the meetings was published in the FEDERAL REGISTER and distributed to over 70 national organizations. The Office of Education sent a press release to approximately 450 local organizations and newspapers. Materials for the meetings, including the Notice of Intent and copies of the new Act, were sent out in preparation for the public meetings. Over 6,000 people attended the public meetings.

An overview of the Act and the regulations process was presented at each public meeting by means of a slide presentation. The Office of Education also lent copies of the slides to national organizations wishing to see them. Following the slide presentation, the public meetings provided a forum for discussion of the issues raised in the Notice of Intent. All comments, advice, and issue papers presented at the meetings and submitted as State reports were considered in drafting the proposed regulations.

SUMMARY OF COMMENTS AND RESPONSES

ISSUE NO. 1. GUIDELINES

The question of need for guidelines for the development of the State plan received considerable public comment. Before discussing the substance of these comments, it is important to note at the outset that many commenters seemed to have confused the legal term "guideline" with the general term "guidance." A guideline is a recommendation or suggestion for meeting the legal requirements of the statute and regulations and is not to be construed as having the force of law. The word "guidance," however, is a broader term which includes regulations and interpretations of general applicability which provide instructions, direction, and information for a prescribed course of procedure.

With respect to the issue of guidelines, the majority of commenters agreed with the basic premise set forth in the Notice of Intent in this regard: that the emphasis in planning be placed on the substantive content of the State plan and not on uniformity in the format of the document. These comments frequently pointed out that guidelines tend to stereotype State plans and reduce the flexibility of States to develop plans uniquely designed to meet their own needs and circumstances. They expressed a serious concern that the promulgation of guidelines would likely result in the State plan becoming a mere compliance document.

A considerable, although lesser, number of commenters felt that the publication of guidelines was essential to the effective operation of vocational education programs in the States. The gist of these comments was that State and local officials need, want, and expect detailed guidelines, and if they are not provided, serious omissions and violations may occur. Some of these commenters expressed the view that the Office of Education also has a responsibility to provide options about ways to implement certain provisions of the law, such as the requirements relating to overcoming sex bias and to incentives for enrollment in nontraditional courses.

Having examined the public input on this issue, and in view of the fact that the statute itself is very comprehensive, the Commissioner has elected not to issue separate guidelines at this time. Instead, the Commissioner believes that the best approach is to issue proposed regulations which specify precisely what is required by the law in the development of the State plan. The States will, therefore, have considerably flexibility to determine how they will meet the requirements of the law with respect to the development of the plan. The National Advisory Council on Vocational Education supports the Commissioner's decision not to publish guidelines. In the opinion of the Council, the setting of stringent and narrow restrictions in the regulations would nullify the desired flexibility and would discourage, rather than promote, thorough and responsive State planning.

ISSUE NO. 2 SEX STEREOTYPING

Elimination of sex discrimination and sex stereotyping in vocational education is a major emphasis in the new Act. The Notice of Intent identified four areas where sex discrimination and sex stereotyping are of prime concern: State plan requirements, State administration, the State advisory council, and vocational education programs. Response to this issue indicates a great deal of support for the new Act and its emphasis on equal acess to vocational programs by males and females.

Regarding the State plan requirements, many commenters urged that the regulations allow the States some flexibility. For example, the National Advisory Council on Vocational Education suggested that the determination of specific ways to eliminate sex bias and sex stereotyping in enrollment patterns, access to programs, or recruiting practices should be left to the discretion of the States. The most overriding concerns, however, were that the opportunity for public input and public review of the State plan, as provided in the Act; be strictly required and that there be no quotas imposed for vocational program enrollments.

In the second area of concern, State administration, full-time personnel must be asigned to work to eliminate sex discrimination and sex stereotyping. Some commenters wondered how this Act would work in relation to the requirements of Title IX. The provisions of Title IX are of course applicable to vocational education. The Senate report indicates Congressional intent that the two laws work together:

> The expansion of the purpose makes clear that Federal funds may be used to assist local school districts in developing programs designated to meet the requirements of Title IX as well as programs to overcome occupational sex stereotyping. (Sen. Rept. No. 94-882, p. 57.)

Many commenters asked the meaning of "full-time personnel." The position adopted in the regulations (§ 104.72) is that the personnel in question must work full time on the nine functions listed in section 104(b)(1) of the Act. The number and kind of personnel needed for this purpose is left to the States to determine. The main concern was that the personnel chosen have demonstrated a commitment to equal rights.

Several commenters felt that the $50,000 minimum requirement was too much to spend in this area; this amount is, however, mandated in the Act for each of the 50 States and the District of Columbia, but not for the outlying areas.

In the case of the State advisory councils, the issue deals with membership on the councils. Concern was expressed over the meaning of "appropriate" representation of women. The most frequently suggested definitions were based on the percentage of women in the work force and percentage of women in the general population. Nevertheless, the term "appropriate" has not been defined in the regulations and is left to each State's discretion. The National Advisory Council noted that a "single 'token' woman, minority or otherwise, would obviously not meet the intent of the Act."

The fourth problem area concerned with sex discrimination and sex stereotyping is vocational education programs. Many helpful comments were received in this area. The consensus was that a strong guidance and counseling component is necessary in order to overcome sex bias, and along with this, special training for teachers, counselors, and administrators. One other frequent comment was that women must be involved

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in the development of proposals as well as in the administration of programs and projects.

A major concern of most commenters was that the use of curriculum materials is mentioned frequently in the Act as a means of coping with problems of sex bias and stereotyping, but there are no guidelines for development of the curriculum materials. Many commenters suggested that curriculums for vocational education should be based upon human needs rather than on traditional role expectations. Nevertheless, the Commissioner did not find legal justification for promulgating regulations that would, in effect, go beyond the scope of the statute.

Definitions of "sex bias," "sex stereotyping," and "sex discrimination" are included in the State administration sections of the regulations. This was believed necessary because, although the terms have different meanings, the tendency seems to be to use them together or interchangeably. The emphasis in the regulations is on the elimination of the negative effects, i.e., the denial of rights, caused by sex bias, sex stereotyping, and sex discrimination.

Although the activities which may be supported under section 136, "Grants to Assist in Overcoming Sex Bias," are not specified in the Act, the regulations (§§ 104.791–793) provide examples of projects appropriate for funding under this section. The public comments in this area were very useful in developing these sections of the regulations.

ISSUE NO. 3. STATE ADMINISTRATION

Each State desiring to participate in programs authorized under the Act (section 104(a)) is required to designate or establish a single State board or agency of vocational education in accordance with State laws. This State board will serve as the sole State agency responsible for the administration, or for the supervision of the administration, of programs authorized under the Act. The responsibilities of the State board are:

(a) Coordination of the development of policy with respect to programs;

(b) Coordination of the development, and the actual submission to the Commissioner, of the five-year State plan, of the annual program plan, and the accountability report; and

(c) Consultation with the State advisory council on vocational education and with other appropriate State agencies, councils, and individuals involved in the planning and reporting.

Since the term "coordination" has many meanings, public comment was invited with respect to interpreting the State board's role for the "coordination of the development of policy." Commenters provided a wide diversity of views on this issue, but the overwhelming majority were of the opinion that responsibility for the "development of policy" resides solely with the State board. However, in order to be responsive to the intent of the Act to improve planning by involving a wide range of agencies and individuals concerned with education and training within the State, the phrase "coordination of the development of policy" has been interpreted to mean that the State board is responsible for convening, as a group, representatives of the designated agencies in order to obtain their involvement in the planning and development of policy. The term "coordination" is not defined in the regulations. Instead, cross references to the coordinating function of the State board (section 104(a)(1) (A) and (B) of the Act) are provided throughout the regulations.

ISSUE NO. 4. STATE ADVISORY COUNCIL ROLE IN STATE BOARD EVALUATIONS

The main issue here was whether the proposed regulations should delineate specifically the State advisory council's role in the State evaluation and the relationship between the evaluations made by the Board and those made by the council. More specifically, should the term "monitoring" be interpreted so as to retain the autonomy of the two agencies?

Several comments from the public were to the effect that the purpose of this legislation is to bring about greater cooperation between the State advisory council (SACVE) and the State board, and assure that they work together, share, information, and prevent duplication of effort. The National Advisory Council on Vocational Education commented that "The SACVE is to consider the results of the State board evaluation in making its own evaluation, but there is nothing to suggest that the sharing of information will result in identical conclusions. The SACVE may assist and monitor the State board evaluation, incorporate the information into its own evaluations, and come up with conclusions and recommendations which are quite different from those of the State board." In keeping with this position, the State advisory council would not duplicate studies made by the State board, but instead, would review and evaluate studies made by the State board in the preparation of its own evaluation report.

The public response to the three alternatives suggested in the Notice of Intent was overwhelmingly in favor of "allowing the State boards and councils to develop necessary working relationships to perform their respective mandates within the broad scope of the regulations." That, in effect, is the position adopted in the proposed regulations.

ISSUE NO. 5. FISCAL INDEPENDENCE OF STATE ADVISORY COUNCILS

The new Act affirms the independence of the State advisory council on vocational education by giving the council control over its program administration and funds. The extent to which the council has control over the expenditure of the funds was, however, an issue set forth in the Notice of Intent.

Section 105(c) of the Act authorizes the council to employ personnel and to contract for services necessary to enable it to carry out is evaluation functions, "independent of programmatic and administrative control by other State boards or agencies." This concept is further emphasized in section 105(f) of the Act, which provides that: "The expenditure of these funds is to be determined solely by the State advisory council for carrying out its functions under this Act, and may not be diverted or reprogramed for any other purpose by any State board or agency or individual."

On the other hand, many comments from the public meetings supported the position that this language does not give the SACVE's total freedom to expand their funds without regard to reasonable guidelines and restraints followed by others within the administrative structure in which it functions. Thus, comments from the public on this issue support the proposed regulation (§ 104.96) that the State advisory council shall designate an appropriate State agency or other public agency eligible to receive funds under the Act to act as its fiscal agent. Any State or local agency eligible to receive Federal vocational education funds may act as the fiscal agent. The council must, however, adhere to the laws, regulations, and practices applicable to the State and other public agencies in the expenditure of its funds. The fiscal agent must have the council's accounts audited at least every two years and must send a copy of the audit report to the Commissioner.

ISSUE NO. 6. LOCAL ADVISORY COUNCILS

Regarding the extent to which the Commissioner should regulate local advisory councils, the consensus of the public comment was that the regulations should merely restate the law and should make no extra requirement of any kind. For example, one commenter said, "No further specifications should be provided in Federal Regulations beyond what is described in the law for the composition, certification, operation, or consultation role of local advisory councils." The proposed regulations (§§ 104.111–112) follow this recommendation.

ISSUE NO. 7. STUDENT ORGANIZATIONS

The Notice of Intent included a statement to the effect that unless public comment indicated otherwise, the proposed regulations would permit Federal support of activities of vocational education student organizations which are an integral part of instruction. The comments overwhelmingly endorsed this position. Many commenters pointed out that considerable time and effort have gone into the development of vocational student organization activities to make them an integral part of the instruction program and that these efforts have markedly enhanced the employability of the students who have been involved in these organizations. The National Advisory Council on Vocational Education also endorsed this position.

These comments are consistent with earlier legislative history set forth in the 1968 Senate Report No. 1386, p. 26 (July 11, 1968) which states that "as an integral part of the vocational instruction, these organizations have helped youth to

identify with the world of work and to develop as civic and community leaders. Throughout the years, the Office of Education has cooperated and assisted in the promotion of vocational youth organizations. Primarily this assistance has been given to the Future Farmers of America, under the provisions of the Congressional charter and to the Future Homemakers of America. The committee commends the Office of Education for its leadership and support of these two organizations; however, we urge the Commissioner to give equal attention and resources to the other equally important vocational youth groups. The committee urges the Commissioner of Education, in cooperation with the States and with the executive directors and the boards of directors of each vocational youth organization, to take appropriate steps to strengthen these important youth programs." The importance of these student organizations was also endorsed by Chairman Perkins during consideration of the bill, H.R. 12835. Chairman Perkins remarked, "Finally, I would like to pay tribute to the fine work which is being done by the various vocational youth organizations. I have always been impressed by the contributions made by the Future Farmers of America and now the newer youth organizations are following in their footsteps. I hope that these organizations will continue to remain strong and vibrant." (Cong. Rec. p. H4186, May 11, 1976.)

In light of the legislative history and public endorsement of vocational student organizations as an integral part of vocational education instruction, the proposed regulations provide that a State may use funds under its basic grant to support activities of vocational education student organizations as set forth in its approved five-year State plan and annual program plan. The regulations give a list of reimbursable activities which constitute an integral part of vocational instruction and another list of activities which cannot be supported.

ISSUE NO. 8. GENERAL APPLICATION (ASSURANCES)

Each State is required by section 106 of the Act to submit and maintain on permanent file with the Commissioner a general application which contains ten assurances that the State board will abide by in carrying out programs under the Act. Section 109 of the Act prohibits the Commissioner from approving a five-year State plan which does not provide adequate procedures for insuring that the assurances of the general application will be carried out. The Notice of Intent invited the public to advise how the State board should set forth these procedures.

Public response to this issue supports the proposed regulation (§§ 104.181–182) which requires the State board to incorporate the procedures into its five-year State plan.

ISSUE NO. 9. VOCATIONAL GUIDANCE AND COUNSELING

Comments about vocational guidance and counseling were many and varied greatly. One major concern was the procedure for establishing priorities among the various programs, services, and activities authorized by the Act. Several groups stressed the need for training programs to enhance the vocational competence of the professionals who staff vocational guidance and counseling programs and services. Some commenters expressde the feeling that the authorizations in section 134 may be too broad and may damage the total vocational education effort. They would prefer a definition of vocational education which includes guidance elements, thus reducing the need for funding supporting services.

A substantial number of commenters were concerned about section 134(a) which says that a State "shall include" eight activities and areas under its vocational guidance and counseling programs and services. They asked whether the phrase "shall include" requires that each of the eight specific areas be covered in a State's program. Careful reading of the law and the legislative history leads to the conclusion that the intent of Congress was to identify those eight areas and emphasize them, but the States would have the discretion and authority to choose from among the eight areas listed. Therefore, the States are required to fund one or more of them.

Another concern in the public meetings was for an interpretation of "including follow-up services" in section 134(a)(3) of the Act. The question was whether follow-up services could be conducted on a group of students who had already graduated from school. The position adopted in the proposed regulations (§ 104.763) is that follow-up services will be provided only for persons who have been placed in employment as a result of vocational education under this Act.

ISSUE NO. 10. DETERMINATION OF ACADEMIC HANDICAPS

The Commissioner sought assistance in developing criteria to define the academic and economic handicaps which combine to make students "disadvantaged," and are, therefore, in need of special services and assistance in order to enable them to succeed in vocational education programs. Public comment on this issue tended strongly to favor the criteria commonly used by vocational educators for making this determination, rather than strictly quantitative criteria based on such factors as formal education of the parents, occupation of the father, exact income, including welfare, and aid to dependent children. Accordingly, the criteria set in § 104.804 are such that they can be applied readily by vocational educators. The major factor is the readiness of the student judged in terms of the prerequisites for success in the vocational education program.

ISSUE NO. 11. HOURS OF WORK IN WORK-STUDY PROGRAM

The problem was to determine the "reasonable number of hours in any week" that students in a work-study program would be permitted to work. Public comment on this point was virtually unanimous in advising that a maximum limit be set in terms of hours only (rather than hours and a monetary limit as in the present legislation). Accordingly, the regulations propose a weekly limit of 20 hours.

ISSUE NO. 12. ACCOUNTABILITY AND EVALUATION

The Commissioner received a great many comments on evaluation, related to the definition of program completers and leavers, the period of follow-up, statistical techniques, and criteria for determining effectiveness of vocational education programs, services, and activities. The advice and recommendations varied greatly. Some commenters wanted "program completer" to be defined as one who acquires job skills, irrespective of whether the "program" is completed. Others wanted the securing of paid employment to be the criterion of program completion. Some were opposed to making the securing of employment a criterion of success or "completion." Others considered graduation to be tantamount to completion.

The problem of defining "program leaver" also elicited a wide diversity of comments. One typical suggestion was that a leaver is one who completes two-thirds of the program's requirements and that anyone who leaves earlier is a "drop-out."

There was wide divergence and no consensus regarding the time when the follow-up of each student should begin and the length of the follow-up period. Two commenters advised that the regulations stipulate that a contract be made with each student to pay for the follow-up information and assure that it would be reported. Several commenters advised that "completion" be defined merely as "meeting the objectives of the program."

One commenter advised that no attempt be made to aggregate on a national basis the data on effectiveness of vocational education programs. Most commenters did not address this point directly, but several did so by implication when they advised that each State be permitted to make its own definitions of "completer" and "leaver."

The comments about evaluation of the effectiveness of the State's programs of vocational education revealed widely disparate views. Some wanted evaluation of both the process and the products of instruction, with assessments by students and teachers. Most comments expressed a preference for permitting the States to make all decisions in this regard, or for having vocational education program directors assume responsibility for determining how effectiveness is to be assessed.

The regulations (§ 104.404) contain proposed definitions of "completers" and "leavers," because without them

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there could be no compatibility in the data reported by the States. The definitions recognize that some students leave a program without completing it but are nonetheless well enough trained to secure program-related employment. They recognize that the student who has "left" one program of vocational education but is still enrolled in another such program is not a "program leaver."

The regulations leave to the National Center for Educational Statistics the determination of when the follow-up is to begin and for how long it will be extended. The same Center will provide survey instructions and sampling standards, thus making it feasible for all States to report data that can be aggregated nation-wide.

ISSUE NO. 13. CONSUMER AND HOMEMAKING EDUCATION

The new Act provides a separate authorization of funds to be used solely to encourage consumer and homemaking programs for both males and females at all educational levels. "All educational levels" is interpreted to include elementary, secondary, post-secondary, and adult learners. Since the Act states explicitly that States should "encourage," "emphasize," and give "greater consideration" to consumer and homemaking education programs for the specified target groups, further interpretation by regulation was not believed necessary. There was a consensus in the comments that the new emphasis on consumer and homemaking programs will be helpful in developing attitudes and behavior which enhance the quality of life of the American people at home and at work.

The National Advisory Council on Vocational Education and other groups advised against setting criteria to measure the degree of encouragement and emphasis given by a State to consumer and homemaking education. They wanted no criteria which could result in quotas of any kind, and recommended that each State establish the criteria it will use in planning and implementing this part of the statute. The regulations (§ 104.904) follow their recommendation.

ISSUE NO. 14. BILINGUAL VOCATIONAL EDUCATION

Public comment was invited with respect to the interpretation in the bilingual vocational training program of the clause "equitable distribution of assistance • • • within that State" (section 189B of the Act). Most commenters rejected the idea of making equitable distribution on a geographic basis, since the limited English-speaking populations are not distributed evenly among the States or within the States.

Most commenters suggested that Federal assistance be focused on those limited English-speaking groups with the greatest need for the training. Some of the commenters noted that the target populations with the greatest need are not necessarily the largest groups with limited English-speaking ability. For instance, in some places the large Spanish-origin groups may speak English well enough not to need bilingual vocational training, whereas the smaller groups of recently arrived Indochinese may have an acute need for it.

Accordingly, the proposed regulations (§ 105.605) provide that prior to making awards in a State, the Commissioner will, where feasible, consult with the State board to achieve equitable distribution of assistance among populations of limited English-speaking ability with the most acute need for training within the State. The Commissioner, therefore, will work with the States to determine which non-English languages are spoken and the number of speakers likely to be affected by vocational training in each group.

In regard to the issue of standards for determining adequacy of language capabilities of the instructor in the bilingual instructor training program, nearly all of the commenters recommended that institutions be asked to certify as to the language ability of the instructors. The use of examinations for this purpose was strongly criticized because: (1) there is a lack of standardized achievement tests covering the specific language skills deemed necessary for a bilingual vocational training instructor; and (2) no one test would be appropriate nationwide, even for particular languages (e.g., a Spanish test might not adequately address the needs of the Mexican, Cuban, and Puerto Rican populations).

The position that institutions should certify as to the language ability of their instructors has been adopted in the regulations.

ISSUE NO. 15. APPEAL OF STATE BOARD DECISION TO THE COMMISSIONER

The Notice of Intent asked what criteria the Commission should apply, in an appeal to the Commissioner, to determine whether there was "substantial evidence" to support the proposed State plan. This issue did not evoke much response in the public meetings nor in the written comments, possibly because what is "substantial evidence" may be considered a legal matter. The Supreme Court has said: "substantial evidence means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." (305 U.S. 197, 229 (1938)). The regulation (§ 104.286) states that "substantial evidence" shall have the meaning given by the Supreme Court.

ADDITIONAL IUSSES

SUBMISSION OF PLANS TO COVER THE PERIOD OF JULY 1, 1977 TO SEPTEMBER 30, 1977

The Act requires both the five-year State plan and annual program plan to be submitted on July 1, 1977, but the plans will not be operative earlier than October 1, 1977, the effective date of the Act (section 107(b)). In view of the fact that the plans submitted for fiscal year 1977 expire on June 30, 1977, there will be no document on file with the Commissioner to cover the interim three months, July 1, 1977 to September 30, 1977. The Commissioner has received considerable comment from the field with respect to the issue.

A variety of alternatives to accommodate both the requirements of the Act and the expressed concern of the States to retain the traditional academic period have been examined. The position adopted in this matter is for States to submit a letter to the Commissioner by June 30, 1977, seeking approval to continue the operation under the fiscal year 1977 plan. In accord with 45 CFR 100b.18(c) of the General Education Provisions Regulations, States may incorporate by reference specified portions of State plans which have been previously approved by and are currently on file with the Commissioner. Therefore, to the extent the 1977 State plan will be compatible with the operation of the program from July 1, 1977 to September 30, 1977, those provisions need only be referenced in a letter to the Commissioner. Any substantial revisions, including modifications to the allocation of Federal and State vocational educational funds to the programs, services and activities to be carried out during the three month period, however, would necessitate an amendment to the 1977 plan in accord with § 102.31(c) of the current program regulations (45 CFR 102.31(c)—Revised as of October 1, 1975). Minor deviations in actual allocations would not require a formal amendment to the 1977 plan. Such minor deviations should be indicated and explained in the annual report of the State board.

In essence, the fiscal year 1977 plan would cover a fifteen month period, July 1, 1976 to September 30, 1977. The program will continue to operate under the current law and regulations for the period July 1, 1977 to September 30, 1977.

MEMBERSHIP OF STATE ADVISORY COUNCIL

The new Act increases the categories of membership of the State advisory council from 12 to 20. The regulations (§ 104.92(b)(4)) provide that the council's membership exclude members of the State board and its staff. This provision conforms to the Congressional intent that councils be independent of State boards and the administering agency.

The matter of fulfilling the requirement of the three-year terms of appointment as it relates to student membership is left to the State. A vacancy caused by the student's graduation should be treated as any other vacancy.

PROCEDURES IN THE FIVE-YEAR STATE PLAN

Section 109(a)(1) of the Act provides that before approving the plan the Commissioner must be satisfied that adequate procedures are set forth to assure compliance with the assurances of the general application. These procedures are therefore made a part of the plan. The assurances of sections 106(a)(4), 106(a)(5), 106(a)(9), and 106(a)(10) of the Act appear to require setting forth procedures in detail in the plan.

CERTIFICATION OF INVOLVEMENT IN THE FIVE-YEAR STATE PLAN

Section 106(a) of the Act requires the State board to certify that each of the agencies, councils, and individuals who are required to be involved in the formulation of the plan have been afforded that opportunity. Since some designated groups or individuals may choose not to participate, the regulations propose that each certify that the opportunity to do so was offered. In addition to the representative of the State advisory council being involved in the planning group, section 105(d) directs the council to advise the State board in the development of its plans. Thus the council has two avenues for input into the plan. The regulations propose using a separate certification to assure that the council was consulted.

PROGRAMS FOR THE HANDICAPPED

Section 106(a)(10) requires that vocational education programs for the handicapped be consistent with the State plan under the Education of the Handicapped Act (Pub. L. 94-142). Accordingly, the regulations (§ 104.182(f)) require that the plan contain a description of the procedures for insuring consistency of these programs. Specifically, the State must describe how it will plan and coordinate the vocational education program provided for each handicapped child with the child's individualized educational program, as required by the Handicapped Act.

INTERPRETATION OF "COURSES" AND "ADULT"

Section 107(b)(2) of the Act refers to "courses" as one of the elements used to describe the State's goals. The proposed regulations use the term "programs" instead of "courses," and "program" is defined as "a planned sequence of courses, services, or activities designed to meet an occupational objective." This change conforms to the classification in the Office of Education Handbook VI, "Standard Terminology of Curriculum and Instruction in Local and State School Systems." Handbook VI is well established in the States and provides for reporting on at least 180 designated programs.

Section 107(b)(2) of the Act also refers to "levels of education" which have been defined in the proposed regulations as "secondary, postsecondary, and adult." While "adult" may not be strictly considered as a level of education, House Report No. 94-1086, page 48, clearly speaks of postsecondary and adult education as separate programs. The secondary level of education is equated with the persons "in high school" referred to in section 101 of the Act as one of the groups to be served.

MINIMUM PERCENTAGES FOR NATIONAL PRIORITY PROGRAMS

The minimum percentage requirements for vocational education programs for handicapped persons (section 110(a) of the Act), for disadvantaged persons (section 110(b) of the Act), and for postsecondary and adult programs (section 110(c) of the Act) are to be applied against the State's allotment under section 102(a) of the Act. Although the section 102(a) allotment is apportioned to provide 80 percent for subpart 2 (basic grant) and 20 percent for subpart 3 (program improvement and supportive services), the State shall apply only the cost of vocational education programs under subpart 2 against the minimum percentage requirements. The cost of programs, activities, and services under Subpart 3, therefore, may not be used to satisfy the minimum percentage requirements.

As long as the State complies with the matching requirements in section 110 of the Act, the State may use the combined Federal, State and local funds to pay the entire cost of the vocational eduocation program for handicapped and disadvantaged persons. Accordingly, Federal funds for vocational education programs for handicapped and disadvantaged persons are not limited solely to the excess cost or incremental cost of mainstreaming the student into a regular vocational education program. For example, if the cost of providing vocational training to the non-handicapped student is $600, and the cost of providing vocational training to the handicapped student in the same class is $750, the State may use the combined Federal, State and local funds to pay the entire $750 for the vocational education program for the handicapped student. The State is not limited in these national priority programs in section 110 of the Act to charging only the excess cost (which would be $150 in the above example) to the minimum percentage requirements.

RESEARCH COORDINATION UNITS

In accordance with § 104.703, each State must establish a research coordination unit (RCU) to coordinate the research, exemplary and innovative programs, and curriculum development activities in the State. The RCU, in turn, is responsible for developing a comprehensive plan of program improvement which includes the intended uses of funds to support activities of program improvement, a description of the State's priorities for program improvement, and the procedures to assure dissemination throughout the State in a coordinated fashion.

The RCU may contract for the performance of research programs described in § 104.705, exemplary and innovative programs described in § 104.706, and curriculum development programs described in § 104.708. Alternatively, the RCU may perform these activities directly, using its own staff. The cost of both the professional and support staff of the RCU is reimbursable with Federal funds available under section 130 of the Act.

VOCATIONAL EDUCATION PERSONNEL TRAINING

The new Act continues with only slight modification the vocational education leadership development program which has been authorized since 1967 by Part F of the Education Professions Development Act. In addition, it authorizes a second program which provides fellowships for up to two years of undergraduate study to certified teachers in other fields and to persons in industry, who have vocational skills for which there is a need for vocational educators.

In House of Representatives Report No. 94-1085, members of the Congress expressed displeasure about the administration of the graduate-level leadership development program because the State boards for vocational education were given too great a degree of effective control over the choice of the recipients of the awards, and approval authority over the graduate schools which the awardees may attend. In response to this criticism, while the Commissioner will continue to receive advice from the State boards and other appropriate groups interested in the two programs (as the Congress advises) the regulations provide that the Commissioner alone will select and make awards and fellowships and approve participating institutions (§§ 105.305(b), 105.311, 105.432, 105.434).

The proposed regulations take into consideration the view of the Congress that awards and fellowships are more effective if granted for periods longer than a single year, which has sometimes been the practice in the past. It is the intention of the Commissioner to favor the longer periods, subject to availability of funds and satisfactory performance by the recipients of awards and fellowships. Thus it is most likely that a mix of one-, two-, and three-year awards and fellowships will be granted as the Congress has suggested.

In the case of the undergraduate fellowship program the proposed regulations seek to facilitate the identification and approval of participating institutions and to lessen the total burden of administration of the program by (a) setting forth in the regulations the criteria for institutional eligibility, and (b) requiring that the institution give assurance, as an addendum to the individual's application for a fellowship, that it meets those requirements.

EMERGENCY ASSISTANCE FOR REMODELING

The program of Federal financial assistance for remodeling and renovating vocation education facilities (subpart 4 of Part B) is new; there was no comparable program in the 1968 Act. Although section 191 of the Act states that the purpose of the program is to provide emergency assistance to local educational agencies "in urban and rural areas," section 193(a) of the Act states: "Any local educational agency desiring to receive assistance under this subpart shall submit • • • and application."

The Senate Report indicates that while the National Advisory Council on Vocational Education urged a special program for urban areas, the Senate committee adopted the suggestion of the National Advisory Council "but without limiting it to urban areas." (Senate Report to accompany S. 2657, No. 94-482, page 89.)

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For these reasons the use of the phrase "in urban and rural areas" in the purpose clause is not deemed limiting. The regulations (§ 105.502) state that: "Any local educational agency is an eligible applicant."

Since the need for assistance is a statutory criterion (section 193(b)(1) of the Act) for making application, the Congressional intent that the poorer urban and rural districts receive assistance will, to the extent urban and rural districts show the greatest need, be carried out.

This program is "for a limited period of time" (section 191 of the Act). Whereas other authorizations for appropriations in the Act extend through fiscal year 1982, the authorization for this program (section 192 of the Act) extends only through fiscal year 1981.

QUESTIONS AND ANSWERS

Many specific questions were raised by interested persons with respect to the implementation of the Act. Some of these issues raise important policy considerations and have legal significance. Recognizing that the goal of a uniform position on these issues can best be achieved through publication in the FEDERAL REGISTER, the Commissioner has decided to issue the following questions and answers as supplementary information to the regulation.

Question No. 1: Must a State match the $50,000 reserved from the funds to carry out subpart 2 for the support of full-time personnel under section 104(b) of the Act?

Answer: No. There is no indication either in the statute or legislative history that States must match the Federal funds reserved to support full-time personnel. The State must, however, match the entire allotment under section 102 (a) of the Act.

Question No. 2: May a vocational education student be appointed to the State advisory council pursuant to section 105 (a)(20) of the Act even though the individual will no longer be a student after two years?

Answer: Yes. Since members of the advisory council must be appointed for terms of three years, an appointment held by a student who is involved in vocational education for a maximum of two years would become vacant after the individual's status as a student expired. The appointing body, therefore, would be required to fill the vacancy for the unexpired term (§ 104.92(c)(2)).

Question No. 3: What is the timeline as it relates to the requirement in section 105(b) of the Act that a State certify the establishment and membership of the State advisory council?

Answer: The certification must be submitted not less than 90 days prior to the beginning of the fiscal year. Since the fiscal year begins on October 1, the certification must be submitted by July 1.

Question No. 4: Does a State which has already submitted a general application under section 434 of GEPA need to submit a general application under Title II of Pub. L. 94-482?

Answer: Yes. The general application required by section 106 of the Act is more comprehensive than the general application required by section 434 of GEPA. The section 106 general application must be filed in lieu of the one required by section 434 of GEPA.

Question No. 5: If the State legislature supports the entire cost (other than tuition payments) of operation of postsecondary area vocational schools, how would the relative financial ability of the institution be established pursuant to section 106(a)(5)(B)(i) of the Act?

Answer: An institution with no local tax base for support would have to calculate its relative financial ability on the amount of funds the State legislature make available to it.

Question No. 6: Is it possible for a person to represent more than one area under section 107(a)(1) of the Act which pertains to the State planning committee involved in formulating the State plan?

Answer: Yes. In some States, for example, a representative of the regents of higher education may satisfy the representation requirements in section 107(a)(1)(B), (C), and (D) of the Act.

Question No. 7: What is the meaning in section 107(a)(1)(E), and (F), and (G) of the Act of the phrase "as determined by State law" with respect to the representation of a local school board, vocational education teachers, and local school administrators?

Answer: A representative of a local school board, vocational eduaction teachers, and local school administrators shall be designated by the appropriate appointing body in the State. This may be the governor, the legislature, or an elected State board.

Question No. 8: Must the annual program plan provide information on the allocation of Federal funds to each eligible recipient?

Answer: Yes. Section 108(b)(1)(B)(ii) of the Act provides that the annual program plan must "set out explicitly the proposed distribution of such funds among eligible recipients."

Question No. 9: When is the first annual accountability report due?

Answer: In accordance with the requirements in section 108(b)(2) of the Act and § 104.203 of the regulations, the annual accountability report is due by the July 1st following the completion of the applicable fiscal year. The first annual accountability report is required for fiscal year 1978 and is due in the appropriate HEW Regional Office by July 1, 1979.

Question No. 10: Are the three minimum percentages for national priority programs in section 110 of the Act applied against the State's allotment in section 102(a) of the Act or the total of the allotments in section 102 (a), (b), (c), and (d) of the Act?

Answer: The three minimum percentages for the national priority programs are applicable to each State's allotment under section 102(a) of the Act (§ 104.311). The section 102(a) allotment consists of both the basic grant (80 percent) in subpart 2 and program improvement and supportive services (20 percent) in subpart 3.

Question No. 11: May funds expended for any program, service, or activity eligible under subpart 2 or subpart 3 be applied against the minimum percentage requirements of section 110 of the Act?

Answer: No. Only the cost of vocational education programs as described in § 104.511 may be applied against the minimum percentage requirements of section 110 of the Act. The cost of programs, services, and activities under subpart 3, program improvement and supportive services, may not be computed against the percentage requirements of the national priority programs. For example, the cost of teacher education may not be applied against the minimum percentage for vocational education programs for the handicapped.

Question No. 12: May the cost of State administration be reimbursed from Federal funds available for the national priority programs in section 110 of the Act?

Answer: No. The cost of State administration may be reimbursed only from the State's allotment under section 102 (d) of the Act. The cost of State administration for the consumer and homemaking program in section 150 of the Act may be reimbursed from the State's allotment in section 102(c) of the Act.

Question No. 13: Are funds expended for work-study programs chargeable to the minimum percentage requirement for the disadvantaged in section 110(b) of the Act?

Answer: No. Only the cost of vocational education programs (as the term vocational education is defined in section 195(1) of the Act) are chargeable to the minimum percentage requirements in section 110 of the Act.

Question No. 14: Must the State pay exactly 50 percent, at least 50 percent, or up to 50 percent for the three national priority programs in section 110 of the Act?

Answer: The State must pay at least 50 percent of the cost of vocational education programs for the national priority programs in section 110 of the Act (§ 104.303).

Question No. 15: What would be an acceptable source of information on which to distribute funds to persons of limited English-speaking ability in accordance with section 110(b)(2) of the Act?

Answer: If a State does not have the exact figures on the population of persons of limited English-speaking ability, the State should distribute funds for persons of limited English-speaking ability based on its best estimate of the figures.

Question No. 16: What does the requirement in section 120(b)(2) of the Act that the State board make a specific finding in each instance of funding for stipends in section 120(b)(1)(G) of the Act pertain to?

Answer: Each eligible recipient in the State desiring to provide stipends to students shall include an assurance in its local application to the State board that students to receive stipends have acute economic needs which cannot be met due to inadequate funding in other programs (§ 104.573).

Question No. 17: May the State use funds available under subpart 2 (basic grant, section 120 of the Act) for prevocational or exploratory programs?

Answer: Expenditures under the basic grant (section 120 of the Act) for prevocational or exploratory programs are only permissible in the program area of industrial arts as described in § 104.592.

Question No. 18: May States expend funds under section 120 of the Act (basic grant) for the provision of vocational education programs in correctional institutions?

Answer: Yes. The States are encouraged to provide vocational training to persons assigned to correctional institutions. Correctional institutions, however, should not be confused with residential vocational schools. The latter is an institution which provides vocational education for youths who need full-time study on a residential basis in order to benefit from such education. Residential vocational schools do not include institutions to which juveniles are assigned as a result of their deliquent conduct.

Question No. 19: May Federal funds available under section 130 of the Act for program improvement be used to pay the cost of salaries of professional and support staff of the research coordination unit?

Answer: Yes. The cost of the professional and support staff of the research coordination unit is supportable with Fedreal funds available under section 130 of the Act (§ 104.703(f)).

Question No. 20: Must Federal funds for special programs for the disadvantaged in subpart 4 be used to pay the full cost of the program?

Answer: States have the authority to pay up to the full cost of these programs with Federal funds. State and local funds may be used to supplement the Federal share.

Question No. 21: If the State Occupational Information Coordinating Committee (SOICC) does not receive funds from the National Occupational Information Coordinating Committee by September 30, 1977, would the SOICC still be required to perform the functions outlined in section 161(b)(2) of the Act?

Answer: No. Although the SOICC must be in place by September 30, 1977, the actual implementation of the occupational information system is contingent upon the availability of funds.

Question No. 22: Should students with learning disabilities be included in the definition of the handicapped?

Answer: Students with learning disabilities are included in the definition of handicapped to the extent the learning disability is a health impairment.

Interested persons are invited to submit comments, suggestions, or recommendations to be considered prior to the issuance of final regulations. Comments, suggestion, or recommendations may be presented at the public hearings to be announced in the FEDERAL REGISTER or be sent to the address given at the beginning of this notice, or both. All comments must be received on or before May 9, 1977.

Authority. These proposed regulations are issued under the authority of section 202(a) of Title II of the Education Amendments of 1976, Pub. L. 94-482.

The Office of Education has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: March 9, 1977.

WILLIAM F. PIERCE,
U.S. Commissioner of Education

Approved: March 31, 1977.

JOSEPH A. CALIFANO, JR.,
Secretary of Health, Education, and Welfare.

(Catalog of Federal Domestic Assistance Program Numbers 13.493 Vocational Education-Basic Grants to States, 13.494 Vocational Education-Consumer and Homemaking, 13.495 Vocational Education-Cooperative Education, 13.496 Vocational Education-Curriculum, 13.498 Vocational Education-Research, 13.499 Vocational Education-Special Needs, 13.500 Vocational Education-State Advisory Councils, 13.501 Vocational Education-Work Study, 13.502 Vocational Education-Innovative, 13.503 Vocational Education Training-Leadership Development, and 13.504 Vocational Education Personnel Development-State System.)

It is proposed to amend Title 45 of the Code of Federal Regulations as follows:

PART 100a—DIRECT PROJECT GRANT AND CONTRACT PROGRAMS

1. In part 100a, § 100a.10(a)(11) and § 100a.10(a)(26) (relating to programs under the Education Professions Development Act) are amended to read as following:

§ 100a.10 Scope.

(a) • • •

(11) Programs of contracts with Indian tribal organizations under section 103(A)(1)(B), programs of national significance under sections 171 and 172 of subpart 2 of Part B; programs of bilingual vocational training under sections 181–189B of subpart 3 of Part B; and programs of emergency assistance for remodeling and renovation of vocational education facilities under sections 191–194 of Subpart 4 of Part B, of Title I of the Vocational Education Act of 1963, as amended by section 202 of Pub. L. 94-482 (20 U.S.C. 2303(a)(1)(B), 2401, 2402; 2411-2421; 2411-2444).

• • • • • •

(26) Teacher Corps and Teacher Training Programs under Title V of the Higher Education Act of 1965, as amended by sections 151–153 of Pub. L. 94-482 (20 U.S.C. 1102–1104, 1119–1119a–1).

• • • • • •

PART 100b—STATE ADMINISTERED PROGRAMS

2. In Part 100b, § 100b.10(f) is amended to read as follows:

§ 100b.10 Scope.

• • • • • •

(f) State vocational education programs under sections 101–150 of Part A of Title I of the Vocational Education Act of 1963, as amended (20 U.S.C. 2301–2380).

PART 100c—INDIRECT COSTS UNDER CERTAIN PROGRAMS

3. In Part 100c, § 100c.1(f) is amended to read as follows:

§ 100c.1 Scope.

(f) State vocational education programs under sections 101–150 of Part A of Title I of the Vocational Education Act of 1963, as amended (20 U.S.C. 2301–2380).

• • • • • •

4. New Parts 104 and 105 are added to read as follows:

PART 104—STATE VOCATIONAL EDUCATION PROGRAMS

Subpart 1—State Administration

Sec.
104.1 Scope.
104.2 Purpose.
104.3 Applicability of General Education Provisions Regulations.
104.4 Cross reference to definitions.

STATE BOARD

104.31 Establishment of State board.
104.32 Responsibilities of the State board.
104.33 Delegation of functions.

FULL-TIME PERSONNEL AND FUNCTIONS TO ELIMINATE SEX DISCRIMINATION AND SEX STEREOTYPING

104.71 Scope.
104.72 Designation of full-time personnel to eliminate sex bias.
104.73 Definitions.
104.74 Funds for full-time personnel and functions.
104.75 Functions of full-time personnel.
104.76 Studies to carry out functions.

STATE ADVISORY COUNCIL

104.91 Establishment and certification.
104.92 Membership.
104.93 Functions and responsibilities.
104.94 Meetings and rules.
104.95 Staff and services.
104.96 Fiscal control.
104.97 Annual evaluation report.

LOCAL ADVISORY COUNCILS

104.111 Establishment of local advisory councils.
104.112 Duties of local advisory councils.

STATE OCCUPATIONAL INFORMATION COORDINATING COMMITTEES

104.121 Requirement to establish State occupational information coordinating committees.
104.122 Source of funding.
104.123 Duties of the State occupational informational coordinating committee.

GENERAL APPLICATION

104.141 Requirement for filing a general application.

DEVELOPMENT OF FIVE-YEAR STATE PLAN

104.161 Submission of five-year State plan.
104.162 Representation required in the development of the five-year State plan.

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Sec.
104.163 Meetings of participating representatives.
104.164 State board adoption of the five-year State plan.
104.165 Public hearings on the five-year State plan.
104.171 Certification of plans.
104.181 Content of five-year State plan.
104.182 Procedures to assure compliance with the general application.
104.183 Assessment of employment opportunities.
104.184 Goals to meet employment needs.
104.185 Funding to meet employment needs.
104.186 Funding to meet program (purpose) needs.
104.187 Policies for eradicating sex discrimination.
104.188 Coordination between manpower training programs and vocational education programs.

DEVELOPMENT OF ANNUAL PROGRAM PLAN AND ACCOUNTABILITY REPORT

104.202 Due date of annual program plan.
104.203 Due date of annual accountability report.
104.204 Representation required in the development of the annual program plan and accountability report.
104.205 Meetings of participating representatives.
104.206 State board adoption of the annual program plan and accountability report.
104.207 Public hearing on the annual program plan and accountability report.
104.221 Content of annual program plan for fiscal year 1978.
104.222 Content of annual program plans for the fiscal years following 1978.
104.241 Content of the accountability report.

APPROVAL OF FIVE-YEAR STATE PLAN AND ANNUAL PROGRAM PLAN AND ACCOUNTABILITY REPORT

104.261 Conditions for approval of five-year State plan.
104.262 Conditions for approval of annual program plan and accountability report.
104.263 Notice of approval or disapproval.

WITHHOLDING OF APPROVAL OF PLAN

104.271 Disapproval of plan.

HEARINGS BEFORE THE COMMISSIONER ON AGENCY OR COUNCIL CHALLENGES TO THE FIVE-YEAR STATE PLAN OR THE ANNUAL PROGRAM PLAN

104.281 Opportunity for a hearing.
104.282 Appeal to the Commissioner
104.283 Hearing.
104.284 Prehearing.
104.285 Right to counsel, witnesses, cross examination.
104.286 Evidence and standard of evidence.
104.287 Determinations to be made by the hearing officer.
104.288 Commissioner's decision
104.289 Appeals by State board, agency, or council to the court of appeals.

SUSPENSION AND TERMINATION OF PAYMENTS FOR NONCOMPLIANCE

104.291 Suspension and termination of payments for noncompliance.

APPEAL TO THE COURTS

104.292 Appeal by State board on withholding of approval of State plan:
104.293 Appeal by eligible recipients to the court of appeals.

FISCAL REQUIREMENTS FEDERAL SHARE

Sec.
104.301 Application of Federal requirements.
104.302 Federal share of expenditures—annual program plan.
104.303 Federal share of expenditures—national priority programs.
104.304 Allowable expenditures for vocational education for national priority programs.
104.305 Federal share of expenditures—100 percent payments.
104.306 Federal share of expenditures—administration.

MINIMUM PERCENTAGES

104.311 Percentage requirements with respect to State distribution of Federal funds.
104.312 Minimum percentage for the handicapped.
104.313 Minimum percentage for the disadvantaged.
104.314 Minimum percentage for postsecondary and adult.
104.315 Expenditures for programs in secondary schools.

MAINTENANCE OF EFFORT

104.321 Maintenance of fiscal effort at the State level.
104.322 Withholding of payments.
104.323 Five percent rule.
104.324 Unusual circumstance rule.
104.325 Maintenance of fiscal effort at the local level.
104.326 Withholding of payments.
104.327 Exceptions.
104.328 Maintenance of fiscal effort by postsecondary educational institutions.
104.329 Withholding of payments.
104.330 Exceptions.

STATE EVALUATION

104.401 Purpose.
104.402 Evaluation by State board.
104.403 Use of results of evaluation.
104.404 Special data on completers and leavers.
104.405 Assurance of compatible data.

Subpart 2—Basic Grants

GENERAL PURPOSES

104.501 Authorization of grants.
104.502 Use of funds under the basic grant.

VOCATIONAL EDUCATION PROGRAMS

104.511 Use of funds.
104.512 Vocational instruction.
104.513 Activities of vocational education student organizations.
104.514 Vocational instruction under contract.

WORK STUDY PROGRAMS

104.521 Use of funds.
104.522 Policy and procedure for work-study programs.
104.523 Requirements of work-study programs.

COOPERATIVE VOCATIONAL EDUCATION PROGRAMS

104.531 Use of funds.
104.532 Assurances in five-year State plan.

ENERGY EDUCATION

104.541 Use of funds.
104.542 Applications by postsecondary education institutions.
104.543 Solar energy.

CONSTRUCTION OF AREA VOCATIONAL EDUCATION SCHOOL FACILITIES

Sec.
104.551 Use of funds.
104.552 Types of facilities.
104.553 Construction requirements.

PROVISION OF STIPENDS

104.571 Use of funds.
104.572 Restrictions on payment of stipends.
104.573 Application for payment of stipends by eligible recipients.
104.574 Rates for stipends.

PLACEMENT SERVICES FOR STUDENTS WHO HAVE SUCCESSFULLY COMPLETED VOCATIONAL EDUCATION PROGRAMS

104.581 Use of funds.
104.582 Restrictions on placement services.
104.583 Application for funds by eligible recipients.

INDUSTRIAL ARTS

104.591 Use of funds.
104.592 Industrial arts programs.

SUPPORT SERVICES FOR WOMEN

104.601 Use of funds.
104.602 Types of support services.
104.603 Support to increase number of women instructors.

DAY CARE SERVICES FOR CHILDREN OF STUDENTS

104.611 Use of funds.
104.612 Day care services.

VOCATIONAL EDUCATION PROGRAMS FOR DISPLACED HOMEMAKERS AND OTHER SPECIAL GROUPS

104.621 Use of funds.
104.622 Scope of programs.

CONSTRUCTION AND OPERATION OF RESIDENTIAL VOCATIONAL SCHOOLS

104.631 Use of funds.
104.632 Residential vocational schools
104.633 Special considerations for residential vocational schools.
104.634 Construction requirements.

Subpart 3—Program Improvement and Supportive Services

104.701 Authorization of grants.

PROGRAM IMPROVEMENT

104.702 Purpose.
104.703 Research coordination unit.
104.704 Contract requirements.
104.705 Use of funds for research programs.
104.706 Use of funds for exemplary and innovative programs.
104.707 Disposition of exemplary and innovative programs.
104.708 Use of funds for curriculum development programs.

VOCATIONAL GUIDANCE AND COUNSELING

104.761 Purpose.
104.762 Conformity with five-year State plan.
104.763 Kinds of programs, services, and activities.
104.764 Special emphasis.

VOCATIONAL EDUCATION PERSONNEL TRAINING

104.771 Purpose.
104.772 Conformity with five-year State plan.
104.773 Eligible participants.
104.774 Types of training.
104.775 Grants or contracts.
104.776 Stipends to trainees.

GRANTS TO OVERCOME SEX BIAS

104.791 Purpose.
104.792 Conformity with five-year State plan.
104.793 Types of projects.

Subpart 4—Special Programs for the Disadvantaged

Sec.
104.801 Grants to States for special programs for the disadvantaged.
104.802 Use of funds.
104.803 Students in nonprofit private schools.
104.804 Criteria of need and eligibility.

Subpart 5—Consumer and Homemaking Education

104.901 Grants to States for consumer and homemaking education.
104.902 Use of funds.
104.903 Educational programs in consumer and homemaking.
104.904 Purpose of educational programs in consumer and homemaking.
104.905 Ancillary services.
104.906 Federal share.

Subpart 1—State Administration

§ 104.1 Scope.

Part 104 contains regulations interpreting or implementing Part A of Title I of the Vocational Education Act of 1963, as amended by Title II of the Education Amendments of 1976, Pub. L. 94-482 (referred to as "the Act").

(Secs. 101 through 150, 195; 20 U.S.C. 2301.)

§ 104.2 Purpose.

(a) The purpose of Part A of the Act, as stated in section 101 of the Act, the "Declaration of Purpose," is to assist States in improving planning in the use of all resources available to the States for vocational education and manpower training by involving a wide range of agencies and individuals concerned with education and training within the State in the development of the vocational education plans.

It is also the purpose of this part to authorize Federal grants to States to assist them—

(1) To extend, improve, and, where necessary, maintain existing programs of vocational education,

(2) To develop new programs of vocational education,

(3) To develop and carry out such programs of vocational education within each State so as to overcome sex discrimination and sex stereotyping in vocational education programs (including programs of homemaking), and thereby furnish equal educational opportunities in vocational education to persons of both sexes, and

(4) To provide part-time employment for youths who need the earnings from such employment to continue their vocational training on a full-time basis, so that persons of all ages in all communities of the State, those in high school, those who have completed or discontinued their formal education and are preparing to enter the labor market, those who have already entered the labor market, but need to upgrade their skills or learn new ones, those with special educational handicaps, and those in postsecondary schools, will have ready access to vocational training or retraining which is of high quality, which is realistic in the light of actual or anticipated opportunities for gainful employment, and which is suited to their needs, interests, and ability to benefit from such training.

(b) The purpose of these regulations is to assist the States, local educational agencies, postsecondary, and other institutions capable of carrying out vocational education programs, to administer the federally assisted State programs of vocational education under the Act.

(Sec. 101; 20 U.S.C. 2301.)

§ 104.3 Applicability of General Education Provisions Regulations.

Provisions in Parts 100, 100b, and 100c of the General Education Provisions Regulations (45 CFR Parts 100, 100b, and 100c), entitled "General Provisions for Office of Education Programs," are applicable to programs under the Act, except for the following sections:

(a) Section 100b.16—Implementation of application procedures;

(b) Section 100b.18—General application;

(c) Section 100b.18—Annual program plan;

(d) Section 100b.19—State plan requirements;

(e) Section 100b.35(b)—Effective dates of application, plans, and amendments;

(f) Section 100b.92(b)—Matching and cost sharing;

(g) Section 100b.93—Valuation of in-kind contributions from third parties; and

(h) Section 100b.94—Supporting records for in-kind contributions from third parties.

(45 CFR Parts 100, 100b, and 100c; 20 U.S.C. 1221 et seq.)

§ 104.4 Cross reference to definitions.

Definitions necessary for the understanding of Parts 104 and 105 are set forth in Part C of Title I of the Act (section 195 of the Act) and as Appendix A at the end of Part 104 of these regulations. Some additional definitions necessary for the understanding of Part 105 appear in Part 105.

(Sec. 195; 20 U.S.C. 2461.)

STATE BOARD

§ 104.31 Establishment of State board.

(a) A State desiring to participate in programs under the Act shall, consistent with State law, designate or establish a State board or agency which shall be the sole State agency responsible for the administration, or for the supervision of administration, of programs under the Act.

(b) The State board is solely accountable to the Commissioner for the State's expenditure of Federal vocational education funds.

(Sec. 104(a)(1); 20 U.S.C. 2304; Sen. Rept. No. 94-882, p. 72.)

§ 104.32 Responsibilities of the State board.

The State board shall be responsible for:

(a) Coordination of the development of policy with respect to programs under the Act (as set forth in §§ 104.162, 104.163, 104.204, and 104.205);

(b) Coordination of the development of the five-year State plan (as set forth in § 104.181), the annual program plan (as set forth in §§ 104.221 and 104.222), and the accountability report (as set forth in § 104.241);

(c) The submission to the Commissioner of the five-year State plan, the annual program plan, and the accountability report; and

(d) Consultation with the State advisory council on vocational education and with other State agencies, councils, and individuals (as set forth in § 104.162).

(Sec. 104(a)(1) (A), (B), and (C); 20 U.S.C. 2304.)

(e) The submission to the Administrator of the National Center for Educational Statistics of the information required for the national vocational education data reporting and accounting system pursuant to section 161(a) of the Act.

(Sec. 161(a); 20 U.S.C. 2391.)

§ 104.33 Delegation of functions.

The State board may delegate any of its responsibilities (except those responsibilities set forth in § 104.32), in whole or in part, to one or more appropriate agencies.

(Sec. 104(a)(1); 20 U.S.C. 2304.)

FULL-TIME PERSONNEL AND FUNCTIONS TO ELIMINATE SEX DISCRIMINATION AND SEX STEREOTYPING

§ 104.71 Scope.

Sections 104.72 through 104.76 apply only to the fifty States and the District of Columbia. (These sections do not apply to the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Trust Territory of the Pacific Islands.)

(Sec. 104(b)(3); 20 U.S.C. 2304.)

§ 104.72 Designation of full-time personnel to eliminate sex bias.

A State desiring to participate in the programs authorized by the Act shall assign personnel to work full time to assist the State board in fulfilling the purposes of the Act concerned with:

(a) Furnishing equal educational opportunities in vocational education programs to persons of both sexes; and

(b) Eliminating sex discrimination and sex stereotyping from all vocational education programs.

(Secs. 101(3), 104(b)(1); 20 U.S.C. 2301, 2304.)

§ 104.73 Definitions.

The following definitions apply for the purposes of §§ 104.72 through 104.76 and throughout the Act and regulations.

(a) "Sex bias" means behaviors resulting from the assumption that one sex is superior to the other. "Sex bias," as used in the Act and these regulations, includes sex discrimination.

(b) "Sex stereotyping" means attributing behaviors, abilities, interests, values, and roles to a person or group of persons on the basis of their sex.

(c) "Sex discrimination" means any action which limits or denies a person or a group of persons opportunities, privileges, roles, or rewards on the basis of their sex.

(Implements Sec. 104(b); 20 U.S.C. 2304.)

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§ 104.74 **Funds for full-time personnel and functions.**

(a) Each State shall reserve at least $50,000 in each fiscal year from funds available under basic grants (section 120 of the Act) to support the personnel working full time to carry out the functions set forth in § 104.75.

(Secs. 104(b)(2), 120(b)(1)(F); 20 U.S.C. 2304, 2330.)

(b) Funds set aside under paragraph (a) of this section shall be used for:

(1) Salaries for full-time professional staff;

(2) Salaries for support staff; and

(3) Travel and other expenses directly related to the support of personnel carrying out the functions set forth in § 104.75.

(Implements Sec. 104(b); 20 U.S.C. 2304.)

§ 104.75 **Functions of full-time personnel.**

Personnel designated under § 104.72 shall work full time to:

(a) Take action necessary to create awareness of programs and activities in vocational education designed to reduce sex stereotyping in all vocational education programs;

(b) Gather, analyze, and disseminate data on the status of men and women students and employees in vocational education programs of the State;

(c) Develop and support actions to correct problems brought to the attention of this personnel through activities carried out under paragraph (b) and § 104.76;

(d) Review the distribution of grants by the State board to assure that the interests and needs of women are addressed in all projects assisted under this Act;

(e) Review all vocational education programs in the State for sex bias;

(f) Monitor the implementation of laws prohibiting sex discrimination in all hiring, firing, and promotion procedures within the State relating to vocational education;

(g) Assist local educational agencies and other interested parties in the State in improving vocational education opportunities for women; and

(h) Make available to the State board, the State advisory council, the National Advisory Council on Vocational Education, the State Commission on the Status of Women, the Commissioner, and the general public information developed under this section; and

(Sec. 104(b)(1); 20 U.S.C. 2304.)

(i) Review and submit recommendations with repsect to overcoming sex bias and sex stereotyping in vocational education programs for the five-year State plan and its annual program plan prior to their submission to the Commissioner for approval.

(Secs. 104(b)(1), 109(a)(3)(B); 20 U.S.C. 2304, 2309.)

§ 104.76 **Studies to carry out functions.**

A State may use funds available under section 130 of the Act to support studies necessary to carry out the functions set forth in § 104.75.

(Implements Sec. 104(b)(1); 20 U.S.C. 2304.)

STATE ADVISORY COUNCIL

§ 104.91 **Establishment and certification.**

(a) *Establishment.* A State which desires to receive funds under the Act and the regulations in this part for any fiscal year shall establish a State advisory council. The council shall be appointed by the Governor or, in a State in which the members of the State board are elected, by the State board itself.

(Sec. 105(a); 20 U.S.C. 2305.)

(b) *Appointment by the State board.* In order for the appointment power to be vested in the State board, under the authority of paragraph (a) of this section, a majority of its members must be individuals elected by the State legislature or directly by the eligible voters of the State or of the districts which the individuals represent.

(Interprets Sec. 105(a); 20 U.S.C. 2305.)

(c) *Certification.* The appointing authority, required by paragraph (a) of this section, shall certify to the Commissioner the establishment and membership of its State advisory council not less than 90 calendar days before the beginning of each fiscal year.

(Sec. 105(b); 20 U.S.C. 2305.)

§ 104.92 **Membership.**

(a) *Required representation.* The membership of the State advisory council shall include one or more individuals who:

(1) Represent, and are familiar with, the vocational needs and problems off management in the State;

(2) Represent, and are familiar with, the vocational needs and problems off labor in the State;

(3) Represent, and are familiar with, the vocational needs and problems of agriculture in the State;

(4) Represent State industrial and economic development agencies;

(5) Represent community and junior colleges;

(6) Represent other institutions of higher education, area vocational schools, technical institutes, and post-secondary agencies or institutions which provide programs of vocational or technical education and training;

(7) Have special knowledge, experience, or qualifications with respect to vocational education but are not involved in the administration of State or local vocational education programs;

(8) Represent, and are familiar with, public programs of vocational education in comprehensive secondary schools;

(9) Represent, and are familiar with, nonprofit private schools;

(10) Represent, and are familiar with, vocational guidance and counseling services;

(11) Represent State correctional institutions;

(12) Are vocational education teachers presently teaching in local educational agencies;

(13) Are currently serving as superintendents or other administrators of the local educational agencies;

(14) Are currently serving on local school boards;

(15) Represent the State Manpower Services Council established pursuant to section 107 of the Comprehensive Employment and Training Act of 1973;

(16) Represent school systems with large concentrations of persons who have special academic, social, economic, and cultural needs and of persons who have limited English-speaking ability;

(Sec. 105(a); 20 U.S.C. 2305.)

(17) Are women with backgrounds and experiences in employment and training programs, and who are knowledgeable with respect to the special experiences and problems of sex discrimination in job training, and employment, and of sex stereotyping in vocational education, including one or more persons who are members of minority groups having special knowledge of the problems of discrimination in job training and employment against women in minority groups;

(Sec. 105(a); 20 U.S.C. 2305.)

(18) Have special knowledge, experience, or qualifications with respect to the special educational needs of physically or mentally handicapped persons;

(Sec. 105(a); 20 U.S.C. 2305.)

(19) Represent the general public, including at least one person representing and knowledgeable about the poor and disadvantaged; and

(Sec. 105(a); 20 U.S.C. 2305.)

(20) Are vocational education students who are not qualified for membership under any of the preceding clauses of this paragraph.

(Sec. 105(a); 20 U.S.C. 2305.)

(b) *Special considerations.* The appointing authority, pursuant to paragraph (a) of this section, shall insure that:

(1) The State advisory council has as a majority of its members persons who are not educators or administrators in the field of education;

(2) Members of the State advisory council do not represent more than one category;

(3) There is appropriate representation of both sexes, racial and ethnic minorities, and the various geographic regions of the State; and

(Sec. 105(a); 20 U.S.C. 2305.)

(4) In order to avoid any conflict of interest, the membership of the State advisory council excludes members of the State board and members of its staff directly involved in State administration of vocational education.

(Implements Sec. 105 (d), (e); 20 U.S.C. 2305.)

(c) *Term of appointment.* Members of the State advisory council shall be appointed for terms of three years except that:

(1) In the case of the members appointed for fiscal year 1978, one-third of the membership shall be appointed for terms of one year each and one-third shall be appointed for terms of two years each;

(2) An appointment to fill a vacancy shall be for the term that remains unexpired; and

(Sec. 105(a); 20 U.S.C. 2305.)

(3) Members serving on the State advisory council on October 1, 1977, may continue to serve for the terms for which they were appointed, but for not more than two fiscal years unless reappointed.

(Sec. 204(b); 20 U.S.C. 2301 note.)

§ 104.93 **Functions and responsibilities.**

The State advisory council shall:

(a) Advise the State board in the development of the five-year State plan submitted under the authority of § 104.181, the annual program plan submitted under the authority of §§ 104.221, and 104.222, and the accountability report submitted under the authority of § 104.241. A statement describing its consultation with the State board shall be submitted with the five-year State plan, and the annual program plan and accountability report under § 104.171(f).

(Sec. 105(d)(1); 20 U.S.C. 2305.)

(b) Advise the State board on policy matters arising out of the administration of programs under the approved five-year State plan, the annual program plan, and the accountability report;

(Sec. 105(d)(1); 20 U.S.C. 2305.)

(c) Evaluate vocational education programs, services, and activities under the annual program plan, and publish and distribute the results thereof;

(Sec. 105(d)(2); 20 U.S.C. 2305.)

(d) Assist the State board in developing plans for State board evaluations under the authority of § 104.401 and monitor these evaluations;

(Sec. 112(b)(2); 20 U.S.C. 2312.)

(e) Prepare and submit through the State board to the Commissioner and to the National Advisory Council an annual evaluation report, accompanied by any additional comments of the State board as the State board deems appropriate;

(Sec. 105(d)(3); 20 U.S.C. 2305.)

(f) Identify, after consultation with the State Manpower Services Council, the vocational education and employment and training needs of the State and assess the extent to which vocational education, employment training, vocational rehabilitation, and other programs assisted under this and related Acts represent a consistent, integrated, and coordinated approach to meeting these needs;

(Interprets Sec. 105(d)(4)(A); 20 U.S.C. 2305.)

(g) Comment, at least annually, on the reports of the State Manpower Services Council;

(Sec. 105(d)(4)(B); 20 U.S.C. 2305.)

(h) Prepare and submit to the Commissioner within 60 calendar days after the Commissioner's acceptance of certification of establishment and membership, submitted pursuant to § 104.91(c), an annual budget covering the proposed expenditures of the State advisory council for the following fiscal year; and

(Implements Sec. 105(f); 20 U.S.C. 2305.)

(i) Provide technical assistance to eligible recipients and local advisory councils as may be requested by the recipients to establish and operate local advisory councils.

(Sec. 105(g); 20 U.S.C. 2305.)

§ 104.94 **Meetings and rules.**

The State advisory council shall meet within 30 calendar days after certification has been accepted by the Commissioner and shall select from among its membership a chairperson. The time, place, manner of meetings, as well as the councils operating procedures and staffing, shall be as provided by the rules of the State advisory council. The rules shall provide for not less than one public meeting each year at which the public is given an opportunity to express views concerning the vocational education program of the State.

(Sec. 105(c); 20 U.S.C. 2305.)

§ 104.95 **Staff and services.**

(a) The State advisory council is authorized:

(1) To obtain the services of professional, technical, and clerical personnel as may be necessary to enable it to carry out its functions described in § 104.93. Such personnel shall not include members of the State board staff and shall be subject only to the supervision and direction of the State advisory council with respect to all services performed by them.

(2) To contract for such services as may be necessary to carry out its evaluation functions, independent of programmatic and administrative control by other State boards, agencies, and individuals.

(Sec. 105(e); 20 U.S.C. 2305.)

(b) Members of the State advisory council and its staff, while serving on the business of the council, may receive subsistence, travel allowances, and compensation in accordance with State law, regulations, and practices applicable to persons performing comparable duties and services.

(Implements Sec. 105(e); 20 U.S.C. 2305.)

§ 104.96 **Fiscal control.**

(a) The State advisory council shall designate an appropriate State agency or other public agency, eligible to receive funds under the Act, to act as its fiscal agent for purposes of disbursement and accounting and for having its accounts audited at least every two years. The fiscal agent shall send a copy of the audit report to the Commissioner.

(Implements Sec. 105(f)(2); 20 U.S.C. 2305.)

(b) The expenditure of council funds is determined solely by the State advisory council for carrying out its function except as provided in § 104.95(b). Council funds may not be diverted or reprogrammed for any other purpose by any State board, agency, or individual.

(Sec. 105(f)(2); 20 U.S.C. 2305.)

(c) All expenditures of council funds shall be in accordance with the budget approved by the Commissioner under the authority of § 104.93(h).

(Implements Sec. 105(f)(2); 20 U.S.C. 2305.)

(d) The State advisory council shall submit to the Commissioner a financial status report within 90 days after the end of the fiscal year.

(45 CFR 100b.408.)

§ 104.97 **Annual evaluation report.**

(a) The State advisory council shall prepare and submit to the Commissioner and to the National Advisory Council on Vocational Education, through the State board, within 90 days after the end of the fiscal year an annual evaluation report under the authority of § 104.93(e). This report shall include:

(1) The results of the evaluations by the State advisory council of the effectiveness of programs, services, and activities carried out in the year under review in meeting the program goals set forth in the five-year State plan and the annual program plan.

(Sec. 105(d)(3)(A); 20 U.S.C. 2305.)

(2) A review of the program evaluation results developed by the State under the authority of § 104.401;

(3) A review of the analysis of the distribution of Federal funds within the State submitted by the State according to the annual program plan and the accountability report;

(Sec. 105(d)(3)(A); 20 U.S.C. 2305.)

(4) Recommended changes in programs, services, and activities as may be considered necessary by the State advisory council based on the results of its evaluation;

(Sec. 105(d)(3)(B); 20 U.S.C. 2305.)

(5) Comments on the reports of the State Manpower Services Council; and

(Sec. 105(d)(4)(B); 20 U.S.C. 2305.)

(6) Identification of the vocational education and employment and training needs of the State and the assessment of the extent to which vocational education, employment training, vocational rehabilitation, and other programs assisted under this and related Acts represent a consistent, integrated, and coordinated approach to meeting such needs.

(Sec. 105(d)(4)(A); 20 U.S.C. 2305.)

LOCAL ADVISORY COUNCILS

§ 104.111 **Establishment of local advisory councils.**

(a) Each eligible recipient (that is, each local educational agency or post-secondary educational institution which receives Federal assistance under the

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Act) shall establish a local advisory council on vocational education.

(b) The local advisory council may be established for:

(1) Program areas;
(2) Schools;
(3) The community; or
(4) The region in which the eligible recipient is located.

(c) The local advisory council shall be composed of representatives of the general public including at least a representative of:

(1) Business;
(2) Industry; and
(3) Labor.

(Sec. 105(g)(1); 20 U.S.C. 2305.)

(d) Representatives from several craft committees, or representatives of several school councils within a local educational agency, having the requisite representation in paragraph (c), may join together to form a general local advisory council.

(Implements Sec. 105(g)(1); 20 U.S.C. 2305.)

§ 104.112 Duties of local advisory councils.

(a) The local advisory council shall advise the eligible recipient on:

(1) Current job needs; and
(2) The relevance of programs (courses) being offered by the local educational agency or postsecondary educational agency in meeting current job needs.

(Sec. 105(g)(2); 20 U.S.C. 2305.)

(b) The local advisory council shall assist the eligible recipient in developing its application to the State board.

(Sec. 106(a)(4)(A); 20 U.S.C. 2306.)

STATE OCCUPATIONAL INFORMATION COORDINATING COMMITTEES

§ 104.121 Requirement to establish State occupational information coordinating committees.

(a) Each State receiving assistance under the Act is required by section 161 (b)(2) of the Act to establish a State occupational information coordinating committee by September 30, 1977.

(Implements Sec. 161(b)(2); 20 U.S.C. 2391.)

(b) The State occupational information coordinating committee shall be composed of a representative of each of the following:

(1) The State board;
(2) The State employment security agency;
(3) The State Manpower Council; and
(4) The agency administering the vocational rehabilitation program.

(Sec. 161(b)(2); 20 U.S.C. 2391.)

(c) The representatives shall be selected by the respective State board, agency, or council.

(Implements Sec. 161(b)(2); 20 U.S.C. 2391.)

§ 104.122 Source of funding.

The State occupational information coordinating committee may receive funds from the National Occupational Information Coordinating Committee from funds transferred to the National Occupational Information Coordinating Committee under section 103(a)(1)(A) of the Act and from other sources.

(Implements Secs. 103(a)(1)(A), 161(b)(2); 20 U.S.C. 2302, 2391)

§ 104.123 Duties of the State occupational information coordinating committee.

(a) The State occupational information coordinating committee shall implement an occupational information system in the State which will meet the common needs for the planning for, and operation of, programs of the State board assisted under this Act and of the administering agencies under the Comprehensive Employment Training Act.

(Sec. 161(b)(2); 20 U.S.C. 2391.)

(b) A State occupational information coordinating committee receiving funds from the National Occupational Information Coordinating Committee shall use funds received from the National Occupational Information Coordinating Committee in accordance with the standards adopted by the National Occupational Information Coordinating Committee.

(Implements Sec. 161(b)(2); 20 U.S.C. 2391.)

GENERAL APPLICATION

§ 101.141 Requirement for filing a general application.

(a) In order to participate in programs authorized under the Act, the State board for vocational education must submit to, and maintain on file with, the Commissioner a general application.

(Sec. 106(a); 20 U.S.C. 2306.)

(b) This general application must be signed by the executive officer of the State board and submitted by the State board to the Commissioner by July 1, 1977, for eligibility for Federal funds under the Act.

(c) This genreal application is filed only once with the Commissioner and shall remain in effect until the provisions of section 106 of the Act are changed or expire.

(Implements Sec. 106(a); 20 U.S.C. 2306; Sen. Rept. No. 94-882, pp. 68-72.)

(d) This general application is in lieu of the general application required by section 434(b) of the General Education Provisions Act.

(Sec. 106(b); 20 U.S.C. 2306.)

(e) The procedures to be used by the State board to carry out assurances 4, 5, 9, and 10 in the general application shall be included in the five-year State plan (§ 104.182).

(Implements Sec. 109(a)(1); 20 U.S.C. 2309.)

(f) This general application shall contain the following 12 assurances; of these, ten are set forth in section 106(a) of Act:

(1) that the State will provide for such methods of administration as are necessary for the proper and efficient administration of the Act;

(2) that the State board will cooperate with the State advisory council on vocational education in carrying out its duties pursuant to section 105 and with the agencies, councils, and individuals specified in sections 107 and 108 to be involved in the formulation of the five-year State plan and of the annual program plans and accountability reports;

(3) that the State will comply with any requests of the Commissioner for making such reports as the Commissioner may reasonably require to carry out his functions under this Act;

(4) that funds will be distributed to eligible recipients on the basis of annual applications which——

(A) have been developed in consultation (i) with representatives of the educational and training resources available in the area to be served by the applicant and (ii) with the local advisory council required to be established by this Act to assist such recipients,

(B) (i) describe the vocational education needs of potential students in the area or community served by the applicant and indicate how, and to what extent, the program proposed in the application will meet such needs, and (ii) describe how the findings of any evaluations of programs operated by such applicant during previous years, including those required by this Act, have been used to develop the program proposed in the application,

(C) describe how the activities proposed in the application relate to manpower programs conducted in the area by a prime sponsor established under the Comprehensive Employment and Training Act of 1973, if any, to assure a coordinated approach to meeting the vocational education and training needs of the area or community, and

(D) describe the relationship between vocational education programs proposed to be conducted with funds under this Act and other programs in the area or community which are supported by State and local funds;

and that any eligible recipient dissatisfied with final action with respect to any application for funds under this Act shall be given reasonable notice and opportunity for a hearing;

(5) (A) that the State shall, in considering the approval of such applications, give priority to those applicants which—

(i) are located in economically depressed areas and areas with high rates of unemployment, and are unable to provide the resources necessary to meet the vocational education needs of those areas without Federal assistance, and

(ii) propose programs which are new to the area to be served and which are designed to meet new and emerging manpower needs and job opportunities in the area and, where relevant, in the State and the Nation; and

(B) that the State shall, in determining the amount of funds available under this Act which shall be made available to those applicants approved for funding, base such distribution on economic, social and demographic factors relating to the needs for vocational education among the various populations and the various areas of the State, except that—

(i) the State will use as the two most important factors in determining this distribution (I) in the case of local educational agencies, the relative financial ability of such agencies to provide the resources necessary to meet the need for vocational education in the areas they service and the relative number or concentration of low-income families or individuals within such agencies, and (II) in the case of other eligible recipients, the relative financial ability of such recipients to provide the resources necessary to initiate or maintain vocational education programs to meet the needs of their students and the relative number or concentration of students whom they serve whose education imposes higher than average costs, such as handicapped students, students from low-income families, and students from families in which English is not the dominant language; and

(ii) the State will not allocate such funds among eligible recipients within the State on the basis of per capita enrollment or through matching of local expenditures on a uniform percentage basis, or deny funds to any recipient which is making a reasonable tax effort solely because such resipient is unable to pay the non-Federal share of the cost of new programs;

(6) that Federal funds made available under this Act will be so used as to supplement, and to the extent practicable, increase the amount of State and local funds that would in the absence of such Federal funds be made available for the uses specified in the Act, and in no case supplant such State or local funds;

(7) that the State will make provision for such fiscal control and fund accounting procedures as may be necessary to secure proper disbursment of, and accounting for, Federal funds paid to the State (including such funds paid by the State to eligible recipients under this Act);

(8) that funds received under this Act will not be used for any program of vocational education (except personnel training programs under section 135, renovation programs under subpart 4 of part B, and homemaking programs under subpart 5 of this part which cannot be demonstrated to prepare students for employment, be necessary to prepare individuals for successful completion of such a program, or be of significant assistance to individuals enrolled in making an informed and meaningful occupational choice as an integral part of a program of orientation and preparation;

(9) that the State has instituted policies and procedures to insure that copies of the State plan and annual program plan and accountability report and all statements of general policies, rules, regulations, and procedures issued by the State board and by any State agencies to which any responsibility is delegated by the State board concerning the administration of such plan and report will be made reasonably available to the public; and

(10) that the funds used for purposes of section 110(a) are consistent with the State plan submitted pursuant to section 613(a) of the Education of the Handicapped Act.

(Sec. 106(a); 20 U.S.C. 2306.)

(g) The State board shall also assure that it will cooperate with the Administrator of the National Center for Education Statistics, HEW, in supplying information and complying in its reports with the information elements and definition requirements, as specified in section 161(a) of the Act.

(Implements Sec. 161(a); 20 U.S.C. 2391.)

(h) The State board shall also assure that Indian tribal organizations receiving funds under the Commissioner's discretionary programs, under authority of section 103(a)(1)(B) of the Act, will not be excluded from participation in vocational education programs administered by the State.

(Implements Sec. 103(a)(1)(B); 20 U.S.C. 2303.)

DEVELOPMENT OF FIVE-YEAR STATE PLAN

§ 104.161 Submission of five-year State plan.

Any State desiring to receive funds under the Act shall submit to the Commissioner a five-year State plan by:

(a) July 1, 1977, for fiscal years 1978 through 1982; and

(b) July 1, 1982, for fiscal years 1983 through 1987.

(Sec. 107(a)(1); 20 U.S.C. 2307)

§ 104.162 Representation requird in the development of the five-year State plan.

In formulating its five-year State plan, the State board is required to involve the active participation of a representative of:

(a) The State agency having responsibility for secondary vocational education programs, designated by that agency;

(b) The State agency, if a separate agency exists, having responsibility for postsecondary vocational education programs, designated by that agency;

(c) The State agency, if a separate agency exists, having responsibility for community and junior colleges, designated by that agency;

(d) The State agency, if a separate agency exists, having responsibility for institutions of higher education in the State, designated by that agency;

(Sec. 107(a)(1); 20 U.S.C. 2307.)

(e) A local school board or committee, as designated by the appropriate appointing authority under State law;

(Interprets Sec. 107(a)(1)(E); 20 U.S.C. 2307.)

(f) Vocational education teachers, as designated by the appropriate appointing authority under State law;

(Interprets Sec. 107(a)(1)(F); 20 U.S.C. 2307.)

(g) Local school administrators, as designated by the appropriate appointing authority under State law;

(Interprets Sec. 107(a)(1)(G); 20 U.S.C. 2307.)

(h) The State Manpower Services Council appointed under the authority of section 107(a)(2)(A)(i) of the Comprehensive Employment and Training Act of 1973, designated by that Council;

(i) The State agency or commission responsible for comprehensive planning in postsecondary education, which planning reflects programs offered by public, private nonprofit, and proprietary institutions, and includes occupational programs at a less-than-baccalaureate degree level, if a separate agency or commission exists, designated by that agency or commission; and

(j) The State advisory council on vocational education, designated by that council.

(Sec. 107(a)(1); 20 U.S.C. 2307.)

§ 104.163 Meetings of participating representatives.

The State board shall convene, as a group, the representatives of the agencies, councils, and individuals specified in § 104.162 for at least four meetings during the development of the five-year State plan. These meetings will be convened to accomplish the following purposes:

(a) First meeting: To plan for the development of the first draft of the five-year State plan;

(b) Second meeting: To consider the first draft of the five-year State plan;

(c) Third meeting: To consider the draft of the five-year State plan after it has been rewritten to reflect the results of the second meeting of the planning group; and

(d) Fourth meeting: To recommend for adoption the final five-year State plan.

(Sec. 107(a)(1); 20 U.S.C. 2307.)

§ 104.164 State board adoption of the five-year State plan.

(a) The State board is responsible for reaching a final decision on the provisions of the five-year State plan. If the participating agencies, councils, and individuals are not able to agree upon the provisions of the five-year State plan, the State board will make a final decision.

(b) The State board shall include in the five-year State plan:

(1) Any recommendation which is rejected by the State board and its source (i.e., the name of the individual and agency or council affiliation); and

(2) The reasons of the State board for rejecting the recommendation.

(Sec. 107(a)(1); 20 U.S.C. 2307.)

§ 104.165 Public hearings on the five-year State plan.

(a) In formulating the five-year State plan, the State board is required to conduct a series of public hearings. This series of public hearings shall be conducted:

(1) Prior to adoption of the five-year State plan;

(2) After giving sufficient public notice to all segments of the population; and

(3) Throughout all regions of the State.

(b) The purpose of these public hearings is to provide the opportunity for all segments of the population of the State to give their views on:

(1) The goals which ought to be adopted in the State plan;

(2) The programs to be offered under the State plan;

(3) The allocation of responsibility for programs (courses) among the various levels of education and among the various institutions of the State; and

(4) The allocation of local, State, and Federal resources to meet these goals.

(c) The State board shall include in the five-year State plan:

(1) The views expressed at the public hearings;

(2) A description of how these views are reflected in the provisions of the five-year State plan; and

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(3) The reasons for rejecting any view which is not included in the five-year State plan.

(Sec. 107(a)(2); 20 U.S.C. 2307.)

§ 104.171 Certification of plans.

As used in this section, the term "plans" refers to the five-year State plan and the annual program plan and accountability report. The plans submitted shall include, as attachments, the following certifications:

(a) *Certification by the State attorney general.* The State attorney general, or other official designated in accordance with State law to advise the State board on legal matters, shall certify that the State board named in the plan is the sole agency which has authority under State law to submit the plan and to administer or supervise the administration of vocational education, and that all the plan's provisions with respect to the use of funds under the Act can be carried out by the State.

(Implements Sec. 104(a)(1); 20 U.S.C. 2304.)

(b) *Certification of involvement of designated agencies.*

(1) The State board shall certify that each of the agencies, councils, and individuals required in § 104.162 has been afforded the opportunity to be involved. The State board shall include in this certification all recommendations rejected by the Board, complete identification of the agency, council, or individual having made the rejected recommendation and the reasons for rejecting these recommendations, as required by § 104.164(b). This certification shall also indicate the meetings held under the authority of § 104.163.

(2) Each representative required in § 104.162 shall certify that he or she has had the opportunity to participate actively in formulating the plan.

(Implements Secs. 104(a)(3), 107(a)(1); 20 U.S.C. 2304, 2307.)

(c) *Certification of delegation.* The State board shall certify any delegation by the State board of responsibilities for administration, operation, or supervision of vocational education programs to other appropriate State agencies. The statement shall set forth the procedures used for delegation, the specific responsibilities delegated, and the specific agency or agencies involved.

(Implements Sec. 104(a)(2); 20 U.S.C. 2304.)

(d) *Certification of public hearings.* The State board shall certify the method used to provide reasonable notice and opportunity for public hearings throughout all regions of the State in order to permit all segments of the population to give their views on the goals for vocational educational which ought to be adopted in the plan in terms of the elements listed in §§ 104.165 and 104.207. The statement shall also include the views expressed at the hearings and a description of how those views are reflected in the plan. If any views are not reflected, the statement shall set out the reasons for rejecting them.

(Implements Sec. 107(a)(2), 108(a)(2); 20 U.S.C. 2307, 2308.)

(e) *Certification of local advisory councils.* The State board shall certify that eligible recipients within the State have been notified of the responsibility to establish local adivsory councils. The State board shall also certify that eligible recipients receiving assistance under the Act to operate vocational education programs have established these councils.

(Implements Sec. 105(g); 20 U.S.C. 2305.)

(f) *Certification of consultation with State advisory council.* The State advisory council shall certify that the plan was prepared in consultation with the council.

(Implements Sec. 105(d); 20 U.S.C. 2305.)

(g) *Certification by full-time personnel of opportunity to review the plans.* The personnel assigned full time to review programs within the State to assure equal access to vocational education by both men and women shall certify that the opportunity to review the plan has been afforded.

(Implements Sec. 109(a)(3)(B); 20 U.S.C. 2309.)

(h) *Certification of adoption by State board.* The State board shall certify that development of the plan has been coordinated with the agencies, councils, and individuals as required by § 104.162 and that the final decision has been adopted by the State board, and that the plan constitutes the basis for operation and administration of the State's vocational education program.

(Implements Sec. 104(a)(1); 20 U.S.C. 2304.)

§ 104.181 Content of five-year State plan.

The State board shall submit the five-year State plan to the Commissioner, through the appropriate HEW Regional Office, by the July 1st preceding the beginning of the first fiscal year for which the plan is to take effect. The plan shall be composed of the following two parts:

(a) Procedures for carrying out certain assurances of the general application as required in § 104.182; and

(b) Program provisions as required in §§ 104.183 through 104.188.

(Sec. 107(b); 20 U.S.C. 2307.)

§ 104.182 Procedures to assure compliance with the general application.

The State board in its five-year State plan shall:

(a) Describe the information which the State board will require in local applications in order to meet the requirements of § 104.141(f)(4);

(Sec. 106(a)(4); 20 U.S.C. 2306.)

(b) Describe the procedures for affording eligible recipients reasonable notice of an opportunity for a hearing, for conducting the hearing, for providing a written record of the hearing, and for informing the recipient in writing of the decisions and reasons therefor;

(Implements Sec. 106(a)(4); 20 U.S.C. 2306.)

(c) Describe how the State board, for purposes of giving priority to applications, determines:

(1) Economically depressed areas and areas with high rates of unemployment which are unable to provide the resources necessary to meet the vocational education needs without Federal assistance; and

(2) Programs new to the area which are designed to meet new and emerging manpower needs and job opportunities in the area (and, where relevant, in the State and Nation);

(Implements Sec. 106(a)(5)(A); 20 U.S.C. 2306.)

(d) Describe the policies and procedures by which the State board determines how the amount of funds available under this Act will be made available to those applicants approved for funding, using the factors specified in § 104.141(f)(5)(B);

(Sec. 106(a)(5)(B); 20 U.S.C. 2306.)

(e) Set forth the policies and procedures instituted for public disclosure in accordance with § 104.141(f)(9); and

(Sec. 106(a)(9); 20 U.S.C. 2306.)

(f) Describe the procedures for insuring that funds for vocational programs for handicapped persons are used in a manner consistent with § 104.141(f)(10). The statement shall describe how the program provided each handicapped child will be planned and coordinated in conformity with and as a part of the child's individualized educational program as required by the Education of the Handicapped Act.

(Sec. 106(a)(10); 20 U.S.C. 2306.)

§ 104.183 Assessment of employment opportunities.

(a) The five-year State plan shall include an assessment of current and future needs for workers (job skills) within the State and, where appropriate, within the pertinent region of the country.

(b) This assessment shall reflect the latest available data of present and projected employment, including the data available from the State occupational information coordinating committee.

(Sec. 107(b)(1); 20 U.S.C. 2307.)

§ 104.184 Goals to meet employment needs.

The five-year State plan shall describe clearly the goals the State will seek to achieve with respect to its needs for workers identified in § 104.183 by the end of the five-year period covered by the five-year State plan. This description shall be in terms of the following four elements and shall include the reasons for choosing these elements:

(a) The programs (courses) and other training opportunities to be offered to meet the needs identified in § 104.183; (For the purposes of this part, the term "program" refers to OE instructional programs and means a planned sequence of courses, services, or activties designed to meet an occupational objective.)

(b) The projected enrollments of these programs and training opportunities;

(c) The allocations of responsibility for the offerings of those programs and training opportunities among the secondary, postsecondary, and adult levels of education and among the various institutions of the State; and

(d) The allocations of all local, State, and Federal financial resources available in the State for the programs and training opportunities among the secondary, postsecondary, and adult levels of education and among the various institutions of the State.

(Sec. 107(b)(2); 20 U.S.C. 2307.)

§ 104.185 Funding to meet employment needs.

(a) The five-year State plan shall set forth as precisely as possible the planned uses of Federal, State, and local education funds for each fiscal year of the State plan;

(b) The five-year State plan shall indicate how this allocation of funds will meet the goals identified in § 104.184;

(c) The description of the planned uses of funds shall be in terms of the four elements of § 104.184;

(Sec. 107(b)(3)(A); 20 U.S.C. 2307.)

(d) The five-year State plan shall indicate the planned uses of funds for State administration under section 102 (d) of this Act; and

(Implements Sec. 107(b)(3)(A); 20 U.S.C. 2307.)

(e) The five-year State plan shall set forth the reasons for choosing these particular uses of funds, except that the State will continue to use approximately the same amount of its State grant under subpart 2 (basic grant) of this part for programs in secondary schools during fiscal years 1978 and 1979 as it used during fiscal years 1975 and 1976, unless the State is able to demonstrate in its five-year State plan the need to shift funds from that use.

(Sec. 107(b)(3)(A); 20 U.S.C. 2307.)

§ 104.186 Funding to meet program (purpose) needs.

(a) The five-year State plan shall set forth as precisely as possible the intended uses of funds under the Act for:

(1) Basic grant programs in § 104.501;

(2) Program improvement and supportive services in § 104.701;

(3) Special programs for the disadvantaged in § 104.801 (funded under section 102(b) of the Act); and

(4) Consumer and homemaking education in § 104.901 (funded under section 102(c) of the Act).

(b) The five-year State plan shall set out the reasons for choosing the uses described in paragraph (a) of this section.

(c) The five-year State plan shall set forth as precisely as possible the intended uses of Federal funds, in accordance with the minimum percentages in §§ 104.312 and 104.313 to meet the special needs of:

(1) Handicapped persons;

(2) Disadvantaged persons; and

(3) Persons of limited English-speaking ability.

(d) The five-year State plan shall also set forth the intended allocation of State and local funds, in accordance with the matching requirements in § 104.303, to meet the special needs of:

(1) Handicapped persons;

(2) Disadvantaged persons; and

(3) Persons of limited English-speaking ability.

(Implements secs. 107(b)(3)(B), 110(a),(b); 20 U.S.C. 2307, 2310.)

§ 104.187 Policies for eradicating sex discrimination.

(a) The five-year State plan shall set forth a detailed description of policies and procedures which the State will follow to assure equal access to vocational education programs by both women and men.

This description shall include:

(1) Actions to be taken to overcome sex discrimination and sex stereotyping in all State and local vocational education programs;

(2) Incentive adopted by the State for eligible recipients to:

(i) Encourage the enrollment of both women and men in nontraditional courses of study; and

(ii) Develop model programs to reduce sex steretoyping in all occupations.

(b) The five-year State plan shall set forth a program to assess and meet the needs of persons described in § 104.621. This program shall include:

(1) Special courses for these persons to learn how to seek employment; and

(2) Placement services for these persons once they complete the vocational education program.

(Sec. 107(b)(4); 20 U.S.C. 2307.)

§ 104.188 Coordination between manpower training programs and vocational education programs.

The five-year State plan shall describe the mechanism established for coordinating vocational education programs with manpower training programs conducted by prime sponsors under the Comprehensive Employment and Training Act (CETA), Pub. L. 93-203, and vocational education programs assisted under this Act. This description shall include the criteria developed to avoid duplication of programs under this Act and CETA.

(Sec. 107(b)(5); 20 U.S.C. 2307; Sen. Rept. 94-882; p. 68.)

DEVELOPMENT OF ANNUAL PROGRAM PLAN AND ACCOUNTABILITY REPORT

§ 104.202 Due date of annual program plan.

For each fiscal year, the annual program plan is due by the July 1st preceding the beginning of the applicable fiscal year. For example, the first annual program plan is required for fiscal year 1978 and is due in the appropriate HEW Regional Office by July 1, 1977.

(Sec. 108(b); 20 U.S.C. 2308.)

§ 104.203 Due date of annual accountability report.

For each fiscal year, the annual accountability report is due by the July 1st following the completion of the applicable fiscal year. For example, the first annual accountability report is required for fiscal year 1978 and is due in the appropriate HEW Regional Office by July 1, 1979.

(Sec. 108(b); 20 U.S.C. 2308.)

§ 104.204 Representation required in the development of the annual program plan and accountability report.

In formulating the annual program plan and accountability report for any given fiscal year, the State board is required to involve the active participation of a representative of each group set forth in § 104.162 (a) through (j).

(Secs. 107(a)(1), 108(a)(1); 20 U.S.C. 2307, 2308.)

§ 104.205 Meetings of participating representatives.

The State board shall convene, as a group, the representatives of the agencies, councils, and individuals specified in § 104.204 for at least three meetings during each fiscal year. These meetings will be convened to accomplish the following purposes:

(a) First meeting: To plan for the development of the first draft of the annual program plan and the accountability report;

(b) Second meeting: To consider the draft of the annual program plan and accountability report;

(c) Third meeting: To recommend for adoption the final annual program plan and accountability report.

(Sec. 108(a)(1); 20 U.S.C. 2308.)

§ 104.206 State board adoption of the annual program plan and accountability report.

(a) The State board is responsible for reaching a final decision on the provisions of the annual program plan and accountability report. If the participating agencies, councils, and individuals are not able to agree upon the provisions of the annual program plan or the accountability report, the State board will make a final decision.

(b) The State board shall include in the annual program plan or, as appropriate, in the accountability report:

(1) Any recommendation which is rejected by the State board and its source (including the name of the individual and agency or council affiliation); and

(2) The reasons of the State board for rejecting the recommendation.

(Sec. 108(a)(1); 20 U.S.C. 2308.)

§ 104.207 Public hearing on the annual program plan and accountability report.

(a) In formulating the annual program plan and accountability report, the State board is required to conduct a public hearing. This public hearing shall be conducted:

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(1) Prior to adoption of the annual program plan and accountability report; and

(2) After giving sufficient public notice to all segments of the population.

(b) The purpose of this public hearing is to provide an opportunity for all segments of the population of the State to give their views on:

(1) The goals which ought to be adopted in the annual program plan;

(2) The programs to be offered under the annual program plan;

(3) The allocation of responsibility for programs among the various levels of education and among the various institutions of the State; and

(4) The allocation of local, State, and Federal resources to meet these goals.

(Interprets Sec. 108(a)(2); 20 U.S.C. 2308.)

(c) The State board shall include in the annual program plan or, as appropriate, in the accountability report:

(1) The views expressed at the public hearing;

(2) A description of how these views are reflected in the provisions of the annual program plan or the accountability report; and

(3) The reasons for rejecting any view which is not included in the annual program plan or accountability report.

(Sec. 108(a)(2); 20 U.S.C. 2308.)

§ 104.221 Content of annual program plan for fiscal year 1978.

A five-year State plan which includes the program provisions in §§ 104.185 and 104.186 on a year-by-year basis will meet the requirements of the Act for the annual program plan, except that in addition to the planned uses of funds in § 104.186, the plan shall also set out as precisely as possible the proposed distribution of such funds among eligible recipients, together with an analysis of the manner in which such distribution complies with the assurance given in the general application and in accordance with the policies and procedures in § 104.182(d).

(Interprets 108(b)(1); 20 U.S.C. 2308.)

§ 104.222 Content of annual program plans for the fiscal years following 1978.

The plan shall contain: (a) Any updating of the five-year State plan, as submitted under §§ 104.183 and 104.184, considered necessary to reflect later or more accurate employment data or a different level of funding than was anticipated;

(b) A description of how the uses of funds proposed for the fiscal year in § 104.185 will be complied with or changed (in light of anticipiated appropriations) and the reasons for the changes;

(c) A description of how the uses of funds under the Act proposed for the fiscal year in § 104.186 will be complied with or changed (in light of anticipated appropriations) and the reasons for the changes;

(d) A description of how funds used in § 104.185 will comply with the minimum percentages, matching, and maintenance of effort requirements in § 104.301;

(e) The additional provisions set forth in § 104.221;

(f) The results of the:

(1) Coordination of programs funded under this Act and manpower training programs;

(2) Compliance of the State plan with the provisions contained in § 104.187 concerning providing equal access to programs by both men and women; and

(3) Participation of local advisory councils required to be established under § 104.171(e).

(Implements Sec. 108(b)(1); 20 U.S.C. 2308.)

§ 104.241 Content of the accountability report.

(a) The accountability report shall:

(1) Show the extent to which the State, during the fiscal year preceding the submission of the report, has achieved the goals of the approved five-year State plan, including a description in terms of the elements in § 104.184;

(2) Show the degree to which proposed uses of Federal, State, and local funds in § 104.222(b) have been complied with, including a description in terms of the elements in § 104.185;

(3) Show in detail how the funds used in § 104.185 complied with the minimum percentage, matching, and maintenance of effort requirements in § 104.301;

(Implements Sec. 108(b)(2)(A).)

(4) Show in detail how funds under the Act allocated for programs in § 104.186 have been used during the fiscal year, including:

(i) A description of uses of funds as set out in §§ 104.222(c) and 104.222(d);

(ii) A description of the distribution of funds available for these sections among local educational agencies and other eligible recipients in conformity with § 104.222(e); and

(iii) The results achieved by the uses of these funds.

(Sec. 108(b)(2)(B); 20 U.S.C. 2308.)

(b) The accountability report shall contain:

(1) A summary of the evaluation of programs conducted by the State in accordance with § 104.401; and

(2) A description of how the evaluation information has been used to improve the State's programs of vocational education, including consideration given to each recommendation in the evaluation report of the State advisory council for vocational education.

(Sec. 108(b)(2)(C); 20 U.S.C. 2308.)

APPROVAL OF FIVE-YEAR STATE PLAN AND ANNUAL PROGRAM PLAN AND ACCOUNTABILITY REPORT

§ 101.261 Conditions for approval of five-year State plan.

The Commissioner will not approve a five-year State plan until the Commissioner:

(a) Makes specific findings in writing as to the compliance of the five-year State plan with the provisions of the Act and applicable regulations;

(b) Makes a determination that adequate procedures are set forth, in accordance with § 104.182, to insure that assurances of the general application will be carried out;

(c) Makes a determination that adequate procedures are set forth in the five-year State plan to insure that the provisions of the plan will be carried out;

(Sec. 109(a)(1); 20 U.S.C. 2309.)

(d) Has received assurances that the full-time personnel assigned to review programs within the State to assure equal access by both men and women have been afforded the opportunity to review the five-year State plan; and

(Sec. 109(a)(3)(B); 20 U.S.C. 2309.)

(e) Makes a determination that the State has complied in preparing the five-year State plan with the nationally uniform definitions and information elements which have been developed under the authority of section 161 of the Act.

(Sec. 109(a)(3)(C); 20 U.S.C. 2309.)

§ 104.262 Conditions for approval of annual program plan and accountability report.

The Commissioner will not approve an annual program plan and accountability report until the Commissioner:

(a) Makes specific findings in writing as to the compliance of the annual program plan and accountability report with the provisions of the Act and applicable regulations;

(b) Makes a determination that adequate procedures are set forth to insure that the assurances of the general application will be carried out;

(c) Makes a determination that adequate procedures are set forth in the annual program plan and accountability report to insure that the provisions of the plan will be carried out;

(d) Makes a determination that the annual program plan and accountability report show progress in achieving the goals set forth in the approved five-year State plan;,

(Sec. 109(a)(2); 20 U.S.C. 2309.)

(e) Has received assurances that the full-time personnel assigned to review programs within the State to assure equal access by both men and women have been afforded the opportunity to review the annual program plan and accountability report; and

(Sec. 109(a)(3)(B); 20 U.S.C. 2309.)

(f) Makes a determination that the State has complied in preparing the annual program plan and accountability report with the nationally uniform definitions and information elements which have been developed under the authority of section 161 of the Act.

(Sec. 109(a)(3)(C); 20 U.S.C. 2309.)

§ 104.263 Notice of approval or disapproval.

After reviewing the five-year State plan, the annual program plan, and the accountability report, the Commissioner will notify the State board, in writing, of the granting or withholding of approval.

(Sec. 109 (a), (b); 20 U.S.C. 2309.)

WITHHOLDING OF APPROVAL OF PLAN

§ 101.271 Disapproval of plan.

The Commissioner:

(a) Will not finally disapprove a State plan without first affording the State board reasonable notice and opportunity for a hearing;

(Sec. 109(b)(1); 20 U.S.C. 2309.)

(b) Will not disapprove a State plan solely on the basis of the distribution of State and local expenditures for vocational education;

(Sec. 109(b)(2); 20 U.S.C. 2309.)

(c) Will give at least fifteen (15) work days written notice of the disapproval of a plan or disapproval of the method by which the State is administering the plan; and

(Implements Sec. 109(c); 20 U.S.C. 2309.)

(d) Will hold the hearing within the State.

(Sec. 109(b)(1); 20 U.S.C. 2309.)

HEARINGS BEFORE THE COMMISSIONER ON AGENCY OR COUNCIL CHALLENGES TO THE FIVE-YEAR STATE PLAN OR THE ANNUAL PROGRAM PLAN

§ 104.281 Opportunity for a hearing.

(a) Sections 107 and 108 of the Act require the Commissioner to provide an opportunity for a hearing to certain agencies and councils which may be dissatisfied with any final decision of the State board with respect to the proposed five-year State plan or the annual program plan filed with the Commissioner.

(b) The agencies and councils which may request a hearing are those agencies and councils set forth in § 104.162 (a) through (d), and (h) through (j)). A representative of an agency or council may not request a hearing in his or her individual capacity.

(Secs. 107(a), 108(a); 20 U.S.C. 2307; 2308.)

§ 104.282 Appeal to the Commissioner.

(a) If a hearing is to be requested, the notice of appeal shall be in writing, addressed to the Commissioner, with a copy to the State board, and mailed by registered mail no later than fifteen (15) work days after the notification has been received by the agency or council that the recommendations of the agency or council have been disapproved by the State board.

(b) Pending resolution of the matter for which a hearing has been requested, the five-year State plan or annual program plan submitted by the State board, if in substantially approvable form, may be conditionally approved by the Commissioner and may be conditionally deemed the operative plan.

(Implements Secs. 107(a), 108(a); 20 U.S.C. 2307, 2308.)

§ 104.283 Hearing.

(a) The Commissioner may delegate authority to an employee of the Office of Education to be the hearing officer. The hearing officer shall take testimony, consider the arguments of the parties, make findings of fact, make conclusions of law, and make recommendations to the Commissioner.

(b) The hearing officer shall give each party at least fifteen (15) work days notice of the time, place, and purpose of the hearing.

(c) The fifteen (15) work days notice of time and place of the hearing may be reduced or waived if all parties agree.

(d) The hearing may take place in Washington, D.C., or within the State whose agency or council is appealing, at the option of the requesting party and with the hearing officer's approval.

(e) The hearing officer may adjourn the hearing to a more satisfactory time or place on the motion of the hearing officer or on motion of a party.

(f) A record shall be kept of the hearing. The record may be taken by shorthand, stenotype, or mechanical or electrical means, and shall be transcribed.

(Implements Sec. 107(a)(1); 20 U.S.C. 2307.)

§ 104.284 Prehearing.

(a) The hearing officer shall offer the parties the opportunity for a prehearing in order to define the issues.

(b) A prehearing shall be conducted in the same manner as a hearing.

(Implements Sec. 107(a)(1); 20 U.S.C. 2307.)

§ 104.285 Right to counsel, witnesses, cross examination.

(a) The parties shall have the right to be represented by counsel.

(b) The parties may offer evidence by witnesses appearing in person.

(c) Where a witness appears in person, the other party shall have the right to cross examine the witness.

(d) If a witness is unable to appear in person, documentary evidence or affidavits may be accepted in lieu of personal appearance. Affidavits shall be given only the probative value of a sworn statement which has not been subjected to cross examination.

(Implements Sec. 107(a)(1); 20 U.S.C. 2307.)

§ 104.286 Evidence and standard of evidence.

(a) Formal rules of evidence do not apply. The hearing officer shall restrict the admission of evidence to that which is material and relevant.

(b) The hearing officer may request additional evidence.

(c) Findings of fact shall be supported by substantial evidence. "Substantial evidence," for the purpose of this hearing, means such relevant evidence as a reasonable mind might accept to support a conclusion. (305 U.S. 197, 229 (1938).)

(Implements Sec. 107(a)(1); 20 U.S.C. 2307.)

§ 104.287 Determinations to be made by the hearing officer.

(a) The hearing officer shall determine:

(1) Whether the procedural requirements of the Act have been fulfilled;

(2) Whether the decisions of the State board as set forth in the five-year State plan or the annual program plan are in accordance with the law;

(3) Whether the decisions of the State board in the five-year State plan or the annual program plan are based on substantial evidence; and

(4) Whether the State board's decisions in the five-year State plan or the annual program plan best carry out the purposes of the Act.

(Sec. 107(a)(1); 20 U.S.C. 2307.)

(b) Where the hearing officer decides that the State board has conformed with the provisions of paragraph (a), the hearing officer shall issue findings of fact to that effect.

(c) Where the hearing officer decides that the five-year State plan or the annual program plan will best carry out the purposes of the Act, the hearing officer shall recommend a finding for the State board.

(Implements Sec. 107(a)(1); 20 U.S.C. 2307.)

§ 104.288 Commissioner's decision.

(a) The findings of fact and recommendation of the hearing officer shall be conveyed to the parties and to the Commissioner.

(b) The findings and recommendation of the hearing officer shall become the findings and decision of the Commissioner unless the Commissioner reverses the hearing officer's findings or recommendation, in whole or in part, within fifteen (15) work days after the date the hearing officer conveys his or her findings and recommendation to the Commissioner.

(Implements Sec. 107(a)(1); 20 U.S.C. 2307.)

(c) The Commissioner may not unilaterally change a five-year State plan or annual program plan. The Commissioner shall approve a plan or disapprove a plan in its entirety and return it to the State board for revision.

(Implements Sec. 107(a)(1); 20 U.S.C. 2307; Conf. Rept. No. 94–1701, pp. 216, 217.)

§ 104.289 Appeal by State board, agency, or council to the court of appeals.

A State board, agency, or council dissatisfied with a final action of the Commissioner under section 107(a)(1) of the Act may appeal to the United States court of appeals for the circuit in which the State is located in accordance with the procedure specified in section 434(d)(2) of GEPA.

(Implements Sec. 107(a)(1); 20 U.S.C. 1232c).

SUSPENSION AND TERMINATION OF PAYMENTS FOR NONCOMPLIANCE

§ 101.291 Suspension and termination of payments for noncompliance.

Suspension and termination of payments for noncompliance shall be in ac-

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cord with section 434(c) of GEPA. Section 434(c) of GEPA reads as follows:

(c) Whenever the Commissioner, after reasonable notice and an opportunity for hearing, finds that there has been failure, by any recipient of funds under any applicable program, to comply substantially with terms to which such recipient has agreed in order to receive such funds, the Commissioner shall notify such recipient that further payments will not be made to such recipient under that program until he is satisfied that such recipient no longer fails to comply with such terms. Until the Commissioner is so satisfied, no further payments shall be made to such recipient. Pending the outcome of any termination proceeding initiated under this paragraph, the Commissioner may suspend payments to such recipient, after such recipient has been given reasonable notice and opportunity to show cause why such action should not be taken.

(Sec. 109(f)(1); 20 U.S.C. 2309,, 1232c.)

APPEAL TO THE COURTS

§ 104.292 Appeal by State board on withholding of approval of State plan.

A State board which is dissatisfied with the final action of the Commissioner after an appeal to the Commissioner on withholding of approval of a State plan may appeal to the appropriate United States court of appeals as provided in section 109(d) of the Act.

(Sec. 109(d); 20 U.S.C. 2309.)

§ 104.293 Appeal by eligible recipients to the court of appeals.

An eligible recipient dissatisfied with the final action of the State board (or other appropriate State administrative agency) with respect to approval of an application by such eligible recipient for a grant under this Act may appeal to the appropriate United States court of appeals as provided in section 109(e) of the Act.

(Sec 109(e): 20 U.S.C. 2309.)

FISCAL REQUIREMENTS

FEDERAL SHARE

§ 104.301 Application of Federal requirements.

(a) Federal vocational education funds shall be used solely to carry out the purposes of the Vocational Education Act and the regulations in this part. All expenditures of Federal funds are subject to the conditions and requirements of the Act and regulations.

(Interprets Sec. 111(a); 20 U.S.C. 2311.)

(b) Federal funds shall be used to share only in expenditures which are made in accordance with: (1) Assurances of the general application; (2) Five-year State plan; and (3) Annual program plan.

(Interprets Sec. 111(a); 20 U.S.C. 2311.)

(c) State and local funds which are applied to the matching requirements and maintenance of efforts requirements of the Act are subject to the conditions and requirements of the Act, regulations, and five-year State plan and annual program plan, except with respect to local administration. This means that every program or activity supported in whole or in part by State or local funds which are used to match Federal funds must meet the same conditions and requirements as those supported by Federal funds. State and local funds used for administrative activities of a local educational agency or a postsecondary educational institution which are necessary for the proper and efficient performance of its duties under the Act may be applied to the matching and maintenance of effort requirements of the Act.

(Interprets Sec. 111(a); 20 U.S.C. 2311; 20 U.S.C. 19.)

(d) Only actual expenditures of State and local funds shall be accepted as part of the State's matching and maintenance of effort requirements. This means that in-kind contributions shall not be used as part of the State's matching and maintenance of effort requirements. Requirements of 45 CFR 100b.92(b) of GEPR shall not apply to this program.

(Sec. 111(a); 20 U.S.C. 2311, 20 U.S.C. 19.)

§ 104.302 Federal share of expenditures—annual program plan.

(a) The Commissioner will pay to each State an amount not to exceed 50 percent of the cost of carrying out its annual program plan.

(b) The State's matching share of expenditures under the annual program plan may be on a State-wide basis.

(c) Except for the fiscal requirements for the national priority programs described in § 104.303, it is not necessary that Federal funds be matched by non-Federal funds for each purpose and program under the Act.

(Interprets Sec. 111(a); 20 U.S.C. 2311.)

§ 104.303 Federal share of expenditures—national priority programs.

(a) The Commissioner will pay to each State an amount not to exceed 50 percent of the cost of vocational education programs for handicapped persons.

(b) The Commissioner will pay to each State an amount not to exceed 50 percent of the cost of vocational education programs for:

(1) Disadvantaged persons (other than handicapped persons);

(2) Persons who have limited English-speaking ability; and

(3) Stipends for students entering or already enrolled in vocational education programs who have acute economic needs which cannot be met under work-study programs.

(c) The Commissioner will pay to each State an amount not to exceed 50 percent of the cost of:

(1) Postsecondary programs for: (i) Persons who have completed or left high school; (ii) Who are enrolled in organized programs of study for which credit is given toward an associate or other degree; and (iii) Who are not enrolled in programs designed as baccalaureate or higher degree programs.

(2) Adult programs for: (i) Persons who have already entered the labor market; (ii) Persons who are unemployed; or (iii) Persons who have completed or left high school and who are enrolled in organized programs of study for which credit is not given toward an associate or other degree.

(Sec. 110; 20 U.SC. 2310.)

§ 104.304 Allowable expenditures for vocational education for national priority programs.

A State shall use the funds allotted for national priority programs under section 110 of the Act only for expenditures which are attributable to vocational education programs described in § 104.303.

(Section 110; 20 U.S.C. 2310; 45 CFR 100, App. B, Part II.)

§ 104.305 Federal share of expenditures—100 percent payments.

(a) The Commissioner will pay to each State an amount up to 100 percent of the cost of:

(1) Cooperative vocational education programs for students enrolled in nonprofit private schools pursuant to section 122(f) of the Act;

(2) Exemplary and innovative programs for students enrolled in nonprofit private schools pursuant to section 132(b) of the Act; and

(3) Special programs for disadvantaged persons in areas of the State which have high concentrations of youth unemployment and school dropouts under section 140 of the Act, excluding State administration and ancillary services.

(b) The Commissioner will pay to the Trust Territory of the Pacific Islands and American Samoa up to 100 percent of the cost of carrying out all programs listed in §§ 104.302 and 104.303.

(Sec. 111(a)(1); 20 U.S.C. 2311.)

§ 104.306 Federal share of expenditures—administration.

(a) The Commissioner will pay, from the amount available to each State for State administration of the five-year State plan and annual program plan appropriated under section 102(d) of the Act, up to 50 percent of the cost of administration of the plans, except as indicated in paragraphs (b) and (c).

(Sec. 111(a)(2)(B); 20 U.S.C. 2311.)

(b) The Federal share of the cost of administration of the five-year State plan and annual program plan in fiscal year 1978 is up to 80 percent and in fiscal year 1979 is up to 60 percent.

(Sec. 111(a)(2)(B); 20 U.S.C. 2311.)

(c) The Federal share of the cost of administration of the five-year State plan and annual program plan in fiscal year 1978 may be in excess of 80 percent under the following conditions:

(1) State and local expenditures for vocational education in a State in fiscal year 1977 exceed the Federal expenditures for vocational education in that State by ten times. For example, if the Federal allocation in fiscal year 1977 is $2 million, the aggregate of State and local expenditures must be greater than $20 million; and

(2) The Commissioner determines that the costs of administration of the five-year State plan and annual program plan in fiscal year 1977 were necessary for the proper and efficient performance of the State's duties under the Act; and

(3) The Commissioner determines that the 80 percent ceiling on the Federal share of the cost of administration is insufficient to meet the needs of the State.

(Interprets Sec. 111(a)(2)(B); 20 U.S.C. 2311.)

MINIMUM PERCENTAGES

§ 104.311 Percentage requirements with respect to State distribution of Federal funds.

The minimum percentages set forth in §§ 104.312, 104.313, and 104.314 are applicable to each State's allotment under section 102(a) of the Act.

(Interprets Sec. 110(a); 20 U.S.C. 2310.)

§ 104.312 Minimum percentage for the handicapped.

The State shall expend at least 10 percent of the allotment under section 102(a) of the Act for vocational education for handicapped persons. The State shall use these funds to the maximum extent possible to assist handicapped persons to participate in regular vocational education programs.

(Sec. 110(a); 20 U.S.C. 2310.)

§ 104.313 Minimum percentage for the disadvantaged.

(a) The State shall expend at least 20 percent of the section 102(a) allotment, subject to the conditions of paragraph (b), for the following purposes:

(1) Vocational education for disadvantaged persons (other than handicapped persons);

(2) Vocational education for persons who have limited English-speaking ability; and

(3) Stipends for students entering or already enrolled in vocational education programs who have acute economic needs which cannot be met under work-study programs.

(Sec. 110(b); 20 U.S.C. 2310.)

(b) The State shall use, to the maximum extent possible, the funds expended for disadvantaged persons and persons of limited English-speaking ability to enable these persons to participate in regular vocational education programs.

(Sec. 110(d); 20 U.S.C. 2310.)

§ 104.314 Minimum percentage for postsecondary and adult.

The State shall expend at least 15 percent of the section 102(a) allotment for vocational education for:

(a) Postsecondary programs for: (1) Persons who have completed or left high school; (2) Who are enrolled in organized programs of study for which credit is given toward an associate or other degree; and (3) Who are not enrolled in programs designed as baccalaureate or higher degree programs.

(b) Adult programs for: (1) Persons who have already entered the labor market; (2) Persons who are unemployed; or (3) Persons who have completed or left high school and who are enrolled in organized programs of study for which credit is not given toward an associate or other degree.

(Sec. 110(c); 20 U.S.C. 2310.)

§ 104.315 Expenditures for programs in secondary schools.

(a) The State shall expend from its allotment for the basic grant (subpart 2) approximately the same amount of Federal funds for programs in secondary schools during fiscal years 1978 and 1979 as it had expended during fiscal years 1975 and 1976.

(b) The State shall set forth in the five-year State plan its justification for the need to shift funds in the event the projected Federal expenditures for programs in secondary schools, in either fiscal year 1978 or 1979 are not within 95 percent of the amount of Federal funds expended for programs in secondary schools during fiscal years 1975 and 1976.

(Interprets Sec. 107(b)(3)(A); 20 U.S.C. 2307.)

(c) The State shall use the following formula in determining its expenditures of funds under paragraph (a) for vocational education for persons who have limited English-speaking ability:

(1) First determine the amount of Federal funds reserved for the purposes of paragraph (a);

(2) Determine the population having limited English-speaking ability who are between the ages of 15 and 24 inclusively;

(3) Determine the total population of the State aged 15 to 24 inclusively;

(4) Divide step two by step three;

(5) Multiply the quotient from step four by the total amount reserved for paragraph (a) as indicated in step one;

(6) Expend at least this amount for vocational education for persons having limited English-speaking ability. The amount expended for this purpose shall not exceed the total amount reserved for paragraph (a).

For example, a State reserves $500,000 for the purposes of paragraph (a). The State determines its limited English-speaking population between the ages of 15 and 24 is 10,000. The total population of the State aged 15 to 24 is 200,000. 10,000 is divided by 200,000 and the quotient is .05. $500,000 is multiplied by .05 and the product is $25,000. Accordingly, the State expends at least $25,000 for vocational education for persons who have limited-English speaking ability, but no more than $500,000.

(Implements Sec. 110(c)(2); 20 U.S.C. 2310.)

MAINTENANCE OF EFFORT

§ 104.321 Maintenance of fiscal effort at the State level.

A State shall maintain its fiscal effort on either a per student basis or on an aggregate basis for vocational education compared to the amount expended in the previous year.

(Sec. 111(b)(1); 20 U.S.C. 2311.)

§ 104.322 Withholding of payments.

The Commissioner will not make any payments to a State in a fiscal year unless the Commissioner finds that the fiscal effort of the State for vocational education on a per student basis or on an aggregate basis in the previous fiscal year was not less than the fiscal effort of the State on a per student basis or on an aggregate basis in the second preceding fiscal year.

(Sec. 111(b)(1); 20 U.S.C. 2311.)

§ 104.323 Five percent rule.

Total State fiscal effort for vocational education in the preceding fiscal year shall not be considered reduced from the fiscal year effort of the second preceding fiscal year unless the per student expenditure or aggregate expenditure in the preceding year is less than that in the second preceding fiscal year by more than five percent. For example, a State which expends an aggregate of $10 million for vocational education in one fiscal year and an aggregate of $9,600,000 in the succeeding fiscal year will not be considered to have reduced fiscal effort for the purposes of the Vocational Education Act.

(Interprets Sec. 111(b)(1); 20 U.S.C. 2311.)

§ 104.324 Unusual circumstance rule.

Any reduction in fiscal effort for any fiscal year by more than five percent will disqualify the State from receiving Federal funds unless the State is able to demonstrate to the satisfaction of the Commissioner the following:

(a) In the preceding fiscal year, the reduction was occasioned by unusual circumstances that could not have been fully anticipated or reasonably compensated for by the State. Unusual circumstances may include unforeseen decreases in revenues due to the decline of the tax base;

(b) In the second preceding fiscal year, contributions of large sums of monies from outside sources were made; or

(c) In the second preceding fiscal year, large amounts of funds were expended for long-term purposes such as construction and acquisition of school facilities or the acquisition of capital equipment.

(Interprets Sec. 111(b)(1); 20 U.S.C. 2311.)

§ 104.325 Maintenance of fiscal effort at the local level.

A local educatonal agency shall maintain its fiscal effort on either a per student basis or on an aggregate basis for vocational eduaction compared with the amount expended in the previous fiscal year.

(Sec. 111(b)(1); 20 U.S.C. 2311.)

§ 104.326 Withholding of payments.

A State shall not make payment under this Act to a local educational agency unless the State finds that the combined fiscal effort of the State and local educational agency on a per student basis or on an aggregate basis of the local educational agency and the State, was not

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less than combined fiscal effort in the second preceding fiscal year.

(Sec. 111(b)(1); 20 U.S.C. 2311.)

§ 104.327 Exceptions.

The 5 percent rule applicable to the State in § 104.323 and the unusual circumstances rule in § 104.324 are also applicable to local educational agencies.

(Interprets Sec. 111(b)(1); 20 U.S.C. 2311.)

§ 104.328 Maintenance of fiscal effort by postsecondary educational institutions.

A postsecondary educational institution shall maintain its fiscal effort on either a per student basis or on an aggregate basis for vocational education compared with the amount expended in the previous fiscal year.

(Sec. 111(b)(2); 20 U.S.C. 2311.)

§ 104.329 Withholding of payments.

A State shall not make any payment under this Act to a postsecondary educational institution unless the State finds that the fiscal effort on a per student basis or on an aggregate basis of that institution, with respect to the provision of vocational education, was not less than the fiscal effort of that institution in the second preceding fiscal year.

(Sec. 111(b)(2); 20 U.S.C. 2311.)

§ 104.330 Exceptions.

The 5 percent rule applicable to the State in § 104.323 and the unusual circumstances rule in § 104.324 are also applicable to postsecondary educational institutions.

(Interprets Sec. 111(b)(2); 20 U.S.C. 2311.)

STATE EVALUATION

§ 104.401 Purpose.

The State evaluations are to be used to assist local educational agencies and other recipients of funds in operating the best possible programs of vocational education and to revise the State's programs of vocational education.

(Sec. 112(b)(1); 20 U.S.C. 2312.)

§ 104.402 Evaluation by State board.

The State board shall, during the five-year period of the State plan, evaluate in quantitative terms the effectiveness of each formally organized program or project supported by Federal, State, and local funds. These evaluations shall be in terms of: (a) Planning and operational processes, such as:

(1) Quality and availability of instructional offerings;

(2) Guidance, counseling, and placement and follow-up services;

(3) Capacity and condition of facilities and equipment;

(4) Employer participation in cooperative programs of vocational education;

(5) Teacher/pupil ratios; and

(6) Teacher qualifications.

(b) Results of student achievement as measured, for example, by:

(1) Standard occupational proficiency measures;

(2) Criterion referenced tests; and

(3) Other examinations of student's skills, knowledge, attitudes, and readiness for entering employment successfully.

(c) Results of student employment success as measured, for example, by:

(1) Rates of employment and unemployment;

(2) Wage rates;

(3) Duration of employment; and

(4) Employer satisfaction with performance of vocational education students as compared with performance of persons who have not had vocational education.

(d) Other results as measured by services to special populations, such as:

(1) Women;

(2) Members of minority groups;

(3) Handicapped persons; and

(4) Disadvantaged persons.

(Implements Sec. 112(b)(1); 20 U.S.C. 2312.)

§ 104.403 Use of results of evaluation.

(a) The results of the evaluation shall be used to revise the programs conducted under the approved five-year State plan.

(b) The State board shall make the results of the evaluations readily available to the State advisory council on vocational education.

(Sec. 112(b)(1)(A); 20 U.S.C. 2312.)

§ 104.404 Special data on completers and leavers.

(a) The State shall evaluate, using wherever possible statistically valid sampling techniques, the effectiveness of each program of vocational education which purports to teach entry-level job skills.

(b) The State shall evaluate each of these programs in order to ascertain the extent to which both those students who complete a program and those students who leave before completing a program:

(1) Find employment in occupations related to their training; and

(2) Are considered by their employers to be well-trained and prepared for employment.

(Sec. 112(b)(1)(B); 20 U.S.C. 2312.)

(c) The State shall use the following definitions for "program completer" and "program leaver":

(1) "Program completer" means a student who finishes a planned sequence of courses, services, or activities designed to meet an occupational objective and which purports to teach entry-level job skills; and

(2) "Program leaver" means a student who has been enrolled in and has attended a program of vocational education and has left the program without completing it, except that no student shall be counted as a program leaver with respect to any program who is still enrolled in another program of vocational education. The term "program leaver" includes:

(i) Persons who leave the program voluntarily before its formal completion because they have acquired sufficient entry-level job skills to work in the field, and who have taken a job related to their field of training; and

(ii) All other leavers.

(d) For the purposes of this section, a State shall report separately on program completers and program leavers in accordance with the survey instructions and sampling standards to be provided by the National Center for Educational Statistics, HEW, as follows:

(1) Those who secure employment in the occupation for which they were trained or in occupations related to their vocational training, including the military;

(2) Those in paragraph (d)(1) of this section considered by their employers to be well trained and prepared for employment;

(Secs. 112(b)(1)(B), 161(a)(3)(B); 20 U.S.C. 2312, 2391.)

(3) Those who are enrolled for additional education and training; and

(4) Those in none of the above categories.

(Implements Secs. 112(b)(1)(B), 161(a)(3)(B); 20 U.S.C. 2312, 2391.)

(e) Persons who are enrolled for additional education and training shall not be counted as "leavers" in the evaluation data.

(Secs. 112(b)(1)(B), 161(a)(3)(B); 20 U.S.C. 2312, 2391.)

(f) The evaluation data on completers and leavers shall be collected at a date to be specified by the National Center for Educational Statistics, HEW.

(Implements Secs. 112(b)(1)(B), 161(a)(3)(B); 20 U.S.C. 2312, 2391.)

§ 104.405 Assurance of compatible data.

In order to assure that the data on program completers and leavers are compatible and can be aggregated and reported for all of the States, each State shall utilize in its data collection and reporting the information elements and uniform definitions which are developed for the national vocational education data reporting and accounting system, as required by section 161 of the Act.

(Sec. 161(a)(3)(B); 20 U.S.C. 2391.)

Subpart 2—Basic Grant

GENERAL PURPOSES

§ 104.501 Authorization of grants.

A State shall use its basic grant, which is equal to 80 percent of the funds allotted pursuant to section 102(a) of the Act, for the purposes set forth in § 104.502.

(Secs. 103(e), 120(a); 20 U.S.C. 2303, 2330.)

§ 104.502 Use of funds under the basic grant.

(a) The State shall reserve $50,000 for each fiscal year from the funds available under the basic grant (section 120 of the Act) for the support of full-time personnel to perform the functions set forth in §§ 104.71 through 104.76.

(Sec. 104(b), 120(b)(1)(F); 20 U.S.C. 2304, 2330.)

(b) The State shall reserve an amount of funds it deems necessary for each fiscal year from the funds available under the basic grant (section 120 of the Act) for special programs and placement services which are tailored to meet the needs of the group identified in § 104.621. The scope of these vocational education programs are described in § 104.622.

(Sec. 107(b)(4)(B); 20 U.S.C. 2307.)

(c) The State may use the balance of the funds available under the basic grant (section 120 of the Act), in accordance with the approved five-year State plan and annual program plan, for any of the following purposes:

(1) Vocational education programs, described in § 104.511;

(2) Work-study programs, described in § 104.521;

(3) Cooperative vocational education programs, described in § 104.531;

(4) Energy education programs, described in § 104.541;

(5) Construction of area vocational education school facilities, described in § 104.551;

(6) The provision of stipends, described in § 104.571;

(7) Placement services for students who have successfully completed vocational education programs, described in § 104.581;

(8) Industrial arts programs, described in § 104.591;

(9) Support services for women, described in § 104.601;

(10) Day care services for children of students in secondary and postsecondary vocational education programs, described in § 104.611; and

(11) Construction and operation of residential vocational schools, decribed in § 104.631.

(Sec. 120(b); 20 U.S.C. 2330.)

VOCATIONAL EDUCATION PROGRAMS

§ 104.511 Use of funds.

(a) A State may use funds under its basic grant (section 120 of the Act) for vocational education programs which are described in its approved five-year State plan and annual program plan.

(b) Vocational education programs mean "organized educational programs which are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation (upgrading and retraining) for a career requiring other than a baccalaureate or advanced degree, and, for the purpose of this paragraph, the term 'organized education program' means only instruction related to the occupation or occupations for which the students are in training or instruction necessary for students to benefit from such training, and the acquisition, maintenance, and repair of instructional supplies, teaching aids, and equipment, and the term 'vocational education' does not mean the construction, acquisition or initial equipment of buildings, or the acquisition of rental of land."

(Secs. 120(b)(1)(A), 195(1); 20 U.S.C. 2330, 2461.)

§ 104.512 Vocational instruction.

(a) For the purposes of these regulations, vocational instruction means instruction which is designed upon its completion to prepare individuals for employment in a specific occupation or a cluster of closely related occupations in an occupational field, and which is especially and particularly suited to the needs of those engaged in or preparing to engage in such occupation or occupations.

(b) Vocational instruction may include:

(1) Classroom instruction;

(2) Classroom related field, shop, and laboratory work;

(3) Programs providing occupational work experience, including cooperative education and related instructional aspects of apprenticeship programs;

(4) Remedial programs which are designed to enable individuals to profit from instruction related to the occupation or occupations for which they are being trained by correcting whatever educational deficiencies or handicaps prevent them from benefiting from such instruction; and

(5) Activities of vocational student organizations which are an integral part of the vocational instruction, subject to the provisions in § 104.513.

(c) Vocational instruction may be provided to either:

(1) Those preparing to enter an occupation upon the completion of the instruction; or

(2) Those who have already entered an occupation but desire to upgrade or update their occupational skills and knowledge in order to achieve stability or advancement in employment.

(Implements Sec. 120(b)(1)(A); 20 U.S.C. 2330.)

§ 104.513 Activities of vocational education student organizations.

(a) A State may use funds under its basic grant to support activities of vocational education student organizations which are described in its approved five-year State plan and annual program plan and which are:

(1) An integral part of the vocational instruction offered; and

(2) Supervised by vocational education personnel who are qualified in the occupational area which the student organization represents.

(b) An integral part of vocational instruction includes:

(1) Training in an organized educational program which is directly related to the preparation of individuals for paid or unpaid employment in a career requiring other than a baccalaureate or higher degree; or

(2) Field or laboratory work incident to the vocational training and the cost of travel thereto; or

(3) Development and acquisition of instructional materials, supplies, and equipment for instructional services.

(c) An integral part of vocational instruction does not include:

(1) Lodging, feeding, conveying, or furnishing transportation to conventions or other forms of assemblage;

(2) Purchase of supplies, jackets, and other effects for students' personal ownership;

(3) Cost of non-instructional activities such as athletic, social, or recreational events;

(4) Printing and disseminating non-instructional newsletters;

(5) Purchase of awards for recognition of students, advisors, and other individuals; or

(6) Payment of membership dues.

(Implements Sec. 120(b)(1); 20 U.S.C. 2330; 31 U.S.C. 551.)

§ 104.514 Vocational instruction under contract.

(a) A State may make provision for any portion of the program of instruction on an individual or group basis by private vocational training institutions or other existing institutions capable of carrying out vocational programs through a written contract with the State board or local educational agency. The contract shall describe the portion of instruction to be provided by the institution and incorporate the standards and requirements of vocational instruction set forth in the regulations in this subpart and the approved five-year State plan.

(b) The contract for instruction shall be entered into only upon a determination by the State board or local educational agency that:

(1) The contract is in accordance with State and local law; and

(2) The instruction to be provided under contract will be conducted as a part of the vocational education program of the State and will constitute a reasonable and prudent use of funds available under the approved five-year State plan.

(c) The State board or local educational agency shall review the contracts with the institutions at least once a year.

(Implements Sec. 120(b)(1)(A); 20 U.S.C. 2330; Sen. Rept. 94-882, p. 67.)

WORK-STUDY PROGRAMS

§ 104.521 Use of funds.

A State may use funds under its basic grant (section 120 of the Act) for approved work-study programs, which are described in its approved five-year State plan and annual program plan.

(Sec. 120(b)(1)(B); 20 U.S.C. 2330.)

§ 104.522 Policy and procedure for work-study programs.

A State conducting work-study programs under § 104.521 shall set forth in the approved five-year State plan:

(a) An assurance that the State will adopt policies and procedures to insure that Federal funds used for this purpose will be expended solely for the payment or compensation of students employed pursuant to work-study programs which meet the requirements of § 104.523; and

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(b) The principles for determining the priority to be accorded applications from local educational agencies for work-study programs. These principles shall give preference to applications submitted by local educational agencies serving communities having substantial numbers of youths who have dropped out of school or who are unemployed. Work-study programs shall be funded in the order determined by the application of these principles.

(Sec. 120(b)(1)(B), 121(b); 20 U.S.C. 2330, 2331.)

§ 104.523 Requirements of work-study programs.

(a) Work-study programs shall be administered by the local educational agency and shall be made reasonably available (to the extent of available funds) to all youths in the area served by the agency who are able to meet the requirements of paragraph (b) of this section. The cost of administration of the work-study program shall be supported with non-Federal funds.

(b) Work-study programs shall be furnished only to a student who:

(1) Has been accepted for enrollment as a full-time student in a vocational education program which meets the standards prescribed by the State board and the local educational agency for vocational education programs assisted under this Act, or in the case of a student already enrolled in such a program, is in good standing and in full-time attendance;

(2) Is in need of the earnings from such employment to commence or continue the student's vocational education program; and

(3) Is at least 15 years of age and less than 21 years of age at the commencement of the student's employment, and is capable, in the opinion of the appropriate school authorities, of maintaining good standing in his or her vocational education program while employed under the work-study program.

(Sec. 121; 20 U.S.C. 2331.)

(c) No student shall be employed under a work-study program for more than 20 hours in any week in which classes in which the student is enrolled are in session.

(Implements Sec. 121(a)(3); 20 U.S.C. 2331.)

(d) No student employed under a work-study program shall be compensated at a rate which exceeds the hourly rate prevailing in the area for persons performing similar duties.

(e) Employment under these work-study programs shall be for the local educational agency or for some other public or nonprofit private agency or institution. Students employed in work-study programs assisted under the authority of this section shall not by reason of this employment be deemed employees of the United States, or their service Federal service, for any reason.

(f) In each fiscal year during which the work study program remains in effect, the local educational agency shall expend (from sources other than payments from Federal funds under this section) for the employment of its students (whether or not the employment is an area eligible for assistance under this section) an amount that is not less than its average annual expenditure for work-study programs of a similar character during the three fiscal years preceding the fiscal year in which its work-study program is approved.

(Sec. 121; 20 U.S.C. 2330, 2331.)

Cooperative Vocational Education Programs

§ 104.531 Use of funds.

(a) A State may use funds under its basic grant (section 120 of the Act) for grants to local educational agencies for establishing or expanding cooperative vocational education programs with the participation of public and private employers, when these programs are described in the approved five-year State plan and the annual program plan.

(b) The State shall give priority for funding cooperative vocational education programs to local educational agencies in areas that have high rates of school dropouts and youth unemployment.

(Sec. 122 (a), (e); 20 U.S.C. 2332.)

§ 104.532 Assurances in five-year State plan.

A State conducting cooperative vocational education programs under § 104.531 shall provide assurances in the approved five-year State plan that:

(a) Funds will be used only for developing and operating cooperative vocational education programs as defined in Appendix A and which provide training opportunities that may not otherwise be available and which are designed to serve persons who can benefit from these programs;

(b) Necessary procdeures are established for cooperation with employment agencies, labor groups, employers, and other community agencis in identifying suitable jobs for persons who enroll in cooperative vocational education programs;

(c) Provision is made, where necessary, for reimbursement of added costs to employers for on-the-job training of students enrolled in cooperative programs, provided that the on-the-job training is related to existing career opportunities susceptible of promotion and advancement and which do not displace other workers who perform the work;

(d) Procedures are developed and published for use by local educational agencies for providing ancillary services and activities to assure that quality in cooperative vocational education programs is provided for and may include pre-service and in-service training for teacher coordinators, supervision, curriculum materials, travel for students and coordinators necessary to the success of such programs, and evaluation;

(e) Funds from Federal sources will not be commingled with State or local funds so as to lose their identity. In developing policies and procedures, it shall not be necessary to require separate bank accounts for funds from Federal sources, so long as accounting methods will be established which assures that expenditures of the funds can be separately identified from other expenditures;

(f) To the extent consistent with the number of students enrolled in private nonprofit schools in the area to be served, whose educational needs are of the type which the program is designed to meet, provision has been made for the participation of these students in the programs; and

(g) Policies and procedures will be adopted for accounting, for continuous evaluation of cooperative vocational education programs, and for follow-up of students who have completed or left these programs.

(Sec. 122; 20 U.S.C. 2332.)

Energy Education

§ 104.541 Use of funds.

A State may use funds under its basic grant (section 120 of the Act), when included in the approved five-year State plan and annual program plan, for grants to postsecondary institutions for energy education.

(Sec. 123; 20 U.S.C. 2333.)

§ 104.542 Applications by postsecondary educational institutions.

(a) A State shall make a grant to a postsecondary educational institution only on application by the postsecondary educational institution to the State.

(b) The application shall describe with particularity a program for the training of miners, supervisors, and technicians (particularly safety personnel), and environmentalists in the field of coal mining and coal mining technology, including provision for supplementary demonstration projects or short-term seminars, which program may include curriculums such as:

(1) Extraction, preparation, and transportation of coals;

(2) Reclamation of coal mined land;

(3) Strengthening of health and safety programs for coal mine employees;

(4) Disposal of coal mine wastes; and

(5) Chemical and physical analysis of coal and materials, such as water and soil, that are involved in the coal mining process.

(c) Postsecondary educational institutions may use funds for the acquisition of equipment necessary for the conduct of these programs.

(Sec. 123(a)(1)(2) (A) through (E); 20 U.S.C. 2333.)

§ 104.543 Solar energy.

A State may also use funds under its basic grant (section 120 of the Act) to make grants to postsecondary educational institutions to carry out energy education programs for:

(a) Training of individuals needed for the installation of solar energy equipment; and

(b) Training necessary for the installation of: (1) Glass paneled solar collectors; (2) Wind energy generators; and (3) Other related applications of solar energy.

(Sec. 123(b); 20 U.S.C. 2333.)

Construction of Area Vocational Education School Facilities

§ 104.551 Use of funds.

A State may use funds under its basic grant (section 120 of the Act) to pay costs of constructing area vocational education school facilities, in accordance with the approved five-year State plan and annual program plan.

(Sec. 120(b)(1)(E); 20 U.S.C. 2330.)

§ 104.552 Types of facilities.

The State may use funds under the basic grant for construction if the facility meets one of the following requirements:

(a) A specialized high school used exclusively or principally for the provision of vocational education to persons who are available for study in preparation for entering the labor market; or

(b) The department of a high school exclusively or principally used for providing vocational education in no less than five different occupational fields to persons who are available for study in preparation for entering the labor market; or

(c) A technical or vocational school used exclusively or principally for the provision of vocational education to persons who have completed or left high school and who are available for study in preparation for entering the labor market, or

(d) The department or division of a junior college or community college or university operating under the policies of the State board which provides vocational education in no less than five different occupational fields, leading to immediate employment but not necessarily leading to a baccalaureate degree. These vocational education programs must:

(1) Be available to all residents of the State or an area of the State designated and approved by the State board; and

(2) In the case of a school, department, or division described in (c) or (d), admit as regular students both persons who have completed high school and persons who have left high school.

(Sec. 195(2); 20 U.S.C. 2461.)

§ 104.553 Construction requirements.

An area vocational education school facility constructed under provisions of §§ 104.551 and 104.552 must meet the requirements of Subpart K—"Construction Requirements" in the General Education Provisions Regulations, 45 CFR 100b.155 through 100b.192. The facility must also meet the requirements of the Architectural Barriers Act of 1968, 45 U.S.C. 4151, pertaining to standards for design, construction, and alteration of buildings.

(Sec. 120(b)(1)(E); 20 U.S.C. 2330; 45 CFR 100b.157 through 100b.192.)

Provision of Stipends

§ 104.571 Use of funds.

A State may use funds under its basic grant (section 120 of the Act), when included in the approved five-year State plan and annual program plan, for the provision of stipends for students entering or already enrolled in vocational education programs if these students have acute economic needs which cannot be met under work-study programs, subject to the restrictions in § 104.572.

(Sec. 120(b)(1)(G); 20 U.S.C. 2330.)

§ 104.572 Restrictions on payment of stipends.

No funds shall be used for the payment of stipends to students entering or already enrolled in programs of vocational education unless the State board first makes a specific finding in each instance of funding that the funding of this particular activity is necessary due to:

(a) Inadequate funding in other programs providing similar activities; or

(b) Other services in the area that are inadequate to meet the needs.

(Sec. 120(b)(1)(G); 20 U.S.C. 2330.)

§ 104.573 Application for payment of stipends by eligible recipients.

An eligible recipient desiring to provide stipends for eligible students under §§ 104.571 and 104.572 shall include a request for funds in the application submitted to the State board and shall provide in the application an assurance that each applicant to be approved meets the requirements of §§ 104.571 and 104.572.

(Sec. 120(b)(1)(G); 20 U.S.C. 2330.)

§ 104.574 Rates for stipends.

Students entering or already enrolled in vocational education programs may be paid stipends at a rate not to exceed the higher of:

(a) The minimum wage prescribed by State or local law multiplied by the number of hours per week the student is enrolled in the vocational eductaion program; or

(b) The minimum hourly wage set out under 6(a)(1) of the Fair Labor Standards Act of 1938, as amended, multiplied by the number of hours per week the student is enrolled in the vocational education program.

(Implements Sec. 120(b)(1)(G); 29 CFR 95.34(c); 20 U.S.C. 2330.)

Placement Service for Students Who Have Successfully Completed Vocational Education Programs

§ 104.581 Use of funds.

A State may use funds under its basic grant (section 120 of the Act), in accordance with the approved five-year State plan and annual program plan, for providing placement services for students who have successfuly completed vocational education programs, subject to restrictions in § 104.582.

(Sec. 120(b)(1)(H); 20 U.S.C. 2330.)

§ 104.582 Restrictions on placement services.

A State shall not use funds for placement services for students who have successfully completed vocational education programs, unless the State board first makes a specific finding in each instance of funding that the funding of this particular activity is necessary due to:

(a) Inadequate funding in other programs providing similar activities; or

(b) Other services in the area that are inadequate to meet the needs. For example, if insufficient funds are available under Section 134(a)(3) for the placement of students successfully completing vocational education programs, the State may use funds under the basic grant for this purpose.

(Sec. 120(b)(2); 20 U.S.C. 2330.)

§ 104.583 Application for funds by eligible recipients.

An eligible recipient desiring to provide placement services to students who have successfully completed vocational education programs under § 104.581 shall:

(a) Include the request for funds in the local application submitted to the State board; and

(b) Provide assurances that all placement services to be provided meet the requirements of § 104.582.

(Sec. 120(b)(1)(H); 20 U.S.C. 2330.)

Industrial Arts

§ 104.591 Use of funds.

A State may use funds under its basic grant (section 120 of the Act), when included in the approved five-year State plan and annual program plan, for industrial arts programs which meet the requirements set forth in § 104.592.

(Sec. 120(b)(1)(I); 20 U.S.C. 2330.)

§ 104.592 Industrial arts programs.

Industrial arts education programs which may be funded under § 104.591 are those industrial arts programs which are designed to meet the purposes of this Act, and which:

(a) Pertain to the body of related subject matter, or related courses, organized for the development of understanding about all aspects of industry and technology, including learning experiences involving activities such as experimenting, designating, constructing, evaluating, and using tools, machines, materials, and processes; and

(b) Assist individuals in making informed and meaningful occupational choices or which prepare them for entry into advanced trade and industrial or technical education programs.

(Sec. 195(15); 20 U.S.C. 2461.)

Support Services for Women

§ 104.601 Use of funds.

A State may use funds under its basic grant (section 120 of the Act), when included in its approved five-year State

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plan and annual program plan, for support services for women who enter vocational education programs designed to prepare individuals for employment in jobs which have been traditionally limited to men.

(Sec. 120(b)(1)(J); 20 U.S.C. 2330.)

§ 104.602 Types of support services.

Support services to be provided under § 104.601 include:

(a) *Counseling.* Counseling women entering and enrolled in non-traditional programs on the nature of these programs and the difficulties which may be encountered by women in these programs. Counselors may furnish supportive services to assist students in adjusting to the new employment requirements.

(Implements Sec. 120(b)(1)(J); 20 U.S.C. 2330.)

(b) *Job development.* Programs and activities in the area of job development include the provision of materials and information concerning the world of work which present women students in nontraditional programs the options, opportunities, and range of jobs available in these nontraditional fields. Job development support services may also be carried out through bringing persons employed in these nontraditional fields into the schools, as well as providing opportunities for women students to visit the work place of business and industry so as to afford them a clear understanding of the nature of the work, including an understanding of the work setting in which these jobs are performed.

(Implements Sec. 120(b)(1)(J); 20 U.S.C. 2330; H.R. Rept No. 94–1085, pp. 23–25.)

(c) *Job follow-up support.* Support services may be provided to assist women students in finding employment relevant to their training and interests. Follow-up services may be provided to assist students in the work force, and dealing with barriers which women face in working in these nontraditional areas.

(Implements Sec. 120(b)(1)(J); 20 U.S.C. 2330.)

§ 104.603 Support to increase number of women instructors.

In funding programs and activities of support services for women, funds may be used to increase the number of women instructors involved in the training of individuals in programs which have tradit.onally enrolled mostly males, so as to provide supportive examples for these women who are preparing for jobs in these nontraditional areas of employment.

(Implements Sec. 120)(b)(1)(J); 20 U.S.C. 2330; H.R. Rept. No. 1085, p. 24.)

DAY CARE SERVICES FOR CHILDREN OF STUDENTS

§ 104.611 Use of funds.

A State may use funds under its basic grant (section 120 of the Act), when included in the approved five-year State plan and annual program plan, to provide day care services for children of students (both male and female and including single parents) in secondary and postsecondary vocational education programs.

(Sec. 120(b)(1)(K); 20 U.S.C. 2330.)

§ 104.612 Day care services.

(a) Day care services shall be for the purpose of providing appropriate care and protection of infants, pre-school and school-age children in order to afford students who are parents the opportunity to participate in vocational education programs.

(b) The day care services provided under this section shall be governed by applicable standards or State law governing the provisions of these services.

(Implements Sec. 120(b)(1)(K); 20 U.S.C. 2330.)

VOCATIONAL EDUCATION PROGRAMS FOR DISPLACED HOMEMAKERS AND OTHER SPECIAL GROUPS

§ 104.621 Use of funds.

A State shall use funds under its basic grant (section 120 of the Act) in accordance with its approved five-year State plan and annual program plan to provide vocational education programs for the following special groups:

(a) Persons who had been homemakers but who now, because of dissolution of marriage, must seek employment;

(b) Persons who are single heads of households and who lack adequate job skills;

(c) Persons who are currently homemakers and part-time workers but who wish to secure a full-time job; and

(d) Women who are now in jobs which have been traditionally considered jobs for females and who wish to seek employment in job areas which have not been traditionally considered as job areas for females, and men who are now in jobs which have been traditionally considered jobs for males and who wish to seek employment in job areas which have not been traditionally considered as job areas for males.

(Secs. 107(b)(4)(B), 120(b)(1)(L); 20 U.S.C. 2307, 2330)

§ 104.622 Scope of programs.

The State shall fund programs, in accordance with the policies and procedures described in its approved five-year State plan pursuant to § 104.187(b), to assess and meet the needs of the groups described in § 104.621. These programs shall include:

(a) Organized educational programs necessary to prepare these special groups for employment, including the acquisition, maintenance and repair of instructional supplies;

(b) Special courses preparing these individuals in how to seek employment; and

(c) Provision of placement service for the graduate of these programs.

(Implements Sec. 120(b)(1)(L); 20 U.S.C. 2330.)

CONSTRUCTION AND OPERATION OF RESIDENTIAL VOCATIONAL SCHOOLS

§ 104.631 Use of funds.

A State may use funds under its basic grant (section 120 of the Act) when included in its five-year State plan and annual program plan for the construction equipment, and operation of residential vocational schools, including room, board, and other necessities.

(Sec. 120(b)(1)(M); 20 U.S.C. 2330.)

§ 104.632 Residential vocational schools.

A residential vocational school is an institution which provides vocational education for youths (males and females) who are at least 15 years of age and less than 21 years of age at the time of enrollment, and who need full-time study on a residential basis in order to benefit fully from the education. For the purposes of this section, institutions to which juveniles are assigned as a result of their delinquent conduct are not residential vocational schools. (This does not prohibit States from using funds under section 120 of the Act for the provision of vocational education programs in correctional institutions.)

(Sec. 124; 20 U.S.C. 2334.)

§ 104.633 Special considerations for residential vocational schools.

(a) States shall give special consideration to the needs of large urban areas and isolated rural areas having substantial numbers of youths who have dropped out of school or who are unemployed.

(b) Funds may not be used for schools in which students are segregated because of race.

(Sec. 124(b); 20 U.S.C. 2334.)

§ 104.634 Construction requirements.

When Federal funds are used to pay part of the cost of constructing a residential vocational school, the facility must meet the requirements of § 104.552.

(Sec. 120(b)(1)(M); 20 U.S.C. 2330; 45 CFR 100b.157 through 100b.192.)

Subpart 3—Program Improvement and Supportive Services

§ 104.701 Authorization of grants.

A State shall use 20 percent of the funds allotted pursuant to section 102(a) of the Act for the purposes set forth in §§ 104.702, 104.761, 104.771, and 104.791.

(Secs. 103(e), 130; 20 U.S.C. 2303, 2350.)

PROGRAM IMPROVEMENT

§ 104.702 Purpose.

The purpose of program improvement is to improve vocational education by the support of research programs, exemplary and innovative programs, and curriculum development programs.

(Sec. 130; 20 U.S.C. 2350.)

§ 104.703 Research coordination unit.

(a) In order to expend funds for program improvement, the State shall establish a research coordination unit to coordinate the research, exemplary and innovative programs, and curriculum development activities in the State.

(b) The State shall set forth the organizational structure of this research coordination unit in the five-year State plan.

(c) The research coordination unit shall develop a comprehensive plan of program improvement which includes:

(1) The intended uses of funds available under section 130 of the Act to support activities of program improvement;

(2) A description of the State's priorities for program improvement; and

(3) The procedures adopted by the research coordination unit to insure that the findings and results of the program improvement activities in the State are disseminated throughout the State in a coordinated fashion.

(d) The State shall include the comprehensive plan of program improvement in the five-year State plan and annual program plan.

(e) The research coordination unit shall submit to the Commissioner and to the National Center for Research in Vocational Education the following:

(1) Two copies of an abstract of each approved project for program improvement, within 30 calendar days after approval of the project, containing the source and amount of funds obligated for the project; and

(2) Two copies of the final report resulting from the State project, within three months after the ending date of the project.

(f) The research coordination unit may use funds available under section 130 of the Act for the purposes set forth in §§ 104.705, 104.706, and 104.708. This unit may contract for the performance of activities described in §§ 104.705, 104.706, and 104.708, or this unit may perform the activities directly, using its own staff. The cost of the professional and support staff of the research coordination unit is supportable with Federal funds available under section 130 of the Act.

(Implements Secs. 130, 131, 132, 133, 171; 20 U.S.C. 2350 through 2353, 2401; H.R. Rept. 94–1085, p. 44; H.R. Rept. 94–1701, pp. 225–226.)

§ 104.704 Contract requirements.

No contract shall be made pursuant to §§ 104.705, and 104.706 unless the applicant can demonstrate a reasonable probability that the contract will result in improved teaching techniques or curriculum materials that will be used in a substantial number of classrooms or other learning situations within five years after the termination date of such contracts.

(Sec. 131(b), 133(b); 20 U.S.C. 2351, 2353.)

§ 104.705 Use of funds for research programs.

A research coordination unit may use funds available under section 130 of the Act for:

(1) Applied research and development in vocational education;

(2) Experimental, developmental, and pilot programs and projects designed to test the effectiveness of research findings, including programs and projects to overcome problems of sex bias and sex stereotyping;

(3) Improved curriculum materials for presently funded programs in vocational education and new curriculum materials for new and emerging job fields, including a review and revision of any curricula developed under this section to insure that such curricula do not reflect stereotypes based on sex, race, or national origin;

(4) Projects in the development of new careers and occupations, such as:

(A) Research and experimental projects designed to identify new careers in such fields as mental and physical health, crime prevention and correction, welfare, education, municipal services, child care, and recreation, requiring less training than professional positions, and to delineate within such career roles with the potential for advancement from one level to another;

(B) Training and development projects designed to demonstrate improved methods of securing the involvement, cooperation, and commitment of both the public and private sectors toward the end of achieving greater coordination and more effective implementation of programs for the employment of persons in the fields described in subparagraph (A), including programs to prepare professionals (including administrators) to work effectively with aides; and

(C) Projects to evaluate the operation of programs for the training, development, and utilization of public service aides, particularly their effectiveness in providing satisfactory work experiences and in meeting public needs; and

(5) Dissemination of the results of the contracts made pursuant to paragraphs (1) through (4), including employment of persons to act as disseminators, on a local level, of these results."

(Sec. 131(a); 20 U.S.C. 2351.)

§ 104.706 Use of funds for exemplary and innovative programs.

(a) The research coordination unit may use funds available under section 130 of the Act for:

(1) Programs to develop high quality vocational education programs for urban centers with high concentrations of:

(i) Economically disadvantaged individuals;

(ii) Unskilled workers; and

(iii) Unemployed individuals.

(2) Programs to develop training opportunities for:

(i) Persons in sparsely populated rural areas; and

(ii) Individuals migrating from farms to urban areas.

(3) Programs of effective vocational education for persons of limited English-speaking ability;

(4) Establishment of cooperative arrangements between public education and manpower agencies, designed to correlate vocational education opportunities with current and projected needs of the labor market; and

(5) Programs designed to broaden occupational aspirations and opportunities for youth, especially for youth who have academic, socioeconomic, or other handicaps. These programs include:

(i) Programs and project to familiarize elementary and secondary students with the broad range of occupations for which special skills are required and the requisites for careers in those occupations; and

(ii) Programs and projects to facilitate the participation of employers and labor organizations in postsecondary vocational education.

(6) Dissemination of the results of these contracts made under the authority of paragraphs (a) through (e), including employment of persons to act as disseminators, on a local level, of these results.

(Sec. 132(a); 20 U.S.C. 2352.)

(b) Every contract made by a research coordination unit for the purpose of funding exemplary and innovative projects shall:

(1) Give priority to programs and projects designed to reduce sex stereotyping in vocational education;

(2) To the extent consistent with the number of students enrolled in private nonprofit schools in the area to be served, whose educational needs are of the type which the program is designed to meet, make provision for the participation of these students in the programs; and also

(3) Provide that the Federal funds will not be commingled with State or local funds.

(Sec. 132(b); 20 U.S.C. 2352.)

§ 104.707 Disposition of exemplary and innovative programs.

The State shall indicate in the annual program plan and accountability report covering the final year of financial support by the State for any exemplary and innovative program:

(a) The proposed disposition of the program when Federal support ends; and

(b) The means by which successful or promising programs will be continued and expanded within the State.

(Sec. 132(c); 20 U.S.C. 2352.)

§ 104.708 Use of funds for curriculum development programs.

The research coordination unit may use funds available under section 130 of the Act for:

(a) Development and dissemination of vocational education curriculum materials for new and changing occupational fields;

(b) Development and dissemination of vocational education curriculum materials for:

(1) Handicapped persons;

(2) Disadvantaged persons (other than handicapped persons);

(3) Persons of limited English-speaking ability;

(c) Development and dissemination of curriculum and guidance and testing mateirals designed to overcome sex bias in vocational educational programs;

(d) Support services designed to enable teachers to meet the needs of individuals enrolled in vocational education programs traditionally limited to members of the opposite sex; and

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(e) Development and dissemination of other curriculum materials designed to improve the State's vocational education programs.

(Sec. 133(a); 20 U.S.C. 2353.)

VOCATIONAL GUIDANCE AND COUNSELING

§ 104.761 Purpose.

The purpose of vocational guidance and counseling assistance is to improve the State's vocational education programs by providing support for vocational development guidance and counseling programs, services, and activities.

(Secs. 130(b)(4), 134(a); 20 U.S.C. 2350, 2354.)

§ 104.762 Conformity with five-year State plan.

(a) A State shall use not less than 20 pecent of the Federal funds available under section 130 of the Act to support vocational development guidance and counseling programs, services, and activities.

(b) The expenditure of funds for this purpose shall be in accordance with the approved five-year State plan and annual program plan.

(Sec. 134; 20 U.S.C. 2354; Sen. Rept. 94-882, p. 80.)

§ 104.763 Kinds of programs, services, and activities.

Funds made available to a State under the vocational guidance and counseling program (section 134 of the Act) shall be used to support one or more of the following:

(a) Guidance and counseling.

(1) Initiation, implementation, and improvement of high quality vocational guidance and counseling programs and activities;

(2) Vocational counseling for children, youth, and adults, leading to a greater understanding of education and vocational options;

(3) Vocational and educational counseling for youth and adult offenders in correctional institutions;

(4) Vocational guidance and counseling for persons of limited English-speaking ability.

(Sec. 134(a); 20 U.S.C. 2354.)

(b) *Placement services.* Educational placement and job placement services, including:

(1) Programs to prepare individuals for professional occupations;

(2) Programs to prepare individuals for other occupations requiring a baccalaureate or higher degree; and

(3) Follow-up services for the persons placed under this service.

(Sec. 134(a); 20 U.S.C. 2354; Sen. Rept. No. 94-882, p. 80.)

(c) *Vocational resource centers.* Establishment of such centers to meet the special needs for vocational guidance and counseling of:

(1) Persons who are out of school;

(2) Persons seeking second careers;

(3) Persons entering or reentering the job market late in life;

(4) Handicapped persons;

(5) Persons in economically depressed areas; and

(6) Early retirees.

(d) *Training.* Provision of training for guidance and counseling personnel designed to acquaint them with:

(1) Changing work patterns of women;

(2) Ways of overcoming occupational sex stereotyping;

(3) Ways of assisting girls and women in selecting careers solely on their occupational needs and interests; and

(4) Ways of developing improved career counseling materials which are available to the public at no cost.

(e) *Leadership.* Provision of leadership for vocational guidance and exploration programs at the local level.

(Sec. 134(a); 20 U.S.C. 2354.)

§ 104.764 Special emphasis.

Recipients of funds allocated by the State for programs, services, and activities listed in § 104.763(a) (1) or (2) shall use those funds, insofar as is practicable:

(a) To bring individuals with experience in business and industry, the professions, and other occupational pursuits into schools as counselors or advisors for students;

(b) To bring students into the work establishments of business and industry, the professions, and other occupations to acquaint students with the nature of work accomplished therein; and

(Sec. 134(b); 20 U.S.C. 2354.)

(c) To enable guidance counselors to obtain experience in business and industry, the professions, and other occupational pursuits which will better enable those counselors to carry out their guidance and counseling duties.

(Sec. 134(b); 20 U.S.C. 2354; Conf. Rept. No. 94-1701, p. 225.)

VOCATIONAL EDUCATION PERSONNEL TRAINING

§ 104.771 Purpose.

The purpose of vocational education personnel training is to improve the State's vocational education programs and the services which support those programs by improving the qualifications of persons serving or preparing to serve in vocational education programs.

(Sec. 135(a); 20 U.S.C. 2355.)

§ 104.772 Conformity with five-year State plan.

(a) The State may use funds available under section 130 of the Act to support vocational education personnel training programs.

(Sec. 135(a); 20 U.S.C. 2355.)

(b) In order to be eligible for support under section 130 of the Act, specific programs and projects of training must be in accord with the general plan for vocational education personnel training as set forth in the approved five-year State plan and annual program plan for vocational education.

(Sec. 130(b); 20 U.S.C. 2350.)

§ 104.773 Eligible participants.

Training may be provided to persons serving or preparing to serve in vocational education programs, including teachers, administrators, supervisors, and vocational guidance and counseling personnel.

(Sec. 135(a); 20 U.S.C. 2355.)

§ 104.774 Types of training.

Funds available to the State under section 130 of the Act may be used to support programs and projects designed to improve the qualifications of persons who are eligible under § 104.773, including (but not limited to) the following:

(a) Training or retraining for teachers, and supervisors and trainers of teachers, in vocational education in new and emerging occupations;

(b) In-service training for vocational education teachers and other staff members, to improve the quality of instruction, supervision, and administration of vocational education programs, and to overcome sex bias in vocational education programs;

(c) Provisions for exchange of vocational education teachers and other personnel with skilled workers or supervisors in business, industry, and agriculture (including mutual arrangements for preserving employment and retirement status and other employment benefits during the period of exchange), and the development and operation of cooperative programs involving period of teaching in schools providing vocational education and of experience in commercial, industrial, or other public or private employment related to the subject matter taught in such schools;

(d) Training to prepare journeymen in the skilled trades or occupations for teaching positions;

(e) Training, including in-service training, for teachers and supervisors and trainers of teachers in vocational education to improve the quality of instruction, supervision and administration of vocational education for persons of limited English-speaking ability and to train or retrain counseling and guidance personnel to meet the special needs of persons of limited English-speaking ability;

(f) Provision of short-term or regular-session institutes designed to improve the qualifications of persons entering or reentering the field of vocational education in new and emerging occupational areas in which there is a need for such personnel.

(Sec. 135(a); 20 U.S.C. 2355.)

§ 104.775 Grants or contracts.

The State board may make grants or contracts, in accordance with its five-year State plan and annual program plan, in support of both training and retraining programs and projects to provide:

(a) Both pre-service and in-service education; and

(b) Both regular-session (academic year) institutes and short-term institutes.

(Sec. 135 (a)(6), (b); 20 U.S.C. 2355.)

§ 104.776 Stipends to trainees.

Within the limits set in paragraphs (c) through (f) of this section, the State board may, at its discretion, authorize payment of:

(a) Stipends to participating trainees in programs or projects supported under section 135 of the Act; and

(b) Allowances for other expenses for such trainees and their dependents.

(Sec. 135(b); 20 U.S.C. 2355.)

(c) *Part-time and short-term training.* For part-time training and for short-term training (for periods not in excess of the equivalent of ten working days), the upper limits of stipends per participant are:

(1) Per hour of actual training, a sum not in excess of the average amount earned per hour of teaching by full-time classroom teachers in the State;

(2) Per full day of training, a sum not in excess of six times the rate per hour set in paragraph (c)(1) of this section; and

(3) Per five-day week of training, a sum not in excess of five times the rate per day set in paragraph (c) (2) of this section.

(d) *Full-time academic year or summer session.* The upper limits for stipends per participant for full-time training are:

(1) Per academic year of approximately nine months, a sum not in excess of $4500; and

(2) Per summer session of at least six weeks, a sum not in excess of $900.

(e) *Other periods of full-time training.* For full-time training for periods of more than the equivalent of ten full days and less than six weeks, the stipend is limited to a sum calculated at a rate proportionate to $500 per calendar month.

(f) *Other allowances.* In addition to the sum allowable under authority of paragraphs (c), (d), and (e), the State may make payments only as follows:

(1) For the cost of participant travel to and from training sites, a participant is allowed the same per-mile rate for automobile travel as an employee of the State educational agency;

(2) For support of dependents of participants, a sum not in excess of:

(i) $675 per dependent for each academic year of full-time training; and

(ii) $170 per dependent for full-time training during a summer session of at least six weeks.

(Implements Sec. 135(b); 20 U.S.C. 2355.)

GRANTS TO OVERCOME SEX BIAS

§ 104.791 Purpose.

The purpose of grants under § 104.792 is to support activities which show promise of overcoming sex bias and sex stereotyping in vocational education.

(Secs. 130(b)(6), 136; 20 U.S.C. 2350, 2356.)

§ 104.792 Conformity with five-year State plan.

(a) A State may use funds available under section 130 of the Act to support grants to overcome sex bias in vocational education programs.

(Sec. 136; 20 U.S.C. 2356.)

(b) The expenditure of funds for this purpose shall be in accordance with the approved five-year State plan and annual program plan. The plans shall describe the types of projects to be funded.

(Sec. 130(b); 20 U.S.C. 2350.)

§ 104.793 Types of projects.

Funds may be used for projects such as:

(a) Research projects on ways to overcome sex bias and sex stereotyping in vocational educational programs;

(b) Development of curriculum materials free of sex stereotyping;

(c) Development of criteria for use in determining whether curriculum materials are free from sex stereotyping.

(d) Examination of current curriculum materials to assure that they are free of sex stereotyping;

(e) Training to acquaint guidance counselors, administrators, and teachers with ways of:

(1) Effectively overcoming sex bias; and

(2) Assisting girls and women in selecting careers.

(Implements Sec. 136; 20 U.S.C. 2356.)

Subpart 4—Special Programs for the Disadvantaged

§ 104.801 Grants to States for special programs for the disadvantaged.

A State shall use the funds allocated to it from the separate authorization (section 102(b) of the Act) for special programs for the disadvantaged as defined in § 104.804 and Appendix A of these regulations.

(Sec. 140; 20 U.S.C. 2370.)

§ 104.802 Use of funds.

(a) A State shall use the funds available under § 104.801, in accordance with the approved five-year State plan and annual program plan, for special programs of vocational education for disadvantaged persons in areas of high concentration of youth unemployment and school dropouts.

(b) A State shall use the funds under § 104.801 to pay up to 100 percent of the cost of special programs for disadvantaged persons.

(c) Funds available under § 104.801 may be used in addition to funds made available to the State for basic grants (section 120 of the Act) provided that the funds are used to conduct special programs of vocational education for the disadvantaged to enable them to succeed in vocational education programs.

(Sec. 140; 20 U.S.C. 2370.)

§ 104.803 Students in nonprofit private schools.

A State may grant funds to eligible recipients only if:

(a) Provision has been made for the participation of students enrolled in nonprofit private schools in the area to be served whose educational needs are of the type which the program or projects involved is to meet, to the extent consistent with the number of such students; and

(b) Effective policies and procedures have been adopted which assure that Federal funds made available under this subpart to accommodate students in nonprofit private schools will not be commingled with State or local funds.

(Sec. 140(b)(2); 20 U.S.C. 2370.)

§ 104.804 Criteria of need and eligibility.

(a) The term "disadvantaged" means persons (other than handicapped persons) who:

(1) Have academic or economic disadvantages; and

(2) Require special services, assistance, or programs in order to enable them to succeed in vocational education programs.

(Sec. 195(16); 20 U.S.C. 2461.)

(b) "Academic disadvantage," for the purposes of this definition of "disadvantaged," means that a person:

(1) Lacks reading and writing skills;

(2) Lacks mathematical skills; or

(3) Performs below grade level.

(c) "Economic disadvantage," for the purposes of this definition of "disadvantaged," means:

(1) Family income is at or below national poverty level;

(2) Participant or parent(s) or guardian of the participant is unemployed;

(3) Participant or parent of participant is recipient of public assistance; or

(4) Participant is institutionalized or under State guardianship.

(Implements Sec. 140; 20 U.S.C. 2370.)

(d) Eligibility for participation in the special programs supported under § 104.801 is limited to persons who (because of academic or economic disadvantage):

(1) Do not have, at the time of entrance into a vocational education program, the prerequisites for success in the program; or who

(2) Are enrolled in a vocational education program but require supportive services or special programs to enable them to meet the requirements for the program that are established by the State or the local educational agency.

(Implements Sec. 140; 20 U.S.C. 2370.)

Subpart 5—Consumer and Homemaking Education

§ 104.901 Grants to States for consumer and homemaking education.

A State shall use the funds allotted to it from the separate authorization (section 102(c) of the Act) for programs of consumer and homemaking education.

(Sec. 150(a); 20 U.S.C. 2380.)

§ 104.902 Use of funds.

A State shall use the funds available under section 150 of the Act, in accordance with its approved five-year State

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plan and annual program plan, solely for:

(a) Educational programs in consumer and homemaking; and

(b) Ancillary services.

(Sec. 150(b); 20 U.S.C. 2380.)

§ 104.903 Educational programs in consumer and homemaking.

(a) Educational programs in consumer and homemaking may be conducted at all educational levels (elementary, secondary, postsecondary or adult).

(b) Educational programs in consumer and homemaking consist of instructional programs, services, and activities for occupations of homemaking.

(c) Programs for the occupations of homemaking include (but are not limited to):

(1) Consumer education;

(2) Food and nutrition;

(3) Family living and parenthood education;

(4) Child development and guidance;

(5) Housing and home management (including resource management); and

(6) Clothing and textiles.

(Sec. 150(b); 20 U.S.C. 2380.)

§ 104.904 Purpose of educational programs in consumer and homemaking.

A State shall set forth in the five-year State plan and annual program plan the educational programs in consumer and homemaking which it intends to support. Funds available under section 150 of the Act shall only be provided to support educational programs in consumer and homemaking which:

(a) Encourage participation of both males and females to prepare for combining the roles of homemakers and wage earners;

(b) Encourage elimination of sex stereotyping by promoting the development of curriculum materials which deal with:

(1) Increased numbers of women working outside the home;

(2) Increased numbers of men assuming homemaking responsibilities;

(3) Changing career patterns of men and women; and

(4) Appropriate Federal and State laws relating to equal opportunity in education and employment;

(c) Give greater consideration to economic, social, and cultural conditions and needs, especially in economically depressed areas and, where appropriate, to bilingual instruction;

(d) Encourage eligible recipients to operate outreach programs in communities for youth and adults, giving consideration to their special needs, such as (but not limited to):

(1) The aged;

(2) Young children;

(3) School-age parents;

(4) Single parents;

(5) Handicapped persons;

(6) Educationally disadvantaged persons;

(7) Programs connected with health care delivery systems, such as providing parenthood education, nutrition education and consumer education; and

(8) Programs providing services for courts and correctional institutions, such as providing child development and guidance programs for short term court offenders;

(e) Prepare males and females who have entered or are preparing to enter into the work of the home; and

(f) Emphasize the following areas in order to meet current societal needs:

(1) Consumer education;

(2) Management of resources;

(3) Promotion of nutritional knowledge and food use; and

(4) Promotion of parenthood education.

(Sec. 150(b); 20 U.S.C. 2380.)

§ 104.905 Ancillary services.

A State may use funds available under section 150 of the Act to provide ancillary services, activities, and other means of assuring quality in all consumer and homemaking education programs. These ancillary services may include (but are not limited to): (a) Teacher training; (b) teacher supervision; (c) curriculum development; (d) research; (e) program evaluation; (f) special demonstration and experimental programs; (g) development of instructional materials; (h) exemplary projects; (i) provision of equipment; and (j) state administration and leadership.

(Sec. 150(b)(2); 20 U.S.C. 2380.)

§ 104.906 Federal share.

(a) A State shall use at least one-third of the funds available under section 150 of the Act to pay up to 90 percent of the cost of programs in economically depressed areas or areas with high rates of unemployment. These programs shall be designed to: (1) Assist consumers; (2) Help improve home environment; and (3) Help improve the quality of family life.

(b) A State shall use the remainder of the funds available under section 150 of the Act to pay up to 50 percent of the cost of educational programs in consumer and homemaking and ancillary services.

(Sec. 150(c), (d); 20 U.S.C. 2380.)

Appendix A

Definitions

"Act" means the Vocational Education Act of 1963, Pub. L. 88-210, as amended by Title II of the Education Amendments of 1976, Pub. L. 94-482, 90 Stat. 2168, 20 U.S.C. 2301 et seq.

(Secs. 101-195, 20 U.S.C. 2301 et seq.)

"Administration" means activities of a State necessary for the proper and efficient performance of its duties under the Act, including supervision, but not including ancillary services.

(Sec. 195(20); 20 U.S.C. 2461.)

"Adult program" means vocational education for persons who have completed or left high school and who are not described in the definition of "postsecondary program," or who have already entered the labor market, or who are unemployed.

(Sec. 110(c); 20 U.S.C. 2461.)

"Ancillary services" means activities which contribute to the enhancement of quality in vocational education programs, including activities such as teacher training and curriculum development, but excluding administration (except in consumer and homemaking education under Section 150 of the Act).

(Implements Sec. 195(20); 20 U.S.C. 2461.)

"Area vocational education school" means:

(a) A specialized high school used exclusively or principally for the provision of vocational education to persons who are available for study in preparation for entering the labor market;

(b) The department of a high school exclusively or principally used for providing vocational education in no less than five different occupational fields to persons who are available for study in preparation for entering the labor market; or

(c) A technical or vocational school used exclusively or principally for the provision of vocational education to persons who have completed or left high school and who are available for study in preparation for entering the labor market; or

(d) The department or division of a junior college or community college or university operating under the policies of the State board which provides vocational education in no less than five different occupational fields, leading to immediate employment but not necessarily leading to a baccalaureate degree, if:

(1) The vocational programs are available to all residents of the State or an area of the State designated and approved by the State board; and

(2) In the case of a school, department, or division described in (c) or (d), it admits as regular students both persons who have completed high school and persons who have left high school.

(Sec. 195(2); 20 U.S.C. 2461.)

"CETA" means the Comprehensive Employment and Training Act of 1973, Pub. L. 93-23, 87 Stat. 839, as amended.

"Commissioner" means the U.S. Commissioner of Education or the Commissioner's designee.

(Sec. 195(5); Sec. 421A(a) of GEPA; 20 U.S.C. 2461.)

"Construction" includes:

(a) Construction of new buildings;

(b) Acquisition, expansion, remodeling, and alteration of existing buildings;

(c) Site grading and improvement; and

(d) Architect fees.

(Sec. 195(4); 20 U.S.C. 2461.)

"Cooperative education" means a program of vocational education for persons who, through written cooperative arrangements between the school and employers, receive instruction, including required academic courses and related vocational instruction by alternation of study in school with a job in any occupational field, but these two experiences must be planned and supervised by the school and employers so that each contributes to the student's education and to his or her employability. Work periods and school attendance may be on alternate half days, full days, weeks, or other periods of time in fulfilling the cooperative program.

(Sec. 195(18); 20 U.S.C. 2461.)

"Curriculum materials" means materials:

(a) Covering instruction in a course or series of courses in any occupational field; and

(b) Designed to prepare persons for employment at the entry level; or

(c) Designed to upgrade occupational competencies of those previously or presently employed in any occupational field.

(Sec. 195(19); 20 U.S.C. 2461.)

"Disadvantaged" means:

(a) Persons (other than handicapped persons) who:

(1) Have academic or economic disadvantages; and

(2) Require special services, assistance, or programs in order to enable them to succeed in vocational education programs.

(Sec. 195(16); 20 U.S.C. 2461.)

(b) "Academic disadvantage," for the purposes of this definition of "disadvantaged," means that a person:

(1) Lacks reading and writing skills;

(2) Lacks mathematical skills; or

(3) Performs below grade level.

(c) "Economic disadvantage," for the purposes of this definition of "disadvantaged," means:

(1) Family income is at or below national poverty level;

(2) Participant or parent(s) or guardian of the participant is unemployed;

(3) Participant or parent of participant is recipient of public assistance; or

(4) Participant is institutionalized or under State guardianship.

(Interprets Sec. 195(16); 20 U.S.C. 2461.)

"Eligible recipient" means:

(a) A local educational agency, or

(b) A postsecondary educational institution.

(Sec. 195(13); 20 U.S.C. 2461.)

"Handicapped" means:

(a) A person who is:

(1) Mentally retarded;

(2) Hard of hearing;

(3) Deaf;

(4) Speech impaired;

(5) Visually handicapped;

(6) Seriously emotionally disturbed;

(7) Crippled (orthopedically impaired); or

(8) Other health impaired person, including a person who suffers from learning disabilities to the extent the disability is a health impairment; and

(b) Who, by reason of the above:

(1) Requires special education and related services, and

(2) Cannot succeed in the regular vocational education program without special educational assistance; or

(3) Requires a modified vocational education program.

(Sec. 197(7); Sec. 602(1) of the Education of Handicapped Act; 20 U.S.C. 2461; 20 U.S.C. 4001.)

"HEW" means the Department of Health, Education, and Welfare.

(42 U.S.C. 3501.)

"Industrial arts education programs" means those educattion programs:

(a) Which pertain to the body of related subject matter, or related courses, organized for the development of understanding about all aspects of industry and technology, including learning experiences involving activities such as experimenting, designing, constructing, evaluating, and using tools, machines, materials, and processes; and

(b) Which assist individuals in making informed and meaningful occupational choices or which prepare them for entry into advanced trade and industrial or technical education programs.

(Sec. 195(15); 20 U.S.C. 2461.)

"Institution of higher education" means institution of higher education as defined in section 1201(a) of the Higher Education Act.

(Sec. 1201(a) of the Higher Education Act, 20 U.S.C. 1141(a).)

"Local educational agency" means:

(a) A board of education (or other legally constituted local school authority) having administrative control and direction of public elementary or secondary schools in a city county, township, school district, or political subdivision of a State; or

(b) Any other public educational institution or agency having administrative control and direction of a vocational educational program.

(Sec. 195(10); 20 U.S.C. 2461.)

"Low-income family or individual" means families or individuals who are determined to be low-income according to the latest available data from the Department of Commerce.

(Sec. 195(17); 20 U.S.C. 2461.)

"National Advisory Council" (NACVE) means the previously existing National Advisory Council on Vocational Education which is continued by section 162 of the Act.

(Sec. 195(14); 20 U.S.C. 2461.)

"Postsecondary educational institution" means a nonprofit institution legally authorized to provide postsecondary education within a State for persons sixteen years of age or older, who have graduated from or left elementary or secondary school.

(Sec. 195(12); 20 U.S.C. 2461.)

"Postsecondary program" means vocational education for persons who have completed or left high school and who are enrolled in organized programs of study for which credit is given toward an associate or other degree, but which programs are not designed as baccalaureate or higher degree programs.

(Sec. 110(c); 20 U.S.C. 2310.)

"School facilities" means:

(a) Classrooms and related facilities (including initial equipment) and interests in lands on which such facilities are constructed.

(b) "School facilities" does not include any facility intended primarily for events for which admission is to be charged to the general public.

(Sec. 195(3); 20 U.S.C. 2461.)

"Secondary program" means vocational education for persons in high school (span of grades usually beginning with grade 9 and ending with grade 12).

(Implements Sec. 101; 20 U.S.C. 2301.)

"Secretary" means the Secretary of Health, Education, and Welfare.

(Sec. 195(6); 20 U.S.C. 2461.)

"State" includes:

(a) The 50 States;

(b) The District of Columbia;

(c) The Commonwealth of Puerto Rico;

(d) The Virgin Islands;

(e) Guam;

(f) American Samoa; and

(g) The Trust Territory of the Pacific Islands.

(Sec. 195(8); 20 U.S.C. 2461.)

"State board" means the State board designated or created by State law as the sole State agency responsible for:

(a) The administration of vocational education; or

(b) Supervision of the administration of vocational education in the State.

(Sec. 195(9); 20 U.S.C. 2461.)

"State educational agency" (SEA) means:

(a) The State board of education; or

(b) Other agency or office primarily responsible for the State supervision of public elementary and secondary schools; or

(c) If there is no such office or agency, an office or agency designated by the Governor or by State law.

(Sec. 195(11); 20 U.S.C. 2461.)

"Vocational education" means organized educational programs which are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career requiring other than a baccalaureate or advanced degree; for purposes of this paragraph, the term "organized education program" means only:

(a) Instruction related to the occupation or occupations for which the students are in training or instruction necessary for students to benefit from such training; and

(b) The acquisition, maintenance, and repair of instructional supplies, teaching aids and equipment.

The term "vocational education" does not mean the construction, acquisition, or initial equipment of buildings, or the acquisition or rental of land.

(Sec. 195(1); 20 U.S.C. 2461.)

"Vocational instruction" means instruction which is designed upon its completion to prepare individuals for employment in a specific occupation or cluster of closely related occupations in an occupational field, and which is especially and particularly suited to the needs of those engaged in or preparing to engage in such occupation or occupations. Such instruction may include:

(a) Classroom instruction;

(b) Classroom related field, shop, and laboratory work;

(c) Programs providing occupational work experiences, including cooperative education and related instructional aspects of apprenticeship programs;

(d) Remedial programs which are designed to enable individuals to profit from instruction related to the occupation or occupations for which they are being trained by correcting what ever educational deficiencies or handicaps prevent them from benefiting from such instruction; and

(e) Activities of vocational student organizations which are an integral part of the vocational instruction, subject to the provisions in § 104.513.

(Implements Sec. 120(b)(1)(A); 195(1); 20 U.S.C. 2330, 2461.)

PART 105—COMMISSIONER'S DISCRETIONARY PROGRAMS OF VOCATIONAL EDUCATION

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GENERAL

§ 105.1 Scope.

Part 105 contains regulations interpreting or implementing Part B (entitled "National Programs") of Title I of the Vocational Education Act of 1963, as amended by section 202 of Title II of the Education Amendments of 1976, Pub. L. 94-482 (referred to as "the Act"). Part 105 also contains regulations interpreting or implementing the Commissioner's discretionary program of contracts with Indian tribes contained in section 103 (a) (1) (B) of the Act.

(Sec. 103(a)(1)(B); Secs. 171 through 195; 20 U.S.C. 2303, 2401 et seq.)

§ 105.2 Purpose.

The purpose of Part 105 is to set forth the regulations which govern the Commissioner's discretionary programs of grants and contracts for vocational education.

(Secs. 171 through 195; 20 U.S.C. 2401 et seq.)

§ 105.3 Definitions.

The definitions common to all parts of the Act are contained in section 195 of the Act. These definitions and additional definitions necessary for the State vocational education programs are set forth in Appendix A of Part 104. Definitions necessary only for Part 105 are set forth in this Part 105 in the subparts in which they apply.

(Sec. 195; 20 U.S.C. 2461.)

§ 105.4 Applicability of General Education Provisions Regulations.

Provisions in Parts 100 and 100a of the General Education Provisions Regulations (45 CFR Parts 100 and 100a), entitled "General Provisions for Office of Education Programs," are applicable to programs under this Part 105.

(45 CFR Parts 100, 100a.)

Subpart 1—Program Improvement

§ 105.101 Purpose.

The purpose of program improvement is to support a national center for research in vocational education and projects for the improvement of vocational education as authorized in section 171 of the Act. Funds available to the Commissioner for program improvement under section 103 of the Act will be used primarily for contracts and in some cases for grants.

(Secs. 103, 171; 20 U.S.C. 2303, 2401.)

§ 105.102 National center for research in vocational education.

(a) The Commissioner will support a national center for research in vocational education. The center (a nonprofit agency) will be chosen once every five years. The Commissioner will appoint an advisory committee to assist the center. The center will establish other research locations, including contracts with one or more regional centers, as determined by the Commissioner after consultation with the national center and its advisory committee.

(b) The center shall directly or through other public agencies:

(1) Conduct applied research and development on problems of national significance in vocational education;

(2) Provide leadership development through an advanced study center and in-service education activities for State and local leaders in vocation education;

(3) Disseminate the results of research and development projects funded by the center;

(4) Develop and provide information to facilitate national planning and policy development in vocational education;

(5) Act as a clearinghouse for information on projects supported by the States and the Commissioner and compile an annotated bibliography of research, exemplary and innovative projects, and curriculum development projects assisted with funds made available under this Act since July 1, 1970; and

(6) Work with States, local educational agencies, and other public agencies in developing methods of evaluating programs, including the follow-up studies of program completers and leavers required by section 112 of the Act, so that these agencies can offer job training programs which are more closely related to the types of jobs available in their communities, regions, and States.

(Sec. 171(a)(2); 20 U.S.C. 2401.)

§ 105.103 Armed services curriculum materials.

The Commissioner will make contracts to convert to use in local educational agencies, private nonprofit schools, and other public agencies curriculum materials involving job preparation which have been prepared for use by the armed services of the United States.

(Sec. 171(b)(3); 20 U.S.C. 2401.)

§ 105.104 Authorized activities.

(a) The Commissioner will support projects of national significance for improvement of vocational education. The projects include the following activities as authorized in sections 131 through 136 of the Act:

(1) Research (section 131 of the Act);

(2) Exemplary and innovative programs (section 132 of the Act);

(3) Curriculum development (section 133 of the Act);

(4) Vocational guidance and counseling (section 134 of the Act);

(5) Vocational education personnel training (section 135 of the Act); and

(6) Grants to assist in overcoming sex bias (section 136 of the Act).

(b) Functions under the above may include: applied research and development; experimental and pilot programs; curriculum revision and development; demonstration, dissemination, and utilization of research and development products; personnel training; and evaluation.

(Secs. 131 through 136, 171(a)(1); 20 U.S.C. 2351-56, 2401.)

§ 105.105 Eligible applicants.

(a) Eligible applicants for project support include:

(1) Public organizations, institutions, and agencies;

(2) Nonprofit and profit-making private organizations, institutions, and agencies; and

(3) Individuals.

(b) Profit-making private organizations, institutions, and agencies, and individuals are eligible for contracts only.

(c) Eligible applicants for the national center for research in vocational education include nonprofit agencies only.

(Interprets Sec. 171; 20 U.S.C. 2401.)

§ 105.106 No cost sharing.

No cost sharing is required.

(Interprets Sec. 171(b)(5)(A); 20 U.S.C. 2401.)

§ 105.107 Duration of project support.

The Commissioner will not support a project for a period to exceed three fiscal years.

(Sec. 171(b)(5)(B); 20 U.S.C. 2401.)

§ 105.108 Improved teaching techniques or curriculum materials.

The Commissioner will not make a grant pursuant to § 105.104 unless the applicant can demonstrate a reasonable probability that the grant will result in improved teaching techniques or curriculum materials that will be used in a substantial number of classrooms or other learning situations within five years after the termination date of the grant.

(Sec. 171(b)(1); 20 U.S.C. 2401.)

§ 105.109 Exemplary and innovative projects.

(a) The Commissioner will make a contract for an exemplary and innovative project only if the project provides for the participation of students enrolled in nonprofit private schools consistent with:

(1) The number of such students in the area to be served by the project; and

(2) The educational needs of those students is of the type which the project involved is to meet.

(b) Such a contract shall provide that the Federal funds will not be commingled with State or local funds.

(Sec. 171(b)(2); 20 U.S.C. 2401.)

§ 105.110 Technical review criteria.

The following criteria will be used in reviewing applications. These criteria are consistent with 45 CFR 100a.26, Review of Applications, in the General Provisions for Office of Education Programs. A segment or segments of an application should address each criterion. Each criterion is weighted and includes the maximum score that can be given to an application in relation to the criterion. The maximum score for the criteria is 100 points, and the maximum weight for each criterion is listed below. Applications that receive less than 50 points will not be funded.

(a) *National need.* (Maximum 15 points.) The need section clearly: (1) Describes the national need in vocational education for the proposed project; (2) Provides specific evidence of the need; (3) Indicates specifically who or what will be helped; and (4) Describes the problem rather than symptoms of the problem.

(b) *Literature review.* (Maximum 5 points.) The literature review is sufficiently comprehensive to:

(1) Establish the basis for the problem;

(2) Describe the problem in contrast to the symptoms of the problem;

(3) Provide a strong conceptual framework for the proposed objectives and proposed plan, including the general design and specific procedures of the proposed plan, along with the management, evaluation, dissemination, and training procedures, when appropriate; and

(4) Describe what has been done previously to alleviate the problem and point out the gaps that will be alleviated by this specific proposed work.

(c) *Objectives.* (Maximum 10 points.) The objectives are related to the problem and: (1) Are significant for vocational education; (2) Clearly describe proposed project outcomes; (3) Are capable of being attained; and (4) Are measurable.

(d) *Plan.* (Maximum 20 points.) The plan clearly describes: (1) The overall design for the proposed project; and (2) The specific procedures by which each objective will be accomplished. Normally the plan will include:

(i) Precise definitions of terms; (ii) Description of the characteristics and number of subjects; (iii) Sampling procedures and control groups; (iv) Instrumentation; and (v) Statistical and analytical procedures.

(e) *Management plan.* (Maximum 8 points.) The management plan adequately describes the way in which personnel and resources will be used to accomplish each component of the plan developed in criterion (c).

(f) *Evaluation plan.* (Maximum 8 ponts.) The plan includes valid and reliable instruments and procedures for assessing and documenting the impact of project results and end products or outcomes in terms of the achievement of project goals and objectives.

(g) *Results, end products, outcomes, and dissemination.* (Maximum 10 points.) The application clearly describes:

(1) What will be delivered to the government; (2) The format in which the results, products, or outcomes will be delivered to the government;

(3) The way in which results, products, or outcomes will be developed or provided for dissemination purposes to specified user populations; and

(4) The procedures to be used in disseminating the results, end products, or outcomes at the local, State, and/or national levels.

(h) *Staff competencies and experience.* (Maximum 8 points.) The application clearly describes:

(1) The names and qualifications (including project management qualifications) of the project director, key professional staff, advisory groups, and consultants;

(2) Time commitments planned for the project by the project director, key staff, advisory groups, and consultants;

(3) Evidence of past and successful experience of the proposed project director and key staff members in similar or related projects;

(4) Use of professional staff members from minorities or women when they are included as the subjects of the project; and

(5) The competencies that are required for the proposed project.

(i) *Budget and cost effectiveness.* (Maximum 7 points.) The application provides a justifiable and itemized statement of cost which is substantiated by line items in the proposed budget and appears to be cost effective with respect to proposed results, products, or outcomes.

(j) *Institutional capability and commitment.* (Maximum 4 points.) The application provides adequate evidence of:

(1) Institutional or individual's experience and commitment to the proposed work;

(2) Appropriate facilities and equipment; and

(3) Assurance of support from cooperating agencies, local educational agencies, postsecondary institutions, business, industry, and labor, where applicable for successful implementation of the project.

(k) *Sex bias.* (Maximum 5 points.) The application provides appropriate plans to minimize sex bias in the proposed results, end products, and outcomes, and the proposed dissemination plans.

(Implements Sec. 171; 20 U.S.C. 2401.)

§ 105.111 Additional application review factors.

In addition to the criteria listed in § 105.110, the Commissioner may utilize factors such as the following in making decisions regarding whether to fund applications: (a) Duplication of effort; (b) Duplication of funding; and (c) Evidence that an applicant has not performed satisfactorily on previous projects.

(Implements Sec. 171; 20 U.S.C. 2401.)

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Subpart 2—Indian Tribes

CONTRACT PROGRAM FOR INDIAN TRIBES AND INDIAN ORGANIZATIONS

§ 105.201 Purpose.

The purpose of the program for Indian tribes and Indian organizations is for the Commissioner, at the request of an Indian tribe, to make a contract or contracts directly with Indian tribal organizations, with funds available under section 103(a)(1) of the Act, to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the Act, particularly section 103(a)(1)(B)(iii) of the Act.

(Sec. 103(a)(1); 20 U.S.C. 2303.)

§ 105.202 Applicability of the Indian Self-Determination Act of 1975.

(a) Any contract entered into under this subpart is subject to the provisions of sections 4, 5, 6, 7(b) and 102 of the "Indian Self-Determination and Education Assistance Act of 1975," Pub. L. 93-638.

(b) Regulations implementing the above sections of the Indian Self-Determination and Education Assistance Act, Title 25 of the Code of Federal Regulations, §§ 271.44, 271.46, 271.47, and 271.50 are applicable to the extent that they are relevant and practicable.

(c) Whenever the term "Secretary of the Interior" is used, in the Indian Self-Determination and Education Assistance Act, the term means, for the purposes of this subpart, "Commissioner of Education."

(Sec. 103(a)(1)(B)(iii); 20 U.S.C. 2303; 25 U.S.C. 450a, et seq.)

§ 105.203 Definitions.

(a) "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaskan native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act which is recognized as eligible for special programs and services provided by the United States to Indians because of their status as Indians.

(b) "Tribal organization" means the recognized governing body of any Indian tribe or any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by the organization and which includes the maximum participation of Indians in all phases of its activities.

(25 U.S.C. 450b.)

§ 105.204 Assistance contracts.

Awards will be made competitively through assistance contracts governed by Subchapter A of Title 45, Code of Federal Regulations (entitled "General Provisions for Office of Education Programs"), except to the extent that appropriate sections of the Indian Self-Determination and Education Assistance Act of 1975 apply or to the extent that more specific regulations in this subpart apply. The criteria in 45 CFR 100a.26(b) do not apply to this program.

(Sec. 103(a)(1)(B)(iii); 20 U.S.C. 2303; 25 U.S.C. 450e(b).)

§ 105.205 Eligible applicants.

An Indian tribal organization of an Indian tribe which has contracted with the Secretary of the Interior for the administration of programs under the Indian Self-Determination and Education Assistance Act of 1975 or under the Act of April 16, 1934, is eligible for assistance contracts.

(Sec. 103(a)(1)(B)(iii)); 20 U.S.C. 2303; 25 U.S.C. 450f.)

§ 105.206 Applications for assistance contracts.

An application from an eligible tribal organization must be submitted to the Commissioner by the Indian tribe and must contain the information that the Commissioner requires. An application which serves more than one Indian tribe shall be approved by each tribe to be served in the application.

(Sec. 103(a)(1)(B)(iii); Pub. L. 93-638; 20 U.S.C. 2303; 25 U.S.C. 450b(c).)

§ 105.207 Review for duplication of effort.

An applicant shall submit a copy of the application directly to the Commissioner of the Bureau of Indian Affairs and the State board at the same time it submits an application to the Office of Education in order to avoid duplication of funding.

(Implements Sec. 103(a)(1)(B)(iii); 20 U.S.C. 2303.)

§ 105.208 No cost sharing.

No cost sharing by the applicant is required.

(Implements Sec. 103(a)(1)(B)(iii); 20 U.S.C. 2303.)

§ 105.209 Duration of awards.

(a) The total project period of an award may not exceed three years. The Commissoner may make multi-year awards if the nature of the project warrants multi-year funding. Continuation funding is contingent upon satisfactory performance. Application for multi-year awards shall have a detailed budget for the current year and total budget figures for the subsequent years.

(b) A request for continuation of a project beyond the project period will be considered a new application and will be reviewed competitively with all other applications. In order for the Commissioner to make this determination, an applicant who has had a prior contract under this program shall include an evaluation of the previous project.

(Implements Sec. 103(a)(1)(B)(iii); 45 CFR 100a.432; 20 U.S.C. 2303.)

§ 105.210 Final reports.

The contractor shall submit final financial status and performance reports as the Commissioner shall request.

(45 CFR 100a.403; 45 CFR 100a.432; 20 U.S.C. 2303.)

§ 105.211 Technical review criteria.

The following criteria will be utilized in reviewing applications. These criteria are consistent with 45 CFR 100a.26(b), Review of Applications, in the General Provisions for Office of Education Programs. A segment or segments of an application should address each criterion. Each criterion is weighted and includes the maximum score that can be given to an application in relation to the criterion. The maximum aggregate score for the criteria is 100 points, and the maximum weight for each criterion is listed below in parentheses. Points will be awarded to the extent that evidence in the application satisfies each criterion. The review of these criteria shall constitute the basis for the Commissioner to enter or decline to enter into a contract with an eligible applicant. If the review of any application results in no recommendation to fund (where funds are available), this will mean that it is not satisfactory, as that term is used in the Indian Self-Determination Act (section 102). Applications must receive a minimum of 30 points to be considered for funding.

(25 U.S.C. 450f.)

(a) *Program improvement.* (Maximum 15 points.) The application focuses on the improvement of occupational training opportunities for Indians and delineates the way in which the proposed program will contribute to improved programs for the specific target group.

(b) *Need.* (Maximum 10 points.) The need section clearly: (1) Describes the need for the proposed activity; (2) Provides specific evidence of the need; (3) Indicates specifically how the need will be met; and (4) Describes, where appropriate, ongoing and planned activities in the community relative to the need.

(c) *Objectives.* (Maximum 10 points.) The objectives: (1) Relate to the need; (2) Are significant for vocational education; (3) Clearly describe proposed program outcomes;

(4) Are capable of being attained; and

(5) Are measurable.

(d) *Plan.* (Maximum 15 points) The plan clearly describes the way in which the objectives will be accomplished by: (1) The overall design for the proposed program; and

(2) The use of specific procedures to implement activities designed to accomplish each objective of each segment of the proposed program;

(3) A description of: (i) Specific activities to be conducted in the proposed program;

(ii) Instruments to be used in the proposed program;

(iii) Instructional material to be used in the proposed program, if appropriate; and

(iv) Population to be served in the proposed program; and

(4) Statistical and analytical procedures, if appropriate.

(e) *Management plan.* (Maximum 10 points) The management plan adequately describes the way in which personnel and resources will be utilized to accomplish each objective, the overall design, and each major procedure.

(f) *Evaluation plan.* (Maximum 10 points.) The plan includes valid and reliable instruments and procedures for assessing and documenting the impact of project results in terms of the achievement of project goals and objectives.

(g) *Applicant's staff competencies and experience.* (Maximum 10 points.) Points will be awarded on the extent to which the application clearly describes: (1) The competencies that are required for the proposed project;

(2) The names and qualifications (including project management qualifications) of the project director, key professional staff, advisory groups, and any consultants;

(3) Time commitments planned for the project by the project director, key staff, advisory groups, and any consultants;

(4) Evidence of past and successful experience of the proposed project director and key staff members in similar or related projects;

(5) Evidence of commitment to section 7(b) of the Indian Self-Determination and Education Assistance Act.

(h) *Budget and cost effectiveness.* (Maximum 10 points.) Points will be awarded on the extent to which the application provides a justifiable and itemized statement of cost which contains line items in the proposed budget and appears to be cost effective with respect to proposed results.

(i) *Institutional capability and commitment.* (Maximum 10 points.) The application provides adequate evidence of: (1) Institutional experience and commitment to the proposed work;

(2) Appropriate facilities and equipment; and

(3) Documented assurances of support from cooperating local educational agencies, postsecondary institutions, business, industry, or labor, if support from any of these groups is necessary for successful implementation of the project.

(Implements Sec. 103(a)(1)(B)(iii); 20 U.S.C. 2303; 25 U.S.C. 450f.)

§ 105.212 Additional factors for declining to contract.

In addition to the weighted technical review criteria listed in § 105.211, the Commissioner may use any of the factors listed below in making a decision whether to decline to enter into a contract with an eligible applicant.

(a) The program duplicates an effort already being made;

(b) Funding the program would create an inequitable distribution among tribes; or

(c) The applicant has not performed satisfactorily under a previous Office of Education award.

(Implements Sec. 103(a)(1)(B)(iii); 20 U.S.C. 2303; 25 U.S.C. 450f.)

§ 105.213 Hearing by the Commissioner after declining to enter into a contract.

After receiving notice from the Commissioner that the Office of Education will not award a contract to an eligible applicant, the tribal organization or the tribe shall have 30 calendar days to request a hearing, in writing, to review the Commissioner's decision.

(25 U.S.C. 450f.)

§ 105.214 Remaining funds.

From any remaining funds reserved for this subpart, the Commissioner is authorized to enter into an agreement with the Commissioner of the Bureau of Indian Affairs for the operation of vocational education programs authorized by this Act in institutions serving Indians as described in section 103(a)(B)(i) of the Act. The Secretary of the Interior is authorized to receive funds for that purpose. For the purposes of the Act, the Bureau of Indian Affairs shall be deemed to be a State board and all of the provisions of this Act shall be applicable to the Bureau of Indian Affairs as if it were a State board.

(Sec. 103(a)(1)(B)(iii); 20 U.S.C. 2303.)

Subpart 3—Training and Development Programs for Vocational Education Personnel

LEADERSHIP DEVELOPMENT AWARD PROGRAM

§ 105.301 Purpose.

The purpose of the leadership development award program is to provide opportunities for experienced vocational educators to spend full time in advanced study of vocational education.

(Sec. 172(a)(1); 20 U.S.C. 2402.)

§ 105.302 Leadership development awards.

(a) *Awards.* The Commissioner will make leadership development awards to qualified vocational education personnel (such as administrators, supervisors, teacher educators, researchers, guidance and counseling personnel, and instructors in vocational education) for graduate training in an approved vocational education leadership development program of an approved institution of higher education.

(Sec. 172(b)(1), (3); 20 U.S.C. 2402.)

(b) *Award period.* Leadership development awards will be made for a period not to exceed 36 months.

(Sec. 172(b)(2)(A); 20 U.S.C. 2402.)

§ 105.303 Equitable geographical distribution.

In order to meet the needs for qualified vocational educational personnel in all the States, the Commissioner will apportion leadership development awards equitably among the States, taking into account such factors as:

(a) The State's vocational education enrollments; and

(b) The incidence of youth unemployment and school dropouts in the State.

(Sec. 172(b)(4); 20 U.S.C. 2402.)

§ 105.304 Eligibility of individuals.

(a) A person is eligible to receive a leadership development award if such person:

(1) Has had not less than two years of experience in vocational education or in business or industrial training or military technical training, or in the case of researchers, experience in social science research which is applicable to vocational education; and

(2) Is currently employed or is reasonably assured of employment in vocational education and has successfully completed, as a minimum, a baccalaureate degree program; and

(3) Is recommended by his or her employer, or others, as having leadership potential in the field of vocational education and is eligible for admission as a graduate student to a program of higher education approved by the Commissioner under § 105.311.

(b) In order to receive a leadership development award the person selected shall enroll for full-time graduate study or research in a vocational education leadership development program approved under § 105.311.

(Sec. 172(b)(1), (5); 20 U.S.C. 2402.)

§ 105.305 Application procedures.

(a) *Submission of applications.* Any eligible individual who wishes to receive a leadership development award shall submit an application to the Commissioner and send one copy of the application to the State board for vocational education for the State in which the applicant is a resident.

(b) *Role of the State board.* The State board, with advice from the State advisory council, from other agencies involved in State planning and reporting, and from representatives of vocational education programs in institutions of higher education, will:

(1) Review the application;

(2) Summarize for each application the advice as to its merits; and

(3) Forward all applications and summaries of advice to the Commissioner for review.

(Implements Sec. 172(a)(1); 20 U.S.C. 2402; H.R. Rept. No. 94-1085, pp. 54-55.)

§ 105.306 Stipends to individuals.

(a) *Academic year.* Each person awarded a leadership development award is entitled to receive a stipend of:

(1) $4500 for each academic year of full-time study at the institution of higher education, will:

(1) Review the application;

(2) $675 for each academic year for each dependent.

(b) *Summer session.* An additional stipend may be awarded of:

(1) $900 for full-time summer study at the same institution of higher education; and

(2) $170 for this period for each dependent.

(Implements Sec. 172(b)(2)(A); 20 U.S.C. 2402.)

§ 105.307 Conditions for continued eligibility.

(a) *Satisfactory participation.* A recipient of an award may continue to receive payments under § 105.306 only

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during such periods as the Commissioner finds that the recipient:

(1) Is maintaining satisfactory proficiency in study or research in the field of vocational education in an institution of higher education;

(2) Is devoting essentially full time to such study or research; and

(3) Is not engaging in gainful employment, other than part-time employment in teaching, research, or similar activities endorsed by that institution and approved by the Commissioner.

(Sec. 172(b)(5); 20 U.S.C. 2402; H.R. Rept. No. 94-1085, pp. 55-56.)

(b) *Employment limitation.* The limitation with respect to employment set forth in paragraph (a)(3) of this section does not apply to the period of time between an academic year and a summer session or between academic years if a stipend is not received under § 105.306(b) for full-time study.

(Implements Sec. 172(b)(5); 20 U.S.C. 2402.)

§ 105.308 Payment conditioned on appropriation.

Leadership development award payments under § 105.306 after the first year of the award period (in case of awards made for a period exceeding twelve months) are subject to the continued availability of Federal funds under section 172 of the Act.

(Interprets Sec. 172; 20 U.S.C. 2402.)

§ 105.309 Technical review criteria.

The Commissioner will use the following criteria in reviewing applications. The criteria in 45 CFR 100a.26(b) do not apply to this program. A segment or segments of an application should address each criterion. Each criterion is weighted and includes the maximum score that can be given to an application in relation to the criteria. The maximum score for the criteria is 100 points, and the maximum weight for each criterion is listed below. An application must receive a minimum of 50 points to be considered for funding.

(a) *Academic ability.* (Maximum 20 points) The applicant provides evidence of his or her academic ability. This may include: (1) Transcripts of grades earned in college, including graduate courses; (2) Scores earned on the Graduate Record Examination, Miller Test of Analogies, or similar tests; and (3) Results earned on specific skill aptitude tests.

(b) *Leadership potential.* (Maximum 15 points) The applicant provides evidence of leadership potential. This may include awards or recognition received in: (1) Professional service; (2) Community activities; (3) Leadership or membership on advisory committees; and (4) Other activities, as appropriate.

(c) *Managerial skills.* (Maximum 15 points) The applicant provides information concerning his or her experience in a managerial or administrative capacity. This may include evidence of the applicant's ability in: (1) Planning; (2) Problem solving; (3) Decision making; and (4) Other skills, where appropriate.

(d) *Communication skills.* (Maximum 25 points) The applicant provides evidence of experience in activities requiring oral and written language skills. This may include:

(1) Public speaking experience to professional, community, or other groups;

(2) Articles published in professional or popular journals; and

(3) Other written materials such as reports, abstracts, and instructional materials.

(e) *Human relations skills.* (Maximum 15 points) The applicant provides evidence of skills in interpersonal relations. This may include participation in: (1) Professional groups; (2) Community groups; (3) Volunteer work; or (4) Other groups, where appropriate.

(f) *National need.* (Maximum 10 points.) The degree to which the applicant's goals, objectives, and aspirations in vocational education relate to national needs in vocational education, including developing expertise to serve: (1) Disadvantaged persons; (2) Members of minority groups, and (3) Handicapped persons.

(H.R. Rept. No. 94-1085, p. 55.)

(g) *Additional criteria.* In addition to the criteria listed above the Commissioner will consider the following factors: (1) Equitable distribution among males and females; (2) Geographical distribution; (3) Membership in minority groups.

(Implements Secs. 101(3), 172(b)(4); 20 U.S.C. 2402; H.R. Rept. No. 94-1085, p. 55.)

§ 105.310 Assignment to approved institution.

Each applicant for an award shall identify a first, second, and third choice of institutions (approved under § 105.311) he or she desires to attend. The Commissioner reserves the right to redistribute award recipients among approved institutions in order to assure that each institution will have a sufficient number of awardees to assure the effectiveness of the program of vocational leadership development.

(Implement Sec. 172(a)(1); 20 U.S.C. 2402; H.R. Rept. No. 94-1085, p. 55.)

§ 105.311 Institutional eligibility and approval.

Upon receipt of an application from an institution of higher education requesting approval of its vocational education leadership development program, the Commissioner will approve the program only upon finding that:

(a) The institution offers a comprehensive program in vocational education with adequate supporting services and disciplines, such as education administration, guidance and counseling, research, and curriculum development, including:

(sec. 172(b)(3)(A); 20 U.S.C. 2402.)

(1) Training in those leadership skills necessary to increase the participation of disadvantaged and underrepresented persons such as the handicapped, disadvantaged minorities, and women, in vocational education programs at all levels;

(Sec. 101(1); 20 U.S.C. 2301; H.R. Rept. No. 94-1085, p. 55.)

(2) Resources and supporting services for at least five of the generally recognized fields of vocational education, integrated into a comprehensive approach to vocational education;

(3) Practical experience and internship components; and

(Implements Sec. 172(b)(3)(A); 20 U.S.C. 2402.)

(4) A focus on familiarizing the individual with new curriculum materials in vocational education.

(Sec. 172(b)(7); 20 U.S.C. 2402.)

(b) The program under paragraph (a) of this section is designed to further substantially the objective of improving vocational education by providing opportunities for graduate training for vocational education teachers, supervisors, guidance and counseling personnel, and administrators, and of university level vocational education teacher educators and researchers.

(c) The program is conducted by a school of graduate study.

(Interprets Sec. 172(b)(3)(B); 20 U.S.C. 2402.)

§ 105.312 Institutional allowance.

(a) The Commissioner will (in addition to the stipend paid to an award recipient under § 105.306) pay an institutional allowance to the institution of higher education in which the recipient is pursuing a course of study, in the amount of $3,200 per participant, per academic year, with an additional $800 per participant for full-time study during the summer session.

(b) The institutional allowance is made in lieu of tuition and all non-refundable fees and deposits that would otherwise be required of the student.

(c) Any portion of the institutional allowance in excess of normal tuition, non-refundable fees, and deposits attributable to the awardee shall be used by the institution to improve the program of vocational education leadership development in that institution.

(Implements Sec. 172(b)(2)(B); 20 U.S.C. 2402.)

VOCATIONAL EDUCATION CERTIFICATION FELLOWSHIP PROGRAM

§ 105.431 Purpose.

The purpose of the vocational education certification fellowships is to provide opportunities for:

(a) Certified teachers who have been trained to teach in other fields to become vocational educators if those teachers have skills and experience in vocational fields for which they can be trained to be vocational educators; and

(Sec. 172(a)(2); 20 U.S.C. 2402.)

(b) Persons in industry, business, and agriculture who have skills and experience in vocational fields for which there is need for vocational educators (but who do not necessarily have baccalaureate degrees) to become vocational educators.

(Interprets Sec. 172(a)(3); 20 U.S.C. 2402.)

§ 105.432 Awards to two categories of fellows.

The Commissioner is authorized to award fellowships to two categories of persons for undergraduate study in institutions of higher education:

(a) Persons who are or have been certified by a State as teachers in elementary and secondary schools or community and junior colleges (including vocational education programs in the thirteenth and fourteenth grades) within the ten-year period prior to the current closing date for applications under this program and who:

(1) Have or have had skills and experience in vocational fields for which they can be trained to be vocational educators; and

(2) Are unable to find employment in their field of previous training.

(Sec. 172(c)(1), (c)(1)(A); 20 U.S.C. 2402.)

(b) Persons (not necessarily baccalaureate degree holders) employed in industry, business, or agriculture who:

(1) Have skills and experience in vocational field in which there is a need for vocational educators; and

(2) Have been accepted by a teacher training institution for enrollment in a program which will assist them in becoming vocational educators.

(Sec. 172(c)(1)(B); 20 U.S.C. 2402.)

§ 105.433 Fellowship period.

Fellowships will be made for periods not to exceed 24 months.

Sec. 172(c)(2)(A); 20 U.S.C. 2402.)

§ 105.434 Application procedures.

(a) *Submission of applications.* Any eligible individual who wishes to receive a vocational education certification fellowship shall submit an application to the Commissioner and send one copy of the application to the State board for vocational education for the State in which the applicant is a resident.

(b) *Role of the State board.* The State board, with advice from the State advisory council, from other agencies involved in State planning and reporting, and from representatives of vocational education programs in institutions of higher education, will:

(1) Review the applications;

(2) Summarize for each application the advice as to its merits; and

(3) Forward all applications and summaries of advice to the Commissioner for review.

(Implements Sec. 172(c)(1); 20 U.S.C. 2402; H.R. Rept. No. 94-1085, p. 54.)

§ 105.435 Equitable geographical distribution.

In order to meet the needs for qualified vocational educational personnel in all the States, the Commissioner will apportion vocational education certification fellowships equitably among the States, taking into account such factors as:

(a) The State's vocational educational enrollment; and

(b) The incidence of youth unemployment and school dropouts in the State.

(Sec. 172(c)(4); 20 U.S.C. 2402.)

§ 105.436 Stipend to fellows.

(a) *Academic year.* Each person awarded a fellowship is entitled to receive a stipend of:

(1) $4500 for each academic year of full-time study at the institution of higher education to which that person is assigned for the fellowship period; and

(2) $675 for each academic year for each dependent.

(b) *Summer session.* An additional stipend may be awarded of:

(1) $900 for full-time summer study at the same institution of higher education; and

(2) $170 for this period for each dependent.

(Implements Sec. 172(c)(2)(A); 20 U.S.C. 2402.)

§ 105.437 Conditions for continued eligibility.

(a) *Satisfactory participation.* A recipient of a fellowship may continue to receive payment under § 105.436 only during such period as the Commissioner finds that the recipient:

(1) Is maintaining satisfactory proficiency in study or research in the field of vocational education in an institution of higher education;

(2) Is devoting essentially full time to such study or research; and

(3) Is not engaging in gainful employment, other than part-time employment in teaching, research, or similar activities endorsed by that institution and approved by the Commissioner.

(Implements Sec. 172(c)(5); 20 U.S.C. 2402; H.R. Rept. No. 94-1085, pp. 55-56.)

(b) *Employment limitations.* The limitation with respect to employment set forth in paragraph (a)(3) of this section does not apply to the period of time between an academic year and a summer session, or between academic years if a stipend is not received under § 105.436(b) for full-time summer study.

(Interprets Sec. 172(c)(5); 20 U.S.C. 2402.)

§ 105.438 Payment conditioned on appropriation.

Fellowship payments under § 105.436 after the first year of the fellowship period (in case of awards made for a period exceeding twelve months) are subject to the continued availability of Federal funds under section 172 of the Act.

(Interprets Sec. 172; 20 U.S.C. 2402.)

§ 105.439 Institutional allowance.

(a) The Commissioner will (in addition to the stipends paid to a fellowship recipient under § 105.436) pay an institutional allowance to the institution of higher education at which the recipient is pursuing his or her course of study in an amount of $2,000 per participant per academic year, with an additional $500 per participant for full-time study during the summer session;

(b) The institutional allowance is made in lieu of tuition and all non-refundable fees and deposits that would otherwise be required of the fellow; and

(c) Any portion of the institutional allowance in excess of the normal tuition, non-refundable fees, and deposits attributable to the fellow shall be used by the institution to improve the program of vocational education in that institution.

(Implements Sec. 172(c)(2)(B); 20 U.S.C. 2402.)

§ 105.440 Institutional eligibility and approval.

The Commissioner will approve the vocational education fellowship program of an institution of higher education only upon finding that:

(a) The program is capable of enabling unemployed certified teachers or persons from business, industry, or agriculture to become certified vocational education teachers;

(Interprets Sec. 172(c)(1)(B); 20 U.S.C. 2402.)

(b) The institution offers a program in vocational education which is sufficiently comprehensive to meet, at the undergraduate level, the requirements for certification of the applicant in the State where the institution is located;

(c) In the case of applicants seeking certification in a particular area of study designated by the Commissioner as being in need of additional personnel, the institution is capable of preparing students for certification in that particular area;

(Implements Sec. 172(c)(7); 20 U.S.C. 2402.)

(d) The fellow will receive education and training of the same type as that offered by the institution to undergraduate students preparing to become vocational education teachers; and

(e) The undergraduate program in vocational education includes adequate support services and disciplines, such as education administration, guidance and counseling, research, and curriculum development.

(Implements Sec. 172(c)(3); 20 U.S.C. 2402.)

§ 105.441 Teaching fields in need of additional teachers.

The Commissioner will publish, before the beginning of each fiscal year, a listing of the areas of teaching in vocational education where there are or will be shortages of personnel.

(Sec. 172(c)(7); 20 U.S.C. 2402.)

§ 105.442 Content of applications.

(a) *For certified teachers.* Each certified teacher applicant shall provide in his or her application evidence of:

(1) Certification as an elementary or secondary school or junior or community college teacher (including teachers in vocational education programs in the thirteenth and fourteenth grades) within the ten-year period prior to the current closing date for applications under this program; and

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(2) Past or current skills and experiences in the vocational field(s) for which he or she seeks training as a vocational educator.

(b) *For applicants not certified as teachers.* Each applicant who has not been a certified teacher shall provide in his or her application evidence of:

(1) The nature and duration of his or her employment in business, agriculture, or industry; and

(Interprets Sec. 172(c)(1)(B); 20 U.S.C. 2402.)

(2) Having skills and experiences in one of the vocational areas where vocational educators are needed.

(Sec. 172(c)(1)(B); 20 U.S.C. 2402.)

(c) *Assurance by the institution.* The institution of higher education designated in the application for a fellowship shall provide in that application an assurance that the:

(1) Applicant has been accepted for enrollment in the program of vocational education designated in the application; and the

(2) Institution meets the requirements for institutional eligibility set forth in paragraphs (a) through (e) of § 105.440.

(Implements Sec. 172(c)(3); 20 U.S.C. 2402.)

§ 105.443 Technical review criteria.

The Commissioner will use the following criteria in reviewing formally transmitted applications. The criteria in 45 CFR 100a.26(b) do not apply to this program. A segment or segments of an application in relation to the criteria. Each criterion is weighted and includes the maximum score that can be given to an application in relation to the criteria. The maximum score for the criteria is 100 points, and the maximum weight for each criterion is listed below. An application must receive a minimum of 50 points to be considered for funding.

(a) *Academic ability.* (Maximum 20 points.) The applicant provides evidence of his or her level of academic achievement and academic ability. This may include: (1) Transcripts of grades earned in secondary school and, where appropriate, college; (2) Results earned on specific skill aptitude tests; and (3) Results of other tests, where appropriate.

(b) *Vocational skills.* (Maximum 30 points.) The applicant provides evidence of his or her performance in a work situation requiring vocational skills. This may include: (1) Letters of recommendations of previous employers or others, as appropriate; (2) Results of National Occupational Competency Testing Institute, where appropriate; (3) Certificates or diplomas, as appropriate; and (4) Work related experience, including teaching, where appropriate.

(c) *Communication skills.* (Maximum 25 points.) The applicant provides evidence of experience in activities requiring oral and written language skills. This may include:

(1) Public speaking experience to professional, community, or other groups;

(2) Articles published in newspapers, professional or popular journals; and

(3) Other written materials such as reports, abstracts, or other materials, where appropriate.

(d) *Human relations skills.* (Maximum 15 points.) The applicant presents evidence of skills in interpersonal relations. This may include experience with: (1) Professional groups; (2) Community groups; (3) Volunteer groups; (4) Work related organizations; (5) Members of minority groups, the disadvantaged, and handicapped persons; and (6) Other groups, as appropriate.

(e) *National need.* (Maximum 10 points.) The applicant describes in writing his or her goals, objectives, and aspirations in vocational education and their relationship to national needs in vocational education with particular reference to working with: (1) Disadvantaged persons; (2) Members of minority groups; and (3) Handicapped persons.

(H.R. Rept. No. 94–1085, p. 55.)

(f) *Additional factors.* In addition to the criteria listed above, the Commissioner will consider the following factors: (1) Equitable distribution among males and females; (2) Geographical distribution; and (3) Membership in minority groups.

(Implements Sec. 101(3), 172(b)(4); 20 U.S.C. 2301, 2402; H.R. Rept. No. 94–1085, p. 55.)

Subpart 4—Emergency Assistance for Remodeling and Renovating of Vocational Education Facilities

§ 105.501 Purpose.

The purpose of this program is to provide emergency assistance to local educational agencies in urban and rural areas which are unable to provide vocational education designed to meet today's manpower needs due to the age of their vocational education facilities or the obsolete nature of the equipment used for vocational training. The purpose is to assist those local educational agencies in the modernization of facilities or equipment and the conversion of academic facilities necessary to assure that the facilities will be able to offer vocational education programs which give reasonable promise of employment.

(Sec. 191; 20 U.S.C. 2441.)

§ 105.502 Eligible applicants.

Any local educational agency is an eligible applicant.

(Sec. 193(a); 20 U.S.C. 2443.)

§ 105.503 Content of applications.

An application for a grant or assistance contract shall set forth:

(a) A description of the facility to be remodeled or renovated, including:

(1) The date of completion of construction of the facility (or the part of the facility to be remodeled or renovated);

(2) The extent of remodeling or renovation necessary to enable the facility to provide a modern program of vocational education;

(b) A description of the equipment to be replaced or modernized and reference to the particular purpose for which the equipment will be used;

(c) A description of the extent to which the modernization or conversion of facilities and equipment will be consistent with, and further the goals of, the five-year State plan;

(d) The financial ability of the local educational agency to undertake the modernization without Federal assistance;

(Implements Sec. 193(a)(1)–(4); 20 U.S.C. 2443.)

(e) Assurance that the facility to be remodeled or renovated will meet standards adopted pursuant to the Architectural Barriers Act;

(Sec. 193(a)(5); 20 U.S.C. 2443; 41 U.S.C. 4151–4156.)

(f) The extent of State and local funds available to match Federal funds together with the sources and amounts of the funds;

(g) Such other information as the State board determines to be apropriate.

(Sec. 193(a)(6), (7); 20 U.S.C. 2443.)

(h) The reasons why renovation or remodeling rather than replacement is planned or why some other facility is not available;

(i) The cost of each major item of renovation or remodeling; and

(j) Facts showing that renovation or remodeling is cost effective.

(Implements Sec. 193(a)(8); 20 U.S.C. 2443.)

§ 104.504 Submission of applications through the State board.

An applicant shall send the application to the Commissioner through the State board.

(Sec. 193(a); 20 U.S.C. 2443.)

§ 105.505 Technical review criteria.

(a) The Commissioner will rank all applicants according to their relative need for assistance.

(Sec. 193(C); 20 U.S.C. 2443.)

(b) The relative need for assistance will be determined by the following criteria (total 100 points):

(1) The age or obsolesence of the facilities and equipment for which assistance is sought (maximum 12 points);

(2) The rate of youth unemployment in the labor market area served by the local educational agency (maximum 12 points);

(3) The number of youth aged seventeen through twenty-one residing in the labor market area served by the local educational agency who are unemployed (maximum 12 points);

(4) The percentage such youth represent, as compared with the vocational education enrollment in the local educational agency (maximum 12 points);

(5) The ability of the facility to comply with the standards adopted pursuant to the Architectural Barriers Act (maximum 5 points);

(Sec. 193(b)(1) (A) through (E); 20 U.S.C. 2443; 41 U.S.C. 4151 through 4156.)

(6) The need for the proposed facilities or equipment in relation to the employment needs of the State or labor market area (maximum 12 points);

(7) Adequacy of the proposed facilities or equipment for the training or educational requirements of the specific vocational training program(s) to be accommodated by the proposed facilities or equipment (in terms of linedrawings and educational specifications) (maximum 10 points);

(8) Evidence that the proposed facilities or equipment do not result in sex discrimination or bias against the handicapped (maximum 5 points);

(9) Evidence that the proposed renovation or remodeling or equipment is economical and is not elaborate or extravagant (maximum 5 points);

(10) Evidence that the planned renovation or remodeling is a more cost-effective approach than replacement (maximum 5 points); and

(11) Evidence that the local educational agency does not have the financial ability to undertake the proposed project without Federal assistance, and the ability of the State education agency and the local education agency to match proposed Federal funds (maximum 10 points).

(Implements, Sec. 192(b)(1); 20 U.S.C. 2442.)

(c) In approving applications, the Commissioner will consider the degree to which the modernization of facilities and equipment proposed in the application affords promise of achieving the goals set forth in the approved five-year State plan.

(Sec. 193(b)(2); 20 U.S.C. 2443.)

§ 105.506 Payments to local educational agencies.

(a) The Commissioner will pay 75 percent (except as noted in paragraph (b)) of the cost of approved applications in the order they are ranked under § 105.505(b).

(Sec. 193(c); 20 U.S.C. 2443.)

(b) The Commissioner may waive the 75 percent limit and may pay up to the full cost of the project upon the Commissioner's finding, in writing, that a local educational agency with an approved application is suffering from extreme financial need and cannot, because of the 75 percent limit, participate in the program.

(Sec. 193(e); 20 U.S.C. 2443.)

(c) Applications will be funded until the appropriation is exhausted.

(d) The Commissioner will reserve from the appropriation for the fiscal year for which the application is made an amount sufficient to pay the entire Federal share of each approved project and will obligate that amount from the appropriation even though the project may not be completed within the fiscal year.

(Interprets Sec. 194(a); 20 U.S.C. 2444.)

(e) The Commissioner will pay approved applicants in advance or by way of reimbursement, or in installments consistent with HEW practices.

(Sec. 194(b); 20 U.S.C. 2444.)

§ 105.507 Construction requirements.

The Office of Education's regulations for the Commissioner's direct project grant and contract programs (45 CFR Part 100a) shall apply to projects for assistance under this program (as set forth in § 105.503), particularly the Commissioner's regulations on "Bonding and Insurance" (45 CFR Part 100a, Subpart J, §§ 100a.120–122) and on "Construction Requirements" (Subpart K, §§100a.155–192). (45 CFR Part 100a.)

Subpart 5—Bilingual Vocational Education

BILINGUAL VOCATIONAL TRAINING PROGRAM

§ 105.601 Purpose.

The purpose of the bilingual vocational training program is to prepare persons of limited English-speaking ability to perform adequately in an environment requiring English language skills and to fill the critical need for more and better trained persons in occupational categories vital to both the persons and the economy. Funds available to the Commissioner pursuant to section 183 of the Act may be used for making grants or contracts for bilingual vocational training programs.

(Sec. 181; 20 U.S.C. 2411; Conf. Rept. No. 94–1701, p. 228.)

§ 105.602 Eligible programs.

Sixty-five percent of the funds available under section 183 of the Act may be used by the Commissioner to award grants or contracts for the cost of operating programs designed to carry out the purposes set forth in § 105.601 in an amount equal to the total sum expended by the applicant for the purposes set forth in the application. No cost sharing is required. These programs include:

(a) Bilingual vocational training programs for persons who have completed or left elementary or secondary school. Programs for secondary school students are not eligible;

(b) Bilingual vocational training programs for persons who have already entered the labor market and who desire or need training or retraining to achieve year-round employment, adjust to changing employment needs, expand their range of skills, or advance in employment.

Training allowances for participants in bilingual vocational training programs described in (a) and (b) are an allowable cost. Allowances are subject to the same conditions and limitations as set forth in the Department of Labor Regulations 29 CFR 95.34. Applicants may waive training allowances in accordance with the waiver procedure in 29 CFR 95.34(j).

(Sec. 185; 20 U.S.C. 2415.)

§ 105.603 Eligible applicants.

The following agencies or institutions are eligible for grants or contracts, except item (f) being eligible only for contracts:

(a) Local educational agencies;

(b) State agencies;

(c) Postsecondary educational institutions;

(d) Private nonprofit vocational training institutions; and

(e) Nonprofit educational or training organizations especially created to serve a group whose language as normally used is other than English; and

(f) Private for profit agencies and organizations.

(Sec. 184; 20 U.S.C. 2414.)

§ 105.604 Applications for grants or contracts.

(a) An applicant shall submit a copy of the application to the State board and shall provide the comments of the State board with the application.

(b) An applicant shall provide an assurance that the activities and services for which assistance is sought will be administered by or under the supervision of the applicant.

(c) An applicant shall set forth a bilingual vocational training program of such size, scope, and design as will make a substantial contribution toward carrying out the purposes described in § 105.601.

(d) An applicant shall provide an assurance that the program will include instruction in the English language and in the trainee's dominant language in order to insure that participants in the training will be assisted to pursue occupations in work environments where English is the language normally used.

(e) An applicant shall submit an amendment, if any, to the application in the same manner as the applicant submitted the original application. A request for funding by an applicant who has had a prior award(s) will be reviewed competitively with new applications.

(Sec. 184; 20 U.S.C. 2414; 20 U.S.C. 2420.)

§ 105.605 Review of applications.

(a) The Commissioner may approve an application for assistance under the bilingual vocational training program only if the application:

(1) Meets the requirements set forth in § 105.604;

(2) Is consistent with the criteria set forth in § 105.606; and

(3) Is submitted to the Commissioner at the time, in the manner and containing the information the Commissioner deems necessary, as set forth in the Notice of Closing Date to be published in the FEDERAL REGISTER.

(b) Prior to making awards in a State, the Commissioner will, where feasible, consult with the State board to achieve equitable distribution of assistance

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among populations of persons of limited English-speaking ability with the most acute need for training within the State.

(Sec. 189A, 189B(a)(3); 20 U.S.C. 2420, 2421.)

§ 105.606 Technical review criteria.

The Commissioner will use the following criteria in reviewing formally transmitted applications. These criteria are consistent with 45 CFR 100a.26, Review of Applications in the Office of Education, General Provisions for Programs. A segment or segments of an application should address each criterion. Each criterion is weighted and includes the maximum score that can be given to an application in relation to the criterion. The maximum score for the criteria is 100 points, and the maximum weight for each criterion is listed below. An application must receive a minimum of 30 points to be considered for funding.

(a) *Need.* (Maximum 10 points.)

(1) Describes the need for the proposed bilingual vocational training;

(2) Provides specific evidence of the need;

(3) Indicates specifically how the need will be met; and

(4) Describes, where appropriate, ongoing and planned activities in the community relative to the need.

(b) *Objectives.* (Maximum 10 points.)

(1) Are significant and meet clearly identified needs in bilingual vocational training;

(2) Clearly describe the proposed project outcomes; and

(3) Are capable of being measured and attained.

(c) *Plan.* (Maximum 15 points.) The plan clearly describes the way in which the objectives will be accomplished by:

(1) The overall design for the proposed project; and

(2) The specific procedures of each segment of the design. Normally the plan will include a description of:

(i) Proposed trainees;

(ii) Recruiting procedures to be used;

(iii) Training program including a description of both the bilingual vocational training and the language instruction which is designed to assure that trainees will acquire sufficient competency in English to work in environments where English is the language normally used;

(iv) Support services to be offered to trainees;

(v) Instructional materials to be used in the proposed program;

(vi) Anticipated level of skill of the trainees at the end of the proposed training;

(vii) Activities to be used in aiding trainees to secure employment, if appropriate; and

(viii) Tests to be used in the proposed program components.

(d) *Management plan.* (Maximum 8 points.) The management plan adequately describes the way in which personnel and resources will be used to accomplish each component of the plan developed in criterion (c).

(e) *Evaluation plan.* (Maximum 12 points.) The plan includes valid and reliable procedures for assessing and documenting the bilingual vocational training program and the progress of the trainees.

(f) *Applicant's staff competencies and experience.* (Maximum 25 points.) The application clearly describes:

(1) The names and qualifications (including project management qualifications) of the project director, professional staff, consultants, and advisory groups;

(2) Time commitments planned for the project director, staff, advisory groups, and any consultants;

(3) Evidence of past and successful experience of the proposed project director and key staff members in similar or related projects; and

(4) Staff competencies that are essential for the proposed project including proficiency in the language of the trainees.

(g) *Budget and cost effectiveness.* (Maximum 10 points.)

(1) The application provides a justifiable and itemized statement of cost which is substantiated by line items in the proposed budget and is cost effective;

(2) The application includes information concerning the average cost per trainee.

(h) *Institutional capability and commitment.* (Maximum 10 points.) The application provides adequate evidence of:

(1) Institutional experience and commitment to the proposed work;

(2) Appropriate facilities and equipment necessary for the proposed project; and

(3) Documented assurance of support from cooperating agencies, institutions, or community groups where applicable for successful implementation of the project.

(Implements Sec. 189A; 20 U.S.C. 2420.)

§ 105.607 Additional application review factors.

In addition to the criteria listed in § 105.606, the Commissioner may utilize factors such as the following in making decisions regarding whether to fund applications. (a) Duplication of effort; (b) Duplication of funding; and (c) Evidence that an applicant has not performed satisfactorily on previous projects.

(Implements Sec. 181; 20 U.S.C. 2411.)

BILINGUAL VOCATIONAL INSTRUCTOR TRAINING PROGRAM

§ 105.611 Purpose.

The purpose of the bilingual vocational instructor training program is to provide training programs to meet the critical shortage of instructors possessing both the job knowledge and skills and the dual language capabilities required for adequate instruction of persons handicapped by their limited English-speaking ability. Funds available to the Commissioner pursuant to section 183 of the Act may be used for making grants or contracts for bilingual vocational instructor training programs.

(Sec 186; 20 U.S.C. 2416.)

§ 105.612 Eligible programs.

Twenty-five percent of the funds available under section 183 of the Act may be used by the Commissioner to award grants or contracts for the cost of conducting training for instructors of bilingual vocational training programs in an amount equal to the total sum expended by the applicant for the purposes set forth in that application. No cost sharing is required. These programs include:

(a) Pre-service training programs designed to prepare persons to participate in bilingual vocational training or bilingual vocational education as: (1) Instructors; (2) Aides; and (3) Ancillary personnel such as guidance personnel and counselors.

(b) In-service and developmental programs designed to enable instructional and ancillary personnel to continue to improve their qualifications while participating in bilingual vocational training programs; fellowships or traineeships for persons engaged in activities described in (a) and (b) are an allowable cost. A fellowship is an award to an individual student by a granting agency of the Department. A traineeship is an award to an institution for student support (stipends or allowances) and for institutional support (either in a predetermined amount or based on actual costs).

(Sec. 186; Sec. 187; 20 U.S.C. 2416; 20 U.S.C. 2417.)

§ 105.613 Eligible applicants.

The following categories of agencies or institutions are eligible for grants or contracts, except item (c) being eligible only for contracts: (a) State agencies; (b) Public and private nonprofit educational institutions; and (c) Private-for-profit educational institutions.

(Sec. 186; 20 U.SC. 2416.)

§ 105.614 Applications for grants or contracts.

(a) An applicant shall provide an assurance that the activities and services for which assistance is sought will be administered by or under the supervision of the applicant.

(b) An applicant shall set forth in the application a bilingual vocational instructor training program of a type described in § 165.612;

(c) An applicant shall describe in the application the capabilities of the applicant institution in terms of:

(1) A listing of the vocational training or vocational education courses offered by that institution;

(2) Appropriate accreditation by regional or national associations, if any;

(3) Approval by appropriate State agencies of the courses offered; and

(4) Qualifications of the principal staff who will be responsible for the training program.

(d) An application shall describe clearly (and in detail) in the application the trainees in terms of the:

(1) Minimum qualifications of the persons to be enrolled in the training program;

(2) Selection process of the trainees; and

(3) Amounts of fellowships or traineeships, if any, to be granted to the persons enrolled.

(e) An applicant shall submit an amendment, if any, to the application in the same manner as the applicant submitted the original application. A request for funding by an applicant who has had a prior award(s) will be reviewed competitively with new applications.

(Sec. 189A; 20 U.S.C. 2420.)

§ 105.615 Review of applications.

(a) The Commissioner may approve an application for assistance under the bilingual vocational instructor training program only if the application:

(1) Meets the requirements set forth in § 105.614;

(2) Is consistent with the criteria set forth in § 105.616;

(3) Is submitted to the Commissioner at the time, in the manner and containing the information the Commissioner deems necessary, as set forth in the Notice of Closing Date to be published in the FEDERAL REGISTER.

(4) The applicant institution actually has an ongoing vocational training program in the field in which persons are being trained; and

(5) The applicant institution can provide instructors with adequate language capabilities in the language other than English to be used in the bilingual vocational training program for which persons are being trained.

(b) Prior to making awards in a State, the Commissioner will, where feasible, consult with the State board to achieve equitable distribution of assistance among populations of persons of limited English-speaking ability with the most acute need for training within the State.

(Secs. 189A, 189B(a)(3); 20 U.S.C. 2420, 2421.)

§ 105.616 Technical review criteria.

The Commissioner will use the following criteria in reviewing formally transmitted applications. These criteria are consistent with 45 CFR 100.26, Review of Applications in the Office of Education, General Provisions for Programs. A segment or segments of an application should address each criterion. Each criterion is weighted and includes the maximum score that can be given to an application in relation to the criterion. The maximum score for the criterion is 100 points, and the maximum weight for each criterion is listed below. An application must receive a minimum of 30 points to be considered for funding.

(a) *Need.* (Maximum 10 points) The need section clearly: (1) Describes the need for the proposed instructor training; (2) Provides specific evidence of the need; (3) Indicates specifically how the need will be met; and (4) Describes, where appropriate, ongoing and planned activities in the community relative to the need.

(b) *Objectives.* (Maximum 10 points) The objectives are related to the problem and: (1) Are significant for pre-service or in-service training; (2) Clearly describe the proposed training program; and (3) Are capable of being measured and attained.

(c) *Plan.* (Maximum 15 points) The plan clearly describes the way in which the objectives will be accomplished by the: (1) Overall design for the proposed project; (2) Specific procedures of each segment of the design in terms of accomplishing the objectives; (3) Normally the plan will include:

(i) Description of the training program, including all program components;

(ii) Description of the minimum qualifications of the persons to be enrolled in the training program;

(iii) Description of the selection process and the amounts of the fellowships or traineeships, if any, to be granted to persons enrolled in the program;

(iv) Evidence that the applicant institution actually has an ongoing vocational training or vocational education program in the field for which persons are to be trained, including a listing of the vocational courses offered by the institutions;

(v) Evidence that the applicant institution can provide instructors with adequate language capabilities in the language other than English to be used in the bilingual job training program for which the persons are being trained; and

(vi) Evidence that a need exists for instructors who will receive training in the proposed project.

(d) *Management plan.* (Maximum 8 points) The management plan adequately describes the way in which personnel and resources will be used to accomplish each component of the plan developed in criterion (c).

(e) *Evaluation plan.* (Maximum 12 points) The plan includes rigorous procedures for assessing and documenting the instructor training program including both the vocational component and the language component.

(f) *Applicant's staff competencies and experience.* (Maximum 25 points) The application clearly describes:

(1) The names and qualifications (including project management qualifications) of the project director, professional staff, consultants, and advisory groups;

(2) Time commitments planned for the project director, key staff, advisory groups, and any consultants;

(3) Evidence of past and successful experience of the proposed project director and key staff members in similar or related projects; and

(4) Staff competencies that are essential for the proposed project, including proficiency in English and in the language other than English.

(g) *Budget and cost effectiveness.* (Maximum 10 points.) The application provides a justifiable and itemized statement of cost which is substantiated by line items in the proposed budget and appears to be cost effective.

(h) *Institutional capability and commitment.* (Maximum 10 points.) The application provides adequate evidence of:

(1) Institutional experience and commitment to the proposed work;

(2) Appropriate facilities and equipment necessary for the proposed project;

(3) Appropriate accreditation of the applicant institution by regional or national associations and approval by appropriate State agencies of the courses offered; and

(4) Documented assurance of support from cooperating agencies, institutions, or community groups where applicable for successful implementation of the project.

(Implements Sec. 189A; 20 U.S.C. 2420.)

§ 105.617 Additional application review factors.

In addition to the criteria listed in § 105.616, the Commissioner may utilize factors such as the following in making decisions regarding whether to fund applications.

(a) Duplication of effort;

(b) Duplication of funding; and

(c) Evidence that an applicant has not performed satisfactorily on previous projects.

(Implements Sec. 181; 20 U.S.C. 2411.)

BILINGUAL VOCATIONAL INSTRUCTIONAL MATERIALS, METHODS, AND TECHNIQUES PROGRAM

§ 105.621 Purpose.

The purpose of the bilingual vocational instructional materials, methods, and techniques program is to develop instructional materials and encourage research programs and demonstration projects to meet the critical shortage of such instructional materials suitable for bilingual vocational training programs. Funds available to the Commissioner pursuant to section 183 of the Act may be used for making grants or contracts for bilingual vocational instructional materials, methods, and techniques.

(Sec. 188; 20 U.S.C. 2418.)

§ 105.622 Eligible programs.

Ten percent of the funds available under section 183 of the Act may be used by the Commissioner to award grants or contracts for the cost of developing and testing instructional materials, methods, or techniques for bilingual vocational training in an amount equal to the total sum expended by the application for the purposes set forth in that application. No cost sharing is required. These programs include:

(a) Research in bilingual vocational training;

(b) Development of instructional materials;

(c) Training programs designed to familiarize State agencies and training institutions with research findings and successful pilot and demonstration projects in bilingual vocational training;

(d) Experimental, developmental, and pilot programs and projects designed to test the effectiveness of research findings; and

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(e) Other demonstration and dissemination projects in bilingual vocational training.

(Sec. 189; 20 U.S.C. 2419.)

§ 105.623 Eligible applicants.

The following categories of agencies or institutions are eligible for grants or contracts, except items (e) and (f) being eligible only for contracts: (a) State agencies; (b) Public educational institutions; (c) Private educational institutions; (d) Nonprofit organizations; (e) Private-for-profit organizations; and (f) Individuals.

(Sec. 188; 20 U.S.C. 2418.)

§ 105.624 Applications for grants or contracts.

(a) An applicant shall provide an assurance that the activities and services for which assistance is sought will be administered by or under the supervision of the applicant.

(b) An applicant shall set forth in the application a bilingual vocational instructional materials, methods, and techniques program of a type described in § 105.622.

(c) An applicant shall set forth in the application the qualifications of the staff who will be responsible for the program for which assistance is sought.

(d) An applicant shall submit an amendment, if any, to the application in the same manner as the applicant submitted the original application. A request for funding by an applicant who has had a prior award(s) will be reviewed competitively with new applications.

(Sec. 189A; 20 U.S.C. 2420.)

§ 105.625 Review of applications.

The Commissioner may approve an application for assitance under the bilingual vocational instructional materials, methods, and techniques program only if the application:

(a) Meets the requirements set forth in § 105.624;

(b) Is consistent with the criteria set forth in 105.626; and

(c) Is submitted to the Commissioner at the time, in the manner and containing the information the Commissioner deems necessary, as set forth in the Notice of Closing Date to be published in the FEDERAL REGISTER.

(Sec. 189A; 20 U.S.C. 2420.)

§ 105.626 Technical review criteria.

The Commissioner will use the following criteria in reviewing formally transmitted applications. These criteria are consistent with 45 CFR 100a.26, Review of Applications in the General Provisions for Office of Education Programs. A segment or segments of an application should address each criterion. Each criterion is weighted and includes the maximum score that can be given to an application in relation to the criterion. The maximum score for the criteria is 100 points, and the maximum weight for each criterion is listed below. An application must receive a minimum score of 50 points to be considered for funding.

(a) *Need.* (Maximum 20 points) The need section clearly:

(1) Describes the national significance and the need in bilingual vocational training for the proposed project;

(2) Provides specific evidence of the need;

(3) Indicates specifically who or what will be helped; and

(4) Describes the problem rather than the symptoms of the problem.

(b) *Literature review.* (Maximum 5 points) The literature review is sufficiently comprehensive to:

(1) Establish the basis for the problem;

(2) Describe the problem in contrast to the symptoms of the problem;

(3) Provide a strong conceptual framework for the proposed objectives and proposed plan, including the general design and specific procedures of the proposed plan, along with the management, evaluation, dissemination, and training procedures (when appropriate); and

(4) Describe what has been done previously to alleviate the problem and point out the gaps that will be alleviated by this specific proposed work.

(c) *Objectives.* (Maximum 10 points) The objectives are related to the problem and: (1) Are significant for bilingual vocational training; (2) Clearly describe proposed project outcomes; (3) Are capable of being attained; and (4) Are measurable.

(d) *Plan.* (Maximum 15 points) The plan clearly describes:

(1) The overall design for the proposed project; and

(2) The specific procedures by which each objective will be accomplished. Normally the plan will include:

(i) Precise definitions of terms; (ii) Description of the characteristics and number of subjects; (iii) Sampling procedures and control groups; (iv) Instrumentation; and (v) Statistical and analytical procedures.

(e) *Management plan.* (Maximum 10 points). The management plan adequately describe the way in which personnel and resources will be used to accomplish each component of the plan developed in criterion (c).

(f) *Evaluation plan.* (Maximum 10 points.) The plan includes rigorous procedures for assessing and documenting the impact of project results and end products or outcomes in terms of the achievement of project goals and objectives.

(g) *Results, end products, outcomes, and dissemenation.* (Maximum 10 points.) The application clearly describe:

(1) What will be delivered to the government;

(2) The format in which the results, products, or outcomes will be delivered to the government;

(3) The way in which results, products, or outcomes will be developed or provided for dissemenation purposes to specified user populations, and

(4) The procedures to be used in disseminating the results, and products, or outcomes at the local, State, and/or national levels.

(h) *Applicant's staff competencies and experience.* (Maximum 10 points.) The application clearly describes:

(1) The names and qualifications (including project management qualifications) of the project director, key professional staff, advisory groups, and consultants;

(2) Time commitments planned for the project by the project director, key staff, advisory groups, and consultants;

(3) Evidence of past and successful experience of the proposed project director and key staff members in similar or related projects; and

(4) The competencies that are required for the proposed project.

(i) *Budget and cost effectiveness.* (Maximum 5 points.) The application provides a justifiable and itemized statement of cost which is substantiated by line items in the proposed budget and appears to be cost effective with respect to proposed results, products, or outcomes.

(j) *Applicant's capability and commitment.* (Maximum 5 points.) The application provides adequate evidence of:

(1) Institutional or individual's experience and commitment to the proposed work;

(2) Appropriate facilities and equipment; and

(3) Documented assurance of support from cooperating agencies, local educational agencies or postsecondary institutions, business, industry, and labor, where applicable for successful implementation of the project.

(Implements Sec. 189A; 20 U.S.C. 2420.)

§ 105.627 Additional application review factors.

In addition to the criteria listed in § 105.626, the Commissioner may utilize factors such as the following in making decisions regarding whether to fund applications.

(a) Duplication of effort;

(b) Duplication of funding; and

(c) Evidence that an applicant has not performed satisfactorily on previous projects.

(Implements Sec. 181; 20 U.S.C. 2411.)

[FR Doc.77-10299 Filed 4-6-77;8:45 am]

[45 CFR Parts 100a, 100b, 100c, 104, 105]

VOCATIONAL EDUCATION

State Programs and Commissioner's Discretionary Programs; Public Meetings

AGENCY: Office of Education, HEW.

ACTION: Proposed rule, notice of public meetings.

SUMMARY: Regulations are proposed to implement the Vocational Education Act of 1963, as amended by Title II of the Education Amendments of 1976, Pub. L. 94-482. The proposed regulations cover both the State administered programs and the Commission's discretionary programs. Generally, the regulations are designed to assist States to improve planning in the use of all resources for vocational education and to overcome sex discrimination in vocational education. Also, the regulations permit consolidation of programs to provide greater flexibility to the States in conducting vocational education programs.

DATES: Public meetings will be held in each of the 10 HEW regions. The date and time for each meeting follows:

REGION I

April 29, 1977, 10:00 a.m. to 4:00 p.m.

REGION II

April 25, 1977, 10:00 a.m. to 4:00 p.m.

REGION III

April 21, 1977, 10:00 a.m. to 4:00 p.m.

REGION IV

April 20, 1977, 10:00 a.m. to noon and 1:00 p.m. to 4:00 p.m.

REGION V

April 29, 1977, 10:00 a.m. to 3:00 p.m.

REGION VI

April 27, 1977, 9:00 a.m. to 4:30 p.m.

REGION VII

April 28, 1977, at 10:00 a.m.

REGION VIII

April 25, 1977, 9:30 a.m. to 3:30 p.m.

REGION IX

April 22, 1977, 9:00 a.m. to noon and 1:00 p.m. to 4:00 p.m.

REGION X

April 20, 1977, 10:00 a.m. to 3:30 p.m.

[For comment procedure for this proposed rule, see FR Doc. 77-10299 in this Part of this FEDERAL REGISTER.]

ADDRESSES: The public meetings will be held at the following locations:

REGION I

Boston, Massachusetts, at the John F. Kennedy Federal Building, Room 2003A.

REGION II

New York, New York, at the Federal Building, 26 Federal Plaza, Room 305-C.

REGION III

Philadelphia, Pennsylvania, at the Gateway Building, 3535 Market Street, Mezzanine Floor, Room M450.

REGION IV

Atlanta, Georgia, at the Medical Association of Atlanta Auditorium, 675 West Peachtree Street NE.

REGION V

Chicago, Illinois, at the O'Hare Hilton, O'Hare International Airport.

REGION VI

Dallas, Texas, at the Royal Coach Inn, 3800 West Northwest Highway.

REGION VII

Kansas City, Missouri, at the Federal Office Building, Room 140, 601 East 12th Street.

REGION VIII

Denver, Colorado, at the Post Office Building Auditorium, 2nd Floor, 19th and Stout Streets.

REGION IX

San Francisco, California, at the Federal Building, Room 406, 50 United Nations Plaza.

REGION X

Seattle, Washington, at the Sea-Tac Airport Auditorium.

FOR FURTHER INFORMATION CONTACT:

REGION I

Walter C. Verney, Office of Education, HEW, John F. Kennedy Federal Building, Boston, Massachusetts 02203, Telephone: (617) 223-6814.

REGION II

Charles A. O'Connor, Jr., Office of Education, HEW, Federal Building, Room 3954, 26 Federal Plaza, New York, New York 10007, Telephone: (212) 264-4045.

REGION III

Robert A. Smallwood, Office of Education, Hew, 3535 Market Street, P.O. Box 13716, Philadelphia, Pennsylvania 19101, Telephone: (215) 596-1011.

REGION IV

Donald H. Snodgrass, Office of Education, HEW, 50 Seventh Street, NE., Room 555, Atlanta, Georgia 30323, Telephone: (404) 881-4311.

REGION V

William L. Lewis, Office of Education, HEW, 300 South Wacker Drive, 32nd Floor, Chicago, Illinois 60606, Telephone: (312) 353-6679.

REGION VI

Herbert W. Mackey, Office of Education, HEW, 1200 Main Tower Building, Room 1400, Dallas, Texas 75202, Telephone: (214) 655-3641.

REGION VII

Thalne D. McCormick, Office of Education, HEW, 601 East 12th Street, Room 360, Kansas City, Missouri 64106, Telephone: (816) 374-3976.

REGION VIII

Leroy Swenson, Office of Education, HEW, Federal Office Building, Room 3412, 19th and Stout Streets, Denver, Colorado 80202, Telephone: (303) 837-4295.

REGION IX

C. Kent Bennion, Office of Education, HEW, 50 United Nations Plaza, Room 239, San Francisco, California 94102, Telephone: (415) 556-4570.

REGION X

Sam Kerr, Office of Education, HEW, Arcade Plaza Building, Room 509, Mail Stop 1507, 1321 Second Avenue, Seattle, Washington 98101, Telephone: (206) 442-0456.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Commissioner will provide interested parties an opportunity for a public meeting during the 30-day comment period on the Notice of Proposed Rulemaking for the State Vocational Education Programs and the Commissioner's Discretionary Programs in Vocational Education (see FR Doc. 77-10299 in this Part of this FEDERAL REGISTER). A meeting will be held in each of the ten HEW Regions under the sponsorship of the HEW Assistant Regional Commissioner for Occupational and Adult Education. The person to contact for each meeting is indicated in the "For Further Information Contact" section of this document.

Dated: March 31, 1977.

WILLIAM F. PIERCE,
Acting U.S. Commissioner of Education.

[FR Doc.77-10300 Filed 4-6-77;8:45 am]

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Rules Going Into Effect Today

NOTE: There were no items eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

List of Public Laws

This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

S. 626..... Pub. L. 95–17
"Reorganization Act of 1977."
(Apr. 6, 1977; 91 Stat. 29.) Price: $0.35.

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

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Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

MOUNTAIN PLAINS REGIONAL OFFICE

New Administrative Boundaries, Address of New Office

Correction

In FR Doc. 77-7847 appearing at page 15053 in the issue for Friday, March 18, 1977, in the third column on page 15054, in 230.19, the paragraphs which are now designated as paragraphs "(e) and (a)", respectively, should be "(d) and (e)", respectively.

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

Correction

In FR Doc. 77-7947 appearing at page 15055 in the issue for March 18, 1977, make the following changes:

1. On page 15058 under "New Jersey", the entries for McGuire Air Force Base should be:

McGuire AFB	Philadelphia, Pa	3
Do	Freehold	2
Do	Seabrook	4
Do	Trenton	3

2. In the table on page 15060, under Texas, the entry adjacent to "Freeport" should read across the page as follows:

Freeport	Galveston and Houston	

The number "3", should appear under the column headed "Metropolitan area/outside".

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 87]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final Rule.

SUMMARY: This regulation establishes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period April 10–16, 1977. This regulation is needed to provide for orderly marketing of fresh lemons for the regulation period because of the production and marketing situation confronting the lemon industry.

EFFECTIVE DATE: April 10, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202–447–3545).

SUPPLEMENTARY INFORMATION: (a) *Findings.* (1) Pursuant to the amended marketing agreement and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee established under the amended marketing agreement and order, and upon other available information, it is found that the limitation of handling of such lemons, as provided in this regulation will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the specified week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation for the quantity of lemons it considers advisable to be handled during the specified week. The recommendation resulted from consideration of the factors covered in the order. The committee further reports the demand for lemons is easier this week.

Average f.o.b. price was $5.58 per carton the week ended April 2, 1977, compared to $5.53 per carton the previous week. Track and rolling supplies at 110 cars were unchanged from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be established as provided in this regulation.

(3) It is further found that it is impracticable and is contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because the time intervening between the date when information upon which this regulation is based became available and the time when it must become effective to effectuate the declared policy of the act is insufficient. A reasonable time is permitted, for preparation for the effective time; and good cause exists for making the regulation effective as specified. The committee held an open meeting during the current week, after giving due notice, to consider supply and market conditions for lemons and the need for regulation. Interested persons were afforded an opportunity to submit information and views at this meeting. The recommendation and supporting information for regulation during the period specified were promptly submitted to the Secretary after the meeting was held, and information concerning the provisions and effective time has been provided to handlers of lemons. It is necessary, to effectuate the declared policy of the act, to make this regulation effective as specified. The committee meeting was held on April 5, 1977.

§ 910.387 Lemon Regulation 87.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period April 10, 1977, through April 16, 1977, is established at 230,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: April 7, 1977.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-10605 Filed 4-7-77;11:53 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 77-103]

PART 159—LIQUIDATION OF DUTIES

Countervailing Duties—Unwrought Zinc From Spain

AGENCY: Customs Service, Treasury.

ACTION: Imposition of Countervailing Duties and Suspension of Liquidation.

SUMMARY: This notice is to inform the public that it has been determined that the Government of Spain has given benefits which constitute bounties or grants within the meaning of the countervailing duty law upon the manufacture, production or exportation of unwrought zinc. Consequently, countervailing duties in the amount of these benefits will

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be collected in addition to duties normally due on shipments of this merchandise.

EFFECTIVE DATE: April 18, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. William Trujillo, Operations Officer, Technical Branch, Duty Assessment Division, United States Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. (202-566-5492).

SUPPLEMENTARY INFORMATION: On December 22, 1976, a "Preliminary Countervailing Duty Determination" was published in the FEDERAL REGISTER (41 FR 55765-66). This notice stated that it preliminarily had been determined that benefits had been paid or bestowed, directly or indirectly, upon the manufacture, production, or exportation of unwrought zinc from Spain under the Spanish Government tax remission system known as the desgravacion fiscal, within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303) (herein referred to as "the Act").

Unwrought zinc is provided for in the Tariff Schedules of the United States under item number 626.02.

The notice further stated that in some instances benefits derived from the desgravacion fiscal constitute bounties or grants within the meaning of section 303 of the Act, and provided interested parties 30 days from the date of publication to submit relevant data, views or arguments, in writing with respect to the preliminary determination.

Some information has been received during the comment period which, while limited in scope, is sufficient to proceed. Further information is expected. After consideration of all information received it is hereby determined that bounties or grants are paid or bestowed, directly or indirectly, on exports of unwrought zinc from Spain within the meaning of section 303 of the Act.

Unwrought zinc receives a desgravacion fiscal rebate of 12 percent. Included in the rebate are indirect taxes which appear to be directly related to the final product or its components. The Treasury Department does not consider the rebate of such indirect taxes to be bounties or grants within the meaning of section 303 of the Act. The amount of these taxes is approximately 8 percent, therefore the bounty or grant would be 4 percent. Further information may modify the amount of the bounty or grant.

Accordingly, notice is hereby given that unwrought zinc imported directly or indirectly from Spain, if entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the FEDERAL REGISTER, will be subject to payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed.

In accordance with section 303 of the Act, until further notice the net amount of such bounties or grants has been estimated and declared to be 4 percent of the export price. Declarations of the net amount of the bounties or grants determined to have been paid, directly or indirectly, upon the manufacture, production, or exportation of unwrought zinc from Spain will be published in subsequent issues of the FEDERAL REGISTER.

The liquidation of all entries for consumption or withdrawals from warehouse for consumption of such dutiable unwrought zinc imported directly or indirectly from Spain which benefits from such bounties or grants and which are subject to this order shall be suspended pending declarations of the net amounts of the bounties or grants paid or bestowed. A deposit of the estimated countervailing duty, in the amount of 4 percent of the export price, shall be required at the time of entry for consumption or withdrawal from warehouse for consumption.

Effective on April 8, 1977, and until further notice, upon the entry for consumption or withdrawal from warehouse for consumption of such dutiable unwrought zinc imported directly or indirectly from Spain, which benefits from these bounties, or grants, there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in the amount ascertained in accordance with the above declaration.

Any merchandise subject to the terms of this order shall be deemed to have benefited from a bounty or grant if such bounty or grant has been or will be credited or bestowed, directly or indirectly, upon the manufacture, production, or exportation of such unwrought zinc from Spain.

The table in § 159.47(f) of the Customs Regulations (19 CFR 159.46(f)) is amended by inserting after the last entry for Spain the words "Unwrought Zinc," in the column headed "Commodity," the number of this Treasury Decision in the column headed "Treasury Decision," and the words "Bounty Declared-Rate" in the column headed "Action".

(R.S. 251, as amended, secs. 303, 624, 46 Stat. 687, as amended, 759 (19 U.S.C. 66, 1303, 1624).)

G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: March 31, 1977.

JOHN H. HARPER,
Assistant Secretary of the Treasury.

[FR Doc.77-10478 Filed 4-7-77;8:45 am]

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

[DR 108.734]

PART 51—PASSPORTS

Subpart A—General

VALIDITY OF DIPLOMATIC PASSPORTS

Correction

In FR Doc. 77-9916 appearing on page 17869 of the issue for Monday, April 4, 1977, the Departmental Regulation number, 108.734, was omitted from the headings and should read as set forth above.

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 694—MINIMUM WAGE RATES IN INDUSTRIES IN THE VIRGIN ISLANDS

Wage Order

AGENCY: Department of Labor.

ACTION: Final Rule.

SUMMARY: In compliance with the Fair Labor Standards Act, a committee has made a biennial examination of the minimum wage rates in the Virgin Islands to determine to what extent such rates should be increased. The minimum wage rates determined by the committee are hereby published. The effect of this document is to mandate the minimum wage rates to be paid in the Virgin Islands.

EFFECTIVE DATE: April 24, 1977.

FOR FURTHER INFORMATION CONTACT:

Josephine C. Stein, Director, Division of Industry Committees, Wage and Hour Division, U.S. Department of Labor, 200 Constitution Avenue NW., Room N4428, Washington, D.C. 20210. (202) 523-8720.

SUPPLEMENTARY INFORMATION: Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended (29 U.S.C. 205, 206, 208)), including the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259; 88 Stat. 55), and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 649 (42 FR 3039, 3040 and 3041), the Secretary of Labor appointed and convened Industry Committee No. 17 for Industries in the Virgin Islands, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6 of the Act to such employees, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 17 are hereby published, revising § 694.1 of Part 694, Title 29, Code of Federal Regulations.

This document was prepared under the direction and control of Warren D. Landis, Acting Administrator, Wage and Hour Division.

As amended, § 694.1 reads as follows:

§ 694.1 Wage rates.

* * * * * *

(a) *Pre-1966 coverage classifications.*

* * * * * *

(1) *Watch assembly classification.* (i) The minimum wage rate for this classification is $2.05 an hour. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1977. The rate will increase to $2.30 an hour on December 1, 1977.

(ii) This classification is defined as the assembly of watches and watch movements, including related repair work.

(2) *Milk processing classification.* (i) The minimum wage rate for this classification is $2.05 an hour. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1977. The rate will increase to $2.30 an hour on November 1, 1977.

* * * * * *

(3) *Retailing, wholesaling and warehousing classification.* (i) The minimum wage rate for this classification is $2.05 an hour. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1977. The rate will increase to $2.30 an hour on November 1, 1977.

* * * * * *

(b) *1966 coverage classifications.*

* * * * * *

(1) *Agriculture classification.* (i) The minimum wage for this classification is $1.72 an hour. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1977. The rate will increase to $2.02 an hour on November 1, 1977. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1978 and on May 1 of each subsequent year until the mainland rate is reached.

* * * * * *

(2) *Retailing, wholesaling and warehousing classification.* (i) The minimum wage rate for this classification is $2.05 an hour. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1977. The rate will increase to $2.30 an hour on December 1, 1977.

(ii) This classification is defined as the assembly of watches and watch movements, including related repair work.

(3) *Construction classification.* (i) The minimum wage rate for this classification is $2.05 an hour. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1977. The rate will increase to $2.30 an hour on November 1, 1977.

* * * * * *

(4) *Laundry and cleaning classification.* (i) The minimum rate for this classification is $2.05 an hour. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1977. The rate will increase to $2.30 an hour on November 1, 1977.

* * * * * *

(5) *Manufacturing activities classification.* (i) The minimum rate for this classification is $2.05 an hour. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1977. The rate will increase to $2.30 an hour on November 1, 1977.

* * * * * *

(c) *1974 coverage classifications.*

* * * * * *

(1) *Domestic service classification.* (i) The minimum wage rate for this classification is $1.50 an hour. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1977. The rate will increase to $1.80 an hour on November 1, 1977. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1978 and on May 1 of each subsequent year until the mainland rate is reached.

* * * * * *

(2) *Motion picture theater classification.* (i) The minimum wage rate for this classification is $2.10 an hour. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1977. The rate will increase to $2.30 an hour on November 1, 1977.

* * * * * *

(3) *Retail and service employees classification.* (i) The minimum wage rate for this classification is $2.05 an hour. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1977. The rate will increase to $2.30 an hour on November 1, 1977.

* * * * * *

(Secs. 5, 6, 8, 52 Stat. 1062 and 1064, as amended; 29 U.S.C. 205, 206, 208.)

Signed at Washington, D.C., on this 5th day of April 1977.

WARREN D. LANDIS,
Acting Administrator, Wage and and Hour Division, U.S. Department of Labor.

[FR Doc.77-10519 Filed 4-7-77;8:45 am]

Title 32—National Defense

CHAPTER VI—DEPARTMENT OF THE NAVY

PART 724—NAVAL DISCHARGE REVIEW BOARD

Revision

AGENCY: Naval Discharge Review Board, Naval Council of Personnel Boards, Department of the Navy.

ACTION: Final Rule.

SUMMARY: This rule revises the regulations governing the functions and procedures of the Naval Discharge Review Board. This revision reflects the adoption of the changes which were previously offered for public comment, and it also reflects the adoption of changes made pursuant to a District Court approved settlement. Further, this revision is intended to provide more comprehensive guidance for the Naval Discharge Review Board and for those who bring matters before it.

EFFECTIVE DATES: The Department of the Navy Manual for Discharge Review, 1977, is effective from April 18, 1977, and will apply to all cases pending before the Naval Discharge Review Board as well as to new applications.

ADDRESSES: Written comments concerning the revised Naval Discharge Review Board instructions must be submitted to Rear Admiral John M. DeLargy, USN, Director, Naval Council of Personnel Boards, 801 North Randolph Street, Arlington, VA 22203. All comments received will be available for public inspection, Monday through Friday, during normal business hours, in the Director's office, Room 911, 801 North Randolph Street, Arlington, VA 22203.

FOR FURTHER INFORMATION CONTACT:

RADM John M. DeLargy
Room 911, 801 North Randolph Street
Arlington, VA 22203
(202)-692-4355

SUPPLEMENTARY INFORMATION: Under the authority of 10 U.S.C. 1553, the Secretary of the Navy has established the Naval Discharge Review Board and has, from time to time, promulgated regulations governing the functions and procedures of that Board. On March 30, 1977, the Secretary approved the Department of the Navy Manual for Discharge Review, 1977, a complete revision of the prior direction contained in Secretary of the Navy Instruction 5420.17, Navy Discharge Review Board; functions and procedures, of April 8, 1974, as published in the FEDERAL REGISTER (40 FR 4274, January 29, 1975). On February 9, 1977, there was published in the FEDERAL REGISTER (FR Document 77-4108) at page 8156, a notice of proposed rulemaking proposing to amend certain sections of Secretary of the Navy Instruction 5420.174 and inviting public participation therein. One general comment was received concerning correction of records of retired personnel, but no written comments were received on the proposed amendments. The general substance of these proposed amendments has been incorporated in the Department of the Navy Manual for Discharge Review, 1977. The revised Naval Discharge Review Board instruction prescribes Naval Discharge Review Board organization, the authority and jurisdiction of the Naval Discharge Review Board, policy and procedure pertaining to the review of discharges from the Naval Service, designates and directs the Naval Discharge Review Board to make final determinations as to whether discharges from the Naval Service should be changed and the nature of the change, if warranted, and establishes criteria for those decisions of the Naval Discharge Review Board to be reviewed by the Secretary. By this revision a petitioner may submit contentions and/or issues of facts, law, or discretion at any time prior to the Board consideration of the case, and the Board is required to provide appropriate statements of its findings, reasons and conclusions. Since these rules specify Naval Discharge Review Board procedures to be followed, since no substantive com-

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ments were received in response to the notice of proposed rulemaking published February 9, 1977, and the general substance of that notice has been incorporated, and since many of these changes are required under a stipulation of dismissal approved by the U.S. District Court for the District of Columbia on January 31, 1977, it has been determined that further invitation for public comment on these changes prior to adoption would be unnecessary and impractical, and therefore not required under the public rulemaking provisions in Parts 296 and 701 of 32 CFR. However, interested persons are invited, on a continuing basis, to comment in writing on these revised Naval Discharge Review Board regulations. All written material received will be considered before taking action on any future revision of these regulations and the instructions may be changed in light of comments received.

In consideration of the foregoing and for the reasons given by the authority of section 301, Title I, Act of 22 June 1944 (10 U.S.C. 1553), 32 CFR Part 724 is revised as follows:

Subpart A—Definitions

Sec.
724.101 Naval Service.
724.102 Naval Discharge Review Board.
724.103 Discharge.
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AUTHORITY: Sec. 301, Title 1, Act of June 22, 1944 (10 U.S.C. 1553).

Subpart A—Definitions

§ 724.101 Naval service.

The Naval Service is comprised of the uniformed members of the United States Navy and the United States Marine Corps, including active and inactive reserve components.

§ 724.102 Naval Discharge Review Board.

(a) A board, hereinafter referred to as the "Board", established by the Secretary of the Navy pursuant to Title 10, United States Code (1970 ed.), section 1553, for the review of discharges of former members of the Naval Service.

(b) Where reference is made to the "Traveling Board", it is intended only to differentiate the Board performing its functions elsewhere than at its home office in the Washington, DC area. The nature of and procedures for the review functions are identical whether performed in Washington or elsewhere.

§ 724.103 Discharge.

(a) In the context of the review function prescribed by 10 U.S.C. 1553, a discharge or dismissal is a complete separation from the Naval Service, other than one pursuant to the sentence of a general court-martial.

(b) By reason of usage, the term "discharge" is predominantly applicable to the separation of enlisted personnel for any reason, and the term "dismissal" to the separation of officers as a result of Secretarial or general court-martial action; however, Appendix A to this Part sets forth other applicable separations.

(c) In the context of the mission of the Board, the term "discharge" used herein shall, for purpose of ease of expression, include any complete separation from the Naval Service other than that pursuant to the sentence of general court-martial.

§ 724.104 Administrative discharge.

A discharge upon expiration of enlistment or required period of service, or prior thereto, in a manner prescribed by the Commandant of the Marine Corps or the Chief of Naval Personnel, but specifically excluding separation by sentence of a court-martial. There are three types of administrative discharges:

(a) *Honorable.* A separation from the Naval Service with honor. The issuance of an honorable discharge is contingent upon proper military behavior and performance of duty.

(b) *General.* A separation from the Naval Service under honorable conditions. The issuance of a general discharge is contingent upon military behavior and performance of duty which is not sufficiently meritorious to warrant an honorable discharge.

(c) *Under Other Than Honorable Conditions (formerly termed Undesirable Discharge).* A separation from the Naval Service under conditions other than honorable. It is issued for misconduct, security reasons, or for the good of the service in lieu of trial by court-martial, and was formerly issued for unfitness.

§ 724.105 Punitive discharge.

A discharge awarded by sentence of a court-martial. There are two types of punitive discharges:

(a) *Bad conduct.* A separation from the Naval Service under conditions other than honorable. It may be effected only as a result of the approved sentence of a general or special court-martial.

(b) *Dishonorable.* A separation from the Naval Service under dishonorable conditions. It may be effected only as a result of the approved sentence of a general court-martial.

§ 724.106 Clemency Discharge.

(a) The clemency discharge was created by the President on September 16, 1974, in his Proclamation 4313, "Announcing a Program for the Return of Vietnam Era Draft Evaders and Military Deserters." Upon issuance as a replacement for an undesirable discharge or a punitive discharge, a clemency discharge serves as a written testimonial to the fact that the individual has satisfied the requirements of the President's program, and has fully earned his return to the mainstream of American society in accordance with that program.

(b) The clemency discharge is a neutral discharge, neither honorable nor less than honorable. It does not effect a change in the characterization of the individual's military service as having been under other than honorable conditions, nor does it serve to change, seal, erase or in any way modify the individual's past military record.

§ 724.107 Petition.

In the context of this Part, a written application to the Board for review of discharge submitted by a former member of the Naval Service or by spouse, next of kin or legal representative where a former member is deceased or incompetent. Normally, Department of Defense Form 293 is used for petitions.

§ 724.108 Petitioner.

The person whose discharge is the subject of a petition, usually the former service member unless deceased or incompetent. The term petitioner as used in this Part shall include authorized applicants other than former members, e.g., spouse, next of kin, legal representative.

§ 724.109 Next of kin.

The person nearest in degree of blood relationship in order of legal precedence: the eldest son, eldest daughter, father, mother, eldest brother, eldest sister, eldest grandchild.

§ 724.110 Legal representative.

In distinction from the spouse or next of kin, the person who, in law, other than by power of attorney or employment, represents the petitioner.

§ 724.111 Representative.

A person who is designated in writing by the petitioner to provide assistance to the petitioner in the discharge review process. By designating a service organization, the person provided by that organization is considered to have been designated. Military officers of any service on extended active duty are precluded from such designation.

§ 724.112 Discharge review.

Reappraisal at the level of the Navy Department of discharges from the Naval Service. The object of the reappraisal is to determine whether the discharge should be changed, and if so, the nature of the change.

§ 724.113 Documentary discharge review.

A formal session of the Board convened for the purpose of reviewing, on the basis of documentary data, a petitioner's discharge. The documentary data shall include the petition together with all information accompanying that petition, available service and medical records, and any other information considered relevant by the Board.

§ 724.114 Discharge review hearing.

A formal session of the Board convened for the purpose of reviewing a petitioner's discharge on the basis of a personal appearance, as well as documentary data. The personal appearance may be by the applicant or by a representative of the applicant, or both.

§ 724.115 Standards of naval law and discipline.

Those standards stated in statutes, regulations, bureau manuals, directives of the Department of the Navy, and other written public expressions of policy by competent authorities, together with interpretations thereof by the courts, the Attorney General, and the Judge Advocate General of the Navy.

Subpart B—Authority for Departmental Discharge Review

§ 724.201 Authority.

(a) The Naval Discharge Review Board, established pursuant to 10 U.S.C. Section 1553, is a component of the Naval Council of Personnel Boards. The Secretary of the Navy, by SECNAVINST 5430.7K, Assignment of Responsibilities to and among the Civilian Executive Assistants to the Secretary of the Navy, has placed the Naval Council of Personnel Boards under the direct supervision of the Assistant Secretary of the Navy (Manpower and Reserve Affairs); by SECNAVINST 5420.135B, Navy Council of Personnel Boards, has restated the organization, mission, duties and responsibilities of the Naval Council of Personnel Boards to include the Naval Discharge Review Board; and by subsequent action promulgated by the Chief of Naval Operations, OPNAV NOTES 5450 of September 9, 1976 and January 24, 1977, has approved the Naval Council of Personnel Boards as a shore activity with the following mission statement:

"To administer and supervise assigned boards and councils." The Assistant Secretary of the Navy (Manpower and Reserve Affairs), pursuant to Titles 5 and 10, U.S.C., the above authority, and the provisions of U.S. Navy Regulations 1973, promulgates this Part.

§ 724.202 Statutory directive authority.

(a) The Board, in its conduct of discharge reviews, shall be guided by applicable statutes, regulations, bureau manuals, directives of the Department of the Navy, and other written public expressions of policy by competent authority, such as:

(1) 10 U.S.C. 1553 (1970). Review of discharge or dismissal.

(a) The Secretary concerned shall, after consulting the Administrator of Veterans' Affairs, establish a board of review, consisting of five members, to review the discharge or dismissal (other than a discharge or dismissal by sentence of a general court-martial) of any former member of an armed force under the jurisdiction of his department upon its own motion or upon the request of the former member or, if he is dead, his surviving spouse, next of kin, or legal representative. A motion or request for review must be made within 15 years after the date of the discharge or dismissal.

(b) A board established under this section may, subject to review by the Secretary concerned, change a discharge or dismissal, or issue a new discharge, to reflect its findings.

(c) A review by a board established under this section shall be based on the records of the armed forces concerned and such other evidence as may be presented to the board. A witness may present evidence to the board in person or by affidavit. A person who requests a review under this section may appear before the board in person or by counsel or an accredited representative of an organization recognized by the Administrator of Veterans' Affairs under Chapter 59 of Title 38.

(2) The Secretary of Defense by memoranda dated August 13, 1971 and April 28, 1972 directed a review for recharacterization (i) of administrative discharges under other than honorable conditions issued solely on the basis of personal use of drugs or possession of drugs for the purpose of such use, and (ii) punitive discharges and dismissals issued solely for conviction of personal

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use of drugs and possession of drugs for the purpose of such use for those discharges executed as a result of a case completed or in process on or before July 7, 1971. (See Appendix B of this Part)

(3) Department of Defense Directive 1332.14 of December 29, 1976, prescribes policy, standards and procedures which govern the administrative separation of enlisted persons from the armed forces.

Subpart C—Policy Pertaining to Review of Naval Discharges

§ 724.301 Broad objectives of naval discharge review.

Naval discharge review shall have as its broad objectives:

(a) the furtherance of good order and discipline.

(b) the correction of injustice or inequity in the discharge issued.

(c) the correction of administrative or clerical errors.

§ 724.302 Parameters of naval discharge review.

(a) A naval discharge relates solely to naval service. Accordingly, information considered in discharge review shall normally be confined to that which is relevant and material to the petitioner's service, including character, conduct, physical condition or other material facts at the time of entry into and separation from the period of service concerned.

(b) In determining whether a discharge should be changed, consideration shall be given to whether the discharge was properly and equitably issued under:

(1) Standards of naval law and discipline existing at the time of the petitioner's separation, or,

(2) Such standards differing therefrom in the petitioner's favor which subsequent to separation were made expressly retroactive to separations of the type and character received by the petitioner, or,

(3) Where deemed by the Board to be essential to achieving a just and equitable result in a case, such other standards differing therefrom in the petitioner's favor which, not having been made expressly retroactive, were subsequently made generally applicable on a service-wide basis to separations of the type and character received by the petitioner.

§ 724.303 Eligibility for naval discharge review.

Any former member of the Naval Service, eligible for review under 10 U.S.C. 1553, or surviving spouse, next of kin or legal representative, shall upon submittal of a petition be afforded a review of the member's discharge from the Naval Service.

§ 724.304 Authority for review of naval discharges; jurisdictional limitations.

(a) The Board shall have no authority to: (1) Issue a new discharge; (2) Revoke a discharge; (3) Reinstate a person in the Naval Service; (4) Recall a former member to active duty; (5) Change reenlistment codes; (6) Make recommendations for reenlistment; (7) Change the reason for discharge from or to physical disability; (8) Determine eligibility for veterans' benefits; (9) Review a release from active duty, until a final discharge has been issued.

(b) Except as directed by the Secretary of the Navy, review of naval discharges shall not be undertaken in instances where the elapsed time between the date of discharge and the date of petition for review exceeds fifteen years.

§ 724.305 Jurisdictional determinations.

(a) The determination as to whether the Board has jurisdiction in any case shall be predicated on the policy stated in § 724.304. Decisions shall be made by administrative action without referral to the Board. Normally, they shall be made by the Executive Secretary of the Board, or they may be referred to the Director, Naval Council of Personnel Boards.

§ 724.306 Disposition of petitions for discharge review.

One of three dispositions will be made of a petition for review of a discharge:

(a) the petition may be denied for reason of (1) absence of jurisdiction; (2) previous review on the same evidence; or

(b) the petition may be withdrawn by the petitioner; or

(c) the petition may be accepted and the discharge reviewed by the Board, resulting in (1) change to the discharge, or (2) no change.

§ 724.307 Implementation of Board decisions.

The Commandant of the Marine Corps and the Chief of Naval Personnel shall be notified by the Board of decisions in each discharge review case and shall implement the decisions within their respective services.

§ 724.308 Recommendation for extraordinary relief.

In extraordinary circumstances wherein the Board perceives justification for a recommendation for extraordinary relief, it may make such a recommendation to the Secretary, citing specific reasons for the recommendation. The Board is not authorized to grant such relief on its own authority.

§ 724.309 Evidence supporting petitions.

In the absence of evidence to the contrary, naval discharges shall be considered just, equitable and properly administered. Normally, the burden of presenting evidence to the contrary shall rest with the petitioner. Petitions must be complete in substance and detail at the time of their acceptance. When hearings are scheduled, petitioners must be prepared to present their case at the scheduled time. In the absence of any other evidence, naval discharge review shall be undertaken by examination of available service and health records of the petitioner. Petitions in which elements of relevant information are obviously omitted shall not be accepted but shall be returned for completion and resubmission.

§ 724.310 Review action in instances of lost records.

In the event that Department of the Navy personnel or health records associated with a requested review of discharge are not locatable at the custodial activity, the following action shall be taken by the Board:

(a) a certification that the records are lost shall be obtained from the custodial activity;

(b) the petitioner shall be notified of the situation and requested to provide such information and documents as may be desired in support of the petition;

(c) the documentary review/hearing shall be conducted with information available;

(d) if the information/documents provided by the petitioner are not sufficient to provide prima facie justification for a change in the type or nature of the discharge, the discharge shall be deemed to be proper under the legal presumption of regularity in the conduct of governmental affairs.

§ 724.311 Availability of records for reference by petitioner.

(a) The Board is not required to furnish copies of or extracts from service or health records to former members of the Naval Service. Such information is available from the National Personnel Records Center, St. Louis, Missouri. In instances where the records are not available from the Records Center, information may be requested from the Commandant of the Marine Corps or the Chief of Naval Personnel.

(b) Upon request in person at the time and site of the case review, a petitioner or representative shall be furnished access to official records in the possession of the Board.

(c) Classified material shall not normally be reviewed by the Board or disclosed to petitioners. If necessary, unclassified, sanitized extracts of information needed shall be requested by the Board.

(d) Reports of the Naval Investigative Service or other investigative agencies shall not be reviewed by the Board or disclosed to petitioners. When it is necessary in the interest of a competent review to consider such matter, the Board shall be furnished a summary of matter in the report that is relevant to the review. The Board shall, in turn, make the summary available to the petitioner or representative.

§ 724.312 Attendance of witnesses.

Arrangement for attendance of witnesses testifying in behalf of the petitioner at discharge review hearings is the responsibility of the petitioner. The Board is not authorized to subpoena witnesses or to otherwise require their presence.

§ 724.313 Expenses.

No expense incurred by petitioners, representatives, witnesses, or by any other persons in behalf of petitioners shall be paid by the Department of the Navy.

§ 724.314 Military representation.

No active duty military officer may act for or on behalf of a petitioner in the presentation of a case before the Board. (See 18 U.S.C. 205.)

§ 724.315 Limitation—failure to appear for hearing.

Except as authorized or directed by the Secretary of the Navy, further consideration of discharge review shall not be accorded a petitioner who requests a hearing and who, after being duly notified of the time and place of the hearing, fails to appear at the appointed time, either in person or by representative, not having made a prior, timely request for a continuance or withdrawal of the petition. Such individuals shall be deemed to have waived their right to such a hearing. Instead, the Board shall conduct a documentary review of the discharge and the decision of the Board shall be based on that review.

§ 724.316 Limitation—repetitive review.

(a) Except as authorized or directed by the Secretary of the Navy, repetitive review of an individual discharge shall not be undertaken except:

(1) On the basis of presentation of new, substantial, relevant information not available to the petitioner at the time of the original review, or

(2) Where the only previous consideration of the case was on the motion of the Board, or

(3) The original review did not involve a personal hearing and a personal hearing is now desired, and the provisions of § 724.315 do not apply.

(b) The decision as to whether information offered by a petitioner in substantiation of a request for a repetitive review is in fact new, substantial, relevant, and not available to the petitioner at the time of the original review shall be made by the Board in plenary session. In the event of a negative decision, the petitioner shall be notified of the non-acceptance of the petition and the reasons therefor.

(c) The production by the petitioner of new contentions not previously raised, or the elaboration by petitioner or petitioner's representative of different legal arguments or citations, is not new, substantial, relevant evidence as described above and will not support granting a new review.

§ 724.317 Limitation—continuances and postponements.

(a) A continuance of a discharge review hearing may be authorized by the President of the Board providing such continuance is of reasonable duration and is essential to achieving a full and fair hearing. Where a proposal for continuance is indefinite, the pending petition shall be returned to the petitioner with the option to resubmit when the case is fully ready for review.

(b) If a continuance is necessitated by reason of negligent failure of a petitioner or representative to properly prepare the case for presentation, the case shall be closed without further action and the petitioner advised to resubmit the petition when the case is fully ready for review.

(c) Postponements of scheduled reviews shall not normally be permitted other than for demonstrated good and sufficient reason set forth by the petitioner in a timely manner, or for the convenience of the government. In instances wherein a requested postponement is not supported by acceptable reasons, the review shall proceed as scheduled.

§ 724.318 Withdrawal of petition.

A petitioner shall be permitted to withdraw a petition without prejudice at any time before the scheduled review.

§ 724.319 Review on motion of the Board.

(a) Reviews of naval discharges may be initiated by the Board on its own motion. However, it must transmit a written notice to the person concerned at the former member's last known address. If such a person is deceased or incompetent, the notice shall be transmitted to the surviving spouse, next of kin, or legal representative as appropriate.

(b) Such notice shall state the type and nature of the review to be held and shall advise the addressee of the right to appear before the Board in person or by representative, and to present information to the Board.

§ 724.320 Waiver of hearings in instances of prima facie reason for change.

Where preliminary examination of a petition for a personal hearing in a discharge review case reveals that prima facie reason exists in support of a change to the discharge, the petitioner shall be so notified and offered the option of accepting the change in lieu of a hearing with its attendant personal expense.

§ 724.321 Secretarial review of naval discharge review decisions.

(a) The decisions of the Board are final, subject only to Secretarial review.

(b) Secretarial review shall be limited to:

(1) Cases in which a preliminary showing is made by the petitioner that a Board decision was contrary to law or governing regulation;

(2) Cases involving special interest categories as designated by the Secretary, including all cases pertaining to officers, warrant officers and midshipmen;

(3) Non-unanimous decisions by the Board;

(4) Cases involving recommendation for extraordinary relief;

(5) Other cases of sensitive, novel, or of other important value identified by the Director, Naval Council of Personnel Boards.

(c) In those instances of Secretarial review, the requirements contained in Subpart H of this Part regarding provision of a statement of findings, conclusions, and reasons shall apply, except where the Secretary expressly adopts in whole or in part the statement of findings, conclusions, and reasons of the Board. Where the Secretary adopts the Board's statement of findings, conclusions, and reasons, publication and indexing under the terms of § 724.814 is not required where such would duplicate existing publication and indexing of the same material.

(d) Requests from petitioners for Secretarial review of a Board decision under the provisions of paragraph (b)(1) of this section must be addressed to the Director, Naval Council of Personnel Boards, and must be received within 25 days of the date on which the notification of the decision of the Board was mailed to the petitioner. Requests received subsequent to that date shall not be considered. The Director shall screen these requests and refer to the Secretary only those cases in which the required preliminary showing has been made. (See § 724.902(1).)

(e) Those cases described in paragraphs (b) (2), (3), (4), and (5) of this section shall all be forwarded by the Director to the Secretary for review and final decision.

§ 724.322 Scheduling of discharge reviews.

(a) When a petitioner requests a personal hearing, or to be represented in absentia, the Board shall provide the option of a hearing in Washington, D.C. or at another site within the forthy-eight contiguous States.

(b) The Board shall subsequently notify the petitioner and representative (if any) in writing of the hearing time and place. This notice shall normally be mailed approximately sixty days prior to the date of the hearing. If the petitioner elects, this time limit may be waived and an earlier date set.

(c) When a petitioner requests documentary review, the Board shall schedule the review as soon as practicable in an ordered sequence.

§ 724.323 Hearing sites.

(a) The Board shall be permanently situated, together with its administrative staff, in the Washington, D.C., area. The Board shall conduct regular hearings and the majority of its documentary reviews at this, its permanent office. Petitioners located within a radius of three hundred miles from Washington, D.C., shall normally be required to present their cases in Washington, if they request a hearing.

(b) In addition, as permitted by available resources, the Board shall travel to other selected sites within the contiguous 48 States for the purpose of conducting hearings. The selection of hearing sites and the frequency of visits shall be predicated on the number of requested hearings pending within a region and the availability of resources. Petitioners located within a radius of three hundred miles from sites selected for Traveling Board hearings shall normally be required to present their cases to the Board

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at the selected sites, if they have requested hearings. An exception shall be made if the petitioner requests a hearing in Washington, DC.

(c) If a petitioner who has requested a hearing declines without justifiable cause to present a case to the Board when the Board is sited within three hundred miles of the petitioner's residence as stated in the petition, the petitioner shall be deemed to have waived any right to a personal hearing. Instead, the Board shall conduct a documentary review of the discharge and the decision of the Board shall be based on that review.

§ 724.324 Traveling Board support and augmentation by Regular and Reserve activities.

(a) When the Board travels for the purpose of conducting hearings, it shall normally select as review sites Navy and Marine Corps installations in the area visited.

(b) Composition of the Board for these hearings shall normally consist of two members from Washington plus three augmentees from nearby regular and reserve Navy and Marine Corps resources.

(c) Navy and Marine Corps activities in the geographical vicinity of selected review sites shall provide administrative support and augmentation to the Board during its visit where such assistance can be undertaken without interference with mission accomplishment. The Board shall coordinate requests for augmentees and administrative support through Commandant of the Marine Corps, Chief of Naval Reserve, commandants of naval districts and directors of Marine Corps districts as appropriate.

(d) The administrative staff in Washington shall undertake all arrangements for Traveling Board visits and shall process associated review documents.

§ 724.325 Court-martial specifications, presumption concerning.

Relevant and material facts stated in a court-martial specification:

(a) To which the petitioner pleaded guilty, or

(b) Of which the petitioner was found guilty and the finding was not subsequently overturned by reviewing authority, or

(c) In the face of which the petitioner requested a discharge for the good of the service to avoid trial by court-martial shall be presumed by the Board as established facts. Excepted to the foregoing are instances where there exists manifest error, or where the petitioner shall show to the satisfaction of the Board, or it shall otherwise appear, that arbitrary or coercive action was taken against the petitioner at the time which was not apparent to the reviewing authority from the record.

§ 724.326 Previous Discharge Review Decisions/Dispositions.

The Naval Discharge Review Board is not constituted as a precedential body. Accordingly, decisions and dispositions in previous discharge reviews shall not be used as or constitute binding precedents or binding guidance in subsequent discharge reviews.

Subpart D—Principal Elements of the Navy Department Discharge Review System

§ 724.401 Petitioners.

As defined in § 724.108.

§ 724.402 Naval Discharge Review Board.

§ 724.403 Director, Naval Council of Personnel Boards.

As defined in § 724.102.

Exercises administrative control of the Naval Discharge Review Board. Exercises oversight of the naval discharge review process. Performs preparatory screening of requests for Secretarial review of Board decisions. See Subpart I of this Part.

§ 724.404 Commandant of the Marine Corps or the Chief of Naval Personnel.

Personnel managers of the Marine Corps and the Navy, responsible for providing limited support to the Naval Discharge Review Board and for implementation of departmental discharge review decisions. See Subpart J of this Part.

§ 724.405 Chief, Bureau of Medicine and Surgery.

Custodian of Navy and Marine Corps health records. Responsible for providing limited support to the Naval Discharge Review Board. See Subpart J of this Part.

§ 724.406 Chief of Naval Reserve.

Manages Naval Reserve resources. Responsible for providing limited support within available resources to the Naval Discharge Review Board. See Subpart J of this Part.

§ 724.407 The Secretary.

The Secretary of the Navy is:

(a) The source of the discretionary authority that is delegated to the Director, Naval Council of Personnel Boards, in discharge review matters

(b) The final authority within the Department of the Navy in discharge review matters.

Subpart E—Rights and Procedures Applicable to Petitions for Naval Discharge Review

§ 724.501 Rights of a petitioner.

An individual has the right:

(a) To a review of discharge, if other than the result of a general court-martial, provided a petition is submitted within fifteen years subsequent to the date of the issuance of the discharge;

(b) To a personal hearing either in the Washington, D.C., area or before the Traveling Board;

(c) To a documentary review in absentia;

(d) To be accompanied by a representative during a hearing;

(e) To present evidence in person or by affidavit;

(f) To present witnesses;

(g) To present other information in sworn or unsworn statements;

(h) To examine prior to the time of a scheduled hearing all official documents which will be considered by the Board in the review;

(i) To privacy in accordance with the Right to Privacy Act of 1974 (5 U.S.C. 552a);

(j) To access to the discharge review case index in accordance with § 724.814;

(k) To the record of the review in accordance with § 724.811.

§ 724.502 Procedures for petition for discharge review.

(a) The petition for review must be submitted using Application for Review of Discharge or Dismissal from the Armed Forces of the United States, DD Form 293 (Appendix D of this Part). It must be personally signed by the petitioner. In the event the discharged individual is deceased or incompetent, the form must be signed by an authorized individual as discussed in § 724.108.

(b) The petition must be accompanied by:

(1) A copy of the certificate of discharge, if available;

(2) Statements by the petitioner specifically presenting contentions and/or the issues of facts, law or discretion which form the basis for the petition;

(3) A copy of the Armed Forces of the United States Report of Transfer or Discharge (DD–214), if available;

(4) Legal proof of death or incompetency and certification of relationship in applicable cases;

(5) Other statements, affidavits, depositions, documents and information desired by the petitioner to be considered by the Board.

(c) The importance of the completeness of the petition is emphasized. Without evidence to the contrary, naval discharges are presumed to be just and properly administered. Petitioners must present complete arguments in support of their petitions if the Board is to consider the petitioner's position as well as the official records of the Department of the Navy. Where a petition is considered to lack information essential to a competent review, it will be returned, requesting such information, before the review will proceed.

(d) Correspondence relating to review of naval discharges should be addressed to:

Naval Discharge Review Board, Suite 905, 801 North Randolph St., Arlington, Va. 22203, phone: 202–692–4091.

§ 724.503 Response to petition for discharge review.

(a) The petitioner shall be sent an acknowledgment of receipt of the petition.

(b) In the event a hearing is requested, the petitioner shall be notified of the time and place of the hearing and shall be advised of the availability of the official documents to be considered by the Board.

(c) In the event a documentary review is requested, the petitioner shall normally receive no further communication from the Board until notified of the decision in the case.

Subpart F—Naval Discharge Review Board Mission and Functions

§ 724.601 General.

The Board is a component of the Naval Council of Personnel Boards and has its offices located at their headquarters in the Washington, DC area. The Board conducts documentary reviews and personal hearings at its Washington area offices and also undertakes personal hearings on a travel basis at selected sites within the 48 contiguous states. Regional site selection is predicated on the number of pending petitions accumulated from a given geographical area and the resources available to support distant hearings. The Board does not maintain facilities other than at its Washington area offices.

§ 724.602 Mission.

To decide, in accordance with standards of naval law and discipline, whether a discharge or dismissal from the Naval Service is proper and equitable, or whether it should be changed.

§ 724.603 Functions.

(a) Meet as frequently as necessary to review expeditiously naval discharges referred to the Board.

(b) Meet at locations within the 48 contiguous states as determined appropriate on the basis of the numbers of petitions received from associated geographical areas and of available resources and facilities.

(c) Review petitions for change of discharges.

(d) In consonance with directives of higher authority and the policies set forth in this Part, grant or deny change of discharges.

(e) Promulgate decisions in a timely manner.

(f) Maintain a system of records.

(g) Maintain liaison in discharge review matters with:

(1) The Commandant of the Marine Corps.

(2) The Chief of Naval Personnel.

(3) The Judge Advocate General of the Navy.

(4) Chief of Naval Reserve.

(5) Chief of Bureau of Medicine and Surgery.

(6) Veterans representation groups.

(7) Discharge review boards of the other services.

(h) Monitor the performance of the departmental discharge review system. Make recommendations for changes and improvements. Take action to avoid delays and processing of individual discharge review actions.

(i) Protect the privacy of individuals whose records are reviewed.

(j) Submit recommendations to the Secretary of the Navy on cases which because of their special nature or circumstances are referred to him for final decision.

(k) Maintain for public access a reading file and associated index of records of Board proceedings in all reviews undertaken subsequent to July 1, 1975. Personal identifications shall be removed from the records in conformance with the Right to Privacy Act of 1974 (5 U.S.C. 552a).

Subpart G—Organization of the Naval Discharge Review Board

§ 724.701 Composition.

The Board shall be composed of five members. Normally these shall be career military officers; however, officers of the inactive Navy and Marine Corps Reserve may serve as members when designated to so act by the Director, Naval Council of Personnel Boards.

(a) The President of the Board shall be a Navy or Marine officer in the grade of 0–6 or above, designated by the Director, Naval Council of Personnel Boards.

(b) The remaining membership shall normally be not less than 0–4 grade with preference being given to more senior grades.

(c) Board members shall be designated from the following sources:

(1) Officers performing duty with the Naval Council of Personnel Boards.

(2) Officers nominated by the Commandant of the Marine Corps.

(3) Officers nominated by the Chief of Naval Reserve, on request.

(4) Officers nominated by commandants of naval districts, on request.

(5) Officers nominated by directors of Marine Corps districts, on request.

(d) At least three of the five members of the Board shall belong to the service from which the petitioner whose case is under review was discharged or dismissed.

(e) Individual membership in the Board may vary within the limitations of the prescribed composition.

§ 724.702 Executive management.

The administrative affairs of the Board shall be managed by the Executive Secretary. This responsibility shall include schedules, records, correspondence and issuance of Board decisions.

§ 724.703 Recorders.

The Board shall be assigned a number of Navy and Marine officers who shall act as recorders for discharge review sessions. The number of recorders assigned shall be consistent with Board case loading. These officers shall normally be of the grade O–4 or O–5.

§ 724.704 Counsel for the Board.

The Board shall function normally without the immediate attendance of legal counsel. In the event that a legal opinion or review is deemed appropriate by the President of the Board, such shall be obtained routinely by reference to the senior Judge Advocate assigned to the Office of the Director, Naval Council of Personnel Boards. In unusual circumstances, the Traveling Board may request advice from the Officer in Charge of the nearest Naval Legal Services Office.

Subpart H—Procedures of the Naval Discharge Review Board

§ 724.801 Matter to be considered in discharge review.

(a) In the process of its review of discharges, the Board shall examine available records of the Department of the Navy, together with such information as may be presented by the petitioner and/or representative. Minimum matter for Board consideration shall normally consist of:

(1) The petition for discharge review;

(2) Briefs/written statements accompanying the application or presented during hearings;

(3) Testimony presented during hearings;

(4) Service and health records;

(5) A brief of pertinent facts extracted from the service and health records, prepared by the Board recorder.

If minimum documentation is not available, the Executive Secretary shall refer the case to the Director, Naval Council of Personnel Boards, for guidance.

(b) Analysis/decisional briefs of all available facts pertinent to each review shall be prepared by Board recorders using NAVSO Form 1900/5C (3–77) (Appendix D of this Part).

(c) The scope of analysis by the Board shall include as a minimum consideration of the objectives of discharge review stated in § 724.301 and the parameters stated in § 724.302.

§ 724.802 Issues/contentions raised by the petitioner.

The Board shall consider the issues or contentions raised by the petitioner, according approximate weight to each during Board deliberations.

§ 724.803 Findings.

The Board shall make findings of facts in each discharge review which shall include:

(a) The date, type and reason of the discharge/dismissal and the authority under which it was issued;

(b) The circumstances and character of the petitioner's service as extracted from service records, health records and information provided by other government authority or the petitioner.

(c) A brief of relevant information developed from testimony, when the review involves a discharge review hearing.

(d) Reference to petitioner's written brief, if any.

(e) Reference to advisory opinions, if any. Factual information and/or advise from advisory opinions relied upon for final decision shall normally be set forth verbatim.

Care must be taken to insure that the findings, constructed as prescribed herein, include those factors required by applicable service regulations to be considered for the determination of the

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character and reason for the discharge in question where such factors are a basis for denial of any of the relief requested by the petitioner. So constituted, the findings comprise the basis for the conclusion.

§ 724.804 Conclusions.

(a) On the basis of its findings, the Board shall prepare conclusions. They shall be briefly stated and shall address the relevant issues raised by the petitioner, except that they need not address issues which, even if the petitioner's claims were true, would not result in the granting of further relief to the petitioner. However, all claims by the petitioner that statutory, regulatory and/or constitutional provisions were violated, must be addressed. Such other nonfrivolous claims made by the petitioner, which in the opinion of the Board would warrant greater relief than that afforded petitioner by the Board's decision if resolved in the petitioner's favor, must also be addressed.

(b) Conclusions shall be accompanied by a brief statement of the rationale which is underlying.

§ 724.805 Decisions.

On the basis of its conclusions, the Board shall record its decision as to whether a discharge should remain unchanged, or be changed. The nature of any change shall be clearly specified.

§ 724.806 Implementation of review decisions.

A written notification addressed to the Commandant of the Marine Corps or the Chief of Naval Personnel, as appropriate, shall be issued to implement the decision of the Board, or that of higher authority, in each discharge review case.

§ 724.807 Decision process.

(a) The Board shall meet in plenary session to review discharges.

(b) In the event the petitioner does not appear in person, or is not represented in absentia, the Board shall review the discharge on the basis of available official records and of information presented by or on behalf of the petitioner.

(c) In the event the petitioner appears in person or is represented in absentia, the Board shall hear testimony by or on behalf of the petitioner and shall consider official records and other available information.

(d) Decisions shall be reached in formal voting.

(e) Voting shall be conducted in closed session, a majority of the five voting members' votes constituting the Board decision. The President shall have a single vote.

(f) Details of the deliberations of the Board are privileged information. They shall not be divulged.

(g) Members of the Board are authorized access to the Secretary of the Navy where such access is necessary to the proper conduct of the discharge review process.

§ 724.808 Issuance of decisions following discharge review.

Notification of decisions following review shall be issued to the petitioner and to service personnel managers.

(a) Notification to petitioners shall normally be made through the U.S. Postal Service. Such notification shall consist of a notification of decision together with a copy of the form NAVSO 1900/5C (and appendices thereto) executed in connection with the review.

(b) Notification to the Commandant of the Marine Corps and the Chief of Naval Personnel shall be for the purpose of appropriate action and inclusion of review matter in personnel records. Such notification shall normally be issued en bloc and shall bear the personal signature of the Executive Secretary of the Board in certification of completeness and accuracy. Delivery of en bloc notifications shall normally be via interoffice mail.

(c) Decisions of the Director, Naval Council of Personnel Boards, in appeals, and of the Secretary of the Navy in cases referred to him for decision, shall be issued by the Board in a manner similar to decisions of the Board.

§ 724.809 Conduct of discharge review hearings.

(a) Discharge Review Board personal hearings shall be conducted in open session unless, in the opinion of the President, an open session would be prejudicial to the interests of the petitioner or the government; or a closed hearing is requested by the petitioner.

(b) The President shall preside over the hearing. He shall convene, recess and adjourn the Board as appropriate. He shall rule on matters of procedure. He shall maintain an atmosphere of dignity and decorum at all times.

(c) Personal hearings shall be conducted with the objective of eliciting all the facts bearing on the case. Witnesses shall be encouraged to contribute to this objective. Board members are responsible for eliciting all the facts necessary for a full and fair hearing, whether or not the petitioner is accompanied by a representative.

(d) Each board member shall act under the oath or affirmation set forth in Appendix C of this Part.

(e) Admission of evidence and testimony. (1) Petitioners undergoing personal hearings shall be permitted to introduce witnesses, documents, sworn or unsworn statements or other information in their behalf.

(2) Petitioners may also make oral or written arguments personally and through representatives.

(3) Petitioners and witnesses introduced by them may be questioned by the Board regarding information or testimony submitted by them.

(4) All testimony shall be taken under oath unless otherwise specifically requested by the petitioner.

(5) The Discharge Review Board shall consider all information presented to it by the petitioner. In addition, the Board shall consider available service and health records together with such other records as may be in the files of the Department of the Navy that relate to the issues before the Board.

(f) The Board is an administrative fact-finding body. Its hearings shall not be adversary in nature and examination/cross-examination procedures shall not apply. Similarly, trial court rules of evidence shall not govern its fact-finding procedures. The President shall, however, advise the petitioner and/or representative to limit presentation to a concise development of information which is material and relevant to circumstances surrounding the discharge.

(g) When the Board considers that professional or technical questions are not adequately resolved in the testimony and documents before it, appropriate advice shall be sought from bureaus and offices of the Department of the Navy prior to final consideration and decision. (See § 724.803(e) and § 724.810(a)(5)).

§ 724.810 Records of board proceedings.

(a) A complete record of Board proceedings shall be compiled for each review action. This record of proceedings shall include as a minimum:

(1) The petition,

(2) In the case of personal hearings, a verbatim record of the hearing on electromagnetic tape,

(3) Affidavits, papers and documents, other than service and health records, which were considered by the Board,

(4) All briefs and written arguments prepared and filed in the case,

(5) Advisory opinions considered by the Board,

(6) The Record of Review of Discharge (NAVSO 1900/5C), stating petitioner's claims, Board findings, conclusions with reasons, and associated decision, together with minority reports if applicable,

(7) Reference to the document notifying the cognizant personnel manager of the discharge review action in each case.

(b) The record of proceedings shall not address matter which is beyond the scope of the Board's authority. Such matter shall, if necessary, be addressed in separate action.

(c) The record of proceedings shall state the membership of the Board. In a unanimous decision the record shall be signed by the President and authenticated by the recorder of the Board. In a split decision, the minority report shall additionally be signed by the minority members.

§ 724.811 Final disposition of the record of proceedings in discharge review.

(a) The original Record of Review of Discharge (NAVSO 1900/5C) and all appendices thereto shall in all cases be incorporated in the service record of the petitioner and the service record shall be returned to the custody of the National Personnel Records Center, St. Louis, Missouri, via the service personnel manager if applicable.

(b) A case file consisting of copies of the application, findings, conclusions, decisions, notification of Board action and hearing transcripts if any shall be maintained for reference by the Board for one year, after which it shall be transferred to the Washington National Records Center, Suitland, Maryland. Case files retained at the Washington National Records Center shall be destroyed three years following transfer to the Center.

(c) Upon written request by the petitioner, guardian or other authorized representative, a copy of the complete record of proceedings shall be furnished providing the request is received prior to final disposition.

§ 724.812 Records of discharge review hearings.

A verbatim record of each discharge review hearing shall be made. Unless specifically directed otherwise, this record shall be carried on electromagnetic tape and retained as part of the case file.

§ 724.813 Petitioner examination of documents to be considered during discharge review.

(a) The documents assembled for consideration by the Board in review of a discharge shall be held available upon request for examination by the petitioner or representative.

(b) Such examination shall be arranged sufficiently beforehand so as not to delay a scheduled hearing.

(c) The Board is not authorized to provide to the petitioner or representative copies of any documents that are under the cognizance of another government department, office or activity. Application for such information must be made by the petitioner to the cognizant authority.

§ 724.814 Availability of Naval Discharge Review Board documents for public inspection and copying.

(a) Although discharge review decisions are not precedential, following the issuance of decisions in each case, the Board shall make available for public inspection and copying the statement of issues/contentions, findings, conclusions and reasons, record of Board members' votes together with the decision and minority opinion, if one exists, associated with the case. If not otherwise listed in the statement of findings, conclusions, and reasons, a list of contentions and the issues of fact, law, or discretion presented by the petitioner will be made public with the decision.

(b) Identifying details of the petitioner and other persons shall be deleted by the Board from all documents made available for public inspection and copying to the extent required to prevent a clearly unwarranted invasion of privacy or display of information derogatory to an individual.

(c) Written justifications, which are to be made available for public inspection, shall be made for all other deletions.

(d) Documents made available for public inspection and copying shall be made available at a reading room within the Washington, DC area. They shall be indexed so as to enable the public to identify those cases that may be similar in issue together with the circumstances under and/or reasons for which the Board and/or the Secretary of the Navy have granted or denied relief.

(e) The reading file index shall include the case number, the date, character of, reason for and authority for the discharge. It shall further include the decisions of the Board/reviewing authority if any and the issues addressed in the findings, conclusions and reasons.

(f) The index shall be made available at sites selected for Traveling Board hearings for such periods as the Board is present and in operation. Applicants at Traveling Board hearing sites shall be informed in notices of hearings of the availability at the sites of the index for inspection and copying.

(g) The Board shall publish indexes quarterly. They shall, upon request, be distributed by sale or otherwise.

Subpart I—Director, Naval Council of Personnel Boards

§ 724.901 Mission.

To oversee and administer discharge review procedures within the Department of the Navy.

§ 724.902 Functions.

(a) Under the Secretary of the Navy, exercise primary cognizance within the Department of the Navy for matters relating to discharge review.

(b) Make recommendations to the Secretary of the Navy regarding the organization, tasking and resources of the Board and its associated administrative support.

(c) Supervise and direct the activities of the Board.

(d) Submit recommendations to the Secretary of the Navy regarding policy and procedures for discharge review.

(e) Provide administrative and clerical support for the Board.

(f) Maintain appropriate liaison with discharge review activities in other services.

(g) Maintain coordination with the Commandant of the Marine Corps and the Chief of Naval Personnel in matters associated with discharge review.

(h) Inform the Secretary of the Navy of matters of interest to him.

(i) Screen requests for Secretarial review of Board decisions.

(1) Return without further action those which fall outside the limitations stated in § 724.321(b)(1). (See § 724.321(d).)

(2) In those instances where such cases are returned, or in those instances where cases are forwarded with any recommendation as to disposition, a statement of the Director's findings, conclusions, and reasons, in the same manner as required in Subpart H of this Part, shall accompany the Director's action, except where he expressly adopts in whole or in part the Board's statement of findings, conclusions, and reasons, publication and indexing under the terms of § 724.814, is not required where such would duplicate existing publication and indexing of the same material.

(3) In those cases where the petitioner's request appears to contain new, substantial, relevant information not previously available to the petitioner, the request will be referred to the Board for decision in accordance with § 724.316.

(j) Forward, for Secretarial review and decision, cases described in paragraphs (b) (2), (3), (4), and (5) of § 724.321. A statement of the Director's findings, conclusions, and reasons, in the same manner as required in Subpart H of this Part, shall accompany the Director's action, except where he expressly adopts in whole or in part the statement of findings, conclusions, and reasons of the Board. Where the Director adopts the Board's statement of findings, conclusions, and reasons, publication and indexing under the terms of § 724.814 is not required where such would duplicate existing publication and indexing of the same material.

(k) Maintain a system of records, including as a minimum:

(1) Records specified for the Board as stipulated in the procedures prescribed in Subpart H of this Part.

(2) Records required for the administration of military and civilian personnel.

(3) Files of correspondence received and issued.

(4) A public reading file and associated indexes updated quarterly.

(l) In conformance with SECNAV INST 5211.5A (Subparts F and G of Part 701 of this Title), protect the privacy of individuals in connection with discharge review.

(m) Assure that Board functions are administered in accordance with the Right to Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552).

(n) Prepare and submit to the Secretary of the Navy an annual report covering the operations of the Board.

(o) Establish billet/position assignment criteria for the Board.

(p) Propose to the Secretary of the Navy changes to the Department of the Navy Manual for Discharge Review.

(q) Convene the Board as authorized by the Secretary of the Navy, remove or add members to the Board from personnel detailed to serve on the Naval Council of Personnel Boards, or from personnel otherwise made available.

(r) Direct the movements of the Traveling Board on the basis of regional hearing requests.

Subpart J—Responsibilities in Support of the Board

§ 724.1001 Responsibility.

The Commandant of the Marine Corps, Chief of Naval Personnel, Chief of Naval Reserve, Chief of the Bureau of Medicine and Surgery and chiefs of other bureaus and offices of the Department of the Navy shall provide limited support to the naval discharge review process.

§ 724.1002 Functions of the Commandant of the Marine Corps and Chief of Naval Personnel.

(a) Provide and facilitate access by the Board to service records and other

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data associated with performance of duty of petitioners.

(b) Advise the Board of developments in personnel management which may have a bearing on discharge review judgments.

(c) Implement the discharge review decisions of the Board and those of higher authority within respective areas of cognizance.

(d) Include the Board's record of review in the service record of the petitioner in each case.

(e) Where appropriate, recommend cases for Board review on its own motion.

(f) Provide qualified personnel as Board members, recorders, and administrative staff.

(g) Establish administrative procedures to ensure that if a member is separated from the Navy or the Marine Corps under other than fully honorable conditions, the member is advised of:

(1) The right to a review of his or her discharge under the provisions of Title 10 U.S.C. 1553, and

(2) The procedures for petitioning for such a review.

(h) Provide Navy and Marine units and activities with information on the mission of the Naval Discharge Review Board through entries in appropriate personnel administrative directives.

§ 721.1003 Functions of the Chief of the Bureau of Medicine and Surgery.

Provide and facilitate access by the Board to health records of petitioners.

§ 721.1004 Functions of the Commandant of the Marine Corps and Chief of Naval Reserve (refer to § 724.324).

(a) Upon request and within available resources, provide qualified reservists to serve as members of the Board.

(b) Upon request, provide appropriate accommodations to the Traveling Board for purposes of conducting hearings at Navy and Marine Corps Reserve Centers.

§ 721.1005 Functions of the Commandants of Naval Districts and Directors of Marine Corps Districts (refer to § 724.324).

Upon request and within available resources, provide administrative support and augmentation to the Traveling Board.

APPENDIX A.—*Methods by which individuals may be involuntarily separated from the Naval Service (other than by reason of being physically unfit)*

Category	Method	Called	Discharge certificate/type	Reference	Remarks
Commissioned officer (USN/USNR).	Sentence of GCM	Dismissal.	No	BUPERSMAN 3850100-10.	Receives letter from SECNAV vice discharge certificate.
USN Officer (with less than 3 yr).	Board of officers	Revocation of commission.	Yes (honorable, general, other).	10 U.S.C. 6392, SECNAVINST 1920.6.	Only applies to USN officer with less than 3 yr as a regular. No authority to board officer with more than 3 yr as USN officer.
USNR officer	do	Discharge	do	10 U.S.C. 1162, 10 U.S.C. 1163, SECNAVINST 1920.6.	Very limited exceptions permit discharge without board
Commissioned officer (USN/USN R).	Secretarial action (acting for President) without board.	Dropping from rolls.	No	10 U.S.C. 1161(USN), 10 U.S.C. 1163(USNR).	Receives letter from SECNAV vice discharge certificate. Requires 3 mo UA or civilian conviction and sentence to penitentiary. In case of reservists, only requires Secretarial vice Presidential action.
Permanent regular warrant officer.	Board of officers	Termination of appointment.	Yes (honorable, general, other).	10 U.S.C. 1165, 10 U.S.C. 1166.	Depending on length of service, may result in his reversion, retirement, or separation with or without pay.
Temporary warrant officer.	Secretarial action (acting for President).	Termination of appointment.	No	10 U.S.C. 5596	Board generally not required, may be under limited circumstances; member reverts to permanent status and may be further processed in such status.
Warrant officer (W-1)	Sentence of GCM	Dismissal.	Yes (DD)	MCM, par. 126d.	
Do	Secretarial action (acting for President).	Dropping from rolls.	No	10 U.S.C. 6408	Same remarks as for dropping from the rolls of a commissioned officer.
Do	do	Dismissal.	No	10 U.S.C. 6408	Must be in time of war.
Midshipman (USN or other MIDN on active duty).	Sentence of GCM	do	No	BUPERSMAN 3850100-10, Navy Regulations art. 0801-1.	Receives letter from SECNAV vice discharge certificate.
Midshipman USN	Secretarial action	do	Yes (honorable) (DD 214 only).	10 U.S.C. 6961	Based upon recommendation of superintendent that MIDN's continued presence is contrary to best interests of Naval Service.
Do	do	Discharge	do	10 U.S.C. 6962	Based upon recommendation of superintendent for inaptitude or unsatisfactory conduct. May be required to serve on active duty as enlisted reservist IAW 10 U.S.C. 6959. Whether or not required to serve will depend on circumstances, but generally not called to active duty except in last 2 yr. If enlisted service required, DD 214 only after completed enlisted service.
Do	Academic deficiency.	do	Yes (honorable) (usually only DD 214).	10 U.S.C. 6963	Discharge from USNA and USN unless academic board recommends otherwise. Generally not called to active duty as enlisted. Prior enlisteds with no further service requirements also receive discharge certificate.
Midshipman USNR (and advanced college program students).	CNP or Secretarial action.	Disenrollment.	Yes (honorable) (DD 214 only).	10 U.S.C. 2107, 10 U.S.C. 2105.	USNR midshipmen have an underlying reserve status. Personnel being disenrolled during last 2 yr will be called to active duty and not issued discharge until completion of enlised service.
Enlisted	Sentence of GCM	Discharge.	Yes (DD, BCD)		
Do	Sentence of SPCM	do	Yes (BCD)		Misconduct.
Do	Board action	do	Yes (honorable, general, other).	BUPERSMAN 3420185	Unsuitability. Board only if more than 8 yr service.
Do	do	do	Yes (honorable, general)	BUPERSMAN 3420184	Unsuitability. No board if less than 8 yr.
Do	Command recommendation.	do	do	do	Convenience of the Government.
Do	CNP action	do	do	BUPERSMAN 3850220	Receives letter from SECNAV vice discharge. This statute applies to all reserves, not just officers. Only requires Secretarial/Vice Presidential action.
Enlisted (USNR)	Secretarial action	Dropping from rolls.	No	10 U.S.C. 1163	At individual's request to GCM authority to escape trial by court-martial.
Enlisted	Good of the Service at individual's request.	Discharge.	Yes (general, other)	BUPERSMAN 3420270	Receives letter from SECNAV vice discharge certificate.
Commissioned officer (USMC/USMCR).	Sentence of GCM	Dismissal.	No	10 U.S.C. 1161 (USMC), 10 U.S.C. 1163 (USMCR).	Only applies to USMC officer with less than 3 yr as a regular. No authority to board officer with more than 3 yr as USMC officer. Very limited exceptions permit revocation without board.
USMC officer (with less than 3 yr).	Board of officers	Revocation of commission.	Yes (Honorable, General, other) and letter of revocation signed by SECNAV.	10 U.S.C. 6392, SECNAV INST 1920.6.	Very limited exceptions permit discharge without board.
USMCR officer	do	Discharge.	Yes (honorable, general, other).	10 U.S.C. 1162, 10 U.S.C. 1163, SECNAVINST 1920.6.	Receives letter from SECNAV vice discharge certificate. Requires 3 mo UA or civilian conviction and sentence to penitentiary. In case of reservists, only requires Secretarial vice Presidential action.
Commissioned officer.	Secretarial action (acting for President without board).	Dropping from rolls.	No	10 U.S.C. 1161 (USMC), 10 U.S.C. 1163 (USMCR), SECNAVINST 1920.6.	

Category	Method	Called	Discharge certificate/type	Reference	Remarks
Permanent regular warrant officer.	Board of officers	Termination of appointment.	Yes (honorable, general, other).	10 U.S.C. 1165, 10 U.S.C. 1166, MARCORSEPMAN 5008.	Depending on length of service, may result in his reversion, retirement, or separation with or without pay.
Temporary warrant officer.	Secretarial action (acting for President).	do	No	10 U.S.C. 5596	Board generally not required, may be under limited circumstances; member reverts to permanent status and may be further processed in such status.
Warrant officer (W-1)	Sentence of GCM	Dismissal.	No	MCM, par. 126d.	Letter of dismissal issued in lieu of discharge certificate.
Do	Secretarial action (acting for President).	Dropping from rolls.	No	10 U.S.C. 6408	Same remarks as for dropping from the rolls of a commissioned officer.
Do	do	Dismissal.	No	do	Must be in time of war.
Enlisted	Sentence of GCM	Discharge.	Yes (DD, BCD)	JAGMAN, ch. 1, MARCORSEPMAN 6006, MARCORSEPMAN 6007.	
Do	do	do	Yes (BCD)	JAGMAN, ch. 1, MARCORSEPMAN 6006.	
Do	Board action	do	Yes (honorable, general, other).	MARCORSEPMAN 6017.	Misconduct.
Do	do	do	Yes (honorable, general)	MARCORSEPMAN 6016, MARCORSEPMAN 6023.	Unsuitability; board only if more than 8 yr service.
Do	Command recommendation.	do	do	MARCORSEPMAN 6016.	Unsuitability; no board if less than 8 yr.
Do	CMC action	do	do	MARCORSEPMAN 6012.	Convenience of the Government.
Enlisted (USMCR)	Secretarial action	Dropping from rolls.	No	10 U.S.C. 1163	Receives letter from SECNAV vice discharge. This statute applies to all reserves, not just officers. Only requires Secretarial vice Presidential action.
Enlisted	Secretarial action and board action.	Discharge.	Yes (honorable, general)	MARCORSEPMAN 6024.9	If board recommends retention but discharge authority believes case warrants discharge, case may be forwarded to SECNAV for decision.
Do	Good of the Service at individual's request.	do	Yes (general, other)	MARCORSEPMAN 6021.	At individual's request to GCM authority to escape trial by court-martial.

APPENDIX B—POLICY STATEMENTS BY THE SECRETARY OF DEFENSE—ADDRESSING CERTAIN CATEGORIES OF DISCHARGES

Secretary of Defense memorandum of August 13, 1971, to The Secretaries of the Military Departments, The Chairman, Joint Chiefs of Staff; Subject: Review of Discharges Under Other Than Honorable Conditions Issued to Drug Users:

"Consistent with Department of Defense Directive 1300.11, October 23, 1970, and my memorandum of July 7, 1971, concerning rehabilitation and treatment of drug users, administrative discharges under other than honorable conditions issued solely on the basis of personal use of drugs or possession of drugs for the purpose of such use will be reviewed for recharacterization.

"Accordingly, each Secretary of a Military Department, acting through his Discharge Review Board, will consider applications for such review from former service members. Each Secretary is authorized to issue a discharge under honorable conditions upon establishment of facts consistent with this policy. Former service members will be notified of the results of the review. The Veterans' Administration will also be notified of the names of former service members whose discharges are recharacterized.

"The statute of limitations for review of discharges within the scope of this policy will be in accordance with 10 United States Code 1553.

"This policy shall apply to those service members whose cases are finalized or in process on or before July 7, 1971."

Secretary of Defense memorandum of April 28, 1972, to Secretaries of the Military Departments, Chairman, Joint Chiefs of Staff; Subject: Review of Punitive Discharges Issued to Drug Users:

"Reference is made to Secretary Packard's memorandum of July 7, 1971, concerning rehabilitation and treatment of drug users, and my memorandum of August 13, 1971, subject: 'Review of Discharges Under Other Than Honorable Conditions Issued to Drug Users.'

"My August 13, 1971 memorandum established the current Departmental policy that administrative discharges under other than honorable conditions issued solely on the basis of personal use of drugs or possession of drugs for the purpose of such use will be reviewed for recharacterization to under honorable conditions.

"It is my desire that this policy be expanded to include punitive discharges and dismissals resulting from approved sentences of courts-martial issued solely for conviction of personal use of drugs or possession of drugs for the purpose of such use.

"Review and recharacterization are to be effected, upon the application of former service members, utilizing the procedures and authority set forth in Title 10, United States Code, Sections 874(b), 1552 and 1553.

"This policy is applicable only to discharges which have been executed on or before July 7, 1971, or issued as a result of a case in process on or before July 7, 1971.

"Former service members requesting a review will be notified of the results of the review. The Veterans' Administration will also be notified of the names of former service members whose discharges are recharacterized."

APPENDIX C—OATH OR AFFIRMATION TO BE ADMINISTERED TO DISCHARGE REVIEW BOARD MEMBERS

Prior to undertaking duties as a Board member, each person assigned to such duties in the precept of the Board shall execute the following oath or affirmation which shall continue in effect throughout service with the Board.

OATH/AFFIRMATION

I, _____, do swear or affirm that I will faithfully and impartially perform all the duties incumbent upon me as a member of the Naval Discharge Review Board; that I will fully and objectively inquire into and examine all cases coming before me; that I will, without regard to the status of the individual in any case, render my individual judgment according to the facts, my conscience and the law and regulations applicable to review of naval discharges, so help me God.

APPENDIX D.—*Principal forms employed by the Naval Discharge Review Board*

Attachment	Form	Title
1	DD 293	Application for review of discharge or dismissal from the Armed Forces of the United States.
2	NAVSO 1900/5C	Part 1—Review of discharge (petitioner's issues/contentions; findings; summary of service; medical data).
		Part 2—Review of discharge (continuation of part 1).
		Part 3—Review of discharge (decision; membership; signatures).
		Part 4—Review of discharge (minority conclusions/reasons when appropriate; signatures).
		Part 5—Review of discharge (secretarial decision when appropriate).
3	Letter	En bloc notification of decision to Commandant, Marine Corps (change).
4	Letter	En bloc notification of decision to Commandant, Marine Corps (no change).
5	Letter	En bloc notification of decision to Chief of Naval Personnel (change).
6	Letter	En bloc notification of decision to Chief of Naval Personnel (no change).

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APPLICATION FOR REVIEW OF DISCHARGE OR DISMISSAL FROM THE ARMED FORCES OF THE UNITED STATES

OMB APPROVED 22-R-0014

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: 10 U.S.C. 1553, Executive Order 9397, 22 Nov. 43 (SSN)
PRINCIPAL PURPOSES: To apply for upgrading of type of discharge issued.
ROUTINE USES: Placed in applicant's file. Used in applicant's case in determining the relief sought. To compare facts presented with evidence in the record.
DISCLOSURE: Voluntary. If information is not furnished, applicant may not secure benefits from the Board.

SEE INSTRUCTIONS ON REVERSE BEFORE COMPLETING THIS FORM. TYPE OR PRINT.

BRANCH OF SERVICE
☐ ARMY ☐ NAVY ☐ MARINE CORPS ☐ COAST GUARD ☐ AIR FORCE

1 LAST NAME - FIRST NAME - MIDDLE INITIAL	2 SERVICE NO. SSN	3 SEPARATION RATE OR GRADE

4 SEPARATION UNIT AND LOCATION	5 NATURE OF DISMISSAL OR TYPE OF DISCHARGE RECEIVED	6 SEPARATION DATE

7 I REQUEST THE FOLLOWING CORRECTIVE ACTION BE TAKEN (See instructions)
☐ UPGRADE DISCHARGE TO ☐ HONORABLE ☐ GENERAL ☐ CHANGE REENLISTMENT CODE (Air Force Only)
☐ CHANGE DISCHARGE REASON (Explain) ☐ OTHER (Explain)

8 REASON FOR REVIEW OF DISCHARGE (State in your own words the reasons you feel your discharge should be changed. Use additional sheets if necessary) (See instructions)

9 SUPPORTING DOCUMENTS (See instructions)

10 PERSONAL APPEARANCE. ☐ I DESIRE TO APPEAR BEFORE THE BOARD (No expense to the GOVERNMENT) (See instructions)
☐ AT WASHINGTON, D.C. ☐ HEARING EXAMINER (Army Only) CLOSEST TO: _____ (City and State)
☐ BEFORE THE TRAVELING/REGIONAL BOARD CLOSEST TO _____ (City and State)
☐ I DO NOT DESIRE TO APPEAR BEFORE THE BOARD AND HAVE LEFT THE ABOVE BLANK. I DESIRE TO HAVE MY DISCHARGE REVIEWED BASED ON MY MILITARY RECORDS AND WHATEVER DOCUMENTATION I HAVE SUBMITTED.

11 REPRESENTATIVE
☐ I DESIRE TO BE REPRESENTED BY, AND AUTHORIZE RELEASE OF MY RECORDS TO (No expense to the GOVERNMENT) (See instructions)
NAME: ADDRESS: (Include ZIP Code)
☐ I DO NOT DESIRE TO BE REPRESENTED AND HAVE LEFT THE ABOVE BLANK.

I make the foregoing statements as a part of my application with full knowledge of the penalties involved for willfully making a false statement. (U.S. Code, Title 18, Section 1001, formerly Section 80, provides a penalty as follows: A maximum fine of $10,000 or maximum imprisonment of 5 years, or both.)

STREET OR RFD | CITY, STATE AND ZIP CODE

(IF YOU MAKE A CHANGE IN RESIDENCE, NOTIFY THE APPROPRIATE BOARD IMMEDIATELY)

DATE | SIGNATURE OF APPLICANT

NOTE: IF VETERAN IS DECEASED OR INCOMPETENT, the application may be signed by a person other than the one whose name appears in block 1 above; indicate status in box below. Legal proof of death or incompetency and satisfactory evidence of the relationship between the discharged person and the petitioner must accompany application.

☐ NEXT OF KIN ☐ LEGAL REPRESENTATIVE ☐ SURVIVING SPOUSE

UPON COMPLETION, MAIL THIS APPLICATION AS FOLLOWS:

ARMY	NAVY & MARINE CORPS	COAST GUARD	AIR FORCE
CO, USARCPAC 9700 Page Blvd St. Louis, MO 63132	Navy Discharge Review Board 801 No. Randolph St. Arlington, VA 22203	Commandant (CED) U.S. Coast Guard Headquarters Washington, DC 20591	National Personnel Records Center, GSA (Military Personnel Records) 9700 Page Blvd St. Louis, MO 63132

DD FORM 1 MAR 77 293 PREVIOUS EDITIONS OF THIS FORM ARE OBSOLETE AND WILL NOT BE ACCEPTED

Attachment I (1)

INSTRUCTIONS

Copy of Military Record. Should you desire to have copies of your records, you must submit a General Services Administration Standard Form 180 (GS SF 180) before you submit this form. Once this DD Form 293 is submitted, you records will be obtained by the Board. Official records and copies of records obtained by the Board will be available to applicants only at the hearing locations.

Item 1 thru 6. - *Self* Explanatory.

Item 7. Indicate the corrective action you are requesting. You must check at least one block and can check more blocks if desired. Due to certain limitations in the Board's authority, the Board cannot: (a) review discharges issued as a result of General Court-Martial *(Use DD Form 149)*; (b) review discharges issued more than fifteen years prior to the application *(DD Form 293)* submission date; (c) review a Release from Active Duty until a final discharge is issued; (d) change a reenlistment code *(except Air Force)*; (e) change the reason for a discharge from or to physical disability; or (f) determine eligibility for veteran's benefits.

Item 8. State here your reasons **why** you feel your discharge should be changed. Briefly summarize each of your contention *(reasons)* and/or issues of fact, law, or discretion that you want the Board to address and resolve. Additions or modifications may be made at any time up to the date of review of your case by the Board.

Item 9. Evidence not in your official records should be submitted to the Board before hearing date. Review Boards do not locate witnesses nor do they secure evidence for applicants. Legal briefs or counsel submissions should also be submitted in advance of hearing date. Documents that may be helpful are statements, affidavits, and depositions such as: character references; police clearances; educational achievement; exemplary post-service conduct; medical reports; employment record; verification of alcoholism or drug abuse; award of Department of Labor Exemplary Rehabilitation Certificate; explanation of disciplinary problem or discharge problem; brief of counsel arguing error or injustice. Witnesses may appear in person at no cost to the Government.

Item 10. If you state on your application that you will appear before the Board in person and fail to do so without previous satisfactory arrangements with the Board, such failure will be considered as a waiver of appearance and your case will be reviewed on the evidence contained in your military record.

AIR FORCE, NAVY, AND MARINE CORPS: The Discharge Review Boards meet daily in Washington, D.C., for personal appearance hearings and documentary reviews. If you request a review based on records only or a hearing in Washington, DC, your case will be scheduled there at the earliest date possible. Personal appearance hearings are also scheduled before the Traveling Boards in various cities throughout the 48 contiguous states as the population of requests on hand requires. If you ask for a hearing before the Traveling Board, it will be scheduled after your case is prepared and when the Traveling Board is next in your area. You will ordinarily not have to travel more than 300 miles for your hearing.

ARMY: Panels of the Review Board meet daily in Washington, DC and other locations and on an irregularly scheduled basis at major cities and other smaller metropolitan areas of the U.S. at least once each year. You may appear before the Board in Washington, DC, or in front of a Traveling Panel elsewhere in the U.S. or you may also appear in front of a Hearing Examiner who will video tape testimony for presentation to the Board in Washington, DC. For Hearing Examiners you must be accompanied by counsel or representative. Normally ex-Army members will not have to travel in excess of 200 miles if you are heard by a Traveling Panel or Hearing Examiner. Generally speaking, scheduled cases are heard as follows: (1) Personal Appearance, Washington, DC, within six months; (2) Personal Appearance by Traveling Panel or Hearing Examiner, within twelve months; (3) Representation by counsel or other person/organization only at Washington, DC, within three months; and (4) Without personal appearance or representation, review based on military records and documents submitted by applicant, within 30 days.

Block 11. The services do not provide counsel, representation, or evidence for applicant, nor do they defray cost of such under any circumstances. However, certain agencies recognized by the VA, some state, county, and city organizations, private organizations, and some schools of law do provide assistance in presenting your appeal. If you wish to be assisted, you are responsible for obtaining representation and may:

a. Obtain a lawyer at your own expense.

b. Contact an appropriate state, county, city, private or law school organization.

c. Obtain representation from any other agency or individual who is willing to assist you.

d. Select one of the following organizations which regularly furnish representation at no charge to you. Representatives may or may not be lawyers.

(1) American Red Cross
(2) American Legion
(3) Disabled American Veterans
(4) Jewish War Veterans of the U.S.A.
(5) Veterans of Foreign Wars

An appearance by your representative will not be scheduled in your absence unless your representative requests it. In this event, if a. or c. apply, power of attorney is mandatory.

Attachment I (2)

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DEPARTMENT OF THE NAVY
NAVAL DISCHARGE REVIEW BOARD

REVIEW OF DISCHARGE
NAVSO 1900/5C (REV. 3-77)
SUPERCEDES ALL PREVIOUS EDITIONS
PART 1

DOCKET NR/ DATE

RECORDER

REVIEW OF DISCHARGE OF *(Name,Rate/Rank,SSN,Comp)*	CITY/STATE
CHARACTER OF DISCHARGE	
DISCHARGE REGULATION	DATE OF ISSUE

REPRESENTATIVE	PETITIONER PRESENT ☐ YES ☐ NO	PROCEEDINGS RECORDED ☐ YES ☐ NO	DATE OF REVIEW

PETITIONER'S CONTENTIONS/ISSUES: (RELEVANT TO JUSTICE AND EQUITY OF THE DISCHARGE)

FINDINGS OF FACT

DATE OF THIS ENL	ENLISTED FOR		AGE AT THIS ENLISTMENT	CREDITABLE SERVICE THIS ENLISTMENT *(Year,month,day)*	
RATINGS HELD THIS ENLISTMENT			MOS *(USMC)*	YRS CIV EDUC	GCT
MIL BEH	PROF	OTA(USN)	PRIOR SERVICE-ACTIVE *(Year,month,day)*	INACTIVE	
MILITARY DECORATIONS			UNIT/CAMPAIGN/SERVICE AWARDS		

SUMMARY OF SERVICE/FACTS DEVELOPED AT HEARING (IF APPROPRIATE)

Attachment 2 (1)

DEPARTMENT OF THE NAVY
NAVAL DISCHARGE REVIEW BOARD

REVIEW OF DISCHARGE
NAVSO 1900/5C (REV. 3-77)
SUPERCEDES ALL PREVIOUS EDITIONS
PART 2

DOCKET NR/ DATE

RECORDER

REVIEW OF DISCHARGE OF *(Name,Rate/Rank,SSN,Comp)*

Attachment 2 (2)

DEPARTMENT OF THE NAVY
NAVAL DISCHARGE REVIEW BOARD

REVIEW OF DISCHARGE
NAVSO 1900/5C (REV. 3-77)
SUPERCEDES ALL PREVIOUS EDITIONS
PART 3

DOCKET NR/ DATE

RECORDER

REVIEW OF DISCHARGE OF *(Name,Rate/Rank,SSN,Comp)*

CHARACTER OF DISCHARGE	DATE OF ISSUE

CONCLUSIONS/REASONS

Attachment 2 (3)

DECISION/RECOMMENDATION

NO CHANGE	CHANGE

BOARD MEMBERS

PRESIDENT	MEMBER
MEMBER	MEMBER & RECORDER
MEMBER	

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REVIEW OF DISCHARGE
NAVSO 1900/5C (3-77)
PART 4

DEPARTMENT OF THE NAVY
NAVAL DISCHARGE REVIEW BOARD

DOCKET NR/ DATE

RECORDER

REVIEW OF DISCHARGE OF *(Name,Rate/Rank,SSN,Comp)*

CHARACTER OF DISCHARGE | DATE OF ISSUE

MINORITY CONCLUSIONS/REASONS

Attachment 2 (4)

REVIEW OF DISCHARGE
NAVSO 1900/5C (3-77)
PART 5

DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20350

DOCKET NR/ DATE

RECORDER

REVIEW OF DISCHARGE OF *(Name,Rate/Rank,SSN, Comp)*

CHARACTER OF DISCHARGE

DECISION

Attachment 2 (5)

DEPARTMENT OF THE NAVY
NAVAL DISCHARGE REVIEW BOARD
801 N. Randolph Street
Arlington, Virginia 22203

Serial No.------
Date ----------

From: Executive Secretary, Naval Discharge Review Board.
To: Commandant, United States Marine Corps.
Subj: Notification of decision in certain naval discharge review cases.
Encl: (1) Records of discharge review proceedings and service records of personnel listed below.

1. Pursuant to Title 10 United States Code Section 1553, and acting under the authority of the Secretary of the Navy, the Naval Discharge Review Board has reviewed the circumstances associated with the discharges from the Naval Service of the below listed individuals.

2. The decision of the Board in each case is certified to be as it appears opposite the name of the former member.

3. The Commandant of the Marine Corps is requested to issue revised discharge certificates in accordance with the Board decision in each case. It is further requested that the accompanying copy of the record of discharge review proceedings in each case be incorporated in the appropriate service record.

Docket No.	Name/social security No.	Character of discharge	Change to type/reason

There are ------ names in this notification.
•—Congressional interest.
••—Drug discharge (384).
DD—Drug discharge (not 384).
D/M—Drug abuse mentioned.
#—SECNAVINST 1900.9A involvement.
----—Hearing before the Traveling Board.

Attachment 3

DEPARTMENT OF THE NAVY
NAVAL DISCHARGE REVIEW BOARD
801 N. Randolph Street
Arlington, Virginia 22203

Serial No. ------
Date ----------

From: Executive Secretary, Naval Discharge Review Board.
To: Commandant, United States Marine Corps.
Subj: Notification of decision in certain naval discharge review cases.
Encl: (1) Records of discharge review proceedings and service records of personnel listed below.

1. Pursuant to Title 10 United States Code Section 1553, and acting under the authority of the Secretary of the Navy, the Naval Discharge Review Board has reviewed the circumstances associated with the discharges from the Naval Service of the below listed individuals.

2. It is certified that the decision of the Board in each case is that no change of the discharge is warranted.

3. It is requested that the accompanying copy of the record of discharge review proceedings in each case be incorporated in the appropriate service record.

Docket No.	Name/social security No.	Character of discharge

There are ------ names in this notification.
•—Congressional interest.
••—Drug discharge (384).
DD—Drug discharge (not 384).
D/M—Drug abuse mentioned.
#—SECNAVINST 1900.9A involvement.
----—Hearing before the Traveling Board.

Attachment 4

DEPARTMENT OF THE NAVY
NAVAL DISCHARGE REVIEW BOARD
801 N. Randolph Street
Arlington, Virginia 22203

Serial No. ------
Date ----------

From: Executive Secretary, Naval Discharge Review Board.
To: Chief of Naval Personnel.
Subj: Notification of decision in certain naval discharge review cases.
Encl: (1) Records of discharge review proceedings and service records of personnel listed below.

1. Pursuant to Title 10 United States Code Section 1553, and acting under the authority of the Secretary of the Navy, the Naval Discharge Review Board has reviewed the circumstances associated with the discharges from the Naval Service of the below listed individuals.

2. The decision of the Board in each case is certified to be as it appears opposite the name of the former member.

3. The Chief of Naval Personnel is requested to issue revised discharge certificates in accordance with the Board's decision in each case. It is further requested that the accompanying copy of the record of discharge review proceedings in each case be incorporated in the appropriate service record.

Docket No.	Name/social security No.	Character of discharge	Change to type/reason

There are ------ names in this notification.
•—Congressional interest.
••—Drug discharge (384).
DD—Drug discharge (not 384).
D/M—Drug abuse mentioned.
#—SECNAVINST 1900.9A involvement.
----—Hearing before the Traveling Board.

Attachment 5

DEPARTMENT OF THE NAVY
NAVAL DISCHARGE REVIEW BOARD
801 N. Randolph Street
Arlington, Virginia 22203

Serial No. ------
Date ----------

From: Executive Secretary, Naval Discharge Review Board.
To: Chief of Naval Personnel.
Subj: Notification of decision in certain naval discharge review cases.

1. Pursuant to Title 10 United States Code Section 1553, and acting under the authority of the Secretary of the Navy, the Naval Discharge Review Board has reviewed the circumstances associated with the discharges from the Naval Service of the below listed individuals.

2. It is certified that the decision of the Board in each case is that no change of the discharge is warranted.

3. The available service records in each case have been returned to the custody of the National Personnel Records Center.

Docket No.	Name/social security No.	Character of discharge

There are ------ names in this notification.
•—Congressional interest.
••—Drug discharge (384).
DD—Drug discharge (not 384).
D/M—Drug abuse mentioned.
#—SECNAVINST 1900.9A involvement.
----—Hearing before the Traveling Board.

Attachment 6

K. D. LAWRENCE,
Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Administrative Law).

APRIL 1, 1977.

[FR Doc.77-10221 Filed 4-7-77;8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

HEALTH SYSTEMS AGENCIES

Review of New Institutional Health Services

On January 21, 1977, there were published in the FEDERAL REGISTER (42 FR 4002-4032) regulations implementing that portion of Title XV of the Public Health Service Act that relates to the review of new institutional health services by health systems agencies (Subpart D of Part 122), and certificate of need and review of new institutional health services by State Health Planning and Development Agencies (Subpart E of Part 123). The purpose of this amendment is to revise two portions of those regulations.

Sections 122.304 and 123.404, "New institutional health services subject to review," as published on January 21, provided that such services subject to review include a "change in the bed capacity of a health care facility or Health Maintenance Organization which increases the total number of beds (or distributes beds among various categories, or relocates such beds from one physical facility or site to another) by more than forty beds or more than twenty-five percent of total bed capacity as defined by the State, whichever is less, over a two-year period."

Sections 122.309 and 123.410, "Inpatient facilities; required findings," as published on January 21, provided that "in the case of any proposed new institutional health service for the provision of health services to inpatients" a health systems agency shall not recommend and a State Agency shall not grant a certificate of need under its certificate of need program "unless after consideration of the appropriateness of the use of existing facilities providing services similar to those being proposed" the agency "makes each of the following findings in writing." The required findings included in each case the finding that "superior alternatives to such inpatient services in terms of cost, efficiency, and appropriateness do not exist and that the development of such alternatives is not practicable."

Serious concerns were expressed to the Secretary regarding these provisions

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soon after his taking office. He has, therefore, reviewed these provisions carefully, as well as the corresponding provisions of the Notice of Proposed Rulemaking published in the FEDERAL REGISTER (41 FR 11688) on March 19, 1976, the comments received on them, and the reasons for changes to them. The conclusions emanating from this review are stated below, beginning with a discussion of changes in bed capacity.

The proposed regulations (NPRM) had provided that any change in bed complement of one or more beds must be subject to review. Commenters pointed out that changes of only one bed do not warrant a certification of need review. So as not to place an unnecessary burden on review agencies, the provision was modified so that the January 21 regulations provided that only those changes of more than forty beds or twenty-five percent of capacity, whichever is less, over a two-year period, were required to be subject to review.

After review of the comments and the NPRM the Secretary has concluded that while changes of only one bed may not warrant review, changes as large as forty beds or twenty-five percent of capacity may have significant effects on the health care system of an area or state. Although additions of more than a very few beds would in any case be reviewed under the capital expenditure threshold, this would not necessarily be the case for conversions. The conversion of beds can often be accomplished without substantial capital expenditure, although a change in the use of acute care beds, for example, from one service to another, can have significant impact on operational costs. In these cases, a substantial increase in institutional health services of a particular kind could occur under the January 21 regulations without a prior determination of need. Accordingly, the Secretary has decided to amend the regulations to require that changes of more than ten beds or ten percent of capacity must be subject to review.

The proposed regulations had required that a health systems agency could not recommend or a State Agency grant a certificate of need for a proposed new institutional health service for inpatients, unless the agency had made the written finding (among others) that "existing inpatient facilities providing inpatient services similar to those proposed are being used in an appropriate and efficient manner." Commenters pointed out the unfairness of this requirement, since providers cannot directly influence the behavior of their competitors and thus should not be held responsible for it. In addition, such a requirement was regarded by many commenters as protecting inefficient providers from competition. The requirement was removed in the January 21 regulations, and agencies were required only to consider the appropriateness of the use of existing facilities providing inpatient services similar to those being proposed.

The Secretary has concluded that while this removes an unfair burden from the applicant, it still does not provide a written record so that the public may know what the agency found in its consideration, nor does it address the question of efficiency, which, although it may be included in the concept of appropriateness, should be made explicit. The Secretary has decided, therefore, to amend the regulations to require that a written finding be made as to the appropriateness and efficiency of the use of similar existing facilities. This would not require that the finding be one way or another for a certificate of need to be recommended or issued.

The January 21 regulations also modified the language of the proposed regulations to require a written finding that superior alternatives to the proposed service, in terms of cost, efficiency and appropriateness, do not exist and that development of them is not practicable. This did not, however, make clear the basis of the comparison. This amendment, accordingly, requires that the agency make its own written finding as to the cost, efficiency and appropriateness of the proposed service. While some agencies initially will rely on data submitted by the applicant, it is expected that they will move to develop their capacity to analyze such data critically, and later to develop their own data where necessary. This written finding as to the cost, efficiency, and appropriateness of the proposed service, like the one above as to the efficiency and appropriateness of similar existing services, would not limit the ability of the agencies to recommend or issue a certificate of need. Rather, it would require only that the finding, whatever it may be, become a part of the record.

In view of the fact that these amendments concern issues which have received extensive public discussion and comment, and since many State legislatures are now meeting and are now looking to these regulations for guidance as to the minimum requirements for State certificate of need programs, the Secretary has determined that public participation in rulemaking and a delay in effective date are unnecessary and would be impractical and contrary to the public interest, and, accordingly, that good cause exists for waiving public participation in rulemaking and for making these amendments effective immediately on publication in the FEDERAL REGISTER.

The amendments set out below are therefore effective April 8, 1977.

For further information, contact Ms. Libby Merrill, Acting Director, Office of Policy Coordination, (301) 443-1670.

Concerns have also been expressed to the Secretary regarding the coverage of new institutional health services proposed for space leased in covered facilities or health maintenance organizations. The coverage of capital expenditures for equipment to be used in leased space (§ 122.304(a)(2) and § 123.404(a)(2)) and new health services to be offered in leased space (§ 122.304(a)(4) and § 123.404(a)(4)) will be clarified in guidelines to be issued soon.

The Department of Health, Education, and Welfare has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: March 2, 1977.

JAMES F. DICKSON,
Acting Assistant Secretary for Health.

Approved: March 31, 1977.

JOSEPH A. CALIFANO, JR.,
Secretary.

PART 122—HEALTH SYSTEMS AGENCIES

Part 122 of Title 42, CFR, is amended at § 122.304(a)(3) and at § 122.309 to read as follows:

(Sec. 215, 58 Stat. 690 (42 U.S.C. 216); sec. 1532 of the Public Health Service Act, 88 Stat. 2251-53 (42 U.S.C. 300n-1).)

§ 122.304 New institutional health services subject to review.

(a) • • •

(3) A change in the bed capacity of a health care facility or health maintenance organization which increases the total number of beds (or distributes beds among various categories, or relocates such beds from one physical facility or site to another) by more than ten beds or more than ten percent of total bed capacity as defined by the State, whichever is less, over a two-year period.

§ 122.309 Inpatient facilities; required findings.

In the case of any proposed new institutional health service for the provision of health services to inpatients, a health systems agency shall not recommend that a State grant a certificate of need under its certificate of need program, or otherwise make a finding that such proposed new institutional health service is needed, unless:

(a) the health systems agency makes written findings as to:

(1) the efficiency and appropriateness of the use of existing inpatient facilities providing inpatient services similar to those proposed; and

(2) the capital and operating costs (and their potential impact on patient charges), efficiency, and appropriateness of the proposed new institutional health service; and

(b) the health systems agency makes each of the following findings in writing:

(1) That superior alternatives to such inpatient services in terms of cost, efficiency, and appropriateness do not exist and that the development of such alternatives is not practicable;

(2) That in the case of new construction, alternatives to new construction (e.g., modernization or sharing arrangements) have been considered and have been implemented to the maximum extent practicable;

(3) That patients will experience serious problems in terms of cost, availability, or accessibility, or such other problems as may be identified by the reviewing agency, in obtaining inpatient care of the type proposed in the absence of the proposed new service; and

(4) That in the case of a proposal for the addition of beds for the provision of skilled nursing or intermediate care, the relationship of the addition to the plans of agencies of the State responsible for providing and financing long-term care (including home health services) has been considered.

PART 123—STATE HEALTH PLANNING AND DEVELOPMENT AGENCIES

Part 123 of Title 42, CFR, is amended at § 123.404(a)(3) and at § 123.410 to read as follows.

(Sec. 215, 58 Stat. 690 (42 U.S.C. 216); secs. 1523, 1532 of the Public Health Service Act, 88 Stat. 2246, 2251.)

§ 123.404 New institutional health services subject to review.

(a) • • •

(3) A change in bed capacity of a health care facility or health maintenance organization which increases the total number of beds (or distributes beds among various categories, or relocates such beds from one physical facility or site to another) by more than ten beds or more than ten percent of total bed capacity as defined by the State, whichever is less, over a two-year period.

§ 123.410 Inpatient facilities; required findings.

In the case of any proposed new institutional health service for the provision of health services to inpatients, a State Agency shall not grant a certificate of need under its certificate of need program, or otherwise make a finding that such proposed new institutional health service is needed, unless:

(a) the State Agency makes written findings as to:

(1) the efficiency and appropriateness of the use of existing inpatient facilities providing inpatient services similar to those proposed; and

(2) the capital and operating costs (and their potential impact on patient charges), efficiency, and appropriateness of the proposed new institutional health service; and

(b) the State Agency makes each of the following findings in writing:

(1) That superior alternatives to such inpatient services in terms of cost, efficiency, and appropriateness do not exist and that the development of such alternatives is not practicable;

(2) That in the case of new construction, alternatives to new construction (e.g., modernization or sharing arrangements) have been considered and have been implemented to the maximum extent practicable;

(3) That patients will experience serious problems in terms of costs, availability, or accessibility, or such other problems as may be identified by the reviewing agency, in obtaining inpatient care of the type proposed in the absence of the proposed new service; and

(4) That in the case of a proposal for the addition of beds for the provision of skilled nursing or intermediate care the relationship of the addition to the plans of other agencies of the State responsible for providing and financing long-term care (including home health services) has been considered.

[FR Doc.77-10126 Filed 4-7-77;8:45 am]

Title 5C—Wildlife and Fisheries

CHAPTER VI—FISHERY CONSERVATION AND MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 611—FOREIGN FISHING

Foreign Fishery Allocations

AGENCY: National Oceanic and Atmospheric Administration/National Marine Fisheries Service, Commerce.

ACTION: Correction

SUMMARY: This document is being published to correct groundfish allocations made to the Republic of Korea and Taiwan as published in the FEDERAL REGISTER (Doc. 77-6266), March 3, 1977.

EFFECTIVE DATE: Effective date April 8, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard Schaefer, Fishery Management Operations Division, National Marine Fisheries Service, Washington, D.C. 20235 (202-634-7454)

Page 12176, § 611.20(c)(1), Table 2, is corrected as follows:

1. ROK, Other Groundfish, Bering Sea, add footnote number "7" to 1,600, and footnote "7" should read "Of which no more than 175 metric tons may be Pacific ocean perch."

2. ROK, Other Groundfish, Aleutians, add footnote number "8" to 890 and footnote "8" should read "Of which no more than 350 metric tons may be Pacific ocean perch."

3. Taiwan, Other Groundfish, Bering Sea, add footnote "9" to 200, and footnote "9" should read "Of which no more than 25 metric tons may be Pacific ocean perch."

4. Taiwan, Other Groundfish, Aleutians, add footnote number "10" to 110, and footnote "10" should read "Of which no more than 50 metric tons may be Pacific ocean perch."

Dated: April 5, 1977.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.77-10470 Filed 4-7-77;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Administrative Office of the United States Courts

AGENCY: Civil Service Commission.

ACTION: Final Rule.

SUMMARY: One additional position of Federal Probation System Administrator in the Division of Probation is excepted under Schedule B since it is impractical to examine competitively for this position.

EFFECTIVE DATE: April 8, 1977

FOR FURTHER INFORMATION CONTACT:

Bill Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3272(a) is amended to read as follows:

§ 213.3272 Administrative Office of the U.S. Courts.

(a) Not to exceed 13 positions of Federal Probation System Administrator in the Division of Probation, when filled by Federal Probation Officers on active service in the U.S. Courts.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-10389 Filed 4-7-77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Air Force

AGENCY: Civil Service Commission.

ACTION: Final Rule.

SUMMARY: This amendment excepts from the competitive service one Director of Instruction and 14 civilian Instructors at the Defense Institute of Security Assistance Management, Wright-Patterson Air Force Base, Dayton, Ohio, with the provision that individual appointments under the authority will be for an initial 3-year period which may be followed by an appointment of indefinite duration. This exception is granted because it is impracticable to competitively examine for these positions.

EFFECTIVE DATE: April 8, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3209(c) is added as set out below:

§ 213.3209 Department of the Air Force.

• • • • • •

(c) One Director of Instruction and 14 civilian Instructors at the Defense Institute of Security Assistance Management, Wright-Patterson Air Force Base, Dayton, Ohio. Individual appointments under this authority will be for an initial 3-year period which may be followed by an appointment of indefinite duration.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-10390 Filed 4-7-77;8:45 am]

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PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

AGENCY: Civil Service Commission.

ACTION: Final Rule.

SUMMARY: This addition excepts from the competitive service under Schedule C one position of Executive Secretary to the Under Secretary because of the confidential nature of the position.

EFFECTIVE DATE: April 8, 1977.

FOR FURTHER INFORMATION CONTACT:

Bill Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3384(a)(24) is amended to read as follows:

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* * * *

(24) One Staff Assistant and one Executive Secretary to the Under Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-10391 Filed 4-7-77;8:45 am]

PART 430—PERFORMANCE EVALUATION AND RATING

Final Rule

AGENCY: Civil Service Commission.

ACTION: Final Rule.

SUMMARY: The Performance Evaluation and Rating regulations are revised in their entirety to reflect requirements of the performance rating chapter of title 5, United States Code, which were previously included only in the Federal Personnel Manual, to make certain changes in procedures for appealing performance ratings, and to make editorial changes. The purpose of the changes is to make the part more complete and update it where needed.

EFFECTIVE DATE: April 8, 1977.

FOR FURTHER INFORMATION CONTACT:

Mary Sugar, Personnel Management Specialist, Bureau of Policies and Standards, U.S. Civil Service Commission, 1900 E Street, NW., Washington, D.C. 20415, 202-632-5623.

SUPPLEMENTARY INFORMATION: On July 1, 1976, draft amendments were sent to agencies and unions for comment. The comments received have been reviewed and incorporated where appropriate. The following specific changes are being made in this part: (1) a coverage section is included to reflect exclusions from Part 430 not listed in 5 U.S.C. 4301; (2) a new Subpart B is added to reflect requirements of chapter 43 of title 5, U.S.C., which were previously only included in chapter 430 of the Federal Personnel Manual and existing Subpart B is redesignated as Subpart C; and (3) Subpart C provides exclusively for ad hoc boards of review to consider and decide performance rating appeals, requires that appeals be filed with the Civil Service Commission which designates the chairman of board of review, establishes uniform 15-day time limits for filing appeals or requests for impartial review, and provides for reconsideration rather than rehearing of decided appeals.

Accordingly 5 CFR 430 is amended to read as follows:

Subpart A—General Provisions

Sec.
430.101 Coverage.
430.102 Definitions.

Subpart B—Performance Ratings

430.201 Establishment of performance rating plans.
430.202 Assignment of ratings.

Subpart C—Performance Rating Appeals

430.301 Establishment of boards of review.
430.302 Members of boards.
430.303 Appeals.
430.304 Hearings.
430.305 Board decisions.

AUTHORITY: 5 U.S.C. 4308.

Subpart A—General Provisions

§ 430.101 Coverage.

(a) *Agencies covered.* Except as provided in subsection (b), this part applies to any of the following agencies:

(1) Executive agencies;

(2) The Administrative Office of the United States Courts;

(3) The Library of Congress;

(4) The Botanic Garden;

(5) The Government Printing Office; and

(6) The Government of the District of Columbia.

(b) *Agencies and employees not covered.* (1) This part does not apply to:

(i) The Tennessee Valley Authority;

(ii) The U.S. Postal Service and Postal Rate Commission;

(iii) The Energy Research and Development Administration;

(iv) The Nuclear Regulatory Commission;

(v) The Central Intelligence Agency;

(vi) The National Security Agency; or

(vii) A Government-controlled corporation.

(2) This part does not apply to:

(i) A physician, dentist, nurse, or other employee of the Department of Medicine and Surgery, Veterans Administration ,whose pay is fixed under chapter 73 of title 38, United States Code;

(ii) An employee outside the continental United States who is paid in accordance with local native prevailing rates for the area in which employed;

(iii) A civilian officer or member of a crew of a vessel operated by the Department of the Army or the Department of the Navy;

(iv) The Foreign Service of the United States;

(v) A person employed by the government of the District of Columbia whose pay is not fixed under chapter 51 and subchapter III of chapter 53 of title 5, United States Code;

(vi) An administrative law judge appointed under section 3105 of title 5, United States Code; or

(vii) Department of Defense teachers and other school personnel employed in the United States under section 6(a) of Public Law 81-874 (20 U.S.C. 241(a)).

§ 430.102 Definitions.

In this part: (a) "Plan" means performance rating plan established under Subpart B of this part;

(b) "Rating" means summary adjective rating required under Subpart B of this part;

(c) "Board" means Performance Rating Boards of Review established under Subpart C of this part; and

(d) "Days" means calendar days and not workdays.

Subpart B—Performance Ratings

§ 430.201 Establishment of performance rating plans.

(a) *Establishment of plans.* Each agency shall establish one or more performance rating plans for evaluating the work performance of its employees.

(b) *Civil Service Commission approval.* Proposed agency plans or changes in plans shall be submitted to the Civil Service Commission for prior approval as conforming to the requirements of this part.

(c) *Rating levels.* Each plan shall provide for three summary performance rating levels: outstanding, satisfactory, and unsatisfactory, and may provide for a fourth level between satisfactory and outstanding.

§ 430.202 Assignment of ratings.

(a) *Annual ratings.* Each employee shall be assigned a performance rating at least once a year. An agency shall promptly notify employees of their ratings. Ratings shall be assigned only under approved plans, and under performance requirements which were in effect during the rating period and communicated to the employees at the beginning of the rating period.

(b) *Outstanding ratings.* An outstanding rating may be assigned only when all aspects of performance not only exceed normal requirements, but are outstanding and deserve special commendation.

(c) *Unsatisfactory rating.* An unsatisfactory rating may be assigned only after an employee has received 90-day advance written warning and has had a resonable opportunity to perform at a satisfactory level. An unsatisfactory rating is assigned when the overall impact of the employee's performance is such that removal from the position will be considered unless there is prompt, substantial improvement.

Subpart C—Performance Rating Appeals

§ 430.301 Establishment of performance rating boards of review.

An agency shall establish, on a case by case basis, performance rating boards of review to consider and decide appeals of performance ratings assigned under this part.

§ 430.302 Members of boards.

Each board is composed of a chairman designated by the Commission, an employee member designated in a manner approved by the Commission, and an agency member designated by authority of the agency head. Any alternate members are designated in the same manner as their principals.

§ 430.303 Appeals.

(a) *Unsatisfactory rating.* An employee with an unsatisfactory rating is entitled to an impartial review of the rating by the agency, to appeal directly to a board of review, or to appeal to the board after obtaining the impartial review.

(b) *Satisfactory or better rating.* An employee with a satisfactory or better rating is entitled to either an impartial review of the rating by the agency, or to appeal to a board of review, but not both.

(c) *Filing a request for an impartial review or an appeal.* A request for an impartial review shall be filed in the manner designated by the plan. An appeal shall be filed with the Civil Service Commission.

(d) *Time limits on requests for impartial reviews or appeals.* Unless longer time limits are established in the plan:

(1) A request for an impartial review or an appeal shall be filed no later than fifteen days after the employee is notified of the rating;

(2) An appeal shall be filed within fifteen days after the employee withdraws his or her timely request for an impartial review when more than thirty days have elapsed since the notice of rating was given; or

(3) An appeal shall be filed no later than fifteen days after the employee receives the agency's decision on the impartial review of an unsatisfactory rating.

(e) *Extension of time limits.* Upon written request in accordance with the plan, an employee may request an extension of the time limits in paragraph (d). In an impartial review the appropriate agency official, or in an appeal the board, may extend the time limits for good and sufficient reasons.

§ 430.304 Hearings.

(a) *Oral hearing.* The appellant is entitled to a hearing before the board. If the appellant waives the right to a hearing, the board will consider the appeal on the basis of written information submitted by both parties.

(b) *Conduct of hearing.* The appellant, the appellant's representative, and the agency representative may attend the hearing. The chairman of the board presides at the hearing and rules on questions arising at it. The hearing is conducted in order to bring out pertinent facts. The parties may submit any information the board finds pertinent and may hear, examine, and reply to information received by the board. The board shall consider only information which is directly related to the rating. The board shall consider the record of an impartial review of a rating under paragraph (a) of § 430.303.

§ 430.305 Board decisions.

(a) *The decision.* The board shall consider the pertinent facts in an appeal and by majority vote either (1) increase the appealed rating or (2) sustain the rating without change.

(b) *Notice of decision.* The board's decision shall be in writing and contain a summary statement of the facts on which it is based. The board shall send copies of the decision to the appellant, the appellant's representative, and the agency representative. The decision of the board is final and there is no further right of appeal.

(c) *Effect of decision.* When an agency receives notice of a board's increase in an employee's rating, the agency shall correct all records of the original rating, reconsider any and all administrative actions based on the original rating, and insofar as possible under the law and regulations and in the public interest, redetermine and adjust those administrative actions to conform to the corrected rating.

(d) *Reconsideration.* Reconsideration of a decided appeal may be granted by majority vote of the board only on receipt of information from the party seeking reconsideration that the correctness of the decision is doubtful. A request for reconsideration of a decided appeal must be filed within fifteen days after the date of receipt of the board's decision on the appeal.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-10590 Filed 4-7-77;10:32 am]

Title 9—Animals and Animal Products

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, MEAT AND POULTRY INSPECTION, DEPARTMENT OF AGRICULTURE

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES, AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Termination of Designation of the State of Ohio With Respect to the Inspection of Meat and Poultry Products

AGENCY: Meat and Poultry Inspection Program, USDA.

ACTION: Termination of Designation of the State of Ohio under the Federal Meat Inspection Act and the Poultry Products Inspection Act.

SUMMARY: The Governor of Ohio had advised this Department that the State of Ohio would no longer be in a position to continue administering the State meat and poultry inspection programs after April 9, 1977. Therefore, the Secretary of Agriculture designated the State of Ohio as required under section 301(c)(3) of the Federal Meat Inspection Act and section 5(c)(3) of the Poultry Products Inspection Act with an effective date of application of Federal provisions of April 10, 1977. Since then, the Governor of Ohio had advised the Department that Ohio will now continue its meat and poultry inspection programs and requested that the designation of Ohio under the Acts be terminated. Therefore, such designations of Ohio are hereby terminated.

EFFECTIVE DATE: April 8, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. James K. Payne, Director, Federal-State Relations, Field Operations, Meat and Poultry Inspection Program, U.S. Department of Agriculture, Washington, D.C. 20250. (202-447-6313).

SUPPLEMENTARY INFORMATION: The Governor of the State of Ohio had advised this Department that the State of Ohio would no longer be in a position to continue administering the State meat and poultry inspection programs after April 9, 1977, and requested the Department to assume the responsibility for carrying out the provisions of titles I and IV of the Federal Meat Inspection Act and sections 1-4, 6-10, and 12-22 of the Poultry Products Inspection Act with respect to establishments within the State at which cattle, sheep, swine, goats, or equines are slaughtered or their carcasses, or parts or products thereof, are prepared for use as human food, or at which poultry are slaughtered or poultry products are processed for use as human food, solely for distribution within such State, and with respect to intrastate operations and transactions concerning products and other articles and animals subject to the Federal Meat Inspection Act or the Poultry Products Inspection Act, and persons, firms, and corporations engaged therein.

The Secretary determined that in view of the proposed termination date for the Ohio programs, Ohio was effectively enforcing requirements at least equal to those imposed under titles I and IV of the Federal Meat Inspection Act and sections 1-4, 6-10, and 12-22 of the Poultry Products Inspection Act, inasmuch as those requirements contemplate continuous ongoing programs.

Accordingly, on March 3, 1977, a notice was published in the FEDERAL REGISTER (42 FR 12177) designating the State of Ohio, effective March 3, 1977, under section 301(c)(3) of the Federal Meat Inspection Act and section 5(c)(3) of the Poultry Products Inspection Act; and April 3, 1977, was specified as the "Effective date of application of Federal provisions" for both programs. However, on March 8, 1977, in the FEDERAL REGISTER (42 FR 13013), the effective date of designation in both programs

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was changed to March 10, 1977, and the "Effective date of application of Federal provisions" for both programs, to April 10, 1977.

Since then, the Governor has informed the Department that Ohio will now continue its meat and poultry inspection programs and requested that the designation of Ohio under the Acts be terminated. The Secretary has now determined that since Ohio will continue its meat and poultry inspection programs, Ohio will enforce State meat and poultry inspection requirements at least equal to the requirements under titles I and IV of the Federal Meat Inspection Act and sections 1–4, 6–10, and 12–22 of the Poultry Products Inspection Act.

Therefore, the designation of the State of Ohio with respect to meat and meat products and poultry and poultry products under the Acts is hereby terminated. nated.

§ 331.2 [Amended]

Accordingly, § 331.2 of the Federal meat inspection regulations (9 CFR 331.2) is hereby amended by deleting "Ohio" from the "State" column and by deleting the date which was added on the line with "Ohio".

(Secs. 21 and 301(c)(3), 34 Stat. 1260, as amended; 21 U.S.C. 621, 681(c)(3).)

§ 381.221 [Amended]

Also, § 381.221 of the poultry products inspection regulations (9 CFR 381.221) is hereby amended by deleting "Ohio" from the "State" column and by deleting the date which was added on the line with "Ohio".

(Secs. 5(c) and 14, 71 Stat. 441, as amended; 21 U.S.C. 454(c)(3), 463.)

This amendment of the meat and poultry inspection regulations is necessary to reflect the determination of the Secretary of Agriculture under section 301(c)(3) of the Federal Meat Inspection Act and section 5(c)(3) of the Poultry Products Inspection Act. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Secretary. Therefore, under the administrative procedure provision in 5 U.S.C. 553, it is found upon good cause that such public procedure is impracticable and unnecessary and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

The Department of Agriculture has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

Done at Washington, D.C. on April 6, 1977.

CAROL TUCKER FOREMAN,
Assistant Secretary for Food and Consumer Services.

[FR Doc.77–10592 Filed 4–7–77;10:51 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD FOR HUMAN CONSUMPTION

[Docket No. 76F–0093]

PART 175—INDIRECT FOOD ADDITIVES: ADHESIVE COATINGS AND COMPONENTS

Resinous and Polymeric Coatings

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The food additive regulations are amended to provide for safe use of dodecyl benzenesulfonic acid as a curing catalyst for urea-formaldehyde and triazine-formaldehyde resins as the basic polymers in coatings intended for food-contact use.

DATES: Effective April 8, 1977; objections by May 9, 1977.

ADDRESS: Written objections to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

John J. McAuliffe, Bureau of Foods (HFF–302), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, (202–472–5690).

SUPPLEMENTARY INFORMATION: A notice published in the FEDERAL REGISTER of April 8, 1976 (41 FR 14914) announced that a food additive petition (FAP 6B3151) had been filed by American Cyanamid Co., Wayne, NJ 07470, proposing that § 175.300 (21 CFR 175.300, formerly § 121.2514, prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) be amended to provide for the safe use of dodecyl benzenesulfonic acid as a curing catalyst for urea-formaldehyde and melamine-formaldehyde resins in coatings intended for food-contact use.

Subsequently, an amended notice of filing was published in the FEDERAL REGISTER of September 29, 1976 (41 FR 42969), proposing that § 175.300 be amended to provide for the safe use of dodecyl benzenesulfonic acid as a curing catalyst for urea-formaldehyde and triazine-formaldehyde resins in coatings intended for food-contact use.

The Commissioner of Food and Drugs, having evaluated the data in the food additive petition and other relevant material, concludes that the regulation should be amended as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 5.1), Part 175 is amended in § 175.300 by revising paragraph (b)(3)(xii) and (xiii) to read as follows:

§ 175.300 Resinous and polymeric coatings.

* * * * * *

(b) * * *

(3) * * *

(xii) Urea-formaldehyde resins and their curing catalyst:

(*a*) Urea-formaldehyde resins, as the basic polymer:

Urea-formaldehyde.
Urea-formaldehyde chemically modified with methyl, ethyl, propyl, isopropyl, butyl, or isobutyl alcohol.
Urea-formaldehyde chemically modified with one or more of the amine catalysts listed in paragraph (b)(3)(viii)(*b*) of this section.

(*b*) Curing (cross-linking) catalyst for urea-formaldehyde resins:

Dodecyl benzenesulfonic acid (C.A. Registry No. 27176–87–0).

(xiii) Triazine-formaldehyde resins and their curing catalyst:

(*a*) Triazine-formaldehyde resins, as the basic polymer:

Benzoguanamine-formaldehyde.
Melamine-formeldehyde.
Melamine-formaldehyde chemically modified with one or more of the following amine catalysts:
Amine catalysts listed in paragraph (b)(3)(viii)(*b*) of this section.
Dimethylamine–2–methyl–1–propanol.
Methylpropanolamine.
Triethanolamine.
Melamine-formaldehyde chemically modified with methyl, ethyl, propyl, isopropyl, butyl, or isobutyl alcohol.

(*b*) Curing (cross-linking) catalyst for triazine-formaldehyde resins:

Dodecyl benzenesulfonic acid (C.A. Registry No. 27176–87–0).

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before May 9, 1977, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Four copies of all documents shall be filed and identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective April 8, 1977.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)).)

Dated: April 1, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77–10399 Filed 4–7–77;8:45 am]

[Docket No. 75F–0287]

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

Polyethylene Phthalate Polymers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The food additive regulations are amended to provide for safe use of a heat-sealing coating on film intended for sealing polyester pouches holding beverages. This order is based on a petition proposing such a regulation.

DATES: Effective April 8, 1977; objections by May 9, 1977.

ADDRESS: Written objections to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

John J. McAuliffe, Bureau of Foods (HFF–302), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, (202–472–5690).

SUPPLEMENTARY INFORMATION: Notice was given in the FEDERAL REGISTER of October 29, 1975 (40 FR 50299), that a petition (FAP 5B3097) had been filed by ICI United States Inc., Concord Pike and New Murphy Rd., Wilmington, Del. 19897, proposing that § 177.1630 (21 CFR 177.1630, formerly § 121 2524, prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) be amended to provide for safe use of ethylene azelate-terephthalate copolymer as a heat-sealing coating on polyethylene terephthalate films for food-contact (beverage) use.

In a related notice in the FEDERAL REGISTER of October 5. 1976 (41 FR 43944) FDA announced the availability on October 8, 1976 of the final environmental impact statement on plastic bottles for carbonated beverages and beer, including polyester (polyethylene terephthalate) pouches.

The Commissioner of Food and Drugs, having evaluated data in the petition and other relevant material, concludes that § 177.1630 should be amended as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))), and under authority delegated to the Commissioner (21 CFR 5.1), Part 177 is amended in § 177.1630 by alphabetically inserting a new item in the list of substances in paragraph (e)(4)(iii) to read as follows:

§ 177.1630 Polyethylene phthalate polymers.

* * * * *

(e) * * *

(4) * * *

(iii) Coatings:

Ethylene azelate-terephthalate copolymer: The copolymer, dissolved in 1,1,2-trichloroethane and/or methylene chloride, may be used as a heat-activated sealant on polyethylene terephthalate film intended for sealing polyethylene terephthalate pouches that are used as containers of either nonalcoholic beverages or alcoholic beverages containing not more than 15 percent ethyl alcohol. The copolymer has a terephthalate/azelate molecular ratio of 1.25/1.00 and a relative viscosity of not less than 1.5 as determined by a method available from the Director, Division of Food and Color Additives (HFF–330), Food and Drug Administration, Washington, DC 20204. Total residual copolymer solvent (1,1,2-trichloroethane and/or methylene chloride) shall not exceed 0.13 milligram per square inch of film, and food contact of the film shall be limited to not more than 1 square inch per 250 grams of beverage.

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before May 9, 1977, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Four copies of all documents shall be filed and identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Effective date: This regulation shall become effective April 8, 1977.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)).)

Dated: April 1, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77–10398 Filed 4–7–77;8:45 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

[Docket Nos. 75N–0171; 76N–0082]

ANTIBIOTICS, NITROFURAN, AND SULFONAMIDES

AGENCY: Food and Drug Administration, HEW.

ACTION: Final rule.

SUMMARY: This document amends regulations on antibiotic, nitrofuran, and sulfonamide drugs in animal feeds, including those that were included in the reorganization and republication (recodification) of animal drug regulations published in the FEDERAL REGISTER of March 15, 1976 (41 FR 10984).

DATES: Effective March 8, 1977.

FOR FURTHER INFORMATION CONTACT:

Gerald B. Guest, Bureau of Veterinary Medicine (HFV–130), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, (301–443–3410).

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs issued, in the FEDERAL REGISTER of February 25, 1976, a regulation based on a proposal published in the FEDERAL REGISTER of August 6, 1974 (39 FR 28393) and republished on September 27, 1974 (39 FR 34682). The February 25 document amended § 558.15 (21 CFR 558.15) by establishing therein a list of manufacturers of medicated feed premixes and the approved premixes and combination medicated feed products in compliance with the provisions of that section. It also deleted those products that were subject to, but had not complied with, the requirements for continued marketing set forth in that section.

In the FEDERAL REGISTER of March 15, 1976, the Commissioner recodified the animal drug regulations previously promulgated in Part 121 (21 CFR Part 121) under section 409 of the act (21 U.S.C. 348), placing the regulations, including those amended by the February 25 document, into Parts 526, 529, 540, and 558 (21 CFR Parts 526, 529, 540, and 558).

After the August 6, 1974 proposal to amend § 558.15 and corresponding regulations, many comments were received; these alleged various errors or omissions. The preamble to the February 25, document addressed the comments submitted and gave the Commissioner's response to each. Additional responses to the February 25 document are addressed in this document. In addition, after publication of the March 15 recodification, several comments were received, some from previous respondents; these are also addressed below.

Several respondents noted the recodified regulations did not include the sponsors of approved medicated premixes, approved premix levels, or approved uses.

As stated in the preamble to the March 15 recodification, the changes made were nonsubstantive. The recodi-

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fied regulations did not identify sponsors or premix levels because to do so would constitute a substantive change.

The specific responses received concerning the February 25 document and the March 15 recodification and the Commissioner's response to each are as follows:

1 Abbott Laboratories commented on the February 25 and March 15 documents about their approvals for use of arsanilic acid with erythromycin in various combinations for poultry feeds:

a. In the February 25 document, item 11 of the preamble (41 FR 8286) stated that Merck & Co. is sponsoring effectiveness studies on several drug combinations containing erythromycin and amprolium. Neither Merck nor Abbott is doing such work. These products have been deemed effective by the contemporary standards.

The Commissioner agrees. Since the combinations are currently included in the regulations, no amendment is required.

b. In the same document in item 21 of the preamble (41 FR 8287), it was stated that the use of erythromycin in cattle is covered by § 510.515 (21 CFR 510.515). The firm said this is in error. In addition, the firm noted that this use was not included in § 558.15(g)(1) (21 CFR 558 15(g)(1)).

The Commissioner agrees that inclusion of this use in § 510.515 would have been in error; however, since it was cited in the preamble but not included in the regulation, no amendment is required. This use is included in § 558.15(g)(1) as a separate entry.

c. In the third paragraph of item 21 of the preamble, Abbott noted that the document incorrectly states that the firm is conducting efficacy studies on erythromycin combinations.

The Commissioner agrees that these combinations were approved after June 7, 1967, and therefore do not require additional efficacy data.

d. In item 22 of the preamble (41 FR 8287), Abbott expressed interest in sponsoring bacitracin, zoalene, and arsanilic acid drug combinations pending resolution of the antibiotic safety issues.

Section 558.15(a) states that 2 years were given for submission of data to resolve conclusively the issues concerning safety to man and animals and their effectiveness as combination products. Submission of such data was required by April 20, 1975. No commitments were received to carry out the required efficacy studies on these combinations. Therefore, this combination is not eligible for interim marketing.

e. Abbott stated that the use of various combinations of erythromycin, amprolium, ethopabate, and arsanilic acid were incorrectly deleted from § 121.210 (21 CFR 121.210). In addition, zoalene, bacitracin, and arsanilic acid were similarly and incorrectly deleted from § 121.207 (21 CFR 121.207).

The Commissioner agrees that these combinations should be included in the regulations. One of the combinations, zoalene-bacitracin-arsanilic acid, is included in § 558.15(g)(2) for Dow Chemical Co.; the appropriate sections are amended to include these approvals.

f. Abbott requested that combinations of arsanilic acid and various antibiotics listed in § 144.26 (recodified as 21 CFR 510.515) be permitted on an interim basis. The firm has expressed interest in sponsoring these combinations pending resolution of the antibiotic safety studies.

As indicated in item d above, § 558.15 (a) clearly indicates a 2-year interim with no provisions for subsequent resolution of questions. Therefore, the request is denied.

g. The firm stated that the use of erythromycin in cattle should be included in § 558.15(g)(1).

The Commissioner notes that this item is included in § 559.15(g)(1) as a separate entry.

h. Abbott questioned the inclusion of several combinations containing erythromycin, zoalene, amprolium, ethopabate, and arsanilic acid in § 558.15(g)(2), since these combinations were approved after June 1967.

These combinations are not listed for Abbott under § 558.15(g)(2). These combinations are not under review for efficacy, but the safety issues have not been resolved.

i. Abbott suggests the regulations for arsanilic acid and sodium arsanilate be combined, since they are for the acid or salt form of the same drug.

The Commissioner concedes that these drugs are similar, but each is the subject of different conditions of approval. Therefore, they should not be combined under a single section.

j. Abbott questioned the failure to include sponsors for their arsanilic acid and sodium arsanilate approvals.

The recodification was a republication of material in Part 121 that was moved to Part 558. Additional information would have constituted a substantive change that could not be included.

k. Abbott questioned the inclusion of the provision for use of erythromycin thiocyanate in cattle in § 558.248(e)(2) rather than in the table in paragraph (e)(1).

The table in § 558.248(e) represents those currently approved uses in complete feeds. The use in question is for a feed supplement and is a separate item.

2. A.L. Laboratories, Inc., and S. B. Penick & Co. noted that the two documents failed to reflect the change in sponsorship from S. B. Penick to A.L. Laboratories for several new animal drug applications (NADA's) for bacitracin methylene disalicylate. In addition, A.L. Laboratories stated that the use of bacitracin methylene disalicylate in the feed of quail and pheasants for growth promotion and improved feed efficiency had been omitted.

The Commissioner agrees that the new sponsor for bacitracin methylene disalicylate should be reflected in the regulations in § 558.15(g)(1). Other sections affected by the change of sponsorship will be covered by a separate document. Concerning omission of the feed uses of bacitracin methylene disalicylate in pheasants and quail, the Commissioner notes that the use for pheasants is included in § 558.76(e)(1)(i) (21 CFR 558.76(e)(1)(i)). The use of the drug for quail was inadvertently omitted and is being added to the section. In addition, several approved combination uses of the drug that had not been included in the recodified regulations are being added to paragraph (e)(3) of the section.

3. Comments submitted by American Cyanamid Co. are as follows:

a. Their approval as a sponsor for certain chlortetracycline premixes used in the manufacture of finished feed for horses, sheep, goats, and psittacine birds was not included in § 558.15(g)(1).

Premixes for use in horses and psittacine birds are uses for nonfood animals and thus not properly the subject of § 558.15. These uses of the drug are approved uses included in § 558.128(e)(1) and (2), table 2, item (vi). The title of table 2 is misleading because it fails to reflect inclusion of feed use for horses as well as cattle. It is amended to read "in feed supplements." Entry (vi) of the table, regarding the use of chlortetracycline for horses, is amended to add the claim "growth promotion and feed efficiency." This claim was not included in the recodification. The use of the drug in sheep is properly codified in § 558.128 (e)(2), table 1, item (ii). No prior publication covered its use in goats; therefore, no changes are indicated in this regard.

b. The approved premix containing chlortetracycline, sulfamethazine, and penicillin was not listed in § 558.15.

The premix containing chlortetracycline, sulfamethazine, and penicillin is covered by § 558.145 (21 CFR 558.145) and, as such, is included by reference in § 558.15(g)(2) (see introductory text of § 558.15(g)(2)).

c. The claim for use of chlortetracycline in the feed of laboratory mice was deleted from § 510.515(b)(29).

The use of chlortetracycline in the feed of laboratory mice is an approved use, which was inadvertently omitted from § 510.515; it is reinstated.

d. The firm was not listed as a sponsor of a premix or finished feed in § 558.128 (21 CFR 558.128).

Sponsors of approved NADA's were not identified in the regulations in Part 121 and were not included in the recodified regulations.

e. Hess & Clark is incorrectly listed as a sponsor of roxarsone in § 558.530 (21 CFR 558.530), since Salsbury Laboratories is listed as sponsor when roxarsone is used with robenidine in § 558.515.

An application for roxarsone premix was approved for Hess & Clark, notice of which was published in the FEDERAL REGISTER of July 30, 1975 (40 FR 31933). Approval for roxarsone marketed by Salsbury Laboratories predated enactment of the Animal Drug Amendments of 1968; however, the Salsbury application is deemed approved pursuant to section 108(b)(2) of the transitional provisions to the Animal Drug Amendments of 1968.

Because the data regarding the safety and effectiveness of the combination of robenidine and roxarsone were obtained using the Salsbury product, Salsbury is identified as the source of roxarsone for use in this combination.

4. Commerical Solvents Corp. stated they had filed a commitment to conduct studies on combinations of zinc bacitracin, with amprolium, ethopabate, and roxarsone and as a result of this commitment, noted several apparent omissions in the documents:

a. Amprolium is listed in § 558.55 in combination with bacitracin methylene disalicylate with and without roxarsone but not with zinc bacitracin; also, the combinations of zinc bacitracin in § 558.78(e)(3) (21 CFR 558.78(e)(3)) appear incomplete in that combinations with diethylstilbestrol, arsanilic acid, and monensin are not included.

The Commissioner has evaluated these comments and concludes that the cited combinations with zinc bacitracin were inadvertently omitted in the recodified regulations. These combinations are reinstated.

b. In the recodified regulations in Part 558, the approved premix levels and the sponsoring firms are not listed.

In reference to approved premixes and sponsors, they were not identified in the regulations in Part 121 and therefore were not included in the recodified regulations.

5. Dow Chemical U.S.A. stated that § 558.680 (21 CFR 558.680) failed to include zoalene in combination with penicillin and roxarsone, or arsanilic acid and bacitracin, or chlortetracycline.

The Commissioner finds that these combination drugs were inadvertently deleted. The regulations are amended to include these uses.

6. Elanco Products Co., in two responses, questioned the deletion of combinations of hygromycin B with zoalene, amprolium, or tylosin. In addition, the firm noted the deletion of combinations of tylosin with penicillin for broiler chickens, tylosin with amprolium or zoalene for chickens, and hygromycin B for chickens and swine.

The Commissioner concludes that appropriate commitments have been submitted covering the use of hygromycin B alone and in combination with amprolium and zoalene, and these combinations are reinstated. Such commitments have not been submitted regarding the combination of hygromycin B and tylosin, nor have they been submitted regarding tylosin with procaine penicillin. Therefore, the Commissioner concludes that these drug combinations are properly deleted from the regulations. However, the Commissioner notes that § 558.625 (21 CFR 558.625) does erroneously refer to several tylosin combinations that are no longer approved. This inadvertent cross-reference is deleted.

7. Merck and Co., Inc., commented in several letters as follows:

a. Section 558.55 (21 CFR 558.55) permits a combination of amprolium, bacitracin, and penicillin without specifying any indications for use.

The Commissioner agrees that the lack of indications for this combination was in error; a correction was published in the FEDERAL REGISTER of April 5, 1976 (41 FR 14367).

b. Section 558.58(e)(1) contains a statement indicating use of those feeds in chickens as well as turkeys, without citing any specific uses for turkeys.

The Commissioner notes that these feeds have not been approved for use in turkeys. The regulation is amended to delete reference to use in turkeys.

c. Section 558.58 lists several combinations of amprolium and ethopabate, without listing the approval for use of this combination.

The Commissioner agrees; the regulations are amended to add the approval.

d. Section 558.58 does not include amprolium and ethopabate in combination with roxarsone, nor with erythromycin, with or without arsanilic acid.

The Commissioner agrees; the regulations are amended to add these approvals.

e. Section 558.460 (21 CFR 558.460) provides incorrect levels for penicillin in combination with streptomycin for each drug when used in swine, chicken, and turkey feed; and combinations with penicillin and aklomide, arsanilic acid, buquinolate, nihydrazone, reserpine, and zoalene have been deleted.

The Commissioner agrees that the drug use levels were incorrectly stated. The regulations are amended to revise the levels for the combinations of penicillin and streptomycin for swine, chickens, and turkeys. The regulations regarding the use of penicillin with aklomide, arsanilic acid, buquinolate, nihyrazone, reserpine, and zoaline were inadvertently deleted and are reinstated.

f. The preamble to the February 25 document, in item 11, failed to state that the combination of erythromycin with amprolium, alone or with ethopabate, has been evaluated and approved for effectiveness under contemporary scientific criteria. Abbott Laboratories had submitted commitments to resolve the safety issues regarding erythromycin.

The Commissioner agrees, but since a revision of a preamble is not reflected in the regulation itself, no amendment is required.

g. Section 510.515(c) for nicarbazine in combination with penicillin or bacitracin methylene disalicylate does not include claims for weight gain and feed efficiency, and for nicarbazine in combination with bacitracin methylene disalicylate and roxarsone or penicillin and roxarsone does not include claims for weight gain, feed efficiency, and improved pigmentation.

The Commissioner agrees; the regulations are amended to include these claims.

h. In § 510.515(c), the use levels for penicillin with streptomycin for chickens and turkeys should read 2.4 to 30 grams per ton of penicillin and 12 to 150 grams per ton of streptomycin. The indications for use should include a claim for improved weight gain. The use levels for swine should read 1.5 to 45 grams per ton of penicillin and 7.5 to 225 grams per ton of streptomycin, and the indications for use should include claims for weight gain and feed efficiency.

The Commissioner agrees; the regulations are amended to reflect these changes.

i. In § 558.15(g)(2) for penicillin and streptomycin in chicken and turkey feeds, the use levels should read 2.4 to 30 grams per ton of penicillin and 12 to 150 grams per ton of streptomycin.

The Commissioner notes that these use levels are cross-referenced to § 510.515. With the revision of § 510.515, noted in item h above, no further amendment is required.

8. Pfizer, Inc., noted that § 558.15 (g)(1) did not include the use of oxytetracycline in chickens for certain egg production claims, nor use of streptomycin in chickens, turkeys, and swine.

The Commissioner concludes that § 558.15(g)(1) should be amended to include these claims for use of oxytetracycline. In the case of streptomycin in chickens, turkeys, and swine, he finds that the premix is covered by § 558.15 (g)(1), and no further revision is required.

9. Salsbury Laboratories responded with the following comments:

a. The proposal published on August 6, 1974 differs considerably from the regulation published February 25, 1976, and therefore should be republished as an amended proposal.

Section 510.515 was published as a proposal on August 6, 1974, as amended in the FEDERAL REGISTER of September 27, 1974 (39 FR 34682), and published as a regulation on February 25, 1976. In response to the proposal, a number of comments were received and evaluated; several comments justified changes in the final regulation and the recodified regulations. The February 25, 1976 document was the subject of a published proposal, and it did not require republication before becoming final.

b. The February 25, 1976 revision of § 510.515 deleted certain sections previously deemed approved, without following due process as set forth in section 512(e) of the act (21 U.S.C. 360b(e)).

The preamble of the February 25 document fully discussed withdrawal of certain approvals and corresponding regulations, and it did not require additional consideration pursuant to section 512(e) of the act.

c. Section 510.515(b)(39) includes provisions of an approval that had been withdrawn without prejudice, notice of which was published in the FEDERAL REGISTER of September 28, 1967 (32 FR 13605).

The Commissioner agrees, and the insertion is deleted.

d. The February 25 document withdraws approvals for sulfanitran and aklomide, originally published in the FEDERAL REGISTER of September 9, 1966 (31 FR 11876), although the data supporting this NADA are less than 10 years old and satisfy contemporary standards.

The approvals for sulfanitran and alkomide were reevaluated based on

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further information available. Upon this evaluation, it was concluded the approval was erroneously withdrawn. The approval is hereby reinstated.

e. The March 15, 1976 recodification does not list Salsbury Laboratories as the sponsor of dimetridazole, nitromide and sulfanitran, or roxarsone.

Sponsors of approved NADA's were not identified in the regulations in Part 121 and thus were not included in the recodified regulations.

10. The Upjohn Co. commented in two letters, noting that § 558.15 failed to include nine approved combinations of lincomycin that were included in the August 6, 1974 proposal. In addition, the recodified section concerning melengestrol acetate (21 CFR 558.342) contained incorrect information on use of the drug.

The Commissioner has reviewed these comments and finds that the nine combinations of lincomycin are incorporated in § 558.15(g)(2) by reference since they are currently listed in § 558.325 (21 CFR 558.325). Concerning melengestrol acetate, the recodified regulations for feed use of the drug inadvertently indicated use in complete feeds. The regulation is amended to indicate its use in or on finished feeds.

11. In addition to the preceding amendments, the Commissioner has found that certain other revisions to the regulations are required as follows:

a. A number of animal drugs covered by the regulations (21 CFR Part 121) established under the Food Additives Amendment of 1958 have not been required before recodification to be the subject of an approval pursuant to section 512(m) of the act (21 U.S.C. 360b (m)).

The recodification, being nonsubstantive, should have provided for the continued waiver of the products from the requirement of section 512(m) of the act. This is being provided for by this document.

b. The proposal of August 6, 1974 stated that the tolerance for residues of bacitracin in food from manganese bacitracin is to be revoked on the grounds that the antibiotic is no longer being marketed. After publication of the proposal, approval for the use of bacitracin was withdrawn at the request of the sponsor, by publication in the FEDERAL REGISTER of September 19, 1974 (39 FR 33723). The tolerances for bacitracin and manganese bacitracin residues in foods are deleted by this document.

c. The regulation providing for the use of roxarsone (21 CFR 558.530) does not include a cross-reference covering its use in combination with bambermycins (21 CFR 558.95), a previously approved combination. Section 558.530 is amended to include the cross-reference.

d. The designation of Commercial Solvents Corp. in § 558.15 is changed to I.M.C. Chemical Group, Inc., to reflect a change in company name. The change is consistent with that published in the FEDERAL REGISTER of July 23, 1976 (41 FR 30326).

e. The designation of S. B. Penick & Co. is changed to A. L. Laboratories to reflect a change in sponsorship. The change is consistent with that published in the FEDERAL REGISTER of December 3, 1976 (41 FR 53002).

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 512, 701 (a), 52 Stat. 1055, 82 Stat. 343–351 (21 U.S.C. 360b, 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1), Parts 510, 556, and 558 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. Part 510 is amended in § 510.515 by adding paragraph (b)(29), which had been inadvertently deleted; designating paragraphs (b)(30)–(37) as reserved; deleting paragraph (b)(39) and designating paragraph (b)(39)–(51) as reserved; and by revising items 1, 3, 6, and 7 in the table in paragraph (c) to read as follows:

§ 510.515 Animal feeds bearing or containing new animal drugs subject to the provisions of section 512(n) of the act.

* * * * * * *

(b) * * *

(29) It is intended for use solely as an aid in reducing the incidence of bacterial diarrhea in laboratory mice; its labeling bears adequate directions and warnings for such use; and it contains not less than 100 grams of chlortetracycline per ton of feed.

(30)–(37) [Reserved]

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(39)–(51) [Reserved]

* * * * * * *

(c) * * *

Product	Species	Use levels	Indications for use
1. Nicarbazin	Chickens	0.01 to 0.02 pct	For use in the prevention of outbreaks of coccidiosis in poultry flocks; growth promotion and feed efficiency.
Procaine penicillin	do	2.4 to 50 g/ton	
* * *	* * *	* * *	* * *
3. Nicarbazin	do	0.01 to 0.02 pct	For use as an aid in the prevention of coccidiosis in poultry flocks; growth promotion and feed efficiency; improving pigmentation.
Bacitracin methylene disalicylate	do	4 to 50 g/ton	
3-nitro-4-hydroxy-phenylarsonic acid.	do	0.0025 to 0.005 pct.	
* * *	* * *	* * *	* * *
6. Penicillin	Chickens and turkeys.	2.4 to 30 g/ton	For use as a treatment for complicated chronic respiratory disease (air sac infection), infectious sinusitis, blue comb (nonspecific infectious enteritis, mud fever), and hexamitiasis in poultry; as an aid in maintaining or increasing egg production of chickens, hatchability of eggs, prevention of early mortality of chicks when due to organisms that are sensitive to streptomycin and penicillin; and for increased weight gains and improving feed efficiency.
Streptomycin	do	12 to 150 g/ton.	
* * *	* * *	* * *	* * *
7. Penicillin	Swine	1.5 to 45 g/ton	For use in the prevention and treatment of bacterial swine enteritis; for increased weight gain and improved feed efficiency.
Streptomycin	do	7.5 to 225 g/ton.	
* * *	* * *	* * *	* * *

PART 556—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOODS

2. Part 556 is amended by revising § 556.70 to read as follows:

§ 556.70 Bacitracin.

Tolerances for residues of bacitracin from zinc bacitracin or bacitracin methylene disalicylate are established at 0.5 part per million (0.02 unit per gram), negligible residue, in uncooked edible tissues of cattle, swine, chickens, turkeys, pheasants, and quail, and in milk and eggs.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

3. Part 558 is amended as follows:

a. In § 558.15, by amending paragraph (g)(1) by changing the names S. B. Penick & Co. to A.L. Laboratories, Inc., by establishing a separate entry for Thompson-Hayward Chemical Co., for use in chickens, turkeys and quail only, and by adding between the entries for Hoffman-LaRoche, Inc., and Pfizer, Inc., two new separate entries for Pfizer, Inc.; and by amending paragraph (g)(2) by changing the name "Commercial Solvents Corp." to "IMC Chemical Group, Inc.," and in the entry for "Merck Sharp & Dohme Research Labs," by changing the "do" under the "Species" column to "chickens" as follows:

§ 558.15 Antibiotic, nitrofuran, and sulfonamide drugs in the feed of animals.

* * * * * * *

(g) * * *

(1) * * *

Drug sponsor	Drug premix	Species	Use levels	Indications for use
IMC Chemical Group, Inc.	Zinc bacitracin..	Chickens, turkeys, swine, pheasants, and quail. Cattle.	Sec. 558.78..	Sec. 558.78.
Thompson-Hayward Chemical Co.	do	Chickens, turkeys, pheasants, and quail.	do	Do.
A.L. Laboratories, Diamond Shamrock Chemical Co.	Bacitracin methylene disalicylate.	Chickens, turkeys, and swine.	Sec. 558.76..	Sec. 558.76.
		Cattle	do	Do.
Pfizer, Inc.	Oxytetracycline.	Chickens	10 to 50 g/ton.	As an aid in increasing egg production.
Do	do	do	50 to 100 g/ton.	To extend period of high egg production, to improve feed efficiency, to improve fertility, and to improve egg production and feed efficiency in presence of disease and at time of stress; as an aid in maintaining and improving hatchability where birds are suffering stress from moving, vaccination, culling, extreme temperature change, and worming; to improve livability of progeny when losses are due to oxytetracycline-susceptible organisms; to improve egg shell quality.
* * *	* * *	* * *	* * *	* * *

(g) * * *

(2) * * *

Drug sponsor	Drug ingredient	Species	Use levels	Indications for use
* * *	* * *	* * *	* * *	* * *
IMC Chemical Group, Inc..	Zinc bacitracin	do	4 to 50 g/ton	Prevention of coccidiosis. Growth promotion and feed efficiency, Sec. 558.78.
* * *	* * *	* * *	* * *	* * *
Merck, Sharp & Dohme Research Lab.	Amprolium	Chickens.	0.125 to 0.025 pct..	Sec. 558.55 or 558.58 and 558.530.

b. In § 558.55 by revising paragraph (c) and by amending paragraph (e)(2) in the table by adding in alphabetical sequence new subitems to items (i), (ii), and (iv) as follows:

§ 558.55 Amprolium.

* * * * * * *

(c) *Special considerations.* (1) Do not use in feeds containing bentonite.

(2) Finished feeds containing amprolium as the sole drug, processed from feed supplements containing not more than 0.05 percent amprolium, and conforming to the requirements of paragraph (e) of this section are not required to comply with the provisions of section 512(m) of the Federal Food, Drug, and Cosmetic Act.

* * * * * * *

(e) * * *

(2) * * *

Amprolium in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
(i) * * *	* * *	* * *	* * *	* * *
	Hygromycin B 8 to 12...	Replacement chickens; development of active immunity to coccidiosis; control of infestation of large round worms (*Ascaris galli*), cecal worms (*Heterakis (gallinae)*, and capillary worms (*Capillaria obsignata*).	Feed according to subtable in item (i).	
(ii) * * *	* * *	* * *	* * *	* * *
	Hygromycin B 8 to 12...	Broiler chickens; prevention of coccidiosis caused by *Eimeria tenella* only; control of infestation of large round worms (*Heterakis gallinae*), and capillary worms (*Capillaria obsignata*).	Feed according to subtable in item (II).	
* * *	* * *	* * *	* * *	* * *
(iv) * * *	Arsanilic acid 90 (0.01 pct) plus erythromycin 4.6 to 18.5.	Broiler chickens and replacement chickens where immunity to coccidiosis is not desired; prevention of coccidiosis; growth promotion and feed efficiency; improved pigmentation.	Withdraw 5 d before slaughter; as sole source of organic arsenic.	
* * *	* * *	* * *	* * *	* * *
	Hygromycin B 8 to 12...	Broiler chickens and replacement chickens where immunity to coccidiosis is not desired; prevention of coccidiosis; control of infestation of large round worms (*Heterakis gallinae*) and capillary worms (*Capillaria obsignata*).	Feed according to subtable in item (i).	
* * *	* * *	* * *	* * *	* * *

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In § 558.58, by adding paragraph (c) and revising paragraph (e)(1) as follows: The introductory text of (e)(1) is revised; items (i), (ii), and (iii) in the table are redesignated as (ii), (iii), and (iv), respectively; new item (i) is added to the table; a new subitem is added to redesignated item (ii); two new subitems are added to redesignated item (iii); in redesignated item (iii) in the entry "Bacitracin 4 to 50" in the "Limitations" column, after the phrase "as bacitracin methylene disalicylate as provided by No. 046573" the phrase "or bacitracin zinc as provided by No. 012769" is inserted; and in the entry in redesignated item (iii) for "Bacitracin 5 to 35 plus roxarsone 34 (0.00375%)" in the "Limitations" column, after the phrase "as bacitracin methylene disalicylate as provided by No. 046573" the phrase "or bacitracin zinc as provided by No. 012769" is inserted, as follows:

§ 558.58 Amprolium and ethopabate.

• • • • •

Amprolium and ethopabate in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
(i) Amprolium 113.5 (0.0125 pct) and ethopabate 3.6 (0.0004 pct).	.....	Broiler chickens as an aid in the prevention of coccidiosis..	Not for laying hens; as sole source of amprolium.....	
(ii) Amprolium 113.5 (0.0125 pct) and ethopabate 3.6 (0.0004 pct).	Bambermycins 2 to 3 plus roxarsone 22.8 to 34.1 (0.0025 pct. to 0.00375 pct).	Broiler chickens; as an aid in the prevention of coccidiosis, for increased rate of weight gain, improved feed efficiency, and pigmentation.	Feed continuously as the sole ration; as sole source of amprolium and organic arsenic; amprolium and ethopabate as provided by No. 000006 in sec. 510.600(c) of this chapter, roxarsone by No. 017210, bambermycins by No. 000039; withdraw 5 d before slaughter.	
	Lincomycin 2 to 4.....	Broiler chickens; for increase in rate of weight gain; improved feed efficiency; as an aid in the prevention of coccidiosis.	Not for laying chickens; as lincomycin hydrochloride monohydrate; as sole source of amprolium.	
	Lincomycin 2 to 4 plus roxarsone 45.4 (0.005 pct).	Broiler chickens; for increase in rate of weight gain; improved feed efficiency and; pigmentation; as an aid in the prevention of coccidiosis.	Not for laying chickens; as lincomycin hydrochloride monohydrate; withdraw 5 d before slaughter; as sole source of amprolium and organic arsenic.	
	Roxarsone 45.4 (0.005 pct).	Broiler chickens; to aid in prevention of coccidiosis where severe exposure to coccidiosis from *Eimeria acervulina, E. maxima,* and *E. brunetti* is likely to occur; for increased rate of weight gain in broiler chickens raised in floor pens.	Do not feed to laying chickens; withdraw 5 d before slaughter; as sole source of amprolium; do not use as a treatment for outbreaks of coccidiosis; feed as sole ration from time chickens are placed on litter until past the time when coccidiosis is ordinarily a hazard; roxarsone as provided by No. 017210 in sec. 510.600(c) of this chapter; combinations as provided by No. 000006.	
(iii) Amprolium 113.5 (0.015 pct) and ethopabate 26.3 (0.004 pct).	.....	Broiler chickens and replacement chickens where immunity to coccidiosis is not desired; as an aid in the prevention of coccidiosis where severe exposure to coccidiosis from *Eimeria acervulina, E. maxima,* and *E. brunetti* is likely to occur.	Not for chickens over 16 weeks of age.....	
	Arsanilic acid 90 (0.01 pct) plus erythromycin 4.6 to 18.5.	Broiler chickens and replacement chickens where Immunity to coccidiosis is not desired; prevention of coccidiosis; growth promotion and feed efficiency; improve pigmentation.	Not for laying hens; withdraw 5 d before slaughter; as sole source of organic arsenic; as erythromycin thiocyanate.	
	Bacitracin 4 to 50.....	Broiler chickens and replacement chickens where immunity to coccidiosis is not desired; to aid in prevention of coccidiosis where severe exposure to coccidiosis from *Eimeria acervulina, E. maxima,* and *E. brunetti* is likely to occur; for increased rate of weight gain in broiler chickens raised in floor pens.	Not for chickens over 16 weeks of age, do not feed to laying chickens; as sole source of amprolium; not for use as a treatment for coccidiosis: as bacitracin methylene disalicylate as provided by No. 046573 or bacitracin zinc as provided by No. 012769 in sec. 510.600(c) of this chapter; feed as the sole ration from the time chickens are placed on litter until past the time when coccidiosis is ordinarily a hazard; combination as provided by No. 000006 in sec. 510.600(c) of chapter.	
	Bacitracin 5 to 35 plus roxarsone 34 (0.00375 pct).	Broiler chickens; for increased rate of weight gain and as an aid in the prevention of coccidiosis where severe exposure to coccidiosis from *Eimeria acervulina, E. maxima,* and *E. brunetti* is likely to occur in broiler chickens raised in floor pens.	Do not feed to laying chickens; withdraw 5 d before slaughter; as sole source of amprolium and organic arsenic; do not use as a treatment for outbreaks of coccidiosis; feed as the sole ration from time chickens are placed on litter until past the time when coccidiosis is ordinarily a hazard; amprolium and ethopabate as provided by No. 000006 in sec. 510.600(c) of this chapter; bacitracin methylene disalicylate as provided by No. 046573 or bacitracin zinc as provided by No. 012769 in sec. 510.600(c) of this chapter; roxarsone as provided by No. 017210 in sec. 510.600(c) of this chapter combination as provided by No. 000006 in sec. 510.600(c) of this chapter.	
	Bacitracin 20 to 35 plus roxarsone 34 (0.00375 pct).	Broiler chickens; for increased rate of weight gain, improved feed efficiency, and as an aid in the prevention of coccidiosis where severe exposure to coccidiosis from *Eimeria acervulina, E. maxima,* and *E. brunetti* is likely to occur in broiler chickens raised in floor pens.	Do not feed to laying chickens; withdraw 5 d before slaughter; as sole source of amprolium and organic arsenic; do not use as a treatment for outbreaks of coccidiosis; feed as the sole ration from time chickens are placed on litter until past the time when coccidiosis is ordinarily hazard; amprolium and ethopabate as provided by No. 000006 in sec. 510.600(c) of this chapter; bacitracin methylene disalicylate as provided by No. 000794 in sec. 510.600(c) of this chapter; roxarsone as provided by No. 017210 in sec. 510.600(c) of this chapter; combination as provided by No. 000006 in sec. 510.600(c) of this chapter.	
	Bambermycins 1 to 3..	Broiler chickens; as an aid in the prevention of coccidiosis from *Eimeria acervulina, E. Maxima,* and *E. brunetti* is likely to occur; for increased rate of weight gain, and improved feed efficiency.	Feed continuously as the sole ration as sole source of ethopabate as provided by No. 000006 in sec. 510.600(c) of this chapter, bambermycins as provided by No. 000039 in sec. 510.600(c) of this chapter.	
	Bambermycins 1 to 3 plus roxarsone 22.8 to 34.1 (0.0025 pct to 0.00375 pct).	Broiler chickens; as an aid in the prevention of coccidiosis where severe exposure to coccidiosis from *Eimeria acervulina, E. maxima,* and *E. brunetti* is likely to occur; for increased rate of weight gain; improved feed efficiency, and improved pigmentation.	Feed continuously as the sole ration; as source of amprolium and organic arsenic; amprolium and ethopabate as provided by No. 000006 in sec. 510.600(c) of this chapter, roxarsone by No. 017210, bambermycins by No. 00030. Withdraw 5 d before slaughter.	
	Erythromycin 4.6 to 18.5.	Broiler chickens and replacement chickens where immunity to coccidiosis is not desired; prevention of coccidiosis; growth promotion and feed efficiency.	Not for laying hens; withdraw 24 hours before slaughter; erythromycin thiocyanate.	

(c) *Special considerations.* Finished feeds containing amprolium and ethopabate as the sole drugs, processed from feed supplements containing not more than 0.05 percent amprolium and 0.016 percent ethopabate, and conforming to the requirements of paragraph (e) of this section are not required to comply with the provisions of section 512(m) of the Federal Food, Drug, and Cosmetic Act.

• • • • • •

(e) *Conditions of use.* (1) It is used in complete feed for chickens as follows:

d. In § 558.60, by adding paragraph (c) to read as follows:

§ 558.60 Arsanilate sodium.

• • • • • •

(c) *Special considerations.* Finished feeds containing arsanilate sodium as the sole drug and conforming to the requirements of paragraph (e) of this section are not required to comply with the provisions of section 512(m) of the Federal Food, Drug, and Cosmetic Act.

• • • • • •

e. In § 558.62 by adding paragraph (c) and redesignating paragraph (e)(2)(iii) and (iv) as (e)(2)(v) and (vi), respectively, and adding new paragraph (e)(2)(iii) and (iv), to read as follows:

§ 558.62 Arsanilic acid.

• • • • • •

(c) *Special considerations.* Finished feeds containing arsanilic acid as the sole drug and conforming to the requirements of paragraph (e) of this section are not required to comply with the provisions of section 512(m) of the Federal Food, Drug, and Cosmetic Act.

• • • • • •

(e) • • •

(2) • • •

(iii) Bacitracin zinc in accordance with § 558.78.

(iv) Bacitracin and zoalene in accordance with § 558.680.

(v) Buquinolate in accordance with § 558.105.

(vi) Zoalene in accordance with § 558.680.

f. In § 558.76, by revising paragraph (c), by redesignating items (ii), (iii), (iv), and (v) of the table in paragraph (e)(1) as items (iii), (iv), (v), (vi) respectively, and adding new item (ii), and by revising paragraph (e)(3), to read as follows:

§ 558.76 Bacitracin methylene disalicylate.

• • • • • •

(c) *Special consideration.* (1) The quantities of antibiotics are expressed in terms of the equivalent amount of antibiotic standard.

(2) Finished feeds containing bacitracin methylene disalicylate and conforming to the requirements of paragraph (e)(1) and (e)(2) are not required to comply with the provisions of section 512(m) of the Federal Food, Drug, and Cosmetic Act.

• • • • • •

(e) • • •

(1) • • •

Bacitracin methylene disalicylate in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
• • •	•	• • •	•	•
(ii) 5 to 20.....		Quail; not over 5 weeks of age; growth promotion and feed efficiency.		
• • •	•	• • •	•	•

(3) It is used as bacitracin methylene disalicylate in accordance with the provisions of the section in the combinations provided as follows:

(i) Amprolium in accordance with § 558.55.

(ii) Amprolium with ethopabate in accordance with § 558.58.

(iii) Arsanilic acid with zoalene in accordance with § 556.680.

(iv) Carbarsone (not U.S.P.) in accordance with § 558.120.

(v) Diethylstilbestrol in accordance with § 558.225.

(vi) Hygromycin B in accordance with § 558.274.

(vii) Monensin in accordance with § 558.355.

g. In § 558.78, by revising paragraph (c) and by redesignating paragraph (e)(3)(iii) and (iv) as (e)(3)(v) and (e)(3)(vii), respectively, and by adding new paragraphs (e)(3), (iii), (iv), and (vi), to read as follows:

§ 558.78 Bacitracin zinc.

• • • • • •

(c) *Special considerations.* (1) The quantities of antibiotics are expressed in terms of the equivalent amount of antibiotic standard.

(2) Finished feeds containing bacitracin zinc and conforming to the requirements of paragraph (e)(1) and (2) of this section are not required to comply with the provisions of section 512(m) of the Federal Food, Drug, and Cosmetic Act.

• • • • • •

(e) • • •

(3) • • •

(iii) Arsanilic acid and zoalene in accordance with § 558.680.

(iv) Diethylstilbestrol in accordance with § 558.225.

(v) Hygromycin B in accordance with § 558.274.

(vi) Monensin in accordance with § 558.355.

(vii) Zoalene in accordance with § 558.680.

h. In § 558.120, by adding paragraph (c) to read as follows:

§ 558.120 Carbarsone (not U.S.P.).

• • • • • •

(c) *Special considerations.* Finished feeds containing carbarsone as a sole drug, processed from feed supplements containing not more than 0.225 percent carbarsone and conforming to the requirements of paragraph (e) of this section are not required to comply with the provisions of section 512(m) of the Federal Food, Drug, and Cosmetic Act.

• • • • • •

i. In § 558.126, the introductory text of paragraph (e) is revised to read as follows:

§ 558.126 Chlormadinone acetate.

• • • • • •

(e) *Conditions of use.* It is used in or on feed for beef heifers and beef cows as follows:

• • • • • •

j. In § 558.128, paragraph (c) is added; paragraph (e)(2) is redesignated as (e)(3) as amended by revising the introductory text, the heading of Table 2, and item (vi) of Table 2; and paragraph (e)(3) is redesignated as paragraph (e)(4); and new paragraph (e)(2) is added to read as follows:

§ 558.128 Chlortetracycline.

• • • • • •

(c) *Special considerations.* Finished feeds containing chlortetracycline and conforming to the requirements of paragraph (e)(1), (2), and (3) of this section are not required to comply with the provisions of section 512(m) of the Federal Food, Drug, and Cosmetic Act.

• • • • • •

(e) • • •

(2) It is used in the feed for laboratory mice as follows:

(i) *Amount.* Not less than 100 grams per ton of feed.

(ii) *Indications for use.* As an aid in reducing the incidence of bacterial diarrhea.

(3) It is used in feeds as follows:

• • • • • •

V 4 2 6 8 APR 8 7 7 UMI

Chlortetracycline	Combination in milligrams per head per day	Indications for use	Limitations	Sponsor
•	•	•	•	•
(vi) 85.....		For horses up to 1 year of age; growth promotion and feed efficiency.	Do not slaughter for food purposes.	
•	•	•	•	•

k. In § 558.262, by adding paragraph (c) to read as follows:

§ 558.262 Furazolidone.

• • • • •

(c) *Special considerations.* Finished feeds containing furazolidone are not required to comply with the provisions of section 512(m) of the Federal Food, Drug, and Cosmetic Act.

• • • • •

1. In § 558.274, paragraphs (c) and (e)(2) are added to read as follows:

§ 558.274 Hygromycin B.

• • • • •

(c) *Special considerations.* Complete chicken feeds containing hygromycin B as a sole drug, processed from feed supplements containing not more than 32 grams per ton hygromycin B, and conforming to the requirements of paragraph (e) of this section are not required to comply with the provisions of section 512(m) of the Federal Food, Drug, and Cosmetic Act.

• • • • •

(e) • • •

(2) Hygromycin B may also be used in combination with:

(i) Amprolium in accordance with § 558.55.

(ii) Zoalene in accordance with § 558.680.

m. In § 558.342, the introductory text of paragraph (e) is revised to read as follows:

§ 558.342 Melengestrol acetate.

• • • • •

(e) *Conditions of use.* It is used in or on finished feed for heifers as follows:

• • • • •

n. In § 558.370, paragraph (c) is added to read as follows:

§ 558.370 Nitrofurazone.

• • • • •

(c) *Special considerations.* Finished feeds containing nitrofurazone as the sole drug are not required to comply with the provisions of section 512(m) of the Federal Food, Drug, and Cosmetic Act.

• • • • •

o. In § 558.430, paragraph (c) is added to read as follows:

§ 558.430 Nystatin.

• • • • •

(c) *Special considerations.* Finished feeds containing nystatin as the sole drug are not required to comply with the provisions of section 512(m) of the Federal Food, Drug, and Cosmetic Act.

• • • • •

p. In § 558.460, paragraph (d) is added, paragraph (f)(2)(v) is redesignated as (f)(2)(vi) and new paragraph (f)(2)(v), (vii), (viii), (ix), and (x) are added to read as follows:

§ 558.460 Penicillin.

• • • • •

(d) *Special considerations.* Finished feeds containing penicillin and conforming to the requirements of paragraph (f)(1) of this section are not required to comply with the provisions of section 512(m) of the Federal Food, Drug, and Cosmetic Act.

• • • • •

(f) • • •

(2) • • •

(v) Buquinolate in accordance with § 558.105.

(vi) Hygromycin B in accordance with § 558.274.

(vii) Nihydrazone in accordance with § 558.368.

(viii) Reserpine in accordance with § 558.505.

(ix) Roxarsone and zoalene in accordance with § 558.680.

(x) Zoalene in accordance with § 558.680.

q. In § 558.530, paragraphs (e)(4)(xvi) and (xvii) are added to read as follows:

§ 558.530 Roxarsone.

• • • • •

(e) • • •

(4) • • •

(xvi) Penicillin and zoalene in accordance with § 558.680.

(xvii) Bambermycins alone and in combination in accordance with § 558.95.

§ 558.625 [Amended]

r. In § 558.625 *Tylosin* by deleting paragraph (f)(2) and reserving it for future use.

s. In § 558.680, paragraph (c) is added and paragraph (e)(1) is amended in the table by alphabetically inserting new items to read as follows:

§ 558.680 Zoalene.

• • • • •

(c) *Special considerations.* Complete poultry feeds containing zoalene as a sole drug, processed from feed supplements containing not more than 0.0375 percent zoalene, and conforming to the requirements of paragraph (e) of this section are not required to comply with the provisions of section 512(m) of the Federal Food, Drug, and Cosmetic Act.

• • • • •

(e) • • •

(1) • • •

Zoalene in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
(i) 36.3 to 113.5 (0.004 pct to 0.0125 pct).	• • •	• • •	• • •	• • •
	Hygromycin B 8 to 12..	Replacement chickens; development of active immunity to coccidiosis; control of infestation of large round worms (*Ascaris galli*), cecal worms (*Heterakis gallinae*), and capillary worms (*Capillaria obsignata*).	In complete feed only; grower ration not to be fed to birds over 14 weeks of age, as follows:	

Growing conditions	Starter ration (grams per ton)	Grower ration (grams per ton)
Severe exposure.	113.5 (0.0125 pct).....	75.4 to 113.5 (0.0063 pct to 0.0125 pct).
Light to moderate exposure.	75.4 to 113.5 (0.0063 pct to 0.0125 pct).	36.3 to 75.4 (0.004 pct to 0.0063 pct).

(ii) 113.5 (0.0125 pct)...	• • •	• • •	• • •	• • •
	Arsanilic acid 90 (0.01 pct) plus bacitracin 4 to 50.	Broiler chickens; prevention and control of coccidiosis; improving pigmentation; growth promotion and feed efficiency.	Withdraw 5 d before slaughter; as sole source of organic arsenic; as bacitracin methylene disalicylate.	
•	•	•	•	•
	Chlortetracycline 200...	Broiler chickens; prevention and control of coccidiosis; control of synovitis.	Not to be fed to laying chickens; as chlortetracycline hydrochloride.	
•	•	•	•	•
	Hygromycin B (8 to 12)..	Broiler chickens; prevention and control of coccidiosis; control of infestation of large round worms (*Ascaris galli*), cecal worms (*Heterakis gallinae*), and capillary worms (*Capillaria obsignata*).		
•	•	•	•	•
	Penicillin 2.4 to 50 plus roxorasone 22.7 to 45.4 (0.0025 pct to 0.005 pct).	Broiler chickens; prevention and control of coccidiosis; growth promotion and feed efficiency; improving pigmentation.	Withdraw 5 d before slaughter; as sole source of organic arsenic; as procaine penicillin.	
•	•	•	•	•

Effective date: This regulation becomes effective April 8, 1977.

(Secs. 512, 701(a), 52 Stat. 1055, 82 Stat. 343–351 (21 U.S.C. 360b, 371(a)).)

Dated: March 11, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-9874 Filed 4-7-77;8:45 am]

[Docket No. 76N-0228]

PART 556—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOODS

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Nihydrazone (NF–64); Revocation

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The food and Drug Administration (FDA) revokes certain regulations that provide for the use of animal drugs containing nihydrazone (NF–64) alone and in certain combinations. The approvals are being withdrawn in a corresponding document (FDA Docket No. 76N–0233, appearing elsewhere in this issue of the FEDERAL REGISTER) because nihydrazone is not shown to be safe for use under either the approved or currently labeled conditions of use.

EFFECTIVE DATE: April 8, 1977.

FOR FURTHER INFORMATION CONTACT:

David P. Ducharme, Bureau of Veterinary Medicine (HFV–140), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, (301—443–2280).

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of August 17, 1976 (41 FR 34908), the Director of the Bureau of Veterinary Medicine issued a notice of opportunity for hearing on a proposal to withdraw the approval of certain new animal drug applications (NADA's) that provide for the use of nihydrazone for treating food-producing animals. In the same FEDERAL REGISTER (41 FR 34884), the Director proposed to revoke the Code of Federal Regulations (CFR) provisions for the use of nihydrazone in animal feeds.

The document withdrawing approvals for nihydrazone, which appears elsewhere in this FEDERAL REGISTER, discusses fully the basis upon which the subject applications are being withdrawn.

(Sec. 512, 82 Stat. 343–351 (21 U.S.C. 360b)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1).

Parts 556 and 558 are amended as follows:

§ 556.450 [Revoked]

1. By revoking § 556.450 *Nihydrazone.*

§ 558.15 [Amended]

2. In § 558.15 *Antibiotic, nitrofuran, and sulfonamide drugs in the feed of animals* is amended in the table in paragraph (g)(1) by deleting the last entry, which provides for nihydrazone, and in the table in paragraph (g)(2) by deleting the entries under "Norwich Pharmacal Co." for nihydrazone and procaine penicillin, nihydrazone and chlortetracycline, and nihydrazone and bacitracin methylene disalicylate or zinc bacitracin.

§ 558.368 [Revoked]

3. By revoking § 558.368 *Nihydrazone.*

Effective date: This amendment shall be effective April 8, 1977.

(Sec. 512, 82 Stat. 343–351 (21 U.S.C. 360b).)

Dated: April 1, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-10374 Filed 4-7-77;8:45 am]

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[FRL 710-7; FAP 6H5143/T23]

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Butachlor

AGENCY: Environmental Protection Agency.

ACTION: Final Rule.

SUMMARY: This rule permits the use of butachlor in an experimental program. The program involves the application of the herbicide to growing rice. This amendment was requested by Monsanto Co. in a feed additive petition. This rule permits the marketing of rice hulls and rice bran while further data on butachlor is collected.

EFFECTIVE DATE: Effective on April 8, 1977.

FOR FURTHER INFORMATION CONTACT:

Ms. Libby Zink, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 20460 (202/755-4851).

SUPPLEMENTARY INFORMATION On August 20, 1976, the Environmental Protective Agency (EPA) announced (41 FR 40100) that Monsanto Agricultural Products Co., 800 N. Lindbergh Blvd., St. Louis, Mo. 63116, had filed a food additive petition (FAP 6H5143). This petition proposed that 21 CFR 561 be amended by establishing a food additive regulation permitting the use of the herbicide butachlor (*N*-(butoxymethyl)-2-chloro-2',6'diethylacetanilide) in a proposed experimental program involving application of the herbicide to growing rice with tolerance limitations of 1 ppm for residues of the herbicide in rice hulls and 0.5 ppm in rice bran in accordance with an experimental use permit that is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.). Butachlor is not currently regulated under 21 CFR 561. No comments were received by the Agency in response to this notice of filing.

The scientific data reported and other relevant material have been evaluated, and it has been determined that the pesticide may be safely used in accordance with the provisions of the experimental use permit issued under FIFRA.

The scientific data considered in establishing this regulation consisted of four mutagenicity tests (host-mediated assay, reverse mutation, recombination assay, and dominant lethal), an acute rat toxicity test, and a subacute rabbit toxicity test. An adequate analytical method (gas-liquid chromatography) is available for enforcement purposes, and there is no reasonable expectation of residues in eggs, meat, milk, or poultry from the proposed use as delineated in 40 CFR 180.6(a)(3). A possible daily acceptable intake of 0.03 mg/day has been established for the proposed use; the no-effect level based on a 90-day rat study is 20 ppm or 1 mg/kg/day.

Questions that remain to be resolved are on the three-generation reproduction study, 18-month carcinogenic study, two-year chronic feeding study in dogs and rats as well as other general toxicity questions, all of which will be answered when the petitioner applies for permanent tolerances. At that time, an improved analytical method with lower controls and better recoveries, additional residue data, and more data on the propensity of butachlor to transfer to eggs, meat, milk, and poultry will be required. For the purposes of this experimental use, however, the present information is considered adequate. It has further been determined that since residues of the pesticide may result in rice hulls and rice bran from the agricultural use provided for in the experimental use permit, the feed additive regulation should be established and should include tolerance limitations.

Accordingly, a feed additive regulation is established as set forth below. (A notice also appears in today's FEDERAL REGISTER announcing the establishment of temporary tolerances of the pesticide on the raw agricultural commodities rice and rice straw.)

Any person adversely affected by this regulation may, on or before May 9, 1977, file written objections with the Hearing Clerk, EPA, Rm. 1019, East Tower, 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by the grounds legally sufficient to justify the relief sought.

Effective on April 8, 1977, 21 CFR 561 is amended as set forth below.

Dated: April 1, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

(Sec. 408(c)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(c)(1)).)

21 CFR 561 is amended by adding § 561.55 as follows:

* * * * *

§ 561.55 Butachlor.

Residues of the herbicide butachlor (*N*-(butoxymethyl)-2-chloro-2',6'-diethylacetanilide) may be present in the following feed only as a result of application of the herbicide to the growing agricultural commodity in an experimental use program which expires April 1, 1978. Residues not in excess of these tolerances remaining after expiration of this experimental use program will not be considered actionable if the herbicide has been legally applied during the term of and in accordance with the provisions of the experimental use permit and feed additive tolerances.

	Parts per million
Rice, bran	0.5
Rice, hulls	1.0

* * * * *

[FR Doc.77-10428 Filed 4-7-77;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 918]

[Docket No. AO-162-A5]

FRESH PEACHES GROWN IN GEORGIA

Recommended Decision and Opportunity To File Written Exceptions to Proposed Further Amendment of Marketing Agreement and Order

Correction

In FR Doc.77-7214, appearing at page 13557 of the issue for Friday, March 11, 1977:

1. In the third line of the second full paragraph, third column, page 13558, "nicurred?" should read "incurred".

2. In the ninth line of the paragraph numbered (3), middle column, page 13559, "upon hearings" should read "upon which hearings".

3. In § 918.10(a), third column, page 13559, in the second line, "Quitman Coffee" should read "Quitman, Coffee"; and in the thirteenth line, "Camden Lowndes" should read "Camden, Lowndes".

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-13420; File No. S7-613]

RECORDS WITH RESPECT TO BENEFICIAL OWNERSHIP OF ACCOUNTS CARRIED BY BROKERS AND DEALERS

AGENCY: Securities and Exchange Commission.

ACTION: Extension of Time for Comment.

SUMMARY: The time for comment on a proposed amendment to Securities Exchange Act Rule 17a-3(a)(9) is being extended. The comment period expires on April 1, 1977.

DATES: Comments must be received on or before May 2, 1977.

ADDRESSES: Interested persons should submit six copies of their written views and comments to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549 and should refer to File No. S7-613. All submissions will be made available for public inspection in the Commission's Public Reference Section, Room 6101, 1100 L Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Charles M. Horn, Esq., Office of the Chief Counsel, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549, 202/755-8747.

SUPPLEMENTARY INFORMATION: On January 27, 1976, the Commission published Securities Exchange Act Release No. 12055,[1] which, among other things, proposed for comment an amendment to Securities Exchange Act Rule 17a-3(a)(9), 17 CFR 240.17a-3(a)(9). Interested persons were invited to submit written views and comments on the proposed amendment not later than May 1, 1976.[2]

Subsequently, the Commission instituted a general inquiry into the rules of national securities exchanges relating to foreign access[3] and disapproved two rules of the New York Stock Exchange, Inc.[4] establishing certain restrictions on foreign access. In both instances consideration was given to the proposed amendment to Rule 17a-3(a)(9).

On January 10, 1977, the Commission republished for comment the proposed amendment to Rule 17a-3(a)(9)[5] to clarify, in some respects, the intended operation of the proposed amendment. Interested persons were again invited to submit comments with an initial deadline of March 4, 1977, that was subsequently extended to April 1, 1977.[6]

The Securities Industry Association has requested a further thirty-day extension, based on the "extremely serious implications of the Commisson's proposal."[7] While the comment period will be somewhat longer than customary,[8] the Commission recognizes that resolution of difficult policy issues may not always be possible on rigid time schedules and that, therefore, it should not in all cases attempt or be required to act on every rule proposal within a set period of time.[9] Accordingly, the Commission, in the interest of assuring that the comments of all interested persons will receive maximum consideration, hereby extends the comment period for the proposed amendment to Rule 17a-3(a)(9) until May 2, 1977.

By the Commission.

Dated: March 31, 1977.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-10466 Filed 4-7-77;8:45 am]

[1] 41 FR 8075 (Feb. 24, 1976).

[2] On April 26, 1976, the Commission extended the comment period to June 15, 1976. Securities Exchange Act Release No. 12378, 41 FR 18432 (May 4, 1976).

[3] Securities Exchange Act Release No. 12157 (Mar. 2, 1976), 41 FR 10662 (Mar. 12, 1976).

[4] Securities Exchange Act Release No. 12737 (Aug. 25, 1976), 41 FR 36847 (Sept. 13, 1976).

[5] Securities Exchange Act Release No. 13149, 42 FR 3312 (Jan. 18, 1977).

[6] Securities Exchange Act Release No. 13347 (Mar. 9, 1977), 42 FR 14737 (Mar. 16, 1977).

[7] Letter dated March 25, 1977, from the Securities Industry Association. The SIA indicated that, on February 24, 1977, it had "hired special counsel to assist in the preparation of detailed comments" and that several more weeks will be required to complete this process [of research and drafting] and for review by the appropriate SIA committees.

[8] With the extension granted hereby, 463 days will have elapsed from the time the rule amendment was first proposed.

[9] *Cf.* Securities Exchange Act Release No. 13347 (Mar. 9, 1977), 42 FR 14737 (Mar. 16, 1977), n. 6.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 431, 514]

[Docket No. 77P-0002]

CERTIFICATION OF ANTIBIOTIC DRUGS

Revision of Sampling Procedures

Correction

In FR Doc. 77-9036 appearing at page 16638 in the issue for Tuesday, March 29, 1977, the third line of the second full paragraph in the third column should Read: "(21 U.S.C. 357, 360b(n)) and under au- * * *"

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

DEFINITION OF THE TERM "CHURCH PLAN"

Proposed Rule Making

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the determination of whether a retirement plan is a church plan. Changes to the applicable tax law were made by the Employee Retirement Income Security Act of 1974. The regulations would provide persons responsible for the administration of retirement plans with the guidance needed to determine whether their plan is entitled to the benefits afforded church plans under that Act.

DATES: Written comments and requests for a public hearing must be delivered or mailed by May 23, 1977. The amend-

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ments are proposed to be effective on September 2, 1974.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR: T, Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

David Jacobson of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3923).

BACKGROUND

SUPPLEMENTARY INFORMATION:

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 414(e) of the Internal Revenue Code of 1954. These amendments are proposed to conform the regulations to section 1015 of the Employee Retirement Income Security Act of 1974 (88 Stat. 925) and are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

EXPLANATION OF PROPOSED REGULATIONS

Section 414(e) provides the requirements for what constitutes a church plan. Essentially a church plan is a plan established and maintained by a church for its employees. However, a plan maintained primarily for employees employed in connection with an unrelated trade or business is not a church plan. The regulations provide rules for determining when a person is considered primarily employed in connection with an unrelated trade or business. In addition, this document includes rules for determining whether an organization is an agency of a church for purposes of the special transition rule of section 414(e)(3).

COMMENTS AND REQUESTS FOR A PUBLIC HEARING

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the FEDERAL REGISTER.

DRAFTING INFORMATION

The principal author of these proposed regulations was David Jacobson of the Legislation and Regulations Division of Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

PROPOSED AMENDMENTS TO THE REGULATIONS

The proposed amendments to 26 CFR Part 1 are as follows:

The following sections are inserted in the appropriate place:

§ 1.414(c) Statutory provisions; definitions and special rules.

Sec. 414. *Definitions and special rules.*

* * *

(e) *Church plan*—(1) *In General.* For purposes of this part the term "church plan" means—

(A) A plan established and maintained for its employees by a church or by a convention or association of churches which is exempt from tax under section 501, or

(B) A plan described in paragraph (3).

(2) *Certain unrelated business or multiemployer plans.* The term "church plan" does not include a plan—

(A) Which is established and maintained primarily for the benefit of employees (or their beneficiaries) of such church or convention or association of churches who are employed in connection with one or more unrelated trades or businesses (within the meaning of section 513), or

(B) Which is a plan maintained by more than one employer, if one or more of the employers in the plan is not a church (or a convention or association of churches) which is exempt from tax under section 501.

(3) *Special temporary rule for certain church agencies under church plan.*

(A) Notwithstanding the provisions of paragraph (2) (B), a plan in existence on January 1, 1974, shall be treated as a church plan if it is established and maintained by a church or convention or association of churches and one or more agencies of such church (or convention or association) for the employees of such church (or convention or association) and the employees of one or more agencies of such church (or convention or association), and if such church (or convention or association) and each such agency is exempt from tax under section 501.

(B) Subparagraph (A) shall not apply to any plan maintained for employees of an agency with respect to which the plan was not maintained on January 1, 1974.

(C) Subparagraph (A) shall not apply with respect to any plan for any plan year beginning after December 31, 1982.

(Sec. 414(e) as added by sec. 1015, Employee Retirement Income Security Act of 1974 (88 Stat. 925).)

§ 1.414(e)-1 Definition of church plan.

(a) *General rule.* For the purposes of part I of subchapter D of chapter 1 of the Code and the regulations thereunder, the term "church plan" means a plan established and at all times maintained for its employees by a church or by a convention or association of churches (hereinafter included within the term "church") which is exempt from tax under section 501(a), provided that such plan meets the requirements of paragraphs (b) and (if applicable) (c) of this section. If at any time during its existence a plan is not a church plan because of a failure to meet the requirements set forth in this section, it cannot thereafter become a church plan.

(b) *Unrelated businesses*—(1) *In general.* A plan is not a church plan unless it is established and maintained primarily for the benefit of employees (or their beneficiaries) who are not employed in connection with one or more unrelated trades or businesses (within the meaning of section 513).

(2) *Establishment or maintenance of a plan primarily for persons not employed in connection with one or more unrelated trades or businesses.* (i) (A) A plan, other than a plan in existence on September 2, 1974, is established primarily for the benefit of employees (or their beneficiaries) who are not employed in connection with one or more unrelated trades or businesses if on the date the plan is established the number of employees employed in connection with the unrelated trades or businesses eligible to participate in the plan is less than 50 percent of the total number of employees of the church eligible to participate in the plan.

(B) A plan in existence on September 2, 1974, is to be considered established as a plan primarily for the benefit of employees (or their beneficiaries) who are not employed in connection with one or more unrelated trades or businesses if it meets the requirements of both paragraphs (b) (2) (ii) (A) and (B) (if applicable) in either of its first 2 plan years ending after September 2, 1974.

(ii) For plan years ending after September 2, 1974, a plan will be considered maintained primarily for the benefit of employees of a church who are not employed in connection with one or more unrelated trades or businesses if in 4 out of 5 of its most recently completed plan years—

(A) Less than 50 percent of the persons participating in the plan (at any time during the plan year) consist of, and in the same year

(B) Less than 50 percent of the total compensation paid by the employer during the plan year (if benefits or contributions are a function of compensation) to employees participating in the plan is paid to,

employees employed in connection with an unrelated trade or business. The determination that the plan is not a church plan will apply to the second year (within a 5 year period) for which the plan fails to meet paragraph (b) (2) (ii) (A) or (B) (if applicable) and to all plan years thereafter unless, taking into consideration all of the facts and circumstances as described in paragraph (b) (2) (iii) of this section, the plan is still considered to be a church plan. A plan that has not completed 5 plan years ending after September 2, 1974, shall be considered maintained primarily for the benefit of employees not employed in connection with an unrelated trade or business unless it fails to meet paragraphs (b) (2) (ii) (A) and (B) in at least 2 such plan years.

(iii) Even though a plan does not meet the provisions of paragraph (b) (2) (ii) of this section, it nonetheless will be considered maintained primarily for the benefit of employees who are not employed in connection with one or more unrelated trades or businesses if the church maintaining the plan can demonstrate that based on all of the facts and circumstances such is the case. Among the facts and circumstances to be considered in evaluating each case are:

(A) The margin by which the plan fails to meet the provisions of paragraph (b) (2) (ii) of this section, and

(B) Whether the failure to meet such provisions was due to a reasonable mistake as to what constituted an unrelated trade or business or whether a particular person or group of persons were employed in connection with one or more unrelated trades or businesses.

(iv) For purposes of this section, an employee will be considered eligible to participate in a plan if such employee is a participant in the plan or could be a participant in the plan upon making mandatory employee contributions to the plan.

(3) *Employment in connection with one or more unrelated trades or businesses.* An employee is employed in connection with one or more unrelated trades or businesses of a church if a majority of such employee's duties and responsibilities in the employ of the church are directly or indirectly related to the carrying on of such trades or businesses. Although an employee's duties and responsibilities may be insignificant with respect to any one unrelated trade or business, such employee will nonetheless be considered as employed in connection with one or more unrelated trades or businesses if such employee's duties and responsibilities with respect to all of the unrelated trades or businesses of the church represent a majority of the total of such person's duties and responsibilities in the employ of the church.

(c) *Plans of two or more employers.* The term "church plan" does not include a plan which, during the plan year, is maintained by two or more employers unless—

(1) Each of the employers is a church, that is exempt from tax under section 501(a), and

(2) With respect to the employees of each employer, the plan meets the provisions of paragraph (b) (2) (ii) of this section or would be determined to be a church plan based on all the facts and circumstances described in paragraph (b) (2) (iii) of this section.

Thus, if with respect to a single employer the plan does not meet the provision of paragraph (c) (2) of this section the provisions of this paragraph are not met with respect to the entire plan.

(d) *Special rule.* (1) Notwithstanding paragraph (c) (1) of this section, a plan maintained by a church and one or more agencies of such church for the employees of such church and of such agency or agencies, that is in existence on January 1, 1974, shall be treated as a church plan for plan years ending after September 2, 1974, and beginning before January 1, 1983, provided that the plan is described in paragraph (c) of this section without regard to paragraph (c) (1) of this section, and the plan is not maintained by an agency which did not maintain the plan on January 1, 1974.

(2) For the purposes of section 414(e) and this section, an agency of a church means an organization which is exempt from tax under section 501 and which is either controlled by, or associated with, a church. For example, an organization, a majority of whose officers or directors are appointed by a church's governing board or by officials of a church, is controlled by a church within the meaning of this paragraph. An organization is associated with a church if it shares common religious bonds and convictions with that church.

(e) *Religious orders and religious organizations.* For the purpose of this section the term "church" includes a religious order or a religious organization if such order or organization (1) is an integral part of a church, and (2) is engaged in carrying out the functions of a church, whether as a civil law corporation or otherwise.

(f) *Cross reference.* (1) For rules relating to treatment of church plans, see section 410(d), 411(e), 412(h), 4975(g), and the regulations thereunder.

(2) For rules relating to church plan elections, see section 410(d) and the regulations thereunder.

WILLIAM E. WILLIAMS,
Acting Commissioner of Internal Revenue.

[FR Doc.77-10471 Filed 4-7-77;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

FRANCIS MARION UNIT PLAN AND TIMBER MANAGEMENT PLAN

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Francis Marion National Forest Unit Plan and Timber Management Plan, Francis Marion and Sumter National Forests, USDA–FS–R8–DES (ADM.) 77–10.

The proposed action is the implementation of a ten year management plan for the 249,412 acre Francis Marion National Forest. The Forest is located in Berkeley and Charleston Counties in South Carolina. The proposed action will provide a desirable balance of resource utilization and protection while responding to the desires of the general public and anticipated future needs.

This draft environmental statement was transmitted to CEQ April 1, 1977. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, Chief, P.O. Box 2417, Washington, D.C. 20013.
USDA, Forest Service, 1720 Peachtree Street NW., Rm. 804, Atlanta, Georgia 30309.
U.S. Forest Service, Francis Marion and Sumter National Forests, 1801 Assembly Street, Columbia, South Carolina 29201.

A limited number of single copies are available upon request to Forest Supervisor, Francis Marion and Sumter National Forests, 1801 Assembly Street, Columbia, South Carolina 29201.

Comments are invited from the public, and from State and Local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Francis Marion and Sumter National Forests, 1801 Assembly Street, Columbia, South Carolina. Comments must be received by May 30, 1977 in order to be considered in the preparation of the final environmental statement.

Dated: April 1, 1977.

THOMAS W. SEARS,
Acting Regional, Environmental Coordinator.

[FR Doc.77-10430 Filed 4-7-77;8:45 am]

Rural Electrification Administration

MINNKOTA POWER COOPERATIVE

Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Draft Environmental Impact Statement in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a request for a loan guarantee commitment from the Rural Electrification Administration for Minnkota Power Cooperative of Grand Forks, North Dakota. This loan guarantee commitment will assist in obtaining financing to purchase a 30 percent share in a new 440 MW generating plant to be constructed near Beulah, North Dakota, with associated transmission facilities.

Additional information may be secured on request, submitted to Mr. Richard F. Richter, Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA Draft Environmental Impact Statement have been sent to various Federal, State and local agencies, as outlined in the Council on Environmental Quality Guidelines. The Draft Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C., Room 4310, or at the borrower address indicated above.

Comments concerning the environmental impact of the construction proposed should be addressed to Mr. Richter at the address given above. Comments must be received on or before June 7, 1977, to be considered in connection with the proposed action.

Final REA action with respect to this matter (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 31st day of March 1977.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.77-10297 Filed 4-7-77;8:45 am]

Soil Conservation Service

AQUILLA-HACKBERRY CREEK WATERSHED PROJECT, TEXAS

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Aquilla-Hackberry Creek Watershed project, Hill and Johnson Counties, Texas.

The environmental assessment of this Federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. George C. Marks, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement as described in the negative declaration include the installation of floodwater retarding structures Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 and grade stabilization structure Nos. 11–2 and 11–3.

The environmental assessment file is available for inspection during regular working hours at the following location.

USDA, Soil Conservation Service, W. R. Poage Federal Building, 101 South Main Street, Temple, Texas 76501.

Requests for the negative declaration should be sent to:

P. O. Box 648, Temple, Texas 76501.

No administrative action on implementation of the proposal will be taken until April 25, 1977.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Public Law 83-566, 16 U.S.C. 1001-1008.)

Dated: March 31, 1977.

JOSEPH W. HAAS,
Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc.77-10431 Filed 4-7-77;8:45 am]

SOUTH CLINTON LATERALS WATERSHED PROJECT, OKLAHOMA

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the remaining work in the South Clinton Laterals Watershed project, Custer and Washita Counties, Oklahoma.

The environmental assessment of this federal section indicates that the remaining work in the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the remaining work in the project. As a result of these findings, Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for the remaining work in this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works for improvement include conservation land treatment supplemented by five single-purpose floodwater retarding structures.

The negative declaration is being filed with the Council on Environmental Quality and copies are being sent to various Federal, State, and local agencies. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, Farm Road and Brumley Street, Stillwater, Oklahoma, 74074. A limited number of copies of the negative declaration is available from the same address to fill single copy requests.

No administrative action on implementation of the proposal will be taken until April 25, 1977.

(Catalog of Federal Domestic Assistance Program No. 10.904, Flood Control Act—Public Law 78–534, 58 Stat. 905.)

Dated: March 31, 1977.

JOSEPH W. HAAS,
Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc.77-10432 Filed 4-7-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 27573, Agreement C.A.B. 26325, R–4, and R–5, Order 77–3–166]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Specific Commodity Rates

Issued under delegated authority March 30, 1977.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

As set forth in the attachment, the agreement adds several specific commodity rates under existing specific commodity descriptions all reflecting reductions from general cargo rates. The agreement was adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated December 23, 1976.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered, That: Agreement C.A.B. 26325, R–4 and R–5, is approved, provided that: (a) Approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; (b) tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filings; and (c) where a specific commodity rate is published for a specified minimum weight at a level lower than the general commodity rate applicable for such weight, and where a general commodity rate is published for a greater minimum weight at a level lower than such specific commodity rate, the specific commodity rate shall be extended to all such greater minimum weights at the applicable general commodity rate level.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board unless within such period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

Agreement C.A.B.	Specific commodity item No.	Description and rate [1]
26325 R–4	2502	Babywear, handkerchiefs, ladies gloves, womens undergarments, blouses, handbags, embroideries made in the Philippines and covered by a Philippine export license. 147 c/kg, minimum weight 2,000 kg from Manila to Los Angeles. 184 c/kg, minimum weight 2,000 kg from Manila to New York.
	4204	Parts of agricultural machines and railway cars, parts of automobiles, motorscooters, motorcycles, bicycles, motor sleighs, lampshields, horns, sirens, visors, spotlamps, flashing lights, wheelcaps, mirrors, ashtrays, floor mats, steering wheel covers, instrument sets and panels, keyless ignition switches and safety locks, jacks, windshield washers, air conditioners, seat belts, seat covers, tire chains and studs, petrol caps, bumper guards, luggage and ski racks, back rests, baby seats, head cushions, automobile lighters, wind deflectors, for use in conjunction with automobiles, motorscooters, motorcycles, bicycles. 234 c/kg, minimum weight 200 kg from Manila to Los Angeles. 270 c/kg, minimum weight 200 kg from Manila to New York.
	7110	Newspaper, magazines and periodicals. 204c/kg, minimum weight 100 kg from Manila to Los Angeles. 244c/kg, minimum weight 100 kg from Manila to New York.
	9202	Toys, games, athletic and sporting goods. 260c/kg, minimum weight 100 kg from Manila to Los Angeles. 297c/kg, minimum weight 100 kg from Manila to New York.
R–5	0326	Fish. 75c/kg,[2] minimum weight 1,000 kgs from Papeete to Honolulu. 83c/kg,[2] minimum weight 1,000 kgs from Papeete to Los Angeles.

[1] Subject to applicable currency conversion factors as shown in tariffs.
[2] Expires Dec. 31, 1977.

[FR Doc.77-10341 Filed 4-7-77;8:45 am]

[Docket 19923, et al; Order 77–4–15]

LIABILITY AND CLAIMS RULES AND PRACTICES INVESTIGATION

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 4th day of April, 1977.

By Order 77–3–61, March 10, 1977, its supplemental opinion and order on reconsideration in Docket 19923, the Board ordered the air carrier parties, within 120 days of the date of service of that order, to cancel all tariffs and terminate all practices inconsistent with the Board's opinions.[1] It also ordered the air carrier parties, within 120 days of the order's service, to file, post and publish tariffs conforming to the Board's opinions. It has, however, come to the Board's attention that the language of paragraph 2 may be ambiguous and subject to interpretation with respect to the required effective date of revised tariffs.[2]

[1] Numbered paragraph 1,, p. 39 reads, "That the air carrier parties to this investigation shall, within 120 days of the date of service of this order, cancel all traiffs and terminate all practices which are inconsistent with the opinions herein;".

[2] Numbered paragraph 2, p. 39 reads, "That the air carrier parties to this investigation shall, within 120 days of the date of service of this order, file, post and publish tariffs conforming to the opinions herein and effective on not less than 60 days' notice;".

It is suggested that although paragraph 1 orders cancellation within 120 days of service of Order 77–3–61, the phrase "and effective on 60 days notice" at the end of paragraph 2 would permit air carriers to file revised tariffs effective 180 days after the date of service.

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It was the intention of the Board that the new tariffs become effective simultaneously with the cancellation of tariffs and termination of practices inconsistent with the Board's opinions. Cancellation and termination are to take place, and new tariffs are to become effective, within 120 days of March 14, 1977, the service date of Order 77–3–61. To remove any ambiguity and to clarify the Board's intention, we are by this order amending paragraph 2 of Order 77–3–61.

Accordingly, *It is ordered:*

1. That numbered paragraph 2 appearing on page 39 of the Board Order 77–3–61, March 10, 1977, be and hereby is amended to read as follows:

2. That the air carrier parties to this investigation shall, on not less than 60 days' notice, file, post and publish tariffs conforming to the opinions herein and effective within 120 days of the date of service of this order.

2. Copies of this order shall be served upon all parties.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77–10440 Filed 4–7–77;8:45 am]

CIVIL RIGHTS COMMISSION

COLORADO ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a plannnig meeting of the Colorado Advisory Committee (SAC) of the Commission will convene at 9 a.m. and will end at 12 noon on April 23, 1977, Room 1700, Executive Tower, 1405 Curtis Street, Denver, Colorado 80202.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Rocky Mountain Regional Office of the Commission, Executive Tower Inn, Suite 1700, 1405 Curtis Street, Denver, Colorado 80202.

The purpose of this meeting is to review and approve recommendations for the Committee's report on domestic violence.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 5, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77–10446 Filed 4–7–77;8:45 am]

NEVADA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Nevada Advisory Committee (SAC) of the Commission will convene at 9 a.m. and will end at 12 noon on April 30, 1977, at the Holiday Inn, Center Strip, 3475 Las Vegas Boulevard, South, Las Vegas, Nevada.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Western Regional Office of the Commission, 312 North Spring Street, Room 1015, Los Angeles, California 90012.

The purpose of this meeting is to discuss program planning of future State Advisory Committee activities.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 5, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77–10447 Filed 4–7–77;8:45 am]

CIVIL SERVICE COMMISSION

COMMUNITY SERVICES ADMINISTRATION

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Community Services Administration to fill by noncareer executive assignment in the excepted service on a temporary basis the position of Chief Executive Assistant, Office of the Director.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–10150 Filed 4–7–77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service on a temporary basis a second position of Deputy General Counsel, Office of the General Counsel, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–10149 Filed 4–7–77;8:45 am]

U.S. INTERNATIONAL TRADE COMMISSION

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the U.S. International Trade Commission to fill by noncareer executive assignment in the excepted service the position of Executive Director.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–10148 Filed 4–7–77;8:45 am]

HEALTH BENEFITS CONTRACTS

Solicitation of Comments

Correction

In FR Doc. 77–9343 appearing at page 16644 in the issue of Tuesday, March 29, 1977, in the fourth line, second paragraph, first column, page 16645, "facilities that do meet your present definitions" should read "facilities that do not meet your present definitions".

DEPARTMENT OF COMMERCE

Bureau of the Census

CENSUS ADVISORY COMMITTEE OF THE AMERICAN ECONOMIC ASSOCIATION

Public Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix I (1974)), notice is hereby given that the Census Advisory Committee of the American Economic Association will convene on April 29, 1977, at 9:15 a.m. in Room 2424, Federal Building 3 at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee of the American Economic Association advises the Director, Bureau of the Census, on technical matters, accuracy levels, and conceptual problems concerning the economic censuses; reviews major aspects of the Bureau's programs, and advises on the role of analysis within the Bureau and the need for providing data in more detail.

The Committee is composed of 15 members of the American Economic Association.

The agenda for the meeting is: (1) Topics of current interest including staff changes and Census Bureau organization, budget program developments, status of the response burden reduction program, outside funding, and status of legislation; (2) income data from Survey of Income and Education vs. Current Population Survey; (3) developing a price index for apartment buildings; (4) revised monthly business surveys—publication of revised historical data; (5) discussion on modifications to the Census Bureau's economic survey and publication programs to better meet the current needs of the economic analyst and deal with the expected problems of the next decade; (6) current status of 1980 census planning; and (7) Committee recommendations.

The meeting will be open to the public, and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting or who wish to submit written statements may contact the Committee Control Officer, Mr. Elmer Biles, Special Assistant to the Associate Director for Economic Fields, Bureau of the Census, Room 3061, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone (301) 763–7184.

Dated: April 5, 1977.

ROBERT L. HAGAN,
Acting Director, Bureau of the Census.

[FR Doc.77–10433 Filed 4–7–77;8:45 am]

Domestic and International Business Administration

CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining of this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77–00031. Applicant: California Department of Food and Agriculture, Laboratory Services, Division of Plant Industry, 1200 N Street, Sacramento, CA 95814. Article: Electron Microscope, Model EM 9S–2 and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for studies of plant virus, including purified preparation and infected tissue; mycroplasma infected tissue; phytopathogenic bacteria; and a variety of other plant pathogens and pests including fungi, nematodes, and insects. In addition, tissue from plants treated with a variety of pesticides, or grown under adverse cultural conditions will be studied. The objective of the research to be conducted is the rapid and accurate diagnosis of plant diseases to help protect agriculture in the State of California.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (October 20, 1976).

Reasons: The foreign article is a relatively simple, easy to operate, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programming. The article provides 7 Angstroms point to point resolution, an accelerating voltage of 60 kilovolts (KV), and low distortion magnifications from 140–60,000X (Magnifications of 140 to 1000X are within the normal, light microscopic range). Thus the article covers the range of light and electron microscopy. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated February 25, 1977 that the low distortion, low magnification capabilities available specifically in the optical range at 140X is pertinent to the purposes for which the foreign article is intended to be used. HEW also advises that it knows of no domestic instrument or apparatus which provided the pertinent features of the article at the time the foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77–10434 Filed 4–7–77;8:45 am]

NASA—HOUSTON

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77–00014. Applicant: National Aeronautics and Space Administration, Lyndon B. Johnson Space Center, Houston, TX 77058. Article: Electron Microscope, Model JEM–100C and accessories. Manufacturer: JEOL, Japan. Intended use of article: The article is intended to be used for studies of lunar samples, i.e. meteorites; and volcanic hypervelocity impact and nuclear-chemical explosion produced glassy droplets. Experiments to be conducted will include scanning electron microscope studies of particles for morphology and surface chemistry, scanning transmission electron miscroscope studies of surfaces of petrographic thin sections that have been ion etched to determine size, shape and composition of breccia fragments, and transmission electron microscope studies of the <20 μm fraction of lunar regolith samples.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article is available for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77–00004. Applicant: Sandia Laboratories, Kirtland AFB, East Albuquerque, New Mexico 87115. Article: Electron Microscope, Model JEM–100C/SEG and Accessories. Manufacturer: JEOL, Japan. Intended use of article: The article is intended to be used to perform high resolution, electron microscopic analyses on a variety of new materials under investigation and development. Examples of these materials are high strength titanium, aluminum, and steel alloys, superalloys, glass-ceramics, simulated radioactive ceramic oxide wastes, and unknown contaminants on

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used was being manufactured in the United States at the time the article was ordered (September 21, 1976).

Reasons: The description of the applicant's research and/or educational purposes establishes the fact that a conventional transmission electron microscope comparable to the foreign article is pertinent to the purposes for which the article is intended to be used. We know of no conventional transmission electron microscope which was being manufactured in the United States at the time the foreign article was ordered. ("Conventional transmission electron microscopes" are not to be confused with "scanning electron microscopes" which were manufactured domestically at the time the article was ordered and are still being manufactured in the United States.)

The Department of Commerce knows of no better instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77–10435 Filed 4–7–77;8:45 am]

SANDIA LABORATORIES

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77–00004. Applicant: Sandia Laboratories, Kirtland AFB, East Albuquerque, New Mexico 87115. Article: Electron Microscope, Model JEM–100C/SEG and Accessories. Manufacturer: JEOL, Japan. Intended use of article: The article is intended to be used to perform high resolution, electron microscopic analyses on a variety of new materials under investigation and development. Examples of these materials are high strength titanium, aluminum, and steel alloys, superalloys, glass-ceramics, simulated radioactive ceramic oxide wastes, and unknown contaminants on

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weapon components. Specifically, the high strength alloys and superalloys will be analyzed to ascertain their crystalline defect structures and the identity of second phases precipitated during heat treatment in order to establish the relationships between their microstructures and their mechanical properties. The glass-ceramics and simulated ceramic wastes will be investigated to determine the chemistry, lattice structure, and distribution of the various phases in their complex microstructures in order to establish the distribution of their chemical components. The unknown contaminants will be analyzed both chemically and structurally to ascertain and correct the sources of component contamination.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (July 7, 1976).

Reasons: The foreign article is equipped with a eucentric side entry goniometer stage with ±60 degree tilt and a guaranteed resolution of 7 Angstroms point to point. The National Bureau of Standards advises in its memorandum dated March 1, 1977 that (1) the capabilities of the article described above are pertinent to the applicant's intended purposes and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended purposes which was available at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-10436 Filed 4-7-77;8:45 am]

UNIVERSITY OF WISCONSIN-MADISON

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00424. Applicant: University of Wisconsin-Madison, Purchasing Department, 750 University Avenue, Madison, WI 53706. Article: 3-Component Flux-gate magetometer, Model FM 100B. Manufacturer: EDA Electronics Ltd., Canada. Intended use of article: The article is intended to be used for studies of fluctuations in the Earth's magnetic field in the frequency range of 0-1 Hz to determine the geological structure of the Earth to a depth of about 100 km.

Comments: No comments have been received with respect to this application.

Decision: Applicantion approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a sensitivty of one gamma or better, portability and battery power operation. The National Bureau of Standards advises in its memorandum dated March 10, 1977 that (1) the features of the article described above are pertinent to the applicant's intended purposes and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-10437 Filed 4-7-77;8:45 am]

UNIVERSITY OF MINNESOTA, ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651); 80 Stat. 897. Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before April 28, 1977.

Amended regulations issued under cited Act, (15 CFR 301) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00158. Applicant: University of Minnesota, Minneapolis, Minnesota 55455. Article: Electron Microscope, Model JEM-100C/SEG, Haskris Water Recirculator and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article will be used for the following research purposes: BF-DF studies of phase distribution in metal alloys; lattice imaging high resolution defect studies of metal alloys; X-ray microanalysis of phases in minerals, metals, frozen microemulsion, frozen biological tissues for spatial distribution maps of elements (Z>11); crystal structure determination of fine second phases using micro diffraction; secondary electron imaging of fracture surfaces and catalytically poisoned surfaces; low dose STEM imaging of radiation sensitive polymer crystal and spherulites. The article will also be used in the courses Mat Sci 8520 Electron Microscopy and Diffraction and Mat Sci 8521 Electron Microscopy Laboratory in which students will be familiarized with techniques of use and interpretation in electron microscopy and the range of applications for transmission, scanning and scanning transmission electron microscopy and electron diffraction. Application received by Commissioner of Customs: March 17, 1977.

Docket Number: 77-00159. Applicant: Northeastern University, Department of Chemistry, 360 Huntington Avenue, Boston, Massachusetts 02115. Article: High Resolution Fourier Transformation Multi-Nuclear Magnetic Resonance Spectrometer, Model JNM/FX60Q and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article will be used in the following research projects which involve the determination of nmr spectra of hydrogen, carbon-13, and fluorine nuclei:

a. Inorganic and Bioinorganic Reaction Mechanisms—Solution Kinetics.

b. Separation Methods, Application of NMR to Forensic Chemistry and Drug Analysis.

c. Structure of Natural Products derived from plants.

d. NMR in Analysis of Drugs of Abuse.

e. Synthesis of Natural Products.

f. Structural and Synthetic Medicinal Chemistry of Aporphines.

g. Structure and Chemistry of Natural Anti-tumor Agents.

h. Study of Electronic Structure of Transition Metal Systems. Measurements of Magnetic Exchange Using Knight Shifts. Magnetic and Structural Properties of Transition Metal Complexes Containing fluorine.

i. Thermal Rearrangements of Organic Molecules.

j. NMR Applied to the study of Pharmaceuticals.

k. Chemistry of Anti-Plague Agents.

l. Mechanism of Reductive Ring-Enlargement from Cyclopropenes to Cyclobutenes.

m. Paterno-Buchi Photovalence Isomerization as a Means for Storing Solar Energy.

n. Binuclear Bridging C_4H_4 Complexes.

o. ^{13}C Labelling Studies in the Investigation of Hydrocarbon Pyrolysis Mechanisms.

p. Intermolecular Interactions in Clathrate Complexes.

q. Biochemical Structure Investigations:

r. Structural Determination of Organic Radiation-Chemical Products.

s. Solution Magnetic Susceptibility Studies using the Evans NMR Method.

t. Fluxionality - Stereochemical nonrigidity as a function of temperature.

The article will also be used in the course "Identification of Organic Compounds" (Chem. 12.253) to teach the application of various analytical techniques in determination of molecular structure and identification of unknown organic compounds. Application received by Commissioner of Customs: March 17, 1977.

Docket Number: 77-00160. Applicant: Langston University, P.O. Box 967, Langston, Oklahoma 73050. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for sectioning plant, animal, and fungal tissues which have been embedded in hardened epoxy resins. Investigations will include ultrastructural studies on normal and pathologic plant and animal tissues, developmental studies on fugal systems, cyto and histochemical studies on enzyme and subcellular organelle localization in cells and tissues, membrane interactions at host-parasite interfaces, and subcellular changes in cells induced by changes in their biochemical and physical environments.

(Catalog of Federal Domestic Assistance Programs No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-10438 Filed 4-7-77;8:45 am]

COMMITTEE FOR THE PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1977

Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to Procurement List.

SUMMARY: This action adds to Procurement List 1977 a commodity to be produced by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: April 8, 1977

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: On October 22, 1976 the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (41 FR 46641) of proposed additions to Procurement List 1977, November 18, 1976 (41 FR 50975).

After consideration of all the relevant data presented, the Committee has determined that the commodity listed below is suitable for procurement by the Government under 41 U.S.C. 46-48(c) 85 Stat. 77.

Accordingly, the following commodity is hereby added to Procurement List 1977:

Class 8460

Suitcase, Coated Cloth, Nylon, 8460-01-014-1972.

C. W. FLETCHER,
Executive Director.

[FR Doc.77-10529 Filed 4-7-77;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

March 28 Through April 1, 1977

The following is a list of environmental impact statements received by the Council on Environmental Quality from March 28 through April 1, 1977. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the *minimum* period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (May 23, 1977). The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies are also available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Mr. Errett Deck, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, Room 359-A, Washington, D.C. 20250, 202-447-6827.

FOREST SERVICE

Draft

Naked Island Timber Sale, Chugach National Forest, Alaska, March 28: Proposed is a salvage timber sale on Naked Island, Prince William Sound, about 60 miles west of Cordova in Chugach National Forest, Alaska. The sale, approximately 100 acres in size, will consist of logging several clear cut units ranging in size between approximately 12 to 36 acres of insect damaged timber. The roadless and undeveloped character of the area will be lost and the sale will have a visual impact on the landscape over the next 30-40 years. (ELR Order No. 70393.)

Holly Springs and Tombigbee National Forest Timber Plan, several counties in Mississippi, March 29: The proposed action is the implementation of a new 10-year Timber Management Plan for Holly Springs and Tombigbee National Forests, effective October 1, 1977. The plan calls for even-aged forest management for that part of the forests which is suitable for sustained yield timber production and not reserved for some other use. Adverse environmental effects include a temporary decrease in the quality of forest scenery from timber cutting, other silvicultural treatments, and road construction; soil erosion and increases in stream turbidity; and shifts in wildlife populations. (ELR Order No. 70399.)

Final

Big Game Habitat Improvement, Northern Idaho, April 1: Proposed is the prescribed burning of brushfields in northern Idaho from the present to the completion of land management planning. The purpose of the habitat improvement program is to maintain the brushfield state of plant succession to provide forage for big game species, primarily elk, at a level nearer the productive capabilities of the land. The proposed project areas are located in the Clearwater, Idaho Panhandle, and Nezperce National Forests. This program will alter the environment by maintaining selected areas in the brushfield stage of plant succession. Comments made by: AHP, DOI, COE, EPA, FPC, State agencies, concerned citizens. (ELR Order No. 70423.)

Allegheny National Forest, Off-Road Vehicles, several counties in Pennsylvania, March 29: Proposed is the management of off-road vehicle (ORV) use in Allegheny National Forest, Pennsylvania, in a manner that will protect Forest resources, promote safety of its users and minimize conflicts among the use of those lands. To accomplish this objective, cross-country motorized vehicle use will be confined to designated ORV trails within certain portions of the Forest and such use will be exclusively by motorcycles (trailbikes) and registered snowmobiles. Environmental effects are considered to be generally favorable. Comments made by: DOI, DOD, EPA, State and local agencies, concerned citizens. (ELR Order No. 70396.)

DEPARTMENT OF DEFENSE

U.S. AIR FORCE

Contact: Col. Luis F. Dominguez, Room 5D 431, Pentagon, Washington, D.C. 20330.

Final

TFWC Range Complex, Nellis AFB, Nev., April 1: A draft EIS was submitted to CEQ in June 1974 concerning the Continental Operations Range (COR), a proposal which was subsequently cancelled. However, proposed air space changes and additional radar sites peculiar to the Tactical Fighter Weapons Center Range (TRC) are still required. The environmental impacts associated with the proposals for the TRC in the COR draft EIS remain valid and have been carried forward in this final EIS. Proposed is the redefinition and designation of certain restricted areas, the establishment of 2 special rule areas, and the construction of roads and instrument trailer pads for additional ground based mobile electromagnetic radiators. Comments made by: USDA, HEW, DOI, DOT, EPA, State and local agencies, concerned citizens. (ELR Order No. 70312.)

U.S. ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Department, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, SW., Washington, D.C. 20314, 202-693-6795.

Draft

Mississippi River, Ste. Genevieve, St. Mary's, Mo. March 29: Proposed is a flood protection plan for the Mississippi River between Ste. Genevieve and St. Mary's, Missouri. The plan consists of an 8-foot landside levee raise for the 14.8 miles of levee protecting 9,069 acres of agricultural land and the village of Pujol and Kaskaskia, Illinois on Kaskaskia Island. Protection from flooding from the Mississippi River will be increased to 46.6 feet on the Chester, Illinois, or a flood with the probability of occurrence of once in approximately 50 years. (ELR Order No. 70397.)

Little Wood River Flood Damage Reduction (2), Lincoln County, Idaho, April 1:

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Proposed is a flood damage reduction project which would improve the existing system for diverting floodwater from the Little Wood River into nearby lava fields. The two proposed diversion projects would be located near Shoshone and Dietrich in Lincoln County, Idaho, and would reduce present flood damage potential by 86 percent. The Dietrich Canal diversion would increase the existing diversion capacity from 500 to 1,500 cubic feet per second. The Milner-Gooding Canal diversion would permit the diversion of an additional 800 cfs into adjacent lava fields. Flood protection for 2,560 acres would be provided. (Walla Walla District.) (ELR Order No. 70424.)

Beadle Bay Development, Saginaw Bay, Huron County, Mich., April 1: Proposed is the issuance of a permit for the construction of boat channels in Saginaw Bay, Lake Huron, Michigan. The project requires dredging a combined total of 2600 cubic yards of material to make connections in two locations on the existing channel off Wild Fowl Bay. Excavation of the connection will result in turbidity in the water, and additional travel by vehicles to the areas and through the waterways by boats will cause increased congestion, noise, and exhaust emissions. (Detroit District.) (ELR Order No. 70426.)

Parker Lake, Muddy Boggy Creek (2), Coal County, Okla., March 29: Proposed is the construction and operation of the Parker Lake flood control project at mile 127.4 on Muddy Boggy Creek in Oklahoma. The project consists of a rolled earthfill embankment, a grated conduit, a limited service spillway, access roads, and project buildings. The Lake will reduce annual flood damages, increase water supply, and provide opportunities for recreation. Adverse impacts include permanent innundation of 8 archeological sites, relocation of 7 families, and destruction of wildlife on 6,110 acres of land. (Tulsa District.) (ELR Order No. 70403.)

Final

Swift Creek Basin, Edgecombe and Nash Counties, N.C., March 29: The Project involves the construction of a flood control project on Swift Creek located in Edgecombe and Nash Counties. The project consists of about 28 miles of stream snagging and clearing on Swift Creek and about 1.7 miles of channel excavation on the White Oak Swamp tributary. Adverse impacts are the loss of fishery and wildlife resources in portions of Swift Creek and White Oak Swamp. (Wilmington District.) Comments made by: DOC, HEW, DOI, AHP, EPA, USDA, State and local agencies, concerned citizens. (ELR Order No. 70404.)

Denison Dam, Lake Texoma, Red River O & M, Oklahoma and Texas, March 29: Proposed is the operation and maintenance of Denison Dam, Lake Texoma, Texas. The project consists of reservoir regulation; flood control; management of land resources and facilities; and management of leases, easements and other outgrants. Adverse impacts include soil erosion and/or compaction (due to recreational use, traffic, and wave action and pool fluctuation); damage to and loss of vegetation (due to pool fluctuation and construction); and alterations of the natural environment through recreational development and construction. Comments made by: FPC, EPA, DOI, DOT, USDA, AHP, HEW. (ELR Order No. 70412.)

Bardwell, Benbrook, Grapevine and Navarro Mills Lake, several counties in Texas, March 29: This statement reviews the environmental impacts of the operations, maintenance, and management programs at four completed and operating reservoir projects in the Trinity River Basin, Texas. These programs include flood control, water conservation, operation, and maintenance of project structures and recreational facilities, and management of lands and waters for fishing, boating, swimming, hunting, and other forms of recreation. Project implementation would place pressure on project lands by heavy recreational use increasing sanitation problems, refuse removal, and resource protection problems. (Fort Worth District.) Comments made by: EPA, USDA, DOC, HEW, DOI, DOT, AHP. (ELR Order No. 70411.)

NAVY

Contact: Mr. Ed Johnson, Department of the Navy, Room 4B466, Pentagon, Washington, D.C. 20350, 202–697–3639.

Supplement

USUHS Interim Wastewater Treatment, Bethesda (S–1), Montgomery County, Md., March 28: The statement supplements a final EIS filed with CEQ in January 1975. The purpose of the addendum is to update the status of the regional sewer situation and to assess the environmental effects of a proposed interim wastewater treatment facility at the National Naval Medical Center site. Construction of the facility will result in removal of existing vegetation, increases in erosion and releases of nutrients, and changes in water quality in Stoney Creek. (ELR Order No. 70392.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Please refer to the separate notice published by EPA in this issue of the FEDERAL REGISTER for the appropriate EPA contact:

Draft

Tunnel Components, Lower Des Plaines TARP, Cook County, Ill., April 1: This statement relates to the tunnel component of the Tunnel and Reservoir Plan, Lower Des Plaines Tunnel System, proposed by the Metropolitan Sanitary District of Greater Chicago. The proposed action identified and defined for this EIS is the Phase I conveyance tunnel systems and their associated subsystems only. The following information is included in the statement: alternative plans, plan selector, TARP Tunnel Systems, TARP Subsystems, Des Plaines Tunnel Segments and Branches, cost of Tunnel System and Subsystems, and TARP financing. (Region 5.) (ELR Order No. 70429.)

DEPARTMENT OF HOUSING AND URBAN DEVELOMENT

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, 202–755–6308.

Final

Clovis Heights/Cougar Estates No. 10–13 Development, Fresno County, Calif., March 29: Proposed is the ultimate development of a primarily vacant parcel of land into a 135-acre residential subdivision of slightly over 500 dwelling units to be designated "Clovis Heights." The first phase of 35 acres is to contain 136 units. Also proposed is the development of a second primarily vacant parcel into a residential subdivision of slightly over 500 dwelling units in four phases. This development is designated "Cougar Estates" No. 10–13; the first phase of 35.4 acres is already being developed into 147 units. Conversion of vacant grazing and farming land to urbanized residential development will result. Comments made by: DOD, COE, USDA, AHP, HEW, State and local agencies, concerned citizens. (ELR Order No. 70407.)

Loring 100 Apts., Loring Park Development District, Hennepin County, Minn., April 1: This statement concerns a mortgage insurance application for the Loring 100 Apartment in Minneapolis, Minnesota. The 102-unit project will provide housing and a community/recreation facility for elderly persons. The Loring 100 project is part of the Loring Park Development, a 2000-unit planned urban redevelopment project. Major adverse impacts include the demolition of existing business and residential structures with attendant displacement of the indigenous population. The erection of tall and massive structures may result in shadow and wind effects. Comments made by: EPA, DOT, DOI, State and regional agencies, concerned citizens. (ELR Order No. 70428.)

The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD).

SECTION 104(h)

Draft

Willowbrook, Calif., Willowbrook Development Project, Los Angeles County, Calif., March 29: Proposed is the implementation of the Willowbrook Neighborhood Development Program in Los Angeles, California. The project goals include: improvement of the range and quality of housing, orderly growth and development around the Martin Luther King Memorial Hospital/Drew Medical School complex and provision of recreational, community, educational, and commercial facilities and services to meet community needs. Construction and demolition associated impacts will occur. (ELR Order No. 70409.)

Boise, Idaho, West Boise Avenue Trunk Sewer, Idaho, March 29: Proposed is the development of the West Boise Avenue Relief Trunk Sewer in Boise, Idaho. The project would provide relief to the 18-inch Broadway Avenue line by diverting flow from the two 30-inch trunk sewers through a new 36-inch line down Boise Avenue. The relief sewer would connect with the existing 36-inch sewer line on Boise Avenue at Oakland Street. Adverse effects include increases in noise and dust during construction, and growth-related impacts following completion. (ELR Order No. 70402.)

DEPARTMENT OF THE INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 5311, Department of the Interior, Washington, D.C. 20240, 202–343–3891.

BUREAU OF RECLAMATION

Final

Fruitland Mesa Project, Delta, Montrose, and Gunnison Counties, Colo., March 28: The proposed project involves construction of a 606-surface acre reservoir and a water delivery system in the Gunnison River Basin, Colorado. Water would be stored and distributed for irrigation, fishery, and recreation development. Irrigation water would be provided to 11,940 acres of presently unirrigated land and 6,310 acres of irrigated land in need of a supplemental supply. Construction is scheduled to be initiated in FY 1977 and will extend over 6 years. Milly K. Goodwin Lake would inundate 606 acres of mountain valley and 4.5 miles of stream. Comments made by: AHP, USDA, DOD, EPA, HEW, HUD, DOI, State and local agencies, concerned citizens. (ELR Order No. 70395.)

GEOLOGICAL SURVEY

Draft

E. Gillette Mine, Kerr-McGee Corp., Campbell County, Wyo., April 1: Proposed is approval of a surface mining and reclamation plan for East Gillette Mine, Campbell County, Wyoming. The Kerr-McGee Corporation plans include mining of about 340 million tons of coal at a fuel production rate of about 8 million tons per year through 1992, 12 million tons per year until 2003, and 9.6 million tons per year until 2013. Adverse impacts include the removal of 636.6 million cubic yards of overburden, permanent reshaping of the 2,679-acre mining area, and destruction of shallow aquifers, vegetation, soils, and wildlife habitat. (ELR Order No. 70417.)

INTERSTATE COMMERCE COMMISSION

Contact: Mr. Richard I. Chais, Chief, Section of Energy and Environment, Room 3373, 12th and Constitution Ave. NW., Washington, D.C. 20423, 202–275–7692.

Final

Norfolk, Neb.-Winner, S. Dak. rail abandonment, Nebraska and South Dakota, March 31: Proposed is the abandonment and complete dismantling of the Chicago and North Western Transportation Co.'s Winner Branch between Norfolk, Nebraska and Winner, South Dakota, a distance of approximately 172.4 miles. Authorization of the abandonment would result in the elimination of direct rail service to 22 agrarian communities in the Midwest. Freight hauled by the line consists of predominantly grain, fertilizers, and other agrarian products which would be diverted to motor carrier transportation and hauled over the area's highway network. Loss of rail service would disadvantage potential rural and community development. Comments made by: FEA, FPC, EPA, USDA, HEW, DOI, DOT, AHP, State agencies, concerned groups. (ELR Order No. 70414.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590, 202–426–4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Greenbrier Valley Airport, Greenbrier County, W. Va., March 29: Proposed are improvements to the Greenbrier Valley Airport in Lewisburg, West Virginia. The project includes construction of a runway and parallel taxiway extension, acquisition of 60 acres for an aviation easement for Clear Zone purposes, and relocation of the existing Approach Lighting System. Plans also call for the construction of an additional aircraft parking apron, automobile parking facilities, and pavements to "T" hangers and General Aviation parking. The runway extension will allow a heavier operating payload for the B–737 aircraft, resulting in increased noise levels. (ELR Order No. 70416.)

Final

Anchorage International Airport, North-South runway, Alaska, March 29: Proposed is the construction of a new North-South runway at Anchorage International Airport, Alaska. Construction plans also include a parallel taxiway system, runway and taxiway lighting, navigational aids, service roads, a storm drain system, and security fencing. Adverse effects include loss of relatively undisturbed habitat due to clearing, grading, and gravel extraction necessitated by runway and ancillary construction. Comments made by: EPA, DOC, USA, HUD, DOI, State agencies, concerned groups. (ELR Order No. 70410.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

Coeur d'Alene-East, Project I–90–1(35)16, Kootenai County, Idaho, April 1: Proposed is the designation of an area north of Coeur d'Alene Lake in Kootenai County, Idaho, as the location for a new section of Interstate 90. Geographically, the study area is bounded by the City of Coeur d'Alene on the west, Fourth of July Summit on the east, and Coeur d'Alene Lake on the south, and its north boundary extends into National Forest property. Twelve alternatives are currently under consideration, each either overlaying or bypassing the existing section of Temporary I–90 which currently serves the vicinity. A 4(f) statement is included concerning the Mullen Trail. (Region 10) (ELR Order No. 70419.)

Federal Aid Route 595, Ill. Route 2–I–80, Rock Island and Henry County, Ill., April 1: Proposed is the construction of a segment of Federal Aid Route 595 in Rock Island County, Illinois. The project begins at the intersection of John Deere and Colona Roads and continues 3.5 miles in an easterly direction to the I–80-Cleveland Road interchange. The new facility is planned as a 4-lane expressway with a 22-foot median. Adverse impacts include increased levels of noise and water pollution. (Region 5.) (ELR Order No. 70418.)

U.S. 30, Marshall and Tama Counties, Iowa, March 29: The proposed action is construction of a segment of U.S. 30 in Marshall and Tama Counties, Iowa. The 30-mile project runs from just east of Iowa 330 in Sec. 13–T83N–R19W to the junction of Iowa 212 in Sec. 27–T83N–R14W. Depending on the alternative selected the following impacts will result from construction: displacement of 5–74 houses, mobile homes, and businesses; taking of 640–850 acres for right-of-way; and increased levels of noise pollution. (ELR Order No. 70401.)

Route M, Springfield, Greene County, Mo., April 1: Proposed is the construction of 9.5 miles of limited access highway on new location across the southern limits of the Springfield metropolitan area. The four-lane freeway with a 60-foot wide median, interchanges, and separations will extend from Route 60–13 near the town of Brookline east to the existing interchange of routes 60 and 65 located in the southeast corner of the city. It will parallel the existing Route M on Republic Street and serve as another link in the Springfield freeway and thoroughfare system. Approximately 300 acres of pastureland will be taken from farm production. (Region 7.) (ELR Order No. 70420.)

N.J. Route 23, I–80 to New Street, Passaic County, N.J. March 29: Proposed is the improvement of a 1.65 mile section of New Jersey Rte. 23 in Wayne Township, New Jersey. The project begins north of I–80 and terminates in the vicinity of New Street, and will be upgraded by widening the roadway to six lanes. Construction of the realignment will displace 13 businesses, 32 families, one firehouse and one clubhouse. Other adverse effects include increases in air and noise pollution. (Region 1.) (ELR Order No. 70400.)

U.S. 52—N.C. 24–27, Snuggs St., Stanly County, N.C. March 29: Proposed is construction of a connector from U.S. 52 to N.C. 24–27 in Albermarle, North Carolina. The project consists of improvements to the existing Snuggs Street-Salisbury Avenue-Carolina Avenue Corridor from U.S. 52 to N.C. 73 and the construction of a new roadway from N.C. 73 to N.C. 24–27. Negative impacts vary according to the alternative selected. (Region 4.) (ELR Order No. 70406.)

U.S. 30, Scappoose Section, Columbia and Multnomah Counties, Oreg., March 29: The proposed project consists of upgrading the Scappoose section of Lower Columbia River Highway (U.S. 30). Three improvement options are under study: an east side bypass, reconstruction of the existing facility, and a west side bypass. Adverse impacts vary according to the alternative selected. (Region 10.) (ELR Order No. 70398.)

Appalachian Corridor J, Soddy-Daisy to Dunlap, Hamilton, Bledsoe, and Sequatchie Counties, April 1: Proposed is the construction of approximately 19 miles of a section of Appalachian Corridor "J" from Soddy-Daisy to Dunlap, Tennessee. The proposed project extends in a northwesterly direction from a point near FAS 4340 approximately 0.5 mile east of State Route 29 in the city of Soddy-Daisy, to a western terminus at State Route 28 approximately 1.0 mile north of the City of Dunlop. The highway is classified as a Principal Arterial in Tennessee's "1985 Statewide Functional Highway Classification Plan" and will be a four-lane facility with full control of access on new location. (ELR Order No. 70422.)

Final

U.S. 95, Cox's Ranch–Goff Bridge, Idaho County, Idaho, April 1: Proposed is the improvement and realignment of U.S. Highway 95 in the vicinity of Riggins, Idaho. The study corridor area begins at Cox's Ranch south of Riggins, passes through Riggins, and ends at Goff Bridge north of Riggins. Project length is approximately seven miles. Adverse effects include the commitment of up to 140 acres of land, and the displacement of up to four residences. Comments made by: HUD, COE, USDA, EPA, state and local agencies, concerned citizens. (ELR Order No. 70427.)

Flamingo Road, I–15 to U.S. 93–95, Clark County, Nev., March 31: Proposed is the Flamingo Road project, which consists of upgrading an existing arterial roadway in the Las Vegas metropolitan area south of the present limits of the City of Las Vegas. The western terminus of the project is I–15, and the eastern teminus is U.S. 93–95 (Boulder Highway). Total project length is 6 miles, with part of the roadway divided into four lanes and the remainder into 6 lanes. Adverse impacts include 8 residential and 3 business relocations, damage to several commercial properties, and increased noise levels in the area. Comments made by: COE, HEW, HUD, DOI, EPA, county and local agencies, concerned citizens. (ELR Order No. 70415.)

Supplement

U.S. 30, Benton and Linn Counties (S–1), Iowa, Mar. 29: This statement supplements a final EIS filed with CEQ in July 1972. The proposed project is the improvement of a 16-mile segment of U.S. 30 in Iowa, beginning at U.S. 216 in Benton County and terminating at Iowa 149 in Linn County. The supplement contains a new concept in regard to alternatives which reflects an attempt to minimize the conversion of prime agricultural land to highway right-of-way. A modified access design is considered, which utilizes much of the existing facility and would be constructed in two phases. (Region 7.) (ELR Order No. 70408.)

M–66 relocation, Phelps Rd.-Smithville (S–1), Missaukee and Kalkaska Counties, Mich., April 1: Proposed is the relocation of State Trunkline M–66 from Phelps Road north approximately 5.9 miles to 2900 feet north of Smithville, Michigan. The major design features of this project consist of a two-lane free access roadway having a 24-foot pavement and 10-foot paved shoulders within a 150-foot right-of-way. A new bridge structure crossing the Manistee River will be located approximately 400 feet east of the existing bridge which will be removed. Adverse effects include the acquisition of approximately 107 acres, 90 percent of which is wooded. (Region 5.) (ELR Order No. 70425.)

T.H. 23., Junction C.S.A.H. 24-Junction T.H. 212 (S–2), several Counties in Minnesota, March 29: This statement supplements a final E'S filed with CEQ in 1972. The proposed action is the improvement of a 33 mile segment of Minnesota State Highway 23 from Cottonwood to Clara City. Although the

V4216 8 APR 77 UMI

FE'S did not anticipate any channel change alignment, the supplement reflects the results of more detailed hydraulic studies which indicate such changes are necessary on four crossings of Hazel Creek and the Yellow Medicine River. The Yellow Medicine River channel change will isolate 1–2 acres of flood plain cropland without access. (Regions.) (ELR Order No. 70405.)

Canandaigua South West Bypass, N.Y. Route 5 and 20 (S–1), Ontario County, N.Y., April 1: Proposed is the construction, on new location, of a 2.2-mile highway which would bypass the central business district of the City of Canandaigua, New York. The highway would begin on West Avenue (Route 5/20), 0.6 mile west of the city line in the Town of Canandaigua, pass through the southwestern portion of the city and terminate at the intersection of South Main Street and Eastern Boulevard (Route 5/20) within the city. Two 12-foot travel lanes will be provided. A limited number of families and businesses will be relocated. (Region 1.) (ELR Order No. 70421.)

URBAN MASS TRANSPORTATION ADMINISTRATION

Draft

North Transit Operating Base, Seattle, King County, Wash., March 30: The proposed action is to build a transit operating base in the North Seattle/King County area in Washington. The base would be located in the area bounded by King County on the north, Lake Washington Ship Canal on the south, Lake Washington on the east and Puget Sount on the west. Two other transit operating bases have been constructed outside the Seattle central business district. Adverse impacts include taking of 15 acres, slight increase in air pollution, and relocation of businesses. (ELR Order No. 70413.)

VETERANS ADMINISTRATION

Contact: For Housing Programs, Mr. Lyman T. Miller, Assistant Director for Construction and Valuation, Veterans Administration, 810 Vermont Avenue, Washington, D.C. 20420, 202–389–2691. For all other programs, Mr. Nicholas Clark, Civil Engineer, Technical Services Division, Engineering Service, Veterans Administration, Washington, D.C. 20420, 202–389–2086.

Draft

New York National Cemetery, Long Island, N.Y., March 28: The proposed action is construction of a 000 acre National Cemetery to be located on Long Island near Calverton, N.Y. The proposed development will include but not be limited to: space for 500,000 interments, an administration building, a memorial center, a commital service center, a maintenance complex and other associated cemetery functions. The action will result in loss of farmland, woodland, and wildlife habitat; increased traffic volume; and construction-associated impacts. (ELR Order No. 70394.)

NICHOLAS C. YOST,
General Counsel.

[FR Doc.77–10469 Filed 4–7–77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

SEAFARER ELF COMMUNICATIONS SYSTEM SITE SELECTION AND PROPOSED TEST OPERATIONS IN MICHIGAN

Public Hearing and Availability of Draft Environmental Impact Statement

Notice is hereby given that a public hearing will be held for the purpose of providing the public with relevant information on site selection and proposed test operations at K. I. Sawyer Air Force Base, Michigan, for the Seafarer Extremely Low Frequency (ELF) Communications System, and to afford the public an opportunity to present their views on the proposed Navy project. The hearing will be held on April 25, 1977, and continued on April 26 if necessary, at the Ramada Inn, 412 West Washington, Marquette, Michigan. The hearing will commence at 7 p.m. and terminate at 11 p.m. The hearing will be conducted by Captain John Dobson, U.S. Navy (CEC), and will include a presentation explaining the Navy's proposed action, a system description, a site-dependent environmental impact summary, alternatives, proposed Navy recommendations and the proposed program plan for the future.

This hearing is being held in Marquette, Michigan, because K. I. Sawyer Air Force Base and the surrounding region is one of three candidate areas considered for building a Seafarer Test Facility, conducting ELF communications experiments, and developing appropriate construction criteria and operational methods to ensure maximum environmental protection in the event the Michigan area is approved at some future time for an operational Seafarer System.

Seafarer is essentially a buried transmitting array of insulated cables. The system's principal purpose is for communications with submerged submarines.

The following procedures will be followed during the public hearing. Individual speakers will have three minutes, and group spokespersons will have five minutes to summarize and present their views. One speaker may not relinquish time to another. Individuals or organizations wishing lengthy statements to be included in the hearing record should provide written statements to the Hearing Officer. Preregistration is desired, and should be made in person or by writing either to the Seafarer Information Office, 221 Rublein Street, Marquette, MI 49855 or to Captain John Dobson, USN (CEC), Code 01F, Naval Electronic Systems Command, Washington, D.C. 20360. The name and title of the speaker for organizations should be included. The closing date for including written statements in the hearing record is May 25, 1977.

Anticipated environmental effects are available for review in the Seafarer ELF Communications System Draft Environmental Impact Statement for Site Selection and Test Operations; Naval Electronic Systems Command (February 1977). Copies of the statement are available at the following locations:

Chief of Information, The Pentagon Press Room, Washington, D.C. (Captain Thomas, 679–2885).
Bay de Noc Community College Library, North Campus, Escanaba, MI 49829.
State of Michigan, Washington Office, 1150 17th Street NW., Suite 609, Washington, D.C. 20036.
Library of Congress, Washington, D.C. 20540.
U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, IL 60604.
Commander, K.I. Sawyer Air Force Base, MI 49843.
Michigan Environmental Review Board, Lewis Cars Building, Lansing, MI 48909.
Northern Michigan University Library, Marquette, MI 49855.
Michigan Technological University Library, Houghton, MI 49931.
Lake Superior State College Library, College Drive, Sault Ste. Marie, MI 49783.
Suomi College Library, Hancock, MI 49930.
Chassell Township Schools, P.O. Box 40, Chassell, MI 49916.
Big Bay de Noc School, Cooks, MI 49817.
Gogebic Community College Library, Greenbush and Jackson Road, Ironwood, MI 49938.
Amasa Community Library, Amasa, MI 49903.
Baraga Township Schools, Lyons Street, Baraga, MI 49908.
Bergland Community School, Bergland, MI 49910.
Bessemer Public Library, City Hall S. Sophie Street, Bessemer, MI 49911.
Bessemer Township Schools, Ramsey, MI 49951.
A. D. Johnson High School, Moore Street, Bessemer, MI 49911.
Brimley Public Schools, Brimley, MI 49715.
Calumet School—Public Library, Calumet Avenue, Calumet, MI 49913.
Carney—Nadeau Public School, Carney, MI 49812.
Les Cheneaux Community Schools, Cedarville, MI 49719.
Champion High School, P.O. Box, Champion, MI 49814.
Ewen-Trout Creek Consolidated School, Box 218, Ewen, MI 49925.
Gladstone Area School and Public Library, 1041 Dakota Avenue, Gladstone, MI 49837.
Crystal Falls Community Library, Superior Avenue, Crystall Falls, MI 49920.
Forest Park School District, West Superior Avenue, Crystal Falls, MI 49920.
Curtis Library, Curtis, MI 49820.
DeTour Area School and Public Library, P.O. Box 68, DeTour, MI 49725.
Osceola Township School and Public Library, Box 371, Dollar Bay, MI 49822.
Rock River Township Schools, Eben Junction, MI 49825.
Escanaba Public Library, 201 South 7th Street, Escanaba, MI 49820.
Catherine Bonifas Memorial Library, Escanaba Area Public High School, 500 South Lincoln Road, Escanaba, MI 49829.
Escanaba Area Junior High School, 1500 Luddington Street, Escanaba, MI 49829.
McMillan Township Library, Ewen, MI 49925.
North Dickinson County School, Star Route 1, Iron Mountain, MI 49801.
West Iron District Library, City Hall, 106 West Genesee, Iron River, MI 49935.
Burt Township School and Public Library, Grand Marais, MI 49839.
Forsyth Township Public Library, Gwinn, MI 49841.
Gwinn High School Library, Gwinn High School, Gwinn, MI 49841.
Hancock School–Public Library, Quincy Street, Hancock, MI 49930.
Bark River–Harris Schools, Harris, MI 49345.
Portage Lake District Library, 105 Huron Street, Houghton, MI 49931.
Houghton High School Library, Houghton High School, Houghton, MI 49931.
Mid-Peninsula Library Federation, Dickinson County Library, 401 Iron Mountain Street, Iron Mountain, MI 49801.
Iron Mountain Senior High School, West B Street, Iron Mountain, MI 49801.
Central Junior High School, Iron Mountain, MI 49801.
Lake Linden–Hubbell Public Schools, 601 Calumet Street, Lake Linden, MI 49945.
L'Anse Township School and Public Library, L'Anse, MI 49946.
Mackinac Island Public Library, Mackinac Island, MI 49757.

West Iron County High School, 612 W. Adams Street, Iron River, MI 49935.
Carnegie Library, 235 E. Auror Street, Ironwood, MI 49938.
Luther L. Wright High School Library, Ayer Street, Ironwood, MI 49938.
Ironwood Catholic High School, 106 S. Marquette Street, Ironwood, MI 49938.
Carnegie Public Library, Corner Main and Barnum Streets, Ishpeming, MI 49849.
Ishpeming High School Library, Division Street, Ishpeming, MI 49859.
C. L. Phelps Intermediate School, North Street, Ishpeming, MI 49849.
Kingsford High School, Hamilton Avenue, Kingsford, MI 49801.
Kingsford Junior High School, Hamilton Avenue, Kingsford, MI 49801.
Menominee Middle School, 13th Street at 13th Avenue, Menominee, MI 49858.
Allouez Township School Public Library, P.O. Box 318, Mohawk, MI 49950.
Munising School—Public Library, Mather High School, Elm Avenue, Munising, MI 49862.
Manistique School and Public Library, Corner Main and Cedar Street, Manistique, MI 49854.
Roosevelt School, Box 88, Marenisco, MI 49947.
Peter White Public Library, Marquette, MI 49855.
Marquette Senior High School, 1201 West Fair Avenue, Marquette, MI 49855.
Bothwell Middle School, Marquette, MI 49855.
St. Peter–St. John, 500 S. Fourth Street, Marquette, MI 49855.
Spies Public Library, 940 First Street, Menominee, MI 49858.
Menominee Area High School, 18th Street, Menominee, MI 49858.
Rapid River Public Schools, Rapid River High School, Rapid River, MI 49878.
Republic–Michigamme School and Public Library, Route 1, Republic, MI 49879.
Rock Public Schools, Rock, MI 49883.
Rudyard School—Public Library, Second and William Streets, Rudyard, MI 49780.
Turner–Howson Elementary School Library, Rudyard, MI 49780.
National Mine High School, Box B, National Mine, MI 49865.
Negaunee Public Library, Case Street, Negaunee, MI 49866.
Negaunee High School, Peck Street, Negaunee, MI 49866.
Tahquamenon Area School, Public Library, Newberry High School, Newberry, MI 49863.
Norway Public Library, Norway, MI 49870.
Norway High School Library, 3rd and Section Streets, Norway, MI 49870.
West Iron County Middle School, Airport Road, Stambuagh, MI 49964.
Menominee County Library, Stephenson, MI 49887.
Wakefield Public Library, 407 Hancock Street, Wakefield, MI 49958.
St. Ignace Public Library, 396 North State Street, St. Ignace, MI 49781.
LaSalle High School, Portage Road, St. Ignace, MI 49781.
Eastern Peninsula Library System Stations, c/o Carnegie Public Library, Sault Ste. Marie, MI 49783.
Sault Area High School, 1 Educational Plaza, Sault Ste. Marie, MI 49783.
Sault Junior High School, E. Spruce, Sault Ste. Marie, MI 49783.
Wakefield Township Schools, Wakefield, MI 49963.
Watersmeet High School, Watersmeet, MI 49969.
Carn Lake Township Library, White Pine, MI 49971.

For further information contact Captain John Dobson, USN (CEC); Naval Electronic Systems Command, Code 01F, Washington, D.C. 20360; telephone number 202–692–5958.

Dated: April 5, 1977.

K. D. LAWRENCE,
Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc.77–10464 Filed 4–7–77;8:45 am]

Office of the Secretary

DEPARTMENT OF DEFENSE WAGE COMMITTEE

Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92–463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, June 7, 1977; Tuesday, June 14, 1977; Tuesday, June 21, 1977; and Tuesday, June 28, 1977 at 9:45 a.m. in Room 1E801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Pub. L. 92–392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92–463, the Federal Advisory Committee Act, meetings may be closed to the public when they are "concerned with matters listed in section 552 b. of Title 5, United States Code." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552 b. (c) (2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552 b. (c) (4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b.(c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b.(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D282, The Pentagon, Washington, D.C.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

APRIL 5, 1977.

[FR Doc.77–10442 Filed 4–7–77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

LOWER DES PLAINES TUNNEL SYSTEM

[FRL 712–3]

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Environmental Protection Agency has prepared a draft environmental impact statement (DEIS) for the Lower Des Plaines Tunnel System, Reservoir Plan Proposed by the Metropolitan Sanitary District of Great Chicago, Illinois.

The proposed action is the Phase I conveyance tunnel systems and their associated subsystems only. The planned storage reservoirs, waste treatment plant upgrading and expansion, on-line reservoirs, and instream aeration facilities were not included.

This DEIS was transmitted to the Council on Environmental Quality (CEQ) on April 1, 1977. In accordance with CEQ's notice of availability, comments are due on May 23, 1977.

Copies of the DEIS are available for review and comment from: Environmental Protection Agency, Region 5, Planning Branch, EIS Preparation section, 230 South Dearborn Street, Chicago, Illinois 60604 or by telephoning the TARP project officer at 312–353–2157.

Copies of the DEIS are available for public inspection at the following locations:

Environmental Protection Agency, Region 5 Library, 230 South Dearborn Street, Chicago, Illinois 60604.
Environmental Protection Agency, Public Information Reference Unit, Room 2922, Waterside Mall, 401 M Street SW., Washington, D.C. 20460.

Information copies of the DEIS are available at cost (10 cents/page) from the Environmental Law Institute, 1346 Connecticut Avenue, NW, Washington, DC 20036. Please reference ELR No. 70429.

Copies of the DEIS have been sent to various Federal, State and local agencies, and interested individuals as outlined in the CEQ Guidelines.

Dated: April 5, 1977.

PETER L. COOK,
Acting Director, Office of Federal Activities.

[FR Doc.77–10481 Filed 4–7–77;8:45 am]

V 4268 APR 8 77 UMI

[Report No. 1035]

FEDERAL COMMUNICATIONS COMMISSION

ACTIONS IN RULE MAKING PROCEEDINGS FILED

Petitions for Reconsideration

APRIL 4, 1977.

Docket or RM No.	Rule No.	Subject	Date received
RM-2756	Sec. 73.202(b)	Request amendment FM table of assignments as follows:	

City	Delete	Add
Portageville, Miss.	292A	224A
Dexter, Miss.	272A	292A
Caruthersville, Miss.	276A	288A
Malden, Miss.	224A	

Filed by Benedict P. Cottone, attorney for Communications Systems, Inc. Mar. 14, 1977. Supplemented: Mar. 15, 1977.

NOTE.—Oppositions to petitions for reconsideration must be filed by Apr. 25, 1977. Replies to an opposition must be filed within 10 days after time for filing oppositions has expired.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-10332 Filed 4-7-77;8:45 am]

[Report No. 852]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

APRIL 4, 1977.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (See section 309(c) of the Communications Act), applications filed under Part 68, applications filed under Part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. (See §§ 1.227(b)(3) and 21.30(b) of the Commission's Rules.)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20993–CD–P–11–77 Michigan Bell Telephone Company (KQA767), C.P. to change transmitter operating on 152.57 and 152.63 MHz; and for additional facilities to operate on 152.72, 152.60, 152.69, 454.375, 454.425, 454.475, 454.575, 454.625 and 454.525 MHz to be located at Loc. No. 2: 882 Oakmand Boulevard, Detroit, Michigan; and delete locs. 3, 4, 5, 6, and 7; also delete frequency 152.75 MHz from Loc. No. 1.

20996–CD–P–6–77 Michigan Bell Telephone Company (KQK578), C.P. to replace transmitter and change antenna system operating on 152.81 MHz and for additional facilities to operate on 152.75, 152.54, 454.450, 454.550 and 454.650 MHz to be located at 54 North Mill Street, Pontiac, Michigan.

20997–CD–P–6–77 Michigan Bell Telephone Company (KQK579), C.P. to change antenna system and replace transmitter operating on 152.81 MHz and for additional facilities to operate on 152.54, 152.57, 454.450, 454.550 and 454.650 MHz and relocate facilities to be located on Ash Street, East of Matthews Street, Carleton, Michigan.

20998–CD–P–6–77 Michigan Bell Telephone Company (KQK580), C.P. to replace transmitter and change antenna system operating on 152.51 MHz and for additional facilities to operate on 152.66, 152.78, 454.400, 454.500 and 454.600 MHz and to relocate facilities to be located 4.0 miles West of Plymouth, Michigan.

21032–CD–MP–77 Mobilfone Service, Inc. (KWU486), Modification of C.P. to replace transmitter, change antenna system and relocate facilities operating on 152.24 MHz to be located at One Shell Plaza, Houston, Texas.

21033–CD–P–2–77 Telegraph-Herald, Inc. (KRS641), C.P. for additional facilities to operate on 2118.4 MHz, repeater, at Loc. No. 1: On Hwy. 35, 1.6 miles North of Illinois-Wisconsin border, Kieler, Wisconsin; and for additional facilities to operate on 2168.4 MHz, control, to be located at a new site described as Loc. No. 2: 346 West 8th Avenue, Dubuque, Iowa.

21034–CD–P–77 Telegraph-Herald, Inc. (KUS239), C.P. for additional facilities to operate on 2168.4, control, to be located at a new site described as Loc. No. 2: 346 West 8th Avenue, Dubuque, Iowa.

21035–CD–P–2–77 Robert W. Beasley dba Blue Mountain Mobile Phone Company (KWT864), C.P. for additional facilities to operate on 152.105 MHz at Loc. No. 1: Schwitzer Basin Peak, 7 miles NW of Sandpoint, Idaho; and relocate facilities operating on 152.12 MHz at Loc. No. 1 to be located at Loc. No. 2: 410 South 4th Street, Sandpoint, Idaho.

21036–CD–P–2–77 Salinas Valley Radiotelephone Company (KMA837), C.P. to replace transmitter, and change antenna system operating on 454.025 and 454.175 MHz at Loc. No. 1: Mt. Toro, 10.3 miles SSE of Salinas, California.

21037–CD–P–2–77 The Chesapeake and Potomac Telephone Company of Virginia (KIC347), C.P. to change antenna system operating on 152.51 and 152.60 MHz and relocate facilities to be located at Loc. No. 3: 132 Plaza Trail, Virginia Beach, Virginia.

21038–CD–P–77 The Chesapeake and Potomac Telephone Company of Virginia (KLF628), C.P. to change antenna system operating on 158.10 MHz located at Loc. No. 4: 132 Plaza Trail, Virginia Beach, Virginia.

21039–CD–P–4–77 General Telephone Company of the NW, Inc. (KON912), C.P. to change antenna system operating on 152.69, 152.78, 454.425 and 454.525 MHz located at 426 Casino Road, Everett, Washington.

21040–CD–P–4–77 DPRS, Inc. t/a Zipcall (KCB890), C.P. for additional facilities to operate on 43.58 MHz to be located at a new site described as Loc. No. 18: 44 Binney Street, Boston, Massachusetts; 35.58 MHz to be located at a new site described as Loc. No. 19: 736 Cambridge Street, Brighton, Massachusetts; 35.58 MHz at a new site described as Loc. No. 20: 171 Harrison Avenue, Boston, Massachusetts; and 35.58 MHz at a new site described as Loc. No. 21: 25 Evergreen Street, Framingham, Massachusetts.

21041–CD–P–2–77 E. P. Mitchell, Jr. dba Douglas Radio (KRM967), C.P. to change antenna system operating on 152.09 MHz and for additional facilities to operate on 454.125 MHz located 2.8 miles West of Douglas, Georgia.

21042–CD–P–77 Radio Telephone Service, Inc. (KRH665), C.P. to replace transmitter, change antenna system and relocate facilities operating on 152.24 MHz to be located at WLEX TV Tower, Russel Cave Road, Lexington, Kentucky.

21043–CD–P–2–77 Advanced Radio Communications Company (KLF495), C.P. to change antenna system operating on 152.15 MHz at Loc. No. 3: Bull Run Mountain, 7.1 miles NNW of Haymarket, Virginia; and for additional facilities to operate on 152.66, 152.78, 454.400, 454.500 and 454.600 MHz and to relocate facilities to be located 4.0 miles West of Plymouth, Michigan.

CORRECTIONS

20563–CD–P–77 Messages by Radio, Inc. (KEA200), Correct PN to read: C.P. for additional location and additional channel of Station KEA200 to operate on 152.21 MHz in Buchanan, New York. All other particulars to remain the same as reported on PN No. 841 dated January 17, 1977.

20988–CD–MP–2–77 Summit Mobile Radio Co. (KCI304), Correct entry to add: also relocated 459.225 MHz, repeater to new Loc. No. 3. All other particulars to remain the same as reported on PN No. 851 dated March 28, 1977.

RURAL RADIO SERVICE

60247–CR–P–77 Wyoming Telephone Co., Inc. (new), C.P. for a new rural subscriber station to operate on 157.80 and 157.92 MHz to be located approximately 7.6 miles NE of Pinedale, Wyoming.

60248–CR–P–77 RCA Alaska Communications, Inc. (WQO90), C.P. to replace transmitter, change antenna system and change from rural subscriber to central office to operate on 152.51 and 152.60 MHz located at Village located 60 miles West of Dillingham, Alaska.

60249–CR–P–77 RCA Alaska Communications, Inc. (WQO91), C.P. to replace transmitter, add a transmitter, change antenna system and change frequencies from 157.80, 157.89, 157.95 and 158.07 MHz to 157.77 and 157.86 MHz located at Village located 63.6 miles west of Dillingham, Twin Hills, Alaska.

60250–CR–P–77 The Mountain States Telephone and Telegraph Company (KSV88), C.P. to replace transmitter operating on 459.40 MHz located at 103 North Durbin, Casper, Wyoming.

60251–CR–P–77 McClellanville Telephone Company (new), C.P. for a new central office station to operate on 152.81 MHz to be located on Pinckney Street, 0.4 miles SE of Hwy. U.S. 17–701, Awendaw, South Carolina.

POINT TO POINT MICROWAVE RADIO SERVICE

1777–CF–P–77 Southwestern Bell Telephone Company (KSW26), 405 North Broadway Ave. Oklahoma City, Oklahoma, Lat. 35°26'16" N., Long. 97°30'53" W. C.P. to add frequency 6197.2H MHz toward Yukon, Oklahoma.

1778–CF–P–77 Same (WKR86), 4.3 miles NNE of Yukon, Oklahoma, Lat. 35°33'54" N., Long. 97°42'58" W. C.P. to add antenna and frequencies 5945.2V, 6034.2H, 10735.0V MHz toward Oklahoma City, Oklahoma.

1779–CF–P–77 Same (KSW28), 2.2 miles SSW of Minco, Oklahoma, Lat. 35°16'36" N., Long. 97°57'32" W. C.P. to add antenna and frequencies 6197.2V MHz toward Yukon, Oklahoma and 6197.2H MHz toward Cement, Oklahoma.

1780–CF–P–77 Same (WAU212), 2.4 miles ESE of Cement, Oklahoma, Lat. 34°55'36" N., Long. 98°06'24" W. C.P. to add antenna and frequencies 5945.2V MHz toward Minco and 6004.5H MHz toward Chickasha, Oklahoma.

1781–CF–P–77 Same (new), 528 Kansas Street Chickasha, Oklahoma, Lat. 35°03'01" N., Long. 97°56'20" W. C.P. for a new station on frequency 6256.5V MHz toward Cement, Oklahoma on azimuth 228.2 degrees.

1786–CF–P–77 Copper Valley Telephone Cooperative, Inc. (new), Glenn Highway mile 188.3 Glennallen, Alaska, Lat. 62°06'32" N., Long. 145°29'13" W. C.P. for a new station on frequency 2178.2H MHz toward Cooper Center, Alaska on azimuth 154.5 degrees.

1787–CF–P–77 Same (new), 2.8 South on Richardson Highway Cooper Center, Alaska, Lat. 61°54'58" N., Long. 145°17'30" W. C.P. for a new station on frequencies 2128.2H MHz toward Glennallen on azimuth 334.6 degrees and 2121.6V MHz toward Edgerton, Alaska, on azimuth 159.5 degrees.

1788–CF–P–77 Same (new), Edgerton 4.45 miles NNE of Tonsina, Alaska, Lat. 61°42'48" N., Long. 145°07'55" W. C.P. for a new station on frequency 2127.6V MHz toward Cooper Center, Alaska on azimuth 339.6 degrees.

1817–CF–P–77 New Jersey Bell Telephone Company (WBB307), 490 Prospect Avenue West, Orange, New Jersey, Lat. 40°47'23" N., Long. 74°15'17" W. C.P. to add frequencies 6197.2H, 6315.9H, MHz toward New Brunswick on azimuth 48.1 degrees 6390.0H, 11425H, 11245H, 11485V, MHz toward Puddingstne on azimuth 285.7 degrees and 11265V, 11525H, 11685H, 11445V MHz toward Newark, New Jersey on azimuth 133.6 degrees.

1818–CF–P–77 Same (KYS27), 18 Paterson St. New Brunswick, New Jersey, Lat. 40°29'40" N., Long. 74°26'37" W. C.P. to add frequencies 5974.8H, 6093.5H MHz toward West Orange, New Jersey.

1819–CF–P–77 Same (KEA69), 75 Passaic St. Rochelle Park, New Jersey, Lat. 40°54'49" N., Long. 74°04'36" W. C.P. to add a new point of communication on frequencies 6106.3H, 11015H MHz toward West Orange, New Jersey, on azimuth 228.2 degrees

1939–CF–P–77 Pacific Northwest Bell Telephone Company (KPS92), 707 West Lewis St. Pasco, Washington, Lat. 46°13'46" N., Long. 119°05'49" W. C.P. to add frequencies 11325.0V, 11485.0V MHz toward Joe Butte, Washington.

1940–CF–P–77 Same (KOJ93), Joe Butte 7.0 miles South of Kennewick, Washington, Lat. 46°06'13" N., Long. 119°07'43" W. C.P. to add frequencies 10875.0V, 11035.0V MHz toward Pasco, Washington.

1951–CF–P–77 Illinois Consolidated Telephone Company (new), 805 7th Street Charleston, Illinois, Lat. 39°29'26" N., Long. 88°10'24" W. C.P. for a new station on frequency 11445.0V MHz toward Mattoon, Illinois on azimuth 264.7 degrees.

1950–CF–P–77 Same (new), 612 South 12th Mattoon, Illinois, Lat. 39°28'35" N., Long., 88°22'06" W. C.P. for a new station on frequency 10995.0V MHz toward Charleston, Illinois on azimuth 84.6 degrees.

1964–CF–P–77 The Mountain States Telephone and Telegraph Company (KPQ26), 103 West Center Street Cedar City, Utah, Lat. 37°40'38" N., Long. 113°03'47" W. C.P. to add frequencies 6404.8V MHz toward Iron Springs and replace and move antenna 4030H MHz toward Iron Springs, Utah.

1965–CF–P–77 Same (KPQ25), 8 miles WNW of Cedar City, Utah, Lat. 37°43'51" N., Long. 113°12'18" W. C.P. to add frequencies 5162.8H MHz toward Cedar City, to add a new point of communication on 5945.2V MHz toward Blowhard Mt. on azimuth 117.7 degrees and move and replace antenna on 3750.0H MHz toward Cedar City, Utah.

1966–CF–P–77 Same (KPX29), Blowhard Mt. 14 miles SE of Cedar, Utah, Lat. 37°35'20" N., Long. 112°52'01" W. C.P. to add frequencies 6197.2V MHz toward Little Creek and to add a new point of communication on 6197.2H MHz toward Iron Springs, Utah on azimuth 297.9 degrees.

1967–CF–P–77 Same (KXR39), 7.8 miles SE of Hurricane, Utah, Lat. 37°05'47" N., Long. 113°11'11" W. C.P. to add frequencies 5945.2V MHz toward St. George PR1 and from passive reflector to St. George 5945.2H MHz toward Blowhard Mt. Utah.

1968–CF–P–77 Same (KXP40), 104 East Tabernacle Street St. George, Utah, Lat. 37°06'29" N., Long. 113°34'47" W. C.P. to add frequency 6197.2H MHz toward St. George PR1 and from the passive to Little Creek.

1970–CF–P–77 American Telephone and Telegraph Company (KQA26), Kalamazoo Co 336 South Burdick Street, Kalamazoo, Michigan, Lat. 42°17'20" N., Long. 85°35'01" W. C.P. to add frequencies 3750V, 3910V MHz toward Kalamazoo, Michigan.

1971–CF–P–77 Same (KQD79), 5706 N. 14th Street Kalamazoo, Michigan, Lat. 42°20'40" N., Long. 85°37'41" W. C.P. to add frequencies 3870V MHz toward Kalamazoo Co and 3970V MHz toward Lacey, Michigan.

1972–CF–P–77 American Telephone and Telegraph Company (KQF61), Lacey 11160 North Avenue, Bellevue, Michigan, Lat. 42°29'27" N., Long. 85°11'28" W. C.P. to add frequencies 4010V MHz toward Kalamazoo and 3990H MHz toward Parma, Michigan

1973–CF–P–77 Same (KQF60), 3.0 miles WNW of Parma, Michigan, Lat. 42°16'14" N., Long. 84°39'23" W. C.P. to add frequency 4190H MHz toward Lacey, Michigan.

1976–CF–P–77 Southern Bell Telephone and Telegraph Company (KIX68), 36 NE 2nd Street, Miami, Florida, Lat. 25°46'32" N., Long. 80°11'36" W. C.P. to increase antenna structure height move and replace antenna on frequencies 3930V, 4010V, 4190H MHz toward Miller, Florida.

1977–CF–P–77 Same (KJN26), 2627 Norwich Street, Brunswick, Georgia, Lat. 31°09'55" N., Long. 91°29'53" W. C.P. to change frequencies 6319.5V, 6338.1V to 6241.7H MHz toward Jekyll Island, Georgia.

1978–CF–P–77 Same (KJN28), Captain Wylly Road, Jekyll Island, Georgia, Lat. 31°04'04" N., Long. 81°24'56" W. C.P. to change frequencies 5937.8V, 6056.4V to 6019.3H MHz toward Brunswick, Michigan.

1938–CF–P–77 Andrews Tower Rental, Inc. (new) Vernon, Houston and Canal Streets, Vernon, Texas, Lat. 34°06'28" N., Long. 99°17'17" W. Construction permit for new station—6197.2H and 6256.5H MHz toward Quanah, Texas, on azimuth 206 degrees.

1962–CF–P–77 Mountain Microwave (KZA 62), Manchester, 14 miles SW of Chadron, Nebraska, Lat. 42°38'06" N., Long. 103°-05'30" W. Construction permit to add 6005.0V MHz and 6167.6V MHz toward Pine Ridge, South Dakota, via power split, on azimuth 41.0 degrees.

CORRECTION

1725–CF–P–77 American Telephone and Telegraph Company (KQR42), 2.0 miles NE of Atlas, Michigan corrected receive station name to read Milford, Michigan. All other particular remain as reported on PN 849 dated 3–14–77.

1833–CF–P–77 General Telephone Company of the Northwest, Inc. corrected station name. All other particular remain as reported on PN No. 851 dated 3–28–77.

1834–CF–P–77 General Telephone Company of the Northwest, Inc. corrected station name. All other particular remain as reported on PN No. 851 dated 3–28–77.

MAJOR AMENDMENTS

4242–CF–P–75 Goeken Communications (formerly known as Carter-Goeken Communications) (WBA739), Chicago, Illinois, Lat. 41°52'44" N., Long. 87°36'10" W. Application amended to increase output power, replace transmitters and change point of communication for 2177.0H MHz to Lake Zurich, Illinois, on azimuth 318.4 degrees.

4243–CF–P–75 Same (WBA740), Application amended to change station location to 3 miles N of Lake Zurich, Illinois, Lat. 42°14'10" N., Long. 88°03'50" W.; increase output power and change point of communication for 2127.0H MHz to Somers, Illinois, on azimuth 13.4 degrees.

4244–CF–P–75 Same (WBA741), Application amended to change station location to 1.5 mile NW of Somers, Wisconsin, Lat. 42°39'03" N., Long. 87°55'50" W.; increase output power and change point of com-

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munication for 2170.0H MHz to Lake Zurich, Illinois on azimuth 193.4 degrees; change 2113.0V MHz to 2170.0V MHz towards Milwaukee on azimuth 3.2 degrees.

4245–CF–P–75 Same (WBA742), Application amended to change station location to 305 E Wisconsin Avenue, Milwaukee, Wisconsin, Lat. 43°02'18" N., Long. 87°54'05" W.; increase output power and change 2163.0V to 2113.0V towards a new point of communication at Somers, Wisconsin on azimuth 183.2 degrees.

303–CF–P–75 Microwave Transmission Corporation (WPF 96), Monument Peak, 4.5 miles NNE of Milpitas, California, Lat. 37°29'07" N., Long. 121°51'57" W. Application amended to increase output power—11625V MHz toward Bald Ridge, California, on azimuth 164.9 degrees.

304–CF–P–75 Microwave Transmission Corporation (WPG 27), Bald Ridge, 5 miles NE of Watsonville, California, Lat. 36°58'00" N., Long. 121°41'31" W. Application amended to increase output power—10735V, 10895V, 10935H, 11095H, 10855H, and 11055H MHz toward Capitola, Watsonville, Monterey, Salinas, Monument Peak, and Escrito, all in California, via power split, on azimuths 274.6, 234.8, 108.8, 173.1, 345.1 and 163.8 degrees, respectively.

3995–CF–P–75 Microwave Transmission Corporation (new), Vollmer Peak, 1.1 mile SW of Orinda, California, Lat. 37°52'58" N., Long. 122°13'11" W. Application amended to increase output power—11055H MHz toward Concord, California, on azimuth 74.6 degrees.

3997–CF–P–75 Microwave Transmission Corporation (new), 2480 Garden Road, Monterey, California, Lat. 36°35'08" N., Long. 121°51'00" W. Application amended to increase output power—11465H MHz toward Bald Ridge, California, via power split, on azimuth 18.7 degrees.

[FR Doc.77-10403 Filed 4-7-77;8:45 am]

[Report No. 851]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

MARCH 28, 1977.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (See section 309(c) of the Communications Act), applications filed under Part 68, applications filed under Part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. (See §§ 1.227(b)(3) and 21.30(b) of the Commission's Rules.)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20980–CD–TC–3–77 Western California Telephone Company, Consent to Transfer of Control from General Telephone & Electronics Corporation, Transferor, to General Telephone Company of California, Transferee. Stations: KMM654, Los Gatos, California; KMM655, Morgan Hill, California; and KMM656, Novato, California.

20981–CD–TC–4–77 Grants Radiotelephone Service, Inc., Consent to Transfer of Control from Vernon H. Johnson, Transferor, to Esther L. Johnson, Transferee. Stations: KUD201 and KUD202, Gallup, New Mexico; KKT397 and KWU270, Milan, New Mexico.

20982–CD–P–77 Vista Florida Telephone System (new), C.P. for a new 1-way station to operate on 158.10 MHz to be located at 3100 Dopey Drive, Lake Buena Vista, Florida.

20983–CD–P–2–77 The Mountain States Telephone & Telegraph Company (KOK 416) C.P. to replace transmitter and change antenna system operating on 152.63 and 152.69 MHz located 2.2 miles NE of Iona, Idaho.

20984–CD–MP–77 Radio Telephone Service, Inc. (KWU405), C.P. to change frequency from 152.21 MHz to 152.12 MHz located at East River Mountain, 2.5 miles SSW of Bluefield, Virginia.

20985–CD–P–(3)–77 Cook's Communications Corporation d.b.a. Answering by Birken (KOP295), C.P. for additional facilities to operate on 454.075 MHz, control at Loc. No. 2: Sacrifice Cliff, 3 miles South of Billings, Montana; and for additional facilities to operate on 152.21 MHz, base and 459.075 MHz, repeater to be located at a new site described as Loc. No. 3: East of Hwy. 87N, 18 miles South of Roundup, Montana.

20986–CD–MP–5–77 Delta Valley Radiotelephone Co., Inc. (KWU508) (air-ground), C.P. for additional facilities to operate on 72.88 and 72.92 MHz, repeater at Loc. No. 1: Atop north peak of Mt. Diablo, approximately 7.5 miles NE of Danville, California; and for additional facilities to operate on 72.32, 72.36 and 72.40 MHz, control to be located at a new site described as Loc. No. 2: 508 2nd Street, Antioch, California.

20987–CD–AL–(6)–77 Frank L. Yates d.b.a. Gulf Mobilphone, Consent to Assignment of License from Gulf Mobilephone, Assignor, to Answer Iowa, Inc., Assignee. Stations: KFL885, Gulfport, Mississippi; KLF518 and KUC895, Pascagoula, Mississippi; KQZ734, Biloxi, Mississippi; KUC 894, Coolmarket, Mississippi; and KUS238, Picayune, Mississippi.

20988–CD–MP–2–77 Summit Mobile Radio Co. (KCI304), C.P. to replace transmitter, change antenna system and relocate facilities operating on 152.12 MHz at Loc. No. 1 to be located at a new site described as Loc. No. 3: Granite Hill 1100' North of Winthrop Street and 2½ miles West of Augusta, Manchester, Maine.

20989–CD–P–77 Phone Depots, Inc., d.b.a. Mobilfone Radio System (KEA254), C.P. for additional facilities to operate on 454.350 MHz to be located at a new site described as Loc. No. 10: 98 Kendall Drive, Sayreville, New Jersey.

20990–CD–P–3–77 Keith Van Buren, d.b.a. Dome Communications (KLF516), C.P. for additional facilities to operate on 152.09 MHz at Loc. No. 1: Little Goose Peak, 16.6 miles SW of Sheridan, Wyoming; also additional facilities on 459.225 MHz, repeater at Loc. No. 1; and for additional facilities, operating on 454.225 MHz, control to be located at a new site described as Loc. No. 3: Sheridan County Airport, Sheridan, Wyoming.

20991–CD–P–77 Tadlock's Radio Dispatch (KMA259 C.P. for additional facilities to operate on 454.100 MHz to be located at Loc. No. 2: Bald Mountain, 5 miles SE of Guinda, California.

20992–CD–P–6–77 Michigan Bell Telephone Company (new) C.P. for a new station to operate on 152.51 152.66 152.78 454.500 & 454.600 MHz to be located 2 miles North of Mt. Clemens, Michigan.

20994–CD–P–7–77 Michigan Bell Telephone Company (KQA772) C.P. to change antenna system operating on 152.51 MHz, change frequency from 152.75 MHz to 152.69 MHz and for additional facilities to operate on 152.80 454.375 & 454.525 MHz located at 503 South Saginaw, Flint, Michigan.

20995–CD–P–77 Michigan Bell Telephone Company (KQA812) C.P. to replace transmitter and change frequency from 152.51 MHz to 152.69 MHz located at 5980 Wildcat Road, 10 miles NW of Port Huron, Michigan.

MAJOR AMENDMENTS

Message Center, Inc., 22130–CD–MP–(3)–76 (KWT998), near Underhill, Vermont, at Mt. Mansfield.

At Loc. No. 2: Amend the base frequency to 152.15 MHz and the repeater frequency to 454.200 MHz.

At Loc. No. 3: Amend the control frequency to 459.200 MHz.

All other particulars to remain as reported on PN No. 809 dated June 7, 1976.

INFORMATIVE

The following applications is a Major Action as defined by Section 1.1305 of the Commission's Rules concerning the implementation.

20777–CD–P–77 American Radio-Telephone Service, Inc.—No. 3: Goldmine Rd. between Olney and Brookville, Maryland; No. 4: Near Conway and Patuxent, Maryland; No. 7: 600 ft. east from Trs 112 and 190 and 500 ft. Southeast of Seneca, Maryland.

RURAL RADIO SERVICE

60244–CR–P–77 RCA Alaska Communications, Inc. (new), C.P. for a new Central Office station to operate on 152.57 MHz to be located, 0.4 mile North of downtown Sand Point, Alaska.

60245–CR–P–77 RCA Alaska Communications, Inc. (new), C.P. for a new Rural Subscriber station to operate on 157.83 MHz to be located in Village .6 mile NNW of Squaw Harbor Airport, Squaw Harbor, Alaska.

60246–CR–P/L–77 The Mountain States Telephone & Telegraph Company (new), C.P. for a new Rural Subscriber-Fixed station to operate on 157.77 MHz to be located 6.2 miles South-Southwest of Table Rock, Wyoming.

60242–CR–TC–77 Western California Telephone Company, Consent to Transfer of Control from General Telephone & Electronics Corporation, Transferor to General Telephone Company of California, Transferee. Station: KVI58, Temporary-Fixed.

60243–CR–TC–77 Grants Radiotelephone Service, Inc., Consent to Transfer of Control from Vernon H. Johnson, Transferor to Esther L. Johnson, Transferee. Station: KOA47, Temporary-Fixed.

POINT TO POINT MICROWAVE RADIO SERVICE

1874–CF–P–77 The Pacific Telephone and Telegraph Company (KNL75), 1.2 miles WNW of Lodi, Oregon, Lat. 38°08'31" N., Long. 121°18'58" W. C.P. to increase antenna structure height and to add a new point of communication on frequencies 11055V, 10895V MHz toward Collegeville, Oregon, on azimuth 146.0 degrees.

1875–CF–P–77 Same (new), 2 miles East of Collegeville, Oregon, Lat. 37°53'55" N., Long. 121°06'33" W. C.P. for a new station on frequencies 11265V, 11585V MHz toward Lodi, Oregon on azimuth 326.1 degrees and 11265V, 11585V MHz toward Modesto 2, Oregon, on azimuth 160.8 degrees.

1876–CF–P–77 Same (new), Modesto 2, 1025 13th Street, Modesto, Oregon, Lat. 37°38'36" N., Long. 120°59'51" W. C.P. for a new station on frequencies 11055V, 10895V MHz toward Collegeville, Oregon, on azimuth 340.9 degrees.

1878–CF–P–77 American Telephone and Telegraph Company (new), Kansas City, 2, 1425 Oak Street, Kansas City, Missouri, Lat. 39°05'47" N., Long. 94°34'41" W. C.P. for a new station on frequency 4030H MHz toward Oak Grove, Missouri, on azimuth 110.7 degrees.

1879–CF–P–77 Same (new), 3.5 miles SSE of Oak Grove, Missouri, Lat. 38°57'30" N., Long. 94°06'43" W. C.P. for a new station on frequencies 4070H MHz toward Kansas City 2 on azimuth 290.9 degrees and 4070 MHz toward Holden, Missouri, on azimuth 149.4 degrees.

1880–CF–P–77 Same (new), 3.2 miles E of Holden, Missouri, Lat. 38°42'26" N., Long. 93°55'20" W. C.P. for a new station on frequencies 4030H MHz toward Oak Grove on azimuth 329.5 degrees and 4030 H MHz toward Windsor, Missouri, on azimuth 109.6 degrees.

1881–CF–P–77 Same (new), 3.7 miles N of Windsor, Missouri, Lat. 38°35'43" N., Long. 93°31'26" W. C.P. for a new station on frequency 4070H MHz toward Holden, Missouri, on azimuth 289.8 degrees.

1882–CF–P–77 Same (KQB42), Alexandria, 3.75 miles E of Johnstown, Ohio, Lat. 40°-09'21" N., Long. 82°36'51" W. C.P. to change polarization from vertical to horizontal on frequencies 3770, 3850, 3930, 4010, 4090, 4170 MHz toward Columbus, Ohio.

1883–CF–P–77 Same (KQO74), Columbus 2, 111 North Fourth Street, Columbus, Ohio, Lat. 39°57'54" N., Long. 82°59'51" W. C.P. to change polarization from vertical to horizontal on frequencies 3730, 3810, 3890, 3970, 4050, 4130 MHz toward Alexandria, Ohio.

1806–CF–P–77 The Mountain States Telephone and Telegraph Company (KKK40), El Paso SE, 6045 Griems Road, El Paso, Texas, Lat. 31°46'07" N., Long. 106°24'50" W., C.P. to increase antenna structure height and to add frequencies 2117.0H 6004.5H 6123.1H MHz toward Frank Mt., Texas.

1897–CF–P–77 (KKK41), S. Frank Mt., 4 miles NW of El Paso, Texas, Lat. 31°51'46" N., Long. 106°29'26" W., C.P. to increase antenna structure height and add frequencies 2167.0H, 6256.5H, 6375.2H, MHz toward El Paso SE, Texas.

1921–CF–P–77 Southwestern Bell Telephone Company (KKB58), 424 South Detroit Street, Tulsa, Oklahoma, Lt. 36°09'10" N., Long. 95°59'12" W., C.P. to change frequencies 6056.4H to 6034.3H 10755.0V to 10915.0V MHz toward Vera, replace transmitters on frequencies 6056.4H 10755.0V MHz toward Vera and replace antenna on frequencies 6056.4H 10755.0V MHz toward Vera, Oklahoma.

1922–CF–P–77 Same (KKB57), 3.4 miles NW of Vera, Oklahoma, Lat. 36°28'44" N., Long. 95°55'45" W., C.P. to change frequencies 6308.4H to 6286.2V, 11685.0V to 11525.0V MHz toward Tulsa, Oklahoma, 6323.3H to 6286.2V, 11405.0V to 11565.0V MHz toward Bartlesville, Oklahoma, to replace transmitters on frenquencies 6308.4H 11685.0V MHz Tulsa, 62323.3H 11405.0V Bartlesville and replace antenna on frequencies 6308.-4H, 11685.0V MHz toward Tulsa 6323.3H, 11405.0V MHz toward Bartlesville, Oklahoma.

1923–CF–P–77 Same (KKB56), 119 East 6th Street, Bartlesville, Oklahoma, Lat. 36°44' 50" N., Long. 95°58'36" W., C.P. to change frequencies 6071.2H to 6084.2H, 10955.0V to 11115.0V MHz toward Vera, Oklahoma, replace transmitters 6071.2H, 10955.0V MHz toward Vera and replace antenna on frequencies 6071.2H, 10955.0V MHz toward Vera, Oklahoma.

1930–CF–P–77 General Telephone Company of the Northwest, Inc. (WAY64), Everett CA, 426 Casino Road, Everett, Washington, Lat. 47°55'19" N., Long. 122°13'34" W., C.P. to increase antenna structure height, to add a new point of communication on frequencies 10895.0V, 10975 MHz toward Cmis, Washington, and move antenna on frequency 6241.7H MHz toward RTSM, Washington.

1931–CF–P–77 Same (KPJ97), 2 miles ENE of Camano, Washington, Lat. 48°11'21" N., Long. 122°29'38" W., C.P. to increase antenna structure height, to add a new point of communication on frequencies 11425V, 11505V MHz twd. Everett CA, on azimuth 146.2 degrees and replace antenna on frequency 11345V MHz toward OKHR, Washington.

1934–CF–P–77 The Mountain State Telephone and Telegraph Company (KXQ87), 1919 Capitol Avenue, Cheyenne, Wyoming, Lat. 41°08'11" N., Long. 104°49'00" W., C.P. to increase antenna structure height and move antenna on frequency 6249.1H MHz toward Archer, Wyoming.

1898–CF–P–77 Eastern Microwave, Inc. (WDD 61) Huffs-Church Road, Fredericksville, Pennsylvania Lat. 40°27'27" N., Long. 75°39'55" W., Construction permit to add 6063.8H MHz toward Easton and Allentown, both in Pennsylvania, on azimuths 53.1 and 53.9 degrees, respectively.

1929–CF–MP–77 United Video, Inc. (KSP 98) .9 mile East of Effingham, Illinois Lat. 39° 07'35" N., Long. 88°31'06" W., Construction permit to add 6360.3H MHz toward Olney, Illinois, on azimuth 138.6 degrees.

Garden State MicroRelay, Inc. Received timely filed Renewals for the following stations: 7851–CF–R–76, KEM 56, Milmay, New Jersey; 7852–CF–R–76, WSM 72, Swainton, New Jersey; 7853–CF–R–76, KEM 55, Chatsworth, New Jersey.

1832–CF–P–77 American Telephone and Telegraph Company (KJM71), 5.5 miles S of Jasper, Florida Lat. 30°26'17" N., Long. 82°56'17" W., C.P. to change polarization horizontal and vertical on frequencies 3750, 3830, 3910, 4070, 4150, 4198 MHz toward Lake City, and from vertical to horizontal 3930, 4010, 4090 MHz toward Lake City, Florida.

1833–CF–P–77 General Telephone Company of the Northwestern, Inc. (new), 751 Mansfield, Washington Lat. 46°16'42" N., Long. 119°16'34" W., C.P. for a new station on frequencies 10995.0V, 11075.0V MHz toward Badger Hill PR on azimuth 213.1 degrees and from passive reflector Kennewick on azimuth 102.8 degrees.

1834–CF–P–77 Same (WHT64), Kennewick Hill, 4916 W. Clearwater, Kennewick, Washington, Lat. 46°12'47" N., Long. 119° 11'09" W., C.P. to add a new point of communication on frequencies 11525V, 11605V MHz toward Badger Hill, Washington, on azimuth 282.9 degrees.

1836–CF–P–77 Southwestern Bell Telephone Company (new), 301 West Whaley, Longview, Texas, Lat. 32°29'50" N., Long. 94° 44'29" W., C.P. for a new station on frequency 3710H MHz toward East Mtn. RS, Texas, on azimuth 315.5 degrees.

1837–CF–P–77 Same (new), 2.0 miles NW of East Mountain, Texas, Lat. 32°36'36" N., Long. 94°62'11" W., C.P. for a new station on frequency 4070H MHz toward Longview, Texas, on azimuth 135.4 degrees.

1851–CF–P/L–77 RCA Alaska Communications, Inc. (WAS431), Aggie Hill 32.07, 26 miles NW of Fairbanks, Alaska, Lat. 65°13' 03" N., Long. 148°03'26" W., C.P. for a new station on frequencies 6152.8H MHz toward Livengood, Alaska, on azimuth 334.8 degrees 6093.5H MHz toward Pedro, Alaska, on azimuth 127.6 degrees and 6123.1V MHz toward Pmp Stn 7, Alaska on azimuth 315.4 degrees.

1852–CF–P/L–77 Same (WAH420), Stuck 88 miles Richardson Hwy. 12 miles Copper, Alaska Lat. 61°47'29" N., 145°15'14" W., C.P. for a new station on frequencies 6125.8V MHz toward Gakona on azimuth 354.7 degrees, 6093.5V MHz toward Kimball Pass on azimuth 158.6 degrees and 6123.1H MHz toward Pmp Stn 11, Alaska on azimuth 340.3 degrees.

CORRECTION

Public Notice No. 850, dated March 21, 1977 contained a page 8 of the previous week's public notice (March 14, 1977), in error. That page 8 is now deleted from the Public Notice of March 21.

[FR Doc.77-10400 Filed 4-7-77;8:45 am]

FM AND TV TRANSLATOR APPLICATION READY AND AVAILABLE FOR PROCESSING

Adopted: March 30, 1977.

Released: April 5, 1977.

Notice is hereby given pursuant to §§ 1.572(c) and 1.573(d) of the Commission's rules, that on May 16, 1977, the TV and FM translator applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to §§ 1.227(b)(1) and 1.519 (b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on May 13, 1977, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and submitted for filing at the offices of the Commission in Washington, D.C., by the close of business on May 13, 1977.

The attention of any party in interest desiring to file pleadings concerning any

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pending TV and FM translator application, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580 (i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

UHF TV TRANSLATOR APPLICATIONS

BPTT-3198 (K78CI), Hartsel, Antero Junction and Eleven Mile Reservoir, Colorado. Req: To change frequency to channel 64, 770–776, MHz.

BPTT-3199 (new), Hartsel, Colorado, Gunnison County Television, Inc. Req: Channel 66, 782–788 MHz, 100 watts. Primary: KWGN–TV, Denver, Colorado.

BPTT-3201 (new), Colorado Springs and Manitou Springs, Colorado, University of Southern Colorado. Req: Channel 21, 512–518 MHz, 100 watts. Primary: KTSC–TV, Pueblo, Colorado.

BPTT-3202 (new), Slit and Rural Areas and Upper Four Mile Creek, Colorado, Garfield, County, Req: Channel 67, 788–794 MHz, 100 watts. Primary: KBTV–TV, Denver, Colorado.

BPTT-3207 (K72DH), Dry Lake, Crystal and Ute, Nevada, Moapa Valley TV Maintenance District. Req: To change principal community to Overton, Logandale and Moapa Area, Nevada, change primary TV Station to KSL–TV, Channel 5, Salt Lake City, Utah.

BPTT-3209 (K77AW), Wallowa Valley, Oregon, Wallowa Valley TV Association, Inc., Req: change frequency to channel 65, 776–782 MHz., output power to 100 watts.

BPTT-3210 (K81AF), Wallowa Valley, Oregon, Wallowa Valley TV Association, Inc. Req: To change frequency to channel 63, 764–770 MHz.

BPTT-3211 (new), Pickstown, South Dakota, State Board of Directors for Educational Television. Req: Channel 61, 752–758 MHz, 10 watts. Primary: KTSD–TV, Pierre, South Dakota.

BPTT-3212 (new), St. George, Utah, Washington County Television Dept. Req: Channel 69, 800–806 MHz, 100 watts. Primary: KLAS–TV, Las Vegas, Nevada.

UHF TV TRANSLATOR APPLICATIONS

BPTT-3215 (new), Philadelphia, Pennsylvania, Spanish International Communications. Req: Channel 35, 596–602 MHz, 1,000 watts. Primary: WXTV–TV, Paterson, New Jersey.

BPTT-3216 (new), Augusta, Kentucky, Kentucky State Board of Education. Req: Channel 56, 722–728 MHz, 100 watts. Primary: WCVN–TV, Covington, Kentucky.

BMPTT-945 (W27AB), Canton, Clyde, Waynesville and Hazelwood, North Carolina, University of North Carolina. Req: To increase output power to 1,000 watts.

BMPTT-946 (W59AD), Andrews, Murphy and Robbinsville, North Carolina, University of North Carolina. Req: To increase output power to 1,000 watts.

CORRECTION

VHF TV TRANSLATOR APPLICATION

The following entry appeared on the Public Notice (Mimeo No. 68379) released August 4, 1976, listing translator application which would be considered as ready and available for processing on September 16, 1976.

BPTTV-5621 (new), **Keystone Valdez Pipeline Camp, Alaska, Northern Television, Incorporated. Req: Channel 12, 10 watts.** Primary: KTVA–TV, KENI–TV, KIMO–TV, Anchorage, Alaska.

The entry is corrected to read as follows:

BPTTV-5621 (new), Keystone Valdez Pipeline Camp, Alaska, Northern Television, Incorporated. Req: Channel 4, 10 watts. Primary: KTVA–TV, KENI–TV, KIMO–TV, Anchorage, Alaska.

The dates appearing on the title page of this Public Notice will now apply to the above application.

VHF TV TRANSLATOR APPLICATIONS

BPTTV-5774 (K02DL), Salida, Colorado, Salida TV Translator Association. Req: To change frequency to channel 9, 180–186 MHz.

BPTTV-5775 (new), Cherry Creek, South Dakota, Cherry Creek TV Club. Req: Channel 2, 54–60 MHz, 1 watt. Primary: KHSD–TV, Lead, South Dakota.

BPTTV-5776 (new), Cherry Creek, South Dakota, Cherry Creek TV Club. Req: Channel 8, 180–186 MHz, 1 watt. Primary: KIVV–TV, Lead, South Dakota.

BPTTV-5777 (new), De Norte, Colorado, Parker Hill TV Association. Req: Channel 4, 66–72 MHz, 10 watts. Primary: KNME–TV, Albuquerque, New Mexico.

BPTTV-5779 (new), Hayes Center, Nebraska, Hayes Center Community Club. Req: Channel 4, 66–72 MHz, 1 watt. Primary: KLOE–TV, Goodland, Kansas.

BPTTV-5780 (new), Wawona, California, Wawona Community Television Association. Req: Channel 4, 66–72 MHz, 1 watt. Primary: KVIE–TV, Sacramento, California.

BPTTV-5781 (new), Bethel, Alaska, City of Bethel. Req: Channel 2, 54–60 MHz, 10 watts. Primary: KENI–TV, Anchorage, Alaska.

BPTTV-5782 (new), Klawock, Alaska, Klawock School Board. Req: Channel 2, 54–60 MHz, 10 watts. Primary: KAKM–TV, KENI–TV, KIMO–TV, and KTVA, Anchorage, Alaska.

BPTTV-5783 (K08FJ), Alton, Utah, Long Valley TV. Req: Change frequency to channel 11, 198–204 MHz, increase output power to 10 watts.

BPTTV-5784 (K10FJ), Alton, Utah, Long Valley TV. Req: Change frequency to channel 9, 186–192 MHz, increase output power to 10 watts.

VHF TV TRANSLATOR APPLICATIONS

BPTTV-5785 (K12HD), Alton, Utah, Long Valley TV. Req: Change frequency to channel 13, 210–216 MHz, increase output power to 10 watts.

BPTTV-5786 (new), Orderville and Glendale, Utah, Long Valley TV. Req: Channel 7, 174–180 MHz, 1 watt. Primary: KUED–TV, Salt Lake City, Utah.

BPTTV-5787 (New), Evanston and Upper Bear River Valley, Wyoming, Upper Bear River TV, Service. Req: Channel 6, 82–88 MHz, 5 watts. Primary: KUED–TV, Salt Lake City, Utah.

FM TRANSLATOR APPLICATIONS

BPFT-398 (new), Dubois, Wyoming, Riverton Broadcasting Co., Inc., Req. Channel 292, 106.3 MHz, 10 watts. Primary: KTAK–FM, Riverton, Wyoming.

BPFT-399 (new), Dubois, Wyoming, Fremont Broadcasting Inc., Req: Channel 296, 107.1 MHz, 1 watt. Primary: KDLY–FM, Lander, Wyoming.

BPFT-401 (K228AB), Upper Bear River & Evanston, Wyoming, Kilburn I Porter tr/as Upper Bear River TV Service. Req: To **change principal community to Upper Bear River Valley, Evanston** plus Carter, Wyoming, output power to 10 watts in two directions.

[FR Doc.77-10402 Filed 4-7-77;8:45 am]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Adopted: March 21, 1977.

Released: March 24, 1977.

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on May 10, 1977, the standard broadcast applications listed in the attached Appendix below will be considered as ready and available for processing. Pursuant to § 1.227(b)(1) and § 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on May 9, 1977, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C. by the close of business on May 9, 1977. The attention of prospective applicants is directed to the fact that some contemplated proposals may not be eligible for consideration with an application appearing in the attached Appendix below by reason of conflicts between the listed applications and applications appearing in previous notices published pursuant to § 1.571(c) of the Commission's rules.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast applications, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's Rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

BP-20,240 KAPR, Douglas, Arizona, K.A.P.R., Inc. Has: 930 kHz, 1 kW, Day. Req: 930 kHz, 2.5 kW, Day.

BP-20,241 KKLS, Rapid City, South Dakota, James River Broadcasting Company. Has: 920 kHz, 1 kW, Day, Req: 920 kHz, 5 kW, DA–Day.

BP-20,242 WVSA, Vernon, Alabama, Lamar County Broadcasting Company. Has: 1380 kHz, 1 kW, Day. Req: 1380 kHz, 5 kW, Day.

BP-20,244 WAVL, Apollo, Pennsylvania, Tri-Borough Broadcasting, Inc., Has: 910 kHz, 1 kW, Day. Req. 910 kHz, 5 kW, DA–Day.

BP-20,245 WXLW, Speedway, Indiana, Shirk, Inc. Has: 950 kHz, 5 kW, DA–Day (Indianapolis, Indiana). Req: 950 kHz, 5 kW, DA–2, U (Speedway, Indiana).

BP-20,246 New, Dobson, North Carolina, Dobson Broadcasting Company. Req: 1560 kHz, 2.5 kW (500 W–CH), Day.

BP-20,247 KWBZ, Englewood, Colorado, Western Broadcasting Corporation. Has: 1150 kHz, 5 kW, Day. Req: 1150 kHz, 1 kW, 5 kW–LS, DA–N, U.

BP-20,248 WRSC, State College, Pennsylvania, State College Communications Corporation. Has: 1390 kHz, 1 kW, Day. Req: 1390 kHz, 2.5 kW, Day.

BP-20,249 New, Pearl, Mississippi, Mid South Media Inc., Req: 1190 kHz, 1 kW, Day.

BP-20,252 WRNG, North Atlanta, Georgia, Ring Radio Company. Has: 680 kHz, 25 kW, Day. Req: 680 kHz, 10 kW, 25 kW–LS, DA–N, U.

APPENDIX

BMP-14,129 WVCG, Coral Gables, Florida. Independent Music Broadcasters, Incorporated. Has Lic: 1080 kHz, 500 W, 10 kW–LS, DA–2, U. Has CP: 1060 kHz, 10 kW, DA–2, U. Req: 1080 kHz, 10 kW, 50 kW–LS, DA–2, U.

BP-19,922 KARV, Russellville, Arkansas, Horne Industries, Inc. Has: 1490 kHz, 250 W, 1 kW–LS, U. Req: 610 kHz, 500 W, 1 kW–LS, DA–2, U.

BP-20,117 WAMB, Donelson, Tennessee, Great Southern Broadcasting Company, Inc. Has: 1190 kHz, 250 W, Day. Req: 1170 kHz, 5 kW (500 W–CH), DA–2, Day.

BP-20,146 WVJP, Caguas, Puerto Rico, Borinquen Broadcasting Company. Has: 1110 kHz, 250 W, U. Req: 1110 kHz, 500 W, 2.5 kW–LS, U.

BP-20,164 KFAX, San Francisco, California, Argonant Broadcasting Company. Has: 1100 kHz, 1 kW, 50 kW–LS, DA–Day, S.H. Req: 1100 kHz, 50 kW, DA–2, U.

BP-20,181 WMCL, McLeansboro, Illinois, Community Service Broadcasting, Inc. Has: 1050 kHz, 250 W, Day. Req: 1060 kHz, 2.5 kW, DA–Day.

BP-20,202 New, Ontario, Ohio, GSM Media Corporation. Req: 1440 kHz, 1 kW, DA–Day.

BP-20,214 WKYK, Burnsville, North Carolina, Mark Media, Inc. Has: 1540 kHz, 1 kW, Day. Req: 940 kHz, 250 W, 1 kW–LS, DA–N, U.

BP-20,230 WFSO, Pinellas Park, Florida, Pinellas Radio Corporation. Has: 570 kHz, 500 W, DA–Dav. Req: 570 kHz, 500 W, DA–2, U.

BP-20,231 WINI, Murphysboro, Illinois. Radio Station WINI. Has: 1420 kHz, 500 W, Day. Req: 1420 kHz, 500 W, DA–N, U.

BP-20,253 KLUC, North Las Vegas, Nevada, KLUC Broadcasting Company. Has: 1140 kHz, 10 kW, Day (Las Vegas). Req: 1140 kHz, 2.5 kW, 10 kW–LS, DA–N, U (North Las Vegas).

BP-20,254 WKMC, Roaring Springs, Pennsylvania, Cove Broadcasting Company, Inc. Has: 1370 kHz, 1 kW, Day. Req: 1370 kHz, 5 kW, DA–Day.

BP-20,273 WIBR, Baton Rouge, Louisiana, Community Broadcasting Company, Inc. Has: 1300 kHz, 1 kW, DA–2, U. Req: 1300 kHz, 1 kW, 5 kW–LS, DA–2, U.

BP-20,550 WCDS, Glasgow, Kentucky, John M. Barrick. Has: 1440 kHz, 1 kW, Day. Req: 1440 kHz, 5 kW, DA–Day.

BP-20,668 KHVH, Honolulu, Hawaii, KHVH, Inc. Has: 1040 kHz, 5 kW, U. Req: 1040 kHz, 10 kW, U.

APPLICATION DELETED FROM PUBLIC NOTICE OF NOVEMBER 22, 1974 (MIMEO 33282)

BP-19730 KHVH, Honolulu, Hawaii, KHVH, Inc. Has: 1040 kHz, 5 kW, U. Req: 1010 kHz, 10 kW, U. (Assigned New File Number BP-20,888).

[FR Doc.77-10401 Filed 4-7-77;8:45 am]

[Docket No. 21183; FCC 229]

AUTOMATION ELECTRONICS CORP. AND WILL-WALK, CO.

Order To Show Cause, Memorandum Opinion and Order

Adopted: March 24, 1977.

Released: April 7, 1977.

In the matter of Automation Electronics Corp., Model 1001 Call Sequencing System, Docket No. 21183, F.C.C. Telephone Equipment, Reg. No. AAF993-62778–CD–N; Automation Electronics Corp., Model 501–3 Rotary Announcer, F.C.C. Telephone Equipment, Reg. No. AAF993–62736–AN–N; Will-Walk Company, Model 501–3 Rotary Announcer, F.C.C. Telephone Equipment, Reg. No. AAH992–62771–AN–N; notice filing requesting additional trade name for Will-Walk Company, Model 501–3 Rotary Announcer, File No. 160–CX–77.

1. We have before us a petition filed by the American Telephone and Telegraph Company ("AT&T") on September 29, 1976, seeking reconsideration of a registration grant of August 18, 1976 (Public Notice given August 23, 1976) to Automation Electronics Corporation ("Automation") for its Model 1001 Call Sequencing System,[1] under our telephone equipment registration program.[2] Automation, and its predecessor the Will-Walk Company ("Will-Walk") have variously attempted to apply the registration program's short-form application procedures, its "grandfathering" provisions, and its relaxation of the requirement for using standard plugs during a transition period, to their products. As will be developed in more detail, infra, a problem arose regarding our grant of short-form registration to Automation's Model 1001 Call Sequencing System, and the telephone companies' subsequent obligation to provide for its connection to the telephone network, which led to AT&T's seeking of reconsideration, and to our action in this order.

BACKGROUND

2. In our First Report and Order in Docket No. 19528, we established a "grandfathering" provision exempting terminal equipment connected to the telephone network prior to the effective date of the new Part 68 from registration rules, 56 F.C.C. 2d 593, 613 n. 36 (1975). We subsequently explained that the purpose of the "grandfathering" provision was to afford "proper recognition to the millions of items of terminal equipment—produced by both carrier-affiliated and independent manufacturers—which are now and have been directly connected to the network with no evidence of having caused harm hereto, by granting them immunity from the registration requirements", 57 F.C.C. 2d 1216 (1976). Consistent with that purpose, we established a transition period during which "grandfathered" equipment might be connected to the telephone network without registration, and also established a short-form registration procedure for such equipment to ease the transition to registered status for all equipment after the expiration of the transition period.[3]

3. In a short-form application, the applicant is required to furnish us certification that the equipment had been directly connected to the telephone network as of the May 1, 1976 cut-off date and that it meets the standards of Part 68 of our rules, but without supporting exhibits which are required for a normal, long-form application. Detailed information and test results need not be submitted unless specifically requested.

4. In response to petitions seeking clarification of the "grandfathering", short-form, and transition-period procedures, we subsequently issued a declaratory ruling which defined the class of equipment which is eligible both for "grandfathering" and short-form registration as equipment of a type similar to equipment which was directly connected to the telephone network as of May 1, 1976, 59 F.C.C. 2d 83, 85–86 (1976). We further refined this definition of eligibility with the following subsidiary definitions:

"Of a type similar"—The same model of equipment, made by the same manufacturer; equipment of the same mechanical and electrical design, encompassing cosmetic variations of a manufacturer's product (e.g. color changes).

"Directly connected"—Any direct electrical connection, either by a telephone company or by a customer which was both (1) in accordance with a telephone company tariff and (2) without a protective connecting arrangment. This category of equipment includes all equipment supplied by telphone companies, as well as the following types of customer-provided equipment: Attested operators' headsets and conferencing devices, conformed telephone answering devices, equipment certified and connected pursuant to General Order No. 138 of the California Public Utilities Commission, and equipment connected by "special" entities under our tariffs.

We explained that unregistered equipment which is connected to the telephone network during the transition period as "grandfathered" equipment would be permitted to remain in service without registration during its useful life "unless subsequently modified", § 68.2(b) and (c), and defined this term as follows:

[1] AT&T's petition was filed more than thirty days after public notice was given of the grant, and thus is procedurally defective (see 47 U.S.C. 415, 47 CFR 1.106(f)). However, we are treating the petition as a complaint filed under 47 CFR 68.400.

[2] The subject matter of this decision is ancillary telephone equipment (a call distributing device, and answering equipment), thus we here reference only those of our previous decisions concerning telephone equipment registration which are relevant to such equipment. First, in Docket No. 19528, we established the equipment registration program, short-form registration procedures, "grandfathering" privileges, and transition-period procedures. See 56 F.C.C. 2d 593 (1975); 57 F.C.C. 2d 1216 (1976); 59 F.C.C. 2d 83 (1976). Second, in Docket No. 20774, we established uniform standard means of connecting registered equipment to the nationwide telephone network. See 41 FR 17306, Apr. 23, 1976 and 41 FR 28694, July 12, 1976. The United States Court of Appeals, Fourth Circuit, by Order of April 28, 1976, stayed the entire program. This stay was modified by Order of June 16, 1976 to allow the program to become effective as to customer-provided data and ancillary equipment, including the Automation and Will-Walk equipment.

[3] 57 F.C.C. 2d at 1220. After the transition period, such equipment is required to be registered, either using the short-form or long-form registration procedures.

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"Subsequently modified"—Equipment modifications other than repair operations which restore the equipment to the same functional operation it had prior to the failure which resulted in a repair operation; replacement of component parts with ones not comparable to the original ones.

Finally, we recognized that standard plugs and jacks may not be available during the transition period for connection of both registered and "grandfathered" equipment, and provided that such equipment need not be connected to the telephone network, during the transition period, using the standard plugs and jacks specified in our rules. Instead, we provided that the telephone companies could continue to use whatever means of connection they were then using for connection of telephone company-provided equipment, so long as they did not discriminate in the treatment of customer-provided equipment.[4]

5. Automation and Will-Walk had received three grants of certification of equipment by the California Public Utilities Commission pursuant to that Commission's General Order No. 138. Thus, if equipment covered by these grants had in fact been directly connected to the telephone network as of May 1, 1976, pursuant to the California telephone companies' tariffs, then it would be eligible both for "grandfathering" and short-form registration under our registration program.

6. On April 12, 1976 we received three applications for short-form registration, which appeared to cover only two different items of equipment. Will-Walk applied for registration of its Model 501–3 Rotary Announcer, and Automation applied for registration of its Model 501–3 Rotary Announcer. Automation also applied for registration of its Model 1001 Call Sequencing System. In the two Rotary Announcer applications, the Model 501–3 was described as:

> • • • an answering system which will answer multiple telephone lines with an announcement up to 5 minutes and is capable of delivering the message to all incoming lines at the same time, the endless loop announcement continues to play out until the last caller hangs up. The Rotary Announcer is ideal as a theater announcer, for weather reports, sports scores, ski conditions and similar uses.

The only description of any accessory equipment used in conjunction with the Model 501–3 Rotary Announcer was:

> An accessory is avaialble which allows the announce message to be changed by calling in from a remote location.

The Will-Walk Rotary Announcer application was assigned file number 37–C–76 and the Automation Rotary Announcer application was assigned file number 39–C–76.

7. The Call Sequencing System application, filed only by Automation, described the Model 1001 as:

> • • • an answering device which will answer multiple telephone lines, give a pre-recorded announce message, place the call on hold and indicate to the user by means of lamps flashing at different interval rates, the chronological order in which the calls were received.

8. On July 12, 1976, pursuant to § 68.204 of the rules, AT&T filed comments on these applications. First, AT&T noted that the two Rotary Announcer applications were "filed on behalf of different manufacturers having the same address appear to describe the same device with the same model number" but showed substantially different test results (although such results were not required for a short-form application, both applications included copies of information furnished the California Public Utilities Commission). Second, AT&T commented that none of the three applications should be granted as the applicants failed to demonstrate that the equipment involved had been connected to the telephone network as of May 1, 1976, the second condition for eligibility.

9. In response to AT&T, the "person responsible for preparing engineering information" (line 15 of the application form) and therefore the "person to contact for technical information" (line 16 on all three applications) stated that the two Rotary Announcer applications were for:

> • • • similar but not identical devices and hence should be issued separate numbers. Automation Electronics Corporation incorporated all assets and obligations of Will-Walk Company.

and in response to further questioning on this matter by our staff, expanded this description:

> 37–CX–76 (CPUC No. 0057) manufactured by Will-Walk. Will-Walk absorbed into Automation Electronics Corp. who assumed all goods and continued warranty and service.
>
> 39–CX–76 (CPUC No. 0214) manufactured by Automation Electronics Corp. Devices perform the same function. However, the Will-Walk 37–CX–76 is much different in appearance than 39–CX–76 of Automation Electronics Corp. 37–CX–76 is built in two separate units which connect with cables. 39–CX–76 is a single unit.[5]

10. Since AT&T had, in a separate submission, listed the Will-Walk Model 501-3 Rotary Announcer as eligible for "grandfathering," the staff concluded that it was also eligible for short-form registration, and granted that application (37–CX–76) on August 18, 1976.

11. Automation provided the staff with California telephone numbers to which the Rotary Announcer and Call Sequencing System had been connected as of May 1, 1976, and accordingly these two applications were granted, respectively on August 30, 1976 and August 18, 1976.[6] Thus, on the basis of information then before it, the staff properly granted all three short-form registration applications.

Connection Problems

12. After we granted registration to the Model 1001, AT&T and Automation attempted to connect the Model 1001 to the telephone network in accordance with our rules, through the use of standard plug/jack arrangements specified in Part 68 of our rules. Through its meetings with Automation, AT&T became aware that the Model 1001 requires a series connection to the lamp leads of a key telephone system to provide the indication to the user "by means of lamps flashing at different interval rates" described in its registration application. In essence, the "lamps" described in the application were not Automation's lamps, but rather were those lamps which are already present in carrier-provided key telephone instruments.

13. While AT&T was not aware that Automation's Model 1001 would not function with the plug/jack arrangements in Part 68 of our rules, AT&T's California subsidiary, Pacific Telephone and Telegraph Company, obviously was. Pacific was providing a special combination of two connectors, in California, or connection of Automation's equipment (and others), which was specified by the California Public Utilities Commission. Nevertheless, on September 29, 1976, AT&T filed a letter which requested our staff to reconsider its grant of registration, by delegated authority, to Automation's Model 1001. First, AT&T again alleged that the equipment had not been demonstrated to be of a type similar to equipment connected to the network as of May 1, 1976, pursuant to a telephone company tariff, and noted that the telephone number which Automation had supplied as such a demonstration had been taken out of service in 1974. Second, AT&T said:

> • • • although this could not be discerned by review of the short form application, the device cannot be connected in compliance with Part 68 of the rules. • • •
>
> It was finally determined that this device would not work with any of the standard plug and jack arrangements specified • • •. Thus, we have the anomalous situation that although the equipment had been granted registration, it cannot be connected as registered equipment in accordance with § 68.104(a).

Our staff served a copy of this letter on Automation.

14. By letters dated October 16 and October 17, 1976, Automation addressed the issues raised by AT&T's letter. First, it indicated that there had been a typographical error in the supplied telephone number, and it supplied a corrected telephone number. Second, Automation also addressed the anomalous situation that this short-form registered equipment could not be connected to the network in accordance with the rules, and requested a waiver of the plug/jack requirement. On October 26, 1976, Automation requested an informal meeting with AT&T and Commission staff representatives, in order to resolve the outstanding problems.

[4] We recently extended the transition period during which unregistered "grandfathered" equipment may be connected from January 1, 1977 to June 1, 1977. See Order released December 28, 1976, FCC 76–1139

[5] Letter from Mr. D. Reginald Tibbetts, July 30, 1976.

[6] Grant of the Automation Rotary Announcer was delayed pending resolution of questions concerning its similarity to the Will-Walk device. Subsequently, AT&T made no objection to registration of the two Rotary Announcers.

15. At this November 9, 1976 meeting, it was agreed that: (1) Automation would substantiate the disputed fact that the Model 1001 had been directly connected to the telephone network in accordance with applicable telephone company tariffs as of May 1, 1976; (2) the Model 1001 in fact requires a series connection to the lamp leads of a carrier-supplied key telephone system for its operation; (3) that no present plug/jack arrangement in Part 68 will accommodate the requirement of a series connection to these lamp leads; (4) that Automation would submit a petition for rulemaking seeking amendment of our rules to accommodate the Model 1001; [7] and (5) if the Model 1001 in fact had been property eligible for short-form registration, it also would be eligible for "grandfathering" treatment in the transition period, notwithstanding its concurrent status as registered equipment, and could therefore be connected by the telephone company using alternative means to those specified in Part 68, in accordance with our transition period procedures.[8] AT&T took the position that if Automation could not sustain the eligibility of the Model 1001 for "grandfathering" treatment, it would not provide such alternative means of connection.

16. On November 15, 1976, Automation submitted documents which purported to establish the "grandfathered" status of the Model 1001. According to the submission, the Model 1001 had been certified by the California Public Utilities Commission on February 13, 1976, and one unit of equipment had been installed in San Francisco, at a stated location, on March 1, 1976 (well before May 1, 1976). The submission further alleged that notice of the connection of the Model 1001 at this location was given by telephone to Pacific Telephone and Telegraph Company (the carrier in San Francisco) on March 2, and that during March, a telephone repair-person had noticed the installed Model 1001 during a repair visit to the premises, and had presumably reported its presence to other telephone company officials.[9]

17. In this submission, Automation stated that the customer's premises involved:

> • • • were equipped with an amphenol connector consisting of a male and female 50 position ribbon plug and jack (called a bridging adapter by Pacific). The utility connector was unplugged, and the Model 1001 was inserted between them with no modification of the utility equipment.

18. On November 23, 1976, AT&T responded to Automation's submission. In its response. AT&T claimed that despite a careful review of Pacific Telephone and Telegraph Company records, and despite conducting interviews with appropriate personnel, it was unable to verify that Pacific had been notified of the connection of any customer-provided equipment at this customer's premises. It then took issue with Automation's claimed date of certification of the equipment by the California Commission, and alleged that it had not been certified until March 19, 1976, a date after Automation's claimed March 2, 1976 date of notification of the telephone company.

19. AT&T's response further reported the results of a visit by telephone company personnel to this customer's premises:

> On November 19, 1976, since no verification of connection was otherwise available, telephone company personnel made a premises visit to (deleted) and observed that there was no Model 1001 in service nor was there any telephone company provided bridging adapter or other required jack arrangement. The device which was found at the customer's premises was the "Will Walk, Rotary Announce System (California Certification Number CPUC No. 0057) Model 501–3" and this device was connected in violation of both filed tariffs and the Rules of CPUC G.O. 138. Lawful connection of the Will Walk device in California could be only through a telephone company Type C bridging adapter, which, as noted was not utilized at (these premises).

While AT&T's November 19, 1976 visit did not establish whether the Model 1001 in fact had been connected as of May 1, 1976, some six months earlier, AT&T further noted Automation's own statement in its November 15, 1976 submission:

> The Call Sequencer has remained connected to these phone lines continuously from 3–1–76.

and concluded that therefore, By Automation's own admission, the equipment which it found at the premises visit was the equipment which Automation had claimed was in place as of May 1, 1976 at these premises. The response concluded by again requesting that the Commission reconsider its grant of registration to the Model 1001.

20. On December 16, 1976, Automation submitted a reply to AT&T, supported by affidavits. For the first time, Automation now contended that the Model 1001 in fact is the same equipment as the Model 501–3 Rotary Announcers from the standpoint of Part 68 of our rules (see paras. 8 and 9 supra). According to Automation, the equipment installed at the disputed location was formed of a Model 501–3 rotary announcing device, with additional equipment added to accomplish call sequencing. Thus, Automation claimed that since the Model 501–3 rotary announcer is, without dispute, eligible for "grandfathering" and short-form registration, a modification thereof to add call sequencing functions (to form a Model 1001) did not change that status.

21. Automation replied on several bases. First, it indicated its intention to file an application to authorize the marketing of a modified Model 501–3 (modified to include call sequencing functions) under the trade name "Automation Electronics Co., Model 1001." Second, since in Automation's opinion, the call sequencing device is the same as the Model 501–3 in all respects "pertinent to the technical standards of the Registration Program" it would withdraw the short-form application for registration of the Model 1001 (although already granted) contingent upon our acceptance of the new, name-changing filing, and thereby moot any dispute concerning whether or not the Model 1001 was in fact installed at the disputed premises. In addition, Automation provided what it termed "a full explanation" of the development of the Models 501–3 and 1001, and of the disputed installation.

Automation's December 16, 1976, Explanation

22. The Model 501–3 Rotary Announcer is a means of answering multiple telephone lines and delivering a pre-recorded message. It was sold to movie theaters and similar entities by the Will-Walk Company since that company's founding as a partnership in 1971. It is normally used in conjunction with kev telephone systems, and is connected to the tip/ring and A/A1 connections of such systems through the use of a parallel, 50-position "ribbon" connector. Approximately 200 units of this equipment have been directly connected to the telephone network without harm.

23. In November, 1975, the partnership was dissolved, and one of the former partners acquired all assets of the partnership. He formed a new company, Automation Electronics, to manufacture the Model 501–3, and applied for and received a new California certificate in Automation's name for the product. In this same time period, Automation developed "an additional accessory for the Model 501–3 internal circuitry which doubled the flash rate of calls 'on hold' on the (key telephone system) instruments." [10] According to Automation, the sequencing accessory acted precisely the same as a basic answering device—calls were answered, were given a recorded message (e.g. "your call will be answered in turn"), and put on hold.

24. According to Automation, the addition of the call sequencing accessory to the Model 501–3 involved "no changes in the technical performance of the device required by the CPUC or FCC terminal equipment programs." [11] However, Auto-

[7] Such a petition was filed by Automation on January 6, 1977.

[8] Automation was apparently unaware of this alternative possibility until that meeting.

[9] Subsequently, Pacific Telephone personnel contacted the customer involved and requested the certification number for the equipment; on this basis Automation concludes that the repair-person had reported its presence. In any event Automation regards the repair-person's observation of the equipment as actual notice to Pacific Telephone of the connection.

[10] Affidavit of Automation Electronics Corp, December 16, 1976, p. 6.

[11] Id., p. 7.

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mation admitted that the unit with call sequencing functions required a series connection to the key telephone system's lamp leads, which connection was not required unless the call sequencing function was added to the Model 501–3. In Automation's view, this change is not relevant to Part 68 of our rules.

25. As the call sequencing accessory proved to be a popular addition to the Model 501–3, Automation submitted an additional application for California certification under the trade name Model 1001 for the combination of the 501–3 Rotary Announcer and sequencing function accessory.

26. The equipment which was installed at the disputed premises as of May 1, 1976 was in fact the Model 501-3 Rotary Announcer, with additional equipment installed to perform call sequencing. Automation alleged that the modification of the Model 501–3 to add call sequencing was consistent both with the requirements of the California rules and with our rules, regarding changes to certified/registered equipment. Automation further alleged that its citation of this installation as evidence of connection of the Model 1001 as of May 1, 1976 was in good faith, and that this installation qualified the Model 1001 for "grandfathering" and short-form registration. Finally, Automation claimed that the California rules, and telephone company tariffs in California, permit the installation which was performed at the disputed premises—whereby the customer (and not the telephone company) unplugged two telephone company-provided connectors on the existing telephone company key telephone system, and inserted two customer-provided compatible connectors thereto.[12]

27. On January 14, 1977, AT&T submitted a final round of comments. In essence, AT&T responded by continuing to request reconsideration of the registration grant to the Model 1001 on the basic ground that it was ineligible for such registration (and for "grandfathering" treatment).

AT&T Response

28. First, AT&T argued that the Model 1001 is simply not "of a type similar" to the 501–3 equipment, by Automation's own admission, and cannot achieve eligibility for short-form registration and "grandfathering" treatment because of the predecessor equipment's undisputed eligibility for such treatment. By Automation's own admission, the "internal circuitry" of the Model 501–3 was modified (see para. 26, supra), and such modification is inconsistent with the Commission's definitions of "of a type" and "subsequently modified" (see para. 6, supra). In addition, AT&T noted that the added leads which connect to the lamp circuits require evaluation in addition to that of the rotary announcer alone, under Part 68.

[12] On December 17, 1976, Automation submitted the promised notice filing seeking authorization to use the trade name "Model 1001" for a Model 501–3 with call sequencing functions.

29. Second, AT&T argued that even if the equipment installed at the disputed premises is considered equivalent to the Model 1001 for eligibility, that installation itself violated both California's rules, and the applicable telephone company tariffs. Specifically, AT&T referred to § 3.1 of the California Public Utilities Commission's General Order No. 138 which requires notification of the customer to the telephone company of intent to use certified equipment, and to § 1.4 (a) of this Order which requires that connections of customer-provided equipment not require changes in or alterations of the equipment or other facilities of the utility. Moreover, AT&T cited Section II.A.2 of the applicable telephone company tariff which provides:

> Pacific Telephone and Telegraph Company, Schedule Cal. P.U.C. No. 135–T.
>
> II. *Regulations applicable to exchange service.*—A. *General provisions.* 2. All instrumentalities and equipment furnished by the Utility in connection with a customer's service shall be carefully used and only duly authorized employees of the Utility shall be allowed to connect, disconnect, move, change, or alter in any manner, any or all such instrumentalities and equipment.[13]

and referenced other tariff provisions which require the installation of a carrier-provided jack for certified customer-provided equipment, which jack was not ordered at the disputed installation.

Discussion

30. We find from the foregoing that the Model 1001 Call Sequencing System was not connected to the telephone network as of May 1, 1976 under that name or description. Rather, a modified Model 501–3 Rotary Announced was connected to the telephone network.

31. Automation's Call Sequencing System, either under the description Model 1001, or under other description, is not eligible for "grandfathering" status. Automation's admissions establish that the equipment which actually was connected to the telephone network as of May 1, 1976 was not "of a type similar" to the Model 501–3 Rotary Announcer whose "grandfathered" status is not disputed. Thus, the Call Sequencing System (under any designation) must establish its "grandfathered" status independent of the Rotary Announcer.

32. The only connection of the Call Sequencing System to the telephone network, to qualify that equipment as "grandfathered", which has been advanced, is at the disputed premises, and that connection was not performed in accordance with the applicable telephone company tariffs. The disputed installation, by Automation's admission, was performed not by the telephone company, but by others. The action of performing this installation involved disconnection of the telephone company's facilities—in this case the telephone company's key telephone system connectors—and such an operation can only be performed by authorized telephone company employees under the applicable tariff (see para. 29, supra.).

33. Similarly, the Call Sequencing System, either under the description Model 1001 or under other description, is not (and was not) eligible for short-form registration, because it was not directly connected, in accordance with telephone company tariffs, to the telephone network as of May 1, 1976.

34. It would appear, therefore, that our grant under delegated authority of short-form registration to the Model 1001 should be withdrawn, as it was based upon the false assumption that this equipment was in fact eligible for such procedures.

35. Automation's new notice filing seeks the use of the trade name "Model 1001" for its registered Model 501–3 equipment, so that this equipment, as modified, can be marketed as a call sequencing system based upon its outstanding registrations. If a change of trade name alone were involved, absent the entire recital herein of its purpose and effect, we would not be opposed to its acceptance. However, it is clear that the effect of the notice filing is to achieve indirectly that which cannot be achieved directly. Moreover, the notice filing itself is not in conformance with our rules.

36. The two applications in our files governing the Model 501–3 Rotary Announcer make no reference to connections to other equipment. Nor do they make reference to any internal equipment contained in the Rotary Announcer to achieve call sequencing functions. This material on file is inconsistent with Automation's statement contained in the notice filing which states:

> This application requests authority to use an additional trade name for the Will-Walk Co. Model 501–3 rotary announcer (Registration No. AAH 992–62771–AN–N) which will emphasize an existing feature of the device, a call sequencing system.

If in fact that feature is presently "existing", then it is unauthorized. Section 68.214 of our rules provides:

> No changes in registered terminal equipment and registered protective circuitry shall be made without prior written notice to the Commission. If such change in registered terminal equipment or registered protective circuitry results in any change in the information furnished the Commission pursuant to § 68.200, the grantee shall submit a revised application for equipment registration in accordance with § 68.200.

If addition of the call sequencing functions to the Rotary Announcer was accomplished by connection to a new piece of equipment, such connections themselves would change the information furnished us pursuant to § 68.200(g), and would require a new application. If addition of the call sequencing functions was accomplished by modification of the internal design of the Rotary Announcer, § 68.214 would require at a bare minimum a prior notice filing of such change, and probably a full application, in view of the change of purpose of the equipment (§ 68.200(g)) and the addition of new interface leads to the lamp circuits (requiring evaluation under §§ 68.204 and 68.306 as "telephone connections"). No such filing had been received by the Commission until the instant notice filing.

[13] Notice is hereby taken of this tariff provision.

37. Our intention in allowing notice filings, as opposed to full-blown revised applications, is to allow minor changes to be made to registered equipment during manufacture which do not affect compliance with our rules, while retaining a degree of administrative oversight. We did not and do not intend that this become a vehicle for changing a device's fundamental design, function, or purpose. Automation's Call Sequencing System is fundamentally dissimilar to its Rotary Announcer, adds additional circuitry to the Rotary Announcer, adds new interface leads to the Rotary Announcer, and most basically, cannot even be connected to the telephone network through the use of standard plugs and jacks as now specified. The Rotary Announcer can be so connected. The addition of the call sequencing functions to the Rotary Announcer is considerably more than a mere cosmetic change, and would destroy any "grandfatherable" Rotary Announcer unit's "grandfathered" status as well.

38. For this reason, Automation's notice filing dated December 17, 1976, file number 160–CX–77, is hereby rejected and returned as unacceptable for filing. Automation is cautioned not to represent as FCC-registered, or as "grandfathered", any such modification of the Rotary Announcer (whether Will-Walk's or Automation's) unless and until prior authority is received from this Commission for the modification.

39. We do not pursue here any noncomplying modification of the Rotary Announcer which may have already taken place, because it is clear that no call sequencing devices have in fact been connected to the telephone network pursuant to our registration of the Model 501–3; those connections which have occurred were in California, pursuant to the requirements of the California Public Utilities Commission's rules. We are transmitting to the California Public Utilities Commission a copy of this decision for its information.

40. We are faced here with our first formal complaint under Part 68. Accordingly we wish to proceed in an abundance of caution to assure that appropriate procedures are employed. For that reason we shall use show cause procedures herein.[14]

Order

41. Accordingly, and for the reasons heretofore stated, is hereby ordered, that Automation Electronics Corporation shall show cause, within thirty days after receipt of this order why F.C.C. Telephone Equipment Registration No. AAF993–62778–CD–N shall not be rescinded.

42. *It is further ordered,* That AT&T's petition for reconsideration of our grant of F.C.C. Telephone Equipment Registration No. AAF993–62878–CD–N is dismissed, as not in accordance with Section 1.106 of our rules, 47 CFR 1.106.

43. *It is further ordered,* That Automation Electronics Corporation's notice filing dated December 17, 1976, file number 160–CX–77 is hereby rejected and returned.

44. *It is further ordered,* That Automation Electronics Coporation and/or the Will-Walk Company shall cease and desist from representing as "grandfathered" or F.C.C.-registered their Rotary Announcer equipment if modified in violation of § 68.214 of our rules, 47 CFR 68.214.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77–10405 Filed 4–7–77;8:45 am]

[14] It should be noted that any withdrawal of registration herein would not be predicated upon any harm to telephone service. It would be based solely upon the equipment's ineligibility for short-form registration. Thus, our election of this procedure in this case should not be construed as precedent against more summary procedures where necessary or appropriate. Moreover, in such a new area, we must retain flexibility to adopt procedures appropriate to the matters before us, 47 U.S.C. 154(j).

[Docket Nos. 21189–21190; File Nos. 4475–C5–P–73, 5056–CM–P–73]

KLOTZ, HOWARD S./CORBUS, WILLIAM, AND MIDWEST CORP.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: March 7, 1977.

Released: April 1, 1977.

In re applications of Klotz, Howard S./Corbus, William, Docket No. 21189, File No. 4475–C5–P–73; and Midwest Corporation, Docket No. 21190, File No. 5056–CM–P–73; for construction permits in the Multipoint Distribution Service for a new station at Tacoma, Washington.

1. The Commission has before it the above-referenced applications of Klotz, Howard S./Corbus, William (Klotz), filed on December 18, 1972 and Midwest Corporation (Midwest), filed on January 10, 1973. Both applications propose Channel 1 operation in the Tacoma, Washington area, and thus are mutually exclusive and require comparative consideration. Both applications have been amended as a result of informal requests of the Commission staff for additional information, and no petitions to deny or other objections to any of the applications have been received.

2. Klotz has twenty-one MDS construction permit applications pending and is permittee in San Bernardino, California; New Haven, Connecticut; and Atlantic City, New Jersey. Midwest, owned by APS, Inc., has MDS applications in twenty cities, including Winston-Salem and Greensboro, North Carolina and is permittee in Greenville, South Carolina.

3. Upon review of the captioned applications, we find that both applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

4. *Accordingly, it is hereby ordered,* That pursuant to section 309(e) of the Communications Act of 1934, as amended, and § 0.291 of the Commission's rules, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered: [1]

(a) The relative merits of each proposal with respect to service area and efficient frequency use;

(b) The nature of the services and facilities proposed, and whether they will satisfy service requirements known to exist or likely to exist in the Tacoma, Washington area;

(c) The anticipated quality and reliability of the service proposed, including selection of equipment, installation, subscriber security and maintenance;

(d) The charges, regulations and conditions of the service to be rendered, and their relation to the nature, quality and costs of service; and

(e) The managerial and entrepreneurial qualifications of the applicants.

5. *It is further ordered,* That Klotz, Howard S./Corbus, William, Midwest Corporation and the Chief, Common Carrier Bureau, are made parties to this proceeding.

6. *It is further ordered,* That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's rules.

WALTER R. HINCHMAN,
Chief, Common Carrier Bureau.

[FR Doc.77–10407 Filed 4–7–77;8:45 am]

[1] Consideration of these factors shall be made in light of the Commission's discussion in Peabody Telephone Answering Service, et. al., 55 FCC 2d 626 (1975).

[Docket No. 21179; FCC 77–221]

TELEVISION RECEIVERS

Inquiry Regarding UHF Channel Readout

Adopted: March 24, 1977.

Released: March 25, 1977.

In the matter of UHF Channel Readout on Television Receivers.

Introduction

1. This inquiry is an offspring of proceedings in Docket 20719, which dealt with the accuracy of UHF television tuning systems. A number of the comments in that proceeding addressed the question of channel readout on UHF television receivers. Because the notice of proposed rulemaking did not propose changes in readout requirements, those comments could not be dealt with in the Report and Order in that proceeding (FCC 76–1063, 61 FCC 2d, 41 FR 52458,

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November 30, 1976). We nevertheless recognized that the comments posed some legitimate questions concerning readout requirements and noted that, "These matters will be addressed in another proceeding in which all interested parties will be afforded an opportunity to comment."

2. The comments regarding channel readout in Docket 20719 were addressed to receivers equipped with 70-position UHF tuners in which the channel numbers are displayed on the face of the tuning knob. The substance of the comments was summarized as follows in paragraph 16 of the Report and Order:

> First the complaint is that our rules permit only every other UHF channel number to be displayed, with marks between numbers to indicate the channels not displayed numerically (see § 15.68(d)(1)). Secondly, it is complained that the numbers are small in size and closely spaced, so that it is difficult to determine what channel has been tuned. Third, it is said that superior on-the-knob channel displays are available for minimal additional cost.

3. Our purpose here is to set out some preliminary views on the subject of channel readout and to solicit comment from interested persons. On the basis of our preliminary analysis, we are uncertain as to what, if any, changes should be made in our rules, and are therefore not proposing specific rule amendments. If the comments make a persuasive case for change, specific amendments which seem desirable will be made the subject of a Notice of proposed rulemaking, so that interested persons may focus on the specifics.

DISCUSSION

4. The mode of channel display complained of appears to be predominant in the small portable market and to be used in some larger receivers. It consists simply of a circle of channel numbers extending around the circumference of the UHF tuning knob. In most cases, 35 channel numbers are displayed. In some cases, two concentric circles of numbers are used to display 70 channel numbers, as illustrated below.



5. In such a channel display, the channel numbers are small and closely spaced for the purpose intended. Some people with less than perfect vision would have trouble in reading them. Many people would have difficulty at a distance greater than two feet. They are smaller than the VHF channel numbers and well below the optimum size. The spacing is undesirably close. On the other hand, most people have no difficulty in tuning receivers with this type of channel display, and we have never received a complaint from a receiver owner. People with limited vision will presumably select a receiver which displays larger channel numbers. We have no reason to believe that the display of every other channel has any material effect on the viewing of channels not displayed numerically. Clearly, a requirement that all 70 UHF channels (140 digits) be numerically displayed, that the numbers be the same size as VHF numbers, and that they be more widely spaced would preclude this mode of channel display, which is preferred by receiver manufacturers and is apparently accepted by the public.

6. An alternative channel readout system is said to be available that utilizes two concentric discs, one for the units and one for the ten digits. In its comments in Docket 20719, Sarkes Tarzian states that such a system costs about 5 or 10¢ more than the system with all of the numbers on one disc. Since only ten numerals must be shown on the units disc (0–9) and only eight need be shown on the tens disc (1–8),[1] the numbers can easily be made the same size as the VHF channel numbers and every UHF channel number can be represented numerically. Such a system can be designed so that only the channel tuned is displayed and there is of course no doubt as to the channel which has been tuned.

7. In its reply comments in Docket 20719, on the other hand, General Instrument (GI) states that concentric disc readouts were available from GI and Sarkes Tarzian for nearly four years but were dropped, after considerable use, in favor of the more trouble free single disc alternate channel readout. GI states that problems were encountered in aligning the units and ten digits and the result was "very objectionable and confusing to the customer." GI further notes that numbers around the dial (other than the channel tuned) follow no logical sequence and are confusing to the viewer.[2] It suggests further that there may be a tradeoff between use of this readout mechanism and tuning accuracy.

8. On the basis of the information on hand, the difficulties recounted by GI do not seem to be insurmountable. Alignment errors we have seen—the tens digit will be somewhat higher or lower than the units digit—seem at worst annoying and presumably could be eliminated or minimized through improvements in design and manufacture. The illogical series of numbers around the dial could presumably be eliminated by covering or blacking the dial except where the channel tuned is displayed. These would seem to be minor problems, though their elimination could increase the cost of the readout mechanism. However, any tradeoff between use of a concentric disc readout mechanism and detented tuning accuracy is a more serious matter. The concentric disc readout mechanism is somewhat more complex, and any additional complexity tends to degrade performance. The question is whether use of this mechanism would have a significant adverse effect on detented tuning accuracy or would pose problems with regard to certifying the tuning accuracy of receivers. More detailed and definite information is needed on these matters.

9. The foregoing discussion of the single and concentric disc mechanisms follows from the fact that they were discussed in the comments in Docket 20719. Comments are invited on any readout mechanism which will improve the legibility of the on-the-knob UHF channel displays. If requirements are eventually adopted, they will go to such matters as the size and spacing of UHF channel numbers and not to the specific method for achieving the desired results.

10. We ask that the comments submitted address the following questions:

(a) Can it be shown that UHF channel displays now in use have any material adverse effect on UHF channel viewing and thus relate to the purposes of the All Channel Receiver Law, 47 U.S.C. 303(s) and 330?

(b) Assuming adverse effect can be shown, how significant is it and does it justify the Commission's precluding use of a mode of channel display preferred by receiver manufacturers and apparently acceptable to the public?

(c) Would use of the two concentric disc system have any material effect on detented UHF tuning accuracy and, if so, how much effect and would it pose problems in certifying the tuning accuracy of receivers? Can design improvements limit or eliminate any such problems?

(d) What financial burden (redesign, retooling, etc.) would be involved in switching to use of an improved channel readout system such as the two concentric disc readout; more specifically, what would be the added cost to the manufacturer? To the consumer? How would this compare with the current and prospective cost of digital electronic tuning? (See para. 15 of the Report and Order in Docket No. 20719.)

(e) Considering design and tooling problems and the size of current inventories of tuning knobs, over what period of time could use of the two concentric disc channel display be phased in without waste and unnecessary financial burden?

(f) Over what period of time, and to what degree, is it expected that digital electronic tuning will replace current electromechanical tuning systems.

(g) In view of the length of time it will take to phase in an improved channel readout system for the electromechanical tuner (such as the two concentric disc channel display) and the anticipated imminence of the digital channel selection system, can the required use of an improvd channel readout system for the electromechanical tuner be justified.

[1] By comparison, the single disc VHF dial must accommodate 16 digits, and a single disc dial with numerical display of 70 UHF channels would have to accommodate 140 digits.

[2] In a sample made available to the Commission, when the readout was set at Channel 26, the following additional numbers appeared on the dial, reading clockwise: 15, 4, 3, 82, 71, 60, 59, 48, and 37.

(h) Assuming use of the current mode of channel display is not precluded, what requirements might be reasonably imposed as to the size and spacing of the channel numbers?

11. Pursuant to procedures set out in § 1.415 of the rules and regulations, 47 CFR 1.415, interested persons may file comments in this proceeding on or before May 9, 1977 and reply comments on or before May 23, 1977. Comments and reply comments will be available for inspection at the Commission's Dockets Reference Room at its headquarters in Washington, D.C. All relevant and timely comments and reply comments will be considered by the Commission prior to final action in this proceeding. In reaching its decision, the Commission may take into consideration other relevant information before it, in addition to the specific comments invited by this Notice. Formal participants shall file an original and 5 copies of their comments, reply comments and other materials. Participants wishing each Commissioner to have a personal copy may file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy.

FEDERAL COMMUNICATIONS COMMISSION,[1]
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-10406 Filed 4-7-77;8:45 am]

[Docket No. 21184]

WAYNE J. FRANCO

Order Designating Application for Hearing on Stated Issues

Adopted: March 28, 1977.

Released: April 5, 1977.

In the matter of the application of Wayne J. Franco, 501 Grandview, Des Moines, Iowa 50313, Docket No. 21184, for renewal of license for Citizens Band Radio Station KEN-4198.

1. The Chief, Safety and Special Radio Services Bureau, having under consideration the application of Wayne J. Franco for renewal of license of station KEN-4198 in the Citizens Band Radio Service. The license for station KEN-4198 was issued on November 2, 1971, for a five-year term.

2. On September 1, 1972, a written Notice of Apparent Liability to Monetary Forfeiture for violation of Commission rules was mailed to the applicant, pursuant to section 510 of the Communications Act of 1934, as amended. That Notice stated that the applicant appeared to have incurred liability totalling $300 for the wilful violation of § 95.95 (c)[1] (failure to identify), § 95.83(b) (attempting to communicate with a station over a distance greater than 150 miles), § 95.41(d)(2) (interstation use of an intrastation frequency), and § 95.37(c)(2) (overheight antenna) of the Commission's rules. Those violations had been committed on June 21, 1972. Franco enclosed full payment of the forfeiture with his September 28, 1972, reply to the Notice of Apparent Liability.

3. In addition, on September 16, 1976, the applicant entered a plea of guilty in the United States District Court for the Southern District of Iowa to the charge that:

> On or about the 20th day of August 1976, Wayne J. Franco, defendant, an individual, operating under a Citizen's Radio Service Class D license issued by the Federal Communications Commission, and subject to the regulations lawfully issued by said Federal Communications Commission, did operate a radio transmitter from the premises known as 501 Grandview, Des Moines, Iowa, in the Southern District of Iowa and, in the operation of said transmitter, operated the radio station with capabilities for transmissions on frequencies not assigned to the Class D Citizen's Radio Service, to-wit: 27.345 MHz, 27.405 MHz, and 27.475 MHz, in violation of 47 CFR 95.55(c)(4) and 47 U.S.C. Section 502.

4. In addition, Franco apparently operated a CB radio station again in wilful violation of the Commission's Rules on May 15, 16, and 18, 1975. In particular, it appears that CB radio station KEN-4198 was operated in wilful violation of the following sections of the Commission's rules:

(a) Section 95.41(d)(1).—Use of a radio frequency not authorized for the Citizens Band Radio Service.

(b) Section 95.41(d)(2).—Interstation communication on a frequency reserved for intrastation use.

(c) Section 95.44.—The station employed an external radio frequency power amplifier.

(d) Section 95.55(c)(4).—The station was equipped to operate on frequencies not assigned to the Citizens Band Radio Service without having a station license posted or a transmitter identification card attached to the transmitter indicating that operation on such frequencies had been authorized by the Commission.

(e) Section 95.55(e).—The station employed a transmitter having controls accessible from the exterior of the cabinet enclosing the transmitter which controls could cause operation in violation of the technical regulations applicable to the Citizens Band Radio Service.

(f) Section 95.83(a)(1).—Use of station as a hobby or diversion.

(g) Section 95.83(a)(5).—Use of station for communication with unlicensed station.

(h) Section 95.83(a)(13).—Use of station for transmission of communications relating to the technical performance, capabilities, or testing of radio equipment.

(i) Section 95.83(b).—Communicating, or attempting to communicate, over a distance of more than 150 miles.

(j) Section 95.83(b).—Communication with another CB radio station for a period exceeding five minutes.

(k) Section 95.91(b).—Failure to observe a five minute silent period between contacts.

(l) Section 95.95(c).—Failure to identify subject station and station with which in communication by assigned call signs at the beginning and end of each communication.

(m) Section 95.35(d).—User modification of the type accepted station transmitting equipment employed by the station

The above-mentioned violations of the Commission's rules on May 15, 16, and 18, 1975, were brought to the licensee's attention by an Official Notice of Violation mailed on June 6, 1975.

5. Furthermore, on May 15, 1975, Franco apparently identified his Citizens Band radio station "29W29" and on May 16, 1975, Franco apparently identified his Citizens Band radio station as "two nine W two nine" in lieu of its assigned call sign.

6. In view of the June 21, 1972, violations, the September 17, 1976, conviction for violation of 47 CFR 95.55(c)(4) and 47 U.S.C. Section 502, and the apparent wilful violations of the Commission's Rules on May 15, 16, and 18, 1975, it cannot be determined that a grant of Franco's application would serve the public interest, convenience, and necessity. Therefore, the Commission must designate the application for hearing.

7. *Accordingly, it is ordered,* Pursuant to sections 309(e) of the Communications Act of 1934, as amended, and §§ 1.973(b) and 0.331 of the Commission's rules, that the captioned renewal application is designated for hearing, at a time and place to be specified by subsequent Order, upon the following issues:

(a) To determine the effect of applicant's June 21, 1972, violations of Part 95 of the Commission's Rules and Regulations upon the applicant's requisite qualifications to be a licensee of the Commission.

(b) To determine the effect of Franco's September 17, 1976, conviction of the charge of violation of 47 U.S.C. 502 and 47 CFR 95.55(c)(4) in the United States District Court, Southern District of Iowa, upon the applicant's requisite qualifications to be a licensee of the Commission.

(c) To determine the facts and circumstances concerning the operation and condition of Citizens Band radio station KEN-4198 on May 15, 16, and 18, 1975.

(d) To determine, in light of the evidence adduced pursuant to the foregoing issue, whether the applicant has wilfully or repeatedly violated the Commission's rules.

(e) To determine, in light of the evidence adduced pursuant to the foregoing issues, whether the applicant has the requisite qualifications to be a licensee of the Commission.

(f) To determine whether the public interest, convenience and necessity would be served by a grant of the application for a Citizens Band radio station license.

8. *It is further ordered,* That, to avail himself of the opportunity to be heard, the applicant herein, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, shall within 20 days of the mailing of this Order file with the Commission, in triplicate, a written appearance stating an intent to appear on the date fixed for hearing and to present evidence on the isues specified in this Order.

GERALD M. ZUCKERMAN,
Chief, Legal, Advisory and Enforcement Division.

[FR Doc.77-10408 Filed 4-7-77;8:45 am]

[1] Commissioners Wiley, Chairman; and White concurring in the result.

[1] Certain Sections of Part 95 of the Commission's Rules have been revised, renumbered, or deleted. The Sections referred to herein are those in effect at the time of operation.

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FEDERAL ENERGY ADMINISTRATION

CASES FILED WITH THE OFFICE OF EXCEPTIONS AND APPEALS

Week of March 13 Through March 25, 1977

Notice is hereby given that during the week of March 18 through March 25, 1977, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

ERIC J. FYGI,
Acting General Counsel.

APRIL 1, 1977.

APPENDIX.—*List of cases received by the Office of Exceptions and Appeals, week of Mar. 18 through Mar. 25, 1977*

Date	Name and location of applicant	Case No.	Type of submission
Mar. 17, 1977	American Can Co., Greenwich, Conn. (If granted: American Can Co. would not be included as one of the 50 most energy-consumptive corporations within SIC code 28 and the firm would be exempted from the sec. 375(a) requirement that it report its progress in improving energy efficiency to the FEA.)	FEA–1232	Appeal of FEA notice at 41 FR 54977 Dec. 16, 1976).
Do	Crane Co., New York, N.Y. (If granted: Crane Co. would not be included as one of the 50 most energy-consumptive corporations within SIC code 33 and the firm would be exempted from the sec. 375(a) requirement that it report its progress in improving energy efficiency to the FEA.)	FEA–1233	Appeal of FEA notice at 41 FR 51977 (Dec. 16, 1976).
Mar. 18, 1977	Boston Gas Co., Washington, D.C. (If granted: Boston Gas Co would receive an extention of the relief granted by the FEA regional office in Boston, Mass. on Mar. 8, 1974.)	FXE–3097	Extension of exception relief granted in Boston Gas Co., 5 FEA par. ..... (Feb. 16, 1976).
Do	Continental Oil Co., Houston, Tex. (If granted: Continental Oil Co. would be permitted to allocate certain increased costs of crude oil to covered products received by Continential in product exchanges for purposes of calculating the maximum allowable prices for such covered products.)	FEE–3068	Price exception (sec. 212.83).
Do	Dorie Petroleum, Inc., Washington, D.C. (If granted: Dorie Petroleum, Inc., would receive an extension of the relief granted in the FEA's Nov. 5, 1976, decision and order to permit Dorie to increase its prices to reflect nonproduct cost increases in excess of $0.005 gal for natural gas liquid products produced at its Hennessey and Newcastle gas plants.)	FXE–4011 FXE–4012	Extension of the relief granted in Dorie Petroleum, Inc., 4 FEA par. (Nov. 5, 1976).
Do	Gary Western Co., Inglewood, Colo. (If granted: Gary Western Co. would be granted a temporary stay of the provisions of sec. 212.83 pending a final determination of an exception application which it intends to file.)	FST–0037	Request for temporary stay.
Do	Little America Refining Co., Washington, D.C. (If granted: Little America Refining Co. would receive an exception to permit the firm to use the alternative accounting cost valuation set forth in sec. 212.83(c)(2)(iii) in pricing motor gasoline and diesel fuel.)	FEE–3099	Price exception (sec. 212.83).
Mar. 21, 1977	Crawford's Service Center, Bloomsburg, Pa. (If granted: Crawford's Service Center would be supplied motor gasoline by Leighow Oil Co. rather than its base period supplier, Tri-County Oil Co.)	FEE–4019	Exception to change suppliers (sec. 211.9).
Do	Edwin L. Cox, Dallas, Tex. (If granted: Crude oil produced from the Seward LeJeune lease located in Jeff Davis Parish, La., would be sold at upper tier ceiling prices.)	FEE–4014	Price exception (sec. 212.73).
Do	Intercoastal Operating Co., Austin, Tex. (If granted: Crude oil produced from the J. R. Rosson lease located in San Patricio County, Tex., would be sold at upper tier ceiling prices.)	FEE–4013	Do.
Do	Louis Kahan, Tulsa, Okla. (If granted: Crude oil produced from the Mose Bean lease located in Seminole County, Okla. would be sold at upper tier ceiling prices.)	FEE–4000	Price exception (sec. 212.74).
Do	Luke Brothers, Inc., Calera, Okla. (If granted: Luke Brothers, Inc., would receive a stay of the refund requirements of the remedial order issued to the firm by FEA region VI on Oct. 5, 1976, pending judicial review.)	FES–0083	Stay of the remedial order issued by region VI on Oct. 5, 1976.
Do	Placid Oil Co., Dallas, Tex. (If granted: Placid Oil Co. would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at its Black Lake, Calumet, Lapeyrouse, Lake Washington, Lirette, Patterson, Prentice, Promix, Womack Hill, and Yscloskey gas plants.)	FEE–4001— FEE–4010	Price exception (sec. 212.165).
Do	Robbins, Ernest C., Bloomsburg, Pa. (If granted: Mr. Ernest C. Robbins would be supplied motor gasoline by Leighow Oil Co. rather than his base period supplier, Tri-County Oil Co.).	FEE–4018	Exception to change suppliers (sec. 211.9).
Do	Superior Oil Co., Houston, Tex. (If granted: Superior Oil Co. would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at its Lowry gas plant.)	FEE–4020	Price exception (sec. 212.165).
Do	Walt's Exxon, Bloomsburg, Pa. (If granted: Walt's Exxon would be supplied motor gasoline by Leighow Oil Co. rather than its base period supplier, Tri-County Oil Co.)	FEE–4017	Exception to change suppliers (sec. 211.9).
Do	West End Service Station, Bloomsburg, Pa. (If granted: West End Service Station would be supplied motor gasoline by Leighow Oil Co. rather than its base period supplier, Tri-County Oil Co.)	FEE–4016	Do.
Do	Yogie's Exxon, Bloomsburg, Pa. (If granted: Yogie's Exxon would be supplied motor gasoline by Leighow Oil Co. rather than its base period supplier, Tri-County Oil Co.)	FEE–4105	Do.

Date	Name and location of applicant	Case No.	Type of submission
Mar. 23, 1977	Colonial Oil Co., Jacksonville, Fla. (If granted: Colonial Oil Co. would receive an extension of the relief granted in Colonial Oil Co., 4 FEA par. 83,213 (Nov. 30, 1976).	FXE–4022	Extension of the relief granted in Colonial Oil Co., 4 FEA par. 83,213 (Nov. 30, 1976).
Do	Gary Western Co., Inglewood, Colo. (If granted: Gary Western Co. would receive a stay of the provisions of sec. 212.83 pending a final determination of an exception application which it intends to file.)	FES–4033	Stay of the requirements of 10 CFR 212.83(c)(2)(iii)(E).
Do	Getty Oil Co., New York, N.Y. (If granted: FEA's Mar 16, 1977, decision and order would be rescinded.)	FMR 0095	Modification rescission of FEA's decision and order in Getty Oil Co., 5 FEA par. ..... (Mar. 16, 1977).
Do	Grier Oil Co., Aberdeen, Md. (If granted: Relief granted in the FEA's Mar 8, 1977, decision and order would be rescinded.)	FEX 0134	Supplemental order to FEA's decision and order in Grier Oil Co., 5 FEA par. ..... (Mar. 8, 1977).
Do	Power Test Corp., Westbury, N.Y. (If granted: Power Test Corp. would be permitted to import 4,552 bbl/d of finished products into districts I-IV on a fee-free basis during the allocation period May 1, 1977, through Apr. 30, 1978.)	FPT–0111	Exception from the base fee requirements (sec. 213.35).
Do	Sun Co., Inc., Philadelphia, Pa. (If granted: Relief granted in FEA's Feb. 25, 1977, decision and order would be modified.)	FMR 0091	Modification of the relief granted in Amtel Inc., 5 FEA par. .. (Feb. 25, 1977).
Do	Villarreal Butane Co., Austin, Tex. (If granted Remedial order issued by region VI on Feb. 8, 1977, would be rescinded and Villarreal Butane Co. would not be required to refund overcharges made in its propane sales.)	FRA 1234	Appeal of the remedial order issued by region VI on Feb. 8, 1977.
Mar. 24, 1977	Hagee-Lewis Petroleum Co., Long Beach, Calif. (If granted: Crude oil produced from the El Segundo No. 2 well located in Los Angeles County, Calif., would be sold at upper tier ceiling prices.)	FEE–4024	Price exception (sec. 212.73).
Do	Hocker Oil Co., Salem, Mo. (If granted: Hocker Oil Co. would receive an increase in its adjusted base period use of motor gasoline.)	FEE–4027	Allocation exception (sec. 211.13(e)).
Do	Mobridge Gas Co., Mobridge, S. Dak. (If granted: FEA's decision and order issued to Mobridge Gas Co. on Feb. 8, 1977, would be rescinded.)	FEX–0135	Supplemental to FEA's decision and order in Mobridge Gas Co., 5 FEA par. ..... (Feb. 8, 1977).
Do	New York Transit Authority, Brooklyn, N.Y. (If granted: FEA's Mar. 3, 1977, information request denial would be rescinded and the New York Transit Authority would receive access to FEA documents concerning a notice of probable violation issued to Amoco.)	FFA–1235	Appeal of the FEA's information request denial dated Mar. 3, 1977.
Do	Phillips Petroleum Co., Bartlesville, Okla. (If granted: Phillips Petroleum Co. would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at its Goldsmith and Lusk gas plants.)	FEE–4025 FEE–4026	Price exception (sec. 212.165).
Do	Rock Island Refining Corp., Indianapolis, Ind. (If granted: FEA would review the entitlements exception relief granted to Rock Island Refining Corp. during its 1976 fiscal year in order to determine whether the level of exception relief approved was appropriate.)	FEX 0130	Review of entitlements exception relief.
Do	Shell Oil Co. (Tippett), Houston, Tex. (If granted: FEA's Mar. 11, 1977, decision and order would be rescinded and the Shell Oil Co., would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at the Tippett plant.)	FXA 1236	Appeal of decision and order in Shell Oil Co., 5 FEA par. (Mar. 11, 1977).
Do	Texaco, Inc., Atlanta, Ga. (If granted: Texaco, Inc., would be relieved of its base period supply obligation to furnish motor gasoline to F. E. (Jack) Glover, Inc.)	FEE 3985	Exception to terminate base period supplier/purchaser relationship (Sec. 211.9).

[FR Doc.77-10245 Filed 4-4-77;10-38 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to 46 CFR Part 542 and Section 311(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	*Owner/Operator and Vessels*
01023---	Lovenskiold Og Hoyers Rederi: *Fossum.*
01059---	Schlussel Reederei KG (G.M.B.H. & Co.): *Wienertor.*
01074---	Sigval Bergesen: *Nordjonn.*
01304---	Furness Withy & Co. Ltd.: *Furness Bridge.*
01341---	John I. Jacobs & Co. Ltd.: *Hollywood.*
01428---	Ocean Transport & Trading Ltd.: *Atreus, Laomedon, Eumaeus, Adrastus, Glenlyon, Machaon, Glenogle, Protesilaus, Stentor, Rhezenor.*
01639---	Marencanto Compania Naviera S.A.: *Promachos.*
01818---	Houston Line Ltd.: *Clan Ranald.*
01819---	**King Line Ltd.: *Clan Grant, Clan MacGregor, Clan MacGillivrary, Clan Graham.***
01966---	Estrella Prospera Nav. S.A. of Panama: *Fearless Colocotronis.*
02129---	Ore Carriers Ltd.: *Joya McCane.*
02194---	Compagnie Generale Maritime: *Pointe du Van, France, Hornbelt.*
02198---	The Peninsular & Oriental Steam Navigation Co.: *Ardshiel.*
02205---	Compagnia Armatoriale Italiana: *Melide.*
02322---	Pacific Oil Carriers Corp.: *Evanthia.*
02286---	China Union Lines, Ltd: *Keelung Victory.*
02429---	G. & C. Towing Inc.: *Walter G Hougland.*
02496---	Chevron Oil Co.: *S–81, Chevron–31, S–54, Chevron–33, S–94, S–55, S–93, No. 28, No. 17, Chevron–32, S–53, BGG–100, S–87, S–92, MCN No 3.*
02501---	Standard Oil Co. of California: *Alaska Standard, Standard Mississippi, Chevron, Washington, Chevron Oregon, S.O. Co. No. 18, Chevron Hawaii, Chevron Oiler, S.O. Co. No. 17, Chevron California, Hillyer Brown, J. H. Tuttle, Chevron Colorado, Idaho Standard, Nevada Standard, J. L. Hanna, Chevron Tongass, S. O. Co. No. 7.*
02582---	Jugoslavenska Tankerska Plovidba Oour Jugotanker: *Idrija.*
02635---	Atlas Petroleum Transport Co., Ltd.: *Adoration.*
02834---	Transportes Fruteros del Mediterraneo S.A.: *Bayren.*
02917---	Scherkate Sahami Keschtirani Melli Arya: *Arya Gol.*
02975---	Venture Shipping (Managers) Ltd.: *Fortune Venture.*
03137---	Cunard Steam-Ship Co. Ltd.: *Lumen.*
03138---	Cunard Line Ltd.: *Cunard Adventurer.*
03139---	Offshore Marine Ltd.: *Polar Shore.*
03205---	Armadores Maribella S.A.: *Maribella III.*
03319---	Transocean Transport Corp.: *Lustrous, Transocean Merchant.*
03395---	A/S Oljefart II and Skibs Motortank: *Harry Borthen.*
03433---	Hiroumi Kisen Kabushiki Kaisha: *San Martin-Maru.*
03441---	Japan Line K. K.: *Vanguard, Japan Totara.*
03453---	Kyosei Kisen Kabushiki Kaisha: *Seiyu Maru.*
03478---	Nitta Kisen K. K.: *Fushiki Maru.*
03479---	Okada Shosen Kabushiki Kaisha: *Tashima Maru.*
03614---	A/S Kristian Jebsens Rederi: *Bravenes, Bolnes.*
03674---	City Ice & Fuel of Point: *OR–134.*
04447---	Williamette-Western Corp.: *D. B Williamette.*
04601---	American Tunaboat Association: *Blue Meridian.*
04637---	McAllister Bros. Inc.: *McAllister 103.*
04640---	McAllister Lighterage Line, Inc.: *McAllister 5, C & D 1, Manhattan 59, McAllister 1, YC702–McAllister 135.*
04794---	Sea King Corp.: *Gran Integrity.*
04839---	Augusta Shipping Corp.: *Cubahama.*
05091---	Dansk Esso A/S: *Esso Stockholm.*
05425---	Georgia Transporters Inc.: *GT 120.*
05437---	The Dow Chemical Co.: *TCB 312.*
05530---	Consolidated Towing Co.: *Celissa Ann.*
05559---	Maryland Shipbuilding & Drydock Co.: *Valerie F.*
05617---	Maritima del Norte, S.A.: *Sierra Madre.*
05893---	Etplia Compania Naviera, S.A.: *Etplia.*
06166---	Hobart-Trotter Towing Inc.: *Martha Trotter.*
06251---	Denizcilik Anonim Sirketi: *Ata.*
06472---	Taiheiyo Kisen Kaisha, Ltd.: *Waryu Maru.*
07091---	Atlastor Navigation Ltd.: *Evgenia K. Chimples.*
07258---	Kee Yeh Navigation (Panama) Corp., S.A.: *Kee Lee.*

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Certificate No.	Owner/Operator and Vessels
07271---	Sasaki Junzo: *Mitomaru No. 82.*
07519---	Mares Nortenos Armadora S.A.: *Tanganyika.*
07733---	Ocean Trailer Transport Corp.: *Siboney.*
07768---	Omni Shipping S.A.: *Northern Frost, Northern Ice.*
07895---	Western Oil Carriers Ltd.: *Grand West.*
08002---	Marcona Ocean Products, Ltd.: *Allen Judith, Booster Barge.*
08071---	Angio Nordic Bulkships (Management) Ltd.: *Nordic Rover.*
08079---	IRS Transportation Co.: *IRS 104, RV 10, ETT 108, IRS 103, IRS 102, IRS 101.*
08143---	Luna I Compania Naviera S.A. Panama: *Navarchos Miaoulis.*
08195---	Blanco Cargo Carriers Ltd.: *Hampton Bay.*
08272---	Kados Shipping Co. Ltd.: *Ivory Sun.*
08298---	York Navigation Corp.: *Grand York.*
08748---	Valor Navigation S.A.: *Grand Unity.*
08677---	St. Charles Transportation Co. Ltd.: *Atlantic.*
08081---	Champion Bay Shipping Co. Ltd.: *Rio de Janeiro.*
09053---	Farpesca, S.A.: *Farpesca Cuarto.*
09159---	Sequoia Corp.: *Echo Lake.*
09288---	Frio Shipping Co. Ltd.: *Cabo Frio.*
09582---	Citation Carriers, Inc.: *Eastern Oak.*
09692---	Multitank Westfalia Tankreederei Ahrenkiel G.m.b.H. & Co. K.G. Hamburg: *Multitank Westfalia.*
09834---	Societe des Chalands de la Mediterranee S.A.: *Samarinda.*
09848---	Silver Bay Shipping Co. S.A. of Panama: *Aristatos.*
10896---	Dasonab Compania Naviera S.A.: *Nazeer.*
11434---	Transocean Seaways Corp.: *Pinguino.*
11568---	Pescapuerta, S.A.: *Pescapuerta Segundo.*
11966---	Goshi Gaisha Maruhyo Shoten: *Fukucho Maru No. 11.*
12096---	Navios Corp.: *Cartiercliffe Hall, Montcliffe Hall, Steelcliffe Hall.*
12132---	Crown Shipping Co., S.A.: *Crown Pearl.*

By the Commission.

JOSEPH C. POLKING,
Secretary.

[FR Doc.77-10443 Filed 4-7-77;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by Section 311(p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	Owner/operator and vessels
01196---	Vaboens Rederi A/S: *Hervang.*
01449---	The Cairn Line of Steamships Ltd: *Cairnoak.*
01641---	The Bank Line Ltd.: *Streambank.*
01708---	Benedict Shipping Corp.: *Angel, Rigel, Wotan, Leros.*
01857---	OHG I FA Bernhard Schulte: *Bernhard Schulte.*
01890---	A/S Billabong: *Star Dover.*
01908---	The Union-Castle Mail Steamship Co., Ltd.: *Kinpurnie Castle, Winchester Castle, Balmoral Castle.*
02151---	Anchor Line, Ltd.: *Calabria.*
02194---	Compagnie Generale Maritime: *Jacques Cartier, Atlantic Cognac, Fort la Reine, Fort Pontchartrain, Auvergne, Anjou, Pointe Allegre, Magellan, Mississippi, Suffren, Rochambeau, Louisiane, Fort Josephine, Fort Trinite, Aubrac, Carbet, Carimare, Barracuda.*
02239---	Compagnia Marittima Carlo Canelli: *Cervara.*
02259---	Neste Oy: *Purha, Palva, Tervi.*
02330---	Taiwan Marine Corp.: *Globtik Saturn, Zenlin Glory, Shinkyo, Silverdolphin, Shinsho, Regent Lilac, Eastern Honour, Eastern Anna.*
02518---	Consortium Europeen de Transports Maritimes: *Cetra Cassiopea.*
02734---	Italia Societa per Azioni di Navigazione: *Gherenuk.*
02961---	Kobe Kisen Kabushiki Kaisha: *Muneshima Maru.*
02976---	Arthur-Smith Corp.: *TCB-302, IRS 101, IRS 104.*
03216---	Salenrederierna AB: *Delphic Wasa.*
03391---	Societe Maritime Shell: *Batillus, Bellamya.*
03453---	Kyosei Kisen Kabushiki Kaisha: *Seicho Maru.*
03524---	Towa Kisen Kabushiki Kaisha: *Seiyu Maru.*
03640---	Pan Ocean Bulk Carriers, Ltd.: *Ocean Ace, Ocean Beauty, Bum Il.*
03727---	Continental Oil Co.: *7001, 7002.*
03752---	Kingcome Navigation Co., Ltd.: *Haida Transporter.*
03790---	Alkes Shipping Corp.: *Bariloche.*
03884---	Northatlantic Corp.: *Hawk.*
03971---	Korea Shipping Corp.: *Korean Runner.*
04080---	Port Arthur Towing Co.: *MM 101, MM 102.*
04226---	National Marine Service Inc.: *N.M.S. No. 1459, N.M.S. No. 1460.*
04358---	Holland Bulk Transport B.V.: *Mare Novum, Mare Magnum.*
04491---	Fukumaru Gyogyo Kabushiki Kaisha: *Fukumaru No. 28.*
04642---	South African Marine Corp. Ltd.: *Sugela.*
04703---	Yokkaichi Enyo Gyogyo K.K.: *Nansei Maru No. 28.*
04803---	Brent Towing Co. Inc.: *B-524, B-724.*
05047---	PPG Industries Inc.: *PPG-228, PPG-229, PPG-230, PPG-231.*
05180---	Navigazione Arenella: *Punta Sole.*
05203---	The Western Co. of North America: *Western Polaris II, Western Triton I, Western Pacesetter II, Western Polaris I, Western Pacesetter III, Western Pacesetter I, Western Delta.*
05520---	Union Carbide Corp.: *NSBTS-2, USL-145, USL-146.*
05577---	Far Eastern Shipping Co.: *Klara Tsetkin, Larisa Reysner, Polina Osipenko, Professor Popov, Mago, Rudnyy, Ryazan, Khasan.*
05578---	Baltic Shipping Co.: *Anatoly Lunacharskiy, Warnemunde, Mikhail Nermontov, Nadezhda Krupskaya, Magnitogorsk.*
05579---	Black Sea Shipping Co.: *Ion Soltys, Kareliya.*
05581---	Latvian Shipping Co.: *Adler, Petr Stuchka, Preili, Valmiera.*
05670---	Vasco Madrilena de Navegacion S.A.: *Valle de Unza.*
05704---	Murmansk Shipping Co.: *Kapitan Khromtsov.*
05736---	Flota Cubana de Pesca: *Rio Hanabana.*
05810---	John Hudson Fuel & Shipping Ltd.: *Castle Point.*
06130---	Northern Shipping Co.: *Pioneer Onegi.*
06248---	Commercial Corp. "Sovrybflot" *Ludmila Pavlichenko.*
02996---	Akita Senpaku K.K.: *Akitsuki Maru.*
07151---	Sea Containers Chartering, Ltd.: *Merzario Etruria, Merzario Sardinia, Merzario Liguria, Merzario Silcila.*
07511---	Paramount Traders Corp.: *Star Victoria.*
07574---	Georgian Shipping Co.: *Komandarm Fedko.*
07663---	Molave Bulk Carriers, Inc.: *La Carlota.*
07724---	Pure Bulk Carriers Corp.: *Star Poukou.*
07880---	Logicon, Inc.: *Sinclair 7.*
08175---	Gunther Schulz Schulauer Schiffahrtskontor: *Aland.*
08468---	Vroon B.V. (Handels-en Scheepvaart Ond.): *Shorthorn Express.*
08530---	Prompt Shipping Corp., Ltd.: *Bali Career.*
08583---	Two Rivers Finance Corp.: *Nassau.*
08823---	Conoco Shipping Co.: *Conoco Texas.*
08868---	Weathers Towing, Inc.: *Martha Trotter.*
09003---	VTG Vereinigte Tanklager und Transportmittel G.M.B.H.: *Ellerntor, Westertor.*
09024---	Veb Fischkombinat Rostock: *Herbert Baum.*
09031---	Union Mechling Corp.: *Star Diamond.*
09243---	Calabria Shipping Co.: Ltd.: *Sitia.*
09301---	Scott Chotin, Inc.: *SC 303 L, SC 304 X, SC 151 X, SC 305 S.*
09345---	Hiong Guan Navigacion Co., Ltd.: *Nusantara IV.*
09389---	Triangle Shifting & Fleeting Service, Inc.: *Jayne Hougland, TC-17.*
09763---	Atlas Maritime Co. S.A.: *Al Qasim, Spes, Newnham.*
09788---	Daejin Shipping Co. Ltd.: *Han Yang 31, Han Yang 32, Han Yang 33.*
09883---	Limnos Shipping Co. S.A. Panama: *Neva.*
10132---	Sermide S.P.A.: *Alcione.*
10194---	Agri-Trans Corp.: *Cooperative Venture.*
10260---	Hollywood Marine, Inc.: *TCB 305, TCB 308.*
10303---	Almare Societa di Navigazione S.P.A.: *Almare Quinta.*
10360---	Societe Senegalaise d'Armement a la Peche: *Jofondor, Jilor.*
11174---	I/S Sungas III: *Sunny Duke.*
11286---	Binion Marine Service, Inc.: *Binmar 3001, Binmar 3002, Ett 105.*
11404---	Il Shin Fisheries Co., Ltd.: *Il Shin No. 11.*
11442---	CIA. Naviera Catracho S. de R.L. DE C.V.: *San Jorge.*
11959---	Elektra Corp.: *Elektra.*
12032---	Golden City Maritime Corp. S.A.: *Sinkai.*
12047---	Bianco Shipping Enterprises Corp.: *Bianco.*

Certificate No.	Owner/Operator and Vessels
12188---	Moreton Co., Ltd.: *World Endeavour.*
12192---	East Coast Salvage Co., Inc.: *Big No. 2.*
12203---	Executive Maritima S.A.: *Kyriacos A.S.*
12214---	Copemar S.A.: *Campa de Torres.*
12250---	Delian Artemis Cruises, Inc.: *Danae.*
12257---	Omega Maritime & Navigation, Inc.: *Morning Glory.*
12259---	Dannebrog Rederi A.S.: *Frederiksborg, Fredensborg, Brattingsborg, Billesborg, Clasonsborg, Nordborg.*
12263---	Hsing Mou Fishery Co. Ltd.: *Shin Hong Mou No. 62.*
12266---	Atlantic International Navigation Corp.: *Centurion Bulker.*
12267---	Baltic Navigation Corp., Ltd.: *Aegis Baltic.*
12270---	Partrederiet for T/T Sea Song: *Sea Song.*
12281---	C.Y.S. Tanker Transport, Inc.: *Energy Mobility.*
12282---	Nikko Enyo Gyogyo Kabushiki Kaisha: *Nikko Maru No. 51.*
12283---	Junzo Sasaki: *Mitomaru No. 8.*
12288---	Tsubata Sangyo K.K.: *Takusei Maru 25, Takusei Maru No. 31, Takusei Maru No. 33.*
12289---	Taisei Gyogyo Kabushiki Kaisha: *Taiseimaru No. 56, Taiseimaru No. 68.*
12291---	Tilsamar Inc.: *Paros.*
12292---	St. Christopher Maritime, Inc.: *St. Christopher.*
12294---	Libramar Shipping Co. Ltd.: *Northern Ice.*
12295---	United Overseas Petroleum Carriers Inc.: *Energy Determination.*
12297---	Sea Wind Shipping and Financing Co. S.A.: *Alexandra.*
12299---	Cheh an Navigation Co. S.A.: *Glory Reliance.*
12301---	Alice Ocean (Panama) S.A.: *Alice I.*
12307---	Aksjeselskapet Jagarda: *Jagarda.*
12308---	Golar Gas Tankers, Inc.: *Gimi.*
12310---	Deep Sea Rig Trading Ltd.: *Hamilton Piper.*
12311---	Partrederiet for Merch Continental V/Shipowners per Henriksen: *Merc Continental.*
12312---	Paros Trade and Transport, Ltd.: *Paros Trader.*
12318---	Shinichiro Kanari: *Teisho Maru No. 18.*
12319---	Toshio Takiguchi: *Yoshi Maru No. 55.*
12320---	Yoshio Nagashima: *Bishamon Maru.*
12321---	Yugen Kaisha Honzo Shoten: *Ryofuku Maru No. 15.*
12322---	Yamada Suisan Kogyo Kabushiki Kaisha: *Hoken Maru No. 38.*
12323---	Onahama Gyogyo Kyodo Kumiai: *Kyowa Maru No. 11, Kyowa Maru No. 15.*
12324---	Ishigaki Gyogyo Kabushiki Kaisha: *Sanwa Maru No. 3.*
12326---	Marue Suisan Kabushiki Kaisha: *Fukuho Maru No. 8, Fukuho Maru No. 18.*

By the Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-10444 Filed 4-7-77;8:45 am]

[Independent Ocean Freight Forwarder License No. 450]

IRA FURMAN & CO., INC.

Order of Revocation

By letter dated March 1, 1977, Mr. Richard L. Furman, Ira Furman & Company, Inc., 120-65 168th Street, Jamaica, New York 11434, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 450 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before March 30, 1977.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Ira Furman & Company, Inc., has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) Section 5.01 (c) dated June 30, 1975;

It is ordered, That Independent Ocean Freight Forwarder License No. 450 issued to Ira Furman & Company, Inc. be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 450 be and is hereby revoked effective March 30, 1977.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Ira Furman & Company, Inc.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.77-10445 Filed 4-7-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CS71-704]

BEREN CORP.

Petition

APRIL 4, 1977.

Take notice that Beren Corporation (Beren), 970 Fourth Financial Center, Wichita, Kansas 67202, filed a petition for waiver of § 157.40(c) of the Commission's Regulations of Practice and Procedure. Beren requests waiver of § 157.40 (c) to authorize Beren to sell, under its small producer certificate issued in Docket No. CS71-704, natural gas to Cities Service Gas Company (Cities Service) from developed reserves underlying four wells in the Hardtner Field, Barber County, Kansas, which Beren acquired from two large producers.

By assignment effective November 1, 1971, Beren acquired Amerada Hess Corporation's interest in three wells in the Hardtner Field, Barber County, Kansas: the Sterling No. 1, the Johnson No. 1, and the Rathgeber No. 1. Prior to this assignment, Amerada Hess sold the gas produced to Cities Service under a contract dated October 7, 1955, on file as Amerada Hess FPC Gas Rate Schedule No. 43, and pursuant to a certificate of public convenience and necessity issued in Docket No. G-9488. The contract expired by its own terms on December 4, 1975. On December 7, 1976, Beren and Cities Service executed a replacement contract, providing for a current base price of 53 cents per Mcf, subject to adjustment for Btu content and tax reimbursement. The contract also contains an "area/national rate" adjustment clause. Sales from the Sterling Well currently average approximately 96 Mcf per day; from the Johnson Well, 46 Mcf per day, and from the Rathgeber Well, 99 Mcf per day.

By assignment effective July 1, 1975, Beren acquired Sun Oil Company's interest in the DNM Grain No. 1 Well, Hardtner Field, Barber County, Kansas. Prior to this assignment, Sun sold the gas produced to Cities Service under a contract dated August 30, 1955, on file as Sun FPC Gas Rate Schedule No. 69, and pursuant to a certificate of public convenience and necessity issued in Docket No. G-20065. This contract expired by its own terms on December 1, 1975. On August 28, 1976, Beren and Cities Service executed a replacement contract containing pricing provisions identical to the 1976 contract covering sales from the Sterling, Johnson, and Rathgeber Wells. Sales from the DNM Grain Well currently average approximately 83 Mcf per day.

Beren submits that because there is only a small amount of production from each of the four wells involved, and there will be no rate impact as a result of the waiver because Beren will continue sales to Cities Service at the just and reasonable nationwide rate for gas sales made by large producers, Section 157.40(c) of the Commission's Regulations should be waived.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 21, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-10416 Filed 4-7-77;8:45 am]

V 42168 APR 8 77 UMI

[Docket No. RP77-50]

CITY OF TALLAHASSEE FLORIDA GAS TRANSMISSION CORP.

Order Establishing Procedures for Resolution of Data Classification Problems in Preparation of FPC Form 69

APRIL 4, 1977.

Form 69 was instituted by Commission Order No. 531 in Docket No. R-472 on June 25, 1975. In that order the Commission resolved that this form is required in order to determine the extent to which alternate fuels may be utilized to meet the requirements of those end-use customers who will not be able to continue to satisfy their energy needs with natural gas due to the imposition of increasing levels of curtailment upon such customers by interstate pipeline companies or foreign supplies of natural gas.

The information contained in Form 69 is used by the Commission [1] in meeting its responsibilities under the Natural Gas Act where it has a mandate to require that those pipeline companies subject to its jurisdiction adopt curtailment plans that are in the national and public interest.[2]

The Commission requires this information in support of its continuing endeavor to develop curtailment plans for interstate pipelines and their customers that are required and in the public interest and to determine both in specific cases and on a general basis how to minimize the harmful impact that the gas supply deficiency may have on the various sectors of the nations industrial complex. Both this Commission and the FEA require this information in order to fulfill the important statutory obligations with which they are charged.

It has come to the attention of this Commission that a misunderstanding has arisen between Florida Gas Transmission Company (Florida Gas) and the City of Tallahassee, Florida (Tallahassee) concerning the percentage of alternate fuels used to offset curtailments of natural gas at the Wakulla delivery point. The Form 69 Schedule 1 filed by Florida Gas shows a Code 30, meaning the gas is not required to be offset by other fuels. Tallahassee informed the FPC thru letters that Florida Gas should have used Code 25, which indicates substantial quantities of purchased electricity are made to offset natural gas curtailment. Florida Gas shows in its Form 69 no purchases of electricity being made by Tallahassee to offset the natural gas curtailments reported.

In order to resolve this confusion we shall convene a conference where representatives of Florida Gas and Tallahassee can present their points of view to members of the Commission Staff and representatives of the FEA. We specifically invite those members of the FEA who use this form on a routine basis to participate in this conference. It is our hope that this matter can be resolved amicably to the satisfaction of those who prepare the forms and the governmental agencies which use the forms. We shall order the FPC staff to prepare a report at the conclusion of the conference stating the resolution reached by the parties. In the event this matter cannot be resolved informally we shall reserve the right to convene a formal hearing on this matter.

The Commission finds: Good cause exists to convene an informal conference to resolve the data classification problems which have arisen between Florida Gas and Tallahassee.

The Commission orders: On April 15, 1977, at 10 a.m. an informal conference will be convened of all interested persons including representatives of Florida Gas, Tallahassee, FEA and the FPC Staff, for the purpose of explaining, clarifying and resolving those problems encountered in the preparation of FPC Form No. 69.

The conference will be held in a meeting room at the office of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C.

All interested persons are invited to attend, but attendance will not be deemed to authorize intervention as a party in this proceeding.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10426 Filed 4-7-77;8:45 am]

[Docket No. ER77-267]

KANSAS GAS & ELECTRIC CO.

Changes in Tariff

APRIL 4, 1977.

Take notice that Kansas Gas and Electric Company on March 28, 1977 tendered for filing proposed changes in its Federal Power Commission Electric Service Tariff No. 93.

Kansas Gas and Electric Company states that the filing is Service Schedule L, Interim Power Service which provides electric power and accompanying energy to be supplied June 1, 1977 through May 31, 1978 to the Kansas Power and Light Company as a result of the installation of a specific 630 mw steam electric generating unit identified as La Cygne Unit No. 2. Kansas Gas and Electric indicates that it desires to sell 12 mw of capacity to the Kansas Power and Light Company to reduce its excess reserves.

Copies of the filing were served upon the Kansas Power and Light Company and the Utilities Division of the State Corporation Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with paragraph 1.8 and 1.10 of the Commission's Rules and Practice of Procedure (18 CFR 1.8, 1.10). Such petitions or protests should be filed on or before April 20, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-10419 Filed 4-7-77;8:45 am]

[Docket No. CS77-79]

D. B. McCLINTON

Petition

APRIL 4, 1977.

Take notice that D. B. McClinton (Applicant), P.O. Box 97, Livonia, Louisiana 70755, filed a petition for waiver of Section 157.40(c) of the Commission's Regulations of Practice and Procedure. Applicant requests waiver of Section 157.40(c) to permit sales under his successor application pursuant to his small producer certificate in Docket No. CS77-79 to the extent the ceiling price is applicable to comparable sales by large producers.

On November 15, 1976, Applicant filed an application for a small producer certificate in Docket No. CS77-79. A successor application was also filed on behalf of D. B. McClinton, Operator, et al., as the purchaser of the interest of Chevron Oil Company, et al., in the St. Martinville Field of St. Martin Parish, Louisiana, which was assigned Docket No. CI77-113.

By amendment dated December 1, 1976, between United Gas Pipeline Company and Applicant, Applicant states its willingness to continue sales at the contract rate or the applicable ceiling rate established by the Commission for comparable sales by large producers.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 21, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties

[1] Form 69 was developed in cooperation with the Federal Energy Administration (FEA) and the National Association of Regulatory Utility Commissioners. It is intended to provide information on the alternate fuel needs of direct end-users due to natural gas curtailments. Most sales to direct end-users are made by companies not subject to FPC jurisdiction. Hence, the FEA in its counterpart form collects similar information from such nonjurisdictional companies on its Form G101 series. The Form 69 information collected by the FPC from jurisdictional companies is sent to FEA which processes and computerizes all the information from virtually all the gas distributors and pipeline companies in the country. The FPC and the FEA need this information to determine the impact of natural gas curtailments.

[2] *FPC v. Louisiana Power & Light Co.*, 406 U.S. 621 (1972).

to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-10418 Filed 4-7-77;8:45 am]

[Docket No. RP77-35]

SENATOR HOWARD METZENBAUM (COMPLAINANT) v. COLUMBIA GAS TRANSMISSION CORPORATION (DEFENDANT)

Order Instituting Investigation and Hearing Prescribing Procedures, and Granting Interventions

MARCH 31, 1977.

On February 11, 1977, United States Senator Howard M. Metzenbaum filed a letter requesting that this Commission order Columbia Gas Transmission Corporation (Columbia) to show cause why it should be permitted to pass on to its customers the additional cost incurred by reason of Columbia's alleged errors in judgment resulting in purchases of expensive emergency gas supplies during the past winter. Senator Metzenbaum's letter was treated as a complaint by the Commission and was immediately forwarded by the Commission's Secretary to Columbia for response within 15 days. Columbia's response in the form of an affidavit by William H. Howard, Senior Vice President, was filed with the Commission on February 28, 1977.

Public notice of the complaint was issued by the Commission on February 17, 1977, providing for protests or petitions to intervene to be filed on or before February 28, 1977. Timely petitions to intervene have been filed by the Columbia Gas Distribution Companies and the Consumer Federation of America. Untimely petitions to intervene have been filed by The Cincinnati Gas & Electric Company and The Union Light, Heat and Power Company; the State of Louisiana; the Public Utilities Commission of Ohio; the Ohio Public Interest Research Group; Ohioans for Utility Reform, Inc.; Ohio State UAW-CAP Council; Pennsylvania Gas and Water Company; the Division of Consumer Counsel of the Office of the Attorney General of Virginia; the Commonwealth of Virginia; Congressman Don J. Pease, and Congressman Thomas A. Luken. The above-named petitioners have demonstrated an interest in this proceeding and their participation is in the public interest. The petitions to intervene shall accordingly be granted.

In his complaint, Senator Metzenbaum requests the Commission to investigate actions by Columbia which allegedly constitute poor business judgment and which necessitated the purchase by Columbia of additional expensive emergency supplies during the past winter. Specifically, the complaint alleges that Columbia cancelled its October system-wide curtailment of 21.2 Bcf, based on its opinion that there would be a surplus of gas in storage as of October 1, 1976, and upon its forecast of mild winter weather, and also that cancellation of October curtailment resulted in excess sales of 20.7 Bcf during October to industrial users with alternate fuel sources. The complaint further states that by reason of these excess sales, and a pre-existing shortfall in reserves as of November 1, 1976, Columbia began the peak winter season with a shortage in storage inventory of approximately 24 Bcf. The complaint further alleges that these actions caused Columbia Gas of Ohio, Inc., a distributor affiliate of Columbia, to close schools and industries in Ohio in January 1977, and to announce increased curtailment levels for the remainder of the winter. Therefore, Senator Metzenbaum urges the Commission to require Columbia to show cause why it should be permitted to flow through to its customers the additional costs incurred through its own alleged errors in judgment.

In its response of February 28, 1977, Columbia argues that its actions during the past winter were prudent and consistent with the public interest. Columbia states that it did temporarily suspend curtailments from September 27, 1976, through the end of October, 1976, but that its actions were justified under the circumstances. In September, according to Columbia, its storage fields were being filled ahead of schedule. Purchases and production in the Appalachian area had been reduced to the minimum practical level, and the schedule of deliveries from its affiliate, Columbia Gulf Transmission Company, had been adjusted. Due to depressed market demands and physical limitations on the ability of storage fields to absorb additional injections, Columbia states that it was forced to cutback on takes from its pipeline suppliers commencing September 20, 1976, and that it suspended curtailment to avoid further irreparable loss of available flowing gas supply.

Columbia denies that suspension of curtailment resulted in excess sales of 20.7 Bcf during October. Data submitted by Columbia allegedly show that its customers' takes during the disputed period "* * * were actually less than they would have been entitled to under the normal operation of Columbia's curtailment plan * * *". Columbia further states that the volume taken by its customers during October, 96,349 MMcf, while considerably above the volume anticipated, was still below their aggregate entitlement under the curtailment plan. Also, Columbia asserts that its storage deficiency as of November 1, 1976, resulted from unusual volumes of high priority sales due to unanticipated cold weather during October, and not from poor business judgment in suspending curtailment.

Based upon a review of the record in this proceeding, including the complaint and the response of Columbia, the Commission finds that the issues raised in the complaint cannot be finally resolved based solely on the present pleadings and the representations of the parties. The Commission finds that a formal hearing should be held for the purpose of investigating all relevant issues pertaining to the allegations set forth in the complaint, and that all parties, including the Commission staff, should have the opportunity to present evidence in support of their recommendations following investigation. The Commission's final decision will be based upon the hearing record. Columbia shall provide all necessary data for purposes of the present investigation and hearing.

In setting this matter for hearing, the Commission intends to review available remedies under the Natural Gas Act. Should the ultimate outcome warrant, we will apply those that are appropriate in the circumstances. The Commission's jurisdiction over Columbia's general rate filings and purchase gas cost adjustments provides full protection to Columbia's customers and ultimate consumers. Columbia's current general rate increase was filed in Docket No. RP76-95, on April 29, 1976. By order issued May 28, 1976, the Commission suspended that rate increase for five months and permitted it to become effective on November 1, 1976, subject to later refund with interest if so ordered. Columbia's current PGA rate increase, filed on January 29, 1977, was accepted and permitted to become effective on March 1, 1977, by letter order of March 1, 1977. This filing reflects changes in Columbia's current costs of purchased gas based upon the prices to be paid as of March 1, 1977, imposed upon volumes for the twelve months ending October 31, 1976. The filing also provides for recovery through a surcharge of any additional amounts credited to Columbia's deferred account through December 31, 1976. Any other increases in purchased gas costs, including costs incurred through additional or continuing emergency purchases, are credited to the deferred account and cannot be collected until a new PGA filing is made and considered by the Commission.

The Commission finds: It is necessary and proper in the public interest and in carrying out the provisions of the Natural Gas Act that a hearing be held for the purpose of investigating the allegations set forth in the complaint of February 11, 1977.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 8, 14, 15, and 16 thereof, and the Commission's rules and regulations, a hearing shall be held in this proceeding for the purpose of investigating and determining the allegations contained in Senator Metzenbaum's complaint of February 11, 1977, against Columbia.

(B) Columbia's response to the complaint filed on February 28, 1977, shall be incorporated as part of the record of this proceeding.

(C) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge pursuant to 18 CFR 3.5(d) shall convene a prehearing conference in this proceeding on April 11, 1977, at 10:00 a.m., EST, in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE.,

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Washington, D.C. 20426, for the purpose of establishing procedures for the investigation and hearing to be held pursuant to this order. The Presiding Judge shall be authorized to modify all procedural dates and to establish further procedures as may in his judgment be required for purposes of the investigation and hearing pursuant to this order. The Presiding Judge shall also be authorized to rule upon all motions except motions to consolidate, sever, or dismiss, as provided for in the rules of practice and procedure.

(D) The above-named petitioners are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Federal Power Commission; *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene, and, *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Federal Power Commission entered in this proceeding.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission,

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10414 Filed 4-7-77;8:45 am]

[Docket No. RP75-108]

NATURAL GAS PIPELINE CO. OF AMERICA

Order Accepting in Part and Rejecting in Part Proposed Settlement Agreement and Setting Issue for Hearing

APRIL 4, 1977.

On May 30, 1975, Natural Gas Pipeline Company of America (Natural) filed certain revised tariff sheets incorporating a proposed increase in rates of $52.9 Million annually for jurisdictional gas sales. By order of June 30, 1975, the Commission accepted for filing, and suspended for five months, Natural's tariff sheets. The proposed rate increase became effective, subject to refund, on December 1, 1975. As a result of two public conferences, Natural has prepared and circulated a proposed settlement agreement in this proceeding. Notice of the proposed settlement was issued on August 27, 1976, with comments due on or before September 20, 1976.

The proposed settlement agreement follows closely the provisions of the settlement agreement approved by the Commission in Opinion No. 762.[1] Approval of the settlement agreement will result in refunds being made for the period from December 1, 1975, to the effective date of this proposed settlement agreement. The settlement provides for an automatic change June 1, 1976, to reflect the inclusion in rate base of additional advance payments. The settlement also provides for a refund to Natural's customers to reflect actual levels of deliveries in the event that Natural's sales exceed the projected level.

Article IV through Article IX of the settlement set forth the advance payments which are included in the settlement cost of service.

Article X deals with the return on the unamortized balance of certain non-recoverable advances pending appeal from the Commission order of February 13, 1976, in *Transcontinental Gas Pipe Line Corporation*, Docket No. RP73-69. Said appeal was filed in the United States Court of Appeals for the District of Columbia Circuit on February 25, 1976.

Article XI provides for, and contains the mechanism by which Natural may increase or decrease its rates to reflect the difference between the annualized payment to Stingray Pipeline Company for transportation of gas and the amount associated therewith in the settlement cost of service or latest adjustment thereto, and a return on the balance accumulated in a deferred account established to reflect costs associated with payments to Stingray and recovery of those costs.

Articles XII through XIV provide for further refunds depending upon whether Natural is permitted to take certain deductions for federal income tax purposes.

Article XV provides that coal lease payments made to the Nokota Company pursuant to an agreement dated January 25, 1973, may remain in the settlement cost of service pending resolution of Docket No. RP73-110.

Article XVI provides for an adjustment to Natural's rates if Natural's sales should exceed the level upon which the rates have been predicated.

Article XVII sets out the procedure for making any rate changes that may become necessary pursuant to the settlement agreement.

Article XXI states that in arriving at the rate base included in the settlement cost of service a reserve for deferred income taxes was deducted in an amount which is not in excess of the amount of reserve for deferred taxes resulting from the use of accelerated depreciation as recorded in the accounts of Natural on November 30, 1975.

The only issue to which any party objects, is the proposed rate of return on equity. The settlement agreement proposes a rate of return on equity of 13.5%. This is the return on equity approved for Natural in Opinion No. 762. The Commission Staff and the City of Chicago have filed comments on the proposed settlement objecting to this proposed rate of return on equity. Comments supporting the proposed settlement agreement have been filed by Natural and by Northern Illinois Gas Company.

In its comments, Commission Staff points out that its rate of return witness recommended a return on common equity of 12% in this proceeding. This would result in an overall rate of return of 9.10%. The proposed settlement agreement provides for an overall rate of return of 9.68% on Natural's net investment rate base. Staff points out that its evidence was submitted prior to the issuance of Opinion No. 762. Staff notes Opinion No. 762's approval of a rate of return on equity of 13.5%. In light of Opinion No. 762, Staff states that it is prepared to agree to a return on common equity of 13% rather than the 12% it had originally recommended.

In its comments, The City of Chicago only takes a position on the proposed rate of return on equity. Chicago notes that certain factors have materially changed since the Commission issued Opinion No. 762. Chicago states that Natural has experienced an improvement in the equity component of its capital structure; interest rates for short, medium and long term debt have moderated and; the economy is experiencing a moderate recovery with an inflation rate below the projected 6%. Chicago points out that Natural has continued to earn a greater return than the allowed rate of return established by the Commission, and that the market price of utility stocks, including that of Natural's parent company, The People's Gas Company, have achieved dramatic and significant gains. Chicago does concede that it has preceived no improvement in the critical natural gas supply problem facing Natural. Chicago points out that in Docket No. RP74-96, it proposed a rate of return on common equity of between 12.45% and 13% for Natural. Chicago asked that the Commission approve a rate on equity for Natural using that range. Alternatively, Chicago requests that the Commission sever the issue of rate of return from the proposed settlement and remand that issue to the Administrative Law Judge for a further hearing.

In its comments in support of the proposed settlement agreement, Natural stated that the factors which lead the Commission to approve a rate of return on equity of 13.5% in Opinion No. 762 has continued in full force and effect. In this proceeding, Natural requested a rate of return on equity of 15.25%. However, in order to settle this case, and in light of the short time that has elapsed since the issuance of Opinion No. 762, Natural has agreed to a continuation of the 13.5% rate of return on equity approved therein. Natural points out that it is facing expanding capital requirements in order to finance projects needed to maintain reasonably adequate service at a time when the gas shortage has greatly magnified business risks. Natural has continued curtailment on its system and its reserve life index has fallen to 9.1 at the end of 1974. Reserve additions during the last 5 years have averaged only one-third of Natural's annual sales.

In order to offset curtailments on its system, Natural has entered into supplemental supply projects. Supplemental supply projects, according to Natural, involve such large capital requirements and high risks that they aggravate, rather than alleviate, the pipeline's cost recovery problem. Natural states that its capital requirements have risen from $83.7 Million in 1970, to $243 Million in 1973. Natural anticipates spending $1.3 Billion over the next four years, with an additional $800 Million required for coal gasification projects. To raise equity capital, Natural sells common stock to its parent, Peoples. Natural points out that Peoples' stock is selling below book value and that the cost of new equity to Peoples exceeds the earnings that Peoples could expect to make by investing their equity in Natural. Natural points out that its ability to market debt without selling new equity to Peoples is limited by the low level of coverages. In 1973, Moody's reduced Natural's rating on its first mortgage bonds to an A rating and on Natural's debentures of Baa.

Natural points out that if the return to Natural does not measure up to the alternatives available, Natural will be unable to raise capital on reasonable terms. Natural points out that its rate of return must be commensurate with returns to enterprises of corresponding risks, sufficient to maintain the credit and financial integrity of the regulated company, and adequate to attract capital to the enterprise. Natural points out that the Staff witness stated that Natural is falling behind other major interstate pipelines in certain indicators. These include, a lower than average revenue growth, a lower than average common equity ratio, a rate of return on equity below the average for other interstate pipelines, a sales life gas reserve index below that of other major pipelines, and lower post interest coverages than the industry generally maintains.

Natural contends that the investment by Peoples and Natural on the scale required would be difficult for Natural to justify to Peoples' management were Natural's rate of return on equity reduced from 13.5% granted in Opinion No. 762. Natural states that it is imperative that the rate of return on equity of 13.5% provided in the settlement agreement be approved in order to assist Natural in raising capital to support further gas supply projects.

In view of the allegations raised by the City and the fact that the record evidence relied on by the Commission in Opinion No. 762 is at best over a year old, the rate of return issue should be severed from the settlement proposal and set for hearing. Too often, a Commission decision on a rate of return issue is treated as a floor (or ceiling) by a pipeline and its customers as was the case here. This interpretation is in error, for each Commission decision must be supported by the evidentiary record in the proceeding at hand.

We find that the other provisions of the proposed settlement agreement, to which no party objects, should be approved and permitted to take effect. Natural shall continue to collect the rates applied for subject to refund, and the status quo will be preserved until a decision is reached on the rate of return issue.

The Commission further finds: (1) It is desirable and in the public interest that the settlement agreement submitted by Natural in this proceeding be accepted, with the exception indicated above.

(2) Good cause exists to sever and set for hearing the issue of the appropriate rate of return for Natural Gas Pipeline Company of America.

The Commission orders: (A) The Stipulation and Agreement, submitted by Natural, and incorporated herein by reference, is approved except as to the issue of rate of return.

(B) The issue of the proper rate of return for Natural is remanded for hearing in this docket.

(C) Pursuant to the authority of the Natural Gas Act, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act (18 CFR Chapter 1) a prehearing conference shall be held before a Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge, at a date to be designated by the Presiding Administrative Law Judge, in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

(D) The Presiding Administrative Law Judge shall preside at the initial conference in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

By the Commission. Commissioner Watt, concurring in part and dissenting in part, filed a separate statement (filed as part of the original document).

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-10425 Filed 4-7-77;8:45 am]

[Docket No. CP76-408]

NORTHWEST PIPELINE CORP.

Amendment to Application

APRIL 4, 1977.

Take notice that on March 23, 1977, Northwest Pipeline Corporation (Applicant) P.O. Box 1526, Salt Lake City, Utah 84110 filed in Docket No. CP76-408 an amendment to their application filed in said docket pursuant to Section 7(c) of the Natural Gas Act by which amendment Applicant requests authorization to limit the proposed transportation service for IGC Production Company (IGC), Thermal Development Company (Thermal) and Development Inc. (Development), all as more fully set forth in the amendment on file with the Commission and open to public inspection.

In the initial application Applicant proposes to transport volumes of natural gas in quantities of up to 10,000 Mcf per day for the accounts of IGC, Thermal and Development, and was granted temporary authorization on February 16, 1977.

By this amendment, applicant requests that the authorization be modified to provide for the transportation of up to 10,000 Mcf per day for the accounts of IGC, Thermal and Development but only to the extent that such transportation shall not affect Northwest's pre-existing contract commitments.

Applicant states that California-Pacific Utilities Company, Northwest Natural Gas Company, Cascade Natural Gas Company, also existing customers of Applicant, have expressed concern that the transportation service to be provided IGC, Thermal and Development by Applicant may at some future time preempt pipeline capacity which would otherwise be available to meet the present contract commitments, without concomitant benefits to other customers of Applicant.

This amendment stated that IGC, Thermal and Development have been advised of the proposed amendment and agree to Applicant's request to limit the proposed transportation.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before April 21, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not do so again.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-10420 Filed 4-7-77;8:45 am]

[Docket No. CP77-309]

PANHANDLE EASTERN PIPE LINE CO.

Application

APRIL 4, 1977.

Take notice that on March 22, 1977, Panhandle Eastern Pipe Line Company (Applicant), 3000 Bissonnet Avenue, Houston, Texas, and 3444 Broadway, Kansas City, Missouri, filed in Docket No. CP77-309 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of St. Peter and Galesville Formations in Waverly, Illinois, as one underground gas storage field with a combined total maximum reservoir gas content of 55,000,000 Mcf, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant indicates that the St. Peter and The Galesville Formations were developed under separate certificates of public convenience and necessity for use as storage reservoirs in Applicant's Waverly Storage Field. The Galesville Formation has an authorized maximum reservoir gas content of 25,000,000 Mcf, and St. Peter has an authorized maxi-

[1] *Natural Gas Pipeline Company of America*, Opinion No. 762, Docket No. RP74-96, May 21, 1976.

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mum reservoir gas content of 30,000,000 Mcf, it is said.

Applicant states that it recently discovered that the two formations are so closely geologically linked to each other that there has been an inadvertent transfer of gas from the Galesville into the St. Peter Formation. Consequently, it has become impractical to treat the two storage reservoirs separately, it is indicated.

Applicant proposes to operate the St. Peter and Galesville Storage Reservoirs under one certificate combining the present maximum reservoir gas content to 55,000,000 Mcf. Applicant states that it would utilize its existing facilities to effectuate the proposed operation.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 25, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-10423 Filed 4-7-77;8:45 am]

[Docket No. ID-1808]

ROBERT H. PEARSON

Application

APRIL 4, 1977.

Take notice that on March 23, 1977, Robert H. Pearson, Vice President of Northeast Utilities Service Company, filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Position, name of corporation, and classification
Vice President,[1] The Connecticut Light and Power Company, Public Utility.
Vice President,[1] The Hartford Electric Light Company, Public Utility.
Vice President,[1] Western Massachusetts Electric Company, Public Utility.
Vice President,[1] Holyoke Water Power Company, Public Utility.
Vice President,[1] Holyoke Power and Electric Company, Public Utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 20, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-10415 Filed 4-7-77;8:45 am]

[Docket No. CP77-313]

TEXAS EASTERN TRANSMISSION CORP.

Application

APRIL 4, 1977.

Take notice that on March 25, 1977, Texas Eastern Transmission Corporation (Applicant), P.O. 2521, Houston, Texas 77001, filed in Docket No. CP77-313 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and storage of natural gas on a best efforts basis for three years for Algonquin Gas Transmission Company, Brooklyn Union Gas Company, Elizabethtown Gas Company, Long Island Lighting Company, New Jersey Natural Gas Company, Philadelphia Electric Company, Philadelphia Gas Works, Public Service of New Jersey, Carnegie Natural Gas Company, Consolidated Edison Company of New York, Missouri Utilities Company, National Gas & Oil Corporation, Penn Fuel Gas, Inc., and United Cities Gas Company, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has obtained 30,000,000 Dekatherms of storage space from Consolidated Gas Supply Corporation (Consolidated) for three years pursuant to an agreement dated March 21, 1977. Applicant further states that the total 30,000,000 Dekatherms is comprised of 19,300,000 Dekatherms of storage space presently allocated among 8 of Applicant's customers utilizing Consolidated's storage service pursuant to authorization granted by the Commission in Docket No. CP73-206 and the remaining 10,700,000 Dekatherms of storage space would be allocated to certain of the existing customers and to six additional customers of Applicant. Applicant states that it would use its existing facilities to render the proposed services and the term of the proposed services would be from April 16, 1977 through April 15, 1980.

During each of the 1977, 1978 and 1979 injection periods Applicant has agreed to deliver to Consolidated for injection into storage, on a best efforts basis, such quantities of gas of Applicant's customers as are mutually agreed upon, and during each of the withdrawal periods, Consolidated shall, on a best efforts basis, deliver to Applicant the storage gas of its customers as requested at reasonably constant daily rates not to exceed 221,400 Dth, it is said. Applicant states that any natural gas not taken during the withdrawal period would be carried over to the next injection period on an individual basis, and any carried over inventory and the injections shall not exceed at any time 30,000,000 Mcf.

The volume of natural gas involved in the proposed storage and transportation service for each participating company is:

Customer	Maximum daily withdrawal quantity	Total storage quantity
	Dekatherms	*Dekatherms*
Algonquin Gas Transmission Co.	58,805	7,228,000
Brooklyn Union Gas Co.	12,960	1,959,000
Carnegie Natural Gas Co.	11,921	1,800,000
Consolidated Edison Co.	13,609	2,055,000
Elizabethtown Gas Co.	12,720	1,459,000
Long Island Lighting Co.	29,080	4,122,000
Missouri Utilities Co.	662	100,000
National Gas & Oil Corp.	1,987	300,000
New Jersey Natural Gas Co.	5,107	759,000
Penn Fuel Gas, Inc.	1,000	151,000
Philadelphia Electric Co.	12,971	1,959,000
Philadelphia Gas Works	7,947	1,197,000
Public Service Electric & Gas Co.	49,300	6,861,000
United Cities Gas Co.	331	50,000
Total	221,400	30,000,000

Applicant proposes to store and transport the storage quantities for the 14 proposed customers on the basis of its Interim Storage Service tariff sheets (ISS). Applicant states that the transportation and storage rate that it proposed to charge under the Rate Schedule ISS is a composite of Consolidated's GSS storage Service Charge, and a charge for transportation equal to the in-zone rates under Applicant's Rate Schedule TS-1. It is stated that the demand rate, space rate, injection rate, and withdrawal rate are charged to Applicant on the basis of Consolidated's GSS rate which, when adjusted for shrinkage, is passed directly on to Applicant's participating customers. It is further stated that under the terms of the proposed Rate Schedule ISS, Applicant would provide, during the withdrawal period of each contract year, quantities of natural gas from a customer's storage inventory not to exceed the Maximum Daily Withdrawal Quantity, less 6 percent to be retained by Applicant for fuel and other company use.

Applicant states that for those customers who nominate to receive gas under the Rate Schedule ISS, such gas that does not exceed a particular customer's existing curtailment rate on any one day would be defined as Basic Withdrawal Gas, and the basic withdrawal rate includes the GSS withdrawal charge of 1.00 cent, adjusted for shrinkage, plus the in-zone transportation rate which is based on the DCQ Commodity Rates, less gas purchase and fuel cost. It is asserted that any natural gas received under the rate schedule ISS that exceeds the present curtailment level on any one day would be defined as excess withdrawal gas. The rate for excess withdrawal gas is the in-zone transportation rate based on the DCQ 100 percent load factor rates less gas purchase and fuel cost, plus the GSS withdrawal charge of 1.00 cent adjusted for shrinkage, it is said.

Applicant states that in the event customers receiving this ISS service are also obtaining additional service under the Rate Schedule TS-1, which services when combined would exceed the total of the curtailment of sales to the customer on any day, the customer must nominate which is based on the DCQ Commodity which service is to be firm and which service is to be interruptible.

Applicant states that under the proposed services its customers would be able to store natural gas supplies during the low demand summer months for use during the high demand winter season, eliminating some of the adverse effects of curtailments that have been so wide spread during this heating season.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 26, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-10422 Filed 4-7-77;8:45 am]

[Docket No. E77-84]

TEXAS GAS TRANSMISSION CORP.

Emergency Order Pursuant to Emergency Natural Gas Act of 1977

On April 1, 1977, Texas Transmission Corporation (Texas Gas), as agent for certain of its customers,[1] filed, pursuant to Section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)), an application for authorization to transport natural gas which it is purchasing for certain of its customers.

Texas Gas, as agent, executed a contract on March 9, 1977, with Amoco Production Company (Amoco) for the purchase of approximately 1500 Mcfd from the Carthage Field, Panola County, Texas. The total price to be paid by Texas Gas, as agent, is $2.16 per MMBtu. Thus, the proposed price is fair and equitable in accordance with Order No. 2.

Texas Gas will received these volumes at the outlet of the Champlin Gasoline Plant, Panola County, Texas and transport these supplies through its existing pipeline facilities to the customers for which it is purchasing the gas. Texas Gas' proposed transportation rates are based upon the cost data supporting the settlement rates in Texas Gas' most recent Federal Power Commission rate case in Docket No. RP76-17 and the retention of a percent of the transported volumes for compressor fuel and company use and loss. I find no basis on which to fix other charges since the parties have agreed upon the transportation charges.

Based upon the foregoing, Texas Gas is authorized to purchase gas, as agent, from Amoco and to transport such gas for certain of its customers. This authorization is conditioned on (i) Texas Gas' submission of the names of the customers for which it is acting as agent, (ii) those customers agreeing to submit reports as required by Order No. 4 and (iii) such customers certifying that they are entitled to purchase gas under the provisions of Order No. 6.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Texas Gas and Amoco. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

APRIL 4, 1977.

[FR Doc.77-10412 Filed 4-7-77;8:45 am]

[Docket No. E77-83]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Emergency Order Pursuant to Emergency Natural Gas Act of 1977

On April 1, 1977, Transcontinental Gas Pipe Line Corporation (Transco) filed, pursuant to Section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)), a notification that effective April 1, 1977, Transco will impose transportation charges for all interruptible transportation services (transportation from supply areas to market areas) provided under the Act.[1]

These charges will apply to all volumes purchased under the Act by Transco as agent for certain of its customers [2] and to volumes transported for others pursuant to orders of the Administrator.[3] For the reasons set forth below, I approve Transco's proposed transportation rates subject to the condition that Transco agree to collect such amounts subject to refund pending the resolution of Transco's pending rate proceedings in Federal Power Commission (FPC) Docket Nos. RP76-136, RP77-26 and RP77-48 and any other rate proceeding applicable to the period during which these transportation services are rendered.

Transco states that the FPC Staff has taken the position in Docket No. RP76-136 that Transco should fully allocate costs to the transportation services rendered for third parties. Thus, Transco's failure to collect transportation rates for services rendered under the Act could expose Transco to substantial losses if the FPC adopts its Staff's position. Therefore, I conclude that Transco should charge the proposed transportation rates subject to refund pending the resolution of Transco's pending rate proceedings.

Pursuant to § 6(c)(1) of the Act (91 Stat. 4, 8), I find that Transco should charge its proposed transportation rates for all volumes purchased for others pursuant to § 6(a) of the Act (91 Stat. at 7-8) and transported by Transco. Such rates shall be collected subject to refund

[1] These customers are local distribution companies and interstate pipelines as defined in §§ 2 (1), (5) of the Act (91 Stat. 4).

[1] These charges are in addition to the retention of a percentage of the volumes transported for compressor fuel.

[2] Transco is purchasing gas as agent for certain of its customers in Docket Nos. E77-14, E77-34, E77-58, E77-63 and E77-72. In addition, Transco is purchasing gas as agent in approximately fifteen transactions which do not require prior notification to or approval by the Administrator pursuant to Order No. 2.

[3] Transco is transporting gas for others in Docket Nos. E77-18, E77-20, E77-40, E77-41, and E77-42.

[1] Elected to these positions on March 1, 1977.

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pending the resolution of Transco's FPC rate proceedings in Docket Nos. RP76-136, RP77-26, and RP77-48 and any other FPC rate proceeding applicable to the period during which these transportation services are rendered.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon all parties in Docket Nos. E77-14, E77-18, E77-20, E77-34, E77-40, E77-41, E77-42, E77-58, E77-63, and E77-72. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under P.L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

APRIL 4, 1977.

[FR Doc.77-10413 Filed 4-7-77;8:45 am]

[Docket No. CP77-314]

TRUNKLINE GAS CO.

Application

APRIL 4, 1977.

That notice that on March 25, 1977, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP77-314 an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing June 11, 1977, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which would be purchased from producers and other similar sellers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type authorization is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally coextensive with its pipeline system or the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with Applicant.

Applicant states that the total cost of the proposed facilities would not exceed $10,000,000 with no single onshore project to exceed $1,500,000 and no single offshore project to exceed $2,500,000. Applicant states that the proposed facilities would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 25, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-10421 Filed 4-7-77;8:45 am]

[Docket No. RM75-27]

UNIFORM SYSTEM OF ACCOUNTS FOR PUBLIC UTILITIES AND LICENSEES AND FOR NATURAL GAS COMPANIES (CLASSES A, B, C, AND D)

Order Granting Application for Rehearing for the Purpose of Further Consideration

APRIL 1, 1977.

In the matter of Amendments to Uniform System of Accounts for Public Utilities and Licensees and for Natural Gas Companies (Classes A, B, C and D) to provide for the Determination of Rate for Computing the Allowance for Funds Used During Construction and Revisions of Certain Schedule Pages of FPC Reports.

On March 4, 1977, El Paso Gas Company, Public Systems,[1] three bulk power suppliers for rural electric cooperatives,[2] and eight investor-owned public utilities[3] filed Applications for Rehearing of our Order No. 561, issued February 2, 1977, in Docket No. RM75-27. On March 4, 1977, Pennsylvania Power & Light Company filed a separate Application for Rehearing. In order to provide adequate time for consideration of the merits of the arguments raised by the various applications, we shall grant rehearing for the limited purpose of further consideration.

The Commission orders: (A) The Application for Rehearing filed by the above-mentioned petitioners are hereby granted for the limited purpose of further consideration of Order No. 561.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX A.—PUBLIC SYSTEMS SPONSORING THE APPLICATION FOR REHEARING OF ORDER No. 561

Anaheim, Azusa, and Banning, California, Bowling Green and Bryan, Ohio, Colton, California, Croswell, Michigan, ElectriCities of North Carolina and its members, the following municipalities:

VIRGINIA

Blackstone	Iron Gate
Culpeper	Manassas
Franklin	Wakefield
Harrisonburg	

NORTH CAROLINA

Albemarle	Laurinburg
Apex	Lexington
Ayden	Lincolnton
Belhaven	Louisburg
Benson	Lucama
Black Creek	Lumberton
Bostic	Macclesfield
Cherryville	Maiden
Clayton	Monroe
Concord	Morganton
Cornelius	Murphy
Dallas	New Bern
Davidson	Newton
Drexel	Oak City
Edenton	Pikeville
Elizabeth City	Pinetops
Enfield	Pineville
Farmville	Red Springs
Fayetteville	Robersonville
Forest City	Rocky Mount
Fountain	Scotland Neck
Fremont	Selma
Gastonia	Sharpsburg
Granite Falls	Shelby
Greenville	Smithfield
Hamilton	Southport
Hertford	Stantonsburg
Highlands	Statesville
High Point	Tarboro
Hobgood	Wake Forest
Hookerton	Walstonburg
Huntersville	Washington
Kings Mountain	Waynesville
Kinston	Wilson
LaGrange	Windsor
Landis	Winterville

MUNICIPALS AND COOPERATIVES IN THE STATE OF FLORIDA

Alachua	Leesburg
Bartow	Mount Dora
Bushnell	Newberry
Chattahoochee	Ocala
Fort Meade	Quincy
Lake Helen	Williston

Frankfort, Kentucky

[1] See Appendix A for the members of Public Systems.

[2] Oglethorpe Electric Membership Corporation, North Carolina Electric Membership Corporation and Old Dominion Electric Cooperative, Inc.

[3] Jersey Central Power & Light Company, Long Island Lighting Company, Metropolitan Edison Company, New England Power Company, Northeast Utilities Company, Pacific Power & Light Company, Pennsylvania Electric Company and Pennsylvania Power & Light Company.

INDIANA MUNICIPAL ELECTRIC ASSOCIATION AND ITS MEMBERS, THE FOLLOWING MUNICIPALITIES IN INDIANA

Town of Bainbridge	City of Linton
Town of Bargersville	Town of Middletown
Town of Centerville	Town of Paoli
Town of Covington	Town of Pendleton
Town of Darlington	City of Rising Sun
Town of Edinburg	Town of Rockville
Town of Flora	City of Scottsburg
Town of Greendale	Town of South Whitley
City of Greenfield	Town of Thorntown
Town of Hagerstown	City of Tipton
Lawrenceburg Utilities	Town of Veedersburg
Lawrenceburg	Town of Waynetown
City of Lebanon	

NEPCO CUSTOMER RATE COMMITTEE (SUCCESSOR TO THE POWER PLANNING COMMITTEE OF THE MUNICIPAL ELECTRIC ASSOCIATION OF MASSACHUSETTS, INC.) AND ITS MEMBERS THE FOLLOWING MASSACHUSETTS MUNICIPAL LIGHT DEPARTMENTS AND PLANTS

Ashburnham	Paxton
Boylston	Peabody
Danvers	Princeton
Georgetown	Shrewsbury
Groton	Sterling
Hingham	Templeton
Holden	Wakefield
Hudson	West Boylston and Manchester Electric Company
Hull	
Ipswich	New Hampshire Electric Cooperative, Inc.
Littleton	
Mansfield	Littleon, New Hampshire
Marblehead	
Merrimac	
Middleton	
North Attleboro	

City of Riverside, California
Vermont Electric Cooperative, Inc., Johnson, Vermont
Village of Clinton, Michigan
Village of Sebewaing, Michigan

[FR Doc.77-10427 Filed 4-7-77;8:45 am]

[Docket No. ER77-263]

VERMONT ELECTRIC POWER CO., INC.

Rate Schedule Filing

APRIL 4, 1977.

Take notice that on March 28, 1977, Vermont Electric Power Company, Inc. (Velco) tendered for filing a Rate Schedule for the sale of eleven thousand kilowatts (11,000 kW) and related energy from the Vermont Yankee Nuclear Electric Generating Unit in Vernon, Vermont, dated as of November 30, 1976, to the Templeton Municipal Lighting Plant, Mansfield Municipal Electric Department, Littleton Electric Light & Water Department, Westfield Gas & Electric Light Department, Middleborough Gas & Light Department, Hingham Municipal Lighting Plant, Holden Municipal Lighting Plant, Ipswich Municipal Light Department, and the Danvers Electric Department, all of which are located in the Commonwealth of Massachusetts.

Velco states that the service to be rendered under this Rate Schedule consists of 11,000 kW capacity and related energy from the Vermont Yankee Unit to nine municipal power departments in the Commonwealth of Massachusetts for an eleven month period commencing November 30, 1976 and ending on October 30, 1977 at an estimated monthly charge of $103,500.00 total for all nine Municipal Purchasers. Velco states that the Vermont Yankee power sold to the Municipal Purchasers will be at its cost to Velco, and that therefore there will be no change in the overall rate of return of Velco.

Velco requests a waiver of § 35.3 of the Commission's Rules and Regulations to allow an effective date of December 1, 1976, citing extended contract negotiations with the nine Massachusetts Municipal Purchasers, and no effect upon purchasers of Velco power under other Rate Schedules, if the waiver is granted.

Copies of the filing were served upon the nine Massachusetts Municipals and the Vermont Public Service Board.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 20, 1977. Protests will be considered by the Commission in determining the appropiate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-10417 Filed 4-7-77;8:45 am

[Docket No. CP77-308]

WESTERN TRANSMISSION CORP.

Application

APRIL 4, 1977.

Take notice that on March 21, 1977, Western Transmission Corporation (Applicant), 2700 Fidelity Union Tower, Dallas, Texas 75201, filed in Docket No. CP77-308 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for an initial term of two years for Panhandle Eastern Pipe Line Company (Panhandle), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Panhandle has acquired new sources of gas in certain acreage in Carbon County, Wyoming, and that Panhandle proposes to execute an agreement with Colorado Interstate Gas Company (CIG), for whom applicant also transports gas, for the purchase of up to 25 percent of the subject gas and for the transportation by CIG and exchange of the remainder of the proposed volumes of gas.

It is indicated that Panhandle would deliver the subject gas under its control to Applicant at points on Applicant's pipeline located in Carbon County, Wyoming, for transportation and delivery to CIG at an existing point of interconnection in Sweetwater County, Wyoming. Applicant further states that no new facilities would be required to render the proposed transportation service.

It is asserted that Panhandle would pay Applicant a transportation charge equal to the differential rate set forth in Applicant's Rate Schedule F between Applicant's gas cost and Applicant's selling price to CIG as established by the Commission in Opinion No. 616, as the same may be modified and amended from time to time or as replaced by a subsequent Commission order. Currently, the differential rate permitted by Opinion No. 616 and the effective transportation charge is 9.0 cents per Mcf at 14.65 psia, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 22, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules and Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-10424 Filed 4-7-77;8:45 am]

FEDERAL RESERVE SYSTEM

COMMERCE BANCSHARES, INC.

Order Denying Acquisition of Bank

Commerce Bancshares, Inc., Kansas City, Missouri, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 51.96 percent of the voting shares of the Farmers State Bank, St. Joseph, Missouri, St. Joseph, Missouri ("Bank").

V4268 APR 8 77 UMI

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received, including those submitted by the Missouri Commissioner of Finance and by the U.S. Department of Justice, in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the third largest banking organization in Missouri, controls 31 banks with aggregate deposits of approximately $1.3 billion, representing 7.7 percent of the total commercial bank deposits in the State.[1] Acquisition of Bank ($13.3 million in deposits) would not significantly increase the concentration of banking resources in Missouri; however, it would have adverse effects upon concentration in the relevant market.

Bank, the fifth largest of 21 banks in the relevant market[2] and the only remaining independent bank in the City of St. Joseph, has total deposits of $13.3 million, representing 3 percent of the total commercial bank deposits in the relevant market. Applicant is already represented in the St. Joseph market through its ownership of Commerce Bank of St. Joseph ("Commerce Bank"). Commerce Bank is the fourth largest bank in the market, with total deposits of $39.9 million, representing 8.83 percent of the total commercial bank deposits in the relevant market. The four largest banking organizations in the St. Joseph banking market hold in the aggregate about 85.6 percent of total commercial bank deposits in the market. Consummation of this proposal would further increase that concentration level to 88.6 percent and Applicant would enhance its position in the market by becoming the third largest banking organization.

In addition to having adverse effects on concentration in the St. Joseph market, it appears that consummation of this proposal would eliminate significant existing competition between Bank and Commerce Bank. Applicant maintains that Bank and Commerce Bank serve essentially different kinds of customers[3] and that Bank's location and orientation toward farm lending make it unlikely that Bank would expand its operations in the primary service area of Commerce Bank. However, the record shows that each derives a significant amount of its deposits and loans from the service area of the other. Thus, the Board concludes that consummation of the proposal would eliminate significant existing competition between Applicant and Bank.

In acting on this application, the Board has also considered the comments of the Department of Justice and of the Missouri Commissioner of Finance ("the Commissioner") and Applicant's responses thereto. Both the Department of Justice and the Commissioner indicated that, in their respective opinions, the proposed acquisition would eliminate existing competition and lead to a further concentration of banking resources in the City of St. Joseph. Both agencies noted that because Bank was the last independent bank in the City of St. Joseph, it was a likely candidate for acquisition as a vehicle for entry into the City of St. Joseph by a regional or Statewide banking organization not presently represented in the market.

While both the Department of Justice and the Commissioner placed emphasis on the effects of the proposal on the City of St. Joseph rather than the somewhat larger St. Joseph banking market,[4] the Board is of the view that their general findings as to the adverse effects of the subject proposal are supported by the facts of record. In addition, the Board finds on the basis of the foregoing and other facts of record, that competitive considerations relating to this application weigh sufficiently against approval so that it should not be approved unless the anticompetitive effects are clearly outweighed by benefits to the public in meeting the convenience and needs of the community to be served.

The financial and managerial resources and prospects of Bank are regarded as satisfactory. The financial and managerial resources and prospects of Applicant and its subsidiaries are regarded as generally satisfactory. Although Applicant would incur some debt as a result of this acquisition, it appears that Applicant's earnings from normal operations are sufficient to retire that debt as projected. Accordingly, the Board finds that considerations relating to financial and managerial resources and future prospects are consistent with approval; however, such considerations do not lend significant weight for approval of the application.

Applicant states that upon acquisition of Bank it would expand Bank's services, including increasing Bank's lending capacity through loan participations and providing Bank with agricultural lending advice. The Board notes that bank has only a limited need for help in handling loans above its present legal lending limit.[5] Furthermore, with respect to Applicant's proposal to provide Bank with agricultural lending advice, Applicant made a similar argument in its earlier application to the Board to acquire Commerce Bank some six years ago, and it appears that Commerce Bank has made no significant increases in its agricultural lending program since its acquisition by Applicant. Accordingly, the Board finds that little weight can be accorded such services and that considerations relating to the convenience and needs of the community to be served lend no significant weight toward approval of the application. In summary, therefore, the considerations relating to banking factors and the considerations relating to the convenience and needs of the community to be served do not outweigh the adverse competitive effects that would result from Applicant's acquisition of Bank.

On the basis of the facts in the record, and in light of the factors set forth in section 3(c) of the Act, it is the Board's judgment that approval of the proposal would not be in the public interst. Accordingly, the application is denied for the reasons summarized herein.

By order of the Board of Governors,[6] effective April 1, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-10384 Filed 4-7-77;8:45 am]

[1] All banking data are as of December 31, 1975.

[2] The relevant market is the St. Joseph banking market, which is approximated by Buchanan County (less Rush and Bloomington Townships), Andrew County, and western DeKalb County, all in Missouri, and northern Doniphan County in Kansas.

[3] Applicant characterizes Commerce Bank's customers as primarily a merchant and wage-earner clientele not associated with the south St. Joseph area. Applicant states that Bank primarily serves agriculturally oriented businesses in the south St. Joseph area. The Board does not view this as a legitimate distinction in defining the relevant product for purposes of competitive analysis.

[4] See the Board's Order approving the merger of Ameribanc, Inc., St. Joseph, Missouri, with First American Bancshares, Inc., St. Joseph, Missouri. 62 Federal Reserve Bulletin, p. 384.

[5] Bank has no large business customers, and the farmers in its service area conduct small operations. The few loans for which Bank has needed assistance have been readily handled by its St. Joseph and Kansas City correspondents.

[6] Voting for this action: Governors Wallich, Coldwell, Jackson, Partee, and Lilly. Absent and not voting: Chairman Burns and Governor Gardner.

EQUIMARK CORP.

Request for Determination and Notice Providing Opportunity for Hearing

Notice is hereby given that a request has been made to the Board of Governors of the Federal Reserve System, pursuant to the provisions of section 2(g)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(g)(3)) ("the Act"), by Funding Systems Corporation, Pittsburgh, Pennsylvania ("FSC"), for a determination that Equimark Corporation, Pittsburgh, Pennsylvania, a bank holding company, is not nor will be capable of controlling Floyd R. Ganassi or G. Gray Garland, Jr., of Pittsburgh, Pennsylvania, and each of whom is an officer of FSC. On April 22, 1975, Equimark Corporation transferred shares of FSC to Messrs. Ganassi and Garland, both of whom, on that date, were indebted to Equibank, N.A., Pittsburgh, Pennsylvania, a subsidiary of Equimark Corporation. On that date, FSC was also indebted to Equibank, N.A. Debt owed by Messrs. Ganassi and Garland and by FSC to Equibank, N.A. has, since April 22, 1975, continued.

Section 2(g)(3) of the Act provides that shares transferred after January 1, 1966, by any bank holding company (or any company which but for such transfer, would be a bank holding company) directly or indirectly to any transferee that is indebted to the transferor or has one or more officers, directors, trustees, or beneficiaries in common with or subject to control by the transferor, shall be deemed to be indirectly owned or controlled by the transferor, unless the Board, after opportunity for hearing, determines that the transferor is not, in fact, capable of controlling the transferee.

Notice is hereby given, that, pursuant to section 2(g)(3) of the Act, an opportunity is provided for filing a request for oral hearing. Any such request or written comments on the application should be submitted in writing (in duplicate) to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later May 2, 1977. If a request for oral hearing is filed, each request should contain a statement of the nature of the requesting person's interest in the matter, his reasons for wishing to appear at an oral hearing, and a summary of the matters concerning which such person wishes to give testimony. The Board subsequently will designate a time and place for any hearing it orders, and will give notice of such hearing to the transferor, the transferee, and all persons that have requested an oral hearing. In the absence of a request for an oral hearing, the Board will consider the requested determination on the basis of documentary evidence filed in connection with the application.

Board of Governors of the Federal Reserve System, April 4, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-10385 Filed 4-7-77;8:45 am]

[Reg. C; Docket No. R-0047]

EXEMPTION APPLICATION UNDER THE HOME MORTGAGE DISCLOSURE ACT OF 1975

New York State

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice.

SUMMARY: On December 8, 1976, the Board issued an Order exempting New York State depository institutions that are subject to the State Banking Department's loan disclosure regulation (Supervisory Procedure G-107) from the disclosure requirements of the Home Mortgage Disclosure Act and implementing Regulation C. Pursuant to the Board's Order, the State Banking Department has submitted amendments to its disclosure regulation, and the Board must determine whether the amendments satisfy the requirements of the Order.

DATE: Comments regarding the amendments must be received on or before May 2, 1977.

ADDRESS: Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. All material submitted should include the docket number R-0047.

FOR FURTHER INFORMATION CONTACT:

Anne J. Geary, Acting Chief, Equal Credit Opportunity Section, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-3946).

On June 22, 1976, the Banking Department of the State of New York applied to the Board for an exemption from the disclosure requirements of the Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2801-2809), as implemented by Regulation C (12 CFR 203). The Department's application was filed pursuant to section 306(b) of the Act (12 U.S.C. 2805(b)) and section 203.3(a)(3) and the Supplement to Regulation C (12 CFR 203.3(a)(3)), and was based upon the requirements of the Department's Supervisory Procedure G-107. Notice of the application, affording opportunity for interested parties to submit comments, was published in the FEDERAL REGISTER on July 20, 1976 (41 FR 29917).

On December 8, 1976, based on the record before it, the Board approved the Department's exemption application. The Board's Order was published in the FEDERAL REGISTER on December 21, 1976 (41 FR 55583). The Board in its Order, however, required:

That the New York State Banking Department promulgate an amendment to the provisions of its Supervisory Procedure G 107 to require depository institutions subject to that Procedure to disclose all mortgage loans acquired by any means during each fiscal year, commencing with the last full fiscal year ending prior to July 1, 1976, in at least the detail required pursuant to Section I of Appendix 8 of the Procedure. Any amendments to comply with this condition must become effective by June 1, 1977, and a copy of the amendments must be filed with the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, by April 1, 1977.

Pursuant to that requirement, the Department has submitted to the Board amendments to its Supervisory Procedure G-107. Copies of the amendments and the Board's Order are available for public inspection and copying during regular business hours in Room B 1118 at the Board's Offices, Twentieth Street and Constitution Avenue NW., Washington, D.C., and at the Federal Reserve Bank of New York, 33 Liberty Street, New York City.

The Board must determine whether the amendments to Supervisory Procedure G-107 satisfy the requirements of its December 8, 1976 Order. To aid in the Board's consideration of this matter, interested persons are invited to submit relevant data, views, and arguments in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than May 2, 1977. All submitted materials should include a reference to docket number R-0047. The comments that are received will be made available for public inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding the availability of information (12 CFR 261.6(a)).

By order of the Board of Governors, April 1, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-10386 Filed 4-7-77;8:45 am]

GENERAL SERVICES ADMINISTRATION

PRIVACY ACT OF 1974

Deletion of a System of Records

On September 8, 1976, there was published in the FEDERAL REGISTER (41 FR 38088 through 38145) annual notices of systems of records pursuant to the provisions of the Privacy Act of 1974, Pub. L. 93-579, 5 U.S.C. 552a. This notice deletes the system of records identified as "Quality Control Automated Management System GSA/FSS-1," system identification number 23-00-0084, 41 FR 38137. It has been determined that the system measures work hours simply as a means to evaluate the efficiency of a system and is not kept as a measure of an employee's job performance.

Dated at Washington, D.C., on March 29, 1977.

PAUL S. CARTER,
Acting Director of Administration.

[FR Doc.77-10429 Filed 4-7-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CONTRACEPTIVES AND OTHER VAGINAL DRUG PRODUCTS PANEL

Meeting Cancellation

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The meeting scheduled for April 22 and 23, 1977, of the Contraceptives and Other Vaginal Drug Products Panel is cancelled.

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announced in a notice published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14175), meetings of advisory committees and other required information in accordance with provisions set forth in section 10(a)(1) and (2) of the act.

Notice is hereby given that the meeting of the Contraceptives and Other Vaginal Drug Products Panel scheduled for April 22 and 23, 1977, in Conference Rm. A, Parklawn Bldg., Rockville, MD, has been cancelled.

Dated: March 30, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-10144 Filed 4-7-77;8:45 am]

V4268 APR 8 77 UMI

Food and Drug Administration

[Docket No. 76N-0233]

HESS & CLARK, ET AL

Nihydrazone (NF-64); Withdrawal of Approval of Certain New Animal Drug Applications

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration withdraws approval of certain new animal drug applications (NADA's) for nihydrazone (NF-64).

DATES: Effective April 8, 1977.

FOR FURTHER INFORMATION CONTACT:

David P. Ducharme, Bureau of Veterinary Medicine (HFV-140), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857. (301) 433-2280.

SUPPLEMENTARY INFORMATION: In a notice in the FEDERAL REGISTER of August 17, 1976 (41 FR 34908), the Director of the Bureau of Veterinary Medicine offered an opportunity for a hearing on a proposal to withdraw approval of certain NADA's: No. 13-195, Hess & Clark, Division of Rhodia, Inc., 7th and Orange St., Ashland, OH 44805 and No.13-200, Norwich Pharmacal Co., Division of Morton-Norwich Products, Inc., 13-27 Eaton Ave., Norwich, NY 13815, for the use of nihydrazone (NF-64) in food-producing animals. The basis was that new evidence not available when the applications were approved, evaluated together with the evidence available at the time of approval, shows that nihydrazone is not shown to be safe for use under either the approved or currently labeled conditions of use.

In FR Doc. 76-23620, also in the FEDERAL REGISTER of August 17, 1976 (41 FR 34884), the Director proposed to revoke the appropriate provisions of sections of Chapter I of Title 21 of the Code of Federal Regulations (CFR). Holders of approved NADA's were given until September 16, 1976 to submit requests for a hearing in accordance with § 514.200 (21 CFR 514.200), giving the reasons why approval of the applications should not be withdrawn and providing a well-organized and full-factual analysis of the scientific and other investigational data such holder would be prepared to prove in support of its opposition to the Director's proposal. The time for requesting a hearing and submitting data was subsequently extended to November 16, 1976.

Neither the holders of the NADA's nor any other person filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of the opportunity for a hearing.

The Director of the Bureau of Veterinary Medicine, under the Federal Food, Drug, and Cosmetic Act (section 512, 82 Stat. 343-351, (21 U.S.C. 360b)) and under authority delegated to the Commissioner (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.29) finds, on the basis of new evidence not available when the applications were approved, evaluated together with the evidence available at the time of approval, that nihydrazone is not shown to be safe for use under either the approved or currently labeled conditions of use.

Therefore, pursuant to the foregoing finding, approval of NADA's 13-195 and 13-200, and all amendments and supplements thereto, is withdrawn, effective April 8, 1977.

Elsewhere in this issue of the FEDERAL REGISTER, the Commissioner of Food and Drugs is issuing an order revoking certain regulations that provide for the use of animal drugs containing nihydrazone alone or in combinations.

Dated: March 25, 1977.

V. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.77-10237 Filed 4-7-77;8:45 am]

[Docket Nos. 76N-0172, 76N-0231, 76N-232, 76N-0233]

FURAZOLIDONE, ET AL.

Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document gives advanced notice that a public hearing will be held concerning the proposed withdrawal of approval of new animal drug applications for furazolidone, furaltadone, and nitrofurazone.

FOR FURTHER INFORMATION CONTACT:

Maryln Perez, Bureau of Foods (HFF-101), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, 202-245-1301.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of May 13, 1976 (41 FR 19907), the Director of the Bureau of Veterinary Medicine issued a notice of opportunity for hearing proposing to withdraw approval of new animal drug applications (NADA's) Nos. 9-073, 9-393, 11-016, 11-405, 11-698, 11-810 (formerly FDC-D-281), 12-061, 13-805, and 32-319 for the use of furazolidone (NF-180) in food-producing animals on the grounds that the drug has been shown to induce cancer when ingested by animals and there is no adequate, reliable, and practicable method of analysis available for assuring that no residue of the drug will be found in any edible portion of such animals, as required by section 512(d)(1)(H) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(d)(1)(H)). In the FEDERAL REGISTER of August 17, 1976 (41 FR 34891), the Director issued notices of opportunity for hearing proposing to withdraw approval of NADA's Nos. 12-738, 14-283 (formerly FDC-D-283; now Doc. No. 76N-0229) and 65-059 for the use of furaltadone (NF-260); NADA's 13-195 and 13-200 (formerly FDC-D-282; now Doc. No. 76N-0228) for the use of nihydrazone (NF-64); and NADA's Nos. 6-395, 6-475, 6-649, 7-801, 8-129, 8-142, 8-324, 8-410, 8-529, 8-784, 9-013, 9-415, 10-741 and 11-154 (formerly FDC-D-280; now Doc. No. 76N-0230) for the use of nitrofurazone (NF-7) in food-producing animals on the grounds that new evidence not available when the applications were approved, evaluated together with the evidence available at the time of approval, shows that these drugs are not shown to be safe for use under either the approved or currently labeled conditions of use (21 U.S.C. 360b(e)(1)(B)).

In response to these notices, Norwich Pharmacal Co., Division of Morton-Norwich Products, Inc., 13-27 Eaton Ave., Norwich, NY 13815, filed appearances and requested hearings on furazolidone, furaltadone, and nitrofurazone; Hess & Clark, Division of Rhodia, Inc., 7th and Orange St., Ashland, OH 44805, filed appearances and requested hearings on furazolidone and nitrofurazone. Neither Norwich nor Hess & Clark filed appearances or requested a hearing on nihydrazone; Hess & Clark did not file an appearance or request a hearing on furaltadone. Accordingly, in the FEDERAL REGISTER of April 1, 1977 (42 FR 17526), the Director issued an order withdrawing approval of Hess & Clark's NADA for furaltadone, and in this issue of the FEDERAL REGISTER he issued an order withdrawing approval of all NADA's for nihydrazone.

In the course of reviewing the responses submitted by both firms in opposition to the May 13, 1976 notice proposing to withdraw approval of furazolidone, some previously submitted data, which had not been reviewed before, have been discovered. In addition, some previously reviewed data have been reevaluated in light of contemporary scientific and legal standards for evaluating animal drugs. The length of time required for this review has led the Commissioner to conclude, in his discretion, that it is in the public interest to hold a formal evidentiary public hearing on the proposal to withdraw approval of the NADA's for furazolidone, furaltadone, and nitrofurazone. Pursuant to 21 CFR 12.35 (formerly 21 CFR 2.118, prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)), a notice of hearing will be published in the FEDERAL REGISTER as soon as practicable. In the meantime, participants in the hearing are encouraged to begin preparation of the material required to be disclosed pursuant to 21 CFR 12.85 (formerly 21 CFR 2.153, prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)).

The evidentiary hearing will be open to the public. If, however, the Commissioner finds that portions of the NADA's that serve as the basis for the hearing contain information concerning a method or process that is entitled to protection as a trade secret, that part of the hearing involving such portions will not be public, unless the respondents so specify.

Dated: April 1, 1977.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.77-10387 Filed 4-7-77;8:45 am]

[Docket No. 76N-0407; DESI 8682]

THYROTROPIN FOR INJECTION

Drugs for Human Use; Drug Efficacy Study Implementation

AGENCY: Food and Drug Administration.

ACTION: Followup notice and opportunity for hearing.

SUMMARY: This notice sets forth the conditions for marketing the drug products described below for the indication for which they continue to be regarded as effective and offers an opportunity for a hearing concerning those indications reclassified as lacking substantial evidence of effectiveness.

DATES: Hearing requests due on or before May 9, 1977.

ADDRESSES: Communications forwarded in response to this notice should be identified with the reference number DESI 8682, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857.

Supplements (identify with NDA number): Division of Metabolism and Endocrine Drug Products (HFD-130), Rm. 14B-03, Bureau of Drugs.

Original abbreviated new drug applications and supplements thereto (identify as such): Division of Generic Drug Monographs (HFD-530), Bureau of Drugs.

Request for Hearing (identify with Docket number appearing in the heading of this notice): Hearing Clerk, Food and Drug Administration (HFC-20), Rm. 4-65.

Requests for the report of the National Academy of Sciences-National Research Council: Public Records and Document Center (HFC-18), Rm. 4-62.

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD-501) Bureau of Drugs.

FOR FURTHER INFORMATION CONTACT:

John H. Hazard, Jr., Administrative Compliance Branch (HFD-32), Office of the Assistant Director for Regulatory Affairs, Bureau of Drugs, Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857. (301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice (DESI 8682) published in the FEDERAL REGISTER of June 18, 1971 (36 FR 11762), the Food and Drug Administration announced its conclusions that the drug product described below is effective, probably effective, and possibly effective for certain indications. No person has submitted data in support of any of the less-than-effective indications, and those indications are now reclassified to lacking substantial evidence of effectiveness. This notice offers an opportunity for a hearing concerning those indications and sets forth the conditions for marketing the drug product for the indications for which it is regarded as effective. Persons who wish to request a hearing may do so on or before May 9, 1977.

NDA 8-682; Thytropar Sterile Lyophilized Powder containing thyrotropin, Armour Pharmaceutical Co., Division Armour & Co., Greyhound Tower, Phoenix, Ariz. 85077.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, that is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Division of Drug Labeling Compliance (address given above).

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drug is effective for the indications listed in the labeling conditions below. The drug now lacks substantial evidence of effectiveness for the indications evaluated as probably and possibly effective in the June 18, 1971 notice.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* Thyrotropin preparations are in a sterile lyophilized powder form suitable for reconstitution for intramuscular or subcutaneous administration.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The Indications are as follows:

Diagnostic application of thyrotropin.

1. To determine subclinical hypothyroidism or low thyroid reserve.

2. To differentiate between primary and secondary hypothyroidism.

3. To differentiate between primary hypothyroidism and euthyroidism in patients whose thyroid function has been suppressed by the administration of thyroid replacement therapy.

4. To aid in detection of remnants and metastases of thyroid carcinoma.

Therapeutic application of thyrotropin.

As an adjunct in the management of certain types of functioning thyroid carcinoma and resulting metastases.

3. *Marketing status.* a. Marketing of such drug products that are now the subject of an approved or effective new drug application may be continued provided that, on or before June 7, 1977, the holder of the application submits, if he has not previously done so, (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD-356H (21 CFR 314.1(c)) to the extent required in abbreviated applications (21 CFR 314.1(f)).

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) must be obtained prior to marketing such product. Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

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C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111 (a)(5), demonstrating the effectiveness of the drug(s) for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice.

Notice is given to the holder(s) of the new drug application(s), and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) and all amendments and supplements thereto providing for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant(s) and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

If an applicant or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before May 9, 1977, a written notice of appearance and request for hearing, and (2) on or before June 7, 1977, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk (address given above) between the hours of 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.82) (recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)).

Dated: April 4, 1977.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.77-10388 Filed 4-7-77;8:45 am]

Office of Education

STATE STUDENT FINANCIAL ASSISTANCE TRAINING PROGRAM

Notice of Closing Date for Receipt of State Applications

Notice is hereby given that, pursuant to the authority contained in Section 493C of the Higher Education Act of 1965, as amended (20 U.S.C. 1088b–3), applications are being accepted from the 50 States, the District of Columbia, Guam, American Samoa, the Virgin Islands, Puerto Rico, and the Trust Territory of the Pacific Islands to design and develop State Student Financial Assistance Training Programs. These programs will increase the proficiency of institutional and State financial aid administrators in administering all aspects of student financial assistance.

Applications must be submitted by agencies responsible for State scholarship/grant programs and must be received on or before May 15, 1977, by the Office of Education.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: Dr. Richard L. McVity, Director, State Student Incentive Grant Program (SSIGP), Bureau of Student Financial Assistance, U.S. Office of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. An application sent by mail will be considered to be received on time by the State Student Incentive Grant Program if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or, if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education, State Student Incentive Grant Program, Room 3674, Regional Office Building No. 3, 7th & D Streets SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m., except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the State Student Incentive Grant Program, Bureau of Student Financial Assistance, U.S. Office of Education, 400 Maryland Avenue SW., Washington, D.C. 20202.

D. *Applicable Regulations.* A Notice of Proposed Rulemaking for the State Student Financial Assistance Training Program is published in this issue of the FEDERAL REGISTER. Applicants are advised to follow the requirements and standards published in the proposed regulations in submitting their applications. If the final regulations contain new or inconsistent requirements or funding criteria, the closing date will be extended to allow applicants who have submitted applications based on the proposed regulations to revise their applications.

(20 U.S.C. 1088b–3.)

(Catalog of Federal Domestic Assistance Number 13.582; State Student Financial Assistance Training Program.)

Dated: April 1, 1977.

WILLIAM F. PIERCE,
Acting Commissioner of Education.

[FR Doc.77-10135 Filed 4-7-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Request for Amendment

A permit was issued to the Regional Director, U.S. Fish and Wildlife Service, Albuquerque, New Mexico, on November 10, 1975, pursuant to the Endangered Species Act of 1973: "May take and transport young and not to exceed 50 adult Colorado River squawfish (*Ptychocheilus lucius*) for purposes of scientific research and propagation."

A notice containing the application for the permit was published in the FEDERAL REGISTER on August 5, 1975 (40 FR 32849), soliciting public comments for a period of 30 days.

A notice of the issuance of the permit was published on March 5, 1976 (41 FR 9576).

Under date of March 15, 1977, a request for significant amendments to the permit has been received from the office of the Regional Director, Albuquerque, New Mexico. Published herewith is a copy of the request for these changes which will be considered as an amendment to this permit. This request is being considered pursuant to § 13.23, Title 50 Code of Federal Regulations (see 39 FR 1162).

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OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

U.S. FISH & WILDLIFE SERVICE
Region 2, Albuquerque, New Mexico 87103

TO : Director, FWS, Washington, D. C. (WPO)

DATE: March 15, 1977

FROM : Assistant Regional Director (SE)

SUBJECT: Amendment Request for Permit No. PRT 8-225-C

We are requesting an Amendment #4 to the above permit. Willow Beach N.F.H. is currently carrying out propagation activities on the Colorado Squawfish (Ptychocheilus lucius) and razorback sucker (Xyrauchen texanus). The Colorado River Fishes Recovery Team has asked that we expand this work to include the humpback chub (Gila cypha). In addition, a package will be soon coming from this office to list 2 other Colorado River endemic fish species; bonytail chub (Gila elegans) and razorback sucker. Hopefully, in the near future all four of these species will be propagated at Willow Beach and perhaps at Dexter and Hotchkiss N.F.H.s.

We therefore request that Permit No. PRT 8-225-C be amended to read as follows:

Block 11 (D) - Delete: as written
Amend: to read:

Authorized to conduct the following activities with Colorado (River) squawfish (Ptychocheilus lucius), humpback chub (Gila cypha), and if and when listed, bonytail chub (Gila elegans) and razorback sucker (Xyrauchen texanus), as specified in block 10, for the purposes of scientic research and propagation;

1. May take, transport and rear each of the above four species for the purposes of scientific research and propagation.

2. May transport to the Fish Control Laboratory, Fort Morgan, Colorado, fifteen (15) subadults of each of the above species (per year) and sacrifice them for the purpose of disease determination.

3. May release into suitable waters of the Colorado River basin as specified in Block 10, Colorado Squawfish, humpback chubs, bonytail chubs and razorback suckers, after receiving permission from the State or States to receive the stocking.

Block 11 (F) - Delete: squawfish
Amend: to read:

AMERICAN REVOLUTION BICENTENNIAL 1776-1976

The containers in which the fish are shipped must be plainly marked, labled or tagged giving the names and addresses of the shipper and, cosignee with an accurate description of the contents by number and species.

Block 11 (H) - Delete: squawfish
Amend: to read:

A duplicate of this permit must be attached to the container in which the fish are placed for storage, supervision or care.

Block 11 (I) - Delete: squawfish
Amend: to read:

The loss, death or destruction of any of the above species shall be reported within 24 hours to the Albuquerque U.S. Fish & Wildlife Service Office (505-766-2091) within 10 days.

We are requesting that the number of fish removed from the wild and numbers restocked in the wild be eliminated from the permit. This seems best left to the discretion of the Regional Director, in conjunction with the State Agencies and the Recovery Team. It seems possible this spring that we may produce as many as 2 million young razorback suckers, and limiting restocking to 3,000 is unrealistic.

As this permit is up for renewal in December of 1977, and becoming somewhat confused with the different amendments, perhaps it would be better to reissue the entire permit now. We will leave this decision to your discretion.

R. L. Stephens

In keeping with the spirit of the Endangered Species Act of 1973 this notice is being published to allow public comment on the request for an amendment. Interested persons may comment on this amendment by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 8-225-C; please refer to this number when submitting comments. All relevant comments received on or before May 9, 1977 will be considered.

Dated: April 5, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc.77-10379 Filed 4-7-77;8:45 am]

ENDANGERED SPECIES PERMIT

Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: University of California, Division of Wildlife and Fisheries, Davis, Calif. 95616. Dr. Dale F. Lott, Chairman of Department.

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Form Approved OMB NO. 42-R1870

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE
LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
[X] IMPORT OR EXPORT LICENSE [X] PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
To collect addled pelican eggs; to collect eggshell fragments; to salvage and hold injured and dead pelicans; to import brown pelican materials (parts of pelicans found dead, addled eggs, and other materials collected legally in Mexico).

3. APPLICANT: (Give, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Dr. Daniel W. Anderson
Division of Wildlife and Fisheries
University of California
Davis, California 95616
AC916-752-2108 (home 756-1579)

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:

☐ MR. ☐ MRS. ☐ MISS ☐ MS.	HEIGHT	WEIGHT
	5' 8"	160 lbs.
DATE OF BIRTH	COLOR HAIR	COLOR EYES
5 February 1939	brown	blue
PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER	
752-6584	502-42-1685	

OCCUPATION
College Professor, research biologist

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
All salvagable materials to be deposited in Museum, Univ. of California, Davis, or other approved musuem in CA.

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Teaching/research at the university level in fields of wildlife conservation, research, and management. Research activities are financed by by federal and state agencies.

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. (752-3576)
Dr. Dale F. Lott, Chairman of Dept.

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
n/a

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
California

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? [X] YES ☐ NO
(If yes, list license or permit numbers)
(see attachment)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? [X] YES ☐ NO
(If yes, list jurisdictions and type of documents)
(see attachment)

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
"individual basis"

10. DESIRED EFFECTIVE DATE
January 1977

11. DURATION NEEDED
4 years, with renewal

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
(see attachment)

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) Daniel W. Anderson
DATE 24 November 1976

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16-740

17.22—Paragraph (a) is the applicable section:

Item (1)—Common Name—California Brown Pelican.—Scientific Name—*Pelecanus occidentalis californicus*.—Number, Age, and Sex—variable, this is impossible to provide. However, up to 200 prefledging brown pelicans will be banded in California; addled eggs and eggshell fragments (as many as are found) will be collected and analyzed for pesticides; up to 200 carcasses of brown pelicans will be salvaged from dieoffs and beaches; as many injured birds as are found will be examined and turned over to the California Dept. of Fish and Game or their appointed agent; no healthy brown pelicans will be collected, or handled/trapped, except those to be banded.

Activities—banding (USFWS bands plus colored leg bands); collecting (materials such as carcasses, addled eggs, eggshell fragments); observing (near nesting colonies and loafing groups); importing (any brown pelican materials legally collected in Mexico).

Item (2)—This wildlife is still in the wild.

Item (3)—Activities will not cause losses of wild, healthy birds. Applicant has 7 years of experience with the subspecies as a biologist with the USFWS. Reprints of brown pelican publications by the applicant to date are attached for your information (attachment 1).

Item (4)—Not applicable.

Item (5)—All materials will be processed and held at the campus of the University of California at Davis, facilities of the Division of Wildlife and Fisheries Biology. Salvagable materials will be housed at the museum of the institution listed above. Permanent disposition of some materials will be at USFWS approved museums in California. The facilities of the University of California are varied and extensive and impossible to describe in detail here.

Item (6)—Not applicable.

Item (7)—A memo of understanding with California Department of Fish and Game is attached to the original report. A collecting permit is issued to the applicant by the Mexican Departmento de la Fauna Silvestre for research work in Mexico (letters dated October 27, 1976, No. 90–76/697; letter dated January 11, 1977). Permit from the U.S. National Park Service to conduct research on Anacapa Island, California (dated January 28, 1977).

Item (8)—Proposed activities are outlined in detail in the attached research proposals and correspondence (Attachment 2), (i, ii).

(iii)—The proposed activities will help increase our knowledge of this endangered subspecies and provide continuing input for management decisions and continuing monitoring of its status. Hopefully, in time, the California brown pelican can be removed from the endangered species list.

(iv)—Disposition of all materials remaining at the termination of activities will be in accordance with section 17.22(b)(3).

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2–574–07; please refer to this number when submitting comments. All relevant comments received on or before May 9, 1977 will be considered.

Dated: April 5, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc.77–10381 Filed 4–7–77;8:45 am]

ENDANGERED SPECIES PERMIT

Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

Applicant: John A. Moore, Director, Audubon Park Zoo, P.O. Box 4327, New Orleans, La. 70118.

Form Approved OMB NO. 42-R1870

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE
LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE [X] PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
To purchase two (2) Hawaiian Geese (endangered species) in interstate commerce in the course of a commercial activity, for breeding in captivity.

3. APPLICANT: (Give, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Audubon Park Commission
Audubon Park Zoo
P. O. Box 4327
New Orleans, Louisiana 70118
Mr. John A. Moore, Director
Phone: (504) 861-2537

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:

☐ MR. ☐ MRS. ☐ MISS ☐ MS.	HEIGHT	WEIGHT
DATE OF BIRTH	COLOR HAIR	COLOR EYES
PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER	

OCCUPATION

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Audubon Park Commission
Audubon Park Zoo
Public Park

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. (504) 861-2537
John A. Moore, Director

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
Louisiana

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Audubon Park Commission
Audubon Park Zoo
New Orleans, Louisiana 70118

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? [X] YES ☐ NO
(If yes, list license or permit numbers)
4-SC-762

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE

11. DURATION NEEDED

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
Additional information as required under 50 CFR 17.22 attached.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) John A. Moore
DATE 2/9/77

3-200
16-740

ADDITIONAL INFORMATION REQUIRED
SECTION 17.22

(1) Common name—Nene or Hawaiian Goose. Scientific name—*Branta sandvicensis*. Number and description—one (1) male, one (1) female.

The activity sought to be authorized by this application is for the Audubon Park Commission to purchase the above described specimens in interstate commerce for the purpose of zoological exhibition and captive propagation. These birds are currently on loan to Audubon Park.

(2) The birds for which this permit is sought were bred and reared in captivity by the St. Louis Zoological Park in St. Louis, Missouri, whose mailing address is:

St. Louis Zoological Park, Forest Park, St. Louis, Mo., 63110.

(3) Not applicable.

(4) Hatched at St. Louis Zoological Park.

(5) The birds will be maintained at Audubon Park in the city of New Orleans, Louisiana which park includes 395 acres in the city of New Orleans operated by the Audubon Park Commission. The Zoo exhibits 55 mammal species, 124 bird species, 48 reptile species and has 95 employees. We have a part-time veterinarian and an on-going educational program. The bird department, under whose care these birds will be maintained, has a curator and three (3) animal keepers.

(6) (I) The waterfowl exhibit at Audubon Park, where these birds will be kept, includes a pond (134'6" long by 45' wide), sufficient grazing area and is protected by chain link fencing (photo attached); (II) A resume of Mr. Fay Steele is attached; (III) We will collaborate in maintaining breeding records and a stud book; (IV) Birds were shipped in crates similar to and equal to I.A.T.A. live animal regulation, fourth edition, February, 1975, Geneva, Switzerland, for waterfowl of like size; (V) No.

(7) Copy of breeding loan agreement attached.

RESUME OF ZOO BIRD CARE AND BIRD PROPAGATION EXPERIENCE OF FAY N. STEELE, CURATOR OF BIRDS, AUDUBON PARK ZOO

Eight years experience as operator of self owned Aviary and bird propagation center in Salome, Arizona. Reared Psittacines, Game Birds, and Waterfowl.

Employed two years in Bird Department of the Phoenix Zoo including one year as head of the Department. Successfully raised several species of birds including waterfowl.

One year Principal Keeper of Birds at the Baltimore Zoo. Experience and breeding success with many species of birds including waterfowl.

Employed 4½ years in the Honolulu Zoo, 2½ years as head bird keeper, approximately 1,000 birds in the collection. Extensive success in the hatching and rearing of many species of birds including Nene Geese and other rare waterfowl.

Two years Curator of Birds at Audubon Park Zoo, New Orleans. Successful propagation of many species of birds including waterfowl.

Summary: Eighteen years experience in Zoo Bird care. Successful propagation of approximately 80 species of birds including Penguins, Ostrich, Rheas, Flamingos, Plovers, Amazons, Macaws, Cockatoos and other Psittacines, Birds of Prey, Brush Turkeys, Crowned Cranes, Crowned Pigeons and other exotic Columbiformes, and over 20 species of Anseriformes including the hatching and rearing of Nene Geese on three occasions while at the Honolulu Zoo.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2–665–07; please refer to this number when submitting comments. All relevant comments received on or before May 9, 1977 will be considered.

Dated: April 5, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc.77–10382 Filed 4–7–77;8:45 am]

THREATENED SPECIES PERMIT

Application

Notice is hereby given that the following application for a permit is deemed to have been received under Section 4(d), 16 U.S.C. 1533(d), of the Endangered Species Act of 1973 (Pub. L. 93–205).

Applicant: Ernest P. Hase, R.R. No. 1, Box 270, Hager City, Wisconsin 54014.

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DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE
LICENSE/PERMIT APPLICATION

OMB NO. 42-R1673

1. APPLICATION FOR (Make only one) — ☐ IMPORT OR EXPORT LICENSE — ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
interstate purchases for specie expantion

alsointerstate sales needed for removal of surplus stock.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Ernest P. Hase
R.R.1 Box 270
Hager city, Wisc. 54014

Tele- 715-792-2882

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS.

HEIGHT	WEIGHT
6'	205

DATE OF BIRTH	COLOR HAIR	COLOR EYES
8/25/35	Brown	Hazel

PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER
612-589-2907	399-50-8079

OCCUPATION
Malt House laboror

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
None

5. IF "APPLICANT" IS A BUSINESS CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Small hobby bussiness

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
n.a.

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Pierce County, Section 24
Twnp 25N, Range 18W

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit number(s))
XX 2-PR-2241

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of document)
State : Prita a provou t.ro i h NPIP

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE
1/1/77

11. DURATION NEEDED
Max. 2 yr.

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 C.F.R. 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
50 C 17.33.
C.S.S.P

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (IN INK) — DATE
Ernest P. Hase — 10/26/76

3-200 16-74 — GPO 835-042

WINDY ACRE GAME FARM, *Ernest F. Hase, RR No. 1, Hager City, WI 54014; Phone: 715 792-2882*

Names of species sought to be covered by permit. 50c 17.33.

PHEASANTS

Elliots (*Syrmaticus ellioti*).
Brn eared (*Crossoptilon mantchuricum*).
Edward's (*Lophura edwardsi*).
Humes (*Syrmaticus humiae*).
Mikado (*Syrmaticus mikado*).
Swinhoe (*Lophura swinhoii*).
White eared (*Crossoptilon crossoptilon*)

(A) Permit is needed for interstate commerce for the purchasing of new blood lines, keeping down inbreeding, and also for the sale of excess birds that are produced annually.

(B) All birds will be located in Wisc., County of Pierce, Section 24, Twnp. 26 N, range 18 in pens. Diagram of pens and (2) two Photographs will be attached to the reverse side of this sheet.

(C) My general experience comes twenty years of raising pheasant, quail, peafowl etc., but never do I purchase a new breed of pheasant before I do a lot of research reading to see if I can adequately raise that bird.

(D) I now participate in the N.P.I.P. which requires blood testing, banding which, in turn demands upon myself to keep a general stud book of all my breeders. If a more extensive stud book is needed I'll cooperate in any way.

(E) All containers used for shipping birds are always picked or built with the bird in mind, whereas the bird is restricted enough where it can't jump up and hurt itself, yet is free to exercise, also to eat and drink, which food and water is available from tins mounted in the containers.

(F) All mortalities will be recorded and steps taken to stop reoccurrences.

(G) I now raise the elliot and swinhoe and I'll need this permit to enable me to purchase new stock and avoid excessive inbreeding.

(G) If for any reason my activities involving this wildlife is terminated all birds not sold will be donated to the American Game Bird Breeders' Coop. Federation of which I am a member, to be dispersed as they see fit.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Services's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-476-25; please refer to this number when submitting comments. All relevant comments received on or before May 9, 1977, will be considered.

Dated: April 5, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc.77-10380 Filed 4-7-77;8:45 am]

THREATENED SPECIES PERMIT

Application

Notice is hereby given that the following application for a permit is deemed to have been received under Section 4 (d), 16 USC 1533(d), of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: David L. Majors, Rt. 1, Box 57, Stevensville, Montana 59870.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE
LICENSE/PERMIT APPLICATION

OMB NO. 42-R1673

1. APPLICATION FOR (Make only one) — ☐ IMPORT OR EXPORT LICENSE — ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Captive - self-sustaining populations delivery, receipt, carriage, transportation or shipment in interstate commerce of those species of pheasants listed as CSSP

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
David L. Majore
Rt. 1, Box 57
Stevensville, Montana 59670

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS.

HEIGHT	WEIGHT
5 - 8	165

DATE OF BIRTH	COLOR HAIR	COLOR EYES
May 25, 1943	Brn	Brn

PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER
(406)543-3107	534 44 2634

OCCUPATION
sawmill foreman, game bird breeder

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS CORPORATION, PUBLIC AGENCY OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Rt. 1, Box 57
Stevensville, Montana 59870

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit number(s))
PRT 2-143 DN, PRT 2-2, 6-PR-298

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of document(s))
Montana State Permit No. 737

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE
ASAP

11. DURATION NEEDED
2 years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 C.F.R. 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (IN INK) — DATE
DAVID L. MAJORS — March 7, 1977

3-200 16-74 — GPO 835-042

INCLOSURE 1

The following is a list of pheasants for which the permit is desired for delivery, receipt, carriage, transportation or shipment in interstate commerce of the same:

Brown eared pheasant, *Crossoptilon mantchuricum.*
Edward's pheasant, *Lophura edwardsi.*
Elliot's pheasant, *Syramticus ellioti.*
Mikado pheasant, *Syrmaticus mikado.*
Swinhoe's pheasant, *Lophura swinhoii.*

The following is submitted as inclosures as required by 50 CFR 17:

17.33a(1): Provided above.
17.33a(2): Provided as inclosure 2.
17.33a(3): Provided as inclosure 3.
17.33a(4): Provided as inclosure 4.
17.33a(5): I ship my birds in reinforced wooden crates (16x21x12) or (19x12x12) designed for either one bird or one pair of birds depending upon their size. These crates are provided with feeding and watering devices for use while in transit. All crates have foam rubber attached to the top of the crate to prevent damage to the heads of the birds while in transit.
17.33a(6): Provided as inclosure 5.
17.33a(7)(i): The delivery, receipt, carriage, transportation or shipment in interstate commerce of those species of pheasants listed in inclosure 1.
17.33a(7)(ii): I do not plan to terminate my activities in raising birds. If such occurance should ever happen the disposition of the birds would be in accordance with any applicable federal or state regulations.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Services office in Room 512, 1717 H Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-677-25; please refer to this number when submitting comments. All relevant comments received on or before May 9, 1977 will be considered.

Dated: April 5, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch
Federal Wildlife Permit Office.

[FR Doc.77-10383 Filed 4-7-77;8:45 am]

National Park Service

INDIANA DUNES NATIONAL LAKESHORE

Public Hearings on Special Study

Public hearings on a special study of three areas adjacent to Indiana Dunes National Lakeshore will be held Monday, May 9, 1977, at Beverly Shores Elementary School, Marne Avenue, Beverly Shores, Indiana, and Tuesday, May 10, 1977, at Park Headquarters at U.S. Highway 12 and Kemil Road, Chesterton, Indiana. Both hearings will begin at 7:30 p.m. (CDT). The Act to provide for the establishment of Indiana Dunes (80 Stat. 1309; 16 USC 460u-18) as amended by Public Law 94-549 directs the Secretary of the Interior to study the three areas designated as II-A (NIPSCO property), III-A (Beverly Shores "island") and III-C (U.S. 12 right-of-way), and transmit a report to Congress by July 1, 1977. Interested individuals, representatives of organizations and public officials are invited to express their views in person. Those not wishing to appear may submit written sttatements which should be filed with the Superintendent, Indiana Dunes National Lakeshore, R.R. 2, Box 139A, Chesterton, Indiana 46304, no later than May 31.

Copies of the study may be reviewed in the Washington Office of the National Park Service, Room 1210, Department of the Interior, 18th and C Streets NW., Washington, D.C.; the Midwest Regional Office of the National Park Service, 1709 Jackson Street, Omaha, Nebraska; or at the office of the Superintendent, Indiana Dunes National Lakeshore, U.S. Highway 12 and Kemil Road, Chesterton, Indiana, on or after April 18. Copies may also be obtained by writing the Superintendent.

Dated: March 31, 1977.

MERRILL D. BEAL,
Regional Director,
Midwest Region.

[FR Doc. 77-10449 Filed 4-7-77;8:45 am]

DEATH VALLEY NATIONAL MONUMENT

Availability of Mining Plan

Notice is hereby given that pursuant to the provisions of section 2 of the Act of September 28, 1976, 16 U.S.C. 1901 et seq., and in accordance with the provisions of § 9.17 of 36 CFR Part 9, Pfizer, Inc., has filed a plan of operations in support of proposed mining activities on lands embraced by mining claim loca-

V4268 APR 8 77 UMI

tions within the Death Valley National Monument. This plan is available for public inspection during normal business hours at the Death Valley National Monument Headquarters, Death Valley, California.

Dated: March 4, 1977.

RICHARD S. RAYNER,
Acting Superintendent,
Death Valley National Monument.

Dated March 11, 1977.

HOWARD H. CHAPMAN,
Regional Director,
Western Region.

[FR Doc.77-10448 Filed 4-7-77;8:45 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

SEASONALLY ADJUSTED WEEKLY UNEMPLOYMENT RATES UNDER REGULAR STATE UNEMPLOYMENT COMPENSATION PROGRAMS, 1977

Factors for Computation

The Bureau of Labor Statistics announces the 1977 weekly seasonal adjustment factors to be applied to the weekly unadjusted level of claims for regular State unemployment benefits to derive seasonally adjusted data for this series. The weekly seasonally adjusted level of insured unemployment under regular State programs is a major component in the derivation of the 13-week average seasonally adjusted national and State insured unemployment indicator rate which triggers Federal-State extended unemployment compensation payments under the provisions of State laws. The rate of insured unemployment for purposes of determining the beginning and ending of an Extended Benefits period is computed and announced by the U.S. Department of Labor's Employment and Training Administration, Unemployment Insurance Service.

Week ending date:	Factor
Jan. 1	122.7
Jan. 8	129.8
Jan. 15	132.5
Jan. 22	133.3
Jan. 29	128.7
Feb. 5	129.6
Feb. 12	131.5
Feb. 19	132.5
Feb. 26	131.3
Mar. 5	128.8
Mar. 12	127.4
Mar. 19	124.7
Mar. 26	120.2
Apr. 2	117.1
Apr. 9	114.8
Apr. 16	112.7
Apr. 23	109.9
Apr. 30	104.1
May 7	101.3
May 14	99.1
May 21	95.3
May 28	90.7
June 4	92.7
June 11	92.7
June 18	91.4
June 25	88.4
July 2	86.7
July 9	95.2
July 16	95.9
July 23	92.9
July 30	89.1
Aug. 6	86.4
Aug. 13	86.0
Aug. 20	83.6
Aug. 27	78.7
Sept. 3	75.8
Sept. 10	78.1
Sept. 17	75.0
Sept. 24	74.2
Oct. 1	72.9
Oct. 8	73.1
Oct. 15	76.4
Oct. 22	75.8
Oct. 29	76.0
Nov. 5	77.5
Nov. 12	81.9
Nov. 19	83.2
Nov. 26	90.9
Dec. 3	94.1
Dec. 10	97.8
Dec. 17	99.1
Dec. 24	102.1
Dec. 31	117.4

Inquiries regarding the contents of this announcement, the methodology for seasonal adjustment of this series, and the revised historical data are to be directed to the address listed below:

U.S. Department of Labor, Bureau of Labor Statistics, Office of Data Analysis, Office of **Current Employment Analysis, Room 4868, 441 G Street NW., Washington, D.C. 20212.** Attn: Mr. Thomas J. Plewes, Telephone: 202-523-1237.

Signed at Washington, D.C., this 31st day of March 1977.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc. 77-10479 Filed 4-7-77;8:45 am]

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.
2. Employment trends in the same industry in the local area.
3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.
4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).
5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertaining to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D St. NW., Washington, D.C. 20213.

Signed at Washington, D.C., this 4th day of April 1977.

ERNEST G. GREEN,
Assistant Secretary for
Employment and Training.

Applications received during the week ending Apr. 1, 1977

Name of applicant	Location of enterprise	Principal product or activity
Wilson's Ice Cream House, Inc.	Dallas, Pa.	Manufacture and sale of ice cream, fast-food outlet, convenience store, and restaurant.
Grenada Steel Industries, Inc.	Grenada, Miss.	Fabrication of structural steel.
Unique Glass, Inc.	Fitzpatrick, Ala.	Manufacture of nonglare glass.
Weeley's Inc.	Rural Hall, N.C.	Printing and selling of business forms and selling of graphic art supplies and equipment.
Lake Moultrie Shores, Inc.	Bonneau, S.C.	Building of marina and sale of recreational lots.
Tanglewood Associates, Inc.	Ridgeway, S.C.	Intermediate nursing care.
Monell's Rest Home, Inc.	Brookhaven, Miss.	Nursing care to the elderly.
Carter Equipment Co., Inc.	Richland, Miss.	Sales and rentals of heavy equipment.
D. & S. Corp.	Athens, Tenn.	Manufacture of ladies' robes.
Leaf Industries, Inc.	Truesville, Ala.	Manufacture of residential metal furniture and dental industry components.
Wamsutta Mills (tenant of Anderson County Water and Sewer Arthority).	Anderson, S.C.	Manufacture of textile greige goods.
Rockome Gardens, Inc.	Arcola, Ill.	Theme park and restaurant.
Lewis Distributing Co., Inc.	Cleveland, Wis.	Beer wholesaler.

Name of applicant	Location of enterprise	Principal product or activity
West Baton Rouge Nursing Home, Ltd.	Brusly, La.	Nursing home services.
Dolphin Corp.	Luling, Tex.	Naphtha and fuel oil.
Big "V" Feeds, Inc.	McAlester, Okla.	Wholesale feed manufacturer and jobber; distributor of agricultural commodities.
Baton Rouge Bagging, Inc.	Port Allen, La.	Bagging of farm products.
Manuel Truck & Equipment Co., Inc.	Eunice, La.	Sales of trucks and other motor vehicles.
Newport Motel	Morgan City, La.	Lodging.
Golden Harvest Corp.	Denham Springs, La.	Nursing home.
Cobb Industrial Corp.	Red River Parish, La.	Manufacture of industrial sand.
Roderick Arms & Tool Corp.	Monett, Mo.	Manufacture of precision parts and tools
Worland Motel, Inc.	Worland, Wyo.	Motel.
Sumora Development Co.	Goodyear, Ariz.	Construction of a golf course.
Brian Robert Clark	Cottonwood, Ariz.	Bowling center with cocktail lounge, nursery, etc.

[FR Doc.77-10392 Filed 4-7-77; 8:45 am]

Occupational Safety and Health Administration

ADVISORY COMMITTEE ON CONSTRUCTION SAFETY AND HEALTH, SUBCOMMITTEE ON COMPLIANCE

Meeting

Notice is hereby given that the Subcommittee on Compliance of the Advisory Committee on Construction Safety and Health, will meet on April 26–27, 1977, starting at 9 a.m. in the Hilton Airport Plaza Inn at the Kansas City, International Airport, the European Consulate Room, Kansas City, Missouri. The meeting is open to the public.

The agenda for this meeting will include a discussion of proposed citation guidelines at multi-employer worksites, and plans for future meetings. Any materials provided to members of the Committee are available for inspection and copying at the Division of Consumer Affairs.

Written data related to Committee activities may be submitted, preferably with 20 copies, to the Division of Consumer Affairs. Any such submissions received prior to the meeting will be provided to the members of the group and will be included in the record of the meeting.

The Advisory Committee on Construction Safety and Health was established under section 107(e)(1) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) and section 7(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655).

Communications may be mailed to:

Ken Hunt, Office of Public and Consumer Affairs, Department of Labor—OSHA, 3d Street and Constitution Ave. NW., Room N-3635, Washington, D.C. 20210. Phone: 202-523-8024.

Signed at Washington, D.C., this 5th day of April 1977.

EULA BINGHAM,
Assistant Secretary,
Occupational Safety and Health.

[FR Doc.77-10475 Filed 4-7-77;8:45 am]

CALIFORNIA STATE STANDARDS

Notice of Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health, (hereinafter called Regional Administrator—OSHA) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On May 1, 1973 notice was published in the FEDERAL REGISTER (38 FR 10717) of the approval of the California plan and the adoption of Subpart K to Part 1952 containing the decision.

The California plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act. Section 1952.173 of Subpart K sets forth the State's schedule for the adoption of as effective and comprehensive standards as those set forth in Chapter XVII of Title 29 of the Code of Federal Regulations. Accordingly California has promulgated standards comparable to the agricultural standard of 29 CFR Part 1928, Subpart C and revised the standard on temporary labor camps and promulgated it in accordance with applicable State procedures. An interagency agreement has been signed between the California Agriculture & Services Agency and the Department of Housing and Community Development to enforce the temporary labor camp standards in Title 25, Chapter 2 of the California Administrative Code which have been determined to be at least as effective as the temporary labor camp standard of 29 CFR 1910.142. By letters dated January 7, 1976 and March 11, 1977, from Steven A. Jablonsky, Program Manager, California Occupational Safety and Health Administration, to Gabriel J. Gillotti, Regional Administrator, and incorporated as part of the plan, the State submitted proof documents concerning standards equivalent to § 1910.142 and 29 CFR Part 1928, Subpart C. The temporary labor camp standards which are contained in Title 25, Chapter 2 of the California Administrative Code, and the agricultural standards, which are contained in Title 8, Chapter 4 of the California Administrative Code, were promulgated by the State after public hearings. The labor camp permit standard of section 3350 of Title 8, Chapter 4 of the California Administrative Code was promulgated by the State after public hearing on March 23, 1977.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are at least as effective as the comparable Federal standards. The State standards are more specific in several areas, particularly, with respect to Shelter, 29 CFR 1910.142 (b)(1) and Water Supply, 1910.142(c)(2). The detailed standards comparison is available at the locations specified below.

3. *Location of the supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, 450 Golden Gate Avenue, Room 9470, San Francisco, California 94102; the California Occupational Safety and Health Administration, Room 3052, 455 Golden Gate Avenue, San Francisco, California 94102; and Office of the Directorate of Federal Compliance and State Programs, Occupational Safety and Health Administration, Room N-3605, 200 Constitution Avenue NW., Washington, D.C. 20210.

4. *Public participation.* Under § 1953.2(c) of this chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the California plan as a proposed change and making the OSHA Regional Administrator's approval effective upon publication for the following reason:

The standards were adopted in accordance with the procedural requirements of State law which included public comment and further public notice and participation would be repetitious.

This decision is effective April 8, 1977.

(Sec. 18, Pub. L. 91-956, 84 Stat. 1608 (29 U.S.C. 667).)

Signed at San Francisco, California, this 21st day of March, 1977.

GABRIEL J. GILLOTTI,
Regional Administrator—OSHA.

[FR Doc.77-10476 Filed 4-7-77;8:45 am]

WASHINGTON STATE STANDARDS

Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance

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with section 18(c) of the Act and 29 CFR Part 1902. On January 26, 1973, notice was published in the FEDERAL REGISTER (38 FR 2421) of the approval of the Washington plan and the adoption of Subpart F to Part 1952 containing the decision.

The Washington plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act.

Section 1952.120 through .124 of Subpart F sets forth the State's schedule for the adoption of at least as effective State standards. By letter dated December 29, 1976, from John Hillier, Assistant Director, Industrial Safety and Health to James Lake, Regional Administrator, and incorporated as part of the plan, the State submitted State standards comparable to 29 CFR 1910.265, as published in the FEDERAL REGISTER (39 FR 23771) dated June 27, 1974. These standards, which are contained in Chapter 296-78 WAC Safety Standards for Sawmill Operations, were promulgated after public hearings held on April 30, 1974, February 20, 1976, and September 1, 1976.

2. *Decisions.* Having reviewed the State submission in comparison with Federal standards, it has been determined that the State standards are at least as effective as the comparable Federal standards and accordingly should be approved. The Washington submission expands the scope to include Plywood and Veneer Manufacturing, Waste or Residual Handling, and special coverage for Shake and Shingle Manufacturing, and many additional standards including Lockout and Tag Out and Transportation. The detailed standards comparison is available at the locations specified below.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6048, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; Department of Labor and Industries, General Administration Building, Olympia, Washington 98501; and the Technical Data Center, Room N3620, 200 Constitution Avenue N.W., Washington, D.C. 20210.

4. *Public participation.* Section 1953(c)(1) of this chapter provides that where State standards are identical to or "at least as effective" as comparable Federal standards, and have been promulgated in accordance with State law, approval may be effective upon publication without an opportunity for further public participation. As the standards under consideration are "at least as effective" as the Federal standards, and have been promulgated in accordance with State law, including an opportunity for public comment and/or public hearings, they are approved without an opportunity for further public comment.

This decision is effective April 8, 1977.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667).)

Signed at Seattle, Washington this 9th day of March, 1977.

JAMES W. LAKE,
Regional Administrator, Occupational Safety and Health Administration.

[FR Doc.77-10477 Filed 4-7-77;8:45 am]

Office of the Secretary

[TA-W-1535]

BURROUGHS CORP.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1535: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 30, 1976 in response to a worker petition received on December 30, 1976 which was filed on behalf of workers and former workers producing computer memory units at the Piscataway, New Jersey plant of Burroughs Corporation.

The Notice of Investigation was published in the FEDERAL REGISTER on January 18, 1977 (42 FR 3368). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the information provided by officials of Burroughs Corporation, the Department of Commerce, the International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof, have increased either actual, or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met.

Evidence developed in the Department's investigation reveals that the Piscataway, New Jersey plant of Burroughs Corporation produces computer memory units exclusively for use in computer mainframes produced at other Burroughs plants. Burroughs transferred production of its ferrite-core memory sub-assemblies (stacks) to off-shore facilities in 1970. Since then none of these sub-assemblies have been produced at Piscataway. Imports of these sub-assemblies have decreased in 1975 and 1976 as Burroughs has replaced them with integrated circuits. Burroughs has never produced these integrated circuits at its own facilities.

Imports of computer mainframes have been negligible from 1972 through 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of computer mainframes into the U.S. have not increased as required in Section 222 of the Trade Act of 1974. The petition is, therefore, denied.

Signed at Washington, D.C. this 29th day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10472 Filed 4-7-77;8:45 am]

[TA-W-1265]

CHARLESTON, SOUTH CAROLINA PLANT OF AIRCO, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1265: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 10, 1976, in response to a worker petition received on that date which was filed by the United Steelworkers of America, Local Union 4161 on behalf of workers and former workers producing high carbon ferrochrome at the Charleston, S.C. plant of Airco, Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on December 3, 1976 (41 FR 53079). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Airco, Inc., the parent firm of the Charleston, S.C. plant, its customers, the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of production workers fell 31 percent in 1975 compared to 1974 and declined 45 percent in the first quarter of 1976 compared to the first quarter of 1975. Employment declined 5 percent in the January through November period of 1976 compared to the like period of 1975.

In 1975, workers increased production for inventory and were assigned duties around the plant unrelated to the production of ferrochrome as the plant sought to maintain its work force during a period of declining orders. Major layoffs occurred in September and November of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales fell 61 percent in units and 38 percent in value in 1975 compared to 1974. Sales continued to decline 5 percent in units and 31 percent in value in the first quarter of 1976 compared to the first quarter of 1975 and then increased 117 percent in units and 72 percent in value in the second quarter of 1976 compared to the second quarter of 1975. Sales increased 67 percent in units and 20 percent in value in the January through November period of 1976 compared to the like period of 1975.

Production decreased 53 percent in 1975 compared to 1974. Production continued to decline 25 percent in the first quarter of 1976 compared to the first quarter of 1975 and then increased 114 percent in the second quarter of 1976 compared to the second quarter of 1975. Production rose 62 percent in the January through November period of 1976 compared to the like period of 1975.

INCREASED IMPORTS

Imports of high carbon ferrochrome increased in every year from 1972 through 1975 when compared to the previous year. Imports increased 122 percent in 1975 compared to 1974 and then decreased 39 percent and 54 percent, respectively, in the first and second quarters of 1976 when compared to the respective quarters of 1975. In the January–October period of 1976 imports increased 28 percent when compared to the same period of 1975.

The ratio of imports to domestic production increased from 54.1 percent in 1974 to 220.3 percent in 1975, rose from 154.0 percent in first quarter of 1975 to 174.7 percent in the first quarter of 1976, but declined from 270.3 percent in the second quarter of 1975 to 85.2 in the second quarter of 1976. The ratio of imports to domestic production decreased from 215.0 percent in the January–October period of 1975 to 118.9 percent in the like period of 1976.

CONTRIBUTED IMPORTANTLY

Customers surveyed indicated they decreased purchases of ferrochrome from Airco, Inc. as imported ferrochrome accounted for an increasing percentage of their total purchases.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with high carbon ferrochrome produced at the Charleston, S.C. plant of Airco, Inc. contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers of the Charleston, S.C. plant of Airco, Inc. totally or partially separated from employment on or after October 10, 1975 and before March 31. 1976 are certified as eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. All workers separated on or after March 31, 1976 are denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C. this 29th day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10473 Filed 4-7-77;8:45 am]

MIGRANT AND OTHER SEASONALLY EMPLOYED FARMWORKERS

Comprehensive Employment and Training Programs

Correction

In FR Doc. 46124, vol. 42, no. 43—Friday, March 4, 1977, dollar amounts for grants which were awarded in the States of Connecticut, Iowa, Maryland, Rhode Island, and Virginia were printed incorrectly. The correct figures are:

Connecticut	New England Farmworkers Council Inc.	$340,681
Iowa	Migrant Action Program	1,290,200
Maryland	Migrant and Seasonal Farmworkers, Inc.	446,971
Rhode Island	New England Farmworkers Council, Inc.	56,899
Virginia	Migrant and Seasonal Farmworkers, Inc.	1,099,322

Signed at Washington, D.C. this 23d day of March 1977.

PAUL A. MAYRAND,
Chief, Division of Farmworker Programs.

[FR Doc.77-10480 Filed 4-7-77;8:45 am]

[TA-W-1348]

TAYLOR FORGE DIVISION, GULF AND WESTERN INDUSTRIES

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1348; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 1, 1976 in response to a worker petition received on December 1, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing carbon steel forged flanges at the Ackerman, Mississippi plant of the Taylor Forge Division, Gulf and Western Industries, Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on December 21, 1976 (41 FR 55605). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Taylor Forge, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average annual employment of production workers at the Ackerman plant decreased 4.3 percent in the fourth quarter of 1975 compared to the like quarter of 1974. Employment declined 48.6 percent from 1975 to 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales data was not made available.

Annual production of flanges at the Ackerman plant declined 59.1 percent in quantity in the fourth quarter of 1975 compared to the like period in 1974.

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Production declined 49.1 percent in quantity in 1976 compared to 1975.

INCREASED IMPORTS

Imports of carbon and stainless forged steel flanges decreased from 23.9 million pounds in 1971 to 23.1 million pounds in 1972 then decreased to 12.7 million pounds in 1973. Imports increased to 45.0 million pounds in 1974. Imports increased to 104.5 million pounds in 1975. Imports decreased 51.2 percent in the first 9 months of 1976 compared to the like period in 1975, from 84.9 million pounds to 41.4 million pounds.

The ratio of imports to domestic production of carbon and stainless steel forged flanges increased from 14.7 percent in 1971 to 15.0 percent in 1972, then decreased to 9.3 percent in 1973. The ratio increased to 31.4 percent in 1974 and 74.3 percent in 1975. The ratio of imports to domestic production of carbon and stainless steel forged flanges decreased in the first 9 months of 1976 compared to the like period in 1975; from 77.5 percent to 65.5 percent.

The import penetration of carbon and stainless steel forged flanges increased dramatically from 1974 to 1975, from 31.4 percent to 74.3 percent. The volume of imports increased 132 percent in 1975 compared to 1974, from 45.0 million pounds to 104.5 million pounds.

In the first 9 months of 1976 compared to the like period in 1975, the volume of imports declined 51.2 percent while the import to production ratio declined from 77.5 percent to 65.5 percent.

The import to production ratio in 1975 and in the first 9 months of 1976 is more than double the ratio of any other year between 1971 and 1974. The import to production ratio in the first 9 months of 1976 is 126.3 percent greater than the average yearly ratio of imports to production for the period 1971 through 1975.

CONTRIBUTED IMPORTANTLY

Customers of Taylor Forge have indicated that they reduced purchases from Taylor Forge and increased purchases of imported flanges. The price differential between domestic and imported flanges was the factor cited as the reason for the switch from Taylor Forge to foreign maufacturers.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with forged steel flanges produced by the Ackerman, Mississippi plant of the Taylor Forge Division, Gulf and Western Industries, Inc. contributed importantly to the total or partial separation of workers at the plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Ackerman, Mississippi plant of the Taylor Forge Division of Gulf and Western Industries, Inc. who became totally or partially separated from employment on or after November 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 29th day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10474 Filed 4-7-77;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR CHEMISTRY

Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation anounces the following meeting:

Name: Advisory Panel for Chemistry.
Date and time: April 28 and 29, 1977; 9 a.m. to 5 p.m. each day.
Place: Room 545, National Science Foundation, 1800 G St. NW., Washington, D.C.
Type of meeting: Part open, Part closed.
Contact person: Dr. Richard S. Nicholson, Division Director for Chemistry, Room 340, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-4262.
Purpose of panel: To provide advice and recommendations concerning support for research in chemistry.
Agenda: April 28, 9 a.m. to 4 p.m.—Open Session. Discussion of topics of concern to the Chemistry Division, including the status of the National Resource for Computational Chemistry, the recent review of chemistry division programs, Foundation policies concerning equipment, and procedures for post-grant evaluation.
4 p.m. to 5 p.m.—Closed Session. For review and evaluation of specific proposals.
April 29, 9 a.m. to 5 p.m.—Open Session. Continuation of topics discussed on April 28, with remarks and presentations by NSF staff on the FY 78 budget, as well as other topics of interest to the Panel and the Foundation.
Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Acting Committee Management Officer.

APRIL 4, 1977.

[FR Doc.77-10373 Filed 4-7-77;8:45 am]

ADVISORY PANEL FOR COMPUTER SCIENCE AND ENGINEERING, AD HOC SUBCOMMITTEE ON THE SPECIAL PROJECTS PROGRAM

Part Open Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Computer Science and Engineering Ad Hoc Subcommittee on the Special Projects Program.
Date: April 25 and 26, 1977.
Time: 9 a.m. each day.
Place: Room 642, National Science Foundation, 1800 G Street NW., Washington, D.C.
Type of meeting: Part open—Open April 25 (9 a.m.–12 noon) April 26 (9 a.m.–3 p.m.); Closed April 25 (1 p.m.–5 p.m.).
Contact person: Mr. Kent K. Curtis, Head, Computer Science Section, telephone: 202-632-7346. Anyone who plans to attend this meeting should notify Mr. Curtis no later than April 22, 1977.
Summary minutes: May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Room 248, National Science Foundation, Washington, D.C. 20550.
Purpose of advisory panel: To provide advice and recommendation concernoing support for research in computer science and engineering.
Agenda: Will include the following discussions and presentations:

APRIL 25

9—Introductory Remarks.
9:15—Brief report on Computer Science and Engineering programs, Head, Computer Science Section.
9:30—Review of the Special Projects Program.
Noon—Recess.
1—Review and discussion of specific Special Projects Program proposals (closed).

APRIL 26

9—Review of the Special Projects Program, continue.
Noon—Recess.
1—Continuation of morning's discussion.
3—Adjourn.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Acting Committee Management Officer.

APRIL 4, 1977.

[FR Doc.77-10372 Filed 4-7-77;8:45 am]

FEDERAL SCIENTIFIC AND TECHNICAL INFORMATION MANAGERS

Meeting

The next meeting of the Federal Scientific and Technical Information Managers will be held on Wednesday, April 13, 1977, from 9:30 a.m.–12 noon, at the National Archives and Records Service, Conference Room 105. Please enter through the Pennsylvania Avenue entrance. The theme of this meeting will be "National Archives and Machine-Readable STI Records."

These meetings, sponsored by the National Science Foundation, provide a forum for the interchange of information concerning common problems and coordination in the areas of Federal scientific and technical information and communications.

These meetings are designed solely for the benefit of Federal employees and officers, and do not fall under the provisions of the Federal Advisory Committee Act (Pub. L. 92-463). However, this meeting is believed to be of sufficient importance and interest to the public to be announced in the FEDERAL REGISTER.

Any persons wishing to attend this meeting or requiring further information should notify Mr. Andrew A. Aines, Division of Science Information, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550, telephone: (202) 632-5836.

LEE G. BURCHINAL,
Director, Division of Science Information.

APRIL 4, 1977.

[FR Doc.77-10393 Filed 4-7-77;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Meeting

The meeting notice for the subject meeting to be held on April 7-9, 1977, (published on March 23 and 24, 1977, volume 42, No. 56 and volume 42, No. 57) is revised as detailed below. This revision involves the scheduling of one session not previously announced, the scheduling of another session and cancellation in part of one other agenda item.

THURSDAY, APRIL 7, 1977

6:30 p.m.–7 p.m.: Executive Session (closed)—Discuss proposed ACRS comments regarding proposed Authorization Legislation for FY-1978 ACRS activities. The ACRS office was informed on April 4, 1977 that the proposed legislation provided for the implementation of a fellowship program to support ACRS activities. On April 5, 1977, the ACRS was asked to supply comments as soon as possible on this legislative proposal. In light of the timing of these events a meeting on this subject could not have been scheduled when the April 7-9 meeting was first noticed.

FRIDAY, APRIL 8, 1977

9 a.m.–10:30 a.m.: Executive Session (closed)—Prepare ACRS reports on:

Cherokee Nuclear Plant
Perkins Nuclear Plant

This was previously announced as scheduled for 5 p.m.–6:30 p.m. on Friday April 8, 1977. It has been rescheduled due to cancellation of the meeting with the NRC Staff on review of the Federal/State Program for Regulation of Commercial Low-Level Waste Burial Grounds which was to have taken place during this same period.

I have determined that in accordance with subsection 10(d) of Pub. L. 92-463 that it is necessary to close the portion of the meeting at which the ACRS will discuss the proposed legislation and formulate its comments thereon to avoid premature disclosure of information which would significantly frustrate proposed Committee/agency action (5 U.S.C. 552b.(c)(9)(B)). Separation of factual information and information considered exempt from disclosure under Exemption (9)(B) during this portion of the meeting is not considered practical.

Dated: April 6, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-10520 Filed 4-7-77;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

PRIVACY ACT OF 1974

Reports on New Systems

The purpose of this notice is to list reports on new systems filed with the Office of Management and Budget to give members of the public the opportunity to make inquiries about them and to comment on them.

The Privacy Act of 1974 requires that agencies give advance notice to the Congress and the Office of Management and Budget of their intent to establish or modify systems of records subject to the Act (5 U.S.C. 552a(o)). During the period March 21, 1977 through April 1, 1977 the Office of Management and Budget received the following reports on new (or revised) systems of records.

DEPARTMENT OF JUSTICE

System name:

Immigration and Naturalization Service Index System.

Report date:

March 11, 1977.

Point-of-contact:

Mr. Harry L. Gastley, Administrative Counsel, Room 1121, Department of Justice, Washington, D.C. 20530.

Summary:

The report proposes to alter the subsystem "centralized index and records relating to but not limited to, aliens lawfully admitted for permanent residence and United States citizens" by providing for access via cathoderay terminals.

DEPARTMENT OF DEFENSE

System name:

Military Personnel Data File.

Report date:

March 17, 1977.

Point-of-contact:

Mr. Cavaney, Defense Privacy Board, Room 5H023 Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20314.

Summary:

The proposed system "will maintain a consolidated joint personnel file • • • which will save time and improve efficiency in the personnel management of the personnel assigned for duty with the U.S. Readiness Command (USREDCOM) • • •"

DEPARTMENT OF COMMERCE

System name:

Users of Public Search Room of the Patent and Trademark Office.

Report date:

March 17, 1977.

Point-of-contact:

Mr. Joseph O. Smiroldo, Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

Summary:

A new system of records is proposed "to protect patent documents from unauthorized removal from the search room • • •"

NATIONAL SCIENCE FOUNDATION

System name:

Roster and Surveys of Doctorate Holders in the U.S.

Report date:

March 18, 1977.

Point-of-contact:

Mr. Herman Fleming, NSF Privacy Act Officer, National Science Foundation, Washington, D.C. 20550.

Summary:

The report proposes a new system of records "from which sample subpopulations may be selected for manpower surveys."

DEPARTMENT OF JUSTICE

System names:

(1) Employee Travel Vouchers and Individual Earnings Records; (2) Employee Health Records; (3) Time Utilization Recordkeeping System.

Report date:

March 23, 1977.

Point-of-contact:

Mr. Harry Gastley, Administrative Counsel, Room 1121, Department of Justice, Washington, D.C. 20530.

Summary:

The report includes two previously unreported systems and one new system, all used for internal administration of the Federal Bureau of Investigation.

FEDERAL ENERGY ADMINISTRATION

System names:

(1) Personnel Records and Management Information System; (2) Payroll System; (3) Accounts Payable Financial; (4) Accounts Receivable Financial; (5) Employee Travel Records; (6) Minority Group Data File; (7) Mailing Lists for Requesters of Energy Related Information.

Report date:

March 25, 1977.

Point-of-contact:

Mr. Furman Layman, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Summary:

The report proposes alteration of the seven systems by the procurement of additional computer support services.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

System names:

(1) Mortgage Insurance Accounting System; (2) Consumer Complaint Handling System.

Report date:

March 29, 1977.

Point-of-contact:

Mr. Harold Rosenthal, Departmental Privacy Act Officer, Departmennt of Housing and Urban Development, Washington, D.C. 20410.

Summary:

The first system is a proposed consolidation and automation of several existing systems of records; the second is a proposed new system for tracking individual consumer complaint actions.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.77-10535 Filed 4-7-77;8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–13417; File No. SR–MSE–77–7]

MIDWEST STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on March 28, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

ARTICLE XXV

"NEXT PROPER SALE"

Rule 10. As to certain stocks dually listed on this Exchange and on another national securities exchange in the State of New York and which stocks have been designated as being in the dual trading system, orders will be accepted for execution as an odd lot based on the last New York sale in effect at the time the order is presented at the specialist post, provided the order is for a number of shares less than the full lot in said stock. An odd lot as part of an order involving a round lot, shall be filled on the basis of the full lot price whether such full lot is executed on Midwest or on another exchange; in such case the order shall be marked "on sale."

Odd lot orders which are entered during trading halt situations will be executed based on the reopening price in the New York market.

EXECUTION TIME

Rule 16. Odd-lot orders in the dual trading system received before 9 a.m. shall be executed on the opening sale in the New York market.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rules changes is as follows:

The purpose of the proposed rule change (Article XXV, Rule 10) is to effect a change in execution procedure for dual issue odd lot market orders from a next sale basis to a last sale basis.

The purpose of the proposed change in Article XXV, Rule 16, is to eliminate a procedure which is unique to the existing next sale execution system but is not applicable to the proposed procedure.

Current execution procedures require that odd-lot market orders in dual issues be executed on the NYSE sale occurring two (2) minutes subsequent to the order's entry on the MSE floor. On occasion this procedure has caused unnecessary delays in report turnaround time due to the additional handling necessitated by the two (2) minute holding period.

It is felt that implementation of a last sale pricing procedure will enable a firm to receive reports of MSE market order odd-lot executions within a very narrow time frame.

Therefore, the proposed rules changes promote just and equitable principles of trade and remove impediments to the perfection of the mechanism of a free and open market.

Comments were solicited from twenty-five member firms who place significant odd lot business on the Midwest Stock Exchange. The majority of those firms responding were in favor of the proposed rule change.

The Midwest Stock Exchange, Incorporated believes that no burdens have been placed on competition.

On or before May 13, 1977, or within such longer period: (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within twenty-one days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 30, 1977.

[FR Doc.77–10467 Filed 4–7–77;8:45 am]

[Rel. No. 9704/April 1, 1977]

THE MUTUAL LIFE INSURANCE COMPANY OF NEW YORK AND THE MONY VARIABLE ACCOUNT–A

Application Pursuant to the Investment Company Act for an Order of Exemption

APRIL 1, 1977.

Notice is hereby given that The Mutual Life Insurance Company of New York ("MONY"), a New York mutual life insurance company, and MONY Variable Account–A ("VA–A"), 1740 Broadway, New York, New York 10019, 812–3910, a separate account of MONY registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company (hereinafter collectively referred to as "Applicants"), filed an application on February 9, 1976 and amendments thereto on February 4, and March 31, 1977, pursuant to Section 6(c) of the Act for an order exempting Applicants from the provisions of Sections 22(e), 27(c)(1) and 27(d) of the Act to the extent necessary to permit compliance by Applicants with certain provisions of the Education Code of the State of Texas. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

MONY established VA–A in 1968, pursuant to the provisions of Section 227 of the New York Insurance Law, for the purpose of providing an investment medium for certain variable annuity contracts. The application considers only VA–A's Individual Multiple Payment and Group Tax-Deferred Variable Annuity Contracts ("Contracts") which are eligible for federal tax-deferred treatment under Section 403(b) of the Internal Revenue Code of 1954, as amended. MONY, which acts as the principal underwriter of the variable annuity contracts participating in VA–A, is a registered broker-dealer under the Securities Exchange Act of 1934 and is a member of the National Association of Securities Dealers, Inc.

In 1967, the State of Texas directed the governing boards of all Texas institutions of higher education to make available to certain employees on Optional Retirement Program ("Program"), codified as Subchapter G of Chapter 51 of the Texas Education Code. The statute provides as the funding media for the Program fixed or variable annuity contracts purchased from any insurance or annuity company qualified to do business in Texas. In 1973, the Texas legislature made two amendments in the Program legislation, which amendments became effective on June 14, 1973. The statutory definition of the Program was amended to provide that the benefits of such annuities are to be available only upon termination of employment in the Texas public institutions of higher education, retirement, death or total disability of the participant. The other amendment added a new Section 51.358 to Subchapter G which also provides that the benefits of such annuities will be available only if the participant dies, terminates his employment due to total disability, accepts retirement, or terminates employment in the Texas public institutions of higher education.

Because of uncertainty regarding the effect of these amendments, the University of Texas System ("System") requested the opinion of the Attorney General of Texas with respect to several questions concerning such amendments. The Attorney General rendered an opinion dated February 18, 1975, in response to the System's letter. The Attorney General interpreted Section 51.358 to prohibit provisions in a variable annuity contract issued in connection with the Program on or after June 14, 1973, which provide for making available the redemption value of such contract prior to the occurrence of one of the conditions specified in the statute, i.e., termination of employment, retirement, death or total disability. Moreover, the opinion further

stated that the prohibitions of Section 51.358 were impliedly in effect upon the establishment of the Program (in 1967) and that notwithstanding any language which may be contained in existing contracts, a participant in the Program has never had the right to redeem his annuity contract other wise than in accordance with the limitations described above. The opinion did not affect the right of a participant to transfer the redemption value of his annuity contract from one carrier to another; accordingly, the granting of the relief requested in the application would not affect such right.

Sections 27(c)(1), 22(e) and 27(d)

Section 27(c)(1) of the Act makes it unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate unless such certificate is a redeemable security. Section 2(a)(32) of the Act defines "redeemable security" to mean any security under the terms of which the holder upon its presentation to the issuer or to a person designated by the issuer is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof.

Section 22(e) of the Act provides that no registered investment company shall suspend the right of redemption or postpone the date of payment or satisfaction upon redemption of any redeemable security in accordance with its terms for more than seven days after the tender of such security to the company or its agent designated for that purpose for redemption except in certain prescribed circumstances.

Section 27(d) of the Act makes it unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate unless the certificate provides that the holder thereof may surrender the certificate at any time within the first eighteen months after the issuance of the certificate and receive in payment thereof, in cash, the sum of (1) the value of his account, and (2) an amount, for such underwriter or depositor, equal to that part of the excess paid for sales loading which is over 15 per centum of the gross payments made by the certificate holder.

Applicants request exemptions from the provisions of Sections 22(e), 27(c)(1) and 27(d) of the Act to the extent necessary to permit compliance with Section 51.358 as it pertains to (i) redemption values under Contracts issued to participants in the Program subsequent to the date of such exemptive order and (ii) redemption values under Contracts issued prior thereto but attributable to payments made subsequent to the date of such order.

Applicants assert that if such exemptions are not granted, persons participating in the Program effectively will be denied an opportunity to select as a funding medium for their retirement benefits one of two funding media (the other being fixed annuity contracts) specifically provided in the Texas statute for such purpose. Additionally, participants will be unable to obtain the State's matching contributions for the purchase of an equity-based retirement vehicle. In this respect, the Attorney General's opinion indicated that these matching contributions will encourage participation in the retirement plan but that unrestricted withhdrawals prior to retirement might be detrimental to an effective retirement vehicle. In view of the foregoing, Applicants assert that the Commission should grant the requested exemptions because: (1) the limited restriction on redemption would be voluntarily assumed by participants, i.e., eligible employees are not required to participate in the Program; (2) the restrictions were not formulated nor suggested by Applicants; and (3) participants' relinquishment of the full right of redemption is a reasonable requirement in exchange for the benefits bestowed by the matching contributions of the State of Texas.

Applicants will ensure that appropriate disclosure is made to persons who consider participation in the Program, informing them of the restriction on the availability of redemption values under Contracts to be issued to them. This disclosure will take the form of an appropriate reference in each Prospectus to the restrictions on redemption of these Contracts, as well as requiring each participant, as a part of the determination that the sale of these Contracts is suitable for that participant, to sign a statement indicating that he/she is aware that these restrictions will be placed on his/her Contract when it is issued. In addition, Applicants will review all sales literature that is to be used in conjunction with the sales of these contracts for the existence of material representations that are inconsistent with the restrictions to be placed on these contracts and will instruct the salespeople involved in soliciting in this market specifically to bring this restriction to the attention of the potential participants.

Section 6(c) authorizes the Commission to exempt any person, security or transaction or any class or classes of persons, securities or transactions, from the provisions of the Act and Rules promulgated thereunder if an to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 26, 1977, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following April 26, 1977, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77–10439 Filed 4–7–77;8:45 am]

[Release No. 34–13413; File No. SR–NYSE–77–9]

NEW YORK STOCK EXCHANGE, INC.

Self Regulatory Organizations; Filing of, and Order Approving, Proposed Rescission of Rules

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on March 24, 1977, the above-mentioned self-regulatory organization (New York Stock Exchange, Inc., 11 Wall Street, New York, New York 10005), filed with the Securities and Exchange Commission proposed rescission of rules as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RESCISSIONS

The text of the proposed rescission is attached as Exhibit I–A.

PURPOSE OF THE PROPOSED RESCISSION

The purpose of the rescission is to eliminate the foreign membership and control restrictions which, according to the SEC, appear to be inconsistent with the Act. The amendments remove the citizenship requirement for a member from Article IX, Sec. 2 of the Constitution and Rule 301.10 and delete the restriction on noncitizen participation in member organizations from Article IX, Sec. 7(k) of the Constitution and Rule 314.11.

BASIS UNDER THE ACT

(i) The proposed amendments will better enable the Exchange to carry out the purposes of the Act as stated by the SEC.

(ii) The proposed amendments are consistent with Section 6(b)(2) of the Act in that they will remove restrictions to becoming a member or a person associated with a member.

(iii) Is inapplicable.

(iv) Is inapplicable.

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(v) They are also consistent with Section 6(b)(5) of the Act in that they eliminate restrictions against brokers and dealers based on citizenship and foreign ownership.

(vi) Is inapplicable.

(vii) Is inapplicable.

(viii) Is inapplicable.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGES

No comments were solicited or received with respect to the subject amendments.

BURDEN ON COMPETITION

The proposed rule rescission will not impose any burden on competition.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 29, 1977.

The Commission finds that the proposed rule rescissions are consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6, and the rules and regulations thereunder.

In Securities Exchange Act Release No. 12157 (Mar. 2, 1976),[1] the Commission commenced a general inquiry, pursuant to Section 31(b) of the Securities Acts Amendments of 1975, with respect to rules of national securities exchanges relating to membership and association with members. In particular, the Commission questioned the consistency of the above-mentioned rules with Sections 6(b)(2), 6(b)(5), and 6(b)(8) of the Act, 15 U.S.C. 78f(b)(2), (5), and (8). Subsequently, in disapproving proposed NYSE Rule 309, which would have barred from NYSE membership foreign controlled organizations except where there was "mutual nondiscrimination," the Commission recognized that its reasoning also led to the conclusion that the above-mentioned rules were inconsistent with the Act.[2] Accordingly, the Commission finds good cause for approving the proposed rescission prior to the thirtieth day after the date of publication of notice of filing of SR-NYSE-77-9.

[1] 41 FR 10662 (Mar. 22, 1976).

[2] See Securities Exchange Act Release No. 12737 (Aug. 25, 1976), 41 FR 38847 (Sept. 13, 1976).

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rescission referenced above be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 30, 1977.

EXHIBIT I-A.—Text of Proposed Rescission

(Deleted language in brackets [ ]; new language in *italics*)

PROPOSED AMENDMENTS TO CONSTITUTION

ARTICLE IX

MEMBERSHIP—ALLIED MEMBERSHIP

MEMBER FIRMS—MEMBER CORPORATIONS

• • • • • •

Sec. 2.—Eligibility.

To be eligible for election as a member of the Exchange, a person must be at least the minimum age of majority required to be responsible for his contracts in each jurisdiction in which he conducts business [and a citizen of the United States]; any person elected shall have all the rights and privileges and shall be under all the duties and **obligation of a member of the Exchange in** accordance with the Constitution.

• • • • • •

Sec. 7.—Approval of Partnerships, Corporations, Allied Members and Approved Persons.

• • • • • •

[(k) No member firm or member corporation shall have as a parent any party other than a citizen of the United States or Canada or a corporation or partnership created or organized under the laws of the United States or Canada, or any State or Province thereof.]

PROPOSED RESCISSION OF RULES

Rule 301 Proposed Transfer of Membership

• • • • • •

Rule 301.10 Age [and citizenship]

An applicant for membership in the Exchange must be at least the minimum age of majority required to be responsible for his contracts in each jurisdiction in which the applicant conducts business [and a citizen of the United States]

(Art. IX, Sec. 2, Para. 1402).

Rule 314 Interest in Business

[.11 Interest of non-citizen participants. Neither the interest in capital or profit of a member organization, owned by all persons as a group who are not United States or Canadian citizens, shall exceed 45%.]

[FR Doc.77-10465 Filed 4-7-77;8:45 am]

PHILADELPHIA STOCK EXCHANGE

Atlas Corp.; Application for Unlisted Trading Privileges and Opportunity for Hearing

APRIL 1, 1977.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the security of the company as set forth below, which security is listed and registered on one or more other national securities exchanges:

Atlas Corporation, "New" Common Stock, $1 Par Value, File No. 7-4928.

Upon receipt of a request, on or before April 17, 1977 from any interested person, the Commission will determine whether the application with respect to the company named shall be set down for hearing. Any such request should state briefly the title of the security in which the person is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no request for a hearing with respect to the particular application is made, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-10452 Filed 4-7-77;8:45 am]

PHILADELPHIA STOCK EXCHANGE

Best Products Co., Inc., and General Exploration Co.; Applications for Unlisted Trading Privileges and Opportunity for Hearing

APRIL 1, 1977.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the securities of the companies as set forth below, which securities are listed and registered on one or more other national securities exchanges:

Best Products Co., Inc., Common Stock, $1 Par Value, File No. 7-4931.

General Exploration Company, Common Stock, $1 Par Value, File No. 7-4932.

Upon receipt of a request, on or before April 17, 1977 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing with respect to any particular applications, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-10454 Filed 4-7-77;8:45 am]

PHILADELPHIA STOCK EXCHANGE

Blue Bell Inc.; Application for Unlisted Trading Privileges and Opportunity for Hearing

APRIL 1, 1977.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the security of the company as set forth below, which security is listed and registered on one or more other national securities exchanges:

Blue Bell Inc., Common Stock, $3.33⅓ Par Value, File No. 7-4929.

Upon receipt of a request, on or before April 17, 1977 from any interested person, the Commission will determine whether the application with respect to the company named shall be set down for hearing. Any such request should state briefly the title of the security in which that person is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no request for a hearing with respect to the particular application is made, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-10451 Filed 4-7-77;8:45 am]

PHILADELPHIA STOCK EXCHANGE

Coca-Cola Bottling Company of New York, Inc.; Application for Unlisted Trading Privileges and Opportunity for Hearing

APRIL 1, 1977.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the security of the company as set forth below, which security is listed and registered on one or more other national securities exchanges:

Coca-Cola Bottling Company of New York, Inc. (The), Common Stock, $.25 Par Value, File No. 7-4930.

Upon receipt of a request, on or before April 1, 1977 from any interested person, the Commission will determine whether the application with respect to the company named shall be set down for hearing. Any such request should state briefly the title of the security in which that person is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no request for a hearing with respect to the particular application is made, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-10453 Filed 4-7-77;8:45 am]

PHILADELPHIA STOCK EXCHANGE

Grolier Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

APRIL 1, 1977.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the security of the company as set forth below, which security is listed and registered on one or more other national securities exchanges:

Grolier Incorporated, Common Stock, $.50 Par Value, File No. 7-4926.

Upon receipt of a request, on or before April 17, 1977 from any interested person, the Commission will determine whether the application with respect to the company named shall be set down for hearing. Any such request should state briefly the title of the security in which that person is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no request for a hearing with respect to the particular application is made, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-10450 Filed 4-7-77;8:45 am]

PHILADELPHIA STOCK EXCHANGE

Pioneer Electronic Corp.; Application for Unlisted Trading Privileges and Opportunity for Hearing

APRIL 1, 1977.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the security of the company as set forth below, which security is listed and registered on one or more other national securities exchanges:

Pioneer Electronic Corporation, American Depository Receipts, 50 Yen Par Value (each American Depository Receipts represents 2 common shares), File No. 7-4927.

Upon receipt of a request, on or before April 1, 1977 from any interested person, the Commission will determine whether the application with respect to the company named shall be set down for hearing. Any such request should state briefly the title of the security in which that person is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date

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specified. If no request for a hearing with respect to the particular application is made, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-10455 Filed 4-7-77;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1288; Amdt. No. 1]

VIRGINIA

Declaration of Disaster Loan Area

The above numbered Presidential Declaration (See 42 FR 8253), is amended by extending the date for physical damage until the close of business on April 28, 1977, and for economic injury until the close of business on November 28, 1977.

Dated: March 31, 1977.

ROGER H. JONES,
Acting Administrator.

[FR Doc.77-10441 Filed 4-7-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 363]

ASSIGNMENT OF HEARINGS

APRIL 5, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 115452 Sub 4, Husband Transport Limited now being assigned June 6, 1977 (1 week) at Buffalo, New York in a hearing room to be later designated.

MC 138762 Sub 1, Municipal Tank Lines Limited now being assigned June 13, 1977 (1 week) at Buffalo, New York in a hearing room to be later designated.

MC 107012 (Sub-No. 229), North American Van Lines, Inc., now being assigned for continued hearing on May 17, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 19227 (Sub-232), Leonard Bros. Trucking Co., Inc.; MC 42011 Sub-31), D. Q. Wise & Co., Inc.; MC 74321 (Sub-127), B. F. Walker, Inc.; MC 83835 (Sub-136), Walen Transportation, Inc.;

MC 93318 (Sub-18), Joe D. Hughes, Inc.; MC 106407 (Sub-31), T. E. Mercer Trucking Co.; MC 106644 (Sub-234), Superior Trucking Company, Inc.; MC 107993 (Sub-51), J. J. Willis Trucking Company; MC 109064 (Sub-32), Tex-O-Ka-N Transportation Company, Inc.; MC 110817 (Sub-22), E. L. Farmer & Company; MC 113459 (Sub-108), H. J. Jeffries Truck Line, Inc.; MC 115604 (Sub-13), Turner Bros. Trucking Company, Inc. and MC 119774 (Sub-91), Eagle Trucking Company, now being assigned May 9, 1977 (2 weeks), at The Whitehall Hotel, 1700 Smith Street, Cullen Center, Houston, Texas and continued to May 23, 1977 (1 week), at The Fairmont Mayo Hotel, 115 West 5th Street, Tulsa, Oklahoma.

MC-C 8826, Agricultural Transportation Association of Illinois, Charles Mansfield, Marvin S. Mason, Lyle C. Becker, Robert Klopp, Freeman L. Vaughn, Frank M. Cavanaugh and A. R. Schertz—Investigation of Operations and Practices now assigned May 9, 1977 at Chicago, Illinois is cancelled and reassigned for pre-hearing conference at the Offices of the Interstate Commerce Commission in Washington, D.C. on May 10, 1977.

MC 101186 Sub 14, Ariedge Transfer, Inc. now assigned April 6, 1977 at Des Moines, Iowa is postponed indefinitely.

MC-C-9433, Ace Lines, Inc.—Investigation and Revocation of Certificates, now assigned May 3, 1977, at Kansas City, Mo. will be held in Room 609, Federal Office Building, 911 Walnut Street.

MC 119777 (Sub-No. 332), Ligon Specialized Hauler, Inc., now assigned May 5, 1977, at Kansas City, Mo. will be held in Room 609, Federal Office Building, 911 Walnut Street.

MC 95540 (Sub-No. 965), Watkins Motor Lines, Inc., now assigned May 6, 1977, at Kansas City, Mo. will be held in Room 609, Federal Office Building, 911 Walnut Street.

AB 102, Missouri-Kansas-Texas Railroad Co. Abandonment Between Bartletsville and Oklahoma City in Osage, Pawnee, Payne, Lincoln, Logan and Oklahoma and F.D. 28210, Missouri-Kansas-Texas Railroad Co.—Trackage Rights—Over Chicago, Rock Island & Pacific Railroad Co. Between Mcalester and Oklahoma City, Okla. now assigned May 9, 1977 at Oklahoma City, Okla. will be held in Room 414, Old Post Office Building, 215 NW. 3rd.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-10463 Filed 4-7-77;8:45 am]

[AB 19 (Sub-No. 33)]

BALTIMORE AND OHIO RAILROAD CO.

Abandonment of "Bowling Green Branch"

MARCH 25, 1977.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by The Baltimore and Ohio Railroad Company of its Bowling Green Branch between Tontogany and North Baltimore, a distance of 19.14 miles, in Wood County, Ohio, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. § 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that because no definitive industrial development plans requiring continuation of rail service by the applicant over the subject line have been formulated, abondonment will not have any serious impact on rural or community development. It was also concluded that abandonment will not adversely affect the Wood County Courthouse and Jail, which is listed on the National Register of Historic Places, nor will it adversely affect any Ohio endangered animal species. Due to the relatively low volume of traffic handled on this line, abandonment and the subsequent diversion of traffic to motor carriers will not significantly affect fuel consumption or air pollution emissions. Finally, it was concluded that the subject line is suitable for other public purposes should abandonment be granted.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before May 11, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.77-10457 Filed 4-7-77;8:45 am]

[AB 43 (Sub-No. 29)]

ILLINOIS CENTRAL GULF RAILROAD CO.

Abandonment of Line

MARCH 25, 1977.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the Illinois Central Gulf Railroad Company (ICG) of its line of railroad between Milepost 12.7 in Lexington and Milepost 24.2 in Gwin, a distance of 11.5 miles, in Holmes County, Miss., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human enviornment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 et seq., and that preparation of detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because the diversion of rail traffic to motor carriers (approximately 3 trucks per day) would result in only minor alterations in fuel consumption, air quality, and ambient noise levels in the affected area. No land use plans of an economic or industrial importance exist which depend upon the continued operation of the line. Consequently, there is no indication that this action will have a serious adverse impact on rural or community development.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before May 11, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.77-10458 Filed 4-7-77;8:45 am]

[AB 43 (Sub-No. 23)]

ILLINOIS CENTRAL GULF RAILROAD CO.

Abandonment of Line

MARCH 25, 1977.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the Illinois Central Gulf Railroad Company (ICG) of its line of railroad between Ethel and Clinton, La., a distance of 8.3 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because of the low volume of traffic over the line. Additionally a 290 foot long bridge was destroyed by fire making the line impassable to Clinton, La., the only shipping or receiving point on the line.

There will not be any significant change in air quality, fuel consumption, or water quality due to the loss of the rail line. No land use plans of economic importance exist which would necessitate the continued operation of the line. Additionally the right-of-way has not been found suitable for transportation or recreation use following abandonment.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before May 11, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of enviromental impacts and reasonable alternatives.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.77-10462 Filed 4-7-77;8:45 am]

[AB 43 (Sub-No. 35)]

ILLINOIS CENTRAL GULF RAILROAD CO.

Abandonment of Line

MARCH 25, 1977.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the Illinois Central Gulf Railroad Company (ICG) of its line of railroad between Milepost 120.91 near Silver Creek and Milepost 148.65 in Mendenhall, a distance of 27.74 miles in Lawrence and Simpson Counties, Miss., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because the diversion of rail traffic to motor carriers (approximately 3 trucks per day) would result in only minor alterations in fuel consumption, air quality, and ambient noise levels in the affected area. No land use plans of an economic or industrial importance exist which depend upon the continued operation of the line. Consequently, there is no indication that this action will have a serious adverse impact on rural or community development.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before May 11, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.77-10461 Filed 4-7-77;8:45 am]

[Notice No. 146]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transferee applications filed unde Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before May 9, 1977. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficent to place interested persons on notice of the proposed transfer.

No. MC-FC-76965, filed March 30, 1977. Transferee: WILLIAM B. MILLER, doing business as BILL MILLER TRUCKING, 1012 9th Avenue, Shenandoah, Iowa 51601. Transferor: K & M Trucking Co., Inc., Box 37, Farragut, Iowa 51639. Applicant's representative: William B. Miller, 1012 9th Avenue, Shenandoah, Iowa 51601. Authority sought for pur-

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chase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 68528, issued May 14, 1971, as follows: Flour, feed, agricultural implements, building materials, and seed from Omaha, Nebr. to Farragut, Iowa, and points within 15 miles of Farragut; building materials from Nebraska City, Nebr. to Farragut, Iowa and points within 15 miles thereof; feed and seed from St. Joseph, Mo. to Farragut, Iowa and points in Page and Freemont Counties, Iowa; livestock from points in Freemont, Mills, Page, and Montgomery Counties, Iowa, on the one hand, and, on th other, Omaha, Nebr. and St. Joseph, Mo.; and livestock, seed, feed, and agricultural implements between Farragut, Iowa and points in Page County, Iowa, on the one hand, and on the other, Kansas City, Kansas, Kansas City, Missouri, and Nebraska City, Nebr. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76979, filed January 28, 1977. Transferee: NIDEROST, INC., 2300 Canyon Road, Ellensburg, Washington 98926. Transferor: Pattons Inc., 2300 Canyon Road, Ellensburg, Washington 98926. Applicant's representative: Frederic P. Holbrook, Attorney at Law, 1226 Taylor North, Suite 8, Seattle, Washington 98101. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC 129516, MC 129516 (Sub-No. 2), MC 129516 (Sub-No. 3), MC 129516 (Sub-No. 5), MC 129516 (Sub-No. 8), MC 129516 (Sub-No. 11), MC 129516 (Sub-No. 13), MC 129516 (Sub-No. 17), MC 129516 (Sub-No. 21), MC 129516 (Sub-No. 24), MC 129516 (Sub-No. 25), MC 129516 (Sub-No. 30), MC 129516 (Sub-No. 31), MC 129516 (Sub-No. 34), and MC 129516 (Sub-No. 39), issued January 17, 1969, July 24, 1970, May 6, 1971, May 1, 1975, March 29, 1973, June 13, 1974, November 12, 1973, April 22, 1974, July 19, 1974, July 19, 1974, June 27, 1975, February 11, 1976, March 5, 1976, November 7, 1975, and August 5, 1976, as follows: Copra meal from San Francisco, Calif. to points in Washington; cottonseed meal from points in California to points in Washington and Oregon; fish meal from points in Washington and Portland, Oreg. to points in Washington, Oregon, and Idaho; alfalfa pellets and alfalfa meal from points in Skagit and Grant Counties, Wash. to points in Multnomah County, Oreg.; feed ingredients from points in Multnomah County, Oreg. to points in Washington; fertilizer from Oakland and Lathrop, Calif. to Seattle, Wash.; alfalfa pellets from specified counties in Washington to specified counties in Oregon; bananas and agricultural commodities from Seattle and Tacoma, Wash. and points in California to ports of entry on the United States-Canada boundary line at specified points in Washington, Idaho, Montana, and North Dakota; animal feed and animal feed ingredients between points in Washington and Oregon; horticultural mulch from Snoqualmia Falls, Wash. to points in Washington, Idaho, and Oregon; frozen pet food ingredients from Edmonds, Wash. to points in California; fruit juices and fruit drinks from points in Orange City, Calif. to specified ports of entry on the United States-Canada boundary line in Idaho, Montana, and North Dakota; fertilizer from Clark County, Wash. to specified counties in Oregon and to ports of entry on the United States- Canada boundary line at specified points in Washington; boron, borax, and borate ingredients from Boron, Calif. to ports of entry on the United States-Canada boundary line at specified points in Washington; canned goods and frozen potatoes from Walla Walla and Pasco, Wash. to ports of entry on the United States-Canada boundary line at specified points in Washington; fertilizer from ports of entry on the United States-Canada boundary line at specified points in Washington, Idaho, and Montana to points in Washington, Oregon, and Idaho; dehydrated potato granules from the port of entry on the United States–Canada boundary line at Sweetgrass, Mont. to San Francisco and Los Angeles, Calif.; Peoria and Chicago, Ill., Fort Worth, Dallas, Lubbock, and Abilene, Tex., and Kansas City, Mo.; and fruit juices and drinks from Visalia, Calif. to port of entry on the United States-Canada boundary line at Oroville, Wash. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–77000, filed March 1, 1977. Transferee: FUND FREIGHT LINES, INC., 1013 Fifth Ave., Monroe, Wisconsin, 53566. Transferor: Pirkle Refrigerated Freight Lines, Inc., P.O. Box 3358, Madison, Wisconsin, 53704. Applicants' representative: Charles W. Singer, 2440 East Commercial Blvd., Ft. Lauderdale, Florida, 33308. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 111375 (Sub-No. 64), issued December 29, 1972, as follows: *Casein, feed, casein equipment, and empty containers* for casein, between points in that part of Wisconsin bounded by a line begininng at Wisconsin Dells, and extending along Wisconsin Highway 23 to Reedsburg, thence along Wisconsin Highway 33 to Union Center, thence along Wisconsin Highway 80 to Elroy, thence along Wisconsin Highway 71 to Junction Wisconsin Highway 131, thence along Wisconsin Highway 131 to Tomah and thence along U.S. Highway 12 to point of beginning, including points on the indicated portions of the highways specified (except those on U.S. Highway 12), on the one hand, and on the other Chicago, Ill.; *Such merchandise*, as is dealt in by both food manufacturing establishments, the business of which is the processing, manufacture, and sale of prepared food products, and wholesale food business houses, and in connection therewith, *equipment, materials*, and *supplies* used in the conduct of such business, when moving to or from warehouses, plants or other facilities of such establishments, Between Chicago, Ill., on the one hand, and on the other, points in that part of Wisconsin south and west of U.S. Highway 12 (not including points located on U.S. Highway 12); *farm machinery and farm supplies*, from Chicago, Ill., and points in Illinois in the Chicago, Ill., Commercial Zones, as defined by the Commission, to points in that part of Wisconsin within 200 miles of Madison, Wis., located south and west of U.S. Highway 12, not including points on the indicated portion of U.S. Highway 12; and *fertilizer*, from Bloom Township (Cook County), Ill., to points in Crawford, Grant, Green, Iowa, Lafayette, Richland, Rock, and Vernon Counties, Wis. (and points in Dane and Sauk Counties, Wis.), located on, south and west of U.S. Highway 12. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–77011, filed March 4, 1977. Transferee: CELERYVALE TRANSPORT, INC., a Tennessee corporation, 1318 East 23d St., Chattanooga, Tenn. 37402. Transferor: Celeryvale Transport, Inc., a Colorado corporation, 1318 East 23d St., Chattanooga, Tenn. 37402. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Ave., Park Ridge, Ill. 60068. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates Nos. MC 134105, MC 134105 (Sub-No. 1), MC 134105 (Sub-No. 11), MC 134105 (Sub-No. 12), issued March 18, 1970, August 14, 1970, April 28, 1975, and June 29, 1976, respectively, as follows: *Bananas and agricultural commodities* when transported with bananas from points in Alabama, Louisiana, Mississippi, and Texas (specified counties excepted) to points in Colorado; also from Mobile, Ala., to points in Alabama, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, Texas, Utah, and Wyoming; *meats, meat products, meat by-products, and articles* distributed by packinghouses from the facilities of Farmland Foods, Inc., at Crete, Nebr., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–77013, filed March 4, 1977. Transferee: C & S SERVICES, INC., 75 Kendridge Rd., Akron, Ohio 44305. Transferor: Akron Express, Inc., 1821 East Market St., Akron, Ohio 44305. Applicant's representative: Paul F. Berry, Attorney at Law, 8 East Broad St., Columbus, Ohio 43215. Authority sought for purchase by transferee of the operating rights of the operating rights of transferor, as set forth in Permit No. MC 139367 (Sub-No. 2), issued March 21, 1975, as follows: *Commodities* dealt in by rubber and rubber products manufacturers between the facilities of the B. F. Goodrich Company at Columbus, Medina, and Akron, Ohio, on the one hand, and, on the other, Detroit, Mich.; and between the facilities of the B. F. Goodrich Company at Akron, and Medina, Ohio. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–77014 filed March 8, 1977. Transferee: LEYTEM TRUCKING, INC., 2315 Jackson St., Dubuque, Iowa 52001. Transferor: Arnold J. Leytem, doing business as Leytem Trucking Co., 525 East 6th St., Dubuque, Iowa 52001. Applicant's representative: Carl E. Munson, 469 Fischer Bldg., Dubuque, Iowa 52001. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate Nos. MC 108962 and MC 108962 (Sub-No. 2), issued April 19, 1948, and May 18, 1966 respectively, as follows: *Heavy machinery and contractors machinery, equipment, materials, and supplies*, between Dubuque, Iowa, and points and places in Iowa within 25 miles of Dubuque, on the one hand, and, on the other, points and places in Wisconsin and Minnesota; and *combination truss-joists*, from the plantsite of Trus-Joist Midwest Corporation at Dubuque, Iowa, to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

MC–FC–77015, filed March 9, 1977. Transferee: PARIS TRANSPORT, INC., 111 North Central Ave., Paris, Illinois 61944. Transferor: Francis Black, doing business as Black Bros., R.R. No. 6, Paris, Illinois 61944. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate Nos. MC 101280 and MC 101280 (Sub-No. 10) issued October 14, 1959, and December 4, 1970, respectively, as follows: *Agricultural commodities and animal and poultry feeds*, from points in Edgar and Vermilion Counties, Ill., to points in Indiana, Kentucky, Missouri, and Tennessee; *agricultural limestone*, from Greencastel and Statesville, Ind., to points in Clark and Edgar Counties, Ill., *animal and poultry feed*, from St. Louis, Mo., to points in Edgar County, Ill., and those in Vigo County, Ind.; from points in the Chicago, Ill., Commercial Zone, as defined by the Commission, to points in Vigo County, Ind., *brick and clay products*, from Statesville and Terre Haute, Ind., to points in Clark and Edgar Counties, Ill.; *coal*, from mines in Clay, Parke, and Vermillion Counties, Ind., to points in Edgar County, Ill.; from Brazil, Ind., and points (other than mines) in Clay County, Ind., within five miles of Brazil and Clinton, Ind., and points (other than mines) in Parke and Vermillion Counties, Ind., within ten miles of Clinton, Ind., to Paris, Ill., and points within ten miles of Paris; from points in Vigo County, Ind., within ten miles of Clinton, Ind., and within five miles of Brazil, Ind., respectively, to Paris, Ill., and points in Clark County, Ill., within ten miles of Paris; from points in Clay, Gibson, Vermillion, and Vigo Counties, Ind., to points in Clark and Edgar Counties, Ill.; from points in Clay, Gibson, Sullivan, Vermillion, and Vigo Counties, Ind., to points in Edgar County, Ill.; from points in Clay, Vermillion, and Vigo Counties, Ind., to points in Clark and Edgar Counties, Ill.

Corn and corn products, from Paris, Ill., to points in Indiana; and *rejected shipments* of corn and corn products, from points in Indiana to Paris, Ill.; *farm machinery and farm implements*, from Indianapolis, Ind., to points in Edgar County, Ill.; *feed and fertilizer*, from Indianapolis, Ind., to points in Edgar County, Ill.; *feed, fertilizer, and fertilizer materials*, from Indianapolis and Terre Haute, Ind., to points in Edgar County, Ill.; *fruits and vegetables*, from points in Kentucky and Tennessee to points in Illinois; *hay and grain*, from points in Clark and Edgar Counties, Ill., to points in Clay, Daviess, Gibson, Greene, Hendricks, Knox, Lawrence, Sullivan, Vanderburgh, Vermillion, Vigo, and Warrick Counties, Ind.; *livestock*, from points in Clark and Edgar Counties, Ill., to Indianapolis and Terre Haute, Ind.; *livestock* and *agricultural commodities*, from points in Clark, Coles, Edgar, and Vermillion Counties, Ill., to Indianapolis, Terre Haute, and Vincennes, Ind.; *lumber*, from saw mills in Marion and Putnam Counties, Ind., to points in Edgar County, Ill.; from the plantsite of the T. A. Foley Lumber Company, in or near Paris, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Oklahoma, Pennsylvania, Tennessee, West Virginia, and Wisconsin; *phosphate*, from points in Giles and Maury Counties, Tenn., to points in Vigo County, Ind., and those in Clark, Edgar, and Vermillion Counties, Ill.; *sand and gravel*, from points in Parke and Vermillion Counties, Ind., to points in Edgar County, Ill.; *shale, gravel, and other road materials*, from points in Vermillion and Vigo Counties, Ind., to points in Edgar County, Ill.; *stone, sand, and gravel*, from Clinton, Ind., to points in Edgar County, Ill.; *wooden fence posts*, from points in Kentucky and Tennesse to points in Edgar County, Ill.; MC 101280 (Sub-No. 10) *corn and corn products* (except liquid commodities, in bulk) from Paris, Ill., to points in Michigan, Ohio (except Dayton and Columbus), and Wisconsin. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–77016, filed March 9, 1977. Transferee: FETZ, INC., P.O. Box 47685, Doraville, Ga. 30362. Transferor: O'Boyle Tank Lines, Inc., P.O. Box 30006, Washington, D.C. 20014. Attorney for Transferee: Guy H. Postell, Esq., 3384 Peachtree Road NE., No. 713, Atlanta, Ga. 30326. Attorney for transferor: William P. Sullivan, Esq., 1819 H Street NW., No. 1030, Washington, D.C. 20006. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 123067 (Sub-No. 95), acquired by transferor pursuant to MC–F–11656, consummated January 29, 1976, as follows: *Fertilizer*, From the plantsite of the Farmers' Chemical Association, Inc., at or near Harrison, Hamilton County, Tenn., to points in Georgia, Kentucky, North Carolina, and South Carolina. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–77021, filed March 11, 1977. Transferee: OCEAN TERMINALS, INC., 410 Park Place Bldg., Seattle, Wash. 98101. Transferor: King Cartage Co., 4700 Denver South, Seattle, Wash. 98134. Applicants' representative: Joseph G. Dail, Jr., Attorney-at-Law, P.O. Box 567, McLean, Va. 22101. Authority sought for purchase by transferee of the operating rights of transferor, set forth in Certificate No. MC 102504, issued December 4, 1956, as follows: General commodities, except those of unusual value, Class A and B explosives, commodities in bulk, and commodities requiring special equipment, between Seattle, Wash., on the one hand, and, on the other, points within three miles of Seattle; and general commodities with the above exceptions, in collection and delivery service, between points in Seattle, Wash. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–77022, filed March 11, 1977. Transferee: INTERNATIONAL TRAILER TRANSPORT, INC., 796 Frelinghuysen Ave., P.O. Box 4067, Newark, N.J. 07112. Transferor: L J P Truck Lines, Inc., 273 Meserole St., Brooklyn, N.Y. 11222. Applicants' representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, N.J. 08904. Authority sought for purchase by transferee of that portion of the operating rights of transferor set forth in Certificate No. MC 59114, issued November 20, 1975, as follows: General commodities, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Elizabeth, N.J., on the one hand, and, on the other, points in Camden, Passaic, Bergen, Hudson, Essex, Union, Middlesex, Monmouth, Mercer, Somerset, Morris, Ocean, and Sussex Counties, N.J., with service at Elizabeth, N.J. restricted to the transportation of traffic having an immediately prior or subsequent movement from or to a point beyond Elizabeth. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a(b).

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-10468 Filed 4-7-77;8:45 am]

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[Docket Nos. AB 37 (Sub-No. 5), AB 7 (Sub-No. 30)]

OREGON-WASHINGTON RAILROAD AND NAVIGATION CO., ET AL.

Abandonment of Operations and Line

MARCH 25, 1977.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment of operations and the line by the Oregon-Washington Railroad and Navigation Company, the Union Pacific Railroad Company, and Chicago, Milwaukee, St. Paul & Pacific Railroad Company between South Montesano and Montesano, a distance of 1.6 miles, in Grays Harbor County, Wash., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that abandonment of this line, and the removal of the railroad bridge across the Chehalis River will have only a minimal effect on rail operations. Inasmuch as the Burlington Northern will continue to provide rail service to Montesano, the station where all of the traffic on the line to be abandoned is generated, there will be no diversion of traffic to motor carriers. Inasmuch as the vast majority of traffic shipped from Montesano moves north, removal of the Chehalis River bridge will for the most part not result in circuitous rail movements. No economic development plans which would conflict with the proposed abandonment have been identified. Furthermore, the line is not considered suitable for alternate public purposes after abandonment.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before May 11, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-10456 Filed 4-7-77;8:45 am]

[AB 12 (Sub-No. 37)]

SOUTHERN PACIFIC TRANSPORTATION CO.

Abandonment of Line

MARCH 25, 1977.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the Southern Pacific Transportation Company of a line of railroad between Quinlf and Rosebud, in Falls and Milam Counties, Tex., a distance of 14.0 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment withint he meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that diversion of rail traffic at the levels of recent years will not result in a significant increase in energy consumption, highway traffic, or air pollution. There are no indications of definite developmental activities which are reliant upon continued service over the line. Therefore, the abandonment is not expected to have a serious adverse impact on rural or community development.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before May 11, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-10459 Filed 4-7-77;8:45 am]

[AB 9 (Sub.No. 7)]

ST. LOUIS-SAN FRANCISCO RAILWAY CO.

Abandonment of Line

MARCH 25, 1977.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the St. Louis-San Francisco Railway Company of its line of railroad between Aliceville and Reform, in Pickens County Ala., a distance of 20.35 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(c) of the NEPA.

It was concluded, among other things, that since all shippers on the line will continue to be served following abandonment, there will be no diversion of rail traffic to motor carrier. Therefore, no increase should occur in energy consumption, highway congestion, or air pollution levels as a result of the abandonment. There are no indications of definite developmental plans which are reliant upon continued service on the line. Therefore, the abandonment is not expected to have a serious adverse impact upon community development.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before May 11, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-10460 Filed 4-7-77;8:45 am]

Office of Proceedings

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

APRIL 8, 1977.

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with Section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute and application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the Federal Register of a notice that the proceeding has been assigned for oral hearing.*

Each applicant states that there will be no significant effect of the quality of the human environment resulting from approval of its application.

No. MC 140829 (Sub-No. 45), filed March 29, 1977. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Harlon, 55 Madison Avenue, Morristown, N.J. 07960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Section A of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Denver, Greeley and Sterling, Colo., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to the transportation of traffic originating at the named origins and destined to named destination points.

NOTE.—Prehearing conference set for April 20, 1977 at Denver, Colorado.

No. MC 142964 (Sub-No. 2), filed March 31, 1977. Applicant: RONAR TRUCKING CO., 32 Commanche Road, Gunnison, Colo. 81230. Applicant's representative: William J. Lippman, Suite 140, Cherry Creek Center, 360 South Monroe, Denver, Colo. 80209. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Denver and Sterling, Colo. to points in Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, Pennsylvania and Vermont; and (2) *materials, equipment and supplies and such other commodities as are used or dealt in by persons engaged in the production and distribution of the commodities named* in (1) above, from points in Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, Pennsylvania and Vermont to Denver and Sterling, Colo. restricted to traffic originating at or destined to the plantsites and facilities utilized by Litvak Meat Co. located at Denver, Colo., and Sterling Colorado Beef Co. located at Sterling, Colo., and further restricted to traffic under a continuing contract or contracts with Litvak Meat Co. and Sterling Colorado Beef Co.

NOTE.—Prehearing conference set for April 20, 1977 at Denver, Colorado.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-10578 Filed 4-7-77;8:45 am]

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sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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1

AGENCY HOLDING THE MEETING: Indian Claims Commission.

TIME AND DATE: 10:15 A.M., April 13, 1977.

PLACE: Room 600, 1730 K Street, NW., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: Docket 22-C, Lipan Apache; Docket 73-A, Seminole; Docket 100-B-1, Klamath and Modoc; Docket 182-A, Fort Sill Apache; Docket 355, Pueblo of Santo Domingo.

FOR MORE INFORMATION: David H. Bigelow, Executive Director, Room 640, 1730 K Street, NW., Washington, D.C. 20006, Tel. 202-653-6174.

[S-113-77 Filed 4-5-77;3:43 pm]

2

AGENCY HOLDING THE MEETING: Federal Power Commission.

APRIL 5, 1977.

The following notice of meeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-409), 5 U.S.C. 552b:

TIME AND DATE: April 12, 1977, 2:00 p.m.

PLACE: 825 North Capitol Street, Room 9306, Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: (Agenda.) Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, Telephone, 202-275-4166.

This is a list of the matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda. However, all public documents may be examined in the Office of Public Information Room 1000.

POWER AGENDA 7584TH MEETING—APRIL 12, 1977 REGULAR MEETING—PART I (2 P.M.)

P-1 Docket No. ER76-285 (Phase II), Public Service Company of New Hampshire.

P-2 Docket No. ER76-249, Lake Superior District Power Company.

P-3 Docket Nos. E-8514, E-9133 and ER76-302, Southern Services, Inc.

P-4 Project No. 2580, Consumers Power Company.

MISCELLANEOUS AGENDA 7548TH MEETING—APRIL 22, 1977 REGULAR MEETING—PART I

M-1 Docket No. RM75-29, Fuel Adjustment Provisions in FPC Rate Schedules.

POWER AGENDA 7584TH MEETING—APRIL 12, 1977 REGULAR MEETING—PART II

CP-1 Docket No. ER77-195, El Paso Electric Company.

CP-2 Docket Nos. ER77-130 and ER77-161, New England Power Service Company.

CP-3 Docket No. ES77-20, Iowa Public Service Company.

CP-4 Project No. 2246, California, Yuba County Water Agency.

CP-5 Project No. 2613, Central Maine Power Company, et al.

CP-6 Project No. 2233, Portland General Electric Company.

MISCELLANEOUS AGENDA 7584TH MEETING—APRIL 12, 1977 REGULAR MEETING—PART II

CM-1 Pacific Gas and Electric Company.

CM-2 Boston Edison Company.

KENNETH F. PLUMB, *Secretary.*

[S-112-77 Filed 4-5-77;3:03 pm]

3

AGENCY HOLDING THE MEETING: Federal Home Loan Bank Board.

[No. 8]

APRIL 4, 1977.

Pursuant to the Government in the Sunshine Act of 1976, 5 U.S.C. 552b(e)(1) and (3), announcement is made of a Board meeting to be held on April 13, 1977, at 320 First St., NW., Room 630, Washington, D.C., at 9:30 a.m. at which the following agency business will be conducted:

Consideration of Advisory Council Travel Authorization.

Branch Office Application, Bell Federal Savings and Loan Association, Chicago, Illinois.

Branch Office Application, First Federal Savings and Loan Association of Vancouver, Vancouver, Washington.

Branch Office Application, Benj. Franklin Federal Savings and Loan Association of Portland, Portland, Oregon.

Limited Facility Application, Peoples Federal Savings and Loan Association, Inglewood, California.

Proposed Modifications of Applications for Insurance of Accounts and Permission to Organize (Application Forms).

Branch Office Application, First Federal Savings and Loan Association of Detroit, Detroit, Michigan.

Consideration of Proposed New § 563.17-3 of the Insurance Regulations Pertaining to Definition of "Market Value."

Mr. Robert Marshall (202-376-3012) is the Board official designated to respond to requests for information pertaining to such meeting.

The Federal Home Loan Bank Board.

RONALD A. SNIDER, *Assistant Secretary.*

[S-111-77-Filed 4-5-77;2:47 pm]

4

AGENCY HOLDING THE MEETING: International Trade Commission.

ADDITIONAL PERSON EXPECTED TO BE PRESENT AT CLOSED PORTION OF MEETING OF MARCH 31, 1877

At its meeting of March 31, 1977, the Commission acting on the authority of 19 U.S. 1335 and in conformity with 19 CFR 201.35(b) and (e)(1), amended the portion of its public notice for the meeting of March 31, 1977, which pertains to the selection of personnel under reorganization (agenda item No. 7) in closed session. Commissioners Parker, Moore, Bedell, and Ablondi determined by recorded vote that the following person and his corresponding affiliation is also expected to be present during the closed portion of the meeting: F. David Foster Assistant to Commissioner Leonard (Commissioners Minchew and Leonard were not present for the vote.)

By order of the Commission.

Issued: March 31, 1977.

KENNETH R. MASON, *Secretary.*

[S-108-77 Filed 4-5-77;1:28 pm]

AGENCY HOLDING THE MEETING: Federal Maritime Commission.

TIME AND DATE: April 13, 1977-10:00 a.m.

PLACE: Room 12126, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agreement No. 57-105: Change of Membership Status for Barber Blue Sea Line.

2. Agreement No. 9982-10, modification of the Scandinavia Baltic/U.S. North Atlantic Westbound Freight Conference.

3. Agreement No. 10142-2, modification of an agency agreement between Lykes Bros. Steamship Co., Inc. and States Steamship Company.

4. Agreement No. 10259, Rationalization Agreement; between U.S. Atlantic and Gulf Trade to Port Harcourt, Nigeria.

5. Special Docket No. 485, *Ford Motor Company* v. *Sea-Land Service, Inc.*

6. Special Docket No. 496, *American Gilsonite Co., Inc.* v. *Lykes Bros. Steamship Co., Inc.*

Portions closed to the public:

1. Hawaiian Marine Lines, Inc., rates applicable on lumber originating in Oregon.

2. Alaska Cargo Lines, Inc., Initial tariff in the Seattle, Washington/Western Alaska trade.

CONTACT PERSON FOR MORE INFORMATION:

Joseph C. Polking, Acting Secretary, 202-523-5727.

[S-109-77-Filed 4-5-77; 1:28 pm]

6

AGENCY HOLDING THE MEETING: International Trade Commission.

COMMISSION MEETING FOR APRIL 18, 1977

Interested members of the public are invited to attend and to observe the meeting of the United States International Trade Commission to be held on Monday, April 18, 1977, beginning at 9:30 a.m., in the Hearing Room of the United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436. Except as hereinafter specified, the Commission plans to consider the following agenda items in open session:

(1) Agenda; (2) Minutes; (3) Exercising devices (Inv. 337-TA-24), if necessary; (4) Status report on television receivers (Inv. 337-TA-23); (5) Possible continuation of the synthetic organic chemical reports; (6) Petitions and complaints—(a) Pipe fittings (Docket No. 441); (b) Face plates (Docket No. 439; and (c) Swimming pools (Docket No. 440); (7) Availability of staff memoranda—see memorandum from the Secretary of March 14, 1977; (8) Items left over from previous agenda; (9) Reorganization.

If you have any questions concerning the agenda for the April 18, 1977, Commission meeting, please contact the Secretary to the Commission at (202) 523-0161. Access to documents to be considered by the Commission at the meeting is provided for by access to the public files of the Commission, or when such documents are not in such files, as provided for in Subpart C of the Commission's rules (19 CFR 201.17-201.21).

On the authority of 19 U.S.C. 1335 and in conformity with 19 CFR 201.38(a), when a person's privacy interests may be directly affected by holding a portion of a Commission meeting in public, that person may request the Commission to close such portion to public observation. Such requests should be communicated to the Office of the Chairman of the Commission.

Pursuant to the specific exemptions of 5 U.S.C. 552b(c) (2) and (6), on the authority of 19 U.S.C. 1335, and in conformity with 19 CFR 201.36(b) (2) and (6), Commissioners Parker, Moore, Bedell, and Ablondi voted to hold the portion of the April 18, 1977, meeting with respect to the selection of personnel under reorganization (agenda item No. 9) in closed session. Commissioners Minchew and Leonard voted against closing this portion to the public.

A majority of the entire membership of the Commission felt that this portion of the meeting should be closed to the public since: (1) The discussion would only concern internal personnel practice and procedures; and (2) the information discussed in such portion would be likely to disclose information of a personal nature which could constitute a clearly unwarranted invasion of personal privacy.

Those persons expected to be present at this closed portion, and their corresponding affiliations, are listed as follows:

Daniel Minchew, Chairman.
Joseph O. Parker, Vice Chairman.
Will E. Leonard, Commissioner.
George M. Moore, Commissioner.
Catherine Bedell, Commissioner.
Italo H. Ablondi, Commissioner.
Kenneth R. Mason, Secretary.
Jayne L. Silva, Staff Assistant (if Mr. Mason is not available).
E. Bernice Morris, Staff Assistant.
Charles R. Ramsdale, Chief, Personnel Division.
Norma H. Warbis, Personnel Management Specialist (if Mr. Ramsdale is not available).
Bruce N. Hatton, Assistant to Commissioner Leonard.

The General Counsel to the Commission certified that it is his opinion that the Commission's action in closing this portion of its meeting of April 18, 1977, was properly taken by a vote of a majority of the entire membership of the Commission pursuant to 5 U.S.C. 552b (d)(1) and in conformity with 19 CFR 201.36(e). The discussion to be held in closed session is within the specific exemptions of 5 U.S.C. 552b(c) (2) and (6) and 19 CFR 201.36(b) (2) and (6).

Issued: April 4, 1977.

By order of the Commission.

KENNETH R. MASON, *Secretary.*
RUSSELL N. SHEWMAKER, *General Counsel.*

[S-110-77 Filed 4-5-77;1:28 pm]

7

AGENCY HOLDING THE MEETING: Federal Reserve System.

CHANGE OF TIME (CANCELLATION) OF A BOARD MEETING ITEM

Discussion of the following item, which was scheduled for the open meeting of the Board of Governors on April 11, 1977, has been cancelled:

Record of discount rate policy actions during 1976 for inclusion in the Annual Report for 1976.

As so modified, the previously announced open items for this meeting are:

1. Request by protestants for an oral presentation on the application of Central Bancompany, Jefferson City, Missouri, to acquire shares of The First National Bank of Mexico, Mexico, Missouri.

2. Proposed purchase of three computers now under lease at the Little Rock, Louisville, and Memphis Federal Reserve Branches.

3. Legislative recommendations for inclusion in the Board's Annual Report for 1976.

4. Proposal to reduce the frequency with which Edge Act corporations engaged in banking must file a certain report with the Board.

5. A possible amendment to Regulation Z (Truth in Lending) to require disclosure of any variable rate interest clause that is part of the contract, (Proposed earlier for public comment; docket no. R-0003). This matter was originally considered at a meeting on March 28, 1977.

6. A possible interpretation of Regulation Z (Truth in Lending), to be issued for comment, exempting credit card systems that bill their customers on a transaction-by-transaction basis rather than on a cumulative account basis from certain of the regulation's provisions.

7. A possible amendment to Regulation Z (Truth in Lending) to permit Spanish language Truth in Lending disclosures in the Commonwealth of Puerto Rico with English language disclosures provided upon the customer's request. (Proposed earlier for public comment; docket no. R-0066).

8. A possible interpretation of Regulation H (Membership of State Banking Institutions in the Federal Reserve System), to be issued for comment, that would extend the existing restrictions on lending secured by property located in a flood hazard area to the purchase of loans so secured.

9. Possible technical amendments to the flood insurance provisions of Regulation H (Membership of State Banking Institutions in the Federal Reserve System) that would exempt certain loans from the insurance purchase requirements of the regulation. These amendments would implement exemptive provisions included in the Housing Authorization Act of 1976.

The meeting will be held at 10 a.m. in the Board's offices at 20th and Constitution Avenue, NW., Washington, D.C. Information may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at 202-452-3204.

Board of Governors of the Federal Reserve System, April 5, 1977.

GRIFFITH L. GARWOOD, *Acting Secretary of the Board.*

[S-115-77 Filed 4-6-77;11:01 am]

8

AGENCY HOLDING THE MEETING: Federal Reserve System.

On Wednesday, April 13, 1977, at 10 a.m. a meeting of the Board of Governors of the Federal Reserve System will be held at the Board's offices at 20th Street and Constitution Avenue, NW., Washington, D.C., to consider the following items of official Board business:

1. A possible amendment to the Board's rules of Employee Responsibilities and Conduct with respect to filing statements of employment and financial interests. This matter was originally scheduled for a meeting on April 8, 1977.

2. Any agenda items carried forward from a previously announced closed meeting.

This meeting will be closed to public observation because the items fall under exemptions contained in the Government in the Sunshine Act (5 U.S.C. 552b (c)). Information with regard to this meeting may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at 202-452-3204.

Board of Governors of the Federal Reserve System, April 5, 1977.

GRIFFITH L. GARWOOD, *Acting Secretary of the Board.*

[S-116-77 Filed 4-6-77;11:01 am]

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federal register

FRIDAY, APRIL 8, 1977

PART II



DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

DEPARTMENT OF THE TREASURY

Internal Revenue Service

■

EMPLOYEE BENEFIT PLANS

Class Exemption for Certain Transactions Between Investment Companies and Employment Benefit Plans

V42168 APR 8 77 UMI

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Prohibited Transaction Exemption 77-4]

EMPLOYEE BENEFIT PLANS

Class Exemption for Certain Transactions Between Investment Companies and Employee Benefit Plans

On November 16, 1976, notice was published in the FEDERAL REGISTER (41 FR 50516) that the Department of Labor (the Department) and the Internal Revenue Service (the Service) had under consideration a proposed class exemption from the restrictions of section 406 of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code), by reason of section 4975(c)(1) of the Code. The class exemption was requested in an application (Application No. D-055) filed by T. Rowe Price Associates, Inc., Scudder, Stevens & Clark, Stein Roe & Farnham and Thorndike, Doran, Paine & Lewis, Inc., investment advisory firms. The class exemption would exempt from the prohibited transaction restrictions the purchase and sale by an employee benefit plan of shares of a registered, open-end investment company when a fiduciary with respect to the plan (e.g., an investment manager) is also the investment adviser for the investment company. The exemption was proposed in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975 and Rev. Proc. 75-26, 1975-1 C.B. 722, and all interested persons were invited to submit comments on the proposed exemption.

Eight comments were received with regard to the proposed exemption, all supporting the grant of the exemption. Three comments supported the exemption as proposed, while one comment suggested that the exemption be expanded to cover so-called mutual fund "in house" plans. This comment was withdrawn after the publication of notice of the pendency of a proposed class exemption for mutal fund "in house" plans in 41 FR 54080.

Each of the remaining comments, while supporting the exemption, contained one or more suggestions for changes in the exemption.

One comment suggested a technical amendment to sections I(c) and II(c) of the exemption to make clear that payment of an investment advisory fee based on total plan assets, from which credit has been subtracted representing the plan's pro rata share of the investment advisory fees paid by the investment company, would not contravene the ban on payment of investment management or investment advisory fees with respect to plan assets invested in shares of the investment company. The comment was accepted, and incorporated in sections I(c) and II(c). In addition, a typographical error in section I(c) has been corrected. Another commentator suggested that the investment adviser be allowed to charge his investment advisory fee or the fee paid for management of the investment company, whichever was higher, so long as no double fee was charged, on the grounds that the higher fee is often necessary for the economic servicing of smaller accounts. This suggestion was not accepted, because it would provide a situation with a potential for abuse involving economic gain for the fiduciary which could not be easily monitored.

Three suggestions were rejected as unnecessary in light of existing provisions in the proposed exemption. The first was to amend section II(e) of the proposed exemption to permit the Board of Trustees to approve the fees paid to the fiduciary/investment adviser. Section II(e) provides for approval by a second fiduciary of fees paid to the fiduciary/investment adviser. Inasmuch as the Board of Trustees is a fiduciary to the plan, if it meets the criteria set forth in section II(d) of the exemption for a second fiduciary independent of and unrelated to the investment adviser, it may approve the fees paid. The second suggestion, that the investment adviser be allowed to invest in its money market fund without receipt of written approval by the second fiduciary, provided it has notified the trustees both by prospectus and orally of its intent to do so, was not accepted, as the methods provided for approval in section II(e) provide enough alternatives to allow flexibility in receipt of approval, and the method suggested by the commentator would not provide adequate documentation of prior approval. Another suggestion, to the effect that the exemption be clarified to state that it covers insurance company separate accounts which invest portions of their assets in mutual funds, the adviser to which is the insurance company, was not accepted because the exemption, as proposed, covers that situation. Plan assets invested in an insurance company separate account remain plan assets under section 401(b)(2)(B) of the Act. The fact that the insurance company need not hold such assets in trust under section 403(b)(2) of the Act, and that therefore the insurance company holds such assets in its own name and not in the name of the plan, does not alter the fact that it, as investment adviser to the plan, is investing plan assets in a mutual fund to which it is an investment adviser. Therefore, to the extent it meets the conditions set forth in the exemption, it may cause the purchase or sale by such separate account of shares of such mutual funds.

Similarly, a suggestion that the exemption be extended to no-load, closed-end investment companies was rejected because insufficient information was provided to determine whether such an extension would be justified.

Finally, one commentator expressed concern that the standard set forth in section II(d) as to what constitutes an unrelated, indepedent fiduciary for purposes of the exemption would be used as the definition of what constitutes an "affiliate" of a bank for purposes of section 408(b)(8) of the Act and section 4975(d)(8) of the Code. Concern was also expressed as to how the standard would operate in situations involving common directors and officers. The first concern is unwarranted, as section II(d) clearly states that the definition set forth is "for purposes of this exemption." With respect to the other concern, section II(d)(3) has been amended to make clear that an officer, director, partner or employee or relative of a fiduciary/investment adviser, or an affiliate thereof, could be a director of the second fiduciary without thereby automatically disqualifying the second fiduciary as being independent of and unrelated to the fiduciary/investment adviser. However, in that case the director must abstain from any participation in the selection of the investment adviser or the approval of any purchases or sales between the plan and the investment company, or the approval of any change of fees charged to or paid by the plan.

General information. The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the plan's participants and beneficiaries and in a prudent fashion in acordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) The exemption set forth herein is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(3) The class exemption is applicable to a particular transaction only if the transaction satisfies the conditions specified in the class exemption.

(4) In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code, and based upon the entire record, including the written comments submitted in response to the notice of November 16, 1976, the Department and the Service make the following determinations:

(i) The class exemption set forth herein is administratively feasible;

(ii) It is in the interests of plans and of their participants and beneficaries; and

(iii) It is protective of the rights of participants and beneficiaries of plans.

Exemption. Accordingly, the following exemption is hereby granted under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-1 C.B. 722:

Section I—Retroactive. Effective January 1, 1975 until 90 days after the date of granting of this exemption, the restrictions of section 406 of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975 (c)(1) of the Code, shall not apply to the purchase or sale by an employee benefit plan of shares of an open-end investment company registered under the Investment Company Act of 1940, the investment adviser for which is also a fiduciary with respect to the plan (or an affiliate of such fiduciary) and is not an employer of employees covered by the plan, provided that the following conditions are met:

(a) The plan does not pay a sales commission in connection with such purchase or sale.

(b) The plan does not pay a redemption fee in connection with the sale by the plan to the investment company of such shares, unless (1) such redemption fee is paid only to the investment company, and (2) the existence of such redemption fee is disclosed in the investment company prospectus in effect both at the time of the purchase of such shares and at the time of such sale.

(c) The plan does not pay an investment management, investment advisory or similar fee with respect to the plan assets invested in such shares for the entire period of such investment. This condition does not preclude (1) the payment of investment advisory fees by the investment company under the terms of its investment advisory agreement adopted in accordance with section 15 of the Investment Company Act of 1940, (2) the payment of an investment advisory fee by the plan based on total plan assets from which a credit has been subtracted representing the plan's pro rata share of investment advisory fees paid by the investment company, or (3) the purchase by the plan of shares of the investment company during any fee period for which the plan prepaid its investment management, investment advisory or similar fee, regardless of whether any part of such prepaid fee is returned to the plan, provided that no investment management, investment advisory or similar fee was or is paid by the plan for any subsequent fee period during any part of which such investment in shares of the investment company was or is retained by the plan.

Section II—Prospective. Effective 90 days after the date of granting of this exemption, the restrictions of section 406 of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) of the Code, shall not apply to the purchase or sale by an employee benefit plan of shares of an open-end investment company registered under the Investment Company Act of 1940, the investment adviser for which is also a fiduciary with respect to the plan (or an affiliate of such fiduciary) and is not an employer of employees covered by the plan (hereinafter referred to as "fiduciary/investment adviser"), provided that the following conditions are met:

(a) The plan does not pay a sales commission in connection with such purchase or sale.

(b) The plan does not pay a redemption fee in connection with the sale by the plan to the investment company of such shares unless (1) such redemption fee is paid only to the investment company, and (2) the existence of such redemption fee is disclosed in the investment company prospectus in effect both at the time of the purchase of such shares and at the time of such sale.

(c) The plan does not pay an investment management, investment advisory or similar fee, the plan purchases shares of the investment company, the requirement of this paragraph (c) shall be deemed met with respect to such prepaid fee if, by a method reasonably designed to accomplish the same, the amount of the prepaid fee that constitutes the fee with respect to the plan assets invested in the investment company shares (1) is anticipated and subtracted from the prepaid fee at the time of payment of such fee, (2) is returned to the plan no later than during the immediately following fee period, or (3) is offset against the prepaid fee for the immediately following fee period or for the fee period immediately following thereafter. For purposes of this paragraph, a fee shall be deemed to be prepaid for any fee period if the amount of such fee is calculated as of a date not later than the first day of such period.

(d) A second fiduciary with respect to the plan, who is independent of and unrelated to the fiduciary/investment adviser or any affiliate thereof, receives a current prospectus issued by the investment company, and full and detailed written disclosure of the investment advisory and other fees charged to or paid by the plan and the investment company, including the nature and extent of any differential between the rates of such fees, the reasons why the fiduciary/investment adviser may consider such purchases to be appropriate for the plan, and whether there are any limitations on the fiduciary/investment adviser with respect to which plan assets may be invested in shares of the investment company and, if so, the nature of such limitations. For purposes of this exemption, such second fiduciary will not be deemed to be independent of and unrelated to the fiduciary/investment adviser or any affiliate thereof if:

(1) Such second fiduciary directly or indirectly controls, is controlled by, or is under common control with the fiduciary/investment adviser or any affiliate thereof;

(2) Such second fiduciary, or any officer, director, partner, employee or relative of such second fiduciary is an officer, director, partner, employee or relative of such fiduciary/investment adviser or any affiliate thereof; or

(3) Such second fiduciary directly or indirectly receives any compensation or other consideration for his or his own personal account in connections with any transaction described in this exemption.

If an officer, director, partner, employe or relative of such fiduciary/investment adviser or any affiliate thereof is a director of such second fiduciary, and if he or she abstains from participation in (i) the choice of the plan's investment adviser, (ii) the approval of any such purchase or sale between the plan and the investment company and (iii) the approval of any change of fees charged to or paid by the plan, then paragraph (d)(2) of this section shall not apply.

For purposes of this exemption, the term "control" means the power to exercise a controlling influence over the management or policies of a person other than an individual, and the term "relative" means a "relative" as that term is defined in section 3(15) of the Act (or a "member of the family" as that term is defined in section 4975(e)(6) of the Code), or a brother, a sister, or a spouse of a brother or a sister.

(e) On the basis of the prospectus and disclosure referred to in paragraph (d), the second fiduciary referred to in paragraph (d) approves such purchases and sales consistent with the responsibilities obligations, and duties imposed on fiduciaries by Part 4 of Title I of the Act. Such approval may be limited solely to the investment advisory and other fees paid by the mutual fund in relation to the fees paid by the plan and need not relate to any other aspects of such investments. In addition, such approval must be either (1) set forth in the plan documents or in the investment management agreement between the plan and the fiduciary/investment adviser, (2) indicated in writing prior to each purchase or sale, or (3) indicated in writing prior to the commencement of a specified purchase or sale program in the shares of such investment company.

(f) The second fiduciary referred to in paragraph (d), or any successor thereto,

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is notified of any change in any of the rates of fees referred to in paragraph (d) and approves in writing the continuation of such purchases or sales and the continued holding of any investment company shares acquired by the plan prior to such change and still held by the plan. Such approval may be limited solely to the investment advisory and other fees paid by the mutual fund in relation to the fees paid by the plan and need not relate to any other aspects of such investment.

Signed at Washington, D.C., this 31st day of March 1977.

J. VERNON BALLARD,
Acting Administrator of Pension and Welfare Benefit Programs, Department of Labor.

WILLIAM E. WILLIAMS,
Acting Commissioner of Internal Revenue.

[FR Doc.77-10156 Filed 4-1-77;11:44 am]

[Prohibited Transaction Exemption 77-3]

EMPLOYEE BENEFIT PLANS

Class Exemption Involving Mutual Fund In-House Plans Requested by the Investment Company Institute

On December 10, 1976, notice was published in the FEDERAL REGISTER (41 FR 54080) that the Department of Labor (the Department) and the Internal Revenue Service (the Service) had under consideration a proposed class exemption from the restrictions of section 406 of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975(a) and (b) of the Internal Revenue Code (the Code), by reason of section 4975(c)(1) of the Code. The class exemption was requested in an application (Application No. D-025), filed by the Investment Company Institute (ICI), a national association of the mutual fund industry. The class exemption would exempt from the prohibited transaction restrictions the acquisition and sale of shares of a registered open-end investment company ("mutual fund") by an employee benefit plan which covers employees of the mutual fund or the mutual fund's investment adviser or principal underwriter, or an affiliate thereof (hereinafter referred to as an "in-house" plan).

The exemption was proposed and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-1 C.B. 722, and all interested persons were invited to submit comments on the proposed exemption.

Six comments were received, all expressing support for the grant of the exemption. Two of the comments urged approval of the exemption as proposed.

A third comment urged that the exemption be extended to in-house plans of closed-end mutual funds. After due consideration, this request was rejected because insufficient information was provided to enable the Department and the Service to determine whether the conditions set forth in the comment would provide adequate safeguards for plans, their participants and beneficiaries, and extending the comment period to secure such information would unjustifiably impose further delay in the granting of the exemption to the applicant. To the extent the commentator perceives the need for an exemption, the Department and the Service invite the commentator to submit an application for a class exemption pursuant to the procedures set forth in ERISA Procedure 75-1 and Rev. Proc. 75-26.

A fourth comment urged that the exemption be granted but that condition (c) of the exemption (which states that for transactions occurring more than 60 days after the grant of the exemption, the plan may not pay a sales commission) be deleted entirely, or be suspended until 60 days after the Securities and Exchange Commission clarifies the application of Rule 22d-1 under the Investment Company Act 1940 to a mutual fund which waives sales commission on sales to in-house plans as required by such condition (c). The commentator further stated that the applicant had received an interpretation from the staff of the Securities and Exchange Commission relating to the uniform offer requirements of Rule 22d-1(f) which would be a satisfactory resolution, for the industry generally, of the problem of sales to in-house plans. Nevertheless, the commentator has requested that condition (c) be either deleted or suspended for an indefinite period of time for the entire class to accommodate its individual situation. Absent a showing of a genuine class problem, the Department and the Service generally will not delete or suspend an otherwise valid class condition to accommodate an individual situation. The Department and Service note that the commentator has stated that it will file with the Securities and Exchange Commission an application for exemption from Rule 22d-1 in the first week in February and that it has on file with the Department and the Service an application for an individual exemption. If the applicant fails to get the relief it seeks from the Securities and Exchange Commission, it may then pursue its request for exemption from the Department and the Service.

Finally, two comments were received from the applicant, noting the requests of the preceding two commentators that the exemption be extended to closed end investment companies and that condition (c) be deleted or suspended, and urging that consideration of those comments not delay the issuance of the exemption.

General information. The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the plan's participants and beneficiaries and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) The class exemption is applicable to a particular transaction only if the transaction satisfies the conditions specified in the class exemption.

(3) The exemption set forth herein is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code, and based upon the entire record, including the written comments submitted in response to the notice of December 10, 1976, the Department and the Service make the following determinations:

(i) The class exemption set forth herein is administratively feasible;

(ii) It is in the interests of plans and of their participants and beneficiaries; and

(iii) It is protective of the rights of participants and beneficiaries of Plans.

Exemption. Accordingly, the exemption proposed in the notice of December 10, 1976, 41 FR 54080 as set forth below is hereby granted under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-1 C.B. 722.

Signed at Washington, D.C. this 31st day of March, 1977.

J. VERNON BALLARD,
Acting Administrator of Pension and Welfare Benefit Programs, Department of Labor.

WILLIAM E. WILLIAMS,
Acting Commissioner of Internal Revenue.

Effective for transactions occurring after December 31, 1974, the restrictions of sections 406 and 407(a) of the Act and the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1) of the Code, shall not apply to the acquisition or sale of shares of an open-end investment company registered under the Investment Company Act of 1940 by an employee benefit plan covering only employees of such investment company, employees of the investment adviser or principal underwriter for such investment company, or employees of any affiliated person (as defined in section 2(a)(3) of the Investment Company Act of 1940) of such investment adviser or principal underwriter, provided that the following conditions are met (whether or not such investment company, investment adviser, principal underwriter or any affiliated person thereof is a fiduciary with respect to the plan):

(a) The plan does not pay any investment management, investment advisory or similar fee to such investment adviser, principal underwriter or affiliated person. This condition does not preclude the payment of investment advisory fees by the investment company under the terms of its investment advisory agreement adopted in accordance with section 15 of the Investment Company Act of 1940.

(b) The plan does not pay a redemption fee in connection with the sale by the plan to the investment company of such shares unless (1) such redemption fee is paid only to the investment company, and (2) the existence of such redemption fee is disclosed in the investment company prospectus in effect both at the time of the acquisition of such shares and at the time of such sale.

(c) In the case of transactions occurring more than 60 days after the granting of this exemption, the plan does not pay a sales commission in connection with such acquisition or sale.

(d) All other dealings between the plan and the investment company, the investment adviser or principal underwriter for the investment company, or any affiliated person of such investment adviser or principal underwriter, are on a basis no less favorable to the plan than such dealings are with other shareholders of the investment company.

[FR Doc.77-10157 Filed 4-1-77;11:44 am]

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federal register

FRIDAY, APRIL 8, 1977
PART III



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

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STUDENT ASSISTANCE PROGRAMS

Proposed Rules

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Parts 144, 175, 176, and 190]

NATIONAL DIRECT STUDENT LOAN, COLLEGE WORK-STUDY, SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT, AND BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAMS

Proposed Rulemaking on Student Eligibility for Payment of Funds

Under the authority contained in section 497(e), Subpart 1 of Part F of Title IV of the Higher Education Act of 1965, as amended (20 U.S.C. 1088f(e)), the Commissioner of Education is giving notice that he proposes to issue, with the approval of the Secretary of Health, Education, and Welfare, the following regulation governing student eligibility for assistance through programs under Title IV.

EXPLANATION OF NEED FOR REGULATIONS

Section 132 of the Education Amendments of 1976, Pub. L. 94-482, 90 Stat. 2150, added a new subsection (e) to section 497 of the Higher Education Act of 1965, as amended, which deals with student eligibility for assistance under Title IV of the Act. The new subsection sets forth certain conditions which must be met if a student is to receive payments under that Title. The text of section 497 (e) is as follows:

(e) Any student assistance received by a student under this title shall entitle the student receiving it to payments only if—

(1) that student is maintaining satisfactory progress in the course of study he is pursuing, according to the standards and practices of the institution at which the student is in attendance, and

(2) that student does not owe a refund on grants previously received at such institution under this title, or is not in default on any loan from a student loan fund at such institution provided for in Part E, or a loan made, insured, or guaranteed under this title for attendance at such institution.

The Commissioner is adding to Parts 144, 175, 176, and 190 of Title 45 of the Code of Federal Regulations provisions required by Section 497(e). The provisions deal with conditions governing the denial of payments to students; the definition, determination, and effect of student-owed refunds; the attribution of grant funds determined to be a student-owned refund; and the definition, determination and effect of student default on loans.

SUMMARY OF COMMENTS PREVIOUSLY RECEIVED

The Commissioner published in the FEDERAL REGISTER, Vol. 41, No. 230, Monday, November 29, 1976, a Notice of Intent to Issue Regulations implementing the provisions of the Education Amendments of 1976 (41 FR 52410). At page 52412, comments were invited concerning the implementation of section 132. Five public conferences were held at various locations between December 13–17, 1976, at which the Office of Education received comments on this and other provisions of the Education Amendments. Further written comments were received through December 30, 1976. The following is a summary of the comments received and the Office of Education's response.

Comment. Three commenters felt that it might be of benefit to institutions in setting reference points for determining what constitutes "satisfactory progress" if the Commissioner were to define broadly, or establish minimum standards in this regard, in the regulations.

Response. This suggestion has been reviewed in the light of Section 497(e). The statute provides that a student is to be maintaining satisfactory progress according to the standards and practices of the institution; thus no minimum standards have been included in the proposed regulations. An institution which lacked such standards would, however, be precluded from making any payments to students under Title IV until it adopted standards.

Comment. Another commenter cited the practice of his own institution, which provides special consideration for what are felt to be "marginal" students, or "slow starters." The institution deems such students to be making "satisfactory progress" if they complete a normal four-year undergraduate program in not more than five academic years.

Response. This type of standard would be compatible with the statute if the institution's standards of satisfactory progress allow for five years for completion of the undergraduate program.

Comment. Another commenter noted that, under present BEOG regulations, students who are allowed to enroll at an institution and who are in attendance and in good standing at the institution are entitled to receive payments without reference to whether they are making "satisfactory progress" as defined by the institution.

Response. The new regulations would not eliminate this provision, but would require that students also be making satisfactory academic progress in order to receive payments of BEOG awards or any other payments under Title IV of the Act.

The National Direct Student Loan Program Regulations being amended, 45 CFR 144, can be found in the FEDERAL REGISTER of November 24, 1976 (41 FR 51946–51973). For the convenience of the reader the section being amended, § 144.15 (45 CFR 144.15) is set out in full. However, comments are requested only on paragraphs (c) through (f) of that section.

The College Work Study Program Regulations being amended, 45 CFR 175, can be found in the FEDERAL REGISTER of September 1, 1976 (41 FR 36872–36895). For the convenience of the reader the section being amended, § 175.9 (45 CFR 175.9) is set out in full. However, comments are requested only on paragraphs (g) through (j) of that section.

The Supplemental Educational Opportunity Grant Program Regulations being amended, 45 CFR 176, can be found in the FEDERAL REGISTER of November 24, 1976 (41 FR 51973–51982). For the convenience of the reader the sections being amended, §§ 176.14 and 176.17, are set out in full. However, comments are requested only on paragraph (g) of § 176.14 and paragraphs (c) through (f) of § 176.17.

The Basic Educational Opportunity Grant Program regulations being amended, 45 CFR 190, can be found in title 45 of the Code of Federal Regulations. For the convenience of the reader the sections being amended, §§ 190.75 and 190.77, are set out in full. However, comments are requested only on paragraphs (c) through (f) of § 190.75 and paragraph (b) of § 190.77.

The implementation of section 132 of the Education Amendments of 1976, Pub. L. 94-482, for the State Student Incentive Grant Program and the Guaranteed Student Loan Program will be handled in a separate document.

INSTRUCTIONS CONCERNING COMMENTS

Interested persons are invited to direct comments concerning these proposed regulations to:

Mr. John R. Proffitt, Director, Division of Eligibility and Agency Evaluation, Room 3030, Regional Office Building 3, 7th and D Streets SW., Washington, D.C. 20202. Telephone: (202) 245-9873.

In order for comments to receive full consideration they should be received not later than 4:30 p.m. on May 10, 1977. The Commissioner will not acknowledge the comments individually, but they will be available for inspection in Room 4068, Regional Office Building 3, between 8:30 a.m. and 4 p.m., Monday through Friday.

Public hearings on these proposed regulations will be held at times, dates, and locations to be announced in a forthcoming issue of the FEDERAL REGISTER.

The Office of Education has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: February 18, 1977.

WILLIAM F. PIERCE,
Acting Commissioner of Education.

Approved: March 31, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare.

PART 144—NATIONAL DIRECT STUDENT LOAN PROGRAM

Section 144.15 of Part 144 of Title 45 of the Code of Federal Regulations is amended to read as follows:

§ 144.15 Disbursement of loans.

(a) Except as provided in paragraphs (c) through (f) of this section, a loan for an academic year shall be advanced by the institution to the student borrower in equal installments in each semester, trimester, or quarter if the institution uses such academic periods (payment period); otherwise, for those institutions not using such academic periods, advances shall be made at least twice per academic year with one advance being at the beginning and the other at the midpoint of that academic year.

(b) Except as provided in paragraphs (c) through (f) of this section, a loan for a period shorter than an academic year shall be advanced by the institution to the student borrower in such installments as are deemed appropriate so as to enable the borrower to apply such payments to the costs reasonably necessary for his attendance at the institution during the academic period for which the loan was approved; except that no borrower may receive, during a given academic period, a loan in an amount in excess of the amount of his need for such a loan during that period, determined pursuant to § 144.14.

(c) No advance of funds may be made unless the institution determines that the borrower:

(1) Is maintaining satisfactory progress in the course of study he is pursuing, according to the standards and practices of the institution at which the student is in attendance:

(2) Is not in default on any loan made from a student loan fund at that institution or on a loan made, insured, or guaranteed under the Guaranteed Student Loan Program (Title IV-B, HEA) for attendance at such institution; and

(3) Does not owe a refund on grants previously received for attendance at such institution under the Basic Educational Opportunity Grant Program, the Supplemental Educational Opportunity Grant Program, or the State Student Incentive Grant Program.

(d) Notwithstanding paragraph (c) of this section, if an institution at the beginning of a payment period determines that the student is not maintaining satisfactory progress, but is able prior to the close of that payment period to reverse that determination, it may advance the loan installment for that period to the student; if that determination is made subsequent to the close of that period no funds may be advanced to the student for that period, nor may the student's award be adjusted to reflect the loss of aid for that period. For purposes of this paragraph, a payment period is the period for which an advance is made under paragraph (a) and (b) of this section.

(e) Notwithstanding paragraph (c) of this section: (1) If a student receives an overpayment, and thus owes a refund, on a grant for attendance at that institution because of institution error, the institution may disburse funds to that student, assuming the student is otherwise eligible to receive such funds, if that student acknowledges in writing the amount of the overpayment and agrees to pay the refund in a reasonable period of time.

(2) If a student receives an overpayment, and thus owes a refund on a Basic Grant awarded for attendance at an institution, that institution may disburse student aid funds to that student, assuming the student is otherwise eligible to receive such funds, if the institution can eliminate the overpayment in the academic year in which the Basic Grant occurred by adjusting subsequent Basic Grant payments due to the student for that year.

(3) If a student receives an overpayment, and thus owes a refund on a Supplemental Educational Opportunity Grant awarded for attendance at an institution, that institution may disburse student aid funds to that student, assuming the student is otherwise eligible to receive such funds, if the institution can eliminate the overpayment in the academic year in which the grant overpayment occurred by adjusting subsequent financial aid payments due to the student for that year.

(f) In determining whether a student is in default on a loan made under the Guaranteed Student Loan Program, the institution may rely on a written statement from the student that he is not in default on a Guaranteed Student Loan made for the purpose of attending that institution.

(g) For purposes of this section a program of training of at least six months duration to prepare students for gainful employment is a recognized occupation shall be considered an academic year.

(h) Loan payments from a Fund shall be evidenced in the institution's records by cancelled checks or vouchers, or, if the institution elects any other method of disbursement, by a clear audit trail including an acknowledgement of receipt from each borrower indicating the method by which payments to him were made.

(i) Loan payments from a Fund shall not be made unless the borrower has filed with the institution the affidavit required pursuant to § 144.9(f) of this part and the institution has complied with the Truth in Lending requirements of Regulation Z (12 CFR 226).

(20 U.S.C. 424, 1087cc.)

PART 175—COLLEGE WORK-STUDY PROGRAM

Section 175.9 of Part 175 of Title 45 of the Code of Federal Regulations is amended to read as follows:

§ 175.9 Eligibility and selection of students.

(a) *Eligibility.* Except as provided in paragraphs (g) through (j) of this section, a student enrolled in an institution of higher education is eligible for part-time employment under this part if such student:

(1) Is a national of the United States, is in the United States for other than a temporary purpose and intends to become a permanent resident thereof, or is a permanent resident of the Trust Territory of the Pacific Islands;

(2) Has been accepted for enrollment as at least a half-time student at the institution or, in the case of a student already attending the institution, is enrolled as at least a half-time student and is in good standing as an undergraduate, graduate, or professional student.

(3) Shows evidence of academic or creative promise and is capable, in the opinion of the institution, of maintaining good standing in such course of study while employed under this program; and

(4) Is in need of the earnings from such employment in order to pursue a course of study at the institution.

(b) *Eligibility of area vocational school students.* Except as provided in paragraphs (g) through (j) of this section, a student enrolled in an area vocational school is eligible for part-time employment under this part if, in addition to the conditions described in paragraphs (a) (1) through (4) of this section, such student:

(1) Has a certificate of graduation from a school providing secondary education or the recognized equivalent of such a certificate; and

(2) Is pursuing a program of education or training which requires at least 6 months to complete and which is designed to prepare the student for gainful employment in a recognized occupation.

(c) *Programs of study abroad.* Except for in paragraphs (g) through (j) of this section, a student participating in a program of study abroad will be considered to be enrolled in his "home" institution if (1) the program of study abroad is arranged or approved in advance by the home institution and (2) the student's academic performance during the program of study abroad becomes a part of his permanent academic record at the home institution in the same manner as if performed at that institution.

(d) *Need.* Except as provided for in paragraphs (g) through (j) of this section, (1) in determining whether a student is in need as described in paragraph (a)(4) of this section, the institution shall take into account the student's actual cost of education at such institution as described in § 175.11 and his expected family contribution as determined pursuant to § 175.12.

(2) A member of a religious community, society, or order who by direction of his or her community, society, or order is pursuing a course of study in an institution or who receives support and maintenance from the community, society, or order shall be deemed not to have financial need.

(e) *Institutional responsibility.* Except as provided for in paragraphs (g) through (j) of this section, each institution participating in the College Work-Study Program shall be responsible for determining the eligibility of the students participating in its program regardless of whether the students will be engaged in work for the institution itself or for a public or private non-profit organization.

(f) *Selection.* Except as provided for in paragraphs (g) through (j) of this section, an eligible institution shall make employment under the Work-Study Program, or equivalent employment offered or arranged for by the institution, reasonably available (to the extent of available funds) to all eligible students in the institution in need thereof. In the event that requests for employment exceed available funds, the institution shall

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give preference in the awarding of employment to those of its students with the greatest financial need. In determining such need the institution shall take into account grant assistance provided such student from any public or private source including grant funds which the student is entitled to receive under the Basic Educational Opportunity Grants Program, whether or not he has applied for such funds. The institution's selection procedures shall be uniformly applied, set forth in writing, and maintained in the files of the institution's office which selects student aid recipients. All applications for employment under this part shall be maintained on file by the institution as specified in § 175.28(c)(2).

(g) No student may be employed under this part unless the institution determines that the student:

(1) Is maintaining satisfactory progress in the course of study he is pursuing, according to the standards and practices of the institution at which the student is in attendance;

(2) Is not in default on any loan made from a student loan fund at that institution or on a loan made, insured, or guaranteed under the Guaranteed Student Loan Program (Title IV–B, HEA) for attendance at such institution; and

(3) Does not owe a refund on grants previously received for attendance at such institution under the Basic Educational Opportunity Grant Program, the Supplemental Educational Opportunity Grant Program, or the State Student Incentive Grant Program.

(h) Notwithstanding paragraph (g) of this section, if an institution at the beginning of a payment period determines that the student is not maintaining satisfactory progress, but is able prior to the close of that payment period to reverse that determination, it may provide employment under this part of that period to the student; if that determination is made subsequent to the close of that period no employment may be provided to the student for that period, nor may the student's award be adjusted to reflect the loss of aid for that period. For the purposes of this paragraph, a payment period is a semester, trimester, or quarter; however, for those institutions which do not utilize such periods it is the period between the beginning of an academic year and the midpoint and the midpoint to the end of that year.

(i) Notwithstanding paragraph (g) of this section: (1) If a student receives an overpayment, and thus owes a refund, on a grant for attendance at that institution because of institutional error, the institution may provide employment to that student if that student acknowledges in writing the amount of the overpayment and agrees to repay the refund in a reasonable period of time.

(2) If a student receives an overpayment and thus owes a refund on a Basic Educational Opportunity Grant awarded for attendance at an institution, that institution may provide employment to that student, assuming the student is otherwise eligible to receive such funds, if the institution can eliminate the overpayment in the academic year in which the Basic Educational Opportunity Grant occurred by adjusting subsequent Basic Educational Opportunity Grant payments due to the student for that year.

(3) If a student receives an overpayment, and thus owes a refund on a Supplemental Educational Opportunity Grant awarded for attendance at an institution, that institution may provide employment to that student, assuming the student is otherwise eligible to receive such funds, if the institution can eliminate the overpayment in the academic year in which the grant overpayment occurred by adjusting subsequent financial aid payments due the student for that year.

(j) In determining whether a student is in default on a loan made under the Guaranteed Student Loan Program, the institution may rely on a written statement from the student that he is not in default on a Guaranteed Student Loan made for the purpose of attending that institution.

(42 U.S.C. 2754)

PART 176—SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS PROGRAM

Section 176.14 of Part 176 of Title 45 of the Code of Federal Regulations is amended to read as follows:

§ 176.14 Coordination of student financial aid programs, grant amount, and overaward.

(a) *Coordinating official.* The institution shall appoint an official who shall have the responsibility of coordinating the program covered by this part with the institution's other Federal and non-Federal programs of student financial aid.

(b) *Total award.* The institution shall not award a Supplemental Grant to a student in an amount which, when combined with all of the resources made available to the student from Federal and non-Federal sources, would exceed the difference between the student's cost of education and his expected family contribution, as determined in accordance with one of the need analysis systems or methods of calculation approved by the Commissioner pursuant to § 176.13; Provided, however, that in no event may the total amount of aid received from all Federal and non-Federal sources exceed the student's cost of education.

(c) *Resources.* For purposes of paragraph (b) of this section, the term "resources made available to the student from Federal and non-Federal sources" includes, but is not limited to, the amount of funds a student is entitled to receive under the Basic Educational Opportunity Grants Program, regardless of whether the student has applied for such funds, any waiver of tuition and fees, any scholarship or grant including Supplemental Educational Opportunity Grants and athletic scholarships, any fellowship or assistanship, any loan made under the Guaranteed Student Loan Program (Title IV–B of the Higher Education Act of 1965) except in cases in which paragraph (c) of this section applies, any long-term loan made by the institution other than under the Guaranteed Student Loan Program, and any expected net earnings from employment during periods for which the student receives a grant. For purposes of this section "net earnings" means gross earnings minus required withholdings and any costs incidental to obtaining such earnings.

(d) *Treatment of Guaranteed Loans.* (1) Except as provided in paragraph (d)(2) of this section, loans made under the Guaranteed Student Loan Program shall not be considered a student resource and may be used to satisfy the expected family contribution of the borrower calculated in accordance with § 176.12. If the amount of such a loan exceeds the borrower's expected family contribution, only such excess shall be considered a student resource.

(2) Loans for which interest benefits are payable under section 428 of Title IV–B of the Higher Education Act of 1965, as amended (20 U.S.C. 1078), shall be considered a student resource and may not be used to satisfy a student's expected family contribution if the borrower has adjusted family income of $25,000 or more as determined in accordance with applicable Guaranteed Student Loan Program Regulations (45 CFR Part 177).

(e) *Administrative responsibility.* The institution's responsibility under paragraph (b) of this section shall extend only to those resources which the institution itself makes available to the student, or about which it knows or has reason to know or can reasonably anticipate at the time that Supplemental Grant funds are disbursed to the student. The amount of net earnings from any employment provided by the institution for any academic year and/or special session covered by the grant award shall be deemed to have been known by the institution at the time of disbursement of such grant.

(f) An institution will be deemed to have violated the requirements of this section only if the sum of all the resources made available to the student, including assistance under this part, exceeded the student's need by more than $100. However, if the resources made available to the student included compensation for work-study employment and the student earned additional money from other employment, the institution will be deemed to have violated the requirements of this section only if the sum of the assistance received by the student exceeded the student's need by more than $200.

(g) Calculation of student owed refund for grant funds disbursed directly to the student. A student owed refund is calculated as follows: (1) Determine the amount of aid disbursed to the student for a payment period for room and board costs and for the transportation allowance included by the institution in the student's budget which was not paid to the institution by the student nor credited to the student's account. For the purposes of this section, a payment period is a period of time covered by the applicable disbursement.

(2) If a student withdraws from or is terminated by an institution prior to the institution's scheduled start of classes, all funds described in paragraph (g)(1) of this section shall be considered an overpayment to be refunded.

(3) If a student withdraws from or is terminated by an institution between the institution's scheduled start of classes and the midpoint of the payment period: (i) Determine the total number of days within the payment period and divide that number in half to determine the number of days to the midpoint of that payment period; (ii) subtract the number of days the student was enrolled during that period from the number of days making up the midpoint; (iii) divide the remainder obtained in paragraph (g)(3)(ii) of this section by the number of days to the midpoint of that payment period; (iv) multiply the amount disbursed to the student as determined in paragraph (g)(1) of this section by the ratio established in paragraph (g)(3)(iii) of this section.

(4) Any institution of higher education which disburses funds to students on a monthly basis or more frequent intervals, shall be exempt from the provisions of paragraph (g)(3) of this section.

(5) If a student withdraws from, or is terminated by the institution after the midpoint of the payment period, none of the funds described in paragraph (g)(1) of this section shall be considered an overpayment.

(6) If at the time the institution determines whether a student is making satisfactory progress in the course of study he is pursuing, it finds that the student did not (i) attend any classes, (ii) prepare any required work, or (iii) take any final examinations during the prior payment period, any funds described in paragraph (g)(1) of this section shall be considered an overpayment to be refunded.

(7) Determine grant funds to be restored. If a refund is determined under paragraphs (g)(2), (3), and (6) of this section, the amount of grant funds to be restored to the appropriate grant account shall bear the same ratio to the total refund as the grant award bears to the sum of the financial aid (i) disbursed to that student and (ii) credited to his account, for that payment period.

(20 U.S.C. 1088f.)

Section 176.17 of Part 176 of Title 45 of the Code of Federal Regulations is amended to read as follows:

§ 176.17 Payment of grant.

(a) A student's award for an academic year shall be divided among payment periods which correspond to the number of semesters, trimesters, or quarters in the institution's academic year. The amounts which may be paid during any payment period shall be in the same ratio to the student's award for the academic year as the length of that payment period bears to the length of the academic year at that institution. An institution which does not utilize such academic terms shall reserve at least half of a student's Supplemental Grant for an academic year for payment to him after the midpoint of such academic year. Within each payment period the institution may pay the student at such times and in such installments as the institution determines will best meet his need for such funds.

(b) Before making the initial payment of a Supplemental Grant for any year to a student the institution shall obtain from that student a written acceptance of the grant and a signed statement indicating that the student received notice of the amount of his Supplemental Grant, of the fact that such amount may not exceed 50 percent of the total amount of student financial aid made available to him through the institution, of the nature and source of the other student financial aid made available to him through the institution, and of the fact that the payment of the Supplemental Grant is conditional on the recipient's maintaining satisfactory progress in the course of study he is pursuing according to the regularly prescribed standards and practices of the institution from which he received the grant and on the recipient's carrying an academic workload sufficient to qualify him as at least a half-time student during the academic year.

(c) No payment of funds may be made unless the institution determines that the student:

(1) Is maintaining satisfactory progress in the course of study he is pursuing, according to the standards and practices of the institution at which the student is in attendance;

(2) Is not in default on any loan made from a student loan fund at that institution or on a loan made, insured, or guaranteed under the Guaranteed Student Loan Program (Title IV–B, HEA) for attendance at such institution; and

(3) Does not owe a refund on grants previously received for attendance at such institution under this part, the Basic Educational Opportunity Grant Program or the State Student Incentive Grant Program.

(d) Notwithstanding paragraph (c) of this section, if an institution at the beginning of a payment period determines that the student is not maintaining satisfactory progress, but is able prior to the close of that payment period to reverse that determination, it may make grant payments for that period to the student; if that determination is made subsequent to the close of that period no funds may be advanced to the student for that period, nor may the student's award be adjusted to reflect the loss of aid for that period.

(e) Notwithstanding paragraph (c) of this section: (1) If a student receives an overpayment, and thus owes a refund, on a grant for attendance at that institution because of institutional error, the institution may disburse funds to that student, assuming that the student is otherwise eligible to receive such funds if that student: (i) Acknowledges in writing the amount of the overpayment and (ii) Agrees to repay the refund in a reasonable period of time.

(2) If a student receives an overpayment and thus owes a refund on a Basic Grant awarded for attendance at an institution, that institution may disburse student aid funds to that student, assuming the student is otherwise eligible to receive such funds, if the institution can eliminate the overpayment in the academic year in which the Basic Grant occurred by adjusting subsequent Basic Grant payments due to the student for that year.

(3) If a student receives an overpayment, and thus owes a refund on a Supplemental Educational Opportunity Grant awarded for attendance at an institution, that institution may disburse student aid funds to that student, assuming that the student is otherwise eligible to receive such funds, if the institution can eliminate the overpayment in the academic year in which the grant overpayment occurred by adjusting subsequent financial aid payments due the student for that year.

(f) In determining whether a student is in default on a loan made under the Guaranteed Student Loan Program, the institution may rely on a written statement from the student that he is not in default on a Guaranteed Student Loan made for the purpose of attending that institution.

(g) A recipient of a Supplemental Grant under this part shall remain eligible to receive payments only if the recipient: (1) Continues to be in exceptional financial need; (2) maintains satisfactory progress in the course of study he is pursuing according to the regularly prescribed standards and practices of the institution from which he received the grant; and (3) carries an academic workload sufficient to qualify him as at least a half-time student during the academic year.

(20 U.S.C. 1070b.)

PART 190—BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Section 190.75 of Part 190 of Title 45 of the Code of Federal Regulations is amended to read as follows:

§ 190.75 Payment of basic educational opportunity grant awards.

(a) An institution pays a Basic Educational Opportunity Grant to a student on the basis of having determined:

(1) That the student applying for the grant meets the eligibility requirements of § 190.3. In making this determination the institution is entitled to rely on information provided by the student if the institution has no direct independent knowledge with respect to that information;

(2) That the student is enrolled as a full-time, three-quarter time, or half-time student;

(3) The student's actual cost of attendance, calculated in accordance with § 190.51;

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(4) The amount of the student's scheduled Basic Educational Opportunity Grant, calculated in accordance with the payment schedule in effect for the period involved;

(5) The amount by which the scheduled Grant Award determined in paragraph (a)(4) of this section should be adjusted for three-quarter and half-time students (this amount is set forth in the disbursement schedule in effect for the period involved); and

(6) The amount, if any, by which the amount determined in paragraph (a)(4) or (5) of this section should be adjusted in accordance with §§ 190.64–190.66.

(b)(1) Institutions shall pay Basic Educational Opportunity Grant awards in equal amounts at least once at the beginning of each semester, trimester, or quarter for those institutions which utilize such academic units. For an institution not utilizing such academic periods, payments shall be made in equal amounts not less than twice during that portion of the school year which falls within the academic year. The institution shall make one payment at the beginning and the other at the midpoint of that portion of the school year which falls within an academic year. In those cases where the student's period of enrollment overlaps two academic years (for instance, the school year extends from February 1 to August 30) and the length of enrollment in either of two academic years is less than three months, only one payment need be made.

(2) Except where prohibited by § 190.76(c), funds paid to a student with respect to an academic period which has already been completed may be paid to such students in one lump sum payment.

(c)(1) Before paying a student an institution shall confirm (i) that the student meets or continues to meet the eligibility requirements of § 190.3 and (ii) that at the beginning of each semester, trimester, or quarter (or for institutions not utilizing such academic periods at the beginning and midpoint of the school year) the student is entitled to receive the amount of grant payment calculated for that period.

(2) If an institution determines at the beginning of a semester, trimester, or quarter, or for institutions not utilizing such academic periods, at the beginning and midpoint of the school year, that the amount calculated for that student no longer reflects the enrollment status of such student at that institution, it shall recalculate the amount of that student's grant payment for that period in accordance with paragraph (a) of this section.

(3) If an institution disburses funds to a student for a particular academic period and during that period the student increases or decreases his academic workload while continuing to meet the eligibility requirements of § 190.3, the institution may, but need not, adjust the amount of the student's grant attributable to that academic period in accordance with this section and with § 190.85.

(4) Except as provided in § 190.78, if an institution disburses funds to a student for a particular academic period and during that period the student becomes ineligible to participate in the program, the payment applicable to that period need not be returned by the student if such payment was not made on the basis of inaccurate information or statements provided by the student; however, the student shall not receive additional basic grant payments unless he reestablishes his eligibility.

(d) No grant may be paid under this part unless the student to whom it is made has filed with the institution of higher education which he intends to attend, or is attending, an affidavit on a form approved by the Commissioner stating that the money attributable to such grant will be used solely for expenses related to attendance or continued attendance at such institution. The student must sign the affidavit in the presence of a notary public or other person who is legally authorized to administer oaths or affirmations and who does not take part in the recruiting of students for enrollment at such institutions. The notary public or other person must enter his signature and as applicable, his seal or stamp on the affidavit form.

(e) Payments to a student may be made by check or by credit to the student's account with the institution. If payments are made to a student by crediting his account, the institution shall retain a receipt signed by the student for each such transaction and the credit entry to the student's account shall be clearly identifiable.

(f) No payment of funds may be made unless the institution determines that the student:

(1) Is maintaining satisfactory progress in the course of study he is pursuing, according to the standards and practices of the institution at which the student is in attendance;

(2) Is not in default on any loan made from a student loan fund at that institution or on a loan made, insured, or guaranteed under the Guaranteed Student Loan Program (Title IV–B, HEA) for attendance at such institution; and

(3) Does not owe a refund on grants previously received for attendance at such institution under this part, the Supplemental Educational Opportunity Grant Program, or the State Student Incentive Grant Program.

(g) Notwithstanding paragraph (f) of this section, if an institution at the beginning of a payment period determines that the student is not maintaining satisfactory progress, but is able prior to the close of that payment period to reverse that determination, it may make payments for that period to the student; if that determination is made subsequent to the close of that period no funds may be advanced to the student for that period, nor may the student's award be adjusted to reflect the loss of aid for that period.

(h) Notwithstanding paragraph (f) of this section: (1) If a student receives an overpayment, and thus owes a refund, on a grant for attendance at that institution because of institutional error, the institution may disburse funds to that student, assuming the student is otherwise eligible to receive such funds, if that student acknowledges in writing the amount of the overpayment and agrees to repay the refund in a reasonable period of time.

(2) If a student receives an overpayment and thus owes a refund on a Basic Grant awarded for attendance at an institution, that institution may disburse student aid funds to that student, assuming the student is otherwise eligible to receive such funds, if the institution can eliminate the overpayment in the academic year in which the Basic Grant occurred by adjusting subsequent Basic Grant payments due to the student for that year.

(3) If a student receives an overpayment, and thus owes a refund on a Supplemental Educational Opportunity Grant awarded for attendance at an institution, that institution may disburse student aid funds to that student, assuming the student is otherwise eligible to receive such funds, if the institution can eliminate the overpayment in the academic year in which the grant overpayment occurred by adjusting subsequent financial aid payments due the student for that year.

(i) In determining whether a student is in default on a loan made under the Guaranteed Student Loan Program, the institution may rely on a written statement from the student that he is not in default on a Guaranteed Student Loan made for the purpose of attending that institution.

(20 U.S.C. 1070a.)

Section 190.77 of Part 190 of Title 45 of the Code of Federal Regulations is amended to read as follows:

§ 190.77 Overpayment of a Basic Educational Opportunity Grant.

(a) In the event that an institution makes an overpayment to a student under this part, the institution shall cooperate fully with the Commissioner by making a reasonable effort to effect the return of such overpayment. The institution is not, however, liable for any overpayments which are not recovered unless such overpayment was made by the institution under circumstances where the regulations of the Commissioner clearly indicate that such payment should not have been made.

(b) Calculation of student owed refund for grant funds disbursed directly to the student. (1) Determine the amount of aid disbursed to the student for a payment period for room and board costs and for the transportation allowance included by the institution in the student's budget which was not paid to the institution by the student nor credited to the student's account. For the purposes of this section; a payment period is a period of time covered by the applicable disbursement.

(2) If a student withdraws from or is terminated by an institution prior to the institution's scheduled start of classes, all funds described in paragraph (b)(1) of this section shall be considered an overpayment to be refunded.

(3) If a student withdraws from or is terminated by an institution between the institution's scheduled start of classes and the midpoint of the payment period, the student's refund shall be calculated as follows: (i) Determine the total number of days within the payment period and divide that number in half to determine the number of days to the midpoint of that payment period; (ii) Subtract the number of days the student was enrolled during that period from the number of days making up the midpoint; (iii) Divide the remainder obtained in paragraph (b)(3)(ii) of this section by the number of days to midpoint of that payment period; (iv) Multiply the amount disbursed to the student as determined in paragraph (b)(1) of this section by the ratio established in (b)(3)(iii) of this section.

(4) Any institution of higher education which disburses funds to students on a monthly basis or more frequent intervals, shall be exempt from the provisions of the paragraph (b)(3) of this section.

(5) If a student withdraws from, or is terminated by the institution after the midpoint of the payment period, none of the funds described in paragraph (b)(1) of this section shall be considered an overpayment.

(6) If at the time the institution determines whether a student is making satisfactory progress in the course of study he is pursuing it finds that the student did not (i) Attend any classes, (ii) Prepare any required work, or (iii) Take any final examinations during the prior payment period, any funds described in paragraph(b)(1) of this section shall be considered an overpayment to be refunded.

(7) Determine grant funds to be restored. If a refund is determined under paragraphs (b)(2), (3), and (6) of this section, the amount of grant funds to be restored to the appropriate grant account shall bear the same ratio to the total refund as the grant award bears to the sum of the financial aid (i) disbursed to that student and (ii) credited to his account, for that payment period.

(20 U.S.C. 1070b.)

[FR Doc.77-10128 Filed 4-7-77;8:45 am]

[45 CFR Part 168]

GENERAL PROVISIONS RELATING TO STUDENT ASSISTANCE PROGRAMS; PROCEDURES FOR THE LIMITATION, SUSPENSION, OR TERMINATION OF INSTITUTIONAL ELIGIBILITY FOR PROGRAMS UNDER TITLE IV OF THE HIGHER EDUCATION ACT OF 1965, AS AMENDED

Proposed Rulemaking

Under the authority contained in section 497A(a)(4) of the Higher Education Act of 1965, as amended (20 U.S.C. 1088f–1), as added by section 133(a) of Pub. L. 94–482, the Commissioner of Education is giving notice that he proposes to issue, with the approval of the Secretary of Health, Education, and Welfare, the following regulations providing procedures for the limitation, suspension, or termination of institutional eligibility for programs under Title IV of the Higher Education Act, as amended.

EXPLANATION OF NEED FOR REGULATIONS

Section 133(a) of the Education Amendments of 1976 added a new section 497A to the Higher Education Act of 1965, as amended. Section 497A(a)(4) authorizes the Commissioner to issue necessary regulations to provide procedures for the limitation, suspension, or termination of the eligibility for any program under Title IV of any otherwise eligible institution when the Commissioner determines, after notice and an opportunity for a hearing, that the institution has violated or failed to carry out any provision of Title IV or the applicable regulations under that title. Section 133(b)(2) directs the Commissioner of Education to issue regulations modifying similar regulations previously issued for the Guaranteed Student Loan Program (45 CFR Part 177, Subpart G), to make them applicable, to the extent possible, to all programs under Title IV of the Act.

The proposed rule promulgates a new Subpart H of Part 168 of Title 45 of the Code of Federal Regulations, establishing procedures for the limitation, suspension, or termination of institutional eligibility for participation in any or all programs under Title IV of the Higher Education Act.

SUMMARY OF COMMENTS PREVIOUSLY RECEIVED

The Commissioner published in the FEDERAL REGISTER, Vol. 41, No. 230, Monday, November 29, 1976, a Notice of Intent to Issue Regulations implementing the provisions of the Education Amendments of 1976 (41 FR 52410). On page 52417, comments were invited concerning procedures for the limitation, suspension, or termination of institutional eligibility for programs under Title IV of the Act. Five Public conferences were held at various locations between December 13–17, 1976, at which the Office of Education received comments on this and other provisions of the Education Amendments. Written comments were also received through December 30, 1976. The following is a summary of the comments received and the Office of Education's response.

Comment. One commenter recommended simply adopting, for all Title IV programs, the regulations already promulgated for the Guaranteed Student Loan Program particularly those provisions designed to assure due process of law.

Response. The Office of Education has retained and adapted many of the previous provisions of the Guaranteed Student Loan Program regualtions in the development of this proposed regulation.

Comment. Several commenters felt that enforcement of these provisions should only be initiated by reports of violations by students, regulatory bodies, or auditors.

Response. The regulations are cast in terms of whether the information that precipitates OE action is reliable and not on the source of that infromation. Of course, generally, the source of information is directly related to its reliability.

Comment. One commenter stated that informal proceedings should not be used in cases of limitation, suspension, or termination. Other commenters suggested case-by-case determination of appropriate action and issuance of a show cause order followed by a staff visit.

Response. The Commissioner, in promulgating these proposed regulations, seeks to provide wherever possible for informal, prompt, and voluntary proceedings to correct violations. He has concluded that the majority of violations and alleged violations can and should be resolved in this manner. Therefore, he has provided for informal compliance procedures in § 168.73.

Comment. Several commenters felt that preventive measures rather than sanctions should be stressed, and that program reviews should be used.

Response. The Commissioner agrees that preventions of violations through program reviews and other methods should be stressed. However, if these are not effective, the remedies and procedures provided in this part will be utilized.

Comment. A commenter recommended that, in cases of deficiencies which could lead to limitation, a plan using administrative monies provided under section 493 should be developed to correct the deficiencies.

Response. The Commissioner is not legally authorized to require that these funds be used in that manner. The statute provides for institutional discretion in this regard once the expenditures required to carry out the consumer information dissemination activities warranted under section 493A of the Act have been accomplished.

Comment. Another commenter recommended that the responsibility within the Office of Education for limiting or removing eligibility should be separate from the responsibility for recommending eligibility.

Response. Both of these matters are the responsibility of the Commissioner. However, the procedures for these two functions are not the same and the OE personnel involved with these questions are not necessarily the same.

SUPPLEMENTARY INFORMATION

Under section 438(a)(3) of the Higher Education Act, as added by Pub. L. 92–318, the Office of Education issued regulations on February 20, 1975, which provided the Office of Education with a procedural framework in accordance with which it could—

(1) Take emergency action for a limited period of time (7 days) to stop the flow of loans to an institution under the Guaranteed Student Loan Program;

(2) Provide a show cause hearing to an institution on a suspension proceeding, the result of which, by regulation, was limited to 60 days unless limitation

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or termination proceedings were started before the suspension ended;

(3) Provide a hearing before an impartial presiding officer in limitation or termination proceedings; and

(4) Provide for reinstatement of institutions after a certain period of time upon a showing that the violations for which they were suspended or terminated were corrected.

The proposed rules establishes similar procedures applicable to all programs under Title IV. Proceedings under the proposed regulation would apply only after an institution, which has met the statutory definitions for eligibility, has both complied with the general provisions governing eligibility for Title IV programs and entered into a special arrangement or agreement to participate in any specific program. These procedures are not applicable to a determination that an institution has or has not met any provision of a statutory definition of eligibility.

The proposed regulation, while similar in many respects to the regulation governing limitation, suspension, or termination proceedings under the Guaranteed Student Loan Program, differs, by reason of statutory differences between the two authorities on which the regulations are based, in two major respects. Section 497A(a)(4) on which this proposed regulation is based, requires the Commissioner to provide a hearing on the record in suspension, limitation, or termination proceedings. It also statutorily limits the period of any suspension to 60 days, unless within that period of time limitation or termination proceedings are initiated. Section 438(a)(3) contained neither of these provisions.

This proposed regulation follows the general format of the regulations issued in Subpart G of Part 177 of Title 45 governing limitation, suspension, or termination of institutional eligibility for the Guaranteed Student Loan Program. These provisions encourage the use of informal compliance procedures. The proposal also allows the Office of Education to take emergency action when it has reliable information that the institution is in substantial violation of Title IV and related regulations, and that a likelihood of substantial loss of funds to the Federal government or to students may occur. The result of emergency action is to withhold additional funds from an institution and to prohibit the institution from making obligations against any student assistance funds which it may have.

The period during which emergency action would be valid is set at 30 days. However, if during that time, suspension or termination proceedings are begun, the Commissioner must provide the institution with an opportunity to show cause that the emergency action is unwarranted, pending the outcome of those proceedings. Administrative experience with the emergency action provided for under the Guaranteed Student Loan Program regulation, limited to 7 days, has proved that period to be too short even to notify an institution that emergency action has been taken. The greater time period is felt to be necessary to permit the institution and the Office of Education to arrive at a voluntary agreement respecting corrective action.

Suspension proceedings under the proposed rule begin with a notice from the Office of Education, effective no earlier than 20 days after issuance, unless the institution requests a hearing or corrects the violation before that time. Any hearing is on the record before an impartial presiding officer. Only after a suspension becomes effective does the 60-day period begin to run. The 60-day period may be extended beyond that date by agreement of the parties, or, as provided in the statute, until the end of a termination proceeding if that is begun before the 60-day period ends. The effect of a suspension is to remove an institution's eligibility for a limited period of time.

A termination proceeding either ends the eligibility of an institution for any or all Title IV programs, or results in limitation of an institution's eligibility. A termination proceeding is a hearing on the record before an impartial presiding officer. Its procedure parallels that provided for a suspension proceeding.

The Commissioner makes the final decision in a termination proceeding either by adopting the initial decision of the presiding officer, or by deciding an appeal from the initial decision of the presiding officer, if that appeal is filed within 20 days of the initial decision.

The proposed rule not only lists some possible types of limitations that may be imposed on an institution as the result of a termination proceeding, but also, for the first time, sets out in a regulation the effects of a termination on the flow of Title IV assistance funds to both the institution and the students attending it. The regulation provides that the flow of funds to the institution ceases when an adverse decision is issued in a termination proceeding, except for the payment of commitments to students already enrolled and attending that institution before the date of termination. Payments based on such commitments may be paid only through the end of the payment period during which the termination was made. The meaning of the term "payment period" may vary according to specific program regulations.

The proposed regulation also allows the Commissioner, the designated OE official, or the presiding officer to require an institution to take reasonable and appropriate corrective action for violations by making repayments or reimbursements of any funds the institution has improperly received, withheld, disbursed or caused to be disbursed.

The proposed regulation allows reinstatement after termination, subject to a waiting period of 24 months after the decision to terminate. Compliance with certain limitations may be a condition of reinstatement. The proposed regulation provides for reinstatement of full eligibility, after a limitation decision, subject to a waiting period of 12 months. Such a reinstatement may be subject to other continuing limitations.

The proposed regulation contemplates the bringing of suspension, limitation, or termination proceedings as expeditiously as possible. However, administrative experience under a similar regulation governing the Guaranteed Student Loan Program has shown that the time allowed for taking action under that regulation was unrealistically short. Consequently, the following major differences are proposed for this regulation:

(1) The period of emergency action extends for 30 days (rather than 7 days). If, however, suspension or termination proceedings are begun, and the emergency action continues, the institution is entitled to request a show cause hearing for a determination why the emergency action should not be rescinded altogether;

(2) The effective date of a suspension or termination under the proposed rule may be no earlier than 20 days after sending the notice (rather than 15 days). This additional time will allow the institution ample time to decide upon the response it wishes to file. An institution which appeals the action and requests a hearing is not subject to suspension until the hearing is concluded.

INSTRUCTIONS CONCERNING COMMENTS

Interested persons are invited to direct comments concerning these proposed regulations to:

Mr. John R. Proffitt, Director, Division of Eligibility and Agency Evaluation, Room 3030, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C. 20202. Telephone: (202) 245-9873.

In order for comments to receive full consideration they should be received not later than 4:30 p.m. on May 10, 1977. The Commissioner will not acknowledge the comments individually, but they will be available for inspection in Room 4068, Regional Office Building 3, between 8:30 a.m. and 4:00 p.m., Monday through Friday.

Public hearings on these proposed regulations will be held at times, dates, and locations to be announced in a forthcoming issue of the FEDERAL REGISTER.

The Office of Education has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: February 11, 1977.

WILLIAM F. PIERCE,
Acting Commissioner of Education.

Approved: March 31, 1977.

JOSEPH A. CALIFANO, JR.,
Secretary of Health, Education, and Welfare.

Chapter I of Title 45 of the Code of Federal Regulations is amended by adding Part 168 to read as follows:

PART 168—GENERAL PROVISIONS RELATING TO STUDENT ASSISTANCE PROGRAMS

Subpart H—Procedures for the Limitation, Suspension, or Termination of Institutional Eligibility for Programs Under Title IV of the Higher Education Act of 1965, as Amended

Sec.
168.71 Purpose and scope.
168.72 Definitions.
168.73 Informal compliance procedures.
168.74 Emergency action.
168.75 Suspension proceedings.
168.76 Termination proceedings.
168.77 Initial and final decisions.
168.78 Verification of mailing dates.
168.79 Effect of termination proceeding.
168.80 Limitation.
168.81 Termination.
168.82 Reimbursements, refunds, and offsets.
168.83 Reinstatement after termination.
168.84 Removal of limitation.

AUTHORITY: Sec. 497A(a)(4) of the Higher Education Act of 1965, as added by sec. 133 of Pub. L. 94-482, 90 Stat. 2150-2151, 20 U.S.C. 1088f-1(a)(4), unless otherwise noted.

Subpart H—Procedures for the Limitation, Suspension, or Termination of Institutional Eligibility for Programs under Title IV of the Higher Education Act of 1965, as amended

§ 168.71 Purpose and scope.

(a) This subpart establishes rules for the limitation, suspension, or termination of the eligibility of an otherwise eligible institution participating in any or all programs authorized by Title IV of the Higher Education Act of 1965. These rules apply to an institution which violates any provision of that Title or any regulation, special arrangement, agreement or limitation prescribed under that Title. These rules also apply to an institution participating in the Guaranteed Student Loan Program which comes within the terms of 45 CFR 177.66.

(b) This subpart does not apply to a determination (1) that an institution of higher education fails to meet the statutory definition set forth in sections 435(b), 491(b)(3), or 1201(a) of the Act, or (2) that a vocational school fails to meet the statutory definition set forth in section 435(c) of the Act.

(c) This subpart does not apply to administrative action by the Department of Health, Education, and Welfare based on any alleged violation of Title VI of the Civil Rights Act of 1964, which is governed by 45 CFR Parts 80 and 81; Title IX of the Education Amendments of 1972, which is governed by 45 CFR Part 86; or the Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Provisions Act, as amended) which is governed by 45 CFR Part 99.

(20 U.S.C. 1088f-1(a)(4).)

§ 168.72 Definitions.

"Act" means the Higher Education Act of 1965, as amended.

"Designated OE official" means an official of the U.S. Office of Education, to whom the Commissioner has delegated responsibilities indicated in this subpart.

"Eligible institution" means (1) an institution of higher education, (2) a vocational school, or (3) with respect to students who are nationals of the United States, an institution outside the United States which is comparable to an institution of higher education or to a vocational school and which has been approved by the Commissioner for purposes of participation in Title IV programs.

(20 U.S.C. 1088f 1(e); 1085(a).)

"Funds" means any money, commitments to provide money and commitments of insurance or reinsurance provided under any or all Title IV programs to an institution or to students enrolled and attending an institution.

"Institution of higher education" means an institution as defined in sections 435(b), 491(b), and 1201(a) of the Act.

(20 U.S.C. 1085(b), 1088(b), 1141(a).)

"Limitation" means the continuation of an institution's eligibility for any or all Title IV programs subject to compliance with special conditions which the Commissioner has set as a result of a decision in a termination proceeding.

"Suspension" means the removal of an institution's eligibility for any or all Title IV programs for a period of time.

"Termination" means the unqualified removal of an institution's eligibility for any or all Title IV programs for an indefinite period of time.

"Title IV" means Title IV of the Higher Education Act of 1965. The programs under that title, and the governing statutory and regulatory provisions, are as follows:

Program	Statutory provisions	Regulatory provisions
National direct student loan program	Title IV-E, HEA	45 CFR pt. 144
Educational opportunity center program	Title IV-A-4, HEA	45 CFR pt. 154
Upward bound program	do	45 CFR pt. 155
Special services for disadvantaged students program	do	45 CFR pt. 157
Talent search program	do	45 CFR pt. 159
College work-study program	Title IV-C, HEA	45 CFR pt. 175
Supplemental educational opportunity grant program	Title IV-A-2, HEA	45 CFR pt. 176
Federal, State, and private programs of low-interest loans to vocational students and students in institutions of higher education	Title IV-B, HEA	45 CFR pt. 177
Veterans cost-of-instruction payments to institutions of higher learning	Title IV-A-6, HEA	45 CFR pt. 189
Basic educational opportunity grant program	Title IV-A-1, HEA	45 CFR pt. 190
State student incentive grant program	Title IV-A-3, HEA	45 CFR pt. 192

"Vocational school" means a school as defined in section 435(c) of the Act.

(20 U.S.C. 1085(c).)

(20 U.S.C. 1088f 1(a)(4), unless otherwise noted.)

§ 168.73 Informal compliance procedures.

(a) If the Commissioner receives a complaint, or has other information which the Commissioner believes to be reliable, indicating that an institution is, or may be, in violation of applicable laws, regulations, special arrangements, agreements, or limitations, the Commissioner may call the matter to the attention of the institution and may give it a reasonable opportunity—

(1) To respond to the complaint or other information;

(2) To show that the matter has been corrected; or

(3) To submit an acceptable plan to correct the violation and prevent its recurrence.

(b) The procedures provided in this Subpart for suspension or termination need not be delayed during the informal compliance procedure if the Commissioner believes—

(1) The delay would have an adverse effect on any or all Title IV programs, or

(2) The informal compliance procedure will not result in a correction of the alleged violation.

(20 U.S.C. 1088f-1(a)(4).)

§ 168.74 Emergency action.

(a) The Office of Education, through a designated OE official, may take emergency action to withhold funds from an institution or its students and to withdraw the authority of an institution to obligate funds under any or all Title IV programs if the designated OE official—

(1) Receives reliable information that an institution is in violation of applicable laws, regulations, special arrangements, agreements, or limitations,

(2) Determines that such action is necessary to prevent the likelihood of substantial loss of funds to the Federal government or to the students at the institution, and

(3) Determines that the likelihood of loss outweighs the importance of following the procedures set forth in this subpart for suspension or termination.

(b) The designated OE official begins an emergency action by notifying the institution, by certified mail with return receipt requested, of the action and the basis on which it is taken. The effective date of the action is the date on which the notice is mailed.

(c) An emergency action shall not exceed 30 days unless suspension or termination proceedings are begun under this subpart before the expiration of that period. In such case, the period may be extended until the completion of those proceedings, including any appeal to the Commissioner.

(d) If suspension or termination proceedings are begun, the Commissioner shall provide the institution, if it so requests, an opportunity to show cause that the emergency action is unwarranted, pending the outcome of those proceedings.

(20 U.S.C. 1088f-1(a), 1232c(c), 1232d. and section 113(b) of Pub. L. 94-482.)

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§ 168.75 Suspension proceedings.

(a) *Scope and consequences.* From its effective date, a suspension removes an institution's eligibility for any or all Title IV programs for a period of time not exceeding 60 days unless—

(1) The institution and the designated OE official agree to an extension where the institution has not requested a hearing, or

(2) The designated OE official begins a termination proceeding under § 168.76.

(b) *Procedures.* (1) The designated OE official begins suspension proceedings by sending a notice to an institution by certified mail with return receipt requested. The notice must—

(i) Inform the institution of the intent of the Office of Education to suspend the institution's eligibility, cite the consequences of that action, and identify the alleged violations which constitute the basis for the action;

(ii) Specify the proposed effective date of the suspension, which shall be at least 20 days after the date of mailing of the notice of intent;

(iii) Inform the institution that the suspension will not be effective on the date specified in the notice if the Office of Education receives, at least 5 days before that date, a request for a hearing or written material indicating why the suspension should not take place; and

(iv) Invite voluntary efforts to correct the violation(s) which led to the commencement of the action.

(2) If the institution does not request a hearing, but submits written material, the designated OE official, after considering that material, notifies the institution that—

(i) The proposed suspension is dismissed, or

(ii) The suspension is effective as of a specified date.

(3) If the institution on a timely basis requests a hearing, the designated OE official sets a date and place for it. The date will be at least 15 days after the designated OE official receives the request. No suspension takes place until a hearing is held.

(4) At the hearing, the presiding officer shall consider any written material presented to him before the hearing or any material or other evidence presented to him during the course of the hearing.

(5) If, after considering the evidence, the presiding officer concludes that the suspension is warranted, the presiding officer may suspend the eligibility of all or part of the institution.

(c) Notice of the suspension must be promptly mailed to the institution. The suspension takes effect either upon the date of mailing or the original proposed effective date stated in the notice of intent, whichever is later.

(d) A suspension shall not exceed 60 days unless termination proceedings are begun under this subpart before the expiration of that period. In such case, the period may be extended until the completion of those proceedings, including any appeal to the Commissioner.

(20 U.S.C. 1088f–1(a)(4).)

§ 168.76 Termination proceedings.

(a) *Scope and consequences.* From its effective date, a termination shall either—

(1) End the eligibility of an institution for any or all Title IV programs, or

(2) Result in limitations on an institution's eligibility.

(b) *Procedures.* (1) The designated OE official begins a termination proceeding, whether or not a suspension proceeding has begun under § 168.75, by sending an institution a notice, by certified mail with return receipt requested. This notice must—

(i) Inform the institution of the intent of the Office of Education to terminate the institution's eligibility, cite the consequences of that action, and identify the alleged violations which constitute the basis for the action;

(ii) Specify the proposed effective date of the termination, which shall be at least 20 days after the date of mailing of the notice of intent;

(iii) Inform the institution that the termination will not be effective on the date specified in the notice if the Office of Education receives, at least 5 days before that date, a request for a hearing or written material indicating why the termination should not take place;

(iv) Invite voluntary efforts to correct the violation(s) which led to the initiation of the action.

(2) If the institution does not request a hearing but submits written material, the designated OE official, after considering that material, notifies the institution that;

(i) The proposed termination is dismissed,

(ii) Limitations are effective as of a specified date, or

(iii) The termination is effective as of a specified date.

(3) If the institution on a timely basis requests a hearing, the designated OE official sets a date and a place for it. The date will be at least 15 days after the designated OE official receives the request. No proposed termination takes place until after a hearing is held.

(4) A presiding officer conducts the hearing on the record.

(5) At the hearing the presiding officer shall consider any written material presented to him before the hearing, or any material or other evidence presented to him during the course of the hearing.

(6) If, after considering the evidence the presiding officer concludes that limitation or termination is warranted the presiding officer may limit or terminate the institution's eligibility in whole or in part.

(c) *Expedited hearings.* With the approval of the presiding officer and the mutual consent of the parties, any time schedules specified in this section may be shortened.

(20 U.S.C. 1088f–1(a)(4).)

§ 168.77 Initial and final decisions.

(a) The presiding officer issues an initial decision in any termination proceeding based on findings of fact and conclusions of law. Findings of fact shall be based only on evidence considered at the hearing and matters of which official notice has been taken. The initial decision of the presiding officer becomes the Commissioner's final decision 20 days after being issued, unless within that 20-day period the institution or the designated OE official appeals the decision to the Commissioner.

(b) Within a period of time specified by the Commissioner, the party that appeals to the Commissioner may submit any additional written material, including exceptions to the initial decision, proposed findings and conclusions, and supporting briefs and statements. The opposing party shall respond within such time as the Commissioner specifies. Parties making any submission to the Commissioner must provide a copy to each party that participated in the hearing.

(c) The initial decision of the presiding officer limiting or terminating the institution's eligibility does not take effect pending the appeal, unless the Commissioner determines that a stay would produce a serious and adverse effect upon the programs involved.

(d) In the case of an appeal, the Commissioner issues a final decision affirming, modifying, or reversing the initial decision, including a statement of reasons for the decision.

(20 U.S.C. 1088f–1(a)(4).)

§ 168.78 Verification of mailing dates.

Verification of the Office of Education's mailing dates as referred to in this subpart is evidenced by the original receipt from the U.S. Postal Service.

(20 U.S.C. 1088f–1(a)(4).)

§ 168.79 Effect of termination proceeding.

A decision adverse to an institution in a termination proceeding may result in a limitation on, or a termination of, the institution's eligibility for any or all Title IV programs.

(20 U.S.C. 1088f–1(a)(4).)

§ 168.80 Limitation.

A limitation may include, as appropriate to the program in question—

(a) A limit on the number or percentage of students enrolled in an institution who may receive Title IV funds;

(b) A limit, for a stated period of time, on the percentage of an institution's total receipts from tuition and fees derived from Title IV funds;

(c) A requirement that an institution obtain a bond, in a specified amount, to assure its ability to meet its financial obligations to students who receive Title IV funds; or

(d) Such other conditions as may be determined to be reasonable and appropriate.

(20 U.S.C. 1088f–1(a)(4).)

§ 168.81 Termination.

(a) *A termination.* (1) Ends an institution's eligibility for any or all Title IV programs;

(2) Prohibits an institution or the Commissioner from making or increasing financial aid awards;

(3) Prohibits an institution from making any other new obligations against Title IV funds; and

(4) Prohibits further commitments of insurance or reinsurance by the Commissioner under the Guaranteed Student Loan Program for loans to students to attend that institution.

(b) If an institution is terminated during a payment period, any student at that school who has received an award or to whom a commitment has been made before the effective date of the termination may receive payment only for that payment period.

(c) For the purposes of this section (1) a commitment under the Basic Educational Opportunity Grant Program occurs after a student is enrolled and attending the institution and has submitted a valid Student Eligibility Report to the institution or to the Commissioner, if the student is attending an institution which is under the Alternate Disbursement System, and (2) a commitment under the Supplemental Educational Opportunity Grant, College Work-Study, or National Direct Student Loan program occurs when the student is enrolled and attending the institution and has received an award letter from the institution.

(20 U.S.C. 1088f–1(a)(4).)

§ 168.82 Reimbursements, refunds, and offsets.

(a) The designated OE official, presiding officer, or Commissioner may require an institution to take reasonable and appropriate corrective action to remedy a violation of applicable laws, regulations, special arrangements, agreements, or limitations.

(b) The corrective action may include payment of any funds, to the Office of Education or to designated recipients, which the institution improperly received, withheld, disbursed, or caused to be disbursed, including, but not restricted to (1) With respect to the Guaranteed Student Loan Program—(i) Ineligible interest benefits, special allowances or other claims paid by the Commissioner, and (ii) Discounts, premiums, or excess interest paid in violation of § 177.13 of Title 45 of the Code of Federal Regulations and (2) With respect to all Title IV programs—(i) Refunds due to students under the Title IV regulations, and (ii) any grants, work-study assistance, or loans made in violation of program regulations.

(c) If any final decision requires an institution to reimburse or make any other payment to the Office of Education, the Office of Education may offset its claims against any benefits or claims due to the institution.

(20 U.S.C. 1088f–1(a)(4).)

§ 168.83 Reinstatement after termination.

(a) An institution whose eligibility for any or all Title IV programs has been terminated may not file a request for reinstatement of its eligibility before the expiration of 24 months from the effective date of its termination.

(b) After the minimum termination period, the institution may request reinstatemnt of its eligibility before the writing and must show that the institution has corrected the violations on which the termination was based and that it meets all qualifications for eligibility.

(c) Not later than 60 days after receipt of the request for reinstatement, the Commissioner shall respond to the institution—

(i) Granting its request;

(ii) Denying its request; or

(iii) Granting the request subject to limitations.

(d)(1) If the Commissioner denies the institution's request, or allows reinstatement subject to limitation(s), the institution, upon request, will be granted an opportunity to show cause why it should be fully reinstated.

(2) In the event the Commissioner's response allows reinstatement subject to limitation, the institution, by requesting a show cause meeting, shall not be deemed to waive its rights to participate in any or all Title IV programs if it complies with the reinstatement limitations pending the outcome of the meeting.

(20 U.S.C. 1088f–1(a)(4).)

§ 168.84 Removal of limitation.

(a) An institution whose eligibility for any or all Title IV programs has been limited may not apply for removal of the limitation of its eligibility before the expiration of 12 months from the effective date of the limitation.

(b) After the minimum limitation period, the institution may request removal of the limitation. The request must be in writing and show that the institution has corrected the violations on which the limitation was based.

(c) No later than 60 days after the receipt of the request, the Commissioner shall respond to the institution—

(i) Granting its request;

(ii) Denying its request; or

(iii) Granting the request subject to other limitations.

(d) If the Commissioner denies the request, or establishes other limitations, the institution upon request will be granted an opportunity to show cause why its eligibility should be fully reinstated.

(e) The institution's request for a show cause meeting shall not be deemed to waive its right to participate in any or all Title IV programs if it complies with such continuing limitations pending the outcome of the meeting.

(20 U.S.C. 1088f–1(a)(4).)

[FR Doc.77–10127 Filed 4–7–77;8:45 am]

[45 CFR Part 178]

STUDENT CONSUMER INFORMATION SERVICES

Proposed Rulemaking

Under the authority contained in section 493A of Part F of Title IV of the Higher Education Act of 1965 as amended (20 U.S.C. 1088b–1), the Commissioner of Education is giving notice that he proposes to issue, with the approval of the Secretary of Health, Education, and Welfare, the following regulations governing institutional and financial assistance information for students.

EXPLANATION OF NEED FOR REGULATIONS

Section 131(b) of the Education Amendments of 1976 added a new section 493A to the Higher Education Act of 1965, as amended, dealing with institutional and financial assistance information for students (consumer information dissemination activities).

The statute provides that effective July 1, 1977, institutions of higher education and other eligible institutions which receive an administrative cost allowance because of participation in the Basic Educational Opportunity Grant, College Work-Study, National Direct Student Loan, Supplemental Educational Opportunity Grant, or Guaranteed Student Loan programs must provide student consumer information dissemination activities to prospective and enrolled students who request such information. The types of information to be disseminated include, but are not limited to, a description of the student financial aid programs available at the institution, including a statement of the student's rights and responsibilities under the programs authorized under Title IV of the Act, the school's academic program and educational costs, its student retention rate, and its refund policy. This information must be made readily available, through "appropriate publications and mailings," to all current students and to any prospective student upon request. The law also requires that effective July 1, 1977, an employee or group of employees be available on a full-time basis at the institution to assist students or potential students in obtaining this information. The Commissioner, however, may waive the requirement that a full-time person be assigned to these duties when the total institutional enrollment or the number of students receiving assistance from programs under Title IV of the Act is too small to necessitate a full-time employee.

The Commissioner is promulgating a new Part 178 of Title 45 of the Code of Federal Regulations to assure uniform procedures for administration of these new provisions.

SUMMARY OF COMMENTS PREVIOUSLY RECEIVED

The Commissioner published in the FEDERAL REGISTER, Vol 41, No. 230, Monday, November 29, 1976, a Notice of Intent to Issue Regulations implementing the provisions of the Education Amendments of 1976 (41 FR 52410). On page 52416, comments were invited concerning institutional and financial assistance information for students. Five public conferences were held at various locations between December 13–17, 1976, at which the Office of Education received comments on this and other provisions of the Education Amendments. Written com-

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ments were also received through December 30, 1976. The following is a summary of the comments received and the Office of Education's response.

Comment. One commenter suggested that the student consumer information provisions and the information provision requirements of the Guaranteed Student Loan Program should be closely related.

Response. To the extent that legal provisions for the two programs are similar, the two regulatory provisions will be similar or comparable.

Comment. Five commenters addressed the definition of "appropriate publications and mailings." One, for example, suggested that the term be defined as "those publications and information generally made available to students for the purposes of explaining the institution's policies and practices." Another commenter suggested that the term be limited to two or three standard categories, such as catalogues and course schedules.

Response. The Commissioner does not want to define the specific documents that must be used as an appropriate publication or mailing, because he wants to allow flexibility for institutions to use existing documents to the extent possible. Instead, the proposed regulations specify the categories of information that must be disseminated and the fact that the appropriate publications must be available to enrolled or prospective students either at no charge or at a charge not to exceed the actual unreimbursed cost of the publications.

Comment. The statute requires that the information to be made available to students and prospective students include data regarding student retention. Six comments were received concerning retention rates. These reflected opposition to any attempt by the Commissioner to establish a uniform retention rate policy, since the statute simply requires publication of this information. Other suggestions, however, included recommendations that the Office of Education provide a definition of "retention" to institutions; a suggestion that a retention rate table for the most recent year available would satisfy the requirements of the statute; and suggestions of detailed procedures for establishing retention rates.

Response. The Commissioner is aware of the difficulties of providing single definitions of retention rate and completion rate that are applicable to all institutions. However, he is also concerned that these retention data enable students to make meaningful comparisons among institutions. The proposed regulations, therefore, provide a flexible definition of "retention," while specifying a three-year period over which the rates must be computed. The proposed regulations also specify that data on completion rates of each program in which a student is interested be provided to that student, if such data are available at the institution. However, the Commissioner would welcome further suggestions for the treatment of this topic. Each suggestion should reflect consideration both of the feasibility of institutions collecting the data suggested and the usefulness of such information to students.

Comment. Several comments addressed the requirement that staff be made available full-time to assist students or prospective students in obtaining the types of information called for in the statute. One commenter suggested that regulations specify whether information dissemination would be such an employee's sole responsibility at the institution and whether entirely new staff would have to be hired. It was also suggested that regulations distinguish between an "available" full-time employee and an individual "assigned" to provide student consumer information.

Response. Although the statute requires the equivalent of a full-time employee to provide information, the Commissioner does not interpret that to mean that a full-time person must necessarily be hired specifically for this purpose, nor does the Commissioner interpret this necessarily to be the sole responsibility of an employee, if there is insufficient demand for such services.

Comment. One commenter suggested that regulations should include the criteria to be employed by the Commissioner for waiving the requirement that a full-time employee be available to assist students or prospective students in obtaining information. Another commenter suggested a procedure by which such waivers could be appropriately determined.

Response. The Commissioner has included in the proposed regulations a specific number of aid recipients and a specific size of student enrollment below which a waiver will be granted. Furthermore, the proposed regulations also provide for waivers being granted upon evidence of insufficient need for a full-time employee. However, the Commissioner would especially welcome suggestions, with supporting evidence or justification, concerning the appropriate figures to use for enrollment and participating students when granting a waiver.

INSTRUCTIONS CONCERNING COMMENTS

Interested persons are invited to direct comments concerning these proposed regulations:

Mr. John R. Proffit, Director, Division of Eligibility and Agency Evaluation, Room 3030, Regional Office Building 3, 7th and D Streets SW., Washington, D.C. 20202, Telephone: (202) 245-9873.

In order for comments to receive full consideration they should be received not later than 4:30 p.m. on May 10, 1977. The Commissioner will not acknowledge the comments individually, but they will be available for inspection in Room 4068, Regional Office Building 3, between 8:30 a.m. and 4:00 p.m., Monday through Friday.

Public hearings on these proposed regulations will be held at times, dates, and locations to be announced in a forthcoming issue of the FEDERAL REGISTER.

The Office of Education has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: February 18, 1977.

WILLIAM F. PIERCE,
Acting Commissioner of Education.

Approved: March 31, 1977.

JOSEPH A. CALIFANO, JR.,
Secretary of Health, Education, and Welfare.

1. Part 178 of Title 45 of the Code of Federal Regulations is redesignated as Part 177a of that title.

2. Part 178 of Title 45 of the Code of Federal Regulations is added to read as follows:

PART 178—STUDENT CONSUMER INFORMATION SERVICES

Sec.
178.1 Purpose of scope.
178.2 Definitions.
178.3 Information dissemination requirements.
178.4 Information dissemination topics.
178.5 Availability of employees for information dissemination purposes.
178.6 Use of funds.
178.7 Compliance procedures and records.
178.8 Audits—non-Federal.

AUTHORITY: Sec. 493A of Title IV of the Higher Education Act of 1965 as added by sec. 131 of Pub. L. 94-482, 90 Stat. 2148-2149 (20 U.S.C. 1088b-1), unless otherwise noted.

§ 178.1 Purpose and scope.

This part establishes rules for the dissemination of information required by section 493A of the Higher Education Act of 1965. It applies to any institution or school which receives a payment under section 411(d), 428(e), or 493 of that Act (20 U.S.C. 1070a(d), 1078(e) and 1088b). Section 411(d) refers to payments made to an institution of higher education under the Basic Grant Program. Section 428(e) refers to payments to an eligible institution under the Guaranteed Student Loan Program. Section 493 refers to payments received by an institution of higher education because of its participation in the Supplemental Educational Opportunity Grant, College Work-Study, or National Direct Student Loan Programs and to payments received by an area vocational school because of its participation in the College Work-Study Program.

(20 U.S.C. 1088b-1.)

§ 178.2 Definitions.

As used in this part:

(a) "Act" means the Higher Education Act of 1965, as amended.

(b) "Academic year" means the period of time between July 1 of one year and June 30 of the subsequent year.

(c) "Administrative cost allowance" means the payment to any institution pursuant to section 411(d), 428(e), or 493 of the Act.

(d) "Institution" means an institution of higher education as defined in section 1201(a) of the Act, a proprietary institution of higher education as defined in section 491(b) of the Act, an eligible institution as defined in section 435 of the Act, or an area vocational school as defined in section 8(2) of the Vocational Education Act of 1963.

(e) "Prospective student" means any individual who has contacted an institution requesting information for the purpose of enrolling at that institution.

(f) "Student financial aid program" means any program available to a student attending an institution that provides financial assistance to meet the costs of attending that institution and for which the primary criterion of student eligibility is demonstrated financial need for the assistance because of financial conditions of the student or his family. For purposes of compliance with the requirements of this part, the term includes, but is not limited to, all student financial aid programs authorized under Title IV of the Act, all programs administered by the State in which the institution is located, all major national programs offered by private sources, and any other programs of which a financial aid administrator at an institution should reasonably be aware.

(20 U.S.C. 1088b-1.)

§ 178.3 Information dissemination requirements.

(a) Each institution which receives an administrative cost allowance for any academic year shall, for that year, (1) prepare material, if necessary, on the topics set forth in § 178.4 and (2) disseminate that information through appropriate publications and mailings to those prospective students or enrolled students who request it.

(b) An appropriate publication or mailing is one that is provided to an enrolled or prospective student at no charge to the student or at a charge which does not exceed the actual unreimbursed cost to the institution for its preparation and publication.

(20 U.S.C. 1088b-1.)

§ 178.4 Information dissemination topics.

The information to be prepared and disseminated to students includes:

(a) A description of all student financial aid programs available to students who enroll at that institution, including the procedures and forms for applying for such aid, the student eligibility requirements, the criteria for selecting recipients from the group of eligible applicants, and the criteria for determining the amount of a student's award;

(b) A statement of the rights and responsibilities of students receiving financial aid under the Basic Educational Opportunity Grant, Supplemental Educational Opportunity Grant, College Work-Study, National Direct Student Loan, or Guaranteed Student Loan Programs. This information shall include:

(1) Criteria for continued eligibility for each program, including the financial conditions which must be met;

(2) Criteria for determining that a student is in good standing and maintaining satisfactory progress in his course of study, as required by section 497(e)(1) of the Act for the purposes of receiving financial aid payments, and the criteria by which a student who has failed to maintain satisfactory progress or good standing may reestablish his eligibility for payment;

(3) The means by which payment of awards will be made to students and the frequency of such payments;

(4) The terms of and expected schedules for repayment of any loan received by a student as part of his student financial aid; and

(5) The general conditions and terms applicable to any employment provided to a student as part of his financial aid;

(c) The cost of attending the institution, including tuition and fees, books and supplies, estimates of typical room and board and transportation costs for students living on-campus, off-campus, or at home, and any additional cost of the program in which the student is enrolled or expresses a specific interest;

(d) The refund policy of the institution for the return of unearned tuition and fees or other refundable portion of cost paid to that institution, as described in paragraph (c) of this section;

(e) The academic program of the institution, including the current degree programs and other educational and training programs; the instructional, laboratory, and other physical facilities which relate to the academic program; and the faculty and other instructional personnel;

(f) Data regarding student retention at the institution, including, for each of three most recent academic years, the number of students who enrolled and were still enrolled at the end of that year or who graduated from the institution, and the percentage that such students represent of the total enrolled;

(g) The number and percentage of students completing the program in which a student is enrolled or expresses interest, if such data are available at the institution; and

(h) The names of persons designated under § 178.5 and information regarding how and where such persons may be contacted.

(20 U.S.C. 1088b-1.)

§ 178.5 Availability of employees for information dissemination purposes.

(a) Except as provided in paragraph (b) of this section, each institution which receives an administrative cost allowance under any of the programs for which such allowance is paid in any academic year shall designate, for that year, an employee or group of employees who shall be available on a full-time basis to assist students or prospective students in obtaining the information specified in § 178.4. If the institution designates one person, that person shall be available, upon reasonable notice, to any interested student or prospective student through the normal administrative working hours of that institution. If more than one person is designated, their combined schedules shall be arranged in such a manner that at least one of them is available, upon reasonable notice, throughout the normal administrative working hours of that institution.

(b) *Waiver.* (1) The Commissioner may waive the requirement that an employee or group of employees be available on a full-time basis for carrying out the requirements of this part at any institution when the total enrollment, or the portion of the enrollment participating in student financial aid programs authorized under Title IV of the Act (the Basic Educational Opportunity Grant Program, Supplemental Educational Opportunity Grant Program, College Work-Study Program, National Direct Student Loan Program, Guaranteed Student Loan Program, and State Student Incentive Grant Program), is too small to necessitate the availability of an employee or group of employees on a full-time basis. The Commissioner may waive the requirement of full-time availability for any institution that submits a timely application for the waiver if it: (i) Has a total enrollment of not more than 1,000 in the academic year for which the waiver is requested and has not more than 500 recipients of student financial aid from the programs authorized under Title IV of the Act; or (ii) Can substantiate that there is insufficient demand among its students or prospective students to necessitate the full-time availability of an employee or group of employees to carry out the requirements of this part.

(2) The granting of a waiver under subparagraph (1) of this paragraph does not exempt an institution from designating a specific employee or group of employees to carry out the provisions of this section.

(20 U.S.C. 1088b-1.)

§ 178.6 Use of funds.

Any institution which receives an administrative cost allowance for any academic year shall first use such funds to carry out the provisions of this part. If any funds remain, the institution shall use those funds for such other costs of administering the student financial aid programs authorized under Title IV of the Act as it determines necessary.

(20 U.S.C. 1088b-1.)

§ 178.7 Compliance procedures and records.

(a) *Retention of records.* Each institution which receives an administrative cost allowance for any academic year shall keep intact and accessible all records relating to the receipt and expenditure of Federal funds in accordance with Section 434(a), General Education Provisions Act 20 U.S.C. 1232c), including all accounting records and related original and supporting documents that substantiate costs.

(b) *Audit questions.* The records involved in any claim or expenditure which has been questioned by audit shall be further retained until resolution of any such audit questions; provided, however, that records need not be retained if they relate to a payment with respect to which actions by the United States to recover for diversion of Federal funds are barred by the statute of limitations in 28 U.S.C. 2415(b).

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(c) *Audit and examination.* The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and examination, to the records specified in paragraph (a) of this section and to any other pertinent documents, papers, and records of the institution.

(20 U.S.C. 1088b-1, 1232c.)

§ 178.8 Audits—non-Federal.

(a) All of an institution's transactions relating to its use of administrative cost allowances received shall be audited by the institution or at the institution's direction to determine, at a minimum, the fiscal integrity of financial transactions and reports and whether such transactions are in compliance with applicable laws and regulations. Such audits shall be performed in accordance with the Department of Health, Education, and Welfare "Audit Guide" for student financial aid programs. If the institution participates in the Supplemental Educational Opportunity Grant, College Work-Study, or National Direct Student Loan Programs, then the audit required by this part shall be included as part of an audit performed for any of those programs. If the institution does not participate in any of the above three programs, then the audit required by this part shall be performed at least once every two years.

(b) Audit reports shall be submitted to the HEW Audit Agency at the regional office of the Department of Health, Education, and Welfare serving the region in which the institution is located for its review. The Audit Agency and the Commissioner shall also be given access to records or other documents as may be necessary to review the results of such audits.

(20 U.S.C. 1088b-1, 1232c.)

[FR Doc.77-10129 Filed 4-7-77;8:45 am]

[45 CFR Part 178a]

STATE ADMINISTERED PROGRAMS—INCENTIVE GRANTS FOR STATE STUDENT FINANCIAL ASSISTANCE TRAINING PROGRAMS

Proposed Rulemaking

Under the authority contained in section 493C of Part F of Title IV of the Higher Education Act of 1965, as amended (20 U.S.C. 1088b-3), the Commissioner of Education is giving notice that he proposes to issue, with the approval of the Secretary of Health, Education, and Welfare, the following regulation governing the operation of Incentive Grants for State Student Financial Assistance Training Programs.

EXPLANATION OF NEED FOR REGULATIONS

Section 493C authorizes incentive grants to States, which must be matched with State funds, for the design and development of statewide training programs for financial aid administrators. Funds are drawn from two sources: an authorization for an appropriation of $280,000, to be divided equally among the States which submit approvable applications, and the lesser of .05 percent, or $10,000, from each State's annual allotment under each of the Supplemental Educational Opportunity Grant, College Work-Study, and National Direct Student Loan Programs.

SUMMARY OF COMMENTS PREVIOUSLY RECEIVED

In the FEDERAL REGISTER, Vol. 41, No. 230, Monday, November 29, 1976, the Commissioner published a Notice of Intent to Issue Regulations implementing the provisions of the Education Amendments of 1976 (41 FR 52410). At page 52416, comments were invited concerning the State Financial Assistance Training Programs. Five public conferences were held at various locations between December 13–17, 1976, at which the Office of Education received comments on this and other provisions of the Education Amendments. Further written comments were received through December 30, 1976. A summary of the comments received and the Office of Education's responses are set forth below.

Comment. Several comments were received recommending that the State Student Financial Assistance Training Programs be extended to students as well as to financial aid administrators. One commenter suggested that the inclusion of students as recipients of the training would provide them with a needed knowledge of the mechanics of student financial aid programs. Another commenter recommended that at least those students employed part time by an institution's financial aid office should be permitted to receive training.

Response. The statute does not provide authority for including students, as students, in the training programs authorized by this part. However, a State may include part-time administration in its training programs, including students who are part-time financial aid administrators.

Comment. One comment urged that the application for funding include an explanation of the expected relationships among the planned training under this section, the Basic Grant training program, and the training program authorized under section 533 of the Higher Education Act, as amended. It was also recommended that the applications be submitted annually.

Response. The proposed regulations do contain provisions that training provided under this part shall be coordinated with other student financial aid training programs in the State, to the extent possible, and that each State agency must submit an application annually.

Comment. Another comment was received concerning the design and development of these training programs. It was suggested that comprehensive program manuals should first be developed to provide a sound basis for guidance and instruction for the management and administration of all student aid programs.

Response. The Commissioner recognizes that the lack of comprehensive program manuals is a continuing problem in improving the administration of student financial aid programs and will attempt to develop such manuals, subject to budgetary and personnel constraints. However, he believes that the need for student financial aid training programs is sufficiently urgent that training should be initiated using the regulations and other materials currently available.

INSTRUCTIONS CONCERNING COMMENTS

Interested persons are invited to direct comments concerning these proposed regulations to:

Mr. John R. Proffitt, Director, Division of Eligibility and Agency Evaluation, Room 3030, Regional Office Building 3, 7th and D Streets SW., Washington, D.C. 20202 Telephone: (202) 245-9873.

In order for comments to receive full consideration they should be received not later than 4:30 p.m. on May 10, 1977. The Commissioner will not acknowledge the comments individually, but they will be available for inspection in Room 4068, Regional Office Building 3, between 8:30 a.m. and 4 p.m., Monday through Friday.

Public hearings on these proposed regulations will be held at times, dates, and locations to be announced in a forthcoming issue of the FEDERAL REGISTER.

The Office of Education has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Catalog of Federal Domestic Assistance No. 13.582, Student Financial Assistance Training Program.)

Dated: February 18, 1977.

WILLIAM F. PIERCE,
Acting Commissioner of Education.

Approved: March 31, 1977.

JOSEPH A. CALIFANO, Jr.
Secretary of Health, Education, and Welfare.

1. Chapter I of Title 45 of the Code of Federal Regulations is amended by adding a new Part 178a, which reads as follows:

Sec.
178a.1 Purpose.
178a.2 Definitions.
178a.3 Allotments.
178a.4 Student Financial Assistance Training Program requirements.
178a.5 Training program components.
178a.6 State applications.
178a.7 Review of State applications.
178a.8 State matching requirements.
178a.9 Use of funds.
178a10 Reporting requirements.

AUTHORITY: Sec. 493C of Title IV of the Higher Education Act of 1965, as amended by sec. 131(b) of Pub. L. 94-482, 90 Stat. 2149-2150 (20 U.S.C. 1088b-3), unless otherwise noted.

§ 178a.1 Purpose.

(a) The purpose of this part is to make incentive grants available to the States to be administered, in consultation with statewide financial aid administrator organizations, for the purpose of designing and developing programs to increase the proficiency of institutional and State financial aid administrators in all aspects of student financial aid.

(b) Assistance provided under this part is subject to the applicable provisions of Subchapter A of this chapter relating to fiscal, administrative and other matters (General Provisions for Office of Education Programs (45 CFR 100a)).

(20 U.S.C. 1088b-3.)

§ 178a.2 Definitions.

(a) "Act" means the Higher Education Act of 1965, as amended.

(b) "Institution of postsecondary education" means an institution of higher education, as defined in section 1201(a) of the Act, a proprietary institution of higher education, as defined in section 491(b) of the Act, an eligible institution, as defined in section 435 of the Act, or an area vocational school, as defined in section 8(2) of the Vocational Education Act of 1963.

(c) "State" means, in addition to the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands.

(20 U.S.C. 1141(b), 1088(a), and 1085.)

§ 178a.3 Allotments.

(a) Funds appropriated pursuant to section 493C(b) of the Act will be divided equally among States submitting approvable applications by the announced closing date.

(b) The Commissioner will transfer to each State which has been awarded a grant under this part amounts equal to .05 percent of the funds allotted to that State under each of the Supplemental Educational Opportunity Grant, College Work-Study, and National Direct Student Loan Programs, except that the amount transferred from each program may not exceed $10,000. This amount will be added to the amount received by each State under paragraph (a) of this section.

(20 U.S.C. 1088b-3.)

§ 178a.4 Student Financial Assistance Training Program requirements.

(a) The State agencies which administer the State Student Incentive Grant Program authorized by Title IV, Part A, Subpart 3 of the Act will be responsible for the design and development of financial assistance training programs under this part, for the purpose of increasing the proficiency of institutional and State financial aid administrators in all aspects of student financial aid. If such agency does not exist in any State, an agency or organization designated by the State will be responsible for the design and development of the program. The State agencies shall develop the programs in consultation with statewide financial aid administrator organizations.

(b) The training programs under this part shall:

(1) Identify the current and future need for financial aid administrators at State agencies and at institutions of post-secondary education throughout the State and the qualifications of such administrators;

(2) Assess the strengths and weaknesses of any current programs in the State which provide training in State and institutional financial aid policies and procedures;

(3) Develop programs to overcome the weaknesses identified in subparagraph (2) of this paragraph;

(4) Design and develop training materials and programs to improve the quality of financial aid administrators through inservice and preservice training, which shall include the components set forth in § 178a.5;

(5) Evaluate the effectiveness of the training materials and programs developed under this part; and

(6) Provide instruction in the administration of the Basic Educational Opportunity Grant, Supplemental Educational Opportunity Grant, State Student Incentive Grant, College Work-Study, National Direct Student Loan, and Guaranteed Student Loan Programs.

(20 U.S.C. 1088b-3.)

§ 178a.5 Training program components.

Each training program developed under this part shall provide:

(a) A description of the principles upon which student financial aid is based;

(b) The theory, methodology, and forms of the principal systems of need analysis used for awarding student financial aid, such as the systems of the College Scholarship Service, the American College Testing Program, and the Basic Educational Opportunity Grant Program, and of the system used to determine eligibility for the receipt of a Guaranteed Student Loan;

(c) Familiarity with the statutes, regulations, handbooks, and any other applicable administrative materials pertaining to the student financial aid programs authorized under Title IV of the Act and to all student financial aid programs administered by that State;

(d) Strategies for packaging Federal, State, private, and institutional programs of student financial aid;

(e) Requirements for maintaining student records, State and institutional accounts, and disbursement systems;

(f) Student and institutional rights and responsibilities pertaining to financial aid programs;

(g) Management practices and procedures so as to eliminate institutional and student fraud and abuse in the operation of student financial aid programs; and

(h) Any other subjects determined by the State agency to be necessary to carry out the purposes of this part.

(20 U.S.C. 1088b-3.)

§ 178a.6 State applications.

(a) Any State desiring to obtain a grant under this part shall file an application with the Commissioner, through the State agency administering its State Student Incentive Grant Program, except that, if no such agency exists in the State, the application shall be filed through an agency or organization designated by the State for this purpose. The application shall include the name of the State agency administering the program, shall describe the activities to be undertaken, and shall contain sufficient information to enable the Commissioner to determine that the State program will meet the requirements set forth in §§ 178a.4 and 178a.5.

(b) As part of its application, each State shall provide assurances that the Federal funds received under this part for any academic year will be matched by an amount at least equal to the Federal funds reserved for that State under § 178a.3, or, if the State cannot make such an assurance, the amount of Federal funds that the State does plan to match for that academic year.

(c) The Commissioner will from time to time establish cut off dates for the filing of applications.

(20 U.S.C. 1088b-3.)

§ 178a.7 Review of State applications.

The Commissioner will review each State's application to insure that it meets the requirements §§ 178a.4, 178a.5, and 178a.6. The Commissioner will not disapprove any State's application without giving the State agency an opportunity to remedy the deficiencies in its application within a reasonable time period.

(20 U.S.C. 1088b-3.)

§ 178a.8 State matching requirements.

In satisfying its matching requirements, the State is subject to §§ 100a.90 through 100a.94 of the Office of Education General Provisions (45 CFR 100a.90–100a.94). Such matching must be from non-federal sources and may be cash or in kind. The State shall maintain supporting records to indicate the amount and sources of such matching.

(20 U.S. C. 1088b-3.)

§ 178a.9 Use of funds.

(a) Funds received by a State under this part must be used with matching State funds to pay the costs of designing and developing programs to increase the proficiency of institutional and State financial aid administrators.

(b) Funds received under this part may not be used solely for the operation of an existing program. However, if the State already has such a program developed or in operation, funds may be used to refine or evaluate that program or to demonstrate and disseminate effective materials and practices.

(20 U.S.C. 1088b-3.)

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§ 178a.10 Reporting requirements.

At the end of each academic year for which a State receives a grant under this part, the State shall provide a report containing such information as the Commissioner determines necessary to insure that the State is adequately performing its responsibilities under this part.

(20 U.S.C. 1088b-3.)

[FR Doc.77-10130 Filed 4-7-77,8:45 am]

federal register

FRIDAY, APRIL 8, 1977

PART IV



POSTAL SERVICE

MAIL SECURITY REGULATIONS

Proposed Rule

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POSTAL SERVICE

[39 CFR Part 111]

CONTENTS OF CHAPTER I OF POSTAL SERVICE MANUAL

Mail Security Regulations

AGENCY: United States Postal Service.

ACTION: Proposed Rule.

SUMMARY: These proposed regulations would prescribe Postal Service policy as to when it is permissible to delay, detain, or open mail, and would establish procedures to be followed by postal employees in handling requests from Government agencies for the delay, detention, or opening of mail. The need for detailed regulations of this kind has been suggested by the recent disclosure of certain governmental mail intereception and opening projects.

DATES: Written comments must be received on or before June 7, 1977.

ADDRESSES: Assistant General Counsel, Special Projects, U.S. Postal Service, 475 L'Enfant Plaza West, Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT:

Charles R. Braun (202–245–4680).

SUPPLEMENTARY INFORMATION: Under the provisions of 39 CFR § 111.3 the Postal Service is proposing to meet the above-described need for detailed regulations by revising 115 of the Postal Service Manual, chapter I of which has been incorporated by reference in the FEDERAL REGISTER, see 39 CFR § 111.1. The proposal would: (a) Set forth a general presumption that mail shall not be detained, delayed, or opened; (b) Inform postal employees of the penalties for participating in unlawful activities detrimental to mail security; and (c) Inform postal employees, other Government agencies, the public, and Congress what kinds of Governmental actions concerning mail the Postal Service considers unlawful, and under what circumstances the Postal Service considers itself to be authorized to cooperate with other Government agencies regarding access to mail.

LEGAL BASIS OF MAIL SANCTITY

The principle that mail should be generally free from governmental surveillance is based on the rights of the American people to be free from unreasonable or unauthorized governmental actions, as protected by the United States Constitution, Federal laws, and judicial decisions. Federal criminal laws whose origins antedate the Constitution generally prohibit opening, detention, obstruction, or delay of mail, and provide for fine and imprisonment of offenders. 18 U.S.C. 1701–1703, 1708–1709 (1979); see 23 J.C.C. 671 (1782). The civil postal laws buttress mail sanctity by establishing the Postal Service's general duty to provide for adequate and efficient transmission of all mail, 39 U.S.C. 403 (a), (b)(1) (1970); to give the highest priority to the most expeditious transmission of important letter mail, 39 U.S.C. 101(e) (1970); and to maintain one or more classes of mail service for the transmission of letters sealed against inspection, 39 U.S.C. 3623 (d) (1970) (1st sentence).

The pre-Constitutional 1782 ordinance of the Continental Congress generally prohibiting mail opening, detention, and delay (still in effect as 18 U.S.C. 1702) was modeled after English postal legislation whose stated purpose was to prevent: "* * * abuses [which] may be committed by wilfully opening, imbezilling [sic], detaining and delaying of letters or packets, to the great discouragement of trade, commerce, and correspondence. * * *" Act of 9 Anne, c. 10, sec. 40 (1710).

Mail security and privacy have roots in the First and Fourth Amendments to the Constitution. The leading Supreme Court cases (which focus on the Fourth Amendment's protection of the mails) are *Ex parte Jackson*, 96 U.S. 727, 732–733 (1877); and *United States* v. *Van Leeuwen*, 397 U.S. 249 (1970). The leading First Amendment precedents are legislative precedents: the Senate report and debates leading to the defeat, on Constitutional grounds, of President Jackson's proposal to prohibit the transmission by mail of anti-slavery publications into the slave states, S. Rep. No. 118, on S. bill No. 122, 24th Cong., 1st Sess. 1–4 (1836); Congressional Globe, 24th Cong., 1st Sess. 36–37, 164–165, 195, 282, 284, 291–292, 325, 331–332, 347–348, 412, 524, 539, Appendix 8–9, 453–458 (1836); *Ex parte Jackson*, *supra* at 733–735; and the debates leading to the defeat of proposals that the sealed mails be opened without a search warrant to search for Espionage Act violations, 55 Cong. Rec. 1821–1823, 1867, 1869–1872, 2057–2060, 2062–2072 (1917).

Section 115.1 of the proposed regulations would promulgate a general presumption in favor of the sanctity of the mail, giving postal employees a clear legal basis not to cooperate with other Government agencies seeking access to mail, without a clear legal basis for such cooperation.

SEALED AND UNSEALED MAILS

From the first postal statutes enacted after the Constitution, mail service has consisted not only of one or more classes of "sealed" letter mail service, but also one or more classes of mail service for certain defined categories of matter (such as newspapers and magazines) eligible for transmission at considerably less than the letter mail rate. In order to insure readily that letters or other ineligible materials have not been unlawfully inserted into the non-letter mails for transmission at non-letter rates, and thus often to protect the people from being taxed to pay for unauthorized subsidies of mailings, the unsealed mails have been considered to be subject to postal inspection to determine whether they contain only matter eligible for the non-letter rate claimed by the sender. Such inspections may necessarily entail delay of mail. Postal inspections of the contents of such unsealed mail may also necessarily lead to administrative determinations as to whether the contents are mailable. Since sealed mails are generally to receive priority of handling over unsealed mails, the unsealed mails may be subject to mail handling delays while the sealed mails are processed with priority.

Judicial recognition of the distinction between sealed and unsealed mails is contained in *Ex parte Jackson*, *supra* at 732–733. Statutory recognition of this distinction is found in 39 U.S.C. 101(e) and 3623(d) (1st sentence). Proposed section 115.23 would define which mails, among the present classes of mail services, are sealed and which are unsealed.

EXCEPTIONS

Mail sanctity is not, and never has been, absolute. Present part 115, which states, "First-class mail is given absolute secrecy while in our custody * * *", would therefore be deleted from postal regulations by the proposal.

(a) *Dead mail.* The present statutory authority of the Postal Service to open "dead letters" and other "dead" or undeliverable mail is 39 U.S.C. 404(1) and 3623(d). There has been express statutory authority of this kind at least since 1777. Act of October 16, 1777, 23 J.C.C. 122. Similar authority was granted in English postal statutes applicable in North America before the Revolution. Act of 9 Anne, c. 10, sec. 40 (1710). Although during most of the Revolutionary War there was authority to use information found in dead letters having war intelligence value, such authority was withdrawn before the war ended, Act of October 18, 1782, 23 J.C.C. 675, 678, and the policy since then has generally been that undeliverable letter mail may be opened "for the sole purpose of determining an address at which the letter can be delivered," 39 U.S.C. 3623(d). Mail matter in dead letters otherwise remains "constructively under seal * * *" 3 Op. Solic. P.O. Dep't. No. 1134 at 191 (1898). The proposed regulations would continue the dead mail exception unchanged. See proposed sections 115.21(a), 115.5(a).

(b) *Consent of addressee or sender.* Opening, detention, and delay of mail by the Postal Service are lawful, with the consent of the sender or the addressee. The general principle is that the post office takes custody but not ownership of mailed articles, and the sender and addressee as postal customers retain certain rights as to the mail. Under current postal regulations, the sender has the right to ask for efforts to recall mail before it is delivered to the addressee, if he will reimburse the postal system for its costs, PSM 153.5; and there is express statutory authority for the Postal Service to open sealed mail without a warrant with the addressee's consent, 39 U.S.C. 3623(d) (last sentence). One modern use of the addressee's consent exception is the opening of sealed mail suspected of containing a letter bomb intended to harm or injure the addressee. Exceptions of this kind have been in the postal laws and regulations of the United States since 1782, and before that, in English law. Act of October 18, 1782, 23 J.C.C. 671 (consent of sender or addressee); Act of 9 Anne, c. 10, sec. 40 (1710) (consent of addressee). The proposed regulations would continue pre-existing law in this regard (proposed sections 115.21(b) and 115.31(c)).

(c) *Search warrants.* English postal legislation prior to the Revolutionary War authorized executive search warrants for opening, detention, or delay of specific pieces of mail, "by an express warrant in writing under the hand of one of the principal secretaries of state for every such opening, detaining, or delaying. * * *" Act of 9 Anne, c. 10, sec. 40 (1710). Legislation enacted during the Revolutionary War by the Continental Congress similarly made it permissible to intercept and open letters "by an express warrant under the hand of the President of the Congress of these United States, or in time of war, of the Commander in Chief of the armies of these United States, or of the commanding officer of a separate army in these United States, or of the chief executive officer of one of the said states. * * *" Act of October 18, 1782, 23 J.C.C. 671. The authority of the military commanders and of the State executives—limited to wartime—expired a few weeks later, upon the conclusion of an armistice with Great Britain. Provisional Articles of November 30, 1782, 8 Stat. 54. Thereafter, it was decided not to authorize the States to intercept or open letters in peacetime, 34 J.C.C. 232, 239 (1788).

When the Constitution went into effect the next year, and the office of President of Congress was discontinued, all authority to stop or open letters in war or peacetime under a warrant lapsed. Although the Supreme Court in the 1877 *Jackson* case, 96 U.S. at 732–733, had stated that sealed mail opening under the authority of a warrant would be constitutional, the statutory prohibition against mail opening, detaining, or delay was continued without provision of any statutory search warrant authority to stop or open mail from the adoption of the Constitution in 1789 to the First World War. E.g., Act of September 22, 1789, ch. 16, sec. 1, 1 Stat. 70; Act of February 20, 1792, ch. 7, sec. 16, 1 Stat. 236; Rev. Stat. 3892 (1873); Act of March 4, 1909, ch. 321, sec. 194, 35 Stat. 1125.

Federal search warrant authority under the Constitution was first enacted in 1917, along with legislation specifying that no one could open any letter not addressed to himself, without such a search warrant, except an employee of a dead letter office. Such warrants can only be issued by a judge or independent magistrate. Espionage Act of 1917, Title XI, 40 Stat. 228, now Fed. R. Crim. P. 41; Espionage Act of 1917, Title XII, sec. 1 (proviso), 40 Stat. 230, now 39 U.S.C. 3623(d). The legislative debates on the espionage bill indicate that the authority for opening sealed letter mail under a "search warrant authorized by law" now contained in 39 U.S.C. 3623(d) extends only to the bill's Federal search warrant authority, not to search warrants issued solely under the authority of state law. Espionage Act debates, supra, in particular 55 Cong. Rec. 2070 (1917).

The proposed rules would continue the search warrant exception in its present form (proposed sections 115.21(c), 115.22(a), 115.5(c)). They would also prescribe detailed instructions for postal employees to follow in executing a search warrant that complement the search warrant rules of the Federal Rules of Criminal Procedure (proposed section 115.6).

In 1971 the Supreme Court in the *Van Leeuwen* case expressly upheld the constitutionality of a detention of suspected mail for a reasonable time in order to apply for, obtain, and execute a search warrant. The proposed regulations would follow the Court's holding (sections 115.31(a), (e)).

For about a quarter of a century, certain subordinate military components of the Department of Defense have held the view that a search authorization issued by a military commander should be regarded as the military equivalent of a civilian search warrant) and should therefore be sufficient to authorize the opening and seizure of mail in military postal custody, at least when the mail comes into the possession of a unit mail clerk. The former Post Office Department in 1953, and the United States Postal Service in 1972 and 1975, have advised, however, that military commanders do not have such authority, and that the general sanctity of mail in military postal custody should be observed until it is delivered to the addressee. The Department of Defense is obligated generally to operate the military postal system in accordance with postal laws, regulations, and policies. 39 U.S.C. 401(2), 406 (1970); H. R. Rep. No. 91–1104, 91st Cong., 2d Sess. 33 (1970); 39 U.S.C. 712(d) (1964); Postal Agreement with Department of Defense, USPS Publication 38, General Policy Statement 3, page 3 (1972). The proposed regulations would prescribe that mail in military postal custody (including the custody of a unit mail clerk) may not be opened by the authority of military commanders (proposed section 115.93).

The proposed regulations would prescribe that a search warrant for mail issued under State authority (as distinguished from a search warrant issued by a State judge or magistrate under Rule 41 of the Federal Rules of Criminal Procedure) should not be executed (proposed section 115.61). Present postal regulations do not address this question, and the recent practices of the Post Office Department and the Postal Service have been inconsistent. Usually, if a State warrant for mail opening is presented, execution of the State warrant will be refused, based on the sovereign immunity of the Federal postal system; but cooperation may be afforded to State officers in securing a Federal warrant. However, in exceptional cases (typically involving a State murder investigation as to which there was no concurrent Federal jurisdiction, and therefore no legal basis for a Federal warrant), postal officials have cooperated with the execution of State warrants for mail. This practice has been ended, based upon a lack of legal authority for it.

(d) *Mail bombs.* There is no express statutory authority to open sealed mail suspected of containing a bomb to deactivate the bomb. Typically, therefore, legal access to sealed mail suspected of containing a bomb is obtained by the consent of the addressee or a search warrant. Where time or circumstances do not appear to permit either to be obtained, and the suspect letter or parcel reasonably appears to pose an immediate danger to persons or property, the practice is to arrange for explosive experts to open the letter and parcel and (if necessary) to deactivate or process the bomb or other dangerous contents. The legal basis for such actions is the emergency or exigency exception from the normal Constitutional search warrant requirement, e.g., *United States* v. *Barone*, 330 F. 2d 543 (2d Cir. 1964), and the availability in such circumstances of the justification of self-defense to a prosecution under either 18 U.S.C. 1701, 1702, or 1703. Clark and Marshall, *Crimes*, § 515 at 322–325 (6th ed. 1958); Miller, *Criminal Law*, §§ 54–55 at 164–170 (1934). Exigency mail treatment would be authorized by section 115.4, which would prescribe stringent reporting controls to insure that there is no abuse of this authority.

(e) *Customs and agriculture examination of incoming foreign mails.* Although there is no express statutory authority for examination of incoming foreign mails by either the Customs Service or the Agriculture Department, the Postal Service has always considered it appropriate to make cooperative arrangements with the Customs Service (and with the Agriculture Department) to insure that the incoming foreign mails are not misused to evade the customs or plant quarantine laws, or other laws regulating or prohibiting imports. Postal regulations of this kind have been in effect since 1871. Present arrangements would be continued by proposed sections 115.91 and 115.92(a). Present cooperative arrangements with the Department of Agriculture for enforcing the Federal plant quarantines of Hawaii and Puerto Rico would be continued by proposed section 115.92(b). The exception, in proposed section 115.91, of sealed mail addressed to the District of Columbia from warrantless Customs opening, reflects a decision by the Court of Appeals for the District of Columbia that requires, on Constitutional grounds, a search warrant for Customs' opening of incoming foreign letter mail. That decision, because of its conflict with the decisions of other Courts of Appeal, is now under review by the Supreme Court.

(f) *Territorial cooperation.* Proposed sections 115.94 and 115.96 would continue pre-existing cooperative arrangements with the Government of Guam and the Commonwealth of Puerto Rico. Section 3 of the Puerto Rico Federal

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Relations Act, 48 U.S.C. 741a (1970); 9 Op. Solic. P.O. Dep't. No. 200 at 249 (1948) (Guam).

SANCTITY OF INTERNATIONAL TRANSIT MAIL

Under the Acts of the Universal Postal Union, to which the United States is a party, international mail is required to be given "freedom of transit"—to be transported, promptly and generally without interference, by the transit or intermediary postal administration to the next postal administration. UPU Const. art. I, sec. 1; UPU Conv. arts. 1–3, art. 33, sec. 6; T.I.A.S. No. 8231, pp. 35–36, 49, 442 (1976). Domestic criminal law provides that unlawful interference with transit mail is punishable to the same extent as similar interferences with domestic mails. 18 U.S.C. 1692, 1701–1703, 1708–1709 (1970). Proposed section 115.8 would prescribe regulations consistent with the postal treaty rules on handling and forwarding transit mail.

Proposed section 115.95 would prescribe the same rules for the Canal Zone Postal Service to follow. The statutory authority for proposed section 115.95 is 39 U.S.C. 401(2), 407 (1970); 2 C.Z.C. 1131 (a), 76A Stat. 38.

DISCLOSURE OF INFORMATION ABOUT MAIL SENT OR RECEIVED

Proposed section 115.5 would generally prohibit postal employees from disclosing information about mail sent or received which they may obtain through their official duties. Existing exceptions (such as for mail covers issued in accordance with postal regulations) would be continued.

RESPONSIBILITY FOR ENFORCEMENT

General responsibility for enforcement of these regulations would be vested in the Postal Inspection Service. Proposed section 115.7 would channel all requests by government agencies for access to mail or information about any person's mail through the Postal Inspection Service.

WARTIME MAIL CENSORSHIP

Although an emergency preparedness executive order now in effect assigns wartime main censorship responsibilities to the Postal Service and other Federal agencies, Exec. Order No. 11,490, as amended, secs. 401(22), 601(2)(a), 41 Fed. Reg. 24,305, 24,308 (1976), the proposed regulations make no provision for wartime mail censorship. In World Wars I and II, statutory authority for wartime mail censorship was delegated to the President. Trading with the Enemy Act of 1917, sec. 3(d), 40 Stat. 411, 50 U.S.C. App. 3(d) (1970); First War Powers Act, 1941, sec. 303, 55 Stat. 840–841; see, 9 Op. Solic. P.O. Dept. No. 195 at 244 (1941); id. No. 201 at 252 (1942). However, the World War II authority has been repealed, Act of July 5, 1947, ch. 327, sec. 1, 61 Stat. 449, 50 U.S.C. App. 618 note (1970); and the World War I authority, although not explicitly repealed, is limited by its own terms to the duration of the then "present war". 50 U.S.C. App. 3(d) (1970). Since there is no present statutory authority for wartime mail censorship, the Postal Service construes the executive order as intended merely to distribute within the executive branch any wartime censorship authority that may hereafter be delegated to the President by law.

MAIL SURVEILLANCE FOR FOREIGN INTELLIGENCE PURPOSES

The proposed regulations make no provision for, and therefore would prohibit, interception or opening of mail without a warrant by U.S. foreign intelligence agencies such as the C.I.A. There is no statutory authority for such mail interception or opening programs. Although the claim has been made that the President may, based upon his Constitutional "foreign affairs powers", authorize mail openings for "foreign intelligence purposes," the present executive order on foreign intelligence gathering directs U.S. foreign intelligence agencies not to engage in: "Opening of mail or examination of envelopes of mail in United States postal channels except in accordance with applicable statutes and regulations." Exec. Order No. 11,905, February 18, 1976, sec. 5(b)(4), 41 Fed. Reg. 7,729 (1976). The Justice Department has stated that the promulgation of this executive order "withdrew any prior authorization for CIA mail opening programs. * * *" Justice Department Report on Its Decision Not to Prosecute Individuals Who Participated in CIA Mail Opening Projects 50 (January 14, 1977). Since the only explicit Constitutional "foreign affairs" power of the President not explicitly subject to Senatorial consent is the power to receive Ambassadors (Art. II, sec. 3), it would be necessary to enact a statutory authorization to provide a clear legal basis for U.S. foreign intelligence agencies to intercept or open mail for any purpose (other than under a judicially-issued search warrant).

Although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking, 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed revision of the Postal Service Manual:

Part 115 of the Postal Service Manual is revised to read as follows:

PART 115—MAIL SECURITY

115.1 Importance of mail security.

The Postal Service must preserve and protect the security of all mail in its custody from unauthorized opening, inspection, or reading of contents or covers, tampering, delay, or other unauthorized acts. Any postal employee committing or allowing any of these unauthorized acts is subject to administrative discipline, or criminal prosecution leading to fine, imprisonment, or both. An employee having a question about proper mail security procedures, which is not clearly and specifically answered by postal regulations or by written direction of the Inspection Service or Law Department, shall resolve the question by protecting the mail in all respects and moving it, or letting it move, without interruption to its destination.

115.2 Opening, reading, and searching of sealed mail generally prohibited.

.21 In general, no person may open, read, or search the contents of mail sealed against inspection, even though such mail may be believed to contain criminal or otherwise non-mailable matter or evidence of the commission of a crime. The only exceptions to this general rule are: (a) a postal employee in a dead mail office acting in accordance with dead mail regulations, part 159; (b) a postal employee acting with the consent of the addressee or sender; (c) a person executing a search warrant in accordance with section 115.6; (d) a person handling potentially dangerous mail in accordance with section 115.4; or, (e) an authorized Customs or Agriculture employee, acting in accordance with sections 115.91 or 115.92.

.22 Mail not sealed against inspection.

Mail not sealed against inspection may be opened, surrendered, its contents inspected and read, or information concerning it released, by an authorized postal employee, only: (a) under a search warrant in accordance with section 115.6; (b) without such a warrant in order to determine the mailability of the contents or whether the correct postage has been paid; or, (c) as otherwise expressly permitted by postal regulations.

.23 Definitions.

.231 Mail sealed against inspection.

For purposes of this part, the terms, "mail sealed against inspection," or "sealed mail," mean mail on which appropriate postage is paid, which under postal laws and regulations shall receive the most expeditious handling, transportation, and delivery, and which is not subject to postal inspection. The terms do not include international transit mail (section 115.8). They include first class mail, air mail, priority mail, international letter mail ("LC Postal Union mail" as defined in USPS Publication 42, International Mail), Mailgram, Express Mail, and Electronic Ticket Mail.

.232 Mail not sealed against inspection.

For purposes of this part, the terms, "mail not sealed against inspection," or "unsealed mail," mean mail on which appropriate postage for sealed mail has not been paid, which under postal laws or regulations is not required to receive the most expeditious handling, transportation, or delivery, and which is subject to postal inspection. The terms do not include international transit mail (section 115.8). They include second, third, and fourth class mail, international parcel post mail, and "AO Postal Union mail" (as defined in USPS Publication 42, International Mail).

115.3 Permissible detention of mail.

.31 Sealed mail generally not detained.

No postal employee may detain mail sealed against inspection (other than dead mail) except: (a) a postal inspector acting diligently and without avoidable delay upon reasonable suspicion, for a brief period of time, to assemble evidence sufficient to satisfy the probable cause requirement for a search warrant in accordance with section 115.6, and to apply for, obtain, and execute the warrant; (b) a postal employee acting in strict accordance with postal regulations (for example, sections 115.4 or 154.145; (c) a postal employee acting under postal regulations with the express consent of the addressee or sender (for example, section 153.5 or 154.19); (d) a postal employee acting under an order issued under 39 U.S.C. 3005, relating to false representations, lotteries, and unlawful matter; (e) a postal employee acting under section 115.62; (f) a postal employee conducting a mail count by direction of his postmaster or a postal inspector; (g) a postal employee acting under an order of a Federal court; or, (h) a postal employee during the period required to seek and obtain instructions under section 154.7 concerning mail whose delivery is in dispute, or under section 331.1 concerning legal process other than a search warrant duly issued under Rule 41 of the Federal Rules of Criminal Procedure, purporting to require the surrender of mail matter.

.32 Unsealed mail.

Mail not sealed against inspection may be delayed or detained for the reasons stated in section 115.31 and as otherwise expressly permitted by postal regulations.

115.4 Mail reasonably suspected of being dangerous to persons or property.

Mail, sealed or unsealed, reasonably suspected of posing an immediate danger to life or limb, or an immediate and substantial danger to property, may, without a search warrant, be detained, opened, removed from postal custody, and processed or treated, but only to the extent necessary to determine and eliminate the danger, and only if a complete written and sworn statement of the detention, opening, removal, or treatment, and the circumstances that prompted it signed by the person purporting to act under this subsection, is promptly forwarded to the Chief Inspector. Any person purporting to act under this subsection who does not report his action in accordance with the requirements of this subsection to the Chief Inspector, or whose action is determined after investigation not to have been authorized, is subject to disciplinary action or criminal prosecution.

115.5 Disclosure of information about mail sent or received by particular senders or addressees.

Except as provided in paragraphs (a)–(f), no employee shall disclose: Information on the outside cover of any piece of mail; information obtained from any inspection of the contents of mail; or any other information which concerns any mail sent or received by any particular sender, addressee, or group of senders or addressees, which the employee obtains or controls in the performance of his official postal duties. An employee may disclose such information: (a) to the Postal Inspection Service for its official use, including appropriate reference to law enforcement authorities, when there is a reasonable basis to suspect that such information is evidence of the commission of a crime under State or Federal law, except that information obtained by opening sealed mail in a dead letter office may be used only to determine an address at which the mail can be delivered; (b) under section 233.2, regarding mail covers; (c) under a search warrant in accordance with section 115.6; (d) under an order of a Federal court; (e) at the request of the sender or addressee or the authorized agent of either; or, (f) otherwise in accordance with postal regulations: *Provided*, That any such information obtained from an inspection of the contents of mail may only be disclosed if the inspection accords with the regulations contained in this Part.

115.6 Execution of search warrants.

.61 Warrant issued by Federal Court or served by Federal officer.

A search warrant duly issued under Rule 41 of the Federal Rules of Criminal Procedure shall be executed as provided in section 115.62. Usually, a warrant issued by a Federal court or served by a Federal officer is issued under Rule 41, and is "duly issued" if signed and dated within the past ten days. No employee shall permit the execution of a search warrant issued by a State court and served by a State officer. If in doubt, an employee should temporarily detain the mail in question and promptly call a postal inspector for guidance.

.62 Search warrant execution procedures.

A postal inspector may execute a search warrant. A person other than a postal inspector executing a search warrant must be accompanied by a postal employee authorized by the head of the postal installation at which the warrant is to be executed. Mail may be taken from postal custody under the authority of a search warrant only if the person executing the warrant leaves a copy of the warrant and a receipt or inventory, made out in the presence of the postal employee accompanying him, which particularly describes each piece of mail taken, including all service endorsements on the cover (such as, "Return Receipt Requested") and any official postal identity numbers (such as registry, insurance, or certified mail numbers). The receipt or inventory may be attached to the copy of the warrant, or written on the reverse side of the copy of the warrant. The installation head or his designee shall make a copy of the receipt or inventory and of the copy of the warrant and send it to the Inspector-in-Charge of the Division in which the installation is located.

.63 Notice to sender or addressee.

If the cover of the mail has been endorsed and stamped to show that the sender has requested and paid for a return receipt or notice of nondelivery, the sender shall be notified of seizure of the mail under the warrant by an endorsement to that effect on the return receipt or notice, or on a duplicate if the original receipt or notice is taken. The receipt or notice shall be dispatched as soon as possible, unless the officer executing the warrant presents a Federal court order to delay the dispatch. In that event the dispatch shall be delayed in accordance with the order.

115.7 Cooperation with Federal and State and local agencies for access to mail.

A postal employee receiving a request from a Federal, State, or local law enforcement, intelligence, or other government agency, for access to, or information about, particular mail matter of any class in the custody of the Postal Service shall refer the request to the Postal Inspection Service with the explanation that the Inspection Service is responsible for liaison with all government agencies with respect to a request of this kind. No employee of the Inspection Service shall comply with such a request, except as authorized by postal regulations.

115.8 International transit mail.

.81 Definitions.

.811 International transit mail.

As used in this part, the term "international transit mail" applies to mail of foreign origin which is passed by a foreign postal administration to the United States Postal Service for forwarding to a foreign postal administration under a postal treaty or convention. It includes closed mails and à découvert letter post items.

.812 Closed mail.

The term "closed mail" refers to any bak, container, or mail passed to the United States Postal Service by a foreign postal administration, the entire contents of which are required by applicable postal treaties or conventions to be passed to a foreign postal administration.

.813 À Découvert letter post item.

The term "à découvert letter post item" refers to any international letter post item ("Postal Union mail" as defined by USPS Publication 42, International Mail) which is addressed for delivery by a foreign postal administration, and is passed to the United States Postal Service by a foreign postal administration in a bag, container, or mail that must be opened by the United States Postal Service in accordance with applicable postal treaties or conventions because it contains items addressed for delivery by the United States Postal Service.

.82 Special security rules.

International transit mail is entitled to freedom of transit. It shall not be opened, seized, or searched. It is not subject to Customs or Agriculture inspection under sections 115.91 or 115.92. In ac-

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cordance with the Universal Postal Convention, any international transit mail consisting of closed mails, à découvert letter-post items, and air mail correspondence, shall not be detained, but shall instead be forwarded to the next foreign postal administration by the quickest routes which the United States Postal Service uses for mail sealed against inspection.

115.9 Mail security, law enforcement, and other government agencies.

.91 Customs Service.

Without a search warrant but upon reasonable suspicion, designated personnel of the U.S. Customs Service may open or inspect the contents of mail (but not read correspondence in sealed mail) in the customs inspection of mail (including APO–FPO mail) which has originated outside the Customs Territory of the United States ("CTUS"), and is addressed for delivery inside the CTUS (except sealed mail addressed to the District of Columbia). Such inspections may be conducted only in accordance with part 820, USPS Publication 42, International Mail, relating to cooperation with the U.S. Customs Service on inspections of imports. No Customs personnel may read, allow any other person to read, or transfer to any other person any correspondence contained in sealed mail unless such action is authorized by a search warrant issued under Rule 41 of the Federal Rules of Criminal Procedure. No Customs personnel may, without a search warrant, open, inspect, read, or seize any mail in postal custody (including APO–FPO mail) which has not originated outside the CTUS, or which has diplomatic or consular immunity from customs inspection (USPS Publication 42, International Mail, sections 821.1a and 821.1b).

.92 Department of Agriculture.

(a) *Foreign origin mail.* Without a search warrant, designated personnel of the U.S. Deuartment of Agriculture may open and inspect (but not read) the contents of mail (including APO–FPO mail) which has originated outside the Customs Territory of the United States ("CTUS") and is addressed for delivery inside the CTUS. Such inspection may be conducted only in accordance with part 830, USPS Publication 42, International Mail, relating to cooperation with the Department of Agriculture on plant quarantine inspections of imports.

(b) *Domestic mail from Hawaii or Puerto Rico.* Without a search warrant, designated USDA personnel may open and inspect (but not read) the contents of mail reasonably suspected of containing plant matter or plant pests, which has been mailed in Hawaii or Puerto Rico and is addressed to the United States mainland, either with the consent of the sender, or if the mail is unsealed. Such inspections may take place only in designated areas of the Hawaii or Puerto Rico post office, and only so long as the Federal plant quarantine of Hawaii or Puerto Rico remains in effect.

(c) *State terminal inspections.* Postal employees may cooperate with the Department of Agriculture and with State terminal inspection officials in accordance with the Terminal Inspection Act, 7 U.S.C. 166, or implementing regulations in USPS Publication 14, Plant Quarantines.

.93 Military postal system.

This part applies to the military postal system and to all military personnel performing postal duties, including unit mail clerks. A search authorization issued by or under the authority of a commanding officer or a military judge is not a "search warrant" within the meaning of this part. Offenses committed against the security of mail in the custody of the military postal system, at home or abroad, are punishable under Federal criminal laws relating to postal offenses in Title 18, United State Code, as well as under the Uniform Code of Military Justice. Mail in the custody of the military postal system, if mailed outside the Customs Territory of the United States for delivery to an address within the Customs Territory of the United States, may be opened and searched (but correspondence in sealed mail may not be read) without a search warrant, by authorized personnel of the U.S. Customs Service in accordance with section 115.91, relating to customs inspection, and by authorized personnel of the Department of Agriculture in accordance with section 115.92(a), relating to plant quarantines of imports, even though for other purposes such mail is domestic mail, part 112.

.94 Customs inspection in Guam.

Postal employees in the Agana post office may permit designated customs officials of the Government of Guam, without a search warrant to open, inspect, and read the contents of unsealed mail, and to examine the exterior (but not open or read the contents) of sealed mail which is addressed for delivery within the Territory of Guam. Upon the request of Guam customs officials, postal employees in the Agana post office may ask the addressee of sealed mail which Guam customs reasonably suspects of containing dutiable or prohibited matter to authorize Guam customs to open and inspect the contents of the sealed mail, or to appear at the post office to accept delivery of the sealed mail in the presence of a Guam customs official.

.95 Canal Zone Postal Service.

.951 International transit mail.

The Canal Zone Postal Service shall comply with section 115.8 with regard to any international transit mail passed to it by a foreign postal administration.

.952 Mail addressed to the United States or any area for which it is responsible.

The Canal Zone Postal Service shall comply with part 115 with regard to any mail passed to it by a foreign postal administration which is addressed for delivery in the United States or any area for which the United States is responsible (other than the Canal Zone).

.953 Mail passed to the Canal Zone Postal Service by the United States Postal Service not addressed for delivery in the Canal Zone.

The Canal Zone Postal Service shall comply with part 115 with regard to any mail passed to it by the United States Postal Service which is not addressed for delivery in the Canal Zone.

.954 Definitions.

For purposes of subsections 115.952 and 115.953, the words "postal employee" or words of like import in part 115 refer to an employee of the Canal Zone Postal Service; and the words "Postal Service" or "United States Postal Service" or words of like import refer to the Canal Zone Postal Service.

.96 Puerto Rico.

Under 48 U.S.C. 74la, postal employees in the San Juan Post Office are authorized to permit excise tax collection officials of the Commonwealth of Puerto Rico to record the names and addresses that appear on the exterior of incoming insured, certified, or C.O.D. mail, so long as no mail is opened or detained.

Conforming Amendments of Parts 112, 137, 331.

Amend part 112 by inserting between the words "Army-Air Force (APO) and Navy (FPO) post offices" and the semicolon immediately following them, the words, "(except as provided in part 115)".

Amend section 137.81 by inserting, between the word "detained" and the word "even" in the first sentence, the words, ", except in accordance with part 115,".

Amend part 331 to read:

.11 Requests for surrender of mail.

Any employee served with legal process, other than a search warrant issued under Rule 41 of the Federal Rules of Criminal Procedure (see section 115.6), purporting to require the surrender of mail, shall respectfully refuse to surrender it and shall refer the matter to the Regional Counsel for further information.

See 115.31 for permissible detention of the mail.

.12 Access to Mail and Mail Handling Areas.

Access to mail and mail handling areas in postal installations is restricted to authorized postal employees and mail contractors on official business, and to other persons specifically permitted access by the installation head or superior authority for the proper conduct of the official business of the Postal Service, the General Accounting Office, or a Congressional committee. Such other persons must be accompanied by a postal employee on duty. Federal, State, or local law enforcement or public safety authorities may be given access to mail and to mail handling areas to remove potentially dangerous mail matter in accordance with section 115.4. In appropriate circumstances, the installation head may allow Federal, State, or local law enforcement authorities access to mail and mail handling areas, to deal with conditions dangerous to life, limb, or property, such as fires or flooding, or to make lawful arrests.

An appropriate amendment to 39 CFR 111.3 to reflect this change will be published if the proposal is adopted.

(39 USC 401, 404, 3623(d).)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.77-10404 Filed 4-7-77;8:45 am]

federal register

FRIDAY, APRIL 8, 1977

PART V



OFFICE OF THE FEDERAL REGISTER

PRIVACY ACT OF 1974

Publications Guidelines

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OFFICE OF THE FEDERAL REGISTER

PRIVACY ACT ISSUANCES

Publication Guidelines

ACTION: Notice of plans for publication of 2nd Annual Compilation of Privacy Act issuances.

SUMMARY: This document announces schedules and procedures developed to help agencies meet their publication responsibilities under the Privacy Act of 1974. This document also establishes a requirement that agencies submit a Table of Contents for the systems of records described.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert Jordan, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408. Telephone: 202–523–5240.

INTRODUCTION

The Privacy Act (Public Law 93–579, section 552(e)(4)) requires that all agencies shall publish "* * * in the FEDERAL REGISTER at least annually a notice of the existence and character of systems of records * * *". The Act also requires that the FEDERAL REGISTER "* * * shall annually compile and publish the rules promulgated under subsection (f) and agency notices published under subsection (e)(4) in a form available to the public at low cost." (Section 552(f).)

The Office of the Federal Register (OFR) has developed these procedures to help agencies to meet their responsibilities under the Act and to minimize the printing costs involved in reissuing and reprinting all the Privacy Act notices.

BACKGROUND

The OFR scheduled the first Annual Compilation of Privacy Act Issuances for publication in 1976. The Compilation was contained in five volumes. In order to avoid the delays that occurred in printing the 1976 Compilation, OFR has established a new schedule that should result in issuance of the 1977 Compilation by September 27, 1977, the second anniversary of the effective date of the Act. To accomplish this goal, and to insure that the most up-to-date versions of their systems appears in the Privacy Act Compilation, Federal agencies will have to adhere strictly to the deadline dates announced in these guidelines. Failure to comply with these dates may mean that an outdated version of an agency's issuances will appear in the 1977 systems Compilation, or that an agency may be omitted altogether from the Compilation.

SUBMISSION DEADLINES

During the period July 1, 1977 to August 31, 1977, each Federal agency subject to the Privacy Act must submit a document for publication in the FEDERAL REGISTER. This document is required under the provisions of 5 U.S.C. 552a(e)(4).

MANNER OF SUBMISSION

The document submitted must contain the complete text of the agency's systems of records. These systems should be submitted in machine readable format; either Optical Character Recognition (OCR) Type or on magnetic tape in accordance with the specifications in the Appendix to these guidelines. Agencies that are unable to supply documents in machine readable form should contact the OFR promptly.

In the signed preamble to the document, agencies should describe any changes included in the systems of records that were not previously published in the FEDERAL REGISTER. This includes additions, deletions, and substantive changes to the system of records. The preamble should also include citations to the FEDERAL REGISTER issue where the agency last republished their systems in full text together with citations for any subsequent amendments.

TABLE OF CONTENTS

Each agency must also include a table of contents immediately preceding the text of the systems of records. The table of contents should be arranged in the order of appearance of the systems.

NUMBER OF COPIES

Three copies of the document (one original and two certified) must be submitted to the OFR. If a tape is submitted as part of the document, two single-spaced printouts of the material on the tape should accompany the document. Upon receipt of the document, the OFR will schedule publication as soon as possible. Normal FEDERAL REGISTER publication schedules do not apply.

RULES AND REGULATIONS

The OFR will compile each agency's rules and regulations pertaining to the Privacy Act and publish them with the systems in the Compilations. The rules and regulations will be compiled as of July 1, 1977. If any revisions are planned, the agency should be certain to have them in by that date to insure appearance in the Compilation. Only rules published in final form by that date will be included.

AGENCY OVERRUNS

Before final printing of the Compilation volumes, agencies will be given the opportunity to order overruns from the Government Printing Office for the part in which their material appears.

FOR FURTHER INFORMATION

Any questions or problems with regard to these guidelines or publication of the Annual Compilation should be directed to the Privacy Act Coordinator by calling (202) 523–5240, or by writing the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408. The Office is located in Room 8401, 1100 L Street NW., Washington, D.C.; office hours are from 8:45 a.m. to 5:15 p.m.

FRED J. EMERY,
Director of the Federal Register.

INPUT REQUIREMENTS FOR FR PRIVACY ACT EDIT PROGRAM UTILIZING OCR SCANNABLE COPY

Typing Requirements

Typewriters must have 10 character per inch pitch, OCR-A size I type font with 85 characters and/or symbols and space bar which conform to FIPS PUB 32.

The following FIPS PUB 32 symbols will not be used:

| long vertical mark (field identifier) fig. II–24.
Ψ symbol fork, figure II–22.
— group erase, figure II–96.

The symbol hook (⸮) figure II–21 will occasionally be used to indicate special functions.

The character erase (▮) figure II–95, will be used to correct typing errors, as follows:

▮ delete previous letter
▮▮ delete all characters, back to, but not including, previous space
▮▮▮ delete entire line, back to the left hand margin.

Corrections on copy will not be made by erasing, white-out, or striking out. Only clean copy, with the exception of the character erase used for correcting errors, will be acceptable.

Copy must be typed double space at a 5 or 6 lines per inch pitch.

Spacing between words or sentences will be restricted to 2 spaces.

Operator must distinguish between figure one (1) and lower case letter ell (l) and between figure zero and capital letter O. These characters are not interchangeable.

Hyphens must never appear at the end of a line. If a hyphenated word must extend beyond the image area, use 2 erase symbols and start a new line. Strikes over previously typed letters are acceptable for this function only when the insertion of the two erase symbols would fall outside the right side margins.

Quotation marks—(") for single open quotes; ("") for double open quote; (') for single close quote and apostrophe; ('') for double close quote.

A one-time carbon ribbon that is equivalent to an IBM 3121 Black Ribbon Part No. 1136108 or 1136390 is normally adequate to meet requirements.

Paper Requirements

Paper will be made available through the Office of the Federal Register and will have preprinted on it, in non-OCR readable ink, margins, alinement and first character positions. Indents for 3, 6, and 9 spaces are also marked and are referred to in these specifications.

Margins and alinement are critical and must be followed.

Data Identifiers (Keyword Indicators)

The codes listed following these paragraphs must be placed immediately in front of the data they refer to. These codes will cause the correct function code and heading to be added by the edit program.

1. Data entries are to be preceded by a keyword indicator, the character (⸮), and a letter as assigned.
2. The keyword indicators and the subsequent letter causes the edit program to generate the proper headings as they appear on the following list.
3. Data may reflect either a textual paragraph or column/list format. The start of each paragraph is a new line, with a 3-space indent. When names, addresses, etc., require a column list format, each individual line will be a new line with a 6-space indent. It is advisable, where possible, to enter names, addresses, etc., in paragraph form.

Keyword and letter	Paragraph title
⸮A	(NONE)*
⸮B	System name:
⸮C	Security classification:
⸮D	Security location:
⸮E	Categories of individuals covered by the system:
⸮F	Categories of records in the system:
⸮G	Authority for maintenance of the system:
⸮H	Routine uses of records maintained in the system, including categories of users and the purposes of such uses:
⸮I	Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:
⸮J	Storage:
⸮K	Retrievability:
⸮L	Safeguards:
⸮M	Retention and disposal:
⸮N	System manager(s) and address:
⸮O	Notification procedure:
⸮P	Record access procedures:
⸮Q	Contesting record procedures:
⸮R	Record source categories:
⸮S	Systems exempted from certain provisions of the act:

*Unique system number assigned by the submitting department. To be used in creating an index. First position after ⸮A must be either a blank or alphabetic character. 20 characters maximum.

For further information on scanner input contact the Privacy Act Coordinator at the Office of the Federal Register.

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INPUT REQUIREMENTS FOR FR PRIVACY ACT EDIT PROGRAM

1. All files will be submitted on ½ inch wide magnetic tape whose recording mode is 9 track. Acceptable recording densities are 800 or 1600 CPI.
2. Files are to be devoid of equipment-oriented identification label records, i.e., unlabeled.
3. Files are comprised of blocks of data not to exceed 3000 characters.
4. Data entries are to be preceded by a keyword indicator, the character "+", and a number as assigned. See attachment I.
5. The keyword indicators and the subsequent number causes the edit program to generate the proper headings as they appear on attachment I.
6. Data may reflect either a textual paragraph or column/list format. The start of each paragraph is preceded by the character "$". When names, addresses, etc., require a column list format, each individual line will be preceded by the character "%". It is advisable, where possible, to enter names, addresses, etc., in paragraph form.
7. The character set indicated in attachment II provides for upper and lower case letters, the numbers zero through nine, and the normally used punctuation, e.g., period, comma, colon, semicolon, hyphen, em dash, shil, exclamation mark, question mark, quote, apostrophe, ampersand, asterisk, and open and close parens.

These codes represent the characters to be called by the composition program in composing the submitted data. Any fractions, math signs, etc., are to be spelled out.

ATTACHMENT I

Keyword and number	Paragraph title
+1	(NONE)*
+2$	System name:
+3$	Security classification:
+4$	System location:
+5$	Categories of individuals covered by the system:
+6$	Categories of records in the system:
+7$	Authority for maintenance of the system:
+8$	Routine uses of records maintained in the system, including categories of users and the purposes of such uses:
+9$	Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:
+9A$	Storage:
+9B$	Retrievability:
+9C$	Safeguards:
+9D$	Retention and disposal:
+10$	System manager(s) and address:
+11$	Notification procedure:
+12$	Record access procedures:
+13$	Contesting record procedures:
+14$	Record source categories:
+15$	Systems exempted from certain provisions of the act:
+16	**

*Unique system number assigned by the submitting department. To be used in creating an index. First position after +1 must be either a blank or alphabetic character. 20 characters maximum.

**End description indicator. For use by DOD. Positions 20-24 contain record count for checking. Files will be in blocked records with control records in front of entry records.

ATTACHMENT II

PART I

Hex 0	Character	Hex 1	Character	Hex 2	Character	Hex 3	Character	Hex 4	Character	Hex 5	Character	Hex 6	Character	Hex 7	Character
00	By pass	10		20		30		40		50	&	60	- hyphen	70	
01		11		21		31		41		51		61	/ shill	71	
02		12		22		32		42		52		62		72	
03		13		23		33		43		53		63		73	
04		14		24		34		44		54		64		74	
05		15		25		35		45		55		65		75	
06		16		26		36		46		56		66		76	
07		17		27		37		47		57		67		77	
08		18		28		38		48		58		68		78	
09		19		29		39		49		59		69		79	
0A		1A		2A		3A		4A		5A	!	6A		7A	: colon
0B		1B		2B		3B		4B	period	5B	$ paragraph	6B	comma	7B	
0C		1C		2C		3C		4C		5C		6C	% list	7C	
0D		1D		2D		3D		4D	(open paren	5D	close paren)	6D	— em dash	7D	apos
0E		1E		2E		3E		4E	+ key word	5E	; semi-colon	6E		7E	
0F		1F		2F		3F		4F		5F		6F	?	7F	" quote

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ATTACHMENT II

PART II

Hex 8	Character	Hex 9	Character	Hex A	Character	Hex B	Character	Hex C	Character	Hex D	Character	Hex E	Character	Hex F	Character
80		90		A0		B0		C0		D0		E0		F0	0 zero
81	a	91	j	A1		B1		C1	A	D1	J	E1		F1	1
82	b	92	k	A2	s	B2		C2	B	D2	K	E2	S	F2	2
83	c	93	l	A3	t	B3		C3	C	D3	L	E3	T	F3	3
84	d	94	m	A4	u	B4		C4	D	D4	M	E4	U	F4	4
85	e	95	n	A5	v	B5		C5	E	D5	N	E5	V	F5	5
86	f	96	o	A6	w	B6		C6	F	D6	O	E6	W	F6	6
87	g	97	p	A7	x	B7		C7	G	D7	P	E7	X	F7	7
88	h	98	q	A8	y	B8		C8	H	D8	Q	E8	Y	F8	8
89	i	99	r	A9	z	B9		C9	I	D9	R	E9	Z	F9	9
8A		9A		AA		BA		CA		DA		EA		FA	
8B		9B		AB		BB		CB		DB		EB		FB	
8C		9C		AC		BC		CC		DC		EC		FC	
8D		9D		AD		BD		CD		DD		ED		FD	
8E		9E		AE		BE		CE		DE		EE		FE	
8F		9F		AF		BF		CF		DF		EF		FF	

This sample illustrates how a system notice will look with the codes required by the specifications appearing above. NOTE THAT THE ACTUAL HEADINGS, "SYSTEM NAME," "LOCATION," ETC., SHOULD NOT BE PRINTED OR TYPED, BUT ONLY THE SYMBOLS. The program developed by the Government Printing Office will insert the headings where appropriate.

+1 DOD 412.07.

+2$ Research Clearance Files 412.07—DOD/Navy.

+4$ Records Management Division, Administrative Management Directorate, the Adjutant General Center Office of the Secretary of the Army.

+5$ U.S. citizens, doing unofficial research, who apply for access to Army classified files.

+6$ Individual's application for related processing papers and access authorization and extension; correspondence between the Records Management Division and (1) applicant, (2) records custodians, (3) other Government agencies; retained copies of research notes and manuscript and selected documents.

+7$ Section 12, Executive Order 11652, "Classification and Declassification of National Security Information and Material."

+8$ Records are used to obtain clearance for access to classified information by applicant; to obtain approval of research subject matter; to determine location, availability and classification of records desired by the researchers; to request and coordinate the review of manuscript; and to enable discussion of proposed or ongoing research when problems arise. Primary users are the Office of the Secretary of the Army, and Offices of the Department of the Army Staff and major commands.

+9$

+9A$ Paper records in file folders.

+9B$ Filed alphabetically by last name of researcher.

+9C$ Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

+9D$ Records are permanent. They are retained in active file until end of calendar year in which research project is completed, held an additional year in inactive file, and subsequently retired to the Washington National Records Center.

+10$ The Secretary of the Army, thru his designated representative, The Adjutant General. Headquarters, Department of the Army, the Pentagon, Washington, D.C.

+11$ Information may be obtained from:

% Hq DA (DAAG-AMR-S)
% Room GA 084
% Forrestal Building
% Washington, D.C. 20314
% File. Area Code 202/693-1847.

+12$ Requests from individuals should be addressed to: Same address as stated in the notification section above.

+13$ The Departments' rules for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in the rules section of the FEDERAL REGISTER.

+14$ Application and related forms from the individual researcher Department of the Army Staff agencies and other federal agencies.

+15$ None.

+16 (Record count)

[FR Doc.77-10488 Filed 4-7-77;8:45 am]

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federal register

FRIDAY, APRIL 8, 1977

PART VI

OFFICE OF MANAGEMENT AND BUDGET

DEFERRALS

Energy Research and Development Administration and Commerce/Maritime Administration

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OFFICE OF MANAGEMENT AND BUDGET

DEFERRALS

ERDA and Commerce/Maritime Administration

TO THE CONGRESS OF THE UNITED STATES:

In accordance with the Impoundment Control Act of 1974, I herewith report two new deferrals of Energy Research and Development Administration funds totaling $127.2 million. The deferrals have no effect on budgetary outlays for fiscal year 1977 or subsequent years. In addition, I am reporting a revision to a previously transmitted Department of Commerce deferral.

The details of each deferral are contained in the attached reports.

Jimmy Carter

THE WHITE HOUSE, *April 4, 1977.*

CONTENTS OF SPECIAL MESSAGE

(in thousands of dollars)

Deferral #	Item	Budget Authority
	Commerce:	
	Maritime Administration	
D77-47A	Ship construction	200,900
	Energy Research and Development Administration:	
D77-55	Operating expenses	80,500
D77-56	Plant and capital equipment	46,660
	Total, deferrals	328,060

****

SUMMARY OF SPECIAL MESSAGES
FOR FY 1977

(in thousands of dollars)

	Rescissions	Deferrals
Tenth special message:		
New items	---	127,160
Changes to amounts previously submitted	---	---
Effect of the tenth special message	---	127,160
Previous special messages	1,040,378	7,088,428
Total amount proposed in special messages	1,040,378 (in 13 rescission proposals)	7,215,588 (in 56 deferrals)

NOTE: All amounts listed represent budget authority except for $134,807,092 consisting of two general revenue sharing deferrals of outlays only (D77-26 and D77-27A). Reports for D77-26 and D77-27A are included in the special messages of October 1, 1976, and December 3, 1976, respectively.

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D77-47A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report revises Deferral No. D77-47, transmitted to the Congress on January 17, 1977, and printed as House Document No. 95-48 and Senate Document No. 95-19.

Deferral No. D77-47, previously reported for the Ship Construction appropriation of the Maritime Administration, was based on 1977-78 shipbuilding plans presented in the 1978 budget submitted to Congress on January 17, 1977. This supplementary report is based on current projections of demand for U.S. shipbuilding as reflected in the revised 1978 budget submitted to the Congress on February 22, 1977.

The revised deferral anticipates that an estimated $102.9 million of the total amount deferred will be made available for obligation in fiscal 1977 as firm ship construction contracts are ready to be made. The remaining $98 million is planned for deferral for the entire year. The original report indicated that all $200.9 million would be deferred thoughout fiscal 1977.

Deferral No: D77-47A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Commerce	New budget authority (P.L. ____): $ ____
Bureau: Maritime Administration	Other budgetary resources: 362,811,241
Appropriation title & symbol: Ship Construction 13X1708	Total budgetary resources: 362,811,241
	Amount to be deferred: Part of year: $102,900,000*
	Entire year: 98,000,000*
OMB identification code: 13-1708-0-1-406	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other ____
Grant program ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

* Justification

This appropriation, available until expended, provides subsidies to U.S. shipyards for the construction and reconstruction of ships for foreign trade.

This revised deferral is based on anticipated new shipbuilding contracts during fiscal year 1977. The amount of $102,900,000 is being deferred for part of the year. It is anticipated that these funds will be apportioned as shipbuilding contracts become ready for obligation.

The amount of $98,000,000 is being deferred for the entire year but will be used in succeeding years. Provision is made under the Anti-deficiency Act (31 U.S.C. 665) for the phased use of multi-year funds.

Estimated Effects

The deferral will not delay planned construction or conversion of subsidized ships and will not affect the international competitive position of U.S. shipyards.

Outlay Effect

There is no outlay effect of this deferral.

* Revised from previous report.

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Deferral No: D77-55

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Energy Research and Development Administration	New budget authority (P.L. 94-355 & 94-373): $4,669,338,000
Bureau:	Other budgetary resources: 1,802,626,059
Appropriation title & symbol: Operating Expenses 89 x 0100	Total budgetary resources: 6,471,964,059
	Amount to be deferred: Part of year: $; Entire year: 80,500,000
OMB identification code: 89-0100-0-1-999	Legal authority (in addition to sec. 1013): [X] Antideficiency Act; [ ] Other
Grant program: [ ] Yes [X] No	
Type of account or fund: [ ] Annual; [ ] Multiple-year ____ (expiration date); [X] No-year	Type of budget authority: [X] Appropriation; [ ] Contract authority; [ ] Other

Justification

The Energy Research and Development Administration operating expenses appropriation is used for the conduct of energy research and development, basic research, and for nuclear research, development, and production related to national defense. The amount deferred is made up of unobligated balances brought forward into fiscal 1977. These balances are not needed for obligation in 1977 but may be needed in future years and are, therefore, reserved for contingencies.

Estimated Effects

There are no programmatic or budgetary effects of the deferral because the funds represent obligational authority in excess of that needed to conduct the FY 1977 program as appropriated.

Outlay Effect

No effect on outlays results from this deferral action.

Deferral No: D77-56

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Energy Research and Development Administration	New budget authority (P.L. 94-355 & 94-373): $1,634,630,000
Bureau:	Other budgetary resources: 106,534,747
Appropriation title & symbol: Plant and Capital Equipment 89X0103	Total budgetary resources: 1,741,164,747
	Amount to be deferred: Part of year: $; Entire year: 45,680,000
OMB identification code: 89-0103-0-1-999	Legal authority (in addition to sec. 1013): [ ] Antideficiency Act; [ ] Other
Grant program: [ ] Yes [XX] No	
Type of account or fund: [ ] Annual; [ ] Multiple-year ____ (expiration date); [XX] No-year	Type of budget authority: [X] Appropriation; [ ] Contract authority; [ ] Other

Justification

The amount deferred is made up of funds appropriated for 1977 and prior years for the Clean Boiler Fuel from Coal project (Coalcon). The funds may not be required for obligation in 1977 due to severe engineering difficulties which prevent further work on the project. The deferral is planned to be maintained pending a decision on future Coalcon activities and a determination of project termination costs. Once such a determination is made, any remaining funds will either be proposed for rescission or reprogramming, if appropriate.

Estimated Effects

There are no further programmatic or budgetary effects resulting from the deferral. Technical problems, rather than this deferral action, prevent further work on the project. Funds are not now planned to be obligated because the project is undergoing a technical review.

Outlay Effect

Available funds exceed current requirements by the amount of the deferral. Therefore, there is no outlay effect from this action.

[FR Doc.77-10517 Filed 4-6-77;11:48 am]

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federal register

FRIDAY, APRIL 8, 1977

PART VII



DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

V 42 68 APR 8 77 UMI

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

North Carolina	NC77–1046
Pennsylvania	PA77–3039, PA77–3043

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alabama:		
	AL76–5090	Oct. 8, 1976.
Arkansas:		
	AL76–5090	Do.
	AR77–4018	Feb. 4, 1977.
	AR77–4061	Mar. 11, 1977.
Florida:		
	AL76–5090	Oct. 8, 1976.
	FL77–1028	Mar. 18, 1977.
Idaho:		
	ID77–5023	Feb. 25, 1977.
Iowa:		
	IA76–4146; IA76–4148; IA76–4149.	Sept. 10, 1976.
	IA76–4150	Sept. 17, 1976.
	IA76–4173; IA76–4174; IA76–4175.	Oct. 15, 1976.
	IA76–4185	Nov. 19, 1976.
	IA77–4004	Jan. 21, 1977.
Kentucky:		
	AL76–5090	Oct. 8, 1976.
Louisiana:		
	AL76–5090	Do.
Mississippi:		
	AL76–5090	Do.
	MS77–1030	Mar. 25, 1977.
Missouri:		
	AL76–5090	Oct. 8, 1976.
Nevada:		
	NV77–5022; NV77–5031	Mar. 18, 1977.
New York:		
	NY76–3256	Oct. 8, 1976.
	NY77–3022	Feb. 4, 1977.
Ohio:		
	OH77–2037	Mar. 11, 1977.
Oregon:		
	OR77–5033	Mar. 25, 1977.
Tennessee:		
	AL76–5090	Oct. 8, 1976.
Texas:		
	AL76–5090	Do.
	TX76–4192	Dec. 17, 1976.
	TX76–4193	Dec. 28, 1976.
Virginia:		
	MD77–3041	Mar. 18, 1977.
Washington:		
	WA77–5032	Apr. 1, 1977.
Washington:		
	DC77–3040	Mar. 18, 1977.
Washington, D.C.:		
Wisconsin:		
	WI76–2155	Nov. 26, 1976.
	WI76–2157; WI76–2158; WI76–2160; WI76–2161.	Dec. 17, 1976.
	WI76–2163; WI76–2164	Dec. 10, 1976.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Arkansas:		
	AR76–4129 (AR77–4082)	July 23, 1976.
	AR76–4133 (AR77–4083)	July 13, 1976.
	AR76–4188 (AR77–4078)	Nov. 19, 1976.
Illinois:		
	IL76–5038 (IL77–5038)	Apr. 16, 1976.
Indiana:		
	IL76–5038 (IL77–5038)	Do.
Kansas:		
	KS77–4020 (KS77–4081)	Feb. 4, 1977.
	KS77–4046 (KS77–4080); KS77–4048 (KS77–4079).	Feb. 25, 1977.
	MO76–4103 (MO77–4076)	July 2, 1976.
	MO76–4177 (MO77–4075)	Nov. 12, 1976.
Kentucky:		
	KY76–1077 (KY77–1035)	July 23, 1976.
Michigan:		
	IL76–5038 (IL77–5038)	Apr. 16, 1976.

Minnesota:		
	IL76–5038 (IL77–5038)	Do.
Missouri:		
	MO76–4103 (MO77–4076)	July 2, 1976.
	MO76–4177 (MO77–4075)	Nov. 12, 1976.
New Mexico:		
	NM76–4181 (NM77–4077)	Do.
	NM77–4022 (NM77–4074)	Feb. 18, 1977.
New York:		
	IL76–5038 (IL77–5038)	Apr. 16, 1976.
Ohio:		
	IL76–5038 (IL77–5038)	Do.
Pennsylvania:		
	IL76–5038 (IL77–5038)	Do.
	PA76–3176 (PA77–3031)	June 18, 1976.
Wisconsin:		
	IL76–5038 (IL77–5038); WI76–2045 (WI77–2042).	Apr. 16, 1976.

Signed at Washington, D.C., this 1st day of April 1977.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

V 42 68 APR 8 77 UMI

NEW DECISION

STATE: North Carolina COUNTY: Durham
DECISION NO.: NC77-1046 DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	5.25				
Bricklayers	6.00				
Carpenters	5.00				
Cement masons	4.75				
Electricians	5.00				
Glaziers	5.25				
Ironworkers:					
Structural, ornamental, reinforcing	5.50				
Laborers:					
Laborers	3.00				
Mason tenders	3.00				
Mortar mixers	3.32				
Plasterers' tenders	3.00				
Lathers	6.95				.01
Marble setters	5.25				
Painters, brush	3.76				
Plasterers	6.35				
Plumbers & pipefitters	5.85				
Roofers	4.00				
Sheet metal workers	4.81				
Soft floor layers	4.31				
Terrazzo workers	6.00				
Tile setters	5.20				
Truck drivers	3.25				
Welders - rate for craft.					
POWER EQUIPMENT OPERATORS:					
Backhoes	3.75				
Bulldozers	3.90				
Finishing machine	3.85				
Front end loaders	4.25				
Motor graders	4.39				
Rollers	4.10				
Scrapers - Pan	4.01				
Tractor	3.90				

NEW DECISION

STATE: Pennsylvania COUNTIES: Clinton, Centre, Huntingdon, Fulton & Mifflin
DECISION NO.: PA77-3039 DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction (excluding singl. family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS					
ZONE 1	$9.95	.65	.60		.01
ZONE 2	10.11	.52	.70		.01

AREA COVERED BY ASBESTOS WORKERS ZONES

ZONE - 1 Clinton County
ZONE - 2 Centre, Huntingdon, Fulton and Mifflin Counties

BOILERMAKERS	12.05	.75	1.00		.02
BRICKLAYERS & STONEMASONS					
ZONE 1	8.80	.60	.80		.03
ZONE 2	9.80	.40	.50		
ZONE 3	9.60	.45	.50		.025
ZONE 4	9.80	.60	.80		.03

AREA COVERED BY BRICKLAYERS AND STONEMASONS ZONES

ZONE - 1 Fulton and Huntingdon Counties
ZONE - 2 Mifflin County
ZONE - 3 CClinton County in its entirety, and the Remainder of Centre County
ZONE - 4 Townships in Centre County, Rush, Halfmoon, Taylor, Patton, Worth and Huston

CARPENTERS & SOFT FLOOR LAYERS	9.17	6%	8%	6%	.4%
CEMENT MASONS					
ZONE 1	9.67				
ZONE 2	9.25	12%	6%		
ZONE 3	9.385	.50	.40		

AREA COVERED BY CEMENT MASONS ZONES

ZONE - 1 Centre, Clinton and Mifflin Counties
ZONE - 2 Huntingdon County
ZONE - 3 Fulton County

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS					
ZONE- 1	$11.35	.35	.20+1%	.60	.10
ZONE- 2	9.91	.45	1%+.31		1/4 of 1%
ZONE- 3	9.23	.40	1%+.35	.60	.02

AREA COVERED BY ELECTRICIANS ZONES

ZONE - 1 Fulton, Huntingdon and Remainder of Centre County
ZONE - 2 Mifflin County
ZONE - 3 Clinton Countyin its entirety; Townships in Centre County; Burnside, Curtin, Liberty, Howard, Marion, Walker, Miles and Haines

ELEVATOR CONSTRUCTORS	10.20	.545	.35	4%+a+b	.02
ELEVATOR CONSTRUCTORS HELPERS	70% ofJR	.545	.35	4%+a+b	.02
ELEVATOR CONSTRUCTORS HELPERS (PROB)	50 of JR				
IRONWORKERS					
ZONE- 1	9.685	.70	1.155		.07
ZONE- 2	10.63	.84	1.21		.03
ZONE- 3	9.84	.60	.90		

AREA COVERED BY IRONWORKERS ZONES

ZONE - 1 Centre and Clinton Counties
ZONE - 2 Huntingdon and Mifflin Counties
ZONE - 3 Fulton County

LABORERS					
ZONE - 1					
Unskilled laborers	7.10	10%	8%		
Plasterers Tenders	7.15	10%	8%		
ZONE - 2					
Unskilled laborers	6.95	10%	8%		
Plasterers Tenders	7.00	10%	8%		

AREA COVERED BY LABORERS ZONES

ZONE - 1 Clinton, Centre and Mifflin Counties
ZONE - 2 Fulton and Huntingdon Counties

DECISION NO. PA77-3039 Page 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS					
ZONE - 1	$8.97		.20		.01

AREA COVERED BY LATHERS ZONES

ZONE - 1 Centre, Clinton and Huntingdon Counties

LEAD BURNERS	10.75	.40	.25	c	.01
LINE CONSTRUCTION					
Zone - 1					
Lineman	11.27	.35	1%		3/8%
Groundman	6.74	.35	1%		3/8%
Winch truck operators	7.87	.35	1%		3/8%
ZONE - 2					
Lineman, dynamite man, heavy equipment operators	10.30	.35	3%		3/8%
Groundman	6.97	.35	3%		3/8%
Winch truck operator	7.28	.35	3%		3/8%
ZONE - 3					
Lineman	10.23	.35	1%		3/8%
Winch truck operators	7.15	.35	1%		3/8%
Groundman	6.12	.35	1%		3/8%

AREA COVERED BY LINE CONSTRUCTION ZONES

ZONE - 1 Centre, Fulton and Huntingdon Counties
ZONE - 2 Clinton County
ZONE - 3 Mifflin County

MILLWRIGHTS	9.19	6%	6%	22%	1/2%
PAINTERS					
ZONE - 1					
Brush	8.65	.40	.30		.05
Tapers	8.91	.40	.30		.05
Hazardous	9.91	.40	.30		.05
ZONE - 2					
Commercial					
Brush & Roller	8.59	.75	.45		.12
Spray	9.09	.75	.45		.12
Industrial					
Brush, Steel & Tank	9.44	.75	.45		.12
Spray	9.94	.75	.45		.12

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
AREA COVERED BY PAINTERS ZONES					
ZONE - 1 Centre, Fulton, Huntingdon, Mifflin Counties					
ZONE - 2 Clinton County					
PILEDRIVERMEN	10.60	5%	10%		.50%
PLUMBERS & STEAMFITTERS					
ZONE - 1	9.76	.64	.45	.20	.05
ZONE - 2	10.40	.73	.87		.21
ZONE - 3	10.45	.30	.65		.12
AREA COVERED BY PLUMBERS AND STEAMFITTERS ZONES					
ZONE - 1 Clinton County					
ZONE - 2 Huntingdon County					
ZONE - 3 Centre, Fulton & Mifflin Counties					
ROOFERS					
ZONE- 1					
Composition, damp and waterproof workers	7.90	.35	.40		
Slate and tile roofers	8.35	.35	.40		
ZONE - 2					
Composition & kettlemen	9.20	.75	.70		
ZONE 3					
Composition roofers	10.53	.77	1.50		.06
ZONE 4					
Composition roofers	9.71	.60	.55		
AREA COVERED BY ROOFERS ZONES					
ZONE - 1 Fulton County					
ZONE - 2 Clinton County					
ZONE - 3 Huntingdon County					
ZONE - 4 Centre & Mifflin Counties					
SHEET METAL WORKERS					
ZONE - 1	10.08	.50	.50		.02
ZONE - 2	9.76	1.17	1.03		.03
AREA COVERED BY SHEET METAL WORKERS ZONES					
ZONE - 1 Clinton County					
ZONE - 2 Centre, Huntingdon, Fulton, Mifflin Counties					

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
SPRINKLER FITTERS	$11.61	.60	.90		.08
TRUCK DRIVERS:					
ZONE - 1					
Service, dump, flat top, jeep, fuel & water	6.96	d	e		
Transit mix, dump trailer, winch truck	7.04	d	e		
Euclids & tractor trailer	7.11	d	e		
Helpers	6.86	d	e		
ZONE - 2					
Pick-ups, dump, service trucks flat trucks to and including 2 license plates	7.59	f	g		
Transit-mix, winch trucks, tractor, all types euclids, ross lumber & trucks over 2 plates	7.84	f	g		
ZONE - 3	7.00				

AREA COVERED BY TRUCK DRIVERS ZONES

ZONE - 1 Centre, Huntingdon, Fulton Counties
ZONE - 2 Mifflin County
ZONE - 3 Clinton County

Welders - Receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day.

Footnotes:

a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

b. Paid Holidays: A through F.

c. 8 paid holidays, A through F and Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 full days for the employer during the 120 days prior to the holiday and is available for work the days preceding and following the holiday.

d. $59.90 per month.

e. $14.00 per week.

f. $58.37 per month per employee who have worked sixty (60) hours during the month.

g. $33.67 per month for employee who have worked sixty (60) hours or more during the month.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
CLASS 1	$11.175	.65	.80		.09
CLASS 1 - A	11.425	.65	.80		.09
CLASS 1 - B	11.675	.65	.80		.09
CLASS 1 - C	11.925	.65	.80		.09
CLASS 2 -	11.025	.65	.80		.09
CLASS 3	9.65	.65	.80		.09
CLASS 3 A	10.15	.65	.80		.09
CLASS 4	9.00	.65	.80		.09
CLASS 5	7.95	.65	.80		.09
CLASS 6	8.25	.65	.80		.09
CLASS 6 - A	8.35	.65	.80		.09
CLASS 6 - B	8.50	.65	.80		.09
CLASS 6 - C	8.75	.65	.80		.09

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS

CLASS 1 - Austin-Western or similar type Under 25 ton, austin-western or similar type 25 ton or over, auto grader (CMI or similar, backhoe, batch plant when conveyors are used for direct feedling or discharge, batch plant no conveyors for direct feeding or discharge (without oiler), cableway, caisson drill, central mix plant, cranes (excluding overhead)(truck or crawler type), cranes tower (mobile) cranes tower (stationary) (climbing type) use of oiler to be discussed at pre job) cranes tower (climbing type) cranes hydraulic self contained over 18 ton cranes hydraulic self contained - 18 ton or less, derrick traveler (self propelled), derrick (all types)(when assistance required it will be an oiler or apprentice) derrick boats, dragline, dredge, engineer maintenance, franki or similar type pile driver, gradall (remote control or otherwise), helicopter (when used for erection purposes), helicopter hoist operators (when used for erection purposes), hi-lift 4 yds. or over, hoist-hod 2 cages up to 10 floors) Chicago Boom Attached hoist (50 ft. or over) (stacks, stoves or furnaces) hoist (slipform jobs hop to or similar type with 180° swing hop to or similar type with 360° swing kocal koehring scooper, metro chip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobiling or similar type, mucking machine (tunnel), multiple bowl machines, pipe driver (sonic or similar type) (when assistance required it will be an oiler or apprentice), post driver-guard rail (truck mounted), post driver-guard rail (skid type), pumpkrete - mobile or similar type, quad nine, shovels (all types), slip form paver (CMI or similar), tractors - Boom Mounted (all types), tractors (all types with hydraulic backhoe attached), tug boat, whirley

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CLASS 1-A - Austin-Western or similar type under 25 ton with jib, austin-western or similar type 25 ton or over with jib, cranes (boom or mast 100 ft, or over up & including 150 ft. +$.25) (truck or crawler type), cranes mobile (any type 15 ton or over placed on any bldg. structure + $.25), hoist-hod (2 cages over 10 floors) Class I rate +$.25, hoist single cage with

CLASS 1-B - Cranes (boom or mast over 150 ft. up to & including 200 ft. + $.50) (truck or crawler type), engineer lead

CLASS 1-C - Cranes (boom or mast over 200 ft. + .75)

CLASS 2- Asphalt plant operator, Athey loader; Auger - truck or tractor, mounted, back filling machine, boat material or personnel carrying (powered) boat - job work (inboard or outboard), bulldozer, cable layer, compactor with blade, compressor (1) and air tugger (1) (combination), compressor (1) and gunite machine (1) (combination), concrete belt placer, crane - overhead, crushinf & screening plants, drill - davey or similar type drill - core (truck or skid mounted), drill - well & core (truck mounted); elevator (New buildings), euclid loader, excavating equipment (all Other), forklift-lull or similar, grader, grader-elevating, greaser-equipment (head), hi-lift - less than 4 yds., hoist - one drum (4 floors or over), hoist - hod (buildings 4 floors or more), hoist - (2 drums or more in one unit), jumbo operator, locomotive, lift slab machine (hydraulic) mixer - paving, mucking machine, pipe cleaning machine, refrigeration plant (used for construction jobs that is, cooling concrete & holding banks), ross carrier (or similar type), scoop (single bowl) (self-powered & tractor drawn), spreader - concrete, asphalt and stone, tower mobile (hoisting or lowering material), trencher, well point systems, (The following machines shall be considered minor), compressors (3 within a reasonable distance); generators electric (3) (over 5 KW up to 20 KW), pumps (1½" discharge or less) (4 to 5 within reasonable distance), pumps (3) (over 1½" discharge) (within reasonable distance), welding machines (4 to 6 within reasonable distance) (other than electrically driven), grout pump (10 H. P. or over), elevator (when used for alterations & remodeling all buildings), paver operator - asphalt (spreader), pumpkrete or similar type (not self-propelled), pumpcrete machine operator (stationary), tire repairman (when assigned job), welder (repairman)

CLASS 3 - Boiler, compactor (ridden or self-propelled), compressor (over 125 CFM and air pump), compressor (1) and sand blasting machine (1), (combination), crane (carry), curb builder (self-propelled), drills-well & horizionel truck mounted, forklifts (ridden or self-propessed), hoist one drum (regradless of power used), pavement breaker (self-propelled or ridden), pipe dream, roller, saw (concrete), soil stabilizer (pump type), stone crusher, stone spreader self- propelled, tractors (when used for snaking and hauling), tube finisher (CMI or similar type), tugger, truck, (winch) truck or hydraulic boom (when hoisting & placing), (The following machines shall be considered minor) compressors (2), generators (2), mortar machine over 10 cu. ft., and single unit conveyor, pumps (1½" discharge or less (2 to 3), pumps (over 1½" discharge (2) in bank) (within reasonable distance), welding machine (2 to 3), (other than electrically driven)

CLASS 3-A - Conveyors 4 units or more

CLASS 4 - Ballast regulator, boring machine, broom, power (except push type), compressor - single (over 65 CFM), conveyor over 1 and up to 3 units (regardless of power used) form line machine, generator (over 5 KW), hoist (monorail) (regardless of power used) hoist roof (regardless of power used), huck machine or similar type, mixer concrete (regardless of power used) mixer mortar - over 10 cu. ft. (regardless of power used) pump (over 1½" discharge regardless of power used) spray cure machine (power driven) steam jenny (or similar type) syphon (steam or air) welding machine single (300 amp or over) (other than electrically driven) plant, private or industrial air of steam valve

CLASS 5 - Compressor - 65 cubic ft. or under (regardless of power used) conveyor one (1) unit (regardless of power used) heaters - up to and including 6 jack motor hydraulic (single type) power driven ladavator, mixer mortar, (10 cubic ft. or under), mulching machine, pin puller (powered) pulverizer, pump - 1½" discharge or less, seeding machine, spreader side delivery, shoulder (attachment) tie tamper (multiple heads) tractor farm (when used for landscaping) water blaster, oiler-truck crane 50 ton up to not incl. 100 ton

CLASS 6 - Brake man, deck hand, helicopter signalman, oiler, mechanic helper

CLASS 6-A Crane truck oiler & fireman

CLASS 6-B Oiler - Truck crane 50 ton up to & incl. 100 ton

CLASS 6-C Oiler - Truck crane 100 ton and over

NEW DECISION

STATE: Pennsylvania
DECISION NO.: PA77-3043
Description of Work: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

COUNTIES: Carbon, Monroe County, Including Tobyhanna Army Depot, and Pike County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
ASBESTOS WORKERS	9.95	.65	.60		.01
BOILERMAKERS	12.05	.75	1.00		.02
BRICKLAYERS & STONEMASONS					
ZONE 1	9.75	.60	1.05		.01
ZONE 2	10.30	.50	.50		
ZONE 3	8.90	.60	.95		
ZONE 4	10.10	.65	.70		.01
ZONE 5	9.70	.55	.30		

AREA COVERED BY BRICKLAYERS & STONEMASONS

ZONE - 1 Summit Hill, Mauch Chunk, Mahoning, Palmerton, Franklin, Towamensing, Lansfork & Lower Towamensing Twps., in Carbon County
ZONE - 2 Kidder Township in Carbon County
ZONE - 3 Remainder of Carbon County
ZONE - 4 Tobyhanna Army Depot in Monroe County
ZONE - 5 Pike County & Remainder of Monroe County

CARPENTERS					
ZONE 1	9.73	.41	.63		.03
ZONE 2	9.50	.35	.40		.02
ZONE 3	9.73	.41	.63		.05
ZONE 4	10.61	.43	.50		

AREA COVERED BY CARPENTERS ZONES

ZONE - 1 Carbon County; Including Twps. of Banks, Lausanna, Lehigh, Packer and Kidder
ZONE - 2 Remainder of Carbon County
ZONE - 3 Remainder of Monroe County
ZONE - 4 Tobyhanna Army Depot in Monroe County, Pike County in its entirety

CEMENT MASONS					
ZONE 1	8.075				
ZONE 2	9.70	.55	.30		
ZONE 3	9.15	.40	.40		

AREA COVERED BY CEMENT MASON ZONES

ZONE - 1 Carbon County
ZONE - 2 Tobyhanna Army Depot in Monroe County & Pike County
ZONE - 3 Remainder of Monroe County

DECISION NO. PA77-3043

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
ELECTRICIANS					
ZONE - 1	$10.60	.35	1%+.40		.02
ZONE - 2	10.37	.55	1% + .25	a	b
ZONE - 3	11.00	6%	1%+.50		.02
ZONE - 4	10.20	.50	1%+.50	.50	.10
ZONE - 5	9.75	.50	1%+.50	.50	.10

AREA COVERED BY ELECTRICIANS ZONES

ZONE - 1 Towamensing, Lower Towamensing, E. Penn., Twps; the Borough of Parryville in their entirety
ZONE - 2 Remainder of Carbon County
ZONE - 3 Remainder of Monroe County
ZONE - 4 Tobyhanna Army Depot in Monroe County
ZONE - 5 Pike County

ELEVATOR CONSTRUCTORS	10.595	.545	.35	4%+b+c	.02
ELEVATOR CONSTRUCTORS HELPERS	7.42	.545	.35	4%+b+c	.02
ELEVATOR CONSTRUCTORS HELPERS (Prob.)	5.30				
GLAZIERS					
ZONE - 1	8.89	.40	.30		.01
ZONE - 2	9.20	.40	.60		

AREA COVERED BY GLAZIERS ZONES

ZONE - 1 Lausane, Penn. Forest, Towamensing, Lower Towamensing, Palmerton, E. Penn., Franklin, Mahoning, Packer, Lehigh, Banks Twps., in Carbon County
ZONE - 2 Remainder of Carbon County, Monroe County, including Tobyhanna Army Depot, and Pike County in its entirety

IRONWORKERS					
ZONE - 1	11.45	.84	1.21		
ZONE - 2					
Structural	11.25	e			.10
Reinforcing	11.15	e			.10

AREA COVERED BY IRONWORKERS ZONES

ZONE - 1 Carbon County, Monroe County, including Tobyhanna Army Depot
ZONE - 2 Pike County

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS					
ZONE - 1					
CLASS - 1	$8.20	.48	.50		
Class - 2	8.35	.48	.50		
CLASS - 3	8.60	.48	.50		
ZONE - 2					
CLASS - 1	6.97	.35	.45		
CLASS - 2	7.22	.35	.45		
CLASS - 3	7.27	.35	.45		
CLASS - 4	7.47	.35	.45		

LABORERS CLASSIFICATIONS DEFINITIONS AND AREA COVERED

ZONE - 1 Pike County, and Tobyhanna Army Depot in Monroe County

CLASS - 1 Unskilled and window cleaners

CLASS - 2 Semi skilled laborers; jackhammer operators, (each man when two required for operation of jackhammer) vibrator and buster men, wagon drill and all men handling dynamite, gas buggies 2" pumps and concrete mixers (up to 2 bags) and all pneumatic tools, non-metallic pipe layers and making of joints, clay, terra cotta ironstone, vitrified concrete handling of burning torches, asphalt or other material

CLASS - 3 Plaster tenders and mason tenders and handling of all material to be used - masons & scaffold builders

LABORERS (Cont'd)
ZONE - 2 Carbon County, and Remainder of Monroe County

Class I - Unskilled laborers & window cleaners

Class II - Operator of jackhammer, paving breaking & other pneumatic & mechanical tools coming under the jurisdiction of laborers, wagon drills & men handling burning torches in the wrecking og buildings, laying of all clay, terra cotta, ironstone, vitrified concrete or non-metallic pipe & the making of joints for the same & cofferdams (below 10')

Class III - Plaster & mason tenders, scaffold builders & handling of all materials to be used by plasterers & masons, brick & block loaded on applets, cement finisher tenders, gunniting & molded-D & sandblaster helpers, power buggies, to get mason tender rates, all floor hardener & "cure" application shall be the work of the mason tender. All pumps, such as the concrete, plaster, mortar & water, installing plastic or other non-solid refractory materials in connection with boiler work

Class IV - Barko tamper operator

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS					
ZONE - 1	$10.04		.10		.01
ZONE - 2	9.71	.40	.25		.01

AREA COVERED BY LATHERS ZONES

ZONE - 1 - Monroe County, Including Tobyhanna Army Depot, and Pike County
ZONE - 2 - Carbon County

LEAD BURNERS	10.75	.40	.25	f	.01
LINE CONSTRUCTION					
Lineman, dynamite man, heavy equipment operator	10.30	.35	3%		3/8%
Winch truck operator	7.28	.35	3%		3/8%
Groundman	6.97	.35	3%		3/8%

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS					
ZONE - 1	$8.50	.60	1.05		
ZONE - 2	9.50	.50			
ZONE - 3	9.70	.55	.30		

AREA COVERED BY MARBLE SETTERS ZONES

ZONE - 1 Carbon County
ZONE - 2 Tobyhanna Army Depot & Pike County
ZONE - 3 Remainder of Monroe County

MILLWRIGHTS					
ZONE - 1	10.91	.43	.50		.05
ZONE - 2	10.13	.41	.63		.01
ZONE - 3	10.61	.35	.40		.03

AREA COVERED BY MILLWRIGHTS ZONES

ZONE 1 Tobyhanna Army Depot in Monroe County
ZONE - 2 Remainder of Monroe County, and Pike County in its entirety

PAINTERS					
ZONE - 1	8.65	.40	.30		.05
Brush	8.65	.40	.30		.05
Tapers	8.91	.40	.30		.05
Hazardous	9.91	.40	.30		.05
ZONE - 2					
Brush & Roller	8.10		1.00		
Structural Steel	9.10		1.00		
Spray	9.60		1.00		
ZONE - 3					
Brush	8.05	.83	.60		
Spray	9.05	.83	.60		
Steel	9.05	.83	.60		

AREA COVERED BY PAINTERS ZONES

ZONE - 1 Carbon County
ZONE - 2 Tobyhanna Army Depot in Monroe County, and Pike County in its entirety
ZONE - 3 Remainder of Monroe County

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
PILEDRIVERMEN	$10.42	1.88	1.30	g	.12
PLASTERERS					
ZONE - 1	9.75	.60	1.05		.01
ZONE - 2	10.30	.50	.50		
ZONE - 3	8.90	.60	.95		
ZONE - 4	9.30	.40	.40		
ZONE - 5	9.70	.55	.30		

AREA COVERED BY PLASTERERS ZONES

ZONE - 1 Summit Hill, Mauch Chunk, Mahoning, Palmerton, Franklin, Towamensing, Lansford & Lower Towamensing Twps., in Carbon County
ZONE - 2 Kidder Township in Carbon County
ZONE - 3 Remainder of Carbon County
ZONE - 4 Tobyhanna Army Depot in Monroe County, and Pike County in its entirety
ZONE - 5 Remainder of Monroe County

PLUMBERS					
ZONE - 1	10.74	.40	.75		.04
ZONE - 2	10.69	.50	.50		.01
ZONE - 3	10.02	.57	.92		.01

AREA COVERED BY PLUMBERS ZONES

ZONE - 1 Tobyhanna Army Depot in Monroe County, and Pike County in its entirety
ZONE - 2 Remainder of Monroe County
ZONE - 3 Carbon County

ROOFERS					
ZONE - 1					
Composition & Slate	10.93	.15	.50		
Slab & Concrete Plank	11.43	.15	.50		
Helpers	7.21	.15	.50		
ZONE - 2					
Composition & Kettleman	9.20	.75	.70		
ZONE - 3					
Composition & Kettleman	9.81	.42	.47		
Helpers	9.585	.42	.47		

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App Tr.
GROUP 1	$11.60	5.5%	9.5%	a	1.2%
GROUP 2	11.31	5.5%	9.5%	a	1.2%
GROUP 3	10.44	5.5%	9.5%	a	1.2%
GROUP 4	9.67	5.5%	9.5%	a	1.2%
GROUP 5	9.20	5.5%	9.5%	a	1.2%
GROUP 6	8.29	5.5%	9.5%	a	1.2%
GROUP 7	11.85	5.5%	9.5%	a	1.2%
GROUP 7-A	12.10	5.5%	9.5%	a	1.2%
GROUP 7-B	12.34	5.5%	9.5%	a	1.2%

CLASSIFICATIONS DEFINITIONS

GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above

GROUP 2: All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lift, 20 ft lift and over machine to the above

CLASS 3: Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft lift, machines similar to the above

GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, fireman (for power equipment), machines similar to the above

GROUP 5: Fireman, grease truck

GROUP 6: Oilers and deck hands (personnel boats), core driller helper

GROUP 7: All machines with booms (including jib, masts, leads, etc.): 100 Ft and over

GROUP 7A: 150 ft. and over

GROUP 7B: 200 ft. and over

FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

ROOFERS (CONT'D)

AREA COVERED BY ROOFERS ZONES

ZONE - 1 East Penn, Franklin, Lower Towamensing, Mahoning, and Towamensing Townships in Carbon County, Remainder of Monroe County
ZONE - 2 Remainder of Carbon County
ZONE - 3 Tobyhanna Army Depot in Monroe County & Pike County in in its entirety

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS	$10.08	.50	.50		.02
SOFT FLOOR LAYERS					
ZONE - 1	8.63	.35	.40		.03
ZONE - 2	10.61	.43	.50		.05
ZONE - 3	9.73	.41	.63		.02

AREA COVERED BY SOFT FLOOR LAYERS ZONES

ZONE - 1 Carbon County
ZONE - 2 Tobyhanna Army Depot in Monroe County, and Pike County in its entirety
ZONE - 3 Remainder of Monroe County

SPRINKLER FITTERS	11.61	.60	.90		.08
TERRAZZO WORKERS					
ZONE - 1	8.75	.60	1.05		
ZONE - 2	9.50	.50			

AREA COVERED BY TERRAZZO WORKERS

ZONE - 1 Carbon County
ZONE - 2 Monroe County, including Tobyhanna Army Depot & Pike County

TILE SETTERS					
ZONE - 1	8.75	.60	1.05		
ZONE - 2	9.50	.50			
ZONE - 3	9.70	.55	.30		

AREA COVERED BY TILE SETTERS ZONES

ZONE - 1 Carbon County
ZONE - 2 Tobyhanna Army Depot in Monroe County, and Pike County in its entirety
ZONE - 3 Remainder of Monroe County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS					
Class I					
Helper, Stake Truck (single (axle), Dumpster	$7.92				
Class II					
Dump Trucks, Tandem & batch trucks, semi-trailers, agitator mixer truck trucks, ready mix and dumpcrete type vehicles, asphalt distributors, farm tractor when used for transportation stake body truck (tandem)	7.99				
Class III					
Euclid type, off-highway equipment, back or belly dump trucks and double hitched equipment, straddle (ross) carrier, 10 low-bed trailers	8.48				
Welders - Receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS: Where Applicable:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Paid Holidays; Independence Day and Labor Day

b. .12 per day per employee.

c. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. Six paid holidays: A through F.

e. Employer contributes $2.05 to a combined Health and Welfare and Pension Fund.

f. Nine paid holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 full days for the employer.

g. Paid Holidays: Washington's birthday; Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veterans' Day; Thanksgiving Day & Christmas Day.

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #AL76-5090 - Mod. #1 (41 FR 44609 - October 8, 1976) Alabama, Arkansas, Florida (west of the Aucilla River), Kentucky, Louisiana, Mississippi, Missouri, Tennessee and Texas.					
CHANGE: Dredges Under 16": Dredge Tender Operator	$ 3.60				

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. AR77-4018 - Mod. #3 (42 FR 7040 - February 4, 1977) Crawford, Sebastian and Washington Counties, Arkansas					
CHANGE: BRICKLAYERS-STONEMASONS	$8.70	.40	.35		.04
DECISION NO. AR77-4061 - Mod. #2 (42 FR 13723 - March 11, 1977) Conway, Cleburne, Faulkner, Van Buren and Perry Counties, Arkansas					
CHANGE: BRICKLAYERS-Stonemasons	$8.70	.40	.35		.04

CHANGE DESCRIPTION OF WORK TO READ "Building Construction (does not include single family homes and garden type apartments up to and including 4 stories)."

Decision # FL77-1028 - Mod. # 1 (42 FR-15262 - March 18, 1977). Alachua County, Florida					
Change: Bricklayers	7.65	.30	.30		.03

MODIFICATIONS P. 3

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #ID77-5023 - Mod. #3 (42 FR 11195 - February 25, 1977) Statewide Idaho					
Change:					
Boilermakers	$11.575	.775	$1.00	.50	.02
Bricklayers; Stonemasons: Bannock, Bear Lake, Bingham County (south half), Caribou, Franklin, Oneida, Power Counties	9.75	.50	.50		
Line Construction Workers: (AREA 1): Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties: Cable Splicers; Leadman Pole Sprayer	12.78	.45	1%	.10	½%
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	11.54	.45	1%	.10	½%
Tree Trimmer	10.42	.45	1%	.10	½%
Line Equipment Man	9.95	.45	1%	.10	½%
Head Groundman (chipper); Head Groundman; Powderman; Jackhammer Man	8.69	.45	1%	.10	½%
Groundman; Tree Trimmer Helper	8.18	.45	1%	.10	½%
Adds:					
Marble Setters: Bannock, Bear Lake, Bingham County (south half), Caribou, Franklin, Oneida, Power Counties	8.95	.50	.50		
Terrazzo Workers & Tile Setters: Bannock, Bear Lake, Bingham County (south half), Caribou, Franklin, Oneida, Power Counties	8.95	.50	.50		

MODIFICATIONS P. 4

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. IA76-4146 - Mod. #4 (41 FR 38713 - Sept. 10, 1976) Des Moines County (City of Burlington and abutting municipalities and Burlington Ordnance Plant), Iowa					
Change: Building, Water Treatment Plants and Sewage Disposal Plants Construction: Line Construction:					
Group 1	$9.32	.45	1%	b	½%
Group 2	6.06	.45	1%	b	½%
Group 3	6.24	.45	1%	b	½%
Group 4	7.46	.45	1%	b	½%
Group 5	5.13	.45	1%	b	½%
DECISION NO. IA76-4148 - Mod. #3 (41FR 38719 - Sept. 10, 1976) Johnson County (City of Johnson City and abutting municipalities), Iowa					
Change: Line Construction:					
Group 1	$9.32	.45	1%	b	½%
Group 2	6.06	.45	1%	b	½%
Group 3	6.24	.45	1%	b	½%
Group 4	7.46	.45	1%	b	½%
Group 5	5.13	.45	1%	b	½%

MODIFICATIONS P. 5

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. IA76-4149 - Mod. #4 (41 FR 38722 - Sept. 10, 1976) Linn County, Iowa					
Change: Building, Water Treatment Plants and Sewage Disposal Plants Construction: Line Construction:					
Group 1	$9.32	.45	1%	b	½%
Group 2	6.06	.45	1%	b	½%
Group 3	6.24	.45	1%	b	½%
Group 4	7.46	.45	1%	b	½%
Group 5	5.13	.45	1%	b	½%
DECISION NO. IA76-4150 - Mod. #2 (41 FR 40393 - Sept. 17, 1976) Polk County, Iowa					
Change: Building, Water Treatment Plants and Sewage Disposal Plants construction: Line Construction:					
Group 1	$9.32	.45	1%	b	½%
Group 2	6.06	.45	1%	b	½%
Group 3	6.24	.45	1%	b	½%
Group 4	7.46	.45	1%	b	½%
Group 5	5.13	.45	1%	b	½%

MODIFICATIONS P. 6

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. IA76-4173 - Mod. #3 (41 FR 45805 - Oct. 15, 1976) Story County (City of Ames and abutting municipalitles), Iowa					
Change: Building, Water Treatment Plants and Sewage Disposal Plants Construction: Line Construction:					
Group 1	$9.32	.45	1%	b	½%
Group 2	6.06	.45	1%	b	½%
Group 3	6.24	.45	1%	b	½%
Group 4	7.46	.45	1%	b	½%
Group 5	5.13	.45	1%	b	½%
DECISION NO. IA76-4174 - Mod. #4 (41 FR 45808 - Oct. 15, 1976) Webster County (City of Fort Dodge), Iowa					
Change: Building, Water Treatment Plants and Sewage Disposal Plants Construction: Line Construction:					
Group 1	$9.32	.45	1%	b	½%
Group 2	6.06	.45	1%	b	½%
Group 3	6.24	.45	1%	b	½%
Group 4	7.46	.45	1%	b	½%
Group 5	5.13	.45	1%	b	½%

MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. IA76-4175 - Mod. #3 (41 FR 45811 - Oct. 15, 1976) Woodbury County (City of Sioux City and abutting municipalities), Iowa					
Change: Line Construction:					
Group 1	$9.32	.45	1%	b	½%
Group 2	6.06	.45	1%	b	½%
Group 3	6.24	.45	1%	b	½%
Group 4	7.46	.45	1%	b	½%
Group 5	5.13	.45	1%	b	½%
DECISION NO. IA76-4185 - Mod. #4 (41 FR 51285 - Nov. 19, 1976) Pottawattamie County (City of Council Bluffs & the area within 3 miles from the City limits), Iowa					
Change: Building Construction: Line Construction:					
Group 1	$9.32	.45	1%	b	½%
Group 2	6.06	.45	1%	b	½%
Group 3	6.24	.45	1%	b	½%
Group 4	7.46	.45	1%	b	½%
Group 5	5.13	.45	1%	b	½%

MODIFICATIONS P. 8

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. IA77-4004 - Mod. #2 (42 FR 4082 - Jan. 21, 1977) Cerro Gordo County (City of Mason City), Iowa					
Change: Building, Water Treatment Plants and Sewage Disposal Plants Construction: Line Construction:					
Group 1	$9.32	.45	1%	b	½%
Group 2	6.06	.45	1%	b	½%
Group 3	6.24	.45	1%	b	½%
Group 4	7.46	.45	1%	b	½%
Group 5	5.13	.45	1%	b	½%
Decision # MS77-1030 - Mod. # 1 (42 FR-16356 - March 25, 1977) Hancock, Harrison, Jackson, & Pearl River Counties, Mississippi.					
Change:					
Plumbers & steamfitters	10.14	.31	.50		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #NV77-5022 - Mod. #1 (42 FR 15273 - March 18, 1977) Clark County (excluding the Nevada Test Site), Nevada					
Change:					
Boilermakers	$13.175	.775	$1.00	.50	.02
DECISION #NV77-5031 - Mod. #1 (42 FR 15278 - March 18, 1977) Washoe County, Nevada					
Change:					
Boilermakers	$13.175	.775	$1.00	.50	.02
Electricians:					
Washoe County excluding Lake Tahoe Area:					
Electricians; Technicians	12.33	.67	1% + .77		.08
Cable Splicers	14.56	.67	1% + .77		.08
Lake Tahoe Area:					
Electricians; Technicians	13.33	.67	1% + .77		.08
Cable Splicers	14.56	.67	1% + .77		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #NY76-3256 - Mod. #2 (41 FR 44645 - October 8, 1976) Bronx, Kings, Queens, New York and Richmond Counties, New York					
ADD:					
Rehabilitation of Residential Buildings over 4 stories including demolition, repair and alteration on existing structures which are intended for predominantly residential use:					
Bricklayers	$ 8.62	1.13	1.33		
Carpenters, Soft Floor Layers, Millwrights and Piledrivers	9.12	1.25	.49		.02
Electricians and Linemen	9.50	7%	1%+a	5.365%	1/2%
Mason Tenders	7.52	.79			
Painters, Brush	8.50	.60			
Plumbers, Manhattan and Bronx	7.58	3.47	g		
Roofers, Composition, Damp & Waterproofer	6.86	1.34	1.84	.49	
DECISION #NY77-3022 - Mod. #1 (42 FR 7063 - February 4, 1977) Brox, Kings, Queens, New York and Richmond Counties, New York					
ADD:					
Rehabilitation work on residential structures to include demolition, repair and alteration on existing structures which are intended for predominantly residential use:					
Bricklayers	$ 8.62	1.13	1.33		
Carpenters, Soft Floor Layers, Millwrights, and Piledrivers	9.12	1.25	.49		.02
Electricians and Linemen	9.50	7%	1% + a	5.365%	1/2%
Mason Tenders	7.52	.79			
Painters, Brush	8.50	.60			
Plumbers, Manhattan and Bronx	7.58	3.47	h		
Roofers, Composition, damp & Waterproofer	6.86	1.34	1.84	.49	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. OH77-2037 - Mod. #1 (42 FR 13782 - March 11, 1977) Cuyahoga, Lake, Portage, Stark, & Summit Counties, Ohio					
Change:					
Ironworkers:					
Cuyahoga, Lake, Portage (excluding Ravenna Ordnance Depot), & Summit Cos.	$11.72	.60	.95		.03
Add:					
Residential Construction:					
Bricklayers:					
Portage & Summit Cos.	$9.27	.50	.40		.02
Cement masons:					
Portage, Stark, & Summit Cos.	9.02	.50	.60		.02
Electricians:					
Portage (Twps. of Atwater, Aurora, Brimfield, Deerfield, Franklin, Mantua, Randolph, Ravenna, Rootstown, Shelbyville, Streetsboro, & Suffield), & Summit Cos.	7.25	.47	1%		.2%
Laborers:					
Portage & Summit Cos.	7.70	.50	.30		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. OR77-5033 - Mod. #2 (42 FR 16363 - March 25, 1977) Statewide, Oregon					
Change:					
Electricians:					
Clackamas, Clatsop, Columbia Hood River, Multnomah, Sherman, Tillamook, Wasco, Washington, N¼ of Yamhill Counties					
Electricians	$12.80	.65	1%+1.00		.05
Lead Cable Splicers	13.55	.65	1%+1.00		.05
DECISION #TX76-4192 - Mod. #4 (41 FR 55289 - December 17, 1976) Jefferson & Orange Cos., Texas					
Change:					
Carpenters:					
Carpenters:					
Residential construction of not more than 2 units & condonimium townhouses of not more than 10 units, excluding all apartment construction & multiple buildings for rental purposes	$ 9.25		.30		
Pipefitters	10.79	.35	.72		.08
DECISION #TX76-4193 - Mod. #4 (41 FR 56594 - December 28, 1976) Bee, Kleberg & Nueces Cos., Texas					
Change:					
Glaziers	6.85		.20		
Power Equipment Operators:					
Group 1	8.15	.18	.45		
Group 2	7.025	.18	.45		
Group 3	6.225	.18	.45		
Group 4	6.375	.18	.45		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #MD77-3041 - Mod. # 1 (42 FR - 15268 - March 18, 1977) Montgomery and Prince Georges Counties, Maryland; Arlington County, Virginia; D. C. Training School, and for WMATA - Rapid Rail Transit System Projects Only, Alexandria Virginia					
Change:					
Elevator Constructors	$11.235	.545	.35	4%+a+b	.02
Elevator Constructors Helpers	70% of JR				
Elevator Constructors Helpers (Prob.)	50% of JR				
Heading in FR - 15269, to read: (Building Construction (Including WMATA)					
Footnotes for truck drivers to read: (e+f)					
DECISION NO. WA77-5032 - Mod. #1 (April 1, 1977) Statewide, Washington					
Change:					
Electricians:					
Clark, Klickitat, and Skamania Counties					
Electricians	$12.80	.65	1%+1.00		.05
Lead Cable Splicers	13.55	.65	1%+1.00		.05
DECISION #DC77-3040 - Mod. # 1 (42 FR - 15293 - March 18, 1977) Washington, D. C.					
Change:					
Elevator Constructors	$11.235	.545	.35	4%+a+b	.02
Elevator Constructors Helpers	70% of JR	.545	.35	4%+a+b	.02
Elevator Constructor Helpers (Prob.)	50% of JR				
PAVING AND INCIDENTAL GRADING, (SEE SCHEDULE BELOW)					
Footnotes for truck drivers to read e + f					

DECISION NO. DC77-3040,
Mod. # 1

(EXCLUDING WMATA - RAPID RAIL TRANSIT SYSTEM)

PAVING AND INCIDENTAL GRADING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asphalt Shoveler	$6.70	.27			
Asphalt Raker	6.90	.27	.35		
Asphalt Tamper	6.80	.27	.35		
Bricklayers	10.90	.75	.65		.10
Carpenters	10.00	.65	.53		.05
Cement Masons	7.15	.27	.35		
Concrete Saw Operator	6.90	.27	.35		
Concrete Shoveler	6.80	.27	.35		
Form Setter	7.15	.27	.35		
Laborers:					
Laborers	6.65	.27	.35		
Jackhammer	6.85	.27	.35		
Hand Burner Operator	6.80	.27	.35		
Power Equipment Operators:					
Concrete Spreader Operator, Finishing Machine, Roller (rough), Compressor, Rubber-tired Loader (1-½ cu. yds., or less), Asphalt Plant Mixer	6.90	.27	.35		
Loader Operator Tracks (2-½ cu. yds. or less), Burner Planer, Bulldozer, Mechanic or Welder, Rubber Tired Loader (over 1-½ cu. yds.)	7.10	.27	.35		
Asphalt Spreader, Hydraulic Backhoe (½ cu. yd., or less), Asphalt Plant Engineer, Asphalt Roller Operator, Concrete Breaker (machine)	7.15	.27	.35		
Crane Operator, Concrete Paving Operator	7.30	.27	.35		
Shovel Operator	7.40	.27	.35		
Gradall Operator (1-½ cu. yds. or less), Motor Grader, Loader Operator Tracks (over 2-½ cu. yds)	8.05	.27	.35		
G-1000 Gradall Operator (over 1½ cu. yds.)	8.30	.27	.35		
Power Broom, Oiler	6.80	.27	.35		
Sand Setter	7.10	.27	.35		
Truck Drivers:					
Truck Drivers (standard)	6.65	.27	.35		
Tandem	6.77	.27	.35		
Tractor trailer (capable of moving heavy equipment)	7.15	.27	.35		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION No. WI76-2155 - Mod. #1 (41 FR 52280 - November 26, 1976) La Crosse, Monroe & Vernon Counties, Wisconsin					
Change:					
Electricians	$10.40	.55	1%		
DECISION NO. WI76-2158 - Mod. #1 (41 FR 55295 - December 17, 1976) Barron, Dunn, Polk & St. Croix Counties, Wisconsin					
Change:					
From					
Laborers					
Western ½ of County					
Eastern ½ of County					
To					
Lathers					
Western ½ of County (Polk and St. Croix)	$ 8.51	.50	.40	.81	.08
Eastern ½ of County (Polk and St. Croix)	9.30				
Plasterers	9.19	.55	.25		.04
DECISION NO. WI76-2157 - Mod. #1 (41 FR 55292 - December 17, 1976) Ashland, Bayfield & Douglas Counties, Wisconsin					
Change:					
Plumbers	$ 9.51	.30	.75	1.00	.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. WI76-2160 - Mod. #1 (41 FR 55297 - December 17, 1976) Brown, Door, Kewaunee & Oconto Counties, Wisconsin					
Change:					
Asbestos Workers	$10.06	.60	.50	.65+c	.05
Sheet Metal Workers	9.47	.51	.33	.90	.02
DECISION NO. WI76-2161 - Mod. #1 (41 FR 55299 - December 17, 1976) Columbia, Dane, Iowa & Sauk Counties, Wisconsin					
Change:					
Millwrights & Piledrivermen	9.77	.30	.40		.03
Add:					
Sheet Metal Workers	10.54	.60	.35		
DECISION NO. WI76-2163 - Mod. #1 (41 FR 54152 - December 10, 1976) Green & Rock Counties, Wisconsin					
Change:					
Electricians	$10.70	.45	1%	7%+d	.5%
Plumbers	10.76	.50	.35		.06
Sheet Metal Workers	10.49	.60	.44		.02
DECISION NO. WI76-2164 - Mod. #1 (41 FR 54154 - December 10, 1976) Green Lake, Marquette, Waupaca, Waushara & Winnebago Counties, Wisconsin					
Change:					
Electricians	$10.43	.60	1%		
Plumbers & Steamfitters					
Remainder of County	$ 9.13	.50	.90	.70	.03
Sheet Metal Workers	9.47	.51	.33	.40	

SUPERSEDES DECISION

STATE: Arkansas COUNTY: Pulaski
DECISION NO.: AR77-4078 DATE: Date of Publication
SUPERSEDES DECISION NO. AR76-4188 dated November 19, 1976 in 41 FR 51253
DESCRIPTION OF WORK: Building Construction, (does not include single family homes and garden type apartments up to and including four stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.10	.40	.50		.02
BOILERMAKERS	10.00	.50	1.00		.02
BRICKLAYERS - STONEMASONS	8.70	.40	.35		.04
CARPENTERS:					
Carpenters	8.23	.45	.35		.04
Millwrights & Piledrivermen	8.73	.45	.35		.04
CEMENT MASONS	8.27	.25			.03
ELECTRICIANS:					
Electricians	10.45	.40	1%		1/4%
Cable splicers	10.575	.40	1%		1/4%
ELEVATOR CONSTRUCTORS:					
Journeymen	8.88	.545	.35	4%+a+b	.02
Helpers	70%JR	.545	.35	4%+a+b	.02
Helpers -- Probationary	50%JR				
GLAZIERS	7.60		.25		
IRONWORKERS	9.06	.45	.40		.04
LABORERS:					
Group I	5.82	.25	.35		.04
Group II	6.07	.25	.35		.04
Group III	6.22	.25	.35		.04
Group IV	6.32	.25	.35		.04
Group V	6.47	.25	.35		.04
Group VI	6.72	.25	.35		.04
Group VII	6.62	.25	.35		.04

LABORERS CLASSIFICATION DEFINITIONS

Group I - Construction laborers, concrete labor, wrecking labor mechanic's labor, excavating labor, plumber's labor, electricians labor, green cutter, blowpipe, and concrete pump hose placer.

Group II - Semi-skilled laborer; pipelayers, concrete, clay and mechanical tool, cement mixer, wet or dry finishers, and plasterers, mason tender, mortar mixers, asphalt rakers and shovelers, creosote wood handlers, chuck tender

LABORERS CLASSIFICATION DEFINITIONS (CONT'D)

Group III - Steelform setters, curb and gutters, grout and cement muckers

Group IV - Swinging scaffold, Barco, 90 lb pavement breaker, and burners

Group V - Nozzleman (gunite, Grout and sand blasterer; concrete pump (nozzle placer)

Group VI - Powderman and blasterers

Group VII - Wagon drill

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	$ 8.60				.02
LINE CONSTRUCTION:					
Linemen	10.85		1%		3/8%
Cable splicers	10.975		1%		3/8%
Operator	10.85		1%		3/8%
Groundmen (advanced)	65%JR		1%		3/8%
Groundmen (1st 6 months)	49%JR		1%		3/8%
Winch equipment	73%JR		1%		3/8%
MARBLE, TILE & TERRAZZO WORKERS	7.40				
PAINTERS:					
Painters, paperhangers and steam cleaners, sheet rock finishers and wall cover hangers	7.65		.30		
Spray gun operators and sand blasterers	8.25		.30		
All skelton steel and all work on stages, structural steel over 30 feet high	7.90		.30		
PLASTERERS	8.60				.02
PLUMBERS & PIPEFITTERS:					
Within 10 mile radius of Pulaski County Courthouse	9.85	.45	.55		.02
Over 10 miles from Pulaski County Courthouse	10.15	.45	.55	.0	.02
Marble, tile & terrazzo helpers	5.35				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Group I	9.20	.35	.35		
Group II	8.36	.35	.35		
Group III	7.98	.35	.35		
Group IV	6.60	.35	.35		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

Group I - Cranes, draglines, shovels and piledrivers with a lifting capacity of 50 tons or over, and operators of all towers, climbing cranes, and derricks required to work 25 ft. or over from the ground, blacksmith, mechanics and/or welders.

Group II - Hydraulic cranes, cherry pickers, backhoes and all derricks with a lifting capacity less than 50 tons, as specified by the manufacturer, all backhoes, tractor or truck type, all overhead and traveling cranes, or tractors with swinging boom attachments, gradealle, all above equipment irrespective of motive power, levarman (engineer), hydraulic or bucket dredges, irrespective of size.

Group III - HEAVY EQUIPMENT OPERATORS: All bulldozers, all front end loaders, all sidebooms, skytracks, all push tractors, all pull scrapers, all motor graders, all trenching machines, regardless of size or motive power, all back fillers, all central mixing plants, 10S and larger, finishing machines, all boiler firemen high or low pressure, all asphalt spreaders, hydro truck crane, multiple drum hoist, irrespective of motive power, all rotary, cable tool core drill or churn drill, water well and foundation drilling machines, regardless of size, regardless of motive power and dredge tender operator

Group IV - LIGHT EQUIPMENT OPERATORS: Oiler driver motor crane, single drum hoists, winches and air tuggers, irrespective of motive power, winch or A-frame trucks, forklifts, rollers of all types and pull tractors, regardless of size, elevator operators inside and outside when used for carrying workmen from floor to floor and handling building material, Lad-A-Vator, conveyor, batch plant, and mortar or concrete mixers, below 10S, end dump Euclid, pumpcrete, spray machine and pressure grout machine, air compressors, regardless of size, all equipment, welding machines light plants, pumps, all well point system de-watering and portable pumps, space heaters, irrespective of size, and motive power, equipment greaser, oiler, mechanic helper, drilling machine helper, asphalt distributor, and like equipment , safety boat operator and deckhand.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS	$7.60		.10		
SHEET METAL WORKERS	9.65	.40	.40		.02
SPRINKLER FITTERS	9.87	.60	.90		.08

WELDERS --receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 years - 2%; over 5 years - 4% of basic hourly rate.
b - Paid Holidays - A through F

PAID HOLIDAYS:
A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

SUPERSEDEAS DECISION

STATE: Arkansas COUNTY: Union and Ouachita
DECISION NO. AR77-4082 DATE: Date of Publication
Supersedes Decision No. AR76-4129 dated July 23, 1976 in 41 FR 30507
DESCRIPTION OF WORK: Building Construction, (does not include single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.10	.40	.50		.02
BOILERMAKERS	10.00	.50	1.00		.02
BRICKLAYERS	8.70	.40	.35		.02
CARPENTERS:					
Carpenters	7.63	.40	.30		.04
Millwrights & Piledrivermen	8.13	.40	.30		.04
CEMENT MASONS	8.27	.25			.03
ELECTRICIANS:					
Electrical contracts $20,000 or less:					
Electricians	9.64		1%		1/4%
Cable splicers	9.94		1%		1/4%
Electrical contacts over $20,000:					
Electricians	10.43		1%		1/4%
Cable splicers	10.73		1%		1/4%
IRONWORKERS	9.70	.40	.50		.04
LABORERS:					
Group I	5.82	.25	.35		
Group II	6.07	.25	.35		
Group III	6.22	.25	.35		
Group IV	6.32	.25	.35		
Group V	6.62	.25	.35		
Group VI	6.72	.25	.35		
Group VII	6.57	.25	.35		

LABORERS CLASSIFICATION DEFINITIONS

GROUP I - Construction laborers, concrete labor, wrecking labor, mechanic's labor, excavating labor, plumber's labor, electricians labor, green cutter, blowpipe, and concrete pump hose placer
GROUP II - Semi-skilled laborer; pipelayer, concrete, clay and mechanical tool, cement mixer, wet or dry finishers, and plasterers, mason tender, mortar mixers, asphalt rakers & shovelers, creosote wood handlers, chuck tenders
GROUP III - Steel form setters, curb and gutters, grout and cement muckers
GROUP IV - Swinging scaffold, Barco, 90 lb. pavement breaker, and burners
GROUP V - Nozzleman (Gunite, Grout and sand blaster; concrete pump (nozzle placer)
GROUP VI - Powderman and blasters
GROUP VII - Wagon drill

DECISION NO. AR77-4082 Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Electrical contracts $20,000 or less:					
Lineman	$ 9.64		1%		1/4%
Operator	9.39		1%		1/4%
Truck driver (pick-up & jeep)	8.54		1%		1/4%
Groundman	8.54		1%		1/4%
Electrical contracts over $20,000.00:					
Lineman	10.43		1%		1/4%
Operator	10.18		1%		1/4%
Truck driver (pickup & jeep)	9.18		1%		1/4%
Groundman	9.18		1%		1/4%
PAINTERS:					
Brush, roller, sheet rock work and paperhanging	8.00				
Spray painting & sandblasting	8.625				
PLASTERERS	7.80				.02
PLUMBERS & PIPEFITTERS	9.40	.45	.55		.05
POWER EQUIPMENT OPERATORS:					
Group I	9.20	.35	.35		
Group II	8.36	.35	.35		
Group III	7.98	.35	.35		
Group IV	6.60	.35	.35		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

Group I - Cranes, draglines, shovels and piledrivers with a lifting capacity of 50 tons or over, and operators of all towers, climbing cranes, and derricks required to work 25 feet or over from the ground, blacksmith, mechanics and/or welders

Group II - Hydraulic cranes, cherry pickers, backhoes and all derricks with a liftiog capacity less than 50 tons, as specified by the manufacturer, all backhoes, tractor or truck type, all overhead and traveling cranes, or tractors with swinging boom attachments, gradealls, all above equipment irrespective of motive power, leverman (engineer), hydraulic or bucket dredges, irrespective of size

GROUP III - HEAVY EQUIPMENT OPERATORS: All bulldozers, all front end loaders, all sidebooms, skytracks, all push tractors, all pull scrapers, all motor graders, all trenching machines, regardless of size or motive power, all back fillers all central mixing plants, 10S and larger, finishing machines, all boiler firemen high or low pressure, all asphalt spreaders, hydro truck crane, multiple drum hoist, irrespective of motive power, all rotary, cable tool core drill or churn drill, water well and foundation drilling machines, regardless of size, regardless of motive power and dredge tender operator

DECISION NO. AR77-4082 Page 3

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D)

GROUP IV - LIGHT EQUIPMENT OPERATORS: Oilerdriver motor crane, single drum hoists, winches and air tuggers, irrespective of motive power, winch or A-frame trucks, forklifts, rollers of all types and pull tractors, regardless of size, elevator operators inside and outside when used for carrying workmen from floor to floor and handling building material, Lad-A-Vator, conveyor, batch plant, and mortar or concrete mixers, below 10S, end dump Euclid, pumpcrete, spray machine and pressure grout machine, air compressors, regardless of size, all equipment, welding machines, light plants, pumps, all well point system de-watering and portable pumps, space heaters, irrespective of size, and motive power, equipment greaser, oiler, mechanic helper, drilling machine helper, asphalt distributor, and like equipment, safety boat operator and deckhand

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
ROOFERS	$7.60		.10		
SHEET METAL WORKERS	9.65	3%+.40a	.25		.07b
SPRINKLER FITTERS	9.87	.60	.90		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:
a - Includes 3% Sammi
b - Includes .02 National Training Fund.

SUPERSEDEAS DECISION

STATE: Arkansas COUNTY: Garland, Hot Springs & Clark
DECISION NO.: AR77-4083 DATE: Date of Publication
Supersedes Decision No. AR76-4133 dated July 13, 1976 in 41 FR 30513
DESCRIPTION OF WORK: Building Construction (but does not include single family homes and garden type apartments up to and including 4 stories)

A	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.10	.40	.50		.02
BOILERMAKERS	10.00	.50	1.00		.02
BRICKLAYERS-Stonemasons	8.15	.40	.35		.04
CARPENTERS:					
Garland County and Northern 2/3 of Hot Springs County					
Carpenters	8.05	.40	.30		.05
Millwrights	8.55	.40	.30		.05
Piledrivermen	8.55	.40	.30		.05
Remainder of Hot Springs County					
Carpenters	7.63	.40	.30		.04
Millwrights	8.13	.40	.30		.04
Piledrivermen	8.13	.40	.30		.04
CEMENT MASONS	8.27	.25			.03
ELECTRICIANS:					
Electricians	9.975		1%		1/4%
Cable splicers	10.10		1%		1/4%
ELEVATOR CONSTRUCTORS:					
Journeymen	8.88	.545	.35	4%+a+b	.02
Helpers	70%JR	.545	.35	4%+a+b	.02
Helpers - probationary	50%JR				
IRONWORKERS	9.06	.45	.40		.04
LABORERS:					
Group I	5.82	.25	.35		.04
Group II	6.07	.25	.35		.04
Group III	6.22	.25	.35		.04
Group IV	6.32	.25	.35		.04
Group V	6.47	.25	.35		.04
Group VI	6.72	.25	.35		.04
Group VII	6.62	.25	.35		.04

LABORERS CLASSIFICATION DEFINITIONS

GROUP I - Construction laborers, concrete labor, wrecking labor, mechanic's labor, excavating labor, plumber's labor, electricians labor, green cutter, blowpipe, and concrete pump hose placer
GROUP II - Semi-skilled laborer; pipelayer, concrete, clay and mechanical tool, cement mixer, wet or dry finishers, and plasterers, mason tender, mortar mixers, asphalt rakers & shovelers, creosote wood handlers, chuck tenders
GROUP III - Steel form setters, curb and gutters, grout and cement muckers
GROUP IV - Swinging scaffold, Barco, 90 lb. pavement breaker, and burners
GROUP V - Nozzleman (Gunite, Grout and sand blaster; concrete pump (nozzle placer)
GROUP VI - Powderman and blasters
GROUP VII - Wagon drill

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	$8.60				.02
PAINTERS:					
Brush and roller	6.50				
Paperhanging	6.75				
Sheet rock (tape & float only); stage and steel	6.75				
Spray and sandbalsting	7.00				
Painters operating any kind of taping or floating machine	8.50				
PLASTERERS	8.60				.02
PLUMBERS-STEAMFITTERS	8.75	.50	.30		.10
POWER EQUIPMENT OPERATORS					
Group I	9.20	.35	.35		
Group II	8.36	.35	.35		
Group III	7.98	.35	.35		
Group IV	6.60	.35	.35		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

Group I - Cranes, draglines, shovels and piledrivers with a lifting capacity of 50 tons or over, and operators of all towers, climbing cranes, and derricks required to work 25 feet or over from the ground, blacksmith, mechanics and/or welders

Group II - Hydraulic cranes, cherry pickers, backhoes and all derricks with a lifting capacity less than 50 tons, as specified by the manufacturer, all backhoes, tractor or truck type, all overhead and traveling cranes, or tractors with swinging boom attachments, gradealls, all above equipment irrespective of motive power, leverman (engineer), hydraulic or bucket dredges, irrespective of size

GROUP III - HEAVY EQUIPMENT OPERATORS: All bulldozers, all front end loaders, all sidebooms, skytracks, all push tractors, all pull scrapers, all motor graders, all trenching machines, regardless of size or motive power, all back fillers all central mixing plants, 10S and larger, finishing machines, all boiler firemen high or low pressure, all asphalt spreaders, hydro truck crane, multiple drum hoist, irrespective of motive power, all rotary, cable tool core drill or churn drill, water well and foundation drilling machines, regardless of size, regardless of motive power and dredge tender operator

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D)

GROUP IV - LIGHT EQUIPMENT OPERATORS: Oilerdriver motor crane, single drum hoists, winches and air tuggers, irrespective of motive power, winch or A-frame trucks, forklifts, rollers of all types and pull tractors, regardless of size, elevator operators inside and outside when used for carrying workmen from floor to floor and handling building material, Lad-A-Vator, conveyor, batch plant, and mortar or concrete mixers, below 10S, end dump Euclid, pumpcrete, spray machine and pressure grout machine, air compressors, regardless of size, all equipment, welding machines, light plants, pumps, all well point system de-watering and portable pumps, space heaters, irrespective of size, and motive power, equipment greaser, oiler, mechanic helper, drilling machine helper, asphalt distributor, and like equipment, safety boat operator and deckhand

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION					
Linemen	$9.975		1%		1/4%
Cable splicers	10.10		1%		1/4%
Groundman 1st 6 months	65%JR		1%		1/4%
Truck Drivers (with winch)	80%JR		1%		1/4%
Truck Driver (flat bed)	64%JR		1%		1/4%
ROOFERS	7.60		.10		
SHEET METAL WORKERS	9.35	.40	.40		.02
SPRINKLER FITTERS	9.87	.60	.90		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:
a. 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b. PAID HOLIDAYS - A through F

PAID HOLIDAYS:
A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

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SUPERSEDEAS DECISION

STATES: Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin
DECISION NUMBER: IL77-5038
Supersedes Decision No. IL76-5038 dated April 16, 1976 in 41 FR 16373
DESCRIPTION OF WORK: Dredging on the Great Lakes, their connecting and tributory waters, including the Illinois Waterway to the lock at Lockport, Illinois; and in the New York State Barge Canal System between Tonawanda, New York, and Waterford, New York, and Oswego, New York and on the St. Lawrence River eastward to the International Boundary Near St. Regis, New York.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Dipper and Hydraulic Dredging:					
Chief Engineer	$13.50	.35	.35	a	
Operators	13.40	.35	.35	a	
Assistant Engineer	12.95	.35	.35	a	
Welder	12.85	.35	.35	a	
Cranemen - Dipper Dredging	12.85	.35	.35	a	
Spill Barge Operator - Hydraulic Dredging	12.85	.35	.35	a	
Drill Boats:					
Engineers	9.62	.35	.35	c	
Blasters	9.75	.35	.35	c	
Firemen	9.24	.35	.35	c	
Drillers, Welders or Machinists	9.63	.35	.35	c	
Oilers	9.04	.35	.35	c	
Tug Engineers	12.05		.65	a	
Tug Operators - on Launch	11.70		.65	a	
Floating Equipment: (Clamshell, Dragline and Marine Construction)					
Engineers and Operators	12.80	f		d & e	
Equipment Operators	11.50	f		d & e	
Firemen	10.90	f		d & e	
Oilers	9.75	f		d & e	
Tug Workers:					
Firemen, Linesmen, Oilers, Deckhands, Scowmen (on/or with tugboats, launches or other selfpropelled boats)	11.00	b	.50	a	
Dredge Workers:					
Firemen, Oiler, Deckhands and Scowmen (with dipper dredges, hydraulic dredges or other floating equipment engaged in dredging operations); Pipeline men (both afloat and ashore, including loading, unloading, installing, maintaining and handling pipe lines for hydraulic dredges and sandboats	11.00	b	.50	a	
Range and Sweepmen, Service Truck Drivers	8.25	b	.50	a	

FOOTNOTES:

a. 8 paid holidays: A through F plus Washington's Birthday and Veterans' Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each of the next 3 periods of 26 days of service, and for 208 days or over of service 13 days of vacation with pay, all in one calendar year. Employees not qualifying for vacation, as set forth above, will receive one day's vacation with pay for each full 24 days of service in one calendar year.

b. $5.00 per day, per employee.

c. 8 paid holidays: A through F plus Washington's Birthday and Veterans' Day; 6⅔ days vacation with pay for 84 days of service, one additional day of vacation with pay for each additional 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation, as set forth above, are to receive one day's vacation with pay for each full 20 days of service in one calendar year.

d. 8 paid holidays: A through F plus Washington's Birthday and Veterans' Day.

e. ½ day vacation for each full 12 days employment in one calendar year.

f. $1.65 per hour in fringe benefits (excluding vacation payments).

PAID HOLIDAYS (where Applicable):

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

SUPERSEDEAS DECISION

STATE: Kansas COUNTY: Shawnee
DECISION NO.: KS77-4079 DATE: Date of Publication
Supersedes Decision No. KS77-4048, dated February 25, 1977 in in 42 FR 11216
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.52	.50	.80		.02
BOILERMAKERS	10.30	.85	1.00		.02
BRICKLAYERS: Stonemasons	9.89	.40	.25		
CARPENTERS:					
Carpenters	9.00	.40	.25		.05
Millwrights; Piledrivermen	9.375	.40	.25		.05
CEMENT MASONS:					
Cement masons	8.85	.40	.35		
Machine operators	8.975	.40	.35		
Composition color or chloride additives	9.05	.40	.35		
ELECTRICIANS	6.60	.45	17+.20		.05
IRONWORKERS	9.60	.70	1.00	1.00	.05
LABORERS (Building Construction)					
General laborer	7.65	.40	.35		.10
Power tool operators, compactors, concrete breakers, chipping tools, drilling tools, concrete saws, mechanically operated, georgia buggy	7.85	.40	.35		.05
Mason tenders, plaster tenders, mortar mixers for plaster masons and cement finishers, all stocking scaffold, clean up for masons (building and wrecking)	7.95	.40	.35		.05
Sand and concrete gun nozzleman and powderman	8.05	.40	.35		.05
LABORERS (Site Preparation and Grading):					
Group 1	6.80	.40	.35		.05
Group 2	6.95	.40	.35		.05
Group 3	7.05	.40	.35		.05
Group 4	7.20	.40	.35		.05
Group 5	7.30	.40	.35		.05

DECISION NO. KS77-4079

CLASSIFICATION DEFINITIONS

LABORERS(Site Preparation and Grading):
Group 1 - Bosrd mat weavers and cable tiers; Georgia buggy (manually operated); mixerman - no skip; lift; nailers, salamander tenders; track men; tractor swamper; truck dumper, wire mesh setter, water pump up to 4 inches; and all other general laborer including flagman

Group 2 - Air tool operators, cement handlers (bulk), chain saw, georgia buggy (mechanically operated); grade man, hot mastic kettlemen, crusher feeder, joint man, jute man; mason tender; material batch hopper and scale man; mixer man; pier hole man working 10 ft. deep; pipelayer-drainage (concrete and/or corrugated metal); signal man (crane), truck dumper-dry batch; vibrator operator; wagon and churn drill operator

Group 3 - Asphalt raker, barco tamper; concrete saw; creosote material-handling and applying; nozzle burner (cutting torch and burning bar)

Group 4 - Conduit pipe; tile and duct line setter; form setter and liner on concrete paving; powderman; sandblasting and gunite nozzleman; sanitary sewer pipe layer; steel plate structure erectors; water and gas distribution lines
Group 5 - Leadman or pusher

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	9.70		.20		
PAINTERS:					
Brush, drywall, sanding and taping, roller	9.90	.45			.02
Painting of structures over 50' (all types); spray	10.40	.45			.02
PLASTERERS	9.25		.20		
PLUMBERS: Pipefitters	10.90	.40	.55		.02
POWER EQUIPMENT OPERATORS:					
(Building Construction):					
Group 1	10.10	.50	1.00	.50	.10
Group 2	9.70	.50	1.00	.50	.10
Group 3:					
(a)	8.65	.50	1.00	.50	.10
(b)	8.90	.50	1.00	.50	.10
Group 4:					
(a)	8.10	.50	1.00	.50	.10
(b)	8.35	.50	1.00	.50	.10
Group 5	10.60	.50	1.00	.50	.10
Group 6	10.35	.50	1.00	.50	.10
Group 7	10.60	.50	1.00	.50	.10
Group 8	11.10	.50	1.00	.50	.10
Group 9	12.10	.50	1.00	.50	.10

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POWER EQUIPMENT OPERATORS (Building Construction)

CLASSIFICATION DEFINITIONS

Group 1 - Boilers (2); boom cat, boring machine, ditching machine, concrete ready-mix plant; crane, truck crane, clamshell, dragline, dozer, scraper, all types, patrol, firemen (when operating steam or air valve); gradall, hi-loaders (over 1 yd); hoist, two; locomotive; mechanic or welder; mixer-mobile; paver, or any other machine with power swing; piledriver operator; power shovel; pump, concrete or other material

Group 2 - A-frame truck; barber greene loader or similar type; bob cat hi-loaders (1 yd. and under); boiler (1); ditching machine-small; elevator operator; firemen; fork lift; greaser, equipment;hoist, one active drum; hydra hammer; jeep ditcher; mixer, other than paver; power broom, pump, 4" or larger, small machine engineer; welding machine (1)

Group 3 - (a) Farm tractor (without attachments)
(b) Farm tractor (with attachments)

Group 4 - (a) Oiler
(b) Motor crane oiler

Group 5 - Tower cranes and derricks; franki-type piledriving machines; (4) drum hoist

Group 6 - Crane & shovels 100 ft of boom or over (including jib) or 2 yds capacity or over or 30 tons or over; (3) drum hoist

Group 7 - Crane & shovels booms 200 ft and over

Group 8 - Cranes with lifting ring

Group 9 - Master mechanic

Hoist each additional drum over two - an additional .25¢

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
Site Preparation and Grading					
Group 1	8.35	.50	1.00	.50	.10
Group 2	8.10	.50	1.00	.50	.10
Group 3	7.85	.50	1.00	.50	.10
Group 4	7.50	.50	1.00	.50	.10
Group 5	7.60	.50	1.00	.50	.10
Group 6	8.60	.50	1.00	.50	.10

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (Site Preparation and Grading):

Group 1 - Asphalt paver and spreader, backhoe; boring machine, blades, all types; clamshell; concrete mixer paver operator; concrete central plant operator (automatic); crane, truck crane, pitman crane, hydro crane, or any machine with power swing; derrick or derrick trucks; dragline operator; dredge operator; dozer; ditching machine; euclid loader; hoist -2 active drums; loader, all types, mechanic or welder; mixer-mobile; multi-unit scraper; pile driver operator; power shovel operator; quad track; scoop operator, all types; side boom cat-cherry picker; skimmer scoop operator; pushcat operator

Group 2 - Asphalt plant operator; elevating grader operator

Group 3 - A-frame truck; asphalt roller operator; ashalt plant boiler fireman; backfiller operator; barber greene loader; boiler - other than asphalt; buil float operator; churn drill operator; compressor operator (1); concrete central plant operator; concrete mixer operator skip; concrete pump operator; crusher operator, distributor operator; finish machine operator - concrete; fireman other than asphalt; flex plane opeator, fork lift; form grader operator; greaser;hoist 1 drum; jeep ditching machine; pavement breakers, self-propelled (of the hydra hammer or similar type); pump operator, 4" or over, two; pump operator, other than dredge; screening and wash plant operator; small machine operator; spreader box operator, self-propelled; tractor operator over 50 h.p.; self-propelled roller operator, other than asphalt; siphon and jets; subgrading machine operator; tank car heater operator, combination booster and boiler; towboat operators; vibrating machine operator, not hand

Group 4 - Concrete gang saw, self-propelled (con-cut); conveyor operator; Harrow, disc seeder; oiler; tractor operator, 50 h.p. or less without attachments

Group 5 - Oiler, motor crane

Group 6 - Master mechanic

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Roofers flat, slate and tile, dampproofers and waterproofers	9.36	.30	.60		
Roofers working in pitch, tar or creosote, coal	10.21	.30	.60		
SHEET METAL WORKERS	8.88	3%+.35	1.10	.78	.04
SOFT FLOOR LAYERS	8.26	.45	.45	10%	.04
SPRINKLER FITTERS	11.23	.60	.90		.08
TILE SETTERS	8.50				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS (Building Construction)					
Light, pickups, stations wagons	7.875	.40	.35		
Medium flat beds and dumps, 5 tons or less; warehousemen and partsmen	7.975	.40	.35		
Truck over 5 tons and semi-trailers	8.225	.40	.35		
TRUCK DRIVERS (Site Preparation and Grading)					
Group 1	6.90	.40	.35		
Group 2	7.00	.40	.35		
Group 3	7.15	.40	.35		

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS:

Group 1 - Pickups; panel trucks; station wagons; flat beds; dump and batch trucks (single axle)

Group 2 - Tandem trucks, warehousemen or partsmen; mechanic helpers and servicemen

Group 3 - Lowboys; semi-trailers, all transit mixer trucks (single or tandem axle); A-frame and winch trucks when used as such; euclid, end and bottom dump; tournarockers; atheys; dumptors and similar off-road equipment and mechanics on such equipment -

WELDERS: Receive rates prescribed for craft performing operation to which welding is incidental.

UMI 77 8 RRA 8813A

SUPERSEDEAS DECISION

STATE: Kansas COUNTY: Shawnee
DECISION NO.: KS77-4080 DATE: Date of Publication
Supersedes Decision No. KS77-4046 dated February 25, 1977 in 42 FR 11213
DESCRIPTION OF WORK: Building construction, (does not include single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.52	.50	.80		.02
BOILERMAKERS	10.30	.85	1.00		.02
BRICKLAYERS; Stonemasons	9.89	.40	.25		
CARPENTERS:					
Carpenters	9.00	.40	.25		.05
Millwrights; Piledrivermen	9.375	.40	.25		.05
CEMENT MASONS:					
Cement masons	8.85	.40	.35		
Machine operators	8.975	.40	.35		
Composition color or chloride additives	9.05	.40	.35		
ELECTRICIANS:					
Electricians	11.35	.45	17%+.55		.05
Cable splicers	12.485	.45	17%+.55		.05
ELEVATOR CONSTRUCTORS	8.74	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS HELPERS (PROB.)	50%JR				

FOOTNOTES: - a-Employer contributes 4% of basic hourly rate for over 5 years of service and 2% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. b-1st 6 months-none; 6 months-5 years 2%; over 5 years 4% of basic hourly rate; also 6 paid holidays.

GLAZIERS	9.325	.55	.51	.8635+.65	99.03
IRONWORKERS	9.60	.70	1.00	1.00	.05
LABORERS (Building Construction);					
General laborers	7.65	.40	.35		.05
Power tool operators, compactors, concrete breakers, chipping tools, drilling tools, concrete saws, mechanically operated georgia buggy	7.85	.40	.35		.05
Mason tenders, plaster tenders, mortar mixers for masons and cement finishers, all stocking scaffold, clean up for masons (building and wrecking)	7.95	.40	.35		.05
Sand and concrete gun nozzleman and powderman	8.05	.40	.35		.05

DECISION NO. KS77-4080

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (Site Preparation and Grading)					
Group 1	6.80	.40	.35		.05
Group 2	6.95	.40	.35		.05
Group 3	7.05	.40	.35		.05
Group 4	7.20	.40	.35		.05
Group 5	7.30	.40	.35		.05

CLASSIFICATION DEFINITIONS

LABORERS:
Group 1 - Board mat weavers and cable tiers; Georgia buggy (manually operated); mixerman - no skip; lift; nailers, salamander tenders; track men; tractor swamper; truck dumper, wire mesh setter, water pump up to 4 inches; and all other general laborer including flagman

Group 2 - Air tool operators, cement handlers (bulk), chain saw, georgia buggy (mechanically operated); grade man, hot mastic kettlemen, crusher feeder, joint man, jute man; mason tender; material batch hopper and scale man; mixer man; pier hole man working 10 ft. deep; pipelayer-drainage (concrete and/or corrugated metal); signal man (crane), truck dumper-dry batch; vibrator operator; wagon and churn drill operator

Group 3 - Asphalt raker, barco tamper; concrete saw; creosote material-handling and applying; nozzle burner (cutting torch and burning bar)

Group 4 - Conduit pipe; tile and duct line setter; form setter and liner on concrete paving; powderman; sandblasting and gunite nozzleman; sanitary sewer pipe layer; steel plate structure erectors; water and gas distribution lines
Group 5 - Leadman or pusher

DECISION NO. KS77-4080

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	9.70		.20		
LINE CONSTRUCTION:					
Lineman	9.25	.45	1%		½%
Cable splicers	9.71	.45	1%		½%
Groundman, over 1 year	5.75	.45	1%		½%
Groundman, 1st year	4.36	.45	1%		½%
Powderman	7.67	.45	1%		½%
Line Truck and Equipment Operators:					
1st year	5.89	.45	1%		½%
2nd year	7.05	.45	1%		½%
Over 2 years' experience	7.67	.45	1%		½%
PAINTERS:					
Brush, drywall, sanding and taping	9.90	.45			.02
Painting of structures over 50' (all types); spray	10.40	.45			.02
PLASTERERS	9.25		.20		
PIPEFITTERS; Plumbers	10.90	.40	.55		.02
POWER EQUIPMENT OPERATORS (Building Construction):					
Group 1	10.10	.50	1.00	.50	.10
Group 2	9.70	.50	1.00	.50	.10
Group 3:					
(a)	8.65	.50	1.00	.50	.10
(b)	8.90	.50	1.00	.50	.10
Group 4:					
(a)	8.10	.50	1.00	.50	.10
(b)	8.35	.50	1.00	.50	.10
Group 5	10.60	.50	1.00	.50	.10
Group 6	10.35	.50	1.00	.50	.10
Group 7	10.60	.50	1.00	.50	.10
Group 8	11.10	.50	1.00	.50	.10
Group 9	12.10	.50	1.00	.50	.10

DECISION NO. KS77-4080

POWER EQUIPMENT OPERATORS (Building Construction)

CLASSIFICATION DEFINITIONS

Group 1 - Boilers (2); boom cat, boring machine, ditching machine, concrete ready-mix plant; crane, truck crane, clamshell, dragline, dozer, scraper, all types, patrol, firemen (when operating steam or air valve); gradall hi-loaders (over 1 yd); hoist, two; locomotive; mechanic or welder; mixer-mobile; paver, or any other machine with power swing; piledriver operator; power shovel; pump, concrete or other material

Group 2 - A-frame truck; barber greene loader or similar type; bob cat h-loaders (1 yd. and under); boiler (1); ditching machine-small; elevator operator; firemen; fork lift; greaser, equipment; hoist, one active drum; hydra hammer; jeep ditcher; mixer, other than paver; power broom, pump, 4" or larger, small machine engineer; welding machine (1)

Group 3 - (a) Farm tractor (without attachments)
(b) Farm tractor (with attachments)

Group 4 - (a) Oiler
(b) Motor crane oiler

Group 5 - Tower cranes and derricks; franki-type piledriving machines; (4) drum hoist
Group 6 - Crane & shovels 100 ft of boom or over (including jib) or 2 yds capacity or over or 30 tons or over; (3) drum hoist

Group 7 - Crane & shovels booms 200 ft and over

Group 8 - Cranes with lifting ring

Group 9 - Master mechanic

Hoist each additional drum over two - an additional .25c

DECISION NO. KS77-4080

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (Site Preparation and Grading)					
Group 1	8.35	.50	1.00	.50	.10
Group 2	8.10	.50	1.00	.50	.10
Group 3	7.85	.50	1.00	.50	.10
Group 4	7.50	.50	1.00	.50	.10
Group 5	7.60	.50	1.00	.50	.10
Group 6	8.60	.50	1.00	.50	.10

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS:

Group 1 - Asphalt paver and spreader, backhoe; boring machine, blades, all types; clamshell; concrete mixer paver operator; concrete central plant operator (automatic); crane, truck crane, pitman crane, hydro crane, or any machine with power swing; derrick or derrick trucks; dragline operator; dredge operator; dozer; ditching machine; euclid loader; hoist -2 active drums; loader, all types, mechanic or welder; mixer-mobile; multi-unit scraper; pile driver operator; power shovel operator; quad track; scoop operator, all types; side boom cat-cherry picker; skimmer scoop operator; pushcat operator

Group 2 - Asphalt plant operator; elevating grader operator

Group 3 - A-frame truck; asphalt roller operator; ashalt plant boiler fireman; backfiller operator; barber greene loader; boiler - ther than asphalt; bull float operator; churn drill operator; compressor operator (1); concrete central plant operator; concrete mixer operator skip; concrete pump operator; crusher operator, distributor operator; finish machine operator - concrete; fireman other than asphalt; flex plane opeator, fork lift; form grader operator; greaser;hoist 1 drum; jeep ditching machine; pavement breakers, self-propelled (of the hydra hammer of similar type); pump operator, 4" or over, two; pump operator, other than dredge; screening and wash plant operator; small machine operator; spreader box operator, self-propelled; tractor operator over 50 h.p.; self-propelled roller operator, other than asphalt; siphon and jets; subgrading machine operator; tank car heater operator, combination booster and boiler; towboat operators; vibrating machine operator, not hand

Group 4 - Concrete gang saw, self-propelled (con-cut); conveyor operator; Harrow, disc seeder; oiler; tractor operator, 50 h.p. or less without attachments

Group 5 - Oiler, motor crane

Group 6 - Master mechanic

DECISION NO. KS77-4080

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS, FLAT, SLATE & TILE					
DAMPROOFERS AND WATERPROOFERS	9.36	.30	.60		
ROOFERS WORKING IN PITCH, TAR OR CREOSOTE, COAL	10.21	.30	.60		
SHEET METAL WORKERS	8.88	3%+.35	1.10	.78	.04
SOFT FLOOR LAYERS	8.26	.45	.45	10%	.04
SPRINKLER FITTERS	11.23	.60	.90		.08
TILE SETTERS	8.50				
TRUCK DRIVERS (Building Construction):					
Light, pickups, Station wagons	7.875	.40	.35		
Medium flat beds and dumps, 5 tons or less; warehousemen and partsmen	7.975	.40	.35		
Truck over 5 tons and semi-trailers	8.225	.40	.35		
TRUCK DRIVERS (Site preparation and grading):					
Group 1	6.90	.40	.35		
Group 2	7.00	.40	.35		
Group 3	7.15	.40	.35		

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS:

Group 1 - Pickups; panel trucks; station wagons; flat beds; dump and batch trucks (single axle)

Group 2 - Tandem trucks, warehousemen or partsmen; mechanic helpers and servicemen

Group 3 - Lowboys; semi-trailers, all transit mixer trucks (single or tandem axle); A-frame and winch trucks when used as such; euclid, end and bottom dump; tournarockers; athey's; dumptors and similar off-road equipment and mechanics on such equipment

WELDERS: Receive rates prescribed for craft performing operation to which welding is incidental.

SUPERSEDEAS DECISION

STATE: Kansas COUNTY: Sedgwick
DECISION NO: KS77-4081 DATE: Date of Publication
Supersedes Decision No. KS77-4020, dated February 4, 1977 in 42 FR 7057
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.60	.58	.325		.02
BOILERMAKERS	10.30	.85	1.00		.02
BRICKLAYERS; STONEMASONS	10.08	.50	.25		.02
CARPENTERS:					
Carpenters	9.65	.50			.05
Millwrights, piledrivermen	9.95	.50			.05
CEMENT MASONS:					
Cement masons	9.85				
Troweling machine operator	10.10				
ELECTRICIANS	10.00	.60	1%+.25		1%
ELEVATOR CONSTRUCTORS	10.23	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
FOOTNOTES: a-Employer contributes 4% of basic hourly rate for over 5 years sevice, and 2% of basic hourly rate for 6 mos. to 5 years as vacation Pay Credit. b-lat 6 months none; 6 months - 5 years 2%; over 5 years 4% of basic hourly rate; also 6 paid holidays.					
GLAZIERS	9.09	.55	.42	12.35%	.03
IRONWORKERS	10.48		.25	.53	.02
LABORERS (BUILDING CONSTRUCTION):					
GROUP 1 - Common laborers	7.20	.50	.25		.05
GROUP 2 - Power tool operators, compactors, concrete breakers, chipping tools, drilling tools, concrete saws, mechanically operated georgia buggy, mason tenders, plaster tenders, mortar mixers for plasterers, mason and cement finishers, all stocking scaffold, clean up for masons (building & wrecking), sand and concrete gun nozzleman, powderman	7.35	.50	.25		.05
LABORERS (SITE PREPARATION & GRADING)					
GROUP 1	5.30	.50	.25		.05
GROUP 2	5.45	.50	.25		.05
GROUP 3	5.55	.50	.25		.05
GROUP 4	5.70	.50	.25		.05
GROUP 5	5.80	.50	.25		.05

DECISION NO. KS77-4081

CLASSIFICATION DEFINITIONS

LABORERS:

GROUP 1 - Board mat weavers & cable tiers, georgia buggy (manually operated), mixerman-no skip, lift, nailers, salamander tenders, track men, tractor swamper, truck dumper, wire mesh setter, water pump up to 4 inches, & all other general laborer including flagmen

GROUP 2 - Air tool operators, cement handlers (bulk) chain saw, georgia buggy (mechanically operated), grade man, hot mastic kettlemen, crusher feeder,joint man, jute man, mason tender, material batch hopper & scale man, mixer man, pier hole man working 10 ft. deep, pipelayer-drainage (concrete and/or corrugated metal), signal man (crane), truck dumper-dry batch, vibrator operator, wagon and churn drill operator

GROUP 3 - Asphalt raker, barco tamper, concrete saw, creosote material handling & applying, nozzle burner (cutting torch and burning bar)

GROUP 4 - Conduit pipe, tile & duct line setter, form setter & liner on concrete paving, powderman, sandblasting & gunnite nozzleman, sanitary sewer pipe layer, steel plate structure erectors, water and gas distribution lines

GROUP 5 - Leadmen or pusher

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	$ 9.90		.15		.01
LINE CONSTRUCTION:					
Linemen	9.25	.45	1%		1%
Cable splicers	9.71	.45	1%		1%
Groundman, over 1 year	5.75	.45	1%		1%
Groundman, 1st year	4.36	.45	1%		1%
Powderman	7.67	.45	1%		1%
Line truck & equipment operators:					
1st year	5.89	.45	1%		1%
2nd year	7.05	.45	1%		1%
Over 2 years experience	7.67	.45	1%		1%
PAINTERS:					
GROUP 1 - Brush, sheetrock taping and finishing	8.87	.10	.30		.01
GROUP 2 - Stage chair and window jack work to and including five stories high	9.22	.10	.30		.01
GROUP 3 - Stage chair and window jack work over five stories high; elevated tanks, towers, & stack over 75 ft. high; sandblasting & water blasting work from picks; stage chairs or platforms over 24 ft. in height	9.47	.10	.30		.01
GROUP 4 - Structural steel not done from scaffolding	9.62	.10	.30		.01
PLASTERERS	9.00				.01
PIPEFITTERS, PLUMBERS	10.78	.64	.80		.04

DECISION NO. KS77-4081

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (BUILDING CONSTRUCTION):					
GROUP 1	10.10	.50	1.00	.75	.10
GROUP 2	9.70	.50	1.00	.75	.10
GROUP 3:					
(a)	8.65	.50	1.00	.75	.10
(b)	8.90	.50	1.00	.75	.10
GROUP 4:					
(a)	8.10	.50	1.00	.75	.10
(b)	8.35	.50	1.00	.75	.10
GROUP 5	10.60	.50	1.00	.75	.10
GROUP 6	10.35	.50	1.00	.75	.10
GROUP 7	10.60	.50	1.00	.75	.10
GROUP 8	12.10	.50	1.00	.75	.10
GROUP 9	11.10	.50	1.00	.75	.10

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS:
GROUP 1 - boilers (2), boom cat, boring machine, ditching machine, concrete ready-mix plant, crane, truck crane, clamshell, dragline, dozer, scraper, all types, patrol, firemen (when operating steam or air valve), gradall, hi-loaders (over 1 yd), hoist, two drums, locomotive, mechanic or welder, mixermobile, paver, or any other machine with power swing, piledriver operator, power shovel, pump, concrete or other material
GROUP 2 - A-frame truck, barber-greene loader or similar type, bob cat hi loaders (1 yd and under). boiler (1), ditching machine-small, elevator operator, firemen, fork lift, greaser, equipment, hoist, one active drum, hydra hammer, jeep ditcher, mixer, other than paver, power broom, pump. 4" or larger, small machine engineer, welding machine (1)
GROUP 3 - (a) farm tractor (without attachments), (b)Farm tractor (with attachments)
GROUP 4 - (a)Oiler, (b)motor crane oiler
GROUP 5 - Tower cranes and derricks, frankie-type pile driving machines
GROUP 6 - Cranes and shovels 100 ft. of boom or over (including jib) or 2 yds. capacity or over or 30 tons or over (3) drum hoist
GROUP 7 - Cranes and shovels booms 200 ft. and over; (4) drum hoist
GROUP 8 - Master mechanic
GROUP 9 - Cranes with lifting ring

DECISION NO. KS77-4081

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (SITE PREPARATION & GRADING):					
GROUP 1	8.35	.50	1.00	.75	.10
GROUP 2	8.10	.50	1.00	.75	.10
GROUP 3	7.85	.50	1.00	.75	.10
GROUP 4	7.50	.50	1.00	.75	.10
GROUP 5	7.60	.50	1.00	.75	.10
GROUP 6	8.60	.50	1.00	.75	.10

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS:
Group 1 - Asphalt paver & spreader, back hoe, boring machine, blades, all types, clamshell, concrete mixer paver operator, concrete central plant operator, (automatic), crane, truck crane, pitman crane hydro crane or any machine with power swing, derrick or derrick trucks, dragline operator, dredge operator, dozer, ditching machine, euclid loader, hoist-2active drums, loader, all types, mechanic or welder, mixer-mobile, multi-unit scraper, piledriver operator, power shovel operator, quad track, scoop operator, all types, side boom cat-cherry picker, skimmer scoop operator, pushcat operator
Group 2 - Asphalt plant operator, elevating grader operator
Group 3 - A-frame truck, asphalt roller operator, asphalt plant boiler fireman, backfiller operator, barber-greene loader, boiler-other than asphalt, bull float operator , churn drill operator, compressor operator (1), concrete central plant operator, concrete mixer operator skip, concrete pump operator, crusher operator, distributor operator, finish machine operator-concrete, fireman other than asphalt, flex plane operator, fork lift, form grader operator, greaser, hoist 1 drum, jeep ditching machine, pavement breaker, self-propelled (of the hydra hammer or similar type), pump operator, 4" or over, two, pump operator other than dredge, screening & wash plant operator, small machine operator spreader box operator-self-propelled tractor operator over 50 h.p.; self-propelled roller operator, other than asphalt, siphon & jets, subgrading machine operator, tank car heater operator, combination booster & boiler, towboat operator; vibrating machine operator, not hand
Group 4 - Concrete gang-saw, self-propelled (con-cut), conveyor operator harrow disc seeder, oiler, tractor operator, 50 h.p. or less without attachments
Group 5 - Oiler, motor crane
Group 6 - Master mechanic

DECISION NO. KS77-4081

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Roofers, Kettlemen	8.30	.28	.20		
Pitch	9.05	.28	.20		
Helpers	3.50	.28	.20		
SHEET METAL WORKERS	10.635	.70+3%	.44		.12
SPRINKLER FITTERS	11.23	.60	.90		.08
TRUCK DRIVERS (BUILDING CONSTRUCTION):					
GROUP 1 - Pickups, station wagons, flat beds-12,000# & under GVW lincense capacity	7.75	.50	.35		
GROUP 2 - Flat beds-16,000# GVW lincense capacity	7.825	.50	.35		
GROUP 3 - Flat beds-20,000# over GVW lincense capacity, dump, batch & water trucks, single axle	7.90	.50	.35		
GROUP 4 - Lowboys, semi-trailers dumpstors, a-frame tandems winch truck when used as such & transit mix	8.00	.50	.35		
TRUCK DRIVERS PREPARATION & GRADING):					
GROUP 1	6.80	.50	.35		
GROUP 2	6.90	.50	.35		
GROUP 3	7.05	.50	.35		

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS:
Group 1 - Pickups, panel trucks, station wagons, flat beds, dump and batch trucks (single axle)
Group 2 - Tandem trucks, warehousemen or partsmen, mechanic helpers and servicemen
Group 3 - Lowboys, semi-trailers, all transit mixer trucks (single or tandem axle), a-frame and winch trucks when used as such, euclid, and and bottom dump, tournarockers, atheys, dumptors and similar off-road equipment and mechanics on such equipment

WELDERS: Receive rates prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:

a. Six paid holidays

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Nine paid holidays: A through F, plus Washington's Birthday, Good Friday and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holidays.

PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

BUFFERSEDAS DECISION

STATE: Kentucky COUNTY: Warren
DECISION NUMBER: KY77-1035 DATE: Date of Publication
Supersedes Decision No.: KY76-1077 dated July 23, 1976 in 41 FR-30525
DESCRIPTION OF WORK: Building Construction, (does not include single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	10.25	.45	.35		.02
Boilermakers	10.80	.75	1.00		
Bricklayers & stone masons	8.64	.30	.20		
Carpenters	9.65	.30	.30		.01
Cement masons	8.50	.20			¼ of 1¢
Electricians	9.70		1¢	4¢+akb	.02
Elevator constructors	11.00	.545	.35	4¢+akb	.02
Elevator constructors' helpers	70%JR	.545	.35		
Elevator constructors' helpers (prob.)	50%JR				
Glaziers	8.05	.50	.50		.02
Ironworkers:					
Structural, ornamental & reinforcing	9.25	.55	.50	.40	.10
Lathers	7.90		.20	c	.01
Leadburners	8.25	.30			.01
Line Construction:					
Linemen	9.70		1¢		¼ of 1¢
Line truck, hole digger & cable splicer	9.70		1¢		¼ of 1¢
Groundmen	8.20		1¢		¼ of 1¢
Painters:					
Brush	4.50				
Spray	5.50				
Structural steel up to '40	4.50				
Piledrivermen	9.65	.30	.30		.01
Plasterers	8.50	.20		.77	.10
Plumbers	10.65	.60	.75	.15	
Roofers	7.45	.40	.25		
Sheet metal workers	11.99	1.067	.80		.14
Soft floor layers	9.65	.30	.30		
Sprinkler fitters	11.40	.60	.90	1.00	.08
Steamfitters	10.84	.50	.80		.08

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

KY77-1035 - (Cont'd)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	9.80	.35	.35		.05
CLASS B	7.51	.35	.35		.05
CLASS C	6.89	.35	.35		.05

CLASS A:
Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engineer, elevating grader and all types of loaders, hoetype machine, hoisting engine (2 or more drums) locomotive, motor scraper, carry-all scoop, bulldozer, heavy duty welder, mechanic, orangepeel bucket, pile driver, power blade, motor grader, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, forklift, (regardless of lift height), all types of boom cats, core drill, hoet tow or push boat, concrete paver, Gradeall, hoist, hyster, pumpcrete, Ross carrier, side boom, tail boom, rotary drill, hydro hammer, mucking machine, rock spreader attached to equipment, scoopmobile, KaCal loader, tower cranes (French, German and other types), hydr crane, backfiller, gurries, sub-grader

CLASS B:
All air compressors (600 cu. ft. per min. or greater capacity), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller (rock), tractor (50 hp. and over) bull float, finish machine, outboard motor boat, flexoplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, Whirley oiler, self-propelled compactor, tractair and road widening trencher and farm tractor with attachments except backhoe, highlift and end loader, elevator (regardless of ownership when used for hoisting any building material), hoisting engine (one drum or buck hoist), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor

CLASS C:
Bituminous distributor, cement gun, conveyor, mud jacks joint machine, roller (earth), tamping machine, tractors (under 50 hp.), vibrator, oiler, concrete saw, burlap and curing machine, hydro-seeder, power form handling equipment, deckhand oiler, hydraulic post driver, and dr.fill helper

KY77-1035 - (Cont'd)

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers:					
Group I: Unskilled	5.60	.35	.35		
Group II:	5.75	.35	.35		
All power driven tools, hod carrier, mason tender, flagger, mixer, vibrators, wagon drill, core drill, test drill, concrete pump machine, tunnel boring machine, men in tunnel and crib ditch work, signal men, riprap rock setters and handlers, asphalt rakers, tampers and smoothers, pipe layers, grout pump man, chain saw, pipe cleaning, doping and wrapping, swampers and straight cable hooking, cement guns, grade checkers machine excavating, tool room checkers, batch plant scale man, sand hog free air, sand hog compressed air cutting torch man on salvage work, road form setters, brick alingers, hand spikers, power buggy, handling of creosote material, sandblasters, curing of concrete and apply hardner, air and gas tampers, concrete saw, power postHole diggers and green cut men on concrete work.					
Group III: Powdermen	6.10	.35	.35		

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KY77-1035 (Cont'd)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
GROUP I	7.15	a	a	b	
GROUP II	7.05	a	a	b	
GROUP III	6.98	a	a	b	
GROUP IV	6.87	a	a	b	
GROUP V	6.75	a	a	b	

GROUP I: Euclid and other heavy moving equipment and lowboy; Winch truck and A-Frame and monorail truck used to transport building materials; Fork lift truck when used to transport building materials

GROUP II: Mechanic; Concrete mixers (all types), hauling only on job site

GROUP III: Over 3 tons; Semi-trailer, tandem axle or pole trailers & dumps

GROUP IV: 3 tons and under; Mechanic helpers; greasers and tire changers

GROUP V: Helpers

FOOTNOTES:

a. Employer contributes $13.50 per week to Health & Welfare; and $14.00 per week to Pensions for each employee whose name appears on the payroll that week who has been employed a minimum of 20 work days within any 90 consecutive day period.

b. Employees who have been regularly employed on a project by an employer for one year and who have worked a minimum of 1200 hours during the year receive a vacation and pay for 40 hours. Employees who have been regularly employed on a project by an employer for one year, and who have worked a minimum of 650 hours during the year receive a vacation and pay for 20 hours. Employees who have worked 1200 hours since their 2nd year of employment and have completed three years receive an additional week vacation (40 hours).

SUPERSEDEAS DECISION

STATE: Kansas & Missouri

COUNTIES: Cass, Clay, Jackson, Platte, Ray, Henry, Johnson & Lafayette Counties, Missouri; Johnson & Wyandotte Counties, Kansas.

DECISION NO: M077-4075 DATE: Date of Publication

Supersedes Decision No. M076-4177, dated November 12, 1976 in 41 FR 50139

DESCRIPTION OF WORK: Building Construction, (does not include single family homes and garden type apartments up to and including 4 stories) and heavy and highway construction in Johnson and Wyandotte Counties, Kansas only.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.52	.50	.80		.05
BOILERMAKERS	10.30	.85	1.00		.02
BRICKLAYERS AND STONEMASONS	9.725	.55	.35	1.00	
CARPENTERS:					
Zone 1 - Cass, Clay, Jackson, Lafayette, Platte and Ray Counties, Missouri; Johnson and Wyandotte Counties, Kansas					
Carpenter, Millwrights and Piledrivermen	11.00	.50	.30		.05
Zone 2 - Henry and Johnson Counties, Missouri					
Carpenters	10.625	.50	.30		.05
Millwrights & Piledrivermen	11.00	.50	.30		.05
CEMENT MASONS (Building Construction)					
Zone 1 - Cass, Clay, Jackson, Lafayette, Platte and Ray Counties, Missouri; Johnson and Wyandotte Counties, Kansas					
Cement masons	9.875	.40	.50	.50	
Composition	9.725	.40	.50	.50	
Zone 2 - Henry and Johnson Counties, Missouri	9.075				
CEMENT MASONS (Heavy and Highway Construction): Johnson & Wyandotte Counties, Kansas	9.655	.40	.50	1.25	
ELECTRICIANS:					
Zone 1 - Western half of Clay and Jackson Counties, Missouri not including Blue Springs; Northern half of Platte County, Missouri; Northwestern portion of Cass County, Missouri not including Pleasant Hill: Electricians	11.22	.39	1%+.51	.80	.06
Zone 2 - Henry, Johnson and Lafayette Counties, Missouri and remainder of Clay, Jackson, Platte and Cass Counties, Missouri					
Electricians (contracts over $5,000)	11.22	.39	1%+.51	.80	.06

DECISION NO. M077-4075

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
ELECTRICIANS - Zone 2 Contd: Electricians (contracts $5,000 and under)	10.67	.39	1%+.51	.80	.06
Zone 3 - Ray County, Missouri; Electricians (contracts over $5,000)	11.22	.39	1%+.51	.80	.06
Electricians (contracts $5,000 and under)	10.06	.39	1%+.51	.80	.06
Zone 4 - Johnson and Wyandotte Counties, Kansas	11.22	.39	1%+.51	.80	.06
ELEVATOR CONSTRUCTORS	10.56	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				

FOOTNOTES: - a-Employer contributes 4% of basic hourly rate for over 5 years of service and 2% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. b-1st 6 months-none; 6 months-5 years 2%; over 5 years 4% of basic hourly rate; also 6 paid holidays.

GLAZIERS	9.90	.55	.59	16.46%	.03
IRONWORKERS	9.60	.70	1.00	1.00	.05
LABORERS:					
Building Construction					
Zone 1 - Cass, Clay, Jackson and Platte Counties, Missouri; Johnson and Wyandotte Counties, Kansas					
GROUP I	8.10	.45	.40	.50	.10
GROUP II	8.195	.45	.40	.50	.10
GROUP III	8.295	.45	.40	.50	.10
GROUP IV	8.39	.45	.40	.50	.10
GROUP V	8.49	.45	.40	.50	.10
ZONE 2 - Lafayette and Ray Counties, Missouri					
GROUP I	7.80	.45	.40	.50	.10
GROUP II	7.90	.45	.40	.50	.10
GROUP III	7.975	.45	.40	.50	.10
GROUP IV	8.05	.45	.40	.50	.10
GROUP V	8.15	.45	.40	.50	.10

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CLASSIFICATION DEFINITIONS

LABORERS

GROUP I - General labor; wiremesh handlers or setters; [illegible] tender; track men; flagmen; signalmen; salamander tenders; window cleaners; floor cleaners; landscape men; sod layers; wrecker (for alterations or entire projects)

GROUP II - Plumber laborers (conduit pipe, sewer work, drain tile and duck lines, digging and backfilling), power tool operators; pier hole diggers (over 10 ft.); vibrator, jackhammer, and chipping hammer operators; chain saw operators; concrete saw operators; brush feeders on pulverizers; reinforcing steel handlers; air tamp operators; ditch winch operators; swinging scaffolds

GROUP III - Cutting torch or burner men; goergia buggies (self-propelled); fork lift; hoseman; insulation man

GROUP IV. - Fork lift (masonry); brick tender; plasterer tender; stonemasons tender (includes all hod carriers classifications previously shown as mortar men and scaffolding)

GROUP V - Barco, Jackson or similar tamp operators; asphalt rakers; powder men; mastic hot kettle men; sandblasting and gunnite nozzlemen; wagon and churn drill operators

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 3 - Henry and Johnson Counties, Missouri					
GROUP I	6.475	.50	.50	.50	.10
GROUP II	6.575	.50	.50	.50	.10
GROUP III	6.80	.50	.50	.50	.10

CLASSIFICATION DEFINITIONS

LABORERS:

GROUP I - Carpenter tenders, track men, wreckers (alterations or entire projects); reinforcing rod carriers; flagmen; signal men; all other general laborers

GROUP II - Plumber laborers; stonemason tenders; air tool operators, sewer work, water lines, conduit pipe, drain tile and duct lines; batter board man or pipe & ditch work; pier hole men working below ground; vibrator man; Jackhammer & chipping hammer operators; material batch hopper man; scaleman; spreader or screed man on asphalt machine; chain or concrete sawman; brush feeders on pulverizers; swinging scaffold; cement handlers (bulk or sack); laser beam man

GROUP III - Plaster tenders; hod carriers; brick tender; cutting torch & burner men; asphalt rakers; barco tamper; jackson or any similar tamps; power buggy operator; powderman; mastic kettlemen; sandblasting & gunnite nozzlemen; head pipe layer on sewer work; men working in tunnels; head form setters & stringline men; hot tar applicator

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: Site preparation and Grading, Heavy and Highway Construction Zone 3 - Johnson and Wyandotte Counties, Kansas					
GROUP I	8.30	.50	.50	.75	.10
GROUP II	8.45	.50	.50	.75	.10
GROUP III	8.60	.50	.50	.75	.10
GROUP IV	8.80	.50	.50	.75	.10
GROUP V	9.10	.50	.50	.75	.10

CLASSIFICATION DEFINITIONS

LABORERS

GROUP I - Carpenter tenders, salamander tenders, dump man and ticket takers on stock piles; flagman; loading trucks under bins, hoppers and conveyors track men and all other general laborers

GROUP II - Air tool operators; cement handler (bulk or sack); chain or concrete saw; deck hands; dump man on earth fill; grade checkers on cuts and fills; georgie buggies man; material batch hopper man; scale man; material mixer man (except on manholes, coffer dams, abutments and pier hole men working below ground); riprap pavers rock, block or brick; signalman; scaffolds over 10 ft. not self-supported from ground up; skip-man on concrete paving; vibrator man; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; form setter helpers; puddlers (paving only)

GROUP III - Crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe and ditch work; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; all laborers working on underground tunnels where compressed air is not used.

GROUP IV - Spreader or screed man on asphalt machine; asphalt raker; laser beam man; barco tamper; jackson or any other similar tamp; wagon driller; churn drills; air track drills and all other similar drills; form setters; cutting torch man; liners and stringline men on concrete paving, curbs, gutters and etc.; hot mastic kettleman; hot tar applicator; hand blade operators; manhole builders helpers and mortar men on brick or block manholes; sandblasting and gunnite nozzle men; rubbing concrete; air tool operator in tunnels

GROUP V - Manhole builder (brick or block); dynamite and powder men

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	10.60	.40			
LINE CONSTRUCTION:					
ZONE 1 - Cass, Clay, Jackson, Platte and Ray Counties, Missouri; Wyandotte and remainder of Johnson Counties, Kansas					
Linemen	10.56	.38	1%+.15		1/2%
Heavy equipment operator	9.83	.38	1%+.15		1/2%
Groundman	6.97	.38	1%+.15		1/2%
Groundman (1st year)	5.99	.38	1%+.15		1/2%
Groundman Powderman	7.34	.38	1%+.15		1/2%
ZONE 2 - Western 3/4 of Johnson County, Kansas					
Linemen	9.25	.45	1%		1/2%
Cable splicers	9.71	.45	1%		1/2%
Groundman, over 1 year	5.75	.45	1%		1/2%
Groundman, 1st year	4.36	.45	1%		1/2%
Powderman	7.67	.45	1%		1/2%
Line truck and equipment operators:					
1st year	5.89	.45	1%		1/2%
2nd year	7.05	.45	1%		1/2%
Over 2 years' experience	7.67	.45	1%		1/2%
MARBLE AND TILE SETTERS	10.82	3.65%	3.25%		
MARBLE AND TILE SETTERS' HELPERS	9.00				
PAINTERS:					
ZONE 1 - Cass, Clay, Henry, Jackson, Johnson (excluding Whiteman Air Force Base), Lafayette, Platte and Ray Counties, Missouri; Johnson and Wyandotte Counties, Kansas					
Brush and tapers	10.19	.55	.70		.08
Spray	11.19	.55	.70		.08
Zone 2 - Johnson County, Missouri (Whiteman Air Force Base only)					
Brush	8.50				
Spray	9.50				
PLASTERERS:					
Zone 1 - Cass, Clay, Jackson, Lafayette, Platte and Ray Counties, Missouri; Johnson and Wyandotte Counties, Kansas	11.15				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 2 - Henry and Johnson Counties, Missouri	9.00				
PIPEFITTERS	11.37	.57	1.15		.11
PLUMBERS	11.64	.65	.80		.11
POWER EQUIPMENT OPERATORS:					
Building Construction					
GROUP I	10.10	.50	1.00	.75	.10
GROUP II	9.85	.50	1.00	.75	.10
GROUP III	8.60	.50	1.00	.75	.10
GROUP IV	9.10	.50	1.00	.75	.10
GROUP V	9.10	.50	1.00	.75	.10
GROUP VI	9.35	.50	1.00	.75	.10
GROUP VII	10.35	.50	1.00	.75	.10
GROUP VIII	10.60	.50	1.00	.75	.10
GROUP IX	10.10	.50	1.00	.75	.10
GROUP X	11.10	.50	1.00	.75	.10
GROUP XI	10.60	.50	1.00	.75	.10
GROUP XII:					
(a)	9.85	.50	1.00	.75	.10
(b)	9.60	.50	1.00	.75	.10
(c)	9.60	.50	1.00	.75	.10
(d)	8.85	.50	1.00	.75	.10

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP I - Asphalt paver and spreader; asphalt plant mixer operator; asphalt plant operator; back fillers; backhoe, alltypes; barber-greene loader (similar type); blade-power, all types; boats-power; boilers (2); boring machines (all types); cableways; cherry pickers (all types); chip spreader; clamshells; combination concrete hoist and mixer such as mixermobile (with tower, 50¢ per hour additional); compressors (2)150 ft. or over not more than 20' apart; compressors tandem (any sizes); compressors single, truck mounted; concrete ready-mixed plant, portable (job site); concrete mixer paver; crane-overhead; crusher, rock; derricks and derricks cars (power operated); ditching machines; dozers; draglines; dredges - any type power; grade-all - similar type; hoist, endless chain-power operated with power travel; loaders - all types; locomotives all types; mechanic and welder; mucking machine; orange peels; pile drivers - all types; pumps - material all types; push cats; scoops all types; self-propelled rotary drill; shovel, power; side boom; skimmer scoop; testhole machine; throttle man

GROUP II - A-frame trucks; boilers (1); brooms - power operated (all typed); chip spreader (front man); clef plane operator; compressors (1) 150' or over; concrete saws, self-propelled); conveyor operator; crab - power operated; curb finishing machine; firemen on rigs; flex plane; floating machine; form grader; fork lift - all types and sizes (except masonry); greaser hoist; hoist, endless chain - power operated; hopper - power operated; hydra hammer (all types); lad-a-vator - similar type; mixers with side loaders); Pumps (with well points); pump; rollers - all types; siphons, jets, and jennies, sub-grader; tractors over 50 h.p.

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GROUP III - Oiler

GROUP IV - Fork lift-masonry

GROUP V - Oiler driver all types

GROUP VI - Tractors (except when hauling material) less than 50 h.p.

GROUP VII - Clamshells, 80 ft of boom or over (including jib); crane or rigs, 80 ft. of boom or over (including jib); draglines, 80 ft. of boom or over (including jib); piledrivers, 80 ft. of boom or over (including jib)

GROUP VIII - Crane or rigs, over 200 ft. of boom

GROUP IX - Hoists each additional drumover 1 drum

GROUP X - Master mechanic

GROUP XI - Crane - tower or climbing

GROUP XII - Ready mixed concrete plants;
(a) Crane operator
(b) Loader operator
(c) Plant man
(d) Conveyor operator

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (Contd)					
Site preparation and grading, Heavy and Highway Construction Zone 1 - Johnson and Wyandotte Counties, Kansas					
GROUP I	10.10	.50	1.00	.75	.10
GROUP II	9.85	.50	1.00	.75	.10
GROUP III	9.60	.50	1.00	.75	.10
GROUP IV	8.60	.50	1.00	.75	.10
GROUP V	9.10	.50	1.00	.75	.10
GROUP VI	10.35	.50	1.00	.75	.10
GROUP VII	10.60	.50	1.00	.75	.10
GROUP VIII	10.10	.50	1.00	.75	.10

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP I - Asphalt paver and spreader; asphalt plant console operator; auto grader; backhoe; blade operator, all types; boilers - 2; booster pump on dredge; boring machine (truck or crane mounted); bulldozer operator; clamshell operator; compressor maintenance operator - 2; concrete plant operator, central mix; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dragline operator; dredge engineman; dredge operator; drillcat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; high loader - fork lift; hoistine engine - 2 active drums; locomotive operator, standard gauge; mechanics and welders, field or shop; maintenance operator; mucking machine; pile driver operator; pitman crane operator; pump - 2; quad-trac; scoop operator - all types; scoops in tandem; self-propelled rotary drill (leroy or equal - not air trac); shovel operator; side discharge spreader; sideboom cats; skimmer scoop operator; slip - form paver (CMI, REX, or equal); throttle man; truck crane; welding machine maintenance operator - 2

GROUP II - - A-frame truck; asphalt hot mix silo; asphalt plant fireman, drum or boiler; asphalt plant mixer operator; asphalt plant man; asphalt roller operator; backfiller operator; chip spreader; concrete batch plant, dry-power operated; concrete mixer operator, skip loader; concrete pump operator; crusher operator; elevating grader operator greaser; hoisting engine - 1 drum; latourneau rooter; multiple compactor; pavement breaker, self-propelled, of the hydra-hammer or similar type; power shield; pug mill operator; stump cutting machine; towboat operator tractor operator over 50 h.p.

GROUP III - boilers - 1; chip spreader (front man); churn drill operator; compressor maintenance operator - 1; concrete saws, self-propelled; conveyor operator; distributor operator; finishing machine operator; fireman, rig; float operator; form grader operator; pump; pump maintenance operator, other than dredge; roller operator, other thanhightype asphalt; screening and washing plant operator; self-propelled street broom or sweeper; siphons and jets; sub-grading machine operator; tank car heater operator - combination boiler and booster; tractor, 50 h.p. or less, without attachments; vibrating machine operator, not hand; welding machine maintenance operator -1

GROUP IV - Mechanic's helpers; oilers

GROUP V - Oiler driver, all types

GROUP VI - Clamshells, 3 yds. capacity or over; crane or rigs, 80 ft. of boom or over (including jib); draglines, 3 yds. capacity or over; piledrivers, 80 ft. of boom or over (including jib); shovels, 3 yds. capacity or over

GROUP VII - Cranes or rigs, over 200 ft. of boom (including jib)

GROUP VIII - Hoists (each additional drum over 1 drum)

Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) ft of more in length or depth will be paid fifty cents (50¢) per hour above the regular classification.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Roofers	9.80	.45	.60		.04
Helpers:					
1st 6 months	5.88	.45	.60		.04
2nd 6 months	6.37	.45	.60		.04
3rd 6 months	6.86	.45	.60		.04
4th 6 months	7.35	.45	.60		.04
5th 6 months	7.84	.45	.60		.04
6th 6 months	8.33	.45	.60		.04
7th 6 months	8.82	.45	.60		.04
SHEET METAL WORKERS	11.355	.50	.50		.05
SOFT FLOOR LAYERS	8.36	.40	.60	10%	.08
SPRINKLER FITTERS	11.63	.60	.90		.06
SPRINKLER FITTERS (Henry, Johnson and Lafayette Counties, Missouri)	11.40	.60	.90		.08
TERRAZZO WORKERS	10.48	3.65%	3.25%		
TRUCK DRIVERS:					
Building Construction:					
GROUP I	8.525	.50	1.00		
GROUP II	8.575	.50	1.00		
GROUP III	8.65	.50	1.00		
GROUP IV	8.775	.50	1.00		
GROUP V	8.675	.50	1.00		
GROUP VI	8.875	.50	1.00		
GROUP VII	8.725	.50	1.00		
GROUP VIII	8.625	.50	1.00		

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS

GROUP I - Warehousemen and stock man

GROUP II - Flat beds; pick-ups; dump trucks, under 10 yds.

GROUP III - Dump trucks, 10 yds. and over; steel trucks; semi truck drivers

GROUP IV- Straddle trucks, steel tractors (when used for towing); hydro lift trucks; hydraulically operated serial lifts; heavy hauling, a-frame winch and fork lifts; heavy excavating (dumpter, euclid, etc.); double bottom units (20 tons capacity and over)

GROUP V - Distributor truck drivers and operators; oilers, greasers and mechanics' helpers

GROUP VI- Mechanics

GROUP VII - Transit mix, 5 yds. and over

GROUP VIII - Transit mix, under 5 yds.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Site Preparation and Grading, Heavy and Highway Construction Zone 1 - Johnson and Wyandotte Counties, Kansas					
GROUP I	8.59	.50	1.00	.75	
GROUP II	8.79	.50	1.00	.75	
GROUP III	9.10	.50	1.00	.75	
GROUP IV	9.25	.50	1.00	.75	
GROUP V	8.365	.50	1.00	.75	

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS

GROUP I - One team; station wagons; pickup trucks; material trucks, single axle; tank wagon drivers, single axle

GROUP II - Material trucks, tandem; two teams; semi-trailers; winch trucks - fork trucks; distributor drivers and operators; agitator and transit mix; tank wagon drivers; single axle; tank wagon drivers tandem or semi-trailers; insley wagons; dump trucks, excavating, 5 cu. yds. and over; dumpsters; half-tracks; speedace; euclids and other similar excavating equipment

GROUP III - A-frame, lowboy, and boom truck driver

GROUP IV - Mechanics and welders

GROUP V - Mechanics' helpers, oilers and greasers

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

SUPERSEDEAS DECISION

STATE: Missouri & Kansas

COUNTIES: Cass, Clay, Jackson, Platte & Ray Missouri; Johnson & Wyandotte, Kansas

DECISION NO.: MO77-4076

DATE: Date of Publication

Supersedes Decision No. MO76-4103 dated July 2, 1976, in 41 FR 27602

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.52	.50	.80		.05
BOILERMAKERS	10.30	.85	1.00		.02
BRICKLAYERS and STONEMASONS	9.725	.55	.35	1.00	
CARPENTERS, MILLWRIGHTS, PILEDRIVERMEN	10.50	.50	.30		.05
CEMENT MASONS:					
Cement masons	9.475	.40	.50	.50	
Composition	9.725	.40	.50	.50	
ELECTRICIANS (Up to and including 3 stories):					
ZONE 1 - Johnson County, Kansas (that portion of Johnson County west of Aubry, Oxford and Shawnee Townships)	6.60	.45	1%+.20		.05
ZONE 2 - Cass, Clay, Jackson, Platte and Ray Counties, Missouri; and Wyandotte County, Kansas; and remainder of Johnson County, Kansas	8.31	.39	1%+.51	.80	.06
ELECTRICIANS(4 stories):					
ZONE 1 - Western half of Clay and Jackson Counties, Missouri not including Blue Springs; Northern half of Platte County; Northwestern portion of Cass County, Missouri, not including Pleasant Hill	11.22	.39	1%+.51	.80	.06
ZONE 2 - Remainder of Cass, Clay, Jackson and Platte Counties, Missouri:					
Electricians (contracts $5,000 and over)	11.22	.39	1%+.51	.80	.06
Electricians (contracts under $5,000)	10.67	.39	1%+.51	.80	.06

DECISION NO. MO77-4076 Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS (4 stories): (Cont'd)					
ZONE 3 - Ray County, Missouri:					
Electricians (contracts $5,000 and over)	$11.22	.39	1%+.51	.80	.06
Electricians (contracts under $5,000)	10.06	.39	1%+.51	.80	.06
ELEVATOR CONSTRUCTORS	10.56	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				

FOOTNOTE: a. Employer contributes 4% basic hourly rate for over 5 yrs.' service, and 2% of basic hourly rate for 6 mos. to 5 yrs. as Vacation Pay Credit.

b. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

GLAZIERS	9.90	.55	.59	16.46%	.03
IRONWORKERS	9.60	.70	1.00	1.00	.05
LABORERS:					
Building Construction					
ZONE 1 - Cass, Clay, Jackson and Platte Counties, Missouri; Johnson and Wyandotte Counties, Kansas:					
Group 1	8.10	.45	.40	.50	.10
Group 2	8.195	.45	.40	.50	.10
Group 3	8.295	.45	.40	.50	.10
Group 4	8.39	.45	.40	.50	.10
Group 5	8.49	.45	.40	.50	.10
ZONE 2 - Ray County, Missouri					
Group 1	7.80	.45	.40	.50	.10
Group 2	7.90	.45	.40	.50	.10
Group 3	7.975	.45	.40	.50	.10
Group 4	8.05	.45	.40	.50	.10
Group 5	8.15	.45	.40	.50	.10

DECISION NO. MO77-4076 Page 3

CLASSIFICATION DEFINITIONS

LABORERS:

Group 1 - General labor; Wire mesh handlers or setters; Carpenter tender; Track men; Flagmen; Signalmen; Salamander tenders; Window cleaners; Floor cleaners; Landscape men; Sod layers; Wrecker (for alterations or entire projects)

Group 2 - Plumber laborers (conduit pipe, sewer work, drain tile and duck lines, digging and back filling), power tool operators; Pier hole diggers (over 10 ft.); Vibrator, jackhammer, and chipping hammer operators; Chain saw operators; Concrete saw operators; Brush feeders on pulverizers; Reinforcing steel handlers; Air tamp operators; Ditch witch operators; Swinging scaffolds

Group 3 - Cutting torch or burner men; Georgia buggies (self-propelled); Fork lift; Hoseman; Insulation man

Group 4 - Fork lift (masonry); Brick tenders; Plasterer Tener; Stonemasons tender (includes all hod carriers classifications previously shown as mortar men and scaffolding)

Group 5 - Barco, jackson or similar tamp operators; Asphalt rakers; Powder men; Mastic hot kettle men; Sandblasting and gunnite nozzlemen; Wagon and churn drill operators

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (Cont'd)					
Site Preparation and Grading					
ZONE 3 - Johnson and Wyandotte Counties, Kansas; Site Preparation, Incidental Paving and Utilities Clay, Jackson, Platte and Ray Counties, Missouri					
Group 1	$8.30	.50	.50	.75	.10
Group 2	8.45	.50	.50	.75	.10
Group 3	8.60	.50	.50	.75	.10
Group 4	8.80	.50	.50	.75	.10
Group 5	9.10	.50	.50	.75	.10

DECISION NO. MO77-4076 Page 4

CLASSIFICATION DEFINITIONS

LABORERS:

Group 1 - Carpenter tenders; Slamander tenders; Dump man and ticket takers on stock piles; Flagmen; Loading trucks under bins, hoppers and conveyors; Track men and all other general laborers

Group 2 - Air tool operators; Cement handler (bulk or sack); Chain or concrete saw; Deck hands; Dump man on earth fill; Grade checkers on cuts and fills; Georgia buggies man; Material batch hopper man; Scale man; Material mixer man (except on manholes, coffer dams, abutments and pier hole men working below ground); Riprap pavers rock, block or brick; Signalman; Scaffolds over 10 ft. not self-supported from ground up; Skipman on concrete paving; Vibrator man; Wire mesh setters on concrete paving; All work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipe lines; Power tool operator; All work in connection with hydraulic or general dredging operations; Form setter helpers; Puddlers (paving only)

Group 3 - Crusher feeder; Men handling creosote ties or creosote materials; Men working with and handling epoxy material or materials (where special protection is required); Head pipe layer on sewer work; Topper of standing trees; Batter board man on pipe and ditch work; Feeder man on wood pulverizers; Board and willow mat weavers and cable tiers on river work; All laborers working on underground tunnels where compressed air is not used

Group 4 - Spreader or screed man on asphalt machine; Asphalt rakers; Laser beam man; Barco tamper; Jackson or any other similar tamp; Wagon driller; Churn drills; Air track Drills and all other similar drills; Form setters; gutters and etc.; Hot mastic kettleman; Hot tar applicator; Hand blade operators; Manhole builders helpers and mortar men on brick or block manholes; Sandblasting and gunnite nozzle men; Rubbing concrete; Air tool operator in tunnels

Group 5 - Manhole builder (brick or block); Dynamite and powder men

DECISION NO. M077-4076

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
LATHERS	10.60	.40			
MARBLE AND TILE SETTERS	10.82	3.65%	3.25%		
MARBLE AND TILE SETTERS' HELPERS	9.00				
PAINTERS:					
Brush, Tapers and Roller	10.19	.55	.70		.08
Spray	11.19	.55	.70		.08
PLASTERERS	11.15				
PIPEFITTERS	11.37	.57	1.15		.11
PLUMBERS	11.64	.65	.80		.11
POWER EQUIPMENT OPERATORS:					
Building Construction (Zone 1)					
Group 1	10.10	.50	1.00	.75	.10
Group 2	9.85	.50	1.00	.75	.10
Group 3	8.60	.50	1.00	.75	.10
Group 4	9.10	.50	1.00	.75	.10
Group 5	9.10	.50	1.00	.75	.10
Group 6	9.35	.50	1.00	.75	.10
Group 7	10.35	.50	1.00	.75	.10
Group 8	10.60	.50	1.00	.75	.10
Group 9	10.10	.50	1.00	.75	.10
Group 10	11.10	.50	1.00	.75	.10
Group 11	10.60	.50	1.00	.75	.10
Group 12:					
(a)	9.85	.50	1.00	.75	.10
(b)	9.60	.50	1.00	.75	.10
(c)	9.60	.50	1.00	.75	.10
(d)	8.85	.50	1.00	.75	.10

POWER EQUIPMENT OPERATORS (Cont'd)

CLASSIFICATION DEFINITIONS

Zone 1

Group 1: Asphalt paver and spreader; Asphalt plant mixer operator; Asphalt plant operator; Back fillers; Backhoe, all types; Barber-greene loader (similar type); Blade-power, all types; Boats-power; Boilers (2); Boring machines (all types); Cableways; Cherry pickers (all types); Chip spreader; Clamshells; Combination concrete hoist and mixer such as mixermobile (with tower, 50c per hour additional); Compressors (2) 105 ft. or over not more than 20' apart; Compressors tandem (any sizes); Compressors single, truck mounted; Concrete ready-mixed plant, portable (job site); Concrete mixer paver; Crane-overhead; Crusher, rock; Derricks and derrick cars (power operated); Ditching machines; Dozers; Draglines; Dredges-any type power; Grade-all similar type; Hoist, endless chain - power operated with power travel; Loaders - all types; Locomotives all types; Mechanic and welder; Mucking machine; Orange peels; Pile drivers - all types; Pumps - material all types; Push cats; Scoops all types; Self-propelled rotary drill; Shovel, power; Side boom; Skimmer scoop; Testhole machine; Throttle man

Group 2: A-frame trucks; Boilers (1); Brooms-power operated (all types); Chip spreader (front man); Clef plane operator; Compressors (1) 105' or over; Concrete saws, self-propelled); Conveyor operator; Crab-power operated; Curb finishing machine; Firemen on rigs; Flex plane; Floating machine; Form grader; Fork lift-all types and sizes (except masonry); Greaser; Hoist; Hoist, endless chain - power operated; Hopper - power operated; Hydra hammer (all types); Lad-a-vator - similar type; Mixers with side loaders); Pumps (with well points); Pump; Rollers - all types; Siphons, jets and jennies; Sub-grader; Tractors over 50 h.p.

Group 3: Oiler

Group 4: Forl lift-masonry

Group 5: Oiler driver all types

Group 6: Tractors (except when hauling material less than 50 h.p.

Group 7: Clamshells, 80 ft. of boom or over (including jib); Crane or rigs, 80 ft. or boom or over (including jib); Draglines, 80 ft. of boom or over (including jib); Piledrivers, 80 ft. of boom or over (including jib)

Group 8: Crane or rigs, over 200 ft. of boom

Group 9: Hoists each additional drum over 1 drum

Group 10: Master Mechanic

Group 11: Crane - tower or climbing

Group 12: Ready Mixer Concrete Plants: (a) Crane operator; (b) Loader operator; (c) Plant man; (d) Conveyor operator

DECISION NO. M077-4076

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (Cont'd) Site Preparation and Grading Johnson and Wyandotte Counties, Kansas; Site Preparation, Incidential Paving and Utilities-Clay, Jackson, Platte, and Ray Counties, Missouri					
ZONE 2					
Group 1	10.10	.50	1.00	.75	.10
Group 2	9.85	.50	1.00	.75	.10
Group 3	9.60	.50	1.00	.75	.10
Group 4	8.60	.50	1.00	.75	.10
Group 5	9.10	.50	1.00	.75	.10
Group 6	10.35	.50	1.00	.75	.10
Group 7	10.60	.50	1.00	.75	.10
Group 8	10.10	.50	1.00	.75	.10

POWER EQUIPMENT OPERATORS (Cont'd)

CLASSIFICATION DEFINITIONS

Zone 2

Group 1: Asphalt paver and spreader; Asphalt plant console operator; Auto grader; Backhoe; Blade operator, all types; Boilers-2; Booster pump on dredge; Boring machine (truck or crane mounted); Bulldozer operator; Clamshell operator; Compressor maintenance operator-2; Concrete plant operator, central mix; Concrete mixer paver; Crane operator; Derrick or derrick trucks; Ditching machine; Dragline operator; Dredge engineman; Dredge operator; Drill cat with compressor mounted on cat; Drilling or boring machine, rotary, self-propelled; High loader-fork lift; Hoisting engine-2 active drums; Locomotive operator, standard gauge; Mechanics and welders, field or shop; Maintenance operator; Mucking machine pile driver operator; Pitman crane operator; Pump-2; Quad-trac; Scoop operator-all types; Scoops in tandem; Self-propelled rotary drill (Leroy or equal - not air trac); Shovel operator; Side discharge spreader; Sidehoom cats; Skimmer scoop operator; Slip-form paver (CMI, REX, or equal); Throttle man; Truck crane; Welding machine maintenance operator-2

Group 2: A-frame truck; Asphalt hot mix silo; Asphalt plant fireman, drum or boiler; Asphalt plant mixer operator: Asphalt plant man; Asphalt roller operator; Backfiller operator; Chip spreader; Concrete batch plant, dry-power operated; Concrete mixer operator, skip loader; Concrete pump operator; Crusher operator; Elevating grader operator; Greaser; Hoisting engine-1 drum; Letourneau rooter; Multiple compactor; Pavement breaker, self-propelled, of the hydra-hammer or similar type; Power shield; Pug mill operator; Stump cutting machine; Towboat operator; Tractor operator over 50 h.p.

Group 3: Boilers - 1 ; Chip spreader (front man); Churn-drill operator; Compressor maintenance operator-1; Concrete saws, self-propelled; Conveyor operator; Distributor operator; Finishing machine operator; Fireman, rig; Float operator; Form grader operator; Pump; Pump maintenance operator, other than dredge; Roller operator, other than high type asphalt; Screening and washing plant operator; Self propelled street broom or sweeper; Siphons and jets; Sub-grading machine operator; Tank car heater operator-combination boiler and booster; Tractor, 50 h.p. or less with attachments; Vibrating machine operator, not hand; Welding machine Maintenance operator - 1

Group 4: Mechanic's Helpers; Oilers

Group 5: Oiler driver, all types.

Group 6: Clamshells, 3 yds. capacity or over; Crane or rigs, 80 ft. of boom or over (including jib); Draglines, 3 yds. capacity or over; Piledrivers, 80 ft. of boom or over (including jib); Shovels, 3 yds. capacity or over

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DECISION NO. MO77-4076

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Roofers	9.80	.45	.60		.04
Helpers:					
1st 6 months	5.88	.45	.60		.04
2nd 6 months	6.37	.45	.60		.04
3rd 6 months	6.86	.45	.60		.04
4th 6 months	7.35	.45	.60		.04
5th 6 months	7.84	.45	.60		.04
6th 6 months	8.33	.45	.60		.04
7th 6 months	8.82	.45	.60		.04
SHEET METAL WORKERS	11.355	.50	.50		.05
SOFT FLOOR LAYERS	8.36	.40	.60	10%	.08
SPRINKLER FITTERS	11.63	.60	.90		.06
TERRAZZO WORKERS	10.48	3.65%	3.25%		.06
TRUCK DRIVERS:					
Building Construction					
Zone 1					
Group 1	8.525	.50	1.00		
Group 2	8.575	.50	1.00		
Group 3	8.65	.50	1.00		
Group 4	8.775	.50	1.00		
Group 5	8.675	.50	1.00		
Group 6	8.875	.50	1.00		
Group 7	8.725	.50	1.00		
Group 8	8.625	.50	1.00		

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS:

Zone 1

Group 1: Warehousemen and stockman

Group 2: Flat beds; Pick-ups; Dump trucks, under 10 yds.

Group 3: Dump trucks, 10 yds. and over; steel trucks; semi-truck drivers

Group 4: Straddle trucks; Wheel tractors (when used for towing); Hydro lift trucks; Hydraulically operated serial lifts; Heavy hauling, A-frame winch and fork lifts; Heavy excavating (dumpster, Euclid, etc.); Double bottom units (20 tons capacity and over)

Group 5: Distributor truck drivers and operators; Oilers, greasers and mechanics' helpers

Group 6: Mechanics

DECISION NO. MO77-4076

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS: (Cont'd)					
Site preparation and grading - Johnson and Wyandotte Counties, Kansas; Site Preparation, Incidental paving and Utilities Clay, Jackson, Platte and Ray Counties, Missouri					
Zone 2					
Group 1	8.59	.50	1.00	.75	
Group 2	8.79	.50	1.00	.75	
Group 3	9.10	.50	1.00	.75	
Group 4	9.25	.50	1.00	.75	
Group 5	8.365	.50	1.00	.75	

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS:

Zone 2

Group 1: One team; Station wagons; Pickup trucks; Material trucks, single axle; Tank wagon drivers, single axle

Group 2: Material trucks, tandem; Two teams; Semi-trailers; Winch trucks - fork trucks; Distributor drivers and operators; Agitator and transit mix; Tank wagon drivers, single axle; Tank wagon drivers tandem or semi-trailer; Insley wagons; Dump trucks, oxeavating, 5 cu. yds. and over; Dumpsters; Half-tracks; Speedace; Euclids and other similar excavating equipment

Group 3: A-frame, lowboy, and boom truck driver

Group 4: Mechanics and welders

Group 5: Mechanics' helpers, oilers and greasers

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

STATE: New Mexico SUPERSEDEAS DECISION COUNTY: Statewide

DECISION NO. NM77-4074 DATE: Date of Publication

Supersedeas Decision No. NM77-4022 dated February 18, 1977 in 42 FR 10243

DESCRIPTION OF WORK: "Commercial building and heavy engineering construction consisting of construction, modifications, addition, alterations or repairs on railroad construction projects, drainage project, aqueducts, irrigation projects, flood control projects, reclamation projects, reservoirs, water supply projects (exclusive of distribution lines and appurtenances and filtration plants), earth dams (over one million yards), concrete dams, dikes, levees, revetments, channels, channel cutoffs, intakes, dredging projects, jetties, breakwaters, docks, harbors, excavation and disposals by contract or overburden and the excavation and loading of all material from which the overburden has been removed, open-pit strip mining, viaducts, pedestrian tunnels, piers, abutments and clearing and grubbing, incidental to such heavy construction projects (exclusive of such work in connection with highway, building and light engineering projects), subways, tunnels, shafts, missile silos and missile projects. (Except buildings underground), hydro-electric power plant projects and power plant facilities in their entirety (exclusive of steam plants), electric transmission lines, and including the operation, maintenance and repair of all land and floating plant, equipment, vehicles and other facilities used in connection with and serving the aforementioned work and serviced incidental to such projects (also, including Residential construction in Santa Fe, McKinley, Bernalillo, Rio Arriba, Taos, Sandoval, Valencia and San Juan Counties, but not on the Navajo Indian Reservation).

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS (Statewide, except Union, Harding, Lea, Curry, Roosevelt and Quay Counties)	$10.66	.50	1.17a		.06
ASBESTOS WORKERS (Union, Harding, Lea, Roosevelt, Curry and Quay Counties)	9.85	.55	.45		.07
BOILERMAKERS	9.65	.75	1.00	.50	.02
BRICKLAYERS-Stonemasons:					
Zone I-A	9.56	.57	.50		.10
Zone I-B	10.56	.57	.50		.10
Zone I-C	11.06	.57	.50		.10
Zone II	9.61	.57	.30		.10
Zone III	10.36	.57	.30		.10
Zone IV	9.81	.57	.20		.10
Zone V	10.56	.57	.20		.10
Zone VI	9.01	.57	.30		.10
Zone VII	9.81	.57	.20		.10
Zone VIII	7.765	.48			
Zone IX	7.89	.48			
Zone X	8.015	.48			
Zone XI	7.64	.48			

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BRICKLAYERS' ZONE DEFINITIONS

Zone I - Union, Harding, Santa Fe, Valencia, Torrence, Taos, Scorro, Mora, McKinley, Colfax, Catron, San Miguel, San Juan, Sandoval, Rio Arriba, Bernalillo and Los Alamos Counties.

From basing point of Albuquerque Main Post Office:
Zone I-A - 0 to 25 road miles
Zone I-B - 25 to 50 road miles
Zone I-C - Over 50 road miles

ZONE II - Curry, Roosevelt Counties

ZONE III - DeBaca, Guadalupe and Quay Counties

ZONE IV - Chaves County

ZONE V - Lincoln County

ZONE VI - Lee and Eddy Counties

ZONE VII - Otero County

ZONE VIII - Luna County

ZONE IX - Grant County Communities of Silver City, Bayard, Central, Hurley, and New town site of Tyrone; Hidalgo and Sierra Counties.

ZONE X - Grant County, except communities listed in Zone IX.

ZONE XI - Dona Ana County

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Dwelling houses & apartments not to exceed two stories in height:					
Zone I-A	$ 7.50	.90	.90	.65	.20
Zone I-B	8.50	.90	.90	.65	.20
Zone I-C	9.25	.90	.90	.65	.20
General Building and Heavy Engineering and Residential Construction (Dwelling Houses and apartments over two stories in height):					
Zone 2-A	9.20	.90	.90	.65	.20
Zone 2-B	10.45	.90	.90	.65	.20
Zone 2-C	10.75	.90	.90	.65	.20

CARPENTERS' ZONE DEFINITIONS

CARPENTERS (STATEWIDE) - From nearest basing points of the following cities of Towns: Alamogordo, Albuquerque, Artesia, Bayard, Belen, Carlsbad, Clovis, Deming, Espanola, Eunice, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordsburg, Lovington, Portales, Raton, Roswell, Ruidoso, Santa Fe, Santa Rosa, Silver City, Socorro, Taos, and Tucumcari:

ZONE I - Dwelling houses & apartments not to exceed two stories in height:
- Zone I-A - 0 - 15 road miles from nearest basing point
- Zone I-B - 15 to 35 road miles from nearest basing point
- Zone I-C - Over 35 road miles from nearest basing point

ZONE II - General Building & Heavy Engineering and Residential Construction (Dwelling Houses and Apartments over two stories in height):
- Zone 2-A - 0 to 15 road miles from nearest basing point
- Zone 2-B - 15 to 35 road miles from nearest basing point
- Zone 2-C - Over 35 road miles from nearest basing point

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
MILLWRIGHTS & PILEDRIVERMEN:					
Zone 1	$9.95	.90	.90	.65	.20
Zone 2	11.20	.90	.90	.65	.20
Zone 3	11.95	.90	.90	.65	.20

MILLWRIGHTS & PILEDRIVERMEN ZONE DEFINITIONS

BASING POINT - From Albuquerque City Limits:
- Zone 1 - 0 to 15 road miles from basing point
- Zone 2 - 15 to 35 road miles from basing point
- Zone 3 - Over 35 road miles from basing point

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS					
Area I	$ 8.37	.57	.50		
Area II					
Zone 1	8.42	.57	.50		
Zone 2	8.77	.57	.45		
Zone 3	9.02	.57	.45		
Cement masons (Residential)	5.35	.57	.50		
Cement masons (Heavy Engineering)	8.37	.57	.50		
CEMENT MASONS:					
Composition & Machine Operators					
Area I	8.52	.57	.50		
Area II					
Zone 1	8.67	.57	.50		
Zone 2	8.92	.57	.45		
Zone 3	9.27	.57	.45		

CEMENT MASONS AREA DEFINITIONS

AREA I - Statewide except Farmington, San Juan County

AREA II - Farmington, San Juan County
- Zone I - 0-15 miles from Farmington City Hall
- Zone II - 15-35 miles from Farmington City Hall
- Zone III - 35 miles and over from Farmington City Hall

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
ZONE I					
Area I					
1-A	$ 9.90	.60	1%+.70		½%
1-B	10.59	.60	1%+.70		½%
1-C	11.19	.60	1%+.70		½%
1-D	11.88	.60	1%+.70		½%
Area 2					
2-A	8.80	.60	1%+.70		½%
2-B	9.42	.60	1%+.70		½%
2-C	9.94	.60	1%+.70		½%
2-D	10.56	.60	1%+.70		½%
ZONE II	11.19	.60	1%+.70		½%
ZONE III					
3-A	9.10	.30	1%		½%
3-B	10.55	.30	1%		½%
ZONE IV					
4-A	9.70	.60	1%		.01
4-B	10.05	.60	1%		.01
4-C	10.20	.60	1%		.01
4-D	10.45	.60	1%		.01
ZONE V	5.80	.30	1%		1/4%
CABLE SPLICERS:					
ZONE I					
AREA I					
1-A	10.89	.60	1%+.70		½%
1-B	11.58	.60	1%+.70		½%
1-C	12.18	.60	1%+.70		½%
1-D	12.87	.60	1%+.70		½%
AREA 2					
2-A	9.68	.60	1%+.70		½%
2-B	10.30	.60	1%+.70		½%
2-C	10.82	.60	1%+.70		½%
2-D	11.44	.60	1%+.70		½%
ZONE II	12.18	.60	1%+.70		½%
ZONE III					
3-A	9.35	.30	1%		½%
3-B	10.80	.30	1%		½%
ZONE IV					
4-A	10.05	.60	1%		.01
4-B	10.40	.60	1%		.01
4-C	10.55	.60	1%		.01
4-D	10.80	.60	1%		.01

ELECTRICIANS-CABLE SPLICERS ZONE DEFINITIONS

ZONE I
- AREA 1 - Bernalillo, Santa Fe, Torrance, DeBaca, Guadalupe, Quay, San Miguel, Mora, Harding, Union, Colfax, Taos Rio Arriba, Grant, Sandoval; Valencia, Socorro, Catron, McKinley, Sierra and all of San Juan County excluding the Navajo Indian Reservation.
- AREA 2 - Chaves, Curry, Lincoln and Roosevelt Counties

AREAS 1-A & 2-A

From nearest basing point cities, towns and mileage from main post office in the following towns:
- Albuquerque - 15 miles from main post office
- Santa Fe - 15 miles from main post office
- Las Vegas - 8 miles from main post office
- Farmington - 8 miles from main post office
- Raton - 6 miles from main post office
- Tucumari - 6 miles from main post office
- Aztec - 6 miles from main post office
- Roswell - 12 miles from main post office
- Ruidoso - 12 miles from main post office
- Portales - 12 miles from main post office
- Carrizozo - 12 miles from main post office
- Clovis - 12 miles from main post office
- Gallup - 10 miles from main post office
- *Pojoaque - 2 miles from main post office

*All areas adjacent to Pojoaque that are over two (2) miles distant from the main post office in that town will be zoned out of Santa Fe.

AREAS 1-B & 2-B
- Area 1-B and 2-B extending up to 20 miles beyond Area 1-A & 2-A

AREAS 1-C & 2-C
- Area 1-C & 2-C extending up to 30 miles from Area 1-A & 2-A

AREAS 1-D & 2-D
- Area 1-D & 2-D anything beyond 30 miles from Area 1-A & 2-A

ZONE II - Los Alamos County

ZONE III - Dona Ana, Otero, Luna, Hidalgo Counties
- Zone 3-A - Within 10 miles radius from the post office in Las Cruces and within a 5 mile radius from the Post Office in Alamogordo.
- Zone 3-B - Dona Ana, Otero, Luna, and Hidalgo Counties (except that area specified in Zone 3-A)

ZONE IV - Eddy and Lea Counties - the following zones shall be designated from the main post office of Artessia, Carlsbad, Hobbs and Lovington:
- Zone 4-A - 0 - 12 miles from main post office
- Zone 4-B - 12 to 22 miles from main post office
- Zone 4-C - 22 to 40 miles beyond main post office
- Zone 4-D - 40 miles and beyond main post office

ZONE V - Single or mutiple, family dwelling or apartments up to and including 26 units under one roof not exceeding two stories - Bernalillo, Santa Fe, Taos, Rio Arriba, Sandoval, Valencia and San Juan Counties, but not on the Navajo Indian Reservation

GENERAL BUILDING CONSTRUCTION AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS:					
Bernalillo, Catron, Colfax, Curry, DeBaca, Guadalupe, Harding, Lincoln, Los Alamos, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Socorro, Taos, Torrance, Union and Valencia Counties:					
Elevator constructors	$ 10.42	.545	.35	4%+a+b	.02
Elevator constructors helpers	70%JR	.545	.35	4%+a+b	.02
Elevator constructors, prob.	50%JR				
Chaves, Hidalgo, Dona Ana, Eddy Grant, Lea, Luna, Otero and Sierra Counties:					
Elevator constructors	8.17	.545	.35	4%+a+b	.02
Elevator constructors helper	70%JR	.545	.35	4%+a+b	.02
Elevator constructors prob.	50%JR				
GLAZIERS:					
Zone I	6.94	.30	.10		.02
Zone II	8.54	.35	.20		.02

GLAZIERS' ZONE DEFINITIONS

GLAZIERS

ZONE I - Dona Ana, Luna, Otero and Quay Counties

ZONE II - Catron, Chaves, Colfax, Curry, DeBaca, Eddy, Grant, Guadalupe, Harding, Hidalgo, Lea, Lincoln, Los Alamos, McKinley, Mora, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Sierra, Socorro, Taos, Torrance, Union and Valencia Counties

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS:					
ZONE I - Area 1	$10.30	.55	1.00		.14
ZONE I - Area II					
Zone 1	10.30	.55	1.00		.14
Zone 2	11.05	.55	1.00		.14
Zone 3	11.80	.55	1.00		.14
Zone 4	12.05	.55	1.00		.14
ZONE II	9.23	.55	1.00		.10
ZONE III	10.23	.55	1.00		.10

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IRONWORKERS ZONE DEFINITIONS

ZONE I
AREA I - Bernalillo, Catron, Colfax, DeBaca, Guadalupe, Lincoln, Los Alamos McKinley, Mora, Rio Arriba, Sandoval, Santa Fe, Socorro, Taos, Torrance and Valencia Counties

ZONE I
AREA II - Farmington, San Juan County
Zone 1 - Shall extend a distance of 6 road miles inclusive beyond the City Hall.
Zone 2 - Shall extend a distance of 8 road miles inclusive beyond the outer perimeter of zone 1.
Zone 3 - Shall extend a distance of 10 road miles inclusive beyond the outer limits of zone 2.
Zone 4 - Shall extend a distance of 27 road miles inclusive beyond the outer limits of zone 3.
All areas not within Zones 1, 2, 3, and 4 shall revert to the $15.00 per day subsistence rate.

ZONE II - Dona Ana, county with the exception of that portion of the county that lies within the White Sands Missile Range; Chaves County, Eddy County except that Potash Basin and defined as the area 10 road miles on Highway 62 and Highway 180, east of Carlsbad.

ZONE III - Curry, Harding, Quay, Union, Hidalgo, Grant, Lea, Luna, Otero and Sierra Counties; also Potash Basin, White Sands and McGregor Missile Ranges.

LABORERS: GENERAL BUILDING, HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group I	$6.31	.53	.50		.05
Group II	6.61	.53	.50		.05
Group III	6.61	.53	.50		.05
Group IV	6.91	.53	.50		.05
Group V	7.06	.53	.50		.05

LABORERS' CLASSIFICATION DEFINITIONS

GROUP I - UNSKILLED: Building and Common Laborers, Carpenter tenders, Concrete workers, chainmen-stakedrivers, concrete buggy operators

GROUP II - SEMI-SKILLED: Air and power tool operator, asphalt rakers, demolition, gunite rebound men, fog machine operator, power buggy operators, rodmen, sand blasterers (pot men), nozzlemen, wagon core, rod & chairmen, cutting torch operators; and diamond drillers tender outside.

GROUP III - Wagon core, diamond drillers

GROUP IV - Concrete burner, cement mason tenders, hod carriers, mortar mixers, plaster spreader operators, plaster tenders, gunite nozzlemen, pipe layer, pumpcrete nozzlemen

GROUP V - Powdermen and blasterers

LABORERS (RESIDENTIAL CONSTRUCTION)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group I	$5.02	.53	.50		.05
Group II	5.32	.53	.50		.05
Group III	5.42	.53	.50		.05
Group IV	5.62	.53	.50		.05

RESIDENTIAL LABORERS' CLASSIFICATION DEFINITIONS

GROUP I - UNSKILLED: - Building and common laborers, carpenter tenders, concrete workers, chainmen-stakedrivers, concrete buggy operators, hand

GROUP II - SEMI-SKILLED: Air and power tool operator, asphalt rakers, demolition, gunite rebound men, fog machine operator, power buggy operator, rodmen, sand blasterers (pot men), nozzlemen, wagon core, rod & chairmen, cutting torch operators; and diamond drillers tender outside.

GROUP III - Wagon core, diamond drillers

GROUP IV - Concrete burner, cement mason tenders, hod carriers, mortar mixers, plaster spreader operators, plaster tenders, gunite nozzlemen, pipe layer, pumpcrete nozzlemen

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS:					
Zone I	$ 7.895	.48		.50	.02
Zone II	10.00				.01

LATHERS' ZONE DEFINITIONS

LATHERS
Zone I - Catron, Grant, Bernalillo, Roosevelt, Union, Sandoval, San Juan, Socorro, Torrance and Valencia Counties.
Zone II - Colfax, Los Alamos, Mora, Rio Arriba, San Miguel, Santa Fe and Taos Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION: BERNALILLO COUNTY ONLY					
Cable splicers	$ 9.65	.60	1%+.60		4%
Linemen - technicians	9.00	.60	1%+.60		4%
Equipment operators	8.58	.60	1%+.60		4%
Equipment mechanics	7.88	.60	1%+.60		4%
Powderman	7.88	.60	1%+.60		4%
Groundmen and jackhammer opers.					
1st 6 months	4.88	.60	1%+.60		4%
2nd 6 months	5.51	.60	1%+.60		4%
Experienced	6.36	.60	1%+.60		4%
LINE CONSTRUCTION: STATEWIDE (Except Bernalillo Co.		.60	1%+.60		
Cable splicers	10.31	.60	1%+.60		4%
Linemen - technicians	9.82	.60	1%+.60		4%
Equipment operators	9.35	.60	1%+.60		4%
Equipment mechanics	8.58	.60	1%+.60		4%
Powdermen	8.58	.60	1%+.60		4%
Groundmen and jackhammer Oprs.:					
1st 6 months	5.31	.60	1%+.60		4%
2nd 6 months	5.99	.60	1%+.60		4%
Experienced	6.96	.60	1%+.60		4%
MARBLE, TILE & TERRAZZO WORKERS	7.645	.48			
MARBLE, TILE & TERRAZZO HELPERS	6.07	.48			
PAINTER: ZONE I					
Zone 1-A	8.52	.35	.20		.05
Zone 1-B	9.02	.35	.20		.05
Zone 1-C	8.77	.35	.20		.05
Zone 1-D	9.10	.35	.20		.05
Zone 1-E	8.85	.35	.20		.05
PAINTERS (INDUSTRIAL WORK):					
Brush, roller, sandblast and grinder operators	9.32	.35	.20		.05
Spray	9.82	.35	.20		.05
Pot tender	8.32	.35	.20		.05

PAINTERS' ZONE II CONT'D	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: ZONE II					
Zone 2-A	7.05	.35	.20		.05
Zone 2-B	8.27	.35	.20		.05
Zone 2-C	7.70	.35	.20		.05
Zone 2-D	7.15	.35	.20		.05
Zone 2-E	7.80	.35	.20		.05
Zone 2-F	7.05	.35	.20		.05
Zone 2-G	7.55	.35	.20		.05
PAINTERS: ZONE III					
Zone 3-A	7.66	.30			.02
Zone 3-B	8.08	.30			.02
Zone 3-C	7.805	.30			.02
Zone 3-D	8.08	.30			.02
Zone 3-E	8.51	.30			.02
Zone 3-F - 12½¢ above scale		.30			.02
Zone 3-G - 25¢ above scale		.30			.02
Zone 3-H - 50¢ above scale		.30			.02
Zone 3-I - 75¢ above scale		.30			.02
Zone 3-J - $1.00 above scale		.30			.02
PAINTERS: ZONE IV					
Zone 4-A	6.55	.35	.20		.05
Zone 4-B	7.20	.35	.20		.05
Zone 4-C	6.80	.35	.20		.05
Zone 4-D	6.65	.35	.20		.05
Zone 4-E	7.30	.35	.20		.05
Zone 4-F	7.05	.35	.20		.05

PAINTERS' ZONE AND CLASSIFICATION DEFINITIONS

PAINTERS:

ZONE I - San Juan, McKinley, Bernalillo, Torrance, Guadalupe, Quay, Catron, Socorro, Lincoln, DeBaca, Roosevelt, Chaves, Valencia, Sierra, Grant, Hidalgo, Curry, Lea and Eddy Counties, New Mexico.
- Zone 1-A - Painters, roller and hand textures
- Zone 1-B - Painters, spray, sandblasting, painter on steel bridges, tanks towers, pipe and structural
- Zone 1-C - Paperhanger
- Zone 1-D - Drywall finisher; ames tool operator
- Zone 1-E - Hand finisher machine texture

ZONE II - Colfax, Harding, Los Alamos, Mora, Sandoval, San Miguel, Rio Arriba, Taos, Union and Santa Fe Counties.
- Zone 2-A - Painters and roller
- Zone 2-B - Paperhangers
- Zone 2-C - Spray, sandblast, steel, special coating applicator
- Zone 2-D - Vinyl hangers
- Zone 2-E - Drywall finisher tool and machine texture
- Zone 2-F - Hand texture
- Zone 2-G - Hand finisher

ZONE III - Luna, Otero and Dona Ana Counties
- Zone 3-A - Brush, tapers and rollers
- Zone 3-B - Spray, sandblasting
- Zone 3-C - Ames tool and steel brush after erection
- Zone 3-D - Stripping machine
- Zone 3-E - Radio towers, water tanks, smoke stack
- Zone 3-F - Radio towers, water tanks, smoke stacks 50 to 75 feet
- Zone 3-G - Radio towers, water tanks, smoke stacks 75 to 100 feet
- Zone 3-H - Radio towers, water tanks, smoke stacks 100 to 200 ft
- Zone 3-I - Radio towers, water tanks, smoke stacks 200 to 300 ft
- Zone 3-J - Radio towers, water tanks, smoke stacks 300 to 400 ft.

ZONE IV - (Residential Construction in Sandoval, Rio Arriba and Taos Counties)
- Zone 4-A - Brush and roller
- Zone 4-B - Spray, parking lot striping
- Zone 4-C - Paperhangers
- Zone 4-D - Vinyl hangers
- Zone 4-E - Drywall finishers - ames tool op., machine texture
- Zone 4-F - Drywall finishers - hand finisher

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS:					
Statewide, (except Otero, Grant, Sierra, Dona Ana, Luna and Hidalgo Counties	$ 8.00	.48	.30		.01
Otero, Grant, Sierra, Dona Ana, Luna and Hidalgo Counties	7.27	.48			.01
PLUMBERS-PIPEIFTTERS:					
Area I	10.95	.63	1.36		.12
Area II	11.45	.63	1.36		.12
Area III	12.70	.63	1.36		.12
Specific Area	11.58	.63	1.36		.12
Residential	6.50	.63	.25		.12

PLUMBERS - PIPEIFTTERS' ZONES DEFINITIONS

BASING POINT CITIES OR TOWNS:
Albuquerque, Alamogordo, Anthony, Artesia, Belen, Carlsbad, Clovis, Deming, Espanola, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordsburg, Lovington, Portales, Raton, Roswell, Ruidoso, Santa Fe, Silver City, Santa Rosa, Taos, Tucumari, Truth of Consequence and Socorro, New Mexico.

Area I - Shall include a distance of seven road miles inclusive beyond the city or town limits.

Area II - Shall extend a distance of four road miles inclusive beyond the outer perimeter of area I.

Area III - Shall apply to all areas not within areas 1 or 2, or not within the specific area.

Specific Area - Los Alamos, White Rock, South Mesa, McGregor Range, White Sands Missile Range and/or Proving Grounds, Atlas Missile Comples Sites in Chaves and Lincoln Counties, and the Oro Grande Range Camp and Dona Ana and Otero Counties.

POWER EQUIPMENT OPERATORS AREA DEFINITIONS:
AREA I - Farmington, San Juan County
- Zone I - 0 - 15 miles from Farmington City Hall
- Zone II - 15-35 miles from Farmington City Hall
- Zone III - 35-50 miles from Farmington City Hall

AREA II - Statewide, except San Juan County

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION AREA I (RESIDENTIAL AND GENERAL BUILDING CONSTRUCTION)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE I					
Group 1	$7.58	.60	.60		.11
Group 2	8.12	.60	.60		.11
Group 3	8.20	.60	.60		.11
Group 4	8.26	.60	.60		.11
Group 5	8.32	.60	.60		.11
Group 6	8.42	.60	.60		.11
Group 7	8.52	.60	.60		.11
Group 8	8.70	.60	.60		.11
Group 9	9.50	.60	.60		.11
ZONE II					
Group 1	8.83	.60	.60		.11
Group 2	9.37	.60	.60		.11
Group 3	9.45	.60	.60		.11
Group 4	9.51	.60	.60		.11
Group 5	9.57	.60	.60		.11
Group 6	9.67	.60	.60		.11
Group 7	9.77	.60	.60		.11
Group 8	9.95	.60	.60		.11
Group 9	10.75	.60	.60		.11
ZONE III					
Group 1	9.08	.60	.60		.11
Group 2	9.62	.60	.60		.11
Group 3	9.70	.60	.60		.11
Group 4	9.76	.60	.60		.11
Group 5	9.82	.60	.60		.11
Group 6	9.92	.60	.60		.11
Group 7	10.02	.60	.60		.11
Group 8	10.20	.60	.60		.11
Group 9	11.00	.60	.60		.11
AREA II (RESIDENTIAL AND GENERAL BUILDING CONSTRUCTION)					
Group 1	7.58	.60	.60		.11
Group 2	8.12	.60	.60		.11
Group 3	8.20	.60	.60		.11
Group 4	8.26	.60	.60		.11
Group 5	8.32	.60	.60		.11
Group 6	8.42	.60	.60		.11
Group 7	8.52	.60	.60		.11
Group 8	8.70	.60	.60		.11
Group 9	9.50	.60	.60		.11

HEAVY ENGINEERING CONSTRUCTION (POWER EQUIPMENT OPERATORS AREA DEFINITIONS

AREA I - Statewide, except San Juan County
Basing points for zone pay shall be determined from the Center of the following cities - Albuquerque, Carlsbad, Gallup, Raton and Las Cruces.
- Zone I - 0 to 50 miles
- Zone II - Over 50 miles

AREA II - Farmington, San Juan County
- Zone I - 0 to 15 miles from Farmington City Hall
- Zone II - 15 to 35 miles from Farmington City Hall
- Zone III - Over 35 miles from Farmington City Hall

HEAVY CONSTRUCTION (AREA I):	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I					
Zone 1	$7.43	.60	.60		.11
Zone 2	8.43	.60	.60		.11
GROUP II					
Zone 1	7.97	.60	.60		.11
Zone 2	8.97	.60	.60		.11
GROUP III					
Zone 1	8.03	.60	.60		.11
Zone 2	9.03	.60	.60		.11
GROUP IV					
Zone 1	8.11	.60	.60		.11
Zone 2	9.11	.60	.60		.11
GROUP V					
Zone 1	8.17	.60	.60		.11
Zone 2	9.17	.60	.60		.11
GROUP VI					
Zone 1	8.27	.60	.60		.11
Zone 2	9.27	.60	.60		.11
GROUP VII					
Zone 1	8.37	.60	.60		.11
Zone 2	9.37	.60	.60		.11
GROUP VIII					
Zone 1	8.55	.60	.60		.11
Zone 2	9.55	.60	.60		.11
GROUP IX					
Zone 1	9.35	.60	.60		.11
Zone 2	10.35	.60	.60		.11

(HEAVY ENGINEERING CONSTRUCTION)
POWER EQUIPMENT OPERATORS

HEAVY CONSTRUCTION (AREA II)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I					
Zone 1	$ 7.43	.60	.60		.11
Zone 2	8.18	.60	.60		.11
Zone 3	8.43	.60	.60		.11
GROUP II					
Zone 1	7.97	.60	.60		.11
Zone 2	8.72	.60	.60		.11
Zone 3	8.97	.60	.60		.11
GROUP III					
Zone 1	8.05	.60	.60		.11
Zone 2	8.80	.60	.60		.11
Zone 3	9.15	.60	.60		.11
GROUP IV					
Zone 1	8.11	.60	.60		.11
Zone 2	8.86	.60	.60		.11
Zone 3	9.11	.60	.60		.11
GROUP V					
Zone 1	8.17	.60	.60		.11
Zone 2	8.92	.60	.60		.11
Zone 3	9.17	.60	.60		.11
GROUP VI					
Zone 1	8.27	.60	.60		.11
Zone 2	9.02	.60	.60		.11
Zone 3	9.27	.60	.60		.11
GROUP VII					
Zone 1	8.37	.60	.60		.11
Zone 2	9.12	.60	.60		.11
Zone 3	9.37	.60	.60		.11
GROUP VIII					
Zone 1	8.55	.60	.60		.11
Zone 2	9.30	.60	.60		.11
Zone 3	9.55	.60	.60		.11
GROUP IX					
Zone 1	9.35	.60	.60		.11
Zone 2	10.10	.60	.60		.11
Zone 3	10.35	.60	.60		.11

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (BUILDING & RESIDENTIAL)

GROUP I
Fireman, oiler, screedman, scale operator such as (Bin-A-Batch), rubber tired farm type tractor, tractors under 50 HP w/o attachments, breakman, concrete paving curing machine (bridge-type), helpers; mechanic, welder grease truck.

GROUP II
Roller, sheepsfoot or pneumatic self propelled w/o dozer, concrete conveyor, service truck operator (head oiler), air compressor (300 CFM and over), pumps (6" and over), screening plants, concrete mixers (under 1 CY), concrete saw or grinder-span type, 1 drum hoists, air tugger, elevating belt type loaders, forklift, lumber stacker, tractor-farm type (under 50 HP w/attachments), motorman and industrial locomotive operator, winch trucks, front end loader (under 2 CY), power plants which generate over 15 KW, welding machines

GROUP III
Bituminous distributors, boilers, retort and hot oil heaters, concrete mixers (1 CY and over), concrete paver-single drum, drilling equipment, motor graders (rough), shaft and tunnel equipment; (refrigeration, slusher, jumbo form), trenching machines (all types), pump crete and gunite machines, slipform paver, mechanical bullfloats, concrete slab spreading machine, concrete slab finishing machines, crushing plants.

GROUP IV
Front end loader (2 thru 10 CY), rollers, steel wheeled-all types, bulldozers, scrapers, (motor or towed), elevating graders, concrete batching plants, self propelled rollers equipped with dozer. Twin bowl scrapers and quad 8 or 9 pushers (35¢ over basic rate). Three bowl scrapers (60¢ over basic rate). Tractor (farm type w/hydraulic backhoes).

GROUP V
Hydraulic cranes with less than 50 feet of boom (20 tons and under). Concrete paver double drum. 2 drum hoist, auto fine grader, cat cranes, hysters, side and swingboom cats.

GROUP VI
Mucking machines, all types; motor grader, finish; mechanic, welder

GROUP VII
Steam engineers; loader (front end over 10 CY); concrete pump (snorkel type)

GROUP VIII
All shovel type equipment; cranes, draglines, backhoes, derricks, guy and stiff leg; pipemobile (No. 2 op.), pile driver, hydraulic cranes (20 tons and over), mine hoist, belt loader ("C.M.I." type), cranes & draglines, with booms and jib over 150 feet - 25¢ per hour additional.

GROUP IX
Shovel (wheel type), boring machine (tunnel or shaft mole), pipemobile

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (HEAVY ENGINEERING CONST.)

GROUP I
Fireman, oiler, screedman, scale operator such as (bin-a-batch), rubber tired farm type tractor, tractors under 50 HP w/o attachments, breakman, concrete paving curing machine (bridge-type), helpers; (mechanic, welder); grease truck

GROUP II
Rollers, sheepsfoot or pneumatic self propelled w/o dozer, concrete conveyor, service truck operator (head oiler), air compressor (300 CFM and over), pumps, (6" and over), screening plants, concrete mixers (under 1 CY), concrete saw or grinder-span type, 1 drum hoist, air tugger, elevating belt type loaders, forklift, lumber stacker, tractor-farm type (under 50 HP w/attachment), motorman and industrial locomotive operator, winch truck front end loader (under 2 CY), power plants which generate over 15 KW, welding machines

GROUP III
Bituminous distributors, boilers, retort and hot oil heaters, concrete mixers (1 CY and over), concrete paver-single drum, drilling equipment, motor graders (rough), shaft and tunnel equipment, refrigeration, slusher, jumbo forms, trenching machines, (all types), pump crete and gunite machines, slipform paver, mechanical bullfloats, concrete slab spreading machine, concrete slab finishing machine, asphalt plants, bituminous finishing machines, crushing plants

GROUP IV
Front end loader (2 thru 7 CY), rollers steel wheeled (all types), bulldozers, scrapers, (motor or towed), elevating graders, concrete batching plants, self-propelled rollers, equipped with dozer, twin-bowl scrapers and quad 8 or 9 pushers (35¢ over basic rate), three bowl scrapers (60¢ over basic rate).

GROUP V
Front end loader (over 7 CY thru 10 CY), hydraulic cranes, with less than 50 feet of boom (20 tons and under), concrete paver, double drum, cat cranes, hysters, side and swingboom cats, 2 drum hoist, auto fine grader.

GROUP VI
Mucking machines,alltypes,motor grader (finish), mechanic, welder

GROUP VII
Steam engineers, loader (front end over 10 CY)

GROUP VIII
All shovel type equipment; cranes, draglines, backhoes, derricks, guy and stiff leg,pipemobile (NO. 2 operator), piledriver,hydraulic cranes (20 tons and over), mine hoist, belt loader ("C.M.I." Type)

GROUP IX
Shovel (wheel type), boring machine (tunnel or shaft mole), pipe mobile

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS	$ 7.55	.25			
SHEET METAL WORKERS:					
Zone 1	10.87	.53	1.00		.12
Zone 2	9.17	30+.51	.385		.025
Zone 3	8.35	.20			.05
Zone 4	11.87	.53	1.00		.12
SPRINKLER FITTERS	11.01	.60	.90		.08

SHEET METAL WORKERS ZONE DEFINITIONS

Zone 1 - Bernalillo, Catron, Chaves, Colfax, Curry, DeBaca, Guadalupe, Harding, Lincoln, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Miguel, Santa Fe, Socorro,Union, Taos, Torrance, Valencia, San Juan Counties, Kirtland Air Force Base.
Zone 2 - Dona Ana, Eddy, Grant, Hidalgo, Lea,Luna, Sierra and Otero Counties
Zone 3 - Holloman Air Force Base, White Sands and McGregor Ranges
Zone 4 - Los Alamos County

SOFT FLOOR LAYERS:					
Zone 1	7.23	.30	.10		.02
Zone 2	7.85	.35	.30		.02

SOFT FLOOR LAYERS' ZONE DEFINITIONS

Zone 1 - Dona Ana, Luna and Otero Counties
Zone 2 - Statewide (excluding Dona Ana, Luna and Otero Counties)

SOUND INSTALLERS:					
SOUNDMAN					
Zone 1	9.30	.60	1%		4%
Zone 2	10.46	.60	1%		4%
Zone 3	12.79	.60	1%		4%
TECHNICIANS					
Zone 1	7.44	.60	1%		4%
Zone 2	8.60	.60	1%		4%
Zone 3	10.93	.60	1%		4%
SOUND INSTALLERS					
Zone 1	6.05	.60	1%		4%
Zone 2	7.21	.60	1%		4%
Zone 3	9.54	.60	1%		4%

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SOUND INSTALLERS ZONE DEFINITIONS

ZONE I
Thirty mile radius of main post office of Albuquerque

ZONE II
Remainder of Valencia, Sandoval, Santa Fe, Torranca, and Socorro Counties, the hourly rates of pay shall be increased to twelve and one-half (12½) percent of journeyman rate of pay for Zone I.

ZONE III
Chaves, Curry, Roosevelt, Lincoln, Guadalupe, DeBaca. Quay, San Miguel, Mora, Harding, Union, Colfax, Taos, Rio Arriba, Catron, Sierra, Grant, Los Alamos, San Juan, McKinley Counties, the hourly rates of pay shall be increased by thirty-seven and one-half (37.5) percent of the journeyman rate of pay for Zone I.

GENERAL BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Group 1	$6.61	.57	.50		
Group 2	6.73	.57	.50		
Group 3	6.81	.57	.50		
Group 4	6.93	.57	.50		
Group 5	6.98	.57	.50		
Group 6	7.08	.57	.50		
Group 7	7.18	.57	.50		
Group 8	7.32	.57	.50		
Group 9	7.47	.57	.50		
TRUCK DRIVERS (RESIDENTIAL CONST.)					
Group 1	6.31	.57	.50		
Group 2	6.43	.57	.50		
Group 3	6.51	.57	.50		
Group 4	6.63	.57	.50		
Group 5	6.68	.57	.50		
Group 6	6.78	.57	.50		
Group 7	6.88	.57	.50		
Group 8	7.02	.57	.50		
Group 9	7.17	.57	.50		
TRUCK DRIVERS (HEAVY ENGINEERING CONSTRUCTION					
Group 1	6.76	.57	.50		
Group 2	6.88	.57	.50		
Group 3	6.96	.57	.50		
Group 4	7.08	.57	.50		
Group 5	7.13	.57	.50		
Group 6	7.23	.57	.50		
Group 7	7.33	.57	.50		
Group 8	7.47	.57	.50		
Group 9	7.62	.57	.50		

TRUCK DRIVERS CLASSIFICATION DEFINITIONS (BUILDING, RESIDENTIAL AND HEAVY ENGINEERING CONSTRUCTION.

GROUP I
Pickup 3/4 ton and under, service station, including lubrication, light tire repair and washer, swamper or riding helper, 2 or up

GROUP II
Bus or taxi driver, dump or batch truck under 8 C.W.L.C.; flat bed (bobtail) 2 ton and under; mechanic and welder helper; fork lift under 5 ton MRC.

GROUP III
Dump trucks (including all highway and off highway) 8 up to 16 C.Y.W.L.C.; water, fuel or oil trucks less than 3,000 gal., flat bed (bobtail) over 2 tons

GROUP IV
Distributor driver; heavy tire repairman; lumber carrier driver; young buggy or similar equipment, transit mix or agitator 2 or 3 axle bobtail equipment; asiasor truck; bulk cement bobtail 2 or 3 axles; semi-trailer driver (flat-bed or van single axle); forklifts 5 ton and over MRC; field equipment servicemen.

GROUP V
Dumpster and dumpcrete driver; water, fuel or oil truck, 3,000 to 6,000 gal; lowboys and light equipment driver; euclid type tank wagon under 6,000 gal.

GROUP VI
Vacuum truck; dump trucks (including all highway and off-highway 16 up to 22 C.Y.W.L.C.

GROUP VII
Transit mix or agitator semi or 4 axle equipment driver; flaherty truck type spreader box driver; slurry truck driver; bulk cement driver; semi-doubles; 4 axle bobtail; winch truck and "A" frame; dump trucks (including all highway and off-highway) 22 CY up to 35 C.Y.W.L.C.; head field equipment servicemen.

GROUP VIII
Euclid diesel power turnarocker; terra coba-DW10--DW20--LeTourneau Pulls and similar diesel powered equipment when used to haul materials and assigned to a teamster--lowboy heavy equipment driver; water, fuel or oil trucks 6,000 gal. and over including tank wagon drivers, semi-trailer driver (flat-bed or van tandems); light equipment mechanic; dump trucks (including all highway and off-highway) 35 C.Y.W.L.C. and over; truck and trailer or semi-trailer (flatbed); eject all

GROUP IX
Warehousemen including material checker; cardex man; lowboy (heavy equipment double gooseneck); heavy equipment mechanic; welder (body and fender men)

TEAMSTERS classifications not listed shall be paid a rate comparable to classifications listed.

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:
a - Includes $0.07 contribution to the Occupational Health Fund.
b - 1st 6 months - none; 6 months to 5 years, 2%; over 5 years, 4% of basic hourly rate.
c - Paid Holidays; A through F

PAID HOLIDAYS:
A- New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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SUPERSEDEAS DECISION

STATE: New Mexico COUNTY: Statewide
DECISION NO. NM 77-4077 DATE: Date of Publication
Supersedeas decision No. NM76-4181 dated November 12, 1976 in 41 FR 40160
DESCRIPTION OF WORK: Highway, streets, roads, utilities, and light engineering construction consisting of construction of roads, highways, streets, alleys, sidewalks, guard rails, fences, parkways, parking areas, runways, bridle paths, athletic fields, (except structures), highways bridges, grade separation involving highways, earth dams under one million cubic yards, sewer and water lines and other utilities and work incidental thereto (does not include airport runways and taxiways; bridges over navigable waters; tunnels; rest areas which include building structures; and railroad construction.)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Carpenters	$5.11	.10	.20	.10	.04
Power saw operator-saw filer	5.26	.10	.20	.10	.04
Millwright & piledriver	5.36	.10	.20	.10	.04
CEMENT MASONS	4.94	.26			
IRONWORKERS:					
Reinforcing	4.58	.25	.25		
Structural	7.99	.50	.75		.04
PAINTERS:					
Brush	4.57				
Spray	5.51				
LABORERS:					
Common laborer; carpenter tender; concrete buggy operator (hand); concrete workers	2.56	.20	.15		
Wagon, air track, drill and diamond drillers' tender (outside)	2.71	.20	.15		
Air & power tool man; asphalt raker; batching plant scaleman; tenderers (to cement masons and plasterer); chain sawman; concrete touch-up-man; concrete saw man; curbing machine; asphalt or cement; cutting torchman; metal form setter-road; grade setter; hod carrier; mortar mixer & mason tender; powderman or blaster helper; scaler; sandblaster helper; vibrator compactor (hand type); vibrator-man(hand-type); concrete power-buggyman	2.86	.20	.15		
Gunite pumpcreteman & nozzleman; multiplate setter	3.16	.20	.15		
Wagon; air track, drill and diamond driller (outside)	2.86	.20	.15		
Manhole builder	3.36	.20	.15		
Pipelayer	3.16	.20	.15		
Powderman-blaster-make up	3.31	.20	.15		

DECISION NO. NM77-4077 Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Concrete paving curing machine	$4.74	.15	.10		.01
Concrete paving form grader; concrete paving gang vibrator; concrete paving joint or saw machine; concrete paving sub grader	5.52	.15	.10		.01
Belt type conveyors (material & concrete), Broom (self-propelled) fork lift, grease truck op.; head oiler, hydro lift, tractor (under 50 drawbar H.P. with attachment)	4.94	.15	.10		.01
Tractor with backhoe attachment	5.49	.15	.10		.01
Subgrade or base finisher	5.52	.15	.10		.01
Concrete slip-form paving machine	5.74	.15	.10		.01
Asphalt distributor, asphalt paving or lay down machine, asphalt retort heater, batch or continous mix plant (concrete, soil-cement or asphalt), mixer, heavy duty, asphalt or soil cement, motor grader, tractor 50 drawbar H.P. or over) trenching machine, clam type shaft mucker	5.54	.15	.10		.01
Concrete paving finishing machine, concrete paving longitudinal float, gunnite machine, jumbo form or drilling stage slusher	5.74	.15	.10		.01
Concrete paver mixer, hoist (2 drums & over) side boom	5.69	.15	.10		.01
Derrick, cableway	6.12	.15	.10		.01
Traveling crane, piledriver	5.69	.15	.10		.01
Mine hoist & mucking machine	5.89	.15	.10		.01
Backhoe, clamshell, dragline, gradall, shovel:					
Under 3/4 cubic yard	5.54	.15	.10		.01
3/4 cubic yard	5.69	.15	.10		.01
Over 3 cubic yard	5.89	.15	.10		.01

DECISION NO. NM-77-4077 Page 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (CONT'd)					
Bulldozer, elevating grader or belt loader, roller (steel-wheel), scraper operator	$5.54	.15	.10		.01
Bulldozer (multiple units) scrpaer (multiple units)	5.69	.15	.10		.01
Concrete paving spreader	5.74	.15	.10		.01
Pumpcrete machine	5.74	.15	.10		.01
Cranes (crawler or mobile):					
Under 20 ton	5.54	.15	.10		.01
20 ton to 40 ton	5.69	.15	.10		.01
Over 40 ton	5.89	.15	.10		.01
Air compressor (300 CFM & over); cruching screening & washing plants, drilling machine(cable core or rotary), mixer concrete (1 cy & less), pump (6" intake or over), winch truck, hoist (1 drum), industrial locomotive, motorman, lumber stacker	5.54	.15	.10		.01
Front and loader:					
1-1/2 cy or less	4.94	.15	.10		.01
Over 1-1/2 cy.to 5 cy	5.54	.15	.10		.01
Over 6 cy	5.69	.15	.10		.01
Industrial locomotive brakeman; Tractor (under 50 drawbar HP without attachments), fireman oiler, screedman	4.94	.15	.10		.01
Mechanic and/or welder	5.57	.15	.10		.01
Mixer, concrete (over 1 cy)	5.69	.15	.10		.01
Grout pump operator	5.74	.15	.10		.01
Power plant (electrical generator or welding machine)	5.49	.15	.10		.01
Roller (pull type)	4.94	.15	.10		.01
Mulching machine, roller (self-propelled)	4.94	.15	.10		.01
Mile operator	7.19	.15	.10		.01
Pipemobile operator	7.19	.15	.10		.01
Belt loader (CMI type operator; pipemobile operator assistant	6.39	.15	.10		.01

DECISION NO. NM 77-4077 Page 4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Distributor(asphalt);	$4.57	.26			
Dumpster or dumptor	4.65	.26			
Dump or batch truck:					
Under 8 cy	4.36	.26			
8 cy and under 16 cy	4.46	.26			
16 cy and under 20 cy	4.60	.26			
20 cy and over	4.65	.26			
Diesel-powered transport (non-self-loading) 10 yds. and over	4.88	.26			
Flatbed:					
1-1/2 ton	4.36	.26			
Over 1-1/2 ton	4.51	.26			
Lumber carrer	4.39	.26			
Lowboy, heavy equipment	4.98	.26			
Lowboy, light equipment	4.60	.26			
Off-highway hauler	4.63	.26			
Pick-up truck 3/4 ton or under	4.21	.26			
Service station attendant	4.25	.26			
Spreader box	4.30	.26			
Spreader box (self-propelled)	4.54	.26			
Swamper or rider helper	4.17	.26			
Tank Truck:					
3,000 gal. or under	4.44	.26			
3,001 gal. to 6,000 gal.	4.54	.26			
6,001 gal. & over	4.64	.26			
Teamster, 2 or 4 or more	4.17	.26			
Trailer or semi-trailer dump	4.73	.26			
Transit mix	4.60	.26			
Warehousemen	4.35	.26			
LINE CONSTRUCTION (BERNALILLO CO.					
Cable splicers	9.65	.60	1%+.60		1/2%
Linemen-Technicians	9.00	.60	1%+.60		1/2%
Equipment operators	8.58	.60	1%+.60		1/2%
Equipmeot mechanics-Powdermen	7.88	.60	1%+.60		1/2%
Groundmen & Jackhammer Operators					
1st 6 months	4.88	.60	1%+.60		1/2%
2nd 6 months	5.51	.60	1%+.60		1/2%
Experienced	6.36	.60	1%+.60		1/2%

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DECISION NO. NM77-4077 Page 5

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION (STATEWIDE EXCEPT BERNALILLO COUNTY):					
Cable splicers	$10.51	.60	1%+.60		1/2%
Linemen-Technicians	9.82	.60	1%+.60		1/2%
Equipment operators	9.35	.60	1%+.60		1/2%
Equipment mechanics	9.58	.60	1%+.60		1/2%
Powderman	9.58	.60	1%+.60		1/2%
Groundman & Jackhammer operators:					
1st 6 months	5.31	.60	1%+.60		1/2%
2nd 6 months	5.99	.60	1%+.60		1/2%
Experienced	6.96	.60	1%+.60		1/2%

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTY: Lebanon
DECISION NO.: PA77-3031 DATE: Date of Publication
Supersedes Decision No. PA76-3176, dated June 18, 1976, in 41 FR 24853.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$10.11	.52	.70		.01	
Boilermakers	12.05	.75	1.00		.02	
Bricklayers	9.60	.60	.48			
Carpenters	9.50	.35	.40		.03	
Cement masons:						
West of Rte. 501	9.385	.50	.40			
East of Rte. 501	9.69		.50			
Electricians:						
Lawn, East Hanover & Indiantown Gap Military Reservation	9.91	.45	3%+.31		1/4 %	
Remainder of County	9.00	.45	3%		1/2%	
Elevator constructors	10.20	.545	.35	4%+b+c	.02	
Elevator constructors' helpers	7.14	.545	.35	4%+b+c	.02	
Elevator constructors' helpers (prob.)	5.10					
Glaziers:						
Twps. of Bethel, Jackson, Mill Creek, Lebanon, E. of Rte. 72, Heidlberg & Richland	8.89	.40	.30		.01	
Remainder of County	8.09	.25	.30			
Ironworkers	10.63	.84	1.21		.03	
Laborers:						
Laborers, unskilled	6.55	.25	.25			
Air fuel & Electric tool operators, pipelayers, power-buggy, pre-cast slab placers & signalman, Brick, stone, plasterers & cement mason tenders, machine mixers, stockers, scaffold builders, plaster pump & conveyors, blasters, caisson workers, wagon air track & diamond point drill operators, burning torches, green cutting machine, steam jenny & blasting	6.65	.25	.25			
Lathers	9.83		.15		.01	
Lead burners	10.75	.40	.25	a	.01	
Line Construction:						
Linemen & Cable splicers	10.88	.25	1%		3/4%	
Groundmen	6.51	.25	1%		3/4%	
Winch truck operator	7.60	.25	1%		3/4%	
Marble setters	9.60	.60	.48			
Millwrights	10.61	.35	.40		.03	
Painters (East of Route 72)						
Brush	8.40	.60	.45			
Structural steel & Spray	9.45	.60	.45			
Highway bridges	9.85	.60	.45			

DECISION NO. PA77-3031

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Painterers (West of Route 72)						
Brush	$ 8.23	.26	.24			
Structural steel	8.68	.26	.24			
Spray	8.98	.26	.24			
Piledrivermen	10.42	1.88	1.30		.12	
Plasterers:						
East of Rte. 501	9.71		.53		.01	
West of Rte. 501	9.05	.25	.25		.01	
Plumbers:						
East of Rte. 501	11.01	.67	1.45		.11	
West of Rte. 501	10.45	.30	.65		.12	
Roofers:						
Annville, Cold Springs, East Hanover, North Annville, North Cornwall, North Londonderry, South Annville, South Londonderry, Union, West Cornwall Twps.:						
Compositions	9.71	.60	.55			
Remainder of County:						
Composition, damp & Waterproofting	10.60	.45	.25	f		
Steamfitters (East of Rte. 501)	11.01	.67	1.45		.08	
Sheet metal workers	9.76	1.17	1.03		.03	
Soft floor layers	8.63	.35	.40		.03	
Steamfitters (West of Rte. 501)	10.45	.30	.65		.12	
Sprinkler fitters	11.61	.60	.90		.08	
Stonemasons	9.60	.60	.48			
Terrasso workers	8.375	.50				
Tile setters	8.375	.50				
Truck Drivers:						
Pick-ups, dump, flat trucks to & including 2 highway license plates	7.59	d	e			
Transit-mix, Winch, trucks, tractor trailers, all types Euclids, Ross lumber carriers & trucks over 2 plates	7.84	d	e			
Welders - receive prescribed for craft performing operation to which welding is incidental						

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PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Indpendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. 8 paid holidays, A through F and Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 full days for the employer during the 120 days prior to the holiday and is available for work the days preceding and following the holiday.

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Six paid holidays: A through F.

d. $58.37 per month for employees who have worked sixty hours or more during the month.

e. $33.67 per month for employees who have worked sixty or more hours during the month.

f. Paid holidays: Election Day and Labor Day.

DECISION NO. FA77-3031

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
GROUP 1	$11.60	5.5%	9.5%	a	1.2%
GROUP 2	11.31	5.5%	9.5%	a	1.2%
GROUP 3	10.44	5.5%	9.5%	a	1.2%
GROUP 4	9.67	5.5%	9.5%	a	1.2%
GROUP 5	9.20	5.5%	9.5%	a	1.2%
GROUP 6	8.29	5.5%	9.5%	a	1.2%
GROUP 7	11.85	5.5%	9.5%	a	1.2%
GROUP 7-A	12.10	5.5%	9.5%	a	1.2%
GROUP 7-B	12.34	5.5%	9.5%	a	1.2%

CLASSIFICATIONS DEFINITIONS

GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above

GROUP 2: All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lift, 20 ft lift and over machine to the above

CLASS 3: Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft lift, machines similar to the above

GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, tireman (for power equipment), machines similar to the above

GROUP 5: Fireman, grease truck

GROUP 6: Oilers and deck hands (personnel boats), core driller helper

GROUP 7: All machines with booms (including jib, masts, leads, etc.): 100 Ft and over

GROUP 7A: 150 ft. and over

GROUP 7B: 200 ft. and over

FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

SUPERSEDEAS DECISION

STATE: Wisconsin COUNTY: Statewide
DECISION NUMBER: WI77-2042 DATE: Date of Publication
Supersedes Decision No. WI76-2045, dated April 16, 1976 in 41 FR 16425.
DESCRIPTION OF WORK: Heavy, Sewer, Tunnel & Water Construction.

BRICKLAYERS & STONEMASONS:

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1 - BARRON, BUFFALO, CHIPPEWA, DUNN, EAU CLAIRE, PEPIN, PIERCE, POLK, RUSK, ST. CROIX, & SAWYER COUNTIES, BURNETTE County South of Hwy. 70 including the City of Grantburgh the Northern ¼ of TREMPEALEAU County, and the Southern ¼ of WASHBURN County	$ 9.19	.55	.25		.03
ZONE 2 - FOND DU LAC County	8.05	.55	.35	.55	
ZONE 3 - BROWN, CALUMET, DOOR, FLORENCE, GREEN LAKE, KEWAUNEE, MANITOWOC, MARINETTE, MARQUETTE, OCONTO, OUTAGAMIE, WAPAUCA, WASHARA, & WINNEBAGO Counties and all of SHAWANO County except the North West panhandle	8.05	.55	.35	.55	
ZONE 4 - GREEN, LAFAYETTE & ROCK Counties	9.69	.45	.25	.25	.01
ZONE 5 - CRAWFORD, JACKSON, JUNEAU, LA CROSSE & VERNON Countios and the remainder of TREMPEALEAU County	9.05	.40	.25		
ZONE 6 - WALWORTH County	10.05	.50	.50	.50	
ZONE 7 - DANE, GRANT, IOWA & RICHLAND COUNTIES	8.80	.55	.60	.50	
ZONE 8 - MILWAUKEE, OZAUKEE, WASHINGTON & WAUKESHA COUNTIES	10.24	.97	.70	.56	.05
ZONE 9 - COLUMBIA & SAUK Counties	9.60	.55	.30		
ZONE 10 - KENOSHA & RACINE Counties	10.05	.50	.50	.50	
ZONE 12 - ASHLAND, RAYFIELD, DOUGLAS & IRON Counties and the remainder of BURNETT & WASHBURN Counties	9.56	.45	.45		.01
ZONE 13 - DODGE & JEFFERSON Counties	9.65	.55	.25		
ZONE 14 - ADAMS, CLARK, FOREST, LANGLADE, LINCOLN, MARATHON, MENOMINEE, ONEIDA, PORTAGE, PRICE, TAYLOR, VILAS & WOOD Counties and the remainder of SHAWANO County	8.80	.45	.25		

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CARPENTERS & PILEDRIVERMEN	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1 - ASHLAND & IRON Counties and the East ½ of BAYFIELD CO.					
Carpenters	$ 7.54	.30	.25	.15	
Piledrivermen	7.74	.30	.25	.15	
ZONE 2 - BARRON, BURNETT, CHIPPEWA DUNN, EAU CLAIRE, PEPIN, PIERCE, POLK, RUSK, SAWYER & WASHBURN Counties the North ½ of BUFFALO, JACKSON & TREMPEALEAU Counties, CLARK County, West of Hwy. 73 & TAYLOR Co. West of Hwy. 73 & North of Hwy. 64 to Hwy 13 to PRICE County line					
Carpenters	9.20	.30	.40		.03
Piledrivermen	9.60	.30	.40		.03
ZONE 3 - BROWN, CALUMET, DOOR, FOND DU LAC, GREEN LAKE, KEWAUNEE, MANITOWOC, MARQUETTE, MENOMINEE, OCONTO, OUTGAMIE, SHAWANO, WAUPACA, & WAUSHARA Counties & the South ½ of MARINETTE County					
Carpenters	8.82	.30	.40		.03
Piledrivermen	9.22	.30	.40		.03
ZONE 4 - GREEN & ROCK Counties & JEFFERSON County South of Hwy 30					
Carpenters	9.86	.30	.40		.03
Piledrivermen	10.01	.30	.40		.03
ZONE 5 - KENOSHA County					
Carpenters	9.85	.40	.60		.04
Piledrivermen	9.93	.40	.60		.04
ZONE 6 - LA CROSSE, MONROE & VERNON Counties, the remainder of BUFFALO, JACKSON & TREMPEALEAU Counties & in JUNEAU County, West of County tract 80 & South of Hwy. 21					
Carpenters	8.82	.30	.40		.03
Piledrivermen	9.22	.30	.40		.03

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CARPENTERS & PILEDRIVERMEN (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 7 - CRAWFORD, COLUMBIANA, DANE, DODGE, GRANT, IOWA, LAFAYETTE, RICHLAND & SAUK Counties and the remainder of ADAMS, JEFFERSON AND JUNEAU Counties					
Carpenters	9.37	.30	.40		.03
Piledrivermen	9.77	.30	.40		.03
ZONE 8 - FLORENCE County & the remainder of MARINETTE County					
Carpenters	8.74	.60	.50		.01
Piledrivermen	8.94	.60	.50		.01
ZONE 9 - MILWAUKEE, OZAUKEE, WASHINGTON & WAUKESHA Counties					
Carpenters	9.76	.80	.70	.51	
Piledrivermen	10.21	.80	.70	.51	
ZONE 10 - RACINE County East of Highway 75					
Carpenters	9.95	.40	.50		.03
Piledrivermen	10.03	.40	.50		.03
ZONE 11 - SHEBOYGAN County					
Carpenters	8.85	.40	.30		
Piledrivermen	9.54	.40	.30		
ZONE 12 - DOUGLAS County & the West ½ of BAYFIELD County					
Carpenters	9.05	.30	.40	.30	
Piledrivermen	9.05	.30	.40	.30	
ZONE 13 - WALWORTH County and RACINE County West of Hwy. 75					
Carpenters	9.86	.30	.40		.04
Piledrivermen	10.01	.30	.40		.04
ZONE 14 - FOREST, LANGLADE, LINCOLN, MARATHON, ONEIDA, PORTAGE, PRICE, VILAS & WOOD Counties and the remainder of ADAMS, CLARK, JUNEAU & TAYLOR Counties					
Carpenters	8.82	.30	.40		.03
Piledrivermen	9.22	.30	.40		.03

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CEMENT MASONS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1 -ASHLAND, BAYFIELD, DOUGLAS & IRON Counties & the North ½ of BURNETTE & WASHBURN Counties	$ 8.74	.45	.45		
ZONE 2 - BARRON, CHIPPEWA, DUNN, POLK, RUSH, ST. CROIX, & SWAYER Counties and the remainder of BURNETTE & WASHBURN Counties	9.29	.45	.25		.03
ZONE 3 - ADAMS, CLARK, FOREST, LANGLADE, LINCOLN, MARATHON, MENOMINEE, ONEIDA, PORTAGE, PRICE, TAYLOR, VILAS & WOOD Counties and the Northwest panhandle of SHAWANO County	8.30	.45	.25		.01
ZONE 4 - EAU CLAIRE, PEPIN & PIERCE Counties & the North ½ of BUFFALO, JACKSON & TREMPEALEAU Counties	9.29	.42	.25		.03
ZONE 5 - BROWN, CALUMET, DOOR, FLORENCE, GREEN LAKE, KEWAUNEE, MANITOWOC, MARINETTE, MARQUETTE, OCONTO, OUTAGAMIE, WAUPACA, WAUSHARA & WINNEBAGO Counties and the remainder of SHAWANO County	7.55	.55	.35	.55	.05
ZONE 6 - CRAWFORD, JUNEAU, LA CROSSE, MONROE, RICHLAND & VERNON Counties & the Remainder of BUFFALO, JACKSON & TREMPEALEAU Counties	8.53	.45	.25		
ZONE 7 - SHEBOYGAN COUNTY	7.55	.55	.35	.55	.05
ZONE 8 - FOND DU LAC County	7.55	.55	.35	.55	.05
ZONE 9 - DODGE & JEFFERSON Cos.	9.15	.55	.25		
ZONE 10 - COLUMBIA & SAUK Counties	8.55	.45	.40	.25	
ZONE 11 - MILWAUKEE, OZAUKEE, WASHINGTON & WASKESHA Counties	9.34	.90	.70	.51	
ZONE 12 - DANE, GREEN, IOWA, LAYFAYETTE & ROCK Counties	9.35	.45	.40		
ZONE 13 - GRANT County	9.28				
ZONE 14 - WALWORTH County	9.06	.40	.40	.40	
ZONE 15 - RACINE COUNTY	8.33	.40	.50	.50	
ZONE 16 - KENOSHA County	8.33	.40	.50	.50	

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ELECTRICIANS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1 - OUTAGAMIE, WAUPACA, WASHARA & WINNEBAGO Counties; All of CALUMET County except the Township of New Halstein; Berlin St. Marie and Seneca Townships in GREEN LAKE County, and Crystal Lake, Neshkoro, Newton and Springfield Townships in MARQUETTE County	$ 10.43	.60	1%		
ZONE 2 - BARRON, CHIPPEWA, CLARK, DUNN, EAU CLAIRE, PEPIN, PIERCE, POLK, RUSK & TAYLOR Cos. in BUFFALO Co. that portion North of Glencoe, Milton & Waumandee Twps, In BURNETTE Co., that portion South of Lincoln, Meenon, Rusk, Sand Lake and West Marchland Twps., in JACKSON County that portion North of Adams, Allison & Springfield Twps., All of PIERCE County except Eisenstein, Tifield and Lake Twps, All ST. CROIX County except Hudson, St. Joseph, Somerset & Troy Twps., In SAWYER County the Twps. of Edgewater, Meadowrock, Metor & Weigor & South thereof, In TREMPEALEAU Co. the Twps of Burnside, Lincoln & Pigeon North thereof &; in WASHBURN CO. The Twps of Buck wood, Evergreen, Madge & Spooner & South thereof	10.35	4%	1%		.25%
ZONE 3 - BROWN, DOOR AND KEWAUNEE Counties; in OCONTO County, that portion South of How, Leno, Mable Valley, Oconto & Spruce Twps.; & in Shawano County that protion South of Aniwa & Hutchins Twps.	10.26	.52	1%		.1/8%

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ELECTRICIANS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 4 - FLORENCE & FOREST Cos. and that portion of MARINETTE County North of Amberst Athelstane & Silver Cliff Twps.	10.63	.40	1%		.50%
ZONE 5 - KENOSHA County	11.34	.45	1%	.25	.75%
ZONE 6 - CRAWFORD, GRANT, JUNEAU, LA CROSSE, MONROE, RICHLAND & VERNON Cos. & the remainder of BUFFALO, JACKSON & TREMPEALEAU Counties	10.40	.55	1%		
ZONE 7 - WALWORTH County	10.20	.45	1%	7%	.25%
ZONE 8 - COLUMBIA, DANE, DODGE, IOWA & SAUK Countiee & the remainder of GREEN LAKE & MARQUETTE Counties	9.95	.74	1%	7%	.75
ZONE 9 - SHEBOYGAN County the remainder of CALUMET County and Schleswig Township in MANITOWOC County	9.19	.85	1%+.20	10%	1%
ZONE 10 - ASHLAND, BAYFIELD, DOUGLAS & IRON & the remainder of BURNETT, PRICE, SAWYER & WASHBURN COUNTIES	10.15	4%	1%	11%	3%
ZONE 11 - LANGLADE, LINCOLN, MARATHON, ONEIDA & VILAS Cos.; the remainder of SHAWANO Co. & all of MENOMINEE West of a line six miles West of Oconto County line	9.60	.45	1%	7½%	1/8%
ZONE 12 - ADAMS PORTAGE & WOOD Counties	9.60	.45	1%	7½%	1/8%
ZONE 13 - FOND DU LAC County	9.19	.85	1%+.20	10%	1.25%
ZONE 14 - GREEN, JEPPERSON LA FAYETEE, & ROCK Counties	10.20	.45	1%	7%	.50%
ZONE 15 - RACINE County	11.48	.55	1%		.75%
ZONE 16 - MILWAUKEE, OZAUKEE, WASHINGTON & WASKESHA Cos.	10.58	.85	1%+.20	10%	1.25%
ZONE 17 - The remainder of MARINETTE, MENOMINEE & OCONTO Counties	10.26	.52	1%		1/81%
ZONE 18 - The remainder of MANITOWOC County	10.26	.52	1%		1/81%

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IRONWORKERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1 - BARRON, BUFFALO, CHIPPEWA, DUNN, EAU CLAIR, PEPIN PIERCE, POLK, ST. CROIX & TREMPEALEAU Counties; the South-West ¼ of BURNETT, RUSK & TAYLOR Counties; & the N. W. ¼ of CLARK & JACKSON Counties	$ 10.35	.55	.55		.02
ZONE 2 - ASHLAND, BAYFIELD, DOUGLAS, IRON, LINCOLN, ONEIDA, PRICE, SAWYER, VILAS, WASHBURN Counties; the remainder of BURNETT, RUSK & TAYLOR COUNTIES THE N. W. ¼ of FOREST COUNTIES AND THE N. W. 1/3 of FLORENCE County	10.60	.30	.55		.02
ZONE 3 - ADAMS, COLUMBIA, CRAWFORD, DANE, GRANT, GREEN LAKE, IOWA, JUNEAU, LA CROSSE, LAFAYETTE, LANGLADE, MARATHON, MARQUETTE, MENOMINEE, MONROE, PORTAGE, RICHLAND, SAUK, VERNON, WAUPACA, WAUSHARA, WINNEBAGO, & WOODS Counties; the remainder of CLARK FOREST, & JACKSON Counties; the West 2/3 of DODGE & SHAWANO Counties the West ½ of FOND DU LAC Co. all of GREEN County except the South-East corner; all of JEFERSON County except the extreme Eastern portion; the West 1/3 of OUTAGAMIE County; the Townships of Edgerton, Evansville, Milton & Polesville in ROCK County & the North-West dorner of WALWORTH County including the town of Whitewater	10.22	.50	.25		.03

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IRONWROKERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 4 - BROWN, CALUMET, DOOR, KENOSHA, KEWAUNEE, MANITOWOC, MARINETTE, MILWAUKEE, OZAUKEE, RACINE, SHEBOYGAN, WASHINGTON, & WAUKESHA Counties; the remainder of DODGE, FLORENCE, FOND DU LAC, JEFFERSON, OCONTO, OUTAGAMIE & SHAWANO Cos.; & the East ½ of WALWORTH	$10.06	.95	.70	1.15	.15
ZONE 5 - The remainder of GREEN, ROCK & WALWORTH Counties	11.875	.65	.375		.05
LINE CONSTRUCTION					
Linemen	8.84	.35	1%		.5%
Cable Splicer	9.65	.35	1%		.5%
Equipment Operator	7.33	.35	1%		.5%
Truck Drivere with Boom; jigger, Tractor or 5thwheel	6.09	.35	1%		.5%
Groundman	5.55	.35	1%		.5%
Groundman 1st 6 months	4.80	.35	1%		.5%
Truck Drivers	5.81	.35	1%		.5%
PAINTERS:					
ZONE 1 - LANGLADE, LINCOLN, MENOMINEE, ONEIDA & PRICE COUNTIES The West 3/4 of FOREST County; In MARATHON Co. West of Hwy. 97 & South to Hwy. 153 & TAYLOR County North of Hwy. 64					
Brush	9.00				
Spray	9.50				
ZONE 2 - BARRON, BUFFALO, BURNETTE, CHIPPEWA, DUNN, EAU CLAIRE, PEPIN, PRICE, POLK, RUSK, ST. CROIX, SAWYER, TREMPEALEAU & WASHBURN Counties					
Brush	8.15			5%	
Spray	8.65			5%	
Steel	8.40			5%	

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PAINTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 3 - BROWN, DOOR, KEWAUNEE, & OCONTO Counties					
Brush	$ 7.95	.60			
Spray	8.35	.60			
ZONE 4 - FLORENCE Co. & the Northern ½ of MARINETTE Co.					
Brush	7.45			.75	
Steel	7.45			.75	
ZONE 5 - KENOSHA COUNTY					
Brush	8.575	.40	.40		
Steel	8.725	.40	.40		
Spray	9.32	.40	.40		
ZONE 6 - ADAMS, CLARK, CRAWFORD, JACKSON, JUNEAU, LA CROSSE, MONROE, PORTAGE, VERNON & WOOD Counties; & the remainder of MARATHON & TAYLOR COUNTIES					
Brush	7.78		.45		
Steel	8.05		.45		
Spray	8.47		.45		
ZONE 7 - WALWORTH County					
Brush	8.575	.40	.40		
Steel	8.725	.40	.40		
Spray	9.32	.40	.40		
ZONE 8 - COLUMBIA, DANE, DODGE, GRANT, GREEN, IOWA, LAFAYETTE RICHLAND, ROCK & SAUK Counties					
Brush	8.79	.60	.30	.30	.01
Spray	9.54	.60	.30	.30	.01
ZONE 9 - MANITOWOC County & the South ½ of Calumet County					
Brush	7.55				
Spray and Steel	8.05				
ZONE 10 - The remainder of MARINETTE & FOREST Counties					
Brush	6.70			.45	
Spray	7.20			.45	
ZONE 11 - JEFFERSON, MILWAUKEE, OZAUKEE, WASHINGTON & WAUKESHA Counties					
Brush	9.10	.78	.70	.50	.02
Steel and Spray	9.45	.78	.70	.50	.02

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PAINTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 12 - FOND DU LAC, GREEN LAKE, MARQUETTE, OUTAGAMIE, SHAWANO, WAUSHARA, WAUPACA & WINNEBAGO Counties & the remainder of CALUMET COUNTY					
Brush & Steel	8.50	.30	.10		.03
Spray	9.00	.30	.10		.03
zone 13 - RACINE County					
Brush	8.65	.40	.40		
Steel	8.80	.40	.40		
Spray	9.40	.40	.40		
ZONE 14 - SHEBOYGAN County					
Brush & Steel	6.35	.20	.30	.30	
Spray	6.75	.20	.30	.30	
ZONE 15 - ASHLAND, BAYFIELD, DOUGLAS, IRON & VILAS Counties					
Brush & Steel	9.00				
Spray	9.50				
LABORERS, SEWER, TUNNEL & WATER					
ZONE 1 - MILWAUKEE, OZAUKEE, WASHINGTON & WAUKESHA Counties					
OPEN CUT					
GROUP 1 - Yard & landscape laborer	8.65	.70	.70	.50	
GROUP 2 - Paving laborer	8.70	.70	.70	.50	
GROUP 3 - Generallaborer on surface, pipe layer tender, top man behind machine, kettle man, top man	8.82	.70	.70	.50	
GROUP 4 - Gunnite man on top, scaffold man, mud mixer	8.87	.70	.70	.50	
GROUP 5 - Mucker, form stripper, bottom digger miscellanious bottom man, welder on surface	9.04	.70	.70	.50	
GROUP 6 - Concrete manhole builder, caisson worker, miner pipelayers, caulker, joint man, pipe yarner, timber man, concrete brusher, bracer in trench behind machine, bracer in tight sheeting, concrete formsetter, shoveler, concrete buster, jack hammer on rock driller	9.43	.70	.70	.50	

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LABORERS, SEWER, TUNNEL & WATER (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 7 - Blaster	9.59	.70	.70	.50	
TUNNEL-FREE AIR					
GROUP 8 - Tower man, general laborer on surface	8.82	.70	.70	.50	
GROUP 9 - Saw man, top man	8.87	.70	.70	.50	
GROUP 10 - Form stripper, car pusher	9.04	.70	.70	.50	
GROUP 11 - Mucker, mucking machine, dinkey, welder on surface	9.14	.70	.70	.50	
GROUP 12 - Concrete manhole builder, concrete buster, jack hammer op., rock driller, caisson workers, caulker, joint man, pipe yarner, bracerman, on gunnite, timber man, concrete brusher	9.43	.70	.70	.50	
GROUP 13 - Miner, mining machine welder in tunnel	9.53	.70	.70	.50	
GROUP 14 - Blaster	9.59	.70	.70	.50	
TUNNEL COMPRESSED AIR					
GROUP 15 - Welder on surface	9.14	.70	.70	.50	
GROUP 16 - Lock tender on surface	9.45	.70	.70	.50	
GROUP 17 -Form stripper, car pusher	9.54	.70	.70	.50	
GROUP 18 - Mucker, mucking machine, dinkey	9.64	.70	.70	.50	
GROUP 19 - Lock tender in tunnel concrete buster, jack hammer, rock driller, caisson worker, pipe layer, caulker, joint man, pipe yarner, braceman, nozzle man on gunnite, timber man, concrete brusher	9.81	.70	.70	.50	
GROUP 20 - Miner, Mining machine welder in tunnel	9.91	.70	.70	.50	
GROUP 21 - Blaster	9.98	.70	.70	.50	

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LABORERS, SEWER, TUNNEL & WATER (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 2 - DANE COUNTY					
GROUP 1 - Laborer, wellpoint installation, wire mesh & reinforcement, concrete worker, form stripper, strike-off worker	8.05	.30	.30		.02
GROUP 2 - Machine & equipment op. sheeting, formsetting, patch-finisher, bottomman, jointsawer, gunnite man, manhole builder, welder, torchman, blaster, caulker, bracer, bull float, conduit worker, all power driven tools, mucker, car pusher, raker, luteman	8.25	.30	.30		.02
GROUP 3 - Pipelayer, miner, laser operator	8.60	.30	.30		.02
ZONE 3 - COLUMBIA, IOWA, SAUK & the North ½ of JEFFERSON Counties					
Group 1 - Laborers, wellpoint installation wire mesh & reinforcement, concrete worker, form stripper, strike-off worker	7.35	.30	.30		.02
GROUP 2 - Machine & Equipment op., sheeting, form setting, patch finisher, bottomman, joint sawer, gunnite man, manhole builder, welder, torchman, blaster, caulker, bracer, bull-float, conduit worker, all power driven tools, mucker, car pusher raker, luteman	7.55	.30	.30		.02
GROUP 3 - Pipelayer, miner, laser operator	7.90	.30	.30		.02
ZONE 4 - BAYFIELD, BURNETT, DOUGLAS, IRON, SAWYER, & WASHBURN Counties	7.90	.30	.30		
GROUP 1 - Topman					

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LABORERS, SEWER, TUNNEL & WATER (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 2 - Bracer builder, caulker bottomman	8.05	.30	.30		
GROUP 3 - Cement manhole, builder pipelayer, air or electric tool operator	8.15	.30	.30		
GROUP 4 - Blaster	8.35	.30	.30		
ZONE 5 - KENOSHA County					
GROUP 1 Topman	7.80	.40	.60	.60	
GROUP 2 - bracer, builder, caulker, pipelayer, bottomman, air or electric tool operator	8.15	.40	.60	.60	
GROUP 3 - Blaster, cement manhole builder	8.50	.40	.60	.60	
ZONE 6 - RACINE County					
GROUP 1 - Topman	7.80	.40	.60	.60	
GROUP 2 - Bracer Builder, caulker, pipelayer, bottomman, air or electric tool operator	8.15	.40	.60	.60	
GROUP 3 - Blaster, cement manhole builder	8.50	.40	.60	.60	
ZONE 7 - ASHLAND County					
GROUP 1 - Laborer, wellpoint inst., wire mesh & reinforcement	7.35	.30	.30		.02
GROUP 2 - Mach. & Equipment Ops., sheeting, formsetting, patch finisher, bottomman, jointsawer, gunnite man, manhole builder, welder, torchman, blaster, caulker, bracer, bull float, conduit worker, all power driven tools, mucker, car pusher, raker and luteman	7.55	.30	.30		.02
GROUP 3 - Pipelayer, miner and laser operator	7.90	.30	.30		.02

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LABORERS, SEWER, TUNNEL & WATER (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 8 - Remainder of State					
GROUP 1 - Laborer, wellpoint inst., wire mesh & reinforcement	7.35	.30	.30		.02
GROUP 2 - Mach. & Equipment Op., Sheeting, formsetting patch-finisher, bottomman, jointsawer, gunnite man, man builder, air or electric tool op., welder, torchman, blaster, caulker, bracer	7.55	.30	.30		.02
GROUP 3 - Pipelayer, laser op. Tunnel work, 15 additional	7.90	.30	.30		.02

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POWER EQUIPMENT OPERATORS Heavy, Tunnel & Sewer Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Area 1 - Kenosha, Milwaukee, Ozaukee, Racine, Washington & Waukesha Counties					
GROUP 1	10.02	.70	.90	.70	.10
GROUP 2	9.77	.70	.90	.70	.10
GROUP 3	9.47	.70	.90	.70	.10
GROUP 4	9.37	.70	.90	.70	.10
GROUP 5	9.16	.70	.90	.70	.10
GROUP 6	8.92	.70	.90	.70	.10

GROUP 1 - Cranes, shovels, draglines, backhoes, clamshells, derricks, caisson rigs, pile driver, skid rigs, dredge operator & traveling crane (bridge type), concrete paver (over 27E), concrete spreader & distributor

GROUP 2 -Material hoists, tractor or truck mounted hydraulic backhoe tractor or truck mounted hydraulic crane (5 tons or under), manhoist, tractor (over 40 H.P.), Bulldozer (over 40 H.P.), Endloader (over 40 H. P.) Forklift (25' and over), motor patrol, scraper operator, sideboom, straddle carrier, machnic and welder, bituminous plant and pavet operator, roller (over 5 tons), rotary drill operator and blaster, trencher (wheel type or chain type having over 8-inch bucket)

GROUP 3 - Concrete and grout pumps, backfiller, concrete auto breaker (large), concrete finishing machine (Road type) roller (Rubber tire), concrete batch hopper, concrete conveyor systems, concrete mixers (14S or over), screw typepumps, and gypsum pumps, tractor, bulldozer, endloader (under 40 H.P.), pumps (well points), trenchar (chain type having bucket 8-inch and under), industrial locomotives, roller (under 5 tons) and firemen (pile drivers and derricks)

GROUP 4 - Hoists (Automatic),Forklift (12' to 25'), Tampers-Compactors (riding type), assistant engineer, "A" famea & winch trucks, concrete auto breaker, hydro-hammer (small), brooms and sweeper, hoists (Tuggers), stump chipper (large) boats,.(tug, safety work, barges and launch)

GROUP 5 - Shouldering machine operator, screed operator, farm or industriel tractormounted equipment, post hole differ,s tone crushers and screening plants, firemen (asphalt plants(, air compressor (300 CFM or over)

GROUP 6 - Generators over 150 KW, pumps over 3" Augers (vertical and Horizontal), combination small equpment operator; air, electric, hydraulic jacks (slip form), compressors (under 300CFM); welding machines, heaters (mechanical), prestress machines, Bobcats, Generators (under 150 KW), pumps (3" and under); winches (small electric), oiler and greaser, boiler operators (temporary heat), Rotary drill helper, conveyor, forklift (12' and under)

[FR Doc.77-10191 Filed 4-7-77;8:45 am]

DECISION NO. WI77-2042

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1					
GROUP 1	$ 7.89	24.50a	25.00a	c.35	
GROUP 2	8.04	24.50a	25.00a	c.35	
ZONE 2					
GROUP 1	7.89	110.04b	25.00a	c.35	
GROUP 2	8.04	110.04b	25.00a	c.35	
ZONE 3					
GROUP 1	7.89	106.15b	25.00a	c.35	
GROUP 2	8.04	106.16b	25.00a	c.35	

ZONE 1 - MILLWAUKEE, OZAUKEE, WASHINGTON & WAUKESHA Counties
ZONE 2 - KENOSHA & RACINE Counties
ZONE 3 - Remainder of State

CLASSIFICATION IDENTIFICATION

GROUP 1 Truck Driver, 2 axle trucks - Mechanics helpers, truck
GROUP 2 Truck driver, 3 or more axle trucks - Euclid or dumpstar type hauling units - Mechanic, truck

FOOTNOTES:
a. Per week per employee on payroll 30 days or longer.
b. Per month per employee on payroll 30 days or longer.
c. $.25 per hour vacation and $.10 per hour for holiday pay.

federal register

FRIDAY, APRIL 8, 1977
PART VIII

CONSUMER PRODUCT SAFETY COMMISSION

CHILDREN'S WEARING APPAREL CONTAINING TRIS

Interpretation as Banned Hazardous Substance

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

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Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS

Children's Wearing Apparel Containing TRIS; Interpretation as Banned Hazardous Substance

AGENCY: Consumer Product Safety Commission.

ACTION: Interpretation of a statutory provision.

SUMMARY: The Commission is notifying the public that children's clothing containing the chemical flame-retardant TRIS is banned from commerce. According to the applicable statutory provisions, such clothing is banned by definition because it is intended for use by children and could cause substantial illness because of its toxicity.

Tests have established that TRIS causes cancer in animals, and can enter the bodies of children by being absorbed through the skin. This absorption occurs when children wear TRIS-treated clothing. Children also ingest TRIS by "mouthing" the clothing.

Since washing removes much of the available TRIS, children's clothing containing TRIS that is already in the hands of consumers, unless unwashed, is not banned. However, children's clothing containing TRIS that is in commerce on April 8, 1977, or is introduced into commerce after that date is banned and must be repurchased by any manufacturers or others who sold it.

DATES: The interpretation is effective on April 8, 1977.

FOR FURTHER INFORMATION CONTACT:

Francine Shacter, Office of Standards Coordination and Appraisal, Consumer Product Safety Commission, Washington, D.C. 20207. (202–492–6470).

ADDRESS: All of the documents, studies, and other materials that are discussed in the preamble and listed under References are available from the Office of the Secretary, 1111 18th Street NW., Washington, D.C. 20207. (202–634–7700).

SUPPLEMENTAL INFORMATION:

Background

In March 1976 the Environmental Defense Fund (EDF), a health-oriented public interest organization, petitioned the Commission to require cautionary labeling for wearing apparel containing the chemical flame-retardant TRIS (2,3-dibromopropyl) phosphate, hereafter "TRIS," in surface concentrations in excess of 100 parts per million (ppm). This petition (HP 76–10) was based on data that showed that TRIS was capable of inducing mutations in Salmonella typhimurium when tested in both the presence and absence of metabolic activating systems (1,2,3)[1] The petition asserted at page 10 that this test has been shown to be a "highly reliable predictor" of carcinogenicity.

[1] The documents cited by parenthetical numbers correspond to the documents listed in the section on References, below.

The Commission conducted a search of the existing literature in April 1976, and initiated a biological testing program in its own laboratories in June 1976 to evaluate the scientific issues raised in the petition. In addition, the Commission asked the National Cancer Institute (NCI) to expedite its rat and mouse carcinogenicity feeding studies involving TRIS that were already underway (4). The NCI agreed to provide the Commission with preliminary results from these studies as they became available (5).

On February 4, 1977 the Commission obtained the preliminary NCI test data (6). Within two weeks, the Commission's Bureau of Biomedical Science (BBS) provided a statistical analysis of the NCI rat and mouse bioassay study. (7).

Based on its analysis of the same NCI preliminary test results, EDF petitioned the Commission on February 8, 1977 (HP 77–8) to ban the sale of wearing apparel containing TRIS (8). The Commission's technical staff met with Dr. Robert Harris, Dr. Joseph Highland, and Mr. Robert Rauch of EDF on February 18 to discuss this petition.

On March 2, the Commission met with Dr. Marvin Schneiderman, an Associate Director of the National Cancer Institute, and on March 8 the Commission met with the same EDF representatives that had met with the staff. All of these meetings were open to the public and transcripts are available (9, 10, 11).

Ms. Joanne Siegel and Dr. Reuben Epstein also petitioned the Commission, on February 1, 1977, to address the risk presented by wearing apparel containing TRIS (12). This petition (FP 77–1) requests the Commission to amend or revoke its flammability standard for children's sleepwear sizes 0–6X (16 CFR Part 1615), issued under the Flammable Fabrics Act, which has encouraged the use by manufacturers of TRIS as a flame retardant (although this standard imposes performance requirements concerning flame resistance, it neither prohibits nor requires the use of TRIS or any other chemical flame retardant).

On March 16, 1977 an updated draft of the TRIS bioassay results was released by NCI for the March 25 meetings of the Data Evaluation and Risk Assessment Subgroups of the Clearinghouse on Environmental Carcinogens (13). These two subgroups act as statutory advisory groups to the NCI's Division of Cancer Cause and Prevention. At its March 25 meeting, the Data Evaluation Subgroup reviewed and approved the NCI bioassay results for TRIS (14).

Early in April 1977, the Commission completed its final report (15) on its subchronic dermal and oral ingestion studies along with radioactive "C-TRIS tracer studies and human lifetime risk estimates of cancer in the human population. These will be discussed in more detail in the section of Hazard, below.

Hazard

A. CARCINOGENICITY

The Commission has carefully reviewed the preliminary data from the National Cancer Institute on the carcinogenicity of TRIS (6). Under the NCI testing program, begun early in 1974, rats and mice were fed TRIS daily at two dose levels. Weanling animals of both sexes were placed on diets containing 50 (low dose) or 100 (high dose) ppm TRIS in the case of rats; 500 (low dose) or 1,000 (high dose) ppm TRIS in the case of mice; or no TRIS (control animals). After two years the surviving animals were sacrificed and examined for pathological changes.

The test mice that were fed TRIS developed tumors in the liver, the kidney, the lung and the stomach and the test rats developed tumors in the kidneys (preliminary Table II in (6)). These test data establish TRIS as an animal carcinogen in two species and at multiple sites.

The Commission has no conclusive data that establish that TRIS has caused cancer in humans. Since cancers develop over many years and cannot be easily linked to particular causes, this is not unexpected. The Commission's Office of the Medical Director (OMD) believes that once a substance is established as an animal carcinogen it can never be assured as a safe substance for human exposure (16). In addition, OMD believes that all known human carcinogens have been shown to be carcinogenic in laboratory animals (16, 17).

Dr. Marvin Schneiderman of NCI has told the Commission that he knows of no chemicals that provide a high risk to animals but no risk to humans (pp. 43–44 of (10)). The February 1977 EDF petition asserts that TRIS is as potent or more potent in animals than a number of known human carcinogens (pp. 13–13a of (8)). Research Associate N. Kim Hooper and Professor Bruce N. Ames of the University of California, Berkeley's Department of Biochemistry, have stated in a March 21, 1977 letter to Chairman Byington (18) that TRIS is a more potent carcinogen than the human carcinogen benzidine or β-naphthylamine (p. 3 of (18)).

In a June 2, 1976 report, (19), the National Cancer Advisory Board states "A major source of data on carcinogenicity comes from bioassays in experimental animals. Experience has indicated that, with one or two possible exceptions, compounds that are carcinogenic in humans are also carcinogenic in one or more experimental animal bioassay systems. In addition, several compounds first detected as carcinogens in experimental animals were later found to cause human cancer. Demonstration that a compound is carcinogenic in animals should, therefore, be considered evidence that it is likely to be carcinogenic in humans, unless there is strong evidence in humans to the contrary." (See also p. 11 of (8).)

B. MUTAGENICITY

The Commission has received several reports on the mutagenic potential of TRIS. Hooper and Ames (pp. 1 and 3 of (18)) focus on bacterial systems utilizing various grades of TRIS and TRIS-treated cloth. They also point out that TRIS is a potent mutagen in Drosophila, causing large numbers of recessive lethal mutations in offspring. Moreover, they assert that TRIS is capable of causing damage to DNA synthesis in human cells in tissue culture.

The general assertion of Hooper and Ames is that TRIS is mutagenic and "likely to cause genetic birth defects in the offspring of children exposed to it" (p. 1 of (18)). They base this conclusion on their belief that TRIS can be absorbed through the scrotum and could effect spermatogenesis.

Dr. M. Prival, in an article entitled, "Tris (2,3-Dibromopropyl) Phosphate: Mutagenicity of a Widely Used Flame Retardant" (20), has found TRIS to be mutagenic in histidine-requiring strains of Salmonella typhimurium (although he does not believe his results conclusively demonstrate that TRIS is a carcinogen).

It must be noted that the BBS analysis of bone marrow chromosomes obtained from rats which received either a single or multiple daily oral dose of TRIS five days per week for 13 weeks did not demonstrate any chromosome aberrations (15).

C. EXPOSURE

TRIS is incorporated into some wearing apparel in at least two ways, according to information obtained by the Commission's Bureau of Engineering Sciences (21). Certain wearing apparel is manufactured from fabric knitted or woven from fibers that contain TRIS. Other apparel is manufactured from fabric that has been topically treated with TRIS. In both cases, some TRIS that is not tightly bound or contained within the fibers can be removed from the garment by the sucking, or "mouthing," of an infant on the sleeve or other portion of the garment. The TRIS that infants can ingest in this manner is a source of exposure of infants to TRIS. Another source of exposure is absorption through the skin.

The Commission has reviewed various estimates of the amount of TRIS to which a child may be exposed. These estimates come from a March 16, 1977, report prepared by the Bureau of Biomedical Science (22); from a March 8, 1977 report by Robert H. Harris, Ph. D., of EDF, entitled Estimating the Cancer Hazard to Children From Tris-treated Sleepwear (23); and from the March 21 Hooper and Ames letter (18). The general assumptions underlying all of these estimates are (a) that a child mouths the garment and ingests available TRIS; (b) that there is absorption through the skin; and (c) that the child wears numerous garments over a period of time containing various amounts of available TRIS.

(1) *Bureau of Biomedical Science.* BBS has prepared a range of estimates on the amount of TRIS to which a child could be exposed over a 6-year period, both from skin absorption and from mouthing. Their estimates of total TRIS absorbed ranged from 2.5 to 77.4 mg/kg, depending upon the body area exposed to TRIS-treated garments.

In the Commission's subchronic toxicity and dermal penetration studies, the groups of rats which received daily doses of TRIS by the oral route (25 mg/kg and 250 mg/kg) demonstrated renal nephrosis following a 13 week period. The weekly dermal application of 1 ml/kg of undiluted TRIS to clipped rabbits produced renal nephrosis and testicular atrophy also at the end of a 13 week period. This data correlates well with NCI's finding of renal carcinoma in rats and mice at a 2-year period.

The degree of penetration of TRIS in rabbit and rat of both sexes was determined following dermal application of ^{14}C-TRIS at 0.9 ml/kg and at 0.05 ml/kg. Radiolabeled TRIS from TRIS-treated cloth was also shown to penetrate the skins of rabbits. Penetration was enhanced by the presence of urine on the cloth. The kidney was found to be the organ of highest specific radioactivity in all cases. Most of the absorbed radiolabeled TRIS was excreted in the urine (for more detail see (15)).

(2) *Environmental Defense Fund.* EDF estimates of the total lifetime exposure for a child range between .085 mg/kg to 85 mg/kg (p. 15 of (23)) and are based primarily upon dermal absorption for a 10 or 20 kg child exposed to one, ten or 20 pairs of TRIS treated sleepwear.

(3) *Hooper and Ames.* Based on one year of exposure of a 7 kg child, Ames and Hooper estimate that the exposure due to dermal absorption would be 70 mg/kg/year and the dose a child receives by sucking is estimated as one percent of that obtained through skin absorption (18).

D. RISK ASSESSMENT

The Commission has considered risk assessments that are based on the estimates of exposure cited in Section C, above. The methods used to prepare the estimates are described in a March 1977 paper entitled, Estimates of Human Lifetime Carcinogenic Risk From Exposure to TRIS, prepared by Drs. Charles Brown, Marvin Schneiderman, and Kenneth Chu of the National Cancer Institute (24). The statistical extrapolations are based on the use of two mathematical models: The single-hit model (linear no threshold) and the log-probit model (Mantel-Bryan). The use of these mathematical models and the extrapolations from animals to man rest on the following assumptions: (a) the animal dose can be converted to an "equivalent" human exposure level; (b) mouse and man, and rat and man, have equal sensitivities to TRIS; (c) infants and children are no more, or less, sensitive to TRIS than are adults; and (d) the dose given to an animal during its entire life can be converted to an equivalent daily dose during a specific period of time which is less than a lifetime.

(1) *Bureau of Biomedical Science.* BBS has projected cancer incidence rates based on its exposure estimates and on data from the NCI study. These projected rates show the kidney to be the primary target organ. The best estimates of BBS (25) is approximately 300 kidney cancers per million male population. For females the projected rate is about one-fifth that of males.

Based on the single hit model the BBS estimates for lifetime risk of cancer of the kidney is between 60 and 1,800 cases per million male population. For the log probit model the estimates range from 25 to 5,100 cases per million males. All of these estimates are lifetime risk or lifetime incidence estimates.

(2) *Environmental Defense Fund.* EDF also provided its estimates on human exposure to NCI which used the same models, and these data provided estimates of a lifetime incidence of cancer of as high as 6,000 per million male population, based on maximum exposure, the rat kidney and the log probit model.

(3) *Hooper and Ames.* Hooper and Ames estimate that for one year of exposure, 1.7 percent of the children would develop cancer (17,000 cases/million). An exposure throughout childhood would give a higher risk (p. 8 of (18)).

E. EFFECT OF WASHING

There is evidence both from the March 1976 EDF petition (1) and from reports of the Commission's Bureau of Engineering Sciences (21) that the amount of TRIS that can be easily removed from a garment is appreciably reduced by repeated washings. The March 1976 petition states at page 5 that "* * * most of the surface TRIS could be washed out of the fabrics, which implies that laundering in use will reduce exposure to TRIS. For example, two samples of different polyester fabric had 70,000 ppm and 37,500 ppm of surface TRIS before, and 35 ppm and 100 ppm of surface TRIS after washing, respectively. It would appear from these studies that during the first three washings of polyester fabrics, surface TRIS can be reduced by greater than 95%, while the total amount in the fabric will be reduced by only about 12%." (The fabric containing 70,000 ppm had been specifically treated for test purposes and has not been commercially marketed.)

According to the BBS review of literature data, acetate fabrics contain 65–600 ppm "surface TRIS"[2] (more uniform and lower concentrations than polyester) and polyester fabrics contain 260–37,500 ppm surface TRIS. Although BES stresses the limited reliability of these figures, estimates from the studies show that washing removes up to 85 percent of surface concentration in acetate fabrics and from 21 to 82 percent in polyester fabrics.

F. EFFECT ON FLAMMABILITY INJURIES

Much of the use of TRIS in wearing apparel is to meet the Commission's flammability standards for children's sleepwear (16 CFR Parts 1615 and 1616). The Commission's Bureau of Epidemiology (BEP) believes, based on an analysis of injury information and on an article on children treated by physicians,

[2] The term "surface TRIS" is merely one of convenience. Whether or not the easily removable TRIS is literally on the surface of the fibers is unknown. The more fundamental distinction would appear to be between that amount of TRIS that is loosely bound to fibers and that which is more tightly bound, wherever it may be.

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that children who are burned while wearing flame-resistant sleepwear tend to sustain less extensive burns than children who are burned while wearing non-flame-resistant sleepwear (26). Data indicate that the number of deaths to children ages 1–4 due to clothing ignition decreased following the effective date of the standard for children's sleepwear in sizes 0–6X.

Because the Commission's flammability standards for children's sleepwear are performance standards, the Commission assumes that manufacturers can and will comply with the standard without using TRIS or any other chemical which presents a hazard to the consumer. There are fabrics which meet the standard without using any chemical flame retardants (27).

Marketing Factors

Garments treated with TRIS are made of either 100 percent polyester or acetate and triacetate blends. There is no certain way to distinguish among 100 percent polyester fabrics that are untreated, treated with TRIS, or treated with another flame retardant. The Commission understands, however, that all acetate and triacetate fibers used in children's sleepwear fabrics contain TRIS.

The Commission has found that flame resistant garments currently on the market are: (a) children's sleepwear, sizes 0–14, for which the flame resistant requirement is mandatory, and (b) those which resulted from voluntary programs undertaken by a few major retailers. The Commission believes that there is no significant inventory of flame-resistant garments resulting from voluntary program at this time (p. 4 of (27)).

The Commission's Bureau of Economic Analysis (BEA), in a March 21, 1977 report (28) has estimated that 18 million garments, over one-third of the spring 1977 production of children's sleepwear, contain TRIS. If inventories are taken into account, the portion of TRIS-treated merchandise would be over 40% of all children's sleepwear in the retail pipeline, or about 20 million garments. About 10–20 percent of this has already been sold to consumers. In addition, BEA has estimated that about 7 million square yards of TRIS-treated fabric is in inventory with fabric and garment producers.

BEA believes that a small number of national retail chain outlets and very large discount stores account for more than 55 percent of children's sleepwear sales, while department stores account for 20 percent, and specialty and variety stores account for less than 10 percent of annual sales.

Environmental Impact

The Commission has considered the potential enviromnental impacts of its interpretation that TRIS-treated wearing apparel is a banned hazardous substance. A preliminary environmental assessment is available (29) and a final assessment will be available as soon as possible. The Commission has investigated anticipated impacts relating to chemical flame-retardants that will be used as substitutes for TRIS, relating to substitute end-use products, and relating to the disposal of garments, fabrics, fibers, or yarns treated with TRIS, as well as the anticipated economic impacts.

Based on the information that is available thus far, it appears that there will be no significant effect on the human environment resulting for disposal of TRIS-treated garments, fabrics, fibers, or yarns. While more information is needed on the potential impacts from the use of substitute chemical flame-retardants and substitute end-use products, the Commission knows of no significant effects in this area at this time.

Because of the emergency circumstances of the ban on TRIS-treated children's wearing apparel, the Commission has been in contact with the Council on Environmental Quality (CEQ) concerning alternative arrangements for complying with the CEQ guidelines on the National Environmental Policy Act (30). As of this date, the Commission's staff has received oral CEQ concurrence with this approach.

References

The parenthetical numbers used in the above portion of the preamble refer to the following documents, studies, and other materials:

(1) March 24, 1976 petition (HP 76–10) from the Environmental Defense Fund.

(2) Letter from Glenn E. Schweitzer, Director, Office of Toxic Substances, EPA to Stanley R. Parent, Executive Director, CPSC, October 21, 1976, and a similar letter to Dr. David Rall, Director, NIEHS, on the same date.

(3) Ames, B., in a letter to Dr. B. L. Van Duuren, New York University Medical Center, January 28, 1976.

(4) November 6, 1976 letter from Chairman S. John Byington to Frank J. Rauscher, Ph. D., Director of the National Cancer Program of NIH.

(5) December 3, 1976 letter from Robert A. Squire, D.V.M., Ph. D., Acting Chief of the Carcinogen Bioassay and Program Resources Branch at NIH, to Chairman Byington.

(6) Preliminary NCI data on TRIS bioassay feeding studies.

(7) Memo from R. M. Hehir to Don Clay on February 16, 1977 entitled "BBS Statistical Analysis of NCI Cancer Bioassay Report on TRIS (2,3-dibromopropyl) phosphate, with attachments.

(8) February 8, 1977 petition (HP 77–8) from the Environmental Defense Fund.

(9) Transcript of February 18, 1977 meeting between Commission staff and EDF representatives.

(10) Transcript of March 2, 1977 Commission meeting with Dr. Schneiderman, NCI.

(11) Transcript of March 8, 1977 Commission meeting with EDF representatives.

(12) February 1, 1977 petition (FP 77–1) from Ms. Joanne Seigel and Dr. Reuben Epstein.

(13) Transcript of Proceedings—National Institute of Health Meeting of Data Evaluation and Risk Assessment Subgroups of the Clearinghouse on Environmental Carcinogens—March 25, 1977.

(14) March 26, 1977 memorandum from R. M. Hehir to Michael Brown and attached meeting log.

(15) Final Report—Subchronic and Radioactive ^{14}C Tracer Studies of TRIS (2,3-dibromopropyl) phosphate in Laboratory Rodents, prepared by Bureau of Biomedical Science/CPSC, April 1, 1977.

(16) February 15, 1977 memorandum from Albert F. Esch, Medical Director, on extrapolation of risk from animals to humans.

(17) February 18, 1977 memorandum from Rita A. Orzel, Ph. D., of the Commission's Division of Human Toxicology and Pharmacology in OMD, same subject as 16 above.

(18) March 21, 1977 letter from Hooper and Ames on hazards of carcinogenicity and mutagenicity to humans through dermal absorption and ingestion of TRIS.

(19) June 2, 1976 National Cancer Advisory Board report.

(20) "TRIS (2,3-dibromopropyl) phosphate: Mutagenicity of a Widely Used Flame Retardant," Vol. 195, (pp. 76–78) Jan. 7, 1977, by Drs. Michael J. Prival, Elena C. McCoy, Bezalel Gutter and Herbert S. Rosenkranz.

(21) March 15, 1977 memorandum from Margaret Neily, BES entitled "Review of Literature on Availability of TBPP from Treated Fabrics."

(22) March 16, 1977 memo from BBS entitled "Chemical Availability of Tris (2,3-dibromopropyl) phosphate (TBPP) and Dermal and Oral Absorption Models for Three Possible Use Patterns".

(23) March 8, 1977 Harris report entitled "Estimating the Cancer Hazard to Children from Tris-treated Sleepwear."

(24) March 1977 Brown, Schneiderman, Chu paper entitled "Estimates of Human Lifetime Carcinogenic Risk from Exposure to Tris."

(25) March 17, 1977 Bayard to Hehir memo entitled "Preliminary Analysis of Tris Induced Human Lifetime Risk to Cancer."

(26) June 1976 BEP report on sleepwear entitled "Tris and Children's Sleepwear."

(27) February 25, 1977 memorandum of James Sharman, OEX, with attached marketing study.

(28) March 1, 1977 BEA report entitled "Availability of Garments Treated with TBPP."

(29) Preliminary environmental assessment of a TBPP ban prepared by BEA.

(30) April 5, 1977 letter to CEQ Acting General Counsel David Tunderman.

Statutory Findings

Section 2(f)(1)(A) of the Federal Hazardous Substances Act (15 U.S.C. 1261 (f)(1)(A)) defines "hazardous substance" as "any substance or mixture of substances which is toxic • • • if such substance or mixture of substances may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children." Section 2(g) of the FHSA (15 U.S.C. 1261(g)) states that "[t]he term 'toxic' shall apply to any substance • • • which has the capacity to produce personal injury or illness to man through ingestion, inhalation, or absorption through any body surface."

Section 2(q)(1)(A) of the FHSA (15 U.S.C. 1261(q)(1)(A)) defines "banned hazardous substance" as "any toy, or other article intended for use by children, which is a hazardous substance, or which bears or contains a hazardous substance in such manner as to be susceptible of access by a child to whom such toy or other article is entrusted." If a product is a banned hazardous substance, it is prohibited from interstate commerce by section 4 of the FHSA (15 U.S.C. 1263). Seizures of banned hazardous substances in interstate commerce are authorized by section 6 of the FHSA (15 U.S.C. 1265). Sections 5 and 8 (15 U.S.C. 1264 and 1267) authorize the Commission to seek injunctions or criminal penalties against persons who violate the prohibitions listed in section 4 of the FHSA.

Section 15 of the FHSA (15 U.S.C. 1274) requires the automatic repurchase of banned hazardous substances. Manufacturers (including importers for resale) must repurchase from their purchasers. Distributors must repurchase from their purchasers. Dealers who sold at retail must repurchase from any person who returns the items to them. In every case, a refund of the purchase price must be made in addition to the payment of certain expenses incurred in returning the item(s). However, a recently-issued Commission regulation permits replacement or repair of banned items instead of repurchase, at the option of the owner (16 CFR 1500.203). The Commission's other regulation concerning FHSA repurchase requires that retailers place signs in their establishments informing customers of the repurchase (see 16 CFR 1500.202).

The Commission finds that children's wearing apparel containing TRIS that is currently in interstate commerce or will be introduced into interstate commerce in the future is a banned hazardous substance according to these applicable provisions of the FHSA. In addition, any children's wearing apparel containing TRIS that has not been washed, even if it has already been sold, is also banned as hazardous. Such wearing apparel is toxic and presents a substantial risk of cancer as a result of its foreseeable absorption through the skin and ingestion by mouthing. It is also of course intended for use by children.

The Commission believes that children's wearing apparel containing TRIS that is already in the hands of consumers and has been washed does not present a substantial risk of personal injury or illness. After children's wearing apparel containing TRIS is bought, worn, and washed, the risk decreases. As noted above, a few washings remove as much as 95 percent of the TRIS that can be absorbed or ingested. In addition it would be relatively easy for consumers to be sure that their children's apparel is washed a few times before it is worn. In fact, the Commission assumes that most of the apparel that consumers now own has already been washed one or more times.

The Commission believes that the available test data and analyses support a withdrawal of TRIS-treated children's wearing apparel from commerce but not a recall of such apparel that has already been sold to consumers and washed by them. Children's wearing apparel containing TRIS that is in interstate commerce on April 8, 1977 or that is introduced into interstate commerce after that date is banned. Such unwashed, brand-new apparel presents a substantial risk and the Commission's interpretation prohibits the sale of such apparel to consumers.

In addition, the Commission believes that uncut fabric containing TRIS sold at retail, if consumers make it into wearing apparel, presents the same risk of illness as wearing apparel containing TRIS that is sold at retail. The scope of this interpretation accordingly includes such uncut fabric.

The Commission also believes that wearing apparel that is merely sewn with thread containing TRIS does not present a substantial risk of illness. The scope of the interpretation thus includes only wearing apparel made from fabric containing TRIS.

The Administrative Procedure Act imposes requirements on agencies for notice of proposed rulemaking, opportunity for public participation, and a delayed effective date (5 U.S.C. 553). However, these requirements are not applicable to interpretive rules or general statements of policy and are therefore not applicable to the interpretation announced in this document. Even if the rules were to be considered general rulemaking, the Commission for good cause finds that notice and public comment and a delayed effective date are contrary to the public interest because the statutory intent and structure of the FHSA is that children's articles that present a substantial risk of illness based on their toxicity must be banned without any delay. As the legislative history states, "[t]oys or other articles intended for use by children which bear or contain a hazardous substance are banned by the language of the bill itself • • •." (Senate Report No. 1551, 89th Cong., 2d Sess., page 2).

Commission Action on Petitions

The Commission has interpreted the section 2(g)(1)(A) banning provision of the FHSA to apply to children's wearing apparel containing TRIS. Although this is not a rulemaking action, it provides a remedy that satisfies a major portion of the EDF's February 1977 petition (HP 77–8). In fact, the EDF urged the Commission, in a February 16, 1977 letter that followed the submission of its petition, to utilize the section 2(g)(1)(A) provision. The Commission's action similarly supersedes a major portion of the EDF's March 1976 petition (HP 76–10) which requested precautionary labeling for wearing apparel containing TRIS in specified amounts. The Commission believes that little or no wearing apparel containing TRIS, other than children's wearing apparel, is currently in interstate commerce or would be introduced into interstate commerce in the future.

The petition from Ms. Siegel and Dr. Epstein (FP 77–1) requests regulatory action under the Flammable Fabrics Act to address the hazard presented by children's sleepwear in sizes 0–6X containing TRIS. The Commission believes that it has granted this petition by interpreting section 2(q)(1)(A) as banning children's wearing apparel containing TRIS.

Portions of the EDF's February 1977 petition make requests that concern the use of flame retardants other than TRIS in wearing apparel. Specifically, the petition asserts that tetrakis (hydroxymethyl) phosphonium chloride (THPC) and Pyroset TKP may be hazardous. In addition, the petition seeks the following labeling for wearing apparel for which industry has not investigated the health effects: "[T]he toxic properties of the flame retardant chemical(s) used in this product have not been evaluated."

Although the Commission does not currently know which chemicals, if any, are hazardous, a labeling requirement under section 27(e) of the CPSA is under consideration by the Commission. The Commission will consider this portion of the February 1977 EDF petition as a petition under the Administrative Procedure Act to initiate a proceeding for a section 27(e) rule.

Accordingly, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2(f)(1)(A), (g), (q)(1)(A) and 10(a), 74 Stat. 372, 374, as amended 80 Stat. 1305; 15 U.S.C. 1261(f)(1)(A), (g), (q)(1)(A), 1269(a)) and under authority vested in the Consumer Product Safety Commission by the Consumer Product Safety Act (sec. 30(a), 86 Stat. 1231; 15 U.S.C. 2079(a)), the Commission proposes to amend 16 CFR Part 1500.18 by adding a new subsection (d) as follows:

§ 1500.18 Banned toys and other banned articles intended for use by children.

• • • • • •

(c) [Reserved]

(d) *Toys and other children's articles presenting toxicity hazards.* Under the authority of sections 2(f)(1)(A), 2(g), 2(q)(1)(A), and 10(a) of the act, the Commission has declared that the following articles are banned hazardous substances because they are toys or other articles intended for use by children that are hazardous substances, or bear or contain hazardous substances in such manner as to be susceptible of access by a child to whom they are entrusted, based on the fact that they may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children, because of their toxicity:

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(1) Children's wearing apparel made from fabric which contains TRIS (2,3-dibromoprophyl) phosphate and which is in interstate commerce on April 8, 1977 or which is introduced into interstate commerce after that date or which has not yet been washed (even if it has been sold before that date); and

(2) Uncut fabric, intended for sale to consumers for use in children's wearing apparel, which contains TRIS (2,3-dibromoprophyl) phosphate and which is in interstate commerce on April 8, 1977 or which is introduced into interstate commerce after that date or which has not yet been washed (even if it has been sold before that date).

Dated: April 7, 1977.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.77-10616 Filed 4-7-77;12:46 pm]

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The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

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	HEW/FDA			HEW/FDA

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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World Trade Week, 1977

By the President of the United States of America

A Proclamation

We live in a world where all of us must depend on each other—a world divided by nationality and philosophy, but drawn together by common problems and common hopes. We share with all people a concern about unemployment, inequality, poverty, inflation, and the danger of war. And we share with all people the hope of a life free of hunger, disease, and repression, and a determination to overcome international differences with mutual trust, respect and cooperation.

Our desire for justice, stability, and peace finds practical expression in world trade. Trade generates forces of friendship and understanding, which in turn bring us closer to the kind of world we want.

The United States is the unsurpassed leader in international commerce. Because our total trade is greater than that of any other nation, we can, by increasing our trade activities, make an enormous contribution to the health of the international economy, to the job market at home and abroad, to progressive relationships between rich and poor nations and, finally, to the cause of peace on our globe.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim the week beginning May 22, 1977, as World Trade Week. I urge business, labor, agricultural, educational, professional and civic groups, the communications media, and all concerned Americans, to observe World Trade Week with meetings, discussions, exhibits, ceremonies, and other appropriate activities that promote continuing awareness of the importance of world trade to our Nation and to our relations with other nations.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of April, in the year of our Lord nineteen hundred seventy-seven, and of the Independence of the United States of America the two hundred and first.

Jimmy Carter

[FR Doc.77-10760 Filed 4-8-77;12:11 pm]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 4—Accounts

CHAPTER III—COST ACCOUNTING STANDARDS BOARD

PART 415—ACCOUNTING FOR THE COST OF DEFERRED COMPENSATION

Cost Accounting Standard: Effective Date

AGENCY: Cost Accounting Standards Board.

ACTION: Final rule.

SUMMARY: On July 30, 1976, a Cost Accounting Standard entitled Accounting for the Cost of Deferred Compensation was published in the FEDERAL REGISTER (41 FR 31797 et seq.). The effective date of the Standard was reserved in the July 30 publication. This final rule establishes the effective date.

EFFECTIVE DATE: July 10, 1977.

ADDRESS: Cost Accounting Standards Board, 441 G Street, NW., Washington, D.C. 20548.

FOR FURTHER INFORMATION CONTACT:

Noah Minkin (202-275-5508).

Accordingly, 4 CFR Part 415 is amended by revising § 415.80 to read as follows:

§ 415.80 Effective date.

The effective date of this Standard is July 10, 1977.

(84 Stat. 796, sec. 103; 50 U.S.C. app. 2168.)

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.77-10513 Filed 4-8-77;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS, AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 991—HANDLING OF HOPS OF DOMESTIC PRODUCTION

Salable Quantity and Allotment Percentage for the 1977–78 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule establishes the quantity of hops that may be freely marketed from the 1977 crop. The action is taken under the marketing order for domestic hops to promote orderly marketing conditions.

EFFECTIVE DATE: August 1, 1977.

FOR FURTHER INFORMATION, CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250. (202-447-3545).

SUPPLEMENTARY INFORMATION: Notice was published in the March 10, 1977, issue of the FEDERAL REGISTER (42 FR 13301) of a proposal to establish, for the 1977–78 marketing year, beginning August 1, 1977, a salable quantity of 60,270,000 pounds, and an allotment percentage of 100 percent. This action is based on recommendation of the Hop Administrative Committee in accordance with provisions of Marketing Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The Committee's recommendation is based on the following estimates for the marketing year beginning August 1, 1977.

(1) Total domestic consumption of 35,500,000 pounds of hops;

(2) Minus imports of 10,000,000 pounds of hops to result in domestic consumption of U.S. hops of 25,500,000 pounds;

(3) Plus total U.S. exports of 30,000,000 pounds of hops to equal 55,500,000 pounds total usage of U.S. hops;

(4) Plus 1,000,000 pounds to adjust for weight loss for hops processed into pellets;

(5) Plus an adjustment of 3,770,000 pounds to provide for adequate supplies should some producer allotments not be fully produced.

Therefore, the salable quantity during the 1977–78 marketing year will be 60,270,000 pounds.

The salable percentage of 100 percent is computed by subtracting from this salable quantity 1,000,000 pounds for additional allotment bases for hops of the Fuggle variety pursuant to §§ 991.38(b) and 991.138(c) and dividing the remainder by 59,270,000 pounds, the total of all allotment bases less the 1,000,000 pounds additional allotment bases for Fuggle variety hops.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Committee, and other available information, it is found that to establish a salable quantity and allotment percentage as hereinafter set forth will tend to effectuate the declared policy of the act.

Therefore, the salable quantity and allotment percentage to be applicable to the 1977–78 marketing year (August 1, 1977–July 31, 1978) are established as follows:

§ 991.215 Allotment percentage and salable quantity for hops during the marketing year beginning August 1, 1977.

The allotment percentage during the marketing year beginning August 1, 1977, shall be 100 percent, and the salable quantity shall be 60,270,000 pounds.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: April 1, 1977.

CHARLES R. BRADER,
Acting Director,
Fruit and Vegetable Division.

[FR Doc.77-10530 Filed 4-8-77;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 77-EA-13; Amdt. 39-2870]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This airworthiness directive (AD) action amends an earlier AD to require the inspection and repair or replacement, as necessary, of additional engine mounting structure parts on Fairchild Model F-27 and FH-227 airplanes. These additional parts are subject to cracking.

EFFECTIVE DATE: April 13, 1977. Initial compliance requires an inspection of the engine mount support tube assembly and bracket within 50 hours in service of acquiring a total of 10,000 hours in service.

ADDRESS: Fairchild Service Bulletins may be acquired from the manufacturer at Fairchild Industries, Inc., Fairchild Republic Company, Hagerstown, Maryland 21740.

FOR FURTHER INFORMATION CONTACT:

Charles Birkenholz, Airframe Section, Engineering and Manufacturing Branch, AEA-212, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212-995-2875.

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SUPPLEMENTARY INFORMATION: There have been cracks reported in the subject tube assembly and bracket in the F–27 and FH–227 airplanes and AD 66–07–04 was issued requiring an appropriate inspection. It in turn was replaced by AD 66–30–04 in turn amended in 1969 to include the lower engine mount tube assemblies and again in 1969 to include replacement parts. This amendment will include additional parts manufactured since the last amendment. Since this deficiency can exist or develop in airplanes of similar type design utilizing such newly manufactured parts, an Airworthiness Directive is being issued to include such parts in the Airworthiness Directive.

Since the foregoing affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

It has been determined that the expected impact of the proposed regulation is so minimal that the proposal does not warrant an evaluation.

Accordingly, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, effective April 13, 1977, by amending AD 66–30–04 as follows:

AMENDMENT OF AD 66–30–04

1. Delete the word "Time" wherever it appears.

2. Change paragraph (b) so as to insert the figures ",–12,–13,–14,–31 or –32" after the figures "P/N 01–110105–3,–4,–11."

3. Change parenthetical paragraph to read: Fairchild Service Bullentins F27–54–14 and FH227–54–4, Revision 3 dated January 7, 1977, cover this subject.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended 49 U.S.C. 313(a), 1421, and 1423; Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A–107.

Issued in Jamaica, New York, on March 30, 1977.

L. J. CARDINALI,
Acting Director,
Eastern Region.

[FR Doc.77–10623 Filed 4–8–77;8:45 am]

[Docket No. 74–NE–22; Amdt. 39–2872].

PART 39—AIRWORTHINESS DIRECTIVES

Pratt & Whitney Aircraft; Model JT8D –9 and –9A Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This airworthiness directive (AD) action eliminates certain turbine stator and rotor inspection requirements applicable to certain Pratt and Whitney Model JT8D engines, that are contained in an earlier AD. This action is based on engine endurance testing, analysis, and service experience that indicate the requirements being eliminated are not necessary.

EFFECTIVE DATE: April 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert Berman, Propulsion Section, ANE–214, Engineering and Manufacturing Branch, Flight Standards Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone 617–273–7347.

SUPPLEMENTARY INFORMATION: AD 74–10–12, Amendment 39–1835 (39 FR 16388), became effective on May 21, 1974. Amendment 39–2088 (40 FR 6202), effective February 20, 1975, amended the AD by adding and deleting certain serial numbered engines. The AD was issued to prevent interference between turbine stators and rotors on certain serial numbered JT8D engiiness because of possible inadvertent installation of stator vanes of the wrong material. Prolonged operation of these stator vanes could result in excessive rearward creep deformation and consequent contact with the rotor disk. The AD presently requires measurement of the axial gap between JT8D–9 and –9A engine second and third stage turbine stators, which experience the most deformation, and their respective turbine rotors to assure adequate operating clearances. If the clearance is less than a specified limit, the stators not approved for the engine must be replaced within 25 hours operating time. For clearances greater than the limit, further operation up to 6000 hours is allowed before replacement. For JT8D–7 and –7A engines, which experience less severe creep conditions, axial clearance measurements are not required. Replacement of second stage stator vanes not approved for these engines is required prior to the accumulation of 6,000 hours time in service after February 20, 1975.

After publication of the AD, engine endurance testing, analysis, and service experience showed that creep deformation of all second and third stage stator vanes is not as severe as originally calculated and therefore any vane, regardless of material, is suitable for use. For the fourth stage, any vane material is suitable for the JT8D–7 and –7A model engines; however, PWA 655 material must be used for the JT8D–9 and –9A models because of more severe operating conditions. Therefore, the AD is being superseded by a new AD that only requires inspection and replacement of fourth stage turbine stator vanes not approved for the listed serial numbered JT8D–9 and –9A engines prior to the accumulation of 6,000 hours time in service after the effective date of Amendment 39–2088 to AD 74–10–12.

Since this amendment relieves a restriction, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PRATT & WHITNEY AIRCRAFT. Applies to Pratt & Whitney Aircraft JT8D–9 and –9A turbofan engine models with the following serial numbers:

665158, 665161, 665165, 665169, 665179, 665180, 665181, 665194, 665197, 665201, 665202, 665207, 665208, 665213, 665215, 665216, 665218, 665220, 665221, 665231, 665244, 665246, 665252, 665254, 665258, 665279, 665282, 665283, 665285, 665288, 665303, 665304, 665311, 665312, 665315, 665317, 665318, 665321, 665323, 665328, 665329, 665331, 665335, 665336, 665338, 665340, 665345, 665358, 665364, 665370, 665375, 665376, 665377, 665380, 665381, 665384, 665386, 665388, 665389, 665392, 665393, 665402, 665406, 665408, 665410, 665416, 665417, 665418, 665421, 665429, 665434, 665436, 665437, 665438, 665440, 665441, 665442, 665443, 665448, 665455, 665459, 665463, 665467, 665468, 665481, 665489, 665519, 665520, 665521, 665528, 665529, 665531, 665532, 665533, 665536, 665538, 665547, 665548, 665549, 665551, 665552, 665560, 665562, 665563, 665630, 665631, 665636, 665637, 665659, 665661, 665662, 665663, 665664, 665665, 665666, 665667, 665668, 665681, 665682, 665683, 666789, 666803, 666807, 666810, 666838, 666882, 666884, 666892, 666901, 666913, 674162, 674344, 674399, 674401, 674250, 674262, 674266, 674314, 674325, 674333, 674335, 674354, 675355, 674359, 674361, 674374, 674376, 674379, 674380, 674384, 674391, 674400, 674404, 674422, 674482, 674487, 674489.

Compliance required as indicated prior to to the accumulation of 6,000 hours time in service after February 20, 1975, unless already accomplished.

To preclude interference between the fourth stage turbine stator and rotor as a result of possible intermixing of different material stators, inspect for and replace all fourth stage stator vanes not FAA approved for that engine model.

This supersedes Amendment 39–1835, AD 74–10–12, as amended by Amendment 39–2088.

(Sections 313(a), 601, and 603, of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A–107.

Issued in Burlington, Massachusetts on April 1, 1977.

QUENTIN S. TAYLOR,
Director, New England Region.

[FR Doc.77–10622 Filed 4–8–77;8:45 am]

[Airspace Docket No. 77–CE–13]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone—Sedalia, Missouri

AGENCY: Federal Aviation Administration (DOT).

ACTION: Final Rule.

SUMMARY: This amendment alters the designation of the Sedalia, Missouri, control zone from a continuous to a part-time control zone. This action is in response to a request from the United States Air Force so that the control zone designation will coincide with the hours of operation of Whiteman Air Force Base, Missouri, on which the Sedalia, Missouri, control zone is centered. Since the Air Force Base is the prime user of the control zone, this action will make available airspace for use by other segments of aviation without undue restriction.

EFFECTIVE DATE: April 18, 1977.

FOR FURTHER INFORMATION CONTACT:

Alden C. Schneider, Airspace Specialist; Operations Procedures and Airspace Branch, Air Traffic Division, ACE–537, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106. Telephone 816–374–3408.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to alter the designation of the Sedalia, Missouri, control zone from a continuous to a part-time control zone. Whiteman Air Force Base personnel currently take the official weather observations required for the Sedalia, Missouri, control zone. The reduced hours of operation at the Air Force Base result in the unavailability of required weather observations. A control zone is not authorized unless appropriate weather information concerning that control zone is reported by a certificated observer. Therefore, this action is necessary in order to have the control zone effective only during the hours of operation of the Air Force Base.

Since there is no present alternative to this action and in order to permit the Air Force to reduce weather reporting service at Sedalia at the earliest possible date, notice and public procedure under 5 U.S.C. 553(b) is impracticable and contrary to the public interest and good cause exists for making this amendment effective in less than thirty (30) days after its publication.

Accordingly, Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 355), is amended, effective 0901 G.m.t., April 18, 1977, by altering the Sedalia, Missouri, control zone to read as follows:

SEDALIA, MISSOURI

Within a 5-mile radius of Whiteman AFB, Sedalia, Missouri, (latitude 38°43'50" N., longitude 93°33'00" W.); within 2 miles each side of the Whiteman VOR 010° radial, extending from the 5-mile radius zone to 2 miles N of the VOR, and within 2 miles each side of the Whiteman TACAN 185° radial, extending from the 5-mile radius zone to 7 miles S of the TACAN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A–107.

Issued in Kansas City, Missouri, on March 30, 1977.

C. R. MELUGIN, JR.,
Director, Central Region.

[FR Doc.77–10411 Filed 4–8–77;8:45 am]

Title 30—Mineral Resources

CHAPTER I—MINING ENFORCEMENT AND SAFETY ADMINISTRATION, DEPARTMENT OF THE INTERIOR

SUBCHAPTER O—COAL MINE HEALTH AND SAFETY

PART 75—MANDATORY SAFETY STANDARDS—UNDERGROUND COAL MINES

Illumination in Underground Coal Mines

Correction

In FR Doc. 76–28382 appearing at page 43531 in the issue for Friday, October 1, 1976 on page 43534, column 3, in § 75.1719–1(a), in the fourth line, "§§ 75.1179–1" should have read "§§ 75.1719–1".

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

SUBCHAPTER D—ORGANIZATION AND ADMINISTRATION

Organizational Changes

AGENCY: Postal Service.

ACTION: Final Rule.

SUMMARY: This document amends Postal Service regulations to reflect creation of the new position of Executive Assistant to the Postmaster General, discontinuance of the office of Executive Assistant for Postal Affairs, and addition of new members to the Executive Committee.

EFFECTIVE DATE: April 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Edward E. Horgan, 202–245–5372.

Accordingly, 39 CFR is amended as follows:

PART 221—GENERAL PRINCIPLES OF ORGANIZATION

§ 221.5 [Amended]

1. Paragraph (c) of § 221.5 is amended by deleting the words "Executive Assistant for Postal Affairs" in the third sentence and inserting the words "Executive Assistant to the Postmaster General" in lieu thereof.

2. Paragraph (d) of § 221.5 is revised to read as follows:

• • • • •

(d) The Executive Committee is the established organization through which the Postmaster General and his top staff collectively consider and act on major policy, planning, and other management control matters. The Postmaster General, the Deputy Postmaster General, the Senior Assistant Postmasters General for Administration, Employee and Labor Relations, Finance, Operations, and Manpower and Cost Control, the Assistant Postmaster General, Government Relations Department, the Assistant Postmaster General, Public and Employee Communications Department, and the General Counsel comprise the Executive Committee of which the Postmaster General is Chairman. The Executive Assistant to the Postmaster General is secretary to the Executive Committee.

§ 221.7 [Amended]

3. Section 221.7 is amended by deleting the words "Executive Assistant for Postal Affairs" in the first sentence and inserting the words "Executive Assistant to the Postmaster General" in lieu thereof.

PART 222—DELEGATIONS OF AUTHORITY

§ 222.1 [Amended]

4. Paragraph (e) of § 222.1 is amended by deleting the words "The Executive Assistant for Postal Affairs" in the first sentence and inserting the words "The Executive Assistant to the Postmaster General" in lieu thereof.

PART 224—GROUPS AND DEPARTMENTS

§ 224.10 [Amended]

5. Section 224.10 is amended (a) by deleting the words "The Executive Assistant for Postal Affairs" in the first sentence and inserting the words "The Executive Assistant to the Postmaster General" in lieu thereof; and (b) by revising the section heading to read as follows: "§ 224.10 Executive Assistant to the Postmaster General."

(39 U.S.C. 401(2).)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.77–10575 Filed 4–8–77;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

Appendix—Public Land Orders

[Public Land Order 5615 (A–027005)]

ALASKA

Partial Revocation of Public Land Order No. 1127

AGENCY: Bureau of Land Management (Interior).

ACTION: Finale Rule.

SUMMARY: This public land order partially revokes a previous withdrawal of

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lands located in the Chugach National Forest. The revocation is necessary to accommodate a community grant selection made by the State of Alaska.

EFFECTIVE DATE: April 5, 1977.

FOR FURTHER INFORMATION CONTACT:

Eldon Hayes; Division of Lands and Realty; Bureau of Land Management; Department of the Interior; Washington, D.C. 20240 (202–343–8731).

By virtue of the authority contained in section 204 of the Act of October 21, 1976, 90 Stat. 2743, it is ordered as follows:

1. Public Land Order No. 1127 of April 15, 1955, which further withdrew national forest lands for use by the Forest Service, Department of Agriculture, for administrative and public services sites, and highway purposes, is hereby revoked so far as it affects the following described lands:

CHUGACH NATIONAL FOREST

SEWARD MERIDIAN

T. 5 N., R. 3 W. (Unsurveyed)

In protracted sections 27, 26, 33 and 34. A strip of land 25 chains or 1,650 feet in width paralleling the southwest shore of Kenai Lake from the west end of the bridge near the outlet of Kenai Lake, approximate latitude 60°29'30" N., longitude 149°48'30" W., southeasterly approximately 155 chains or 10,230 feet to the intersection with the south boundary of the national forest community grant selection, AA–2610.

Containing approximately 300 acres.

2. This order shall not otherwise affect the remaining lands withdrawn for Chugach National Forest made by Presidential Proclamation No. 852 of February 23, 1909.

3. The purpose of this order is to accommodate a community grant selection made by the State of Alaska which was approved by the Department of Agriculture pursuant to section 6(a) of the Alaska Statehood Act (72 Stat. 339).

CECIL D. ANDRUS,
Secretary of the Interior.

APRIL 5, 1977.

[FR Doc.77–10516 Filed 4–8–77;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 77–NW–9–AD]

AIRWORTHINESS DIRECTIVE

Boeing Model 727 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), (DOT).

ACTION: Proposed rule.

SUMMARY: This notice proposes to add a new airworthiness directive (AD) to require inspections of a specific area of the Boeing Model 727 airplane floor structure. The AD is needed because cracks have been found that could cause in-flight depressurization.

DATES: Comments must be received on or before June 1, 1977. Proposed compliance times—Initial compliance within the next 750 pressurization cycles, unless accomplished within the last 250 pressurization cycles if inspected by the low frequency eddy current method or 1250 pressurization cycles if inspected by the conventional eddy current method or dye-penetrant method. Repetitive inspections every 1000 pressurization cycles for low frequency eddy current inspection or 2000 pressurization cycles for either eddy current or dye penetrant inspections.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Northwest Region, Office of Regional Counsel. Attention: Airworthiness Rules Docket, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION, CONTACT:

Gerald R. Mack, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108. Telephone 206–767–2516.

SUPPLEMENTARY INFORMATION: Cracks have been found in the lower forward flange of the B.S. 910 floor beam. One airplane experienced a crack on the right-hand side of the beam and subsequently experienced a crack on the left-hand side resulting in an in-flight depressurization. Recently, numerous cracks have been detected on another airplane. Metallurgical examination revealed that the cracks are caused by fatigue and stress corrosion. Since this condition is likely to exist or develop in other 727 series airplanes, the proposed airworthiness directive would require inspections of the floor beam of airplanes which have accumulated 20,000 or more pressurization cycles.

Accordingly, the Federal Aviation Administration proposes to amend Part 39 of the Federal Aviation Regulations by adding the following new Airworthiness Directive:

BOEING: Applies to all Model 727 series airplanes certificated in all categories, listed in Boeing Service Bulletin No. 727–53–134, Revision 3, or later FAA approved revisions, which have accumulated 20,000 or more pressurization cycles. Compliance required as indicated.

A. Inspect the lower flanges of the B.S. 910 floor beam for cracks per paragraph B below, within the next 750 pressurization cycles from the effective date of this AD, unless accomplished within the last: (1) 250 pressurization cycles if inspected per paragraph B.1 or (2) 1250 pressurization cycles if inspected per paragraph B.2. Repeat the inspection per paragraph B.1 at intervals not to exceed 1000 pressurization cycles or per paragraph B.2 at intervals not to exceed 2000 pressurization cycles. Beams found cracked are to be repaired per paragraph C.

B. Inspect the B.S. 910 floor beam in accordance with one of the following: (1) Low frequency eddy current inspection procedures of Figure 3 of Boeing Service Bulletin No. 727–53–134, Revision 3 or later FAA approved revisions. (2) Eddy current or dye penetrant inspection procedures of Figure 2 of Boeing Service Bulletin No. 727–53–134, Revision 3, or later FAA approved revisions. (3) A manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

C. If cracks are detected in the beam, repair in accordance with Boeing Service Bulletin No. 727–53–134, Revision 3, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, prior to further flight except that the airplane may be flown unpressurized in accordance with FAR 21.197 to a base where the repair can be accomplished.

D. B.S. 910 floor beams which were not inspected for cracks per paragraph B prior to installation of the straps or repair doubler in accordance with Boeing Alert Service Bulletin No. 727–53–124, or FAA approved equivalent, must be inspected in accordance with paragarphs B.2 or B.3 of this AD within 3000 pressurization cycles from the effective date of this AD, unless already accomplished. Beams found cracked are to be repaired in accordance with paragraph C.

E. Terminating action of this AD consists of installation of the preventive modification straps or repair doubler in accordance with Boeing Alert Service Bulletin No. 727–53–124, Revision 1, or equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

F. For the purpose of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of pressurization cycles may be considered to be identical to the number of landings.

G. Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

(Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).)

NOTE.—An evaluation of the anticipated impacts has been made and it is expected that the proposal is neither costly nor controversial. The preparation of an Economic Impact tSatement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A–107 is not required.

Issued in Seattle, Washington, April 1, 1977.

C. B. WALK, JR.,
Director, Northwest Region.

[FR Doc.77–10410 Filed 4–8–77;8:45 am]

[Airspace Docket No. 77–CE–7]

[14 CFR Part 71]

TRANSITION AREA AT FULTON, MISSOURI

Proposed Designation

AGENCY: Federal Aviation Administration (DOT).

ACTION: Proposed Rule.

SUMMARY: This Notice proposes to designate a transition area at Fulton, Missouri, to provide protection for aircraft executing a new instrument approach procedure to the Fulton Municipal Airport.

DATES: Comments must be received on or before May 11, 1977.

ADDRESSES: Send comments on the proposal to: FAA, Office of the Regional Counsel, ACE–7, Attention: Rules Docket Clerk, Docket No. 77–CE–7, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT:

Alden C. Schneider, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE–537, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106; telephone 816–374–3408.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in duplicate to the Regional Counsel, Central Region, Rules Docket, Docket No. 77–CE–7, Federal Aviation

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Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before May 11, 1977 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

AVAILABILITY OF FORM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The Federal Aviation Administration is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a transition area at Fulton, Missouri. Since a new instrument approach procedure to the Fulton Municipal Airport has been established based on the Hallsville, Missouri, VORTAC, the Federal Aviation Administration believes that additional controlled airspace in the form of a transition area is necessary to provide protection for aircraft executing this new approach procedure. Accordingly, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR 71.181), by adding the following new transition area:

§ 71.181 [Amended]

FULTON, MISSOURI

That airspace extending upward from 700' above the surface within a 5 mile radius of the Fulton Municipal Airport (latitude 38°50'22" N., longitude 92°00'17" W.), and within 2 miles each side of the Hallsville, Missouri, VORTAC 154° radial; extending from the 5 miles radius area to 6 miles northwest of the Fulton Municipal Airport, excluding the portion which overlies the Columbia, Missouri, 700' floor transition area.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348; Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Kansas City, Missouri, on March 28, 1977.

C. R. MELUGIN, JR.,
Director, Central Region.

[FR Doc.77-10408 Filed 4-8-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Geological Survey

[30 CFR Part 211]

COAL MINING OPERATING REGULATIONS

Adoption of Requirements of Montana's Reclamation Laws and Requirements, Hearing Scheduled, Comment Period Reopened

AGENCY: Geological Survey, Interior.

ACTION: Proposed Rule, Notice of Hearing and Reopening of Comment Period.

SUMMARY: This document reschedules a hearing and reopens the comment period on a proposed rule to adopt certain of Montana's reclamation laws and regulations as Federal regulations. The hearing is being rescheduled to replace two previously scheduled hearings that were canceled. The comment period is being reopened as previously stated.

DATES: Hearing: May 4, 1977. Comments must be received on or before May 9, 1977.

ADDRESSES: Hearing Address: Petro West Room, Student Union Building, Eastern Montana College, Billings, Montana. Comment Address: Director, Geological Survey, National Center, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT:

Gordon W. Flynt, Chief, Public Affairs, Bureau of Land Management, Billings, Montana 59107. Tel. No. 406-245-6711.

SUPPLEMENTARY INFORMATION: This notice reschedules a hearing and reopens the comment period on a proposed rule that was published on Septemer 14, 1976, 41 FR 39036. The rule proposed to adopt certain of Montana's reclamation laws and regulations as federal regulations as authorized by 30 CFR § 211.75(a). Two hearings were previously scheduled on this proposed rule, but were canceled. As previously announced, the meeting will be open to the public and will be conducted by an Administrative Law Judge. Depending upon the number of persons desiring to be heard, the Administrative Law Judge may limit the amount of time for each statement. Accordingly, those wishing to make an oral statement should plan to limit their remarks to 10 minutes. Additionally, each speaker's remarks should be reduced to writing and at least 2 copies filed with the Administrative Law Judge at the hearing. Individuals desiring to present extended remarks or written comments only for the record may do so through the filing of 2 copies at the hearing. Any person who wishes to testify should notify the Chief, Office of Public Affairs, Bureau of Land Management, Billings, Montana 59107.

The Department of the Interior supports strongly and enthusiastically the early passage of national surface mining legislation. As part of that legislation, the Department also supports the concept that, subject to certain conditions to protect the national interest, a state with an effective reclamation program should be allowed to administer and enforce its reclamation program on lands subject to federal coal leases. The Department's desire for rapid passage of national surface mining standards does not diminish, however, the need for effective reclamation on federal coal leases prior to the passage of that vital piece of legislation. Until legislation has passed, the Department will attempt to meet this goal by vigorously enforcing its existing regulations. The Department's regulations, among other things, have an effective mechanism to encourage cooperation between the Department of the Interior and the respective state governments to ensure effective reclamation while minimizing duplication and overlap. Under 30 CFR 211.75(a), the Department may adopt as federal law the requirements of a state's reclamation law if that state's laws provide environmental protection at least as stringent as do those of the Department of the Interior and if the state's regulations do not prevent mining that is required by the national interest. The Department has already adopted the requirements of Wyoming's reclamation law under this provision and has proposed to do so for Montana's reclamation standards. Adoption of a state's requirements on federal regulations under § 211.75(a) eliminates duplication by having the state and federal governments enforce the same substantive performance standards. In addition, under 30 CFR 211.75(b), the Department may enter into a cooperative agreement with the state to regulate reclamation. The goal of a cooperative agreements is to have only one entity, wherever possible, perform regulatory functions involving coal surface mining reclamation. It is wasteful, for example, for both the Department of the Interior and a state government to separately inspect coal mining operations for compliance with the applicable standards. These agreements give the respective governments the opportunity to designate who will perform these responsibilities. It is the policy of the Department's regulations to permit a state to perform these functions whenever possible. The Department has now completed cooperative agreements with Wyoming, North Dakota, Utah and New Mexico and remains interested in seeking cooperative agreements with other states which regulate federal lands.

The current rulemaking proposal, adoption of Montana's reclamation standards as federal regulations, should be viewed as part of the Department's overall effort to seek federal-state cooperation in the area of surface coal mining reclamation. The Department, in addition to holding the hearing, is also reopening the comment period for this rulemaking proposal. Comments on the proposed adoption of Montana's regulations will be accepted until May 9, 1977, and should be sent to the Director, United States Geological Survey, The National Center, Reston, Virginia 22092.

CECIL D. ANDRUS,
Secretary of the Interior.

APRIL 4, 1977.

[FR Doc.77-10665 Filed 4-7-77;3:15 pm]

DEPARTMENT OF DEFENSE

Department of the Army

[32 CFR Part 505]

[Army Reg. 340-21]

PERSONAL PRIVACY AND RIGHTS OF INDIVIDUALS REGARDING THEIR PERSONAL RECORDS

Proposed Amendment of Rules

AGENCY: Department of the Army, DOD.

ACTION: Proposed Rule.

SUMMARY: This proposed rule would add an exemption to the Department of Army Privacy Act rules for that portion of the records compiled by the United States Military Academy that pertain to testing or examination material used to rate individuals' qualifications. This exemption is needed because disclosure of the information would compromise the objectivity or fairness of the testing or examination processing.

DATES: Comments must be received on or before May 11, 1977.

ADDRESS: Send comments to The Adjutant General, Department of the Army, ATTN: DAAG-AMR-R, Forrestal Building, 1000 Independence Avenue, S.W., Washington, DC 20314.

FOR FURTHER INFORMATION CONTACT:

Mr. Cyrus Fraker, 202-693-0973.

SUPPLEMENTARY INFORMATION: In FR Doc. 75-32158 published in the FEDERAL REGISTER of November 28, 1975, the Department of the Army published a notice of adopted rulemaking. Notice is hereby given that the Secretary of the Army proposes to amend 32 CFR Part 505 by amending the exemption rule for system of records identified as A0709.01aDAPE, entitled: United States Military Academy Candidate Files. In addition to exemptions claimed under subsections (k)(5) and (7), exemption under subsection (k)(6) is proposed. Exemption is needed for the portion of records compiled within the United States Military Academy which pertains to testing or examination material used to rate individual qualifications, the disclosure of which would compromise the objectivity or fairness of the testing or examination process. Included within the material to be covered by this additional exemption is a limited section of the Candidate Summary Sheet which might disclose the compensating evidence score, the leadership/college equivalency score, the college equivalency estimated rank score, the faculty appraisal score, the extracurricular score, the athletic score, the leadership potential score, the physical aptitude examination score, the whole candidate score, the qualified alternate score, and evaluative remarks.

This amendment is proposed under the authority of the Privacy Act of 1974, Pub. L. 93-579, 5 U.S.C. 552a.

Dated: April 4, 1977.

ROME D. SMYTH,
Lieutenant Colonel, GS, Director, Administrative Management.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Office of the Assistant Secretary of Defense (Comptroller).

Part 505—Personal Privacy and Rights of Individuals Regarding Their Personal Records is amended under the Exempted Record Systems as follows:

The following exemption rule is amended:

ID-A0709.01aDAPE.

SYSNAME: United States Military Academy Candidate Files (40 FR 55671).

Exemption: So much of the exemption as reads: "• • • (k)(5) and (k)(7)" is amended to read: "(k)(5), (6), or (7)".

Authority: Insert "(6)" between "(k)(5) and (7)".

Reasons: Delete entry and substitute the following:

From subsection (d) because access might reveal investigatory and testing techniques. The exemption from access necessarily includes exemption from amendment, certain agency requirements relating to access and amendment of records, and civil liability predicated upon agency compliance with those specific provisions of the Privacy Act.

Exemption is necessary to protect the identity of individuals who furnished information to the United States Military Academy which is used in determining suitability, eligibility, or qualifications for military service and which was provided under an express promise of confidentiality.

Exemption is needed for the portion of records compiled within the Academy which pertains to testing or examination material used to rate individual qualifications, the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

Exemption is required for evaluation material used by the Academy in determining potential for promotion in the armed services, to protect the identity of a source who furnished information to the Academy under an express promise of confidentiality.

The complete revised exemption rule, as amended, now reads as follows:

EXEMPTED RECORD SYSTEM

(SPECIFIC EXEMPTIONS)

ID-A0709.01aDAPE.

SYSNAME: United States Military Academy Candidate Files.

EXEMPTION: All portions of this system which fall within 5 U.S.C. 552a(k) (5), (6), or (7) are exempt from the following provisions of Title 5 U.S.C. section 552a: (d).

AUTHORITY: 5 U.S.C. 552a(k) (5), (6), and (7).

REASONS: From subsection (d) because access might reveal investigatory and testing techniques. The exemption from access necessarily includes exemption from amendment, certain agency requirements relating to access and amendment of records, and civil liability predicated upon agency compliance with those specific provisions of the Privacy Act.

Exemption is necessary to protect the identity of individuals who furnished information to the United States Military Academy which is used in determining suitability, eligibility, or qualifications for military service and which was provided under an express promise of confidentiality.

Exemption is needed for the portion of records compiled within the Academy which pertain to testing or examination material used to rate individual qualifications, the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

Exemption is required for evaluation material used by the Academy in determining potential for promotion in the armed services, to protect the identity of a source who furnished information to the Academy under an express promise of confidentiality.

[FR Doc.77-10574 Filed 4-8-77;8:45 am]

Corps of Engineers, Department of the Army

[33 CFR Part 209]

ADMINISTRATIVE PROCEDURES

Policy on Release of Commercial Statistics

AGENCY: Corps of Engineers, DOD.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend Corps of Engineers policy on the release of waterborne commercial statistics. This amendment will accomplish the release of waterborne commerce movements to any interested agency, organization, individual, or entity. Such releases will be limited to identification of docks, the commodities and tonnages moved between docks, and the number of vessel trips between docks. The releases will not disclose shippers or owners of vessels by name.

DATES: Comments by June 1, 1977.

ADDRESS: Comments, suggestions or objections concerning this proposal should be submitted to: HQDA (DAEN-CWO-M) WASH DC 20314.

FOR FURTHER INFORMATION CONTACT:

H. W. Campbell, Operations Branch, Office, Chief of Engineers, Washington, DC 20314. (202-693-6992).

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Department of the Army (acting through the Chief of Engineers) is considering the above cited amendment. The collection of Waterborne Commerce Statistics pertaining to rivers, harbors, and waterways and the compilation and publication of such data by the Corps of Engineers are required by law. This policy is being issued to provide guidance to Corps Districts and Divisions to carry out the program.

NOTE.—The Corps of Engineers has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

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(R&H Act, 23 June 1866 (14 Stat. 70); Act 21 February 1891 (26 Stat. 766); R&H Act, 13 June 1902 (32 Stat. 376); R&H Act, 25 July 1912 (37 Stat. 201); R&H Act, 22 September 1922 (42 Stat. 1043); and Public Law No. 16, 10 February 1932 (47 Stat. 42).)

209.320 Policy on Release of Commercial Statistics.

It is proposed to amend 33 CFR Chapter II by revising § 209.320 to read as follows:

§ 209.320 Policy on release of commercial statistics.

(a) It is the policy of the Corps of Engineers to hold in confidence any raw data, or copies thereof, furnished by vessel operators or shippers for compilation of shipping statistics by the Waterborne Commerce Statistics Center. Raw data, as used herein, is defined as data contained in supporting documents maintained in the vessel operator's or shipper's office and reported to the Corps of Engineers on ENG Form 3925 series or approved alternate forms.

(b) Release of raw data outside of the Corps of Engineers will only be made to another Federal agency, and then only when the Federal agency has legislative authority to collect the information itself, and such authority is supported by legal provisions for criminal penalties against persons failing to supply such information. Furthermore, release of raw data will only be made to Federal agencies which are bound by statute to hold the information in confidence and which furnish assurances that the information will not be disclosed outside the Federal agency or court of law.

(c) Summary data pertaining to waterborne commerce movements may be released to any interested agency, organization, individual or entity. Such releases will be limited to the identification of docks (or more aggregated designations of origin or destination), the commodities and tonnages moved between docks, and the number of vessel trips between docks. The releases will not disclose shippers or owners of vessels by name. Vessels as used herein are defined as motor vessels or barges of any type.

(d) Subject to the foregoing restrictions, the Waterborne Commerce Statistics Center and Division and District Engineers may furnish data on waterborne commerce and traffic of the United States not otherwise available in published reports or in statements issued periodically for the information of the public. The applicants for such special compilations will be required to reimburse the affected offices for additional costs incurred in providing this data. Charges will be made in accordance with AR 37-30.

Dated: April 6, 1977.

For the Chief of Engineers.

RUSSELL J. LAMP,
Colonel, Corps of Engineers, Executive.

[FR Doc.77-10542 Filed 4-8-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Parts 100a and 194]

PUBLIC SERVICE INSTITUTIONAL GRANTS

Criteria for Institutions of Higher Education

Under the authority contained in Title IX, Part A of the Higher Education Act of 1965, as amended (20 U.S.C. 1134 et seq.), the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to issue the rules and regulations set forth below for the Public Service Institutional Grant Program.

Section 901(a)(2) of Part A of Title IX authorizes a program of financial assistance to institutions of higher education to establish, strengthen, and improve programs design to prepare graduate and professional students for public service. The Commissioner of Education proposes to make institutional grants to institutions of higher education on the basis of criteria set forth in § 194.8. The proposed rules also contain provisions regarding institutional eligibility, award procedure, grant limitations, and authorized activities.

SUMMARY OF COMMENTS PREVIOUSLY RECEIVED

The Commissioner of Education published a Notice of Intent to Issue Regulations in the FEDERAL REGISTER of December 22, 1976 (41 FR 55749). Comments were invited to the three questions concerning the implementation of the amendments to Title IX, Part A which were contained in the Education Amendments of 1976 (Pub. L. 94-482). Three responses to this invitation were received. The following is a summary of the comments which were pertinent to Public Service provisions of Part A and the Office of Education's response:

Comment: In response to the question about the manner by which the Commissioner shall assure that the State Commission (established or designated under section 1202 of The Higher Education Act) shall have an opportunity to comment on an application submitted by an institution in its State, commenters recommended that the institution be required to send a copy of the application to the State Commission before or at the time the application is sent to the Office of Education.

Response: We concur. The proposed regulation provides assurance that the State Commission will be given the opportunity to offer recommendations on the application to the institution and the Commissioner.

Comment: One commenter suggested that State Commissions be required to publish the criteria by which they plan to judge applications.

Response: The Commissioner does not have the authority to require the State Commissions to publish the criteria on which they base their recommendations.

Comment: One commenter stated that the requirement that the Commissioner consider applications in light of State, regional or national priorities should be implemented by placing the burden of demonstrating consistency with these priorities on the applicant.

Response: We agree that the applicant should demonstrate this consistency in the application. We note that the funding criteria list several important national considerations (see proposed § 194.8). We expect that the State Commission's comments (if any) will pertain to the relationship of the application to State priorities.

INSTRUCTIONS CONCERNING COMMENTS

Interested persons are invited to submit written comments, suggestions, or objections regarding these regulations to Dr. Louis J. Venuto, Division of Training and Facilities, Bureau of Postsecondary Education, Room 3060, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. 20202. Telephone 202-245-8082. Comments received in response to this notice will be available for public inspection at the above office on Mondays through Fridays between 8:30 a.m. and 4:30 p.m. All relevant materials must be received not later than May 11, 1977.

The Office of Education has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Catalog of Federal Domestic Assistance Number 13.555; Public Service Institutional Grants.)

Dated: March 9, 1977.

WILLIAM F. PIERCE,
Acting U.S. Commissioner of Education.

Approved: March 31, 1977.

JOSEPH A. CALIFANO, JR.,
Secretary of Health, Education, and Welfare.

Title 45 of the Code of Federal Regulations is amended as follows:

1. In Part 100a § 100a.10(a) is revised by substituting a period (".") for semicolon (";") at the end of each subparagraph, by deleting the word "and" where it appears at the end of subparagraphs (31) and (36), and by adding a new subparagraph (37). As amended, § 100a.10 reads as follows:

§ 100a.10 Scope.

(a) Programs. Unless inconsistent with a statute or regulation, the regulations in this part apply to the following programs:

• • • • • •

(37) Public service education grants under Title IX-A of the Higher Education Act of 1965, as amended (20 U.S.C. 1134 et seq.).

• • • • • •

2. A new Part 194 is added, to read as follows:

PART 197—PUBLIC SERVICE INSTITUTIONAL GRANTS

Sec.

194.1 Definitions.
194.2 General provisions regulations.
194.3 Purpose.
194.4 Institutional eligibility.
194.5 Award procedure.
194.6 Authorized activities.
194.7 Grant limitations.
194.8 Criteria for evaluating applications and considerations for awarding grants to institutions of higher education.

AUTHORITY: Title IX, Part A, sections 901-904 of Pub. L. 89-329, as amended (20 U.S.C. 1134-1134c), unless otherwise noted.

§ 194.1 Definitions.

As used in this part:

"Act" means the Higher Education Act of 1965, as amended.

"Institution of higher education" is defined in section 1201 (a) of the Act (20 U.S.C. 1141(a)).

"Project" means the activity or a combination of activities for which an institutional grant is requested.

"Internship" means a supervised administrative experience which provides the student with a practical introduction to a career in public service.

"Public service education" means the preparation for leadership and management careers in all levels of government and in nonprofit community service organizations.

(20 U.S.C. 1134.)

§ 194.2 General provisions regulations.

Assistance under Title IX, Part A of the Act is subject to applicable provisions contained in subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters).

(20 U.S.C. 1134.)

§ 194.3 Purpose.

Assistance provided under this part shall be used to establish, strengthen, and improve programs designated to prepare graduate and professional students for public service.

(20 U.S.C. 1134(a)(2).)

§ 194.4 Institutional eligibility.

Institutions of higher education which have graduate or professional programs leading to a master's or more advanced degree in public service education are eligible to apply.

(20 U.S.C. 1134a(a).)

§ 194.5 Award procedure.

(a) Grants will be made on the basis of applications submitted by eligible institutions. An application shall describe a program of activities for carrying out the purposes of this part.

(b) An application shall provide assurances that the institution has notified the appropriate State Commission (established or designated under section 1202 of the Higher Education Act of 1965, as amended) and that the State Commission has been given the opportunity to offer recommendations on the application to the institution and to the Commissioner.

(c) Applications will be evaluated on the basis of the criteria set forth in § 194.8.

(20 U.S.C. 1134a.)

§ 194.6 Authorized activities.

Funds are to be used solely for the purposes stated in § 194.3. In meeting these purposes the funds may be used for the following activities:

(a) Faculty improvement;

(b) The expansion of graduate and professional programs of study;

(c) The acquisition of appropriate instructional equipment and materials;

(d) Cooperative arrangements among graduate and professional schools;

(e) The strengthening of graduate and professional school administration;

(f) The development of proposed graduate professional programs; and

(g) Needed innovation in graduate and professional programs.

(20 U.S.C. 1134(b).)

§ 194.7 Grant limitations.

Funds provided under this part shall not be used for:

(a) Payment in excess of 66⅔ percent of the total cost of the project or activity described in the institution's application;

(b) Payment in excess of 50 percent of the cost of the purchase or rental of books, audiovisual aids, scientific apparatus, or other materials or equipment, less any percent of that cost, as determined by the Commissioner, which is paid from sums received (other than under this part) as Federal financial assistance;

(c) Sectarian instruction or religious worship, or primarily in connection with any part of the program of a school or department of divinity;

(d) Construction or renovation of buildings; or

(e) Fellowship assistance for students.

(20 U.S.C. 1134b (a), (c).)

§ 194.8 Criteria for evaluating applications and considerations for awarding grants to institutions of higher education.

The Commissioner shall take into account the following considerations when evaluating applications for institutional grants. These criteria replace the general criteria for direct project grant and contract programs contained in 45 CFR 100a.26(b).

(a) The extent to which the institution requests funding of activities which received assistance under this part during the preceding fiscal year but have not been completed, provided there has been substantial progress in meeting the original goals;

(b) The extent to which funding the application will assist in attaining a wider distribution throughout the United States of high quality public service education programs;

(c) The extent to which the proposed project ranks high on the criteria set forth below, with the maximum point score for each criterion as shown:

(1) It is likely to result in establishing, strengthening or improving a program which prepares graduate and professional students for public service; (20 points)

(2) The educational and other related experiences of the personnel conducting the activity or activities qualify them to plan or participate in the project, and the director is given clear responsibility, ample time, and sufficient authority; (15 points)

(3) It is related to, or is part of, an academic program which prepares persons for leadership and management positions in local and State governments and for positions in program administration involving intergovernmental relations; (10 points)

(4) It is especially imaginative and innovative; (10 points)

(5) The budget is realistic in relation to its successful implementation; (10 points)

(6) It is consistent with State and regional priorities; (10 points)

(7) Procedures are planned to measure its effectiveness; (5 points) and,

(8) The overall academic program of public service education is strong enough to assure the success of the proposed project when measured by such criteria as the following: (20 points)

(i) There is a clear statement of program objectives;

(ii) Institutional resources such as facilities, equipment, and libraries are adequate;

(iii) The multidisciplinary background, education, and research ability of the faculty are of high quality;

(iv) The program offers opportunities for relevant, supervised practicum and internship experiences;

(v) The program has arrangements with government agencies or jurisdictions or other nonprofit agencies for such activities as program development, personnel exchange, and field work;

(vi) The program involves other graduate units of the institution in supportive or cooperative efforts of practical benefit to public service education; and

(vii) Graduates of the program have achieved leadership and management positions in public service careers.

(20 U.S.C. 1134a; 1134b (a).)

[FR Doc.77-10103 Filed 4-8-77;8:45 am]

[45 CFR Part 195]

PUBLIC SERVICE FELLOWSHIPS

Allocation to Institutions of Higher Education

Pursuant to the authority contained in Title IX, Part C of the Higher Education Act of 1965, as amended (20 U.S.C. 1134i et seq.), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to issue the rules and regulations set forth below for the Public Service Fellowship Program.

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Section 941 of Part C of Title IX authorizes a fellowship program to support graduate or professional study for persons who plan to pursue a career in public service. The Commissioner proposes to allocate fellowships to institutions of higher education. These institutions in turn will recommend eligible students to the Commissioner for selection. The proposed rules provide for the award of both new and continuation fellowships.

The criteria which the Commissioner proposes to use to allocate fellowships among institutions of higher education are set forth in § 195.10. The proposed rules also set forth the proposed amounts of the stipend, the dependency allowance, and the institutional allowance.

Interested persons are invited to submit written comments, suggestions, or objections regarding these regulations to Dr. Louis J. Venuto, Division of Training and Facilities, Bureau of Postsecondary Education, Room 3060, Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C. 20202 (Telephone 202–245–8082). Comments received in response to this notice will be available for public inspection at the above office on Mondays through Fridays between 8:30 a.m. and 4:30 p.m. All relevant materials must be received not later than May 11, 1977.

The Office of Education has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

(Catalog of Federal Domestic Assistance Number 13.555; Public Service Fellowship.)

Dated: March 10, 1977.

WILLIAM F. PIERCE,
Acting Commissioner of Education.

Approved: March 31, 1977.

JOSEPH A. CALIFANO, JR.,
Secretary of Health, Education, and Welfare.

Title 45 of the Code of Federal Regulations is amended by adding a new Part 195 to read as follows:

PART 195—PUBLIC SERVICE FELLOWSHIPS

Sec.
195.1 Definitions.
195.2 Purpose.
195.3 Award procedure.
195.4 Eligibility for fellowships.
195.5 Fellowship conditions.
195.6 Vacated fellowships.
195.7 Amount of the fellowship.
195.8 Institutional allowance.
195.9 Payment procedure.
195.10 Criteria for allocating fellowships to institutions of higher education.
195.11 Application requirements.
195.12 Records and reports.

AUTHORITY: Title IX, Part C, sections 941–944 of Pub. L. 89–329, as amended (20 U.S.C. 1134l–1134m), unless otherwise noted.

§ 195.1 Definitions.

As used in this part:

"Fellowship" means an award by the Commissioner to an individual.

"Fellow" means a fellowship recipient.

"Institution of Higher Education" is defined in section 1201(a) of the Act (20 U.S.C. 1141(a)).

"Internship" means a supervised administrative experience which provides the student with a practical introduction to a career in public service.

"Public service education" means the preparation for leadership and management careers in all levels of government and in nonprofit community service organizations.

(20 U.S.C. 1134l.)

§ 195.2 Purpose.

The purpose of this program is to award fellowships for graduate or professional study for persons who plan to pursue or continue in a career in public service.

(20 U.S.C. 1134l.)

§ 195.3 Award procedures.

(a) Fellowships are allocated to institutions of higher education which apply for a fellowship allocation and which offer a graduate or professional program in public service education meeting the criteria described in § 195.10. Institutions receiving such an allocation shall recommend eligible students to the Commissioner for the award of fellowships.

(b) Fellowships will be awarded to cover a period of nine to twelve months of study. Individuals who are currently receiving a fellowship under this part or who have received a fellowship in the past but have interrupted their study for a period not to exceed twelve months for the purposes of work, travel, or independent study away from the campus that is supportive of the fellows' academic program are eligible to receive additional fellowships to continue study. No individual may receive assistance under this part for more than thirty-six months except that the Commissioner may award a fellowship for an additional twelve month period to allow a student who has completed all course work and comprehensive examinations (if any) for a doctoral degree to complete his or her doctoral dissertation.

(20 U.S.C. 1134l; 1134j; 1134k.)

§ 195.4 Eligibility for fellowships.

A recipient of a fellowship under this part must: (a) Have been accepted for graduate or professional study at an institution of higher education that has received an allocation of fellowships under this part;

(b) Plan to pursue a career in the public service; and

(c) Be a national of the United States or be in the United States for other than a temporary purpose and intend to become a permanent resident thereof, or be a permanent resident of the Trust Territories of the Pacific Islands.

(20 U.S.C. 1134l; 1134j.)

§ 195.5 Fellowship conditions.

In order to remain eligible for a fellowship, a fellow must: (a) Maintain satisfactory proficiency in the approved program in which he or she is enrolled;

(b) Continue to devote full-time study or research in the field in which the fellowship was awarded; and

(c) Not engage in gainful employment during the period of the fellowship, except in an internship or other activity which is under the supervision of the institution which awarded the fellowship and is related to the approved program.

(20 U.S.C. 1134m(a), (b).)

§ 195.6 Vacated fellowships.

If a fellowship is vacated prior to the end of a period for which it was awarded, the institution to which the fellowship is allocated may recommend to the Commissioner another individual to receive the fellowship. This individual must meet all the eligibility requirements set forth in Section 195.4. The duration of a re-awarded fellowship shall be for a period of graduate or professional study not in excess of the remainder of the period for which the fellowship it replaces was awarded.

(20 U.S.C. 1134l.)

§ 195.7 Amount of the fellowship.

(a) The stipend to which a fellow is entitled will be $3,600 for an academic year of twelve months.

(b) A fellow shall also be entitled to receive $300 per twelve month academic year for each of his or her dependents.

(c) A fellow who is enrolled in the program of study for less than twelve months shall only be entitled to receive a pro rata share of these amounts. For the purposes of this section, a fellow who is enrolled in the program for the entire academic year (including summer sessions) shall be considered to be enrolled in the program for the full twelve months.

(20 U.S.C. 1134l(a).)

§ 195.8 Institutional allowance.

The institution of higher education at which the fellow is pursuing his or her course of study shall be paid $3,600 per twelve month period, except that any amount charged to and collected from the fellow by the institution for tuition and other expenses required by the institution as part of the fellow's instructional program shall be deducted from this amount. If the fellow is enrolled for less than 12 months, the institution will be paid a pro rata share of this amount.

(20 U.S.C. 1134l (b).)

§ 195.9 Payment procedure.

(a) The Commissioner will pay to the approved institution of higher education the fellowship stipend (including any dependency allowance) and the institutional allowance for each fellowship allocated to that institution. The institution is responsible for disbursing all funds due to the fellow.

(b) The timing of payments to fellows will be left to the discretion of each institution of higher education except that no fewer than two payments a year shall be made. Institutions are responsible for recovery of excess payments made to students who, for any reason, fail to complete the academic year for which they are enrolled.

(20 U.S.C. 1134l (b).)

§ 195.10 Criteria for allocating fellowships to institutions of higher education.

The Commissioner shall take into account the following considerations in evaluating applications from institutions of higher education for fellowship allocations:

(a) The extent to which an application requests fellowships for the continuation of support for individuals awarded fellowships in a previous year;

(b) The extent to which funding the application will assist in attaining a wider distribution throughout the United States of graduate centers for study in public service; and

(c) The extent to which the graduate program of public service education ranks high (calculated according to maximum point scores as shown) on the criteria set forth below:

(1) The need for and the objectives of the public service program are justified in the application (15 points).

(2) Procedures are planned to measure the effectiveness and success of the program (5 points).

(3) Evidence is provided which demonstrates past success of graduates, if any, from the program in achieving leadership and management positions in public service careers (5 points).

(4) Institutional resources such as facilities, equipment, and libraries are adequate to support the program (5 points).

(5) The multidisciplinary background, education, research interests, and experiences of the faculty qualify them to plan and implement a successful program of public service education (15 points).

(6) The director of the program has clear responsibilities and sufficient time to devote to the program (5 points).

(7) The academic requirements are sufficient to support a high quality program (10 points).

(8) The program offers opportunities for relevant, supervised practicum and internship experiences (10 points).

(9) The program establishes arrangements with government agencies or other nonprofit agencies for such activities as program development, personnel exchange, and field work (10 points).

(10) The program will involve other graduate units of the institution in supportive or cooperative efforts of practical benefit to public service education (5 points).

(11) The program is especially imaginative or innovative and gives promise of leading to significant improvement in public service education (5 points).

(12) The program is designed to prepare persons for entry into leadership and management positions in local or State government administration or in intergovernmental relations for which a master's degree is generally the educational level required (10 points).

(20 U.S.C. 1134k (1), (2); 1134j(4).)

§ 195.11 Application requirements.

Each application for a fellowship allocation by an institution of higher education must describe the institution's public service education program. The description should address each of the criteria set forth in section 195.10. In addition, the application must:

(a) Describe the relation of the graduate or professional program of public service education to any program activity, research or development set forth by the applicant in an application, if any, submitted pursuant to section 901 (a)(2) of the Act;

(b) Contain satisfactory assurance that:

(1) The institution will recommend to the Commissioner, for the award of fellowships under this part, for study in such program, only persons of superior promise who have demonstrated to the satisfaction of the institution a serious intent to enter or continue in the public service upon completing the program; and

(2) The institution will make continuing efforts to encourage recipients of fellowships under this part, enrolled in the program, to enter or continue in the public service upon completing the program.

(20 U.S.C. 1134k (3), (4).)

§ 195.12 Records and reports.

Each institution of higher education which receives an allocation of fellowships under this part, and each individual who is awarded a fellowship, shall keep records and submit reports which are required by the Commissioner. These reports shall include a certificate from an appropriate official at the institution of higher eduaction, library, archive, or other research center whose program is approved by the Commissioner, stating that the fellow is making satisfactory progress in, and is devoting essentially full time to, the program for which the fellowship was awarded.

(20 U.S.C. 1134m(b).)

[FR Doc.77-10125 Filed 4-8-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[49 CFR Part 537]

[Docket No. FE 77-03; Notice 1]

AUTOMOTIVE FUEL ECONOMY REPORTS

Proposed Requirements

AGENCY: National Highway Traffic Safety Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes a new regulation setting forth the format and content requirements for semiannual reports to be submitted to the National Highway Traffic Safety Administration (NHTSA) by manufacturers of automobiles. The manufacturers would be required to include in their reports the following information regarding their current and future model year automobiles; the fuel economy of those automobiles; the manufacturers' research, development, and testing activities relating to fuel economy; the impact of Federal safety, emissions, damage susceptibility, and noise standards on fuel economy; the impact of the fuel economy standards on automobile safety, emissions, damage susceptibility, and noise; the capital requirements for improving fuel economy; the effects of the fuel economy improvement efforts on automobile prices and life cycle operating and maintenance costs; and the competitive effects of the fuel economy standards. The Motor Vehicle Information and Cost Savings Act, as amended, requires manufacturers to submit semiannual reports on their plans for complying with the automobile fuel economy standards. Further, the information in these reports is needed by the NHTSA for establishing and modifying automobile fuel economy standards, evaluating manufacturers' plans for complying with those standards, and preparing a statutorily-required annual review of those standards.

COMMENT CLOSING DATE: May 11, 1977.

PROPOSED EFFECTIVE DATE: The date that the final rule is published in the FEDERAL REGISTER.

ADDRESS: Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Anees Adil, Office of Automotive Fuel Economy, National Highway Traffic Safety Administration, Washington, D.C. 20590, 202–755–9384. Stephen Kratzke, Office of Chief Counsel, National Highway Traffic Safety Administration, Washington, D.C. 20590, 202–426–2992.

SUPPLEMENTARY INFORMATION:

STATUTORY BACKGROUND

Part A of Title III of the Energy Policy and Conservation Act (P.L. 94–163) amended the Motor Vehicle Information and Cost Savings Act by adding a new title V entitled, "Improving automotive efficiency." That title (15 U.S.C. 2001 et seq.) requires the Secretary of Transportation to implement a program to improve the fuel economy of automobiles. The Secretary has delegated his authority under title V to the NHTSA Administrator (41 FR 25015, June 22, 1976).

The urgency of the need to improve automotive fuel efficiency has been clearly established. Domestic petroleum consumption has exceeded domestic petroleum production since the end of World War II. Domestic production peaked in 1970 and has since declined while domestic consumption was and is increas-

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ing at high rates. The gap between domestic production and consumption has now increased to the point where over 40 percent of domestic petroleum consumption is currently supplied by imported petroleum. By 1990, the Federal Energy Administration estimates that, in the absence of corrective measures, a regular annual import dependence in excess of 50 percent is likely with an attendant petroleum related negative trade balance of $60 billion.

Fuels consumed for transportation are derived virtually 100 percent from petroleum and account for 53 percent of all petroleum consumed in this country. The automobile plays a critical role in this country's transportation scheme and economy. It is, and will continue to be for the foreseeable future, the most universally accepted form of personal transportation, accounting for 90 percent of all personal travel. Thus, the potential exists for major savings through improvements in automotive fuel efficiency.

Title V divides automobiles into two categories, passenger automobiles, and automobiles other than passenger automobiles. Automobiles in the latter category have been termed "nonpassenger automobiles" in the proposed Part 523 on vehicle classification (41 FR 55368, December 20, 1976). The passenger automobile category includes vehicles such as sedans and station wagons. The nonpassenger automobile category includes vehicles such as pickup trucks, vans, campers, and general purpose vehicles with a gross vehicle weight rating (GVWR) of less than 6,000 pounds. Future rulemaking may raise the GVWR limit on nonpassenger automobiles to as high as 10,000 pounds.

Section 502(a) of title V establishes fuel economy standards for passenger automobiles of 18 miles per gallon (mpg), 19 mpg, 20 mpg, and 27.5 mpg for model years 1978, 1979, 1980, and 1985 and thereafter, respectively. The Administrator is required to establish the standards for model years 1981–84 administratively. Each of the 1981–84 standards must be set at a level which is the maximum feasible average fuel economy level and which results in steady progress toward meeting the 1985 standard. In determining maximum feasible average fuel economy, the NHTSA is required by section 502(e) of title V to consider: (1) technological feasibility, (2) economic practicability, (3) the effect of other Federal motor vehicle standards on fuel economy, and (4) the national need to conserve energy.

Manufacturers of less than 10,000 passenger automobiles worldwide annually can obtain an exemption under section 502(c) from the passenger automobile fuel economy standards if they can show that their maximum feasible average fuel economy is less than that specified in the standards. If the Administrator does exempt a low volume manufacturer, he must establish an alternative standard for that manufacturer.

Under section 502(b) of the title, fuel economy standards for nonpassenger automobiles are to be established by the Administrator for model year 1979 and thereafter. Like the standards for passenger automobiles, the nonpassenger automobile standards are to be set at the level of maximum feasible average fuel economy.

All of the standards under section 502 are average fuel economy standards. They do not set minimum requirements for individual vehicles. Instead, they set minimum requirements for the production-weighted average fuel economy of each manufacturer's fleet of passenger automobiles or nonpassenger automobiles, as the case may be. A manufacturer may produce automobiles whose fuel economy is below the applicable standard without becoming subject to a civil penalty as long as those automobiles are balanced by others of the manufacturer's automobiles whose fuel economy is above the standard. Thus, both the technology of a manufacturer's automobiles and its annual production mix are important elements of the title V fuel economy program.

All of the section 502 standards, except the passenger automobile standards for model years 1978–1980, are also subject to amendment. Section 502(f) of title V provides that the standards may be raised or lowered as long as the Administrator observes the statutory considerations mentioned above regarding maximum feasible average fuel economy.

Section 505(a) of title V requires each automobile manufacturer to submit semiannual reports to the NHTSA regarding the average fuel economy of its automobiles for the current model year. In these reports, the manufacturers are required by section 502(a) to indicate whether they will comply with the average fuel economy standards for that model year. They are also required to describe the steps they have taken and the steps they plan to take to comply with those standards and to provide such other information as the Administrator may require. If a manufacturer indicates in a semiannual report that it will comply with the standards for the current model year and then discovers later in that model year before the submission of the next semiannual report that it will not comply, the manufacturer is required by section 502(a) to submit a revised or supplementary plan showing any additional steps that it intends to take to improve its average fuel economy. Section 505(a)(3) requires the Administrator to prescribe rules establishing the form and content of these semiannual reports.

To apprise Congress of the progress of the fuel economy program and the effects of the fuel economy standards, section 502(a)(2) requires the Administrator to submit an annual review of the standards established for the current and future model years. Much of the current model year information needed for these reports can be obtained from the semiannual reports required by section 505(a). To obtain information relevant to future model year fuel economy standards, as well as for other purposes, the Administrator has been provided authority under section 505(c)(1) of title V to require manufacturers to make reports to aid him in carrying out his duties under title V. The reports that would be required by the regulation proposed in this notice rely on the authority in section 505 (a) and (c).

Necessity for Proposed Reports

The reports proposed in this notice are necessary to comply with requirements in section 505(a) for semiannual reports and for revised or supplementary reports to be submitted by the manufacturers, and in section 502(a) for the agency to submit an annual review of the standards established under section 502 for future model years. The reports are also necessary for maintaining the up-to-date data base that the agency needs to develop, establish, amend, and enforce standards on which the country will depend as a major source of petroleum conservation. The fuel economy standards will have profound affects on the automobile industry and its suppliers as well as on consumers. The information that would be obtained under this proposal is necessary to enable the agency to conduct a sensitive, responsive regulatory program that achieves its full potential for conserving energy, while minimizing any adverse effects on the consumers, automobile industry and national economy.

Ensuring that the standards are well-founded would aid also in defending them should they be challenged in court. The substantial civil penalties provided in section 508 of title V provide an incentive for such challenges. The civil penalty for violating a fuel economy standard is $5 for each tenth of a mile per gallon by which the violating manufacturer falls below the standard multiplied by the total number of automobiles subject to that standard.

The necessity for obtaining this information will be a regularly recurring one arising from several provisions of title V. The most obvious provisions are those setting forth the requirements for the semiannual manufacturer reports and for the annual agency reviews. In addition, there will be a recurring need to establish new passenger automobile standards and nonpassenger automobile standards for future model years. Finally, there will be a continuous need for information relevant to raising or lowering the future standards in view of the need both to conserve as much petroleum as possible and to avoid the consequences of overly stringent standards. Rulemaking to raise a standard for a particular future model year must be completed 18 months before that model year.

Several alternatives to including requirements for future model year information in the proposed regulation were considered to obtain the information necessary for the statutorily-required annual review of the future fuel economy standards and for establishing and revising those standards.

One alternative was sending the manufacturers a questionnaire requesting them to submit the needed information voluntarily. This alternative was rejected for several reasons. First, due to the voluntary nature of this approach, the responses would be likely to be untimely, incomplete, and differing in their format. In some cases, no response might be forthcoming. This belief is buttressed by our experience last year in trying to obtain responses to questionnaires sent to manufacturers of nonpassenger automobiles and to our advance notice of proposed rulemaking on fuel economy standards for 1981–84 passenger automobiles. With respect to timeliness, it is also supported by the Environmental Protection Agency's experience with its annual request for manufacturers to submit information regarding the emissions of their future model year vehicles and their related emissions research, development and testing activity.

Second, use of questionnaires would result in recurring delays in the information-gathering process. Since the agency desires to gather information from more than nine manufacturers, the questionnaire would have to go through a time-consuming annual review process under the Federal Reports Act. Further, since the manufacturers would not know in most instances precisely what information would have to be included in their response until they received the periodic questionnaire, they could not begin gathering and generating the requested information without risking some needlessly incurred costs. As a result, additional delay would occur. In contrast, the proposed reporting requirements need be reviewed only once, prior to promulgation, under the Federal Reports Act. Since the regulation would apply from year to year in a like manner, the manufacturers would have the necessary advance knowledge and certainty about the requirements to enable them to begin preparation of their reports long before the due dates for their reports.

Another alternative was to use general and special orders under section 505(b) of title V. Since this approach would make submision of information mandatory, it would avoid the questionnaires' problems of incompleteness and untimeliness. In these respects, the orders would be comparable to the proposed reporting requirements. However, the orders would still share the disadvantages of delay posed by the questionnaires. Due to those implicit delays, this alternative was rejected too.

Applicability of Proposed Regulation

In this notice and in a notice of proposed rulemaking on the manufacture of multistage automobiles (42 FR 9040, February 14, 1977), an effort is made to strike a balance between the agency's need for information to conduct a sensitive, responsive program that accomplishes the purposes of title V and the burden that reporting requirements can place on manufacturers, especially small ones.

Manufacturers of exempted passenger automobiles. The proposed reporting regulation attempts to minimize the burden on low volume manufacturers of passenger automobiles by providing that manufacturers exempted under section 502(c) need not include future model year information in their semiannual reports. Provision of that information in those reports would be largely unnecessary since a considerable amount of future model year information would be obtained from those manufacturers in their exemption petitions under proposed Part 525 (41 FR 53287, December 9, 1976). Comments are requested whether low volume manufacturers, even if not exempted, should be excused from providing future model year information. Comments are also requested whether low volume manufacturers ought to be relieved of the necessity for providing certain types of current model year information also. Due to the small impact which these manufacturers have on the industry average fuel economy for passenger automobiles, their requirements for reporting current model year information might be limited to projected average fuel economy, model type fuel economy and technology, automobile technology and sales mix changes, marketing measures, and additional compliance efforts.

Manufacturers of multistage automobiles. The multistage automobile proposal attempts to minimize the reporting burden on small manufacturers of multistage passenger automobiles or nonpassenger automobiles. Multistage automobiles are automobiles produced by two or more manufacturers. There are three types of those manufacturers: incomplete automobile manufacturers, intermediate manufacturers, and final-stage manufacturers. The incomplete automobile manufacturer, i.e., the manufacturer that assembles the frame and chassis structure, power train, steering system, suspension system, and braking system, is generally a large manufacturer. The intermediate manufacturer is the manufacturer, other than the incomplete automobile manufacturer or final-stage manufacturer, which performs manufacturing operations on an incomplete automobile. The intermediate manufacturer is usually a small manufacturer. The final-stage manufacturer, i.e., the manufacturer that completes the production of the multistage automobile except for addition of readily attachable components and minor finishing operations, is also typically a small manufacturer. That proposal would make the incomplete automobile manufacturer responsible for compliance with the title V reporting requirements, as well as the standards and labeling requirements, in most instances. The incomplete automobile manufacturer would be responsible for compliance with those standards and requirements unless the intermediate or final-stage manufacturer exceeds certain maximum specifications established by the incomplete automobile manufacturer or unless the final-stage manufacturer sells a multistage automobile as one manufactured in a model year subsequent to the model year during which the incomplete automobile manufacturer produced its portion of that automobile. Even in the unlikely event that an intermediate or final-stage manufacturer exceeded those specifications or a final-stage manufacturer sold a multistage automobile as one manufactured in a subsequent model year, that manufacturer would not assume full responsibility for complying with this proposed reporting regulation. That manufacturer would only be required to submit limited information about its current model year automobiles. Other information regarding those automobiles would still be submitted by the incomplete automobile manufacturer. Further, the intermediate or final-stage manufacturer that assumes responsibility as the manufacturer of multistage automobiles would not be required to submit any future model year information since its assuming responsibility is anticipated to be an irregularly recurring event at best, and since information about the primary determinants of the fuel economy of future model year multistage automobiles would be submitted by the incomplete automobile manufacturers.

General Contents of and Leadtime for Reports

The proposed regulation would require the manufacturers to submit the detailed information specified in the regulation according to a uniform format. The information would be arranged according to whether it related to the current model year or future model years. Within each of these two groupings, the information would be grouped according to type of automobile, i.e., passenger automobile and nonpassenger automobile. The items of information on each type of automobile would be provided in a prescribed order and, in some cases, form. The detailed nature of the required information and the uniformity of the format are necessary to ensure that the agency obtains the information needed to implement title V and to enable the agency to conduct an effective, comparative evaluation of the information received from the different manufacturers. Comments are requested on scope of the information required (including suggestions for the addition or deletion of items of information), the detailed nature of the information required, and the proposed format.

With respect to level of detail, one issue is the degree of disaggregation of a manufacturer's fleet of passenger automobiles or nonpassenger automobiles. Should information for the current and future model years be provided for vehicle configurations, model types, carlines, or size classes (e.g., subcompact, compact, mid-size, and large)? The reporting burden would presumably be greatest at the vehicle configuration level and least at the size class level, although provision of information regarding one level of disaggregation would imply at least some knowledge of the manufacturer about the same information at greater levels of disaggre-

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gation. Should information be provided for inertia weight classes? Use of inertia weight classes is believed to be appropriate in making comparisons between two groups of automobiles that do not, or at least may not, have comparable model types. One example is comparing automobiles from two different model years. The introduction and elimination of model types complicate such comparisons. Another example is comparing passenger automobiles and nonpassenger automobiles.

The semiannual report to be submitted just before the beginning of a model year would be called the "pre-model year report" and the report to be submitted at the middle of a model year would be called the "mid-model year report." Section 505(a)(1) specifies the schedule for submitting these reports. The pre-model year report must be submitted during the 30-day period immediately preceding a model year. The mid-model year report must be submitted during the 30-day period beginning on the 180th day of a model year.

The pre-model year report would contain information regarding both the current model year and future model years. The mid-model year report would contain information about the current model year only. Section 505(a) requires that both reports contain the current model year information. It is proposed to require that the future model year information be included in the pre-model year report since that would ensure that the information available for the annual review due the following January is as current as possible.

Comments are requested on whether there is any demonstrable need to depart from this practice in the first model year due to leadtime considerations. For model year 1978, the future model year information could be included in the 1978 mid-model year report instead of the 1978 pre-model year report. The reason for this departure would be that preparation of the future model year information could be more difficult than preparation of the current model year information. While the leadtime for preparation of inclusion of the current model year information in the 1978 pre-model year report is deemed adequate, the leadtime for including future model year information in that report may not be adequate.

The agency recognizes that providing detailed information on some topics, especially with respect to model years more than several years in the future, may be difficult. Accordingly, it is proposed that manufacturers be permitted to submit the required information as an estimate or as a set or range of alternatives. Any maufacturer taking advantage of this opportunity would be required to state the basis for the estimates or alternatives, the major uncertainties associated with them, and the most likely value in the case of an estimate and the most likely alternative in the case of a set or range of alternatives. Comments are requested on the adequacy of providing this opportunity as a compromise between this agency's need for future model year information and the difficulty of the manufacturers in precisely stating some of the information. Comments are also requested on whether this opportunity should be provided with respect to both current and future model year information or to future model year information only.

CURRENT MODEL YEAR INFORMATION

The items of current model year information to be submitted are discussed below.

Projected average fuel economy. The manufacturer would be required to project, using available data, the average fuel economy of its passenger automobiles and nonpassenger automobiles.

Since the projection mentioned above would be based on data current at the time of the pre-model or mid-model year report and would not reflect data regarding running changes to be made or new model types to be introduced later during the model year, the manufacturer would be required to state the final average fuel economy that it anticipates achieving if that figure would reflect those changes and model types. If the projected final average fuel economy would not be different; then the first projection would be the manufacturer's statement whether it would comply with the average fuel economy standard for the current model year. If the projected final average fuel economy were different, it would be the manufacturer's statement regarding compliance.

If the manufacturer believed that either the projection for the passenger automobiles or nonpassenger automobiles was not sufficiently accurate for the purposes of title V, the manufacturer would have to state the reasons for that belief, describe the nature of and reason for the inaccuracy, and state the additional testing or derivation of fuel economy values necessary and any plans of the manufacturer for undertaking that testing or derivation. This information would be needed by the agency in enforcing the standards and in assessing civil penalties for noncompliance or awarding civil penalty credits for exceeding the standards. In addition, if the manufacturers reported any inaccuracies affecting these aspects of title V, the agency would consider whether to recommend to the Environmental Protection Agency that it amend its fuel economy testing and calculation procedures to require additional fuel economy information to be submitted by the manufacturers. Based on presently available information, this agency believes that the current procedures provide a sound basis for implementing title V and is unaware of any contrary suggestion by any manufacturer.

Model type fuel economy and technical information. The manufacturer would be required to provide fuel economy values for each model type of its automobiles and describe the fuel economy related technical information and specifications of each vehicle configuration on which the model type's fuel economy values were based.

Automobile technology and sales mix changes. The manufacturer would have to describe the differences between the technology and sales mix of its automobiles for the current model year and the technology and sales mix of its automobiles for the preceding model year that will result in the manufacturer's automobiles for the current model year having better fuel economy. The manufacturer would also be required to describe any further changes that it intends to make in the technology and sales mix in the automobiles for the current model year to improve the average fuel economy of those automobiles.

Reduction of (CID) (N/V). In general, fuel economy can be improved by reducing the product (CID) (N/V) of the cubic inch displacement of the engine multiplied by the total drive ratio. Each manufacturer would be required to state the lowest (CID) (N/V) that would allow reasonable performance for each model type, and state the range of cubic inch displacements and total drive ratios that could be combined to produce this minimum (CID) (N/V). The manufacturer would have to explain why it believes that performance at a lower (CID) (N/V) would be unreasonable.

The minimum (CID) (N/V) that would allow reasonable performance for a particular model type may vary as a result of other factors such as the transmission type used in the automobile. Comments are requested on the identity of these other factors and whether the manufacturer should be required to identify these other factors, and show the different minimum (CID) (N/V) value possible for each variant of such other factors.

Each manufacturer would also be required to quantify the potential fuel economy improvement for each model type that would be realized if that model type were equipped with the minimum (CID) (N/V) which would allow reasonable performance for that model type.

Marketing measures. The proposed regulation would require the manufacturer to describe its use of marketing measures to encourage the purchase of more fuel economical sales mix of its automobiles. Specifically, the manufacturer would be required to describe its use of pricing, advertising and dealer incentives to increase the average fuel economy of its automobiles. To put those efforts in context, the manufacturer would also be required to describe its total array of pricing, advertising and dealer incentive measures for selling its automobiles. Inclusion of this information is required by the provision in section 502(a) regarding steps taken to comply with the fuel economy standards.

The marketing information would enable the agency to assess the extent to which a manufacturer's marketing efforts for its automobiles correlate with the fuel economy of its automobiles. In making this assessment, the agency would look, for example, at the price differentials between an automobile with power consuming and weight adding options and the same automobile without those options and an automobile with a low (CID) (N/V) value and the same automobile with a high (CID) (N/V) value.

Similarly, the agency would look at the value of dealer incentives and level of advertising devoted to automobiles with differing fuel economies. The incentive information would include monetary and nonmonetary incentives for selling particular automobiles and options. The advertising information would provide the agency with insight into the manufacturer's use in its advertising of fuel economy figures approved by the Environmental Protection Agency and of data about the fuel economy of comparable automobiles. It would also provide the agency with an indication of the manufauctuer's plans to make greater use of specific labeling to aid consumers in determining the fuel costs of relatively high (CID) (N/V) values and of various options. The advertising information would also show what aspects of automobile performance are going to be mentioned in the manufacturer's advertising and the relative ranking to be given those aspects of performance.

Additional compliance efforts. If the manufacturer's projected average fuel economy for the current model year is less than the applicable average fuel economy standard for that model year, the manufacturer would be required to describe the additional steps, i.e., technological improvements, sales mix changes, and marketing measures, that it could undertake to achieve compliance with that standard while minimizing the additional costs.

Impact of other Federal automobile standards on fuel economy. Responsible administration of the automobile fuel economy, safety, emissions, noise, and damage susceptibility programs requires knowledge of the effect of each program's standards on the other regulated aspects of automobile performance. The tradeoffs between these different types of performance must be understood since all five types cannot be individually and simultaneously optimized. The validity of this proposition is recognized in section 502(e)(3) which requires the Administrator to consider the impacts of the emissions, safety, damage susceptibility, and noise standards when determining maximum feasible average fuel economy.

Accordingly, a statement would have to be made whether the fuel economy achievable under the emissions, safety, damage susceptibility, and noise standards for the current model year is more or less than the fuel economy that would have been achievable under those categories of standards for the immediately preceding model year. One of the changes in those standards that might be claimed as reducing fuel economy is the adoption of a very stringent NOx standard due to its alleged effect on the feasibility of diesel engines. Others are the adoption of new or more stringent safety and damage susceptibility standards and the initial establishment of noise standards which, due to the weight they would add to an automobile, could move the automobile into a higher inertia weight class.

Model year 1975 is proposed as the base year for the semiannual reports for model year 1978 since much of title V and its legislative history, including discussion of estimated benefits from the fuel economy program, were premised upon the Federal automobile standards in effect during that model year. Use of those standards as the bases for comparison in model year 1978 would enable the agency to demonstrate in future model years the extent to which, if at all, the adoption of emission, safety, damage susceptibility, and noise standards more stringent than the model year 1975 standards has affected the achievability of title V when enacted.

Comments are requested whether the base year for this comparison should be sliding or fixed and what the base year should be in either case. These comments should discuss the comparative accuracy of a sliding and a fixed base in determining the impact of the other Federal automobile standards. Further, should the base year for passenger automobiles be the same as that for nonpassenger automobiles? Comments are also requested on the value of maintaining a cumulative tradeoff account of those impacts and on the appropriate methods for maintaining that account.

If a claimed loss of fuel economy could have been reduced or avoided by use of means available for that purpose, the manufacturer would have to explain why it chose not to employ those means. For example, if the manufacturer regarded the cost of available technology as excessive, it would be required to explain why it regarded those costs to be excessive.

The up-to-date fuel economy impact information is needed by the agency so that it can determine the validity of the manufacturer's earlier predictions regarding the impacts and can establish a reliable basis for evaluating and comparing the impacts predicted by the manufacturers for future model years. The necessity of providing the information should also ensure that those predictions are made as accurately as possible.

For model years 1978–1980, a manufacturer would not be required to report the impact information for any of the four categories of other automobile standards (emissions, safety, damage susceptibility, and noise) for which the manufacturer submits a petition under section 502(d) for reduction of the passenger automobile fuel economy standards due to changes in one or more of those categories of standards.

Impacts of efforts to comply with average fuel economy standards on automobile performance. For the reasons set forth in the beginning of the discussion of the impact of other automobile standards on fuel economy, the manufacturer would be required to provide information on the effects of its efforts to improve average fuel economy of its current model year automobiles on the safety, damage susceptibility, noise emissions, pollutant emissions, driveability, gradeability, and acceleration capability of those automobiles and on the cost of complying with the Federal safety, emissions, damage susceptibility, noise, and emissions standards for that model year. Among the impacts that might be claimed are:

Downsizing would make an automobile less crashworthy, even though the automobile still complied with all applicable Federal safety standards, if no compensatory improvements were made in vehicle structure.

Weight reduction through removal of sound insulation would increase interior noise.

Reduction of (CID) (N/V) would reduce gradeability and acceleration capability.

Use of diesel engines would increase interior and exterior noise and particulate emissions.

Sales mix shifts leading to lower average inertia weight would make the fleet less crashworthy if compensatory steps were not taken.

Efforts to improve fuel economy by reducing the margin of compliance with emissions, safety, damage susceptibility, and (if established) noise standards would increase emissions, damage susceptibility, and noise, and decrease safety.

This impact information is needed to determine the validity of earlier impact predictions by the manufacturer and to establish a reliable basis for evaluating and comparing the impact predicted by the manufacturers for future model years. Further, it should ensure that those predictions are made with a high degree of accuracy.

Material composition. The manufacturer would be required to state the average percentage by weight that certain raw and finished materials constitute of all materials used in its automobiles. Then the manufacturer would indicate the total tonnage of each of those same raw and finished materials used in all of its automobiles. This information is needed by the agency for determining some of the environmental impacts of the fuel economy program and for monitoring the impacts of that program on the supply of these materials.

Costs. To inform the agency about the cost impacts of the average fuel economy standards, the manufacturer would be required to indicate the increases or decreases in each component of the manufacturer's fixed and variable manufacturing costs of its automobiles in each inertia weight class, compared to the immediately preceding model year, that occurred as a result of the standard for the current model year. The manufacturer would then state the impact of these cost differences on the manufacturer's suggested retail price of its automobiles, and on the retail price of replacement equipment for those automobiles. A statement would also have to be made regarding the impact of the manufacturer's standard compliance efforts on the life cycle operating and maintenance costs of its automobiles.

Gross income and market share. The proposed regulation would require the

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manufacturer to state the extent to which any difference in its gross income and market share for the current model year and that for the immediately preceding model year is due to the manufacturer's efforts to comply with the average fuel economy standards for the current model year. To facilitate the market share analysis, the market would be broken down into the classes of automobiles used by the Environmental Protection Agency in its labeling regulations for comparing the fuel economy of comparable automobiles. This information is needed by the agency for assessing any competitive effects of the standards.

Engine-system combinations and fuel systems. This portion of the proposed regulation would require the manufacturer to discuss the differences between engine family-exhaust emission control systems combinations and between fuel systems of its passenger automobiles and nonpassenger automobiles in the same inertia weight class. It is assumed that passenger automobiles and nonpassenger automobiles of similar inertia weight could have similar engine family-emission control systems combinations and fuel systems. When the manufacturer has chosen not to install the more fuel efficient combination or system on passenger automobiles and nonpassenger automobiles of similar inertia weight, the manufacturer would have to explain the basis for its decision.

FUTURE MODEL YEAR INFORMATION

The information to be submitted regarding the future model years would relate to the same general subjects as the information for the current model year. Except for the portion of the pre-model year reports submitted for model years 1978 and 1979 with respect to passenger automobiles, "future model years" would mean the five model years immediately following the current model year. This period was picked because the manufacturers' product plans generally extend that far into the future. For the portion of the model year 1978 and 1979 pre-model year reports relating to passenger automobiles, the period will extend forward seven and six model years, respectively. The purpose of extending farther ahead with respect to those model years is to include the 1985 model year for which a satutory standard has been specified for passenger automobiles. This extended application is necessary to comply with section 502 (a) which requires that the annual review due in January 1979 include a comprehensive analysis of the program, including an assessment of the ability of the manufacturers to meet the average fuel economy standard specified in that section for model year 1985 passenger automobiles.

In this regard, comments are requested on how to ensure that future model year information regarding manufacturers whose model year approximates the calendar year is available in time for incorporation in the annual review. If a manufacturer's model year does not begin until January 1, its pre-model year report with the future model year information would not be submitted before December 1. One solution might be to require manufacturers whose model year begins on January 1 or during the preceding several months to include their future model year information in their mid-model year report for the preceding model year. Thus their future model year information would be submitted during the late spring or early summer and that of other manufacturers would be submitted several months later.

The items of future model year information to be provided by the manufacturers are described below.

Projected average fuel economy. The proposed regulation would require the manufacturer to project the average fuel economy of the portion of each future model year fleet of automobiles sold in all States except California and of automobiles sold only in California, and the average economy of both of those groups of automobiles combined.

Model type fuel economy and technical information. The manufacturer would be required to provide the same model type information for its future model year automobiles as for its current model year automobiles. In addition, the manufacturer would be required to provide the average inertia weight, cubic inch displacement of the engine, and total drive ratio for each model type. The manufacturer would not be required to provide detailed information on the vehicle configurations used to calculate the fuel economy of the model type, unless that information was necessary to explain the projected changes in fuel economy for a given model type.

Current fuel economy technology. By "current fuel economy technology," the proposed regulation means technology that has been developed to the point that it can be scheduled for introduction into production. For most manufacturers, the substitution of lighter materials in the hood, deck lid, bumpers, cylinder heads, and cast parts such as the intake manifold and pump housing is an example of current fuel economy technology. The manufacturer would be required to describe each item of current fuel economy technology, e.g., a diesel engine, and each current fuel economy technological means, e.g., downsizing, whose use the manufacturer has plans for expanding or introducing in its future model year automobiles. With respect to these items and means of technology, the manufacturer would state the expected fuel economy gains, the plans, including leadtime schedules, for using those items and means, the capital requirements and other costs involved in implementing those plans, and the effect of using those items and means on automobile performance (except to the extent that this information is provided in the portion of the report regarding impacts of efforts to comply with average fuel economy standards on automobile performance), and on automobile purchase price and life cycle operating and maintenance costs. The plans should indicate at least the affected automobile size classes and the penetration schedule. If there is any current fuel economy technology that would improve fuel economy and that the manufacturer does not plan to use, the manufacturer would have to explain why.

Future fuel economy technology. "Future fuel economy technology" means technology that has not been developed to the point that it can be scheduled for introduction into production. Examples of such technology include the Stirling engine and an efficient, low cost, continuously variable transmission. The proposed regulation would require the manufacturer to describe each of its ongoing or planned research, development, and testing projects in automobile technology that may aid in improving the fuel economy of the manufacturer's automobiles. With regard to those projects, the manufacturer would be required to state the anticipated fuel economy improvements, the schedule for completing the projects and the costs of completing the projects. For each item of technology that the projects would refine or develop, the manufacturer would describe the plans for incorporating that technology in its automobiles, the costs of incorporating that technology, and the effect of the technology on automobile performance (except to the extent that this information is provided in the portion of the report regarding impacts of effects to comply with average fuel economy standards on automobile performance), and on automobile purchase price and life cycle operating and maintenance costs. As in the case of plans for using current fuel economy technology, these plans would have to indicate the affected automobile size classes and the penetration schedule.

The manufacturer would also be required to describe any future technology with fuel economy improvement potential which has been considered and rejected as a subject of research, development or testing activity, and explain the reasons for the rejection. Some future fuel economy technology may be obtainable from other developers or refiners of fuel economy technology. The manufacturers would have to deseribe the known items of future technology that are being refined or developed by those parties and that will be available for automobile manufacturers to incorporate in any of their future model year automobiles. The fuel economy improvement potential of each such item and the manufacturer's plans to use that item or reasons for having no such plans would have to be stated.

Finally, a description would have to be provided of the manufacturer's alternative plans for improving fuel economy if the technological refinements and developments anticipated by the manufacturer do not occur as scheduled or yield less than the expected level of fuel economy improvement.

Automobile technology and sales mix changes. For each future model year for which there is an applicable average fuel economy standard, the proposed regulation would require the manufacturer to describe the differences between the technology and sales mix of the manufacturer's automobiles for that model year and that of its automobiles for the preceding model year that will improve the average fuel economy of the manufacturer's automobiles.

Weight reduction. The manufacturer would be required to state the maximum extent to which the weight of each model type of its current model year automobiles could be reduced by the last future model year without reducing the number of designated seating positions or the space inside the passenger or cargo areas of the automobiles. The method of these weight reductions would have to be described.

Reduction of (CID) (N/V). The manufacturer would be required to state whether the minimum (CID) (N/V) value provided for each model type in the current model year will change in the future model years. If there is a change, the manufacturer would be required to state the revised minimum (CID) (N/V) value, and explain why there is a change. The manufacturer would also be required to state what proportion of its future model year automobiles will be equipped with this minimum (CID) (N/V) value, and explain why that proportion can not be increased.

Technological differences between certain automobiles. The proposed regulation would require the manufacturer to identify its passenger and nonpassenger automobiles in the same inertia weight class that will have significantly different fuel economy and explain why steps will not be taken to improve fuel economy and thereby eliminate those differences. The manufacturer would also be required to identify the most fuel economical of its four, five, and six passenger sedans and station wagons and explain why its similar automobiles would not be designed to achieve the same level of fuel economy.

Marketing measures. The proposed regulation would require the manufacturer to describe how its marketing measures for the current model year could be changed in the future model years to improve the average fuel economy of its automobiles. Then the manufacturer would have to state whether it will make any of those changes in the first two future model years. If there are changes that will be made, the manufacturer would have to state what those changes will be and why they will be made. Similarly, if there are any changes that will not be made, the manufacturer would also have to explain its reasons for not planning to make them.

Additional compliance efforts. If the manufacturer's projected average fuel economy for any future model year was less than the applicable fuel economy standard for that model year, the manufacturer would have to provide the same type of information regarding additional compliance efforts that the manufacturer would have to supply for the current model year.

Impact of other Federal automobile standards on fuel economy. The manufacturer would have to provide for its future model year automobiles the same type of information it would provide regarding the impact of other Federal automobile standards on the fuel economy of its current model year automobiles. The predicted impacts would be based on the technology that is reasonably likely to be available in those future model years.

Impacts of efforts to comply with average fuel economy standards on automobile performance. For each future model year for which there is an applicable average fuel economy standard, the same type of information that the manufacturer would provide regarding the impact of its efforts to improve the average fuel economy of its current model year automobiles on the safety, noise, emissions, and damageability of those automobiles would have to be provided for the manufacturer's future model year automobiles.

Availability of capital. For each future model year for which there is an applicable average fuel economy standard, the proposed regulation would require the manufacturer to state whether and how it will be able to obtain sufficient capital to achieve the fuel economy projected by the manufacturer for that model year, or the fuel economy required by the standard, whichever level is higher. Manufacturers claiming an insufficiency of capital would have to demonstrate that sufficient existing or anticipated capital could not be allocated to its efforts to improve average fuel economy and that sufficient additional capital can not be obtained.

Costs. The proposed regulation would require the manufacturer to state, for each inertia weight class of its automobiles to be produced in each future model year for which there is an applicable average fuel economy standard, the same type of information regarding the impacts of changes in manufacturing costs and the impacts of standard compliance efforts on automobile operating and maintenance costs that the manufacturer would be required to submit for its current model year automobiles.

Shifts in consumer demand. For each future model year for which there is an applicable average fuel economy standard, the manufacturer would have to state and quantify to the extent possible any shifts in consumer demand which the manufacturer believes that that standard may cause (1) between automobiles of different sizes, styles and performance capabilities, and (2) between that manufacturer's automobiles and the automobiles of other manufacturers. The basis for believing that any shifts would occur would be required to be explained.

Gross income and market share. For each future model year, the manufacturer would have to provide the same type of information regarding gross income and market share that it would be required to provide for the current model year.

SUPPLEMENTARY REPORTS

Under this proposal, a supplementary report containing updating, correcting information would have to be submitted during a model year when a projected average fuel economy figure previously submitted during that model year by the manufacturer for the current or a future model year has significantly changed, or when a statement concerning the accuracy of a projected average fuel economy standard for the current model year has become erroneous or incomplete. Section 505(a) requires the submission of revised or supplementary reports when a manufacturer has reported that it will comply with the average fuel economy standards and then discovers that its previously reported plan is insufficient for that purpose. Authority under section 505 (a) and (c) would be used to require supplementary reports to correct outdated future model year information too.

In developing the criteria governing the circumstances in which supplementary reports must be submitted, the agency considered using a subjective approach; e.g., requiring a revision whenever there was a response which had become "seriously misleading in light of changed circumstances." This type of approach was not proposed since the NHTSA felt that it would leave too much uncertainty about when a supplementary report was required and might result in too little or too much supplementary reporting. To avoid this problem, the agency proposes the quantified approach described below. The agency is proposing a progressively rising threshold for the minimum change in the projected average fuel economy that will trigger the submission of a supplementary report. This rising threshold approach is proposed because of the greater uncertainty associated with the information underlying fuel economy projections for future model years, especially the more distant ones, and thus the greater likelihood of changes in the underlying information and projected averages. The rising threshold should keep the amount of supplementary reporting regarding the future model years to a reasonable level.

The threshold for the current model year and the first future model year would be a decrease of 0.1 mpg that would leave the manufacturer not more than 0.3 mpg above a standard for that model year. The 0.3 mpg threshold is proposed since the average may fall by more than 0.1 mpg at a time. The agency wishes to be advised of a developing noncompliance before it happens. Any decrease below that threshold is deemed significant. This very low threshold reflects the need of the agency to monitor the manufacturer's compliance efforts for the current model year continuously for enforcement purposes. Manufacturers whose projected average for either model year increased would not be required to submit supplementary reports.

The threshold for the second and third future model years would be any net increase or decrease of 0.3 mpg, regardless of where that decrease would leave

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the manufacturer with respect to the applicable average fuel economy standard for that model year. Manufacturers whose fuel economy increases by that amount would become subject to the supplementary reporting requirements since there would still be sufficient time before those model years under the 18 month rule in section 502(f) to amend the standard to make it more stringent.

The threshold for the more distant future model years would be any net decrease or increase of 0.5 mpg. The reason for the difference between this threshold and the one for the two preceding future model years is the greater uncertainty associated with the projections for the more distant future model years.

Comments are specifically invited on the appropriateness of the rising threshold approach as well as the level of each of the thresholds and the interval between them. Comments are also invited on whether there should be any limit on the number or frequency of supplementary reports.

In the case of a supplementary report required to be submitted because of a change in projected average fuel economy for a model year, the manufacturer would be required to state the new projection, explain the reason for the change in the projection, and show how the facts underlying the change affect the information that the manufacturer previously submitted to the NHTSA in the most recent semiannual report regarding that model year and in any subsequent supplementary reports. For example, a manufacturer reporting for the first time that its previously reported plan will not enable it to comply with the applicable fuel economy standard would have to describe its plans for any additional compliance efforts. For supplementary reports submitted to correct errors or aspects of incompleteness in previous statements about the accuracy of a projected average fuel economy for the current model year, the manufacturer would have to submit whatever information is necessary to correct the errors or eliminate the aspects of incompleteness in such statements in the most recent semiannual report and subsequent supplementary reports.

Supplementary reports would be required to be submitted within 30 days after the manufacturer determined, or, with reasonable diligence, could have determined that a projected average had changed sufficiently to require a supplementary report or that there were errors or aspects of incompleteness in its previous comments about the accuracy of a projection for the current model year. However, a supplementary report regarding changes in current model year information would not be required within 60 days of the last day on which the mid-model year report for the current model year may be submitted or after the last day on which the pre-model year report for the next model year is required to be submitted unless a determination about the necessity of a report was made or could have been made before either of those cut-off dates. A supplementary report for changes in future model year projections would not be required within 60 days of the last day on which the pre-model year report for the next model year is required to be submitted unless a determination about the necessity of a report was made or could have been made before that cut-off date.

Submission of Confidential Information

The proposed regulation would require the manufacturer to identify any information in its reports that it requests to be withheld from the public disclosure. With respect to information and data claimed by the manufacturer to fall within 5 U.S.C. 552(b) (4), the manufacturer would be required to show that the information fell within section 552(b) (4) and that its disclosure would result in significant competitive damage; indicate the period during which that damage would be incurred if the information and data were released; and show that an earlier release would result in that damage.

If the Administrator denied a manufacturer's request for confidential treatment, he would give the manufacturer written notice of the denial ten days before releasing the information. If the Administrator agreed that certain information was entitled to confidential treatment, he would not later invoke his authority under section 505(d)(1) of title V to release the information during an administrative or judicial proceeding under that title without first giving written notice to the manufacturer.

The reports, except those portions granted confidential treatment and not later released under section 505(d)(1) would be available for inspection in the docket section of the agency.

Additional General Matters

The proposed regulation would permit manufacturers to incorporate by reference any document other than a report, petition, or application, or portion thereof submitted to any Federal department or agency more than two model years before the current model year. For example, a report submitted under the proposed regulation for model year 1979 could be incorporated in a report submitted under the regulation for model year 1981, but a report submitted for model year 1978 could not be incorporated in that 1981 report. Another example of a document that might be incorporated in an application to the Environmental Protection Agency for certification of conformity with the emissions standards. Any document incorporated by reference would have to be appended to the report in which it is incorporated. The policy of permitting recent model year documents, but not earlier documents, is intended to strike a balance between the agency's need for an up-to-date, manageable report and the burden on the manufacturers submitting reports under the proposed regulation.

Fuel economy values for current model year automobiles would be based on data submitted to the Environmental Protection Agency. Fuel economy values for future model year automobiles would be based on tests and analytically derived data developed under procedures comparable to those permitted by that agency. Comments are requested on the method that the manufacturers would use to select the appropriate automobiles for the purpose of calculating the average fuel economy of their future model year automobiles under the Environmental Protection Agency's calculation procedure.

Section 503(b) and implementing regulations of the Environmental Protection Agency provide special rules for treatment of captive import passenger automobiles in calculating average fuel economy. Manufacturers should follow those rules in calculating average fuel economies for current and future model years.

Failure to submit a report required by the proposed regulation would be a violation of section 507(3) of title V and subject the violating manufacturer to a civil penalty of $10,000 for each violation. Each day of a continuing violation, such as the failure to submit a report, constitutes a separate violation.

Implementation Costs

The total annual cost of implementing this proposed regulation is expected to be less than $3,500,000 for the manufacturers and the Federal government. The share of the manufacturers would be $3,300,000 and that of the Federal government would be $200,000. The costs to the manufacturers would consist primarily of the additional administrative costs incurred to generate, gather, tabulate, and submit the required information. The total costs for a manufacturer's semiannual and supplementary reports for a model year will range between $500,000 for a large manufacturer and $5,000 for a low volume manufacturer exempted under section 502(c) of title V.

Impact Assessments

In accordance with Executive Orders 11821 and 11949, a review of this action was undertaken to determine whether it met the criteria for a "major action" requiring the preparation of an Economic Impact Statement. The review indicated that the costs and economic impacts of this action are less than those set forth in the criteria and that therefore an Economic Impact Statement is not needed.

It is the judgment of this agency, based on available information, that no significant environmental impact will result from execution of this action.

In consideration of the foregoing, it is proposed that a new Part 537, Automotive Fuel Economy Reports, be added to Title 49 of the Code of Federal Regulations, to read as set forth below.

All comments received before the close of business on the comment closing date indicated at the beginning of this proposal will be considered, and will be available for examination in the docket at the above address both before and after the closing date. To the extent possible, comments filed after the closing date will also be considered. The agency will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

The program official and lawyer principally responsible for the development of this proposal are Anees Adil and Stephen Kratzke, respectively.

Issued in Washington, D.C. on April 7, 1977.

ALAN A. BUTCHMAN,
Acting Administrator.

PART 537—AUTOMOTIVE FUEL ECONOMY REPORTS

Sec.

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AUTHORITY: Sec. 9, Pub. L. 89-670, 80 Stat. 931 (49 U.S.C. 1657); Sec. 301, Pub. L. 94-163, 89 Stat. 901 (15 U.S.C. 2005); delegation of authority at 41 FR 25015, June 22, 1976.

§ 537.1 Scope.

This part establishes requirements for automobile manufacturers to submit reports to the National Highway Traffic Safety Administration regarding their efforts to improve automotive fuel economy.

§ 537.2 Purpose.

The purpose of this part is to obtain information to aid the National Highway Traffic Safety Administration in evaluating automobile manufacturers' plans for complying with average fuel economy standards, in establishing and modifying average fuel economy standards, and in preparing an annual review of the average fuel economy standards.

§ 537.3 Applicability.

This part applies to automobile manufacturers.

§ 537.4 Definitions.

(a) *Statutory terms.* (1) The terms "average fuel economy standard," "fuel," "manufacture," and "model year" are used as defined in section 501 of the Act.

(2) The term "manufacturer" is used as defined in section 501 of the Act and in accordance with Part 529 of this chapter.

(3) The terms "average fuel economy," "fuel economy," and "model type" are used as defined in Subpart A of 40 CFR Part 600.

(4) The terms "automobile" and "passenger automobile" are used as defined in section 501 of the Act and in accordance with the determinations in Part 523 of this chapter.

(5) The term "damage susceptibility" is used as defined in section 2(13) of the Motor Vehicle Information and Cost Savings Act.

(b) *Other terms.* (1) The terms "engine-system combination" and "fuel system" are used as defined in Subpart A of 40 CFR Part 85.

(2) The term "loaded vehicle weight" is used as defined in Subpart A of 40 CFR Part 86.

(3) The terms "axle ratio," "base level," "body style," "car line," "city fuel economy," "combined fuel economy," "engine code," "gross vehicle weight," "highway fuel economy," "inertia weight," "transmission class," and "vehicle configuration," are used as defined in Subpart A of 40 CFR Part 600.

(4) The term "nonpassenger automobile" is used as defined in Part 523 of this chapter and in accordance with determinations in that part.

(5) The terms "approach angle," "axle clearance," "breakover angle," "cargo carrying volume," "departure angle," "passenger carrying volume," "running clearance," and "temporary living quarters" are used as defined in Part 523 of this chapter.

(6) The term "final stage manufacturer" and "intermediate manufacturer" are used as defined in Part 529 of this chapter.

(7) The term "designated seating position" is used as defined in § 571.3 of this chapter.

(8) As used in this part, unless otherwise required by the context:

(i) "Act" means the Motor Vehicle Information and Cost Savings Act (Pub. L. 92-513), as amended by the Energy Policy and Conservation Act (Pub. L. 94-163).

(ii) "Administrator" means the Administrator of the National Highway Traffic Safety Administration or the Administrator's delegate.

(iii) "Current model year" means:

(A) In the case of a pre-model year report, the full model year immediately following the period during which that report is required by § 537.5(b) to be submitted.

(B) In the case of a mid-model year report, the model year during which that report is required by § 537.5(b) to be submitted.

(iv) "Average" means a production-weighted average.

(v) "(CID) (N/V)" means the product of multiplying the cubic inch displacement of an automobile's engine by the total drive ratio of that automobile.

(vi) "HP/IWT" means the ratio of SAE net horsepower to inertia weight.

(vii) "Future model years" means the five model years immediately following a current model year, except that in the case of passenger automobiles:

(A) When the current model year is model year 1978, the term means the seven model years immediately following that model year.

(B) When the current model year is model year 1979, the term means the six model years immediately following that model year.

(viii) "Manufacturing costs" mean the following costs of manufacturing automobiles:

(A) Variable material costs, (B) Variable labor costs, (C) Material overhead costs, (D) Labor overhead costs, (E) Warranty costs.

(ix) "Performance" means an automobile's:

(A) Safety, (B) Damage susceptibility, (C) Interior and exterior noise emissions, (D) Regulated and unregulated air pollutant emissions, (E) Driveability, (F) Gradeability, and (G) Acceleration capability.

(x) "Sales mix" means the number of automobiles, and the percentage of a manufacturer's annual total production of automobiles, in each vehicle configuration or model type which the manufacturer plans to produce in a specified model year.

(xi) "Total drive ratio" means the ratio of vehicle engine rotational speed (in revolutions per minute) to vehicle forward speed (in miles per hour).

§ 537.5 General requirements for reports.

(a) For each current model year, each manufacturer shall submit a pre-model year report, a mid-model year report, and, as required by § 537.9, supplementary reports.

(b) (1) The pre-model year report required by this part for each current model year must be submitted not more than 30 days and not less than 1 day before the 1st day of that model year.

(2) The mid-model year report required by this part for each current model year must be submitted not earlier than the 180th day and not later than the 209th day of that model year.

(3) Each supplementary report must be submitted in accordance with § 537.9 (c).

(c) Each report required by this part must:

(1) Identify the report as a pre-model year report, mid-model year report, or supplementary report, as appropriate;

(2) Identify the manufacturer submitting the report;

(3) State the full name, title, and address of the official responsible for preparing the report.

(4) Be submitted in 10 copies to: Administrator, National Highway Traffic Safety Admiinstration, 400 Seventh Street, S.W., Washington, D.C. 20590.

(5) Identify the current model year;

(6) Be written in the English language; and

(7) (i) Specify any part of the information in the report that the manufacturer believes should be withheld from public disclosure as trade secret or other confidential business information.

(ii) With respect to information and data requested by the manufacturer to be withheld under 5 U.S.C. 552(b)(4) and 15 U.S.C. 2005(d)(1), the manufacturer shall:

(A) Show that the information and data are within the scope of sections 552(b)(4) and 2005(d)(1);

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(B) Show that disclosure of the information and data would result in significant competitive damage;

(C) Specify the period during which the information and data must be withheld to avoid that damage; and

(D) Show that earlier disclosure would result in that damage.

(d) Each report required by this part must be passed upon all information available to the manufacturer 30 days before the report is submitted to the Administrator.

(e) (1) Any manufacturer may provide any item of information required by this part as an estimate, or as a set or range of alternatives.

(2) Any manufacturer submitting estimates, or sets or ranges of alternatives as permitted by paragraph (e) (1) of this section, shall state:

(i) The basis for determining them,

(ii) The major uncertainties associated with them, and

(iii) The most likely value in the case of an estimate and the most likely alternative in the case of a set or range of alternatives.

§ 537.6 Contents of reports.

(a) *Pre-model year report.* Except as provided in paragraph (d) of this section, the pre-model year report for model year 1978 and for each model year thereafter must contain the information required by §§ 537.7(a) and 537.8(a).

(b) *Mid-model year report.* Except as provided in paragraph (d) of this section, the mid-model year report for model year 1978 and for each model year thereafter must contain the information required by § 537.7(a).

(c) *Supplementary report.* Each supplementary report must contain the information required by § 537.9.

(d) *Exceptions.* (1) The pre-model year report and the mid-model year report for model year 1978 are not required to contain the information specified in § 537.7 (b)(2), (g), (l), (k), or (1)(2) with respect to nonpassenger automobiles for that model year.

(2) In any model year for which a manufacturer has been exempted under section 502(c) of the Act, the pre-model year report and the mid-model year report submitted by that manufacturer for that model year are not required to contain the information specified in § 537.8(b)–(q).

(3) In any model year that an intermediate manufacturer or a final-stage manufacturer becomes the manufacturer of an automobile under § 529.6 of this chapter, the pre-model-year report and the mid-model year report submitted by that manufacturer for that model year are not required to contain the information specified in § 537.7(h)–(m) or in § 537.8(b)–(q).

§ 537.7 Automobiles for the current model year.

(a)(1) Provide the information required by paragraphs (b)–(1) of this section for the manufacturer's passenger automobiles for the current model year.

(2) After providing the information required by paragraph (a)(1) of this section, provide the information required by paragraphs (b)–(1) of this section for each class, as specified in part 533 of this chapter, of the manufacturer's nonpassenger automobiles for the current model year.

(3) After providing the information required by paragraph (a)(2) of this section, provide the information required by paragraph (m) of this section for the manufacturer's passenger automobiles and nonpassenger automobiles for the current model year.

(b) *Projected average fuel economy.* (1) State the projected average fuel economy for the manufacturer's automobiles determined in accordance with § 537.10 and based upon the fuel economy values and projected sales figures provided under paragraph (c)(2) of this section.

(2) State the final average fuel economy that the manufacturer anticipates having for the current model year if the changes described under paragraph (d)(1)(ii) or (d)(2)(ii) will cause that average to be different from the average fuel economy projected under paragraph (b)(1) of this section.

(3) State whether the manufacturer believes that the projection provided under paragraph (b) (1) or (2) of this section represents the manufacturer's average fuel economy for the current model year with sufficient accuracy for the purposes of the Act. In the case of a manufacturer that believes that either projection is not sufficiently accurate for those purposes, state the specific nature of and reason for the inaccuracy and the specific additional testing or derivation of fuel economy values by analytical methods necessary and any plans of the manufacturer to undertake that testing or derivation voluntarily and submit the resulting data to the Environmental Protection Agency.

(c) *Model type fuel economy and technical information.* (1) For each model type of the manufacturer's automobiles, provide the information specified in paragraph (c)(2) of this section in tabular form. List the model types in order of increasing average inertia weight from top to bottom down the left side of the table and list the information categories in the order specified in paragraph (c)(2) of this section from left to right across the top of the table.

(2) (i) City fuel economy;

(ii) Highway fuel economy;

(iii) Combined fuel economy;

(iv) Projected sales for the current model year; and

(v) Manufacturer's average suggested retail price.

(3) For each vehicle configuration whose fuel economy was used to calculate the fuel economy values for a model type under paragraph (c) (2) of this section, provide the information specified in paragraph (c) (4) of this section in tabular form. List the vehicle configurations, by model type in the order listed under paragraph (c) (2) of this section, from top to bottom down the left of the table and list the information categories across the top of the table from left to right in the order specified in paragraph (c) (4) of this section.

(4) (i) Loaded vehicle weight;

(ii) Intertia weight;

(iii) Cubic inch displacement of engine;

(iv) Number of engine cylinders;

(vi) Engine code;

(vii) Fuel system (number of carburetor barrels or, if fuel injection is used, so indicate);

(viii) Emission control system;

(ix) Transmission class;

(x) Number of forward speeds;

(xi) Existence of overdrive (indicate yes or no);

(xii) Total drive ratio;

(xiii) Axle ratio;

(xiv) City fuel economy;

(xv) Highway fuel economy;

(xvi) Combined fuel economy;

(xvii) Projected sales for the current model year;

(xviii) (A) In the case of passenger automobiles, interior volume index, determined in accordance with Subpart D of 40 CFR Part 600;

(B) In the case of nonpassenger automobiles:

(1) Passenger-carrying volume, and

(2) Cargo-carrying volume;

(xix) Number of designated seating positions;

(xx) Performance of the function described in § 523.5(a)(5) of this chapter (indicate yes or no);

(xxi) Existence of temporary living quarters (indicate yes or no);

(xxii) Body style;

(xxiii) Approach angle;

(xxiv) Departure angle;

(xxv) Breakover angle;

(xxvi) Axle clearance;

(xxvii) Minimum running clearance;

(xxviii) Existence of 4-wheel drive (indicate yes or no);

(xxix) Features other than those specified in paragraphs (c)(4)(xxiii)–(xxviii) of this section that the manufacturer believes make the automobile capable of off-highway operation;

(xxx) Frontal area;

(xxxi) Road load power at 50 miles per hour, as determined under 40 CFR Part 86;

(xxxii) Optional equipment which the manufacturer is required under 40 CFR Parts 86 and 600 to have on the vehicle configuration for fuel economy testing purposes; and

(xxxiii) Manufacturer's suggested retail price.

(5) For each vehicle configuration for which the manufacturer is required to provide the information specified in paragraph (c)(4) of this section, provide a graph showing a continuous curve of velocity and acceleration versus time for the vehicle configuration when accelerated from a standing start to 60 miles per hour under the conditions and in accordance with the procedures specified in § 575.106(d) of this chapter.

(6) The fuel economy values provided under paragraphs (c) (2) and (4) of this section shall be determined in accordance with § 537.10.

(d) *Automobile technology and sales mix changes.* (1) For each inertia weight class of the manufacturer's automobiles:

(i) Describe the differences between the technology of its automobiles for the current model year and of its automobiles for the immediately preceding model year that result in its automobiles for the current model year having higher fuel economy than its automobiles for the immediately preceding model year.

(ii) Describe any changes that the manufacturer intends to make in technology of its automobiles for the current model year that will improve the fuel economy of those automobiles.

(2) (i) Describe any differences in the sales mixes of the manufacturer's automobiles for the current model year and of the manufacturer's automobiles for the immediately preceding model year that result in its automobiles for the current model year having higher average fuel economy than its automobiles for the immediately preceding model year.

(ii) Describe any changes that the manufacturer intends to make in the sales mix of its automobiles for the current model year that will improve the fuel economy of those automobiles.

(e) *Reduction of (CID), (N/V).* (1) List the model types of the manufacturer's automobiles for the current model year in order of increasing average inertia weight and state for each model type:

(i) The minimum (CID) (N/V) that would provide reasonable levels of driveability, gradeability, and acceleration capability for that model type, and

(ii) The ranges of cubic inch displacement of the engine and of total drive ratio that could be used for the minimum (CID) (N/V) stated under paragraph (e)(1)(i) of this section.

(2) For each minimum (CID) (N/V) provided under paragraph (e)(1) of this section, explain the basis, including any supporting market research data, for selecting that (CID) (N/V) and demonstrate that levels of driveability, gradeability and acceleration capability achieveable at lesser (CID) (N/V) values would be unreasonable.

(3) For each model type of the manufacturer's automobiles:

(i) Estimate the fuel economy change that would occur if each automobile in that model type had the minimum (CID) (N/V) stated for that model type under paragraph (e)(1) of this section, and

(ii) Explain the method for estimating the amount of improvement.

(f) *Marketing measures.* (1) Describe and, to the extent possible, quantify the manufacturer's efforts to promote the sales of each of its model types of automobiles for the current model year, listed in order of increasing average inertia weight, including the manufacturer's efforts relating to the following measures:

(i) Advertising,

(ii) Pricing, and

(iii) Incentives offered by the manufacturer to its dealers to sell that model type and to sell each equipment option.

(2) Describe and quantify the extent to which efforts described under paragraph (f)(1)(i)–(iii) of this section have aided and will aid the manufacturer in improving the average fuel economy of its automobiles for the current model year.

(g) *Additional compliance efforts.* In the case of each manufacturer whose average fuel economy projected for the current model year under paragraph (b)(2) of this section or, if an average is not projected under that paragraph, whose average projected under paragraph (b)(1), is less than the applicable average fuel economy standard for the current model year, describe the additional technological improvements, sales mix changes and marketing efforts, other than those described under paragraph (d)(2) of this section, that could be undertaken to achieve compliance with that standard and that would minimize any additional costs to the manufacturer and quantify those additional costs.

(h) *Impact of other Federal standards on fuel economy.* (1)(i) For model year 1978, compare the impact of the standards for each model type in the current model year in the following categories of motor vehicle standards on the fuel economy or on the cost of improving the fuel economy of the manufacturer's automobiles with the impact that the standards for model year 1975 in those categories would have had on that fuel economy or those costs if those model year 1975 standards were the only standards for the current model year in those categories:

(A) Emissions standards under section 202 of the Clean Air Act; 42 U.S.C. 1857f–1, and emission standards applicable under section 209(b) of that Act, 42 U.S.C. 1857f–6a;

(B) Motor vehicle safety standards under the National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. 1381 et seq;

(C) Noise emission standards under section 6 of the Noise Control Act of 1972, 42 U.S.C. 4905; and

(D) Property loss reduction standards under Title I of the Motor Vehicle Information and Cost Savings Act, 15 U.S.C. 1901 et seq.

(ii) For model year 1979 and each model year thereafter, provide the information required by paragraph (h)(1)(i) of this section, except the comparison shall be based on standards for the model year immediately preceding the current model year instead of the standards for model year 1975.

(2) Explain any difference described under paragraph (h)(1) of this section between the impact of the standards in the categories specified in paragraph (h)(1)(i) of this section for the current model year and that of the standards in those categories for model year 1975 or the model year immediately preceding the current model year, as specified in paragraph (h)(1) of this section.

(3) For each impact described under paragraph (h)(1) of this section which could have been lessened by technological means, identify each of those means, indicate the extent to which and manner in which each of those means would have reduced that impact, and explain why each of those means were not used.

(4) For each impact described under paragraph (h)(1) of this section which the manufacturer believes could not have been lessened by technological means, explain the reasons for that belief.

(5) A manufacturer is not required by paragraph (h)(1)–(2) of this section to submit information regarding a category of standards, specified in paragraph (h)(1) of this section, for model year 1978, 1979, or 1980, if that manufacturer has submitted a petition under Part 527 of this chapter claiming that that category of standards for that model year has caused a reduction in the fuel economy achievable in that model year.

(i) *Impacts of efforts to comply with average fuel economy standards on automobile performance.* Describe the effects of the manufacturer's efforts to comply with the applicable average fuel economy standard for the current model year on:

(1) The performance of the manufacturer's automobiles for that model year, and

(2) The cost of complying with the standards for that model year in each category of standards specified in paragraph (h)(1)(i) of this section.

(j) *Material composition.* (1) For each of the raw or finished materials used in the manufacturer's automobiles for the current model year and specified in paragraph (j)(3) of this section, state in tabular form:

(i) The percentage which each of those materials constitutes of the total average weight of those automobiles, and

(ii) The total tonnage of each of those materials used in those automobiles.

(2) List the materials and components in the order specified in paragraph (j)(3) of this section down the left side of the table, divide the table into two vertical columns, and indicate the percent composition in column 1 and the total tonnage used in column 2.

(3) (i) Steel. (A) Alloy steel, (B) aluminized steel, (C) carbon steel, (D) galvanized steel, (E) stainless steel.

(ii) Iron, (A) cast iron, (B) maleable iron.

(iii) Tires. (iv) Aluminum. (v) Plastics. (vi) Glass. (vii) Batteries. (viii) Copper. (ix) Chromium. (x) Magnesium.

(xi) Other raw or finished materials (specify).

(k) *Costs.* (1) (i) For each inertia weight class of the manufacturer's automobiles, state the differences between each component of the manufacturing costs of the manufacturer's automobiles for the current model year and each component of those costs for the manufacturer's automobiles for the model year immediately preceding the current model year that is due to the manufacturer's efforts to comply with the applicable average fuel economy standard for the current model year.

(ii) Explain the reasons for each of the differences stated under paragraph (k)(1)(i) of this section.

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(2) Estimate the effect of the portions of those differences due to the compliance efforts specified in paragraph (k)(1) of this section on:

(i) The manufacturer's suggested retail price for its automobiles for the current model year; and

(ii) The retail price of replacement equipment for those automobiles.

(3) Estimate the effect of the manufacturer's compliance efforts specified in paragraph (k)(1) of this section on each component of the life cycle maintenance and operating costs of the manufacturer's automobiles for the current model year.

(l) *Gross income and market share.* (1) For the model year immediately preceding the current model year and for the current model year, state:

(i) The gross income of the manufacturer from the sale of its automobiles in each comparable class of automobiles, as described in 40 CFR Part 600, for each of those model years; and

(ii) The manufacturer's absolute and percentage shares of the market for each comparable class of automobiles, as described in 40 CFR Part 600, for each of those model years.

(2)(i) State the extent to which any differences in the gross income figures or in the market shares stated under paragraph (l)(1) of this section are due to the manufacturer's efforts to comply with the applicable average fuel economy standard for the manufacturer's automobiles for the current model year.

(ii) Explain the basis for stating under paragraph (l)(2)(i) of this section that any difference in gross income or market share are due to the manufacturer's fuel economy compliance efforts.

(m) *Engine-system combinations and fuel systems.* (1) List the model types of the manufacturer's passenger automobiles for the current model year in order of increasing average inertia weight and for each model type describe any differences between the engine-system combinations and fuel systems installed in the manufacturer's passenger automobiles in that model type and those combinations and systems installed in the manufacturer's nonpassenger automobiles in model types which have the same average inertia weight as that model type of passenger automobiles.

(2) For each set of differing combinations or systems described under paragraph (m)(1) of this section:

(i) Identify the combination or system which contributes more to improved fuel economy;

(ii) Explain the reason for and quantify the greater contribution of the combination or system identified under paragraph (m)(2)(i) of this section;

(iii) Estimate the improvement in fuel economy that would occur if the combination or system identified under paragraph (m)(2)(i) of this section were substituted for the combination or system not identified under the paragraph on the manufacturer's automobiles equipped with the unidentified combination or system; and

(iv) **Explain the reasons for not having made the substitution described under paragraph (m)(2)(iii) of this section.**

§ 537.8 Automobiles for future model years.

(a)(1) After providing the information required by § 537.7, provide the information required by paragraphs (b)–(h) and (i)(2)–(q) of this section for the manufacturer's passenger automobiles for each future model year.

(2) After providing the information required by paragraph (a)(1) of this section, provide the information required by paragraphs (b)–(h) and (j)–(q) of this section for each class, as specified in part 533 of this chapter, of the manufacturer's nonpassenger automobiles for each future model year.

(3) After providing the information required by paragraph (a)(2) of this section, provide the information required by paragraph (i)(1) of this section for the manufacturer's passenger automobiles and nonpassenger automobiles for each future model year.

(b) *Projected average fuel economy.* (1) For each future model year, provide in tabular form the information specified in paragraph (b)(2) of this section about the manufacturer's automobiles for that model year based on the information provided by the manufacturer under and the assumptions specified in § 537.8(b). Average fuel economy values shall be determined in accordance with § 537.10. List each future model year down the left side of the table in chronological order and list the information categories across the top of the table from left to right in the order specified in paragraph (b)(2) of this section.

(2) (i) Average loaded vehicle weight.

(ii) Average HP/IWT.

(iii) Average axle ratio.

(iv) Projected total sales of the manufacturer's automobiles.

(v) Average fuel economy of the manufacturer's automobiles for that model year subject to the Federal emissions standards under section 202 of the Clean Air Act, 42 U.S.C. 1857–1.

(vi) Average fuel economy of the manufacturer's automobiles for that model year subject to the California emissions standards applicable by reason of section 209(b) of the Clean Air Act, 42 U.S.C. 1857f–6a.

(vii) Average fuel economy of the manufacturer's automobiles for that model year subject to either the Federal or California emissions standards.

(c) *Model type fuel economy and technical information.* (1) For each future model year and for each model type of the manufacturer's automobiles for that model year, provide in the form specified in § 537.7(c)(1):

(i) The information specified in § 537.7(c)(2); and (ii) The following information: (A) Average inertia weight; (B) Average cubic inch displacement of engine; and (C) Average total drive ratio.

(iii) **If the information provided under paragraph (c)(1)(i) of this section for a particular model type is a different value than the information provided in § 537.7(c)(2) for the same model type explain the reasons for the difference.**

(2) (i) **In providing the information required by paragraph (c)(1)(i) of this section, use the Federal and California emissions standards, if known, applicable to the future model years.**

(ii) If any Federal emissions standard for a future model year is not known, assume that the standard is the same as the Federal emissions standard for the most recent model year for which the Federal standard is known.

(iii) If any California emissions standard for a future model year is not known, assume that the standard is the same as the Federal emissions standard known or assumed, a appropriate, for that model year, or as the California standard for the most recent model year for which the California standard is known, whichever standard is more stringent.

(3) The fuel economy values provided under paragraph (c)(1) of this section shall be determined in accordance with § 537.10.

(d) *Current fuel economy technology.* (1) Describe each item of current technology and each current technological means available to the manufacturer for improving automobile fuel economy whose use the manufacturer's plans to introduce or expand in its automobiles for any future model year.

(2) For each item of technology or means described under paragraph (d)(1) of this section and for each future model year:

(i) State the fuel economy improvement that would result from installing that item or using that means in the manufacturer's automobiles for that model year and the basis for determining the stated improvement.

(ii) (A) Describe the manufacturer's plans, including production lead time schedules, for introducing or expanding the use of that item or means in the manufacturer's automobiles for that model year, the anticipated obstacles to implementing those plans, and the plans for overcoming those obstacles.

(B) In the case of a manufacturer which is not planning to introduce or expand the use of that item or means so that it will be incorporated in all of his automobiles by the last future model year, explain the reasons for not planning to do so.

(iii) State the capital requirements and other costs for incorporating that item or means in the manufacturer's automobiles for that model year.

(iv) Estimate the effect of incorporating that item or means in the manufacturer's automobiles for that model year on:

(A) The performance of those automobiles, except to the extent that the information is provided under paragraph (m) of this section.

(B) The manufacturer's average suggested retail price for those automobiles on the elements of fixed and variable costs leading to any increases in that price.

(C) The retail price of replacement equipment for those automobiles.

(D) The maintenance and operating costs of those automobiles.

(3) Describe each item of current technology and each current technological means available to the manufacturer for improving automobile fuel economy which the manufacturer considered but for which the manufacturer does not have any plans for introducing or expanding the use of that item or means in the manufacturer's automobiles by the last future model year and explain why use of that item or means will not be introduced or expanded by that model year.

(e) *Future fuel economy technology.* (1) (i) Describe each of the manufacturer's ongoing or planned future technology projects that may aid in improving the fuel economy of the manufacturer's automobiles and the goals of each project, including the technology that the project is intended to refine or develop.

(ii) State the reason for undertaking or planning each project described under paragraph (e)(1)(i) of this section, including an indication whether the project is based upon one or more of the categories of standards specified in § 537.7(h)(1)(i).

(iii) State the potential fuel economy improvement obtainable from each project described under paragraph (e)(1)(i) of this section and the basis for determining the stated improvement.

(iv) State the highlights, including key developmental stages, of the schedule for completing each project described under paragraph (e)(1)(i) of this section.

(v) State the anticipated obstacles to adhering to the schedule for and to achieving the fuel economy improvement objectives of each project described under paragraph (e)(1)(i) of this section, including each project's relationship to or dependency on other projects of the manufacturer described under paragraph (e)(1)(i) of this section.

(vi) Describe the manufacturer's plans for overcoming each obstacle described under paragraph (e)(1)(v) of this section.

(vii) State each component of the fixed and variable costs of completing each project described under paragraph (e)(1)(i) of this section.

(viii) For each item of technology described under paragraph (e)(1)(i) of this section:

(A) State the first model year in which that item will be available for incorporation in the manufacturer's automobiles.

(B) Describe the plans, including the production lead time schedules, for incorporating that item in the manufacturer's automobiles, the anticipated obstacles to implementing those plans and the plans for overcoming those obstacles.

(ix) State the capital requirements and other costs for incorporating each item of technology described under paragraph (e)(1)(i) of this section in the manufacturer's automobiles.

(x) For each item of technology described under paragraph (e)(1)(i) of this section and for each future model year, estimate the effect of implementing the plans described for that item under paragraph (e)(1)(viii)(B) on:

(A) The performance of those automobiles, except to the extent that the information is provided under paragraph (m) of this section.

(B) The manufacturer's average suggested retail price for those automobiles and on each component of fixed and variable costs leading to any increases in that price.

(C) Retail price of replacement equipment for those automobiles.

(D) The maintenance and operating costs of those automobiles. State the labor and material costs separately.

(2) (i) Describe each item of technological capable of improving the fuel economy of the manufacturer's automobiles that the manufacturer considered and then rejected as a subject of its research and development activity.

(ii) State the potential fuel economy improvement obtainable from each item of technology described under paragraph (e)(2)(i) of this section.

(iii) Explain the reasons for rejecting each item of technology described under paragraph (e)(2)(i) of this section.

(3) (i) Describe each item of known future technology being developed by a developer, other than an automobile manufacturer, of automobile technology that will improve automobile fuel economy, that is likely to occur during the future model years, and that will be available for use by the manufacturer submitting information under this paragraph in automobiles by the last future model year.

(ii) State the potential fuel economy improvement obtainable from each item of technology described under paragraph (e)(3)(i) of this section.

(4) Describe the alternative plans for future fuel economy technology, including schedules, costs, and capital requirements, that can be developed and implemented by the manufacturer if the items of technology described under paragraphs (e)(1) and (3) of this section either do not occur as scheduled or yield less than the anticipated fuel economy improvements.

(f) *Automobile technology and sales mix changes.* (1) For each future model year and for each inertia weight class of the manufacturer's automobiles for that future model year:

(i) Describe the differences between the technology of its automobiles for that future model year and of its automobiles for the immediately preceding model year that will result in its automobiles for that future model year having higher fuel economy than its automobiles for the immediately preceding model year.

(ii) Describe any difference in the sales mixes of the manufacturer's automobiles for that future model year and of the manufacturer's automobiles for the immediately preceding model year that will result in its automobiles for that future model year having higher average fuel economy than its automobiles for the immediately preceding model year.

(g) *Weight reduction.* (1) For each inertia weight class of the manufacturer's automobiles for the current model year, state how much the weight of those automobiles could be reduced by the last future model year without reducing their number of designated seating positions and, in the case of passenger automobiles, their luggage capacity or cargo volume index, as appropriate, determined in accordance with Subpart D of 40 CFR Part 600, or, in the case of nonpassenger automobiles, their cargo carrying volume.

(2) Explain how the weight reductions described under paragraph (g)(1) of this section would be achieved and why a greater reduction could not be achieved.

(h) *Reduction of (CID) (N/V).* For each future model year:

(1) State whether the minimum (CID) (N/V) value provided in § 537.7(e)(1) for each model type will be the minimum (CID) (N/V) that would provide reasonable levels of driveability, gradeability, and acceleration capability in that future model year. If not, state the minimum (CID) (N/V) that will provide those levels, and explain the reasons for the changes in those levels.

(2) State the proportion of the automobiles for that future model year in each model type that will be equipped with the minimum (CID) (N/V) for that model type and explain why a higher proportion will not be achieved.

(i) *Technological differences between automobiles.* (1) For each model type of the manufacturer's passenger automobiles for any future model year whose equivalent inertia weight, as determined by its average loaded vehicle weight, is the same as the equivalent inerta weight of a model type of the manufacturer's nonpassenger automobiles for the same model year, as determined by its average loaded vehicle weight, and whose combined fuel economy differs by more than one-half per gallon from the combined fuel economy of that model type of nonpassenger automobile, state the reasons, including any technological and economic ones, for the manufacturer's not designing and equipping the model type with the lowest combined fuel economy so that its combined fuel economy will equal that of the model type with the highest combined fuel economy.

(2)(i) For each future model year, provide the information specified in § 537.7(c)(4) in the form specified in § 537.7(c)(3) for the vehicle configuration having the highest anticipated combined fuel economy in each of the following groups of the manufacturer's automobiles for that model year:

(A) Passenger automobiles, other than station wagons, with four designated seating positions.

(B) Passenger automobile station wagons with four designated seating positions.

(C) Passenger automobiles, other than station wagons, with five designated seating positions.

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(D) Passenger automobile station wagons with five designated seating positions.

(E) Passenger automobiles, other than station wagons, with six designated seating positions.

(F) Passenger automobile station wagons with six designated seating positions.

(ii) For each vehicle configuration described under paragraph (i)(2)(i) of this section, explain why the manufacturer's passenger automobile vehicle configurations with the same number of designated seating positions will not be designed and equipped to achieve the same combined fuel economy as that described vehicle configuration.

(j) *Marketing measures.* (1) For each future model year, describe how the manufacturer's marketing measures described under § 537.7(f) for the current model year could be changed in that future model year to improve the average fuel economy of the manufacturer's automobiles for that model year.

(2) For each of the first two future model years:

(i) Describe how the manufacturer's marketing efforts for that model year will differ from its marketing measures described under § 537.7(f) for the current model year and explain the reasons for the differences.

(ii) Explain the reason for not planning to make any marketing measure changes that are described under paragraph (j)(1) of this section, but not under paragraph (j)(2)(i) of this section.

(k) *Additional compliance efforts.* For each future model year, in the case of each manufacturer whose average fuel economy projected for that model year under paragraph (b) of this section is less than the applicable average fuel economy standard for that model year, described the additional technological improvements, sales mix changes and marketing efforts that could be undertaken to achieve compliance with that standard and that would minimize any additional costs to the manufacturer and quantify those additional costs.

(l) *Impact of other Federal automobile standards on fuel economy.* For each future model year:

(1) Compare the impact of the standards for that model year in the categories of standards specified in § 537.7(h)(1)(i) on the fuel economy or on the cost of improving fuel economy of the manufacturer's automobiles for that model year with the impact that the standards for the immediately preceding model year in those categories would have had on that fuel economy or those costs if those standards for that immediately preceding model year were the only standards for that future model year in those categories.

(3) Explain any differences between the impact described under paragraph (l)(1) of this section of the standards for that model year and that described under paragraph (l)(1) of this section of the standards for the immediately preceding model year.

(4) For each impact which is described under paragraph (l)(1) of this section and which could be lessened by technological means:

(i) Identify each of those means,

(ii) State the extent to which and manner in which each of those means would have reduced that impact, and

(iii) Explain why each of those means were not used.

(5) For each impact which the manufacturer believes could not be lessened by technological means, explain the reasons for that belief.

(m) *Impacts of efforts to comply with average fuel economy standards on automobile performance.* For each future model year for which there is an applicable average fuel economy standard, describe the effects of the manufacturer's efforts to comply with that standard on:

(1) The performance of the manufacturer's automobiles for that model year, and

(2) The cost of complying with the standards for that model year in each category of standards specified in § 537.7(h)(1)(i).

(n) *Availability of capital.* (1) For each future model year for which there is an applicable average fuel economy standard, state whether the manufacturer will be able to obtain sufficient capital to achieve the average fuel economy it projected for that model year under paragraph (b)(2)(vii) of this section or the applicable average fuel economy standard for that model year, whichever is higher.

(2) In the case of a manufacturer that states under paragraph (h)(1) of this section that there will be an insufficiency of capital, demonstrate that sufficient existing or anticipated capital cannot be allocated to fuel economy improvement purposes and that sufficient additional capital cannot be obtained.

(o) *Costs.* For each future model year for which there is an applicable average fuel economy standard:

(1) State, for each inertia weight class of the manufacturer's automobiles, the difference between each component of the manufacturing costs for the manufacturer's automobiles for that future model year and each component of those costs for the manufacturer's automobiles for the model year immediately preceding that future model year that is due to the manufacturer's efforts to comply with the applicable average fuel economy standard for that future model year.

(2) Explain the reasons for each difference stated under paragraph (o)(1)(i) of this section.

(p) *Shifts in consumer demand.* (1) For each future model year for which there is an applicable average fuel economy standard, describe and, to the extent possible, quantify the shifts which that standard may cause in consumer demand between automobiles of different sizes, styles, and performance capabilities and between the manufacturer's automobiles and automobiles of other manufacturers.

(2) Explain the basis, including any market research data, for determining any shifts under paragraph (p)(1) of this section.

(q) *Gross income and market share.* (1) For each future model year, estimate:

(i) The gross income of the manufacturer from the sale of its automobiles in each camparable class of automobiles, as described in 40 CFR Part 600, for that model year.

(ii) The manufacturer's absolute and percentage shares of the market for each comparable class of automobiles, as described in 40 CFR Part 600, for that model year.

(2) (i) State the extent to which any differences in the gross income figures or in the market shares estimated under paragraph (q)(1) of this section for any two consecutive model years for which there are applicable average fuel economy standards are due to the manufacturer's efforts to comply with the applicable average fuel economy standard for the manufacturer's automobiles for the second of those two model years.

(ii) Explain the basis for stating under paragraph (q)(2)(i) of this section that any differences in gross income or market share are due to the manufacturer's fuel economy compliance efforts.

§ 537.9 Supplementary reports.

(a)(1) Except as provided in paragraph (d) of this section, each manufacturer whose projected average fuel economy has changed to the extent described in paragraph (a)(1)(i), (ii), or (iii) of this section shall file a supplementary report containing the information specified in paragraph (b) (1) or (2), as appropriate, of this section.

(i) The average fuel economy projected by the manufacturer for its passenger automobiles or nonpassenger automobiles for the current model year or the first future model year has decreased from the projected average fuel economy most recently reported for those automobiles by the manufacturer under this part by 0.1 mile per gallon or more to a projected average less than 0.4 miles per gallon above the applicable average fuel economy standard for those automobiles.

(ii) The average fuel economy projected by the manufacturer for its passenger automobiles or nonpassenger automobiles for the second or third future model year has increased or decreased by 0.3 miles per gallon or more compared to the projected average fuel economy most recently reported for those automobiles by the manufacturer under this part, or

(iii) The average fuel economy projected by the manufacturer for its passenger automobiles or nonpassenger automobiles for any future model year other than those specified in paragraph (a)(1)(i) or (ii) of this section has increased or decreased by 0.5 miles per gallon or more compared to the projected average fuel economy most recently reported for those automobiles by the manufacturer under this part.

(2) Except as provided in paragraph (d) of this section, each manufacturer

whose previously submitted statements under § 537.7(b)(2), this section, or both, relating to the representativeness of its projected average fuel economy, additional data needed, or its plans for developing additional data for its passenger automobiles or nonpassenger automobiles for the current model year have become partially or wholly inaccurate or incomplete, shall file a supplementary report containing the information specified in paragraph (b)(3) of this section.

(b)(1) The supplementary report required by paragraph (a)(1)(i) of this section must contain:

(i) Such revisions of the information previously submitted by the manufacturer under this part regarding the automobiles for the current model year or first future model year whose average fuel economy has decreased to the extent specified in paragraph (a)(1)(i) of this section as are necessary to explain the effects of the decrease and its causes on the previously submitted information.

(ii) An explanation of the decrease in average fuel economy that led to the manufacturer's having to submit the supplementary report required by paragraph (a)(1)(i) of this section.

(2) The supplementary report required by paragraph (a)(1)(ii) or (iii) of this section must contain:

(i) Such revisions of the information previously submitted by the manufacturer under this part regarding the automobiles for the second or any subsequent future model years whose average fuel economy has increased or decreased to the extent specified in paragraph (a)(1)(ii) or (iii) of this section as are necessary to explain the effects of the increase or decrease and its causes on the previously submitted information.

(ii) An explanation of the increase or decrease in average fuel economy that led to the manufacturers' having to submit the supplementary report required by paragraph (a)(1)(ii) or (iii) of this section.

(3) The supplementary report required by paragraph (a)(2) of this section must contain:

(i) Such revisions of the information previously submitted by the manufacturer under § 537.7(b)(2), this section, or both, regarding the manufacturer's passenger automobiles or nonpassenger automobiles, as appropriate, for the current model year as are necessary to correct any inaccuracy or eliminate any incompleteness in that previously submitted information.

(ii) An explanation of the inaccuracy or incompleteness that led to the manufacturer's having to submit the report.

(c) Each report required by this section must be submitted in accordance with § 537.5(c) and not more than 30 days from the date that the manufacturer determined or could have, with reasonable diligence, determined that the report is required under paragraph (a) of this section.

(d)(1) A supplementary report regarding a manufacturer's automobiles for the current model year is not required to be submitted by the manufacturer under paragraph (a)(1)(i) or (2) of this section:

(i) With respect to information submitted under this part before the most recent semi-annual report submitted by the manufacturer under this part, or

(ii) When the date specified in paragraph (c) of this section occurs:

(A) During the 60-day period immediately preceding the last day on which the next mid-model year report is required to be submitted by the manufacturer under this part, or

(B) After the last day on which the next pre-model year report is required to be submitted by the manufacturer under this part.

(2) A supplementary report regarding a manufacturer's automobiles for any future model year is not required to be submitted by the manufacturer under paragraph (a) of this section:

(i) With respect to information submitted by the manufacturer under this part before the most recent pre-model year report submitted by the manufacturer under this part, or

(ii) When the date specified in paragraph (c) of this section occurs during the 60-day period immediately preceding the last day on which the next pre-model year report is required to be submitted by the manufacturer under this part.

§ 537.10 Determination of fuel economy values and average fuel economy.

(a) *Vehicle configuration fuel economy values.* For each vehicle configuration for which a fuel economy value is required under paragraph (c) of this section and for which a fuel economy value has been determined and approved under 40 CFR Part 600, the manufacturer shall submit that fuel economy value. For each vehicle configuration for which such a value does not exist, the manufacturer shall submit a fuel economy value based on tests or analyses comparable to those prescribed or permitted under 40 CFR Part 600 and a description of the test procedures or analytical methods.

(b) *Base level and model type fuel economy values.* For each base level and model type, the manufacturer shall submit a fuel economy value based on the values determined in accordance with paragraph (a) of this section and calculated in the same manner as base level and model type fuel economy values are calculated for use under Subpart F of 40 CFR Part 600.

(c) *Average fuel economy.* Average fuel economy shall be based upon fuel economy values calculated under paragraph (b) of this section for each model type and shall be calculated in accordance with 40 CFR 600.506, using the configurations specified in 40 CFR 600.506(a)(2), except that fuel economy values for running changes implemented and for base levels added are required only for those changes or additions made before the manufacturer's submission of a report under this part.

§ 537.11 Incorporation by reference.

(a) A manufacturer may incorporate by reference in a report required by this part any document other than a report, petition, or application, or portion thereof submitted to any Federal department or agency more than two model years before the current model year.

(b) A manufacturer that incorporates by reference a document in a report required by this part shall append that document to the report.

§ 537.12 Public inspection of information.

Except as provided in § 537.13, any person may inspect the information and data submitted by a manufacturer under this part in the docket section of the National Highway Traffic Safety Administration. Any person may obtain copies of the information available for inspection under this section in accordance with the regulations of the Secretary of Transportation in Part 7 of this title.

§ 537.13 Confidential information.

(a) Information made available under § 537.12 for public inspection does not include information for which confidentiality is requested under § 537.5(c)(7), is granted in accordance with section 505 of the Act and section 552(b) of Title 5 of the United States Code and is not subsequently released under paragraph (c) of this section in accordance with section 505 of the Act.

(b) *Denial of confidential treatment.* When the Administrator denies a manufacturer's request under § 537.5(c)(7) for confidential treatment of information, the Administrator gives the manufacturer written notice of the denial and reasons for it. Public disclosure of the information is not made until after the ten-day period immediately following the giving of the notice.

(c) *Release of confidential information.* After giving written notice to a manufacturer and allowing ten days for the manufacturer to respond, the Administrator may make available for public inspection any information submitted under this part that is relevant to a proceeding under the Act, including information that was granted confidential treatment by the Administrator pursuant to a request by the manufacturer under § 537.5(c)(7).

[FR Doc.77-10597 Filed 4-7-77;11:25 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 4]

LOAN PROGRAMS—1973 AND SUBSEQUENT CROP PRICE SUPPORT PROGRAMS AND FARM STORAGE AND DRYING EQUIPMENT LOAN PROGRAM

Announcement of Interest Rate

The revised announcement by Commody Credit Corporation published on page 35403 of the FEDERAL REGISTER of October 1, 1974, as amended in the issue of March 31, 1975, at page 14347, in the issue of October 1, 1975, at page 45211, and in the issue of April 1, 1976, at page 13971, of the rate of interest applicable to price support programs on 1973 and subsequent crops or production and to financing the purchase or construction of farm storage facilities and drying equipment is hereby amended to announce the interest rate on such loans effective April 1, 1977.

Paragraph A1(c) of the announcement is amended to read as follows:

(c) For 1974 crops, for which applications are received on or after October 1, 1974, loans shall bear interest at the per annum rate of 9.375 percent from the date of disbursement through March 31, 1975, at the per annum rate of 6.125 percent from April 1, 1975, through September 30, 1975, at the per annum rate of 7.500 percent from October 1, 1975, through March 31, 1977, and at the per annum rate of 6.000 percent from April 1, 1977, until date of repayment.

Paragraph A1(d) is amended to read as follows:

(d) For 1975 crops, loans shall bear interest at the per annum rate of 6.125 percent from the date of disbursement through September 30, 1975, at the per annum rate of 7.500 percent from October 1, 1975, through March 31, 1977, and at the per annum rate of 6.000 percent from April 1, 1977, until date of repayment.

Paragraph A1(e) is amended to read as follows:

(e) For 1976 crops, loans shall bear interest at the per annum rate of 7.500 percent from the date of disbursement through March 31, 1977, and at the per annum rate of 6.000 percent from April 1, 1977, until the end of the initial loan period.

Paragraph A1(f) is added to read as follows:

(f) For 1977 crops, loans shall bear interest at the per annum rate of 6.000 percent from the date of disbursement until the end of the initial loan period.

Paragraph B is amended to read as follows:

B. FARM STORAGE AND DRYING EQUIPMENT LOAN PROGRAM

Loans made for the purchase, construction, erection, or installation of farm storage facilities or drying equipment shall bear interest as follows: Loans disbursed by CCC prior to April 1, 1977, on applications filed on or after October 1, 1974, shall bear interest at the per annum rate of 9.375 percent from the date of disbursement through March 31, 1975, at the per annum rate of 6.125 percent from April 1, 1975, through September 30, 1975, at the per annum rate of 7.500 percent from October 1, 1975, through March 31, 1977, and at the per annum rate of 7.000 percent from April 1, 1977, until date of repayment. Loans disbursed on or after April 1, 1977, shall bear interest at the per annum rate of 7.000 percent from the date of disbursement until date of repayment.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); sec. 401 (a) and (b), 63 Stat. 1051, as amended (7 U.S.C. 1421 (a) and (b)).)

Signed at Washington, D.C. on April 4, 1977.

VICTOR A. SENECHAL,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.77-10521 Filed 4-8-77;8:45 am]

Forest Service

UNION COUNTY GRAZING ADVISORY BOARD

Meeting

The Union County Grazing Advisory Board will meet Monday, May 16, 1977, at 7:30 p.m. in the First National Bank Building, Clayton, New Mexico.

The purpose of this meeting is Election of Board Officers and organization of the board, followed by discussion of problems or matters of common interest to the grazing permittees of the Kiowa National Grasslands.

The meeting will be open to the public. Persons who wish to attend should notify District Ranger Alton Bryant through telephone number 374-9652, or at 16 North Second Street, Clayton, New Mexico 88415. Written statements may be filed with the board before or after the meeting.

KEITH T. PFEFFERLE,
Forest Supervisor.

MARCH 25, 1977.

[FR Doc.77-10540 Filed 4-8-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 30679]

ATLANTA-DAYTONA BEACH/SARASOTA-BRADENTON NONSTOP PROCEEDING

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on May 24, 1977, at 9:30 a.m. (local time), in Room 1003, Hearing Room A, Universal North Building, 1875 Connecticut Ave., N.W., Washington, D.C., before Administrative Law Judge Richard V. Backley.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before May 6, 1977, and the other parties on or before May 16, 1977. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., April 4, 1977.

HENRY M. SWITKAY,
Acting Chief Administrative Law Judge.

[FR Doc.77-10532 Filed 4-8-77;8:45 am]

LONG-HAUL MOTOR CARRIER

Application for Air Freight Forwarder Authority

Notice is hereby given, pursuant to § 296.84 of the Board's Economic Regulations (14 CFR 296.84), that an application for air freight forwarder operating authority has been filed by:

Trailways Express, Inc., 1500 Jackson Street, Dallas, Texas 75201.

The above-named applicant is a long-haul motor carrier as defined by § 296.1 of the Board's Regulations.

Objections to this application may be filed with the Civil Aeronautics Board, Supplementary Services Division, pursuant to § 296.85 of the Board's Regulations, within thirty (30) days of the publication of this notice.

Dated at Washington, D.C., April 4, 1977.

JOHN V. COLEMAN,
Chief, Supplementary Services Division, Bureau of Operating Rights.

[FR Doc.77-10531 Filed 4-8-77;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

PUBLIC DISPLAY PERMIT

Receipt of Application

Notice is hereby given that the following applicant has applied in due form for a Permit to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407); and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

Como Park Zoo, City of St. Paul, Hamline and Midway Parkway, St. Paul, Minnesota 55103 to take eight (8) California sea lions (*Zalophus californianus*) for public display.

The Applicant states that he would take beached and stranded animals off the California beaches, if obtainable, otherwise, the animals would be captured by a professional collector on or near Santa Cruz or San Migual Islands off Santa Barbara, California, with a hoop net on land or with a modified gill net in the water.

The animals will be acclimated at the collector's facility than shipped to the St. Paul facility by commercial aircraft and truck.

At the facility, the animals will be displayed in a pool 22 feet by 21 feet by 8 feet deep. The display also includes a show area and a moat area with an island haul-out area.

In addition, there are 4 indoor display and holding tanks ranging from 4 feet by 6 feet to 10 feet by 13 feet with depths from 2½ feet to 4 feet.

The sea lions are desired to provide recreational and educational benefits to the estimated 800,000 visitors that visit the facility annually.

The facility is not operated for profit. The Zoo Director has worked with various classes of marine mammals over thirty years, and his staff has over fifteen years experience.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Documents submitted in connection with the above application are available for review in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.;
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731; and
Regional Director, National Marine Fisheries Service, Southeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: April 4, 1977.

ROBERT J. AYERS,
Acting Assistant Director for Fisheries Management, National Marine Fisheries Service.

[FR Doc.77-10492 Filed 4-8-77;8:45 am]

National Oceanic and Atmospheric Administration

SECRETARY OF COMMERCE'S ANNUAL REPORT ON FISHERY MANAGEMENT PLANS AND CONSERVATION ACTIVITIES

Corrected Notice of the Secretary's Report

Notice is hereby given of a correction in the Secretary of Commerce's Annual Report on Fishery Management Plans and Conservation Activities which appeared in the FEDERAL REGISTER on March 14, 1977, Part I, Volume 42, Number 49. The membership list of the Pacific Fishery Management Council should be corrected as follows:

VOTING MEMBERS

James A. Crutchfield, Department of Economics, University of Washington, Seattle, Washington.
George J. Easley, Commercial Fisherman, Coss Bay, Oregon.
Joseph C. Greenley, Idaho Department of Fish and Game, Boise, Idaho.
Donald R. Johnson, Director, Northwest Region, National Marine Fisheries Service, Seattle, Washington.
Herman J. McDevitt, McDevitt, McDevitt and Meyers, Pocatello, Idaho.
Donald W. Moos, Department of Fisheries, Olympia, Washington.
Vernon J. Smith, Building Operations Division, General Services Agency, San Jose, California.
John R. Donaldson, Oregon Department of Fish and Wildlife, Portland, Oregon.
E. Charles Fullerton, Department of Fish and Game, Sacramento, California.
Gilbert A. Hunter, Eureka Fisheries, Inc., Fields Landings, California.
John A. Martinis, Member, Washington House of Representatives, Everett, Washington.
John W. McKean, Oregon Fish and Wildlife Department (Retired), Portland, Oregon.
John J. Royal, Fishermen and Allied Workers' Union, San Pedro, California.

NON-VOTING MEMBERS

Kathryn Clark-Bourne, Office of Fisheries, Department of State, Washington, D.C.
John P. Harville, Pacific Marine Fisheries Commission, Portland, Oregon.
William T. Davoren, U.S. Fish and Wildlife Service, San Francisco, California.
Charles H. Meacham, Office of the Governor, Juneau, Alaska.
Vice Admiral A. C. Wagner, USCG, Commander, Pacific Area, San Francisco, California.

Dated: April 5, 1977.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc.77-10541 Filed 4-8-77;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1977

Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received a proposal to add to Procurement List 1977 commodities and a service to be produced/provided by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: May 11, 1977.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:
C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

If the Committee approves the proposed additions, all entities of the Government will be required to procure the commodities and service listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities and service to Procurement List 1977, November 18, 1976 (41 FR 50975):

Class 6230

Desk Lamps, 6230-00-299-7771 (GSA Region 1 only). 6230-00-682-3423 (GSA Region 1 and Shelby Ohio Depot only).

Sic 7349

Janitorial/Custodial Service, Federal Building, 400 S. Clinton, Iowa City, Iowa.

C. W. FLETCHER,
Executive Director.

[FR Doc.77-10639 Filed 4-8-77;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

STUDY GROUP ON GLOBAL ENVIRONMENTAL EFFECTS OF CARBON DIOXIDE

Change of Meeting Date

APRIL 3, 1977.

The meeting of the Study Group on Global Environmental Effects of Carbon Dioxide scheduled for April 30, 1977, as published in the FEDERAL REGISTER on April 1, 1977, FR Doc. No. 77-9906, page

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17515, has been postponed until May 21, 1977. The time and place of the meeting will remain the same—9:45 a.m. to 4 p.m., Delta Airport Group Room 7, Atlanta Georgia Airport.

HARRY L. PEEBLES,
Deputy Advisory Committee Management Officer.

[FR Doc.77-10714 Filed 4-8-77;8:45 am]

GENERAL ADVISORY COMMITTEE

Meeting

APRIL 7, 1977.

Pursuant to provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) in accordance with the purpose of Section 26 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2036) and Section 104(d) of the Energy Reorganization Act of 1974 (42 U.S.C. 5814), notice is hereby given that the General Advisory Committee will hold a meeting on April 27-29 at Los Alamos and Albuquerque, New Mexico. The following constitutes that portion of the Committee's agenda for the above meeting which will be open to the public. The open sessions on April 27 will be held in the "P" Decision Auditorium at Los Alamos Scientific Laboratory. Members of the public requiring directions may call telephone no. 667-4444 in Los Alamos.

APRIL 27—LOS ALAMOS SCIENTIFIC LABORATORY, LOS ALAMOS, N. MEX.

8:15-9 a.m.—Overview of Los Alamos Scientific Laboratory Programs.
9-11 a.m.—Briefings on LASL's Energy Programs.
11-12 noon—Briefing on the President's April 20 Energy Message.
1:30-2 p.m.—Briefing on Los Alamos Meson Production Facility (LAMPF) Program.
2-3 p.m.—Briefing on LASL's Biomedical and Environmental Programs.

In addition to the above agenda items, the Committee will meet in closed session with field staff and in sessions not open to the public under the authority of Section 10(d) of Pub. L. 92-463 as follows:

APRIL 27

3 p.m.-5:30 p.m.—*Solar Study Proposals.* The GAC will review proposals received in response to RFP No. EX-77-R-10-00017 (Exemptions (4) and (6) of 5 U.S.C. 552b(c)).

APRIL 28

8:15 a.m.-2. p.m.—*LASL's Weapons Program.* (Exemptions 1 and 3 of 5 U.S.C. 552b(c).)
2 p.m.-5:30 p.m.—*Solar Study Proposals.* (Exemptions (4) and (6) of 5 U.S.C. 552b (c).)

APRIL 29

9:30 a.m.-12 noon—*Sandia's Weapons and Security Programs.* (Exemptions 1 and 3 of 5 U.S.C. 552b(c).)

Those sessions will involve information exempt from disclosure under 5 U.S.C. 552(c), exemptions (1), (3), (4), and (6).

I have determined that it is necessary to close those portions of the meeting to exchange opinions and formulate recommendations, the discussion of which falls within exemptions (1), (3), (4), and (6) of 5 U.S.C. 552b(c). Any non-exempt material that may be discussed at these sessions will be inextricably intertwined with the discussion of exempt material and no further separation is practical. The public interest will be served by closing such portions of the meeting as it is essential to protect such classified and privileged information.

Practical considerations may dictate alterations in the above agenda and schedule.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items, scheduled above, the following requirements shall apply:

(a) Persons wishing to submit written statements on agenda items may do so by mailing 13 copies thereof, postmarked no later than April 18, 1977, to the Secretary, General Advisory Committee, U.S. Energy Research and Development Administration, Washington, D.C. 20545. Comments shall be based on the above agenda items. Minutes of the meeting will be kept open for 30 days for the receipt of written statements for the record.

(b) Information as to whether the meeting has been rescheduled or relocated can be obtained by a prepaid telephone call on April 25, 1977, to the Office of the Secretary of the Committee on 202-376-4678 between 8:30 a.m. and 5 p.m., eastern time.

(c) Questions at the meeting may be propounded only by members of the General Advisory Committee.

(d) Seating to the public will be made available on a first-come, first-served basis.

(e) The use of still, motion picture, and television cameras the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Copies of the minutes will be made available for copying, following their certification by the Chairman, in accordance with the Federal Advisory Committee Act, at the Energy Research and Development Administration's Public Document Room, 20 Massachusetts Avenue, NW., Washington, D.C. 20545, upon payment of all charges required by law.

HARRY PEEBLES,
Deputy Advisory Committee Management Officer.

[FR Doc.77-10749 Filed 4-8-77;10:19 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 712-4]

COAL-FIRED STEAM GENERATORS SO, EMISSIONS

Public Hearing

On January 27, 1977, (42 FR 5121) the Environmental Protection Agency announced plans to review the new source performance standard for sulfur dioxide emissions from coal-fired steam generators. This announcement indicated that the Agency would conduct a public hearing on the subject.

Notice is hereby given of a public hearing to be held at the following date, time, and place: May 25 and 26, 1977, between 9 a.m. and 4 p.m. e.s.t. at the General Services Administration Auditorium, 18th and F Streets, NW., Washington, D.C. 20460.

This hearing is intended to provide opportunity for interested persons to state their views or to provide information as to:

(1) The beneficial and adverse environmental, energy, and economic impacts of a revised new source performance standard for coal-fired steam generators.

(2) The nature and scope of any studies that should be conducted to understand the above impacts, and possible sources of data and information that would facilitate such analysis.

(3) The advantages and disadvantages of expressing a revised new source performance standard in terms of percent sulfur dioxide control, pounds per million Btu heat input, exit gas concentration, or other units of measurement.

(4) The efficiency, reliability, and availability of flue gas desulfurization units that are operating, under construction, or planned.

The public hearing will be conducted in two parts: The first part will consist of a 20 minute presentation by each member of a four member panel representing: (1) utilities; (2) environmental groups; (3) State agencies; and (4) the Environmental Protection Agency. Following these presentations, an opportunity will be provided for questions from the audience to the panel members. The second part will consist of oral summary statements by interested persons, not to exceed ten minutes in duration. Written material may be submitted by June 30 to expand or comment on these oral presentations.

Mr. Walter C. Barber, Director, Office of Air Quality Planning and Standards, is designated Presiding Officer for the hearing. He will have the responsibility for maintaining order; excluding irrelevant or repetitious material; scheduling presentations; and, to the extent possible, notifying participants of the time at which they may appear. The hearings will be conducted informally. Technical rules of evidence will not apply.

Persons wishing to make a statement at the hearing are requested to file a notice of such intention not later than May 15, and to submit, if practicable, five copies of the proposed statement. Notice of intent to make a presentation, copies of the statement, and questions concerning the hearing should be addressed to: George Walsh, Assistant to the Director, Emission Standards and Engineering Division, MD-13, Environmental Protection Agency, Research Triangle Park, N.C. 27711.

Dated: April 5, 1977.

EDWARD F. TUERK,
Acting Assistant Administrator for Air and Waste Management.

[FR Doc.77-10486 Filed 4-8-77;8:45 am]

[FRL 712-2; OPP-66019]

PESTICIDE PROGRAMS

Intent To Cancel Registrations of Pesticide Prorducts Containing Chlordecone (Kepone) and Response to USDA and SAP Comments on Cancellation

The Environmental Protection Agency (EPA) promulgated regulations (40 CFR 162) for the registration, reregistration, and classification of pesticides on July 3, 1975 (40 FR 28242). Section 162.11 of the regulations provides that a rebuttable presumption against registration shall arise if it is determined that a pesticide meets or exceeds any of the criteria for risk set forth in § 162.11(a)(3). On March 19, 1976, the Deputy Assistant Administrator for Pesticide Programs issued a notice of presumption against registration (41 FR 12334) and continued registration (41 FR 12333) of pesticide products containing chlordecone (Kepone). On April 16, 1976, an extension of time for the submission of rebuttal information and other comments was granted (41 FR 16612).

After reviewing the recommendations of the Agency's technical staff based on a review and analysis of rebuttal information and other comments, and after a complete benefit/risk evaluation of the use of registered chlordecone products, the Deputy Assistant Administrator for Pesticide Programs approved a proposed notice of intent to cancel registrations of pesticide products containing chlordecone (Kepone). This proposed notice with supporting documentation and other material was presented to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel (SAP) and the U.S. Department of Agriculture (USDA) on December 10, 1976, in accordance with section 6(b) of FIFRA, as amended (86 Stat. 973, 89 Stat. 751, 7 U.S.C. 136 et seq.). The following final notice of intent to cancel presents the Agency's statement of reasons for such cancellation, the basis for such reasons, and a detailed response to the SAP and USDA comments on the proposed notice of intent to cancel. The Agency's response to the SAP and USDA comments, as well as the comments, are included to satisfy the provisions of section 6(b) of FIFRA and to provide an adequate explanation of all the issues before the Agency which have prompted this action.

NOTICE OF INTENT TO CANCEL

As a result of the review of the information and data now before the Agency and as set forth in the attached Statement of Reasons, I find that the continued registration and use of these pesticide products appear to pose substantial questions of safety amounting to an unreasonable risk to man and the environment. I therefore serve and file this Notice of Intent, together with the attached Statement of Reasons, to cancel all registered uses of chlordecone (Kepone) within 30 days, pursuant to section 6 of FIFRA, as amended (7 U.S.C. 136d). Any affected party may contest this action by requesting a hearing on specific registered uses on or before May 11, 1977. Requests for hearings should be submitted in quintuplicate to the Hearing Clerk, Environmental Protection Agency, Rm. 1019, East Tower, 401 M St. SW., Washington, D.C. 20460.

The proposed cancellation shall become final May 11, 1977 with regard to those registered uses for which a hearing is not requested. The proposed cancellation shall not take effect regarding any registered use for which a hearing is requested until the hearing has been completed, unless there is a concurrence from all parties to the proceeding.

Pursuant to section 6(a)(1) of FIFRA, I have determined that distribution, sale, and use of existing stocks of the following inaccessible chlordecone (Kepone) products are not inconsistent with the purposes of this Act and will not have unreasonable adverse effects on the environment. Inaccessible Kepone products are all enclosed Kepone traps made from metal or plastic as well as metal stakes containing enclosed Kepone bait which are hammered into the ground. Therefore, if no hearing is requested on or before May 11, 1977 for any of the following products, sale, distribution, and use of these existing stocks will be allowed indefinitely.

Inaccessible products

EPA Reg. No.	Product name	Registrant
3887-63	Black Leaf Ant Trap	Black Leaf Products, Co., 667 North State St., Elgin, Ill. 60120.
475-11	Antrol Ant Trap	Boyle-Midway, Inc., South Ave. and Hale St., Cranford, N.J. 07016.
475-82	Black Flag Ant Trap	Do.
3325-1	Hide Roach and Ant Traps	Clarence Boord & Sons, Inc., 105 East Commercial, P O. Box 379, Leon, Iowa 50144.
769-17	Lilly's Ant Trap With Kepone	F. C. Sturtevant Co., 227 Shunpike Rd., Cromwell, Conn. 06416.
2019-19	Johnston's No-Roach Traps	Gaston Johnston Corp., 24-64 45th St., Long Island, N.Y. 11103.
1663-21	Grant's Ant Trap	Grant Lab. Division, Leisure Enterprises, Inc., 6020 Adeline St., Oakland, Calif. 94608.
1663-22	Grant's Roach Trap	Do.
1663-24	Grant's Ant Control	Do.
395-19	Mysterious Ant Trap With Kepone	Lethelin Products Co., Inc., 15 MacQuesten Parkway South, Mount Vernon, N.Y. 10550.
395-21	Magikil Ant Trap With Kepone	Do.
395-25	Magikil Roach Trap With Kepone	Do.
358-20	Ant-Not Ant Trap	Nott Manufacturing Co., Inc., Pleasant Valley, N.Y. 12569.
358-129	Nott Roach Trap	Do.
506-109	E-Z Ant Trap Contain Kepone	O. E. Linck Division, Waico Link Corp 1234 State Highway 46, Clifton, N.J. 07015.
506-126	Tal Ant Trap	Do.
506-129	Antichek Ant Trap	Do.
274-23	Dead Shot Ant Killer	Trager Manufacturing Co., Inc., 1260 Wheeler Ave., Scranton, Pa. 18510.

I have further determined that distribution, sale, and use of existing stocks of the following accessible chlordecone (Kepone) products are inconsistent with the purpose of the FIFRA and will have unreasonable adverse effects on the environment. Therefore, this notice shall also serve as my notice of intent not to allow sale, distribution, or use of existing stocks of the following accessible chlordecone (Kepone) products after issuance of a final order of cancellation pursuant to this notice of intent to cancel. Accessible products are those which in normal use would be removed from their containers, as well as foil or cardboard covered traps.

Accessible products

EPA Reg. No.	Product name	Registrant
6538-3	Kil-Ded Roach Ant Waterbug Killer	Action Product Corp., Box B, North Miami, Fla. 33161.
3941-20	Pest Guard Roach, Ant and Waterbug Killer.	Athena Corp., 4838 Woodall, Dallas, Tex. 75247.
6248-5	Black Magic Roach Killer	Black Magic Co., Box 16453, Jacksonville, Fla. 32276.
5545-2	Blu-Roach Ban Kills Roaches, Ants, and Waterbugs.	Brown Chemical Specialty, P.O. Box 14007, San Antonio, Tex. 78214.
401-26	Common Sense Cockroach and Ant Preparation No. 2 Kepone.	Common Sense Manufacturing Co., Inc., 1392 Niagara St., Buffalo, N.Y. 14213.
2019-18	Johnston's No-Roach Bait	Gaston Johnston Corp., 24-64 45th St., Long Island, N.Y. 11103.
3324-4	Dekko Roach-Ettes	General Pest Service Co., 2015 Pontius Ave., Los Angeles, Calif. 90025.
3324-5	Dekko Silverfish Pak	Do.

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EPA Reg. No.	Product name	Registrant
6150-2	Capitol Punishment Roach, Ant and Waterbug Killer.	J. & F. Manufacturing Co., P.O. Box 26363, Houston, Tex. 77032.
509-10	J-O Paste Kills Roaches and Ants	John Opitz, Inc., 5014 39th St., Long Island, N.Y. 11104.
4825-17	Ant Pak	Judd Ringer Corp., 6860 Flying Cloud Dr., Eden Prairie, Minn. 55343.
395-20	Magikil Jelly with Kepone Ant-Roach Bait.	Lethelin Products Co., Inc., 15 MacQuesten Parkway South, Mount Vernon, N.Y. 10550.
5880-1	Lucky Mack Roach and Ant Killer	McCall Manufacturing Co., P.O. Box 145, Jasper, Fla. 32052.
506-113	TAT Ant Bait Containing Kepone	O. E. Linck Division, Waico Link Corp., 1234 State Highway 46, Clifton, N.J. 07015.
267-19	Old 97 Roach and Ant Killer	Old 97 Co., Box 5207, Tampa, Fla. 33605.
728-54	Pearson's Water Bug and Roach Killer Bait.	Pearson & Co., P.O. Box 7151, Mobile, Ala. 36601.
416-57	Quinn's Kepone Roach and Ant Bait	Quinn Drug & Chemical Co., Box 847, Greenwood, Miss. 38930.
2095-2	T.N.T. Roach and Ant Killer	Vinson Chemical Products Co., 13001 Port Said Rd., Opalocka, Fla. 33054.
7040-3	Winn's Waterbug Roach and Ant Killer.	Winn Chemical Co., Inc., Box 94A, R.F.D. 1, Blountsville, Ala. 35031.

STATEMENT OF REASONS

I. *Legal authority.* Section 6(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 et seq.) as amended (7 U.S.C. 136a(c)(5)(D)) authorizes the Administrator of the Environmental Protection Agency (or his designee) to issue a notice of intent to cancel the registration of a pesticide or to hold a hearing "[i]f it appears to the Administrator that a pesticide or its labeling * * * does not comply with the provisions of this act or, when used in accordance with widespread and commonly recognized practice, generally causes unreasonable adverse effects on the environment. * * *" The phrase "unreasonable adverse effects on the environment" takes into account the economic, social, and environmental costs and benefits of any pesticide.

II. *Structure and characteristics of chlordecone (kepone).* Kepone is the trade name for the insecticide decachlorooctahydro - 1,3,4-metheno-2H-cyclobuta (cd) pentalen-2-one. The common name is chlordecone. The technical product (which is over 90% pure) sublimes at 350° and is relatively soluble in water (0.4 at 100°) compared to most chlorinated hydrocarbon pesticides. Kepone is soluble in strong alkali, as well as in acetone and ethanol. Kepone is very stable in vitro.

III. *Uses.* Except for manufacturing grade Kepone, which is used solely in the formulation of other Kepone products, the only current use of Kepone is in inaccessible metal and plastic traps and accessible foil and cardboard traps and unenclosed pastes, jellies, and other baits. Kepone is registered for use only against ants, roaches, and other household pests.

IV. *Alternative pesticides.* The only alternative to Kepone bait that is registered in a bait formulation is Baygon. Baygon is registered for use only in a bait against roaches. No alternatives are registered for use in a bait formulation against ants and other household pests. However, many alternatives to Kepone baits are registered in spray and dust formulations for control of roaches, ants, and other household pests; these include diazinon, Baygon, malathion, and ronnel. Although perhaps not as convenient to the homeowner many alternatives exist for every use of Kepone.

V. *Toxicity.* Kepone has demonstrated toxic effects which may have significant adverse effects on human health. "The Report on Carcinogenesis Bioassay of Technical Grade Chlordecone," prepared by the Carcinogenesis Program, Division of Cancer Cause and Prevention, National Cancer Institute, released in January 1976, reports the results of a long-term study on the oncogenic effects of chlordecone on both sexes of Osborne-Mendel rats and B6C3F1 mice. Chlordecone was administered orally at average dosages ranging from 8 to 26 parts per million (ppm) for rats and from 20 to 40 ppm for mice for a period of 80 weeks. The mice were sacrified after 90 weeks and the rats after 112 weeks; moribund animals were sacrified and necropsied. None of the 225 control rats developed hepatocellular carcinomas. Fourteen of the 68 male control mice developed hepatocellular carcinomas. None of the 50 female control mice developed hepatocellular carcinomas. Pathological diagnosis revealed a statistically significant increase (P less than 0.05) in the incidence of hepatocellular carcinomas in rats fed an average of 24 ppm (males) and 26 ppm (females) and in mice fed an average of 20 and 23 ppm (males) and 20 and 40 ppm (females). Extensive hyperplasia of the liver was also reported in both species.

Data submitted to EPA by Allied Chemical Company entitled, "Toxicological Studies on Decachloro-octahydro-1,3,4-metheno-2H-cyclobuta [cd] pentalen-2-one" (Document No. 108253, July 1, 1961), also indicate that chlordecone is oncogenic in rats. Six groups of male and female albino rats were fed 0, 5, 10, 25, 50, and 80 ppm chlordecone, respectively, for periods of up to 2 years. Oncongenic effects appeared only in rats receiving chlordencone in their diets for between 1 and 2 years. None of the 23 control rats examined developed hepatocellular carcinomas. Of the 7 male rats examined at the 25 ppm dose level, liver lesions in 1 rat were diagnosed as hepatocellular carcinoma by two pathologists and "evolving carcinoma" by one pathologist, who also found "evolving carcinoma" in a second male rat fed this dosage. Of the 16 surviving female rats fed 10 ppm, liver lesions in 3 were diagnosed as hepatocellular carcinoma by one pathologist. Of the 9 surviving female rats fed 25 ppm, liver lesions in one was diagnosed as "evolving carcinoma" by one pathologist.

VI. *Human exposure of chlordecone (Kepone).* No significant research has been done on human exposure to Kepone through its use in inaccessible traps and accessible pastes and jellies. Pesticide Episode Report System (PERS) information indicates that Kepone used in these ways is occasionally ingested by children. Although Kepone has a low volatility, inhalation exposure to Kepone can be expected when itis used in traps, pastes, and jellies in households. Kepone use in pastes and jellies presents a higher, but unquantifiable, risk of dermal, inhalation, and oral exposure.

VII. *Risk to humans from exposure to chlordecone (Kepone).* Under 40 CFR § 162.11(2)(4), my inquiry must focus on whether the registrants (or parties seeking registration) have rebutted the presumption by sustaining the burden of proving: (1) The determination that chlordecone (Kepone) meets the criteria set forth in § 162.11(a)(3)(ii) was in error or, (2) when considered with the proposed restrictions on use and widespread and commonly recognized practices of use, chlordecone (Kepone) will not concentrate, persist, or accure to levels in man or the environment likely to result in significant chronic adverse effects. No registrant or applicant for registration has attempted to show that the determination that chlordecone (Kepone) induces oncogenic effects in both sexes of mice and rats as a result of oral exposure was in error. Several registrants attempted to show that current use of Kepone will not result in significant chronic adverse effects to man. However, the registrants and Agency staff have been unable, on the basis of current data, to determine the extent to which humans are exposed to Kepone as a result of its current registered uses. The registrants and applicants for registration, therefore, have not met the burden of proving that use of chlordecone (Kepone) into the indefinite future in accordance with its current registrations will not result in significant chronic adverse effects to man.

VIII. *Economic impacts of cancellation.* Because of the abundance of less expensive alternatives, the macro-economic and micro-economic impacts of the cancellation of Kepone are estimated to be negligible.

IX. *Balance of risks and benefits.* The Agency staff has prepared a preliminary analysis, balancing the risks and benefits for use of registered Kepone products, and I have exercised my discretion to take into account these staff recommendations. Based on this analysis I have determined that both the risks and the benefits of use of chlordecone (Kepone) into the indefinite future under existing labels are small. However, the registrants and applicants for registration have not shown that the risks are insignificant. When the risks presented by the continued use of Kepone are weighed against the benefits, it appears that continued use poses an unreasonable risk to man.

X. *Existing stocks.* A recent survey of registrants by this Agency's Office of Enforcement indicates that there are at a minimum 108 pounds of actual Kepone either formulated into existing stocks of end use products or in the process of formulation which are the subject of the present notice of intent to cancel.

Although I have determined that use of chlordecone (Kepone) into the indefinite future will result in unreasonable adverse effects to man, the preliminary staff analysis indicates that use of existing stocks of formulated inaccessible traps will result in a very small risk of human exposure. I have, therefore, determined that distribution, sale, and use of existing stocks of inaccessible Kepone products is not inconsistent with the purposes of the Act and will not have unreasonable adverse effects on man.

Since use of existing stocks of the accessible formulated products will result in a greater risk of oral, inhalation, and dermal exposure to Kepone, I have determined that such use will have unreasonable adverse effects on man. Therefore, I do not intend to allow the distribution, sale, or use of existing stocks of accessible Kepone products.

XI. *Afected registrants and products.* All registrants of products containing chlordecone (Kepone) affected by this notice are listed below:

EPA Reg. No.	Product name	Registrant
6538-3	Kil-Ded Roach Ant Waterbug Killer	Action Product Corp., Box H, North Miami, Fla. 33161.
3941-20	Pest Guard Roach, Ant, and Waterbug Killer.	Athena Corp., 4838 Woodall, Dallas, Tex. 75247.
5887-63	Black Leaf Ant Trap	Black Leaf Products, Co., 667 North State St., Elgin, Ill. 60120.
6248-5	Black Magic Roach Killer	Black Magic Co., Box 16453, Jacksonville, Fla. 32276.
475-11	Antrol Ant Trap	Beyle-Midway, Inc., South Ave. and Hale St., Cranford, N.J. 07016.
475-62	Black Flag Ant Trap	Do.
5545-2	Blu-Roach Ban Kills Roaches, Ants, and Waterbugs.	Brown Chemical Speciality, P.O. Box 14007, San Antonio, Tex. 78214.
3325-4	Hide Roach and Ant Traps	Clarence Boord & Sons, Inc., 105 East Commercial, P.O. Box 379, Leon, Iowa 50144.
401-26	Common Sense Cockroach and Ant Preparation No. 2 Kepone.	Common Sense Manufacturing Co., Inc., 1392 Niagara St., Buffalo, N.Y. 14213.
460-17	Lilly's Ant Trap With Kepone	F. C. Sturtevant Co., 227 Shunpike Rd., Cromwell, Conn. 06416.
2019-18	Johnston's No-Roach Bait	Gaston Johnston Corp., 24-64 45th St., Long Island, N.Y. 11103.
2019-19	Johnston's No-Roach Traps	Do.
3324-4	Dekko Roach-Ettes	General Pest Service Co., 2015 Pontius Ave., Los Angeles, Calif. 90025.
3324-5	Dekko Silverfish Pak	Do.
1463-21	Grant's Ant Trap	Grant Lab. Division, Leisure Enterprises, Inc., 6020 Adeline St., Oakland, Calif. 94608.
1463-22	Grant's Roach Trap	Do.
1463-24	Grant's Ant Control	Do.
6150-2	Capitol Punishment Roach, Ant, and Waterbug Killer.	J. & F. Manufacturing Co., P.O. Box 26363, Houston, Tex. 77032.
509-10	J-O Paste Kills Roaches and Ants	John Opitz, Inc., 5014 39th St., Long Island, N.Y. 11104.
4825-17	Ant Pak	Judd Ringer Corp., 6860 Flying Cloud Dr., Eden Prairie, Minn. 55343.
395-19	Mysterior Ant Trap With Kepone	Lethelin Products Co., Inc., 15 MacQuesten Parkway South, Mount Vernon, N.Y. 10550.
395-20	Magikil Jelly With Kepone Ant-Roach Bait.	Do.
395-21	Magikil Ant Trap With Kepone	Do.
395-25	Magikil Roach Trap With Kepone	Do.
5880-1	Lucky Mack Roach and Ant Killer	McCall Manufacturing Co., P.O. Box 145, Jasper, Fla. 32052.
356-20	Ant-Not Ant Trap	Nott Manufacturing Co., Inc., Pleasant Valley, N.Y. 12569.
356-129	Nott Roach Trap	Do.
506-109	K-Z Ant Trap Contain Kepone	O. E. Linck Division, Waico Link Corp., 1234 State Highway 46, Clifton, N.J. 07015.
506-113	Tat Ant Bait Containing Kepone	Do.
506-126	Tat Ant Trap	Do.
506-129	Antchek Ant Trap	Do.
267-19	Old 97 Roach and Ant Killer	Old 97 Co., Box 5207, Tampa, Fla. 33605.
728-54	Pearson's Water Bug and Roach Killer Bait.	Pearson & Co., P.O. Box 7151, Mobile, Ala. 36601.
416-57	Quinn's Kepone Roach and Ant Bait Pellets.	Quinn Drug & Chemical Co., Box 847, Greenwood, Miss. 38930.
274-23	Dead Shot Ant Killer	Trager Manufacturing Co., Inc., 1200 Wheeler Ave., Scranton, Pa. 18510.
2095-2	T.N.T. Ant Killer	Vinson Chemical Products Co., 13001 Port Said Rd., Opalocka, Fla. 33054.
7040-3	Winn's Waterbug Roach and Ant Killer.	Winn Chemical Co., Inc., Box 94A, R.F.D. 1, Blountsville, Ala. 35031.

RESPONSE TO USDA AND SAP COMMENTS ON INTENT TO CANCEL PESTICIDE PRODUCTS CONTAINING CHLORDECONE (KEPONE)

I. BACKGROUND

The notice of rebuttable presumption was based on studies which demonstrated that chlordecone induces oncogenic effects in experimental mammalian species as a result of oral exposure. The Agency received comments from six registrants and other interested parties. None of these comments contested the validity of the studies upon which the presumption was based. Several submissions, which did not attempt to demonstrate lack of risk due to chlordecone, urged that the Agency merely allow use of existing stocks of manufacturing grade 25% Kepone Special Mixture (EPA Reg. No. 218-544) already in the hands of formulators for a predetermined period of time. Those comments which did address the risk issue attempted to demonstrate that, when considered in connection with widespread and commonly recognized practice of use, chlordecone will not concentrate, persist, or accrue to levels in man or the environment likely to result in any significant chronic adverse effects.

NOTE—Position documents prepared by the Agency Working Group on Kepone are available for public inspection in the Office of Special Pesticide Reviews (WH-566), Office of Pesticide Programs, Environmental Protection Agency, Room 447, East Tower, 401 M Street, S.W., Washington, D.C. 20460. These documents contain appendices of references, background information, and other material pertinent to this notice. Where appropriate, the supporting materials contained in the position document are referenced in this notice.

Allied Chemical Company, holder of 12 chlordecone registrations, including the manufacturing-use-only registrations, did not attempt to rebut the presumption. Rather, Allied requested that its registrations be voluntarily cancelled pursuant to Section 6(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (86 Stat. 973, 89 Stat. 751, 7 U.S.C. 136 et seq.). On June 9, 1976, the Deputy Assistant Administrator for Pesticide Programs responded to their request by issuing a notice of cancellation of all Allied registrations for chlordecone products (41 FR 24624). According to the terms of that notice, the registrations of those products are now cancelled.[1]

As indicated above, a notice of intent to cancel registrations of pesticide products containing chlordecone (Kepone) was approved after an extensive review. This proposed notice of intent would have cancelled the remaining registrations of all registered products containing chlordecone. With regard to existing stocks of chlordecone, the proposed notice would have allowed sale, distribution, and use, of all existing stocks of "inaccessible" products,[2] but would have prohibited sale, distribution, or use of existing stocks of "accessible" products.[3] Position Document 3 (developed by the Office of Special Pesticide Reviews) set forth the scientific and policy rationale for the proposed notice of intent to cancel, and recommended that registrants of inaccessible products be permitted to use existing stocks of manufacturing-use-only 25% Kepone (Special Mixture) to formulate additional inaccessible traps for a period of three years. The proposed notice of intent to cancel reflected this determination. In addition, because the June 9, 1976, section 6(a)(1) notice cancelling Allied's registration for manufacturing grade chlordecone did not provide for use of existing stocks, a separate notice was prepared which, in effect, would have rescinded the July 9 notice to the extent that the amended notice would have allowed for use of certain

[1] By letter of February 4, 1977, the EPA Office of Enforcement formally requested that Allied Chemical Corporation voluntarily recall all stocks of its manufacturing use and end-use products containing chlordecone, for which registration was cancelled by the notice of June 9, 1976.

[2] Inaccessible products are defined as all enclosed traps made from metal or plastic, as well as metal stakes containing chlordecone which are hammered into the ground.

[3] Accessible products are defined as those which would be removed from their containers, as well as foil- or cardboard-covered traps.

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existing stocks of manufacturing grade chlordecone.

These notices, and supporting documents, were presented to the FIFRA Scientific Advisory Panel and the United States Department of Agriculture (USDA) on December 10, 1976. Both groups have commented on the notices and their comments are produced below. This document contains EPA's response to the comments of the Scientific Advisory Panel and the Secretary of Agriculture and is intended to constitute the response mandated by section 6(b)(2) of FIFRA as amended.

II. SUMMARY OF EXTERNAL REVIEW COMMENTS

A. *Response of the FIFRA Scientific Advisory Panel (SAP).* The Scientific Advisory Panel submitted its final report to this Agency on January 13, 1977. The Panel stated that, in addition to the carcinogenic effects of chlordecone, the Agency should have considered existing information on other adverse health effects, e.g., neuromuscular, behavioral, reproductive, and mutagenic effects. The Panel also expressed concern with regard to the disposal of the manufacturing-use-only and end-use products.

The recommendations of the Scientific Advisory Panel listed below were unanimously agreed to unless otherwise noted.

(1) The Agency should cancel all uses of chlordecone within 30 days.

(2) The Agency should allow sale and use of existing stocks of inaccessible chlordecone products for a period of up to 3 years from the effective date of cancellation.[4]

(3) The Agency should recover Allied 25% Kepone Special Mixture (EPA Reg. No. 218-544) presently held by formulators and dispose of it in a safe manner.[5]

(4) The Agency should limit the quantity of inaccessible bait products containing chlordecone which can be formulated, distributed, or sold during the 3-year period extending from the effective date of cancellation to that quantity which can be formulated from supplies on hand as of the effective date of cancellation. (This recommendation appears to be in direct conflict with recommendation three above, but was intended by the Scientific Advisory Panel to be implemented should number three be rejected by this Agency.)

(5) The Agency should prohibit the sale, distribution, or use of existing stocks of accessible chlordecone products following the effective date of cancellation.

B. *Response of United States Department of Agriculture (USDA).* On January 11, 1977, the comments of the Secretary of Agriculture were transmitted to the Agency. USDA's response noted that, under FIFRA as amended, their responsibility is "in assessing the analysis of the overall impact of regulatory decisions on the ability to effectively control nuisance and damaging pest infestations as they may impinge on the agricultural economy, while preventing any unresonable adverse effects on man or the environment." It was further noted that the insects controlled by chlordecone products are not of major concern in agricultural production but "are significant nuisances and potential health related pests" associated with farm buildings and farm households. The report stated that ants, roaches, and other household pests are a major concern in the processing of raw agricultural commodities and the storage of packaged and processed foods. The report limited itself to discussions of biological efficacy, benefit/risk, and exposure aspects of the use of chlordecone products.

USDA recommendations are listed below:

(1) Cancellation of Registrations: No specific recommendation was directed to this issue. However, if the USDA recommendation were adopted, that continued sale and use of end-use products be allowed into the indefinite future, these products would not be cancelled.

(2) Disposition of Existing Stocks, Inaccessible Products: The USDA report agreed with the Working Group's recommendation that the continued sale and use of these products be permitted, but it maintained that that there is "strong justification for not placing a time period on the availability and use of chlordecone for ant, roach and other household pest control." (This qualification apparently referred only to inaccessible products.)

(3) Disposition of Existing Stocks, Accessible Products: The report stated that hazard to children from accessible products may be sufficient to warrant permitting continued use only under restrictive labeling both as to placement and to use by certified applicators.

(4) Disposition of Existing Stocks, 25% Kepone Special Mixture Product (Manufacturing Use Only): No specific recommendation was made. Again, however, if the comments directed to inaccessible and accessible products were incorporated into the Working Group recommendations, 25% Kepone Special Mixture would have to be available in order to formulate these products.

III. SUMMARY OF RECOMMENDATIONS

Table I represents a comparison between the Working Group's original recommendation and those of the USDA and the SAP.

[4] Minority comment: The minority opinion was in opposition to this recommendation and cited further contamination of the environment by the spread of the bait material by insects and the waste disposal of traps.

[5] Minority comment: One member disagreed but believed that because some risk to formulators may exist, formulating processes should be monitored by the appropriate federal agency in order to provide for the safety of the workers and their families.

TABLE I.—*Comparison of Recommendations of EPA Kepone Working Group, the Department of Agriculture and the Scientific Advisory Panel*

Issue	Original recommendations of the Kepone Working Group and Pesticide Chemical Review Committee (PCRC)	Recommendations of the United States Department of Agriculture (USDA)	Recommendations of the Scientific Advisory Panel (SAP)	Minority opinions of SAP members
Whether to cancel	Issue notice of intent to cancel	Continue registrations	Agree with Working Group and PCRC.	
Disposition of 0.125 percent chlordecone inaccessible bait products.	Three year limit, on formulation, sale, and use. At the end of this time all remaining inaccessible products would be recalled by formulators and formulation of new products would cease.	Agrees with permitting continued formulation, sale, and use but notes that there is strong justification for not placing a limit on the availability of chlordecone products.	Permit sale and use for three years of only those supplies of inaccessible products formulated at the time the cancellation is effective. Further formulation would not be permitted. Do not permit further formulation from manufacturing grade chlordecone.	Stop all further distribution, sale, and formulation.
Disposition of 0.125 percent chlordecone accessible bait products.	Prohibit formulation, sale, and use as of the effective date of cancellation. Request recall of existing stocks from retail level.	Hazard to children may be sufficient to warrant permitting continued use only, (1) under restrictive labeling as to placement and (2) to use by certified applicators.	Agree with working group and PCRC recommendations.	
Dispositions of 25 percent kepone special mixture for manufacturing use only.	Permit use for production of only inaccessible products for a 3 year period. Disallow use for formulation into accessible products as of the effective date of cancellation. Those supplies of 25 percent kepone special mixture for the latter use would be destroyed.	The above recommendations would permit unlimited use should another source of chlordecone be found.	Disallow formulation, sale, and use of all existing stocks as of the effective date of cancellation.	Allow disposition consistent with the working group's recommendations, but monitor formulating processes.

IV. SUMMARY OF EPA ANALYSIS AND RESPONSE TO COMMENTS FROM USDA AND SAP

A. *Cancellation of All Existing Chlordecone Registrations.* Only USDA objected to EPA's issuing a notice of intent to cancel remaining chlordecone registrations, and this objection was only tangential (see Table 1). The Working Group remains convinced that chlordecone poses a carcinogenic risk to man,[6] and that the risks of continued exposure to man from existing chlordecone registered products outweigh the benefits.[7] USDA's unsupported assertion to the contrary is rejected.

USDA's comments primarily address the benefits of chlordecone use. USDA states, "Use experience has demonstrated that many species of ants and roaches are more effectively controlled by using baits as either a supplement to other insecticides or as the sole formulation." Yet it presents no comparative efficacy testing or documentation of use experience which this Agency can assess. The USDA report further states that "should these pending actions result in the loss of use through cancellation or lack of availability to the general public by restricted use, the impact on effective control measures could be significant on the ability of homeowners to control their own pests." This appears to be an overstatement in light of the numbers of available alternatives (see Position Document 3 for benefit/risk analyses) and the failure of USDA to provide a measure of the impact on effective control measures and contrary to USDA's recommendation that accesible products be reclassified for restricted use.

The USDA also offers no supportive data for its statement, "Established use experience shows that when inaccessible containers or inaccesible placement are used, the bait displays a high degree of safety in handling with low potential for exposure to humans and animals." USDA stated that the health risks from the inaccessible products baits are "small," citing examples from Position Document 3. The Working Group agrees with this detrmination. USDA cited the absence of symptoms in children ingesting the contents of traps and the few reported cases of children actually opening the traps. While the absence of acute effects as manifested by the lack of symptoms is very important, the chronic effects of chlordecone exposure are of most concern to the Agency and are the basis for this rebuttable presumption.

The Agency has determined that unlimited sale, distribution and use of any currently registered end-use chlordecone products in the indefinite future would increase the risk of oral, dermal, and inhalation exposure without a corresponding increase in benefits. No new evidence has been presented which would cause the Agency to reverse this position.

B. *Use of Manufacturing-Use-Only Chlordecone To Formulate Inaccessible Chlordecone Products.* The proposed notice of intent to cancel and the corresponding amendment of the notice of cancellation of Allied's registrations would have allowed formulators of inaccessible traps to use existing stocks of Allied's manufacturing-use-only chlordecone to formulate additional inaccessible chlordecone products. USDA agreed with this proposal. The Scientific Advisory Panel disagreed with this proposal, and it recommended that "EPA institute efforts to recover and dispose of all nonformulated stocks of this material in a safer manner." The EPA accepts the recommendation of the Scientific Advisory Panel for the reasons given by the Scientific Advisory Panel and for other reasons as listed below.

(1) *Disposal.* In recommending allowing use of existing stocks of manufacturing grade chlordecone for formulation into inaccessible products, the Working Group was strongly motivated by the problems engendered by attempts to dispose of manufacturing grade chlordecone (See Position Document 3. It was generally the opinion of the Working Group that the risks to man and the environment arising from improper disposal of existing stocks of manufacturing grade chlordecone were greater than the risks from the use of inaccessible products formulated from existing stocks of manufacturing grade chlordecone. This situation has changed dramatically in light of the recent enactment of the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (Pub. L. 94-580).

Section 7003 of the Resource Conservation and Recovery Act provides that:

Notwithstanding any other provision of this Act, upon receipt of evidence that the handling, storage, treatment, transportation or disposal of any solid waste or hazardous waste is presenting an imminent and substantial endangerment to health or the environment, the Administrator (of EPA) may bring suit on behalf of the United States in the appropriate district court to immediately restrain any person for contributing to the alleged disposal to stop such handling, storage, treatment, transportation, or disposal or to take such other action as may be necessary.

The above provision gives the Agency authority to protect against improper disposal of manufacturing grade chlordecone. The Working Group is now of the opinion that the risks to man and the environment from proper disposal of existing stocks of manufacturing grade chlordecone are diminished and the use of existing stocks of manufacturing-use-only chlordecone to formulate inaccessible products is unwarranted.

(2) *Risks to Man Other than Oncogenicity.* The Scientific Advisory Panel stressed that in addition to oncogenic risks, it was concerned about other adverse affects of chlordecone (e.g., neuromuscular, behavioral, reproductive, and mutagenic effects). While the Working Group cannot at this stage of the process explore these potential risks thoroughly it is aware of information that supports the Scientific Advisory Panel's concern.[8] On this basis, the Working Group is of the opinion that the risks posed by these additional effects constitute a further reason for cancelling all remaining chlordecone registrations and for changing its recommendation so as to forbid use of existing stocks of manufacturing grade chlordecone for formulating additional end use products.

(3) *Amount of Chlordecone Held by Registrants.* The Working Group's original recommendation was made on the basis of a high estimate, derived from an incomplete June 1976 registrant response, of 537.8 pounds of actual chlordecone in the possession of current registrants. Of this amount, it was speculated that 22.8 pounds was formulated into 0.125% chlordecone baits for end-use, and the remainder was 25% Kepone Special Mixture for formulation into 0.125% end-use products.

At the time, the estimated 537.8 pounds actual chlordecone was assumed to be a conservative estimate which sufficiently overstated the amount of chlordecone held by registrants to account for all chlordecone in the channels of trade.

A more recent February 1977 inquiry, however, by the Regional Offices of Pesticide Programs, Office of Enforcement, has revealed that at a minimum the following amounts of chlordecone are currently held by registrants:

Type of product	Total pounds of product	Total pounds of chlordecone
0.125 pct kepone enclosed metal and plastic traps ("inaccessible" product)	[1] 52,809	66.01
	+13,860	17.1
0.125 pct kepone unenclosed end-use products ("accessible" product)	13,850	18.06
0.125 pct kepone enclosed foil packages ("accessible" product). (One firm formulates a 0.106 pct kepone product.)	6,686	7.12
Allied 25 pct kepone special mixture for manufacturing-use only	1,908	492
10 pct kepone mixture in the formulation process (manufacturer reports end-use product not yet determined)	600	60
Total	89,594	660.28

[1] In process.

The 660.28 pounds of chlordecone in process and in end-use and manufacturing-use products known to be held by

[6] Chlordecone also poses other risks to man that are detailed further in this section, *infra*.

[7] On this point the Scientific Advisory Panel is in unanimous agreement. On page 1 of its response it states: "The Panel unanimously agrees that continued registration and use of these pesticides appear to pose substantial questions of safety amounting to an unreasonable risk to man and the environment."

[8] Tremors in laboratory rodents at dosage levels lower than those observed to cause tumors were observed in both of the oncogenicity studies used as a basis for issuance of the RPAR. Several laboratory studies have also shown significant reduction in reproduction in laboratory mice fed chlordecone at dosages ranging from 5 to 37.5 ppm.

In humans, massive doses of chlordecone absorbed by production workers have resulted in tremors and in absent or decreased sperm count with markedly decreased motility.

[9] Two small formulating companies have not as yet responded, and another has submitted an incomplete report.

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registrants is more than the highest estimate of 537.8 pounds of actual chlordecone in these products which was used in calculations of the oncogenic risk. Although the amount of chlordecone in the 25% Kepone Special Mixture is slightly less than previously supposed, there is far more chlordecone in end-use products and in the formulation process than was estimated, thereby significantly increasing the potential environmental burden.

C. *Use of Existing Stocks of Acessible Products.* The Working Group concurs with the Scientific Advisory Panel in its recommendation not to allow further formulation of accessible chlordecone products and to prohibit from the effective date of cancellation all further sale, distribution, or use of existing accessible chlordecone products.

The Working Group is of the opinion that USDA's suggestion that the safe use of accessible chlordecone products can be accomplished either through appropriate label restrictions or through application by certified applicators cannot adequately protect children from exposure to chlordecone. Label changes will not ensure that the instructions are followed within the household. Moreover, USDA offers no suggestions for how EPA, either using label changes or certified applicators, could ensure that accessible products would be removed from the reach of children and at the same time perform their pesticidal function adequately. Finally, label changes and use by certified applicators will not protect against general environmental contamination nor will these restrictions affect the safety of workers exposed during the manufacturing process.

D. *Use of Existing Stocks of Inaccessible Chlordecone Products.* The Working Group originally selected 3 years as a termination date for formulation, packaging, and sale of these products because that period was considered adequate to allow for the conversion into end-use inaccessible traps of all 25% Kepone Special mixture intended for that purpose and the exhaustion through sale and use of all stocks of these end-use products.

The oncogenic effect of chlordecone was the only chronic health hazard assessed by the Agency when making this determination. As USDA has stated in their comments, EPA determined that there is not a significant risk of cancer to children via the inhalation route from the inaccessible products. Dermal and oral exposure was also judged to be low. Risk analyses determined that an extremely small number of carcinomas would likely result from any expected ingestion of the contents of traps by children. (See Position Document 3.)

The benefit analysis determined that chlordecone baits did provide a minor benefit of convenience to homeowners in the control of ants and roaches. These analyses were predicated, however, upon the cancellation and eventual exhaustion of supply of these products and not upon the continued unlimited production, sale and use which might result if these products were not cancelled.

The majority of the Scientific Advisory Panel agreed with the Working Group's recommendation to permit the sale and use of these existing stocks of products for 3 years. SAP believed, as did the Working Group, that even given possible adverse health effects in addition to oncogenicity, the use of these products for that time period would not have unreasonable adverse effects on the environment. A minority SAP comment, however, stated opposition to this use on the basis of dispersal of chlordecone from the traps by ants and roaches, and the hazard from waste disposal of discarded containers in incinerators and landfills.

Scientists of the Criteria and Evaluation Division, Office of Pesticide Programs, and the Agency Carcinogen Assessment Group (EPA) in their analyses and the Working Group in its determination considered these aspects of the problem in reaching their conclusions.

The original recommendation of the Kepone Working Group permitting sale for 3 years was based on a "worst case" assumption that 13,772,800 of the ¼-ounce inaccessible plastic or metal traps could be formulated from the 25% Kepone manufacturing use product earmarked for that purpose (assumed to be one-half the total amount of 25% Kepone Special Mixture estimated to be held by formulators in addition to those traps already made). The recent formulator survey reported that there are 1,405,935 already formulated inaccessible traps ranging in weight from 1 ounce to ⅛ ounce with one firm reporting enough material in process to formulate an additional 1,313,280 ⅛-ounce inaccessible traps. The amount of actual chlordecone in these 2,719,215 individual traps is calculated to be 83 pounds. Adding the 60 pounds of actual chlordecone in the 600 pounds of 10% chlordecone held by one formulator, this still constitutes an amount far less than the previously estimated 268 pounds of chlordecone which might have been used in these products had the Working Group's original recommendations been followed.

Registrants have been notified that further formulation of the cancelled Allied 25 percent Kepone Special Mixture is illegal. Registrant firms will be monitored to ensure that this formulation does not occur.

Prevention of any further conversion of 25 percent Kepone Special Mixture to end-use products will thus further limit the amount of these products available to the public and therefore limit the public exposure and risk.

For all of the above reasons I have stated in this notice of intent to cancel, I recommend that sale and use of only those inaccessible traps already formulated at the effective date of cancellation of these products be permitted and that there will be no time restriction on sale and use of these products.

Dated: April 4, 1977.

ANDREW J. BREIDENBACH,
Assistant Administrator for Water and Hazardous Materials.

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA) SCIENTIFIC ADVISORY PANEL

REVISW OF PROPOSED NOTICE OF INTENT TO CANCEL REGISTRATIONS OF KEPONE

The FIFRA Scientific Advisory Panel has reviewed the proposed notice of intent to cancel registrations of pesticide products containing chlordecone (Kepone) and associated materials provided by EPA in support of the proposal in open meetings held in Arlington, Virginia during December 9–10, 1976 and January 6–7, 1977. Public notice of the meetings was published in the Federal Register on November 16, 1976 and December 21, 1976. No comments were received from the public although provisions were made for submission of written statements and presentation of oral summaries. The Panel also interviewed representatives from EPA who were present during meetings as part of the Agency briefing team on Kepone. On the basis of consideration of all matters brought out during the meetings and other information, the FIFRA Scientific Advisory Panel makes the following specific comments on the possible impact on public health and the environment of five basic recommendations which appear in the proposed notice of intent:

Recommendation Number 1: Cancellation of all registered uses of chlordecone (Kepone) within 30 days (page 2, paragraph 1, sentence 2, notice of intent document).

Comment.—The Panel unanimously agrees that "continued registration and use of these pesticides appear to post substantial questions of safety amounting to an unreasonable risk to man and the environment." The Panel considers chlordecone (Kepone) to be a carcinogen but are concerned about other adverse health effects of this pesticide (neuromuscular, behavioral, reproductive and mutagenic effects) which must also be considered in addition to the carcinogenic effects of this agent in relation to the possible adverse health effects of chlordecone (Kepone).

Recommendation Number 2: To allow the sale and use of existing stocks of inaccessible chlordecone (Kepone) products for a period of up to 3 years from the effective date of cancellation (page 3, sentence 3, notice of intent document).

Comment.—A majority of the members of the Panel concur that the distribution, sale, and use of inaccessible chlordecone (Kepone) products will not have unreasonable adverse effects on the environment.

Minority Comment.—Two members of the Advisory Panel are opposed in principal to EPA approving the further distribution and sale of "inaccessible" 0.125% chlordecone (Kepone) cockroach and ant baits. In the minority opinion, this represents a still further distribution of chlordecone (Kepone) into the environment. Such baits exist to attract ants and cockroaches to carry the chlordecone (Kepone) from the traps whereby it is inevitably spread into the immediate environment especially in kitchens with human foods. The further distribution of chlordecone (Kepone) by insects and through waste disposal of discarded containers into incinerators and landfills represents an unreasonable and further environmental spread of a highly toxic material which is careinogenic, neurotoric, and a sterilant to wildlife. This delay in terminating the use of such a highly toxic material sets a precedent for future EPA actions in disposing of toxic materials which seems undesirable.

Recommendation Number 3: To allow the use of existing stocks Allied 25% chlordecone (Kepone)/Special Mixture (EPA Registration No. 218–544) presently in the hands of formulators for the next three years for formulation into the above inaccessible chlordecone (Kepone) products (page 6, sentence 1, notice of intent document).

Comment.—A majority of the members of the Panel did not concur with the above recommendation. The Panel feels that the use of existing stocks of Allied 25% chlordecone (Kepone) to formulate inaccessible chlordecone (Kepone) products will have unreasonable adverse effects on man. The Panel is concerned about the potential exposure of formulators and users of these products to an agent which has carcinogenic and other serious adverse health effects. The Panel recommends that EPA institute efforts to recover and dispose of all nonformulated stocks of this material in a safe manner.

Minority Comment.—One member of the Scientific Advisory Panel concurs with the recommendation. However, this member feels that some risk to formulators may exist. Therefore, these formulating processes should be monitored by the appropriate federal agency to provide for the safety of the formulators and their families.

Recommendation Number 4: Intent to limit the quantity of chlordecone (Kepone) enclosed bait products which can be formulated and distributed or sold during this 3-year period to that quantity which can be formulated by each registrant with the supplies of Allied Chemical 25% chlordecone (Kepone)/Special Mixture (EPA Registration No. 218–544) on hand as of the date of this notice (page 7, paragraph 1, sentence 3, notice of intent document).

Comment.—The Panel unanimously agrees with this recommendation.

Recommendation Number 5: To not allow sale, distribution or use of existing stocks of accessible chlordecone (Kepone) products following issuance of final order of cancellation (paper 7, paragraph 2, sentence 1, notice of intent document).

Comment.—The Panel unanimously concurs with this recommendation.

ADDITIONAL COMMENT

In evaluting the potential adverse health and environmental effects of chlordecone (Kepone), the major concern of this Panel is with the potential hazards and problems associated with the disposition of the large stocks of chlordecone (Kepone) and chlordecone (Kepone)-contaminated residues which exist currently in various locations. Because of the obvious health and environmental consequences of disposal of this material, the Panel asks EPA to inform them of current and projected plans for this disposal and to furnish progress reports to the Panel for formal comment.

The Panel also requests that all future FIFRA Section 6(b)(1) actions which are submitted for comment to this group contain an appraisal of the real and potential problems associated with the disposal of existing stocks, wastes, etc. The Panel also requests specific information from EPA on how the Agency plans to handle these problems.

H. WADE FOWLER, Jr., Ph.D.,
Executive Secretary,
FIFRA Scientific Advisory Panel.

COMMENTS OF THE SECRETARY OF AGRICULTURE IN RESPONSE TO THE NOTICE OF INTENT TO CANCEL PESTICIDE PRODUCTS CONTAINING CHLORDECONE, TRADE NAME KEPONE

The Assessment Team evaluated the registered uses of chlordecone (Kepone) together with the information which accompanied the Notice of Intent to Cancel Registration of Pesticide Products Containing Chlordecone. The Team consulted with registrants, users and research personnel connected with the various aspects of chlordecone. The team leader, S. N. Fertig and the team members, P. W. Bergman, H. E. Fairchild, and B. R. Wilson contributed to the preparation of this report.

INTRODUCTION

In compliance with provisions of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) as Amended, sections 6(b) and 25, the United States Department of Agriculture has reviewed EPA's Notice of Intent to Cancel Pesticide Products Containing chlorodecone (Kepone). The Department has also reviewed the related documents, including, position documents and benefit and risk analyses accompanying the Notice of Intent to Cancel. Even though the Department is concerned by the apparent safety problems associated with the manufacture of chlordecone, the following statements are important to an understanding of the Department's response.

1. The response concerns itself only with the biological efficacy, benefit/risk and exposure aspects of the use of chlodecone as registered.

2. The voluntary cancellation by Allied Chemical Corporation, the sole domestic producer of chlordecone, has not been a factor in determining the Department's response. Under FIFRA, as Amended, our responsibility is in assessing the analysis of the overall impact of regulatory decisions on the ability to effectively control nuisance and damaging pest infestations as they may impinge on the agricultural economy, while preventing any unreasonable adverse effects on man or the environment.

3. The Department recognizes that ants, roaches, and other household pests are not of major concern in agricultural production, but they are significant nuisances and potential health related pests associated with, but not exclusively, farm buildings and farm households. Also, the Department and the Land Grant Colleges and Universities, through research and extension have the scientific expertise to evaluate control measures and have the responsibility for disseminating safe and effective recommendations for control of household pests irrespective of where they may occur. An additional responsibility is the preservation and maintenance of quality of the food supply including compliance with current federal, state, and local health standards.

4. Ants, roaches and other household pests are a major concern in the processing of raw agricultural commodities and in the storage of packaged and processed foods in commerce and in the home.

USE PATTERNS

In the information accompanying the Notice of Intent to Cancel, EPA listed the registered site/pest combinations for chlordecone as follows:

Site	Pest
Commercial—edible indoor	American cockroach, cockroaches, southern fire ant, Argentine ant, German cockroach, oriental cockroach, sweet-eating ants, brownbanded cockroach, grease-eating ants, Parsoh ant, and western thief ant.
Commercial—inedible indoor	American cockroach, cockroaches, German cockroach, oriental cockroach, silverfish, ants, harvester ants, Parsoh ant, thief ant, brownbanded cockroach, crazy ant, and little black ant.
Domestic dwellings—Indoor	American cockroach, ants, Argentine ant, brownbanded cockroach, grease-eating ants, oriental cockroach, pyramid ant, sweet-eating ants, western thief ant, California fire ant, crazy ant, harvester ant, cockroaches, palmetto bug, silverfish, thief ant, German cockroaches, little black ant, southern fire ant, and waterbugs.
Domestic dwellings—outdoor	Ants, cockroaches, grease-eating ants, millipedes, silverfish, waterbugs, Argentine ant, crazy ant, harvester ant, Parsoh ant, southern fire ant, western thief ant, California fire ant, fire ant, little black ant, pillsbugs, and sweet-eating ants.
Flowering plants	Ants and cockroaches.
Lawns	Ants, grease-eating ants, sweet-eating ants, cockroaches, silverfish, fire ant, and southern fire ant.
Ornamental shrubs	Ants.
Ornamental trees	Ants.

The above compilation shows the large number of different pests for which chlordecone is registered and for which this single product will give effective control. Based on current trends in registration/reregistration, the likelihood of new compounds reaching the market in time to adequately replace this number of registered uses is considered unlikely.

EFFICACY AND BENEFIT

Based on a report "Preliminary Benefit Analysis of Kepone for Control of Ants and Cockroaches in Domestic Dwellings" (August 20, 1976), EPA recognizes and the Department concurs in the following:

(1) "Ants and cockroaches are among the most common of household pests. Ants may nest in or under houses or be invaders in search of food. While most ants are simply annoying, some may be dangerous pests due to biting and stinging of humans, and damaging parts of dwellings."

(1) "Cockroaches give off an offensive odor and are suspected disease carriers. They prefer damp and warm areas such as under kitchens and bathroom sinks, under refrigerators and cupboards and around pipes and conduits. They feed on a variety of food and refuse including soap, grease, cereals, meats, cheese, and even beer and leather."

(3) "Kepone baits and traps are a unique control method. Baits offer a significantly different approach to pest control not found in the use of non-bait alternative controls. Baits attract the pest to the control agent, while non-bait alternatives are directed at the pest. Ants, for example, are attracted to the bait by the sweet or greasy materials mixed with the active ingredient Kepone. Ants feeding on the bait and returning to the nest may carry some of the material with them, thereby exposing additional ants to the bait."

(4) "Pest control with baits offer the following advantages: No special application equipment is required. No special mixing of materials is needed. No special care is required to assure that food and utensils are not contaminated as with sprays or dusts. However, certain precautionary recommendations, as with the use of any pesticide, must be followed."

As discussed in the Notice of Intent to Cancel, "• • • the only alternative to chlordecone bait that is registered in a bait for-

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mulation is Baygon. Baygon is registered for use only in a bait against roaches. No alternatives are registered for use in a bait formulation against ants and other household pests. However, many alternatives to Kepone baits are registered in spray and dust formulations for control of roaches, ants, and other household pests.

Use experience has demonstrated that many species of ants and roaches are more effectively controlled by using baits as either a supplement to other insecticides or as the sole formulation.

Of the pesticides listed by EPA as alternatives for ant and roach control, lindane, carbaryl, rotenone and toxaphene are potential candidates for RPAR's. Available EPA listings of restricted use classification for pesticides indicate that some or all uses of lindane, fenthion, chlorophyrifos, HCN, chloropicrin, and methyl bromide may be included. Should these pending actions result in the loss of use through cancellation or lack of availability to the general public by restricted use, the impact on effective control measures could be significant on the ability of homeowners to control their own pests. Continued regulatory action against registered and effective pesticides for ant and roach control can have an adverse impact.

The Department concurs with EPA's analysis on dollar costs to consumers of chlordecone vs. other pesticides when analyzed on the basis of formulations presently available. We do not believe it is meaningful, to compare chlordecone baits with liquid, dust, or wettable powder formulations of other pesticides unless bait formulations of the others have been prepared and evaluated under use conditions.

The use of insecticides for controlling household pests must be classified in the "minor use" category. Based on current trends in registration/reregistration, the costs involved in generating data for new registrations, and the uncertainty of market potential and protection, it is unlikely that new compounds will reach the market unless they also have efficacy on a major commodity. Where efficacy has been demonstrated and use patterns are such as to pose minimal health and environmental risks as in the case of chlordecone, every effort should be made to retain such uses. Looking to the future, this must be a consideration in planning pest control strategies both for USDA and EPA.

In summary, the Department wishes to emphasize that when used according to label directions, chlordecone as formulated is effective for the control of ants, roaches, and other household pests. Established use experience shows that when inaccessible containers or inaccessible placement are used, the bait displays a high degree of safety in handling with low potential for exposure to humans and animals. Considering the methods of use and the low concentration of active ingredient involved, the probability of unreasonable adverse effects on the environment is remote. The fact that other pesticides may be available for controlling household pests, does not ameliorate the concern that many of these are (a) currently listed as possible RPAR candidates, (b) designated for restricted use, (c) may exhibit less convenience, (d) could offer greater exposure to humans and animals, and (e) may be less effective. It is important and should be recognized that resistance to chemicals does occur in biological systems. Thus, there is sound justification for maintaining an array of safe pesticides which are properly labeled and when used as directed on the label do not present an unreasonable adverse effect on the environment, including humans.

HEALTH AND ENVIRONMENTAL CONSIDERATIONS

The impact on human health from the continued use of chlordecone for ant and cockroach control was considered by EPA (October 5, 1976) when it prepared the notice of intent to cancel. The Department concurs with the EPA determinations that:

1. The use of chlordecone baits for control of ants and cockroaches is expected to result in minimal human exposure because most traps contain only 0.125 percent active ingredient.

2. The inaccessible traps or products, defined as all enclosed traps made from metal or plastic, as well as metal stakes hammered into the ground, offer very little human risk. Assessment of risk indicates a low probability of even one case of cancer resulting from the registered uses of 0.125 percent chlordecone bait.

3. Some of the inaccessible metal traps are filled with automatic machinery and permanently sealed. While they provide, small openings for the ants, they are virtually impossible to open any further without a screw driver or pliers.

4. If chlordecone is used in baits according to the label for a three year period, there is no significant risk of cancer from either enclosed traps or accessible baits by the inhalation route.

5. The Pesticide Episode Response Branch, Operations Division, Office of Pesticide Programs, EPA summarized 56 reports involving humans and chlordecone. "Of the 56 reports involving humans, 52 involved children under five years of age, two involved adults (17–65) and two specified no age. Of the 52 episodes involving children under five, 43 occurred in the home. Nine did not indicate a location. All home related episodes involved products designed to control household insect pests, primarily ants and roaches. The majority of these involved children who found the pesticide and placed it in their mouths. No symptoms were listed in any of these instances. Several reports stated that treatment rendered was precautionary rather than in response to symptoms."

"Of the two episodes involving adults, one was an attempted suicide and the other a job-related incident in which a man who worked in a packaging plant developed dermatitis on his hands. No fatalities were reported involving the active ingredient Kepone. The only health effect noted in any of the reports was the dermatitis which occurred as stated above."

6. "The human risk of exposure by inhalation of Kepone from inaccessible products is judged to be low. The dermal and oral exposure of children is also judged to be low."

In summary, the Department believes that the registered use of chlordecone baits for controlling ants, cockroaches and other household pests presents minimal human exposure and hazard because:

1. The baits contain only 0.125 percent active ingredient.

2. There is minimal accessibility to baits in the traps, especially those traps defined as inaccessible by EPA.

3. When chlordecone baits are used according to the label for a three year period, there is no significant risk of cancer via the inhalation route, as concluded by EPA.

4. In the Episode Reports involving humans, there were no indication of poisoning from exposure to chlordecone in any of the reported cases of suspected exposure.

SUMMARY

The Department concurs with the determination of the Administrator of EPA that "distribution, sale, and use of existing stocks of the listed inaccessible chlordecone products are not inconsistent with the purposes of FIFRA as amended and will not have unreasonable adverse effects on the environment." As a matter of record, however, the Department's assessment is that the combination of inaccessible packaging, the low concentration of active ingredient, the lack of evidence of adverse health effects due to exposure, and the lack of evidence to support adverse environmental contamination lends strong justification for not placing a time period on the availability and use of chlordecone for ant, roach and other household pest control.

Important considerations in the use of pesticides in public buildings and the home are the safety associated with use, the accuracy of application and potential exposure. The use of prepackaged pesticides with premeasured quantities of active ingredient offer accuracy of application, minimize the likelihood of misuse and exposure in handling and provide distinct advantages of safety to humans and pets. The information prepared by EPA, which accompanied the Notice of Intent to Cancel, supports these favorable characteristics for chlordecone.

In assessing benefit, the dollar cost to consumers is only one aspect of evaluation; whether placed in monetary terms or not, consideration must be given to effectiveness of control, safety in handling, ease of application, level of exposure, safety to humans and animals and potential for environmental contamination.

After considering needs in pest control, methods of use, the present and future anticipated registration status of other pesticides, the health and environmental data and the scientific conclusions accompanying the Notice of Intent to Cancel, the Department must conclude that the benefits do exceed the risks for the use of inaccessible bait formulations of chlordecone.

Regarding the baits packaged in an accessible form, the added potential for exposure to children and pets is recognized. The likelihood of children ingesting unenclosed sweetened baits, both stored and as applied, is presumed to be greater than the enclosed baits and may be sufficient to warrant permitting continued use only under restrictive labeling as to placement (inside walls and under stationary appliances) and use only by certified applicators. Use information verifies that for the control of inaccessible colonies of ants and for the control of certain cockroach species, accessible formulations are most effective. Labeling changes to assure inaccessible placement and use only by certified applicators should be considered.

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[FRL 712–5; OPP–30000/11]

PESTICIDE PROGRAMS

Rebuttable Presumption Against Registration and Continued Registration of Pesticide Products Containing Potassium Arsenite

The Environmental Protection Agency (EPA) promulgated regulations (40 CFR 162) for the registration, reregistration and classification of pesticides on July 3, 1975 (40 FR 28242). Section 162.11 of the regulations provides that a rebuttable presumption against registration (RPAR) shall arise if it is determined that a peticide ingredient meets or exceeds any of the criteria for risk set forth in § 162.11(a)(3). If it is determined that an RPAR has arisen, the regulations require that the registrant be notified by certified mail and that the registrant be provided with an opportunity to submit evidence in rebuttal of the presumption. In addition, the Agency provides notice to the public to solicit comments from interested parties and to obtain any additional information relevant to the RPAR.

Pesticide ingredients which are suspected of meeting or exceeding the risk criteria set out in 40 CFR 162.11 are referred to the Office of Special Pesticides Review (OSPR), the organizational element within the Office of Pesticide Programs responsible for administering the RPAR process. The OSPR Director is then required to make a preliminary decision concerning whether there is a basis for concluding that one or more of the 40 CFR 162.11 risk criteria have been met or exceeded. If the OSPR Director so decides, the pesticide ingredient is considered an RPAR candidate, and appropriate steps are taken to set the RPAR process in motion for that ingredient.

In keeping with its general policy of informing all interested persons of its activities, OSPR has decided to publish a notice in the FEDERAL REGISTER whenever the administrative process is terminated for a pesticide ingredient which has been accepted as an RPAR candidate. This notice will, among other things, set forth the Agency's rationale for terminating RPAR review of the pesticide ingredient in question.

Potassium arsenite was accepted as an RPAR candidate, along with a number of organic and inorganic arsenic compounds. Since accepting this compound as an RPAR candidate, OSPR has conducted an investigation to identify registrations and applications for registration of pesticide products containing potassium arsenite. This investigation has revealed that there are no potassium arsenite products currently registered with the Agency. Furthermore, there are no applications for registration of products containing potassium arsenite pending at this time. Therefore, OSPR has terminated the administrative process with regard to this pesticide chemical.

Dated: April 5, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77-10572 Filed 4-8-77;8:45 am]

[FRL 711–8]

STATE OF MICHIGAN

Alternative Air Quality Maintenance Area Analysis Procedures; Approval

Notice is hereby given that, pursuant to the authority contained in 40 CFR § 51.63, three alternative Air Quality Maintenance Area analysis procedures are approved for the State of Michigan. First, the analysis period is reduced from 20 years to 10 years, as allowed in 40 CFR § 51.42. Second, an alternative dispersion model, Michigan Long-Term Model (MILT), may be used for the projection of air quality concentrations replacing the Air Quality Display Model (AQDM), as allowed in 40 CFR § 51.46. MILT uses dispersion coefficients that differ from the AQDM and contains refinements to take into account various effects such as stack downwash and gravitational settling. The third alternative procedure, approved under 40 CFR § 51.44, allows emissions data for point and area sources to be submitted in a format differing from that specified in the AQMA Analysis Guidelines, Vol. 7, Projecting County Emissions, Second Edition (EPA–450/4–74–008). The approved alternative procedure will specify each point and area source grid location, dispersion parameters, and emission rate.

For further information related to this notice, contact Mr. Wayne E. Pearson of the Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois, 60604, telephone number 312–353–2205 or Mr. Del Rector of the Air Quality Division, Michigan Department of Natural Resources, Post Office Box 30028, Lansing, Michigan 48909.

Dated: March 31, 1977.

GEORGE R. ALEXANDER, Jr.,
Regional Administator.

[FR Doc.77-10483 Filed 4-8-77;8:45 am]

[FRL 712–1; OPP–42040A]

STATE OF UTAH

Approval of State Plan for Certification of Pesticide Applicators

Section 4(a)(2) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136 et seq.) and the implementing regulations of 40 CFR Part 171, require each state desiring to certify applicators to submit a plan to EPA for its certification program. Any state certification program under this section shall be maintained in accordance with the State Plan approved under this section.

On January 31, 1977, notice was published in the FEDERAL REGISTER (42 FR 5747) announcing the intent of the Regional Administrator, EPA Region VIII, to approve, on a contingency basis, the Utah State Plan for the Certification of Pesticide Applicators (Utah State Plan). Contingency approval was requested by the State of Utah pending enactment of amendments to existing legislation and promulgation of implementing regulations. Copies of the Utah State Plan were made available for public inspection at the Utah Department of Agriculture office in Salt Lake City, Utah, the EPA Region VIII office in Denver, Colorado, and the Office of Pesticide Programs, EPA Headquarters, Washington, D.C.

The Utah State Plan will remain available for public inspection at the Utah Department of Agriculture, 147 North 200 West, Salt Lake City, Utah.

No comments were received concerning the Utah State Plan during the allowed comment period. Therefore, it has been determined that the Utah State Plan will satisfy the requirements of the amended FIFRA and of 40 CFR Part 171. if the proposed regulations described in the State Plan are promulgated by the Utah Department of Agriculture. The amendments to the existing Utah State Statutes necessary to implement the State Plan were passed by the Utah State Legislature on February 25, 1977.

The contingency approval shall expire September 30, 1977 if these terms and conditions are not satisfied by that time. On or before the expiration of the period of contingency approval, a notice shall be published in the FEDERAL REGISTER describing the extent to which these terms and conditions have been satisfied, and the approval status of the Utah State Plan as a result thereof.

EFFECTIVE DATE

Pursuant to section 4(d) of the Administrative Procedure Act, 5 U.S.C. 553 (d), the Agency finds there is good cause for providing that the contingency approval granted herein to the Utah State Plan shall be effective upon the signature of this notice. Neither the Utah State Plan nor this Agency's contingency approval of the Plan creates any direct or immediate obligation on pesticide applicators or other persons in the State of Utah. Delays in starting the work necessary to implement the Plan as may be occasioned by providing some later effective date for this contingency approval are inconsistent with the public interest. Accordingly, this contingent approval shall become effective immediately.

Dated: March 31, 1977.

JOHN A. GREEN,
Regional Administrator, Region VIII.

[FR Doc.77-10485 Filed 4-8-77;8:45 am]

[FRL 711–7]

STATE OF WISCONSIN

Alternative Air Quality Maintenance Area Analysis Procedures; Approval

Notice is hereby given that, pursuant to the authority contained in 40 CFR § 51.63, alternative Air Quality Maintenance Area (AQMA) analysis procedures are approved for the State of Wisconsin. Unless modified under 40 CFR § 51.63, 40 CFR § 51.46(c)(1) calls for the projection of air quality concentrations using the Air Quality Display Model (AQDM) or an equivalent dispersion model. The AQDM uses area and

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point source emissions as inputs to the same Gaussian dispersion expression. The State of Wisconsin requested that two separate models, WIS*ATMDIF. MLTPT and WIS*ATMDIF. URBAN, be accepted as a substitute for the AQDM. The point source model (WIS*ATMDIF. MLTPT) uses dispersion coefficients that differ from those used in the AQDM for the stable stability classes. The dispersion coefficients are appropriate for the geographic areas in which the model is being applied. The area source model (WIS*ATMDIF.URBAN) is a non-Gaussian box model.

Because of the good statistical correlation with monitored air quality data, the use of these two models is approved as an alternate to the AQDM for the AQMA strategy development in Southeastern Wisconsin.

For further information related to this notice, contact Mr. Wayne E. Pearson of the Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, telephone number 312-353-2205 or Mr. Paul Kozlar of the Bureau of Air and Solid Waste Management, Wisconsin Department of Natural Resources, Post Office Box 450, Madison, Wisconsin 53701.

Dated: March 31, 1977.

GEORGE R. ALEXANDER, JR.,
Regional Administrator.

[FR Doc.77-10484 Filed 4-8-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 21181]

PATRICIA E. HOWELL

Application for Citizens Band Radio Station License in Citizens Band Radio Service

Adopted: March 28, 1977.
Released: April 5, 1977.

The Chief, Safety and Special Radio Services Bureau, has under consideration the above-captioned application for a Citizens Band radio station license by Patricia E. Howell, 5 Greenwood Avenue, Baltimore, Maryland 21206, on July 5, 1976.

1. On numerous occasions during 1973 and 1974, Howell operated a Citizens Band radio station without a license. She failed to heed repeated warnings from the Commission regarding her unlicensed operation, and on August 16, 1974, the Commission released an Order to Cease and Desist (SS-026-74). After release of that Order, Howell continued to operate. Her continued unlicensed operation necessitated the initiation of criminal proceedings by the United States Attorney for the District of Maryland.

2. On February 13, 1975, in the United States District Court, Maryland District, Howell pleaded guilty to and was convicted of unlicensed operation of a Citizens Band radio station, in violation of section 301 of the Communications Act of 1934, as amended.

3. In a Commission letter dated December 10, 1976, Howell was offered an opportunity to submit any facts which she believed relevant to the Commission's determination of whether to grant her application or to designate it for hearing. She was also informed that her temporary authority to operate had expired,[1] and that further operation by her would be unlicensed operation, in violation of section 301 of the Communications Act of 1934, as amended.

4. On January 4, 1977, the Commission received a reply from the applicant. In her letter, Howell stated that she did understand the seriousness of her past violations. She asked what harm might occur if she were given an opportunity to be a licensee, and she suggested that the Commission could "sock it to" her if she were "stupid enough to foul up."

5. Howell's repeated failure to abide by the strictures of the Communications Act raises a serious question as to her qualifications to be a Commission licensee. Her suggestion that her license could be revoked if she violates the rules does not offer reassurance that the applicant is firmly committed to compliance with the Rules.

6. Furthermore, despite the warning contained in the Commission's December 10, 1976, letter to Howell, she apparently operated a Citizens Band radio station on January 27, 1977, without a license, in violation of Section 301 of the Communications Act of 1934, as amended.

7. In view of the findings and conclusions of the Order to Cease and Desist (SS-026-74); the conviction of February 13, 1975, for violation of Section 301 of the Communications Act of 1934, as amended; and her apparently unlicensed operation of January 27, 1977, it cannot be determined that a grant of Howell's application would serve the public interest, convenience, and necessity. Therefore, the Commission must designate the application for hearing. The findings and conclusions of the Cease and Desist Order shall be res judicata as to the applicant and shall not be relitigated in this proceeding.

Accordingly, *it is ordered,* Pursuant to section 309(e) of the Communications Act of 1934, as amended, and §§ 0.331 and 1.973(b) of the Commission's Rules that the captioned application is designated for hearing at a time and place to be specified by subsequent Order, upon the following issues:

(1) To determine the effect of the facts and conclusions contained in the Order to Cease and Desist, released August 16, 1974 (SS-026-74), upon the applicant's qualifications to be a licensee of the Commission.

(2) To determine the effect of the conviction of February 13, 1975, of violation of Section 301 of the Communications Act of 1934, as amended, in the United States District Court, District of Maryland, upon the applicant's qualifications to be a licensee of the Commission.

(3) To determine whether the applicant engaged in unlicensed operation subsequent to her February 13, 1975, conviction.

(4) To determine, in light of the evidence adduced under the foregoing issues, whether the applicant has the requisite qualifications to be a licensee of the Commission.

(5) To determine whether the public interest, convenience and necessity would be served by a grant of Howell's application for a Citizens Band radio station license.

It is further ordered, That to avail herself of the opportunity to be heard, the applicant herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within twenty days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for hearing and to present evidence on the issues specified in the Order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice.

Chief, Safety and Special Radio Services Bureau.

GERALD M. ZUCKERMAN,
Chief, Legal, Advisory and Enforcement Division.

[FR Doc.77-10534 Filed 4-8-77;8:45 am]

[1] An applicant for a Citizens Band radio station license may obtain temporary authority to operate CB transmitting equipment prior to being licensed, for a period not to exceed sixty (60) days, by completing FCC Form 555-B and meeting the requirements specified therein.

FEDERAL MARITIME COMMISSION

[Docket No. 76-46; Agreements Nos. T-3191, et al.]

PUERTO RICO PORTS AUTHORITY, ET AL.

Amended Order of Investigation and Hearing

In our September 22, 1976, Order of Conditional Approval of Agreement No. DC-75, we stated that the Order of Investigation and Hearing in this proceeding would be amended to include the questions of whether the agreements between the Puerto Rico Ports Authority (Port) on the one hand and SeaLand Service, Inc. (SeaLand), and the Puerto Rico Maritime Shipping Authority (PRMSA) for the lease or use of berths or land parcels at Puerto Nuevo, San Juan, Puerto Rico, are subject to section 15, and, if so, whether they should be approved, disapproved, or modified.

On the basis of information before us, it would appear that the following agreements fall into this category: [1]

[1] Many of these agreements were filed with the Commission in the early days of the Commission's existence and were determined not to be subject to section 15. Since the circumstances surrounding these agreements has changed and the standards for determining whether a terminal agreement is subject to section 15 of the Shipping Act, 1916 have evolved considerably, these agreements need to be reexamined. Furthermore, even though Agreement No. T-3212 was approved, the approvability of that Agreement should be reexamined as a part of the whole Puerto Nuevo arrangement. Those agreements which have not been filed for Commission action are referred to herein by the Port's number.

Agreement No. T-1582 (Port No. AP-62-63-87) is between the Port and Sea-Land and provides for Seal-Land's fifteen-year lease (with renewal options) of Parcel 8, Puerto Nuervo, for the installation and operation of a temporary break-bulk terminal.

Agreement No. T-1583 (Port No. AP-62-63-169), dated July 15, 1963, is between the Port and Sea-Land and provides for Sea-Land's lease of Parcels 6 and 7, Puerto Nuevo, and preferential berthing privileges at Berths E (Parcel 5-A) and F (Parcel 5-B), Puerto Nuevo, for a term of fifteen years, with a renewal option for an additional five-year period.

Agreement AP-64-65-41, dated August 12, 1964, is an unfiled amendment to Agreement No. T-1583, above, providing for Sea-Land's construction of structural members for gantry cranes at Berths E and F, Puerto Nuevo, and grants Sea-Land the right to install gantry cranes at Berths E and F at its own expense, subject to terms and conditions to be negotiated by the parties at the time of such installation.

Agreement AP-64-65-237, dated April 28, 1965, is an unfiled amendment to Agreement No. T-1583, above, providing for Sea-Land's construction of foundation beams for the gantry cranes to be erected at Berths E and F, Puerto Nuevo.

Agreement No. T-1583-1 (Port No. AP-65-66-29), dated August 3, 1965, amends Agreement No. T-1583, above, by providing for Sea-Land's lease of Parcel 6-A, a 1.1 cuerda parcel adjacent to Parcel 6, Puerto Nuevo; the installation of certain improvements at Parcel 6-B; and the installation of certain ancillary facilities for Sea-Land's cranes at Berths E and F.

Agreement AP-65-66-28, dated September 2, 1965, is an unfiled amendment to Agreement No. T-1583, above, providing for Sea-Land's installation and use of up to four gantry cranes at Berths E and F, Puerto Nuevo.

Agreement A7-AP-62-63-169, dated April 3, 1972, is an unfiled amendment to Agreement No. T-1583, above, providing for Sea-Land's lease of an additional 0.9171 cuerdas adjacent to Parcel 7, Puerto Nuevo.

Agreement No. T-3271 (Port No. AP-75-76-(0)070), dated October 1, 1975, cancels Agreement No. T-1583 and all amendments thereto effective upon the effective date of Agreement No. T-3191. Agreement No. T-3271 was filed for Commission review pursuant to section 15, Shipping Act, 1916, on November 26, 1976.

Agreement No. T-2253 (Port No. AP-68-69-57), dated November 20, 1968, is between the Port and Sea-Land and provides for the construction of Berths G and H (Lots 10-A and 10-B), Puerto Nuevo; Sea-Land's preferential use of these berths; and Sea-Land's lease of Lots 11 and 12 Puerto Nuevo; for a term of fifteen years.

Agreement A-1 AP-68-69-57, dated September 24, 1971, is an unfiled amendment to Agreement No. T-2253, above providing for Sea-Land's lease of an additional 3.006 cuerdas at Puerto Nuevo for the parking of containers.

Agreement No. T-2254 (Port No. AP-68-69-58), dated November 20, 1968, is between the Port and Sea-Land and provides for the construction of foundation beams and crane rails at Berths G and H, Puerto Nuevo, and grants Sea-Land the right to install gantry cranes at Berths G and H at its own expense, subject to the terms and conditions to be negotiated by the parties at the time of such installation.

Agreement AP-67-68-48, dated October 16, 1967, is an unfiled agreement between the Port and TTT providing for TTT's exclusive use of Parcel 4, Puerto Nuevo, and the preferential use of Berth C, Puerto Nuevo, 100 feet of Berth B, Puerto Nuevo, and 3.917 cuerdas of adjacent back-up area, for a term of fifteen years. TTT's interest in this agreement was acquired by PRMSA through the acquisition of TTT's subsidiary, TTT of Puerto Rico, Inc., this providing the basis for PRMSA's current Roll-on/Roll-off operations at these facilities.

A March 7, 1968 letter amendment to Agreements AP-67-68-48 and AP-67-68-49, is an unfiled amendment providing for an increase in area and rentals in connection with preferential berthing privileges under Agreement AP-67-68-48, above.

"Amendment I to Contract AP-67-68-48", dated June 2, 1969, is an unfiled amendment providing for TTT's exclusive use of a marine terminal building situated to the South of Berth C, Puerto Nuevo.

Agreement A-2 AP-67-68-48, dated November 27, 1970 is an unfiled amendment to Agreement AP-67-68-48, above, and provides for TTT's lease of a one cuerda parcel located between Berth C, Puerto Nuevo, and a parcel owned by the Puerto Rico Water Resources Authority.

Agreement A-3 AP-67-68-48, dated April 15, 1971, is an unfiled amendment to Agreement AP-67-68-48, above, and provides for a one-year extension of Agreement A-2 AP-67-68-48.

A November 16, 1972, letter amendment to Agreement AP-67-68-48, above, is an unfiled amendment providing for TTT's lease of a plot of land formerly used as a parking area by the Commercial Development Company.

Agreement No. T-3211 (Port No. AP-75-76-(4)-042), dated October 1, 1975, is between the Port and PRMSA and provides for PRMSA's fifteen year lease of Parcels IV-F and IV-G, Puerto Nuevo. Agreement No. T-3211 was filed for Commission review pursuant to section 15 on December 4, 1975, and was subsequently protested by Seatrain Gitmo, Inc. (Seatrain). However, Seatrain has since withdrawn its protest.

Agreement No. T-3211-1 (Port No. (A-1) AP-75-76-(4)042A) amends Agreement No. T-3211, above, by correcting the compensation to be paid under the basic agreement. Agreement No. T-3211-1 was filed on July 26, 1976, and was subsequently protested by Seatrain. However, Seatrain has since withdrawn its protest.

Agreement No. T-3212, dated October 1, 1975, is between the Port and PRMSA and provides for PRMSA's eleven-year lease of Lot 9, Puerto Nuevo. Agreement No. T-3212 was approved on February 10, 1976.

Agreement No. T-3211-2/T-3212-1, dated October 27, 1976 is a single document amending both Agreements T-3211 and T-3212 by granting an option to renew these agreements for additional fifteen-year terms upon the expiration of their basic term.

Agreement No. T-3393, dated November 17, 1976, is between the Port and PRMSA and grants PRMSA an option to lease a 32-acre tract of land behind Berth J, Puerto Nuevo, for fifteen years, with further options to renew for two additional terms of fifteen years each.

Agreement No. T-3416, dated October 27, 1976, is between the Port and PRMSA and grants PRMSA an option to lease a 15.3 cuerda portion of Lot C, Puerto Nuevo, for a fifteen-year term with an option to renew for an additional fifteen-year term upon the expiration of the original term.

Notwithstanding the fact that some of the above agreements have previously been either determined not to be subject to section 15 of the Shipping Act, 1916, or approved pursuant to section 15; all of these agreements fall within the scope encompassed by our September 22, 1976, Order in the matter of Agreement No. DC-75. In addition to the issues of whether these agreements are subject to section 15, and if so, whether they should be approved, disapproved or modified, we are also incorporating the following related issues into this proceeding:

(1) Whether or not the above-listed agreements and amendments, together with Agreements Nos. T-3191, T-3193, T-3199, T-3210 and the Puerto Nuevo Contract, represent all of the agreements among the Port, PRMSA and Sea-Land for PRMSA's and Sea-Land's use of Puerto Nuevo.

(2) Whether or not any of those agreements which are subject to section 15 relating to PRMSA's or Sea-Land's use of Puerto Nuevo, have been in any manner implemented prior to Commission approval in violation of section 15.

(3) Whether or not any of the above-listed agreements have in any manner been further amended or whether there are any other agreements subject to section 15 which permit PRMSA's use of Puerto Nuevo marine terminal facilities leased by Sea-Land from the Port.

It is therefore ordered, That Docket No. 76-46 be, and hereby is, amended to include the issue of whether Agreements Nos. T-1582, T-1583, AP-64-65-41, AP-64-65-237, T-1583-1, AP-65-66-28, A-7 AP-62-63-169, T-3271, T-2253, A-1 AP-68-69-57, T-2254, AP-67-68-48, the March 7, 1968, letter amendment to Agreements AP-67-68-48 and AP-67-68-49, "Amendment I to Contract AP-67-68-48", A-2 AP-67-68-48, A-3 AP-67-68-48, the November 16, 1972, letter amendment to Agreement AP-67-68-48, T-3211, T-3211-1, T-3212, T-3211-2/T-3212-1, T-3393, or T-3416 (hereinafter referred

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to collectively as Agreements), individually or taken as a whole, are subject to section 15, Shipping Act, 1916, and, if so, whether they should be approved, disapproved, or modified;

It is further ordered, That Docket No. 76–46 be, and hereby is, amended to include the issue of whether there are any agreements, other than those enumerated in the first ordering paragraph, between the Port and PRMSA, between PRMSA and Sea-Land, or between the Port and Sea-Land, for the lease or use of berths or land parcels at Puerto Nuevo, San Juan, Puerto Rico, which are, either individually or taken as a whole, subject to section 15 of the Shipping Act, 1916, and, if so, whether they should be approved, disapproved or modified;

It is further ordered, That Docket No. 76–46 be, and hereby is, amended to include the issue of whether or not any of the Agreements determined to be subject to section 15, Shipping Act, 1916, relating to PRMAS's or Sea-Land's use of Puerto Neuvo marine terminal facilities have been implemented in any manner whatsoever prior to Commission approval in violation of section 15, Shipping Act, 1916.

By the Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-10573 Filed 4-8-77;8:45 am]

FEDERAL POWER COMMISSION

EMERGENCY NATURAL GAS ACT OF 1977

[Docket No. E77-86]

Emergency Order

On April 5, 1977, Piedmont Natural Gas Company, Inc. (Piedmont), filed, pursuant to section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95–2 (91 Stat. 4 (1977)), an application for an order authorizing Texaco, Inc. (Texaco) and Transcontinental Gas Pipe Line Corporation (Transco) to transport natural gas which Piedmont has purchased under section 6(a) of the Act. Also, on April 5, 1977, Texaco stated its willingness to assist Piedmont if duly ordered and authorized to perform such services. For the reasons set forth below, I authorize the requested transportation.

By contract dated March 10, 1977, Piedmont agreed to purchase approximately 1,000 Mcf per day of natural gas from Sabine Production Company (Sabine) at the Lafitte Field, Jefferson Parish, Louisiana. Piedmont will purchase these supplies at a price of $2.15 per MMBtu inclusive of all state and local taxes and other adjustments. This price is fair and equitable in accordance with Order No. 2.

Sabine will deliver the gas to Piedmont at the points where the field tank batteries are connected to Texaco's gathering lines in the Lafitte Field. Texaco will transport the gas through its intrastate gathering lines to the outlet of its Paradis Gas Processing Plant, St. Charles Parish, Louisiana, where it will deliver the gas to Transco. Transco will deliver the gas to Piedmont at existing delivery points.

Texaco will charge Piedmont 10 cents per Mcf for costs incurred to transport the subject gas. Transco will charge 45.8 cents per MMBtu plus 3.8 percent of the volumes for compressor fuel; this rate is to be collected subject to refund pursuant to order issude in Docket No. E77–83 (April 4, 1977). Piedmont states that its acceptance of Transco's proposed rate is without prejudice to its position that Transco's rate is not just and reasonable.[1]

Texaco has not advised whether any of the contracts covering intrastate gas flowing through the facilities used to transport gas for the benefit of Piedmont prohibit the sale or commingling of such gas with gas subject to the Natural Gas Act or the termination of such contracts as a result of such sale or commingling. The sale, transportation and delivery of gas for which Piedmont seeks approval may result in some commingling of interstate natural gas with Texaco's normal intrastate gas supplies and with gas owned by other third parties. This order shall be considered as applying to all such commingled gas. Under the provisions of section 9(b), (c) of Pub. L. 95–2 (91 Stat. at 9), the suppliers of such gas, which is so commingled, may not terminate existing contracts with Texaco or such other parties or require a redetermination of the prices provided in such contracts by reason of this transaction. Contractual termination, prohibition or redetermination provisions in any such contracts referred to above are not enforceable by reason of Section 9 of Public Law 95–2 since Sabine is selling and Texaco is delivering and transporting gas for Piedmont pursuant to Section 6(a) of that Act. Texaco and any third person whose gas is commingled with Piedmont's gas shall refer all relevant information concerning any attempt to terminate existing contracts or require a redetermination of prices to the Administrator for appropriate action.

According to the official files of the Federal Power Commission, Sabine is not classified as a natural gas company within the meaning of the Natural Gas Act. Section 6(b)(1)(A) of the Act provides in part that "[t]he provisions of the Natural Gas Act shall not apply * * * to any sale to an interstate pipeline * * * under the authority of subsection (a) or to any transportation by an intrastate pipeline in connection with such sale * * *." 91 Stat. 4, 8. Texaco is a natural gas company within the meaning of the Natural Gas Act. Section 6(b)(1)(B) provides that the provisions of the Natural Gas Act shall not apply "to any natural gas company (within the meaning of the Natural Gas Act) solely by reason of any such sale or transportation." Thus, the sale, delivery and transportation of this gas will not subject Sabine, Texaco or any third person supplying gas to Texaco to the provisions of the Natural Gas Act or to regulation as a common carrier under state law.

Piedmont shall submit weekly reports as required by Order No. 4.

Pursuant to section 6(a) of the Act, I hereby authorize Sabine to sell to Piedmont up to 1,000 Mcfd of natural gas on the terms and conditions set forth in Piedmont's filing in this proceeding. Pursuant to Section 6(c)(1) of the Act, I hereby authorize and order Texaco and Transco to transport gas for Piedmont. Since the parties have agreed upon the transportation charges (subject to Piedmont's reservations), I find no basis for prescribing other charges.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Piedmont, Texaco, Sabine, and Transco. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95–2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

APRIL 6, 1977.

[FR Doc.77-10567 Filed 4-8-77;8:45 am]

[1] Piedmont's position is that in Transco's rate proceeding in Federal Power Commission Docket No. RP77-48, Piedmont indicates that it plans to contest Transco's proposed rate in FPC Docket No. RP77-48 and before the Administrator.

EMERGENCY NATURAL GAS ACT OF 1977

[Docket No. E77-851]

Emergency Order

On April 4, 1977, Texas Gas Transmission Corporation (Texas Gas) filed, pursuant to Section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95–2 (91 Stat. 4 (1977)), an application for authorization to transport natural gas for the account of Indiana Gas Company (Indiana Gas).[1]

Trunkline Gas Company (Trunkline), acting as agent for Indiana Gas, has executed a contract with Good Hope Refineries, Inc. (Good Hope) for the sale of natural gas pursuant to Section 6(a) of the Act (91 Stat. at 7–8). The total price to be paid by Trunkline as agent, is $2.25 per MMBtu. Thus, the proposed price is fair and equitable in accordance with Order No. 2.

Texas Gas will receive the subject volumes from Trunkline at Dyersburg, Tennessee, and transport and deliver such volumes to Indiana Gas at existing delivery points. No new facilities are required to perform this service.

Texas Gas' proposed transportation rates are based upon the cost data supporting the settlement rates in Texas Gas' most recent Federal Power Commission rate case in Docket No. RP76–17 plus 1.25 percent of the transported volumes for compressor fuel and company use and loss. I find no basis on which to prescribe other charges since the parties have agreed upon the transportation charges.

Pursuant to Section 6(c)(1) of the Act (91 Stat. at 8), I authorize Texas Gas to transport gas for Indiana Gas.

Indiana Gas shall submit weekly reports as required by Order No. 4 and shall certify that it is qualified to make this purchase under Order No. 6.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Texas Gas, Trunkline, Indiana Gas and Good Hope. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95–2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

APRIL 5, 1977.

[FR Doc.77-10568 Filed 4-8-77;8:45 am]

[1] Indiana Gas is a local distribution company as defined in Section 2(1) of the Act (91 Stat. 4).

[Docket No. E77-87]

EMERGENCY NATURAL GAS ACT OF 1977

Emergency Order

On April 5, 1977, Texas Gas Transmission Corporation (Texas Gas), as agent for certain of its customers,[1] filed, pursuant to Section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95–2 (91 Stat. 4 (1977)), an application for authorization to transport natural gas which it is purchasing for certain of its customers and to construct the facilities necessary to receive this gas into its pipeline system.

Texas Gas, as agent, executed a contract on March 18, 1977, with Par Oil Corporation (Par) for the purchase of approximately 2,000 Mcfd from the Athens Field, Claiborne Parish, Louisiana. The total price to be paid by Texas Gas, as agent, is $2.25 per MMBtu. Thus, the proposed price is fair and equitable in accordance with Order No. 2.

Texas Gas will receive these volumes in Claiborne Parish, Louisiana, and transport these supplies through its existing pipeline facilities to the customers for which it is purchasing the gas. Texas Gas' proposed transportation rates are based upon the cost data supporting the settlement rates in Texas Gas' most recent Federal Power Commission rate case in Docket No. RP76–17 and the retention of a percent of the transported volumes for compressor fuel and company use and loss. I find no basis for prescribing other charges since the parties have agreed upon the transportation charges.

Based upon the foregoing, Texas Gas is authorized to purchase gas, as agent, from Par and to transport such gas for certain of its customers. This authorization is conditioned on (i) Texas Gas' submission of the names of the customers for which it is acting as agent, (ii) those customers agreeing to submit reports as required by Order No. 4 and (iii) such customers certifying that they are entitled to purchase gas under the provisions of Order No. 6.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Texas Gas and Par. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95–2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

APRIL 6, 1977.

[FR Doc.77-10570 Filed 4-8-77;8:45 am]

[1] These customers are local distribution companies and interstate pipelines as defined in sections 2(1), (5) of the Act (91 Stat. 4).

EMERGENCY NATURAL GAS ACT OF 1977

Emergency Order

On April 6, 1977, Texas Gas Transmission Corporation (Texas Gas), as agent for the certain of its customers,[1] filed, pursuant to section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95–2 (91 Stat. 4 (1977)), an application for authorization to transport natural gas which it is purchasing for certain of its customers.

Texas Gas, as agent, executed a contract on March 14, 1977, with Getty Oil Company (Getty) for the purchase of approximately 350 Mcfd from the Carthage Field, Panola County, Texas. The total price to be paid by Texas Gas, as agent, is $2.25 per MMBtu. Thus, the proposed price is fair and equitable in accordance with Order No. 2.

Texas Gas will receive these volumes at the outlet of the Champlin Gasoline Plant, Panola County, Texas and transport these supplies through its existing pipeline facilities to the customers for which it is purchasing the gas. Texas Gas' proposed transportation rates are based upon the cost data supporting the settlement rates in Texas Gas' most recent Federal Power Commission rate case in Docket No. RP76–17 and the retention of a percent of the transported volumes for compressor fuel and company use and loss. I find no basis on which to fix other charges since the parties have agreed upon the transportation charges.

Based upon the foregoing, Texas Gas is authorized to purchase gas, as agent, from Getty and to transport such gas for certain of its customers. This authorization is conditioned on (i) Texas Gas' submission of the names of the customers for which it is acting as agent, (ii) those customers agreeing to submit reports as required by Order No. 4 and (iii) such customers certifying that they are entitled to purchase gas under the provisions of Order No. 6.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Texas Gas and Getty. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95–2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

[FR Doc.77-10662 Filed 4-8-77;8:45 am]

[1] These customers are local distribution companies and interstate pipelines as defined in sections 2 (1), (5) of the Act (91 Stat. 4).

[Docket No. E77-79]

Supplemental Emergency Order

By order issued March 28, 1977, pursuant to Section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95–2 (91 Stat. 4 (1977)), Transwestern Pipeline Company (Transwestern) was authorized to continue an emergency purchase under Section 6 from Inexco Oil Company (Inexco) through July 31, 1977, notwithstanding Order No. 6. On March 31, 1977, Cities Service Gas Company (Cities Service) requested clarification of that order regarding Cities Service's eligibility to purchase emergency gas from Transwestern.

Order No. 6 specifies that, subsequent to February 22, 1977, no interstate pipeline or local distribution company may execute a contract for the purchase of gas pursuant to section 6 of the Act if, contemporaneously with the execution of the contract, the purchaser was serving directly or indirectly any uses specified in Priorities 4 through 9 (18 CFR 2.78 (a)(1)(iv)–(ix)). Order No. 6 is directed to the initial purchaser of the gas not a subsequent recipient of the gas.[1] Transwestern's authorization to purchase this gas encompasses the right to sell such gas to its customers. Therefore, Transwestern may sell the appropriate share of this gas to Cities Service.

Cities Service also raises the question of the manner in which it may recover the cost of the emergency purchase gas. The question of how the costs associated with emergency purchases are to be recovered pursuant to Section 7 of the Act (91 Stat. 4, 8) is currently under consideration. A general order regarding this matter will be issued in the near future.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Transwestern, Cities Service, Inexco,

[1] Order No. 6 requires that a pipeline not be serving any uses classified in Priorities 4 through 9 contemporaneously with the execution of a contract for an emergency purchase. Thus, a pipeline is required to determine whether any person ultimately receiving gas from it is serving any proscribed uses contemporaneously with the execution of the contract.

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CIG, Northwest, and El Paso. This order shall also be published in the FEDERAL REGISTER.

This order is subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

APRIL 4, 1977.

[FR Doc.77-10569 Filed 4-8-77;8:45 am]

FEDERAL RESERVE SYSTEM

CITY NATIONAL BANK CORP.

Acquisition of Bank

City National Bank Corporation, Miami, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 22.5 percent or more of the voting shares of the City National Bank of Lauderhill, Lauderhill, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 2, 1977.

Board of Governors of the Federal Reserve System, April 4, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-10507 Filed 4-8-77;8:45 am]

CLEVETRUST CORP.

Order Approving Acquisition of Bank

CleveTrust Corporation, Cleveland, Ohio ("Applicant"), a bank holding company within the mean of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of Columbus Trust Company, Columbus, Ohio ("Bank"), a proposed de novo bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the largest banking organization in Ohio, controls nine banks with aggregate deposits of $3.1 billion, representing 9.98 percent of the total deposits in commercial banks in the State.[1] Since the application involves the acquisition of a proposed de novo bank, consummation of the proposal would not immediately increase Applicant's share of commercial bank deposits in Ohio.

Bank is to be located in the downtown area of Columbus. The closest banking office of any subsidiary of Applicant is located 100 miles northeast of Bank's proposed site and none of Applicant's subsidiaries derives a significant amount of business from the anticipated service area of Bank.

Twenty-six banking organizations presently operate in the Columbus banking market.[2] Despite the large number of competitors, the market is highly concentrated. The three largest organizations control 85.6 per cent of total market deposits. Approval of the proposed transaction would provide the market with a new competitor. Given Applicant's resources and the prospects for continued growth in the Columbus area, the introduction of Bank could eventually lead to a reduction in the current high level of market concentration. Accordingly, on the basis of the facts of record, it has been concluded that consummation of the proposal would not have any adverse effects on existing or potential competition.

The financial and managerial resources and future prospects of Applicant and its subsidiary banks are regarded as satisfactory. Bank, as a proposed de novo bank, has no financial or operating history; however, its prospects as a subsidiary of Applicant appear favorable. Considerations relating to the banking factors are thus consistent with approval of the application. Considerations relating to the convenience and needs of the community to be served lend some weight toward approval of the application. It has been determined that consummation of the proposal would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Secretary of the Board of Governors, pursuant to delegated authority, effective April 5, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-10506 Filed 4-8-77;8:45 am]

[1] Unless otherwise indicated, all banking data are as of March 31, 1976.

[2] The Columbus banking market is approximated by the Columbus SMSA except for the addition of the western half of Licking County and the omission of some of the outlying townships in Pickaway, Madison, and Delaware Counties. All market data are as of June 30, 1975.

ELLIS BANKING CORP.

Order Approving Acquisition of Bank and Granting a Requested Determination

Ellis Banking Corporation, Bradenton, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 50.1 per cent or more of the voting shares of the Citizens Bank of Bunnell, Bunnell, Florida ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the tenth largest banking organization in Florida, controls 25 banks with aggregate deposits of approximately $692.3 million, representing approximately 2.8 percent of total commercial bank deposits in Florida.[1] Acquisition of Bank (approximately $11.8 million in deposits) would increase Applicant's share of commercial bank deposits in Florida by .05 per cent and would have no appreciable effect upon the concentration of banking resources in Florida.

Bank, the larger of the two banks in the relevant market,[2] controls total deposits of approximately $11.8 million, representing about 63 percent of the total deposits in commercial banking institutions in the market. The closest subsidiary bank of Applicant is located 150 miles south of Bank in a separate banking market. Approval of the proposal would eliminate no significant existing competition between Applicant's subsidiaries and Bank. Common ownership and control of Bank and the only other bank in the relevant market has led to common senior operating management and numerous director interlocks. Because of this relationship, the two banking institutions do not presently compete with each other to any meaningful extent. If the subject proposal is approved, Applicant has indicated that the present relationship would be terminated and Bank would become independent and an alternative source of banking services in the relevant market. On the basis of the facts of record, the Board concludes that competitive considerations are consistent with, and lend some weight toward, approval of the application.

The financial and managerial resources and future prospects of Applicant and its subsidiaries are regarded as generally satisfactory. The financial and managerial resources and future prospects of Bank appear satisfactory. Considerations relating to banking factors are consistent with approval.

[1] All banking data are as of June 30, 1976.

[2] The relevant market is approximated by Flagler County.

Applicant has indicated that it will provide Bank with specialized lending expertise and assist it in securing loan participations. Furthermore, affiliation with Applicant will provide Bank with access to Applicant's centralized auditing, accounting, investment counseling, and management training program. Considerations relating to the convenience and needs of the community to be served, therefore, lend some weight toward approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

In connection with this proposal, Applicant will offer two types of debt instruments in exchange for Bank's stock: a seven-year maturity convertible debenture and a ten-year maturity nonconvertible debenture. Florida National Banks of Florida, Inc. ("Florida National"), Jacksonville, Florida, will exchange the 50.1 per cent of the voting shares it now holds in Bank for the ten-year maturity nonconvertible debentures Applicant is offering.[3] Under section 2(g)(3) of the Act, shares transferred after January 1, 1966, by a bank holding company directly or indirectly to any transferee that is indebted to the transferor are deemed to be indirectly owned or controlled by the transferor unless the Board, after opportunity for hearing, determines that the transferor is not in fact capable of controlling the transferee. On the basis of the facts of record, including submissions from both Applicant and Florida National, the Board has determined, pursuant to section 2(g)(3) of the Act (12 U.S.C. 1841(g)(3)), that Florida National will not in fact be capable of controlling Applicant.[4] Furthermore, upon consummation of this transaction, Florida National will terminate its interest in Bank, as required by the Board's Order of July 29, 1976.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[5] effective April 4, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-10508 Filed 4-8-77;8:45 am]

[3] Officers of Florida National acquired a controlling interest in Bank in 1974. In its Order of July 29, 1976, denying Florida National's application to acquire control of Bank from its officers, the Board found that Florida National had violated the prior approval requirements of section 3 of the Act, and required Florida National to divest of all direct or indirect interest in Bank (62 Fed. Res. Bulletin 696). The subject application represents the means by which Florida National seeks to comply with the Board's Order.

[4] Among the facts of record upon which the Board bases this determination, the Board notes, in particular, that Florida National has no directors or officers in common with Applicant. Florida National will hold nonconvertible debentures totalling less than 5 per cent of Applicant's total liabilities and Florida National's Board of Directors has resolved that it "will not exercise or attempt to exercise any degree or manner of control of Ellis Banking Corporation as long as Florida National is the owner or holder of the ten-year maturity nonconvertible debentures of Ellis". Furthermore, there are no agreements or understandings between Florida National and Ellis whereby Florida National would regain the shares of Bank's stock it has exchanged.

[5] Voting for this action: Governors Wallich, Coldwell, Jackson, Partee and Lilly. Absent and not voting: Chairman Burns and Governor Gardner.

KREY COMPANY, LTD.

Formation of Bank Holding Company

Krey Company Ltd., Pratt, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 51 percent or more of the voting shares of The Peoples Bank, Pratt, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Krey Company Ltd., Pratt, Kansas, has also applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire substantially all of the assets of two consumer finance offices of Central States, Inc., Pratt, Kansas. Notice of the application was published in the following newspapers on the dates indicated: "The Pratt Tribune," Pratt County, Kansas, March 7, 1977; "The Southwest Daily Times," Seward County, Kansas, March 9, 1977; and "The Guymon Daily Herald," Texas County, Oklahoma, March 10, 1977.

Applicant states that the proposed subsidiary would engage in the following activities: Making and acquiring for its own account loans and discounts such as would be made by a consumer and sales finance company, and acting as an insurance agent or broker in selling credit life insurance and credit accident and health insurance in connection with such consumer and sales finance activities. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increases competition or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 3, 1977.

Board of Governors of the Federal Reserve System, April 5, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-10509 Filed 4-8-77;8:45 am]

MARYVILLE BANCSHARES, INC.

Formation of Bank Holding Company

Maryville Bancshares, Inc., Kansas City, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holdholding company through acquisition of 94 percent or more of the voting shares of Citizens State Bank of Maryville, Maryville, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 10, 1977.

Board of Governors of the Federal Reserve System, April 5, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-10510 Filed 4-8-77;8:45 am]

FEDERAL TRADE COMMISSION

[File No. 732-3401]

ASTOR-SCOTT, INC., ET AL.

Consent Agreement With Analysis to Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Placement of consent agreement on public record for comments.

SUMMARY: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR § 2.34, 40 FR 15236, April 4, 1975), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such

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comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b) (14) of the Commission's Rules of Practice (16 CFR § 4.9(b)(14), 40 FR 15236, Apr. 4, 1975).

DATE: Comments must be received on or before June 6, 1977.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

[File No. 732-3401]

AGREEMENT CONTAINING CONSENT ORDER TO CEASE AND DESIST

In the matter of Astor-Scott, Inc., a corporation, and Nelson Torelli, individually and as an officer of the corporation.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Astor-Scott, Inc., a corporation, and Nelson Torelli, individually and as an officer of said corporation, and it now appearing that Astor-Scott, Inc., a corporation, and Nelson Torelli, individually and as an officer of said corporation, hereinafter sometimes referred to as proposed respondents, are willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated:

It is hereby agreed by and between Astor-Scott, Inc., by its duly authorized officer, and Nelson Torelli, individually and as an officer of said corporation, and their attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Astor-Scott, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Florida, with its office and principal place of business located at 6041 N.E. 14th Avenue, Fort Lauderdale, Florida 33334.

Proposed respondent Nelson Torelli is an officer of said corporation. He formulates, directs and controls the policies, acts and practices of said corporation, and his address is the same as that of said corporation.

2. Proposed respondents admit all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondents waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become a part of the official record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released; and such acceptance may be withdrawn by the Commission if comments or views submitted to the Commission disclose facts or considerations which indicate that the order contained in the agreement is inappropriate, improper or inadequate.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondents that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Mailing of the complaint and decision containing the agreed-to order to proposed respondents' address stated in the agreement shall constitute service. Respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order of the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondents have read the proposed complaint and order contemplated hereby, and they understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order, and that they may be liable for a civil penalty in the amount provided by law for each violation of the order after it becomes final

ORDER

COUNT I

It is ordered, That respondents, Astor-Scott, Inc., a corporation, its successors and assigns, and its officers, and Nelson Torelli, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the offering for sale, sale or distribution of Exogen Vitamin E Oil, or any food, drug, device or cosmetic, do forthwith cease and desist from:

A. Disseminating, or causing to be disseminated, by means of the United States mails or by any means in or having an effect upon commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, any advertisement for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said product, which advertisement:

1. Represents in writing, orally, visually or in any other manner, directly or by implication, that:

(a) Vitamin E is absorbed into the skin through topical application to the extent and degree that such absorption would result in cosmetic or rejuvenative benefit;

(b) Vitamin E, through its anti-oxidant properties, prevents moisture loss or supplies oxygen to skin cells:

(c) Vitamin E is a new, different, wonder or miracle ingredient, the inclusion of which yields additional benefits to Exogen Vitamin E Oil beyond the effect of any moisturizing preparation;

(d) The purity and strength of the Vitamin E in Exogen Vitamin E Oil will have an effect on the performance or efficacy of the product;

(e) Topical application of Exogen Vitamin E Oil will make one younger looking, yield a youthful complexion or reverse the process of aging skin;

(f) Topical application of Exogen Vitamin E Oil will prevent and improve skin faults, including, but not limited to, dry flaky skin, fine lines, surface scars, wind or sunburned tissues, stretch marks, wrinkles and blemishes;

(g) Topical application of Vitamin E will have any salutary effect on the skin.

2. Contains any representation for any drug, cosmetic, food or dietary product, as being effective in the prevention, improvement, treatment or relief of skin faults or conditions, obesity or other appearance or health problems unless such representations are supported and substantiated by competent scientific data or tests. Such scientific data or tests shall be available in written form for inspection by authorized representatives of the Federal Trade Commission during the period of time the representation is being made and for at least three years following the final use of the representation.

B. Disseminating, or causing to be disseminated, by any means, any advertisement for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, of Exogen Vitamin E Oil or any food, drug, device or cosmetic, which advertisement contains any representation prohibited by Count I of this order.

COUNT II

It is further ordered, That respondents Astor-Scott, Inc., a corporation, its successors and assigns, and its officers, and Nelson Torelli, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of Phantom Roach Powder, or any other product or service in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

A. Representing in writing, orally, visually or in any other manner, directly or by implication, that:

1. Product use will result in total pest extermination in an infested household unless respondents can establish that such is the fact.

2. A progressive chain reaction or other functional characteristic will occur during or after product use unless respondents can establish that such is the fact.

3. The period of time during which the use or results of use will remain effective unless respondents can establish that such is the fact.

B. Representing, orally, visually, in writing or any other manner, directly or by implication, the efficacy, results of use, quality features, performance characteristics or composition of any product or service unless they are supported and substantiated fully by competent data or tests. Such data or tests shall be available in written form for inspection by authorized representatives of the Federal Trade Commission during the period of time the representation is being made and for at least three years following the final use of the representation.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, or any other change in the corporation which may affect compliance obligations arising out of the order. If it is demonstrably impossible to furnish such notice at least thirty (30) days prior to such event, notice shall be delivered to the Commission as soon as possible prior to consummation of any such occurrence.

It is further ordered, That the individual respondent shall notify the Commission at least thirty (30) days prior to the discontinuance of his present business and at least thirty (30) days prior to his affiliation with a new business or trade. If it is demonstrably impossible to furnish such notice at least thirty (30) days prior to such event, notice shall be delivered to the Commission as soon as possible prior to consummation of any such occurrence. Such notice shall include the respondent's current business address and a statement as to the nature of the business or employment in which he is engaged, as well as a description of his duties and responsibilities.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

ASTOR-SCOTT, INC., ET AL.

[File No. 732-3401]

ANALYSIS OF PROPOSED CONSENT ORDER TO AID PUBLIC COMMENT

The Federal Trade Commission has accepted an agreement to a proposed consent order from Astor-Scott, Inc., a corporation, and Nelson Torelli, individually and as an officer of said corporation.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

This matter concerns Astor-Scott, Inc., a Florida corporation and its sole stockholder and officer, Nelson Torelli of Fort Lauderdale, Florida, engaged in the past in mail order merchandising of a Vitamin E oil product called Exogen Vitamin E Oil and an insecticide called Phantom Roach Trap and Powder; and currently engaged in mail order marketing of jewelry, books and an indoor television antenna product. The complaint charges the parties with unfair and deceptive acts and practices in several respects: (1) Falsely and without competent substantiation representing the effectiveness of the Exogen Vitamin E Oil product in the prevention, improvement, treatment or relief of skin faults or conditions, obesity, or other appearance or health problems; (2) falsely and without competent substantiation representing the effectiveness, results of use, quality features, performance characteristics or product composition of the insecticide product, the Phantom Roach Trap and Powder.

The consent order requires respondents (1) to stop the use of any claim of product performance, effectiveness, performance characteristics or composition unless the claims are substantiated, factually and fully by competent data or tests; (2) to maintain such data or tests in written form and make such material available for compliance inspection.

The purpose of this analysis is to facilitate public comment on the proposed order and it is not intended to constitute an official interpretation of the agreement and the proposed order or to modify in any way their terms.

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77-10491 Filed 4-8-77;8:46 am]

FOREIGN-TRADE ZONES BOARD

[ORDER NO. 117]

CITY OF NEW BEDFORD, MASS.

Resolution and Order Approving Application of New Bedford, Massachusetts, for a Foreign-Trade Zone in New Bedford

PROCEEDINGS OF THE FOREIGN-TRADE ZONES BOARD, WASHINGTON, D.C.

RESOLUTION AND ORDER

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter hereby orders:

After consideration of the application of the City of New Bedford, Massachusetts, filed with the Foreign-Trade Zones Board (the Board) on October 22, 1976, requesting a grant of authority for establishing, operating and maintaining a foreign-trade zone in New Bedford, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

Since the proposal involves an industrial park type zone that envisages the construction of buildings by parties other than the grantee, this approval includes authority to the grantee, to permit the erection of such buildings, pursuant to Section 400.815 of the Board's regulations, as are necessary to carry out the zone proposal, providing that prior to its granting such permission it shall have the concurrences of the local District Director of Customs, the U.S. Army Division Engineer, when appropriate, and the Board's Executive Secretary. Further, the grantee shall notify the Executive Secretary for approval prior to the commencement of any manufacturing operation within the zone. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

GRANT

TO ESTABLISH, OPERATE, AND MAINTAIN A FOREIGN-TRADE ZONE IN NEW BEDFORD, MASSACHUSETTS

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a–81u), (hereinafter referred to as "the Act"), the Foreign-Trade Zones Board (hereinafter referred to as "the Board") is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the City of New Bedford (hereinafter referred to as "the Grantee"), has made application (filed October 22, 1976) in due and proper form to the Board requesting the establishment, operation, and maintenance of a foreign-trade zone in New Bedford, Massachusetts;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and

Whereas, the Board has found that the requirements of the Act and the Board's regulations (15 CFR Part 400) are satisfied;

Now, Therefore, the Board hereby grants to the Grantee the privilege of establishing, operating, and maintaining a foreign-trade zone, designated on the records of the Board as Zone No. 28, at the location mentioned above and more particularly described on the maps and drawings accompanying the application requesting authority for a foreign-trade zone in New Bedford, Massachusetts, marked as Exhibits IX and X, said grant being subject to the provisions, conditions, and restrictions of the Act and the regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations, to-wit:

Operation of the foreign-trade zone shall be commenced by the Grantee within a reasonable time from the date of issuance of the grant, and prior thereto the Grantee shall obtain all necessary permits from Federal, State, and municipal authorities.

The Grantee shall allow officers and employees of the United States free and unrestricted access to and throughout the foreign-trade zone in the performance of their official duties.

The Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operations within the zone.

The grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others, occasioned by the construction, operation, or maintenance of said zone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and the District Army Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer, Juanita M. Kreps, at Washington, D.C., this 5th day of April 1977 pursuant to Order of the Board.

FOREIGN-TRADE ZONES BOARD,
JUANITA M. KREPS,
Chairman and Executive Officer.

[FR Doc.77-10512 Filed 4-8-77;8:45 am]

[Order No. 116]

MASSACHUSETTS PORT AUTHORITY, BOSTON, MASS.

Resolution and Order Approving Application for a Foreign-Trade Zone in Boston

RESOLUTION AND ORDER

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18,

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1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter hereby orders:

After consideration of the application of the Massachusetts Port Authority (Massport), a Massachusetts public corporation, filed with the Foreign-Trade Zones Board (the Board) on October 22, 1976, requesting a grant of authority for establishing, operating and maintaining a foreign-trade zone in Boston, Massachusetts, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

Since the proposal involves an industrial park type zone that envisages the possible construction of buildings by parties other than the grantee, this approval includes authority to the grantee to permit the erection of such buildings, pursuant to Section 400.815 of the Board's regulations, as are necessary to carry out the zone proposal, providing that prior to its granting such permission it shall have the concurrences of the local District Director of Customs, the U.S. Army Division Engineer, when appropriate, and the Board's Executive Secretary. Further, the grantee shall notify the Executive Secretary for approval prior to the commencement of any manufacturing operation within the zone. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

GRANT

TO ESTABLISH, OPERATE, AND MAINTAIN A FOREIGN-TRADE ZONE IN BOSTON, MASSACHUSETTS

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a–81u), (hereinafter referred to as "the Act"), the Foreign-Trade Zones Board (hereinafter referred to as "the Board"), is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Massachusetts Port Authority (hereinafter referred to as "the Grantee"), has made application (filed October 22, 1976) in due and proper form to the Board requesting the establishment, operation, and maintenance of a foreign-trade zone in Boston, Massachusetts;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and

Whereas, the Board has found that the requirements of the Act and the Board's regulations (15 CFR Part 400) are satisfied;

Now, therefore, the Board hereby grants to the Grantee the privilege of establishing, operating, and maintaining a foreign-trade zone, designated on the records of the Board as Zone No. 27, at the location mentioned above and more particularly described on the maps and drawings accompanying the application requesting authority for a foreign-trade zone in Boston, Massachusetts, marked as Exhibits IX and X, said grant being subject to the provisions, conditions, and restrictions of the Act and the regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations, to-wit:

Operation of the foreign-trade zone shall be commenced by the Grantee within a reasonable time from the date of issuance of the grant, and prior thereto the Grantee shall obtain all necessary permits from Federal, State, and municipal authorities.

The Grantee shall allow officers and employees of the United States free and unrestricted access to and throughout the foreign-trade zone in the performance of their official duties.

The Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operations within the zone.

The grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said zone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and the District Army Engineer wih the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer, Juanita M. Kreps, at Washington, D.C., this 5th day of April 1977 pursuant to Order of the Board.

FOREIGN-TRADE ZONES BOARD,
JUANITA M. KREPS,
Chairman and Executive Officer.

[FR Doc.77-10511 Filed 4-8-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

FINAL REPORT OF DRINKING WATER DISINFECTION AD HOC ADVISORY COMMITTEE

Availability of Filing

Notice is hereby given that pursuant to section 13 of Public Law 92-463 (5 U.S.C. Appendix I), the Final Report of the Drinking Water Disinfection ad hoc Advisory Committee of the Center for Disease Control has been filed with the Library of Congress.

Copies are available to the public for inspection at the Library of Congress, Special Forms Reading Room, Main Building, and on weekdays between 9 a.m. and 4:30 p.m. at the Department of Health, Education, and Welfare, Department Library, HEW North Building, Room 1436, 330 Independence Avenue, SW., Washington, D.C. 20201, telephone 202-245-6791.

Dated: March 29, 1977.

WILLIAM C. WATSON, JR.,
Acting Director,
Center for Disease Control.

[FR Doc.77-10710 Filed 4-8-77;8:45 am]

Office of Education

PUBLIC SERVICE FELLOWSHIPS

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in Title IX of the Higher Education Act of 1965, as amended, applications are being accepted from institutions of higher education for allocations of fellowships under the Public Service Education Fellowship Program. Processing of these applications will be subject to the availability of funds.

Applications must be received by the U.S. Office of Education Application Control Center on or before May 19, 1977.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue SW., Washington, D.C. 20202. Attention: 13.555. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than May 16, 1977, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Program information and forms.* Instructions containing the application form and other information may be obtained from the Graduate Training Branch, Division of Training and Facilities, Bureau of Postsecondary Education, Room 3036, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. 20202. The telephone number is (202) 245-8082.

D. *Estimated number of fellowships to be awarded for the 1977-78 academic year.* During the 1976-77 academic year, 248 new fellowships and 105 continuation fellowships are being supported at 73 approved institutions by a fiscal year 1976 appropriation of $2,000,000. There has not yet been a final appropriation for fiscal year 1977, though it is anticipated that approximately $2,000,000 will be available for the program. It is anticipated that this money will be used to award about 350 fellowships at approximately 70 institutions.

An applicant institution will apply for a specified number of fellowships. The Commissioner proposes, in the notice of proposed rulemaking for this program, to give continuing students who are making satisfactory progress in their courses of study in 1976-77 high priority for reappointment to a fellowship in 1977-78. It is expected that about half of the 248 currently supported fellows will continue on into 1977-78. The Commissioner also proposes to pay a fellowship stipend of $3,600 per year, a dependency allowance of $300 per year for each dependent; and an educational allowance of $3,600 per fellow each year to the institution.

The Education Amendments of 1976 (Pub. L. 94-482) authorize the Commissioner to re-award fellowships which are vacated prior to the end of the period for which they were awarded. This means that vacated fellowships may now be refilled with other eligible students nominated by the institution.

The above statement with regard to the expected distribution of funds is basically for informational purposes and does not bind the Office of Education except as may be required by the applicable statute and regulation.

E. *Applicable regulations.* Proposed regulations governing the administration of this program, including funding criteria for fellowship allocations, are published elsewhere in this issue of the FEDERAL REGISTER. Applicants should base applications on the notice of proposed rulemaking. Applicants will be permitted to amend their applications if the final regulation reflects changes which relate to the preparation of the application.

(20 U.S.C. 1134 et seq.)

(Catalog of Federal Domestic Assistance Number 13.555; Public Service Education Fellowship Program.)

Dated: March 14, 1977.

WILLIAM F. PIERCE,
Acting U.S.
Commissioner of Education.

[FR Doc.77-10317 Filed 4-8-77;8:45 am]

PUBLIC SERVICE INSTITUTIONAL GRANTS

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in Title IX of the Higher Education Act of 1965, as amended, applications are being accepted from institutions of higher education for institutional grants under the Public Service Institutional Grant Program. Processing of these applications will be subject to the availability of funds.

Applications must be received by the U.S. Office of Education Application Control Center on or before May 19, 1977.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue SW., Washington, D.C. 20202. Attention: 13.555. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than May 16, 1977, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Program information and forms.* Instructions containing an application form and other information may be obtained from the Graduate Training Branch, Division of Training and Facilities, Bureau of Postsecondary Education, Room 3036, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. 20202. The telephone number is (202) 245-8082.

D. *Estimated number of applications for institutional grants to be awarded for the 1977-78 academic year.* During the 1976-77 academic year, 80 approved institutions are being supported for one year by a fiscal year 1976 appropriation of $2,000,000. There has not yet been a final appropriation for fiscal year 1977, though it is anticipated that approximately $2,000,000 will be available for this program. It is anticipated that this money will be used to fund about 50 grants to institutions for the continuation of projects currently receiving support and about 25-30 grants for new projects.

The above statement with regard to the expected distribution of funds is basically for informational purposes and does not bind the Office of Education except as may be required by the applicable statute and regulation.

E. *Applicable regulations.* Proposed regulations governing the administration of this program, including funding criteria, are published elsewhere in this issue of the FEDERAL REGISTER. Applicants should base their applications on the notice of proposed rulemaking. Applicants will be permitted to amend their applications if the final regulation reflects changes which relate to the preparation of the application.

(20 U.S.C. 1134 et seq.)

(Catalog of Federal Domestic Assistance Number 13.555; Public Service Institutional Grant Program.)

Dated: March 14, 1977.

WILLIAM F. PIERCE,
Acting U.S.
Commissioner of Education.

[FR Doc.77-10316 Filed 4-8-77;8:45 am]

Health Resources Administration

HEALTH SYSTEMS AGENCY

Application Information

Notice is hereby given that application materials are available in DHEW Regional Office V for entities interested in applying for designation as a health systems agency (HSA) in the health service area listed herein under the National Health Planning and Resources Development Act of 1974 (Pub. L. 93-641).

The National Health Planning and Resources Development Act of 1974 added a new Title XV, "National Health Planning and Development," to the Public Health Service Act. Among other things, the new Title XV authorizes the Secretary to enter into agreements with eligible entities for their designation as health systems agencies for health service areas established pursuant to section 1511 of the Public Health Service Act, and to provide grant assistance to these agencies. Each health systems agency shall have as its primary responsibility the provision of effective health planning for its health service area and the promotion of the development within the area of health services, manpower and facilities which meet identified needs, reduce documented inefficiencies and implement the health plans of the agency.

On November 17, 1975, and subsequently on February 3, 1976, and May 7, 1976, the Department published Notices in the FEDERAL REGISTER dealing with HSA application information and setting forth the review cycles for review of applications for designation and funding of health systems agencies for designated health service areas.

On July 23, 1976, the Department published another Notice in the FEDERAL REGISTER which established a special review cycle for several areas, including Health Service Area 6 in the State of Ohio.

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The purpose of this Notice is to announce another special designation cycle for Health Service Area 6 in the State of Ohio for which previous applications have been disapproved.

Those entities interested in applying for designation during this special cycle must file a letter of intent to apply for designation with DHEW Regional Office V by April 25, 1977, and an application by May 25, 1977. The deadline for submission of Governor's comments will be June 27, 1977.

Application materials, further information, and specific instructions and guidelines may be obtained from the Regional Health Administrator whose address is listed below:

DHEW Regional Office V, 300 S. Wacker Drive, Chicago, Illinois 60606.

Dated: April 5, 1977.

HAROLD MARGULIES,
Deputy Administrator,
Health Resources Administration.

[FR Doc.77-10593 Filed 4-8-77;8:45 am]

KANSAS HEALTH SERVICE AREAS 2 AND 3

Redesignation

In accordance with section 1511(b)(4) of the Public Health Service Act as amended by Pub. L. 93-641, the Secretary of Health, Education, and Welfare has determined that Kansas Health Service Areas 2 and 3 should be revised to include Marion County in Health Service Area 3, and delete Marion County from Health Service Area 2. This revision constitutes approval of a redesignation request initiated by the Governor of Kansas on July 21, 1976. The request complied with all the requirements of the Health Service Area Redesignation Guidelines published in the FEDERAL REGISTER, Vol. 41, No. 180, September 15, 1976.

Accordingly, Health Service Areas 2 and 3, approved by the Secretary on August 21, 1975, are revised as follows:

KANSAS

Health Service Area 2 is the geographic area comprised of the following counties:

Washington	Dickinson
Marshall	Geary
Nemaha	Jefferson
Brown	Franklin
Doniphan	Anderson
Atchison	Shawnee
Lyon	Douglas
Coffey	Osage
Linn	Wabaunsee
Jackson	Morris
Pottawatomie	Chase
Riley	Miami
Clay	

Health Service Area 3 is the geographic area comprised of the following counties:

Marion	Neosho
Chautauqua	Sedgwick
Harvey	Crawford
Montgomery	Elk
Harper	Rice
Allen	Woodson
Butler	Reno
Cherokee	Labette
Greenwood	Sumner
McPherson	Bourbon
Wilson	Cowley
Kingman	

Dated: April 6, 1977.

HAROLD MARGULES,
Deputy Administrator.
Health Resources Administration.

[FR Doc.77-10594 Filed 4-8-77;8:45 am]

Public Health Service

FOOD AND DRUG ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HF (Food and Drug Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (35 FR 3685-92, February 25, 1970, as amended by 39 FR 34316, September 24, 1974) is amended to reflect the establishment of the Division of Scientific Investigations within the Bureau of Drugs, Food and Drug Administration.

Section HF-B, Organization and Functions, is amended as follows:

Under the Bureau of Drugs (HFG), insert the following statement after the statement for the Division of Drug Advertising (HFGQ):

(1-6-viii) *Division of Scientific Investigations* (HFGR).

Implements the Agency's Bio-research Monitoring Program for Human Drugs.

Develops standards for the conduct of clinical and preclinical investigations performed to demonstrate the safety and effectiveness of drugs.

Designs and operates surveillance and compliance programs in the area of preclinical and clinical drug investigations.

Assigns, directs, and coordinates onsite inspections of sponsors and investigators of preclinical and clinical drug studies, institutional review committees, and commercial clinial testing facilities in collaboration with FDA's field organization.

Coordinates preclinical and clinical drug investigation activities within and outside the Bureau to promote maximum utilization of resources and consistency of policies.

Evaluates investigation reports and initiates administrative and regulatory corrective measures as necessary.

Plans and conducts educational and informational activities with regard to standards for preclinical and clinical drug investigations.

Dated: March 31, 1977.

JOHN D. YOUNG,
Assistant Secretary for Management and Budget.

[FR Doc.77-10543 Filed 4-8-77;8:45 am]

Office of the Secretary

UNIFORM HOSPITAL DISCHARGE ABSTRACT

Withdrawal of Proposed Department-Wide Plan to Implement a Uniform Approach to the Acquisition of a Minimum Basic Hospital Discharge Data Set

On January 16, 1976, the Assistant Secretary for Health of the Department of Health, Education, and Welfare (DHEW) announced a proposed plan to implement a standard format and instructions for the Uniform Hospital Discharge Data Set (UHDDS) acceptable to a majority of users (41 FR 2502, January 16, 1976). The standard format was to be known as the Uniform Hospital Discharge Abstract (UHDA).

By this notice, the proposed implementation plan is being withdrawn.

The Department recognizes the need for establishing a coordinated, uniform, non-duplicative and economic system for securing hospital discharge data. At the same time, extensive Departmental review of the implementation plan proposed in the January 16, 1976 FEDERAL REGISTER, coupled with a careful analysis of numerous comments received from the Nation's health care community, suggests that alternative options be explored and considered.

Any proposed actions, based on this examination, will be published by the Department in the FEDERAL REGISTER with an invitation for public comments.

Dated: April 4, 1977.

JAMES F. DICKSON,
Acting Assistant Secretary for Health.

[FR Doc.77-10522 Filed 4-8-77;8:45 am]

Social Security Administration

DEPUTY COMMISSIONER OF SOCIAL SECURITY

Redelegation of Certain Certification Authority

Under section 205(i) of the Social Security Act, as amended, the Secretary of Health, Education, and Welfare (the Secretary) is authorized to certify to the Managing Trustee amounts to be disbursed from the Federal Old-Age and Survivors Insurance Trust Fund; the Federal Disability Insurance Trust Fund; or from related transfer appropriations accounts, for such payments of benefits as are required by and properly authorized under pertinent provisions of title II of the Social Security Act, as amended. Sections 412 and 413 of the Federal Coal Mine Health and Safety Act of 1969, as amended, provide the Secretary with authority to certify to the Department of the Treasury amounts to be disbursed from Federal Coal Mine Health and Safety Act appropriation accounts for such payments of benefits and of reasonable medical expenses as are required by and properly authorized under Part B of title IV and related provisions of the Federal Coal Mine Health and Safety Act of 1969, as amended.

The Secretary has delegated his certification authority under section 205(i) of the Social Security Act, as amended, and under sections 412 and 413 of the Federal Coal Mine Health and Safety Act of 1969, as amended, to the Commissioner of Social Security (the Commissioner), with authority to redelegate (33 FR 5836-37 and 35 FR 7033-34). As appropriate, the Commissioner previously redelegated certification authority under these sections to various positions in the Social Security Administration (SSA).

Notice is hereby given that the Commissioner has also redelegated to the Deputy Commissioner of Social Security the subject certification authority under section 205(i) of the Social Security Act, as amended, and under sections 412 and 413 of the Federal Coal Mine Health and Safety Act of 1969, as amended. This redelegation to the Deputy Commissioner shall be effective as of the date that this notice thereof is published in the FEDERAL REGISTER. Before exercising any such certification authority, the Deputy Commissioner must be personally designated as a certifying officer, in accordance with current requirements established by the Department of the Treasury; the Department of Health, Education, and Welfare; and SSA.

Any actions taken by the Deputy Commissioner prior to the date that this notice is published in the FEDERAL REGISTER which, in effect, involve the exercise of authority redelegated by this document, are hereby affirmed and ratified. The Deputy Commissioner may not further redelegate any of this certification authority.

Dated: April 1, 1977.

J. B. CARDWELL,
Commissioner of Social Security.

[FR Doc.77-10538 Filed 4-8-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA 4189]

CALIFORNIA

Designation of Indian Creek Recreation Lands; Correction

APRIL 4, 1977.

In FR Document 77-4303, appearing on page 8433 of the issue of Thursday, February 10, 1977, the first column, the twelfth line from the first line of paragraph 1, the second entry, E½SE¼E½-W½SE¼, should read E½SE¼, E½-W½SE¼.

VIOLA A. ANDRADE,
Acting Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc.77-10539 Filed 4-8-77;8:45 am]

[Colorado 16284]

LANDS IN ROUTT COUNTY, COLORADO

Public Hearing and Coal Lease Offering by Sealed Bid and Oral Auction

MARCH 28, 1977.

United States Department of the Interior, Bureau of Land Management, Colorado State Office, Denver, Colorado. Notice is hereby given that certain coal resources in the lands hereinafter described in Routt County, Colorado, will be offered for lease by sealed bid, followed by oral auction, to the qualified bidder of the highest cash amount per acre. Only those bidders submitting sealed bids may participate in the oral auction. The sale will be held at 2 p.m., May 25, 1977, in Room 708, Colorado State Bank Building, Denver, Colorado. At that time sealed bids will be opened and read. No bids received after 2 p.m., May 25, 1977, will be considered. Sealed bids may not be modified or withdrawn unless such modification or withdrawal is received before the date, time, and place set for opening of such bids. Payment of the bonus shall be on a deferred basis, one-fifth due on the day of the sale, and the balance in equal annual installments on the first four anniversary dates of the lease. The successful bidder is obligated to pay for the newspaper publications of this notice.

WARNING TO BIDDERS: A lease will not be issued to a bidder who holds or controls more than 46,080 acres of Federal coal leases in any one state or 100,000 acres of Federal coal leases in the United States. In accordance with the Federal Coal Leasing Amendments Act of 1975, it will be necessary that the high bidder, as a prospective lessee, disclose the nature and extent of his coal holdings to the Department of Justice before issuance of the lease.

COAL OFFERED: The lands are located in Routt County approximately 6 miles northwest of Oak Creek, Colorado, on County Road No. 27. The lands are described as follows:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 5 N., R. 86 W.,
Sec. 33, SE¼NE¼, E½SE¼;
Sec. 34, SW¼NW¼, W½SW¼;
T. 4 N., R. 86 W.,
Sec. 10, Lot 3
containing 263.11 acres.

The coal resources to be offered include all available coal within the Wadge and overlying coal beds. The estimated recoverable coal reserves are as follows: Strip-mining methods—1,677,217 tons; underground mining methods—365,895 tons; total 2,043,112 tons.

PUBLIC HEARINGS AND COMMENTS: A public hearing will be held at 10 a.m., May 9, 1977, at Wyer Auditorium, Denver Public Library, 1357 Broadway, Denver, Colorado, to obtain public comments on the following items: (1) The method of mining to be employed to obtain maximum economic recovery of the coal (2) the impact that mining the coal on the proposed leasehold may have on the area, included but not limited to impacts on the environment, agriculture, and other economic activities, and (3) method of evaluation of the coal to be offered. The public is invited to submit written comments on the methods used for resource economic evaluations and fair market value determinations of the coal to be leased to the Area Mining Supervisor, U.S. Geological Survey, Box 25046, Stop 602, Denver Federal Center, Denver, Colorado 80225, through Monday, May 16, 1977.

NOTICE OF AVAILABILITY: All case file documents and the written comments submitted by the public on fair market value, except those portions identified as proprietary by the commenter will be available for public inspection at the Bureau of Land Management, Room 701, Colorado State Bank Building, 1600 Broadway, Denver, Colorado.

DETAILED STATEMENT: A detailed statement of (1) how, when and where to submit sealed bids, (2) procedures to be followed during and subsequent to lease sale, and (3) terms and conditions of the lease offer may be obtained from Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202.

JACK G. LORTS,
Chief, Division of Technical Services.

[FR Doc.77-10666 Filed 4-8-77;8:45 am]

LIST OF RESTRICTED JOINT BIDDERS

Bidding Period, May 1 Through October 31, 1977

Pursuant to the authority vested in the Director of the Bureau of Land Management by the provisions of 43 CFR § 3302.3-2(a), the following companies shall be restricted from bidding jointly with any other company on this same list at Outer Continental Shelf oil and gas lease sales held during the bidding period of May 1, 1977, through October 31, 1977:

Amoco Production Company
BP Alaska Exploration Inc.
Chevron U.S.A. Inc.
Exxon Corporation
Gulf Oil Corporation
Mobil Oil Corporation
Shell Oil Company
Standard Oil Company of California
Texaco Inc.

APRIL 1, 1977.

GEORGE L. TURCOTT,
Acting Director,
Bureau of Land Management.

[FR Doc.77-10600 Filed 4-8-77;8:45 am]

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National Park Service

OREGON INLET FISHING CENTER, INC.

Intention to Negotiate Concession Contract

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on May 11, 1977, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Oregon Inlet Fishing Center, Inc., authorizing it to continue to provide concession facilities and services for the public at Oregon Inlet, Cape Hatteras National Seashore for a period of ten (10) years from January 1, 1977, through December 31, 1986.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the environment, and that it is not a major Federal action having a significant impact on the environment under the National Environmental Policy Act of 1969. The environmental assessment may be reviewed in the Southeast Regional Office, 1895 Phoenix Boulevard, Atlanta, Georgia 30337.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expired by limitation of time on December 31, 1976, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. This provision, in effect, grants Oregon Inlet Fishing Center, Inc., as the present satisfactory concessioner, the right to meet the terms of responsive offers for the proposed new contract and a preference in the award of the contract, if the offer of Oregon Inlet is substantially equal to others received. The Secretary is required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before May 11, 1977.

Interested parties should contact the Assistant Director, Special Services, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: April 6, 1977.

PHILIP O. STEWART,
Acting Deputy Director,
National Park Service.

[FR Doc.77-10537 Filed 4-8-77;8:45 am]

WIEN AIR ALASKA, INC.

Intention to Extend Concession Contract

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on May 11, 1977, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Wien Air Alaska, Inc., authorizing it to continue to provide concession facilities and services for the public at Katmai National Monument for a period of two (2) years from January 1, 1977, through December 31, 1978.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of environment, and that it is not a major Federal action having a significant impact on the environment under the National Environmental Policy Act of 1969. The environmental assessment may be reviewed in the Regional Office, Pacific Northwest Region, 601 Fourth and Pike Building, Seattle, Washington 98101.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expired by limitation of time on December 31, 1976, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before May 11, 1977.

Interested parties should contact the Assistant Director, Special Services, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: March 25, 1977.

ROBERT STANTON,
Director,
National Park Service.

[FR Doc.77-10536 Filed 4-8-77;8:45 am]

INTERNATIONAL TRADE COMMISSION

[AA1921-165]

METAL-WALLED ABOVE-GROUND SWIMMING POOLS FROM JAPAN

Investigation and Hearing

Having received advice from the Department of the Treasury on March 29, 1977, that metal-walled above-ground swimming pools from Japan are being, or are likely to be, sold at less than fair value, the United States International Trade Commission on April 5, 1977, instituted investigation No. AA1921-165 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Commission's Hearing Room, United States International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436, beginning at 10 a.m., e.d.t., on Thursday, May 12, 1977. All parties shall there and then have the right to appear by counsel or in person, to present evidence, and to be heard. Requests to appear at the public hearing, or to intervene under the provisions of section 201(d) of the Antidumping Act, 1291 (19 U.S.C. 160(d)), shall be filed with the Secretary of the Commission, in writing, not later than noon, Monday, May 9, 1977.

By order of the Commission.

Issued: April 6, 1977.

KENNETH R. MASON,
Secretary.

[FR Doc.77-10526 Filed 4-8-77;8:45 am]

NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY

MEETING

APRIL 6, 1977.

Pursuant to section 10 of the Federal Advisory Committee Act of 1972 notice is hereby given that the National Advisory Council on Economic Opportunity will hold a one day meeting on May 13 at the Council office at 1725 K Street NW. (room 405), Washington, D.C. The meeting will begin at 9:30 a.m. and is open to the public.

The purpose of the meeting will be to lay the groundwork for the next report.

The National Advisory Council on Economic Opportunity is authorized by section 605 of the Community Services Act to advise the President and the Director of the Community Services Administration on policy matters arising under the administration of the Act and to review the effectiveness and operations of programs under the Act.

Records shall be kept of all proceedings and shall be available for public inspection at the offices of the National Advisory Council on Economic Opportunity.

WALTER B. QUIETSCH,
Executive Director.

[FR Doc.77-10582 Filed 4-8-77;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 77-24]

DRAFT ENVIRONMENTAL IMPACT STATEMENT

Public Notice Regarding Availability

Notice is hereby given of the public availability of the draft Environmental Impact Statement (EIS) for the National Aeronautics and Space Administration (NASA) Michoud Assembly Facility, New Orleans, Louisiana.

Although the parent Marshall Space Flight Center (and its sub-installation, then the Mississippi Test Facility) was covered by an environmental statement released in 1972, there was no coverage of the Michoud Assembly Facility (MAF) because of its relatively inactive status at that time. Since that time, MAF has become the NASA installation responsible for the design and manufacture of the Space Shuttle External Tanks, the "landlord" for a number of tenant agencies, and the site for a number of other impending activities. This draft has therefore been prepared to augment the 1972 Marshall Space Flight Center statement, and is being issued at this time.

Comments on the draft environmental statement and on matters set forth therein are solicited from and may be submitted by state and local agencies and members of the public. Such comments should be submitted to the Associate Deputy Administrator, National Aeronautics and Space Administration, Washington, DC 20546. All comments must be received by June 14, 1977, in order to be considered in the preparation of the final Environmental Statement.

Copies of the draft statement may be obtained or examined at any of the following locations:

(a) National Aeronautics and Space Administration, Public Documents Room (Room 126), 600 Independence Avenue, SW, Washington, DC 20546.

(b) Ames Research Center, NASA (Building 201, Room 17), Moffett Field, CA 94035.

(c) Hugh L. Dryden Flight Research Center, NASA (Building 4800, Room 1017), P.O. Box 273, Edwards, CA 93523.

(d) Goddard Space Flight Center, NASA (Building 8, Room 150), Greenbelt, MD 20771.

(e) Johnson Space Center, NASA (Building 1, Room 136), Houston, TX 77058.

(f) John F. Kennedy Space Center, NASA (Headquarters Building, Room 1207), Kennedy Space Center, FL 32899.

(g) Langley Research Center, NASA (Building 1219, Room 304), Hampton, VA 23665.

(h) Lewis Research Center, NASA (Administration Building, Room 120), 21000 Brookpark Road, Cleveland, OH 44135.

(i) George C. Marshall Space Flight Center, NASA (Building 4200, Room G-11), Huntsville, AL 35812.

(j) National Space Technology Laboratories, NASA (Building 1100, Room A-213), Bay St. Louis, MS 39520.

(k) Jet Propulsion Laboratory, (Building 180, Room 600) 4800 Oak Grove Drive, Pasadena, CA 91103.

(l) Wallops Flight Center, NASA (Library Building, Room E-105), Wallops Island, VA 23337.

(m) Governor's Council on Environmental Quality, (Room 11, Natural Resources Bldg., North and 4th Streets), Baton Rouge, LA 70804. (Recommended public access at site of Michoud Assembly Facility.)

Done at Washington, DC, this 5th day of April 1977.

By the direction of the Administrator.

DUWARD L. CROW,
Associate Deputy Administrator,
National Aeronautics and Space Administration.

[FR Doc.77-10503 Filed 4-8-77;8:45 am]

[Notice 77-25]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL, COMMITTEE ON AERODYNAMICS AND CONFIGURATIONS

Meeting

The NASA Research and Technology Advisory Council Committee on Aerodynamics and Configurations will meet on May 4-6, 1977, at the NASA Ames Research Center, Moffett Field, California, 94035. The meeting will be held in Conference Room 213 of Building 200. The meeting will be open to the public on a first-come, first-served basis, up to the seating capacity of the room, which is about 25 persons. All visitors must report to the Ames Research Center Receptionist in Building 200.

The NASA Research and Technology Advisory Council Committee on Aerodynamics and Configurations serves in an advisory capacity only. There are 17 members. The Committee studies issues pertinent to the NASA aerodynamics and configurations research program, pinpoints related critical problems, points out relevant program goals, assesses ongoing work, determines gaps in the technology, and reports its resulting recommendations to the Council. The following list sets forth the approved agenda and schedule for the meeting. For further information, please contact Mr. William S. Aiken, Jr., Code RA, NASA Headquarters, Washington, DC 20546, (202) 755-2400.

MAY 4, 1977

Time	Topic
9 am	Report of the Chairman (Purpose: To summarize action taken at the February 1977 meeting of the Research and Technology Advisory Council).
9:30 am	Report of the Executive Secretary (Purpose: To brief the Committee on recent and proposed changes in NASA organization and in pertinent aeronautics programs).
10:30 am	Report on Implementation Plans for Locating Primary NASA Rotorcraft Research Responsibility at Ames Research Center (Purpose: To inform the Committee of recent decisions and plans regarding the future NASA rotorcraft research program).
11 am	Status Report on Tilt Rotor XV-15A Research Airplane (Purpose: To update the Committee on progress in the NASA/Army Tilt Rotor Research Airplane Program).
12:30 pm	Discussion of NASA Aeronautics Planning (Purpose: To brief the Committee on aeronautics planning in connection with the FY 1979 five-year plan and to obtain comments specifically on areas pertinent to the Committee's charter).
3:15 pm	Status Report on Implementation of Comprehensive Aerodynamic Prediction of Aircraft (CAPAIR) Program (Purpose: To describe progress and plans for carrying out the CAPAIR program).
3:45 pm	Discussion of NASA Center Written Reports (Purpose: To provide elaboration on items included in the previously-distributed written reports on pertinent aeronautical research areas prepared by the Ames, Dryden, Langley, and Lewis Research Centers).

MAY 5, 1977

Time	Topic
8:30 am	Proposed Numerical Aerodynamic Simulation Facility (NASF) (Purpose: To describe plans and capability of the proposed NASF at the Ames Research Center).
10:15 am	Report on Meeting of Industry Technical Advisory Board (ITAB) on NASA Integrated Programs for Aerospace Vehicle Design (IPAD) (Purpose: To inform the Committee on results of March 1977 meeting of ITAB).
10:45 am	Status of Short-Haul Powered-Lift Aircraft Terminal-Area Flight Dynamics Research (Purpose: To describe recent and planned flight research to provide handling-qualities and certification criteria for reduced and short take-off and landing (R/STOL) transport aircraft.).
12:30 pm	Tour of Ames Research Center Simulator Facilities and Discussion of Capabilities (Purpose: To describe the characteristics of the new Vertical Motion and other Simulators).
2:15 pm	Member Reports on Items of Interest (Purpose: To provide elaboration on items included in the previously-distributed written reports provided by individual members of the Committee).
3:45 pm	Working Group Sessions on Basic Technology, Conventional Take-Off and Landing (CTOL), and Vertical and Take-Off and Landing (V/STOL) Aircraft (Purpose: To develop draft position statements and recommendations pertaining to the focus and scope of the technical programs reviewed earlier).

MAY 6, 1977

Time	Topic
9 am	Committee Review of Working Group Reports (Purpose: To review inputs from the three working groups and prepare final position statements and recommendations for consideration by the NASA Research and Technology Advisory Council.).
10:45 am	Discussion of Agenda Items for the Next Meeting (Purpose: To obtain and discuss members' suggestions for potential agenda for the next meeting.).
11:30 am	Adjournment.

Dated: April 5, 1977.

JOHN M. COULTER,
Acting Assistant Administrator for Department of Defense and Interagency Affairs, National Aeronautics and Space Administration.

[FR Doc.77-10504 Filed 4-8-77;8:45 am]

V4269 APR 11 77 UMI

[Notice No. 77-26]

SPACE PROGRAM ADVISORY COUNCIL (SPAC) APPLICATIONS COMMITTEE

Meeting

The ad hoc informal Subcommittee on Satellite Telecommunications of the SPAC Applications Committee will meet on April 26, 1977, from 1 p.m. to 9 p.m. at NASA Headquarters, Federal Office Building 10B, Room 226A, 600 Independence Avenue SW., Washington, D.C. Members of the public will be admitted to the meeting at 1 p.m. on a first-come, first-served basis. The seating capacity of the room is 35 people. Visitors will be requested to sign a visitor's register.

This Subcommittee, comprised of 9 members of the SPAC Applications Committee including the Chairman, Mr. Thomas Rogers, serves in an advisory capacity only and will recommend a satellite telecommunications program to NASA.

For further information regarding the meeting, please contact Mr. Louis B. C. Fong, Washington, D.C., 202–755–8617. The approved agenda for the meeting on April 26, 1977, is as follows:

Time:	Topic
1 p.m.----	Opening remarks by chairman.
1:15 p.m.	Satellite Telecommunications program. Continuation of discussion and review of the report of the National Research Council-Space Applications Board Committee on Satellite Communications (CSC) and the plan on how the subcommittee will proceed to formulate a recommended satellite telecommunications program for NASA.
4 p.m.----	Adjourn.

Dated: April 5, 1977.

JOHN M. COULTER,
Acting Assistant Administrator for Department of Defense and Interagency Affairs.

[FR Doc.77-10505 Filed 4-8-77;8:45 am]

NATIONAL RAILROAD PASSENGER CORPORATION

GOVERNMENT IN THE SUNSHINE ACT

Rules Governing Open Meetings; Changes Based on Public Comment

The National Railroad Passenger Corporation (hereinafter NRPC) on March 9, 1977 added an Appendix A to its Corporate By-Laws in order to implement sections (b) through (f) of the Government in the Sunshine Act (5 U.C.C. 552 b) (hereinafter the Act) (42 FR 13635, March 11, 1977).

The preamble to the Rule stated that the rules would be reviewed in light of any written comments that might be received no later than March 18, 1977, and that if the Corporation finds it necessary to amend the rules published at that time as a result of any such comments, further publication would follow.

One comment was received during the comment period. Submitted by Congressman Richardson Preyer (N.C.), as Chairman of the Government Information and Individual Rights Subcommittee of the Committee on Government Operations of the House of Representatives, Congress of the United States, the comment referred to four provisions in the rules. Copies of the comment were sent to members of the Board of Directors of the Corporation and were reviewed and discussed by the Board at its meeting in Washington, D.C. on March 30, 1977. The Board's reaction to the comments and respective changes, where any were indicated, are as follows:

1. Congressman Preyer suggested that Rule 4(f), which describes the manner in which information about Board meetings will be provided to the general public, might include other means of informing the public, such as mailing notices to persons on either a general mailing list or a list maintained for those desiring to receive such material. The rule as published requires the Secretary of the Corporation to release announcements of Board meetings to the press, post each such announcement on the bulletin board at the Corporation's principal office, provide copies for interested members of the public and staff, and submit each such announcement for publication in the FEDERAL REGISTER. In connection with the first of these means of informing the public, the Corporation's Department of Public Affairs maintains a mailing list to which all the Corporation's press releases are mailed. While the Board expressed the view that adequate means of public information have been provided, it indicated that the mailing list maintained by the Department of Public Affairs could include the names of any members of the general public who ask to receive notices of future meetings of the Board. Rule 4(f) is accordingly being amended to provide the public with specific advice to this effect.

2. Congressman Preyer noted that while the Act does not specifically establish any right on the part of the public to record what transpires at the open meetings, the right to so so would appear to be a material concomitant of the right of observation as long as note taking or recording does not disrupt the meeting. He recommended that Rule 5a. be changed to eliminate the prohibition on the use of electronic or other recording devices. The Board agreed with the comment and directed that the Amendment to the By-Laws be changed accordingly.

3. Congressman Preyer's third comment is as follows:

Rule 6(a) includes the fact that a meeting coming within a specific exemption is to be open nevertheless when the public interest so requires. However, it should be amended to make it clear that the decision to close a meeting has two distinct steps: first, the Corporation must determine whether the discussion comes within one of the specific exemptions: and second, if the discussion is determined to be exempt, the Corporation must consider and determine whether the public interest nevertheless requires that the meeting be open. The proposed rule seems to suggest that the Corporation need consider the public interest issue only if it chooses to, whereas the Act contemplates that the public interest issue will be considered in each instance where the Corporation determines that a discussion comes within a specific exemption.

Rule 6a. directly reflects the language of the Act. In stating the rule in this manner, the Board did not believe that it could choose whether or not to consider the public interest, as the comment indicates may have been the case. The Board originally was of the view that it would consider the public interest issue in determining whether to exercise its discretion to make use of the permissive exemptions provided in the Act. The Board indicated that Rule 6a. should be clarified accordingly.

4. The fourth comment suggested that Rule 7. be clarified to reflect that the General Counsel's certification must be made before a meeting may be closed. The Board agreed with the comment and the rule is being clarified accordingly.

The rules, as published on March 11, 1977, contained one misspelling and the technical omission of one word, both of which are corrected as noted below.

In accordance with the foregoing, notice is hereby given that Appendix A to the By-Laws of the Corporation are amended as follows:

Rule 4f. is amended by adding the following sentence at the end thereof: "Any member of the public who desires to receive notices of meetings of the Board of Directors shall advise the Secretary in writing. The Secretary will include the name and mailing address of any such member of the public on the mailing list maintained by the Corporation's Public Affairs Department."

• • • • •

Rule 5a. is amended by deleting the words "electronic or other recording devices or" in the last sentence thereof. This subsection is further amended by adding the following sentence at the end thereof: "The use of electronic or other recording devices is permitted where it does not interfere with or disrupt the orderly conduct of the meeting."

• • • • •

Rule 6a. is amended by inserting after the words "Except in a case where the members of the Board of Directors find that the public interest requires otherwise," the following new language: "which finding shall be made as a part of any decision to close a meeting or a portion of a meeting on the basis of any applicable exemptions contained in the Act or in these rules, • • •"

• • • • •

Rule 7. The first clause of Rule 7 is amended to read as follows: "Before any meeting may be closed pursuant to subparagraphs (1) through (10) of paragraph a. of Rule 6, • • •"

Technical corrections: In clause (B) of Rule 4d., change "earlier" to read "earliest"; and in Rule 7, insert the word "in" at the beginning of the third clause, so that the clause begins with the words "in his or her opinion • • •".

Signed this 5th day of April 1977.

ELYSE G. WANDER,
Secretary, National Railroad Passenger Corporation.

[FR Doc.77-10502 Filed 4-8-77;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS AD HOC WORKING GROUP OF THE SUBCOMMITTEE ON THE CLINCH RIVER BREEDER REACTOR

Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.) an Ad Hoc Working Group of the ACRS Subcommittee on the Clinch River Breeder Reactor will hold a meeting on April 27, 1977 in Room 1046, 1717 H St. NW., Washington, D.C. 20555. The Advisory Committee on Reactor Safeguards will review the application of the U.S. Energy Research and Development Administration, the Tennessee Valley Authority, and the Project Management Corporation (hereafter referred to as the CRBR Project Office) for a permit to construct the Clinch River Breeder Reactor. The purpose of this meeting of the Ad Hoc Working Group will be to gather information on site related considerations for the Clinch River Breeder Reactor and to discuss the NRC Site Suitability Report for the Clinch River Breeder Reactor, dated March 4, 1977.

The agenda for subject meeting shall be as follows:

WEDNESDAY, APRIL 27, 1977—8:30 A.M. UNTIL THE CONCLUSION OF BUSINESS

The Working Group, with any of its consultants who may be present, will meet in open Executive Session to discuss the agenda for the meeting and to explore preliminary opinions regarding areas to be reviewed and recommendations to the full Committee.

At the conclusion of the Executive Session, the Working Group will meet in open session with representatives of the NRC Staff, the CRBR Project Office, and its consultants, to discuss matters pertinent to this review.

It may be necessary for the Working Group to hold one or more closed sessions for the purpose of exploring with the NRC Staff and Applicant matters involving proprietary information.

I have determined, in accordance with Subsection 10(d) of Public Law 92–463, that it is necessary to conduct the above closed sessions to protect proprietary information (5 U.S.C. 552 b (c)(4)).

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Working group is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety & Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the safety area.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing a readily reproducible copy to the Working Group at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than April 20, 1977 to Mr. Thomas G. McCreless, ACRS, NRC, Washington, D.C. 20555, will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555; at the Oak Ridge Public Library, Civic Center, Oak Ridge, Tenn. 37830; and at the Lawson McGhee Public Library, 500 W. Church Street, Knoxville, Tenn. 37902.

(b) Persons desiring to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Working Group will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman of the Working Group.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on April 26, 1977 to the Office of the Executive Director of the Committee (telephone 202/634–1374, attention: Mr. Thomas G. McCreless) between 8:15 a.m. and 5 p.m., e.s.t.

(d) Questions may be propounded only by members of the Working Group and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session. Recordings will be permitted only during those sessions of the meeting when a transcript is being kept.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. Thomas G. McCreless of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion(s) of the meeting where factual information is presented will be available for inspection on or after May 4, 1977 at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555; at the Oak Ridge Public Library, Civic Center, Oak Ridge, Tenn. 37830; and at the Lawson McGhee Public Library, 500 W. Church St., Knoxville, Tenn. 37902.

Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555 after July 25, 1977.

Copies may be obtained upon payment of appropriate charges.

Dated: April 6, 1977.

JOHN C. HOYLE,
Advisory Committee, Management Officer.

[FR Doc.77-10589 Filed 4-8-77;8:45 am]

[Docket No. 50-324]

CAROLINA POWER AND LIGHT CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 25 to Facility Operating License No. DPR–62, issued to Carolina Power & Light Company (the licensee), which revised Technical Specifications for operation of the Brunswick Steam Electric Plant, Unit No. 2 (the facility) located in Brunswick County, North Carolina. The amendment is effective as of its date of issuance.

V4269 APR 11 77 UMI

This amendment modifies the inspection schedule for inaccessible safety-related shock suppressors (snubbers) and corrects administrative errors on the list of shock suppressors for which operability and inspection requirements exist.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5 (d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 1, 1977, (2) Amendment No. 25 to License No. DPR-62, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Southport Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 21st day of March 1977.

For the Nuclear Regulatory Commission,

A. SCHWENCER, *Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.*

[FR Doc.77-10493 Filed 4-8-77;8:45 am]

[Docket No. 50-335]

FLORIDA POWER AND LIGHT CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 14 to Facility Operating License No. DPR-67, issued to Florida Power & Light Company (the licensee), which revised Enclosure 1 of the license for operation of the St. Lucie Plant Unit No. 1 (the facility) located in St. Lucie County, Florida. The amendment is effective as of its date of issuance.

The amendment (1) deleted those provisions of Enclosure 1 that required performance of (a) tests at greater than 30% of full rated power to determine the maximum steam generator refill rate which does not result in unacceptable feedwater hammer and (b) tests of power reactivity coefficients at 50%, 80% and 100% of full rated power prior to completion of power ascension testing program for the facility; and (2) revised the provision of Section F of Enclosure 1 to extend the date for completion of installation of water flow control valves in the ultimate heat sink barrier dam from March 31, 1977 to July 31, 1977. The requirements of item (1) have been completed to the satisfaction of the Commission and therefore are no longer relevant.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 25, 1977, and March 9, 1977, and supplements thereto dated March 2 and 11, 1977, (2) Amendment No. 14 to License No. DPR-67, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida 33450. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 25th day of March 1977.

For the Nuclear Regulatory Commission.

DON K. DAVIS, *Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.*

[FR Doc.77-10494 Filed 4-8-77;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.126, "An Acceptable Model and Related Statistical Methods for the Analysis of Fuel Densification," provides an analytical model and related assumptions and procedures that are acceptable to the NRC staff for predicting the effects of fuel densification in light-water-cooled nuclear power reactors. The guide also describes statistical methods related to product sampling that will provide a high confidence that the fuel will perform as predicted.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 1.126 will, however, be particularly useful in evaluating the need for an early revision if received by June 10, 1977.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Maryland this 4th day of April 1977.

For the Nuclear Regulatory Comission.

ROBERT B. MINOGUE, *Director, Office of Standards Development.*

[FR Doc.77-10498 Filed 4-8-77;8:45 am]

[Docket No. 50-305]

WISCONSIN PUBLIC SERVICE CORP.; ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 16 to Facility Operating License No. DPR-43, issued to Wisconsin Public Service Corporation, Wisconsin Power & Light Company, and Madison Gas & Electric Company (the licensees), which revised Technical Specifications for operation of the Kewaunee Nuclear Power Plant, located in Kewaunee County, Wisconsin. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to (1) incorporate the results of an ECCS reanalysis performed as a result of the Order for Modification of License dated August 27, 1976, (2) clarify Figure TS. 3.10-6 on operating limits for axial flux difference and (3) increase reactor coolant boron concentration during refueling.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on January 17, 1977 (42 FR 3226). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 10, 1976 as supplemented February 8, 1977, (2) Amendment No. 16 to License No. DPR-43, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Kewaunee Public Library, 314 Milwaukee Street, Kewaunee, Wisconsin 54216. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 25th day of March 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER, *Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.*

[FR Doc.77-10497 Filed 4-8-77;8:45 am]

[Docket No. 50-29]

YANKEE ATOMIC ELECTRIC CO.

Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 36 to Facility Operating License No. DPR-3, issued to Yankee Atomic Electric Company (the licensee), which revised Technical Specifications for operation of the Yankee Nuclear Power Station (Yankee-Rowe) (the facility) located in Rowe, Franklin County, Massachusetts. The amendment is effective as of its date of issuance.

The amendment changes certain requirements for the Environmental Monitoring Program specified in Table 4.7-4 in the Technical Specifications.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has prepared an environmental impact appraisal for the revised Technical Specifications and has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the action.

For further details with respect to this action, see (1) the application for amendment dated December 13, 1976, (2) Amendment No. 36 to License No. DPR-3, and (3) the Commission's related Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Greenfield Public Library, 422 Main Street, Greenfield, Massachusetts 01581. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 30th day of March 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER, *Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.*

[FR Doc.77-10495 Filed 4-8-77;8:45 am]

[Docket No. 50-29]

YANKEE ATOMIC ELECTRIC CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 37 to Facility Operating License No. DPR-3, issued to Yankee Atomic Electric Company (the licensee), which revised Technical Specifications for operation of the Yankee Nuclear Power Station (Yankee-Rowe) (the facility) located in Rowe, Franklin County, Massachusetts. The amendment is effective as of its date of issuance.

The amendment relates to extending the Yankee-Rowe Technical Specification burnup dependent figures from the present limit of 389 effective full power days (EFPD) to 500 (EFPD).

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 2, 1977, (2) Amendment No. 37 to License No. DPR-3, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Greenfield Public Library, 422 Main Street, Greenfield, Massachusetts 01581. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 31st day of March 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER, *Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.*

[FR Doc.77-10496 Filed 4-8-77;8:45 am]

[Docket No. 50-213]

CONNECTICUT YANKEE ATOMIC POWER CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 15 to Facility Operating License No. DPR-61, issued to Connecticut Yankee Atomic Power Company for operation of the Haddam Neck Plant, located in Middlesex County, Connecticut. The amendment is effective as of the date of issuance.

This amendment revises the Technical Specification to (1) specify limiting conditions of operation (LCO) for reactor coolant flow, temperature and pressure under steady state, 100 percent rate thermal reactor power and (2) implements procedural changes to meet the single failure criteria and guidelines of Branch Technical Position EICSB No. 18.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR

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Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to CFR 51.5 (d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 30, 1976, as supplemented January 17, 1977, (2) Amendment No. 15 to License No. DPR-61, (3) The Commission's related Safety Evaluation and (4) The Commission's Safety Evaluation dated June 30, 1976. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Russell Library, 119 Broad Street, Middletown, Connecticut 06457. A copy of items (2), (3), and (4) may be obtained upon request addressed to the U. S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 22nd day of March.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.77-10375 Filed 4-8-77;8:45 am]

Atomic Safety and Licensing Board

[Docket No. 50-564]

EXXON NUCLEAR COMPANY, INC.

Notice and Order Scheduling Special Prehearing Conference

Notice is hereby given that, in accordance with the Commission's "Notice Of Hearing On Application For Construction Permit" dated February 8, 1977, and published in the FEDERAL REGISTER on February 10, 1977 (42 FR 8439), a Special Prehearing Conference will be held in the above-captioned proceeding on April 28, 1977. The time and place will be notice later.

At that time, consideration will be given to the following:

1. Permit identification of the key issues in the proceeding;
2. Take any steps necessary for further identification of the issues;
3. Consider all intervention petitions to allow the presiding officer to make such preliminary or final determination as to the parties to the proceeding, as may be appropriate;
4. Establish a schedule for further actions in the proceeding; and
5. Discuss the initiation of discovery.

The public is invited to attend. However, neither evidence will be received nor will limited appearance statements be accepted at the Special Prehearing Conference on April 28, 1977.

It is so ordered.

Dated at Bethesda, Maryland this 4th day of April, 1977.

For the Atomic Safety and Licensing Board.

SHELDON J. WOLFE, ESQ.,
Chairman.

[FR Doc.77-10376 Filed 4-8-77;8:45 am]

[Docket Nos. STN 50-568, STN 50-569; NEP-1 and NEP-2]

NEW ENGLAND POWER CO., ET AL.

Special Prehearing Conference

APRIL 1, 1977.

Pursuant to notice of hearing in this proceeding, a number of petitions (31) for leave to intervene have heretofore been filed. By Order dated January 7, 1977, the Licensing Board granted leave to intervene to Aquidneck Island Ecology; Rhode Islanders For Safe Power (RISP); Erie D. Schneider and Claudine C. Schneider; The State of Rhode Island and Providence Plantations; Town of Charlestown; Town of South Kingston; and Town of West Greenwich.

By Order dated January 14, 1977, the Licensing Board found that the remaining petitions for leave to intervene failed to meet the requirements of 10 CFR 2.714 but appeared to be capable of amendment to comply with the rules of the Commission. Accordingly, leave was granted to such petitioners to file amended petitions by February 22, 1977. Amended petitions have been filed by Concerned Citizens of Rhode Island and Point Judith Fisherman's Cooperative (and by request to consolidate, New England Coalition on Nuclear Power); The Greater Providence Chamber of Commerce (and by consolidation, the Blackstone Valley Chamber of Commerce); Conservation Law Foundation; Labor and Management Plan for Economic Development (and by consolidation the International Brotherhood of Electrical Workers, International Association of Bridge, Structural and Ornamental Iron Workers, Local No. 37, Rhode Island Carpenters' District Council, and the Rhode Island Chapter of the Associated General Contractors of America); New England Council for Economic Development; Physicians Concerned About Nuclear Power; Rhode Island Association of Conservation Commissioners; Save the Bay, Inc.; Taxpayers and Voters of Charlestown; Town of Hopkington; Town of Richmond; Town of Westerly; Trustees of the Thomas Lyman Arnold Trust; and Coalition for Consumer Justice. Responses to these amended petitions have been filed by the Applicant and by the NRC Staff.

Please take notice that a special prehearing conference pursuant to the provisions of § 2.751a of the Commission's Rules of Practice (10 CFR 2.751a), will be held at 10 a.m., local time, on May 4, 1977 at the Cranston Hilton Inn, Fireside Room, Route 1-A, Cranston, Rhode Island. All parties and any petitioners for intervention or their counsel are directed to appear at such special prehearing conference to consider all intervention petitions, including the interest or standing of petitioners as well as the identification of at least one relevant contention with reasonable, specificity and with some basis assigned for it.

The special prehearing conference will also consider the identification of key issues in the proceeding, any steps necessary for the further identification of issues, and the consolidation of parties or issues. A schedule will be established for further actions in the proceeding, including the submission of status reports on discovery.

Members of the public are invited to attend the special prehearing conference. However, the conference will be limited to the purposes specified in this notice. No evidence will be received, and there will not be an opportunity to present statements by persons who wish to make limited appearances. Applications for permission to make limited appearances for the purpose of making such statements will be ruled on by the Licensing Board at the evidentiary hearing to be held at a later date. Notices of such later evidentiary hearings will be published in the FEDERAL REGISTER.

It is so ordered.

Dated at Bethesda, Maryland, this 1st day of April 1977.

For the Atomic Safety and Licensing Board.

MARSHALL E. MILLER,
Chairman.

[FR Doc.77-10377 Filed 4-8-77;8:45 am]

[Docket Nos. 50-282, 50-306]

NORTHERN STATES POWER CO.

Order

Notice is hereby given that a prehearing conference in this matter will be held on Thursday, April 21, 1977, at 9:30 a.m., at the U.S. Federal Courthouse, Room 584, 316 North Robert Street, St. Paul, Minnesota.

All of the parties to this proceeding shall attend the prehearing conference and shall be prepared to discuss all outstanding matters. The parties should be especially prepared to discuss the admissibility of each of the contentions asserted by the Intervenor Minnesota Pollution Control Agency.

So ordered.

Dated at Bethesda, Maryland, this 4th day of April 1977.

The Atomic Safety and Licensing Board.

EDWARD LUTON,
Chairman.

[FR Doc.77-10324 Filed 4-8-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Administrative Proceeding File No. 2-57397 (22-909); File No. 1-2385]

DAYTON POWER AND LIGHT CO.

Application and Opportunity for Hearing

APRIL 8, 1977.

Notice is hereby given, That the Dayton Power and Light Company (the "Company") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of Irving Trust Company under an indenture heretofore qualified under the Act, and one not to be so qualified, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Irving Trust Company from acting as trustee under the qualified indenture.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest, it shall within ninety days after ascertaining that it has such conflicting interest either eliminate such conflicting interest or resign.

Subsection (1) of such Section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under the qualified indenture.

The Company alleges that: (1) Irving Trust Company is presently acting as trustee under an Indenture of Mortgage dated as of October 1, 1935, between Irving Trust Company as Trustee (the "Mortgage Trustee") and the Company as amended by twenty supplemental indentures, pursuant to which $458,000,000 principal amount of the Company's First Mortgage Bonds ("First Mortgage Bonds") are issued and outstanding, as of December 31, 1976. It is presently contemplated that Irving Trust Company will also act as Trustee (the "Pollution Control Trustee") under an indenture (the "Pollution Control Indenture") to be dated as of April 15, 1977, between it and the Ohio Water Development Authority (the "Authority"), a body politic and corporate and political subdivision of the State of Ohio, whereby the Authority will issue and sell approximately $14,000,000 of its Collateralized Pollution Control Revenue Bonds 1977 Series A Due 2007 (The Dayton Power and Light Company Project). This indenture will not be qualified pursuant to the terms of the Act.

(2) The Authority's revenue bonds are being issued to finance the cost of certain waste water facilities (the "Project") to be acquired by the Company for its F. M. Tait and O. H. Hutchings Electric Generating Stations in Montgomery County, Ohio, and for the J. M. Stuart Electric Generating Station in Adams and Brown Counties, Ohio, as to which the Company owns an undivided 35% interest as tenant in common with other public utilities. The proceeds of the sale of such revenue bonds will be loaned by the Authority to the Company to finance the cost of such waste water facilities, pursuant to a Loan Agreement between the Authority and the Company to be dated as of April 15, 1977 (the "Loan Agreement"). The revenue bonds will be payable solely from the revenues derived from the repayment by the Company of such loan. Such repayment will be made over the life of the revenue bonds, secured by a pledge of the Company's New Mortgage Bonds (the "New Mortgage Bonds") to be issued under the twenty-first supplemental indenture to the October 1, 1935, indenture. This supplemental indenture will not be qualified under the Act.

(3) The Company's New Mortgage Bonds will be issued in an aggregate principal amount equal to, bear interest at a rate corresponding to, and have the same maturity and redemption provisions as the Authority's revenue bonds. The New Mortgage Bonds will rank pari passu with all First Mortgage Bonds issued and outstanding under the October 1, 1935, indenture and all its supplements.

(4) The Authority will assign to Irving Trust Company as Pollution Control Trustee all its rights and interest in and to the New Mortgage Bonds and, in the manner and to the extent provided in the Pollution Control Indenture, its rights under the Loan Agreement. The Pollution Control Trustee may not transfer the New Mortgage Bonds except to a successor trustee under the relevant indenture. Such Trustee will have no lien on or other interest in the Project, and the obligation to make payments in respect of the revenue bonds will be secured by no collateral other than the New Mortgage Bonds.

(5) It is believed that since the revenue bonds are payable solely from revenues secured by the New Mortgage Bonds, the indenture to a "collateral trust indenture" with respect to which an exception to the provisions of Section 310(b) of the Act is provided by clauses (1)(A) and (1)(B) thereof. In the event that the Company fails to make the required loan repayments, the New Mortgage Bonds are the only collateral.

The obligations of the Company under the mortgage indenture are secured by a lien on substantially all the Company's fixed property and franchises, subject only to excepted encumbrances permitted by that indenture.

The Company has waived notice of hearing, hearing, and any and all rights to specify procedures under the Rules of Practice of the Securities and Exchange Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document, on file in the Office of the Commission's Public Reference Section, at 1100 L Street, N.W., Washington, D.C. 20549.

Notice is further given, That any interested person may, not later than April 26, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. Any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

SERVICE LIST

J. Robert Newlin, Esq., General Counsel, The Dayton Power and Light Company, Courthouse Plaza Southwest, P.O. Box 1247, Dayton, Ohio 45401.
With copy to:
William B. Marshall, Esq., Cravath, Swaine & Moore, One Chase Manhattan Plaza, New York, N.Y. 10005. (Counsel for The Dayton Power and Light Company.)

[FR Doc.77-10754 Filed 4-8-77;11:57 am]

SMALL BUSINESS ADMINISTRATION

MAXIMUM INTEREST RATES

Notice is given that the Small Business Administration (SBA) has established the maximum rates of interest that lending institutions participating with SBA may charge on loans approved by SBA after April 11, 1977, under section 7 of the Small Business Act, as amended, and section 502 of the Small Business Investment Act, as amended.

Effective April 11, 1977, the maximum rate of interest acceptable to SBA on a guaranteed loan or guaranteed revolving line of credit shall be nine and three-quarters percent (9¾%) per year, and the maximum rate on an immediate participation loan shall be eight and three-quarters percent (8¾%) per year. These maximum interest rates are one-half

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percent (1½%) higher than those published in the FEDERAL REGISTER on December 30, 1976 (41 FR 56898), and shall remain in effect until notification of a change is issued by SBA.

The "SBA Optional Peg Rate" for the April–June 1977 quarter will be seven percent (7%) per year, and is effective April 11, 1977. This is an optional "peg" rate for use in connection with fluctuating-interest rate loans made in participation with SBA.

This Notice is issued under 13 CFR 120.3(b)(2)(iv).

(Catalog of Federal Domestic Assistance Programs:

No.
59.002 Economic Injury Disaster Loans (E.F.).
59.012 Small Business Loans.
59.013 State and Local Development Company Loans.
59.015 Coal Mine Health and Safety Loans.
59.017 Meat and Poultry Inspection Loans (Consumer Protection Loans).
59.018 Occupational Safety Health Loans.
59.001 Displaced Business Loans.
59.003 Economic Oportunity Loans for Small Business.
59.010 Product Disaster Loans (E).
59.020 Base Closing Economic Injury Loans (E.F.).
59.021 Handicapped Assistance Loans (E.F.)
59.022 Emergency Energy Shortage Economic Injury Loans (E.F.).
59.023 Strategic Arms Economic Injury Loans (E.F.).
59.024 Water Pollution Control Loans (E.F.)
59.025 Air Pollution Control Loans (E.F.).

Dated: April 7, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77-10591 Filed 4-8-77;8:45 am]

DEPARTMENT OF STATE

Agency for International Development

BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a)(2), Pub. L. 92–463, Federal Advisory Committee Act, notice si hereby given of the eighth meeting of the Board for International Food and Agricultural Development on May 7 and 8, 1977. The purpose of the meeting is to receive reports from the Joint Research Committee and the Joint Committee on Agricultural Development; to discuss procedures for establishing a roster of eligible universities; a country roster; and to discuss procedures for strengthening U.S. Universities.

The meeting will begin at 1:30 p.m. on May 7th, following the close of the Conference on Title XII sponsored by the University of Minnesota. The meeting on May 8th will begin at 9 a.m. The meetings will be held in the Minnesota Room of the Registry Hotel, 7901 24th Avenue, South, Minneapolis, Minnesota, 55420.

The meeting is open to the public. Dr. Erven J. Long, Associate Assistant Administrator, is designated as the Federal Officer at the meeting. It is suggested that those desiring more specific information contact him at the Agency for International Development, State Department, Washington, D.C. 20523, or call 703–235–8956.

Dated: April 5, 1977.

ERVEN J. LONG,
Federal Officer, Board for International Food and Agricultural Development.

[FR Doc.77-10576 Filed 4-8-77;8:45 am]

AGENCY FOR INTERNATIONAL DEVELOPMENT

[No. 165-15]

DIRECTOR, USAID/GUATEMALA

Redelegation of Authority

Pursuant to the authority vested in me as Assistant Administrator for Latin America, Agency for International Development, by the Foreign Assistance Act of 1961, as amended, and the delegations of authority issued thereunder, I hereby delegate to the Director, USAID/Guatemala, authority to negotiate and execute A.I.D. Loan No. 520–V–029 (Primary School Reconstruction) in accordance with and subject to a Loan Authorization dated March 29, 1977 authorizing said Loan ("Loan Authorization").

This delegation of authority shall continue in full force and effect for a period not to exceed 120 days from the date of the Loan Authorization.

Dated: March 29, 1977.

D. M. LION,
Acting Assistant Administrator, Latin American Bureau.

[FR Doc.77-10500 Filed 4-8-77;8:45 am]

[No. 165-16; Amdt. 2]

DIRECTOR, USAID/HAITI

Redelegation of Authority

Pursuant to the authority vested in me as Assistant Administrator for Bureau of Latin America, by the Foreign Assistance Act of 1961, as amended, and the delegations of authority issued thereunder, I hereby delegate to the Director, USAID/Haiti, authority to negotiate, execute and implement Loan Agreement No. 521–T–008 (Integrated Agricultural Development) in accordance with and subject to the limitations of the Authorization for said Loan.

The delegation of authority to negotiate and execute is effective through April 28, 1977.

Dated: March 29, 1977.

D. M. LION,
Acting Assistant Administrator, Bureau for Latin America.

[FR Doc.10501 Filed 4-8-77;8:45 am]

HOUSING GUARANTY PROGRAM FOR PORTUGAL

Information for Investors

The Agency for International Development (AID) has advised the Government of Portugal (the "Borrower") that upon execution by an eligible U.S. investor acceptable to AID of an agreement to loan the Borrower an amount not to exceed $20 million, and subject to the satisfaction of certain further terms and conditions by the Borrower, AID will guarantee repayment to the investor of the principal and interest on such loan. The guarantee will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority contained in section 221 of the Foreign Assistance Act of 1961, and amended (the "Act").

Proceeds of the loan will be used in the financing of housing in Portugal.

Eligible investors interested in extending a guaranteed loan to the Borrower should communicate promptly with:

Dr. Alexandre Vaz Pinto, President, Sociedade Financeira Portugesa, Rua Duque de Palmela, 30/8/B, Lisbon, Portugal.

Investors eligible to receive a guaranty are those specified in section 238(c) of the Act. They are: (1) U.S. citizens, (2) domestic corporations, partnerships, or associations substantially beneficially owned by U.S. citizens, (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens, and (4) foreign partnerships or associations wholly owned by U.S. citizens.

To be eligible for a guaranty, the loan must be repayable in full not later than 30 years from the first disbursement of the principal amount thereof and the interest rate must be no higher than the maximum rate to be established by AID. AID will charge a guaranty fee equal to one-half of 1 percent per annum on the outstanding guaranteed principal amount of the loan.

The Borrower projects a schedule of disbursements covering a two year period from the date of the loan agreement and prospective Investors should consider this in proposing a guaranteed loan to the Borrower. In addition, the Investor must provide for the servicing of his loan, i.e., recordation and disposition of loan payments received from the Borrower.

Information as to eligibility of investors and other aspects of the AID housing guaranty program can be obtained from:

Director, Office of Housing, Agency for International Development, Room 625, SA–12, Washington, D.C. 20523.

This notice is not an offer by AID or by the Borrower. The Borrower and not AID will select a lender and negotiate the terms of the proposed loan.

Dated: April 1, 1977.

PETER M. KIMM,
Director of Housing, Agency for International Development.

[FR Doc.77-10577 Filed 4-8-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

COAST GUARD

[CGD 77-061]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from January 21, 1977 to February 22, 1977 (List No. 2–77). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

LIFEBOAT WINCHES FOR MERCHANT VESSELS

Approval No. 160.015/113/0, Type 40 G winch; approval limited to mechanical components only and for a maximum working load of 8,000 lbs. pull at the drums (4,000 lbs. per fall); identified by general arrangement drawing W1–F–023, revision D dated December 22, 1976, and drawing list dated January 13, 1977, Model A, deck-mounted installation, manufactured by Marine Safety Equipment Corporation, Foot of Wyckoff Road, Farmingdale, New Jersey 07727, effective February 1, 1977.

LIFE FLOATS FOR MERCHANT VESSELS

Approval No. 160.027/48/2, 6.17' x 4.7' (11'' x 10¼'' body section), rectangular life float, fibrous glass reinforced plastic shell with unicellular plastic core, 15-person capacity, identified by dwg. No. M–99–15, Rev. E dated April 6, 1972 and fabrication specification dated April 6, 1972, manufactured by Marine Safety Equipment Corporation, Foot of Wyckoff Road, Farmingdale, New Jersey 07727, effective February 10, 1977. (It is an extension of Approval No. 160.027/48/2 dated April 11, 1972.)

DAVITS FOR MERCHANT VESSELS

Approval No. 160.032/173/0, Gravity davit, Type 26–15; approved for a maximum working load of 15,000 pounds per set (7,500 pounds per arm) using 2-part falls; identified by general arrangement dwg. D1–F–006, Revision C dated April 14, 1967, and drawing list DL–DIF–006 dated April 28, 1967, manufactured by Marine Safety Equipment Corporation, Foot of Wyckoff Road, Farmingdale, New Jersey 07727, effective February 10, 1977. (It is an extension of Approval No. 160.032/173/0 dated March 2, 1972.)

Approval No. 160.032/210/0, Type GPD–80 gravity pivot davit; approved for a maximum working load of 16,000 lbs. per set (8,000 lbs. per arm) using 2-part falls; identified by general arrangement drawing D1–F–309, revision B dated January 12, 1977, and drawing list dated December 13, 1976, manufactured by Marine Safety Equipment Corporation, Foot of Wyckoff Road, Farmingdale, New Jersey 07727, effective February 10, 1977.

HAND PROPELLING GEAR, LIFEBOATS, FOR MERCHANT VESSELS

Approval No. 160.034/15/2, Type WSG–1, hand-propelling gear identified by general arrangement dwg. No. 80139, Rev. C dated June 29, 1964, manufactured by Welin Davit & Boat Division, Lake Shore, Inc., Iron Mountain, Michigan 49801, effective February 7, 1977. (It is an extension of Approval No. 160.034/15/2 dated April 21, 1972.)

LIFEBOATS

Approval No. 160.035/29/1, 28.0' x 9.0' x 3.96' steel, oar-propelled lifeboat, 59-person capacity, identified by general arrangement dwg. No. 28–1B dated February 16, 1972, 46 CFR 160.035–13(c) Marking, Weights: Condition "A"=5,100 pounds; Condition "B"=16,019 pounds, manufactured by Marine Safety Equipment Corporation, Foot of Wyckoff Road, Farmingdale, New Jersey 07727, effective February 10, 1977. (It is an extension of Approval No. 160.035/229/1 dated April 6, 1972.)

Approval No. 160.035/300/5, 24.0' x 8.0' x 3.5' aluminum, motor-propelled lifeboat, without radio cabin or searchlight (Class 1), 37-person capacity, identified by general arrangement dwg. No. 24–9H Rev. H dated February 14, 1972, 46 CFR 160.035–13(c) Marking, Weights: Condition "A"=3,100 pounds; Condition "B"=10,252 pounds manufactured by Marine Safety Equipment Corporation, Foot of Wyckoff Road, Farmingdale, New Jersey 07727, effective February 10, 1977. (It is an extension of Approval No. 160.035/300/5 dated April 5, 1972.)

INFLATABLE LIFE RAFTS

Approval No. 160.051/97/0, 15-person inflatable life raft, MK–5 series, identified by general arrangement drawing CJH/MN/15 dated October 4, 1976 and drawing list dated September 22, 1976, inflation system can use either steel or aluminum cylinders, manufactured by C. J. Hendry Company, 139 Townsend Street, San Francisco, California 94107 or by Patten-Pan Avion Division of American Safety Flight Systems, P.O. Box 480213, Miami, Florida 33148 under subcontract for C. J. Hendry Company, effective February 22, 1977.

Approval No. 160.051/98/0, 20-person inflatable life raft, MK–5 series, identified by general arrangement drawing CJH/MN/20 dated October 4, 1976 and drawing list dated September 22, 1976, inflation system can use either steel or aluminum cylinders, manufactured by C. J. Hendry Company, 139 Townsend Street, San Francisco, California 94107, or by Patten-Pan Avion Division of American Safety Flight Systems, Inc., P.O. Box 480213, Miami, Florida 33148 under subcontract for C. J. Hendry Company, effective February 22, 1977.

LIFE PRESERVERS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD FOR MERCHANT VESSELS

Approval No. 160.055/70/0, Model 63, adult cloth-covered unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055 and dwg. No. 160.–055–IB (sheet 1 and 2), Type I PFD, manufactured by Style-Crafters, Inc., P.O. Box 8277, Greenville, South Carolina 29604, effective January 21, 1977. (It is an extension of Approval No. 160.055/70/0 dated February 2, 1972.)

Approval No. 160.055/71/0, Model 67, child cloth-covered unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055 and dwg. No. 160.–055–IB (sheet 3 and 4), Type I PFD, manufactured by Style-Crafters, Inc., P.O. Box 8277, Greenville, South Carolina 29604, effective January 21, 1977. (It is an extension of Approval No. 160.055/71/0 dated February 2, 1972.)

Approval No. 160.055/74/0, Model 62, adult vinyl dip coated unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055 and dwg. No. 160.–055–IA (sheet 1), Type I PFD, manufactured by Style-Crafters, Inc., P.O. Box 8277, Greenville, South Carolina 29604, effective January 21, 1977. (It is an extension of Approval No. 160.055/74/0 dated February 2, 1972.)

Approval No. 160.055/75/0, Model 66, child vinyl dip coated unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055 and dwg. No. 160.–055–IA (sheet 2), Type I PFD, manufactured by Style-Crafters, Inc., P.O. Box 8277, Greenville, South Carolina 29604, effective January 21, 1977. (It is an extension of Approval No. 160.055/75/0 dated February 2, 1972.)

Approval No. 160.055/113/0, adult, model 200 vinyl dip coated unicellular plastic foam life preserver, manufactured in accordance with U.S.C.G. Specification Subpart 160.055; dwg. No. "Job No. 113" sheets 1 and 2 dated December 14, 1976; and letter from Billy Pugh Company to U.S.C.G. Marine Inspection Office dated December 16, 1976,

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Type I PFD, manufactured by Billy Pugh Company, Inc., P.O. Box 802, 1415 N. Water Street, Corpus Christi, Texas 78403, effective February 17. 1977.

MARINE BUOYANT DEVICE

Approval No. 160.064/326/0, child medium, Model VCM, vinyl dipped PVC foam, Sail 'N' Ski vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ-3, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, 912 North Beverly Drive, Wichita Falls, Texas 76307, effective January 26, 1977. (It is an extension of Approval No. 160.064/326/0 dated March 17, 1972.)

Approval No. 160.064/327/0, child large, Model VCL, vinyl dipped PVC foam, Sail 'N' Ski vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ-3, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, 912 North Beverly Drive, Wichita Falls, Texas 76307, effective January 26, 1977. (It is an extension of Approval No. 160.064/327/0 dated March 17, 1972.)

Approval No. 160.064/1127/0, adult small, Model No. 900, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 266, Type III PFD, manufactured by Swan Products Company, Inc., 25 Brighton Avenue, Passaic, New Jersey 07055, effective February 1, 1977.

Approval No. 160.064/1128/0, adult medium, Model No. 900, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 266, Type III PFD, manufactured by Swan Products Company, Inc., 25 Brighton Avenue, Passaic, New Jersey 07055, effective February 1, 1977.

Approval No. 160.064/1129/0, adult large, Model No. 900, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 266, Type III PFD, manufactured by Swan Products Company, Inc., 25 Brighton Avenue, Passaic, New Jersey 07055, effective February 1, 1977.

Approval No. 160.064/1231/0, Youth Universal, Model No. SPV-8, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 29, factory location: Highway 10, Sauk Rapids, Minnesota 53679, Type III PFD, manufactured by Stearns Manufacturing Company, P.O. Box 1498, St. Cloud, Minnesota 56301, effective February 1, 1977.

Approval No. 160.064/1232/0, adult sm/med, Model No. SPV-9, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 29, factory location: Highway 10, Sauk Rapids, Minnesota 56379, Type III PFD, manufactured by Stearns Manufacturing Company, P.O. Box 1498, St. Cloud, Minnesota 56301, effective February 1, 1977.

Approval No. 160.064/1233/0, adult lg/xl, Model No. SPV-9, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 29, factory location: Highway 10, Sauk Rapids, Minnesota 56379, Type III PFD, manufactured by Stearns Manufacturing Company, P.O. Box 1498, St. Cloud, Minnesota 56301, effective February 1, 1977.

STRUCTURAL INSULATIONS FOR MERCHANT VESSELS

Approval No. 164.007/51/0, Type C-X, sprayed asbestos free fiber type structural insulation, identical to that described in Underwriters Laboratories, Inc. report 73NK9675, File R3372-23-24 dated June 18, 1974, approved for use without other insulating material to meet Class A-60 requirements in a 2¾ inch thickness and 17.4 pounds per cubic foot density, manufactured by Spraycraft Corporation, 2508 Coney Island Avenue, Brooklyn, New York 11223, effective February 11, 1977.

INTERIOR FINISHES FOR MERCHANT VESSELS

Approval No. 164.012/16/0, vinyl film wall covering material, Type K-2, in thickness of 10 mil, identical to that described in Underwriters Laboratories report 75NK9821, File R4564(Sp), dated October 26, 1976, to be applied with manufacturer's adhesive E8825, manufactured by Columbus Coated Fabrics, Division of Borden Chemical, Borden, Inc., 1280 North Grant Avenue, Columbus, Ohio 43216, effective January 27, 1977.

Approval No. 164.012/17/0, vinyl film wall covering material, Type K-2L, in thickness of 8 mil, identical to that described in Underwriters Laboratories report 75NK9821, File R4564(Sp), dated October 26, 1976, to be applied with manufacturer's adhesive E8825, manufactured by Columbus Coated Fabrics, Division of Borden Chemical, Borden, Inc., 1280 North Grant Avenue, Columbus, Ohio 43216, effective January 27, 1977.

Approval No. 164.012/18/0, vinyl film wall covering material, Type KL-22, in thickness of 10 mil, identical to that described in Underwriters Laboratories report 75NK9821, File R4564(Sp), dated October 26, 1976, to be applied with manufacturer's adhesive E8825, manufactured by Columbus Coated Fabrics, Division of Borden Chemical, Borden, Inc., 1280 North Grant Avenue, Columbus, Ohio 43216, effective January 27, 1977.

Dated: April 1, 1977.

H. G. LYONS,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.77-10528 Filed 4-8-77;8:45 am]

Federal Aviation Administration

FLIGHT STANDARDS

Function Transfer

Notice is hereby given that on or about April 18, 1977, the air carrier functions at the Rochester, New York, Flight Standards District Office (FSDO) will be transferred to the Pittsburgh, Pennsylvania, and Kennedy (New York) Air Carrier District Offices (ACDO's). The boundary line for this transfer of air carrier functions will be 76° west longitude with the Kennedy ACDO assuming the Rochester FSDO's responsibilities on or east of this longitude and the Pittsburgh ACDO assuming the responsibilities west of the longitude. The Rochester FSDO will be redesignated as a General Aviation District Office (GADO) and will continue to provide all services to general aviation in the Rochester area. Communications to the GADO should be addressed as follows:

Rochester General Aviation District Office, Department of Transportation, Federal Aviation Administration, 1295 Scottsville Road, Rochester-Monroe County Airport, Rochester, New York 14624.

(Sec. 313(a) of the Federal Aviation Act of 1958, 72 Stat. 752, 49 U.S.C. 1354.)

Issued in New York, New York, on March 25, 1977.

WILLIAM E. MORGAN,
Director, Eastern Region.

[FR Doc.77-10371 Filed 4-8-77;8:45 am]

Federal Railroad Administration

[FRA Waiver Petition No. HS-77-6]

SOUTH CAROLINA PUBLIC RAILWAYS COMMISSION

Petition For Exemption From the Hours of Service Act

The South Carolina Public Railways Commission has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a(e) for an exemption, with respect to certain employees, from the Hours of Service Act, as amended, 45 U.S.C. 61-64(b).

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: FRA Waiver Petition No. HS-77-6, Room 5101, 400 Seventh Street SW., Washington, D.C. 20590. Communications received before May 20, 1977, will be considered before final action is taken on this petition. All comments received will be available for examination by interested persons during business hours in Room 5101, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

Issued in Washington, D.C., April 1, 1977.

DONALD W. BENNETT,
Chairman, Railroad Safety Board.

[FR Doc.77-10515 Filed 4-8-77;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

CHANGES IN CUSTOMS FORM 5515 (SPECIAL CUSTOMS INVOICE)

Correction

AGENCY: United States Customs Service.

ACTION: General Notice—Correction.

SUMMARY: The General Notice published in the FEDERAL REGISTER on March 233, 1977 (42 FR 15765), concerning the availability of the revised Special Customs Invoice, Customs Form 5515, incorrectly advised that foreign language instructions for that form were available. Foreign language instructions are currently being prepared, but will not be available for distribution for several months.

FOR FURTHER INFORMATION CONTACT:

Joseph P. Moss, Senior Operations Officer, Duty Assessment Division (202-566-5307), or Marcia Kaplan, Attorney, Entry Procedures and Penalties Division (202-566-5778), United States Customs Service, Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION:

Instructions for the revised Customs Form 5515 in French, Spanish, German, and Japanese are currently being prepared and will be made available as soon as possible.

As noted in the General Notice published on March 23, 1977, the old Customs Form 5515 may be used until September 30, 1977. The old Customs Form 5515 may be used by the foreign seller, the shipper, or the agent of either for shipments exported to the United States on or before September 30, 1977.

Accordingly, the last paragraph of the General Notice published on March 23, 1977, is amended to read as follows:

The new Special Customs Invoice forms are now available. The old Special Customs Invoice forms may be used by the foreign seller, the shipper, or the agent of either for shipments exported to the United States on or before September 30, 1977. Foreign language instructions for the revised form in French, Spanish, German, and Japanese will be made available as soon as possible.

VERNON D. ACREES,
Commissioner of Customs.

[FR Doc.77-10524 Filed 4-8-77;8:45 am]

Fiscal Service

[Dept. Circ. 570, Rev., Supp. No. 12]

GLOBAL SURETY & INSURANCE CO.

Surety Companies Acceptable on Federal Bonds

A certificate of authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $1,217,000 has been established for the company.

Name of Company, Location of Principal Executive Office, and State in Which Incorporated: Global Surety & Insurance Co., Omaha, Nebraska—Nebraska.

Certificates of authority expire on June 30 each year, unless sooner revoked, and new certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: April 1, 1977.

D. A. PAGLIAI,
Commissioner, Bureau of Government Financial Operations.

[FR Doc.77-10514 Filed 4-8-77;8:45 am]

VETERANS ADMINISTRATION

COOPERATIVE STUDIES EVALUATION COMMITTEE

Renewal

This is to give notice in accordance with the Federal Advisory Committee Act (Pub. L. 92-463) of October 6, 1972, that the Cooperative Studies Evaluation Committee has been renewed by the Administrator of Veterans Affairs, with the concurrence of the Office of Management and Budget Committee Management Secretariat, for a two year period beginning March 20, 1977 through March 20, 1979.

All Veterans Administration advisory committees, including the above, are now being reviewed in accordance with the President's memorandum of February 25, 1977 and Office of Management and Budget guidance provided in Circular No. A-63, Transmittal Memorandum No. 5, dated March 7, 1977. This review is to be completed no later than April 15, 1977.

By direction of the Administrator.

Dated: April 5, 1977.

RUFUS H. WILSON,
Deputy Administrator.

[FR Doc.77-10527 Filed 4-8-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 364]

ASSIGNMENT OF HEARINGS

APRIL 6, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not incude cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 136669 (Sub-No. 9), Processed Beef Express, Inc., now assigned May 19, 1977, at Omaha, Nebr., and will be held in room 616, Union Plaza, 110 North 14th St.

MC 140829 (Sub-No. 24), Cargo Contract Carrier, Corp., now assigned May 17, 1977, at Omaha, Nebr., and will be held in room 616, Union Plaza, 110 North 14th St.

MC 136275 (Sub-No. 21), Whitfield Associated Transport, Inc., now assigned May 23, 1977, at El Paso, Tex., and will be held in the U.S. Courthouse, court room No. 2, 4th Floor, San Antonio and Kansas Sts. through the 24th and May 25th through the 27th in room 512, Federal Bldg., San Antonio and Kansas Sts.

MC 142449, Speedway Haulers, Inc., now assigned May 24, 1977, at Indianapolis, Ind., and will be held in room 288, U.S. Tax Court, Federal Bldg. and Courthouse, 46 East Ohio St.

MC 113678 (Sub-No. 630), Curtis, Inc., now assigned May 23, 1977, at Omaha, Nebr., and will be held in room 616, Union Plaza. 110 North 14th St.

MC 124038 (Sub-No. 1), Dario Guerra, d.b.a. Dario Guerra Transfer, now assigned May 23, 1977, at Miami, Fla., and will be held in room 228, Federal Bldg., 51 Southwest 1st Ave.

MC 100666 (Sub-No. 334), Melton Truck Lines, Inc., now being assigned June 1, 1977 (3 days), at Albuquerque, N. Mex., in a hearing room to be later designated.

MC 141743 (Sub-No. 1), Mark IV Charter Lines, Inc., now being assigned June 6, 1977 (2 weeks), in Los Angeles, Calif., in a hearing room to be later designated.

MC 107295 (Sub-No. 827), Pre-Fab Transit Co., now being assigned June 7, 1977 (1 day), at St. Louis, Mo., in a hearing room to be later designated.

MC 113325 (Sub-No. 145), Slay Transportation Co., Inc., now being assigned June 8, 1977 (1 day), at St. Louis, Mo., in a hearing room to be later designated.

MC 119765 (Sub-No. 38), Eight Way Xpress, Inc., and MC 134755 (Sub-No. 79), Charter Express, Inc., now being assigned June 9, 1977 (2 days), at St. Louis, Mo., in a hearing room to be later designated.

MC 142188 (Sub-No. 1), Mary Wimberly and Betty Beals, d.b.a. Wimberly Bus Service, now being assigned June 13, 1977 (1 week), at St. Louis, Mo., in a hearing room to be later designated.

MC 61592 (Sub-No. 392), Jenkins Truck Line, Inc., now assigned May 3, 1977, at Atlanta, Ga., will be held in room 305, 1252 West Peachtree St. NW.

MC 108676 (Sub-No. 97), A. J. Metler Hauling and Rigging, Inc., now assigned May 4, 1977, at Atlanta, Ga., will be held in room 305, 1252 West Peachtree St. NW.

MC 107515 (Sub-No. 1002), Refrigerated Transport Co., Inc., now assigned May 9, 1977, at Atlanta, Ga., will be held in room 305, West Peachtree St. NW.

MC 30487 (Sub-No. 7), Dearman Moving & Storage Co., now assigned May 3, 1977, at Memphis, Tenn., will be held in room 987, Federal Bldg., 167 North Main St.

MC 138627 (Sub-No. 16), Smithway Motor Xpress, Inc., now assigned May 4, 1977, at Memphis, Tenn., will be held in room 987, Federal Bldg., 167 North Main St.

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MC 141109 (Sub-No. 2), Bingham Trucking Corp., now assigned May 9, 1977, at Tupelo, Miss., will be held in conference room 215, Federal Bldg., Main and Church Sts.

MC 111302 (Sub-No. 93), Highway Transport, Inc., now assigned April 14, 1977, at Chicago, Ill., is canceled and application dismissed.

MC 112801 (Sub-No. 186), Transport Service Co., now assigned April 14, 1977, at Chicago, Ill., is canceled and application dismissed.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-10580 Filed 4-8-77;8:45 am]

[Notice No. 147]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before May 11, 1977. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77001, filed March 1, 1977. Transferee: LEE ROY HEERMAN, an individual doing business as COIN TRANSFER, P.O. Box 296, Coin, Iowa 51636. Transferor: Linnie Swanson, Stanton, Iowa 51573. Applicants' representative: Bradford E. Kistler, Attorney at Law, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 24896, issued March 5, 1957, as follows: General commodities (with exceptions) from Omaha, Nebr., to Stanton, Iowa, serving intermediate and off-route points within 25 miles of Stanton. From Omaha over U.S. Highway 275 to junction U.S. Highway 34, thence over U.S. Highway 34 to junction Iowa Highway 120, thence over Iowa Highway 120 to Stanton. Transferee is presently authorized to operate as a common carrier under Certificate No. MC 25255 and subs thereafter. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77003, filed March 1, 1977. Transferee: HERBERT L. SCHERER, An individual doing business as SCHERER TRANSFER, 1510 15th Ave., Monroe, Wis. 53566. Transferor: Herbert L. Scherer and Louis F. Scherer, a partnership doing business as Scherer Transfer, 1510 15th Ave., Monroe, Wis. 53566. Applicants' representative: Rolfe E. Hanson, Attorney at Law, 121 Doty St., Madison, Wis. 53703. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 128362, issued December 23, 1969, as follows: Household goods as defined by the Commission, between points in Green County, Wis., on the one hand, and, on the other, points in Illinois within 45 miles of Juda, Wis. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

REPUBLICATION

No. MC-FC-77005, filed March 2, 1977. Transferee: EARLY RIVAL MOTOR EXPRESS, INC., 2545 Jonesboro Rd. SE., Atlanta, Ga. 30315. Transferor: Meadors Freight Lines, Inc., (Stacey W. Cotton, trustee in bankruptcy), 2545 Jonesboro Rd. SE., Atlanta, Ga. 30315. Applicants' representative: Virgil H. Smith, Attorney at Law, 1587 Phoenix Blvd., Suite 12, Atlanta, Ga. 30349. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificates No. MC 117604 and Sub 4 and Sub 8, and certificate of Registration No. MC 117604 Sub 2 and Sub 3, issued December 16, 1958, June 22, 1972, July 10, 1972, April 13, 1965, and April 1, 1965, as follows: General commodities (with exceptions), between Atlanta, Ga., and Covington, Ga., serving all intermediate points and the off-route points of Milstead, and Porterdale, Ga.: From Atlanta over U.S. Highway 278 (formerly Georgia Highway 12) via Avondale Estate, Ga., to junction Georgia Highway 124, thence over Georgia Highway 124 to Lithonia, Ga., thence return over Georgia Highway 124 to junction U.S. Highway 278, thence over U.S. Highway 278 to Covington, and return over the same route. Property, between Covington, Ga., and Snapping Shoals, Ga., over State Highway 81 and property, between Madison, Ga., and Atlanta, Ga., via Ruthledge, Covington, Conyers, and Decatur, Ga., over State Highway 12 serving the off route point of Social Circle, Ga. Also property, between Atlanta, Ga., and Union Point, Ga., over State Highway 12 serving all intermediate points, and property between Greensboro, Ga., and Sparta, Ga., over State Highway 15 serving all intermediate points. Also property, from Atlanta, Ga. to Elizabeth, Ga. Also General commodities (with exceptions) between Cartersville, Ga. and Marietta, Ga. serving no intermediate points and serving termini for the purpose of joinder only, from Cartersville, Ga. to Marietta, Ga. over State Highway 3 and return over the same route. And General commodities (with exceptions) between Cartersville, Ga. and Dalton, Ga. serving all intermediate points, from Cartersville, Ga. over U.S. Highway 41 to Dalton, Ga. and return over the same route. Transferee presently holds no authority from this Commission. Application has now been filed for temporary authority under section 210a(b). This case is being republished to add authority which was previously omitted and also to show the filing of a TA application.

No. MC-FC-77017, filed March 9, 1977. Transferee: ROBERT W. RUXTON, an individual doing business as RUXTON'S EXPRESS, 95 Pierce Rd., Weymouth, Mass. 02188. Transferor: Harold F. Ruxton, an individual doing business as Ruxton's Express, 95 Pierce Rd., Weymouth, Mass. 02188. Applicants' representative: Robert W. Ruxton, 95 Pierce Rd., Weymouth, Mass. 02188. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 82018, issued June 9, 1941, as follows: *General commodities*, except those of unusual value, and except dangerous explosives, household goods (when transported as a separate and distinct service in connection with so-called "household movings"), commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, over regular routes, between Cambridge, Mass., and Randolph, Mass.: From Cambridge over city streets via Boston and Brookline, Mass., to junction Massachusetts Highway 28, thence over Massachusetts Highway 28 to Randolph, and return over the same route. Between Randolph, Mass., and Weymouth, Mass.: From Randolph over Massachusetts Highway 28 to junction Massachusetts Highway 128, thence over Massachusetts Highway 128, to Braintree, Mass., thence over Massachusetts Highway 37 to Quincy, Mass., and thence over Massachusetts Highway 3 to Weymouth, and return over the same route. Service is authorized to and from the intermediate points of Boston, Brookline, Milton, Braintree, and Quincy, Mass. Transferee presently holds no authority from this Commission. Application has not been filed for Temporary authority under Section 210a(b).

No. MC-FC-77025, filed March 14, 1977. Transferee: CHARLES F. LIGHT, doing business as BEN SLAVEN TOURS, 3765 Windover Circle, Hamburg, N.Y. 14075. Transferor: Alexander A. Slaven and Belia Levy, a partnership, doing business as Ben Slaven Tours, 12 St. James Rd., Cheektowaga, N.Y. 14225. Applicant's representative: Charles F. Light, 3765 Windover Circle, Hamburg, N.Y. 14075. Application sought for purchase by transferee of License No. MC 12754 issued November 30, 1964, to transferor authorizing it to engage in operations as a broker of passengers and their baggage, in special and charter operations, in all-expense tours beginning and ending at points in Erie County, N.Y., and extending to ports of entry on the United States-Canada Boundary line along the Niagara River between New York and Ontario. Transferee presently holds no authority from this Commission.

No. MC-FC-77026, filed March 4, 1977. Transferee: JENSEN CHARTERS, INC., 155 South 1st St., St. Helens, Oreg. 97223. Transferor: Kelso Ocean Beach Stage Lines, a corporation, 204 South 7th St., P.O. Box 746, West Kelso, Wash. 98626. Applicant's representative: Robt. R. Hollis, Attorney at Law, 400 Pacific Bldg., Portland, Oreg. 97204. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates No. MC 33705 (Sub-No. 4) and MC 33705 (Sub-No. 5), issued February 10, 1966 and September 19, 1975, respectively, as follows: Passengers and their baggage, express, and newspapers over a specified regular route between Ranier, Oreg. and Ocean Park, Wash.; passengers and their baggage in special operations in round trip sightseeing or pleasure tours beginning and ending at points in Pacific and Wahkiakum Counties, Wash. and a specified portion of Cowlitz County, Wash. and extending to all points in the United States including Alaska but excluding Hawaii. Transferee is presently authorized to operate as a common carrier under Certificate No. MC 123178. Application has been filed for temporary authority under Section 210a(b).

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-10581 Filed 4-8-77;8:45 am]

[I.C.C. Order No. 28; Under Service Order No. 1252]

VIRGINIA AND MARYLAND RAILROAD CO.

Rerouting Traffic

To all railroads: In the opinion of Joel E. Burns, Agent, The Virginia and Maryland Railroad Company is unable to transport traffic routed via its car ferry between Norfolk, Virginia, and Cape Charles, Virginia, because of a temporary inability to operate ferry service between these points.

It is ordered, That: (a) *Rerouting traffic.* The Virginia and Maryland Railroad Company being unable to transport traffic routed via its car ferry between Norfolk, Virginia, and Cape Charles, Virginia, because of a temporary inability to operate ferry service between these points, that line and its connections are hereby authorized to divert and reroute such traffic over any available route to expedite the movement regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 5 p.m., April 1, 1977.

(g) *Expiration date.* This order shall expire at 11:59 p.m., May 1, 1977, unless otherwise modified, changed or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 1, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.77-10579 Filed 4-8-77;8:45 am]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

Chicago, Milwaukee, St. Paul and Pacific Railroad Company, 516 West Jackson Boulevard, Chicago, Illinois 60606, represented by Raymond K. Merrill, Vice President-Law, 516 West Jackson Boulevard, Chicago, Illinois 60606 and Thomas H. Ploss, General Attorney and Commerce Counsel, 516 West Jackson Boulevard, Chicago, Illinois 60606, hereby give notice that on the 28th day of March, 1977, it filed with the Interstate Commerce Commission at Washington, D.C., an application under section 5(2) of the Interstate Commerce Act for an order approving and authorizing trackage rights over the lines of William M. Gibbons, Trustee of the Property of Chicago, Rock Island and Pacific Railroad Company, which application is assigned Finance Docket No. 28437.

Approval of the application will permit the Chicago, Milwaukee, St. Paul and Pacific Railroad Company to acquire trackage rights over the lines of William M. Gibbons, Trustee of the Property of Chicago, Rock Island and Pacific Railroad Company between Culver, Iowa, and Polo, Missouri (232 miles) and between Eldon and Ottumwa, Iowa (11 miles) so as to enable the operation of Milwaukee Road through Chicago-Kansas City, Missouri, trains over the Culver-Polo line of Rock Island and to permit the continued provision of Milwaukee Road service to Ottumwa, Iowa by operation over Rock Island's line between Eldon, Iowa, and Ottumwa, Iowa.

In the opinion of the applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 C.F.R. 1108.8) in Ex Parte No. 55 (Sub-No. 4), Implementation—National Environmental Policy Act, 1969, 352 I.C.C. 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See Implementation—National Environmental Policy Act, 1969, supra, at p. 487.

Interested persons may participate formally in a proceeding by submitting written comments regarding the application. Such submissions shall indicate the proceeding designation Finance Docket No. 28437 and the original and two copies thereof shall be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, not later than 45 days after the date notice of the filing of the application is published in the FEDERAL REGISTER. Such written comments shall include the following: the person's position, e.g., party protestant or party in support, regarding the proposed transaction; specific reasons why approval would or would not be in the public interest; and a request for oral hearing if one is desired. Additionally, interested persons who do not intend to formally participate in a proceeding but who desire to comment thereon, may file such statements and information as they

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may desire, subject to the filing and service requirements specified herein. Persons submitting written comments to the Commission shall, at the same time, serve copies of such written comments upon the applicant, the Secretary of Transportation and the Attorney General.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-10499 Filed 4-8-77;8:45 am]

[Notice No. 148]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission by May 11, 1977. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicant's representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, of the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77023. By order entered April 4, 1977, the Commission, Division 3, approved the transfer to Automotive Merchandisers of Texas, Inc., Columbus, Ohio, and Ohio Merchandising Corporation, Columbus, Ohio, of the operating rights set forth in Certificates No. MC 32562 and subnumbers 10, 11, 12, 13, 15, 17, 19, 20, 23, 25, 26, 27, 28, 30, and 31 issued by the Commission September 14, 1955, October 17, 1956, August 16, 1957, April 29, 1958, May 28, 1959, August 20, 1959, October 11, 1961, October 12, 1962, November 7, 1962, February 28, 1966, June 20, 1967, May 31, 1968, September 8, 1970, November 25, 1969, November 25, 1969 and April 1, 1971, respectively, to Point Express authorizing the transportation of: general commodities, including but not limited to packing house products, malt beverages, household goods, carbide, corn meal and flour products, coal mining machinery, glass containers, canned milk and such merchandise as is dealt in by retail and wholesale food business houses, from, to, or between, points in Indiana, Kentucky, Missouri, Ohio, Pennsylvania, Tennessee, Virginia and West Virginia.

Thomas C. Scott, 88 East Broad St., Suite 980, Columbus, Ohio 43215, Attorney for Point Express, Inc.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-10587 Filed 4-8-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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1

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

Notice is hereby given, pursuant to section 3(a) of the Government in the Sunshine Act, 5 U.S.C. 552(b)(e)(3), and 17 CFR 147.4(e), that the Commodity Futures Trading Commission will conduct a meeting of the Commission on April 12, 1977, at 2033 K Street NW., Washington, D.C., in Room 520, beginning at 10 a.m. The Commission intends to consider the following items in closed session:

1. Enforcement Matter.

Questions concerning the agenda for the April 12, 1977, Commission meeting, or possible changes therein, may be directed to the Commission's Office of the Secretariat at 202-254-6126.

Dated: April 6, 1977.

JANE K. STUCKEY,
Director, Office of the Secretariat, Commodity Futures Trading Commission.

[S-121-77 Filed 4-6-77;3:56 pm]

2

AGENCY HOLDING THE MEETING: Foreign Claims Settlement Commission.

[F.C.S.C. Meeting Notice No. 4-77]

ANNOUNCEMENT IN REGARD TO COMMISSION MEETINGS AND HEARINGS

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings and oral hearings for the transaction of routine Commission business and other matters specified, as follows:

Date, time and subject matter

Friday, April 22, 1977, at 10:30 a.m., Consideration of Hungarian Claims.

Wednesday, April 27, 1977, at 10:30 a.m., Consideration of Hungarian Claims.

Thursday, April 28, 1977, at 10 a.m., Oral hearings on objections to decisions issued under the Hungarian Claims Program.

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 1111 20th Street, N.W., Washington, D.C. Requests for information, or advance notices of intention to observe a meeting, may be directed to: Executive Director, Foreign Claims Settlement Commission, 1111 20th Street, N.W., Washington, D.C. 20579. Telephone 202-653-6156.

Dated at Washington, D.C., on April 4, 1977.

FRANCIS T. MASTERSON,
Executive Director.

[S-117-77 Filed 4-6-77;3:56 pm]

3

AGENCY HOLDING THE MEETING: Civil Aeronautics Board.

TIME AND DATE: 10 a.m., April 12, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: Docket 29898-EDR-307, Part 207, Charter Trips and Special Services—Off-Route Charter Limitations.

STATUS: Open.

PERSON TO CONTACT:
Phyllis T. Kaylor, The Secretary, 202-673-5068.

[S-118-77 Filed 4-6-77;3:56 pm]

4

AGENCY HOLDING THE MEETING: Federal Home Loan Mortgage Corporation.

[No. 9]

APRIL 6, 1977.

Pursuant to the Government in the Sunshine Act of 1976, 5 U.S.C. 552b(e)(1) and (3), announcement is made of a Board of Directors meeting to be held on April 14, 1977, at 2:30 p.m., at 320 First Street, NW., Room 630, Washington, D.C., at which the following Corporation business will be conducted:

Status Report on Corporation's Move to New FHLBB Building.
Consideration of Mortgage Corporation Advisory Committee Appointed Members.

Mr. Henry L. Judy (202-624-7107) is the Corporation official designated to respond to requests for information pertaining to such meeting.

The Federal Home Loan Mortgage Corporation.

RONALD A. SNIDER,
Assistant Secretary.

[S-119-77 Filed 4-6-77;3:56 pm]

5

AGENCY HOLDING THE MEETING: Federal Home Loan Mortgage Corporation.

[No. 10]

APRIL 6, 1977.

Pursuant to the Government in the Sunshine Act of 1976, 5 U.S.C. 552b(e)(1) and (3), announcement is made that at a Board of Directors meeting closed to the public, to be held on April 14, 1977, at the conclusion of the open meeting to be held at 2:30 p.m. on that date, at 320 First Street, NW., Room 630, Washington, D.C., the following Corporation business will be conducted:

Consideration of Revocation of Resolutions Appointing FHLBank Presidents as Vice Presidents of the Corporation.
Consideration of Appointment of Additional Assistant Secretary in Dallas Region.

Mr. Henry L. Judy (202-624-7107) is the Corporation official designated to respond to requests for information pertaining to such meeting.

The Federal Home Loan Mortgage Corporation.

RONALD A. SNIDER,
Assistant Secretary.

[S-120-77 Filed 4-6-77;3:56 pm]

6

AGENCY HOLDING THE MEETING: Equal Employment Opportunity Commission.

APRIL 6, 1977.

Pursuant to the Government in the Sunshine Act, 5 U.S.C. 552b, notice is hereby given that the Equal Employment Opportunity Commission will meet on Tuesday, April 19, 1977 in the Chairman's Conference Room, Room No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street, NW., Washington, D.C. 20506. No meeting is scheduled for the week beginning Monday, April 11, 1977.

The first portion of the meeting, starting at 9:30 a.m. (Eastern Time) will be open to the public, and the Commission plans to consider the following matter during this open session:

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PRIVACY ACT; PROPOSED NOTICE OF CANCELLATION OF SYSTEMS OF RECORDS

NO. EEOC–1

The Commission will consider that the subject Notice of Cancellation be published, since the records are no longer maintained.

Immediately after the open session and departure of the public observers, the Commission plans to consider the following matters in closed session:

(1) *Freedom of Information Act Appeal No. 77–2–FOIA–27.* This appeal is on behalf of an employer charged with discrimination by an individual and requests access to files, if any, concerning charges by the same individual filed against other employers.

(2) *Litigation Authorization; General Counsel Recommendations.* Five cases will be presented to the Commission by the General Counsel recommending authorization to bring suit.

(3) *Proposed Decision in Charge No. 750–74–C5000 and 52 others.* A proposed decision, first discussed at the Commission meeting of March 22, 1977, will be presented for further consideration.

(4) *Proposal to Establish a Subdistrict Office in Minneapolis/St. Paul, Minnesota.* The Commission will continue the discussion, started at its April 5 meeting, of a proposal by the Director of its Milwaukee District Office, through the Director of the Chicago Regional Office, that a subdistrict office be established in the Minneapolis/St. Paul, Minnesota area, for the purpose of processing charges of discrimination filed against respondents in the State of Minnesota.

If you have any questions concerning the agenda for the April 19, 1977 Commission Meeting, please contact the Office of the Executive Secretariat at (202) 634–6748.

Issued April 6, 1977.

By order of the Commission.

ETHEL BENT WALSH,
Vice Chairman.

[S–122–77 Filed 4–7–77; 9:04 am]

7

AGENCY HOLDING THE MEETING: National Labor Relations Board.

TIME AND DATE: 9:30 a.m., Tuesday, April 19, 1977.

PLACE: Board Conference Room, Sixth Floor, 1717 Pennsylvania Avenue, NW., Washington, D.C. 20570.

STATUS: Open to public observation.

MATTERS TO BE CONSIDERED: Consideration of proposals to improve processing of bound volumes of Board Decisions.

CONTACT PERSON FOR MORE INFORMATION:

John C. Truesdale, Esq., Executive Secretary, Washington, D.C. 20570, Telephone 202–254–9430.

[S–123–77 Filed 4–7–77; 11:00 am]

8

AGENCY HOLDING THE MEETING: Federal Power Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 CFR 18340.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2 p.m. on April 7, 1977.

CHANGES IN THE MEETING: The following item is added to the Commission meeting upon the affirmative votes of Chairman Dunham, Commissioners Smith, Holloman and Watt.

G–25. Docket No. CI77–328, Mobil Oil Corporation.

KENNETH F. PLUMB,
Secretary.

[S–124–77 Filed 4–7–77; 1:55 pm]

9

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

In accordance with the requirements of the Government in the Sunshine Act and the Commission's Rules implementing the Act, this Notice identifies changes in previously announced meetings.

WEEK OF APRIL 11, MONDAY, APRIL 11

The Briefing on Detailed Program Plan for LMFBR Confirmatory Assessment Program (Public Meeting) scheduled for 1:30 p.m., Monday, April 11, is cancelled.

The Briefing on US-Indian Nuclear Cooperation and Supply Issues (Closed Meeting) scheduled for 3:00 p.m., Tuesday, April 12, has been rescheduled. The Briefing will be given at 3:00 p.m. on Monday, April 11. The meetings will be held in the Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C. For further information, contact Walter Magee, Office of the Secretary, telephone: 634–1410.

For the Commission.

Dated at Washington, D.C., this 7th day of April 1977.

JOHN C. HOYLE,
Assistant Secretary of the Commission.

[S–125–77 Filed 4–7–77; 4:50 pm]

federal register

MONDAY, APRIL 11, 1977

PART II



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

■

GRANTS FOR FAMILY PLANNING SERVICES

Intent To Issue Proposed Rules

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[42 CFR Part 59]

GRANTS FOR FAMILY PLANNING SERVICES

Intent to Issue Proposed Rules

Notice is hereby given that the Assistant Secretary for Health, with the approval of the Secretary of Health, Education, and Welfare, intends to propose regulations revising Part 59 of Title 42, Code of Federal Regulations, to implement the amendments to Title X of the Public Health Service Act (42 U.S.C. 300 et seq.) enacted by Public Law 94–63. This Notice presents a description of the amendments, discusses possible approaches to implementing then, and invites comments and suggestions from all interested parties on how they should be implemented.

1. Section 204(a) of the Public Law 94–63 amended section 1001(a) of the Public Health Service Act ("Act") to require that the range of family planning methods to be offered by family planning projects include natural family planning methods. Since the meaning of the term "natural family planning methods" is well understood in the family planning field and the requirement reflects current program policy, the Department proposes to implement the statutory language simply by amending the regulations where appropriate to reflect it.

2. Section 204(b) of Public Law 94–63 amended section 1001(b) of the Act to provide that local and regional entities are to be assured the right to apply for Title X grants and contracts and requires the Secretary to "by regulation fully provide for and protect such right." The legislative history of this section suggests that Congress was primarily concerned that the Secretary not systematically require statewide consolidation of grantees and that, in cases where such consolidation occurs, former grantees which are part of the consolidated project have the right to participate in the decisionmaking of the consolidated grantee as it affects their operations.

The Secretary feels that the present § 59.3 gives local and regional entities full right to apply for Title X grants. Further, the congressional concern that the Secretary not systematically require further consolidation relates solely to the internal operations of the Department. Accordingly, the Secretary does not plan to revise this section of the regulations in reference to section 204(b). In response to the congressional concern, though, the Secretary will not systematically undertake to accomplish such consolidation.

However, it is felt that the regulations should be revised to reflect the concern expressed in the legislative history that local and regional entities which are, or are to become, part of a consolidated grant participate in both the consolidation decision and in the consolidated grantee's decisionmaking. If the regulations are revised by the addition of requirements implementing these concerns, it will be necessary to determine what the requirements should be. The main question to be resolved in this regard is whether the Federal requirements should be very general in nature, permitting flexibility in the organizational and consultation arrangements, or whether they should prescribe detailed, less flexible organizational arrangements regarding input into the consolidation decision and the relationship between consolidated grantees and the local and regional entities that function as part of the consolidated project. If the latter approach is recommended, the Secretary would appreciate suggestions on what kinds of organizational arrangements would be appropriate and what kinds of operational problems might be encountered.

3. Section 204(d) of Public Law 94–63 amended Section 1006(c) to require the Secretary to define the term "low-income family" "so as to insure that economic status shall not be a deterrent to participation in the programs assisted under this title." By statute, low-income individuals are the priority group to receive family planning services and may not be charged for such services. The present regulatory definition places low income at fixed dollar income levels—for example, an annual income of $5,000 for a family of four. The legislative history of the amendment indicates that the levels are too low in today's economy and should be increased. There would seem to be two policy options in implementing such an increase. First, the present approach could be retained, with only the dollar income levels being raised. If this approach is recommended, then suggestions will be needed as to what dollar income levels would be appropriate. Alternatively, an approach which ties the income cut-off to some national standard or index, such as the Community Services Administration (CSA) Income Poverty Guidelines, could be adopted. If this approach is recommended, suggestions will be needed as to what the standard or index should be and precisely how the income cut-off should be tied to it (e.g., should the cut-off be at 150 percent of the index level, and so on). At present, the Secretary is inclined to adopt the latter approach, with the income cut-off set at 150 percent of the CSA Income Poverty Guidelines.

The legislative history of this section also indicates that Congress intended the term "low-income family" to be defined so as to permit individuals who do not meet whatever income cut-offs are established but who are nevertheless unable to pay for family planning services to be considered "low-income" for the purpose of the program. Two general approaches seem possible to accomplish this. First, the regulation could enumerate specific economic or other circumstances which would constitute a basis under which an individual not meeting the income cut-off could nevertheless qualify as low-income. If such an approach is recommended, suggestions on what such circumstances should be would be needed. Second, an approach using a general criterion for waiver of the income cut-off could be adopted. If this approach is adopted, suggestions regarding what the criterion should be would be called for. The Secretary would also appreciate guidance as to what operational problems may be encountered and should be considered under either approach, or any other approach recommended.

4. The Secretary also proposes to make an amendment not related to the enactment of Pub. L. 94–63. Section 59.5 of the regulations presently lists requirements that a supported project must comply with. That section is prefaced, however, by a waiver provision which seems to permit the Secretary to allow a grantee to omit one or more of the requirements if the grantee can establish "good cause." Some of the requirements listed (such as the abortion prohibition and priority to low-income persons), however, are imposed by statute and cannot be waived by the Secretary. It is proposed to restructure § 59.5 so as to clarify this.

In addition, the Secretary as a matter of policy proposes to require that grantees assure that they will make services available without regard to age, sex, or marital status, with no provision for waiver. The Secretary solicits views on what problems would be created if this assurance were made nonwaivable and suggestions for alternative approaches, such as restricting the present provision for waiver.

For further information, contact Mr. James Corrigan, Director, Division of Policy Development, 301–443–1034.

Comments, suggestions and recommendations concerning the proposed revision of the regulations should be submitted in writing to the Director, Division of Policy Development, Bureau of Community Health Services, 5600 Fishers Lane, Rockville, Maryland 20857. Consideration will be given to all written comments, suggestions and recommendations received by May 26, 1977. Such comments, suggestions and recommendations will be available for public inspection at the above address during regular business hours.

Dated: February 18, 1977.

JAMES F. DICKSON,
Acting Assistant Secretary for Health.

Approved: March 31, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc.77–10133 Filed 4–8–77;8:45 am]

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federal register

MONDAY, APRIL 11, 1977

PART III



DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

■

MILK IN THE NEW YORK-NEW JERSEY MARKETING AREA

Recommended Partial Decision

V 42 69 APR 11 77 UMI

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1002]

[Docket No. AO–71–A71]

MILK IN THE NEW YORK-NEW JERSEY MARKETING AREA

Recommended Decision (Partial) and Opportunity to File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision recommends certain changes in the New York-New Jersey Federal milk marketing order (Order 2), based on industry proposals considered at a public hearing in February 1976. The principal changes would adjust the prices for milk throughout the production area to more nearly reflect the costs incurred by handlers in assembling milk from farms and transporting it to plants for processing. Another change would institute a late-payment charge on overdue payments by handlers to the market administrator to encourage prompt payments for milk. Also, a number of minor changes would be made in the classification of milk according to its use to reflect current marketing practices.

DATE: Comments are due on or before May 11, 1977.

ADDRESS: Comments (6 copies) should be filed with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Willard H. Blanchard, Deputy Director, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–5661.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing, Issued January 9, 1976; published January 14, 1976 (41 FR 2092).

Extension of Time for Filing Briefs, Issued April 15, 1976; published April 21, 1976 (41 FR 16660).

PRELIMINARY STATEMENT

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the New York-New Jersey marketing area, and of the opportunity to file written exceptions thereto. This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, on or before May 11, 1977. Six copies are required for this proceeding. All written submissions will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, as amended, were formulated was conducted at New York, New York, on February 17–20, 1976, and at Syracuse, New York, on February 23–26, 1976, pursuant to notice thereof.

The material issues on the record of the hearing relate to:

1. Whether changes should be made in the following provisions for purposes of permitting a more equitable competitive situation, on both an intramarket. and intermarket basis, for Order 2 handlers:
   a. Class I price differential.
   b. Transportation differentials.
   c. Pool transportation credit to handlers for bulk tank milk.
   d. Tank truck service charge.
   e. Direct delivery differential.
2. Whether the classification provisions should be changed with respect to the following:
   a. Milk moved between Order 2 pool plants and plants regulated under an order administered solely by the State of New York.
   b. Bulk milk received at an Order 2 pool plant from a plant regulated under another Federal order.
   c. Milk dumped, disposed of for animal feed, or lost under extraordinary circumstances.
3. Whether the procedure for classifying shrinkage should be changed.
4. Whether the order should provide for charges on overdue accounts.

This decision deals with all issues except issue No. 3. The latter issue is reserved for a later decision.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Modification of transportation allowances.* For the purpose of permitting a more equitable competitive situation for regulated handlers, on both an intermarket and intramarket basis, and to provide a more stable market for producers, the New York-New Jersey order (Order 2) should be amended in the following manner:

The present Class I differential of $2.40 that is applicable at the 201–210 mile zone should be reduced to $2.25.

The transportation differential rate of 1.2 cents per hundredweight for each 10 miles that is now used to adjust the Class I and uniform prices for location should be increased to 1.5 cents for each 10-mile zone more distant than the 201–210 mile zone, and to 1.8 cents for each 10-mile zone less distant than the 201–210 mile zone. With the new base zone differential, this would result in a Class I differential at New York City of $2.61.

The current 10-cent per hundredweight pool transportation credit to handlers on receipts of bulk tank milk allocated to Class II uses should be replaced with a 15-cent pool credit on all farm bulk tank milk received by handlers.

Handlers should be permitted to negotiate with producers or their cooperatives a tank truck service charge of up to 15 cents per hundredweight (now limited to 10 cents) with respect to any farm-to-first plant hauling costs not recovered through the 15-cent pool transportation credit on farm bulk tank milk.

The present 5-cent direct delivery differential should be increased to 15 cents per hundredweight. The differential should continue to be applicable to all milk of producers located within the 1–70 mile zone.

No provision should be made in the order for a "metropolitan transfer credit" or an "upstate fluid differential," as was proposed by several cooperatives, or for pricing milk at the plant where first received, as several handlers urged.

a. *Summary of hearing proposals.* The basic purpose of the hearing was to consider proposals that were designed to improve the competitive situation for Order 2 handlers located in or near the major metropolitan area of the market (New York City and nearby heavily populated areas) who are engaged in the distribution of Class I milk. Witnesses contended that in recent years the cost of hauling milk from farms to plants has increased substantially. They indicated that this has resulted in a significant deterioration in the ability of metropolitan area handlers to compete effectively with handlers in neighboring markets, particularly the Middle Atlantic Federal order market, and with various handlers in the Order 2 market.

With respect to the intermarket competition, witnesses claimed that the adverse situation is attributable largely to the unique procedure for pricing producer milk under Order 2 relative to other orders. It was pointed out that under Order 2 bulk tank milk from producers is priced essentially at the location of the farms where received by handlers. Witnesses alleged that this has caused the burden of the higher hauling costs to fall largely on handlers, including cooperatives operating in a handler capacity, who move the milk from the farms to the major consumption center of the market. The witnesses stressed that in contrast handlers in other markets have not borne the brunt of the increase in hauling costs. They pointed out that under other orders producer milk is priced at the first plant at which it is received. The witnesses claimed that in those cases where the producers deliver their milk directly to the city distributing plants, the higher hauling costs have been absorbed largely by the individual producers rather than by the handlers receiving their milk.

Witnesses contended that the disparity in the cost of milk to handlers under Order 2 and other orders has resulted in a substantial loss of Class I sales by Order 2 handlers to the other markets. They claimed that corrective action is

essential to the long-run interests of producers in the New York-New Jersey market.

With respect to the alleged intramarket competitive problems, it was claimed that the impact of the increased hauling costs on Class I distributors in the major metropolitan area has varied, depending on each distributor's source of milk. Witnesses contended that the metropolitan area handlers who rely on supply plant milk are experiencing much higher procurement costs than those receiving milk at their distributing plants directly from farms. This, they claimed, is because of the costs associated with reloading milk at supply plants and moving it long distances to the metropolitan area, plus using a transportation differential rate under the order that does not reflect actual hauling costs.

Cooperative associations and proprietary handlers offered a number of proposals which they believed would minimize the competitive problems of which they complained. Six major proposals dealing with this issue were made by two principal producer organizations in the market. The basic thrust of the proposals was to shift the assembly and hauling costs for milk from handlers to producers. Various modifications of these proposals were proposed by several proprietary handlers to accommodate their individual operations. A number of other producer groups in the market, including a third major producer organization, opposed any changes in the order relative to this issue.

Two of the six major proposals relate to the recovery of costs associated with picking up farm bulk tank milk and moving it to the first plant of receipt. One proposal would provide handlers with a 15-cent per hundredweight pool credit on all such milk. A 10-cent pool credit currently applies just on Class II bulk tank milk. The other proposal would increase the maximum negotiable tank truck service charge, which is now 10 cents per hundredweight, to 25 cents. Together, these two proposals would make it possible for handlers to recover up to 40 cents per hundredweight of the farm-to-first plant hauling cost for bulk tank milk—15 cents through the pool credit and the remainder through negotiations with the producer or his cooperative.

Proponents supported a pool credit for handlers of farm bulk tank milk as an appropriate mechanism for recovering from producers a portion of the farm-to-plant hauling costs. They maintained that a 15-cent credit would reflect the minimum cost incurred by handlers in picking up bulk tank milk at the farm. They took the view that a pool credit could be easily administered, that it would avoid confusion among producers since it would affect all bulk tank producers uniformily, and that it would contribute to market stability.

Spokesmen for the proposals indicated that for most handlers the 15-cent pool credit would not sufficiently reimburse handlers for the farm-to-plant hauling costs incurred and that additional amounts should be recoverable through a negotiated charge to producers. It was contended that setting the maximum negotiable charge at 25 cents per hundredweight would permit handlers to recover most, if not all, of such costs. Witnesses stated that limiting negotiated deductions for hauling to 25 cents per hundredweight is necessary to ensure that handlers do not negotiate deductions in excess of actual hauling costs. Also, it was claimed that a limit, compared to unlimited deductions, would provide an incentive for handlers to assemble milk in the most efficient manner.

Two other major proposals relate to the recovery of costs for long-haul shipments of bulk milk. One proposal would increase the present 1.2-cent transportation differential rate to 1.5 cents per hundredweight for each 10-mile zone. The other would provide a 25-cent per hundredweight pool credit to handlers on Class I milk originating beyond the 1–140 mile zone and transferred in bulk, directly from farms or from plants, to plants located within the 1–65 mile zone. In combination, these proposals are intended to permit handlers to recover the average cost of shipping bulk milk from country locations to distributing plants in the major metropolitan areas for Class I use.

In support of these proposals, witnesses claimed that the long-distance hauling rates now being charged in the market reflect a "variable" hauling cost of 1.8 cents per hundredweight per 10 miles, and "fixed" hauling costs totaling 19 cents per hundredweight.[1] Although supporting the 1.8-cent variable rate, proponents indicated that their proposal was couched in terms of a 1.5-cent variable rate since this is the rate commonly reflected in other orders. For a 200-mile shipment, such as from the base zone to the New York City area, witnesses indicated that a 1.5-cent transportation differential rate would cover 30 cents of the average 55-cent actual hauling cost for this distance.

Proponents contended that the total cost of long-distance shipments, and not just the variable cost, should be reflected in the order's pricing provisions if the metropolitan area handlers are to be competitive with handlers in other markets. Accordingly, it was proposed that handlers be given a 25-cent "metropolitan transfer credit" for the purpose of covering that portion of the 55-cent hauling cost for a 200-mile shipment not reflected in the adjustment of prices for location, i.e., 25 cents. The 25-cent credit would cover the remaining 6 cents of the actual 36-cent variable cost for 200 miles not covered by the 1.5-cent transportation differential rate, plus the 19-cent fixed cost. Proponents noted that if the zone differentials were to be established at 1.8 cents per 10 miles a metropolitan transfer credit reflecting only the 19-cent fixed cost would be appropriate.

At the hearing, proponents modified their initial proposal to provide for a "feathering" of the metropolitan transfer credit. They suggested that a credit of 10 cents per hundredweight be given for milk transferred to metropolitan area plants from the 91–100 mile zone, 15 cents for the 101–120 mile zone, 20 cents for the 121–140 mile zone, and 25 cents for milk shipped from more distant areas.

Another of the major proposals would increase the present 5-cent direct delivery differential to 10 cents per hundredweight and would extend the zone of application to include all pool milk received from farms within the 1–110 mile zone. Witnesses indicated that this proposed change is intended to more nearly equate the cost of nearby milk moved directly from farms to plants in the major metropolitan area for Class I use with the cost of Class I milk obtained by handlers from country plants. It was claimed that the handler receiving direct-ship milk avoids reloading costs that attach to supply plant milk. It was suggested that in view of current reloading costs the direct delivery differential perhaps should be as much as 13 cents per hundredweight. A witness also indicated that a larger direct delivery differential payable to the nearby producers would partially offset the incentive that such producers now have for shifting to neighboring markets where higher blend prices are being paid.

The sixth major proposal would require distributing plants located outside the 1–65 mile zone to pay to the pool an "upstate fluid differential" of 10 cents per hundredweight on all Class I milk received from farms located outside the 1–110 mile zone. It was indicated that such distributing plants normally receive milk directly from producers and thus do not experience the reloading costs incurred by many of the distributors in the major metropolitan area of the market who rely on supply plant milk. The upstate fluid differential, it was claimed, would tend to equalize the procurement costs of those handlers in the outlying areas of the market with the cost incurred by competing handlers in the major metropolitan area.

At the hearing and in their briefs, proprietary handlers took varying positions with respect to the six major proposals of the producer groups. As would be expected, handlers generally supported those proposals—such as the 15-cent pool credit on bulk tank milk and the 25-cent negotiable tank truck service charge—that would lower their procurement costs and thus enhance their competitive position in the retail market. Some preference was expressed, however, for either holding the nego-

[1] "Fixed" hauling costs are the costs associated with the ownership of the trucking equipment and any related maintenance facilities. Such costs include depreciation, licenses, interest, taxes and insurance. "Variable" hauling costs are the costs associated with the over-the-road operation of the trucking equipment, such as gas, tires and repairs. The estimates of fixed and variable costs that were placed in the record were determined from a regression analysis of various hauling rates applicable in the New York-New Jersey market.

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tiable charge at the present maximum level of 10 cents or eliminating the charge and increasing the pool transportation credit to something more than the 15 cents proposed by cooperatives. It was claimed that negotiable charges are an unsatisfactory arrangement since not all handlers in the market negotiate such charges, thus causing disparate procurement costs among handlers, and because producers resist such charges.

Handlers also expressed support for a higher transportation differential rate under the order, although they were not in agreement on the specific rate. Some handlers urged the 1.8-cent rate proposed by cooperatives, while others favored a 1.5-cent rate on the basis that any higher rate would be out of line with location adjustment rates generally applicable under other Federal orders.

Several handlers opposed the adoption of an "upstate fluid differential" on the basis that the affected distributing plants were having no difficulties in attracting adequate milk supplies and that the differential thus would unjustifiably increase the cost of Class I milk at such plants. Opposition was expressed also against the use of a direct delivery differential. It was claimed that the differential adds to the misalignment of milk costs between Order 2 handlers and handlers in the Middle Atlantic Order 4 market.

There was considerable disagreement among handlers regarding the cooperatives' proposed "metropolitan transfer credit." This stemmed largely from the varying impact that such a credit would have on different handlers because of their location or method of operation. The various handler positions included having no such credit, having it apply to transfers of both packaged and bulk milk, "feathering" the credit, precluding the movement of any milk subject to the credit back into the outlying areas of the market, and reducing the Class I price to reflect transportation costs rather than applying a credit.

Several handlers took the position that the problems of intermarket competition arising from unequal procurement costs could best be resolved by replacing the Order 2 farm point pricing arrangement with the plant pricing concept used under the other orders. In this regard, one group of handlers proposed that milk from a producer be priced at the pool plant located nearest the producer's farm. A corollary proposal would permit handlers to negotiate with producers or their cooperatives a tank truck service charge of up to 30 cents per hundredweight.

Another handler, who operates a distributing plant in northern New Jersey, urged that milk from producers be priced at the first plant where it is received, as under the Middle Atlantic order. According to the handler's spokesman, such action, along with an increase in the transportation differential rate to 1.8 cents per 10 miles, would effectively deal with three major problems that he identified. The first was the misalignment of costs for Class I milk between Orders 2 and 4. He contended that the handler he was representing has had to lower prices to remain competitive with Order 4 handlers who distribute milk in the North Jersey area. Such reductions, he claimed, have spread to other areas of the Order 2 market and thus have resulted in chaotic conditions, reduced margins, elimination of profits, reduced volume, and higher unit costs for Order 2 plants. These conditions occurred, in his view, because the differing pricing provisions of the two orders have resulted in unequal changes in the cost of milk to handlers during the time of rapid inflation of milk transportation and handling costs.

A second problem that would be alleviated under plant pricing, according to the witness, is that inflation also has caused a misalignment of Class I prices within the Order 2 market. In this connection, he held that intramarket alignment should be achieved by fixing the basic Class I price at the major consumption area of the market and then reducing the price at outlying areas of the market to reflect the costs of hauling milk to the consumption center from country plants.

Third, the spokesman contended that inflation will continue, with milk transportation and handling costs thus increasing further in the future. Such future economic conditions, he claimed, would not be recognized under the cooperatives' proposals, and the adoption of the proposals thus would not prevent future price alignment problems.

Strong opposition to any changes in the order's transportation allowances was indicated by a spokesman for a number of cooperatives, including one of the principal cooperatives in the market. The spokesman expressed the cooperatives' view that changing the order to impose additional transportation costs on producers, either directly through negotiable deductions or indirectly through pool credits for handlers, would undermine the principle of farm point pricing in this market and would lower returns to producers. The spokesman stressed the cooperatives' basic position that the costs of moving bulk milk from farms to plants are marketing costs that should be borne by the market and not by producers.

These cooperatives opposed any order changes that would provide for pricing milk at plant locations rather than at the farm. It was contended that such a change would subject producers and handlers alike to the abuses and administrative difficulties that prevailed prior to the adoption of farm point pricing. The cooperatives also opposed increasing the transportation differential rate from the present level of 1.2 cents per 10 miles on the basis that the data submitted by proponents to support the proposed increase were based on hauling charges higher than those that generally prevail in the market. The proposed metropolitan transfer credit also was opposed on the basis that it would impose an arbitrary cost on the pool and thus on producers. The cooperatives' spokesman also expressed the view that there are potential inequities in the application of the proposals with regard to the appropriate zone or zones to which the credit would apply. Moreover, the cooperatives held that order provisions covering only the variable costs of transportation, as provided in most orders, tend to provide a degree of restraint on unneeded movements of milk from supply plants and should be continued.

The spokesman for the opposing cooperatives contended that the proposed package of changes may not, in fact, improve the alignment of Class I between Order 2 market and surrounding markets. He indicated that any savings in the cost of Class I milk that handlers might gain from the proposals would be used by labor unions as a basis for bargaining for higher benefits. Thus, he claimed, the handlers would not be able to pass the full Class I cost savings on to the marketplace, with the result that their ability to regain or expand Class I sales, which was the alleged purpose of the proposals, would be lost or greatly diminished. It was indicated that the risk of producers receiving lower returns without accomplishing the intent of the proposals is not one that the opposing cooperatives are willing to take.

Thirty-six individual dairy farm operators testified during the course of the hearing. Only two indicated support for any of the proposals that would result in dairy farmers paying a higher portion of the milk transportation costs. The others strongly opposed such proposals. They claimed that dairy farmers cannot afford to pay more for milk hauling, and that handlers should bear the costs of transportation since the milk is under their control once it is picked up at the farm.

Spokesmen for two handlers also expressed opposition to any actions that would reduce returns to producers. Their concern was that such actions would jeopardize their producer milk supplies because dairy farmers would seek higher returns by shifting their milk to outlets in other markets.

It should be noted that two proposals included in the hearing notice were abandoned by the proponent, and no other support was offered at the hearing for such proposals. One would allow handlers to recover the full farm-to-first plant hauling cost on bulk tank milk if authorized by the producer. The other proposal would increase the transportation differential rate from 1.2 cents to 1.7 cents per each 10-mile zone.

b. *The need for order changes.* It is clear that the present provisions of the New York-New Jersey order are not compatible with current marketing conditions. Major increases in the costs of assembling and transporting milk during the last several years have occurred without corresponding changes in the various transportation allowances under the order. As a result, various handlers under Order 2 are experiencing a deteriorating competitive situation in the Class I (fluid milk) market. Corrective action is essential if the order is to fulfill its

purpose of providing stable and orderly marketing conditions for producers and for the handlers through whom they market their milk.

A brief description of the New York-New Jersey market will help place the issue at hand in a better perspective. By any measure, the Order 2 market may be considered as large. In 1975, approximately 20,000 dairy farmers supplied about 786 million pounds of milk monthly for a marketing area population of more than 20 million persons.[2] Although the marketing area includes 39 counties and portions of 12 other counties in New York and New Jersey, nearly 80 percent of the population is concentrated in a relatively small area comprised of New York City and adjacent areas in New York and New Jersey. This heavily populated area extends outward roughly 60 to 70 miles from New York City, and constitutes the major milk consumption center in the Order 2 market.

Besides the major New York City metropolitan area, there are several other relatively large consumption centers at various locations in the New York portion of the marketing area. These include Elmira (metropolitan area population in 1975, 100,100), Binghamton (population 266,700), the Albany-Schenectady-Troy area (population 799,000), Syracuse (population 647,800), and the Utica-Rome area (population 334,900), all of which are located in the outlying production areas of the market. Milk processors that operate in these outlying areas compete with handlers in the major metropolitan area for milk supplies.

Processing plants, where milk is pasteurized and bottled, also are concentrated in the major metropolitan area. In March 1975, there were 28 processing plants located in the 1–10 mile zone. Within the 1–70 mile zone, 44 plants processed and distributed fluid milk, which was over half of the fluid milk processing plants on the Order 2 market. These 44 plants received from farms or other plants 81 percent of the producer milk utilized in the market for fluid purposes that month.

As would be expected, country supply plants are located primarily in the more distant areas of the milkshed. Only 7 such plants were located within 140 miles of New York City in March 1975, whereas 47 were located beyond 140 miles. Of these, 37 were located in the 141–240 mile zone, which gives an indication of the distance that milk must be moved in supplying the fluid milk requirements of the processors in the New York City area.

Dairy farmers who supply milk for the Order 2 market are widely dispersed over a large area. In March 1975, milk associated with this market was produced in the States of New York, New Jersey, Pennsylvania, and Maryland. Some producers' farms are located more than 400 miles from New York City.

Most of the Order 2 milk supply (more than 93 percent in 1975) originates in areas beyond the market's 1–100 mile zone. Practically all of the distant milk that is used in Class I at the metropolitan area distributing plants is first assembled at country plants and then hauled to the distributing plants in large over-the-road trucks. Metropolitan area plants also receive some milk directly from farms, most of which are located in the nearby production areas. In March 1975, 19 percent of the milk received for fluid use at these distributing plants moved directly from farms to such plants. The remainder was obtained through country plants.

Two basic concerns exist. One is the disparity in milk costs between those metropolitan area handlers using supply plant milk and those using direct-ship milk for meeting their Class I needs. The other concern is the disparity in Class I milk costs between metropolitan area handlers under Order 2 and handlers regulated under the Middle Atlantic order. In both cases, the increased assembly and transportation costs have seriously distorted the competitive relationships among the handlers involved. This may be shown through a brief description of the pricing arrangements for Class I milk that are applicable to such handlers.

Under Order 2, milk received from bulk tank producers is priced essentially at the location of the farm, with such pricing commonly referred to as "farm point pricing." Under this arrangement, all milk that originates in the same township is priced at the zone price applicable to that township. For pricing purposes, the township's location is based on the point in the township that is nearest the market's major consumption center. Such pricing applies to about 97 percent of the producer milk on the market. The remainder of the milk is shipped in cans and is priced at the location of the plant at which the milk is first received. Unless indicated otherwise, the discussion on transportation allowances will be in terms of farm bulk tank milk.

The Class I prices at the various farm locations vary basically according to the nearness of the farms to New York City. For example, the Class I price at farms in the 101–110 mile zone is 12 cents per hundredweight less than the Class I price at New York City. For farms in the 201–210 mile zone, the Class I price is 24 cents less. Prices are adjusted for location by the order's transportation differentials, which currently apply at a rate of 1.2 cents for each 10-mile zone. This rate is intended to reflect the "variable" cost of hauling milk over long distances.

The metropolitan area handler normally pays most of the costs associated with the collection of the milk at the farms and its movement to his processing plant. This is so whether he moves the milk himself or whether another handler, such as a cooperative, performs this service, since the latter customarily attempts to pass on all related costs to the processing handler. The current order does permit hauling deductions from producer payments of up to 10 cents per hundredweight on all farm bulk tank milk, if authorized by the producer or his cooperative association. In December 1975, authorized deductions were being made for about 75 percent of the bulk tank producers, in most cases probably at the maximum rate.[3] Thus, the basic cost of Class I milk to metropolitan area handlers is the Class I price applicable at the farm (township) location plus the cost of moving the milk, either directly or through a supply plant, to the processing plant, less any hauling deduction. Although additional handling charges for other services usually apply in the case of milk received from cooperatives, such charges are disregarded for purposes of this discussion.

An additional cost applies in the case of those handlers who receive milk from forms located within the 1–70 mile zone. The order provides that handlers shall pay producers a so-called direct delivery differential of 5 cents per hundredweight on all such milk, whether in bulk or in cans.

It is readily apparent that under this pricing arrangement any increases in assembly and transportation costs will have a direct impact on the procurement costs of metropolitan area handlers. Because milk is priced at the farm location, and because the transportation allowances under the order are fixed, any additional assembly and transfer costs must be borne by the processing handler. Actually, even prior to the recent cost increases, the present order provisions did not permit metropolitan area handlers to recover through various price allowances the full cost of getting milk from the farm to their processing plants for Class I use. Although the farm-to-first plant hauling costs were higher, negotiable hauling deductions have been limited to 10 cents.[4] In addition, when the present Class I transportation differentials were adopted, the total cost of hauling milk over a 200-mile distance was about 34 cents per hundredweight.[5] Only 24 cents, which was considered to be the "variable" cost for this distance, was reflected in the transportation differentials. Also, reloading costs at supply plants have not been reflected in the price structure of the order except as they might be offset from a competitive standpoint by the direct delivery differential. Thus, the problem of recovering procurement costs has existed for some time. The recent increases in hauling

[2] Official notice is taken of CURRENT POPULATION REPORTS, Population Estimates and Projections, Series P–25, No. 631 (issued July 1976), and Series P–26, No. 75–30 (issued October 1976), published by the Bureau of the Census, U.S. Department of Commerce.

[3] Official notice is taken of The Market Administrator's Bulletin, Quarterly Statistical Issue (A), volume 36/1976, no. 4, issued by the Market Administrator for the New York-New Jersey Federal order.

[4] Official notice is taken of the Assistant Secretary's decision on proposed amendments to the New York-New Jersey order and certain other orders that was issued on October 5, 1970 (35 FR 15927).

[5] Official notice is taken of the Assistant Secretary's decision on proposed amendments to the New York-New Jersey order that was issued on June 9, 1959 (24 FR 4836).

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costs, however, have greatly aggravated this problem for handlers.

The average farm-to-first plant hauling cost for bulk tank milk is now 30 cents per hundredweight. The maximum recovery of such costs for milk used in Class I is 10 cents, which must be negotiated with the producer or his cooperative. Until recently, relatively few deductions were being authorized. The supply plant transfer costs are now averaging 12 cents per hundredweight. These costs are borne by the metropolitan area handler who receives such milk. The only offsetting factor is the 5-cent direct delivery differential applicable to nearby direct-ship milk. The average cost of hauling milk between plants is 55 cents per hundredweight for a 200-mile distance. The order establishes a difference in Class I prices for this distance of only 24 cents. (These various costs will be described in greater detail at a later point in the decision.)

Metropolitan area handlers must either absorb these various costs not recoverable from producers through the order or pass them on to consumers. To the extent that competitive conditions permit, handlers can be expected to resort to the latter procedure. This point, however, leads to the crux of the entire issue.

Because of differences in their procurement arrangements, not all Order 2 handlers in the major metropolitan area experience the same raw milk costs. Such costs are substantially less for those handlers using nearby direct-ship milk than for those using supply plant milk. The handlers using direct-ship milk thus are in a favored position in competing for sales outlets.

On the basis of cost data presented at the hearing, a comparison of the average cost of Class I milk to metropolitan area handlers from various sources may be made. For this purpose, the costs are expressed in terms of the Class I differential plus other costs, rather than in terms of the Class I price (i.e., the basic formula price for the second preceding month plus the Class I differential) plus other costs. The exclusion of the basic formula price does not affect the validity of the cost comparisons (for either intramarket or intermarket purposes) since this cost factor is the same for all handlers.

Table 1 sets forth an example of the different procurement costs incurred by certain handlers. The average differential cost to a New York City handler for Class I bulk tank milk obtained directly from farms in the 51–60 mile zone is $2.98 per hundredweight. This consists of the present Class I differential of $2.58 that is applicable at the township pricing points in that zone, a 35-cent farm-to-plant hauling cost, and the 5-cent direct delivery differential that the handler must pay to the producers. By comparison, the average differential cost for Class I milk obtained by a city handler from a supply plant located in the 201–210 mile zone is $3.37 per hundredweight. The cost make-up in this case includes a base zone Class I differential of $2.40, a farm-to-first plant hauling cost of 30 cents, a supply plant transfer cost of 12 cents, and a long-distance hauling cost of 55 cents. In either situation, the cost of such milk can be reduced by 10 cents per hundredweight if the maximum hauling deduction is authorized by producers.

TABLE 1.—*Examples of Procurement Costs Incurred by New York City Handlers for Class I Bulk Tank Milk Obtained from Selected Sources (excluding basic formula price)*

[In dollars per hundredweight]

	Direct-ship from 51–60 mile zone	Supply plant in 201–210 mile zone
Class I differential at zone	2.58	2.40
Farm-to-first plant hauling cost	.35	.30
Supply plant transfer cost		.12
Over-the-road hauling cost		.55
Direct delivery differential	.05	
Total cost	2.98	3.37
Authorized hauling deduction	−.10	−.10
Net cost	2.88	3.27

Handlers obtaining milk from locations in the market different from those shown in Table 1 are experiencing slightly different procurement costs. However, the examples portrayed in Table 1 are representative of the general cost situation being faced by city handlers.

Although this difference between the cost of direct-ship milk and supply plant milk supposedly would induce handlers to rely more on direct-ship milk, this generally has not been the case. This may be attributed to the fact that metropolitan area distributors must obtain substantial quantities of milk from distant production areas since nearby milk supplies are inadequate. It is not feasible in most cases to move milk directly from farms in the distant areas to metropolitan area plants without any reloading. Generally, the trucks that must be used for picking up bulk tank milk at the farms are too small for economical long-distance hauling. Also, haulers who assemble milk from farms are limited in the distance they can move the milk since their trucks must be available each day for picking up milk at farms. Since Order 2 handlers currently must pay most of the cost of assembling and transporting milk, it must be presumed that the handlers have been using the most economical procurement arrangements.

A comparable competitive problem exists for Order 2 handlers relative to Order 4 handlers in the Middle Atlantic market. A number of Order 4 handlers in the Philadelphia and southern New Jersey area distribute Class I milk in the northern New Jersey portion of the Order 2 market in competition with Order 2 metropolitan area handlers. The Order 4 Class I differential, which applies at the plant where the milk is first received, is $2.78 at Philadelphia. Handlers in the Philadelphia and South Jersey area also must pay producers a direct delivery differential of 6 cents. Thus, the differential cost of Class I milk under Order 4 for these handlers is $2.84 per hundredweight.

From the data in Table 1, it may be seen that the Order 2 metropolitan area handler using supply plant milk is in a relatively poor competitive posture in terms of his raw milk costs. Assuming that the 10-cent negotiable hauling deduction is being made, his milk cost is averaging 43 cents per hundredweight greater than the cost of milk for the Order 4 handlers. The Order 2 handler using direct-ship milk is in a much better position relative to Order 4 handlers, with the Order 2 cost averaging only 4 cents per hundredweight more. However, it should be noted that in terms of the class prices applicable at the two cities, which are about 100 miles apart, the Class I price at New York City is 14 cents lower than the Class I price at Philadelphia. Thus, the 4-cent cost difference, although appearing to be reasonably satisfactory, does not properly reflect the full cost difference that has been intended under the present pricing provisions.

Because of their lower raw milk costs, Order 4 handlers are in a position to establish lower resale prices for fluid milk than their competitors in the Order 2 market, particularly those metropolitan area handlers using supply plant milk. Thus, as in the intramarket competitive situation described earlier, Order 2 handlers using supply plant milk are, in this situation also, seriously disadvantaged in competing for fluid milk sales. As noted earlier, about 80 percent of the Class I milk used by Order 2 metropolitan area handlers is received from supply plants.

Although the record provides no specific data regarding hauling costs in the Order 4 market, it may be presumed that the increased costs experienced by haulers of milk in the Order 2 market have been experienced in the Middle Atlantic market as well. The inflationary trend in the economy that is associated with such increases has been a national phenomenon. However, handlers in the two markets have been affected in significantly different ways by these cost increases. This is because of the differences in the pricing arrangements and procurement methods in the two markets.

In the Order 4 market, producer milk is priced at the location of the plant where the milk is first received. Since most of the milk is moved to city processing plants directly from farms, most producers receive the city price for their milk. Under this pricing arrangement, however, the cost of getting the milk to the city is borne by the producers. Any increases in hauling costs likewise are absorbed by producers. Handlers' procurement costs are not affected by the hauling costs.

In the Order 2 market, the current pricing arrangement and the extensive reliance on supply plants have caused the burden of increased hauling costs to fall largely on handlers. The higher hauling costs have been reflected not in lower returns at the farm level, as in the case of the Order 4 market, but in higher costs for milk at the distribution center. As a result, Order 2 handlers in the metropolitan area are not able to compete on a comparable cost basis with handlers in the nearby Middle Atlantic market for Class I sales.

As already noted, there is substantial competition between Order 2 and Order 4 handlers for Class I sales in the North Jersey portion of the Order 2 market. This is a relatively heavily populated area located between New York City and Philadelphia. Total consumption of fluid milk products in this area in 1975 was estimated to be nearly 1.4 billion pounds, which was equivalent to 29 percent of the Order 2 Class I milk that year.

Data presented at the hearing indicate that handlers under other orders have substantially increased their Class I dispositions in North Jersey over the past several years. In 1969, such sales amounted to 194 million pounds. A preliminary estimate of such sales in 1975 was 349 million pounds, an increase of 79 percent. In 1975, such dispositions of fluid milk products by other order handlers comprised 25 percent of the estimated fluid milk consumption in North Jersey. This was up from 13 percent in 1969. It should be noted that total consumption in this area declined by 7.5 percent during this 1969–1975 period. Although the record does not indicate how many other orders were involved in these intermarket sales, data for 1973, 1974 and 1975 indicate that most of the other order sales were by Order 4 handlers. Because North Jersey adjoins the Middle Atlantic marketing area, it is reasonable to presume that most of the other order sales in this area in earlier years also were by such handlers.

This major shift of Class I sales in North Jersey from Order 2 handlers to Order 4 handlers cannot be attributed entirely to the rather significant advantage that Order 4 handlers have on their raw milk costs. Nevertheless, it is reasonable to conclude that this was a major contributing factor in the changing sales pattern for this area.

Although the increased hauling costs have been absorbed by handlers rather than producers, Order 2 producers nevertheless are having their returns reduced as a result of the shift in Class I sales in North Jersey to Order 4 handlers. This is because the lost sales mean less milk being used in Class I, which in turn results in lower blend prices.

The discussion on the need for order changes has been limited thus far to the impact of increased hauling costs on the cost of Class I milk. Because of the order's pricing system, the competitive position of those handlers processing Class II milk also is affected by the higher transportation costs. Although much less attention was focused on this issue at the hearing, handlers of Class II milk are always very much concerned that their cost of raw milk be comparable with that of competing processors. This is particularly important for processors of butter, nonfat dry milk and hard cheese. Such products are sold in a national market and the prices of these products are fairly uniform across the country. Thus, processors have little opportunity to pass on to the buyers of these products any procurement costs not generally experienced by all Class II processors.

Since most of the Class II milk is processed at country plants, the basic concern of handlers is the cost of moving Class II milk from the farms to these plants. Such cost is now averaging 30 cents per hundredweight. The order permits a maximum recovery from producers of 20 cents As indicated, handlers may negotiate hauling deductions of up to 10 cents per hundredweight on all bulk tank milk. In addition, handlers receive a 10-cent transportation credit form the pool on all receipts of bulk tank milk used in Class II. Based on average costs, Class II processors thus must absorb at least 10 cents of the farm-to-plant hauling costs.

In conclusion, the record amply demonstrates that the pricing provisions of the order are not in harmony with the current market situation. Such provisions do not reflect the differences in value that milk currently has to handlers at various locations and under various handling arrangements. The value that the order attaches to milk affects, of course, the degree to which Order 2 handlers are able to compete effectively with each other and with handlers regulated under other orders. Thus, revision of the Order 2 pricing provisions is essential if orderly and stable marketing conditions for handlers and producers in the New York-New Jersey market are to exist.

A cooperative association urged in its brief that a decision on the proposals under consideration be delayed to permit further study of the existing marketing problems. The cooperative's position was that the only guaranteed result of the proposals would be a reduction in the prices that producers receive for their milk. This would be adverse to producers, it was claimed, in view of spiraling milk production costs.

A similar delay was requested in its brief by a County Board of Agriculture, which expressed opposition to the proposals "until such time that further study and better proposals (may) be made so that the farmers' blend price is not lowered to subsidize the cost of milk handling" by cooperatives. It was also claimed that the hearing was called without farmers having adequate time to determine the effect of the proposals.

A decision in this proceeding should not be delayed pending further study of the issues and the development of other proposals. The record indicates that there are significant marketing problems that require amendments to the order. The record provides an adequate basis for the proposed amendments adopted herein and any further delay in their implementation would not carry out the purposes of the Act.

c. *Order modifications.* As outlined earlier, hearing witnesses supported two basic approaches to resolving the competitive problems of Order 2 handlers. One is the continuation of farm point pricing plus a number of changes in the order's transportation allowances. The other approach is the replacement of farm point pricing with plant pricing and a revision of the transportation differentials.

Farm point pricing has been used as the basis for pricing milk in the New York-New Jersey market since 1961. In the absence of a compelling need for the use of plant pricing, it appears reasonable to recognize the broad support by producers for farm point pricing. As noted, support for plant pricing was limited to several proprietary handlers. Therefore, it is concluded that milk received from producers should continue to be priced under the order at the township location of their farms.

The continued use of farm point pricing must be accompanied, however, with major changes in the order's pricing provisions if the present disparity in procurement costs for various metropolitan area handlers is to be minimized. In the Order 2 market, the recent increases in assembly and transportation costs have not been passed back to producers as in the Middle Atlantic market where milk is priced at the plant of first receipt. Thus, relative to the milk received by Order 4 handlers, the milk of Order 2 producers is over-priced in terms of its value to Order 2 handlers in the market's major metropolitan area. Also, within the Order 2 market, procurement costs for supply plant milk have increased much more than for milk received directly from farms. Such increases have been borne by the metropolitan area handlers.

Thus, relative to the direct-ship milk, supply plant milk is over-priced in terms of its value to Order 2 metropolitan area handlers. Accordingly, in recognition of both situations, the price of milk throughout the Order 2 milkshed should be reduced to reflect the decline in the value of such milk to handlers in the metropolitan area. The order changes considered necessary to implement this concept are discussed under the following subheadings.

Pool transportation credit and tank truck service charge. The current 10-cent per hundredweight pool transportation credit to handlers of Class II bulk tank milk should be replaced with a 15-cent pool credit on all farm bulk tank milk received by handlers. In addition, handlers should be permitted to negotiate with producers or their cooperatives a tank truck charge of up to 15 cents per hundredweight, rather than 10 cents as at present, with respect to any farm-to-first plant hauling costs not recovered through the pool transportation credit.

Under farm point pricing, handlers must have an opportunity to recover the farm-to-first plant hauling costs for bulk tank milk if they are to be competitive with handlers in other markets on their sales of Class I and Class II products. Presently, the recovery of such costs is limited to the 10-cent negotiable haul-

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ing deduction, plus or minus whatever difference there is between the class prices applicable at the farm (township) pricing point and the plant. In the case of Class II milk, handlers recover an additional 10 cents per hundredweight through a pool credit. Although these provisions were intended to provide handlers with sufficient flexibility in pricing to recove farm-to-first plant assembly and hauling costs, the record indicates that under current conditions handlers are not able to do so.

One of the proponent cooperatives presented data showing the average costs incurred by the cooperative in hauling bulk milk from members' farms to different types of plants during the 12-month period of November 1974 through October 1975. Since the major portion of this milk was hauled by contract haulers, the data reflect actual hauling charges paid by the cooperative to haulers. About 2.5 billion pounds of milk were hauled, which represented 27 percent of the total producer milk on the market during that period.

For the 12-month period, the cooperative's average cost for picking up farm bulk tank milk and delivering it to 7 country reload stations was 26 cents per hundredweight. The average cost for deliveries to the cooperative's 5 manufacturing plants was 29 cents. The average hauling cost for milk moved directly from farms to to 18 distributing plants of other handlers was 33 cents, while the cost for similar deliveries to 20 manufacturing plants of other handlers averaged 28 cents. The 12-month weighted average cost of hauling milk to all such plants was 29 cents. For the last four months of this 12-month period, the average monthly costs ranged from 29 to 31 cents per hundredweight.

Several proprietary handlers also presented data on farm-to-plant hauling costs. Such costs ranged from 22 cents to 70 cents per hundredweight, with most falling between 25 cents and 32 cents. These data reflect similar ranges of hauling costs for both handlers and the proponent cooperative.

It is readily apparent that under the present order provisions handlers are not able to recover all of their farm-to-first plant hauling costs. Although such costs vary among handlers, it is reasonable to conclude that such costs average, as proponents contend, about 30 cents per hundredweight. As indicated, the recovery of hauling costs is limited under the order essentially to 10 cents on Class I milk and 20 cents on Class II milk. Relatively limited amounts may be recovered through the transportation differentials if the milk is moved from farms in one price zone to plants in a higher price zone.

The order provisions should reflect the costs that handlers incur in assembling milk from farms and transporting it to the plant of first receipt. Accordingly, the cooperatives' proposed 15-cent pool credit on all receipts of farm bulk tank milk should be adopted. As noted, a pool credit is now applicable to bulk tank milk used in Class II. The application of this procedure to all bulk tank milk would merely extend a method for recovering hauling costs that appears to be operating satisfactorily in this market. This revised procedure will tend to place handlers in a more comparable competitive position relative to both their intramarket and intermarket sales.

The record does not indicate that a pool credit of 15 cents per hundredweight will result in handlers being over-compensated for hauling costs that they incur. Minimum farm-to-first plant hauling costs were described as being at least this amount. The hauling cost data referred to earlier indicate that charges to the cooperative by contract haulers in October 1975, a month for which detailed data were presented, were not less than 17 cents per hundredweight. There may be an occasion, of course, where a handler, in order to hold his milk supply, may not wish to pass his hauling costs back to his producers. Although the pool credit would still apply, there would be nothing to preclude a handler from making off-setting over-order payments to his producers.

As envisioned by the proponent producer groups, the transportation credit on bulk tank milk would be applied in such a way that it would result in a lower blend price not only for bulk tank shippers but for can shippers as well. Although the present pool credit on Class II bulk tank milk is applied in this manner, this procedure should not be used under the pricing changes adopted herein. Can shippers, whose milk is priced at the plant to which it is delivered, normally pay the farm-to-plant hauling costs themselves. When their blend price is reduced because of the pool transportation credit, they in effect are also paying a portion of the farm-to-plant hauling costs on bulk tank milk as well. Since only about 3 percent of the Order 2 producer milk is now shipped in cans, about 14.5 cents of the 15-cent transportation credit would, under the cooperatives' proposal, be passed back to bulk tank shippers through the lower blend price. Nevertheless, the can shippers would experience the same 14.5-cent blend price reduction. Although the record reflects a view that can shippers should subsidize the cost of getting bulk tank milk from farms to plants, the record does not provide a reasonable basis for this position.

Most handlers will incur farm-to-first plant hauling costs in excess of the 15 cents that they would recover through the transportation credit on bulk tank milk. As indicated, the average cost is 30 cents per hundredweight. Handlers need to have the opportunity to recover at least some of these additional costs if the milk is to be competitive in the marketplace. Thus, they should be permitted to negotiate with a producer or his cooperative a tank truck service charge of up to 15 cents per hundredweight with respect to any farm-to-plant hauling costs not recovered through the 15-cent pool credit.

Numerous factors affect the cost of farm-to-plant hauling. These include the distance involved, terrain, types and condition of roads, weight limits on roads and bridges, volume of milk picked up at each farm, and size of tank truck used (often a function of the other factors). Thus, it is in the interest of both handlers and producers that the order provide some flexibility in pricing arrangements that reflects the varying conditions that affect the cost of collecting and hauling milk from farms to plants. Because of the relatively higher assembly costs involved, small producers, or those in somewhat isolated locations, for example, may find it necessary to authorize hauling deductions in order to be assured of continued tank truck service. Others may find handlers willing to absorb some of the farm-to-plant hauling in order to maintain conveniently located sources of supply. Such flexibility is provided in the present order provisions and should be continued.

The negotiable hauling deduction should be limited to 15 cents per hundredweight rather than 25 cents as proposed by cooperatives. In some cases, of course, farm-to-plant hauling costs will exceed the 30 cents that handlers would be permitted to recover through the pool credit and negotiable hauling deduction. However, the imposed limit recognizes that handlers can recover part of the hauling cost through the difference in zone prices when milk is procured from locations more distant from the city than their plant. Also, the limit will tend to encourage handlers to move milk as efficiently as possible.

A brief from certain handlers requested the elimination of the order provision that allows a cooperative to authorize hauling deductions on behalf of its members. The handlers contended that the intent of the hearing proposals is to provide more comparable procurement costs among competing handlers, which would be achieved in part by permitting handlers to negotiate with producers to recover a portion of the hauling cost. The handlers indicated that this goal would not necessarily be achieved if cooperatives can act on behalf of their members and thus, as an organization, preclude the recovery of hauling costs by handlers that producers acting individually might be willing to authorize.

This request, although related to the issues under consideration, goes somewhat beyond the scope of the evidence presented on the basic issues. Any order change of this nature should be based on testimony directly related to this point. Accordingly, the request is denied.

Transportation differentials and Class I price differential. The transportation differential rate of 1.2 cents per hundredweight for each 10 miles that is now used to adjust the Class I and uniform prices for location should be increased to 1.5 cents for each 10-mile zone more distant than the 201–210 mile zone and to 1.8 cents for each 10-mile zone less distant than the 201–210 mile zone. Also, the present Class I differential of $2.40 that is applicable at the 201–210 mile zone should be reduced to $2.25.

The combination of the pool transportation credit and tank truck service charge in itself will not place metropolitan area handlers in a comparable position with Order 4 handlers relative to their cost of Class I milk. As indicated, most of the milk in the Middle Atlantic market moves directly from farms to the city distributing plants, with producers paying the hauling costs. In the Order 2 market, about 80 percent of the milk received by the metropolitan area handlers for fluid use moves through supply plants. The costs of transferring this milk at supply plants and hauling it to the metropolitan area are borne by the distributors. Thus, comparable procurement costs for Order 2 and Order 4 handlers are possible only if the differences between the Class I prices at supply plants and at the distributing plants reflect the full cost of obtaining supply plant milk. Presently, such price differences under the order fall considerably short of this.

The proponent cooperative that presented data on farm-to-plant hauling costs also submitted data regarding its cost experience for 7 country reload stations which it operated. During the 12-month period of November 1974 through October 1975, over 597 million pounds of farm bulk tank milk were received at these stations and reloaded onto over-the-road tankers for shipment to other plants. No milk was received in cans, nor was there any milk processing at such facilities. The average operating costs at the individual plants ranged from 8.5 cents (84.6 million pounds of receipts) to 21 cents (60.3 million pounds) for this period. For all plants, the weighted average cost was 12 cents per hundredweight. Thus, on this basis, it is presumed that metropolitan area handlers must pay an average of 12 cents per hundredweight on supply plant milk to cover the cost of operating the transfer facilities.

The same cooperative also presented data regarding long-distance hauling rates that were applicable to interplant movements of milk. The hauling rates were those being charged by a major commercial hauler for transporting milk from 14 country plants to distributing plants in Queens, Nassau, Suffolk and Westchester Counties in New York State. The country plant locations varied from the 151–160 mile zone to the 391–400 mile zone. The rates were applicable to minimum loads of 49,000 pounds of milk. The cooperative's witness indicated that from time to time the cooperative had used the hauler's services for moving milk to the metropolitan area from these various country locations. Also, the witness indicated that the cooperative applied the same rates to milk which it moved in its own trucks.

An analysis of the hauling data indicates that "fixed" costs associated with long-distance shipments are 19 cents per hundredweight. The rates reflect a "variable" cost of 1.8 cents per hundredweight per 10 miles, or 36 cents for 200 miles. Thus, the total transportation cost for 200-mile shipments from the 201–210 mile zone to distributing plants in the major metropolitan area, for example, would be 55 cents per hundredweight (19 cents plus 36 cents).

A spokesman for several cooperative associations maintained at the hearing and in their brief that no change should be made in the transportation differential rate on the basis of data presented in this proceeding. The witness claimed that the hauling rates submitted as evidence were not representative of actual rates paid by most handlers in this market. However, the witness did not provide any detailed hauling cost data to substantiate his position. Several handler witnesses testified that the hauling cost data appeared to be reasonable. Since these were the only comprehensive hauling cost data presented at the hearing, they must be viewed as the best evidence available in considering whether a change in the transportation differentials is needed.

In view of the variable cost reflected in the hauling rates being charged for long-distance milk shipments, the present 1.2-cent transportation differential rate should be increased. For those zones less distant from the city than the 201–210 mile base zone, the rate should be increased to 1.8 cents, which is the full variable cost. For the more distant zones, the rate should be limited to 1.5 cents, which is the rate commonly used under other Federal orders.

Historically, the Upper Midwest has been the major source of supplemental milk supplies for many of the markets throughout the United States. To reflect the variable cost of moving such milk to distant markets, Class I prices in Federal order markets gradually increase the more distant the markets are from the Upper Midwest. Such gradation of prices may be noted, for example, as one moves from the Upper Midwest to markets (including the Order 2 market) in the northeastern part of the country. The gradation of prices reflects to a large degree a transportation rate of 1.5 cents per hundredweight per 10 miles. The adoption of this rate for at least the outer portion of the Order 2 milkshed would tend to provide a further coordination of Class I prices on a geographical basis.

With respect to the inner zones of the Order 2 market, however, a 1.8-cent transportation rate should be established in recognition of the pricing problems that are peculiar to this market and which are of particular concern in this proceeding. As indicated, the basic thrust of the proposals under consideration is the establishment of a Class I price structure under the order that will permit milk distributors in the major metropolitan area of the market to be competitive with distributors in the nearby Middle Atlantic market. Much of the milk obtained by these Order 2 handlers originates in those production areas between New York City and the 201–210 mile zone, the base price zone for the market. For this milk to be competitive with Order 4 milk, the cost of transporting such milk to the market outlets must be adequately reflected in the Order 2 price structure. As noted, the variable cost for hauling milk in this market is 1.8 cents per 10 miles. Reflection of this full amount in the order's transportation differentials for the inner pricing zones is needed in conjunction with other changes in the order's pricing provisions to overcome the severe competitive problems being experienced by certain Order 2 handlers.

Because of the geographic location of the area in which the 1.8-cent transportation differential rate would apply, the use of this rate, versus the 1.5-cent rate, should not result in problems of price alignment between markets, as might be the case if this rate were adopted for other markets. Only two markets are adjacent to the inner zones of the Order 2 market—Middle Atlantic and New England. As indicated, the 1.8-cent rate is being adopted to provide a better alignment of Class I prices between the Middle Atlantic and New York-New Jersey markets. In the New England market, the applicable location adjustments for the inner zones of that market are in effect providing handlers a transportation rate on supply plant milk of 2 cents per 10 miles. Since there are no other markets further east of the Order 2 market, this eliminates any concern for price coordination in that direction.

Increasing the transportation differential rate of 1.8 cents will not in itself permit metropolitan area handlers to recover all of the procurement costs associated with supply plant milk. As indicated, there are the fixed costs for long-distance shipments, which are now 19 cents per hundredweight. Also, there is the cost of transferring milk at supply plants, which is now averaging 12 cents per hundredweight. Historically, these additional costs have not been reflected in the order's price structure. Nevertheless, they have a direct bearing on the metropolitan area handler's ability to be competitive in terms of his Class I procurement costs with handlers in the Middle Atlantic market, as well as Order 2 handlers receiving direct-ship milk, who are not experiencing such costs. It is necessary, then, that recognition be given to these costs. This should be done by lowering the Class I price differential at the 201–210 mile zone from $2.40 to $2.25.

The Class I price structure and transportation allowances under Order 2 should be such that the average cost of Class I milk to metropolitan area handlers does not exceed the approximate cost of Class I milk sold in the Order 2 North Jersey area by handlers under the Middle Atlantic order. As noted earlier, distributors in the Philadelphia-South Jersey area must pay a Class I differential of $2.78 plus a 6-cent direct delivery differential on milk received directly from producers' farms, or a total of $2.84. In addition, there is the cost of moving packaged products from Order 4 plants into the North Jersey area, although this is limited in some cases since there is relatively little distance between a number of Order 2 distributing plants in North Jersey and several Order 4 plants in South Jersey and southeastern Pennsylvania. In fact, one Order 4 distributing plant is located at Flemington,

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New Jersey, which is in the Order 2 marketing area and only a few miles from several Order 2 plants.* While it might be reasonable to use the Order 4 differential cost of $2.84 for intermarket price comparisons, it is concluded that this amount should be increased to $2.92 to reflect some additional costs that Order 4 handlers would experience in moving packaged milk into the North Jersey area.

Unless the base zone Class I differential is lowered, the cost of supply plant milk to Order 2 handlers in the major metropolitan area will continue to exceed the cost of Order 4 milk. If the base zone differential were maintained at $2.40, the transportation differential rate of 1.8 cents per 10 miles would result in a Class I differential at the 1–10 mile zone of $2.76. To this must be added the fixed hauling cost of 19 cents and the supply plant transfer cost of 12 cents, which totals $3.07. This is 15 cents higher than the approximate Order 4 differential cost of $2.92 against which Order 2 handlers are generally competing.

It might be argued by producers who obviously will be concerned about the impact of such a price reduction on their returns that the estimated Order 4 cost of $2.92 is too low and that a lesser reduction in the Order 2 Class I differential is needed to overcome the competitive problem at issue. On the other hand, handlers could argue that the present 14-cent difference in Class I prices at New York City and Philadelphia (in favor of Order 2 handlers) should be reflected in the new price structure. To have supply plant milk obtained from the 201–210 mile base zone cost no more to handlers than the present $2.64 Class I differential at New York City, the base zone differential would have to be reduced to $1.97. A price reduction of this magnitude would have, of course, a severe impact on the returns to Order 2 producers. It is concluded that although the 15-cent reduction adopted herein will not maintain the present intermarket price relationship reflected in the present Order 2 and Order 4 Class I pricing provisions, it will permit Order 2 handlers to be competitive with Order 4 handlers in the North Jersey area. At the same time, the 15-cent reduction can be considered as having only a moderate impact on producers relative to the seriousness of the loss of Class I sales that is the central theme of this proceeding.

Rather than using a Class I price reduction as a means for the recovery of transportation costs by handlers the proponent producer groups urged that a "metropolitan transfer credit" be adopted. Under their proposal, handlers would receive a 25-cent per hundredweight credit on receipts of Class I milk originating beyond the 1–140 mile zone and transferred in bulk, either directly from farms or from plants, to plants located within the 1–65 mile zone. The credit would be limited to 19 cents if the transportation differential rate were set at 1.8 cents per 10 miles rather than at 1.5 cents, the rate on which the proposed 25-cent credit was based. The intent of the credit was to enable metropolitan area handlers to recover the "fixed" hauling costs and any "variable" hauling costs not reflected in the transportation differential rate.

The metropolitan transfer credit was proposed in recognition of the fact that the order pricing does not reflect the current differences in value that milk has to handlers at various locations. Because of the increased transportation costs, the value of milk in the more distant production areas of the milkshed relative to its value at the major consumption center is less now than previously. Although the metropolitan transfer credit would reflect this decrease in value of distant milk in prices paid by handlers, the order prices payable to the distant producers would not be reduced to the same extent. This is because the credit to handlers, through the mechanism of pooling, would result in all producers in the market, and not just the distant producers, sharing equally the cost of moving distant milk supplies to the metropolitan area. Thus, the returns to the distant producers would not be lowered as much as is warranted by the actual difference in location values. The Class I price reduction, on the other hand, would impact fully on the distant producers. Accordingly, this is the preferable means for reflecting the lower value of distant milk in the returns of distant producers.

Direct delivery differential. A direct delivery differential of 15 cents per hundredweight should be paid to all producers whose farms are located in the 1–70 mile zone.

Under the Class I price structure adopted herein, the Class I differential at the 1–10 mile zone would be $2.61. Handlers in the 1–10 mile zone who receive bulk tank milk directly from farms should be able under the provisions adopted herein to obtain such milk at not more than this differential cost. If the cost of hauling such milk from the 51–60 mile zone, for example, were 35 cents, as the record suggests, the handler would recover 15 cents of this cost through the pool transportation credit. Another 9 cents would be recovered through the transportation differential. The remaining 11 cents of the 35-cent cost could be recovered by negotiating a hauling deduction with the producer or his cooperative. Similar cost portrayals could be set forth for other near-in zones from which direct-ship milk is received by city handlers. However, it is reasonable to presume under these assumptions that the cost of such milk at plants in the 1–10 mile zone would approximate the $2.61 differential cost.

Under the adopted pricing arrangement, the differential cost of supply plant milk at city plants would average $2.92 per hundredweight. This would mean a 31-cent difference between the $2.92 cost of supply plant milk and the $2.61 cost of direct-ship milk at the city. The 31-cent difference represents the 19-cent fixed hauling cost on long-distance shipments and the 12-cent supply plant transfer cost. This difference suggests that direct-ship milk would be worth up to 31 cents per hundredweight more to city handlers than the adopted city Class I differential of $2.61. Accordingly, the present 5-cent direct delivery differential would not adequately reflect the additional value that direct-ship milk from nearby areas would have to city handlers under the new price structure relative to alternative milk supplies from distant supply plants.

The economic value of milk that metropolitan area handlers receive directly from producers is determined in part by the cost of alternative supplies. Only relatively limited quantities of milk are available to metropolitan area handlers on a direct-ship basis. Most of the Class I milk needed by such handlers must be obtained from distant supply plants. The procurement costs for such milk, however, are substantially higher than for nearby direct-ship milk, which enhances the value of the direct-ship milk. By making their milk available to the metropolitan area handlers, the nearby direct-ship producers are providing these handlers with an economic service of benefit to the handlers, since the handlers otherwise would have to incur the additional procurement costs associated with alternative milk supplies from supply plants. The direct-ship producers should be compensated for this service.

Although the direct-ship milk may have greater value to metropolitan area handlers, the increase in the present direct delivery differential should be limited to 15 cents per hundredweight for two basic reasons. First, the direct delivery differential would apply, as now, to all direct-ship milk used in Class II as well as to that used in Class I. Through the transportation differentials for Class II milk, the order already fixes for the Class II price at plants in the 1–10 mile zone 8 cents higher than at the 201–210 mile zone. With the 15-cent direct delivery differential, the cost of Class II milk at New York City would be 23 cents per hundredweight over the base zone Class II price. Actually, relatively little milk is used in Class II at the city distributing plants. Nevertheless, in increasing the direct delivery differential, its impact on a handler's Class II milk cost should be recognized.

A second consideration is the general tendency for handlers not to negotiate any hauling deductions with producers located in those production areas near the major metropolitan area. There has been a gradual shift of producers in these areas from the Order 2 market to the nearby New England and Middle Atlantic Federal order markets. To hold their local supplies, Order 2 handlers have been reluctant to seek authorized hauling deductions from the near-in producers. Because the blend prices in these neighboring markets can be expected to remain attractive to such producers, it is questionable whether handlers will negotiate any hauling deductions on direct-ship milk. This, of course, would offset some of the cost advantage that direct-ship milk might otherwise have relative to supply plant milk.

The direct delivery differential should continue to be applicable only to producers located in the 1–70 mile zone, rather than to producers in the 1–110 mile zone as was proposed. In March 1975, the only month for which such data are available in the record, all of the Class I producer milk originating on farms in the 1–70 mile zone was direct-shipped to plants located in this zone. With respect to the more distant zones, at least some of the Class I milk originating in these zones and moved to metropolitan area plants was reloaded. For the 71–80 mile zone, the amount was very limited—only 1 percent of the total Class I milk originating in that zone. With respect to the 81–90, 91–100, and 101–110 mile zones, however, the amounts of Class I milk reloaded for shipment to plants in the 1–70 mile zone ranged from 27 to 29 percent of the total Class I milk originating in each of these zones.

Under the current handling arrangements, an extension of the direct delivery differential zone would mean that the differential would be applicable not only to direct-ship milk, as intended, but also to milk that is reloaded before being delivered to metropolitan area plants. A handler could not afford to pay both the supply plant transfer cost and the direct delivery differential on the same milk. As long as the direct delivery differential is applied on the basis of where a producer's farm is located rather than on the basis of the milk actually being delivered directly from the farm to the plant, it is not feasible to extend the application of the differential as was proposed.

Upstate fluid differential. A proposed "upstate fluid differential" of 10 cents per hundredweight to be applicable to Class I milk received at distributing plants located outside the 1–65 mile zone from farms beyond the 1–110 mile zone should not be adopted.

This proposal was intended to provide a certain cost relationship between distributing plants in upstate New York and distributing plants in the major metropolitan area for milk received at these plants for Class I use. It was pointed out that most upstate distributing plants receive milk directly from farms, thereby avoiding reloading costs that are incurred by the metropolitan area handlers who receive milk from supply plants. Proponents contended that the additional 10-cent charge to the upstate handlers would tend to equalize procurement costs among competing handlers. The extra 10 cents charged such upstate handlers would be pooled, which would result in a slightly higher uniform price to all producers in the market.

Although the thrust of the order changes adopted herein is to more nearly equate the procurement costs of competing handlers, the proposed 10-cent charge would go beyond what is necessary to meet the competitive problems portrayed on this record. Moreover, the proposal gives no consideration to the present adequacy of milk supplies at distributing plants in upstate New York. Although the Class I price would be lowered throughout the milkshed under the proposals adopted herein, there is no indication that any offsetting increase in the Class I price at such plants is necessary to attract adequate milk supplies to these plants for fluid use.

2. *Changes in certain classification provisions.* Cooperatives and proprietary handlers proposed several changes in the provisions that set forth the manner in which milk shall be classified. The specific changes are discussed under the following subheadings.

a. *Classification of milk moved between Order 2 pool plants and plants regulated under an order administered solely by the State of New York.* A proposal to classify transfers of milk between an Order 2 pool plant and a plant regulated under a New York State order in the same manner as transfers between an Order 2 plant and a plant under another Federal order should not be adopted.

A handler organization proposed that milk moved between a plant regulated under the New York-New Jersey order and a plant regulated under a New York State order (other than the State counterpart of Federal Order 2) be accorded the same regulatory treatment now provided under Order 2 for milk moving between federally-regulated markets. Thus, the classification of milk transferred by an Order 2 handler to a plant regulated under a State order would be determined by the classification established for such milk under the State regulations. Packaged milk that is classified in Class I as defined under the State regulations could be transferred to an Order 2 plant without the receiving handler incurring any obligation under Order 2 on such milk. Receipts of bulk milk at the Order 2 plant would be classified pro rata to the plant's utilization unless a Class II classification were requested by both plant operators.

The witness for the proponent handlers indicated that the proposal was prompted by the experience of an Order 2 handler who also operates a plant in Rochester, New York, that is regulated under a separate State order. According to the witness, the Rochester plant has both a fluid milk operation and a manufacturing operation. Bulk milk pooled under Order 2 is moved to the Rochester plant for manufacturing. At the same time, the handler moves a very limited quantity of packaged fluid milk products from the Rochester plant to an Order 2 pool plant for the latter plant's employees.

The witness indicated that the State regulations require that fluid milk sales in the marketing area defined by the State order be assigned first to milk of qualified dairy farmers who supply the fluid needs of that market. He stated that under the terms of Order 2, however, bulk milk transfers to the Rochester plant, although intended for manufacturing, are assigned to both Class I and Class II. This, he pointed out, results in the handler being charged twice for a portion of his fluid milk sales, i.e., once under the State order and again under the Federal order. The witness further stated that the packaged milk moved from the Rochester plant to the Order 2 plant is Class I under the State order but is prorated to Class I and Class II under the provisions of Order 2. He contended that the Federal order thus imposes a penalty on milk moved between plants regulated under a separate New York State order and plants regulated under Federal Order 2.

Although there was no opposition testimony concerning the proposal, its adoption was opposed in a brief submitted by two cooperatives. They expressed the view that the proposed change could result in a surplus classification for Order 2 milk that actually was shipped to a State regulated plant for fluid use. The cooperatives suggested that a more appropriate solution would be the amendment of the State order if some relief is considered necessary.

According the same regulatory treatment for milk movements between the Order 2 market and a State order market as is provided for milk movements between federally-regulated markets would imply that the State order is comparable with Order 2 in its regulatory effectiveness. This is not the case. Not only are the provisions of the State orders significantly different from those of Order 2 but the State orders cannot be effective in pricing milk received from out-of-state sources, since the State of New York has no pricing authority relative to such milk. Regulation of plants under the New York statutes therefore provides no assurance that the classification and pricing of milk received at such plants are compatible with the provisions of the New York-New Jersey order.

b. *Classification of bulk milk received from other order plants.* Bulk milk received at an Order 2 pool plant from a plant regulated under another Federal order, if not classified as Class II milk by agreement, should be classified pro rata to the marketwide utilization of producer milk or the handler's total utilization, whichever results in the greater Class II classification. The classification of such receipts should be limited however, so that the quantity of milk assigned to Class II is not greater than the receiving handler's Class II use.

Such receipts are now classified pro rata to the utilization in each class at the plant where the milk was received.

The classification procedure adopted herein for receipts of other order milk was proposed by a number of cooperatives, although they urged that certain modifications be included. Certain cooperatives proposed that when prorating the other order milk the utilization of the receiving plant, rather than the receiving handler's total utilization in his system, he used whenever this would result in more of the milk being assigned to Class II. The other cooperatives suggested that the allocation of other order bulk milk

* Official notice is taken of the list of pool handlers regulated under the Middle Atlantic order in December 1975, which was released to the industry on January 13, 1976, by the Market Administrator of that order.

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to the receiving handler's utilization be carried out at an earlier point in the allocation procedure.

In supporting the proposals, spokesmen for proponents pointed out that other order bulk milk received at a Class I distributing plant operated by a multiple-plant handler is now assigned primarily to Class I, even if the handler's other pool plants are mainly Class II operations. This procedure, they asserted, gives the other order milk a priority claim on the handler's Class I use and results in more milk from local producers being assigned to Class II. According to the spokesmen, the intent of the proposals is to encourage handlers to use pool milk for fluid use and to minimize any displacement of local milk in Class I with other order milk. Witnesses contended, however, that the proposals would not prevent or impede interorder milk movements when additional milk is needed for fluid use. They also pointed out that the proposed classification conforms with the procedure followed under virtually all other Federal orders.

Receipts of other order bulk milk not assigned to Class II use by agreement presently are assigned pro rata to the utilization in each class at the Order 2 plant where the milk is received. Thus, in the case of a handler who, for example, operates a pool distributing plant and a pool plant at which the utilization is largely Class II, receipts of other order bulk milk at the distributing plant are assigned largely to Class I. At the same time, pool milk received from local producers at the handler's other pool plant is assigned largely to Class II. Although the handler's total operation utilizes milk from both local and other order producers, the economic burden of the handler's lower-valued reserve milk supplies is borne by the local producers. Thus, an equitable sharing of Class I and Class II utilization among the handler's supply sources is not achieved.

The provisions for dealing with interorder bulk shipments should be ones which assign a proportion of the Class I and Class II utilization of the receiving handler between the local producers and the other order producers in a way that accords recognition to each group's interest in, and contribution to, such utilization. As provided under other orders, interorder bulk milk shipments should share in the utilization of Order 2 handlers basically to the same extent that Order 2 producers share in the market's Class I and Class II utilization. Accordingly, the classification of bulk milk received from other order plants by handlers receiving both local and other order supplies should be determined by assigning the marketwide utilization to such milk, unless a Class II classification is requested. This would mean that when a handler calls upon another order market to furnish a part of his total supply his local producer milk would not be assigned the lower surplus return until the milk from the shipping market has been assigned a Class II utilization equal to the marketwide utilization of Class II milk in the receiving market.

The limit placed on the quantity of other order milk assigned to Class II (i.e., the actual quantity utilized as Class II by the receiving handler) assures that the order provisions themselves will not assess the handler an additional cost related to the assignment to Class II of milk in excess of a handler's own utilization in that class. It assures also that producers in the shipping market will have their milk classified as Class II milk in no greater quantity than that actually utilized by the handler to whom the milk was transferred.

The order should not provide for marketwide proration of bulk milk received from another order plant when the receiving handler has a greater proportion of milk in Class II than the average in the receiving market. Instead, such milk should be classified pro rata to the handler's total utilization in each class. Marketwide proration of receipts of milk from other markets is designed to deal primarily with milk received by a handler who is supplementing his local supply for Class I use. In the case of a handler with a higher proportion of milk in Class II than the market average, marketwide proration would tend to encourage unduly and uneconomically the importation of milk because it would assign a disproportionate share of the milk of local producers to Class II.

Other order milk may be imported by a handler who operates just a single plant. In such cases, the milk would be assigned to the particular plant's utilization within the limits described above. In other cases, however, the milk may be received at the distributing plant of a multiple-plant handler. The Class I utilization at such plant is likely to be higher than the average Class I utilization at all of his pool plants. It is possible that the handler would have supplies at his other pool plants which would be in lower-priced uses than the milk brought in from other regulated markets. If the milk imported by a multiple-plant handler is assigned in this case only to the receiving plant's utilization, such assignment could reduce the handler's percentage of producer milk in Class I in his system to a greater extent than if the assignment were applied over the whole system.

Assigning bulk receipts from other order plants to the handler's system utilization will prevent a handler with more than one pool plant from discriminating against either his own producers or those supplying the other Federal order market by importing milk not filling a bona fide need for Class I use. The order should provide, therefore, that receipts of interorder bulk milk be prorated to the combined utilization of milk at all of the handler's pool plants in the receiving market.

At the hearing, producer groups proposed that the utilization of the receiving plant be used in those cases where this would result in a greater Class II classification of the other order milk than if the utilization of the handler's system were used. Their spokesman indicated that this procedure would generally preclude such milk from sharing in the receiving handler's Class I utilization at other plants when the milk is received at the handler's manufacturing plant for Class II use but a Class II classification is not requested by the receiving and shipping handlers.

This procedure should not be adopted. The order provides that a Class II classification may be requested by the two handlers involved when bulk milk is shipped from one market to another for surplus disposal. This arrangement facilitates the disposal of surplus milk through outlets in another market without disrupting intermarket blend price relationships. It is expected that when milk is received at an Order 2 plant for manufacturing the handlers will request the lower classification for the milk. In the absence of such request, it must be assumed that the Order 2 handler is supplementing his local supply for his Class I operation. In this case, the classification of the other order milk should reflect the handler's reliance on both local and other order producers for milk for fluid use.

In order to implement the procedure adopted herein for classifying other order bulk milk on the basis of the combined utilization at all of the handler's pool plants, it is necessary to modify the procedure for allocating a handler's milk receipts to his utilization. The changes establish a procedure whereby the milk from other order plants will be classified on the basis of the handler's total system, but will be assigned to classes at the pool plant of actual receipt. Under this procedure, a situation may arise where the quantity of other source milk to be subtracted from a specific class (as determined from receipts and utilization in his entire system) exceeds the utilization remaining in that class at the plant of actual receipt. In this case, an accounting technique is used for increasing the utilization in such class at the plant of actual receipt and making a corresponding reduction in the same class at one or more of his other pool plants in his system. Since such exchanges of utilization will be made in corresponding amounts as between plants, this technique will not change the amount of milk to be accounted for at each plant or the classification of milk within the handler's entire system. The order should specify that such utilization shifts be made first at the other pool plant of the handler located nearest to the plant of actual receipt, and then in sequence at each successively more distant pool plant of the handler.

The present sequence for allocating receipts from various sources to a handler's utilization should not be changed. A spokesman for several cooperatives asked that the allocation procedure be reviewed to determine whether the pro rata classification of other order bulk milk should be moved forward in the allocation sequence. The cooperatives' position was that such a shift, if appropriate, would increase the availability of Class II utilization for assignment to receipts of other order milk.

If other order milk were prorated earlier in the allocation sequence, some receipts from unregulated sources necessarily would be classified later in the sequence. Thus, receipts of other order milk would be assigned to Class II utilization before such receipts from unregulated sources. This could result in a greater quantity of unregulated milk being assigned to Class I uses than otherwise, and a corresponding increase in the handler's pool obligation. Such a change would not be appropriate on the basis of this record and should not be made.

As indicated, the marketwide utilization of producer milk for the Order 2 market will be one of the bases for classifying bulk milk received from other Federal order markets. However, the actual marketwide utilization for the month in which the milk is received cannot be determined until the other order milk is classified. This cannot be done until the marketwide utilization is known. To overcome this problem, the order should provide for the use of an estimated marketwide utilization. The estimate should be announced by the market administrator and should be final for this purpose.

c. *Classification of milk dumped, disposed of for animal feed, or lost under extraordinary circumstances.* Fluid milk products that a handler dumps, disposes of for animal feed, or loses due to extraordinary circumstances beyond his control should be classified as Class II milk.

Presently, such types of disposition are considered as part of a pool plant's shrinkage of milk. Under the current provisions, shrinkage is prorated to the plant's utilization in each class, except that the Class II assignment is limited to 2 percent of the plant's actual Class II use. Thus, the classification of these several types of disposition varies according to the type of plant operation involved.

A handler organization proposed that fluid milk products dumped or discarded, or destroyed or lost under extraordinary circumstances, be specified as Class II milk. The organization's spokesman indicated that a handler may dump milk because it is unsuitable for disposition as a fluid milk product. He cited instances where entire truck loads of milk have been dumped because strong odors or high acidity rendered the milk useless for fluid purposes. He pointed out that occasionally a manufacturing outlet can be located to take such milk, but that quite often outlets are not available or they may be so distant that such disposition is not economically feasible. With respect to milk destroyed or lost under extraordinary circumstances, the witness indicated that a Class II classification should be provided to cover situations where milk is destroyed through accidental contamination or is lost in a truck accident.

Classifying dumped milk in Class II was supported by another handler. The handler's witness pointed out that handlers ordinarily experience some spoilage in fluid milk products, particularly in the case of route returns. The witness stated that handlers must either dump such milk or dispose of it as animal feed, and urged that such disposition be priced as Class II milk. He claimed that such classification is justified because the handler receives virtually no monetary return for such milk. The witness also supported, on the same basis, a Class II classification for milk destroyed or lost under extraordinary circumstances, such as vehicular accidents, fire, flood, or similar catastrophic occurrenes.

A number of cooperatives in the market opposed the classification changes urged by handlers. It was their position that dumpage and losses due to extraordinary circumstances are business risks and should be absorbed by the handler. They contended that milk lost under extraordinary circumstances should not be classified as Class II milk since handlers customarily insure against such losses.

"Shrinkage" should be considered as a disappearance of milk that cannot be acounted for in a handler's operations. When a handler finds it necessary to dump fluid milk products or dispose of fluid milk products for animal feed, it is possible to establish that such disposition actually occurred. Also, to the extent determinable from records, milk that is lost or destroyed can represent a known disposition. In these cases, the milk involved can be accounted for and should not be included with shrinkage as milk for which no disposition can be established. Moreover, since the handler receives virtually no return from such disposition, the handler's obligation under the order for such milk should be limited to the lowest class price under the order, which is the Class II price. Although the loss may be insured, it is reasonable to presume that any indemnification would be commensurate with whatever value is established for the milk under the order.

It is important that the market administrator have an opportunity to verify all dispositions of milk claimed by a handler. In the case of fluid milk products disposed of for animal feed, handlers should keep records suitable for the market administrator to determine that such dispositions actually occurred. When milk is dumped, however, the market administrator cannot later determine with certainty the quantities involved through examination of handler records. Therefore, it will be necessary for the handler to provide the market administrator advance notice and opportunity to verify milk dumpages, as prescribed by the market administrator.

Milke destroyed or lost under extraordinary circumstances completely beyond the handler's control should be Class II milk to the extent that the quantity involved can be established from handler records satisfactory to the market administrator. Such Class II milk should include milk destroyed or lost as a result of such things as vehicular accidents, fire or floods. In such circumstances, it is impossible to provide advance notice to the market administrator. However, the quantities of fluid milk products involved can generally be established in a reasonable manner. The quantities of milk lost in a truck accident, for example, can frequently be verified from shipping invoices or from farm pickup records.

It is not intended that this provision shall be applicable to milk lost through faulty pipe connections, open or leaking valves, broken hoses, contamination and similar accidents that must be considered normal business hazards. Milk lost in such manner is part of the normal shrinkage experienced in any milk operation and such losses are adequately provided for under the shrinkage provisions.

At the hearing, proponent's witness indicated his intent that milk contaminated with antibiotics be considered as destroyed or lost under extraordinary circumstances. In the event such milk could not be otherwise disposed of, the dumpage provisions adopted herein should accommodate the disposition of such milk.

4. *Charges on overdue accounts.* The order should provide for the application of a late-payment charge of 1 percent per month on handler obligations to the market administrator that are overdue. Such obligations would be those due the producer settlement fund and the administrative expense fund, both of which are maintained by the market administrator. Any such unpaid obligation should be increased by 1 percent on the first day after the due date of the obligation and on the same day of each succeeding month until the obligation is paid.

The institution of a late-payment charge under the order was proposed by a cooperative association. It proposed that any unpaid obligation of a handler that is due the market administrator be increased on a daily basis, beginning the first day the obligation is overdue, by an amount reflecting the "prime rate" charged by banks plus 5 percentage points. Thus, if the prime rate (the interest charged by commercial banks on loans to their preferred business customers) were 7 percent, the annual charge would be 12 percent (7 percent plus 5 percentage points), or approximately 0.033 percent as applied on a daily basis.

As set forth in the hearing notice, the cooperative's proposal also would have applied a charge on any overdue payments by the market administrator from the producer settlement fund to handlers. At the hearing, however, the cooperative deleted this type of charge from its proposal.

The proposal, including the charge on overdue payments by the market administrator, was supported by a number of other cooperatives in the market.

Spokesmen for the proponent and supporting cooperatives indicated that the institution of a charge on overdue obligations of handlers is necessary to encourage prompt payments to the market administrator by regulated handlers. They cited the collection problems being

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experienced by the market administrator and indicated that producers have an interest in timely payments by handlers. It was pointed out that late payments can result in the market administrator having insufficient money in the producer settlement fund to make the necessary equalization payments to handlers, with handlers in turn being unable to pay their producers. It was also pointed out that late payments result in money due the market administrator not being available for investment by him to maximum advantage, such as during the heavy-production months when money from handlers is withheld under the "Louisville Plan" for later payment to producers during the short-production months. In addition, the spokesmen indicated that those handlers making late payments have a competitive advantage in their business operations relative to handlers making timely payments.

In support of the proposed late-payment charge, the witness for the proponent cooperative contended that the charge should be related to current interest rates since delinquent handlers are in effect borrowing money from producers. The spokesman indicated that a charge based on the prime rate plus 5 percentage points is in line with interest rates on business loans where more than a minimal credit risk is involved. In urging that the charge be apportioned on a daily basis, the witness contended that delinquent handlers should be assessed for only the number of days that the payment is actually late, rather than be assessed on the basis of a monthly charge as under other orders.

A number of handlers, although they did not testify at the hearing on this issue, submitted briefs in which they set forth varying positions on the proposed late-payment charge. Several suggested that a "grace" period be provided, with the charge not becoming applicable until 3 to 7 days after the due date for the payment. This, they claimed, is needed to accommodate weekends, holidays, and delays in mail delivery that could result in handlers' payments not reaching the market administrator by the payment deadline. One handler contended that the charge should be based on the prime rate plus 2 percentage points. Another urged a fixed charge of 0.75 percent per month. Several handlers held that if a late-payment charge is adopted the charge should apply not only to late payments from handlers to the market administrator but to late payments or refunds from the market administrator's office to handlers as well.

It is essential to the effective operation of the order that handlers make their payments to the market administrator on time. Under the present marketwide pooling arrangement, it is necessary that handlers with Class I utilization higher than the market average pay part of their total use value of milk to the producer settlement fund. Through this means, money is made available to handlers with lower than average Class I utilization so that all handlers in the market, irrespective of the way they use the milk, can pay their producers the uniform price. The success of this arrangement depends on the solvency of the producer settlement fund.

Also, the prompt payment of amounts due the administrative expense fund is essential to the performance by the market administrator of the various administrative functions prescribed by the order. Delinquent payments to this fund could impair the ability of the market administrator to carry out his duties in a timely and efficient manner.

Payment delinquency also results in an inequity among handlers. Handlers who pay late are, in effect, borrowing money from producers. In the absence of any late-payment charge that is at least as much as the cost of borrowing from commercial sources, handlers who are delinquent in their payments have a financial advantage relative to those handlers making timely payments.

Data placed in the record by a representative of the market administrator's office indicate a late-payment experience of a serious and continuing nature on the part of handlers in the New York-New Jersey market. For the 12-month period of January through December 1975, the market administrator issued 1,119 charge billings to handlers. These covered the monthly obligations of handlers to the producer settlement and administrative expense funds, all of which were due by the 18th day of the following month (i.e., payments were to be received by the market administrator by that date). For this period, only 216 payments were received by the market administrator on time. This payment delinquency probably can be attributed in part, however, to the relatively short time between the mailing of the billings to handlers, which was completed by the market administrator's office at the latest by the 15th of the month, and the date by which the payments were due. Nevertheless, even by the 21st day of the month, which should have been sufficient time for the transmission of the billings and payments through the mail, only 630 payments, or 56 percent of the payments due, were received by the market administrator. On a monthly basis, the percentage of payments received by the 21st ranged from 48 percent to 65 percent. For the year, 203 of the 1,119 payments due were still outstanding at the end of the month in which the billings were made.

In terms of money owed, the data indicate that for the 12-month period nearly one-fourth of the money due the market administrator had not yet been received by the 21st day of the month.

On the basis of this payment experience, it is appropriate to institute a late-payment charge on handler payments to the market administrator that are overdue. In the absence of a late-payment charge, handlers have little incentive to make their payments to the market administrator on time. Enforcement action may be taken, of course, to seek strict handler compliance with the payment dates. However, this is a cumbersome administrative route, and the practicalness of such action becomes questionable in the case of handlers who are only several days late. While the charge adopted herein may not result in strict compliance by all handlers, it should provide handlers a substantial inducement to make their payments to the market administrator on time.

The late-payment charge should be established at the rate of 1 percent per month of the unpaid balance. If the charge is to have any impact on handlers in terms of encouraging prompt payments, it must be an amount that is at least as much as what a delinquent handler would be charged by commercial banks for money borrowed for short-term purposes. If this is not so, handlers who may have financial problems would be encouraged to delay their payments, knowing that the charge under the order is cheaper than borrowing money commercially at a higher loan rate. Under present conditions, a monthly charge of 1 percent should provide reasonable assurance that producer funds do not represent the cheapest source of money.

As noted earlier, it was proposed that the late-payment charge be a variable charge that parallels the movements of the "prime rate." It also was proposed that the charge be apportioned on a daily basis so that a handler would be assessed for only the number of days he was actually late in making his payment. These procedures should not be adopted. If the late-payment charge were treated strictly as interest and computed on a daily basis, the order would merely represent a banking service for handlers who desire to use producer funds as an alternative source of money at the going interest rate. This is not the intended purpose of the late-payment charge. Rather, it is to be a penalty, in effect, that will induce handlers to pay their obligations to the market administrator on time.

In their brief, certain handlers contended that the Secretary has no authority under the Act to impose a "penalty" on a handler under the terms of a milk order. We do not take this position. Instead, we contend that a late-payment charge, or "penalty," may be adopted under the statutory authority set forth in section 608c(7)(D) of the Act. This subsection specifies that an order may contain various terms that are incidental to, and not inconsistent with, the terms explicitly authorized by the Act if the incidental terms are found necessary to effectuate the other provisions of the order. The late-payment charge adopted herein is considered essential to the effectuation of the payment provisions of the order.

The Act does contain provisions in section 608c(14) pertaining to certain penalties. In short, these provisions specify that a handler shall be fined a monetary amount upon being convicted of violating a provision of an order. However, we do not look upon these provisions as precluding the use of a late-payment charge, or "penalty," on overdue accounts.

No "grace" period should be provided in applying the late-payment charge, as

several handlers urged in their briefs. It was their concern that the payment dates in the order would not accommodate the normal time required for billings to reach handlers and for the handlers to process the billings and have their payments reach the market administrator. For this reasons, they asked that any late-payment charge not apply until several days after the due date of the payment.

On the basis of a hearing held in September 1976 for the New York-New Jersey market, several changes were made in payment dates prescribed by the order.[1] These changes, in part, require that payments by handlers to the market administrator be received by the market admintrator no later than the 21st day of the month rather than by the 18th day. This extended period should provide a reasonable time for billings to reach handlers and for handlers to get their payments to the market administrator. Moreover, the order changes resulting from the September 1976 hearing should accommodate those occasions when the date by which payments to the market administrator are due falls on a weekend or holiday. When this happens, the due date of the payment would be the next day that the market administrator's office is open for business.

Under these new arrangements, there would would appear to be no necessity for a grace period before applying the late-payment charge. It must be recognized that with a grace period handlers actually would have little incentive to have their payments arrive at the market administrator's office prior to the end of the grace period, even though the due date actually was a few days earlier.

Under the provisions adopted herein, overdue handler obligations that are payable to the market administrator would be increased by 1 percent on the first day after the due date. Any remaining unpaid portion of the original obligation would be further increased by 1 percent on the same date of each succeeding month until the obligation is paid. The additional late-payment charge would apply not only to the original obligation but also to any unpaid late-payment charges previously assessed.

At the time the adopted provisions become effective, there may be handlers with obligations already overdue. To the extent of any remaining unpaid balance on the 22nd day of the month in which the amendments adopted herein become effective, the newly-adopted late-payment charge should apply even though the obligation was incurred prior to the institution of the charge under the order.

The order should not provide for any late-payment charge on payments to handlers from the producer settlement fund by the market administrator. There are no circumstances in which the market administrator would not promptly disperse payments to handlers from the producer settlement fund except when the fund is insolvent because of substantial delinquencies in payments to the fund by other handlers. The order provides that in this circumstance the market administrator shall reduce uniformly his payments to handlers and shall complete his payments as soon as the necessary funds are available. The order also provides that when a handler has not received full payment from the market administrator he in turn may reduce pro rata his payments to producers by the amount of the under-payment. Thus, under any situation in which the market administrator is late in paying handlers, the handlers are excused from paying the deficit to producers until the market administrator completes his payments. Hence, there is no reasonable basis for handlers to be the beneficiaries of a late-payment charge imposed upon the market administrator.

Certain handlers urged in their brief that the market administrator be required to pay interest on money that is refunded to handlers on the basis of legal proceedings, or for other reasons. Since the merits of this particular issue were not explored at the hearing, no action should be taken on the handlers' request.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the New York-New Jersey marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. In § 1002.22(m), a new subparagraph (3) is added to read as follows:

§ 1002.22 Additional duties of the market administrator.

* * * * *

(m) * * *

(3) For the purpose of allocating receipts from other Federal order plants under § 1002.45(a)(12) and the corresponding step of § 1002.45(b), his estimate of the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in pool milk of all handlers. Such estimate shall be final for such purpose.

2. In § 1002.41(c), subparagraphs (7) and (8) are revised and new subparagraphs (9), (10), and (11) are added to read as follows:

§ 1002.41 Classes of utilization.

* * * * *

(c) * * *

(7) In shrinkage allocated to Class II pursuant to § 1002.42;

(8) In skim milk represented by the nonfat solids added to a fluid milk product for fortification which is in excess of the volume included within the fluid milk product definition pursuant to § 1002.15;

(9) Contained in fluid milk products that are disposed of for animal feed;

(10) Contained in fluid milk products that are dumped, if the market administrator is notified in advance and is given the opportunity to verify such disposition; and

(11) Contained in fluid milk products that are destroyed or lost by a handler in a vehicular accident, flood, fire, or in a similar occurrence beyond his control, to the extent that the quantities destroyed or lost can be verified from records satisfactory to the market administrator.

3. In § 1002.45(a), subparagraph (12) is revised to read as follows:

[1] Official notice is taken of the Assistant Secretary's decision on proposed amendments to the New York-New Jersey order that was issued on January 19, 1977 (42 FR 4471).

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§ 1002.45 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(12) Subtract in the manner specified below from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products from other order plants not previously assigned pursuant to paragraphs (2) and (10) of this paragraph:

(i) Subject to the provisions of subdivisions (ii), (iii), and (iv) of this subparagraph, such subtraction shall be pro rata to the pounds of skim milk in each class with respect to whichever of the following quantities represents the higher proportion of Class II milk:

(*a*) The estimated utilization of skim milk of all handlers in each class as announced for the month pursuant to § 1002.22(m)(3); or

(*b*) The total pounds of skim milk remaining in each class at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler);

(ii) Should the proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk at all pool plants of the handler that are to be subtracted at this allocation step from Class II milk exceeding the pounds of skim milk remainnig in Class II milk at all such plants, the pounds of such excess shall be subtracted pro rata from the pounds of skim milk remaining in Class I–A milk and Class I–B milk after such proration at the pool plants at which such other source milk was received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should the computations pursuant to subdivisions (i) or (ii) of this subparagraph result in a quantity of skim milk to be subtracted from Class II milk that exceeds the pounds of skim milk remaining in such class, the pounds of skim milk in Class II milk shall be increased (to the extent of available utilization in such class at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I–A milk and Class I–B milk combined shall be decreased by a like amount, pro rata to remaining utilization in each such class. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(iv) Except as provided in subdivision (ii) of this subparagraph, should the computations pursuant to subdivisions (i) or (ii) of this subparagraph result in a quantity of skim milk to be subtracted from Class I–A milk or Class I–B milk that exceeds the pounds of skim milk remaining in that class, the pounds of skim milk in such class shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II milk shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in reverse direction by a like amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

* * * * *

§ 1002.50a [Amended]

4. In § 1002.50a(a), the number "$2.40" is changed to "$2.25."

5. In § 1002.51, paragraph (c) is revised to read as follows:

§ 1002.51 Transportation differentials.

* * * * *

(c) The differential rates applicable at plants shall be as set forth in the following schedule:

[In cents per hundredweight]

A Freight zone (miles)	B Class I–A and I–B	C Class II
1–10	+36.0	+8
11–20	+34.2	+8
21–25	+32.4	+8
26–30	+32.4	+7
31–40	+30.6	+7
41–50	+28.8	+7
51–60	+27.0	+6
61–70	+25.2	+6
71–75	+23.4	+6
76–80	+23.4	+5
81–90	+21.6	+5
91–100	+19.8	+5
101–110	+18.0	+4
111–120	+16.2	+4
121–125	+14.4	+4
126–130	+14.4	+3
131–140	+12.6	+3
141–150	+10.8	+3
151–160	+9.0	+2
161–170	+7.2	+2
171–175	+5.4	+2
176–180	+5.4	+1
181–190	+3.6	+1
191–200	+1.8	+1
201–210	0	0
211–220	−1.5	0
221–225	−3.0	0
226–230	−3.0	−1
231–240	−4.5	−1
241–250	−6.0	−1
251–260	−7.5	−2
261–270	−9.0	−2
271–275	−10.5	−2
276–280	−10.5	−3
281–290	−12.0	−3
291–300	−13.5	−3
301–310	−15.0	−4
311–320	−16.5	−4
321–325	−18.0	−4
326–330	−18.0	−5
331–340	−19.5	−5
341–350	−21.0	−5
351–360	−22.5	−6
361–370	−24.0	−6
371–375	−25.5	−6
376–380	−25.5	−7
381–390	−27.0	−7
391–400	−28.5	−7
401 and over	−30.0	−8

* * * * *

6. Section 1002.55 is revised to read as follows:

§ 1002.55 Transportation credit on bulk unit pool milk.

For pool milk received by a handler in a pool or partial pool unit, a transportation credit at the rate of 15 cents per hundredweight shall be computed.

7. In § 1002.71, a new paragraph (b–1) is added to read as follows:

§ 1002.71 Computation of the uniform price.

* * * * *

(b–1) Subtract an amount computed by multiplying the quantity of pool milk delivered directly from farms to pool plants and partial pool plants that was not put into a tank truck prior to such delivery, by a rate per hundredweight that is equal to the rate specified in § 1002.55.

* * * * *

8. In § 1002.80(a), subparagraphs (2) and (3) are revised and a new subparagraph (4) is added to read as follows:

§ 1002.80 Time and rate of payments.

(a) * * *

(2) Proper deductions for the month that were authorized in writing by producers from whom the handler received milk;

(3) For milk received in a bulk tank unit and for which transportation was provided by the handler or at his expense, there may be deducted, as proper and as authorized in writing by the producer, or by a cooperative association authorized to act on behalf of such producer, a tank truck service (transportation) charge of up to 15 cents per hundredweight for any farm-to-first plant transportation costs for which the handler was not reimbursed through the transportation credit pursuant to § 1002.55, except that the deduction and the transportation credit combined shall not exceed the actual transportation costs incurred. Any such deduction must be made by the handler not later than the date on which the producer is required to be paid for such milk. If authorization for such deduction is canceled by the producer or by the cooperative by notifying the handler in writing, such cancellation shall be effective on the first day of the month following its receipt by the handler; and

(4) For pool milk delivered directly from a farm to a pool plant or a partial pool plant that was not put into a tank truck prior to such delivery, the handler shall pay to the producer an additional amount computed by multiplying the quantity of such milk by a rate per hundredweight that is equal to the rate specified in § 1002.55.

* * * * *

§ 1002.82b [Amended]

* * * * *

9. In § 1002.82(b), the word "five" is changed to "15."

10. In § 1002.87, paragraph (a) is revised to read as follows:

§ 1002.87 Handler's pool debit or credit.

* * * * *

(a) Add the amounts computed as follows:

(1) Multiply the quantity of pool milk received by each handler from dairy farmers by the uniform price; and

(2) Multiply the quantity of pool milk received by the handler at a pool plant or partial pool plant directly from farms that was not put into a tank truck prior to delivery by a rate per hundredweight that is equal to the rate specified in § 1002.55.

* * * * *

11. A new § 1002.88a is added to read as follows:

§ 1002.88a Charges on overdue accounts.

Any unpaid obligation of a handler pursuant to §§ 1002.85 and 1002.90 shall be increased 1 percent on the first day after the due date of such obligation and on the same day of each succeeding month until such obligation is paid.

NOTE.—The Agricultural Marketing Service has determined that this document contains a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A–107 and certifies that an inflation impact statement has been prepared.

Signed at Washington, D.C., on April 5, 1977.

WILLIAM T. MANLEY,
Acting Administrator.

[FR Doc.77–10518 Filed 4–8–77;8:45 am]

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register

federal

MONDAY, APRIL 11, 1977
PART IV

DEPARTMENT OF THE INTERIOR

Office of the Secretary

■

PRIVACY ACT OF 1974

Systems of Records

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DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
PRIVACY ACT OF 1974
Revised System Notices

Note: This document was originally published at 42 FR 16121 on Thursday, March 24, 1977. The appendix and systems of records were inadvertently omitted at that time. The document is being published in its entirety below.

The Department of the Interior hereby republishes below the notices describing the systems of records which it maintains which are subject to the requirements of section 3 of the Privacy Act of 1974, 5 U.S.C. 552a. This republication replaces all previous notice publications by the Department of the Interior.

The notices set out below are similar to those published in the Federal Register for September 21, 1976 (41 F.R. 41222-41327) with the following exceptions:

1. A table of contents has been added, as has an appendix listing the addresses of facilities of the Department maintaining records subject to Privacy Act.

2. As part of the Department's effort to simplify and clarify its Privacy Act system notices some notices have been rewritten in whole or in part. These are revisions of style only, however, and do not affect the substance of the notices.

3. The "Routine Use" paragraphs contained in the notices published in September 21, 1976, were proposed paragraphs, comments upon which were solicited. Pursuant to authority granted by 5 U.S.C. 552a, these paragraphs are now adopted as final "Routine Uses," replacing the "Routine Uses" contained in the original (and now obsolete) group of system notices which the Department of the Interior published in its 1975 annual notice publication (40 FR 41432-41507, 43467-43477, 46066-46074, 47985-47992, 50434).

4. In response to the request for comments on the proposed "Routine Uses," several comments were received suggesting addition of a "Routine Use" to Bureau of Indian Affairs systems 4 (Indian Land Records), 5 (Indian Land Leases) and 12 (Indian Trust Land Mortgages) permitting disclosure to title insurance and abstracting companies and attorneys for purposes of determining ownership of and encumbrances against title. The Department agrees that such a "Routine Use" is necessary to facilitate land transactions involving Indian land and accordingly proposes adoption of a new "Routine Use" for the three systems.

5. Seven new systems are proposed to be added. These are Fish and Wildlife Service-28, Avitrol Authorization Records; Fish and Wildlife Service-29, Animal Damage Control Non-Federal Personnel Records; Bureau of Land Management-24, Copy Fee Deposit Records; Bureau of Land Management-27, Real Estate Appraiser Roster; Bureau of Land Management-28, Adopt A Wild Horse Program Records; Bureau of Land Management-29, Recordation of Mining Claims Records; and Office of the Secretary-82, Departmental Manager Development Program Records.

Comments on the proposed new "Routine Uses" and the proposed new system notices may be submitted to the Departmental Privacy Act Officer, Office of Administrative and Management Policy, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240. Comments received on or before June 1, 1977, will be considered. Copies of any comments which are received will be available for inspection at the above address.

March 7, 1977.

Richard R. Hite,
Deputy Assistant Secretary of the Interior.

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Identification Cards and Passes—Interior, BLM—11.
Manpower Management—Interior, BLM—12.
Safety Management Information—Interior, BLM—13.
Security Clearance Files—Interior, BLM—14.
Correspondence Control—Interior, BLM—15.
Mineral and Vegetal Material Sales—Interior, BLM—16.
Payroll—Interior, BLM—17.
Criminal Case Investigation—Interior, BLM—18.
Civil Trespass Case Investigations—Interior, BLM—19.
Employee Conduct Investigations—Interior, BLM—20.
Travel—Interior, BLM—21.
Financial Management—Interior, BLM—22.
Contract Files—Interior, BLM—23.
Copy Fee Deposit—Interior, BLM—24.
Outer Continental Shelf Lease Sale—Interior, BLM—25.
Incentive and Honor Awards—Interior, BLM—26.
Real Estate Appraiser Roster—Interior, BLM—27.
Adopt a Wild Horse—Interior, BLM—28.
Recordation of Mining Claims—Interior, BLM—29.
XV. Office of Hearings and Appeals.
Hearings and Appeals Files—Interior, OHA—1.
XVI. Office of the Solicitor.
Litigation, Appeal and Case Files—Interior, Office of the Solicitor—1.
Claims Files—Interior, Office of the Solicitor—2.
Patent Files—Interior, Office of the Solicitor—3.
Workload Analysis—Interior, Office of the Solicitor—4.

Appendix

This Appendix contains the addresses of facilities of the Department of the Interior. The Appendix is to be used in conjunction with the Department's notices describing systems of records which it maintains which are subject to section 3 of the Privacy Act of 1974 to determine the specific addresses of facilities maintaining these records.

I. OFFICE OF THE SECRETARY. (All addresses are as follows unless otherwise
indicated: U. S. Department of the Interior, 18th and C Streets, N. W., Washington, D. C. 20240).

A. Immediate Office of the Secretary

B. Office of the Under Secretary

C. Office of the Assistant Secretary -- Fish and Wildlife and Parks

D. Office of the Assistant Secretary -- Land and Water Resources

E. Office of the Assistant Secretary -- Energy and Minerals

F. Office of the Assistant Secretary -- Administration and Management

G. Office of the Assistant Secretary -- Program Development and Budget

H. Office of the Assistant Secretary -- Congressional and Legislative Affairs

I. Office of Legislation

J. Office for Equal Opportunity

K. Office of Public Affairs

L. Office of Administrative and Management Policy

M. Office of Administrative Services

N. Office of Secretarial Operations

O. Office of Personnel Management

P. Office of Library and Information Services

Q. Office of Manpower Training and Youth Activities

R. Office of Audit and Investigation

Headquarters Office
U. S. Department of the Interior
18th and C Streets, N. W.
Washington, D. C. 20240

Eastern Region
Ballston Towers 01
800 N. Quincy Street
Room 401
Arlington, Virginia 22203

Central Region
1841 Wadsworth
Lakewood, Colorado 80215

Central Region, Suboffice
Room 334, Old Post Office Bldg.
123 4th Street, S.W.
P. O. Box 128
Albuquerque, New Mexico 87103

Western Region
Federal Office Building
Room W 2219
2800 Cottage Way
Sacramento, California 95825

Western Region Suboffice
920 N.E. 7th Avenue
Room 106
Portland, Oregon 97232

T. Office of Aircraft Services

Headquarters Office
Office of Aircraft Services
3905 Vista Avenue
Boise, Idaho 83705

Regional Office
Office of Aircraft Services
1935 Merrill Field Drive
Anchorage, Alaska 99501

U. Office of Budget

V. Office of Policy Analysis

W. Office of Environmental Project Review

X. Office of Outer Continental Shelf Program Coordination

II. OFFICE OF THE SOLICITOR.

A. Headquarters Office

Office of the Solicitor
U. S. Department of the Interior
18th and C Streets, N. W.
Washington, D. C. 20240

B. Anchorage Region

Regional Solicitor
Federal Building
Anchorage, Alaska 99501

Field Solicitor
U. S. Post Office and Courthouse
Juneau, Alaska 99801

C. Atlanta Region

Regional Solicitor
148 Cain Street, N.E., Suite 410
Atlanta, Georgia 30303

Field Solicitor
Elberton, Georgia 30635

D. Denver Region

Regional Solicitor
Denver Federal Center
Denver, Colorado 80225

Field Solicitor
Post Office Box 549
Aberdeen, South Dakota 57401

Field Solicitor
Post Office Box 1538
Billings, Montana 59103

Field Solicitor
Post Office Box 983
Cheyenne, Wyoming 82001

E. Portland Region

Regional Solicitor
Post Office Box 3621 -- Room 766
1002 N.E. Holladay Street
Portland, Oregon 97108

Field Solicitor
Post Office Box 020
Boise, Idaho 83702

Field Solicitor
Reclamation Building
Division and C Streets
Ephrata, Washington 98823

F. Philadelphia Region

Regional Solicitor
Merchants Exchange Building
143 South Third Street
Philadelphia, Pennsylvania 19106

Field Solicitor
686Federal Building
Fort Snelling
Twin Cities, Minnesota 55111

G. Scramento Region

Regional Solicitor
2800 Cottage Way -- Room E-2753
Sacramento, California 95825

Field Solicitor
Arizona Title Annex Building -- Room 410
135 North 2nd Avenue
Phoenix, Arizona 85003

Field Solicitor
4127 Federal Building -- U. S. Courthouse
Reno, Nevada 90502

V 4 2 6 9 APR 11 7 7 UMI

Field Solicitor
Post Office Box 36064
450 Golden Gate Avenue -- Room 14126
San Francisco, California 94102

Field Solicitor
Window Rock, Arizona 86515

H. Salt Lake City Region

Regional Solicitor
Federal Building -- Suite 6201
125 South State Street
Salt Lake City, Utah 84111

I. Tulsa Region

Regional Solicitor
Page Belcher Federal Building -- Room 3068
333 West 4th Street
Tulsa, Oklahoma 74103

Field Solicitor
Federal Building & Courthouse
500 Gold Avenue, S.W.
Albuquerque, New Mexico 87101

Field Solicitor
Box H -- 4393, Herring Plaza
317 East Third
Amarillo, Texas 97101

Field Solicitor
Post Office Box 397
Anadarko, Oklahoma 73005

Field Solicitor
Federal Building -- Room 319
5th and Broadway
Muskogee, Oklahoma 74401

Field Solicitor
c/o Osage Agency
Grandview Avenue
Pawhuska, Oklahoma 74056

Field Solicitor
U. S. Courthouse -- Room 224
Federal Place & Washington Street
Santa Fe, New Mexico 87501

III. OFFICE OF HEARINGS AND APPEALS.

A. Headquarters Office

Office of Hearings and Appeals
U. S. Department of the Interior
4015 Wilson Boulevard
Arlington, Virginia 22203

B. Field Offices

Administrative Law Judge
Federal Building
Sacramento, California 95825

Administrative Law Judge
Federal Building
Salt Lake City, Utah 84138

Administrative Law Judge
Indian Probate
Arizona Title Annex Building
Phoenix, Arizona 85012

Administrative Law Judge
Indian Probate
Federal Building
Sacramento, California 95825

Administrative Law Judge
Indian Probate
Federal Building and Courthouse
Billings, Montana 59101

Administrative Law Judge
Indian Probate
V.E.M. Building
Gallup, New Mexico 87301

Administrative Law Judge
Indian Probate
U. S. Post Office and Federal Office Building
Tulsa, Oklahoma 74101

Administrative Law Judge
Indian Probate
Federal Building
Portland, Oregon 97208

IV. OFFICE OF LAND USE AND WATER PLANNING.

Office of Land Use and Water Planning
U. S. Department of the Interior
801 - 19th Street, N. W.
Washington, D. C. 20006

V. OFFICE OF MINERALS AND RESEARCH ANALYSIS

Office of Minerals Policy Development
U. S. Department of the Interior
18th and C Streets, N. W.
Washington, D. C. 20240

VI. OFFICE OF TERRITORIAL AFFAIRS.

Office of Territorial Affairs
U. S. Department of the Interior
18th and C Streets, N. W.
Washington, D. C. 20240

VII. OFFICE OF WATER RESEARCH AND TECHNOLOGY

Office of Water Research and Technology
U. S. Department of the Interior
18th and C Streets, N. W.
Washington, D. C. 20240

VIII. FISH AND WILDLIFE SERVICE

A. Headquarters Office

Fish and Wildlife Service
U. S. Department of the Interior
18th and C Streets, N. W.
Washington, D. C. 20240

B. Regional Offices

Portland Regional Office (Region 1)
Fish and Wildlife Service
U. S. Department of the Interior
1500 N.E. Irving Street
Post Office Box 3737
Portland, Oregon 97208

Albuquerque Regional Office (Region 2)
Fish and Wildlife Service
U. S. Department of the Interior
500 Gold Avenue, S.W.
Albuquerque, New Mexico 87102

Twin Cities Regional Office (Region 3)
Fish and Wildlife Service
U. S. Department of the Interior
Federal Building
Fort Snelling
Twin Cities, Minnesota 55111

Atlanta Regional Office (Region 4)
Fish and Wildlife Service
U. S. Department of the Interior
17 Executive Park Drive, N.E.
Atlanta, Georgia 30329

Boston Regional Office (Region 5)
Fish and Wildlife Service
U. S. Department of the Interior
John W. McCormack Post Office and Courthouse
Boston, Massachusetts 02109

Denver Regional Office (Region 6)
Fish and Wildlife Service
U. S. Department of the Interior
10597 West Sixth Avenue
Lakewood, Colorado 80215

Alaska Area Office
Fish and Wildlife Service
U. S. Department of the Interior
813 D Street
Anchorage, Alaska 99501

C. National Fish Hatcheries

Carbon Hill National Fish Hatchery
Carbon Hill, Alabama 35549

Alchesay Williams Creek National Fish Hatchery
P. O. Box 398
Whiteriver, Arizona 85941

Willow Beach National Fish Hatchery
P.O. Box 757
Boulder City, Nevada 89005

Corning National Fish Hatchery
Corning, Kansas 72422

Greers Ferry National Fish Hatchery
Rt. 4, Box 296
Herber Springs, Kansas 72543

Mammoth Spring National Fish Hatchery
P.O. Box 146
Mammoth Spring, Arkansas 72554

National Fish Hatchery
Norfork Route 3
Mountain Home, Arkansas 72653

Coleman National Fish Hatchery
Rt. 1, Box 2105
Anderson, California 96007

Tehama-Colusa Spawning Channel National Fish Hatchery
P. O. Box 1050
Red Bluff, California 96080

Hotchkiss National Fish Hatchery
P. O. Box 519
Hotchkiss, Colorado 81419

Leadville National Fish Hatchery
Box 364
Leadville, Colorado 80461

Welaka National Fish Hatchery
Welaka, Florida 32093

Chattahoochee Forest National Fish Hatchery
Suches, Georgia 30572

Cohutta National Fish Hatchery
Cohutta, Georgia 30710

Millen National Fish Hatchery
P. O. Box 719
Millen, Georgia 30442
Warm Springs, Georgia 31830

Hagerman National Fish Hatchery
Hagerman, Idaho 83332

Dworshak National Fish Hatchery
P. O. Box 251
Ahsahka, Idaho 83520

Kooskia National Fish Hatchery
Route 1, Box 987
Kooskia, Idaho 83539

Manchester National Fish Hatchery
R.R. 0 2
Manchester, Iowa 52057

Cedar Bluff National Fish Hatchery
Rt. 2
Ellis, Kansas 67637

Frankfort National Fish Hatchery
Rt. 1, Box 1
Indian Gap Road
Frankfort, Kentucky 40601

Wolf Creek National Fish Hatchery
Jamestown, Kentucky 42629

Natchitoches National Fish Hatchery
Rt. 1, Box 316
Natchitoches, Louisiana 71457

Craig Brook National Fish Hatchery
East Orland, Maine 04431

Green Lake National Fish Hatchery
RFD 1, Box 48
Ellsworth, Maine 04633

North Attleboro
Box 660, R.D. 2
North Attleboro, Massachusetts 02760

Berkshire Trout Hatchery
National Fish Hatchery
Star Route Hartsville Post Office
Great Barrington, Massachusetts 01230

Hiawatha Forest National Fish Hatchery
(Under jurisdiction of Pendills Creek, NFH)

Jordan River National Fish Hatchery
Rt. 1, Box 64A
Elmira, Michigan 49730

Pendills Creek National Fish Hatchery
R. R. 01, Box 214
Brimley, Michigan 49715

New London National Fish Hatchery
P. O. Box 304
New London, Minnesota 56273

Meridian National Fish Hatchery
P. O. Box 4277
Meridian, Mississippi 39301

Tupelo National Fish Hatchery
Tupelo, Mississippi 38801

Neosho National Fish Hatchery
Neosho, Missouri 64850

Bozeman National Fish Hatchery
Rt. 2, Box 333
Bozeman, Montana 59715

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Creston National Fish Hatchery
Rt. 4
Kalispell, Montana 59901

Ennis National Fish Hatchery
P.O. Box 335
Ennis, Montana 59729

Miles City National Fish Hatchery
P. O. Box 756
Miles City, Montana 59301

Crawford National Fish Hatchery
P. O. Box 387
Crawford, Nebraska 69339

Lahontan National Fish Hatchery
Rt. 2, Box 80
Gardnerville, Nevada 89410

Berlin National Fish Hatchery
RFD 1
Berlin, New Hampshire 93570

Nashua National Fish Hatchery
151 Broad Street
Nashua, New Hampshire 03060

Dexter National Fish Hatchery
Box 217
Dexter, New Mexico 88230

Mescalero National Fish Hatchery
Box 257
Mescalero, New Mexico 88340

Edenton National Fish Hatchery
Edenton, North Carolina 27932

McKinney Lake National Fish Hatchery
Hoffman, North Carolina 28347

Pisgah Forest National Fish Hatchery
P. O. Box 158
Pisgah Forest, North Carolina 28768

Baldhill Dam National Fish Hatchery
(Under jurisdiction of Valley City)

Garrison Dam National Fish Hatchery
Riverdale, North Dakota 58565

Valley City National Fish Hatchery
R.R. 0 1
Valley City, North Dakota 58072

Hebron National Fish Hatchery
Rt. 1
Hebron, Ohio 43025

Senecaville National Fish Hatchery
R.R. 0 1
Senecaville, Ohio 43780

Tishomingo National Fish Hatchery
Rt. 1
Tishomingo, Oklahoma 73460

Eagle Creek National Fish Hatchery
R. 1, Box 610
Estacada, Oregon 97023

Warm Springs National Fish Hatchery
Warm Springs, Oregon 97761

Allegheny National Fish Hatchery
RD 1, Box 1050
Warreb, Pennsylvania 16365

Lamar National Fish Hatchery
P.O. Box 75
Lamar, Pennsylvania 16848

Cheraw National Fish Hatchery
Rt. 2, box 620
Cheraw, South Carolina 29529

Orangeburg National Fish Hatchery
P. O. Box 410
Orangeburg, South Carolina 29115

Orangeburg County National Fish Hatchery
(Under jurisdiction of Orangeburg, South Carolina, Station)

Walhalla National Fish Hatchery
P. O. Box 9
Walhalla, South Carolina 29691

Gavins Point National Fish Hatchery
R.R. 0 1
Yankton, South Dakota 57078

McNenny National Fish Hatchery
Spearfish, South Dakota 57783

Spearfish National Fish Hatchery
(Under jurisdiction of McNenny, South Dakota, Station)

Dale Hollow National Fish Hatchery
P. O. Box C
Celina, Tennessee 38551

Erwin National Fish Hatchery
P. O. Box 548
Erwin, Tennessee 37650

Fort Worth National Fish Hatchery
6200 Hatchery Road
Fort Worth, Texas 76114

Inks Dam National Fish Hatchery
Rt. 2
Burnet, Texas 78611

San Marcos National Fish Hatchery
San Marcos, Texas 78666

Uvalde National Fish Hatchery
Box 708
Uvalde, Texas 78801

Jones Hole National Fish Hatchery
P. O. Box 718
Vernal, Utah 84078

Pittsford National Fish Hatchery
Pittsford, Vermont 05763

White River National Fish Hatchery
Bethel, Vermont 05032

Harrison Lake National Fish Hatchery
Rt. 2, Box 93
Charles City, Virginia 23030

Paint Bank National Fish Hatchery
Paint Bank, Virginia 24131

Wytheville National Fish Hatchery
Route 2, Box 300
Max Meadows, Virginia 24360

Carson National Fish Hatchery
Carson, Washington 98610

Abernathy National Fish Hatchery
Longview, Washington 98632

Entiat National Fish Hatchery
Star Rt. 1, Box 410
Entiat, Washington 98822

Leavenworth National Fish Hatchery
Rt. 1, Box 123-A
Leavenworth, Washington 98826

Little White Salmon National Fish Hatchery
Box 17
Cook, Washington 98605

Makah National Fish Hatchery
Neah Bay, Washington 98357

Quilcene National Fish Hatchery
Quilcene, Washington 98376

Quinault National Fish Hatchery
P. O. Box 80
Neilton, Washington 98566

Spring Creek National Fish Hatchery
Underwood, Washington 98651

Willard National Fish Hatchery
Star Route
Cook, Washington 98605

Winthrop National Fish Hatchery
Winthrop, Washington 98862

Fish Screens National Fish Hatchery
Box 902
Yakima, Washington 98901

Bowden National Fish Hatchery
Rt. 1, Box 80
Elkins, West Virginia 26241

Leetown National Fish Hatchery
Kearneysville, West Virginia 25430

White Sulphur Springs National Fish Hatchery
P. O. Box F
White Sulphur Springs, West Virginia 24986

Genoa National Fish Hatchery
Rt. 1
Genoa, Wisconsin 54632

Lake Mills National Fish Hatchery
Lake Mills, Wisconsin 53551

Jackson National Fish Hatchery
Box 1845
Jackson, Wyoming 83001

Saratoga National Fish Hatchery
Box 665
Saratoga, Wyoming 82331

D. Fish Hatchery Biologists

Fish Hatchery Biologist
Stuttgart
Box 292
Stuttgart, Arkansas 72160

Fish Hatchery Biologist
Fort Morgan
P. O. Box 917
Fort Morgan, Colorado 80701

Fish Hatchery Biologist
Dworshak
P. O. Box 251
Ahsahka, Idaho 83520

Fish Hatchery Biologist
Craig Rrook
East Orland, Maine 04431

Fish Hatchery Biologist
Pisgah Forest
P. O. Box 158
Pisgah Forest, North Carolina 28768

Fish Hatchery Biologist
San Marcos
Box 786
San Marcos, Texas 78666

Fish Hatchery Biologist
Abernathy
Longview, Washington 98632

Fish Hatchery Biologist
Little White Salmon
P. O. Box 17
Cook, Washington 98605

Fish Hatchery Biologist
Leetown
Kearneysville, West Virginia 25430

Fish Hatchery Biologist
Genoa
Box 252
Genoa, Wisconsin 54632

Fish Hatchery Biologist
Spearfish Fisheries Center
P. O. Box 640
Spearfish, South Dakota 57783

Fish Hatchery Biologist
Eastern Fish Disease Laboratory
Kearneysville, West Virginia 25430

E. National Wildlife Refuges

Choctaw National Wildlife Refuge
Box 325
Jackson, Alabama 36545

Eufaula National Wildlife Refuge
Box 258
Eufaula, Alabama 36027

Wheeler National Wildlife Refuge
Box 1643
Decatur, Alabama 35601

Alaska Area Office
813 D Street
Anchorage, Alaska 99501

Aleutian Island National Wildlife Refuge
Box 5251
Adak, Alaska 98791

Arctic National Wildlife Range
1412 Airport Way
Fairbanks, Alaska 99701

Clarence Rhode National Wildlife Range
Box 346
Bethel, Alaska 99559

Izembek National Wildlife Refuge
Pouch 0 2
Cold Bay, Alaska 99571

Kenai National Moose Range
Box 500
Kenai, Alaska 99611

Kodiak National Wildlife Refuge
Box 825
Kodiak, Alaska 99615

Southwestern Desert Zones Refuges
Box 1032
Yuma, Arizona 85364

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Cibola National Wildlife Refuge
Box AP
Blythe, California 92225

Havasu National Wildlife Refuge
Box A
Needles, California 92363

Imperial National Wildlife Refuge
Box 2164
Martinez Lake, Arizona 85364

Kofa Game Range & Cabeza Prieta Game Range
Box 1032
Yuma, Arizona 85364

Big Lake National Wildlife Refuge
Box 67
Manila, Arkansas 72442

Holla Bend National Wildlife Refuge
Box 1043
Russellville, Arkansas 72801

Wapanocca National Wildlife Refuge
Box 257
Turrell, Arkansas 72384

White River National Wildlife Refuge
Box 308
704 S. Jefferson Street
Dewitt, Arkansas 72042

Humboldt Bay National Wildlife Refuge
Box 1386
Eureka, California 95501

Kern and Pixley National Wildlife Refuge
Box 219
Delano, California 93215

Kalamath Basin Refuges
Rt. 1, Box 74
Tule Lake, California 96134

Sacramento National Wildlife Refuge
Rt. 1, Box 311
Willows, California 95988

Colusa National Wildlife Refuge
Box 809
Colusa, California 95932

Sutter National Wildlife Refuge
Box 66
Sutter, California 95982

Salton Sea
Box 247
Calipatria, California 92233

San Francisco Bay National Wildlife Refuge
3849 Peralta Blvd.
Fremont, California 94536

San Luis National Wildlife Refuge
Box 2176
Los Banos, California 93602

Arapaho National Wildlife Refuge
Walden, Colorado 80480

Browns Park National Wildlife Refuge
Greystone, Colorado 81635

Monte Vista National Wildlife Refuge
Box 511
Monte Vista, Colorado 81144

Alamosa National Wildlife Refuge
Box 1148
Alamosa, Colorado 81101

Bombay Hook National Wildlife Refuge
R.D. 1, Box 147
Smyrna, Delaware 19977

Prime Hook National Wildlife Refuge
R.D. 1, Box 195
Milford, Delaware 19968

Chassahowitzka National Wildlife Refuge
Route 1, Box 153
Homosassa, Florida 32646

Lake Woodruff National Wildlife Refuge
Box 488
DeLeon Springs, Florida 32028

Merritt Island National Wildlife Refuge
Box 6504
Titusville, Florida 32780

St. Marks National Wildlife Refuge
Box 68
St. Marks, Florida 32355

St. Vincent National Wildlife Refuge
Box 447
Apalachicola, Florida 32320

South Florida Refuges
Route 1, Box 278
Delray Beach, Florida 33444

National Key Deer National Wildlife Refuge
Box 510
Big Pine Key, Florida 33043

J. N. 'Ding' Darling National Wildlife Refuge
P. O. Drawer B
Sanibel, Florida 33957

Okefenokee National Wildlife Refuge
Box 117
Waycross, Georgia 31501

Piedmont National Wildlife Refuge
Round Oak, Georgia 31080

Hawaiian Islands National Wildlife Refuge
337 Uluniu Street
Kailua, Hawaii 96734

Camas National Wildlife Refuge
Hamer, Idaho 83425

Deer Flat National Wildlife Refuge
Route 1, Box 1457
Nampa, Idaho 83651

Grays Lake National Wildlife Refuge
Box 837
Soda Springs, Idaho 83257

Bear Lake National Wildlife Refuge
802 Washington
Montpelier, Idaho 83254

Kootenai National Wildlife Refuge
Star Route 1, Box 160
Bonners Ferry, Idaho 83805

Minidoka National Wildlife Refuge
Rt. 4, U.S.F.W.S.
Rupert, Idaho 83350

Crab Orchard National Wildlife Refuge
Box J
Carterville, Illinois 62918

Mark Twain National Wildlife Refuge
Box 225
Quincy, Illinois 62301

Batchtown and Calhoun Division National Wildlife Refuge
Box 142
Brussels, Illinois 62013

Chautauqua and Meredosia National Wildlife Refuge
Rt. 2
Havana, Illinois 62644

Savanna District National Wildlife Refuge
Box 190
Savanna, Illinois 61074

Muscatatuck National Wildlife Refuge
Box 631
Saymour, Indiana 47274

De Soto National Wildlife Refuge
Route 1, Box 114
Missouri Valley, Iowa 51555

Lansing District National Wildlife Refuge
Box 128
Lansing, Iowa 52151

Louisa and Keithsburg Division National Wildlife Refuge
Route 1
Wapello, Iowa 52653

Union Slough National Wildlife Refuge
Box 248
Titonka, Iowa 50480

Flint Hills National Wildlife Refuge
Box 213
Burlington, Kansas 66839

Kirwin National Wildlife Refuge
Kirwin, Kansas 67644

Quivira National Wildlife Refuge
Box G
Stafford, Kansas 67578

Catahoula National Wildlife Refuge
P. O. Drawer LL
Jena, Louisiana 71342

Delta-Breton National Wildlife Refuge
Venice, Louisiana 70091

Lacassine National Wildlife Refuge
Route 1, Box 186
Lake Arthur, Louisiana 70549

Sabine National Wildlife Refuge
MRH 107
Sulphur, Louisiana 70663

Moosehorn National Wildlife Refuge
Box X
Calais, Maine 04619

Blackwater National Wildlife Refuge
Route 1, Box 121
Cambridge, Maryland 21613

Eastern Neck National Wildlife Refuge
Route 2, Box 225
Rock Hall, Maryland 21661

Great Meadows National Wildlife Refuge
181 Sudbury Road
Concord, Massachusetts 01742

Parker River National Wildlife Refuge
Northern Boulevard Plum Island
Newburyport, Massachusetts 01950

Seney National Wildlife Refuge
Star Route
Seney, Michigan 49883

Shiawassee National Wildlife Refuge
6975 Mower Road, Route 1
Saginaw, Michigan 48601

Ottawa National Wildlife Refuge
14000 W. State, Route 2
Oak Harbor, Ohio 43449

Agassiz National Wildlife Refuge
Middle River, Minnesota 56737

Fergus Falls Wetland Complex
Box 294
Fergus Falls, Minnesota 56537

Benson Wetland Management District
N.W. Highway 9, Box D
Benson, Minnesota 56215

Big Stone NWR & Wetland Management District
Ortonville, Minnesota 56278

Fergus Falls Wetland Management District
Box 294
Fergus Falls, Minnesota 56537

Fergus Falls Wetland Office
Box 222
Fergus Falls, Minnesota 56537

Tamarac Wetland Management District
Rural Route
Rochert, Minnesota 56578

Rice Lake National Wildlife Refuge
McGregor, Minnesota 55760

Sherburne National Wildlife Refuge
Route 2
Zimmerman, Minnesota 55398

Upper Mississippi River Wildlife and Fish Refuge
Box 226
Winona, Minnesota 55987

Noxubee National Wildlife Refuge
Route 1
Brooksville, Mississippi 39739

Yazoo National Wildlife Refuge
Route 1, Box 286
Hollandale, Mississippi 38748

Clarance Cannon National Wildlife Refuge
Box 88
Annada, Missouri 63330

Mingo National Wildlife Refuge
Rural Route 1, Box 9A
Puxico, Missouri 63960

Squaw Creek National Wildlife Refuge
Box 101
Mound City, Missouri 64470

Swan Lake National Wildlife Refuge
Box 68
Sumner, Missouri 64681

Benton Lake National Wildlife Refuge
Box 450
Black Eagle, Montana 59414

UL Bend National Wildlife Refuge
Box J
Malta, Montana 59538

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Charles M. Russell National Wildlife Range
Box 110
Lewiston, Montana 59457

Medicine Lake National Wildlife Refuge
Medicine Lake, Montana 59247

National Bison Range
Moiese, Montana 59824

Ravalli National Wildlife Refuge
No. 5, 3rd Street
Stevensville, Montana 59870

Red Rock Lakes National Wildlife Refuge
Monida Star Route
Lima, Montana 59739

Crescent Lake National Wildlife Refuge
Star Route 69368
Ellsworth, Nebraska 69340

Fort Niobrara National Wildlife Refuge
Hidden Timber Star Route
Valentine, Nebraska 69201

Hastings Wetland Management District
Box 847
Hastings, Nebraska

Desert National Wildlife Range
1500 North Decatur Boulevard
Las Vegas, Nevada 89108

Ruby Lake National Wildlife Refuge
Ruby Valley, Nevada 89833

Brigantine National Wildlife Refuge
Great Creek Road, Box 72
Oceanville, New Jersey 08231

Great Swamp National Wildlife Refuge
Pleasant Plains Road
RDI, Box 148
Basking Ridge, New Jersey 07920

Bitter Lake National Wildlife Refuge
Box 7
Rosewell, New Mexico 88201

Bosque del Apache National Wildlife Refuge
Box 278
San Antonio, New Mexico 87832

Sevilleta National Wildlife Refuge
San Acacia, New Mexico 87831

Las Vegas National Wildlife Refuge
Box 1070
Las Vegas, New Mexico 87701

Maxwell National Wildlife Refuge
Box 276
Maxwell, New Mexico 87728

Iroquois National Wildlife Refuge
RFD 1
Basom, New York 14013

Montezuma National Wildlife Refuge
RD 1, Box 232
Seneca Falls, New York 13148

Target Rock National Wildlife Refuge
Target Rock Road
Huntington, New York 11743

Mackay Island National Wildlife Refuge
Knotts Island, North Carolina 27950

Mattamuskeet National Wildlife Refuge
New Holland, North Carolina 27885

Pea Island National Wildlife Refuge
Box 606
Manteo, North Carolina 27954

Pee Dee National Wildlife Refuge
Box 780
Wadesboro, North Carolina 28170

Pungo National Wildlife Refuge
Plymouth, North Carolina 27962

Arrowwood National Wildlife Refuge
Rural Route 1
Edmunds, North Dakota 58434

Audubon National Wildlife Refuge
Rural Route 1
Coleharbor, North Dakota 58531

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Box 148
Crosby, North Dakota 58746

Des Lacs National Wildlife Refuge
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Tewaukon National Wildlife Refuge
Rural Route 1
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Upper Souris National Wildlife Refuge
Rural Route 1
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Salt Plains National Wildlife Refuge
Route 1, Box 49
Jet, Oklahoma 73749

Sequoyah National Wildlife Refuge
Box 398
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Tishomingo National Wildlife Refuge
Box 248
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Washita National Wildlife Refuge
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Butler, Oklahoma 73625

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Hart Mountain National Antelope Refuge
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Modoc National Wildlife Refuge
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Malheur National Wildlife Refuge
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Burns, Oregon 97720

Umatilla National Wildlife Refuge
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William L. Finley National Wildlife Refuge
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Baskett Slough National Wildlife Refuge
Route 1, Box 709
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Savannah National Wildlife Refuge
Route 1
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Lacreek National Wildlife Refuge
South Rural Route
Martin, South Dakota 57551

Lake Andes National Wildlife Refuge
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Land Andes, South Dakota 57356

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Office of the Director
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Choctaw Agency
421 Powell
Philadelphia, Mississippi 39350

Miccosukee Agency
P. O. Box 44021
Tamiami Station, Florida 33144

Seminole Agency
6075 Stirling Road
Hollywood, Florida 33024

New York Field Office
Midtown Plaza
700 East Water Street
Syracuse, New York 13210

Cleveland FEAO
1240 East 9th Street
Cleveland, Ohio 44199

Washington FEAO
1951 Constitution Avenue, N. W.
Washington, D. C. 20245

XI. BUREAU OF LAND MANAGEMENT.

(Add Bureau of Land Managemnt, U. S. Department of the Interior to all addresses.)

A. Headquarters Office

Bureau of Land Management
U. S. Department of the Interior
18th and C Streets, N. W.
Washington, D. C. 20240

B. State and District Offices

Alaska State Office
555 Cordova Street
Anchorage, Alaska 99502

District Office
4700 East 72nd

Anchorage, Alaska 99502

District Office
1028 Aurora Drive
Fairbanks, Alaska 99707

Arizona State Office
Federal Building
2400 Valley Bank CENTER
Phoenix, Arizona 85073

District Office
Arizona Strip Office
196 E. Tabernacle
St. George, Utah 84770

District Office
2929 West Clarendon Avenue
Phoenix, Arizona 85017

District Office
1707 W. Thatcher Boulevard
Safford, Arizona 85546

District Officer
2450 Fourth Avenue
Yuma, Arizona 85364

California State Office
2800 Cottage Way
Sacramento, California 95825

District Office
800 Truxtun Avenue

V 42 69 APR 11 77 UMI

Bakersfield, California 93301

District Office
63 Natoma Street
Folsom, California 95630

District Officer
2460 Athens Avenue
Redding, California 96001

District Office
1695 Spruce Street
Riverside, California 92507

District Officer
705 Hall Street
Susanville, California 96130

District Office
555 Leslie Street
Ukiah, California 95482

Colorado State Office
1600 Broadway
Denver, Colorado 80202

District Office
3080 East Main Street
Canon City, Colorado 81212

District Office
455 Emerson Street
Craig, Colorado 81625

District Office
223 Federal Office Building
Grand Junction, Colorado 81501

District Office
Highway 550 South
Montrose, Colorado 81401

Idaho State Office
550 West Fort Street
Boise, Idaho 83724

District Office
230 Collins Road
Boise, Idaho 83702

District Office
Route 3, Box 1
Burley, Idaho 83318

District Office
1808 N. Third Street
Coeur d'Arlene, Idaho 83814

District Office
940 Lincoln Road
Idaho Falls, Idaho 83401

District Office
Salmon, Idaho 83467

District Office
112 S. Cherry Street
Shoshone, Idaho 83352

Montana State Office
222 N. 32nd Street
Billings, Montana 59107

District Office, Butte
Ibey Building N. Dillon
Dillon, Montana 59725

District Office
Bank Electric Building
Lewistown, Montana 59457

District Office
West of Miles City
Miles City, Montana 59301

Nevada State Office
300 Booth Street
Reno, Nevada 89502

District Office
Battle Mountain, Nevada 89820

District Manager
801 N. Plaza Street
Carson City, Nevada 89701

District Office
2002 Idaho Street
Elko, Nevada 89801

District Office
Star Route, Box 1
Ely, Nevada 89301

District Office
4765 Vegas Drive
Las Vegas, Nevada 89102

District Office
705 East 4th Street
Winnemucca, Nevada 89445

New Mexico State Office
South Federal Place
Santa Fe, New Mexico 87501

District Office
3550 Pan American Freeway, N.E.
Albuquerque, New Mexico 87107

District Office
1795 N. Valley Drive
Las Cruces, New Mexico 88001

District Office
1717 W. Second Street
Roswell, New Mexico 88201

District Office
200 Neel Avenue, N.W.
Socorro, New Mexico 87801

Oregon State Office
729 N.E. Oregon Street
Portland, Oregon 97208

District Office
Federal Building
Baker, Oregon 97814

District Office
74 S. Alvord Street
Burns, Oregon 97720

District Office
333 S. Fourth Street
Coos Bay, Oregon 97420

District Office
1255 Pearl Street
Eugene, Oregon 97401

District Office
357 North 'L' Street
Lakeview, Oregon 97630

District Office
310 W. 6th Street
Medford, Oregon 97501

District Office
185 E. Fourth Street

Prineville, Oregon 97754

District Office
777 N.W. Garden Valley Blvd.
Roseburg, Oregon 97470

District Office
3550 Liberty Road, S.
Salem, Oregon 97302

District Office
West 920 Riverside
Spokane, Washington 99201

District Office
365 A Street West
Vale, Oregon 97918

Utah State Office
136 East South Temple
Salt Lake City, Utah 84111

District Office
72 South Main
Moab, Utah 84532

District Office
850 N. Main Street
Richfield, Utah 84701

District Office
2370 South 2300 West
Salt Lake City, Utah 84119

District Office
91 W. Main Street
Vernal, Utah 84078

Wyoming State Office
2120 Capitol Avenue
Cheyenne, Wyoming 82001

District Office
100 East B Street
Casper, Wyoming 82601

District Office
1300 Third Street
Rawlins, Wyoming 82301

District Office
Highway 187 North
Rock Springs, Wyoming 82901

District Office
1700 Robertson Avenue
Worland, Wyoming 82401

Eastern States Office
7981 Eastern Avenue
Silver Spring, Maryland 20910

C. Outer Continental Shelf Offices

Alaska Office
800 A Street
Anchorage, Alaska 99510

New Orleans Office
500 Camp Street
New Orleans, Louisiana 70130

New York Office
6 World Trade Center
New York, New York 10048

Pacific Office
300 North Los Angles Street
Los Angeles, California 90012

XII. BUREAU OF MINES

A. Headquarters Office

U. S. Bureau of Mines
Department of the Interior
2401 E Street, N. W.
Washington, D. C. 20241

B. Minerals and Materials Research and Development

Chief
Process Evaluation Group
U. S. Bureau of Mines
P. O. Box 880
Morgantown, West Virginia 26505

Chief
Coal Sampling and Inspection Office
U. S. Bureau of Mines
College Park, Maryland 20740

Chief
Industrial Water Laboratory
U. S. Bureau of Mines
College Park, Maryland 20740

Chief
Coal Preparation and Analysis Group
U. S. Bureau of Mines
4800 Forbes Avenue
Pittsburgh, Pennsylvania 15213

Chief
Helium Operations
U. S. Bureau of Mines
P. O. Box H4372
Herring Plaza
Amarillo, Texas 79101

Superintendent
Exell Helium Plant
U. S. Bureau of Mines
Box 100
Masterson, Texas 79058

Superintendent
Keyes Helium Plant
U. S. Bureau of Mines
P. O. Box 46
Keyes, Oklahoma 73947

Superintendent
Satanta Maintenance Station
U. S. Bureau of Mines
Box 517
Satanta, Kansas 67870

Chief
Environmental Field Office
U. S. Bureau of Mines
19 North Main Street
Wilkes-Barre, Pennsylvania 18701

Chief
Research Director
Twin Cities Mining Research Center
U. S. Bureau of Mines
P. O. Box 1660
Twin Cities, Minnesota 55111

Research Director
Denver Mining Research Center
U. S. Bureau of Mines
Building 20, denver Federal Center
Denver, Colorado 80225

Research Director
Spokane Mining Research Center
U. S. Bureau of mines
E. 315 Montgomery Street

V 4 2 6 9 APR 11 7 7 UMI

Spokane, Washington 99107

Research Director
Pittsburgh Mining and Safety Research Center
U. S. Bureau of Mines
4800 Forbes Avenue
Pittsburgh, Pennsylvania 15213

Research Director
College Park Metallurgy Research Center
U. S. Bureau of Mines
College Park, Maryland 20740

Research Director
Twin Cities Metallurgy Research Center
U. S. Bureau of Mines
P. O. Box 1660
Twin Cities, Minnesota 55111

Research Director
Salt Lake City Metallurgy Research Center
U. S. Bureau of Mines
1600 East 1st South
Salt Lake City, Utah 84112

Research Director
Rolla Metallurgy Research Center
U. S. Bureau of Mines
P. O. Box 280
Rolla, Missouri 65401

Research Director
Reno Metallurgy Research Center
U. S. Bureau of Mines
1605 Evans Avenue
Reno, Nevada 89505

Research Director
Albany Metallurgy Research Laboratory
U. S. Bureau of Mines
P. O. Box 70
Albany, Oregon 97321

Laboratory Chief
Tuscaloosa Metallurgy Research Laboratory
U. S. Bureau of Mines
P. O. Box L
University, Alabama 35486

Laboratory Chief
Boulder City Metallurgy Research Laboratory
U. S. Bureau of Mines
500 Date Street
Boulder City, Nevada 89005

C. Mineral and Materials Supply/Demand Analysis

Chief
Dallas Field Office
U. S. Bureau of Mines
1200 Main Tower
Dallas, Texas 75202

Chief
Alaska Field Operations Center
U. S. Bureau of Mines
P. O. Box 550
Juneau, Anchorage 99801

Chief
Eastern Field Operations Center
U. S. Bureau of Mines
4800 Forbes Avenue
Pittsburgh, Pennsylvania 15213

Chief
Intermountain Field Operations Center
U. S. Bureau of Mines
Building 20, Denver Federal Center
Denver, Colorado 80225

Chief
Western Field Operations Center
U. S. Bureau of Mines
E. 315 Montgomery Street
Spokane, Washington 99207

State Liaison Officer
U. S. Bureau of Mines
P. O. Box L
University, Alabama 35486

State Liaison Officer
U. S. Bureau of Mines
Room G-81, Federal Building
Anchorage, Alaska 99501

State Liaison Officer
U. S. Bureau of Mines
Room 1023
2721 N. Central Avenue
Phoenix, Arizona 85004

State Liaison Officer
U. S. Bureau of Mines
Room 3331, Federal Office Building
Little Rock, Arkansas 72201

State Liaison Officer
U. S. Bureau of Mines
Room 3046
650 Capitol Mall
Sacramento, California 95814

State Liaison Officer
U. S. Bureau of Mines
Building 20, Denver Federal Center
Denver, Colorado 80225

State Liaison Officer
U. S. Bureau of Mines
Room 204
547 N. Monroe Street
Tallahassee, Florida 32301

State Liaison Officer
U. S. Bureau of Mines
Room 431
19 Hunter Street S.W.
Atlanta, Georgia 30334

State Liaison Officer
U. S. Bureau of Mines
Room 203
4620 Overland Road
Boise, Idaho 83705

State Liaison Officer
U. S. Bureau of Mines
Room 1117, Ridgely Building
504 E. Monroe Street
Springfield, Illinois 62701

State Liaison Officer
U. S. Bureau of Mines
Room 113
7th & College Streets
Bloomington, Indiana 47401

State Liaison Officer
U. S. Bureau of Mines
Room 518, Capitol Federal Building
700 Kansas Avenue
Topeka, Kansas 66603

State Liaison Officer
U. S. Bureau of Mines
Room 269
John C. Watts Federal Building
330 W. Broadway
Frankfort, Kentucky 40601

State Liaison Officer
U. S. Bureau of Mines
Room 229, Federal Building & Courthouse
707 Florida Street
Baton Rouge, Louisiana 70801

State Liaison Officer
U. S. Bureau of Mines
Federal Building 6 Post Office
40 Western Avenue
Augusta, Maine 04330

State Liaison Officer
U. S. Bureau of Mines
Room 1121, Commerce Center Building
300 Capitol Street
Lansing, Michigan 48933

State Lisison Officer
U. S. Bureau of Mines
Room G-23, Federal Building, Fort Snelling
Twin Cities, Minnesota 55111

State Liaison Officer
U. S. Bureau of Mines
Room 408, 301 Building
301 N. Lamar Street
Jackson, Mississippi 39202

State Liaison Officer
U. S. Bureau of Mines
P. O. Box 1187
Rolla, Missouri 65401

State Liaison Officer
U. S. Bureau of Mines
636 N. Logan
Helena, Montana 59601

State Liaison Officer
U. S. Bureau of Mines
Room 306, post Office Building
705 N. Plaza Street
Carson City, Nevada 89701

State Liaison Officer
U. S. Bureau of Mines
Post Office & Federal Building
Newmarket, New Hampshire 03857

State Liaison Officer
U. S. Bureau of Mines
P. O. Box 587
Albuquerque, New Mexico 87103

State Liaison Officer
U. S. Bureau of Mines
Suite 203
1659 Central Avenue
Albany, New York 12205

State Liaison Officer
U. S. Bureau of Mines
P. O. Box 2828
Raleigh, North Carolina 27602

State Liaison Officer
U. S. Bureau of Mines
Suite 10.
219 North 7th
Bismarck, North Dakota 58501

State Liaison Officer
U. S. Bureau of Mines
168 Post Office Building
N.W. Third Street
Oklahoma City, Oklahoma 73102

State Liaison Officer
U. S. Bureau of Mines
Suite 7, Standard Insurance Building
475 Cottage Street, N.E.
Salem, Oregon 97301

State Liaison Officer
U. S. Bureau of Mines
P. O. Box 783
Federal Square Station
Harrisburg, Pennsylvania 17108

State Liaison Officer
U. S. Bureau of Mines
403 Columbia Building
Main & Gervais Streets
Columbia, South Carolina 29201

State L&iaison Officer
U. S. Bureau of Mines
Federal Building, uU. S. Courthouse
515 9th Street
Rpid City, South Dakota 57701

State Liaison Officer
U. S. Bureau of Mines
1109 Parkway Towers
404 James Robertson Parkway
Nashville, Tennessee 37219

State Liaison Officer
U. S. Bureau of Mines
Room 782, Federal Building
Austin, Texas 78701

State Liaison Officer
U. S. Bureau of Mines
1600 E. First South Street
Salt Lake City, Utah 84112

State Liaison Officer
U. S. Bureau of Mines
909 Capitol Center Building
Olympia, Washington 98501

State Liaison Officer
U. S. Bureau of Mines
P. O. Box 428
Charleston, West Virginia 25322

State Liaison Officer
U. S. Bureau of Mines
P. O. Box 1796
Cheyenne, Wyoming 82001

D. Administration

Chief
Division of Automatic Data Processing
U. S. Bureau of Mines
Building 53, Denver Federal Center
Denver, Colorado 80225

Chief
Pittsburgh/Bruceton Administrative Office
U. S. Bureau of Mines
4800 Forbes Avenue
Pittsburgh, Pennsylvania 15213

Chief
Division of Finance
U. S. Bureau of Mines
Building 20, Denver Federal Center
Denver, Colorado 80225

Chief
Branch of Procurement and Property Operations
U. S. Bureau of Mines
Building 20, Denver Federal Center
Denver, Colorado 80225

Chief
Branch of Personnel
U. S. Bureau of Mines

V 4269 APR 11 77 UMI

Building 20, Denver Federal Center
Denver, Colorado 80225

XIII. MINING ENFORCEMENT AND SAFETY ADMINISTRATION

A. Headquarters Office

Mining Enforcement and Safety Administration
U. S. Department of the Interior
4015 Wilson Boulevard
Arlington, Virginia 22203

B. Metal and Nonmetal Mine Health and Safety

District Manager
Northeastern District
Metal & Nonnonmetal Mine Health & Safety
4800 Forbes Avenue
Pittsburgh, Pennsylvania 15213

Subdistrict Manager
Northeastern District
Metal & Nonmetal Mine Health & Safety
4800 Forbes Avenue
Pittsburgh, Pennsylvania 15213

Subdistrict Manager
Northeastern District
Metal & Nonmetal Mine Health & Safety
Federal Building, Room 329
Albany, New York 12201

District Manager
Southeastern District
Metal & Nonmetal Mine Health & Safety
228 West Valley Avenue
Birmingham, Alabama 35209

Subdistrict Manager
Southeastern District
Metal & Nonmetal Mine Health & Safety
228 West Valley Avenue
Birmingham, Alabama 35209

Subdistrict Manager
Southeastern District
Metal and Nonmetal Mine Health & Safety
301 West Cumberland Avenue
Knoxville, Tennessee 37902

District Manager
North Central District
Metal & Nonmetal Mine Health & Safety
228 Federal Building
Duluth, Minnesota 55802

Subdistrict Manager
North Central District
Metal & Nonmetal Mine Health and Safety
228 Federal Building
Duluth, Minnesota 55802

Subdistrict Manager
North Central District
Metal & Nonmetal Mine Health & Safety
501 Busseron Street
Vincennes, Indiana 47591

District Manager
South Central District
Metal & Nonmetal Mine Health & Safety
1100 Commerce Street
Dallas, Texas 75202

Subdistrict Manager
South Central District
Metal & Nonmetal Mine Health & Safety
1100 Commerce Street
Dallas, Texas 75202

Subdistrict Manager
South Central District
Metal & Nonmetal Mine Health & Safety
206 S. Bishop
Rolla, Missouri 65401

District Manager
Rocky Mountain District
Metal & Nonmetal Mine Health & Safety
603 Miller Court
Lakewood, Colorado 80215

Subdistrict Manager
Rocky Mountain District
Metal & Nonmetal Mine Health & Safety
603 Miller Court
Lakewood, Colorado 80215

Subdistrict Manager
Rocky Mountain District
Metal & Nonmetal Mine Health & Safety
2900 S. Main Street
Salt Lake City, Utah 84115

District Manager
Western District
Metal & Nonmetal Mine Health & Safety
620 Central Avenue, Building 7
Alameda, California 94501

Subdistrict Manager
Western District
Metal & Nonmetal Mine Health & Safety
117 - 107th Avenue, N.E.
Bellevue, Washington 98004

Subdistrict Manager
Western District
Metal & Nonmetal Mine Health & Safety
2721 North Central Avenue
South Tower, Amerco Towers
Phoenix, Arizona 85004

ADP Liaison - MESA
Metal and Nonmetal Mine Health and Safety
603 Miller Court
Lakewood, Colorado 80215

C. Coal Mine Health and Safety

District Manager
District 1
Coal Mine Health & Safety
Penn Place, 20 N. Pennsylvania Avenue
Wilkes-Barre, Pennsylvania 18071

District Manager
District 2
Coal Mine Health & Safety
4800 Forbes Avenue
Pittsburgh, Pennsylvania 15213

Subdistrict Manager
District 2
Coal Mine Health & Safety
Jonnet Building
4099 William Penn Highway
Monroeville, Pennsylvania 15146

Subdistrict Manager
District 2
Coal Mine Health & Safety
Sunray and Goucher
Johnstown, Pennsylvania 15905

District Manager
District 3
Coal Mine Health & Safety
Mountaineer Mall, Green Bag Road
Morgantown, West Virginia 26505

District Manager
District 4
Coal Mine Health & Safety
Stadium Drive & Bluestone Road
Mt. Hope, West Virginia 25880

Subdistrict Manager - MESA
District 4
Coal Mine Health and Safety
Stadium Drive and Bluestone Road
Mount Hope, West Virginia 25880

Subdistrict Manager
District 4
Coal Mine Health & Safety
Oliver Road
Princeton, West Virginia 24740

Subdistrict Manager
District 4
Coal Mine Health & Safety
327 State Street
Madison, West Virginia 25130

District Manager
District 5
Coal Mine Health & Safety
560 Park Avenue, N.W.
Norton, Virginia 24273

Subdistrict Manager
District 5
Coal Mine Health & Safety
560 Park Avenue, N.W.
Norton, Virginia 24273

Subdistrict Manager
District 5
Coal Mine Health & Safety
2722 South Front Street
Richlands, Virginia 24641

District Manager
District 6
Coal Mine Health & Safety
218 High Street
Pikeville, Kentucky 41501

District Manager
District 7
Coal Mine Health & Safety
Municipal Building
Daniel Boone Drive
Barbourville, Kentucky 40906

Subdistrict Manager
District 7
616 Manchester Street
Barbourville, Kentucky 40906

Subdistrict Manager
District 7
Coal Mine Health & Safety
228 West Valley Avenue
Birmingham, Alabama 35209

District Manager
District 8
Coal Mine Health & Safety
501 Busseron Street
Vincennes, Indiana 47591

Subdistrict Manager
District 8
Coal Mine Health & Safety
905 W. Washington
Benton, Illinois 62812

Subdistrict Manager
District 8
Coal Mine Health & Safety
Route 40 East
St. Clairsville, Ohio 43950

District Manager
District 9
Coal Mine Health & Safety
1457 Ammons Street
Lakewood, Colorado 80215

Subdistrict Manager
District 9
Coal Mine Health & Safety
1457 Ammons Street
Lakewood, Colorado 80215

Subdistrict Manager
District 9
Coal Mine Health & Safety
575 East 1st South
Price, Utah 84501

Subdistrict Manager
District 9
Coal Mine Health & Safety
509 S. Third Street
McAlester, Oklahoma 74501

District Manager - MESA
District 10
Coal Mine Health and Safety
Lions Club Building
Highway 41 North
Madisonville, Kentucky 42431

ADP Liaison - MESA
Coal Mine Health and Safety
Building 56
Denver Federal Center
Denver, Colorado 80225

D. Assessment Office

Office of Assessments - MESA
4015 Wilson Boulevard
Arlington, Virginia 22203

E. Training

Norton Training Center - MESA
Federal Building
Federal Street
Norton, Virginia 24273

Chicago Training Center - MESA
10600 Higgins Road, Suite 610
Rosemont, Illinois 60018

Dallas Training Center - MESA
Room 362
U. S. Post Office & Court House
Bryan and St. Paul Streets
Dallas, Texas 75201

Denver Training Center - MESA
603 Miller Court
Denver, Colorado 80215

Lexington Training Center
340 Legion Drive, Suite 28
Lexington, Kentucky 40504

Boulder City Training Center - MESA
500 Date Street
Boulder City, Nevada 89005

Albany Training Center - MESA
Building 2
1450 W. Queen Avenue
Albany, Oregon 97321

V 4269 APR 11 77 UMI

Beckley Training Center - MESA
Airport Road
Beckley, West Virginia 25801

Pittsburgh Training Center - MESA
4 Parkway Center - Suite 100
Pittsburgh, Pennsylvania 15220

Birmingham Training Center - MESA
228 West Valley Avenue
Room 200
Birmingham, Alabama 35209

Lexington Training Center - MESA
Suite 28
340 Legion Drive
Lexington, Kentucky 40504

Certification and Qualification Unit - MESA
Education and Training
603 Miller Court
Lakewood, Colorado 80215

F. Technical Support

Pittsburgh Technical Support Center - MESA
4800 Forbes Avenue
Pittsburgh, Pennsylvania 15213

Denver Technical Support Center - MESA
Denver Federal Center, Building 56
Denver, Colorado 80225

Health & Safety Analysis Center - MESA
Denver Federal Center, Building 56
Denver, Colorado 80225

G. National Mine Health & Safety Academy

National Mine Health & Safety Academy - MESA
Airport Road
Beckley, West Virginia 25801

XIV. NATIONAL PARK SERVICE

A. Headquarters Offices

Washington Office
National Park Service
Department of the Interior
Washington, D. C. 20240

North Atlantic Regional Office
National Park Service
150 Causeway Street
Boston, MA 02114

Mid-Atlantic Regional Office
National Park Service
143 South Third Street
Philadelphia, PA 19106

Southeast Regional Office
National Park Service
1895 Phoenix Boulevard
Atlanta, GA 30349

Midwest Regional Office
National Park Service
1709 Jackson Street
Omaha, NB 68102

Rocky Mountain Regional Office
National Park Service
P. O. Box 25287
655 Parfet Street
Denver, CO 80225

Southwest Regional Office
National Park Service
Box 728
Santa Fe, NM 87501

Western Regional Office
National Park Service
450 Golden Gate AVe.
P. O. Box 36063
San Francisco, CA 94102

Pacific Northwest Regional Office
National Park Service
601 Fourth and Pike Building
Seattle, WA 98101

National Capital Parks
National Park Service
1100 Ohio Drive, S. W.
Washington, D. C. 20242
(Includes over 700 park units in the Metropolitan Area.)

Denver Service Center
National Park Service
P. O. Box 25287
Denver, CO 80225

Harpers Ferry Center
National Park Service
Harpers Ferry, WV 25425

B. Group Offices

Catoctin Mountain Park and
Baltimore Washington Parkway Group
Thurmont, MD 21788

Klamath Falls Group
National Park Service
P. O. Box 128
Klamath Falls, OR 97601

Navajo Lands Group
National Park Service
P. O. Box 539
Farmington, NM 87401

New York Group
National Park Service
26 Wall Street
New York, NY 10005

Southern Arizona Group
National Park Service
1115 North First Street
Phoenix, AZ 85004

Western Pennsylvania Group
National Park Service
P. O. Box 247
Cresson, PA 16630

C. State Directors

Alaska State Director
National Park Service
334 West Fifth Avenue
Suite 250
Anchorage, AK 99501

Hawaii State Director
National Park Service
677 Ala Moana Boulevard
Suite 512
Honolulu, HI 96813

D. Archeological Centers

Midwest Archeological Center
National Park Service
Room 474, Federal Building
100 Centennial Mall North
Lincoln, NB 68504

Southeast Archeological Center
National Park Service
P. O. Box 2416
Tallahassee, FL 32304

Western Archeological Center
National Park Service
P. O. Box 49008
Tucson, AZ 85717

E. Lands Offices
(Add to each address National Park Service, U. S. Department of the Interior)

Big Cypress Lands Office
P. O. Box 1515
Naples, FL 33940

Buffalo National River Lands Office
P. O. Box 1173
Harrison, AR 72601

Chesapeake and Ohio Canal Lands Office
P. O. Box A
College Estate Station
Frederick, MD 21701

Colonial Lands Office
P. O. Box 210
Yorktown, VA 23690

Everglades Lands Office
28 W. Flagler Street
Miami, FL 33130

Fredericksburg Lands Office
P. O. Box 679
Fredericksburg, VA 22401

Gettysburg Lands Office
R.D. 1
Gettysburg, PA 17325

Glacier Lands Office
West Glacier, MT 59936

Grand Teton Lands Office
P. O. Box 1219
Moose, WY 83012

Hot Springs Lands Office
P. O. Box 1860
Hot Springs National Park, AR 71901

Indiana Dunes Lands Office
Marquette Mall
Suite 551
Michigan City, IN 46360

Joshua Tree Lands Office
74485 Palm Vista Drive
Twentynine Palms, CA 92277

Lake Mead Lands Office
601 Nevada Highway
Boulder City, NV 89005

Saint Croix Lands Office
P. O. Box 579
St. Croix Falls, WI 54024

Sleeping Bear Dunes Lands Office
400 1/2 Main Street
Frankfort, MI 49635

Utah Lands Office
Room 103
Federal Annex Building
Salt Lake City, UT 84111

Yosemite Lands Office
P. O. Box 577
Yosemite National Park, CA 95389

F. Other Offices

Chaco Center
National Park Service
P. O. Box 26176
Albuquerque, NM 97125

National Park Service Science Center
National Space Technology Laboratory
Bay St. Louis, MS 39520

United States Park Police
National Park Service
1100 Ohio Drive, S. W.
Wshington, D. C. 20242

G. National Park Service Areas
(Add to each address National Park Service, U. S. Department of the Interior)

Abraham Lincoln Birthplace
National Historic Site
RFD 1
Hodgenville, Kentucky 42748

Acadia National Park
RFD 01
Bar Harbor, ME 04609

Adams National Historic Site
Box 531
Quincy, MA 02169

Agate Fossil Beds National Monument
c/o Scotts Bluff National Monument
P. O. Box 427
Gering, NB 69341

Alibates Flint Quarries & Texas Panhandle
Pueblo Culture National Monument
P. O. Box 1438
Fritch, Texas 79036

Allegheny Portage Railroad
National Historic Site
P. O. Box 247
Cresson, PA 16630

Amistad Recreation Area
P. O. Box 1463
Del Rio, TX 78840

Andersonville National Historic Site
Andersoneville, GA 31711

Andrew Johnson National Historic Site
Depot Street
Greenville, TN 37743

Antietam National Battlefield Site
P. O. Box 158
Sharpsburg, MD 21782

Apostle Islands National Lakeshore
1972 Centennial Drive, R.R.
Bayfield, WI 54814

Appomattox Court House
National Historical Park
P. O. Box 218
Appomattox, VA 24522

Appalachian National Scenic Trail
Northern Unit: 150 Causeway St.
Boston, MA 02114
Southern Unit: c/o Southeast Regional Office

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3401 Whipple Avenue
Atlanta, GA 30344

Arbuckle Recreation Area
c/o Platt National Park
P. O. Box 201
Sulphur, OK 73086

Arches National Park
c/o Canyonlands National Park
446 S. Main Street
Moab, UT 84532

Arkansas Post National Memorial
Rt. 1, Box 16
Gillett, AR 72055

Arlington House
The Robert E. Lee Memorial
c/o George Washington Memorial Parkway
Turkey Run Park
McLean, VA 22101

Assateague Island National Seashore
Route2, Box 294
Berlin, MD 21811

Aztec Ruins National Monument
c/o Navajo Lands Group
P. O. Box 539
Farmington, MN 87401

Badlands National Monument
P. O. Box 72
Interior, SD 57750

Bandelier National Monument
Los Alamos, NM 87544

Bent's Old Fort National Historic Site
P. O. Box 581
La Junta, CO 82050

Big Bend National Park
Big Bend National Park, TX 79834

Big Cypress National Preserve
c/o Southeast Regional Office
3401 Whipple Avenue
Atlanta, GA 30344

Big Hole National Battlefield
c/o Yellowstone National Park
Yellowstone National Park, WY 82190

Big Thicket National Preserve
P. O. Box 7408
Beaumont, TX 77706

Bighorn Canyon National Recreation Area
P. O. Box 458
Fort Smith, MT 59035

Biscayne National Monument
P. O. Box 1369
Homestead, FL 33030

Black Canyon of the Gunnison National Monument
P. O. Box 1648
Montrose, CO 81401

Blue Ridge Parkway
P. O. Box 7606
Asheville, NC 28807

Booker T. Washington National Monument
Route 1, Box 195
Hardy, VA 24101

Boston National Historical Park
c/o North Atlantic Regional Office
150 Causeway Street, Room 715
Boston, MA 02114

Brices Cross Roads National Battlefield Site
c/o Natchez Trace Parkway
R.R. 1, NT-143
Tupelo, MS 38801

Bryce Canyon National Park
Bryce Canyon, UT 84717

Buck Island Reef National Monument
c/o Christiansted National Historic Site
P. O. Box 160
Christiansted, VI 00820

Buffalo National River
P. O. Box 1173
Harrison, AR 72601

Cabrillo National Monument
P. O. Box 6175
San Diego, CA 92106
Canaveral National Seashore
P. O. Box 2583
Titusville, FL 32780

Canyon de Chelly National Monument
Navajo Lands Group
P. O. Box 539
Farmington, NM 87401

Canyonlands National Park
446 S. Main Street
Moab, UT 84532

Cape Cod National Seashore
South Wellfleet, MA 02663

Cape Hatteras National Seashore
P. O. Box 457
Manteo, NC 27954

Cape Lookout National Seashore
P. O. Box 690
Beaufort, NC 28516

Capitol Reef National Park
Torrey, UT 84775

Capulin Mountain National Monument
Capulin, NM 88414

Carl Sandburg Home National Historic Site
P. O. Box 395
Flat Rock, NC 28731

Carlsbad Caverns National Park
3225 National Parks Highway
Carlsbad, NM 88220

Casa Grande Ruins National Monument
P. O. Box 518
Coolidge, Arizona 85228

Castillo de San Marcos National Monument
1 Castillo Drive
ST. Augustine, FL 32084

Castle Clinton National Monument
c/o Manhattan Sites Unit
26 Wall Street
New York, NY 10005

Catoctin Mountain Park
Thurmont, MD 21788

Cedar Breaks National Monument
c/o Zion National Park
Springdale, UT 84767

Chaco Canyon National Monument
Star Rt.
Bloomfield, NM 87413

Chalmette National Historical Park
P. O. Box 429
Arabi, LA 70032

Chamizal National Memorial
Southwest National Bank Building, Rm. 620
300 E. Main Drive
El Paso, Texas 79901

Channel Islands National Monument
1699 Anchors Way Drive
Ventura, CA 93003

Chesapeake and Ohio Canal National Historical Park
P. O. Box 158
SHarpsburg, MD 21782

Chickamauga and Chattanooga National Military Park
P. O. Box 2126
Fort Oglethorpe, GA 30742

Chiricahua National Monument
Dos Cabezas Star Rt.
Willcox, AZ 85643

Christiansted National Historic Site
c/o Virgin Islands National Park
P. O. Box 806
Charlott Amelie, VI 00801

City of Refuge National Historical Park
c/o Hawaii State Director
677 Ala Moana Blvd., Suite 512
Honolulu, HI 96813

Clara Barton National Historic Site
National Capital Parks
1100 Ohio Drive, S. W.
Washington, D. C. 20242

Colonial National Historical Park
Yorktown, VA 23490

Colorado National Monument
P. O. Box 438
Fruits, CO 81521

Coronado National Memorial
c/o Southern Arixona Group
1115 N. First Street
Phoenix, AZ 85004

Coulee Dam Recreation Area
P. O. Box 37
Coulee Dam, WA 99116

Cowpens National Battlefield
c/o Kings Mountain National Miiitary Park
P. O. Box 31
Kings Mountain, SC 28086

Crater Lake National Park
c/o Klamath Falls Group
P. O. Box 128
Klamath Falls, OR 97601

Craters of the Moon National Monument
P. O. Box 29
Arco, ID 83213

Cumberland Gap National Historical Park
P. O. Box 840
Middlesboro, KY 40965

Cumberland Island National Seashore
P. O. Box 806
Saint Marys, GA 31558

Curecanti Recreation Area
P. O. Box 1040
Gunnison, CO 81230

Custer Battlefield National Monument
P. O. Box 416
Crow Agency, MT 59022

Cuyahoga Valley National Recreation Area
c/o Midwest Regional Office
1709 Jackson Street
Omaha, Nebraska 68102

Death Valley National Monument
Death Valley, CA 92328

Delaware Water Gap National Recreation Area
I-80
Columbia, NJ 07832

De Sota National Memorial
P. O. Box 1377
Bradenton, FL 33506

Devils Postpile National Monument
c/o Sequoia National Park
Three Rivers, CA 93271

Devils Tower National Monument
Devils Tower, WY 87214

Dinosaur National Monument
P. O. Box 210
Dinosaur, CO 81610

Edison National Historic Site
c/o Morristown National Historical Park
P. O. Box 1136R
Morristown, NJ 07960

Effigy Mounds National Monument
P. O. Box R
McGregor, IA 52157

Eisenhower National Historic Site
R.D. 1
Gettysburg, PA 17325

El Morro National Monument
Ramah, NM 87321

Everglades National Park
P. O. Box 279
Homestead, FL 33030

Federal Hall National Memorial
c/o Manhattan Sites Unit
26 Wall Street
New York, NY 10005

Fire Island National Seashore
Box 229
Patchogue, NY 11772

Florissant Fossil Beds National Monument
P. O. Box 185

Florissant, CO 80816

Ford's Theatre National Historic Site
c/o National Capital Parks-West
1100 Ohio Drive, S. W.
Washington, D. C. 20242

Fort Bowie National Historic Site
Dos Cabezas Star Rt.
Willcox, AZ 85643

V 42 69 APR 11 77 UMI

Fort Caroline National Memorial
12713 Fort Caroline Road
Jacksonville, FL 32225

Fort Clatsop National Memorial
Route 3, Box 604-FC
Astoria, OR 97103

Fort Davis National Historic Site
P. O. Box 1456
Fort Davis, TX 79734

Fort Donelson National Military Park
P. O. Box F
Dover, TN 37085

Fort Frederica National Monument
Ft. 4, Box 286-C
St. Simons Island, GA 31522

Fort Jefferson National Monument
c/o Everglades National Park
P. O. Box 279
Homestead, FL 33030

Fort Laramie National Historic Site
Fort Laramie, WY 82212

Fort Larned National Historic Site
Route 3
Larned, KS 67550

Fort Matanzas National National Monument
c/o Castillo de San Marcos National Monument
1 Castillo Drive
St. Augustine, FL 32084

Fort McHenry National Monument
& Historic Shrine
Baltimore, MD 21230

Fort Necessity National Battlefield
Rt. 1, Box 360
Farmington, PA 25437

Fort Point National Historic Site
P. O. Box 9167
San Francisco, CA 94129

Fort Pulaski National Monument
P. O. Box 98
Savannah Beach, GA 31328

Fort Raleigh National Historic Site
c/o Cape Hatteras National Seashore
Manteo, NC 27954

Fort Smith National Historic Site
P. O. Box 1406
Fort Smith, AR 72901

Fort Stanwix National Monument
112 E. Park Street
Rome, NY 13440

Fort Sumter National Monument
Drawer R
Sullivans Islands, SC 29482

Fort Union National Monument
Watrous, NM 87753

Fort Union Trading Post National
Historic Site
c/o Theodore Roosevelt National Memorial
Medora, ND 58645

Fort Vancouver National Historic Site
Vancouver, WA 98661

Fossil Butte National Monument
c/o Grand Teton National Park
Moose, WY 83012

Fredericksburg & Spotsylvania County
Battlefields Memorial National Military
Park - P. O. Box 679
Fredericksburg, VA 22401

Gateway National Recreation Area
Floyd Bennett Field
Building 69
Brooklyn, NY 11234

General Grant National Memorial
Manhattan Sites Unit
26 Wall Street
New York, NY 10005

George Rogeers Clark National
Historical Park
115 Dubois Street
Vincennes, IN 47591

George Washington Birthplace National Monument
c/o Fredericksburg & Spotsylvania County
Battlefields Memorial National Military
Park - P. O. Box 679
Fredericksburg, VA 22401

George Washington Carver National Monument
P. O. Box 38
Diamond, MO 64840

George Washington Memorial Parkway
Turkey Run Park
McLean, VA 22101

Gettysburg National Military Park
P. O. Box 70
Gettysburg, PA 17325

Gila Cliff Dwellings National Monument
Gila Hot Springs
Rt. 11, Box 100
Silver City, NM 88061

Glacier National Park
West Glacier, MT 59936

Glacier Bay National Monument
c/o Alaska State Director
334 W. Fifth Avenue
Suite 250
Anchorage, AK 99501

Glen Canyon National Recreation Area
P. O. Box 1507
Page, AZ 86040

Golden Gate National Recreation Area
Fort Mason
San Francisco, CA 94123

Golden Spike National Historic Site
Promontory Star Route
Corinne, UT 84307

Gran Quivira National Monument
Route 1
Mountainair, NM 87036

Grand Canyon National Park
P. O. Box 129
Grand Canyon, AZ 86023

Grand Portage National Monument
P. O. 666
Grand Marais, NM 55604

Grand Teton National Park
P. O. Box 67

Moose, WY 83012

Grant-Kohrs Ranch National Historic Site
P. O. Box 799
Deer Lodge, MT 59722

Great Sand Dunes National Monument
P. O. Box 60
Alamosa, CO 81101

Great Smoky Mountains National Park
Gatlinburg, TN 37738

Guadalupe Mountains National Park
c/o Carlsbad Caverns National Park
3225 National Parks Highway
Carlsbad, NM 88220

Guilford Courthouse National Park
P. O. Box 9334
Plaza Station
Greensboro, NC 27408

Gulf Islands National Seashore
P. O. Box 100
Gulf Breeze, FL 32561

Haleakala National Park
c/o Hawaii State Director
677 Ala Moana Boulevard
Suite 512
Honolulu, HI 96813

Hamilton Grange National Memorial
c/o Manhattan Sites Unit
26 Wall Street
New York, NY 10005

Hampton National Historic Site
c/o Fort McHenry National Monument
and Historic Shrine
Baltimore, MD 96813

Harpers Ferry National Historical Park
P. O. Box 65
Harpers Ferry, WV 25425

Hawaii Volcanoes National Park
c/o Hawaii State Director
677 Ala Moana Boulevard
Suite 512
Honolulu, HI 96813

Herbert Hoover National Historic Site
P. O. Box 607
West Branch, IA 52358

Hohokam Pima National Monument
P. O. Box 518
Coolidge, AZ 85228

Home of Franklin D. Roosevelt National
Historic Site
Hyde Park
Dutchess County, NY 12538

Homestead National Monument of America
Beatrice, NB 68310

Hopewell Village National Historic Site
R.D. 1, Box 345
Elverson, PA 19520

Horseshoe Bend National Military Park
R. 1, Box 63
Davislon, AL 36256

Hot Springs National Park
P. O. Box 1860
Hot Springs, AR 71901

Hovenweep National Monument
c/o Mesa Verde National Park
mesa Verde National Park, CO 8t330

Hubbell Trading Post National Historic Site
P. O. Box 298
Ganado, AZ 86505

Independence National Historical Park
313 Walnut Street
Philadelphia, PA 19106

Indiana Dunes National Lakeshore
R.R. 2, Box 139-A
Chesterton, IN 43604

Isle Royale National Park
P. O. Box 27
Houghton, MI 49931

Jefferson National Expansion
Memorial Historic Site
11 North 4th Street
St. Louis, MO 63102

Jewel Cave National Monument
c/o Wind Cave National Park
Hot Springs, SD 57747

John D. Rockefeller Junior
Memorial Parkway
c/o Grand Teton National Park
P. O. Box 67
Moose, WY 83012

John Day Fossil Beds National Monument
c/o Klamath Falls Group
P. O. Box 128
Klamath Falls, OR 97601

John F. Kennedy Center for the Performing Arts
c/o National Capital Parks Kennedy Center
Washington, D. C. 20566

John Fitzgerald Kennedy National
Historic Site
105 Bramle Street
Cambridge, MA 02138

John Muir National Historic Site
4202 Alhambra Avenue
Martinez, CA 94553

Johnstown Flood National Memorial
c/o Western Pennsylvania Group
P. O. Box 247
Cresson, PA 16630

Joshua Tree National Monument
74485 Palm Vista Drive
Twenty-nine Palms, CA 92277

Katmai National Monument
c/o Alaska State Director
334 W. Fifth Avenue
Suite 250
Anchorage, AK 99501

Kennesaw Mountain National Battlefield Park
P. O. Box 1167
Marietta, GA 30061

Kings Canyon National Park
c/o Sequoia National Park
Three Rivers, CA 93271

Kings Mountain National Military Park
P. O. Box 31
Kings Mountain, SC 28086

Knife River Indian Villages

V 42 69 APR 11 77 UMI

National Historic Site
c/o Theodore Roosevelt National
Memorial Park
Medora, ND 58645

Lake Chelan National Recreation Area
c/o North Cascades National Park
Sedro Woolley, WA 98284

Lake Mead National Recreation Area
601 Nevada Highway
Boulder City, NV 89005

Lake Meredith Recreation Area
P. O. Box 1438
Fritch, TX 79036

Lassen Volcanic National Park
Mineral, CA 96063

Lava Beds National Monument
P. O. Box 867
Tule Lake, CA 96134

Lehman Caves National Monument
Baker, NV 89311

Lincoln Boyhood National Memorial
Lincoln City, IN 47552

Lincoln Home National Historic Site
413 South Eighth Street
Springfield, IL 62701

Longfellow National Historic Site
105 Brattle Street
Cambridge, MA 02138

Lower St. Croix River
c/o St. Croix National Scenic Riverway
P. O. Box 708
St. Croix Falls, VI 54028

Lyndon B. Johnson National
Historic Site
P. O. Box 329
Johnson City, TX 78636

Mammoth Cave National Park
Mammoth Cave, KY 42259

Manassas National Battlefield Park
P. O. Box 350
Manassas, VA 22110

Mar-A-Lago National Historic Site
P. O. Box 2527
Palm Beach, FL 33480

Martin Van Buren National Historic Site
c/o Home of FDR National Historic Site
Hyde Park
Dutchess County, NY 12538

Mesa Verde National Park
Mesa Verde National Park, CO 81330

Minute Man National Historical Park
P. O. Box 160
Concord, MA 01742

Montezuma Castle National Monument
c/o Tuzigoot National Monument
P. O. Box 68
Clarkdale, AZ 86234

Moores Creek National Military Park
Currie
Pender County, NC 28435

Morristown National Historical Park
P. O. Box 1136R
Morristown, NJ 07960

Mound City Group National Monument
P. O. Box 327
Chillicothe, OH 45601

Mount McKinley National Park
c/o Alaska State Director
334 W. Fifth Avenue
Suite 250
Anchorage, AK 99501

Mount Rainier National Park
Longmire, WA 98397

Mount Rushmore National Memorial
Keystone, SD 57751

Muir Woods National Monument
c/o Golden Gate National Recreation Area
Fort Mason
San Francisco, CA 94123

Natchez Trace Parkway
RR 1, NT-143
Tupelo, MS 38801

National Visitor Center
Union Station
Washington, DC 20002

Natural Bridges National Monument
c/o Canyonlands National Park
Moab, UT 84532

Navajo National Monument
c/o Navajo Lands Group
P. O. Box 539
Farmington, NM 87401

Nez Perce National Historical Park
P. O. Box 93
Spalding, ID 93551

North Cascades National Park
Sedro Woolley, WA 98284

Ocmulgee National Monument
P. O. Box 4186
Macon, GA 31208

Olympic National Park
600 East Park Avenue
Port Angeles, WA 98362

Oregon Caves National Monument
c/o Klamath Falls Group
P. O. Box 128
Klamath Falls, OR 97601

Organ Pipe Cactus National Monument
Southern Arizona Group
1115 N. 1st Street
Phoenix, AZ 85004

Padre Island National Seashore
10235 S. Padre Island Drive
Corpus Christi, TX 78418

Pea Ridge National Military Park
Pea Ridge, AR 72751

Pecos National Monument
P. O. Drawer 11
Pecos, NM 87552

Perry's Victory & International
Peace Memorial
P. O. Box 78
Put-in-Bay, OH 43456

Petersburg National Battlefield
P. O. Box 549
Petersburg, VA 23803

Petrified Forest National Park
Petrified Forest National Park, AZ 86025

Pictured Rocks National Lakeshore
P. O. Box 40
Munising, MI 49862

Pinnacles National Monument
Paicines, CA 95043

Pipe Spring National Monument
c/o Zion National Park
Springdale, UT 84767

Pipestone National Monument
P. O. Box 727
Pipestone, MN 56164

Platt National Park
P. O. Box 201
Sulphur, OK 73086

Point Reyes National Seashore
c/o Golden Gate National Recreation Area
Fort Mason
San Francisco, CA 94123

Prince William Forest Park
P. O. Box 208
Triangle, VA 22172

Puukohola Heiau National Historic Site
c/o City of Refuge National Historical Park
Honaunau, HI 96726

Rainbow Bridge National Monument
c/o Glen Canyon National Recreation Area
P. O. Box 1507
Page, AZ 86040

Redwood National Park
Drawer N
Crescent City, CA 95531

Richmond National Battlefield Park
3215 East Broad Street
Richmond, VA 23223

Rocky Mountain National Park
Estes Park, CO 80517

Roger Williams National Memorial
c/o North Atlantic Regional Office
150 Causeway Street
Boston, MA 02114

Ross Lake National Recreation Area
c/o North Cascades National Park
Sedro Woolley, WA 98284

Russell Cave National Monument
Rt. 1, Box 175
Bridgeport. AL 35740

Sagamore Hill National Historic Site
c/o New York Group
26 Wall Street
New York, NY 10005

Saguaro National Monument
Southern Arizona Group
1115 N. 1st Street
Phoenix, AZ 85004

Saint Croix Islands National Monument
c/o Acadia National Park
RFD 0 1
Bar Harbor, ME 04609

Saint Croix National Scenic Riverway
P. O. Box 579
St. Croix Falls, WI 54024

Saint-Guadens National Historic Site
RD 2
Windsor, VT 05089

Salem Maritime National Historic Site
Custom House
174 Derby Street
Salem, MA 01970

San Juan Island National Historical Park
P. O. Box 549
Friday Harbor, WA 98250

San Juan National Historic Site
P. O. Box 712
Old San Juan, PR 00902

Saratoga National Historical Park
R.D. 1, Box 113-C
Stillwater, NY 12170

Saugus Iron Works National Historic Site
244 Central Street
Saugus, MA 01906

Scotts Bluff National Monument
P. O. Box 427
Gering, NB 69341

Sequoia National Park
Three Rivers, CA 93271

Sewall-Belmont House
144 Constitution Avenue, N. W.
Washington, D. C. 20002

Shadow Mountain Recreation Area
c/o Rocky Mountain National Park
Estes Park, CO 80517

Shenandoah National Park
Luray, VA 22835

Shiloh National Military Park
c/o Natchez Trace Parkway
RR. 1, NT-143
Tupelo, MS 38801

Sitka National Historical Park
c/o Alaska State Director
344 W. Fifth Avenue - Suite 250
Anchorage, AK 99501

Sleeping Bear Dunes National Lakeshore
400 1/2 Main Street
Frankfort, MI 49635

Springfield Armory National Historic Site
c/o North Atlantic Regional Office
150 Causeway Street
Boston, MA 02114

Statue of Liberty National Monument
c/o New York Group
26 Wall Street
New York, NY 10005

Stones River National Battlefield
P. O. Box 1039
Murfreesboro, TN 37130

Sunset Crater National Monument
c/o Navajo Lands Group
P. O. Box 539

V42I69 APR 11 77 UMI

Farmington, NM 87401

Thaddeus Kosciuszko National Memorial
c/o Independence National Historical Park
313 Walnut Street
Philadelphia, PA 19106

Theodore Roosevelt Birthplace
National Historic Site
New York Group
26 Wall Street
New York, NY 10005

Theodore Roosevelt Inaugural
National Historic Site
641 Delaware Avenue
Buffalo, NY 14209

Theodore Roosevelt Island
c/o George Washington Memorial Parkway
Turkey Run Park
McLean, VA 22101

Theodore Roosevelt National Memorial Park
Medoral, ND 58645

Timpanogos Cave National Monument
Rt. 2, Box 200
American Fork, UT 84003

Tonto National Monument
c/o Southern Arizona Group
1115 N. 1st Street
Phonix, AZ 85004

Tumacacori National Monument
Southern Arizona Group
1115 N. 1st Street
Phoenix, AZ 85004

Tupelo National Battlefield
c/o Natchez Trace Parkway
R.R. 1, NT-143
Tupelo, MS 38801

Tuskegee Institute National Historic Site
Tuskegee, AL 36088

Tuzigoot National Monument
Southern Arizona Group
1115 N. 1st Street
Phoenix, AZ 85004

Vanderbilt Mansion National Historic Site
c/o Home of FDR National Historic Site
Hyde Park
Dutchess County, NY 12538

Vicksburg National Military Park
P. O. Box 349
Vicksburg, MS 39180

Virgin Islands National Park
P. O. Box 806
Charlotte Amalie, VI 00801

Vogageurs National Park
P. O. Drawer 50
International Falls, MN 56649

Walnut Canyon National Monument
c/o Southern Arizona Group
1115 N. 1st Street
Phoenix, AZ 85004

Whiskeytown National Recreation Area
P. O. Box 188
Whiskeytown, CA 96095

White Sands National Monument
P. O. Box 458
Alamogordo, NM 88310

Whitman Mission National Historic Site
Rt. 2
Walla Walla, WA 99362

William Howard Taft National Historic Site
2038 Auburn Avenue
Cincinnati, OH 45219

Wilson's Creek National Battlefield
c/o George Washington Carver
National Monument
P. O. Box 38
Diamond, MO 64840

Wind Cave National Park
Hot Springs, SD 57747

Wolf National Scenic Riverway
c/o Midwest Regional Office
1709 Jackson Street
Omaha, NB 68102

Wolf Trap Farm Park
1551 Trap Road
Vienna, VA 22180

Wright Brothers National Memorial
c/o Cape Hatteras National Seashore
P. O. Box 457
Manteo, NC 27954

Wupatki National Monument
c/o Navajo Lands Group
P. O. Box 539
Farmington, NM 87401

Yellowstone National Park
Yellowstone National Park, WY 82190

Yosemite National Park
P. O. Box 577
Yosemite National Park, CA 95389

Yucca House National Monument
Mesa Verde National Park, CO 81330

Zion National Park
Springdale, UT 84767

H. National Cemeteries
(Add National Park Service, U. S. Department of the Interior to addresses.)

Antietam National Cemetery
c/o Antietam National Battlefield Site
P. O. Box 158
Sharpsburg, MD 21782

Battleground National Cemetery
c/o National Capital Parks
1100 Ohio Drive S. W.
Washington, D. C. 20242

Fort Donelson National Cemetery
c/o Fort Donelson National Military Park
P. O. Box F
Dover, TN 37058

Fredericksburg National Cemetery
c/o Fredericksburg & Spotsylvania County
Battlefields Memorial Military Park
P. O. Box 679
Fredericksburg, VA 22401

Gettysburg National Cemetery
c/o Gettysburg National Military Park
P. O. Box 70
Gettysburg, PA 17325

Poplar Grove National Cemetery
c/o Petersburg National Battlefield
P. O. Box 549
Petersburg, VA 23803

Shiloh National Cemetery
c/o Shiloh National Military Park
Shiloh, TN 38376

Stones River National Cemetery
c/o Stones River National Battlefield
P. O. Box 1039
Murfreesboro, TN 37130

Vicksburg National Cemetery
c/o Vicksburg National Military Park
P. O. Box 806
Vicksburg, MS 39180

Yorktown National Cemetery
c/o Colonial National Historical Park
P. O. Box 210
Yorktown, VA 32690

I. Affiliated Areas

Benjamin Franklin National Memorial
The Franklin Institute
20th & Benjamin Franklin Parkway
Philadelphia, PA 19103

Chicago Portage National Historic Site
c/o Cook County Forest Preserve
Cummings Square
River Forest, IL 60305

Chimney Rock National Historic Site
c/o Scotts Bluff National Monument
P. O. Box 427
Gering, NB 69341

Dorchester Heights National Historic Site
c/o Parks & Recreation Department
33 Beacon Street
Boston, MA 02108

Fort Scott Historic Area
c/o Fort Scott Chamber of Commerce
Fort Scott, KS 66701

Gloria Dei (Old Swedes') Church
National Historic Site
c/o Independence National Historical Park
313 Walnut Street
Philadelphia, PA 19106

Ice Age National Scientific Reserve
P. O. Box 419
Dunseith, ND 58637

Jamestown National Historic Site
c/o Colonial National Historical Park
P. O. Box 210
Yorktown, VA 23690

McLoughlin House National Historic Site
Oregon City, OR 97045

Pennsylvania Avenue National Historic Site
c/o National Capital Parks
1100 Ohio Drive, S. W.
Washington, D. C. 20242

Roosevelt Campobello International Park
c/o Executive Secretary
Roosevelt Campobello International
Park Commission
P. O. Box 97
Lubec, ME 04652

St. Paul's Church National Historical Site
c/o Corporation of St., Paul's Church
897 South Columbus Avenue
Mount Vernon, NY 10550

San Jose Mission National Historic Site
6539 San Jose Drive
San Antonio, TX 78214

Touro Synagogue National Historic Site
85 Touro Street
Newport, RI 02840

International Peace Garden
P. O. Box 419
Dunseith, ND 58637

St. Thomas National Historic Site
Virgin Islands
Charlotte Amalie
St. Thomas, VI 00801

XV. BUREAU OF OUTDOOR RECREATION.

A. Headquarters Office

Bureau of Outdoor Recreation
U. S. Department of the Interior
18th and C Streets, N. W.
Washington, D. C. 20240

B. Regional Offices
(Add Bureau of Outdoor Recreation, U. S. Department of the Interior to addresses.)

Northeast Regional Office
Federal Office Building
600 Arch Street
Philadelphia, Pennsylvania 19106

Southeast Regional Office
178 Cain Street
Atlanta, Georgia 30303

Lake Central Regional Office
3853 Research Park Drive
Ann Arbor, Michigan 48104

Mid-Continent Regional Office
Denver Federal Center
Building 41, P. O. Box 25387
Denver, Colorado 80225

South Central Regional Office
5000 Marble Avenue, N. E.
Albuquerque, New Mexico 87110

Northwest Regional Office
Federal Building, Room 990
915 Second Avenue
Seattle, Washington 98174

Pacific Southwest Regional Office
450 Golden Gates Avenue
San Francisco, California 94102

XVI. BUREAU OF RECLAMATION.
(The address for all offices should include U. S. Department of the Interior, Bureau of Reclamation.)

Chief, Division of General Services
18th and C Streets, N. W.
Washington, D. C. 20240

Chief, General Services Branch
Engineering & Research Center
P. O. Box 25007
Building 67, Denver Federal Center
Denver, Colorado 80225

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Pacific Northwest Region

General Services Officer
Pacific Northwest Region
Federal Building & U. S. Courthouse
Box 043-550 West Fort Street
Boise, Idaho 83724

Central Sanke Projects Office
214 Broadway
Boise, Idaho 83702

Chief Joseph Dam Project Office
Box 346
Wapato Way
Manson, Washington 98831

Columbia Basin Project Office
Box 815
Division Avenue and C Streets, N.W.
Ephrata, Washington 98823

East Greenacres Project Office
P. O. Box 857
North McGuire Road
Post Falls, Idaho 83854

Grand Coulee Project Office
Box 620
Highway 155
Grand Coulee, Washington 99133

Hungry Horse Project Office
Hungry Horse Powerplant
Hungry Horse, Montana 59919

Minidoka Project Office
Box 549
Teton Damsite
Newdale, Idaho 83436

Tualitin Project Office
Box 98
2330 Elm Street
Forest Grove, Oregon 97116

Yakima Project Office
Box 1377
1917 Marsh Road
Yakima, Washington 98901

Columbia Basin Civilian Conservation Center
Building 2404
24th Street
Moses Lake, Washington 98837

Marsing Civilian Conservation Center
Route 1 (4 miles south of Marsing)
Marsing, Idaho 83639

Teton Claim Center
Bowen Professional Building
445 North Capital Avenue
P. O. Box 656
Idaho Falls, Idaho 83401

Teton Claim Center
Ricks College
Old Gymnasium Building
P. O. Box 640
Rexburg, Idaho 83449

Teton Claim Center
Riverside Plaza, Space 29
Blackfoot, Idaho 83221

Mid-Pacific Region

Supply & Services Officer
Mid-Pacific Region
Federal Office Building
2800 Cottage Way
Sacramento, California 95825

Auburn-Folsom South Unit CVP Construction Unit
P. O. Box 1309
471 Maidu Drive
Auburn, California 95603

Lahontan Basin Projects Office
P. O. Box 640
Federal Building
705 North Plaza Street
Carson City, Nevada 89701

Folsom Field Division
P. O. Box 37
Folsom-Auburn Road (Approx. 2 miles north of Folsom)
Folsom, California 95630

Fresno Office (CVP)
Federal Building, Room 2215
1130 'O' Street
Fresno, California 93721

Klamath Project Office
P. O. Box R
Washburn Way and Joe Wright Road
Klamath Falls, Oregon 97601

Shasta Office (CVP)
Route 2, Box 2615
Visitor Center
Redding, California 96001

Tracy Field Division
P. O. Box 1209
Mountain Home & Kelso Road
Tracy, California 95376

Sacramento Valley CVP Construction Office
P. O. Box 988
1140 West Wood Street
Willows, California 95988

San Felipe CVP Construction Office

7891A Westwood Drive
Gilroy, California 95020

Lower Colorado Region

Lower Colorado Regional Office
P. O. Box 427
Boulder Highway & Park Street
Boulder City, Nevada

Arizona Projects Office
Valley Center
Suite 2200
201 North Central Avenue
Phoenix, Arizona 85073

Boulder Canyon Project
Hoover Dam
P. O. Box 427
Boulder City, Nevada 89005

Parker-Davis Project
615 South 43rd Avenue
P. O. Box 6457
Phoenix, Arizona 85005

Yuma Projects Office
3800 Avenue S.E.
P. O. Bin 5569
Yuma, Arizona

Upper Colorado Region

Upper Colorado Regional Office

125 South State Street
P. O. Box 11568
Salt Lake City, Utah 84111

Collbran Job Corps Civilian Conservation Center
R.R. 0 1
Collbran, Colorado 81624

CRSP Power Operations Office
1200 S. Rio Grande
P. O. Box 1069
Montrose, Colorado 81401

Flaming Gorge Field Division
P. O. Box 278
Dutch John, Utah 84023

Glen Canyon Field Division
P. O. Box 1477
Page, Arizona 86040

Uinta Basin Construction Office
11th Street & Highway 40
P. O. Box 420
Duchesne, Utah

Weber Basin Job Corps Civilian Conservation Center
R.F.D. 0 4
Ogden, Utah 84403

Western Colorado Projects Office
P. O. Box 1728
Grand Junction, Colorado 81501

Durango Operations Field Division
835 Second Avenue
P. O. Box 640
Durango, Colorado 81301

Montrose Construction Field Division
10th and Cascade Avenue
P. O. Box 1390
Montrose, Colorado 81401

Central Utah Projects Office
Nesral Center Building
160 North 200 West
Provo, Utah 84601

Lyman Project Office
600 4th Street
P. O. Box 340
Mountain View, Wyoming 82939

Southwest Region

Public Information & General Services Officer
Southwest Region
Herring Plaza, 3rd & Pierce
P. O. Box H-4377
Amarillo, Texas 71901

Albuquerque Planning Office
505 Marquette Avenue, N.W.
P. O. Box 252
Albuquerque, New Mexico 87103

Austin Planning Office
300 East 8th Street
P. O. Box 1946
Austin, Texas 87867

Loan Program
410 Gray Lane
P. O. Box 357
Weslaco, Texas 78596

Mountain Park Project Office
1115 North Spurgeon
P. O. Box 660
Altus, Oklahoma 73521

Navajo Indian Irrigation Project Office
1006 Municipal Drive
P. O. Box 28
Farmington, New Mexico 87401

Oklahoma City Planning Office
200 Northwest 4th Street
P. O. Box 495
Oklahoma City, Oklahoma 73191

Palmetto Bend Project Office
609 North Wells Street
P. O. Drawer O
Edna, Texas 77957

Pecos River Projects Office
800 West Pierce Street
P. O. Box 1356
Carlsbad, New Mexico 88220

Rio Grande Project Office
303 North Oregon Street
P. O. Drawer P
El Paso, Texas 79952

San Juan-Chama Project Office
509 Camino de los Marquez
P. O. Box 5091
Santa Fe, New Mexico 87502

Upper Rio Grande Basin Project Office
505 Marquette Avenue, N.W.
P. O. Box 252
Albuquerque, New Mexico 87103

Nueces River Project Office
City Building, Thornton Street
P. O. Box Drawer 767
Three Rivers, Texas 78071

Upper Missouri Region

Procurement and Property Officer
Upper Missouri Region
Federal Office Building
316 North 26TH Street
P. O. Box 2553
Billings, Montana 59103

Missouri-Oahe Projects Office
450 Dakota Avenue, South
P. O. Box 825
Huron, South Dakota 57350

Missouri-Couris Projects Office
304 East Broadway Avenue
P. O. Box 1017
Bismarck, North Dakota 58501

Upper Missouri Projects Office
3-6th Street, North
P. O. Box 1629
Great Falls, Montana 59403

Fort Peck Project Office
Administration Building
East Kansas Street
P. O. Box 145
Fort Peck, Montana 59223

Canyon Ferry Project Office
Canyon Ferry Rural Office
Helena, Montana 59601

Yellowtail Project Office
P. O. Box 51B YRS
Hardin, Montana 59035

Riverton Unit
12th & Roosevelt Streets

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P. O. Box 31
Riverton, Wyoming 82501

Power System Operations Office
P. O. Box 864
Watertown, South Dakota 57201

Lower Missouri Region

General Services Officer
Lower Missouri Region
Building 20, Denver Federal Center
P. O. Box 25247
Denver, Colorado 80225

Fryingpan-Arkansas Project
219 West 5th Street
P. O. Box 515
Pueblo, Colorado

South Platte River Projects
995 Wilson Avenue
P. O. Box 449
Loveland, Colorado

North Platte River Projects
P. O. Box 280
Casper, Wyoming

Nebraska Reclamation Office
2nd & Locust Streets
P. O. Box 1607
Grand Island, Nebraska

Kansas River Projects
1706 West 3rd Street
P. O. Box 737
McCook, Nebraska

Cheyenne Construction Office
P. O. Box 507
Cheyenne, Wyoming

Missouri River Bsin Planning Office
215 North 17th Street
P. O. Box 428
Omaha, Nebraska

Kansas Reclamation Office
Landmark Plaza Building
103 East 10th Street
Topeka, Kansas 66612

XVII. ALASKA POWER ADMINISTRATION.

Alaska Power Administration
P. O. Box 50
Juneau, Alaska 99802

XVIII. BONNEVILLE POWER ADMINISTRATION.

Bonneville Power Administration
P. O. Box 3621
Portland, Oregon 97208

XIX. DEFENSE ELECTRIC POWER ADMINISTRATION.

Defense Electric Power Administration
U. S. Department of the Interior
18th and C Streets, N. W.
Washington, D. C. 20240

XX. SOUTHEASTERN POWER ADMINISTRATION.

Southeastern Power Administration
Samuel Elbert Building
Elberton, Georgia 30635

XXI. SOUTHWESTERN POWER ADMINISTRATION.

Southwestern Power Administration
P. O. Drawer 1619
Tulsa, Oklahoma 74101

INTERIOR/AAI- 1

System name: Audit Files and Workpapers -- Interior, Office of the Secretary-- 1.

System location: Office of Audit and Investigation at the following locations: (1) 18th and C St., N.W., Washington, D.C. 20240. (2) Eastern Region, 801 19th St., N.W., Washington, D.C. 20240. (3) Central Region, 1841 Wadsworth, Lakewood, Colorado 80215. (4) Central Region, Suboffice, Rm. 334, Old Post Office Bldg., 123 4th St. S.W., Albuquerque, New Mexico 87102. (5) Western Region, Federal Office Bldg., Rm. W2219, 2800 Cottage Way, Sacramento, California 95825. (6) Western Region Suboffice, 2149 N.E. Hoyt St., Portland, Oregon 97232. (7) Audit site during process of an audit.

Categories of individuals covered by the system: Individuals who are or have been subject to an audit.

Categories of records in the system: Information such as earnings, employment history, debts, performance, and other personal information.

Authority for maintenance of the system: (1) 5 U.S.C. 301. (2) 43 U.S.C. 1457. (3) 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are to develop audit reports which bring to the attention of management, contractors and grantees existing deficiencies and recommendations for correcting those deficiencies. Disclosures outside the Department of the Interior may be made: (1) to a Federal, State or local government agency who has funds involved to alert that agency to the deficiencies so the agency may take corrective action; (2) by transfer to another Federal agency or a State or local government body having partial or complete jurisdiction over the auditee; (3) to the U. S. Department of Justice when related to litigation or anticipated litigation; (4) for transfer of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (5) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in binders and file folders; (2) Retrievability -- indexed by audit assignment number and report title, state or bureau; (3) Safeguards -- those files and reports whose contents include items subject to the Privacy Act will be locked and access restricted; (4) Disposal -- (a) grants: last audit retained in office; five years retained in Archives. (b) contracts: current fiscal year plus one past retained in office; five years retained in Archives. (c) internal: two years retained in office; five years retained in Archives. Disposal is authorized after expiration of above time periods.

System manager(s) and address: Director of Audit and Investigation, Office of Audit and Investigation, 18th and C Streets, N.W., Washington, D.C. 20240.

Notification procedure: Same as above. (See 43 CFR 2.60 for details on inquiries.)

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

Record source categories: Individuals and from records about the individuals.

INTERIOR/AAI- 2

System name: Investigative Records -- Interior, Office of the Secretary-m 2.

System location: Division of Investigation, Office of Audit and Investigation, Office of the Secretary, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Categories of individuals covered by the system: Departmental employees, prospective employees, contractors, subcontractors (prospective contractors and subcontractors), grantees, subgrantees, persons doing business with the Department, private citizens who have contact with the Department or geographical areas under its jurisdiction.

Categories of records in the system: Investigative reports and material pertaining to allegations of violations of law, such as, misconduct by employees, irregularities by contractors, grantees, etc., and irregularities involving the integrity of the policies and practices of the Interior and real and personal property under its jurisdiction.

Authority for maintenance of the system: (1) Reorganization Plan No. 3 of 1950, 43 U.S.C. 1951n. (2) 5 U.S.C. 7301. (3) Executive Order No. 11222. 18 U.S.C. 201n. (4) 43 U.S.C. 11. (5) 30 U.S.C. 6. (6) 43 U.S.C. 31. (7) 25 U.S.C. 68.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are to (a) conduct and report investigations stemming from specific complaints of serious misconduct or irregularities to ensure compliance by Departmental employees, prospective employees, contractors, subcontractors (prospective contractors and subcontractors), grantees, subgrantees, and persons doing business with the Department with Federal Statutes, regulations, policies, and procedures; and (b) conduct other fact finding studies as the Secretary may direct. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation involving the records or the subject matter of the records; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulations, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; and (5) to Federal, State, or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- file folders. (2) Retrievability -- by name. (3) Safeguards -- locked file cabinets within locked rooms. Access to authorized persons only. (4) Retention and Disposal -- reports of complete field investigations are disposed of after 30 years. Matters not subjected to full field investigation are disposed of after 15 years. Destruction is by shredding or burning under supervision.

System manager(s) and address: Chief, Division of Investigation, Office of Audit and Investigation, Room 7356, Interior Building, 18th and C Streets, N.W., Washington, D.C. 20240.

Systems exempted from certain provisions of the act: Under the specific authority provided by 5 U.S.C. 552a(k)(2), the Department of the Interior has adopted a regulation, 43 CFR 2.79(b), which exempts this system from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (1) and (f) and the portions of 43 CFR, Part 2, Subpart C which implement these provisions. The reasons for adoption of this regulation are set out at 40 FR 37217 (August 26, 1975). by 5 U.S.C. 552a(k).

INTERIOR/AAI- 3

System name: Financial Interest Statements and Ethics Counselor Decisions - Interior, Office of the Secretary-- 3.

System location: (1) Office of Audit and Investigation, U.S. Department of the Interior, 18th and C St., N.W., Washington, D.C. 20240. (2) Bureau and Office Ethics Counselors, Deputy Ethics Counselors and Assistant Ethics Counselors. (A list may be obtained from the Department Ethics Counselor, Office of Audit and Investigation.)

Categories of individuals covered by the system: Current or past Interior Department employees required to file Statement of Employment and Financial Interest as required in 43 CFR 20.735-18,19, 20,22 and 43.

Categories of records in the system: Contains Confidential Statements of Employment and Financial Interest (forms DI-212 or DI-213) for present or past incumbents in positions required to file such statements by 43 CFR 20.735-22(a) or 20.735-43(a) respectively. Contains Public Disclosure Statements of known Financial Interests (forms DI-211, DI-211A and DI-211B) for present or past incumbents in positions required to file such statements by 43 CFR 20.735-18,19 and 20. Also contains record of conflict of interest decisions, analysis of financial holdings, employee statement, Solicitor's comments, head of bureau or office comments, and supervisor comments on present or past employees as requested by the bureau or office counselors or needed by the Departmental counselor.

Authority for maintenance of the system: (1) 5 USC 7301. (2) 43 USC 11. (3) 30 USC 6. (4) 43 USC 31. (5) 18 USC 201-209. (6) 25 USC 68. (7) E.O. 11222. (8) PL. 94-579. (9) P.L. 94-429. (10) P.L. 94-163.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to review employee financial interests and determine employee compliance or non-compliance with applicable conflict of interest statutes and regulations; (b) to record the fact that the employee has been made aware of specifically directed legislation or regulations covering his organization and that he or she is in compliance with such specific legislation or regulations; and (c) to provide an adequate system of records for Interior auditors performing compliance audits within the Interior Department. Disclosures outside the Department of the Interior may be made; (1) to the U. S. Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or, (3) to a Congressional office from the record of an individual in response to an inquiry made at the request of that individual, (4) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit, (5) to the Civil Service Commission to perform oversight reviews, (6) to the public for only those records covered by 43 CFR 20.735-18,19 and 20.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: For Confidential Statements of Employment and Financial Interests: (1) Storage -- maintained in file folders; (2) Retrievability -- filed alphabetically by position or employee name; (3) Safeguards -- maintained in locked file cabinet in locked office; (4) Disposal schedule -- 43 CFR, Part 20.735-22(e)(2) requires disposal two years after employee leaves position requiring the filing of the Statement. For Public Disclosure Statements of known Financial Interests: (1) Storage--maintained in file folders (2) Retrievability-- filed by Bureau, form number, and alphabetically by employee name at the Department Library. (3) Accessing--maintained by Bureau or Office Ethics Counselors designated in 20.735-22(c) and maintained centrally at the main Department Library.

System manager(s) and address: Department Ethics Counselor, Office of Audit and Investigation, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Notification procedure: Inquiries may be addressed to the System manager, as indicated above, or to the Bureau or Office Ethics Counselor as listed in 43 CFR 20.735-22(c). (See 43 CFR 2.60 for details on inquiries.)

Record access procedures: A request for access may be addressed to the System Manager (for information regarding the entire system) or to the Bureau or Office Ethics Counselor as listed in 43 CFR 20.735-22(c) (for information regarding the specific bureau or office system). The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63. With respect to the public disclosure statements, persons wishing to invoke the Privacy Act may do so in accordance with the foregoing procedures. However, such persons are advised that the public disclosure statements are available for direct access from Bureau of Office Ethics Counselors designated in 20.735-22(c) and at the main Department Library.

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Contesting record procedures: A petition for amendment shall be addressed to the System Manager or to the appropriate Bureau or Office Ethics Counselor as listed in 43 CFR 20.735-22(c), and must meet the requirements of 43 CFR 2.71.

Record source categories: Present or past Interior employees required to file Financial Interest Statements, Ethics Counselors, employee's supervisors, or the Solicitor.

INTERIOR/AAS- 5

System name: Aircraft Instructor Qualification File -- Interior Office of the Secretary -- 5.

System location: Division of Technical Services, Office of Aircraft Services (OAS), 3905 Vista Avenue, Boise, Idaho 83705.

Categories of individuals covered by the system: Department of the Interior (DOI) employees.

Categories of records in the system: This system contains data concerning DOI employees trained by OAS to instruct aviation related subjects within DOI, including addresses, phone numbers, and notification procedures.

Authority for maintenance of the system: 5 U.S.C. 301, Reorganization Plan 3 of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to maintain updated instructor qualification records (b) to refer instructors to DOI Bureaus/Offices. Disclosures outside the Department of the Interior may be made, (1) to the U. S. Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (3) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit, (4) to Federal, State, or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- records are maintained in manual form. (2) Retrievability -- records are indexed by name, instructional function, bureau/office. (3) Safeguards -- access to and use of these records are limited to those persons whose official duties require such access. (4) Retention and Disposal -- records are maintained on a current basis and disposed of when superseded.

System manager(s) and address: Chief, Technical Services Division, Office of Aircraft Services, 3905 Vista Avenue, Boise, Idaho 83705.

Notification procedure: Inquiries should be directed to the System Manager. See 43 CFR 2.60 for submission requirements.

Record access procedures: Same as above. See 43 CFR 2.63 for submission requirements.

Contesting record procedures: Same as above. See 43 CFR 2.71 for submission requirements.

Record source categories: Information in this system comes from individuals to whom it applies and Technical Representative (Training), OAS.

INTERIOR/AAS- 6

System name: Aircraft Crew/Mechanic Information File (Commercial Operators) -- Interior, Office of the Secretary-- 6.

System location: (1) National Headquarters, Division of Technical Services, Office of Aircraft Services, 3905 Vista Avenue, Boise, Idaho 83705. (2) Regional Director, Office of Aircraft Services, 1935 Merrill Field Drive, Anchorage, Alaska 99501.

Categories of individuals covered by the system: Aircraft crew/mechanic employees of commercial operators, utilized by Department of the Interior (DOI) bureaus/offices.

Categories of records in the system: The system contains information relative to certificates, qualifications, experience levels, training and proficiency, performance information, and accident experience data.

Authority for maintenance of the system: 5 U.S.C. 301, Reorganization Plan 3 of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is to determine aircraft crew/mechanic qualifications to comply with contract specifications. Disclosures outside the Department of the Interior may be made, (1) to the U. S. Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (3) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license contract, pilot qualification card, grant or other benefit, (4) to Federal, State, local agencies or commercial business where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, pilot qualification card, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- records are maintained in manual form (2) Retrievability -- records are indexed by name. (3) Safeguards -- access to and use of these records are limited to those persons whose official duties require such access. (4) Retention and Disposal -- records are maintained on a current basis and disposed of when superseded.

System manager(s) and address: (1) For National Headquarters -- Chief, Technical Services Division, Office of Aircraft Services, 3905 Vista Avenue, Boise, Idaho 83705. (2) For Regional Offices -- Regional Director, Office of Aircraft Services, 1935 Merrill Field Drive, Anchorage, Alaska 99501.

Notification procedure: Inquiries should be directed to the System Manager. See 43 CFR 2.60 for submission requirements.

Record access procedures: Same as above. See 43 CFR 2.63 for submission requirements.

Contesting record procedures: Same as above. See 43 CFR 2.71 for submission requirements.

Record source categories: Information in this system comes from individuals to whom it applies and Technical Representatives, Office of Aircraft Services.

INTERIOR/AAS- 7

System name: Aircraft Crew/Mechanic Information File -- Interior, Office of the Secretary-- 7.

System location: (1) National Headquarters -- Office of Aircraft Services, Division of Technical Services, 3905 Vista Avenue, Boise, Idaho 83705. (2) Regional Office -- Regional Director, Office of Aircraft Services, 1935 Merrill Field Drive, Anchorage, Alaska 99501.

Categories of individuals covered by the system: Professional, dual function and incidental function pilots, aircrew members, and mechanics employed by Interior bureaus/offices.

Categories of records in the system: The system contains information relative to certificates, qualifications, experience levels, training and proficiency, performance information, and accident experience data.

Authority for maintenance of the system: 5 U.S.C. 301, Reorganization Plan 3 of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is to determine aircraft crew/mechanic qualifications to comply with OAS procedures and directives. Disclosure outside the Department of the Interior may be made, (1) to the U. S. Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule regulation, order or license, (3) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, pilot qualification card, grant or other benefit, (4) to Federal, State, local agencies or commercial business where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, pilot qualification card, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Records are maintained in manual form. (2) Retrievability -- Records are indexed by agency, location, name. (3) Safeguards -- Access to and use of these records are limited to those persons whose official duties require such access. (4) Retention and Disposal -- Records are maintained on a current basis and disposed of when superseded.

System manager(s) and address: (1) National Headquarters--Chief, Technical Services Division, Office of Aircraft Services, 3905 Vista Avenue, Boise, Idaho 83705. (2) Regional Office--Regional Director, Office of Aircraft Services, 1935 Merrill Field Drive, Anchorage, Alaska 99501.

Notification procedure: Inquiries regarding the existence of records shall be addressed to the appropriate System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access shall be addressed to the appropriate System Manager. The request must be in writign and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the appropriate System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Information in this system comes from individual to whom it applies and Technical Representatives, Office of Aircraft Services.

INTERIOR/AAS- 8

System name: Aircraft Services Administrative Management and Fiscal Records - Interior, Office of the Secretary-- 8.

System location: (1) Office of Aircraft Services, U.S. Department of the Interior, 3905 Vista Avenue, Boise, Idaho 83705. (2) Office of Aircraft Services, U.S. Department of the Interior, 1935 Merrill Field Drive, Anchorage, Alaska 99501.

Categories of individuals covered by the system: Employees and some former employees of the Office of Aircraft Services.

Categories of records in the system: Payroll records, including pay, leave and cost distribution records, including deductions for bonds, insurance, income taxes, allotments to financial institutions, overtime authorizations, and related documents. Travel records, including administrative approvals, travel expenses claimed and/or paid, receipts for expenditures claims. Government transportation requests, travel advance accounts and related records. Records of accountability for Government-owned property. Safety records, including claims under the Military Personnel and Civil Employees Claims Act. Records of issuance of Government identification cards and Government driver's licenses. Related records concerning administrative and fiscal management.

Authority for maintenance of the system: 5 U.S.C. 301, 3101, 5101-5115, 5501-5596, 5701-5709, 31 U.S.C. 66a, 240-243, 40 U.S.C. 483(b), 43 U.S.C. 1467, 44 U.S.C. 3101, Executive Order No. 11807.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records are (a) for administrative and fiscal management. Disclosure outside the Department of the Interior may be made, (1) to the Department of the Treasury for preparation of (a) payroll checks, (b) payroll deduction and other checks to Federal, State and local and (c) checks for reimbursement of employees and others, (2) to the Internal Revenue Service and to the State, Commonwealth, Territorial and local governments for tax purposes, (3) to the Civil Service Retirement System and other contributions, (4) to another Federal agency to which an employee has transferred, (5) to another Federal agency having a subject matter interest in the records, (6) to the U. S. Department of Justice when related to litigation or anticipated litigation, (7) of information indicating a violation or potential violation of a statute, regulation, rule, order, license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (8) to Federal, State, local agencies or commercial business where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, pilot qualification card, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual and automated. (2) Retrievability -- May be retrieved by individual name or social security number. (3) Safeguards -- Records are maintained in accordance with 43 CFR 2.51. (4) Retention and Disposal -- According to approved records disposal schedules.

System manager(s) and address: Director, Office of Aircraft Services, U.S. Department of the Interior, 3905 Vista Avenue, Boise, Idaho 83705.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The 43quest must meet the content 43qui43ments of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Employees, supervisors, timekeepers.

INTERIOR/ACL-12

System name: Private Relief Claimants, Department -- Interior, Office of the Secretary--12.

System location: Office of Legislation, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Categories of individuals covered by the system: Individual claimants against the United States seeking remedy through private relief bills for claims involving the programs and activities of the Department of the Interior.

Categories of records in the system: Copies of relief bills and congressional committee reports, Departmental reports on bills, correspondence, comments of bureaus and offices.

Authority for maintenance of the system: 5 U.S.C. 301, 43 U.S.C. 1457, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is to support legislation for the relief of private claimants. Disclosures outside the Department of the Interior may be made (1) to Congress to report on the basis and validity of claims; (2) to another Federal agency having a subject matter interest in the claim; (3) to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19, at any stage of the legislative coordination and clearance process as set forth in that Circular; (5) to the Congressional sponsor of a private relief bill and to representatives of the individual who is the subject of the legislation; (6) to the U. S. Department of Justice when related to litigation or anticipated litigation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1)Storage -- Maintained manually in file folders. (2) Retrievability -- cross-indexed by name of claimant. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- retired to Federal Records Center after three Congresses.

System manager(s) and address: Director, Office of Legislation, U.S. Department of the Interior, Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to Chief, Service Branch, Office of Legislation, U.S. Department of the Interior, Washington, D.C. 20240. The inquiry must be in writing and state that the individual seeks information concerning records pertaining to him. See 43 CFR 2.60.

Record access procedures: Same as Notification. See 43 CFR 2.63 for additional content requirements for requests.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

Record source categories: Congress, individual claimants, bureaus and offices of the Department.

INTERIOR/ACL-13

System name: Private Relief Claimants, Bureau -- Office of the Secretary--13.

System location: (1) Bureau of Indian Affairs, 1951 Constitution Avenue, N.W., Washington, D.C. 20245. (2) Geological Survey Na-

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tional Center, Reston, Virginia 22092. (3) Bureau of Land Management, Division of Legislation and Regulatory Management, 18th and C Streets, N.W., Washington, D.C. 20240.

Categories of individuals covered by the system: Individual claimants against the United States seeking remedy through private relief bills for claims involving the programs and activities of the Department of the Interior.

Categories of records in the system: Copies of relief bills and Congressional committee reports, Departmental reports on bills, correspondence, information compiled in connection with the claims, communications of requests from the sponsor of the bill on the claimant's attorney.

Authority for maintenance of the system: 5 U.S.C. 301, 43 U.S.C. 1457, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is to support legislation for the relief of private claimants. Disclosures outside the Department of the Interior may be made (1) to Congress on the basis and validity of claims; (2) to another Federal agency having a subject matter interest in a claim; (3) to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular; (4) to the Congressional sponsor of a private relief bill and to representatives of the individual who is subject of the legislation; (5) to the U. S. Department of Justice when related to litigation or anticipated litigation; (6) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (7) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Maintained manually in file folders. (2) Retrievability -- Cross-indexed by name of claimant. (3) Safeguards -- Maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- Retired to Federal Records Center after three Congresses.

System manager(s) and address: (1) Director, Congressional and Legislative Staff, Room 4639, Bureau of Indian Affairs, 1951 Constitution Avenue, N.W., Washington, D.C. 20245. (2) Legislative Specialist, Geological Survey National Center, Reston, Virgina 22092. (3) Chief, Division of Legislation and Regulatory Management, Bureau of Land Management, 18th and C Streets, N.W., Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the appropriate System Manager listed above. The inquiry must be in writing and state that the individual seeks information concerning records pertaining to him. See 43 CFR 2.60.

Record access procedures: Same as Notification. See 43 CFR 2.63 for additional content requirements for requests.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

Record source categories: Congress, individual claimants, bureaus and offices of the Department.

INTERIOR/AEM-15

System name: Emergency Defense Mobilization Files -- Interior, Office of the Secretary--15.

System location: (1) Office of the Assistant Secretary -- Energy and Minerals. (2) Office of the Assistant Secretary -- Land and Water Resources. (3) Defense Electric Power Administration. Address for all locations: U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Categories of individuals covered by the system: Members of the National Defense Executive Reserve and other individuals assigned responsibilities in the event of a national defense emergency.

Categories of records in the system: Biographical and related records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is to administer the NDER program. Disclosures outside the Department of the Interior may be made (1) to officials of participating departments and agencies relevant to reservists assigned to their units; (2) to the U. S. Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Maintained in manual form. (2) Retrievability -- Indexed by individual name. (3) Safeguards -- Maintained with safeguards meeting the requirements of 43 CFR 2.51. (4) Disposal -- Records held for two years after individual's resignation or death.

System manager(s) and address: (1) For records maintained in the Office of the Assistant Secretary -- Energy and Minerals, the Assistant Secretary -- Energy and Minerals. (2) For records maintained in the Office of the Assistant Secretary -- Land and Water Resources, the Assistant Secretary -- Land and Water Resources. (3) For records maintained by the Defense Electric Power Administration, the Administrator, DEPA.

Notification procedure: A written, signed request stating that the requester seeks information concerning records pertaining to him is required. The request shall be addressed to the appropriate System Manager. See 43 CFR 2.60 for submission requirements.

Record access procedures: A request for access shall be addressed to the appropriate System Manager and shall meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and shall meet the content requirements of 43 CFR 2.71.

Record source categories: Individuals.

INTERIOR/AEO-18

System name: Discrimination Complaints -- Interior, Office of the Secretary--18.

System location: (1) Office for Equal Opportunity, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. (2) All Regional Offices of the Office for Equal Opportunity: (a) Office for Equal Opportunity - Eastern Region, U.S. Department of the Interior, 4040 N. Fairfax Drive - 10th Floor, Arlington, VA. 22203; (b) Office for Equal Opportunity - Western Region, U.S. Department of the Interior, Denver Federal Center, Building 67, Room 880, Denver, CO 80225; and (c) Office for Equal Opportunity - Alaska Region, U.S. Department of the Interior, 204 East Fifth Avenue, Anchorage, AK 99501.

Categories of individuals covered by the system: Individuals who claim to have been discriminated against on the basis of race, color, sex, religion, or national origin in violation of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), in violation of Section 403 of the Trans-Alaska Pipeline Authorization Act (87 Stat. 576), or in violation of Executive Order 11246, as amended (3 CFR 169 (1974 ed.)).

Categories of records in the system: Contains complaints of discrimination; reports of complaint investigations and supplementary documentary evidence; correspondence, including requests for information from other Federal agencies and from minority, civil rights, women's, and community organizations; documents obtained from Government contractors and subcontractors, from the administrators and recipients of Government funds, and from Government permitees under the Trans-Alaska Pipeline Authorization Act (87 Stat. 576); and miscellaneous statistical data obtained from various sources.

Authority for maintenance of the system: Title VI of the Civil Rights Act of 1964 (42 USC 2000d) and its implementing regulations (43 CFR Pt. 17); Section 403 of the Trans-Alaska Pipeline Authorization Act (87 Stat. 576) and its implementing regulations (43 CFR Pt. 27); and Executive Order 11246, as amended (3 CFR 169 (1974 ed.)) and its implementing regulations (41 CFR Ch. 60).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is for the investigation and resolution of complaints of discrimination in violation of Title VI of the Civil Rights Act of 1964 (42 USC 2000D), in violation of Section 403 of the Trans-Alaska Pipiline Authorization Act (87 Stat. 576), or in violation of Executive Order 11246, as amended (3CFR 169 1974 Ed.)). Disclosures outside the Department of the Interior may be made (1) to the U. S. Equal Employment Opportunity Commission under the terms of the Office of Federal Constract Compliance Equal Employment Opportunity Commission Memorandum of Understanding dated September 11, 1974, (39 FR 35855); (2) to the Office of Federal Contract Compliance for the purpose of audit and evaluation; (3) to other Federal agencies charged with the enforcement of equal employment opportunity laws, orders and regulations, on a need-to-know basis to assist these agencies in their enforcement activities; (4) to the U. S. Department of Justice when related to litigation or anticipated litigation; (5) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (6) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed by name of complainant. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- records held for three years after close of case, then sent to storage in Federal Records Center.

System manager(s) and address: (a) For complaints arising under Executive Order 11246, as amended (3 CFR 169 (1974 ed.)), and under Title VI of the Civil Rights Act of 1964 (42 USC 2000d) - Director, Office for Equal Opportunity, Office of the Secretary, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. (b) For complaints arising under Section 403 of the Trans-Alaska Pipeline Authorization Act (87 Stat. 576) - Authorized Officer, Alaska Pipeline Office, U.S. Department of the Interior, 808 E Street, Anchorage, AK 99501.

Notification procedure: A written and signed request stating that the requester seeks information concerning records pertaining to him is required, and shall be addressed to the appropriate System Manager. 43 CFR 2.60.

Record access procedures: A request for access shall be addressed to the appropriate System Manager, and shall meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall meet the requirements of 43 CFR 2.71.

Record source categories: Complainants; Government contractors and subcontractors and their employees; Government permitees under Section 403 of the Trans-Alaska Pipeline Authorization Act (87 Stat. 576) and their employees; the administrators and recipients of Government funds from programs administered by the Department of the Interior; Federal, State, and local government agencies; community, minority, civil rights, and women's organizations; unions; members of Congress and their staffs; Bureaus and offices of the Department of the Interior; and confidential informants, to the extent they possess data otherwise unavailable.

INTERIOR/AES-20

System name: Secretarial Correspondence Card File -- Interior, Office of the Secretary--20.

System location: Executive Secretariat, Office of the Under Secretary, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Categories of individuals covered by the system: Persons who have written to the Secretary of the Interior on official business.

Categories of records in the system: Identification of writer; subject, date and disposition of correspondence.

Authority for maintenance of the system: 5 U.S.C. 301; 43 U.S.C. 1457, 44 U.S.C. 3101, Reorganization Plan 3 of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of records is to ascertain status of correspondence to the Secretary of the Interior. Disclosures outside the Department of the Interior may be made (1) to a Federal agency so that the agency may respond to an inquiry from the named individual, (2) to the U. S. Department of Justice when related to litigation or anticipated litigation (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, and (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Wheeldex (index file). (2) Retrievability -- indexed by name and number. (3) Safeguards -- records maintained in locked file in secure room. (4) Retention and Disposal -- records maintained for one to two years then destroyed.

System manager(s) and address: Executive Secretary, Interior Building, 18th and C Streets, N. W., Washington, D. C. 20240.

Notification procedure: Same as above. See 43 CFR 2.60 for submission requirements.

Record access procedures: Same as above. See 43 CFR 2.63 for submission requirements.

Contesting record procedures: Same as above. See 43 CFR 2.71 for submission requirements.

Record source categories: Individuals on whom the record is maintained.

INTERIOR/AJC-25

System name: Youth Conservation Corps (YCC) Enrollee Records -- Interior, Office of the Secretary--25.

System location: (1) All USDI Federal Camp Directors' Offices. Addresses of YCC Camp Directors may be obtained each year by writing to the System Manager. (2) Administrative Services Center, Bureau of Reclamation, Salt Lake City, Utah 84147.

Categories of individuals covered by the system: Enrollees of current year USDI Federal YCC program.

Categories of records in the system: (1)Current Enrollees: USDI Application Forms; USDI Medical History Forms; Personal and Statistical Information. (2) Optional: Evaluation of enrollee's performance by camp staff; Accident, injury and treatment forms. (3) Past Enrollees: List of names and addresses. (4) Current Alternates: USDI Application Forms.

Authority for maintenance of the system: PL 93-408.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) the identification of current and past enrollees and current alternates; (b) for the selection of alternate upon enrollee withdrawal from program; (c) to provide enrollee participation record for school credit. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Agriculture in connection with joint administration of YCC program; (2) to the U. S. Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (5) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (6) to Federal State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in personnel jackets. (2) Safeguards -- stored in metal filing cabinets with three way combination locks or key locks. (3) Retention and Disposal -- records are maintained until the end of the current program. At termination, a list of the names and addresses of enrollees is retained, while the parental permission portion of USDI Application Forms and all USDI Medical History Forms and any completed Accident, injury and treatment forms are forwarded to the Administrative Services Center, Bureau of Reclamation, Salt Lake City, Utah 84147. All other non-record information in the system of records is destroyed. The list of enrollee names and addresses is retained. Disposal schedule is pending. The application forms of current alternates are destroyed at the termination of the current program.

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System manager(s) and address: Director, Office of Manpower Training and Youth Activities, Department of the Interior, Office of the Secretary, Washington, D.C. 20240.

Notification procedure: System Manager and camp directors. Camp director will only be able to provide information from records maintained at the camp. See 43 CFR 2.60.

Record access procedures: System Manager or camp directors. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom the record is maintained, medical doctor, school or other official.

INTERIOR/AJC-26

System name: Youth Conservation Corps (YCC) Enrollee Payroll Records File - Interior, Office of the Secretary--26.

System location: Administrative Services Center, Bureau of Reclamation, P.O. Box 11568, Salt Lake City, Utah 84147. Records are joint records of the U.S. Department of the Interior, Office of Manpower Training and Youth Activities and the U.S. Department of Agriculture, Forest Service.

Categories of individuals covered by the system: Youth accepted into the YCC program.

Categories of records in the system: Personnel, pay, statistical and termination data compiled by camp officials.

Authority for maintenance of the system: PL 93-408.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) the identification of current and past enrollees; (b) for payroll purposes for current enrollees; (c) to develop demographic characteristics of enrollee population for statistical purposes. Disclosures outside the Department of the Interior may be made (1) to the Department of the Treasury for preparation of (a) payroll checks and (b) payroll deduction and other checks to Federal, State and local government agencies, non-governmental organizations and individuals; (2) to the Internal Revenue Service and to State, Commonwealth, Territorial and local government for tax purposes; (3) to the Civil Service Commission in connection with the Civil Service Retirement system; (4) to another Federal agency to which an employee has transferred; (5) to the U. S. Department of Justice when related to litigation or anticipated litigation; (6) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (7) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (8) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (9) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- current and past personal and statistical information on magnetic tape and printouts. (2) Retrievability -- tape reels are coded by number. (3) Safeguards -- tapes are stored in a tape file and vault while printouts are stored in a locked metal filing cabinet. (4) Retention and Disposal -- current payroll information is purged from magnetic tapes at the termination of the program after being transferred to a sedle magnetic tape which is retained permanently. Other material disposal regulations are pending.

System manager(s) and address: (1) Director, Division of Manpower and Youth Conservation Programs, U.S. Department of Agriculture, Forest Service, Washington, D.C. 20250. (2) Director, Office of Manpower Training and Youth Activities, U.S. Department of the Interior, Washington, D.C. 20240.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Managers. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Managers. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Managers and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom the record is maintained, camp personnel.

INTERIOR/AJC-27

System name: Youth Conservation Corps (YCC) Enrollee Medical Records -- Interior, Office of the Secretary--27.

System location: Administrative Services Center, Bureau of Reclamation, P.O. Box 11568, Salt Lake City, Utah 84147.

Categories of individuals covered by the system: Enrollees of past Interior Federal YCC programs.

Categories of records in the system: (1) U.S.D.I. Medical History Forms. (2) Accident, injury and treatment forms. (3) Parental permission portion of the U.S.D.I. Application forms.

Authority for maintenance of the system: PL 93-408.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) for the adjudication of FEC medical claims, and (b) the adjudication of tort claims. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Agriculture in connection with joint administration of YCC program; (2) to the U. S. Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (5) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (6) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- manual records. (2) Retrievability -- by individual name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51. (4) Retention and Disposal -- pending.

System manager(s) and address: Director, Office of Manpower Training and Youth Activities, Department of the Interior, Office of the Secretary, Washington, D.C. 20240.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom the record is maintained, medical doctor, and camp official compiling accident or medical treatment information.

INTERIOR/AJC-28

System name: Youth Conservation Corps (YCC) Research file -- Interior, Offiice of the Secretary--28.

System location: Institute for Social Research, University of Michigan, Ann Arbor, Michigan 48106. Records are joint records of the U.S. Department of the Interior, Office of Manpower Training and Youth Activities and the U.S. Department of Agriculture, Forest Service.

Categories of individuals covered by the system: A random sample of 600 1973 YCC enrollees.

Categories of records in the system: The file contains questionnaire responses, environmental education scores, and verbal skills test data of questionnaire respondents.

Authority for maintenance of the system: PL 93-408.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is for future research on long term values gained from the YCC experience. Disclosures outside the Department of th of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, state, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual. at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- file is on a magnetic tape. (2) Retrievability -- data on each person is identified by a case number. It can be retrieved by matching the case number with a mailing list containing case numbers, name and address. (3) Safeguards -- only the research staff have access to the mailing list. (4) Retention and Disposal -- files are being retained indefinitely for possible future longitudinal studies of long range benefit.

System manager(s) and address: (1) Director, Division of Manpower and Youth Conseration Programs, U.S. Department of Agriculture, Forest Service, Washington, D.C. 20250. (2) Director, Office of Manpower Training and Youth Activities, U.S. Department of the Interior, Washington, D.C. 20240.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: The individual covered in the sample.

INTERIOR/AJC-29

System name: Youth Conservation Corps (YCC) Recruitment Files -- Interior, Office of the Secretary--29.

System location: Office of the YCC recruiter in each State. Address of State recruiter may be obtained each year by writing to the System Managers as listed below.

Categories of individuals covered by the system: Youths between thse ages of 15 and 18 who file an application to attend a Forest Service, Department of the Interior, or State Grant YCC camp.

Categories of records in the system: The system consists of application forms submitted by eligible youth.

Authority for maintenance of the system: Public Law 93-408.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is for selection among applications of all eligible applications. Persons selected are either offered employment in a YCC camp or placed on an alternate list to be used in case of declination. Disclosures outside the Department of the Interior may be made (1) to the U. S. Forest Service, States, counties, cities and other subgrantees for employment purposes; (2) to the U. S. Department of Jutice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license: (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- manual. (2) Retrievability -- applications are filed alphabetically by name of individual applicant. (3) Safeguards -- records are kept locked in confidential files. (4) Retention and Disposal -- pending.

System manager(s) and address: (1) Director, Division of Manpower and Youth Conservation Programs, U.S. Department of Agriculture, Forest Service, Washington, D.C. 20250. (2) Director, Office of Manpower Training and Youth Activities, U.S. Department of the Interior, Washington, D.C. 20240.

Notification procedure: Inquiries should be made to one of the above offices for information regarding this system of records.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceeding paragraph.

Contesting record procedures: A petition for amendment should be submitted to the appropriate System Manager.

Record source categories: The records in this system originate in two ways: (1) The YCC application form prepared by the applicant and any additions or corrections thereto, also prepared by the applicant. (2) Additional information added to the file by the State recruiter concerning the applicant's selection, nonselection, declination, etc.

INTERIOR/ALS-35

System name: Library Circulation Control System -- Interior, Office of the Secretary--35.

System location: (1) Office of Library Services, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. (2) Libraries maintained by bureaus and offices of the Department. (List of addresses may be obtained from the System Manager.)

Categories of individuals covered by the system: Borrowers of library materials from Department of the Interior libraries.

Categories of records in the system: Borrowers' name and working address, book call number and due date.

Authority for maintenance of the system: 43 U.S.C. 67a, 1457, 1467, 40 U.S.C. 483(b), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is control of library materials. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- manual card file. (2) Retrievability -- name, call number, date due. (3) Safeguards -- attended constantly during working hours, library locked thereafter. (4) Retention and Disposal -- current year plus one, disposed of in regular trash.

System manager(s) and address: Director, Office of Library Services, Department of the Interior, Washington, D.C. 20240.

Notification procedure: Inquiries regarding the existence of records shall be addressed to the System Manager, with respect to records located in the Office of Library Services, and to individual librarians with respect to records located in the facility for which each is responsible. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access shall be addressed to the System Manager, with respect to records located in the Office of Library Services, and to individual librarians with respect to records located in the facility for which each is responsible. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual using library services.

INTERIOR/AMO-45

System name: Security Clearance Files and Other Reference Files -- Interior, Office of the Secretary--45.

System location: Office of the Secretary, Office of Administrative Services (AMO), Division of Enforcement and Security Manage-

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ment, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Categories of individuals covered by the system: Office of the Secretary personnel, Heads of Bureaus, and their respective Bureau Security Officers whose duties have been designated critical sensitive or non-critical sensitive. Additional indices are maintained on 3 x 5 index cards as indicated under the Subparagraph 'Authority for maintenance of the system'.

Categories of records in the system: Contains copies of SF-85 or SF-86 and/or SF-171 supplied by individual concerned as well as copies of letters of transmittal between Interior and U.S. Civil Service Commission concerning the individuals' background investigation. Further, contains copy of certification of clearance status and briefing and/or debriefing certificate signed by individual as appropriate. Card file reflects summary, case number and disposition of the case number and disposition of the case file following review.

Authority for maintenance of the system: Executive Order 10450. Additionally certain reports of investigation pertaining to crimes committed on Federal Lands under rograms within the jurisdiction of the Secretary of the Interior are screened and summarized on 2 x 5 index cards.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are for the identification of (a) Office of the Secretary personnel and Heads of Bureaus and their respective Security Officers who have been granted a security clearance; (b) persons in a pending clearance status awaiting the results and adjudication of Civil Service Commission investigations; and (c) persons whose clearance has been terminated in the last two years due to an administrative down-grading, transfer to other agencies, employment retirement, or death. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, state, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in 8 x 10 1/2 inch folders or on card stock as indicated above. (2) Retrievability -- indexed by name. (3) Safeguards -- stored in a locked room in manipulation-proof 3-way combination lock steel safes. Access granted only to cleared personnel on official business. (4) Retention and disposal -- records are maintained in active status until the individual is debriefed; held for two years and then destroyed. index cards are retained for a period of two years after the case is closed.

System manager(s) and address: Chief, Division of Enforcement and Security Management, AMO, Room 6222, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Notification procedure: Same as the above. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: Same as the above. The request must be in writing, signed by the requester, and meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

Record source categories: Individual on whom the record is maintained as well as data furnished by other Federal agencies on the person concerned.

INTERIOR/AMO-46

System name: Secretarial Subject Files -- Interior, Office of the Secretary--46.

System location: Office of the Secretary, Office of Administrative Services (AMO), Central Files Section, Room 6013, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Categories of individuals covered by the system: Those who have had correspondence with the Office of the Secretary.

Categories of records in the system: Index cards containing the name, dates, and subject codes for retrieval of subject files, subject files of correspondence.

Authority for maintenance of the system: 5 U.S.C. 301, 43 U.S.C. 1457, 44 U.S.C. 3101, Reorganization Plan 3 of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records are to support the operational, program and policy decisions of the Secretary of the Interior, Solicitor, Assistant Secretaries, Deputy Assistant Secretaries, and their immediate staff. disclosures outside the department are (1) to the U. S. Department of Justice when related to litigation or anticipated litigation, and (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- index cards maintained on 3" x 5" cards, correspondence filed in 9 1/2' x 12' folders. (2) Retrievability -- indexed by name. (3) Safeguards -- stored in locked office. (4) Retention and Disposal -- permanent.

System manager(s) and address: Records Manager, AMO, Room 6013, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Notification procedure: Same as the above. See 43 CFR 2.60 for submission requirements.

Record access procedures: Same as the above. See 43 CFR 2.63 for submission requirements.

Contesting record procedures: Same as the above. See 43 CFR 2.71 for submission requirements.

Record source categories: Correspondence or documents signed at the Secretarial level.

INTERIOR/AMO-47

System name: Parking Assignment Records -- Interior, Office of the Secretary--47.

System location: Office of Administrative Services (AMO), Division of General Services, Room 6221, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Categories of individuals covered by the system: Individual requesting a parking permit or joining a carpool.

Categories of records in the system: The records contain the individual's name, social security number, telephone number at work, service computation date, vehicle model, state of registration, license tag number and the individual's residence address and location of employment.

Authority for maintenance of the system: 40 U.S.C. 471, et seq., FMC 74-1 FPMR Temporary Regulation D-43.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) internal control over the assignment of parking permits (b) assistance to individuals in locating carpools. Disclosures outside the department are (1) to a Federal agency that has jurisdiction over parking spac., (2) to the U. S. Department of Justice when related to litigation or anticipated litigation, and (3) of information indicating a violation of a statute, regulation, rule, order or license, to appropriate Federal, State local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained on computer printout. (2) Retrievability -- indexed by name of individual, social security number, zip code of individual's residence, and organization location. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for computerized records. (4) Disposal -- records maintained on a current basis.

System manager(s) and address: Chief, Division of General Services, AMO, Room 6221, U. S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Notification procedure: Same as the above. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: Same as the above. The request must be in writing, signed by the requester, and meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

Record source categories: Data furnished by the individual.

INTERIOR/AMO-48

System name: Employee Identification Card Files -- Interior, Office of the Secretary--48.

System location: Division of Enforcement and Security Management, Office of Administrative Services (AMO), U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Categories of individuals covered by the system: Employees of the Office of the Secretary and other Departmental offices and non-Federal support personnel requiring access to Department buildings.

Categories of records in the system: These files contain the name of the individual issued the particular card, date of issue and card number.

Authority for maintenance of the system: 5 U.S.C. 301, 3101, 43 U.S.C. 1467.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is for internal control over the issuance of the cards. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation, and (2) in the event there is information indicating a violation or potential violation of a statute, regulation, rule, order, or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in large bound record book. (2) Retrievability -- indexed by card number. (3) Safeguards -- stored in a locked room in manipulation-proof, 3-way combination lock steel safe. Access limited to those persons whose official duties require such access. (4) Retention and Disposal -- records are maintained for the duration of the employment or contractual relationship.

System manager(s) and address: Chief, Division of Enforcement and Security Management, AMO, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Information is furnished by the person to whom the card is issued.

INTERIOR/AMO-50

System name: Motor Vehicle Operator's Identification Card Applications - Interior, Office of the Secretary--50.

System location: Division of General Services, Office of Administrative Services, U.S. Department of the Interior, Washington, D.C. 20240. (2) Division of Personnel Services, Office of the Secretary, U.S. Department of the Interior, Washington, D.C. 20240.

Categories of individuals covered by the system: Employees in the Office of the Secretary and other Departmental offices who have applied for driver permits.

Categories of records in the system: The records contain the name, title, sex, date of birth, place of birth, physical characteristics, social security number, past driving record, traffic citations, accidents for past three years, medical history, state driver license number, and road test results.

Authority for maintenance of the system: 40 U.S.C. 491(j).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is internal control over the issuance of driver permits. Disclosures outside the Department are (1) to a Federal agency for the purpose of checking individual driving records, (2) to the U. S. Department of Justice when related to litigation or anticipated litigation, and (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained on form DI-131-Rev. and Standard Form 47. (2) Retrievability -- by name. (3) Safeguards -- stored in locked file cabinet. (4) Retention and Disposal -- subject to general records schedule.

System manager(s) and address: Chief, Division of General Services, Office of Administrative Services, Department of the Interior, Washington, D. C. 20240.

Notification procedure: Same as the above. A written and signed request stating that the requester seeks information concerning records pertaining to him is required.

Record access procedures: Same as the above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

Record source categories: Federal employees applying for a government driver permit.

INTERIOR/AMO-51

System name: Property Accountability -- Interior, Office of the Secretary--51.

System location: Division of General Services, Office of Administrative Services U.S. Department of the Interior, Washington, D.C. 20240.

Categories of individuals covered by the system: Assignment of property to offices accountable to individuals designated as Responsible Officers.

Categories of records in the system: The records system contains computer codes for each Responsible Officer and descriptive data about each piece of capitalized property assigned.

Authority for maintenance of the system: 40 U.S.C. 483(b).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is the internal assignment of property to offices and individuals. Disclosures outside the Department are (1) to the U. S. Department of Justice when related to litigation or anticipated litigation, and (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- records are maintained on computer media. (2) Retrievability -- system is indexed by code assigned to each individual. (3) Safeguards -- maintained with safeguards meeting the 'Computer Security Guidelines for Implementing the Privacy Act of 1974.' (4) Retention and Disposal -- destroyed when obsolete.

System manager(s) and address: Division of General Services, Office of Administrative Services, U.S. Department of the Interior, Washington, D.C. 20240.

Notification procedure: Same as the above. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: Same as the above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

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Record source categories: Individual that is assigned the property.

INTERIOR/AMO-52

System name: Travel Management Records -- Interior, Office of the Secretary--52.

System location: Branch of Travel, Office of Administrative Services (AMO), U. S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Categories of individuals covered by the system: Federal Employees or individuals who travel on behalf of the Department on official business.

Categories of records in the system: The records system contains passports, visas, travel folders, rental credit cards, Government transportation requests, travel tickets, and imprest fund.

Authority for maintenance of the system: 5 U.S.C. 5701, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) making reservations (b) the generating of tickets (c) the transfer of travel tickets to fiscal services. Disclosures outside the Department are (1) to the airlines for travel and reservation purposes, (2) the transfer of passports and visa to other Federal agencies, (3) to the U. S. Department of Justice when related to litigation or anticipated litigation, and (4) of information indicating a violation or potential violation of a statute regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or licensé.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- travel folders and tickets maintained in 8'x10 1/2' folders. Rental credit cards maintained on 2'x3' plastic card. Government transportation and imprest fund requests maintained in log books. Each passport and visa maintained in separate book. (2) Retrievability -- travel folders and tickets filed by bureau. Rental credit cards filed by number and name. Government transportation requests filed by number and name. Passports and visas filed by name. Imprest fund requests filed by name and number amount. (3) Safeguards -- passports, visas, imprest fund and Government transportation log books stored in a locked room in manipulation proof three way combination lock steel safes. Travel folders, rental credit cards stored in a locked room. Access granted only to designated personnel. (4) Retention and Disposal -- General Records Schedule No. 9, Item No. 4.

System manager(s) and address: Chief, Branch of Travel, Office of Administrative Services, Department of the Interior, 18th and C Streets, N. W., Washington, D. C. 20240.

Notification procedure: Same as the above. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: Same as the above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

Record source categories: Federal employees and individuals on behalf of the Department.

INTERIOR/AMO-53

System name: Classified Documents -- Interior, Office of the Secretary--53.

System location: Office of Administrative Services (AMO), U.S. Department of the Interior, c/o U.S. State Department, 2201 C Street NW, Washington, D.C., 20520.

Categories of individuals covered by the system: Employees of U.S. Department of the Interior authorized to receive classified documents.

Categories of records in the system: The system contains the individual name, security clearance, employment address, and telephone number.

Authority for maintenance of the system: Executive Orders 10450 and 10865.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is the internal transmittal of the classified documents to individuals. Disclosures outside the Department are (1) to the U. S. Department of Justice when related to litigation or anticipated litigation, and (2) of information indicating a violation or potential violation of a statute regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in 8x10 1/2' folders. (2) Retrievability -- indexed by bureau and name. (3) Safeguards -- stored in a locked room in manipulation-proof 3-way combination lock steel safe. (4) Retention and Disposal -- records are maintained in active status.

System manager(s) and address: Chief, Division of General Services, AMO, U.S. Department of the Interior, 18th & C Streets, NW, Washington, D.C. 20240.

Notification procedure: Same as the above. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60. requester and meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

Record source categuries: List of employees who have security clearance.

INTERIOR/AMP-57

System name: Privacy Act Files -- Interior, Office of the Secretary--57.

System location: (1) Office of the Assistant Secretary -- Administration and Management, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. (2) Offices of Privacy Act Officers of each bureau of the Department. (See Appendix for addresses of bureau headquarters offices.)

Categories of individuals covered by the system: (1) Individuals who have submitted requests for notification, access or amendment of records under the Privacy Act. (2) Individuals who have filed Privacy Act appeals with Assistant Secretary--Administration and Management under the department's regulations. (3) Offices of Systems Managers and other officials authorized to receive requests for notification and access and petitions for amendments. (See system notices for addresses.)

Categories of records in the system: Requests, appeals, decisions and related correspondence.

Authority for maintenance of the system: 5 U.S.C. 552a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are for action on requests and appeals of Privacy Act matters. Disclosures outside the Department of the Interior may be made (1) to other Federal agencies having a subject matter interest in a request or an appeal or a decision thereon; (2) to the U. S. Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Maintained in manual form. (2) Retrievability -- By individual name. (3) Safeguards -- Maintained with safeguards meeting the requirements of 43 CFR 2.51.

System manager(s) and address: (1) For records in the Office of the Assistant Secretary -- Administration and Management: Privacy Act Officer, Office of the Assistant Secretary -- Administration and Management, U.S. Department of the INterior, 18th and C Streets, NW., Washington, D.C. 20240. (2) For other records: Bureau Privacy Act Officers. (See Appendix for addresses of bureau headquarters offices.)

Notification procedure: The System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access should be addressed to any office or offices to which the requester has submitted a request for access or an appeal. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the appropriate System Manager and must meet the content requirements of 43 CFR 2.71.

Systems exempted from certain provisions of the act: The Privacy Act does not entitle an individual to access to information compiled in reasonable anticipation of a civil action or proceeding.

INTERIOR/AMP-58

System name: Office Operations Records on Employees, Department System -- Interior, Office of the Secretary--58.

System location: (1) Offices making up the Office of the Secretary, including regional and field facilities thereof. (See item I of Appendix for addresses). (2) Other Departmental offices of the Department of the Interior, including regional and field facilities thereof. (See items II-VII of Appendix for addresses.)

Categories of individuals covered by the system: Employees of the Office of the Secretary and other Departmental offices.

Categories of records in the system: Records involving operational relationships between the employee and the office in which the employee works. These records include: workload and productivity records for scheduling purposes; travel activity and budgets; accident and safety records, property accountability; studies and special projects; committee and detail assignments; locator indexes and parking space assignments.

Authority for maintenance of the system: 5 U.S.C 301, 3101, 5105-5115, 5501-5516, 5701-5709, 31 U.S.C. 240-243, 40 U.S.C. 483(B), 43 U.S.C. 1467, 44 U.S.C. 3101, Executive Order No. 11807.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are to administer the employee's relationship to the activities and functions of the office. Disclosures outside to the U. S. Department of Justice when related the Department of the Interior may be made (1) to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

System manager(s) and address: For the records located in the office for which each is responsible, the head of each office making up the Office of the Secretary and the head of each other Departmental office.

Notification procedure: Information in this system of records either comes from the individual to whom it applies or is obtained through internal office procedures with which the individual is involved.

Record access procedures: A request for access to records should be addressed to the highest official of the requester's office at the facility at which he is (or was) employed. See 43 CFR 2.61 for submission requirements.

Contesting record procedures: A petition for amendment shall be addressed to the appropriate System Manager and must meet the content requirements of 43 CFR 2.71.

INTERIOR/AMP-59

System name: Office Operations Records on Employees, Bureau System -- Interior, Office of the Secretary--59.

System location: Substantially all facilities of the U.S. Fish and Wildlife Service, Geological Survey, Bureau of Indian Affairs, Bureau of Land Management, Bureau of Mines, Mining Enforcement and Safety Administration, National Park Service, Bureau of Outdoor Recreation, Bureau of Reclamation, Alaska Power Administration, Defense Electronic Power Administration, Southeastern Power Administration, and Southwestern Power Administration. (See items VIII-XXI in Appendix.)

Categories of individuals covered by the system: Employees of the bureaus listed under Location, above.

Categories of records in the system: Records involving operational relationships between the employee and the office in which the employee works. These records include: workload and productivity records for scheduling purposes; travel activity and budgets; accident and safety records, property accountability; studies and special projects; committee and detail assignments; locator indexes and parking space assignments.

Authority for maintenance of the system: 5 U.S.C. 301, 3101, 5105-5115, 5501-5516, 5701-5709, 31 U.S.C. 66a, 240-243, 40 U.S.C. 483(b), 43 U.S.C. 1467, 44 U.S.C. 3101, Executive Order No. 11807.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: License, to appropriate Federal, state, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

System manager(s) and address: (1) For the Geological Survey: Assistant Director for Administration. (2) For the Fish and Wildlife Service: Assistant Director--Administration. (3) For the Bureau of Indian Affairs: Director, Office of Administration. (4) For the Bureau of Land Management: Assistant Director--Technical Services. (5) For the Bureau of Mines: Assistant Director--Administration. (6) For the Mining Enforcement and Safety Administration: Administrative Officer. (7) For the National Park Service: Associate Director--Administration. (8) For the Bureau of Outdoor Recreation: Assistant Director for Management and Budget. (9) For the Bureau of Reclamation: Chief, Division of General Services. (10) For the Alaska Power Administration: Administrator. (13) For the Southwestern Power Administration: Administrator. (See Appendix for addresses of bureau headquarters offices.)

Notification procedure: With respect to the headquarters facility of each bureau, an individual may inquire whether the system contains a record pertaining to him by contacting the System Manager. With respect to field facilities of each bureau, an inquiry shall be addressed to the highest official of the bureau at each facility. See 43 CFR 2.60 for submission requirements.

Record access procedures: With respect to the headquarters facility of each bureau, an individual may request access to a record pertaining to him by contacting the System Manager. With respect to the field facilities of each bureau, a request shall be addressed to the highest official of the bureau at each facility. See 43 CFR 2.61 for submission requirements.

Contesting record procedures: A petition for amendment shall be addressed to the appropriate System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Information in this system of records either comes from the individual to whom it applies or is obtained through internal office procedures with which that individual is involved.

INTERIOR/AMP-60

System name: Safety Management Information System -- Office of the Secretary--60.

System location: (1) Division of Safety Management, Office of Administrative and Management Policy, Office of the Secretary, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. (2) All field offices and bureau headquarters retain copies of source document. (See Appendix for addresses.)

Categories of individuals covered by the system: Employees, contractors, concessioners and public visitors to Interior facilities who have been involved in an accident resulting in personal injury, and/or property damage.

Categories of records in the system: Contains the name, social security number (employees only), occupation, date and location of accident; data elements about the accident for analytical purposes; and descriptive narrative concerning the reason for the loss producing event.

Authority for maintenance of the system: (1) 5 U.S.C. 7901, (2) 28 U.S.C. 2671-2680, (3) 31 U.S.C. 240-243, (4) Executive Order 11807 (1974), (5) 29 CFR 1960.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) provide summary data of injury, illness and property loss information to bureaus in a number of formats for analytical purposes in establishing program to reduce or eliminate loss producing problem areas, (b) provide listings of individual cases to bureaus to insure that accidents occuring are reported through the Safety Management Information System, and (c) adjudicating tort

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and employee claims. Disclosures outside the Department of the Interior may be made, (1) to a Federal, State or local government agency that has partial or complete jurisdiction over the claim or related claims; (2) to provide to the Department of Labor quarterly summary listings of fatalities and disabling injuries and illnesses in compliance with 29 CFR 1960.6; (3) to the U. S. Department of Justice when related to litigation or anticipated litigation; (4) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; and (5) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- records are maintained on magnetic tape, with copies of source document maintained at bureau safety management headquarters, regional, and field offices where accident is reported. (2) Retrievability -- system is indexed by bureau assigned document control number. (3) Safeguards -- maintained with safeguards meeting the 'Computer Security Guidelines for Implementing the Privacy Act of 1974.' (4) Disposal -- data stored on magnetic tape is retained as a permanent record. Source documents are to be retained at the field level for five years following end of the calendar year to which the record relates.

System manager(s) and address: Assistant Director for Safety Management, Office of Administrative and Management Policy, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Notification procedure: System manager or the field office in which the source document pertaining to the individual would be filed. The source document contained in the field office need not be maintained more than five calendar years past the date of the record as indicated in records disposal. A written and signed request stating that the requester seeks information concerning records pertaining to him/her is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager or the field safety office in which the source document for the individual would be filed. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

Record source categories: Supervisor of employee involved in accident. Investigation conducted by supervisor of employee and may include safety professionals and other management officials of the involved bureau or office.

INTERIOR/AMP-61

System name: Safety Career Opportunity Plan for Employees -- Interior, Office of the Secretary--61.

System location: Division of Safety Management, Office of Administrative and Management Policy, Office of the Secretary, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Categories of individuals covered by the system: Individuals who have filed to be included in the SCOPE system.

Categories of records in the system: Contains records concerning education, job experience and grade level of safety professionals and others interested in entering the safety profession.

Authority for maintenance of the system: 5 U.S.C. 301, 3101; 43 U.S.C. 1457; Departmental Manual, Part 395 Safety Management.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of records are: (a) to obtain listing of safety professionals eligible for announced vacancies, and (b) to provide a copy of the vacancy announcements to all interested, eligible persons. Disclosures outside the Department of the Interior may be made, (1) to the U. S. Department of Justice when related litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual, and (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- records are maintained on magnetic tape, with copies of source document maintained in Division of Safety Management files. (2) Retrievability -- system is indexed by name. (3) Safeguards -- maintained with the safeguards meeting the 'Computer Security Guidelines for Implementing the Privacy Act of 1974.' (4) Disposal -- data stored on magnetic tape is kept current by periodic up-date with each record remaining in the SCOPE system until an individual requests that it be corrected or removed.

System manager(s) and address: Division of Safety Management, Office of Administrative and Management Policy, Office of the Secretary, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom the record is maintained.

INTERIOR/AOC-65

System name: Biography File -- Interior, Office of the Secretary--65.

System location: (1)Office of Public Affairs, Research Office, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. (2) Bureau public information offices in the Bureau of Indian Affairs, the Bureau of Reclamation, the U.S. Geological Survey, the Mining Enforcement and Safety Administration, the National Park Service, the U.S. Fish and Wildlife Service, the Office of Land Use and Water Planning, the Bonneville Power Administration, the Alaska Power Administration, the Southeastern Power Administration and the Southwestern Power Administration. (See System Manager paragraph for addresses.).

Categories of individuals covered by the system: Officials of the Department of the Interior, including the Secretary, Assistant Secretaries, heads of Bureaus and Offices.

Categories of records in the system: The records are biographical news releases generally containing the individual's name, place and date of birth, education, military service, work experience, publications, membership in professional or scientific societies, marital status plus occasional newspaper clippings about the individual and in some cases a photograph of the individual.

Authority for maintenance of the system: Statutes 5 USC 301, 3101, 43 USC 1467, 44 USC 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is to maintain biographic information on key officials of the Department. Disclosures outside the Department of the Interior may be made (1) to the news media and the public for public information purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- biographies are in press release form, maintained in file folders. (2) Retrievability -- alphabetized by name. (3) Safeguards -- maintained in a locked room. (4) Retention and Disposal -- destroyed when obsolete.

System manager(s) and address: (Unless otherwise noted, the address for all system managers in U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. (1) For the Office of Public Affairs: Director, Office of Public Affairs. (2) For the Bureau of Indian Affairs: Director, Public Information Staff, Bureau of Indian Affairs. (3) For the Bureau of Reclamation: Chief, Office of Public Affairs, Bureau of Reclamation. (4) For the Geological Survey: Information Officer, U.S. Geological Survey, the National Center, Reston, Virginia 22092. (5) For MESA: Chief, MESA Information Office, Mining Enforcement and Safety Administration, Ballston Tower No. 3, 4015 Wilson Blvd., Arlington, Virginia 22203. (6) For the National Park Service: Assistant to the Director, Office of Public Affairs, National Park Service. (7) For the Fish and Wildlife Service: Assistant Director-- Public Affairs, U.S. Fish and Wildlife Service. (8) For the Office of Land Use and Water Planning: Staff Assistant for Public Affairs, Office of Land Use and Water Planning, 801 - 19th Street, N.W., Washington, D.C. 20006. (9) For the Bonneville Power Administration: Information Officer, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208. (10) For the Alaska Power Administration: Administrator, Alaska Power Power Administration: Chief, Division of Administrative Management, Southeastern Power Administration, Samuel Elbert Bldg., Elberton, Georgia 30635. (12) For the Southwestern Power Administration, P.O. Drawer 1619 Tulsa, Oklahoma 74101.

Notification procedure: Same as the above. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: Same as the above. The request must be in writing, signed by the

Contesting record procedures: A petition for amendment should be addressed to the appropriate System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Data furnished by the individual and newspaper clippings.

INTERIOR/APB-68

System name: Committee Management Files -- Interior, Office of the Secretary--68.

System location: (1) Department Committee Management Officer and Bureau Committee Management Officers. (2) Headquarters office of all bureaus. (See appendix for addresses.)

Categories of individuals covered by the system: Members of advisory committees and candidates for advisory committee membership.

Categories of records in the system: Biographies and records of committee participation.

Authority for maintenance of the system: 5 U.S.C. App. I.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is administration of committee activities whithin the Department. Disclosures outside the Department of the Interior may be made (1) to OMB in connection with its committee management responsibilities; (2) to other Federal agencies which have joint responsibility for advisory committees or which receive or utilize advice of the committees; (3) to a Federal, State or local agency, private organization or individual as necessary to obtain information in connection with a decision concerning appointment or reappointment of an individual to committee membership; (4) to the U. S. Department of Justice when related to litigation or anticipated litigation; (5) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in file folders. (2) Retrievability -- filed by committee or bureau. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- Department Committee Management Office records are maintained no longer than two years. Bureau records are subject to bureau disposal schedules.

System manager(s) and address: Department Committee Management Officer, U.S. Department of the Interior, Washington, D.C. 20240.

Notification procedure: System Manager. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

Record source categories: Individual members or candidates for membership. Persons recommending or proposing or having knowledge of the qualifications of an individual.

Systems exempted from certain provisions of the act: Under the specific exemption authority of 5 U.S.C. 552a(k)(5), the Department of the Interior has adopted a regulation (43 CFR 2.79(c)) which exempts this system from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G),(H) and (I) and (f) to the extent that the system consists of investigatory material compiled solely for the purpose of determining suitability, eligibility or qualifications for federal civilian employment. The reasons for adoption of this regulation are set out at 40 FR 50432 (October 29, 1975).

INTERIOR/APB-69

System name: Freedom of Information Appeal Files -- Interior, Office of the Secretary--69.

System location: (1) Office of the Assistant Secretary -- Administration and Management, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240. (2) Office of Public Affairs, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Categories of individuals covered by the system: (1) Individuals who have filed appeals under Department of the Interior Freedom of Information appeal procedures. (2) Individuals whose Freedom of Information requests to bureaus and offices have required longer than 10 days to process. (3) Individuals whose Freedom of Information requests to bureaus and offices have been denied in whole or part.

Categories of records in the system: Appeals, recommendations of Solicitor, Director of Public Affairs, Program Assistant Secretaries and other officials, decisions of Assistant Secretary -- Program Development and Budget, extension of time and initial decisions issued by bureaus and offices.

Authority for maintenance of the system: 5 U.S.C. 552.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to support review and decision-making for Freedom of Information appeals, (b) for preparation of annual report to the Congress. Disclosures outside the Department of the Interior may be made (1) to other Federal agencies having a subject matter interest in an appeal or bureau or office decision; (2) to the U. S. Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed by individual name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51. (4) Retention and Disposal -- not authorized.

System manager(s) and address: Assistant Secretary -- Administration and Management, U.S. Department of the Interior, Washington, D.C. 20240.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Bureaus and offices of the Department, appellants.

Systems exempted from certain provisions of the act: The Privacy Act does not entitle an individual to have access to information compiled in reasonable anticipation of a civil action or proceeding.

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INTERIOR/APB-70

System name: Applicant Files -- Interior, Office of the Secretary--70.

System location: (1) Office of the Secretary, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. (2) Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. (3) Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Blvd., Arlington, Virginia 22203. (4) Office of Land Use and Water Planning, U.S. Department of the Interior, 801 - 19th Street, NW., Washington, D.C. 20006. (5) Office of Minerals Policy Development, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240. (6) Office of Territorial Affairs, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240. (7) Office of Water Research and Technology, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

Categories of individuals covered by the system: Applicants for employment.

Categories of records in the system: Applications, recommendations, interview notes and other documents utilized to determine eligibility, suitability and qualifications for Federal civilian employment maintained subject to applicable Civil Service Commission requirements, including Civil Service Commission Rule VI and Chapter 302 of the Federal Personnel Manual.

Authority for maintenance of the system: 5 U.S.C. 301, 3101, 43 U.S.C. 1457, Reorganization Plan 3 of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is for the hiring of applicants. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- by individual name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51. (4) Retention and Disposal -- current applications retained.

System manager(s) and address: (1) For the Office of the Secretary: Staff Assistant, Office of the Assistant Secretary--Program Development and Budget, U.S. Department of the Interior, Washington, D.C. 20240. (2) For the Office of the Solicitor: Administrative Officer, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240. (3) For the Office of Hearings and Appeals: Director, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Blvd. Arlington, Virginia 22203. (4) For the Office of Land Use and Water Planning: Director, Office of Land Use and Water Planning, U.S. Department of the Interior, 801 - 19th Street, NW., Washington, D.C. 20006. (5) For the Office of Minerals Policy and Development: Director, Office of Minerals Policy Development, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240. (6) For the Office of Territorial Affairs: Director, Office of Territorial Affairs, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240. (7) For the Office of Water Research and Technology, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

Notification procedure: Inquiries regarding the existence of records should be addressed to the appropriate systems manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the appropriate System Manager. The request must be in writing and be signed by the requester. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the appropriate System Manager and must meet the content requirements of 43 CFR 2.71.

Systems exempted from certain provisions of the act: Under the specific exemption authority provided by 5 U.S.C. 552a(k)(5), the Department of the INterior has adopted a regulation, 43 CFR 2.79(c), which exempts this system from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f) to the extent that it consists of investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment. The reasons for adoption of this regulation are set out at 40 FR 37217 (August 26, 1975).

INTERIOR/APB-71

System name: Freedom of Information Request Files System -- Interior, Office of the Secretary--71.

System location: All facilities of the Department of the Interior which have received requests under the Freedom of Information Act seeking access to or copies of records.

Categories of individuals covered by the system: Individuals who have submitted Freedom of Information requests.

Categories of records in the system: Requests, responses, related documents.

Authority for maintenance of the system: 5 U.S.C. 552.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is to administer Freedom of Information requests. Disclosures outside the Department of the Interior may be made (1) to other Federal agencies having a subject matter interest in a request or an appeal or a decision thereon; (2) to the U. S. Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

System manager(s) and address: For the office or bureau for which each is responsible, the head of each office making up the Office of the Secretary, each other Departmental office and each bureau. (See Appendix for addresses of office and bureau headquarters offices.)

Notification procedure: Inquiries regarding the existence of records in the system shall be addressed to each facility to which an individual has submitted a Freedom of Information request. See 43 CFR 2.60 for submission requirements.

Record access procedures: A request for access shall be addressed to each facility to which the requester has submitted a Freedom of Information request. See 43 CFR 2.61 for submission requirements.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Requesters, internally generated documents.

Systems exempted from certain provisions of the act: The Privacy Act does not entitle an individual to access to information compiled in reasonable anticipation of a civil action or proceeding.

INTERIOR/APM-75

System name: Supervisors' Records of Employees -- Interior, Office of the Secretary--75.

System location: Authorized to be maintained by immediate supervisors and one additional organizational level at all facilities of the Department of Interior. (See Appendix for addresses.)

Categories of individuals covered by the system: Current employees and employees departed within the past one year.

Categories of records in the system: These records relate to individuals while employed by the Department of the Interior and contain such information as: emergency addressee information; record of personnel actions; record of employee/supervisor discussions; copies of officially recommended actions such as personnel actions, awards, disciplinary actions, and training requests.

Authority for maintenance of the system: 5 U.S.C. 1302, 2951, 4118, 4308, 4506, 3101, 43 U.S.C. 1457, Reorganization Plan 3 of 1950, Executive Order 10561 (September 13, 1954).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) as a source of data to initiate requests for personnel actions, to plan and schedule training, to counsel employees on their performance, to establish a basis for proposing commendations or disciplinary actions, and to carry out their personnel management responsibilities in general, and (b) to complete reference checks or supervisory appraisals. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- records are maintained on SF-7B's and/or authorized attachments thereto. (2) Retrievability -- records are indexed by any combination of name or Social Security Account Number. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51. (4) Retention and Disposal -- records are maintained on current employees and on former employees for one year after the employee vacates the position he holds in the bureau.

System manager(s) and address: The Personnel Officer of each bureau of the Department for the records maintained in his bureau. (See Appendix for addresses of bureau headquarters offices.) The Chief, Division of Personnel Services, Office of Secretarial Operations, U.S. Department of the Interior, Washington, D.C. 20240 for records maintained by offices in the Office of the Secretary and the other Departmental offices.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by contacting his supervisor and/or the Personnel Officer who services the installation where the employee is (or was) employed. See 43 CFR 2.60 for procedures.

Record access procedures: Requests for access to records should be addressed to the requester's supervisor and/or the Personnel Officer servicing the installation where the employee is (or was) employed. See 43 CFR 2.63 for procedures.

Contesting record procedures: A petition for amendment should be addressed to the appropriate System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied, except information provided by agency officials.

INTERIOR/APM-76

System name: Employee Experience, Skills, Performance and Career Development Records -- Interior, Office of the Secretary--76.

System location: Servicing personnel office and/or administrative office of all bureaus and offices of the Department of the Interior.

Categories of individuals covered by the system: Current employees of the Department of the Interior.

Categories of records in the system: These records relate to employees and contain such information as: name; date of birth; social security number; office address and phone; service computation date; physical limitations or interests which might affect type or location of assignment; career interests; education history; work or skills experience; availability for geographic relocation; outside activities including membership in professional organizations; listing of special qualifications; licenses and certificates held; listing of honors and awards; career goals and objectivies of the employee; annual supervisory evaluation.

Authority for maintenance of the system: 5 U.S.C. 1302, 2951, 4118, 4308, 4506, 3101, 43 U.S.C. 1457, Reorganization Plan 3 of 1950, Executive Order 10561.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) by bureau officials for purposes of review in connection with transfers, promotions, reassignments, adverse actions, disciplinary actions, and determination of qualifications of an individual, and (b) by bureau officials for setting out career goals and objectives of the employee and for documenting attainment of these targets. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- records are maintained manually in file folders or on pre-printed forms in file cabinets or on computer media. (2) Retrievability -- Records may be indexed by name of the subject employee. (3) Safeguards -- Records are maintained with safeguards meeting minimum security requirements of 43 CFR 2.51. (4) Retention and Disposal -- Records are maintained only current employees. Records are destroyed upon departure of the employee.

System manager(s) and address: (1) The Personnel Officer of each bureau of the Department for records maintained in his bureaus. (See Appendix for addresses of bureau headquarters offices.) (2) The chief, Division of Personnel Services, Office of Secretarial Operations, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by contacting: The personnel officer and/or administrative officer servicing the facility where he is employed.

Record access procedures: Current employees who wish to gain access to their records should contact: Same as above. See 43 CFR 2.63.

Contesting record procedures: Employees who wish to contest their records should contact: Personnel Officer, bureau or office where employed. See 43 CFR 2.71.

Record source categories: Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied, except information provided by agency officials.

INTERIOR/APM-77

System name: Unfair Labor Practice Charges/Complaints -- Interior, Office of the Secretary--77.

System location: a. For Departmental Head: Office of the Secretary, Personnel Management, Division of Labor Management Relations, 19th & C Streets, N.W., Washington, D.C. 20240. b. For Employees of BIA: Bureau of Indian Affairs, Division of Personnel Management, 1951 Constitution Ave., N.W., Washington, D.C. 20245. c. for employees of EBM: Bureau of Mines, Division of Personnel, Branch of Compensation and Labor Relations, Room 2629, Washington, D.C. 20240. d. For Employees of EGS: Geological Survey, 215 National Center, 12201 Sunrise Valley Drive, Reston, Virginia 22092. e. For Employees of MESA: Mining Enforcement and Safety Administration, Division of Personnel, 4015 Wilson Boulevard, Arlington, Virginia 22203. f. For Employees of EAP: Alaska Power Administration, p. o. box 50, Juneau, ALaska 99801. g. For Employees of EBP: Bonneville Power Administration, 1002 N.E. Holladay Street, Portland, Oregon 97208. h. For Employees of ESW: Southwestern Power Administration, Branch of Personnel, P.O. Drawer 1619, Tulsa, Oklahoma 74101. i. For Employees of FNP: National Park Service, Division of Personnel, Branch of Labor Management Relations, 19th and C Streets, N.W., Washington, D.C. 20240. j. For Employees of FFWS: U.S. Fish and Wildlife Service, Division of Personnel Management and Organization, 19th and C Streets, N.W., Washington, D.C. 20240. k. For Employees of LBR: Bureau of Reclamation, Division of Personnel & Management, Compensation & Labor Relations Branch, 19th and C Streets, N.W., Washington, D.C. 20240. l. For Employees of LLM: Bureau or Land Management, Division of Personnel (530), 19th and C Streets, N.W., Washington, D.C. 20240. m. For Employees of FOR: Bureau of Outdoor Recreation, Division of Personnel, 19th and CStreets, N.W., Washington, D.C. 20240. n. For Employees of

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OS and other Departmental Offices: Office of the Secretary, Division of Personnel Services, Branch of Programs, Standards and Issuances, 19th and C Streets, N.W., Washington, D.C. 20240. o. For Employees of ESE: Southeastern Power Administration, Elberton, Georgia 30635.

Categories of individuals covered by the system: Interior employees filing unfair labor practice charges/complaints.

Categories of records in the system: Formal charge and complaint; name, address, and other personal information about complainant, transcript of hearing (if held), and information about other personnel in complainant's work unit, as relevant.

Authority for maintenance of the system: Executive Order 11491, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are to administer charges or complaints of unfair labor practices. Disclosures outside the Department of the Interior may be made (1) to the Department of Labor and to the Federal Labor Relations Council for settlement of the complaint or appeal; (2) to the U. S. Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- paper records in file folders. (2) Retrievability -- name and docket or case number. (3) Safeguards -- records are locked in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access. (4) Retention and Disposal -- records are retained indefinitely.

System manager(s) and address: For records at Location (a): Chief, Division of Labor Management Relations, Office of the Secretary, Personnel Management, Division of Labor Management Relations, 19th and C Streets, N.W., Washington, D.C. 20240. For records at Location (b): Labor Relations Officer, Bureau of Indian Affairs, Division of Personnel Management, 1951 Constitution Ave., N.W., Washington, D.C. 20245. For records at Location (c): Labor Relations Officer, Bureau of Mines, Division of Personnel, Branch of Compensation and Labor Relations, 19th and C Streets, N.W., Washington, D.C. 20240. For records at Location (d): Personnel Officer, Geological Survey, National Center, 12201 Sunrise Valley Drive, Reston, Virginia 22092. For records at Location (e): Chief, Division of Personnel, Mining Enforcement and Safety Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203. For records at Location (f): Administrative Officer, Alaska Power Administration, P.O. Box 50, Juneau, Alaska 99801. For records at Location (g): Labor Relations Officer, Bonneville Power Administration, 1002 N.E. Holladay Street, Portland, Oregon 97208. For records at Location (h): Chief, Branch of Personnel, Southwestern Power Administration, P.O. Drawer 1619, Tulsa, Oklahoma 74101. For records at Location (i): Labor Relations Officer, National Park Service, Division of Personnel, Branch of Labor Management Relations, 19th and C Streets, N.W., Washington, D.C. 20240. For records at Location (j): Personnel Officer, U.S. Fish and Wildlife Service, Division of Personnel Management and Organization, 19th & C Streets, N.W., Washington, D.C. 20240. For records at Location (k): Labor Relations Officer, Bureau of Reclamation, Division of Personnel and Management, Compensation and Labor Relations Branch, 19th & C Streets, N.W., Washington, D.C. 20240. For records at Location (l): Labor Relations Officer, Bureau of Land Management, Division of Personnel (530), 19th & C Streets, N.W., Washington, D.C. 20240. For records at Location (m): Labor Relations Officer, Bureau of Outdoor Recreation, Division of Personnel, 19th & C Streets, N.W., Washington, D.C. 20240. For records at Location (n): Chief, Branch of Programs, Standards and Issuances, Office of the Secretary, 19th & C Streets, N.W., Washington, D.C. 20240. For records at Location (o): Administrative Officer, Southeastern Power Administration, Elberton, Georgia 30635.

Notification procedure: Inquiries regarding the existence of records should be addressed to the appropriate System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the appropriate System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the appropriate System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Subject complainant, colleagues and supervisors of complainant and management officials.

INTERIOR/APM-78

System name: Negotiated Grievance Procedure Files -- Interior, Office of the Secretary--78.

System location: a. For Departmental Head: Office of the Secretary, Personnel Management, Division of Labor Management Relations, 19th & C Streets, N.W., Washington, D.C. 20240. b. For Employees of BIA: Bureau of Indian Affairs, Division of Personnel Management, 1951 Constitution Ave., N.W., Washington, D.C. 20245. c. For Employees of EBM: Bureau of Mines, Division of Personnel, Branch of Compensation and Labor Relations, Room 2629, Washington, D.C. 20240. d. For Employees of EGS: Geological Survey, 215 National Center, 12201 Sunrise Valley Drive, Reston, Virginia 22092. e. For Employees of MESA: Mining Enforcement and Safety Administration, Division of Personnel, EAP: Alaska Power Administration, P.O. Box 50, Juneau, Alaska 99801. g. For Employees of EBP: Bonneville Power Administration, 1002 N.E. Holladay Street, Portland, Oregon 97208. h. For Employees of ESW: Southwestern Power Administration, Branch of Personnel, P.O. Drawer 1619, Tulsa, Oklahoma 74101. i. For Employees of FNP: National Park Service, Division of Personnel, Branch of Labor Management Relations, 19th and C Streets, N.W., Washington, D.C. 20240. j. For Employees of FWS: U.S. Fish and Wildlife Service, Division of Personnel Management and Organization, 19th and C Streets, N.W., Washington, D.C. 20240. k. For Employees of LBR: Bureau of Reclamation, Division of Personnel & Management, Compensation & Labor Relations Branch, 19th and C Streets, N.W., Washington, D.C. 20240. l. For Employees of LLM: Bureau or Land Management, Division of Personnel (530), 19th and C Streets, N.W., Washington, D.C. 20240. m. For Employees of FOR: Bureau of Outdoor Recreation, Division of Personnel, 19th and C Streets, N.W., Washington, D.C. 20240. n. For Employees of OS and other Departmental Offices: Office of the Secretary, Division of Personnel Services, Branch of Programs, Standards and Issuances, 19th and C Streets, N.W., Washington, D.C. 20240. o. For Employees of ESE: Southeastern Power Administration, Elberton, Georgia 30635.

Categories of individuals covered by the system: Interior employees filing grievances/complaints.

Categories of records in the system: Formal charge and complaint; name, address, and other personal information about complainant, transcript of hearing (if held), and information about other personnel in complainant's work unit, as relevant.

Authority for maintenance of the system: Executive Order 11491, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are to administer employee grievances. Disclosures outside the Department of the Interior may be made (1) to the Federal Labor Relations Council, or to the Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of the individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1)Storage -- paper records in file folders. (2) Retrievability -- name and Docket or Case number. (3) Safeguards -- records are located in lockable metal file cabinets or in metal file cabinets in secured premises with access limited to those whose official duties require access. (4) Retention and Disposal -- records are retained indefinitely.

System manager(s) and address: For records at Location (a): Chief, Division of Labor Management Relations, Office of the Secretary, Personnel Management, Division of Labor Management Relations, 19th and C Streets, N.W., Washington, D.C. 20240. For records at Location (b): Labor Relations Officer, Bureau of Indian Affairs, Division of Personnel Management, 1951 Constitution Ave., N.W., Washington, D.C. 20245. For records at Location (c): Labor Relations Officer, Bureau of Mines, Division of Personnel, Branch of Compensation and Labor Relations, 19th and C Streets, N.W., Washington, D.C. 20240. For records at Location (d): Personnel Officer, Geological Survey, National Center, 12201 Sunrise Valley Drive, Reston, Virginia 22092. For records at Location (e): Chief, Division of Personnel, Mining Enforcement and Safety Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203. For records at Location (f): Administrative Officer, Alaska Power Administration, P.O. Box 50, Juneau, Alaska 99801. For records at Location (g): Labor Relations Officer, Bonneville Power Administration, 1002 N.E. Holladay Street, Portland, Oregon 97208. For records at Location (h): Chief, Branch of Personnel, Southwestern Power Administration, P.O. Drawer 1619, Tulsa, Oklahoma 74101. For records at Location (i): Labor Relations Officer, National Park Service, Division of Personnel, Branch of Labor Management Relations, 19th and C Streets, N.W., Washington, D.C. 20240. For records at Location (j): Personnel Officer, U.S. Fish and Wildlife Service, Division of Personnel Management and Organization, 19th & C Streets, N.W., Washington, D.C. 20240. For records at Location (k): Labor Relations Officer, Bureau of Reclamation, Division of Personnel and Management, Compensation and Labor Relations Branch, 19th & C Streets, N.W., Washington, D.C. 20240. For records at Location (l): Labor Relations Officer, Bureau of Land Management, Division of Personnel (530), 19th & C Streets, N.W., Washington, D.C. 20240. For records at Location (m): Labor Relations Officer, Bureau of Outdoor Recreation, Division of Personnel, 19th & C Streets, N.W., Washington, D.C. 20240. For records at Location (n): Chief, Branch of Programs, Standards and Issuances, Office of the Secretary, 19th & C Streets, N.W., Washington, D.C. 20240. For records at Location (o): Administrative Officer, Southeastern Power Administration, Elberton, Georgia 30635.

Notification procedure: Inquiries regarding the existence of records should be addressed to the appropriate System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the appropriate System Manager. The request must be in writing and be signed by the requester.

Contesting record procedures: A petition for amendment should be addressed to the appropriate The request must meet the content requirements of 43 CFR 2.63. System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Subject complainant, colleagues and supervisors of complainant and management officials.

INTERIOR/APM-79

System name: Personnel Data Files (Automated) -- Interior, Office of the Secretary--79.

System location: Data processing centers of the Department of the Interior in Washington, D.C. at U.S. Department of the Interior, Washington, D.C. 20240; Denver Colorado, at U.S. Bureau of Mines, Denver Federal Center, P.O. Box 25407, Denver Colorado 80225 and Bureau of Reclamation, Engineering and Research Center, Denver Federal Center, P.O. Box 25007, Denver, Colorado 80225; Albuquerque, New Mexico, at Bureau of Indian Affairs, P.O. Box 2088, Albuquerque, New Mexico 87103; Portland Oregon, at Bonneville Power Administration, 1002 N.E. Holladay Street, P.O. Box 3621, Portland, Oregon 97208; Tulsa, Oklahoma, at Southwestern Power Administration, 333 West Fourth Street, Tulsa Oklahoma 74103; and Elberton, Georgia, at Southeastern Power Administration, Samuel Elbert Bldg., Elberton, Georgia 30635.

Categories of individuals covered by the system: Current employees and recently separated employees of the Department.

Categories of records in the system: Personnel records relating to individuals employed in the Department and consisting of these categories: BUREAU - biographic, position, transaction and training records. DEPARTMENT - biographical, transaction, and training records.

Authority for maintenance of the system: 5 U.S.C. 1302, 2951, 4118, 4308, 4506, 3101, 43 U.S.C. 1457, Reorganization Plan 3 of 1950, Executive Order 10561 (September 13, 1954).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are in accordance with, or in addition to the records described by the Civil Service Commission. These systems are used (a) to provide data for the governmentwide and Departmentwide central personnel files; (b) to produce day-to-day personnel management action, such as notification of personnel actions, automatic notices (e.g. conversion to career tenure, length of service awards, within grade increases) and to provide input to produce payroll and financial management actions; (c) used as an employee locator file and to provide information for organization and position management matters; (d) to provide information on current and potential executive level employees in an executive retrieval system; and (e) as a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records were collected and maintained or related personnel management functions or manpower studies. Disclosures outside the Department of the Interior may be made (1) to the Civil Service Commission to respond to their requests; (2) to the U. S. Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- records are maintained on magnetic tape, drum, disk, punched cards, and in computer printouts. (2) Retrievability -- records are indexed by name, date of birth, and social security account number of the employee. (3) Safeguards -- records are located in facilities adequately secure to meet criteria established in 5 CFR 293.109. (4) Disposal -- records are destroyed five years after individual ceases to be employed.

System manager(s) and address: (1) Department System: Director, Personnel Management, Office of the Secretary, U.S. Department of the Interior, Washington, D.C. 20240. (2) Bureau Systems: Bureau Personnel Officer (See Appendix for addresses of bureau headquarters offices.)

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to: Personnel Officer who services the installation where the employee is (or was) employed.

Record access procedures: Current and past Federal employees who wish to gain access to their files should contact: Personnel Officer servicing installation where employee is (or was) employed.

Contesting record procedures: Current and past Federal employees who wish to contest their files should contact: Personnel Officer servicing installation where employee is (or was) employed.

Record source categories: Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied.

INTERIOR/APM-80

System name: Emergency Loan Fund Committee Loan Records -- Interior, Office of the Secretary--80.

System location: Emergency Loan Fund Treasurers at (1) Office of Secretarial Operations - Fiscal, Bureau of Land Management, (3) Fish and Wildlife Service, (4) Bureau of Outdoor Recreation, (5) Bureau of Reclamation, all at Interior Bldg. 18th and C Streets, N.W., Washington, D.C. 20240, (6) Bureau of Indian Affairs, Interior Bldg. South, 1951 Constitution Ave., N.W., Washington, D.C. 20240, (7) Headquarters, Geological Survey, 12201 Sunrise Valley Dr., Reston, Va. 22092, (8) National Park Service, 1100 L St., N.W. Washington, D.C., (9) Bureau of Mines, Columbia Plaza, 2401 E Street, N. W., Washington, D. C. 20242. Three more Treasurers to be assigned in the Office of the Secretary.

Categories of individuals covered by the system: Employees of the Department of the Interior who have applied for emergency loans.

Categories of records in the system: Contains the name, grade, and organization of person applying for a loan. Contains a statement of need for the loan written by the employee and endorsed by his supervisor. Contains a record of action taken by the Emergency Loan Committee, a schedule of repayments and a history of how repayment was accomplished.

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Authority for maintenance of the system: 5 U.S.C. 301, 3101, 43 U.S.C. 1457i 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are for application, approval, processing and accounting of emergency loans. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed by name of borrower. (3) Safeguards -- stored in file cabinets in locked rooms. (4) Disposal -- accomplished by individual treasurers according to disposal schedule each has devised.

System manager(s) and address: Chairman, Emergency Loan Fund, Office of Personnel Management, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Notification procedure: To determine if the system contains a record on himself, an individual may contact: The Treasurer of the Emergency Loan Fund servicing his bureau and work location. See 43 CFR 2.60.

Record access procedures: An individual may gain access to the records about himself by contacting the Treasuer of the Emergency Loan Fund which services his bureau and work location. See 43 CFR 2.63.

Contesting record procedures: An individual may contest the records about himself by contacting the System Manager. See 43 CFR 2.71.

Record source categories: Information in this system of records comes from the individual himself and from his supervisor.

INTERIOR/APM-81

System name: Health Unit Medical Records -- Interior, Office of the Secretary--81.

System location: (1) Division of Medical and Health Services, Interior Bldg., 18th and C Streets, N.W., Washington, D.C. 20240. (2) Former employees: National Personnel Records Center, 111 Winnebago St., St. Louis, MO 63118.

Categories of individuals covered by the system: (1) Present Interior Department employees. (2) Former Interior Department employees.

Categories of records in the system: Medical records including documentation of screening examinations and tests; immunization records; law enforcement personnel periodic examinations; medical and health unit records; records pertaining to employees in these special programs: Alcoholic and Drug Abuse Programs, Troubled Employee Program.

Authority for maintenance of the system: 5 U.S.C. 3301, P.L. 91-616, P.L. 92-255, P.L. 93-282, P.L. 79-658 (5 U.S.C. 7901), OMB Circular A-72.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) for medical counseling and referral; (b) as a data source for management information for production of summary statistics and analytical studies in support of the function for which the records are collected and maintained, or for related management functions or manpower studies; and (c) to locate specific individuals for personnel research. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained manually in file folders. (2) Retrievability -- indexed by name of employee and by name of bureau where employed. (3) Safeguards - access to and use of these records are limited to those persons whose official duties require such access. Records are maintained in lockable metal file cabinets inside a secured room. (4) Disposal -- records are maintained on present employees only. Records are retired to the National Personnel Records Center upon the departure of the employee from the Interior Department.

System manager(s) and address: Chief, Division of Medical and Health Services, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Notification procedure: An individual may inquire as to whether or not the system contains a record pertaining to him by contacting: Same as above. See 43 CFR 2.60.

Record access procedures: Individuals who wish to gain access to their records should contact: Same as above. See 43 CFR 2.63.

Contesting record procedures: Individuals who wish to contest their records should contact: Same as above. See 43 CFR 2.71.

Record source categories: Information in this system comes from the individual to whom it applies, from private physicians, and from Departmental medical staff personnel.

INTERIOR/APM-82

System name: Departmental Manager Development Program -- Interior, Office of the Secretary--82.

System location: Office of Personnel Management, U. S. Department of the Interior, 18th and C Streets, N. W., Washington, D. C. 20240.

Categories of individuals covered by the system: (1) Present participants in the DMDP Program; (2) former participants in the program; (3) nominees selected or not selected for the program.

Categories of records in the system: Nomination documents, reports of training assignments, evaluation statements list of graduates and placement assignments of current participants.

Authority for maintenance of the system: 5 U.S.C.-3301, P.L. 91-616, P.L. 92-255, P.L. 93-282, P.L. 79-658 (5 U.S.C.-7901) OMB Circular A-72.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses are (a) select candidates for the program; (b) to evaluate caliber of assignments; (c) evaluate performance of the participant; (d) determine or assist in placement efforts; (e) track career of graduates to determine success of program. Disclosures outside the Department of the Interior may be made, (1) to the U. S. Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual, (4) to a Federal Agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit, and, (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Maintained manually in file folders; (2) Retrievability -- Indexed by name and/or by bureau; (3) Safeguards -- Access to and use of these records are limited to those persons whose official duties require such access and to the participant records are maintained in lockable cabinets; (4) Disposal -- In accordance with established disposal schedule.

System manager(s) and address: Chief, Division of Employee Development, Office of Personnel Management, U. S. Department of the Interior, Washington, D. C. 20240.

Notification procedure: A request for access must be presented in person or in writing and signed by the requestor with proof of identity. Individuals may inquire whether or not the system contains a record pertaining to them by contacting the systems manager cited above.

Record access procedures: Individuals who wish to gain access should contact the systems manager cited above.

Contesting record procedures: Individuals who wish to contest their records should contact the systems manager cited above.

Record source categories: Information in this system of records either comes from the individual to whom it applies, is derived from information supplied by the individual, or comes from agency officials.

INTERIOR/ASF-85

System name: Payroll, Attendance and Leave -- Interior, Office of the Secretary--85.

System location: (1) Office of Secretarial Operations - Fiscal, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. (2) Input documents supplied by all offices serviced by the Office of Secretarial Operations -- Fiscal. (See Appendix for Addresses).

Categories of individuals covered by the system: Employees of the Office of the Secretary, the other Departmental Offices, the Defense Electric Power Administration, Delaware River Basin Commission, Susquehanna River Basin Commission, the American Revolution Bicentennial Administration, and Commission of Fine Arts.

Categories of records in the system: Contains data concerning employee attendance, pay, allowances, awards, deductions, leave, employer contributions, duty station and mailing address.

Authority for maintenance of the system: 5 U.S.C. 5101 et seq., 31 U.S.C. 66a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is to administer payroll, attendance and leave matters. Disclosures outside the Department of the Interior may be made (1) to the U. S. Treasury to issue checks to employees and make distributions of pay according to employee authorizations for savings bonds, allotments and other authorized purposes; (2) to the Civil Service Commission to report retirement deductions; (3) to the Internal Revenue Service and appropriate State, Commonwealth, Territorial and local taxing authorities for tax purposes; (4) to the Social Security Administration to report FICA deductions; (5) to labor unions to report union dues deductions; (6) to the Civil Service Commission and insurance carriers to report withholdings for health insurance; (7) to State employment security agencies and the U. S. Department of Labor for unemployment insurance; (8) to other Federal agencies as required by laws and implementing regulations; (9) to the U. S. Department of Justice when related to litigation or anticipated litigation; (10) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible forinvestigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (11) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (12) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual, punch card, microfilm and printout form. (2) Retrievability -- indexed by social security number and/or employee name. (3) Safeguards -- maintained in locked room when not being used. (4) Disposal -- retained on site until audited by GAO or transferred to a Federal Records Storage Center in accordance with the fiscal records program approved by GAO, if appropriate, or the applicable GSA General Record Schedule.

System manager(s) and address: Chief, Office of Secretarial Operations - Fiscal, U.S. Department of the Interior, 18th and C Streets, N.W. Washington, D.C. 20240.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Employee, previous employers, employing office, official personnel records, and Internal Revenue Service.

INTERIOR/ASF-86

System name: Accounts Receivable -- Interior, Office of the Secretary--86.

System location: Office of Secretarial Operations - Fiscal, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Categories of individuals covered by the system: All debtors including employees, former employees, business firms, private citizens and institutions. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations, other business entities and organizations. These records are not subject to the Privacy Act.)

Categories of records in the system: Name, address, amount and basis including goods, services or overpayments therefore.

Authority for maintenance of the system: (1) 5 U.S.C. 5701-09. (2) FPMR 101-7. (3) Treasury Fiscal Requirements Manual. (4) 31 U.S.C. 952.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are for billing and follow-up. Disclosure outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form. (2) Retrievability -- indexed by appropriation or fund to be credited. (3) Safeguards -- maintained in locked room when not in use. (4) Disposal -- retained until payment is received and then incorporated in collection records.

System manager(s) and address: Chief, Office of Secretarial Operations - Fiscal, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Debtor, accounting records.

INTERIOR/ASF-87

System name: Cash Receipts -- Interior, Office of the Secretary--87.

System location: Office of Secretarial Operations - Fiscal, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Categories of individuals covered by the system: Persons paying for goods or services, returning overpayments or otherwise delivering cash. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations, other business entities and organizations. These records are not subject to the Privacy Act.)

Categories of records in the system: Individual's name, the goods or services purchased, check number, date and treasury deposit number.

Authority for maintenance of the system: 31 U.S.C. 66 (a).

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Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is to account for monies paid to the Office of the Secretary. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- manual and machine readable. (2) Retrievability -- date and name. (3) Safeguards -- maintained in locked room when not in use. (4) Disposal -- retained on site until audited by GAO or transferred to a Federal Records Center in accordance with the fiscal records program approved by GAO, if appropriate, or the applicable GSA General Record Schedule.

System manager(s) and address: Chief, Office of Secretarial Operations - Fiscal, U.S. Department of the Interior, 18th and C Streets, N.W. Washington, D.C. 20240.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual remitters.

INTERIOR/ASF-88

System name: Travel -- Interior, Office of the Secretary--88.

System location: (1) Office of Secretarial Operations - Fiscal, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. (2) Input documents supplied by all offices serviced by the Office of Secretarial Operations - Fiscal. (See Appendix for addresses.)

Categories of individuals covered by the system: Employees of the Office of the Secretary, the other Departmental Offices, the Defense Electric Power Administration, Delaware River Basin Commission, Susquehanna River Basin Commission, the American Revolution Bicentennial Administration, and persons serving without compensation to the extent authorized under 5 U.S.C. 5703.

Categories of records in the system: Name, address, destination, itinerary, mode and purpose, dates, expenses, advances, claims, reimbursements, and authorizations.

Authority for maintenance of the system: 5 U.S.C. 5701 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is to process travel authorizations and claims. Disclosures outside the Department of the Interior may be made (1) to the U. S. Treasury for payment of claims; (2) to the State Department for passports; (3) to the U. S. Department of Justice when related to litigation or anticipated litigation; (4) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (5) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (6) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual, machine readable and printout form. (2) Retrievability -- indexed by employee name and/or account number. (3) Safeguards -- maintained in locked room when not in use. (4) Disposal -- disposal is governed by General Records Schedule 9 issued by the Administrator of the General Services Administration pursuant to section 505(b) of the Federal Records Act of 1950 (44 U.S.C. 395(b).)

System manager(s) and address: Chief, Office of Secretarial Operations - Fiscal, U.S. Department of the Interior, 18th and C Streets, N W., Washington, D.C. 20240.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Employee, employing office, and standard travel document references.

INTERIOR/ASF-89

System name: Position Control -- Interior, Office of the Secretary--89.

System location: Office of Secretarial Operations - Fiscal, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Categories of individuals covered by the system: Employees of the Office of the Secretary, the other Departmental Offices, the Defense Electric Power Administration, Delaware River Basin Commission, Susquehanna River Basin Commission, the American Revolution Bicentennial Administration, and Commission of Fine Arts.

Categories of records in the system: Contains descriptive data concerning position incumbents which is obtained from the Departmental Integrated Personnel/Payroll System.

Authority for maintenance of the system: 5 U.S.C. 301, 3101, 43 U.S.C. 1457, Office of Management and Budget Circular A-64 (Revised).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is to provide management information on authorized positions. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual, punch card, magnetic tape, magnetic disk and printout form. (2) Retrievability -- indexed by organization and management account. (3) Safeguards -- maintained in locked room when not in use. (4) Disposal -- records are maintained on a current basis and printouts are disposed of when superseded.

System manager(s) and address: Chief, Office of Secretarial Operations - Fiscal, U.S. Department of the Interior, 18th and C Street, N.W., Washington, D.C. 20240.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Departmental Integrated Personnel/Payroll System and employing offices.

INTERIOR/ATA-95

System name: Interior, Office of the Secretary--95.

System location: Government of the Trust Territory of the Pacific Islands, Saipan, Mariana Islands 96950.

Categories of individuals covered by the system: U.S. Civil Service employees and former U.S. Civil Service employees assigned to the Trust Territory of the Pacific Islands.

Categories of records in the system: Payroll records, including pay, leave and cost distribution records, including deductions for bonds, insurance, income taxes, allotments to financial institutions, overtime authorizations, and related documents. Travel records, including administrative approvals, travel expenses claimed and/or paid, receipts for expenditures claims, Government transportation requests travel advance accounts and related records. Records of accountability for Government-owned property. Safety records, including claims under the Military Personnel and Civil Employees Claims Act. Records of issuance of Government identification cards and Government driver's licenses. Related records concerning administrative and fiscal management.

Authority for maintenance of the system: 5 U.S.C. 301, 3101, 5101-5115, 5501-5596, 5701-5709, 31 U.S.C. 66a, 240-243, 40 U.S.C. 483(b), 43 U.S.C. 1467, 44 U.S.C. 3101, Executive Order No. 11807.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is for administrative and fiscal management. Disclosures outside the Department of the Interior may be made (1) to the Department of the Treasury for the preparation of (a) payroll checks, (b) payroll deduction and other checks to Federal, State and local government agencies, non-governmental organizations and individuals, and (c) checks for reimbursement of employees and others. (2) to the Internal Revenue Service and to State, commonwealth, territorial and local governments for tax purposes. (3) to the Civil Serivce Commission to report contributions to the Civil Service retirement system and other contributions, (4) to another Federal agency to which an employee has transferred, (5) to the U. S. Department of Justice when related to litigation or anticipated litigation, (6) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (7) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual, (9) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit, (10) to Federal, State or local agencies where necessary to obtain information relevant to the hiring, or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual and automated. (2) Retrievability -- May be retrieved by individual name or social security number. (3) Safeguards -- Records are maintained in accordance with 43 CFR 2.51. (4) Retention and Disposal -- According to approved records disposal schedules.

System manager(s) and address: High Commissioner, Trust Territory of the Pacific Islands, Saipan, Mariana Islands 96950.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Employees, supervisors, timekeepers.

INTERIOR/ATA-96

System name: Government of American Samoa Administrative Management and Fiscal Records -- Interior, Office of the Secretary--96.

System location: Government of American Samoa, Pago Pago, American Samoa 96799.

Categories of individuals covered by the system: U.S. Civil Service employees and former U.S. Civil Service employees assigned to Government of American Samoa.

Categories of records in the system: Payroll records, including pay, leave and cost distribution records, including deductions for bonds, insurance, income taxes, allotments to financial institutions, overtime authorizations, and related documents. Travel records, including administrative approvals, travel expenses claimed and/or paid, receipts for expenditures claims, Government transportation requests, travel advance accounts and related records. Records of accountability for Government-owned property. Safety records, including claims under the Military Personnel and Civil Employees Claims Act. Records of issuance of Government identification cards and Government driver's licenses. Related records concerning administrative and fiscal management.

Authority for maintenance of the system: 5 U.S.C. 301, 3101, 5101-5115, 5501-5596, 5701-5709, 31 U.S.C. 66a, 240-243, 40 U.S.C. 483(b), 43 U.S.C. 1467, 44 U.S.C. 3101, Executive Order No. 11807.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is for administrative and fiscal management. Disclosures outside the Department of the Interior may be made (1) to the Department of the Treasury for preparation of (a) payroll checks; (b) payroll deduction and other checks to Federal, State and local government agencies, non-governmental organizations and individuals; and (c) checks for reimbursement of employees and others; (2) to the Internal Revenue Service and to State, Commonwealth, Territorial and local governments for tax purposes; (3) to the Civil Service Commission to report contributions to the CIvil Service retirement system and other contributions; (4) to another Federal agency to which an employee has transferred; (5) to another Federal agency having a subject matter interest in the records; (6) to the U. S. Department of Justice when related to litigation or anticipated litigation; (7) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (8) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual and automated. (2) Retrievability -- May be retrieved by an individual name or social security number. (3) Safeguards -- Records are maintained in accordance with 43 CFR 2.51. (4) Retention and Disposal -- According to approved records disposal schedules.

System manager(s) and address: Governor of American Samoa, Pago Pago, American Samoa 96799.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Employees, supervisors, timekeepers.

INTERIOR/BIA- 1

System name: Property Loan Agreement Files -- Interior, BIA--1.

System location: All Area and Agency Offices (See Appendix for addresses.)

Categories of individuals covered by the system: Individual Indians or non-Indians having a need for Government-owned real or personal property for use in a Bureau program.

Categories of records in the system: Records of accountability for Government-owned real or personal property loaned to individuals.

Authority for maintenance of the system: 40 U.S.C. 483(6).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is to identify individuals responsible for government-owned real or personal property by agreement. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute,

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regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual: letter files. (2) Retrievability -- (a) Indexed by individual name and cross-referenced by tribal name, contract or use permit number; (b) retrieved by manual search. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Retention and Disposal -- destroy one year after property is returned.

System manager(s) and address: Director, Office of Administration, Bureau of Indian Affairs, Department of the Interior, 1951 Constitution Avenue, N.W., Washington, D.C. 20245.

Notification procedure: To determine whether the records are maintained on you in this system, write to the System Manager or, with respect to records maintained in the office for which he is responsible, an Area Director or Agency Superintendent (see Appendix for addresses).

Record access procedures: To see your records, write the officials listed in the Notification procedure. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the System Manager.

Record source categories: Individual on whom the record is maintained, Bureau of Indian Affairs employees, supervisors.

INTERIOR/BIA- 2

System name: Safety Management Information -- Interior, BIA--2.

System location: (1) All Area, Agency and Field Offices of the BIA. (See appendix for addresses). (2) Director, Office of Administration, Bureau of Indian Affairs, Department of the Interior, 1951 Constitution Avenue, N.W., Washington, D.C. 20245.

Categories of individuals covered by the system: (1) Employee operators and incidental operators of government-owned vehicles and equipment. (2) Federal employees who have had an accident or incident. (3) Injured employees who submit claims for medical attention or loss of earning capability due to on-the-job injury. (4) Individuals filing tort claims against the U.S. Government.

Categories of records in the system: (1) Documents supporting the issuance of SF-46 Motor Vehicle Identification Cards to employees, (2) reports of accident/incident by agency, area, name of person involved and social security number, (3) employee claims case files pertaining to claims submitted to the Office of Workmen's Compensation, and (4) case files with supporting documents pertaining to tort claims filed by an individual against the U. S. Government.

Authority for maintenance of the system: 5 U.S.C. 7902, 28 U.S.C. 2671-2680, 31 U.S.C. 240-243.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is to provide complete record-keeping on qualified motor vehicle operators in BIA, employee accidents or incidents, Federal employees compensation claims and adjudication of tort claims. Disclosures outside the Department of the Interior may be made (1) to the U. S Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual, (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit, (5) to Federal, State, or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual: letter files. (2) Retrievability -- (a) Indexed alphabetically by name of employee. (b) Retrieved by manual search. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Retention and Disposal -- Records permanently retained.

System manager(s) and address: Director, Office of Administration, Bureau of Indian Affairs, Department of the Interior, 1951 Constitution Avenue N.W., Washington, D.C. 20245.

Notification procedure: To determine whether the records are maintained on you in this system, write to the System Manager or with respect to records maintained in the office for which he is responsible, the Agency or School Superintendent, the Area or Field Office Director (see Appendix for addresses).

Record access procedures: To see your records, write the officials listed in the Notification procedure. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the System Manager.

Record source categories: Claimants. Individuals on whom the record is maintained.

INTERIOR/BIA- 3

System name: Individual Indian Monies -- Interior, BIA--3.

System location: (1) All Area and Agency Offices of the BIA or contractors processing IIM accounts for them (See appendix for addresses). (2) Division of Accounting Management, Bureau of Indian Affairs, P.O. Box 2088, Albuquerque, NM 87103.

Categories of individuals covered by the system: Individual Indians who have money accounts.

Categories of records in the system: General ledgers showing deposits and withdrawals from Indians' accounts and money folders with supporting documentation.

Authority for maintenance of the system: 25 U.S.C. 151.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are to control individual Indian's money accounts and to disclose to them the status of those accounts. (b) Provides management with an automated information system for program planning, reporting and management utilization. Disclosures outside the Department of the Interior may be made (1) granting of access or transfer to another Federal agency, a State or local government, Indian tribal group or to any individual or establishment that, under contract to the BIA or as the result of some form of legal transfer of the program to them, will have jurisdiction for the IIM program now under the jurisdiction of the BIA, (2) to the U. S. Department of Justice when related to litigation or anticipated litigation, (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual, (5) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual: maintained in letter files, cardex, and binders for non-automated areas; Computer: maintained in computer translatable form on magnetic tape for automated areas. (2) Retrievability -- (a) Indexed by name of identifying number. (b) Retrieved by manual search and through computer batch processes. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Retention and Disposal -- Closed files are transferred to the appropriate GSA Federal Records Center five years after probate and other actions are completed. Prior information on magnetic tape erased as updated information is added to the system.

System manager(s) and address: Director, Office of Administration, Bureau of Indian Affairs, 1951 Constitution Avenue, N. W., Washington, D. C. 20245.

Notification procedure: To determine whether the records are maintained on you in this system, write to the System Manager or, with respect to records maintained in the office for which he is responsible, an Area Director or Agency Superintendent (see Appendix for addresses).

Record access procedures: To see your records, write the officials listed in the Notification procedure. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the System Manager.

Record source categories: Individual on whom record is maintained, depositors in the accounts and claimants against the accounts.

INTERIOR/BIA- 4

System name: Indian Land Records -- Interior, BIA--4.

System location: (1) Land Records Improvement Program Liaison Office, Bureau of Indian Affairs, 500 Gold Ave., S.W., Albuquerque, NM 87103. (2) Title plants at the following five Area Offices of the BIA: Portland, Billings, Anadarko, Aberdeen and Albuquerque. (See Appendix for addresses.) (3) Central Area, Agency and Field Offices of the BIA. (See Appendix for addresses.)

Categories of individuals covered by the system: Individual Indians and Indian tribal groups that are owners of land held in trust by the government.

Categories of records in the system: Land description, current ownership, probate and title history of Indian trust lands.

Authority for maintenance of the system: 25 U.S.C. 392.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to identify individual Indians' and Indian Tribal Groups' interest in lands held in trust, (b) land acquisition and disposal and tenure and management purposes, (c) adjudication of rights to the land or resources (d) administration of leases, sales, rentals, transfers, (e) land statistics for BIA personnel information uses, and (f) to answer questions regarding land rights. Disclosures outside the Department of the Interior may be made (1) to transfer or disclose to another Federal agency, a State or local government, or to any individual or establishment that has been appointed to act as trustee for Indian lands, (2) to the Department of Justice when related to litigation or anticipated litigation, (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (4) from the record of an individual or tribe in response to an inquiry from a Congressional office made at the request of that individual or authorized tribal official, (5) to title insurance and abstracting companies and attorneys for the purposes of determining ownership of and encumbrance against title.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual: basic legal documents in letter files at the five title plants and input documents and printed copies in letter files at the Albuquerque Office, the five title plants, and the Area, Agency and Field Offices. Computer: mag-tape and disk. (2) Retrievability -- (a) Indexed by name of identification number of individual. Historical Index Computer files are in order by land location. Current owners are in order by land location and then by owner identification number. (b) Retrieved by manual search, use of computer printouts and batch inquiries of the computer. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Retention and Disposal -- Records permanently retained. Records permanently retained for historical index. Prior information on mag-tape and disk is erased as new data is added for the current owner files.

System manager(s) and address: Director, Office of Trust Responsibilities, Bureau of Indian Affairs, 18th and C Streets N.W., Washington, D.C. 20245.

Notification procedure: To determine whether the records are maintained on you in this system, write to the System Manager or, with respect to records maintained in the office for which he is responsible, an Area or Field Office Director, or an Agency Superintendent (see Appendix for addresses).

Record access procedures: To see your records, write the officials listed in the Notification procedure. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the System Manager.

Record source categories: Legal records such as titles, deeds, probates and birth notices.

INTERIOR/BIA- 5

System name: Indian Land Leases -- Interior, BIA--5.

System location: (1) Area, Agency and Field Offices of the BIA. (See Appendix for addresses.) (2) Division of Automatic Data Processing Services, Bureau of Indian Affairs, 500 Gold AVE., S.W., Albuquerque, NM 87103. (3) Contractors, including Indian tribal groups and other federal agencies. (See Appendix for addresses.)

Categories of individuals covered by the system: Individual Indian and Indian tribal groups that are owners of real property held in trust by the government, and individuals or groups that are potential or actual lessees of that property.

Categories of records in the system: Land description, heirship and current ownership of Indian trust lands and real property; identification of owners and lessees; water, surface and subsurface rights on that land; conservation, irrigation and land use projects; and information on all types of leases, including grazing, farming, minerals and mining, timber, business, etc.

Authority for maintenance of the system: 25 U.S.C. 415.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to control leases on Indian trust lands and real property, (b) for the collection and distribution of lease income (c) protection of water, surface and subsurface rights on Indian trust lands, and (d) planning and implementing conservation, irrigation and land use projects on Indian lands. Disclosures outside the Department of the Interior may be made, (1) to another Federal agency, a State or local government, Indian tribal group or contractor having jurisdiction of programs ordinarily the responsibility of the BIA, (2) to the Department of Justice when related to litigation or anticipated litigation, (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (4) to title insurance and abstracting companies and attorneys for the purposes of determining ownership of and encumbrances against title.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual: letter files and maps. Computer: mag-tape. (2) Retrievability -- (a) Indexed by name of identification number of the individual. Computer file is in order by reservation and then by land lease numbers. (b) Retrieved by manual search, use of computer printouts, and batch inquiries of the computer. (3) Safeguards -- Most records are maintained in accordance with 43 CFR 2.51 for both manual and computer records. A program will be initiated to bring the safeguards for the remaining systems of records up to the same standards. (4) Retention and Disposal - Records held two years after lease expiration and then transferred to the Federal Records Center. Records permanently retained on mag-tape. Prior information on mag-tape is erased as new data or changes are added.

System manager(s) and address: Director, Office of Trust Responsibilities, Bureau of Indian Affairs, 18th and C Streets N.W., Washington, D.C. 20245.

Notification procedure: To determine whether the records are maintained on you in this system, write to the System Manager or, with respect to records maintained in the office for which he is responsible, an Area or Field Office Director, or an Agency Superintendent (see Appendix for addresses).

Record access procedures: To see your records, write the officials listed in the Notification procedure. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the System Manager.

Record source categories: Individual on whom record is maintained. Titles, deeds, birth and death notices, all types of land and water rights and usages documents.

INTERIOR/BIA- 6

System name: Navajo-Hopi Joint Use Project -- Interior, BIA--6.

System location: (1) Joint Use Administrative Office, 125 E. Birch St., Arizona Bank Bldg., Flagstaff, Arizona 86001. (2) Division of Automatic Data Processing Services, Bureau of Indian Affairs, 500 Gold Ave., S.W., Albuquerque, NM 87103.

Categories of individuals covered by the system: Navajo and Hopi Indians who are residents of the Joint Use Area in Arizona.

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Categories of records in the system: Census enumerations, and inventories and ownerships of property improvements (includes livestock inventories).

Authority for maintenance of the system: 25 U.S.C. 631, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is to identify improvements, locations, ownership and residents of the Joint Use Administration. Disclosures outside the Department of the Interior may be made (1) for Tribal Government use in adjudicating land disputes, (2) to the Relocation Commission to identify resident and location and ownership of improvements, (3) U. S. Federal Courts concerned with the project, (4) to the U. S. Department of Justice when related to litigation or anticipated litigation, (5) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, and (6) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual: letter files and computer printouts at the JUA Office. Computer: disk files with mag-tape backup. (2) Retrievability -- (a) Indexed by name of individual. (b) Retrieved by manual search. Computer listings are by name in alphabetical order, also location and individual assigned number. Records are accessed from disk by location and individual's assigned number or a real estate improvement number in a batch process mode. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Retention and Disposal -- Disk files are perpetual. Prior information on disk is erased as new data is added.

System manager(s) and address: Project Officer, Joint Use Administrative Office, 125 E. Birch St., Arizona Bank Building, Flagstaff, Arizona 86001.

Notification procedure: To determine whether the records are maintained on you in this system, write to the System Manager.

Record access procedures: To see your records, write the System Manager or the Offices cited under 'Systems Location'. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the System Manager.

Record source categories: Navajo and Hopi residents of the Joint Use Area and enumeration surveyors who are interviewing claimants and physically examining property improvements.

INTERIOR/BIA- 7

System name: Tribal Rolls -- Interior, BIA--7.

System location: (1) All Area, Agency and Field Offices of the BIA. (See Appendix for addresses.) (2) Director, Office of Indian Services, Bureau of Indian Affairs, 18th and C Streets, N. W., Washington, D. C. 20245. (3) Division of Automatic Data Processing Services, Bureau of Indian Affairs, 500 Gold Ave., S.W., Albuquerque, NM 87103.

Categories of individuals covered by the system: Individual Indians who are applying for or have been assigned interests of any kind in Indian tribes, bands, pueblos or corporations.

Categories of records in the system: Documents supporting Individual Indians claims to interests in Indian tribal groups, including birth, marriage and death notices; records of actions taken (approvals, rejections, appeals); rolls of approved individuals; records of actions taken (judgement distributions, per capita payments, shares of stocks); ownership and census data taken using the rolls as a base.

Authority for maintenance of the system: 25 U.S.C. 163.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to determine eligibility of individuals who participate in or enjoy benefits from an interest in a tribal group, and (b) provide lists of approved enrollees used to distribute funds or income, or as a base to gather census or ownership data for planning purposes. Disclosures outside the Department of the Interior may be made (1) to the Tribe, Band, Pueblo or corporation of which the individual to whom a record pertains is a member or a stockholder, (2) to the U. S. Department of Justice when related to litigation or anticipated litigation, (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual, (5) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit, and (6) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual: letter files and computer printouts. Computer: Disk files with mag-tape backup protection. (2) Retrievability - (a) Indexed by name, identification numbers, family numbers, etc. (b) Retrieved by manual search or computer inquiry. (3) Safeguards - In accordance with 43 CFR 2.51. (4) Retention and Disposal - Records permanently retained. Disk files are perpetual. Prior information on disk is erased as new data is added or changed.

System manager(s) and address: Director, Office of Indian Services, Bureau of Indian Affairs, 18th and C Streets N.W., Washington, D.C. 20245.

Notification procedure: To determine whether the records are maintained on you in this system, write to the System Manager or, with respect to records maintained in the office for which he is responsible, an Agency Superintendent or an Area or Field Office Director (see Appendix for addresses).

Record access procedures: To see your records, write the officials listed in the Notification procedure. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the System Manager.

Record source categories: Individual on whom record is maintained. Birth, marriage and death certificates, and family and tribal histories.

INTERIOR/BIA- 8

System name: Indian Social Services Case Files -- Interior, BIA--8.

System location: All Area, Agency and Field Offices of the BIA. (See appendix for addresses.)

Categories of individuals covered by the system: Individual Indians who apply and receive social services and direct assistance from the Bureau of Indian Affairs on Indian reservations.

Categories of records in the system: Case files and related card files giving history of social services and direct assistance to individual Indians.

Authority for maintenance of the system: 25 U.S.C. 13.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) provides permanent individual records on social services and direct assistance to individual Indians. (b) Provides management with an automated information system for program planning, reporting and management utilization. Disclosures outside the Department of the Interior may be made (1) granting of access or transfer to another Federal agency, a State or local government, Indian tribal group or to any individual or establishment that will have jurisdiction whether by contract to the BIA, by assumption of trust responsibilities or by other means, for social services programs now controlled by the BIA, (2) to the U. S. Department of Justice when related to litigation or anticipated litigation, (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license to appropriate Federal,State, local or foreign Agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual, (5) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit, and (6) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual: letter files; computer-maintained in computer translatable form on magnetic tape for automated areas. (2) Retrievability -- (a) Indexed alphabetically by name of applicant and/or recipient. (b) Retrieved by manual search. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Retention and Disposal -- Transfer inactive files to GSA Federal Records Center five years

System manager(s) and address: Director, Office of Indian Services, Bureau of Indian Affairs, 18th and C Streets N.W., Washington, D.C. 20245.

Notification procedure: To determine whether the records are maintained on you in this system write to the System Manager or, with respect to records maintained in the office for which he is responsible, an Agency Superinteendent or an Area or Field Office Director (see Appendix for addresses).

Record access procedures: To see your records, write the officials listed in the Notification procedure. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum your are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the System Manager.

Record source categories: Individual on whom record is maintained.

INTERIOR/BIA- 9

System name: Traders License Files -- Interior, BIA--9.

System location: All Area and Agency Offices of the BIA. (See appendix for addresses.)

Categories of individuals covered by the system: Applicants requesting licenses to trade on Indian reservations.

Categories of records in the system: Case files containing applications, bond forms, copies of licenses and related correspondence.

Authority for maintenance of the system: 25 U.S.C. 261.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is to identify individuals authorized to trade on Indian reservations. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation, and (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual: letter files at Area and Agency Offices. (2) Retrievability -- (a) Indexed alphabetically by name of applicant. (b) Retrieved by manual search. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Retention and Disposal -- Transfer to the GSA Federal Records Center five years after case becomes inactive.

System manager(s) and address: Director, Office of Indian Services, Bureau of Indian Affairs, 18th and C Streets N.W., Washington, D.C. 20245.

Notification procedure: To determine whether the records are maintained on you in this system, write to the System Manager or, for records maintained in the office for which he is responsible, an Agency Superintendent or an Area Director (see Appendix for addresses).

Record access procedures: To see your records, write the officials listed in the Notification procedure. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the System Manager.

Record source categories: Individual on whom record is maintained.

INTERIOR/BIA-10

System name: Indian Housing Improvement Program -- Interior, BIA--10.

System location: (1) Division of Housing Services, Bureau of Indian Affairs, 1951 Constitution Avenue, N.W., Washington, D.C. 20245. (2) All Area and Agency Offices. (See appendix for addresses.)

Categories of individuals covered by the system: Individual Indians who qualify as housing improvement participants.

Categories of records in the system: Housing applications, financial records, and engineering drawing material.

Authority for maintenance of the system: 25 U.S.C. 13.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to maintain a management control of funds distributed to each individual and (b) to provide a progress report on housing improvements. Provides management with an automated information system for program planning, reporting and management utilization. Disclosures outside the Department of the Interior may be made (1) disclosure or transfer to another Federal agency, a State or local government, an Indian tribal group or a contractor that will have jurisdiction over programs now controlled by the BIA, (2) to the U. S. Department of Justice when related to litigation or anticipated litigation, (3) of information indicating a violation or to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual, and (5) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual: letter files. Computer: Maintained in computer translatable form on magnetic tape for automated areas. (2) Retrievability -- (a) Indexed by name of applicant. (b) Retrieved by manual search. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Retention and Disposal -- Records permanently retained.

System manager(s) and address: Director, Office of Indian Services, Bureau of Indian Affairs, 18th and C Sts., N. W., Washington, D. C. 20245.

Notification procedure: To determine whether the records are maintained on you in this system, write to the System Manager or, with respect to records maintained in the office for which he is responsible, the Agency Superintendent or the Area or Field Office Director (see Appendix for addresses).

Record access procedures: To see your records, write the officials listed in the Notification procedure. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the System Manager.

Record source categories: Individual on whom record is maintained.

INTERIOR/BIA-11

System name: Indian Business Development Program (Grants) -- Interior, BIA--11.

System location: (1) Office of Tribal Resources Development, Bureau of Indian Affairs, 18th and C Streets, N. W., Washington, D. C. 20245. (2) Division of ADP Services, Bureau of Indian Affairs, 500 Gold Ave., S.W., Albuquerque, NM 87103. (3) Area and Agency Offices. (See Appendix for addresses.)

Categories of individuals covered by the system: Indian Business Grant applicants.

Categories of records in the system: Grant application and supporting documents including financial transactions recording obligations and disbursements of grant funds.

Authority for maintenance of the system: 88 Stat. 77 (1974).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is to identify individual receiving grant. Disclosures outside the Department of the Interior may be made (1) transfer or disclosure to another Federal agency, a State or local government, an Indian tribal group or a contractor that will have jurisdiction over programs now managed by the BIA, (2) to the Economic Development Administration, Farmers Home Administration and Small Business Administration in regard to participating funding packages

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between these agencies and BIA, (3) to the U. S. Department of Justice when related to litigation or anticipated litigation, (4) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, and (5) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual: letter files and computer printouts. Computer: mag-tape/disk. (2) Retrievability -- (a) Indexed by individual's name or control number. (b) Retrieved by manual search and through batch inquiries of computer. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Retention and Disposal -- Records permanently retained. Prior information on mag-tape is erased as new data is added.

System manager(s) and address: Director, Office of Tribal Resources Development, Bureau of Indian Affairs, 18th and C Streets N.W., Washington, D.C. 20245.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager or, with respect to records maintained in the office for which he is responsible, an Area Director or an Agency Superintendent (see Appendix for addresses).

Record access procedures: To see your records, write the Systems Manager or the offices cited under 'Systems Location'. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the System Manager.

Record source categories: Individual on whom record is maintained. Legal records such as titles, deeds, probates and birth notices.

INTERIOR/BIA-12

System name: Indian Trust Land Mortgages -- Interior, BIA--12.

System location: Area and Agency Offices. (See appendix for addresses.)

Categories of individuals covered by the system: Individual Indians who mortgaged trust land to customary lenders.

Categories of records in the system: Mortgage records and supporting documents.

Authority for maintenance of the system: 25 U.S.C. 483(a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to furnish lender with information on applicant and on status of land and (b) to maintain current information on payments and balances of loan. Disclosures outside the Department of the Interior may be made (1) to disclose or transfer to another Federal agency, a State or local government, an Indian tribal group or a contractor that will have jurisdiction over programs now managed by the BIA, (2) to the Economic Development Administration, Farmers Home Administration and Small Business Administration, in regard to participating funding between those agencies and BIA, (3) to the U. S. Department of Justice when related to litigation or anticipated litigation, (4) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, and (5) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual, (6) to title insurance and abstracting companies and attorneys for the purposes of determining ownership of and encumbrances against title.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual: letter files. (2) Retrievability -- (a) Indexed by individual's name. (b) Retrieved by manual search. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Retention and Disposal -- Records are permanently retained.

System manager(s) and address: Director, Office of Tribal Resources Development, Bureau of Indian Affairs, 18th and C Streets N.W., Washington, D. C. 20245.

Notification procedure: To determine whether the records are maintained on you in this system, write to the System Manager or, with respect to records maintained in the office for which he is responsible, an Area or Field Office Director, or an Agency Superintendent (see Appendix for addresses).

Record access procedures: To see your records, write the officials listed in the Notification procedure. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the System Manager.

Record source categories: Mortgage applicants.

INTERIOR/BIA-13

System name: Indian Loan Files -- Interior, BIA--13.

System location: (1) Office of Tribal Resources Development, Bureau of Indian Affairs, 18th and C Streets, N. W., Washington, D. C. 20245. (2) Division of ADP Services, Bureau of Indian Affairs, 500 Gold Ave., S.W., Albuquerque, NM 87103. (3) Area and Agency offices. (See Appendix for addresses.)

Categories of individuals covered by the system: Applicants who applied for or received loans. Applicants who applied for or received guaranteed loans.

Categories of records in the system: Loan applications and supporting documents, record of payment cards, guaranty agreements, eligibility certificates, default documents, and/or promissory notes.

Authority for maintenance of the system: 25 U.S.C. 482, 461, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to maintain a record of payments and unpaid balances and (b) to provide information on payments made for paying interest subsidy, credits obtained, service loans, and premiums paid by lenders. Disclosures outside the Department of the Interior may be made (1) disclosure or transfer to another Federal agency, a State or local government, an Indian tribal group or a contractor that will have jurisdiction over programs now maintained by the BIA, (2) to the Economic Development Administration, Farmers Home Administration and Small Business Administration, in regard to participating funding between those agencies and BIA, (3) to the U. S. Department of Justice when related to litigation or anticipated litigation, (4) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, and (5) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual: letter files, applications and computer printouts. Computer: mag-tape/disk. (2) Retrievability -- (a) Indexed by individual's name, control number or tribal name. (b) Retrieved by manual search and through batch inquiries. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Retention and Disposal -- Destroy seven years after loan is paid, cancelled, or otherwise disposed of. Prior information on mag-tape is erased as new data is added.

System manager(s) and address: Director, Office of Tribal Resources Development, Bureau of Indian Affairs, 18th and C Street N.W., Washington , D.C. 20245.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager or, with respect to records maintained in the office for which he is responsible, an Area Director or an Agency Superintendent.

Record access procedures: To see your records, write the Systems Manager or the offices cited under 'Systems Location'. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the System Manager.

Record source categories: Individual on whom record is maintained.

INTERIOR/BIA-14

System name: Travel Accounting System -- Interior, BIA--14.

System location: (1) Division of Accounting Management, Bureau of Indian Affairs, 500 Gold Ave., S.W., Albuquerque, NM 87103. (2) All Area, Agency, and Field Offices (including the Washington oOffice) of the BIA. (See Appendix for addresses.)

Categories of individuals covered by the system: Individuals who are traveling at government expense.

Categories of records in the system: Travel authorization, advances and vouchers.

Authority for maintenance of the system: 5 U.S.C. 5701, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is to identify individuals who are authorized to travel and be reimbursed by the government. Disclosures outside the Department of the Interior may be made (1) disclosure or transfer to another Federal agency, a State or local government, an Indian tribal group or a contractor that will have jurisdiction over programs now controlled by the BIA and that require personal travel at program expense, (2) to the U. S. Department of Justice when related to litigation or anticipated litigation, and (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage-- Manual: Input documents and printed copies are maintained at the Albuquerque Office and at Area, Agency and Field Offices for individuals under their jurisdiction; Computer: maintained in computer translatable form on mag-tape. (2) Retrievability -- (a) Indexed by name or identification number of traveler. (b) Retrieved by manual search or batch computer processing. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Retention and Disposal -- Records are retained in current status pending final action which is accomplished through batched computer processing. Historical records retained one year then transferred to Federal Records Center.

System manager(s) and address: Director, Office of Administration, Bureau of Indian Affairs, 1951 Constitution Avenue, N.W., Washington, D.C. 20245.

Notification procedure: To determine whether the records are maintained on you in this system, write to the System Manager or, with respect to records maintained in the office for which he is responsible, the Agency or School Superintendent, or the Area or Field Office Director.

Record access procedures: To see your records, write the officials listed in the Notification procedure. Describe as specifically as possible the records sought. If copies are desired. indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the System Manager.

Record source categories: Individual on whom record is maintained.

INTERIOR/BIA-15

System name: Trip Reports -- Interior, BIA--15.

System location: Central Office, Area, Agency and Field Office of the BIA. (See Appendix for addresses.)

Categories of individuals covered by the system: Federal employees who are assigned to travel as part of their job.

Categories of records in the system: Copies of reports to supervisors and management officials documenting employee travel, findings and recommendations.

Authority for maintenance of the system: 5 U.S.C. 5701, 25 U.S.C

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is to provide local files which identify staff officer trip reports by name of individual for each BIA program office. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation, and (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual- letter files (2) Retrievability -- (a) Indexed alphabetically by name of traveler. (b) Retrieved by manual search. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Retention and Disposal -- As administrative copies, records are destroyed after four years.

System manager(s) and address: Commissioner, Bureau of Indian Affairs, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Agency Superintendent, the Area or Field Office director with respect to records maintained in the office for which he is responsible or to the System Manager in the Washington Office.

Record access procedures: To see your records, write the officials listed in the Notification procedure. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the System Manager.

Record source categories: Individual travelers who prepare the reports.

INTERIOR/BIA-16

System name: Travel Files -- Interior, BIA--16.

System location: Central Office, Area, Agency and Field Offices of the BIA. (See appendix for addresses.)

Categories of individuals covered by the system: Federal employees who are authorized to travel at government expense.

Categories of records in the system: Copies of correspondence, requests, travel authorizations and orders, itineraries and similar papers pertaining to an employees travel.

Authority for maintenance of the system: 5 U.S.C. 5701, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records are (a) to provide administrative copy files on each traveler for local office use. (b) Provides management with an automated information system for program planning, reporting and management utilization. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation, and (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual: letter files; Computer: Maintained in computer translatable form on magnetic tape for automated areas. Retrievability -- Indexed alphabetically by name of traveler. (b) Retrieved by manual search. (3) Safeguards - In accordance with 43 CFR 2.51. (4) Retention and Disposal - As administrative copies, records are destroyed after four years.

System manager(s) and address: Director, Office of Administration, Bureau of Indian Affairs, 1951 Constitution Avenue, N.W., Washington, D.C. 20242.

Notification procedure: To determine whether the records are maintained on you in this system, write to the System Manager or with respect to records maintained in the office for which he is responsible, the Agency or School Superintendent, or the Area or Field Office Director (see Appendix for addresses).

Record access procedures: To see your records, write the officials listed in the Notification procedure. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the System Manager.

Record source categories: Individual on whom record is maintained.

INTERIOR/BIA-17

System name: Payroll -- Interior, BIA--17.

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System location: (1) Division of Employee Data and Compensation, Bureau of Indian Affairs, 500 Gold Ave., S.W., Albuquerque, NM 87103. (2) Input documents supplied by all Area, Agency and Field Offices. (See Appendix for addresses.)

Categories of individuals covered by the system: All employees of the BIA, including all types of employment.

Categories of records in the system: Time and attendance data from each pay station are matched with personnel data at the Albuquerque Data Center and payrolls are prepared for distribution by Treasury (RDO), and numerous reports and call-ups are printed out.

Authority for maintenance of the system: 5 U.S.C. 5101, 31 U.S.C.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to prepare payrolls for distribution by the Regional Disbursing Offices of Department of Treasury and (b) to report results to the Civil Service Commission. Disclosures outside the Department of the Interior may be made (1) granting of access or transfer to a Federal, State or local agency, or to an Indian tribal group or any establishment or individual that assumes jurisdiction, whether by contract to the BIA or by legal transfer, of any program under the control of the BIA, (2) to the Department of the Treasury for preparation of (a) payroll checks and (b) payroll deduction and other checks to Federal, State and local government agencies, non-governmental organizations and individuals, (3) to the Internal Revenue Service and to State, Commonwealth, Territorial and local governments for tax purposes, (4) TO THE Civil Service Commission in connection with the Civil Service Retirement System, (5) disclosure to another Federal agency to which an employee has transferred, (6) to the U. S. Department of Justice when related to litigation or anticipated litigation, (7) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (8) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual, (9) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit, and (10) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual: Computer printouts, microfiche, microfilm and special input and output forms are retained by user in the Employee Data and Compensation administrative offices; Computer: Master, History, and Recycle Data maintained on mag-tape/disk; a tape backup is stored in off-site vault. (2) Retrievability -- (a) Indexed by name and identifying number of the employee. Computer printouts are in order alphabetic by last name, numeric by social security number and numeric by state code. (b) Retrieved from disk and/or mag-tape, indexed by name and social security number. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Retention and Disposal -- Computer printouts are kept one pay period then shredded, microfiche and microfilm are permanent. Disk files are permanent, outdated information is written over during updates; mag-tape files are permanent, yearly and cyclic.

System manager(s) and address: Director, Office of Administration, Bureau of Indian Affairs, 1951 Constitution Avenue, N.W., Washington, D.C. 20245.

Notification procedure: To determine whether the records are maintained on you in this system, write to the System Manager or, with respect to records maintained in the office for which he is responsible, an Area or Field Office Director or Agency Superintendent (see Appendix for addresses).

Record access procedures: To see your records write the officials listed in the Notification procedure. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay

Contesting record procedures: To request corrections or the removal of material from your files, write the System Manager.

Record source categories: Individual on whom record is maintained.

INTERIOR/BIA-18

System name: Law Enforcement Services -- Interior, BIA--18.

System location: (1) All Area, Agency and Field Offices of the BIA. (See Appendix for addresses.) (2) Director, Office of Indian Services, Bureau of Indian Affairs, 18th and C Streets, N.W., Washington, D.C. 20245.

Categories of individuals covered by the system: (1) Individuals violating laws on Indian Reservations and those who appear in court for violations of 25 CFR regulations. (2) Individuals primarily interested in Indian Affairs who advocate violence as a means of obtaining their goals.

Categories of records in the system: Documentation includes statements of witnesses, statutes involved, evidence seized, photographs, final disposition reports and related correspondence.

Authority for maintenance of the system: 25 U.S.C. 1, 1a, 13; 18 U.S.C. 3055; Act of May 10, 1939, 58 Stat. 693; 53 Stat. 520.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is to identify individuals who have been arrested on Indian Reservations and who have appeared in court for violations of 25 CFR regulations. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual, (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit, and (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee or the issuance of a security clearance, contract, license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form in file folders throughout Area and Agency offices. (2) Retrievability -- cross referenced by individual's name, case number and docket number. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- transfer to GSA Federal Records Center five years after case is closed.

System manager(s) and address: Director, Office of Indian Services, Bureau of Indian Affairs, 18th and C Streets, N.W., Washington, D.C. 20245.

Systems exempted from certain provisions of the act: Under the general exemption authority provided by 5 U.S.C. 552a(j)(2), the Department of the Interior has adopted a regulation, 43 CFR 2.79(a), which exempts this system from all of the prrovisions of 5 U.S.C. 552a and the regulations in 43 CFR Part 2, Subpart D, except subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), Aand (11) and (i) of 5 U.S.C. 552a and the portions of the regulations in 43 CFR Part 2, Subpart D implementing these subsections. The reasons for adoption of this regulation are set out at 40 FR 37317 (August 26, 1975).

INTERIOR/BIA-19

System name: Indian Association Stock Purchase Records -- Interior, BIA--19.

System location: Agency Offices (See Appendix for addresses.)

Categories of individuals covered by the system: Indian stockholders.

Categories of records in the system: Records of purchase of stock in Indian associations by individuals.

Authority for maintenance of the system: 25 U.S.C. 1, 1a, 13.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is to identify individual Indians who have stocks in Indian Associations. Disclosures outside the Department of the Interior may be made (1) to another Federal agency, a State or local government, an Indian tribal group or a contractor that will have jurisdiction over programs now managed by the BIA, (2) to the Economic Development Administration, Farmers Home Administration and Small Business Administration in regard to participating funding between these agencies and the BIA, (3) to the U. S. Department of Justice when related to litigation or anticipated litigation, (4) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, and (5) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual: letter files (2) Retrievability -- (a) Indexed by individual's name. (b) Retrieved by manual search. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Retention and Disposal -- Destroy three years after disposal of stocks.

System manager(s) and address: Director, Office of Tribal Resources Development, Bureau of Indian Affairs, 18th and C Streets, N.W., Washington, D.C. 20245.

Notification procedure: To determine whether the records are maintained on you in this system, write to the System Manager or, with respect to records maintained in the office for which he is responsible, an Area or Field Office Director, or an Agency Superintendent (see Appendix for addresses).

Record access procedures: To see your records, write the officials listed in the Notification procedure. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the System Manager.

Record source categories: Individual on whom record is maintained.

INTERIOR/BIA-20

System name: Correspondence Files System -- Interior, BIA--20.

System location: Division of Administrative Services, Bureau of Indian Affairs, 1951 Constitution Avenue, N.W., Washington, D.C. 20242.

Categories of individuals covered by the system: Individuals who correspond with or apply to the BIA Central Office on significant business or program matters.

Categories of records in the system: Subject and case files pertaining to individual Indians and tribes on various BIA programs and subject matters.

Authority for maintenance of the system: 5 U.S.C. 301, 43 U.S.C. 1457, 44 U.S.C. 3101, Reorganization Plan 3 of 1950, 25 U.S.C. 1a, 2.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is to provide information for use by Department of the Interior; BIA; Indian Tribes; Indian Claims Commission; and the Indian Claims Division, Office of Finance, GSA. Disclosures outside the Department of the Interior may be made (1) to another Federal agency, a State or local government, an Indian Tribal Group or a contractor that will have jurisdiction over programs now controlled by the BIA, (2) to the U. S. Department of Justice when related to litigation or anticipated litigation, (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, and (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual: letter files. (2) Retrievability -- (a) Cross-indexed by name of person or firm name and subject. (b) Retrieved by manual search. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Retention and Disposal - Records are permanent and are transferred to the GSA Federal Records Center after four years.

System manager(s) and address: Director, Office of Administration, Bureau of Indian Affairs, 1951 Constitution Avenue, N.W., Washington, D.C. 20242.

Notification procedure: To determine whether the records are maintained on you in this system, write to the System Manager.

Record access procedures: To see your records, write the System Manager. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the System Manager.

Record source categories: Individual on whom the record is maintained.

INTERIOR/BIA-21

System name: Correspondence Control System -- Interior, BIA--21.

System location: Office of the Commissioner, Bureau of Indian Affairs, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20245.

Categories of individuals covered by the system: U.S. Senators and Congressmen, Governors of States, Indian leaders.

Categories of records in the system: Correspondence.

Authority for maintenance of the system: 5 U.S.C. 301, 43 U.S.C. 1457, 44 U.S.C. 3101, Reorganization Plan 3 of 1950, 25 U.S.C. 1a, 2.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is to provide control for prompt handling or priority correspondence by the Bureau of Indian Affairs. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation, and (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed alphabetically by name of congressman or letter writer. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- copies are destroyed after one year.

System manager(s) and address: Commissioner of Indian Affairs, Bureau of Indian Affairs, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20245.

Notification procedure: To determine whether the records are maintained on you in this system, write to the System Manager.

Record access procedures: To see your records, write the System Manager. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the System Manager.

Record source categories: Individual from whom incoming letter was received.

INTERIOR/BIA-22

System name: Indian Student Records -- Interior, BIA--22.

System location: (1) All Area and Agency Offices and BIA schools. (See Appendix for addresses.) (2) Indian Education Resources Center, Bureau of Indian Affairs, 123 Fourth Street, S.W., Albuquerque, NM 87103. (3) Division of ADP Services, Bureau of Indian Affairs, 500 Gold Ave., S.W., Albuquerque, NM 87103. (4) Washington Computer Center, Department of the Interior, 18th and C Streets, N. W., Washington, D. C. 20242.

Categories of individuals covered by the system: Students or potential students at BIA schools (including contract schools) and applicants for or recipients of BIA scholarships or educational grants.

Categories of records in the system: Student case files, attentance and performance records, banking records and expenditures of tribal benefit funds, and applications for grants and grant agreements.

Authority for maintenance of the system: 25 U.S.C. 271, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is to provide permanent individual student records on all phases of the education of indians in BIA schools or under Government Education Grants. Disclosures outside the Department of the

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Interior may be made to (1) another federal agency, a State or local government, Indian Tribal Group or to any individual or establishment that will have jurisdiction whether by contract to the BIA, by assumption of Trust Responsibilities or by other means for school programs now controlled by the BIA; (2) to any domestic recognized school, whether public, private, parochial or other, of those portions of students' records specified by the requesting school as being necessary for the acceptance, placement or satisfactory performance of the student at the requesting school, (3) to any individual or establishment of those portions of students' records specified by the requester as necessary for a decision concerning the hiring or retention of the student as an employee of the requester, (4) to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, (5) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit, (6) to persons having official involvement in conjunction with a student's application for/or grant of financial aid, (7) to parents of a dependent student as defined in section 152 of the Internal Revenue Code of 1954, as amended, (8) to accreditation agencies in order to carry out their accrediting functions, (9) to the Department of Health, Education and Welfare and other governmental education officials when necessary to carry out their functions, (10) to an educational testing center or similar institution as part of validation research authorized by the school involved, (11) to the U. S. Department of Justice when related to litigation or anticipated litigation, (12) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, and (13) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual: student case letter files at the schools; Computer: student identification data on mag-tape/disk. (2) Retrievability -- (a) Indexed by name of student and filed by student identification number. (b) Retrieved by manual search and through batch inquiries of computer. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Retention and Disposal -- Records permanently retained.

System manager(s) and address: Director, Office of Indian Education Programs, Bureau of Indian Affairs, 18th and C Streets, N.W., Washington, D.C. 20245.

Notification procedure: To determine whether the records are maintained on you in this system, write to the System Manager or, with respect to records maintained in the office for which he is responsible, an Area Director, an Agency or School Superintendent or a School Principal. (See Appendix for addresses.)

Record access procedures: To see your records, write the System Manager or the offices cited under 'Records Location'. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the System Manager.

Record source categories: Individual on whom record is maintained, his parents, teachers, counselors, school principals, doctors, etc.

INTERIOR/BIA-23

System name: Employment Assistance Case Files -- Interior, BIA--23.

System location: Central Office, Area, Agency and Field Employment Assistance Offices of the BIA. (See Appendix for addresses.)

Categories of individuals covered by the system: Individual Indians who are given assistance in connection with direct employment service or adult vocational training.

Categories of records in the system: Application for assistance, departure and arrival schedules, records documenting financial assistance, training plans, contact sheets recording counseling and guidance service, employment referral and placement records, and reports on progress. Case history of employment assistance for individual Indians.

Authority for maintenance of the system: 25 U.S.C. 13.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to identify individual Indians who are given direct employment or vocational training, and (b) to provide permanent records on Employment Assistance to individual Indians. (c) Provides management with an automated information system for program planning, reporting and management utilization. Disclosures outside the Department of the Interior may be made (1) to another Federal agency, a State or local government, Indian Tribal Group or to any individual or establishment that will have jurisdiction whether by contract to the BIA, by assumption of Trust Responsibilities or by other means, for Employment Assistance Programs now controlled by the BIA, (2) to the U. S. Department of Justice when related to litigation or anticipated litigation, (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual, and (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual: letter files. Computer: Maintained in computer translatable form on magnetic tape for automated areas. (2) Retrievability -- (a) Indexed alphabetically by name of applicant and/or recipient. (b) Retrieved by manual search. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Retention and Disposal -- Transfer inactive files to GSA Federal Records Center five years after case is closed.

System manager(s) and address: Director, Office of Tribal Resources Development, Bureau of Indian Affairs, 18th and C Streets, N.W., Washington, D.C. 20245.

Notification procedure: To determine whether the records are maintained on you in this system, write to the System Manager or, with respect to records maintained in the office for which he is responsible, an Agency Superintendent or an Area or Field Office Director (see Appendix for addresses).

Record access procedures: To see your records, write the officials listed in the Notification procedure. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the System Manager.

Record source categories: Individual on whom record is maintained, schools, law enforcement agencies, employers, doctors, other Bureau of Indian Affairs activities having dealings with the applicant, other agencies with whom applicant has dealt.

INTERIOR/BIA-24

System name: Timber Cutting and Fire Trespass Claims Case Files -- Interior, BIA--24.

System location: Central Office, Area, Agency and Field Offices of the BIA. (See Appendix for addresses.)

Categories of individuals covered by the system: Indian landowners who have filed trespass claims for fire or cutting damage to Indian forest lands under Bureau of Indian Affairs supervision.

Categories of records in the system: Investigation and Claims Case Files on trespass actions involving fire or cutting damage to Indian forest lands under Bureau of Indian Affairs supervision.

Authority for maintenance of the system: 13 U.S.C. 1, 1A, 13; Act of May 10, 1939; 58 Stat. 3693; 43 Stat. 520.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to identify unauthorized timber cutting claims filed against trespassers and/or converters, (b) for property damage claims filed against careless or negligent originators of wildfire which trespasses Indian property, and (c) establishing amounts and types of timber trespassed and their value. Disclosures outside the Department of the Interior may be made (1) authorized legal representative of Tribal Groups or members if necessary for litigation, (2) to the Department of Justice when related to litigation or anticipated litigation, (3) of information indicating a violation or

potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Maintained in manual form in file folders. (2) Retrievability -- Indexed by name of landowner. (3) Safeguards -- Maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- Records are disposed of after claims have been settled or closed out in full.

System manager(s) and address: Director, Office of Trust Responsibilities, Bureau of Indian Affairs, 1951 Constitution Avenue, N.W., Washington, D.C. 20242.

Notification procedure: System Manager or with respect to records maintained in the office for which he is responsible, the Agency or the Area Office Director. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed the same as the notification. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and meet the requirements of 43 CFR 2.71.

Record source categories: Indian landowners.

Systems exempted from certain provisions of the act: Under the general exemption authority provided by 5 U.S.C. 43 CFR 2.79(b), which exempts this system from the prrovisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f) and the portions of 43 CFR Part 2, Subpart D which implement these subsections. The reasons for adoptions of this regulation are set out at 40 FR 50432 (October 29, 1975).

INTERIOR/EAP- 1

System name: Administrative Management and Fiscal Records -- Interior, Alaska Power Administration--1.

System location: Alaska Power Administration, P.O. Box 50, Juneau, Alaska.

Categories of individuals covered by the system: Employees and some former employees of the Alaska Power Administration.

Categories of records in the system: Payroll records, including pay, leave and cost distribution records, including deductions for bonds, insurance, income taxes, allotments to financial institutions, overtime authorizations, and related documents. Travel records, including administrative approvals, travel expenses claimed and/or paid, receipts for expenditures claims, Government transportation requests, travel advance accounts and related records. Records of accountability for Government-owned property. Safety records, including claims under the Military Personnel and Civil Employees Claims Act. Records of issuance of Government identificiation cards and Government driver's licenses. Related records concerning administrative and fiscal management of the Alaska Power Administration.

Authority for maintenance of the system: 5 U.S.C. 301, 3101, 5101-5115, 5501-5596, 5701-5709, 31 U.S.C. 66a, 240-243, 40 U.S.C. 483(b), 43 U.S.C. 1467, 44 U.S.C. 3101, Executive Order No. 11807.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is for the administrative and fiscal management of the Alaska Power Administration. Disclosures outside the Department of the Interior may be made (1) to the Department of the Treasury for preparation of (a) payroll checks; (b) payroll deduction and other checks to Federal, State and local government agencies, nongovernmental organizations and individuals; and (3) checks for reimbursement of employees and others; (2) to the Internal Revenue Service and to State, Commonwealth, Territorial and local governments for tax purposes; (3) to the Civil Service COmmission to report contributions to the Civil Service Retirement System and other contributions; (4) to another Federal agency to which an employee has transferred; (5) to another Federal agency having a subject matter interest in the records; (6) to the U. S. Department of Justice when related to litigation or anticipated ligation; (7) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (8) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- manual and automated. (2) Retrievability -- may be retrieved by individual name or social security number. (3) Safeguards -- records are maintained in accordance with 43 CFR 2.51. (4) Retention and Disposal -- according to approved records disposal schedules.

System manager(s) and address: Administrator, Alaska Power Administration.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Employees, supervisors, timekeepers.

INTERIOR/EBM- 1

System name: Payroll -- Interior, Mines--1.

System location: (1) U.S. Bureau of Mines, Division of Finance, Building 53, Denver Federal Center, Denver, Colorado 80225. (2) Input documents supplied by all facilities of U.S. Bureau of Mines (See Appendix for addresses).

Categories of individuals covered by the system: Current Mines employees and those formerly employed by Mines within the last two years.

Categories of records in the system: A variety of documents which set forth or affect an employee's annual wage rate, leave, biweekly earnings, payroll deductions, and disposition of earnings. Hard copy records consist of a folder of action-type documents for each employee. The information from these documents is recorded on computer tape for payroll purposes.

Authority for maintenance of the system: 5 U.S.C. 5101, et seq., 31 U.S.C. 66a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to provide information and accounting records regarding employee pay and leave for the automated payroll data file; (b) to inform each Bureau office of the composition of their labor cost changes by reporting total payroll changes for each individual made to various cost accounts within the Finance system. This reporting is made every two weeks on a regular payroll cycle. Disclosures outside the Department of the Interior may be made (1) to provide states with pay data relative to claims for unemployment; (2) to the Department of the Treasury for preparation of payroll checks and payroll deductions and other checks to Federal, state and local Government agencies, non-governmental organizations and individuals; (3) to the Internal Revenue Service and to state, commonwealth, territorial and local Governments for tax purposes; (4) to the Civil Service Commission in connection with the Civil Service Retirement System; (5) to another Federal agency to which an employee has transferred; (6) to the U. S. Department of Justice when related to litigation or anticipated litigation involving the records or the subject matter of the records; (7) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, state, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (8) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (9) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (10) to Federal, state, or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

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Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- records are maintained in file folders, magnetic tape, and punched cards. (2) Retrievability -- file folders are maintained by name and magnetic tape and punched cards are maintained by social security number. (3) Safeguards -- file folders are maintained in metal file cabinets which are in a locked room during periods of non-work. During working hours, access is allowed only to Division of Finance personnel. Punched cards have no interpreted printing on them and are retained in cardboard boxes locked into the same room as the file folders. Magenetic tapes are maintained in the Division of Data Processing with limited ADP personnel accessibility. (4) Retention and Disposal -- actively employed personnel file folders are retained indefinitely. Inactive employees' folders (death, resignation, retirement, and separation) are destroyed after two years. Cards are destroyed after one year. Magnetic tapes are erased and reused in accordance with memorandum dated December 29, 1970 from the Chief, Division of Finance to the Chief, Division of ADP, Bureau of Mines. All other official payroll data are disposed of in accordance with General Records Schedule FPMR 101-11.4 dated August 1, 1974.

System manager(s) and address: Chief, Division of Finance, U.S. Bureau of Mines, Building 20, Denver Federal Center, Denver, Colorado 80225.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Information in this system of records comes from the individual to whom it applies or is derived from information he supplied. Pay rates and their applicability and leave regulations are established by public law and their effect upon the individual are in accordance with such public laws and regulations. Generally, most payroll source data are echo records of official personnel actions.

INTERIOR/EBM- 2

System name: Travel Advance File -- Interior, Mines--2.

System location: U.S. Bureau of Mines, Division of Finance, Building 20, Denver Federal Center, Denver, Colorado 80225.

Categories of individuals covered by the system: All Bureau of Mines employees who have active travel advances or who have closed travel advances.

Categories of records in the system: File consists of signed forms whereon employees request travel advances for the purpose of paying travel expenses incurred in the performance of official government business. These forms also include repayments against any advances, whether by claims offset on travel vouchers or remittances by checks, money orders, etc.

Authority for maintenance of the system: 5 U.S.C. 4111(b), 5701-5709, 5721-5733, 5742(b).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to provide an accounting record of obligations due to the U. S. Government from employees authorized cash advances to defray expenses incurred in official travel. Payments to the traveler and repayments to the Government are reflected in this record; (b) to serve as a backup authority and manually reconciled file to the entries for travel expenses in the automated Finance system; (c) computer data are reported to each Bureau office as part of the detailed composition of monthly expense reports applicable to charges made to cost accounts within the Finance system. Only data pertinent to individual Bureau offices are available to that office. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation involving the records or the subject matter of the records; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, State, or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1)Storage -- records are maintained in cardboard boxes in the Division of Finance. (2) Retrievability -- files are stored alphabetically by fiscal year. (3) Safeguards -- files are maintained in a locked steel file drawer during periods of non-work and are accessible during working hours only by personnel from the Division of Finance. (4) Retention and Disposal -- disposition is in accordance with General Records Schedule, FPMR 101-11.4 dated August 1, 1974.

System manager(s) and address: Chief, Division of Finance, U.S. Bureau of Mines, Building 20, Denver Federal Center, Denver, Colorado 80225

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Information for this system originates with the traveler who specifies the need of a travel advance. The request is concurred in by signature of a responsible supervisory official. All entries on the file are as a result of actions take by the individual to liquidate his travel advance.

INTERIOR/EBM- 3

System name: Travel Vouchers and Authorizations -- Interior, Mines--3.

System location: U.S. Bureau of Mines, Division of Finance, Building 20, Denver Federal Center, Denver, Colorado 80225.

Categories of individuals covered by the system: All persons traveling for or in behalf of the Bureau of Mines on official business.

Categories of records in the system: Voucher file consists of paid travel vouchers which reimburse travelers for expenses incurred in connection with official travel. Travel authorization file consists of record copies of authorizations for travel for which no travel vouchers have been submitted for payment.

Authority for maintenance of the system: 5 U.S.C. 5701, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) as backup entry data for obligations and disbursements in the automated Finance system of the Bureau of Mines; (b) computer data are reported to each Bureau office as part of the detailed composition of monthly expense reports applicable to charges made to cost accounts within the Finance system. Only data pertinent to individual Bureau offices are available to that office; (c) vouchers are used to determine allowability of expenses within the law authorizing payment of travel expenses. The documents are used to determine which expenses incurred by the traveler can be paid and are sometimes used to report to other Federal agencies summarizations of those types of allowable expenses. Usually, the individual's name is not used in outside reporting but the data is. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation involving the records or the subject matter of the records; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, state, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, state, or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- records are maintained in steel filing cabinet in the Division of Finance. (2) Retrievability -- vouchers are filed by voucher number in sequence of payment within the overall numbering sequence of the Finance system. Authorizations are filed alphabetically by name awaiting payment of a travel voucher. Authorization becomes part of the voucher packet at time of payment. (3) Safeguards -- files are maintained with safeguards meeting the requirements of 43 CFR 2.51 in the Division of Finance and are available only to Division of Finance personnel. (4) Retention and Disposal -- disposition is in accordance with General Schedule, FPMR 101-11.4 dated August 1, 1974.

System manager(s) and address: Chief, Division of Finance, Bureau of Mines, U.S. Department of the Interior, Building 20, Denver Federal Center, Denver, Colorado 80225.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Information for these files is based on an authorization signed by the traveler in the form of a request. Travel vouchers are submitted by the traveler after incurring expenses for official travel and is a request for payment based on his record of official expenses.

INTERIOR/EBM- 4

System name: Property Control -- Interior, Mines--4.

System location: (1) Bureau of Mines, U.S. Department of the Interior, 2401 E Street, N.W., Washington, D.C. 20241. (2) All field facilities of the Bureau of Mines (See Appendix for addresses).

Categories of individuals covered by the system: Employees who have custody or responsibility for Bureau of Mines property.

Categories of records in the system: Contains information indicating what property, including equipment, motor vehicle operator's license, keys, motor pool vehicles, transportation request books, and parking spaces, for which the employee has custody or responsibility. A list is maintained of inventions by name as a cross reference to case numbers. In addition, all other records directly related to the property control function.

Authority for maintenance of the system: Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 483 (b)(1).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) identification, assignment, and control of Bureau property; (b) assistance in locating carpools; Disclosures outside of the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form in file folders or card indexes, a limited quantity on computer tape. (2) Retrievability -- indexed by employee name or control number. (3) Safeguards -- security will be provided to meet the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- upon completion of the use period, vital records are transferred to the Official Personnel Folder or Federal Records Center and all other records are destroyed.

System manager(s) and address: Chief, Division of Management Services, Bureau of Mines, U.S. Department of the Interior, 2401 E Street, NW., Washington, D.C. 20241.

Notification procedure: System Manager, or with respect to records maintained at field facilities, the administrative officer of the facility. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager or, with respect to records maintained at field facilities, the administrative officer of the facility. The request must be in writing and signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Employees. Property control information required for accountability purposes.

INTERIOR/EBM- 5

System name: Personnel Identification -- Interior, Mines--5.

System location: (1) Bureau of Mines, U.S. Department of the Interior, 2401 E Street, NW, Washington, D.C. 20241. (2) All field facilities of the Bureau of Mines (See Appendix for addresses).

Categories of individuals covered by the system: All employees of the Bureau of Mines.

Categories of records in the system: Records concerning identification and location of employees.

Authority for maintenance of the system: 5 U.S.C. 301, 3101; 43 U.S.C. 1457.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to provide identification cards to employees; (b) locator information provided for use by management to contact employees in case of an emergency. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- card indexes, manually. (2) Retrievability -- indexed by employee name and identification card number. (3) Safeguards -- security will be provided to meet requirements of 43 CFR 2.51 for manual records. (4) Disposal -- after use period, records transferred to Federal Records Center or destroyed.

System manager(s) and address: Chief, Branch of Records Management and Office Services, Division of Management Services, Bureau of Mines, U.S. Department of the Interior, 2401 E Street, NW., Washington, D.C. 20241.

Notification procedure: System Manager, or with respect to records maintained at field facilities, the administrative officer of the facility. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager or, with respect to records maintained at field facilities, the administrative officer of the facility. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

Record source categories: Employees. Information necessary to prepare the identification card and locator index.

INTERIOR/EBM- 6

System name: Safety Files -- Interior, Mines--6.

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System location: (1) Bureau of Mines, U.S. Department of the Interior, 2401 E Street, NW., Washington, D.C. 20241. (2) All field facilities of the Bureau of Mines (See Appendix for addresses).

Categories of individuals covered by the system: Persons who have had an accident, injury, illness, or fatality or are associated with a health hazard, radio-active materials, and radiation producing media in performance of job related duties or while a visitor.

Categories of records in the system: Contains records about accident, injury, illness, or fatality of an employee in a work related situation or a visitor. Also, records of initial, re-examination, annual, and terminal health physical of employees in potentially hazardous health and radiation situations. In addition, all other records directly related to employee health and safety.

Authority for maintenance of the system: (1) Occupational Safety and Health Act of 1970, as amended, (29 U.S.C. 668 and 5 U.S.C. 7902. (2) Executive Order 11807 (September 28, 1974). (3) Federal Employees Compensation Act, as amended, 5 U.S.C. 81.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) for managerial review of safety related work situations, and (b) for authenticating work related accident, injury, illness, or fatalities for employee compensation purposes. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintenance in manual form in card index and file folders. (2) Retrievability -- indexed by name or control number of the individual. (3) Safeguards -- security will be provided to meet the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- upon completion of work project or employee separation, health records are transferred to the Official Personnel Folder. All other records are transferred to Federal Records Centers upon completion of case processing.

System manager(s) and address: Bureau Safety Manager, Division of Management Services, Bureau of Mines, U.S. Department of the Interior, 2401 E Street, NW, Washington, D.C. 20241.

Notification procedure: System Manager, or with respect to records maintained at field facilities, the safety officer of the facility. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager or, with respect to records maintained at field facilities, the safety officer of the facility. The request must be in writing and signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

Record source categories: Individuals involved and physicians.

INTERIOR/EBM- 7

System name: Personnel Security Files -- Interior, Mines -- 7.

System location: Office of the Assistant Director--Administration, Department of the Interior, Bureau of Mines, 2401 E Street, N.W., Washington, D.C. 20241.

Categories of individuals covered by the system: Mines personnel who have been authorized access to classified information.

Categories of records in the system: Contains records concerning employees, including personal data submitted by the individual, information developed by investigatory authorities, and records of the requirement, basis, degree and date of clearance. Contains a security briefing statement signed by the employee.

Authority for maintenance of the system: Executive Order 10450, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is to identify Mines personnel who have security clearances and their degree of clearance. Disclosures outside the Department of the Interior may be made (1) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (2) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or issuance of a security clearance, contract, license, grant or other benefit; (3) to the U. S. Department of Justice when related to litigation or anticipated litigation; (4) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed by name. (3) Safeguards -- maintained in a safe having a three-position dial-type, manipulation proof, combination lock, in the same manner as defense classified material. (4) Retention and Disposal -- maintained until the individual has been debriefed or terminated. Destroyed by fire, shredder, disintegrator or pulverizer.

System manager(s) and address: Security Officer (Assistant Director--Administration), Bureau of Mines, 2401 E Street, N.W., Washington, D.C. 20241.

Notification procedure: A written and signed request to the System Manager stating that the requester seeks information concerning record pertaining to him.

Record access procedures: A request for access shall be addressed to the System Manager. The request must be in writing and signed by the requester.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager.

Record source categories: Individual on whom the record is maintained and investigations conducted by Federal, State or local agencies or other pertinent authorities.

INTERIOR/EBM- 9

System name: Distribution Center and Film Borrower Record Cards -- Interior, Mines--9.

System location: Bureau of Mines, U.S. Department of the Interior, Division of Production and Distribution, Room 359, 4800 Forbes Avenue, Pittsburgh, Pa. 15213.

Categories of individuals covered by the system: Officials of schools and other organizations borrowing Bureau of Mines motion pictures; officials of cooperating film distribution centers.

Categories of records in the system: Information pertaining to loan of films, shipment dates, number of showings, audience size, etc., used in connection with distribution of Bureau of Mines informational motion pictures.

Authority for maintenance of the system: 30 U.S.C. 1, 3, 5-7.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are for (a) reference by Bureau of Mines film distribution personnel in determining locations of films out on loan, (b) scheduling film shipments, and returns, and (c) checking borrower's treatment of films borrowed in the past. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- paper cards kept in office files. (2) Retrievability -- indexed by name. (3) Safeguards -- stored and used in government office building protected by uniformed guards. (4) Retention and Disposal -- cards used until all spaces filled, then destroyed after 12 months.

System manager(s) and address: Chief, Division of Production and Distribution, Bureau of Mines, U.S. Department of the Interior, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, (412) 621-4500.

Notification procedure: Address inquiries to the System Manager.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Borrowers' film loan requests; correspondence from film distribution centers.

INTERIOR/EBM-10

System name: Biographical Reference File -- Interior, Mines--10.

System location: Bureau of Mines, U.S. Department of the Interior, Division of Public Information, Columbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C. 20241.

Categories of individuals covered by the system: Past and present officials of the Department of the Interior.

Categories of records in the system: Biographical notes, resumes, news releases, etc., published or prepared for publication.

Authority for maintenance of the system: 30 U.S.C. 1, 3, 5-7.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) as a public information file on officials of the Bureau of Mines and (b) as background material in preparing public announcements on assignments, transfers or official activities of the named official. Disclosures outside the Department of the Interior may be made (1) to the public and news media seeking biographical information about named officials.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- papers in folders, kept in office filing cabinet. (2) Retrievability -- indexed by name. (3) Safeguards -- stored and used in commercial office building leased by government and protected by uniformed guards. (4) Retention and Disposal -- kept as long as needed for convenient reference; no systematic disposal procedure.

System manager(s) and address: Chief, Division of Public Information, Bureau of Mines, U.S. Department of the Interior, Columbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C. 20241, (202) 634-1005.

Notification procedure: Address inquiries to the System Manager.

Record access procedures: Address inquiries to the System Manager.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Published materials, plus information volunteered by officials covered.

INTERIOR/EBP- 1

System name: Travel Records -- Interior, BPA -- 1.

System location: Bonneville Power Administration, 1002 NE. Holladay Street, P.O. Box 3621, Portland, Oregon 97208.

Categories of individuals covered by the system: BPA employees who have traveled on official business or changed official duty stations, and other individuals authorized to travel at Government expense for BPA.

Categories of records in the system: Contains the traveler's itinerary, method of travel, travel expenses claimed and/or paid, receipts for expenditures claimed, administrative approvals, lodging certifications, authorizations for travel, Government transportation requests issued by traveler, and travel advance accounts including request cards.

Authority for maintenance of the system: 5 U.S.C. 5701-5709; Federal Property Management Regulations 101-7, Federal Travel Regulations, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) for the establishment of employee travel or change of station claims for reimbursement; (b) for the determination of available lodging rates whenever BPA employees conduct official travel; and (c) control of amounts of travel advances and repayment of those amounts provided. Disclosures outside the Department of the Interior may be made (1) to the Department of Treasury for reimbursement of travel expenses; (2) to the U. S. Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- travel itineraries and changes of station are maintained manually on standard forms in file folders; records of travel advances are maintained manually on standard card files; record of lodging locations and rates are on punchcard, magnetic tape, and computer printout. (2) Retrievability -- indexed by name of traveler, except lodging location and rates which are indexed by location. (3) Safeguards -- records are maintained in accordance with 43 CFR 2.51. (4) Disposal -- maintained at BPA headquarters for 4 years and at the records center for 3 years before being destroyed by shredding.

System manager(s) and address: Chief, Branch of Finance and Accounts, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual travelers, supervisors, voucher preparation clerks.

INTERIOR/EBP- 2

System name: Payroll Files -- Interior, BPA -- 2.

System location: Bonneville Power Administration, 1002 NE. Holladay Street, P.O. Box 3621, Portland, Oregon 97208.

Categories of individuals covered by the system: BPA annual and hourly employees.

Categories of records in the system: Pay, allowances, retirement, and leave records.

Authority for maintenance of the system: 5 U.S.C. 5101, et seq.; GAO Manual, 6 GAO 1, Authority and Responsibilities.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records are (a) to prepare schedule of net pay and record gross pay, leave, retirement, and payroll deductions; (b) to maintain payroll records for GAO and other audits; (c) to provide input for BPA cost accounting for budgeting systems; (d) to provide information for union negotiation processes. disclosures outside the Department of the Interior may be made (1) to transfer earnings and withholding data to State employment agencies as requested for unemployment claims; (2) to transfer earnings for withholding, data to Federal and State income tax authorities; (3) to transfer leave and retirement records to other Federal agencies when employees transfer; (4) to transfer retirement records to the Civil Service Commission for employees retiring, terminating, or transferring outside the Department; (5) to GAO when BPA requests Comptroller General decisions; (6) to the Department of the Treasury for issuance of checks and distribution of pay according to employee authorizations for savings and allotments and other authorized purposes; (7) to IRS for tax levies; (8) to Office of Federal Employee Compensation for employees injured on duty; (9) to State welfare agencies on written request regarding qualifications for food stamps; (10) to financial organizations for net pay and payroll savings for employees making deposits; (11) to unions of listings of union dues deductions to unions; (12) to the Department of the Treasury for issuance of checks to satisfy court orders authorizing garnishment under provisions of P.L. 93-647; (13) to the U. S. Department of Justice when related to litigation or anticipated litigation; (14) of transfer in the event it is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal, or regulatory in nature, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (15) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

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Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- the master file information for processing pay, the payroll register, leave, and payroll history are stored on microfiche and computer printouts. In addition, standard forms and other authorized forms are maintained which cover personnel actions, income tax withholdings, health benefit deductions, insurance, bond, savings, union, and authorized deductions, retirement records, and pay history. Magnetic disk contains master information required to process each employee's pay. Magnetic tape containing denomination of bonds, amounts of net payroll checks, and payroll history is used as a device to transfer data to the Treasury Department. The bond and net check tape is destroyed after each payroll. Pay history is transferred to microfiche or hard copy via magnetic tape, and the tape containing each pay period's information is retained. (2) Retrievability -- data is filed by employee name and/or social security number. (3) Safeguards -- records are maintained in accordance with 43 CFR 2.51 (4) Retention and Disposal -- the various payroll records are retained in accordance with regulations which vary according to document.

System manager(s) and address: Chief, Branch of Finance and Accounts, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him and supplying social security number is required. Se 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester and supply his social security number. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual employee and Personnel Office.

INTERIOR/EBP- 3

System name: Audiometric Testing Forms -- Interior, BPA -- 3.

System location: Bonneville Power Administration, 1002 NE. Holladay Street, P.O. Box 3621, Portland, Oregon 97208.

Categories of individuals covered by the system: BPA employees who have had a hearing test by BPA's Audiometric Technician.

Categories of records in the system: Test Form.

Authority for maintenance of the system: Act of August 8, 1946, as amended, 5 U.S.C. 7901; OMB Circular A-72 of June 18, 1965.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is to advise employees that they have hearing deficiencies. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- filed in file folders. (2) Retrievability -- filed by organization, alphabetically within organization. (3) Safeguards -- records are maintained in accordance with 43 CFR 2.51. (4) Retention and Disposal -- forms destroyed 5 years after separation of employee.

System manager(s) and address: Safety Manager, Bonneville Power Administration, 1002 NE. Holladay Street, P.O. Box 3621, Portland, Oregon 97208.

Notification procedure: System Manager. A written signed request stating the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Employee and certified Audiometric Technician.

INTERIOR/EBP- 4

System name: Automotive Accident Files -- Interior, BPA -- 4.

System location: Bonneville Power Administration, 1002 NE. Holladay Street, P.O. Box 3621, Portland, Oregon 97208.

Categories of individuals covered by the system: Drivers involved in automotive accidents, employees and private drivers involved in accidents with employees.

Categories of records in the system: Records concerning automotive accidents, forms, statements, police reports, claims and supporting information, and pictures.

Authority for maintenance of the system: Federal Tort Claims Act, 28 U.S.C. 2671-2680; Military Personnel and Civilian Employees Claims Act, 31 U.S.C. 240-243.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to determine the classification of the accident, i.e. preventable, nonpreventable, or reportable incident; (b) to adjudicate tort claims; (c) to determine financial liability and disciplinary action. Disclosures outside the Department of the Interior may be made (1) to General Services Administration for reimbursement; (2) to the U. S. Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1)Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed by employee name and by case number. (3) Safeguards -- records are maintained in accordance with 43 CFR 2.51. (4) Retention and Disposal -- maintained for 3 years, then transferred to GSA Federal Records Center for 3 years. Destroyed by shredding.

System manager(s) and address: Safety Manager, Bonneville Power Administration, 1002 NE. Holladay Street, P.O. Box 3621, Portland, Oregon 97208.

Notification procedure: System Manager. A written signed request stating the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Accident investigators, individual employees, witnesses, and State or local police.

INTERIOR/EBP- 5

System name: Motor Vehicle Operator Identification Records -- Interior,BPA -- 5.

System location: (1)Bonneville Power Administration, 1002 NE. Holladay Street, P.O. Box 3621, Portland, Oregon 97208. (2)Bonneville Power Administration, Portland Area Office, 919 NE. 19th Avenue, P.O. Box 3621, Portland Oregon 97208. (3) Bonneville Power Administration, Ross Complex, 5400 NE. Highway 99, P.O. Box 491, Vancouver, Washington 98660. (4) Bonneville Power Administration, Seattle Area Office, 415 First Avenue North, Room 250, Seattle, Washington 98109. (5) Bonneville Power Administration Spokane Area Office, Room 561, U.S. Court House, W. 920 Riverside Avenue, Spokane, Washington 99201. (6) Bonneville Power Administration, Walla Walla Area Office, West 101 Poplar, P.O. Box 1518, Walla Walla, Washington 99362.

Categories of individuals covered by the system: BPA employees holding Motor Vehicle Operator Identification Cards.

Categories of records in the system: Application form and Physical Fitness Inquiry.

Authority for maintenance of the system: Section 211j of the Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C., 491j.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is to determine eligibility for motor vehicle operator identification cards. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- filed manually. (2) Retrievability -- alphabetically by employee name. (3) Safeguards -- records are maintained in accordance with 43 CFR 2.51. (4) Retention and Disposal -- Application form is filed in employee's official personnel file and Physical Fitness Inquiry is retained or destroyed at the discretion of the issuing officer.

System manager(s) and address: Safety Manager, Bonneville Power Administration, 1002 NE. Holladay Street, P.O. Box 3621, Portland, Oregon 97208.

Notification procedure: System Manager. A written signed request stating the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: BPA employee and supervisors.

INTERIOR/EBP- 6

System name: Industrial Accident Files and Employee Claims Files -- Interior, BPA -- 6.

System location: Bonneville Power Administration, 1002 NE. Holladay Street, P.O. Box 3621, Portland, Oregon 97208.

Categories of individuals covered by the system: Employees, contractors, or private parties involved in serious accidents with BPA facilities or employees filing claims for lost or damaged personal property.

Categories of records in the system: Records concerning accidents involving serious injury, death, or which could have resulted in serious injury or death. Forms, statements, police reports, claims and supporting information, and pictures.

Authority for maintenance of the system: Federal Tort Claims Act, 28 U.S.C. 2671-2680; Military Personnel and Civilian Employees Claims Act, 31 U.S.C. 240-243; Federal Employees Compensation Act, 5 U.S.C. 8101-8193.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to analyze the facts and circumstances surrounding each accident for cause, (b) adjudication of tort and employee claims. Disclosures outside the Department of the Interior may be made (1) to another Federal agency, or a State or local government having partial or complete jurisdiction over the claim or related claims; (2) to the U. S. Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, state, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (4) from the record of an individual in response to an inquiry from a congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed by claimant's name and by case number. (3) Safeguards -- records are maintained in accordance with 43 CFR 2.51. (4) Retention and Disposal -- maintained for 3 years then transferred to GSA Federal Records Center for 4 years, and destroyed by shredding; except for fatalities which are retained indefinitely in Safety Office.

System manager(s) and address: Safety Manager, Bonneville Power Administration, 1002 NE. Holladay Street, P.O. Box 3621, Portland, Oregon 97208.

Notification procedure: System Manager. A written signed request stating the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Accident investigators, individual employees, witnesses, and State or local police.

INTERIOR/EBP- 7

System name: Safety Training Files -- Interior, BPA -- 7.

System location: Bonneville Power Administration, 1002 NE. Holladay Street, P.O. Box 3621, Portland, Oregon 97208.

Categories of individuals covered by the system: BPA employees who have completed safety training courses offered by BPA.

Categories of records in the system: Alphabetical listing of employee names by organization code.

Authority for maintenance of the system: 5 U.S.C 4101, et seq.; Executive Order 11348 (April 20, 1967).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to determine which employees have valid first aid cards; (b) to determine which employees hold certifications to access BPA facilities and (c) to determine which drivers have completed defensive driver courses. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- computer list and manual files. (2) Retrievability -- alphabetically by employee name within organization code. (3) Safeguards -- records are maintained in accordance with 43 CFR 2.51. (4) Retention and Disposal -- destroyed by shredding when new list is issued. Manual files are destroyed by shredding upon separation of employee.

System manager(s) and address: Safety Manager, Bonneville Power Administration, 1002 NE. Holladay Street, P.O. Box 3621, Portland, Oregon 97208.

Notification procedure: Same as above. A written signed request stating the requester seeks information concerning records pertaining to him is required. See CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual employees who have completed BPA safety training courses, class attendance rosters, test papers, substation operators.

INTERIOR/EBP- 8

System name: Plant Services History Files -- Interior, BPA -- 8.

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System location: Office of the Chief, Branch of Plant Services - EJ, Bonneville Power Administration, U.S. Department of the Interior, 5400 NE. Highway 99, P.O. Box 491, Vancouver, Washington 98660. Services, Bonneville Power Administration.

Categories of individuals covered by the system: Individuals who have been or are employed by the Branch of Plant

Categories of records in the system: Contains records concerning labor performed by above defined individuals including type of work, rate, pay, and travel and per diem status, and for whom these services were performed.

Authority for maintenance of the system: Budget and Accounting Act of 1921, 31 U.S.C 24; Budget and Accounting Act of 1950, as amended, 31 U.S.C. 65-66.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to provide a detailed record of costs incurred for labor against any plant services requested on a monthly basis, (b) to provide backup for charges for work performed for other Federal agencies under the cross-servicing agreements authorized by GSA Bulletin FPMR 100.G-23 and (c) to provide backup for charges against contractors and other vendors for corrective work performed by the Branch of Plant Services. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained on magnetic tape. (2) Retrievability -- indexed by individual's position number and time period involved. (3) Safeguards -- records are maintained in accordance with 43 CFR 2.51. (4) Disposal -- tapes are erased after 10 years as authorized under BPA Records Disposal Schedule. (5) Officials having access to system -- BPA management, administrative, and accounting personnel.

System manager(s) and address: Chief, Branch of Plant Services - EJ, Bonneville Power Administration, U.S. Department of the Interior, 5400 N.E. Highway 99, P.O. Box 491, Vancouver, Washington 98660.

Notification procedure: System Manager. A written and signed request stating that the requester seeks information concerning records pertaining to him/her is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager. See 43 CFR 2.71.

Record source categories: Daily Time Reports and leave applications completed and signed by individuals defined in 'Category of Individuals'.

INTERIOR/EBP- 9

System name: Plant Services Personal Accountability Property System -- Interior, BPA -- 9.

System location: Branch of Plant Services - EJ, Bonneville Power Administration, U.S. Department of the Interior, 5400 NE. Highway 99, P.O. Box 491, Vancouver, Washington 98660.

Categories of individuals covered by the system: BPA craftsmen and supervisors who are authorized to have tools and work equipment assigned to them.

Categories of records in the system: Contains records concerning the types, quantity, make and models, and value of equipment assigned to individuals and crews.

Authority for maintenance of the system: Federal Property and Administrative Services Act of 1949, Section 202(b), 40 U.S.C. 483(b).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to provide inventories to satisfy other FPMR requirements; (b) to maintain a record of location of emergency equipment; (c) to control equipment assignments authorized under union contracts; (d) to provide management information necessary for the budgeting and allocation of equipment funds; and (e) to provide evidence of assignment, location, and value when government property is stolen. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- on magnetic disks. (2) Retrievability -- by position number, name, and BPA employee identification number. (3) Safeguards -- records are maintained in accordance with 43 CFR 2.51. (a) Reports do not include 'sensitive' information and (b) Special reports are personally handed to the requester after identification of a bona fide need. (4) Disposal -- tapes are erased after 10 years as authorized under BPA Records Disposal Schedule. (5) Officials having access to system -- BPA management, administrative, and accounting personnel.

System manager(s) and address: Chief, Branch of Plant Services - EJ, Bonneville Power Administration, U.S. Department of the Interior, 5400 NE. Highway 99, P.O. Box 491, Vancouver, Washington 98660.

Notification procedure: System Manager. A written and signed request stating that the requester seeks information concerning records pertaining to him/her is required. See 43 CFR 2.60.

Record access procedures: Requests for access for special reports not included in routine uses may be addressed to the System Manager. The requests must be in writing and signed by the requester. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager. See 43 CFR 2.71.

Record source categories: BPA employees who have authority to have tools and work equipment.

INTERIOR/EBP-10

System name: Land Records--Interior, BPA -- 10.

System location: (1) Bonneville POwer Administration, Branch of Land, 1002 NE. Holladay Street, P.O. Box 3621, Portland, Oregon 97208. (2) Portland Area Office, Lloyd Plaza Building, 919 NE. 19th Avenue, Room 201, P.O. Box 3621, Portland, Oregon 97208. (3) Ross Complex, 5400 NE. Highway 99, P.O. Box 491, Vancouver, Washington 98660. (4) Spokane Area Office, U.S. Court House, West 920 Riverside Avenue, Room 561, Spokane, Washington 99201. (5) Walla Walla Area Office, West 101 Poplar, P.O. Box 1518, Walla Walla, Washington 99362.

Categories of individuals covered by the system: Individuals and/or companies from whom or to whom BPA has acquired or given interests in land.

Categories of records in the system: The records contain the individual's name, description of land tract, type of agreement, rights granted or received, and history of the transaction.

Authority for maintenance of the system: Bonneville Project Act: Act of August 20, 1937; 16 U.S.C. 832a(c)(e) as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to answer questions regarding land rights which BPA has granted to individuals or land rights individuals have granted to BPA; and (b) as a data source used to update maps. Disclosures outside the Department of the Interior may be made (1) to other Federal agencies as questions arise concerning specific tracts of land; (2) to individuals, companies, or private organizations to answer questions concerning tracts of land; (3) to the U. S. Department of Justice when related to litigation or anticipated litigation; (4) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (5) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained on computer punch cards and magnetic tape; maintained manually in file folders and card files; the land tract register is stored in a safe; computer records (punched cards) are stored in a cabinet. (2) Retrievability -- indexed by line identification, tract number, and contract number; cross referenced by name of landowner, grantee, or grantor. (3) Safeguards -- records are maintained in accordance with 43 CFR 2.51. (4) Disposal -- records are permanently retained; magnetic tape file is updated as needed and old tape erased.

System manager(s) and address: Chief, Branch of Land, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208.

Notification procedure: An individual may inquire as to whether or not the system contains a record pertaining to him by contacting the System Manager. See 43 CFR 2.63.

Record access procedures: Individuals who wish to gain access to their records should contact the System Manager. See 43 CFR 2.63.

Contesting record procedures: Individuals who wish to contest their records should contact the System Manager. See 43 CFR 2.71.

Record source categories: Information in this system comes from individual landowners, grantees, or grantors; BPA officials; and State and local authorities.

INTERIOR/EBP-11

System name: Accounts Receivable--Interior, BPA -- 11.

System location: Branch of Finance and Accounts, Bonneville Power Administration, 1002 NE. Holladay Street, P.O. Box 3621, Portland, Oregon 97208.

Categories of individuals covered by the system: Individuals who are indebted to BPA.

Categories of records in the system: The records contain the individual's name, bill number, amount owed, and date of billing.

Authority for maintenance of the system: 31 U.S.C. 66a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to assure collection of amounts due; (b) to provide data for accounting results; (c) to verify payment activity by individuals; and (d) to verify accuracy of accounting results. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when relateE 8 to litigation or anticipated litigation; (2) of information indicating E 8 violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained manually in file folders. (2) Retrievability -- records are maintained in accordance with 43 CFR 2.51. (4) Disposal -- records are transferred to Federal Records Center 2 years after file is closed and destroyed by shredding 4 years thereafter.

System manager(s) and address: Chief, Branch of Finance and Accounts, Bonneville Power Administration, 1002 NE. Holladay Street, P.O. Box 3621, Portland, Oregon 97208.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by contacting the System Manager. See 43 CFR 2.63.

Record access procedures: Individuals who wish to gain access to their records should contact the System Manager. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

Record source categories: Information in this system comes from the individual to whom it applies, BPA officials, and law enforcement officials.

INTERIOR/EBP-12

System name: Report of Inventions--Interior, BPA -- 12.

System location: Branch of Substation Design, Bonneville Power Administration, 1002 NE. Holladay Street, P.O. Box 3621, Portland, Oregon 97208.

Categories of individuals covered by the system: BPA employees who have produced an invention.

Categories of records in the system: The records contain the individual's name, address, title, job description of the invention, and copies of correspondence between the inventor and the Office of the Solicitor.

Authority for maintenance of the system: 43 CFR 6.4-6.6, Executive Order 10096 (January 23, 1950), Executive Order 10930 (March 24, 1961), 43 CFR 6.4-6.6.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to determine employee's rights to license invention; (b) to determine status of invention in process of securing patent. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate federal, State, local or foreign agencies responsible for innvestigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained manually in file folder. (2) Retrievability -- indexed by individual name and title of invention. (3) Safeguards -- records are maintained in accordance with 43 CFR 2.51. (4) Disposal -- records are transferred to Federal Record Center after 10 years and retained indefinitely.

System manager(s) and address: Chief, Branch of Substation Design, Bonneville Power Administration, 1002 NE. Holladay Street, P.O. Box 3621, Portland, Oregon 97208.

Notification procedure: An individual may inquire as to whether or not the system contains a record pertaining to him by contacting the System Manager. See 43 CFR 2.60.

Record access procedures: Individuals who wish to gain access to their records should contact the System Manager. See 43 CFR 2.63.

Contesting record procedures: Individuals who wish to contest their records should contact the System Manager. See 43 CFR 2.71.

Record source categories: Information in this system comes from the individual inventor.

INTERIOR/EBP-13

System name: Parking Assignment Records--Interior, BPA -- 13.

System location: Bonneville Power Administration, Branch of Administrative Services, 1002 NE. Holliday Street, P.O. Box 3621, Portland, Oregon 97208.

Categories of individuals covered by the system: Individuals requesting a parking permit.

Categories of records in the system: Name of individual, work telephone number, service computation date, and individual's work location.

Authority for maintenance of the system: 40 U.S.C. 471, et seq.; FMC 74-1; FPMR Temporary Regulation D-43.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is to assign parking permits and assist in locating car pools. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual file. (2) Retrievability -- indexed by name of individual and parking stall number. (3) Safeguards -- locked file cabinet within locked room. (4) Disposal -- records destroyed every 6 months when new file is created.

System manager(s) and address: Chief, Branch of Administrative Services, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208.

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Notification procedure: Inquiries regarding the existence of record should be addressed to the System Manager. A written, signed request stating that the requestor seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requestor. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

Record source categories: Data furnished by the individual.

INTERIOR/EBP-14

System name: Security Clearance File--Interior, BPA -- 14.

System location: Branch of Personnel Management, Bonneville Power Administration, 1002 NE. Holladay Street, P.O. Box 3621, Portland, Oregon 97208.

Categories of individuals covered by the system: Occupants of critical-sensitive and non-critical sensitive positions.

Categories of records in the system: Contains notice of level of security clearance granted to the individual or notice of full-field report as well as standard form 86 and ERDA 1(Parts 1 and 2) supplied by individual, as appropriate.

Authority for maintenance of the system: Executive Order 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is to document clearances granted to individuals. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- file maintained in individual folders. (2) Retrievability -- folders identified by employee name. (3) Safeguards -- folders contained in locked cabinet. (4) Retention and Disposal -- destroyed when clearance requirement no longer exists or when employee separates.

System manager(s) and address: Chief, Branch of Personnel Management, Bonneville Power Administration, 1002 NE. Holladay Street, P.O. Box 3621, Portland, Oregon 97208.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requestor seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requestor. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Information supplied by individual, the U.S. Civil Service Commission, and the Energy Research and Development Administration.

INTERIOR/EGS- 1

System name: Payroll, Attendance and Leave Records -- Interior, GS--1. (2) Input documents supplied by all facilities of the U.S. Geological Survey. (See Appendix for addresses.)

Categories of individuals covered by the system: All Geological Survey Employees.

Categories of records in the system: Name, social security number, grade, step and salary; organization, retirement or FICA data as applicable; Federal, State and local tax deductions, as appropriate; IRS tax lien data; savings bond and charity deductions; regular and optional Government life insurance deductions; health insurance deduction and plan or code; cash award data, jury duty data; military leave data; pay differentials; union dues deductions; allotments, by type and amount; financial institution code and employee account number; leave status and leave data of all types; time and attendance records; cost of living allowances; mailing address; co-owner and/or beneficiary of bonds; marital status and number of dependents; and 'Notification of Personnel Action'. The individual records listed are included only as pertinent to the individual employees.

Authority for maintenance of the system: 5 U.S.C. 5101, et seq.; Title 6, GAO Policy and Procedure Manual; 31 U.S.C. 66(a); Sections 112(a) and 113 of the Budget and Accounting Procedures Act of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is to (a) to issue pay to employees, and (b) distribute pay according to the directions of employees for allotments, financial institutions, savings bonds, charitable institutions and other purposes authorized. Disclosures outside the Department of the Interior may be made to: (1) Report and send tax withholdings to the Internal Revenue Service and state and local taxing authorities; (2) report and send FICA deductions to the Social Security ADministration; (3) report and send withholdings for health and life insurance to the Civil Service Commission and authorized insurance carriers; (4) report and send contributions to agents of charitable institutions; (5) report and send deductions for dues to labor unions; (6) send W-2 statements annually to taxing authorities; (7) to the U. S. Department of Justice when related to litigation or anticipated litigation; (8) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (9) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (10) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (11) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- both machine readable and manual (2) Retrievability -- by name or social security number of employee. (3) Safeguards -- storage equipment and rooms locked when not in use. Access is restricted to authorized personnel only. Computer and payroll personnel are instructed as to the need for security and confidentiality. (4) Disposal -- retained on-site until GAO audit, then destroyed or transferred to Federal Records Center, as appropriate according to GAO fiscal records program, or GSA General Records Schedules.

System manager(s) and address: Chief, Branch of Financial Management, Geological Survey, National Center, Reston, Virginia 22092.

Notification procedure: System Manager. A written and signed request is required from anyone seeking information concerning him/her.

Record access procedures: Requests for access to records should be addressed to the System Manager and must meet the requirements of 43 CFR 2.63.

Contesting record procedures: Petitions for amendment should also be addressed to the System Manager and meet the requirements of 43 CFR 2.71.

Record source categories: Subject individuals, supervisors, timekeepers and personnel records.

INTERIOR/EGS- 2

System name: Authorized Cashier, Alternate Cashier, Certifying Officer and Cashier and Collection Officers -- Interior and GS--2.

System location: Geological Survey, National Center, Reston, Virginia 22092.

Categories of individuals covered by the system: Authorized Cashiers, Alternate Cashiers, Certifying Officers and Cashiers - Collection Officers assigned to perform these functions in the conduct of Survey financial business.

Categories of records in the system: Up-to-date records including name and address showing authorizations for certain persons to perform the functions of cashier, alternate cashier, certifying officer, and cashier - collection officer.

Authority for maintenance of the system: 31 U.S.C. 66a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is to maintain records of authorizations for individuals to perform the functions of cashiers, alternate cashier, certifying officer and cashier - collection officers. Disclosures outside the Department of the Interior may be made to: (1) The U. S. Treasury to maintain Treasury records on these functions; (2) to the U. S. Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (5) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (6) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- manaintained in manual form in file folders. (2) Retrievability -- by name of individual. (3) Safeguards -- access limited to those personnel who have requirement for access. (4) Disposal -- retained and disposed of according to GSA General Records Schedules.

System manager(s) and address: Chief, Branch of Financial Management, Geological Survey, National Center, Reston, Virginia 22092.

Notification procedure: A written and signed request from the requester seeking information about him or herself is required and is submitted to the System Manager.

Record access procedures: Requests for access should be addressed to the System Manager and meet the requirements of 43 CFR 2.63

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individuals and supervisors.

INTERIOR/EGS- 3

System name: Accounts Receivable -- Interior, GS--3.

System location: Geological Survey, National Center, Reston, Virginia 22092.

Categories of individuals covered by the system: Debtors owing money to the Geological Survey, including employees, former employees, business firms, institutions and private individuals. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations and other business entities. These records are not subject to the Privacy Act.)

Categories of records in the system: Name and address, amount owed, and service, overpayment or other accounting; invoice number.

Authority for maintenance of the system: 5 U.S.C. 5701-09; FPMR 101-7; Treasury Fiscal Requirements Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is to bill persons and firms owing money to the Geological Survey. Disclosures outside the Department of the Interior may be made to: (1) The U. S. Cvil Service Commission for reporting purposes; (2) to the U. S. Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (5) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (6) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- manual form in file folders. (2) Retrievability -- by individual name. (3) Safeguards -- handling by authorized personnel only. (4) Disposal -- retained until payment received and account audited, then disposed of in accordance with Records Control Schedule.

System manager(s) and address: Chief, Branch of Financial Management, Geological Survey, National Center, Reston, Virginia 22092.

Notification procedure: A written and signed request from the requester seeking information about him/her is required and is submitted to the System Manager.

Record access procedures: Requests for access should be addressed to the System Manager and must meet the requirements of 43 CFR 2.63.

Contesting record procedures: Petitions for amendment should be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

Record source categories: Subject individual, contracting officer, accounting records.

INTERIOR/EGS- 5

System name: Contract Files -- Interior, GS--5.

System location: Branch of Procurement and Contracts, Geological Survey, National Center, Reston, Virginia, CA-13, CO-15 and VA-6.

Categories of individuals covered by the system: Individuals who have contracts with the Geological Survey. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations and other business entities. These records are not subject to the Privacy Act.)

Categories of records in the system: Record of contract information, from inception of requirement, through contract award, contract administration and completion of the contract. Copies of contractor and technical and cost proposals, documentation pertaining to the award, contract and miscellaneous correspondence.

Authority for maintenance of the system: 40 U.S.C. 481.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is in awarding and administering contracts through their completion. Disclosure outside the Department of the Interior may made: (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- by name of individual contractor and by contract number. (3) Safeguards -- proprietary technical and cost information maintained separately in locked cabinet. (4) Disposal -- retained and disposed of according to GSA General Records Schedule.

System manager(s) and address: Assistant Chief, Branch of Procurement and Contracts, Geological Survey, Department of the Interior, National Center, Reston, VA 22092.

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Notification procedure: A written and signed request stating that the requester seeks information concerning records pertaining to him must be addressed to the System Manager. See 43 CFR 2.60.

Record access procedures: Requests for access shall be addressed to the System Manager, signed by the requester and meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and meet the requirements of 43 CFR 2.71.

Record source categories: Information comes from the individual contractor.

INTERIOR/EGS- 6

System name: RELOS Records -- Interior, GS--6.

System location: Branch of General Services, Geological Survey, National Center, Reston, Virginia 22092.

Categories of individuals covered by the system: Survey employees in the Washington Metropolitan Area.

Categories of records in the system: Names of individual employees, social security numbers, office telephones, location codes, room numbers, mail stop numbers, organization codes, parking permit numbers, carpool numbers, names of individuals who qualify for preferential parking due to handicap or position, makes of cars and license numbers, home addresses and telephone numbers.

Authority for maintenance of the system: 5 U.S.C. 3101, 40 U.S.C. 483(b).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of these records are: (a) To prepare the bureau telephone directories; (b) to issue parking permits; (c) to make carpool assignments; (d) to prepare space occupancy reports. Disclosure outside the Department of the Interior may be made : (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, State or local agencies where necessary to obtain information RElevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual and computerized form. (2) Retrievability -- by name or social security number. (3) Safeguards -- records kept in locked cabinets for use of Branch of General Services personnel only. (4) Disposal -- retained until obsolete, then destroyed.

System manager(s) and address: Chief, Branch of General Services, Geological Survey, National Center, Reston, Virginia 22092.

Notification procedure: Same as above. See 43 CFR 2.60.

Record access procedures: Same as above. See 43 CFR 2.63.

Contesting record procedures: Same as above. See 43 CFR 2.71.

Record source categories: Information came from individual.

INTERIOR/EGS- 7

System name: Personal Property Accountability Records -- Interior--7.

System location: (1) Branch of General Services, Geological Survey, National Center, Reston, Virginia 22092. (2) Administrative offices in all or substantially all field locations. (See Appendix for addresses). (3) Facilities of Geological Survey designated VA-6, CO-15 and CA-13 in Appendix.

Categories of individuals covered by the system: Survey employees who are accountable for government owned controlled property.

Categories of records in the system: Records of assignment of an internal identification number and acknowledgement of receipt by employees. Records of transfers to other accountable employees. Inventory records containing employee social security numbers and duty stations.

Authority for maintenance of the system: 40 U.S.C. 483(b).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are to: (a) Maintain control over bureau owned and controlled property; (b) to maintain up-to-date inventory of the property and to record accountability for the property. Disclosure outside the Department of the Interior may be made: (1) To the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the Statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- records are both manual and computerized. (2) Retrievability -- by employee social security number. (3) Safeguards -- access by authorized employees only. (4) Disposal -- when obsolete.

System manager(s) and address: Chief, Branch of General Services, Geological Survey, National Center, Reston, Virginia 22092.

Notification procedure: Same as above or to individual installations. See 43 CFR 2.60.

Record access procedures: Same as above or to individual installations for access. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual employees.

INTERIOR/EGS- 8

System name: Accident Reports and Investigations -- Interior, GS--8.

System location: Branch of General Services, Geological Survey, National Center, Reston, Virginia 22092.

Categories of individuals covered by the system: All personnel of the Geological Survey who have had on-the-job accidents.

Categories of records in the system: Form DI-134, Accident Reports, correspondence, historical information and corrective action reviews relating to accidents which have occurred on-the-job.

Authority for maintenance of the system: 5 U.S.C. 7902.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are: (a) To maintain records of accidents in which Survey employees have been involved; (b) to report statistics and trends of the Departments; (c) to monitor and report progress of the safety program in the Survey, using historical data and records of actions taken. Disclosure outside the Department of the Interior may be made: (1) To the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- by name of individual. (3) Safeguards -- kept in locked cabinet. Access limited to authorized personnel. (4) Disposal -- retained on-site.

System manager(s) and address: Survey Safety Management Officer, Branch of General Services, Geological Survey, National Center, Reston, Virginia 22092.

Notification procedure: A written and signed request stating that the requester seeks information concerning records pertaining to him must be addressed to the System Manager. See 43 CFR 2.60.

Record access procedures: A request for access must be in writing, signed by the requester, submitted to the System Manager, and meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and meet the requirements of 43 CFR 2.71.

Record source categories: Accident victims, witnesses, supervisors and investigators.

INTERIOR/EGS- 9

System name: National Research Council Grants Program -- Interior, GS--9.

System location: (1) Office of the Chief Geologist, Geologic Division, Reston, Virginia 22092. (2) National Research Council, 2101 Constitution Avenue, N.W., Washington, D.C. 20418.

Categories of individuals covered by the system: Contains name, grade, title, organization, and place of birth of person being granted access. Also file of SF 171 and college transcripts for each individual.

Authority for maintenance of the system: 43 U.S.C. 31, et seq., 5 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is to evaluate individuals being considered for grants made through the National Research Council. Disclosures outside the Department of the Interior may be made: (1) To the National Research Council for evaluation purposes; (2) to the U. S. Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the Statute, rule, regulation, order or license: (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (5) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (6) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- manual system maintained in cardex and legal files showing data on Research Associates assigned to U.S. Geological Survey, Geologic Division under this program. (2) Retrievability -- indexed by name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51. (4) Retention and Disposal -- records disposed of periodically as prescribed under records control system.

System manager(s) and address: Deputy Chief Geologist, U.S. Geological Survey, National Center Mail Stop 911, Reston, Virginia 22092, Phone (703) 860-6531.

Systems exempted from certain provisions of the act: Under the specific exemption authority of 5 U.S.C. 552a(k)(5), the Department of the Interior has adopted a regulation (43 CFR 2.79(c)) which exempts this system from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f) to the extent that the system consists of investigatory material compiled solely for the purpose of determining suitability, eligibility or qualifications for federal civilian employment. The reasons for adoption of this regulation are set out at 40 FR 37217 (August 26, 1975). and (I), and (f).

INTERIOR/EGS-10

System name: Lunar Sample -- Interior, GS--10.

System location: Office of Environmental Geology, Branch of Astrogeology, Geologic Division, Reston, Virginia 22092.

Categories of individuals covered by the system: Records of Principal Investigators, NASA Lunar sample program, Houston, and hand receipts on Lunar Samples obtained from NASA for Scientific Analysis. Contains the name and location of individual who used lunar sample.

Authority for maintenance of the system: 43 U.S.C. 31, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is to maintain up-to-date and accurate documentation regarding which employees have custody of lunar sample material lent by NASA. Disclosure outside the Department of the Interior may be made: (1) To the National Aeronautics and Space Administration for property accounting purposes; (2) to the U. S. Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (5) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (6) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- manual system. (2) Retrievability -- maintained to identify individual using Lunar Samples -- Date received and returned to NASA -- so that samples will not be lost and can be located anytime. (3) Safeguards -- laboratories where samples are stored are locked at night. Only principal investigators have access to records. (4) Retention and Disposal -- records disposed of periodically in accordance with records control procedures.

System manager(s) and address: Project Chief, Branch of Astrogeology, Office of Environmental Geology, U.S. Geological Survey, Room 3C400, Mail Stop 929, Reston, Virginia 22092, Phone (703) 860-6787.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom the record is being maintained.

INTERIOR/EGS-11

System name: Security -- Interior, GS--11.

System location: (1) Office of the Chief Geologist, Geologic Division, Reston, Virginia 22092. (2) Central and Western Regional Offices of the Geologic Division. (See Appendix for addresses.)

Categories of individuals covered by the system: Record of Security Clearance, for Division personnel; contains name, grade, organization and place and date of birth and type of security clearance of person being granted access.

Authority for maintenance of the system: Executive Order 10501.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is to keep current records on security clearances in the Geologic Division. Disclosure outside the Department of the Interior may be made: (1) To the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other

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benefit; (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, ogrant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- manual systems maintained in locked cardex and legal size files. (2) Retrievability -- indexed by individual name. (3) Safeguards -- maintained with security meeting the requirements of 43 CFR 2.51. (4) Retention and Disposal -- records on former employees disposed under prescribed procedures.

System manager(s) and address: Deputy Chief Geologist, U.S. Geological Survey, National Center, Mail Stop 911, Reston, Virginia 22092 Phone (703) 860-6531.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom record is maintained.

INTERIOR/EGS-12

System name: Project Descriptions and Work Plans and Accomplishments -- Interior, GS--12.

System location: Budget and Program Office, Office of the Chief Geologist, U.S. Geological Survey, Reston, Virginia 22091.

Categories of individuals covered by the system: Scientists who are in charge of one or more projects.

Categories of records in the system: The Project Description describes the objectives, location, and justification of the project. The Work Plans and Accomplishments is a yearly accountability of each project's scientific progress during the past year and a work plan for the coming year.

Authority for maintenance of the system: 43 U.S.C. 31, 48, 49.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are: (a) To track and account for the progress of various projects and (b) to develop a work plan for the next year. Disclosure outside the Department of the Interior by be made: (1) To the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed by project number with a crosswalk of individual in charge of project. (3) Safeguards -- all project files are maintained by a Program Specialist. (4) Disposal -- all project files are kept until the final report is published.

System manager(s) and address: Assistant Deputy Chief Geologist, Budget and Program Office, Office of the Chief Geologist, Reston, Virginia 22091.

Notification procedure: System Manager. See 43 CFR 2.60.

Record access procedures: System Manager. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: The information comes from the individuals who are in charge of one or more projects.

INTERIOR/EGS-13

System name: Manuscript Processing -- Interior, GS--13.

System location: (1) Office of Scientific Publications, Geologic Division, Reston, Virginia 22092. (2) Central and Western Regional Offices of the Geologic Division. (See Appendix for addresses.)

Categories of individuals covered by the system: Geologic Division authors of Geo-Science publications.

Categories of records in the system: Contains record by author or title on publication plans, status and location of all manuscript maps and reports in preparation or published by Geologic Division employees.

Authority for maintenance of the system: 43 U.S.C. 31, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is to maintain knowledge of and track publication plans, status of manuscript maps and reports in preparation being entered by Geologic Division employees. Disclosure outside the Department of the Interior may be made: (1) To the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form on cards. (2) Retrievability -- indexed by author and Geographic area. (3) Safeguards -- none required. (4) Disposal -- indefinite retention.

System manager(s) and address: Deputy Chief, Office of Scientific Publications, Geologic Division, Reston, Virginia 22092.

Notification procedure: Same as above. See 43 CFR 2.60.

Record access procedures: Same as above. See 43 CFR 2.63.

Contesting record procedures: Same as above. See 43 CFR 2.71.

Record source categories: Authors.

INTERIOR/EGS-14

System name: Travel Files -- Interior, GS--14.

System location: Geological Survey, National Center, Reston, Virginia 22092.

Categories of individuals covered by the system: Employees of the Geological Survey.

Categories of records in the system: Names, addresses, social security numbers; destination; itineraries; modes and purposes of travel; dates; expenses including advances; amounts claimed and reimbursed; travel orders; vouchers; receipts and passport record cards.

Authority for maintenance of the system: 5 U.S.C., 5701, 31 U.S.C. 66a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are to: (a) Account for travel advances; (b) compute vouchers to determine amounts claimed and reimbursed; (c) account for travel orders; maintaining records of modes and purposes of travel and itineraries; (d) maintain records of passports. Disclosure outside the Department of the Interior may be made to: (1) The U. S. Treasury Department for payments; (2) the U. S. Department of State for passports; (3) to the U. S. Department of Justice when related to litigation or anticipated litigation; (4) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order

or license; (5) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (6) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (7) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- manual and machine readable. (2) Retrievability -- filed by name, social security number or travel order number. (3) Safeguards -- storage facilities are in secured premises with access limited to personnel whose official duties require access. (4) Disposal -- retained according to GSA Federal Travel Regulations, and disposed of according to Records Control Schedule and GSA General Records Schedules.

System manager(s) and address: Chief, Branch of Financial Management, Geological Survey, National Center, Reston, Virginia 22092.

Notification procedure: System Manager. A written and signed request is required from anyone seeking information concerning him or herself.

Record access procedures: Requests for access should be addressed to the System Manager and meet the requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Subject individuals, supervisors and standard finance office references.

INTERIOR/EGS-15

System name: Cartographic Information Customer Records -- Interior, GS--15.

System location: (1) National Cartographic Information Center, Topographic Division, Reston, Virginia 22092. (2) U.S. Geological Survey Field Offices listed in the Appendix as CA-12, CO-11, MO-5 and SD-5.

Categories of individuals covered by the system: Individuals who have requested Cartographic Information directly from, or whose requests have been forwarded to the National Cartographic Information Center or its sponsored field centers.

Categories of records in the system: Contains name, address, customer's inquiry, response to inquiry and appropriate accounting entries.

Authority for maintenance of the system: (1) Executive Order 3206. (2) OMB Circular A-16. (3) 31 U.S.C. 66a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is for reference by Survey and Survey contract employees in processing customer inquiries, orders, and complaints. Disclosure outside the Department of the Interior may be made: (1) To the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form in file folders, correspondence recorded on microfilm, and key information recorded on magnetic tape in some instances; (2) Retrievability -- indexed by name of inquirier, cross indexed chronologically; (3) Safeguards -- maintained in GS areas occupied by GS personnel during working hours with building locked and/or guarded during off hours; (4) Disposal -- original hard copy destroyed after three years or sooner if recorded on microfilm. Indexes and microfilm maintained at least three years (longer if useful to operations or if active).

System manager(s) and address: Chief, National Cartographic Information Center, Topographic Division, GS, Reston, Virginia 22092.

Notification procedure: System Manager or installation which is believed to have the requested record. Installations will only provide information on records held locally. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: Same as above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Customers on whom record is maintained and GS or GS contract information researchers.

INTERIOR/EGS-16

System name: Office of Minerals Exploration (OME) Financial Assistance Applications -- Interior, GS--16.

System location: Office of Minerals Exploration, U.S. Geological Survey, 953 National Center, Reston, Virginia 22092.

Categories of individuals covered by the system: Applicants for financial assistance to explore mineral deposits.

Categories of records in the system: Information furnished by the applicant in support of a loan application including financial eligibility, rights in land to be explored, operating experience and background to conduct the proposed exploration work.

Authority for maintenance of the system: Public Law 85-701, 30 U.S.C. 642(e).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of these records is to evaluate applications for loans to conduct exploration projects. Disclosure outside the Department of the Interior may be made: (1) To the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in file folders in metal filing cabinets. (2) Retrievability -- indexed by name of individual applicant and by docket number assigned to each application. (3) Retention and Disposal - complete file is retained until decision is reached on denial or approval. If denied or after period of contract obligation for royalty payments to the Government has expired - a period of ten years or more - file should be stripped of non technical material and placed in permanent storage. Discarded material is destroyed.

System manager(s) and address: Chief, Office of Minerals Exploration, Geological Survey, U.S. Department of the Interior, 953 National Center, Reston, Virginia 22092.

Notification procedure: Same as the above. See 43 CFR 2.60.

Record access procedures: Same as the above. See 43 CFR 2.63.

Contesting record procedures: Same as the above. See 43 CFR 2.71.

Record source categories: Applicant on whom the file is maintained.

INTERIOR/EGS-17

System name: Management Information System, Publications Division -- Interior, GS--17.

System location: U.S. Geological Survey, National Center, Mail Stop 341, 12201 Sunrise Valley Drive, Reston, Virginia 22092.

Categories of individuals covered by the system: Publications Division employees; GS professionals (geologists, hydrologists, etc.) who conduct research and investigation for which results are published in GS reports.

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Categories of records in the system: Contains records concerning production planning, scheduling, costs, manpower utilization, capacity.

Authority for maintenance of the system: 5 U.S.C. 3101, 43 U.S.C. 31, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records is: (a) To control and manage publication production; (b) to accumulate costs for the purpose of billing Geological Survey Divisions. Disclosure outside the Department of the Interior may be made for: (1) To the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in punch card and manual form (2) Retrievability -- indexed by pertinent GS division, GS reports, phase of production. (3) Safeguards -- none required. (4) Disposal -- routinely disposed of as updated information is generated. Annual summaries are maintained indefinitely.

System manager(s) and address: Assistant Chief, Publications Division (Management and Administration), USGS National Center, MS0341, 12201 Sunrise Valley Drive, Reston, Va. 22092.

Notification procedure: Same as above. See 43 CFR 2.60.

Record access procedures: Same as above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom the record is maintained.

INTERIOR/EGS-18

System name: Computer Services Users -- Interior, GS--18.

System location: U.S. Geological Survey, Computer Center Division, National Center, Mail Stop 801, Reston, Virginia 22092.

Categories of individuals covered by the system: Users of Computer Services.

Categories of records in the system: Name, computer user number and work location.

Authority for maintenance of the system: 31 U.S.C. 66a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is: (a) To bill computer users; (b) to mail information to computer users. Disclosure outside the Department of the Interior may be made: (1) To the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, State or local agencies wher necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- records are maintained on either punched cards or magnetic tape. (2) Retrievability -- by individual user's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51. (4) Retention and Disposal -- records are periodically updated and obsolete records are deleted from magnetic tape or punched cards are destroyed.

System manager(s) and address: Chief, Computer Center Division, U.S. Geological Survey, Mail Stop 801, National Center, Reston, Virginia 22092.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual users of computer services.

INTERIOR/EGS-20

System name: Photo File System -- Interior, GS--20.

System location: (1) Publications Division, U.S. Geological Survey, National Center, Stop 303, Reston, Virginia 22092. (2) Survey facilities numbered GA-8 and CO-2 in Appendix.

Categories of individuals covered by the system: U.S.G.S. employees.

Categories of records in the system: Photographs.

Authority for maintenance of the system: 5 U.S.C. 301, 3101, 43 U.S.C. 1467.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is to maintain photographs of USGS top level employees. Disclosure outside the Department of the Interior may be made: (1) To the public in presentations and publications; (2) to the U. S. Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or licensee; (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- PIC cards 5 x 8. (2) Retrievability -- indexed by name. (3) Safeguards -- maintained in accordance with 43 CFR 2.51. (4) Disposal -- records maintained indefinitely.

System manager(s) and address: Chief, Branch of Visual Services, Publications Division, Mail Stop 0303, National Center.

Notification procedure: Inquiries regarding the existence of records shall be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access shall be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Photographs of individuals employed by the U.S.G.S.

INTERIOR/EGS-21

System name: Mineral Lease and Royalty Accounting Files -- Interior, GS--21.

System location: (1) U.S. Geological Survey, Conservation Division, Reston, Virginia 22092. (2) U.S. Geological Survey Field Offices listed in the Appendix as AK-3, AZ-4, CA-1, CA-5, CA-9, CA-16, CA-18, CO-3, CO-4, CO-16, CO-19, DC-2, ID-3, LA-3, LA-5, LA-6, LA-7, MS-4, MO-1, MT-2, NV-4, NM-2, NM-3, NM-4, NM-5, NM-6, OK-1, OK-2, OK-4, TX-6, UT-5, WA-6, WY-2, WY-4, WY-6, WY-7.

Categories of individuals covered by the system: Lease or Permit Holders, and individuals who have requested statistical books. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations and other business entities. These records are not subject to the Privacy Act.)

Categories of records in the system: Lease contractual terms, production, royalty, reserve and related information.

Authority for maintenance of the system: Mineral Leasing Act of 1920, as amended, 30 U.S.C. 22, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are: (a) To manage mineral leases on public lands for which the Conservation Division is responsible; (b) to supervise the leases and permits; (c) to keep records of royalty accounts; (d) to control revenues; (e) to gather statistical data for planning and managing the mineral leasing program. Disclosure outside the Department of the Interior may be made: (1) To the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form in file folders, tab runs and information recorded on magnetic tape. (2) Retrievability -- indexed by lease number. (3) Safeguards -- maintained in GS areas occupied by GS personnel during working hours with building locked and/or guarded during off hours. (4) Disposal -- destroyed in accordance with the bureau's records disposal authority.

System manager(s) and address: Chief, Conservation Division, GS, Reston, Virginia 22092.

Notification procedure: System Manager or installation which is believed to have the requested record. Installations will only provide information on records held locally.

Record access procedures: Same as above.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Lessees, permittees and individuals on whom records are maintained.

INTERIOR/EGS-22

System name: Correspondence - Interior, GS -- 22.

System location: (1) Publications Division, U.S. Geological Survey, National Center, Mail stop No.'s 301, 303, 321, 325, 326, 328, 329, 330, & 341, 12201 Sunrise Valley Drive, Reston, VA 09222. (2) Geological Survey facilities numbered AK-1 & 10; CA-4, 8, & 17; CO-1, 2, 7, 8, & 13; DC-1; KY-3; TX-4; UT-3; VA 1 & 9; WA-3 in Appendix.

Categories of individuals covered by the system: General public, members of educationaL institutions, business firms, members of Congress, other government agencies, and those from offices within the agency and Department of the Interior.

Categories of records in the system: Correspondence with and publications purchase orders by those listed above.

Authority for maintenance of the system: 5 U.S.C. 301, 31 U.S.C. 66a, 43 U.S.C. 41-45, 1467.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is by the Publication Division to maintain records of correspondence relating to policy and day-to-day activities of the Division. Disclosure outside the Department of the Interior may be made: (1) To the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed by name. (3) Safeguards -- maintained in accordance with requirements of 43 CFR 2.51 for manual record requirements. (4) Disposal -- varies from retaining material for as much as 5 years to destroying on an ongoing basis.

System manager(s) and address: Assistant Chief, Publications Division (Management & Administration), Geological Survey, National Center, MS 0341, 12201 Sunrise Valley Drive, Reston, VA 09222.

Notification procedure: Inquiries regarding the existence of records shall be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access shall be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: System includes correspondence with individuals on variety of subjects including Accounting, Meetings, Organization & Management, Training, Procurement, and Personnel related matters.

INTERIOR/EGS-23

System name: Personnel Investigations Records -- Interior, GS--23.

System location: Security Office, Branch of General Services, Administrative Division, USGS National Center, 12201 Sunrise Valley Drive, Reston, Virginia 22092.

Categories of individuals covered by the system: (1) Current USGS employees who (a) have been granted access to classified information; (b) are selected applicants considered for access to classified information; (c) are selected applicants found unsuitable for access to classified information because unfavorable information was developed during the conduct of their security investigations; (d) are selected employees fulfilling sensitive or critical-sensitive positions not requiring access to classified information; and (e) are selected employees fulfilling non-sensitive positions whose employment suitability investigation disclosed unfavorable or questionable information. (2) Former USGS employees who (a) had been granted access to classified information, and (b) unfavorable or questionable information was disclosed as a result of a security or employment suitability investigation.

Categories of records in the system: These records contain investigative information regarding an individual's character, conduct, and behavior in the community where he or she lives or lived; arrests and convictions for any violations against the law; reports of interviews with present and former supervisors, co-workers, associates, educators, etc.; reports about the qualifications of an individual for a specific position; reports of inquiries with or from law enforcement agencies, employers, and educational institutions attended; foreign affiliations which may affect his or her loyalty to the United States; and other information developed from the above.

Authority for maintenance of the system: Executive Order 10450, as amended.

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Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be disclosed and used as follows: (1) To designated officials, officers, and employees of the USGS, DOI, CSC, ERDA, CIA, FBI, and all other agencies and departments of the Federal Government who in the performance of their duties have an interest in the individual for employment purposes, including a security clearance or access determination, and a need to evaluate qualifications, suitability, and loyalty to the United States Government. (2) To all law enforcement agencies, whether Federal, State, or local, who are charged with the responsibility of investigating or prosecuting any violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by statute, or by regulation, rule, or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage and Safeguards -- All investigative records are maintained in file folders stored in Class 5 security containers having manipulation resistant combination locks. The card index for this system of records is contained in a metal cabinet with a secure key locking device; the key is secured in a Class 5 security container. All containers and cabinets are further secured in a windowless room having one doorway which is secured by a key locking device. Both the key locking devices and combinations to the Class 5 security containers are under stringent security controls. (2) Retrievability -- All records are indexed by surname in alphabetical order. (3) Retention and Disposal -- (a) The CSC investigative files are returned to that agency when the subject of the investigation terminates employment. (b) All information supplementing the above CSC investigative files, originated by the USGS, is retained for five (5) years following termination of employment and is then destroyed. (c) The card index to this system of records which reflects a summary of information is retained for five (5) additional years following termination of employment and is then destroyed.

System manager(s) and address: Security Officer/Alternate Security Officer, USGS, 12201 Sunrise Valley Drive, Reston, Virginia 22092.

Notification procedure: Same as above. Written inquiries are required and must include the following information in order to positively identify the individual whose records are requested: (1) full name, (2) date of birth, (3) place of birth, (4) any available information regarding the type of record requested.

Record access procedures: An individual can obtain information on the procedures for gaining access to and contesting the records from the above System Manager.

Contesting record procedures: Same as above.

Record source categories: Information contained in this system was obtained from the following categories of sources: (1) Applications and other personnel and security forms furnished by the individual. (2) Results of investigations and other record material furnished by Federal agencies. (3) Notices of personnel actions initiated within the USGS.

INTERIOR/EGS-24

System name: Employee Work Report Edit and Individual Employee Production Rates -- Interior, GS--24.

System location: (1) U.S. Geological Survey, Topographic Division, National Center, Stop 511, 12201 Sunrise Valley Drive, Reston, Virginia 22092. (2) Eastern Mapping Center, Topographic Division, National Center, Stop 567, 12201 Sunrise Valley Drive, Reston, Virginia 22092. (3) Mid-Continent Mapping Center, Topographic Division, Ninth and Pine Streets, Box 133, Rolla Missouri 65401. (4) Rocky Mountain Mapping , Topographic Division, Box 25046, Stop 510, Denver, Colorado 80225. (5) Western Mapping Center, Topographic Division, 345 Middlefield Road, Menlo Park, California 94025. (6) Special Mapping Center, Topographic Division, 1943 Newton Square, East, Reston, Virginia 22090.

Categories of individuals covered by the system: Production employees in Mapping Centers.

Categories of records in the system: Contains name, social security number, cost and production rates, hours, and miles by individual production employee in each of the five Mapping Centers listed above.

Authority for maintenance of the system: 5 U.S.C 301, 3101; 43 U.S.C. 31. 1467.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is for analysis of cost and production rate for individual employees and for units of Topographic Division. Disclosure outside the Department of the Interior may be made: (1) To the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to aFederal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Maintained on punched cards, mag-tape, and disc. (2) Retrievability -- By name. (3) Safeguards -- Authorized persons only from locked storage. (4) Retention and Disposal -- Records maintained for a period of 1 to 5 years and then destroyed in accordance with existing regulations for this class of records.

System manager(s) and address: (1) Chief, Production Analysis and Evaluation Section, Office of Plans and Program Development, Topographic Division, National Center, Stop 511, 12201 Sunrise Valley Drive, Reston, Virginia 22092. (2) Chief, Plans and Production Branch, Eastern Mapping Center, Topographic Division, National Center, Stop 567, 12201 Sunrise Valley Drive, Reston, Virginia 22092. (3) Chief, Plans and Production Branch, Mid-Continent Mapping Center, Topographic Division, Ninth and Pine Streets, Box 133, Rolla, Missouri 65401. (4) Chief, Plans and Production Branch, Rocky Mountain Mapping Center, Topographic Division, Box 25046, Stop 510, Denver Federal Center, Denver, Colorado 80225. (5) Chief, Plans and Production Branch, Western Mapping Center, Topographic Division, 345 Middlefield Road, Menlo Park, California 94025. (5) Chief, Plans and Production Section, Special Mapping Center, Topographic Division, 1943 Newton Square, East, Reston, Virginia 22090.

Notification procedure: A request for notification shall be addressed to the appropriate System Manager. See 43 CFR 2.60 for submission requirements.

Record access procedures: A request for access shall be addressed to the appropriate System Manager. See 43 CFR 2.61 for submission requirements.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager. See 43 CFR 2.71 for submission requirements.

Record source categories: Data from work report prepared by individuals.

INTERIOR/EMS- 1

System name: Coal and Metal and Nonmetal Mine Accident and Injury -- Interior, MESA--1.

System location: Health and Safety Analysis Center, Technical Support Center, Building 56, Denver Federal Center, Denver, Colorado 80225.

Categories of individuals covered by the system: Individual workers in the coal and metal and nonmetal mining industries.

Categories of records in the system: These records contain accident, injury, fatality, and occupational illness data which includes the individual miner's name, social security number, date and time of accident or injury, place of accident or injury, man-hours worked, name of mine and mine identification number and type and cause of accident, injury or illness.

Authority for maintenance of the system: 30 U.S.C. 721, et seq., 801, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to determine probable cause of accidents, injuries, and illnesses and (b) to provide a statistical analytic data base for allocation of MESA and other resources to reduce occupational injuries and illnesses. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual: in file folders; Computer: disk pack. (2) Retrievability - indexed by mine identification number, name of mine, individual's name and social security number. Retrieved by manual search, frequently used information maintained on Computer printouts. (3) Safeguards - In accordance with 43 CFR 2.51. (4) Retention and Disposal - At present the source documents are retained for up to three years and then transferred to Federal Records Center. Tapes are retained indefinitely for historical purposes. Microfilm records are held for five years and then disposed of. A records retention schedule is being developed for all MESA records; therefore, the disposition is subject to change.

System manager(s) and address: Chief, Health and Safety Analysis Center, Denver Federal Center, Bldg. 56, Denver, Colorado 80225.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: To see your records write the Systems Manager or the offices cited under 'Records Location'. Describe as specifically as possible the records sought.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Information in these records is obtained from accident, injury, illness and fatality reports submitted by mine operators as required by the Federal Coal Mine Health and Safety and Metal and Nonmetallic Mine Safety Acts.

INTERIOR/EMS- 2

System name: Identification Cards -- Interior, MESA--2.

System location: Office of the Assistant Administrator--Plans, Assessments and Management, Branch of Records Management, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Categories of individuals covered by the system: Individuals who have been issued identification cards or who have been appointed as Duly Authorized Representatives (DAR) to administer the provisions of the Federal Coal Mine Health and Safety Act, and the Federal Metal and Nonmetallic Mine Safety Act.

Categories of records in the system: The records contain the individuals name, weight, height, age etc. Some DAR records contain a statement of an individual's qualifications (e.g. education, work experience, training, etc.) as a justification for being appointed as a DAR.

Authority for maintenance of the system: (1) Employee identification cards -- 5 U.S.C. 3101. (2) DAR identification cards -- 30 U.S.C. 736, 954.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is to provide identification cards to employees. Disclosures outside of the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual: Listing maintained on 8 x 10 1/2 inch paper, filed in manila folders, and stored in file cabinets. (2) Retrievability -- Indexed by name and number issued. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Retention and Disposal -- A records retention schedule is being developed.

System manager(s) and address: Records Management Officer, Division of Management Services, MESA. Room 537, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager.

Record access procedures: To see your records write the Systems Manager. Describe as specifically as possible the records sought.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Information is obtained from individual personnel records as needed.

INTERIOR/EMS- 3

System name: Metal and Nonmetal Mine Health and Safety Management Control -- Interior, MESA--3.

System location: (1) Office of Assistant Administrator--Metal and Nonmetal Mine Health and Safety, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. (2) Substantially all District and Subdistrict Offices. (See Appendix for addresses.)

Categories of individuals covered by the system: (1) Individual metal and nonmetal miners who are covered by the Federal Metal and Nonmetal Mine Safety Act, 30 U.S.C. 721, et seq. (2) MESA personnel.

Categories of records in the system: Contains records on metal and nonmetal mine health and safety activities which includes annual manpower and activity plans, mine and mill locations, metal and nonmetal mine inspection personnel time and activity, inspections, notices and orders against operators, personal exposure data on personal exposure of miners and MESA personnel to radiation, dust, noise and other contaminants, and comprehensive health surveys on individual operations.

Authority for maintenance of the system: 30 U.S.C. 721, et seq.; 29 U.S.C. 668.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to determine the workload work scheduling and performance of mine inspection personnel; (b) to maintain records on violations of health and safety standards and regulations; (c) to determine contaminant exposure level; (d) employment data relative to metal and nonmetal mine workers, e.g., number of workers, etc. Disclosures outside the Department of the Interior may be made (1) to the National Institute of Occupational Safety and Health and the Environmental Protection Agency information resulting from special health studies; (2) to provide state agencies or bodies in state plan states applicable inspection reports, surveys on personal exposure and special health studies; (3) to furnish unions and company officials inspection reports containing exposure data pertaining to members and employees, respectively; (4) to the U. S. Department of Justice when related to litigation or anticipated litigation; (5) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rules, regulation, order or license; (6) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- (a) Computer - Information from source documents to punch cards to disk storage for processing, final storage on magnetic tape. (b) Manual storage - 8 x 10-1/2 inch report forms in standard file cabinets. (2) Retrievability -- Computerized and manual records are indexed by mine identification number for operators, by Duly Authorized Representative number for enforcement personnel and by social security number for individuals. (3) Safeguards -- In accordance with 43 C.F.R. 2.51. (4) Retention and Disposal -- Computer - Records are retired yearly. Historical tapes are retained permanently. Punch cards are destroyed after 90 days. Source documents are destroyed after 90 days.

System manager(s) and address: Assistant Administrator--Metal and Nonmetal Mine Health and Safety, Interior Department, MESA, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Notification procedure: To determine whether the records are maintained on you in this system, write to the System Manager, or to the offices cited under 'Records Location'.

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Record access procedures: To see your records write the System Manager or the offices cited under Records Location. Describe as specifically as possible the records sought.

Contesting record procedures: To request corrections or the removal of material from your files, write the System Manager.

Record source categories: MESA inspection personnel and individual mine operators submit reports and information in accordance with prescribed procedures.

INTERIOR/EMS- 4

System name: Employee Conduct Investigations -- Interior, MESA--4.

System location: Office of Internal Affairs, Office of the Administrator, MESA, U.S. Department of the Interior, 4015 Wilson Blvd., Arlington, Va. 22203.

Categories of individuals covered by the system: Any MESA employee against whom any allegation of misconduct, illegal acts, conflict of interest, etc. has been made.

Categories of records in the system: Contains the name, organization, allegation and other pertinent information relating to the individual involved. It also contains the investigative report associated with the case including interviews and other confidential data gathered by investigators.

Authority for maintenance of the system: 5 U.S.C. 301, 7301, Executive Order 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is to determine facts and circumstances relative to allegations. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; and (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant, or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual: In manila file folders. (2) Retrievability: Filed by name in alphabetical order. Retrieved by manual search. (3) Safeguards: Stored in GSA approved 3-way combination safe (Diebold). (4) Retention and Disposal: Records will be disposed of after a 5-year period from the time of initial notification of alleged misconduct, etc.

System manager(s) and address: Chief, Office of Internal Affairs, MESA, 4015 Wilson Blvd., Arlington, Va. 22203.

Systems exempted from certain provisions of the act: Under the specific exemption authority provided by 5 U.S.C. 552a(k)(2), the Department of the Interior has adopted a regulation, 43 CFR 2.79(b) exempting this system from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f) and the portions of 43 CFR, Part 2, Subpart C which implement these provisions.

INTERIOR/EMS- 5

System name: Payroll Records -- Interior, MESA--5.

System location: Mining Enforcement and Safety Administration, Division of Budget and Finance, Branch of Finance, Building 53, Denver Federal Center, Denver, Colorado 80225.

Categories of individuals covered by the system: Current MESA employees and those formerly employed by MESA within the last two years.

Categories of records in the system: A variety of documents which set forth or effect an employees annual wage rate, leave, biweekly earnings, payroll deductions and disposition of earnings. Hard copy records consist of folders of action type documents for each employee. These records are source documents for data records on computer tape for payroll purposes.

Authority for maintenance of the system: 5 U.S.C. 5101, et seq., Budget and Accounting Procedures Act of 1950, as amended, 30 U.S.C. 66a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to provide information and accounting records regarding employees pay and leave for the automated payroll data file; (b) to inform each MESA office of the composition of the labor cost changes by reporting total payroll changes for each individual made to various cost accounts within the finance system. This reporting is made every two weeks on a regular payroll cycle. Disclosures outside the Department of the Interior may be made (1) to provide states with pay data relative to plans for unemployment compensation; (2) to the Department of the Treasury for preparation of (a) payroll checks and (b) payroll deduction and other checks to Federal, state and local government agencies, nongovernmental organizations and individuals; (3) to the Internal Revenue Service and to state, commonwealth, territorial and local governments for tax purposes; (4) to the Civil Service Commission in connection with the Civil Service Retirement System; (5) to another Federal agency to which an employee has transferred; (6) to provide Social Security Numbers for use in identifying MESA employee travel advance accounts which are maintained in travel advance file; (7) to the U. S. Department of Justice when related to litigation or anticipated litigation; (8) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, state, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (9) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (10) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (11) to Federal, state or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of security clearance, contract, license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual: Records are maintained in file folders, computer magnetic tape, and punched cards. (2) Retrievability - File folders are maintained by name and magnetic tape and punched cards are maintained by social security number. (3) Safeguards - In accordance with 43 CFR 2.51. (4) Retention and Disposal - Active employee personnel file folders are retained indefinitely. Inactive employee folders (death, resignation, retirement, and separation) are destroyed after two years. Cards are destroyed after one year. Magnetic tapes are erased and reused in accordance with schedule of retention agreed to by the Chief, Division of Budget and Finance, and the Chief, Division of Automatic Data Processing, MESA. All other official payroll data are disposed of in accordance with the general records schedule, FPMR 101-11.4, dated August 1, 1974.

System manager(s) and address: Chief, Branch of Finance, MESA, Building 53, Denver Federal Center, Denver, Colorado 80225.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager or to the offices cited under 'Records Location'.

Record access procedures: To see your records write the Systems Manager or the offices cited under 'Records Location'. Describe as specifically as possible the records sought. If copies are desired indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Information in this system of records comes from individual to whom it applies or is derived from information he supplied. Payroll and their applicability and leave regulations are all established by public law and their effects upon the individual is in accordance with such public laws and regulations. Generally, most payroll source data are echo records of official personnel actions.

INTERIOR/EMS- 6

System name: Travel -- Interior, MESA -- 6.

System location: (1) Office of the Assistant Administrator--Plans, Assessments, and Management, Division of Budget & Finance, Branch of Finance, Building 53, Denver Federal Center, Denver, Colorado 80225. (2) Input documents supplied by all facilities of the Mining Enforcement and Safety Administration.

Categories of individuals covered by the system: All persons traveling for or in behalf of MESA on official business.

Categories of records in the system: Voucher file consists of copies of paid travel vouchers which reimburse travelers for expenses incurred in connection with official travel.

Authority for maintenance of the system: 5 U.S.C. 5701, et seq., GSA regulations, FPMR 101-7 dated May 1973, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) as backup entry data for obligation and disbursements in the automated finance system of MESA; (b) as an audit file for examining travel vouchers for travelers who travel on a continuing basis under area or general travel authorizations; (c) for travel cost which information is reported to each MESA office as part of the detailed composition of monthly expense reports for cost accounts within the finance system. Only data pertinent to individual MESA offices are available to that office. Disclosures outside of the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, state, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquinry from a Congressional office at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, state or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual: Records are maintained in file folders in steel filing cabinets in Branch of Finance. (2) Retrievability - Vouchers are filed alphabetically by traveler name. Retrieved by manual search. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Retention and Disposal -- Disposition is in accordance with General Schedule, FPMR 101-11.4.

System manager(s) and address: Chief, Branch of Finance, MESA, Building 53, Denver Federal Center, Denver, Colorado 80225.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager or to the Systems Manager or to the offices cited under 'Records Location'.

Record access procedures: To see your records write the Systems Manager or the offices cited under 'Records Location'. Describe as specifically as possible the records sought. If copies are desired indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Travel vouchers are submitted by the traveler after incurring expenses or official travel pursuant to a signed travel authorization. Each voucher is a request for payment based on the travelers record of official expenses. Input documents supplied by all facilities of MESA.

INTERIOR/EMS- 7

System name: Travel Advance File -- Interior, MESA -- 7.

System location: Office of the Assistant Administrator--Plans, Assessment, and Management, Division of Budget and Finance, Branch of Finance, Building 53, Denver Federal Center, Denver, Colorado 80225.

Categories of individuals covered by the system: All MESA employees who have outstanding travel advances or who have closed travel advances.

Categories of records in the system: File consists of automatic data tape files of travel advance transactions retrieved on the basis of Social Security Numbers and forms, filed in alphabetical order by surname, whereon employees request and receive advances of funds for the purpose of paying travel expenses incurred in in the performance of official Government business. These forms also include a record of repayment against an advance, whether by set-off on travel vouchers or repaid by check, money order, etc.

Authority for maintenance of the system: 5 U.S.C. 5701, et seq., GSA regulations FPMR 101-7 dated May 1973, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to provide an accounting record of obligation due to the U. S. Government from employees who have cost advances to defray expenses incurred in official travel. Payments to the traveler and repayments to the Government are reflected in this record; (b) to serve as a source file of hard copy documents for entries for travel advances in the Automated Finance System; and (c) computer listings are produced monthly of outstanding travel advances for supporting accounts receivable. Listings are also produced with a computer analysis to assist in the control and proper utilization of travel advances. Listings are produced in alphabetical order by name of traveler. Computer generated verification notices are mailed to individual travelers on a quarterly basis. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, state, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, state or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual: Records are maintained in cardboard boxes in the Branch of Finance and on magnetic tape in the Division of A.D.P. (2) Retrievability -- Files are indexed alphabetically by employee name and by transaction number. Retrieved by manual search. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Retention and Disposal -- Disposition is in accordance with general records schedule FPMR 101-11.4 dated August 1, 1974.

System manager(s) and address: Chief, Branch of Finance, MESA, Building 53, Denver Federal Center, Denver, Colorado 80225.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager or to the offices cited under 'Records Location'.

Record access procedures: To see your records write the Systems Manager or the offices cited under 'Records Location'. Describe as specifically as possible the records sought. If copies are desired indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Information for this system originates with the traveler who specifies the need of a travel advance. The request is concurred in by signature of a responsible supervisory official. Repayment entries on the file are as a result of actions taken by the individual to liquidate his travel advance.

INTERIOR/EMS- 8

System name: Accident and Injury Records -- Interior, MESA -- 8.

System location: Office of MESA Employee Safety Manager, MESA, U.S. Department of the Interior, 4015 Wilson Blvd., Arlington, Virginia 22203.

Categories of individuals covered by the system: Any MESA employee who has had an on-the-job accident or injury.

Categories of records in the system: Records contain investigative information pertaining to any accident or injury an employee of MESA is involved in.

Authority for maintenance of the system: 5 U.S.C. 7902, Sections 6 and 19 of the Occupational Safety and Health Act of 1970, 29 U.S.C. 1960, Executive Order 11807.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to identify deficiencies in the Employee Safety Programs that must be corrected in order to maintain a safe and healthy work environment;(b) adjudication of tort, employee and

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similar claims against the government. Disclosures outside the Department of the Interior may be made (1) to General Services Administration when a GSA motor vehicle is involved in an accident; (2) to the U. S. Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, and or license; (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (5) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manila folders. (2) Retrievability -- indexed by assigned accident number. (3) Safeguards -- folders kept in locked filing cabinets. (4) Retention and Disposal -- reports are kept for five years and then destroyed.

System manager(s) and address: MESA Employee Safety Manager, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Notification procedure: Inquiries regarding records in this system should be addressed to the System Manager. Such requests must be submitted in writing and be signed by the requester. For additional information, see 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Reports are completed by the individual employees and their supervisors.

INTERIOR/EMS- 9

System name: Security Clearance Records -- Interior, MESA--9.

System location: MESA, Branch of Records Management, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Categories of individuals covered by the system: Employees and prospective employees of MESA on whom a security investigation has been conducted by the CSC or FBI.

Categories of records in the system: Records pertain to loyalty checks, character evaluations, and other information resulting from investigations by the CSC or NACI's.

Authority for maintenance of the system: Executive Order 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the system is to determine qualifications of individuals for employment with MESA. Disclosures outside of the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; and (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual: Maintained in manila filed folders. (2) Retrievability; Filed by name in alphabetical order. Retrieved by manual search. (3) Safeguards -- Stored in GSA approved 3-way combination safe. (4) Retention and Disposal: Records are kept as long as the individual is employed and then the records are destroyed.

System manager(s) and address: Chief, Branch of Records Management, MESA, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Notification procedure: To determine whether the records are maintained on you in this system, write to the System Manager.

Record access procedures: To see your records write the System Manager. Describe as specifically as possible the records sought.

Contesting record procedures: To request corrections or the removal of material from your files, write the System Manager.

Record source categories: Loyalty checks, inquiries, field investigation reports, and other Government agencies.

INTERIOR/EMS-10

System name: Coal Mine Health and Safety Special Investigations -- Interior, MESA--10.

System location: Office of the Assistant Administrator--Coal Mine Health and Safety, MESA, U. S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203 and some of the Coal Mine Health and Safety offfices (see Appendix for addresses).

Categories of individuals covered by the system: Any individual alleged to have committed or have information concerning willful or knowing violations of the Coal Mine Health and Safety Act and related sections of the U.S. Code.

Categories of records in the system: Contains name, address, telephone number, social security number, occupation, place of employment, and other identifying data along with the type of allegation. This material includes interviews and other confidential data gathered by the investigator.

Authority for maintenance of the system: Investigations conducted pursuant to 30 U.S.C. 813, 819, appropriate sections of 18 U.S.C.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to determine validity of allegations and (b) for use in determining amount of civil penalty assessments against individuals and operators. Disclosures outside of the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, state, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; and (5) to Federal, state or local agencies where necessary to obtain infomation relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual: In manila file folders. (2) Retrievability -- Filed by docket and status of case, indexed by name of mine, docket number, and date of receipt. Retrieved by manual search. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Retention and Disposal -- Retained for 5 years then transferred to Federal Records Center. Destroy after ten years.

System manager(s) and address: Assistant Administrator -- Coal Mine Health and Safety, Room 814, Ballston Tower 03, 4015 Wilson Blvd., Arlington, Va. 22203.

Systems exempted from certain provisions of the act: Under the specific exemption authority provided by 5 U.S.C. 552a(k)(2), the Department of the Interior has adopted a regulation, 43 CFR 2.79(b) exempting this system from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) and the portions of 43 CFR, Part 2, Subpart C which implement these provisions.

INTERIOR/EMS-11

System name: National Mine Health and Safety Academy Records--Interior, MESA -- 11.

System location: National Mine Health and Safety Academy, Mining Enforcement and Safety Administration, Airport Road, Beckley, West Virginia 25801.

Categories of individuals covered by the system: Federal and State Mine Inspectors and Inspector Trainees, other Federal employees, and other individuals who either attend the Academy as students or who receive training through correspondence courses.

Categories of records in the system: Records contain data relative to name of student, place of employment, course name, instructor evaluation, and course and cumulative grade achievement associated with each student. A photograph is maintained for each student who physically attends the Academy facilities.

Authority for maintenance of the system: Sections 502 and 505 of PL 91-173, Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 952, 954) and section 15 of PL 89-577, Federal Metal and Nonmetallic Mine Safety Act. (30 U.S.C. 734).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is by agency officials for purposes of review in connection with an employee's probationary period, transfer, promotion, or determination of qualifications of the individual. Disclosures may be made outside the Department of the Interior (1) to provide information to prospective employers of a government employee or former Federal employee or to an organization at the request of the student; (2) to provide statistical reports to Congress, agencies, and the public relative to health and safety training; (3) to provide information to another educational institution for training purposes; (4) to respond to requests from labor organizations for names and training information; (5) to the U.S. Department of Justice when related to litigation or anticipated litigation; (6) of information indicating a violation or a potential violation of a statute, rule, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (7) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (8) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual: Records are kept on forms devised by the Academy and are stored in letter sized files. (2) Retrievability - Files are indexed by name, organization and place of work by date of class and are retrieved by manual search. (3) Safeguards - In accordance with 43 CFR 2.51. (4) Retention and Disposal - Records are permanently retained.

System manager(s) and address: Registrar, National Mine Health and Safety Academy, Mining Enforcement and Safety Administration, Airport Road, Beckley, West Virginia 25801.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager.

Record access procedures: To see your records, write the Systems Manager. Describe as specifically as possible the records sought.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: MESA Academy instructors and students.

INTERIOR/EMS-12

System name: Property Control--Interior, MESA -- 12.

System location: (1) MESA, Chief, Division of Management Services, 4015 Wilson Boulevard, Arlington, Virginia 22203. (2) Substantially all field offices listed in lists of field offices in Appendix.

Categories of individuals covered by the system: Any person who has responsibility for MESA property; who have reserved parking spaces assigned, or who have submitted invention reports and all records directly related to property control functions.

Categories of records in the system: Contains information indicating what property, including equipment, application for motor vehicle operator's license, keys, motor pool vehicles, requests for assignment of carpool or reserved parking spaces, and transportation request books, for which the employee has custody and/or responsibility. A list is maintained of inventions by case numbers. In addition, all other records directly related to the property control function.

Authority for maintenance of the system: Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 483(b)(1).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is the identification and control of MESA property. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) disclosure from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Records are kept in manual form in file folders or card indexes, microfilm cassettes, and computer disks. (2) Retrievability -- Indexed by alphabetical order or control number. Entire file retrieved by manual search; frequently used information maintained on computer printouts. (3) Safeguards -- In accordance with 43 CFR 2.51. Retention and Disposal -- Pending completion of records disposition schedule.

System manager(s) and address: Chief, Division of Management Services, MESA, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager or to the offices cited under 'Records Location'.

Record access procedures: To see your records write the Systems Manager or the offices cited under 'Records Location'. Describe as specifically as possible the records sought.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: MESA employees and any property control records maintained by MESA.

INTERIOR/EMS-13

System name: Coal Mine Respirable Dust Program -- Interior, MESA--13.

System location: Coal Mine Health and Safety Activity, Mining Enforcement and Safety Administration, U. S. Department of the Interior, 4015 Wilson Blvd., Arlington, Virginia 22203 and substantially all coal mine health and safety offices listed in Appendix.

Categories of individuals covered by the system: Individual coal miners for whom personal dust samples have been submitted for analysis.

Categories of records in the system: Contains data concerning mine identification, mine section, name of individual sampled, social security number, date of sample, and concentration of respirable dust contained in the personal sampler.

Authority for maintenance of the system: Title II of PL 91-173, Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 201-206).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is to determine respirable dust levels in every active working mine to insure compliance with dust level standards. Disclosures outside the Department of the Interior may be ade (1) of respirable dust data to the U. S. Department of HEW in accordance with provisions of PL 91-173; (2) of special studies relative to occupational types, mining methods, ventilation, etc. (3) to furnish mine operators with information relevant to the respirable dust program as it applies to their operations as required by the law; (4) to the U. S. Department of Justice when related to litigation or anticipated litigation; (5) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (6) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Computer - on diskettes and mag tape. Retrievability - Indexed by mine identification number and social security number, frequently used information is maintained on computer printouts. (3) Safeguards -- In accordance with 43 C.F.R. 2.51. (4) Retention and Disposal -- Analysis forms are mailed to Denver and microfilmed. The forms and the microfilm record are maintained indefinitely. Computer tapes are purged periodically and computer output is utilized in the districts indefinitely.

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System manager(s) and address: Chief, Division of Health, Coal Mine Health and Safety, MESA, 4015 Wilson Blvd., Arlington, Virginia 22203.

Notification procedure: To determine whether the records are maintained on you in this system, write to the System Manager.

Record access procedures: To see your records write the System Manager. Describe as specifically as possible the records sought.

Contesting record procedures: To request corrections or the removal of material from your files, write the System Manager.

Record source categories: Mine operators submit the information used in this system.

INTERIOR/EMS-14

System name: Coal Mine Noise Level Program -- Interior, MESA--14.

System location: (1) Coal Mine Health and Safety Activity, Mining Enforcement and Safety Administration, U.S. Department of the Interior, 4015 Wilson Blvd., Arlington, Virginia 22203. (2) Substantially all Coal Mine Health and Safety Offices listed in Appendix.

Categories of individuals covered by the system: Individual coal miners for whom noise level samples have been submitted for analysis.

Categories of records in the system: Contains data concerning mine identification, mine section, name of individual sampled, social security number, date of sample, and noise level data.

Authority for maintenance of the system: Title II of PL 91-173, Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 201-206).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) determine noise levels in every active working mine to insure compliance with noise level standards; (b) special studies relative to occupational types, mining methods, ventilation, etc. Disclosures outside the Department of the Interior may be made (1) to furnish mine operators with information relevant to the noise program as it applies to their operations as required by the law; (2) to the U. S. Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Currently noise level data is entered onto a form which is sent to District Offices for manual processing and filing in manila folders. All district offices utilize diskettes and mini-computers to process the data.ng practical. (2) Retrievability -- Data is indexed by mine identification number, name of mine, name of operator, name of individual and individual social security number. (3) Safeguards - In accordance with 43 C.F.R. 2.51. (4) Retention and Disposal - Forms and diskettes are retained indefinitely in District offices.

System manager(s) and address: Chief, Division of Health, Coal Mine Health and Safety, MESA, 4015 Wilson Blvd., Arlington, Virginia 22203.

Notification procedure: To determine whether the records are maintained on you in this system, write to the System Manager.

Record access procedures: To see your records write the System Manager. Describe as specifically as possible the records sought.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Mine operators submit the information used in this system.

INTERIOR/EMS-15

System name: Health and Safety Training Records including Qualifications and Certification Data --Interior, MESA--15.

System location: Qualifications and Certification Unit, Education and Training, Mining Enforcement and Safety Administration, U.S. Department of the Interior, 603 Miller Court, Lakewood, Colorado 80215.

Categories of individuals covered by the system: Contains training data on miners, mining industry personnel, State and Federal employees who have taken MESA approved training courses.

Categories of records in the system: Contains name, social security number, mine ID number, training course, instructor's name and other relevant data.

Authority for maintenance of the system: Section 317 (i) and Section 502 of PL 91-173, Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 877) and Section 15 of PL 89-577, Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 734).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are to (a) issue certification cards to individual miners, mining industry personnel and State and Federal employees who have taken MESA's approved training courses and become certified and/or qualified under the law; (b) issue certification cards to instructors authorizing them to teach MESA training courses; (c) statistical reporting of training data in various formats for a variety of uses, e.g., reporting to Congress, publications, etc. Disclosures outside of the Department of the Interior may be made (1) to coal companies requesting information to verify training required by law; (2) Unions requesting information on the training status of its members; (3) coal operators associations requiring training for policy and programming utilization; (4) to the U. S. Department of Justice when related to litigation or anticipated litigation; (5) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriaDe Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (6) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual. to individual miners, mining industry personnel and State and Federal employees who have taken MESA's approved training courses and become certified and/or qualified under the law; (b) issue certification cards to instructors authorizing them to teach MESA training courses; (c) statistical reporting of training data in various formats for a variety of uses, e.g., reporting to Congress, publications, etc. Disclosures outside of the Department of the Interior may be made (1) to coal companies requesting information to verify training required by law; (2) Unions requesting information on the training status of its members; (3) coal operators associations requiring training for policy and programming utilization; (4) to the U. S. Department of Justice when related to litigation or anticipated litigation; (5) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (6) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual: Microfilm - original training records; and Computer: Magnetic tape - training, certification and qualification of individual. (2) Retrievability -- Microfilm: Computerized document listing; filed by mine ID number; filed by date processed. Magnetic tape: retrieved by feeding in individuals' social security number. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Retention and Disposal -- Computer records are kept indefinitely; reporting outputs are discarded after they have served their purpose; microfilm records are permanently retained for historical file.

System manager(s) and address: Education Specialist, Qualifications and Certification Unit, Education and Training, 603 Miller Court, Lakewood,Colorado 80215. (Area Code 303, telephone 234-4398.)

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager.

Record access procedures: To see your records write the Systems Manager cited under 'Records Location'. Describe as specifically as possible the records sought. If copies are desired indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Individual on whom record is maintained. Instructors of the training courses.

INTERIOR/EMS-16

System name: Employee Locator System, Department of the Interior, MESA--16.

System location: (1) Branch of Records Management, Mining Enforcement and Safety Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203. Substantially all locations listed in Appendix.

Categories of individuals covered by the system: Current employees of MESA.

Categories of records in the system: Records contain name, title, office address, organization symbol, business telephone number, room number, home address, home telephone number, reason for preparation (i.e., new listing, change of address or location, separation).

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) used to assist callers in locating MESA employees and for the use of other employees of MESA who have a need for the records in the performance of their duty; and (b) to complete agency telephone directory. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, State, or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual: Records are maintained on DI-28 Forms in a 3 x 5 file box. (2) Retrievability -- Records are filed alphabetically by name. (3) Safeguards -- File is kept in a locked cabinet and only those employees who work with the records have access to them. (4) Retention and Disposal -- Records are maintained until a notice of change or employment is terminated. Records are destroyed when no longer needed.

System manager(s) and address: Chief, Branch of Records Management, Mining Enforcement and Enforcement and Safety Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager or to the offices cited under 'Records Location'.

Record access procedures: To see your records, write the Systems Manager or the offices cited under 'Records Location'. Describe as specifically as possible the records sought. If copies are desired indicate the maximum you are willing to pay.

Contesting record procedures: A petition for amendment shall be in writing and addressed to the System Manager. The petition shall meet the content requirements of 43 CFR 2.71.

Record source categories: Information is from individual employees.

INTERIOR/ESE- 1

System name: Administrative Management and Fiscal Records -- Interior, Southeastern Power Administration--1.

System location: Southeastern Power Administration, Samuel Elbert Bldg., Elberton, Georgia 30635.

Categories of individuals covered by the system: Employees and some former employees of Southeastern Power Administration.

Categories of records in the system: Payroll records, including pay, leave and cost distribution records, including deductions for bonds, insurance, income taxes, allotments to financial institutions, overtime authorizations, and related documents. Travel records, including administrative approvals, travel expenses claimed and/or paid, receipts for expenditures claims, Government transportation requests, travel advance accounts and related records. Records of accountability for Government-owned property. Safety records, including claims under the Military Personnel and Civil Employees Claims Act. Records of issuance of Government identification cards and Government driver's licenses. Related records concerning administrative and fiscal management of the Southeastern Power Administration.

Authority for maintenance of the system: 5 U.S.C. 301, 3101, 5101-5115, 5501-5596, 5701-5709, 31 U.S.C. 66a, 240-243, 40 U.S.C. 483(b9, 43 U.S.C. 1467, 44 U.S.C. 3101, Executive Order No. 11807.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is for administrative and fiscal management of the Southeastern Power Administration. Disclosures outside the Department of the Interior may be made (1) to the Department of the Treasury for preparation of (a) payroll checks; (b) payroll deduction and other checks to Federal, State and local government agencies, non-governmental organizations and individuals; and (c) checks for reimbursement of employees and others; (2) to the Internal Revenue Service and to State, Commonwealth, Territorial and local governments for tax purposes; (3) to the Civil Service Commission to report contributions to the Civil Service Retirement System and other contributions; (4) to another Federal agency to which an employee has transferred; (5) to another Federal agency having a subject matter interest in the records; (6) to the U. S. Department of Justice when related to litigation or anticipated litigation; (7) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (8) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- manual and automated. (2) Retrievability -- may be retrieved by individual name or social security number. (3) Safeguards -- records are maintained in accordance with 43 CFR 2.51. (4) Retention and Disposal -- according to approved records disposal schedules.

System manager(s) and address: Administrator, Southeastern Power Administration, Samuel Elbert Bldg., Elberton, Georgia 30635.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Employees, supervisors, timekeepers.

INTERIOR/ESW- 1

System name: Payroll System -- Interior, Southwestern Power Administration -- 1.

System location: (1) Southwestern Power Administration, U.S. Department of the Interior, 333 West Fourth Street, Tulsa, OK 74103. (2) All Field Offices of Southwestern Power Administration. (See appendix for addresses.)

Categories of individuals covered by the system: All Southwestern Power Administration personnel.

Categories of records in the system: Pay, leave and cost distribution records, including authorized deductions for bonds, insurance, taxes, and related records.

Authority for maintenance of the system: Classification Act of 1949 as amended, 5 U.S.C. 5101-5115 (1970), 5 U.S.C. 5501-5596 (1970).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses are (a) fiscal operations for payroll, leave, insurance, tax, retirement, and cost programs. Disclosures outside the Department of the Interior may be made (1) to the Treasury Department for issuance of payroll checks, (2) to Internal Revenue for audit of computations of

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income and social security taxes, (3) to State Governments in area of operations for audit of computation of income tax, (4) to Civil Service Commission in connection with retirement, life insurance, and health insurance accounts, (5) to authorized insurance carriers for use in balancing and reconciling payments, (6) to Federal Power Commission in connection with listing officers in the annual report of SPA to the FPC, (7) to the U. S. Department of Justice when related to litigation or anticipated litigation, (8) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (9) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual, (10) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual on forms. Computer -- punched cards, magnetic discs and computer printouts. (2) Retrievability -- Indexed by employee name and by social security number. Retrieved from punched cards and computer printouts by manual search. Retrieved from disks by social security number. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Retention and Disposal -- Manual records destroyed three years after receipt. Punched cards destroyed two years after creation. Computer printouts held two years and then transferred to FARC. Magnetic discs -- prior information erased as new data added. Entire disk erased at end of pay year.

System manager(s) and address: Chief, Division of Administrative Management, 333 West Fourth Street, Tulsa, Oklahoma 74103.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager or to the offices cited under 'Records Location.'

Record access procedures: To see your records write the Systems Manager or the offices cited under 'Records Location'. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your file, write the Systems Manager.

Record source categories: Individual on whom the record is maintained, supervisors, and personnel officials.

INTERIOR/ESW- 2

System name: Contracts System -- Interior, Southwestern Power Administration -- 2.

System location: (1) Southwestern Power Administration, U.S. Department of the Interior, 333 West Fourth Street, Tulsa, OK 74103. (2) All Field Offices of Southwestern Power Administration. (See appendix for addresses.)

Categories of individuals covered by the system: Individuals who have submitted bids, who have been granted a contract or a purchase order, or from whom materials have been purchased by open market. (The records contained in this system which pertain to individuals contain principally propietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations and other business entities. These records are not subject to the Privacy Act.)

Categories of records in the system: Contains bids submitted by individuals, copies of contracts and purchase orders with individuals, invoices received from vendors, and related papers. Contains name and address of individuals.

Authority for maintenance of the system: Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 486(c) (1970), 1 CFR 1-1.313, 1 CFR 1-2.204.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) processing requisitions and requests for purchasing materials and supplies and (b) processing invoices for payment. Disclosures outside the Department of the Interior may be made, (1) to the Treasury Department for issuance of checks for payment, (2) to the U. S. Department of Justice when related to litigation or anticipated litigation (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual in letter files and binders. (2) Retrievability -- Indexed by name of individual. Retrieved by manual search. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Retention and Disposal -- Records held not longer than six years after final payment.

System manager(s) and address: Chief, Division of Administrative Management, 333 West Fourth Street, Tulsa, Oklahoma 74103.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager or to the offices cited under 'Records Location.'

Record access procedures: To see your records write the Systems Manager or the offices cited under 'Records Location'. Describe as specifically as possible the records sought. If copies are desired, indicated the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your file, write the Systems Manager.

Record source categories: Individual on whom the record is maintained, or from persons for whom contractor has performed similar work or provided similar equipment.

INTERIOR/ESW- 4

System name: Property Management System -- Interior, Southwestern Power Administration -- 4.

System location: Southwestern Power Administration, U.S. Department of the Interior, 333 West Fourth Street, Tulsa, Oklahoma 74103.

Categories of individuals covered by the system: All SPA personnel.

Categories of records in the system: Contains reports of survey, records of assignment of property, parking spaces, and motor vehicles.

Authority for maintenance of the system: Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 483(b), 486(c) (1970); 41 CFR 60.200-203; 41 CFR 114-38.001- 38.5203; 41 CFR 114-60.106.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses are (a) processing survey reports of lost, stolen or worn out property and (b) assignment of property items, parking space and motor vehicles for official use. disclosures outside the Department of the Interior may be made (1) to the General Services Administration for assignment of parking space or motor vehicles, (2) to the Postal Service for assignment of parking space, (3) to the U. S. Department of Justice when related to litigation or anticipated litigation, (4) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (5) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual, (6) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit, (7) to Federal, State, or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual on forms. (2) Retrievability -- Indexed alphabetically by employee name. Retrieved by manual search. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Retention and Disposal -- Records held not longer than six years after final payment.

System manager(s) and address: Chief, Division of Administrative Management, 333 West Fourth Street, Tulsa, Oklahoma 74103.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager.

Record access procedures: To see your records write the Systems Manager. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your file, write the Systems Manager.

Record source categories: Individual on whom the record is maintained, and supervisors.

INTERIOR/ESW- 5

System name: Travel Record System -- Interior, Southwestern Power Administration -- 5.

System location: Southwestern Power Administration, U.S. Department of the Interior, 333 West Fourth Street, Tulsa, OK 74103.

Categories of individuals covered by the system: Individuals who have submitted bids, or with whom a contract, purchase order, or open market purchase was made. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations and other business entities. These records are not subject to the Privacy Act.)

Categories of records in the system: Contains travel authorizations, travel vouchers, and related papers.

Authority for maintenance of the system: Travel Expense Act of 1949, as amended, 5 U.S.C. 5701-5742 (1970).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use is (a) processing travel vouchers for reimbursement of official travel. Disclosures outside the Department of the Interior may be made (1) to the Treasury Department for issuance of travel reimbursement checks, (2) to the U. S. Department of Justice when related to litigation or anticipated litigation, (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual, (5) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of security clearance, license, contract, grant or other benefit, (6) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual on forms. (2) Retrievability -- Indexed alphabetically by employee name. Retrieved by manual search. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Retention and Disposal -- Records destroyed three years after claim is settled.

System manager(s) and address: Chief, Division of Administrative Management, 333 West Fourth Street, Tulsa, Oklahoma 74103.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager.

Record access procedures: To see your records write the Systems Manager. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your file, write the Systems Manager.

Record source categories: Individual on whom record is maintained, and supervisors.

INTERIOR/ESW- 6

System name: Imprest Fund Cashiers -- Interior, Southwestern Power Administration--6.

System location: (1) Southwestern Power Administration, U. S. Department of the Interior, 333 West Fourth Street, Tulsa Oklahoma 74103; (2) following field offices with the above function: (A) Oklahoma Area Office, Southeastern Power Administration, 1409 West Chawnee Ctreet, Muskogee, Oklahoma 74401 (B) Line Maintenance Crew, Southwestern Power Administration, 907 North Mississippi, Ada, Oklahoma 74820 (C) Missouri Area Office, Southwestern Power administration, Golden Avenue and Battlefield Road, Springfield, Missouri 65804 (D) Arkansas Area Office, Southwestern Power Administration, 305 North Floyd Street, Jonesboro, Arkansas 72402.

Categories of individuals covered by the system: Employees of SPA with the above funds handling title.

Categories of records in the system: Date of appointment, authorized amount of funds, and reports of unannounced administrative reviews.

Authority for maintenance of the system: (1) 31 U.S.C. 686. (2) 31 U.S.C. 66(a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use is (a) for control of funds handling appointments. Disclosures outside the Department of the Interior may be made, (1) to the Department of Justice when related to litigation, and (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual on letter memorandums or forms. (2) Retrievability -- Indexed alphabetically by employee name and by office location. Retrieved by manual search. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Retention and Disposal -- Records destroyed six years after receipt.

System manager(s) and address: Chief, Division of Administrative Management, 333 West Fourth Street, Tulsa, Oklahoma 74103.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager.

Record access procedures: To see your records write the Systems Manager. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your file, write the Systems Manager.

Record source categories: Individual on whom the record is maintained, supervisors, and employees appointed to conduct administrative reviews.

INTERIOR/ESW- 7

System name: Accidents -- Interior, Southwestern Power Administration--7.

System location: Southwestern Power Administration, U.S. Department of the 5nterior, 333 West Fourth Street, Tulsa, Oklahoma 74103.

Categories of individuals covered by the system: Individuals having an accident either by a motor vehicle or any other form of accident.

Categories of records in the system: Reports of personal and motor vehicle accidents, related statements and pictures.

Authority for maintenance of the system: (1) Military Personnel and Civilian Employees Claims Act, 31 U.S.C. 240-243 (1970); (2) Federal Tort Claims Act, 28 U.S.C. 2401, 2671-2680 (1970); (3) Occupational Safety and Health Act of 1970, as amended, 29 U.S.C. 668; (4) 5 U.S.C. 7902 (1970); and (5) 5 U.S.C. 2100 (1970).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses are (a) to identify deficiencies in the employee safety program that must be corrected in order to maintain a safe and healthful workplace for all employees, (b) determination of financial liability and disciplinary action, (c) input documents for Department of the Interior automated system for accident reporting and, (d) to Office of the Solicitor for use in determining tort, employee, and similar claims against the U. S. Disclosures outside the Department of the Interior may be made, (1) to the U. S. Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual, (4) to a Federal agency which has

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requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit, (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual on forms. (2) Retrievability -- Indexed alphabetically by employee name. Retrieved by manual search. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Retention and Disposal -- Records destroyed no later than ten years after case closed.

System manager(s) and address: Chief, Division of Administrative Management, 333 West Fourth Street, Tulsa, Oklahoma 74103.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager.

Record access procedures: To see your records write the Systems Manager. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your file, write the Systems Manager.

Record source categories: Individual on whom record is maintained, supervisors, witnesses, and investigating officers.

INTERIOR/FNP- 1

System name: Special Use Permits -- Interior, NPS--1.

System location: Substantially all Regional and park offices of the National Park Service. (See Appendix for addresses.)

Categories of individuals covered by the system: Visitors to National Parks who receive special use permits.

Categories of records in the system: Contains permittees' names, tract numbers, addresses, and terms and conditions of permits.

Authority for maintenance of the system: 16 USC 1 and 44 USC 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is for (1) park management. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed by tract number or permittee name. (3) Safeguards -- stored in lockable metal file cabinets or unlocked cabinets in secured rooms or buildings on either U.S. Government-owned or leased facilities. (4) Retention and Disposal -- ordinarily disposed of one year after termination of special use permit.

System manager(s) and address: Associate Director, Park Systems Management, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager or to the offices cited under 'Records Location'.

Record access procedures: To see your records write the Systems Manager or the offices cited under 'Records Location'. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Individual on whom record is maintained.

INTERIOR/FNP- 2

System name: Land Acquisition & Relocation Files -- Interior, NPS--2.

System location: All project offices and regional land offices of the National Park Service. (See Appendix for addresses.)

Categories of individuals covered by the system: Owners and tenants of land within National Parks.

Categories of records in the system: Contains Property Owners' and Tenants' names, assigned tract numbers, addresses, title evidence, appraisals, negotiators' reports, property plats, all documents relative to acquisition of properties by direct purchase, donation, or condemnation proceedings, general correspondence, relocation claims with supporting documents and payments.

Authority for maintenance of the system: 16 U.S.C. 1, 44 U.S.C. 3101, and 42 U.S.C. 4651.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is for (1) land acquisition and relocation purposes. Disclosures outside the Department of the Interior amy be made (1) to authorized title companies and closing agents for title policies and closings, (2) to the U. S. Department of Justice for preliminary and final title opinions and condemnation proceedings, (3) to the U. S. Department of Justice when related to litigation or anticipated litigation, (4) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license. (6) Disclosures from the record of an individual may be made in response to an inquiry from a Congressional office at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed by tract and generally cross-indexed alphabetically by landowner's name. (3) Safeguards -- stored in lockable metal file cabinets or unlocked cabinets in secured rooms or buildings on either U.S. Government-owned or leased facilities. (4) Retention and Disposal -- pertinent land acquisition documents retired to park superintendents' offices and Division of Lands, Washington, when land acquisition matters complete and remainder of file disposed of. Reserved tract relocation files retained at Regional Lands Offices or Division of Land Acquisition, Washington. Pertinent relocation documents filed with NPS finance office and remainder of files disposed of one year after all claims processed for payment.

System manager(s) and address: Chief, Division of Land Acquisition, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager or to the regional land offices cited under 'Records Location'.

Record access procedures: To see your records, write the Systems Manager or the land acquisition offices cited under 'Records Location'. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Title Companies, Mapping Contractors, Contract Appraisers, Individuals on whom tract files are maintained.

Systems exempted from certain provisions of the act: The Privacy Act does not entitle an individual to have access to any information compiled in reasonable anticipation of a civil action or proceeding.

INTERIOR/FNP- 3

System name: Land Acquisition Management Information System -- Interior, NPS--3.

System location: Division of Land Acquisition, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

Categories of individuals covered by the system: Owners of land within National Parks.

Categories of records in the system: Management and monitoring of active land acquisition projects. Contains records for each tract acquired, scheduling and progress data, landowners' names and addresses and descriptive data on each tract.

Authority for maintenance of the system: 16 U.S.C. 1, 44 U.S.C. 3101, and 42 U.S.C. 465].

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is for (1) land acquisition statistics for NPS personnel, Congressional or public information. Disclosure outside the department

of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license. (3) Disclosures from the record of an individual may be made in response to an inquiry from a Congressional office at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- computerized. (2) Retrievability -- indexed by tract number but retrievable by tract number or landowner's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51. (4) Retention and Disposal -- maintained until superseded by updated or revised version.

System manager(s) and address: Chief, Branch of Coordination & Control, Division of Land Acquisition, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager.

Record access procedures: To see your records write the Systems Manager. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Project and Regional Offices.

Systems exempted from certain provisions of the act: The Privacy Act does not entitle an individual to have access to any information compiled in reasonable anticipation of a civil action or proceeding.

INTERIOR/FNP- 4

System name: Travel Records -- Interior, NPS--4.

System location: (1) Office of the Chief Finance Officer, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. (2) All regional offices of the National Park Service. (3) Input documents prepared in substantially all facilities of the National Park Service. (See Appendix for regional and other office addresses.)

Categories of individuals covered by the system: NPS employees who travel on official business.

Categories of records in the system: Traveler's name, address, organization number, amounts of travel funds advanced and/or vouchered, and itinerary.

Authority for maintenance of the system: 5 U.S.C. 5701, et seq., 16 U.S.C. 1, 44 U.S.C. 3101, FPM R 101-7, GAO Titles 5 and 7.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is for (1) travel advance control, control of GTR's and preparation of travel authorizations and vouchers. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained on prescribed standard forms. (2) Retrievability -- travel advance cards, outstanding GTR's and itineraries are filed alphabetically. Travel authorizations and vouchers are filed numerically, but cross-referenced on the preceding documents. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Retention and Disposal -- Travel records are retained in office of origin three years; then sent to Federal Records Center.

System manager(s) and address: Chief Finance Officer, Washington Office (See Location).

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Mnager.

Record access procedures: To see your records write the Systems Manager. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Individual on whom the record is maintained and respective travel office.

INTERIOR/FNP- 5

System name: Retirement Record -- Interior, NPS--5.

System location: Office of the Chief Finance Officer, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

Categories of individuals covered by the system: Employees and former employees of NPS.

Categories of records in the system: Name, Federal employment history, and retirement contribution of all NPS employees.

Authority for maintenance of the system: 5 U.S.C. 8301, et seq., 16 U.S.C. 1 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is (1) to keep current the employee's Federal employment history and retirement contribution. Disclosures outside the Department of the Interior may be made (1) to the Civil Service Commission in connection with administration of the Civil Service Retirement System, (2) to another Federal agency for the record of an employee who has transferred to that agency, (3) to the U. S. Department of Justice when related to litigation or anticipated litigation, (4) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Maintained on SF-2806. (2) Retrievability -- Filed alphabetically. (3) Safeguards -- Maintained with safeguards meeting requirements of 43 CFR 2.51 for manual records. (4) Retention and Disposal -- The original SF-2806 is retained until termination of NPS employment. Upon retirement or upon trasfer to a Federal agency outside Interior, the original SF-2806 is sent to CSC, and a reference copy is kept for five years. Upon transfer within Interior, the original SF-2806 is sent to the receiving agency, and a reference copy is kept for five years.

System manager(s) and address: Chief Finance Officer, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager.

Record access procedures: To see your records write the Systems Manager. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Individual on whom the record is maintained, and pay and personnel records.

INTERIOR/FNP- 6

System name: Audiovisual Performance Selection Files -- Interior, NPS--6.

System location: Division of Audiovisual Arts, Harpers Ferry Center, National Park Service, Harpers Ferry, West Virginia 25425.

Categories of individuals covered by the system: Actors, actresses, and narrators who have been used in NPS productions.

Categories of records in the system: Voice samples and photographs.

Authority for maintenance of the system: 16 U.S.C. 1, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is (1) to evaluate voice and photographic quality and to select performers and narrators for NPS productions. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

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Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained on magnetic tape and in a manual photo index file. (2) Retrievability -- indexed by name of individual. (3) Safeguards -- maintained in accordance with the requirements of 43 CFR 2.51 for manual records. (4) Retention and Disposal -- destroyed when replaced by more recent tape or photograph.

System manager(s) and address: Chief, Division of Audiovisual Arts, Harpers Ferry Center, National Park Service, Harpers Ferry, West Virginia 25425.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Mnager.

Record access procedures: To see your records write the Systems Manager. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Individual on whom record is maintained.

INTERIOR/FNP- 7

System name: National Park Service Historical Library -- Interior, NPS--7.

System location: Harpers Ferry Center, National Park Service, Harpers Ferry, West Virginia 25425.

Categories of individuals covered by the system: Present and retired employees of the NPS and its Associates.

Categories of records in the system: Interviews of historical recollections.

Authority for maintenance of the system: 16 U.S.C. 1, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is (1) evaluation of historical documents. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license. (3) Disclosures from the record of an individual may be made in response to an inquiry from a Congressional office at the request in response to an inquiry from a Congressional office at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained on magnetic tapes or paper documents. (2) Retrievability -- indexed by name of interviewee. (3) Safeguards -- maintained in accordance with requirements of 43 CFR 2.51 for manual records. (4) Retention and Disposal -- retained indefinitely.

System manager(s) and address: Chief of Historical Library, Harpers Ferry Center, National Park Service, Harpers Ferry, West Virginia 25425.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager.

Record access procedures: To see your records write the Systems Manager. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Individual on whom record is maintained and recollections of others.

INTERIOR/FNP- 8

System name: Property and Supplies Accountability -- Interior, NPS--8.

System location: All National Park Service facilities. (See Appendix for addresses.)

Categories of individuals covered by the system: NPS employees, contractors, and contract employees.

Categories of records in the system: Contains the user's name and description of the accountable property or supply.

Authority for maintenance of the system: 40 U.S.C. 483(b).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is (1) to identify the responsible individual for accountability of property and supplies. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign Aagencies responsible for investigating or prosecuting the violation or for for enforcing or implementing the statute, rule, regulation, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- accountable capitalized property maintained on computer with subsequent inventory listings furnished to individuals. Inventory listings and hand receipts for other property and supplies maintained manually in file folders arranged by individual names. (2) Retrievability -- indexed by name of individual. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for computerized and manual records. (4) Disposal -- record destroyed when property is returned to stock or when individual is transferred.

System manager(s) and address: Chief, Division of Contracting, and Property Management, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

Notification procedure: To determine whether the records are maintained on you in this system, write to the offices cited under 'Records Location'.

Record access procedures: To see your records write to the offices cited under 'Records Location'. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: t write the Systems Manager.

Record source categories: Individual on whom record is maintained.

INTERIOR/FNP- 9

System name: Advisory Council on Historic Preservation Membership -- Interior, NPS--9.

System location: Suite 1030, 1522 K Street, NW, Washington, D.C. 20005.

Categories of individuals covered by the system: Past and present Advisory Council members.

Categories of records in the system: Contains biographical information, personnel papers, and travel record for individual members.

Authority for maintenance of the system: 16 U.S.C. 470i, P.L. 89-665, P.L. 91-243.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is (1) to maintain the necessary records on expenses of members for the conduct of council business and to provide public information on the individual members of the council. Disclosures outside the Department of Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or emplementing the statute, rule, regulation, order or license. (4) Disclosures from the record of an individual may be made in response to an inquiry from a Congressional office at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- standard letter file. (2) Retrievability -- indexed by name. (3) Safeguards -- maintained with safeguards meeting requirements of 43 CFR 2.51 for manual records. (4) Retention and Disposal -- retained indefinitely.

System manager(s) and address: Administrative Officer, Advisory Council on Historic Preservation, Suite 1030, 1522 K Street, NW, Washington, D.C. 20005.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Records Manager.

Record access procedures: To see your records write the Systems Manager. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Individual on whom record is maintained.

INTERIOR/FNP-10

System name: Central Files -- Interior, NPS--10.

System location: Mail and Records, Office Services Branch, National Park Service, U. S. Department of the Interior, Washington, D. C.

Categories of individuals covered by the system: Members of Congress, NPS employees, and private citizens who have corresponded with the Park Service.

Categories of records in the system: Cross-reference copies of replies to correspondence received in the Washington Office from individuals on any given subject.

Authority for maintenance of the system: 16 U.S.C. 1 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is (1) to use a cross-reference in locating original correspondence, and to determine the action office that replied. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained manually in file folders. (2) Retrievability -- by name of individual. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. Branch employees service requesters during duty hours. (4) Retention and Disposal -- records are retired to the Federal Records Center four years after the close of each two year filing period.

System manager(s) and address: Chief, Branch of Mail and Records (Same as Location).

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager.

Record access procedures: To see your records write the Systems Manager. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Individual on whom record is maintained.

INTERIOR/FNP-11

System name: Congressional Correspondence, Advisory Council on Historic Preservation -- Interior, NPS--11.

System location: Suite 1030, 1522 K Street, NW, Washington, D.C. 20005.

Categories of individuals covered by the system: Representatives and Senators with whom the Advisory Council has corresponded.

Categories of records in the system: Contains copies of correspondence between Advisory Council and Congressional offices.

Authority for maintenance of the system: 16 U.S.C. 470i, P.L. 89-665 and P.L. 91-243.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is (1) to the Advisory Council staff for retrieval of correspondence between the Advisory Council and Congressional offices on Advisory Council business. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- originals and carbon copies maintained in standard letter file. (2) Retrievability -- indexed by name. (3) Safeguards -- maintained with safeguards meeting requirements of 43 CFR 2.51 for manual records. (4) Retention and Disposal -- retained indefinitely.

System manager(s) and address: Congressional Liaison Officer, Advisory Council on Historic Preservation, Suite 1030, 1522 K Street, NW, Washington, D.C. 20005.

Notification procedure: To determine whether the records are maintained on you in this system, write to the System Manager.

Record access procedures: To see your records write the System Manager. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Individual on whom record is maintained and Congressional correspondence.

INTERIOR/FNP-12

System name: U.S. Park Police Personnel Photograph File -- Interior, NPS--12.

System location: Inspection Branch, United States Park Police Headquarters, 1100 Ohio Drive, S.W., Washington, D.C. 20242.

Categories of individuals covered by the system: All U.S. Park Police Officers.

Categories of records in the system: Photograph, name and physical description of U.S. Park Police Officers.

Authority for maintenance of the system: P.L. 80-447, as amended by P.L. 91-383, Section 4.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is (1) for management to aid in the investigation of personnel complaints. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- in a 5 x 8 Cardex File. (2) Retrievability -- by individual name. (3) Safeguards -- maintained with safeguards meeting requirements of 43 CFR 2.51 for manual records. (4) Retention and Disposal -- after an Officer leaves the Park Police his photograph is properly disposed of.

System manager(s) and address: Chief of Police, United States Park Police (See Location).

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager.

Record access procedures: To see your records, write the Systems Manager. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Personnel files and ID photographs.

INTERIOR/FNP-13

System name: Concessioners -- Interior, NPS--13.

System location: Division of Concessions Management, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

Categories of individuals covered by the system: Individuals who are NPS concessioners. (System also contains records on corporations and other business entities holding concession contracts which are not subject to the Privacy Act).

Categories of records in the system: Concessioners' names, addresses, types of services provided.

Authority for maintenance of the system: 16 U.S.C. 20.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is (1) to maintain a mailing list of concessioners for management information. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when re-

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lated to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or Department of the Interior may be made (1) to the U. S. Department statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form on index cards; printed listings maintained on 8 x 10 1/2 paper for distribution. (2) Retrievability -- indexed by park and concessioner's name. (3) Safeguards -- maintained with safeguards meeting requirements of 43 CFR 2.51 for manual records. (4) Retention and Disposal -- maintained on current basis; printed listings updated annually.

System manager(s) and address: Chief, Branch of Contracts, Division of Concessions Management, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager.

Record access procedures: To see your records write the Systems Manager. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Individual on whom record is maintained.

INTERIOR/FNP-14

System name: Concessioner Financial Statement and Audit Report Files -- Interior, NPS--14.

System location: Division of Concessions Management, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

Categories of individuals covered by the system: Individuals who are NPS concessioners. (System also contains records, not subject to the Privacy Act, on corporations and other business entities holding concession contracts.)

Categories of records in the system: Concessioners names and addresses, annual financial reports, audit reports, and related financial data.

Authority for maintenance of the system: 16 U.S.C. 20.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is (1) to management for contract compliance and information. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed by park and concessioner's name. (3) Safeguards -- maintained with safeguards meeting requirements of 43 CFR 2.51 for manual records. (4) Retention and Disposal -- retired to Federal Records Center after five years.

System manager(s) and address: Chief, Branch of Financial Management, Division of Concessions Management, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager.

Record access procedures: To see your records write the Systems Manager. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: NPS Concessioners, Office of Audit and Investigation.

INTERIOR/FNP-15

System name: Concessions Management Files -- Interior, NPS--15.

System location: Division of Concessions Management, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

Categories of individuals covered by the system: NPS concessioners, and prospective concessioners. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations and other business entities. These records are not subject to the Privacy Act.)

Categories of records in the system: Correspondence and related data concerning award of contracts, negotiation of contracts, and operations pursuant to contracts.

Authority for maintenance of the system: 16 U.S.C. 20.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is (1) to management for contract compliance and interpretation. Disclosures outside the department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation, (2) OF information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed by park and concessioner's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Retention and Disposal -- retired to Federal Records Center after seven years or expiration of contract, as appropriate.

System manager(s) and address: Chief, Branch of Contracts, Division of Concessions Management, (see Location).

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager.

Record access procedures: To see your records write the Systems Manager. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Individual on whom record is maintained, park and regional offices.

INTERIOR/FNP-16

System name: Position and Manpower Reporting System (PMRS) -- Interior, NPS--16.

System location: Chief, Office of Programming and Budgeting, National Park Service, U. S. Department of the Interior, Washington, D. C. 20240

Categories of individuals covered by the system: All NPS employees.

Categories of records in the system: About 30 data elements on positions including personal and employment information.

Authority for maintenance of the system: 16 U.S.C. 1, 5 U.S.C. 301, 43 U.S.C. 1457, OMB Circular A-11.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is (1) to issue reports on authorized positions and data related to positions and the incumbents. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained on

tape. (2) Retrievability -- indexed alphabetically by name and by position number and organization code. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for automated records. (4) Retention and Disposal -- when incumbent leaves position, all personal information is purged.

System manager(s) and address: Chief, Division of Programming and Budget, (See Location).

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager.

Record access procedures: To see your records write the Systems Manager. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Department of the Interior Integrated Personnel and Payroll System.

INTERIOR/FNP-17

System name: Employee Financial Irregularities -- Interior, NPS--17.

System location: Office of the Chief Finance Officer, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

Categories of individuals covered by the system: Employees and former employees of NPS.

Categories of records in the system: NPS employees or former employees with actual or claimed employment related financial irregularities.

Authority for maintenance of the system: 16 U.S.C. 1 and 44 U.S.C. 3101

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is (1) to aid management in seeking recovery of funds stolen or otherwise misappropriated. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation, or for enforcing or implementing the statute, rule, regulation, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained on letter memos, memos for record, and investigation reports conducted by park Administration, Secretary's Office, U.S. Secret Service, or FBI. (2) Retrievability -- cases filed alphabetically. (3) Safeguard -- maintained with safeguards meeting requirements of 43 CFR 2.51 for manual records. (4) Retention and Disposal -- case file is maintained 10 years after final disposition.

System manager(s) and address: Chief Finance Officer, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

Record source categories: Individual on whom record is maintained and correspondence from financial organizations.

Systems exempted from certain provisions of the act: Under the specific exemption authority provided by 5 U.S.C. 552a(k)(2), the Department of the Interior has adopted a regulation, 43 CFR 2.79(b), which exempts this system from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f) and the portions of 43 CFR, Part 2, Subpart C which implement these provisions. The reasons for adoption of this regulation are set out at 40 FR 37217 (August 26, 1975).

INTERIOR/FNP-18

System name: Collection, Certifying and Disbursing Officers, and Imprest Fund Cashiers -- Interior, NPS--18.

System location: (1) Office of the Chief Finance Officer, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. (2) All regional offices, and area offices with the above functions. (See Appendix for addresses.)

Categories of individuals covered by the system: Employees of NPS with the above funds handling titles.

Categories of records in the system: Name, address, title, and dates of appointment and cancellation of same.

Authority for maintenance of the system: 16 U.S.C. 1 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is (1) the control of funds handling appointments. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained on letter memos or prescribed standard forms in OPF's and in responsible offices files. (2) Retrievability -- OPF's are filed alphabetically, and respective office files are in title sequence. (3) Safeguard -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Retention and Disposal -- standard retention procedure is followed for OPF copies. Individual office files are maintained for active appointments only.

System manager(s) and address: Chief Finance Officer (See Location).

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager.

Record access procedures: To see your records write the Systems Manager. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Individual on whom the record is maintained.

INTERIOR/FNP-19

System name: Law Enforcement Statistical Reporting System, incident card reference and related files -- Interior, NPS--19.

System location: (1) U.S. Park Police, 1100 Ohio Drive, S.W., Washington, D.C. 20242. (2) National Park areas (See Appendix for addresses.)

Categories of individuals covered by the system: Individual complainants in criminal cases, individuals investigated or arrested for criminal or traffic offenses, or involved in motor vehicle accidents or certain types of non-criminal incidents.

Categories of records in the system: Name of individual, date and case number of incident, and report of incident.

Authority for maintenance of the system: 16 U.S.C. 1.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (1) to identify incidents in which individuals were involved, (2) to retrieve the report for information for the individual involved, such as accident reports and reports of found property, (3) to aid NPS law enforcement officers on a need to know basis. Disclosures outside the Department of the Interior may be made (1) to law enforcement officers from other agencies in their work on a need to know basis, (2) to the U. S. Department of Justice when related to litigation or anticipated litigation, (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation, or for enforcing or implementing the statute, rule, regulation, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- manual records. (2) Retrievability -- manual, by name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Retention and Disposal -- records are maintained for various lengths of time, depending on the seriousness of the incident.

System manager(s) and address: Associate Director, Park Systems Management, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

Record source categories: Incident information obtained from individual on whom information is maintained, witnesses and investigating officials.

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Systems exempted from certain provisions of the act: Under the general exemption authority provided by 5 U.S.C. 552a(j)(2), the Department of the Interior has adopted a regulation, 43 CFR 2.79(a), which exempts this system from all of the provisions of 5 U.S.C. 552a and the regulations in 43 CFR, Part 2, Subpart C, except subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10) and (11) and (i) of 5 U.S.C. 552a and the portions of the regulations in 43 CFR, Part 2, Subpart C implementing these subsections. The reasons for adoption of this regulation are set out at 40 FR 37217 (August 26, 1975).

INTERIOR/FNP-20

System name: Payroll --Interior, NPS -- 20.

System location: (1) Division of Finance, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. (2) All regional offices and field areas of the National Park Service. (See appendix for addresses.)

Categories of individuals covered by the system: All NPS employees.

Categories of records in the system: Name, social security number and employee number, grade, step, and salary; organization (code), retirement or FICA data as applicable; Federal, State, and local tax deductions, as appropriate; IRS tax lien data; savings bond and charity deductions; regular and optional Government life insurance deductions, health insurance deduction and plan or code; cash award data; jury duty data; military leave data; pay differentials; quarters deductions; allotments, by type and amount; financial institution code and employee account number; leave status and leave data of all types (including annual, compensatory, jury duty, maternity, military, retirement disability, sick, transferred, and without pay); time and attendance records, including number of regular, overtime, holiday, Sunday, and other hours worked; pay period number and ending date; cost of living allowances; mailing address; co-owner and/or beneficiary of bonds, marital status and number of dependents; and 'Notification of Personnel Action'. The individual records listed herein are included only as pertinent or applicable to the individual employee.

Authority for maintenance of the system: 5 U.S.C. 5101, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is (1) to maintain fiscal operations for payroll, leave, insurance, tax, retirement and cost programs. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of the Treasury for preparation of payroll checks and payroll deduction and other checks to Federal, State, and local government agencies, non-governmental organizations and individuals, (2) to the Internal Revenue Service and to State, commonwealth, territorial and local governments for tax purposes, (3) to the U. S. Civil Service Commission in connection with the Civil Service Retirement System, (4) to another Federal agency to which an employee has transferred, (5) to the U. S. Department of Justice when related to litigation or anticipated litigation, (6) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation, or for enforcing or implementing the statute, rule, regulation, order or license; (7) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- automated records maintained on microfilm and hard copy; manually prepared input documents maintained on various sized cards and coding sheets. (2) Retrievability -- indexed by name, social security number, and organizational code. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51. (4) Retention and Disposal -- retained on site until after GAO audit, then disposed of, or transferred to Federal Records Storage Centers in accordance with the fiscal records program approval by GAO, as appropriate, or General Record Schedules of GSA.

System manager(s) and address: Chief Finance Officer, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager or to the offices cited under 'Records Location'.

Record access procedures: To see your records write the Systems Manager or the offices cited under 'Records Location.' Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Time and Attendance Records and an automated version of the Standard Form 50, 'Notification of Personnel Action, Form 9-500'.

INTERIOR/FNP-21

System name: Visitor Statistical Survey Forms -- Interior, NPS -- 21.

System location: Various National Park Service areas within the NPS system. (See Appendix for addresses).

Categories of individuals covered by the system: Visitors to NPS administered areas who have participated in surveys conducted during their visits to the areas or via mail or telephone as a result of their visit.

Categories of records in the system: Names, some addresses, some telephone numbers, and information obtained during the surveys on completed questionnaires or by in-person or telephone interviews, or both. The survey information includes experiences, ideas, and expressions collected voluntarily from the visitors on what they think of the area's resources, facilities, and area programs. The responses are treated confidentially and are used only to compile statistical information.

Authority for maintenance of the system: Federal Reports Act of 1942, 44 U.S.C. 3501 - 3511, Federal Records Act of 1950, 44 U.S.C. 2904 and 3102, and OMB Circular A-40 Revised May 3, 1973.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (1) to evaluate existing management programs through statistical analysis of the replies furnished by the visitors, (2) to develop new thrusts that might be suggested by the visitors' comments. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- usually maintained in file folders. (2) Retrievability -- sometimes filed alphabetically by name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Retention and Disposal -- when personal data included, questionnaires and interview sheets are usually destroyed after aggregation of responses so that individual indentification will no longer be possible. Others are retained until final completion of the survey and then destroyed.

System manager(s) and address: Chief, Statistical Unit, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

Notification procedure: To determine whether the records are maintained on you in this system, write to the offices cited under 'Records Location'.

Record access procedures: To see your records write to the offices cited under 'Records Location.' Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Individual on whom record is maintained.

INTERIOR/FOR- 1

System name: Congressional Correspondence File -- Interior, BOR - - 1.

System location: Bureau of Outdoor Recreation, U.S. Department of the Interior Washington, D.C. 20240.

Categories of individuals covered by the system: Members of Congress with whom BOR corresponds.

Categories of records in the system: Responses to Congressional inquiries; copies of individual LWCF grant-in-aid- notifications sent to each Representative and Senator; miscellaneous briefing statements.

Authority for maintenance of the system: 16 U.S.C. 4601 to 4601-3; 16 U.S.C. 4601-4 to 4601-11, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) easy retrieval for immediate response to telephone inquiries from members of Congress, staff members or constituents, on matters concerning L&WCF grant notifications. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, or appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- the records are stored in paper form. (2) Retrievability -- the system is indexed alphabetically by States and by Members of Congress from each State. (3) Safeguards -- these records will be maintained in accordance with the security guidelines established by the Department of the Interior. (4) Retention and Disposal -- system is maintained for current and immediate past sessions of Congress. All material predating these periods is disposed of.

System manager(s) and address: Staff Assistant, Office of Congressional Affairs, Bureau of Outdoor Recreation, Washington, D.C. 20240.

Notification procedure: All inquiries should be directed to the System Manager. See 43 CFR 2.60 for content requirements.

Record access procedures: Request for access should be directed to the System Manager, Bureau of Outdoor Recreation, Washington, D.C. 20240. See 43 CFR 2.63 for content requirements.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: (1) Incoming - Members of Congress, Member's staff, Committee staff, constituents. (2) Outgoing - Department of the Interior personnel involved in program areas about which inquiries are made. (3) Federal grant-in-aid notification forms.

INTERIOR/FOR- 2

System name: Payroll System -- Interior, BOR--2.

System location: (1) Department of the Interior, Bureau of Outdoor Recreation, 603 Miller Court, Denver, Colorado. (2) Department of the Interior, Bureau of Outdoor Recreation, Washington, D.C. 20240. (3) Input documents supplied by all Regional offices of the Bureau of Outdoor Recreation (See Appendix for addresses).

Categories of individuals covered by the system: Payroll and leave information for individual current and former employees of the Bureau of Outdoor Recreation.

Categories of records in the system: (1) Payroll copy of personnel action (S.F. 50) including whether employee is subject to retirement deductions. (2) W-4 tax withholding certificate. (3) State tax withholding certificate. (4) Health Benefit form. (5) Life insurance form. (6) United Givers Fund. (7) United States Savings Bond Authorizations. (8) Union dues withholding authorization. (9) Allotment and assignment of pay authorization. (10) Deduction for refund of travel advances when required. (11) Net check - designated agent or mailed to bank. (12) Time and Attendance Reports, bi-weekly showing time worked, leave taken, fiscal year, appropriation, organization, and program work code chargeable. (13) Change in earnings and/or deduction bi-weekly. (14) Employees individual master file. (15) Payroll register bi-weekly showing gross amount paid, amounts deducted and net pay. (16) Earnings record for calendar year showing amount paid in gross for each bi-weekly period or by a supplemental payroll showing amounts deducted and net pay for the full calendar year. (17) Retirement records (S.F. 2806) unless they have been forwarded to another agency or the Civil Service Commission. (18) Report of wages taxable under the Federal Insurance Contribution Act. (19) Other related payroll and leave documentation.

Authority for maintenance of the system: 5 U.S.C. 5101, et seq., Section 113 of the Budget and Accounting Procedures Act of 1950, as amended, 31 U.S.C. 66a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to compute gross earnings; (b) to make deductions as applicable for items listed under category of records; (c) to have net pay checks issued to employees; (d) to furnish information to state agencies as requested for former employees applying for unemployment benefits. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (4) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- records are maintained on magnetic tapes, disks, folders, and print-out forms. (2) Retrievability -- records are indexed by name, social security number, and date of birth. (3) Safeguards -- access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. (4) Retention and Disposal -- in accordance with General Records Schedule 2, where applicable and as approved by the General Accounting Office.

System manager(s) and address: (1) Accounting Officer, Bureau of Outdoor Recreation, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. (2) For former Federal employees: The same as above except if the information requested has been retired to the Federal Records Center or the Civil Service Commission they will be advised.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: (1) Personnel System. (2) Agency Officials. (3) Action taken by individual to whom record applies.

INTERIOR/FOR- 3

System name: Management by Objectives -- Interior, BOR--3.

System location: (1) Bureau of Outdoor Recreation, Department of the Interior, Washington, D.C. 20240. (2) All Regional Offices of the Bureau of Outdoor Recreation. (See Appendix for addresses.)

Categories of individuals covered by the system: Bureau of Outdoor Recreation employees who have identified a specific program objective to be accomplished.

Categories of records in the system: Individual employees and manager names. Program Objective Statement. Man Days and Material Costs. Statements of measurement. Progress review statements. Tasks required to accomplish objectives. Dates.

Authority for maintenance of the system: 16 U.S.C. 4601 to 4601-3; 16 U.S.C. 4601-4 to 4601-11, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) Project Management; (b) coordination and integration of BOR work plans with other participating Federal/State agencies. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litiga-

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tion or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- paper, binders, file cabinets. (2) Retrievability -- by objective identification number, organization name, and individual employee name. (3) Safeguards -- standard file cabinet. (4) Retention and Disposal -- records are maintained until completion of project.

System manager(s) and address: Director, Bureau of Outdoor Recreation, Department of the Interior, Washington, D.C. 20240.

Notification procedure: Inquiries should be directed to (1) the Chief, Office of Systems Management, Bureau of Outdoor Recreation, Washington, D.C. 20240 for Washington office employees; (2) Regional Director, appropriate Regional Office listed in the appendix for Regional Office employees. See 43 CFR 2.60.

Record access procedures: Requests for access should be addressed as follows: (1) Washington Office employees should contact the Assistant Director for Management and Budget, Department of the Interior, Bureau of Outdoor Recreation, Washington, D.C. 20240; (2) Regional Office employees should contact the Regional Director at the appropriate Regional Office listed in the Appendix. See 43 CFR 2.63.

Contesting record procedures: Petitions for correction should be addressed as follows: (1) Washington Office employees should contact the Assistant Director for Management and Budget, Department of the Interior, Bureau of Outdoor Recreation, Washington, D.C. 20240; (2) Regional Office employees should contact the Regional Director at the appropriate Regional Office listed in the Appendix. See 43 CFR 2.71.

Record source categories: (1) Individual employees. (2) Supervisors. (3) Cooperating individuals. (4) Participating organizations.

INTERIOR/FOR- 4

System name: Motor Vehicle Operations Program -- Interior, BOR--4.

System location: Bureau of Outdoor Recreation, Department of the Interior, Washington, D.C. 20240. (2) All Bureau of Outdoor Recreation Regional Offices (see Appendix for addresses).

Categories of individuals covered by the system: Bureau of Outdoor Recreation employees who are assigned U.S. Government Motor Vehicle Operator Permits for temporary use.

Categories of records in the system: Information identifying the employee such as: name, sex, birth date, color of hair, color of eyes, height, weight, birthplace, social security number, accident summary, accident reports, driver's license number, date issued, date expires, types of vehicle operated, corrective lenses, and hearing aids.

Authority for maintenance of the system: Section 211j of the Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 491j.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) authorize a person to operate a government vehicle. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- applications and permits are maintained in paper form housed in filing cabinet. (2) Retrievability -- permits are by card number. Accident reports are by calendar year. (3) Safeguards -- completed forms maintained in Official Personnel Folder in locked cabinets. (4) Disposal -- permits are issued for a period of three years--then destroyed.

System manager(s) and address: Personnel Management Specialist, Bureau of Outdoor Recreation, Washington, D.C. 20240.

Notification procedure: Inquiries should be directed to: (1) System Manager, Bureau of Outdoor Recreation, Washington, D.C. 20240, for Washington Office employees; and, (2) Administrative Officer, appropriate Regional Office listed in the Appendix, for Regional Office employees. See 43 CFR 2.60.

Record access procedures: Requests for access should be addressed as follows: (1) Washington Office employees should contact the System Manager; (2) Regional employees should contact the appropriate Administrative Officer at the location listed in the Appendix. See 43 CFR 2.63.

Contesting record procedures: Petitions for correction should be addressed as follows: (1) Washington Office employees should contact the System Manager; (2) Regional employees should contact the appropriate Administrative Officer at the location listed in the Appendix.

Record source categories: Individual, Agency Officials, local and State authorities.

INTERIOR/FOR- 5

System name: Financial Management System -- Interior, BOR--5.

System location: (1) Bureau of Outdoor Recreation, Department of the Interior, Washington, D.C. 20240.((2) All Regional Offices of the Bureau of Outdoor Recreation (See Appendix for addresses.) (3) Bureau of Mines, ADP Division, Denver Federal Center, Denver, Colorado.

Categories of individuals covered by the system: Present and past employees of the Bureau of Outdoor Recreation.

Categories of records in the system: Work performed by employees.

Authority for maintenance of the system: 16 U.S.C. 460l to 460l-3; 16 U.S.C. 460l-4 to 460l-11, et seq., 31 U.S.C. 66a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) Labor Cost History; (b) work load analysis; (c) Project Management; (d) Manpower Analysis. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- computer disk, mag-tape, paper records. (2) Retrievability -- by individual name, project identification number, program work code, organization. (3) Safeguards -- physical security of ADP aspects; file cabinets for paper copy. (4) Retention -- three years.

System manager(s) and address: Chief, Office of Systems Management, Department of the Interior, Bureau of Outdoor Recreation, Washington, D.C. 20240.

Notification procedure: Inquiries should be directed to: (1) System Manager, Bureau of Outdoor Recreation, Washington, D.C. 20240 for Washington Office employees; (2) Regional Director, appropriate Regional Office listed in the appendix for Regional Office employees. See 43 CFR 2.60.

Record access procedures: Requests for access should be addressed as follows: (1) Washington Office employees should contact the System Manager; (2) Regional Office employees should contact the appropriate Regional Director at the location listed in the Appendix. See 43 CFR 2.63.

Contesting record procedures: Petitions for amendment should be addressed as follows: (1) Washington Office employees should contact the System Manager; (2) Regional Office employees should contact the appropriate Regional Director at the location listed in the Appendix. See 43 CFR 2.71 for content requirements for petitions.

Record source categories: Payroll System.

INTERIOR/FOR- 6

System name: Property Hand Receipt File -- Interior, BOR--6.

System location: (1) Bureau of Outdoor Recreation, Department of the Interior, Washington, D.C. 20240. (2) All Bureau of Outdoor Recreation Regional Offices (See Appendix for addresses.)

Categories of individuals covered by the system: Department of Interior employees who are assigned Bureau of Outdoor Recreation Personal Property for temporary or short-term use.

Categories of records in the system: Information which identifies the property being assigned to an individual; such as, name of item, model number, serial number, property number, or other descriptive detail. Also the date(s) the item was issued and/or returned and the signature of the recipient.

Authority for maintenance of the system: Section 202(b) of the Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 483(b).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) control of U. S. Government property consigned to an individual employee for temporary or short-term use; such as, hand calculators, transportation request books, rent-a-car cards, cameras, tape recorders, dictating equipment, and other portable items for which accountability records are required. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- the records are maintained in a 3x5 card box file. (2) Retrievability -- the system is indexed alphabetically by the name of the individual to whom the items are consigned. (3) Safeguards -- records are located in lockable metal file cabinets with access limited to those persons whose official duties require access. (4) Retention and Disposal -- each hand receipt is voided upon return of the property in satisfactory condition; retained on file for one year, then destroyed.

System manager(s) and address: Management Officer, Bureau of Outdoor Recreation, Washington, D.C. 20240.

Notification procedure: All inquiries should be directed to the System Manager. See 43 CFR 2.60.

Record access procedures: Requests for access should be directed to the Management Officer, Bureau of Outdoor Recreation, Washington, D.C. 20240, or to the Administrative Officer at the applicable Regional location listed in the Appendix. See 43 CFR 2.63

Contesting record procedures: Petitions for correction should be directed to the System Manager. See 43 CFR 2.71.

Record source categories: (1) Individual to whom the record pertains. (2) Agency officials. (3) Property items.

INTERIOR/FOR- 7

System name: Travel and Transportation Automated Accounting System -- Interior, BOR--7.

System location: (1) Bureau of Outdoor Recreation, Department of the Interior, Washington, D.C. 20240. (2) All Regional Offices, Bureau of Outdoor Recreation (See Appendix for addresses.)

Categories of individuals covered by the system: Current and former employees of the Bureau who travel on official business, including travel of employees and their dependents in connection with a permanent change of station.

Categories of records in the system: (1) Travel Authorizations. (2) Travel Advances. (3) Transportation Requests. (4) Travel Vouchers claiming reimbursement for travel expenses while on temporary duty. (5) Travel Vouchers covering reimbursement in connection with permanent changes of station for transportation and per diem of employee and dependents. (6) These vouchers may also include reimbursement for shipment of household goods, advance househunting trip, real estate transactions, and other related transportation and travel records.

Authority for maintenance of the system: 5 U.S.C. 5701-5709, 5721-5733, 5742b and 5722, Executive Order 11609 (July 22, 1971).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to provide posting media for the accounting system; (b) to support payments, obligations, and other financial transactions; (c) provide support to the accountable officers accounts. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (4) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- records are maintained in file folders, paper tape, and punched cards. (2) Retrievability -- copies and/or originals are filed alphabetically by name. (3) Safeguards -- access to and use of these records are limited to those persons whose official duties require such access. (4) Retention and Disposal -- in accordance with General Records Schedule 9 where applicable and as approved by the General Accounting Office and GSA.

System manager(s) and address: Accounting Officer, Bureau of Outdoor Recreation, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: (1) Individual employees. (2) Supervisors, Managers. (3) Agency officials. (4) Travel Regulations. (5) Common Carrier Companies.

INTERIOR/FWS- 1

System name: Labor Cost Information Records -- Interior, FWS--1.

System location: Denver Service Center, U.S. Fish and Wildlife Service, Department of the Interior, P.O. Box 25346, Denver Federal Center, Denver, Colorado 80225.

Categories of individuals covered by the system: All employees of the U.S. Fish and Wildlife Service.

Categories of records in the system: Contains time and cost data by organization, by employee.

Authority for maintenance of the system: Budget and Accounting Procedures Act of 1950, 64 Stat. 832.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is to serve as a tool in the financial and manpower management of service programs. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to on or anticipated litigation; (2) of information indicating a tion or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; and (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained on microfilm (one microfilm for each biweekly pay period) with a computer printout produced quarterly and distributed to managers at field stations, area offices and Regional and Washington Office divisions and offices. (2) Retrievability -- by organization, by employee. (3) Safeguards -- maintained in accordance with the provisions of 43 CFR 2.51. (4) Disposal -- made in accordance with FPMR 101-11.4 dated August 1, 1974.

System manager(s) and address: Director, Denver Service Center, U.S. Fish and Wildlife Service, Department of the Interior, P.O. Box 25346, DFC, Denver, Colorado 80225.

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Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Time and Attendance Records maintained by Timekeepers.

INTERIOR/FWS- 2

System name: Travel Records -- Interior, FWS--2.

System location: Denver Service Center, U.S. Fish and Wildlife Service, Department of the Interior, P.O. Box 25346, Denver Federal Center, Denver, Colorado 80225. (2) Input documents supplied by all facilities of the U.S. Fish and Wildlife Service. (See Appendix for addresses.)

Categories of individuals covered by the system: Individuals who have performed official travel for the U.S. Fish and Wildlife Service.

Categories of records in the system: Contains authorizations to perform travel, travel advance records, and vouchers claiming reimbursement for expenses incurred in the performance of travel.

Authority for maintenance of the system: 5 U.S.C. 5701-5709; 5 U.S.C. 5721-5733 and 20 U.S.C. 905(a); 5 U.S.C. 5722 and 5 U.S.C. 5742(b); and 5 U.S.C. 4111(b).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is to form the legal basis for the disbursement of federal funds. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; and (5) to Federal, State, or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form on 8 x 10 1/2 and 8 x 5 forms in file folders. (2) Retrievability -- indexed by name of traveler. (3) Safeguards -- maintained in accordance with the provisions of 43 CFR 2.51. (4) Disposal -- made in accordance with FPMR 101-11.4 dated August 1, 1974.

System manager(s) and address: Director, Denver Service Center, U.S. Fish and Wildlife Service, Department of the Interior, P.O. Box 25346, DFC, Denver, Colorado 80225.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Office initiating the travel authorization and individual on whom the record is maintained.

INTERIOR/FWS- 3

System name: Security File -- Interior, FWS-- 3.

System location: Office of Safety and Security, U. S. Fish and Wildlife Service, Main Interior Building, 18th and C Streets, N. W., Washington, D. C. 20240.

Categories of individuals covered by the system: Occupants of critical-sensitive and non-critical sensitive positions.

Categories of records in the system: Contains notice of level of security clearance granted to the individual or notice of favorable full-field report as well as SF-86 supplied by individual, as appropriate.

Authority for maintenance of the system: Executive Order 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are to (a) document security clearances granted to individuals, and (b) to document suitability determinations for Federal employment. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation order or license; (3)from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; and (5) to Federal, State, or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- file maintained in individual folders. (2) Retrievability -- folders identified by employee name. (3) Safeguards -- folders contained in locked cabinet. (4) Retention and Disposal -- destroyed when clearance requirement no longer exists or when employee separates.

System manager(s) and address: Chief, Office of Safety and Security, U. S. Fish and Wildlife Service, Main Interior Building, 18th and C Streets, N. W., Washington, D. C. 20240.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Information supplied by individual and the U.S. Civil Service Commission.

INTERIOR/FWS- 4

System name: Tort Claim Records -- Interior, FWS--4.

System location: (1) Division of Contracting and General Services, U.S. Department of the Interior, Fish and Wildlife Service, Washington, D.C. 20240. (2) regional offices of Fish and Wildlife Service. (See Appendix for regional addresses).

Categories of individuals covered by the system: Claimants for damages to personal property or personal injury.

Categories of records in the system: Contains information regarding the individual who is required to evaluate a claim for damage to personal property or personal injury, i.e., name, address, insurance company, estimates of repair costs, accident reports by Government officials, law enforcement officials, attorneys, hospital and doctors' reports and bills for service, statements from witnesses.

Authority for maintenance of the system: Federal Tort Claims Act (28 U.S.C. 2671-2680)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is for evaluation by tort claims officers, attorneys in the Office of the Solicitor, Department of the Interior. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated

litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in paper form, 8 x 10 1/2, in 'Tort Claim' files. (2) Retrievability -- by name of claimant. (3) Safeguards -- maintained in compliance with provisions of 43 CFR 2.51. (4) Retention and Disposal -- disposed four years after settlement of claim. Record copies held by Office of the Solicitor, Department of the Interior.

System manager(s) and address: Chief, Division of Contracting and General Services, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors with respect to records located in the office for which each is responsible. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access shall be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors, with respect to records located in the office for which each is responsible. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual submitting claim; investigative reports, including statements from witnesses; medical reports.

Systems exempted from certain provisions of the act: The Privacy Act does not entitle an individual to access to information compiled in reasonable anticipation of a civil action or proceeding.

INTERIOR/FWS- 5

System name: National Wildlife Refuge Special Use Permits -- Interior, FWS--5.

System location: Regional offices of the Fish and Wildlife Service and National Wildlife Refuges. (See Appendix for addresses).

Categories of individuals covered by the system: Applicants for special use permits and cooperative farm agreements on Service lands.

Categories of records in the system: Contains the name, address of cooperative/permittees, types of special uses, period of use, and any special conditions.

Authority for maintenance of the system: The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 688dd-ee). See 50 CFR, Parts 29 and 32.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is identification of personnel having special use permits and cooperative farming agreements on National Wildlife Refuges. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1)Storage -- maintained on 8 x 10 1/2 inch paper. (2) Retrievability --indexed by name. (3) Safeguards -- records are maintained in accordance with the provisions of 43 CFR 2.51. (4) Retention and Disposal -- special use permits and cooperative farming agreements are usually maintained not more than one year following the period of use.

System manager(s) and address: Chief, Division of Wildlife Refuges, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240.

Notification procedure: Inquiries regarding the existence of records shall be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors or refuge managers, with respect to records located in the office or facility for which each is responsible. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access shall be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors or refuge managers, with respect to records located in the office or facility for which each is responsible. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom the record is maintained.

INTERIOR/FWS- 6

System name: Hunting and Fishing Survey Records -- Interior, FWS--6.

System location: Division of Federal Aid, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240.

Categories of individuals covered by the system: Individuals selected at random to supply information concerning wildlife associated recreation.

Categories of records in the system: Contains days of participation and expenditures of individuals participating in hunting, fishing and nonconsumptive wildlife activities.

Authority for maintenance of the system: Federal Property and Administrative Services Act of 1949, as amended; the Fish and Wildlife Act of 1956 (16 U.S.C. 742a-7421); the Federal Aid in Wildlife and Fish Restoration Acts of 1937 and 1950, as amended, 16 U.S.C. 777-777k, 669-669i.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is the development of statistical analyses to assist in the management of the Nation's wildlife resources. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order, or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1)Storage -- magnetic tape. (2) Retrievability -- indexed by identification number. (3) Safeguards -- maintained in accordance with the provisions of 43 CFR 2.51. (4) Retention and Disposal -- records maintained until summary analyses are completed, after which the names and addresses will be destroyed (January 1, 1978).

System manager(s) and address: Chief, Division of Federal Aid, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom the record is maintained.

INTERIOR/FWS- 7

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System name: Water Development Project and/or Effluent Discharge Permit Application Review -- Interior, FWS--7.

System location: (1) Division of Ecological Services, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240. (2) All regional, area, and field offices of the Division of Ecological Services (See Appendix for addresses).

Categories of individuals covered by the system: Individuals who apply for permits from other regulatory agencies including the Corps of Engineers, and the Environmental Protection agency. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations and other business entities. These records are not subject to the Privacy Act.)

Categories of records in the system: Contains some public notices or permit applications from regulatory agencies which give name, address, and description of work that the applicant is requesting authorization to perform. In order to adequately evaluate the proposed project's effect on fish and wildlife resources, additional project information is at times requested and therefore on file. Environmental impact statements and environmental assessments on some proposed projects also are on file.

Authority for maintenance of the system: Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661-666c; 48 Stat. 401).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is to review and comment on permit applications. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of in individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained on 8 x 10 1/2 inch paper in file folders. (2) Retrievability -- indexed by State, name of applicant, and public notice number. (3) Safeguards -- maintain records in accordance with provisions of 43 CFR 2.51. (4) Retention and Disposal -- varies in each office location but generally held from two to five years and then either sent to Records Center or destroyed.

System manager(s) and address: Chief, Division of Ecological Services, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240.

Notification procedure: Inquiries regarding the existence of records shall be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors, area directors and managers, field supervisors, and biologists-in-charge, with respect to records located in the office or facility for which each is responsible. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access shall be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors, area directors and managers, field supervisors and biologists-in-charge, with respect to records located in the office or facility for which each is responsible. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Regulatory agency from which permit is requested, State, and the individual on whom the record is maintained.

INTERIOR/FWS- 8

System name: Fish Disease Inspection Report -- Interior, FWS--8.

System location: (1) Division of Fish Hatcheries, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240. (2) Regional offices of Fish and Wildlife Services. (See Appendix for Regional addresses).

Categories of individuals covered by the system: Commercial trout farmers who request that their fish be inspected for known fish diseases. The majority of the commercial trout farmers are business establishments, however, there may be some private individuals involved. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations and other business entities. These records are not subject to the Privacy Act.)

Categories of records in the system: Name and address of requester and information concerning disease.

Authority for maintenance of the system: 18 U.S.C. 42-44, 3054, 3112, 62 Stat. 687, 83 Stat. 281, Fish and Wildlife Act of 1956, 16 U.S.C. 742A-742L; Fish and Wildlife Coordination Act, 16 U.S.C. 661-666C.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of fish disease inspection records maintained in the system is to certify the disease status of populations of fish in the case of transferring, marketing, or distribution control. Disclosures outside the Department of the Interior may be made (1) to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory: or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated; (2) to the U. S. Department of Justice when related to litigation or anticipated litigation; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained on 8 x 10 1/2 inch Standard Form 3-226. (2) Retrievability -- indexed by name. (3) Safeguards -- records maintained in accordance with the provisions of 43 CFR 2.51. (4) Retention and Disposal -- indefinite.

System manager(s) and address: Chief, Division of Fish Hatcheries, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240.

Notification procedure: Inquiries regarding the existence of records shall be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors with respect to records located in the office for which each is responsible. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access shall be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors with respect to records located in the office for which each is responsible. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual or entity that requests the inspection.

INTERIOR/FWS- 9

System name: Farm Pond Stocking Program -- Interior, FWS--9.

System location: Regional offices of the Fish and Wildlife Service and National Fish Hatcheries (See Appendix for addresses).

Categories of individuals covered by the system: Applicants for stocking private farm ponds with fish.

Categories of records in the system: Name, address, size of pond, species of fish requested and other information needed to evaluate application.

Authority for maintenance of the system: Ponds are stocked in conjunction with the Agricultural Stabilization and Conservation Programs of the Department of Agriculture. Fish and Wildlife Coordination Act, 16, U.S.C. 661-666C.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is to insure that the stocking policy is maintained and to keep track of where various species have been stocked. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- the records are maintained on 3 1/2 x 9 inch cards. (2) Retrievability -- indexed by name. (3) Safeguards -- records are maintained in accordance with the provisions of 43 CFR 2.51. (4) Retention and Disposal -- destroyed after ten years.

System manager(s) and address: Regional directors (See Appendix for addresses).

Notification procedure: Inquiries regarding the existence of records shall be addressed to the System Managers, with respect to records located in their offices, and to Hatchery Managers with respect to records located in the facility for which each is responsible. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access shall be addressed to the System Manager, with respect to records located in their offices, and to Hatchery Managers, with respect to records located in the facility for which each is responsible. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom the record is maintained.

INTERIOR/FWS-10

System name: National Fish Hatchery Special Use Permits -- Interior, FWS--10.

System location: Regional offices of Fish and Wildlife Service and National Fish Hatcheries where records are maintained (See Appendix for addresses).

Categories of individuals covered by the system: Individuals who have made application for special use permits on National Fish Hatcheries.

Categories of records in the system: Contains the name, address of permittees, types of special uses, period of use, and any special conditions.

Authority for maintenance of the system: 16 U.S.C. 460k-3; 16 U.S.C. 664. See 50 CFR 70, 71.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is to limit and control the use of the property at the National Fish Hatcheries. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained on 8 x 10 1/2 inch paper. (2) Retrievability -- indexed by name. (3) Safeguards -- records are maintained in accordance with the provisions of 43 CFR 2.51. (4) Retention and Disposal -- destroyed after one year following period of use.

System manager(s) and address: Chief, Division of Fish Hatcheries, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240.

Notification procedure: Inquiries regarding the existence of records shall be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors and Hatchery Managers, with respect to records located in the office or facility for which each is responsible. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access shall be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors and Hatchery Managers, with respect to records located in the office or facility for which each is responsible. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom the record is maintained.

INTERIOR/FWS-11

System name: Real Property Records -- Interior, FWS--11.

System location: Regional Offices, Area Offices and Alaska Area Office (see Appendix for addresses).

Categories of individuals covered by the system: Landowners, tenants and permittees.

Categories of records in the system: Records consist of individual files, i.e., title file: case file; and correspondence file. Along with this material is the corresponding tract appraisal report. The title file contains title evidence, original instrument of conveyance, copy of acquisition contract, title curative and closing data, title opinions, survey description and plat, payment vouchers, and appraisal summary. The case file contains a copy of the acquisition contract, copy of instrument of conveyance, closing data, survey description and plat, payment vouchers and appraisal summary. The correspondence file contains all general correspondence, negotiator's contacts and all material in connection with relocation assistance, permits or outgrants when appropriate. The appraisal report consists of the property description, local market data including comparable sales information, location maps and an analysis of value.

Authority for maintenance of the system: Land acquisition and disposal authorities are as follows: Migratory Bird Conservation Act, as amended (16 U.S.C. 715 et seq.); Migratory Bird Hunting Stamp Act, as amended (16 U.S.C. 718 et seq.); Fish and Wildlife Act of 1956, as amended (16 U.S.C. 742a et seq.); Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661-666c); Recreational Use of Conservation Areas Act, as amended (16 U.S.C. 460k-460k-4); Colorado River Storage Project Act, as amended (43 U.S.C. 620g); Endangered Species Act of 1973 (16 U.S.C. 1531-1543); National Wildlife Refuge System Administration Act, as amended (16 U.S.C. 668dd-668ee); Act of May 19, 1948 (PL 80-537), as amended (16 U.S.C. 667b-667d); Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 471 et seq.); and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (40 U.S.C. 4601 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) transfer of pertinent documents to authorized title companies or abstractors to obtain title evidence for closings; (b) transfer of pertinent documents to Regional Solicitors and the U. S. Department of Justice for title opinions and condemnation purposes; (c) for use of appraisal information in negotiations; (d) for permit and outgrant purposes; (e) reporting lands as excess to the General Services Administration for transfer or disposal. Disclosures outside the Department of the Interior may be made (1) to the Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; and (3) Congressional inquiry.

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Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Maintained with safeguards in accordance with the provisions of 43 CFR 2.51. Title File - in a legal size binder and stored as permanent record in appropriate GSA records centers in the vicinity of regional offices. Case File - in most cases in letter sized file folders in the various regional offices. Correspondence File - in letter size folder in the various regional offices until cases are closed, then filed in GSA record centers and destroyed after two years.

System manager(s) and address: Chief, Division of Realty, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240.

Notification procedure: Inquiries regarding the existence of records shall be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors, with respect to records located in the offices for which each is responsible. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access shall be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors, with respect to records located in the office for which each is responsible. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Public records, other governmental contacts, community contacts, and named individuals.

INTERIOR/FWS-12

System name: Fish Tag Returns -- Interior, FWS--12.

System location: (1) National Reservoir Research Program Office, Fayetteville, Arkansas. (2) South Central Reservoir Investigations, Fayetteville, Arkansas. (3) Multi-Outlet Reservoir Studies, Arkadelphia, Arkansas. (4) Southeast Reservoir Investigations, Clemson, South Carolina.

Categories of individuals covered by the system: Recreational fishermen who fish on reservoirs of the White, Caddo, and Keowee Rivers and tributaries.

Categories of records in the system: A precise record of date, time, place fish captured as well as specific biological data taken concerning the fish (length, weight, sex (when possible), age).

Authority for maintenance of the system: Fish and Wildlife Act of 1956 (16 U.S.C. 742a-7421; 70 Stat. 1119).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records is to (a) estimate population of large-mouth bass and other reservoir species of recreational, commercial and esthetic importance and (b) determine age structure of these species. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- envelopes; 8 x 10 1/2 inch questionnaires all in storage cabinets and file cabinets. (2) Safeguards -- files are maintained in locked cabinets and rooms. (3) Retention and Disposal -- personal data retained only until fisheries data has been extracted: tags (with no individual person's identity) may be retained up to five years. Some cards and questionnaires may be stored up to five years at a GSA Records Center.

System manager(s) and address: Director, National Reservoir Program, Fayetteville, Arkansas.

Notification procedure: (1) DeGray Reservoir, Leader, Multi-Outlet Reservoir Studies, Arkadelphia, Arkansas. (2) Keowee and Jocassee Reservoirs, Chief, Southeast Reservoir Investigations, Clemson, South Carolina. (3) Bull Schoals and Beaver Reservoirs, Chief, South Central Reservoir Investigations, Fayetteville, Arkansas. See 43 CFR 2.60 for submission requirements.

Record access procedures: Same as the above. See 43 CFR 2.63 for submission requirements.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom the record is maintained.

INTERIOR/FWS-13

System name: North American Breeding Bird Survey -- Interior, FWS--13.

System location: Patuxent Wildlife Research Center, Laurel, Maryland.

Categories of individuals covered by the system: Volunteers from general public (about 1,500 people).

Categories of records in the system: Birds observed along roadsides at predetermined locations.

Authority for maintenance of the system: Fish and Wildlife Act of 1956 (16 U.S.C. 742a-7421; 70 Stat. 1119).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is the annual monitoring of migratory bird populations to determine trends in their abundance. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- magnetic tapes or disks and 8 x 10 1/2 inch original data sheets. (2) Retrievability -- by computer or hand sort. (3) Safeguards -- records maintained in accordance with the provisions of 43 CFR 2.51. (4) Retention and Disposal -- none have been disposed of in the nine years of the survey. They are a historic record of bird abundance.

System manager(s) and address: Director, Migratory Bird and Habitat Research Laboratory, Patuxent Wildlife Research Center, Laurel, Maryland.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom the record is maintained.

INTERIOR/FWS-14

System name: Great Lakes Commercial Fisheries Catch Records -- Interior, FWS--14.

System location: Great Lakes Fishery Laboratory, Ann Arbor, Michigan.

Categories of individuals covered by the system: Commercial fishermen operating on any of the Great Lakes. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations and other business entities. These records are not subject to the Privacy Act.)

Categories of records in the system: Complete record of daily fishing operations including time, location, vessel name, gear used, names of fishermen, and weights and values by weight of fish of each species.

Authority for maintenance of the system: Fish and Wildlife Act of 1956 (16 U.S.C. 742a-7421; 70 Stat. 1119).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to determine population levels of species of fish of commercial, recreational and esthetic interest and (b) to determine effects of man's activities on these species. Disclosures outside the Department of the Interior may be made (1) to the National Marine Fisheries Service, U. S. Department of Commerce for economic evaluations of Great Lakes commercial fisheries and for publication in its Standard Statistical Digests and related media as provided in a cooperative agreement, (2) to the Departments of Natural Resources or Conservation of the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin for resource assessment, effective fishery management, economic and social considerations, regulatory purposes, and for ongoing biolgoical research, (3) to the U. S. Department of Justice when related to litigation or anticipated litigation, (4) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, and (5) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual and Computer: Records kept in storage cabinets, 11x 17 inch questionnaires, 11x14 inch computer printouts, punched cards and magnetic tape. (2) Safeguards - Basic record kept as long as required to extract impersonal data; records are accessed at various times to obtain data for new analyses. A limited number may be retained (for up to five years) at a GSA Records Center.

System manager(s) and address: Director, Great Lakes Fisheries laboratory.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom the record is maintained.

INTERIOR/FWS-15

System name: American Attitudes Toward Animals -- Interior, FWS--15.

System location: The Gallup Organization, 53 Bank Street, Princeton, New Jersey (INT. DEPT. Contract No. 14-16-008-781).

Categories of individuals covered by the system: One random sample of 500 people from the general public drawn in about March - April, 1975.

Categories of records in the system: Personal interviews using a predetermined set of questions on attitudes and interests in wildlife. Some questions are of a personal nature. Confidentiality is promised by Gallup and the contacted person. No answers will be related to an individual. FWS will not have access to the names of individuals.

Authority for maintenance of the system: Fish and Wildlife Act of 1956 (16 U.S.C. 742a-7421; 70 Stat. 1119).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is to make policy decisions with respect to attitudes in general. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Standard Interview Form. (2) Retrievability -- names of individuals not given by Gallup Poll to either contractor or FWS. Summary of answers obtained by computer. (3) Safeguards -- Gallup Poll alone has names of individuals and they maintain the identification of the individuals in total confidence. (4) Retention and Disposal -- detailed records kept for one year and destroyed by Gallup Organization.

System manager(s) and address: Chief, Branch of Migratory Birds, Division of Population Ecology Research, U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom the record is maintained.

INTERIOR/FWS-16

System name: Waterfowl Hunter Attitude Study -- Interior, FWS--16.

System location: National Analysts Inc., 400 Market Street, Philadelphia, Pennsylvania (INT. DEPT. Contract No. 14-16-008-648).

Categories of individuals covered by the system: A subsample of names and addresses drawn from a larger sample of 'duck stamp' purchasers in the 1974-75 hunting season. Names and addresses will be supplied to National Analysts from the files of Office of Migratory Bird Management, Patuxent Wildlife Research Center. This use of the file will occur one time only as part of a research project.

Categories of records in the system: About 75 questions to be asked concerning their personal interest, attitudes, statistics, knowledge, and commitment to waterfowl hunting.

Authority for maintenance of the system: Fish and Wildlife Act of 1956 (16 U.S.C. 742a-7421; 70 Stat. 1119).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (1) the waterfowl hunting regulationE 8 and the (2) the adequacy of current management of waterfowl hunting used by service employees. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Multipage 8 1/2 x 11' questionnaire. Answers only placed in computer. (2) Retrievability -- by hand sort of questionnaires - answers by computer. (3) Safeguards -- National Analysts pledges confidentiality on names of contacts and their responses to questions. A report will be prepared by National Analysts and it will not relate responses to individuals. (4) Retention and Disposal -- all information will be turned over to FWS upon completion of study. Records will be destroyed after total debriefing.

System manager(s) and address: Chief, Branch of Migratory Birds, Division of Population Ecology Research, Room 560, Matomic Building, Washington, D.C. 20240. Telephone: 202-343-5729.

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Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom the record is maintained.

INTERIOR/FWS-17

System name: Diagnostic-Extension Service Records -- Interior, FWS--17.

System location: (1) Eastern Fish Disease Laboratory, R.D. 1, Box 17, Kearneysville, West Virginia 25430. (2) Fish Farming Experimental Station, P.O. Box 860, Stuttgart, Arkansas 72160. (3) National Fish and Wildlife Health Laboratory, University of Wisconsin, Department of Veterinary Science, 1655 Linden Drive, Madison, Wisconsin 56703. (4) Western Fish Disease Laboratory, Bldg. 204, Naval Support Activity, Seattle, Washington 98115.

Categories of individuals covered by the system: Federal, State employees involved in fish and wildlife production and fishery wildlife management, private fish farmers, fish hobbyists.

Categories of records in the system: Results of diagnostic examinations, related information and recommendations.

Authority for maintenance of the system: Fish and Wildlife Act of 1956 (16 U.S.C. 742a-7421; 70 Stat. 1119), Fish and Wildlife Coordination Act (16 U.S.C. 661-666c).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) internal use for identifying regional and national fish and wildlife disease patterns, occurrence and importance (b) as an aid in developing research priorities and (c) for comparison of pathological agents, disease pathology. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- bound books, forms in file folders. (2) Retrievability -- by accession number. (3) Safeguards -- as prescribed in 43 CFR 2.51. (4) Retention and Disposal -- indefinite.

System manager(s) and address: Appropriate laboratory Director.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individuals, companies, or their representatives on whom the records are maintained; Federal and State employees.

INTERIOR/FWS-18

System name: Animal Damage Control Authorization Records -- Interior, FWS--18.

System location: (1) Animal Damage Control Office, U.S. Fish and Wildlife Service, Room 546, Matomic Building, 1717 H Street, NW., Washington, D.C. 20240. (2) Regional offices of the Fish and Wildlife Service (See Appendix for regional addresses).

Categories of individuals covered by the system: Livestock producers, livestock feeders, poultry producers, farmers and suburban and rural residents who request help in reducing wild bird or mammal damage to their property, pets or livestock. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporatiins and other business entities. These records are not subject to the Privacy Act.)

Categories of records in the system: Contains name, address, ranch or farm acreage and location and number of poultry or livestock owned, number of livestock damaged present and previous year. Contains signature of individual requesting assistance and agreeing to control methods and dates.

Authority for maintenance of the system: Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426-426b); Federal Insecticide, Fungicide, and Rodenticide Act as amended (7 U.S.C. 135-135k); and migratory Bird Treaty Act of 1918, as amended (16 U.S.C. 703-711; 40 Stat. 755).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to document the use of service animal damage control (ADC) devices; (b) to gather data of predator, rodent, and bird damage; (c) to monitor service field employees' use of ADC devices and techniques, (d) to help determine the success of control devices; (e) to request and permit the service to conduct ADC work on the signator's lands; (f) to help protect the Government from tort claims, charges of trespass and other misunderstandings. Disclosures outside the Department of the Interior may be made (1) to cooperating Federal, State, county, and local governmental units; and cooperating private associations and organizations for administrative purposes, provided that such governmental units and cooperating organizations and associations have provided advance written assurance that the record will be used solely as a statistical research or reporting record and that such record will not be transferred in a form that is individually identifiable; (2) to the U. S. Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; and (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained on an 8 x 10 1/2 inch form. (2) Retrievability -- indexed by name. (3) Safeguards -- records are maintained in a standard office filing cabinet and office is locked when personnel are not present. (4) Retention and Disposal -- statistical records maintained for three years and then destroyed. Agreement records received each year and old agreement destroyed.

System manager(s) and address: Program Coordinatory, Animal Damage Control, U.S. Fish and Wildlife Service, Room 546, Matomic Building, 1717 H Street, NW., Washington, D.C. 20240.

Notification procedure: Inquiries regarding the existence of records shall be addressed to

Record access procedures: A request for access shall be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors with respect to records located in the office for which each is responsible. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom the record is maintained and Service field personnel.

INTERIOR/FWS-19

System name: Endangered Species Licensee System -- Interior, FWS--19.

System location: (1) Division of Law Enforcement, U.S. Fish and Wildlife Service, 1612 K Street, NW., Washington, D.C. 20240. (2)

Law Enforcement District Offices of the Fish and Wildlife Service (See Appendix for addresses).

Categories of individuals covered by the system: Individuals who request a license to import or export fish and/or wildlife or products thereof. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations and other business entities. These records are not subject to the Privacy Act.)

Categories of records in the system: Contains name, address, date of birth, height, weight, color of hair and eyes, business phone number, occupation and social security number of individual requesting license. Businesses are identified by type, name and title and phone number of principal officer and State of incorporation, if applicable.

Authority for maintenance of the system: Endangered Species Act of 1973 (16 U.S.C. 1531(d); 80 Stat. 884).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is to identify licensees authorized to import or export fish and/or wildlife or products thereof. disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) publication in the Federal Register, as required by law.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in 8 x 10 1/2' file folders. (2) Retrievability -- indexed by name. (3) Safeguards -- maintained in segregated area secured by a locking device in accordance with 43 CFR 2.51. (4) Retention and Disposal -- indefinite.

System manager(s) and address: Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service, P.O. Box 19183, Washington, D.C. 20240.

Notification procedure: Inquiries regarding the existence of records shall be addressed to the System Manager, with respect to records located in the Washington office, and to Special Agents in Charge, Law Enforcement Districts 1-13, with respect to records located in the district for which each is responsible. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access shall be addressed to the System Manager, with respect to records located in the Washington office, and to Special Agents in Charge, Law Enforcement Districts 1-13, with respect to records located in the district for which each is responsible. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom file is being maintained.

Systems exempted from certain provisions of the act: Under the specfic exemption authority provided by 5 U.S.C. 552 (k)(2), the Department of the Interior has adopted a regulation, 43 CFR 2.79(b), which exempts this system from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f) and the portions of 43 CFR Part 2, Subpart C which implement these provisions. The reasons for adoption of this regulation are set out at 40 FR 50432 (October 29, 1975).

INTERIOR/FWS-20

System name: Investigative Case File System -- Interior, FWS--20.

System location: (1) Division of Law Enforcment, U.S. Fish and Wildlife Service, 1612 K Street, NW., Washington, D.C. (2) Law Enforcement District Offices of the Fish and Wildlife Service (See Appendix for addresses).

Categories of individuals covered by the system: Subjects of investigation relative to violation of fish and wildlife laws.

Categories of records in the system: Contains name and address, place and date of birth plus other available data identifying the subjects of investigation in violation of the fish and wildlife laws as well as other information incidental to these investigations all of which carry criminal sanctions.

Authority for maintenance of the system: Assault Act (18 U.S.C. 111), Bald Eagle Act (16 U.S.C. 668-668d), Black Bass Act (16 U.S.C. 851-856), Lacey Act (18 U.S.C. 42,44), National Wildlife Refuge System Administration Act (16 U.S.C. 668dd-668ee), Migratory Bird Hunting Stamp Act (16 U.S.C. 718-718h), Migratory Bird Treaty Act (16 U.S.C. 703-711), Endangered Species Act (16 U.S.C. 1531-1543), Marine Mammal Act (16 U.S.C. 1361-1407), Upper Mississippi Refuge Act (16 U.S.C. 721-731), Bear River Refuge Act (16 U.S.C. 690), Fish and Wildlife Recreation Act (16 U.S.C. 460k-460k-4), Airborne Hunting Act (16 U.S.C. 742j) and Tariff Classification Act (19 U.S.C. 1527).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is to include all investigative and enforcement information reported to and investigated by the Division of Law Enforcement, U. S. Fish and Wildlife Service. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in 8 x 10 1/2' file folders. (2) Retrievability -- indexed by name. (3) Safeguards -- maintained in segregated area secured by a locking device in accordance with 43 CFR 2.51. (4) Retention and Disposal -- indefinite.

System manager(s) and address: Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service, P.O. Box 19183, Washington, D.C. 20240.

Systems exempted from certain provisions of the act: Under the general exemption authority provided by 5 U.S.C. 552a(j)(2), Department of the Interior has adopted a regulation, 43 CFR 2.79(a), which exempts this system from all of the provisions of 5 U.S.C. 552a and the regulations in 43 CFR, Part 2, Subpart C, except subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), (11) and (I) of 5 U.S.C. 5521 and the portions of th- regulations in 43 CFR, Part 2, Subpart C implementing these subsections. The reasons for adoption of this regulation are set out at 40 FR 37217 (August 26, 1975). Under the specific exemption authority provided by 5 U.S.C. 552a(k), the Department of the Interior has adopted a regulation, 43 CFR 2.79(b), which exempts this system from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f) and the portions of 43 CFR Part 2, Subpart C which implement these provisions. The reasons for adoption of this regulation are set out at 40 FR 50432 (October 29, 1975).

INTERIOR/FWS-21

System name: Permits System -- Interior, FWS--21.

System location: (1) Division of Law Enforcement, U.S. Fish and Wildlife Service, 1612 K Street, NW., Washington, D.C. (2) Law Enforcement District Offices of the Fish and Wildlife Service (See Appendix for addresses).

Categories of individuals covered by the system: Applicants for permits to conduct certain activities in areas of fish and wildlife. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations and other business entities. These records are not subject to the Privacy Act.)

Categories of records in the system: Contains the name, address, date of birth, height, wieght, color of hair and eyes, business phone number, occupation and social security number of person applying for permit. Business agencies and institutions are identified by type, name, title and phone number of principal officer and State of incorporation, if applicable. Contains information on location of the activity and a briefing of the type of the proposed activity. May

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also include the qualifications, educational background and experience of the applicant.

Authority for maintenance of the system: 16 U.S.C. 668a, 16 U.S.C. 1539, 16 U.S.C. 704-711, 16 U.S.C. 1371, 18 U.S.C. 42-44, and 19 U.S.C. 1527.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is to identify holders of permits which authorizes otherwise illegal activity having to do with fish and/or wildlife. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) publication in the Federal Register, as required by law.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in 8 x 10 1/2' file folders. (2) Retrievability -- indexed by name. (3) Safeguards -- maintained in segregated area secured by a locking device in accordance with 43 CFR 2.51. (4) Retention and Disposal -- indefinite.

System manager(s) and address: Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service, P.O. Box 19183, Washington, D.C.

Systems exempted from certain provisions of the act: Under the specific exemption authority provided by 5 U.S.C. 552a(k)(2), the Department of the Interior has adopted a regulation, 43 CFR 2.79(b), which exempts this system from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f) and the portions of 43 CFR, Part 2, Subpart C which implement these provisions. The reasons for adoption of this regulation are set out at 40 FR 37217 (August 26, 1975).

INTERIOR/FWS-22

System name: U.S. Deputy Game Warden -- Interior, FWS--22.

System location: Regional offices of the Fish and Wildlife Service. (See Appendix for addresses).

Categories of individuals covered by the system: Applicants for U.S. Deputy Game Warden Commissions.

Categories of records in the system: Contains the name, address, date and place of birth, social security number, height, weight, color of hair and eyes of applicants for U.S. Deputy Game Warden Commissions.

Authority for maintenance of the system: Fish and Wildlife Act of 1956 (16 U.S.C. 742a-7421; 70 Stat. 1119).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are to identify holders of and applicants for U. S. Deputy Game Warden commissions. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; and, (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in 8 x 10 1/2' file folders. (2) Retrievability -- indexed by name. (3) Safeguards -- maintained in segregated area secured by a locking device in accordance with 43 CFR 2.51. (4) Retention and Disposal -- destroyed after Commission expires.

System manager(s) and address: Chief, Division of Personnel Management and Organization, U.S. Fish and Wildlife Service, Room 3455, Main Interior Building, 18th and C Streets, N.W., Washington, D.C. 20240.

Notification procedure: Inquiries regarding the existence of records shall be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors, with respect to records located in the office for which each is responsible. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access shall be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors, with respect to records located in the office for which each is responsible. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individuals on whom the file is being maintained.

INTERIOR/FWS-23

System name: Motor Vehicle Permit Log -- Interior, FWS--23.

System location: (1) Division of Personnel Management and Organization, U.S. Fish and Wildlife Service, 1717 H Street, NW., Washington, D.C. 20006. (2) Regional offices (See Appendix for Regional addresses).

Categories of individuals covered by the system: Employees who require Government Vehicle Operator Permit.

Categories of records in the system: Log reflecting employee name, driver's license number, duty station location, date of issue of permit and date permit expires.

Authority for maintenance of the system: Federal Property and Administrative Service Act of 1949, (40 CSC 471), as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is a ready reference of names of holders of motor vehicle permits and date when permit must be renewed. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; and, (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained as simple log in loose-leaf binder. (2) Retrievability -- maintained by date and in alphabetical order. (3) Safeguards -- log maintained as information system for personnel staff with normal non-security confidential procedures meeting requirements of 43 CFR 2.51. (4) Retention and Disposal -- maintenance of log on a continuing basis consistent with need of the individual to have a current permit.

System manager(s) and address: Chief, Division of Personnel Management and Organization, U.S. Fish and Wildlife Service, Room 3455, Main Interior Building, 18th and C Streets, NW., Washington, D.C. 20240.

Notification procedure: Inquiries regarding the existence of records shall be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors, with respect to records located in the office for which each is responsible. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access shall be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors, with respect to records located in the office for which each is responsible. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom record is maintained.

INTERIOR/FWS-24

System name: Payroll -- Interior, FWS--24.

System location: (1) Division of Financial and Management Systems, U. S. Fish and Wildlife Service, Main Interior Building, 18th and C Streets, N. W., Washington, D. C. 20240 (2) Input information supplied by all facilities of the U. S. Fish and Wildlife Service (see Appendix for addresses).

Categories of individuals covered by the system: All paid employees in the Service.

Categories of records in the system: Pay, leave and cost distribution records, including deductions for bonds, insurance, income taxes, allotments to financial institutions, overtime authorizations, and shift schedules.

Authority for maintenance of the system: 5 U.S.C. 5101, et seq., 31 U.S.C. 66a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) fiscal operations for payroll, leave, insurance, tax, retirement and cost programs; (b) disclosure to the Department of the Treasury for preparation of (1) payroll checks and (2) payroll deduction and other checks to Federal, State and local government agencies, non-governmental organizations and individuals; (c) disclosure to the Internal Revenue Service and to State, Commonwealth, Territorial and local governments for tax purposes; (d) disclosure to the Civil Service Commission in connection with retirement, life insurance and health insurance accounts; (e) disclosure to another Federal agency to which an employee has transferred. Disclosures outside the Department of the Interior may be made (2) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, contract, grant or other benefit; and (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in 8' x 10 1/2' folders and on computer media. (2) Retrievability -- identified by employee social security number. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51. (4) Retention and Disposal -- one year from date employee separates.

System manager(s) and address: Chief, Division of Financial and Management Systems, U. S. Fish and Wildlife Service, Room 3347, Main Interior Building, 18th and C Streets, N. W., Washington, D. C. 20240.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom the record is maintained, and supervisors.

INTERIOR/FWS-25

System name: Contract and Procurement Records -- Interior, FWS--25.

System location: (1) Division of Contracting and General Services, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240. (2) Regional offices of Fish and Wildlife Service. (See Appendix for regional addresses).

Categories of individuals covered by the system: Individuals submitting unsolicited proposals or replying to solicitations for bids. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations and other business entities. These records are not subject to the Privacy Act.)

Categories of records in the system: Contains information regarding the individual which would be required to evaluate contract proposals, i.e., name, age, education, experience, references, and possible other pertinent information.

Authority for maintenance of the system: Federal Property and Administrative Act of 1949, as amended. Fish and Wildlife Act of 1956, 16 U.S.C. 742a-7421; 70 Stat. 1119.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is evaluation by contracting officers and technical representatives of operating (requesting) Division or Office placing name and address on bidders list for use in sending out future solicitations. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained on paper form, 8 x 10 1/2', in either the 'Bidders Mailing List' file or a 'Contract Folder.' (2) Retrievability -- by name and contract number. (3) Safeguards -- records maintained in compliance with provisions of 43 CFR 2.51. (4) Retention and Disposal -- Bidders Mailing List -- until individual requests withdrawal or solicitation returned unanswered. Destroyed immediately. Contract Files: Four years after closing of file.

System manager(s) and address: Chief, Division of Contracting and General Services, Fish and Wildlife Services, U.S. Department of the Interior, Washington, D.C. 20240, and regional directors (See Appendix for regional addresses).

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual submitting proposals for consideration.

INTERIOR/FWS-26

System name: Migratory Bird Population and Harvest Systems -- Interior, FWS -- 26.

System location: (1) Office of Migratory Bird Management, U.S. Fish and Wildlife Service, U.S. Department of the Interior, Patuxent Wildlife Research Center, Laurel, Maryland 20811. (2) Minor portions of the files comprising the system are found in the Washington Office, Regional Offices, and field offices of the U.S. Fish and Wildlife Service; offices of State conservation agencies, and other Federal and State agencies; universities; national, regional and local conservation organizations; and individuals who contribute to the collection of population and harvest information which is eventually transferred to the Office of Migratory Bird Management, Laurel, Maryland, for storage.

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Categories of individuals covered by the system: The system contains information on: (1) Persons applying for bird banding permits. (2) Persons issued bird banding permits. (3) Persons reporting upon banded birds encountered in the wild. (4) Persons participating in migratory bird population surveys. (5) Persons submitting harvest data for migratory game birds taken under hunting regulations. (6) Unidentified persons observed in the field hunting migratory game birds.

Authority for maintenance of the system: Migratory Bird Treaty Act of July 3, 1918 (16 U.S.C. 703-711; 40 Stat. 755).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records maintained in the system are (a) data are routinely used by biologists and/or law enforcement offices of the U. S. Fish and Wildlife Service, Canadian Wildlife Service, Mexican Department Fauna Silvestre, and State and Provincial Conservation Agencies to further understanding, protection, management and utilization of the North American migratory bird resource; (b) portions of the data files including name and address listings are used for research purposes and for guidance, planning and coordination of research on migratory birds; (c) reports of summarized and analyzed data originating from banding and surveys are analyzed and published by the U. S. Fish and Wildlife Service and other cooperating agencies: studies containing analyzed migratory bird population and harvest data also appear in the technical literature involving the records or the subject matter of the records. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information that may aid investigations or indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit; (6) to the Canadian Wildlife Service, Environmental Management Service, Department of the Environment, Ottawa, Ontario, Canada K1A OH3 and Mexican Direccion General Fauna Silvestre, Aquiles Serdan 28-70, Pisa, Mexico 3, DF, Mexico, as part of cooperative agreements; (7) routinely or upon request all or portions of the files, including name and address listings, are supplied to cooperators and researchers in other Federal, State, and local agencies; members of national, regional or local conservation organizations, university researchers and private individuals who establish a bona fide need for the information; (8) to contributors of band recovery information related to the bander and banding of the banded bird they reported, likewide, contributors of survey and harvest information are sometimes supplied with reports of populations and harvest surveys to which they had contributed. (Routine uses (1) and (2) apply only to those individuals in nos. (1) and (2) of the above paragraph 'Categories of individuals covered by the system.' and not to individuals who supply voluntary information to aid the Service in migratory bird management and research).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- records comprising the various files of the system are maintained on paper forms and correspondence, punched and/or interpreted cards, magnetic computer tape, computer printouts or listings, magnetic disc packs, microfilm, and microfiche cards. Summarized information is found in unpublished and published reports. (2) Retrievability -- the files comprising the system are indexed in various ways depending upon the nature and use of the record. Files may be arranged by type of survey, species of migratory birds, cooperators, time periods, geographical areas, and biological characteristics of the banded, observed, or harvested bird. Most of the files are oriented to the migratory bird resource and its utilization; the identity of the individual person is retained only for edit, banding authority compliance; response, and acknowledgement purposes. In the banding files the identity of the bander is permanently obtainable through interpretation of the permit number. Inasmuch as banding and other surveys of migratory birds and their harvest are based upon statistical sampling of a larger universe, the identity of individuals is usually deleted early in the analysis. (3) Safeguards -- records comprising the system are stored within the fenced and locked premises of the Patuxent Wildlife Research Center, Laurel, Maryland. The records themselves are stored within a locked building and the master computer files are retained in a locked vault. Only authorized individuals have access to these records. Magnetic tape files containing records of banded birds are stored for computer processing at the Washington Computer Center of the Department of the Interior. Current versions of banding tape files are stored in a locked, fire and explosion proof vault. Backup versions are stored in a library that must be entered through two locked doors. All requests for data, beyond those routinely supplied to cooperators, are reviewed by the Assistant Chief, Office of Migratory Bird Management, Laurel, Maryland. Care is taken to insure that the requesting individual has a legitimate need for the information and that the information which is supplied is limited to his specific needs. Furthermore, care is taken to protect the proprietary rights of researchers to first use of data arising from their personal banding efforts; persons requesting data generated by other researchers are instructed to secure clearance for use of the data with the original bander. Policies regarding the release and use of bird banding data are developed in consultation with the Canadian Wildlife Service and other cooperators. Means for developing improved safeguards for the computer record files at Laurel, and policies regarding release of data from the files maintained there is presently under study. (4) Retention and Disposal -- some records are maintained only for a few days until the data can be transferred to other media, such as computer tapes or microfilm, for permanent storage. Because of the great scientific value attached to some of the files, such as those comprising the North American Bird Banding Program, source documents of banding are retained indefinitely; this is done to facilitate the possible correction and edit of those records. In contrast, source documents for other files are periodically destroyed by recycling. Computer tabulations are retained for five years or until such time as they have been updated. A system to catalog computer files is being developed; this system will insure that obsolete files are destroyed while insuring the retention of those required for current or future use.

System manager(s) and address: Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Room 2247, Main Interior Building, Washington, D.C.

Notification procedure: An individual desiring to know whether the system contains information relating to himself may address his inquiry to the System Manager. An individual seeking information about the system should provide his complete name and address, and if possible, indicate the nature of the data file (banding, population surveys, migratory game bird harvests, etc.)in which he is most interested.

Record access procedures: Inquiries concerning access to and correction of records in the system may be directed to the System Manager.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and meet the requirements of 43 CFR 2.71

Record source categories: The files comprising the Migratory Bird Populations and Harvest System evolve from several diverse groups of people. These may be generally categorized as (1) persons applying for authority to band birds, (2) .persons granted authority to band birds, (3) persons reporting encounters with banded birds, (4) persons supervising or participating in various population surveys of migratory birds, (5) persons purchasing migratory bird hunting stamps, and (6) persons who hunt migratory game birds or otherwise utilize the migratory game bird resource.

INTERIOR/FWS-27

System name: Correspondence Control System -- Interior, FWS--27.

System location: Office of the Director, U.S. Fish and Wildlife Service, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Categories of individuals covered by the system: U.S. Senators and Representatives, Governors of States, members of the public.

Categories of records in the system: Correspondence.

Authority for maintenance of the system: 5 U.S.C. 301, 43 U.S.C. 1467, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is to provide control for prompt handling of priority correspondence by the U. S. Fish and Wildlife Service. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Maintained in manual form in file folders. (2) Retrievability -- Indexed alphabetically by name of congressman or letter writer and number assigned to correspondence. (3) Safeguards -- Maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- Copies are destroyed after one year.

System manager(s) and address: Chief, Correspondence Services Office, U.S. Fish and Wildlife Service, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Notification procedure: Same as above. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester and must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment may be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

Record source categories: Individual from whom incoming letter was received.

INTERIOR/FWS-28

System name: Avitrol Authorization Records -- Interior, FWS--28.

System location: Wildlife Services Office, U. S. Fish and Wildlife Service, 11 North Pearl Street, P.O. Box 150, Albany, New York 12201.

Categories of individuals covered by the system: Aerial applicators of Avitrol for treating corn to prevent blackbird damage in cornfields.

Categories of records in the system: Contains name, address, home and business telephone number, type of aircraft, New York State applicator's registration number and signature of applicant affirming that he or she has read and understands the Environmental Protection Agency registration label. The applicant also agrees to submit to the State Supervisor, Division of Wildlife Services, prior to treatment, a list of the number and location of fields to be treated.

Authority for maintenance of the system: Act of March 2, 1931 (46 Stat. 1468, 7 U.S.C. 426-426b; Federal Insecticide, Fungicide and Rodenticide Act as amended (7 U.S.C. 135-135k); and Migratory Bird Treaty Act of 1918, as amended (16 U.S.C.) 703-711; 40 Stat. 755.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is for documentation of the qualifications for aerial applicators of Avitrol-treated grain to prevent blackbird damages while minimizing the hazard to non-target species of birds. Disclosures outside the Department of the Interior may be made, (1) to the U. S. Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, and (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Maintained on an 3 x 10-1/2 inch form. (2) Retrievability -- Indexed by name. (3) Safeguards -- Records are maintained in a standard office filing cabinet and office is locked when personnel are not present. (4) Disposal -- Made in accordance with FPMR 101-11.4, dated August 1, 1974.

System manager(s) and address: State Supervisor, U. S. Fish and Wildlife Service, 11 North Pearl Street, P. O. Box 150, Albany, New York 12201.

Notification procedure: Innquiries regarding the existence of records shall be addressed to the System Manager. A written, signed request stating that the requestor seeks information concerning records pertaining to him is required. See 43 CFR 2.60.the system manager. A written, signed request stating that the requestor seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access shall be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the Systems Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom the record is maintained.

INTERIOR/FWS-29

System name: Animal Damage Control Non-Federal Personnel Records-- Interior, FWS--29.

System location: Animal Damage Control State Supervisors (See Appendix for addresses.)

Categories of individuals covered by the system: State employees, cooperative employees paid by a cooperator, and private corporation employees (in Idaho). The number of individuals covered are: State-159, Cooperative-221, Corporation-6 (in Idaho).

Categories of records in the system: (1) Supervisor's Record of Employees (Non-Federal)--Recruitment forms, medical forms, security records, life and health insurance forms, military service records, motor vehicle exam records, education and skills records, training records, disciplinary and suspension records, letters of commendation; (2) Payroll Records--Time and attendauce records, State retirement records, social security records, workman's compensation insurance records, leave records, salary and expense cost records; (3) Travel Expense and Mileage Report; (4) Animal Damage Control Records--Hunter and trapper (district field assistant) records on animals taken, weekly itinerary and report of activity of trappers and hunters.

Authority for maintenance of the system: Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426-426b); Federal Insecticide, FUngicide and Rodenticide Act as amended 87 U.S.C. 135-135); and Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. 703-711; 40 Stat. 755).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are to (a) serve as a tool for the State supervisors in the financial and manpower management of Animal Damage Control programs (b) form the legal basis for the disbursement of funds and (c) form basis for preparation of statistical reports. Disclosures outside the Department of the Interior may be made, (1) for administrative uses by cooperating Federal, State, county, and local governmental units, and cooperating private organizations and associations, (2) to the U. S. Department of Justice when related to litigation or anticipated litigation, (3) of information indicating a violation or potential violation of a statute, regulation rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, and (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Maintained in folders in files; (2) Retrievability -- By employee name; (3) Safeguards -- Records and forms are maintained in a standard office filing cabinet and office is locked when authorized personnel are not present; (4) Disposal -- Non-record administrative material and disposed 30 days after employment terminates or in compliance with State regulations on disposal of payroll records subject to audit.

System manager(s) and address: Chief, Division of Animal Damage Control, U. S. Fish and Wildlife Service, Room 546, Matomic Building, 1717 H Street, N. W., Washington, D. C. 20240.

Notification procedure: Inquiries regarding existence of records shall be addressed to the State Supervisor, Animal Damage Control of the particular State wherein the records are maintained. A writ-

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ten signed request stating that the requester seeks information concerning records pertaining to him is requested. See 43 CFR 2.60.

Record access procedures: A written request for access signed by the requester shall be addressed to the appropriate State Supervisor. The request must meet the content requirement of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the Systems Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom record is maintained.

INTERIOR/LBR- 1

System name: Accidents -- Interior, Reclamation--1.

System location: All facilities of the Bureau of Reclamation listed in Appendix except numbers 9(g) and 9(h).

Categories of individuals covered by the system: Individuals having an accident either by a motor vehicle, drowning, or any other form of accident.

Categories of records in the system: Reports of serious accident, fatalities, and motor vehicle accidents.

Authority for maintenance of the system: Executive Order 11807.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to analyze the facts and circumstances surrounding each accident for cause, (b) for compilation of statistical data, (c) adjudicating tort, appropriation act, and employee claims. Disclosures outside the Department of the Interior may be made (1) Office of Worker's Programs when a Federal employee has an accident; (2) to the U. S. Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (5) to a Federal agency which has requested information relevent or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (6) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- complete file maintained in manual form in file folders. (2) Retrievability -- by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location above. See 43 CFR 2.60.

Record access procedures: Same as Notification above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

Record source categories: Individual on whom record is maintained.

INTERIOR/LBR- 2

System name: Accounts Receivable -- Interior, Reclamation--2.

System location: (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation Offices numbered 2, 3, 4 (a thru j), 5, 6(a thru i), 7(a thru k), 8(a thru h) in Appendix.

Categories of individuals covered by the system: Individuals paying monies to the Bureau. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations and other business entities. These records are not subject to the Privacy Act.)

Categories of records in the system: Bills for collection to support an accounts receivable in the Bureau's accounting system.

Authority for maintenance of the system: 31 U.S.C. 952, 7 GAO 22 - Policy and Procedures Manual for Guidance of Federal Agencies.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are for documentation supporting Bureau's accounts receivable. Disclosures outside the Department of the Interior may be made (1) to the Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed by name of individual. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- retained three years in Regional office and three years in Denver Records Center. (4) Disposal -- In accordance with approved retention and disposal schedules.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location above. See 43 CFR 2.60.

Record access procedures: Same as Notification above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirments of 43 CFR 2.71.

Record source categories: From individuals who have entered into contracts or agreements with the Bureau to repay monies owed the Bureau.

INTERIOR/LBR- 3

System name: Attendance at Meetings -- Interior, Reclamation--3.

System location: (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) General Services Branch, Bureau of Reclamation, Engineering and Research Center, P.O. Box 25007, Bldg. 67, Denver Federal Center, Denver, Colorado 80225. (3) Reclamation offices numbered 3(a thru i), 4(a thru j), 5, 6(a thru i), 7(a thru k), 8 in Appendix.

Categories of individuals covered by the system: Bureau employees attending outside meetings.

Categories of records in the system: Request for approval of attendance at meeting by Form 7-1695 and related correspondence.

Authority for maintenance of the system: 43 U.S.C. 373, 373a, 1457, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are to document attendance at meetings and provide opportunity for administrative overview of current organizational policy requirements. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed by name of individual. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- two years. (4) Disposal -- In accordance with approved retention and disposal schedules.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the office listed under Location (above) servicing the facility at which he is (or was) employed. See 43 CFR 2.60.

Record access procedures: Same as Notification above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual employees.

INTERIOR/LBR- 4

System name: Audiograms (Hearing Test Record) -- Interior, Reclamation--4.

System location: Bureau of Reclamation offices numbered 3(a thru i), 4(a thru j), 6(a thru i) in Appendix.

Categories of individuals covered by the system: Federal employees who must work regularly in areas where noise levels exceed 90dBA.

Categories of records in the system: Audiogram completed on hearing test by trained Federal Audiometric Technician. The audiogram is then reviewed by an Audiologist. Appropriate personnel action is taken whenever it is determined that an employee is highly susceptible to noise-induced hearing loss, or whenever a significant job-connected hearing loss is indicated.

Authority for maintenance of the system: Executive Order 11807.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) for interpretation to take appropriate action to abate noise exposure hazard to employee. Disclosure outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, State, or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed by name of individual. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- In accordance with approved retention and disposal schedules.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the office listed under Location (above) servicing the facility at which he is (or was) employed. See 43 CFR 2.60.

Record access procedures: Same as Notification above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

Record source categories: Records obtained by trained Federal Audiometric Technicians and from individual employee.

INTERIOR/LBR- 5

System name: Claims -- Interior, Reclamation--5.

System location: (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 3(a thru l), 4(a thru i), 5(a thru i), 6(a thru i), 7 (a thru k), 8 (a thru h), 9 (a, c, e, f) in Appendix.

Categories of individuals covered by the system: Individuals who have filed Tort, Federal Employee, or Irrigation Claims.

Categories of records in the system: Contains records concerning claims, including the claims and supporting information submitted by the claimant, information developed concerning the claim and a record of the disposition of the claim if processing of the claim is complete.

Authority for maintenance of the system: (1) Federal Tort Claims Act, 28 U.S.C. 240-2680, (2) military personnel and civilian employees' Claims Act, 31 U.S.C. 240-243, (3) Public Works for Water and Power Development and Atomic Energy Commission Appropriation Act, Public Law 93-393, 88 Stat. 782, (4) Annual Public Works Appropriation Act of 1976, Public Law 94-180, 89 Stat. 1035, and (5) Act of July 12, 1976, 90 Stat. 889.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to analyze the facts and circumstances surrounding each accident, (b) for compilation of statistical data, (c) adjudicating tort, appropriation act, and employee claims. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- complete file maintained in manual form in file folders. (2) Retrievability -- by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location (above). See 43 CFR 2.60.

Record access procedures: Same as Notification above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Claimant. Investigations conducted by Reclamation offices and contractors, offices of the Department of the Interior, State or local governments.

Systems exempted from certain provisions of the act: The Privacy Act does not entitle an individual to access to information compiled in reasonable anticipation of a civil action or proceeding.

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INTERIOR/LBR- 6

System name: Collection Contracts -- Interior, Reclamation--6.

System location: (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 3(c thru j), 5(a thru d), 7(a thru h), 8(a thru h), 9(a;c,e) in Appendix.

Categories of individuals covered by the system: Individuals who lease, rent, or buy from the Bureau of Reclamation under a collection contract or agreement.

Categories of records in the system: Individual collection documents with related copies of bills and correspondence.

Authority for maintenance of the system: 31 U.S.C. 952, 7 GAO 11 - Policy and Procedures Manual for Guidance of Federal agencies.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are for (a) for the administration and negotiation of documents to collect money due the Bureau of Reclamation. Disclosures outside the Departmentof the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed by name of individual. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- transfer to Federal Records Center, Denver. Held in office three years after completion and settlement, then transfer with Accountable Officer's Records to the Records Center, Denver. (4) Disposal -- In accordance with approved retention and disposal schedules.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location above. See 43 CFR 2.60.

Record access procedures: Same as Notification above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom record is maintained.

INTERIOR/LBR- 7

System name: Concessions -- Interior, Reclamation--7.

System location: (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 3(a,c,g,i), 5, 7 (a thru k), 9 in Appendix.

Categories of individuals covered by the system: Individual concessionaire and applicants. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations and other business entities. These records are not subject to the Privacy Act.)

Categories of records in the system: Individual rental or lease agreements with individuals providing service or concessions at Bureau camps and headquarters.

Authority for maintenance of the system: Reclamation Law of 1902, as amended, 43 U.S.C. 371, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is administration of Reclamation facilities. Disclosures outside the Department of the Interior may be made (1) to State or local government agencies for taxation purposes; (2) to the U. S. Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- complete file maintained in manual form in file folders. (2) Retrievability -- by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location above. See 43 CFR 2.60.

Record access procedures: Same as Notification above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom record is maintained.

INTERIOR/LBR- 8

System name: Driver's License -- Interior, Reclamation--8.

System location: (1)Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 3 (a thru l), 4 (a thru j), 5, 6 (a thru i), 7 (a thru k), 8 in Appendix.

Categories of individuals covered by the system: Reclamation employees authorized to operate Government-owned vehicles.

Categories of records in the system: Name of individual holding license and expiration date of license.

Authority for maintenance of the system: 40 U.S.C. 471 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are to administer driver license program. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- complete file maintained in manual form in file folders. (2) Retrievability -- by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the office listed under Location (above) servicing the facility at which he is (or was) employed. See 43 CFR 2.60.

Record access procedures: Same as Notification above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

Record source categories: Individual on whom record is maintained.

INTERIOR/LBR- 9

System name: Foreign Visitors and Observers -- Interior, Reclamation--9.

System location: General Services Branch, Engineering and Research Center, Bureau of Reclamation, P.O. Box 25007, Bldg. 67, Denver Federal Center, Denver, Colorado 80225.

Categories of individuals covered by the system: Citizens who may accompany foreigners on domestic trips.

Categories of records in the system: Contains name and rank of traveller.

Authority for maintenance of the system: 43 U.S.C. 373, 373a, 1457, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is internal administration. Disclosures outside the Department of the Interior may be made (1) to news media as a contact; (2) to request or who may need to contact foreign visitors in case of emergency; (3) to the U. S. Department of Justice when related to litigation or anticipated litigation; (4) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (5) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- on correspondence. (2) Retrievability -- by name. (3) Safeguard's -- stored with safeguards meeting the requirements of 43 CFR 2.51. (4) Retention and Disposal -- Records Management Handbook No. 2. (4) Disposal -- In accordance with approved retention and disposal schedules.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: Inquiries regarding the existence of records should be addressed to the office listed under Location above. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: Same as Notification above. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom the record is maintained.

INTERIOR/LBR-10

System name: Identification Cards -- Interior, Reclamation--10.

System location: (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 3 (a thru l), 4 (a thru j), 5, 6 (a thru i), 7 (a thru k), 8 (a thru h), in Appendix.

Categories of individuals covered by the system: Individual Reclamation employees.

Categories of records in the system: Register of names to whom cards have been issued.

Authority for maintenance of the system: 5 U.S.C. 3101, 43 U.S.C. 373, 373a, 1467, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to maintain control of identification cards issued. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license; to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- complete file maintained in manual form in file folders. (2) Retrievability -- by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the office listed under Location (above) servicing the facility at which he is (or was) employed. See 43 CFR 2.60.

Record access procedures: Same as Notification above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom the record is maintained.

INTERIOR/LBR-11

System name: Individual Record of Issues -- Interior, Reclamation--11.

System location: (1) General Services Branch, Bureau of Reclamation, Engineering and Research Center, P.O. Box 25007, Bldg. 67, Denver Federal Center, Denver, Colorado 80225. (2) Reclamation offices numbered 6(a thru i) in Appendix.

Categories of individuals covered by the system: Every employee of Reclamation located at the Engineering and Research Center and upper Colorado Region.

Categories of records in the system: Contains record of I.D., passes, drivers licenses, and keys issued to Reclamation employees.

Authority for maintenance of the system: 5 U.S.C. 3101, 43 U.S.C. 373, 373a, 1457, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to collect I.D.'s, passes, drivers licenses, and keys when employees terminate employment; (b) to record I.D. numbers and drivers license numbers and expiration dates. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of the individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- on 5 x 8 cards. (2) Retrievability -- indexed by name. (3) Safeguards -- records are stored in metal cabinets. (4) Retention and Disposal -- records are maintained for the active life and then destroyed.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: An individual may request whether or not the system contains a record pertaining to him by addressing a written request to the head of the office listed under Location (above). See 43 CFR 2.60.

Record access procedures: Same as Notification above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirement of 43 CFR 2.71.

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Record source categories: Individual on whom the record is maintained

INTERIOR/LBR-12

System name: Inventions and Patents -- Interior, Reclamation--12.

System location: (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) General Services Branch, Bureau of Reclamation, Engineering and Research Center, P.O. Box 25007, Bldg. 67, Denver Federal Center, Denver, Colorado.

Categories of individuals covered by the system: Reclamation employees who have been granted patents or who are seeking patents.

Categories of records in the system: Contains name, organizational segment of inventor. Contains brief description of invention.

Authority for maintenance of the system: 5 U.S.C. 3101, 43 U.S.C. 373, 373a, 1457, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to administer internal program for determining rights of employee to invention and status of securing patent for invention. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, contract, grant or other benefit; (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- correspondence. (2) Retrievability -- by name. (3) Safeguards -- maintained with security meeting requirements of 43 CFR 2.51. (4) Retention and Disposal -- Records Management Handbook No. 2. (4) Disposal -- In accordance with approved retention and disposal schedules.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the office listed under Location (above) which services the facility at which he is (or was) employed. See 43 CFR 2.60.

Record access procedures: Same as Notification above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom the record is maintained.

INTERIOR/LBR-13

System name: Irrigation Management Service -- Interior, Reclamation--13.

System location: (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. 82) Reclamation offices numbered 3 (a, b, g, i) in Appendix.

Categories of individuals covered by the system: Individuals receiving irrigation waters from Reclamation constructed facilities.

Categories of records in the system: Computer input, storage, and output concerning water usage.

Authority for maintenance of the system: 43 U.S.C. 371, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is to assist farmers on Federal Projects in the selection of the proper amounts and timing of irrigation deliveries. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- On computer media. (2) Retrievability -- by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for computer and manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location above. See 43 CFR 2.60.

Record access procedures: Same as Notification above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom the record is maintained.

INTERIOR/LBR-14

System name: Land Exchange -- Interior, Reclamation--14.

System location: (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 3(a,c,g,j), 5(d), 7(a thru k), 8(a thru h) in Appendix.

Categories of individuals covered by the system: Individual exchange for Bureau of Reclamation purposes.

Categories of records in the system: General subject of exchange of certain unpatented or private land by certain qualified applicants whose lands have been determined to be insufficient to support a family. Exchange of land by the Bureau of project purposes.

Authority for maintenance of the system: 43 U.S.C. 371, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to maintain a history of land exchange and to protect individual rights. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in file folders by appropriate file codes. (2) Retrievability -- by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51. (4) Disposal -- records are disposed of periodically in accordance with established Bureau schedules. (4) Disposal -- In accordance with approved retention and disposal schedules.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location above. See 43 CFR 2.60.

Record access procedures: Same as Notification above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Information comes from the individual as well as the office involved.

INTERIOR/LBR-15

System name: Land Settlement Entries -- Interior, Reclamation--15.

System location: (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 3(a, c, g, j), 4(f), 5(d), 7(a thru k), 8(g) in Appendix.

Categories of individuals covered by the system: Individual applicants who wish to settle on lands on Federal Reclamation Project.

Categories of records in the system: (1) Applications including information as to character of individual applicant, veteran preference right, farming experience, assets (financial), health, appeals, and data concerning homesteading and applicant meeting requirements. (2) Notice to Land Office that homesteader has fulfilled requirements. (3) Data with Department of Agriculture as to applicability for loan.

Authority for maintenance of the system: (1) Section 4, Fact Finders Act of December 5, 1924 (43 Stat. 702), (2) Section 3, Reclamation Act of June 17, 1902 (1093-32 Stat. 388 and amendment); (3) Act of March 1, 1921, (102-41 Stat. 1202, (4) Act of April 7, 1921 (125-42 Stat. 492), (5) Section 44, The Omnibus Adjustment Act (44 Stat. 636), (6) Farm Unit Exchange Act of August 13, 1953 (428-67 Stat. 566).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to administer settler program and to determine if applicant is qualified to farm unit. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, State, or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- complete file maintained in manual form in file folders. (2) Retrievability -- by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location (above). See 43 CFR 2.63.

Record access procedures: Same as Notification above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom the record is maintained.

INTERIOR/LBR-16

System name: Litigation -- Interior, Reclamation--16.

System location: (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 3(a thru j), 4(a thru j), 5(a thru d), 6(a thru i), 7(a thru k) in Appendix.

Categories of individuals covered by the system: Individuals against whom Bureau of Reclamation has brought suit or who have brought suit against the Bureau of Reclamation.

Categories of records in the system: Correspondence and copies of documents from appropriate legal entities concerning condemnations of land, environmental suits to prohibit construction activities, and any information developed concerning any specific litigation.

Authority for maintenance of the system: (1) Section 7, Reclamation Act of 1902 (32 Stat. 389, 43 U.S.C. 421), (2) Pertinent provisions of Title 28, U.S.C. (3) Administrative Procedure Act, Chapter 7, Title 5, U.S.C.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) show record of ownership of lands and right-of-way required for reclamation purposes; (b) for record of final disposition of case. Disclosures outside the Department of the Interior may be made (1) to another Federal agency, a State or local government body having partial or complete jurisdiction over the claim or related claims; (2) to State or local government agencies for taxation purposes; (3) to the U. S. Department of Justice when related to litigation or anticipated litigation; (4) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (5) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- complete file maintained in manual form in file folders. (2) Retrievability -- by individual's name. (3) Safeguards -- Maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location (above). See 43 CFR 2.60.

Record access procedures: Same as Notification above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom the record is maintained. Investigations conducted by Reclamation, offices of the Department of the Interior, State, and local governments.

Systems exempted from certain provisions of the act: The Privacy Act does not entitle an individual to access to information compiled in reasonable anticipation of a civil action or proceeding.

INTERIOR/LBR-17

System name: Lands - Leases, Sales, Rentals, and Transfers -- Interior, Reclamation--17.

System location: (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 3(a,c,e,f,g,h,i), 4(a thru i), 5(a thru d), 6(a thru i), 7(a thru k), 8(a,b,c,g), 9(a,e) in Appendix.

Categories of individuals covered by the system: (1) Individuals who are applicants to lease, purchase, rent, or transfer lands. (2) Individuals who are successful applicants.

Categories of records in the system: Notice of Availability of lands (advertising) requests, contracts, renewals, and other supporting data concerning the sale, lease, rental, or transfer of Reclamation-owned lands.

Authority for maintenance of the system: (1) Taylor Grazing Act of June 28, 1934; (2) Uniform Relocation Assistance and Land Acquisition Policy Act of 1970; (3) Sale of Unproductive Public Land Act of May 16, 1930; (4) Section 4 of the Columbia Basin Project Act of March 10, 1943; (5) Disposal of Small Tracts Act of March 31, 1950; (6) Federal Property and Administrative Act of 1949 and amendments; (7) Act of February 2, 1911; (8) Act of May

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20 1920; (9) Reclamation Project Act of 1939; (10) Act of June 11, 1910.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) make known to interested individuals lands available for lease, sale, or rental; (b) to administer leases, sales, rentals, and transfers. Disclosures outside the Department of the Interior may be made (1) to appropriate Federal agency if it concerns other than reclamation lands; (2) to various counties for possessory interest tax; (3) anticipated litigation; (4) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (5) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- complete file maintained in manual form in file folders. (2) Retrievability -- by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location (above). See 43 CFR 2.60.

Record access procedures: Same as Notification above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom the record is maintained. County Recorder, Title companies, surveyors, and appraisers.

INTERIOR/LBR-18

System name: Lease of Housing -- Interior, Reclamation--18.

System location: Bureau of Reclamation offices numbered 3(a,c,e, f,g,j,l), 5, 6(a thru i), 7(a thru k), 8(a thru h), 9(b,c,e) in Appendix.

Categories of individuals covered by the system: Individuals who reside in Reclamation-owned housing.

Categories of records in the system: Miscellaneous requests, agreements, and pertinent records.

Authority for maintenance of the system: Reclamation Law of 1902, as amended, 43 U.S.C. 371, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to administer leasing and utilization of housing. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, State or local agencies here necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- completed file maintained in manual form in file folders. (2) Retrievability -- by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location (above). See 43 CFR 2.60.

Record access procedures: Same as Notification above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom the record is maintained.

INTERIOR/LBR-19

System name: Mineral Location Entries -- Interior, Reclamation--19.

System location: (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 3, 5(a thru d), 7(a thru k) in Appendix.

Categories of individuals covered by the system: Individual who has mineral entry on land Reclamation needs for Reclamation purposes.

Categories of records in the system: Data concerning entry and final disposition of claim.

Authority for maintenance of the system: Act of April 23, 1932, 47 Stat. 136.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to determine disposition of claims. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- complete file maintained in manual form in file folders. (2) Retrievability -- by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location (above). See 43 CFR 2.60.

Record access procedures: Same as Notification above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom the record is maintained.

INTERIOR/LBR-20

System name: Movable Property ADP Records -- Interior, Reclamation--20.

System location: (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 3(a thru l), 4(a thru j), 6(a thru i), 7(a thru k), 8(a thru h), in Appendix.

Categories of individuals covered by the system: Individual employees who are responsible for movable property.

Categories of records in the system: General file material and ADP printouts for Property Management.

Authority for maintenance of the system: 40 U.S.C. 483(b).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to identify responsible individuals for accountability of movable property. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- complete file maintained in manual form in file folders. (2) Retrievability -- by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the office listed under Location (above) servicing the facility at which he is (or was) employed. See 43 CFR 2.60.

Record access procedures: Same as Notification above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom the record is maintained.

INTERIOR/LBR-21

System name: Movable Property Individual Responsibility -- Interior, Reclamation--21.

System location: General Services Branch, Engineering and Research Center, P.O. Box 25007, Bldg. 67, Denver Federal Center, Denver, Colorado 80225.

Categories of individuals covered by the system: Division, branch, and section head personnel, also some secretaries and technicians authorized to sign for property.

Categories of records in the system: Contains employee number assigned to individuals by the Property and Purchasing Branch. Contains a list of equipment assigned to the individual.

Authority for maintenance of the system: 40 U.S.C. 483(b).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to account for all property charged to individuals; (b) to record acquisition-relinquishments and other transactions. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained on computer. (2) Retrievability -- by employee number. (3) Safeguards -- records are stored in metal cabinets. (4) Retention and Disposal -- records are maintained between inventories and then destroyed. (4) Retention and Disposal -- In accordance with approved retention and disposal schedules.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the office listed under Location (above). See 43 CFR 2.60.

Record access procedures: Same as Notification above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom the record is maintained and the Property and Purchasing Branch.

INTERIOR/LBR-22

System name: Oil and Gas Applications -- Interior, Reclamation--22.

System location: (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 3(a thru i), 5(a thru d), 6(a thru i), 7(a thru k), 8(a thru h), 9(c) in Appendix.

Categories of individuals covered by the system: Individuals who have filed for Oil and Gas Leases.

Categories of records in the system: Applications under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. 181, et seq. Applications are identified by Bureau of Land Management serial numbers.

Authority for maintenance of the system: 30 U.S.C. 181, et seq., 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) for proof and purpose of applications, and land status information. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- complete file maintained in manual form in file folders. (2) Retrievability -- by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location (above). See 43 CFR 2.60.

Record access procedures: Same as Notification above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom record is maintained.

INTERIOR/LBR-23

System name: Parking -- Interior, Reclamation--23.

System location: (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) General Services Branch, Bureau of Reclamation, En-

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gineering and Research Center, P.O. Box 25007, Bldg. 67, Denver Federal Centerr Denver, Colorado 80225.

Categories of individuals covered by the system: Employees in grade GS-12 and above. Also handicapped individuals and individuals and employees with heart problems.

Categories of records in the system: Contains name, grade, and computation date of the individual GS-12 and above. Contains name of handicapped or heart patient. Contains list of employees riding in car pool.

Authority for maintenance of the system: 40 U.S.C. 471, et seq., FMC 74-1, FPMR Temporary Regulation D-43.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to assign parking space. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- on 5 x 8 cards. (2) Retrievability -- by name. (3) Safeguards -- kept on file in the Property and Purchasing Branch in metal cabinets. (4) Retention and Disposal -- cards are destroyed upon the departure of the individual assigned the space.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office in which the records are located. See 43 CFR 2.60.

Record access procedures: Same as Notification above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom the record is maintained.

INTERIOR/LBR-24

System name: Payroll, Attendance and Leave Records (PAYPERS) -- Interior, Reclamation--24.

System location: (1) Division of Management Support, Engineering and Research Center, P.O. Box 25007, Denver Federal Center, Denver Colorado 80225. (2) Input documents supplied by Commissioner's Office, Washington, D.C., all Regional and Field Offices. (See Appendix for addresses.)

Categories of individuals covered by the system: All Reclamation employees with permanent, temporary, or indefinite appointments are maintained in the active files. Pay and leave information on all Reclamation employees who were paid during the year until the end of the calendar year.

Categories of records in the system: An individual record is maintained and updated for each employee biweekly and lists basic historical and current pay, leave, and personnel data.

Authority for maintenance of the system: 5 U.S.C., 5101, et. seq., 31 U.S.C. 66a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) for leave records and to prepare payrolls. Disclosures outside the Department of the Interior may be made (1) to the Department of the Treasury for preparation of payroll checks and payroll deduction and other checks to Federal, State and local government agencies, non-governmental organizations and individuals; (2) to the Internal Revenue Service and to State, Commonwealth, Territorial and local governments for tax purposes; (3) to the Civil Service Commission in connection with the Civil Service Retirement system; (4) to other Federal agencies to which employees have transferred; (5) to the U. S. Department of Justice when related to litigation or anticipated litigation; (6) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation order or license; (7) from the record of an individual in response to an Inquiry from a Congressional office made at the request of that individual; (8) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (9) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained on computer media, with input forms and printed outputs in manual form. (2) Retrievability -- indexed by name and identifying number of the employee. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for computer and manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him from the System Manager or the head of the office at which he is (or was) employed. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.60.

Record access procedures: A request for access may be addressed the same as Notification. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

Record source categories: Individual employees, timekeepers and supervisors.

INTERIOR/LBR-25

System name: Personal Author Reports -- Interior, Reclamation--25.

System location: General Services Branch, Bureau of Reclamation, Engineering and Research Center, P.O. Box 25007, Bldg. 67, Denver Federal Center, Denver, Colorado 80225.

Categories of individuals covered by the system: Individuals writing technical reports of interest to Reclamation.

Categories of records in the system: Contains name of author and other biographical information.

Authority for maintenance of the system: 43 U.S.C. 373, 373a, 1457, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to research technical reports by authors. Disclosures outside the Department of the Interior may be made to the general public.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- manual records. (2) Retrievability -- indexed by name. (3) Retention and Disposal -- retained indefinitely. (4) Disposal -- In accordance with approved retention and disposal schedules.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the office listed under Location above. See 43 CFR 2.60.

Record access procedures: Same as Notification above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Document.

INTERIOR/LBR-26

System name: Photographic Files -- Interior, Reclamation--26.

System location: (1) General Services Branch, Bureau of Reclamation, Engineering and Research Center, P.O. Box 25007, Bldg. 67, Denver Federal Center, Denver, Colorado 80225. (2) Reclamation offices numbered 6(a thru i) in Appendix.

Categories of individuals covered by the system: Individuals earning awards or service pins and individuals doing research for reports.

Categories of records in the system: Contains photograph of individuals by name. Contains name, date, and research number with caption describing research event.

Authority for maintenance of the system: 43 U.S.C. 373, 373a, 1457.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) in the administration of Bureau award and research programs. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained on photographic print paper of various sizes. (2) Retrievability -- indexed by name and number. (3) Safeguards -- filed in metal file cabinets. (4) Retention and Disposal - Records Management Handbook No. 2. (4) Retention and Disposal -- In accordance with approved retention and disposal schedules.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the office listed under Location above. See 43 CFR 2.60.

Record access procedures: Same as Notification above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom the record is maintained and supervisors.

INTERIOR/LBR-27

System name: Publication Sales -- Interior, Reclamation--27.

System location: General Services Branch, Bureau of Reclamation, Engineering and Research Center, P.O. Box 25007, Bldg. 67, Denver Federal Center, Denver, Colorado 80225.

Categories of individuals covered by the system: Individuals purchasing Reclamation publications.

Categories of records in the system: Contains the name and address of individuals purchasing Reclamation publications together with the amount of money remitted for same.

Authority for maintenance of the system: 43 U.S.C. 373, 373a, 1457, 44 U.S.C. 3101, 31 U.S.C. 65, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to account for monies received for publications. Disclosures outside the Department of the Interior may be made (1) to the Government Printing Office for publications; (2) to the U. S. Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained on 8 x 10 1/2 forms and correspondence. (2) Retrievability -- indexed by name. (3) Safeguards -- records are stored on open shelf files. (4) Retention and Disposal -- records are maintained in accordance with Records Management Handbook No. 2. (4) Retention and Disposal -- In accordance with approved retention and disposal schedules.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the office listed under Location above. See 43 CFR 2.60.

Record access procedures: Same as Notification above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom the record is maintained.

INTERIOR/LBR-28

System name: Real Property and Right-of-Way Acquisitions -- Interior, Reclamation -- 28.

System location: (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 3(a thru j), 4(a thru j), 5(a thru d), 6(a thru i), 7(a thru k), 8(a thru h), 9(a,b,e) in Appendix.

Categories of individuals covered by the system: Individual landowners from whom Bureau of Reclamation has purchased or condemned land, exercised reserved right-of-way, or received donation deeds, or from whom the Bureau is in the process of acquiring land or interests therein.

Categories of records in the system: Contains records concerning acquisition of land or right-of-way, including correspondence, appraisal reports, land descriptions, releases of prior liens, contracts to purchase, agreements between landowners and Reclamation, Notice of Exercise of Right-of-Way, payment data, copies of condemnation actions, and other supporting data required in specific transactions.

Authority for maintenance of the system: (1) Reclamation Act of 1902, as amended, and acts supplemental thereto, 43 U.S.C. 371, et seq. (2) Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4651, et seq. (3) Act of August 30, 1890 (26 Stat. 391), as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to maintain record of ownership of lands and rights-of-way acquired for Reclamation purposes. Disclosures outside the Department of the Interior may be made (1) to transfer administration of the land for transmission of power, recreation, fish and wildlife activities, and other purposes as required to another Federal agency, State and local government; (2) to transmit deeds to local County government to record ownership data; (3) to furnish copy of deed to appropriate irrigation district operating the irrigation system to advise right-of-way available in operating the system; (4) to transmit documents to Department of Justice for title opinion; (5) to the U. S. Department of Justice when related to litigation or anticipated litigation; (6) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (7) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- complete file maintained in manual form in file folders. (2) Retrievability -- by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

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Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location above. See 43 CFR 2.60.

Record access procedures: Same as Notification above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual land owners, County Recorders, title companies.

Systems exempted from certain provisions of the act: The Privacy Act does not entitle an individual to access to information prepared in reasonable anticipation of a civil action or proceeding.

INTERIOR/LBR-29

System name: Right-of-Way Applications -- Interior, Reclamation--29.

System location: (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 3(a thru j), 5(a thru d), 7(a thru k), 8(a thru h), 9 in Appendix.

Categories of individuals covered by the system: Applicants for right-of-way may or may not be identified by Bureau of Land Management serial numbers, Land description, value, and instrument of ownership.

Categories of records in the system: Applications for right-of-way.

Authority for maintenance of the system: Reclamation Act of 1902, as amended, and acts supplementary thereto, 43 U.S.C. 371, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to maintain land status information and proof of right-of-way permits for legal purposes. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or,implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- complete file maintained in manual form in file folders. (2) Retrievability -- by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location above. See 43 CFR 2.60.

Record access procedures: Same as Notification above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual, County Recorders, and Title companies.

INTERIOR/LBR-30

System name: Safe Driving Records -- Interior, Reclamation--30.

System location: (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 2, 3(a, b, c, e, f, g), 4(a thru j), 5(a thru d), 6(a thru i), 7(a thru k), 8(a thru h) in Appendix.

Categories of individuals covered by the system: Reclamation employees driving Government-owned vehicles.

Categories of records in the system: Driving record of Reclamation employees.

Authority for maintenance of the system: 43 U.S.C. 373, 373a, 1457, Executive Order 11807.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is for reporting purposes and for safe driving awards. Disclosures outside the Department of the Interior may be made to (1) National Safety Council for issuance of safe driving awards; (2) to the U. S. Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (5) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (6) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- complete file maintained in manual form in file folders. (2) Retrievability -- by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the office listed under Location (above) servicing the facility at which he is (or was) employed. See 43 CFR 2.60.

Record access procedures: Same as Notification above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom record is maintained.

INTERIOR/LBR-31

System name: Sale of Power to Individuals -- Interior, Reclamation--31.

System location: (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 5, 6(a thru i), 9(b) in Appendix.

Categories of individuals covered by the system: Individuals purchasing power from the Government.

Categories of records in the system: Contains executed contracts, agreements and all contract amendments, extension and other pertinent correspondence.

Authority for maintenance of the system: Reclamation Act of June 17, 1902, as amended, and acts supplementary thereto, 43 U.S.C. 371, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) for power accounting. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anitcipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- complete file

maintained in manual form in file folders. (2) Retrievability -- by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location above. See 43 CFR 2.60.

Record access procedures: Same as Notification above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

Record source categories: Individual receiving power meter readings.

INTERIOR/LBR-32

System name: Special Use Applications, Licenses, and Permits -- Interior, Reclamation--32.

System location: (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 3(a thru j), 4(a thru j), 5(a thru d), 6(a thru i), 7(a thru k), 9(a,b,c) in Appendix.

Categories of individuals covered by the system: Individuals who secure licenses and permits concerning Reclamation owned facilities.

Categories of records in the system: (1) Applications, (2) Licenses, (3) Permits, (4) Miscellaneous supporting data.

Authority for maintenance of the system: (1) Reclamation Law of 1902, as amended, and acts supplemental thereto, 43 U.S.C. 371, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to administer Reclamation-owned lands and facilities; (b) to allow individuals, firms or other Government entities to use Reclamation lands for special limited uses. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- complete file maintained in manual form in file folders. (2) Retrievability -- by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location above. See 43 CFR 2.60.

Record access procedures: Same as Notification above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

Record source categories: Individual on whom record is maintained.

INTERIOR/LBR-33

System name: Speeches -- Interior, Reclamation--33.

System location: (1) Division of General Services , Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) General Services Branch, Bureau of Reclamation, Engineering and Research Center, P.O. Box 25007, Bldg. 67, Denver Federal Center, Denver, Colorado 80225. (3) Reclamation offices numbered 3(a thru l), 5, 6(a thru i), 8(a thru h), 9 in Appendix.

Categories of individuals covered by the system: Bureau of Reclamation employees.

Categories of records in the system: Copies of speeches delivered by Bureau employees generally on the subject of Reclamation activities.

Authority for maintenance of the system: 43 U.S.C. 373, 373a, 1457, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) for reference purposes by Public Relations Officer.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- paper copies maintained in file folders. (2) Retrievability -- classified by subject code and arranged in alphabetical order by name of individual and office in which employee is employed. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51. (4) Retention and Disposal -- permanent retention for copies of speeches held in office speaker is employed. (4) Retention and Disposal -- In accordance with approved retention and disposal schedules.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the office listed under Location (above) servicing the facility at which he is (or was) employed. See 43 CFR 2.60.

Record access procedures: Same as Notification above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom record is maintained.

INTERIOR/LBR-34

System name: Thefts Listing -- Interior, Reclamation--34.

System location: General Services Branch, Engineering and Research Center, P.O. Box 25007, Bldg. 67, Denver Federal Center, Denver, Colorado 80225.

Categories of individuals covered by the system: Individuals reporting loss or theft.

Categories of records in the system: Contains name, room number, telephone extension of person reporting loss of materials through theft.

Authority for maintenance of the system: 5 U.S.C. 3101, 43 U.S.C. 373, 373a, 1457, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to document reporting of loss or theft. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- manual. (2) Retrievability -- by name of reporting individual. (3) Safeguards -- in locked desk and locked cabinets. (4) Retention and Disposal -- Records Management Handbook No. 2. (4) Retention and Disposal -- In accordance with approved retention and disposal schedules.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

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Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the offices listed under Location above. See 43 CFR 2.60.

Record access procedures: Same as Notification above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom the record is maintained.

INTERIOR/LBR-35

System name: Travel Approval Authorizations and Reports -- Interior, Reclamation--35.

System location: (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 3(a thru l), 4(a thru j), 5, 6(a thru i), 7(a thru k).

Categories of individuals covered by the system: Reclamation employees authorized to travel.

Categories of records in the system: Travel authorization.

Authority for maintenance of the system: 5 U.S.C. 5701, et seq., 7 GAO 22 - Policy and Procedures Manual for guidance of Federal Agencies.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to authorize employees to travel on official business. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- complete file maintained in manual form in file folders. (2) Retrievability -- by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the office listed under Location (above) servicing the facility at which he is (or was) employed. See 43 CFR 2.60.

Record access procedures: Same as Notification above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom the record is maintained.

INTERIOR/LBR-36

System name: Travel Voucher Records -- Interior, Reclamation--36.

System location: (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) General Services Branch, Bureau of Reclamation, Engineering and Research Center, P.O. Box 25007, Bldg. 67, Denver Federal Center, Denver, Colorado 80225. (3) Reclamation offices numbered 3, 6(a thru i), 7(a thru k), 8(a thru h), 9(a thru h) in Appendix.

Categories of individuals covered by the system: Individual Reclamation employees who have traveled on official business.

Categories of records in the system: Payment data for travel performed.

Authority for maintenance of the system: 5 U.S.C. 5701, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) for payment of travel and transportation. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- complete file maintained in manual form in file folders. (2) Retrievability -- by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the office listed under Location (above) servicing the facility at which he is (or was) employed. See 43 CFR 2.60.

Record access procedures: Same as Notification above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom record is maintained.

INTERIOR/LBR-37

System name: Trespass Cases -- Interior, Reclamation--37.

System location: (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 3(a thru l), 5(a thru d), 7(a thru k), 9(b, c) in Appendix.

Categories of individuals covered by the system: Individual who trespasses on Government-owned property.

Categories of records in the system: Contains correspondence re trespass, interim problems, and final disposition of case.

Authority for maintenance of the system: (1) Reclamation Act of 1902, as amended, and acts supplementary thereto, 43 U.S.C. 371, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to document final disposition of trespass. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- complete file maintained in manual form in file folders. (2) Retrievability -- by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Systems exempted from certain provisions of the act: Under the specific exemption authority provided by 5 U.S.C. Interior, Bureau of Reclamation, Washington, D.C. 20240. 552a(k)(2), the Department of the Interior has adopted a regulation, 43 CFR 2.79(b), which exempts this system from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f) and the portions of 43 CFR, Part 2, Subpart C which implement these provisions. The reasons for adoption of this regulation are set out at 40 FR 37217 (August 26, 1975).

INTERIOR/LBR-38

System name: Water Right Applications -- Interior, Reclamation--38.

System location: (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 3(a,c,g,h,j), 4(a thru j), 5(d), 7(a thru k), 9(c) in Appendix.

Categories of individuals covered by the system: Individual homesteaders who are eligible to receive water right certificates.

Categories of records in the system: Individual water right applications and supporting papers.

Authority for maintenance of the system: (1) Reclamation Act of 1902, as amended, and acts supplementary thereto, 43 U.S.C. 371, et seq. (2) Act of August 9, 1912 (37 Stat. 265), and any acts amendatory or supplementary thereto.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) for administration and negotiation of water right applications with individual landowners; (b) to entitle purchaser of water right certificate to final water right certificate upon completion of statutory requirements. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- complete file maintained in manual form in file folders. (2) Retrievability -- by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location above. See 43 CFR 2.60.

Record access procedures: Same as Notification above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom the record is maintained.

INTERIOR/LBR-39

System name: Water Rights Acquisition -- Interior, Reclamation--39.

System location: (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 3(a,c,g,h,i), 4(a thru j), 6(a thru i), 7(a thru k) in Appendix.

Categories of individuals covered by the system: Material pertaining to acquisition by the Bureau, by purchase or donation, etc., of water rights by others.

Categories of records in the system: Individual water service and agreements on diversion of water, along with related correspondence.

Authority for maintenance of the system: Reclamation Act of 1902, Section 8, 43 U.S.C. 372, 383,

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) for administration and negotiation of individual water service and agreements on division of water. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed by name of individual or landowner. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- none - no official schedule. (4) Disposal -- In accordance with approved retention and disposal schedules.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location above. See 43 CFR 2.60.

Record access procedures: Same as Notification above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual landowners.

INTERIOR/LBR-40

System name: Water Sales and Delivery Contracts -- Interior, Reclamation--40.

System location: (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 3(a,c,g,j), 4(a thru j), 5(a thru d), 6(a thru i), 7(a thru k), 8(a thru h), 9(c) in Appendix.

Categories of individuals covered by the system: Individuals who purchase excess water, water from unassigned reservoir space for irrigation or domestic use.

Categories of records in the system: Requests for water, contracts for individuals to receive water and pertinent correspondence.

Authority for maintenance of the system: (1) The Reclamation Project Act of June 17, 1902 (Ch. 1093, 32 Stat. 388), and acts amendatory thereof and supplementary thereto, particularly the Reclamation Project Act of August 4, 1939 (Ch. 418, 53 Stat. 1187). (2) Reclamation Extension Act of August 13, 1914. (3) The Omnibus Adjustment Act of May 25, 1926. (4) Section 2 of the Rivers and Harbors Act of August 26, 1937 (Ch. 832, 50 Stat. 844). (5) Reclamation Project Act of 1939, (6) Flood Control Act of 1944, Section 8.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) administration and negotiation of water sales contracts with individual landowner; (b) to sell water from Corps of Engineers dam and reservoir project. Disclosures outside the Department of the Interior may be made to State of California Water Resources Control Board for settlement of water rights; (2) to the U. S. Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing

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the statute, rule, regulation, order or license; (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- complete file maintained in manual form in file folders. (2) Retrievability -- by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location above. See 43 CFR 2.60.

Record access procedures: Same as Notification above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom record is maintained.

INTERIOR/LBR-41

System name: Permits -- Interior, Reclamation--41.

System location: (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 3(a thru j), 5(a thru d), 6(a thru i), 7(a thru k) in Appendix.

Categories of individuals covered by the system: (1) Individual who permits Reclamation employees to enter on his land. (2) Individual with permits to enter Bureau land or facilities.

Categories of records in the system: Written permission to enter private lands or Reclamation lands and facilities; permission to erect and maintain structures.

Authority for maintenance of the system: (1) Reclamation Project Act of June 17, 1902, as amended, and supplemental laws, 43 U.S.C. 371, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To allow Reclamation employees to perform required work on private lands. (2) To allow individuals to erect and maintain structures, on Bureau facilities or land. (3) Land status information, proof of permit and legal applications. (4) Transfer to U.S. Department of Justice in event of litigation involving the records or the subject matter of the records. (5) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal, or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- complete file maintained in manual form in file folders. (2) Retrievability -- by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location above. See 43 CFR 2.60.

Record access procedures: Same as Notification above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom record is maintained and County Recorders.

INTERIOR/LBR-42

System name: Recordable Contracts -- Interior, Reclamation--42.

System location: (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 3(c,g), 4(a thru j), 7(a thru e), 8(a thru h), 9(c,d) in Appendix.

Categories of individuals covered by the system: Individual landowner who wishes to receive irrigation water from a Reclamation project.

Categories of records in the system: Appraisal and reappraisal documents; contracts agreeing to sell land at appraisal price; miscellaneous correspondence and data supporting appraisals and reappraisals.

Authority for maintenance of the system: (1) Interior Appropriation Act for 1927-277, 44 Stat. 453; (2) Omnibus Adjustment Act, Sec. 46, 44 Stat. 636; (3) Columbia Basin Project Act: Sec. 2, 14, 57 Stat. 14; 1048, 64 Stat. 1037; 1060, 64 Stat. 1074; (4) Water Delivery After Death of Spouse Public Law 86-684, 74 Stat. 732; (5) Reclamation Act of 1902 and amendments; (6) Water Conservation and Utilization Act of October 14, 1940-54 Stat. 1119; (7) Small Reclamation Project Act; (8) Act of August 9, 1912; and (9) Act of July 11, 1956.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to determine value of excess land without reference to proposed construction of irrrigation works; (B) to determine eligibility of land to receive water; (c) to establish eligibility of landowner to receive federall-financed project water. Disclosures outside the Department of the Interior may be made (1) to various counties for recording of agreement pertaining to sale of excess lands; (2) to the U. S. Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- complete file maintained in manual form in file folders. (2) Retrievability -- by individual's name, (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records, (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed in Appendix A.

Record access procedures: Same as Notification above.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom record is maintained.

INTERIOR/LBR-44

System name: Vendor Payment Records--Interior, Reclamation -- 44.

System location: (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 3, 4(a thru i), 5(a thru d), 7(a thru k), 9(a thru e) in Appendix.

Categories of individuals covered by the system: Individual who furnishes supplies or services. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records

concerning corporations and other business entities. These records are not subject to the Privacy Act.)

Categories of records in the system: Contains name, service rendered, payments made, and supporting records.

Authority for maintenance of the system: 40 U.S.C. 486(c), 31 U.S.C. 66a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) for documentation to support disbursement of funds. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Complete file maintained in manual form in file folders. (2) Retrievability -- By individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- In accordance with approved Retention and Disposal Schedules.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location above. See 43 CFR 2.60.

Record access procedures: Same as Notification above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom record is maintained.

INTERIOR/LBR-45

System name: Equipment, Supply and Service Contracts--Interior, Reclamation -- 45.

System location: (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) General Services Branch, Bureau of Reclamation, Engineering and Research Center, P.O. Box 25007, Bldg. 67, Denver Federal Center, Denver, Colorado 80225. (3) Reclamation offices numbered 4(a thru i), 5(a thru d), 6(a thru i), 7(a thru k), 9(a, b, e) in Appendix.

Categories of individuals covered by the system: Individuals who have entered into contracts with the agency for equipment, supplies, and services. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations and other business entities. These records are not subject to the Privacy Act.)

Categories of records in the system: Contracts for the procurement of equipment, supplies, materials, and services; including reports of compliance or noncompliance to labor and other laws governing contract administration.

Authority for maintenance of the system: Reclamation Act of June 17, 1902, as amended, 43 U.S.C. 371, et seq., 40 U.S.C. 486(c), 31 U.S.C. 66a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) for administration of the contract. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order of license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Maintained in manual form in file folders. (2) Retrievability -- Indexed by name of individual or by purchase order number. (3) Safeguards -- Maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- 3 years after final settlement. (4) Disposal -- In accordance with approved retention and disposal schedules. disposal schedules.

System manager(s) and address: From individuals.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location above. See 43 CFR 2.60 for submission requirements.

Record access procedures: Same as Notification above. See 43 CFR 2.63 for submission requirements.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

INTERIOR/LBR-46

System name: Employee Trip Reports--Interior, Reclamation -- 46.

System location: (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) General Services Branch, Bureau of Reclamation, Engineering and Research Center, P.O. Box 25007, Bldg. 67, Denver Federal Center, Denver, Colorado 80225. (3) Reclamation offices numbered 5(a thru d), 7(a thru k) in Appendix.

Categories of individuals covered by the system: Staff personnel who have been authorized to review construction, maintenance, land matters, administrative duties, etc.

Categories of records in the system: Reporting condition in other offices as well as field offices for informational or historical purposes.

Authority for maintenance of the system: 43 U.S.C. 373, 373a, 1457, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to document suggested improvements in operations or structure modifications. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Maintained in file folders and classified by the subject of purpose of the field trip. (2) Retrievability -- By individual name. (3) Safeguards -- Maintained with safeguards meeting requirements of 43 CFR 2.51. (4) Disposal -- In accordance with approved retention and

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location above. See 43 CFR 2.60 for submission requirements.

Record access procedures: Same as Notification above. See 43 CFR 2.63 for submission requirements.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: From the employee taking the trip.

INTERIOR/LBR-47

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System name: Employees' Compensation Records -- Interior, Bureau of Reclamation -- 47.

System location: All offices listed in Appendix, except numbers 8(a thru h) and 9(a thru h).

Categories of individuals covered by the system: Reclamation employees.

Categories of records in the system: Copies of time and attendance reports and copies of information concerning injuries to Federal employees.

Authority for maintenance of the system: 5 U.S.C. 301, 3101, 8101, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) for reference to reply to employee requests. Disclosures outside the Department of the interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- complete file maintained in manual form in file folders. (2) Retrievability -- by individual's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location (above) at which he is (or was) employed. See 43 CFR 2.60 for submission requirements.

Record access procedures: Same as Notification above. See 43 CFR 2.63 for submission requirements.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom record is maintained.

INTERIOR/LLM- 1

System name: Mining Claim Title Clearance -- Interior, BLM--1.

System location: The Department of the Interior, Bureau of Land Management, Denver Federal Center, Bldg. 50, Denver, Colorado, 80225.

Categories of individuals covered by the system: Owners of record of mining claims on national resource lands.

Categories of records in the system: The record contains the name of the owner of record, name, acreage and location of the claim.

Authority for maintenance of the system: 30 U.S.C. 601, 611.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to identify owners of record of mining claims on National Resource lands and (b) to establish the chain of title of ownership, transfers between private individuals to validate the owner of record. Disclosures outside the Department of the Interior may be made, (1) to the U. S. Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Computer, Mag-tape. (2) Retrievability -- Indexed by name of owner and name of claim. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Disposal -- Not authorized.

System manager(s) and address: Chief, Division of Standards and Technology, U. S. Department of the Interior, Bureau of Land Management, Denver Federal Center, Bldg. 50, Denver, Colorado 80225.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager.

Record access procedures: To see your records write to the Systems Manager. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Research by BLM employees and applicants for patent of mining claims.

INTERIOR/LLM- 2

System name: Range Management System -- Interior, BLM--2.

System location: U. S. Department of the Interior, Bureau of Land Management, Denver Federal Center, Bldg. 50, Denver, Colorado, 80225.

Categories of individuals covered by the system: Individuals owning grazing leases and permits issued by BLM.

Categories of records in the system: The record contains the lessee's or permittee's name, address, description of the area, and the Bureau's assigned case file number.

Authority for maintenance of the system: 43 U.S.C. 315, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to identify the permittees and lessees authorized to graze lands administered by the Bureau of Land Management. (b) To print statements of grazing preference, grazing authorizations, billings for grazing fees due, and other reports, and (c) to provide information concerning the grazing permittees and lessees for administrative and public use. Disclosures outside the Department of the Interior may be made, (1) to a member of the general public in response to a specific request for pertinent information, (2) to the U. S. Department of Justice when related to litigation or anticipated litigation, (3) of information indicating a violation or potential violation of a statute, regulation, rule, order, permit, or lease, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order, permit, or lease, (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Computer, Mag-tape. (2) Retrievability -- Indexed by name of lessee, case file number, and land description. (3) Safeguard -- In accordance with 43 CFR 2.51. (4) Disposal -- Record destroyed fifteen years after termination of lease.

System manager(s) and address: Chief, Division of Standards and Technology, U. S. Department of the Interior, Bureau of Land Management, Denver Federal Center, Bldg. 50, Denver, Colorado 80225.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager.

Record access procedures: To see your records write to the Systems Manager. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Lessees.

INTERIOR/LLM- 3

System name: Mineral Lease Management -- Interior, BLM--3.

System location: U. S. Department of the Interior, Bureau of Land Management, Denver Federal Center, Bldg. 50, Denver, Colorado 80225.

Categories of individuals covered by the system: Individuals owning mineral leases issued by BLM.

Categories of records in the system: The record contains the lessee's name, address, description of the area leased, and the Bureau's assigned case file number.

Authority for maintenance of the system: 30 U.S.C. 181, 221.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to identify ownership of mineral leases and the amount of acreage leased by each individual, (b) to mail courtesy bills for rental due and and receipts of payment, and (c) to document for administrative use, information for the management, disposal and use of National Resource lands and resources. Disclosures outside the Department of the Interior may be made, (1) to a member of the general public in response to a specific request for pertinent information, (2) to the U. S. Department of Justice when related to litigation or anticipated litigation, (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Computer, Mag-tape. (2) Retrievability--Indexed by name of lessee, case file number, and land description. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Disposal -- Record destroyed fifteen years after termination of lease.

System manager(s) and address: Chief, Division of Budget and Finance, U. S. Department of the Interior, Bureau of Land Management, Denver Federal Center, Bldg. 50, Denver, Colorado 80225.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager.

Record access procedures: To see your records write to the Systems Manager. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Lessees

INTERIOR/LLM- 4

System name: Coal Lease Data System -- Interior, BLM--4.

System location: U. S. Department of the Interior, Bureau of Land Management, Denver Federal Center, Bldg. 50, Denver, Colorado 80225.

Categories of individuals covered by the system: Individuals owning federal coal leases issued by BLM.

Categories of records in the system: The record contains the lessee's name, address, description of the area leased, and the Bureau's assigned case file number.

Authority for maintenance of the system: 30 U.S.C. 181, 201.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to identify ownership of Federal Coal Leases and (b) to document for administrative use information for the management, disposal, and us of National Resource lands and resources. Disclosures outside the Department of the Interior may be made (1) to a member of the general public in response to a specific request for pertinent information, (2) to the U. S. Department of Justice when related to litigation or anticipated litigation, (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating rule, regulation, order or license, (4) FROM the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained on mag-tape. (2) Retrievability -- indexed by name of lessee, case file number, and land description. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for computerized records. (4) Disposal -- record destroyed fifteen years after termination of lease.

System manager(s) and address: Minerals Staff Leader, U. S. Department of the Interior, Bureau of Land Management, Denver Federal Center, Bldg. 50, Denver, Colorado 80225.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager.

Record access procedures: To see your records write to the Systems Manager. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Lessees.

INTERIOR/LLM- 5

System name: Alaska Native Claims -- Interior, BLM--5.

System location: Alaska State Office, U. S. Department of the Interior, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501

Categories of individuals covered by the system: Claimants under the Alaska Native Claims Act.

Categories of records in the system: The record contains the claimants name, address, description of the area claimed and the Bureau's assigned case file number.

Authority for maintenance of the system: Alaska Native Claims Act, PL 92-203.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to process claims for rights and interests in National Resource lands,)b) for recordation of adjudicative actions pertaining to the claims and (c) to index documentations in case files supporting administrative actions and notations made on land status records. Disclosures outside the Department of the Interior may be made (1) to a member of the general public in response to a specific request for pertinent information, (2) to appropriate federal agencies when concurrence or supporting information is required prior to granting a right or interest in National Resource lands and resources, (3) to the U. S. Department of Justice when related to litigation or anticipated litigation, (4) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (5) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Computer, Mag-tape. (2) Retrievability -- Indexed by name of claimant, case number, and land description. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Disposal -- Not authorized.

System manager(s) and address: Chief, Division of Management Services, U. S. Department of the Interior, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager.

Record access procedures: To see your records write to the Systems Manager. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Claimants, BIA, and BLM determinations.

INTERIOR/LLM- 6

System name: Mineral Surveyor Appointment File -- Interior, BLM--6.

System location: Division of Cadastral Survey (420), U. S. Department of the Interior, Bureau of Land Management, 2239 20th Street, N. W., Washington, D. C. 20240.

Categories of individuals covered by the system: Applicants for a Mineral Surveyor appointment and holders of an appointment.

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Categories of records in the system: Contains the name and biographical information for qualification of each applicant and data on the granting or rejection of each application for appointment.

Authority for maintenance of the system: 30 U.S.C. 39.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to process applications for appointment and (b) to issue notices of appointments. Disclosures outside the Department of the Interior may be made (1) to a member of the general public in response to a request for identification of appointed mineral surveyors within a particular state, (2) to Federal, State or local agencies when necessary to obtain information relevant to the application for appointment, (3) to the U. S. Department of Justice when related to litigation or anticipated litigation, (4) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (5) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual, file folders arranged alphabetically by name. (2) Retrievability -- Indexed by name of applicant or appointee. (3) Safeguard -- In accordance with 43 CFR 2.51. (4) Disposal -- File destroyed fifty years after administrative need has been completed.

System manager(s) and address: Chief, Division of Cadastral Survey (420), U. S. Department of the Interior, Bureau of Land Management, 1129 20th Street, N. W., Washinton, D. C. 20240.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager.

Record access procedures: To see your records write to the Systems Manager. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Applicants.

INTERIOR/LLM- 7

System name: Land and Resource Case File -- Interior, BLM-- 7.

System location: The BLM Offices listed in the Appendix, Parts B and C.

Categories of individuals covered by the system: Individuals who filed applications under appropriate statutes for national resource lands (public lands) or the resources in or on such lands and individuals from whom an interest has been acquired.

Categories of records in the system: The records contain the applicant's name, address, his qualification under the statute and regulations involved and other detailed information required by the regulations under which the application is filed, i.e., the extent of his oil and gas or other mineral holdings in national resource lands.

Authority for maintenance of the system: The various statutes under which applications are filed are listed in the regulations in Title 43 of the Code of Federal Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are, (a) to process applications for rights and interests in National Resource lands, (b) for recordation of adjudicative actions pertaining to the application, (c) to index documentations in case files supporting administrative actions and notations made on land status records, and (d) for recordation of acquisitions. Disclosures outside the Department of the Interior may be made, (1) to appropriate Federal agencies when concurrence is required prior to granting or acquiring a right or interest in lands or resources, (2 to a Federal, State or local agencies or a member of the general public in response to a specific request for pertinent information, (3) to the U. S. Department of Justice when related to litigation or anticipated litigation, (4) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (5) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual, file folders arranged by State, type of case and case number. (2) Retrievability -- Indexed by name of claimant and serial number. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Disposal -- Record destroyed fifteen years after the right is extinguished. If a permanent right is granted the record is permanently retained.

System manager(s) and address: Assistant Director - Technical Services, U. S. Department of the Interior, Bureau of Land Management, 18th and C Streets, N. W., Washington, D. C. 20240.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager or to the offices cited under Records Location.

Record access procedures: To see your records write to the Systems Manager or to the offices cited under Record Location. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Applicants. Investigations conducted by BLM or other offices of the Department.

INTERIOR/LLM- 8

System name: Aircraft Passenger Manifest Records - Fire Control -- Interior, BLM--8.

System location: U. S. Department of the Interior, Bureau of Land Management, Denver Federal Center, Bldg. 50, Denver, Colorado 80225; Boise Interagency Fire Center, BLM, 3905 Vista Avenue, Boise, Idaho 83705 and all Blm Offices listed in the Appendix, Part B.

Categories of individuals covered by the system: Individuals moved on government or chartered aircraft to or from a fire area.

Categories of records in the system: The record contains the individual's name, social security number, address and boarding point.

Authority for maintenance of the system: 16 U.S.C. 594; 31 U.S.C. 686; 42 U.S.C. 1856; 43 U.S.C. 315; 1181, and 1361.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is to identify individuals moved to or from a fire area. Disclosures outside the Department of the Interior may be made (1) to Federal, State or local agencies to verify the movement of an individual to or from a fire area, (2) to the U. S. Department of Justice when related to litigation or anticipated litigation, (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual, file folders, arranged by flight and alphabetically by name. (2) Retrievability -- Indexed by name of passenger on flight manifest. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Disposal -- Record destroyed seven years after flight.

System manager(s) and address: Assistant Director - Technical Services, U. S. Department of the Interior, Bureau of Land Management, 18th and C Streets, N. W., Washington, D. C. 20240.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager or to the offices cited under Records Location.

Record access procedures: To see your records write to the Systems Manager or the offices cited under Records Location. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Passenger on aircraft.

INTERIOR/LLM- 9

System name: Property and Supplies Accountability -- Interior, BLM--9.

System location: All BLM Offices listed in the Appendix; the Boise Interagency Fire Center, BLM, 3905 Vista Avenue, Boise, Idaho 83705 and U. S. Department of the Interior, Bureau of Land Management, Denver Federal Center, Bldg. 50, Denver, Colorado 80225.

Categories of individuals covered by the system: Individuals who are accountable for property and supplies.

Categories of records in the system: The record contains the user's name and description of the accountable property or supply.

Authority for maintenance of the system: 40 U.S.C. 483(b).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is to identify responsible individuals for accountability of property and supplies. Disclosures outside the Department of the Interior may be made, (1) to federal, State, or local agencies to recover accountable property or supplies, (2) to the U. S. Department of Justice when related to litigation or anticipated litigation, (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual, file folders, arranged alphabetically by name. (2) Retrievability -- Indexed by name of individual. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Disposal - Record destroyed when property is returned to stock.

System manager(s) and address: Assistant Director - Administration, U. S. Department of the Interior, Bureau of Land Management, 18th and C Streets, N. W., Washington, D. C. 20240.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager or to the offices cited under Records Location.

Record access procedures: To see your records write to the Systems Manager or to the offices cited under Records Location. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Individuals.

INTERIOR/LLM-10

System name: Vehicle Use Authorization -- Interior, BLM--10.

System location: All BLM Offices listed in the Appendix; the Boise Interagency Fire Center, BLM, 3905 Vista Avenue, Boise, Idaho 83705 and U. S. Department of the Interior, Bureau of Land Management, Denver Federal Center, BLdg. 50, Denver, Colorado 80225.

Categories of individuals covered by the system: Individuals who have been authorized to use government vehicles for official business and for use between residence and place of employment.

Categories of records in the system: The record contains the employee's name and purpose for use of vehicles.

Authority for maintenance of the system: 40 U.S.C. 491(1).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is to maintain records of authorized uses of government vehicles. Disclosures outside the Department of the Interior may be made (1) to Federal, State or local agencies to verify an authorized use, (2) to the U. S. Department of Justice when related to litigation or anticipated litigation, (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual, file folders arranged alphabetically by name. (2) Retrievability -- Indexed by name of employee. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Disposal - Record destroyed two years after return of vehicle.

System manager(s) and address: Assistant Director - Administration, U. S. Department of the Interior, Bureau of Land Management, 18th and C Streets, N. W., Washington, D. C. 20240.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager or to the offices cited under Records Location.

Record access procedures: To see your records write to the Systems Manager or to the offices cited under Records Location. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: BLM employees.

INTERIOR/LLM-11

System name: Identification Cards and Passes -- Interior, BLM--11.

System location: All BLM Offices listed in the Appendix; the Boise Interagency Fire Center, BLM, 3905 Vista Avenue, Boise, Idaho 83705 and U. S. Department of the Interior, Bureau of Land Management, Denver Federal Center, Bldg. 50, Denver, Colorado 80225.

Categories of individuals covered by the system: Individuals issued a pass or identification card.

Categories of records in the system: The record contains the individual's name, telephone number, organization locations and assigned number of the pass or identification card. When a fire fighter or fire support personnel is identified, the record contains the individual's fire specialty and information for emergency contact.

Authority for maintenance of the system: 5 U.S.C. 301, 3101, 43 U.S.C. 1457.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to maintain records of employees and other individuals issued passes and identification cards and (b) to identify qualified trained fire fighters. Disclosures outside the Department of the Interior may be made (1) to Federal, State or local agencies to identify qualified fire fighters, law enforcement officers and special investigators, (2) to the U. S. Department of Justice when related to litigation or anticipated litigation, (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual, control registers and telephone directive listings for special purposes. (2) Retrievability -- Indexed by name of employee and control number. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Disposal -- Record maintained current.

System manager(s) and address: Assistant Director - Administration, U. S. Department of the Interior, Bureau of Land Management, 18th and C Streets, N. W., Washington, D. C. 20240.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager or to the offices cited under Records Location.

Record access procedures: To see your records write to the Systems Manager or to the offices cited under Records Location. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: BLM employees.

INTERIOR/LLM-12

System name: Manpower Management -- Interior, BLM--12.

System location: U. S. Department of the Interior, Bureau of Land Management, Denver Federal Center, Bldg. 50, Denver, Colorado 80225.

Categories of individuals covered by the system: BLM employees.

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Categories of records in the system: The record contains the employee's nameg social security number, and organization location.

Authority for maintenance of the system: 5 U.S.C. 5301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is for the management of manpower and position organization control. Disclosures outside the Department of the Interior may be made, (1) from the record for reports to appropriate Federal and State agencies, (2) to the U. S. Department of Justice when related to litigation or anticipated litigation, (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Computer, Mag-tape. (2) Retrievability -- Indexed by name of employee, social security number, position number, and organization location. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Disposal -- Record maintained on a current basis.

System manager(s) and address: Chief, Division of Manpower and Organization, U. S. Department of the Interior, Bureau of Land Management, Denver Federal Center, Bldg. 50, Denver, Colorado 80225.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager.

Record access procedures: To see your records write to the Systems Manager. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Notification of personnel actions and organization changes.

INTERIOR/LLM-13

System name: Safety Management Information -- Interior, BLM--13.

System location: U. S. Department of the Interior, Bureau of Land Management, 18th and C Streets, N. W., Washington, D. C. 20240.

Categories of individuals covered by the system: BLM employees involved in a work related accident, private individuals involved in a BLM employee related accident, and private individuals involved in an accident on national resource lands or facilities.

Categories of records in the system: The record contains the name of the person involved, social security number, address, nature of the accident, injuries and property damage, if any, witnesses, and control number.

Authority for maintenance of the system: 5 U.S.C. 7902, 28 U.S.C. 2671-2680, 31 U.S.C. 240-243.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is to document information for the Department of the Interior automated system for accident reporting. Disclosures outside the Department of the Interior may be made, (1) to the Department of Labor in the event there is a claim for compensation, (2) from the record to individuals and companies involved, responsible or sureties, (3) to the U. S. Department of Justice when related to litigation or anticipated litigation, (4) of information indicating a violation or potential of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreigo agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (5) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual, file folders arranged alphabetically by name. (2) Retrievability -- Indexed by name of person involved in an accident, location, date, and control number. (3) Safeguards - In accordance with 43 CFR 2.51. (4) Disposal -- Record destroyed when administrative needs have been extinguished.

System manager(s) and address: Assistant Director - Technical Services, U. S. Department of the Interior, Bureau of Land Management, 18th and C Streets, N. W., Washington, D. C. 20240.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager.

Record access procedures: To see your records write to the Systems Manager. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Persons involved, witnesses to an accident, and investigations by BLM employees and other authorities.

INTERIOR/LLM-14

System name: Security Clearance Files -- Interior, BLM--14.

System location: U. S. Department of the Interior, Bureau of Land Management, 18th and C Streets, N. W., Washington, D. C. 20240.

Categories of individuals covered by the system: BLM employees.

Categories of records in the system: The record contains the employee's name, degree of security clearance, and location of employment.

Authority for maintenance of the system: E.O. 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is to identify employees having security clearance and their degree of security clearance. Disclosures outside the Department of the Interior may be made, (1) to the U. S. Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual, (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit, (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual, file folders arranged alphabetically by name. (2) Retrievability -- Indexed by name of employee. (3) Safeguards - In accordance with 43 CFR 2.51. (4) Disposal -- Record destroyed when administrative need is extinguished.

System manager(s) and address: Assistant Director - Administration, U. S. Department of the Interior, Bureau of Land Management, 18th and C Streets, N. W., Washington, D. C. 20240.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager.

Record access procedures: To see your records write to the Systems Manager. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Employee, personnel file and investigations by BLM or other agencies.

INTERIOR/LLM-15

System name: Correspondence Control -- Interior, BLM--15.

System location: U. S. Department of the Interior, Bureau of Land Management, 18th and C Streets, N. W., Washington, D. C. 20240.

Categories of individuals covered by the system: Individuals and Congressmen who have corresponded with BLM and whose correspondence has been placed under control.

Categories of records in the system: The record contains the correspondent's name, address, subject matter, and control number.

Authority for maintenance of the system: 5 U.S.C. 301, 43 U.S.C. 1457, 44 U.S.C. 3101, Reorganization Plan 3 of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is to identify correspondents and their subject matter of interest. Disclosures outside the Department of the Interior may be made, (1) to a member of the general public or a Federal official in response to specific requests for pertinent information, (2) to the U. S. Department of Justice when related to litigation or anticipated litigation, (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual, (5) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual, index cards arranged for each year alphabetically by name. (2) Retrievability -- Indexed by name of correspondent. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) disposal -- Record destroyed seven years after response.

System manager(s) and address: Assistant Director - Legislation and Planning, U. S. Department of the Interior, Bureau of Land Management, 18th and C Streets, N. W., Washington, D. C. 20240.

Notification procedure: To determine whether the records are maintained on you in this system, write to teh Systems Manager.

Record access procedures: To see your records write to the Systems Manager. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Correspondents.

INTERIOR/LLM-16

System name: Mineral and Vegetal Material Sales -- Interior, BLM--16.

System location: U. S. Department of the Interior, Bureau of Land Management, Denver Federal Center, Bldg. 50, Denver, Colorado 80225.

Categories of individuals covered by the system: Purchasers of mineral and vegetal materials.

Categories of records in the system: The record contains the purchaser's name, address, description of the material purchased, quantity, sales price, and the Bureau's assigned sales number.

Authority for maintenance of the system: 16 U.S.C. 617, 30 U.S.C. 601, 43 U.S.C. 1181a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is to identify for administrationalresources lands. Disclosures outside the Department oof the Interior may be made (1) to a member of the general public in rresponse to a specific request for pertinent information, (2) from the record for a semi-annual report to Congress, (3) to the U. S. Department ofJustice when related to litigation or anticipated litigation, (4) of information indicating a violation or potential violation of astatute, regulation, rule, order or license, to appropriate Federal,State, local or foreign agencies responsible for invvestigating orprosecuting the violation or for enforcing or implementing thestatute, rule, regulation, order or license, (5) from the record of anindividual in response to an inquiry from a Congressional officemade at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Computer, Mag-tape. (2) Retrievability -- Indexed by name of purchaser and sales number. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Disposal -- Record destroyed two years after completion of sales contract.

System manager(s) and address: Chief, Division of Budget and Finance, U. S. Department of the Interior, Bureau of Land Management, Denver Federal Center, Bldg. 50, Denver, Colorado 80225.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager.

Record access procedures: To see your records write to the Systems Manager. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Purchaser.

INTERIOR/LLM-17

System name: Payroll -- Interior, BLM--17.

System location: U. S. Department of the Interior, Bureau of Land Management, Denver Federal Center, Bldg. 50, Denver, Colorado 80225.

Categories of individuals covered by the system: BLM employees.

Categories of records in the system: The record contains the employee's name, social security number, address, and pertinent data for calculation of payroll, payroll deductions, leave, and length of service.

Authority for maintenance of the system: 5 U.S.C. 5101, et seq., 31 U.S.C. 66a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) for the recordation of pay data for the issuance of pay checks and (b) for the recordation of accumulated and used leave. Disclosures outside the Department of the Interior may be made, (1) to the Department of the Treasury for preparation of pay checks and checks for authorized deductions, (2) to the Internal Revenue Service and to State, commonwealth, territorial and local governments for tax purposes, (3) to the Civil Service Commission in connection with the Civil Service retirement system, (4) to another Federal agency to which an employee has transferred for accumulated leave, (5) to appropriate agencies, Federal and State for required reports, (6) to the U. S. Department of Justice when related to litigation or anticipated litigation, (7) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or or implementing the statute, rule, regulation, order or license, (8) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual, (9) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Computer, Mag-tape. (2) Retrievability -- Indexed by name of employee, social security number, and location. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Disposal -- Record maintained on a current basis.

System manager(s) and address: Chief, Division of Budget and Finance, U. S. Department of the Interior, Bureau of Land Management, Denver Federal Center, Bldg. 50, Denver, Colorado 80225.

Notification procedure: To determine whether the records are maintained on you in this system, write to the System Manager.

Record access procedures: To see your records write to the Systems Manager. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Employees and personnel records.

INTERIOR/LLM-18

System name: Criminal Case Investigation -- Interior, BLM--18.

System location: U. S. Department of the Interior, Bureau of Land Management, 18th and C Streets, N. W., Washington, D. C. 20240.

Categories of individuals covered by the system: Individuals suspected of violation of Federal Law concerning National Resource lands, resources or facilities.

Categories of records in the system: The record contains investigative and arrest data.

Authority for maintenance of the system: Reorganization Plan No. 3 of 1946, Section 403(b), 5 U.S.C. 301, 43 U.S.C. 1457.

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Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is to accumulate investigative data to determine if there is an indication of a violation of a Federal law. Disclosures outside the Department of the Interior may be made, (1) to the U. S. Department of Justice when related to litigation or anticlpated litigation, (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual, file folders, arranged alphabetically by name. (2) Retrievability -- Indexed by name of suspect and classified by violation of Federal Law. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Disposal -- Not authorized.

System manager(s) and address: Assistant Director - Technical Services, U. S. Department of the Interior, Bureau of Land Management, 18th and C Streets, N. W., Washington, D. C. 20240.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager.

Record access procedures: To see your records write to the Systems Manager. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Systems exempted from certain provisions of the act: Under the specific exemption authority provided by 5 U.S.C. 552a(k)(2), the Department of the Interior has adopted a regulation, 43 CFR 2.79(b), which exempts this system from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f) and the portions of 43 CFR, Part 2, Subpart C which implement these provisions. The reasons for adoption of this regulation are set out at 40 FR 37217 (August 26, 1975).

INTERIOR/LLM-19

System name: Civil Trespass Case Investigations -- Interior, BLM--19.

System location: The BLM Offices listed in the Appendix, Part B.

Categories of individuals covered by the system: Individuals suspected of and confirmed trespass on National Resource lands

Categories of records in the system: The record contains the individual's name, address, subject matter, control number, and data concerning possible civil trespass.

Authority for maintenance of the system: 43 U.S.C. 1201.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is to accumulate investigative data to determine whether a trespass has been committed. Disclosures outside the Department of the Interior may be made, (1) to the U. S. Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual, file folders, arranged alphabetically by name with cross-index by type and control number. (2) Retrievability -- Indexed by name of individual, subject matter, and control number. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Retention and Disposal -- Record destroyed fifty years after case if closed.

System manager(s) and address: Assistant Director - Technical Services, U. S. Department of the Interior, Bureau of Land Management, 18th and C Streets, N. W., Washington, D. C. 20240.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager or to the offices cited under Records Location.

Record access procedures: To see your records write to the Systems Manager or to the offices cited under Records Location. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Systems exempted from certain provisions of the act: Under the specific exemption authority provided by 5 U.S.C. 552a(k)(2), the Department of the Interior has adopted a regulation, 43 CFR 2.79(b), which exempts this system from the provisions of 5 U.S.C 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f) and the portions of 43 CFR, Part 2, Subpart C which implement these provisions. The reasons for adoption of this regulation are set out at 40 FR 37217 (August 26, 1975).

INTERIOR/LLM-20

System name: Employee Conduct Investigations -- Interior, BLM--20.

System location: U. S. Department of the Interior, Bureau of Land Management, 18th and C Streets, N. W., Washington, D. C. 20240.

Categories of individuals covered by the system: BLM employees.

Categories of records in the system: The record contains the employee's name, work location, and subject matter.

Authority for maintenance of the system: 5 U.S.C. 7301, 43 U.S.C. 11, E.O. 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to identify employee and subject matter of allegation and (b) to accumulate investigative data to determine the validity of the allegation. Disclosures outside the Department of the Interior may be made, (1) to the U. S. Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or enforcing or implementing the statute, rule, regulation, order or license, (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual, (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual, file folders arranged alphabetically by name. (2) Retrievability -- Indexed by name of employee. (3) Safeguards - In accordance with 43 CFR 2.51. (4) Disposal -- Record destroyed seven years after case is closed.

System manager(s) and address: Associate Director, U. S. Department of the Interior, Bureau of Land Management, 18th and C Streets, N. W., Washington, D. C. 20240.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager.

Record access procedures: To see your records write to the Systems Manager. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Systems exempted from certain provisions of the act: Under the specific exemption authority provided by 5 U.S.C. 552a(k)(2), the Department of the Interior has adopted a regulation, 43 CFR 2.79(b), which exempts this system from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f) and the portions of 43 CFR, Part2, Subpart C which implement these provisions. The reasons for adoption of this regulation are set out at 40 FR 37217 (August 26, 1975). and (I), and (f).

INTERIOR/LLM-21

System name: Travel -- Interior, BLM--21.

System location: Division of Finance (520), U. S. Department of the Interior, Bureau of Land Management, 18th and C Streets, N. W., Washington, D. C. 20240 and U. S. Department of the Interior, Bureau of Land Management, Denver Federal Center, Bldg. 50, Denver, Colorado 80225.

Categories of individuals covered by the system: Individuals authorized to travel at Government expense.

Categories of records in the system: Contains the authorization to travel to specified places, name of traveler, purpose and date of travel, estimated costs, mode of transportation and travel voucher showing actual expenses and itinerary.

Authority for maintenance of the system: 5 U.S.C. 5701, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of records are (a) to process requests for and issue authorizations to travel at the government's expense and (b) to process expense vouchers upon completion of travel. Disclosures outside the Department of the Interior may be made, (1) to the U. S. Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual, file folders arranged alphabetically by name and authorization number. (2) Retrievability -- Index by authorization number. (3) Safeguard -- In accordance with 43 CFR 2.51. (4) Disposal -- Record destroyed four years after travel is completed.

System manager(s) and address: Assistant Director - Administration, U. S. Department of the Interior, Bureau of Land Management, 18th and C Streets, N. W., Washington, D. C. 20240.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager or to the offices cited under Records Location.

Record access procedures: To see your records write to the Systems Manager or to the offices cited under Records Location. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Bureau employees and individuals authorized to travel.

INTERIOR/LLM-22

System name: Financial Management -- Interior, BLM--22.

System location: U. S. Department of the Interior, Bureau of Land Management, Denver Federal Center, Bldg. 50, Denver, Colorado 80225.

Categories of individuals covered by the system: Vendors and their designated payee who have sold items to BLM. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations and other business entities. These records are not subject to the Privacy Act.)

Categories of records in the system: The record contains the vendor's and payee's address, description of the items purchased, purchase price, and the purchase order number.

Authority for maintenance of the system: 43 U.S.C. 1201.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is to designate payees to whom payments are to be made. Disclosures outside the Department of the Interior may be made (1) to Federal, State or local agencies in response to specific requests for pertinent information, (2) to the U. S. Department of Justice when related to litigation or anticipated litigation, (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Computer, Mag-tape. (2) Retrievability -- Indexed by name of vendor and payee, and the purchase order number. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Disposal - Record destroyed one year after payment.

System manager(s) and address: Chief, Division of Budget and Finance, U. S. Department of the Interior, Bureau of Land Management, Denver Federal Center, Bldg. 50, Denver, Colorado 80225.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager.

Record access procedures: To see your records write to the Systems Manager. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Vendors and GSA purchase contracts.

INTERIOR/LLM-23

System name: Contract Files -- Interior, BLM--23.

System location: All BLM Offices listed in the Appendix; the Boise Interagency Fire Center, BLM, 3905 Vista Avenue, Boise, Idaho 83795 and U. S. Department of the Interior, Bureau of Land Management, Denver Federal Center, Bldg. 50 Denver, Colorado 80225.

Categories of individuals covered by the system: Individuals who have contracted with BLM to supply goods or services and prospective suppliers and bidders. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations and other business entities. These records are not subject to the Privacy Act.)

Categories of records in the system: The record contains the contractor's name, address, subject matter, purchase order number and, when requested, statement of qualifications.

Authority for maintenance of the system: 40 U.S.C. 481.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is to identify contractors, prospective supplies, bidders and subject matter of interest. Disclosures outside the Department of the Interior may be made (1) to Federal, State or local agencies in response to specific requests for pertinent information, (2) to the U. S. Department of Justice when related to litigation or anticipated litigation, (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of the individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual, file folders arranged alphabetically by name and goods or services furnished. (2) Retrievability -- Indexed by name of contractor and goods or services furnished. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Disposal -- Record destroyed ten years after completion of contract.

System manager(s) and address: Assistant Director - Administration, U. S. Department of the Interior, Bureau of Land Management, 18th and C Streets, N. W., Washington, D. C. 20240.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager or to the offices cited under Records Location.

Record access procedures: To see your records write to the Systems Manager or to the offices cited under Records Location. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Contractors and GSA purchase contract.

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INTERIOR/LLM-24

System name: Copy Fee Deposist -- Interior, BLM--24.

System location: All BLM State offices listed in the Appendix, Part B.

Categories of individuals covered by the system: Individuals who have deposited money with Bureau of Land Management to be used to pay for copies of records, lists, maps or other documents.

Categories of records in the system: The record contains the depositor's name mailing address and identification of items for which there is a standing order.

Authority for maintenance of the system: 31 USC 66 a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to maintain individual accounts of advance copy fee deposits and (b) to maintain names of companies and individuals who have standing requests for copies of specific records each time they are produced, such as lists of parcels available for oil and gas simultaneous lease filings. Disclosures outside the Department of the Interior may be made, (1) to the U. S. Department (2) of information indicating a violation or potential violation of a statute, regulation rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, and (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual, file folders arranged alphabetically by name. (2) Retrievability -- Indexed by name of depositor. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Disposal -- Record destroyed when account is closed.

System manager(s) and address: Assistant Director - Administration, U. S. Department of the Interior, Bureau of Land Management, 18th and C Streets, N. W., Washington, D. C. 20240.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager or to the offices cited under Records Location.

Record access procedures: To see your records write to the Systems Manager or to the offices cited under Records Location. Describe as specifically as possible the records sought. If copies are desired indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Depositors.

INTERIOR/LLM-25

System name: Outer Continental Shelf Lease Sale -- Interior, BLM--25.

System location: All Offices listed in the Appendix, Part C.

Categories of individuals covered by the system: Qualified bidders. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations, other business entities and organizations. These records are not subject to the Privacy Act.)

Categories of records in the system: The record contains the bidder's name, assigned identification number, description of the area bid, percent of interest in bid, and the ranking of each bid.

Authority for maintenance of the system: 43 U.S.C. 1331.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is to identify successful bidders for each sale. Disclosures outside the Department of the Interior may be made (1) to the general public by the publication of information for all bids on each sale, (2) to the U. S. Department of Justice when related to litigation or anticipated litigation, (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Computer, Mag-tape. (2) Retrievability -- Indexed by name of bidder, bidder identification number, and description of area bid. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Disposal -- Record destroyed after publication. New record created for each State.

System manager(s) and address: Official in charge of each Outer Continental Shelf Office. See Appendix, Part C for addresses.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager or to the offices cited under Records Location.

Record access procedures: To see your records write to the Systems Manager or to the offices cited under Records Location. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Bidders.

INTERIOR/LLM-26

System name: Incentive and Honor Awards -- Interior, BLM--26.

System location: U. S. Department of the Interior, Bureau of Land Management, 18th and C Streets, N. W., Washington, D. C. 20240; U. S. Department of the Interior, Bureau of Land Management, Denver Federal Center, Bldg. 50, Denver, Colorado 80225; Boise Interagency Fire Center, BLM, 3905 Vista Avenue, Boise, Idaho 83705, and all State Offices listed in the Appendix, Part B.

Categories of individuals covered by the system: BLM employees who have submitted a beneficial suggestion and individuals recommended or nominated for a performance or honor award.

Categories of records in the system: The record contains the person's name, file number, and biographic data for honor awards.

Authority for maintenance of the system: 5 U.S.C. 4502, 4503, 4504, and 4506.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is to accumulate information concerning an individual to be used as a basis for awarding and/or honoring employees and non-employees. Disclosures outside the Department of the Interior may be made, (1) to nominate individuals for non-government awards, (2) to the U. S. Department of Justice when related to litigation or anticipated litigation, (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (4) from the record of an individual in response to an inquiry from a congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual, file folders arranged alphabetically by name and cross-index by control number. (2) Retrievability -- Indexed by name of individual and assigned file number. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Disposal -- Record destroyed two years after approval or four years after rejection.

System manager(s) and address: Assistant Director - Technical Services, U. S. Department of the Interior, Bureau of Land Management, 18th and C Streets, N. W., Washington, D. C. 20240.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager or to the offices cited under Records Location.

Record access procedures: To see your records write to the Systems Manager or to the offices cited under Records Location. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Suggestions received from employees. Evaluations by supervisors for performance awards and from employees nominating persons for honor awards.

INTERIOR/LLM-27

System name: Real Estate Appraiser Roster -- Interior, BLM--27.

System location: U. S. Department of the Interior, Bureau of Land Management, Denver Federal Center, Bldg. 50, Denver, Colorado, 80225, and all BLM State Offices Listed in the Appendix, Part B.

Categories of individuals covered by the system: Individuals, not regular federal employees, who have requested that they be listed by geographic areas on rosters of appraisers available to do contract appraisals for BLM.

Categories of records in the system: The record contains the appraiser's application to be placed on rosters and records of review of appraisals done by the appraiser for BLM.

Authority for maintenance of the system: 41 U.S.C. 252(c)(4).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is to identify qualified appraisers available to do appraisals for a fee. Disclosures outside the Department of the Interior may be made, (1) to Federal, State or local agencies to to private individuals or businesses where necessary to obtain information relevant to verification of qualifications, (2) to Federal, State or local agencies or to private individuals or businesses which have requested information relevant or necessary to its hiring or retention of an employee, (3) to the U. S. Department of Justice when related to litigation or anticipated litigation, (4) of information indicating a violation or potential violation of a statute, regulation rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, and (5) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual, file folders arranged alphabetically by name, (2) Retrievability -- Indexed by name of applicant, (3) Safeguards -- In accordance with 43 CFR 2.51, (4) Disposal -- Record destroyed when applicant ceases to be available.

System manager(s) and address: Chief, Division of Appraisal (450), U. S. Department of the Interior, Bureau of Land Management, 1129 20th Street, N. W., Washington, D. C. 20240.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager or to the offices cited under Records Location.

Record access procedures: To see your records write to the Systems Manager or to the offices cited under Records Location. Describe as specifically as possible the records sought. If copies are desired indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Applicants and BLM employees.

INTERIOR/LLM-28

System name: Adopt a Wild Horse -- Interior, BLM--28.

System location: U. S. Department of the Interior, Bureau of Land Management 18th and C Streets, N. W., Washington, D. C. 20240 and offices listed in Appendix, Part B.

Categories of individuals covered by the system: Applicants to obtain custody of a wild horse or burro.

Categories of records in the system: The record contains the applicant's identification and identification and qualifications to obtain custody of a wild horse or burro, the record of the disposition of the application and the cooperative agreement when custody is granted.

Authority for maintenance of the system: 16 U.S.C. 1333(b).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) to identify individuals who have applied to obtain custody of a wild horse or burro and (b) to document the rejection, suspension or granting of the request. Disclosures outside the Department of the Interior may be made, (1) to organizations and members of the general public as to the disposition of wild horses or burros, (2) to the U. S. Department of Justice when related to litigation or anticipated litigation, (3) of information indicating a violation or potential violation of a statute, regulation rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, and (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Manual, file folders arranged alphabetically by name, (2) Retrievability -- Indexed by name, (3) Safeguards -- In accordance with 43 CFR 2.51, (4) Disposal -- Application destroyed upon completion of final action. Cooperative agreement destroyed upon termination of the agreement.

System manager(s) and address: Assistant Director - Resources, U. S. Department of the Interior, Bureau of Land Management, 18th and C Streets, N. W., Washington, D. C. 20240.

Notification procedure: To determine whether the records are maintained on you in this system, write to the Systems Manager or to the offices cited under Records Location.

Record access procedures: To see your records write to the Systems Manager or to the offices cited under Records Location. Describe as specifically as possible the records sought. If copies are desired indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write the Systems Manager.

Record source categories: Applicants.

Interior/LLM-29

System name: Recordation of Mining Claims -- Interior, BLM--29.

System location: All BLM State offices listed in the Appendix, Part B.

Categories of individuals covered by the system: Individuals who have filed notices or certificates of location for mining claims, millsites, or tunnel sites and individuals who have filed notice of transfer after obtaining a possessory interest in a mining claim, millsite or tunnel site.

Categories of records in the system: The record contains the owner's name, mailing and resident address, identifiaction and location of the mining claim, millsite or tunnel site, reference to the recordation in the county or local public recording office, verification of assessment or notice of intent to hold, and applications for patents with related documents.

Authority for maintenance of the system: 30 U.S.C. 22; 43 U.S.C. 1744.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (1) to record unpatented mining claims, millsites and tunnel sites, (2) to identify the owners, (3) to process applications for mineral surveys and patents (4) for recordation of adjudicative actions, and (5) to index documentations in case files supporting administrative actions and notations made on land and resource status records. Disclosure outside the Department of the Interior may be made, (1) to appropriate Federal agencies when location is within that agency's geographic area of responsibility, (2) to Federal, State or local agencies or a member of the general public in response to a specific request for pertinent information, (3) to the U.S. Department of Justice when related to litigation or anticipated litigation, (4) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (5) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Maintained manually in case file folders. (2) Retrievability -- Indexed by name and case serial number. (3) Safeguards -- In accordance with 43 CFR 2.51. (4) Disposal -- Records are permanently retained.

System manager(s) and address: Assistant Director - Technical Services, Department of the Interior, Bureau of Land Management, 18th and C Streets, N.W., Washington, D.C. 20240.

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Notification procedure: To determine whether records are maintained on you in this system, write to the Systems Manager or to the offices cited under System Location.

Record access procedures: To see your records write to the System Manager or to the offices cited under system location. Describe as specificallly as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

Contesting record procedures: To request corrections or the removal of material from your files, write to the Systems Manager.

Record source categories: Owners of unpatented mining claims, millsites or tunnel sites and Department of the Interior employees.

INTERIOR/OHA- 1

System name: Hearings and Appeals Files - Interior, OHA--1.

System location: (1) Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Virginia 22203. (2) All field facilities of the Office of Hearings and Appeals. (See appendix for addresses).

Categories of individuals covered by the system: Individual persons involved in hearings and appeals proceedings before the Hearings Division, Appeals Boards, and the Director, OHA.

Categories of records in the system: Information assembled in case files pertaining to hearings proceedings, and to appeals to the Department relating to: (a) contract disputes arising out of findings of fact or decisions by contracting officers of any bureau or office of the Department, or any field installation thereof, which are considered and decided finally for the Department by the Interior Board of Contract Appeals; (b) Indian probate matters, including determination of heirs and approval of wills, except as to members of the Five Civilized Tribes and Osage Indians and resolution of appeals to the Department in such matters; proceedings in Indian probate relating to Tribal acquisition of certain interests of decedents in trust and restricted lands; and appeals pertaining to administrative actions of BIA officials in cases involving determinations, findings and orders protested as a violation of a right or privilege of the appellant, which are considered and decided finally for the Department by the Interior Board of Indian Appeals; (c) appeals from decisions rendered by Departmental officials relating to the use and disposition of public lands and their resources and the use and disposition of mineral resources in certain acquired lands of the United States and in the submerged lands of the Outer Continental Shelf, which are considered and decided finally for the Department by the Interior Board of Land Appeals; (d) appeals from orders and decisions issued by Departmental officials and administrative law judges in proceedings relating to mine health and safety, which are considered and decided finally for the Department by the Interior Board of Mine Operations Appeals; (e) claims under the Alaska Native Claims Settlement Act which are considered and decided finally for the Department by the Alaska Native Claims Appeal Board; (f) wildlife civil penalty assessment hearings before administrative law judges of the OHA and appeals from their orders and decisions which are considered and decided finally for the Department by the Director, OHA, or ad hoc appeals boards appointed by him; (g) appeals from orders and decisions of Departmental bureaus pertaining to relocation assistance benefits claims, considered and decided finally for the Department by the Director, OHA, or ad hoc appeals boards appointed by him; (h) grievance proceedings involving employees of the Department, in which hearings are conducted and recommended decisions are prepared by OHA attorneys and administrative law judges under authority delegated by the Director, OHA; (i) proceedings and decisions by administrative law judges and the Director, OHA, final for the Department, pursuant to enforcement of Executive Order 11246, as amended, and rules, regulations and orders thereunder; (j) proceedings and decisions by administrative law judges and the Director, OHA, concerning nondiscrimination in Federally assisted programs in connection with which Federal financial assistance is extended under laws administered in whole or in part by the Department of the Interior--Effectuation of Title VI of the Civil Rights Act of 1964; (k) proceedings and decisions by administrative law judges and the Director, OHA, concerning nondiscrimination in activities conducted under permits, rights-of-way, public land orders, and other Federal authorizations granted or issued under Title II of the Trans- Alaska Pipeline Authorization Act.

Authority for maintenance of the system: (a) R.S. 2478, as amended, 43 U.S.C. sec. 1201; 5 U.S.C. sec. 301. (b) 5 U.S.C. sec. 301; secs. 1, 2, 36 Stat. 855, as amended, 856, as amended, sec. 1, 38 Stat. 586, 42 Stat. 1185, as amended, secs. 1, 2, 56 Stat. 1021, 1022; 25 U.S.C. 372, 373, 374, 373a, 373b; Act of December 31, 1970 (P.L. 91-627; 84 Stat. 1874; 25 U.S.C. 607), amending sec. 7 of the Act of August 9, 1946 (60 Stat. 968; 25 U.S.C. 607), with respect to trust or restricted land within the Yakima Reservation or within the area ceded by the Treaty of June 9, 1855 (12 Stat. 1951); Act of August 10, 197 (P.L. 92-377; 86 Stat. 530), with respect to trust or restricted lands within the Warm Springs Reservation or within the area ceded by the Treaty of June 25, 1855 (12 Stat. 37); Act of September 29, 1972 (P.L. 920443; 86 Stat. 744), with respect to trust or restricted land within the Nez Perce Indian Reservation or within the area ceded by the Treaty of June 11, 1855 (12 Stat. 957); R.S. 463, 465, 5 U.S.C. sec. 301, and 25 U.S.C. secs. 2 and 9. (c) R.S. 2478, as amended, 43 U.S.C. sec. 1201; 5 U.S.C. sec. 301; sec. 2, 48 Stat. 1270; 43 U.S.C. sec. 315a. (d) R.S. 2478, as amended, 43 U.S.C. sec. 1201; 5 U.S.C. sec. 301; secs. 9, 508, 80 Stat. 777, 83 Stat. 803; 30 U.S.C. 728, 957. (e) R.S. 2478, as amended, 43 U.S.C. sec. 1201; 5 U.S.C. sec. 301; 43 U.S.C. 1601-1624. (f) Lacey Act, 18 U.S.C. sec. 43; Endangered Species Act of 1973, 16 U.S.C. sec. 1531 et seq.; Endangered Species Conservation Act of 1969 (formerly) 16 U.S.C. sec. 668aa et seq.; Marine Mammal Protection Act of 1972, 16 U.S.C. sec. 1361 et seq.; Bald Eagle Protection Act. 16 U.S.C. sec. 668 et seq.; 5 U.S.C. sec. 301. (g) 42 U.S.C. secs. 4601-4655; 5 U.S.C. 301. (h) 5 U.S.C. 301; 5 CFR Part 771; 5 U.S.C. 1302, 3301, 3302, E.O. 10577; 3 CFR, 1954-1958 Comp., p. 218, E.O. 10987; 3 CFR, 1959-1963 Comp., p. 519. (i) 5 U.S.C. sec. 301; E.O. No. 11246 of September 24, 1965, as amended by E.O. No. 11375 of October 13, 1967, and 41 CFR 60-1.26(b), as amended September 30, 1972. (j) 43 CFR 17.8; 5 U.S.C. sec. 301; Title VI of the Civil Rights Act of 1964 (section 602, 42 U.S.C. 2000d-1); 43 CFR Part 17, including Appendix A thereto. (k) Sec. 403, P.L. 93-153, 87 Stat. 576, 5 U.S.C. sec. 301, and 43 CFR Part 27.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are for the adjudication and determination of issues in hearings and appeals proceedings. Disclosures outside the Department of the Interior may be made (1) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- Maintained in manual form in file folders. (2) Retrievability -- Indexed by name of appellant, claimant, etc., and by OHA docket number. (3) Safeguards -- Maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- Case materials returned tt operating bureau or office after completion of OHA functions. Records of decisions not authorized for disposal.

System manager(s) and address: Director, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, VA 22203.

Notification procedurr: System Manager or, with respect to records maintained in a field office for shich he is responsible, an administrative law judge or chief administrative law judge in charge. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager or, with respect to records maintained in a field office for which he is responsible, an administrative law judge or chief administrative law judge in charge. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager must meet the requirements of 43 CFR 2.71.

Record source categories: Records in the system include information submitted by the appellants, claimants, and other persons involved in the hearings and appeals proceedings, as well as by the Government.

INTERIOR/SOL- 1

System name: Litigation, Appeal and Case Files -- Interior, Office of the Solicitor--1.

System location: (1) Office of the Solicitor, U.S. Department of the Interior2 18th and C Streets, N.W., Washington, D.C. 20240. (2) All Regional and Field Offices of the Office of the Solicitor. (See Appendix for addresses.)

Categories of individuals covered by the system: Individuals involved in litigation with the United States, or the Department of the Interior, officials or constituent units thereof; individuals involved in administrative proceedings before the Department, to which the Department is a party or in which it has an interest; individuals suspected of violations of criminal and civil statutes or regulations or orders the violation of which carries criminal penalties; individuals who have applied to the Department for permits, grants or loans; individuals who have appealed to the Office of the Solicitor from the decisions of other constituent units of the Department; individuals involved in negotiations, claims or disputes with the Department; individuals for whom the Department has performed legal services.

Categories of records in the system: Investigatory reports, opinions and memoranda of law, pleadings, motions, depositions, rulings, and other records necessary to the provisions of legal services.

Authority for maintenance of the system: 43 U.S.C. 1455.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are to provide legal services to the Department of the Interior. Disclosures outside the Department of the Interior may be made (1) to another Federal agency or a State or local government having a subject matter interest in the records; (2) to an individual or entity aligned with the United States or the Department of the Interior or any official or constituent unit thereof as a plaintiff, petitioner, defendant or respondent in any judicial or administrative proceedings; (3) to a court, magistrate or administrative tribunal in the course or presenting evidence thereto, or to opposing counsel in the course of settlement negotiations; (4) to the U. S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- by case or individual name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- subject to approved disposal schedule.

System manager(s) and address: Administrative Officer, Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

Notification procedure: Inquiries regarding the existence of records shall be addressed to the System Manager or, with respect to the office for which he is responsible, a Regional or Field Solicitor. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access shall be addressed to the System Manager or, with respect to the office for which he is responsible, a Regional or Field Solicitor. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individuals, bureaus and offices of the Department, other Federal agencies, courts, administrative tribunals.

Systems exempted from certain provisions of the act: (1) The Privacy Act does not entitle an individual to access to information compiled in anticipation of a civil action or proceeding. (2)Under the specific exemption authority provided by 5 U.S.C. 552a(k)(2), the Department of the Interior has adopted a regulation, 43 CFR 2.79(b), which exempts this system (to the extent that it consists of investigatory material compiled for law enforcement purposes) from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f) and portions pf 43 CFR, Part 2, Subpart C which implement these provisions. The reasons for adoption of this regulation are set out at 40 FR 37217 (August 26, 1975).

INTERIOR/SOL- 2

System name: Claims Files -- Interior, Office of the Solicitor--2.

System location: (1) Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. (2) All Regional and Field Offices of the Office of the Solicitor. (See Appendix for addresses.)

Categories of individuals covered by the system: Individuals who have filed Tort, Federal Employee, Admiralty or Irrigation claims.

Categories of records in the system: Contains records concerning claims, including the claims and supporting information submitted by the claimant, information developed by the Department concerning the claim and a record of the disposition of the claim if processing of the claim is complete.

Authority for maintenance of the system: (1) Federal Tort Claims Act, 28 U.S.C. 2671-2680. (2) Military Personnel and Civilian Employees' Claims Act, 31 U.S.C. 240-243. (3) Public Works for Water and Power Development and Atomic Energy Commission Appropriation Act, P.L. 93-393, 88 Stat. 782. (4) Act of March 9, 1920, 46 U.S.C. 742, 747, 749, 750.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are for the adjudication of tort, Federal employee, admiralty and irrigation claims. Disclosures outside the Department of the Interior may be made (1) to another Federal agency or a State or local government body having partial or complete jurisdiction over the claim or related claims; (2) to the U. S. Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation for for enforcing or implementing the statute, rule, regulation, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed by name of claimant. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- claim and investigative material returned to operating bureau or office after completion of processing. Records of decisions not authorized for disposal.

System manager(s) and address: Administrative OFficer, Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

Notification procedure: System manager to, with respect to records maintained in the office for which he is responsible, a Regional or Field Solicitor. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager or, with respect to records maintained in the office for which he is responible, a Regional or Field Solicitor. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System manager and must meet the requirements of 43 CFR 2.71.

Record source categories: Claimants. Investigations conducted by Bureaus and Offices of the Department or State or local officials.

Systems exempted from certain provisions of the act: The Privacy Act does not entitle an individual to access to information compiled in reasonable anticipation of a civil action or proceeding.

INTERIOR/SOL- 3

System name: Patent Files -- Interior, Office of the Solicitor--3.

System location: Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Categories of individuals covered by the system: Inventors of Inventions arising from Government research and development programs; and applicants for Patents, Trademark Registrations, and Copyright Registrations.

Categories of records in the system: Certain titles of inventions, inventor's name, Department of the Interior's docket number, and Patent and Trademark Offices Serial Numbers and filing dates.

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Authority for maintenance of the system: (1) 5 U.S.C. 301; (2) 43 U.S.C. 1457; and (3) 1963 and 1971 President's Patent Policy Statements.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are (a) for ongoing retrieval and docketing purposes and intraoffice management and (b) for the preparation of patent applications for submission to the U. S. Patent Office. Disclosures outside the Department of the Interior may be made (1) to the U. S. Patent Office; (2) to inventors and others directly concerned with the government funded research and development information concerning filing dates, serial numbers and patent or trademark registration numbers; (3) to the U. S. Department of Justice when related to litigation or anticipated litigation; (4) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form. (2) Retrievability -- indexed by inventor's names, docket number, and serial number. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51. (4) Disposal -- records will be maintained indefinitely.

System manager(s) and address: Assistant Solicitor, Patents, Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Notification procedure: A written request addressed to the System Manager stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Inventors, contractors, and U.S. Patent and Trademark Office.

Systems exempted from certain provisions of the act: The Privacy Act does not entitle an individual to access to information compiled in reasonable anticipation of a civil action or proceeding.

INTERIOR/SOL - 4

System name: Workload Analysis -- Interior, Office of the Solicitor--4.

System location: (1) Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. (2) Regional and Field Offices of the Office of the Solicitor. (See Appendix for addresses.)

Categories of records in the system: Records concerning subject of assigned work and status of that work.

Authority for maintenance of the system: 43 U.S.C. 1455.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the records are for the management of workload of the Office of the Solicitor. Disclosures outside the Department of the Interior may be made (1) to the Office of Mnaagement and Budget in connection with preparation of the President's budget; (2) to another Federal agency having a subject matter interest in a case, proceeding or other matter described in the records; (3) to the U. S. Department of Justice when related to litigation or anticipated litigation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in both manual and computer form. (2) Retrievability -- indexed by organizational unit, may be retrieved by name of individual attorney. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51. (4) Disposal -- retained permanently.

System manager(s) and address: Administrative Officer, Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual attorneys.

[FR Doc.77-8563 Filed 3-23-77;8:45 am]

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NOTE: There were no items eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

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This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

S. 925.....Pub. L. 95–18
To provide temporary authorities to the Secretary of the Interior to facilitate emergency actions to mitigate the impacts of the 1976–77 drought.
(Apr. 7, 1977; 91 Stat. 36) Price: $0.35.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

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Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. C; Docket No. R–0092]

PART 203—HOME MORTGAGE DISCLOSURE

Interpretations

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Interpretations.

SUMMARY: In response to requests from Federal agencies and institutions affected by the Home Mortgage Disclosure Act, the Board has issued two interpretations of Regulation C, which implements the act. The first interpretation permits a parent depository institution, such as a bank, savings and loan association, or credit union, to treat any bank or savings and loan association in which it owns a majority interest as a separate, unaffiliated institution for disclosure purposes. Public disclosure will be enhanced if that potion is chosen. The second interpretation clarifies the disclosure requirements applicable to a depository institution that ceases to be exempt under the act.

EFFECTIVE DATE: April 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Anne J. Geary, Acting Chief, Equal Credit Opportunity Section, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. (202–452–3946).

SUPPLEMENTARY INFORMATION: The Board has issued the following two interpretations of Regulation C pursuant to its authority under section 305(a) of the Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2801–2809).

203.001: Treatment of Majority-Owned, Depository Subsidiaries of Depository Institutions

The Board has been asked whether a majority-owned, depository subsidiary of a depository institution should be treated in the same way as a non-depository subsidiary. The first sentence of § 203.2(c) defines a depository institution as "any commercial bank, savings bank, savings and loan association, building and loan association, homestead association (including cooperative banks), or credit union, which makes federally related mortgage loans." The second sentence deals with subsidiaries: "Any majority-owned subsidiary of a depository institution shall be deemed to be part of its parent depository institution for the purposes of this part." The purpose of the subsidiary provision is to provide a more complete picture of a parent's lending patterns by including information regarding the lending activities of any non-depository, majority-owned subsidiary.

A few depository institutions, however, have majority-owned subsidiaries that are themselves depository institutions. This raises the issue of how a depository institution as defined in the first part of § 203.2(c), which is also a majority-owned subsidiary of a depository institution, should be treated for Regulation C disclosure purposes. If, absent the second part of § 203.2(c), the depository subsidiary otherwise would make separate disclosures under Regulation C, then combining the subsidiary's loan data with the parent's into a single statement would reduce public disclosure, contrary to the intent of § 203.2(c) and the purpose of the Home Mortgage Disclosure Act.

Therefore, to further the intent of the act and the regulation, a parent depository institution may draw a distinction for disclosure purposes between depository and non-depository, majority-owned subsidiaries. A majority-owned, non-depository subsidiary of a depository institution should be treated as an integral part of its parent, with no distinction made between them for reporting purposes, in accordance with the second sentence of § 203.2(c). On the other hand, at the parent's option, a majority-owned, depository subsidiary of a depository institution may be treated as a distinct, unaffiliated entity since it is a depository institution as defined in the first sentence of § 203.2(c).

203.002: Disclosure After Loss of Exemption

The Board has been requested to clarify the Regulation C disclosure requirements that apply to a depository institution that ceases to be exempt from the Home Mortgage Disclosure Act.

Section 203.3(a) of Regulation C describes the three classes of depository institutions that are exempt from the regulation's disclosure requirements. They are: (1) Institutions that have assets of $10,000,000 or less as of the last day of their fiscal year; (2) institutions that do not have an office in a standard metropolitan statistical area; and (3) State-chartered institutions that are subject to a State disclosure law that the Board has determined imposes substantially similar requirements to those mandated by the Home Mortgage Disclosure Act.

Section 203.3(b) sets forth the initial disclosure requirements applicable to an exempt institution that subsequently loses its exemption. It states:

> A depository institution that was exempt on or after the effective date of this Part on the basis of paragraph (a) of this section and that subsequently becomes no longer exempt shall compile the data described in § 203.4 of this Part for each fiscal year beginning with its last full fiscal year ending prior to the date it was no longer exempt, and that last full fiscal year shall be deemed to be a "full fiscal year ending prior to July 1, 1976" for the purposes of § 203.4 of this Part.

The first point on which clarification has been sought is the meaning of the language "last full fiscal year ending prior to the date it was no longer exempt • • •." For any depository institution that loses its exemption under § 203.3(a)(2) because of the re-definition of a standard metropolitan statistical area or loses its exemption under § 203.3(a)(3) because applicable State disclosure law is found not to be substantially similar to the Federal act, "its last full fiscal year ending prior to the date it was no longer exempt" is its fiscal year immediately preceding the fiscal year during which the exemption was lost. For example, a depository institution having a calendar fiscal year that ceases to be exempt during 1977 would have to disclose relevant 1976 data.

For any depository institution that loses its exemption under § 203.3(a)(1) because its assets exceeded $10,000,000 on the final day of its last fiscal year, the period to be covered by its initial disclosure statement is that last fiscal year. For example, a calendar fiscal year institution that has assets of more than $10,000,000 on December 31, 1977 would have to disclose relevant 1977 loan information.

The Board also has been asked to explain the significance of the phrase " 'full fiscal year ending prior to July 1, 1976 • • •.' " The purpose in § 203.3(b) of equating an institution's "last full fiscal year ending prior to the date it was no longer exempt" with a " 'full fiscal year ending prior to July 1, 1976' " is to make available to an institution that loses its exemption the same disclosure options that were available to institutions when Regulation C became effective. Thus, for the purposes of § 203.4, a depository institution that ceases to be exempt may compile the necessary mortgage and home improvement loan data by United States Postal Service ZIP codes, in lieu of Census Bureau census tracts, for its last full fiscal year and any portion of its current fiscal year ending prior to the loss of exemption. In addition, such an

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institution may exercise the options and rely on the presumption contained in paragraphs (a)(4)(ii) and (c) of § 203.4 as if it had lost its exemption and become subject to the regulation on July 1, 1976.

The following examples illustrate the points made in this interpretation. Assume that a depository institution having a calendar fiscal year ceases to be exempt under § 203.3(a)(2) on April 1, 1977, because of the enlargement of a standard metropolitan statistical area to include a county in which the institution has an office. Pursuant to § 203.5(a)(1)(iii), that institution would be required to prepare and make available publicly a disclosure statement by June 29, 1977, ninety days after its loss of exemption.

Under § 203.3(b), the disclosure statement would have to cover the institution's "last full fiscal year ending prior to the date it was no longer exempt," which, as indicated previously, would be 1976. Pursuant to § 203.4(a)(2)(i), read in view of § 203.3(b), the institution could compile the necessary loan information for 1976 by ZIP code if it chose.

Also, under § 203.4(a)(2)(ii), it could elect to issue a separate disclosure statement, compiled on a ZIP-code basis, for the first three months of its current fiscal year—January, February, March 1977, if it also made that statement available on June 29, 1977. If it chose that option, then it would report on its relevant lending activities for the remainder of 1977 by census tract on March 31, 1978. The alternative to this latter option would be for the institution to report on all of its relevant lending activities during 1977 by census tract on March 31, 1978. Finally, the institution may exercise the reporting options and rely on the residence presumption set forth in §§ 203.4(a)(4)(ii) and 203.4(c) for its 1976 disclosure statement and the January through March 1977 statement if that option is chosen.

The second example assumes that a depository institution having a calendar fiscal year ceases to be exempt under § 203.3(a)(1) because its assets exceed $10,000,000 as of December 31, 1977. Pursuant to the applicable provisions of the regulation as outlined in the preceding example, the institution would have to prepare a disclosure statement by March 31, 1978, covering its relevant lending activities during 1977 on a ZIP-code basis. Since the loss of exemption would not have occurred during the course of its fiscal year, no partial fiscal year report would be possible. The options and presumption contained in §§ 203.4(a)(4)(ii) and 203.4(c) respectively could be used, however, in preparing the 1977 disclosure statement.

By order of the Board of Governors, March 28, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-10618 Filed 4-11-77;8:45 am]

[Reg. Z; Docket No. R-0053]

PART 226—TRUTH IN LENDING

Interpretation on Disclosure of Amount of Dealer Participation

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board hereby adopts an interpretation of Regulation Z stating that a dealer participation need not be identified or disclosed in Truth in Lending disclosures as a separate component of the finance charge. Simultaneous with the adoption of the interpretation, the Board withdraws a proposed amendment to regulation Z which would have required separate disclosure of the existence, but not the amount, of a dealer participation. The Board takes this action based on its conclusions (1) that a dealer participation is not a "finder's fee or similar charge" within the meaning of Regulation Z and so need not be separately disclosed under the present regulation, and (2) that amending the regulation to require separate disclosure of the existence of a dealer participation would not significantly aid consumers in shopping for credit but would result in more complex Truth in Lending disclosure statements and possible confusion or misunderstanding.

EFFECTIVE DATE: March 28, 1977.

FOR FURTHER INFORMATION CONTACT:

D. Edwin Schmelzer, Chief, Fair Credit Practices Section, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-2412.

SUPPLEMENTARY INFORMATION: On August 23, 1976, the Board of Governors published for comment a proposed Interpretation § 226.821 of Regulation Z relating to the separate disclosure of a dealer participation in a consumer credit transaction (41 FR 35536). A dealer participation is typically a portion of the interest component of a finance charge which is allocated to a seller of consumer goods either by a creditor which provides direct consumer financing arranged through the seller or by an assignee which purchases a retail instalment contract from the seller. The Board was asked to determine whether a dealer participation constitutes a "finder's fee or similar charge" within the meaning of § 226.4(a)(3) of the regulation and so must be itemized and disclosed as a separate component of the finance charge pursuant to § 226.8(c)(8)(i). The proposed interpretation stated, in essence, that inasmuch as a dealer participation is simply a part of the single component of the finance charge computed by the application of a percentage rate or rates to the amount financed, it is not considered a finder's fee or similar charge and need not be separately identified or disclosed.

The Board received more than 250 comments on the proposed interpretation, the vast majority favoring the interpretation. However, comments from Federal agencies and consumer representatives indicated to the Board that consumer benefits might be derived from disclosure of the existence of a dealer participation. Therefore, on January 6, 1977, the Board published for comment (42 FR 1268) a proposed amendment to Regulation Z which, if adopted, would have become § 226.8(c)(9) and which would have required that in credit sales the disclosure statement furnished to the consumer contain, where applicable, a disclosure of the existence but not the amount of a dealer participation. For convenient reference, the proposed amendment is republished below:

Section 226.8—*Credit other than open end—specific disclosures.*

* * * * *

(c) *Credit sales.* * * *

(9) A statement that the seller or other party to the transaction arranging credit may receive from another creditor in the transaction a portion of the finance charge imposed on that transaction.

The Board indicated in publishing the proposed amendment that it would take final action on the proposed Interpretation § 226.821 in connection with its final determination on the proposed amendment.

The Board received approximately 400 comments on the proposed amendment to Regulation Z. The comments came from financial institutions, automobile dealers and other merchants, trade associations, a Federal agency, State consumer agencies, consumer groups, a university consumer affairs office, private and legal services attorneys, and private individuals. The comments can readily be broken down into three broad categories: (1) more than 81 percent of the commenters expressed opposition to the amendment requiring disclosure of dealer participations, (2) over 12 percent favored the amendment, and (3) more than 6 percent expressed the belief that the amendment was not stringent enough or did not require enough disclosure and, therefore, should not be adopted. Additionally, a significant number of commenters, almost half of those in category 2 and almost all of those in category 3, felt that the amount as well as the fact of a dealer participation should be disclosed.

As a result of the comments received, both in response to the proposed Interpretation § 226.821 and the proposed amendment § 226.8(c)(9), the Board has reached certain conclusions which are set forth below.

Dealer participation is largely a phenomenon of the financing of automobile purchases, wherein the automobile dealer secures financing for a purchaser from a lending institution in connection with the sale of a car and receives some portion of the finance charge imposed by the lending institution. In an alternative mode of proceeding, the dealer may finance the purchase of a car for it customer and thereafter assign the credit agreement to a financial institution and receive a portion of the finance charge imposed from that financial institution. Typically, in connection with the extension of credit to the customer, the dealer interviews the customer and takes a credit application, prepares the loan documents, and reviews the terms of the loan and relevant disclosures with the customer. The customer is generally able to complete all aspects of financing his or her purchase without leaving the dealer's place of business. Often the arrangement between the dealer and the lending institution provides for "recourse" by the lender against the dealer for any loss suffered by the lender if the consumer defaults on the loan. Because of these resourse arrangements, consumers with only marginal credit may be able to obtain financing for major purchases. The dealer's participation in the finance charge may serve as compensation for the work done in arranging the financing and for the risk of loss which is shared with the lending institution. Therefore, the Board believes that, in many instances, the portion of the finance charge which represents the dealer's participation is not an amount which the consumer could save by obtaining a direct loan from a lending institution.

Further, although rates available on direct loans are often somewhat lower than in dealer-arranged loans, the Board believes that consumers are generally aware of this fact. The Board feels that disclosure of the total finance charge, the annual percentage rate and the periodic payment, all required by the Truth in Lending Act and Regulation Z, together with the widespread advertisement of credit terms, have afforded and continue to afford consumers the most important information with which to comparison shop for credit. The Board does not believe that the proposed § 226.8(c)(9) would significantly enhance the consumer's ability to shop for credit. Conversely, the addition of another disclosure requirement to Regulation Z would result in more complex disclosure statements and could lead to confusion or misunderstanding by consumers. The adoption of an additional disclosure requirement of doubtful value to consumers is also contrary to the perceived need for simplification of Regulation Z.

For the reasons set forth above, the Board has determined to withdraw the proposed § 226.8(c)(9) and not to require the disclosure of the existence of a dealer participation. Furthermore, in the Board's view, Interpretation § 226.821 represents a proper application of the requirements of Regulation Z to the issue of dealer participation. A dealer participation of the type described in the interpretation differs from the finder's fee or similar charge which must be disclosed pursuant to § 226.4(a)(3) and need not be separately itemized when it consists of a part of a finance charge attributable to the application of a percentage rate or rates to the amount financed. The Board also notes that its position is in accord with a recent appellate court decision on this issue, *Meyers v. Clearview Dodge Sales, Inc.*, 539 F.2d 511 (5th Cir. 1976).

The text of Interpretation § 226.821, effective immediately, is as follows:

§ 226.821 Disclosure of dealer participation.

(a) Section 226.8(c)(8)(i) requires the itemization of each component of a finance charge consisting of more than one type of charge. Section 226.4(a)(3) lists among the types of charges to be included in the finance charge a "finder's fee or similar charge." In certain credit transactions, such as the sale of automobiles and other consumer goods, where the finance charge is determined by application of a percentage rate or rates to the amount financed, a portion of that charge may be allocated to the dealer by the financial institution as a dealer participation. The question arises whether such allocations must be itemized as a separate component of the total finance charge in the nature of a finder's fee.

(b) The requirement for itemization of a finance charge which includes a finder's fee or other elements in addition to an interest component is intended to assure that the total finance charge disclosed to the customer properly reflects all components which must be included in that amount. Any component of the finance charge which is computed by the application of a percentage rate or rates to the amount financed constitutes a single charge of the type described in § 226.4(a)(1). As such, it must be included in the finance charge calculation and disclosure. A portion of such single component of the finance charge which is distributed to a dealer is not considered a "finder's fee or similar charge" and need not be separately identified or disclosed. The concept of a "finder's fee," as that term is used in § 226.4(a)(3), is intended to cover certain charges in the nature of brokerage fees which are imposed in addition to that portion of the finance charge attributable to the application of a percentage rate or rates to the amount financed. Any such separate fee must, of course, be separately itemized.

(Interprets and applies 12 CFR 226.8.)

By order of the Board of Governors, March 28, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-10632 Filed 4-11-77;8:45 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Regulation ER-991, Amdt. 34]

PART 221—CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Editorial Amendment

Effective: May 2, 1977.

Adopted: April 7, 1977.

AGENCY: Civil Aeronautics Board.

ACTION: Editorial Amendment.

SUMMARY: The amendment corrects a reference in § 221.120(a) to tariffs suspended by the Board under section 1002(g) of the Act. This reference does not reflect the Board's authority, under section 1002(j) of the Act to suspend foreign air transportation tariffs. The limited reference to subsection (g) of section 1002 of the Act is thus being deleted.

DATES: Effective: May 2, 1977; Adopted: April 7, 1977.

FOR FURTHER INFORMATION CONTACT:

Simon J. Eilenberg, Rules Division, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5422.

SUPPLEMENTARY INFORMATION: Part 221 sets forth provisions governing the filing of tariffs by U.S. air carriers and foreign air carriers pursuant to section 403 of the Act. This editorial amendment is being issued to correct a reference in § 221.120(a) to tariffs suspended by the Board under "section 1002(g)" of the Act. This limited reference fails to reflect the fact that the Board presently has authority to suspend not only domestic air transportation tariffs, under section 1002(g) of the Act, but also foreign air transportation tariffs, under section 1002(j) of the Act. (Pub. L. 92-259, Act of March 22, 1972, 86 Stat. 98) In order to accurately reflect the Board's existing authority to suspend all air transportation tariffs, the limited reference to the Board's suspension authority under subsection (g) of section 1002 of the Act is therefore being deleted from § 221.120(a).

This editorial amendment is issued by the undersigned pursuant to the delegation of authority from the Board to the General Counsel in 14 CFR § 385.19, and shall become effective on May 2, 1977. Procedures for review of this amendment are set forth in Subpart C of Part 385 (14 CFR §§ 385.50 through 385.54).

Accordingly, the Board hereby amends § 221.120(a) to read as follows:

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§ 221.120 Effect of suspension by Board.

(a) *Suspended matter not to be used.* A rate, fare, charge, or other tariff provision which is suspended by the Board, under authority of section 1002 of the Act, shall not be used during the period of suspension specified by the Board's order.

* * * * *

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324. Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5089; 40 U.S.C. 1324 (note).)

By the Civil Aeronautics Board.

JAMES C. SCHULTZ,
General Counsel.

[FR Doc.77-10778 Filed 4-11-77;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-13419; File No. S7-609]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Uniform Net Capital Rule

AGENCY: Securities and Exchange Commission.

ACTION: Rule amendment; solicitation of public comment.

SUMMARY: Extends from April 1, 1977 until July 1, 1977 the existing suspension of the treatment of short term commercial paper prescribed by the Commission's uniform net capital rule. The Commission's action reflects its judgment that further public comment is needed to complete its reevaluation of the two ratings standard.

EFFECTIVE DATES: Amendment effective immediately; comments on or before: May 1, 1977.

ADDRESSES: Written comments, submitted in triplicate, should be addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol St., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT:

Daniel J. Piliero II, Associate Director, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549. (202) 755-1390.

SUPPLEMENTARY INFORMATION: Rule 15c3-1 [17 CFR 240.15c3-1] ("section 240.15c3-1") under the Securities Exchange Act of 1934 prescribes uniform net capital requirements applicable to substantially all brokers and dealers. For purposes of computing net capital, § 240.15c3-1(c)(2)(vi) prescribes certain percentage deductions from the current market value of securities carried in the accounts of a broker or dealer, known as "haircuts," which are intended to reflect the market risk inherent in the positioning of particular types of securities. In this connection, pursuant to the original version[1] of § 240.15c3-1(c)(2)(vi)(E), short term commercial paper[2] which bears a fixed rate of interest or which is sold at a discount, and which is ranked in one of the three highest ranking categories by at least two nationally recognized statistical rating services, receives haircuts graduating proportionately with time to maturity to a maximum of ⅜ of 1%.

In Securities Exchange Act Release No. 13125 (Dec. 30, 1976) (42 FR 2060 (Jan. 10, 1977)) (Release No. 13125) the Commission amended section 240.15c 3-1(c)(2)(vi)(E) to require no more than one such rating during the period expiring April 1, 1977, and sought public comment responsive to certain questions relating to the present contours of that provision. In general, these questions solicited the views of all interested members of the public concerning whether there is merit in the contention of some persons that it would be appropriate that § 240.15c3-1(c)(2)(vi)(E) be revised to modify or supplement that provision's two ratings standard.[3]

Release No. 13125 evoked a substantial response from members of the public, and the Commission's reevaluation of § 240.15c3-1(c)(2)(vi)(E) has benefited accordingly. However, the variety of views emergent from the public's comments, together with indications that additional persons desire to address themselves to the questions raised in Release No. 13125, suggest to the Commission that it is appropriate to solicit further public comment before it concludes its reevaluation of § 240.15c3-1(c)(2)(vi)(E). Accordingly, the Commission has decided to receive further public comment until May 1, 1977, during which time interested members of the public are invited to submit their views concerning this matter. In order to afford the Commission sufficient time to complete its analysis of the public's response, it has determined to amend § 240.15c3-1(c)(2)(vi)(E) to extend until July 1, 1977 the temporary qualified suspension thereof announced in Release No. 13125.

[1] See Securities Exchange Act Release No. 11497 (June 26, 1975), 40 FR 29795 (July 16, 1975).

[2] For purposes of § 240.15c3-1, commercial paper is "short term" if it has a scheduled maturity at date of issue not exceeding nine months, exclusive of days of grace or any renewal thereof the maturity of which is likewise limited. See § 240.15c3-1(c)(2)(vi)(E). Such commercial paper is excluded from the statutory definition of "security" found in section 3(a)(10) of the Exchange Act, 15 U.S.C. 78c(a)(10) (1970).

[3] The public comment period established by Release No. 13125 expired on February 15, 1976.

STATUTORY BASIS AND COMPETITIVE CONSIDERATIONS

Pursuant to the Securities Exchange Act of 1934, and particularly Sections 15(c)(3) and 23(a) thereof, 15 U.S.C. 78o(c)(3), 78w(a), the Commission amends section 240.15c3-1 in Part 240 of Chapter II of Title 17 of the Code of Federal Regulations in the manner set forth below. The Commission finds that any burden imposed upon competition by this action is necessary and appropriate in furtherance of the purposes of the Act, and particularly to implement the Commission's continuing mandate under Section 15(c)(3) thereof, 15 U.S.C. 78o(c)(3), to provide minimum safeguards with respect to the financial responsibility of brokers and dealers.

PUBLIC PROCEDURE AND EFFECTIVE DATE

The amendment to § 240.15c3-1(c)(2)(vi)(E) must become effective on April 1, 1977, if the temporary qualified suspension it effects is to achieve its purpose of mantaining the presently applicable capital treatment of short term commercial paper, which treatment otherwise expires on that date. The Commission therefore finds that notice and public procedure respecting such amendment would be contrary to the public interest within the meaning of 5 U.S.C. 553(b)(3)(B) (1970). Furthermore, such amendment constitutes a substantive rule relieving a restriction within the meaning of 5 U.S.C. 553(d)(1) (1970); therefore, publication thereof need not be made not less than thirty days before its effective date.

REQUEST FOR COMMENTS

All interested persons are invited to submit, in triplicate, their written views and comments addressed to the following questions:

1. Are there uniform criteria which could be used to identify high quality commercial paper?

2. What use does the marketplace for short term commercial paper of high quality make of the credit rating or ratings borne by long term secured or unsecured debt of an issuer in determining the advisability of dealing in short term commercial paper of that issuer?

3. In lieu of one or both of the two ratings presently required, what other criteria could be employed to judge the marketability of short term commercial paper of high quality?

4. Would it be appropriate to establish a range of short term commercial paper haircuts lying between the percentage levels contemplated by the present §§ 240.15c3-1(c)(2)(vi)(E) and 240.-15c3-1(c)(2)(vi)(J)? If so, in what circumstances would it be appropriate to apply such an intermediate range of haircuts to positions in short term commercial paper? What would be the appropriate percentage levels of such an intermediate range of haircuts?

All communications should be addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, no later than May 1, 1977. Reference should be made to File No. S7-609. All comments received will be available for public inspection.

TEXT OF AMENDMENTS

The amendments to § 240.15c3-1 are as follows:

§ 240.15c3-1 Net capital requirements for brokers or dealers.

* * * * *

(c) * * *
(2) * * *
(vi) * * *

(E) *Commercial paper, bankers acceptances and certificates of deposit.* In the case of any short term promissory note or evidence of indebtedness which has a fixed rate of interest or is sold at a discount, and which has a maturity date at date of issuance not exceeding nine months exclusive of days of grace, or any renewal thereof, the maturity of which is likewise limited and is rated in one of the three highest categories by at least two of the nationally recognized statistical rating organizations (*Provided*, That effective January 1, 1977, and until July 1, 1977, this paragraph shall be deemed to require only one such rating), or in the case of any negotiable certificates of deposit or bankers acceptance or similar type of instrument issued or guaranteed by any bank as defined in Section 3(a)(6) of the Securities Exchange Act of 1934, the applicable percentage of the market value of the greater of the long or short position in each of the categories specified below are:

(*1*) Less than 30 days to maturity—0%.

(2) 30 days but less than 91 days to maturity ⅛ of 1%.

(3) 91 days but less than 181 days to maturity ¼ of 1%.

(*4*) 181 days but less than 271 days to maturity ⅜ of 1%.

(*5*) 271 days but less than 1 year to maturity ½ of 1%; and

(*6*) With respect to any negotiable certificate of deposit or bankers acceptance or similar type of instrument issued or guaranteed by any bank, as defined above, having 1 year or more to maturity, the deduction shall be on the greater of the long or short position and shall be the same percentage as that prescribed in paragraph (c)(2)(vi)(A) of this section.

* * * * *

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 31, 1977.

[FR Doc.77-10584 Filed 4-11-77;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 77-103]

PART 159—LIQUIDATION OF DUTIES

COUNTERVAILING DUTIES—UNWROUGHT ZINC FROM SPAIN

Correction

In FR Doc. 77-10478 appearing at page 18587 in the issue for Friday, April 8, 1977, the effective date given as April 18, 1977" should have read "April 8, 1977".

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

[Recodification Docket No. 17; Docket No. 77N-0032]

PART 10—ADMINISTRATIVE PRACTICES AND PROCEDURES

PART 12—FORMAL EVIDENTIARY PUBLIC HEARING

Reorganization and Republication; Correction

AGENCY: Food and Drug Administration, HEW.

ACTION: Correction.

SUMMARY: This document corrects a final rule that appeared at page 15553 in the FEDERAL REGISTER of Tuesday, March 22, 1977, (FR Doc. 77-7949).

EFFECTIVE DATE: March 22, 1977.

FOR FURTHER INFORMATION CONTACT:

John Richards, 202-443-2994.

The following corrections are made:

1. On page 15576, left column, § 10.40 *Promulgation of regulations for the efficient enforcement of the law* is corrected in paragraph (e)(2) by changing "§ 12.5(b)(2)" to read "§ 12.20(b)(2)."

2. On page 15577, right column, § 10.50 *Promulgation of regulations and orders after an opportunity for a formal evidentiary public hearing* is corrected in paragraph (a)(2) by changing "12.5" to read "12.20."

3. On page 15584, right column, § 10.105 *Representation by an organization* is corrected in paragraph (d) by changing "12.5" to read "12.20."

4. On page 15586, § 12.22 *Filing objections and requests for a hearing on a regulation or order* is corrected in the introductory text of paragraph (a) by changing "§ 12.5(d)" to read "§ 12.20(d);" in paragraph (a)(1) by changing "§ 12.5(d)" to read "§ 12.20(d);" in the introductory text of paragraph (b) by changing "§ 12.5(b)" to read "§ 12.20(b);" in paragraph (c) by changing "§ 12.5(d) or § 12.20(b)" to read "§ 12.20(d) or § 12.21(b);" and in paragraph (d) by changing "§ 12.5(a)(2)" and read "§ 12.20(a)(2)."

5. On page 15586, right column, § 12.24 *Ruling on objections and requests for hearing* is corrected in paragraph (b)(6) by changing "§ 12.20" to read "12.21" and in paragraph (d) by changing "12.5" to read "12.20."

6. On page 15586, right column, § 12.26 *Modification or revocation of regulation or order* is corrected by changing "12.5" in both places to read "12.20."

7. On pages 15586 and 15587, § 12.28 *Denial of formal evidentiary public hearing in whole or in part* is corrected in the introductory text by changing "12.5" to read "12.20;" in paragraph (b)(1)(ii) by changing "12.5" to read "12.20;" and in paragraph (b)(2)(ii) by changing "12.20" to read "12.21."

8. On page 15587, § 12.30 *Judicial review after waiver of hearing on a regulation* is corrected in paragraph (a) by changing "§ 12.5(d)" to read "§ 12.20(d)."

9. On page 15588, § 12.35 *Notice of hearing; stay of action* is corrected in paragraph (a) by changing "12.5" to read "12.20."

10. On page 15588, § 12.37 *Effective date of a regulation* is corrected in paragraph (a) by changing "§ 12.5(e)" to read "§ 12.20(e)."

11. On page 15588, § 12.38 *Effective date of an order* is corrected in the introductory text of paragraph (a) and in paragraph (b) by changing "§ 12.20(b)" to read "§ 12.21(b)."

12. On page 15594, left column, § 12.100 *Administrative record of a formal evidentiary public hearing* is corrected in paragraph (a)(2) by changing "§ 12.5" to read "12.20."

Dated: April 4, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-10608 Filed 4-11-77;8:45 am]

SUBCHAPTER B—FOOD FOR HUMAN CONSUMPTION

[Docket No. 76P-0500]

PART 135—FROZEN DESSERTS

Revision of Standards of Identity for Ice Cream, Ice Milk, Sherbet, and Water Ices

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Commissioner of Food and Drugs revises the standards of identity for ice cream, ice milk, sherbet, and water ices to (1) provide for full ingredient declaration for all of the frozen desserts; (2) provide for the use of any safe and suitable ingredient; and (3) provide for replacing the longstanding use of a milk solids nonfat minimum with a protein minimum.

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EFFECTIVE DATES: Except as to any provisions that may be stayed by the filing of proper objections, compliance with this final regulation, including any required labeling changes, may begin June 13, 1977 and all products initially introduced into interstate commerce on or after July 1, 1979 shall fully comply; objections by May 12, 1977.

ADDRESS: Written objections to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Eugene T. McGarrahan, Bureau of Foods (HFF–415), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20205, 202–245–1155.

SUPPLEMENTARY INFORMATION: Based on his own initiative and on a petition filed by the International Association of Ice Cream Manufacturers (IAICM), 910 17th St. NW., Washington, D.C. 20006, the Commissioner issued a proposal, published in the FEDERAL REGISTER of July 25, 1974 (39 FR 27144), to amend the identity standards for frozen desserts. The proposal provided for the filing of comments by September 23, 1974. The comment period was subsequently extended to November 8, 1974, by notice published in the FEDERAL REGISTER of September 9, 1974 (39 FR 32562).

The July 25, 1974 notice proposed to revise and reorganize Part 20 in its entirety. The text of Part 20 appearing in the Code of Federal Regulations was recodified under Part 135, as part of a comprehensive recodification and republication of all Food and Drug Administration (FDA) regulations for food for human consumption under Subchapter B, published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302). This final regulation reflects the textual revisions, proposed July 1974, but uses the recodification numbering system and format under Part 135. For the convenience of the reader, the following table illustrates the March 1977 recodification of former Part 20, and the reformatting under Part 135 of the proposed revision of Part 20:

Old CFR section	March 15, 1977, recodification	July 25 1974, proposed revision	This final regulation
20.1	135.30	20.1	135.3
20.2	135.10	20.2	135.110
20.3	135.40	20.3	135.120
20.4	135.20	20.4	135.140
20.5	135.90	20.5	135.160
20.6	135.65	----------	----------
20.7	135.70	----------	----------
20.8	135.50	----------	----------

A total of 476 letters, containing one or more comments each, were received from industry, State governments, trade associations, and consumers. Three members of industry and 445 consumers commented favorably on the intent of the proposal to require full disclosure of all ingredients in the product by label declaration. Forty-six comments out of the 476 letters received raised specific issues and suggested changes to the proposal. A summary of the comments and the Commissioner's conclusions are discussed below.

1. Nine comments opposed the label declaration of specific stabilizers, emulsifiers, and salts in descending order of predominance. This opposition was based on two arguments. First, it was argued that the cost and/or availability of specific emulsifiers and stabilizers fluctuates enough to cause the ice cream manufacturer to substitute them interchangeably. The comments pointed out that such changes would either require the printing of new labels or cause rises in costs of raw materials, both of which result in a rise in price of the product to the consumer. Second, since the emulsifiers and stabilizers used are often blends of ingredients, it was argued that listing of all ingredients is unfair to the emulsifier and stabilizer manufacturers in that trade secrets would be revealed, competition between companies reduced, and research and development stifled due to the reticence of frozen dessert manufacturers to try new formulations once they have a supply of labels printed. The comments further stated that the type of emulsifiers and stabilizers and the amount used may vary from batch to batch; thus, the position of this ingredient on the label may not always be the same, necessitating new labels with each change.

Five alternatives were offered to this labeling requirement: (1) that ingredients used in quantities below 1 to 2 percent (0.2 to 0.5 percent in one suggestion) of the total weight of the finished product be exempt from the descending order listing requirement; (2) that ingredients be listed by class name (such as "emulsifier") in descending order, each followed by a parenthetical listing of all emulsifiers, etc., that might possibly be used; (3) that generically descriptive class terms, or groupings, be used to describe the presence of a certain kind of ingredient, e.g., the term "vegetable-derived hydrocolloids" to describe appropriate stabilizing gums, or "fatty acid ester(s)" to describe emulsifiers; (4) that ingredients be listed simply as "with safe and suitable ------," the blank to be filled with the word emulsifiers, stabilizers, or salts; and (5) that mineral salts be excluded from the label requirement on the basis that they are used as manufacturing aids only.

The Commissioner continues to adhere to the policy set forth in § 101.6 (21 CFR 101.6, formerly § 3.88 prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) that the labels of standardized foods should bear "complete information" about the ingredients contained in the food. The Commissioner rejects the suggestion that stabilizers, emulsifiers, and other ingredients be exempt from ingredient labeling or the suggestion that he provide for generic labeling of these ingredients since, if he did so, consumers would not know the specific ingredients the food contains. The Commissioner has not adopted the suggestion that he permit these ingredients to be declared in an order other than that of order-of-predominance. The label designation of ingredients should be made in accordance with requirements set forth in § 101.4 (21 CFR 101.4, formerly § 1.10 prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) that are generally applicable to all food, since this averts consumer confusion from variations and assures equal treatment of similar situations. Stabilizers, emulsifiers, and other ingredients are used in small amounts in many foods. If there are special difficulties in labeling these ingredients that warrant any exception from the order-of-predominance requirements, these difficulties are not unique to ice cream. If the persons who commented believe that a change should be made in the general requirements for labeling these ingredients, they should submit a petition, supported by an adequate showing, to amend § 101.4. Lastly, the comments provided no specific information to support the conclusional assertion that the label declaration of these ingredients would reveal a trade secret. The existence of a trade secret in the use of these ingredients is unlikely, but if those persons who commented submit a petition supported by adequate showing that a trade secret exists, the Commissioner will take any action necessary to protect the identity of bona fide trade secrets. The Commissioner points out that he has identified in the freedom of information regulations in § 20.61 (21 CFR 20.61, formerly § 4.61 prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)) and the explanatory preamble published in the FEDERAL REGISTER of December 24, 1974 (39 FR 44602), the elements that are essential to establish that a trade secret exists.

2. Four comments criticized the 2.7 percent protein requirement for ice cream as being lower than that of the previous standard. One of these comments questioned the calculations used to reach this protein percentage and recommended raising the minimum protein level to 3.0 percent (and to 2.5 percent from the proposed 2.2 percent when bulk flavors are used). No data, however, were submitted substantiating the need to raise the minimum protein level.

The Commissioner finds that the comments do not warrant a revision of the proposed regulation. He has carefully reviewed the calculations used to determine the protein level in ice cream under the present standard and finds no reasonable basis for believing there is an error in the manner of making the calculations. In addition, he points out that the present standard of identity for ice cream under § 135.30 (21 CFR 135.30, formerly § 20.1 prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) requires a minimum of 20 percent total milk solids and a minimum of 10 percent milkfat content, with a resultant minimum requirement of 10 percent nonfat milk solids. The standard also permits a substitution of whey solids for

up to 25 percent of the required nonfat milk solids. Data from the scientific literature and certain trade associations on file with the Hearing Clerk, Food and Drug Administration, show that dried whey contains a maximum of 13 percent protein, and nonfat dry milk contains a maximum of 36 percent protein. Theoretically, based on these figures, a frozen dessert meeting the minimum existing requirement of 7.5 percent nonfat milk solids and 2.5 percent whey solids would contain a maximum protein level of approximately 3 per cent. The Commissioner does not believe, however, that it is appropriate to establish the protein requirement for frozen desserts at the maximum protein level that might be found in some forms of ice cream. Instead, he has examined the protein level of ice cream that would meet the minimum existing legal requirements and has set the protein level for mellorine at the average amount of that protein level. Analytical figures on file with the Hearing Clerk show that the average minimum protein level in nonfat dry milk is approximately 32 percent and that the average minimum protein level in dried whey is approximately 12 percent. Calculations based upon these average minimums project a protein level of approximately 2.7 percent for a frozen dessert complying with the existing standard and containing 7.5 percent nonfat milk solids and 2.5 percent whey solids.

The protein content of dairy ingredients varies with the breed of cattle, season, geographical location, and type of feed. Because of these fluctuations, it is more equitable to use the average minimum protein level rather than the maximum level. If the protein content were set at the higher level, manufacturers would have to add protein ingredients whenever the protein content of the particular dairy ingredients in the product fluctuated below the maximum level. Under the existing standard for ice cream, there is no minimum requirement for the amount of protein in the food. The difference between a 3 percent protein level and a 2.7 percent protein level in these foods does not amount to a significant difference in the recommended daily allowance for protein. Accordingly, there is no reasonable basis for believing that a 3 percent protein level rather than a 2.7 percent protein level is needed to ensure that ice cream does not contain significantly less protein than that found in ice cream that meets the existing standard.

The Commissioner therefore concludes that 2.7 percent protein is a reasonable minimum level of milk protein in ice cream and that the present final regulation retains this value except as necessary for the consideration of the incorporation of bulky flavors into the food and/or increased milkfat levels.

3. One comment supported the 2.7 percent protein level for ice cream. This comment further suggested, with a proposed minimum percentage, that a sliding scale for protein content in relation to milkfat content be established such that the percentage of protein may go below the 2.7 percent minimum as the percentage of milkfat rises above the minimum level.

The Commissioner has taken several considerations into account in reviewing the request for a sliding scale requirement for protein when milkfat levels above the minimum requirements are used for ice cream or ice milk. The current standards of identity for both ice cream and ice milk allow the nonfat milk solids content (the portion of the milk solids that contains the protein) to decrease as the fat levels increase above the minimum fat requirement. In the standard for ice cream, the fat range is from 10 to 14 percent, allowing a corresponding decrease from 10 to 6 percent in the amount of nonfat milk solids, the basic requirement being a minimum of 10 percent fat with a minimum of 20 percent total milk solids. Ice milk may range from 2 to 7 percent milkfat with a corresponding range of from 9 to 4 percent nonfat milk solids. The basic requirement is a minimum of 2 percent fat with a minimum 11 percent total milk solids. The published work of five experts on frozen dairy desserts on file with the Hearing Clerk shows that the practice has been to decrease the nonfat milk solids portion of frozen dairy desserts when the milkfat portion is increased. Therefore, the Commissioner concludes that it would be reasonable to establish in the ice cream and ice milk standards the following sliding scale of fat-to-protein levels:

FOR ICE CREAM

Percent milkfat:	Minimum percent protein
10	2.70
11	2.55
12	2.40
13	2.25
14	2.10

FOR ICE MILK

Percent milkfat:	Minimum percent protein
2	2.55
3	2.40
4	2.25
5	2.10
6	1.95
7	1.80

4a. One comment questioned the validity of including an official method for the determination of protein efficiency ratio (PER) in proposed § 20.2(b)(3) (§ 135.110(b)(3) (21 CFR 135.110(b)(3) of this final regulation)) since milk protein can be differentiated from other animal and plant proteins, and the quantities can be determined by approved and official methods that are both less expensive and more accurate indicators than the PER determination. It was pointed out, along with two other comments, that the figure 120 percent in the parenthetical expression "(120 percent of casein • • •)" in proposed § 20.2(a)(2) (§ 135.110(a)(3) of this final regulation) is incorrect and should be 108 percent. All three comments recommended deleting the expression altogether.

The Commissioner acknowledges the error in the preamble and at various points in the proposed amendments which stated that "the PER of the protein in the finished food is not less than that of whole milk protein (120 percent of casein as determined by the method prescribed in the regulation)." The "120 percent" should have read "108 percent." Therefore, the corrections have been made in the standard. The Commissioner rejects the suggestion to remove the requirement as to quality of the protein. Since whole milk protein has a PER of 108 percent of casein and there are other milk-derived ingredients that have a lower PER, such as casein with a PER of 100 percent, there is reason to retain this value.

4b. In addition, one comment indicated confusion about the requirement, found both in the standard of identity for mellorine published elsewhere in this issue of the FEDERAL REGISTER and in this document, that the food have a specified PER as determined by a certain method of analysis.

The Commissioner advises that the regulation requires foods to meet the specified PER value, but it does not independently require use of the official method of analysis. The regulation specified an official method of analysis solely to provide an authoritative means of resolving uncertainties and disputes in questionable cases. The manufacturer need not incur the expense of using the official method of determining the PER value so long as he correctly determines that the food satisfies the PER value specified in the regulation as determined by the official method.

5. Three comments objected to the elimination of the maximum whey solids limit. It was argued that the use of whey lowers the nutritional profile of the product, that whey may be substituted for the more expensive forms of nonfat milk solids with no concurrent decrease in price of the product, and, that increased quantities of whey may reduce the textural properties of the stored product.

The Commissioner concludes that all forms of safe and suitable milk-derived ingredients should be allowed to be used in making ice cream and related frozen desserts. The effect of the 2.7 percent minimum milk protein requirement for ice cream will be to remove the need for the current limitation on the amount of whey that can be used in the food. A further requirement is that the quality of the 2.7 percent protein must be equivalent to whole milk protein at a PER of 108 percent of casein. The minimum quantity and quality requirements of the present ice cream standard in § 135.30 (formerly § 20.1 prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) assure the consumer that the nutritional profile of ice cream, from a milk protein standpoint, will not be lowered. To compare the relative amounts of calcium and phosphorus present when all of the nonfat milk solids of ice cream are obtained from nonfat dry milk and when 25 percent

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and 40 percent of sweet whey or acid whey are substituted for nonfat dry milk, the following table is provided:

Calcium and Phosphorus Levels—Percent of US RDA supplied by 58 gram (2 oz avdp or 4 fl oz) serving

Percent nonfat milk solids in frozen dessert mix			Percent of US RDA[1]	
Nonfat dry milk solids	Sweet whey solids	Acid whey solids	Calcium	Phosphorus
10.0	----------	----------	7.9	6.1
7.5	2.5	----------	6.9	5.7
7.5	----------	2.5	8.0	5.8
6.0	4.0	----------	6.3	6.0
6.0	----------	4.0	8.1	6.0

[1] Based on US RDA of 1,000 mg each of calcium and phosphorus for adults.

It should be understood that the present ice cream standard in § 135.30 (formerly § 20.1 prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) permits up to 25 percent of the required 10 percent nonfat milk solids to be substituted with whey solids. Comparing the 25 percent whey substitution figures in the table above with the technologically feasible 40 percent whey substitution figures, it is apparent there is no significant nutritional difference in the US RDA availability of calcium and phosphorus. Even if complete substitution of the required nonfat milk solids with whey solids becomes technologically feasible, no significant nutrition differences in the US RDA availability of calcium and phosphorus would result.

No adverse textural effects have occurred when whey has been used in amounts up to 50 percent of the required 10 percent nonfat milk solids. Studies have shown that the potential problem of sandiness in ice cream, due to the high level of lactose in whey, has not occurred. Judicious use of stabilizers in the ice cream has been held a major factor in overcoming this problem. In addition, partially or completely delactosed whey may be utilized to assist in the elimination of the potential problem of sandiness in ice cream when large amounts of whey solids are substituted for nonfat dry milk in the manufacture of ice cream.

The Commissioner concludes that the arguments against elimination of the maximum whey solids limit are not supported. Therefore, there will be no limitation on the amount of whey that can be used. Rather, the minimum limitations on total percent protein and the quality of that protein (minimum PER of 108) will remain in the standards.

6. One comment questioned whether the substitution of the term "safe and suitable" for specific ingredients and limitations on those ingredients within the regulation will provide the consumer with adequate protection and information. Two additional comments advocated reinstating a list of approved ingredients and limits of use within the standards.

The Commissioner points out that since all ingredients to be used in ice cream would be considered under the "safe and suitable" definition in paragraph (d) of § 130.3 (21 CFR 130.3, formerly § 10.1, prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) those ingredients which are deemed not suitable because they change the basic character of the food may not be used since they do not perform an appropriate function in the food. Ingredients that are not specifically restricted by the standard of identity for ice cream must perform an appropriate function in the food and cannot be used at a level higher than necessary to achieve that intended purpose in the food. Reinstating a list of approved ingredients inhibits the flexibility of manufacturers to meet market needs of the consumer. Further, it is the Commissioner's opinion that the requirements for label declaration of all ingredients set forth in these standards will provide the consumer with the desired information as to the actual ingredients used to manufacture the food. Therefore, the Commissioner concludes that the revised standards of identity for frozen desserts as set forth herein will provide consumers with more protection and information.

7. One comment objected to use of the phrase "nutritive carbohydrate sweeteners" on the basis that it is contrary to FDA's "safe and suitable" substances policy, and recommended changing the phrase to read "Ice cream (sherbet, etc.) is sweetened with safe and suitable sweeteners."

The Commissioner interprets this comment to mean that use of substances such as nonnutritive sweeteners or sugar alcohols, such as sorbitol, is considered. The question has been raised several times as to whether or not the substances mannitol and sorbitol were included in the Commissioner's use of the term "carbohydrate." The Commissioner is aware that different chemical text books and scientific dictionaries may differ in their definition of the term "carbohydrate." However, for clarification, he wishes to state that mannitol and sorbitol, for the purposes of proposed § 20.2, (§ 135.110 in this final regulation) are not considered to be "carbohydrates." The Commissioner does not consider nonnutritive sweeteners or sugar alcohols to be suitable ingredients for use in the foods presently standardized as frozen desserts. Their use in lieu of sugar, for instance, would result in a change in the physical characteristics of the food. The only sweeteners permitted for use in frozen desserts under the existing standards are nutritive carbohydrate sweeteners. Furthermore, a change in the regulation to allow the use of nonnutritive sweeteners and sugar alcohols in frozen desserts should be published as a proposal, and the public should be given an opportunity for comment. If the persons who commented believe that this change is warranted, they should petition the Commissioner to amend the regulation. Accordingly, the Commissioner has retained the term "nutritive carbohydrate sweeteners" in the final regulation. Thus, nonnutritive sweeteners and sugar alcohols may not be used in frozen desserts, but all the nutritive sweeteners listed in Part 168 (21 CFR Part 168, formerly Part 26, prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) may be used as well as other safe and suitable nutritive carbohydrate sweeteners.

8. One comment objected to the requirement that water be listed as an ingredient where it is used to reconstitute a concentrated or dried ingredient, such as nonfat dry milk, on the basis that no more water is added than is necessary to restore the food to its original form. Furthermore, depending on the availability of ingredients, none may have to be reconstituted, thus making the presence of water in the ingredients list inaccurate. This comment suggested the labeling alternative "milk products (nonfat milk and milkfat)" which it felt would be both informative and not misleading to the consumer.

The Commissioner points out that he provided an option as to the manner in which dairy ingredients could appear on the label. One method is to follow the requirements of § 101.4; the other is that sources of milkfat or nonfat milk solids may be declared in descending order of predominance by use of all of the terms "water," "milkfat," and "nonfat milk solids." The Commissioner, having further reviewed this issue, concludes that since milkfat and nonfat milk solids are commonly understood to be the basic division of whole milk solids, it seems reasonable that when various forms of skim milk, milk, cream, or butterfat (as described in § 101.4(b) (3), (4), (8) and (9), published in the FEDERAL REGISTER of January 6, 1976 (41 FR 1156)) are used as the source of the milkfat and nonfat milk solids of a frozen dessert, the words "milkfat" and "nonfat milk" would be sufficient for the label declaration of such ingredients. Therefore, proposed § 20.2(d) (§ 135.110(d) of this final regulation) of the ice cream standard of identity is revised accordingly. When other dairy ingredients, in various forms (e.g., liquid, condensed or dried) such as buttermilk, whey, casein, caseinates or modified whey products are used, they too must be declared in the ingredient statement. Such ingredients must be declared by name in accordance with Part 101 (21 CFR Part 101, formerly Part 1, prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)).

9. One comment objected to the term "nonfat milk solids" as used in paragraph (a) (6) of proposed § 20.4 (§ 135.140 (21 CFR 135.140) of this final regulation) on the basis that it may be narrowly interpreted to mean nonfat dry milk. The comment suggested that the term "nonfat milk-derived solids" be substituted.

The Commissioner believes that, although the term "nonfat milk solids" is a generic term, it could be interpreted to mean nonfat dry milk. Since the actual source could be skim milk, skim milk derivatives, whey, and whey derivatives, the Commissioner concludes that the term "nonfat milk-derived solids" would be more definitive, and he amends paragraph (a)(2) of proposed § 20.4 (§ 135.14 of this final regulation) accordingly.

10. One comment stated that there is a current need for a "bulky flavor reduction" provision in a standard for ice milk in order to maximize economy in production.

The Commissioner agrees, and he amends the ice milk standard to include the statement "The provision for reduction in milkfat and protein content from the addition of bulky flavors in proposed § 20.2(a) (§ 135.110(a) of this final regulation) applies except that in no case will the milkfat content be less than 2 percent, nor the protein content less than 1.75 percent."

11. One comment objected to the proposed "generic groupings" method of labeling ingredients on the basis that it does not allow the consumer to see, on the label, the specific ingredients that might constitute a generic term such as "milkfat."

The Commissioner issued final regulations, published in the FEDERAL REGISTER of January 6, 1976 (41 FR 1156), concerning label declaration of ingredients. Ingredients that are required to be declared on the label of a food must be declared in accordance with § 101.4. Section 101.4(b) specifies that the name of an ingredient shall be a specific name and not a collective (generic) name; however, it does provide for certain exceptions. Under § 101.4(b)(3), various forms of skim milk (e.g., liquid, condensed or dried) may be declared as "skim milk" or "nonfat milk"; under § 101.4(b)(4), various forms of milk may be declared as "milk"; under § 101.4(b)(6), various forms of buttermilk as "buttermilk"; under § 101.4(b)(7), various forms of whey as "whey"; under § 101.4(b)(8), various forms of cream as "cream"; and under § 101.4(b)(9), various forms of butterfat as "butterfat." All of the above dairy ingredients contain varying amounts of milkfat and nonfat milk solids which are utilized to meet the minimum requirements of the various frozen dessert standards for milkfat and nonfat milk solids. The Commissioner concludes that the labeling requirements of the proposed frozen dessert standards provide adequate ingredient labeling information to the consumer without confusing the consumer with different forms of the same ingredients.

12. One comment expressed the opinion that the present method of labeling added colors is deceptive and suggested that it be made mandatory that wherever a statement concerning artificial flavoring appears on the carton, a statement about artificial colors used also appear.

The Commissioner points out that section 403(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(k)) specifically exempts the declaring of artificial color on the label of ice cream. The act does not provide such an exemption for the declaration of artificial flavoring. The Commissioner, however, does recommend voluntary declaration of artificial coloring since, in his opinion, such declaration would be in the best interests of the consumer.

13. One comment recommended that artificial colorings and characterizing flavors be prohibited in ice milk packed in containers larger than ½ gallon. This recommendation was made to prevent consumers from being deceived by the substitution of ice milk for ice cream.

The Commissioner points out that there are more appropriate means of regulating the potential problems of substitution than prohibiting the use of colors and flavorings; that is, any substitution of ice milk for ice cream would be unlawful.

14. One comment suggested that salt and other sodium compounds be limited in frozen foods to provide "salt free" dieters with a more varied diet of easily available foods.

The Commissioner points out that it is not his intention to provide a standard for special dietary frozen desserts which would be subject to the requirements of § 105.69 (21 CFR 105.69, formerly § 125.9, prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)). He further points out that the amount of salt used would be self-limiting in that adding too much salt or other sodium compounds would make the product unpalatable to the consumer. Therefore, for these reasons, the Commissioner concludes that the use of salt and/or other sodium compounds should not be restricted in the regulation.

15. One comment requested that the proposed three-flavor category for labeling of ice cream and frozen desserts be retained. No adverse comments were received.

The Commissioner agrees and is retaining the three-flavor category for labeling ice cream and frozen desserts as proposed.

16. Eleven comments advocated that the percentage of each ingredient used be included in the label declaration. Several specifically requested that the percentage of butterfat be noted on the label.

The proposed standards of identity for frozen desserts specify minimum levels for the characterizing ingredients of the food. In addition, a minimum level of food solids is required as well as a minimum weight per unit volume for the food. The labeling requirements of the standards also require that the ingredients be listed by common or usual name in descending order of predominance by weight as provided for in Part 101. Indications are that many manufacturers of frozen deserts will voluntarily provide nutrition labeling on the containers of their products. The Commissioner concludes that this regulation provides adequate labeling information to the consumer and that the declaration of the percent of each ingredient contained in the food will not be required. Since no data were presented for percent ingredient labeling and, further, since only in Part 102 (21 CFR Part 102) are there specific provisions for such labeling, the standards concerning this matter will remain as proposed.

17. Three comments requested that either the weight of the package or the percent overrun be noted on packages of ice cream or other frozen desserts. One of the comments also suggested that air be included in the ingredient list for ice cream or other frozen desserts.

The Commissioner advises that in manufacturing ice cream it is practicable to control the quantity of overrun. The current frozen dessert standard limits the overrun by establishing a minimum weight per gallon for the finished ice cream. It also requires the weight of ice cream to be not less than 4.5 pounds per gallon. This is effective in preventing the excessive incorporation of air, i.e., overrun, and is reasonable. Therefore, the Commissioner believes that no useful purpose would be served by requiring the label declaration of weight or percent overrun on packages of ice cream and/or the declaration of air in the ingredient list.

18. Three comments requested open-code dating on all frozen dessert packages. One of the comments stated that the proposed amendment to the standard of identity for frozen desserts should include (1) packaging date, (2) pull date, (3) instructions for home storage, and (4) processing plant numbers.

The Commissioner is of the opinion that this comment is beyond the scope of this document, and, further, that there have been no compelling arguments given to provide for these label declarations for frozen desserts. Therefore, any change in this regard must come by an appropriate petition to amend these regulations.

19. One comment was received regarding the limitation on the bacteria content in ice cream.

The Commissioner concludes that this comment is beyond the scope of this document, and further, that no case has been made to amend the current proposal at this time. Therefore, any change in this regard must come by an appropriate petition to amend these regulations.

20. One comment requested a hearing on the proposal, asserting that "Elimination of the 25 percent maximum use of whey along with reduction in final protein content to 2.7 percent would likely destroy the nutritional profile of ice cream."

The Commissioner has discussed the elimination of the maximum whey solids limit and the establishment of a minimum 2.7 percent protein content elsewhere in this preamble and has concluded that these amendments should be adopted as proposed. The Commissioner advises, however, that any person who is adversely affected by the regulation if placed in effect may, until May 12, 1977 file objections and request a hearing upon such objections.

It has been brought to the Commissioner's attention that there was a typo-

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graphical error in the proposal. Therefore, the following correction is made: proposed § 20.1 (§ 135.3 (21 CFR 135.3) of this final regulation) which states "For the * * * a pasteurized mix is one every particle of which has been heated * * * (* * * equivalent thereto in microbial destruction) :" is changed to read "For the * * * a pasteurized mix is one in which every particle of the mix has been heated * * * (* * * equivalent thereto in microbial destruction) :". In addition, modifying the wordage of the existing standard for water ices in proposed § 20.5 (§ 135.160 of this final regulation) to reference the standard for sherbet in proposed § 20.4 (§ 135.140 of this final regulation) inadvertently caused water ice mix to be considered a pasteurized mix. Since the current standard of identity for water ices did not require pasteurization of the mix and there is no need to require it now, proposed § 20.5(a) (§ 135.160(a) of this final regulation) is modified to read "Water ices are * * * in the same manner prescribed in § 135.140 for sherbets, except that the mix need not be pasteurized, and * * * is used." In § 135.140(a) (1) of the final regulation (proposed § 20.4(a)(1)), the words "and/or milk-derived ingredients alone or in combination" are added to be consistent with the wordage of other frozen dessert standards of Part 135.

Having considered the information submitted by the petitioner, the comments received, and other relevant material, the Commissioner concludes that it will promote honesty and fair dealing in the interest of consumers to adopt the proposal, with modifications, as set forth below.

The Commissioner has considered the environmental effects of the issuance or amendment of food standards and has concluded in paragraph (d)(4) of § 25.1 (21 CFR 25.1, formerly § 6.1, prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)) that food standards are not major agency actions significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required for this final regulation.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701 (e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner (21 CFR 5.1): *It is ordered*, That §§ 135.10, 135.20, 135.30, 135.40, 135.65, 135.70, and 135.90 be revised and reissued as §§ 135.3, 135.110, 135.120, 135.140, and 135.160, to read as follows:

Subpart A—General Provisions

Sec.

135.3 Definitions.

Subpart B—Requirements for Specific Standardized Frozen Desserts

135.110 Ice cream and frozen custard.
135.120 Ice milk.
135.140 Sherbet.
135.160 Water ices.

AUTHORITY: Secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371).

Subpart A—General Provisions

§ 135.3 Definitions.

For the purposes of this part, a pasteurized mix is one in which every particle of the mix has been heated in properly operated equipment to one of the temperatures specified in the table in this section and held continuously at or above that temperature for the specified time (or other time/temperature relationship which has been demonstrated to be equivalent thereto in microbial destruction) :

Temperature:	*Time*
155° F	30 min.
175° F	25 sec.

Subpart B—Requirements for Specific Standardized Frozen Desserts

§ 135.110 Ice cream and frozen custard.

(a) *Description.* (1) Ice cream is a food produced by freezing, while stirring, a pasteurized mix consisting of safe and suitable ingredients including, but not limited to, milkfat and nonfat milk solids, and/or other milk-derived ingredients alone or in combination; and excluding other food fats, except such as are natural components of flavoring ingredients used or are added in incidental amounts to accomplish specific functions. Ice cream is sweetened with nutritive carbohydrate sweeteners and may or may not be characterized by the addition of flavoring ingredients.

(2) Ice cream contains not less than 1.6 pounds of total solids to the gallon, and weighs not less than 4.5 pounds to the gallon. Ice cream contains not less than 10 percent milkfat, nor less than 2.7 percent protein having a protein efficiency ratio (PER) not less than that of whole milk protein (108 percent of casein), except that when it contains milkfat at 1 percent increments above the 10 percent minimum, it may contain the following milkfat-to-protein levels:

Percent milkfat:	*Minimum percent protein*
10	2.70
11	2.55
12	2.40
13	2.25
14	2.10

Except in the case of frozen custard, ice cream contains less than 1.4 percent egg yolk solids by weight of the food, exclusive of the weight of any bulky flavoring ingredients used. In no case shall the milkfat content of the finished food be less than 8 percent or the protein content be less than 2.2 percent, or, in the case of frozen custard, shall the content of egg yolk solids be less than 1.12 percent. The protein to meet the minimum protein requirement shall be provided by milk solids not fat and/or other milk-derived ingredients. A product containing egg yolk solids in excess of 1.4 percent, the maximum set forth in this paragraph for ice cream, may be marketed if labeled as specified by paragraph (c)(1) of this section.

(3) When calculating the minimum amount of milkfat and protein required in the finished food, the solids of chocolate or cocoa used shall be considered a bulky flavoring ingredient. In order to make allowance for additional sweetening ingredients needed when certain bulky ingredients are used, the weight of chocolate or cocoa solids used may be multiplied by 2.5; the weight of fruit or nuts used may be multiplied by 1.4; and the weight of partially or wholly dried fruits or fruit juices may be multiplied by appropriate factors to obtain the original weights before drying and this weight may be multiplied by 1.4.

(b) *Methods of analysis.* Fat and protein content, and the PER shall be determined by the following methods contained in the "Official Methods of Analysis of the Association of Official Analytical Chemists," 12th ed., 1975.[1]

(1) Fat content shall be determined by the method: "Fat; Roese-Gottlieb Method—Official Final Action," section 16.228.

(2) Protein content shall be determined by one of the methods: "Nitrogen—Official Final Action," Kjeldahl Method, section 16.226, or Dye Binding Method, section 16.227.

(3) PER shall be determined by the method: "Biological Evaluation of Protein Quality-Official Final Action," sections 39.166–39.170.

(c) *Nomenclature.* (1) The name of the food is "ice cream"; except that when the egg yolk solids content of the food is in excess of that specified for ice cream by paragraph (a) of this section, the name of the food is "frozen custard" or "french ice cream" or "french custard ice cream".

(2)(i) If the food contains no artificial flavor, the name on the principal display panel or panels of the label shall be accompanied by the common or usual name of the characterizing flavor, e.g., "vanilla", in letters not less than one-half the height of the letters used in the words "ice cream".

(ii) If the food contains both a natural characterizing flavor and an artificial flavor simulating it, and if the natural flavor predominates, the name on the principal display panel or panels of the label shall be accompanied by the common name of the characterizing flavor, in letters not less than one-half the height of the letters used in the words "ice cream", followed by the word "flavored", in letters not less than one-half the height of the letters in the name of the characterizing flavor, e.g., "VANILLA flavored", or "PEACH flavored", or "VANILLA flavored and STRAWBERRY flavored".

(iii) If the food contains both a natural characterizing flavor and an artificial flavor simulating it, and if the artificial flavor predominates, or if artificial flavor is used alone the name on the principal display panel or panels of the label shall be accompanied by the common name of the characterizing flavor in letters not less than one-half the height of the letters used in the words "ice cream", preceded by "artificial" or "artificially flavored", in letters not less than one-half the height of the letters in the name of the characterizing flavor, e.g., "artificial VANILLA", or "artificially flavored STRAWBERRY" or "artificially flavored VANILLA and artificially flavored STRAWBERRY".

(3)(i) If the food is subject to the requirements of paragraph (c)(2)(ii) of this section or if it contains any artificial flavor not simulating the characterizing flavor, the label shall also bear the words "artificial flavor added" or "artificial _____ flavor added", the blank being filled with the common name of the flavor simulated by the artificial flavor in letters of the same size and prominence as the words that precede and follow it.

(ii) Wherever the name of the characterizing flavor appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words prescribed by this subparagraph shall immediately and conspicuously precede or follow such name, in a size reasonably related to the prominence of the name of the characterizing flavor and in any event the size of the type is not less than 6-point on packages containing less than 1 pint, not less than 8-point on packages containing at least 1 pint but less than one-half gallon, not less than 10-point on packages containing at least one-half gallon but less than 1 gallon, and not less than 12-point on packages containing 1 gallon or over: *Provided, however,* That where the characterizing flavor and a trademark or brand are presented together, other written, printed, or graphic matter that is a part of or is associated with the trademark or brand, may intervene if the required words are in such relationship with the trademark or brand as to be clearly related to the characterizing flavor: *And provided further,* That if the finished product contains more than one flavor of ice cream subject to the requirements of this subparagraph, the statements required by this subparagraph need appear only once in each statement of characterizing flavors present in such ice cream, e.g., "VANILLA flavored, CHOCOLATE and STRAWBERRY flavored, artificial flavors added".

(4) If the food contains both a natural characterizing flavor and an artificial flavor simulating the characterizing flavor, any reference to the natural characterizing flavor shall, except as otherwise authorized by this paragraph, be accompanied by a reference to the artificial flavor, displayed with substantially equal prominence, e.g., "strawberry and artificial strawberry flavor".

(5) An artificial flavor simulating the characterizing flavor shall be deemed to predominate:

(i) In the case of vanilla beans or vanilla extract used in combination with vanillin if the amount of vanillin used is greater than 1 ounce per unit of vanilla constituent, as that term is defined in § 169.3(c) of this chapter.

(ii) In the case of fruit or fruit juice used in combination with artificial fruit flavor, if the quantity of the fruit or fruit juice used is such that, in relation to the weight of the finished ice cream, the weight of the fruit or fruit juice, as the case may be (including water necessary to reconstitute partially or wholly dried fruits or fruit juices to their original moisture content) is less than 2 percent in the case of citrus ice cream, 6 percent in the case of berry or cherry ice cream, and 10 percent in the case of ice cream prepared with other fruits.

(iii) In the case of nut meats used in combination with artificial nut flavor, if the quantity of nut meats used is such that, in relation to the finished ice cream the weight of the nut meats is less than 2 percent.

(iv) In the case of two or more fruits or fruit juices, or nut meats, or both, used in combination with artificial flavors simulating the natural flavors and dispersed throughout the food, if the quantity of any fruit or fruit juice or nut meat is less than one-half the applicable percentage specified in paragraph (c)(5)(ii) or (iii) of this section. For example, if a combination ice cream contains less than 5 percent of bananas and less than 1 percent of almonds it would be "artificially flavored banana-almond ice cream". However, if it contains more than 5 percent of bananas and more than 1 percent of almonds it would be "banana-almond flavored ice cream".

(6) If two or more flavors of ice cream are distinctively combined in one package, e.g., "Neapolitan" ice cream, the applicable provisions of this paragraph shall govern each flavor of ice cream comprising the combination.

(d) *Label declaration.* Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 101 of this chapter, except that sources of milkfat or milk solids not fat may be declared in descending order of predominance either by the use of all the terms "milkfat and nonfat milk" when one or any combination of two or more of the ingredients listed in § 101.4(b)(3), (4), (8), and (9) of this chapter are used or alternatively as permitted in § 101.4 of this chapter. Pursuant to section 402(k) of the Federal Food, Drug, and Cosmetic Act artificial color need not be declared in ice cream. Voluntary declaration of such color in ice cream is recommended.

§ 135.120 Ice milk.

(a) *Description.* Ice milk is the food prepared from the same ingredients and in the same manner prescribed in § 135.110 for ice cream and complies with all the provisions of § 135.110 including the requirements for label statement of optional ingredients), except that:

(1) Its content of milkfat is more than 2 percent but not more than 7 percent.

(2) The provision for reduction in milkfat and protein content from the addition of bulky flavors in § 135.110(a) applies, except that in no case will the milkfat content be less than 2 percent, nor the protein content less than 1.75 percent. When the milkfat content increases in increments of 1 percent above the 2 percent minimum, it may contain the following milkfat-to-protein levels:

Percent milkfat:	*Minimum percent protein*
2	2.55
3	2.40
4	2.25
5	2.10
6	1.95
7	1.80

(3) The quantity of food solids per gallon is not less than 1.3 pounds.

(4) When any artificial coloring is used in ice milk, directly or as a component of any other ingredient, the label shall bear the statement "artificially colored", "artificial coloring added", "with added artificial color", or "_____, an artificial color added", the blank being filled in with the common or usual name of the artificial color; or in lieu thereof, in case the artificial color is a component of another ingredient, "_____ artificially colored".

(5) If both artificial color and artificial flavoring are used, the label statements may be combined.

(b) *Nomenclature.* The name of the food is "ice milk".

§ 135.140 Sherbet.

(a) *Description.* (1) Sherbet is a food produced by freezing, while stirring, a pasteurized mix consisting of safe and suitable ingredients including but not limited to milkfat and nonfat milk solids, and/or other milk-derived ingredients alone or in combination, and excluding other food fats, except such as are added in small amounts to accomplish specific functions or are natural components of flavoring ingredients used. Sherbet is sweetened with nutritive carbohydrate sweeteners and is characterized by the addition of one or more of the characterizing fruit ingredients specified in paragraph (b) of this section or one or more of the nonfruit characterizing ingredients specified in paragraph (c) of this section.

(2) Sherbet weighs not less than 6 pounds to the gallon. The milkfat content is not less than 1 percent nor more than 2 percent, the nonfat milk-derived solids content not less than 1 percent and the total milk or milk-derived solids content is not less than 2 percent nor more than 5 percent by weight of the finished food. Sherbet that is characterized by a fruit ingredient shall have a titratable acidity, calculated as lactic acid, of not less than 0.35 percent.

(b) The optional fruit characterizing ingredients referred to in paragraph (a) of this section are any mature fruit or the juice of any mature fruit. The fruit or fruit juice used may be fresh, frozen, canned, concentrated, or partially or wholly dried. The fruit may be thickened with pectin or other optional ingredients. The fruit is prepared by the removal of pits, seeds, skins, and cores, where such removal is usual in preparing that kind of fruit for consumption as fresh fruit. The fruit may be screened, crushed, or otherwise comminuted. It may be acidulated. In the case of concentrated fruit or fruit juices, from which part of the water is removed, substances contribut-

[1] Copies may be obtained from: Association of Official Analytical Chemists, Post Office Box 540, Benjamin Franklin Station, Washington, DC 20044.

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ing flavor volatilized during water removal may be condensed and reincorporated in the concentrated fruit or fruit juice. In the case of citrus fruits, the whole fruit, including the peel but excluding the seeds, may be used, and in the case of citrus juice or concentrated citrus juices, cold-pressed citrus oil may be added thereto in an amount not exceeding that which would have been obtained if the whole fruit had been used. The quantity of fruit ingredients used is such that, in relation to the weight of the finished sherbet, the weight of fruit or fruit juice, as the case may be (including water necessary to reconstitute partially or wholly dried fruits or fruit juices to their original moisture content), is not less than 2 percent in the case of citrus sherbets, 6 percent in the case of berry sherbets, and 10 percent in the case of sherbets prepared with other fruits. For the purpose of this section, tomatoes and rhubarb are considered as kinds of fruit.

(c) The optional nonfruit characterizing ingredients referred to in paragraph (a) of this section include but are not limited to the following:

(1) Ground spice or infusion of coffee or tea.

(2) Chocolate or cocoa, including sirup.

(3) Confectionery.

(4) Distilled alcoholic beverage, including liqueurs or wine, in an amount not to exceed that required for flavoring the sherbet.

(5) Any natural or artificial food flavoring (except any having a characteristic fruit or fruit-like flavor).

(d) *Nomenclature.* (1) The name of each sherbet is as follows:

(i) The name of each fruit sherbet is "_____ sherbet", the blank being filled in with the common name of the fruit or fruits from which the fruit ingredients used are obtained. When the names of two or more fruits are included, such names shall be arranged in order of predominance, if any, by weight of the respective fruit ingredients used.

(ii) The name of each nonfruit sherbet is "_____ sherbet", the blank being filled in with the common or usual name or names of the characterizing flavor or flavors; for example, "peppermint", except that if the characterizing flavor used is vanilla, the name of the food is "_____ sherbet", the blank being filled in as specified by § 135.110(c)(2) and (5)(i).

(2) When the optional ingredients, artificial flavoring, or artificial coloring are used in sherbet, they shall be named on the label as follows:

(i) If the flavoring ingredient or ingredients consists exclusively of artificial flavoring, the label designation shall be "artificially flavored".

(ii) If the flavoring ingredients are a combination of natural and artificial flavors, the label designation shall be "artificial and natural flavoring added".

(iii) The label shall designate artificial coloring by the statement "artificially colored", "artificial coloring added", "with added artificial coloring", or "_____, an artificial color added", the blank being filled in with the name of the artificial coloring used.

(e) Wherever there appears on the label any representation as to the characterizing flavor or flavors of the food and such flavor or flavors consist in whole or in part of artificial flavoring, the statement required by paragraph (d)(2)(i) and (ii) of this section, as appropriate, shall immediately and conspicuously precede or follow such representation, without intervening written, printed, or graphic matter (except that the word "sherbet" may intervene) in a size reasonably related to the prominence of the name of the characterizing flavor and in any event the size of the type is not less than 6-point on packages containing less than 1 pint, not less than 8-point on packages containing at least 1 pint but less than one-half gallon, not less than 10-point on packages containing at least one-half gallon but less than 1 gallon, and not less than 12-point on packages containing 1 gallon or over.

(f) Except as specified in paragraph (e) of this section, the statements required by paragraph (d)(2) of this section shall be set forth on the principal display panel or panels of the label with such prominence and conspicuousness as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(g) Label declaration: Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 101 of this chapter.

§ 135.160 Water ices.

(a) *Description.* Water ices are the foods each of which is prepared from the same ingredients and in the same manner prescribed in § 135.140 for sherbets, except that the mix need not be pasteurized, and complies with all the provisions of § 135.140 (including the requirements for label statement of optional ingredients) except that no milk or milk-derived ingredient and no egg ingredient, other than egg white, is used.

(b) *Nomenclature.* The name of the food is "_____ ice", the blank being filled in, in the same manner as specified in § 135.140(d)(1)(i) and (ii), as appropriate.

Any person who will be adversely affected by the foregoing regulation may at any time on or before May 12, 1977, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Four copies of all documents shall be filed and identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Effective date: Except as to any provisions that may be stayed by the filing of proper objections, compliance with this final regulation, including any required labeling changes, may begin on or before June 13, 1977 and all products initially introduced into interstate commerce on or after July 1, 1979 shall fully comply. Notice of the filing of objections or lack thereof will be published in the FEDERAL REGISTER.

(Secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e)).)

Dated: April 4, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

NOTE.—Incorporation by reference provisions have been approved by the Director of the Office of the Federal Register March 11, 1976, and are on file in the library of that office.

[FR Doc.77-10624 Filed 4-11-77;8:45 am]

[Docket No. 75N-0366]

PART 135—FROZEN DESSERTS

Mellorine: Confirmation of Effective Date of Final Regulation Establishing a Standard of Identity

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The effective date for the regulation that established a standard of identity for mellorine is confirmed.

DATES: Compliance with the regulation, including any labeling changes required, may have begun on September 23, 1974, and all products initially introduced into interstate commerce on or after July 1, 1979 shall fully comply.

FOR FURTHER INFORMATION CONTACT:

Eugene T. McGarrahan, Bureau of Foods (HFC-415), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-245-1155.

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs issued a final regulation in the FEDERAL REGISTER of July 25, 1974 (39 FR 27128) that established a standard of identity for mellorine, terminated the rule making procedure to establish a standard of identity for parevine, and revoked 21 CFR 3.39. The final regulation provided that any person who would be adversely affected could, at any time on or before August 26, 1974, file written objections and request a hearing.

The July 1974 standard of identity for mellorine was promulgated under § 20.8 (21 CFR 20.8). Pursuant to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302) and to a regulation published elsewhere in this issue of the FEDERAL REGISTER promulgating revised §§ 135.3, 135.110, 135.120, 135.140 and 135.160, this document confirms the effective date for the mellorine standard of identity under § 135.130 (21 CFR 135.130). Therefore, in this confirmation of the effective date of the mellorine standard, all references to "§ 20.8" are changed to read "§ 135.130."

No objections were received to the termination of the proposed rule making procedure to establish a standard of identity for parevine or to the revocation of § 3.39 (21 CFR 3.39). However, 15 timely (and 4 late) responses, some requesting a public hearing, were filed objecting to specific provisions of the final regulation establishing a standard of identity for mellorine. Since the four late responses spoke to the same issues contained within the timely responses, that they were late is moot.

Pursuant to section 701(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371(e)), the Commissioner has considered the objections and requests for a hearing. His conclusions follow:

OBJECTIONS AND REQUESTS FOR A HEARING

1. *Time limit set for objections.* Nine objections, supported by six additional comments and one request for a hearing concerned the 30-day time limit provided for filing objections and requesting a hearing. A majority asked for a 2-month extension; others asked for extensions of unspecified lengths of time.

Section 701(e)(2) of the act specifically provides for a 30-day objection period, and the Commissioner has no authority under the act to provide otherwise. Therefore, the Commissioner finds that these objections do not raise an issue of fact that warrants a hearing.

2. *The requirement that ingredients be declared on the label in descending order of predominance.* Two objections, with no requests for a hearing, concerned the requirement that all ingredients be declared on the label in descending order of their predominance in accordance with § 101.4 (21 CFR 101.4, formerly § 1.10 prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)). This requirement was considered as being unduly restrictive, particularly in reference to those ingredients used in small amounts, such as stabilizers, emulsifiers, and mineral salts. It was suggested that this manner of listing ingredients will result in the divulgence of trade secrets, and that the listing of specific stabilizers, emulsifiers, and mineral salts on the carton will result in an economic loss to both the manufacturer and the consumer if the particular ingredient declared is not always available and a substitution must be made or if a change in formulation is needed to solve individual production problems. The change in ingredient would cause a change in the label of the carton, the increased cost of which would ultimately be borne by the consumer. One of the objectors contended that the listing of specific ingredients would be unenforceable and would lead to the industry's reluctance to take advantage of technological advances which may involve formulation changes even though the product of these changes may be higher in quality, and that specific names of ingredients might serve only to frighten, rather than educate or inform the consumer. Three alternatives to the Commissioner's requirement were offered: (a) ingredients that are used in concentrations below a certain percentage (1 or 2 percent was proposed) would be exempt; (b) the ingredients could be listed generically, e.g., "stabilizer," with a parenthetical listing of the specific ingredients used, not necessarily in order of descending predominance; (c) the regulations should include extensive lists of possible safe and suitable ingredients that may be used, and the label designation would be limited to "safe and suitable ____" with the word(s) stabilizer, emulsifier, salt, or any combination of the three filling the blank.

The Commissioner continues to adhere to the policy, set forth in § 101.6 (21 CFR 101.6, formerly § 3.88 prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)), that the labels of standardized foods bear "complete information" about the ingredients contained in the food. The Commissioner rejects the suggestion that stabilizers, emulsifiers, and other ingredients be exempt from ingredient labeling or that he provide for generic labeling of these ingredients since if he did so consumers would not know the specific ingredients the food contains. The Commissioner has not adopted the suggestion that he permit these ingredients to be declared in an order other than that of order-of-predominance. The label designation of ingredients should be made in accordance with the requirements, set forth in § 101.4, that are generally applicable to all food, since this averts consumer confusion from variations and assures equal treatment of similar situations. Stabilizers, emulsifiers, and other ingredients are used in small amounts in many foods. If there are special difficulties in labeling these ingredients that warrant any exception from the order-of-predominance requirements, these difficulties are not unique to mellorine. If the objectors believe that a change should be made in the general requirements for labeling these ingredients, they should submit a petition, supported by an adequate showing for such change, to amend § 101.4. Lastly, the objections provided no specific information to support the conclusional assertion that the label declaration of these ingredients would reveal a trade secret. The existence of a trade secret in the use of these ingredients is unlikely, but if the objectors submit a petition supported by an adequate showing that a trade secret exists, the Commissioner will take any action necessary to protect the identity of bona fide trade secrets. The Commissioner points out that he has identified in § 20.61 of the public information regulations (21 CFR 20.61, formerly § 4.61 prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)) and the preamble thereto, published in the FEDERAL REGISTER of December 24, 1974 (39 FR 44602), the elements that are essential to establish that a trade secret exists.

3. *Nutritive value.* One objection and request for a hearing concerned the alleged failure of certain nutritional aspects of the standard for mellorine to compare favorably with those of the standard for ice cream (e.g., fat and nonfat milk solids content, vitamin and mineral content). The objector claimed that the inclusion of other milk-derived ingredients as optional protein sources and the use of vegetable fat may result in a reduction of the nutritive value generally associated with frozen desserts made solely from milk solids not fat and milkfat. The nutrients referred to in the objection were calcium, phosphorus, vitamins B_2 and B_{12}, riboflavin, and niacin.

The Commissioner disagrees with the objection. No information was supplied in the objection to explain how the use of vegetable fat rather than milkfat in mellorine would result in a lower amount of the particular nutrients referred to in the objection. The only essential nutrient, apart from fat, for which milkfat is a source is vitamin A. The Commissioner notes that the standard of identity for mellorine already requires mellorine to contain vitamin A in proportion to its fat content. The objection also failed to provide a reasonable basis for believing that the use of milk-derived ingredients in mellorine would lower its nutritive value with respect to these nutrients in comparison with a product made from nonfat dry milk.

The Commissioner points out that the same milk-derived ingredients are permitted in skim milk and lowfat milk provided that the ratio of protein to total nonfat milk solids of the food, and the protein efficiency ratio of all protein present, is not decreased as a result of their addition. On a similar basis, the inclusion of milk-derived ingredients in mellorine would assure consumers of a food of a minimum nutritional quality regardless of the individual dairy ingredients used to make up the required milk protein level. Water soluble vitamins, including those in the B-complex series, would be present in mellorine (meeting the 2.7 percent protein minimum) to the same relative degree, whether the food was made from nonfat dry milk or a combination of other milk-derived ingredients. The following table compares the relative amounts of calcium and phosphorus present when all of the nonfat milk derived solids are obtained from nonfat dry milk and when various levels of whey solids are substituted:

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Calcium and phosphorus level—Percent US RDA supplied by 58 gram (2 oz avdp or 4 fl oz) serving

Percent nonfat milk-derived solids in frozen dessert mix			Percent of US RDA [1]	
Nonfat dry milk solids	Sweet whey solids	Acid whey solids	Calcium	Phosphorus
10.0	----------	----------	7.9	6.1
7.5	2.5	----------	6.9	5.7
7.5	----------	2.5	8.0	5.8
6.0	4.0	----------	6.3	6.0
6.0	----------	4.0	8.1	6.0

[1] Based on US RDA of 1,000 mg each of calcium and phosphorus for adults.

The present standard of identity for ice cream permits up to 25 percent of the required 10 percent nonfat milk solids to be substituted with whey solids. The final regulation for ice cream published elsewhere in this issue of the FEDERAL REGISTER, removes any maximum limitation for whey. Comparing the 25 percent whey substitution figures, above with the technologically feasible 40 percent whey substitution figures, it is apparent there is no significant nutritional difference in the US RDA availability of calcium and phosphorus. Even if complete substitution of the required nonfat milk solids with whey solids becomes technologically feasible, no significant nutrition difference in the US RDA availability of calcium and phosphorus would result.

The Commissioner finds that this objection does not raise a substantial issue of fact which warrants a hearing. The standard for mellorine already sets forth minimum nutritional equivalency requirements, and the same minimum requirements are included in the ice cream and ice milk standards published elsewhere in this issue of the FEDERAL REGISTER.

4. *Protein level.* Two objections, supported by six additional comments, and one request for a hearing concerned the changes in protein level from 3 percent in the proposal to 2.7 percent in the final regulation. The objection requesting a hearing stated that the Commissioner's calculations used to reach this protein level, which were predicated on similar considerations for ice cream, may be incorrect. No data were submitted substantiating this assertion.

The Commissioner finds that these objections do not raise a substantial issue of fact that warrants a hearing. He has reviewed the calculations used to determine the protein level in ice cream under the present standard and finds no reasonable basis for believing there is an error in the manner of making the calculations. In addition, he points out that the present standard of identity for ice cream requires a minimum of 20 percent total milk solids and a minimum of 10 percent milk fat content, with a resultant minimum requirement of 10 percent nonfat milk solids. The standard also permits a substitution of whey solids for up to 25 percent of the required nonfat milk solids. Data from the scientific literature and certain trade associations on file with the Hearing Clerk, Food and Drug Administration, show that dried whey contains a maximum of 13 percent protein, and nonfat dry milk contains a maximum of 36 percent protein. Theoretically, based on these figures, a frozen dessert meeting the minimum existing requirements of 7.5 percent nonfat milk solids and 2.5 percent whey solids would contain a maximum protein level of approximately 3 percent. The Commissioner does not believe, however, that it is appropriate to establish the protein requirement for mellorine at the maximum protein level that might be found in some forms of ice cream. Instead, he has examined the protein level of ice cream that would meet the minimum existing legal requirements and has set the protein level for mellorine at the average amount of that protein level. Analytical figures on file with the Hearing Clerk show that the average minimum protein level in nonfat dry milk is approximately 32 percent and the average minimum protein level in dried whey is approximately 12 percent. Calculations based upon these average minimums project a protein level of approximately 2.7 percent for a frozen dessert complying with the existing standard and containing 7.5 percent nonfat milk solids and 2.5 percent whey solids.

The protein content of dairy ingredients varies with the breed, season, geographical location, and type of feed. Because of these fluctuations, it is more equitable to use the average minimum protein level rather than the maximum level. If the protein level were set at the higher level, manufacturers would have to add protein-ingredients whenever the protein content of the particular dairy ingredients in the product fluctuated below the maximum. Under the existing standard for ice cream, there is no minimum requirement for the amount of protein in the food. The difference between a 3 percent protein level and a 2.7 percent protein level in these foods does not amount to a significant difference in the recommended daily allowance for protein. Accordingly, there is no reasonable basis for believing that a 3 percent protein level rather than a 2.7 percent protein level is needed to ensure that mellorine does not contain significantly less protein than that found in ice cream that meets the existing standard.

The Commissioner, therefore, concludes that 2.7 percent protein is a reasonable minimum level of milk protein in mellorine. Therefore, the present final regulation for mellorine will continue to contain this minimum requirement of 2.7 percent protein (except 2.2 percent when bulky flavors are used).

5. *Declaration of dairy ingredients.* One objection, supported by six additional comments, and one request for a hearing concerned the proposed manner of declaring dairy ingredients. The contention was that the alternative requirement to list water first on the label might mislead the consumer into believing that water alone, rather than as a constituent of milk, is the principal ingredient of mellorine. It was suggested that a term such as "reconstituted skim milk" or "dairy products used may have been reconstituted" might be more appropriate.

The Commissioner provided an option as to the manner in which dairy ingredients could appear on the label. One method is to follow the requirements of § 101.4; the other is that sources of fat or nonfat milk solids may be declared in descending order of predominance by the use of all the terms "water, milkfat, and nonfat milk solids." The Commissioner has further reviewed this issue and concludes that since milk fat and nonfat milk solids are commonly understood to be the basic division of whole milk solids, it seems reasonable that when various forms of skim milk, milk, cream, or butter fat (as described in § 101.4(b) (3), (4), (8), and (9)) are used as the partial source of fat and the sole source of nonfat milk solids, the phrase "milkfat" and "nonfat milk" would be sufficient as the label declaration of such ingredients. Therefore, paragraph (e) of the mellorine standard under § 135.130 is revised accordingly. When other dairy ingredients, in various forms (e.g., liquid, condensed, or dried) such as buttermilk, whey, casein, caseinates, or modified whey products are used, they too must be declared in the ingredient statement. Such ingredients will be declared in accordance with 21 CFR Part 101.

6. *Fat content of mellorine.* Two objections, supported by six additional comments, and one request for a hearing pertained to the minimum fat levels of 6 percent of plain mellorine and 4.8 percent when bulky flavoring ingredients are used, in comparison to the minimum levels of 10 percent and 8 percent, respectively, in ice cream. It was stated that the lower fat levels allow mellorine a distinct competitive advantage over ice cream.

The Commissioner finds that these objections do not raise an issue of fact which warrants a hearing. He therefore maintains his previous position as expressed in the preamble to the July 25, 1974 mellorine final regulation that the minimum level of 6 percent fat (or, as appropriate, 4.8 percent) was established because most of the mellorine sold in this country contains about 6 percent fat. The Commissioner stated that he would not alter the 6 percent fat content minimum requirement in the absence of "technological, production, or consumer data" to support an increase. No such data were submitted with the objection. The grounds asserted for the objection, that the standard for mellorine would place ice cream at a competitive disadvantage, is not a relevant statutory criterion. Under section 401 of the act (21 U.S.C. 341), the Commissioner is to be guided by a concern for "honesty and fair dealing in the interest of the consumer."

The objection also asserted that it would be consistent with the Commissioner's policy in the imitation regulations under § 101.3(e) (21 CFR 101.3(e), formerly § 1.8(e), prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) to require

mellorine to have the same fat content as ice cream.

The Commissioner disagrees. Under the imitation regulations, the Commissioner will not regard a product as nutritionally inferior solely because of a reduction in the fat content of a food. In addition, for technological reasons, the maximum level of vegetable fat that can be used in mellorine before there is an adverse effect on the physical attributes of the food is about 8 percent. In contrast to additional levels of milk fat, vegetable fat does not add to the flavor of the food. Mellorine will be named and labeled as a product distinctive from both ice cream (at a minimum of 10 percent milk fat) and ice milk (which ranges from 2 to 7 percent milk fat).

7. *Polysorbate 65 and polysorbate 80.* A manufacturer of polysorbate 65 and polysorbate 80 filed an objection and requested a hearing: The regulations governing the use of polysorbate 65 and polysorbate 80 under §§ 172.838 and 172.840 (21 CFR 172.838 and 172.840, formerly §§ 121.1008 and 121.1009, prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) now provide that they may be used alone or in combination for the manufacture of ice cream, frozen custard, ice milk, fruit sherbet, and nonstandardized frozen desserts. The establishment of a standard of identity for mellorine without revising §§ 172.838 and 172.840 would preclude the use of either of these ingredients in mellorine.

The Commissioner advises that §§ 172.838 and 172.840 are currently being revised to provide for the specific use of polysorbate 65 and polysorbate 80, respectively, in mellorine.

It has been brought to the Commissioner's attention that there was a typographical error in the July 25, 1974 final regulation for mellorine: In § 135.130(a)(2) the protein efficiency ratio for whole milk protein incorrectly listed as 120 percent of casein is changed to 108 percent of casein. In addition, a comment on the standard of identity for frozen desserts indicated confusion about the requirement, found both in that standard and this one, that the food have a specified PER as determined by a certain method of analysis.

The Commissioner advises that the regulation requires food to meet the specified PER value, but it does not independently require use of the official method of analysis. The regulations specified an official method of analysis solely to provide an authoritative means of resolving uncertainties and disputes in questionable cases. The manufacturer need not incur the expense of using the official method of determining the PER value so long as he correctly determines that the food satisfies the PER value specified in the regulation as determined by the official method.

The final regulation for other frozen desserts published elsewhere in this issue of the FEDERAL REGISTER contains, under § 135.3, a definition for pasteurized mix applicable to the subject standard for mellorine. Therefore, paragraph (c) of § 135.130 is deleted and paragraphs (d), (e), and (f) are redesignated paragraphs (c), (d), and (e).

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701 (e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner (21 CFR 5.1), notice is given that no objections raising substantial issues of fact requiring a hearing under section 701(e) of the act were received. Accordingly, the requests for a hearing on the objections are denied. Further, in accordance with the foregoing: *It is ordered*, That § 135.130 as promulgated in the FEDERAL REGISTER of July 25, 1974 (39 FR 27128) be revised to read as follows:

§ 135.130 Mellorine; identity; label statement of optional ingredients.

(a) *Description.* (1) Mellorine is a food produced by freezing, while stirring, a pasteurized mix consisting of safe and suitable ingredients including, but not limited to, milk-derived nonfat solids and animal or vegetable fat, or both, only part of which may be milkfat. Mellorine is sweetened with nutritive carbohydrate sweetener and is characterized by the addition of flavoring ingredients.

(2) Mellorine contains not less than 1.6 pounds of total solids to the gallon, and weighs not less than 4.5 pounds to the gallon. Mellorine contains not less than 6 percent fat and 2.7 percent protein having a protein efficiency ratio (PER) not less than that of whole milk protein (108 percent of casein) by weight of the food, exclusive of the weight of any bulky flavoring ingredients used. In no case shall the fat content of the finished food be less than 4.8 percent or the protein content be less than 2.2 percent. The protein to meet the minimum protein requirements shall be provided by milk solids, not fat and/or other milk-derived ingredients.

(3) When calculating the minimum amount of milkfat and protein required in the finished food, the solids of chocolate or cocoa used shall be considered a bulky flavoring ingredient. In order to make allowance for additional sweetening ingredients needed when certain bulky ingredients are used, the weight of chocolate or cocoa solids used may be multiplied by 2.5; the weight of fruit or nuts used may be multiplied by 1.4; and the weight of partially or wholly dried fruits or fruit juices may be multiplied by appropriate factors to obtain the original weights before drying and this weight may be multiplied by 1.4.

(b) *Fortification.* Vitamin A is present in a quantity which will ensure that 40 international units (IU) are available for each gram of fat in mellorine, within limits of good manufacturing practice.

(c) *Methods of analysis.* Fat and protein content, and the PER shall be determined by the following methods contained in the "Official Methods of Analysis of the Association of Official Analytical Chemists," 12th ed., 1975.[1]

(1) Fat content shall be determined by the method: "Fat, Roese-Gottlieb Method—Official Final Action," section 16.228.

(2) Protein content shall be determined by one of the following methods: "Nitrogen—Official Final Action," Kjeldahl Method, section 16.226, or Dye Binding Method, section 16.227.

(3) PER shall be determined by the method: "Biological Evaluation of Protein Quality-Official Final Action" sections 39.166–39.170.

(d) *Nomenclature.* The name of the food is "mellorine." The name of the food on the label shall be accompanied by a declaration indicating the presence of characterizing flavoring in the same manner as is specified in § 135.110(c).

(e) *Label declaration.* The common or usual name of each of the ingredients used shall be declared on the label as required by the applicable sections of Part 101 of this chapter, except that sources of milkfat or milk solids not fat may be declared, in descending order of predominance, either by the use of the terms "milkfat, and nonfat milk when one or any combination of two or more ingredients listed in § 101.4(b) (3), (4), (8), and (9) of this chapter are used, or alternatively as permitted in §101.4 of this chapter.

Effective date: Compliance with the regulation, including any labeling changes required, may have begun on September 23, 1974, and all products initially introduced into interstate commerce on or after July 1, 1979 shall fully comply.

(Secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371 (e)).)

Dated: April 4, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-10625 Filed 4-11-77;8:45 am]

SUBCHAPTER D—DRUGS FOR HUMAN USE

[Docket No. 75N-0039]

PART 330—OVER-THE-COUNTER (OTC) HUMAN DRUGS WHICH ARE GENERALLY RECOGNIZED AS SAFE AND EFFECTIVE AND NOT MISBRANDED

Subpart B—Administrative Procedures

TESTING OF CATEGORY III ACTIVE INGREDIENTS

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This regulation establishes the conditions under which an over-the-counter (OTC) drug classified in Cate-

[1] Copies may be obtained from: Association of Official Analytical Chemists, P.O. Box 540, Ben Franklin Station, Washington, D.C. 20044.

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gory III (insufficient data to permit final classification at this time) may continue to be marketed pending development of data to support approval of the ingredient, labeling, or other condition as safe, effective, and not misbranded, through amendment of the applicable OTC drug monograph or approval of a new drug application (NDA). This order is based on a proposal issued in response to numerous requests for clarification of such conditions.

EFFECTIVE DATE: June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

William D. Gilbertson, Bureau of Drugs (HFD–510), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301–443–4960.

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs proposed, in a notice published in the FEDERAL REGISTER of October 21, 1975 (40 FR 49097), to amend § 330.10 (21 CFR 330.10), the procedural regulations governing the OTC drug review project. Interested persons were invited to comment on the proposal by December 22, 1975.

In response to the proposal, comments were received from one trade association, six drug manufacturers, one consumer group, one citizen, and one pharmacy school. The comments on this proposal and the Commissioner's conclusions concerning them are as follows:

1. Several comments argued that permitting products with Category III conditions to remain on the market pending further testing is beyond the authority of the Food and Drug Administration (FDA). The comments contended that products that require further testing cannot be regarded as generally recognized as safe and effective, and so must be new drugs whose marketing cannot be allowed unless approval of an NDA has been obtained.

The establishment of Category III and the issues related to the status and treatment of products with conditions in that category have been discussed before. The Commissioner responded fully to comments suggesting deletion of Category III in connection with the proposed and final orders regarding procedures for classification of OTC drugs published in the FEDERAL REGISTER of January 5, 1972 (37 FR 85) and May 11, 1972 (37 FR 9464).

As stated in paragraph 72 at page 9470 of the May 11, 1972 regulation, the OTC drug review is intended to identify not only those drugs that are generally recognized as safe and effective, but also those that are not generally recognized as safe and effective, and those that require further testing before a determination of general recognition of safety and effectiveness may be made.

One of the comments cited the Supreme Court's holding in *Weinberger* v. *Hynson, Westcott & Dunning, Inc.*, 412 U.S. 609 (1973), as supporting the proposition that permitting the marketing of drugs in Category III is contrary to the Federal Food, Drug, and Cosmetic Act (hereafter "the act"). However, the comment failed to cite *Weinberger* v. *Bentex Pharmaceuticals, Inc.*, 412 U.S. 645 (1973), a companion case handed down the same day. That case recognized the agency's primary jurisdiction "for determining whether particular OTC products, not covered by NDA's are safe products, not ineffective, and not misbranded," and specifically endorsed the OTC drug review as an appropriate administrative process (412 U.S. at 650). The Court then noted that the types of complex chemical and pharmacological determinations required for an extensive review of the safety and effectiveness of ingredients and combinations of ingredients should be left to the agency that has the requisite expertise (412 U.S. 653–654). Although the Court did not expressly address the status of drugs not found to be generally recognized as safe and effective on the basis of existing data, it is implicit in its decision that the primary jurisdiction of FDA includes the discretion to distinguish between drugs that are not generally recognized as safe and effective (Category II) and those that may be generally recognized as safe and effective if additional testing is conducted (Category III), and to permit continued marketing of products in the latter category pending the results of necessary investigations.

The Commissioner also notes that, contrary to the assertion of the same comment, Judge Bryant's order filed on October 11, 1972 pursuant to his decision in *American Public Health Association* v. *Veneman*, 349 F. Supp. 1311, 1315 (D.D.C. 1972), explicitly recognized that OTC drugs could be reviewed and handled pursuant to the procedure established in the May 11, 1972 regulation. The court acknowledged the OTC drug review process and specifically exempted drugs in the OTC drug review from its order requiring the agency to take action on National Academy of Sciences/National Research Council (NAS/NRC) drug reports. Category III has been an integral part of the OTC drug review from the outset, and it is unrealistic to assume that the court was not aware of the purpose and effect of Category III when it issued its order.

The Commissioner concludes that Category III classification of ingredients, claims, or combinations does not automatically confer "new drug" status, as suggested in these comments. This review is a massive consolidation and upgrading of knowledge concerning hundreds of thousands of OTC products, some of which have been sold in the United States for more than 100 years. The statute cannot reasonably be interpreted as mandating the impractical result of classifying every ingredient, claim, or combination associated with these products as "new" or "old" with no time permitted to refine the data base on which such a decision must be made. It is well within the agency's rule making authority to establish an orderly administrative process by which older products that may have been marketed for years without evaluation can continue to be marketed while they are evaluated in terms of modern scientific and technical methodology to determine whether or not they are in fact generally recognized by experts as safe and effective under their intended conditions of use.

The Commissioner emphasizes that if a serious safety question respecting an ingredient is identified, the agency will take action to remove the ingredient from the marketplace. This may occur following the orderly OTC drug review process or, if serious safety questions arise, on a much more expedited basis such as occurred with the recommendation of the OTC antimicrobial panel to remove both hexachlorophene and tribromsalan from the OTC marketplace before publication of a final monograph.

2. One comment urged that testing should begin immediately after an ingredient, claim, or combination is classified in Category III.

It is unclear whether the comment would have testing begin as soon as an advisory panel report and proposed monograph are issued or at a later date, e.g., when a final OTC drug monograph is promulgated.

A requirement that Category III testing begin on the date of publication of the panel report and proposed monograph would bypass agency review of an advisory panel's recommendations, thus compromising the due process principles upon which the OTC drug review is founded.

The Commissioner concludes that Category III testing should not be required until after completion of the established OTC administrative procedures, i.e., agency review of the advisory panel report, recommendation, and proposed monograph; the tentative final monograph; and the final monograph. Opportunity for public review and comment is provided at each stage, and the content of Category III is thus not fixed until publication of the final monograph.

Requiring that testing begin for Category III conditions immediately upon publication of a final monograph could in many cases be wasteful and disruptive. A reasonable time should be provided in which firms can elect between testing an ingredient or claim in Category III or removing the Category III condition by reformulation and/or relabeling in compliance with the final monograph.

The Commissioner concludes that, although testing should commence expeditiously after publication of the final monograph, a requirement that testing begin immediately is unnecessary and unsound.

The Commissioner notes that testing of Category III claims by manufacturers has often voluntarily preceded issuance of final OTC drug monographs and has frequently been undertaken during the period of panel deliberations. The Commissioner is encouraged by such voluntary actions on the part of drug manufacturers.

3. One comment asked if the Commissioner should not merely invoke the provisions of section 503(b) of the act (21 U.S.C. 353(b)) when a drug has been found, at the conclusion of Category III testing, to be generally recognized as safe and effective for prescription use but not for OTC use. The comment also stated that the proposed regulation did not distinguish between drugs placed in Category III because of insufficient evidence of safety for OTC use and those placed in Category III because of insufficient evidence to establish that they are generally recognized as safe and effective.

The Commissioner advises that classification of an ingredient in Category III represents a determination that an ingredient is capable of being shown to be generally recognized as safe and effective under the specific condition of OTC use. The data yielded by Category III testing may demonstrate that the ingredient is generally so recognized, and, if it does, the ingredient will be classified in Category I upon submission and approval of a proposed amendment to the monograph.

The data may indicate, however, that the ingredient does not meet the criteria for general recognition of safety and effectiveness, but that products containing the ingredient may appropriately be marketed as new drugs for OTC use. Such would be the case when the data, while demonstrating the safety and effectiveness of an ingredient do not establish that such safety and effectiveness have achieved general recognition, but also do not establish that the ingredient poses the kind or degree of risk that requires limitation to prescription sale.

If the data from Category III testing, or from reports of actual experience with drugs, reveal the kind or degree of risk that requires products containing the ingredient to be limited to prescription sale, then the ingredient cannot be regarded as generally recognized as safe and effective for OTC use. In such a case, the Commissioner may invoke the provisions of section 503(b) of the act to limit the drug to prescription use. If the data also establish that the ingredient cannot be regarded as generally recognized as safe and effective for prescription use, the Commissioner may require that drugs containing the ingredient be subject to regulation as new drugs as well.

The Commissioner emphasizes that, although panels may appropriately consider questions of safety of ingredients for OTC as opposed to prescription availability, and comment may be requested on those questions in OTC rule making proceedings, the primary purpose of the OTC drug review is to determine which ingredients are generally recognized as safe and effective for OTC use. An ingredient that cannot be so classified must be dealt with pursuant to other regulatory mechanisms as the Commissioner deems appropriate in any particular case. Although the results of Category III testing of an ingredient that cannot be classified in Category I would be relevant to the manner in which the Commissioner exercises his authority, it does not follow that these results would permit the status of every such ingredient to be readily resolved as a byproduct of the OTC drug review.

4. One comment requested clarification of what is meant by "old drug monograph."

A more precise term is "OTC drug monograph," which will be used hereafter in the context of the OTC drug review. An OTC drug monograph is a drug class standard under which products can be marketed without preclearance by the agency and still meet the requirements for safety, effectiveness, and adequate directions for use as required by the act. Thus, an OTC drug monograph provides for assuring the safety and effectiveness of OTC drugs by means other than the extensive and exhaustive product-by-product review, as in the preclearance procedures of the NDA process.

5. Several comments evidenced confusion about the procedure for obtaining Category I classification of a Category III condition.

The Commissioner advises that the procedure involves submission of a petition to the agency for a proposal to amend the applicable OTC drug monograph to include the condition in question. The petition should be in the form of a citizen petition, as described in § 10.30 (21 CFR 10.30) (formerly § 2.7, prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)) of the FDA Administrative Practices and Procedures published in the FEDERAL REGISTER of January 25, 1977 (42 FR 4680). The statement of grounds should include, or refer to, all Category III testing data, including negative findings. The Commissioner will evaluate the petition and determine whether to grant or deny it. If he denies it, the petitioner may seek review of the denial in a proper court. If he grants the petition, the Commissioner will publish in the FEDERAL REGISTER a proposal to amend the applicable OTC drug monograph. Thereafter, he will allow an opportunity for public comment on the proposed amendment for 60 days, followed by publication of a final amendment. In lieu of, or in addition to, submitting a petition to amend an OTC drug monograph to include the Category III condition, a manufacturer may submit an NDA.

The Commissioner notes that the procedures in § 330.10(a)(12) for a petition to amend an OTC drug monograph were first proposed to be modified in the FDA proposed Administrative Practices and Procedures published in the FEDERAL REGISTER of September 3, 1975 (40 FR 40682). No comments were received on either proposal, and this final regulation incorporates both the September 1975 and the October 1975 proposals. This change, applicable only to monograph amendments, provided for deletion of the tentative final monograph and oral hearing stages of the present OTC procedures which were thought to be unnecessarily burdensome to effect a change in an already established monograph. Thus, OTC monographs would be amended in the same manner as other regulations, i.e., through publication of a proposal, time for comment, followed by publication of the final order. The Commissioner has further revised § 330.10(a)(12) to clarify this administrative process.

6. Several comments regarding proposed § 330.10(a)(12)(ii) stated that it would be duplicative, wasteful, and burdensome to small manufacturers to require that each manufacturer undertake testing or have it undertaken on his behalf as a condition for the continued marketing of his products with Category III conditions during the testing period specified in the monograph.

The Commissioner agrees with these comments and is modifying the testing requirements, which have now been moved to new § 330.10(a)(13), to provide that all manufacturers' products with Category III conditions may continue to be marketed during the period specified in the final report for Category III testing provided the number of studies specified in the applicable testing guidelines are undertaken to demonstrate that such conditions are generally recognized as safe and effective and not misbranded, as the case may be, even though such studies are not conducted by every manufacturer.

The Commissioner concludes that to require each firm to undertake testing would not be in the public interest because it would result in repetitive and unnecessary human experimentation and because it would be wasteful, not only of the money spent for the tests, but also of the time spent by the limited number of clinical investigators available to perform such tests. He further concludes that the testing required in the proposal would be duplicative, wasteful, and burdensome not only to small manufacturers but also to large ones, especially those firms that have numerous products with a Category III ingredient or claim.

Classification of an ingredient or claim in Category III represents a preliminary determination that general recognition of safety and effectiveness can be shown with further testing. Whether such general recognition exists depends on the demonstration of scientific facts by reliable studies. What is important, therefore, is that the required number of studies be performed, not that they be duplicated by each manufacturer that markets a product with a Category III condition. This has been the approach consistently taken with respect to classification of products in Category I; i.e., if sufficient data exist to justify a finding that an ingredient or claim is generally recognized as safe and effective and not misbranded (Category I), all products containing that ingredient or making that claim are regarded as generally so recognized even though the data were not developed specifically in relation to, or by manufacturers of, those products. Accordingly, if data from reliable studies, or from one study if only one study is required in the testing guidelines, demonstrate that an ingredient or claim is generally recognized as safe

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and effective and not misbranded, the agency may properly grant a petition to amend the applicable OTC drug monograph regardless of whether such data were generated by one manufacturer, by more than one, or by all. The extent of additional testing required to reclassify an ingredient from Category III to Category I (i.e., one study or more than one study) will be specified in the applicable testing guidelines.

Since each firm is not required to undertake a study, the Commissioner encourages firms to cooperate and work with each other in arranging for the necessary study or studies. If more than one study is required, it is not necessary that they be sponsored by the same person, firm, or other organization.

In addition, the Commissioner urges that trade associations work with firms to see that the necessary study or studies are conducted. In fact, a study may be sponsored by a trade association. It is only as a result of such cooperation that unnecessary and repetitive human testing will be avoided.

7. Several comments suggested that a mechanism be provided for ensuring that each manufacturer of a product with a Category III condition does in fact undertake meaningful testing. The proposed regulation required that manufacturers furnish proof of such testing to FDA upon request. The comments contended that this approach is not adequate and suggested that the agency require submission of protocols and periodic progress reports.

The Commissioner agrees that a suitable mechanism must exist for the agency to determine that Category III testing is being performed. However, for the agency, which has limited resources and tight budget constraints, to require the submission of protocols and periodic progress reports for each ingredient and claim to be tested would seriously hinder its ability to discharge other commitments important to the public health. The Commissioner has concluded that a more practical approach is to require notification that the appropriate testing for each Category III ingredient or claim is planned, and subsequent notification that it has, in fact, been initiated.

Each person, group of persons, or trade association that plans to sponsor a study shall submit a Category III notification statement in quintuplicate to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, Md. 20857. This notification shall be submitted within 60 days after the date of publication of the final monograph. Each statement shall contain: (a) name and address of sponsoring agent (manufacturer, distributor, supplier, trade association, etc.) responsible for assuring that testing is undertaken, (b) name and address of each person directly responsible for monitoring the studies, (c) each Category III condition being tested in the manner suggested in the applicable final regulation for that class of drugs, and (d) the anticipated date that testing will be initiated, which shall be prior to the date after which a product with a Category II condition may no longer be shipped in interstate commerce. Upon written request or notice in the FEDERAL REGISTER, the sponsoring agent shall furnish to the Food and Drug Administration evidence of the type of testing being performed, e.g., in vitro, animal, human, survey or other, and/or other information and data appropriate to the testing being conducted.

As soon as possible after the date that the Category III notification statements are due, a notice will be published in the FEDERAL REGISTER indicating (1) each Category III ingredient or claim for which notification has been received that the number of studies specified in the applicable testing guidelines are being conducted, and (2) each Category III ingredient or claim for which no notification has been received that the required number of studies are being conducted. The notice will place in Category II those claims or ingredients for which no notification that the required number of studies are being conducted has been received, and indicate the date when products containing such ingredients or claims may no longer be shipped in interstate commerce. Products containing ingredients or claims for which studies are being performed may be marketed by anyone, including a new manufacturer during the testing period.

In addition to submitting the Category III notification statement, each sponsor of a study will be required to submit a supplement to the notice indicating the date testing was begun. This supplement must be submitted within 10 days of the initiation of the testing and must also be submitted prior to the date after which a product with a Category II condition may no longer be shipped in interstate commerce. If within that time period the agency does not receive notification that studies have been initiated, the result will be reclassification of the ingredient or claim from Category III to Category II.

Instead of placing the requirements for testing Category III conditions under the hearing "Amendment of monographs," as in the proposal, the Commissioner has placed these requirements in new § 330.10(a)(13), with the heading "Testing of Category III conditions." This new paragraph embraces the requirements discussed in the replies to comments 6 and 7. The Commissioner is also reversing the order of the provisions in proposed paragraph (a)(12) relating to submission of petitions to amend an OTC drug monograph and submission of a new drug application.

8. A comment suggested that additional manufacturers, other than those with affected products already on the market, may desire to initiate marketing of products with Category III ingredients, claims, or combinations while the required testing is conducted.

The Commissioner finds that it would be unreasonable and unenforceable to bar initial marketing of such products where other products with the same Category III ingredients, claims, or combinations are presently on the market. Therefore, as indicated previously, new manufacturers may introduce products containing a Category III ingredient or claim as long as the agency has been notified that studies are being conducted to reclassify such ingredient or claim in Category I. The new manufacturer would not have to conduct any testing to upgrade the Category III claim or ingredient in order to market the product.

9. One comment noted that the proposed regulation specifies that Category III testing must be initiated, either by the marketer or on his behalf, prior to the date after which a product with an ingredient, claim, or combination subject to Category II may no longer be shipped in interstate commerce. It was urged that the agency be flexible in applying the cutoff date for initiation of Category III testing.

The Commissioner has concluded that because of the need for uniform labeling in the marketplace, the desirability of expediting the transition of relabeled and reformulated products, and because adequate time has been provided for the transition, the effective dates specified in OTC drug monographs will be rigidly enforced.

10. In another comment, it was noted that provision has been made for FDA to handle an NDA as a petition for amendment of a monograph under certain conditions, but that there is no provision for a firm to convert a petition to amend a monograph to an NDA. Implicit in this comment is the understanding that documents submitted either as petitions to amend a monograph or as NDA's may be recharacterized by the agency and that such a recharacterization yields entirely different administrative results: the petition process is completely open and public and is intended to produce a monograph amendment under which an ingredient, claim, or combination is considered generally recognized as safe and effective, and therefore may be marketed by anyone; the NDA process, however, is largely confidential and results in private licensure for manufacture of products subject to approved NDA's.

The Commissioner concludes that, if a manufacturer wishes his petition for amendment of a monograph to be reconsidered as an NDA, he may convert his petition to an NDA as if it had never been filed as a petition. However, during the Category III testing period, the manufacturer may not market his product with any ingredient, claim, or combination that is the subject of the NDA until after approval of the NDA is obtained.

The Commissioner wishes to make clear that he will view with some reservation attempts to submit an NDA for a product with a Category III ingredient, claim, or combination. Classification of an ingredient, claim, or combination in Category III represents a preliminary determination that it is capable, with further testing, of being regarded as generally recognized as safe and effective and may then be marketed by any person, subject to the terms of the applicable monograph (as amended). An NDA is a private license. It may properly be sought only for an ingredient, claim, or combination that is not, and, even with additional testing, is unlikely to be, generally recognized as safe and effective. It will therefore be inappropriate in most cases for a product with a Category III condition to be the subject of an NDA for the condition so classified. If the Commissioner concludes that the ingredient, claim, or combination in question is not generally recognized as safe and effective, and is unlikely to achieve such status on the basis of further testing, he will not classify it in Category III, but in Category II.

Consistent with the basis for Category III classification (that general recognition of safety and effectiveness can be shown) and with the purpose of Category III testing (to establish the existence of such general recognition with a view to petitioning the Commissioner to amend the applicable OTC drug monograph), the Commissioner concludes that all data and information accompanying a petition to amend a monograph to include a Category III condition will be publicly available upon receipt of the petition. Unlike safety and effectiveness for a product for which an NDA is sought, general recognition of safety and effectiveness for a Category III product subject to a petition to amend must be based on data and information that are in the public domain and therefore available to the community of experts, without restriction. Confidentiality of data relating to safety and effectiveness is incompatible with Category III status, which looks toward establishment of general recognition of such safety and effectiveness. The Commissioner believes that, as a practical matter, little, if any, "proprietary" information will be generated in the course of carrying out Category III testing guidelines, which will usually be quite specific. Whether such information is generated or not, however, the Commissioner concludes that general recognition of safety and effectiveness cannot, as a definitional matter, be shown by reference to confidential material (see *Weinberger* v. *Hynson, Westcott and Dunning, Inc.*, 412 U.S. 609, 632 (1973); *Weinberger* v. *Bentex Pharmaceuticals, Inc.*, 412 U.S. 645, 652 (1973)) and, therefore, that all data and information submitted with a petition to amend a monograph to include a condition previously classified in Category III will become publicly available when the petition is received.

11. A comment suggested that the criteria governing the choice between submission of an NDA or a petition would appear to be improper. Under the proposal, a manufacturer may submit an NDA in lieu of a petition if he has not marketed the ingredient, claim, or combination during the interim marketing period for products with Category III conditions; if he has conducted all clinical testing pursuant to an NDA plan; and if he has undertaken no marketing prior to approval of the NDA. The comment stated that the correct standard for determining when data should be submitted as part of an NDA rather than in a petition to amend a monograph is, instead, whether the data establish only actual safety and effectiveness rather than general recognition of safety and effectiveness.

The Commissioner concludes that the submitting firm may appropriately make the initial decision whether to petition to amend the monograph or, instead, submit an NDA. The firm's decision is not binding on the Commissioner, who will determine whether the submission establishes general recognition and, therefore, should be in the form a petition to amend the monograph, or whether general recognition is not established by the submission, in which case the submission should be in the form of an NDA. Should testing indicate that general recognition cannot be established as originally thought, the Commissioner believes it fair and reasonable to allow a submitting firm to change its submission from a petition to an NDA. Therefore, no change has been made in the criteria governing the choice between submission of an NDA or a petition.

12. There was comment that the requirement for submitting petitions to amend a monograph prior to 60 days before the end of the period for Category III testing would unduly shorten the time period allowed for testing.

The Commissioner believes that the OTC drug review procedures provide ample time for Category III testing. Also, it is not necessary to wait for issuance of the final monograph to start such testing. The intent and design of the review process is to encourage changes in formulations and labeling, and initiation of testing, on a current and continuing basis. The Commissioner has determined that agency testing guidelines will most likely be finalized at the tentative final monograph stage to assist manufacturers who wish to voluntarily begin testing to do so as soon as possible.

The Commissioner concludes that requiring submission of amendment petitions and supporting data prior to 60 days before the expiration date of the period permitted for testing of Category III conditions is reasonable. The time is needed to permit the agency preliminarily to review the information submitted and reject patently deficient data If it appears that more time should be allowed than is provided for Category III testing in a particular advisory panel report, this should be suggested in comments to the proposed and tentative final monograph. In addition, the agency will consider requests for extensions of time. Such a request should generally not be submitted until approximately 6 months prior to the expiration date of the testing period provided; earlier requests would necessarily be based on speculation about how expeditiously the testing can be accomplished.

The Commissioner notes that the terms Category I, Category II, and Category III are used throughout this document. To fully clarify the meaning of these terms, the Commissioner has decided to amend the appropriate paragraphs of § 330.10 to refer to these terms expressly.

Therefore, under the Federal Food, Drug, and Cosmetic Act (Secs. 201, 502, 505, 701(a), 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055 (21 U.S.C. 321, 352, 355, 371(a))) and under the authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), § 330.10 is amended by revising paragraphs (a)(5)(i), (ii), and (iii) and (6)(i), (ii), and (iii), and (12); and by adding new paragraph (a)(13) to read as follows:

§ 330.10 Procedures for classifying OTC drugs as generally recognized as safe and effective and as not misbranded, and for establishing monographs.

* * * * * *

(a) * * *

(5) * * *

(i) A recommended monograph or monographs covering the category of OTC drugs and establishing conditions under which the drugs involved are generally recognized as safe and effective and not misbranded (Category I). This monograph may include any conditions relating to active ingredients, labeling indications, warnings and adequate directions for use, prescription or OTC status, and any other conditions necessary and appropriate for the safety and effectiveness of drugs covered by the monograph.

(ii) A statement of all active ingredients, labeling claims or other statements, or other conditions reviewed and excluded from the monograph on the basis of the panel's determination that they would result in the drug's not being generally recognized as safe and effective or would result in misbranding (Category II).

(iii) A statement of all active ingredients, labeling claims or other statements, or other conditions reviewed and excluded from the monograph on the basis of the panel's determination that the available data are insufficient to classify such condition under either paragraph (a)(5)(i) or (ii) of this section and for which further testing is therefore required (Category III). The report may recommend the type of further testing required and the time period within which it might reasonably be concluded.

(6) * * *

(i) A monograph or monographs establishing conditions under which a category of OTC drugs is generally recognized as safe and effective and not misbranded (Category I).

(ii) A statement of the conditions excluded from the monograph on the basis of the Commissioner's determination that they would result in the drug's not being generally recognized as safe and effective or would result in misbranding (Category II).

(iii) A statement of all of the conditions excluded from the monograph on the basis of the Commissioner's determination that the available data are insufficient to classify such conditions under either paragraph (a)(6)(i) or (ii) of this section (Category III).

* * * * * *

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(12) *Amendment of monographs.* The Commissioner may propose on his own initiative to amend or repeal any monograph established pursuant to this section. Any interested person may petition the Commissioner for such proposal pursuant to § 10.30 of this chapter. The Commissioner may deny the petition if he finds a lack of safety or effectiveness employing the standards in paragraph (a) (4) of this section (in which case the appeal provisions of paragraph (a) (11) of this section shall apply), or he may publish a proposed amendment or repeal in the FEDERAL REGISTER if he finds general recognition of safety and effectiveness employing the standards in paragraph (a) (4) of this section. Any interested person may, within 60 days after publication of the proposed order in the FEDERAL REGISTER, file with the Hearing Clerk, Food and Drug Administration, written comments in quintuplicate. Comments may be accompanied by a memorandum or brief in support thereof. All comments may be reviewed in the office of the Hearing Clerk between the hours of 9 a.m. and 4 p.m., Monday through Friday. After reviewing the comments, the Commissioner shall publish a final order amending the monograph established under the provisions of paragraph (a) (9) of this section or withdraw the proposal if comments opposing the amendment are persuasive. A new drug application may be submitted in lieu of, or in addition to, a petition under this paragraph.

(i) A petition to amend the applicable OTC drug monograph to include a condition subject to paragraph (a) (6) (iii) (Category III) of this section shall be submitted prior to 60 days before the expiration date for such condition. The petition shall include all Category III testing data, including negative findings, relating to the condition that is the subject of the amendment. If a petition is received that includes data from studies undertaken pursuant to paragraph (a) (13) of this section, marketing of all drug products with that condition may thereafter continue unless and until the petition is disapproved or until the Commissioner, as a result of the procedures in this paragraph, determines that the condition should be classified in Category II. The Food and Drug Administration shall handle a petition for amendment of an OTC drug monograph as a new drug application, and shall review it on that basis, if the provisions of this paragraph preclude granting such a petition but permit approval of a new drug application. However, until the agency determines whether or not an approved new drug application can issue, the data submitted will be considered as a petition for amendment of an OTC drug monograph, and marketing may be continued.

(ii) A new drug application may be submitted in lieu of a petition to amend the OTC drug monograph only if the drug product with the condition that is the subject of the new drug application has not been marketed on an interim basis (such as under the provisions of paragraph (a) (6) (iii) (Category III) of this section), all clinical testing has been conducted pursuant to a new drug application plan, and no marketing of the product with the condition for which approval is sought is undertaken prior to approval of the new drug application. The Food and Drug Administration shall handle a new drug application as a petition for amendment of a monograph, and shall review it on that basis, if the provisions of this paragraph preclude approval of a new drug application but permit the granting of such a petition.

(13) *Testing of Category III conditions.* (i) After publication of the final monograph, any product with a condition (e.g., ingredient, labeling claim, combination of ingredients) subject to paragraph (a) (6) (iii) (Category III) of this section may remain on the market, or may be introduced into the market, provided that the Food and Drug Administration receives notification that the number of studies specified in the applicable testing guidelines will be undertaken to obtain the data necessary to resolve the issues that resulted in such classification.

(ii) Such notification shall be submitted to the Food and Drug Administration by each sponsor of a study within 60 days after the date of publication of the final monograph. A sponsor may be a person, a firm, a group of firms, or a trade association.

(iii) Such notification shall be in the form of a Category III Notification Statement and shall be submitted in quintuplicate to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, Md. 20857. A Category III Notification Statement shall contain: (*a*) name and address of the sponsor of the study, (*b*) name and address of each person directly responsible for monitoring the study, (c) each Category III condition being tested in the manner suggested in the applicable final regulation for that class of drugs, and (*d*) the anticipated date that testing will be initiated, which shall be prior to the date after which a product with a condition subject to paragraph (a) (6) (ii) (Category II) of this section may no longer be shipped in interstate commerce.

(iv) A copy of each Category III Notification Statement shall be maintained in a permanent file for public review in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, Md. 20857. Upon written request or notice in the FEDERAL REGISTER, the manufacturer or distributor shall furnish to the Food and Drug Administration evidence of the type of test being performed (e.g., in vitro, animal, human, survey, or other), and/or other information and data appropriate to the testing being conducted.

(v) As soon as possible after the date for submitting a Category III Notification Statement, the Food and Drug Administration will issue in the FEDERAL REGISTER a notice listing each Category III condition for which notification statements have been filed stating that the required studies will be undertaken. Such notice shall also list each Category III condition for which the required number of notification statements have not been received and shall place these conditions in Category II, indicating the date when products containing such conditions may no longer be shipped in interstate commerce.

(vi) Within 10 days of initiating the study, which shall be prior to the date after which a product with a condition subject to paragraph (a) (6) (ii) (Category II) of this section may no longer be shipped in interstate commerce, each sponsor shall submit a supplement to his notification statement indicating the exact date testing was initiated. Such supplement shall be submitted in quintuplicate to the same address as the notification statement. The failure of the agency to receive within such time period notification that the required studies have been initiated shall result forthwith in publication of a notice in the FEDERAL REGISTER reclassifying the condition from Category III to Category II.

(vii) A sponsor of a study is responsible for advising the Food and Drug Administration of the termination of such study. If the Commissioner determines, on the basis of his own inquiries or from advice received from sponsors of studies, that the required studies are no longer being carried out, he shall forthwith issue in the FEDERAL REGISTER a notice reclassifying the condition from Category III to Category II.

Effective date. This regulation shall be effective on June 13, 1977.

(Secs. 201, 502, 505, 701(a), 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055 (21 U.S.C. 351, 352, 355, 371(a)).)

Dated: April 2, 1977.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.77–10601 Filed 4–11–77;8:45 am]

[Docket No. 77N–0032]

PART 430—ANTIBIOTIC DRUGS—GENERAL

PART 601—LICENSING

Recodification Editorial Amendments; Correction

AGENCY: Food and Drug Administration, HEW.

ACTION: Correction.

SUMMARY: This document corrects a final rule that appeared at page 15673 in the FEDERAL REGISTER of Tuesday, March 22, 1977 (FR Doc. 77–7952).

EFFECTIVE DATE: April 12, 1977.

FOR FURTHER INFORMATION CONTACT:

John Richards, 202–443–2994.

The following corrections are made:

1. On page 15675, left column, § 430.20 is corrected in paragraph (b) (2) by changing "12.5(c)" to read "12.20(c)."

2. On page 15676, left column, § 601.4 (b) is corrected by changing "§ 12.20(b)" to read "§ 12.21(b)."

3. On page 15676, left column, § 601.5 (b) is corrected by changing "§ 12.20(b)" to read "§ 12.21(b)."

4. On page 15676, left column, § 601.7 is corrected in paragraph (a) by changing "§ 12.20(b)" to read "§ 12.21(b)."

Dated: April 4, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77–10607 Filed 4–11–77;8:45 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 520—ORAL DOSAGE FORM, NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Nitrofurantoin Oral Suspension

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) approves a supplemental new animal drug application (NADA 12–291V) filed by Eaton Veterinary Laboratories, Division of Morton-Norwich Products, Inc., Norwich, NY 13815, providing additional safety information and proposing revised labeling for the safe and effective use of nitrofurantoin oral suspension for treating dogs, cats, and horses.

EFFECTIVE DATE: April 12, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert A. Baldwin, Bureau of Veterinary Medicine (HFV–114), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3420.

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs is amending Part 520 (21 CFR Part 520) to reflect this approval. The original application, approved before the new animal drug amendments of 1968, was the subject of a National Academy of Science-National Research Council Drug Efficacy Study Review (NAS/NRC DESI 12–291V), published in the FEDERAL REGISTER of August 12, 1970 (35 FR 12792). The Academy evaluated this product as probably effective in the treatment of equine tracheopharyngitis, canine tracheobronchitis, and bacterial infections of the urinary tract in dogs, cats, and horses. The review stated:

1. Additional information on safety is needed as the recommended dosage of 2 milligrams of drug per pound of body weight every 8 hours, has been known to produce vomiting and central nervous system depression in small animals—the warning statements on the labeling should include the possibility of vomiting; and

2. Each disease claim should be properly qualified as appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug), and if the disease claim cannot be so qualified, the claim must be dropped.

The firm responded by presenting additional safety data and revised labeling to support the conditions of use that are deemed as effective based upon review by the Academy and FDA. Those conditions of use are identified by a footnote in this regulation. In addition, issues pertinent to the withdrawal of other nitrofuran products for use in food-producing animals have been duly considered regarding any potential bearing that those actions might have upon evaluation and approval of this application. A review of relevant files and information submitted with this application reveals nothing to indicate that actions concerning similar applications should deter approval of this product. Submission of similar applications, including the same conditions of use that are identified by the footnote in the regulation below, need not include data required by § 514.111 (21 CFR 514.111) to establish efficacy of the drug for those usages, but such a submission requires bioequivalency and safety data.

In accordance with § 514.11(e) (2) (ii) (21 CFR 514.11(e) (2) (ii)) of the animal drug regulations, a summary of the safety data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, during normal working hours.

Therefore, under the Federal Food, Drug, and Cosmetic Act (Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 5.1), Part 520 is amended by adding new §§ 520.1560 and 520.1560a to read as follows:

§ 520.1560 Nitrofurantoin ora dosage forms.

§ 520.1560a Nitrofurantoin oral suspension.

(a) *Specifications.* Each milliliter contains 15 milligrams of nitrofurantoin in a 10 percent alcoholic suspending medium.

(b) *Sponsor.* See No. 000035 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Dogs and cats.* 1 milliliter (15 milligrams nitrofurantoin) for each 7½ pounds of body weight every 8 hours.

(i) *Indications for use.* For the treatment of canine tracheobronchitis (kennel cough) complicated by secondary bacterial infection and bacterial urinary infections due to nitrofurantoin-susceptible organisms.[1]

(ii) *Limitations.* For tracheobronchitis, administer for 4 to 7 days. For acute urinary tract infections, administer for 7 to 10 days. For chronic urinary tract infections, administer for 10 to 14 days. When laboratory tests are available, administer for 3 days after sterility of urine is attained. In treating dogs and cats, emesis has been reported. To minimize the effect, administer the drug with food or reduce dosage. In the presence of marked impairment of renal function, administer with care. Safe dosage may be less than that usually recommended. When used for extended periods of time, the drug may cause temporary arrest of spermatogenesis, testicular atrophy, and a corresponding weight loss. This is reversible with withdrawal of the drug. In cases where therapy in excess of 5 days is indicated, appropriate laboratory procedures (clinical chemistry, urinalyses hematology) should be undertaken to monitor the progress of the patient. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(2) *Horses.* 30 milliliters (450 milligrams nitrofurantoin) for each 225 pounds of body weight initially, then 15 milliliters (225 milligrams) every 8 hours.

(i) *Indications for use.* For the treatment of equine tracheopharyngitis (race track cough) caused by secondary bacterial infection, such as streptococci and *Pseudomonas spp.*, urinary tract infections caused by hemolytic streptococci and staphylococci, and *Pseudomonas spp.*, sensitive to nitrofurantoin.[1]

(ii) *Limitations.* For tracheopharyngitis, administer for 5 days. For bacterial urinary infections, administer for 7 days. When laboratory tests are available, administer for 3 days after sterility of urine is attained. In the presence of marked impairment of renal function, administer with care. Safe dosage may be less than that usually recommended. When used for extended periods of time, the drug may cause temporary arrest of spermatogenesis, testicular atrophy, and a corresponding weight loss. This is reversible with withdrawal of drug. In cases where therapy in excess of 5 days is indicated, appropriate laboratory procedures (clinical chemistry, urine analysis, hematology) should be undertaken to monitor the progress of the patient. Not for use in horses intended for food. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date: This regulation shall be effective on April 12, 1977.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: April 4, 1977.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.77–10598 Filed 4–11–77;8:45 am]

[1] These conditions are NAS/NRC reviewed and deemed effective. Applications for these uses need not include effectiveness data as specified by § 514.111 of this chapter.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Monensin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: Supplemental new animal drug application (NADA 95–735V) for a new premix containing 60 grams of monensin per pound of premix, filed by Elanco Products Co., Division of Eli

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Lilly and Co., P.O. Box 1750, Indianapolis, IN 46206, is approved by FDA. The premix is intended for the subsequent manufacture of finished cattle feeds containing 5 to 30 grams of monensin per ton of finished feed. The finished feed has previously been shown to be safe and effective.

EFFECTIVE DATES: The approval is effective April 12, 1977.

FOR FURTHER INFORMATION CONTACT:

William Price, Bureau of Veterinary Medicine (HFV-123), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3442.

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs is amending § 558.355 (21 CFR 558.355) to reflect this approval.

Approval of this application has not required a reevaluation of the parent NADA and does not constitute a reaffirmation of the drug's safety and effectiveness.

Therefore, under the Federal Food, Drug, and Cosmetic Act (Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 5.1), § 558.355 is amended by revising paragraph (b)(7) to read as follows:

§ 558.355 Monensin.

• • • • • •

(b) • • •

(7) To 000986: 20, 30, 45, or 60 grams per pound, as monensin sodium, paragraph (f)(3) of this section.

• • • • • •

Effective date: This amendment becomes effective April 12, 1977.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: April 4, 1977.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.77-10599 Filed 4-11-77;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 7479]

PART 404—TEMPORARY REGULATIONS ON PROCEDURE AND ADMINISTRATION UNDER THE TAX REFORM ACT OF 1976

Disclosures of Returns and Return Information to Designee of Taxpayer Named in Written Request or Consent

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides temporary regulations relating to disclosures of tax returns and tax return information to a person designated by the taxpayer in a written request for or consent to the disclosure. Changes to the applicable law were made by the Tax Reform Act of 1976. The regulations provide taxpayers and Internal Revenue Service personnel with guidance needed to comply with the Act.

EFFECTIVE DATE: January 1, 1977.

FOR FURTHER INFORMATION CONTACT:

David E. Dickinson of the Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3363).

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document prescribes temporary regulations on procedure and administration (26 CFR Part 404) under section 6103(c) of the Internal Revenue Code of 1954. These temporary regulations provide rules under section 1202 of the Tax Reform Act of 1976 and are issued under the authority contained in sections 6103(c) and 7805 of the Internal Revenue Code of 1954 (90 Stat. 1689, 68A Stat. 917; 26 U.S.C. 6103(c), 7805).

These regulations prescribe rules governing the necessary form and content of written requests or consents by taxpayers to disclosure of their tax returns and tax return information to a person or persons named by the taxpayer in the request or consent.

DRAFTING INFORMATION

The principal author of this regulation was David E. Dickinson of the Office of the Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

ADOPTION OF TEMPORARY REGULATIONS

Accordingly, 26 CFR Part 404 is amended by adopting the following temporary regulation:

§ 404.6103(c)-1 Disclosure of returns and return information (including taxpayer return information) to designee of taxpayer.

(a) *Disclosure of returns and return information (including taxpayer return information) to person or persons designated in written request or consent.*—(1) *In general.* Section 6103(c) of the Internal Revenue Code provides in part that the Secretary may, subject to such requirements and conditions as he may prescribe by regulations, disclose a return or return information (including taxpayer return information), as defined in section 6103(b)(1), (2) and (3), to such person or persons as are designated in a written request for or consent to such disclosure made by the taxpayer by whom such return was made or to whom such return information relates. To meet the requirements of this provision and this section, a request for or consent to disclosure must be in the form of a written document pertaining solely to the authorized disclosure and signed and dated by the taxpayer by whom the return was made or to whom the return information relates. The taxpayer must also indicate in such written document—

(i) Items of taxpayer identity information described in section 6103(b)(6) with respect to such taxpayer;

(ii) The name and address of each person to whom disclosure is to be made;

(iii) The kind or type of return (or specified portion thereof) or return information (and, in the case of return information, the particular data) which is to be disclosed; and

(iv) The taxable period or periods covered by such return or return information.

Thus, for example, a provision included in a taxpayer's application for a loan or other benefit authorizing the Internal Revenue Service to disclose to the grantor of the loan or other benefit such returns or return information as the grantor may request for purposes of verifying information supplied on the application does not meet the requirements of this section. A reasonable fee for furnishing a reproduction of a return or return information pursuant to this section may be charged to the person or persons to whom such reproduction of a return or return information is so furnished. See section 6103(p)(2). No disclosure of a return or return information authorized by a request for or consent to such disclosure shall be made unless such request or consent is received by the Service within 60 days following the date upon which the request or consent was signed and dated by the taxpayer.

(b) *Exception.* Notwithstanding the provisions of paragraph (a) of this section, no disclosure of return information shall be made thereunder if the Internal Revenue Service determines that such disclosure would seriously impair Federal tax administration (as defined in section 6103(b)(4)).

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Secs. 6103(c) and 7805 of the Internal Revenue Code of 1954 (90 Stat. 1669, 68A Stat. 917; 26 U.S.C. 6103(c), 7805).)

WILLIAM E. WILLIAMS,
Acting Commissioner of Internal Revenue.

Approved: April 6, 1977.

LAURENCE N. WOODWORTH,
Assistance Secretary of the Treasury.

[FR Doc.77-10745 Filed 4-8-77;9:36 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

PART 16—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

Appendix to Subpart B—Redelegation of Authority to Deputy Assistant Attorneys General to Authorize Production or Disclosure of Material or Information

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This directive redelegates to the Deputy Assistant Attorneys General the Assistant Attorney General's authority to authorize disclosure of information or production of material of the Department in response to a subpoena or other demand of a court or other authority.

EFFECTIVE DATE: March 31, 1977.

FOR FURTHER INFORMATION CONTACT:

Philip T. White, Chief, Legislation and Special Projects Section, Department of Justice, Washington, D.C. 20530, 202-739-2613.

Part 16 is amended by adding the following Appendix to Subpart B:

CRIMINAL DIVISION

[Directive No. 52-77]

1. By virtue of the authority vested in me by § 16.23(b)(1) of Title 28 of the Code of Federal Regulations, the authority delegated to me by that section to approve production of material and disclosure of information, described in § 16.21(a) of that title, is hereby redelegated to each of the Deputy Assistant Attorneys General of the Criminal Division.

2. This directive is effective March 31, 1977.

Dated: March 31, 1977.

BENJAMIN R. CIVILETTI,
Assistant Attorney General.

[FR Doc.77-10733 Filed 4-11-77;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 60—OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS, EQUAL EMPLOYMENT OPPORTUNITY, DEPARTMENT OF LABOR

PART 60-250—AFFIRMATIVE ACTION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS FOR DISABLED VETERANS AND VETERANS OF THE VIETNAM ERA

Formal Hearings

AGENCY: Office of Federal Contract Compliance Programs, Labor.

ACTION: Final Rule.

SUMMARY: The Office of Federal Contract Compliance Programs is amending procedural regulations for hearing conducted under the Vietnam Era Veterans Readjustment Assistance Act of 1974. The amendments are intended to conform the hearing procedures under this Act to changes that have been made in the procedural rules for hearings under Executive Order No. 11246, which prohibits discrimination in employment by government contractors on the basis of race, color, religion, sex or national origin.

EFFECTIVE DATE: April 12, 1977.

FOR FURTHER INFORMATION CONTACT:

David A. Drachsler, Counsel for Equal Opportunity Programs, U.S. Department of Labor, Room N-2414, Washington, D.C. 20210. (202 523-8222).

SUPPLEMENTARY INFORMATION: On June 25, 1976, the Department of Labor published regulations (41 FR 26386) implementing section 402 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (38 U.S.C. § 2012). Those regulations included a provision that hearings conducted by the Office of Federal Contract Compliance Programs to enforce the provisions of section 402 of the Vietnam Era Veterans' Readjustment Assistance Act shall be governed by the rules of practice and procedure contained in 41 CFR Part 60-30. The procedures for hearings to be conducted by agencies were required to meet certain standards set forth in the regulations at 41 CFR § 60-250.29.

Part 60-30 contains the rules of practice and procedure governing hearings to enforce Executive Order 11246, as amended. On January 18, 1977, the Department of Labor published regulations which, among other things, amended the rules of practice and procedure contained in 41 CFR Part 60-30. The purpose of the regulations published today is to amend the hearing practice and procedure provisions of the regulations implementing section 402 of the Vietnam Era Veterans' Readjustment Assistance Act to conform them to the changes made in 41 CFR Part 60-30 by the amendments published on January 18, 1977, and adopt the rules of practice and procedure in 41 CFR Part 60-30 for hearings conducted under section 402 of the Vietnam Era Veterans' Readjustment Assistance Act. Reference to hearings conducted by agencies under this Part has been deleted because it is not contemplated that agencies will have enforcement responsibilities under the Vietnam Era Veterans' Readjustment Assistance Act.

Because the amendments published today deal with matters of agency practice and procedure and do not enlarge or diminish any rights or obligations of contractors and subcontractors they are effective on April 12, 1977, without publication or notice and comment, under 5 U.S.C. 553(b)(3)(A).

This document was prepared under the direction and control of James D. Henry, Associate Solicitor, Division of Labor Relations and Civil Rights, 202-523-8238.

RAY MARSHALL,
Secretary of Labor.

DONALD ELISBURG,
Assistant Secretary, Employment Standards Administration.

A. DIANE GRAHAM,
Acting Director, OFCCP.

In consideration of the foregoing, 41 CFR § 60-250.29(b) is revised in its entirety to read as set forth below.

§ 60-250.29 Formal hearings.

• • • • • •

(b) *Hearing practice and procedure.* (1) All hearings conducted under section 402 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974 and the regulations in this Part shall be governed by the Rules of Practice for Administrative Proceedings to Enforce Equal Opportunity Under Executive Order 11246 contained in 41 CFR Part 60-30 except that complaints shall be issued by the Associate Solicitor, Division of Labor Relations and Civil Rights, Office of the Solicitor, rather than by the Solicitor of Labor.

(2) For the purposes of hearings pursuant to this Part 60-250, references in 41 CFR Part 60-30 to "Executive Order 11246" shall mean section 402 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974; to "equal opportunity clause" shall mean the affirmative action clause published at 41 CFR § 60-250.4; and to "regulations" shall mean the regulations contained in this Part 60-250.

(3) The Administrative Law Judge's recommended findings, conclusions and decision shall be certified to the Assistant Secretary, Employment Standards Administration rather than to the head of the compliance agency or to the Secretary (see 41 CFR § 60-30.27). Accordingly, exceptions to the recommended decision (41 CFR § 60-30.28) shall be filed with the Assistant Secretary, Employment Standards Administration, and the final Administrative Order contemplated by 41 CFR § 60-30.30 shall be issued by the Assistant Secretary Employment Standards Administration. Except for these changes in procedure, all the other provisions of the rules of practice cited in this 41 CFR § 60-741.29 (b) shall remain in full force and effect.

[FR Doc.77-10752 Filed 4-11-77;8:45 am]

PART 60-741—AFFIRMATIVE ACTION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS FOR HANDICAPPED WORKERS

Formal Hearings

AGENCY: Office of Federal Contract Compliance Programs Labor.

ACTION: Final rule.

SUMMARY: The Office of Federal Contract Compliance Programs is amending the procedural regulations for hearings conducted to enforce section 503 of the Rehabilitation Act of 1973, as amended. The amendments are intended to conform the hearing procedures under this Act to changes that have been made in the procedural rules for hearings under Executive Order No. 11246, which prohibits discrimination in employment by government contractors on the basis of race, color, religion, sex or national origin.

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EFFECTIVE DATE: April 12, 1977.

FOR FURTHER INFORMATION CONTACT:

David A. Drachsler, Counsel for Equal Opportunity Programs, U.S. Department of Labor, Room N-2414, Washington, D.C. 20210, 202-523-8222.

SUPPLEMENTARY INFORMATION: On April 16, 1976, the Department of Labor published amendments to the regulations (41 FR 16147) implementing section 503 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 793). Those amendments included a provision that hearings conducted by the Office of Federal Contract Compliance Programs to enforce the provisions of section 503 of the Rehabilitation Act shall be governed by the rules of practice and procedure contained in 41 CFR Part 60-30. The procedures for hearings to be conducted by compliance agencies were required to meet certain standards set forth in the amended regulations at 41 CFR 60-741.29.

Part 60-30 contains the rules of practice and procedure governing hearings to enforce Executive Order 11246, as amended. On January 18, 1977, the Department of Labor published regulations in the FEDERAL REGISTER (42 FR 3454) which, among other things, amended the rules of practice and procedure contained in 41 CFR Part 60-30. The purpose of the regulations published today is to amend the hearing practice and procedure provisions of the regulations implementing section 503 of the Rehabilitation Act to comform them to the changes made in 41 CFR Part 60-30 by the amendments published on January 18, 1977, and adopt the rules of practice and procedure in 41 CFR Part 60-30 for hearings conducted under section 503 of the Rehabilitation Act.

In addition, reference to hearings conducted by agencies under this Part has been deleted because it is not contemplated that agencies will have enforcement responsibilities under the Rehabilitation Act.

Because the amendments published today deal with matters of agency practice and procedure and do not enlarge or diminish any rights or obligations of contractors and subcontractors they are effective on April 12, 1977, without publication or notice and comment, under 5 U.S.C. 553(b)(3)(A).

This document was prepared under the direction and control of James D. Henry, Associate Solicitor, Division of Labor Relations and Civil Rights, 202-523-8238.

RAY MARSHALL,
Secretary of Labor.

DONALD ELISBURG,
Assistant Secretary, Employment Standards Administration.

A. DIANE GRAHAM,
Acting Director, OFCCP.

In consideration of the foregoing, 41 CFR § 60-741.29(b) is revised in its entirety to read as set forth below.

§ 60-741.29 Formal hearings.

• • • • •

(b) *Hearing practice and procedure.* (1) All hearings conducted under section 503 of the Rehabilitation Act of 1973, as amended, and the regulations in this Part shall be governed by the Rules of Practice for Administrative Proceedings to Enforce Equal Opportunity Under Executive Order 11246 contained in 41 CFR Part 60-30 except that complaints shall be issued by the Associate Solicitor, Division of Labor Relations and Civil Rights, Office of the Solicitor, rather than by the Solicitor of Labor.

(2) For the purposes of hearings pursuant to this Part 60-74[1], references in 41 CFR Part 60-30 to "Executive Order 11246" shall mean section 503 of the Rehabilitation Act of 1973, as amended; to "equal opportunity clause" shall mean the affirmative action clause published at 41 CFR 60-741.4; and to "regulations" shall mean the regulations contained in this Part 60-741.

(3) The Administrative Law Judge's recommended findings, conclusions and decision shall be certified to the Assistant Secretary, Employment Standards Administration rather than to the head of the compliance agency or to the Secretary (see 41 CFR § 60-30.27). Accordingly, exceptions to the recommended decision (41 CFR § 60-30.28) shall be filed with the Assistant Secretary, Employment Standards Administration, and the final Administrative Order contemplated by 41 CFR § 60-30.30 shall be issued by the Assistant Secretary, Employment Standards Administration. Except for these changes in procedure, all the other provisions of the rules of practice cited in this 41 CFR § 60-741.29(b) shall remain in full force and effect.

[FR Doc.77-10753 Filed 4-11-77;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER C—ACCOUNTS, RECORDS, AND REPORTS

[Ex Parte No. 289]

PART 1254—MAINTENANCE OF RECORDS PERTAINING TO DEMURRAGE, DETENTION, AND OTHER RELATED ACCESSORIAL CHARGES BY RAIL COMMON CARRIERS OF PROPERTY

Remittance of Demurrage Charges by Common Carriers of Property by Rail

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: On further hearing the Interstate Commerce Commission, after considering the costs of administering the proposed rule, adopted modified regulations that require the remittance to the freight car owner by nonowning railroad, on whose lines a car is being detained under demurrage, all demurrage charges collected in excess of $10 per car per day. The rule is intended to encourage investment in freight cars and thereby insure the maintenance of an adequate freight car supply. The modifications to the proposed rule, which provide that generally the car owner in the lease of a freight car will be considered the lessor and that demurrage charges shall not be remitted to a car owner who causes the accrual of the excess amount, are intended to simplify the implementation of the rule and promote freight car utilization.

EFFECTIVE DATE: July 6, 1977.

FOR FURTHER INFORMATION CONTACT:

Mrs. Janice M. Rosenak, Deputy Director, Section of Rates, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7693.

SUPPLEMENTARY INFORMATION: On April 30, 1975, there was published in the FEDERAL REGISTER (40 FR 18797) a notice of further and amended rulemaking to Chapter X. The proposed rule (as initially published in the FEDERAL REGISTER at 37 FR 22884), would have required remittance to the freight car owner by nonowning railroad, on whose lines a car is being detained under demurrage, all demurrage charges collected in excess of $10 per car per day. Such a rule was found to be warranted in principle by the Commission in its Interim Report (349 I.C.C. 411). However, the proceeding was reopened for further evidence concerning the rule's costs, benefits, and feasibility of implementation. Comments on the effect of the amendment to section 1(6) of the Interstate Commerce Act by the Railroad Revitalization and Regulatory Reform Act of 1976, were also requested by order dated February 27, 1976. All comments submitted with respect to the proposed rule were given due consideration.

As a result of the comments received, it was determined that the administrative costs of the rule were reasonable and justified, and that implementation of the rule was feasible. The report provides, however, that in those instances where a terminating road does not believe that its cost can be covered without receiving penalty demurrage, it can seek increases in basic demurrage on other appropriate charges. In addition, it was also determined that the following modifications to the rule should be made:

1. A new provision is added, providing that in leasing situations, the lessor shall be considered the car owner; except that in cases where there is no notice of the identity of the lessor, the lessee shall be considered as the car owner; and

2. An additional provision provides that if the private car owner causes the accrual of the excess charge, the delivering carrier shall retain the amount that would otherwise be remitted under the rule.

These modifications are to simplify the administration of the rule and to insure that freight car utilization is encouraged.

This order shall become effective 90 days after date of service and shall remain in effect until modified or revoked in whole or in part by further order of the Commission.

Notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding appropriate notice to the Director, Office of the Federal Register.

(Part I of the Interstate Commerce Act (49 U.S.C. et seq.), including 1(4), 1(5), 1(6), 1(10), 1(11), 1(13), 1(14), 1(15), 1(17), 6(7), 13(4), and 15(1), thereof, the National Transportation Policy (49 U.S.C. preceding section 1), and the APA, (5 U.S.C. secs. 553, 559).)

Issued at Washington, D.C., April 7, 1977.

ROBERT L. OSWALD,
Secretary.

Part 1254 of Chapter X of title 49 of the Code of Federal Regulations is amended by adding § 1254.10 as set forth below:

§ 1254.10 Remittance of excess demurrage charges.

(a) Except as otherwise provided hereinafter, the nonowning railroad, on whose lines a car is being detained under demurrage, shall remit to the freight car owner, all demurrage charges collected in excess of $10 per car per day.

(b) That under this rule, for the purpose of determining the car owner in the lease of a freight car, the car owner will be the lessor; except that in cases where there is no notice of the identity of the lessor, the lessee shall be considered as the car owner.

(c) Excess demurrage shall not be remitted to a private car owner who for reasons attributable to the car owner causes the accrual of the excess charge. The excess amount, which would otherwise be remitted under the rule, shall in these situations be retained by the delivering carrier.

[FR Doc.77-10735 Filed 4-11-77;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Civil Service Commission

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service 12 positions of faculty members at grades GS-13 through 15 at the Civil Service Commission's Federal Executive Institute, Charlottesville, Virginia, with the provision that individual appointments under this authority may be made for initial period(s) up to 3 years which may be followed by an appointment of indefinite duration. This exception is granted because it is impracticable to competitively examine for these positions.

EFFECTIVE DATE: April 12, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR Part 213 is amended to add § 213.3270, and the section will read as follows:

§ 213.3270 Civil Service Commission.

(a) Twelve positions of faculty members at grades GS-13 through 15, at the Federal Executive Institute. Individual appointments under this authority may be made for initial period(s) up to 3 years which may be followed by an appointment of indefinite duration.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-10750 Filed 4-11-77;8:45 am]

PART 213—EXCEPTED SERVICE

Temporary Schedule C Positions During Presidential Transition

AGENCY: Civil Service Commission.

ACTION: Final Regulation.

SUMMARY: Part 213 is amended to permit a 30-day extension of the Temporary Schedule C authority for positions established to facilitate an orderly change in Presidential administration.

EFFECTIVE DATE: April 12, 1977.

FOR FURTHER INFORMATION CONTACT:

James R. Edman, 202-632-4533.

Accordingly 5 CFR 213.3302(b) is amended as follows:

§ 213.3302 Temporary Schedule C positions during a Presidential transition.

• • • • •

(b) Service under this authority may not exceed 120 days for persons appointed prior to May 1, 1977. Appointments made on or after May 1, 1977, may not exceed 90 days. No new appointments may be made under this authority after June 1, 1977. These positions must be of a confidential or policy-determining character, and are subject to instructions issued by the Civil Service Commission.

(5 U.S.C. 3301, 3302.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-10751 Filed 4-11-77;8:45 am]

PART 713—EQUAL OPPORTUNITY

Exclusions

AGENCY: Civil Service Commission.

ACTION: Editorial amendment.

SUMMARY: This amendment deletes a cross reference to a section in the Civil Service Commission regulations on Equal Opportunity pertaining to third party allegations. These regulations were amended on March 1, 1977 making the cross reference inappropriate.

EFFECTIVE DATE: April 18, 1977.

FOR FURTHER INFORMATION CONTACT:

James A. Scott, Acting Director, Federal Equal Employment Opportunity, Civil Service Commission, 1900 E Street NW., Washington, D.C. 20415 (202-632-4420).

Accordingly 5 CFR 713.514 is amended to read as follows:

§ 713.514 Exclusions.

Sections 713.281 and 713.282 shall not apply to the processing of discrimination complaints on account of age. The reference to § 713.281 in §§ 713.215, 713.217, 713.220, and 713.221 may not be included in agency regulations required by this subpart.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-10895 Filed 4-11-77;10:42 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 945]

[Docket No. AO-150-A4]

IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Hearing on Proposed Amendment of Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed Rule and Notice of Hearing.

SUMMARY: A public hearing will be held April 28, 1977, beginning at 9 a.m. local time at Pocatello, Idaho, regarding a proposed amendment of the marketing program regulating the handling of potatoes grown in Idaho and Malheur County, Oregon.

The purpose of the hearing is to receive evidence with respect to current economic and marketing conditions with a view of improving the program. The proposed changes would update the order, add a public member to the committee, increase the term of office to two years, increase the amount authorized in the operating reserve to approximately one fiscal period's budgeted expenses and make several minor changes in existing sections. The order has not been amended since 1958. Several sections are outmoded or obsolete and require a hearing to amend.

DATES: Hearing date: April 28, 1977.

ADDRESSES: Hearing will be held at: Bannock County Court House, 5th and Center Streets, Pocatello, Idaho.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250. Phone: 202-447-3545.

SUPPLEMENTARY INFORMATION: The amendment hearing was requested by the local administrative agency, the Idaho-Eastern Oregon Potato Committee. The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The proposed amendment has not received the approval of the Secretary of Agriculture.

The proposals are as follows:

PROPOSAL No. 1

Revise paragraph (a) of § 945.20 and add a new paragraph (d) as follows:

§ 945.20 Establishment and membership.

(a) The Idaho-Eastern Oregon Potato Committee is hereby established and shall consist of five producers, three handlers and one public member. Each shall have a respective alternate with the same qualifications as the member.

* * * * *

(d) Each person selected as a public member or alternate shall be a resident of the production area. Also, each shall at the time of selection and during the term of office not be engaged in the commercial production, buying, grading, or processing of any agricultural commodity, except as a consumer, nor shall such person be a director, officer, or employee of any firm so engaged.

PROPOSAL No. 2

Revise § 945.21 to read as follows:

§ 945.21 Term of office.

(a) Except as otherwise provided in this section, the term of office of committee members and alternates shall be for two years beginning June 1 or such other date as recomended by the committee and approved by the Secretary. The term of office of members and alternates shall be so determined that approximately one-half of the total producer and handler committee membership shall terminate each May 31.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified and continued until their successors are selected and have qualified.

PROPOSAL No. 3

Amend § 945.25 as follows:

1. Revise paragraphs (a) and (c).
2. Reletter paragraph (f) as paragraph (e).
3. Reletter paragraph (g) as paragraph (f).
4. Revise paragraph (e) and reletter it as paragraph (g).
5. Add a new paragraph (h).

§ 945.25 Nominations.

* * * * *

(a) In order to provide nominations for producer and handler committee members and alternates, the committee shall hold, or cause to be held, prior to April 1 of each year, or such other date as the Secretary may designate, one or more meetings of producers and of handlers in each district to nominate such members and alternates; or the committee may conduct nominations by mail in a manner recommended by the committee and approved by the Secretary.

* * * * *

(c) At least one nominee shall be designated for each position as member and for each position as alternate member on the committee.

* * * * *

(g) At least one nominess shall be supplied to the Secretary in such manner and form as he may prescribe not later than May 1 of each year, or such other date as the Secretary may specify.

(h) Nominations for public member and alternate shall be made at a committee meeting. The names of nominees shall be submitted to the Secretary prior to May 1 of the year nominations are made, or such other date as the Secretary may designate. The committee shall recommend, and the Secretary approve, rules for the following:

(1) Establishing eligibility requirements for the public member and alternate positions;

(2) Publicizing the positions and receiving names of persons to be considered for nomination; and

(3) Electing the nominees.

PROPOSAL No. 4

Revise § 945.31 to read as follows:

§ 945.31 Expenses and compensation.

Committee members and alternates shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this subpart. In addition they may receive reasonable compensation at a rate to be determined by the committee and approved by the Secretary, for each day or portion thereof, spent in conducting committee business.

PROPOSAL No. 5

Revise paragraph (b) of § 945.42 to read as follows:

§ 945.42 Assessments.

* * * * *

(b) Assessments shall be levied upon handlers at a rate per unit established by the Secretary. Such a rate may be established by the Secretary upon the basis of the committee's recommendation or other available information.

* * * * *

PROPOSAL No. 6

In § 945.44 revise the heading; delete the introductory paragraph; revise paragraph (b) and reletter it as paragraph (a); revise paragraph (a) and reletter it as paragraph (b) to read as follows:

§ 945.44 Excess funds.

(a) The funds remaining at the end of a fiscal period which are in excess of the expenses necessary for committee operations during such period shall be carried over into following periods as a reserve. Such reserve shall be established at an amount not to exceed approximately one fiscal period's budgeted expenses. Funds in such reserve shall be available for use by the committee for expenses authorized under § 945.40.

(b) Funds in excess of those placed in the operating reserve shall be credited proportionately against handler's operations of the following fiscal period, provided that if he demands payment, such proportionate refund shall be paid to him.

* * * * *

PROPOSAL No. 7

Makes such changes as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be obtained from the Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, or the Northwest Marketing Field Office, 1220 S. W. Third Avenue, Room 1566, Portland, Oregon 97204.

Signed at Washington, D.C., on April 8, 1977.

WILLIAM T. MANLEY,
Acting Administrator.

[FR Doc.77-10628 Filed 4-11-77;8:45 am]

Commodity Credit Corporation

[7 CFR Part 1421]

GRAINS AND SIMILARLY HANDLED COMMODITIES

General Regulations Governing Price Support for 1976 and Subsequent Crops

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Secretary is considering an amendment to the General Regulations Governing Price Support for the 1976 and Subsequent Crops to expand the list of commodities on which approved cooperative marketing associations may participate in authorized price support programs to include barley, corn, grain sorghum, oats, rye and wheat. The proposed amendment is needed to afford producers of these commodities use of the same marketing tool that is currently available to certain other commodities.

DATE: Comments must be received on or before May 12, 1977.

ADDRESSES: Send comments to the Director, Grains, Oilseeds and Cotton Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Charlie B. Robbins, 202-447-4634.

SUPPLEMENTARY INFORMATION: The Secretary is soliciting comments on this proposal. All written comments will be available for public inspection at the office of the Director during regular business hours (7 CFR 1.27 (b)).

Signed at Washington, D.C., on April 6, 1977.

VICTOR A. SENECHAL,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.77-10629 Filed 4-11-77;8:45 am]

[7 CFR Part 1425]

COOPERATIVE MARKETING ASSOCIATIONS

Eligibility Requirements for Price Support

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Secretary is considering an amendment to the Cooperative Marketing Associations Eligibility Requirements to expand the listed group of commodities on which approved cooperative marketing associations may participate in authorized price support programs to include barley, corn, grain sorghum, oats, rye and wheat. The proposed amendment is needed to afford the producers of these commodities use of the same marketing tool that is currently available to certain other commodities.

DATE: Comments must be received on or before May 12, 1977.

ADDRESSES: Send comments to the Director, Grains, Oilseeds and Cotton Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Charlie B. Robbins, 202-447-4634.

SUPPLEMENTARY INFORMATION: The Secretary is soliciting comments on this proposal. All written comments will be available for public inspection at the office of the Director during regular business hours (7 CFR 1.27 (b)).

Signed at Washington, D.C., on April 6, 1977.

VICTOR A. SENECHAL,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.77-10630 Filed 4-11-77;8:45 am]

[7 CFR Part 1425]

COOPERATIVE MARKETING ASSOCIATIONS

Eligibility Requirements for Price Support

AGENCY: Commodity Credit Corporation.

ACTION: Proposed Rule.

SUMMARY: A proposed revision of the cooperative marketing association eligibility requirements for price support. This proposed revision is necessary to clarify requirements of the regulations.

DATE: Comments must be received on or before May 12, 1977.

ADDRESS: Send comments to the Director, Grains, Oilseeds and Cotton Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Charlie B. Robbins, 202-447-4634.

SUPPLEMENTARY INFORMATION: The CCC is inviting comments on the proposed revision. All written submissions will be available for public inspection at the office of the Director during regular business hours (7 CFR 1.27(b)).

The proposed revision is as follows:

PART 1425—COOPERATIVE MARKETING ASSOCIATIONS

Sec.

1425.1 Applicability.
1425.2 Administration.
1425.3 Application.
1425.4 Ownership and control.
1425.5 Charter or bylaw provisions.
1425.6 Financial condition.
1425.7 Operations.
1425.8 Conflict of interest.
1425.9 Uniform marketing agreement.
1425.10 Purchased and nonmember commodity.
1425.11 Member business.
1425.12 Vested authority.
1425.13 Eligible commodity and pooling.
1425.14 Distribution of proceeds.
1425.15 Member cooperatives.
1425.16 Nondiscrimination.
1425.17 Records maintained.
1425.18 Inspection and investigation.
1425.19 Determination of eligibility.
1425.20 Substantial compliance.
1425.21 Definitions.

AUTHORITY: Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); Secs. 101, 103, 203, 301, 401, 63 Stat. 1051, as amended (7 U.S.C. 1444(a), 1441, 1446d, 1447, 1421(a).

§ 1425.1 Applicability.

This subpart and any amendments thereto set forth the terms and conditions which a cooperative marketing association (hereinafter called "cooperative") must meet to obtain price support on behalf of its members for 1977 and any succeeding crop of a commodity. A cooperative meeting such terms and conditions may obtain price support on any crop of a commodity for which a price support program is in effect if regulations issued with respect to such program incorporate the provisions of this subpart or permit a cooperative which meets the provisions of this subpart to participate in the price support program for a crop of such commodity.

§ 1425.2 Administration.

(a) *Responsibility.* The Grains, Oilseeds and Cotton Division, ASCS, will administer the provisions of this subpart under the general direction and supervision of the Deputy Administrator, Programs, in accordance with program provisions and policy determined by Commodity Credit Corporation. In the field, the provisions of this subpart will be ad-

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ministered by the State and County Agricultural Stabilization and Conservation Committees, and where applicable, the Agricultural Stabilization and Conservation Service Commodity Office. As used in this Part, the term "CCC" means the Commodity Credit Corporation and the term "ASCS" means the Agricultural Stabilization and Conservation Service.

(b) *Limitation of authority.* The authority conferred by this subpart to administer provisions contained herein does not include authority to modify or waive any of the provisions of this subpart.

§ 1425.3 Application.

(a) *Initial approval.* A cooperative which desires approval to obtain price support on any authorized 1977 and succeeding crop of a commodity shall submit an application for a determination of eligibility with respect to each of the commodities listed herein for which approval is sought. An application form and related questionnaire and a copy of the regulations appearing in this subpart may be obtained from the Director, Grains, Oilseeds and Cotton Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013. Inquiries relating to such documents should also be addressed to the Director, Grains, Oilseeds and Cotton Division. The cooperative shall forward its application and required information to the Director, Grains, Oilseeds and Cotton Division. Applications with respect to each of the commodities listed herein and supporting material shall be submitted on or before the applicable date listed below of the calendar year in which the cooperative requests approval to participate in the price support program for commodities marketed thereafter, or by such later date as the Executive Vice President, CCC, may authorize to alleviate hardship.

Commodity:	Date
Cotton	Aug. 1.
Honey	July 1.
Rice	Aug. 1.
Soybeans	Sept. 1.

If price support program regulations for a commodity not listed herein require a cooperative to obtain approval under this subpart to be eligible for price support, the latest date for filing an application for approval with respect to such commodity shall be specified in such program regulations.

(b) *Information confidential.* Information submitted in connection with an application relative to trade secrets or financial or commercial operations or dealing with the financial condition of an applicant cooperative for initial approval or continued approval shall be kept confidential by the officers and employees of CCC and the Department of Agriculture except to the extent CCC determines such disclosure is necessary for the conduct of the price support program, and shall not be released where prohibited by law or regulation.

(c) ***Approved cooperatives.*** A cooperative shall be considered as an "approved cooperative" for the purposes of this paragraph (c), if:

(1) It is unconditionally approved to participate in a price support program with respect to the 1977 or any subsequent crop of a commodity; or

(2) It is conditionally approved to participate in a price support program with respect to the 1977 or any subsequent crop of a commodity and has satisfied the conditions of approval.

(d) *Term of approval.* A cooperative approved to participate in a 1977-crop price support program may participate in the price support program for such commodity until its approval is suspended by the Executive Vice President, CCC, or his designee, or terminated by the Executive Vice President, CCC.

(e) *Annual information.* Annually, an approved cooperative shall furnish, when requested by the Director, Grains, Oilseeds and Cotton Division:

(1) An audit report to include any accompanying notes, schedules or exhibits, certified by a certified public accountant as fairly representing the financial condition of the cooperative.

(2) A statement showing the total capital interest in the cooperative owned by active members and member cooperatives and the total capital interest in the cooperative owned by inactive and nonmembers by each separate category.

(3) The names of any active producer members and member cooperatives who own in excess of 10 percent of the capital of the cooperative and the amount owned by each.

(4) The quantity of each commodity delivered to the cooperative for marketing and the portion thereof that was received from active members.

(5) The quantity of each commodity tendered to CCC for loan and the quantity redeemed.

(6) The quantity of each commodity tendered to CCC for purchase.

(f) *Current information.* An approved cooperative shall furnish to the Director, Grains, Oilseeds and Cotton Division, immediately:

(1) Any changes in its articles of incorporation, bylaws, resolutions, or marketing agreement.

(2) Any changes in officers, directors, or principal employees and conflict of interest statements in accordance with § 1425.8(d).

(3) Any change in pooling operations with an explanation of the change and why such change was necessary.

(4) Additional information as may be requested at any time in connection with its continued approval under this subpart.

(g) *Suspension.* A cooperative may be suspended by CCC from further participation in the price support program if it is determined that it has not operated in accordance with representations made in its application for approval, has not complied with the regulation, or has failed to bring into compliance deficiencies noted during an administrative review or an audit of its operations under a price support program. Such suspension may be lifted upon receipt of documents indicating that the cooperative complies with the provision of this subpart which served as the basis of the suspenion.

(h) *Termination.* CCC shall have the right at any time, by giving the cooperative at least five days written notice, to terminate the right of the cooperative to tender commodities to CCC for loan and to mature all outstanding loans by making demand for payment by the date specified in such notice, which shall not be earlier than 10 days after such termination date. If the cooperative has loans outstanding, such loans shall be redeemed not later than such maturity date or title to the commodity shall, without a sale thereof, vest in CCC, and CCC shall have no obligation to pay for any market value the commodity may have in excess of the amount of the loans, plus interest and charges.

(i) *Voluntary termination.* An approved cooperative may at any time, upon written notice to CCC, voluntarily terminate its approval to participate in a price support program: *Provided*, That the cooperative does not have any outstanding loans at the time of voluntary termination.

§ 1425.4 Ownership and control.

The cooperative shall be owned and controlled by its active producer members and any bona fide cooperative members (hereinafter called "member cooperative").

(a) *Ownership.* The cooperative must establish that its active producer members and its member cooperatives which are owned and controlled by their active producer members, own a capital interest in the cooperative (i.e., stock, revolving fund certificates, book credits, or other equity interest) constituting more than 50 percent of the capital of the cooperative. Ownership of a member cooperative by its active members shall also be determined in accordance with the provisions of this paragraph (a). In determining the requisite capital interest of active producer members and member cooperatives, the following shall be disregarded:

(1) The capital interest of any such member in excess of 10 percent of the capital of the cooperative; and

(2) The capital interest acquired by any such member as a result of a loan unless such member is obligated to repay the loan within a reasonable period of time.

(b) *Control.* The organization and operation of the cooperative shall be under the control of its active producer members and member cooperatives which are owned and controlled by their active producer members. A cooperative shall be considered so controlled if more than 50 percent of its membership consists of active producer members, or member cooperatives which are owned and controlled by their active producer members.

(1) A director shall be an active member, a representative of an active member serving in the capacity of a farm manager or its equivalent (including an officer of a corporation and a partner in partnership), or an officer or employee of a member cooperative which is owned and controlled by its active members.

(2) A director shall be nominated and elected by active members except when selected to fill the unexpired term of a director so elected.

(c) *Approved plan.* Notwithstanding the foregoing provisions of this section, a cooperative which presently has a plan approved by CCC for retiring equities owned by inactive members may continue operating under the approved plan even though active members do not control or own more than 50 percent of the capital interest of the cooperative. If an applicant cooperative or an approved cooperative is determined not to be under the control, or ownership, or both, of its active members, the cooperative may be approved to participate in the price support program if the cooperative submits, and the Executive Vice President, CCC, approves a plan for retiring the capital interest of its inactive members so that such ownership and control will be invested to its active members within a reasonable period of time. Nevertheless, ownership and control of such a cooperative must be invested in its members and member cooperatives.

§ 1425.5 Charter and bylaw provisions.

The articles of incorporation or association, or the bylaws of the cooperative shall provide for each of the requirements of this section.

(a) *Annual meeting.* The cooperative shall hold an annual meeting of members or delegates at one or more locations within its operating area which will afford a reasonable opportunity for all members or their delegates to attend and participate.

(b) *Notice of meeting.* Each member or delegate, as the case may be, shall be given written notice of the time, place, and purpose of all regular and special meetings of members or delegates.

(c) *Open membership.* The cooperative shall admit to membership every applicant who (1) applies for admission for the purpose of participating in the activities of the cooperative, and (2) is eligible for membership under the statute incorporating the cooperative, except that the cooperative may refuse admission to an applicant on its findings, based on reasonable grounds, that the applicant's admission would prejudice the interests or hinder or otherwise obstruct the purposes of the cooperative.

(d) *Nominations.* Nominations shall be made as follows:

(1) Nominations for election of delegates and directors shall be made by active members by secret balloting, nominating committee, petition of members, or from the floor; and

(2) Nominations for election of officers shall be made by elected directors by secret balloting, nominating committee, or from the floor.

If directors are nominated by a nominating committee or by petition, members of the cooperative shall be permitted to nominate directors from the floor at the membership meeting for the election of directors. If delegates are nominated by a nominating committee or by petition, members of the cooperative shall be permitted to nominate delegates from the floor at the membership meeting for the election of delegates. If officers of the cooperative are nominated by nominating committee, any member of the board of directors shall be permitted to make nominations from the floor at the meeting for election of officers.

(e) *Secret ballot.* Voting for election of directors, delegates and officers shall be by secret balloting when there are two or more nominees for a position to be filled or more nominees than there are positions to be filled, as applicable.

(f) *Voting rights.* Each member of the cooperative shall have a single vote regardless of the number of shares of stock owned or controlled by him, except that the Executive Vice President, CCC, may, in his discretion, approve some other voting method which in his opinion will adequately protect the interests of the members of the cooperative.

(g) *Proxy or power of attorney.* Voting by proxy or under power of attorney shall not be permitted, except that voting by proxy or under power of attorney may be permitted in order to amend the articles of incorporation and bylaws of a cooperative if the cooperative seeking to hold such vote establishes to the satisfaction of the Executive Vice President, CCC, that the law of the State in which the cooperative is incorporated does not permit members to vote by mail on this issue and does permit voting by proxy or power of attorney.

(h) *Financial statement.* Each member shall be given each year a summary financial statement based on an annual audit, by a certified public accountant, of the books and accounts of the cooperative.

§ 1425.6 Financial condition.

(a) *Financial ability.* A cooperative shall be financially able to make advances to its members and to market their commodity. It shall submit with its application evidence establishing that its operation is on a financially sound basis.

(b) *Factors to consider.* The factors which will be considered in determining the financial condition of a cooperative include, but are not limited to, the following:

(1) The ability of the cooperative to meet its current obligations, including the expenses of marketing the commodity of its members;

(2) The ability of the cooperative to make advances to its members, either from its own funds or through arrangements with financial or other institutions;

(3) The ownership of an amount of net worth of the cooperative by its producer members and member cooperatives which is equal to the product of the amount per unit for a commodity (as shown below) multiplied by the total number of units of such commodity handled by the cooperative during the preceding marketing year, or, if the cooperative is in its first full marketing year of operation, the estimated quantity of such commodity that it will handle during such year: *Provided*, That if a cooperative has not been approved to participate in a price support program for each of the three crop years immediately preceding the corp year for which approval is being considered, the Executive Vice President, CCC, may establish the unit total of a commodity to be used in determining the adequacy of the cooperative's net worth owned by the cooperative's producer members and member cooperatives.

Commodity	Unit	Amount per unit
Cotton	Bale	$5.00
Honey	Hundredweight	1.00
Rice	do	.40
Soybeans	Bushels	.20

If the amount of the net worth of the cooperative which is owned by producer members and member cooperatives is less than, but at least 34 percent of, the amount computed as set forth above, and the cooperative is considered to be otherwise financially sound, the Executive Vice President, CCC, may determine that the operation of the cooperative is on a financially sound basis if the board of directors of the cooperative agrees to make a capital retain in the amount set forth below with respect to each unit of the commodity delivered to the cooperative by producers until such time as the net worth owned by producer members and member cooperatives is at least equal to the amount per unit provided for above, and the cooperative also agrees to deduct the full amount of the estimated expenses of handling the commodity received by the cooperative.

Commodity	Unit	Amount per unit
Cotton	Bale	$1.50
Honey	Hundredweight	.50
Rice	do	.20
Soybeans	Bushel	.15

The failure to carry out such an agreement shall be grounds for terminating a cooperative's approval; and

(4) Any pledge of assets as security, or, the deposit or setting aside of funds or other assets to secure or guarantee any indebtedness of the cooperative, or setting aside or deposit of funds in a restricted account to guarantee the performance of an obligation of the cooperative which is not reflected in the liability, of the cooperative, in the financial statement. If any assets or funds have been so pledged, set aside or deposited, and the amount of such indebtedness or guarantee is not shown in the financial statement as a liability, the amount of net worth to be used in making the determination of financial responsibility will be reduced by the value or amount of such assets or funds.

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(5) The quantity of the commodity for which approval is sought which was handled by the cooperative during the preceding marketing year, or if the cooperative is new, the estimated quantity it will handle during the first marketing year of operation.

(c) *Information required.* The cooperative shall submit with its application the following information:

(1) A current financial statement prepared by a certified public accountant from the books of original entry and certified by the certified public accountant as fairly representing the financial condition of the cooperative;

(2) A statement showing the capital interest in the cooperative (stock, revolving fund certificates, book credits, or other equity interest) owned by its active producer members and its member cooperatives;

(3) A list of names of its producer members and member cooperatives which own in excess of 10 percent of the capital of the cooperative and the amount of the capital interest which each such producer member and member cooperative owns. If no such producer member or member cooperative owns in excess of 10 percent of the capital of the cooperative, a statement to this effect must be submitted; and

(4) A list of producer members or member cooperatives, who, to the knowledge of the cooperative, acquired a capital interest in the cooperative as a result of a loan which the producer member or member cooperative is not obligated to repay, and a copy of the note or other evidence of indebtedness securing such loan. If none of the capital interest of the cooperative was acquired as a result of such a loan, a statement to this effect must be submitted.

§ 1425.7 Operations.

A cooperative shall establish to the satisfaction of the Executive Vice President, CCC, that, with respect to the commodity for which approval is required, it is so organized and staffed by individuals employed directly by it that it is able to perform its contracts with its members and to provide an effective marketing operation for its members, except that a cooperative need not be staffed to perform such marketing services if:

(a) *Agreement.* The cooperative enters into an agreement with another cooperative marketing association to market the commodity;

(b) *Legal.* Such agreement is permitted by law;

(c) *Authorized.* The charter and bylaws of the cooperative acquiring the marketing service and the marketing agreement with its member contain necessary authority to enter into the agreement;

(d) *Member.* The cooperative acquiring the marketing service is a member of the cooperative marketing association which will provide the marketing service;

(e) *Approved.* The cooperative marketing association to provide the marketing service has been approved under this subpart to obtain price support for such commodity; and

(f) *Best interest.* It is established to the satisfaction of the Executive Vice President, CCC, that such agreement is in the best interest of the members of the cooperative acquiring the marketing service.

§ 1425.8 Conflict of interest.

(a) *Transactions detrimental to members.* The cooperative shall not be eligible for price support unless it establishes to the satisfaction of CCC that its transactions, if any, which are of a kind described in this section have not operated and will not operate to the detriment of members of the cooperative.

(b) *Cooperative transactions.* The cooperative shall submit with its application a detailed report concerning all of its transactions with the following persons during the year preceding the date of its application, or the date such information is required to be submitted under § 1425.3(a), as applicable, except for those transactions which do not differ from transactions entered into by the cooperative with its general membership:

(1) With any director, officer, or principal employee of the cooperative or with any of his close relatives;

(2) With any partnership from which any person described in paragraph (b) (1) of this section is entitled to receive a percentage of the gross profits;

(3) With any corporation in which any person described in paragraph (b) (1) of this section owns stock;

(4) With any business entity from which any person described in paragraph (b) (1) of this section receives fees for transacting business with or on behalf of the cooperative; or

(5) With any business entity in which an agent, director, officer, or employee of the cooperative was an agent, director, officer, or employee of such business entity.

A close relative means a husband or a wife or a person related as child, parent, brother, or sister, by blood, adoption, or marriage, and shall include in-laws within such categories of relationship. The report shall include, but is not limited to, transactions involving purchases, sales, handling, marketing, insurance, transportation, warehousing, and related activities.

(c) *Contemplated transactions.* The cooperative shall also submit a statement as to whether any transactions of the kind described in paragraph (b) of this section are contemplated in the period between the date of the application, or the date such information is required to be submitted under § 1425.3(a), as applicable, and the end of the next marketing year for the commodity. If any such transaction is contemplated, the cooperative shall submit a detailed explanation of such contemplated transaction(s) and a statement of the reasons therefor.

(d) *Directors, officers, and employees.* The cooperative shall furnish information annually showing the interest or connection of its directors, officers, and principal employees and their close relatives with persons who engage in business relating to a commodity for which the cooperative is approved to obtain price support.

§ 1425.9 Uniform marketing agreement.

Any quantity of a commodity on which price support is obtained and any other quantity of such commodity which is included in the same pool with a quantity of the commodity on which price support is obtained, must be delivered to the cooperative by its members pursuant to a uniform marketing agreement between the cooperative and each of its members who delivered such commodity to the cooperative. A cooperative may provide alternative methods of marketing in addition to any set forth in its marketing agreement if the terms and conditions thereof are reasonable and information concerning such methods of marketing and how to exercise available options are made available to all active members. Such information may be published in the cooperative's membership publication or included in other written notices mailed to all active members of the cooperative.

§ 1425.10 Purchased and nonmember commodity.

Any commodity purchased from members who do not retain the right to share in the proceeds from marketing of such commodity as provided in §§ 1425.13 and 1425.14 and any commodity acquired from nonmembers is not eligible for price support.

§ 1425.11 Member business.

If price support is sought for a particular crop of a commodity, not less than 80 percent of such crop of the commodity that is acquired by or delivered to the cooperative for marketing must be produced by its members or by members of its member cooperatives. However, the Executive Vice President, CCC, may, for a period of two years or such lesser period of time as he determines appropriate, authorize a cooperative to acquire or receive for marketing from its members a smaller quantity of such crop than 80 percent, if that quantity has a value greater than the value of the quantity acquired or received from nonmembers for marketing and if the cooperative establishes that to the satisfaction of the Executive Vice President, CCC, that such authorization is necessary for the efficient operation of the cooperative and is in the best interest of the members of the cooperative. Purchases of commodities by a cooperative from CCC shall not be considered in determining the volume of member and nonmember business.

§ 1425.12 Vested authority.

The cooperative shall have authority to obtain a loan on the security of the commodity delivered to it by its members, to give a lien on such commodity, and to sell such commodity.

§ 1425.13 Eligible commodity and pooling.

(a) *Commingled commodity.* The cooperative may obtain price support on a quantity of commodity stored in approved warehouses not to exceed the smaller of (1) the quantity of commodity eligible for price support received from eligible members, or (2) the quantity of such commodity remaining undisposed of in the pool eligible for price support: *Provided*, That the cooperative at all times shall have a quantity of such commodity in inventory of each class and grade at least equal to the quantity of that commodity of each class and grade under loan.

(b) *Identify preserved.* The cooperative may obtain price support only on the eligible commodity received from eligible members which remains undisposed of in its inventory at the time such commodity is offered as security for a loan or is offered for purchase, when such commodity is stored identify preserved in approved warehouses.

(c) *Pools.* The cooperative may establish separate pools as needed for quantities of a commodity acquired from members. If the cooperative obtains price support from CCC on any quantity of commodity included in a pool, all of the commodity included in such pool must be eligible for price support, except that a part of a pooled commodity may be ineligible for price support because of grade or quality, or, in the case of cotton, bale weight or being repacked. Whether pooled or not, the commodity offered for price support must:

(1) Have been produced by an eligible producer on a farm on which the production of such commodity is eligible for price support under the applicable price support program regulations;

(2) Meet the eligibility requirements for making price support available to the cooperative under applicable price support program regulations; and

(3) Have been delivered to the cooperative for marketing for the benefit of producer members or by member cooperatives in behalf of their producer members.

(d) *Allocation of costs and expenses.* If price support is obtained on any quantity of a crop of a commodity, allocations of costs and expenses among separate pools for the crop of the commodity shall be made in accordance with sound accounting principles and practices.

(e) *Assessing losses.* Any losses incurred by the cooperative in marketing a commodity on which price support is not obtained from CCC shall not be assessed against the proceeds of marketing of a commodity on which support was obtained.

(f) *Exception.* CCC may approve an exception to the foregoing requirements upon written request by a cooperative if the Executive Vice President, CCC, or his designee determines that the approval of such request will result in equitable treatment of members and is in accord with the purposes of the price support program.

§ 1425.14 Distribution of proceeds.

(a) *Loan advances.* If price support is obtained from CCC on any part of the commodity in a pool, the loan proceeds shall be distributed to members participating in such pool on the basis of the quantity and quality of the commodity delivered by each member less any authorized charges for services performed by and/or paid for by the cooperative which are necessary to condition the commodity or otherwise make the commodity eligible for loan.

(b) *Pool distribution.* If price support is obtained from CCC on any part of the commodity in a pool, the proceeds of such pool shall be distributed only to members participating in such pool on the basis of the quantity and quality of the commodity delivered by each member which is included in such pool. Proceeds from an eligible pool, on which price support has been obtained, shall not be combined with proceeds from ineligible pools for distribution and final settlement when the per unit proceeds of the eligible pool exceed the per unit proceeds of the ineligible pool. The cooperative shall submit with its application a detailed description of the method by which proceeds from a pool on which price support is obtained will be distributed. The method of distribution shall be as provided in the marketing agreement with members or in the bylaws.

(c) *Unclaimed funds.* A cooperative which has attempted to distribute a part of its capital interest (as defined in § 1425.4(a)) in accordance with its articles of incorporation and bylaws to producer members described in paragraph (b) of this section and has given notice of such distribution both by publication and personal letter addressed to such members, may provide for reallocation of such undistributed capital interest, to the extent permitted by the law of the State applicable to such distribution, to its members and patrons on an equitable basis if:

(1) The period of limitation for the payment of debts has run commencing on the date the capital interest was declared to be payable by the cooperative;

(2) The cooperative, prior to the lapse of such period of limitation, has given the affected member a 30-day notice of the expiration of such period of the amount payable to him by certified mail, return receipt requested, at the member's last known address as reflected on the books of the cooperative; and

(3) No claim for payment of such capital interest is made within the period of limitations described above.

§ 1425.15 Member cooperatives.

(a) *Obtains price support.* If a cooperative obtains price support from CCC on any quantity of a commodity delivered by a member cooperative or if the cooperative obtains price support from CCC on any quantity of the commodity included in the same pool with the production delivered by such member cooperative, the cooperative and such member cooperative must meet the requirements of paragraphs (a) (1), (2), and (3) of this section.

(1) The commodity delivered by the member cooperative must have been produced by its members; and the member cooperative must have authority to deliver such commodity to the cooperative for marketing. Also, each such member cooperative must have authority to sell the commodity produced and delivered to such member cooperative by its members, obtain a loan on the security thereof, and give a lien thereon.

(2) In its charter, bylaws, marketing agreement, or by other legal means, the cooperative must require each such member cooperative to meet the requirements of this subpart.

(3) The cooperative must determine that each such member cooperative is eligible for price support under this subpart and must so certify to CCC.

(b) *Comply with State law.* The cooperative shall determine and certify to CCC that its member cooperatives which are not subject to paragraph (a) of this section comply with the producer ownership, membership meeting and voting requirements of applicable State law.

(c) *Exception.* Notwithstanding the foregoing provisions of this section, an approved cooperative is required to meet only the provisions contained in the first sentence of paragraph (a) (1) of this section with respect to a member cooperative for whom it markets the production of its producer members under § 1425.7.

§ 1425.16 Nondiscrimination.

The cooperative shall not, on the ground of race, color, sex, or national origin, deny any producer the benefits of, exclude any producer from participation in, or otherwise subject any producer to discrimination with respect to any benefits resulting from its approval to obtain price support and shall comply with the provisions of Title VI of the Civil Rights Act of 1964 and the Secretary's regulations issued thereunder, appearing in §§ 15.1–15.12 of this Title (29 FR 16274), and any amendments thereto. The cooperative agrees that the United States shall have the right to enforce compliance with such statute and regulations by suit or by any other action authorized by law. The cooperative shall submit a certification with its application that the above cited regulations have been read and understood and that the cooperative shall abide by them.

§ 1425.17 Records maintained.

(a) *Acquisitions.* An approved cooperative, and its member cooperatives, described in paragraph (a) of § 1425.15, if any, shall maintain a record which shows the quantity of commodity which is received from each of its members and nonmembers, the date received, the eligibility status for price support of each such quantity, the quality factors specified in the applicable regulations for the commodity (including class, grade and quality where applicable), and the quantity to which each applicable quality factor applies.

(b) *Dispositions.* The cooperative shall maintain a record which shows each

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quantity of commodity disposed of, the date sold and the price received. Each sale shall be allocated to an eligible pool, an ineligible pool, or both eligible and ineligible pools, and the pool inventories shall be adjusted accordingly. All sales may be allocated to eligible or ineligible pools or a combination of eligible and ineligible pools until the inventory in a pool is sold.

§ 1425.18 Inspection and investigation.

(a) *Inspection.* The books, documents, papers, and records of the approved cooperative, and its member cooperatives, if any, for any year's business shall be available to CCC for inspection and examination at all reasonable times through the end of the fifth marketing year following the marketing year in which price support for a crop was available.

(b) *Investigation.* CCC shall have the right at any time after an application is received, to examine all books, documents, papers, and records of the cooperative and its member cooperatives and to make such investigations as are deemed necessary to determine whether the cooperative and its member cooperatives, if any, are operating or have operated in accordance with the regulations in this subpart, their articles of incorporation or association, bylaws, agreements with producers, representations made by the cooperative in its application for approval, and, where applicable, its agreements with CCC.

§ 1425.19 Determination of eligibility.

The determination under this subpart of a cooperative marketing association's eligibility to obtain price support shall be made by the Executive Vice President, CCC.

§ 1425.20 Substantial compliance.

Notwithstanding the foregoing provisions of this part, if the Executive Vice President, CCC, determines that a cooperative has not met all of the eligibility requirements of this subpart but has substantially complied with such requirements, or has met substantially all such requirements, he may approve the cooperative for participation in the price support program if the cooperative agrees in writing to meet all of the eligibility requirements of this subpart prior to the beginning of the marketing year for the crop of the commodity next succeeding the crop for which approval is then being sought. Board resolutions agreeing to comply with provisions of this subpart may be accepted by the Executive Vice President, CCC, as substantial compliance with such provisions for purposes of this section. Any approved cooperative which, without fault or negligence, fails to comply with requirements of this subpart which can be met for the current marketing year only by calling a special membership meeting may continue to be approved for participation in the price support program for the current marketing year, if it agrees to undertake to have its members at its next regular membership meeting take the action necessary to comply with such program requirements.

§ 1425.21 Definitions.

(a) *Person.* As used in this subpart the term "person" shall have the meaning of such terms as defined in the regulation pertaining to Reconstitution of Farms and Allotments, Part 719 of this Title and any amendments thereto.

(b) *Active member.* The term "active member" shall mean a member of a cooperative who has utilized the services offered by a cooperative for marketing his commodity or purchasing production supplies for his farming operation in one of the three preceding crop years ro such shorter period as may be provided in the cooperative's articles of incorporation or bylaws.

Signed at Washington, D.C., on April 1, 1977.

VICTOR A. SENECHAL,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.77-10631 Filed 4-11-77;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. E77-92]

EMERGENCY NATURAL GAS ACT OF 1977

Proposed Implementation

AGENCY: Administrator, Emergency Natural Gas Act of 1977.

ACTION: Proposed Rule.

SUMMARY: This proposal would prescribe rules for the allocation of volumes of natural gas purchased under sec. 6 of the Emergency Natural Gas Act. The proposal would implement sec. 7 of the Act which provides for the allocation of costs to local distribution companies in proportion to their share of these purchases.

DATES: Comments must be received on or before April 13, 1977.

ADDRESSES: Send an original and 6 copies to: Richard L. Dunham, Administrator, Emergency Natural Gas Act of 1977, Room 9200, 825 North Capitol Street NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

J. Paul Douglas (202) 432-1212

SUPPLEMENTARY INFORMATION: Attached is a proposed order prescribing rules to implement Section 7 of the Emergency Natural Gas Act of 1977.

Any person desiring to submit comments to the Administrator should submit such comments in writing no later than Wednesday, April 13, 1977. An original and six copies of such comments shall be submitted. All comments shall be addressed as follows:

Richard L. Dunham, Administrator, Emergency Natural Gas Act of 1977, Room 9200, Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

This notice is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977) and shall be published in the FEDERAL REGISTER.

RICHARD L. DUNHAM,
Administrator.

APRIL 7, 1977.

ADMINISTRATOR, EMERGENCY NATURAL GAS ACT OF 1977

ORDER NO. --------

The Emergency Natural Gas Act of 1977 (Pub. L. 95-2) 91 Stat. 4 (1977),[1] provides in Section 7 (91 Stat. 4, 8) for the allocation of charges paid for deliveries under Section 4 (91 Stat. at 5-7) or purchases under Section 6 (91 Stat. at 7-8) to the local distribution companies receiving such gas from an interstate pipeline.[2] This order provides rules to be applied in determining the allocation of volumes purchased pursuant to Section 6.

Two distinct types of purchases were made pursuant to Section 6. First, many interstate pipelines purchased gas to augment their system supply. Second, a number of pipelines purchased gas as agent for certain of their customers. The latter situation presents the easiest problem to resolve and will be considered first.

Where gas has been bought by a pipeline as agent for certain of its customers, only those customers have received the benefits of such purchases. Thus, all costs associated with such purchases, including any compensation paid for transportation of such supplies, shall be charged to those customers receiving such gas in proportion to the volumes received by each customer. If the delivering pipeline's rates are on the basis of rate zones, any transportation charges shall reflect the rate differentials between such zones.

Where an interstate pipeline purchased emergency supplies pursuant to Section 6 for system supply, that gas is to be allocated to the pipeline's customers according to the rules set forth below. These volumes shall be allocated according to the pipeline's effective Federal Power Commission (FPC) curtailment plan after available supplies purchased pursuant to the Natural Gas Act (15 U.S.C. § 717, et seq) have been allocated to the high-priority uses[3] served by the pipeline. The allocation of emergency supplies purchased pursuant to section 6 to the lowest priority actually served by the pipeline during the applicable billing period reflects the fact that those volumes are the last increment of supply available to the pipeline and that such supplies enabled the pipeline to render service to the lowest priority customers actually served during that billing period.[4]

Order No. 6 (February 22, 1977) prohibits any interstate pipeline from purchasing gas under Section 6 if contemporaneously with the execution of the contract the pipeline was serving directly or indirectly any uses classified in FPC Priorities 4 through 9 (18 CFR 2.78(a)(1)(iv)-(ix)). Order No. 6 did not require that the purchase not terminate purchases under Section 6 if, subsequent to the execution of the contracts for such purchases, the purchaser's curtailment lessened and service to uses classified in Priorities 4 through 9 commenced. Thus, gas originally purchased under section 6 to serve uses classified in FPC Priorities 1 through 3 (18 CFR 2.78 (a)(1)(i)-(iii)) is now being consumed in part to serve uses classified in Priorities 4 through 9 because of changes in the curtailment levels on the interstate pipelines which reflect normal to warmer than normal weather.[5] The supplies purchased under Section 6 are the last increment of supply available to a pipeline. Therefore, it is appropriate that these volumes be allocated first to the lowest priorities served by the purchasing pipelines and second to the higher priority uses served by the pipelines to the extent such volumes were needed to serve such uses. Section 6 volumes are to be allocated to high priority uses only if the supplies available to the pipelines under the Natural Gas Act are not sufficient to serve such uses since the high priority uses would be the last uses to be curtailed and would therefore be served with gas purchased under the Natural Gas Act to the extent such supplies were and are available.

A number of contracts between the interstate pipelines and their customers (particularly direct industrial) could be construed as prohibiting the interstate pipeline from recovering the full cost of section 6 gas used to render service to those customers. Such contracts are contrary to the purpose of the Act which is to require those persons receiving the benefit of gas purchased under the Act to pay the cost of such gas. I, therefore, find that all interstate pipelines may recover all costs associated with Section 6 gas allocated to its customers in accordance with this order notwithstanding any contractual provisions to the contrary which might restrict or prohibit the recovery of such costs.

Pursuant to section 7 of the Act, I order that natural gas supplies purchased pursuant to section 6 of the Act be allocated according to the following rules:

1. (a) The term "high-priority use" means—

(A) Use of natural gas in a residence;

(B) Use of natural gas in a commercial establishment in amounts of less than 50 Mcf on a peak day; or

(C) Any other use of natural gas the termination of which would endanger life, health, or maintenance of physical property, (i.e., plant protection volumes necessary to avoid damage to physical plant and equipment).

(b) The term "conventional supplies" means any and all gas supplies (natural, artificial or synthetic) and any components mixed with natural gas (such as propane or ethane) which are purchased by an interstate pipeline pursuant to an order, rule, or regulation of the Federal Power Commission (FPC) issued under the Natural Gas Act (15 U.S.C. 717, et seq.).

(c) The term "effective FPC curtailment plan" means any plan by which an interstate pipeline curtailed deliveries to its customers during the period of the Act whether or not such plan has been finally approved by the FPC.

(d) The term "billing period" means the calendar month or similar period on which an interstate pipeline bills its customers in accordance with tariffs on file with the FPC.

2. An interstate pipeline should determine its requirements for high-priority uses as set forth in paragraph 1. a.

(a) If curtailment under the pipeline's effective FPC curtailment plan is on a daily basis, the pipeline shall allocate its conventional gas supplies and Section 6 gas supplies on a daily basis.

(b) If curtailment under the pipeline's effective FPC curtailment plan is on a monthly or seasonal basis, the pipeline shall allocate its conventional gas supplies and section 6 gas supplies during each billing period. The allocation shall reflect the effect of each change in the level of curtailment imposed during the applicable billing periods.

3. The pipeline shall allocate all available gas supplies as follows:

(a) Conventional gas supplies shall be allocated to the pipeline's high-priority uses.

(1) To the extent that the conventional gas supplies are not sufficient to meet the pipeline's high-priority uses, Section 6 gas should be allocated proportionately to each customer according to its requirements and adjusted to reflect any releases and reallocations.

(2) To the extent that the pipeline's conventional gas supplies exceed its high-priority uses, such excess shall be allocated proportionately to the uses in the next highest priority in the pipeline's effective curtailment plan.

(b) Section 6 gas should be allocated first to the lowest priority of service rendered during the applicable billing period and then to the next priority of service until all Section 6 gas has been allocated. Within each priority, Section 6 gas should be allocated on a proportional basis to all customers unless it can be determined that certain gas was made available to specific customers, i.e., through a grant of extraordinary relief.

(c) If section 6 gas enabled the pipeline to serve specific uses of gas (such as large commercial, feedstock, process, or other firm or interruptible industrial or boiler fuel requirements) during the billing period, section 6 gas should be allocated proportionately to all customers according to such loads actually served during the applicable billing period.

(d) During the storage injection season, gas used to replenish storage is to be considered as high-priority use. Section 6 gas should be allocated to storage only if the pipeline's conventional supplies are not sufficient to meet its high-priority uses plus storage.

4. Any contract between an interstate pipeline and any of its customers (including direct industrial customers) which prohibits or restricts the recovery of costs associated with Section 6 gas properly allocated to such customer pursuant to this order is hereby found to be contrary to the purposes of the Act and is declared to be unenforceable with respect to natural gas delivered under the Act. All interstate pipelines shall bill and recover all costs associated with section 6 gas supplies properly allocated to all customers pursuant to this order notwithstanding any contrary contractual provisions which might restrict or prohibit the full recovery of such costs from any customer.

Within ---------- days of this order, all interstate pipelines, which have purchased gas pursuant to Section 6(a) of the Act, shall file with the Administrator a proposed plan to implement the allocation procedures set forth above. Such proposed plan shall be served on all of the pipeline's customers to which Section 6 gas could be allocated.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977) and shall be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

[FR Doc.77-10801 Filed 4-11-77;8:45 am]

[1] Hereinafter referred to as the "Act".

[2] Section 7 provides: Compensation received by an interstate pipeline pursuant to section 4 in excess of the amount such pipeline would have charged its local distribution companies shall be credited to such local distribution companies in proportion to their share of any natural gas not delivered together with credits necessary to make whole any local distribution company which replaced such natural gas with higher cost gas such as synthetic natural gas as prescribed in section 4(f)(2)(B). Compensation paid by an interstate pipeline for deliveries or emergency purchases of natural gas pursuant to section 4 or section 6 shall be charged to such interstate pipeline's local distribution companies in proportion to their share of such natural gas deliveries or purchases.

Because no deliveries were ordered pursuant to Section 4, this order concerns only the second sentence of Section 7 which provides in part for the allocation of compensation paid for emergency purchases pursuant to Section 6.

[3] The term "high-priority use(s)" is defined in Section 2(1) of the Act (91 Stat. at 4).

[4] Where the pipeline's curtailment plan provides for curtailment on a daily basis, the allocation of gas to a pipeline's customers shall be determined on a daily basis.

[5] Also, certain purchases were permitted notwithstanding Order No. 6. See, e.g. Colorado Interstate Gas Company, Docket No. E77-31 (February 28, 1977).

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 405]

[Regs. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Proposed Quality Control and Proficiency Testing Requirements Applicable to Laboratories of Medicare Hospitals

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C.

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553), that the amendment to the regulations (20 CFR Part 405) set forth below in tentative form is proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendment would require the laboratories of hospitals participating in the Medicare program to meet specified stronger standards of quality control and proficiency testing than are presently required. The additional standards are needed because the current hospital laboratory regulation does not contain specific quality control requirements and does not require participation in an approved proficiency testing program. Although the proposed standards are not currently included in the hospital requirements, they are especially important at this time in view of the growing complexity of laboratory procedures as well as the increasing volume of tests performed by hospital-based clinical laboratories. Quality control and proficiency testing have been recognized for some time as necessary requirements for assuring the correctness of laboratory tests. These standards are currently required for participating independent (non-hospital) laboratories and are also required under the Clinical Laboratory Improvement Act (CLIA 1967), which regulates both hospital and independent laboratories engaged in interstate commerce. Therefore, the proposed amendment to the regulations will not only enhance the quality of the laboratory work, but will also provide uniformity within the Medicare program, as well as with the current CLIA requirements for interstate laboratories. Also, those Medicare hospitals accredited by the Joint Commission on Accreditation of Hospitals (JCAH) and the American Osteopathic Association (AOA) already participate in proficiency testing and use quality control procedures. The question concerning the equivalency of the JCAH/AOA standards with those being proposed is currently under consideration and will be decided before this proposal is put into final form. The amendment to the regulations is being proposed on the assumption that the JCAH/AOA standards are equivalent; however, this asumption is made only to elicit comments and to expedite the rulemaking process. It does not represent a formal Departmental decision concerning JCAH/AOA equivalency. Hospital laboratories subject to these regulations would be granted 12 months to enlist in a proficiency testing program in those situations where such a program is not readily available. A 12-month period is not being provided with respect to quality control because the majority of these procedures can be implemented with existing staff and resources. Also, where laboratories are found to be initially deficient in quality control and proficiency testing, they would be afforded (after submitting an acceptable plan of correction) a reasonable amount of time to meet these requirements (see 20 CFR 405.1907). Interested parties are given 45 days from the date of publication of this notice in which to submit any data, views, or arguments to the Social Security Administration, Department of Health, Education, and Welfare.

Specifically, for a hospital to be eligible for participation as a provider of services in the Health Insurance for the Aged and Disabled program, it must meet the requirements set forth in section 1861(e) of the Social Security Act. Section 1861(e) sets forth a number of specific requirements which must be met by participating hospitals and section 1861(e)(9) also authorizes the Secretary of Health, Education, and Welfare to prescribe, by regulation, other requirements relating to the health and safety of patients as the Secretary may find necessary. These "conditions of participation" are published as Subpart J of 20 CFR Part 405. Under the authority of section 1861(e)(9), as well as the general regulatory authority conferred by sections 1102 and 1871 of the Act, the proposed amendment would add two additional standards to the current hospital laboratory regulations (20 CFR 405.1028).

These standards are designed to: (1) Strengthen the programs of quality control currently employed by hospital laboratories by adding these quality control provisions which are identical to the independent laboratory requirements of Subpart M, Regulations No. 5 (20 CFR Part 405); and

(2) Require that hospital laboratories successfully participate in an approved proficiency testing program covering all clinical laboratory and anatomical pathology specialties and subspecialties in which the laboratory is approved to perform tests. This requirement is also identical to independent laboratory standards contained in Regulations No. 5, Subpart M.

Under this proposal, laboratory quality control and proficiency testing standards would be added to the requirements for participation by a hospital. This differs from the conditions for coverage for an independent laboratory (see Subpart M of this Part) where quality control is listed as a condition rather than a standard. No Medicare hospital or independent laboratory may be certified when a condition is not in compliance. It is conceivable that an independent laboratory that failed to meet the quality control condition would not be certified while a hospital laboratory that failed to meet the same requirement(s), but in the the form of a standard rather than a condition, could be certified. This is unlikely to occur, however, because failure to meet either the quality control or the proficiency testing standards would be considered serious enough under the provisions of 20 CFR 405.1907 that the facility would not be in compliance with the overall laboratory condition. That is, this failure would be considered to jeopardize the health and safety of patients or to seriously limit the hospital's capacity to render adequate care.

If there are any questions concerning this regulation, you may contact Mr. Ray Brown, Branch Chief, Division of State Operations, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone 301-594-7910. Mr. Brown will respond to questions, but will not accept comments on this regulation.

Prior to the final adoption of the proposed amendment to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203, on or before May 27, 1977.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquires Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

(Secs. 1102, 1861(e)(9), and 1871; 49 Stat. 647, as amended, 79 Stat. 321, as amended, and 79 Stat. 331; 42 U.S.C. 1302, 1395x(e)(9), and 1395hh.)

(Catalog of Federal Domestic Assistance Programs. No. 13.800, Health Insurance for the Aged and Disabled Program—Hospital Insurance.)

NOTE.—The Social Security Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive order No. 11821 and OMB Circular A-107.

Dated: January 10, 1977.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: March 31, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare.

Part 405 of chapter III of Title 20 of the Code of Federal Regulations, is amended, by adding paragraphs (k) and (l) to § 405.1028 to read as follows:

§ 405.1028 Condition of Participation—Laboratories.

• • • • •

(k) *Standard; Proficiency Testing.* The laboratory meets the proficiency testing provisions of § 405.1314(a). The definition of "proficiency testing program", as stated in § 405.1310(c), is also applicable.

(l) *Standard; Quality Control.* The laboratory meets the quality control provisions of § 405.1317.

[FR Doc.77-10138 Filed 4-11-77;8:45 am]

Food and Drug Administration

[21 CFR Parts 201, 330]

[Docket No. 77N-0010]

OVER-THE-COUNTER DRUGS

General Conditions for Use and Labeling of Inactive Ingredients

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: This is a proposal to amend regulations which establish the general conditions under which over-the-counter (OTC) drug products are generally recognized as safe, effective, and not misbranded. The proposal defines identifiable functions that an inactive ingredient must perform to be regarded as appropriate for use in OTC drug products; it requires that if any inactive ingredient is voluntarily declared in the labeling of an OTC drug product, then every inactive ingredient must be declared on the label; and it establishes the format to be followed if inactive ingredients are voluntarily declared in the labeling of an OTC drug product.

DATE: Comments by June 13, 1977.

ADDRESS: Written comments to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFOMATION CONTACT:

Robert D. Bradley, Bureau of Drugs (HFD-30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5220.

SUPPLEMENTARY INFORMATION: The proposed amendment to Part 201 (21 CFR 201) applies to both animal and human drug products, while the amendment to Part 330 (21 CFR Part 330) applies to human drug products only.

RESTRICTIONS ON USE OF INACTIVE INGREDIENTS

Currently, § 330.1(e) (21 CFR 330.1(e)) requires that OTC human drug products incorporate only suitable inactive ingredients that are safe in the amount administered and that the inactive ingredients do not interfere with the effectiveness of the preparation or with suitable tests or assays to determine if it meets its professed standards of identity, strength, quality, and purity. The Commissioner of Food and Drugs now proposes to make it clear that, to be regarded as suitable within the meaning of § 330.1(e), each inactive ingredient in an OTC human drug product should perform a specific function. But this proposal in no way changes existing requirements that inactive ingredients be safe.

Section 210.3(d)(5) (21 CFR 210.3(d)(5)) defines an "active ingredient" as any component that is intended to furnish pharmacological activity or other direct effect in the diagnosis, cure, mitigation, treatment, or prevention of disease, or to affect the structure or any function of the body of man or other animals. The term includes those components that may undergo chemical change in the manufacture of the drug and be present in the finished drug product in a modified form intended to furnish the specified activity or effect. All other components of a drug product are regarded as inactive ingredients even though they may, at higher concentrations or in other formulations, have pharmacologic activity or be regarded as an active ingredient.

Various OTC drug panels have questioned whether an OTC drug may retain as an inactive ingredient an ingredient that was formerly listed as an active ingredient, but which was found not to be generally recognized as safe and effective (Category II) or to require additional testing (Category III). If these ingredients have been promoted by manufacturers for an extended time, there is a potential for misleading consumers if the general recognition of the safety and effectiveness issue is unresolved and the name of the ingredient is retained on the label or in the labeling with an unwarranted degree of prominence. The Commissioner believes this should not be permitted, and this proposal is intended to preclude the retention and redesignation of an active ingredient as an inactive ingredient unless it serves an acceptable function as an inactive ingredient. As a result, manufacturers of OTC drug products containing an ingredient in Category II or Category III shall, at the end of the time period permitted for marketing, or if found to require further testing before a determination as to general recognition of safety and effectiveness can be made for such ingredients, be required by the effective date either to reformulate the product to remove the ingredient or if it is retained in the product as an inactive ingredient, to establish that the ingredient fulfills the requirements for use as an inactive ingredient in the product. The Commissioner also believes that FDA should provide guidance about how to voluntarily declare inactive ingredients without misbranding a product. Elaboration of more specific standards will assist manufacturers in developing new formulations without unnecessarily burdening them with regulatory requirements.

Accordingly, the Commissioner proposes to amend Parts 201 and 330 regarding the general conditions for the safety, effectiveness, and proper labeling of OTC drugs by adding new § 201.63 to provide a format for declaring inactive ingredients in human and animal drug products and revising § 330.1(e) to state that an OTC human drug product may contain any inactive ingredient that is safe and suitable. The Commissioner proposes to define "safe and suitable" to mean that the inactive ingredient meets all the following conditions:

1. It is listed in an official compendium as a pharmaceutical aid or performs one or more physical or technical functions specifically identified in § 330.3 (21 CFR 330.3), which is also proposed in this document.

2. The inactive ingredient is used at a level no higher than reasonably required to achieve its intended physical or technical function in the product.

3. It is safe in the amount administered.

4. If it is a color additive, the ingredient is used only in accordance with section 706 of the act (21 U.S.C. 376) and 21 CFR Parts 70 through 82 (formerly 21 CFR Parts 8 and 9 prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)).

5. It does not interfere with the effectiveness of the product.

6. The inactive ingredient does not interfere with suitable tests or assays to determine if the product meets its professed standards of identity, strength, quality, and purity.

The acceptable categories for use of inactive ingredients proposed by § 330.3 are as follows: air displacement agents; color additives; denaturing agents; dispersing agents; emollients; emulsifiers and emulsifying salts; flavors and flavoring adjuncts; fragrances; humectants; identifiers; levigating agents; ointment bases; pH control agents; preservatives; propellants, aerating agents and gases; solvents and vehicles; stiffening agents; suppository bases; surface-active agents; suspending agents; tablet and capsule diluents; tablet bases; tablet binders; and tablet-coating agents. Each of these categories is defined in proposed § 330.3.

Under the proposal, any OTC drug product that contains an inactive ingredient that does not fall within one of the above-named categories would be regarded as misbranded and/or a new drug and would be subject to regulatory action under section 502 and/or 505 of the act (21 U.S.C. 352 and/or 355). Moreover, any reference in the labeling to such an ingredient would constitute misbranding, causing the drug to be subject to regulatory action under section 502 of the act. The Commissioner, therefore, proposes to prevent continued promotion of an OTC drug product ingredient that at one time was identified as an "active ingredient" but has been found not to be generally recognized as safe and/or effective as an active ingredient and not to fall within one of the criteria for a safe and suitable inactive ingredient.

The Commissioner has previously considered identifying permissible inactive ingredients in specific OTC human drug monographs. By a proposal published in the FEDERAL REGISTER of January 5, 1972 (37 FR 85) and a regulation published in the FEDERAL REGISTER of May 11, 1972 (37 FR 9464), the Food and Drug Administration (FDA) adopted procedures for promulgation of monographs for drug products that are generally recognized as safe and effective and not misbranded. The January 5 proposal included consideration of inactive ingredients in establishing OTC drug monographs. In paragraph 42 of the preamble to the final regulation (37 FR 9467), however, the Commissioner stated that inactive ingredients would not be considered in the monographs, and references to inactive ingredients were therefore deleted from the final regulation. The issue was again raised by several OTC drug review panels that questioned the safety and function of certain inactive ingredients. The Commissioner advised each OTC drug review panel that it may review and make recommendations about any inactive ingredient about which there is a safety issue, but that it would be inappropriate for each panel to review the safety of all inactive ingredients. There are 17 OTC drug review panels, covering all OTC drug products, and it would be duplicative and wasteful for each panel to review all inactive ingredients used in prod-

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ucts that fall within its pharmacological category because the same inactive ingredients are used in almost every category.

It has been suggested that an additional panel be established to consider the safety of inactive ingredients. The Commissioner believes it is difficult to predict all the effects that inactive ingredients can have on the safety and effectiveness of active ingredients in the OTC drug products that will be included in the various panel reports. Moreover, other ingredient reviews now in process by FDA encompass many of these inactive ingredients. The food ingredient GRAS (generally recognized as safe) list review, described in the FEDERAL REGISTER of July 26, 1973 (38 FR 20036) and the FEDERAL REGISTER of September 23, 1974 (39 FR 34172), includes most of the common inactive ingredients, including flavors. Color additives are already regulated under section 706 of the act (21 U.S.C. 376) and the implementing regulations in 21 CFR Parts 70 through 82. Further, the Commissioner has, through approval of new drug and new animal drug applications, reviewed and approved most inactive ingredients currently in use in regard to their safety. In addition, the Commissioner has in the past identified, and may from time to time in the future identify, specific ingredients that may not be used in packaging or in drug products because of safety concerns (see, e.g., the vinyl chloride document published in the FEDERAL REGISTER of April 22, 1974 (30 FR 14238), and the chloroform document published in the FEDERAL REGISTER of June 29, 1976 (41 FR 26842)). The Commissioner therefore intends to defer further consideration of establishing such an additional panel for inactive ingredients in OTC drug products until most, or all, of the reports of the existing panels are available. If evidence indicates that more definitive measures are needed to assure the suitability and safety of inactive ingredients, the Commissioner may take one of the following steps: establish a list of safe and suitable inactive ingredients and require that only inactive ingredients on the list may be used in OTC drug products; amend OTC drug product monographs to specify the acceptable inactive ingredients; or require that manufacturers submit product formulations in advance of marketing in order for FDA to determine if the product complies with the OTC drug product monograph and contains only safe and suitable inactive ingredients.

LABELING INACTIVE INGREDIENTS IN OTC DRUG PRODUCTS

The Commissioner is proposing under § 330.1(l) that if inactive ingredients are voluntarily declared on the label or in other labeling of an OTC drug product, this declaration shall be in compliance with the format being proposed under § 201.63 and all applicable requirements of the act and monographs.

The Federal Food, Drug, and Cosmetic Act currently does not require the complete identification of inactive ingredients in the labeling of an OTC product, although sections 502 (d) and (e) (21 U.S.C. 352 (d) and (e)) do require disclosure of certain ingredients, whether included as active or inactive components in the product. But neither the act nor present regulations prohibit the label of an OTC drug product from bearing a complete statement of the inactive ingredients, provided the statement is not false or misleading. The Commissioner encourages voluntary ingredient labeling and is therefore proposing new § 201.63 (21 CFR 201.63) to provide a format for declaring inactive ingredients in a manner that would not be false or misleading. He believes that, to the extent inactive ingredients are voluntarily identified by OTC manufacturers, consumers with known allergies can select products with increased confidence of safe use because a prescribed format for disclosure will assure consumers that no unjustified reference will be given to an inactive ingredient.

Under proposed § 201.63(a), if any inactive ingredient is voluntarily declared on the label or in other labeling of an OTC drug product, this voluntary declaration is subject to three conditions designed to deal with the same problems discussed above regarding the requirements for use of inactive ingredients.

Under proposed § 201.63(a)(1), if any inactive ingredient is voluntarily declared on the label or in other labeling, every inactive ingredient shall be declared on the label by its established name, as defined in section 502(e)(3) of the act, with two exceptions. The first exception is that a color, fragrance, flavor, or identifier may be so listed if it is used in a small amount, does not alter the dosage form, and does not affect the safety or effectiveness of the drug product. If a color, fragrance, flavor, or identifier is mentioned in the labeling of an OTC drug product, the full declaration of its components is not required. But an inactive ingredient that is both a fragrance and a flavor must be designated by each of the functions it performs unless it is identified by its established name, and no ingredient may be designated as a fragrance or a flavor unless the usage is within the meaning of such terms as commonly understood by consumers. The Commissioner recognizes that identifiers are substances added to a product to aid manufacturers to distinguish their products from similar or counterfeit products, and that declaring the ingredients comprising an identifier would defeat its purpose. The second exception to the mandatory disclosure requirement is that the listing of any active ingredient that is required by section 502 (d) or (e) of the act to be identified on the label, does not necessitate disclosure of all remaining inactive ingredients. This makes it clear that proposed § 201.63 applies to voluntary, not mandatory, declaration of inactive ingredients in OTC drug product labeling.

Proposed § 201.63(a)(2) requires that active and inactive ingredients be identified and listed separately. The list of active ingredients shall be preceded by the phrase "Active Ingredients:" in type at least twice the size of the type used to declare each such ingredient. The list of inactive ingredients shall follow the phrase "Inactive Ingredients:" and appear on the label with such prominence and conspicuousness that consumers are likely to read and understand it under normal conditions of purchase and use. All inactive ingredients shall be declared in the same size and style of type, not larger than the type used for the phrase "Inactive Ingredients:", without obscuring designs, vignettes, or causing crowding on the label. The inactive ingredient list shall not be in a larger size of type or with more prominence or conspicuousness than the list of active ingredients.

Proposed § 201.63(a)(3) provides that inactive ingredients must appear either in their order of predominence or in groups listed in the following manner and order:

1. Inactive ingredients, other than color additives, present at a concentration greater than 1 percent, in descending order of predominance; followed by,

2. Inactive ingredients, other than color additives, present at a concentration of not more than 1 percent, without respect to order of predominance; followed by,

3. Color additives, without respect to order of predominance.

Proposed § 201.63(b) makes it clear that § 201.63 does not apply to incidental ingredients that are present in a drug product at residual levels and have no physical or technical function in the drug product. Incidental ingredients are defined as follows:

1. Substances included in an OTC drug product that have no physical or technical function in the drug product but are present by reason of having been incorporated into the drug product as an ingredient of another drug ingredient.

2. Processing aids that are added to an OTC drug product during processing but are removed from the product in accordance with good manufacturing practice before the product is packaged in its finished form.

3. Processing aids that are added to an OTC drug product during processing for their physical or technical function in the processing, are converted to substances the same as constituents of declared inactive ingredients, and do not significantly increase the concentration of these constituents.

4. Processing aids that are added to an OTC drug product during processing for their physical or technical function in the processing but are present in the finished product at residual levels and do not have any physical or technical function in that product.

The Commissioner proposes in § 201.63 (c) that if a shortage of an inactive ingredient necessitates a formulation change, labels declaring the ingredients in the old formulation may continue to be used until existing stocks are exhausted or until the time of the next label printing, whichever occurs first, provided:

1. A revised inactive ingredient list appears on a firmly affixed tag, tape, card, sticker, or similar overlabeling attached to the label and bears the conspicuous words "new inactive ingredient list" in letters no less than 1/16 inch high; or

2. A revised inactive ingredient declaration appears on labeling inside an unsealed package, and the package bears the conspicuous words, on a sticker or similar overlabeling, "new inactive ingredient list inside" in letters not less than 1/16 inch high.

The Commissioner proposes, in § 201.63(d), that no inactive ingredient, other than a color, flavor, fragrance, or ingredients subject to sections 502 (d) or (e)(1) of the act, may be mentioned by name in any labeling unless the label declares all inactive ingredients in the manner permitted by § 201.63 (a) through (c).

The Commissioner emphasizes that the effective date for enforcing these proposed labeling requirements would be deferred until the effective date for labeling compliance as set by the applicable monograph. Enforcement of the labeling requirements for antacid and antiflatulent products would be deferred until 12 months after the date of publication of this regulation as a final order.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. A copy of the environmental impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 512, 701(a), 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055, 82 Stat. 343–351 (21 U.S.C. 321, 352, 355, 360b, 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1), it is proposed that Parts 201 and 330 be amended as follows:

1. In Part 201, by adding new § 201.63 to Subpart C to read as follows:

§ 201.63 Declaration of inactive ingredients.

(a) If any inactive ingredient is voluntarily declared on the label or in other labeling of an over-the-counter drug product, such declaration shall be in compliance with the following conditions:

(1) Every inactive ingredient shall be declared on the label by its established name, as defined in section 502(e)(3) of the Federal Food, Drug, and Cosmetic Act, except for the following:

(i) A color, fragrance, flavor, or identifier may be listed as a color, fragrance, flavor, or identifier, provided it is used in a small amount, does not alter the dosage form and does not affect the safety or effectiveness of the drug product. An inactive ingredient that is both a fragrance and a flavor shall be designated by each of the functions it performs unless it is identified by its established name. No inactive ingredient may be designated as a fragrance or a flavor unless it is within the meaning of such terms as commonly understood by consumers.

(ii) Disclosure of inactive ingredients required by sections 502 (d) and (e)(1) of the Federal Food, Drug, and Cosmetic Act does not require that the label disclose all remaining inactive ingredients.

(2) Each declaration of active ingredients shall be preceded by the phrase "Active Ingredients:" in type at least twice the size of the type in which the active ingredients are declared. The declaration of inactive ingredients shall be preceded by the phrase "Inactive Ingredients:" and shall appear on the label with such prominence and such conspicuousness as to render it likely to be read and understood by consumers under normal conditions of purchase and use as a listing of inactive ingredients. All inactive ingredients shall be declared in the same size and style of type, which shall not be larger than the type used for the phrase "Inactive Ingredients:". The declaration shall appear on the label without an obscuring design or vignette and without crowding. The declaration of inactive ingredients shall not be in a larger size of type or with more prominence or conspicuousness than the declaration of active ingredients.

(3) Inactive ingredients shall be listed in descending order of predominance or be grouped, and the groups listed in the following manner and order:

(i) Inactive ingredients, other than color additives, present at a concentration greater than 1 percent, in descending order of predominance; followed by,

(ii) Inactive ingredients, other than color additives, present at a concentration of not more than 1 percent, without respect to order of predominance; followed by,

(iii) Color additives, without respect to order of predominance.

(b) The provisions of this section do not require the declaration of incidental ingredients that are present in an over-the-counter drug product at residual levels and that have no physical or technical function in the drug product. For the purpose of this section, incidental ingredients are:

(1) Substances included in an over-the-counter drug product that have no physical or technical function identified in § 330.3 of this chapter but are present by reason of having been incorporated into the drug product as an ingredient of another drug ingredient.

(2) Processing aids that are added to an over-the-counter drug product during processing but are removed from the product in accordance with good manufacturing practice before the product is packaged in its finished form.

(3) Processing aids that are added to an over-the-counter drug product during processing for their physical or technical function in the processing, are converted to substances the same as constituents of declared inactive ingredients, and do not significantly increase the concentration of these constituents.

(4) Processing aids that are added to an over-the-counter drug product during processing for their physical or technical function in the processing and are present in the finished product at residual levels and do not have any physical or technical function in that product.

(c) In the event that a shortage of an inactive ingredient necessitates a formulation change, labels declaring the ingredients of the old formulation may continue to be used until existing stocks are exhausted or until the time of the next label printing, whichever occurs first, if the following conditions are met:

(1) The revised inactive ingredient declaration appears on a firmly affixed tag, tape, card, sticker or similar overlabeling attached to the label and bearing the conspicuous words "new inactive ingredient list" in letters no less than 1/16 inch high; or

(2) The revised inactive ingredient declaration appears on labeling inside an unsealed package and the package bears the conspicuous words, on a sticker or similar overlabeling, "new inactive ingredient list inside" in letters not less than 1/16 inch high.

(d) No inactive ingredient, other than a color, flavor, or fragrance or an ingredient required by section 502 (d) or (e)(1) of the Federal Food, Drug, and Cosmetic Act to be identified on the label, may be mentioned by name in any labeling unless the label declares all inactive ingredients in the manner permitted by paragraphs (a) through (c) of this section.

2. In Part 330: a. Section 330.1 is amended by revising the section heading and paragraph (e) and by adding new paragraph (l) to read as follows:

§ 330.1 General conditions under which OTC drug products may be generally recognized as safe and effective and not misbranded.

* * * * *

(e) The product contains only inactive ingredients that are safe and suitable. A safe and suitable inactive ingredient is one that meets each of the following conditions:

(1) It is listed in an official compendium as a pharmaceutical aid or performs one or more of the physical or technical functions specifically identified in § 330.3.

(2) It is used at a level no higher than reasonably required to perform its intended physical or technical function in the product.

(3) It is safe in the amount administered.

(4) If it is a color additive, it is used only in accordance with section 706 of the Federal Food, Drug, and Cosmetic Act and Parts 70 through 82 of this chapter.

(5) It does not interfere with the effectiveness of the product.

(6) It does not interfere with suitable tests or assays to determine if the product meets its professed standards of identity, strength, quality, and purity.

* * * * *

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(1) If inactive ingredients are voluntarily declared on the label or in the labeling of an OTC drug product, this declaration shall be in compliance with any applicable requirement of the Federal Food, Drug, and Cosmetic Act, § 201.63 of this chapter, and any applicable monograph.

b. By adding new § 330.3 to read as follows:

§ 330.3 Categories of inactive ingredients.

For the purposes of § 330.1(e)(1), an inactive ingredient performs a physical or technical function if it can be classified in one or more of the following functional categories:

(a) "Air displacement agents": Substances that displace air.

(b) "Color additives": As defined in section 201(t) of the act.

(c) "Denaturing agents": Substances added to alcohol to render it unfit for use as an intoxicating beverage.

(d) "Dispersing agents": Substances that promote even distribution throughout a liquid, gaseous, or solid medium with the formulation of a two-phase system.

(e) "Emollients": Bland, fatty, or oleaginous substances that may be applied locally, particularly to the skin, and also to mucous membranes or abraded tissue.

(f) "Emulsifiers and emulsifying salts": Substances that modify surface tension in the component phase of an emulsion to establish a uniform dispersion or emulsion.

(g) "Flavors and flavoring adjuncts": Substances added to impart or help impart a taste or aroma to a product.

(h) "Fragrances": Substances, extracts, or preparations for fragrance diffusing or imparting an agreeable or attractive odor.

(i) "Humectants": Hygroscopic substances incorporated in a product to promote retention of moisture, including moisture retention agents and antidusting agents.

(j) "Indentifiers": Substances incorporated in a product to aid manufacturers to distinguish their products from similar or counterfeit products.

(k) "Levigating agents": Substances that aid in reducing another substance to an extremely fine state of subdivision after that other substance has been made into a paste with some suitable liquid in which it is insoluble; also, nonsolid vehicles used to disperse a solid substance to form a paste.

(l) "Ointment bases": Vehicles to permit topical application of active medicinal substances.

(m) "pH control agents": Substances added to change or maintain active acidity or basicity, including buffers, acids, alkalies, and neutralizing agents.

(n) "Preservatives": Substances that are added to preparations to prevent or retard deterioration or degradation in a product. Such substances include antifungal agents, antioxidants, antimicrobial agents, mold and rope inhibitors, and agents having the effects listed by the National Academy of Sciences—National Research Council under "preservatives" and reported to the Food and Drug Administration under the contract title "A Comprehensive Survey of Industry on the Use of Food Chemicals Generally Recognized As Safe" (September 1972). (PB-221-929, $4.00 ($3.00 microfiche) and PB 221-933, $9.75 ($3.00 microfiche); copies may be obtained from: National Technical Information Service (NTIS), 5285 Port Royal Rd., Springfield, VA 22151.) For the purpose of this section, "antioxidant" is defined as a substance that inhibits oxidation and is used to prevent rancidity of oils or fats or the deterioration of other materials through oxidative processes, including color changes.

(o) "Propellants, aerating agents, and gases": Gases used to supply force to expel a product or used to reduce the amount of oxygen with the product in packaging.

(p) "Solvents and vehicles": Substances used to dissolve or extract another substance or used as carriers of other substances.

(q) "Stiffening agents": Substances that increase the visosity of certain pharmaceutical preparations, especially ointments.

(r) "Suppository bases": Pharmaceutical bases that are solid at room temperature but melt at body temperature.

(s) "Surface-active agents": Substances used to modify the surface properties of liquids for a variety of effects. The definition includes solubilizing agents, dispersants, detergents, wetting agents, dehydration enhancers, whipping agents, foaming agents, and defoaming agents.

(t) "Suspending agents": Substances required to overcome agglomeration of the dispersed particles and increase the viscosity of the medium so that the particles settle slowly.

(u) "Tablet and capsule diluents": Inert substances incorporated to increase the bulk to make the tablet or capsule of practical size.

(v) "Tablet bases": The foundation of the tablet (e.g., diluents, binders, disintegrants, lubricants).

(w) "Tablet binders": Substances used to impart a cohesive quality to a powdered material in making tablets.

(x) "Tablet coating agents": Substances or systems of substances that envelop a tablet for identification, for protection from the environment, for altering availability of the active ingredient, or for modifying the taste, texture, size, or appearance.

Interested persons may, on or before June 13, 1977, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments (preferably in quadruplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

The Food and Drug Administration has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107. A copy of the inflation impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Dated: April 4, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-10583 Filed 4-11-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 21119; Rm 2731]

RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations (Gillette, Wyoming); Order Extending Time for Filing Comments and Reply Comments

Adopted: March 22, 1977.

Released: April 6, 1977.

AGENCY: Federal Communications Commission.

ACTION: Extension of comment period.

SUMMARY: At the request of Midland Broadcasting Company of Wyoming, this Order extends the time for filing comments and reply comments to allow them additional time to study proposed channel assignments and a channel relocation in Gillette, Wyoming.

DATES: Comments must be received on or before April 27, 1977, and Reply Comments must be received on or before May 18, 1977.

ADDRESS: Send comments to: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Legal Branch, Policy and Rules Division, Broadcast Bureau, Federal Communications Commission, Washington, D.C. 20554, 202-632-7792.

1. Notice of Proposed Rule Making in this proceeding was adopted on February 11, 1977, and released on February 18, 1977. Publication was made in the FEDERAL REGISTER on February 24, 1977, 42 FR 10858. Comments and reply comments are due on March 28 and April 18, 1977, respectively.

2. On March 17, 1977, counsel for Midland Broadcasting Company of Wyoming requested that the time for filing comments and reply comments be extended for thirty (30) days. Counsel states that the additional time is needed to complete an engineering study concerning the proposed assignment of Channels 245 and 264 to Gillette, Wyoming, and to analyze financial aspects involved in relocating its facility from Channel 228A to a new Class C channel. Counsel for the proponent in this proceeding indicated it will interpose no objection to the grant of this extension.

3. We are of the view that the requested additional time is warranted and would serve the public interest. *Accordingly, it is ordered*, That the time for filing comments and reply comments in Docket No. 21119 are extended to and including April 27 and May 18, 1977, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rule.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.77-10670 Filed 4-11-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 160f]

WOMEN'S EDUCATIONAL EQUITY ACT PROGRAM

Public Discussion of Proposed Regulations

AGENCY: Office of Education, HEW.

ACTION: Notice of public hearings.

SUMMARY: This document establishes the times and dates for hearings regarding proposed rules for the Women's Educational Equity Act Program.

DATES:

REGION I

Boston, Massachusetts, May 2, 1977, 9 a.m. to 11:30 a.m., 1:30 p.m. to 4 p.m.

REGION II

New York, New York, May 3, 1977, 9 a.m. to 11:30 a.m., 1 p.m. to 3:30 p.m.

REGION III

Philadelphia, Pennsylvania, April 29, 1977, 9:30 a.m. to 12 p.m., 1 p.m. to 3:30 p.m.

REGION IV

Atlanta, Georgia, April 29, 1977, 9:30 a.m. to 12 p.m., 1:30 p.m. to 4 p.m.

REGION V

Chicago, Illinois, May 4, 1977, 10 a.m. to 12:30 p.m., 1 p.m. to 4 p.m.

REGION VI

Dallas, Texas, April 28, 1977, 9 a.m. to 12 p.m., 1 p.m. to 4 p.m.

REGION VII

Kansas City, Missouri, April 29, 1977, 9 a.m. to 11:30 a.m., 1 p.m. to 3:30 p.m.

REGION VIII

Denver, Colorado, May 4, 1977, 9 a.m. to 12 p.m., 1 p.m. to 4 p.m.

REGION IX

San Francisco, California, May 2, 1977, 9 a.m. to 12 p.m., 1 p.m. to 4 p.m.

REGION X

Seattle, Washington, April 29, 1977, 9 a.m. to 11:30 a.m., 1 p.m. to 3:30 p.m.

ADDRESSES:

REGION I

Boston, Massachusetts, John F. Kennedy Federal Building, Room 2003-A, Government Center.

REGION II

New York, New York, 26 Federal Plaza, Room 305.

REGION III

Philadelphia, Pennsylvania, William J. Green, Jr. Federal Building, Room 3305/3310, 600 Arch Street.

REGION IV

Atlanta, Georgia, 50 Seventh Street, NE., Room 543.

REGION V

Chicago, Illinois, Roosevelt University, 430 South Michigan, Room 320.

REGION VI

Dallas, Texas, Royal Coach Inn, 3800 West Northwest Highway.

REGION VII

Kansas City, Missouri, Federal Building, Room 140, 601 E. 12th Street.

REGION VIII

Denver, Colorado, U.S. Post Office Building, Room 269, 18th and Stout Streets.

REGION IX

San Francisco, California, 450 Golden Gate Avenue, Room 13450.

REGION X

Seattle, Washington, Federal Office Building, Room 390, 915 Second Avenue.

FOR FURTHER INFORMATION CONTACT:

REGION I

Boston, Massachusetts, Arlene Hope, 617-223-4010.

REGION II

New York, New York, Rita Ray, 212-264-4423.

REGION III

Philadelphia, Pennsylvania, Carol Levister, 215-596-1027.

REGION IV

Atlanta, Georgia, Kenneth Brunner, 404-526-4996.

REGION V

Chicago, Illinois, Kay Henry, 312-353-1744.

REGION VI

Dallas, Texas, Eileen Lehman, 214-655-3651.

REGION VII

Kansas City, Missouri, Bud Tumy, 816-374-5876.

REGION VIII

Denver, Colorado, Thomas Moorefield, 303-837-3544.

REGION IX

San Francisco, California, Mary Ann Clark Faris, 415-556-7750.

REGION X

Seattle, Washington, Dr. John Bean, 206-442-0402.

SUPPLEMENTARY INFORMATION:

These hearings will be under the sponsorship of the HEW Regional Commissioner of Educaton in each of the ten HEW Regional Offices.

The purpose of these hearings is to discuss the proposed revisions to the regulation in the Notice of Proposed Rulemaking that was published in the FEDERAL REGISTER on April 1, 1977, 42 FR 17700). Secondarily, the hearings can be used to answer questions members of the public may have on the application review and award process, project development, dissemination, and so forth.

Individuals and organizations who are interested in equity issues that focus on three of the levels of education specified in the legislation (preschool, elementary, and secondary) are requested to attend the morning session. Those whose major focus is on the postsecondary and adult levels are requested to attend the afternoon session.

Dated: April 8, 1977.

(Catalog of Federal Domestic Assistance No. 13.656, Women's Educational Equity Act Program.)

WILLIAM F. PIERCE,
Acting United States Commissioner of Education.

[FR Doc.77-10830 Filed 4-11-77;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

CIBOLA NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting

The Cibola National Forest Grazing Advisory Board will meet Friday, May 20, 1977, at 8:00 a.m., at Frank H. Metzler's ranch headquarters, in Comanche Canyon on the Mountainair Ranger District.

This meeting will be for the purpose of reviewing the range conditions on the Comanche Allotment and its management. The Allotment will be ridden on horseback.

The meeting will be open to the public and interested persons planning to ride the allotment should bring their own horses. Persons who wish to attend should notify Keith T. Pfefferle via telephone, 766–2185, or in writing, to 10308 Candelaria, N.E., Albuquerque, New Mexico 87112. Written statements may be filed with the Committee before or after the meeting.

Dated: April 4, 1977.

KEITH T. PFEFFERLE,
Forest Supervisor.

[FR Doc.77–10609 Filed 4–11–77;8:45 am]

COLLECTION AND USE OF FUNDS FOR COST OF SALVAGE TIMBER SALE OPERATIONS PURCHASER DEPOSITS

Request for Comments

The National Forest Management Act of 1976 (Pub. L. 94–588) directs the Secretary of Agriculture to provide for optimum practical use of wood material from the National Forests. In order to accomplish this objective in situations involving the salvage of insect-infested, dead, damaged, or down timber, section 14(h) (90 Stat. 2960) of the Act authorizes the Secretary to require purchasers of such sale to deposit the funds necessary to cover the cost of sale preparation and administration.

The Chief, Forest Service, proposes to adopt certain policies, to be set forth in an amendment to the Forest Service Manual, for implementing this section of the Act. Comments are hereby solicited regarding the proposed policies.

Comments should be submitted on or before May 12, 1977, to the Chief, Forest Service, P.O. Box 2417, Washington, D.C. 20013.

For further information, contact:

George Leonard or George Roether, Timber Management Staff, Forest Service, Washington, D.C., 202–447–4051.

The proposed policy amendment of the Forest Service Manual is set forth below:

2435 *Collection and Use of Deposits for Salvage Sale Operations.* Section 14(h) of the National Forest Management Act of 1976 authorizes collection of salvage sale funds, hereinafter called SSF, to cover the cost for Forest Service sale preparation and supervision of the harvesting of insect-infested, dead, damaged, or down timber and associated trees for stand improvement.

2435.01 *Authority.* Authority for requiring purchasers of salvage sales to make deposits to cover Forest Service costs of engineering, preparing, and administering such sales is given in section 14(h) of the National Forest Management Act of 1976 (90 Stat. 2960) (FSM 1021). Amounts collected for salvage sale purposes are (1) to be a part of the payment for the salvable material, (2) to be available until expended, (3) not considered as moneys received from the National Forests within the meaning of sections 500 and 501 of Title 16, United States Code (which require that 25 percent of moneys received from each National Forest go to the States for schools and roads, and that 10 percent be spent for roads and trails in the National Forests), and (4) to be transferred to miscellaneous receipts in the Treasury of the United States when found to be in excess of the costs of accomplishing the purposes for which deposited.

2435.02 *Objective.* The objective is to provide for the optimum practical use of wood material in situations involving salvage, including the promotion of more effective utilization of salvable wood material. Such use and utilization is to be compatible with multiple use objectives and shall reflect regional conditions and species characteristics.

2435.03 *Policy.* To assist in obtaining optimum practical use of salvable wood material from National Forest lands, an SSF shall be established on each proclaimed National Forest which has wood material salvage opportunities. The SSF is a revolving fund to be used to make salvable materials—within the objectives of multiple use resource management—available to prospective purchasers on a continuing basis.

Funds authorized to be collected for deposit into the SSF shall only be from qualifying salvage sales or from other sales containing a salvable component to be sold.

2435.04 *Responsibility.* Two areas of responsibility are identified and assigned to the officer authorized to approve the timber use (FSM 2404.13): (1) Determination that a sale is a qualifying sale. The officer making this determination must be guided by definitions in FSM 2435.05a, and (2) approval of the SSF Plan (FSM 2435.24) and subsequent revisions.

2435.05 *Definitions.*—a. *Qualifying Salvage Sales.* A qualifying salvage sale is one in which the primary reason for entry is salvage. The sale must contain primarily salvage timber (insect-infested, dead, damaged or down) and associated trees for stand improvement. Associated trees for stand improvement include the following:

1. Trees predicted to be in imminent danger of insect and/or disease attack or windthrow and other high risk trees that are expected to be dead from any cause by the next harvest (or compartment) entry.

2. Trees impacted by disease to the extent that their growth is reduced, and diseased trees that, if left in place, would adversely affect the growth of other trees.

3. Trees, which because of their species or genetic inferiority, are undesirable as a source of natural regeneration on the site.

4. Trees which must be removed for sale access and operations.

5. Trees in understocked stands requiring regeneration, when the agent causing the need for salvage, or the salvage operation itself, would create the understocked condition.

6. Trees in overstocked stands when thinning or release will benefit the vigor of the residual stand.

b. *Collection on Other Sales.* Ordinarily, collection of salvage sale funds (SSF) will be limited to qualifying salvage sales (2435.05a). Occasionally, however, there may be an identifiable component of a regularly programmed sale which contains a unit of blown-down, insect-infested or otherwise qualifying salvage timber. When it is decided to include such salvage opportunities in a regular sale, contributions to the SSF may be made to cover the cost of preparing and administering the salvage component.

In the event timber included in a normal sale area is damaged by fire, insects, windthrow or other agent, salvage sale funds may be collected to cover the costs of preparing and administering the additional salvage volume on the sale.

2435.1 *Kinds of Work Authorized.*—1. *Sale Preparation.* Includes the reconnaissance, silvicultural prescriptions, design of logging systems, volume estimates, marking, associated land line location, compliance with NEPA, other resource coordination, and all other tasks necessary to prepare a contract for the removal of the timber.

2. *Supervision of Harvest.* Includes the administration of contracts, inspection of the contract operations and measurement of the timber to insure proper payment is received for the material. It may also include supervision of force account logging.

3. *Engineering.* Transportation planning, reconnaissance, route location, surveying, materials investigation, compliance with NEPA, and other resource coordination needed to properly plan the needed roads.

4. *Design.* Includes the work necessary to completely prepare project drawings, specifications, and cost estimates.

5. *Construction Supervision.* Includes the staking of designed roads on the ground and providing the necessary engineering control to insure proper payment for work accomplished and to insure the project is constructed in accordance with the contract. Also includes supervision of force account construction.

JOHN R. MCGUIRE,
Chief.

[FR Doc.77–10610 Filed 4–11–77;8:45 am]

CONDOR ADVISORY COMMITTEE

Meeting

The Condor Advisory Committee will meet May 24, 1977 at 10:00 a.m. in the California Department of Fish and Game Conference Room, 1416 Ninth Street, Sacramento, California.

The purpose of the meeting is to discuss the current management programs and problems confronting the California Condor and its habitat.

This meeting is open to the public. Persons who wish to attend should notify Mr. Robert D. Nelson, USDA, Forest Service, Fisheries and Wildlife Management Staff, 630 Sansome Street, San Francisco, California 94111 (415–556–8551). Written statements may be filed with the committee before or after the meeting.

A public participation period is scheduled after the regular meeting.

Dated: April 4, 1977.

DOUGLAS R. LEISZ,
Regional Forester.

[FR Doc.77–10413 Filed 4–11–77;8:45 am]

GRANDE RONDE PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a supplement to the draft environmental statement for the Grande Ronde Planning Unit Land Management Plan, USDA–FS–R6–DES (Adm)–76–15.

The supplement provides new data and an evaluation on two additional roadless areas contiguous to the Eagle Cap Wilderness to determine their wilderness potential. These areas are within the Wallowa-Whitman and Umatilla National Forests in Northeast Oregon.

The supplement to the Draft Environmental Statement was transmitted to CEQ on April 5, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3210, 12th St. and Independence Ave. SW., Washington. D.C. 20250.

USDA, Forest Service, Pacific Northwest Region, 319 SW. Pine Street, Portland, Oregon 97204.

USDA, Forest Service, Wallowa-Whitman National Forest, Federal Building, Baker, Oregon 97814.

A limited number of single copies are available upon request to Forest Supervisor, A. G. Oard, Wallowa-Whitman National Forest, P.O. Box 907, Baker, Oregon 97814.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requestd specifically.

Comments concerning the proposal and requests for additional information should be addressed to A. G. Oard, Forest Supervisor, Wallowa-Whitman National Forest, P.O. Box 907, Baker, Oregon 97814.

Comments must be received by June 4, 1977 in order to be considered in the preparation of the final environmental statement.

Dated: April 5, 1977.

CURTIS L. SWANSON,
Regional Environmental Coordinator, Planning, Programing and Budgeting.

[FR Doc.77–10712 Filed 4–11–77;8:45 am]

SOUTH FOURCHE UNIT

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the South Fourche Planning Unit, Ouachita National Forest, Arkansas, USDA–FS–R8–FES(Adm.)–76–17.

This environmental statement concerns the proposed management direction and resource allocation for the 98,275 acre South Fourche Unit, Ouachita National Forest.

This final envirnomental statement was transmitted to CEQ on April 4, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave. SW., Washington, D.C. 20250.

USDA, Forest Service, 1720 Peachtree Road NW., Room 804, Atlanta, Georgia 30309.

USDA, Forest Service, Ouachita National Forest, P.O. Box 1270, Federal Building, Hot Springs, Arkansas 71901

Jessieville Ranger District, Indiana and Winona Streets, Hot Springs, Arkansas 71901.

Fourche Ranger District, Box 458, Highway 10 East, Danville, Arkansas 72833.

Winona Ranger District, P.O. Box 8, Perryville, Arkansas 72126.

A limited number of single copies are available upon request to Alvis Z. Owen, Forest Supervisor, Ouachita National Forest, P.O. Box 1270, Federal Building, Hot Springs, Arkansas 71901.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

ALVIS Z. OWEN,
Forest Supervisor.

APRIL 4, 1977.

[FR Doc. 77–10711 Filed 4–11–77;8:45 am]

Packers and Stockyards Administration

LONDON LIVESTOCK AND CAR AUCTION LONDON, ARKANSAS, ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. et seq.), it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302, on the respective dates specified below.

Facility no., name and location of stockyard	*Date of posting*
ARKANSAS	
AR—156 London Livestock and Car Auction, London.	Jan. 3, 1977.
GEORGIA	
GA—183 Miller Livestock Co., Colquitt.	Feb. 20, 1977.
ILLINOIS	
IL—167 United Market Center, Goreville.	Feb. 25, 1977.
MINNESOTA	
MN—169 Willmar Feeder Pig Market, Willmar.	Feb. 28, 1977.
TENNESSEE	
TN—175 Tennessee Livestock Producers, Inc., Cross Plains.	March 29, 1977.

Done at Washington, D.C., this 6th day of April, 1977.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.77–10611 Filed 4–11–77;8:45 am]

CORNING LIVESTOCK AUCTION, CORNING, ARKANSAS, ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Facility number, name, and location of stockyard, date of posting

AR—110, Corning Livestock Auction, Corning, Arkansas, February 20, 1959.

AR—153, Logan County Livestock Auction, Magazine, Arkansas, January 12, 1976.

LA—126, Avoyelles Livestock Auction, Mansura, Louisiana, March 28, 1957.

MS—151, Triangle Stockyard, Inc., Columbus, Mississippi, November 27, 1973.

MS–109, Corinth Livestock Commission, Inc., Corinth, Mississippi, February 10, 1959.

Notice or other public procedure has not preceded promulgation of the foregoing rule. There is no legal justification for not promptly deposting a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule relieving a restriction and may be made effective in less than 30 days after

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publication in the FEDERAL REGISTER. This notice shall become effective on April 12, 1977.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 7th day of April 1977.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.77-10730 Filed 4-11-77;8:45 am]

RAWHIDE LIVESTOCK AUCTION, INC., CHANDLER, ARIZONA, ET AL.

Proposed Posting of Stockyards

The Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in Section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

AZ-109, Rawhide Livestock Auction, Inc., Chandler, Arizona.
FL-124, 301 Livestock Company, Thonotosassa, Florida.
NM-118, South Valley Coliseum, Albuquerque, New Mexico.
NC-148, Dedmon's Livestock Yards, Shelby, North Carolina.
PA-151, Bell's Sales Company, York Springs, Pennsylvania.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act as provided in Section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250, by April 27, 1977.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 U.S.C. 1.27(b)).

Done at Washington, D.C., this 7th day of April 1977.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.77-10731 Filed 4-11-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 77-4-18; Docket 20244]

ALOHA AIRLINES, INC.

Subsidy Mail Rates; Order of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of April, 1977.

On May 16, 1972, the Board, by Order 72-5-62 in the above-titled action, awarded $789,000 in subsidy to Aloha Airlines, Inc. (Aloha), for the period September 16, 1968, through February 28, 1969 (the subsidy period).[1] At the same time, it found that Hawaiian Airlines, Inc. (Hawaiian), had engaged in excessive competitive scheduling of flights during the subsidy period, and that this was the primary cause of Aloha's low load factor and attendant losses.[2] On July 3, 1972, Aloha sued Hawaiian in the U.S. District Court for the District of Hawaii[3] alleging an attempt to monopolize air transportation in Hawaii in violation of section 2 of the Sherman Act. Aloha asserted claims for damages arising out of Hawaiian's overscheduling activities, $695,093 during and $3,670,546 after the subsidy period, and $1,504,757 damages arising out of an aborted merger with Hawaiian, which occurred after the subsidy period.[4] Taking notice of this action, the Board on February 7, 1973, amended Aloha's subsidy award to provide that:

> the amount of subsidy shall be reduced to reflect the amount * * * of any judgment or other settlement related to the complaint filed by Aloha Airlines, Inc. against Hawaiian Airlines, Inc. in the United States District Court for the District of Hawaii, Case No. 72-3594, on account of any damages sustained by Aloha Airlines, Inc. during all or any part of the period September 16, 1968 through February 28, 1969.[5]

On February 14, 1975, the jury in Aloha's civil antitrust suit against Hawaiian returned a general verdict for Aloha, finding actual damages in the sum of $1,504,757. As previously noted, this figure corresponds to Aloha's alleged damages arising out of the aborted Aloha-Hawaiian merger. These actual damages were trebled, court costs and attorney's fees added, and judgment entered for $5,024,257.92, but this judgment was never executed. Hawaiian appealed the case to the Ninth Circuit.[6] On August 23, 1976, Aloha and Hawaiian entered into a settlement agreement covering

> all differences outstanding between and among them, including but not limited to claims, counterclaims and cross-claims made in the actions titled *Aloha Airlines, Inc.* v. *Hawaiian Airlines, Inc.*, Civil No. 72-3594 * * * in the United States District Court, District of Hawaii, (and) * * * No. 75-2886, in the United States Court of Appeals for the Ninth Circuit * * *.[7]

Hawaiian paid Aloha $1,850,000 "as full settlement of all claims outstanding between them, and, in particular, Aloha's claim for damages arising out of (the aborted merger)."[8]

Upon consideration of these facts and all other relevant matters, the Board finds that it may be appropriate to reduce the subsidy paid and payable Aloha for the period September 16, 1968, through February 28, 1969.

The proviso of Order 73-2-29 clearly contemplates recovery by the Board of those proceeds of a settlement of Aloha's civil antitrust suit against Hawaiian "on account of any damages" sustained by Aloha during the subsidy period. The damages suffered by Aloha during this period were caused by the overscheduling of Hawaiian, and these damages were claimed by Aloha in its civil action. On its face, the Aloha-Hawaiian settlement encompasses Aloha's suit and the appeal taken therefrom. Therefore, it appears that at least a portion of the settlement proceeds are "on account of" Hawaiian's overscheduling activities during the subsidy period. If this investigation proves this to be case, then Aloha must refund that portion to the Government.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof,

It is ordered, That: 1. An investigation be instituted to determine whether the subsidy paid and payable Aloha Airlines, Inc., for the period September 16, 1968, through February 28, 1969, should be reduced and, if so, to determine by what amount it should be reduced;

2. The investigation ordered herein be assigned for hearing before an administrative law judge of the Board at a time and place to be designated later; and

3. Copies of this Order be served upon Aloha Airlines, Inc., and Hawaiian Airlines, Inc., which are hereby made parties to the investigation.

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[1] Aloha Airlines, Inc. and Hawaiian Airlines, Inc., Subsidy Mail Rates and Proposed Fare Increases, Order 72-5-62, May 16, 1972.

[2] Order 74-11-86, November 19, 1974, amending Order 72-5-62, May 16, 1972.

[3] *Aloha Airlines, Inc.* v. *Hawaiian Airlines, Inc.*, Civil No. 72-3594 (D. Hawaii, decided February 14, 1975).

[4] Plaintiff's Exhibit PX 480, *Aloha Airlines, Inc.* v. *Hawaiian Airlines, Inc.*, Civil No. 72-3594 (D. Hawaii, decided February 14, 1975).

[5] Order 73-2-29, February 7, 1973, at 14-15. The Board expressed its reasons for adding the proviso as follows:

> Manifestly, any injury suffered by Aloha during (the subsidy) period increased its subsidy need. If this need is subsequently satisfied in whole or in part by Hawaiian, Aloha's recognizable need is diminished and its subsidy rate must be reduced * * *. Federal subsidy must be considered a last resort, which is to be retained only if recompense is not paid through the courts or by settlement and which is not to take the place of damages * * *.

Id. at 10 and n. 15. The Board's view of the relationship between subsidy and subsequent damages awards has been affirmed within the specific context of this case. *Aloha Airlines, Inc.* v. *Hawaiian Airlines, Inc.*, 489 F. 2d 203, 208-10 (9th Cir.), *cert. denied*, 417 U.S. 913 (1974).

[6] *Aloha Airlines, Inc.* v. *Hawaiian Airlines, Inc.*, Civil No. 75-2886 (9th Cir., dismissed August 27, 1976).

[7] Docket 26235, Joint Statement of Aloha Airlines, Inc. and Hawaiian Airlines, Inc., September 14, 1976, App. A (Agreement and Mutual Release of Claims), at 1.

[8] Id. App. B (Agreement and Promissory Note), at 1.

This Order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-10719 Filed 4-11-77;8:45 am]

[Order 77-4-28; Docket 30697]

CARIBBEAN AREA SERVICE INVESTIGATION

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 6th day of April, 1977.

In 1968 the Board issued its decision in the United States-Caribbean-South America Route Investigation (United States-Caribbean Part), Docket 12895, et. al.[1] The Board found that there was a need to improve and expand the existing U.S. carrier authorizations in the Caribbean area, and, therefore, two basic route patterns were established: (1) an island-hopping service between San Juan and the Mainland and between San Juan and the Lesser Antilles, to be operated by Caribbean-Atlantic Airlines (Caribair); and (2) a long-haul Mainland-Caribbean service pattern operated by four larger airlines—Trans Caribbean Airways (TCA), Eastern Air Lines, Delta Air Lines, and Pan American World Airways.

Subsequent to the issuance of the Board's decision in that case, a number of major developments have taken place. Eastern has acquired the routes of Caribair[2] and American Airlines has acquired the routes of TCA. In addition, the Caribbean area traffic has been erratic and substantially below expectations. This situation produced uneconomic passenger levels and significant operating losses for Eastern and Pan American, eventually requiring them to suspend service at a large number of Caribbean points. Significant among these suspensions were Boston, Philadelphia, and Baltimore, and Montego Bay, Kingston, Nassau, and Freeport on Pan American's route. Eastern's suspensions included Aruba, Curacao, Kingston, Montego Bay (on Route 59)[3] and Port-au-Prince.

The result of these service changes has been a major breakdown in the service patterns authorized by the Board in the Caribbean-South America case. Moreover, a substantial number of new certificate and exemption awards have been made in the interim.[4] Nonetheless, the Caribbean remains a major area market in which the predominant traffic characteristic is tourism by U.S. citizens. Accordingly, the Board has determined to institute a broad investigation of U.S.-Caribbean and intra-Caribbean U.S.-flag route authority and the needs of the markets under current and expected future conditions, to be designated the Caribbean Area Service Investigation, Docket 30697. The Board will place in issue the renewal of Eastern's Caribbean Route 59[5] and Eastern's suspensions on that route, as well as currently effective suspension authority at Caribbean points held by Pan American.[6] However, beyond these issues, the Board has not yet determined the precise scope of the investigation.[7] In view of the wide range of route authority issues that might be included, the Board desires to have before it the views of all interested parties before shaping the exact scope of the proceeding.[8] We appreciate that the matter is very complex and that sufficient time must be allowed for each interested person to formulate views and submit them to the Board. Accordingly, we will allow 60 days from the service date of this order for submission of comments directed toward defining the scope of the investigation being instituted herein, and we will allow 30 days thereafter for responses. We will also entertain applications by interested carriers to serve points or markets in the Caribbean, and applications by civic parties wishing to obtain such service. Since the exact scope of the case has not been determined, carriers filing applications for consolidation herein will not be required to file environmental evaluations pursuant to Part 312 until 30 days after the Board issues its order defining the scope of the proceeding.

The Board will carefully analyze the comments and responses being sought herein and will thereafter issue an order definitively stating the scope of the proceeding.

Accordingly, it is ordered That:

1. A proceeding to be known as the Caribbean Area Service Investigation, Docket 30697, be and it hereby is instituted and shall be set down for hearing before an Administrative Law Judge of the Board at a time and place hereinafter designated, as the orderly administration of the Board's docket permits;

2. Applications, motions to consolidate, and comments from interested persons relating to the scope of the proceeding instituted in paragraph 1, above, shall be filed 60 days from the service date of this order, and shall be served upon all persons listed in Appendix A[9] attached hereto, and answers thereto shall be filed 30 days thereafter;

3. 30 days after the Board issues its order defining the scope of the proceeding, carriers requesting consolidation herein shall file the information required by Part 312 of the Board's Procedural Regulations with regard to those service

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[1] 49 CAB 427 (1968).

[2] The authority to serve Miami on segment 2 of Route 59 was stayed as part of the approval of the acquisition. Order 73-5-80, May 15, 1973. The Venezuelan government did not permit either Caribair or Eastern to land at Caracas.

[3] However, Eastern has exemption authority to provide service between Miami and Montego Bay on Route 59 (see footnote 4, infra).

[4] *Exemptions:* Eastern has been authorized to provide one daily round trip, either nonstop or via San Juan, between New York and Antigua (see Orders 75-1-138, 76-1-114, and 77-1-78). Eastern was also authorized by exemption to operate nonstop service between Miami and Montego Bay (see Orders 75-6-151 and 76-6-76). Finally, American and Eastern were recently granted exemption authority to provide nonstop service between New York, on the one hand, and Martinique and Guadeloupe, F.W.I., on the other hand (Order 76-12-152); in addition, American was authorized in the same order to provide nonstop service between New York and Jamaica.

Certificate Amendments: Eastern was authorized to serve Atlanta on its New York/Washington-Montego Bay/Kingston route and Pan American was authorized to provide Chicago-Jamaica service in the *Chicago/Atlanta-Jamaica Service Investigation*, Order 72-4-150; however, as noted previously, Eastern's Kingston services have been suspended and Pan American's Jamaica service has been suspended. Delta was authorized to provide nonstop service between New York and Boston and the Bahamas when it acquired the certificates of Northeast Airlines in 1972 (Order 72-8-1). Eastern was awarded New York-Ponce authority in the Mainland-Ponce Service Investigation, Order 73-4-80. Finally, American was authorized to provide nonstop service between New York, on the one hand, and Santo Domingo and Barbados, on the other hand, as a result of the American-Pan American Route Exchange Agreement, Order 76-6-152, decided April 18, 1975.

[5] The authority to serve certain Caribair points on segment 1 and segment 2 of Eastern's Route 59 expired on March 21, 1974. An application for renewal of such authority was timely filed in Docket 25909, and thus such authority continues under the automatic extension provisions of 5 U.S.C. 558(c).

[6] The issue of deletion or suspension of Pan American's authority at the points involved herein will be included in the proceeding.

[7] Normally, staff components of the Board become parties to proceedings at the time of the instituting order. Because of the need in this case for further expert analysis of the facts and legal issues, no staff component will become a party until the second order has been issued.

[8] In general terms, we have concluded that the investigation will be limited to combination (passenger and cargo) service in the U.S.-Caribbean and intra-Caribbean markets. Comments directed to the scope of the investigation instituted herein may, among other things, discuss the effect the current Mackey Certification Proceeding, Dockets 25546 and 28266, should have on the scope of this case. That case involves the applications of Mackey International for combination service and Rich International for all-cargo service between Palm Beach-West Beach, Fort Lauderdale and Miami, on the one hand and points in the Bahamas, Turks, and Caicos Islands, and Cap Haitien (Mackey only) on the other. Nonstop authority between Miami and Nassau/Freeport is not in issue.

[9] Appendix A filed as part of the original document.

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proposals which conform to the stated scope of the investigation; [10] and

4. A copy of this order shall be served upon all persons listed in Appendix A attached hereto.

This order wil be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-10720 Filed 4-11-77;8:45 am]

[Order 77-4-17, Docket 27573, Agreement C.A.B. 26540 R-1 through R-3]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Specific Commodity Rates

Issued under delegated authority April 5, 1977.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names two additional specific commodity rates under existing specific commodity descriptions and adds one new rate with a new specific commodity description, reflecting reductions from general cargo rates as set forth below; and was adopted pursuant to unprotested notice to the carriers and promulgated in an IATA letter dated March 24, 1977.

Agreement CAB	Specific commodity item number	Description and rate [1]
26540:		
R-1	1923	Dried Stomach, 164 c/kg, minimum weight 500 kg. From New York to Tel Aviv.
R-2	4952	Airless Spray Guns, 124 c/kg minimum weight 500 kg. From New York to Stockholm.
R-3	0600	Meat, Including Slaughtered Poultry and Game 113 c/kg, minimum weight 300 kg. From Papeete to Honolulu.

[1] Subject to applicable currency conversion factors as shown in tariffs.
[2] Expires June 30, 1978.
[3] Expires Mar. 31, 1978.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, *It is ordered*, That:

Agreement C.A.B. 26540, R-1 through R-3, is approved, provided that (a) approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; (b) tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing; and (c) where a specific commodity rate is published for a specified minimum weight at a level lower than the general commodity rate applicable for such weight, and where a general commodity rate is published for a greater minimum weight at a level lower than such specific commodity rate, the specific commodity rate shall be extended to all such greater minimum weights at the applicable general commodity rate level.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board unless within such period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-10718 Filed 4-11-77;8:45 am]

[Docket No. 30525; Order No. 77-3-175]

OZARK AIR LINES, INC.

Order To Show Cause

Correction

In FR Doc. 77-10212 appearing at page 18293 in the issue of Wednesday, April 6, 1977, the bracket should read as set forth above.

[Doc. 29123; Order 77-3-158; Agreement C.A.B. 26517, R-1 through R-3]

TRAFFIC CONFERENCE 2 OF THE INTERNATIONAL AIR TRANSPORT ASSOCIATION

Passenger Fares Agreement

Correction

In FR Doc. 77-10101 appearing at page 18116 in the issue of Tuesday, April 5, 1977, the bracket should read as set forth above.

DEPARTMENT OF COMMERCE

Bureau of the Census

CENSUS ADVISORY COMMITTEE OF THE AMERICAN MARKETING ASSOCIATION

Public Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix I, (Supp. V, 1975)), notice is hereby given that the Census Advisory Committee of the American Marketing Association will convene on May 10, 1977 at 9:15 a.m. The Committee will meet in Room 2424, Federal Building 3 at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee of the American Marketing Association was established in 1946 to advise the Director, Bureau of the Census, regarding the statistics that will help in marketing the Nation's products and services and on ways to make the statistics the most useful to users.

The Committee is composed of 15 members appointed by the President of the American Marketing Association.

The agenda for the meeting is: (1) Topics of current interest, including staff changes and Census Bureau organization, budget program developments, and status of programs for reduction of forms and response burden; (2) current status of 1980 census planning; (3) income data from Survey of Income and Education vs. Current Population Survey; (4) Indiana census users project and beyond; (5) revised monthly business surveys—publication of revised historical data; (6) evaluation program for the 1977 economic censuses; and (7) Committee recommendations.

The meeting will be open to the public and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting or who wish to submit written statements may contact Mr. John R. Wikoff, Chief, Business Division, Bureau of the Census, Room 2633, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 24233.) Telephone (301) 763-7564.

Dated: April 6, 1977.

ROBERT L. HAGEN,
Acting Director,
Bureau of the Census.

[FR Doc.77-10606 Filed 4-11-77;8:45 am]

Domestic and International Business Administration

BROOKHAVEN NATIONAL LABORATORY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

[10] To the extent the above-established procedure does not comply with Part 312 of the Board's Procedural Regulations, we hereby waive the requirement of Part 312 that applications contain an environmental evaluation for those carriers requesting consolidation with this proceeding.

Docket No. 77-00066. Applicant: Associated Universities, Inc., Brookhaven National Laboratory, Upton, New York 11973. Article: NMR Spectrometer, Model WH-360 with High-Resolution Electromagnet System. Manufacturer: Bruker Instruments, Inc., West Germany. Intended use of article: The article is intended to be used in a NMR laboratory for detection of ^{1}H and ^{13}C and other nuclear resonances. Emphasis will be placed on membrane structure, the function of enzymes, and other biological problems.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (October 6, 1975). Reasons: The foreign article provides a frequency of 360 megahertz for proton nuclear magnetic resonance. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated March 18, 1977 that (1) the frequency of the article described above is pertinent to the applicant's intended purposes and (2) it knows of no domestic instrument which provides the pertinent feature at the time of order.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special
Import Programs Division.

[FR Doc.77-10626 Filed 4-11-77;8:45 am]

MISSISSIPPI STATE UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00356. Applicant: Mississippi State University, Department of Electron Microscopy, Drawer EM, Mississippi State, MS 39762. Article: Scanning Electron Microscope, Model HHS-2R. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is intended to be used for the study of sense organs in the genus Lygus. Insects will be prepared according to standard SEM techniques and examined in a secondary mode with the article.

Comments: No comments have been received with respect to this application.

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (July 9, 1974). Reasons: This application is a resubmission of Docket Number 75-00543-90-46070 which was denied without prejudice to resubmission on October 24, 1975 for informational deficiencies. In reply to Question 8c(2) the applicant alleges that the article provides certain features which are both pertinent to the purposes intended and unmatched in comparable domestic instruments. However, the National Bureau of Standards (NBS) advises in memordanda dated November 24, 1976, January 4, 1977, and January 12, 1977 that these features were matched by features available in comparable domestic instruments such as the Coates and Welter Instrument Corporation (CWIC) Models 50 and 106 at the time the article was ordered. A listing of the features in question and our discussion thereof follows:

(1) *High resolution of 80 Angstroms (Å) or less.* While the best possible resolution of the article is pertinent, our records indicate that CWIC offered guaranteed resolutions of 50Å and 60Å in the Models 50 and 106 respectively prior to the purchase of the article. (The model 50 was introduced August, 1972 at the Annual Meeting of the Electron Microscopy Society of America and the first commercial unit met specifications (50Å) on May 2, 1974 and was accepted by the owner. The Model 106 was first available with 60Å on May 1, 1974.) Moreover, NBS advises that both domestic instruments cited provide significantly better resolutions than the foreign article and were available at the time of order of the article. Based in part on the advice received from NBS and upon our own analysis, we find the two domestic instruments were the scientific equivalent of the article with respect to resolution capability at the time of order.

(2) *Ability of the vacuum system to handle objects such as insects.* NBS advises that the high speed pumps provided by CWIC instruments to which the article is compared are designed to handle gassy specimens of insects.

Based in part on this advice and upon our own analysis, we find that the two domestic scanning electron microscopes models referred to above were of equivalent scientific value to the foreign article with respect to the handling of the type of objects mentioned in the application.

Based on the foregoing, we find that the CWIC models 50 and 106 scanning electron microscopes are of equivalent scientific value to the article for the purposes intended at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import
Programs Division.

[FR Doc.77-10627 Filed 4-11-77;8:45 am]

ROBERT B. BINGHAM HOSPITAL, ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before May 2, 1977.

Amended regulations issued under cited Act, (15 CFR Part 301) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00171. Applicant: Robert B. Brigham Hospital, 125 Park Hill Avenue, Boston, Massachusetts 02120. Article: Electron Microscope, Model JEM-100C with side entry goniometer and accessories. Manufacturer: Jeol Ltd., Japan. Intended use of article: The article is intended to be used in a wide variety of research projectors which will include the following:

(1) High resolution transmission microscopy of plasma membranes of various cells to determine the relationships between a phagocytic cell and a target, e.g. macrophage attacking a tumor cell, and eosinophil attacking a schistosomula.

(2) Studies of the fusion of liposomes with macrophages.

(3) Examination of membranes of white blood cells by negative staining to discern any membrane order such as occurs in viral and some bacterial membranes.

(4) Scanning microscopy of cell surfaces to determine whether peptides or proteins which alter the movement and behavior of cells act by entering the cell or on its surface. Application received by Commissioner of Customs: March 16, 1977.

Docket Number: 77-00172. Applicant: Frederick Cancer Research Center, P.O. Box B, Frederick, Maryland 21701. Arti-

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cle: NMR Spectrometer, Model JNM/FX-60 and Accessories. Manufacturer: Jeol Ltd., Japan. Intended use of article: The article will be used for the following individual research activities which involve ^{13}C and ^{1}H NMR spectroscopy:

1. Structural studies of antibiotics isolated from fermentation broth, by ^{13}C and ^{1}H NMR spectroscopy.

2. Structural studies of antibiotics isolated in minute quantities (2 to 4 milligram) by ^{13}C and ^{1}H NMR Spectroscopy.

3. Structural studies of antibiotics isolated from plant materials by ^{13}C and ^{1}H NMR spectroscopy.

4. Stereo chemical assignments made on antibiotics by a combination of ^{13}C and ^{1}H NMR studies.

5. Structure elucidation studies on biotransformed antibiotics by combination of ^{13}C and ^{1}H NMR studies.

6. Structure verification studies on derivatives of antibiotics by combination of ^{13}C and ^{1}H NMR studies.

Most of the materials to be studies will be antitumor compounds, hopefully candidates to cure cancer in clinics. Some of these materials are available in small quantities (2–4 milligrams) as isolated from limited resources and need to be studied by a microprobe system of an NMR instrument. Application received by Commissioner of Customs: March 22, 1977.

Docket Number: 77–00173. Applicant: Geophysical Institute, C. T. Elvey Bldg., University of Alaska, Fairbanks, AK 99701. Article: Recording Current Meter, Model 4 and Pressure and Conductivity Sensors. Manufacturer: Aanderaa Instruments, Norway. Intended use of aritcle: The article is intended to be used to measure the basic water circulation parameters for the first time under arctic conditions on the Alaskan coastal shelf. Application received by Commissioner of Customs: March 24, 1977.

Docket Number: 77–00174. Applicant: Geophysical Institute, C. T. Elvey Bldg., University of Alaska, Fairbanks, AK 99701. Article: TG–3A Water Level Gauge. Manufacturer: Aanderaa Instruments, Norway. Intended use of article: The article is intended to be used to measure the basic water circulation parameters for the first time under arctic conditions on the Alaskan coastal shelf. Application received by Commissioner of Customs: March 24, 1977.

Docket Number: 77–00175. Applicant: Uniformed Services University of the Health Sciences, 6917 Arlington Road, Bethesda, Maryland 20014. Article: Electron Microscope, Model EM 400 with high magnification goniometer and accessories. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article will be used in the fine structure of (1) the neuromuscular junction; (2) alterations in the blood-brain barrier in selected diseases of the nervous system; (3) neurotransmitter receptor sites on nerve membranes in vivo and in tissue culture preparations; (4) lesions in formed elements of the blood caused by freeze-preservation; (5) pathologic changes in liver and kidney cells in response to drugs, toxins, pollutants, radiation or a combination of agents; (6) brain pathology in response to head injury; (7) identification of immunologically active cells from mixed populations of blood or bone marrow cells; (8) interactions of hormones and toxins with receptors on the plasma membrane; and (9) cellular effects of cytotoxic drugs. Of particular impcrtance will be the study of the three dimensional structure of specimens by means of a eucentric goniometer stage and the use of strioscopy operatures. The development of pathological lesions indused experimentally or in clinical specimens will be analyzed over time with appropriate controls and chemical modifications in order to understand the pathophysiological processes. In addition, the article will be used in the courses Medical Physiology and Pathology which are designed to provide medical students with a firm groundwork in these disciplines and Ultrastructural Research which will be designed to provide students with experience and expertise in a wide variety of ultrastructural research techniques. Application received by Commissioner of Customs: March 24, 1977.

Docket Number: 77–00176. Applicant: University of California, San Diego, Dept. of Neurosciences, School of Medicine, La Jolla, California 92093. Article: Electron Microscope, Model JEM–100C with side entry goniometer and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article will be used to study the structure of biological cells and tissues which include nerve tissues and phenomena associated with neurological diseases; the supramolecular structure of excitable membranes; and serial sections of subcellular regions of neurons, suitable for computer reconstruction. All of the materials and phenomena will be biological in origin and in some instances derived from patients suffering from neuromuscular diseases. In addition, the article will be used in the course "Workshop in Electron Microscopy" in which students will be taught modern electron microscopic techniques in order that they may successfully be able to undertake relevant projects without further supervision. Application received by Commissioner of Customs: March 24, 1977.

Docket Number: 77–00177. Applicant: Sandia Laboratories, Kirtland AFB East, Albuquerque, New Mexico 87115. Article: Cinetheodolite, Model F and accessories. Manufacturer: Contraves-Goerz, Switzerland. Intended use of article: The article is intended to be used to study the kinematics of nuclear weapons and their delivery systems. Application received by Commissioner of Customs: March 25, 1977.

Docket Number: 77–00178. Applicant: University of California—Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, NM 87545. Article: Modelocked Dye Laser System, Model 33 and accessories. Manufacturer: Electro-Photonics, Inc., Ireland. Intended use of article: The article is intended to be used as part of a laser fusion research project to irradiate cryogenic targets resulting in a nuclear fusion project. Typical targets would include various hydrocarbons and materials such as carbon dideuterium. Investigations will be conducted on the absorption and reflection of high power 10.b micron targets as well as thresholds for fusion. These successful research projects involve the investigation of radiation damages. Other related laser projects investigate the feasibility of controlled thermonuclear fusion, and will lead to the development of fusion reactors for the production of cheap electrical energy. One of the parameters in these experiments is the effect of different pulse lengths in time of the laser irradiation. Application received by Commissioner of Customs: March 25, 1977.

Docket Number: 77–00179. Applicant: Washington University School of Medicine, 660 South Euclid Avenue, St. Louis, Missouri 63110. Article: Electron Microscope, Model JEM–100CX and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for continuation of the investigation of the mechanism of action of insulin in adipocytes from its initial binding to the hormone receptor on the plasma membrane through and including its alteration of lipolysis, protein synthesis, calcium binding and distribution, plasma membrane ATPase activity and membrane phosphorylation. The distribution of insulin receptors on a variety of normal and diseased state cells will be examined using the biologically and immunologically active ferritin-insulin conjugate. Application received by Commissioner of Customs: March 28, 1977.

Docket Number: 77–00180. Applicant: University of California, San Diego, Dept. of Neurosciences, School of Medicine, La Jolla, California 92093. Article: JEOL JEM–100C–ASID–4D High Resolution Scanning Attachment. Manufacturer: JEOL, Ltd., Japan. Intended use of article: The article is an accessory designed for use with the JEM–100C transmission electron microscope. Both will be used in a wide variety of research and teaching projects; in particular, the article will permit the transmission electron microscope to be used as an ultra high resolution scanning microscope for the study of the structure of biological cells and tissues. Included among these will be nerve tissues and phenomena associated with neurological diseases; the supramolecular structure of excitable membranes; and serial sections of subcellular regions of neurons, suitable for computer reconstruction. Experiments will be highly varied in nature but all will concentrate on studies of cell surface morphology. In addition, the article will be used primarily in a course: "Workshop in Electron Microscopy" which introduces students to standard preparative techniques for both scanning and transmission electron microscopy. Application received by Commissioner of Customs: March 28, 1977.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77–10628 Filed 4–11–77;8:45 am]

Domestic and International Business Administration

UNIVERSITY OF CALIFORNIA, ET AL.

Application for Duty-Free Entry of Scientific Articles

Correction

In FR Doc. 77–10147, appearing at page 18296 of the issue for Wednesday, April 6, 1977, the first line of the last paragraph on page 18296 should read, "Docket Number: 77–00168. Applicant:"

Maritime Administration

U.S. MERCHANT MARINE ACADEMY ADVISORY BOARD

Public Meeting

Notice is hereby given of a meeting of the U.S. Merchant Marine Academy Advisory Board (the Board) on May 3, 1977 at 10 a.m. in Room 2805, The Federal Building, 26 Federal Plaza, New York, New York.

The Advisory Board to the United States Merchant Marine Academy was established by the Secretary of Commerce under the authority of 46 U.S.C. 1126d to examine the course of instruction and the overall management of the U.S. Merchant Marine Academy (the Academy) and advise the Assistant Secretary of Commerce for Maritime Affairs with respect thereto.

The Board consists of not more than seven members appointed by the Secretary of Commerce, selected from segments of the maritime industry, labor, educational institutions, and other fields relating to the objectives of the Academy.

The Agenda for the meeting is:

(1) Call meeting to order; (2) approval of the minutes of the December 14, 1976 meeting; (3) Reports by Board Members on present assignments; (4) Status of the FY '78 Budget; and (5) Setting of the date for next Board Meeting.

This meeting is open to public observation and comment. Approximately 20 seats will be available for the public on a first-come, first-served basis.

Copies of the minutes will be available upon request.

Inquiries may be addressed to the Committee Control Officer, Arthur W. Friedberg, Director, Office of Maritime Manpower, Room 3069A, Department of Commerce Building, Washington, D.C. 20230, telephone A/C 202/377–3018.

Dated: April 8, 1977.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.77–10762 Filed 4–11–77;8:45 am]

National Bureau of Standards

GRADING OF ABRASIVE GRAIN ON COASTAL ABRASIVE PRODUCT

Voluntary Product Standards; Intent to Withdraw

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10; 35 FR 8349 dated May 28, 1970), notice is hereby given of the intent to withdraw Voluntary Product Standard PS 8–67, "Grading of Abrasive Grain on Coated Abrasive Products." It has been tentatively determined that this standard is technically inadequate and that revision would serve no useful purpose. The subject matter of PS 8–67 is adequately covered by the American National Standards Institute's standard ANSI B74.18, "Specification for Grading of Certain Abrasive Grain on Coated Abrasive Products."

Any comments or objections concerning this intended withdrawal of this standard should be made in writing to the Standards Development Services Section, National Bureau of Standards, Washington, D.C. 20234, on or before May 11, 1977. The effective date of withdrawal will be not less than 60 days after the final notice of withdrawal. Withdrawal action terminates the authority to refer to a published standard as a voluntary standard developed under the Department of Commerce procedures from the effective date of withdrawal.

Dated: April 5, 1977.

ERNEST AMBLER,
Acting Director.

[FR Doc.77–10588 Filed 4–11–77;8:45 am]

National Oceanic and Atmospheric Administration

CALIFORNIA

Public Hearing on Revised Draft Environmental Impact Statement

Notice is hereby given that the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, will hold two public hearings for the purpose of receiving comments on the revised draft environmental impact statement for the Coastal Management Program of the State of California.

The first of the two scheduled public hearings will be held at the Airport Marina Hotel, 8601 Lincoln Boulevard, Los Angeles, California at 7:30 p.m. to 10:30 p.m., Thursday, May 19, 1977. The second hearing will be held at Hearing Room 1194, State Building, 455 Golden Gate Avenue, San Francisco, California, 7:30 p.m. to 10:30 p.m., Friday, May 20, 1977.

The views of interested persons and organizations are solicited. These may be expressed orally or in written statements. Presentations will be scheduled on a first-come, first-served basis, but may be limited to a miximum of ten minutes or as otherwise appropriate. Priority will be given to those with written statements. Time will be available at the end of the meeting for persons without statements to present their views orally. The Office of Coastal Zone Management staff may question any speaker following presentation of his/her statement. No verbatim transcript of the hearings will be maintained; but staff present will record the general thrust of remarks.

Persons or organizations wishing to be heard on this matter should contact the Office of Coastal Zone Management as soon as possible so that an appearance schedule may be drawn up and definite times established for presentations. Please contact:

June Specht, National Oceanic and Atmospheric Administration, Office of Coastal Zone Management, 3300 Whitehaven Street N.W., Washington, D.C. 20235 (phone: 202–634–4243).

Written comments may also be submitted by mail to the Office of Coastal Zone Management. Such comments should be received before May 30, 1977, to assure adequate consideration for inclusion in the final environmental impact statement. Because of the extensive involvement during Proposition 20, the development of the California Coastal Plan, and the development of coastal legislation, the review of the State's program and this revised draft environmental impact statement should be able to be completed within the 45-day comment period required by the Council on Environmental Quality Guidelines. Therefore, it is not expected that time extensions for review will be necessary.

Copies of the revised draft environmental impact statement may be obtained by contacting the Office of Coastal Zone Management or:

California Coastal Zone Conservation Commission, 1540 Market Street, 2nd floor, San Francisco, California 94102 (phone: 415–557–1001).

The statement is also available for inspection by the public, both at the Office of Coastal Zone Management and at the following locations:

State Coastal Commission, 1540 Market Street, San Francisco, CA 94102 (phone: 415–557–1001).

North Coast Regional Commission, 1656 Union Street, Room 150 (P.O. Box 4946), Eureka, CA 95501 (phone: 707–443–1623).

North Central Coast Regional Commission, Holiday Plaza Office Building, Suite 130, 1050 Northgate Drive, San Rafael, CA 94903 (phone: 415–472–4321).

Central Coast Regional Commission, 701 Ocean Street, Room 300, Santa Cruz, CA 95060 (phone: 408–425–7390).

South Central Coast Regional Commission, 120 East De La Guerra, Santa Barbara, CA 93101 (phone: 805–965–6525).

South Coast Regional Commission, 666 East Ocean Boulevard, Suite 3107, (P.O. Box 1450), Long Beach, CA 90801 (phone: 213–590–5071).

San Diego Coast Regional Commission, 6154 Mission Gorge Road, Suite 220, San Diego, CA 92120 (phone: 714–280–6992).

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COASTAL COUNTY LIBRARIES

County Library, 127 Bridge Street, Arroyo Grande, CA 93420.
County Library, Veterans Building, Atacadero CA 93422.
San Mateo County Library, Central Branch, 25 Tower Road, Belmont, CA 94002.
Katherine P. Short, Librarian, Monterey County Library, Big Sur Ranch, Big Sur, CA 92920.
County Library, Bridge Street, Box 638, Cambria, CA 93428.
San Diego County Library, Cardiff Beach, 2143 Newcastle, Cardiff, CA 92007.
County Library, 684 Ocean, Cuycos, CA 93430.
San Diego County Library, Castle Park Branch, 1592 Third Avenue, Chula Vista, CA 92012.
Del Norte County Library, Courthouse, Crescent City, CA 95531.
County Library, P.O. Box 668, Creston, CA 93432.
San Diego County Library, Del Mar Branch, 326-25th Street, Del Mar, CA 92014.
San Diego County Library, Encinitas Branch, 540 Cornish Drive, Encinitas, CA 94566.
Mendocino County Library, 353 North Main Street, Fort Bragg, CA 96437.
Fresno County Library, 2410 Mariposa Street, Fresno, CA 93721, Attn: Sam Suhler.
County Library, 111 South Nineth Street, Box 424, Grover City, CA 93433.
County Library, Box 518, Halcyon, CA 93420.
Los Angeles County Library, 550 Pier Avenue, Hermosa Beach, CA 90254
San Diego County Library, Imperial Beach Branch, 810 Coronado Avenue, Imperial Beach, CA 92032.
Los Angeles County Public Library, 23519 West Civic Center Way, Malibu, CA 90265.
Los Angeles County Library, 425 15th Street, Manhattan Beach, CA 90266.
Santa Barbara County Library, 1482 East Valley Road, Montecito, CA 93103.
County Library, 410 Morro Bay Boulevard, Morro Bay, CA 93442.
San Diego County Library, Lincoln Acres Branch, 2725 Granger, National City, CA 92050.
County Library, Price Street School Building, Box 38, Nipomo, CA 93444.
County Library, Box 666, Oceano, CA 93445.
Contra Costa County Library, 1750 Oak Park Boulevard, Pleasant Hill, CA 94523.
County Library, 250 Pomeroy Street, Pismo Beach, CA 93449.
Reference Department, Sacramento City-County Library, 828 "I" Street, Sacramento, CA 95814.
County Public Library, 26 Central Avenue, Salinas, CA 93901.
Orange County Library, 233 Granada, San Clemente, CA 92672.
County Library, 1354 Bishop Street, San Luis Obispo, CA 93401.
County Library, Box 136, San Miguel, CA 93451.
Los Angeles County Public Library, 931 South Gaffey, San Pedro, CA 90731.
Marine County Free Library, Reference Department, Civic Center Administration Building, San Rafael, CA 94901.
County Library, Box 395, Santa Margarita, CA 93453.
Santa Rosa-Sonoma County Public Library, Third & E Streets, Santa Rosa, CA 95404.
County Library, Veterans Building, Shell Beach, CA 93449.
County Library, Box 110A, Templeton, CA 93465.
Mendocino County Library, 105 North Main Street, Ukiah, CA.
Los Angeles County Library, 610 California Avenue, Venice, CA 90291.
Avalon County Library, P.O. Box 585, Avalon, CA 90704.
Business and Government Library, Alameda County Library System, 22505 Montgomery Street, Hayward, CA 94541.
Contra Costa County Library, Documents Librarian, 1750 Oak Park Boulevard, Pleasant Hill, CA 94523.

Comments may address the adequacy of the impact statement and/or the nature of the California Coastal Management Program.

Following consideration of the comments received at these hearings, as well as written comments submitted, the Office of Coastal Zone Management will prepare the final environmental impact statement pursuant to the National Environmental Policy Act of 1969 and implementing guidelines.

Dated: April 5, 1977.

T. P. GLEITER,
Assistant Administrator for Administration.

[FR Doc.77-10617 Filed 4-11-77;8:45 am]

National Oceanic and Atmospheric Administration

COASTAL ZONE MANAGEMENT ADVISORY COMMITTEE

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given of the meeting of the Coastal Zone Management Advisory Committee (the "Committee") on Monday through Wednesday, May 2-4, 1977. The meeting will commence at 8:45 a.m., May 2, and 8:30 a.m. on May 3, in the Salon "A" Conference Room, Marriott West Loop Hotel, 1750 West Loop South, Houston, Texas. An onsite inspection is scheduled for May 4. Interested persons should contact Dr. Richard Keating, Executive Secretary, 202/634-4232 for further information, prior to April 30.

The meeting will be open to public observation and approximately 75 seats will be available. Interested persons are invited to attend and participate in the meeting, subject to the procedures which follow. From approximately 11:30 a.m. until 12 noon on May 2 and 11:15 a.m. until 11:30 a.m. on May 3, interested persons will be permitted to make oral statements to the Committee which are relevant to topics on the agenda. Depending on the level of interest expressed in making oral statements and the time allotted, the number of persons permitted to speak and the length of oral statements may be limited, and preference may be given based upon relevance of statements to items on the agenda; such decisions will be made by the Chairman in consultation with the Committee. Interested persons wishing to make oral statements must register on May 2 and 3 with the Executive Secretary 15 minutes prior to meeting time in the meeting room and must provide their topic(s). A written version of an oral statement or a written statement may be submitted to the Executive Secretary before or after the meeting, or may be mailed within five days to: Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street NW., Washington, D.C. 20235 (Attn: Dr. Richard J. Keating, Executive Secretary, CZM Advisory Committee). All statements received in typewritten form will be distributed to the Committee for consideration with the minutes of the meeting.

The items for Committee discussion at the meeting will include the follow-

MONDAY, MAY 2—HOUSTON, TEXAS

8:45 a.m.—Call to Order; Approval of Minutes; Report on Action Items; Election of Vice Chairman.
9:30 a.m.—Looking Ahead.
10:00 a.m.—Current Legislative Issues; Amendments to the OCS Lands Act of 1962, including H.R. 1614 (Federal Consistency Issue), H.R. 935 (Revenue Sharing Issue), S.9.
10:30 a.m.—Amendments to the Federal Water Pollution Control Act, including H.R. 3199 (Regulation of Wetlands Issue).
11:00 a.m.—Committee Discussion and Recommendations on Above Topics.
11:30 a.m.—Oral Statements (if any) by Interested Person(s).
12:00 noon—Lunch.
1:15 p.m.—Can Water Dependent Recreation Exist in a Highly Industrialized Area? National Issues and Possible Solutions.
1:30 p.m.—Planning for Water-Related Recreation in Industrialized Coastal Areas.
2:00 p.m.—Beaches: Access, Use, Management, and Conflicts.
2:45 p.m.—Marina Expansion Problems.
3:30 p.m.—Committee Discussion and Recommendations on Above Topics.
4:30 p.m.—Adjourn.

TUESDAY, MAY 3

8:30 a.m.—Call to Order.
8:45 a.m.—Briefing on Offshore Technology Conference.
9:30 a.m.—New Business.
10:00 a.m.—Port Development and Port Authorities in Coastal Zone Programs.
10:30 a.m.—The Role of Port Development: Issues and Solutions; Interactions Between Ports and Coastal Management.
11:15 a.m.—Oral Statements (if any) by Interested Person(s).
11:30 a.m.—Lunch.
12:45 p.m.—Convene in Hotel Lobby for Departure (transportation to be arranged).
1:30-6 p.m.—Attend Offshore Technology Conference, Houston Astrodome.

WEDNESDAY, MAY 4—ONSITE INSPECTION THROUGH HOUSTON SHIP CHANNEL TO GALVESTON

9:00 a.m.—Depart Main Turning Basin, Port of Houston. Presentation: Pollution and Subsidence Problems; Offshore Platforms Construction; Heavy Waterfront Oil/Chemical Industrialization; Regional Waste Treatment; "Land Canals" as Alternatives to Dredging Natural Water Courses; Trip up Bayport Industrial Channel.
11:30 a.m.—Lunch.
1:00 p.m.—Dock at Pelican Island; Transportation to be arranged to Western Geophysical Company for Wrap-up Session.
1:30 p.m.—Committee Discussion and Recommendations (Port Development).
3:30 p.m.—Discussion of Time, Place, and Agenda for Next Meeting.
4:00 p.m.—Adjourn.

Dated: April 6, 1977.

T. P. GLEITER,
Assistant Administrator for Administration, National Oceanic and Atmospheric Administration.

[FR Doc.77-10671 Filed 4-11-77;8:45 am]

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WEATHER MODIFICATION ADVISORY BOARD

Public Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C., App. I (Supp V, 1975), notice is hereby given of the first meeting of the Weather Modification Advisory Board.

The Weather Modification Advisory Board will meet from 9:30 a.m. to 5 p.m. on May 4 and from 9 a.m. to 5 p.m. on May 5, 1997, in Room B841 of the Main Commerce Building, 14th Street and Constitution Avenue NW., Washington, D.C. (Public entrance to the building is on 14th Street, between Constitution Avenue and E Street NW.)

The Board was established in January 1977 (42 FR 4512, 1-25-77) to advise the Secretary of Commerce on matters of a national policy, a national research and development program, and other aspects of weather modification as outlined in the National Weather Modification Policy Act of 1976 (Pub. L. 94-490), enacted on October 13, 1976. The Board will consist of approximately 17 members, with a balanced representation selected from scientific, academic, commercial, consumer, legal, and environmental groups, who are appointed by the Secretary of Commerce.

The purpose of this meeting is to organize the Board, discuss various weather modification issues for further consideration by the Board and adopt a plan of action for conduct of the study and preparation of the final report to the Secretary of Commerce.

The agenda for the meeting is:

MAY 4, 1977 (WEDNESDAY)

9:30 a.m.	Introductory session: Swearing-in and welcome; background of legislation; charter of the Board; statutory operation of the Board.
11 a.m.	Presentation of a paper on weather modification covering history and present status.
12 m to 1 p.m.	Recess for lunch.
1 to 5 p.m.	Discussion of weather modification issues to be considered for further study.

MAY 5, 1977 (THURSDAY)

9 to 12 m.	Discussion of the options for conducting, as required by the Act, a comprehensive study of weather modification.
12 m to 1 p.m.	Recess for lunch.
1 to 5 p.m.	Discussion and adoption of a plan of action to develop a final report to the Secretary of Commerce.
5 p.m.	Adjournment.

The meeting will be open to the public and a period will be set aside at the discretion of the Chairman for oral comments or questions by the public which do not exceed 10 minutes each. More extensive questions or comments should be submitted in writing before April 29. Other public statements regarding Board affairs may be submitted at any time before or after the meeting. Approximately 20 seats will be available for the public (including 5 seats reserved for media representatives) on a first-come first-served basis.

Copies of the minutes will be available on request 30 days after the meeting.

Inquiries may be addressed to Dr. Ronald L. Lavoie, Director, Environmental Modification Office, National Oceanic and Atmospheric Administration, Rockville, Maryland 20852, phone: 301-443-8721.

Dated: April 8, 1977.

T. P. GLEITER,
Assistant Administrator for Administration.

[FR Doc.77-10777 Filed 4-11-77-8:45 am]

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL SCIENTIFIC AND STATISTICAL COMMITTEE ADVISORY PANEL

Partially Closed Meeting

Notice is hereby given of a joint meeting of the North Pacific Fishery Management Council, its Scientific and Statistical Committee, and its Advisory Panel.

The North Pacific Council established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), has authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to the State of Alaska. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public hearings.

The Council has established a Scientific and Statistical Committee, as well as an Advisory Panel, under section 302 (g) of the Act, to assist the Council in the development and amendment of fishery management plans. Advisory Panel participation in this meeting is contingent upon Office of Management and Budget concurrence in and statutory filing of a charter revision changing the Panel's establishment authority.

The meeting will be held Wednesday and Thursday, April 27-28, 1977 in the Z. J. Loussac Library at 427 F Street, Anchorage, Alaska. The meeting will convene at 10:00 a.m. Wednesday, April 27, and 9:00 a.m., April 28 and adjourn at approximately 3:30 on the 27th and on the 28th at 4:30 p.m.

PROPOSED AGENDA

APRIL 27

1. Public hearings on Council management plans and activities.
2. Reports from Scientific and Statistical Committee and Advisory Panel.
3. Progress report and update from Council's Draft Management Planning Teams.
4. Closed Executive Session to discuss classified material relating to negotiations concerning Governing International Fishery Agreements. (Council only)

APRIL 28

1. Review of foreign fishing activities.
2. Other Council business.

After the meeting adjourns, a public hearing will be held on the afternoon of the first day, April 27, at approximately 3:30 p.m. at the same location. Interested members of the public are invited to testify at this hearing on matters relating to fishery management plans under development by the Council and other related Council functions. A separate notice of the oral hearing will be issued.

A closed executive session of the Council is planned for the early afternoon of the first day, April 27, from 1:30 p.m. through 3:30 p.m. to hear Department of State reports and other related Council business concerning negotations for the Governing International Fishery Agreements and other matters relating to international fishery agreements, properly classified under Executive Order 11652. The Scientific and Statistical Committee and Advisory Panel will not attend this executive session.

The Assistant Secretary for Administration, with the concurrent of the General Counsel, formally determined, on April 6, 1977 pursuant to section 10(d) of the Federal Advisory Committee Act, that the agenda items covered in the executive session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because these items will be concerned with matters listed in 5 U.S.C. 552b(c)(1), i.e., it is specifically required by E.O. 11652 that they be kept secret in the interest of national security. (A copy of the determination is available for public inspection and copying.)

The meeting will be open to the public (except the executive closed session of the Council) and there will be seating for approximately 65-75 members of the public available on a first come first served basis.

Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact on or about April 18, 1977:

Mr. Jim Branson, Executive Director, North Pacific Fishery Management Council, P.O. Box 3136 DT, Anchorage, AK 99813, (907) 274-4563.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will

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allow the orderly conduct of Council business. Interested members of the public who wish to submit written comments should do so by addressing Mr. Jim H. Branson at the above address. The public is permitted to file written statements at any time before or after the meeting. However, to receive due consideration and facilitate inclusion in the record of the meeting, typewritten statements which relate to the agenda items should be received no later than 10 days after the close of the joint meeting.

Dated: April 6, 1977.

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary for Administration.

[FR Doc.77-10889 Filed 4-11-77;10:03 am]

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

Extension of New Entrant Announcement for Guam

On December 28, 1976, the Departments of Commerce and the Interior published a joint notice of rules under Pub. L. 89–805 setting forth the formula for allocation of 1977 watch quotas among producers located in the Virgin Islands, Guam and American Samoa (41 FR 56378 et seq.).

Section 8 of the Departments' joint notice (hereafter annual rules), relating only to the Guam quota, set aside 150,000 units of the calendar year 1977 Guam quota for possible allocation to new firms and invited applications for this portion of the quota from interested parties which have not heretofore been allocated a quota under Pub. L. 89–805 and which are completely separate from and unassociated with any present producer in terms of ownership and control. Applications from such new firms were to be received on or before March 1, 1977 *or such later date as might be established by the Department through publication of a notice in the* FEDERAL REGISTER. (Emphasis added.)

The International Trade Commission has reported that U.S. domestic consumption of watches and watch movements during calendar year 1976, upon which the amount of quota available for allocation to producers in the various insular possessions is proportionately fixed by the Act, increased over 1975 consumption at a rate substantially higher than historical rates of increase. Consequently, the amount of 1977 watch quota available for allocation to producers in Guam is significantly larger than the amount estimated earlier when the 150,000 unit set-aside was established. The Departments anticipated the quota which would be available for allocation in Guam would be approximately 500,000 units; the actual Guam quota for calendar year 1977 is 616,000 units.

As a result of the low level of quota utilization in Guam during 1976, noted in the annual rules, the estimated needs of the 1977 quota recipients, and the significant increase in the amount of quota available for allocation in 1977, the Departments have decided to extend the deadline for receipt of applications from new firms to June 1, 1977, and to increase the amount of Guam quota set aside for this purpose to 300,000 units. Interested parties are advised that application forms may be obtained from the Special Import Programs Division, Room 6895, U.S. Department of Commerce, Washington, D.C. 20230, and are to be completed in the manner described in Section 8 of the annual rules.

All applications received pursuant either to Section 8 of the annual rules or to this notice shall receive consideration by the Departments.

Any part or all of the set aside quotas not allocated under Section 8 of the annual rules and this notice may be reallocated among the 1977 Guam quota recipients in a manner best suited to contribute to the economy of the territory.

ROBERT E. SHEPHERD,
Acting Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

EMMETT M. RICE,
Acting Director, Office of Territorial Affairs, U.S. Department of the Interior.

APRIL 7, 1977.

[FR Doc.77-10598 Filed 4-11-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

AIR FORCE ACADEMY BOARD OF VISITORS

Meeting

APRIL 1, 1977.

The Air Force Acdemy Board of Visitors is tentatively scheduled to meet at the Air Force Academy, Colorado Springs, Colorado, during the period May 5–7, 1977. This meeting is pursuant to the Board's statutory charge (10 U.S.C. 9355) to meet at the Academy and to inquire into matters of morale, discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy which the Board decides to consider.

The tentative agenda calls for portions of the meeting to be open for public attendance on 5 May from 8:15 AM to 12:00 PM and from 1:30 PM to 3:00 PM in the Superintendent's Conference Room, Harmon Hall. Among the items on the tentative agenda during the open portions of the meeting are briefings to the Board on the following subjects: Civilian/Military Faculty, Basic Cadet Training for the Class of 1981, Energy Conservation Research and Instruction, Academy Energy Conservation Programs, Athletic Programs, and the Role and Objectives of the Association of Graduates. In addition to these open portions of the meeting, a press conference which will be open to the public has been scheduled for 11:00 AM on 7 May in the Academy Officers' Open Mess.

Portions of this meeting are tentatively scheduled to be closed to the public as matters to be discussed are analogous to matters listed in subsections (2) and (6) of section 552b(c), Title 5, United States Code. These closed portions include panel discussions with groups of cadets involing personal information and opinions, the disclosure of which would be a clearly unwarranted invasion of personal privacy. Also included are the executive deliberations of the Board involving discussion of such personal information.

If additional information is desired, contact Headquarters, U.S. Air Force (DPPA), Washington, D.C. 20330, at 202–697–7116.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.77-10613 Filed 4-11-77;8:45 am]

JANNAF INTERAGENCY PROPULSION COMMITTEE

Closed Workshop

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a workshop on aluminum combustion will be held on Tuesday and Wednesday, May 10–11, 1977 at 8:30 a.m. in the Administration Building, Hercules, Inc., Bacchus Works, Salt Lake City, UT. This workshop is sponsored by the Department of Defense Chemical Propulsion Advisory Committee (Combustion Working Group).

The Committee's primary responsibilities are to provide technical advice to the Joint Army, Navy, NASA, Air Force (JANNAF) Interagency Propulsion Committee and to promote the exchange of technical information in the field of chemical propulsion. At this workshop, aluminum combustion as it relates to the optimization of the design and performance of solid rocket motors will be discussed.

Under the provision of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463), meetings may be closed to the public when they are concerned with matters listed in section 522(b) of Title 5, United States Code. One of the matters so listed is that specifically required by Executive Order to be kept secret in the interest of the national defense or foreign policy (5 U.S.C. 522 (b)(1)).

Accordingly, this workshop will be closed to the public because matters concerned are related to the design and performance of classified rocket motors. However, those individuals who possess a personal security clearance of at least confidential and a certified need-to-know in the area of chemical rocket propulsion may attend, provided they have notified the Workshop Coordinator in writing at least five (5) days prior to the workshop.

Members of the public who may wish to do so are invited to submit material in writing to the Workshop Coordinator concerning matters believed to be deserving of the workshop's attention. All communication regarding this workshop should be addressed to the Workshop Coordinator, Mr. Robert L. Geisler, MKP, Department of the Air Force, Air Force Rocket Propulsion Laboratory (AFSC), Edwards, Air Force Base, CA 93523.

ROBERT L. GEISLER,
Chief, Propulsion Development Branch, Solid Rocket Division, AFRPL.

[FR Doc.77-10614 Filed 4-11-77;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD

Meeting

MARCH 30, 1977.

The USAF Scientific Advisory Board Tactical Panel will hold a meeting on April 28, 1977 from 8:30 a.m. to 5:00 p.m. at Langley Air Force Base, Virginia.

The Panel will receive classified briefings on non-nuclear munitions development programs and hold discussions on the alternatives presented.

The meeting will be closed to the public in accordance with section 552b(c) of Title 5, United States Code, specifically subparagraph (1).

For further information contact the USAF Scientific Advisory Board Secretariat at 202–697–4811.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.77-10612 Filed 4-11-77;8:45 am]

Department of the Navy

SEAFARER ELF COMMUNICATIONS SYSTEM

Site Selection and Proposed Test Operations in Michigan

PUBLIC HEARING AND AVAILABILITY OF DRAFT ENVIRONMENTAL IMPACT STATEMENT

Notice is hereby given that a public hearing will be held for the purpose of providing the public with relevant information on site selection and proposed test operations at K. I. Sawyer Air Force Base, Michigan, for the Seafarer Extremely Low Frequency (ELF) Communications System, and to afford the public an opportunity to present their views on the proposed Navy Project. The hearing will be held on April 28, 1977, and continued on April 29 if necessary, at the Civic Center, 505 West Allegan Street, Lansing, Michigan. The hearing will commence at 7:00 p.m. and terminate at 11:00 p.m. The hearing will be conducted by Captain John Dobson, U.S. Navy (CEC), and will include a presentation explaining the Navy's proposed action, a system description, a site-dependent environmental impact summary, alternatives, proposed Navy recommendations and the proposed program plan for the future.

This hearing is being held in Lansing, Michigan, because K. I. Sawyer Air Force Base and the surrounding region is one of three candidate areas considered for building a Seafarer Test Facility, conducting ELF communications experiments, and developing appropriate construction criteria and operational methods to ensure maximum environmental protection in the event the Michigan area is approved at some future time for an operational Seafarer System.

Seafarer is essentially a buried transmitting array of insulated cables. The system's principal purpose is for communications with submerged submarines.

The following procedures will be followed during the public hearing. Individual speakers will have three minutes, and group spokespersons will have five minutes to summarize and present their views. One speaker may not relinquish time to another. Individuals and organizations wishing lengthy statements to be included in the hearing record should provide written statements to the Hearing Officer. Pre-registration is desired, and should be made in person or by writing either to the Seafarer Information Center, 201 Rublein Street, Marquette, MI 49855 or to Captain John Dobson, USN (CEC), Code 01F, Naval Electronic Systems Command, Washington, DC 20360. The name and title of the speaker for organizations should be included. The closing date for including written statements in the hearing record is May 25, 1977.

Anticipated environmental effects are available for review in the Seafarer ELF Communications System Draft Environmental Impact Statement for Site Selection and Test Operations; Naval Electronic Systems Command (February 1977). Copies of the statement are available at the following locations:

Chief of Information, The Pentagon Press Room, Washington, D.C., (Captain Thomas, 679–2886).
Bay de Noc Community College Library, North Campus, Escanaba, MI 49829.
State of Michigan, Washington Office, 1150 17th Street, N.W., Suite 609, Washington, DC 20036.
Library of Congress, Washington, DC 20540.
U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, IL 60604.
Commander, K. I. Sawyer Air Force Base, MI 49843.
Michigan Environmental Review Board, Lewis Cass Building, Lansing, MI 48909.
Northern Michigan University Library, Marquette, MI 49855.
Michigan Technological University Library, Houghton, MI 49931.
Lake Superior State College Library, College Drive, Sault Ste. Marie, MI 49783.
Suomi College Library, Hancock, MI 49930.
Chassell Township Schools, P.O. Box 40, Chassell, MI 49916.
Big Bay de Noc School, Cooks, MI 49817.
Gogebic Community College Library, Greenbush and Jackson Road, Ironwood, MI 49938.
Amasa Community Library, Amasa, MI 49903.
Baraga Township Schools, Lyons Street, Baraga, MI 49908.
Bergland Community School, Bergland, MI 49910.
Bessemer Public Library, City Hall, S. Sophie Street, Bessemer, MI 49911.
Bessemer Township Schools, Ramsay, MI 49951.
A. D. Johnson High School, Moore Street, Bessemer, MI 49911.
Brimley Public Schools, Brimley, MI 49715.
Calumet School, Public Library, Calumet Avenue, Calumet, MI 49913.
Carney, Nadeau Public School, Carney, MI 49812.
Les Cheneaux Community Schools, Cedarville, MI 49719.
Champion High School, P.O. Box 68, Champion, MI 49814.
Ewen, Trout Creek Consolidated School, Box 218, Ewen, MI 49925.
Crystal Falls Community Library, Superior Avenue, Crystal Falls, MI 49920.
Forest Park School District, West Superior Avenue, Crystal Falls, MI 49920.
Curtis Library, Curtis, MI 49820.
DeTour Area School and Public Library, P.O. Box 68, DeTour Village, MI 49725.
Osceola Township School and Public Library, Box 371, Dollar Bay, MI 49922.
Rock River Township Schools, Eben Junction, MI 49825.
Escanaba Public Library, 201 South 7th Street, Escanaba, MI 49820.
Catherine Bonifas Memorial Library, Escanaba Area Public High School, 500 South Lincoln Road, Escanada, MI 49829.
Escanada Area Junior High School, 1500 Luddington Street, Escanaba, MI 49829.
McMillan Township Library, Ewen, MI 49925
North Dickinson County School, Star Route 1, Iron Mountain, MI 49801.
West Iron District Library, City Hall, 106 West Genesee, Iron River, MI 49935.
Gladstone Area School and Public Library, 1041 Dakota Avenue, Gladstone, MI 49837.
Burt Township School and Public Library, Grand Marais, MI 49839.
Forsyth Township Public Library, Gwinn, MI 49841.
Gwinn High School Library, Gwinn High School, Gwinn, MI 49841.
Hancock School-Public Library, Quincy Street, Hancock, MI 49930.
Bark River-Harris Schools, Harris, MI 49345.
Portage Lake District Library, 105 Huron Street, Houghton, MI 49931.
Houghton High School Library, Houghton High School, Houghton, MI 49931.
Mid-Peninsula Library Federation, Dickinson County Library, 401 Iron Mountain Street, Iron Mountain, MI 49801.
Iron Mountain Senior High School, West B Street, Iron Mountain, MI 49801.
Central Junior High School, Iron Mountain, MI 49801.
Lake Linden-Hubbell Public Schools, 601 Calumet Street, Lake Linden, MI 49945.
L'Anse Township School and Public Library, L'Anse, MI 49946.
West Iron County High School, 612 W. Adams Street, Iron River, MI 49935.
Carnegie Library, 235 E. Aurora Street, Ironwood, MI 49938.
Luther L. Wright High School Library, Ayer Street, Ironwood, MI 49938.
Ironwood Catholic High School, 106 S. Marquette Street, Ironwood, MI 49938.
Carnegie Public Library, Corner Main and Barnum Streets, Ishpeming, MI 49849.
Ishpeming High School Library, Division Street, Ishpeming, MI 49849.
C. L. Phelps Intermediate School, North Street, Ishpeming, IL 49849.
Kingsford High School, Hamilton Avenue, Kingsford, MI 49801.
Kingsford Junior High School, Hamilton Avenue, Kingsford, MI 49801.

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Menominee Middle School, 13th Street at 13th Avenue, Menominee, MI 49858.
Allouez Township School, Public Library, P.O. Box 318, Mohawk, MI 49950.
Munising School—Public Library, Mather High School, Elm Avenue, Munising, MI 49862.
Mackinac Island Public Library, Mackinac, Island, MI 49757.
Manistique School and Public Library, Corner Main and Cedar Streets, Manistique, MI 49854.
Roosevelt School, P.O. Box 88, Marenisco, MI 49947.
Peter White Public Library, Marquette, MI 49855.
Marquette Senior High School, 1201 West Fair Avenue, Marquette, MI 49855.
Bothwell Middle School, Marquette, MI 49855.
St. Peter—St. John, 500 S. Fourth Street, Marquette, MI 49855.
Spies Public Library, 940 First Street, Menominee, MI 49859.
Menominee Area High School, 18th Street, Menominee, MI 49858.
Rapid River Public Schools, Rapid River High School, Rapid River, MI 49876.
Republic-Michigamme School and Public Library, Route 1, Republic, MI 49879.
Rock Public Schools, Rock, MI 49883.
Sault Area High School, 1 Educational Plaza, Sault Ste. Marie, MI 49783.
National Mine High School, Box B, National Mine, MI 49865.
Negaunee Public Library, Case Street, Negaunee, MI 49866.
Negaunee High School, Peck Street, Negaunee, MI 49866.
Tahquamenon Area Street, Public Library, Newberry High School, Newberry, MI 49863.
Norway Public Library, Norway, MI 49870.
Norway High School Library, 3rd and Section Streets, Norway, MI 49870.
Rudyard School—Public Library, Second and William Streets, Rudyard, MI 49780.
Turner-Howson Elementary School Library, Rudyard, MI 49780.
St. Ignace Public Library, 396 North State Street, St. Ignace, MI 49781.
La Salle High School, Portage Road, St. Ignace, MI 49781.
Eastern Peninsula Library Systems Stations, c/o Carnegie Public Library, Sault Ste. Marie, MI 49783.
Associated Press, 6th Floor, Commerce Building, Detroit, MI 48226.
Sault Junior High School, E. Spruce, Sault Ste. Marie, MI 49783.
West Iron County Middle School, Airport Road, Stambaugh, MI 49964.
Menominee County Library, Stephenson, MI 49887.
Wakefield Public Library, 407 Hancock Street, Wakefield, MI 49958.
Wakefield Township Schools, Wakefield, MI 49968.
Watersmeet High School, Watersmeet, MI 49969.
Carp Lake Township Library, White Pine, MI 49971.
Michigan State Chamber of Commerce, 501 South Capitol Avenue, Suite 500, Lansing, MI 48933.
The Detroit Free Press, 321 Wests Lafayette Boulevard, Detroit, MI 48231.
The Detroit News, 615 Lafayette Boulevard, Detroit, MI 48231.
The Lansing State Journal, 120 East Lenawee, Lansing, MI 48919.
Booth Newspapers, 1501 Bank of Lansing Building, Lansing, MI 48923.
United Press International, 404 Commerce Building, Detroit, MI 48226.

For further information, contact Captain John Dobson, USN (CEC); Naval Electronic Systems Command, Code 01F, Washington, DC 20360; telephone number 202-692-5958.

Dated: April 7, 1977.

K. D. LAWRENCE,
Captain, JAGC, U.S. Navy
Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc.77-10725 Filed 4-11-77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D-77-486]

ACTING SECRETARY OF HOUSING AND URBAN DEVELOPMENT

Order of Succession

During any period when, by reason of absence, disability, or vacancy in office, neither the Secretary of Housing and Urban Development nor the Under Secretary is available to exercise the powers or perform the duties of the Office of the Secretary, the appointees to the positions listed below are authorized to act as Secretary with all the powers, functions, and duties assigned to or vested in him: *Provided*, That none of the named officials shall act as Secretary unless all of the appointees listed before such official's title in this designation are unable to act by reason of absence, disability, or vacancy in the office:

1. Assistant Secretary for Community Planning and Development.
2. Assistant Secretary for Housing-Federal Housing Commissioner.

This designation supersedes the designation effective December 23, 1969 (34 FR 20360, December 30, 1969), the designation effective October 9, 1973 (38 FR 27553, October 9, 1973), and the designation effective December 19, 1975 (40 FR 58885, December 19, 1975).

(Sec. 7(d) of the Department of HUD Act, 42 U.S.C. 3535(d); Executive Order 11274, 31 FR 5243; Executive Order 11490, 34 FR 17567.)

Effective date: This order is effective April 1, 1977.

Issued at Washington, D.C. on April 1, 1977.

PATRICIA ROBERTS HARRIS,
Secretary of Housing and Urban Development.

[FR Doc.77-10619 Filed 4-11-77;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on April 6, 1977. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FTC requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before May 2, 1977, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5033, 441 G Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

FEDERAL TRADE COMMISSION

The FTC requests clearance of a new single-time voluntary questionnaire to be used in conducting a consumer mail survey to develop information to assist the Commission in making policy decisions in the over-the-counter (non-prescription) drug area. Questionnaires will be sent to preselected individuals, identified through participation in a consumer mail panel of 40,000 as having certain disease conditions or who have been restricted to certain special-type diets, to ascertain their characteristics and usage paterns of various over-the-counter drug products. FTC estimates respondents to be approximately 5,000 individuals and reporting burden to average 20 minutes per response.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.77-10717 Filed 4-11-77;8:45 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

BUSINESS RESEARCH ADVISORY COUNCIL'S COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH STATISTICS

Meeting

The BRAC Committee on Occupational Safety and Health Statistics will meet at 10 a.m., May 11, 1977, at the New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C., Rooms S4215 A, B, and C. The agenda for the meeting is as follows:

1. Recommended reply to the Office of Management and Budget of the Occupational Safety and Health Data Evaluation Report Task Force.
2. An analysis of the results of the Occupational Injuries and Illnesses Survey for 1975.
3. In-depth studies Status of State participation.
4. Status report on the Supplementary Data System program, the Occupational Health Projects Working Group, and other special studies.
5. Interactive computer analysis of the Supplementary Data System as a tool in safety and health efforts.

This meeting is open to the public. It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on Area Code 202-523-1559.

Signed at Washington, D.C., this 6th day of April 1977.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.77-10544 Filed 4-11-77;8:45 am]

BUSINESS RESEARCH ADVISORY COUNCIL'S COMMITTEE ON MANPOWER AND EMPLOYMENT

Meeting

The BRAC Committee on Manpower and Employment will meet at 1:30 p.m., May 24, 1977, at the General Accounting Office Building, 441 G Street NW., Room 4454A, Washington, D.C. The agenda for the meeting is as follows:

1. Review of the present position with regard to collection of data on job opportunities.
2. Present status of the local area unemployment statistics program.
3. A report on the status of the Employment Review Commission.

This meeting is open to the public. It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on (Area Code 202) 523-1559.

Signed at Washington, D.C. this 6th day of April 1977.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.77-10722 Filed 4-11-77;8:45 am]

Labor-Management Services Administration

WISCONSIN

Area Office Jurisdiction Change

This is to advise that the entire State of Wisconsin is now under the jurisdiction of the Minneapolis, Minnesota Area Office.

Dated: March 28, 1977.

FRANCIS X. BURKHARDT,
Assistant Secretary of Labor.

[FR Doc.77-10723 Filed 4-11-77;8:45 am]

Occupational Safety and Health Administration

SOUTH CAROLINA STANDARDS

Notice of Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18 (c) of the Act and 29 CFR Part 1902. On December 6, 1972, notice was published in the FEDERAL REGISTER (37 FR 25932) of the approval of the South Carolina plan and the adoption of Subpart C to Part 1952 containing the decision.

The South Carolina plan provides for the adoption of Federal standards as State standards after public hearing. Section 1953.41 of 29 CFR provides that "A State initiated change supplement is required whenever the State takes with regard to its plan an action not otherwise covered by this part that would impact on the effectiveness of the State program." By letter dated May 28, 1976, from Edgard L. McGowan, Commissioner, South Carolina Department of Labor to Donald E. MacKenzie, Regional Administrator, and incorporated as a part of the plan, the State submitted the following amended State standards comparable to OSHA standards 29 CFR Part 1910 and 29 CFR Part 1928: amendments to § 1919.184, Slings, dated March 30, 1976; § 1910.1001, Asbestos, dated March 19, 1976; § 1928.57, Safety for Agricultural Equipment, dated March 9, 1976.

These standards were promulgated after public hearings held on May 27, 1976, and by filing with the South Carolina Secretary of State on May 27, 1976, respectively, pursuant to Act 379, South Carolina Acts and Joint Resolutions, 1971 (Sections 40-261 through 40-274 South Carolina Code of Laws, 1962).

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards it has been determined that the amendments in response to Federal changes (§ 1910.184, § 1910.1001, and § 1928.57) are identical to the Federal OSHA standards. The State standards are hereby approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement along with the approved plan may be inspected and copied during normal business hours at the following locations: Office of the Commissioner of Labor, South Carolina Department of Labor, 3600 Forest Drive, Columbia, South Carolina 29211; Office of the Regional Administrator, Suite 587, 1375 Peachtree Street NE., Atlanta, Georgia 30309; and Office of the Directorate, Federal Compliance and State Programs, Room N-3605, 200 Constitution Avenue NW., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds good cause exists for not publishing the supplement to the South Carolina State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are essentially identical to the comparable Federal standards and are deemed to be at least as effective.

2. The standards were adopted in accordance with procedural requirements of State law and further participation would be unnecessary.

This decision is effective April 12, 1977. (Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667).)

Signed at Atlanta, Georgia, this 25th day of August 1976.

DONALD E. MACKENZIE,
Regional Administrator.

[FR Doc.77-10724 Filed 4-11-77;8:45 am]

A & Z FASHIONS, ET AL.

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both,

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of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 22, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 22, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 24th day of March 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
A. & Z. Fashions (ILGWU).	Wilkes-Barre, Pa.	Mar. 24, 1977	Mar. 15, 1977	TA-W-1,890	Women's dresses.
Bass Manufacturing (ILGWU).	Plymouth, Pa.	do	do	TA-W-1,891	Girls' dresses.
Cabaret, Inc. (ILGWU).	Plainsville, Pa.	do	do	TA-W-1,892	Dresses.
Catalina Dress, Inc. (ILGWU).	Ashley, Pa.	do	Mar. 16, 1977	TA-W-1,893	Women's dresses.
Charise Fashions (ILGWU).	Wilkes-Barre, Pa.	do	Mar. 15, 1977	TA-W-1,894	Women's dresses and sportswear.
Christy Fashions (ILGWU).	Glen Lyon, Pa.	do	do	TA-W-1,895	Women's apparel.
Coronet Fashions (ILGWU).	Wilkes-Barre, Pa.	do	do	TA-W-1,896	Women's dresses.
Country Maid Apparel (ILGWU).	Plains, Pa.	do	do	TA-W-1,897	Do.
Craddock Mills (ILGWU).	Warrior Run, Pa.	do	do	TA-W-1,898	Women's dresses and sportswear.
Cynthia Sue (ILGWU)	Swoyerville, Pa.	do	do	TA-W-1,899	Women's dresses.
Damsel Sportswear Co. (ILGWU).	Plains, Pa.	do	do	TA-W-1,900	Girls' sportswear.
Darling Fashions (ILGWU).	Wilkes-Barre, Pa.	do	do	TA-W-1,901	Women's dresses.
Dorothy Fashions (ILGWU).	Swoyerville, Pa.	do	do	TA-W-1,902	Do.
East Side Manufacturing (ILGWU).	Wilkes-Barre, Pa.	do	do	TA-W-1,903	Do.
Bob Ellen Sportswear (ILGWU).	do	do	do	TA-W-1,904	Women's sportswear.
Empire Dress (ILGWU)	do	do	do	TA-W-1,905	Women's dresses.
Ermar Manufacturing, Inc. (ILGWU).	Luzerne, Pa.	do	do	TA-W-1,906	Do.
F. & H. Manufacturing (ILGWU).	Larksville, Pa.	do	do	TA-W-1,907	Do.
Ann Will Garment (ILGWU).	Kingston, Pa.	do	do	TA-W-1,908	Do.
Woodbury Manufacturing (ILGWU).	Wilkes-Barre, Pa.	do	Mar. 16, 1977	TA-W-1,909	Men's and women's jackets.

[FR Doc.77-10547 Filed 4-11-77;8:45 am]

ALAN MFG. CO., ET AL.

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or

threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 22, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 22, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 23rd day of March 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Alan Manufacturing Co. (ILGWU).	Wilkes-Barre, Pa.	Mar. 23, 1977	Mar. 15, 1977	TA-W-1,869	Dresses.
Alan Manufacturing Co. No. 2 (ILGWU).	do	do	do	TA-W-1,870	Do.
Alan Manufacturing Co. No. 3 (ILGWU).	Ashley, Pa.	do	do	TA-W-1,871	Do.
Carey Ave. No. 1 (ILGWU).	Wilkes-Barre, Pa.	do	do	TA-W-1,872	Do.
Carey Ave. No. 2 (ILGWU).	do	do	do	TA-W-1,873	Do.
Downing Garment (ILGWU).	Plymouth, Pa.	do	Mar. 17, 1977	TA-W-1,874	Do.
Edwardsville Fashions, Inc. (ILGWU).	Larksville, Pa.	do	Mar. 15, 1977	TA-W-1,875	Do.
Fad Manufacturing (ILGWU).	Swoyerville, Pa.	do	Mar. 17, 1977	TA-W-1,876	Ladies' and children's sportswear.
Fairview Sportswear (ILGWU).	Mountaintop, Pa.	do	Mar. 15, 1977	TA-W-1,877	Dresses.
Faylee Sportswear Inc. (ILGWU).	Edwardsville, Pa.	do	do	TW-W-1,878	Do.
Fifi Frocks (ILGWU)	Hudson, Pa.	do	do	TA-W-1,879	Do.
Flory Fashions (ILGWU).	Swoyerville, Pa.	do	do	TA-W-1,880	Do.
Gails Fashions (ILGWU).	Wilkes-Barre, Pa.	do	do	TA-W-1,881	Do.
George Ann Fashions (ILGWU).	Swoyerville, Pa.	do	do	TA-W-1,882	Children's clothes.
Glen Lyon Garment (ILGWU).	Glen Lyon, Pa.	do	do	TA-W-1,883	Dresses.
Grand Finale (ILGWU).	Wilkes-Barre, Pa.	do	do	TA-W-1,884	Women's sportswear.
Harbour Casuals, Inc. (ILGWU).	Plains, Pa.	do	do	TA-W-1,885	Ladies' sportswear.
Hi Style (ILGWU)	Edwardsville, Pa.	do	do	TA-W-1,886	Sportswear.
H. & M. Dress (ILGWU).	Wilkes-Barre, Pa.	do		TA-W-1,887	Children's and ladies' sportswear.
Holly Dress (ILGWU)	Nanticoke, Pa.	do	do	TA-W-1,888	Dresses.
L. F. Sportswear (ILGWU).	Hilldale, Pa.	Mar. 22, 1977	do	TA-W-2,889	Children's clothing

[FR Doc.77-10550 Filed 4-11-77;8:45 am]

Office of the Secretary

[TA-W-1256]

ALPHA CARBIDE, INC.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1256: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 10, 1976 in response to a worker petition received on November 10, 1976 which was filed by workers formerly producing shoe uppers at Alpha Carbide, Incorporated, Brunswick, Maine.

The Notice of Investigation was published in the FEDERAL REGISTER on December 3, 1976 (41 FR 53079). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from former officials of Alpha Carbide, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales, production, or both, of the firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that although the first two criteria have been met, the third and fourth criteria have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at the Brunswick plant rose 77.9 percent in the first three quarters of 1976 compared to the same period in 1975. All workers, however, were terminated on October 19, 1976, when the company closed.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Dollar sales of uppers produced at Alpha Carbide rose 62.1 percent in the first three quarters of 1976 compared to the same period in 1975. Production at Alpha Carbide was based on orders received. All production operations ceased on October 19, 1976, when the company was permanently closed.

INCREASED IMPORTS

Imports of leather shoe uppers are not separately identifiable in the official trade statistics. They are imported under TSUSA 791.2, "Leather Cut or Wholly or Partly Manufactured into Forms or Shapes Suitable for Conversion into Footwear". Industry analysts indicate that imports of leather footwear uppers account for less than five percent of the total volume of leather shoe uppers produced domestically.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that the owner of Alpha Carbide also operated the Alpha Shoe Company, Biddeford, Maine (TA-W-1257). Both companies were independent contractors, stitching uppers for women's footwear with customer supplied materials. Both companies serviced the same customers. Customers indicated that they did not buy imported shoe uppers and did not have contracts with foreign stitching firms. Customer contracts were terminated because Alpha Carbide and Alpha Shoe were suddenly and unexpectedly closed by their owner on October 19, 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the shoe uppers produced at Alpha Carbide, Incorporated, Brunswick, Maine did not contribute importantly to the total or partial separations of the workers at that firm.

Signed at Washington, D.C. this 31st day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10554 Filed 4-11-77;8:45 am]

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ATLANTIC TUBING & RUBBER CO., ET AL.

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 22, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 22, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 28th day of March 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Atlantic Tubing & Rubber Co. (United Rubber Workers of America).	Cranston, R.I.	Mar. 24, 1977	Mar. 22, 1977	TA-W-1,910	Heel and sole compound, PVC and PVO film and sheeting.
Gross Galesburg Co. (ACTWU).	Galesburg, Ill.	do	Mar. 21, 1977	TA-W-1,911	Denim jackets, grass, and bags.
Do.	Chariton, Iowa	do	do	TA-W-1,912	Quilted, athletic, and lined jackets.
Oxford Textile Finishing Co. (ACTWU).	Oxford, N.J.	Mar. 23, 1977	Mar. 22, 1977	TA-W-1,913	Dye and finish textile products.
Pettyjohn Bros. Shoe Manufacturing, Inc. (company).	Lynchburg, Va.	Mar. 28, 1977	Mar. 16, 1977	TA-W-1,914	Girls' and ladies' shoes.
Shaeffer Tailoring Co., Inc. (ACTWU).	Cincinnati, Ohio	Mar. 24, 1977	Mar. 21, 1977	TA-W-1,915	Special order clothing.
Swepco Tube Corp. (IUE).	Clifton, N.J.	do	Mar. 23, 1977	TA-W-1,916	Stainless steel tubes and pipes.
Tensor Corp. (workers).	Brooklyn, N.Y.	Mar. 23, 1977	Mar. 21, 1977	TA-W-1,917	Metal tennis rackets and high intensity lamps.
Jack Winters AMC Inc. (workers).	Waukegan, Ill.	Mar. 22, 1977	Mar. 15, 1977	TA-W-1,918	The selling and servicing of AMC automobiles.

[FR Doc.77-10548 Filed 4-11-77;8:45 am]

BATA SHOE CO., ET AL.

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threat-

ened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 22, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 22, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of March 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Bata Shoe Co. (workers).	Elkins, W. Va.	Mar. 22, 1977	Mar. 16, 1977	TA-W-1,924	Injection molded footwear for men, women, and children—made of canvas and other man-made materials.
C. Brewer & Co. Ltd. (workers).	Honolulu, Hawaii.	Mar. 25, 1977	Mar. 17, 1977	TA-W-1,925	Raw Sugar.
Hawaiian Sugar Co. (workers).	Hilo, Hawaii	do	do	TA-W-1,926	Do.
Rockwell International, Graphic Systems Division (workers).	Chicago, Ill.	Mar. 29, 1977	Mar. 24, 1977	TA-W-1,927	Newspaper printing presses.
Silco International Corp. (workers).	Mount Vernon, N.Y.	do	Mar. 23, 1977	TA-W-1,928	Pocketbooks.

[FR Doc.76-10546 Filed 4-11-77;8:45 am]

[TA-W-1203]

BERN BRAE CLASSICS, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1203: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 26, 1976 in response to a worker petition received on October 26, 1976 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing misses' slacks at the Philadelphia, Pennsylvania plant of Bern Brae Classics, Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on November 19, 1976 (41 FR 51135). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Bern Brae Classics, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Department's investigation revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

All employment ceased in September 1976 when the plant was shut down.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales decreased 25.6 percent ond 11.1 percent in quantity and value, respectively, in the first six months of 1976 compared to the like period in 1975. All sales and production ceased when the plant was shut down in September 1976.

INCREASED IMPORTS

Imports of women's, misses' and children's slacks and shorts increased from 1971 to 1972. Imports decreased each year from 1972 through 1974, then increased 12.8 percent from 1974 to 1975 and further increased 13.1 percent in the first nine months of 1976 compared to the first nine months of 1975.

CONTRIBUTED IMPORTANTLY

Customers indicated that they reduced their purchases of misses' and juniors' slacks from Bern Brae Classics, Inc., and increased their purchases of imported slacks or bought from buying offices which imported misses', juniors' and women's slacks.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of women's and misses' slacks have contributed importantly to the total or partial separations of workers at the Philadelphia, Pennsylvania plan of Bern Brae Classics, Inc. In accordance with the provisions of the Act, I make the following certification:

All workers at the Philadelphia, Pennsylvania plant of Bern Brae Classics, Inc. who became totally or partially separated from employment on or after January 1, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 31st day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.10564 Filed 4-11-77;8:45 am]

[TA-W-1417]

CECO CORP., SOUTHERN ELECTRIC STEEL DIVISION

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the result of TA-W-1417: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 14, 1976 in response to a worker petition received on December 14, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing concrete reinforcing bars at the Birmingham, Alabama plant of the Southern Electric Steel Company, a division of Ceco Corporation, Chicago, Illinois.

The Notice of Investigation was published in the FEDERAL REGISTER on January 4, 1977 (42 FR 897). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Southern Electric Steel Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met.

(1) that a significant number or proportion of the workers in the workers' firm, or an

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appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) that articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) that such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that regardless of whether any of the other criteria have been met criterion (2) and (4) have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of hourly production workers at the Southern Electric Steel Company declined 14.5 percent in 1975 compared to 1974 and 3.1 percent in 1976 compared to 1975. Employment of salaried workers increased 20.8 percent in 1975 compared to 1974 and 10.3 percent in 1976 compared to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of concrete reinforcing bars by the Southern Electric Steel Company declined 33.0 percent in 1975 compared to 1974 and then increased 17.4 percent in 1976 compared to 1975. Sales declined in the first quarter of 1976 compared to the first quarter of 1975 and then increased in each of the last three quarters of 1976 compared to the corresponding quarter of 1975.

Production of concrete reinforcing bars by the Southern Electric Steel Company declined 32.0 percent in 1975 compared to 1974 and then increased 14.2 percent in 1976 compared to 1975. Production declined in the first quarter of 1976 compared to the first quarter of 1975 and then increased in each of the last three quarters of 1976 compared to the corresponding quarter of 1975.

INCREASED IMPORTS

Imports of concrete reinforcing bars declined absolutely and relatively in 1972 compared to 1971 and in 1973 compared to 1972. Imports increased absolutely and relatively in 1974 compared to 1973 and then declined absolutely and relatively in 1975 compared to 1974. The ratio of imports to domestic shipments and consumption declined from 9.5 percent and 9.2 percent, respectively, in 1974 to 3.9 percent and 3.8 percent, respectively, in 1975. Imports increased absolutely and relatively in the first nine months of 1976 compared to the first nine months of 1975. The ratio of imports to domestic shipments and consumption increased from 4.4 percent and 4.3 percent, respectively, in 1975 to 4.8 percent and 4.6 percent, respectively, in the first six months of 1976.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that customers of the Southern Electric Steel Company have not switched purchases from Southern Electric to imported steel. Customers indicated that they have either switched their purchases of concrete reinforcing bars from the Southern Electric Steel Company to other domestic sources or have reduced purchases due to declines in the construction industry.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the concrete reinforcing bars produced by the Birmingham, Alabama plant of the Southern Electric Steel Division of Ceco Corporation did not contribute importantly to the total or partial separations of the workers of that plant.

Signed at Washington, D.C. this 31st day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10555 Filed 4-11-77;8:45 am]

[TA-W-1331]

CRANE CO.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1331: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 30, 1976 in response to a worker petition received on November 30, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers of the Ambridge, Pennsylvania plant of Crane Company.

The Notice of Investigation was published in the FEDERAL REGISTER on December 21, 1976 (41 FR 55603). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Crane Company.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, the Department's investigation reveals that criterion (3) has not been met.

Crane Company is a large diversified manufacturing corporation that operates more than 30 plants and 80 warehouses in the United States and abroad. The products of Crane include fluid and pollution control equipment, building materials, steel products and aerospace equipment.

The Ambridge, Pennsylvania plant of Crane Company repairs worn or damaged valves manufactured by Crane Company or by Crane's competitors. After being repaired, the valves are returned to their owners.

The Department of Labor has already determined that the performance of services is not included within the term "articles" as used in Section 222(3) of the Act. See Notice of Negative Determination in Pan American World Airways, Incorporated (TA-W-153; 40 FR 54639).

The Ambridge, Pennsylvania plant of Crane Company performs the service of repairing valves. The plant is not involved in the production of an article within the meaning of Section 222(3) of the Act.

CONCLUSION

After careful review of the issues, I have determined that services of the kind provided by the Ambridge, Pennsylvania plant of Crane Company are not "articles" within the meaning of Section 222 (3) of the Trade Act of 1974.

Signed at Washington, D.C. this 31st day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10563 Filed 4-11-77;8:45 am]

[TA-W-1356]

DE LAVAL TURBINES, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1356: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 1, 1976 in response to a worker petition received on December 1, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing worm gears and speed reducers at the Trenton, New Jersey plant of De Laval Turbines, Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on January 4, 1977 (42 FR 874). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of De Laval Turbines, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The Trenton plant produces worm gear sets and speed reducers. The production of speed reducers is integrated with the production of worm gear sets. There are no separately identifiable workers at the Trenton plant engaged in the production of speed reducers only.

Average annual employment of production workers at the Trenton, New Jersey plant declined 11.5 percent in the last quarter of 1975 compared to the same quarter in 1974. Average employment declined 21.0 percent in the first 11 months of 1976 compared to the first 11 months of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales at the Trenton, New Jersey plant declined 37.9 percent in value in the fourth quarter of 1975 compared to the fourth quarter of 1974. Sales declined 14.9 percent in value in the first 9 months of 1976 compared to the first 9 months of 1975.

Production decreased 11.9 percent in value in the first 9 months of 1976 compared to the first 9 months of 1975.

INCREASED IMPORTS

Imports of gears increased in each year compared to the previous year from $10.3 million in 1971 to $51.2 million in 1975. Imports increased 7 percent in the first nine months of 1976 compared to the same period in 1975, from $37.1 million to $39.7 million.

The ratio of imports to domestic production of gears increased in each year compared to the previous year from 2.0 percent in 1971 to 4.4 percent in 1975. The ratio decreased from 4.2 percent in the first 9 months of 1975 to 3.5 percent in the first 9 months of 1976.

CONTRIBUTED IMPORTANTLY

Customers accounting for substantial declines in sales at the Trenton plant of De Laval indicated they have switched purchases to imported worm gears. The lower prices of the imports was given as the primary reason for the switch to the imported products.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with worm gears produced at the Trenton, New Jersey plant of De Laval Turbines, Incorporated contributed importantly to the total or partial separation of workers of the plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Trenton, New Jersey plant of De Laval Turbines, Incorporated, who became totally or partially separated from employment on or after November 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C. this 31st day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10562 Filed 4-11-77;8:45 am]

[TA-W-1390]

DIXON-BARTLETT-LAMBRECHT, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1390: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Bartlett-Lambrecht, Inc.

The investigation was initiated on December 8, 1976 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing women's shoes at the Baltimore, Maryland plant of Dixon-Bartlette-Lambrecht, Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on January 4, 1977 (41 FR 875). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from information and publications provided by officals of Dixon-Bartlett-Lambrecht, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, The American Footwear Industries Association and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation reveals that all four criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment at the Baltimore, Maryland plant of Dixon-Bartlett-Lambrecht, Inc. declined 18 percent from 1974 to 1975. Employment decreased 7 percent from the second to the third quarter of 1976. Most production workers were laid off when the plant permanently halted production in November 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Total production in pairs of women's shoes at Dixon-Bartlett-Lambrecht decreased 40 percent from 1974 to 1975. Production decreased 4 percent from the first to the second quarter of 1976, and decreased 19 percent from the second quarter to third quarter of 1976. The plant halted production in November 1976.

INCREASED IMPORTS

Imports of women's nonrubber, nonathletic footwear increased absolutely 2 percent from 1974 to 1975. The ratio of imports to domestic production increased 11 percent from 1974 to 1975. Total imports in the first three quarters of 1976 increased 17 percent, compared with the same period in 1975.

CONTRIBUTED IMPORTANTLY

Evidence developed in the investigation revealed that a significant proportion of customers of Dixon-Bartlett-Lambrecht, Inc. reduced purchases in favor of imports.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's shoes produced at Dixon-Bartlett-Lambrecht, Inc., Bal-

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timore, Maryland contributed importantly to the total or partial separation of the workers of that company. In accordance with the provisions of the Act, I make the following certification:

All employees of Dixon-Bartlett-Lambrecht, Incorporated, Baltimore, Maryland, who became totally or partially separated from employment on or after June 12, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 31st day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10558 Filed 4-11-77;8:45 am]

GULF & WESTERN MFG., ET AL.

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 22, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 22, 1977.

The petitions field in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 29th day of March 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Gulf & Western Manufacturing Co., Bonney Forge Division (workers).	Roselle, N.J.	Mar. 28, 1977	Mar. 24, 1977	TA-W-1,919	Forged steel pipe fittings.
Loree Footwear Corp. (USW).	Big Run, Pa.	do.	Mar. 1, 1977	TA-W-1,920	Ladies' shoes.
Scranton Garment Manufacturing Co., Inc. (ACTWU).	Scranton, Pa.	do.	Mar. 18, 1977	TA-W-1,921	Men's sportcoats.
Tony P. Fashions, Inc. (ILGWU).	Mohawk, N.Y.	do.	Mar. 10, 1977	TA-W-1,922	Women's dresses.
Washington Wood Products, Inc. (workers).	Washington, N.J.	do.	Mar. 22, 1977	TA-W-1,923	Stereo cabinets and luggage frames for suitcases.

[FR Doc.77-10549 Filed 4-11-77;8:45 am]

[TA-W-1383]

INTERNATIONAL SHOE CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1383: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 8, 1976 in response to a worker petition received on December 8, 1976 which was filed by the United Shoe Workers of America on behalf of workers and former workers producing women's shoes at the Searcy, Arkansas plant of the International Shoe Company.

The Notice of Investigation was published in the FEDERAL REGISTER on January 4, 1977 (42 FR 885). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the International Shoe Company, its customers, the Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers declined 11.2 percent from 1973 to 1974, declined 11.1 percent from 1974 to 1975 and then increased 18.1 percent from 1975 to 1976. Employment declined 2.9 percent in the last six months of 1976 compared to the same period of 1975. The average number of hours worked declined 6.8 percent from 1973 to 1974, declined 10.3 percent from 1974 to 1975, and increased 12.1 percent from 1975 to 1976. However, the number of hours worked declined 15.6 percent in the last six months of 1976 compared to the last six months of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales data are not maintained for the plant, since all shoes are shipped to a central distribution location of International Shoe and stocked with shoes produced at other International Shoe plants.

Production at the Searcy, Arkansas plant declined 10.3 percent in quantity from 1973 to 1974, declined 30.0 percent from 1974 to 1975, and then increased 31.5 percent from 1975 to 1976. However, production declined 11.2 percent in the last six months of 1976 compared to the last six months of 1975.

INCREASED IMPORTS

Imports of women's and misses' nonrubber footwear, except athletic, increased absolutely and relatively when compared to domestic production in each year from 1971 to 1973, declined from 1973 to 1974, and then increased from 1974 to 1975. Imports increased absolutely from 131.1 millions of pairs in the first nine months of 1975 to 157.0 millions of pairs in the same period of 1976. The ratio of imports to domestic production declined from 108.3 percent in the first nine months of 1975 to 107.8 percent in the first nine months of 1976.

CONTRIBUTED IMPORTANTLY

Evidence developed during the course of the investigation revealed that retail customers of International Shoe shifted from domestic to import purchases of women's shoes from 1975 to 1976. The shift is attributed chiefly to the lower price of the imports.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's shoes produced at the Searcy, Arkansas plant of the International Shoe Company contributed importantly to the total or partial separation of the workers at that plant. In accordance with the provision of the Act, I make the following certification:

All workers engaged in employment related to the production of women's shoes at the Searcy, Arkansas plant of the International Shoe Company who became totally or partially separated from employment on or after July 1, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 31st day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10560 Filed 4-11-77;8:45 am]

[TA-W-1538]

LADY SUZANNE FOUNDATIONS, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1538: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 30, 1976 in response to a worker petition received on December 30, 1976 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing brassieres at the Brooklyn, New York plant of Lady Suzanne Foundations, Incorporated.

The notice of investigation was published in the FEDERAL REGISTER on January 18, 1977 (42 FR 3374). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Lady Suzanne Foundations, Incorporated, its customers, the U. S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitively with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at the plant increased 18.0 percent in 1975 compared to 1974 and declined 13.9 percent in 1976 compared to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of brassieres by Lady Suzanne increased 16.4 percent in 1975 compared to 1974 and declined 20.3 percent in 1976 compared to 1975.

Production increased 44.2 percent in 1975 compared to 1974 and decreased 52.2 percent in 1976 compared to 1975. Plant production ceased in November 1976.

INCREASED IMPORTS

Imports of Brassieres, Bra-lettes and Bandeaux increased each year, from 4.995 million dozens in 1971, to 6.921 million dozens in 1975; and increased from 4.988 million dozens in the first three quarters of 1975, to 6.405 million dozens in the same period of 1976.

CONTRIBUTED IMPORTANTLY

A representative sample of Lady Suzanne's major customers in 1975 and 1976 indicated that several of these customers have increased imports of brassieres, while decreasing their purchases from Lady Suzanne.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with brassieres produced at the Brooklyn, New York plant of Lady Suzanne Foundations, Incorporated contributed importantly to the total or partial separations of the workers engaged in the production of such brassieres at that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Brooklyn, New York plant of Lady Suzanne Foundations, Incorporated who became totally or partially separated from employment on or after January 1, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 31st day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10553 Filed 4-11-77;8:45 am]

[TA-W-1183]

LOUIS BIRENBAUM

Notice of Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-1183: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 19, 1976 in response to a worker petition received on October 19, 1976 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing women's slacks and pant suits at Louis Birenbaum.

The notice of investigation was published in the FEDERAL REGISTER on November 5, 1976 (41 FR 48813). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Louis Birenbaum, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof, have increased either actual, or relative to domestic production, and

(4) That such increased imports have contributed importantly to the separation, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Department's investigation revealed that all four criteria have been met.

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SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average plant employment of hourly production workers decreased 13.6 percent in 1975 compared to 1974. Average hours worked per week per worker decreased 6.2 percent in 1975 compared to 1974 and further decreased 1.2 percent in the first ten months of 1976 compared to the like period in 1975.

SALES OR PRODUCTION, OF BOTH, HAVE DECREASED ABSOLUTELY

Sales decreased 39.0 percent in value in 1975 compared to 1974 and further decreased 19.7 percent in the first ten months of 1976 compared to the same period of 1975. Production decreased 35.0 percent in quantity in 1975 compared to 1974 and further decreased 36.3 percent in the first ten months of 1976 compared to the like period in 1975.

INCREASED IMPORTS

Imports of women's, misses' and children's suits increased in every year since 1971 from 151,000 dozens to 412,000 dozens in 1975, an increase of 172.8 percent. Imports then declined from 314,000 dozens in the first nine months of 1975 to 308,000 dozens in the first nine months of 1976.

Imports of women's, misses' and children's slacks and shorts increased from 11,375,000 dozens in 1971 to 12,095,000 dozens in 1972, an increase of 6.3 percent. Imports decreased in each of the next two succeeding years to 8,923,000 dozens in 1974, before increasing in 1975 to 10,067,000 dozens, an increase of 12.8 percent. Imports further increased 13.1 percent in the first nine months of 1976 compared to the like period in 1975.

CONTRIBUTED IMPORTANTLY

Customers stated that they increased purchases of imports and decreased purchases from the company.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports like or directly competitive with women's slacks and pant suits produced at Louis Birenbaum, Philadelphia, Pennsylvania contributed importantly to the total or partial separations of the workers of that company. In accordance with the provisions of the Act, I make the following certification:

All workers at Louis Birenbaum, Philadelphia, Pennsylvania who became totally or partially separated from employment on or after October 8, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 31st day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10565 Filed 4-11-77;8:45 am]

[TA-W-1367]

LUNKENHEIMER CO.

Certification Regarding Eligibility To Apply For Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1367: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 1, 1976 in response to a worker petition received on December 1, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing valves at the Cincinnati, Ohio plant of the Lunkenheimer Company.

The Notice of Investigation was published in the FEDERAL REGISTER on January 4, 1977 (42 FR 888). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Lunkenheimer Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average annual employment of production workers at the Lunkenheimer Company, Cincinnati, Ohio plant declined 17 percent in 1976 compared to 1975. Average employment declined 19 percent in the fourth quarter of 1975 compared to the fourth quarter of 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Annual sales at the Lunkenheimer Co., Cincinnati, Ohio plant decreased 19 percent in 1976 compared to 1975. Sales declined 28 percent in the fourth quarter of 1975 compared to the fourth quarter of 1974.

Annual production decreased 10 percent in 1976 compared to 1975. Production decreased 27 percent in the fourth quarter of 1975 compared to the fourth quarter of 1974.

INCREASED IMPORTS

Imports of valves and similar devices in terms of value increased each year from $56.5 million dollars in 1971 to $165.1 million in 1975. Imports further increased from $127.6 million in the first nine months of 1975 to $134.2 million in the first nine months of 1976.

The ratio of imports to domestic production increased from 4.0 percent in 1974 to 4.7 percent in 1975. The ratio of imports to production decreased from 4.9 percent in the first nine months of 1975 to 4.5 percent in the first nine months of 1976.

CONTRIBUTED IMPORTANTLY

Customers of the Lunkenheimer Company indicated that they have decreased their purchases from the Cincinnati plant and switched to lower priced imported valves.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with valves produced at the Cincinnati, Ohio plant of Lunkenheimer Company contributed importantly to the total or partial separation of workers of the plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Cincinnati, Ohio plant of Lunkenheimer Company, who became totally or partially separated from employment on or after November 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 31st day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10561 Filed 4-11-77;8:45 am]

[TA-W-1384]

MAX KIRMAYER AND SONS, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1384: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 8, 1976 in response to a worker petition received on December 8, 1976 which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing men's pants at the Brooklyn, New York plant of Max Kirmayer and Sons, Incorporated.

The notice of investigation was published in the FEDERAL REGISTER on January 4, 1977 (42 FR 889). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Max Kirmayer and Sons, Incorporated, its manufacturer, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers declined 28.6 percent in 1975 compared to 1974. Separations occurred in the second quarter of 1976 and employment declined 11.1 percent in the last six months of 1976 when compared to the same period in 1975.

Average weekly hours of production workers declined 5.1 percent in the last six months of 1976 compared to the same period in 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production at Max Kirmayer and Sons, Incorporated equal sales. Production of men's pants declined 30.1 percent in 1975 compared to 1974 and increased 15.5 percent in 1976 compared to 1975. Production declined 16.0 percent and 11.9 percent in the third and fourth quarters of 1976, respectively, when compared to the same quarters in 1975.

INCREASED IMPORTS

Imports of men's and boys' tailored suits have increased each year from 1.27 million units in 1971, to 3.10 million units in 1975, and increased from 2.35 million units in the first nine months of 1975, to 2.52 million units in the same period in 1976.

CONTRIBUTED IMPORTANTLY

The subject company produced about 95 percent of its pants in 1975 and 1976 under contract from a manufacturer which sells men's suits directly to the public from its factory outlet store. Competitors of this men's suit store, located in the same building, have purchased increased amounts of imported men's suits.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports like or directly competitive with men's pants produced at the Brooklyn, New York plant of Max Kirmayer and Sons, Incorporated, contributed importantly to the total or partial separations of the workers engaged in the production of such pants at that plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of men's pants at the Brooklyn, New York plant of Max Kirmayer and Sons, Incorporated who became totally or partially separated from employment on or after May 21, 1976 are certified eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 31st day of March, 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10559 Filed 4-11-77;8:45 am]

[TA-W-1252]

MISS QUALITY, INC.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-1252: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 9, 1976 in response to a worker petition received on November 9, 1976 which was filed by the International Ladies' Garment Workers' Union on behalf of former workers at the Hatboro, Pennsylvania, Philadelphia, Pennsylvania and New York, New York plants of Miss Quality, Inc.

The notice of investigation was published in the FEDERAL REGISTER on December 3, 1976 (41 FR 53093). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Miss Quality, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements fo Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that criterion two (2) and four (4) has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of all production workers at the Hatboro and Philadelphia, Pennsylvania plants and the New York, New York facility increased 11.2 percent in 1975 compared to 1974 and declined 1.8 percent in 1976 compared to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales equals production since garments are made to order. In 1974 dollar value, sales decreased 37.2 percent from 1974 to 1975 and increased 17.4 percent from 1975 to 1976.

INCREASED IMPORTS

Imports of children's dresses declined in each year from 1971, when imports totalled 1,378 thousand dozens, through 1974, when imports totalled 910 thousand dozens. U.S. imports increased to 949 thousand dozens in 1975. Imports declined from 698 thousand dozens in the first three quarters of 1975 to 665 thousand dozens in the first three quarters of 1976.

The ratio of imports of children's dresses to domestic production declined from 16.1 percent in 1971 to 13.4 percent and 11.4 percent, respectively, in 1972 and 1973. The ratio of imports to domestic production increased to 12.8 percent and 14.1 percent, respectively, in 1974 and 1975.

CONTRIBUTED IMPORTANTLY

A survey of customers purchasing children's dresses from Miss Quality indicated that these customers either do not purchase imported children's dresses or have decreased purchases of imported children's dresses. Customers indicated that they increased sales of Miss Quality's children's dresses and ensembles from 1975 to 1976.

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CONCLUSION

After careful review of the facts obtained in the investigation, it is concluded that increases of imports of children's dresses have not contributed importantly to separations of workers at the Hatboro, Pennsylvania; Philadelphia, Pennsylvania and New York, New York facilities of Miss Quality, Inc. and that sales or production, or both, have not declined absolutely as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 31st day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10551 Filed 4-11-77;8:45 am]

[TA-W-1391]

NATIONAL SUPPLY CO.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1391: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 15, 1976 in response to a worker petition received on November 15, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing wellhead control equipment at the Houston, Texas plant of National Supply Company, a division of Armco Steel Corporation.

The Notice of Investigation was published in the FEDERAL REGISTER on January 4, 1977 (42 FR 891). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the United Steelworkers of America, National Supply Company, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (4) has not been met.

Prior to 1976, there were no known imports of wellhead control equipment. In late 1976 a single foreign producer began to export the product into the United States. Imports from that producer represent an estimated import penetration ratio of less than one percent.

The evidence developed in the Department's investigation reveals that industry sources believe that the import influence in this market is negligible.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of wellhead control equipment like or directly competitive with those produced at the Houston, Texas plant of National Supply Company, a division of Armco Steel Corporation did not contribute importantly to separations, or threat thereof, or to decreased sales or production at such plant as required in Section 222 of the Trade Act of 1974. The petition should, therefore, be denied.

Signed at Washington, D.C., this 31st day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10557 Filed 4-11-77;8:45 am]

[TA-W-1228]

OPTICAL PRODUCTS DIVISION, AMERICAN OPTICAL CORP.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1228: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 8, 1976 in response to a worker petition received on that date which was filed by three workers on behalf of workers and former workers producing ophthalmic lenses at the Southbridge, Massachusetts plant of the Optical Products Division of the American Optical Corporation.

The Notice of Investigation was published in the FEDERAL REGISTER on November 23, 1976 (41 FR 51627). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the American Optical Corporation, its customers, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have deceased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that criteria one (1) and two (2) have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of hourly production workers declined 9.7 percent from 1974 to 1975. Employment increased 1.3 percent in the first three quarters of 1976 compared to the same period of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Total sales declined 3.3 percent in value and 26.1 percent in quantity from 1974 to 1975. Sales then increased 12.9 percent in value and 15.9 percent in quantity during the January through September period of 1976, as compared to the same in 1975.

Production, in terms of quantity manufactured, declined 18.0 percent from 1974 to 1975. Production increased 54.8 percent in the fourth quarter of 1975 compared to the previous quarter. Production then increased 11.8 percent during the first nine months of 1976 compared to the first nine months of 1975.

INCREASED IMPORTS

Imports of opthalmic lenses, as expressed in thousands of pairs, increased absolutely while declining relatively from 1971 to 1972 and then increased absolutely and relatively from 1972 to 1973. Imports declined absolutely while increasing relatively from 1973 to 1974 before increasing absolutely and relatively from 1974 to 1975.

During the first nine months of 1976 imports increased 37.4 percent as compared to the first nine months of 1975. During the same period domestic production increased 10.3 percent. The ratios of imports to domestic production and consumption increased from 18.4 percent and 18.2 percent, respectively, in the January–September period of 1975 to 22.9 percent and 22.0 percent, respectively, in the same period of 1976.

CONTRIBUTED IMPORTANTLY

Imports of opthalmic lenses, remained in the area of 18 percent of domestic production from 1971 through 1974. In 1975 the ratio of imports to domestic production increased to 20.2 percent. This trend continued in the January through September period of 1976 when imports amounted to 22.9 percent of domestic production. The Department's investigation revealed that increased imported opthalmic lens purchases were due to changes in fashion and consumer's preference to oversize frames and lenses. The level of American Optical's production and employment was not influenced by this slight shift in the market penetration of imports. American Optical, in fact, increased its share of the domestic market during the 1975–1976 period.

The date the petition was filed in case was October 12, 1976, consequently only separations occurring on or after October 12, 1975 could be covered by a certification. The investigation revealed a general increase in employment occurred during the potential coverage period. Employment of hourly production workers increased 2.9 percent from the third quarter of 1975 to the fourth quarter.

Production, in terms of pairs of lenses manufactured and sales in terms of pairs of lenses sold increased by 54.8 percent and 41.1 percent, respectively, from the third quarter of 1975 to the fourth quarter of 1975. Company sales and production increased 15.7 percent and 11.8 percent, respectively, in the first nine months of 1976, compared to the first nine months of 1975. Average quarterly employment of hourly production workers increased in the second and third quarter of 1976 compared to the same quarters in 1975. Customers surveyed indicated that imports of opthalmic lenses are concentrated, primarily, in the lower priced single vision lenses and oversized plastic lenses. American Optical shifted sales and production emphasis to multifocal and specialty lense applications, which has contributed to the increased sales, production and employment in 1976.

CONCLUSION

After careful review of the fact obtained in the investigation, I conclude that a significant number or proportion of the workers at the Southbridge, Massachusetts plant of the Optical Products Division of the American Optical Corporation have not become totally or partially separated, nor are they threatened to become totally or partially separated, and that sales or production have not decreased as required by Section 222 of the Act. Therefore, certification of eligibility to apply for adjustment assistance is denied. Increases of imports like or directly competitive with opthalmic lenses produced at the Southbridge, Massachusetts plant of the Optical Products Division of the American Optical Corporation have not contributed importantly to the total or partial separations of the workers of that plant.

Signed at Washington, D.C. this 31st day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10556 Filed 4-11-77;8:45 am]

[TA-W-1684]

PORT FISHERIES

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1684: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 24, 1977 in response to a worker petition received on February 10, 1977 which was filed on behalf of workers and former workers providing services to shrimp boats at Port Fisheries, Port Isabel, Texas.

The notice of investigation was published in the FEDERAL REGISTER on March 11, 1977 (42 FR 13613). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials at Port Fisheries and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely; and

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

If any of the above criteria is not satisfied, a negative determination must be made.

Port Fisheries services shrimp boats. The employees were engaged in employment related to servicing shrimp boats with ice, fuel, dock space, and the transport of shrimp. They performed no production function. Port Fisheries performs a service for shrimp boats, but produces no product.

Port Fisheries does not produce an article within the meaning of Section 222 (3) of the Act and this Department has already determined that the performance of services are not covered by the adjustment assistance program. See Notice of Determination in Pan American World Airways, Incorporated (TA-W-153, 40 FR 54639). Port Fisheries performs a service, providing fuel, ice, dock space, and the transport of shrimp to shrimp boats.

CONCLUSION

After careful review of the issues, I have determined that services of the kind provided by Port Fisheries, Port Isabel, Texas are not "articles" within the meaning of Section 222(3) of the Trade Act of 1974. The petition for trade adjustment assistance is, therefore, denied.

Signed at Washington, D.C. this 31st day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10562 Filed 4-11-77;8:45 am]

[TA-W-1209]

SIMONDS CUTTING TOOLS DIVISION WALLACE-MURRAY CORP.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1209: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 21, 1976 in response to a worker petition received on October 21, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing cutting tools at the Fitchburg, Massachusetts plant of Simonds Cutting Tools, Division of Wallace-Murray Corporation, New York, New York.

The notice of investigation was published in the FEDERAL REGISTER on November 19, 1976 (41 FR 51145). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Simonds Cutting Tools, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or

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subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has determined that all four criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of production workers at the Fitchburg plant of Simonds increased 13 percent in 1974 from 1973 and decreased 33 percent in 1975 from 1974. Employment in the first 9 months of 1976 decreased 10 percent from the same period of 1975.

Average weekly hours worked by production workers at the Fitchburg plant declined 5 percent in 1975 from 1974 and increased 0.5 percent in the first 9 months of 1976 from the same period of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Products produced at the Fitchburg plant can be separated into 3 SIC classifications—SIC 3423-Hand and Edge Tools, Except Machine Tools and Hand Saws (machine knives are 34232.56 and 34232-58), SIC 3425- Hand Saws and Saw Blades and SIC 3444–Sheet Metal Work.

Total sales of cutting tools by Simonds increased 10 percent in value in 1974 from 1973 and decreased 18 percent in 1975 from 1974. Sales in the first 9 months of 1976 increased 3 percent from the same period of 1975.

Total production of cutting tools at the Fitchburg plant increased 2 percent in value in 1974 from 1973 and 0.5 percent in 1975 from 1974. Production in the first 9 months of 1976 decreased 5 percent from the same period of 1975.

Production of machine knives (SIC 3423) at the Fitchburg plant of Simonds increased 17 percent in value in 1974 from 1973 and 15 percent in 1975 from 1974. Production in the first 9 months of 1976 decreased 17 percent from the same period in 1975. This category accounted for approximately 20 percent of production at Fitchburg.

Production of saws (SIC 3425) at the Fitchburg plant of Simonds remained virtually the same in value in 1973 and 1974 and decreased 2 percent in 1975 from 1974. Production in first 9 months of 1976 decreased 2 percent from the first 9 months of 1975. This category accounted for approximately 67 percent of production at Fitchburg.

Production of other cutting tools (SIC 3444) at the Fitchburg plant declined 10 percent in value in 1974 from 1973, 9 percent in 1975 from 1974 and 5 percent in the first 9 months of 1976 from the same period of 1975. This category accounted for approximately 12 percent of production at Fitchburg.

INCREASED IMPORTS

Imports of Hand Saws and Sawblades (SIC 3425) increased in value absolutely and relative to domestic production in 1972, 1973 and 1974 from the previous year and decreased absolutely from $24.5 million in 1974 to $19.4 million in 1975. Relatively, imports decreased from 10 percent of domestic production in 1974 to 9.6 percent in 1975. Imports in the first 9 months of 1976 increased to $17.2 million from $14.5 million in the first 9 months of 1975.

Imports of Machine Knives and Blades (SIC 3423) increased absolutely and relative to domestic production in each year from 1971 through 1975. Imports increased absolutely from $14.5 million in 1974 to $16.5 million in 1975 and relatively from 30.2 percent of domestic production in 1974 to 38.4 percent in 1975. Imports in the first 9 months of 1976 were $10.0 million compared to $9.6 million in the first 9 months of 1975.

CONTRIBUTED IMPORTANTLY

Customers surveyed have been decreasing purchases of saws and other hand cutting tools from Simonds in favor of less expensive imports. In order to remain competitive Simonds has transferred production both to lower wage areas in the U.S. as well as to foreign facilities.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with cutting tools produced at the Fitchburg, Massachusetts plant of Simonds Cutting Tools Division of the Wallace-Murray Corporation did contribute importantly to the total or partial separations of the workers of that plant. In accordance with the provisions of the Act, I make the following certification.

All workers of the Fitchburg, Massachusetts plant of Simonds Cutting Tools Division of the Wallace-Murray Corporation who became totally or partially separated on or after September 21, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 31st day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10545 Filed 4-11-77;8:45 am]

[TA-W-1189]

S. ROTHSCHILD AND CO., INC.

Notice of Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-1189: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 19, 1976 in response to a worker petition received on October 19, 1976 which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing girls' and misses' coats at the Philadelphia, Pennsylvania plant of S. Rothschild and Company, Incorporated.

The notice of investigation was published in the FEDERAL REGISTER on November 5, 1976 (41 FR 48816). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of S. Rothschild and Company, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or related to domestic production;

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers declined 3.8 percent in 1975 compared to 1974, and further declined 15.2 percent in the first ten months of 1976 compared to the same period of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production at the Philadelphia plant of S. Rothschild and Company, Incorporated increased 0.1 percent in 1975 compared to 1974. Production declined 23.2 percent in the first ten months of 1976 compared to the first ten months of 1975.

INCREASED IMPORTS

Imports of women's, misses' and children's coats and jackets increased from 1,441,000 dozens in 1971 to 1,807,000 dozens in 1973. Imports then decreased in 1974 to 1,478,000 dozens, before increasing again to 1,517,000 dozens in 1975—an increase of 2.6 percent between 1974 and 1975. Imports also increased in the first three quarters of 1976 compared to the same period of 1975, from 1,109,000 dozens to 1,680,000 dozens—an increase of 51.5 percent.

CONTRIBUTED IMPORTANTLY

Customers of S. Rothchild and Company indicated that they increased purchases of imported girls' and juniors' coats in 1976 compared to 1975, while decreasing purchases from the subject firm in the same period.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with girls' and juniors' coats produced at the Philadelphia, Pennsylvania plant of S. Rothchild and Company, Incorporated, contributed importantly to the total or partial separations of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Philadelphia, Pennsylvania plant of S. Rothchild and Company, Incorporated who became totally or partially separated from employment on or after January 18, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 31st day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10566 Filed 4-11-77;8:45 am]

[TA-W-1257]

ALPHA SHOE CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1257: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 10, 1976 in response to a worker petition received on November 10, 1976 which was filed by workers formerly producing shoe uppers at the Alpha Shoe Company, Biddeford, Maine.

The Notice of Investigation was published in the FEDERAL REGISTER on December 3, 1976 (41 FR 53079). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from former officials of Alpha Shoe, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales, production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that although the first two criteria have been met, the third and fourth criteria have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment at the Biddeford plant began in May 1976 when the Alpha Shoe Company was opened. All workers were terminated on October 19, 1976, when the company closed.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of uppers produced at Alpha Shoe began in May 1976. Production at Alpha Shoe was based on orders received. All production operations ceased on October 19, 1976, when the company was permanently closed.

INCREASED IMPORTS

Imports of leather shoe uppers are not separately identifiable in the official trade statistics. They are imported under TSUSA 791.2, "Leather Cut or Wholly or Partly Manufactured into Forms or Shapes Suitable for Conversion into Footwear." Industry analysts indicate that imports of leather footwear uppers account for less than five percent of the total volume of leather shoe uppers produced domestically.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that the owner of the Alpha Shoe Company also operated Alpha Carbide, Incorporated, Brunswick, Main (TA-W-1256). Both companies were contractors, stitching uppers for women's footwear with customer supplied materials. Both companies serviced the same customers. Customers indicated that they did not buy imported shoe uppers and did not have contracts with foreign stitching firms. Customer contracts were terminated because Alpha Shoe and Alpha Carbide were suddenly and unexpectedly closed by their owner on October 19, 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the shoe uppers produced at the Alpha Shoe Company, Biddeford, Maine did not contribute importantly to the total or partial separations of the workers at that firm.

Signed at Washington, D.C., this 31st day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10725 Filed 4-11-77;8:45 am]

[TA-W-1275]

CARMEN J

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1275: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 15, 1976 in response to a worker petition received on November 15, 1976 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing misses' slacks at the Philadelphia, Pennsylvania plant of Carmen J.

The notice of investigation was published in the FEDERAL REGISTER on December 3, 1976 (41 FR 53085). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Carmen J, its customers, the U.S. Department of Commerce, the International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Department's investigation revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of production workers decreased 12.9 percent in 1975 compared to 1974 and remained at this level throughout the first nine months of 1976. The average number of workers decreased compared to the previous year in three out of four quarters from the last quarter of 1975 through the third quarter of 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales decreased 8.8 percent in 1975 compared to 1974 and further decreased

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4.0 percent in the first nine months of 1976 compared to the like 1975 period. In the second and third quarters of 1976 the average number of production workers and the average quarterly hours were significantly lower than for the same quarter of 1975.

INCREASED IMPORTS

Imports of women's, misses' and children's slacks increased 12.8 percent from 8,923 thousand dozen in 1974 to 10,067 thousand dozen in 1975 and further increased 13.1 percent the first nine months of 1976 compared to the like period in 1975.

CONTRIBUTED IMPORTANTLY

The primary manufacturer for whom Carmen J produced slacks shut down in September 1976. A large resident buying office for customers of this manufacturer and a large nationwide chain of women's specialty shops both reported large increases in imports of women's and misses' slacks in 1975 compared to 1974, and further increased purchases of imports of slacks in the first six months of 1976 compared to the like period in 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of women's and misses' slacks have contributed importantly to the total or partial separations of workers at the Philadelphia, Pennsylvania plant of Carmen J. In accordance with the provisions of the Act, I make the following certification:

All workers at the Philadelphia, Pennsylvania, plant of Carmen J, who became totally or partially separated from employment on or after October 18, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 28th day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10726 Filed 4-11-77;8:45 am]

[TA-W-1293]

CINDERELLA SHOE CORP.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1293: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 19, 1977 in response to a worker petition received on November 19, 1977 which was filed on behalf of workers and former workers producing women's footwear at Cinderella Shoe Corporation, San Lorenzo, Puerto Rico, a wholly owned subsidiary of Milton Shoe Company, Inc., Milton, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on December 3, 1976 (41 FR 53085). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Cinderella Shoe Corporation and Milton Shoe Company, Inc.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether the other criteria have been met, the investigation reveals that the first and second criteria have not been met.

Employment of production workers at Cinderella Shoe Corporation increased 91 percent in 1976 over 1975 and increased in each quarter of 1976 compared to 1975. Production by the firm increased 100 percent in 1976 compared to 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that significant total or partial separations have not occurred and production by Cinderella Shoe Corporation has not declined as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10727 Filed 4-11-77;8:45 am]

[TA-W-1287]

EBERHARD FABER, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1287: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 16, 1976 in response to a worker petition received on that date which was filed by the International Oil, Chemical and Atomic Workers Union on behalf of workers and former workers producing pencils, felt-tip markers, rubber bands, and erasers at the Wilkes-Barre, Pennsylvania plant of Eberhard Faber, Incorporated.

The Notice of Investigation was published in the FEDERAL REGISTER on December 3, 1976 (41 FR 53087). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Eberhard Faber, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that with respect to felt-tip markers criterion (2) has not been met, and with respect to pencils, rubber bands, and erasers, criterion (4) has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of production workers at the Wilkes-Barre plant of Eberhard Faber declined 24.6 percent from 1974 to 1975. Employment increased 3.0 percent in the first eleven months of 1976 compared to the same period in 1975. Average employment of salaried workers at the Wilkes-Barre plant declined 9.3 percent from 1974 to 1975 and then remained unchanged in the first eleven months of 1976 compared to the same period in 1975.

SALES OF PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Unit sales of felt-tip markers increased 19.9 percent from 1974 to 1975 and increased 1.8 percent from 1975 to 1976.

Unit sales of pencils increased 43.6 percent from 1974 to 1975 and declined 9.9 percent from 1975 to 1976.

Unit sales of rubber bands and erasers declined 23.8 percent from 1974 to 1975 and increased 43.0 percent from 1975 to 1976.

INCREASED IMPORTS

Imports of wood cased lead pencils increased from 1971 to 1972 and declined annually from 1972 through 1975. Imports declined from 189.8 thousand gross in 1974 to 135.6 thousand gross in 1975. In the first three quarters of 1976, imports increased to 152.0 thousand gross compared to 107.8 thousand gross imported in the same period in 1975. The ratio of imported pencils to domestic pencil production decreased from 1.6 percent in 1974 to 1.2 percent in 1975 and increased from 1.2 percent in the first three quarters of 1975 to 1.5 percent in the first three quarters of 1976.

Imports of marking pens increased in value from 1971 to 1972 and declined yearly from 1972 through 1975. Imports declined from $4.84 million in 1974 to $3.80 million in 1975. In the first three quarters of 1976, imports increased to $4.76 million compared to $2.66 million in the same period of 1975. The ratio of imports to domestic production declined from 3.7 percent in 1974 to 3.0 percent in 1975 and increased from 2.8 percent in the first three quarters of 1975 to 4.6 percent in the first three quarters of 1976.

Imports of erasers and rubber bands are not separately identifiable in the official trade statistics. They are included in TSUSA 774.25 and 774.6040: "Articles not Specifically Provided for, of Natural Rubber and Other." Industry analysts indicate that imports of erasers and rubber bands are negligible relative to domestic production.

CONTRIBUTED IMPORTANTLY

Customers who purchased pencils, felt-tip markers, rubber bands, and erasers from Eberhard Faber indicated that they bought imported felt-tip markers but did not buy imports of wood cased lead pencils, rubber bands, or erasers. Sales of felt-tip markers by Eberhard Faber, however, increased yearly from 1974 through 1976.

CONCLUSION

It is therefore concluded that imports of articles like or directly competitive with the pencils, felt-tip markers, rubber bands and erasers produced at the Wilkes-Barre, Pennsylvania plant of Eberhard Faber, Incorporated, did not contribute importantly to the total or partial separations of the workers at that plant.

Signed at Washington, D.C., this 31st day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10728 Filed 4-11-77;8:45 am]

Office of the Secretary

[TA-W-1290]

MAREMONT CORP.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1290: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 17, 1976 in response to a worker petition received on that date which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing military ordnance, military vehicle parts, and shock absorbers at the Saco, Maine plant of the Maremont Corporation.

The Notice of Investigation was published in the FEDERAL REGISTER on December 3, 1976 (41 FR 53093). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Maremont Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof, have increased either actual, or relative to domestic production, and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criteria (2) and (4) have not been met.

The Saco, Maine plant is one of ten domestic and eight foreign facilities of the Maremont Corporation. Production in 1976 at the Saco, Maine plant was approximately 48 percent shock absorbers, 40 percent military ordnance and military vehicle parts and 12 percent miscellaneous. The shock absorbers are produced for the aftermarket under both Maremont's own label and labels of other firms.

The Department's investigation revealed that sales of military ordnance and military vehicle parts increased 5.6 percent in 1975 compared to 1974 and 14.7 percent in the first eleven months of 1976 compared to the same 1975 period. Production equals sales.

Company production of shock absorbers increased 3.5 percent in quantity and 53.9 percent in value for 1975 compared to 1974 and increased 31.0 percent in quantity and 35.1 percent in value for the first eleven months of 1976 compared to the like 1975 period.

The sole customer of military ordnance from the Maremont Corporation is the U.S. Government which uses its purchases for NATO. A Belgian firm won the new contract for military ordnance and it will begin to produce the military ordnance for NATO use by the Fall of 1977.

According to the U.S. Army Armament Command, there are presently no imports of military ordnance or military vehicle parts.

A major buyer of shock absorbers from the Saco, Maine plant accounting for 76.0 percent of the plant's output of shock absorbers in 1976, does not import shocks absorbers. Purchases of shock absorbers from the subject firm by this major customer remained virtually unchanged from 1975 to 1976.

The loss of Maremont's contract for M-60 type machineguns to a Belgian firm poses a direct threat to the employment of workers engaged in the production of M-60 machineguns; thus creating a situation in the future that may warrant coverage under the provisions of the Trade Act of 1974. To facilitate monitoring of this situation, the petitioners are urged to file a petition for adjustment assistance when in their view production or sales declines of machineguns related to actual increased imports have occurred.

CONCLUSION

After careful review of the facts obtained in the investigation I conclude that sales or production of military ordnance, military vehicle parts, and shock absorbers at the Saco, Maine plant have not decreased absolutely, and that imports of articles like or directly competitive with military ordnance, military vehicle parts, and shock absorbers have not contributed importantly to the total or partial separation of workers as required in section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10729 Filed 4-11-77;8:45 am]

V 4 2 7 0 APR 12 77 UMI

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 9706; 812-3820]

AETNA VARIABLE ANNUITY LIFE INSURANCE CO., ET AL.

Application for an Order Approving Offers of Exchange and an Order of Exemption

APRIL 4, 1977.

Notice is hereby given that Variable Annuity Account B of Aetna Variable Annuity Life Insurance Company ("Account B"), Variable Annuity Account C of Aetna Variable Annuity Life Insurance Company ("Account C" and Variable Annuity Acount E of Aetna Variable Annuity Life Insurance Company ("Account E"), which are separate accounts of Aetna Variable Annuity Life Insurance Company, 151 Farmington Avenue, Hartford, CT 06156 ("Aetna Variable" or the "Company"), registered under the Investment Company Act of 1940 ("Act") as unit investment trusts, and Aetna Variable, a Connecticut life insurance company which serves as depositor for Accounts B, C and E (hereinafter collectively referred to as "Applicants") filed an application on June 12, 1975 and amendments thereto on February 3, 1976 and March 30, 1977 pursuant to Section 11 of the Act for an order approving certain offers of exchange and pursuant to section 6(c) of the Act for an order granting an exemption from section 27 (a)(3) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Among the variable annuity contracts offered by AEtna Variable are Group Variable Retirement Annuity Contracts, Group Unit Purchase Variable Annuity Contracts, and Group Variable Fund Retirement Contracts ("Group Contracts"). Group Variable Retirement Annuity Contracts participate in Account C and are designed to fund the benefits provided under annuity purchase plans adopted by public school systems and certain tax-exempt organizations for their employees which qualify for tax-deferred treatment under section 403(b) of the Internal Revenue Code ("Code"). Group Unit Purchase Variable Annuity Contracts participate in Account B and Group Variable Fund Retirement Contracts participate in Account E; these are designed for deferred compensation plans which are not entitled to tax-preferred treatment under subchapter D of the Code.

Under the Group Contracts, the deductions made from each purchase payment include a deduction for sales and administrative expenses. The deduction for such expenses is 7 percent of the total purchase payment in the case of a Group Variable Retirement Annuity Contract and 6 percent of the balance of the purchase payment, after any applicable charges for premium taxes or insurance riders, in the case of a Group Unit Purchase Variable Annuity Contract or a Group Variable Fund Retirement Contract.

Applicants state that from time to time AEtna Variable receives a Transferred Amount under a Group Contract, which is a specified amount of $5,000 or more accumulated under a previously established plan and transferred to AEtna Variable either in a lump sum or in scheduled installments over a period not exceeding one year. Hereafter, Applicants propose to issue separate Group Contracts for Transferred Amounts, whenever the total charges under such contracts would be less than the total charges currently applicable under the relevant Group Contract. The deductions for sales and administrative expenses under the Group Contracts which Applicants propose to use for Transferred Amounts would consist of a transaction fee of $75 per participant or such lesser pro-rata amount per participant as would produce a maximum fee of $1,000, and a percentage deduction from the balance (after deduction of the transaction fee and any applicable charges for premium taxes and insurance riders), as follows:

Balance:	*Deduction (percent)*
First $100,000	5
Next $100,000	3
Next $300,000	2
Next $500,000	1
Next $4,000,000	.5
Remainder	.25

Applicants state that whenever a Transferred Amount is to be received in scheduled installments, the deductions for sales and administrative expenses applicable to the total Transferred Amount would be determined in advance and deducted proportionately from the successive installments. Applicants further represent that amounts already held by AEtna Variable pursuant to other funding arrangements cannot be transferred to the Group Contracts used for Transferred Amounts.

Applicants assert that the liquidation of assets by a tax-benefited plan and the transfer of cash proceeds AEtna Variable as a Transferred Amount would, if done properly and timely, not result in any taxable event for the plan or participants, and would not cause termination and require the establishment of a new plan. Applicants represent that when an application to apply plan assets under a Transferred Amount provision is submitted, AEtna Variable will administratively take all steps possible to assure that there is no loss of continuity from a tax standpoint. Applicants also represent that AEtna Variable provides Group Contract owners with full disclosure of the possible tax ramifications of transfers.

Applicants assert that the economies contemplated in the exemption provided by Rule 22d-3 under Section 22(d) of the Act are available with respect to a Transferred Amount and have therefore concluded not to seek exemption from Section 22(d).

SECTION 27(a)(3)

Section 27(a)(3) of the Act provides that no registered investment company issuing periodic payment plan certificates and no depositor of or underwriter for such company may sell any such certificate if the amount of sales load deducted from any one of the first twelve monthly payments exceeds proportionately the amount deducted from any other such payment, or if the amount deducted from any subsequent payment exceeds proportionately the amount deducted from any other subsequent payment.

Rule 27a-2 under the Act exempts a registered separate account, and any depositor of or underwriter for such account, from section 27(a)(3) if the proportionate amount of sales load deducted from any payment during the contract period does not exceed the proportionate amount deducted from any prior payment during the contract period.

Applicants state that whenever a Group Contract is issued for a Transferred Amount, the proportionate amount of a deduction for sales and administrative expenses from a subsequent periodic purchase payment under a separate Group Contract issued in connection with the same plan would exceed the proportionate amount deducted from a Transferred Amount.

Applicants represent that the deduction for sales and administrative expense contained in the Transferred Amount provision represents their determination of the appropriate charge to be made in connection with any such payment; that they believe that economies of scale in sales and administrative effort will be achieved to an extent justifying the lower deduction for sales and administrative expenses; and, that under such circumstances, no purpose would be served by subjecting a substantial purchase payment attributable to funds accumulated under a pre-existing plan to the higher charge for sales and administrative expenses applicable to regular periodic purchase payments.

Applicants represent further that, since the deductions for sales expenses under the Group Contracts will not exceed the statutory limitation of 9% and do not involve a front-end load arrangement, they will not lead to the abuses intended to be curbed by section 27(a). Furthermore, Applicants assert that the circumstances in which the lower charge for sales and administrative expenses are applicable are sufficiently distinct to render unlikely the possibility that any person will be misled or confused.

Applicants assert that section 27(a)(3) should not be deemed applicable in these circumstances and that no exemption from section 27(a)(3) is necessary because the respective Group Contracts could be viewed as separate securities. However, to avoid any question on the matter, Applicants request an exemption from section 27(a)(3) of the Act to the extent deemed necessary to permit the reduced deductions for sales and administrative expenses under the Group Contracts described herein.

SECTION 6(c)

Section 6(c) of the Act authorizes the Commission by order upon application to

exempt any person, security or transaction or any class or classes of persons, securities or transactions, from any provisions of the Act and rules thereunder if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

SECTION 11

Section 11(a) of the Act makes it unlawful for any registered open-end investment company or principal underwriter therefor to make an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of section 11(a) shall be applicable to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

Applicants anticipate that in some situations a payment in accordance with the Transferred Amount provision may be derived from funds previously invested in securities of other investment companies. Applicants represent that the sale of a Group Contract involves a sophisticated master applicant (usually an employer); and that AEtna Variable has procedures upon submission of a Transferred Amount application to minimize inappropriate switching of investments whenever the transfer would result in the liquidation of a variable annuity contract or policy of another insurance company and, that AEtna Variable is in the process of extending such procedures to any situation which would involve a transfer to AEtna Variable of the redemption proceeds of a prior investment in investment company shares.

Applicants assert that such transaction should not be viewed as involving an offer of exchange by Applicants intended to be covered by section 11 since Applicants will not accept a payment in the form of securities of other investment companies, will not process the conversion of securities of other investment companies held by the contract owner into cash to permit application of the proceeds as a purchase payment, and will not make arrangements with the issuers or underwriters of any investment company securities held by the contract—owner to facilitate the owner's change in investment. Applicants represent that, since any such change in investment will be made unilaterally by a contract—owner, Applicants will be neither effecting an exchange of investment company securities nor making an offer to exchange. However, in order to avoid any question being raised as to the possible application of section 11, Applicants request an order pursuant to section 11 approving the offering of its Group Contracts with the Transferred Amount provision.

Notice is further given that any interested person may, not later that April 28, 1977 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following April 28, 1977 unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-10690 Filed 4-11-77;8:45 am]

[Rel. No. 9714; 811-1203]

ALL AMERICAN FUND, INC.

Application Declaring Company Has Ceased To Be an Investment Company

APRIL 6, 1977.

Notice is hereby given that All American Fund, Inc. ("Applicant"), 9701 Wilshire Boulevard, Beverly Hills, California 90212, a Maryland corporation registered under the Investment Company Act of 1940 ("Act") as a diversified, open-end, management investment company, filed an application on January 14, 1977, and amendments thereto on February 18, 1977 and March 3, 1977, for an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statements of the representations contained therein, which are summarized below.

Applicant states that, as a result of a complaint brought by the Commission on December 17, 1974, against Applicant's former investment adviser and certain other persons, Applicant was placed in receivership by order of the United States District Court for the Central District of California ("Court") on April 8, 1975. Applicant states further that Applicant's Court-appointed receiver ("Receiver"), pursuant to order of the Court entered on November 15, 1976, (1) transferred $65,000, in cash, of Applicant's assets to a Litigation Trust, in order to continue the prosecution of certain litigation for the benefit of Applicants' shareholders, and (2) on November 30, 1976, transferred $868,856, the then aggregate value of Applicant's net assets, to American Birthright Trust ("Birthright"), in exchange for shares of Birthright at their net asset value per share. Birthright is registered under the Act as a diversified, open-end, management investment company.

According to the application, such shares of Birthright were in turn distributed on a pro rata basis to the shareholders of Applicant. Applicant represents that, as of January 14, 1977, it had no liabilities and had assets of less than $400, which were retained to pay the anticipated expenses of dissolution. Applicant represents further that it does not have any current operations and has no plans or intentions to continue as either an investment company or a corporation. According to the application, Applicant will file a certificate of dissolution with the State of Maryland.

Section 8(f) of the Act provides, in part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that, upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than May 2, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-10697 Filed 4-11-77;8:45 am]

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[Rel. No. 19971; 70-5975]

ALLEGHENY POWER SYSTEM, INC.

Proposal To Become Bonded as Surety to a State for Benefit of Its Subsidiary

APRIL 1, 1977.

Notice is hereby given that Allegheny Power System, Inc. ("Allegheny"), 320 Park Avenue, New York, New York 10022, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 12(b) and 12(f) of the Act as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

On November 30, 1976, Monongahela Power Company ("Monongahela"), a public utility subsidiary of Allegheny, filed an application for rate increases with the Public Service Commission of West Virginia. Monongahela originally requested that such rate increases become effective on December 30, 1976. On December 8, 1976, the Public Service Commission suspended the effective date of the proposed rate increases until April 28, 1977, and began an investigation into the reasonableness of the proposed rate revisions. The Public Service Commission provided in its December 8, 1976, order that Monongahela may begin applying the proposed new rates beginning April 28, 1977, provided Allegheny becomes bonded as surety to the State of West Virginia for prompt refund by Monongahela of all amounts Monongahela may collect or receive in excess of such rates and changes as may be finally fixed by the Public Service Commission. Accordingly, Allegheny proposes to become bonded as surety to the State of West Virginia in an amount and at an annual rate of interest to be determined by the Public Service Commission. The purpose of the proposed transaction is to enable Monongahela, as permitted by West Virginia law, to begin applying the new increased rates prior to completion of the Public Service Commission's investigation, hearing and decision with respect thereto. It is expected that the amount of the bond will not exceed $11,500,000, which is the estimated additional annual revenue that the new rates will provide. In the event the amount of the bond ordered by the Public Service Commission should exceed that amount, Allegheny will not execute the same until it has filed a post-effective amendment thereto, and this Commission has issued a further order with respect thereto.

The fees and expenses to be incurred in connection with the proposed transaction are estimated at $2,200. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 27, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-10698 Filed 4-11-77;8:45 am]

[Rel. No. 34-13429; File No. SR-CBOE-1977-5]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on March 16, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

This filing is made in respect of a proposal by the Chicago Board Options Exchange, Incorporated ("CBOE") to modify the fixed point intervals at which exercise prices for call options on securities trading between 50 and 80 and above 200 are determined. Presently exercise prices are generally fixed at 5 point intervals for securities trading below 50, 10 point intervals for securities trading between 50 and 200, and 200, and 20 point intervals for securities trading above 200. Under the proposed modifications, these intervals for exercise prices would generally be fixed at 5 points for securities trading below 80. For securities trading above 80, the intervals for exercise prices would generally be fixed at 10 points. The CBOE may depart from this general practice when it believes the result would be in the best interest of the investing public to do so.

In order that interested persons may be afforded formal notice of, and an opportunity to comment upon, its request, the CBOE hereby elects, pursuant to clause (ii) of paragraph (a) of Rule 19b-4, to treat its request for the above modification as a "proposed rule change" under said Rule and to file such proposed rule change in accordance with the provisions of section 19(b)(2) of the Securities Exchange Act of 1934, as amended ("the Act").

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The proposed rule change will enable the CBOE to modify the exercise price intervals which are established for options on securities trading between 50 and 80 and above 200.

The CBOE believes it is consistent with the protection of investors and the public interest, as set forth in section 6(b)(5) of the Act, that it modify the intervals at which exercise prices are set on options for securities trading between 50 and 80 and above 200. The setting of exercise prices ordinarily at 5 point intervals between 10 and 80, and 10 point intervals above 80, provides greater assurance to investors that there will, at all times, be an option series available for trading at an exercise price that approximates the market price of the underlying stock. This is in contrast to the present application of 10 point exercise price intervals between 50 and 80 which, for example, when the price of the underlying security reaches 54, precludes investors from buying or selling an option on that security other than one with an exercise price of 50 or 60. Similarly, the present application of the 20 point price interval above 200 leads to a result where, for example, when the price of the underlying security reaches 229, investors can only buy an option on that security with an exercise price of 220 or 240. The ability to open option series at prices which more closely approximate the market prices for underlying securities will afford public investors more opportunities to engage in hedging transactions, and thereby limit their risks. In addition to hedging transactions, there are numerous other public investor purchase and writing strategies which may be utilized as option series are opened at prices which are "at the market."

As option series are permitted to be opened at exercise prices which are closer to the market price of underlying securities, CBOE Market-Makers will be given greater opportunities to engage in spreading transactions. In respect of CBOE-listed options, many of the underlying stocks which trade in the 50-80 range tend not to be volatile. In addition, as an option moves out-of-the-money, i.e. if the price of the underlying security moves away from the exercise price of the option series, that option series may become restricted under CBOE Rule 4.17 and thus not available for trading. Thus, under the current exercise price interval of 10 points, there is a high likelihood that an option series with an exercise price in the 50-80 range which is more than 5 points out of the money may be illiquid or restricted and therefore not useful for spreading purposes.

Inability to spread or hedge decreases the liquidity of the market, and the bid/ask quote spread is likely to be wider in order to compensate Market-Makers for the added risks involved. By facilitating the introduction of near-the-money option series in the 50-80 range, five point exercise price intervals will provide more liquid option series for spreading purposes, decrease the risk to Market-Makers of carrying sizeable positions, and enable Market-Makers to quote tighter markets. Similar effects can be anticipated with 10 point exercise price intervals in series above 200. Increased ability to reduce their risks through hedging will contribute to the Market-Makers' performance of their obligations to maintain fair and orderly markets. Consequently, competition and participation among CBOE Market-Makers will intensify and thereby afford the public investor increased access to narrow, continuous, two-sided markets.

The CBOE believes that the proposed modifications in strike price intervals will not result in an undue proliferation of option series since the series opened at the modified intervals would frequently be substitutes for, rather than additions to, series opened further out of the money. The CBOE has investigated the expansionary implications of the proposed 5 point exercise price interval at exercise prices between 50 and 80 on both the CBOE and other exchanges. That study shows that for 1976 the substitution of 5 point for 10 point exercise price intervals for options with an exercise price between 50 and 80 would have resulted in a net increase in the total number of options series listed on all options exchanges of approximately 4.7%.

The increase in the number of option series resulting from a reduction of the exercise price interval above 200 from 20 points to 10 points would be minimal since there is only one class of options (IBM) with an exercise price above 200.

It is the CBOE's belief that the proposed modification in the exercise price intervals, as described above, will enable public investors as well as Market-Makers to more effectively limit the risk of their transactions and widen the number of strategies available in those options whose underlying securities are trading between 50 and 80 and above 200 as well as provide greater liquidity to the CBOE marketplace.

Comments were not solicited with respect to the proposed rule change.

The CBOE believes that no burden on competition will be imposed by modifying the intervals in the exercise prices of options as described above.

On or before May 17, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submission will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before May 12, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

APRIL 4, 1977.

[FR Doc.77-10691 Filed 4-11-77;8:45 am]

[Release No. 13424; SR-CBOE-76-25]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Order Approving Proposed Rule Change

APRIL 1, 1977.

On December 17, 1976, the Chicago Board Options Exchange, Incorporated ("CBOE") LaSalle at Jackson, Chicago, Illinois 60604, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change to amend several sections of its Rule 17 concerning disciplinary jurisdiction and procedures.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 13119, (December 29, 1976)) and by publication in the FEDERAL REGISTER (42 FR 1548 (January 7, 1977)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on December 17, 1976, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-10703 Filed 4-11-77;8:45 am]

[Release No. 19972; 70-5996]

CONNECTICUT LIGHT AND POWER CO.

Proposed Issuance and Sale of First Mortgage Bonds at Competitive Bidding

APRIL 1, 1977.

Notice is hereby given that The Connecticut Light and Power Company ("CL&P"), Selden Street, Berlin, Connecticut 06037, a public-utility subsidiary company of Northeast Utilities, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested parties are referred to said application, which is summarized below, for a complete statement of the proposed transaction.

CL&P proposes to issue and sell, at competitive bidding, up to $45 million principal amount of its First and Refunding Mortgage --% Bonds, Series DD, due May 1, 2007. The interest rate, which shall be a multiple of ⅛ of 1%, and the price, exclusive of accrued interest, to be paid to CL&P, which will be not less than 99% nor more than 102.75% of the principal amount thereof, will be determined by competitive bidding. The bonds will be issued under the Indenture of Mortgage and Deed of Trust dated as of May 1, 1921, between CL&P and Bankers Trust Company, Trustee, as supplemented and amended from time to time, and as to be further supplemented by a supplemental indenture to be dated May 1, 1977. The supplemental indenture provides, among other things, that bonds shall not be redeemed at the applicable general redemption price prior to May 1, 1982, if such redemption is for the purpose of or in anticipation of refunding such bonds through the use, directly or indirectly, of funds borrowed—by the company at an effective interest cost of less than the effective interest cost of the bonds.

The net proceeds from the sale of the bonds will be used by CL&P primarily to replay a portion of the company's short-term borrowings estimated to total $70,000,000 at the time of such sale. Such short-term borrowings were applied to finance CL&P's 1976–1977 construction program.

A statement of the fees and expenses incurred or to be incurred in connection with the proposed transactions will be supplied by amendment. The approval of the Connecticut Public Utilities Control Authority is required for the issuance of the bonds. It is represented that no other State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 28, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he de-

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sires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-10699 Filed 4-11-77;8:45 am]

[Rel. No. 19973; 70-5997]

EASTERN UTILITIES ASSOCIATES, ET AL.

Issue and Sale of Common Stock

APRIL 5, 1977.

Notice is hereby given that Eastern Utilities Associates ("EUA"). P.O. Box 2333, Boston, Massachusetts 02107, a registered holding company, and two of its electric utility subsidiary companies, Brockton Edison Company ("Brockton") 36 Main Street, Brockton, Massachusetts 02403, and Montaup Electric Company ("Montaup"), P.O. Box 391, Fall River, Massachusetts 02722, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6, 7, 9(a), 10, 12(c), 12(d), and 12(f) of the Act and Rules 42(b)(2), 43(a), 44(a), and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

EUA proposes to issue and sell up to 600,000 shares of its common stock (par value $5.00) by competitive bidding. EUA proposes to apply the net proceeds from such sale to the purchase, at their par value of $25.00 per share, of the maximum number of shares of Brockton common stock ("Brockton Stock") so purchasable, rounded to the next higher integral multiple of 1,000, up to a maximum of 475,000 shares or a maximum aggregate par value of $11,875,000. To the extent that the net proceeds to EUA are less than the amount required for the purchase of the Brockton Stock, the deficiency will be supplied from EUA's treasury. EUA proposes to pledge the Brockton Stock to The First National Bank of Boston as Trustee under EUA's Indenture and Deed of Trust dated as of October 1, 1953, as supplemented, securing EUA's Collateral Trust Bonds.

Brockton proposes to issue and sell the Brockton Stock at par to EUA and to apply the proceeds to the purchase, at their par value of $100.00 per share, of the maximum number of shares of Montaup common stock ("Montaup Stock") so purchasable, rounded to the next higher integral multiple of 1,000, up to a maximum of 119,000 shares or a maximum aggregate par value of $11,900,000. To the extent that the proceeds to Brockton are less than the amount required for the purchase of the Montaup Stock, the deficiency will be supplied from Brockton's treasury. Brockton proposes to pledge the Montaup Stock to State Street Bank and Trust Company under Brockton's Indenture of First Mortgage and Deed of Trust dated as of September 1, 1948, as supplemented and modified, securing Brockton's First Mortgage and Collateral Trust Bonds.

Montaup proposes to issue and sell the Montaup Stock at par to Brockton and to apply the proceeds to reduce its outstanding short-term debt to banks. At the time of the sale of the Montaup Stock it is expected that Montaup will have approximately $20,000,000 in outstanding short-term debt to banks.

It is stated that the Department of Public Utilities of the Commonwealth of Massachusetts has jurisdiction over various aspects of the proposed transactions, that the Public Utilities Control Authority of the State of Connecticut will be asked to waive any jurisdiction it might have over the proposed transactions and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed transaction will be filed by amendment.

Notice is further given that any interested person may, not later than May 2, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-10694 Filed 4-11-77;8:45 am]

[Rel. No. 9707; 812-4113]

EQUITABLE VARIABLE LIFE INSURANCE CO., ET AL.

Application For Exemption

APRIL 4, 1977.

Notice is hereby given that Equitable Variable Life Insurance Company ("EVLICO"), a New York stock life insurance company, Separate Account I of EVLICO ("Account"), an open-end diversified management investment company registered under the Investment Company Act of 1940 ("Act"), The Equitable Life Assurance Society of the United States ("Equitable"), 1285 Avenue of the Americas, New York, New York 10019 (812-4113), a New York mutual life insurance company which is the parent of EVLICO (hereinafter collectively referred to as "Applicants"), filed an application on March 29, 1977, pursuant to Section 6(c) of the Act for an order of exemption from Section 27(f) of the Act and Rules 27f-1, 27d-1, and 27d-2 thereunder in connection with the issuance of EVLICO variable life insurance contracts in exchange for certain fixed life insurance policies issued by Equitable. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

The Account is a separate investment account to which assets are allocated from time to time to support benefits payable under EVLICO's variable life insurance contracts. For purposes of the Act, the Account is deemed to be an issuer of periodic payment plan certificates, and EVLICO also may be deemed to be an issuer of periodic payment plan certificates. Equitable and EVLICO are the investment advisers and principal underwriters of the Account.

Two types of variable life insurance contracts providing for the allocation of assets to the Account have been registered under the Securities Act of 1933, and EVLICO has commenced selling the contracts in certain states. In connection with the sale of the contracts, Applicants applied for and were granted certain exemptions from requirements of the Act. See Investment Company Act Release No. 8992 (October 16, 1975) (File No. 812-3824).

Applicants anticipate that owners of Equitable fixed life insurance policies may wish to obtain EVLICO variable life insurance contracts, a product that may not have been available at the time of their purchase or which may be, because of changes in their circumstances, better suited to their needs. For this purpose EVLICO and Equitable have agreed that certain Equitable permanent fixed life insurance policies may be exchanged for the Variable Whole Life Insurance contract issued by EVLICO ("VLI contract").

Applicants state that the exchange privilege to owners of the fixed policies will have the features and characteristics described in the application and summarized below. The VLI contract will have premiums based on the same issue age and classification of risk as the fixed policy, with the face amount (and death benefit at the time of exchange) generally equal to the face amount of the fixed policy. The exchange will be subject to appropriate adjustment with the exchanging policyowner that will recognize the respective cash value levels of the fixed policies and the VLI contracts.

Sales and administrative costs incurred by EVLICO under a VLI contract issued on exchange will be less than those incurred under a new purchase of a VLI contract and EVLICO will reduce the corresponding charges to the exchanging policyowner. The agent, who will have received commissions under the fixed policy prior to exchange, will receive commissions only on future premiums paid under the VLI contract at the commission level based on the VLI contract duration as measured from the register date of the fixed policy. No sales commission will be payable on the cash value transferred from the fixed policy and applied under the VLI contract at exchange and, therefore, no sales load charge will be made. The sales load percentage charged on premiums paid under the VLI contract after exchange will be at the level applicable to the VLI contract duration as measured from the register date of the fixed policy. In most cases EVLICO will not ask for evidence of insurability at exchange and, therefore, the exchanging policyowner will not be charged for the usual first year administrative charge deducted from premiums. EVLICO will absorb any state premium tax due in connections with an exchange.

The exchanging policyowner will receive from EVLICO a basic amount equal to the difference between (a) the tabular cash value of the fixed policy and (b) 103% of the tabular cash value of the VLI contract, if positive, and will pay to EVLICO such difference, if negative. The 3% charge is designed to cover, on an average basis, (a) the accumulated amount of risk charge not collected prior to exchange for the minimum death benefit guarantee and (b) the accumulated amount of charges not collected prior to exchange for mortality and expense risks and other contingencies. A risk charge for the minimum death benefit guarantee, at the rate of 0.4% of the tabular cash value applied under the VLI contract issued on exchange is at the same rate and for the same purpose as the risk charge deducted from a VLI contract premium under a new purchase. Applicants state that this charge is made in order to make up for the insufficiency in the risk charge which the exchanging contractowner will be charged by EVLICO during the years after the exchange, which results from the fact that the 0.4% rate of charge in the years after exchange will be applied to a premium paid which is based on the exchanging contractowner's original issue age rather than his attained age at the time of exchange. A charge for mortality and expense risks and other contingencies, at the rate of 2.6% of the tabular cash value applied under the VLI contract issued on exchange is for the same purpose as the 0.5% annual charge made against the Account's assets for EVLICO's assumption of mortality and expense risks and other contingencies. Exchanging policyowners enter the pool at older ages than those on which the contract premiums are based. Applicants claim that EVLICO requires this charge on exchange to take account of the fact that prior to exchange the Account held no assets relating to the VLI contract against which the annual charge could have been levied, and under the pooling of mortality risk principle such charge is not intended to cover such risks and other contingencies on a year-to-year basis, but rather is intended to cover such risks and other contingencies on an aggregate basis over the lifetime of all insureds covered by VLI contracts. Applicants further state that after an exchange the annual charge for mortality and expense risks and other contingencies against the Account's assets under the VLI contract will be lower than anticipated in setting the VLI contract premium structure because the cash value (and assets supporting contract reserves) at exchange will be based on a VLI contract with the death benefit equal to the face amount.

If an exchange takes place between policy anniversaries the exchanging policyowner will be charged for the difference at exchange between the actual cash value and the tabular cash value of the VLI contract, if positive, and will receive credit for such difference, if negative. The exchanging policyowner will receive credit for the cash value of all dividend credits in effect under the fixed policy at exchange. If there is an outstanding loan under the fixed policy being exchanged which the policyowner elects to carry over to the VLI contract, the policyowner will pay, if necessary, an amount so that the indebtedness carried over from the fixed policy will be no more than 75% of the cash value of the VLI contract.

The exchange adjustments will be calculated based on the Separate Account Index, as defined in the VLI contract, next computed after all written requirements for the exchange are received at EVLICO's Administrative Office. Where a collection from the exchanging policyowner is required, EVLICO will "freeze" the exchange amount for a period of up to ten days to provide sufficient time for remittance of payment. The exchange will be effected as of the date payment of any exchange amount is received by EVLICO.

Any amount owing to the exchanging policyowner by EVLICO on exchange will be paid by an EVLICO check payable to such policyowner and will be delivered with the VLI contract. Any amount owing to EVLICO by such policyowner will be received by the agent unless payment is mailed to EVLICO. All such payments must be by check made payable to EVLICO. The agent will be required promptly to transmit to EVLICO checks received from the policyowner and to keep a record of checks received.

Each of EVLICO's and Equitable's officers, employees, and commission agents is covered under a general blanket bond of $1 million with a $50,000 deductible clause. The operations of both Equitable and EVLICO, including receipt and processing of amounts paid under their life insurance policies or contracts are regulated by the New York Insurance Department and under New York Insurance Law EVLICO may not abandon the obligations to VLI contractowners until they have been fully discharged.

Under the right of withdrawal provision of the VLI contract issued on exchange the contractowner may elect to return the VLI contract and request either: (1) A refund of the sum of the Exchange Amount, as shown in the endorsement to the VLI contract, and all premiums paid in addition thereto, or (2) the reissuance of the fixed policy and the reversal of all financial adjustments that were made to effect the exchange. The notice of right of withdrawal form will be so modified. Equitable and EVLICO will each undertake to guarantee the performance of all obligations of the other to refund amounts to exchanging contractowners who have exercised the right of withdrawal and Equitable will undertake to reissue fixed policies to such contractowners who request such reissuance pursuant to the withdrawal right. Except as noted in the application, the notice of right of withdrawal period and procedures will be the same as for VLI contracts issued as a new purchase.

Rules 6e-2 and 6c-3: Rules 6e-2 and 6c-3 under Sections 6(e) and 6(c), respectively, of the Act, exempt certain variable life insurance separate accounts and their investment advisers and principal underwriters from specified sections of the Act and rules thereunder. Applicants submit that pursuant to Rule 6c-3 the Account, as a registered investment company under the Act which meets the requirements of paragraph (a) of Rule 6e-2, and EVLICO and Equitable as investment advisers and principal underwriters of the Account, are exempt from the provisions of the Act and rules thereunder specified in Rule 6e-2(b), except the registration requirements, under the same conditions as a separate account claiming exemptions under Rule 6e-2.

Applicants claim that generally the proposed issuance of EVLICO variable

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life insurance contracts in exchange for fixed policies of Equitable falls within the exemptions from those sections of the Act specified in Rule 6e–2(b) which would otherwise be applicable thereto. To the extent that such proposed issuance of EVLICO variable life insurance contracts does not come within such exemptions, Applicants seek the exemptions requested herein.

Section 22(d) of the Act, in pertinent part, makes it unlawful for a registered investment company, its principal underwriter and dealers to sell its redeemable securities except at a current public offering price described in the company's prospectus. Rule 22c–1, in pertinent part, makes it unlawful for a registered investment company, its principal underwriter, and dealers to sell its redeemable securities except at a price based on the current net asset value which is next computed after receipt of an order to purchase.

Section 27(c)(2), in pertinent part, prohibits a registered investment company, or a depositor or underwriter for such company, from selling periodic payment plan certificates unless the proceeds of all payments (other than sales load) are deposited under and are held pursuant to an indenture or agreement with a trustee or custodian as prescribed in Section 26(a). Applicants claim that the issuance of the VLI contracts in exchange for fixed policies issued by Equitable are within the exemptions from Section 22(d) and Rule 22c–1 promulgated under Section 22(c) and Section 27(c)(2), to the extent provided in paragraphs (b)(12)(ii) and (b)(13)(iii) of Rule 6e–2.

Section 27(f) and Rule 27f–1: Section 27(f), in pertinent part, provides that a periodic payment plan certificateholder may surrender his certificate and receive payment of the sum of the value of his account and an amount equal to the difference between the gross payments made and the net amount invested. Rule 27f–1, in pertinent part, sets forth the form of notice of withdrawal right. Applicants claim that the "refund" of the sum of the Exchange Amount and all premiums paid in addition thereto in accordance with the right of withdrawal provision of the VLI contract issued on exchange is within the exemptions from Section 27(f) and Rule 27f–1 to the extent provided in Rule 6e–2(b)(13)(viii).

Applicants request an exemption from Section 27(f) and Rule 27f–1 to permit the exchanging contractowner to elect, in the exercise of his right of withdrawal, to request the reissuance of the fixed policy and the reversal of all financial adjustments that were made to effect the exchange, and to permit the use of the modified notice of right of withdrawal reflecting the exchanging contractowner's rights of withdrawal. Applicants submit that it is appropriate to permit such election, as the contractowner will be receiving a "refund" of what he actually gave up for the VLI contract, i.e., his fixed policy. Applicants further submit that if he were limited to receiving a cash refund, he would, upon cancellation of the VLI contracts, be without insurance coverage he might need when he may be uninsurable. Even if he could purchase a new insurance policy he would have to pay the higher premium rates applicable to his then attained age. Applicants assert that Form N–27I–2 is inappropriate for VLI contracts issued in exchange for a fixed policy to the extent that the description of the refund of payments to be received by the exchanging contractowner deviates from the refund to be received by a purchaser of a new VLI contract, and that the proposed modified notice of right of withdrawal is consistent with forms presently acceptable to the Commission.

Rules 27d–1 and 27d–2: Rule 27d–1, in pertinent part, contains the reserve requirements applicable to refunds payable to periodic payment plan certificateholders who exercise the withdrawal right pursuant to Section 27(f). Applicants claim that the undertaking by EVLICO and Equitable complies with all provisions of Rule 27d–2 and is within the exemption granted from Rule 27d–1 to the extent provided in Rule 6e–2(b)(13)(vi) and to the extent that the undertaking guarantees the performance of the obligations of EVLICO and Equitable to refund amounts to exchanging contractowners of VLI contracts who have exercised the right of withdrawal.

Applicants request an exemption from Rules 27d–1 and 27d–2 to permit Equitable to undertake directly the obligation to reissue fixed policies to exchanging contractowners who exercise the rights of withdrawal and request such reissuance without establishing a reserve in accordance with Rule 27d–1. Applicants submit that because EVLICO does not have available a fixed life insurance policy for this purpose, it is inappropriate for EVLICO to guarantee Equitable's obligation to reissue such policies in accordance with Rule 27d–2. Applicants further assert that Equitable's direct undertaking of such obligation is a procedure which will afford complete protection to exchanging contractowners.

Section 6(c): Section 6(c) of the Act, in pertinent part, provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants assert that the exemptions requested in this application are necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act within the meaning of Section 6(c) thereof.

Notice is further given that any interested person may not later than April 28, 1977, at 5:30 p.m., submit to the Commission in writing a request for hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following April 28, 1977, unless the Commission thereafter order disposing of the application will be the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77–10700 Filed 4–11–77;8:45 am]

[Rel. No. 9708; 812–4103]

KEYSTONE CUSTODIAN FUNDS, INC., ET AL.

Application For Order For Modification of Two Prior Orders

APRIL 4, 1977.

Notice is hereby given that Keystone Custodian Funds, Inc. ("Keystone"), a Delaware corporation, as trustee of each of nine trusts; namely, Keystone Custodian Funds, Series B–1, B–2, B–4, K–1, K–2, S–1, S–2, S–3, and S–4 ("Funds"), each registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, The Keystone Company of Boston ("Keystone-Boston"), a Delaware corporation, and Cornerstone, Financial Services, Inc. ("Cornerstone"), a Delaware corporation (collectively "Applicants"), 99 High Street, Boston, Massachusetts 02104, have filed an application for an order pursuant to Section 6(c) of the Act, modifying two prior orders (Investment Company Act Release Nos. 4361 and 7643) of the Commission (the "Prior Orders"), to extend the time within which shareholder approval of the underwriting contracts between Keystone and Keystone-Boston, between Keystone and Cornerstone and between Keystone and Nomura Securities Co., Ltd., must be obtained, from May 1, 1977, to and including July 15, 1977. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Prior Orders exempted Keystone, Keystone-Boston and Cornerstone from the provisions of Section 15(b)(1) of the Act on condition that the principal underwriting contracts between Keystone and Keystone-Boston and between Keystone and Cornerstone, and any future contracts of the type required by Section 15(b) of the Act so entered into, shall continue in effect with respect to any of the Funds only so long as the continuance is specifically approved at least every three years by either written approval of the holders of a majority of the outstanding shares of each of the Funds, or by vote of a majority of such outstanding shares cast in person or by proxy at a meeting called for such purpose. If the requested Prior Orders had not been granted, such approval would be required annually. The exemption was not operative with respect to any approval required from and after December 31, 1980.

The underwriting contracts dated May 1, 1974, between Keystone and Keystone-Boston and between Keystone and Cornerstone and the underwriting contract dated February 1, 1973, relating solely to the sale of Keystone Custodian Fund, Series S–4 shares in Japan between Keystone and Nomura Securities Co., Ltd., of Tokyo, Japan, were duly approved by shareholders of the Funds on April 16 and 18, 1974, pursuant to the Prior Orders, as modified by an order dated March 28, 1974 (Investment Company Act Release No. 8283). Substantial changes in the ownership of the voting stock of Keystone on December 31, 1976, may be deemed to have effected a change in the control of Keystone which would be treated as an "assignment" within the meaning of the Act of the aforementioned 1974 underwriting contracts between Keystone and its wholly-owned subsidiary underwriters, Keystone-Boston and Cornerstone. Accordingly, the 1974 underwriting contracts were replaced with identical new underwriting contracts dated December 31, 1976, between the same parties. Applicants believe and have been advised by counsel that it was not necessary to obtain approval of shareholders of the Funds of the 1976 underwriting contracts before they were entered into because they believe that such contracts were covered by the Prior Orders of the Commission as future contracts of the type required by Section 15(b) of the Act so entered into.

Applicants believe that, under the Prior Orders, as modified by the order dated March 28, 1974, the current requisite shareholder approval of the underwriting contracts must be obtained on or before May 1, 1977. Applicants state that a number of other matters are also being submitted to the shareholders of the Funds, including inter alia, a plan to combine two of the Funds with a change in the investment objectives of the surviving Fund; a change in the investment policy of the remaining eight Funds and cognate changes in their Trust Agreements; and also certain other changes in the Trust Agreements of all of the Funds. Applicants believe that, under the circumstances, each of the Funds may not receive its requisite shareholder approval by May 1, 1977. Applicants further state that failure to obtain such approval by May 1, 1977, might make future sales of shares impossible and thus have a serious adverse effect on Keystone and the Funds. Accordingly, Applicants request that the time within which such approvals must be obtained be extended from May 1, 1977, to and including July 15, 1977.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person or transaction from any provisions of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 28, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O–5 of the Rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77–10701 Filed 4–11–77;8:45 am]

[Release No. 9709; 812–4102]

MASSACHUSETTS MUTUAL LIFE INSURANCE CO. AND MASSMUTUAL INCOME INVESTORS

Filing of Application

APRIL 5, 1977.

Notice is hereby given that Massachusetts Mutual Life Insurance Company, 1295 State Street, Springfield, Massachusetts 01111 ("Insurance Company"), a mutual life insurance company organized under the laws of the Commonwealth of Massachusetts, and MassMutual Income Investors, Inc. ("Fund"), a company registered under the Investment Company Act of 1940 (the "Act") as a diversified, closed-end, management investment company (collectively, "Applicants"), filed an application on March 7, 1977, and an amendment thereto on March 30, 1977, for an order (1) pursuant to Section 17(d) of the Act and Rule 17d–1 thereunder permitting the Insurance Company and the Fund to purchase $8,000,000 principal amount and $2,000,000 principal amount, respectively, of a new issue of 9¼% 25 year First Mortgage Bonds ("Bonds") of Ohio Electric Company ("Ohio Electric"), at 100% of the principal amount thereof plus accrued interest, and (2) pursuant to Section 17(b) of the Act exempting from the provisions of Section 17(a) of the Act the sale by the Insurance Company to the Fund of $2,000,000 principal amount of the Bonds at 100% of the principal amount thereof plus accrued interest, in the event the Insurance Company has purchased the aggregate $10,000,000 principal amount of such Bonds prior to the Commission's issuance of the requested order pursuant to Section 17(d) of the Act and Rule 17d–1 thereunder permitting the joint purchase of the Bonds. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that the Insurance Company serves as investment adviser to the Fund. They further state that Ohio Electric is issuing at direct placement $200,000,000 aggregate principal amount of the Bonds, described above, and that the Insurance Company has been offered for purchase $10,000,000 aggregate principal amount of the Bonds. According to the application, Ohio Electric, a wholly-owned subsidiary of Ohio Power Company ("Ohio Power"), which is a subsidiary of American Electric Power Company ("American Electric"), has represented the purpose of the issue of the Bonds to be for the partial repayment of $300,000,000 of bank debt of Ohio Electric which was incurred in financing the construction of the electric generating plant which it owns and operates. Applicants state that: (1) The Bonds will be secured by a first mortgage lien on substantially all property now owned or hereafter acquired by Ohio Electric; (2) the Bonds will provide for fixed sinking fund payments beginning in 1978; and (3) under a power agreement, all of the output of Ohio electric's plant is sold to Ohio Power, and payments provided for by that agreement are sufficient to enable Ohio Electric to pay all its operating and other expenses, including interest and amortization on borrowings.

Applicants state that neither the Insurance Company nor the Fund holds any securities of Ohio Electric or Ohio Power, although the Insurance Company holds $900,000 principal amount of 6% sinking fund debentures due March 1, 1996, and 1,406 shares of 4½% cumulative preferred stock issued by Appala-

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chian Power Company, a subsidiary of American Electric, and the Fund holds $550,000 principal amount of 8¾% first mortgage bonds due April 1, 2000, issued by Indiana and Michigan Electric Company, another subsidiary of American Electric. In addition, Applicants state that the Insurance Company owns $1,248,000 principal amount of 3¾% first mortgage bonds due January 1, 1982, issued by Ohio Valley Electric Corporation, 37.8% of the voting securities of which are owned by three subsidiaries of American Electric, and that the Insurance Company comanages a pension fund which holds $100,000 principal amount of 10¼% first mortgage bonds due June 1, 1982, issued by Indiana and Michigan Electric Company, another American Electric subsidiary.

Section 2(a)(3) of the Act defines an "affiliated person" of an investment company to include the investment adviser thereof. Applicants state that, as investment adviser to the Fund, the Insurance Company is an affiliated person of the Fund. Section 17(d) of the Act and Rule 17d–1 thereunder, taken together, provide, in part, that it is unlawful for an affiliated person of a registered investment company, acting as principal, to effect any transaction in which such registered investment company is a joint participant, without the permission of the Commission. Rule 17d–1 provides, in part, that in passing upon applications for orders granting such permission, the Commission will consider: (1) Whether the participation of the investment company in such transaction on the basis proposed is consistent with the provisions, policies and purposes of the Act, and (2) the extent to which such participation is on a basis different from or less advantageous than that of other participants. Therefore, Applicants request an order of the Commission pursuant to Section 17(d) of the Act and Rule 17d–1 thereunder permitting the purchase by the Insurance Company and the Fund of $8,000,000 principal amount and $2,000,000 principal amount, respectively, of the Bonds to be issued by Ohio Electric.

Section 17(a) of the Act provides, in part, that it is unlawful for any affiliated person of a registered investment company, acting as principal, knowingly to sell any security to such registered investment company. Section 17(b) of the Act generally provides that, upon application, the Commission shall exempt a proposed transaction from the provisions of Section 17(a) of the Act if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction in consistent with the policy of the registered investment company concerned and with the general purposes of the Act. Applicants request an order of the Commission pursuant to Section 17(b) of the Act exempting from the provisions of Section 17(a) of the Act the possible sale by the Insurance Company to the Fund of $2,000,000 principal amount of the Bonds at 100% of the principal amount thereof plus accured interest, in the event that the Insurance Company purchases the entire $10,000,000 principal amount of the Bonds prior to receipt of the order pursuant to Section 17(d) of the Act and Rule 17d–1 thereunder that Applicants have requested. Applicants state that any such sale by the Insurance Company to the Fund would occur as soon as practicable after receipt of the requestsed order pursuant to Section 17(b) of the Act; provided, however, that (1) such order is received within three months after the date the Insurance Company acquires the Bonds, and (2) the Fund will not be obligated to purchase any of the Bonds from the Insurance Company, and will not purchase any of such Bonds, unless contemporaneously with the purchase a majority of the "non-interested" directors of the Fund approves the transaction. According to the application, if the requested order is not received, the entire $10,000,000 principal amount of the Bonds will be retained for investment by the Insurance Company.

Applicants assert that: (1) In the judgment of the Insurance Company the Bonds are an attractive investment for the Fund; (2) despite their shorter maturity, the Bonds provide a higher yield than that of publicly held bonds which have been issued by Ohio Power, the parent of Ohio Electric; (3) the Insurance Company believes that the interest coverages of Ohio Electric and Ohio Power are satisfactory and improving and that their capitalization ratio is in line with that of the industry; and (4) an adequate supply of fuel for Ohio Electric's plant is available.

Applicants state that, although the Insurance Company and the Fund hold securities of subsidiaries of American Electric, this fact has had no material effect on the independence of the advice of the Insurance Company that the Bonds are an attractive investment for both the Insurance Company's general account and for the Fund. They also state that the Fund's purchase of the Bonds has been approved by unanimous vote of its board of directors including all of its "non-interested" directors.

Applicants state that it is appropriate for the Insurance Company to share with the Fund, on the basis proposed, the $10,000,000 aggregate principal amount of the Bonds which the Insurance Company has been offered. According to the application, the Fund is subject to an investment policy that it invest at least 75% of its total assets in one or more of five categories of high-grade, interest-bearing, publicly traded debt securities, and that, in addition, the Fund is subject to the restriction that it not invest more than 25% of its assets in certain types of securities of lower ratings or in restricted securities. Applicants state that, based upon the Fund's present size and portfolio, an additional $24,608,000 could be invested in the latter 25% category. However, Applicants state that they believe it would be inadvisable for 20% of such amount to be invested in one restricted debt security, as would be the case if the Fund and the Insurance Company each purchased one-half of the $10,000,000 aggregate principal amount of the Bonds offered to the Insurance Company. Accordingly, Applicants state their belief that it would be advisable for the Fund to acquire only $2,000,000 of the Bonds, as they propose.

Applicants submit that to make available to the Fund the investment opportunity presented by the Bonds is consistent with the provisions, policies, and purposes of the Act and that the participation of the Fund will not be on a basis less advantageous than that of the other participants who are purchasing the Bonds. Applicants also submit that: (1) The terms of the proposed sale by the Insurance Company to the Fund are reasonable and fair and would not involve overreaching by either Applicant, and (2) such proposed transaction is consistent with the policy of the Fund.

Notice is further given that any interested person may, not later than April 29, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77–10689 Filed 4–11–77;8:45 am]

[Release No. 34–13406; File No. SR–MSE–77–4]

MIDWEST STOCK EXCHANGE, INC.

Self-Regulatory Organizations, Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on March 3, 1977, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Additions italicized, Deletions Bracketed

NOTE.—The amendments proposed herein are further changes from amendments proposed in a separate filing pursuant to Rule 19b–4 numbered SR–MSE–76–26, which filing, is relating to the trading of put options, is presently pending.

Rule 7 of Article XL is hereby amended as follows:

RESTRICTION OF OUT-OF-THE-MONEY OPTIONS

Rule 7(a) Subject to the provisions of paragraph (b) through (c), no member on behalf of a customer or for its own account, shall enter any order for an opening transaction (purchase or writing) in any call options contract as to which: (1) The exercise price is more than $5.00 above the closing price of the underlying stock *if the stock is traded principally on a national securities exchange or where the stock is traded principally in the over-the-counter market, the mean between the final representative bid and asked quotation, for the underlying stock*, on the last previous day on which the underlying stock was traded, and (ii) the closing price of the option on the Exchange was less than $.50 per unit of trading on the last previous day on which the option was traded; and no member, on behalf of a customer or for his own account, shall enter any order for an opening transaction (purchase or writing) in any put option contract as to which: (1) The exercise price is more than $5 below the closing price of the underlying [security in the primary market] *stock if the stock is traded principally on a national securities exchange or where the stock is traded principally in the over-the-counter market, the mean between the final representative bid and asked quotation, for the underlying stock* on the last previous day on which the underlying security was traded, and (2) the closing price of the option on the Exchange was less than $.50 per unit of trading on the last previous day on which the option was traded.

(b) No change.

(c) No change.

• • • Interpretations and Policies:

.01 It is contemplated that the authority given in paragraph (c)(ii) to make exceptions, modifications or additions will be applied primarily when an unusual intraday trading movement in the price of the options or the *price of or representative quotations for the* underlying stock is such that the Chairman of the Options Floor Procedure Committee determines that the prior day's [close] *closing price or final representative quotations* should no longer be decisive as to the application of this Rule.

.02 No change.

.03 Over-the-counter market refers to the market which is reflected in the National Association of Securities Dealers Automated Quotation System (NASDAQ).

Rule 3 of Article XLI is hereby amended as follows:

APPROVAL OF UNDERLYING SECURITIES

Rule 3. The underlying securities of option contracts listed on the Exchange shall be approved for Exchange transactions by the Board of Governors (or the Executive Committee). In approving underlying securities, the Board shall promulgate guidelines relative to the following factors:

(a) The underlying securities of option contracts listed on the Exchange shall have, in the absence of exceptional circumstances, the following characteristics:

(i) A minimum of 8,000,000 shares which shall be owned by persons other than those required to report their stock holdings under Section 16(a) of the Securities Exchange Act of 1934; *and*,

(ii) A minimum of 10,000 shareholders; and,

(iii) Trading volume (on all markets on which the stock is traded) of at least 2,000,000 shares per year in each of the two previous calendar years; and,

(iv) The market price per share of the underlying security shall have been at least $10.00 each business day of the six calendar months preceding the date of selection as measured by the lowest closing price recorded in any market on which the underlying security traded on each of the subject days.

(b) Underlying securities shall *either* be duly listed and registered on a national securities exchange or, *shall be designated as "OTMC Margin Stock" pursuant to Regulation T under the Securities Exchange Act of 1934*; and,

(c) The list of approved securities shall be representative of issuers engaged in a wide variety of business activities.

Rule 1 of Article XLII is hereby amended as follows:

TRADING ROTATIONS

Rule 1. No change.

• • • Interpretations and Policies:

.01 Trading rotations may be employed at the opening and at the close of the Exchange each business day. For each class of option contracts that have been approved for trading, the opening and closing rotation when employed shall be conducted by the Order Book Official acting in such class of options. The rotations shall be conducted in the following manner:

(a) Opening Rotations. The opening rotation in each class of options shall if employed be held promptly following the opening of the underlying security. As a rule, an Order Book Official acting in more than one class of options should open them in the same order in which opening transactions are reported in the underlying securities. In conducting each such opening rotation, the Order Book Official should first open the one or more series of options of a given class having the nearest expiration, then proceed to series of options having the next most distant expiration, and so forth, until all series have been opened.

Except as otherwise provided by the Options Floor Procedure Committee, if both puts and calls covering the same underlying security are traded, the Order Book Official shall determine which type of option should open first, and may alternate the opening of put series and call series or may open all series of one type before opening any series of the other type, depending on current market conditions.

In the event an underlying security *which is listed on an exchange* has not opened or *current representative quotations are not available through the NASDAQ system for an underlying security which is principally traded in the over-the-counter market*, within a reasonable time after 9:00 A.M. (Chicago Time), the Order Book Official acting in option contracts on such security shall report the delay to an Options Floor Official and an inquiry shall be made to determine the cause of the delay. The opening rotation for option contracts in such security shall be delayed until *either* the underlying security *which is listed on an exchange* has opened *or until current representative quotations are available for the underlying security which is principally traded in the over-the-counter market, unless the chairman of the Options Floor Procedure Committee, or in his absence* two *Options* Floor Officials, determine that the interests of a fair and orderly market are best served by opening trading in the option contracts.

(b) Closing Rotations. The closing rotations if employed shall be commenced at the close of trading hours on the Options Floor of the Exchange with all Order Book Officials proceeding concurrently in the following manner. Taking each class of option contracts in which he is acting in turn, each Order Book Official should close the one or more series of each class having the nearest expiration; he should then proceed to close in the same order, those series of each class having the next most distant expiration; and so forth, until all series have been closed. Except as otherwise provided by the Options Floor Procedure Committee, if both puts and calls covering the same underlying security are traded, the Order Book Official shall determine the order of closing each series of such puts and calls in light of the current market conditions, the same as provided in paragraph (a) for opening rotations.

Rule of Article XLII is hereby amended as follows:

TRADING HALTS AND SUSPENSIONS

Rule 2. No change.

• • • Interpretations and Policies:

.01 In the event that in an underlying stock *which is listed on an Exchange* has not opened *or, in the case of underlying stock principally traded in the over-the-counter market, the representative quotations through the NASDAQ system are not available*, within a reasonable time after 9:00 A.M. (*Chicago Time*) the Order Book Officials shall report the delay to an Options Floor Official assigned to his zone and appropriate steps shall be taken to determine the cause for the delay. The opening of trading in such options shall be delayed until *either* the underlying stock *which is listed on an exchange* has opened *or until current representative quotations are available for the underlying stock which is principally traded in the over-the-counter market* unless the chairman of the Options Floor [trading], *Procedure* Committee, or in his absence at least two Options Floor Officials, shall determine that the interest of a fair and orderly market are best served by opening trading in such options.

.02 No change.

Rule 4 of Article XLV is hereby amended as follows:

RESPONSIBILITIES OF FLOOR BROKERS

Rule 4(a) No change.

(b) Contingency order or one-cancels-the-other order. A Floor Broker handling a contingency order or a one-cancels-the-other order that is dependent upon the price *of, or the representative quotation for*, the underlying security shall be responsible for satisfying the dependency requirement on the basis of the last reported price *of, or the representative quotation for*, the underlying security that is generally available on the Floor of the Exchange at any given time. Unless mutually agreed by the members involved, an execution or non-execution that results shall not be altered by the fact that such price, *or the representative quotation*, is subsequently found to have been erroneous.

(c) No change.

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• • • Interpretations and Policies:

.01 No change.
.02 No change.

Rule 6 of Article XLVII is hereby amended as follows:

OBLIGATIONS OF MARKET MAKERS

Rule 6(a) No change.
(b) No change.
(i) No change.
(ii) Bidding no more than $1 lower and/or offering no more than $1 higher than the last preceding transaction price for the particular option contract. However, this standard shall not ordinarily apply if the *representative bid or offer for underlying OTC stocks,* or price per share (or other unit of trading) of the underlying *Exchange listed stock* [security] has changed by more than $1 since that last preceding transaction for the particular option contract.
(c) No change.
(d) No change.

• • • Interpretations and Policies:

No change.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The principal purpose of the proposed rule changes is to permit selected securities that are traded in the over-the-counter market and are not listed on any national securities exchange to serve as underlying stocks for options traded on MSE. (These are referred to herein as "OTC Underlying Stock"). Prior to reflecting the proposed rule changes, under MSE's rules each underlying stock in respect of options traded on MSE must itself be duly listed and registered on a national securities exchange. The purpose of each particular rule change that is proposed therein may be explained as follows:

ARTICLE XL, RULE 7

It is proposed to amend Article XL, Rule 7 and Interpretation .02 thereunder to provide that for purposes of imposing restrictions on certain transactions in out-of-the-money options covering OTC underlying stock, the mean between the final representative bid and asked quotation on NASDAQ will be utilized as the current market price of the underlying stock.

ARTICLE XLI, RULE 3

The proposed amendment to Rule 5.3 would permit MSE to select for options trading underlying securities that are designated as "OTC Margin Stock" pursuant to Regulation T, provided that such stock meets all of the other requirements which presently pertain to the selection of underlying stock.

ARTICLE XLII, RULE 1.—INTERPRETATION .01

It is proposed to amend this Interpretation to provide that the opening rotation of options covering OTC underlying stocks shall commence each trading day following the availability of representative quotations on NASDAQ. Further, it is proposed to amend this Interpretation to allow the Chairman of the Options Floor Procedure Committee to determine whether or not the open options trading under the circumstances described therein, so as to be consistent with the procedure set forth in Interpretation .01 of Rule 2 of Article XLII.

ARTICLE XLII, RULE 2

This rule is proposed to be amended to permit the Chairman of the Options Floor Procedure Committee or in his absence two Floor Officials, to delay the opening in an option covering an OTC underlying stock whenever current representative quotations for the underlying security are not available.

ARTICLE XLV, RULE 4

It is proposed to amend this rule which describes various contingency orders that are dependent upon the market price of underlying stocks, to provide that in the case of options covering OTC underlying stocks, such contingency orders will depend upon representative quotations for the underlying stocks in the over-the-counter market.

ARTICLE XLVII, RULE 6

The proposed amendment to this rule reflects that in the case of options covering OTC underlying stocks, changes in the representative bid or offer for the underlying stock serve to determine the circumstances under which a market maker may change his option quotation by more than $1.00.

The Midwest Stock Exchange believes that it is consistent with the standards of the Act designated for the protection of investors and the public interest to select as underlying stocks for options transactions certain of the most widely held and actively traded stocks that are traded in the over-the-counter market and are not listed on any national securities exchange. The introduction of MSE Options on OTC stock will provide the public with the same benefits provided with respect to the options provided by MSE on Exchange listed stocks. Additionally, inasmuch as the NASD has announced its intention to provide standardized options on OTC stocks, the entry of the MSE into this field will be consistent with the competitive mandate of the Securities Reform Act of 1975. Section 12(f) of the 1975 Act provided the ability of Exchanges to trade OTC stocks, as one means of encouraging the development of a National Market System. It is clear that providing the MSE permission to trade options on OTC stocks will be a further step in this direction.

Although formal comments have not been solicited or received, opinions informally expressed to MSE have been in support of the proposal to extend options trading to selected OTC underlying stocks.

The proposed rule changes will impose no burden on competition.

On or before May 17, 1977, or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or (B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before May 3, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 25, 1977.

[FR Doc.77-10706 Filed 4-11-77;8:45 am]

[Rel. No. 34-13431; File No. SR-MSE-77-6]

MIDWEST STOCK EXCHANGE, INC.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975) notice is hereby given that on March 25, 1977, the above-mentioned self-regulatory organizations filed with the Securities and Exchange Commission a proposed rule change as follows:

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Pursuant to Rule 19b-4A, the Midwest Stock Exchange, Incorporated proposes to expand its options program by increasing the number of authorized call options traded on underlying stock from 20 to 40.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of this proposal is to increase competition with other exchanges, improve the financial structure of the Exchange, increase the availability of options trading to the public, and to accommodate the business needs of our members and those market makers who have committed capital to Exchange or intend to commit additional capital.

On December 8, 1976, the Securities and Exchange Commission approved the initial proposal of the Midwest Stock Exchange to engage in options trading, and in so doing, found the proposal consistent with the requirements of the Securities Exchange Act of 1934 and section 6, in particular, dealing with national securities exchanges. This proposal is an extension of the initial proposal and is consistent therewith.

Comments have neither been solicited nor received.

The proposed rule change will impose no burden on competition.

On or before May 17, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and sohuld be submitted on or before May 12, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

APRIL 5, 1977.

[FR Doc.77-10692 Filed 4-11-77;8:45 am]

[Release No. 13428; File No. SR-OCC-75-7]

OPTIONS CLEARING CORP.

Order Approving Rule Change Submitted To Accommodate Issuance of Put Option Contracts and Clearance and Settlement of Put Transactions and Exercises

APRIL 4, 1977.

On December 23, 1975, The Options Clearing Corporation ("OCC"), 6150 Sears Tower, Chicago, Illinois 60606, submitted pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act"), a proposed rule change relating to the issuance of put option contracts and the clearance and settlement of put transactions and exercises.

In accordance with section 19(b) of the Act and Rule 19b-4 thereunder, the proposed rule change was published in the FEDERAL REGISTER, 41 FR 4987 (February 3, 1976), and the public was invited to submit comments until February 24, 1976. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 12049 (January 27, 1976). No letters of comment were received.

The OCC submission incorporated by reference proposed rule changes pertaining to put option transactions set forth in previous rule filings concerning the settlement of exercised option contracts through a designated clearing corporation (File No. OCC-76-7, approved with respect to call option contracts in Securities Exchange Act Release No. 12857 (October 4, 1976) 41 FR 44903 (October 13, 1976)) and the automatic exercise of certain in-the-money option contracts (File No. OCC-76-10, approved with respect to call option contracts in Securities Exchange Act Release No. 13155 (January 12, 1977), 42 FR 3914 (January 21, 1977)).

The Commission has reviewed the OCC submission and finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change contained in File No. SR-OCC-75-7 be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-10702 Filed 4-11-77;8:45 am]

[Rel. No. 13432; SR-PHLX-76-23]

PHILADELPHIA STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

APRIL 5, 1977.

On December 30, 1976, the Philadelphia Stock Exchange, Inc. ("PHLX"), 17th Street and Stock Exchange Place, Philadelphia, Pennsylvania 19103, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change to provide an automatic execution system for limit orders up to 299 shares in securities traded under the system.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 13171, (January 14, 1977)) and by publication in the FEDERAL REGISTER (42 FR 5161 (January 27, 1977)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, Pursuant to Section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on December 30, 1976, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-10693 Filed 4-11-77;8:45 am]

[Release No. 13412; File No. SR-PHLX 77-2]

PHILADELPHIA STOCK EXCHANGE, INC.

Self-Regulatory Organizations, Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on March 23, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

PHLX' STATEMENT OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Philadelphia Stock Exchange, Inc. (PHLX) proposes a By-Law Amendment relating to the affiliation of the Exchange President with wholly-owned corporate subsidiaries of the Exchange. The text of the proposed amendment follows. Brackets indicate deletions; italics indicate new material:

By-Law 7-4: The President shall be appointed by the Board of Governors to serve at its pleasure and for such compensation as it may fix. During his incumbency he shall be a member of the Board of Governors, but he shall not be a general partner of a member firm [or] *nor* an officer, director or voting stockholder of a member corporation other than [Stock Clearing Corporation of Philadelphia] *one admitted as a corporate entity under the provisions of Article XII of the By-Laws.*

PHLX' STATEMENT OF BASIS AND PURPOSE

Present By-Law 7-4 states, inter alia; that the President of the Exchange, shall not be an officer, director or voting stockholder of a member corporation other than Stock Clearing Corporation of Philadelphia. At the time of the By-Law's adoption in 1965, the Clearing Corporation was the only existing corporate subsidiary of the Exchange which was a member.

By Law 12-3 provides that a corporation may be admitted to membership in the Exchange provided it is incorporated in Pennsylvania and all its capital stock is owned by the Exchange. This is the only type of organization which can hold a membership in its own corporate name. In all other types of organizations a natural person holds the membership for their benefit. The purpose of 12-3 was to accommodate the membership of the Clearing Corporation and simplify its admissions process because of the Exchange's knowledge of its own subsidiary.

Philadelphia Options Corporation (POC) has recently been incorporated under the laws of Pennsylvania as a wholly-owned subsidiary of the Exchange and admitted as a corporate member under By-Law 12-3. Its principal purpose will be to act as correspondent broker and agent in the clearance

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and settlement of listed options transactions through the Options Clearing Corporation. POC will be a registered broker-dealer, and will hold such exchange and clearing corporation memberships as will enable it to perform its functions.

It appears appropriate to allow the Exchange President to be an officer or director of any wholly-owned Exchange subsidiary in addition to the Stock Clearing Corporation of Philadelphia with which he has always been affiliated. Accordingly, the proposed amendment will allow him to be an officer or director of a member corporation admitted as a corporate entity under the provisions of Article XII of the By-Laws, i.e., a Pennsylvania Corporation which is a wholly-owned subsidiary of the Exchange such as Stock Clearing Corporation or POC.

The proposed amendment, as an organizational change, is consistent with the Exchange's obligation under Section 6(b)(1) to comply with and to enforce compliance by its members with the Act and the rules of the Exchange.

No comments have been received from members on the proposed amendment.

No burden on competition will be imposed by the proposed amendment.

The PHLX does not consent to an extension of time periods specified in Section 19(b)(2) of the Act.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to file number references in the caption above and should be submitted on or before May 3, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 30, 1977.

[FR Doc.77-10705 Filed 4-11-77;8:45 am]

[Release No. 34-13421; File No. SR-PHLX-77-4]

PHILADELPHIA STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on March 29, 1977, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

PHLX' STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change, relating to fidelity bond coverage requirements as set forth in Rule 705 of the Philadelphia Stock Exchange, Inc., gives recognition to the special circumstances under which certain broker/dealers operate by requiring a broker/dealer operating pursuant to subparagraph (a)(2) of Rule 15c3-1 to carry bond coverage in an amount not less than $25,000 or 50% of the coverage required of broker/dealers which carry accounts for non-members; specifically exempts member organizations whose business is solely that of a specialist, floor broker or registered trader; more clearly shows the coverage required; clarifies the coverage required by member organizations computing net capital under the alternative method set forth in paragraph (f) of Rule 15c3-1 and amends the treatment afforded self-insurance for purpose of computing net capital.

PHLX' STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

3. The purpose of the proposed rule change is to give recognition to the special circumstances under which certain broker/dealers operate by requiring the maintenance of bond coverage in a manner consistent with that of other Exchanges and to provide for the inclusion of certain technical and clarifying provisions.

4.(a) The basis under the Act for the proposed rule change is provided under Section 6(b)(5), which section requires an exchange to have rules which are not designed to permit unfair discrimination between brokers or dealers. Such proposed rule change will give recognition to the special circumstances under which certain broker/dealers operate in a manner similar to that provided in fidelity bond rules of other exchanges and Rule 15c3-1 under the Securities Exchange Act of 1934.

5. Comments were not solicited or received from members of or participants in the Exchange or others.

6. In view of the substantial similarity between the proposed rule change, the rules of other exchanges, Rule 15b10-11 under the Securities Exchange Act of 1934 and Article III: Section 32 of the Rules of Fair Practice of the National Association of Securities Dealers, Inc., it is the opinion of this Exchange that such proposed rule change imposes no burden on competition.

On or before May 17, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within on or before May 3, 1977. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

APRIL 1, 1977.

[FR Doc.77-10704 Filed 4-11-77;8:45 am]

[Rel. No. 9713; 812-4107]

SECURITY BENEFIT LIFE INSURANCE CO. AND SBL VARIABLE ANNUITY ACCOUNT

Application Approving Offers of Exchange and Exemption

APRIL 6, 1977.

Notice is hereby given that Security Benefit Life Insurance Company ("SBL"), a Kansas mutual life insurance company and SBL Variable Annuity Account ("VAA"), 700 Harrison Street, Topeka, Kansas 66636, a separate account of SBL registered as a unit investment trust under the Investment Company Act of 1940 ("Act") (hereinafter collectively referred to as "Applicant"), filed an application on March 14, 1977 and amendments thereto on March 31, and April 6, 1977, pursuant to Section 11 of the Act for an order approving certain offers of exchange and pursuant to Section 6(c) of the Act for an order exempting Applicants from the provisions of Sections 26(a) and 27(c)(2) of the Act and for an order exempting Applicants from the provisions of Sections 22(e), 27(c)(1) and 27(d) of the Act to the extent necessary to permit compliance by Applicants with certain provisions of the Education Code of the State of Texas. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

The VAA was established by SBL on November 8, 1968, pursuant to the provisions of the Kansas Statutes. SBL sells Variable Annuity Contracts ("Variable Contracts") designed to provide retirement annuity benefits for (i) employees of corporate employers who have adopted retirement plans meeting the requirements of Section 401(a) of the Internal Revenue Code of 1954, as amended (the "Code") or annuity purchase plans meeting the requirements of Section 403(a) of the Code, (ii) employees of public educational institutions and organizations exempt from taxation under Section 501(c)(3) as tax deferred annuity contracts pursuant to provisions of Section 403(b) of the Code, and (iii) individuals who qualify for the purchase of individual retirement savings programs under Section 408 of the Code. All Variable Contracts have combined fixed

and variable benefits. The contract-owner makes payments to SBL, which deducts sales and administrative expenses. The balance of such payments are allocated to the VAA, or, at the direction of the contractowners, to SBL's general account. Payments allocated to the VAA represent, at the option of the contractowner, Variable Accumulation Units of Series E Variable Contracts, Series I Variable Contracts or Series B Variable Contracts. Assets equivalent to reserves for Series E Variable Contracts are invested in shares of Security Equity Fund, Inc., assets equivalent to reserves for Series I Variable Contracts are invested in shares of Security Investment Fund, Inc., and assets equivalent to reserves for Series B Variable Contracts are invested in shares of Security Bond Fund, Inc.

Security Equity Fund, Inc., Security Investment Fund, Inc. and Security Bond Fund, Inc. (the "Funds") are registered as diversified, open-end management investment companies under the Act. Security Management Company, Inc., a wholly-owned subsidiary of SBL, serves as investment adviser of the Funds and owns all of the outstanding stock of Security Distributors, Inc., the principal underwriter of the Funds. SBL is the depositor of VAA.

In 1967, the State of Texas directed the governing boards of all Texas institutions of higher education to make available to certain employees an Optional Retirement Program ("Program"), codified as Subchapter G of Chapter 51 of the Texas Education Code. The statute provides as the funding media for the Program fixed or variable annuity contracts purchased from any insurance or annuity company qualified to do busines in Texas. In 1973, the Texas legislature made two amendments in the Program legislation, which amendments became effective on June 14, 1973. The statutory definition of the Program was amended to provide that the benefits of such annuities are to be available only upon termination of employment in the Texas public institutions of higher education, retirement, death or total disability of the participant. The other amendment added a new Section 51.358 to Subchapter G which also provides that the benefits of such annuities will be available only if the participant dies, terminates his employment due to total disability, accepts retirement, or terminates employment in the Texas public institutions of higher education.

Because of uncertainty regarding the effect of these amendments, the University of Texas System ("System") requested the opinion of the Attorney General of Texas with respect to several questions concerning such amendments. The Attorney General rendered an opinion dated February 18, 1975, in response to the System's letter. The Attorney General interpreted Section 51.358 to prohibit provisions in a variable annuity contract issued in connection with the Program on or after June 14, 1973, which provide for making available the redemption value of such contract prior to the occurrence of one of the conditions specified in the statute, i.e., termination of employment, retirement, death or total disability. Moreover, the opinion further stated that the prohibitions of Section 51.358 were impliedly in effect upon the establishment of the Program (in 1967) and that notwithstanding any language which may be contained in existing contracts, a participant in the Program has never had the right to redeem his annuity contract otherwise than in accordance with the limitations described above. The opinion did not affect the right of a participant to transfer the redemption value of his annuity contract from one carrier to another; accordingly, the granting of the relief requested in the application would not affect such right.

SECTIONS 27(c)(1), 22(e) AND 27(d)

Section 27(c)(1) of the Act makes it unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate unless such certificate is a redeemable security. Section 2(a)(32) of the Act defines "redeemable security" to mean any security under the terms of which the holder upon its presentation to the issuer or to a person designated by the issuer is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof.

Section 22(e) of the Act provides that no registered investment company shall suspend the right of redemption or postpone the date of payment or satisfaction upon redemption of any redeemable security in accordance with its terms for more than seven days after the tender of such security to the company or its agent designated for that purpose for redemption except in certain prescribed circumstances.

Section 27(d) of the Act makes it unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate unless the certificate provides that the holder thereof may surrender the certificate at any time within the first eighteen months after the issuance of the certificate and receive in payment thereof, in cash, the sum of (1) the value of his account, and (2) an amount, from such underwriter or depositor, equal to that part of the excess paid for sales loading which is over 15 per centum of the gross payments made by the certificate holder.

Applicants request exemptions from the provisions of Sections 22(e), 27(c)(1) and 27(d) of the Act to the extent necessary to permit compliance with Section 51.358 as it pertains to (i) redemption values under Variable Contracts issued to participants in the Program subsequent to the date of such exemptive order and (ii) redemption values under Variable Contracts issued prior thereto but attributable to payments made subsequent to the date of such order.

Applicants assert that if such exemptions are not granted, persons participating in the Program effectively will be denied an opportunity to select as a funding medium for their retirement benefits one of two funding media (the other being fixed annuity contracts) specifically provided in the Texas statute for such purpose. Additionally, participants will be unable to obtain the State's matching contributions for the purchase of an equity-based retirement vehicle. In this respect, the Attorney General's opinion indicated that these matching contributions will encourage participation in the retirement plan but that unrestricted withdrawals prior to retirement might be detrimental to an effective retirement vehicle. In view of the foregoing, Applicants assert that the Commission should grant the requested exemptions because: (1) the limited restriction on redemption would be voluntarily assumed by participants, i.e., eligible employees are not required to participate in the Program; (2) the restrictions were not formulated nor suggested by Applicants; and (3) participants' relinquishment of the full right of redemption is a reasonable requirement in exchange for the benefits bestowed by the matching contributions of the State of Texas.

Applicants will ensure that appropriate disclosure is made to persons who consider participation in the Program, informing them of the restriction on the availability of redemption values under Variable Contracts to be issued to them. This disclosure will take the form of an appropriate reference in each Prospectus to the restrictions on redemption of these Variable Contracts, as well as requiring each participant, as a part of the determination that the sale of these Variable Contracts is suitable for that participant, to sign a statement indicating that he/she is aware that these restrictions will be placed on his/her Variable Contract when it is issued. In addition, SBL will review all sales literature that is to be used in conjunction with the sales of these Variable Contracts for the existence of material representations that are inconsistent with the restrictions to be placed on these Variable Contracts and will instruct the salespeople involved in soliciting in this market specifically to bring this restriction to the attention of the potential participants.

SECTION 6(c)

Section 6(c) authorizes the Commission to exempt any person, security or transaction or any class or classes of persons, securities or transactions, from the provisions of the Act and Rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

SECTION 11

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end investment company or any

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principal underwriter therefor to make or cause to be made an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that irrespective of the basis of exchange, the provisions of Section 11(a) shall be applicable to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

In reliance upon an order of the Commission permitting an offer of exchange pursuant to Section 11 of the Act (Investment Company Act Release No. 9261, April 26, 1976), the applicants offer to owners of any one of the three series of Variable Contracts the right to exchange all or any part of their units for units of the other two series of Variable Contracts at any time during the accumulation period, but not more often than once a year, with one additional exchange within not less than 90 days prior to retirement without regard to the one-year limitation. All such exchanges are made on the basis of the relative net asset values of the respective units, which are equal to the net asset values of their respective underlying Fund shares at the time such exchanges are made. At present there is no exchange privilege once payments under the Variable Contracts have commenced.

Applicants proposed that subsequent to April 29, 1977, such exchange privilege be expanded so that the owner of one of the three series of Variable Contracts will have the right to elect to exchange all or any part of his units for units of either of the other two series at any time after Variable Contract annuity payments have commenced, but not more often than once each calendar year. Any such exchange would not be permitted during the five-day interval prior to and including any annuity payment date. Applicants represent that there will not be any additional sales charge with respect to the proposed exchanges. No administrative fee will be charged on exchanges after the commencement of annuity payments.

After the annuity starting date, the value of the amount to be transferred will be based on the present value of the remaining payments due, reflecting the attained age of the annuitant and mortality and interest assumptions. The present value must be equal to or greater than the minimum reserve required by State insurance law. As to the amount transferred, the contractowner will receive periodic payments thereafter based on the investment experience of the newly selected series.

Applicants assert that the proposed exchanges during the accumulation period and after commencement of annuity payments are not different in principle, so far as application of Section 11 of the Act is concerned, from the present exchanges during the accumulation period. Additional opportunities to make exchanges between shares of underlying Funds which have different investment objectives will provide Variable Contract owners with increased flexibility to change their retirement programs as their needs and circumstances change from time to time, without additional sales charge and in some instances without any administrative charge.

Applicants further assert that the Funds, Security Investment Management Company, Inc., and Security Distribution, Inc. have been notified of the application for exemption with respect to transfer provisions and have no objections thereto. The Funds retain the right subsequently to not countenance such frequent transfers, in which event Applicants will restrict this right in accordance with the Funds' determination and will notify all participants and interested parties. Applicants agree to be bound by any subsequent rule or regulation if adopted by the Commission relating to exchanges.

Applicants therefore request an order under Section 11 of the Act to permit offers of exchange as described above, subject to the limitations hereinbefore specified.

SECTIONS 26(a) AND 27(c)(2)

Section 27(c)(2) of the Act prohibits a registered investment company, or a depositor or underwriter for such company, from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a trustee or a custodian having the qualifications prescribed or a Section 26(a)(1) and held under an indenture or agreement containing, in substance, the provisions required by Sections 26(a)(2) and 26(a)(3) of the Act for a unit investment trust. Section 26(a)(2) requires the trustee or custodian to segregate and hold in trust all securities and cash of the trust, places certain restrictions on charges which may be made against the trust income and corpus, and excludes from expenses which the trustee or custodian may charge against the trust any payments to the depositor or principal underwriter other than a fee, not exceeding such reasonable amount as the Commission may prescribe, for providing bookkeeping and other administrative services delegated to them by the trustee or custodian. Section 26(a)(3) governs the circumstances under which the trustee or custodian may resign.

Applicants request an exemption from the provisions of Sections 26(a) and 27(c)(2) so that the proceeds of all payments under the Variable Contracts may be held by SBL rather than by a custodian or trustee as required under the Act and so that the VAA may be administered directly by SBL in the manner described in the VAA prospectus. Applicants represent that the custodianship is unnecessary in this instance because of the manner in which the Variable Contracts will be administered and extensive state regulation of SBL. Net purchase payments under the Variable Contracts will be invested only in shares of the Funds, whose assets are held by a custodian meeting the requirements of Section 26(a) of the Act. The ownership of Fund shares by the VAA will be held in an open account so that such ownership will only be indicated on the books of the respective Fund and the VAA and will not be evidenced by transferable stock certificates. SBL is subject to extensive supervision and control by the Kansas Commissioner of Insurance, and the Insurance Commissioners of each state in which the Variable Contracts are sold. Under Kansas law and the terms of the Variable Contracts, the assets of the VAA are not chargeable with liabilities arising out of any other business conducted by SBL. Obligations arising under the Variable Contracts are legally binding obligations of SBL. SBL has combined capital and surplus in excess of $350 million, and its officers and employees are covered by a fidelity bond in the amount of $2,000,000. For these reasons, Applicants assert that such existing regulation of SBL affords substantially the same protection contemplated by the provisions of Section 26(a) and Section 27(c)(2) of the Act. Applicants have consented that any order granting the requested exemption from Sections 26(a) and 27(c)(2) may be subject to the conditions that: (1) the charges to investors for administrative services shall not exceed such reasonable amounts as the Commission may prescribe, jurisdiction being reserved to the Commission for such purpose, and (2) that the payment of sums and charges out of the assets of the VAA shall not be

deemed to be exempted from regulation by the Commission by reason of the requested order, provided that Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets other than charges for administrative services, and Applicants reserve the right, in any proceeding before the Commission or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums and charges.

Notice is further given that any interested person may, not later than April 28, 1977, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following April 28, 1977, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-10695 Filed 4-11-77;8:45 am]

[Release No. 9712; 812-3985]

WARNER BROS., INC.

Application for Order Declaring Company Is not an Investment Company or Is Exempt

APRIL 5, 1977.

Notice is hereby given that Warner Bros., Inc. ("Applicant"), 4000 Warner Boulevard, Burbank, California 91522 (812-3985), a Delaware corporation and a wholly-owned subsidiary of Warner Communications, Inc. ("Communications"), has filed an application on July 7, 1976 and amendments thereto on October 8[1] and December 15, 1976 (1) for an order, pursuant to Section 3(b)(2) of the Investment Company Act of 1940 ("Act"), declaring that Applicant is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities, or (2) in the alternative, for an order, pursuant to Section 6(c) of the Act, exempting Applicant from all the provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Section 3(a)(3) of the Act defines an investment company as any issuer which is engaged, or proposes to engage, in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis.

The application states that, on July 1, 1976, Communications effected a restructuring of loan arrangements under which Communications, Applicant and two other subsidiaries of Communications had been the borrowers and Communications was the guarantor of each of the loans to such subsidiaries. It is stated that the effect of the loan restructuring was to make Applicant primarily liable on one direct loan to it and to transform Communication's obligations into a guaranty of the obligations of Applicant on such loan. According to the application, in anticipation of the loan restructuring, Communications contributed to Applicant all of the issued and outstanding capital stock of Warner Properties Corp. ("Properties") which makes Properties a direct subsidiary of Applicant and a sub-subsidiary of Communications. Applicant asserts that on June 30, 1976, Properties owned a portfolio of investment securities having a market value somewhat less than $165 million, which portfolio when added to a portfolio of investment securities held by a sub-subsidiary of Applicant gave Applicant, through such subsidiaries, a portfolio of investment securities having a market value somewhat less than $209 million on June 30, 1976. Applicant states that this portfolio of investment securities constituted approximately 40 percent of its assets on an unconsolidated basis.

The application has been made pursuant to Section 3(b)(2) of the Act, or, in the alternative, pursuant to Section 6(c) of the Act, because Applicant wishes the assurance available from an order of exemption that it will not be considered to be an investment company as defined in Section 3(a)(3) of the Act if additional investment securities are purchased or if values of investment securities increase thereby causing Applicant to own investment securities having a value exceeding 40 percent of the value of its total assets (exclusive of Government securities and cash items) on an unconsolidated basis.

Section 3(b)(2) of the Act excepts from the definition of an investment company in Section 3(a)(3) of the Act any issuer which the Commission finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities, either directly or (a) through majority-owned subsidiaries or (b) through controlled companies conducing similar types of businesses. Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person or class of persons from any or all provisions of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

It is represented that Applicant, directly and through wholly-owned subsidiaries, is an operating company principally engaged in the entertainment business. The application states that Applicant is engaged in the motion picture business which includes the production and financing of, and theatrical distribution of, feature motion pictures produced by Applicant or by others. According to the application, Applicant is also engaged in the television business which includes the distribution of feature films, cartoons and television series to networks and television stations, the production and distribution of "made-for-television" movies and program series. The application represents that Applicant is also engaged in the recorded music business and the music publishing business.

It is asserted in the application that Communications is not an investment company, as defined by the Act, notwithstanding that Applicant's consolidated total assets represent more than 50% of Communications' consolidated total assets. Communications owns more than 10% of the outstanding voting securities of Applicant, and therefore, pursuant to Section 3(c)(1) of the Act, the shareholders of Communications may be deemed to be the beneficial holders of Applicant's securities.

Applicant asserts that there is and has been no holding out by Communications or by Applicant to the shareholders of Communications or to the general public that Applicant is an investment company. The 1975 Annual Report (the "Report") of Communications states that the investment portfolio of Communications was accumulated initially through the investment of cash from the sale of operating entities and later through the

[1] Applicant's amendment of October 8, 1976, requested a temporary exemption, pursuant to Sections 6(c) and 6(e) of the Act, from the provisions of Sections 7, 8, 10(a), 13(a)(2), 17(f), 17(g), 17(h), 18, 20(a), 23, 30 (except subsection (f) thereof), 31, and 32, and from the rules and regulations thereunder, from September 3, 1976 until the Commission acted upon the application under Sections 3(b)(2) and 6(c) of the Act. On November 10, 1976, a notice (Investment Company Act Release No. 9520) of the amendment was issued giving interested persons until December 6, 1976, to request a hearing on the amended application. No requests for hearing having been received, an order (Investment Company Act Release No. 9580) was issued on December 22, 1976, granting the temporary exemption request by Applicant.

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investment of excess cash flow from operations and debt obtained at favorable rates. According to the Report, the existence of Communications' investment portfolio provides substantial liquidity and additional flexibility for financial planning. It is stated in the Report that, philosophically, management of Communications does not view the retention of a securities portfolio as a basic corporate policy, but, rather, it regards the portfolio as a source of capital for purchase of an operating company or companies in areas in which management's capabilities can be utilized, or for major investment in its current businesses should new opportunities arise. The application states that the investment in marketable securities is treated by Communications as a cash item, readily available but not immediately needed for working capital.

It is represented in the Report that Communications does not presently intend to materially increase the total investment in the portfolio from current levels. Applicant asserts that, in fact, Communications has reduced the investment portfolio by over $50 million between July 7 and December 15, 1976, in order to maintain a balance between its consolidated indebtedness and equity, which balance had been affected by the issuance of approximately $16,800,000 of debentures by a subsidiary in connection with the acquisition of Atari, Inc. and by the issuance of approximately $71,500,00 of subordinated debentures by Communications in connection with an exchange offer. It is submitted that, based upon the foregoing, investors have not bee invited to acquire the securities of Communications or Applicant in reliance on the income that may be realized on the investment portfolio. Applicant represents that, for the six months ended June 30, 1976, income from the investment portfolio was approximately $2,926,000 or approximately 21% of Applicant's unconsolidated pretax income and less than 7% of Applicant's consolidated pretax income.

Applicant represents that its portfolio of investment securities is managed under the direction of two officers of Communications who employ two full time assistants to help them in managing the portfolio. It is asserted that, from time to time, professional investment advisers have rendered services to the two officers, and in 1976, an investment advisory firm was retained for the first time. It is stated that these two officers spend a substantial portion of their time managing the portfolio but that it is not their primary employment responsibility.

On the basis of the foregoing statements, Applicant submits that (1) it is primarily engaged, directly and through wholly-owned subsidiaries, in a business other than that of investing, reinvesting, owning, holding or trading in securities and therefore requests that the Commission so find and by order declare, and (2) it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act for the Commission to exempt Applicant from all the provisions of the Act.

Notice is further given that any interested person may, not later than April 29, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement, as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77–10696 Filed 4–11–77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

CANADIAN STANDARD BROADCAST STATION

Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Canadian list No. 362, Mar. 15, 1977

Call letters	Location	Power (in kilowatts)	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		550 kHz							
CFJC...	Kamloops, British Columbia, N. 50°38'34" W. 120°27'28" (change of antenna radiation pattern).	10D/5N..	DA-2	U	III				EIO Mar. 15, 1978.
		560 kHz							
CHCM..	Marystown, Newfoundland, N. 47°09'26" W. 55°14'37" (change of antenna radiation pattern).	10.....	DA-N ND-D-180.5	U	III				Do.
		800 kHz							
CBQ....	Thunder Bay, Ontario, N. 48°18'38" W. 89°21'30" (change of antenna radiation pattern).	10D/5N..	DA-1	U	II				Do.
		850 kHz							
(New)..	Corner Brook, Newfoundland (delete immediately)	10.....	DA-1	U	II				
		850 kHz							
(New)..	St. John's, Newfoundland, N. 47°36'00" W. 52°49'55"	25.....	DA-2	U	II				Do.
		1220 kHz							
(New)..	Rimouski, Quebec, N. 48°24'15" W. 68°29'26"	10.....	DA-N ND-D-189.7	U	II				Do.
		1250 kHz							
CJLP...	Disraeli, Quebec, N. 45°54'28" W. 71°20'33" (increase in antenna height and radiation).	1D/.25N..	*ND-186*	U	IV	200	120	425	EIO, June 21, 1977.
		1240 kHz							
(New)..	Meadow Lake, Saskatchewan, N. 54°05'30" W. 108°27'08" (correction to province).	1D/.25N..	ND-182	U	IV	150	120	317(av.)	EIO, Jan. 19, 1978.
		1480 kHz							
CKPT..	Peterborough, Ontario, N. 44°16'13" W. 78°17'23" (now in operation).	10D/5N...	DA-2	U	III				
		1470 kHz							
CFOX..	Pointe Claire, Quebec, N. 45°20'03" W. 73°35'35" (P.O. 10D/5N, 1470 kHz, DA-2 N. 45°23'09" W. 73°45'45") (parameters notified in lists 154 and 172 now in operation. 50 kW proposal still under consideration).	50.....	DA-1	U	III				EIO, Mar. 15, 1978.
		1510 kHz							
CJRS...	Sherbrooke, Quebec, N. 45°21'05" W. 71°57'30"	50D/10N..	DA-2	U	II				Do.

WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.77–10533 Filed 4–11–77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 712–6; OPP–66030]

BONIDE CHEMICAL CO., ET AL.

Cancellation of Registrations of Pesticide Products Containing 2(p-tert-Butyiphenoxy)-1-Methylethyl-2'-Chloroethyl Sulfite

The following registrants have asked the Environmental Protection Agency (EPA) to cancel the registrations of the specified pesticide products which contain the active ingredient 2(*p-tert*-butylphenoxy)-1-methylethyl-2'-chloroethyl sulfite.

Registrant	Product	EPA registration No.	Date of cancellation request
Bonide Chemical Co., 2 Wurz Ave., Yorkville, N.Y. 13495	Improved rose dust.	4–127	Nov. 29, 1976
FMC Corp., Agricultural Chemical Division, 100 Niagara St., Middleport, N.Y. 14105.	Niagaramite spray.	279–573	Nov. 15, 1976
Nett Manufacturing Co., Pleasant Valley, N.Y. 12569	Tri-Ogen	358–88	Nov. 12, 1976
Woods Industries, Crop King Chemical, P.O. Box 1016, Yakima, Wash. 98907.	Elemite 15–W	682–63	Dec. 28, 1976
Potomac Rose Society, 4719 Brandywine St. NW., Washington, D.C. 20016.	Aramite 15–W	1711–16	Feb. 1, 1977
Science Products Co., Inc., 8801 North Tripp Ave., Chicago, Ill. 60646.	do	2125–4	Nov. 16, 1976
Good-Life Chemicals, Inc., P.O. Box 687, Effingham, Ill. 62401	Bagworm spray	4931–56	Do.

Cancellation shall be effective on June 13, 1977, unless the registrants or an interested person with the concurrence of the registrants, request that the registrations be continued in effect.

The Agency has determined that the distribution, sale, and use of existing stocks of these products would not be inconsistent with the purposes of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 89 Stat. 751, 7 U.S.C. 136(a) et seq.), and would not have an unreasonable adverse effect on the environment. Therefore, pursuant to section 6(a)(1) of FIFRA, the distribution, sale, and use of existing stocks of the products by persons other than the registrants shall be permitted after the effective date of cancellation, *Provided*, That the pesticide is used consistent with labeling approved by EPA.

Requests approved by the registrants that the registrations of these products be continued, and any other comments concerning this action, may be submitted in triplicate to the Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, Rm. 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Comments should bear a notation indicating both the subject and the OPP document control number (OPP–66030). Any comments or other documents filed regarding this notice of cancellation will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

(Sec. 6(a)(1), FIFRA, as amended (86 Stat. 973, 89 Stat. 751, 7 U.S.C. 136(a) et seq.).)

Dated: April 5, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77–10571 Filed 4–11–77;8:45 am]

FEDERAL DEPOSIT INSURANCE CORPORATION

[26551]

PRIVACY ACT OF 1974

Notice of New Systems and Changes to Existing Systems of Records

Pursuant to the requirements of the Privacy Act of 1974, 5 U.S.C. 552a(e), 88 Stat. 1896, 1899–1900, the Federal Deposit Insurance Corporation ("FDIC") published, on October 6, 1975, final notice of thirteen systems of records maintained by the FDIC (40 FR 46288). On December 3, 1975, the FDIC published notice of one additional system of records, thereby increasing its total number of systems to fourteen (40 FR 56479).

Since that time, the FDIC has discovered various needed changes in its systems of records. The FDIC has found that one system, the "Employee Confidential Statements of Employment and Financial Interests," is encompassed by the Civil Service Commission's published notice of its systems of records (See 41 FR 42158). In order to avoid duplication and the resulting confusion to the public, this system is, therefore, being withdrawn from the FDIC's published notice of systems of records.

While most of the needed changes to the FDIC systems of records are minor, the FDIC is proposing for publication in the FEDERAL REGISTER two new systems of records and two principal new uses for information contained in previously published systems of records. To avoid a piecemeal approach to the amendment of its systems of records, and to make the changes more understandable to the public at large, the FDIC is proposing to republish its entire systems of records. Until these republished systems of records become effective, the current systems will remain in effect.

The first new system is the "Medical Records and Emergency Contact Information System." This system was inadvertently overlooked when the FDIC originally published its systems of records. The system contains information compiled in the course of an FDIC employee's visit to the nurse's station of the Health Unit for medical aid. The information contained in this system is accessed only by the nurse and her substitute, and is maintained in order to aid the nurse in prescribing medical treatment.

The second system represents a proposed new system and it is titled the "Municipal Securities Principals and Representatives System." For many years participants in the offer and sale of municipal securities were exempted from regulation under the securities laws. In 1975, Congress changed this with the addition of a new Section 15B of the Securities Exchange Act of 1934 (15 U.S.C. 78o–4). The amendments established a Municipal Securities Rulemaking Board ("MSRB"), and vested it with authority to promulgate rules for the municipal securities industry. However, the MSRB does not have authority to enforce its rules. This authority is distributed among several agencies, and the FDIC is responsible for enforcing compliance by insured State-chartered banks that are not members of the Federal Reserve System, and any subsidiaries, departments or divisions thereof, which are municipal securities dealers. 15 U.S.C. 78r. Under the amendments to the Securities Exchange Act, the MSRB is directed to promulgate rules regarding persons associated with municipal securities dealers as either municipal securities principals or representatives. Pursuant to this directive, the MSRB requires each municipal securities dealer to obtain certain background information on individuals who are currently, or are seeking to be, associated with the dealer. The FDIC proposes to require each dealer, which is under FDIC supervision, to file with the FDIC a form explaining the background information for each person associated with the dealer as a municipal securities principal or representative. The "Municipal Securities Principals and Representatives System" will be the result of the data collection. In addition to using this system for its own enforcement, the FDIC, along with the Comptroller of the Currency and the Board of Governors for the Federal Reserve System for their respectively supervised dealers, would forward the information to the National Association of Securities Dealers ("NASD") for computer processing. The NASD currently maintains data on personnel in the securities industry, and it is expected that portions of disciplinary and qualification data supplied by the bank regulatory agencies will be interfaced with the existing NASD securities personnel data bank. Under this arrangement, the FDIC would have access to disciplinary, qualification and employment information on

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individuals who have moved between banking institutions or between banking institutions and general securities firms or nonbank municipal securities dealers. Access to such information would assist the FDIC in determining if a person is qualified to act as a municipal securities principal or representative. The FDIC also would provide a municipal securities dealer, for which the FDIC is the appropriate regulatory agency, with any disqualifying information contained in the system about a person seeking to be associated with the dealer as a principal or representative.

In addition to these new systems, there are two new routine uses for information contained in certain of the existing FDIC systems of records. The first of these will allow disclosure to the Civil Service Commission of personnel related records necessary to fulfill its program management responsibilities. In order to permit this disclosure, it is necessary for the Corporation to amend the routine use of each of its personnel related systems to provide for transmission to the Commission of personnel information necessary for its government-wide studies of personnel management. The second new use will allow disclosure to a Congressional office in response to any inquiry from that office regarding the individual initiating that inquiry. This routine use is in order to assure that the Corporation's notices do not have the effect of denying individuals the benefit of Congressional assistance which they may request. It will be permitted only where the individual has initiated the inquiry in question.

Interested persons are invited to submit written data, views, or arguments regarding the proposed notices to the Office of the Executive Secretary, Federal Deposit Insurance Corporation, Washington, D.C. 20429, on or before May 12, 1977.

By order of the Board of Directors, March 3, 1977.

ALAN R. MILLER,
Executive Secretary.

SYSTEMS OF RECORDS MAINTAINED BY THE FEDERAL DEPOSIT INSURANCE CORPORATION

30–64–0001 Attorney-Legal Intern Applicant System. (This system is subject to exemption pursuant to 12 CFR § 310.13(b), to the extent it contains information provided by confidential sources.)
30–64–0002 Bank and Proposed Bank Irregularity Record System. (This system is subject to exemption pursuant to 12 CFR § 310.13(a), to the extent it contains material compiled for law enforcement purposes.)
30–64–0003 Board of Directors' Actions System.
30–64–0004 Changes in Bank Control Ownership Records.
30–64–0005 Consumer Complaint and Inquiry Records.
30–64–0006 [Reserved]
30–64–0007 Employee Education System.
30–64–0008 [Reserved]
30–64–0009 Examiner Training and Education Records. (This system is subject to exemption pursuant to 12 CFR § 310.13(c).)
30–64–0010 Graduate Fellowship Applications.
30–64–0011 Legal Compliance and Enforcement Records. (This system is subject to exemption pursuant to 12 CFR § 310.13(a), to the extent it contains material compiled for law enforcement purposes.)
30–64–0012 Payroll and Employee Financial Records.
30–64–0013 Savings Bond Payroll Deduction System.
30–64–0014 Travel Voucher System.
30–64–0015 Unofficial Personnel System.
30–64–0016 Municipal Securities Principals and Representatives System.
30–64–0017 Medical Records and Emergency Contact Information System.

30–61–0001

System name:

Attorney, Legal Intern Applicant System; FDIC.

System location:

Office of the General Counsel, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

Categories of individuals covered by the system:

Applicants for the position of attorney or legal intern with the General Counsel's office of the FDIC.

Categories of records in the system:

Contains correspondence from the applicants and individuals whose names were provided by the applicants as references, applicants' resumes, application forms, and, in some instances, comments of individuals who interviewed applicants.

Authority for maintenance of the system:

Sec. 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Disclosure of information may be made: (1) in requesting information of individuals or concerns whose names were supplied by the applicant as references and/or past or present employers; (2) to the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry out its government-wide personnel management functions; (3) to a Congressional office from the record of an individual in respone to an inquiry from the Congressional office made at the request of the individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders.

Retrievability:

Indexed by name.

Machine 2

Safeguards:

Maintained in locked metal file cabinets.

Retention and disposal:

Records of unsuccessful applicants are retained two years after their submission; records of successful applicants are retained four years after the successful applicant leaves the employ of FDIC.

System manager(s) and address:

General Counsel, Legal Division, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

Notification procedure:

Executive Secretary, Records Unit, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

Record access procedures:

Same as "Notification" above.

Contesting record procedures:

Same as "Notification" above.

Record source categories:

The information is obtained from the applicants, references supplied by the applicants, current and/or former employers of the applicants, and FDIC employees who interviewed the applicants.

Systems exempted from certain provisions of the act:

Pursuant to section 310.13(b) of the FDIC's Rules and Regulations, investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Corporation employment may be withheld from disclosure to the extent that disclosure of such material would reveal the identity of a source who furnished information to the Corporation under a promise of confidentiality.

30–64–0002

System name:

Bank and Proposed Bank Irregularity Record System—FDIC.

System location:

Operations Branch, Division of Bank Supervision, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

Categories of Individuals covered by the system:

Directors, officers and employees of FDIC insured banks who have been involved in reported irregularities. Directors and officers of noninsured banks and organizers of proposed banks which have applied for Federal deposit insurance and who have been involved in reported irregularities. Customers of FDIC insured State nonmember banks, and other individuals, who have been involved in reported irregularities at such banks. In addition, the system may contain information on individuals who have been the subject of background checks designed to uncover irregularities bearing on these

individuals fitness to be directors, officers, or employees of the banks or to control its management. These individuals may include the following: directors, officers and employees of FDIC insured banks; directors and officers of uninsured banks and organizers of proposed banks which have applied for Federal deposit insurance; and controlling shareholders of banks endeavoring to gain control over FDIC insured banks.

Categories of records in the system:

Contains interagency correspondence, intra-agency memoranda and reports of investigation. May contain newspaper clippings. May contain Federal or State criminal law enforcement agency investigatory and/or arrest and conviction reports.

Authority for maintenance of the system:

Secs. 5, 6, 9, 18 and 19 of the Federal Deposit Insurance Act (12 U.S.C. 1815, 1816, 1819, 1828, 1829).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

(1) In the event that information contained in this system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred to the appropriate agency, whether Federal or State, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (2) In the event of litigation, the appropriate records may be presented to the appropriate court, magistrate, or administrative tribunal as evidence, or to counsel for the presentation of evidence and/or in the course of discovery; (3) Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of the individual; (4) Disclosure may be made to the bank affected by a discovered irregularity.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained on file cards and in file folders.

Retrievability:

Indexed by name.

Safeguards:

Indexed cards and file folders are maintained in lockable metal cabinets.

Retention and disposal:

Permanent retention with periodic review of contents of record and destruction, by shredder, of excess or outdated information.

System manager(s) and address:

Director, Division of Bank Supervision, FDIC, 500 17th Street, N.W., Washington, D.C. 20429.

Notification procedure:

Executive Secretary, Records Unit, FDIC, 550 17th Street, N.W., Washington, D.C. 20429. Inquiries must provide the full name of the inquirer. All inquiries must include a notarized statement attesting to the identity of the inquirer.

Record access procedures:

Same as "Notification" above.

Contesting record procedures:

Same as "Notification" above.

Record source categories:

FDIC insured banks and applicants for Federal deposit insurance; Federal and State banking supervisory authorities; Newspapers; Federal and State criminal law enforcement and prosecutorial agencies.

Systems exempted from certain provisions of the act:

Pursuant to section 310.13(a) of the FDIC's Rules and Regulations, investigatory material compiled for law enforcement purposes, concerning irregularities involving officers, directors, employees, customers, or other individuals at FDIC insured banks; directors and officers of noninsured banks; or organizers of proposed banks which have applied for Federal deposit insurance, is exempted from the accounting provisions of section 310.10(d)(2) of the FDIC's Rules and Regulations and may be withheld from disclosure to the extent that such disclosure may interfere with the investigation and preparation of any civil, criminal, or administrative law enforcement proceedings. Federal criminal law enforcement investigatory reports maintained as part of this system may be the subject of exemptions imposed by the originating agency pursuant to 5 U.S.C. 552a(j)(2).

30–64–0003

System name:

Board of Directors' Actions System, FDIC.

System location:

Office of the Executive Secretariat, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

Categories of individuals covered by the system:

Individuals who have been subject to administrative actions by the FDIC Board of Directors.

Categories of records in the system:

Contains minutes of the FDIC Board of Directors' meetings, intra-agency memoranda, orders of the Board of Directors, and correspondence with the subject individual.

Authority for maintenance of the system:

Sec. 2, 8, and 19 of the Federal Deposit Insurance Act (12 U.S.C. 1812, 1818, 1829); Sec. 506 of the Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of the individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Card file index and minute ledger.

Retrievability:

Card files indexed alphabetically by name.

Safeguards:

Card files are stored in lockable metal filing cabinets, minute ledgers are stored in vault.

Retention and disposal:

Permanent.

System manager(s) and address:

Executive Secretary, Records Unit, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

Notification procedure:

Same as the above.

Record access procedures:

Same as the above.

Contesting record procedures:

Same as the above.

Record source categories:

Intra-agency records.

Systems exempted from certain provisions of the act:

None.

30–64–0004

System name:

Changes in Bank Control Ownership Records, FDIC.

System location:

Operations Branch, Division of Bank Supervision, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Categories of individuals covered by the system:

Individuals who have been involved in the change of bank control or ownership in FDIC insured banks and/or have obtained loans from insured banks, when such loans are secured by 25 percent or more of the outstanding stock of an insured bank.

Categories of records in the system:

Contains the name of the individual seller or purchaser of shares of stock, the number of shares of stock involved and outstanding, the name of the bank whose

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control has changed, the purchase price of the stock, the names of beneficial owners if the shares are registered in another name, the total number of shares owned by the seller, purchaser, or beneficial owner both before and after the transaction. In the case of loans, contains the name and location of the lending bank, the name and address of the borrower, the amount of the loan and the name of the bank issuing the stock securing the loan and the number of shares securing the loan.

Authority for maintenance of the system:

Sec. 7(j) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

(1) The name of the bank whose control has changed, the seller and purchaser, and the number of shares involved may be distributed to periodicals for publication; (2) In the event that the system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred to the appropriate agency, whether Federal or State, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (3) In the event of civil, criminal, or administrative law enforcement proceedings, the relevant records may be disclosed to the appropriate court and/or counsel for purposes of discovery and the development of the proceedings; (4) Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of the individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders and on index cards.

Retrievability:

Indexed by name.

Safeguards:

Maintained in lockable metal filing cabinets.

Retention and disposal:

Permanent retention.

System manager(s) and address:

Director, Division of Bank Supervision FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

Notification procedure:

Executive Secretary, Records Unit, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

Record access procedures:

Same as "Notification" above.

Contesting record procedures:

Same as "Notification" above.

Record source categories:

The bank in which control has changed and the bank which makes a loan secured by 25 percent or more of the outstanding voting stock of an insured bank.

Systems exempted from certain provisions of the act:

None.

30–64–0005

System name:

Consumer Complaint and Inquiry Records—FDIC.

System location:

Office of Bank Customer Affairs, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

Categories of individuals covered by the system:

Consumers who have filed complaints or inquiries concerning activities and practices of FDIC insured banks.

Categories of records in the system:

Contains consumers names and the nature of their complaints or inquiries. Contains correspondence and record of other communications between the FDIC and the customer, and may contain correspondence between the FDIC and the bank in question and/or Federal or State bank supervisory authorities. May contain copies of supporting documents supplied by the complainant and intra-agency memoranda.

Authority for maintenance of the system:

Sec. 202 of Title II of the Federal Trade Improvement Act (15 U.S.C. 57a (f)); Sec. 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

(1) Since records are compiled and used for investigation and resolution of consumer inquiries and complaints, disclosure may be necessary to the institution which is the subject of the complaint; (2) Resolution of the complaint or inquiry may also require disclosure limited to the name of the inquirer and the nature of the inquiry, to third party sources during the course of the investigation; (3) Transmittal may be made to the Federal or State supervisory authority that has direct supervision over the financial institution that is the subject of the complaint; (4) In the event that the system of records indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system may be referred to the appropriate agency, whether Federal or State, charged with the responsibility of investigating or prosecuting such violations or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (5) In the event of civil, criminal or administrative proceedings, the relevant records may be disclosed to the appropriate court and/or counsel for purposes of discovery and the development of the proceedings; (6) Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of the individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders and on computer discs and tapes.

Retrievability:

Indexed by name.

Safeguards:

Maintained in lockable metal filing cabinets; computer tapes and discs are accessed only by authorized personnel.

Retention and disposal:

Records are retained for three years after resolution or answer of the complaint and then correspondence files are destroyed by shredder, computer tapes and discs are erased.

System manager(s) and address:

Director, Office of Bank Customer Affairs, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

Notification procedure:

Executive Secretary, Record Unit, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

Record access procedures:

Same as "Notification" above.

Contesting record procedures:

Same as "Notification" above.

Record source categories:

The information is obtained from the individual on whom the record is maintained; institutions that are the subject of the complaint; the appropriate agency, whether Federal or State, with supervisory authority over the institution; congressional offices that may initiate the inquiry; and other third party sources mentioned in "Routine use" above.

Systems exempted from certain provisions of the act:

None.

30–64–0007

System name:

Employee Education System—FDIC.

System location:

Office of Education, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

Categories of individuals covered by the system:

All present and former FDIC employees.

Categories of records in the system:

Contains the educational history of employees prior to their employment with the FDIC, and educational progression of employees while employed by the FDIC, Information includes employee's schools of attendance, courses completed or enrolled in, dates of attendance, tuition fees and expenses, and may include per diem and travel expenses.

Authority for maintenance of the system:

Sec. 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819); Exec. Order No. 9397, "Numbering System for Federal Accounts Relating to Individual Persons" (Nov. 22, 1943).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Disclosure may be made to: (1) the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry out its government-wide personnel management functions; (2) to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of the individual; (3) to educational institutions for purposes of enrollment and verification of employee attendance and performance.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders and computer discs.

Retrievability:

File folders—alphabetically by name; computer discs—social security number.

Safeguards:

File folders are stored in lockable metal cabinets, computer discs are accessed by only authorized personnel.

Retention and disposal:

Permanent retention.

System manager(s) and address:

Director, Office of Employee Relations, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

Notification procedure:

Executive Secretary, Records Unit, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

Record access procedures:

Same as "Notification" above.

Contesting record procedures:

Same as "Notification" above.

Record source categories:

The information is obtained from the employee on whom the record is maintained and the training institution in which the employee is enrolled.

Systems exempted from certain provisions of the act:

None.

30–64–0009

System name:

Examiner Employment, Training, and Education Records—FDIC.

System location:

Division of Bank Supervision Training Center, FDIC, 1701 N. Fort Myer Drive, Arlington, Virginia 22209.

Categories of individuals covered by the system:

FDIC assistant examiners who have been candidates for determination of progress to become a commissioned bank examiner (Progress Evaluation Candidates). FDIC examiners who attend, or have attended, graduate schools of banking (Graduate School of Banking Students).

Categories of records in the system:

Progress Evaluation Candidates—contains a statement of the candidate's education, home address, date and place of birth, and experience, a Report of Evaluation of a Progress Evaluation Panel, the consolidated findings of each Progress Evaluation Panel member, the candidate's case studies, basic work papers, and responses, and, in the case of an unsuccessful candidate, the candidate's complete work papers and responses, as well as the individual findings of each Progress Evaluation Panel member.

Graduate School of Banking Students—contains the student's name, enrollment data, record of attendance, record of completion or graduation and general correspondence between the FDIC and the student's school of ennrollment.

Authority for maintenance of the system:

Sec. 10(b) of the Federal Deposit Insurance Act (12 U.S.C. 1820(b)).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Disclosure may be made to: (1) the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry out its government-wide personnel management functions; (2) to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of the individual; (3) to educational institutions for purposes of enrollment and vertification of employee attendance and performance.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

All categories are stored in file folders.

Retrievability:

All categories are indexed by name.

Safeguards:

All categories are maintained in lockable metal filing cabinets.

Retention and disposal:

Progress Evaluation Candidates records maintained two years for the successful candidate and then destroyed by shredder, records of unsuccessful candidate retained until the candidate's successful completion or until the candidate leaves the FDIC's employ. Graduate School of Banking student records are permanently retained.

System manager(s) and address:

Director, Division of Bank Supervision, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

Notification procedure:

Executive Secretary, Records Unit, FDIC, 550 17th Street, N.W., Washington, D.C. 20429. Inquirers must provide their full name and identify the category or categories of which they are inquiring.

Record access procedures:

Same as "Notification" above.

Contesting record procedures:

Same as "Notification" above.

Record source categories:

Progress Evaluation Candidates—the candidate, the candidate's personnel record, and members of the candidate's Progress Evaluation Panel. Graduate School of Banking Students—the student, the student's school, and the student's personnel record.

Systems exempted from certain provisions of the act:

Pursuant to section 310.13(c) of the FDIC's Rules and Regulations, testing material used solely to assess individual qualifications for appointment or promotion, the disclosure of which would compromise the objectivity or fairness of the testing, evaluation or examination process, may be withheld from disclosure.

30–64–0010

System name:

Graduate Fellowship Applications—FDIC.

System location:

Division of Management Systems and Economic Analysis, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

Categories of individuals covered by the system:

Applicants for FDIC fellowships for graduate study in banking, finance and economics.

Categories of records in the system:

Contains correspondence from applicants and from individuals whose names were provided by the applicants as references, application forms, applicants' grade transcripts, samples of written

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work, and, in some instances, comments of individuals who interviewed applicants.

Authority for maintenance of the system:

Section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819); Sec. 506 of the Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Disclosure of information on the applicant may be made: (1) in requesting information of individuals or concerns whose names were supplied by the applicant as references and/or past or present employers; (2) to the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry out its government-wide personnel management functions; (3) to a Congressional office from the record of the individual in response to an inquiry from the Congressional office made at the request of the individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders.

Retrievability:

Indexed by name.

Safeguards:

Maintained in metal file cabinets with a combination lock.

Retention and disposal:

Supporting documents in applications of unsuccessful applicants are retained for 3 years after their review and then destroyed, applications of unsuccessful candidates and complete files of fellowship winners are retained indefinitely.

Systems manager(s) and address:

Director, Division of Management Systems and Economic Analysis, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

Notification procedure:

Executive Secretary, Records Unit, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

Record access procedures:

Same as "Notification" above.

Contesting record procedures:

Same as "Notification" above.

Record source categories:

Information is obtained from the applicants, references supplied by the applicants, college documents, current and/or former employers, and FDIC employees who interviewed the applicants.

Systems exempted from certain provisions of the act:

None.

30–64–0011

System name:

Legal Compliance and Enforcement Records—FDIC.

System location:

Office of the General Counsel, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Categories of individuals covered by the system:

Directors or officers of FDIC insured State nonmember banks who have been the subject of an indictment, information or complaint for a felony involving dishonesty or breach of trust. Directors or officers of FDIC insured State nonmember banks who are suspected of committing violations of law, rule or regulation, or of a final cease-and-desist order, or of committing acts, omissions or practices constituting a breach of fiduciary duty. Individuals who have sought FDIC consent to serve as an officer, director, or employee of an FDIC insured State nonmember bank after having been convicted of a crime involving dishonesty or breach of trust.

Categories of records in the system:

Contains the indictment, information, or complaint filed against the subject individual, and any court order or resolution of such indictment, information, or complaint. Contains newspaper clippings on subject individuals. Contains affidavits of the subject individual and bank employees. Contains intra-agency memoranda and general correspondence between the FDIC and the subject individual and/or his/her attorney. Contains final administrative orders issued by the FDIC.

Authority for maintenance of the system:

Secs. 8 and 19 of the Federal Deposit Insurance Act (12 U.S.C. 1818, 1829).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

(1) In the event that the system of records indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system may be referred to the appropriate agency, whether Federal or State, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (2) In the event of civil, criminal or administrative proceedings, the relevant records may be disclosed to the appropriate court, magistrate, or administrative tribunal as evidence, or to counsel for the presentation of evidence and/or in the course of discovery; (3) Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of the individual.

Policies and practices for storing, retrieving accessing, retaining, and disposing of records in the system:

Storage:

Maintained in a file folder and on computer discs.

Retrievability:

Indexed by name.

Safeguards:

Maintained in lockable metal filing cabinets in a secured room; computer discs are accessed by only authorized personnel.

Retention and disposal:

Permanent retention.

System manager(s) and address:

General Counsel, Legal Division, FDIC, 550 17th Street NW., Washington, D.C. 20429.

Notification procedure:

Executive Secretary, Records Unit, FDIC, 550 17th Street NW., Washington, D.C. 20429. Inquirers must provide their full name and the name of the bank with which they were associated. Inquiries must include a notarized statement attesting to the individual's identity.

Record access procedures:

Same as "Notification" above.

Contesting record procedures:

Same as "Notification" above.

Record source categories:

Information is obtained from the individual on whom the record is maintained, the employer of the individual, newspaper articles, and individuals interviewed during the investigation. Federal and State prosecuting authorities and Federal and State financial institution supervisory authorities are also sources of information.

Systems exempted from certain provisions of the act:

Pursuant to section 310.13(a) of the FDIC's Rules and Regulations, investigatory material compiled as a part of this system for law enforcement purposes is exempted from the accounting provision of section 310.10(d)(2) of the FDIC's Rules and Regulations and may be withheld from disclosure, to the extent that such disclosure may interfere with the investigation and preparation of any civil, criminal or administrative law enforcement proceedings.

30–64–0012

System name:

Payroll and Employee Financial Records, FDIC.

System location:

Accounting and Budget Branch, FDIC, 1709 New York Ave., N.W., Washington,

D.C. 20429 and the appropriate FDIC Regional Office for employees working out of field offices. (See Appendix A for the location of FDIC Regional Offices).

Categories of individuals covered by the system:

All current and former FDIC employees.

Categories of records in the system:

Consists of various forms and computer retrievable data which disclose employee: mailing address and home address; rate and amount of pay, leave, and hours worked, and leave balances; life insurance, health insurance and retirement deductions; tax exemptions; and payroll deduction authorizations.

Authority for maintenance of the system:

Section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819); Exec. Order 9397, "Numbering System for Federal Accounts Relating to Individual Persons" (Nov. 22, 1943).

Routine uses of records maintained in the system, including categories of users and purposes of such uses:

(1) Information developed from these records is routinely provided to State, City, and Federal income tax authorities, including, at the Federal level, the Internal Revenue Service and the Social Security Administration, and, to other recipients, as authorized by the employee, including the United States Treasury Department, savings institutions, insurance carriers and charity funds; (2) Records are periodically made available for inspection to auditors employed by the General Accounting Office; (3) Relevant records in this system of records may be referred, as a routine use to the appropriate agency, whether Federal or State, charged with the responsibility of investigating or prosecuting any violation of law, rule or regulation; (4) In the event of litigation, relevant records may be presented to the appropriate court, magistrate, or administrative tribunal as evidence or to counsel for the presentation of evidence and/or in the course of discovery; (5) Disclosure may be made to the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry out its government-wide personnel management functions; (6) Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of the individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders, record cards and computer discs.

Retrievability:

File folders and records cards indexed by name; computer discs are indexed by social security number.

Safeguards:

File folders and record cards are stored in lockable metal cabinets; computer discs are accessed only by authorized personnel.

Retention and disposal:

Year-end trial balances (the individual earnings record) are retained during the employment and then transferred to the Federal Records Center, where the records are maintained indefinitely. Deduction authorizations and documents used to develop the records are retained for the period of use and up to an additional three years after which they are disposed of by shredding or burning.

System manager(s) and address:

Controller, Office of the Controller, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

Notification procedure:

Executive Secretary, Records Unit, 550 17th Street, N.W., Washington, D.C. 20429.

Record access procedures:

Same as "Notification" above.

Contesting record procedures:

Same as "Notification" above.

Record source categories:

The information is obtained from the employee on whom the record is maintained.

Systems exempted from certain provision of the act:

None.

30–64–0013

System name:

Savings Bond Payroll Deduction Systems, FDIC.

System location:

Accounting and Budget Branch, FDIC, 1709 New York Ave., NW., Washington, D.C. 20429.

Categories of individuals covered by the system:

All current and former FDIC employees who have authorized payroll deductions for the purchase of United States Savings Bonds.

Categories of records in the system:

Consists of the name and address of the employee; the amount of the employee's salary to be withheld; the denomination of bond to be purchased; the series of the bond; the owner's name, address and social security number; the designated co-owner or beneficiary, and their social security number.

Authority for maintenance of the system:

Section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819); Exec. Order 9397, "Numbering System for Federal Accounts Relating to Individual Persons" (Nov. 22, 1943).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Disclosure may be made to: (1) the United States Treasury Department for the preparation of savings bonds; (2) to the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry out its government-wide personnel management function; (3) to a Congressional office from the record of an individual in response to an inquiry from the Congressional Office made at the request of the individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders, index cards, and computer discs.

Retrievability:

File folders and record cards are indexed by name; computer discs are indexed by social security number.

Safeguards:

File folders and record cards are stored in lockable metal cabinets; computer discs are accessed only by authorized personnel.

Retention and disposal:

Records are retained for two years and then destroyed.

System manager(s) and address:

Controller, Office of the Controller, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Notification procedure:

Executive Secretary, Records Unit, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

Record access procedures:

Same as "Notification" above.

Contesting record procedures:

Same as "Notification" above.

Record source categories:

The information is obtained from the employee on whom the record is maintained.

Systems exempted from certain provision of the act:

None.

30–64–0014

System name:

Travel Voucher System, FDIC.

System location:

Accounting and Budget Branch, FDIC, 550 17th Street NW., Washington, D.C. 20429.

Categories of individuals covered by the system:

FDIC employees who travel on official business.

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Categories of records in the system:

Contains records relating to employee's claims for reimbursement of official travel expenses including travel authorizations, advances, and vouchers showing amounts claimed, exceptions taken as a result of audit, advance balances applied, and amounts paid.

Authority for maintenance of the system:

Sec. 10(a) of the Federal Deposit Insurance Act (12 U.S.C. 1820(a)); Travel Expense Act of 1949 (5 U.S.C. 5701–5709); Exec. Order 9397, "Numbering System for Federal Accounts Relating to Individual Persons" (Nov. 22, 1943).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

(1) Records are periodically made available for inspection to auditors employed by the General Accounting Office; (2) In the event that information contained in this system of records indicates a violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, or State, charged with the responsibility of investigating, or prosecuting such violation or charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (3) In the event of litigation, the records may be presented to the appropriate court, magistrate, or administrative tribunal as evidence or to counsel for the presentation of evidence and/or in the course of discovery; (4) Disclosure may be made to the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry out its government-wide personnel management function; (5) Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of the individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders and computer discs.

Retrievability:

Files indexed by name; computer discs by social security number.

Safeguards:

File folders stored in a lockable room; computer discs are accessed by only authorized personnel.

Retention and disposal:

Records are maintained for seven years, then file folders are shredded and computers discs are erased.

System manager(s) and address:

Controller, Office of the Controller, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

Notification procedure:

Executive Secretary, Records Unit, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Record access procedures:

Same as "Notification" above.

Contesting record procedures:

Same as "Notification" above.

Record source categories:

The information is obtained from the employee on whom the record is maintained.

Systems exempted from certain provisions of the act:

None.

30–64–0015

System name:

Unofficial Personnel System, FDIC.

System location:

Personnel Branch, FDIC, 1709 New York Avenue, N.W., Washington, D.C. 20429. In addition records are maintained at the Division or Office levels in the FDIC Washington Office and at the FDIC Regional Offices. (See Appendix A for the location of FDIC Regional Offices.)

Categories of individuals covered by the system:

All current and former FDIC employees.

Categories of records in the system:

This system consists of personnel-related records that are maintained in addition to those kept in the Official Personnel folder pursuant to the Federal Personnel Manual Suppl. 296–31, Table 8, Sec. 1. (The records contained in the Official Personnel Folder are covered, with regard to the Privacy Act of 1974, by the Civil Service Commission's published "General Personnel Records," C.S.C./Gov.–3, notice.) This system contains records of various types. They are: (1) records maintained in the Washington and regional offices which may contain information on individuals relating to: birthday; Social Security Number; past and present salaries, grades, and position titles; home address and telephone number; emergency contacts, addresses and telephone numbers; employment history; original applications, resume, and letters of reference; statement of bank loans and stock ownership; record of equipment and material issued to the individual, record of leave and time-and-attendance; written notes or memoranda on employee performance; Counseling; and data documenting reasons for personnel actions, decisions, or recommendations made about an employee; (2) parking permit records containing information (name, address, and type of automobile) about FDIC employees who have applied for (or are members of the applicants' carpool) a parking permit in the FDIC's Washington Office garage; (3) American Red Cross blood donor records containing information including donors name, Social Security Number, date of birth, age, sex, home address and phone number, whether the donation was accepted, and whether the Red Cross would recruit the donor again for blood; (4) FDIC personnel awards including information supporting the employee's nomination for one of these awards; and (5) dental insurance records including information on earnings, number and name of dependents, sex, birth date, home address, and Social Security Number.

Authority for maintenance of the system:

Sec. 9 of the Federal Deposit Insurance Act (12 U.S.C. § 1819); Sec. 506 of the Federal Records Act of 1950 (44 U.S.C. § 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

With regard to category (1) above, the records are primarily maintained to be used by the employee's supervisor for preparation of general personnel actions; however, in the case of categories (1), (2), and (4) disclosure may be made, where relevant:

(a) to financial and credit institutions for loan and credit "reference" purposes (solely to verify the employee's employment with the FDIC, date of employment, and pay grade);

(b) to the Civil Service Commission in the event of any grievance procedures;

(c) to the Civil Service Commission concerning pay, benefits, retirement, deductions, and other information necessary for the Commission to carry out its government-wide personnel management functions;

(d) in the event of litigation, to the appropriate court, magistrate, or administrative tribunal as evidence, or to counsel for the persentation of evidence and/or in the course of discovery;

(e) to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of the individual;

(f) to State authorities regarding reasons for a former employee's separation from FDIC service, where the inquiry is made pursuant to the former employee's application for unemployment compensation;

(g) to Federal and State regulatory agencies, for reasons related to FDIC business, as to the temporary work location at FDIC bank examiners.

In the case of category (3) above, disclosure may be to the American Red Cross from the information contained in the blood donor records. Disclosure may be made, in the case of category (5) above, to the dental insurance carrier in support of a claim for dental insurance benefits.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained on file cards and in file folders.

Retrievability:

Indexed alphabetically by name.

Safeguards:

Maintained in lockable metal cabinets.

Retention and disposal:

Records are destroyed when no longer relevant to the purpose for which they were compiled and maintained. Generally, records are destroyed when the employee no longer works in the Division or Office which compiled and maintained the information. Parking permit records are kept for one year and then destroyed. American Red Cross blood donor records are kept for four years and then destroyed.

System manager(s) and address:

Director, Office of Employee Relations, FDIC, 550 17th Street NW., Washington, D.C. 20429, for Corporation level records. For FDIC Division or Office levels, the Head of the appropriate Division or Office; for FDIC Regional Offices, the Regional Director. (See Appendix A for the location of FDIC Regional Offices); For Parking Permit Records, the Controller, Office of the Controller, FDIC, 550 17th Street N.W., Washington, D.C. 20429.

Notification procedure:

Executive Secretary, Records Unit, FDIC, 550 17th Street NW., Washington, D.C. 20429.

Record access procedures:

Same as "Notification" above.

Contesting record procedures:

Same as "Notification" above.

Record source categories:

Individuals to whom the records pertain; their immediate supervisors or persons at other supervisory levels; other fellow employees.

Systems exempted from certain provisions of the act:

None.

30–64–0016

System name:

Municipal Securities Principals and Representatives System—FDIC.

System location:

Operations Branch, Division of Bank Supervision, FDIC, 550 17th Street NW., Washington, D.C. 20429. Records stored in computerized files are maintained off premises on a contract basis with the National Association of Securities Dealers, 1735 L Street NW., Washington D.C. 20036.

Categories of individuals covered by the system:

Persons who are or seek to be municipal securities principals or municipal securities representatives associated with municipal securities dealers which are FDIC insured State banks, not members of the Federal Reserve System, or are a subsidiary, a department, or a division of such bank.

Categories of records in the system:

These records may contain identifying information as well as educational, employment, and disciplinary information, if any, and, where applicable, information regarding termination of employment of individuals covered by the system. Identifying information includes name, addresses, date and place of birth, and may include social security account number.

Authority for maintenance of the system:

Sections 15B, 23 and 32(a) of the Securities Exchange Act of 1934, as amended (15 U.S.C. § 78), and Section 2 of the Federal Reports Act of 1942 (44 U.S.C. § 3501).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in these records may be used: (1) To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate governmental authority, whether Federal, State, local, or foreign, or a self-regulatory organization, as defined in Section 3(a)(26) of the Securities Exchange Act of 1934 (15 U.S.C. § 78c(a)(26)); (2) To refer, in the event of litigation, whether civil, criminal, or regulatory in nature, to the appropriate court, magistrate, or administrative law judge as evidence, or to counsel for the presentation of evidence and/or in the course of discovery; (3) To assist in any proceeding in which the Federal securities or banking laws are in issue or a proceeding involving the propriety of a disclosure of information contained in the information, in which the FDIC or one of its past or present employees is a party; (4) To disclose to a Federal, State, local, or foreign governmental authority or a self-regulatory organization if necessary in order to obtain information relevant to a Federal Deposit Insurance Corporation inquiry concerning a person who is or seeks to be associated with a municipal securities dealer described in *Categories of individuals covered by the system* as a municipal securities principal or representative; (5) To respond to a request from a Federal, State, local, or foreign governmental authority or a self-regulatory organization for information in connection with the issuance of a license or other benefit to the extent that such information is relevant and necessary; (6) To disclose to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual; (7) To disclose to a registered dealer, a registered broker or a registered municipal securities dealer that is a past or present employer of an individual that is the subject of a record, or to which such individual has applied for employment, for purposes of identity verification or for purposes of investigating the qualifications of the subject individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained in file folders and on computer discs.

Retrievability:

Indexed by name.

Safeguards:

File folders are stored in locked metal cabinets and computer discs are accessed only by authorized personnel.

Retention and disposal:

Permanent retention with periodic review of contents of record and destruction of excess and dated information.

System manager and address:

Director, Division of Bank Supervision, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Notification procedure:

Executive Secretary, Records Unit, FDIC, 550 17th Street, NW., Washington, D.C. 20429. Inquirers must provide the full name, date, and place of birth of the inquirer. Inquirers may be required to include a notarized statement attesting to identity.

Record access procedures:

Same as *Notification* above.

Contesting records procedures:

Same as *Notification* above.

Record source categories:

Individuals on whom the records are maintained as well as municipal securities dealers described in *Categories of individuals covered by the system* and Federal, State, local, and foreign governmental authorities and self-regulatory agencies which regulate the securities industry.

System exempted from certain provisions of the Act:

None.

30–61–0017

System name:

Medical Records and Emergency Contact Information System—FDIC.

System location:

Health Unit, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

Categories of individuals covered by the system:

Medical records of the employee, including the date of visit to the Health Unit, the diagnosis, and the treatment administered. Attached to this record is a separate sheet containing the name and telephone number of the person to contact in the event of an emergency involving the employee.

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Authority for maintenance of the system:

Sec. 9 of the Federal Deposit Insurance Act (12 U.S.C. § 1819); Sec. 506 of the Federal Records Act of 1950 (44 U.S.C. § 3101).

Routine uses of records maintained in the system, including categories of users and the purpose of such uses:

No disclosure (including intra-agency disclosure) of information contained in the medical files is made without the prior written consent of the employee concerned. In the event of an emergency, the emergency contact would be notified.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

On 8" x 10" cards with a separate emergency contact sheet attached to it.

Retrievability:

Indexed alphabetically by name.

Safeguards:

Kept in lockable metal cabinets in the nurses' office of the Health Unit. Only the nurse and substitute nurse are allowed access to the files. The Health Unit is locked whenever the nurse is absent.

Retention and disposal:

Kept for the duration of the employees tenure with the FDIC, and for 5 years thereafter, then destroyed.

System manager(s) and address:

Director, Office of Employee Relations, 550 17th Street, N.W., Washington, D.C. 20429.

Notification procedure:

Executive Secretary, Records Unit, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

Record access procedure:

Same as "Notification" above.

Contesting record procedures:

Same as "Notification" above.

Record source categories:

The medical records are compiled by the employee and the nurse during the course of visits to the Health Unit for treatment. The information on the emergency contact sheet is supplied by the employee.

Systems exempted from certain provision of the Act:

None.

APPENDIX A: FEDERAL DEPOSIT INSURANCE CORPORATION REGIONAL OFFICES

Atlanta Regional Office, FDIC, 2 Peachtree Street, N.W., Suite 3030, Atlanta, Georgia 30303.
Boston Regional Office, FDIC, 2 Center Plaza, Room 810, Boston, Massachusetts 02108.
Chicago Regional Office, FDIC, Sears Tower, 233 S. Wacker Drive, Suite 6116, Chicago, Illinois 60606.
Columbus Regional Office, FDIC, 37 West Broad Street, Suite 600, Columbus, Ohio 43215.
Dallas Regional Office, FDIC, 300 North Ervay Street, Suite 3300, Dallas, Texas 75201.
Madison Regional Office, FDIC, 1st Wisconsin Plaza, 1 South Pinckney Street, 8th Floor, Madison, Wisconsin 53703.
Memphis Regional Office, FDIC, 165 Madison Avenue, Suite 1010, Memphis, Tennessee 38103.
Minneapolis Regional Office, FDIC, 730 Second Avenue, South, Suite 266, Minneapolis, Minnesota 55402.
New York Regional Office, FDIC, 345 Park Avenue, 21st Floor, New York, New York 10022.
Omaha Regional Office, FDIC, 1700 Farnam Street, Suite 1200, Omaha, Nebraska 68102.
Philadelphia Regional Office, FDIC, 5 Penn Center Plaza, Suite 2901, Philadelphia, Pennsylvania 19103.
Richmond Regional Office, FDIC, 908 E. Main Street, Suite 435, Richmond, Virginia 23219.
St. Louis Regional Office, FDIC, 720 Olive Street, Suite 2909, St. Louis, Missouri 63101.
San Francisco Regional Office, FDIC, 44 Montgomery Street, Suite 3600, San Francisco, California 94104.

[FR Doc.77-10525 Filed 4-11-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER77-280]

CONNECTICUT LIGHT AND POWER CO.

Notice of Transmission Agreement

APRIL 6, 1977.

Take notice that on March 23, 1977, The Connecticut Light and Power Company (CL&P tendered for filing a proposed rate schedule with respect to Transmission Agreement dated March 1, 1977 between (1) CL&P, The Hartford Electric Light Company (HELCO) and Western Massachusetts Electric Company (WMECO) and (2) Middleton Light Department.

CL&P states that the Transmission Agreement provides for a transmission service to MLD during the period from March 1, 1977 to April 30, 1977.

CL&P also states that the transmission charge rate is a monthly rate equal to one-twelfth of the annual average cost of transmission service on the Northeast Utility system determined in accordance with Section 13.9 (Determination of Amount of Pool Transmission Facilities (PTF) Costs) of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee, multiplied by the number of kilowatts which MLD is entitled to receive.

CL&P requests an effective date of March 1, 1977 for the Transmission Agreement.

HELCO and WMECO have filed certificates of concurrence in this docket.

CL&P states that copies of this rate schedule have been mailed or delivered to CL&P, Hartford, Connecticut; HELCO, Hartford, Connecticut; WMECO, West Springfield, Massachusetts and MLD, Middleton, Massachusetts.

CL&P further states that the filing is in accordance with Section 35 of the Commission's Regulations.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 20, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10686 Filed 4-11-77;8:45 am]

[Docket No. ER77-273]

ILLINOIS POWER CO.

Notice of Tariff Change

APRIL 6, 1977.

Take notice that Illinois Power Company (Illinois) on March 30, 1977 tendered for filing proposed changes in the following of its FPC rate schedules:

Rate Schedule FPC No. 52, applicable to Clinton County Electric Cooperative, Inc.
Rate Schedule FPC No. 53, applicable to Corn Belt Electric Cooperative, Inc.
Rate Schedule FPC No. 54, applicable to Farmers Mutual Electric Co.
Rate Schedule FPC No. 55, applicable to Illinois Valley Electric Cooperative, Inc.
Rate Schedule FPC No. 56, applicable to McDonough Power Cooperative
Rate Schedule FPC No. 57, applicable to Monroe County Electric Cooperative, Inc.
Rate Schedule FPC No. 58, applicable to Southwestern Electric Cooperative, Inc.
Rate Schedule FPC No. 59, applicable to Tri-County Electric Cooperative, Inc.
Rate Schedule FPC No. 60, applicable to Western Illinois Power Cooperative, Inc.

Illinois indicates that the proposed changes would increase revenues from jurisdictional sales and service by approximately $2,490,000 based on the twelve month period ended August 31, 1976. Illinois also indicates that in addition, the proposed changes would replace the existing fuel price adjustment clause with a clause conforming to Section 35.14 of the Commission's Regulations.

Illinois states that with the present rates it earned a rate of return of only 4.89 percent on electric sales to these customers during the twelve months ended August 31, 1976 and that continuing increases in cost of capital, labor and materials and supplies are expected to further reduce the Company's earnings. Illinois states that the electric rate changes made by this filing are necessary to more fully provide compensation for these increasing costs. The Company proposes that the increased rates effective on June 1, 1977 as agreed to by the Company and each of its nine electric cooperative customers.

Copies of the filing were served upon the Company's electric cooperative jurisdictional customers, the Association of Illinois Electric Cooperatives, and the Illinois Commerce Commission, Springfield, Illinois.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission. 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 20, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10677 Filed 4-11-77;8:45 am]

[Docket No. ER77-237]

KANSAS GAS AND ELECTRIC CO.

Notice of Changes in Rates

APRIL 6, 1977.

Take notice that Kansas Gas and Electric Company (Kansas) on March 30, 1977 tendered for filing proposed changes in its Federal Power Commission Electric Service Tariff No. 101.

Kansas indicates that the filing is Service Schedule D, Interim Power Service which provides electric power and accompanying energy to be supplied June 1, 1977 through May 31, 1978 to Central Telephone and Utilities as a result of the installation of a specific 630 mW steam electric generating unit identified as La Cygne Unit No. 2. Kansas also indicates that it desires to sell 60 mW of capacity to Central Telephone and Utilities to reduce its excess reserves.

Copies of the filing were served upon Central Telephone and Utilities Corporation and the Utilities Division of the State Corporation Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with paragraph 1.8 and 1.10 of the Commission's rules and practice of procedure (18 CFR 1.8, 1.10). Such petitions or protests should be filed on or before April 20, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10685 Filed 4-11-77;8:45 am]

[Docket No. ES77-27]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application

APRIL 5, 1977.

Take notice, that on March 28, 1977, Montana-Dakota Utilities Company (Applicant), a corporation organized under the laws of the State of Delaware and qualified to do business in the States of Minnesota, Montana, North Dakota, South Dakota and Wyoming, with its principal business office at Bismarck, North Dakota, filed an application with the Federal Power Commission, pursuant to Section 204 of the Federal Power Act, seeking an order authorizing the issuance of up to $30,000,000 of promissory notes that will be issued as ordinary unsecured promissory notes or as commercial paper (both forms of promissory notes being hereinafter sometimes referred to as the "Notes"). The Notes will be dated as of the respective dates of their issue, which will not be later than December 31, 1978, and in no event will any of such Notes be due later than December 31, 1979.

The notes issued as ordinary unsecured promissory notes will be issued to commercial banks and will bear interest at the best rate for bank loans available to comparable companies on the dates such notes are issued. Such notes issued directly to the purchasing commercial banks will be due not more than one year after the dates of their respective issue.

The notes issued in the form of commercial paper will bear interest at the prevailing commercial paper rates for Prime—1 companies. The notes issued in the form of commercial paper will be issued to A. G. Becker & Co., Inc. or other recognized investment bankers in an amount not exceeding $10,000,000 at any one time and will be issued at a discount which will not be in excess of the discount rate per annum prevailing at the dates of issuance for commercial paper of comparable quality and like maturities. Applicant proposes to sell commercial paper only so long as the discount which will not be in excess of such commercial paper does not exceed the equivalent cost of borrowings from commercial banks on the date of sales. The commercial paper will have varying maturities of not more than 270 days after the date of issue and will be issued and sold in varying denominations of not less than $50,000 and not more than $1,000,000.

The net proceeds from the issuance and sale of the Notes are to be used to provide temporary financing for part of tre cost of Applicant's 1977 and 1978 Construction Programs.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 22, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10679 Filed 4-11-77;8:45 am]

[Docket No. ER77-271]

MONTAUP ELECTRIC CO.

Notice of Tariff Filing

APRIL 6, 1977.

Take notice that Montaup Electric Company, on March 29, 1977, tendered for filing (1) a contract between Montaup and the Templeton (Massachusetts) Municipal Lighting Plant for the sale of 1.1094 percent (1,400 kW) of the capability of Montaup's Somerset No. 6 unit to Templeton and (2) a service agreement providing for the transmission of the Templeton purchase across Montaup's system. Service under the rate schedules commenced on March 1, 1977 and will terminate on April 30, 1977.

Copies of the filing were served upon the Templeton Municipal Lighting Plant and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 20, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10675 Filed 4-11-77;8:45 am]

[Docket No. CP74-296]

NATIONAL FUEL GAS SUPPLY CORP.

Notice of Petition To Amend and Application for Permission and Approval To Abandon

APRIL 5, 1977.

Take notice that on February 28, 1977, National Fuel Gas Supply Corporation (National Fuel), 308 Seneca Street, Oil City, Pennsylvania 16301, filed in Docket No. CP74-296 a petition to amend the Commission's order issued December 15, 1976, in said docket pursuant to section

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7 of the Natural Gas Act so as to delete authorization for the operation of a tap and the transportation of gas authorized by said order and an application pursuant to section 7(b) of the Act for permission and approval to abandon said tap and related facilities, all as more fully set forth in the petition and application which are on file with the Commission and open to public inspection.[1]

National Fuel states that the certificate issued December 15, 1976, provided that it be accepted within thirty days and that that time was extended by notice of February 14, 1977. It is asserted that upon consideration of changed circumstances National Fuel has determined that it would not be appropriate to accept the certificate in its present form since the facts and circumstances upon which the original certificate application, as amended and supplemented, were premised have been substantially altered and certain of the facilities which were proposed as no longer required.

It is stated that the application, as amended, in this proceeding contemplated an exchange of gas with Peoples Natural Gas Company (Peoples) with the gas to be produced from present and future wells in the Kilgore area of Irwin Township, Venango County, Pennsylvania, and that the gas was to be gathered by Peoples from the production area and delivered to National Fuel at two points of receipt on the latter's line N in Mercer County, Pennsylvania, where National Fuel was to install two taps and related facilities at the two points on Line N. Peoples' share of the production was to be redelivered by National Fuel to Peoples at a point near Grove City in Mercer County, it is said.

It is indicated that the two proposed taps for Line N had been installed by operating personnel in the field and gas had begun flowing through Peoples' gathering lines and into Line N although no temporary authorization had been sought or obtained. It is asserted that such operating personnel were unaware of the necessity for National Fuel to receive appropriate Commission authorization.

It is further stated that on December 8, 1976, Peoples ceased delivering gas to National Fuel from three of the completed wells and began making deliveries of its own gas directly from those wells to Grove City through a line which Peoples itself had constructed and that as a result there has been no diversion of any interstate gas supply of National Fuel. National Fuel states that one of the points of receipt on its Line N, the northernmost point, is no longer necessary and that the redelivery of gas by National Fuel at Grove City is also no longer necessary; however, the other receipt point on Line N would still be utilized to receive gas from Peoples. Accordingly, it is stated that the southern-most receipt point is the only operation to which the certificate applies.

National Fuel proposes that it accept the only remaining applicable portion of the certificate and that National Fuel be permitted to abandon the northernmost Line N tap and related facilities since they are no longer required by the public convenience and necessity.

Alternatively, National Fuel proposes that the order of December 15, 1976, be amended (1) to delete the operation of the northernmost tap and related facilities on Line N; (2) to delete the transportation and redelivery of gas to Peoples near Grove City; and (3) to permit and approve the abandonment, if necessary, of the northernmost tap and its related facilities.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 25, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in acordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10674 Filed 4-11-77;8:45 am]

[Docket No. CP77-248]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Application

APRIL 5, 1977.

Take notice on March 29, 1977, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP77-248 an application pursuant to Section 7(c) of the Natural Gas Act and Section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79), for a certificate of public convenience and necessity authorizing the transportation of up to 4,000 Mcf of natural gas per day for Lukens Steel Company (Lukens) all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to 4,000 Mcf of natural gas per day for 2 years for Lukens from the point of receipt in Gray County Texas,[1] from Transwestern Pipeline Company (Transwestern), and applicant would transport and redeliver said volumes to Columbia Gulf Transmission Company (Columbia Gulf) at the outlet of Texaco's Henry Plant in Vermillion Parish, Louisiana. It is stated that Columbia Gulf would transport and deliver said gas to Columbia Gas Transmission Corporation (Columbia Gas) for delivery to Columbia Gas of Pennsylvania, Inc., for ultimate redelivery to Lukens. Applicant asserts that no additional facilities are required to effectuate the proposed transportation services.

Applicant states that on February 22, 1977, it filed a telegraphic request for temporary certification in Docket No. CP77-248 and was granted temporary authorization pursuant to the Commission's order dated February 24, 1977, as modified on February 28, 1977, in the said docket.

It is stated that Lukens has purchased the subject gas from Sun Gas Company, a division of Sun Oil Company, and the gas is to be produced from the Haley Field, Winkler County, Texas. Applicant indicates that Lukens would purchase the subject gas from Sun Gas Company for $2.00 per million Btu's. It is further stated that Lukens would use the subject gas to replace curtailed volumes for Priority 2 industrial uses.

Applicant states that it would retain 15 percent of the volumes received for transportation as compensation for rendering the proposed transportation service and as make-up for compressor fuel and line loss.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 18, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

[1] The filing was styled a petition to allow partial acceptance of certificate or, in the alternative, motion for modification of order.

[1] Applicant states that the original point of delivery from Transwestern was at the outlet of the Bluitt Plant, in Roosevelt County, New Mexico, but due to operational difficulties, Transwestern was unable to utilize that point. It is stated that the Commission was informed on this change pursuant to a telegram sent by Transwestern.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10682 Filed 4-11-77;8:45 am]

[Project No. 178]

PACIFIC GAS AND ELECTRIC CO.

Notice of Issuance of Annual License(s)

APRIL 5, 1977.

On May 1, 1972, Pacific Gas and Electric Company, Licensee for the Kern Canyon Project No. 178, located in Kern County, California, on the Kern River, filed an application for a new license pursuant to the Federal Power Act and Commission Regulations thereunder.

The license for Project No. 178 was issued effective April 30, 1925, for a period ending April 29, 1975. Since expiration of the original license, the project has been maintained and operated under annual licenses, the most recent of which will expire on April 29, 1977. In order to authorize the continued operation and maintenance of the project, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to the Pacific Gas and Electric Company.

Take notice than an annual license is issued to the Pacific Gas and Electric Company for the period April 30, 1977, to April 29, 1978, or until Federal takeover, or until the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Kern Canyon Project No. 178 subject to the terms and conditions of the original license. Take further notice that if Federal takeover or issuance of a new license does not take place on or before April 29, 1978, a new annual license will be issued each year thereafter, effective April 30 of each year, until such time as Federal takeover takes place or a new license is issued, without further notice being given by the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10680 Filed 4-11-77;8:45 am]

[Docket No. ID-1810]

ROBERT BROMAGE

Notice of Application

APRIL 6, 1977.

Take notice that on March 28, 1877, Robert S. Bromage, Vice President, Northeast Utilities Service Company, filed an application to hold the following positions:

Position	Name of corporation	Classification
Vice president	The Connecticut Light & Power Co.	Public utility.
Do	The Hartford Electric Light Co.	Do.
Do	Western Massachusetts Electric Co.	Do.
Do	Holyoke Water Power Co.	Do.
Do	Holyoke Power & Electric Co.	Do.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before May 3, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10683 Filed 4-11-77;8:45 am]

[Docket No. G-4715]

SOUTHERN NATURAL GAS CO.

Notice of Tariff Filings

APRIL 6, 1977.

Take notice that on March 11, 1977, Southern Natural Gas Company (Southern) tendered for filing tariff sheets to its FPC Gas Tariff, Original Volume No. 2, consisting of the following:

First revised sheet No. 58; Sixth revised sheet No. 59; Fifth revised sheet No. 60; Sixth revised sheet No. 61; Sixth revised sheet No. 62; Third revised sheet No. 62A; Fourth revised sheet No. 63; Second revised sheet No. 64; Second revised sheet No. 65; Fourth revised sheet No. 66; Third revised sheet No. 67; Second revised sheet No. 68; First revised sheet No. 68A; First revised sheet No. 69; Original sheet Nos. 69A through 69J.

These tariff sheets constitute a revision to Southern's Rate Schedule X-8 which covers an exchange agreement between Southern and Tennessee Gas Pipeline Company, to be effective January 14, 1977, pursuant to the Commission's letter order in Docket No. G-4715.

Any person desiring to be heard or to make any protest with reference to said application, on or before April 22, 1977, should file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10687 Filed 4-11-77;8:45 am]

[Docket No. CP77-311]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

APRIL 5, 1977.

Take notice that on March 23, 1977, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP77-311 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas on an interruptible best effort basis, for South Jersey Gas Company (South Jersey), a resale customer of Transco, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to 225 dekatherms of natural gas per day from an existing interconnection in Newton County, Texas, for redelivery to Transcontinental Gas Pipe Line Corporation (Transco) at either existing point of interconnection in East Feliciana Parish or Beauregard Parish, Louisiana, for delivery to South Jersey. Applicant states that the proposed transportation services would be rendered pursuant to the proposed new Rate Schedule TS-2, and under the terms of the proposed rate schedule, Applicant would transport on an interruptible, best efforts basis, a maximum daily transportation quantity to be agreed upon by service agreement. Applicant further states that the transportation rate which it proposes to charge for transportation service under Rate Schedule TS-2 is an amount equal to its rate for deliveries in the particular zone at which the proposed delivery would be made, based on the 100 percent DCQ load factor level rate, less Applicant's purchased gas costs and fuel cost and is identical to its Rate Schedule TS. Applicant would reduce the delivery volumes of gas 3 percent to offset volumes it used in transporting the subject gas, and South Jersey would reimburse Applicant for any cost of construction that may be required to receive the gas supplies.

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Applicant indicates that it would use its available pipeline capacity to render the proposed transportation service.

It is stated that South Jersey has purchased from South Jersey Exploration Company, its production affiliate, natural gas from the East Point Blue Field, Evangeline Parish, Louisiana to assist in alleviating the effect of Transco's curtailment. It is further stated that the proposed service would result in an immediate reduction of curtailments on South Jersey's system.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 25, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10681 Filed 4-11-77;8:45 am]

[Docket No. RI77-18]

TEXAS ENERGIES, INC.

Notice of Amended Application for Special Relief

APRIL 6, 1977.

Take notice that on March 29, 1977, Texas Energies, Inc. (Applicant), Suite 306, Bank of Southwest Building, Amarillo, Texas 79109, filed an amended application in the above-captioned docket which amends its application for special relief filed December 9, 1976.[1] Applicant requests a price of $1.07 per Mcf in lieu of the $1.25 per Mcf sought in its original application for gas sold to Panhandle Eastern Pipeline Company from the Holmes No. 1-21 Well, located in Section 21, Township 33 South, Range 29 West, Meade County, Texas, pursuant to § 2.76 of the Commission's general policy and interpretations (18 CFR 2.76).

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 22, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10678 Filed 4-11-77;8:45 am]

[Docket No. RI77-18]

TEXAS ENERGIES, INC.

Notice of Amended Application for Special Relief

APRIL 6, 1977.

Take notice that on March 29, 1977, Texas Energies, Inc. (Applicant), Suite 306, Bank of Southwest Building, Amarillo, Texas 79109, filed an amended application in the above-captioned docket which amends its application for special relief filed December 9, 1976.[1] Applicant requestts a price of 64¢ per Mcf in lieu of the 90¢ per Mcf sought in its original application for gas sold to Panhandle Eastern Pipeline Company from the Adams No. 1 Well, located in the Northeast quarter of Section 5, Township 35 South, Range 29 West, Meade County, Texas, pursuant to § 2.76 of the Commission's general policy and interpretations (18 CFR 2.76).

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 22, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10676 Filed 4-11-77;8:45 am]

[1] Notice issued January 3, 1977. Published in the FEDERAL REGISTER.

[1] Notice issued January 3, 1977. Published in the FEDERAL REGISTER.

[Docket No. ID-1584]

ANTHONY E. WALLACE

Notice of Application

APRIL 6, 1977.

Take notice that on March 28, 1977, Anthony E. Wallace, Applicant, filed a supplemental application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Position	Name of corporation	Classification
Executive vice president.	The Connecticut Light & Power Co.	Public utility
Do.	The Hartford Electric Light Co.	Do.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before May 3, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10684 Filed 4-11-77;8:45 am]

[Docket No. CP77-319]

CITIES SERVICE GAS CO.

Application

APRIL 5, 1977.

Take notice that on March 28, 1977, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP77-319 an application pursuant to Section 7 of the Natural Gas Act for permission and approval to abandon certain existing facilities on its transmission system and for a certificate of public convenience and necessity authorizing the construction and operation of natural gas pipeline facilities required as a result of the construction of the El Dorado Reservoir on the Walnut River in Butler County, and Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it is required to rearrange its facilities because of the construction of the El Dorado Reservoir by the U.S. Army Corps of Engineers on the Walnut River. Applicant proposes to abandon and reclaim approximately 3.52 miles of gas pipeline consisting of (1) four parallel 12-inch pipeline loops each 0.15 miles long, (2) two parallel 16-inch pipeline loops each 1.08 miles long and (3) 2.29 miles of 20-inch pipeline and to construct and operate approximately 3.70 miles of 20-inch pipeline and appurtenant facilities. Applicant states that the proposed construction and abandonments are located on Applicant's Wichita-Ottawa natural gas pipeline in Butler County, Kansas.

Applicant indicates that the U.S. Army Corps of Engineers would reimburse it for all portions of this construction falling within the 50-year flood plain of the proposed reservoir and that approximately 2.69 miles of the proposed construction under this arrangement, requiring an expenditure of approximately $984,000, would be reimbursed. Applicant states that the remaining 1.01 miles of 20-inch pipeline, consisting of four isolated segments at high points above the flood plain, requiring expenditures of approximately $97,000, would be replaced at Applicant's expense with money from its treasury cash. This construction would result in one continuous 20-inch pipeline replacement 3.70 miles in length, it is said.

Applicant indicates that the proposed arrangement of facilities would allow it to maintain its transmission system and to continue to provide service to existing customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 25, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10658 Filed 4-11-77;8:45 am]

[Project No. 768]

CITY OF COLORADO SPRINGS, COLORADO

Order Granting Extension of Time to File Application for New License

APRIL 5, 1977.

On February 24, 1977, the City of Colorado Springs, Colorado, Department of Public Utilities, Licensee for the Ruxton Park-Manitou Springs Hydro Project No. 768, filed a motion for extension of time in which to make application for a new license. The current license for Project No. 768 expires on August 1, 1977.

Section 16.12 of our Regulations, 18 CFR § 16.12 (1976), requires a licensee for a minor or minor-part project to file an application for a new license no later than one year prior to the expiration of its license.[1] By letter dated June 24, 1976, the Licensee was reminded of the need to file its application for new license by August 1, 1976. By letter dated July 26, 1976, Licensee requested an extension of time to file its application. The Secretary in a letter dated September 13, 1976, requested the Licensee to submit a schedule for filing of its application. In a letter dated October 10, 1976, the Licensee requested a five-year extension of time from the date of expiration of the license in which to file its application. The Secretary informed the Licensee on February 1, 1977, that its request for extension of time did not conform to the Regulations and dismissed the request without prejudice. In response the Licensee filed a motion on February 24, 1977, requesting a one year extension of time from the date of the motion in which to file its application.

The Licensee asserts that the extension of time should be granted in order to prepare its application for new license because:

(1) It was not aware until the June 24, 1976, letter that it would have to apply for a major license and needs more time to comply with these requirements; and

(2) A detailed study would have to be performed to determine what facilities should be included in the application.

We believe that had the Licensee proceeded with the relicense preparation in a timely fashion, the causes for delay could have been overcome at an earlier date or possibly avoided altogether. We must conclude, however, that the Licensee has supplied sufficient cause for the granting of the extension of time.

The Commission finds: (1) The City of Colorado Springs, Colorado, has shown good cause why an extension of time for the filing of an application for a new license under Section 16.12 of our Regulations under the Federal Power Act should be granted.

(2) It is reasonable and in the public interest to extend such filing date to February 24, 1978.

The Commission orders: The time for filing of an application for a new license for Project No. 768 by the City of Colorado Springs, Colorado, is hereby extended to February 24, 1978.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10654 Filed 4-11-77;8:45 am]

[1] The City of Colorado Springs was originally issued a minor-part license for the project. The Commission, however, no longer issues minor part licenses. Pacific Gas & Electric Company, 29 FPC 1265 (1963). The new application would be for a major project.

[Docket No. ER77-270]

CONNECTICUT LIGHT AND POWER CO.

Transmission Agreement

APRIL 5, 1977.

Take notice that on March 28, 1977, The Connecticut Light and Power Company (CL&P) tendered for filing a proposed rate schedule with respect to Transmission Agreement dated January 1, 1977, between (1) CL&P, The Hartford Electric Light Company (HELCO) and Western Massachusetts Electric Company (WMECO) and (2) Mansfield Municipal Electric Department (MMED).

CL&P states that the Transmission Agreement provides for a transmission service to MMED during the period from January 1, 1977 to October 31, 1977.

CL&P also states that the transmission charge rate is a monthly rate equal to one-twelfth of the annual average cost of transmission service on the Northeast Utility system determined in accordance with Section 13.9 (Determination of Amount of Pool Transmission Facilities (PTF) Costs of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee, multiplied by the number of kilowatts which MMED is entitled to receive.

CL&P requests an effective date of January 1, 1977 for the Transmission Agreement.

HELCO and WMECO have filed certificates of concurrence in this docket.

CL&P states that copies of this rate schedule have been mailed or delivered to CL&P, Hartford, Connecticut, HELCO, Hartford, Connecticut, WMECO, West Springfield, Massachusetts and MMED, Mansfield, Massachusetts.

CL&P further states that the filing is in accordance with Section 35 of the Commission's Regulations.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 20, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the

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proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10659 Filed 4-11-77;8:45 am]

[Docket No. ER77-255]

GEORGIA POWER CO.

Tariff Change

APRIL 4, 1977.

Take notice that Georgia Power Company (Georgia Power), on March 25, 1977, tendered for filing Addendum No. 6 to Schedule A of its Interchange Agreement with Tennessee Valley Authority (TVA), Georgia Power's FPC Rate Schedule No. 704. Georgia Power states that these revisions cover routine changes in the monthly rental paid by TVA for facilities utilized to transmit TVA power to North Georgia Electric Membership Corporation.

Georgia Power states that the above changes, made pursuant to the Rate Schedule, reflect the fact that Georgia Power has established new delivery points, changed delivery voltages and replaced equipment at TVA's request.

Georgia Power states that copies of this filing have been served upon TVA.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 15, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-10645 Filed 4-11-77;8:45 am]

[Docket No. ER77-264]

DETROIT EDISON CO.

Tariff Changes

APRIL 5, 1977.

Take notice that The Detroit Edison Company (DEC) on March 28, 1977, tendered for filing proposed changes in its FPC Electric Service Rate Schedules No. 2 (City of Croswell), No. 4 (Thumb Electric Cooperative), No. 5 (Consumers Power Company), No. 6 (Village of Clinton), No. 14 (Southeastern Michigan Rural Electric Cooperative), No. 18 (Village of Sebewaing), and No. 20 (Michigan Municipal Cooperative Power Pool). DEC requests that the proposed rates be made effective on May 1, 1977. DEC also requests that the proposed tariff be made effective May 1, 1977.

DEC states that the proposed changes would increase revenues from jurisdictional sales and service by $7,632,000 based on the twelve month period ending December 31, 1977.

DEC further states that it is essential that these increased revenues be made available to the Company on the proposed effective date or as close thereto as possible, in order to offset rapidly increasing costs which are resulting in deteriorating earnings to the Company from this class of service. DEC has not filed any rate increase applicable to its jurisdictional sales since February 28, 1975. Since that time, all costs including capital costs incurred by the Company have been subjected to the continuous impact of inflation and other factors making it essential to adjust the rates to meet these increased costs.

DEC also states that it is in the process of resuming construction programs which it was obliged to suspend or defer because of financial problems, and these additional requirements make it imperative that the Company maintain a more adequate earnings level in order to carry out its public service obligations.

With respect to the tariff filing, consisting of the Company's F.P.C. Electric Tariff, Original Volume No. 1, DEC says that, its purpose is to provide a convenient format for the Wholesales for Resale in interstate commerce rates and to standardize to the extent possible the provisions applicable to all of the rate schedules.

DEC also states that copies of the filing were served upon the public utility's jurisdictional customers and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). such All petitions or protests should be filed on or before April 20, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10653 Filed 4-11-77;8:45 am]

[Docket No. RP76-73]

DISTRIGAS OF MASSACHUSETTS CORP.

Proposed Substitute Tariff

APRIL 6, 1977.

Take notice that on March 30, 1977, Distrigas of Massachusetts Corporation (DOMAC) tendered for filing Substitute FPC Gas Tariff, Original Volume No. 1. According to DOMAC, the Substitute Tariff reflects a reduction of approximately $2,385,198 per year from the previously filed rates in this proceeding. DOMAC states that a final settlement agreement in this proceeding is expected to be filed in the near future.

DOMAC requests waiver of the applicable Commission regulations in order to permit the Substitute Tariff to become effective on April 1, 1977.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 28, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10637 Filed 4-11-77;8:45 am]

[Docket No. RP75-28]

EAST TENNESSEE NATURAL GAS CO.

Order Approving Settlement Proposal and Receiving in Evidence Late Filed Exhibit

APRIL 5, 1977.

On October 31, 1974, East Tennessee Natural Gas Company (East Tennessee), tendered for filing 26 tariff sheets as proposed changes in its FPC Gas Tariff Sixth Revised Volume No. 1.[1] The revised tariff sheet set forth a curtailment plan for East Tennessee's system and were filed pursuant to Commission Order No. 431 in Docket No. R-418 and pursuant to and in conformity with the Commission's Order No. 467-E in Docket No. R-469, as modified by Opinion No. 647-A, in that firm industrial requirements up to 300 Mcf are included within Priority 2 service. By order of November 27, 1974[2] the Commission, inter alia, suspended the tendered tariff sheets for one day to December 2, 1974, ordered formal hearings be convened on February 3, 1975, and granted interventions.

On January 30, 1975, the Secretary granted a motion to extend the hearing date until February 18, 1975. The hearing was convened on February 18, 1975, at which time a technical committee was established, whose purpose was, inter alia, to review the end-use date being utilized by East Tennessee in the implementation of its curtailment plan and to arrange said data on a uniform basis. The final report of the technical committee was filed on May 23, 1975 and was received in the record as Exhibit No. 1. At the hearing held on June 24, 1975 counsel for East Tennessee made a "Motion to Make Tariff Sheets Fully Effective and to Terminate Proceeding as Herein Requested". On June 26, 1975 Judge Levant pursuant to East Tennessee's aforementioned motion certified its request and the record compiled including Exhibit No. 1[3] as a proposed settlement of the proceeding in Docket No. RP75-28. The certification of the proposed settlement to the Commission was supported by all parties appearing in the case, including the Commission Staff. Said certification was noticed publicly on July 17, 1975 and appeared in the FEDERAL REGISTER on July 24, 1975 (40 FR 31039).

East Tennessee has implemented the recommendations of the technical committee and is currently curtailing on that basis. There has been no opposition to the use of the plan nor has any party proposed any alternative.

On June 16, 1976, the Commission Staff filed a motion requesting the acceptance as a late filed exhibit, its Final Environmental Impact Statement (FEIS), for this proceeding. Without opposition the Presiding Administrative Law Judge received the FEIS and certified it to the Commission on July 2, 1976. Responses in support of Staff's FEIS and for the termination of the proceeding were filed by Chattanooga Gas Company, the East Tennessee Group, East Tennessee and Colonial Natural Gas Company. The purpose of the FEIS is to be an aid in the agency's own decision making process and to advise other agencies and the public of the environmental consequences of planned federal action. The Staff's FEIS appears to us to be a well reasoned statement and a valuable aid to our decision making and will therefore be accepted as an exhibit along with the accompanying affidavit of its author.

The Commission finds:

(1) Good cause exists for accepting a late filed exhibit Staff's FEIS and the accompanying affidavit of its author.

(2) The proposed settlement offer is consistent with the public interest.

(3) East Tennessee's June 24, 1975 motion should be granted.

The Commission orders:

(A) The settlement offer is hereby accepted.

(B) Staff's FEIS and the accompanying affidavit of its author are accepted as Late Filed Exhibit No. 2.

(C) East Tennessee's motion is granted and the instant proceedings are terminated.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10652 Filed 4-11-77;8:45 am]

[1] Original Sheet Nos. 74A, 74B, 74C and 74D; First Revised Sheet Nos. 35, 40, 53, 58 and 62; Second Revised Sheet Nos. 6, 10, 13, 22, 46, 69, 70, 71, 72, 73, and 74; Fourth Revised Sheet Nos. 5, 9, 12, 23, and 27; Ninth Revised Sheet No. 4.

[2] Order Suspending Proposed Tariff Sheets, Setting Formal Hearing, Prescribing Procedures, and Granting Intervention.

[3] Titled, Final Report of Technical Committee (May 23, 1975).

[Docket No. RI77-48]

ELMS BROTHERS AND CO.

Petition for Special Relief Pursuant to Section 2.76

APRIL 4, 1977.

Take notice that on March 23, 1977, Elms Brothers and Company, 234 E. Greene Street, Waynesburg, Pennsylvania, 15370 (Elms Brothers) filed a petition for special relief pursuant to Section 2.76 of the Commission's Statements of Policy and Procedure.

In its petition, Elms Brothers seeks an increase from a base rate of 41.27 cents per Mcf (57.27 cents with adjustments) to a total rate of $1.6988 per Mcf, all at 14.73 psia, for sales from the Clark and Van Kirk Wells in North Franklin Township, Washington County, Pennsylvania, pursuant to its base July 13, 1951, contract with Columbia Gas Transmission Corporation (Columbia). Elms Brothers also seeks an increase from a total rate of 29.5 cents per Mcf to $1.6988 per Mcf at 14.73 psia for natural gas sales made pursuant to its January 13, 1939, base contract with Columbia from the Scott Well located in Gray Township, Greene County, Pennsylvania. Finally, Elms Brothers seek an increase from 30 cents per Mcf to $1.6988 per Mcf at 14.73 psia for sales of natural gas to Equitable Gas Company from the Sardini Well located in the Borough of Clarksville, Green County, Pennsylvania pursuant to an unspecified contract. Each rate is proposed to be effective as of April 1, 1977. Elms Brothers were granted a small producer's certificate in Docket No. CS76-1115 issued on December 28, 1976.

Elms Brothers aver that it has already incurred additional investment of $2,113 in a new motor and pump jack on the Washington County wells and plans $4,000 more investment this summer in order to drill out cavings and clean out the Scott Well.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 25, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to the proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-10642 Filed 4-11-77;8:45 am]

[Docket No. ER77-200]

GULF STATES UTILITIES CO.

Filing of Revised Fuel Adjustment Clause

APRIL 6, 1977.

Take notice that on March 21, 1977 Gulf States Utilities Company tendered for filing a revised Fuel Adjustment Clause for Rate Schedule FPC No. 121 (Rate LRS), FPC Docket No. ER76-815.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8, 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 20, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10633 Filed 4-11-77;8:45 am]

[Docket No. ER77-265]

INDIANA & MICHIGAN ELECTRIC CO.

Changes in Rates and Charges

APRIL 4, 1977.

Take notice that American Electric Power Service Corporation (AEP) on March 28, 1977, tendered for filing on behalf of its affiliate, Indiana & Michigan Electric Company (Indiana Company), Modification No. 11 dated February 1, 1977 to the Interconnection Agreement dated November 1, 1961 between Indiana & Michigan Electric Company and Northern Indiana Public Service Company, designated I&M's Rate Schedule FPC No. 22.

AEP indicates that Section 1 of Modification No. 11 provides for an increase in the Demand Charge for Short Term Power from $0.50 to $0.60 per kilowatt per week and Section 2 provides for an increase in the transmission charge for third party Short Term Power transac-

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tions from $0.125 per kilowatt per week to $0.15 per kilowatt per week, proposed to become effective May 1, 1977. AEP also indicates that since the use of Short Term Power cannot be accurately estimated, it is impossible to estimate the increase in revenues resulting from this Modification for such period. AEP states that Exhibit I which is included with the filing of this modification, demonstrates that the increase in revenues, which would have resulted had the modification been in effect during the twelve month period ending December 1976, would have been $35,000 (i.e. from $678,613.00 to $713,613.00).

Copies of the filing were served upon Northern Indiana Public Service Company, the Public Service Commission of Indiana and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 20, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-10650 Filed 4-11-77;8:45 am]

[Docket No. RI77-40]

L. A. WAINWRIGHT

Petition for Special Relief

APRIL 4, 1977.

Take notice that on February 22, 1977, Mr. L. A. Wainwright, 242 Esperson Building, Houston, Texas 77002 (Wainwright), filed a petition for special relief seeking an increase in rate for natural gas sales from the Pickens-Wainwright Matilda Jacob lease, West Mission Valley Field, Goliad County, Texas, Texas Railroad Commission District No. 2, being made to Transcontinental Gas Pipe Line Corporation. Wainwright, who owns a one-half interest in the lease, seeks an increase from a base rate of 35 cents per Mcf (41 cents with additives) to approximately 88 cents per Mcf. Wainwright avers, that without an increase in rate, expenses will exceed income in the near future and the one producing well will have to be abandoned.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 22, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-10641 Filed 4-11-77;8:45 am]

[Docket No. ER76-209]

METROPOLITAN EDISON CO.

Order Approving Settlement

APRIL 5, 1977.

On October 31, 1975, Metropolitan Edison Company (Met-Ed) submitted for filing increased rates for its all requirements wholesale tariff service[1] and for partial-requirements and wheeling service to Allegheny Electric Cooperative.

By order issued November 25, 1975, the Commission accepted and suspended the proposed rate increase to become effective subject to refund on January 1, 1976. On January 28, 1976, the Company submitted for filing in Docket No. ER76-492 additional tariff sheets to provide a temporary surcharge to recover fuel costs incurred during the last four months of 1975. By order issued February 27, 1976, the Commission permitted the temporary surcharge to become effective on February 29, 1976, subject to refund, and consolidated it with the rate increase proceeding pending in Docket No. ER76-209.

As a result of informal settlement conferences between the parties, an uncontested settlement agreement was reached with respect to the rate filing in Docket No. ER76-209, which was certified to the Commission to the Presiding Administrative Law Judge on November 22, 1976. The settlement agreement does not resolve the surcharge issue in Docket No. ER76-492.[2]

Public notice of the settlement was issued on December 2, 1976, with responses due on or before December 15. On December 8, 1976, staff filed comments indicating that the rate proposed in the agreement represents a reasonable resolution of all issues presented in Docket No. ER76-209. No other responses were received.

Based on our review of the record in these proceedings, including the settlement agreement itself, we conclude that the settlement agreement represents a reasonable resolution of the issues in the proceeding in the public interest, and that accordingly the settlement should be approved.

The Commission finds:

The proposed settlement agreement should be approved and made effective as hereinafter ordered and conditioned.

The Commission orders:

(A) The settlement agreement certified to the Commission by the Presiding Administrative Law Judge in these proceedings is hereby accepted, incorporated herein by reference and approved subject to the following conditions.

(B) Met-Ed shall file within 30 days of the issuance of this order revised tariff sheets in conformance with the settlement agreement.

(C) Within 30 days after the settlement tariff sheets are accepted for filing, Met-Ed shall refund amounts collected in excess of the settlement rates with interest computed at 9% per annum.

(D) Within 15 days after refunds have been made, Met-Ed shall file with the Commission a compliance report showing monthly billing determinants and revenues under prior, present and settlement rates; the monthly rate refund; and the monthly interest computation together with a summary of such information for the total refund period. A copy of such report shall also be furnished to each State Commission within whose jurisdiction the wholesale customers distribute and sell electric energy at retail.

(E) This order is without prejudice to any finding or orders which have been made or which will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its staff or any party or person affected by this order, in any proceeding now pending or hereafter instituted by or against Met-Ed or any person or party.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10656 Filed 4-11-77;8:45 am]

[Docket No. ES77-28]

MINNESOTA POWER & LIGHT CO.

Application

APRIL 4, 1977.

Take notice that on March 28, 1977, Minnesota Power & Light Company (Applicant) filed an application pursuant to Section 203 of the Federal Power Act seeking authority to acquire 15,000 shares of Common Stock ($100 Par Value) of its subsidiary, Superior Water, Light and Power Company (Subsidiary). Applicant proposes to purchase such shares of stock for an aggregate cash amount of $1,500,000.

Applicant is incorporated under the laws of Minnesota with its principal business office at Duluth, Minnesota, and is engaged in the electric utility business in the State of Minnesota.

The Subsidiary is incorporated under the laws of Wisconsin with its principal business office at Superior, Wisconsin, and supplies electric, gas and water service in Superior, Wisconsin and the area immediately adjacent thereto. All of the outstanding stock of Subsidiary is presently owned by Applicant.

Applicant and Subsidiary interchange electric energy with each other under an interchange agreement.

Applicant seeks approval to acquire the 15,000 shares of Common Stock of Subsidiary to finance, in part, expenditures made by Subsidiary in order to provide additional electric facilities and to repay a $775,000 note to Applicant which was incurred in connection with Subsidiary's 1976 construction program.

Any person desiring to be heard or to make any protest with reference to said application should, on or before April 21, 1977, file with the Federal Power Commission, Washington, D.C. 20426 petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-10648 Filed 4-11-77;8:45 am]

[Docket No. ER77-272]

MONTAUP ELECTRIC CO.

Tariff Filing

APRIL 4, 1977.

Take notice that Montaup Electric Company, on March 29, 1977, tendered for filing (1) a contract between Montaup and the Town of North Attleboro, Massachusetts for the sale of 1.5055 percent (1,900 kW) of the capability of Montaup's Somerset No. 6 unit to the North Attleboro Electric Department and (2) a transmission rate providing for the transmission of the North Attleboro purchase across Montaup's system. Service under the two rate schedules commenced on March 1, 1977 and will terminate on April 30, 1977.

Copies of the filing were served upon the North Attleboro Electric Department and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 20, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-10640 Filed 4-11-77;8:45 am]

[Docket No. RI77-44]

NADEL AND GUSSMAN

Petition for Special Relief

APRIL 6, 1977.

Take notice that on March 18, 1977, Nadel and Gussman (Petitioner), 3232 First National Tower, Tulsa, Oklahoma 74103, filed in Docket No. RI77-44 a petition for special relief pursuant to Section 2.76 of the Commission's General Policy and Interpretations (18 CFR § 2.76). Petitioner seeks an increase in its base rate from 45.015 cents per Mcf to 79 cents per Mcf for the sale of natural gas to Northern Natural Gas Company from the Kearns No. 1 Well, Edwards County, Kansas. Petitioner states that it is unable to continue operating the well at the current price.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 26, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10634 Filed 4-11-77;8:45 am]

[Docket No. CP77-320]

NATURAL GAS PIPELINE COMPANY OF AMERICA, ET AL.

Application

APRIL 5, 1977.

Take notice that on March 28, 1977, Natural Gas Pipeline Company of America, 122 South Michigan Avenue, Chicago, Illinois 60603, Michigan Wisconsin Pipe Line Company, One Woodward Avenue, Detroit, Michigan 48226, Transcontinental Gas Pipe Line Corporation, 2700 South Post Oak Road, Houston, Texas 77001, and United Gas Pipe Line Company, 700 Milam Street, Houston, Texas 77001 (Applicants), filed in Docket No. CP77-320 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of pipeline and related facilities necessary to connect gas supplies located in High Island Area Block A-330, Offshore Texas, to a point of interconnection with High Island Offshore System (HIOS) facilities on a platform owned by HIOS also located in Block A-330, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that the facilities necessary to attach the gas from producers' platform in Block A-330 to the HIOS platform in Block A-330 are 1.47 miles of 20-inch gathering line and other appurtenant facilities. Applicants estimate that the total cost of such facilities will be approximately $3,514,000.

Any person desiring to be heard or to make any protest with reference to said application, on or before April 25, 1977, should file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10651 Filed 4-11-77;8:45 am]

[Docket No. E-9306]

NEVADA POWER CO.

Order Denying Application for Rehearing

APRIL 5, 1977.

On March 3, 1975, Nevada Power Company (Nevada) tendered for filing a notice of cancellation of wholesale service

[1] Customers affected are: Hershey Electric Company, and the Boroughs of Kutztown, Goldsboro, Lewisberry and Royalton, Pennsylvania.

[2] Hearings have been held on the proposed fuel surcharge in Docket No. ER76-492 and an Initial Decision was issued by the Presiding Administrative Law Judge on February 15, 1977, disallowing the surcharge.

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to California-Pacific Utilities Company (Cal-Pac) at Henderson, Nevada, to become effective as of June 1, 1975. In its notice of cancellation, Nevada stated that the reason for termination is its inability to attract capital to support its sales to Cal-Pac at Henderson.

Notice of the March 3, 1975, filing was issued on March 18, 1975, with comments, protests, or petitions to intervene due on or before May 1, 1975. Subsequently, Cal-Pac filed a motion to intervene within the prescribed period. Cal-Pac resisted the notice of cancellation of service at Henderson, Nevada and moved that Nevada's tendered filing of March 18, 1975, be rejected for not conforming with the terms of Section 35.15 of the Commission's Regulations under the Federal Power Act.

The Initial Decision of Administrative Law Judge Curtis L. Wagner, Jr., in Docket E–9306, rendered December 15, 1976, permits Nevada to terminate service to Cal-Pac.

On January 21, 1977, ElectriCities of North Carolina (ElectricCities) filed its Petition to Intervene Out of Time and Moton to File Brief on Exceptions. ElectriCities is an unincorporated association whose members are representative of all municipalities in North Carolina which, within and within the vicinity of their municipal boundaries, own and operate their own electric systems serving their citizens and customers. These municipalities purchase electric power and energy at wholesale from utilities subject to the FPC's jurisdiction and resell such power and energy at retail to their own citizens and customers including, in a few instances, other municipalities. ElectriCities and their member municipal systems depend upon the private investor-owned systems for the bulk of their power supply and anticipate a continuing relationship in this regard. In our order issued February 9, 1977, we found that good cause did not exist to permit intervention out of time, but we accepted its Brief on Exceptions as Amicus Curiae.

In our order issued February 9, 1977, we found that under Section 1.8(b)(2) of the Commission's Rules of Practice and Procedure, ElectriCities has no direct economic interest in this proceeding and that any indirect interest is adequately represented by Cal-Pac, the wholesale customer. Petitioners are neither customers, suppliers, competitors nor shareholders of either Nevada Power or Cal-Pac. We relied upon the Commission's statement in *Permian Basin Area Rate Proceeding*, 26 FPC 193, 194 (1961), that "petitioners' desire to participate in shaping precedents does not afford a basis for intervention, either as of right or of our discretion."

When petitioners have an interest in the possible precedential effects of a decision, the Commission provides the vehicle of submitting Briefs on Exceptions as amici curiae to ventilate their views. (See *Permian Basin Area Rate Proceeding*, 32 FPC 1382.) By order issued February 9, 1977, we accepted ElectriCities' Brief on Exceptions as Amicus Curiae.

On March 11, 1977, ElectriCities applied for rehearing requesting that the Commission permit them to intervene with the rights of a party. We do not find good cause to grant rehearing. No new matters have arisen since the hearing and decision or by reason of a consequence that would result from compliance with the decision. Our findings as expressed in our February 9, 1977 order control the argument proffered as support for ElectriCities application for rehearing.

The Commission finds:

Good cause does not exist to grant ElectriCities' application for rehearing.

The Commission orders:

(A) The Application for Rehearing of ElectriCities of North Carolina is denied.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–10655 Filed 4–11–77;8:45 am]

[Docket No. ER77–268]

NIAGARA MOHAWK POWER CORP.

Tariff Filing

APRIL 4, 1977.

Take notice that Niagara Mohawk Power Corporation, on March 28, 1977, tendered for filing proposed changes in Service Classification G–1 of its Export Rate Schedule FPC No. 4. Niagara indicates that the proposed changes would increase revenues from jurisdictional sales and service by $6,645 based on the 12 month period ending February 11, 1977.

Niagara also indicates that the increase is necessary to make the charges contained in Service Classification G–1 comparable to Niagara's other rates charged to customers who have requirements of the magnitude similar to those served by this tariff.

Copies of the filing have been served upon the Quebec Hydro-Electric Commission, the only customer presently served under this tariff.

Any person desiring to be heard or to protest said application shall file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with paragraphs 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 20, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHWELL,
Acting Secretary.

[FR Doc.77–10643 Filed 4–11–77;8:45 am]

[Docket ER77–261]

NORTHERN STATES POWER CO.

Agreement With Wisconsin Electric Power Company

APRIL 4, 1977.

Take notice that Northern States Power Company, on March 25, 1977, tendered for filing an Agreement, dated June 13, 1975, with Wisconsin Electric Power Company.

Northern States indicates that the Agreement provides for the purchase of capacity and associated energy by Wisconsin Electric Power Company for the period May 1, 1977, through April 30, 1978.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before April 13, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHWELL,
Acting Secretary.

[FR Doc.77–10647 Filed 4–11–77;8:45 am]

[Docket No. CP77–321]

SOUTHERN NATURAL GAS CO.

Application

APRIL 5, 1977.

Take notice that on March 29, 1977, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP77–321 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 3,000 Mcf of natural gas per day on a best efforts basis for Transcontinental Gas Pipe Line Corporation (Transco), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport 3,000 Mcf of natural gas per day at 15.025 psia for Transco from the inlet side of its meter located at its Fish Island Receiving Station, Iberia Parish, Louisiana, and would transport and deliver or cause to be delivered an equivalent volume of gas, less 3 percent for fuel and company used and unaccounted for volumes and adjusted for differences in Btu content, to an existing point of interconnection between the respective systems of Applicant and Transco near Jonesboro, Georgia. Applicant indicates that it would utilize its existing pipeline facilites to render the proposed transporaton services.

It is stated that Transco has purchased certain gas production from a well located in the Loisel Area, Iberia Parish, Louisiana, and is obligated to transport certain other gas production from the well as agent and representative for the owners of certain working interests therein.

Applicant states that the proposed service is subject to partial or total interruption from time to time and for such periods as Applicant deems its operating conditions require.

It is stated that pursuant to a transportation agreement dated January 25, 1977, Transco would pay Applicant during each month a transportation charge as follows:

(1) A Demand Charge: Fixed amount per month for the operation and maintenance of metering facilities at the Delivery Point, $90.00.

(2) A Commodity Charge: Per 1,000 cubic feet at 14.73 psia of gas redelivered at the Redelivery Point, 29.2 cents.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 25, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Pratice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–10651 Filed 4–11–77;8:45 am]

[Docket No. CP76–462, etc.]

SOUTHERN UNION GAS CO., ET AL.

Order Amending Prior Order, Granting Petitions To Intervene and Consolidating Proceedings

APRIL 6, 1977.

Southern Union Gas Company, Applicant v. Cities Service Gas Company, Respondent, Docket No. CP76–462; Southern Union Gas Company, Applicant v. Northern Natural Gas Company, Respondent, Docket No. CP77–77; Western Gas Interstate Company, Docket No. CP77–220.

On August 2, 1976, and December 2, 1976, Southern Union Gas Company (Southern Union) filed in Docket Nos. CP76–462 and CP77–77, respectively, applications pursuant to Section 7(a) of the Natural Gas Act for orders of the Commission directing Cities Service Gas Company (Cities Service) and Northern Natural Gas Company (Northern), respectively, to sell and deliver certain volumes of natural gas to Southern Union for resale. By order issued January 28, 1977, the Commission set for hearing and consolidated these two proceedings, granted certain petitions to intervene, and directed Western Gas Interstate Company (Western)[1] to file an application for authorization to provide a transportation service related to Cities Service's sale of gas to Southern Union.

In the January 28, 1977, order we noted that in spite of the Commission's order (50 FPC 676 (1973)) limiting service by Cities Service to Southern Union's "irrigation and other farm use", a rearrangement of Southern Union's facilities allowed Cities Service's gas to be commingled with Southern Union's other gas supplies for its general system use. The rearrangement was made allegedly without the prior approval or knowledge of Cities Service. Based on information in the pleadings it appears, further, that, notwithstanding any question of the particular use to which Southern Union puts its gas, receipts from both Cities Service and Northern appear to have exceeded maximum annual contract entitlements and the maximums authorized by Commission certificate.[2] The result, of course, is that deliveries of gas by Cities Service and/or Northern may be inconsistent with the respective underlying certificates. Moreover, as we said in the January 28, 1977, order:

> As a result of Southern Union's interconnection of the irrigation facilities with its integrated distribution system, Western transports a portion of the Cities Service gas to various communities served by Southern Union and may thereby render a jurisdictional transportation service. [mimeo p. 7]

Since Western is without certificate authority to render the transportation service we further noted that such service may constitute a violation of the Natural Gas Act.

As is evident from the foregoing, the instant proceedings have raised questions of Natural Gas Act violations which cannot be ignored. Although the context of the instant proceedings involves applications pursuant to Section 7, such proceedings, nevertheless, offer a proper forum in which to determine whether violations have occurred. We direct the Presiding Administrative Law Judge to do so. In that regard testimony should be filed by the appropriate parties addressing their respective roles in the matters of possible violations previously discussed.

In compliance with our directive in the January 28, 1977, order, Western filed on February 11, 1977, in Docket No. CP77–220, an application for a certificate authorizing the continued use of certain facilities and the continued transportation and delivery of natural gas in interstate commerce. In its application Western states that as a result of a rearrangement of Southern Union's and Western's facilities by Southern Union personnel, gas purchased from Cities Service is introduced into Western's East Mainline System and is transported and delivered by Western as required for Southern Union's distribution purposes. Western is presently rendering this service without certificate authorization and so requests a temporary certificate pending resolution of this proceeding. In such circumstances, we are inclined to grant the requested temporary certificate but, we hasten to add, without prejudice to the ultimate disposition of the subject proceedings. We should also caution that the grant of such temporary certification in no way relieves Western of its obligation to address the matter of its prior rendering of a jurisdictional service without Commission authorization.

In a supplementary filing Western has submitted a Gas Transportation Agreement between Western and Southern Union, dated February 10, 1977. This agreement was submitted, pursuant to Section 154.52 of the Commission's Regulations, as an initial rate schedule proposed to govern the charges for Western's transportation service for Southern Union. By the terms of the agreement Western proposes to charge Southern Union a rate of 7.12 cents per Mcf delivered. The 7.12 cents per Mcf is said to be the difference between Western's average purchased gas costs of 32.38 cents per Mcf of its Northern Division and its sales rate of 39.5 cents per Mcf under its Rate Schedule G–N, approved by Commission order of January 13, 1975, in Docket No. RP74–85. However, in its most recently approved change in Rate Schedule G–N,[3] Western showed an average purchased gas cost of 56.88 cents and a sales rate of 66.08 cents per Mcf, resulting in a transmission component of

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[1] Western and Southern Union are affiliates, both being subsidiaries of Southern Union Company.

[2] See 50 FPC 676 (1973) and 48 FPC 1523 (1972).

[3] Accepted for filing on September 24, 1976.

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9.20 cents per Mcf. Western provides no explanation as to why these updated figures were not used in determining its proposed rate. The subject should be addressed in the scheduled hearing.

After due notice of the application in Docket No. CP77-220 by publication in the FEDERAL REGISTER on March 8, 1977 (42 FR 13059), Cities Service filed a petition to intervene. No other petitions to intervene, notices of intervention or protests to the granting of the application in Docket No. CP77-220 have been filed.

Because the gas for which Western seeks transportation authority would be supplied under authorization granted pursuant to Southern Union's application in Docket No. CP76-462, Western's application in Docket No. CP77-220 should be consolidated with Southern Union's application for hearing and disposition. To the extent that anything in this order gives rise to the need for additional testimony not previously contemplated and thereby causing conflict with the procedural schedule heretofore established by the Presiding Judge in Docket No. CP76-462, et al., we direct that schedule to be amended accordingly.

While the substance of all pleadings in Docket Nos. CP76-462 and CP77-77 was considered in advance of issuance of the January 28, 1977, order, specific mention of certain petitions to intervene in those proceedings was inadvertently omitted from that order. The State of Oklahoma (Oklahoma) and Texas County Irrigation and Water Resources Association and Beaver County Irrigation Association (Texas County, et al.) filed petitions to intervene in Docket No. CP76-462, and North Central Public Service Co., Division of Donovan Companies, Inc. (North Central), and Iowa Power and Light Company (Iowa Power) filed petitions to intervene in Docket No. CP77-77. Of the foregoing petitions only that of North Central was timely filed. Subsequent to the January 28, 1977, order Iowa Public Service Company filed a tardy petition to intervene in Docket No. CP77-77.

The Commission finds:

(1) Due to the interrelation of the proceedings in Docket Nos. CP77-220 and CP76-462, et al., they should be consolidated for hearing and disposition.

(2) The pleadings in this consolidated proceeding have given rise to certain questions of violation of the Natural Gas Act.

(3) Absent temporary authorization Western would be obligated to discontinue the transportation service proposed to be continued in Docket No. CP77-220, which cessation would create an emergency within the meaning of the Natural Gas Act.

(4) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the provisions of Section 154.22 of the Commission's Regulations (18 CFR 157.22) be waived to permit the filing of the Gas Transportation Agreement dated February 10, 1977, submitted by Western in Docket No. CP77-220 and that said agreement be accepted for filing.

(5) Participation by the above-named petitioners may be in the public interest and will not delay the subject proceeding.

(6) Good cause, as defined in Section 1.8(d) of the Commission's Rules of Practice and Procedure, exists, to permit the filing of the late petitions to intervene.

The Commission orders:

(A) The proceeding in Docket No. CP77-220 is consolidated for disposition with the proceeding in Docket No. CP76-462, et al. heretofore set for hearing by the January 28, 1977, order.

(B) The applicants and respondents in this proceeding are directed to address in testimony their respective roles relative to the questions of Natural Gas Act violations hereinbefore discussed.

(C) A temporary certificate of public convenience and necessity is issued to Western in Docket No. CP77-220 authorizing the continued transportation of natural gas in interstate commerce and operation of certain facilities therefor, as hereinbefore described and more fully described in the application in Docket No. CP77-220. The temporary authorization granted herein is without prejudice to the ultimate findings of fact and disposition of Western's application as the record may require.

(D) The Gas Transportation Agreement dated February 10, 1977, submitted by Western in Docket No. CP77-220 is accepted for filing effective the date of this order and is designated as Rate Schedule T-1 to Western's FPC Gas Tariff original volume No. 2.

(E) The above-mentioned petitioners are permitted to intervene subject to the Rules and Regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions for leave to intervene; *Provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in this proceeding; and *Provided, further,* That said participation by such interveners shall be conditioned upon acceptance of the record in this proceeding as it now stands.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10638 Filed 4-11-77;8:45 am]

[Docket No. C177-298]

TENNECO INC.

Supplemental Order

APRIL 4, 1977.

On March 8, 1977, the Commission issued an order instituting an investigation into the matters raised in a pleading filed on February 28, 1977 by Tenneco Inc. (Tenneco). Tenneco requested in the pleading that the Commission issue a declaratory order to resolve uncertainties as to whether the necessary authority had been obtained under the Natural Gas Act in connection with release of natural gas from acreage or reservoirs under contract to Tennessee Gas Pipeline Company (Tennessee), a division of Tenneco, for sale by independent producers to Channel Industries Gas Company (Channel), an intrastate pipeline which is a subsidiary of Tenneco.

On March 18, 1977, Tenneco filed a supplement to its February 28, 1977, petition providing additional information on certain fields already mentioned as well as information on additional fields which previously have not been discussed.

With regard to the fields previously mentioned, Tenneco notes that the following additional producers are involved: (1) Rio Bravo Oil Company (now Bravo) in the Edinburg Field, Hidalgo County, Texas, (2) Monsanto Company, Continental Oil Company, Shell Oil Company and Kirby Oil Company in the Chesterville Field, Colorado County, Texas, and (3) Clinton Oil Company and Peninsula Exploration Company in the Riverside-O'Neil Field.

Tenneco also identifies the following additional fields: (1) Bay City Field, Matagorda County, Texas (sales by Getty Oil Company), (2) Brayton Field, Nueces County, Texas (sales by Puenticitas Oil Company, J. C. Storm, South Texas Oil and Gas and Forest Oil Corporation), (3) Cold Springs Field, San Jacinto County, Texas (sales by Continental Oil Co.), (4) North Garwood Field, Colorado County, Texas (sales by Marathon Oil Co., Neil E. Hanson and Goldking Properties Company), and (5) Stratton-Agua Dulce Field, Jim Wells, Kleburg and Nueces Counties, Texas (sales by Champlin Petroleum Company).

The matters raised in Tenneco's March 28, 1977, supplemental petition are properly part of the investigation instituted in the March 8, 1977, order issued in this docket. We shall require the additional affected producers to respond to all the issues raised in Tenneco's supplemental petition.

The Commission finds:

The matters raised in Tenneco's March 18, 1977, supplemental petition should be included in the investigation instituted by the Commission's March 8, 1977, order issued in this docket.

The Commission orders:

(A) On or before April 27, 1977, the affected producers are directed to file responses to all the issues raised in Tenneco's March 18, 1977, supplemental petition.

(B) Notices of intervention and petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before April 27, 1977, in accordance with the Commission's Rules of Practice and Procedure. Parties who have already filed such notices or petitions in response to the March 8, 1977, order need not again file for intervention in this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-10649 Filed 4-11-77;8:45 am]

[Docket Nos. CP 75-117 etc.]

TEXAS GAS TRANSMISSION CORP., ET AL.

Order Reopening Proceedings

APRIL 4, 1977.

Texas Gas Transmission Corporation, Corporation, Michigan Wisconsin Pipe Line Company, U-T Offshore System, Transcontinental Gas Pipeline Company of America, United Gas Pipe Line Company; Docket Nos. CP75-117, CP75-125, CP76-118, CP76-122, CP76-320, CP76-471.

U-T Offshore System (U-T) on February 14, 1977, filed an application for rehearing of the Commission's order issued January 13, 1977, granting certificates of public convenience and necessity to six applicants for facilities related to the project of High Island Offshore System (HIOS).[1] One of the projects was proposed by U-T for the construction and operation of facilities which would connect with HIOS and extend from West Cameron Block 167, Offshore Louisiana, nearly 30 miles to a point of interconnection with existing onshore facilities of Transcontinental Gas Pipe Line Corporation (Transco) at Cameron Meadows Plant near Johnson's Bayou, Cameron Parish, Louisiana. U-T had proposed to charge a monthly demand rate of $1.88 per Mcf of contract demand. In the January 13, 1977 order, the Commission rejected this proposal in favor of a modified unit-of-transportation rate with a demand charge. The Commission noted that this rate condition was consistent with the treatment accorded to the HIOS project by orders issued June 4, and July 30, 1976, in Docket Nos. CP75-104, et al.

In its application for rehearing, U-T alleges that this rate condition was imposed without affording U-T the hearing to which it is entitled under Section 7 of the Natural Gas Act. U-T also argues that such rate condition would deprive it of an opportunity to earn a reasonable return on its investment and that the condition is arbitrary and capricious and not supported by substantial evidence.

On February 14, 1977, U-T also filed a letter accepting the certificate of public convenience and necessity issued by the Commission's January 13, 1977 order. Then on March 4, 1977, U-T requested an extension of time to April 28, 1977, within which to file the rate schedules and cost of service studies required in Ordering Paragraph (B) of the January 13, 1977 order. The Commission Secretary granted this request by notice issued March 15, 1977.

We note that in the HIOS proceeding, after filing the rate schedules and cost of service studies required in the July 30, 1976 order, issued in that proceeding, HIOS filed on March 17, 1977, a letter noting that due to Staff comments on their proposal, alternatives were being considered in an effort to comply with the Commission imposed rate conditions. Since there appears to be some question as to the interpretation of the HIOS rate conditions which are identical to those imposed on U-T, we find it appropriate to defer our consideration of the merits of U-T's February 14, 1977 application for rehearing until the issues relating to the July 30, 1976 order are resolved.

Inasmuch as the U-T application for rehearing has been denied inadvertently by operation of law pursuant to Section 1.34(c) of the Commission's Regulations, we shall reopen this proceeding in order to defer our consideration of the merits of U-T's pleading.

The Commission finds:

It is appropriate and in the public interest to reopen these proceedings in order to defer our action on the merits of U-T's February 14, 1977 application for rehearing.

The Commission orders:

(A) These proceedings are hereby reopened in order to defer Commission action on the merits of U-T's February 14, 1977 application for rehearing.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-10661 Filed 4-11-77;8:45 am]

[Docket No. CP77-316]

UNITED GAS PIPE LINE CO.

Application

APRIL 4, 1977.

Take notice that on March 28, 1977, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP77-316 an application pursuant to Section 7(c) of the Natural Gas Act and Section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79), for a certificate of public convenience and necessity authorizing the transportation of up to 1,300 Mcf of natural gas per day for Dan River, Inc. (Dan River), an existing industrial customer of Piedmont Natural Gas Company and The City of Danville, Virginia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to 1,300 Mcf of natural gas per day for Dan River from a point of receipt on its Baton Rouge, New Orleans line in St. John The Baptist Parish, Louisiana, and transport and redeliver such volumes of gas to Transcontinental Gas Pipe Line Corporation (Transco) at mutually agreeable existing points of interconnection near Victoria, Victoria County, Texas; Cameron, Cameron County, Louisiana; at Egan Plant in Acadia Parish, Louisiana; near Guedan, Acadia Parish, Louisiana; at Gibson Plant Nos. 1 and 2 in Terrebonne Parish, Louisiana; near Magnolia and Holmesville, Pike County, Mississippi; near Walthall, Walthall County, Mississippi; or at Harmony Plant, Clarke County, Mississippi.

Applicant states that the gas proposed to be transported has been acquired by Dan River from Delhi Properties Inc., Vermillion Bay Land Company, John Stuart Hunt, Jean Gannon Hunt, Sherman M. Hunt and Mary Andrews Hunt (Delhi, et al.), and that such gas would be produced from the South Lake Maurepas Field located in St. John The Baptist Parish, Louisiana, and would be consumed for high priority end use in Dan River's plants in Danville, Virginia; Greenville, South Carolina; Greer, South Carolina; and Burlington, North Carolina. Dan River would pay Delhi, et al., $1.75 per Mcf for the subject gas. Applicant indicates that it would transport up to 1,300 Mcf of natural gas per day for redelivery to Transco for Dan River's account, less 1.5 percent of the said quantity of gas for fuel and company used gas. It is stated that Transco, in turn, would cause said quantity of gas to be delivered to the City of Danville, for high priority end-use at the Danville Plant and to Piedmont Natural Gas Company, Inc. for the account of Dan River, for high priority use at its Greenville, South Carolina; Greer, South Carolina and Burlington, North Carolina plants.

It is stated that Dan River has purchased the subject gas in an effort to offset the loss of its gas supply because of curtailed deliveries by its suppliers. The proposed transportation is for 2 years.

It is stated that Dan River has agreed to pay Applicant for the proposed transportation services a price equal to Applicant's average jurisdictional transmission cost of service in its southern or northern rate zone, less any amount included in such average jurisdictional cost of service which is attributable to gas consumed in the operation of Applicant's pipeline system. The current average jurisdictional transmission cost of service, exclusive of the cost of gas consumed in Applicant's operations, is 20.04 cents per Mcf in the northern zone and 17.92 per Mcf in the southern rate zone, it is said. Applicant indicates that it would not have to construct any new facilities to render the proposed transportation services.

Applicant proposes to transport volumes for Dan River as follows:

	Volumes, thousand cubic feet		
	Peak day	Average day	Annual volume
Danville, Va.	1,300	706	257, 325
Greenville, S.C.	285	165	60, 225
Greer, S.C.	300	195	71, 175
Burlington, N.C.	300	235	86, 775

[1] Docket Nos. CP75-104, et al., orders issued June 4, 1976, and July 30, 1976.

V4270 APR 12 77 UMI

Any person desiring to be heard or to make any protest with reference to said application should on or before April 18, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-10644 Filed 4-11-77;8:45 am]

[Docket No. CP77-317]

UNITED GAS PIPE LINE CO.

Application

APRIL 5, 1977.

Take notice that on March 28, 1977, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP77-317 an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing June 1, 1977, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which would be purchased from producers and other similar sellers thereof, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally co-extensive with its pipeline system or the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with Applicant.

Applicant states that the total cost of the proposed facilities would not exceed $12,000,000 with no single onshore project to exceed $1,500,000 and no single offshore project to exceed $2,500,000. Applicant states that the proposed facilities would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 25, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any rearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10660 Filed 4-11-77;8:45 am]

[Docket No. CP77-322]

UNITED GAS PIPE LINE CO. AND SOUTHERN NATURAL GAS CO.

Joint Application

APRIL 6, 1977.

Take notice that on March 30, 1977, United Gas Pipe Line Company (United) and Southern Natural Gas Company (Southern) filed a Joint Application in Docket No. CP77-322 for a Certificate of Public Convenience and Necessity seeking authorization to exchange gas. United has acquired the right to purchase 20 percent of the gas produced in Block 140, Main Pass Area from Pennzoil Offshore Gas Operators, Inc. and Pennzoil Louisiana and Texas Offshore, Inc. The gas will be sold to United at a point onshore near Gulf Oil Corporation's Grand Bay Receiving Station in Plaquemines Parish, Louisiana and will be redelivered to Mid Louisiana Gas Company (Mid Louisiana). Mid Louisiana has agreed to transport such gas three miles to a point of interconnection with the facilities of Southern, also in Plaquemines Parish, Louisiana. Southern will redeliver equivalent volumes to United at existing interconnections with United located on Sea Robin Pipeline Company's system near Erath, Vermilion Parish, Louisiana and/or at the outlet side of the measuring station installed and operated by Natural Gas Pipe Line Company of America at or near the outlet of the Texaco Henry Plant located in Section 21, Township 13 South, Range Four East, Vermilion Parish, Louisiana, all as more fully described in the application which is on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application, on or before April 26, 1977, should file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10636 Filed 4-11-77;8:45 am]

[Docket No. ER77-234]

VERMONT ELECTRIC POWER COMPANY, INC.

Rate Schedule Filing

APRIL 4, 1977.

Take notice that on March 22, 1977, Vermont Electric Power Company, Inc. (Velco) tendered for filing a Rate Schedule containing a Bulk Power Purchase Agreement between Velco and the Braintree Electric Light Department of Braintree, Massachusetts, dated as of October 31, 1976.

Velco states that the service to be rendered under this Rate Schedule is the provision of 3,000 kW capacity and related energy from the Vermont Yankee Nuclear Electric Generating Station, at a monthly rate estimated to be $28,000.00 per month. Velco states that service from Velco to Braintree under the Rate Schedule will consist of approximately 1,600,000 kilowatt-hours/month and that charges for this power will be at Velco's cost. Therefore, Veyco states that there will be no change in the overall rate of return of Velco.

Velco states that service under this Rate Schedule commenced on October 31, 1976, and will terminate on October 31, 1977. An effective date of November 1, 1976, and waiver of the requirements of Section 35.11 of the Commission's Regulations are requested.

Copies of the filing were served upon the Braintree Electric Light Department and the Vermont Public Service Board.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 15, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-10616 Filed 4-11-77;8:45 am]

[Docket No. RI77-51]

WALTER K. ARBUCKLE, ET AL.

Petition for Special Relief

APRIL 6, 1977.

Take notice that on March 29, 1977, Walter Arbuckle, et al. (Petitioner), Kimbark Operating Company, Suite 808, 1660 Lincoln Street, Denver, Colorado 80203, filed a petition for special relief in Docket No. RI77-51, pursuant to Commission Order No. 481. Petitioner seeks an increase in its rate of 17.9¢ per Mcf to $1.05 per Mcf for the sale of gas from the UPRR Chace No. 1 Well and the UPRR Irene No. 1 Well, Simpson Ridge Area, Carbon County, Wyoming to the purchaser Colorado Interstate Gas Company. Petitioner states that this rate increase would allow the installation of compression facilities necessary to obtain production from the Irene Well and to obtain year-round production from the Chace Well. According to Petitioner, failure to obtain relief would result in abandonment of the Irene Well and the inability to recover additional Mcf from the Chace Well which would be recoverable with these compression facilities.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 26, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10535 Filed 4-11-77;8:45 am]

[Docket No. E77-91]

EMERGENCY NATURAL GAS ACT OF 1977

Emergency Order

On April 7, 1977, Texas Gas Transmission Corporation (Texas Gas), as agent for certain of its customers,[1] filed, pursuant to Section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)), an application for authorization to transport natural gas which it is purchasing for certain of its customers.

Texas Gas, as agent, executed a contract on March 14, 1977, with Continental Oil Company (Continental) for the purchase of approximately 1,500 Mcfd from the Carthage Field, Panola County, Texas. The total price to be paid by Texas Gas, as agent, is $1.994 per MMBtu. Thus, the proposed price is fair and equitable in accordance with Order No. 2.

Texas Gas will receive these volumes at the outlet of the Champlin Gasoline Plant, Panola County, Texas and transport these supplies through its existing pipeline facilities to the customers for which it is purchasing the gas. Texas Gas' proposed transportation rates are based upon the cost data supporting the settlement rates in Texas Gas' most recent Federal Power Commission rate case in Docket No. RP76-17 and the retention of a percent of the transported volumes for compressor fuel and company use and loss. I find no basis for prescribing other charges since the parties have agreed upon the transportation charges.

Based upon the foregoing, Texas Gas is authorized to purchase gas, as agent, from Continental and to transport such gas for certain of its customers. This authorization is conditioned on (i) Texas Gas' submission of the names of the customers for which it is acting as agent, (ii) those customers agreeing to submit reports as required by Order No. 4 and (iii) such customers certifying that they are entitled to purchase gas under the provisions of Order No. 6.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Texas Gas and Continental. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

[FR Doc.77-10765 Filed 4-11-77;8:45 am]

[Docket No. E77-90]

EMERGENCY NATURAL GAS ACT OF 1977

Emergency Order

On April 6, 1977, Piedmont Natural Gas Company, Inc. (Piedmont), filed, pursuant to Section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 1977)), an application for an order authorizing: (i) Piedmont to purchase gas from Davis Oil Company (Davis), and (ii) United Gas Pipe Line Company (United) and Transcontinental Gas Pipe Line Corporation (Transco) to transport this natural gas for Piedmont. For the reasons set forth below, I authorize the purchase requested and transportation.

By contract dated March 4, 1977, Piedmont agreed to purchase approximately 2,500 Mcf per day of natural gas from Davis at the Davis No. 2 Anthement Well, Golden Meadow Field, Lafourche Parish, Louisiana. Piedmont will purchase these supplies at a price of $2.25 per MMBtu inclusive of all state and local taxes and other adjustments. In addition, Piedmont will pay Davis 10.0 cents per MMBtu to pay for a portion of the cost of installing approximately four miles of 3½ inch pipeline to connect this well to United's pipeline.

The proposed wellhead price of $2.25 per MMBtu is fair and equitable in accordance with Order No. 2. Furthermore, Davis may recover the costs associated with the facilities installed to deliver this gas to United. Pelto Oil Company, Docket No. E77-25 (February 20, 1977).

Davis will deliver this gas to United for Piedmont's account in Lafourche Parish, Louisiana. United will transport and deliver the gas to Transco at an existing interconnection near Gibson, Terrebonne Parish, Louisiana. Transco will

[1] These customers are local distribution companies and interstate pipelines as defined in sections 2 (1), (5) of the Act (91 Stat. 4).

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deliver the gas to Piedmont at existing delivery points.

United will charge 17.92 cents per Mcf plus 1.5 percent of the volumes for fuel and loss. Transco will charge 45.8 cents per MMBtu plus 3.8 percent of the volumes for compressor fuel; this rate is to be collected subject to refund pursuant to order issued in Docket No. E77–83 (April 4, 1977). Piedmont states that its acceptance of Transco's proposed rate is without prejudice to its position that Transco's rate is not just and reasonable.[1]

Piedmont shall submit weekly reports as required by Order No. 4.

Pursuant to Section 6(a) of the Act, I hereby authorize Davis to sell to Piedmont up to 2,500 Mcfd of natural gas on the terms and conditions set forth in Piedmont's filing in this proceeding. Pursuant to Section 6(c)(1) of the Act, I hereby authorize and order United and Transco to transport gas for Piedmont. Since the parties have agreed upon the transportation charges (subject to Piedmont's reservations), I find no basis for prescribing other charges.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Piedmont, Davis, United and Transco. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95–2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

APRIL 8, 1977.

[FR Doc.77–10796 Filed 4–11–77;8:45 am]

[Docket No. ER76–249]

LAKE SUPERIOR DISTRICT POWER CO.

Notice of Revised Fuel Adjustment Clause

APRIL 8, 1977.

Take notice that Lake Superior District Power Company (LSDP) on March 18, 1977 completed the filing of a revised fuel adjustment clause applicable to LSDP's contract for electric service with North Central Power Co., Inc. (NCP). LSDP requests waiver of the Commission's notice requirements and an effective date of January 1, 1977.

LSDP states that the proposed revised fuel adjustment clause provides for a .001¢/kWh adjustment for each .001¢ increase or decrease in the current month's fuel cost from the base cost of fuel of 5.04 mills/kWh. LSDP further states that implementation of the proposed fuel clause would result in a $19,241.00 increase in charges to NCP for the 12 month period ending December 31, 1977.

[1] Piedmont's position is that expressed in Transco's rate proceeding in Federal Power Commission Docket No. RP77–48. Piedmont indicates that it plans to contest Transco's proposed rate in FPC Docket No. RP77–48 and before the Administrator.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20406, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 15, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–10797 Filed 4–11–77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 77N–0095]

UNIFORM EFFECTIVE DATE FOR FOOD LABELING REGULATIONS

Notice to Manufacturers, Packers, and Distributors Concerning the Mandatory Uniform Effective Date for Food Labeling Regulations

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: This document establishes July 1, 1979, as the new mandatory uniform effective date for compliance with all final regulations published in the FEDERAL REGISTER after April 1, 1977, affecting the labeling of foods. This action is taken to provide an orderly and economical adjustment to new labeling requirements.

DATES: Effective date of change is April 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Bob Lake, Bureau of Foods (HFF–302), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204 (202–245–1254).

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs issues various regulations for packaged food, which are designed to provide the consumer with information concerning the ingredients and nutritional qualities of the food and to present the information in a uniform and understandable manner. Although some of these regulations permit labeling changes on a voluntary basis, other regulations make labeling changes mandatory. In some cases, moreover, these regulations require extensive changes in current labeling. The economic impact on the food industry, and ultimately, therefore, the cost to consumers, if these changes were required on a multiple piecemeal basis, might well be substantial over a period of time.

The Commissioner, therefore, is of the opinion that he should periodically establish a single mandatory effective date applicable to all regulations requiring changes in food labels except when, for any particular regulation, special circumstances justify a different effective date. This procedure provides for an orderly and economical adjustment to new labeling requirements and, thus, is in the interest of consumers as well as industry because the cost of the multiple piecemeal label revisions that might otherwise be required would probably be passed on to consumers in the form of higher food prices.

The current uniform effective date for food products is January 1, 1978. Foods introduced into interstate commerce on or after that date are required to comply with all final food labeling regulations. Recognizing that this current effective date is less than a year away, and that a sufficient lead time is required for food manufacturers and packagers to make the necessary labeling changes, the Commissioner is establishing a new mandatory uniform effective date. The new date, is July 1, 1979 for all final food labeling regulations published in the FEDERAL REGISTER after April 1, 1977. For any food labeling regulation for which special circumstances justify a different effective date, an appropriate effective date will be specified when the regulation is issued.

Dated: April 5, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77–10604 Filed 4–11–77;8:45 am]

Office of Education

ACCREDITATION AND INSTITUTIONAL ELIGIBILITY ADVISORY COMMITTEE

Public Meeting

Correction

In FR Doc. 77–10051 appearing at page 18130 in the issue of Tuesday, April 5, 1977, in the paragraph designated "Dates", the date reading "April 20, 1977" should read "April 28, 1977."

EMERGENCY SCHOOL AID

Extended Closing Date for Receipt of Resubmitted Applications, Region IX

On November 15, 1976, at 41 FR 50353, a notice of closing date for receipt of applications (January 17, 1977) was published for applications under sections 706(a), 706(b), 708(b) and 708(c) of the Emergency School Aid Act (20 U.S.C. 1605(a), 1605(b), 1607(b) and 1607(c)). Part F of that notice set April 14, 1977 as the closing date for receipt of applications which are resubmitted pursuant to section 710(d)(2) and 710(e) of the Act (20 U.S.C. 1609(d)(2) and 1609(e)).

Because the evaluation of applications filed at the U.S. Office of Education Regional Office in San Francisco (Region IX) did not comport with administrative procedures, all applications filed at that office by the January 17 closing date are being reevaluated. The reevaluation process will cause applicants in Region IX to be notified of their competitive position later than applicants in other regions. In order to provide Region IX applicants whose applications are returned to them pursuant to section 710(d)(2) of the Act with an appropriate opportunity to modify and resubmit their applications, the Commissioner of Education believes it is necessary to extend the closing date for resubmitted applications in that region only. Therefore, this notice extends for closing date for those applications only to April 28, 1977, 4:00 p.m. San Francisco time.

A. *Applications sent by mail.* Applications sent by mail should be addressed to:

U.S. Office of Education Application Control Center, Federal Office Building, Room 215, 50 United Nations Plaza, San Francisco, California 94102.

An application sent by mail will be considered to have been received on time if:

(1) The application was sent to the San Francisco Regional Office by registered or certified mail not later than April 25, 1977 as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by the San Francisco Regional Office mail room. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail room or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare or the U.S. Office of Education Regional Office in San Francisco.

Hand delivered applications must be taken to the San Francisco Regional Office of the U.S. Office of Education at the address listed in Part A of this notice. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. local time except Saturdays, Sundays and Federal holidays. Applications will not be accepted after 4:00 p.m. local time on the closing date.

(Catalog of Federal Domestic Assistance numbers 13.525 (Basic Grants), 13.526 (Pilot Projects), 13.528 (Bilingual Projects), and 13.529 (Projects to be carried out by Public or Nonprofit Private Organizations).)

(20 U.S.C. 1601–1619.)

Dated: April 4, 1977.

WILLIAM F. PIERCE,
Acting U.S. Commissioner of Education.

[FR Doc.77–10672 Filed 4–11–77;8:45 am]

Office of the Secretary

STUDENT FINANCIAL ASSISTANCE STUDY GROUP

Notice of Hearing and Meeting

The Student Financial Assistance Study Group was established by public notice on August 27, 1976, to advise the Secretary of Health, Education, and Welfare on ways to implement more effectively and efficiently the Student Financial Assistance Programs administered by the Department. These programs include the Basic Educational Opportunity Grants Program (BEOG), the Guaranteed Student Loan Program (GSL) the Supplemental Educational Opportunity Grants Program (SEOG), the National Direct Student Loan Program (NDSL), the College Work-Study Program (CWS), and the State Student Incentive Grant Program (SSIG).

Notice is hereby given pursuant to Pub. L. 92–463 that the Student Financial Assistance Study Group will hold a hearing to receive suggestions on all topics related to its study and, in particular, to receive comments on some of the tentative recommendations listed below that the Study Group has under consideration. The public hearing will be held on Thursday, April 28, 1977 in the Press Room of the Parker House Hotel at Tremont and Schools Streets, Boston, Massachusetts from 9:00 a.m. to 4:00 p.m. This hearing is part of the Student Financial Assistance Study Group's efforts to develop recommendations on management and administrative issues related to the student assistance programs.

OUTLINE OF THE STUDY

The Student Financial Assistance Study Group has outlined, in broad terms, the following major areas to be included in the Study.

1. *Introduction—Background.* There will be an introduction which, from a historical base, will analyze why the current management and administrative problems exist in the Federal student aid programs and why the Student Financial Assistance Study Group was established.

2. *Eligibility.* This section of the study will address the process for determining eligibility to receive Federal funds and to participate in the student aid programs. The study will critically review the process for determining, maintaining, and terminating eligibility for states, institutions, students, and lenders.

3. *Delivery system.* The delivery system for providing financial assistance to students through the various mechanisms currently in force will also receive the attention of the Study Group. This will include the application process, panel review process, allotment of funds, packaging of aid and student budget process. The Group intends to give consideration to the timing of payment to students and to institutions; the roles of the Federal central office and regional offices in the administration of the programs; the roles of the states, the educational institutions, the private sector service organizations, and the lending institutions in the administration of the programs.

4. *Program management and integrity.* The organization structure, policies, and procedures used to manage the programs to insure program integrity, coordination, and control will be the focus of this section of the Study. The Study will look at management systems in general, including communications, training, technical assistance, and data acquisition; the incentives and disincentives for program integrity; the appeal processes; the efforts to prevent and eliminate fraud and abuse; and the procedures for evaluating performance of institutions, agencies, and individuals.

TENTATIVE RECOMMENDATIONS

The Student Financial Assistance Study Group in its March 17 publication in the FEDERAL REGISTER presented its tentative recommendations regarding the determination of eligibility for participation in the Federal programs and some of its tentative recommendations for increasing the effectiveness and the efficiency of the delivery of student aid. Listed below are additional tenative recommendations regarding the delivery of student aid and tentative recommendations directed at improving program management and insuring program integrity. This is not meant to be a full or final listing of such recommendations. The Student Financial Assistance Study Group will continue its work during May and a final hearing is scheduled for May 26 in Washington, D.C.

I. *Delivery systems*—A. *Information needs.* 1. Information dissemination efforts must be directed toward improving student access, choice, retention, and student protection.

2. OE should become a focus for information about all government programs of student aid and should direct its information efforts to all who would have an interest—early high school students, non-traditional students, persons from various socio-economic backgrounds, as well as those persons who influence student decisions.

3. OE should enlist the cooperation of the states in the dissemination of student aid information, and encourage the interstate exchange of information on successful means of information dissemination.

4. OE should mount new efforts to encourage institutions to take a greater role in the dissemination of information about the student aid programs.

B. *Student application process.* 1. The student application deadlines for the BEOG should be reviewed and adjusted to insure that students who choose to attend institutions with non-traditional academic calendars will have the opportunity to receive their full entitlement of funds.

2. The Study Group recommends that the appropriation procedures for the Basic Educational Opportunity Grants Program be changed in order to remove existing uncertainties in the amount of the awards that can be expected. Any new appropriation procedure should either fix the dollar amount of the appropriation on the basis of the best projection of needed funds, or by approving a given Payment Schedule.

C. *Institutional application procedure.* 1. The Study Group recommends that a new funding process be designed to award funds to participating institutions and that the present application forms and procedures be eliminated. The new

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funding process should be consistent among institutions, states, and regions; should be readily understood; should be timely and accommodate the varying calendars within the higher education community; should operate efficiently and effectively; and should not jeopardize the educational plan of individuals or the fiscal position of any institutions.

2. It is recommended that the Secretary of Health, Education, and Welfare direct the Commissioner of Education to establish a work group to develop an improved funding process. Goals should provide for implementation of portions of the improved system for the next funding cycle.

D. *Allocation procedures for the campus-based programs.* 1. There should be a common conceptual framework for the institutional application process and the state allocation process. In other words, the procedures used to bring funds to states should compliment the procedure utilized to distribute funds within states and not further complicate the process as is presently the case.

2. It is recommended that the variables currently being used to allocate campus-based funds be re-examined and revised to eliminate irrelevancies and to reflect the relationship of the campus-based programs to other financial aid programs.

3. The Study Group recommends that the assignment of the ten percent discretionary portion of the campus-based funds be changed so that it will not continue to act as an incentive for institutions to inflate their requests for funds.

II. *Program management and integrity*—A. *Organization.* 1. All six student financial aid programs should be consolidated into a single administrative unit instead of the current separation of BEOG, Campus-Based Programs (NDSL, CWSP, and SEOG) and the GSLP.

2. The administrative unit established for operation of Student Financial Assistance programs should be organized along functional lines, not individual Federal program lines. These functional divisions should provide for such areas as Police and Planning, Certification and Compliance, Program Operations and Data Systems and Reporting.

3. The functional divisions should be established to serve common responsibilities across program lines to avoid duplication of efforts to enhance efficiency of operations and to prevent the need for major reorganization in the future if there is a change in Federal support for these programs.

4. The function of Program Operations should also be organized along functional lines not individual legislated program lines to the extent possible. Thus sub-divisions of Program Operations could be identified as grant, loan and work-study or possibly grant and self-help programs. Following this, it would be understood that special identification along legislated program lines may be required to handle specific situations.

5. The current division in the OE providing support to these student financial aid programs by determining accrediting agency approval and basic institutional eligibility should remain as presently placed in the organization and not be included as a function of the student financial aid organization unit.

6. The Regional Offices should establish an organization structure similar to the Central Office design, to facilitate and promote Student Financial Assistance activities in those areas where they have delegated authority or have been assigned administrative responsibilities.

7. The organization structure must reflect clear lines of authority and responsibility. This is particularly true for the operation between the central and regional offices. It must be understood and respected that the regional offices are a part of the total operation and represents the OE in the field. They are not a separate entity, nor an autonomous operation.

8. Standard policies and procedures must be established for Regional Office operations to insure consistent and uniform practices between the various field offices.

B. *Training.* 1. The Study Group recommends that funding be made available for a rigorous investigation, analysis and categorization of the specific skills and competencies essential for the success of a professional financial aid administrator.

2. The Study Group recommends that the training of financial aid administrators include the use of formal and informal academic settings, diverse materials and methodologies as well as a variety of experts in this field.

C. *Management.* 1. The Study Group recommends that institutions of higher education be reasonably reimbursed for the costs incurred in administering the Federal student aid programs. It is further recommended that a representative sample survey be undertaken to establish the costs involved in that administration and to determine the most appropriate means of reimbursement.

2. The BEOG Alternative Disbursement System (ADS) was developed to make direct payments to students whose schools would not consent to act as paying agent on behalf of BEOG. The need for the ADS should be reassessed. Schools which are not willing or able to participate fully in the BEOG Program should be considered as an ineligible or uncertified institution for all SFA programs.

If the Alternative Disbursement System is retained, requirements which have no real usefulness or purpose should be dropped and requirements which will give greater accountability of funds should be instituted.

3. Controls should be established immediately within OE to insure that improper payments are not made through the Departmental Federal Assistance Financing System (DFAFS) and that payment authorizations are deobligated in a timely manner.

Controls should be established to assure that the cash draw and cash balances of schools as reported by DFAFS are reconciled to the authorizations approved by OE and the cash expenditures and balances reported by the schools to OE. Differences should be investigated and corrected promptly.

4. Cash utilization reports submitted to the Departmental Federal Assistance Financing System and OE by schools should be verified to the books of record of schools as a normal part of institutional audits.

5. The Study Group recommends either the removal of the statutory distinction between initial year and continuing year SEOG funds, or alternatively, authorization to transfer funds between initial and continuing accounts.

6. The Study Group recommends that the Office of Education establish a common, simple methodology for computing the allocation of pro rata shares of BEOG, SEOG and NDSL funds when refunds are issued to students.

D. *Program integrity.* 1. It is recommended that procedures be developed to give priority assignment for an on-site reviews to institutions that participate in student aid programs and are known to be high risks.

2. In order to prevent multiple and duplicative visits to the same institutions, the Office of Education should coordinate and consolidate on-site reviews of schools and lenders by various offices within the Department.

3. The Office of Education and the Office of the Inspector General should work with the Association of Independent Certified Public Accountants to develop audit guidelines and instructions for use in on-site reviews by independent auditors, the Office of the Inspector General, and the Student Financial Aid Staff.

4. The Study Group recommends that a common suspend-limit-terminate procedure be established for all student financial aid programs.

5. The Study Group recommends that any suspend-limit-termination actions taken by the Bureau of Student Financial Aid be communicated to all Federal agencies which might be affected by the action. (Within limits of other Federal laws or regulations.)

The Student Financial Assistance Study Group plans to hold a final public hearing in May to receive comments on all recommendations which will be submitted to the Secretary of Health, Education, and Welfare. Announcement of that public hearing will be published in the FEDERAL REGISTER.

Dr. John A. Perkins, Chairman of the Student Financial Assistance Study Group, will preside at the hearing. Persons wishing to testify are encouraged to limit their oral statements to 10 minutes. Requets to testify should be submitted in writing to: Mrs. Mary Jane Calais, Staff Director, Student Financial Assistance Study Group, Room 325H, South Portal Building, 200 Independence Avenue, SW., Washington, D.C. 20201.

telephone (202) 245–9855. Requests to testify should reach Mrs. Calais not later than April 21, 1977. Persons wishing to present written statements for the record are encouraged to do so. Such written statements should be received by the Student Financial Assistance Study Group not later than April 21, 1977. The hearing will be open for public observation.

Pursuant to Pub. L. 92–463, notice is also hereby given of a meeting of the Student Financial Assistance Study Group to be held on Friday and Saturday, April 29 and 30, 1977, from 8:00 a.m. until 4:30 p.m. and on Sunday, May 1, 1977 from 9:00 a.m. until 4:00 p.m., in the Kennedy Room of the Parker House Hotel at Tremont and School Streets, Boston, Massachusetts.

The meeting will be used to review and discuss available information, to plan for future study activities, and to make staff work assingments. Members of the public are invited to attend the meeting; but due to limited meeting accommodations, reservations are recommended. Persons wishing to attend should notify the Study Group Staff Director by mail at Room 325H, South Portal Building, 200 Independence Avenue, SW., Washington, D.C. 20201, or by telephone at (202) 245–9855.

FRANK STEWART,
Executive Secretary, Student Financial Assistance Study Group.

APRIL 3, 1977.

[FR Doc.77–10795 filed 4–11–77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. I–5524]

IDAHO

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

APRIL 4, 1977.

The Forest Service, Department of Agriculture, filed application Serial No. I–5524, on July 12, 1972 for a withdrawal in relation to the following described lands:

BOISE NATIONAL FOREST

LOWMAN RESEARCH NATURAL AREA—BOISE MERIDIAN

T. 8 N., R. 7 E.,
Sec. 2, W½ of lot 4, NW¼SW¼NW¼;
Sec. 3, lots 1, 2, 3, E½ of lot 4, S½NE¼, NE¼SW¼NW¼, SE¼NW¼, NE¼SW¼, N½N½SE¼.
T. 9 N., R. 7 E.,
Sec. 34, W½SW¼NE¼, SE¼SW¼NE¼, S½NW¼NW¼, S½NW¼, E½W½SW¼, E½SW¼, W½NE¼SE¼, W½SE¼, SE¼SE¼.

The areas described total 770.86 acres.

BEAR CREEK RESEARCH NATURAL AREA—BOISE MERIDIAN

T. 10 N., R. 10 E.,
Sec. 24, S½NE¼SW¼, NE¼SW¼SW¼, S½SW¼SW¼, SE¼SW¼, W½NE¼SE¼, W½SE¼, SE¼SE¼;
Sec. 25, N½, NE¼SW¼, N½NW¼SW¼, W½NE¼SE¼, NW¼SE¼;
Sec. 26, NE¼NE¼NE¼, S½NE¼NE¼, E½SE¼NE¼, N½NW¼SE¼NE¼, SE¼NW¼SE¼NE¼, NE¼SW¼SE¼NE¼, S½SW¼SE¼NE¼, NE¼NE¼SE¼, E½NW¼NE¼SE¼.

The areas described total 750.00 acres.

The above areas aggregate 1,520.86 acres in Boise County.

The applicant desires that the land be reserved and protected from development for research use by scientists and educators and for other compatible public purposes.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on August 8, 1972, pages 5914–15, volume 37, Document No. 72–12325.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, Notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, Room 398, Federal Building, 550 West Fort Street, Post Office Box 042, Boise, Idaho 83724 on or before May 16, 1977. A Notice of the public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before May 16, 1977.

The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by atcion of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Room 398, Federal Building, 550 West Fort Street, Post Office Box 042, Boise, Idaho 83724.

VINCENT S. STROBEL,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77–10620 Filed 4–11–77;8:45 am]

[Serial No. I–7370]

IDAHO

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

APRIL 4, 1977.

The Department of Agriculture, filed application Serial No. I–7370, on October 25, 1973, for a withdrawal in relation to the following described lands:

BOISE MERIDIAN

ST. JOE NATIONAL FOREST, FORTY-NINE MEADOWS ROAD NO. 760

T. 43 N., R. 4 E.,
Sec. 1, SE¼SE¼.

A strip of land 100 feet in width, being 50 feet in width on both sides of the centerline over and across the above-cited subdivision.

The area described aggregate 0.08 acre, more or less, in Shoshone County, Idaho.

DONALLY RIDGE ROAD NO. 1999

T. 45N., R. 4 E.,
Sec. 28, NE¼NE¼.

A strip of land 66 feet in width, being 33 feet in width on both sides of the centerline over and across the above-cited subdivision.

The area described aggregates 3.03 acres, more or less, in Shoshone County, Idaho.

The applicant desires the land for public purposes as rights-of-way for the Forty-Nine Meadows Road No. 760 and Donally Ridge Road No. 1999. The roads are part of the Forest Development System within the St. Joe National Forest.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on December 12, 1973, page 34215, volume No. 38, Document No. 73–26298.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, Notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, Room 398, Federal Building, 550 West Fort Street, Post Office Box 042, Boise, Idaho 83724 on or before May 16, 1977. A notice of the public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before May 16, 1977.

The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected,

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would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Room 398, Federal Building, 550 West Fort Street, Post Office Box 042, Boise, Idaho 83724.

VINCENT S. STROBEL,
Chief, Branch of
Lands and Minerals Operations.

[FR Doc.77-10621 Filed 4-11-77;8:45 am]

OUTER CONTINENTAL SHELF OFFSHORE WESTERN GULF OF ALASKA

Availability of Draft Environmental Impact Statement and of Public Hearing Regarding Proposed Oil and Gas Lease Sale

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental impact statement relating to a proposed Outer Continental Shelf general oil and gas lease sale of 564 tracts of submerged lands on the Outer Continental Shelf offshore the Western Gulf of Alaska.

Single copies of the draft environmental statement can be obtained from the office of the Manager, Alaska Outer Continental Shelf Office, Bureau of Land Management, P.O. Box 1159, Anchorage, Alaska 99510 and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240.

Copies of the draft environmental statement will also be available for review in the main public libraries in various coastal communities in the sale area.

In accordance with 43 CFR 3301.4, public hearings will be held in Anchorage and Kodiak, Alaska, for the purpose of receiving comments and suggestions relating to the proposed lease sale. The exact locations and dates of this hearing will be announced at a later date. Comments will be accepted on or before June 13, 1977.

After a public hearing is held and comments have been received and analyzed a final environmental statement will be prepared.

GEORGE L. TURCOTT,
Acting Director,
Bureau of Land Management.

MARCH 8, 1977.

Approved April 7, 1977.

STANLEY D. DOREMUS,
Deputy Assistant
Secretary of the Interior.

[FR Doc.77-10663 Filed 4-11-77;8:45 am]

Fish and Wildlife Service

LOUISIANA

Application

Notice is hereby given that under section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 675), The Texas Pipe Line Company has applied for a renewal of an existing lease for the purpose of constructing and maintaining wharves, tanks, loading pumps and other terminal facilities on the following lands of the Delta National Wildlife Refuge, Plaquemines Parish, Louisiana:

T. 21 S., R. 19 E.,
Section 27.

The purpose of this notice is to inform the public that the United States Fish and Wildlife Service will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so on or before May 12, 1977. Information should be sent to the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive NE., Atlanta, Georgia 30329.

KENNETH E. BLACK,
Regional Director,
U.S. Fish and Wildlife Service.

[FR Doc.77-10707 Filed 4-11-77;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before April 1, 1977. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwared to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by April 22, 1977.

JERRY L. ROGERS,
Chief, Office of Archeology
and Historic Preservation.

ARKANSAS

Pulaski County

Little Rock, *MoPac Station (Union Station)*, Markham and Victory Sts.

CALIFORNIA

San Francisco County

San Francisco, *International Hotel*, 848 Kearny St.

Santa Clara County

Mountain View, *Rengstorff, Henry A., House*, 1737 Stierlin Rd.

CONNECTICUT

Hartford County

Burlington vicinity, *Hitchcock-Schwarzmann Mill*, N of Burlington on Foote Rd.

Hartford, *Charter Oak Place*, 7-40 Charter Oak Pl.

DELAWARE

Sussex County

Lewes, *Lewes Historic District*, DE 18.

IDAHO

Bannock County

Pocatello, *Sullivan-Kinney House*, 441 S. Garfield St.

Bear Lake County

Paris, *Bear Lake County Courthouse*, U.S. 89.

Bingham County

Blackfoot, *Blackfoot LDS Tabernacle*, 120 S. Shilling St.

Blaine County

Hailey, *Blaine County Courthouse*, 1st and Croy Sts.

Hailey, *Emmanuel Episcopal Church*, 101 2nd Ave. S.

Bonneville County

Idaho Falls, *Trinity Methodist Church*, 237 N. Water Ave.

Elmore County

Mountain Home, *St. James Episcopal Church*, 305 N. 3rd East.

Kootenai County

Coeur d'Alene, *St. Thomas Catholic Church*, 919 Indiana Ave.

Latah County

Moscow, *Memorial Gymnasium*, University of Idaho campus.

Payette County

Payette, *Methodist Episcopal Church of Payette*, 1st Ave. S. and 9th St.

Washington County

Weiser, *Baptist Church*, E. Main and 8th St.

KANSAS

Miami County

Paola vicinity, *Hillsdale Archeological District*, NW of Paola.

KENTUCKY

Christian County

Hopkinsville vicinity, *Western Lunatic Asylum*, E of Hopkinsville on Russellville Rd.

Clark County

Winchester, *Brown-Proctoria Hotel*, Main St. and Lexington Ave.

Fayette County

Lexington, *Hathaway Houses*, 760-766 Pine St.

Lexington, *Higgins Block*, 145-151 W. Main St.

Fleming County

Flemingsburg, *First Presbyterian Church*, W. Main and W Water Sts.

Jefferson County

Louisville, *Paget House-Heigold House Facade*, 1562 Fulton St. and River Rd.

Louisville, *Tyler-Muldoon House*, 132 E. Gray St.

Scott County

Stamping Ground, *Minorsville Historic District*, 5 mi. N of Stamping Ground on KY 227.

Shelby County

Finchville vicinity, *Grasslands (Hornsby House)*, 4 mi. W of Finchville.

Wayne County

Mill Springs vicinity, *West-Metcalfe House*, 1.7 mi. S of Mill Springs off KY 90.

MONTANA

Missoula County

Lolo vicinity, *Fort Fizzle Site*, 5 mi. W of Lolo on U.S. 12.

NEW JERSEY

Morris County

Morristown, *Morris County Courthouse*, Washington St. between Court St. and Western Ave.

Morristown vicinity, *Whippany Farm (Frelinghuysen Arboretum)*, 53 E. Hanover Ave.

Somerset County

Millstone vicinity, *Millstone Valley Agricultural District*, S of Millstone on River Rd.

Sussex County

Andover vicinity, *Waterloo*, 1 mi. S of Andover at Musconetcong River and SR 604.

Monroe, *Old Monroe School House*, NJ 94.

NEW YORK

Rensselaer County

Nassau and vicinity, *Albany Avenue Historic District*, Albany Ave.

Nassau, *Chatham Street Historic District*, Chatham St.

Nassau, *Church Street Historic District*, Church St.

NORTH CAROLINA

Burke County

Morganton, *Western North Carolina Insane Asylum*, Front Entrance Dr.

Guilford County

Greensboro, *Bumpas-Troy House*, 114 S. Mendenhall St.

Lincoln County

Denver vicinity, *Graham, William A. Jr., Farm*, S of Denver on SR 1360.

Moore County

Southern Pines, *Boyd, James, House*, Ridge Rd. and Connecticut Ave.

PENNSYLVANIA

Adams County

Irishtown vicinity, *Lilly's Mill Covered Bridge*, S of Irishtown off PA 116.

Chester County

Phoenixville vicinity, *Charlestown Village Historic District*, SW of Phoenixville on Charlestown Rd.

Northampton County

Easton, *Seipsville Hotel*, 2912 Old Nazareth Rd.

Philadelphia County

Philadelphia, *Graver's Lane Station*, Gravers La. on Reading RR. Line.

Philadelphia, *Mt. Airy Station*, E. Gowen Ave. at Reading RR. Line.

TEXAS

Bowie County

Boston, *Bowie County Courthouse and Jail*, Public Sq.

Colorado County

Columbus, *Colorado County Courthouse Historic District*, roughly bounded by Preston, Walnut, Milam, Front, Washington, and Live Oak Sts.

Harrison County

Marshall, *Harrison County Courthouse*, Public Sq.

UTAH

Salt Lake County

Salt Lake City, *Keith-O'Brien Building*, 242-256 S. Main St.

Salt Lake City, *Lollin Block*, 238 S. Main St.

Sanpete County

Mt. Pleasant, *Rasmussen, Morten, House*, 417 W. Main St.

Washington County

St. George, *St. George Temple*, bounded by 200 E., 400 S., 300 E., and 500 S.

VIRGINIA

Alleghany County

Clifton Forge vicinity, *Clifton Furnace*. 0.5 mi. SE of Clifton Forge in U.S. 220.

Fairfax County

Fairfax vicinity, *Hope Park Mill and Miller's House (Robey's Mill)*, 12124 Pope's Head Rd.

King William County

Sweet Hall vicinity, *Sweet Hall*, S of Sweet Hall.

Richmond (independent city)

Virginia Trust Company, 821 E. Main St.

Rockbridge County

Lexington vicinity, *Liberty Hall Site*, N of Lexington.

Wythe County

Fort Chiswell vicinity, *Fort Chiswell Site*, E of Fort Chiswell at jct. of I-81 and I-77.

[FR Doc. 77-10347 Filed 4-11-77;8:45 am]

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

Extension of New Entrant Announcement for Guam

CROSS REFERENCE: For a document concerning the above entitled matter, issued jointly by the Department of Commerce and by the Department of the Interior, see FR Doc. 77-10598, in the notices section of this issue under Department of Commerce, Office of the Secretary.

INTERNATIONAL TRADE COMMISSION

[332-84]

CANNED AND FROZEN MUSHROOMS

Quarterly Statistical Reports Providing Certain Information

On March 10, 1977, the President, pursuant to section 332(g) of the Tariff Act of 1930, as amended (19 U.S.C. 1332 (g)), requested the United States International Trade Commission to conduct an investigation to obtain certain information necessary for the monitoring of import competition in the domestic market for canned mushrooms. The full text of the request is as follows:

TO CHAIRMAN DANIEL MINCHEW:

On January 10, 1977, the United States International Trade Commission (USITC) reported to the President the results of its investigation and recommendation under section 201 of the Trade Act of 1974 with respect to mushrooms provided for in item 144.20 of the Tariff Schedules of the United States.

I have today determined that import relief is not in the national economic interest. However, I have decided to monitor import competition in the domestic market for canned mushrooms. Accordingly, pursuant to section 332(g) of the Tariff Act of 1930, I hereby request the USITC to prepare quarterly statistical reports providing the following information on canned mushrooms:

(1) Production, sales, and inventories of U.S. producers;

(2) U.S. imports for consumption (total, and by country of origin);

(3) U.S. exports, to the extent they can be readily determined; and

(4) Apparent U.S. consumption.

The initial report, on the first quarter of 1977, should also cover the fourth quarter of 1976. Reports should be published within 60 days after the end of the quarter that they cover. These reports should be made until the Commission is notified by the Special Trade Representative for Trade Negotiations that they are no longer required.

Sincerely,

JIMMY CARTER.

On March 30, 1977, the Commission received a letter from the Acting Special Representative for Trade Negotiations broadening the scope of the requested quarterly reports to include data on sales of domestically produced frozen mushrooms, and requesting more complete data on canned mushrooms for the third quarter of 1976 than had been supplied previously. The Acting Special Representative also requested that distribution by size (i.e., cans holding up to and including 9 ounces drained weight vs. those containing more than 9 ounces) and by style of pack (i.e., whole, sliced, or other) be included in the data regarding sales and inventories of domestically produced canned mushrooms. In addition, it was requested that questions on production be posed in the Commission's survey of domestic canners and, when possible, that production data be reported in the same format as was requested for sales and inventory data.

INVESTIGATION

In accordance with the provisions of section 332(g) of the Tariff Act of 1930, as amended, the Commission has instituted investigation No. 332-84 for the purpose of obtaining the requested information.

By order of the Commission.

Issued: April 7, 1977.

KENNETH R. MASON,
Secretary.

[FR Doc.77-10716 Filed 4-11-77;8:45 am]

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DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

LAW ENFORCEMENT/PRIVATE SECURITY RELATIONSHIPS COMMITTEE

Cancellation

Notice is hereby given that the meeting of the Law Enforcement/Private Security Relationships Committee of LEAA's Private Security Advisory Council (PSAC), scheduled for Thursday and Friday, April 21–22, 1977, in the Ramada Inn Rosslyn, Arlington, Virginia, has been cancelled.

The scheduled meeting was published in the FEDERAL REGISTER on March 31, 1977. Several key Committee members were unable to attend because of conflicting schedules.

Notice of a new meeting will be published.

JAY A. BROZOST,
Attorney-Adviser,
Office of General Counsel.

[FR Doc.77-10709 Filed 4-11-77;8:45 am]

NATIONAL SCIENCE FOUNDATION

ELECTRICAL SCIENCES AND ANALYSIS ADVISORY PANEL

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

NAME: Advisory Panel for Electrical Sciences and Analysis.

DATES AND TIMES: April 28 and 29, 1977, 9 a.m. to 5 p.m. each day.

PLACE: April 28, 1977—Room 643; April 29, 1977—Room 642; National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.

TYPE OF MEETING: Part Open—Open April 28, 9 a.m. to noon; and April 29, 9 a.m. to noon. Closed April 28, 1 p.m. to 5 p.m.; April 29, 1 p.m. to 5 p.m.

CONTACT PERSON:
Dr. Eugene R. Chenette, Section Head, Electrical Sciences and Analysis, Room 416, National Science Foundation, Washington, D.C. 20550, telephone 202–632–5881.

SUMMARY MINUTES: May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Room 248, National Science Foundation, Washington, D.C. 20550.

PURPOSE OF PANEL: To review the status and provide counsel for future directions of the Electrical Sciences and Analysis Section.

AGENDA:

THURSDAY, APRIL 28

Morning (Open Session). 9:00—Introduction and Welcome—Section Head Status Report of Engineering Division. 10:20—**Program Review. Automation, Bioengineering, and Sensing Systems, Devices and Waves. Electrical and Optical Communications. System Theory and Application.** 11:50—Recess.

Afternoon (Closed Session). 1:00—Subpanel review of programs; Review declinations containing names of applicant institution and principal investigators; Review peer evaluation documentation of both successful and declined proposals. The panel members will be divided into subpanels for this session.

FRIDAY, APRIL 29

Morning (Open Session). 9:00—Oral reports of the subpanels. 10:15—Long range plans for the Electrical Sciences and Analysis Section—Goals and Priorities. Questions concerning the present status and new directions for research. 12:00—Recess.

Afternoon (Closed Session). 1:15—Further in-depth study of the Program in System Theory and Application including proposal jackets and peer reviews.

REASON FOR CLOSING: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

AUTHORITY TO CLOSE MEETING: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92–463. The Committee management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on Feb. 18, 1977.

M. REBECCA WINKLER,
Acting Committee
Management Officer.

APRIL 6, 1977.

[FR Doc.77-10586 Filed 4-11-77;8:45 am]

SCIENCE INFORMATION ACTIVITIES TASK FORCE

Open Meeting

In accordance with the Federal Advisory Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

NAME: Science Information Activities Task Force.

DATE: April 25 and 26, 1977.

TIME: 9:00 am through 7:30 pm, April 25; 9 a.m. through 4 p.m. April 26.

PLACE: Room 540/543 National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

TYPE OF MEETING: Open.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert S. Cutler, Executive Officer, Room 1201, National Science Foundation, Washington, D.C. 20550, Telephone: 202–632–5826. Persons planning to attend should notify Mr. Cutler prior to the meeting.

SUMMARY MINUTES: May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Room 248, National Foundation, Washington, D.C. 20550.

PURPOSE OF THE TASK FORCE: To provide advice and recommendations concerning the appropriate roles and responsibilities of the National Science Foundation regarding the communication and use of scientific and technical information.

AGENDA

MONDAY, APRIL 25, 1977

9 a.m.—Welcome and Introductory Remarks, Acting Assistant Director, Scientific Technological and International Affairs.
9:15 a.m.—Introductory Remarks, Chairman.
9:30 a.m.—Presentation: Information Science Research, Professor Martha Williams, University of Illinois.
10:30 a.m.—Coffee Break.
10:45 a.m.—Presentation by Chemical Abstracts Service, Mr. Dale Baker, Director.
11:45 a.m.—Presentation of an evaluation of the Principal Results and Impacts of NSF Science Information Activities (1950–72), by Mathematica, Inc., Princeton, N.J.
12:30 p.m.—Recess
1:30 p.m.—Review of DSI Operating Procedures, DSI Staff.
3:30 p.m.—Committee Meetings:
A. Science and Technology Committee, Room 540.
B. Markets Committee, Room 543.
C. Legislative and Regulatory, Room 540 Rear.
D. Uses Committee, Room 517.
5:30 p.m.—Presentation by Library Organizations.
7:30 p.m.—Adjourn.

TUESDAY, APRIL 26, 1977

9 a.m.—Introductory Remarks, Chairman.
9:15 a.m.—Report from Science and Technology Committee.
9:45 a.m.—Report from Markets Committee.
10:15 a.m.—Coffee Break.
10:30 a.m.—Report from Legislative and Regulatory Committee.
11 a.m.—Report from Uses Committee.
11:30 a.m.—Discussion from Task Force, Chairman.
Noon—Recess.
1 p.m.—Open Public Participation, Chairman.
2 p.m.—Discussion and Ranking of Topics, Chairman.
2:45 p.m.—Recess.
3 p.m.—Outline and Content of Final Report.
3:30 p.m.—Tentative Agenda for Fourth Task Force Meeting, Chairman.
4 p.m.—Adjourn.

M. REBECCA WINKLER,
Acting Committee
Management Officer.

APRIL 6, 1977.

[FR Doc.77-10585 Filed 4-11-77;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

Lists of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 5, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, DC 20503, (202–395–4529).

NEW FORMS

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration, State review of research and demonstrations, annually, 58 Governor's State highway safety representatives, Arnold Strasser, 395–5867.

REVISIONS

NATIONAL ENDOWMENT FOR THE ARTS

Application for Indemnification under the Arts and Artifacts Indemnity Act, FCAH–1, single time, person, non-profit agency, institution of government, Tracey Cole, 395–5870.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Center for Education Statistics:
Fall Enrollment in Higher Education, 1977, NCES–2300–2.3, annually, colleges and universities, Kathy Wallman, 395–6140.
College and University Libraries, Fall 1977 Hegis XII, OE–2300–5, annually, college and universities, Kathy Wallman, 395–6140.

DEPARTMENT OF THE INTERIOR

Bureau of Mines, mercury, 6–1090, quarterly, producers of mercury, Marsha Traynham, 395–4529.

DEPARTMENT OF LABOR

Employment and Training Administration, Job Corps data sheet, ETA–6–52, on occassion, Job Corps applicants (disadvantaged youths), Roye L. Lowry, 395–3772.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration, rotorcraft external-load operator certificate application, FAA–8420–7, on occasion, private individuals/firms, Warren Topelius, 395–5872.

EXTENSIONS

DEPARTMENT OF THE INTERIOR

BUREAU OF MINES:
Tin: Consumption and Stocks, 6–1132–AS, annually, consumers of pig tin, Marsha Traynham, 395–4529.
Mercury, 6–1090–A, annually, producers of mercury, Marsha Traynham, 395–4529.
Peat, 6–1391–A, annually, producers of peat, Marsha Traynham, 395–4529.
Antimony Ore and Concentrate, 6–1015–A, annually, producers of antimony ore and concentrates, Marsha Traynham, 395–4529.
Carbon Black, 6–1342–A, annually, producers of carbon black, Marsha Traynham, 395–4529.
Supply and Disposition of Natural Gas (Distributors), supply and disposition of natural gas (producers), 6–1340–A and 6–1314–A, annually, distributors, producers and pipelines of natural gas, Marsha Traynham, 395–4529.
Silver, 6–1073–QA, quarterly, producers and consumers of refined silver, Louis Kincannon, 395–3211.
Sales of Liquefied Petroleum Gases, 6–1345–A and 6–1345–AS, annually, producers, processors, dealers of liquefied petroleum gases, Marsha Traynham, 395–4529.
Natural Gas Processing Report, 6–1343–A, annually, processors of natural gas, Marsha Traynham, 395–4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-10763 Filed 4-11-77;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 6, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected, the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

NATIONAL SCIENCE FOUNDATION

Inventory of Computers in U.S. Higher Education 1, 2, 3, 4, single-time, colleges and Universities, Lowry, R. L., 395–3772.

FEDERAL HOME LOAN BANK BOARD

National Borrower Survey, single time, randomly selected consumers, Sunderhauf, M. B. and Gaylord Worden, 395–6140.

NATIONAL FOUNDATION OF THE ARTS AND HUMANITIES

Estimation of Needs for Musical and Managing Directors of American Orchestras, single time, major, regional, metropolitan and urban orchestras, Maria Gonzalez, 395–6132.

UNITED STATES INTERNATIONAL TRADE COMMISSION

Processed Mushrooms—Quarterly Report on production, sales and inventories, quarterly, U.S. mushroom processing industries, Lowry, R. L., 395–3772.

DEPARTMENT OF AGRICULTURE

Farmer Cooperative Service, survey of cooperative exporting of agricultural commodities, single time, farmer coops exporting agricultural commodities, Gaylord Worden, 395–4730.

DEPARTMENT OF COMMERCE

Bureau of Census, reinterview form for household roster check, 1977 census of Oakland, Calif., DH–356, single time, households in Oakland, Calif. with questionable population counts, Maria Gonzalez, 395–6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, changing commitments of women to work and family roles, SSA–3499, single time, women, aged 25 to 54 in Chicago SMSA, Strasser, A. and Sunderhauf, M. B., 395–5867.
Public Health Service, National sample survey of registered nurses, single time, registered nurses, Richard Elsinger, 395–6140.
Food and Drug Administration, morbidity and mortality follow-up study of women treated for hyperthyroidism, FDA/BRH 0319, single time, female patients treated for hyperthyroidism, Richard Elsinger, 395–6140.
Office of Human Development:
National Survey on Volunteering in HEW-Related Programs, on occasion, State offices of volunteers or directors in social service, George Hall, 395–6140.
State Study of Licensing and Certification Regulations for Preschool Personnel, quarterly, State administrators, Larry
Center For Disease Control, Assembling Industrial Noise Control Case Histories, single time, noise control engineers and technicians, Ellett, C. A. 395–5867.
Alcohol, Drug Abuse and Mental Health Administration, State Alcoholism Profile Information System, ADAMAAA0804, annually, State alcoholism authorities, Human Resources Division, Reese, B. F., 395–3532.

REVISIONS

DEPARTMENT OF COMMERCE

Domestic and International Business Administration, Service Supply License Procedure, EAR 373.7, on occasion, commercial exporters, Warren Topelius, 395–5872.

DEPARTMENT OF DEFENSE

Departmental and Other DOD Property Report, DD1342, on occasion, DOD contractors, Warren Topelius, 395–5872.

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DEPARTMENT OF THE INTERIOR

Bureau of Outdoor Recreation, outdoor recreation on-site survey—1977, outdoor recreation telephone survey—1977, BOR 8–218, single time, individuals over 12, Maria Gonzalez, 395–6132.

EXTENSIONS

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Universe Screening Questionnaire: "U.S. Arts and Cultural Trend Data Systems", single time, nonprofit arts and cultural organizations, Maria Gonzalez, 395–6132.

DEPARTMENT OF COMMERCE

Domestic and International Business Administration, participation agreement, DIB 4008P, weekly, manufacturers and exporters, Lowry, R. L., 395–3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, request for change in your social security records, OAAN–7003, on occasion, individuals who want to update/correct applications for social security, human resources division, 395–3532.

DEPARTMENT OF LABOR

Employment and Training Administration, employer record-agricultural, ES–334, on occasion, employers of agricultural workers, Marsha Traynham, 395–4529.

DEPARTMENT OF THE INTERIOR

Bureau of Mines:

Natural Gas Processing Plant Report, 6–1305–M, monthly, natural gas processing plants, Marsha Traynham, 395–4529.

Bituminous Coal and Lignite Production and Mine Operations, 6–1401–A, annually, producers of over 1,000 tons of bituminous coal annually, Marsha Traynham, 395–4529.

Blast Furnace and Steel Furnace Report, 6–1067A, annually, producers of Pig Iron, Marsha Traynham, 395–4529.

Gas Well Data—Survey of Helium-Bearing Natural Gas, 6–15, on occasion, natural gas wells or fields, Marsha Traynham, 395–4529.

Byproduct Sulfuric Acid (Production), 6–1128–A, annually, producers of byproduct sulfuric acid, Marsha Traynham, 395–4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77–10764 Filed 4–11–77;8:45 am]

DEPARTMENT OF THE TREASURY

PARTS FOR SELF-PROPELLED BITUMINOUS PAVING EQUIPMENT FROM CANADA ANTIDUMPING

Withholding of Appraisement Notice and Determination of Sales at Less Than Fair Value

AGENCY: United States Treasury Department.

ACTION: Withholding of Appraisement and Determination of Sales at Less Than Fair Value.

SUMMARY: This notice is to advise the public that an antidumping investigation has been completed and that it has been determined that parts for self-propelled bituminous paving equipment from Canada are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. Sales at less than fair value generally occur when the prices of the merchandise sold for exportation to the United States are less than the prices in the home market. This case is being referred to the United States International Trade Commission for it to determine whether an industry in the United States is being injured. Simultaneously, appraisements of entries of this merchandise will be withheld for 3 months, pending an injury determination by the International Trade Commission.

EFFECTIVE DATE: This notice will be effective on April 12, 1977.

FOR FURTHER INFORMATION CONTACT:

Mary S. Clapp, Duty Assessment Division, United States Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202–566–5492).

Information was received in proper form on September 3, 1976, from counsel acting on behalf of Blaw-Knox Construction Equipment, Inc., Mattoon, Illinois, and Colwell Equipment Co., Inc., Canton, Michigan, alleging that parts for self-propelled bituminous paving equipment from Canada were being sold at less than fair value, thereby causing injury to, or the likelihood of injury to, or the prevention of the establishment of an industry in the United States, within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). On the basis of this information and subsequent preliminary investigation by the Customs Service, an "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER of October 7, 1976 (41 FR 44197).

DETERMINATION OF SALES AT LESS THAN FAIR VALUE

I hereby determine that, for the reasons stated below, parts for self-propelled bituminous paving equipment from Canada are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

STATEMENT OF REASONS ON WHICH THIS DETERMINATION IS BASED

The reasons and bases for the above determination are as follows:

a. *Scope of the Investigation.* Virtually all of the imports of the subject merchandise from Canada are manufactured by Allatt Ltd., Ontario, Canada. Therefore, the investigation was limited to this manufacturer.

b. *Basis of Comparison.* For the purposes of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison is between the purchase price and the home market price of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used since all export sales to the United States were made to non-related customers. Home market price, as defined in § 153.2, Customs Regulations (19 CFR 153.2) was used since such or similar merchandise was sold in the home market in sufficient quantities to provide a basis for fair value.

In accordance with § 153.3(b), Customs Regulations (19 CFR 153.31(b)), pricing information was obtained concerning imports and home market sales during the period January 1 through September 30, 1976.

c. *Purchase Price.* For the purposes of this determination of sales at less than fair value, since all merchandise was purchased or agreed to be purchased prior to the time of exportation, by the persons by whom or for whose account it was imported, within the meaning of section 203 of the Act, the purchase price has been calculated on the basis of the f.o.b. Buffalo, N.Y. price to unrelated purchasers with deductions for United States duty, brokerage, trucking, a freight discount, and additions for taxes rebated or not collected by reason of the exportation of the merchandise.

The deductions for duty, brokerage, and trucking were based on charges, which were included in the price, incurred in bringing the merchandise from the point of shipment to the point of delivery in accordance with section 203 of the Act. The deduction for the freight discount was made in order to reflect the price actually paid for the merchandise. The additions for taxes which were refunded or not collected were related to noncollection of the Canadian sales tax on the merchandise exported and the refund of that tax on merchandise purchased by the manufacturer and subsequently incorporated into the merchandise which was exported, in accordance with section 203 of the Act.

d. *Home Market Price.* For the purposes of this determination of sales at less than fair value, the home market price has been calculated on the basis of the f.o.b. plant price to unrelated purchasers in Canada with an adjustment for commissions.

The adjustment for commissions is related to the difference in commissions in the United States and Canada in accordance with § 153.10(b), Customs Regulations (19 CFR 153.10(b)).

e. *Results of Fair Value Comparisons.* Using the above criteria, comparisons were made on approximately 63 percent of the parts of self-propelled bituminous paving equipment which were sold to the United States during the representative period. Those comparisons indicate that the purchase price was less than the home market price of such or similar merchandise. Margins were found ranging from approximately 10 to 38 percent on 100 percent of the sales compared. The weighted average margin of those sales on which comparisons were made amounted to 30.61 percent.

The Secretary has provided an opportunity to known interested persons to present written and oral views pursuant to § 153.40, Customs Regulations (19 CFR 153.40).

Further, and based on the reasons noted above, Customs officers are being directed to withhold appraisement of parts for self-propelled bituminous paving equipment from Canada in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

This withholding of appraisement notice is published pursuant to § 153.35(a), Customs Regulations (19 CFR 153.35(a)), and shall become effective on April 12, 1977. Such action shall cease to be effective on or before July 11, 1977, unless previously revoked.

The United States International Trade Commission is being advised of this determination.

This determination is being published pursuant to section 201(d) of the Act (19 U.S.C. 160(d)).

JOHN H. HARPER,
Acting Assistant Secretary of the Treasury.

APRIL 4, 1977.

[FR Doc.77–10664 Filed 4–11–77;8:45 am]

Office of the Secretary

VISCOSE RAYON STAPLE FIBER FROM AUSTRIA

Antidumping Proceeding Notice

AGENCY: United States Treasury Department.

ACTION: Initiation of Antidumping Investigation.

SUMMARY: This notice is to advise the public that a petition in proper form has been received and an antidumping investigation is being initiated for the purpose of determining whether or not imports of viscose rayon staple fiber from Austria are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act of 1921, as amended. Sales at less than fair value generally occur when the prices of the merchandise sold for exportation to the United States are less than the prices in the home market.

EFFECTIVE DATE: This investigation will begin on April 12, 1977.

FOR FURTHER INFORMATION CONTACT:

John R. Kugelman, Duty Assessment Division, United States Customs Service., 1301 Constitution Avenue, N.W., Washington, D.C. 20229, telephone (202) 566–5492.

SUPPLEMENTARY INFORMATION: On March 3, 1977, information was received in proper form pursuant to § 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from counsel acting on behalf of Avtex Fibers, Inc., Valley Forge, Pennsylvania, a domestic producer of the subject merchandise, indicating a possibility that viscose rayon staple fiber from Austria is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

For purposes of this notice, the term "viscose rayon staple fiber" refers to viscose rayon staple fiber in non-continuous form, not carded, not combed and not otherwise processed, wholly of filaments (except laminated filaments and plexiform filaments).

There is evidence on record concerning injury to, or likelihood of injury to, or prevention of establishment of an industry in the United States. This evidence indicates that imports of viscose rayon staple fiber from Austria increased dramatically during the last two years. During this time, a significant increase in U.S. market share on the part of the Austrian imports has occurred. Further, there is information indicating that the margin by which domestic producers are being undersold by Austrian imports would be completely eliminated were the price differential between prices in the Austrian home market and for export to the United States eliminated.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined that there are grounds for doing so, the United States Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Custom Regulations (19 CFR 153.30).

Dated: March 31, 1977.

JOHN H. HARPER,
Acting Assistant Secretary.

[FR Doc.77–10595 Filed 4–11–77;8:45 am]

VETERANS ADMINISTRATION

VETERANS EDUCATION

Policies and Procedures

AGENCY: Veterans Administration.

ACTION: Request for public comment.

SUMMARY: These circulars contain statements of policy and outline administrative procedure to be followed by the Veterans Administration and other involved parties for the implementation of the provisions of Pub. L. 94–502 (90 Stat. 2383) concerning advance payment of educational assistance allowances, the bar to prepayment of educational assistance allowances and the new educational assistance program, chapter 32, title 38, United States Code available to persons who initially serve in the Armed Forces on or after January 1, 1977.

DATES: Comments must be received on or before May 12, 1977. The effective dates are shown in the body of the circular.

ADDRESSES: Interested persons are invited to submit written comments, suggestions or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that records are available for inspection only in Central Office and furnished the address and the above room number.

FOR FURTHER INFORMATION CONTACT:

June C. Schaeffer, Assistant Director for Benefits and Facilities, Education and Rehabilitation Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420 (202–389–2092).

SUPPLEMENTARY INFORMATION: Comments received will be used in determining appropriate regulations to implement these provisions of Pub. L. 94–502. The provisions published herein as to the new educational assistance program, (chapter 32) have been concurred in by DOD (Department of Defense).

By direction of the Administrator.

Approved: April 5, 1977.

RUFUS H. WILSON,
Deputy Administrator.

[DVB Circular 20–77–24]

MARCH 18, 1977.

CHANGES TO PREPAYMENT, ADVANCE PAYMENT AND RELATED PROCEDURES

1. *General.* This circular describes changes to the prepayment and advance payment procedures brought about by Pub. L. 94–502. (See DVB Circular 20–76–84.) It also provides instructions on related subjects including confirmed enrollments, end of full course certifications, interval payments, summer enrollments, computer-generated reenrollment forms, special payments, April check stuffer and required liaison actions. Enrollments with effective dates on or after June 1, 1977, may now be processed. Instructions for chapter 31 will be issued at a later date.

2. *End of Prepayment.* Regular monthly benefits will no longer be prepaid at the beginning of each month after May 1977. This means that regular monthly checks issued on or after June 1, 1977, will represent payment for the preceding month rather than for the current month. The regular monthly checks for June will not be issued under the new system until July 1. Under most circumstances, students will not receive a check in June of this year.

3. *Advance Payment.* Effective June 1, 1977, the law provides that advance payment may not be made unless the veteran or eligible person requests such payment and the Veterans Administration finds that the educational institution has agreed to and can satisfactorily carry out the advance payment provisions of the law.

(a) All affected schools in your area should be advised immediately by letter of the new requirements for advance payment listed in subparagraphs b and c below which apply to enrollments with beginning dates on or after June 1, 1977. The letter should request each school to state in writing whether or not they wish to receive advance payments. A school that agrees to receive advance payments will be asked to certify in their reply that they can satisfactorily carry out the advance payment provisions in 38 U.S.C. 1780(d)(5) (B) and (C), and (6). (These pars. will be quoted in the letter to the school.) A response will be requested within 30 days. A 30-day control will be established and a fol-

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lowup letter will be sent to any school that does not reply within 30 days to the first letter. The responses will be filed in the school approval file, and a listing for the Adjudication and Counseling and Rehabilitation activities will be prepared showing those schools which have declined to participate in the advance payment program (either expressly in writing or by failure to respond to the first letter within 60 days). Any enrollment certifications properly requesting advance payment, timely received and otherwise in order will be honored unless there is a specific statement in the approval file from the school that they decline to participate in the advance payment program or the school fails to reply within 60 days to the first letter from the regional office.

(b) The requirements for advance payment are:

(1) The enrollment must be for a school course for at least half-time training;

(2) The school must agree to receive and process the advance payment;

(3) The student must specifically request advance payment on the enrollment certification or the enrollment certification portion of the application form;

(a) All affected schools in your area should received by the VA at least 30 days but not more than 120 days in advance of registration; and

(5) The enrollment must begin at least one full calendar month after the student's prior term (for example, the student's prior term ended in May; advance payment would be in order for enrollment beginning in July since June is a full calendar month).

(c) Pending revision of the application, enrollment and reenrollment certification forms (e.g., VA Forms 22–1990, 22–1999, 22–1999–1), advance payment may be requested by entering "I request advance payment" in the remarks section of the enrollment certification, and by having the student enter his or her signature and the date below this request.

(d) If advance payment is properly requested and timely received in the VA but for some reason cannot be processed in time for advance payment, Adjudication must notify the student and the school that regular payment will be issued instead of advance payment and the reason why. Enrollments in this category requiring confirmation (see par. 4a below), must be confirmed by telephone prior to an award action.

(e) If advance payment is improperly requested or received too late for processing, the school will be advised of the problem by the Liaison activity. The student will be informed by Adjudication Division that regular payment will be made instead of advance payment and the reason why. Enrollments in this category requiring confirmation (see par. 4a below) will either be returned to the school or held and confirmed by telephone prior to award action.

(f) If a station Director determines that a school cannot satisfactorily carry out advance payment provisions, the procedures in M22–2, part IV, chapter 6, paragraph 8.01 d, will be applied.

4. *Confined Enrollments.* (a) An enrollment certification is considered to be confirmed if it is signed and dated on or after the beginning date certified. Unless advance payment is requested, confirmed enrollments will be required for all fall enrollments and reenrollments; all first enrollments at a particular school; and all other enrollments except where the student was enrolled for the preceding term at the same school.

Examples: (1) Advance payment is requested for any term. Confirmed enrollment certification not required as confirmation will be obtained upon delivery of check; (2) A student who does not request advance pay enrolls for the Spring term but did not attend the preceding Fall term at the same school: Confirmed enrollment required before award is transmitted to DPC Hines; (3) A student enrolls for summer school and was enrolled in the preceding Spring term at that school: Confirmed enrollment will not be required as this type of case will be considered an extension of the previous enrollments within the maximum allowable enrollment period. (See par. 5a below.)

NOTE.—When advance payment is requested but not issued as described in par. 3d and e above, the regional office must contact the school and confirm the enrollment prior to award action unless the enrollment is for other than a fall term and the student was enrolled in the preceding term at the same school.

(b) Schools should be cautioned not to submit non-advance-payment enrollments requiring confirmation prior to the beginning date certified. If such unconfirmed enrollments are received they will be confirmed by telephone call to the school or returned to the school, and the school will be requested to resubmit the documents when they can be redated and submitted as confirmed enrollments.

(c) For institutions of higher learning, it should be noted that the beginning date certified should be the registration date or the date the student is required to report in advance of registration, but not earlier than 14 days prior to the start of classes nor later than the date classes start.

(d) All schools are reminded that they are still required to report changes in enrollment status such as reductions in training time, interruptions or terminations in accordance with VAR 14203.

5. *End of Full Course Certifications.* (a) Effective immediately, schools operating on a term basis should discontinue, if they have not already done so, the practice of certifying the complete course. Instead, the period certified should never exceed the ordinary school year plus the immediately following summer term(s). It is no longer acceptable to combine a summer term with the ordinary school year which follows.

(b) Programming has been requested to terminate full course awards currently in the system with a future break of a full calendar month or more after May 1, 1977 since there is no specific request for advance payment of record for these cases, and if advance payment were not made there would be no way to confirm the reenrollment if confirmation were required. The termination will be effective at the end of the term preceding the full calendar month break. A computer-generated VA Form 22–1999–1, Reenrollment Certification, will be issued for these terminated cases, and the veteran will be advised by computer letter that he or she must contact the school for a new enrollment certification if he or her reenrolls. A computer writeout with message number 996 and the legend "Future Award Periods Terminated" will be issued in May for drop-filing in these cases.

(c) Programming has also been requested to issue a message in May 1977, for IHL cases certified beyond October 1977, that do not have a full calendar month break. Specific instructions for this message will be issued at a later date.

6. *Interval payment.* (a) Payment for an interval between terms will be authorized in all cases except in the following situations:

(1) An interval between terms, regardless of length, if the student is training at less than a half-time rate, or is on active duty;

(2) An interval between terms at the same school which spans a complete calendar month or more;

(3) An interval of more than 30 days between consecutive terms when the veteran or eligible person transfers to another school;

(4) An interval, regardless of length, preceding a change of program;

(5) An interval, regardless of length, which is specifically designated by a school as an interval between the end of one school year and the beginning of the next, if the school operates on other than a term, quarter or semester basis;

(6) An interval between terms for which the eligible student requests, prior to award authorization or prior to check negotiation, that no benefits be paid; and

(7) An interval during which the veteran's entitlement will be exhausted and it is to his or her advantage not to receive benefits for the interval.

(b) If otherwise in order, interval payment will be authorized upon processing of a reenrollment document. Use either an amended or reentrance type of award action in these cases. However, under no circumstances should a non-advance-payment reentrance award with reason code 60 be submitted to DPC Hines more than 60 days before the beginning date of the award. The rate of payment for the interval will be at the rate in effect for the previous term.

7. *Summer enrollment.* It should be noted from the above discussion that: (a) Advance payment requests for continuing students for the summer term will generally be inappropriate because there is usually less than a full calendar month break between spring and the summer terms; (b) Interval payment between spring and summer terms will generally be in order for the same reason; (c) Non-advance-payment summer enrollments for continuing students at the same school may be submitted and processed before the start of the summer term since confirmation of these summer enrollments will not be required; and (d) the summer enrollment may not be combined with the fall enrollment (except when the summer enrollment is entirely retroactive and the fall enrollment is confirmed).

8. *Computer-generated VA Form 22–19999–1.* (a) The next set of computer-generated reenrollment certification forms will be restricted to use for fall enrollments only. In using these forms, schools should understand that if advance payment is requested, all five requirements in paragraph 3(b) must be met. Also, schools should understand that if these forms are used for non-advance-payment fall enrollments, they must be signed and dated on or after the beginning date of the enrollment.

(b) Except for stations that use CRT terminals, it is not contemplated that regional offices will process any VA Forms 22–1999–1 without review of the claims folder this year because otherwise: (1) Interval payment might be omitted when due; (2) Advance payment might be authorized in a case with less than a full calendar month break resulting in a possible delay in the issuance of the advance payment check; (3) An erroneous award action might occur as the result of a failure to timely drop file the VA Form 22–1999–1. (This problem may increase this year as summer enrollments will, with few exceptions, be received on a separate document from the fall enrollment document.)

9. *Special payment.* Changes to special payment rules will be issued in a separate publication. Meanwhile, station Directors are reminded of their authority to modify the 30-day rule contained in M22–2, part IV, chapter 9, paragraph 9.01a(2), if conditions warrant.

10. *April and May check stuffers.* A stuffer which will describe the end of prepayment and the changes in the advance payment procedures will be included in all checks issued in April and May. The stuffer tells the claimant to contact the school if advance payment is desired. Regional offices should be prepared for inquiries on both prepayment and advance payment.

11. *Liaison.* Sufficient copies of this circular will be supplied for State approving agencies, IHL's, and NCD's. However, close liaison with the schools will be necessary to ensure their understanding of these changes. Particular emphasis should be placed on the following points: (a) The end of prepayment (par. 2); (b) The five requirements for advance payment (par. 3); (c) The definition of a confirmed enrollment and the situations in which confirmed enrollments are required (par. 4); (d) The maximum period that may be certified for schools operating on a term, quarter, or semester basis (par. 5); (e) The impending termination of full course awards with a future break of a full calendar month occurring after May 1, 1977 (par. 5); (f) The effect of the new changes on summer enrollments (par. 7); and (g) The requirement that only reenrollments beginning with fall 1977 may be certified on VA Form 22–1999–1 (par. 8).

A. J. BOCHICCHIO,
Acting Chief Benefits Director.

[DVB Circular 20–77–25]

CHAPTER 32—POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE, PUB. L. 94–502

MARCH 22, 1977.

1. *Purpose.* The stated purpose of chapter 32, title 38, U.S.C., is to provide educational assistance to those persons who enter the Armed Forces after December 31, 1976; to assist them in obtaining an education they might not otherwise be able to afford; and to promote and assist the all volunteer military program of the United States by attracting qualified persons to serve in the Armed Forces. This circular provides a detailed explanation of the new chapter 32 benefit program. Specific procedures and detailed instructions implementing this program will follow.

2. *General.* Chapter 32 is a voluntary contributory matching program for persons initially entering military service after December 31, 1976. Each person entering military service after that date has the right to enroll in and make contributions to the educational benefits program provided by this chapter at any time during the person's service on active duty. When a person elects to enroll in the program, such person must participate for at least 12 consecutive months before disenrolling or suspending participation (except as otherwise provided in this circular).

(a) Contributions to the program will be accumulated from servicepersons electing to participate in the program with the Veterans Administration matching the serviceperson's contributions on a two-for-one basis. The Secretary of Defense may elect to contribute as deemed necessary or appropriate to encourage persons to enter or remain in the Armed Forces.

(b) The service departments have the responsibility to process applications to start, stop and change the serviceperson's contributions to this program through military pay allotment systems. Funds collected will then be transferred to the VA which will maintain identification data as well as monthly contribution amounts for each participant.

(c) Regulations and definitions, when applicable, will be developed jointly by the VA and DOD.

(d) The enrollment provisions of this chapter are initially authorized through December 31, 1981. Presidential and Congressional review prior to that time will determine if these provisions will be continued beyond that date, with funding to be transferred to DOD and administration to remain with the VA.

3. *Definitions.* (a) The term "eligible veteran" means any veteran who:

(1) Initially entered military service on or after January 1, 1977, served on active duty for a period of more than 180 consecutive days commencing on or after such date, and was discharged or released therefrom under conditions other than dishonorable, or

(2) Initially entered military service on or after January 1, 1977, and was discharged or released from active duty after such date for a service-connected disability.

NOTE.—Subparagraphs (1) and (2) above have the effect of excluding those persons entering on active duty on January 1, 1977 through January 1, 1978, who enlisted in military service prior to January 1, 1977, (e.g., under a DEP (Delayed Enlistment Program)) since they would come under the provisions of chapter 34 rather than chapter 32.

(3) The requirement of discharge or release as prescribed in subparagraphs (1) and (2) above, shall be waived in the case of any participant who has completed his or her first obligated period of active duty (which began after December 31, 1976) or 6 years of active duty (which began after December 31, 1976), whichever period is less.

(b) For the purpose of determining eligibility for chapter 32, the term "active duty" excludes those periods as outlined in VAR 11040 (B) (1), (2) and (3), (i.e., assignment to civilian institution, cadet or midshipman at service academy or National Guard/Reserve Unit per 10 U.S.C. 511(d)).

(c) The terms "program of education" and "educational institution" have the same meaning ascribed to them in 38 U.S.C. 1652 (b) and (c).

(d) A "participant" is a person who is participating in the educational benefits program established under chapter 32. This includes: (1) A person who has enrolled in and is making contributions by monthly payroll deduction to the "fund" and (2) Those veterans or servicepersons who have contributed to the "fund" and have not disenrolled (i.e., users or potential users of benefits).

(e) The "fund" is a trust fund account established to main the dollar contributions of the participant and the Secretary of Defense. The statistical and dollar amount segments of this "fund" will be recorded and maintained by the VA.

(f) A person who "suspends" participation is one who stops contributing to the "fund" (temporarily or permanently). Such person can resume contributions without penalty or can utilize benefits accrued, if otherwise eligible. A person who "disenrolls" is one who terminates participation and forfeits any entitlement to benefits except for a refund of his/her contributions previously made. An inservice participant may suspend participation or disenroll for hardship at any time, or he/she may suspend or disenroll without hardship at the end of any 12 consecutive month block of participation or at the time of discharge or release from active duty. A veteran participant may disenroll from the program at any time and for any reason, regardless of whether he/she has used any accrued benefits prior to disenrollment.

(g) The definition of "hardship" or "other good reasons" will be prescribed jointly by VA/DOD regulations.

4. *Eligibility.* Each person initially entering military service on or after January 1, 1977 (for exceptions see par. 3(a)(2), NOTE) shall have the right to become a participant in the educational benefits program as provided under chapter 32 at any time during such person's service on active duty.

(a) When a person elects to enroll in the program, such person must participate for at least 12 consecutive months before disenrolling or suspending participation.

(1) This would not preclude a serviceperson with less than 12 months remaining in his/her period of service from enrolling in the program. If such person reenlists he/she must have completed a minimum participation requirement of 3 consecutive months before being eligible to receive benefits (see par. 7 (b) and (e)). However, if such person did not subsequently reenlist, he/she would then retain entitlement to accumulated benefits through the last month of participation.

(2) In the event that a serviceperson meets the joint VA/DOD criteria for reenrollment after disenrolling from the program, a new participation period will begin.

(3) No one who reenrolls will be allowed to repurchase entitlement by tendering previously refunded contributions to the VA or DOD. No participant will be allowed to retroactively backdate the effective date of enrollment into the program by tendering a lump-sum amount covering retroactive periods.

(4) A person who suspends participation in the program may resume contributing to the fund, having met the joint VA/DOD terms and conditions for resumption, effective the month of resumption in the program, and the period of suspension will not break the continuity of participation.

(b) The requirement of a minimum of 3 consecutive months of participation to qualify for benefits shall not apply when the participant suspends participation from the program because of personal hardship; or the participant is discharged or released from active duty.

(1) A person who suspends participation based on hardship or who is discharged or released from active duty retains the right to entitlement earned through the last month of participation.

(2) A person who disenrolls based on hardship forfeits entitlement to benefits and becomes entitled only to a refund of his/her contributions to the fund.

(c) An individual may be permitted to suspend participation or disenroll from the program at the end of any 12-consecutive-month period of participation without proof of hardship.

(1) Suspension in this instance allows resumption of participation under specified terms and conditions or use of accumulated entitlement.

(2) Disenrollment in this instance provides for forfeiture of entitlement, allows reenrollment under specified terms and conditions and provides for a refund of only such participant's contributions made prior to disenrollment.

(3) An individual may disenroll after discharge or release from service, regardless of whether he/she has applied for and received benefits under this chapter. Disenrollment in this situation would require forfeiture of any remaining or unused entitlement and provide only for a refund of such part of the participant's contribution as remained in his/her account.

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5. *Contributions to fund.* Benefits will be accumulated by including contributions from the participant, possibly the Secretary of Defense, and with the VA matching the serviceperson's contributions.

(a) Each person electing to participate in the program shall authorize a monthly deduction from his/her pay. The participant's monthly deduction may be no less than $50 and no more than $75 monthly and the amount must be divisible by $5. Total contributions by the participant to the fund are limited to a maximum of $2,700. A participant who contributes the minimum $50 monthly amount could do so for 54 months before reaching his/her maximum of $2,700 allowed.

(b) Except as otherwise provided, each contribution by a participant shall entitle him/her to matching funds from the VA at the rate of $2 for each $1 contributed by the participant.

(c) The Secretary of Defense is authorized to contribute to the fund of any participant such amounts as the Secretary deems necessary or appropriate to encourage persons to enter or remain in the Armed Forces.

6. *Refunds upon disenrollment.* Under the chapter 32 program, only unused amounts contributed by a participant may be refunded if the participant disenrolls from the program or is deceased.

(a) Disenrollment before discharge or release from active duty will result in a refund of a participant's contribution on the date of discharge (or release from active duty) or within 60 days of receipt by the VA of notice of such discharge or disenrollment. Refunds may be made earlier in instances of hardship or for other good reasons as jointly specified by the VA and the DOD.

(b) Disenrollment after discharge or release from active duty will result in a refund of the participant's contribution within 60 days of receipt of an application in the VA for said refund from a participant.

(c) Death on active duty or after discharge or release from active duty requires that any amounts contributed for an individual by the Secretary of Defense, remaining in the fund be refunded to the Secretary. The same refund provision applies if the participant disenrolls or is disenrolled.

(d) Upon the death of a participant while on active duty or after discharge or release from active duty, any remaining unused amounts of the participant's contributions shall be refunded to:

(1) The beneficiary or beneficiaries as designated by the participant under his/her SGLI (Serviceperson's Group Life Insurance) policy; or

(2) In the absence of designated beneficiaries or if no SGLI is in effect, to the estate of the participant.

(e) When the discharge or release from active duty of a participant is under dishonorable conditions, such participant is automatically disenrolled. Any contributions made to the fund by such participant will be refunded on the date of discharge or release from active duty or within 60 days of receipt of notice by the VA of such discharge or release, whichever is later.

(f) If the eligible person has not used any, or only partial entitlement by the end of his/her 10 year delimiting date, such participant is automatically disenrolled. At such time the participant will be notified of any remaining amount of his/her contributions in the fund. Such amounts will be refunded if an application is received in the VA within 1 year of notice. If no such application is received within 1 year of notice, it will be presumed that the individual's whereabouts are unknown and the participant's contributions will be transferred as directed by 31 U.S.C. 725s(a).

7. *Entitlement and payment of benefits.* A participant shall be entitled to a maximum of 36-monthly-benefit payments or the equivalent in part-time training. Unlike chapter 34 benefits, however, chapter 32 benefit payments are not authorized for pursuit of an apprenticeship or on-job training program and additional monthly sums for dependents are not payable.

(a) Payment of benefits will be made only for periods of time during which an eligible participant is actually enrolled in, and satisfactorily pursuing, an approved program of education after the individual has been discharged or released from active duty, except as provided in subparagraph (b) below.

(b) Payments may be made after a participant has completed the first obligated period of active duty (which began after December 31, 1976) or 6 years of active duty (which began after December 31, 1976) whichever period is less, and if the 3 consecutive month minimum participation requirement has been completed. (See subpar. (f) below regarding PREP (Predischarge Education Program) payments.)

(c) The monthly dollar amount of payment under chapter 32 available for full-time training will be determined by the following computations:

(1) Add all contributions made to the fund by the eligible participant;

(2) Multiply the sum obtained in subparagraph (1) above by the factor 3 to account for the VA matching funds;

(3) Add all contributions made to the fund by the Secretary of Defense on behalf of the participant to the amount obtained in subparagraph (2) above; and

(4) Divide the amount obtained in subparagraph (3) above by 36 or the number of months the individual participated, whichever is less.

(d) The monthly benefit amount for less than full-time training will be obtained by multiplying the monthly amount for full-time training by the appropriate fraction for three-quarter, one-half or one-quarter-time training. Only these fixed amounts will be paid regardless of whether the training is pursued on a less than half-time basis or by inservice participants (i.e., prorated charges based on tuition and fees provided for chapter 34 do not apply to chapter 32 benefit payments).

e. Benefit payments to inservice students who are drawing benefits as well as continuing to contribute to the fund (i.e., during their second enlistment period or after 6 years of active duty, whichever is less, and if they have completed the 3 consecutive month minimum participation requirement) will initially be based on the amount of entitlement available at the time the first benefit check is computed (i.e., to include all contributions up to the computer processing date). However, no more than one-thirty sixth of the contribution by the Secretary of Defense to the member's fund will be paid to an inservice student in any month. Subsequently monthly benefit amounts will include successive contributions resulting in a recomputation of the monthly benefit amount to be paid based on full-time training.

f. Any enlisted member of the Armed Forces who is a participant in the chapter 32 program shall also be eligible to participate in and receive benefits for PREP during the last 6 months of such member's first enlistment. No charge to entitlement under chapter 32 will occur and the rates payable under PREP, in this instance, will be the cost of the course of $292 monthly, whichever is less, for full-time training. After once having made contributions to the program, a participant may enroll in PREP even though he/she may have suspended contributions at any time subsequent to electing to enroll and participate in chapter 32. The extreme case of a participant enrolling and contributing to the fund for 1 month, suspending for hardship, applying for and being authorized benefits under PREP (during the last 6 months of his/her first enlistment period) is possible.

g. Payment under chapter 32 for a flight or correspondence course to an otherwise eligible veteran, shall be based on 100 percent of the cost of said course. One month's entitlement shall be charged for each month of benefits paid (computed on the basis of the formula listed in subpar. c above for the purpose of debiting entitlement).

h. Eligible veterans participating in chapter 32 shall be eligible for education loans as authorized by 38 U.S.C., chapter 36, subchapter III. Amounts loaned and the terms and conditions of such loaned amounts will be same as previously provided in subchapter III mentioned above.

i. Eligible veterans under chapter 32 are not eligible to participate in the work-study program or receive tutorial assistance.

8. *Delimiting date.* No educational assistance benefits shall be afforded an otherwise eligible veteran under this chapter beyond 10 years after the date of his/her last discharge or release from active duty.

9. ***Requirements/Comparability.*** The provisions of current law under 38 U.S.C., chapter 34, which specifically apply to the chapter 32 educational benefits program are as follows:

Section and Topic Area
1652(b)—Program of Education.
1652(c)—Educational Institution.
1670—Selection of Program.
1671—Applications; Approval.
1673—Disapproval of Enrollment in Certain Cases.
1674—Discontinuance for Unsatisfactory Conduct or Progress.
1676—Education Outside the United States.
1677—Flight Training.
1681(c)—Educational Assistance Allowance—Flight Training.
1683—Approval of Courses.
1696 and 1698—Predischarge Education Program (PREP).

38 U.S.C., chapter 36, Administration of Educational Benefits, is in general applicable to the new chapter 32, Post-Vietnam Era Educational Assistance, program. The following sections are not for application:

Section and Topic Area
1777—Approval of Training on the Job.
1780(c)—Apprenticeship and other On-the-Job Training.
1787—Apprenticeship or other On-Job Training.

A. J. Bochicchio,
Acting Chief Benefits Director.

[FR Doc.10715 Filed 4-11-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 365]

ASSIGNMENT OF HEARINGS

April 7, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 115495 (Sub-Nos. 3, 4, 7, 14, 16, 20, 22, 24, 25) and MC 116200 (Sub-Nos. 2, 3, 5), United Parcel Service, Inc., now assigned May 17, 1977 at Washington, D.C. have been postponed to June 2, 1977 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 130411, B. J. Marsh, d.b.a. Marsh Travel, now being assigned May 18, 1977 (2 days) at Jefferson City, Missouri in a hearing room to be later designated.

Robert L. Oswald,
Secretary.

[FR Doc.77-10736 Filed 4-11-77;8:45 am]

[Rule 19; Ex Parte No. 241; 3rd Rev. Exemption No. 133]

MISSOURI PACIFIC RAILROAD CO. AND THE NATIONAL RAILWAYS OF MEXICO

Exemption Under Mandatory Car Service Rules

It appearing, that there are substantial shortages of fifty-foot plain boxcars on the lines of the Missouri Pacific Railroad Company (MP); that there is an available supply of such cars on the National Railways of Mexico (NDM); that the NDM has consented to use by the MP of certain of these cars; and the MP has secured clearance from the United States Customs Service for use of these cars provided they are interchanged from and to the NDM exclusively by the MP; and that use of these cars by the MP will substantially relieve boxcar shortages on the MP.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain boxcars owned by the National Railways of Mexico (NDM) identified herein may be used by the Missouri Pacific Railroad Company (MP) without regard to the requirements of Car Service Rules 1 and 2.

It is further ordered, That NDM plain boxcars identified herein available empty on lines other than the MP must be returned to the MP either loaded or empty and may not be returned to the NDM by any line other than the MP, regardless of the requirements of Car Service Rules 1 and 2; and

It is further ordered, That this exemption is applicable to freight cars owned by the NDM identified in Appendix A[1] hereto.

Effective March 30, 1977, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., March 30, 1977.

Interstate Commerce Commission,
Joel E. Burns,
Agent.

[FR Doc.77-10739 Filed 4-11-77;8:45 am]

[1] Appendix A is filed as a part of the original document.

FOURTH SECTION APPLICATION FOR RELIEF

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before April 27, 1977.

FSA No. 43344[1]—*Export and Import Rates from and to North Atlantic Ports.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 3057), for interested rail carriers. Rates on property moving on export and import rates from and to North Atlantic Ports, from and to North Atlantic Ports as described in tariffs listed in Appendix "A", on the one hand, to and from various points in Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, Ohio and Wisconsin, as provided for in Southern Port Foreign Freight Committee, Agent, tariff 1000—C, I.C.C. No. 255 (Territorial Directory).

Grounds for relief—Market competition and port equalization.

By the Commission.

Robert L. Oswald,
Secretary.

[FR Doc.77-10737 Filed 4-11-77;8:45 am]

[Notice No. 47]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

April 5, 1977.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Motor Carriers of Property

No. MC 730 (Sub-No. 404TA), filed March 21, 1977. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay St., P.O. Box 958, Oakland, Calif. 94612. Applicant's representative: Alfred G. Krebs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Des Moines, Iowa and points within the Des Moines Commercial Zone as off-route points in connection with carrier's authorized regular-route operations. Applicant intends to tack its existing authority with MC 730 and subs thereto, applicant also intends to interline, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 28 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: A. J. Rodriguez, District Supervisor, 211 Main, Suite 500, San Francisco, Calif. 94105.

No. MC 19945 (Sub-No. 63TA), filed March 24, 1977. Applicant: BEHNKEN TRUCK SERVICE, INC., Route No. 13, New Athens, Ill. 62264. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer ingredients*, in bulk, from Springfield, Ill., to points in Missouri, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: J. J. Stefanec, Director, Agrico Chemical Company, Box 3166, Tulsa, Okla. 74101. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 30844 (Sub-No. 584TA), filed March 24, 1977. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 5000, 2125 Commercial St., Waterloo, Iowa 50702. Applicant's representative: John P. Rhodes (same address as appli-

[1] Certain interested parties having requested an extension in the time for filing protests in connection with this application, and sufficient cause appearing for the granting of this request, protests to the granting of Fourth Section Application No. 43344 may be filed not later than April 24, 1977.

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cant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Krey Packing Company, Inc., located at or near St. Louis, Mo., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, restricted to the transportation of shipments originating at the above-described origin and destined to the above-described destination points, for 180 days. Supporting shipper: Krey Packing Company, 3067 N. Florissant Ave., St. Louis, Mo. 63107. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 99019 (Sub-No. 9TA), filed March 24, 1977. Applicant: KILLIAN-BLACK TRUCKING, INC., Roseville and Hydraulic Sts., Buffalo, N.Y. 14210. Applicant's representative: Robert D. Gunderman, 710 Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in tank vehicles, from Baldwinsville, N.Y., to Shenanddoah, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: International Multifoods Corp., 120 Childs St., Buffalo, N.Y. 14203. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 910 Federal Bldg., 111 W. Huron St., Buffalo, N.Y. 14202.

No. MC 103993 (Sub-No. 883TA), filed March 24, 1977. Applicant: MORGAN DRIVE AWAY, INC., 28651 U.S. 20 West, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles (except recreational vehicles), in initial movements, from Stanly County, N.C., to points in Tennessee and West Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Homes by Fisher, Inc., P.O. Box 248, Richfield, N.C. 28137. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commision, 343 W. Wayne St., Suite 113, Fort Wayne, Ind. 46802.

No. MC 106074 (Sub-No. 30TA), filed March 9, 1977. Applicant: B AND P MOTOR LINES, INC., 710 Oakland Road, P.O. Box 741, Forest City, N.C. 28043. Applicant's representative: George W. Clapp, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cans and can ends*, iron or steel, from the plantsite and warehouse facilities of RJR Foods, Inc., at Plymouth, Ind., to Atlanta, Ga.; Ortonville, Minn.; Lockport, N.Y.; Haskell, Okla.; South Brunswick, N.J.; and Highlands, Tex., for 180 days. Supporting shipper: RJR Foods, Inc., P.O. Box 3037, Winston-Salem, N.C. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 109397 (Sub-No. 358TA), filed March 16, 1977. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, E. on Interstate Business Rt. 44, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 223 Ciudad Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radioactive waste mateials*, in containers, from points in the United States (except Alaska and Hawaii), to the facilities of Todd Shipyard, at or near Galveston, Tex., for 180 days. Supporting shipper: Southwest Nuclear Company, 7066A Commerce Circle, Pleasanton, Calif. 94566. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 110988 (Sub-No. 339TA), filed March 23, 1977. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Ave., Giltedge Bldg., Appleton, Wis. 54911. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Lemont and Princton, Ill.; Conway and Hutchinson, Kans.; Lowell and Port Huron Mich.; Hattiesburg, Miss.; Mentor and Middletown, Ohio; Ogden, Iowa; and Janesville, Wis., to Birmingham, Ala.; Monmouth, Ill.; Gary, LaPorte and Marion, Ind.; Madisonville, Ky.; St. Paul, Minn.; Obetz, Warren, Archbold and Marion, Ohio; Danbury, Conn.; Fogesville, Hanover and Fairless Hills, Pa.; Piscataway, N.J.; Baltimore and Cambridge, Md.; Bishopville and Camden, S.C.; and Collierville and Springfield, Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: National Can Corporation, 8101 W. Higgins Road, Chicago, Ill. 60631. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Bldg. and Courthouse, 517 E. Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 113388 (Sub-No. 116TA), filed March 23, 1977. Applicant: LESTER C. NEWTON TRUCKING COMPANY, P.O. Box 618, Seaford, Del. 19973. Applicant's representative: Chester A. Zyblut, 1030 15th St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and commodities*, the transportation of which is exempt under the Provisions of Section 203(b)(6) of the Interstate Commerce Act when moving in the same vehicle and at the same time with frozen foods, from Syracuse, N.Y., to points in Pennsylvania, Maryland, Delaware, Virginia, New York, New Jersey, Ohio, Michigan, West Virginia and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Charles A. Cleveland, Director of Sales and Customer Service, Empire Freezers of Syracuse, Inc., P.O. Box 770, Syracuse, N.Y. 13201. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814–B Federal Bldg., Baltimore, Md. 21201.

No. MC 118535 (Sub-No. 95TA), filed March 17, 1977. Applicant: TIONA TRUCK LINE, INC., 111 S. Prospect, Butler, Mo. 64730. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lead oxide*, in bulk, in tank vehicles, from Frisco, Tex., to points in Alabama, Arkansas, Illinois, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Oklahoma, South Carolina and Tennessee, for 180 days. Supporting shippers: Gould, Inc., P.O. Box 250, Frisco, Tex. 75034. Powerlab, Inc., P.O. Box 913, Terrell, Tex. 75160. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 120675 (Sub-No. 4TA), filed March 18, 1977. Applicant: ACME TRUCK LINE, INC., P.O. Box 183, 736 St. Joseph St., Harvey, La. 70058. Applicant's representative: Doyle Coatney (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Forms and scaffolding material*, between the plantsite of Symons Manufacturing Co. Inc., at La Place, La., and points in Alabama, Florida, Louisiana, Mississippi, and Texas, for 180 days. Supporting shipper: Symons Corporation, P.O. Box 790, Airline Hwy. East, La Place, La. 70068. Send protests to: R. C. Armstrong Jr., District Supervisor, 9038 Federal Bldg., 701 Loyola Ave., New Orleans, La. 70113.

No. MC 133494 (Sub-No. 13TA), filed March 24, 1977. Applicant: E. W. BELCHER TRUCKING, INC., 201 Dallas Dr., Denton, Tex. 76201. Applicant's representative: William D. Lynch, P.O. Box 912, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish oil residuum* (fish solubles), in tank vehicles, from Holmwood, Cameron, and Empire, La., to the facilities of the H. J. Baker & Bro., Inc., at Fort Smith, Ark., for 180 days. Supporting shipper: H. J. Baker & Bro., Inc., 360 Lexington Ave., New York, N.Y. 10017. Send protests to: Robert J. Kirspel, District Supervisor, Room A927 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 134387 (Sub-No. 44TA), filed March 23, 1977. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, Calif. 90280. Applicant's representative: Lucy Kennard Bell, 606 South Olive St., Suite 825, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles and jars*, less than one gallon in capacity, from points in Los Angeles and San Bernardino Counties, Calif., to points in Weber County, Utah, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Brockway Glass Company, Inc., 8717 G St., Oakland, Calif. 94621. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1321 Federal Bldg., 300 N. Los Angeles St., Los Angeles, Calif. 90012.

No. MC 138726 (Sub-No. 4TA), filed March 24, 1977. Applicant: MUNICIPAL TANK LINES LIMITED, P.O. Box 3500, Calgary, Alberta, Canada T2P 2P9. Applicant's representative: D. S. Vincent (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Newark, N.J., and Chicago, Ill., to ports of entry on the United States-Canada International Boundary line located in Michigan and New York, restricted to shipments destined to points in Ontario, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Robert P. Newman, Office Manager, Celanese Canada Limited, Chemicals Division, 4 Eva Road, Islington, Ontario, Canada M9C 2A8. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Ave., North, Billings, Mont. 59101.

No. MC 139495 (Sub-No. 216TA), filed March 24, 1977. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, 1501 East 8th St., Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, and toilet preparations* (except in bulk), from the facilities of Bristol-Myers Products, at or near Franklin, Ky., to Dallas, Tex.; Lawrence, Kans.; La Mirada and Oakland, Calif.; and Portland, Oreg., for 180 days. Supporting shipper: Bristol-Myers Products, 225 Long Ave., Hillside, N.J. 07207. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Suite 101 Litwin Bldg., 110 N. Market, Wichita, Kans. 67202.

No. MC 140363 (Sub-No. 7TA), filed March 21, 1977. Applicant: CHAMP'S TRUCK SERVICE, P.O. Box 1233, Meraux, La. 70075. Applicant's representative: Edward A. Winter, 235 Rosewood Dr. Metairie, La. 70005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel, lime and limestone*, in bulk, in dump trucks, between points in Louisiana on the one hand, and, on the other, points in Mississippi, for 180 days. Supporting shipper: Louisiana Materials Co., Inc., P.O. Box 8214, New Orleans, La. 70182. Send protests to: Ray C. Armstrong, Jr., District Supervisor, 9038 Federal Bldg., 701 Loyola Ave., New Orleans, La. 70113.

No. MC 140808 (Sub-No. 3TA), filed March 23, 1977. Applicant: GARY MATHENY, R.R. 1, Lebanon, Nebr. 69036. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients, and agricultural herbicides and insecticides* (except commodities in bulk), between points in the commercial zones of McCook, Nebr., and Webster City, Iowa, on the one hand, and, on the other, points in Nebraska, Kansas, and that part of Iowa on and west of U.S. Highway 69; that part of Colorado on and east of the Continental Divide, and points in Platte, Laramie, and Goshen Counties, Wyo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sharon K. Snyder, Traffic Manager, Cornbelt Chemical Company, P.O. Box 410, McCook, Nebr. 69001. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg., & Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 140967 (Sub-No. 2TA), filed March 22, 1977. Applicant: ARLEN LINDQUIST, doing businesss as ARLEN E. LINDQUIST TRUCKING, 3851 85th Ave. NE., New Brighton, Minn. 55112. Applicant's representative: F. H. Kroeger, 1745 University Ave., St. Paul, Minn. 55104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Oil* (except in bulk, in tank vehicles), from Roxana, Ill., to South Bend, Ind.; Blaine and Clontarf, Minn.; Fargo, N. Dak.; and Sioux Falls, S. Dak.; and (2) *Tires and tubes*, from Memphis, Tenn., to Ashby, Bemidji, Breckenridge, Canby, Clearbrook, Clontarf, Graceville, Henning, Jasper, Park Rapids, Redwood Falls, and Rothsay, Minn.; Harvey, Jamestown, Wahpeton, and Wyndmere, N. Dak.; Aberdeen, Brookings, Frederick, Huron, Madison, Mitchell, Pierre, Sioux Falls, Sisseton, and Watertown, S. Dak., under a continuing contract with Chamberlain Oil Co., Inc., and/or Quad State Distributing, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Quad State Distributing, Inc.; and Chamberlain Oil Co., Inc., 113 Grace Ave., East, Clontarf, Minn. 56226. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 141255 (Sub-No. 8TA), filed March 22, 1977. Applicant: TANDY TRANSPORTATION, INC., P.O. Box 7135, 3501 Fairview, Fort Worth, Tex. 76111. Applicant's representative: Ralph W. Pulley, Jr., 4555 First National Bank Bldg., Dallas, Tex. 75202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Electronic equipment, materials and supplies, including antenna, antenna mounts, and antenna masts* (except commodities requiring special equipment), from Blauvelt and Hicksville, L.I., N.Y.; Huntington, Ind.; Tarrant City, Ala.; Burlington, Iowa; Somerville and Parsippany, N.J.; St. Louis, Mo.; Boston, Mass.; and St. Paul, Minn., to Vancouver, Wash.; Chicago, Ill.; and Charleston, S.C.; (b) *Electronic equipment, materials and supplies, including antenna, antenna mounts, and antenna masts* (except commodities requiring special equipment), from Mundelein, Ill., to Vancouver, Wash.; and Charleston, S.C.; (c) *Toys, games and toy or game construction kits*, from Hagerstown, Md., to Vancouver, Wash.; Chicago, Ill.; and Charleston, S.C.; (d) *Electronic equipment, materials and supplies* (except commodities requiring special equipment), *toys or games*, from Los Angeles, Calif., to Vancouver, Wash.; Chicago, Ill.; and Charleston, S.C.; (e) *Electronic equipment, materials and supplies* (except commodities requiring special equipment), *toys or games*, from Detroit, Mich., to Vancouver, Wash.; Chicago, Ill.; and Charleston, S.C.;

(2) (a) *Antenna mounts* (except commodities requiring special equipment), from Franklin Park, Ill., to Ft. Worth, Tex.; Garden Grove, Calif.; Groveport, Ohio; Randolph, Mass.; Vancouver, Wash.; and Charleston, S.C.; (b) *Steel hardmare cabinets*, from Wadsworth, Ohio, to Ft. Worth, Tex.; Garden Grove, Calif.; Randolph, Mass.; Vancouver, Wash.; Chicago, Ill.; and Charleston, S.C.; (c) *Radio or telephone headsets*, from Milwaukee, Wis., to Ft. Worth, Tex.; Garden Grove, Calif.; Groveport, Ohio; Randolph, Mass.; Vancouver, Wash.; Chicago, Ill.; and Charleston, S.C.; (d) *Electronic equipment, materials and supplies* (except commodities requiring special equipment), from Princeton, Ky., to Groveport, Ohio.; Randolph, Mass.; Vancouver, Wash.; Chicago, Ill.; and Charleston, S.C.; (e) *Plastic records, sound recordings, and recordings, tapes*, from Port Washington, Pa., to Ft. Worth, Tex.; Garden Grove, Calif.; Vancouver, Wash.; Chicago, Ill.; and Charleston, S.C.; (f) *Electronic equipment, materials and supplies* (except commodities requiring special equipment), from Philadelphia,

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Pa., to Ft. Worth, Tex.; Garden Grove, Calif.; Groveport, Ohio; Randolph, Mass.; Vancouver, Wash.; Chicago, Ill.; and Charleston, S.C.; (g) *Electronic equipment, materials and supplies* (except commodities requiring special equipment), from Baltimore, Md., to Groveport, Ohio; Vancouver, Wash.; Chicago, Ill.; and Charleston, S.C.; (h) *Electronic equipment, materials and supplies* (except commodities requiring special equipment), from Indianapolis, Ind., to Ft. Worth, Tex.; Garden Grove, Calif.; Randolph, Mass.; Vancouver, Wash.; and Charleston, S.C.;

(3) (a) *Sheet steel* (except commodities requiring special equipment), from Des Plaines, Ill., to Ft. Worth, Tex.; (b) *Paper bags*, from Yulee, Fla., to Ft. Worth, Tex.; (c) *Particle board*, from Morristown, Tenn., to Ft. Worth, Tex.; (d) *Brass, bronze or copper wire*, from Carrollton, Ga., to Ft. Worth, Tex.; (e) *Steel stampings* (except commodities requiring special equipment), from Paducah, Ky., to Ft. Worth, Tex.; (f) *Magnetized* magnets and carpet rolls, from Chattanooga, Tenn., to Ft. Worth, Tex.; (g) *Chrome plated brass parts* for electronic equipment, from Willoughby, Ohio, to Ft. Worth, Tex.; (h) *Uncoated wire links* used for antennas, from Cockeysville, Md., to Ft. Worth, Tex.; (i) *Plastic pellets*, in bags or boxes, from Peru and Ottawa, Ill.; Massilon, Ohio; and Gary, Ind., to Ft. Worth, Tex.; (j) *Coiled or stripped aluminum* (except commodities requiring special equipment), from Burnsville, Minn., to Ft. Worth, Tex.; (k) *Metal fasteners and connectors*, from Elmhurst, Ill., to Ft. Worth, Tex.; (l) *Plastic spools*, from Chatham, N.Y., to Ft. Worth, Tex.; (m) *Leather, leather supplies, saddle soap, neats foot oil, and leather dressing*, from Milwaukee, Wis., to Ft. Worth, Tex.; and (n) *Plastic pellets or granules*, in bags, from Perryville, Md., and Passaic, N.J., to Ft. Worth, Tex. Restriction: The operations authorized herein in Paragraphs 1, 2 and 3 are limited to a transportation service to be performed under a continuing contract with Tandy Corporation and Tandycrafts, Inc., and their divisions and subsidiaries. The operations authorized herein to all destination points are restricted to traffic destined to the manufacturing plants, warehouses and storage facilities owned or utilized by Tandy Corporation, Tandycrafts, Inc., and their divisions and subsidiaries, under a continuing contract with Tandy Corporation, Inc., and Tandycrafts, Inc., for 180 days. Supporting shippers: Tandy Corporation, Inc., and Tandycrafts, Inc., 2727 W. 7th St., Fort Worth, Tex. 76107. Send protests to: Robert J. Kirspel, District Supervisor, Room 9A27, Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 141599 (Sub-No. 2TA), filed March 23, 1977. Applicant: MOUNTAIN PACIFIC TRANSPORT (EDMONTON), LTD., 241 Schoolhouse Road, Coquitlam, British Columbia, Canada. Applicant's representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Talc*, from Three Forks, Mont., to the United States-Canada International Port of Entry, at or near Eastport or Porthill, Idaho, restricted to traffic moving to Kamloops, Quesnel, Prince Rupert, Castlegar, Skookumchuck, Prince George, McKenzie, Crofton, Harmac, Port Alberni, Elk Falls, Kitimat and Vancouver, B.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Harrisons and Crosfield, Canada, Ltd., 3070 King Way, Vancouver, B.C., Canada V5R 5J7. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, Wash. 98174.

No. MC 141750 (Sub-No. 3TA), filed March 23, 1977. Applicant: COLUMBIA HAULERS, INCORPORATED, 1009 Airport Road, Columbia, S.C. 29205. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Bldg., Columbia, S.C. 29201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Charcoal briquetts;* and (2) *Alcoholic liquors, alcohol distillers' by-products, and wines;* (1) from Lake City, S.C., to Baltimore and Landover, Md.; Waynesville, N.C.; Knoxville, Tenn.; and Charlottesville, Va.; and (2) from Frankfort, Lawrenceburg, Louisville, Loretto and Owensboro, Ky.; Baltimore, Md.; Schenley, Pa.; Tullahoma, Tenn.; and Petersburg, Va., to Columbia, S.C.; under a continuing contract with T. S. Ragsdale Company, Inc., of Lake City, S.C., and Columbia Distributing Corporation of Columbia, S.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: T. S. Ragsdale Company, Inc., P.O. Box 973, Lake City, S.C. 29560. Columbia Distributing Corporation, 1009 Airport Road, Columbia, S.C. 29205. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 142525 (Sub-No. 1TA), filed March 23, 1977. Applicant: BERNARD D. HARNER AND SON, INC., R.R. 2, Washington, Ind. 47501. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed and feed ingredients*, dry, in bags, between Ralston Purina Company plants located at Evansville, Ind., on the one hand, and, on the other, Vandalia, Ill., and Louis, Ky. Restrictions: (1) Restricted against the transportation of commodities in bulk; (2) Restricted to movements under a continuing contract with Ralston Purina Company, and (3) Restricted to movement either originating at or destined to the plant and storage facilities of Ralston Purina Company, Evansville, Ind.; and (2) *Feed and feed ingredients*, dry, in bags, in bulk, from the Ralston Purina Company plant and storage facilities at Evansville, Ind., to points in White and Gallatin Counties, Ill.; and Henderson, Union, Webster, Crittenden, Livingston, Lyon, Trigg, Caldwell, Hopkins, Christian, Todd, Muhlenburg, McLean, Daviess and Hancock Counties, Ky. Restrictions: (1) Restricted to movements under a continuing contract with Ralston Purina Company; and (2) Restricted to movements either originating at or destined to the plant and storage facilities of Ralston Purina Company, Evansville, Ind., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ralston Purina Company, 2124 Lynch Road, Evansville, Ind. 47711. Send protests to: William S. Ennis, District Supervisor, Interstate Commerce Commission, Federal Bldg. and U.S. Courthouse, 46 E. Ohio St., Room 429, Indianapolis, Ind. 46204.

No. MC 142937 (Sub-No. 1TA) (correction), filed March 3, 1977, published in the FR issue of Marrch 22, 1977, and republished as corrected this issue. Applicant: DARRELL A. CARLSON, doing business as CARLSON TRUCKING, Route No. 1, Parkers Prairie, Minn. 56361. Applicant's representative: James B. Hovland, 414 Gate City Bldg., Fargo, N. Dak 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sprinkling and irrigation systems, and parts and attachments* for sprinkling and irrigation systems, from Scotts Bluff County, Nebr., to points in Minnesota on and south of U.S. Highway 2 and on and north of a line beginning at the South Dakota-Minnesota border along State Highway 28 to its intersection with Interstate 94, thence along Interstate 94 to its intersection with State Highway 23, thence along State Highway 23 to the Minnesota-Wisconsin border, under a continuing contract with Mid-Minnesota Irrigation Supply, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mid-Minnesota Irrigation Supply, Route 2, Box 12A, Wadena, Minn. 56482. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102. The purpose of this republication is to state the name and address where protests should be sent.

No. MC 143026TA (correction), filed March 11, 1977, published in the FR issue of March 28, 1977, and republished as corrected this issue. Applicant: RMB CORPORATION, 303 South St., Newark, N.J. 07114. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bicycles and velocipedes, materials, equipment and supplies* used in the manufacture and sale of bicycles and velocipedes, between the facilities of Iverson Cycle Corporation, town of Brookhaven, N.Y., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Kentucky, Mississippi and the District of Columbia, under a continuing contract with Iverson Cycle Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Iverson Cycle Corporation, P.O. Box 2000, Patchogue, N.Y. 11772. Send protests to: Robert S. H. Vance, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102. The purpose of this republication is to add the supporting shipper's name and address.

No. MC 143043 (Sub-No. 1TA), filed March 15, 1977. Applicant: SHERMAN C. WATSON, doing business as WATSON CO., Route 2, Box 440, Colfax, La. 71417. Applicant's representative: Sherman C. Watson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pine pitch residue*, from Alexandria, La., to points in California, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Louisiana Pine Products Co., Inc., P.O. Box 814, Alexandria, La. 71301. Send protests to: Ray C. Armstrong, Jr., District Supervisor, 9038 Federal Bldg., 701 Loyola Ave., New Orleans, La. 70113.

No. MC 143048TA, filed March 21, 1977. Applicant: FRANCIS E. & JOHN H. CONDON, doing business as D. AND F. KITCHEN CABINET DELIVERY, 153 La Grange St., West Roxbury, Mass. 02132. Applicant's representative: Paul E. Murphy, 8th Floor—One State St., Boston, Mass. 02109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Kitchen cabinets, vanity cabinets, counter tops, and small hardware* incidental to the installation thereof, and no other commodities, from West Bridgewater, Mass., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Maryland, Delaware, the District of Columbia, New Jersey, and Virginia, under a continuing contract with N. J. MacDonald & Sons Inc., for 180 days. Supporting shipper: N. J. MacDonald & Sons Inc., Pleasant St., W. Bridegwater, Mass. Send protests to: D. W. Hammons, District Supervisor, 150 Causeway St., Room 501, Boston, Mass. 02114.

No. MC 143068TA, filed March 21, 1977. Applicant: R. F. TRUCKING, INC., P.O. Box 648, Rocky Ford, Colo. 31067. Applicant's representative: F. Owen Kendrick, 1600 Lincoln Center, 1660 Lincoln St., Denver, Colo. 80264. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured by, distributed by, dealt in by, and *manufacturing materials and supplies* utilized by, iron and steel manufacturers, restricted to service provided pursuant to a continuing with Double H Steel & Wire Co., Inc., between Rocky Ford, Colo., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Double H Steel and Wire Company, Inc., P.O. Box 648, Rocky Ford, Colo. 81067. Send protests to: Herbert C. Ruoff, District Supervisor, 721 19th St., Denver, Colo. 80202.

No. MC 143069TA, filed March 22, 1977. Applicant: T. M., INC., 1224 Peacock Ave., Columbus, Ga. 31904. Applicant's representative: Virgil H. Smith, Site 12, 1587 Phoenix Blvd., Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agriculture limestone*, in bulk, in dump vehicles, from points in Lee County Ala., to points in Dougherty, Early, Macon, Randolph, Terrell, Sumter, Webster, Stewart, Marion, Schley, Lee, Calhoun, Quitman, and Clay Counties, Ga., for 180 days. Supporting shippers: There are approximately 7 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St. NW., Room 546, Atlanta, Ga. 30309.

No. MC 143070TA, filed March 14, 1977. Applicant: SPRINGFIELD TRUCKERS, INC., P.O. Box 250, Ozark, Mo. 65671. Applicant's representative: Harry Ross, Jr., 58 South Main St., Winchester, Ky. 40391. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Rogers, Craig, and Ottawa Counties, Okla., to Springfield, Mo., for 180 days. Supporting shipper: Russell Creek Mine, Welch, Okla. 74369. Send protests to: John V. Barry, District Supervision, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 143072TA, filed March 21, 1977. Applicant: WINONA AIR EXPEDITING CO., 4592 Wichita Trail, Hamel, Minn. 55340. Applicant's representative: F. H. Kroeger, 1745 University Ave., St. Paul, Minn. 55104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those injurious or contaminating to other lading), between Winona, Minn., on the one hand, and, the Minneapolis-St. Paul, Minn., International Airport on the other, on shipments having a prior or subsequent movement by air, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Marangoni USA Inc., Ring Tread System USA, 4640 Service Drive, P.O. Box 976; Fiberite Corporation, 501 W. 3rd St.; Lake Center Industries Trans. Inc., 111 Market St.; and Winona Knitting Mills, Winona, Minn. 55987. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 143073TA, filed March 22, 1977. Applicant: VANDERVEEN HAY SALES LTD., 18726 56th Ave., Surrey, British Columbia, Canada. Applicant's representative: Gary Venderveen (same address as applicant). Authority sought to operate as *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the Ports of Entry on the United States-Canada Boundary line, at or near Blaine, Wash., to Snohomish, Woodinville, Issaquah, Tacoma, Wash., and Portland, Oreg., under a continuing contract with West Fraser Building Supplies Co. Ltd., for 180 days. Supporting shipper: West Fraser Building Supplies Co. Ltd., No. 201—20560—56th Ave., Langley, British Columbia, Canada. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, Wash. 98174.

No. MC 143075TA, filed March 22, 1977. Applicant: HAROLD AND CHARLINE BRENDLER, doing business as, NORTHWEST PRODUCE EXPRESS, 2040 Southeast Salmon, Portland, Oreg. 97214. Applicant's representative: Philip G. Skofstad, P.O. Box 594, Gresham, Oreg. 97030. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, food requiring refrigeration, glassware, grocery products and paper products, and commodities* otherwise exempt from economic regulation under Section 203(b)(6) of the Interstate Commerce Act when moving in mixed shipments with dairy products, food requiring refrigeration, glassware, grocery products and paper products, between Salem, Beaverton, Portland, and Pendleton, Oreg., on the one hand, and on the other Yakima and Pasco, Wash., under a continuing contract with Pacific Fruit & Produce Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pacific Fruit & Produce Co., P.O. Box 3687, Seattle, Wash. 98124. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 143076TA, filed March 22, 1977. Applicant: JOSEPH BROWN, doing business as BROWN TRUCKING AND INVESTMENT COMPANY, P.O. Box 1461, Olympia, Wash. 98507. Applicant's representative: Joseph Brown (same address as applicant). Authority sought to operate as a *common carrier*, by motor

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vehicle, over irregular routes, transporting: *Machinery, diesel engines, forklifts, pipe and steel,* between Seattle and Spokane, Wash., Portland and Pendleton, Oreg., and San Diego, Calif., for 180 days. Supporting shipper: Olympia Tech. Community College, 2061 Mottman Road SW., Olympia, Wash. 98502. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 143077TA, filed March 22, 1977. Applicant: GERARD S. REDER, doing business as BERKSHIRE AMORED CAR SERVICE, 343 Pecks Road, Pittsfield, Mass. 01201. Applicant's representative: Morris J. Levin, 1620 Eye St. NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: Coin, *currency, legal tender, monies, negotiable and non-negotiable instruments, securities, stamps, documents* used in banking, *and other valuable articles,* between points in Massachusetts and Vermont, under a continuing contract with First Vermont Bank and Trust Company, and Chittenden Trust Company, Bennington, Vt., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: First Vermont Bank and Trust Company, and Chittenden Trust Company, Bennington, Vt. Send protests to: J. D. Perry, Jr., District Supervisor, 436 Dwight St., Room 338, Springfield, Mass. 011

No. MC 140378TA, filed March 22, 1977. Applicant: EMPIRE WELDING SUPPLY CO., INC., 4810 Vasquez Blvd., Denver, Colo. 80216. Applicant's representative: Larry K. Frizzell (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carbon dioxide*, bulk quantity, from Cheyenne, Wyo., to Denver, Colo., under a continuing contract with Airco Industrial Gases, for 180 days. Supporting shipper: Airco Industrial Gases, 2001 W. 16th St., Broadview, Ill. 60153. Send protests to: Herbert C. Ruoff, District Supervisor, 492 U.S. Customs House, 721 19th St., Denver, Colo. 80202.

No. MC 143080TA, filed March 21, 1977. Applicant: BUCCANEER MOVING & STORAGE, INC., P.O. Box 585, Fernandina Beach, Fla. 32034. Applicant's representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, heavy hauling, building materials on flatbed trailers, commodities requiring specialized equipment explosives and household goods), between points in Nassau County Fla., Jacksonville, Fla., and its commercial zone (except Ponte Vedra Beach, Fla., and Orange Park, Fla.), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 8 statements of support attached to the application, which may be examined at the Intrestate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 W. Bay St., Jacksonville, Fla. 32202.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77 10738 Filed 4-11-77;8:45 am]

SPECIFICATIONS OF TYPES OF FINANCE CASES IN RESPECT OF WHICH DETERMINATIONS MAY BE MADE BY EMPLOYEE REVIEW BOARDS

It appearing that Item 7.12(c) of the Organization Minutes of the Commission (39 FR 25569) delegates to the Review Boards authority to determine matters in proceedings under the provisions of law set forth in Item 4.4 thereof in cases or types of cases specified from time to time by the Chairman of Division 3 of the Commission, which have involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits:

It is ordered, That determinations may be made by the Review Boards in all proceedings arising under the provisions of law set forth in Item 4.4 of the Organization Minutes, which have involved the taking of testimony at a public hearing or the submission of evidence of opposing parties in the form of affidavits, other than—

Those proceedings in which a Commissioner or a member of the Board has presided at the hearing or issued an initial decision.

Those proceedings orally argued before Division 3.

Those proceedings involving a railroad, a Class 1 motor carrier, or a Class A water carrier or freight forwarder which have been the subject of an initial decision by an Administrative Law Judge.

Those proceedings which are considered to be the relatively more important cases, including those which appear to involve issues of general transportation importance.

It is further ordered, That the foregoing specifications, to the extent administered by the Office of Proceedings, shall be applied and construed under the direction and supervision of the Chairman of Division 3.

It is further ordered, That this order supersedes the order entered herein on December 22, 1967, as of the effective date hereof.

And it is further ordered, That this order shall be effective as of the date hereof.

Dated at Washington, D.C., this 5th day of April 1977.

By the Commission, Commissioner Brown.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-10784 Filed 4-11-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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1

AGENCY HOLDING THE MEETING: Tennessee Valley Authority.

TIME AND DATE: 10:30 a.m., Thursday, April 14, 1977.

PLACE: Conference Room B-32, West Tower, 400 Commerce Avenue, Knoxville, Tennessee.

STATUS: Open.

MATTERS TO BE CONSIDERED:

A—PERSONAL ACTIONS

1. Change of status—Jack R. Calhoun from Chief, Nuclear Generation Branch to Assistant Director of Power Production (Nuclear), Chattanooga, Tennessee.

B—CONSULTING AND PERSONAL SERVICE CONTRACTS

None.

C—PURCHASE AWARDS

1. Req. No. 546216—Tower cranes for proposed Phipps Bend Nuclear Plant.

2. Req. No. 820646—Mechanical penetration assemblies for Bellefonte Nuclear Plant.

3. Rasolution relating to rejection of bids and negotiation in response to Invitaiton No. 820181 for 480-volt unit substation for proposed Hartsville and Phipps Bend Nuclear Plants.

4. Req. No. 820116 (Second Reissue) —Weirwall liners for reactor building for proposed Hartsville and Phipps Bend Nuclear Plants.

5. Amendment to Contract 77P-41-T9 with Black Energy Mining Company for coal for TVA steam plants.

6. Req. No. 107872—ACSR conductor cable for Watts Bar-Volunteer 500-kV transmission line.

7. Amendment to indefinite quantity term Contract No. 73X8-62037 with Lewis Electric Supply Co., Inc., Muscle Shoals, Alabama, for connectors, cast lugs, tools, and accessories for any TVA project or warehouse.

8. Amendment to Contract 75C60-84840-2 with Combustion Engineering, Inc., for nuclear steam supply systems for the proposed Yellow Creek Nuclear Plant Units 1 and 2.

9. Reg. No. 821400—Structural steel for control building for the proposed Hartsville and Phipps Bend Nuclear Plants.

10. Amendment to Contract 66C60-90744 with General Electric Company for major equipment package for Browns Ferry Nuclear Plant Units 1 and 2.

11. Reg. No. 546313—Diesel-engine-powered truck crane, construction pool equipment, for proposed Hartsville and Phipps Bend Nuclear Plants.

D—PROJECT AUTHORIZATIONS

None.

E—FERTILIZER ITEMS

1. Letter agreement with International Fertilizer Development Center—research and technical assistance projects.

F—POWER ITEMS

1. Bill of sale and quitclaim deed to the Tennessee Valley Electric Cooperative—sale of section of TVA's deenergized Clifton Junction-Savannah 46-kV transmission line.

2. Bill of sale and quitclaim deed to North Alabama Electric Cooperative—sale of portion of deenergized Huntsville-Scottsboro 46-kV transmission line.

3. Letter agreement with City of Clarksville, Tennessee, for establishment of a 13-kV delivery point at TVA's Edgoten 161-kV Substation.

4. Agreement with the Duck River Electric Membership Corporation—establishment of a 26-kV delivery point at TVA's Lewisburg Substation.

5. Letter agreement with Energy Research and Development Administration—reconnect certain transmission lines.

6. Letter agreement with Energy Research and Development Administration—establishment of a 161-kV tieline.

G—REAL PROPERTY TRANSACTION

1. Filing of condemnation suits.

2. Resolution relating to abandonment and release of phosphate minerals and mining rights in Giles, Maury, and Williamson Counties, Tennessee.

3. Sale at public auction of permanent industrial easement affecting approximately 67 acres of land in Anderson County, Tennessee (tract XMHR-411E) —Melton Hill Reservoir.

H—UNCLASSIFIED

1. Memornadum of Understanding between the U.S. Energy Research and Development Administration and TVA concerning energy research and development related activities.

2. Resolution relation to purchase of insurance for trades and labor pension and health and welfare funds trustees.

3. Policy statement relating to Accounting, Accounts Receivable.

4. 1976 annual report of municipal and cooperative distributors of TVA power.

5. Approval of plans of the U.S. Energy Research and Development Administration for construction of an outfall at Watts Bar Reservoir—Clinch River Mile 16.0R.

6. Revised policy statement relating to Mineral Resources.

Dated: April 7, 1977.

CONTACT PERSON FOR MORE INFORMATION:

John Van Mol, Director of Information, or a member of his staff can respond to requests for information about this meeting. Call 615-632-3257, Knoxville, Tennessee. Information is also available at TVA's Office, 202-343-4537.

[S-133-77 Filed 4-7-77;5:12 pm]

2

AGENCY HOLDING THE MEETING: Federal Communications Commission.

TIME AND DATE: 9:30 a.m., Thursday, April 14, 1977.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Closed Commission Meeting.

MATTER TO BE CONSIDERED:

Agenda, Item No. and Subject

Hearing—1—Application for Review of Review Board order in consolidated Rochester, New York, and Cheektowaga, New York, AM renewal proceeding (Docket Nos. 20791-2).

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, Jr., FCC Public Information Officer, telephone number (202) 632-7260.

Issued: April 7, 1977.

[S-126-77 Filed 4-7-77;5:05 p.m.]

3

AGENCY HOLDING THE MEETING: Federal Communications Commission.

TIME AND DATE: 9:45 a.m. and 2:00 p.m., Thursday, April 14, 1977.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

V42N70 APR 12 77 UMI

STATUS: Open Commission Meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

General—1—Application for review filed by Borgen and Murphy (WHHL) concerning request to change call letters of Station WHHL to WDZY, and opposition filed by Shamrock Development Corporation.

General—2—(a) Amendment of Parts 81 and 83 to provide for use of certain frequencies between 5 and 25 MHz at Mobile, Alabama; cross-licensing of frequencies at Miami, Florida, New York, N.Y., and San Francisco, California (Docket No. 20449).

General—2—(b) Amendment of Parts 81 and 83 to provide for use of additional 4 MHz frequency at Mobile, Alabama (Docket No. 20906).

General—3—Petition for waiver of certain Part 15 requirements from Microwave Associates.

Common Carrier—1—Complaint of American Satellite Corporation Against Southwestern Bell Telephone Company (File No. TS 46–75).

Cable Television—1—Notice of Proposed Rule Making concerning amendment of Part 76, Subpart F of the Commission's Rules and Regulations with Respect to the Cable Television Annual Financial Report (FCC Form 326).

Assignment of License and Transfer of Control—1—Applications for: (a) assignment of licenses of stations KBIX, KGBX and KHMO (BAL–8877, BAL–8878, BAL–8876), (b) transfer of control of Springfield Television, Inc. (KYTV), BTC–8180); and request for waiver of Section 73.636(a).

Special—1—Petitions to Amend Part 73 re: broadcast of recorded telephone conversations) RM–2564, 2571).

2:00 P.M.

Special—2—Background briefing for Commissioners and staff concerning the 1979 World Administrative Radio Conference.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, Jr., FCC Public Information Officer, telephone number (202) 632–7260.

Issued: April 7, 1977.

[S–127–77 Filed 4–7–77; 5:05 p.m.]

4

AGENCY HOLDING THE MEETING: Federal Election Commission.

LOCATION: 1325 K Street NW., Washington, D.C. 20463.

DATE AND TIME: Thursday, April 14, 1977, 10:00 a.m.

PORTION OF MEETING OPEN TO THE PUBLIC:

I. Future Meetings.
II. Correction and approval of minutes—March 31, 1977.
III. Certification.
IV. Advisory Opinions:
A. AO 1977–12.
B. AO 1977–13.
C. AO 1977–14.
V. Recommendation to resume FEDERAL REGISTER publication of advisory opinions.
VI. FEC Computer Program.
VII. Report on Legislation.—Proposed Comment on Universal Voting Rights Act.

PORTION OF MEETING CLOSED TO THE PUBLIC:

VIII. Executive session:
A. Compliance:
B. Personnel.

PERSON TO CONTACT FOR INFORMATION:

David Fiske, Press Officer, telephone: 202–523–4065.

MARJORIE W. EMMONS,
Secretary to the Commission.

[S–128–77 Filed 4–7–77; 5:05 pm]

5

AGENCY HOLDING THE MEETING: Federal Power Commission.

FEDERAL REGISTER CITATION OF PRVIOUS ANNOUNCEMENT: 42 FR 18340 (April 6, 1977).

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: April 7, 1977, 2:00 p.m.

CHANGES IN THE MEETING:

The following items are added to the meeting:

G–26—Docket No. CP77–296, Texas Gas Transmission Corporation; Docket No. CP 77–310, Tennessee Gas Pipeline Company; and East Tennessee Natural Gas Company.
P–4—Docket No. E–7740, Indiana & Michigan Electric Company.
P–5—Project No. 2413, Georgia Power Company.
P–6—Docket No. ES77–24, Pacific Power & Light Company.

[S–129–77 Filed 4–7–77; 5:05 pm]

6

AGENCY HOLDING THE MEETING: International Trade Commission.

The United States International Trade Commission, acting on the authority of 19 U.S.C. 1335 in conformity with 19 CFR 201.37, voted to add the following item to its agenda for the meeting of April 7, 1977:

10. Selection of a nominee for the Annual Justice Tom C. Clark Award for 1977.

Commissioners Minchew, Parker, Leonard, Moore, Bedell, and Ablondi determined by recorded vote that Commission business requires the change in subject matter by addition of the agenda item, and affirmed that no earlier announcement of the addition to the agenda was possible, and directed the issuance of this notice at the earliest practicable time.

If you have any questions concerning the agenda for the April 7, 1977, Commission meeting, please contact the Secretary to the Commission at (202) 523–0161. Access to documents to be considered by the Commission at the meeting is provided for by access to the public files of the Commission, or when such documents are not in such files, as provided for in Subpart C of the Commission's rules (19 CFR 201.17–201.21).

On the authority of 19 U.S.C. 1335 and in conformity with 19 CFR 201.38(a), when a person's privacy interests may be directly affected by holding a portion of a Commission meeting in public, that person may request the Commission to close such portion of public observation.

Such requests should be communicated to the Office of the Chairman of the Commission.

Issued: April 7, 1977.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[S–130–77 Filed 4–7–77; 5:05 pm]

7

AGENCY HOLDING THE MEETING: Securities and Exchange Commission.

5:45 p.m. on Tuesday, April 5, 1977, Room 825, 500 North Capitol Street, Washington, D.C., closed to the public.

The Commission considered a matter respecting the application of its net capital rule to transactions in options and possible enforcement implications related thereto.

Chairman Hills, Commissioners Loomis, Evans and Pollack voted to close this meeting.

The Commissioners, their legal assistants, the Secretary of the Commission and recording secretaries attended the meeting. Certain staff members who are responsible for the calendared matters were present.

The General Counsel of the Commission certified that the items to be considered at the closed meeting may be so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4) (8) (9)A and (10).

Requests for information concerning the meeting(s) should be directed to Sam Knight (202) 755–1482.

GEORGE A. FITZSIMMONS,
Secretary.

[S–131–77 Filed 4–7–77; 5:05 pm]

8

AGENCY HOLDING THE MEETING: Securities and Exchange Commission.

AMENDMENT TO NOTICE OF MEETINGS

10:00 a.m., April 6, 1977, Room 825, 500 North Capitol Street, Washington, D.C. Postponement of consideration of calendared item.

The opinion noticed in 42 FR No. 63, pp. 17580–17583 for consideration on April 6, 1977, will be considered instead on April 21, 1977.

Chairman Hills, Commissioners Loomis, Evans and Pollack have determined that Commission business requires the above change and that no earlier announcement of the changes was possible.

GEORGE A. FITZSIMMONS,
Secretary.

[S–132–77 Filed 4–7–77; 5:05 pm]

9

AGENCY HOLDING THE MEETING: Federal Power Commission.

APRIL 7, 1977.

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94–409), 5 U.S.C. 552b:

TIME AND DATE: April 8, 1977, following Oral Argument in Docket Nos. CP75–95, et al., El Paso Alaska Company, et al., approximately 3:00 p.m.

PLACE: 825 North Capitol Street, Room 9001, Washington, D.C. 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Docket No. CP75–96, et al., El Paso Alaska Company, et al.

Docket No. RM77–6, Order Providing for Suspension of Proceedings and Prescribing Procedures Pursuant to the Provisions of the Alaska Natural Gas Transportation Act of 1976.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, telephone (202) 275–4166.

[S–134–77 Filed 4–8–77; 11:43 am]

10

APRIL 8, 1977.

AGENCY HOLDING THE MEETING: Federal Power Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: (Sent to FR on April 5, 1977).

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: April 12, 1977, 2:00 p.m.

CHANGES IN THE MEETING: Addition of Item P–5, Project No. 2146, Alabama Power Company, upon the affirmative vote of Chairman Dunham, Commissioners Smith, Holloman, and Watt.

[S–135–77 Filed 4–8–77; 8:43 am]

11

APRIL 8, 1977.

AGENCY HOLDING THE MEETING: Federal Power Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Sent to FR on April 6, 1977.

PREVIOUS ANNOUNCED TIME AND DATE OF THE MEETING: April 13, 1977, 2:00 p.m.

CHANGES IN THE MEETING: Upon the affirmative vote of Chairman Dunham, Commissioners Smith, Holloman, and Watt the following items have been added to the agenda:

G–22—Docket No. RI77–47, Imperial Oil Company, Charter Oil Company, Inc., Columbus Company and Jack Rouse, Western Oil Producers, Inc., Clark Fuel Producing Company, Inc., and W. Earl Griffin.
G–23—Docket Nos. CI76–633 and CI76–644, Tenneco Exploration, Ltd.; Docket No. CI76–678, Tenneco Oil Company; Docket Nos. CI76–722 and CI76–784, Texaco Inc.
G–24—Docket Nos. CP65–393, Florida Gas Transmission Company; Docket Nos. CI65–584, CI77–80 and CI77–81, Amoco Production Company, a Subsidiary of Standard Oil Company of Indiana; Docket No. CI73–70 and CP77–31, Columbia Gulf Transmission Company; Docket No. CP73–157, Natural Gas Pipeline Company of America; Docket No. CP77–31, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc.; Docket No. CP77–37, Sea Robin Pipeline Company.
G–25—Docket Nos. CP73–258, et al., El Paso Eastern Company, et al.; Docket No. CP77–269, El Paso LNG Terminal Company; Docket No. CP77–270, El Paso Eastern Company; Docket No. CP77–271, United Gas Pipe Line Company; Docket No. CP77–272, United LNG Company.
G–26—Docket No. CP76–313, National Fuel Gas Supply Corporation; Docket No. CP76–381, Transcontinental Gas Pipe Line Corporation; Docket No. CP76–356, Columbia Gas Transmission Corporation and National Fuel Gas Supply Corporation; Docket No. RP76– , National Fuel Gas Distribution Corporation.

[S–136–77 Filed 4–8–77; 11:43 am]

12

AGENCY HOLDING THE MEETING: Indian Claims Commission.

TIME AND DATE: 10:15 A.M., April 20, 1977.

PLACE: Room 600, 1730 K Street, NW., Washington, D.C.

PORTION OF THE MEETING OPEN TO THE PUBLIC:

Docket 73–A, Seminole
Docket 100–B–1, Klamath and Modoc
Docket 182–A, Fort Sill Apache
Docket 272, Creek
Dockets 326–B and 326–J, Goshute
Docket 342–G, Seneca
Docket 355, Pueblo of Santo Domingo
Third Quarter FY 1977 Financial Plan.

PORTION OF THE MEETING CLOSED TO THE PUBLIC:

Personnel

FOR MORE INFORMATION:

David H. Bigelow, Executive Director, Room 640, 1730 K Street, N.W., Washington, D.C. 20006. Tel. (202) 653–6174.

[S–138–77 Filed 4–11–77; 8:01 am]

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federal register

TUESDAY, APRIL 12, 1977

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

GRANTS TO STATE AGENCIES FOR PROGRAMS TO MEET THE SPECIAL EDUCATIONAL NEEDS OF CHILDREN IN INSTITUTIONS FOR NEGLECTED OR DELINQUENT CHILDREN

Interim Regulations

V42/70 APR 12 77 UMI

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 116c—GRANTS TO STATE AGENCIES FOR PROGRAMS TO MEET THE SPECIAL EDUCATIONAL NEEDS OF CHILDREN IN INSTITUTIONS FOR NEGLECTED OR DELINQUENT CHILDREN

Interim Regulations

In accordance with section 503 of the Education Amendments of 1972 (Pub. L. 92-318) and pursuant to the authority contained in section 123 of Title I of the Elementary and Secondary Education Act (20 U.S.C. 241c-3) as amended by Pub. L. 93-380, the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare on October 22, 1975, published a Notice of Proposed Rulemaking that would amend Title 45 of the Code of Federal Regulations by adding a new Part 116c. Section 123 of Title I continues the program enacted in Pub. L. 89-750 which provides for grants to State agencies directly responsible for the free public education of children in institutions for neglected or delinquent children.

Comments made in response to the notice of proposed rulemaking were received in writing, at a meeting of representatives of applicant State agencies and of the administering State educational agencies held December 1, 1975, and at a public hearing held December 4, 1975. As a result of these comments, the following interim regulations are being published to implement programs authorized by 20 U.S.C. 241c-3, and they will become effective in accordance with section 431(d) of the General Education Provisions Act (20 U.S.C. 1232(d)) as amended by section 405 of Pub. L. 94-482. (See paragraph 6 of this preamble.) Further public comment is invited, and interested parties should direct their written suggestions, objections, or other statements of view to the U.S. Office of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202. Attention: Chairman, Office of Education Task Force on Section 503. Comments should be submitted no later than May 27, 1977. Comments and suggestions submitted in writing will be available for review in the above office between the hours of 8:30 a.m. and 4:00 p.m. Monday through Friday of each week. The program officer who may be contacted about these interim regulations is Mr. Pat O. Mancini, telephone 202/245-2682.

1. *Reorganization of Part 116.* The regulations for programs authorized by Title I of the Elementary and Secondary Education Act have been reorganized into five parts. Part 116 now contains provisions applicable to all Title I programs, while the remaining four Parts deal individually with one of the categories of applicant agencies created by the statute (Local educational agencies, Part 116a; State agencies for Handicapped Children, Part 116b; State agencies for neglected or delinquent children, Part 116c; and State educational agencies in their capacity of grantee for programs for migratory children, Part 116d). Parts 116 and 116a were published as final regulations on September 28, 1976 in 41 FR 42894. Therefore, Part 116, Part 116c, and the applicable provisions of the Office of Education General Provisions Regulations published in the FEDERAL REGISTER in 38 FR 30654 (November 6, 1973), 45 CFR 100, 100b, and 100c constitute all the regulations governing Title I programs conducted by State agencies for children in institutions for neglected or delinquent children.

At present there are no guidelines related to Part 116c. If guidelines are issued in the future, they will be published in the FEDERAL REGISTER and will merely offer suggestions or recommendations for meeting certain mandatory requirements set forth in the regulations.

2. *Section 503 procedures and effect.* Section 503 of the Education Amendments of 1972 requires the Commissioner to study all rules, regulations, guidelines, or other published interpretations or orders issued by him or by the Secretary after June 30, 1965, in connection with, or affecting, the administration of Office of Education programs; to report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives concerning such study; and to publish in the FEDERAL REGISTER such rules, regulations, guidelines, interpretations and orders with an opportunity for public hearing on the matters so published. These regulations reflect the results of this study as it pertains to programs authorized by section 123 of Title I of the Elementary and Secondary Education Act as amended.

3. *Citations of legal authority.* As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232(a)) as amended by section 405 of Pub. L. 94-482 and section 503 of the Education Amendments of 1972, a citation of statutory or other legal authority for each section of the regulations has been placed in parentheses on the line following the text of the section.

4. *Summary of comments and responses.* The following is a summary of comments received in response to the Notice of Proposed Rulemaking. Each comment is followed by a response which indicates either a change in the interim regulation or the reason why no change was considered necessary. Specific comments are arranged in the order of the sections of the interim regulation to which they pertain.

Section 116c.1 Applicability.

Comment. One commenter suggested that the reference to neglected or delinquent children be changed to neglected or delinquent "persons."

Response. No change was made in this section because section 123 of the Act is specifically limited to "children in institutions for neglected or delinquent children". For clarification, § 116c.2 defines a child as a person under 21 years of age.

Section 116c.2 Definitions.

1. *Comment.* One commenter suggested that the definition of "adult correctional institution" be modified by substituting "any setting" for "residential institution."

Response. The definition has been modified so as not to characterize the nature of the facility in which the children are confined. Section 116c.5 provides that to be counted in average daily attendance a child must be, among other things, in the custody of the public agency that assigned him or her to an institution.

2. *Comment.* One commenter requested that definitions be added for "special educational needs," and "needs assessment."

Response. Section 116c.12 has been expanded to include the minimal requirements of a needs assessment and now provides guidance for the identification of special educational needs. Therefore, this suggestion was not adopted.

Section 116c.5 Determination of average daily attendance.

Section 116c.2 of the Notice of Proposed Rulemaking provided the following definition:

"'Average daily attendance,' in the case of children in institutions for neglected or delinquent children or in adult correctional institutions, means the average number of such children under 21 years of age (for whom the applicant State agency is directly responsible under State law for providing free public education) who participated on a daily basis in schools operated or supported by that agency, (including schools providing education for these children under contract or other arrangement with the agency), during the latest completed school year in an organized program of instruction:

"(i) Supported by State funds; and

"(ii) Recognized under State law as furnishing elementary and secondary education, but not beyond grade 12."

1. *Comment.* One commenter recommended that average daily attendance be computed in the same manner as for Pub. L. 89-313 (now section 121 of Title I, providing for State operated programs for handicapped children).

Response. Section 123(b) of the Act provides for the distribution of Title I funds in part on the basis of "the number of children in average daily attendance as determined by the Commissioner, at schools for such children operated or supported by that (State) agency." The supplemental nature of Title I requires that children counted and served be actually receiving educational services on a regular basis. Section 116c.5 is intended to satisfy these requirements, with special attention to the unique aspects of institutions for neglected or delinquent children and adult correctional institutions. Both the prior provision for the computation of average daily attendance in State operated or State supported schools for handicapped children (§ 116.1(c)(2), 32 FR 2742, February 9, 1967) and § 116c.5 measure a child's daily attendance by the number of hours he or she participates per day. However, the special requirements of these institutions preclude a requirement of daily participation in the non-federally funded educational program.

2. *Comment.* A number of comments were received concerning the basis on which children must participate in non-federally funded educational programs to be counted in average daily attendance. Specific comments were made that children should be counted if they participate:

(a) On less than a daily basis (particularly those in adult correctional institutions);

(b) On a basis commensurate with their abilities; or

(c) For less than a full day.

Response. We agree that daily participation in a basic educational program is not always feasible, and § 116c.5 does not require it. Moreover, it specifically provides for the counting of children who participate for less than a full day. The supplementary nature of Title I, however, requires that the children counted for funds and eligible to be served under section 123 be regular participants in a continuing educational program in basic school subjects. The Office of Education, having reviewed the comments it received, is of the opinion that 5 hours of participation per week is the minimum which will satisfy that requirement.

3. *Comment.* A number of commenters noted the difficulty of identifying eligible education programs under the definition of average daily attendance contained in the Notice of Proposed Rulemaking. Commenters noted the lack of formal State criteria for the provision of elementary and secondary education or free public education to children in institutions. One commenter suggested that children in rehabilitation programs be considered in average daily attendance.

Response. In pointing out that no uniform view exists among the States as to what constitutes a free public education appropriate for children in institutions for neglected or delinquent children, the commenters have raised a difficult problem. In the absence of a workable consensus, these interim regulations attempt to define the minimal requirements of a free public education for the purposes of section 123 in terms of the type of instruction, namely "classroom instruction in basic school subjects such as reading, mathematics and vocationally oriented subjects." (§ 116c.5(d).)

4. *Comment.* A number of commenters were concerned about the lack of Title I programs for children in State institutions who are not in educational programs supported by other than Federal funds.

Response. No change was made in the regulation. Section 123 provides for grants to State agencies "directly responsible for providing free public education for children" in institutions. The amount of these grants is determined in part by the children's "average daily attendance" in non-federally funded educational programs. The supplementary nature of Title I requires that only those children for whom a free public education is being provided be eligible to receive services provided by Section 123.

Section 116c.12 Information required in applications.

1. *Comment.* One commenter observed that requiring the State agency's application to indicate the approximate ages of the youngest and oldest children in the institutions at which Title I funded services are to be provided served no useful purpose.

Response. Accordingly, this requirement has been eliminated.

2. *Comment.* One commenter suggested that the applicant agency provide a statement of function based on its "philosophy and functional intent" rather than provide specific information for each institution.

Response. The information required concerning existing non-federally funded educational programs and the children they serve is set forth in § 116c.12(a). The State educational agency must have this information for it to meaningfully evaluate the State agency's application and make the various determinations required by § 116c.13. Because a philosophical statement probably would not provide enough detailed information about the educational programs already provided in each institution, the suggestion was not adopted.

3. *Comment.* One commenter suggested that needs assessment be considered only a general requirement and that the State educational agency establish the specific nature of that assessment.

Response. Title I is a supplemental program for children with special educational needs. The only way to identify those needs is through an adequate needs assessment, the minimal requirements of which are set forth in §116c.12(b). However, as suggested, the precise nature of that assessment is left to the State to determine.

4. *Comment.* One commenter recommended that standardized test scores showing underachievement be considered sufficient to document a child's need for supplementary instruction, while two other commenters suggested that the second sentence of § 116c.12(c) in the Notice of Proposed Rulemaking which reads: "This needs assessment shall be based on the best available data concerning the needs of the children particularly as indicated by objective measures of educational deficiency * * *" be modified by substituting the word "including" for the phrase "particularly as indicated by."

Response. Section 116c.12(b) requires State agencies to employ "objective measures of educational achievement" in making a needs assessment, while at the same time making clear that factors other than standardized test scores are to be considered in the design of supplementary educational programs and in the selection of individual children to receive services tailored to their particular needs. The purpose of the needs assessment is to determine the special educational needs to be met and the identity of those children that possess them. Standardized test scores alone are inadequate for these purposes.

5. *Comment.* One commenter suggested that the State educational agency be given program responsibility under Title I for those children who have left the institution and are residing in community treatment facilities.

Response. This suggestion was not adopted. The grants authorized by section 123 of Title I are to be "used only for children in * * * institutions." (emphasis added). Children who are no longer in the custody of the public agency which assigned them to an institution are therefore not eligible to be counted or served under this section.

6. *Comment.* One commenter recommended that § 116c.12(g) of the Notice of Proposed Rulemaking be revised to include remodeling.

Response. The specific recommendation was not adopted. However, §116c.12(c)(6) of the interim regulations now refers to 45 CFR 116.32 which provides that Title I funds may be used to remodel school facilities if "essential" to the success of a project.

Section 116c.13 Criteria for approval of applications.

1. *Comment.* Some commenters suggested that, although they endorsed the emphasis on basic skills, there should be limited flexibility to permit inclusion of related subjects such as social studies, vocational subjects, cultural enrichment, field trips, and socialization activities. Another commenter recommended that activities like these be permitted if the applicant agency demonstrates substantial effort to upgrade basic skills using non-Federal funds.

Response. While § 116c.13(b) does require that Title I funded projects be designed to meet the special educational needs identified in § 116c.12(b) and supplement the non-federally funded educational program, it also affords the State agencies some latitude in formulating the precise nature of the supplementary educational services to be provided. The State agency must, however, define and justify the Title I services it proposes to provide in terms of the educational needs of those children who are eligible to be counted in average daily attendance. Whether Title I funds should be used to provide services that supplement closely related services already provided out of non-Federal funds, or to provide substantially different services, will depend on the educational needs of the children and the nature of the services already provided.

5. *Other significant changes from the notice of proposed rulemaking.*

(a) The definition of average daily attendance contained in § 116c.2 of the

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proposed rule has been redrafted and placed in § 116c.5 in order to facilitate the identification of those children who are eligible to be counted in computing average daily attendance.

(b) In order to provide a clearer statement of the responsibilities of State agencies, § 116c.12 has been redrafted as a new section headed "Information required in applications." Paragraph (a) of this new section requires certain information regarding the non-federally funded education program. Paragraphs (b) and (c) establish the basic requirements for a needs assessment and a project description.

(c) The definition of an "institution for delinquent children" found in § 116c.2 has been rewritten to make it clear that the definition includes institutions that receive children who, while not adjudicated as delinquent, have been charged with a violation of State law and have been found to be in need of supervision.

6. *Effective date.* Pursuant to section 431(d) of the General Education Provisions Act (20 U.S.C. 1232(d)), as amended by section 405 of Pub. L. 94-482, these regulations have been transmitted to the Congress concurrently with their publication in the FEDERAL REGISTER. Section 431(d) provides that regulations subject thereto shall become effective on the forty-fifth day after the date of this transmission, subject to the provisions concerning Congressional action and adjournment. Therefore, except with respect to the determination of the amount a State agency is eligible to receive, these regulations shall govern all aspects of the grant-making process for Fiscal Year 1978, including questions relating to the eligibility of children to receive services supported by these grants. However, the amount available to a State agency shall be calculated on the same basis as that calculation was made for grants for Fiscal Year 1977.

NOTE.—The Office of Education has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Catalog of Federal Domestic Assistance Program Number 13.431, Educationally Deprived Children in State Institutions Serving Neglected or Delinquent Children.)

Dated: February 11, 1977.

WILLIAM F. PIERCE,
Acting Commissioner of Education.

Approved: March 31, 1977.

JOSEPH A. CALIFANO, JR.,
Secretary of Health, Education, and Welfare.

Subpart A—General

Sec.
116c.1 Applicability.
116c.2 Definitions.

Subpart B—Amounts Available for Grants and Payments

116c.3 Grants which a State agency is eligible to receive.
116c.4 Amounts available by grants.
116c.5 Determination of average daily attendance.

Subpart C—Program Requirements

Sec.
116c.11 Applications.
116c.12 Information required in applications.
116c.13 Criteria for the approval of applications.

AUTHORITY: Sec. 101(a)(2)(E), Pub. L. 93-380, 88 Stat. 494 (20 U.S.C. 241c-3), unless otherwise noted.

Subpart A—General

§ 116c.1 Applicability.

(a) *Scope.* The regulations in this Part govern programs and projects for which funds are provided, pursuant to section 123 of Title I of the Elementary and Secondary Education Act of 1965, as amended, to State agencies directly responsible for providing free public education for children in institutions for neglected or delinquent children or in adult correctional institutions, to meet the special educational needs of these children.

(b) *Other applicable provisions.* Assistance provided under this Part is subject to all provisions contained in Part 116 (general requirements relating to Title I of the Act) and the applicable provisions of Parts 100, 100b and 100c of this Title relating to fiscal, administrative, property management, and other matters.

(c) The text of the Title I statute is contained in full in the Appendix to Part 116 of this chapter. (41 FR 42907, September 28, 1976) (section 501(b)(1)(A) of Pub. L. 94-482 amends section 125 of the Title I statute by striking out "Except as provided in section 843 of the Education Amendments of 1974, no" and inserting in its place "No," while section 501(o) of Pub. L. 94-482 amends section 125 by striking out "State agency" both places it appears and inserting in its place "State.")

(20 U.S.C. 241c-3.)

§ 116c.2 Definitions.

"Adult correctional institution" means a facility in which persons are confined as a result of a conviction of a criminal offense, including persons under 21 years of age.

"Child" means, for the purpose of this Part, a person under 21 years of age.

"Custody" means custody as defined by State law. However, for the purposes of this Part a child who resides in an institution 24 hours a day is deemed to be in the custody of the public agency that assigned him or her to that institution.

"Institution" means either an institution for neglected children, an institution for delinquent children, or an adult correctional institution.

"Institution for delinquent children" means a facility which is operated for the care of children who are in the custody of a public agency as a result of a finding under State law that they are either (a) delinquent or (b) in need of treatment or supervision after being charged with a violation of State law, and which has an average length of stay of at least 30 days.

"Institution for neglected children" means a facility (other than a foster home) which is operated for the care of children who are in the custody of a public agency as the result of a finding of neglect under State law, and which has an average length of stay of at least 30 days.

"State agency" means an agency of State government which is directly responsible for the free public education of children in institutions for neglected or delinquent children or in adult correctional institutions. (This education may be provided in schools operated or supported by the State agency or in schools under contract or other arrangement with that agency.) The term does not include an agency whose responsibility for these children is limited to the distribution of State financial assistance to other agencies which State law makes directly responsible for the free public education of these children.

(20 U.S.C. 241c-3.)

Subpart B—Amounts Available for Grants and Payments

§ 116c.3 Grants which a State agency is eligible to receive.

(a) From information supplied by a State agency, the Commissioner shall:

(1) Determine the amount that a State agency (other than the State agency for Puerto Rico) is eligible to receive under this Part for any fiscal year in accordance with the provisions of sections 123, 124, and 125 of Title I of the Act and § 116c.5; and

(2) Determine the amount available for a State agency in Puerto Rico in accordance with sections 123 and 125 of Title I of the Act and § 116c.5.

(b) The Commissioner shall inform the State educational agency of each State of the results of these determinations.

(c) For the purpose of computing an allocation under this Part, the Commissioner may not count a child who is counted in average daily attendance under the provisions of Part 116b (State Operated Programs for Handicapped Children) of this chapter.

(20 U.S.C. 241c-3.)

§ 116c.4 Amounts available for grants.

The State educational agency shall notify each State agency of the amount available to it under § 116c.3 and from that amount shall make funds available to the State agency equal to the cost of programs and projects approved by the State educational agency in accordance with the procedure prescribed by Subpart C of this Part. The amount made available to a State agency under this section shall not exceed the amount the agency is entitled to receive under § 116c.3.

(20 U.S.C. 241c-3, 241g(a).)

§ 116c.5 Determination of average daily attendance.

(a) To be counted in average daily attendance, a child must be:

(1) In the custody of the public agency that assigned him or her to an institution;

(2) One for whom a State agency is providing a free public education; and

(3) In an organized program of instruction (not beyond grade 12), at least five hours per week.

(b) Average daily attendance is computed for each institution on the basis of daily records for the number of days the organized program of instruction was in session during the most recently completed school year.

(c) For the purpose of computing average daily attendance:

(1) A child is counted as being in a full day of attendance for each day he or she attends the organized program of instruction for three (3) or more hours; and

(2) A child is counted as being in one-half (½) day of attendance for each day he or she attends the organized program of instruction for at least one (1) hour, but less than three (3) hours.

(d) For the purpose of this section, an organized program of instruction means an educational program which consists of classroom instruction in basic school subjects such as reading, mathematics, and vocationally oriented subjects, and which is supported by other than Federal funds. Neither the manufacture of goods within the institution nor activities related to institutional maintenance are considered classroom instruction.

(20 U.S.C. 241c-3.)

Subpart C—Program Requirements

§ 116c.11 Applications.

A State agency may apply to the State educational agency for a grant or grants of Federal funds under this Part in the amount authorized by §§ 116c.3 and 116c.4 to be used to meet the special educational needs of children eligible to be counted in average daily attendance in accordance with § 116c.5.

(20 U.S.C. 241c-3, 241e(a), 244(6)(B).)

§ 116c.12 Information required in applications.

The State agency shall include the following information in each application it makes to the State educational agency as authorized by § 116c.11.

(a) *Institutional information.* With respect to each institution at which Title I funded services are to be provided, the application must include:

(1) The name and location;

(2) The classification (i.e., adult correctional, delinquent, or neglected);

(3) The total population at time of application;

(4) The total number of children at the time of application;

(5) The total number of children eligible to be counted in average daily attendance at the time of application;

(6) A description of the nature and scope of the education program currently being conducted for those children counted in paragraph (a)(5) of this section with funds other than those provided under this Part, including types of instruction, number of children being served and number of staff employed in each major area or component, and source of funding.

(b) *Needs assessment.* With respect to the educational needs of the children to be served, the application must include:

(1) A description of the procedures (including objective measures of educational achievement and special diagnostic tests) used to determine the special educational needs of the children eligible to be served, as well as a description of the additional procedures the State agency intends to employ;

(2) An analysis of the results of those procedures, including the special educational needs identified and the number of eligible children exhibiting those needs; and

(3) A summary evaluation of the effectiveness of similar past projects funded by section 123 of Title I in accomplishing their objectives.

(c) *Project descriptions.* With respect to the proposed project, the application must include:

(1) A statement of the educational objectives of the proposed project and the related performance criteria;

(2) A description of each service to be provided as a means of accomplishing the project's objectives;

(3) The estimated number of children to be served by age and anticipated grade placement;

(4) A description of the type and number of staff to be employed, and of any inservice training (including the type of training, frequency, and number and type of staff members who will participate in that training);

(5) A budget based on categories of expenditure prescribed by the State educational agency with appropriate detail by service and by institution;

(6) A description of the use of Title I funds for construction or equipment in accordance with 45 CFR 116.32; and

(7) A description of the procedures and instruments by which the effectiveness of the program will be evaluated, in accordance with 45 CFR 116.43(a).

(20 U.S.C. 241c-3, 241e(a), 244(6)(B).)

§ 116c.13 Criteria for the approval of applications.

A State educational agency shall approve a project for which an application has been made only if it determines that the project is of sufficient size, scope, and quality to give reasonable promise of substantial progress toward meeting the special educational needs of the children to be served. This determination may be made only upon a finding that:

(a) The application contains the information required by § 116c.12 and demonstrates compliance with all other requirements in this Part and the applicable requirements of Parts 100, 100b, 100c, and 116 of this Title;

(b) The project set forth in the application is designed:

(1) To meet the special educational needs of the children to be served, as identified in accordance with § 116c.12(b); and

(2) To supplement the existing programs described in accordance with § 116c.12(a)(6).

(c) The evaluation plans comply with 45 CFR 116.43 and are adequate for measuring the attainment of the objectives described in the application in accordance with § 116c.12(c)(1);

(d) No funds other than those authorized by Title I of the Act are available to provide the services proposed in the application; and

(e) The project has not been designed to meet, nor will it have the effect of meeting, the general needs of the institution, a school within the institution, the student body at large, or the needs of a specified grade within that school.

(20 U.S.C. 241c-3, 241e(a), 244(6)(B).)

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federal register

TUESDAY, APRIL 12, 1977
PART III



DEPARTMENT OF THE INTERIOR

Geological Survey

■

WARNING AND PREPAREDNESS FOR GEOLOGIC-RELATED HAZARDS

Proposed Procedures

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DEPARTMENT OF THE INTERIOR

Geological Survey

WARNING AND PREPAREDNESS FOR GEOLOGIC-RELATED HAZARDS

Proposed Procedures

GEOLOGICAL SURVEY AUTHORITY FOR ISSUING WARNINGS OF GEOLOGIC-RELATED HAZARDS

Under the broad responsibilities assigned to the Geological Survey by its Organic Act of 1879 for the "examination of the geological structure" of the United States, the Survey has for many decades undertaken studies of earthquakes, volcanoes, and other natural hazards. In recent years, as knowledge of these and related geologic phenomena has increased, the Survey has also developed capabilities for predicting some potentially hazardous events in some areas, and has the implicit obligation to inform civil authorities and the public of such predictions.

On May 22, 1974, Congress enacted Public Law 93-288 (88 Stat. 143), which is known as the "Disaster Relief Act of 1974" (hereinafter, "the Act") "to provide an orderly and continuing means of assistance by the Federal Government to State and local governments in carrying out their responsibilities to alleviate the suffering and damage which result from * * * disasters * * *" Section 202(a) of the Act states that "The President shall insure that all appropriate Federal agencies are prepared to issue warnings of disasters to State and local officials." In addition, Section 202(b) states that "The President shall direct appropriate Federal agencies to provide technical assistance to State and local governments to insure that timely and effective disaster warning is provided." The disasters included are "hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe * * *" The Act further states in Section 308 that "The Federal Government shall not be liable for any claim based upon the exercise or performance of or the failure to exercise or perform a discretionary function or duty on the part of a Federal agency or an employee of the Federal Government in carrying out the provisions of this Act."

Executive Order 11795 entitled, "Delegating Disaster Relief Functions Pursuant to the Disaster Relief Act of 1974" (30 FR 25939, July 11, 1974) delegates to the Department of Housing and Urban Development the authority to exercise certain of the powers and authorities of the President with respect to Federal disaster assistance. Pursuant to the authority conferred by Section 1 of E.O. 11795, the U.S. Department of Housing and Urban Development conferred limited responsibility under the Act to the Secretary of the Interior (40 FR 52927, November 13, 1975). This authority was, in turn, redelegated by the Secretary of the Interior (Departmental Manual, 220 DM 8, Release 1883, May 3, 1976), "subject to the general policy guidance and coordination of the Assistant Secretary—Energy and Minerals," to the Director, Geological Survey, who is "empowered to exercise the authority, functions, and powers granted by Section 202 of the Disaster Relief Act of 1974 with respect to disaster warnings for an earthquake, volcanic eruption, landslide, mudslide, or other geological castastrophe."

PURPOSE OF STATEMENT

The purpose of this statement is to describe the Geological Survey's capabilities and limitations for advance recognition and warning of various kinds of geologic-related hazards and the procedures proposed to carry out the responsibilities delegated under the Act, and to elicit public comment on the proposed procedures. Application of these capabilities and procedures is largely limited to areas where Geological Survey research and field studies are ongoing. This statement should not be interpreted as indicating the existence of a nationwide operational capability to issue notifications, watches, and warnings of hazardous conditions wherever and whenever they may exist.

Comments regarding these proccdures and policies are invited. Comments received by June 30, 1977 will be taken into account in subsequent revisions as appropriate. Comments should be addressed to:

Director, U.S. Geological Survey, National Center, 12201 Sunrise Valley Drive, Reston, Virginia 22092.

V. E. MCKELVEY,
Director,
U.S. Geological Survey.

1. DEFINITIONS

For the purpose of this statement, a geologic hazard is a geological condition, process, or potential event that poses a threat to the health, safety, or welfare of a group of citizens or to the functions or economy of a community or larger governmental entity. A geological disaster or catastrophe is the occurrence of a severe hazardous event. In the context of this statement, the terms "Notice of Potential Hazard," "Hazard Watch," and "Hazard Warning" refer to the issuance of technical information to officials responsible for public safety and to the news media; recommendations or orders to take defensive actions are issued by officials of State and local governments, where the police and public safety authority rests in our governmental system. These terms are defined as follows:

Notice of potential hazard.—The communication of information on the location and possible magnitude or geologic effects of a potentially hazardous geologic event, process, or condition.

Hazard watch.—The communication of information, as it develops from a monitoring program or from observed precursor phenomena, that a potentially catastrophic event of generally predictable magnitude may be imminent in a general area or region and within an indefinite time period (possibly months or years).

Hazard warning.—The communication of information (prediction) as to the time (possibly within days or hours), location, and magnitude of a potentially disastrous geologic event or process.

2. CAPABILITIES TO PREDICT HAZARDOUS EVENTS

(a) Geologic processes and conditions that could result in harm to people and property include earthquakes, volcanic eruptions, landslides, mudflows, subsidence, faulting and fissuring of the ground surface, and glacier-related phenomena such as release of glacier-dammed lakes and rapid ice surges or retreats. Under certain conditions, these events may occur suddenly and affect large numbers of people and property over a wide area; in other instances, however, the processes involved occur slowly or affect very limited areas so that few if any people are endangered.

(b) The present capability of scientists to predict hazardous events varies greatly as to the type of event and as to knowledge of its time, place, and magnitude of effects.

(1) Earthquakes.

(a) *Geographic distribution.* Much of the United States is subject to some degree of earthquake hazard. The western states of Alaska, California, Hawaii, Idaho, Montana, Nevada, New Mexico, Utah, Washington, and Wyoming are particularly susceptible, but major earthquakes have also struck the eastern and central parts of the United States (Hadley and Devine, 1974), particularly Arkansas, Georgia, Kentucky, Indiana, Illinois, Massachusetts, Mississippi, Missouri, New York, North Carolina, South Carolina, and Tennessee.

(b) *Effects.* (i) Earthquake-generated ground shaking, in many instances, causes the most widespread earthquake damage, principally through failure of buildings. Earthquakes also give rise to various geologic processes that may cause injuries and property damage, including surface faulting, landsliding and associated ground failures, generation of large waves in water bodies, and regional vertical movements (downwarping and upwarping).

(ii) The surface effects of earthquakes have been evaluated on the basis of geologic and seismologic studies in parts of Alaska (Page, et al., 1972),[1] California (Borcherdt, 1975), Idaho (Witkind, 1972), Nevada (Bingler, 1974), Utah (U.S. Geol. Survey, 1976), Washington (Pitt, 1972; and U.S. Geol. Survey, 1975), and the eastern United States (Dutton, 1889). The results of regional studies underway in these and other states will be published as they are completed.

(c) *Prediction capability.* (i) Predictions of the precise location, time, and magnitude of specific earthquakes cannot generally be made now. Certain precursors, such as ground tilting and changes in water levels in wells, the magnetic field, and seismic wave velocity

[1] References here and elsewhere in this statement are representative rather than exhaustive of descriptions of the phenomena involved.

characteristics in rock, may be useful in predicting earthquakes. Experimental instrumental arrays have been installed in a few research areas, such as near Hollister, California, to evaluate these precursors and to help develop an earthquake prediction capability.

(ii) Locations of faults that may be the source of future damaging earthquakes have been determined in some regions of the country, particularly in parts of Alaska, California, Nevada, Idaho, Montana, and Utah. Geologic and seimologic studies in these regions, however, are not adequate to assure that all such faults have been delineated. Geologic studies of recurrence intervals of earthquakes have been made on only a few faults, principally in California. Some of these studies provide a basis for estimating the magnitudes of earthquakes that are like to be generated by movement along a particular fault. Broad-scale estimates of the susceptibility of the various regions of the U.S. to earthquake hazards have been made and are published in earthquake hazard maps and reports (Algermissen and Perkins, 1976) which will be updated as new information is acquired. These maps, and the more detailed studies on which they are based, identify those regions known to be highly susceptible to earthquakes, even though they may not identify all faults along which movement may take place.

(iii) Regional earthquake hazard assessments are also underway in parts of New Mexico, New York, South Carolina, and Washington, and in the lower Mississippi Valley.

(2) Volcanic eruptions. (a) *Geographic distribution.* At the present time, volcanoes are active in Alaska and Hawaii; volcanoes in California, Oregon, and Washington are dormant, but have erupted within the last 150 years. The likelihood of future eruptions damaging to man is greatest in the vicinity of volcanoes in these States. Geologic evidence indicates that volcanic activity could occur in other areas, such as Arizona, Nevada, New Mexico, Wyoming, and Idaho (Mullineaux, 1976), where eruptions have occurred as recently as 350 years ago; there is no current evidence, however, to suggest that volcanic activity may occur in these areas in the near future. Broad estimates have been made of regional susceptibility and types of volcanic hazards in the conterminous U.S. and Hawaii and are being published (Crandell, 1976; Crandell and Mullineaux, 1975; Mullineaux, 1976; and Powers, 1948); these will be updated as new information is acquired.

(b) *Effects.* (i) Volcanic eruptions produce a wide variety of primary and secondary hazards to life and property, stemming mainly from hot avalanches, mudflows, ash falls, lava flows, volcanic gases, hot particle and gas clouds, and floods.

(ii) Studies of the products of past volcanic activity in the Cascade Range, including lava flows, ash falls, mudflows, and hot avalanches, have been completed on the volcanoes of Mt. Baker (Hyde and Crandell, 1975), Lassen Peak (Crandell, et al, 1974), Mt. Rainier (Crandell, 1973), and Mt. St. Helens (Crandell and Mullineaux, 1976; Crandell, et al, 1975); similar studies are planned or in progress for other major volcanoes in the Cascade Range, such as Mt. Hood and Mt. Shasta, and for Augustine Volcano in Alaska.

(iii) Detailed studies at Kilauea and Mauna Loa volcanoes in Hawaii show that the products of most historic and prehistoric eruptions are lava flows; subordinate products include ash falls and hot particle and gas clouds. Eruptions issue from fissures and vents, both in the summit areas and along rift zones on the flanks of the volcanoes. Assessments of hazard-susceptible areas have been made for the islands of Hawaii (Mullineaux and Peterson, 1974) and Oahu (Crandell, 1975).

(c) *Prediction capability.* (i) Kilauea and Mauna Loa volcanoes are monitored by an array of instruments and by systematic measurements which permit assessing the likelihood of impending activity (Waesche and Peck, 1966; Kinoshita, et al, 1974). Physical precursors often permit predictions to be made within time frames of weeks or days, and sometimes highly specific signals precede eruptions by one to several hours (Swanson, et al, 1971; Fiske and Kinoshita, 1969).

(ii) A study of the historic cycles of activity on Mauna Loa indicates the possibility of long term prediction of the general locality and the general time frame (months or years) of the next eruptive event (Lockwood, et al, 1976).

(iii) Predictive capability has not been achieved for volcanoes in the Cascade Range or Alaska, although it is possible that the methods developed in Hawaii might be modified and adapted to be useful in these regions. Detailed estimates of hazard-susceptible areas surrounding some of these and other volcanoes have been made as indicated in section (b) ii and iii. Other studies are underway and will be published as completed.

(3) Landslides (including mudflows and mudslides). (a) *Geographic distribution.* Landslides and related hazards occur in every state in the United States. They occur largely in areas of steep terrain, but also along river, valley, and beach bluffs in otherwise flat country. The general distribution of landslide incidence and susceptibility has been assessed for the conterminous U.S. and published as a national overview map at 1:7,500,000-scale (Radbruch-Hall, et al., 1976). This map will be updated as new information becomes available.

(b) *Effects* (i) Many landslides move slowly and commonly are not a great hazard to people. However, they are estimated to cause more than $1 billion damage to property annually.

(ii) Mud and debris flows generated by intense rainfall or rapid snowmelt, large landslides that move abruptly, rockfalls, and landslides into large reservoirs may be hazardous to people and property. Similarly, landslides that dam streams inundate property upstream and can produce severe and dangerous flooding downstream if the barrier is breached suddenly.

(c) *Prediction capability.* (i) A capability to predict the time, place, and magnitude of landslides is possible, but is limited to very small individual landslide areas in which detailed geologic and engineering studies have been conducted, including test borings and laboratory analysis. Consequently, general information on areas potentially susceptible to slope failures will be communicated as a Notice of Potential Hazard. Detection of precursors may allow prediction and warning of landslides in areas of special topical studies, as in the Santa Monica Mountains of southern California (Campbell, 1975).

(ii) In addition to the national overview map of landslide incidence and susceptibility, maps that show landslide deposits at a scale of 1:500,000 have been prepared for the State of Colorado (e.g., Colton, et al., 1976). Larger-scale (1:125,000, 1:62,500, and 1:24,000), more detailed assessments of landslide susceptibility have been made of a number of small areas and a few regions in various parts of the U.S. (Briggs, 1974; Nilsen, 1973; and Simpson, 1976). Such maps are published as they are completed.

(iii) Landslide hazards are evaluated incidental to regional mapping programs or as a part of general geologic hazards studies in selected areas. The Geological Survey is also attempting to delineate and reduce landslide hazards on a nationwide basis.

(4) Glacier-related phenomena. (a) *Geographic distribution.* Large glaciers that are most likely to be hazardous to people and property occur in Alaska and Washington. Smaller glaciers also occur in California, Colorado, Idaho, Montana, Oregon, and Wyoming. Although no regional or national overview of all glacier-related hazards has been made, the distribution of potentially hazardous surging glaciers has been analyzed (Post, 1969), and the areas susceptible to outburst flood hazards have been determined in Alaska (Post and Mayo, 1971) and the Pacific Northwest (Richardson, 1968).

(b) *Effects.* (i) The rate of advance and retreat of glaciers is generally so slow that there is little cause for concern except in the case of glacier surges and where glacier changes result in floods or icebergs. Rapidly advancing glaciers, and especially surging glaciers, may advance over transportation corridors or other works of man or may dam valleys, causing the formation of glacier-dammed lakes. Such lakes, which may also be formed by glacier retreat, may burst out periodically or sporadically, resulting in downstream flooding. Downstream flooding can also be caused by the periodic outbreak of water stored within or under glaciers.

(ii) Icebergs, which are formed by calving from the front of glaciers that end in the sea or large lakes, may be discharged at greatly increased rates when

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a glacier starts to retreat or advance (Post, 1975). Retreating ice may also release ice-dammed lakes, resulting in potential flooding of downstream areas.

(iii) The effects of glacier-related hazards have been monitored in only a few isolated instances, such as flooding from glacial Lake George (Post and Mayo, 1971) and glacier outburst floods in Washington (Richardson, 1968).

(c) *Prediction capability.* (i) Long-term prediction of glacier advance and retreat is not possible; however, short-term predictions may be possible with adequate field measurements on the glacier itself. The outbursts of some glacier-dammed lakes can be predicted through the monitoring of lake levels if an adequate history of previous outbursts is available, or if the rate of inflows and the configuration of the glacier bed are known. The prediction of outbursts of water, from within a glacier may be possible, in some cases, given a history of past events and the continuous monitoring of the ice flow pattern of the glacier. Prediction of the size and rate of ice calving from glaciers fronting in the sea or lakes may be possible using photography.

(ii) Areas of susceptibility to glacier-related hazards, as indicated under (a), have been observed, using aircraft and satellite imagery, but available resources do not permit a systematic monitoring program.

(5) Subsidence. (a) *Causes and geographic distribution.* Subsidence is the slow lowering or sudden collapse of the land surface and is common in many areas of the United States. Subsidence, both man-induced and natural, may result from:

Slow compaction of sediments from withdrawal of (1) ground water, as in parts of Arizona, California, and Texas, (2) hydrocarbons, as in parts of California and Texas, and (3) potentially, fluids for geothermal production in California and the Gulf Coast;

Slow to rapid collapse of the roof above mines because of inadequate support as in many coal mine areas of Colorado, North Dakota, Pennsylvania, and Washington, or where solution mining creates excessively large underground openings as in Kansas, Michigan, and Texas;

Slow to rapid compaction of certain types of materials in which the soil structure collapses when water is added, as in the San Joaquin Valley, California, or when water is expelled as the result of liquefaction during earthquakes,

Slow to rapid collapse over caves, caverns, and solution openings in limestone (karst) areas, as in many southern states and elsewhere; and

Rapid earthquake movement or earth flexuring, principally in Alaska, California, and Hawaii.

The results of topical research projects are released in maps and reports as they are completed.

(b) *Effects.* i. Subsidence normally is a slow process and is not hazardous to life. However, under certain circumstances, where the ground above mines and caverns collapses suddenly, where subsided ground in coastal areas may be inundated by storm waves, and where localized subsidence is severe and affects critical structures such as dams, damage to property, and indirectly to life, may be extensive (Castle and Yerkes, 1976).

ii. Earth fissures (large open cracks) can develop from fluid withdrawal or collapse over cavities. These fissures can damage structures and render property virtually useless for most purposes.

(c) *Prediction capability.* i. Specific subsidence events caused by groundwater withdrawal can be anticipated in certain areas, such as in parts of Alabama (Newton, 1976), California (Lofgren, 1975; and Poland, 1971), and Texas (Gabrysch, 1969), where studies are underway. Once subsidence involving slow compaction of sediments is initiated, the rate can be measured, and in some cases, the ultimate amount can be estimated.

ii. There is no nationwide subsidence program; however, efforts are underway to identify or delineate areas of existing or potential subsidence at small scale (Poland and Davis, 1969; and Davies, et al., 1976). Such hazards also are mapped incidental to general research projects completed or underway in several areas of the country.

3. PROVISIONAL PROCEDURES TO REPORT HAZARDOUS CONDITIONS

When and where information is obtained that suggests the development of a hazardous condition, the U.S. Geological Survey will attempt to authenticate it, and communicate such information to appropriate State, local and Federal authorities and to the public. The U.S. Geological Survey recognizes that providing earth-science information, in accordance with its expertise, is only the first of the inputs needed by State and local governments and the public in mitigating the effects of geologic hazards. The actual adoption of the most effective mitigation measures by local authorities will result from a cooperative effort by agencies at all governmental levels and by non-governmental organizations and the public. Decisions for adoption of such mitigation measures should be based upon a broad range of earth-science, engineering, and socio-economic information.

a. *Hazard Identification.*—Information acquired by Geological Survey personnel that indicates a region, area, or locality may be susceptible to geologic or hydrologic conditions or processes that could pose a significant potential hazard to life or property will be conveyed promptly to the Director of the Gological Survey with all supporting evidence and documentation.

b. *Hazard Evaluation.* (1) The Director will submit information pertaining to potentially hazardous conditions or events to carefully selected scientific evaluation panels for review of the scientific basis for the hazard identification. Such panels may be established formally, such as the Survey's Earthquake Prediction Council, which relies on scientific expertise pertaining to a specific type of hazard; or informally, with scientist members changing according to their expertise with different types or areas of potential hazards. Upon review of the evidence, the evaluation panel(s) will transmit the findings and recommendations to the Director. The panel may find that:

(a) A hazard to life or property is unlikely or insufficiently defined to justify a Notice of Potential Hazard without additional information;

(b) A potential hazard to life and/or property exists;

(c) The potential hazard exists and that monitoring by the Geological Survey could lead to a better definition of location or magnitude, extent, or timing of the hazard; or

(d) The hazard conditions are sufficiently well defined as to location, magnitude, and time to warrant the issuance of a Hazard Watch or a Hazard Warning.

(2) Similarly, the Director will also undertake to have reviewed and evaluated identifications or predictions of potentially hazardous events made by scientists outside the Geological Survey, as deemed appropriate or upon the request of the head of an appropriate State or Federal agency. The requestor will be notified promptly of the findings of the evaluation panel and, if appropriate, a Notice of Potential Hazard, a Hazard Watch, or a Hazard Warning will be issued.

c. *Notice of Potential Hazard.* (1) Where the Director has authenticated identification of an area as susceptible to a potentially hazardous condition, but available evidence is insufficient to suggest that a hazardous event is imminent or evidence has not been developed to determine the time of occurrence, the information will be prepared for normal publication.

(2) The Director or his designee will transmit such information, as soon as possible, as a Notice of Potential Hazard to appropriate Federal, State, and local officials responsible for the public safety and welfare and to the public by a press release. The reports and maps cited earlier that show the distribution of earthquake, volcanic, landslide, and subsidence hazards are examples of identifications of potentially hazardous conditions that will form the basis for notices of potential hazards.

(3) Notices of Potential Hazard will be accompanied by a description of the geologic and hydrologic conditions that exist, the factors that suggest that such conditions constitute a potential hazard, and the location or area they may affect. In most instances, it will not be possible to estimate the severity of the hazard or the time it might occur. Information such as possible earthquake recurrence intervals will be given, however, if justified by available information.

(4) Where available evidence suggests that a hazardous event could occur and that precursory phenomena exists that will better define the time, location, and magnitude of the event, the geologic conditions or processes likely to trigger a hazardous event will be monitored by the U.S. Geological Survey within the limits of available funds and manpower

d. *Hazard Watch.* (1) If existing or new information indicates that a region, area, locality, or geologic condition is undergoing change that may be interpreted as a precursor to a potentially hazardous event within an unspecified period of time (possibly months or years), such information will be evaluated and, if authenticated, the Director will assure that such information is transmitted promptly to civil authorities and the public as a Hazards Watch.

(2) Federal, State, and local officials responsible for public safety will be notified in advance of the intent to issue a Hazard Watch to enable them to invoke emergency preparedness plans for an orderly public response.

(3) Hazard Watches will be accompanied, to the extent possible, by a definition of the parameters of the expected event, including, in addition to the place, magnitude, and general time, the possible geologic or hydrologic effects and the uncertainties associated with each.

e. *Hazard Warning.* (1) When developing information from precursory phenomena, which have been monitored through an experimental or operational hazard assessment program, appears to signal a potentially hazardous event within a specific period of time(possibly days or hours), the information will be conveyed promptly to the Director for evaluation and consideration as a hazard prediction.

(2) The Director or his designee will determine whether or not the prediction has a sound scientic basis and is authenticated by a comprehensive evaluation. If a prediction is issued as a result of this review and authentication process, any uncertainties that may exist will be evaluated and stated.

(3) The Director, upon authentication of a prediction of an event of possible catastrophic proportions, will assure that such information is promptly transmitted as a Hazard Warning, first to Federal, State, and local officials responsible for public safety, to enable them to invoke emergency preparedness plans for an orderly public response, and then to the news media.

(4) Hazard Warnings will be accompanied, to the extent possible, by a definition of the parameters of the expected event including, in addition to the time, place, and magnitude, the possible geologic or hydrologic effects, and the uncertainties associated with each.

f. *Communication of Notices of Potential Hazard, Hazard Watches, and Hazard Warnings.* (1) Information leading to a Notice of Potential Hazard or a Hazard Watch will generally be obtained well in advance of an event and can be transmitted directly to concerned officials by letters and to the public by press releases to the news media.

(2) Where potentially hazardous conditions are monitored, local, State, and Federal authorities will be informed periodically of the results of such investigations and technical assistane, to the extent possible, will be extended as requested by these officials to assist in developing possible mitigation measures.

(3) At the present time, a capability to predict a geologic event of possible catastrophic proportions within days or hours does not exist except in rare cases. In such cases, where the information becomes available that suggests a potentially disastrous event may be imminent, public officials will be notified by telephone and such information will be transmitted directly to the public as a Hazard Warning. Public and existing Federal communication facilities, such as the Department of Commerce's Weather Radio System and the Department of Defense's National Warning System will be utilized whenever possible and appropriate.

(4) The Geological Survey will also communicate to responsible Federal Agencies and State and local governments, as soon as practicable, all available new knowledge as to geologic conditions or processes that may affect or alter public response to Notices of Potential Hazard, monitoring programs, Hazard Watches, or Hazard Warnings. This may result in the cancellation of the notice, watch, or warning, or a change in the hazard classification to better reflect an increased degree of uncertainty as to the time of occurrence of the event or a lessened sense of urgency.

(5) Notices of Potential Hazard, Hazard Watches, and Hazard Warnings to governmental agencies will also include:

(a) A statement of the authority of the U.S. Geological Survey for issuing the notice, watch, or warning:

(b) Copies of scientific papers or authentication reports that form the basis of the notice, watch, or warning;

(c) An offer to consult with any reviewers that the Governor or Governors of affected States may wish to appoint;

(d) An offer to provide appropriate technical assistance within areas of expertise in the Geological Survey in evaluating possible geologic hazards, as they may affect people and property;

(e) A statement of what additional steps, if any, the U.S. Geological Survey proposes to take to better define the degree or area of hazard; and

(f) A list of all parties to whom the notice, watch, or warning is being transmitted.

g. *Technical assistance.* (1) As used in this statement, technical assistance pertains to:

(a) advice of available Geological Survey personnel on subjects within their area of expertise—geology, hydrology, chemistry, and, to a limited extent, soil engineering, structural engineering, and land-use planning; and

(b) Deployment of available instruments to better define hazardous conditions, processes, or events.

(2) Technical assistance should not be interpreted to refer to:

(a) Funding for public works or hazard mitigation projects for which funds have not been allocated to the Geological Survey:

(b) Assignment of personnel or equipment to assess hazardous conditions outside geographical or topical areas of ongoing research or mapping programs except for unusual or compelling reasons.

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federal register

TUESDAY, APRIL 12, 1977

PART IV

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

ENVIRONMENTAL PROTECTION AGENCY

CONTROL OF TOXIC SUBSTANCES

General Provisions and Inventory Reporting Requirements; Supplemental Notice

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 700, 710]

[OTS-081001A FRL 707-6]

TOXIC SUBSTANCES CONTROL

General Provisions and Inventory Reporting Requirements; Supplemental Notice

AGENCY: Office of Toxic Substances, Environmental Protection Agency.

ACTION: Supplemental notice to rules proposed pursuant to the authority of Section 8(a), the Toxic Substances Control Act (90 Stat. 2003; 15 U.S.C. 2601, et seq., hereinafter referred to as TSCA).

SUMMARY: This supplemental notice provides additional information pertaining to the proposed inventory reporting regulations which would establish a new 40 CFR Part 700 and 710. Section 1 of this notice, Guide to the Use of the TSCA Candidate List of Chemical Substances, explains the meaning of the various informational entries contained in the Candidate List, describes the organization and content of each section of the list, and elaborates on instructions for reporting chemical substances for the inventory. Comment is solicited on the clarity of the guide. Section 2, Concerning Appendix A of the Candidate List, specifies the criteria used for selecting minerals to be included in Appendix A of the Candidate List and lists those minerals currently under consideration for inclusion there. Proposed additions to, deletions from, or exclusions from the minerals list in accordance with the criteria stated in Section 2 are solicited.

DATES: Comments must be received on or before May 9, 1977.

FOR FURTHER INFORMATION CONTACT:

Cynthia C. Kelly or George Semeniuk, Office of Toxic Substances (WH-557), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, 202-755-4880.

SUPPLEMENTARY INFORMATION: On March 9, 1977, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (42 FR 13130) proposed regulations which would establish a new 40 CFR Part 700 and 710. Part 700, General Provisions, would prescribe the scope of the rules under TSCA and definitions applicable to such rules. Part 710, Inventory Reporting, would prescribe what chemical substances must be reported for inclusion on an inventory of chemical substances required by Section 8(b) of TSCA; procedures for reporting chemical substances for the inventory; exemptions from such reporting requirements and certain prohibitions; and procedures for handling claims of confidentiality.

As discussed in the preamble to the proposed regulations, a Candidate List of chemical substances would be used to simplify reporting of chemical substances for the inventory. Soon, EPA will publish in the FEDERAL REGISTER a notice of availability of that Candidate List of chemical substances. Following procedures proposed at § 710.4, a person intending to report for the inventory a chemical substance which appears on the Candidate List could do so by deriving the necessary information concerning that chemical substances from the list, and by completing, signing, and submitting to EPA inventory reporting Form A (EPA Form No. __). A person intending to report for the inventory a chemical substance not identified on the Candidate List would do so by completing, signing, and submitting to EPA inventory reporting Form B (EPA Form No. __). Proposed inventory reporting Forms A and B were published in Appendix I of the proposed regulations.

Section 1 of this notice, Guide to the Use of the TSCA Candidate List of Chemical Substances, is intended to assist persons who will be reporting chemical substances for the inventory in understanding how to use the Candidate List and how to report chemical substances using the appropriate forms. EPA specifically solicits comment on the clarity of this assistance document and welcomes suggested improvements.

Section 710.5(a)(5) of the proposed regulations provided that any mineral specifically designated in Appendix A of the Candidate List would be exempt from the reporting requirements for compilation of the inventory and would automatically be included in the inventory. Any mineral not included in Appendix A would be subject to the general reporting requirements.

Section 2 of this notice, Concerning Appendix A of the Candidate List, specifies the criteria used in selecting minerals for Appendix A and lists those minerals currently under consideration for inclusion in that appendix. EPA specifically solicits proposed additions to, deletions from, or exclusions from the minerals list. Any request to add a mineral to the list must clearly show that the mineral satisfies the criteria stated in Section 2 for placing that mineral on the list. Any request for deleting or excluding a mineral from the list must show that the mineral does not satisfy the criteria.

PUBLIC COMMENTS: Interested persons are invited to submit written comments on this supplemental notice. To receive full consideration, comments must be received on or before May 9, 1977. Comments should be filed in triplicate and bear the identifying notation OTS-081001A. Comments should be addressed to the Federal Register Section, Office of Toxic Substances (WH-557), Attention: Vickie Briggs, Environmental Protection Agency, 401 M Street, SW., Washington, D.C., 20460. All written comments filed pursuant to this notice will be available for public inspection in the Office of Toxic Sustances, Room 715, from 8:30 a.m. to 4:30 p.m., Monday through Friday.

In order to provide interested persons an opportunity to comment in person on the proposed regulations and subjects presented in this notice, the Agency, as announced previously in the FEDERAL REGISTER, will hold a public meeting on April 18, 1977 at the Jefferson Memorial Auditorium, Department of Agriculture, 14th and Independence Avenue, SW., Washington, D.C., from 9 a.m. to 4:30 p.m.

EPA will record the proceedings and make a transcript available for public inspection by May 3, 1977 in the Office of Toxic Substances from 8:30 a.m. to 4 p.m. on normal business days.

Subject to time limitations, EPA will give anyone who wants to make an oral presentation an opportunity to do so. Such persons should notify, in writing or by telephone, Mrs. Vickie Briggs, Office of Toxic Substances (WH-557), Environmental Protection Agency, Room 715, East Tower, 401 M Street, SW., Washington, D.C., 20460, telephone number 202-426-9819 by April 11, 1977. Written requests should include the following document control number: OTS-081002.

Dated: March 28, 1977.

KENNETH L. JOHNSON,
Acting Assistant Administrator for Toxic Substances.

SECTION 1—GUIDE TO THE USE OF THE TSCA CANDIDATE LIST OF CHEMICAL SUBSTANCES

INTRODUCTION

The Toxic Substances Control Act (TSCA) requires that the Environmental Protection Agency (EPA) compile and publish by November 11, 1977 an inventory of existing commercial chemical substances. All persons who manufacture, process, or import chemical substances for commercial purposes in the United States should refer to inventory reporting requirements as published in the FEDERAL REGISTER.

To facilitate the reporting process, the TSCA Candidate List of Chemical Substances has been developed. The Candidate List contains information for approximately 30,000 chemical substances. The content of the Candidate List was derived from existing compilations of chemicals. The inclusion of a particular substance does not imply that the substance is or has been manufactured, processed, or imported for commercial purposes. The Candidate List was conceived solely as a tool to support and simplify reporting of chemicals to EPA. If a given chemical substance appears in the Candidate List, the information required for reporting that chemical substance to EPA is contained in the Candidate List. Therefore, persons are strongly encouraged to use the information contained in the Candidate List to the greatest extent possible. Otherwise, a great deal of effort may be expended needlessly.

To make the use of the Candidate List as efficient and reliable as possible, the content has been arranged into four sections, each of which provides a different means of locating chemical substances cited in the Candidate List:

Substance Name Section: an alphabetically ordered listing of chemical substance names for all substances on the Candidate List,

Formula Section: a listing of all substances on the Candidate List of known chemical constitution ordered by molecular formula,[1]

Number Section: a listing of all substances on the Candidate List ordered by Chemical Abstracts Service (CAS) Registry Number, and

Chemical Substances of Unknown or Variable Composition, Complex Reaction Products, and Biological Materials (UVCB) Section: a listing of names of chemical substances on the Candidate List that do not have specific molecular formula representations, grouped into subsets of closely related substances. For the sake of brevity, this section is referred to henceforth as the UVCB Section.

In some cases, it may be necessary to consult more than one section of the Candidate List to determine reliably whether a particular substance is cited in the list. For example, a single chemical substance may be known by a variety of substance names, all of which describe the substance. While a great many names will be present in the Substance Name Section, it is probable that not all names which are known for all the Candidate List substances will be included. The absence of particular name in the Substance Name Section does not mean that the chemical substance is not present in the Candidate List; the substance may be identified in the list by a synonomous substance name. If a user is unable to find the name of the chemical substance in the Substance Name Section, he should consult an alternate section of the Candidate List before concluding that the substance itself is not cited. For a substance which has a definite chemical structure, a user can derive the molecular formula and consult the Formula Section. For a substance which cannot be described by a molecular formula, it may be possible to find an equivalent substance description in the UVCB Section. Depending on the type of information available to a given user, it may be more useful to consult the Formula Section, the Number Section, or the UVCB Section directly, without first examining the Substance Name Section. The four sections of the Candidate List are described in detail in subsequent sections of the Guide.

Appendix A to the Candidate List describes certain chemical substances which are excluded from initial inventory reporting requirements. In some cases, substances which are cited in Appendix A also may appear in the body of the Candidate List. In the event of duplication, Appendix A takes precedence over the Candidate List, i.e., materials which are present in Appendix A need not be reported, even if they also are present in the Candidate List itself.

CAS Registry Numbers. The Chemical Abstracts Service (CAS) Chemical Registry System[2] is a computer-based system that identifies a large number of chemical substances on the basis of their molecular structures and assigns to each substance a unique identifying number called a CAS Registry Number. A small percentage of chemical substance registrations do not have associated structural information that is specfic enough to permit the generation of a unique computer-language description of the structure. CAS Registry Numbers for such substances are assigned through the Chemical Registry System on the basis of manual determinations that the substances are uniquely and consistently identified.

A CAS Registry Number is included for each of the entries in the Candidate List. Registry Numbers have no chemical significance in themselves and are assigned in sequential order as substances are entered into the CAS Chemical Registry System. Each Registry Number designates only one chemical substance in terms of atoms, valence bonds, and stereochemistry, insofar as that substance has been elucidated and defined.

A CAS Registry Number consists of up to nine digits which are separated into three groups by hyphens. The first group, starting from the left, has up to six digits; the second group has two digits; and the final group consists of a single check digit which is used to verify by computer the validity of the total Registry Number.

Certain CAS Registry Numbers which appear in the Candidate List are preceded by asterisks (*). The asterisk is used to highlight Registry Numbers for substances which appear in the UVCB Section. (Those Registry Numbers which are preceded by asterisks do not appear in any of the CAS abstract and index publications and services which cite Registry Numbers.)

CA Index Names. For most chemical substances which have been assigned CAS Registry Numbers, CAS has also assigned a unique, fully systematic name known as the Chemical Abstracts (CA Index Name. CA Index Names are derived according to a rigorous, comprehensive set of nomenclature rules to ensure that a single, preferred name can be constructed for each chemical substance. In most cases, the CA Index Name for a substance contains sufficient information to permit derivation of the corresponding chemical structural diagram.

A CA Index Name is usually included for each substance cited in the Candidate List,[3] except for those substances which appear in the UVCB Section. (Since the latter substances do not appear in the Chemical Substance Indexes to CA, CAS has not generated CA Index Names for them. CAS has, however, selected a preferred form of the names for such substances for inclusion in the Substance Name Section and the Number Section.)

A CA Index Name may be made up of several parts, each of which plays a specific role in completing the description of a chemical substance. The principal portion of a CA Index Name is the "heading parent", which describes the fundamental or most significant feature(s) of the chemical substance, as determined by application of the CAS nomenclature rules. The heading parent forms the basis for ordering CA Index Names in alphabetical listings. Additional parts of the CA Index Name are appended to the heading parent to describe substituent groups attached to the parent substance, derivative information, and stereochemistry. Thus, CA Index Names appear in what is known as "inverted" form. For example, the CA Index Name for styrene is Benzene, ethenyl-; the "uninverted" form of this name is ethenylbenzene. The effect of using CA Index Names in their inverted form is to bring together in the Substance Name Section entries for related substances which have the same heading parent.

Other Substance Names. The Substance Name Section of the Candidate List also includes for most substances the various synonymous names which have been recorded for that substance in the chemical literature which has been analyzed by CAS. The nomenclature file within the CAS Chemical Registry System currently contains almost six million substance names that are associated with more than 3.75 million unique substances. Of these, more than one million names are designations which have been used in the literature; many of these names do not convey information on the chemical constitutions of the substances they represent. Such names are variously described as common names, trade names, trivial names, or nonsystematic names.

Many frequently encountered chemical substances have been identified in the chemical literature by several synonymous names. All such names in the CAS files for Candidate List substances have been selected for inclusion in the Substance Name Section. Thus, the Substance Name Section furnishes access to chemical substances through a variety of commonly used synonyms, as well as through highly systematic CA Index Names. Note, however, that synonyms are excluded from the Formula Section and the Number Section.

Molecular Formulas. The term molecular formula, as used in the Candidate List, means a summation of the actual number and kinds of atoms present in a molecule of a chemical substance.[3] For example, C_2H_6 is the molecular formula for benzene, and C_2H_6 the molecular formula for ethane.

The element symbols in the molecular formulas in the Candidate List are arranged according to the Hill System,[4] as follows:

a. For carbon-containing compounds C first, followed immediately by H (if present), then the remaining symbols alphabetically.
b. For compounds that do not contain carbon, the order of symbols is strictly alphabetical.

The use of molecular formulas in the Formula Section of the Candidate List is discussed in a later section of this Guide. The comments in the following two paragraphs apply to molecular formulas as they appear in the Substance Name Section and the Number Section. Molecular formulas are not present in the UVCB Section.

In the case of salts and molecular addition compounds (e.g., 1:1 molecular complex of 1,3,5-trinitrobenzene with aluminum chloride), the molecular for-

See footnotes on p. 19303.

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mulas for the components are presented separately. Component ratios for salts and molecular addition compounds are specified when known. For example:

Sulfurous acid, disodium salt
$H_2O_3S \cdot 2Na$

A lower case x before the second and any subsequent formulas indicates that the ratio is unknown.

Copolymer formulas also are presented with the formulas of the monomers shown individually. No ratios are indicated for copolymers; the total formula combination for copolymers or the single formula for homopolymers is enclosed in parentheses followed by a subscript, lower case x. For example:

2-Propenenitrile, polymer with 1,3-butadiene and ethenylbenzene
$(C_3H_3N \cdot C_4H_6 \cdot C_8H_8)_x$

Polymeric repeating unit formulas are enclosed in parentheses and followed by subscript n. End groups, when included in the registration, have the summation of their individual formula units cited at the end of the total formula. For example:

Poly(oxy-1,2-ethanediyl), α-hydro-ω-hydroxy- $(C_2H_4O)_nH_2O$

Code Designations. Associated with every entry in the Substance Name Section, the Number Section, and the Formula Section of the Candidate List is a computer checkable alphanumeric called a code designation [4]. Code designations do not appear in the UVCB Section. These alphanumerics were developed solely for the purpose of detecting transcription or keyboarding errors which might occur during the reporting or inventory compiling processes. They have no significance other than providing a link between a particular entry and its location in the Candidate List. Specific instructions for the use of code designations in reporting descriptions of chemical substances are provided in the final section of this Guide.

SUBSTANCE NAME SECTION

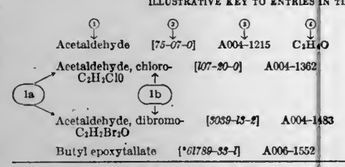
The Substance Name Section consists of an alphabetic listing of names of the substances included in the TSCA Candidate List of Chemical Substances. The names which appear in this section are of three main types: (a) the CA Index Name for most substances other than for those presented in the UVCB Section, (b) names chosen by CAS to represent substances which appear in the UVCB Section, and (c) the various synonymous names by which the substance is known to chemical investigators and in commerce and manufacturing. A sample page from the Substance Name Section appears as Attachment 1.

Names in the Substance Name Section are ordered alphabetically. Locant numbering [5], stereochemical descriptions, and other italicized characters are considered only in ordering names having otherwise identical strings of alphabetic characters. Purely numerical designations appear ahead of the alphabetic listing in increasing numerical order. Alphanumeric designations which have numeric characters preceding the alphabetic characters (eg., 4M2AP) are ordered following the pure numerics, in increasing numerical order of the characters preceding the first alphabetic character. Alphanumeric designations in which the numeric characters are preceded by one or more alphabetic characters (e.g., SQ 1089) are ordered in the main alphabetic sequence based on the string of alphabetic characters. Alphanumeric designations in which numeric characters are separated by punctuation other than a comma are ordered on the basis of the digits preceding the punctuation and not on the basis of the total set of digits (e.g. A 443/31 is ordered between A 435 and A 446). (Note that names containing locants, e.g., 2-Butene, are not considered alphanumeric designations.)

CA Index Names are presented in "inverted" form, with the heading parent appearing first, followed by a comma, and then a description of the substituent groups attached to the parent substance, derivative information, and stereochemistry. Ordering is based first on the heading parent (with all substances sharing a common parent appearing at the same place in the listing) and next on the alphabetic character string in the remainder of the name.

In addition to the name, each entry in this Section contains the CAS Registry Number for the substance, its molecular formula, if known, and a code designation.

ILLUSTRATIVE KEY TO ENTRIES IN THE SUBSTANCE NAME SECTION [7]



1. The *substance name* (1) is the heading and appears in lightface type. The name may be comprised of a heading parent (1a) and an appended descriptive term (1b). When an entry cannot be completed on one line, the second and subsequent lines are indented under the heading.

2. The *CAS Registry Number* (2) appears in lightface italic type, enclosed in brackets.

3. The *code designation* (3) is printed in lightface type.

4. The *molecular formula* (4) appears in lightface type for substances of known chemical constitution.

FORMULA SECTION

In the Formula Section, molecular formulas are listed for all substances of known chemical constitution appearing in the TSCA Candidate List of Chemical Substances. Each formula entry is accompanied by a CA Index Name, a CAS Registry Number, and a code designation, for each substance having that molecular formula. Where two or more substances share the same molecular formula, their names are ordered alphabetically by the principles described for the Substance Name Section. A sample page from the Formula Section appears as Attachment 2.

Element symbols in the molecular formulas are arranged according to the Hill System, as described earlier. The resulting complete molecular formulas are arranged in alphabetical order in the Formula Section, with each chemical element and its particular numerical suffix being considered as a separate unit. Thus, H_2 is ordered before H_3, and all formulas beginning with CH appear ahead of all those beginning with CH_2. Example:

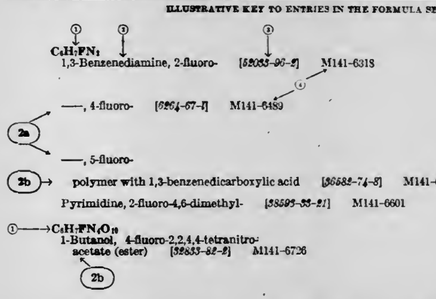
$Al_2Ca_3O_{14}$
CCl_4
$CHCl_3$
$CHNO$
CH_2O
CH_3Cl
CO
C_2Ca
$C_2H_4O_2$
$C_2H_3AlBr_2$
CaO_3Ti
H_4Sn

Salts, molecular addition compounds, and copolymers are represented in the Formula Section by the molecular formula for only one of their components, rather than by a summation formula which includes all the components. The molecular formula chosen to represent a substance of this type is the formula of the component whose name is selected as the principal heading for the substance in the CA Chemical Substance Index.[8] For example, the substance "2-Propenenitrile, polymer with 1,3-butadiene and ethenylbenzene" would be found in the Formula Section only at the molecular formula of its principal component, 2-Propenenitrile (C_3H_3N). The substance would not be found at the molecular formula for either of its other components.

In general, metal salts of acids appear at the molecular formulas of the acids; salts of organic bases with inorganic acids or common organic acids appear at the molecular formulas of the bases; salts with more complex organic acids appear at the molecular formulas of the acids; molecular addition compounds and copolymers appear at the molecular formula of the component chosen to receive the principal index name for the substance by the nomenclature policies used for CA indexes.[9]

Thus, a user of the Formula Section who wishes to find an entry for a salt, molecular addition compound, or copolymer is advised to consult entries at the molecular formulas for each of the components before concluding that the substance is not cited in the Formula Section.

ILLUSTRATIVE KEY TO ENTRIES IN THE FORMULA SECTION [7]



1. The *molecular formula* (1) is the heading and appears in boldface type.

2. The *substance names* (2) appear in lightface type, arranged in alphabetic order below the heading. When the name or entry is not completed on one line, the second and subsequent lines are indented. A long dash (2a) replaces the heading parent name when it is repeated. When a modification phrase (2b) is required to complete the substance description, it is half-intended under the parent substance name.

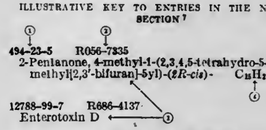
3. The *CAS Registry Number* (3) appears in lightface italic type.

4. The *code designation* (4) appears in lightface type.

NUMBER SECTION

In the Number Section, the substances appearing in the TSCA Candidate List of Chemical Substances are listed in ascending CAS Registry Number order. Each Registry Number entry is accompanied by a name (usually a CA Index Name) for the substance represented by that Registry Number, the molecular formula of the substance, when known, and a code designation. CAS has chosen, for inclusion in the Number Section, preferred forms of substance names for substances of unknown or variable composition, complex reaction products, and biological materials. A sample page from the Number Section appears as Attachment 3.

ILLUSTRATIVE KEY TO ENTRIES IN THE NUMBER SECTION [7]



1. The *CAS Registry Number* (1) is the heading and appears in boldface type.

2. The *code designation* (2) follows the CAS Registry Number, in lightface type.

3. The preferred *substance name* (3) (usually a CA Index Name) appears in lightface type.

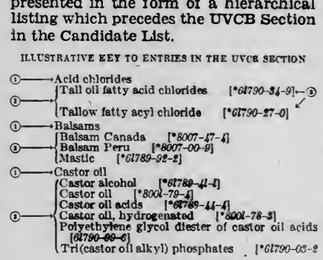
4. The *molecular formula* (4) appears in lightface type for substances of known chemical constitution.

CHEMICAL SUBSTANCES OF UNKNOWN OR VARIABLE COMPOSITION, COMPLEX REACTION PRODCTS, AND BIOLOGICAL MATERIALS (UVCB) SECTION

A small percentage of the chemicals included in the TSCA Candidate List of Chemical Substances are substances of unknown or variable composition, complex reaction products, or biological materials. These are substances which lack an accepted molecular formula representation. They can be found by name in the Substance Name Section of the Candidate List or by CAS Registry Number in the Number Section; they cannot be found in the Formula Section. The UVCB Section is intended to provide an alternate method for finding these substances on the Candidate List. A sample page from the UVCB Section appears as Attachment 4.

Chemical substances in the UVCB Section have been grouped into subsets consisting of relatively small numbers of closely related substances. Typically, the subsets highlight a structural feature of the substance (e.g., the subset headings "Acid chlorides", "Alkaline earth compounds", "Polyoxyalkylenes") or a significant precursor (e.g., "Castor oil", "Tallow"), or provide a general description (e.g., "Resins," "Waxes"). The subset headings used for this Section are presented in the form of a hierarchical listing which precedes the UVCB Section in the Candidate List.

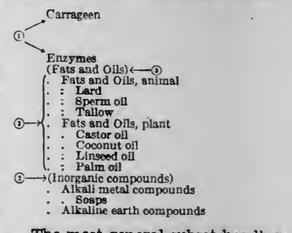
ILLUSTRATIVE KEY TO ENTRIES IN THE UVCB SECTION



In the UVCB Section, each subset heading (1) is listed in alphabetic order. The names of the individual Candidate List substances (2) are then listed in alphabetic order under each subset heading, along with their CAS Registry Numbers (3). The names which appear in the UVCB Section are those which appeared in the original compilations used in deriving the Candidate List; no attempt has been made to standardize the nomenclature used to describe these substances. Please note that the subset headings (1) are *not* Candidate List substances. Only the substances listed under the subset headings along with their CAS Registry Numbers are candidate substances. A subset of substances whose heading is the name of a specific substance (e.g., "Castor oil," "Tallow") will usually include the heading substance as well as all derivatives of that substance which are on the Candidate List.

Most of the substances in the UVCB Section have been assigned to more than one subset heading. For example, the substance Polyethylene glycol diester of castor oil acids [*61790-99-6] has been placed under the subset headings "Castor oil" and "Polyoxyalkylenes". Naphtenic acid, iron salt [*1338-14-3] has been placed under "Group VIII element compounds" and "Naphthenic acids". Trimethyl (soybean oil alkl) ammonium chloride [*61790-41-8] appears under "Quaternary ammonium compounds" and "Soybean oil".

To assist users in searching for substances in the UVCB Section, the subset headings developed for the section are listed precedeing the section itself in a general hierarchy or arrangement of terms in order of increasing specificity. This will serve to guide the user to the most appropriate subsets for the substances of interest. The following key illustrates the organization of subset headings on the hierarchical listing:



The most general subset headings (1) are placed alphabetically at the left margin of the hierarchy. Subset headings of greater specificity (2) are placed alphabetically below the more general headings. Increasing specificity of headings is indicated by a series of periods before the headings. Thus, under the general heading "Fats and Oils" there will be found the following headings of increasing specificity—"Fats and Oils, plant" (preceded by one period), and under it "Castor oil" (preceded by two periods). Terms of hierarchical importance which have not yet been used as

See footnotes on p. 19303.

See footnotes on p. 19303.

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subset headings but which are necessary to provide a logical framework for the hierarchy are enclosed in parentheses (3).

A searcher wishing to determine whether a particular substance, which lacks a molecular formula representation, is on the Candidate List but identified by a name which the searcher did not anticipate should check the names listed under the appropriate subset heading(s) in the UVCB Section. To determine the appropriate subset heading(s), the searcher should first scan the hierarchical list of subset headings and select the most specific headings which are applicable for the material of interest. A substance which falls within a given sequence of subset headings of increasing specificity (e.g., "Fats and Oils;" "Fats and Oils, plant;" "Coconut oil") will be found only under the most specific heading in the sequence which is applicable. In some cases, the user will find the substance fits into a fairly specific subset because the substance is one of a large number of related substances in the UVCB Section (e.g., the sodium salt of sulfated coconut oil will be found under "Coconut oil"). In other cases, the most specific applicable subset may be very generic because the substance does not come from a class of related materials which has been judged large enough to justify a separate subset (e.g., the sodium salt of sulfated mustard seed oil will be found under "Fats and Oils, plant").

COMMENTARY ON INSTRUCTIONS FOR REPORTING

There are two forms for reporting substances to be included in the TSCA Inventory of Chemical Substances. Draft forms were published with the proposed regulations for compiling the inventory on March 9, 1977 in the FEDERAL REGISTER (42 FR 13130). After receiving public comment, these forms may be amended. Accordingly, this commentary on completing the forms may be amended.

The first form, Form A, is for reporting those substances which appear on the Candidate List. The second form, Form B, is for reporting those substances which could not be found on the Candidate List.

Two identifying numbers from the Candidate List are to be recorded in the appropriate columns on Form A for the substances proposed for inclusion on the TSCA Inventory. One is the CAS Registry Number which should be recorded in the same format as found on the Candidate List (i.e., with hyphens, and with a preceding asterisk where appropriate); enclosing brackets need not be recorded. The second number to be recorded for each substance is a code designation which appears along with the name of each substance in the Substance Name Section, the Formula Section, and the Number Section. For a particular substance, different code designations appear for that substance in each of these sections; all such code designations are valid for that substance and any one of them may accompany the CAS Registry Number for the substance when it is reported. Code designations have not been included as part of the substance identification information in the UVCB Section. Persons reporting substances found in the UVCB Section are asked to record (1) the CAS Registry Number found in the UVCB Section and (2) the code designation which appears with that same CAS Registry Number in the Number Section. (Because more than one name appears for most substances on the Candidate List, the names found in the UVCB Section and in the Number Section for a given CAS Registry Number may not be identical; nevertheless, the names should be synonymous.)

Form B is for reporting substances which could not be found on the Candidate List and which are proposed for inclusion on the TSCA Inventory. It is essential that chemical substances proposed for addition to the TSCA Inventory be identified as clearly and precisely as possible. Items 5, 6, and 7 on Form B are used for reporting the substance description.

To report a chemical substance which is not found on the Candidate List and for which a CAS Registry Number is known, complete Form B by checking the box provided in Item 5 of Form B and by listing in Item 7 the appropriate CAS Registry Number along with a corresponding substance name. No additional chemical structure information need be entered on Form B if the CAS Registry Number and substance name are listed. One copy of Form B may be used to report as many chemical substances as practical, for which CAS Registry Numbers are known. Care should be taken to ensure that the CAS Registry Number being reported does indeed identify precisely the substance proposed for inclusion on the Inventory. CAS Registry Numbers are highly specific. Different positional and stereochemical isomers have distinct CAS Registry Numbers. Similarly, salts of acids and bases have CAS Registry Numbers which are distinct from those of the acids or bases themselves. To help ensure that the proper CAS Registry Numbers have been selected, one substance name should be included for each Number reported. CAS Registry Numbers should not be reported when there is any doubt about their applicability for the substances of interest.

When CAS Registry Numbers are not known for substances proposed for inclusion on the TSCA Inventory, Items 6 and 7 on Form B should be completed and only one substance should be reported on each copy of Form B.

In Item 6 of Form B, indicate by checking the appropriate box whether the chemical substance proposed for addition to the TSCA Inventory belongs to Class 1 or Class 2. Class 1 substances are distinct chemical entities which can be represented by definite chemical structure diagrams. Class 2 substances are those which cannot be represented by definite chemical structure diagrams.

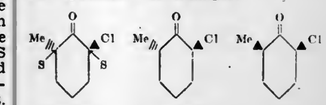
One or more names should be proposed in Item 6 for each substance.

In the case of a Class 1 substance, propose if possible, a systematically derived name that uniquely defines the substance. Also provide the common names by which the substance is identified in the scientific and technical literature, or in product listings. Colour Index names or constitution numbers are the preferred means of identification for dyes.

Class 2 substances should be identified in Item 6 by proposed names which are as descriptive of the substances as possible. Names commonly used in the scientific and technical literature or in product listings should also be provided when known. Colour Index names and Enzyme Commission numbers are preferred for dyes and enzymes, respectively. Scientific (i.e., genus/species) names are preferred for bacteria, fungi, and yeasts.

Persons completing Form B are to provide in Item 7 supplementary information that will aid in uniquely identifying chemical substances proposed for the TSCA Inventory.

For Class 1 substances, a structure diagram and a molecular formula[1] should be provided. The structure diagram should indicate clearly the identity of the atoms and the nature of the bonds joining the atoms. Commonly used, functional group abbreviation or shortcuts are acceptable (e.g., —Me, —Et, —Pr, —CO_2H, —SO_3H, —SO_2, —NH_2, —NO_2). Carbon atoms in ring systems and their attached hydrogen atoms need not be explicitly identified. Any ionic charges or stereochemistry should be shown clearly. Substances with unknown stereochemistry, but which are otherwise uniquely defined structurally, should be treated as Class 1 substances. All known sterochemical details should be provided. Indicate whether the stereochemistry shown in the diagram is relative or absolute, if known. Stereochemistry will be assumed to be relative unless otherwise specified. For example:



absolute (±), racemate (+)—form

When a substance is an addition compound, a salt, or an ester and one or both components are polybasic, please specify the ratio of the components or note that the ratio is unknown. For example:

A. HO_2CCH_2 CH_2CO_2H NCH_2CH_2N HO_2CCH_2 CH_2CO_2H — disodium salt

B. HO_2CCH_2 CH_2CO_2H NCH_2CH_2N HO_2CCH_2 CH_2CO_2H — tetrasodium salt

C. $H_2N-(CH_2)_6-NH_2$ — dihydrochloride

See footnotes on p. 19303.

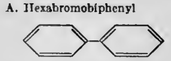
The molecular formula for Class 1 substances should be recorded in Item 7A.[1] This is simply an inventory or summation of the kinds and numbers of atoms present in the molecule. In the case of molecular addition compounds or salts, the molecular formula may be presented either in a single summation formula or in the dot-disconnet format used by CAS, as shown in the following examples:

A. $H_2N-(CH_2)_6-NH_2$ dihydrochloride
$C_6H_{16}Cl_2N_2$ or $C_6H_{16}N_2 \cdot 2HCl$

B. $HO_2C-(CH_2)_4-CO_2H$ disodium salt
$C_6H_8Na_2O_4$ or $C_6H_8O_2 \cdot 2Na$

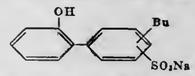
By definition, Class 2 substances will not have a complete chemical structure diagram to be reported in Item 7. In some cases, however, it may still be possible to provide a partial or incomplete structure diagram. For example:

A. Hexabromobiphenyl

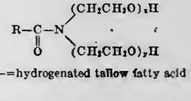


hexabromo derivative

B. Sodium butyl(o-hydroxyphenyl)benzenesulfonate



C. Ethoxylated hydrogenated tallow amide



Since in many cases it will not be possible for persons reporting Class 2 substances to provide any type of supporting structure diagram, they should provide, to the best of their ability, a description of the method used in the final reaction sequence to produce the reported substance. This description should include the identity of the immediate precursor substance(s), the nature of the reaction, and the reactants whether or not they are implied by the reaction term. This information may be provided in the form of a reaction scheme. The precursor substance(s) should be identified with its CAS Registry Number, if known. Reaction description terms should be as specific as possible (e.g., acetylation, alkaline hydrolysis, chlorination, diazotization, epoxidation). General reaction terms should, if possible, be avoided (e.g., addition, condensation, reaction). If the substance has been extracted from a natural source or reaction mass, then the source and the nature of the extract and the extraction process should be specified. The following are examples of how supplementary information for Class 2 substances might be reported in Item 7.

A. Linseed oil *8001-26-1 —H_2 (1333-74-0)→ hydrogenation

B. Castor oil acids *61789-44-4 —methanol (67-56-1), esterification→ methyl ester

C. Glycerol monoester of hydrogenated cottonseed oil acids *61789-07-9 —acetic anhydride (108-24-7), acetylation→ acetate ester

D. (Scrap) leather —NaOH (1310-73-2) (aqueous), hydrolysis→ protein hydrolyzates (low molecular weight polypeptides)

E. Protein hydrolyzate from leather + Tallow fatty acyl chloride (*61790-27-0) —acylation→

NOTE.—Because of its greater specificity, "acylation" is preferred to "addition" or "condensation."

F. Tannins *1401-55-4 +HCHO 50-00-0 —"2:1" condensation→ methyleneditannin

G. Graphite —KNO_3 (7757-79-1), oxidation→ graphitic oxide

Synthetic polymers proposed for the TSCA Inventory should be identified in terms of the monomers from which they have been manufactured. Chain transfer reagents used in telomerization reactions also should be identified. Monomer names should be included in the polymer name provided in Item 6.

Monomer structure diagrams should be provided in Item 7 for every Class 1 monomer. Monomers should be identified by their CAS Registery Numbers, if known. It is not necessary to specify monomer ratios or molecular weight values, or to differentiate between random, block, or graft copolymers. Polymer chemical post-treatments (e.g., esterification, etherification, partial hydrolysis, sulfonation) should be reported as specifically as possible. In the case of a post-treated polymer, the CAS Registry Number reported should be that of the polymer and not that of the monomer(s) since the polymer is the immediate precursor of the substance being reported. No molecular formula need be provided in Item 7A for polymers. The following are examples of how polymers should be reported by name in Item 6 and by structure or other supplementary detail in Item 7.

A. Butadiene-vinylidene chloride copolymer
$CH_2{=}CHCH{=}CH_2/CH_2{=}CCl_2$ copolymer
(106-99-0) (75-35-4)

B. Telomer of 1-hexene with carbon tetrachloride
$CH_3(CH_2)_3CH{=}CH_2/CCl_4$ telomer
(592-41-6) (56-23-5)

C. Poly(ethylene oxide) mono(2-ethylhexyl) ether

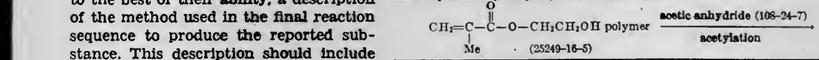


NOTE.—This substance might also be described as ethoxylated 2-ethylhexanol.

D. Sulfonated polystyrene
polystyrene (9003-53-6) —SO_3 (7446-11-9), sulfonation→

NOTE.—9003-53-6 is the CAS Registry Number for polystyrene, *not* for styrene itself.

E. Acetylated 2-hydroxyethyl methacrylate polymer



NOTE.—25249-16-5 is the CAS Registry Number for the polymer, *not* the monomer.

FOOTNOTES

[1] The term "molecular formula" is used here instead of the term "empirical formula" which is used in draft Form B published March 9, 1977 in the FEDERAL REGISTER (42 FR 13130). These terms are intended to have the same meaning. The term "molecular formula" will be used on the final form.

[2] For information regarding the overall design of the CAS Registry System, see *J. Chem. Inf. Comput. Sci.*, 1976, 16(2), 111-21.

[3] CA Index Names cited in the Candidate List are based upon either the CA Eighth Collective Index Period or CA Ninth Collective Index Period nomenclature policies. The Eighth Collective Index Period covers CA Volumes 66-75 (1967-1971), and the Ninth Collective Index Period covers CA Volumes 76-85 (1972-1976). The nomenclature policy reflected by the CA Index Name for a particular CAS Registry Number depends upon the most recent use of that Registry Number in the CAS processing system. Names based on the Ninth Collective Index Period have been selected for use in the Candidate List whenever they were available. In either case, however, the CA Index Name uniquely identifies the chemical substance associated with a particular registration.

[4] *J. Am. Chem. Soc.* 1900, 22(8), 478-94.

Code designations take the following general form:

annn-nnxy

where:
a is a single alphabetic character.
n is a numeric.
x is a numeric check character calculated from the first six characters of the code designation.
y is a numeric check character calculated from the combination of the first seven characters of the code designation and the CAS Registry Number which appears in the entry.

Code designations which appear in the Substance Name Section begin with the alphabetic characters "A" and "B," while the alphabetic characters used in code designations in the Number Section and the Formula Section are "R" and "M," respectively. Within each section, the portion of the code designation cited above as "nnn-nn" is assigned in ascending numerical sequence.

Two computer checkable characters have been included in the code designations to provide for efficient detection of transcription and keyboarding errors.

[5] These are the numerals or Greek or Roman letters used to designate the positions of unsaturated bonds or attachments of chemical groups in a molecule. More information regarding use of locants in chemical substance names may be found in the Chemical Abstracts Volume 76 Index Guide, Section IV, Paragraphs 114-120.

[7] The illustrative key entries are intended to show the section format only. They do not necessarily identify substances or substance information to be found on the Candidate List.

[1] Information regarding CA Index name selection principles and order of precedence of compounds may be found in the Chemical Abstracts Volume 76 Index Guide, Section IV, Paragraphs 105 and 106.

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ATTACHMENT 1.—SAMPLE PAGE FROM THE SUBSTANCE NAME SECTION

Abbocillin-DC [*6130-64-9*] A003-1001
$C_{16}H_{18}N_2O_4S.C_{13}H_{20}N_2O_2.H_2O$
Abbocort [*50-03-3*] A003-1113 $C_{23}H_{32}O_6$
Abbolexin [*326-43-2*] A003-1228 $C_{13}H_{14}N_2O.ClH$
Abbolexin [*553-69-5*] A003-1332 $C_{13}H_{14}N_2O$
Abbot 2780 [*522-24-7*] A003-1450 $C_{16}H_{18}N_2S$
Abbott 2780 [*522-24-7*] A003-1566 $C_{16}H_{18}N_2S$
Abcid [*122-11-2*] A003-1675 $C_{12}H_{14}N_4O_4S$
Abenaanil [*103-90-2*] A003-1781 $C_8H_9NO_2$
Abequose [*56816-60-5*] A003-1812 $C_6H_{12}O_4$
D-Abequose [*56816-60-5*] A003-1928 $C_6H_{12}O_4$
Abhrak [*12001-26-2*] A003-2013
$\Delta^{6,8(14)}$-Abietadienoic acid [*79-54-9*] A003-2127 $C_{20}H_{30}O_2$
7,13-Abietadien-18-oic acid [*514-10-3*] A003-2232 $C_{20}H_{30}O_2$
8,13-Abietadien-18-oic acid [*1945-53-5*] A003-2342 $C_{20}H_{30}O_2$
Ablethyl alcohol, tetrahydro-* [*13393-93-6*] A003-2465 $C_{20}H_{38}O$
Abietic acid, copper salt [*10248-55-2*] A003-2574 $C_{20}H_{30}O_2xCu$
Abietic acid, dihydro-, triester with glycerol [*125-93-9*] A003-2686 $C_{63}H_{98}O_6$
Abietic acid [*514-10-3*] A003-2791 $C_{20}H_{30}O_2$
Abietic acid, neopentanetetrayl ester [*127-23-1*] A003-2816 $C_{56}H_{92}O_8$
Abietic acid, zinc salt [*6798-76-1*] A003-3028 $C_{20}H_{30}O_2.1/2Zn$
Abietic acid, dihydro-, tetraester with pentaerythritol [*127-24-2*] A003-3138 $C_{85}H_{132}O_8$
(-)-Abietic acid [*514-10-3*] A003-3241 $C_{20}H_{30}O_2$
***l*-Abietic acid** [*514-10-3*] A003-3357 $C_{20}H_{30}O_2$
Abietic acid methyl ester [*127-25-3*] A003-3476 $C_{21}H_{32}O_2$
Abietin [*531-29-3*] A003-3587 $C_{18}H_{22}O_8$
Abietinol [*666-84-2*] A003-3690 $C_{20}H_{32}O$
Abietol [*666-84-2*] A003-3712 $C_{20}H_{32}O$
Abietoline [*10107-95-6*] A003-3822 $C_{22}H_{34}O_3$
Abietyl alcohol, dihydro- [*26266-77-3*] A003-3948 $C_{20}H_{34}O$
Abietyl alcohol [*666-84-2*] A003-4032 $C_{20}H_{32}O$
Abietyl alcohol, dehydro- [*3772-55-2*] A003-4143 $C_{20}H_{30}O$
Abietyl alcohol, tetrahydro- [*13393-93-6*] A003-4253 $C_{20}H_{36}O$
Abiguanil [*57-67-0*] A003-4364 $C_7H_{10}N_4O_2S$
Abikoviromycin [*31774-33-1*] A003-4483 $C_{10}H_{11}NO$
Abiocine [*128-46-1*] A003-4502 $C_{21}H_{41}N_7O_{12}$
Abiol [*99-76-3*] A003-4611 $C_8H_8O_3$
Abirol [*72-63-9*] A003-4728 $C_{20}H_{36}O_2$
ABL [*143-07-7*] A003-4834 $C_{12}H_{24}O_2$
A-Blastomase [*8060-16-0*] A003-4956
Abminthic [*514-73-8*] A003-5043 $C_{23}H_{23}N_2S_2.I$
Abnormal blood pigment [*9008-37-1*] A003-5156
ABOB hydrochloride [*3160-91-6*] A003-5260 $C_6H_{13}N_5O.ClH$
Abramycin [*60-54-8*] A003-5377 $C_{28}H_{24}N_2O_8$
Abrastol [*516-18-7*] A003-5496 $C_{10}H_8O_6S.1/2Ca$
Abricycline [*751-97-3*] A003-5518 $C_{27}H_{33}N_3O_8$
Abril wax 10DS [*110-30-5*] A003-5626 $C_{38}H_{76}N_2O_2$
Abrine [*526-31-8*] A003-5737 $C_{12}H_{14}N_2O_2$
L-Abrine [*526-31-8*] A003-5965 $C_{12}H_{14}N_2O_2$
L-Abrine acetyl deriv [*1301-02-6*] A003-6165 $C_{14}H_{16}N_2O_3$
L-Abrine hydrochloride [*5965-27-5*] A003-6275 $C_{12}H_{14}N_2O_2.ClH$
L-Abrine Nitrate [*5965-28-6*] A003-6385 $C_{12}H_{14}N_2O_2.HNO_3$
L-Abrine Picrate [*6424-13-1*] A003-6418 $C_{12}H_{14}N_2O_2.xC_6H_3N_3O_7$
Abrodan [*126-31-8*] A003-6521 $CH_3IO_3S.Na$
Abrodil [*126-31-8*] A003-6637 $CH_3IO_3S.Na$
Abromine [*107-43-7*] A003-6749 $C_8H_{11}NO_2$
Abroval [*496-67-3*] A003-6857 $C_6H_{11}BrN_2O_2$
ABS [*9003-56-9*] A003-6971 $(C_8H_8.C_4H_6.C_3H_3N)_x$
ABS 60 [*9003-56-9*] A003-7170 $(C_8H_8.C_4H_6.C_3H_3N)_x$
Abscisic acid [*21293-29-8*] A003-7285 $C_{15}H_{20}O_4$
***cis*-Abscisic acid** [*21293-29-8*] A003-7537 $C_{15}H_{20}O_4$
(S)-(+)-Abscisic acid [*21293-29-8*] A003-7751 $C_{15}H_{20}O_4$
2-*cis*,4-*trans*-Abscisic acid [*21293-29-8*] A003-7867 $C_{15}H_{20}O_4$
Abscisin II [*21293-29-8*] A003-7988 $C_{15}H_{20}O_4$
***cis-trans*-(+)-Abscisic acid** [*21293-29-8*] A003-8187 $C_{15}H_{20}O_4$
ABS copolymer [*9003-56-9*] A003-8294 $(C_8H_8.C_4H_6.C_3H_3N)_x$
Absentol [*127-48-0*] A003-8315 $C_6H_9NO_3$
Absin [*77-66-7*] A003-8423 $C_8H_{15}BrN_2O_3$
Absinthin [*1362-42-1*] A003-8546 $C_{30}H_{40}O_6$
ABS-methyl methacrylate polymer [*9010-94-0*] A003-8652 $(C_8H_8.C_5H_8O_2.C_4H_6.C_3H_3N)_x$
Abson [*9003-56-9*] A003-8760 $(C_8H_8.C_4H_6.C_3H_3N)_x$
Abson 821 [*9003-56-9*] A003-8876 $(C_8H_8.C_4H_6.C_3H_3N)_x$
Abson 69163 [*9003-56-9*] A003-8997 $(C_8H_8.C_4H_6.C_3H_3N)_x$
Abson 89110 [*9003-56-9*] A003-9080 $(C_8H_8.C_4H_6.C_3H_3N)_x$
Abson 89131 [*9003-56-9*] A003-9102 $(C_8H_8.C_4H_6.C_3H_3N)_x$
Abson 89140 [*9003-56-9*] A003-9219 $(C_8H_8.C_4H_6.C_3H_3N)_x$
Abson 89161 [*9003-56-9*] A003-9326 $(C_8H_8.C_4H_6.C_3H_3N)_x$
Abson 820X14 [*9003-56-9*] A003-9433 $(C_8H_8.C_4H_6.C_3H_3N)_x$
Absorbable gelatin sponge [*9000-70-8*] A003-9559
ABS plastic [*9003-56-9*] A003-9661 $(C_8H_8.C_4H_6.C_3H_3N)_x$
ABS resin [*9003-56-9*] A003-9777 $(C_8H_8.C_4H_6.C_3H_3N)_x$
ABSROM [*9003-56-9*] A003-9884 $(C_8H_8.C_4H_6.C_3H_3N)_x$
Abstem [*8013-88-5*] A003-9912 $C_6H_8O_7.CH_4N_2.Ca$
Abstensil [*97-77-8*] A004-0054 $C_{16}H_{20}N_2S_4$
ABS terpolymer [*9003-56-9*] A004-0168 $(C_8H_8.C_4H_6.C_3H_3N)_x$

Abstinil [*97-77-8*] A004-0277 $C_{16}H_{20}N_2S_4$
Abstinyl [*97-77-8*] A004-0384 $C_{16}H_{20}N_2S_4$
Abufene [*107-95-9*] A004-0414 $C_3H_7NO_2$
Aburamycin B [*7059-24-7*] A004-0520 $C_{27}H_{32}O_{26}$
Abyssinin [*1397-75-7*] A004-0633 $C_{32}H_{50}O_{12}$
AC 6 [*9002-88-4*] A004-0742 $(C_2H_4)_x$
AC 8 [*9002-88-4*] A004-0858 $(C_2H_4)_x$
AC 33 [*9010-88-2*] A004-1069 $(C_5H_8O_2.C_5H_8O_2)_x$
AC 394 [*9002-88-4*] A004-1178 $(C_2H_4)_x$
AC 528 [*78-34-2*] A004-1287 $C_{12}H_{26}O_6P_2S_4$
AC 601 [*4663-83-6*] A004-1397 $C_{16}H_{13}NO_3$
AC 617 [*9002-88-4*] A004-1415 $(C_2H_4)_x$
AC 680 [*9002-88-4*] A004-1536 $(C_2H_4)_x$
AC-695 [*86-35-1*] A004-1646 $C_{11}H_{12}N_2O_2$
Ac-1075 [*147-94-4*] A004-1754 $C_9H_{13}NO_5$
AC 1198 [*695-53-4*] A004-1861 $C_5H_7NO_3$
AC 1220 [*9002-88-4*] A004-1988 $(C_2H_4)_x$
AC 1802 [*37640-71-4*] A004-2075 $C_{22}H_{30}N_2$
AC 3901 [*5827-10-1*] A004-2185 $C_8H_{11}N_2O_4PS_2$
AC 5223 [*2439-10-3*] A004-2294 $C_{13}H_{29}N_3.C_2H_4O_2$
AC 5230 [*50-78-2*] A004-2318 $C_9H_8O_4$
AC 5727 [*64-00-6*] A004-2426 $C_{11}H_{13}NO_2$
AC 400 [*24937-78-8*] A004-2544 $(C_4H_6O_2.C_2H_4)_x$
AC 430 [*24937-78-8*] A004-2651 $(C_4H_6O_2.C_2H_4)_x$
AC 17 [*51460-26-5*] A004-2761 $C_{10}H_{12}N_4O_5S.Na$
AC 12008 [*78-52-4*] A004-2871 $C_8H_{19}O_2PS_3$
AC 12402 [*2550-75-6*] A004-2996 $C_9H_6Cl_3$
AC 18133 [*297-97-2*] A004-3085 $C_8H_{12}N_2O_3PS$
AC-18737 [*2778-04-3*] A004-3102 $C_8H_{18}O_4PS$
AC 24055 [*1933-50-2*] A004-3216 $C_{10}H_{14}N_4O$
AC 43064 [*333-29-9*] A004-3326 $C_7H_{14}NO_2PS_3$
AC 47031 [*947-02-4*] A004-3438 $C_7H_{14}NO_2PS_2$
AC 47470 [*950-10-7*] A004-3553 $C_8H_{16}NO_2PS_2$
AC 52160 [*3383-96-8*] A004-3662 $C_{16}H_{36}O_6P_2S_2$
AC 92100 [*13071-79-9*] A004-3777 $C_8H_{21}O_2PS_3$
7-ACA [*957-68-6*] A004-3885 $C_{10}H_{12}N_2O_5S$
Acabel [*5205-82-3*] A004-3916 $C_{22}H_{28}NO_3.CH_3O_4S$
Acacetin [*480-44-4*] A004-4091 $C_{16}H_{12}O_5$
Acacetin diacetate [*5892-39-7*] A004-4114 $C_{20}H_{16}O_7$
Acacetin-β-rutinoside, monohydrate [*480-36-4*] **A004-4226** $C_{28}H_{32}O_{14}$
Acacetin 7-O-rutinoside [*480-36-4*] A004-4333 $C_{28}H_{32}O_{14}$
Acacia [**9000-01-5*] A004-4445
Acacia dealbata gum [**9000-01-5*] A004-4567
Acacia gum [**9000-01-5*] A004-4674
Acacia senegal [**9000-01-5*] A004-4781
Acacia syrup [**9000-01-5*] A004-4897
Acacic acid [*1962-14-7*] A004-4917 $C_{20}H_{48}O_5$
Acaciin [*480-36-4*] A004-5011 $C_{28}H_{32}O_{14}$
Acaciol [*14735-72-9*] A004-5127 $C_{16}H_{16}NO_3$
***N'*-AcADAB** [*1591-56-6*] A004-5231 $C_{16}H_{18}N_4O$
Acadyl [*66-76-2*] A004-5348 $C_{19}H_{17}O_6$
Acalin Red S 2B [*6472-50-0*] A004-5454 $C_{34}H_{26}N_4O_8S_2.2Na$
Acalmid [*79-93-6*] A004-5578 $C_{11}H_{15}ClO_2$
Acalo [*79-93-6*] A004-5685 $C_{11}H_{15}ClO_2$
Acamol [*103-90-2*] A004-5798 $C_8H_9NO_2$
Acamylophenine [*54-30-8*] A004-5815 $C_{19}H_{32}N_2O_2$
Acamylophenine dihydrochloride [*5892-41-1*] A004-5927 $C_{19}H_{32}N_2O_2.2ClH$
Acaprin [*135-14-8*] A004-6018 $C_{21}H_{20}N_4O.2CH_2O_4S$
Acapron [*135-14-8*] A004-6131 $C_{21}H_{20}N_4O.2CH_2O_4S$
Acaraben [*510-15-6*] A004-6246 $C_{16}H_{14}Cl_2O_3$
Acaralate [*5836-10-2*] A004-6354 $C_{17}H_{16}Cl_2O_3$
Acaricydol E 20 [*80-33-1*] A004-6467 $C_{12}H_8Cl_2O_3S$
Acarin [*115-32-2*] A004-6581 $C_{14}H_9Cl_5O$
Acarithion [*786-19-6*] A004-6609 $C_{11}H_{16}ClO_2PS_3$
Acavyl [*66-76-2*] A004-6714 $C_{19}H_{17}O_6$
ACB [*13988-20-0*] A004-6829 $C_8H_7ClN_2O_2$
ACC 18133 [*297-97-2*] A004-6938 $C_8H_{13}N_2O_3PS$
Accelerate [*129-67-9*] A004-7029 $C_8H_{10}O_6.2Na$
Accelerator CZ [*95-33-0*] A004-7148 $C_{13}H_{16}N_2S_2$
Accelerator D [*102-06-7*] A004-7258 $C_{13}H_{12}N_2$
Accelerator EFK [*14634-93-6*] A004-7368 $C_{16}H_{36}N_2S_4Zn$
Accelerator factor [*9001-24-5*] A004-7479
Accelerator globulin [*9001-24-5*] A004-7592
Accelerator HX [*5459-93-8*] A004-7619 $C_8H_{17}N$
Accelerator L [*137-30-4*] A004-7729 $C_6H_{13}N_2S_4Zn$
Accelerator M [*149-30-4*] A004-7831 $C_7H_5NS_2$
Accelerator T [*137-26-8*] A004-7948 $C_6H_{12}N_2S_4$
Accelerator Thiuram [*137-26-8*] A004-8031 $C_6H_{12}N_2S_4$
Accelerine [*138-89-6*] A004-8155 $C_6H_{10}N_2O$
Accenon [*86-35-1*] A004-8263 $C_{11}H_{12}N_2O_2$
Accent [*142-47-2*] A004-8373 $C_3H_8NO_4.Na$
Acco Fast Bordeaux GP salt [*96-96-8*] A004-8483 $C_7H_6N_2O_6$
Acco Fast Red KB base [*95-79-4*] A004-8512 C_7H_6ClN
Acco Naf-Sol AS-D [*135-61-5*] A004-8627 $C_{18}H_{19}NO_2$
Acco Naf-Sol AS-KB [*135-63-7*] A004-8738 $C_{18}H_{16}ClNO_2$
Acco Naf-Sol AS-SW [*135-64-8*] A004-8847 $C_{22}H_{21}NO_2$
Acco Naf-Sol *AS*-ITR [*92-72-8*] A004-8957 $C_{18}H_{16}ClNO_4$

ATTACHMENT 2.—SAMPLE PAGE FROM THE FORMULA SECTION

CW
Tungsten carbide, WC [*12070-12-1*] M008-3337
CZr
Zirconium carbide, ZrC [*12070-14-3*] M008-3440
C_2AgN_2
Argentate(1-), bis(cyano-*C*)-, potassium [*506-61-6*] M008-3558
sodium [*21430-69-3*] M008-3671
C_2AuKN_2
Gold potassium cyanide, $AuK(CN)_2$ [*554-07-4*] M008-3782
C_2AuN_2
Aurate(1-), bis(cyano-*C*)-, potassium [*13967-50-5*] M008-3894
sodium [*15280-09-8*] M008-3911
C_2BaN_2
Barium cyanide [*542-62-1*] M008-4093
C_2BrF_3
Ethene, bromotrifluoro- [*598-73-2*] M008-4111
$C_2Br_2F_4$
Ethane, 1,2-dibromo-1,1,2,2-tetrafluoro- [*124-73-2*] M008-4236
C_2Br_4
Ethene, tetrabromo- [*79-28-7*] M008-4341
C_2Ca
Calcium carbide, CaC_2 [*75-20-7*] M008-4455
C_2CaN_2
Calcium cyanide, [*592-01-8*] M008-4563
$C_2CaO_{12}Si_2$
Tilleyite [*12261-87-9*] M008-4689
C_2CdN_2
Cadmium cyanide [*542-83-6*] M008-4703
C_2ClF_3
Ethene, chlorotrifluoro- [*79-38-9*] M008-4814
homopolymer [*9002-83-9*] M008-4923
polymer with ethene [*25101-45-5*] M008-5015
C_2ClF_3O
Acetyl chloride, trifluoro- [*354-32-5*] M008-5123
C_2ClF_5
Ethane, chloropentafluoro- [*76-15-3*] M008-5247
C_2Cl_2
Ethyne, dichloro- [*7572-29-4*] M008-5351
$C_2Cl_2F_2$
Ethene, 1,1-dichloro-2,2-difluoro- [*79-35-6*] M008-5467
$C_2Cl_2F_4$
Ethane, 1,1-dichloro-1,2,2,2-tetrafluoro- [*374-07-2*] M008-5571
——, 1,2-dichloro-1,1,2,2-tetrafluoro- [*76-14-2*] M008-5696
——, dichlorotetrafluoro- [*1320-37-2*] M008-5711
$C_2Cl_2O_2$
Ethanedioyl dichloride [*79-37-8*] M008-5821
$C_2Cl_3F_3$
Ethane, trichlorotrifluoro- [*26523-64-8*] M008-5935
——, 1,1,1-trichloro-2,2,2-trifluoro- [*354-58-5*] M008-6024
——, 1,1,2-trichloro-1,2,2-trifluoro- [*76-13-1*] M008-6138
C_2Cl_3N
Acetonitrile, trichloro- [*545-06-2*] M008-6251
C_2Cl_4
Ethene, tetrachloro- [*127-18-4*] M008-6368
$C_2Cl_4F_2$
Ethane, tetrachlorodifluoro- [*28605-74-5*] M008-6477
——, 1,1,1,2-tetrachloro-2,2-difluoro- [*76-11-9*] M008-6580
——, 1,1,2,2-tetrachloro-1,2-difluoro- [*76-12-0*] M008-6616
C_2Cl_4O
Acetyl chloride, trichloro- [*76-02-8*] M008-6727
C_2ClF
Ethane, pentachlorofluoro- [*354-56-3*] M008-6839
C_2Cl_6
Ethane, hexachloro- [*67-72-1*] M008-6943
$C_2Cl_6O_2S$
Methane, sulfonylbis[trichloro- [*3064-70-8*] M008-7035
C_2CoN_2
Cobalt cyanide, $Co(CN)_2$ [*542-84-7*] M008-7144
C_2CuN_2
Cuprate(1-), bis(cyano-*C*)-, potassium [*13682-73-0*] M008-7264
——, dicyano-, sodium [*21445-44-3*] M008-7375
C_2F_4
Ethene, tetrafluoro- [*116-14-3*] M008-7487
homopolymer [*9002-84-0*] M008-7599
C_2F_6
Ethane, hexafluoro- [*76-16-4*] M008-7610
$C_2HBrClF_3$
Ethane, 2-bromo-2-chloro-1,1,1-trifluoro- [*151-67-7*] M008-7733
C_2HBrF_4
Ethane, 2-bromo-1,1,1,2-tetrafluoro- [*124-72-1*] M008-7841
C_2HBr_3O
Acetaldehyde, tribromo- [*115-17-3*] M008-7953
$C_2HBr_3O_2$
Acetic acid, tribromo- [*75-96-7*] M008-8048
C_2HBr_5
Ethane, pentabromo- [*75-95-6*] M008-8153
$C_2HClF_2O_2$
Acetic acid, chlorodifluoro- [*76-04-0*] M008-8271
$C_2HCl_2F_3$
Ethane, 2,2-dichloro-1,1,1-trifluoro- [*306-83-2*] M008-8386
C_2HCl_3
Ethene, trichloro- [*79-01-6*] M008-8498
C_2HCl_3O
Acetaldehyde, trichloro- [*75-87-6*] M008-8517
Acetyl chloride, dichloro- [*79-36-7*] M008-8624
$C_2HCl_3O_2$
Acetic acid, trichloro-, compd. with *N'*-(4-chlorophenyl)-*N,N*-dimethylurea (1:1) [*140-41-0*] M008-8742
compd. with *N,N*-dimethyl-*N'*-phenylurea (1:1) [*4482-55-7*] M008-8858 [*76-03-9*] M008-8969
sodium salt [*650-51-1*] M008-9050
C_2HCl_5
Ethane, pentachloro- [*76-01-7*] M008-9163
C_2HF_3
Ethene, trifluoro-, homopolymer [*24980-67-4*] M008-9285
C_2HF_3O
Acetaldehyde, trifluoro- [*75-90-1*] M008-9304
$C_2HF_3O_2$
Acetic acid, trifluoro- [*76-05-1*] M008-9411
lithium salt [*2923-17-3*] M008-9521
thallium(3+) salt [*23586-53-0*] M008-9636
C_2HN_3
Cyanamide, cyano- [*504-66-5*] M008-9751
C_2HNa
Sodium acetylide, $Na(C_2H)$ [*1066-26-8*] M008-9883
C_2H_2
Ethenylidene [*2143-69-3*] M008-9978
Ethyne [*74-86-2*] M009-0023
$C_2H_2As_2Cl_2$
Arsonous dichloride, (2-chloroethenyl)- [*541-25-3*] M009-0136
$C_2H_2Au_2O_3S$
Aurate(1-), [mercaptoacetato(2-)]-, calcium [*16925-54-5*] M009-0253
$C_2H_2Br_2$
Ethene, dibromo- [*25429-23-6*] M009-0360
——, 1,2-dibromo- [*540-49-8*] M009-0472
$C_2H_2BrCl_3$
Ethane, 1,2-dibromo-1,1-dichloro- [*75-81-0*] M009-0586
$C_2H_2BrF_3$
Ethane, 1,2-dibromo-1,1-difluoro- [*75-82-1*] M009-0617
C_2H_2BrIO
Acetyl bromide, bromo- [*598-21-0*] M009-0724
$C_2H_2BrIO_2$
Acetic acid, dibromo- [*631-64-1*] M009-0839
$C_2H_2Br_4$
Ethane, tetrabromo- [*25167-20-8*] M009-0947
——, 1,1,2,2-tetrabromo- [*79-27-6*] M009-1035
$C_2H_2ClF_3$
Ethane, chlorotrifluoro- [*1330-45-6*] M009-1145
——, 2-chloro-1,1,1-trifluoro- [*75-88-7*] M009-1262
C_2H_2ClN
Acetonitrile, chloro- [*107-14-2*] M009-1373
$C_2H_2Cl_2$
Ethene, dichloro- [*25323-30-2*] M009-1487
——, 1,1-dichloro- [*75-35-4*] M009-1592
homopolymer [*9002-85-1*] M009-1612
——, 1,2-dichloro- [*540-59-0*] M009-1737
(*Z*)- [*156-59-2*] M009-1842
$C_2H_2Cl_2O$
Acetaldehyde, dichloro- [*79-02-7*] M009-1955
Acetyl chloride, chloro- [*79-04-9*] M009-2041
$C_2H_2Cl_2O_2$
Acetic acid, dichloro-, compd. with *N*-(1-methylethyl)-2-propanamine (1:1) [*660-27-5*] M009-2155
compd. with sulfinylbis[methane] (1:1) [*7304-86-1*] M009-2272 [*79-43-6*] M009-2387
C_2H_2ClN
Ethylidenimine, 2,2,2-trichloro- [*507-39-1*] M009-2496
C_2H_2ClNO
Acetamide, 2,2,2-trichloro- [*594-65-0*] M009-2510
$C_2H_2Cl_4$
Ethane, tetrachloro- [*25322-20-7*] M009-2623
——, 1,1,2,2-tetrachloro- [*79-34-5*] M009-2748
$C_2H_2Cu_2O_2$
Copper, [1,2-ethenediolato(2-)-O_1O']- [*288-55-1*] M009-2956
$C_2H_2Cu_3O_8$
Azurite [*1319-45-5*] M009-2966
$C_2H_2F_2$
Ethene, 1,1-difluoro- [*75-38-7*] M009-3057
homopolymer [*24937-79-9*] M009-3163

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ATTACHMENT 3.—SAMPLE PAGE FROM THE NUMBER SECTION

56-33-7 R002-6237
Disiloxane, 1,1,3,3-tetramethyl-1,3-diphenyl- $C_{16}H_{22}OSi_2$
56-34-8 R002-6346
Ethanaminium, *N,N,N*-triethyl-, chloride $C_8H_{20}N.Cl$
56-35-9 R002-6455
Distannoxane, hexabutyl- $C_{24}H_{54}OSn_2$
56-38-2 R002-6571
Phosphorothioic acid, *O,O*-diethyl *O*-(4-nitrophenyl) ester
$C_{10}H_{14}NO_5PS$
56-40-6 R002-6681
Glycine $C_2H_5NO_2$
56-41-7 R002-6791
L-Alanine $C_3H_7NO_2$
56-45-1 R002-6810
L-Serine $C_3H_7NO_3$
56-47-3 R002-6921
Pregn-4-ene-3,20-dione, 21-(acetyloxy)- $C_{23}H_{32}O_4$
56-49-5 R002-7017
Benz[*j*]aceanthrylene, 1,2-dihydro-3-methyl- $C_{21}H_{16}$
56-53-1 R002-7134
Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (*E*)- $C_{18}H_{20}O_2$
56-54-2 R002-7243
Cinchonan-9-ol, 6'-methoxy-, (9*S*)- $C_{20}H_{24}N_2O_2$
56-55-3 R002-7352
Benz[*a*]anthracene $C_{18}H_{12}$
56-57-5 R002-7464
Quinoline, 4-nitro-, 1-oxide $C_9H_6N_2O_3$
56-59-7 R002-7581
Vasopressin, 2-L-phenylalanine 8-L-lysine- $C_{46}H_{65}N_{13}O_{11}S_2$
56-65-5 R002-7693
Adenosine 5'-(tetrahydrogen triphosphate) $C_{10}H_{16}N_5O_{13}P_3$
56-69-9 R002-7719
Tryptophan, 5-hydroxy- $C_{11}H_{12}N_2O_3$
56-72-4 R002-7828
Phosphorothioic acid, *O*-(3-chloro-4-methyl-2-oxo 2*H*-1-benzopyran-7-yl) *O,O*-diethyl ester $C_{14}H_{16}ClO_5PS$
56-73-5 R002-7937
D-Glucose, 6-(dihydrogen phosphate) $C_6H_{13}O_9P$
56-75-7 R002-8024
Acetamide, 2,2-dichloro-*N*-[2-hydroxy-1-(hydroxymethyl)-2-(4-nitrophenyl)ethyl]-, [*R*-(*R**,*R**)]- $C_{11}H_{12}Cl_2N_2O_5$
56-81-5 R002-8145
1,2,3-Propanetriol $C_3H_8O_3$
56-82-6 R002-8254
Propanal, 2,3-dihydroxy-, (±)- $C_3H_6O_3$
56-83-7 R002-8363
D-Fructofuranose, 6-(dihydrogen phosphate) $C_6H_{13}O_9P$
56-84-8 R002-8472
L-Aspartic acid $C_4H_7NO_4$
56-85-9 R002-8596
L-Glutamine $C_5H_{10}N_2O_3$
56-86-0 R002-8618
L-Glutamic acid $C_5H_9NO_4$
56-87-1 R002-8727
L-Lysine $C_6H_{14}N_2O_2$
56-88-2 R002-8836
L-Homocysteine, *S*-(2-amino-2-carboxyethyl)-, (*R*)- $C_7H_{14}N_2O_4S$
56-89-3 R002-8946
L-Cystine $C_6H_{12}N_2O_4S_2$
56-91-7 R002-9031
Benzoic acid, 4-(aminomethyl)- $C_8H_9NO_2$
56-92-8 R002-9155
1*H*-Imidazole-4-ethanamine, dihydrochloride $C_5H_9N_3.2ClH$
56-93-9 R002-9264
Benzenemethanaminium, *N,N,N*-trimethyl-, chloride $C_{10}H_{16}N.Cl$
56-94-0 R002-9379
Benzenaminium, 3,3'-[1,10-decanediylbis[(methylimino)carbonyloxy]]bis[*N,N,N*-trimethyl-, dibromide $C_{32}H_{52}N_4O_4.2Br$
56-95-1 R002-9488
2,4,11,13-Tetraazatetradecanediimidamide, *N,N'*-bis(4-chlorophenyl)-3,12-diimino-, diacetate $C_{22}H_{30}Cl_2N_{10}.2C_2H_4O_2$
56-97-3 R002-9512
Pyridinium, 1,1'-(1,3-propanediyl)bis[4-[(hydroxyimino)methyl]-, dibromide $C_{13}H_{18}N_4O_2.2Br$
57-00-1 R002-9623
Glycine, *N*-(aminoiminomethyl)-*N*-methyl- $C_4H_9N_3O_2$
57-03-4 R002-9737
1,2,3-Propanetriol, 1-(dihydrogen phosphate) $C_3H_9O_6P$
57-06-7 R002-9841
1-Propene, 3-isothiocyanato- C_4H_5NS
57-09-0 R002-9953
Hexanoic acid, 6-(acetylamino)- $C_8H_{15}NO_3$
57-09-0 R003-0012
1-Hexadecanaminium, *N,N,N*-trimethyl-, bromide $C_{19}H_{42}N.Br$
57-10-3 R003-0120
Hexadecanoic acid $C_{16}H_{32}O_2$
57-11-4 R003-0238
Octadecanoic acid $C_{18}H_{36}O_2$
57-12-5 R003-0347
Cyanide CN

57-13-6 R003-0457
Urea CH_4N_2O
57-14-7 R003-0571
Hydrazine, 1,1-dimethyl- $C_2H_8N_2$
57-15-8 R003-0681
2-Propanol, 1,1,1-trichloro-2-methyl- $C_4H_7Cl_3O$
57-22-7 R003-0798
Vincaleukoblastine, 22-oxo- $C_{46}H_{56}N_4O_{10}$
57-24-9 R003-0816
Strychnidin-10-one $C_{21}H_{22}N_2O_2$
57-27-2 R003-0927
Morphinan-3,6-diol, 7,8-didehydro-4,5-epoxy-17-methyl-, (5α,6α)- $C_{17}H_{19}NO_3$
57-30-7 R003-1014
2,4,6(1*H*,3*H*,5*H*)-Pyrimidinetrione, 5-ethyl-5-phenyl-, monosodium salt $C_{12}H_{12}N_2O_3.Na$
57-33-0 R003-1139
2,4,6(1*H*,3*H*,5*H*)-Pyrimidinetrione, 5-ethyl-5-(1-methylbutyl)-, monosodium salt $C_{11}H_{17}N_2O_3.Na$
57-37-4 R003-1246
Benzeneacetic acid, α-hydroxy-α-phenyl-, 2-(diethylamino)ethyl ester, hydrochloride $C_{20}H_{25}NO_3.ClH$
57-39-6 R003-1358
Aziridine, 1,1',1''-phosphinylidynetris[2-methyl- $C_9H_{18}N_3OP$
57-40-9 R003-1465
Aziridine, 1,1'-(phenylphosphinylidene)bis[2-methyl- $C_{12}H_{17}N_2OP$
57-41-0 R003-1586
2,4-Imidazolidinedione, 5,5-diphenyl- $C_{15}H_{12}N_2O_2$
57-42-1 R003-1602
4-Piperidinecarboxylic acid, 1-methyl-4-phenyl-, ethyl ester $C_{15}H_{21}NO_2$
57-43-2 R003-1711
2,4,6(1*H*,3*H*,5*H*)-Pyrimidinetrione, 5-ethyl-5-(3-methylbutyl)- $C_{11}H_{18}N_2O_3$
57-44-3 R003-1829
2,4,6(1*H*,3*H*,5*H*)-Pyrimidinetrione, 5,5-diethyl- $C_8H_{12}N_2O_3$
57-47-6 R003-1934
Pyrrolo[2,3-*b*]indol-5-ol, 1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-, methylcarbamate (ester), (3a*S*-*cis*)- $C_{15}H_{21}N_3O_2$
57-48-7 R003-2028
D-Fructose $C_6H_{12}O_6$
57-50-1 R003-2140
α-D-Glucopyranoside, β-D-fructofuranosyl $C_{12}H_{22}O_{11}$
57-53-4 R003-2253
1,3-Propanediol, 2-methyl-2-propyl-, dicarbamate $C_9H_{18}N_2O_4$
57-55-6 R003-2365
1,2-Propanediol $C_3H_8O_2$
57-56-7 R003-2474
Hydrazinecarboxamide CH_5N_3O
57-57-8 R003-2598
2-Oxetanone $C_3H_4O_2$
57-62-5 R003-2618
2-Naphthacenecarboxamide, 7-chloro-4-(dimethylamino)-1,4,4a,5,5a,6,11,12a-octahydro-3,6,10,12,12a-pentahydroxy-6-methyl-1,11-dioxo-, [4*S*-(4α,4aα,5aα,6β,12aα)]- $C_{22}H_{23}ClN_2O_8$
57-63-6 R003-2727
19-Norpregna-1,3,5(10)-trien-20-yne-3,17-diol, (17α)- $C_{20}H_{24}O_2$
57-64-7 R003-2836
Benzoic acid, 2-hydroxy-, compd. with (3a*S*-*cis*)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo[2,3-*b*]indol-5-yl methylcarbamate (1:1) $C_{15}H_{21}N_3O_2.C_7H_6O_3$
57-65-8 R003-2946
Benzeneacetic acid, 3,5-diiodo-4-(3-iodo-4-methoxyphenoxy)-, 2-(diethylamino)ethyl ester, hydrochloride $C_{21}H_{24}I_3NO_4.ClH$
57-66-9 R003-3039
Benzoic acid, 4-[(dipropylamino)sulfonyl]- $C_{13}H_{19}NO_4S$
57-67-0 R003-3151
Benzenesulfonamide, 4-amino-*N*-(aminoiminomethyl)- $C_7H_{10}N_4O_2S$
57-68-1 R003-3269
Benzenesulfonamide, 4-amino-*N*-(4,6-dimethyl-2-pyrimidinyl)- $C_{12}H_{14}N_4O_2S$
57-71-6 R003-3372
2,3-Butanedione, monooxime $C_4H_7NO_2$
57-74-9 R003-3486
4,7-Methano-1*H*-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro- $C_{10}H_6Cl_8$
57-83-0 R003-3517
Pregn-4-ene-3,20-dione $C_{21}H_{28}O_2$
57-85-2 R003-3628
Androst-4-en-3-one, 17-(1-oxopropoxy)-, (17β)- $C_{22}H_{32}O_3$
57-86-3 R003-3738
Pregna-1,4-diene-3,20-dione, 11,21-dihydroxy-16-methyl-, (11β,16α)- $C_{22}H_{30}O_4$
57-87-4 R003-3847
Ergosta-5,7,22-trien-3-ol, (3β,22*E*)- $C_{28}H_{44}O$
57-88-5 R003-3956
Cholest-5-en-3-ol (3β)- $C_{27}H_{46}O$
57-91-0 R003-4041
Estra-1,3,5(10)-triene-3,17-diol, (17α)- $C_{18}H_{24}O_2$

ATTACHMENT 4.—SAMPLE PAGE FROM THE UVCB SECTION

Palm kernel acids, sodium salt [*61789-89-7]
Palm oil acids, sodium salt [*61790-79-2]
Peanut oil acids, potassium salt [*61789-56-8]
Peanut oil acids, sodium salt [*61789-57-9]
Resin acid, potassium salt [*61790-50-9]
Resin acid, sodium salt [*61790-51-0]
Soybean oil acids, potassium salt [*61790-24-7]
Soybean oil acids, sodium salt [*61790-25-8]
Tall oil acids, potassium salt [*61790-44-1]
Tall oil acids, sodium salt [*61790-45-2]
Tall oil soaps, limed and sulfurized [*61790-02-1]
Tallow acids, potassium salt [*61790-32-7]
Tallow acids, sodium salt [*8052-48-0]

Soybean oil
Benzyldimethyl(soybean oil alkyl)ammonium chloride [*61789-74-0]
Dimethylbis(soybean oil alkyl)ammonium chloride [*61788-92-9]
***N,N*-Dimethyl(soybean oil alkyl)amine [*61788-91-8]**
Epoxidized soya oils [*61788-96-3]
Ethyldimethyl(soybean oil alkyl)ammonium bromide [*61788-99-6]
***N*-Ethyl-*N*-(soybean oil alkyl)morpholinium ethyl sulfate [*61791-34-2]**
Glycerol monoester of hydrogenated soybean oil acids [*61789-08-0]
Polyethylene glycol monoester of soybean oil acids [*61791-07-9]
Soybean oil acids, potassium salt [*61790-24-7]
Soybean oil acids, sodium salt [*61790-25-8]
(Soybean oil alkyl)amine [*61790-18-9]
(Soybean oil alkyl)amine, acetate [*61790-58-7]
(Soybean oil alkyl)amine, ethoxylated [*61791-24-0]
***N*-(Soybean oil alkyl)morpholine [*61791-40-0]**
***N*-(Soybean oil alkyl)trimethylenediamine [*61791-67-1]**
Soybean oil, ethoxylated [*61791-23-9]
Soybean oil, sulfated, sodium salt [*61790-16-7]
Trimethyl(soybean oil alkyl)ammonium chloride [*61790-41-8]

Spermaceti
Spermaceti [*8002-23-1]

Sperm oil
Chlorosulfurized sperm oil [*61789-46-6]
Sperm oil [*8002-24-2]
Sperm oil alcohol, ethoxylated [*61791-21-7]
Sperm oil alcohol, ethoxylated and sulfated, sodium salt [*61791-22-8]
Sperm oil, sulfated, sodium salt [*8016-76-0]
Sulfurized sperm oil [*61790-05-4]

Sulfates
Coconut oil acids-ethanolamine salt, sulfated, potassium salt [*61790-80-5]
Coconut oil acids-ethanolamine salt, sulfated, sodium salt [*61790-75-8]
Coconut oil acids-isopropanolamine condensate, sulfate, sodium salt [*61790-76-9]
Coconut oil, sulfated, sodium salt [*61789-20-6]
Cod oil, sulfated, sodium salt [*61789-21-7]
Cottonseed oil, sulfated, sodium salt [*61789-27-3]
***N*-Ethyl-*N*-(soybean oil alkyl)morpholinium ethyl sulfate [*61791-34-2]**
Glycerol monoester of coconut oil acids, sulfated, ammonium salt [*61789-03-5]
Glycerol monoester of coconut oil acids, sulfated, sodium salt [*61789-04-6]
Herring oil, sulfated, ammonium salt [*61788-82-7]
Herring oil, sulfated, sodium salt [*61788-83-8]
Lard, sulfated, sodium salt [*61788-51-0]
Mixed fish oils, sulfated, sodium salt [*61788-64-5]
Mixed vegetable oil acids, sulfated, sodium salt [*61788-67-8]
Mixed vegetable oils, sulfated [*61790-19-0]
Mustard seed oil, sulfated, sodium salt [*61788-68-9]
Neat's-foot oil acids-ethanolamine condensate, sulfated, ammonium salt [*61790-74-7]
Neat's-foot oil, sulfated, sodium salt [*61788-70-3]
Peanut oil, sulfated, sodium salt [*61789-58-0]
Redfish oil, sulfated, sodium salt [*61790-21-4]
Ricebean oil, sulfated, sodium salt [*61790-22-5]
Soybean oil, sulfated, sodium salt [*61790-16-7]
Sperm oil alcohol, ethoxylated and sulfated, sodium salt [*61791-22-8]
Sperm oil, sulfated, sodium salt [*8016-76-0]
Tall oil acids-polyalkylenepolyamine condensate, sulfuric acid salt [*61790-77-0]
Tall oil, sulfated, sodium salt [*61790-35-0]
(Tallow alkyl)amine, sulfated, ethoxylated [*61791-27-3]
Tallow, sulfated, sodium salt [*61790-30-5]
Whale oil, sulfated, sodium salt [*61790-08-7]
Wool grease, sulfated, sodium salt [*61790-09-8]

Sulfides
Phenol, sulfurated [*61788-41-8]
Phosphosulfurized polybutene [*61788-35-0]
Sulfurized lard oil [*61790-49-6]
Sulfurized methyl oleate, copper-treated [*61788-34-9]
Tall oil soaps, limed and sulfurized [*61790-02-1]
Tall oil sulfurized [*61790-36-1]

Sulfonic acids
Herring oil, sulfonated [*61788-84-9]
***N*-(2-Hydroxyethyl)-*N*-(tallow alkyl)sulfosuccinamic acid, disodium salt [*61791-35-3]**
***N*-Methyl-*N*-(tall oil acyl)taurine, sodium salt [*61791-41-1]**
***N*-Methyl-*N*-(tallow acyl)taurine, sodium salt [*61791-43-3]**
Oil-soluble petroleum sulfonate, barium salt [*61790-48-5]
Oil-soluble petroleum sulfonate, calcium salt [*61789-86-4]
Oil-soluble petroleum sulfonate, magnesium salt [*61789-87-5]
Oil-soluble petroleum sulfonates [*61789-85-3]
Petroleumsulfonic acid, water-soluble, sodium salt [*61789-62-6]
Sulfosuccinic acid, bis(tallow monoglyceride) ester, sodium salt [*61791-65-9]
Sulfosuccinic acid, 2-(coconut oil amido)ethyl ester, disodium salt [*61791-66-0]

Tall oil
Anhydrosorbitol monoester of tall oil acids [*61791-48-8]
Anhydrosorbitol sesquiester of tall oil acids [*61791-49-9]
Anhydrosorbitol tetraester of tall oil acids [*61791-50-2]
Anhydrosorbitol triester of tall oil acids [*61791-51-3]
1-Benzyl-1-(2-hydroxyethyl)-2-nor(tall oil alkyl)-2-imidazole [*61791-37-5]
Butyl epoxytallate [*61789-33-1]
Calcium-manganese tallate [*61789-35-3]
Cobalt tallate [*61789-52-4]

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SECTION 2.—CONCERNING APPENDIX A OF THE CANDIDATE LIST

Section 710.5(a)(5) of the proposed regulation provided that any mineral specifically designated in Appendix A of the Candidate List would be exempt from the reporting requirements for compilation of the inventory and would be automatically included on the inventory of chemical substances. Any mineral not included in Appendix A, however, would be subject to the general reporting requirements.

The following list entitled "Minerals Currently Under Consideration for Inclusion in Appendix A of the Candidate List" was prepared for EPA by the Department of Interior's Bureau of Mines. The Bureau included all known minerals and rock products which have been produced or processed for the commercial market within the past three years. Minerals mined and consumed wholly in foreign countries were excluded. In reviewing the minerals on this list, EPA intends to apply the following criteria in selecting minerals to be included in Appendix A of the Candiate List:

(1) The mineral has been manufactured or processed for a commercial purpose in the United States during the period beginning July 1, 1974.

(2) The mineral is obtained from a mine, well, or by collection from the land or waters and is unprocessed, dried, or processed only by mechanical or gravitational means such as crushing, grinding, floating, settling, or sieving.

(3) The mineral is not now recognized to be of immediate toxicological concern to warrant EPA identifying at this time each of its manufacturers.

(4) The mineral is described by a name which identifies it as specifically and narrowly as possible.

EPA now recognizes that some of the minerals on this list do not meet these criteria for a variety of reasons. For example, some entries such as flyash and charcoal do not meet the second criteria with respect to processing. With respect to the third criteria concerning toxicological effects, several minerals such as asbestos, uranium ore, and mercury ore may be considered inappropriate for Appendix A. Finally, several materials on the list are identified in broad classes. EPA is concerned that such broad classes may include minerals which on the basis of toxicological criteria would otherwise be excluded from Appendix A. Such classes as "feldspar group minerals" and "quartz group minerals" will need to be examined in this regard.

In citing these examples, EPA seeks only to illustrate the considerations which will be taken into account in assembling Appendix A. EPA solicits examination by the public of each entry on the Minerals Under Consideration List with regard to its suitability for inclusion in Appendix A of the Candidate List. EPA also solicits other proposed additions or exclusions. Any request to include a mineral in Appendix A must clearly show that the mineral satisfies the criteria stated above for placing that mineral in Appendix A of the Candidate List. Any request to exclude a mineral for Appendix A must show that the mineral does not satisfy the above stated criteria.

MINERALS CURRENTLY UNDER CONSIDERATION FOR INCLUSION IN APPENDIX A OF THE CANDIDATE LIST

acmite
actinolite
aeschynite
alkinite
alaskite
albite
allanite
alum
alumina
aluminum ore
aluminum phosphates
aluminum silicates
aluminum sulfates
ambatoarinite
amber
amblygonite
amethyst
ampangabeite
amphibole group minerals
amphibolite
analcime
anatase
ancylite
andalusite
andesite
angelsite
anhydrite
ankerite
anorthite
anorthoclase
anthophyllite
anthracite
antigorite
antimonite
antlerite
apatite
aplite
apophyllite
aquamarine
aragonite
arfvedsonite
argentite
argillite
arkose
arsenopalladinite
arsenopyrite
asbestos
atacamite
attapulgite
auerlite
augite
autunite
azarite
azurite

babingtonite
baddeleyite
bakerite
ball clay
barite
basalt
bassanite
bassetite
bastnaesite
bauxite
bazzite
beckelite
bacquerelite
bentonite
bertrandite
beryl
betafite
bentonitic clay
bikitaite
biotite
bismite
bismuthinite
bismutite
blomstrandine-priorite
boehmite
boracite
borax
bornite
braggite
brannerite
brewsterite
brine
britholite
brochantite
brucite
burkeite
buszite

calcite
calcium-arsenite
calcium silicates
caliche
cancrinite
cappelenite
carnotite
caryocerite
cassiterite
cenosite
celsian
cerargyrite
cerite
cerussite
chabizite
chalcedony
chalcocite
chalcolamprite
chalcophanite
chalcopyrite
chalk
charcoal
cheralite
chert
china clay
chlorite
chrome ore
chromite
chrysoberyl
chrysocolla
chrysolite
chrysotile
churchite
cinnabar
clarkeite
clay
claystone
clinoptilolite
coal
cobaltite
cobalt ore
codazzite
coffinite
coke
conglomerate
cooperite
copper ore
coral
corundum
covellite
crocidolite
crude oil
cryolite
cubanite
cummingtonite
cuprite
curite

dachiardite
dacite
davidite
delorenzite
dewindtite
diamond
diaspore
diatomite
dietzite
diopside
diorite
dioptase
dolomite
dolomitic lime
dumontite
dunite

edingtonite
emerald
emery
enargite
enstatite
epistilbite
epsomite
erikite
erionite
eschwegeite
eucryptite

faujasite
fayalite
feldspar group minerals
ferberite
ferghanite
ferrierite
fire clay
flint clay
fluocerite
fluorapatite
fluorite - fluorspar
flyash
forsterite
fourmarierite
franklinite
fuchsite
fuller's earth

gabbro
gadolinite
gahnite
galena
gallite
garnet
garnierite
garronite
gaylussite
gem stones
germanite
geocronite
gersdorffite
geversite
gibbsite
gismondine
glauberite
glaucodot
glauconite
glaucophane
goethite
gmelinite
gold ore
gonnardite
granite
granite pegmatite
granodiorite
graphite
gravel
greenalite
greenockite
greensand
grunerite
gummite
gypsite
gypsum

halite
halite ores
halloysite
harmotome
hardystonite
hastite
hatchettolite
hauynite
hectorite
hedenbergite
hellandite
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[FR Doc.77-9682 Filed 4-11-77;8:45 am]

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TUESDAY, APRIL 12, 1977

PART V



FEDERAL ELECTION COMMISSION

■

ADVISORY OPINION REQUESTS

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FEDERAL ELECTION COMMISSION

[Notice 1977-24, AOR 1977-16]

ADVISORY OPINION REQUESTS

Pursuant to 2 U.S.C. 437f(c) and the procedures reflected in Part 112 of the Commission's regulations, published on August 25, 1976 (41 FR 35954), Advisory Opinion Request 1977-16 has been made public at the Commission. Copies of AOR 1977-16 were made available on April 6, 1977. These copies of the advisory opinion request were made available for public inspection and purchase at the Federal Election Commission, Public Records Division, at 1325 K Street NW., Washington, D.C. 20463.

Interested persons may submit written comments on any advisory opinion request within ten days after the date the request was made public at the Commission. These comments should be directed to the Office of the General Counsel, Advisory Opinion Section, at the Commission. Persons requiring additional time in which to respond to any advisory requests will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered before the Commission issues an advisory opinion. Comments on pending requests should refer to the specific AOR number of the requests and statutory references should be to the United States Code citations rather than to the Public Law citations.

A description of the request recently made public as well as the identification of the requesting party follows hereafter:

AOR 1977-16: May a political committee established as a "search committee" function as though it were a principal campaign committee for purposes of the disclosure and contribution limit provisions of the Act; may such a committee at some future time be designated as the principal campaign committee of the candidate who it selects? Requested by Robert Eaton, on behalf of the Iowa 1980 U.S. Senate Campaign Committee, West Des Moines, Iowa.

Dated: April 7, 1977.

VERNON W. THOMSON,
Chairman for the
Federal Election Commission.

[FR Doc.77-10615 Filed 4-11-77;8:45 am]

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The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
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	HEW/FDA			HEW/FDA

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

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Title 3—The President

PROCLAMATION 4497

Older Americans Month, 1977

By the President of the United States of America

A Proclamation

Nearly 33 million Americans are at least 60 years old, and the number is growing by 500,000 a year.

Older Americans can provide our youngsters with an awareness of their heritage, and with a sense of family continuity.

And older Americans can pass on to our children not only the knowledge and wisdom that come with age, but also the values that guided our forebears in building a great republic.

We must find ways to assure that older citizens will continue to lead useful and productive lives. And we must find ways to use their experience, judgment and ability.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate the month of May, 1977, as Older Americans Month.

I call upon all Federal, State and community agencies, educators, the communications media, the clergy, and concerned organizations and individuals to do all that lies within their power to help assure that our older citizens have an adequate personal income, access to housing facilities responsive to their needs, adequate services such as health care and transportation, fair employment opportunities, and opportunities for continued involvement in our Nation's activities. Let each of us resolve to do all that is possible to guarantee to these Americans that their later years will be rich, secure and filled with the dignity that is, and ought to be, the birthright of all Americans.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of April, in the year of our Lord nineteen hundred seventy-seven, and of the Independence of the United States of America the two hundred and first.

Jimmy Carter

[FR Doc.77–10965 Filed 4–11–77;4:08 pm]

V 42 71 APR 13 77 UMI

PROCLAMATION 4498

Earth Week, 1977

By the President of the United States of America

A Proclamation

Since the beginning of this decade, we have begun to recognize that our planet's capacity for satisfying the needs of mankind has limits. We have begun to see that we are its stewards, not its masters. Human activities, even well-intentioned ones, can inflict deep and lasting damage to the earth, the air, and the living plants and animals on which we depend. Protection of the environment is a debt we owe to ourselves and to those who will follow us.

During this same decade we have seen the effects of our activities grow increasingly severe. In the poorer nations, population growth on limited land has placed pressure on the environment. In the industrialized world, patterns of production and consumption have increased pollution, begun to deplete resources, and generated hazardous substances which the earth does not naturally assimilate.

Some have questioned whether we can afford to pay the costs of reducing pollution, protecting our health, and preserving our national heritage. The truth is that environmental controls are consistent with a sound economy, and if we ignore the care of our environment our economy will eventually suffer.

It is appropriate, as spring brings warmth and the flowering of life, that we celebrate Earth Week. The concerns which it symbolizes must become a part of our private and public philosophies.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate and proclaim the week beginning April 17, as Earth Week, 1977. I call upon officials and employees of all levels of government, business leaders, the communications media, and all Americans to join me in making environmental protection a fundamental concern that underscores all our actions.

In particular, I ask all educators to consider introducing an ecological perspective into every scholastic or academic discipline to encourage future application by graduates to protect the health of our planet.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of April, in the year of our Lord nineteen hundred seventy-seven, and of the Independence of the United States of America the two hundred and first.

Jimmy Carter

[FR Doc.77-11030 Filed 4-12-77;11:51 am]

V 42 71 APR 13 77 UMI

PROCLAMATION 4499

Law Day, U.S.A., 1977

By the President of the United States of America

A Proclamation

The rule of law protects our individual rights and defines our individual responsibilities.

Our commitment to the law deepens when we know that justice will not be delayed, denied, or dispensed with favoritism.

Our respect for the law grows when we are confident that it will remain a true champion of our basic liberties.

The duty of the legal profession is to help rather than to hamper the pursuit of these goals.

And the duty of each citizen is to work peacefully to bring about any changes in the law or its administration that might be needed to assure fair and objective treatment for all.

If our legal heritage is to be preserved, laymen and lawyers alike must understand and appreciate the role of our courts, and work to strengthen and improve our legal system.

To encourage the American people to reaffirm their commitment to the rule of law, the Congress has requested the President to issue a proclamation calling upon the American people to celebrate the first day of May of each year as Law Day, U.S.A. (75 Stat. 43, 36 U.S.C. 164).

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, call upon the American people to celebrate Sunday, May 1, 1977, as Law Day, U.S.A., and to reflect upon their individual and collective responsibilities for the effective administration of the law.

I call upon the clergy, educators, the communications media, the courts, the legal profession, and all interested individuals and organizations to mark this twentieth annual nationwide observance of Law Day, U.S.A. with programs and ceremonies as befits our Nation's devotion to the principle of equal justice for all. To that end, I call upon all public officials to display the flag of the United States on all government buildings on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of April, in the year of our Lord nineteen hundred seventy-seven, and of the Independence of the United States of America the two hundred and first.

Jimmy Carter

[FR Doc.77-11031 Filed 4-12-77;11:55 am]

V 42 71 APR 13 77 UMI

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 981—ALMONDS GROWN IN CALIFORNIA

Amendment of Various Subparts

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule makes some changes in the administrative procedures of the marketing order for California almonds. The changes involve the marketing order quality and volume controls, and financial operations. Some of the changes simplify procedures as recommended by the Almond Board of California, while others reflect conforming changes required by an amendment of the marketing order.

EFFECTIVE DATE: May 16, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C., 20250, (202) 447-3545.

SUPPLEMENTARY INFORMATION: The October 13, 1976, issue of the FEDERAL REGISTER contained a notice of proposed rulemaking to delete § 981.300 in Subpart—Budget of Expenses and Rate of Assessment (7 CFR 981.300; 981.326; 41 FR 37761), and to amend Subpart—Administrative Rules and Regulations (7 CFR 981.441–981.481; 42 FR 3159, 5341, 5677) by deleting §§ 981.453 and 981.481 and revising §§ 981.450, 981.455, 981.467, 981.472, 981.473 and 981.474. The subparts are issued under the marketing agreement, as amended and Order No. 981, as amended (7 CFR Part 981; 41 FR 26852, 27827, 53650). The marketing agreement and order are collectively referred to in this document as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposals were based on a unanimous recommendation of the Almond Board of California.

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal; the Almond Board of California submitted the one comment received. The comment took exception to several changes in the wording of the proposals recommended by the Board. The Board contends that in some cases, the wording proposed by it was clearer. To the extent necessary and appropriate, several changes from the wording contained in the Notice, have been made. The changes are noted in the following discussion of the rules.

The amendment of the order, effective July 1, 1976, made several changes which require corresponding conforming changes in two subparts. Therefore, §§ 981.300 and 981.481, which pertain to an operating reserve and to refund of assessments, are deleted since the amendment of § 981.81 makes these rules unnecessary. Also, § 981.453 is deleted since the corresponding order provision, § 981.53, has been deleted.

The order now permits the kernelweight of almonds disposed of by a handler for crushing into oil, or for poultry or animal feed, to be excluded from his receipts and exempted from reserve obligations and assessments, so long as the handler qualifies as, or delivers such almonds to, an exempt outlet. Prior to the order amendment, such exemption was given only after the end user of the almonds had disposed of them. Therefore, paragraph (c) of § 981.450, which deals with certification by the receiver (user), is deleted. The remaining provisions in § 981.450 are combined into one paragraph and revised to allow the exemption for deliveries to dealers in nut wastes, so long as the dealers are acceptable to the Board.

Paragraph (a) of § 981.455 requires interhandler transfers to be reported to the Board and prescribes the form to be used. This paragraph is revised to reduce the amount of information required to be shown on the form and the number of copies of the form to be submitted.

The notice proposed that paragraph (b) of § 981.455 be revised to restrict the amount of reserve credit one handler may transfer to another handler, and to prohibit transfer of reserve credit to satisfy a handler's inedible disposition obligation incurred pursuant to § 981.42(a). In its comment, the Board stated that the proposal lacked clarity and was subject to misinterpretation. Therefore, paragraph (b) has been revised to make it clear that (1) a handler may transfer credit for reserve disposition to another handler only if this disposition is in excess of the transferring handler's reserve obligation, and (2) the handler may transfer all or part of this credit.

Section 981.467 is amended by deleting provisions pertaining to the physical setaside of reserve, and by revising provisions pertaining to the agency agreement for the disposition of reserve almonds. However, based upon a Board comment, and consistent with the change in § 981.455(b), the words "credit may be transferred" in the final clause of the concluding sentence in § 981.467 (b), as proposed, has been replaced with the words "disposition may be credited."

Section 981.472 has been rewritten without substantive change to improve understanding of its provisions. Section 981.473 is revised by deleting obsolete provisions, changing information required of handlers on redetermination reports, and making other changes in the reporting requirements for greater flexibility.

Section 981.474(a), pertaining to shipments of almonds, is revised to conform with the order changes with respect to the method of establishing the salable and reserve percentage. On the basis of the Board's comment that the proposal would be costly and unnecessary, the wording proposed in the notice is changed. The second sentence in paragraph (a) is revised to require handlers to maintain files of shipment invoices—not to file invoices (with the Board), as proposed.

Section 981.474(b) is added to require submission by handlers of appropriate reports pertaining to exports. Also, § 981.474(c) is added to cover reports of diversion to noncompetitive outlets, and to permit the Board to waive this reporting requirement under certain circumstances. The proposal in the notice would have permitted the Board to waive the requirement to file ABC Form 13 for diversion of almonds to noncompetitive outlets which the Board had "previously declared eligible for reserve credit". In its comment, the Board said the proposed wording might have incorrectly required it to waive the reporting requirement on diversion to outlets previously approved but no longer acceptable to the Board. Therefore, the wording of paragraph (c) is revised to permit the Board to waive the reporting requirements when the diversion of almonds is to a noncompetitive outlet acceptable to the Board.

Finally, "Control" is deleted wherever it appears in those sections which, under the proposal, would be revised. The order amendment changed the name of the Board from the "Almond Control Board" to "Almond Board of California".

After consideration of all relevant matter presented, including that in the notice, the comment received and the recommendation submitted by the Board, and other available information, it is found that to amend the administrative rules and regulations as herein set forth will tend to effectuate the declared policy of the act.

Accordingly, Subpart—Budget of Expenses and Rate of Assessment and Subpart—Administrative Rules and Regulations are amended as follows:

V 42 71 APR 13 77 UMI

§ 981.300 [Deleted]

1. Section 981.300 is deleted.

2. Section 981.450 is revised to read as follows:

§ 981.450 Exempt dispositions.

As provided in § 981.50 any handler disposing of almonds for crushing into oil, or for poultry or animal feed, may have the kernel weight of these almonds excluded from his receipts, and exempt from program obligations so long as the handler qualifies as, or delivers such almonds to, a crusher, a feeder, or a dealer in nut waste; the crusher, feeder, or dealer are acceptable to the Board; each delivery is made directly to the crusher, feeder, or dealer, by June 30 of the crop year; and each delivery is certified to the Board by the handler on ABC Form 8.

§ 981.453 [Deleted]

3. Section 981.453 is deleted.

4. Section 981.455 is revised to read as follows:

§ 981.455 Interhandler transfers.

(a) *Transfers of almonds.* Interhandler transfers of almonds pursuant to § 981.55 shall be reported to the Board on ABC Form 7. The report shall contain the following information: (1) Date of transfer; (2) the names and plant locations of both the transferring and receiving handlers: (3) the variety of almonds transferred; (4) whether the almonds are shelled or unshelled; and (5) the name of the handler assuming reserve and assessment obligations on the almonds transferred. ABC Form 7 shall be signed by the transferring handler and by the receiving handler if the latter is assuming the obligation(s).

(b) *Transfers of reserve credits.* If a handler has reserve disposition in excess of his reserve obligation, all or part of his excess disposition may be credited to another handler. The transferred credit shall not exceed the quantity needed by the receiving handler to cover his reserve obligation. The Board shall complete the transfer upon receipt of an ABC Form 11 executed by both handlers. No transfer of reserve credits shall be made to satisfy a handler's inedible disposition obligation incurred pursuant to § 981.42(a).

5. Section 981.467 is revised to read as follows:

§ 981.467 Disposition in reserve outlets by handlers.

(a) *Agents of Board.* Beginning with July 1 of any crop year, a handler may become an agent of the Board pursuant to § 981.67 for the purpose of disposing of reserve almonds of such crop year in the authorized outlets. The agency shall be established upon a handler executing a reserve agreement (ABC Form 12), applicable to export or diversion, or both, containing terms and conditions specified by the Board.

(b) *Reserve credit.* Credit in satisfaction of a reserve obligation shall not exceed the accrued reserve obligation derived by applying the reserve percentage to the quantity of almonds received by a handler for his own account during the crop year. Disposition by an agent of the Board in eligible reserve outlets within a crop year in excess of his reserve obligation shall be held to be a disposition of salable almonds. Whenever such disposition has been inspected and certified, if required, and has complied with the terms, conditions, and documentation applicable to disposition of reserve almonds as determined by the Board, the disposition may be credited against any reserve obligation subsequently incurred by the handler during that crop year, or the disposition may be credited pursuant to § 981.455(b) against the reserve obligation of another handler.

6. Section 981.472 is amended by revising the first sentence of paragraph (a) and by revising (b) in its entirety.

§ 981.472 Report of almonds received.

(a) Each handler shall report to the Board on ABC Form 1 the total pounds of almonds, unshelled and shelled, by varieties, received by him for his own account within any of the hereinafter prescribed reporting periods. • • •

• • • • • •

(b) For the reporting periods July 1 through December 31, and January 1 through March 31, each handler shall submit a summary report to the Board, within 30 days after the end of the reporting period, which shall show the quantity of almonds received for the handler's own account by county of production and such varieties as may be requested by the Board.

7. Section 981.473 is revised to read as follows:

§ 981.473 Redetermination reports.

Each handler shall furnish for use by the Board in redetermination of the kernel weight of almonds received for his own account and for marketing policy considerations, the information listed and described in this section. Such information shall be reported within the applicable times specified in § 981.73 on forms provided by the Board.

(a) *Handler carryover.* A report of the weight of all almonds, whether unshelled or shelled, whereoyer located, held by the handler for his own account, whether or not sold.

(b) *Reserve.* A report of all reserve almonds, net weight, which have been disposed of in the manner provided in § 981.66 and 981.67.

(c) *Delivered sales.* A report of salable almonds sold and delivered, showing the weight, and whether unshelled or shelled, except those disposed of pursuant to the requirements for reserve disposition, or to crushing or feed outlets, or used in almond products.

(d) *Almond products.* A report of all almonds used by the handler in the manufacture of any almond product as defined in § 981.15.

(e) *Transfers.* A report of almonds transferred to another handler showing the weight of each lot transferred and whether unshelled or shelled.

(f) *Undelivered sales.* A report of all almonds sold but not delivered, showing the weight of such almonds and whether they are unshelled or shelled.

8. Section 981.474 is revised to read as follows:

§ 981.474 Report of shipments.

(a) Each handler shall report all shipments of almonds, unshelled and shelled and by classification, on ABC Form 25. In support of this report, the handler shall keep invoices on the shipments, or such other documentation as may be acceptable to the Board. The reports shall be filed with the Board within five business days after the close of each month of the crop year.

(b) At the time of each export sale, each handler shall report it to the Board on ABC Form 18 and upon delivery into export shall report this on ABC Form 19. If any export is not made directly by the handler, he shall send the ABC Form 19 to the broker-exporter and request him to make the report to the Board. These forms shall include the number and type of container, net weight, variety and whether unshelled or shelled, time of export and destination. In years of minimum export prices applicable to reserve almonds, ABC Form 19 shall include the grade and size, the inspection certificate number, the price and any terms defining the price.

(c) In any crop year when reserve almonds are diverted to noncompetitive outlets, such handler shall report his intentions to divert on ABC Form 13 and the completion of diversion on ABC Form 14. Upon notice to all handlers the Board may waive the requirements to file ABC Form 13 for diversion of almonds to noncompetitive outlets which are acceptable to the Board.

§ 981.48 [Deleted]

9. Section 981.481 is deleted.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: April 8, 1977.

CHARLES R. BRADER,
Acting Director,
Fruit and Vegetable Division.

[FR Doc.77-10774 Filed 4-12-77;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

Subchapter G—Miscellaneous Regulations

[FmHA Instruction 440.3]

PART 1888—SPECIAL ASSISTANCE TO DROUGHT STRICKEN AREAS

Addition of Part

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: USDA-FmHA issues regulations to provide special assistance to farmers and ranchers suffering from extreme drought conditions. This regulation is necessitated by the needs of drought affected areas. FmHA recognizes that many rural areas have suffered substantial losses and hardships due to abnormal drought conditions and that special assistance is needed because of diminished water supplies.

DATE: This addition is effective on April 13, 1977. Comments must be received on or before May 13, 1977.

ADDRESSES: Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Building, Washington, D.C., 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT:

Mr. Denton E. Sprague, (202—447–4597).

SUPPLEMENTAL INFORMATION: USDA-FmHA amends Chapter XVIII, Title 7 Code of Federal Regulations, Subchapter G, "Miscellaneous Regulations," to add a new Part 1888, "Special Assistance to Drought Stricken Areas," (§§ 1888.1–1888.50). The purpose of this new Part 1888 is to establish Agency policy for making loans to farmers and ranchers, who may have suffered substantial losses and hardships as a result of abnormal drought conditions. Areas of eligibility for financial assistance will be designated by the President, the Secretary of Agriculture and the FmHA State Director, subject to conditions set forth in § 1888.12. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemptions in 5 U.S.C. 553. This addition, however, is not published for proposed rulemaking since the purpose is to provide needed financial assistance to farmers and ranchers, who may have suffered losses and extreme privation as a result of abnormal drought conditions, and any delay in administering this assistance would be contrary to the public interest. However, comments will be accepted and material thus submitted will be evaluated and acted upon in the same manner as if the document were a proposal. However, this addition will remain effective until amended in order to permit the public business to proceed expeditiously. Accordingly, a new Part 1888, as added, is set forth below.

Sec.

1888.1 Purpose.
1888.2 Policy.
1888.3 [Reserved]
1888.4 Areas of eligibility.
1888.5–1888.11 [Reserved]
1888.12 Emergency loans.
1888.13–1888.16 [Reserved]
1888.17 Termination provisions.
1888.18–1888.19 [Reserved]
1888.20 Request for obligation of funds.
1888.21–1888.50 [Reserved]

AUTHORITY: 7 U.S.C. 1989, delegation of authority by the Secretary of Agriculture, 7 CFR 2.23, delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.

§ 1888.1 Purpose.

This Part prescribes the policies, procedures, and guidelines of the Farmers Home Administration (FmHA) for providing special assistance to farmers and ranchers, suffering from extreme drought conditions.

§ 1888.2 Policy

FmHA recognizes that many rural areas have suffered substantial losses and hardships due to abnormal drought conditions and special assistance is needed because of diminished water supplies. FmHA will utilize existing authorities and regulations to provide the assistance authorized by this Part to meet the needs of these areas.

§ 1888.3 [Reserved]

§ 1888.4 Areas of eligibility.

Loans under this Part are to be made in the following areas:

(a) Areas currently designated by the President, the Secretary of Agriculture, or the FmHA State Director as emergency loan areas because of drought.

(b) Those areas subsequently designated because of drought in accordance with § 1832.10 of this chapter.

§ 1888.5–1888.11 [Reserved]

§ 1888.12 Emergency loans.

(a) *Production losses.* (1) *Drought production losses.* Farmers, ranchers and persons engaged in aquaculture (including private domestic corporations and partnerships) otherwise eligible may be eligible for 5% interest rate loss loans under this provision when due to the drought provided:

(i) They are unable to plant all or a portion of their normal crops, including feed crops, or are unable to graze pastures, or

(ii) They will be unable to produce all or a portion of their normal perennial crops already growing such as fruits and nuts, or

(iii) They will be precluded from harvesting all or part of the crops they have planted.

(2) *Decrease in production.* Drought production losses must represent a decrease in production of at least 20 percent below normal in a basic farming enterprise to establish eligibility. See Subpart A of Part 1832 of this chapter.

(3) *Amount of EM loan.* The amount of the drought production loss (which will establish the amount of the 5 percent interest loan) will be calculated by determining normal income in accordance with Subpart A of Part 1832 of this chapter and subtracting therefrom the amount of any income that may be derived from the disaster-affected enterprise(s), plus the costs which will not be incurred because of the drought. Such costs will be derived from current crop enterprise budgets prepared by State Agricultural Extension Service economists which are based on normal farming conditions in the designated drought area.

(4) *Additional loans for actual production losses.* Additional loans for actual production losses later determined at the end of the crop season will be made at the 5 percent interest rate in accordance with Subpart A Part 1832 of this chapter. The amount of any drought loss loan must be deducted from any additional actual production loss loans made to borrowers based on losses from the same disaster to the same enterprise(s) for which an applicant later qualifies.

(5) *Physical loss loans.* Loans for physical losses may be made at the 5 percent interest rate in accordance with Subpart A Part 1832 of this chapter.

(b) *Annual operating and major adjustment loans.* Farmers, ranchers, and persons engaged in aquaculture (including private domestic corporations and partnerships) found eligible for loss loans as prescribed in this part may be eligible for major adjustment and operating loans at the prevailing market rate of interest, in accordance with Subpart A Part 1832 of this chapter.

(c) *Procedure for loan making and servicing.* Loans shall be made and serviced in accordance with Subpart A Part 1832 of this chapter except as modified in this section of this Part.

§ 1888.13–1888.16 [Reserved]

§ 1888.17 Termination provisions.

(a) Any assistance provided under this Part must be for an applicant with an application on file and found eligible on or before September 30, 1977.

(b) Projects or measures should be completed by no later than November 30, 1977. Under special circumstances or hardship situations an extension of completion time may be granted by the FmHA Administrator.

§ 1888.18–1888.19 [Reserved]

§ 1888.20 Request for obligation of funds.

(a) Loans and grants approved under this part will be identified with the appropriate disaster designation number and as special drought loans by typing in "D" between "EM Loans Only" and "24 Disaster Code" in Part II of Form FmHA 440–1, "Request for Obligation of Funds."

(b) The Finance Office will not process Form FmHA 440–1 for loans approved under this part that are not coded with a disaster designation number in Part II of the form.

§ 1888.21–1888.50 [Reserved]

Effective date: This addition is effective on April 13, 1977.

Dated: April 8, 1977.

FRANK W. NAYLOR, JR.,
Acting Administrator,
Farmers Home Administration.

[FR Doc.77-10765 Filed 4-12-77;8:45 am]

V 42 71 APR 13 77 UMI

Title 11—Federal Elections

CHAPTER I—FEDERAL ELECTION COMMISSION

[Notice 1977-23]

PROMULGATION OF REGULATIONS

AGENCY: Federal Election Commission.

ACTION: Final Regulation.

SUMMARY: This rule establishes the effective date for Commission regulations implementing the Federal Election Campaign Act of 1971, as amended, that were published earlier. The delay in setting the effective date is the result of the Congressional review period required by statute for Commission regulations.

EFFECTIVE DATE: April 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Daniel J. Swillinger, Assistant General Counsel, (202-523-4060).

SUPPLEMENTARY INFORMATION: The Commission, by this notice, is promulgating its regulations interpreting the Federal Election Campaign Act of 1971, as amended. The regulations were published in proposed form on May 26, 1976, June 25, 1976 and July 9, 1976 in the FEDERAL REGISTER. The regulations were adopted by the Commission and transmitted to the Congress on August 3, 1976, as required by 2 U.S.C. § 438(c), and 26 U.S.C. §§ 9009(b) and 9039(b). The regulations were published in the FEDERAL REGISTER on August 25, 1976 at 41 FR 35932. Because the 30 legislative day review period did not run prior to Congressional adjournment, the regulations were resubmitted to the Congress on January 11, 1977, containing amendments to the August 25 version published on September 10, 1976, at 41 FR 38522 and October 18, 1976 at 41 FR 45952 and subsequently adopted by the Commission.

The 30 legislative day period having run on March 30, 1977, the Commission now promulgates the regulations as published on August 25, as amended by the notices of September 10 and October 18. Reprints of the FEDERAL REGISTER publication may be obtained from the Commission's Office of Public Information, 1325 K Street, N.W., Washington, D.C. 20463, (202) 523-4068.

VERNON W. THOMSON,
Chairman for the Federal Election Commission.

11 CFR Chapter I is adopted, effective April 13, 1977, as published on August 25, 1976 (41 FR 35932), with the following changes:

PART 102—REGISTRATION AND ORGANIZATION OF POLITICAL COMMITTEES

1. Section 102.9 is amended by revising (c)(3)(iii); the introductory text of (c)(4); and (c)(4)(ii) to read as follows:

§ 102.9 Accounting for contributions and expenditures.

* * * * *

(c) * * *

(3) * * *

(iii) The particulars of the expenditures; and

* * * * *

(4) When a receipted bill is not available, the treasurer may keep—

* * * * *

(ii) The bill, invoice or other contemporaneous memorandum of the transaction supplied to the committee by the payee containing the same information as referred to in paragraph (3) of this paragraph.

* * * * *

2. The second sentence of § 102.10 is revised as follows:

§ 102.10 Petty cash fund.

* * * If a petty cash fund is maintained, it shall be the duty of the treasurer of the political committee to keep and maintain a written journal of all disbursements, including the particulars of each disbursement from the fund. Such a change would make this section consistent with § 102.9(c)(3)(iii) as revised in subparagraph (1) above. * * *

PART 104—REPORTS BY POLITICAL COMMITTEES AND CANDIDATES

3. In § 104.3(b)(9), the text beginning with "together with the amount, date, and purpose * * *" is deleted and the following substituted therefor:

§ 104.2 Form and content of reports.

* * * * *

(b) * * *

(9) * * * together with the amount, date and particulars of each such expenditure and the name, address of, and office sought by, each candidate on whose behalf such expenditures were made.

* * * * *

PART 114—CORPORATE AND LABOR ORGANIZATION ACTIVITY

4. Paragraph (c)(2) of § 114.4 is revised as follows:

§ 114.4 Nonpartisan communications.

* * * * *

(c) * * *

(2) A corporation or labor organization may distribute or reprint (in whole) any registration or voting information, such as instructional materials, which have been produced by the official election administrators for distribution to the general public. A corporation or labor organization may distribute official registration-by-mail forms to the general public if permitted by the applicable State law. The registration forms must be distributed in a nonpartisan manner, and the corporation or labor organization may not, in connection with the distribution, endorse, support, or otherwise promote registration with a particular party.

* * * * *

PART 134—EXAMINATIONS AND AUDITS; REPAYMENTS

5. Paragraph (c)(2) of § 134.3 is revised as follows:

§ 134.3 Liquidation of obligations; repayment.

* * * * *

(c) * * *

(2) If on the last day of candidate eligibility there are net outstanding campaign obligations, any matching funds received thereafter may be retained for a period not exceeding 6 months after the end of the matching payment period in order to liquidate those obligations. However, as of the date when the amount or amounts of matching funds received after ineligibility equal(s) the amount of the candidate's net outstanding campaign obligations, the candidate shall be obliged to repay to the Treasury that portion of any unexpended balance remaining on that date in the candidate's accounts (less the matching payments so received) which bears the same ratio to such balance as the total amount received from the matching payment account bears to the aggregate of all constributions and matching funds deposited in all the depositories through that date. Repayment shall be made within 30 days thereafter, but not later than 6 months after the end of the matching payment period.

* * * * *

[FR Doc.77-10890 Filed 4-12-77;8:45 am]

Title 12—Banks and Banking

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 329—INTEREST ON DEPOSITS

Withdrawal Prior to Maturity of a Time Deposit Which Has Become Uninsured by Virtue of a Bank Merger

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final Rule.

SUMMARY: This rule allows for withdrawal prior to maturity of all or part of a time deposit, without penalty, in those cases where, as the result of a bank merger, a depositor has deposits which have become partially uninsured. Also, in view of the fact that this rule constitutes the third distinct exception to the withdrawal penalty provisions of FDIC's regulations, the text of these provisions has been slightly reworded for the sake of clarity. The FDIC is taking this action in response to public inquiry.

EFFECTIVE DATE: April 13, 1977.

FOR FURTHER INFORMATION, CONTACT:

F. Douglas Birdzell, Bank Regulation Section, Legal Division, Federal Deposit Insurance Corporation, Washington, D.C. 20429, 202-389-4324.

SUPPLEMENTARY INFORMATION: For some time the federal financial supervisory agencies have been considering the advisability of allowing a partial exception to the withdrawal penalties which otherwise apply to the premature withdrawal of time deposits where, as the result of a bank merger, a depositor has deposits which have become partially uninsured. After consultation with the Board of Governors of the Federal Reserve System and the Federal Home Loan Bank Board, the Federal Deposit Insurance Corporation has decided to provide an exception from the withdrawal penalties in merger situations.

However, the exception will be limited to the withdrawal of no more than the uninsured amount in the resulting bank, the extent of insurance being determined by reference to Parts 330 and 331 of FDIC's regulations governing the insurance of deposit accounts, including trust funds.

A few brief illustrations will help to clarify the exception:

(1) Assume that John Doe has a $40,000 time deposit in bank A and a $10,000 time deposit in bank B. Banks A and B merge; the result being bank AB. John has a total of $50,000 in bank AB. As a result of the merger, $10,000 is uninsured. John will be entitled to withdraw $10,0000 of the $50,000 without penalty, thereby reducing his deposit in bank AB to the $40,000 maximum covered by deposit insurance.

(2) Assume that John Doe has a $40,000 time deposit in bank A and his wife, Mary, has a $40,000 time deposit in bank B. As a result of the merger, John has a $40,000 time deposit in bank AB and Mary has a $40,000 time deposit in bank AB. Neither John nor Mary will be entitled to withdraw any funds prior to maturity, without penalty, since their deposits in bank AB are both fully insured. The same result would follow if John had held a $40,000 time deposit in his own name in bank A and John and Mary had held a $40,000 joint time deposit in bank B, since individual and joint accounts are separately insured.

(3) Assume that John Doe has a $100,000 time deposit in bank A and a $100,000 time deposit in bank B. The uninsured portion in each bank is $60,000, or $120,000 in the aggregate. As a result of the merger John has $200,000 in bank AB. The uninsured amount has thus increased to $160,000. John will be allowed to withdraw up to $40,000 from AB without penalty; that amount constituting the difference between the pre-merger uninsured amount of $120,000 and the post-merger uninsured amount of $160,000.

As noted in the Summary this is the third exception to the withdrawal penalties contained in § 329.4(d) of FDIC's regulations (12 CFR 329.4(d)). However, no substantive changes have been made in any of the other exceptions. Those exceptions allow withdrawal prior to maturity, without penalty, in certain instances upon the death of the depositor or where the deposit consists of funds contributed to an IRA or a Keogh Plan fund.

12 C.F.R. Part 329 is amended by deleting the last three sentences of § 329.4(d) and substituting the following sentences in their place:

§ 329.4 Payment of time deposits before maturity.

* * * * *

(d) *Penalty on payment of time deposits before maturity.* * * *

The prohibitions contained in this paragraph (d) shall not apply to the withdrawal of all or part of a time deposit prior to maturity under any of the following circumstances: (1) On the death of any owner of time deposit funds. An "owner" of time deposit funds is any individual who at the time of his or her death has full legal and beneficial title to all or a portion of such funds or, at the time of his or her death, has beneficial title to all or a portion of such funds and full power of disposition and alienation with respect thereto, including but not limited to a power of revocation with respect to any trust of which the funds comprise all or part of the assets, whether or not such owner is acting as trustee; (2) where the time deposit consists of funds contributed to an Individual Retirement Account established pursuant to 26 U.S.C. 408 or to a Keogh (H.R. 10) plan established pursuant to 26 U.S.C. 401 and the individual for whose benefit the account is maintained is 59½ years of age or older or has become disabled within the meaning of 26 U.S.C. 72(m)(7); or (3) where the funds constituting the time deposit consist of funds transferred to a new or resulting insured nonmember bank as the result of the merger of insured banks,[11b-1] but only to the extent that the funds sought to be withdrawn were insured prior to the merger and have become uninsured as a result thereof, and provided that notice of withdrawal is given the new or resulting bank not later than twelve months after consummation of the merger.

* * * * *

(12 U.S.C. 1819; 12 U.S.C. 1828(g).)

Since the above amendment relaxes a restriction imposed by prior regulation and does not interfere with existing or future contractual relations between insured banks and their customers, the requirements of Sections 553(b) and 553(d) of Title 12 of the United States Code and Sections 302.1, 302.2 and 302.5 of FDIC's Rules and Regulations with respect to notice, public participation and deferred effective date were not followed by FDIC's Board of Directors in connection with its promulgation. Although the Board of Directors decided that a pre-promulgation notice and comment period would not serve a useful purpose, it will review all post-promulgation comments and suggestions and will consider revising the amendment, if necessary, in light of the comments and suggestions submitted.

By order of the Board of Directors, April 5, 1977.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[FR Doc.77-10888 Filed 4-12-77;8:45 am]

[11b-1] The term "merger" includes all forms of corporate consolidations which are considered de facto mergers under applicable statute or case law.

PART 342—APPLICATIONS FOR A STAY OR REVIEW OF ACTIONS OF BANK CLEARING AGENCIES

Adoption of Final Regulation

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: This Part establishes procedures to be followed by insured nonmember State banks who are appealing from an adverse action by a bank clearing agency. These banks have had this right of appeal for over a year. This Part is intended to provide a specific procedure for these appeals.

EFFECTIVE DATE: May 10, 1977.

FOR FURTHER INFORMATION CONTACT:

Gerald J. Gervino, Legal Division, Federal Deposit Insurance Corporation, Washington, D.C. 20429. (202-389-4384).

SUPPLEMENTARY INFORMATION: On page 28544 of the FEDERAL REGISTER of July 12, 1976, there was published a proposal to add a new Part 342. The Part sets procedures for appeals by insured nonmember State banks from adverse actions of bank clearing agencies. It requires that requests for stays of adverse actions be in writing and include a statement as to why a stay should be granted. It also establishes certain formal requirements in connection with a subsequent appeal. Interested persons were given 30 days in which to comment upon the proposed Part. No written comments have been received and the proposed Part is hereby adopted without change and is set forth below.

By Order of the Board of Directors, April 5, 1977.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

Sec.

342.1 Scope of part.
342.2 Applications for stays of disciplinary sanctions or summary suspensions by a bank clearing agency.
342.3 Applications for review of final desciplinary sanctions, denials of participation, or prohibitions or limitations of access to services imposed by bank clearing agencies.

AUTHORITY: Secs. 17A, 19 and 23 of the Securities Exchange Act of 1934; 15 U.S.C. 78q-1, 78s and 78w.

§ 342.1 Scope of part.

This part is issued by the Federal Deposit Insurance Corporation (the "Corporation") pursuant to sections 17A, 19 and 23 of the Securities Exchange Act of 1934 as amended (15 U.S.C. 78) (the "Act"). It applies to applications by banks insured by the Corporation (other than members of the Federal Reserve System) for a stay or review of certain actions by clearing agencies registered under the Act for which the Securities

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and Exchange Commission is not the appropriate regulatory agency under section 3(a)(34)(B) of the Act ("bank clearing agencies").

§ 342.2 Applications for stays of disciplinary sanctions or summary suspensions by a bank clearing agency.

If any bank clearing agency imposes any final disciplinary sanction pursuant to section 17A(b)(3)(G) of the Act, or summarily suspends or limits or prohibits access pursuant to section 17A(b)(5)(C) of the Act, any person aggrieved thereby for which the Corporation is the appropriate regulatory agency may file with the Corporation, by telegram or otherwise, a request for a stay of imposition of such action. Such request shall be in writing and shall include a statement as to why such stay should be granted.

§ 342.3 Applications for review of final disciplinary sanctions, denials of participation, or prohibitions or limitations of access to services imposed by bank clearing agencies.

(a) Proceedings on an application to the Corporation under section 19(d)(2) of the Act for review of any final disciplinary sanction, denial or conditioning of participation, or prohibition or limitation with respect to access to services offered by a bank clearing agency shall be governed by this section.

(b) An application for review pursuant to section 19(d)(2) of the Act shall be filed with the Corporation within 30 days after notice thereof was filed pursuant to section 19(d)(1) of the Act and received by the aggrieved person applying for review, or within such longer period as the Corporation may determine. The Executive Secretary of the Corporation shall serve a copy of the application on the bank clearing agency, which shall, within ten days after receipt of the application, certify and file with the Corporation one copy of the record upon which the action complained of was taken, together with three copies of an index to such record. The Executive Secretary shall serve upon the parties copies of such index and any papers subsequently filed.

(c) Within 20 days after receipt of a copy of the index, the applicant shall file a brief or other statement in support of his application which shall state the specific grounds on which the application is based, the particular findings of the bank clearing agency to which objection is taken and the relief sought. Any application not perfected by such timely brief or statement may be dismissed as abandoned.

(d) Within 20 days after receipt of the applicant's brief or statement the bank clearing agency may file an answer thereto, and within 10 days of receipt of any such answer the applicant may file a reply. Any such papers not filed within the time provided by paragraphs (b), (c), or (d) of this section will not be received except upon special permission of the Corporation.

(e) On its own motion, the Corporation may direct that the record under review be supplemented with such additional evidence as it may deem relevant. Nevertheless, the bank clearing agency and persons who may be aggrieved by its actions shall be obliged to present all evidence that they deem relevant in the proceedings before the bank clearing agency, and no such person shall be entitled to present additional evidence unless he shows to the satisfaction of the Corporation that such additional evidence is material and that there were reasonable grounds for his failure to present such evidence in such proceedings. Any request for leave to present additional evidence shall be filed promptly so as not to delay the disposition of the proceeding.

(f) Oral argument before the Corporation may be requested by the applicant or the bank clearing agency as follows: (1) By the applicant with his brief or statement or within 10 days after receipt of the bank clearing agency's answer, or (2) by the bank clearing agency with its answer. The Corporation, in its discretion, may grant or deny any request for oral argument and, where it deems it appropriate to do so, the Corporation will consider an application on the basis of the papers filed by the parties, without oral argument.

(g) The rules of practice contained in Part 308 shall apply to review proceedings under this rule to the extent that they are not inconsistent with this section. Attention is directed particularly to § 308.20 of these regulations relating to the form of papers and number of copies to be filed.

[FR Doc.77-10687 Filed 4-12-77;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 77-107]

PART 159—LIQUIDATION OF DUTIES CERTAIN FISH FROM CANADA

Countervailing Duties To Be Imposed Under Section 303, Tariff Act of 1930, as Amended, by Reason of the Payment or Bestowal of a Bounty or Grant Upon the Manufacture, Production or Exportation of Certain Fish From Canada

AGENCY: Customs Service, Treasury.

ACTION: Final countervailing duty determination.

SUMMARY: This notice is to inform the public that a countervailing duty investigation has resulted in a determination that the Government of Canada has given benefits which constitute bounties or grants under the countervailing duty law on the manufacture, production or exportation of certain fish. However, countervailing duties will be waived due to actions by the Government of Canada to reduce significantly the bounty or grant.

EFFECTIVE DATE: April 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Vincent P. Kane, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-5492).

SUPPLEMENTAL INFORMATION On October 7, 1976, a "Preliminary Countervailing Duty Determination" was published in the FEDERAL REGISTER (41 FR 44196). The notice stated that it preliminarily had been determined that benefits had been received by Canadian exporters of certain fish which may constitute bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

Fish imports covered by this investigation are classifiable under items 110.-3560, 110.3565, and 110.5545, Tariff Schedules of the United States Annotated.

The notice stated that the programs under which these benefits were conferred included payments to fishermen and processors for catches and production of first quality fish and fish products under the Groundfish Temporary Assistance Program. A program preliminarily determined not to be a bounty or grant within the meaning of the Act included the payment of financial assistance toward the construction of certain fishing vessels built and registered in Canada. The notice further stated that before a final determination would be made consideration would be given to any relevant data, views, or arguments submitted in writing, on or before November 8, 1976 with respect to the preliminary determination.

After consideration of all information received, it is determined that exports of certain fish from Canada are subject to bounties or grants within the meaning of section 303 of the Act. Further inquiry into the vessel assistance payments has resulted in a determination that these payments do constitute bounties or grants within the meaning of the Act, in view of the fact that benefits in relation to total fish sales are more than de minimis and that over 75 percent of Canada's fish production is exported.

Payments under the Groundfish Temporary Assistance Program were discontinued on January 1, 1977, on exports of the fish and fish products which are within the scope of this investigation. Consequently, there are no longer any payments being made under this program to items subject to the investigation which would constitute bounties or grants within the meaning of section 303 of the Act.

Accordingly, notice is hereby given that the dutiable fish, which is the subject of this investigation, imported directly or indirectly from Canada, if entered, or withdrawn from warehouse, for consumption on or after April 13, 1977, will be subject to payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed.

Effective April 13, 1977 and until further notice, upon the entry for consumption or withdrawal from warehouse for consumption of such dutiable fish from Canada, which benefit from these bounties or grants and are subject to this order, liquidation shall be suspended pending declarations of the net amounts of the bounties or grants paid.

Any merchandise subject to the terms of this order shall be deemed to have benefited from a bounty or grant if such bounty or grant has been or will be credited or bestowed, directly or indirectly, upon the manufacture, production or exportation of such dutiable fish from Canada.

Notwithstanding the above, a "Notice of Waiver of Countervailing Duties" is being published concurrently with this order which covers fish from Canada subject to this investigation in accordance with section 303(d) of the Act. At such time as the waiver ceases to be effective, in whole or in part, a notice will be published setting for the deposit of estimated countervailing duties which will be required at the time of duty, or withdrawal from warehouse, for consumption of each product then subject to the payment of countervailing duties.

§ 159.47 [Amended]

The table in § 159.47(f) of the Customs Regulations (19 CFR § 159.47(f)) is amended by inserting after the last entry for Canada the words "Certain Fish" in the column headed "Commodity", the number of this Treasury Decision in the column headed "Treasury Decision", and the words "Bounty Declared—Rate" in the column headed "Action".

(Sec. 303 of the Act. (R.S. 251, secs. 303, as amended, 624; 46 Stat. 687, 759, 88 Stat. 2050; 19 U.S.C. 66, 1303, as amended, 1624).)

Approved: April 5, 1977.

VERNON D. ACREE,
Commissioner of Customs.

JOHN H. HARPER,
Acting Assistant Secretary of the Treasury.

[FR Doc.77-10747 Filed 4-12-77;8:45 am]

[T.D. 77-106]

PART 159—LIQUIDATION OF DUTIES CERTAIN FISH FROM CANADA

Determination Under Section 303(d), Tariff Act of 1930, as Amended, To Waive Countervailing Duties

AGENCY: Department of the Treasury.

ACTION: Waiver of Countervailing Duty.

SUMMARY: This notice is to inform the public that a determination has been made to waive the countervailing duties that would otherwise be required by section 303 of the Tariff Act of 1930. The countervailing duties are waived on bounties or grants paid by the Canadian Government on the manufacture, production or exportation of certain fish. The waiver is being issued, among other reasons, because of actions by the Government of Canada to reduce significantly the bounty or grant. The waiver will expire on January 4, 1979 unless revoked earlier.

EFFECTIVE DATE: April 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard B. Self, Office of Tariff Affairs, U.S. Treasury Department, 15th and Pennsylvania Avenue NW., Washington, D.C. (202-566-8256).

SUPPLEMENTAL INFORMATION: In T.D. 77-107, published concurrently with this determination, it has been determined that bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303), are being paid or bestowed directly or indirectly, upon the manufacture, production or exportation of certain fish from Canada.

Section 303(d) of the Tariff Act of 1930, as added by the Trade Act of 1974 (Pub. L. 93-618, January 3, 1975), authorizes the Secretary of the Treasury to waive the imposition of countervailing duties during the 4-year period beginning on the date of enactment of the Trade Act of 1974 if he determines that:

(1) Adequate steps have been taken to reduce substantially or eliminate during such period the adverse effect of a bounty or grant which he has determined is being paid or bestowed with respect to any article or merchandise;

(2) There is a reasonable prospect that, under section 102 of the Trade Act of 1974, successful trade agreements will be entered into with foreign countries or instrumentalities providing for the reduction or elimination of barriers to or other distortions of international trade; and

(3) The imposition of the additional duty under this section with respect to such article or merchandise would be likely to seriously jeopardize the satisfactory completion of such negotiations.

Based upon analysis of all the relevant factors and after consultations with interested agencies, I have concluded that steps have been taken to reduce substantially the adverse effects of the bounty or grant. Specifically the Government of Canada has removed a direct subsidy payment to Canadian fish processors under the Groundfish Temporary Assistance Program for those categories of fish covered by this investigation which are exported. This resulted in a 97 percent reduction in the bounty or grant.

After consulting with appropriate agencies, including the Department of State, the Office of Special Representative for Trade Negotiations, and the Department of Commerce, I have further concluded (1) That there is a reasonable prospect that, under section 102 of the Trade Act of 1974, successful trade agreements will be entered into with foreign countries or instrumentalities providing for the reduction or elimination of barriers to or other distortions of international trade; and (2) That the imposition of countervailing duties on certain fish from Canada would be likely to seriously jeopardize the satisfactory completion of such negotiations.

Accordingly, pursuant to section 303(d) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(d)), I hereby waive the imposition of countervailing duties as well as the suspension of liquidation ordered in T.D. 77-107 on certain fish from Canada.

This determination may be revoked, in whole or in part, at any time and shall be revoked whenever the basis supporting such determination no longer exists. Unless sooner revoked or made subject to a resolution of disapproval adopted by either House of the Congress of the United States pursuant to section 303(e) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(e)), this waiver of countervailing duties will, in any event, by statute cease to have force and effect on January 4, 1979.

On or after April 13, 1977, of a notice revoking this determination in whole or in part, the day after the date of adoption by either House of Congress of a resolution disapproving this "Waiver of Countervailing Duties", or January 4, 1979, whichever occurs first, countervailing duties will be assessable on certain fish imported directly or indirectly from Canada in accordance with T.D. 77-107 published concurrently with this determination.

§ 159.47 [Amended]

The table in § 159.47(f) of the Customs Regulations (19 CFR § 159.47(f)) is amended by inserting after the last entry from Canada under the commodity heading "Certain Fish" the number of this Treasury Decision in the column heading "Treasury Decision", and the words "Imposition of countervailing duties waiver" in the column headed "Action".

(R.S. 251, secs 303, as amended, 624; 46 Stat. 687, 759, 88 Stat. 2051, 2052; 19 U.S.C. 66, 1303, as amended, 1624.)

JOHN H. HARPER,
Acting Assistant Secretary of the Treasury.

APRIL 5, 1977.

[FR Doc.77-10746 Filed 4-12-77;8:45 am]

Title 24—Housing and Urban Development

CHAPTER XX—OFFICE OF ASSISTANT SECRETARY FOR CONSUMER AFFAIRS AND REGULATORY FUNCTIONS, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-77-394]

PART 3500—REAL ESTATE SETTLEMENT PROCEDURES ACT

Requirements for Special Information Booklets

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This rule eliminates the requirement that lenders provide the Equal

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Credit Opportunity Act notice on the inside rear cover of the Special Information Booklet required by the Real Estate Settlement Procedures Act. This change makes the RESPA Special Information Booklet comply with recent changes in the ECOA regulations.

EFFECTIVE DATE: April 13, 1977.

ADDRESSES: Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410. Telephone: 202–755–6703.

FOR FURTHER INFORMATION CONTACT:

Charles Field, Director Real Property Practices Staff, Office of Consumer Affairs and Regulatory Functions, Department of Housing and Urban Development, Washington, D.C. 20410, (202–755–5860).

SUPPLEMENTARY INFORMATION: This Department issued final regulations on June 4, 1976, implementing the Real Estate Settlement Procedures Act of 1974 (RESPA). 41 FR 22702. One of the requirements set forth in those regulations dealt with the Equal Credit Opportunity Act (ECOA) notice and the delivery of that notice on the inside rear cover of the Special Information Booklet, also required by RESPA; both were to be delivered at the time of loan application. 24 CFR 3500.6(a). The Board of Governors of the Federal Reserve has recently amended Regulation B, which implements ECOA, altering the notice delivery requirements; 12 CFR 202.9 requires that the ECOA notice need only be provided when a creditor takes adverse action regarding an application for credit. This makes current RESPA requirements inconsistent with new ECOA procedures.

It is the purpose of this rule, therefore, to amend Part 3500 to eliminate that inconsistency. Since the adoption of this rule conforms HUD regulations to other agency requirements which were adopted after public comment the Department has determined that notice and public comment concerning this amendment is unnecessary. Moreover, it was considered important to provide as much advance notice of this amendment as possible to allow for printing changes in the Special Information Booklet which makes reference to the now-obsolete notice requirement. (Textual amendments are dealt with under separate notice published this date, April 13, 1977.)

A Finding of Inapplicability of section 102(2)(c), National Environmental Policy Act of 1969, has been made with regard to this rule in accordance with HUD Handbook 1390.1. A copy of the Finding of Inapplicability is available for public inspection during regular business hours at the Rules Docket Clerk at the above address. Further, it is hereby certified that the economic and inflation impacts of this rule have been carefully evaluated in accordance with OMB Circular A–107.

§ 3500.6 [Amended]

Accordingly, Part 3500 is amended by deleting the last sentence in § 3500.6(a).

(Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535 (d).)

Issued at Washington, D.C. on April 5, 1977.

RANDOLPH S. KINDER,
Acting Assistant Secretary for Consumer Affairs and Regulatory Functions.

[FR Doc.77-10884 Filed 4-12-77;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

[FPMR Amdt. G–39]

PART 101–38—MOTOR EQUIPMENT MANAGEMENT

Reporting Motor Vehicle Data to GSA

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation codifies the provisions of FPMR Temporary Regulation G–22, published September 2, 1975 (40 FR 40215), which require Federal agencies to report motor vehicle data to GSA on Standard Form 82–D, Agency Report of Sedan Data. The information received by GSA in these reports is used to develop and maintain energy conservation policies and guidelines for the operation, procurement, and replacement of motor vehicles. Because the conservation of energy is a matter of continuing importance, this regulation has been developed to establish this reporting requirement on a permanent basis.

EFFECTIVE DATE: This regulation is effective April 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. John I. Tait, Director, Regulations and Procedures Management Division, Office of Customer Service and Support, Federal Supply Service, General Services Administration, Washington, D.C. 20406, 703–557–1914.

The table of contents for Part 101–38 is amended to include the following new and revised entries:

101–38.100–1 Reporting forms.
101–38.102 Preparation of forms.
101–38.4901–1 Standard Form 82–D, Agency Report of Sedan Data.

Subpart 101–38.1—Reporting Motor Vehicle Data

1. Section 101–38.100–1 is revised as follows:

§ 101–38.100–1 Reporting forms.

Federal agencies shall use Standard Form 82, Agency Report of Motor Vehicle Data, and Standard Form 82–D, Agency Report of Sedan Data, to report vehicle inventory, cost, and operating data to GSA. Interagency Report Control Number 1102–GSA–AN has been assigned to these reporting requirements. (Standard Forms 82 and 82–D are illustrated in §§ 101–38.4901 and 101–38.4901–1, respectively.)

2. Section 101–38.100–2 is revised as follows:

§ 101–38.100–2 Federal Motor Vehicle Fleet Report.

From the data submitted by Federal agencies on Standard Forms 82 and 82–D, GSA will compile the "Federal Motor Vehicle Fleet Report." This report is a summary of the data submitted on these forms and is used to evaluate and analyze operations and management of the Federal fleet. GSA supplies copies of this report to Federal agencies and to other organizations as requested.

3. Section 101–38.102 is revised as follows:

§ 101–38.102 Preparation of forms.

The Standard Forms 82 and 82–D are each divided into two sections. Section I of each form is for reporting data relating to agency-held and -rented vehicles. Federal agencies are to report data in section I as holding agencies, using agencies, or both, as appropriate. Section II of each form is for reporting data for large fleets of agency held vehicles. Detailed instructions for preparing these forms are located on the reverse of each form.

4. Section 101–38.102–1 is revised as follows:

§ 101–38.102–1 Reporting period and submission.

Each Federal agency, as holding agency, using agency, or both, shall submit Standard Forms 82 and 82–D to GSA not later than 75 days after the end of the fiscal year.

5. Section 101–38.102–2 is revised as follows:

§ 101–38.102–2 Reporting domestic and foreign vehicles.

Agencies shall report data for domestic fleets and foreign fleets on separate Standard Forms 82 and 82–D.

Subpart 101–38.49—Forms and Reports

Section 101–38.4901–1 is added as follows:

§ 101–38.4901–1 Standard Form 82–D, Agency Report of Sedan Data.

NOTE.—The form illustrated in § 101–38.4901–1 is filed with the original document.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).)

NOTE.—The General Services Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

Dated: April 1, 1977.

ROBERT T. GRIFFIN,
Acting Administrator of General Services.

[FR Doc.77-10794 Filed 4-12-77;8:45 am]

Title 45—Public Welfare

CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

PART 1005—FREEDOM OF INFORMATION ACT REGULATIONS

Change of Regional Office Address

Correction

In FR Doc. 77–9194, appearing on page 16625 in the issue for Tuesday, March 29, 1977, in the second paragraph beneath the signature, the address now listed as "Box 3608" should be changed to read "Box 36008".

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20561; FCC 77–205]

PART 76—CABLE TELEVISION SERVICES

Definition of a Cable Television System and Creation of Classes of Cable Systems

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Federal Communications Commission amends its definition of a cable television system to define a system in terms of technical considerations, reduces the number of rules covering cable television systems with less than 500 subscribers, and clarifies its exemption from regulation for systems serving multiple unit dwellings. These actions are taken to reduce confusion created by the old definition of a cable television system and to reduce the regulatory burden on small cable television systems.

EFFECTIVE DATE: May 16, 1977.

FOR FURTHER INFORMATION CONTACT:

James A. Hudgens, Policy Review and Development Division, Cable Television Bureau, Federal Communications Commission, Washington, D.C. 20554 (202–632–6468).

Adopted: March 9, 1977.

Released: April 6, 1977.

SUPPLEMENTARY INFORMATION:

I. BACKGROUND

1. By Notice of Proposed Rule Making in Docket 20561, FCC 75–850, 54 FCC 2d 825 (1975) the Commission announced its intention to review and possibly modify § 76.5(a) of its rules, which defines a "Cable Television System" as follows:

Cable television system (or CATV system). Any facility that, in whole or in part, receives directly, or indirectly over the air, and amplifies or otherwise modifies the signals transmitting programs broadcast by one or more television or radio stations and distributes such signals by wire or cable to subscribing members of the public who pay for such service, but such term shall not include (1) any such facility that serves fewer than 50 subscribers, or (2) any such facility that serves only the residents of one or more apartment dwellings under common ownership, control, or management, and commercial establishments located on the premises of such an apartment house.

NOTE.—In general, each separate and distinct community or municipal entity (including unincorporated communities within unincorporated areas and single, discrete, unincorporated areas) served by cable television facilities constitutes a separate cable television system, even if there is a single headend and identical ownership of facilities extending into several communities. See e.g., *Telerama, Inc.*, 3 FCC 2d 585 (1966); *Mission Cable TV, Inc.*, 4 FCC 2d 236 (1966).

2. As delineated in the Notice, the reasons for this review of the Commission's definition of a cable television system are two-fold: first, over eleven years' experience with the present language has resulted in numerous requests for interpretations, and clarification is in order, and, secondly, the Cable Television Re-Regulation Task Force has recommended to the Commission that the occasion of the clarification be used as a vehicle for certain deregulatory relief. The Task Force has suggested that some of the burdens of our cable television rules may be removed from small systems either through a change in the definition or through the adoption of a separately defined class of small systems to which only limited parts of the rules would apply, and has further suggested that additional regulatory relief may be accomplished through modification of the "separate community" aspect of the definition and through increased use of the "headend" concept.

3. Accordingly, the Notice stated that this proceeding would furnish an opportunity for reviewing all aspects of our definition of a cable television system and, in the course of the redefinition process, serve as an appropriate vehicle for considering the following matters as well:

Recognition in the rules that cable television systems, as technical and economic units, do not stop at precise political community boundaries, and, accordingly, a consideration of regulatory relief and possible changes in the definition's "separate community" and "headend" concepts;

Clarification of our definition vis-a-vis "MATV" systems serving multiple family dwelling units; a consideration of appropriate regulation for systems serving large units; and a clarification of other aspects of the definition such as payment; and

Relief for small cable television systems from inappropriate and burdensome regulation through a change in the existing 50 subscriber exemption or the creation of a category of small cable television systems to which only limited regulation applies, or some combination of both of these, and a related consideration of the possible creation of a "reception only" class of cable systems.

4. Over 50 separate parties, representing a broad range of interests, filed comments and/or replies in this proceeding.[1]

[1] We note that several parties were unable to make timely filings of their initial comments herein; in view of the fact that the mails were partially responsible for this result and because such comments were filed many weeks prior to the replies herein, we shall grant late acceptance of these submissions.

The major cable and broadcasting trade associations submitted their views—National Cable Television Association, Community Antenna Television Association, National Association of Broadcasters, and the Association of Maximum Service Telecasters. The ABC Television Network submitted both comments and reply comments. The National Association of Theatre Owners participated in this proceeding as did major program suppliers—MCA, Inc. and a joint filing on behalf of Columbia Pictures, MGM, 20th Century-Fox, and United Artists. Five state cable associations participated—Arizona, California, Florida, Kentucky, and Nebraska. State and local regulatory agencies were represented—the State of Minnesota Cable Communications Board, the New York State Commission on Cable Television, and San Diego County. Numerous cable multiple system operators made filings herein as did numerous television station licensees and the South Carolina Educational Television Network. And, significantly, many small, independent cable operators submitted their views. Lengthy submissions were made on behalf of the Citizens for Cable Awareness in Pennsylvania and the Philadelphia Community Cable Coalition. Technically oriented organizations also participated; RCA Corporation, Jerrold Electronics Corporation, Theta-Com, and Comlab Corporation (U.S. Communities, Inc.) submitted their views, as did the Manufactured Housing Institute, a trade association representing 80 manufacturers of mobile and modular homes. Comments were submitted on behalf of Mark Winkler Management, Inc., the operator of a large apartment complex in Alexandria, Virginia, and by a California real estate consultant. Comments also were filed by a cable television audience ratings organization, VideoProbeIndex, Inc. Many of these participants directed their comments only to one or two of the issues treated herein, while others discussed the entire panoply of subjects.

SUMMARY OF ACTIONS TAKEN

5. Based on an evaluation of the comments received and our experience, we have determined to redefine what constitutes a cable television system and to create a class of small cable systems for regulatory purposes. The actions taken today may be briefly summarized.

The term "cable television system" will be redefined to reflect the technological and functional characteristics common to all such systems.

Although the revised definition will reflect the "headend" concept, the remainder of the rules will not be amended ipso facto to apply on a systemwide, rather than a per-community basis. To clarify the applicability of those rules intended to apply on a per-community basis, the term "system community unit" will be added to the rules.

The signal carriage rules will continue to apply on a community-by-community basis. In cognizance of the burden borne by system operators required to carry different signal complements on different units of a technically-integrated system, we have articulated

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the criteria we will apply in judging requests for waivers. These include:

Whether the affected community(ies) could feasibly obtain cable television service without grant of the requested waiver;

Whether the remainder of the system could be constructed if the affected segment were not;

The number and type of inconsistent signals proposed for carriage;

Whether the inconsistent signals' carriage is mandatory in any segment of the system;

The percentage of the local broadcaster's total service area affected;

The local broadcaster's financial condition, if put in issue in the proceeding;

The extent to which the market has already been penetrated with cable carriage of the signal(s) in question;

The extent to which the system may contemplate future expansion involving similar waivers.

Section 76.54 of the rules will be amended to permit the taking of one prescribed audience survey per system, rather than per community, to show that a signal is significantly viewed.

To facilitate the natural extension of existing systems, we shall apply the cross-ownership proscriptions of Section 76.501 on a per-system basis.

The franchise standards and certification rules will continue to apply on a per-community basis.

Systems serving only subscribers in one or more multiple unit dwellings under common ownership, control, or management and those with fewer than 50 subscribers will remain unregulated.

A class of smaller systems having between 50 and 499 subscribers will be created to which only a limited number of regulations will apply. These systems will remain subject to the mandatory signal carriage rules, will continue to have certain information reporting obligations, and will remain subject to compliance with the Commission's technical standards. They will be exempt from the requirement that technical standard performance tests be performed, from the distant signal carriage limits, from the franchise standards, from the public inspection file requirements, and from the requirement that a certificate of compliance be obtained. Other rules already do not generally apply to systems of this size (network nonduplication, syndicated exclusivity, and access requirements) or are expected to have little impact on systems in this class. Systems exceeding 500 subscribers will not be grandfathered, will have to come into full compliance with the rules for larger systems, and must be certified prior to serving the 500th subscriber.

Simultaneously with the release of this Report and Order a Further Notice of Proposed Rule Making is being issued to consider and obtain additional comment on whether the new limited regulations now applicable to systems of between 50 and 499 subscribers should be extended to systems of between 500 and 999 subscribers.

6. We shall present a subject-by-subject summary of the comments dealing with each of these matters, analyze them and set forth our conclusions. We will consider first the question of whether the rules should apply to each system as a technical and operational unit rather than to each cable community separately. Second, we will consider the question of whether a de-regulated class of small cable systems should be created. Finally, we will consider questions relating to the scope of the definition and whether systems serving the residents of apartment buildings and similar establishments should be brought within the scope of the rules.

II. "Community" Versus "Head-End" Definition

7. The first aspect of our definition to be discussed is the "Note", which provides that for definitional purposes each separate community shall be considered to be served by a separate cable television system, regardless of whether that "system" is simply a segment of a larger, technically-integrated facility serving several communities. At Paragraph 40 of the Notice, we explained several reasons why this approach had been considered necessary. First, we sought to assure the efficacy of our signal carriage rules, and particularly to prevent the spread of grandfathered, or otherwise inconsistent, signals from one portion of a technically-integrated system to subsequently-built extensions thereof. Additionally, the adoption of rules requiring a complement of access channels for each community located in a major television market required that a cable facility be separated into its community components, as did the adoption of rules on franchise standards. However, comments received by the Re-Regulation Task Force questioned the advisability and necessity of retaining the "separate community" provision. Accordingly, we elicited comment as to whether and how a cable television system might be redefined integrally, in terms of its technical configuration, rather than severally, in terms of the individual communities served.

COMMENTS SUPPORTING "HEADEND" DEFINITION

8. Virtually all of the commenters favored amending the definition of a cable television system to incorporate, for some purposes, a technical or headend definition as opposed to a community definition. Most would abolish the separate-community doctrine entirely, while several would retain it for purposes of compliance with our signal carriage rules. Several of those favoring its deletion would place specific mileage of population limitations on the definition for signal carriage purposes.

9. Only two commenters expressed apparent reservations about adoption of the headend concept for definitional purposes. The Kentucky CATV Association, with whose remarks Vilas Cable, Inc., generally agrees, posits that a technically-integrated cable facility does not necessarily constitute a "system" as the subscribing public understands it; instead, these commenters emphasize that communities identify with their individual "system" instead. This reservation over system nomenclature as not shared by other cable interests commenting, who support a shift to the headend concept on the grounds that it reflects the realities of system planning and construction. In support of this argument, several of the commenters point to our recent amendments of the exclusivity, access, and reporting rules, all of which now utilize the headend concept.[2] Manhattan Cable Television, Inc., and Cablevision Systems Corporation, among others, argue that these recent rule amendments exemplify the fact that the headend concept is a more realistic basis on which to build the rules. The Minnesota Cable Communications Board states that it regards every community served off a single headend as constituting part of one cable communications system, and declares that this method has proven advantageous in facilitating franchise planning and in extending service to rural communities. The New York State Commission on Cable Television, which has also adopted a headend-type definition, concurs in its practicality and urges us to amend our definition accordingly.

10. Other proponents of the headend concept have concentrated their arguments on the disadvantages of the separate community concept, and urge that it be abandoned. Central New York Cable TV points out that the Commission's primary concern in adopting the separate community provision was to prevent the extension of grandfathered or otherwise inconsistent signals from smaller communities to larger ones. However, Central New York argues that the separate community provision has actually had the opposite effect, and has instead prevented existing systems from serving smaller, outlying communities that cannot be economically served by a separate system or by the existing system providing a different signal complement. Welch Antenna Company and Cablevision Systems Corporation agree with Central New York that deletion of the separate community provision would be unlikely to cause mass system extension with inconsistent signals because the communities already served are the large ones, and because extension of service beyond a 55-amplifier cascade is technically difficult because of progressive signal degradation.

11. Different proposals for redefining a cable television system in terms of the headend concept have been submitted. Cablevision Systems Corporation suggests that the present note be modified to provide that "in general," a commonly-owned and technically-integrated cable facility serving more than one community from a single headend, either by cable or microwave, constitutes a single cable television system. Allen's Cable TV, in a comment jointly filed with 68 other cable systems, would redraft the note to provide that cable television facilities employing a single headend with an integrated distribution system, or a primary headend with subheadends or hubs connected to the primary headend by means of cable and/or other radio signals, and which are operated under common ownership and control, constitute a cable television system. While favoring a headend-type definition, Theta-Com maintains that the definition should be neutral with respect to technical configuration, thus assuring system operators the freedom to choose that which offers subscribers the best service.

12. A number of the proponents have responded at length on the question of whether and how the adoption of a headend-type definition can be reconciled with other aspects of our rules, most particularly our signal carriage rules. At one end of the spectrum, Storer Cable, Inc., would preserve the separate community concept for signal carriage purposes. Becker Communications would also retain the separate community approach for signal carriage purposes and further suggests that, where the question of different signal carriage in a portion of a system is presented, the Commission evaluate the need for unified signal carriage on the basis of the type of technical integration, the number of inconsistent signals involved, the size of the community, and so forth. Becker recommends that the rules be amended to require submission of all such pertinent documentation whenever it is proposed to extend an existing system into a community where its signal complement would be inconsistent with the rules. Where the record shows that the new system could not be constructed unless its signal carriage were the same as that carried in other portions of the system, Becker proposes that the new segment be permitted to carry the same complement of signals. Where a system serves communities located in different television markets, Becker recommends that the signal carriage rules applicable to the system's headend apply throughout. Sammons Communications and several other multiple system operators, filing jointly, concur in these remarks. Cablevision Systems Corporation would require different levels of service only where the system serves communities located in two different major markets, and would do so only on an ad hoc basis. It proposes that the applicable signal carriage rule be determined on the basis of the total area served by the system, rather than on the rules applicable to the headend community or the community with the largest population. Others recommend specific formulas to resolve signal carriage issues in place of the separate community provision. Allen's TV Cable et al. suggest that signal carriage be equalized throughout all areas of a system within 20 miles of the headend and having a population no greater than 10,000. Allen's notes that 20 miles is the natural limit of a cable system using either CARS LDS microwave equipment or amplifiers, and the 10,000 population figure is the equivalent of 3,500 subscribers, the cutoff figure for compliance with our new access rules. Communications Properties, Inc., would permit the same signals to be carried by a system within a 25-mile radius of the original community served, and would place a limit of 500 subscribers on such extensions. As an alternative to its main proposal, Cablevision Systems Corporation would limit the definition of a system for signal carriage purposes to a 40-mile radius of the lead community. At the opposite end of the spectrum, the Arizona Cable Television Association recommends that the headend concept be used for all regulatory purposes, and that the extension of grandfathered signals into small adjacent communities be permitted. The Florida CATV Association, Susquehanna Broadcasting Corporation, and Cablecom-General, Inc., agree, and Cablecom and Florida state that the certification procedure will provide an adequate method of monitoring system development for potential abuses without the more substantial inhibition contained in the separate community limitation. Indian River Cablevision would allow all technically-integrated systems to carry the same signal complement throughout, unless the system is transmitting signals from its headend to a distant point simply to avoid building a separate headend.

13. A less obvious question raised is whether a change should be made in the method whereby special surveys may be taken to show that signals are significantly viewed in a community. Currently, where a system serves two or more communities § 76.54 (b) and (c) of the Rules requires that prescribed audience surveys be taken in every affected community to determine whether the unlisted signals are significantly viewed there. VideoProbeIndex, one company performing audience surveys, points out that this application of the separate community limitation can be unduly burdensome to some system operators. Specifically, VPI states that taking the required survey costs $30 per home, a cost that does not vary with the size of the community being surveyed. Thus, VPI avers that systems serving smaller communities bear a disproportionate burden in taking such surveys, and declares that the results of surveys in small communities are not always adequate even under the best of circumstances. VPI urges that such surveys are probably unnecessary because most cabe television systems have an effective radius of only 15 to 20 miles; therefore, under normal circumstances the signals significantly viewed in a system's headend community will be significantly viewed at its extremities as well. Therefore, VPI recommends that we amend our rules to permit the taking of one survey for a technically-integrated system where (1) a contiguous or nearly contiguous franchise area, with a radius of 15 or 20 miles, is served by a single headend, and (2) the individual communities served do not exceed 5,000 households. The New York State Commission on Cable Television concurs with VPI's assessment and advocates that signals significantly viewed in one county be deemed significantly viewed in any community outside or adjacent to it if the affected communities are served by a technically-integrated system.

14. Several of the commenters, including the County of San Diego, Central New York, and Cablecom-General, urge that we amend our rules on certification to permit the filing of one application for certification per system instead of per community. These commenters would continue the present requirement of Section 76.31 that a franchise or other appropriate authorization be submitted for each community to be served. Allen's Cable TV et al. are in basic agreement, but urge that where one community cannot grant a franchise the system operator should be bound by the terms of the franchise granted by the community from which the system is expanding or another adjacent franchise area. Only where no franchising authority exists in the area, Allen's et al. insist, should the operator's adherence to an alternative proposal be required. CSC recommends that an abbreviated application, with franchise, be filed for extensions of existing systems.

COMMENTS OPPOSING DELETION OF SEPARATE COMMUNITY PROVISION

15. As previously stated, most of the commenters favor adoption of the headend concept for definitional purposes but several vigorously oppose deletion of the separate community provision. For instance, the American Broadcasting Company proposes that the headend concept be adopted for purposes of calculating exemption levels under our various rules, as we have done with respect to our access and reporting requirements rules. The Association of Maximum Service Telecasters concurs in these remarks. Specifically, ABC and AMST suggest that "technical integration" be defined, as in the note to Section 76.161, as integration accomplished by a local cable or microwave interconnection; satellite or microwave networking to geographically separated systems would not constitute technical integration. The named parties would retain the separate community concept, however, arguing that it is necessary to preserve the integrity of the signal carriage rules. AMST and MCA, Inc. observe that the extension of grandfathered signals from one community to another was intended to be precluded regardless of the relative size of the communities. Indeed, AMST notes that many operators serve very small communities from separate headends, and fears that allowing the extension of grandfathered signals may unduly prejudice franchisee selection in the extension community. The licensees argue that complex mileage zone formulas

[2] See First Report and Order in Docket 19995, FCC 75-413, 52 FCC 2d 519 (1975), Report and Order in Docket 20482, FCC 75-541, 53 FCC 2d 391 (1975), Report and Order in Docket 20247, FCC 75-658, 54 FCC 2d 811 (1975). Our access rules were amended subsequent to the filing of the comments in this proceeding. Report and Order in Docket 20508, FCC 76-449, 59 FCC 2d 378 (1976). See also Report and Order in Docket 19966, FCC 74-1279, 49 FCC 2d 1090 (1974).

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to limit inconsistent signal carriage throughout an integrated system are unworkable, and that the headend concept is at odds with the market zone concept. Finally, AMST argues that other rule revisions based on the headend concept are no basis for weakening the signal carriage rules; the signal carriage rules look to specified areas and their populations, rather than cable systems happening to be in them. ABC and the licensees would, however, contemplate ad hoc waiver of the signal carriage rules if a headend-type definition were adopted. The licensees would require a special justification and a showing of minimal adverse impact on local broadcasters; similarly, ABC would be "liberal" in granting waivers of the signal carriage rules where a showing of minimal adverse impact is made.

DISCUSSION

16. The Commission's definition of a cable television system possesses three distinct elements. It first sets forth the essential technological characteristics shared by all cable television facilities: namely, they receive television broadcast signals, amplify or otherwise modify them, and distribute the signals to subscribers. It then specifies several categorical exclusions. Facilities possessing the stated technological characteristics but lacking 50 paying subscribers are exempted, as are so-called MATV (master antenna television) facilities serving the residents and commercial establishments of commonly-owned apartment facilities. A last qualification is imposed in the separate community provision. (See "Note," § 76.5(a).)

17. Obviously these qualifying elements do not determine whether or not a given facility is a cable television system in a technical sense. They reflect instead certain public interest judgments made by this Commission with respect to regulating cable television systems. For instance, cable facilities serving 50 or fewer subscribers were presumed to be too small and too few in number to engender any realistic concern over their potential impact on local over-the-air television, either singly or in the aggregate, and thus the relative burden such systems would bear in complying with our rules would be excessive and unnecessary. For this reason such cable facilities were exempted from our definition, not because they could not rightly be defined as "systems," but because we had determined that it would not serve the public interest to regulate them as such. The separate community concept was adopted for policy reasons to insure compliance with signal carriage rules and was incorporated in the definition when we adopted the current rules in 1972 for purposes of compliance with the new access and franchise rules as well.

18. Based on our experience with the existing definition and a consideration of the comments filed in this proceeding we have decided to make a number of changes in the definition to resolve some ambiguities and make more understandable the terminology employed. The principal change is to delete from the definition the Note following it which specifies that each community will be treated as having a separate cable system. For those rules that we will continue to apply on a community-by-community basis a new cable "system community unit" defintion will be included in the rules. (Para. 20, infra.) The new general defintion is as follows:

CABLE TELEVISION SYSTEM

A nonbroadcast facility consisting of a set of transmission paths and associated signal generation, reception, and control equipment, under common ownership and control, that distributes or is designed to distribute to subscribers the signals of one or more television broadcast stations, but such term shall not include (1) any such facility that serves fewer than 50 subscribers, or (2) any such facility that serves or will serve only subscribers in one or more multiple unit dwellings under common ownership, control or management.

Aside from eliminating the separate community note, a number of other changes which we believe are useful have also been made. The reasons for some of these changes, such as the deletion of the phrase "who pay for such service", as well as reasons why some of the changes suggested were not made are discussed further in this Report in relation to the question of what action should be taken with respect to apartment house MATV type systems. Other changes were an effort to be more technically precise and do not at this time have major substantive consequences. Thus, substitution of "associated signal generation, reception, and control equipment" is a simple but technologically precise way of describing the hardware components of "any facility that, in whole or in part, receives directly or indirectly over the air, and amplifies and otherwise modifies * * * (television broadcast) signals." This more general terminology thus describes the hardware in question in comprehensive terms, making it unnecessary to include a variety of specific terms such as single and primary headends, subheadends, hubs, and so forth, in an attempt to achieve the same inclusiveness. Because it was not definitionally significant we have also eliminated carriage of radio broadcast programming as an element of the amended definition. The chief function of most cable television systems, at present, is the retransmission of television broadcast signals and, indeed, it is upon this "ancillary to broadcasting" function that our jurisdiction over cable television was first exercised.[1] Many cable systems do not carry radio broadcast signals, and none of those that do features them as its primary service offering. The same situation presently pertains to carriage of cablecast programming. We therefore find it appropriate not to include the provision of either radio broadcast or cablecast programming as an essential constituent of a cable television system. Naturally, should the type of service offered predominently by cable television systems change in ensuing years to feature either radio broadcast or cablecast programming, we may revisit our definition and amend it appropriately.

19. Another important amendment to our definition is accomplished by substituting the term "a set of transmission paths" for "by wire or cable." The amended language has the advantage of anticipating new developments in system interconnection, thus obviating the need to revisit the definition to make continuing adjustments. The new definition's neutrality respecting technical configuration will allow system operators the flexibility to design the type of system best suited to the needs of subscribers in a given area while permitting us the latitude to fashion all or any part of our rules to apply to any current or future type of cable television system, as the public interest may require. To assure that the technological neutrality of the amended definition is not interpreted to include such non-cable television broadcast station services as Multipoint Distribution Systems, common carrier network-to-affiliate station program transmission links, telephone lease-back arrangements, or other specialized common carrier services, we have adopted a separate definition of "subscriber," as follows:

Subscriber: A member of the general public who receives broadcast programming distributed by a cable television system and does not further distribute it.

The term "subscriber" includes the occupants of one or more multiple-occupancy buildings who receive signals distributed by an MATV system that is interconnected to a cable television system for this purpose. Where a cable television system's rates for this service are charged on a bulk-rate basis, the actual number of subscribers served shall continue to be computed in the manner prescribed in Section 1.1116 (b) of the Commission's rules.

20. Having determined that it is appropriate to define a cable television system in technical terms, we also find it useful to define, for purpose of those rules which will continue to be applied on a community-by-community basis, a term describing that part of a system which is located within a single community. This definition is as follows:

System Community Unit (community unit): That portion of a cable television system that operates or will operate within a separate and distinct community or municipal entity (including unincorporated communities within unincorporated areas and including single, discrete unincorporated areas).

21. *Effect of redefinition on other rules.* The various sections of the cable television rules adopted in 1972 continue, of course, to reflect the definition adopted at that time, and thus treat the term "system" as being coextensive with "community." In deleting the separate community concept from the definition, we may affect the applicability of one or more of these other rules. Moreover, in amending the medium of interconnection in the definition from "wire or cable" to "a set of transmission paths," we potentially render all cable facilities interconnected by privately-owned microwave one system for regulatory purposes.[4] This, in turn, could have an effect on the applicability of the access, exclusivity, and equal employment opportunity rules, the jurisdictional limits of which are based on the size of a technically-integrated system as a whole.

22. *Signal carriage rules.* Our first area of concern is the extent to which our signal carriage rules may be affected by deletion of the separate community concept from the definition. We must emphasize that this change in the definition does not change the signal carriage rules at all. By their own terms our signal carriage rules are applicable on a community-by-community[5] basis, and deleting the separate community proviso from the definition does not affect that. We do not agree with the views of several of the proponents that identical signal carriage ought to be permitted throughout all portions of any technically-integrated system regardless of the applicable signal carriage rules.

Over-the-air television relies on local audience support for its continued existence. Where a portion of this audience resides in communities served by a cable television system, the limitations contained in our signal carriage rules are designed to assure the local broadcaster's continued viability by providing for carriage of the local station on the system while limiting the number of distant signals imported to that whose competition the local station presumably can withstand. Accordingly, retention of the separate community concept in our signal carriage rules is necessary.

23. We are not insensitive to the burden borne by the system operator where different signal carriage rules apply in different communities served by one technically-integrated system. The necessity of obtaining and maintaining the equipment required to provide different levels of service within one system is translated into added costs incurred by the system operator and passed along to subscribers. The assumption necessarily made in imposing such burdens on the system is that they are required to insure that the local broadcaster will not suffer a worse burden of adverse competitive impact.

24. In a series of opinions centering on the issue of whether to waive our signal carriage rules in such instances to permit the carriage of inconsistent signals in all portions of a technically-integrated system, we have sought to apply the test of balancing the burden of compliance with the public-interest need for compliance. In each situation we have ascertained the cost of compliance and, where it is disproportionate either because the system is very small,[6] or because trapping out the inconsistent signals is technologically difficult and prohibitively expensive,[7] and because the potential impact of inconsistent signal carriage is minimal,[8] we have granted waivers. The problems posed in determining whether or not to waive our signal carriage rules to permit carriage of the same signal complement throughout a technically-integrated system thus existed under our old definition, and they will persist under the new. Because deletion of the separate community provision likely will increase attention to the grounds for waiver, we find it appropriate to discuss briefly the difficulties we perceive in the signal-trapping process and enunciate the factors we will consider in evaluating whether a waiver of the rules is warranted.

25. The problem of deleting, or "trapping," inconsistent signals from a segment of a system varies, depending on the system's technical configuration, its channel array, and whether signals have to be deleted and/or added to comply with the applicable signal carriage rule. The cost of the traps similarly varies, and so does their effectiveness. For instance, traps may cost as little as $10 per channel in the low-band channels, but these inexpensive traps have significant drawbacks. These traps typically allow all the audio portion of the programming and some residue of the video to be received. Thus, not only is the programming not totally deleted, but the system operator receives complaints and requests for service from subscribers who believe their receivers are malfunctioning. For this reason, many operators do not use them.[9] To completely delete both audio and video, the price of the traps increases to between $1,000 and $4,000 per channel. Where deletion of signals from channels in the higher band is involved, however, the cost of full video and audio trapping jumps to a minimum of $3,000 to $4,000 per channel. These devices are prone to malfunction when the weather changes suddenly; to assure satisfactory performance regardless of climatic conditions, it is likely that a subheadend must be installed. Installation of a subheadend in turn entails construction of a building to house the necessary equipment, and the costs of land acquisition and construction generally make compliance to this extent an impossible burden for many systems.[10] Where compliance with the signal carriage rules would require a signal to first be deleted and then reintroduced, a subheadend is again required. In this situation, the usual subheadend costs mentioned are increased by the cost of microwave or cable to transmit the signal to the subheadend and processors with which to reintroduce it into the system. These total costs would be prohibitive for all but the very largest of systems.[11]

26. In deciding whether to waive our signal carriage rules to eliminate the necessity of trapping, we attempt to analyze each situation by applying the traditional balancing test of cost of compliance versus necessity of compliance. That is, the cost of trapping is estimated and then contrasted with the necessity for compliance as demonstrated by the likelihood of the inconsistent signals producing an adverse impact on local broadcasting. From this perspective it is apparent that the issue we seek to isolate is whether the burden of compliance on the cable operator is warranted, regardless of its magnitude. Thus, the fact that in certain situations traps may cost less than $1,000 to provide may not be determinative. Even where the cost is not excessive, the unevenness of the trap's performance—coupled with the possibility that the inconsistent signals' carriage will cause little or no impact on local broadcasting—could make installing the traps needlessly burdensome. Because the specific factors weighed in reaching a decision on whether or not to waive the signal carriage rules have not been comprehensively articulated to date, we find it appropriate in the context of this discussion to do so.

27. We first look to the cost of compliance to predict whether the affected area

[1] *United States* v. *Southwestern Cable Company*, 392 U.S. 157 (1968). See also *U.S.* v. *Midwest Video Corp.*, 406 U.S. 649 (1972).

[4] Common carrier microwave service interconnecting commonly-owned cable television facilities cannot render the facilities to be one system. Our revised definition specifies that the "transmission paths and associated signal generation, reception and control equipment" must be "under common ownership and control."

[5] The meaning of the term "community" as used in the rules is a matter which we have indicated must be determined on a case-by-case basis depending on the circumstances involved. See Second Report and Order in Docket 15971, FCC 66-220, 2 FCC 2d 725, para. 149 (1966). The definition is usually coincident with a municipal boundary, but that is not always the case. See *Telerama, Inc.*, 3 FCC 2d 585 (1966) and *Mission Cable TV, Inc.*, 4 FCC 2d 236 (1966) (the cases cited in the note to the present cable television system definition). See also *Calvert Telecommunications Corp.*, FCC 74-1095, 49 FCC 2d 200 (1974). Because the term community is used in Section 307(b) of the Communications Act there has been some judicial and Commission discussion of the meaning of the term as used in that context. See e.g., *St. Louis Telecast, Inc.*, FCC 57-294, 12 RR 1289, 1369 (1957).

[6] See, e.g., *Micro-Cable Communications Corp. d/b/a Florida Cablevision* (St. Lucie Village, Florida), FCC 75-45, 50 FCC 2d 804 (1975).

[7] See, e.g., *Hoosier Hills Cable Co.* (Orleans, Ind.), FCC 75-295, 51 FCC 2d 1137 (1975), granting recons. of FCC 74-842, 48 FCC 2d 138 (1974); *Sammons Communications, Inc. d/b/a Turlock Cablevision* (Unincorporated area 7 of Stanislaus County, Cal.), FCC 74-973, 48 FCC 2d 1105 (1974), granting recons. of FCC 73-363, 40 FCC 2d 462 (1973).

[8] See, e.g., *Hoosier Hills* and *Micro-Cable, supra;* see also *Clearview Cable TV* (Lynn Haven, Fla.), FCC 75-1266, 56 FCC 2d 739 (1975).

[9] See *Hoosier Hills, supra.*

[10] See *Pioneer Cablevision Corporation* (Village of Endicott, New York), FCC 75-1140, 56 FCC 2d 111 (1975); see also *Sammons, supra.*

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could feasibly obtain cable service without grant of the requested waiver.[11] In so doing we shall eliminate at the outset those systems having such a large subscriber potential that compliance with the rules is not only attainable but also necessary, because of the potentially substantial impact on local broadcasting.[12] A related factor which we would also consider is whether construction of the remainder of a technically-integrated system would be possible if the affected area were not constructed because the waiver request was denied. This, of course, is the converse of the first proposition; if denial of the waiver would result in a system's not being constructed, there is no reason to differentiate between whether the portion of the system that will fail is the portion with the inconsistent signals or that on which signal carriage would have been consistent.

28. Where the system likely would not be built absent waiver, we must inquire further whether so extreme a result is nevertheless necessary to protect local stations. Conversely, even where the cost of cable system compliance would not be prohibitive, it is proper to inquire whether even that relatively small burden is warranted in the public interest. Thus, we shall look further to see the number and nature of inconsistent signals proposed for carriage, and whether their carriage is mandatory in any other community served by the system. Waivers seeking carriage of larger numbers of inconsistent signals, for example, might be harder to sustain than those proposing carriage of only one inconsistent signal, or a signal subject to substantial deletion under our network or syndicated exclusivity rules. We shall also ascertain the percentage of the local broadcaster's total service area affected by the inconsistent signal carriage, the financial condition of the station, if put in issue in the proceeding, and the likelihood of its being able to withstand the proposed distant signal importation.[13] The weaker the local station the more important it may be that inconsistent signal carriage be prevented regardless of the cost to the system operator; conversely, where the local station is very strong, it may be needlessly burdensome to require the system operator to sustain the burdens of subscriber dissatisfaction, lower penetration, and technical unevenness entailed in providing even the simplest traps. Finally, we shall consider the extent of existing market penetration with the inconsistent signals, and whether the system plans any further expansion of such signals. In the latter respect, we shall seek to prevent a system's using one waiver as grounds for bootstrapping itself into successive waivers.[14] Similarly, where previous market penetration with inconsistent signal carriage can be shown to have produced a marked adverse effect upon a local licensee, we will deny a waiver request, however meritorious it may otherwise appear.[15]

29. Analyzing each request for waiver of our signal carriage rules in accordance with the factors enumerated above should produce a rational and consistent balancing of the interests of the system operator wishing feasibly to extend existing service to outlying communities and local broadcasters fearing sizable cable encroachments on their markets. In granting such waivers in the past, we consistently have held that the petitioning cable system bears the burden of making a convincing showing on the cost of compliance and the lack of public interest therefor.[16] This will continue to be so. We expect applicants for waivers to submit specific and verified factual data on the cost of complying with our rules, and to show how this cost is excessive. Where the cost of compliance is not such that compliance is impossible, but simply unwarranted because the danger of adverse economic impact to local broadcasters is slight, we will require the applicant to offer facts sufficient to prove this point. Above all, we will require applicants for waivers to demonstrate by means of maps or other persuasive showings that the waiver requested will not be followed by others for the same system. We are concerned that our waiver procedure not be subverted into a means of achieving successive waivers which would not have been granted if requested at one time. To this end, we shall require that applicants for waiver document the fact that, in requesting a waiver, the entirety of the system's planned development has been considered and that no further extensions of the same system, requiring further waivers, are contemplated. At a minimum, we will expect the applicant to submit his master construction plan, illustrating existing communities and planned future development. This will be regarded as a conclusive representation of the full extent of planned system construction, and it will be retained and referred to in the event a future waiver is requested. Applicants seeking successive waivers must submit, in addition to the verified factual data discussed previously, clear and convincing proof that the need for the further waiver could not have been foreseen at the time the original waiver request was filed. Although these standards may appear rigorous, we deem them necessary. Our signal carriage rules are the core of our regulatory program for cable television, and thus we find this burden of proof justified. Of course, local broadcasters remain free to object to any waiver request.

30. *Syndicated and network program exclusivity rules.* The syndicated and network program exclusivity rules are like the signal carriage rules in that they apply to systems on a community-by-community basis, but differ in that systems having fewer than 1,000 subscribers are exempt from compliance. This regulatory approach is sound, we think, because it protects local broadcasters from the possible adverse impact of cable carriage of duplicating signals while placing the burden of protection on those cable facilities having sufficient size to bear it. The question of whether or not to waive the exclusivity rules to permit a technically-integrated system to provide a signal with the same degree of protection throughout is similar in some respects to the question of whether to waive the signal carriage rules in like situations. In both situations we apply the same balancing test of cost of compliance versus necessity for compliance, because the costs and burdens of signal trappings are involved in both instances.[17]

31. *Significantly viewed signals.* As in the case of the signal carriage rules, eliminating the separate community limitation from the definition will produce no effect on § 76.54 (b) and (c) of the rules, which prescribe the method for showing that stations in operation in 1972 but not listed in Appendix B of the Reconsideration, are significantly viewed in the cable community. Like the signal carriage rules, this section specifies compliance on a community-by-community basis. Unlike the signal carriage rules, however, we find the separate community requirement in § 76.54 (b) and (c) serves no overriding public purpose. We are persuaded that: (a) the cost saving to the cable operator involved in making this change may be significant; (b) the information gained through having a separate survey for each community is not great; and (c) there is no inherent bias in this change, either for the introduction of more signals or for

[11] See, e.g., *Hoosier Hills, supra.* "The minimum standard of proof for waivers of this type would be specific and substantiated data clearly showing that the choice is between (inconsistent signal carriage) for the expansion system or no service at all * * *" *Pioneer Cablevision, supra* at 115.

[12] See, e.g., *Telco Cablevision of the Township of Ocean, Inc.* (Township of Ocean, New Jersey), FCC 75–168, 57 FCC 2d 578 (1975).

[13] With respect to noncommercial educational television stations, somewhat different considerations may be involved. See e.g., *Colby-Bates-Bowdoin Educational Telecasting Corp. v. F.C.C.*, Case No. 75?1425 (1st Cir., April 30, 1976.)

[14] In granting waivers of this nature we regularly require a showing that the number of potential subscribers affected is clearly defined and that the same arguments will not lead to unlimited extension of the inconsistent signals. See, e.g., *Pioneer Cablevision Corporation, supra.*

[15] Similarly, where carriage of a signal consistent with our Rules can be shown likely to produce a deleterious effect on a local broadcaster, certification will not be granted. *Big Valley Cablevision, Inc.*, FCC 73–1245, 44 FCC 2d 3 (1973), modifying FCC 73–187, 39 FCC 2d 642 (1973); recons. denied FCC 74–947, 48 FCC 2d 94 (1974), remanded for further proceeding, *Big Valley Cablevision, Inc. v. FCC*, Civil No. 74–1961 (D.C. Cir. January 12, 1976). *Compare Clearview Cable TV* (Lynn Haven, Fla.), FCC 75–1266, 56 FCC 2d 739 (1975).

[16] See, e.g., *Micro-Cable Communications Corp. d/b/a Valley Telecasting Co.* (Somerton, Arizona), FCC 74–428, 46 FCC 2d 613 (1974); *Lima Cablevision Co.* (Elida, Ohio), FCC 74–1300, 52 FCC 2d 1016 (1974).

[17] See, e.g., *Hamburg TV Cable, Inc.*, (Hamburg, Pennsylvania), FCC 74–376, 46 FCC 2d 552 (1974); *TelePrompTer of Florida, Inc.* (Polk County, Florida), FCC 75–106, 51 FCC 2d 195 (1975); *Harrisburg Cablevision* (Middletown, Pennsylvania), FCC 74–290, 45 FCC 2d 863 (1974).

a reduction in the number of signals likely to achieve significantly viewed status. The surveys taken will, in any event, remain considerably more specific than the county data which we relied on in the Cable Television Report and Order, and which is the standard unit of data commonly employed by television stations and advertising agencies. For these reasons, plus the additional fact that technology imposes a practical limit on the reach of all systems, we are persuaded to permit such technically-integrated systems to take one survey per system rather than one survey per community in complying with § 76.54 (b) and (c), and these paragraphs will be amended accordingly.

In the absence of objections thereto, we shall presume the results valid for each community served by the system. Of course, any of the parties served with notice of the prospective survey pursuant to § 76.54(c) remain free to voice any objections or reservations to the system operator, and may renew them subsequently in the context of an objection to an application for certification to carry the disputed signal. We will presume the regularity of the results of surveys taken in accordance with these procedures. Thus, objections to the results of such surveys must allege facts sufficient to rebut the presumption of regularity.

32. *Franchise standards.* Eliminating the separate community concept from the definition could render the applicability of § 76.31 ambiguous, in that this section requires a "system" to have an appropriate local authorization. We shall amend § 76.31 to the extent necessary to clarify its continued applicability on a community-by-community basis. This, of course, is entirely consistent with the purpose of that section as well as with efficient administrative practice. We require that a franchise or other appropriate non-federal authorization be obtained prior to processing an application for certification to insure the integrity of our certification procedure, to assure that all necessary non-federal requirements have been met by the applicant before this Commission's authorization is granted. Matters of preeminent federal concern are established by § 76.31 for inclusion in the franchise. Because franchises are usually granted by each community served by the system, we shall continue the applicability of § 76.31 on a per-community basis.[18] Whether the franchises granted to systems having fewer than a stated number of subscribers should be held to strict compliance with the provisions of § 76.31, or to some lesser standard, is a different question, addressed at para. 64 infra.

33. *Certification process.* Deleting the separate community limitation from the definition also affects §§ 76.11 and 76.13, which require "systems" to apply for and be granted certificates of compliance. Absent clarifying language, these sections could be read to intend that one application for certification be filed per system rather than per community, as presently done, and indeed several commenters urge this to be desirable. However, because we are retaining the separate community approach insofar as the applicability of our signal carriage and franchise rules are concerned, we find it most practicable administratively to retain the requirement that a separate application for certification be filed for each community served by a system. Before making this determination we carefully explored the possible effects of permitting one consolidated application to be filed and of issuing one certificate of compliance to grant it either totally or, if necessary, in part. This approach impresses us as unwildy. Issuing one certificate of compliance for several communities, with several corresponding expiration dates and perhaps different signal complements, could prove impossibly confusing, particularly if the certificate were required to be amended to add or delete signals, include new communities, and so forth. In sum, given the fact that our key signal carriage and franchise rules are still applicable on a community-by-community basis and that, for this reason, issuance of separate certificates of compliance is also advisable, we find that allowing the filing of consolidated applications would not promote ease of administration or be cost-effective for the Commission or for the applicant. We shall therefore retain our present application procedure.[19] We should emphasize that our procedure of certificating cable television systems on a community-by-community basis does not, in itself, answer whether the cable facility in question constitutes one or several systems for purposes of complying with other sections of our rules, such as access, exclusivity, etc. Where a particular certification or special relief proceeding specifically raises this substantive issue we shall resolve it as described at para. 38, infra.

34. *Cross-ownership.* Section 76.501 prohibits the cross-ownership of co-located television broadcast stations and cable television systems. Section 76.501 (a)(2) prohibits co-ownership of a television broadcast station whose predicted Grade B contour overlaps "in whole or in part the service area of the system (i.e., the area within which the system is serving subscribers)," and § 76.501(a) (3) prohibits cross-ownership between a system and a television translator station "licensed to the community of such system." Both of these provisions reflect the separate community concept. We now believe it appropriate to use the new integrated system definition for purposes of the cross-ownership rules. The principal result of this will be to permit those systems with existing cross-interests that are not subject to the divestiture requirement to fill out their operations by developing contiguous communities that are a logical part of their operations from a technical point of view.

While we recognize that some additional cross-owned cable service may result as a consequence of this change, we believe whatever adverse consequences might result from this are more than outweighed by the potential benefits to the public in the form of more economical and efficient service from the technical completion of existing cross-owned systems.

35. *Technical standards.* Deletion of the separate community proviso from the definition could also affect the applicability of our technical standards, § 76.601 et seq. In this respect we wish to note that a pending rulemaking proceeding will resolve the issue of which technical unit appropriately constitutes a "system" for purposes of measuring compliance with our technical standards. Notice of Proposed Rulemaking in Docket 20765, FCC 76–310, 58 FCC 2d 1035 (1976). Accordingly, the action taken today in amending the definition of a cable television system is not determinative of the applicability of § 76.601. This issue will be resolved separately in the pending rulemaking proceeding.

36. *Access, exclusivity and nonduplication, and equal employment opportunity rules.* In some respects our rules already anticipate the appropriateness of applying some rules, not to each cable system as defined by community boundaries, but to each system as a technical or economic unit. The channel capacity and access rules apply to:

Any conglomerate of commonly-owned and technically-integrated cable television systems having a total of 3500 or more subscribers * * *. Sections 76.252 and 76.256.

Likewise, we have exempted from compliance with the syndicated program exclusivity and network nonduplication

[18] Consideration of possible substantive changes in Section 76.31 is currently the subject of a separate proceeding; Notice of Proposed Rule Making in Docket 21002, FCC 76–1070, FCC 2d (1976). Pursuant to interim procedures adopted in that proceeding, a franchise need not be submitted in conjunction with an application for certification, although the franchise standards of Section 76.31 remain in effect. Id. at para. 36. This policy also applies to the submission of alternative proposals for compliance with the substance of Section 76.31 in situations where no franchising authority exists. See e.g., *Mahoning Valley Cablevision*, (Austintown Township, Ohio), FCC 73–347, 40 FCC 2d 439 (1973); *Better-View Cable Vision*, (Green District, Oregon), FCC 74–1065, 49 FCC 2d 193 (1974); *Village CATV, Inc.*, (Bella Vista Village, Arkansas), FCC 74–642, 47 FCC 2d 952 (1974); *Leacom, Inc.*, (Playas, New Mexico), FCC 74–1358, 50 FCC 2d 381 (1974); *Sanwick Cablevision, Inc.*, (Sudden Valley, Washington), FCC 74–888, 42 FCC 2d 615 (1974); See also *V–R Corporation of Virginia.* (Unincorporated portions of Carroll County, Virginia), FCC 75–385, 52 FCC 2d 719 (1975).

[19] A technical change will be made in the certification rules to make it clear that we will continue the policy of not requiring a certificate for those community units with fewer than 50 subscribers even though these are part of a system with more than 50 subscribers. We will also not require these "fewer than 50 subscriber" units in operation prior to the effective date of these rule changes to otherwise comply with the signal carriage limitations until the 50th subscriber is connected. Newly commencing operations will be required to comply from the outset unless otherwise exempted.

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rules: "cable systems serving fewer than 1,000 subscribers or * * * a conglomerate of commonly-owned and technically-integrated systems serving fewer than 1,000 subscribers." Sections 76.95(b) and 76.161. Some parts of the equal employment opportunity rules refer to employment units as well as cable television systems. Section 76.311(b)(3). For purposes of our Annual Financial Report (Form 326) a consolidated form, in certain circumstances, may be filed for systems under common ownership and managed as a single operating entity. No change in the substantive application of these rules is contemplated by the revised definition, although they will be amended where appropriate to conform them to the new terminology we are now adopting. Any EEO amendment should await the outcome of the pending proceeding in Docket 20629 (60 FCC 2d 618).

37. The rules do not now require system operators to file an annual report (FCC Form 325) for any system community unit serving fewer than 50 subscribers. With the adoption of a head-end-oriented definition and with the creation of different classes of systems based on total number of subscribers served, it has become most important for regulatory purposes that our records reflect as accurately as possible the size of each system in its entirety. Without receiving annual reports on every community a system serves, the Commission would have no means of ascertaining the total number of subscribers any system actually has. We therefore find it appropriate to require henceforth that an annual report be filed for each system community unit regardless of the number of subscribers served. We do not believe that the augmented filing requirement will place an undue burden on the system operator, since in most cases only the first two portions of the form, containing information on the community and number of subscribers served and signals carried, need be completed and returned; the more extensive information on ownership may simply be cross-references to the complete "master" form filed for the chief community served by the system. Therefore, because the extra filing burden is minimal and because the information obtained is necessary for the new regulatory program we are adopting, we shall require the filing of an annual reporting form for each system community unit served.[24]

38. *Interconnection Problems.* Under the new definition of system, it should be clear that all trunk and distribution cable operating off one headend is a single cable television system. More difficult definitional problems arise when contiguous population centers are served by cable facilities connected by microwave facilities, or interconnected by cables that relay only a small part of the overall communications each distributes to its subscribers. In particular, the improved technical performance, added flexibility, and costs saving enabled by use of multi-channel local microwave distribution systems now make it common for systems to be constructed with multiple headends or subheadends connected by microwave radio links. If these facilities are under common ownership, are technically integrated, are reasonably contiguous, and are generally managed as a unit, we believe it appropriate to define them as parts of a single system. We recognize that certain cases will arise where the applicability of the definition may not be clear. There may be commonly-owned facilities many miles apart that share common microwave service and may, in some respects, receive common management services. Within the bounds specified, we believe it appropriate to leave the initial judgment to the system operator as to how the facilities involved conform to the definition. This judgment will be subject to review either in the certificate of compliance process or, if raised, in special relief or enforcement proceedings to assure that the judgment made is a reasonable one.

III. EXCEPTIONS TO THE DEFINITION

39. Historically, we have excluded from the cable television system definition and, hence, from the coverage of our cable television regulations certain types of facilities which like cable systems are engaged in the distribution by wire of television broadcast signals to members of the public. Those operations with fewer than 50 subscribers have been excluded, as have facilities serving apartment buildings and those where there is no payment for the service provided. In our view, certain exemptions are entirely proper. Accordingly, we consider below not only whether to continue in effect the previous exceptions but also the new proposals for regulatory relief set forth in the Notice herein. The following broad areas will be treated: the element of payment; the appropriate exemption level; the creation of a class of small cable systems; consideration of a "reception only" class of system; and the appropriate regulatory approach for Master Antenna Television (MATV) Systems serving multiple family dwelling units.

PAYMENT

40. Since 1966, the cable television definition has applied only to systems distributing signals "to subscribing members of the public who pay for such services."[25] Over the years we have interpreted this language to include indirect as well as direct payment. As we summarized in the Notice:

> In short, we have not found the manner of payment to be of jurisdictional significance. For definitional purposes, it does not matter whether the payment is separate or combined with a general service, recreational, or rental fee, whether the payment is made directly or through some intermediary such as a homeowners association, whether the payment is in the form of a capital contribution or service fee, or whether the bulk payment is made for a number of subscribers rather than an individual payment for each subscriber.

However, we further observed in our Notice that several parties had suggested the Commission not interpret the element of payment so strictly and should, for example, permit an exemption where cable service is only an unspecified portion of a management fee or is made to a non-profit corporation. We observed:

> The rationale of such comments is that such parties do not intend to engage in the "cable television business," often do not seek to make a profit from such service, and often furnish only an off-the-air reception service. While we understand the desire not to be subject to our regulations, we believe that should be accomplished through a rule change rather than through a rule interpretation. The possibility of such a change is appropriate for comment * * *

41. Many parties did not direct comments to this point at all. Those who did respond covered several viewpoints. Illustrative of those supporting a "relaxation" of our interpretation is Cablecom-General, which urges that "the Commission should draw a clear distinction between those entities primarily engaged in the business of providing cable television services and those primarily engaged in meeting the housing needs of the nation." Parties such as Allen's TV Cable Inc. et al., Atlantic Coast TV Cable, et al., Liberty Communications, Inc., and the Arizona Cable Television Association, however, do not wish any changes. Liberty cautions, for example, that any exception premised upon the manner, as opposed to the fact, of payment would allow systems "to avoid cable regulation merely through the adjustment of bookkeeping techniques." Several parties suggest that perhaps the best solution is to eliminate the element of pay from the definition. Welch Antenna Company and Viacom International, Inc. both feel that "payment" is not critical to the definition. Welch cryptically stating that "there is no such thing as a free lunch," and Viacom stating that "for all practical purposes, all persons receiving cable television service must pay for it * * *" Even the 1000-unit apartment building which advertises free master antenna service to its tenants is said to include the cost of that service in its rentals. Manhattan Cable Television, Inc. similarly states that "the continued existence (of payment) will inevitably stimulate further disguished payment schemes which will unnecessarily burden the FCC's limited resources." NCTA opines that the element of payment is not a critical aspect of the definition, but opposes any suggestion that payment be redefined to only include an identifiable, direct charge.

42. In redefining a cable television system as a technical entity we have eliminated the element of payment. The issue left to be determined is whether for other reasons we wish to retain this concept. We decline to do so, for several reasons. The first reason is totally pragmatic—a cable television system is a technically integrated system of transmission paths which distributes television signals, and the manner in which it is financed is irrelevant to our regulatory objectives. Equitably speaking, we decline to treat one system differently from another based on distinctions in how they meet their costs. We concur with those parties who caution against the creation of an exception for indirect payment which would be susceptible to abuse. Lastly, while we are sympathetic to certain operators of multiple housing units who seek to avoid regulation, it is better to create exceptions for such entities on grounds which are more valid than the standard of "payment", and this is accomplished infra in connection with the subjects of exemption level, small cable systems, and MATV systems.

CHANGES IN EXEMPTION LEVEL AND CLASSES OF SYSTEMS

43. Since the initial adoption of the rules for "cable systems" we have provided for an exemption for "any such facility that serves fewer than 50 subscribers," a judgment that systems of this size are of minimal regulatory concern. The Notice herein proopsed that this number might be raised as high as 250 subscribers, explaining:

> In the main, it is not anticipated that a change upward in the system size to be exempt would have an adverse impact, either upon broadcasters or upon our broad regulatory program. And it would lift a potentially heavy burden of regulation from these small operations. Indeed it seems reasonable to assume, as comments to the Re-Regulation Task Force have suggested, that this exemption may permit some systems to come into being where that would not otherwise have been possible. The systems with which we are here concerned already are exempt from our network exclusivity rules and are proposed for exemption from our syndicated exclusivity and access and channel capacity requirements. Insofar as signal carriage is concerned, these systems overwhelmingly function as off-the-air reception services only. Systems under 250 subscribers, for example, do not generally use microwave services. With respect to the regulatory importance of such systems, it would appear that collectively they neither affect a substantial portion of nationwide subscribers nor, even when there are direct charges, do their revenues have substantial impact. Rather, with the administrative burden of regulating systems of smaller size put aside, we could better concentrate our regulatory efforts on the emerging aspect of this technology.

The Notice herein also solicited comments concerning the establishment of a defined class of small cable systems to which only limited regulation would apply. In support thereof, we stated (Para. 21):

> First, functions performed by systems of small size may differ considerably from those of larger systems. Small systems are typically passive and perform antenna functions alone without engaging in program origination or the provision of access services. Second, the cost of compliance with particular rules may fall disproportionately heavily on small systems. With a large subscriber base such costs, on a per subscriber basis, may be negligible. With a small subscriber base they are likely to be of far greater consequence. Third, small systems in performing their broadcast signal distribution functions may, even in the aggregate, have sufficiently few subscribers so that their operations are unlikely to impact significantly on over-the-air television broadcast service to the public. Finally, in terms of our own limited administrative resources, we may accomplish more by focusing our energies on larger operations than by attempting to regulate all systems regardless of size. These, and related considerations, have resulted in our recent decision to exempt from compliance with our nonduplication rules, systems and conglomerates of systems serving fewer than 1,000 subscribers.

To aid in our consideration, we listed broad categories of our rules and inquired as to which were most appropriate for regulatory relief. A third possible course of action suggested by the Notice for deregulatory relief and upon which comments also were solicited was the creation of a "reception only" class of cable systems. Finally, the Notice acknowledged that any modifications of the present definition, whether by changing the exemption criteria or by establishing different classes of systems with varying regulatory obligations, raises "grandfathering" issues, particularly for systems changing from one class to another, and solicited comments as to the proper regulatory approach for such situations.

COMMENTS

44. Comments on the subject of raising the exemption level cover a broad range. Parties who oppose any change from the present exemption level of 50 include broadcasting interests, state and local cable regulatory authorities, some cable operators, and some state cable trade associations. The broadcasting interests—such as NAB, AMST, ABC,[26] and a group of Television Licensees—oppose any action which could affect signal carriage requirements. MST takes issue with all of the reasons cited for considering raising the exemption level, asserting that the "passive" nature of such systems does not justify weakening or eliminating the signal carriage rules, the "cost of compliance" with the carriage rules is not burdensome, the aggregate impact of systems of this size is not known, and the conservation of Commission resources is not important because systems of this size seldom request special relief. MST further asserts that raising the exemption level would pose new problems—i.e. a "quiltpatch" of signal carriage leading to further erosion of the rules, severe transitional problems for systems growing in size and, occasionally, a disincentive for system expansion. The commenting regulatory authorities—New York State Commission on Cable Television (CCT), State of Minnesota Cable Communications Board (MCCB), and San Diego County—want the present level of 50 maintained so as to keep smaller systems subject to regulation, but then propose various forms of partial regulatory relief for classes of smaller systems. Indeed, MCCB cautions that even if the Commission changes the federal exemption level "MCCB, representing the sovereign State of Minnesota, will continue to use its present definition * * * until we have completed our current developmental studies." The cable interests which oppose any rise in the exempiton level do so for two different reasons. Parties such as the Florida CATV Association and Storer Cable TV do so because of the impact such an action would have on MATV systems operating in areas served by cable television systems, and not because of opposition to the re-regulation of smaller cable systems. Parties such as Atlantic Coast TV Cable want the present exemption level of 50 maintained because of "the overriding need for uniform regulation as to all systems except for those few instances where the de minimis nature of the operations does not justify the time or expense * * *."

45. Support for raising the exemption level above 50 subscribers comes from certain cable interests, who generally cite the burden of regulation and the negligible impact upon broadcasters as their chief rationales. Small cable systems such as Eagle River and Park Falls, Wisconsin and Cumberland, Maryland support raising the number to 250, the latter noting that if this were done "many more rural subscribers would logically be served by the local operator." These same parties, however, would welcome an even higher exemption level than 250. Indeed, two state cable associations—Nebraska and California—commented that raising the level to 250 was of no significance to them. The Nebraska Association stated that only 6 systems in its state would be affected, but added that more small systems might be built if regulations were reduced. California noted that only two of its member systems would be affected and that such an exemption level would only serve to encourage "pockets" of MATV systems cumulatively serving hundreds of thousands of dwelling units in California. Two other parties focused their attention upon the 250 exemption level vis-a-vis MATV units. Cablevision Systems Corporation states that it supports raising the exemption level to 250 so as not to "perpetuate" the current competitive imbalance between regulated systems and MATV systems.

46. Several parties such as the Kentucky CATV Association suggest that the appropriate exemption level is 500 subscribers. However, a significant number of commenting parties, including CATA, the Arizona Cable Television Association, and 68 CATV companies, recommend the 1,000 subscriber level for total exemption, and still other parties,

[24] In conjunction with the amendments to the rules indicated at paragraphs 18–37 and consistent with our recent adoption of a separate definition of "system operator" (FCC 76–1110, adding new Section 76.5(11)), we shall further amend the rules to substitute the term "system operator" for "system," wherever appropriate.

[25] Second Report and Order in Dockets 14895, 15233, and 15971, FCC 66–220, 2 FCC 2d 725 (1966).

[26] First Report and Order in Dockets 14895 and 15233, 38 FCC 683 (1965).

[27] See Appendix A for a full identification of groups whose names are abbreviated in the text.

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such as NCTA and Viacom, proffer the 1,000 subscriber level for almost total regulatory relief. CATA advocates "an irreducible minimum of federal CATV regulation" and urges that this docket be utilized by the Commission as a "grand experiment" in deregulation and, in addition to several other proposals, urges that all systems with under 1,000 subscribers, wherever situated, be totally exempt from regulation. The comments of Atlantic Coast TV Cable et al., in support of the 1,000 exemption level, state that this action would eliminate the need to distinguish between cable and MATV and would have no measurable impact upon the television industry. NCTA, citing the minimal impact of systems under 1,000 determined in the Commission's exclusivity proceedings, proposes exemption of such systems from all rules except a simplified reporting requirement and minimum technical standards. In its reply comments, MCA, Inc. takes strong exception to the proposals for raising the exemption level to 1,000, stating that such parties have gone far beyond the suggested approaches in the Commission's Notice (i.e., a proposed exemption level of 250 and major regulatory relief for systems with 250–1,000 subscribers). MCA urges that the proposals advanced by cable interests to increase the definitional exemption level should be rejected because, inter alia, such proposals are inconsistent with the policies underlying the distant signal and exclusivity protections of the Commission's rules.

47. The range in proposals received for classes of cable systems was even broader than the proposals for establishing a new exemption level. Opposing the creation of any new classes were essentially the same parties who objected to any increase in the exemption level. Several cable interests voiced approval of the suggestion in the Notice that a "small" class of the size of 250–1,000 subscribers be established, with minimum regulation, but the majority of the cable interests submitted proposals for a total restructuring of the Commission's regulatory program premised upon various sized classes, most going far beyond the suggested 1,000 subscriber level. Illustrative of the range of comments on this subject and the various classes proposed, are the following: San Diego County proposes three classes: (1) Master Antenna System—under 50, no regulation; (2) Community Antenna System—located in a community with under 5,000 units, modified regulation; and (3) Cable Television System—located in a community over 5,000 units, full regulation. Welch Antenna Company proposes four classes: (1) under 1,000—no regulation; (2) Small System—1,000–3,500, required only to submit a simplified annual report; (3) Medium System—3,500–5,000; and (4) Large System—over 5,000. (Further, Welch proposes that all "reception only" systems be totally exempt, irrespective of size.) Allen's Cable TV et al propose a three part approach: (1) Exempt System—under 1,000; (2) Small System—1,000–3,500, with many rules either modified or eliminated; and (3) Standard System—over 3,500. Communications Properties, Inc., utilizes subscribers per community and headend in its proposals: (1) Exempt System—1,000 subscribers per community, but no more than 2,500 per headend; (2) Small or Reception Only System—1,000–2,000 for community but no more than 3,500 per headend, with substantial regulatory relief; and (3) Large System—those exceeding the latter sizes. CATA has submitted a proposal premised upon total exemption for systems outside all markets and the following for systems incide 35-mile zones: (1) Class I—under 1,000, total exemption; (2) Class II—1.000–5,000 and either utilizing only off-air signals or utilizing mircowave signals to reach a complement of 3 network and 3 independent stations, to which limited regulation would apply; and (3) Class III—either over 5,000 or more than 12 channel system, full regulation. EMCO, a cable system operator, advocates four classes; (1) Class D—under 500; (2) Class C—500–1,200; (3) Class B—1,200–2,500; and (4) Class A—over 2,500, with graduated regulation, but only very limited regulation applying to Class C and D systems. The Kentucky CATV Association proposes: (1) Exempt Systems—under 500; (2) Class II—500–3,500 or reception only, to be subject only to limited technical standards and "almost automatic certification"; and (3) Class I—over 3,500, subject to most regulations. The most elaborate scheme was submitted in the "Joint Comments" of Atlantic Coast TV Cable Corp. et al. which proposes six classes: (1) Class I—20 channel, broadband system, subject to full regulation; (2) Class II—12 channel, mandatory signals and minimum complement of distant signals, no pay, exempt from access and expansion; (3) Class III—12 channel, off-air signals only or grandfathered signals, no access obligations; (4) Class IV—CATV or MATV serving less than 250, exempt from most rules; (5) Class V—MATV, exempt from same rules as co-located CATV system; and (6) Class VI—any system interconnecting with Class I–V systems, exempt from same requirements as interconnected systems. Comments submitted by NCTA emphasize its major concern for obtaining CATV/MATV "parity"—to be treated infra—but also propose three essential classes: (1) under 1,000—exempt from most rules, simplified reporting and testing procedures; (2) 1,000–3,500 and Reception-Only Systems—new simplified set of rules; and, (3) over 3,500—full regulation.

48. With respect to which of the Commission's present regulations should either be modified or made inapplicable to small systems, the comments again represent a wide spectrum. ABC and the Television Licensees oppose across-the-board exemption for even the smallest systems from the franchise, certification, and filing requirements, urging that the Commission's public interest and informational needs outweigh any insubstantial inconveniences imposed on smaller systems. Conversely, NCTA urges total exemption for systems under 1,000 and practically no requirements for systems under 3,500. CATA's approach is similar. The Citizens for Cable Awareness in Pennsylvania would remove many of the existing cable rules—distant signal carriage restrictions, exclusivity, anti-siphoning, etc.—yet would strengthen others such as ownership, EEO, access, reporting, public inspection files, etc. Communications Properties, Inc. states that the Commission's past regulation has served to "discourage and foreclose" cable development in smaller, often rural, communities, and that this docket should be utilized to make cable service more easily available to such communities. However, Minnesota All-Channel Cablevision, Inc., operator of 12 small systems, only two of which have over 1,000 subscribers, cautions the Commission against complete relinquishment of jurisdiction, fearing that state and local authorities will fill the void with onerous regulation.

49. The subject of signal carriage drew totally polarized comments. NAB, MST and others, as already mentioned, oppose any change whatsoever in mandatory or distant signal limitations, while many cable operators, particularly smaller ones, urge either total deletion of the carriage rules for small systems or permission to carry all signals available off-the-air. Western Cable, Inc., for example, the operator of four post-1972 systems in Texas, each of which has fewer than 1,000 subscribers, states that the lack of otherwise available signals has injured the financial growth and development of its systems. Comments directed to the issue of continued application of the anti-siphoning rules to small systems also diverged. The New York State Commission on Cable Television would totally exempt smaller systems from the pay rules, while ABC and the Television Licensees desire the rules to remain applicable. Cable interests universally seek modification or elimination of the franchising and certification requirements for small systems. "Minimal" regulation, "simplified" procedures, "automatic certification," etc, reflect the tenor of such comments. The same is true of the various reporting and recordkeeping requirements, with requests for "less stringent" rules and even total deletion of all "paperwork" requirements. With respect to the applicability of technical standards to small systems, most cable interests urge either "less expensive testing procedures," lesser standards, or elimination of the technical requirements, particularly for small, rural systems. Regulatory relief also was requested from our various other requirements for small systems—fees, EEO requirements and ownership restrictions. Several parties made the point that the local television station or telephone company often is the only entity willing to undertake the construction of new small systems, and thus should be exempted from our cross-ownership rules.

50. Comments on the possible creation of a "reception only" class of system did not draw the number of comments which might have been expected. Here again the positions recommended extend from total adoption to total rejection. CATA indicated the strongest support for this proposal, urging that the Commission exempt upon a "jurisdictional" basis all systems located beyond the Grade B contour of any stations and further exempt, upon a "policy/jurisdictional" basis all systems beyond the 35 mile zones of television stations but nevertheless within Grade B contours (with a provision for ad hoc regulation of the latter systems for purposes of mandatory carriage and nonduplication requests). NCTA proposes a simplified set of rules for either "reception type only" systems carrying no more than 3 network, 1 independent, and 1 educational stations, even if the latter utilize microwave. The Kentucky CATV Association proposes total regulatory relief for all reception only systems, no matter how large, and the Arizona Cable Television Association seeks similar relief and requests a further proviso that would not prohibit originations or access on such systems. (We note that our new channel capacity and access rules now place access programming obligations upon all systems with 3,500 subscribers, irrespective of location.) Other interests, particularly the broadcasting parties, are opposed to the establishment of a reception only" class of any size, and the Minnesota Cable Communications Board (MCCB) takes a pragmatic approach and suggests that the Commission drop any serious consideration of such a class as totally unworkable.

DISCUSSION

51. Our Notice herein set forth for comment many areas of deregulatory relief in order to solicit the widest possible spectrum of suggestions as to feasible courses of action. The extensive comments filed indicate that this has been accomplished. Having considered the comments it is our view that the most appropriate resolution is to create a new class of "small" system to which only the most minimal of regulation will be applicable and not to raise the present exemption level or to establish a "reception only" class of system. Our deliberations today lead us to the conclusion that a 50–500 subscriber level, calculated upon a headend basis, consitutes the correct scope for this new class; additionally, in a companion Further Notice of Proposed Rule Making in Docket 20561 issued this day we inquire whether justification exists for the future extension of some or all of the new provisions for systems under 500 subscribers to a larger number such as 1,000 subscribers.

52. Initially, we have concluded that the establishment of a "reception only" class of cable system, irrespective of system size and other considerations, is not workable. While presenting an initial allure, particularly for deregulatory purposes, upon closer view this general grouping of systems lacks sufficient homogeneity upon which to premise any valid action. Clearly a general "reception only" class of system, including as it would small and large systems, traditional and newly constructed systems, systems in major or minor markets or outside all markets, etc., is too amorphous an entity for regulatory classification purposes. The creation of such a class would additionally produce very strong incentives for systems not to originate and distribute their own programming. Because we regard the distribution of nonbroadcast programming—whether the operator's own creation or that provided by access channel users—as having real potential public benefits, we believe it would be inappropriate to create a regulatory structure which discouraged the distribution of this programming.

53. We have also rejected the idea of simply raising the present 50 subscriber exemption level to some higher figure such as the 250 subscriber level mentioned in our initial proposal in this proceeding. The basic reason for this decision is our belief that there are some rules which are so fundamentally important, and at the same time are so minimally burdensome, that they ought apply to even very small operations. At the same time, we believe that there are a number of rules that have been inappropriately applied to these small systems and from which they may now be exempted. That is, we have concluded that it is appropriate to create a class of small systems with between 50 and 500 subscribers to which only a limited number of rules would apply.

54. The primary reason for our decision to reduce the burden of regulation on systems of this size is our conviction that they are substantially different from larger systems and can be accorded lesser regulation without disruption of our overall regulatory program. Typically, systems of this size furnish their subscribers with only off-air signals. These systems usually do not offer distant signals either because the cost of constructing their own CARS microwave facilities is prohibitive—estimated at $25,000 per 30-mile "hop"—or because service via common carrier microwave does not exist or is too expensive for systems with such a small subscriber base. Also, from a functional standpoint, these systems generally are "reception only" facilities and do not engage in either program origination or access services. Indeed, our actions in Dockets 19988 (program origination) and 20508 (access) concluded that systems with less than 3,500 subscribers were too small to be subject to these obligations. Our analysis herein suggests that these 50–500 subscriber systems generally are older, mature systems serving remote, smaller communities. While we recognize that systems of this size could exist in "pocket" areas of larger communities, the bulk of such systems for which we are here affording regulatory relief do not. They are genuinely small "community" systems. We also recognize that the establishment of this new class of systems could lead to the construction of such systems in larger metropolitan areas, but, because of inherent economic limitations upon systems of this size, and the limited service which would be provided by such systems, it is not felt that even a proliferation of them would be injurious either to local broadcast service or to our regulatory objectives for cable television.

55. Another principal purpose in providing deregulatory relief for small systems is to alleviate the disproportionate burdens of regulation. Per subscriber, the cost of regulatory compliance is quite substantial for such systems. We note that here again, although the outside figure of 500 is utilized for "worst case" analysis, many of these systems do not approach the maximum of 500 nor do they have the potential of achieving such a subscriber level. Even utilizing the maximum figure of 500 subscribers, with a subscriber rate of $6 per month, a system of this size would generate gross annual revenues of only some $36,000. When considering construction costs of a separate headend, up to 10 or more miles of trunking and distribution system, and routine maintenance and operating costs, there is little profit margin. Indeed, we are informed that many small systems do not achieve return on their original investment until 6 or more years after the commencement of operation. Such systems, unless owned by a cable television company serving larger communities in the area, generally cannot support a full time staff, and the burden of regulation falls particularly heavily upon systems of this size. With only this minimal economic base, compliance with many of the same rules as much larger systems is understandably difficult. For example, the burden of our franchising and certification requirements and of all our various reporting and recordkeeping requirements often falls upon one part-time employee with no detailed knowledge of our multiple requirements, and the burden of compliance with our technical requirements falls upon one part-time technician who frequently has available neither the necessary expertise nor equipment.

56. From the Commission's standpoint, the regulatory supervision of systems of this size is likewise burdensome and inefficient as well. Again utilizing headend calculations, the 50–500 sized systems constitute 24.5% of all systems (740 of 3016) which we regulate, yet their impact upon broadcasting and their consequent importance to our regulatory program is not at all of proportionate weight. Systems of this size represent some 190,238 subscribers constituting only 2% of the total nationwide cable subscribers and only .27% of the 68,771,000 total nationwide television households.[28] We note that many of these systems are located outside all markets, and thus affect television market stations very little. Nevertheless, each certificate application, each

[28] These figures are extrapolated from data reported to the Commission on FCC Form 325 and information gathered by Television Digest, Inc. and reported in the Services Volume, Television Factbook, 1976 edition. A detailed study of systems in this smaller size class is attached to the Further Notice of Proposed Rule Making in Docket 20561, also adopted this day.

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request for special relief, and every enforcement proceeding involving these systems consumes as much of our time and resources—and actually often consumes more—as similar actions involving cable systems having 500 or more subscribers.

57. We have settled upon the system size of 500 subscribers as the present limit of the new small class for several reasons, some of which already have been mentioned. That number, combined with the fact that the calculation must be made upon a headend basis, assures us that we are dealing with genuinely small operational and business entities. Systems of this size generally would be expected to serve communities with a population of less than 5,000. We also observe that systems with 500 or fewer subscribers typically are not very profitable operations and that profitability does not appear until a system increases in size beyond the 500 subscriber level. The regulatory burdens upon these systems and upon our processes have been described, yet we find no corresponding impact upon local broadcasting service to warrant these burdens. We are satisfied that our action of lifting the distant signal limitations from systems of this size, with their fewer than 200,000 nationwide subscribers, does not pose an adverse impact threat to local broadcasting services. Accordingly, in creating this new "class" we can effectuate a major deregulatory action affecting almost 25% of the regulated systems without causing corresponding adverse impact upon local broadcast service. In the selection of small class system, we have reviewed suggestions for higher figures such as 1,000, 2500, or even 5,000 subscribers. Levels of 3,500 or higher simply are not realistic in this search for small system parameters. In our 1976 proceedings in Docket 20508 the number of 3,500 subscribers was found appropriate as the threshold level for our access obligations because it was felt that the economic base generated by systems of that size was necessary to bear the financial burden of access services, but that number is inordinately high for use in this proceeding. In point of fact, the highest number which we considered herein was that of 1,000 subscribers, the subscriber level settled upon in our network [24] and syndicated [25] exclusivity proceedings. However, we are reluctant at this time to further utilize this 1,000 subscriber figure, which represents an additional 360,000 subscribers above the 500 subscriber level, because we are uncertain of the impact of such systems upon local broadcasting service, particularly when considering the potential cumulative impact in particular market situations. Therefore, we have settled upon the 500 subscriber figure for the purpose of this proceeding and are issuing a companion Further Notice of Proposed Rule Making inquiring into the appropriateness of extending some or all of the new provisions to systems having 1,000 subscribers.

58. Bearing in mind the general conclusion that systems in this class are small enough to be severely burdened by regulation and sufficiently small individually and collectively that their exemption from regulation is not likely to have an adverse impact on broadcast service to the public, it is necessary to consider individually the effect of each of the existing rules to determine if its continued application is warranted. As we indicated in our Notice, we seek a "simplified, streamlined" set of rules for this new class of small systems.

59. *Signal Carriage.* The signal carriage rules promulgated in our 1972 Cable Television Report and Order categorize television broadcast signals as either "must carry" (mandatory) or "may carry" (optional) and set up standards of television service (variously referred to as signal complements, quotas, or limitations) which vary with market size. Our first determination in connection with the applicability of our signal carriage provisions to small systems is that our mandatory carriage rules should remain in effect. These rules were designed and function to assure carriage to "local" stations within whose local carriage area a cable system operates. Retention of this provision is beneficial not only to the local station which has ascertained the needs and interests of its service area and designed programming to meet such needs and interests, but also is beneficial to local viewers. Our second determination is that small systems should have more flexibility afforded them with respect to the remainder of their signal carriage selection. We therefore shall remove all limitations on distant signals from these small systems. With respect to the likely effect of this deletion of our distant signal rules, we note initially that many of the existing "under 500" systems are located outside all markets as well as the Grade B zones of any television station and already are exempt from such provisions, and further note that still many others are older systems which carry numerous "grandfathered" signals. With respect to the future carriage of otherwise inconsistent distant signals by exempt systems, we believe that the practical impact upon local broadcast service would be quite small. Such systems seldom can bear the cost of importing distant signals via microwave and in most instances would be carrying only "off-air" signals. We would not envision adverse impact from such carriage, not only because of the minimal size of such systems but also because the signals often already are available to many households in the area. Moreover, from the signal carriage patterns we observe in our certification process, the majority of inconsistent signals generally received "off-air" would be duplicating network or educational stations which offer much of the programming already viewed on the local stations. There are less than 100 independent stations in the country, 26 of which are "specialty" stations now entitled to unrestricted carriage, and the remainder of the independent stations are unevenly distributed geographically and are thus not widely available for importation except through microwave. We note also that if such small systems could afford the expense of a special relief proceeding and could make the requisite financial showing they could obtain waivers permitting carriage of distant network signals in lieu of the unavailable independent complement. In brief, carriage by these systems of additional off-air signals is not expected to fractionalize the viewing levels of the local stations which are the source of local news and other programming and which traditionally are dominantly viewed by area residents." [26] Further, we also reject MST's assertion that such signal carriage should not be allowed because a "quiltpatch" of signal carriage would lead to the ultimate erosion of our rules.

60. A final restriction upon signal carriage by small systems remains to be treated, that of the "sports blackout" provisions of Section 76.67 of our rules (Report and Order in Docket 19417, FCC 75–819, 54 FCC 2d 265 (1975)). With our nonduplication and syndicated exclusivity rules inapplicable because these systems have fewer than 1,000 subscribers, and with systems under 500 now required to observe only the mandatory carriage rules, the sports programming provision constitutes the only remaining signal carriage restriction. In the reconsideration of the adoption of the subject rules (Memorandum Opinion and Order in Docket 19417, FCC 75–1235, 56 FCC 2d 651 (1975)), we indicated (Para. 29) our intention to review this matter in this proceeding:

> Although not brought up by the parties to this proceeding, we believe some consideration should be given to the impact of the sports rule on small cable television systems. We have exempted individual and conglomerate cable systems serving fewer than 1,000 subscribers from our network nonduplication and syndicated exclusivity rules. The arguments in favor of these exemptions appear to equally favor exempting small cable systems from the requirements of Section 76.67. However, because this issue has not been addressed by the parties, we are reluctant to provide such an exemption at this time. For the present, we will rely on our special relief provisions to remedy situations where it can be demonstrated that the requirements of Section 76.67 place an unreasonable burden on small cable television systems. We will also continue to review the impact on small systems of Section 76.67 as well as that of all our cable rules as part of the proceeding commenced by our Notice of Proposed Rule Making in Docket 20561, FCC 75–896, 54 FCC 2d 624 (1975).

Consistent with the broad goals of this overall proceeding, we have concluded that this rule does indeed constitute an unreasonable burden upon small systems and should be rendered inapplicable to them. Having determined that it is burdensome for systems under 1,000 to have

[24] First Report and Order in Docket 19995, FCC 75–413, 52 FCC 2d 519 (1975).

[25] Report and Order in Docket 20482, FCC 75–1065, 55 FCC 2d 529 (1975).

[26] See study referred to at n. 23 and attached to the Further Notice.

to purchase and operate switching equipment for network and syndicated program exclusivity, it hardly is justifiable to require systems with half that number to "black out" the remaining type of programming. Moreover, as we stated in Paragraph 42 of the Report and Order in Docket 19417, supra, it is our view that sports is but one form of television programming and is not sufficiently dissimilar from other programming to warrant special treatment because of its impact upon local television audiences. Thus, having broadly concluded that small systems should be as unrestricted as possible in carrying television programming, sports programming is not a valid exception to that conclusion." [27]

61. *Technical Standards.* The final broad area of our rules to be considered in connection with potential reduced regulation for small systems is that of our technical standards. We still are of the same view espoused in our Notice that these standards represent a justifiable minimum set of specifications for the protection of cable subscribers and that we are hesitant to lesson these standards. There is, however, a means of achieving regulatory relief in this area without compromising our technical standards. As we acknowledged in the Notice, which has been reinforced by the comments received, a major complaint by small systems is not with our technical standards per se but rather with the present methodology and equipment necessary to conduct the actual performance tests to demonstrate compliance with the standards. Here as with so many other areas of our regulation as applied to smaller systems, the act of demonstrating compliance often is more burdensome than compliance itself. We gave some extended consideration to this problem in Report and Order in Docket 19659, FCC 73–1046, 47 FCC 2d 769 (1973), and made some significant changes to ease the burden of all systems complying with the test requirements. Accordingly, as the best means of achieving our goal of reducing the regulatory burden imposed upon small systems by our technical standards we have concluded that the technical standards themselves shall remain applicable but that all measurement requirements (Section 76.601(c)) shall be deleted. However, two qualifications shall be placed upon this action: (1) any system utilizing frequencies outside the TV and FM radio broadcast allocations (for example, "mid-band" frequencies) would remain subject to all testing obligations relating to signal leakage, and (2) the Commission reserves the right to require specific measurements (among those measurements which may be required of larger systems) in the case of complaints or disputes. The first qualification should seldom be applicable to small systems, but the technical integrity of operations in the non-TV–FM frequencies is so important that compliance with all standards relating to use of these frequencies must be assured. The second qualification is a reflection of our concern for the quality of service provided to subscribing members of the public.

62. *Annual Reports.* Cable systems are required to report annually to the Commission concerning their ownership and operations (Form 325) and finances (Form 326). We have also proposed in Docket 21011 (FCC 76–1109) that cable systems be required to notify the Commission of changes in their mailing address and of certain changes in their operational status including when the system commences or terminates operation. Finally, all systems are required to report annually to the Commission on whether any complaints regarding violations by the operator of equal employment provisions of Federal, State, territorial, or local law have been filed during the preceding year. Section 76.311(c)(1). To aid us in the enforcement of those rules that are being retained for small cable systems and to assure we continue to have a complete picture of cable television operations when we are considering either individual proceedings or general issues relating to the impact of cable television operations on broadcast service to the public, we believe it important to continue receiving information on the location and operations of even small cable systems. We will, accordingly, retain the requirement that systems within the class of small systems file Schedules I and II of FCC Form 325 (Annual Report of Cable Television Systems). This should involve only the most nominal of burdens on the system operator and involves essentially providing the system's name, location, and broadcast signals carried. This is particularly the case now that new procedures have been instituted whereby the Commission will, using its automated data processing capabilities, print on each form the information contained in our files concerning the system's operation and simply ask for corrections (FCC 76–1110). That is, the small system operator will be mailed a form which contains his name, address, community, etc. as reported the prior year with a request that he update any information that is no longer accurate. The entire process should not take more than a few minutes. We will not require that the small system operator complete the more complex schedules concerning system ownership. These are not only more burdensome and complex to complete but this information, as it relates to small systems, is of less value for either regulatory or statistical purposes.

63. We are not at this time amending either of the other reporting requirements because there are some additional issues involved with them that warrant separate consideration in other proceedings. First, with respect to the financial reports, the Commission has funded and received from Price Waterhouse & Co. a study of accounting and policy issues relating to the financial reporting system, which warrants separate consideration. Secondly, it is important for those systems that do report financial information to be able to keep track of trends and patterns from year to year. If no information were collected until a system exceeded 500 subscribers the important initial filings would be absent. Also, financial reports, in order to accord with usual accounting practices in the industry, are collected not from each community or system individually but from operating entities that could include more than one system in the same general area. Thus, a simple exclusion cannot easily correspond to the small class of systems already defined. We believe that this reporting obligation can also be simplified, but believe that should be accomplished in a separate proceeding now in preparation that will review the financial reporting system on a more general basis. Similarly, a proceeding is already in progress relating to nondiscrimination in employment which we believe is an appropriate forum for considering changes in the related reporting requirements.

64. *Franchise Standards.* Our Notice focused upon the franchise standards as obligations particularly burdensome to small systems. The comments have substantiated this position. Although the various franchise provisions of Section 76.31 of our rules are under more general review in Docket 21002 (Notice of Proposed Rule Making in Docket 21002, —— FCC 2d —— (1976), it is not necessary to await the conclusion of that proceeding in order to afford regulatory relief for small systems from our franchising requirements. Our review in this proceeding has convinced us that our requirements in this area are unduly burdensome for smaller systems and, upon also reviewing the purposes of our federal franchising procedures, we have concluded that their continued application to these under-500 subscribed systems is not required. The objectives of these procedures either are inconsequential as applied to systems of this size or are achieved through other, less formal means. None of our franchising standards—public proceeding, construction, franchise period, complaint procedures, modifications, etc.—is absolutely critical when applied to entities of this size. It is not as necessary to hold a full and formal public proceeding to review the "legal, character, financial, technical, and other qualifications" of the operator of systems of such a small size because the operator is generally known in the community and often resides there. Similarly, it is not as imperative to review the construction plans of a system which only installs several miles of cable plant. And, because of the combined smallness and localized nature of a system of this size, there generally is

[27] It should be noted, moreover, that the reasons for adopting the cable television sports black-out rules related to a concern that fewer patrons would attend games if they could view the games on cable television and the impact on sports gate receipts would cause teams to reduce areas where games were broadcast and hence picked up by cable systems, in order to restore their live gate receipts. Our records reflect that there are so few systems in this smaller class with so few subscribers in major market areas that the likelihood of any adverse consequence resulting from this change in the rules is extremely remote.

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assurance of responsiveness to subscribers' complaints and wishes. Thus, as we acknowledged in our Notice, our experience in the certification process and in the general administration of our rules is that these small systems are not troubled by complying with the spirit of these regulations so much as with providing proof of compliance with the letter of the rules. Further, because the local process can be relied upon for the general achievement of the goals of our franchise standards, it is not necessary to review these matters through the federal certification process.

65. *Certificates of Compliance.* With the reduced regulatory regimen to which these smaller systems are now subject, we believe it is also appropriate to delete the requirement that systems in the class obtain Commission authorization before operations are commenced or additional signals added. We will substitute for the certification process a simple requirement that systems anticipating a total of fewer than 500 subscribers notify the Commission of the owner's name, the system's location, and the signals to be carried at the time operations are commenced. Systems that have a reasonable prospect of obtaining more than 500 subscribers should apply for certification before operations are commenced and must not commence serving more than 500 subscribers without a certificate.

66. *Public Inspection Files.* We have also determined to exempt small cable systems from the requirement of § 76.305 that a file of documents relating to the system's authorization and operations be maintained for public inspection in the community or at the system's business office. A number of points contribute to this decision. The requirement is an awkward one for systems that have only part-time employees and may have no regular business office in the community and it is a trap for unwary system operators not acquainted with the obligation of the rule. Because systems of this size are not typically engaged in program originations and in view of our deletion of the certificate of compliance requirements for these systems the most important item that would be in the file would be the system's franchise. This should, in any case, be available for review from the files of the franchising authority. And even with respect to somewhat larger operations, such files are only most infrequently consulted by the public. In view of these considerations we believe a deletion of this requirement is appropriate.

67. *Subscription Cable Television Rules.* In the present state of the art, "small" cable systems are not fertile areas for pay television service. For example, even assuming a high level of pay subscribers such as 50 percent for a system of 500 subscribers, this would total only 250 customers, hardly sufficient to support its own pay facilities. In practical application, where smaller systems do engage in pay services, the programing generally could be expected to be obtained from a larger nearby cable system, satellite receiving station, or multipoint distribution common carrier in which case the programing obtained would often be used by other systems and thus would be compliant with our rules. At present, therefore, there would be little or no adverse impact anticipated from exempting these systems from our anti-siphoning rules. However, as new technologies emerge, pay operations on small systems might prove increasingly viable, and we deem it advisable to retain such systems within the purview of the rules in order to assure achievement of our national regulatory goals in the area of subscription television. Further, we are unable to conclude that any substantial or disproportionate regulatory burden is posed for small systems by requiring them to continue to offer programing compliant with our rules. Therefore, the provisions of § 76.225 shall remain applicable to small systems.

68. *Cross-ownership.* Our rules prohibit cross-ownership between cable television systems and local telephone companies (Section 64.601), local translator stations (Section 76.501(a)(3)), local television stations (Section 76.501(a)(2)), and national television networks (Section 76.501(a)(1)). Because smaller systems are largely passive operations, usually not engaged in the distribution of access or system-originated programing or other non-broadcast types of communications, the reasons underlying the adoption of some of the cross-ownership rules may apply less forcefully to these operations. We believe, however, that these questions are more appropriate for consideration in response to individual waiver petitions. For the present, we shall continue to apply cross-ownership rules to small systems. Again, this is an example of a rule which, while technically remaining in effect for small systems, will have little practical effect and does not detract from the broad deregulation of this new class of system.

69. *Transition.* The final issue for consideration in this area concerns the problems of transition for a small, under 500 subscriber system into the larger class of a fully regulated, over 500 subscriber system. In this connection, we strongly emphasize one point which is essential for the orderly function and administration of this new program. All parties affected, particularly new entities, should be realistic in assessing the likely "saturated" size of the ultimate, totally constructed facility they intend to build and operate, and should seek certification upon that basis. This ordinarily should not be too difficult a matter for the operator to ascertain; he knows the parameters of his franchise area and the number of potential customers, and he should have some estimate of likely penetration among homes passed. This could be very important, for example, where a small system later exceeds or seeks to exceed the 500-subscriber level, thus triggering different signal carriage provisions. We will not by sympathetic to waiver requests under most such conditions, and caution operators to obtain appropriate initial certification and to properly establish from the beginning the ultimate viewing patterns for their subscribers. Accordingly, it is not our intention to allow operations commenced under the smaller system rules to increase to beyond the 500 subscriber level until they are in compliance with the rules for larger systems. Systems approaching the 500 mark should anticipate the need to obtain a certificate of compliance and operate in full compliance with the rules before the 500th subscriber is connected. Again, this latter procedure, entailing "rollback" of signal carriage, highlights the need for proper initial planning by system operators.

70. *Conclusion.* Our decision herein to create a new class of small system of under 500 subscribers to which limited regulation applies reflects our studied judgment, based upon 11 years' experience, that such systems are so small, individually and collectively, that they do not seriously impact upon local broadcast service and that the public interest and the goal of deregulation can best be served by taking this action. With these administrative burdens lifted from smaller systems, they now can concentrate their efforts upon improvement of their facilities and service to new subscribers. Systems with under 50 subscribers now may be able to grow to accommodate nearby residents who have been denied service for years because the system may have chosen not to expand and thus trigger full regulation. Similarly, many new systems may now come into being which otherwise would not have done so because of the burden and expense of full regulation. It is our hope that rural areas of the country, particularly, will benefit from such expanded and new-system construction.

"MATV" SYSTEMS

71. From its adoption in 1965, our definition has provided a specific exception for:

> • • • [A]ny such facility that serves only the residents of one or more apartment dwellings under common ownership, control or management, and commercial establishments located on the premises of such an apartment house.

This is broadly referred to as the "MATV exception." The Notice raised for discussion whether we should continue in effect the MATV exception regardless of the size or function performed by these facilities, and whether some or all of the Commission's cable television rules ought not be applied.

72. In the twelve years since the adoption of this exception, we have received numerous requests for rulings as to whether particular types of multiple family dwellings are included within, or excluded from, the scope of the definition. Most entities, of course, seek to partake of the "apartment house" exception. The Notice summarized Commission rulings with respect to various forms of multiple family dwellings. We explained that certain types of multiple dwelling units had failed to qualify for the "apartment house" exception and thus had been determined to be within the scope of our definition—e.g., mobile home parks, planned and resort communities, and military installations—but that the status of other types of units has not yet been resolved (e.g., condominiums, cooperative apartments, hotels, and motels). We announced our intention to resolve this matter, and stated:

> It is our preliminary view that there is no reason to make such distinctions (for they serve no regulatory purpose) and propose to interpret the terms "apartment dwellings" and "apartment house" as essentially synonymous with multiple family dwelling; however, because of the important ramifications of such a clarification, we seek comments on the appropriateness of this interpretation. Thus, should our tentative approach be utilized, we would not follow interpretations from real estate law that, for example, a hotel is not an apartment house. Nor would we find within the definition a high rise condominium "apartment house" simply because each resident owned rather than rented his particular portion of the structure. Even with this explanation, gray areas continue to exist, especially as the facility in question starts to service garden apartments, garden condominium apartment complexes, garden apartment communities, townhouse duplex condominium communities and other similar situations which differ significantly from the traditional high rise apartment building. Hopefully, at the conclusion of this proceeding we will be in a better position to make meaningful distinctions based on the intended purpose of the definition adopted.

73. Later in our Notice we discussed the related subject of very large multiple family dwellings—e.g., those with over 1,000 units—and questioned whether, even assuming that high rise building complexes would remain exempt from our regulations, this necessarily should continue to be the situation regardless of the size or function performed by such facilities, observing:

> • • • [I]t is clear that some such systems do carry distant television broadcast signals as that concept is defined in our cable television rules and that some such systems suffer from poor technical quality. Moreover, such systems, generally through interconnection via multipoint distribution common carrier service, are increasingly involved in the distribution of pay television programming. Also, there would appear to be no reason why large systems of this type could not engage in access, leased channel, or other types of program origination.
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> • • • • • •
>
> • • • [W]e believe it appropriate to consider these facilities as a separate class of system and, in contrast with our consideration of what rules ought not apply to small cable systems, to consider which, if any, of our rules ought be applied. Initially, it would appear that the most likely rules to be applied would include the signal carriage rules, the subscription cablecasting rules, technical standards, and, perhaps, modified access channel rules.

COMMENTS

74. Many parties propose total regulation of MATV systems while an almost equal number propose total exemption. In between are proposals premised upon "parity" of regulation with colocated traditional cable systems. A substantial number of comments were directed solely to the question of whether our "anti-siphoning" rules should be made applicable to pay services supplied to MATV units via Multipoint Distribution Systems (MDS). Several parties submitted comments specifically directed to the regulatory posture of MATV systems serving very large multiple dwelling units.

75. A substantial number of commenting parties (all of them cable operators) want the exception deleted in its entirety and urge regulation of all systems, traditional or MATV, with over 50 subscribers. They assert that the MATV exception is essentially an invalid distinction between vertical (exempt) and horizontal (regulated) systems which should not be perpetuated. Many parties point out that where as the type of MATV systems in existence at the time of the adoption of the exception were technically of a minimal nature, newer MATV systems are as sophisticated as the most modern cable systems, and that there are no longer any functional differences. Further, these parties submit that the "impact" of a viewing household is of the same regulatory consideration whether the household lives in a single family residence or in an apartment. And, they continue, with the current trends in national housing—because of the scarcity of land and increased construction costs—toward more multiple family dwelling units, this issue is becoming of increasing importance. These cable operators also point out that MATV systems, without signal carriage restrictions, generally carry signals not authorized to a cable system operating in the same geographic area (e.g., apartment houses in Arlington, Virginia generally furnish all Baltimore, Maryland signals, but a cable system there could not, at least as a part of its basic signal complement). This is said to be inherently unfair. The comments of the Perry Cable Television Companies are typical of those urging that the "apartment house" exception be deleted:

> There is little or no difference in the community antenna system that serves a multiple dwelling establishment, whether that establishment be a highrise, vertically or horizontally constructed, mutually owned or rented, luxury or low-cost.

Perry further cautions that the rapid growth of an unregulated MATV industry "may well serve to destroy the viability of cable television systems in smaller communities." Storer Cable TV of Florida, Inc., in its extensive comments, asserts that the problem is not restricted to smaller communities but affects larger communities as well and that the problem is growing. Storer adds that condominiums now account for 25 percent of the 90,000 housing units in Naples, Florida, and submits aerial photos illustrating that some of these Florida condominium units are detached dwellings. Storer complains that residents of most condominiums are prohibited from subscribing to cable service but instead must pay for MATV services, cannot construct an outside antenna, have no effective complaint service, receive less service than cable subscribers, and generally receive inadequate technical service. Liberty Communications, Inc., particularly wants mobile home parks to continue to be regulated, stating "there is no logical reason why persons who live in a mobile home park should be deprived of the same protection and services afforded the general public by the Commission's cable regulations."

76. Supporting continued non-regulation of MATV service to multiple family dwelling units are a number of parties representing various aspects of the housing industry as well as Cablecom-General, the RCA Corporation, and CATA. U.S. Communities, Inc., a nationwide developer of mobile home parks and the Manufactured Housing Institute, representing manufacturers of mobile homes, both want total deregulation of mobile homes, asserting that MATV service is "integral to the comprehensive process of land development" and that the Commission should consider the costs of regulation to the national consumer and exclude all multiple housing units under common control from regualtion. Both the Apartment and Office Building Association of Washington, D.C., representing the owners and operators of 250,000 apartments in the Washington, D.C. area and Carl Magnum Realtors, a California organization, make the same argument that MATV service is merely an "amenity" to housing and should not be regulated. Mark Winkler Management, Inc., the operator of an apartment housing development in Northern Virginia serving almost 3,000 units, makes the following arguments: regulation of MATV units is beyond the Commission's jurisdiction and is not needed to protect either broadcasters or the public; the Commission's rules are so burdensome that television service might have to be discontinued; its system carries Baltimore signals simply because they are available off-the-air; and strict application of the Commission's signal carriage rules would require their deletion.

77. Cablecom-General opposes any regulation whatsoever. MATV systems, Cablecom states, are not engaged in the retransmission of signals for profit, and Section 325(a) of the Communications Act impliedly prohibits such regulation. Additionally, prohibitions against public reception of television signals "might" constitute unlawful censorship in violation of Section 326 of the Communications Act and the First Amendment. Moreover, Cablecom feels that as a matter of policy the Commission should not regulate MATV systems, urging the following: the fact that such units perform activities which are inconsistent with rules is of no significance because the Commission has never applied its rules to such systems; the protection of conventional broadcast services is insufficient to justify the increase in administrative cost; the parties to the 1972 Consensus Agreement* felt no need for protection existed; and broadcasters have not lost audience or suffered signal degradation

* Appendix D, Cable Television Report and Order, FCC 72-108, 36 FCC 2d 143 (1972).

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by reason of master antennas. Finally, Cablcom believes that imposition of regulation would lead to the discontinuance of master antenna service by landlords. The RCA Corporation opposes the regulation of MATV systems, asserting that the Commission's desired goals could not be achieved—i.e., that regulation is not necessary to protect the quality and quantity of conventional broadcast service, that program diversity cannot be achieved by systems performing solely antenna functions, and that protection of the public is not necessary because normal market forces provide adequate protection. CATV declares that the Commission does not have the jurisdiction to regulate classic MATV "nor does it behoove the Commission's goals for deregulation to regulate more reception entities than are currently regulated • • • The solution to any unfairness that might obtain is not to make them (MATV) more like us (CATVs), but to make us more like them."

78. Between these extremes of total regulation and nonregulation are many comments proposing "uniformity" or "parity" of regulation between cable systems and MATV systems. Still others propose approaches which are "triggered" by actions by the MATV system. Supporting the concept of "uniformity," Allen's TV Cable, Inc., et al. comments:

> • • • [T]here is no real difference between a master antenna system and a cable television system, at least from a federal regulatory standpoint • • • Both types of operation, if sufficiently large, have the same theoretical impact on conventional television broadcasting; and both types of operation, if small, have a negligible impact • • • The presence or absence of common ownership, control or management is irrelevant • • • The difference in treatment • • • has developed on policy grounds in order to withdraw from federal regulation those services which traditionally are so small and isolated as to have little or no public interest impact and, therefore, should not be regulated. Respondents feel that the better way to deal with MATV operations is to eliminate the distinction between MATV and CATV and to raise the definitional exemption to a level which would eliminate from regulation most traditional MATVs and very small CATVs.

79. NCTA, Viacom and several other parties propose "parity" of regulation. NCTA, for example, proposes that the Commission define all MATV systems as cable systems for regulatory purposes. Then, as a part of its overall definitional scheme, NCTA proposes the creation of a new class of systems of under 1000 subscribers (including MATV systems) to which only minimal regulation would apply. "However," NCTA continued, "circumstances exist where equity dictates that this small system regulatory exemption should not be applicable. Specifically, when such an exempt or partially exempt CATV system of any kind is operating within the franchise area of a nonexempt CATV system, the regulatory treatment of the two CATV entities would be substantially equal." The trigger for the application of this "parity" approach would be when the political subdivision in which an MATV system operates grants a franchise to a "traditional" CATV system.

80. The New York State Commission on Cable Television suggests that we adopt the same regulatory approach which it has evolved for MATV systems; namely, that MATV systems are exempt from regulation so long as they engage in normal "reception only" functions but that regulation is triggered by either engaging in pay operations or carrying distant signals.

81. A significant number of parties have directed substantial comments to the subject of the regulation of MATV systems because of actual and potential distribution of pay programming. The American Broadcasting Company (ABC) and Television Licensees propose that the definitional exception for apartment houses should be forfeited when such facilities offer program origination or pay services. They both urge that the Commission extend the pay-product restrictions of § 76.225 of our Rules to MATV systems. ABC submits as an attachment to its comments a press release by the Microband Corporation of America to illustrate the growth of pay services via common carrier Multipoint Distribution Service (MDS). The National Association of Theatre Owners, Inc. (NATO) requests that we adopt rules "establishing MATV systems as a separate class of CATV systems subject to the Commission's regulations, particularly those applicable to cable pay television." NATO states that although there presently exist only limited MATV pay operations utilizing MDS, these MATV systems will soon become a major outlet for the distribution of pay television, and that they have the same potential for "siphoning" feature films from the theatre and broadcasting industries as cable pay television. NATO asserts that the failure to apply appropriate regulations "will leave a substantial gap in the Commission's cable television and pay television regulatory scheme." In opposition to NATO's request, the reply comments of both the Program Suppliers and MCA, Inc. urge that there is no merit to such a proposal and that in any event the Commission should not extend its pay cable programming restrictions to MATV while petitions for review are pending in court questioning the validity of the program restrictions applied to cable systems.[*] The Program Suppliers add that "• • • any extension of the anti-siphoning rules would impair the Program Suppliers' ability to find new markets for their product in the emerging new technologies."

82. Last, it is appropriate to review the comments received with respect to regulation of extremely large multiple family dwelling units. Many parties did not specifically comment on this point, but instead proposed various classes of cable systems by size, including both traditional cable and MATV systems, to which regulations would be equally applicable. Cablecom General opposes the regulation of MATV systems, no matter how large, stating that there is no evidence demonstrating adverse impact of MATV systems upon conventional broadcast interests, and cautioning that regulation would in many instances bring about discontinuance of the service by landlords and developers. Mark Winkler Management, Inc. also feels that regulation would be burdensome and lead to discontinuance of MATV service, and states that a 5000 unit development "would most likely be the smallest able to absorb the increased expenses for regulation of a service for which no fee is charged." The Minnesota Cable Communications Board (MCCB), however, comments that it is "appropriate" for the Commission to now consider regulation for large MATV units, and the Television Licensees and the ABC Television Network both urge that MATV systems serving more than 1000 units "should be required to adhere to the same network and syndicated program exclusivity rules applicable to larger CATV systems." The Association of Maximum Service Telecasters, while taking no position at this time on expanding the definition to include heretofore exempt MATV systems, urges that should the Commission decide to do so, any "grandfathering" of distant signal carriage should be strictly limited to the building or buildings in which the MATV system was operating at the time of the Notice herein. RCA, while generally favoring non-regulation of MATV, concludes:

> The rules should be applied to such systems only if the size of the complex or community justifies Commission regulation based upon the striking of a balance between significant accomplishment of regulatory purposes and the costs of compliance, regulation, and enforcement.

DISCUSSION AND CONCLUSIONS

83. After careful review of the extensive comments on treatment of master antenna systems, we have decided to clarify—but not to extend—our present exercise of regulatory authority. The operative language of the exemption has been slightly revised but its substantive scope remains essentially unchanged; that is, we will continue to exclude from regulation a facility "that serves or will serve only subscribers in one or more multiple unit dwellings under common ownership, control or management." Thus we need not reach the jurisdictional challenge raised by CATA and others. Instead, we are impressed by the statement of at least one large multiple-system cable operator, Cablecom-General, reinforced by the comments of a large corporation with conventional broadcast interests, RCA, that regulation of MATV systems has not been justified on grounds of their actual or potential harm to over-the-air television. Indeed, such other broadcast interests as ABC and Television Licensees discuss MATV impact on their medium only in the relatively narrow terms of exclusivity protection (on systems of 1000-plus units)

[*] *Home Box Office, Inc., et al.* v. *FCC & USA*, Nos. 75-1280; 75-1284; 75-1342; 75-1358; 75-1430; 75-4170; 75-1496; 75-1555, filed March 21, 1975 (Docket 19554).

and pay-product limitations on movies and sporting events. They are silent on such fundamental issues as basic signal carriage, access and technical standards.

84. To be sure, many commenters—largely cable operators or industry trade associations—urge elimination of the apartment MATV exception on the grounds that there ought to be "parity" of regulation for entities performing essentially the same functions. Admittedly, we have not entirely satisfied what appears to be the cable operators' underlying concern for the competitive disadvantage at which they may be placed by our failure to regulate apartment MATV facilities. (While precise figures are not readily available, it should be noted that only a very small percentage of apartment buildings exceed 500 units in size). On the other hand, certain competitive limitations are built into the typical MATV facility which usually do not exist for the cable operator. The former ordinarily is a "passive" entity, taking what its rooftop antenna can pick up off-the-air, but not reaching out—via microwave or separated headend—to pick up distant signals which cable operators consider an attractive aspect of their service. Practically speaking, the MATV provider possesses only the limited economic base represented by the several hundred subscribers within the four walls of a highrise facility, who generally are not paying separately for the service. Such an operation usually does not—and probably could not—offer origination or access programming.

85. Having determined not to extend the exercise of our authority over service by master antennas, it is important to state as clearly as possible where we draw the line, and why. We believe that the present limit of our regulation—established both by the language of the current "apartment" exception and by cases interpreting it—works, or should work to exempt facilities serving only residents in one or more multiple unit dwellings under common ownership, control or management. We have said that it does not exclude mobile home parks, planned and resort communities and military installations.[**] We have acknowledged, however (Para. 72, supra), that the status of some condominiums, cooperative apartments, and hotels and motels, remains ambiguous. By adopting the language recited above — "serving only subscribers in one or more multiple unit dwellings under common ownership, control or management"—we are attempting to resolve the ambiguous situations. We think the resolution is clear enough to exempt highrise apartments, highrise condominiums and cooperatives, hotels and motels. Those situations referred to in paragraph 10 of our Notice, including garden apartments, garden condominium apartment complexes, garden apartment communities, townhouse duplex condominium communities and other similar situations we now exempt from regulation so long as the elements of common ownership, control or management are involved.

86. We have no wish to become entangled in real property law. What we seek to establish are concepts of "amenity," convenience and even feasibility which serve to set excluded facilities apart from regulated (cable) facilities. By amenity we mean a lessor's or a manager's use of master antenna service as a secondary or incidental inducement to occupancy of his residential facility. By convenience, we are suggesting the efficiency and economy, even the aesthetics, of having a single, shared receptor rather than a forest of antennas on the roof of a multiple unit dwelling. By feasibility we refer to the realities of a television signal's shadowing and blocking when it must travel among highrise buildings, making a tall antenna—extending even far above a roofline—the only means of receiving service. Under such circumstances the erection of a high master antenna becomes not a competitive entry into something like cable television service but an almost necessary improvement to the business of leasing or selling dwellings.

87. Apart from differences in broadcast signal retransmission, commenters have claimed discrimination in MATV's freedom from the so-called "anti-siphoning" rules, Section 76.225, which act to limit the movie and sports product a cable system may carry when an additional charge per channel or per program is made. To begin with, we are reluctant—if not powerless—to make changes in the applicability of our "pay cable" rules while these regulations remain under review in the U.S. Court of Appeals for the District of Columbia Circuit.[**] Even assuming we were free to act, however, we prefer to reserve the broader possibilities for decisive resolution presented by the outstanding Notice of Inquiry and Notice of Proposed Rule Making in Docket 19671, FCC 73-73, 39 FCC 2d 527 (1973), covering apartment houses, motels and hotels. In fact, comments in the instant Docket 20561 directed to the question of pay-product regulation shall be associated with Docket 19671.

CONCLUSION

88. We believe that the changes made will simplify the administration of the rules, relieve significant and unnecessary burdens for small cable television system operators, and will not adversely affect the provision of television broadcast service to the public and that their adoption is, therefore, in the public interest.

[**] See, for example, Bayhead Mobile Home Park, FCC 74-589, 47 FCC 2d 763 (1974), and Pacific Western Mobile Estates, Inc., FCC 74-1058, 49 FCC 2d 269 (1974) concerning mobile home park systems; Citizens Development Corporation, FCC 75-506, 52 FCC 2d 1135 (1975); Sanwick Cablevision, Inc., FCC 74-888, 48 FCC 2d 563 (1974), Big Canoe Television Systems, FCC 74-623, 47 FCC 2d 455 (1974), Leacom, Inc., FCC 74-903, 48 FCC 2d 533 (1974) concerning planned and resort communities; and Robert D. Lewis d/b/a Cable Systems, FCC 75-604, 53 FCC 2d 503 (1975) and Cable Antenna Systems, FCC 74-646, 47 FCC 2d 545 (1974) concerning systems on military installations.

[**] See footnote 28, supra.

Authority for adoption of the rules herein is contained in Sections 2, 4 (i) and (j), 303, 307, 308, and 309 of the Communications Act of 1934, as amended.

Accordingly, *it is ordered*, That effective May 16, 1977, Part 76 of the Commission's Rules and Regulations are amended as set forth below.

It is further ordered, That the proceeding in Docket 20561 is retained open.

(Secs. 2, 3, 4, 5, 301, 303, 307, 308, 309, 315, 317, 48 Stat., as amended, 1064, 1065, 1066, 1068, 1081, 1082, 1083, 1084, 1085, 1088, 1089; 47 U.S.C. 152, 153, 154, 155, 301, 303, 307, 308, 309, 315, 317.)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Part 76 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In Section 76.5, paragraph (a) is amended, and paragraphs (mm) and (nn) are added, to read as follows:

§ 76.5 Definitions.

(a) *Cable Television System.* A nonbroadcast facility consisting of a set of transmission paths and associated signal generation, reception, and control equipment, under common ownership and control, that distributes or is designed to distribute to subscribers the signals of one or more television broacast stations, but such term shall not include (1) any such facility that serves fewer than 50 subscribers, or (2) any such facility that serves or will serve only subscribers in one or more multiple unit dwellings under common ownership, control or management.

• • • • • •

(mm) *System community unit; Community unit.* A cable television system, or portion of a cable television system, that operates or will operate within a separate and distinct community or municipal entity (including unincorporated communities within unincorporated areas and including single, discrete unincorporated areas).

(nn) *Subscribers.* A member of the general public who receives broadcast programming distributed by a cable television system and does not further distribute it.

§ 76.7 [Amended]

2. In Section 76.7, paragraphs (a) and (b) are amended to delete the term "cable television system" and substitute the term "cable television system operator." Paragraph (c) (3) is amended to delete the terms "cable television community" and "community," and substitute the term "system community unit." Paragraphs (g) and (h) are amended to delete the term "cable television system" and substitute the term "system community unit."

Subpart B—Signal Registration and Certificates of Compliance

3. In Subpart B, the caption is amended, and a new § 76.10 is added to read as follows:

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§ 76.10 Registration of systems of fewer than 500 subscribers.

A cable television system having between 50 and 499 subscribers shall furnish the Commission with the following information within thirty (30) days after providing service to fifty subscribers:

(a) The legal name of the operator and whether the operator is an individual, private association, partnership, or corporation. If the operator is a partnership, the legal name of the partner responsible for communications with the Commission shall be supplied;

(b) The assumed name (if any) used for doing business in the community;

(c) The mail address, including zip code, to which all communications are to be directed;

(d) The date the system provided service to 50 subscribers;

(e) The name of each separate community and area served; and

(f) The television broadcast signals carried.

No such cable television system shall provide service to 500 or more subscribers until a Certificate of Compliance has first been obtained.

4. In § 76.11, all references to "cable television system" and "cable system" are deleted and the term "community unit" is substituted; and paragraphs (a) and (b) are amended to read as follows:

§ 76.11 Certificate of Compliance Required.

(a) No system community unit having 50 or more subscribers and constituting all or part of a cable television system having 500 or more subscribers shall commence operations or add a television broadcast signal to existing operations unless it receives a certificate of compliance from the Commission: *Provided, however,* That an existing system may add a television signal, pursuant to §§ 76.57(a) (1)–(3), 76.59(a) (1)–(3) and (5), 76.61(a) (1)–(3), or 76.63(a) (as it relates to § 76.61(a) (1)–(3)), or the signal of a noncommercial educational television station that is operated by an agency of the state within which the system is located, pursuant to §§ 76.57(b), 76.59(c), 76.61(d), or 76.63(a) (as it relates to § 76.61(d)), without filing an application or receiving a certificate of compliance, if the system serves the information required by § 76.13(b)(1) on the Commission and the parties named in § 76.13(a) (6) and (7) at least thirty (30) days before commencing such carriage and no objection is filed with the Commission within (30) days after such service is made. See § 1.47 of this chapter.

(b) No system community unit having 50 or more subscribers and constituting all or part of a cable television system having 500 or more subscribers that was lawfully carrying television broadcast signals in a community prior to March 31, 1972, shall continue carriage of such signals beyond the end of its current franchise period, or June 1, 1977, whichever occurs first, unless it receives a certificate of compliance.

* * * * *

5. In § 76.13, the notes to paragraphs (a) (4) and (b) (3) are amended to delete the terms "proposed system's" and "system's." All other references in § 76.13 (except paragraphs (a) (2) and (b) (2) to "cable television system[s] ['s] and "system[s]" are deleted and the term "community unit[s] ['s] is substituted; and paragraph (c) is revised to read as follows:

§ 76.13 Filing of applications.

* * * * *

(c) For an existing community unit that is required to receive certificaton pursuant to § 76.11 (b) or (c), an application for certificate of compliance shall include:

* * * * *

§ 76.27 [Amended]

6. In § 76.27, the term "cable television system" is deleted, and the term "applicant" is substituted.

§ 76.29 [Amended]

7. In § 76.29, paragraph (a) is amended to delete the term "cable television facilities" and substitute the term "community units." Paragraph (b) (2) is amended to delete the term "system" and substitute the term "community unit."

Subpart C—Federal—State/Local Regulatory Relationships

8. In Subpart C, a new § 76.30 is added to read as follows:

§ 76.30 Scope of application.

The provisions of this subpart shall not apply to any system community unit that constitutes all or part of a cable television system that serves fewer than 500 subscribers.

§ 76.31 [Amended]

9. In § 76.31, all references to "cable television system," "cable system" and "system's are deleted and the term "community unit['s]" is substituted as appropriate.

10. In § 76.54, paragraphs (b) and (c) are amended to read as follows:

§76.54 Significantly viewed signals; method to be followed for special showings.

* * * * *

(b) Significant viewing in a cable television community for signals not shown as significantly viewed under paragraphs (a) or (d) of this section may be demonstrated by an independent professional audience survey of non-cable television homes that covers at least two weekly periods separately by at least thirty (30) days but no more than one of which shall be a week between the months of April and September. If two surveys are taken, they shall include samples sufficient to assure that the combined surveys result in an average figure of at least one standard error above the required viewing level. If surveys are taken for more than 2 weekly periods in any 12 months, all such surveys must result in an average figure at least one standard error above the required viewing level. If a cable television system serves more than one community, a single survey may be taken, provided that the sample includes non-cable television homes from each community that are proportional to the population.

(c) Notice of a survey to be made pursuant to paragraph (b) of this section shall be served on all licensees or permittees of television broadcast stations within whose predicted Grade B contours the cable community or communities are located in whole or in part, and on all other system community units, franchisees, and franchise applicants in the cable community or communities at least thirty (30) days prior to the initial survey period. Such notice shall include the name of the survey organization and a description of the procedures to be used. Objections to survey organizations or procedures shall be served on the party sponsoring the survey within twenty (20) days after receipt of such notice.

* * * * *

§§ 76.55, 76.57, 76.59, 76.61, 76.63, 76.65 & 76.67 [Amended]

11. In §§ 76.55, 76.57, 76.59, 76.61, 76.63, 76.65 & 76.67, all references to "cable television system[s] and "system[s] are deleted and the term "community unit[s]" is substituted.

12. Section 76.59(b) is amended to read as follows:

§ 76.59 Provisions for smaller television markets.

* * * * *

(b) In addition to the television broadcast signals carried pursuant to paragraph (a) of this section, any such community unit constituting all or part of a system having fewer than 500 subscribers may carry any additional television signals. Any such community unit constituting all or part of a system having 500 or more subscribers may carry sufficient additional signals so that, including the signals required to be carried pursuant to paragraph (a) of this section, it can provide the signals of a full network station of each of the major national television networks, and of one independent television station: *Provided, however,* That, in determining how many additional signals may be carried, any authorized but not operating television broadcast station that, if operational would be required to be carried pursuant to paragraph (a) (1) of this section, shall be considered to be operational for a period terminating 18 months after grant of its initial construction permit.

* * * * *

13. Section 76.61(b) is amended to read as follows:

§ 76.61 Provisions for first 50 major television markets.

* * * * *

(b) In addition to the television broadcast signals carried pursuant to paragraph (a) of this section, any such community unit constituting all or part of a system having fewer than 500 subscribers may carry any additional television signals. Any such community unit constituting all or part of a system having 500 or more subscribers may carry sufficient additional signals so that, including the signals required to be carried pursuant to paragraph (a) of this section, it can provide the signals of a full network station of each of the major national television networks, and of three independent television stations: *Provided, however,* That in determining how many additional signals may be carried, any authorized but not operating television broadcast station that, if operational, would be required to be carried pursuant to paragraph (a) (1) of this section, shall be considered to be operational for a period terminating 18 months after grant of its initial construction permit.

14. Section 76.65(b) amended to read as follows:

§ 76.65 Grandfathering Provisions.

* * * * *

(b) The provisions of §§ 76.57, 76.59, 76.61 and 76.63 shall not be deemed to require the deletion of any television broadcast or translator signals which a system community unit having fewer than 50 subscribers but constituting all or part of a system having 500 or more subscribers was carrying prior to May 16, 1977, until the community unit has 50 subscribers.

15. Section 76.67(f) is amended to read as follows:

§ 76.67 Sports Broadcasts.

* * * * *

(f) The provisions of this section shall not apply to any cable television system having fewer than 500 subscribers.

§ § 76.92, 76.94, 76.95, 76.97, 76.99, 76.151 and 76.159 [Amended]

16. Sections 76.92, 76.94, 76.95, 76.97, 76.99, 76.151, and 76.159 are amended to delete the term "cable television system" and the word "system[s]" and substitute the term "community unit."

17. Section 76.95(b) is amended, and the note at the end of paragraph (d) deleted to read as follows:

§ 76.95 Exceptions.

* * * * *

(b) The provisions of §§ 76.92 and 76.94 shall not apply to a cable television system having fewer than 1000 subscribers. Within 60 days following the provision of service to 1000 subscribers, each such system shall file a notice to that effect with the Commission and shall send a copy thereof to all television broadcast and translator stations carried by the system.

* * * * *

18. Section 76.97(b) is amended, and the note at the end of paragraph (b) deleted to read as follows:

§ 76.97 Waiver petitions.

* * * * *

(b) The fifteen (15) day period specified in paragraph (a) shall not commence until the television broadcast station requesting exclusivity has initiated service pursuant to program test authority as provided in § 73.629 of this chapter, and until the cable television system serves 1000 or more subscribers.

§ 76.153 [Amended]

19. In § 76.153, paragraphs (a) and (b) are amended to delete the term "each cable system" and substitute the term "each cable television system operator," and in paragraph (c) the term "in the cable system community" immediately preceding the proviso is deleted and the term "in the cable community" is substituted.

§ 76.155 [Amended]

20. In § 76.155, paragraphs (c) and (d) are amended to delete the term "cable television system" and substitute the term "cable television system operator."

21. Section 76.161 is amended to delete the "NOTE" and to read as follows:

§ 76.161 Exception.

The provisions of §§ 76.99 and 76.151 shall not apply to a cable television system having fewer than 1000 subscribers. Within sixty (60) days following the provision of service to 1000 subscribers each such system operator shall file a notice to that effect with the Commission and shall send a copy thereof to all television broadcast stations carried by the cable television system.

22. Section 76.205 is amended to delete the term "[cable television] system" and substitute the term "cable television system operator," and paragraph (a) is amended to read as follows:

§ 76.205 Origination cablecasts by candidates for public office.

(a) *General requirements.* If a cable television system operator shall permit any legally qualified candidate for public office to use the system's origination channel(s) and facilities therefor, the system operator shall afford equal opportunities to all other such candidates for that office: *Provided, however,* That such cable television system operator shall have no power of censorship over the material cablecast by any such candidate: *And provided, further,* That an appearance by a legally qualified candidate on any:

(1) Bona fide newscast,

(2) Bona fide interview,

(3) Bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary), or

(4) On-the-spot coverage of bona fide news events (including but not limited to political conventions and activities incidental thereto), shall not be deemed to be use of the facilities of the system within the meaning of this paragraph.

NOTE.—The Fairness Doctrine is applicable to these exempt categories. See § 76.209.

* * * * *

23. In § 76.209, paragraphs (a) and (c) are amended to delete all references to "cable television system" or "system" and substitute the term "cable television system operator," and paragraphs (b) and (d) are amended to read as follows:

§ 76.209 Fairness doctrine; personal attacks; political editorials.

* * * * *

(b) When, during such origination cablecasting, an attack is made upon the honesty, character, integrity, or like personal qualities of an identified person or group, the cable television system operator shall, within a reasonable time and in no event later than one (1) week after the attack, transmit to the person or group attacked: (1) Notification of the date, time, and identification of the cablecast; (2) a script or tape (or an accurate summary if a script or tape is not available) of the attack; and (3) an offer a reasonable opportunity to respond over the system's facilities.

* * * * *

(d) Where a cable television system operator, in an editorial, (1) endorses or (2) opposes a legally qualified candidate or candidates, the system operator shall, within 24 hours of the editorial, transmit to respectively (i) the other qualified candidate or candidates for the same office, or (ii) the candidate opposed in the editorial, (a) notification of the date, time, and channel of the editorial; (b) a script or tape of the editorial; and (c) an offer of a reasonable opportunity for a candidate or spokesman of the candidate to respond over the system's facilities: *Provided, however,* That where such editorials are cablecast within 72 hours prior to the day of the election, the system operator shall comply with the provisions of this paragraph sufficiently far in advance of the broadcast to enable the candidate or candidates to have a reasonable opportunity to prepare a response and to present it in a timely fashion.

24. In § 76.213, paragraph (a) is amended to read as follows:

§ 76.213 Lotteries.

(a) No cable television system operator, except as in paragraph (c), when engaged in origination cablecasting shall transmit or permit to be transmitted on the origination cablecasting channel or channels any advertisement of or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any list of prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes.

* * * * *

25. Section 76.215 is amended to read as follows:

§ 76.215 Obscenity.

No cable television system operator when engaged in origination cablecasting shall transmit or permit to be transmitted on the origination cablecasting channel or channels material that is obscene or indecent.

26. In § 76.221, all references to the term "cable television system" or "system" are deleted, and the term "cable television system operator" is substituted, and paragraphs (b) and (d) are amended to read as follows:

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§ 76.221 **Sponsorship identification; list retention; related requirements.**

• • • • •

(b) Each cable television system operator engaged in origination cablecasting shall exercise reasonable diligence to obtain from employees, and from other persons with whom the system operator deals directly in connection with any matter for cablecasting, information to enable such system operator to make the announcement required by this section.

• • • • •

(d) The announcement required by this section shall, in addition to stating the fact that the origination cablecasting matter was sponsored, paid for or furnished, fully and fairly disclose the true identify of the person or persons, or corporation, committee, association or other unincorporated group, or other entity by whom or on whose behalf such pyament is made or promised, or from whom or on whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in paragraph (c) of this section are furnished. Where an agent or other person or entity contracts or otherwise makes arrangements with a cable television system operator on behalf of another, and such fact is known or by the exercise of reasonable diligence, as specified in paragraph (b) of this section, could be known to the system operator, the announcement shall disclose the identity of the person or persons or entity on whose behalf such agent is acting instead of the name of such agent. Where the origination cablecasting material is political matter or matter involving the discussion of a controversial issue of public importance and a corporation, committee, association or other unincorporated group, or other entity is paying for or furnishing the matter, the system operator shall, in addition to making the announcement required by this section, require that a list of the chief executive officers or members of the executive committee or of the board of directors of the corporation, committee, association or other unincorporated group, or other entity shall be made available for public inspection at the local office of the system. Such lists shall be kept and made available for a period of two years.

• • • • •

§ 76.225 [Amended]

27. In § 76.225, all references to "cable television system" are deleted and the term "community unit" is substituted.

28. In § 76.252, the introductory language in paragraph (a), and paragraph (b) are amended to read as follows:

§ 76.252 **Channel capacity.**

(a) Any cable television system having 3500 or more subscribers shall comply with the following requirements respecting channel capacity:

• • • • •

(b) This section applies to all cable television systems that are located in whole or in part within a major television market and that commence operations after March 31, 1972. Systems that are located outside of a major television market and that commense operations after March 31, 1977, shall comply upon commencement of operations. All other systems shall comply on or before June 21, 1986. Systems that are in compliance with the provisions of subparagraph (a) (1) are not required to modify their facilities in order to comply with subparagraph (a) (2) of this section.

29. In § 76.254, the introductory language in paragraph (a) and paragraphs (c), (d), and (f) are amended as follows, and in paragraphs (a) (1), (a) (2), (a) (3), (a) (4), and (e), the phrase "each such system" is deleted and the phrase "the operator of each such system" is substituted:

§ 76.254 **Number and designation of access channels.**

Any cable television system having 3500 or more subscribers shall comply with the following requirements respecting the number and designation of access channels:

(a) The operator of each such system shall, to the extent of the system's activated channel capability, comply with the following requirements:

• • • • •

(c) The operator of each such system shall, in any case, maintain at least one full channel for shared access programming: *Provided, however*, That, in the case of systems in operation on June 21, 1976, if insufficient activated channel capability is available to provide one full channel for shared access programming the system operator shall provide whatever portions of channels are available for such purposes. In meeting its access obligations, every operator of a cable television system shall make reasonable efforts in programming the system's bandwidth to avoid the displacement of access service.

(d) Whenever any of the channels described in paragraph (a) or (c) of this section is in use during 80 percent of the weekdays (Monday–Friday) for 80 percent of the time during any consecutive three-hour period for six consecutive weeks, the system operator shall have six months in which to make a new channel available for the same purposes: *Provided, however*, That the channel expansion mandated by this paragraph shall not exceed the activated channel capability of the system.

• • • • •

(f) Until March 31, 1977, operators of systems that are located outside the major television markets or that commenced operation prior to March 31, 1972 may comply with the requirements of this section by making a reasonable effort to provide channel time for local non-operator presentation of cablecast programs.

30. In § 76.256, the introductory language and paragraphs (a), (c) (3), and (d) (4) are amended as follows, paragraphs (b), (d) (1), (d) (2), and (d) (3) are amended to delete the terms "each such system" and "such system" and substitute the term "the operator of each such system," paragraph (c) is amended to delete the word "system" and substitute the term "system operator," and the "NOTE" after paragraph (d) (4) is deleted:

§ 76.256 **Access services.**

Any cable television system having 3500 or more subscribers shall comply with the following requirements respecting the provision of access services:

(a) *Equipment requirement.* The operator of each such system shall have available equipment for local production and presentation of cablecast programs other than automated services and permit its use for the production and presentation of public access programs. The operator of such system shall not enter into any contract, arrangement, or lease for use of its cablecast equipment which prevents or inhibits the use of such equipment for a substantial portion of time for public access programming.

• • • • •

(c) • • •

(3) Charges for equipment, personnel, and production of public access programming shall be reasonable and consistent with the goal of affording users a low-cost means of television access. No charges shall be made for live public access programs not exceeding five minutes in length.

NOTE.—Operators of systems that are located outside the major television markets or that commenced operation prior to March 31, 1972 are not required to provide any free production facilities prior to March 31, 1977.

• • • • •

(d) • • •

(4) The operating rules governing public, educational, and leased access programming shall be filed with the Commission within 90 days after the system operator first activates any such channels, and shall be available for public inspection as provided in § 76.305(b). Except on Commission authorization, or with respect to local government access programming, no local entity shall prescribe any other rules concerning the number or manner of operation of access channels; however, franchise specifications concerning the number of such channels for systems in operation prior to March 31, 1972 shall continue in effect.

31. Section 76.258 is amended and a Note is added to read as follows:

§ 76.258 **Non-federal access regulation; voluntary access.**

No cable television system shall be required by a state or local entity to exceed the provisions of §§ 76.252, 76.254, and 76.256 concerning channel capacity, activated channel capability, and equipment, absent Commission authorization, even if such a system has previously been certificated, pursuant to § 76.11, based on proposals or operations in excess of these provisions. If a system having fewer than 3500 subscribers provides access services, it shall comply with the provisions of § 76.256 (b) and (d).

NOTE.—Nothing in this section shall be construed as limiting the authority of state and local entities to regulate two-way, point-to point, intrastate nonvideo cable transmission.

Subpart H—General Operating Requirements

32. In Subpart H, a new § 76.300 is added to read as follows:

§ 76.300 **Scope of application.**

(a) The provisions of §§ 76.306, 76.307 and 76.311 are applicable to all cable television systems.

(b) The provisions of §§ 76.301 and 76.305 are not applicable to any cable television system serving fewer than 500 subscribers.

33. In § 76.305, the headnote, paragraph (b) and the introductory language in paragraph (a) and paragraph (c) are amended as follows, paragraphs (a) (2), (a) (3), (a) (4), and (d) are amended to delete the term "cable television system," and word "system," and substitute "system operator": and paragraph (a) (5) is amended to delete the term "cable system" and substitute the term "community unit."

§ 76.305 **Records to be maintained locally by cable television system operators for public inspection.**

(a) *Records to be maintained.* The operator of every cable television system having 500 or more subscribers shall maintain for public inspection a file containing the following:

• • • • •

(b) *Location of records.* The public inspection file shall be maintained at the office which the system operator maintains for the ordinary collection of subscriber charges, resolution of subscriber complaints, and other business or at any accessible place in the community served by the system unit(s) (such as a public registry for documents or an attorney's office). The public inspection file shall be available for public inspection at any time during regular business hours.

(c) *Period of retention.* The records specified in paragraphs (a) (1), (2), (3), and (8) shall be maintained for 15 years or until the system receives a certificate or certificates of compliance from the Commission occasioned by a local franchise review, whichever occurs later. The records specified in paragraph (a) (4) shall be retained for two years. The records specified in paragraph (a) (5) shall be retained for one year after an amendment to such record is placed in the public inspection file. The records specified in paragraph (a) (6) shall be retained so long as an authorization for a Cable Television Relay Station and renewals thereof are outstanding. The records specified in paragraph (a) (7) shall be retained for the periods specified in §§ 76.95(d), 76.205(c), 76.221(f), 76.225 (a), 76.256(d), and 76.311(f).

• • • • •

34. Section 76.306 is amended to read as follows:

§ 76.306 **Records of subscribers.**

The operator of every cable television system shall retain all records, in whatever form maintained, which are kept of the subscribers served during the last month of each quarter of operation. (See § 1.1101(f).) Every cable television system operator shall submit such records upon request by an authorized representative of the Commission, and shall retain such records for a period of three years.

35. Section 76.307 is amended to read as follows:

§ 76.307 **System inspection.**

The operator of a cable television system shall make the system, its public inspection file (if required by Section 76.305), and its records of subscribers available for inspection upon request by an authorized representative of the Commission at any reasonable hour.

36. In Subpart I, § 76.403 is amended to delete the term "system community" and substitute the term "community unit," and a note is added at the end of the section, to read as follows:

§ 76.403 **Cable television system reports.**

• • • • •

NOTE.—The operator of a cable television system having fewer than 500 subscribers shall only be required to file schedules 1 and 2 of Form 325 for each community unit.

Subpart K—Technical Standards

37. In § 76.601, paragraphs (b), (c), (d) and (e) are amended to delete all references to "cable television system(s)" and the word "system(s)", and substitute the term "community unit(s): and a new paragraph (f) is added to read as follows:

§ 76.601 **Performance tests.**

• • • • •

(f) The provisions of paragraphs (b), (c), and (e) of this section shall not apply to any cable television system having fewer than 500 subscribers; *Provided, however*, That any cable television system using any frequency spectrum other than that allocated to over-the-air television and FM broadcasting (as described in §§ 73.603 and 73.210) is required to conduct all tests, measurements, and monitoring of radiation and signal leakage that are required by this subpart.

38. In § 76.605, paragraphs (a), (a) (2), (a) (4), (a) (9) (i), (a) (12), and (b) are amended to delete all reference to the term "cable television system(s)" and the word "system(s)" and substitute the term "community unit(s)," and paragraph (c) is amended to read as follows:

§ 76.605 **Technical standards.**

• • • • •

(c) Paragraph (a) (12) of this section shall become effective March 31, 1972. All other provisions of this section shall become effective in accordance with the following schedule:

	Effective date
Community units in operation prior to Mar. 31, 1972	Mar. 31, 1977.
Community units commencing operations on or after Mar. 31, 1972	Mar. 31, 1972.

APPENDIX A

Following is an alphabetical listing of parties filing comments and/or reply comments in this proceeding:

Allen's TV Cable Service, Inc. et al.
American Broadcasting Companies, Inc.
Apartment and Office Building Association.
Arizona Cable Television Association.
Association of Maximum Service Telecasters (MST).
Atlantic Coast TV Cable et al.
Booth American Company.
Cablecom-General, Inc.
Cablevision Systems Corporation (CSC).
California Community Television Association (CCTA).
Calvert Telecommunications Corp. (Caltec).
Central New York Cable TV (Central).
Citizens for Cable Awareness in Pennsylvania (CCAP).
Comlab Corporation.
Community Antenna System.
Community Antenna Television Association (CATA).
Communities Properties, Inc. (CPI).
County of San Diego.
Cumberland Television Inc.
Eagle River and Park Falls, Wisconsin Cable Systems.
EMCO CATV, Inc.
Gill Cable, Inc.
Florida Cable Television Association (FCTA).
Historic New Harmony, Inc.
Indian River Cablevision, Inc.
Jerrold Electronics Corp.
Kentucky CATV Association, Inc.
Douglas R. Leach.
Liberty Communications, Inc.
MCA, Inc.
Carl Mangum, Realtors.
Manhattan Cable Television, Inc.
Manufatcured Housing Institute (MHI).
Minnesota All-Channel Cablevision, Inc
Minnesota Cable Communications Board (MCCB).
National Association of Broadcasters (NAB).
National Association of Theatre Owners, Inc.
National Cable Television Association (NCTA).
Nebraska Cable Communications Association (NCCA).
New York State Commission on Cable Television (CCT).
Perry Cable Television Companies.
Program Suppliers.
RCA Corporation.
Redwood Cable Vision.
Reliable Television Sales Service, Inc., et al.
South Carolina ETV Network.
Storer Cable TV of Florida, Inc.
Susquehanna Broadcasting Company.
Television Licensees.
Theta-Com.
Transcommunications Corporation (TCC).
U.S. Communities, Inc. (USC).
Viacom International, Inc.
VideoProbeIndex, Inc. (VPI).
Warrensburg Cable, Inc.
Welch Antenna Co.
Western Cable, Inc.
Mark Winkler Management, Inc.

[FR Doc.77-10776 Filed 4-12-77;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1068]

MILK IN THE UPPER MIDWEST MARKETING AREA

Proposed Suspension of a Certain Provision of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed Suspension of Rule.

SUMMARY: This notice invites written comments on a proposal to suspend a requirement under the Upper Midwest milk marketing order that handlers make a partial payment for milk received from producers by the 25th day of the month. Handlers indicate that their producers want such payments to be made about 8 days later so that their partial payments and final payments for milk will be spaced about 15 days apart. The proposed suspension would be for May through October 1977.

DATE: Comments are due on or before April 20, 1977.

ADDRESS: Comments (four copies) should be filed with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202-447-6273).

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of paragraph (a) (4) of § 1068.73 of the order regulating the handling of milk in the Upper Midwest marketing area is being considered for the period May 1, 1977 through October 31, 1977.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, on or before April 19, 1977. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Paragraph (a) of § 1068.73 requires handlers to make a partial payment to cooperative associations and nonmember producers on or before the 25th day of the month for milk delivered during the first 15 days of the month. Suspension of paragraph (a) (4) would remove this requirement only with respect to producers for whom a cooperative association is not collecting payments; the requirement would remain in effect for milk purchased from a cooperative association.

Paragraph (a) (4) of § 1068.73 has been suspended since November 1976 (41 FR 51389). Several handlers request that the suspension be extended for an additional period of six months pending a hearing to amend said provision of the order to allow a partial payment on or before the 3d day after the end of the month. Currently these handlers are making a partial payment on or about the 3d day of the month, 15 days prior to the final payment date which is the 18th day of the month. This enables such handlers to accommodate their producers who request that their payments be spaced about 15 days apart.

Signed at Washington, D.C. on April 8, 1977.

WILLIAM T. MANLEY,
Acting Administrator.

[FR Doc.77-10859 Filed 4-12-77;8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 217]

[Reg. Q; Docket No. R-0024]

INTEREST ON DEPOSITS

Pooling of Funds

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Withdrawal of rulemaking proposal.

SUMMARY: On March 8, 1976 the Board of Governors proposed an amendment to Regulation Q concerning payment of interest on pooled funds. In view of the comments received and the action of the Federal Deposit Insurance Corporation to limit deposit insurance for certain organizations, the Board is now withdrawing its proposal.

FOR FURTHER INFORMATION CONTACT:

Allen L. Raiken, Assistant General Counsel, Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-3625.

SUPPLEMENTARY INFORMATION: By notice published in the FEDERAL REGISTER (41 FR 10917), the Board of Governors on March 8, 1976 proposed to amend Regulation Q (12 CFR 217) to prohibit member banks from paying interest on time deposits of $100,000 or more at rates in excess of those established by Regulation Q for deposits of less than $100,000 where the bank knows or has reason to know that such time deposits consist of funds acquired or solicited for the purpose of pooling such funds primarily to obtained the exemption from interest rate ceilings provided in § 217.7(a). Subsequently, the period for receipt of public comments on this proposal was extended to July 9, 1976 (41 FR 20590).

Public Law 93-123 (87 Stat. 448) directs the Board to establish maximum rates of interest that may be paid by member banks on time deposits of less than $100,000. The Board's regulatory proposal to prohibit the practice of pooling funds to obtain higher rates of interests was based in part upon the belief that pooling violates Regulation Q interest rate ceiling limitations since it enables depositors who would otherwise be subject to the ceiling rates of interest prescribed by Regulation Q to obtain the generally higher rates that may be available on large denomination certificates of deposit (CDs). The Board's proposal was also based on the belief that pooling may have potentially adverse effects on member banks and nonmember financial institutions due to the potential for disruptive shifts of funds as a consequence of active soliciting of funds by prospective poolers.

The Board has reviewed the one hundred seventy-one comments received from the public on the pooling proposal. One hundred forty-one of these comments opposed adoption of the pooling proposal and thirty favored adoption of the proposed amendment. Those opposed to the adoption of the amendment expressed the view that the proposal was unfair to small depositors and would result in a shifting of funds from bank CDs to other forms of investments such as commercial paper. Several responents indicated that the proposal would not prevent the practice of pooling since CDs would be available on the secondary market. Those who favored adoption of the proposal generally recognized that pooling results in a circumvention of the Regulation Q interest rate ceilings. Several banks expressed the view that pooling could lead to disruptive shifts of funds especially from institutions outside large money centers.

After consideration of the comments received and other available information, the Board has determined not to adopt the proposed amendment to Regulation Q to prohibit pooling of funds at this time. In making this determination the Board notes the action of the Federal Deposit Insurance Corporation in February 1977 to limit the Federal deposit insurance coverage to $40,000 in any one insured bank of any trust or other business arrangement that has registered or is required to register with the Securities and Exchange Commission as an investment company under Section 8 of the Investment Company Act of 1940. The Board believes that the action of the FDIC to limit deposit insurance coverage of such organizations may minimize the potential for disruptive shifts of funds among depository institutions as a result of pooling. Accordingly, the Board has determined not to adopt the proposed regulation at this time and hereby terminates the rulemaking proceeding initiated on March 8, 1976.

Board of Governors of the Federal Reserve System, March 31, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-10829 Filed 4-12-77;8:45 am]

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 309]

DISCLOSURE OF INFORMATION

Revision of Regulations

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Proposed Rule.

SUMMARY: The Federal Deposit Insurance Corporation proposes to revise its regulations on the disclosure of information. These regulations have become long and complex as the result of frequent amendment. The revision is intended to simplify and update the format of the regulations.

DATE: Comments must be received before May 13, 1977.

ADDRESS: Send comments to the Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429.

FOR FURTHER INFORMATION CONTACT:

Douglas H. Jones, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429, (202-389-4433).

SUPPLEMENTARY INFORMATION: The Federal Deposit Insurance Corporation (the "Corporation") proposes to revise its regulations on Published and Unpublished Records and Information contained in 12 CFR Part 309. The revision is primarily intended to accomplish two things: (1) to simplify and update the procedures followed by the Federal Deposit Insurance Corporation in disclosing records it maintains; and, (2) to clarify and provide greater authority at the divisional level for disclosures which presently require the authorization of the Chairman of the Corporation's Board of Directors.

The substantive content of the regulations will remain largely unchanged; however, the recodification will provide increased clarity. To facilitate public access, the regulation will be divided functionally into seven sections. Included among these are sections providing specifically for the method of access to prescribed public documents, the procedures for using the Freedom of Information Act, and the provisions for disclosing records exempt from the requirements of the Freedom of Information Act. By dividing the regulation in this manner, it is expected that the public will be benefited by both the simpler format and the resulting ease in utilization.

Under these revisions, substantive changes have been proposed with regard to the level at which confidential information may be disclosed. Under the current regulation, there are only a few narrowly defined and often vague instances in which a Director or Chief of a Corporation Division or Office may disclose information maintained by the Corporation. All other disclosures require the express consent of the Chairman of the Corporation's Board of Directors. The proposed regulation will both clarify existing delegations and expand the authority of the Director of the Corporation's Division of Bank Supervision and its General Counsel. The revisions will enable the Corporation to respond more quickly to those seeking access to confidential information and will free the Chairman of the Corporation's Board of Directors from the necessity of reviewing many of the routine requests for disclosure.

These revisions are authorized under paragraphs "Seventh" and "Tenth" of section 9 of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1819 "Seventh" and "Tenth"). Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429. Each person submitting a comment should include his name and address, and give reasons for any recommendations. All comments received before May 13, 1977, will be considered before final action is taken on the proposal. The proposal may be changed in the light of the comments received.

By order of the Board of Directors, April 5, 1977.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

PART 309—DISCLOSURE OF INFORMATION

Sec.
309.1 Purpose and scope.
309.2 Definitions.
309.3 Publication.
309.4 Information made available for public inspection.
309.5 Information made available under the Freedom of Information Act.
309.6 Disclosure of exempt records by Corporation personnel.
309.7 Service of process.

§ 309.1 Purpose and scope.

This regulation sets forth the basic policies of the Federal Deposit Insurance Corporation regarding information it maintains and the procedures for obtaining access to such information.

§ 309.2 Definitions.

For purposes of this Part:

(a) The term "bank", as used in § 309.6, includes banks that have applied to the Corporation for federal deposit insurance, closed banks, and presently operating banks, and all affiliates of any of the foregoing;

(b) The term "Corporation" means the Federal Deposit Insurance Corporation;

(c) The words "disclose" or "disclosure" means to give access to a record, whether by producing the written record or by verbal discussion of its contents, but, unless specifically stated otherwise, do not extend to the making of copies or verbatim transcriptions of a record;

(d) The term "examination" includes, but is not limited to, formal and informal investigations of irregularities involving suspected violations of Federal or State civil or criminal laws, or unsafe and unsound banking practices, as well as such other investigations as may be conducted pursuant to law;

(e) The term "record" includes records, files, documents, reports, correspondence, books, and accounts, or any portion thereof; and

(f) The term "report of examination" includes, but is not limited to, examination reports resulting from examinations of banks conducted jointly by Corporation examiners and State banking authority examiners, as well as reports resulting from examinations conducted solely by Corporation examiners.

§ 309.3 Publication.

(a) *Information published in the "Federal Register."* In accordance with the requirements of 5 U.S.C. 552(a)(1), the Corporation publishes the following information in the FEDERAL REGISTER for the guidance of the public: (1) descriptions of its central and field organization and the established places at which, the officers from whom, and the methods whereby, the public may secure information, make submittals or requests, or obtain decisions; (2) statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available; (3) rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports or examinations; (4) substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretation of general applicability formulated and adopted by the Corporation; (5) every amendment, revision or repeal of the foregoing; and (6) general notices of proposed rulemaking.

(b) *Documents published by the Corporation.* The Corporation periodically publishes a number of documents pertaining to its operations and those of the insured banks it supervises. A current list of Corporation publications may be obtained, at no charge, from the Office

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of Information, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429, telephone 202–389–4221.

§ 309.4 Information made available for public inspection.

The following information is available for public inspection and copying during normal business hours at the Office of the Executive Secretary, Records Unit, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429, or at the appropriate Regional Office of the Corporation for information maintained at those offices:

(a) *Information required by law to be made public.* (1) All final opinions (including concurring and dissenting opinions) and all final orders made in the adjudication of cases;

(2) Those statements of policy and interpretations which have been adopted by the Corporation but have not been published in the FEDERAL REGISTER;

(3) The Corporation's Manual of Examination Policies and Instructions to Liquidators; and

(4) Filings and reports required under the provisions of 12 CFR Part 335 and the Securities and Exchange Act of 1934, as amended (15 U.S.C. 78a), by insured nonmember banks the securities of which are registered with the Corporation pursuant to section 12 of that Act (15 U.S.C. 78*l*). These filings and reports are available as detailed in § 335.3.

To the extent permitted by law, the Corporation may delete identifying details when it makes available or publishes a final opinion, final order made in the adjudication of a case, statement of policy, interpretation, or staff manual or instruction. In each case the justification for the deletion will be explained in writing.

(b) *Information made available at the Corporation's discretion.* (1) The following reports filed by insured nonmember banks (and certain nonfederally insured banks in the case of reports of condition) on or after January 1, 1973, which would otherwise be exempt from disclosure under the provisions of subsection (b)(8) of the Freedom of Information Act (5 U.S.C. 552(b)(8)): (i) Consolidated Reports of Income for mutual savings banks,[1] (ii) Consolidated Reports of Income for commercial banks,[2] (iii) Reports of Condition for mutual savings banks,[3] (iv) Reports of Condition for commercial banks;[4]

(2) Public files on applications filed with the Corporation. These files are maintained, in accordance with § 303.14(c), at the Regional Office of the Corporation where the applicant bank is located and include information on applications for deposit insurance by proposed new banks, and applications by existing banks to establish branches or to relocate their main or branch offices;

(3) Reports required under section 7(j) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)) on changes in the control of an insured bank, to the extent that such reports contain; (i) the name of the bank in which control has changed; (ii) the names of the sellers and purchasers of the stock; (iii) the number of shares of stock involved in the transaction; and (iv) the number of shares of issued stock of the bank that are outstanding; and

(4) The following statistical surveys filed by insured banks, which would otherwise be exempt from disclosure under the provisions of subsection (b)(8) of the Freedom of Information Act (5 U.S.C. 552(b)(8)): (i) Summary of Deposits for commercial banks;[5] and Summary of Deposits for mutual savings banks.[6] Requests for information contained in the surveys should be sent to the Chief of the Bank Statistics and Financial Analysis Section, Division of Management Systems and Economic Analysis, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429, telephone 202–389–4545. All requests for the above information, unless otherwise indicated, should be sent either to the Office of the Executive Secretary, Records Unit, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429 for information located at the Corporation's Washington office; or, to the appropriate Corporation Regional Office for information under § 309.4(b)(2). A list of the Corporation's Regional Offices is available at no charge from the Office of Information, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429 (telephone 202–389–4221).

(c) *Index.* The Corporation also maintains and makes available for public inspection and copying a current index of matters covered by § 309.4(a) (1) and (2) which were issued, adopted, or promulgated after July 4, 1967. The Corporation on request will provide copies of the index at the direct cost of duplication as set forth in § 309.5(b). All such requests should be sent to the Office of the Executive Secretary, Records Unit, Federal Deposit Insurance Corporation, 550 17th Street, Washington, D.C. 20429.

(d) *Fee schedule.* The Corporation will provide copies of any records made available pursuant to this § 309.4 to any person who agrees to pay the cost of searching and duplicating as set forth in § 309.5(b).

§ 309.5 Information Made Available Under the Freedom of Information Act (5 U.S.C. 552).

(a) *Disclosure upon request.* Except for information which is: (1) Published or made available for public inspection pursuant to §§ 309.3 and 309.4 (the availability of which is governed by those sections); (2) held by the Corporation as the receiver of a closed insured bank, or liquidator of assets of an open or closed insured bank; (3) information furnished by another agency which remains the property of that agency; or (4) information exempted from disclosure under § 309.5(f), the Corporation, upon request for any records in the possession or control of the Corporation or any officer, employee, or agent of the Corporation, will make such records available to any person who agrees to pay the costs of searching for[7] (whether or not the search is successful) and duplicating them. The request must be in writing and reasonably describe the records sought. All requtsts for records under this § 309.5(a) should be sent to the Office of the Executive Secretary, Records Unit, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429.

(b) *Fees for searching and duplicating.* Persons requesting records of the Corporation under § 309.5(a) shall be charged at the rate of (1) $4.50 per hour for searching where clerical personnel are used, (2) $10.00 per hour for searching where supervisory or professional personnel are used, (3) $175.00 per central processing unit hour for computer time used, and (4) 10 cents per page for duplicating. Any request for records should specify an aggregate dollar limit which the person making the request is willing to pay for the costs of searching and duplicating unless such costs are believed to be nominal. Where the Corporation estimates that the cost of searching and duplicating will exceed the aggregate amount specified in the request, or where no dollar amount is specified, the Corporation will promptly advise the person requesting the records of the estimated cost. In addition, whenever the Corporation estimates that the cost of searching and duplicating will exceed $200.00, the person making the request will be required to pay in advance an amount equal to 20 percent of the estimated cost. For purposes of computing the time in which the Corporation must grant or deny a request for records, such a request will not be deemed to have been received by the Corporation until the person requesting the records agrees in writing to pay the cost of searching and duplication, as estimated by the Corporation and, where advance payment is required, until the Corporation receives the advance payment.

Upon written request and at fees comparable to those listed in this § 309.5(b),

[1] Consolidated Report of Income—Calendar Year (Including Domestic Subsidiaries), Form 73 (Savings).

[2] Consolidated Report of Income—Calendar Year (Including Domestic Subsidiaries), Form 73.

[3] Report of Condition, Form 64 (Savings).

[4] Consolidated Report of Condition of Bank and Domestic Subsidiaries, Form 64.

[5] Summary of Deposits—Commercial Banks, Form 8020/05.

[6] Summary of Deposits—Mutual Savings Banks, Form 8020/46.

[7] As used in this paragraph, the term "searching for" includes any method of extracting requested information from computerized record systems. The costs of searching for records may include, where applicable, any direct costs associated with their transfer and, where required to maintain the integrity of the Corporation's record systems, their indexing and/or filing.

the Corporation will undertake to compile requested information in summary, tabular or other form, unless the Corporation determines, in its discretion, that compliance with such a request would be unduly burdensome or time consuming.

(c) *Waiver or reduction of fees.* Whenever the Corporation determines that furnishing any requested record is in the public interest because it primarily benefits the general public, it may reduce or waive any fees which would normally be imposed. In no event will the Corporation impose a charge for furnishing records when the aggregate fees do not exceed $2.00 for any one request.

(d) *Records of another agency.* If a requested record is the property of another Federal agency or Department, and that agency or Department, either in writing or by regulation, expressly retains ownership of such record, upon receipt of a request for the record the Corporation will promptly inform the requester of this ownership and immediately shall forward the request to the proprietary agency or Department either for processing in accordance with the latter's regulations or for guidance with respect to disposition.

(e) *Records of receiver or liquidator of assets.* If a requested record is held by the Corporation in its capacity as the receiver of a closed insured bank or the liquidator of assets acquired from an open or closed insured bank, upon receipt of a request for the record the Corporation will inform the requester of the capacity in which it holds such record and shall forward the request to the Corporation's Division of Liquidation for processing and disposition. Disclosure of such records shall be subject to appropriate Federal or State law applicable to FDIC as receiver or liquidator as well as to the determination of any Federal or State court having jurisdiction over FDIC or over such record.

(f) *Exempt records.* The Corporation may refuse to grant a request for records which fall within one or more of the following exemptions: [8]

(1) Records which are (i) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (ii) are in fact properly classified pursuant to such Executive order;

(2) Records related solely to the internal personnel rules and practices of the Corporation;

(3) Records specifically exempted from disclosure by statute (other than the Privacy Act of 1974, 5 U.S.C. 552a), provided that such statute (i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (ii) establishes particular critheria for withholding or refers to particular types of matters to be withheld;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Interagency or intraagency memoranda or letters which would not be available by law to a private party in litigation with the Corporation;

(6) Personnel and medical files and similar files (including financial files) the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory records compiled for law enforcement purposes, but only to the extent that disclosure of the records would (i) interfere with enforcement proceedings, (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel; and

(8) Records contained in or related to examination, operating, or condition reports prepared by or on behalf of, or for the use of, the Corporation or any agency responsible for the regulation or supervision of financial institutions.

To the extent that nonexempt portions of records are reasonably segregable from the exempt portions, the nonexempt portions shall be provided to the person making the request after deletion of the portions which are exempt.

(g) *Denial of requests.* Requests for records will be forwarded by the Executive Secretary to the head of the Corporation Division or Office which has custody of such records. Where it is determined that the requested information may be released, the appropriate Division or Office head will grant access to the information. A request for records may be denied only by the Executive Secretary or his designee, except that a request for records not responded to within 10 business days following its receipt by the Office of the Executive Secretary—by notice to the requester either granting the request, denying the request, or extending the time for making a determination on the request—shall, if the requester chooses to treat such delay in response as a denial, be deemed to have been denied by the head of the Division or Office to which the request was referred for action.

(h) *Appeals from denials of requests.* A person whose request for records has been denied, in whole or in part, has the right to appeal the denial to the Corporation's Board of Directors within 30 business days following receipt of notification of the denial.[9] All appeals of denials of requests for records should be forwarded in writing to the Office of the Executive Secretary, Records Unit, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429.

(i) *Time limits.* (1) *Initial response.* The Corporation will notify the person making the request of its initial determination within 10 business days following the receipt of a request.

(2) *Appeals.* In the case of appeal from an initial denial, the Corporation will notify the appellant of the disposition thereof within 20 business days following receipt of the appeal.

(3) *Extension of time.* Under unusual circumstances the Corporation may require additional time, up to a maximum of 10 business days, to initially determine whether to grant or deny a request or to respond to an appeal of a previous denial. These circumstances would arise only in cases where (i) the records are in facilities, such as field offices or storage centers, that are not part of the Corporation's Washington office, (ii) the records requested are voluminous and are not in close proximity to one another, or (iii) there is a need to consult with another agency or among two or more components of the Corporation having a substantial interest in the determination. The Corporation will promptly give written notification to the person making the request of the estimated date it will make its initial determination and the reasons why additional time is required.

(j) *Contents of denial letters.* Where the Corporation denies, in whole or in part, a request for records, or denies an appeal with respect to a previous denial, the person making the request will be sent written notification of the denial. The written notification will (1) specify whether all or only a specific part of the request or appeal is being denied, (2) set forth the names and titles of each person responsible for the denial (where other than the person who signs the notification), (3) list the exemptions relied upon for the denial, and (4) inform the person making the request of either (i) the right to appeal the initial denial of any part of the request to the Corporation's Board of Directors within 30 business days following receipt of notification of the initial denial, or (ii) the right to judicial review under the Freedom of Information Act with respect to the denial of an appeal.

§ 309.6 Disclosure of Exempt Records by Corporation Personnel.

(a) *Exempt records.* The provisions of § 309.6 apply to any records which are exempt from disclosure under § 309.5(f) regardless of the fact that such records may be subject to disclosure under the Privacy Act of 1974 (5 U.S.C. 552a) or other Federal statute, any applicable regulation of the Corporation or any other Federal agency having jurisdiction thereof, or any directive or order of any court of competent jurisdiction.

[8] Classification of a record as exempt from disclosure under the provisions of § 309.5(f) shall not be construed as authority to withhold the record if it is otherwise subject to disclosure under the Privacy Act of 1974 (5 U.S.C. 552a) or other Federal statute, any applicable regulation of FDIC or any other Federal agency having jurisdiction thereof, or any directive or order of any court of competent jurisdiction.

[9] This provision shall not be construed as barring the Corporation's Board of Directors from reconsidering the denial of its own motion at any time within the 30-day period.

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(b) *Disclosure prohibited.* Except as provided in this § 309.6 or by Part 310,[10] no officer, employee, or agent of the Corporation shall disclose or permit the disclosure of any exempt records, or information contained therein, to any persons other than those officers, employees, or agents of the Corporation who have a need for such records in the performance of their official duties.

(c) *Disclosure authorized.* The following Corporation personnel are authorized to disclose or, where applicable, to furnish exempt records, subject to the restrictions stated below. Where, pursuant to this § 309.6, exempt records can be disclosed or furnished only in response to a written request from another governmental agency or a private party, the request should be signed by an individual authorized to make the request. The Corporation may require proof of such authorization prior to granting any such request.

(1) *Reports of examination and other exempt records—disclosure to bank.* The Director of the Corporation's Division of Bank Supervision, or anyone designated by him in writing, may disclose or furnish to any director or authorized officer or employee of any bank, information contained in, or copies of, reports of any examination of the bank (except the supervisory section of the report of examination) and other exempt records pertaining to that bank. However, all copies of such reports of examination and other information so furnished to any bank shall remain the property of the Corporation and under no circumstances shall the bank or any of its directors, officers, or employees disclose or otherwise make public in any manner such reports or exempt records without express written authorization from the Director of the Corporation's Division of Bank Supervision as provided in § 309.6 (c) (6).

(2) *Reports of examination and other exempt records—disclosure to other banking agencies.* The Director of the Corporation's Division of Bank Supervision, or anyone designated by him in writing, may disclose to any authorized officer or employee of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, any Federal Reserve Bank, and any State agency or authority which exercises general supervision over banks, reports of any examination of a bank and other exempt records pertaining to the bank. Copies of reports of examination or any other exempt records may be furnished by the Director of the Corporations' Division of Bank Supervision, or anyone designated by him in writing, to any State agency or authority which exercises general supervision over banks, to the extent that such reports and records pertain to a State chartered bank supervised by such agency or authority. In all other instances, copies of reports of examination or other exempt records may be furnished by the Director of the Division of Bank Supervision, or anyone designated him in writing, to a Federal or State banking agency or authority only in response to a written request from the head of the agency or authority seeking the record, or anyone whom he designates in writing as authorized to make such a request, which (i) identifies the record or records sought and (ii) gives the reasons for the request.[11] In every instance in which a copy of a report of examination or other exempt record is furnished, it shall remain the property of the Corporation and under no circumstances shall the agency or authority, or any official thereof, disclose or make public in any manner such reports or any portion thereof or other information so furnished.

(3) *Reports of examination and other exempt records—disclosure to nonbanking agencies.* The Director of the Corporation's Division of Bank Supervision, or anyone designated by him in writing, may furnish to the proper Federal or State prosecuting or investigatory authorities copies of exempt records pertaining to irregularities discovered in banks which are believed to constitute violations of any Federal or State civil or crminal law, or unsafe and unsound banking practices. In addition, the Director of the Corporation's Division of Bank Supervision, or anyone designated by him in writing, may disclose to any authorized officer or employee of any Federal or State agency or authority, for good cause shown, reports of any examination of a bank or other exempt records pertaining to that bank, *Provided*, That such disclosure only shall be made in response to a written request (signed by an authorized official of the agency making the request) which (i) identifies the record or records to which access is requested and (ii) gives the reasons for the request.

(4) *Reports of examination and other exempt records—disclosure by Corporation's General Counsel.* The Corporation's General Council may disclose to the proper Federal or State prosecuting or investigatory authorities exempt records relating to irregularities discovered in open and closed insured banks believed to constitute violations of any Federal or State statute.

(5) *Reports of examination and other exempt records—disclosure to private parties.* The Director of the Corporation's Division of Bank Supervision may disclose or furnish copies of reports of any examination of a bank or other exempt records pertaining to that bank to any private party where requested to do so in writing. The Director of the Corporation's Division of Bank Supervision shall furnish copies of the requested record only upon the fulfillment of such terms and conditions as he deems necessary to protect the confidential nature of the record, the financial integrity of the bank to which the record relates, and the legitimate privacy interests of any individual named in such record.

(6) *Reports of examination and other exempt records—disclosure by bank.* The Director of the Corporation's Division of Bank Supervision may authorize any director, officer or employee of a bank to disclose any report of examination or other exempt record in his custody to anyone who is not a director, officer or employee of the bank, under the same conditions as provided in § 309.6(c)(5). Such authorization may be given only in response to a written request from the party seeking the record which specifies the record being sought, the party's interest therein and the party's relationship to the bank to which the record relates. As a condition precedent to giving his authorization, the Director of the Corporation's Division of Bank Supervision may require that both the party seeking disclosure and the director, officer or employee having custody of the record agree to such limitations as the Director of the Corporation's Division of Bank Supervision deems necessary to protect the confidential nature of the record and to prevent unauthorized use thereof or disclosure of any information therein.

(7) *Production of exempt records and testimony of Corporation personnel.* The Corporation's General Counsel, or anyone designated by him in writing, may produce or authorize the production of any exempt record in response to a valid subpoena, court order, or other legal process and may direct any officer, employee, or agent of the Corporation to appear and testify regarding any exempt record at any administrative or judicial hearing or proceeding where such person has been served with a valid subpoena, court order, or other legal process requiring him to so testify, *Provided*, That such testimony shall relate solely to matters of which such individual had knowledge by virtue of his or her employment by the Corporation. The General Counsel, or anyone designated by him in writing, may produce or authorize the production of any exempt record sought in connection with any hearing or proceeding without the service of a subpoena, or other process requiring production, if he determines that the records to be produced are relevant to the hearing or proceeding and that production is in the best interests of justice. Where the General Counsel authorizes the production of any exempt record, or the testimony of any officer, employee or agent of the Corporation relative thereto, pursuant to this § 309.6(c)(7), he shall limit his authorization to so much of the record or testimony as is relevant to the issues at the hearing or proceeding, and he shall give his authorization only upon fulfillment of such conditions as he deems necessary to protect the confidential nature of the record consistent with any requirement that it be produced and made a part of the record of the hearing or proceeding.

(8) *Authority of the Chairman of the Corporation's Board of Directors.* Except where expressly prohibited by law, the Chairman of the Corporation's Board of Directors may authorize the disclosure of any information or the furnishing of copies of any records and, except where disclosure is required by law, he may direct any officer, employee or agent of the Corporation to refuse to disclose any record if it is determined that refusal to permit such disclosure is in the best interests of the Corporation and is not contrary to the public interest.

(9) *Limitations on disclosure.* Any disclosure permitted by this § 309.6(c) is discretionary and nothing in this § 309.6 (c) shall be construed as requiring the disclosure of information. Further, nothing in this § 309.6(c) shall be construed as restricting, in any manner, the authority of the Board of Directors, the Chairman of the Board of Directors, the Director of the Corporation's Division of Bank Supervision or anyone designated by him in writing, or the General Counsel or anyone designated by him in writing, in their discretion and in light of the facts and circumstances attendant in any given case, to impose conditions upon and to limit the form, manner, and extent of the disclosures permitted hereunder.

§ 309.7 Service of Process.

(a) *Advice by person served.* If any officer, director, or agent of the Corporation is served with a subpoena, court order, or other process requiring that person's personal attendance as a witness or the production of any exempt record of the Corporation, such person shall promptly advise the Office of the Corporation's General Counsel of such service, of the testimony and records described in the subpoena, and of all relevant facts which may be of assistance to the General Counsel in determining whether the individual in question should be authorized to testify or the records should be produced. Such person should also inform the court or tribunal which issued the process and the attorney for the party upon whose application the process was issued, if known, of the substance of this section. If any person who is not an officer, employee, or agent of the Corporation and who has custody of exempt records belonging to the Corporation is served with a subpoena, court order, or other legal process directing that person to produce such records or to testify with respect thereto, such person should give the same notice to the General Counsel and to the court or tribunal.

(b) *Appearance by person served.* Absent the authorization of the Corporation's General Counsel (or anyone designated by him in writing) to disclose the requested information, any officer, employee, or agent of the Corporation (and any person having custody of exempt records of the Corporation who is not an officer, employee, or agent of the Corporation), who is required to respond to a subpoena, court order, or other legal process, shall attend at the time and place therein specified and respectfully decline to produce any such record or give any testimony with respect thereto, basing such refusal on this section.

[FR Doc.77-10886 Filed 4-12-77;8:45 am]

[10] The procedures for disclosing records under the Privacy Act are separately set forth in Part 310.

[11] The request may be a blanket request for certain categories of records where appropriate.

CIVIL AERONAUTICS BOARD

[14 CFR Part 221]

[Economic Regs.
Docket 30385; EDR-322]

CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Filing of Tariff Justifications

APRIL 7, 1977.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice proposes to amend 14 CFR Part 221 to eliminate the requirement, imposed in 1973, that air freight forwarders and international air freight forwarders with annual revenues from forwarding operations of $5,000,000 or more, must file certain kinds of detailed economic data along with the filing of proposed changes in their tariff rates. The particular data affected are specified in paragraphs (b) and (c) of § 221.165 of the regulations, and include estimates of the cost of service, estimates of the aggregate effect of proposed rate changes on traffic, schedules and revenues, and a comparison table of existing and proposed rates. The proposed modification of the filing requirement does not change the obligation of all forwarders to file an explanation of any proposed tariff changes as specified in paragraph (a) of § 221.165. The action proposed by this notice was requested by the Air Freight Forwarders Association of America.

DATES: Comments by May 13, 1977.

ADDRESSES: Comments should be sent to Docket 30385, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. Docket comments may be examined at the Docket Section, Civil Aeronautics Board, Room 711, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

Lawrence R. Myers, Rates and Agreements Division, Civil Aeronautics Board, (202-673-5791).

SUPPLEMENTARY INFORMATION: In a petition for an expedited rulemaking, the Air Freight Forwarders Association (AFFA) has requested the elimination of the detailed justification of rate tariff changes presently required of some forwarders by section 221.165 of the Board's Economic Regulations.

Under § 221.165, all air freight forwarders and international air freight forwarders are required to accompany any proposed tariff change, including the addition of new matter, with a basic explanation of the changes, including the reasons for them and, if applicable, the ratemaking principles employed. In addition, paragraphs (b) and (c) of that section require that all forwarders with annual revenues of $5,000,000 or more provide detailed economic information which includes, to the extent applicable, estimates of the cost of service, estimates of the aggregate effect of the changes upon the forwarder's traffic, schedules and revenues, and a comparison table of any rate changes. These are the same requirements imposed on certificated route and supplemental air carriers. The number of forwarders subject to all of the requirements, including those of paragraphs (b) and (c), is approximately 25 out of the 360 forwarders authorized.

In support of its request, AFFA notes that until 1973, all forwarders were exempt from the requirement that detailed justifications be filed with each and every rate tariff proposal, but that, in ER-791, the Board rescinded the exemption for forwarders with annual forwarder revenues of $5,000,000 or more. In modifying the exemption, the Board concluded that the submission of detailed justifications would not be an undue burden on the larger forwarders, and would "facilitate economic analyses by shippers, by direct carriers, and by the Board, all of whom have an interest in the rates being proposed." (ER-791, p. 4). AFFA argues, on the one hand, that the burden of providing such detailed information is in fact onerous and becoming more so, while on the other hand the Board has recognized that little, if any, regulatory purpose is served in view of its reluctance to interfere with free pricing in the forwarder area. AFFA also claims that the relief requested would be consonant with the Board's general policy of eliminating unwarranted paperwork throughout the regulatory process.

With regard to the burden imposed by the requirements of section 221.165, AFFA arguts that circumstances have changed since 1973. First, price controls, which were in effect then, have been removed. And second, AFFA claims that the growing competition from air taxis and cooperative shipper associations, which file neither tariffs nor justifications with the Board, has reached the point that extensive tariff justification requirements constitute an unfair burden on the larger forwarders.

No answers have been filed to the petition.

Upon consideration, it tentatively appears that relief along the lines requested by AFFA is warranted, subject to certain qualifications. As noted by AFFA, the Board has generally pursued a policy of minimal interference in the tariff rate filings of forwarders in recognition of the fact that the number of forwarders in particular markets is not restricted and that competition therefore serves an important price control function. See, e.g. Orders 74-7-117 and 76-11-148. At the same time, it would be difficult to contend that the basic descriptive and explanatory functions of the information required of all forwarders by paragraph (a) of § 221.165 does not serve a clear regulatory purpose; such information is regularly scrutinized by the staff and appears to serve a significant regulatory need, particularly with regard to the antidiscrimination provisions of section 404(b) of the Act. In addition, it should be made clear that any reduction in the tariff information normally required by § 221.165 does not change the obligation on the part of all forwarders and other

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carriers to provide additional information in specific cases, if, after a preliminary analysis, it appears that such information is needed. As we read the petition, AFFA does not appear to disagree with either of these qualifications.

Accordingly, the Civil Aeronautics Board hereby proposes to amend Part 221 of its Economic Regulations (14 CFR Part 221) as set forth below:

Section 221.165 would be amended as follows:

§ 221.165 Explanation and data supporting tariff changes and new matter in tariff publications.

When a tariff publication is filed with the Board which contains new or changed local or joint rates, fares, or charges for air transportation, or new or changed classifications, rules, regulations, or practices affecting such rates, fares, or charges, or the value of the service thereunder, the issuing air carrier, foreign air carrier, or agent shall submit with the filing of such publication, in or attached to the transmittal letter:

• • • • •

(d) Exceptions:

(1) The requirement for data and/or information in paragraphs (b) and (c) of this section will not apply to tariff publications containing new or changed matter which are filed.

• • • • •

(iii) By air freight forwarders or international air freight forwarders, as defined in Part 296 of this subchapter, or

• • • • •

REQUEST FOR COMMENTS

Interested persons may take part in the rulemaking by submitting 20 copies of written data, views, or arguments on the subjects discussed. All relevant material received by the dates shown at the beginning of this notice will be considered by the Board before taking final action on the proposed rules.

Individual members of the general public who wish to express their interest as consumers by informally taking part in this proceeding may do so by submitting comments in letter form to the Docket Section, without having to file additional copies.

(Section 204, 403, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758; 49 U.S.C. 1324, 1373.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-10876 Filed 4-12-77;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

[32 CFR Part 290]

DEFENSE CONTRACT AUDIT AGENCY

Availability of Records

AGENCY: Defense Contract Audit Agency, DOD.

ACTION: Proposed Rule.

SUMMARY: As required by the Freedom of Information Act, this proposal will provide the public with: the addresses of persons from whom information may be obtained; the procedures for making such requests; the general procedures by which the Defense Contract Audit Agency's (DCAA) authorities are channelled; and a description of DCAA's organization and functions as of March 31, 1977.

DATES: Comments must be received on or before May 13, 1977.

ADDRESSES: Sybil L. Taylor, Records Administrator, DCAA, Building 4A320, Cameron Station, Alexandria, VA 22314.

FOR FURTHER INFORMATION, CONTACT:

Sybil L. Taylor, 202/274-7285.

SUPPLEMENTARY INFORMATION: These regulations are proposed under the authority of 5 U.S.C. 301 and 5 U.S.C. 552, and implement Department of Defense Directive 5400.7, Availability to the Public of Department of Defense Information.

In consideration of the foregoing, Part 290, Title 32, Code of Federal Regulations, is proposed as follows:

PART 290—AVAILABILITY OF DEFENSE CONTRACT AUDIT AGENCY RECORDS

Subpart A—Organization Statement

Sec.

290.1 Purpose.
290.2 Origin and authority.
290.3 Objective.
290.4 Mission.
290.5 Composition.

Subpart B—Availability of DCAA Records

290.20 Purpose.
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290.23 "Records" defined.
290.24 Public inspection and copying.
290.25 Requests for records.
290.26 Procedures for submitting requests.
290.27 Material withheld from disclosure.
290.28 Administrative appeals of denials.
290.29 Judicial action.

AUTHORITY: 5 U.S.C. 301 and 552, as amended by Pub. L. 93-502, Nov. 21, 1974.

Subpart A—Organization

§ 290.1 Purpose.

This subpart implements 5 U.S.C. 552 by describing the central and field organizations of DCAA and the general course and method by which DCAA's functions are channeled and determined.

§ 290.2 Origin and authority.

DCAA was established by the Secretary of Defense under Department of Defense (DoD) Directive 5105.36 and began operating on July 1, 1965. Its Director is responsible directly to the Secretary of Defense. Staff supervision is provided by the Assistant Secretary of Defense (Comptroller).

§ 290.3 Objective.

DCAA's objective is to assist DoD in purchasing defense materials and services at the lowest price or cost which is both reasonable and fair to the Government and the supplier. While emphasis is on reasonableness and fairness, it also includes the premise that prices paid by the Government should not reflect the cost of contractor operations or practices which are in any manner wasteful or unnecessary.

§ 290.4 Mission.

(a) DCAA performs all necessary contract audit for DoD, and provides accounting and financial advisory service regarding contracts to all DoD components responsible for procurement and contract administration. These services are provided in connection with negotiation, administration, and settlement of contracts and subcontracts. It also furnishes advisory contract audit service to a number of other Government agencies under agreements between DoD and such agencies.

(b) DCAA audits contractors' and subcontractors' accounts, records, documents, and other evidence; systems of internal control, accounting, costing, estimating, and general business practices and procedures to give advice and recommendations to procurement and contract administration personnel on: acceptability of costs incurred under cost, redetermination, incentive, and similar type contracts; acceptability of estimates of costs to be incurred as represented by contractors incident to the award, negotiation, modification, and change of contracts; adequacy of contractors' accounting and financial management systems and estimating procedures. DCAA also performs post-award audits of contracts in order to assure compliance with the provisions of Public Law 87-653 (Truth in Negotiations), and reviews contractor compliance with the rules, regulations, and promulgated standards of the Cost Accounting Standards Board established by Public Law 91-379.

(c) DCAA assists responsible procurement or contract administration activities in their surveys of the purchasing-procurement systems of major contractors; it cooperates with other DoD components on reviews, audits, analyses, or inquiries involving contractors' financial positions or financial and accounting policies, procedures, or practices. DCAA also maintains liaison auditors at major procuring and contract administration offices and provides assistance in the development of procurement policies and regulations.

§ 290.5 Composition.

(a) DCAA consists of seven components: a headquarters located at Cameron Station, Alexandria, Virginia, and six Regional Offices. The Regional Offices manage over 300 field audit offices (FAOs) located throughout the United States and overseas. FAOs are called branch, resident, and procurement liaison offices. Suboffices are established by Regional Managers as an extension of an FAO when required by that office to furnish special onsite contract audit service on a permanent basis. A suboffice is satellited on its parent FAO for supervision, release of audit reports, and administrative support.

(b) The headquarters consists of seven principal staff elements:

(1) The Director exercises worldwide direction of DCAA.

(2) The Deputy Director serves as principal assistant to the Director and acts for the Director in his absence.

(3) The Assistant Director, Operations & Professional Development, authorized to act for the Director and Deputy Director in their absence, is responsible for audit management, technical audit programs, and the Defense Contract Audit Institute in Memphis, Tennessee.

(4) The Assistant Director, Policy & Plans, is responsible for policy formulation, cost accounting standards, and audit guidance and procedures; and acts for the Director in the absence of the Director, Deputy Director, and Assistant Director, Operations & Professional Development.

(5) The Assistant Director, Resources, is responsible for the programs and procedures related to the management and administration of all resources required to support the audit mission; and acts for the Director in the absence of the Director, Deputy Director, Assistant Director, Operations & Professional Development, and Assistant Director, Policy & Plans.

(6) The Assistant Director, Review & Analysis, plans, directs, and conducts agencywide reviews and analyses, including independent examination and appraisal of all aspects of audit operations of Regional Offices and FAOs; and acts for the Director in the absence of the Director; Deputy Director; Assistant Director, Operations & Professional Development; Assistant Director, Policy & Plans; and Assistant Director, Resources.

(7) The Counsel provides legal and legislative advice to the Director and all members of the agency staff.

(8) The Executive Officer develops plans and policies affecting multiple DCAA functions and activities; initiates or reviews papers formulated within the Office of the Director; and has responsibility for the DCAA Equal Employment Opportunity Program.

(c) Regional Offices are located in Atlanta, Boston, Chicago, Los Angeles, Philadelphia, and San Francisco. Regional Managers direct and administer the DCAA audit mission, and manage personnel and other resources assigned to the regions; act as principal advisors to the Director; manage the contract audit program; and direct the operation of FAOs within their region. Principal staff elements of Regional Offices are Office of the Regional Manager, Assistant Regional Manager for Audit Management, Assistant Regional Manager for Resources, and Assistant for Special Projects.

(d) A resident office is established at a contractor's location when the amount of audit workload justifies the assignment of a permanent staff of auditors and support staff. A resident office may perform procurement liaison audit functions.

(e) A branch office is established at a strategically situated location within the region, responsible for performance of all contract audit service within the assigned geographical area on a mobile basis, exclusive of contract audit service performed by a resident or liaison office within the area. A branch office may perform procurement liaison audit functions.

(f) A liaison office is established at a DoD procurement or contract administration office within the region when required on a permanent basis to provide effective communication and coordination between procurement and contract audit elements in the interest of achieving the objectives of prudent contracting. A liaison office maintains a program to asure full utilization of contract audit services by procurement and contract administration offices within the region, provides audit advisors, and measures customer satisfaction; participates in prenegotiation and negotiation conferences at the request of procurement and contracting officers and furnishes related advisory services.

Subpart B—Availability of DCAA Records

§ 290.20 Purpose.

This subpart implements 5 U.S.C. 552 (Freedom of Information Act), as amended, and supplements DoD Directive 5400.7 (32 CFR Part 286) by describing established facilities at which, the officials from whom, and the procedures whereby members of the public may inspect and copy or obtain copies of unclassified DCAA records.

§ 290.21 Applicability and scope.

(a) *Applicability.* This subpart shall apply to all offices of DCAA and shall govern responses by DCAA officials to written requests from members of the public for permission to examine, or to be provided with copies of DCAA records.

(b) *Scope.* Requests for records under the Privacy Act of 1974 (5 U.S.C. 552a) are governed by the provisions of 32 CFR Part 290a. See § 286.2 of this Subchapter for other categories of requests for information or records that are excluded from the scope of this subpart.

§ 290.22 Policy.

It is the policy of DCAA to make available to the public the maximum amount of information concerning its operations and activities. This basic policy is subject to the exemptions recognized in 5 U.S.C. 552(b) and § 286.4 of this Subchapter. Notwithstanding such permissible exemptions, it is DCAA's policy that an exempt record will be made available when its disclosure would not be inconsistent with statutory requirements and when the DCAA official designated in § 290.25(e) determines that no significant and legitimate Governmental purpose would be served by withholding the record. The latter determination is within the sole discretion of DCAA.

§ 290.23 "Records" defined.

In determining whether documentary material qualifies as a "record," consideration will be given to 44 U.S.C. 3301, which defines the word "record" as follows:

(It) includes all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by any agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data contained therein.

(a) Records are not limited to permanent or historical documents but include current documents.

(b) The term "records" does not include objects or articles such as structures, furniture, paintings, sculpture, three-dimensional models, vehicles, equipment, etc., whatever their historical value or value as "evidence."

(c) Formulae, designs, drawings, research data, computer programs, technical data packages, etc., are not considered "records" within the intent of 5 U.S.C. 552, even though maintained in documentation form, because of development costs, utilization, or value. These items are considered property, not preserved for informational value nor as evidence of agency functions, but as exploitable resources to be tullized in the best interest of all the public. Requests for copies of such material shall be evaluated according to policies expressly directed to the appropriate dissemination or use of such property. Requests to inspect such material to determine its content for informational purposes shall normally be granted unless inspection is inconsistent with the obligation to protect the property value of the material, such as may be true for certain formulae.

(d) The term "records" does not include unaltered stocks of publications and processed documents such as regulations, manuals, instructions, and related materials that are available to the public through an established distribution system for sale or without charge. Examples of such materials are publications available to the public by purchase from DCAA or the Defense Contract Audit Manual and other documents available by purchase from the Superintendent of Documents, U.S. Government Printing Office. Individuals requesting such material under the FOIA will be referred to the appropriate public sales outlet.

§ 290.24 Public inspection and copying.

(a) 5 U.S.C. 552(a)(2) requires agencies to make available for public inspection and copying (1) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases; (2) statements of policy and interpretations which have been adopted by the agency and are not published in the FEDERAL REGISTER; and (3) administrative staff manuals and instructions to staff that affect a member of the public; unless the materials are promptly published and copies offered for sale.

(b) DCAA documents described in § 290.24(a) are published under the DCAA Publications System as regulations, manuals, instructions, and pamphlets, and are available to the public through purchase from DCAA or the Superintendent of Documents.

(c) The DCAA headquarters and each of the six Regional Offices shall publish semiannually an index of the documents published under the DCAA Publications System. Such indexes shall be made

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available to the public upon request without cost.

§ 290.25 Requests for records.

(a) *General.* According to the spirit and intent of 5 U.S.C. 552 and 32 CFR 286, upon receipt of written or verbal requests to DCAA offices, all reasonable efforts should be made to advise members of the public on the correct means for securing permission to examine desired records, or for obtaining copies of such records.

(b) *Identification of records.* While it is expected that DCAA offices will use their knowledge of the contents of their files and expend reasonable efforts to assist the public in identifying records which contain the particular information sought, the requester must "reasonably describe" the record sought. A record must exist at the time of the request. It is not required that a record be "created" or compiled for the purpose of furnishing information not already available in existing records. A record that is maintained by computer is normally deemed to exist for this purpose, but only if retrievable in approximately the form desired without substantial reprogramming.

(c) *Fees.* Fees shall be determined according to § 286.8 of this Subchapter. Fees shall be charged only for direct cost of search and duplication and shall not include indirect costs or costs attributable to reviewing the records.

(1) Fees will not be charged if, for a single request, the direct search cost is less than $25.00. Fees will not be charged if, for a single request, the direct duplication cost is less than $5.00. Fees will not be reduced by these amounts when the thresholds are exceeded.

(2) No request will be processed until the requester has been advised in writing of the estimated amount of the fees if they are expected to exceed the automatic waiver thresholds.

(3) Time limits specified in § 286.11 of this Subchapter will not begin until payment of fees is resolved or the requester's entitlement to a waiver of fees is established.

(4) Ordinarily, fees will not be assessed for nonproductive search or when all records located are denied. However, fees may be assessed if the requester insists upon a search and agrees to such fees prior to the search after being advised that the search is likely to be unproductive.

(5) Fees normally must be paid in advance of rendering the service. An exception exists when the requester promises in writing to pay upon receipt of a statement, and represents that he will be able to pay. When the anticipated combined total of direct search and duplication fees to be assessed exceeds $60.00, prepayment of all or a portion of the estimated fees may be required before processing the request.

(6) Subsequent requests will not be processed when, at the time of the request, the requester is known to be in default of payment of fees incurred in connection with a previous request.

(7) Payment of fees may be by personal check, bank draft drawn on a U.S. bank, or by U.S. Postal money order. All such payments shall be made payable to the Treasurer of the United States. DCAA does not have the facilities for handling cash payments. A receipt for fees paid will be given only upon request.

(d) *Waiver of fees.* The determination to waive fees is at the discretion of the officials listed in § 290.25(e). The following requirements pertain to requests for waiver of fees in excess of the automatic waiver threshold:

(1) If a requester wishes to request a waiver of fees, the request must provide sufficient information to enable a proper determination. A statement that release is in the public interest, the identity or tax status of the requester, or the intention that the record will be made public is not persuasive grounds for granting a waiver. The requester should provide information concerning the planned use of the information, how this will serve the general public interest, the segment of the public to benefit from the information, the size of the public to be benefited, the significance of the benefit, the private interest of the requester which the release may further, the usefulness of the material to be released, the likelihood that tangible good will be realized, and any other information which may be pertinent to the appropriateness of public payment. This information does not influence the determination to release or withhold a record; it influences the determination as to whether the public will assume the direct search and duplication costs. The requester need not provide this information if he does not wish the public to bear the cost.

(2) Fee waivers shall be decided on case-by-case evaluation. Blanket waivers for specific individuals or organizations will not be granted.

(3) If the requester declares his unwillingness to pay fees and does not warrant a waiver of fees, the request will not be processed if it is estimated that the direct search and duplication costs will exceed the automatic waiver threshold.

(e) *Release/denial authorities.* The following officials are authorized to deny as well as grant requests for documents or records:

(1) Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, Va. 22314.

(2) Regional Manager, Defense Contract Audit Agency, P.O. Box 1498, Marietta, Ga. 30060.

(3) Regional Manager, Defense Contract Audit Agency, Waltham Federal Center, 424 Trapelo Road, Waltham, Mass. 02154.

(4) Regional Manager, Defense Contract Audit Agency, 527 South LaSalle Street, Suite 652, Chicago, Ill. 60605.

(5) Regional Manager, Defense Contract Audit Agency, 1340 West Sixth Street, Second Floor, Los Angeles, Calif. 90017.

(6) Regional Manager, Defense Contract Audit Agency, Federal Building, 1421 Cherry Street, Philadelphia, Pa. 19102.

(7) Regional Manager, Defense Contract Audit Agency, 450 Golden Gate Avenue, Box 36116, San Francisco, Calif. 94102.

§ 290.26 Procedures for submitting requests.

(a) To qualify as a request within the technical requirements of this subpart, a request for copies of, or for permission to examine, DCAA records must:

(1) Be in writing and indicate expressly, or by clear implication, that it is a request under the Freedom of Information Act, 5 U.S.C. 552, or this regulation;

(2) Contain a reasonable description of the particular record sought, sufficiently accurate and specific to enable personnel to locate and identify the record with a reasonable amount of effort; if the record cannot be specifically identified, an explanation of the purposes for which they are desired might be of assistance; and

(3) Contain a check or money order for the anticipated search and duplication fees (at least an adequate deposit); or a clear statement that the requester will be willing and able to pay all fees or to pay such fees up to a specified limit; or satisfactory evidence establishing that the requester is entitle to a waiver of fees.

(b) *Addressing requests.* A list of addresses from which DCAA records may be requested is given in § 290.25(e). A request will not be deemed to have been received for purposes of time limits specified in Part 286.11 of this Subchapter until it is received by the appropriate addressee.

(1) *Misdirected requests.* A request received by an official who is not the appropriate official indicated in § 290.25(e) shall be promptly readdressed and forwarded directly to the appropriate official. The requester shall be notified of this referral. Direct contact between the original recipient and the correct addressee is encouraged to ensure expeditious handling of the request.

(2) Requests for copies of audit reports will be referred to the appropriate contracting officer when received by a DCAA office. Requesters will be notified of such referrals.

(3) All other requests should be directed to the appropirate Regional Manager, if known. If the location of the record is not known, the request should be directed to the Records Administrator.

§ 290.27 Material withheld from disclosure.

Only those records falling within the specific exemptions listed in 5 U.S.C. 552 (b) and § 286.4 of this Subchapter may be withheld. Any person who is denied a request for a record, in whole or in part, or denied a waiver of fees will be given a written explanation of the basis for the determination and advised of his right to appeal the denial.

§ 290.28 Administrative appeals of denials.

Appeals of denials should be addressed to the Assistant Director, Resources, Defense Contract Audit Agency, Cameron Station, Alexandria, Va. 22314. A copy of the initial request and the initial denial should be forwarded with the appeal letter. Final refusal to provide a record or to waive fees will be made in writing by the Assistant Director, Resources, after consultation with the Counsel, Assistant Director, Operations & Professional Development, or other appropriate staff elements. The requester will be advised of his right to judicial review.

§ 290.29 Judicial action.

A requester will be deemed to have exhausted his administrative remedy after he has been denied the requested record by the Assistant Director, Resources, or when the agency fails to respond to his request within the time limits prescribed by Part 286 of this Subchapter. The requester then may seek an order from a U.S. District Court in: (a) The district in which he resides or has his principal place of business; (b) the district in which the record is situated; or (c) in the U.S. District Court for the District of Columbia, enjoining the agency from withholding the record and ordering its production.

FREDERICK NEUMAN,
Director.

Dated: March 31, 1977.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (COMPTROLLER).

APRIL 5, 1977.

[FR Doc.77-10831 Filed 4-12-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 714-2]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS—MASSACHUSETTS

Sulfur in Fuel Emission Limitations in the Merrimack Valley Air Pollution Control District for Haverhill Paperboard Corp.

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rule.

SUMMARY: This is a proposed revision to the Massachusetts State Implementation Plan for the Merrimack Valley Air Pollution Control District (MVAPCO). Haverhill Paperboard Corporation was excluded from a revision to the Massachusetts State Implementation Plan for the MVAPCD which was published in the FEDERAL REGISTER on December 30, 1976 (FR 56804). New information has been submitted which demonstrates that Haverhill Paperboard Corporation can burn 1.4% sulfur content fuel without causing a violation of the National Ambient Air Quality Standards (NAAQS) for sulfur dioxide.

DATE: Comments must be received on or before May 13, 1977.

ADDRESS: Send comments on the proposal to John A. S. McGlennon, Regional Administrator, Environmental Protection Agency, Region I, JFK Federal Building, Room 2203, Boston, Massachusetts 02203.

FOR FURTHER INFORMATION CONTACT:

David A. Fierra, Chief, Air Branch, Environmental Protection Agency, Region I, JFK Federal Building, Room 2113, Boston, Massachusetts 02203, (617-223-5609).

SUPPLEMENTARY INFORMATION: On May 31, 1972 (37 FR 10842) pursuant to Section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with exceptions, the Massachusetts Implementation Plan for the attainment of national ambient air quality standards.

On June 4, 1976, the Secretary of Environmental Affairs completed submission of a revision to the Massachusetts Implimentation Plan which would allow fuel burning sources inthe Merrimack Valley Air Pollution Control District (MVAPCD) to a higher sulfur content fuel. (The MVAPCD is the same geographic area as the Massachusetts portion of the Merrimack Valley-Southern New Hampshire Interstate Air Quality Control Region (AQCR)). The revision allows residual fuel oil users in the MVAPCD to burn fuel oil having a sulfur content not in excess of 1.21 pounds per million Btu heat release potential (approximately equivalent to 2.2% sulfur content by weight), but specifically excludes residual fuel oil users in the City of Lawrence and the towns of Andover, Methuen, and North Andover, and the Haverhill Paperboard Corporation in Haverhill, which remain constrained to fuel oil having a sulfur content not in excess of 0.55 pounds per million Btu heat release potential (approximately equivalent to 1.0 percent sulfur content by weight).

A final rulemaking notice was published in the FEDERAL REGISTER on December 30, 1976 (41 FR 56804) which approved this revision to the Massachusetts Implementation Plan. Haverhill Paperboard Corporation was disapproved until such time as new information was received which would demonstrate that the source would not cause a violation of the National Ambient Air Quality Standards (NAAQS) for sulfur dioxide if allowed to burn a specified higher sulfur content fuel.

On January 4, 1977 the Massachusetts Department of Environmental Quality Engineering (the Department) submitted additional technical information concerning the Haverhill Paperboard Corporation's ability to burn a specified higher sulfur content fuel oil under the provisions of the regulations adopted by the Department. The Department's evaluation indicates that Haverhill Paperboard Corporation can burn fuel oil having a sulfur content not in excess of 0.75 pounds per million Btu heat release potential (approximately equivalent to 1.4% sulfur content by weight), with no predicted violations of the NAAQS for sulfur dioxide. Haverhill Paperboard Corporation would be required to apply for and receive written approval from the Department before using the specified higher sulfur content fuel, and to conform to all other provisions of the regulations.

Copies of the Massachusetts submission and the results of EPA's review of the technical support documentation are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, John F. Kennedy Federal Building, Room 2113, Boston, Massachusetts 02203; the Division of Air and Hazardous Materials, Department of Environmental Quality Engineering, 600 Washington Street, Boston, Massachusetts 02111; and the Environmental Protection Agency, 401 M Street SW, Washington, D.C. 20460.

All interested persons who desire to participate may submit written comments in triplicate to the Regional Administrator, Region I, JFK Federal Building, Room 2203, Boston, Massachusetts 02203.

The Administrafor's decision to approve or disappove this revision is based on whether it meets the requirements of section 110(a)(2)(A)-(H) of the Clean Air Act and EPA regulations in 40 CFR Part 51.

(Sec. 110(a) of the Clean Air Act, as amended, 42 U.S.C. 1857c5(a).)

Date: April 7, 1977.

JOHN A. S. MCGLENNON,
Regional Administrator.

[FR Doc.77-10877 Filed 4-12-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[49 CFR Chapter II]

[Docket No. RSC-76-6; Notice No. 1]

MINIMUM SAFETY REQUIREMENTS FOR RAILROAD CABOOSE CARS

Advance Notice of Proposed Rulemaking

AGENCY: Federal Railroad Administration, DOT.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: On September 29, 1976, the Railway Labor Executives' Association (RLEA) filed a rulemaking petition (76-6) requesting that Federal Railroad Administration (FRA) issue regulations requiring minimum design specifications and performance standards for railroad cabooses. The purpose of this notice is to

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solicit views and comments from the public regarding the necessity of, and the costs and benefits to be derived from, Federal regulations in this area.

DATES: Written comments must be received on or before May 30, 1977.

ADDRESSES: Written comments should identify the docket number and notice number and be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590.

All written comments received will be available for examination, both before and after the closing date for written comments, during regular business hours in Room 5101, Nassif Building, 400 Seventh Street SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Edward F. Conway, Jr., (202—426-8836).

SUPPLEMENTARY INFORMATION:

BACKGROUND INFORMATION

The RLEA has petitioned the FRA to issue regulations requiring railroads to use insulated steel cabooses, equipped with safety glass in all windows, cushioned underframes, and highly visible markers which show red to the rear of the train and green to the front of the train.

Two of the subjects that RLEA has petitioned the FRA to regulate will not be covered by this notice because they are treated in separate FRA rulemaking actions. The first subject that will not be treated is safety glass. FRA has issued an Advance Notice of Proposed Rulemaking (ANPRM) concerning the use of improved glazing material in the windows of rolling equipment (42 FR 13309, March 10, 1977). The second subject is rear end markers which show red to the rear of the train. This subject will not be covered by this ANPRM because the FRA recently issued regulations requiring highly visible markers on the rear car of all passengers, commuter and freight trains (42 FR 2321, January 11, 1977; 49 CFR Part 221, Rear End Marking Device—Passenger, Commuter and Freight Trains). However, the subject of rear end markers showing green to the front of the train is covered by this ANPRM.

Pursuant to § 211.13 of the FRA Rules of Practice (49 CFR 211.13, 41 FR 54181) the rulemaking proceeding initiated by this notice shall be completed not later than 12 months after the date this notice is published in the FEDERAL REGISTER. The provision of § 211.13 that rulemaking petitions initiated as the result of a rulemaking petition be completed within 12 months following the filing of that petition does not apply in this instance because the RLEA petition was filed prior to January 1, 1977, the effective date of the Rules of Practice.

The RLEA asserts that the safety of railroad employees required to ride in cabooses is impaired by certain design and performance deficiencies of these cars. The deficiencies noted by the RLEA were as follows:

1. The absence of cushioned underframes to protect occupants from death or injury resulting from slack action or unanticipated brake applications.

2. The lack of sufficient structural integrity to protect occupants from death or injury when a caboose is struck by other cars during switching operations.

3. The lack of sufficient insulation to protect occupants from exposure to excessive noise, heat and cold.

4. The lack of highly visible rear end markers which show green to the front of the train, as an indication of the location of the rear of the train for the head end crew.

5. The lack of safe and adequate heating devices that will not produce toxic or nauseating fumes and will not leak or spill fuel upon the caboose floor.

The RLEA petition also includes two general suggestions regarding any rules issued by the Administrator concerning cabooses. The first suggestion is that the Administrator require all cabooses to be equipped with the aforementioned safety devices within five years. The second suggestion is that small short line railroads be granted waivers if they can show that the granting of such a waiver would not produce an unsafe condition.

The RLEA petition does not contain information or data regarding either the feasibility or the costs of equipping all cabooses as proposed. In addition, the petition does not contain suggested design specifications for cabooses.

As part of the study, FRA reviewed its accident files for statistics on deaths an injuries attributable to the elements under consideration. These records do not indicate where these employees were located when injured, but the nature of the incidents suggest that the majority of the employees injured were in the caboose. The statistics revealed that during calendar year 1975, among brakemen and conductors there were no fatalities and 1,058 injuries that may be attributable to the design deficiencies discussed in the RLEA petition and covered by this ANPRM. The 1,058 injuries to brakemen and conductors may be separated into the following categories: 552 injuries resulted from slack action; 190 incidents resulted from emergency or severe application of air brakes either initiated by train crew members or by defective equipment; 109 incidents resulted from the inhalation of or contact with fumes or gases; and 209 incidents resulted from sudden or unexpected movements of equipment.

PUBLIC PARTICIPATION REQUESTED

FRA is interested in developing additional information concerning the necessity for, the cost of, and the benefits to be derived from Federal regulations establishing minimum design specifications and performance requirements for cabooses. FRA solicits written comments from the public, particularly from States, the railroad industry, and railroad employee organizations.

Specific advice is requested on the following points:

1. How many fatalities and injuries have occurred in the last ten years to occupants of cabooses, as a result of each of the following causes:
(a) Slack action?
(b) Emergency or severe application of air brakes?
(c) Inhalation of or contact with fumes or gases?
(d) Sudden or unexpected movements?
(e) Lack of highly visible rear end markers indicating to forward crews the position of the rear of the train?
(f) Exposure to noise, heat, or cold?
(g) Inadequate structural integrity?
(h) Bullets or other missiles penetrating the caboose, other than through windows? (Please list fatalities and injuries separately, by cause. If possible, also give description of the events which accompanied an injury or fatality to an occupant of a caboose).

2. What types of end-of-car cushioning units, draft gears, or sliding sill designs are currently being installed on newly manufactured cabooses?
(a) What is the incremental cost of these draft gears/devices above the price of a standard draft gear for newly manufactured cabooses?
(b) What would be the total per unit cost of retrofitting these various draft gears/devices to a fleet of approximately 17,000 cabooses over a period of 10 years (assume 1,700 cabooses fitted per year)? For 7 years (2,425 cabooses/year)? For 5 years (3,400 cabooses/year)? For 3 years (5,666 cabooses/year)?
(c) How many cabooses are currently equipped with cushioned underframes, draft gears, or sliding sills?
(d) What should be the performance characteristics, in terms of draft and buff, for cushioning systems on cabooses?

3. (a) What should be the minimum design or performance requirements of the caboose roof, wall, and insulation? What would be the incremental cost to equip a caboose so that it will comply with these requirements?
(b) How do the minimum design or performance requirements suggested in response to 3(a) differ from current caboose designs?
(c) Can cabooses be retrofitted for additional strength? If so, how, and at what cost?
(d) What would be the incremental cost increase for new cabooses meeting the suggested design standards?

4. What was the rate of new caboose introduction per year over the past 5 years?

5. What number of cabooses have been totally reconditioned each year for the past 5 years?
(a) What is the unit cost for each reconditioning?
(b) What types of work are typically performed on a caboose when it is totally reconditioned?

6. What temperature range in a caboose will be adequate to:
(a) Protect against injury due to exposure?

(b) Prevent fatigue that might result in injuries or fatalities?

7. If sound level measurements have been made by operating railroads in their cabooses, what typical sound levels were found?
(a) What type of instrumentation was used?
(b) Where were the microphones located when these measurements were made within the caboose?
(c) What are the sound levels within cabooses as a function of train speed?
(d) What is an acceptable decibel level in cabooses?
(e) Would the use of insulation to reduce the noise level in cabooses also prevent crews from hearing train actions such as run ins and run outs or emergency brake applications?

8. What is the primary source and airborn concentration of noxious fumes in cabooses?

9. What are typical periodic maintenance requirements now in use by railroads for caboose heaters and toilets?
(a) How frequently are these maintenance operations performed?
(b) What are the most common maintenance problems associated with presently used heaters and toilets? What work is typically performed in correcting these problems?
(c) What types of other, nonconventional caboose heating systems have been tried by railroads? What design/maintenance/administrative problems, if any, are associated with their use? What would be the potential cost increases to: (i) Install such nonconventional systems in new cabooses (incremental cost)? (ii) Replace existing heaters in cabooses? (iii) Purchase different or additional fuel?
(d) What other changes should be made to the designs of heaters and toilets?

10. (a) What types of safety related train handling operations or procedures would be enhanced by the presence of forward facing markers on cabooses? What operations/procedures cannot be successfully accomplished now, due to the absence of this type of marker light?
(b) How will the presence of forward facing markers promote safety?
(c) In view of possible obstructions and inclement weather, how bright should these forward facing markers be so that a head end crew will still be able to locate the rear end of the train?
(d) What will be the cost of equipping cabooses with forward facing markers.

11. If it is determined that federal regulations for cabooses would promote safety, which cabooses should the regulations cover?
(a) Should the regulations cover only new car construction or should existing cabooses be required to be rebuilt? What criteria should be used to determine which cabooses are to be covered?
(b) Should certain types of operations be exempt from compliance with the regulations? If exemptions are made, what conditions should be placed on the exemption, and should certain cabooses be permanently exempt?
(c) If the rebuilding of cabooses is required, what time frame should be established to bring the entire railroad caboose fleet into compliance?

12. What would be the economic impact to the railroad industry if the suggested regulations governing cabooses were established?
(a) What cost benefits would be derived?
(b) How many cabooses are there in the current fleets of the railroads?

13. What is the single greatest deficiency or cabooses as presently constructed; e.g., inadequate structural integrity?

14. Would interested parties provide names of persons to contact for additional data or, suggest other sources of information?

Communications should identify the docket number and notice number and be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590. Communications received before May 30, 1977, will be considered by FRA. Comments received after that date will be considered insofar as practicable. All comments received will be available, both before and after the closing date for communications, for examination by interested persons during regular business hours in Room 5101, Nassif Building, 400 Seventh Street SW., Washington, D.C.

(Sec. 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431), as amended by sec. 5(b) of the Federal Railroad Safety Authorization Act of 1976, Pub. L. 94-348, 90 Stat. 817, July 8, 1976; § 1.49(n) of the regulations of the Office of the Secretary, 49 CFR 1.49 (n).)

Issued in Washington, D.C. on April 7, 1977.

BRUCE M. FLOHR,
Deputy Administrator.

[FR Doc.77-10787 Filed 4-12-77;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

LEGAL SERVICES CORPORATION

EAST TEXAS LEGAL SERVICES AND DNA-PEOPLE'S LEGAL SERVICES

Grants and Contracts

APRIL 8, 1977.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996*l*. Section 1007(f) provides: "At lease thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly, and shall notify the Governor and the State Bar Association of any State where legal assistance will thereby be initiated, of such grant, contract, or project * * *"

The Legal Services Corporation hereby announces publicly that it is considering the grant applications submitted by:

1. East Texas Legal Services to serve the counties of Smith, Harrison, Gregg, Rusk, Nachogdoches, San Augustine, Angeline, Cherokee, Jefferson and Orange, Texas.

2. DNA-People's Legal Services to serve the Fort Apache Reservation and counties of Apache, Navaho and Gila, Arizona.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at:

Denver Regional Office, 1726 Champa Street, Suite 500, Denver, Colorado 80202.

THOMAS EHRLICH,
President.

[FR Doc.77-10648 Filed 4-12-77;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

LAND MANAGEMENT PLAN KING UNIT—KLAMATH NATIONAL FOREST

Availability of Final Environmental Statement

Pursuant to Sec. 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Land Management Plan, King Unit, Klamath National Forest, California, USDA-FS-R5-FES (Adm)-76-03.

The environmental statement concerns a proposed land management plan for the 49,000 acres of National Forest lands known as the King Unit of the Klamath National Forest, in Siskiyou County, California. Fourteen thousand acres within this Unit have been inventoried as "roadless," and 11,100 acres are included in the National Wilderness Preservation System as the Marble Mountain Wilderness.

This final environmental statement was transmitted to the Council on Environmental Quality (CEQ) on April 5, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Rm. 3210, 12th St. and Independence Ave. SW., Washington, D.C. 20250
Forest Supervisor's Office, Klamath National Forest, 1215 S. Main, Yreka, CA. 96097.
Regional Forester, U.S. Forest Service, 630 Sansome Street, Rm. 529, San Francisco, CA. 94111.
Forest Service, District Ranger, Happy Camp, CA. 96039.
Forest Service, District Ranger, Somes Bar, CA. 95568.

A limited number of single copies are available, upon request, to Forest Supervisor Dan B. Abraham, Klamath National Forest, 1215 South Main Street, Yreka, California 96097.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

ROBERT W. CERMAK,
Acting Regional Forester.

APRIL 5, 1977.

[FR Doc.77-10779 Filed 4-12-77;8:45 am]

Soil Conservation Service

SUNFLOWER COUNTY FLOOD PREVENTION, RECREATION, AND DRAINAGE RESOURCE CONSERVATION AND DEVELOPMENT (RC&D) MEASURE, MISSISSIPPI

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Sunflower County Recreation, Flood Prevention, and Drainage RC&D Measure, Sunflower County, Mississippi.

The environmental assessment of this federal action indicates that the measure will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the measure. As a result of these findings, Mr. Chester F. Bellard, State Conservationist, Soil Conservation Service, USDA, P.O. Box 610, Jackson, Mississippi 39205, has determined that the preparation and review of an environmental impact statement is not needed for this measure.

The measure concerns a plan for recreation, flood prevention, and drainage. The planned works of improvement include a 100-acre lake, basic recreation facilities and 3.4 miles of multiple purpose channel work.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, Room 500, Milner Building, 210 South Lamar Street, Jackson, Mississippi 39205.

The negative declaration is available for single copy requests at the above location.

No administrative action on implementation of the proposal will be taken until 15 days after the date of this publication.

(Catalog of Federal Domestic Assistance Program No. 10.901, National Archives Reference Services.)

Dated: April 5, 1977.

DAVID P. OVERHOLT,
Director, Conservation Operations Division, Soil Conservation Service.

[FR Doc.77-10780 Filed 4-12-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 30106; Order 77-4-39]

CONTINENTAL AIR LINES, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 8th day of April, 1977.

On November 23, 1976, Continental Air Lines filed, in Docket 30106, an application for an order to show cause why its certificate of public convenience and necessity for Route 29 should not be amended so as to permit single-plane service between Seattle and Portland, on the one hand, and Kansas City, on the other, via Denver.[1]

[1] United Air Lines is the only carrier with single-plane authority in the markets and presently operates one round trip routed Kansas City-Seattle-Portland. For the year ended December 31, 1975, the Kansas City-Seattle market generated 29,510 O&D passengers, while the Kansas City-Portland market generated 19,840 passengers. Of this, United carriers 71% of the Kansas City-Seattle traffic and 54% of the Kansas City-Portland traffic. Continuental, offering only connecting service via Denver, has market shares of 28% and 45%, respectively.

In support of its application, Continental states that (1) the single-plane restriction was originally imposed as a pretrial condition in the *Reopened Pacific Northwest-Southwest Case*, 50 CAB 698 (1969); (2) traffic volume in the market has grown much larger than anticipated since the Board issued its decision in that case; (3) United's service has not responded to traffic growth and therefore does not accommodate a good deal of the market; (4) Continental is the only carrier, other than United, that has a significant share of the Kansas City-Pacific Northwest traffic; (5) the public will benefit from the improved level of service; and (6) Continental's identity in the market is already so great that removal of the single-plane restriction will have no measurable impact on any other carrier.

The City of Kansas City, and the Kansas City Chamber of Commerce filed an answer in support of Continental's application.

Upon consideration of the foregoing and all of the relevant facts, we have tentatively concluded that the public convenience and necessity require the elimination of the restriction which prohibits Continental from providing single-plane service in the Kansas City-Seattle/Portland markets via Denver, and that the proposed modification is consistent with the Board's policy of removing restrictions which serve no useful purpose and which are otherwise wasteful and undesirable. We propose to implement this new authority by amending Continental's certificate for Route 29, by deleting that portion of condition (13) which prohibits Continental from serving Kansas City on flights serving segment 11.[2]

In support of our ultimate determination, we make the following tentative findings and conclusions. The principal benefit which will derive from the grant of improved authority to Continental will be the provision of more convenient service between Kansas City and Portland/Seattle. At the time the Board imposed the single-plane restriction on Continental, it predicted that the Kansas City-Seattle/Portland markets would generate 80 daily passengers. However, for the year ended September 30, 1975, the Kansas City-Seattle market generated 107 daily passengers and the Kansas City-Portland market generated 60 daily passengers for a total of 167 daily Kansas City-Seattle/Portland passengers. Despite the restriction, Continental has managed to secure a significant share of both the Kansas City-Seattle and Kansas City-Portland markets. The removal of the single-plane restriction will provide Continental's on-line passengers with additional benefits through both time savings and elimination of those problems associated with connecting service.

We further tentatively find that the grant of Continental's application will have no significant effect on United, which has not filed in opposition to Continental's request. United retains superior nonstop authority and therefore should not be significantly affected by removal of the single-plane restriction. Together Continental and United carry 92%[3] of the Kansas City-Seattle/Portland true O&D passengers. No other carrier is a significant participant in either the Kansas City-Seattle or Kansas City-Portland market. Furthermore, Continental has already firmly established its identity in the market, having carried annually over 30%[4] of the Kansas City-Pacific Northwest traffic since beginning its connecting service in June 1969.[5]

Interested persons will be given thirty days from the date of the adoption of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to set forth their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

During the same period prescribed above, we will expect Continental to file with the Board an estimate, with supporting data, of the annual gross transport revenue increase for the first full year of operations to result from the award proposed herein. This data is necessary for the purpose of computing the license fee pursuant to section 389.24(a)(2) of the Board's Organization Regulations.

Accordingly, *it is ordered*, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending the certificate of public convenience and necessity of Continental Airlines, Inc. for Route 29 in the manner described above;

2. Any interested person having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein, shall, within thirty days after the date of the adoption of this order, file with the Board a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections; answers to objections shall be filed 10 days thereafter;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;[6]

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. A copy of this order will be served upon Continental Air Lines, Inc., Braniff, Eastern, Frontier, Northwest, TWA, and United Air Lines, the Cities of Kansas City, Denver, Seattle and Portland.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-10791 Filed 4-12-77;8:45 am]

[2] Continental is prohibited from providing single-plane service over a Kansas City-Denver-Seattle/Portland routing by condition (13), imposed in the above-mentioned case.

[3] Table 12 December 31, 1975.

[4] Continental's exhibit Appendix F.

[5] We also tentatively find and conclude that the Board action sought by the applicant will not result in a major federal action significantly affecting the environment within the meaning of the National Environmental Protection Act of 1969. We further find and conclude that Continental is a citizen of the United States within the meaning of the Act, and is fit, willing, and able to properly perform the air transportation proposed herein and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder.

[6] Since provision is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

DEPARTMENT OF COMMERCE

Economic Development Administration

FRANGELLA MUSHROOM FARMS, INC.

Petition for a Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by Frangella Mushroom Farms, Inc., P.O. Box 158, Ravena, New York 12143, a producer and processor of mushrooms, was accepted for filing on April 6, 1977, pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washing-

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ton, D.C. 20230, no later than the close of business of April 25, 1977.

JACK W. OSBURN, JR.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.77-10867 Filed 4-12-77;8:45 am]

LEEMAR KNITTING MILLS, INC.

Petition for a Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by Leemar Knitting Mills, Inc., 45-20 33rd Street, Long Island City, New York 11101, a producer of women's knit suits, was accepted for filing on April 6, 1977, pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of April 25, 1977.

JACK W. OSBURN, JR.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.77-10868 Filed 4-12-77;8:45 am]

LEWIS PURSES, INC.

Petition for a Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by Lewis Purses, Inc., 275 Seventh Avenue, New York, New York 10001, a producer of women's handbags, was accepted for filing on April 6, 1977, pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of April 25, 1977.

JACK W. OSBURN, JR.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.77-10869 Filed 4-12-77; 8:45 am]

PERRY MANUFACTURING CORP.

Petition for a Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by the Perry Manufacturing Corporation, P.O. Box 232, Norvelt, Pennsylvania 15674, a producer of women's coats, was accepted for filing on April 7, 1977, pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of April 25, 1977.

JACK W. OSBURN, JR.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.77-10866 Filed 4-12-77;8:45 am]

National Bureau of Standards

COBOL COMPILER VALIDATION IN SUPPORT OF FEDERAL INFORMATION PROCESSING STANDARDS 21 AND 21-1

Under the provisions of Pub. L. 89-306 and Executive Order 11717, the Secretary of Commerce is authorized to establish uniform Federal Automatic Data Processing (ADP) Standards. Federal Information Processing Standards Publication (FIPS PUB) 21-1 specifies Federal Standard COBOL. The Standard defines the elements of the COBOL Programming Language and the rules for their use.

In the November 14, 1975, issue of the FEDERAL REGISTER (40 FR 53013), the General Services Administration (GSA) published a new regulation which added to 41 CFR Subpart 101-32.13 a new subsection 101-32.1305-1a, Validation of COBOL Compilers. GSA established the policy for testing COBOL compilers to support the requirement in FIPS PUB 21-1 regarding the implementation of Federal Standard COBOL. This, in effect, requires Federal agencies to ensure that all COBOL compilers that are brought into the Federal inventory are tested to confirm that they meet a designated level of the Federal Standard COBOL.

The term validation is used in this context as the process of testing a given COBOL compiler against pre-determined conditions and specifying which, if any, conditions are not met. To confirm that an implementation meets the specifications of a designated level of Federal Standard COBOL, test routines have been developed and approved for use in testing COBOL compilers. These routines make up the COBOL Compiler Validation System (CCVS). A Federal COBOL Compiler Testing Service (FCCTS) also has been established to provide a validating service for the Federal agencies. The FCCTS is sponsored by the Department of Defense (DOD) under delegation of authority from the National Bureau of Standards (NBS). The FCCTS is responsible for the development and maintenance of the CCVS necessary to support the validation of the various versions of Federal Standard COBOL. They are also responsible for conducting the validation of all COBOL compilers brought into the Federal inventory.

The purpose of this announcement is to identify the official version of the CCVS currently being used by FCCTS in discharging its responsibilities under the above mentioned delegation of authority from NBS.

COBOL COMPILER VALIDATION SYSTEM

There are currently two Compiler Validation Systems (CVS) being supported by FCCTS. The first is based on FIPS PUB 21 (COBOL 68) and the second is based on FIPS PUB 21-1 (COBOL 74). Each of the COBOL CVS consist of audit routines, their related data, and an executive routine (VP-routine) which prepares the audit routines for compilation. Each audit routine is a COBOL program which includes many tests and supporting procedures indicating the result of the tests. The audit routines making up Version 6.2 of the 1968 COBOL Compiler Validation System collectively contain all the language elements of COBOL 68 (except for the Report Writer module and the ENTER statement of the Nucleus module), as specified in FIPS PUB 21. This system will be maintained for an indefinite period of time depending on the actual length of the transition from COBOL 68 to COBOL 74 within the Federal Government.

The 1974 COBOL Compiler Validation System is being released in increments. Version 1.0 of the 1974 CCVS which was released in November 1975 contained all the language elements included in the low-intermediate level of FIPS PUB 21-1 COBOL (see FIPS PUB 21-1 for information regarding the contents of the various levels of Federal Standard COBOL). Version 2.0 of the 1974 CCVS, which is now available and replaces Version 1.0, contains all elements of FIPS PUB 21-1 except for the arithmetic expressions of the Nucleus module, the ENTER statement of the Nucleus module, and the entire communication module.

The COBOL Compiler Validation Systems are available from the National Technical Information Service. Address: National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161 (telephone 703-557-4650).

Title	Ordering no.	Price
FIPS PUB 21 COBOL compiler validation system version 6 release 2 (CCVS68 6.2)		
1968 COBOL compiler validation system version 6.2 implementation documentation (users guide).	ADA024913	$5.00
1968 COBOL compiler validation system version 6.2 (tape).	ADA024912	500.00
FIPS PUB 21-1 COBOL compiler validation system version 2 release 0 (CCVS74 2.0)		
1974 COBOL compiler validation system version 2.0 implementation documentation (users guide).	ADA036174/AS	12.50
1974 COBOL compiler validation system version 2.0 (tape).	ADA036173/AS	500.00

The COBOL Compiler Validation Systems will be updated biannually. These updates will be announced in a FEDERAL REGISTER notice as the current version of the CCVS used as the basis for validating COBOL compilers. The update process will be used to correct errors identified in the systems and to introduce new or modified programs as appropriate. The Federal standards do not change per se but a validation system should be periodically modified to ensure that compilers are being built according to the technical specifications in the standard, not the validation systems. Should an interpretation be made that would affect either of the validation systems these changes would be reflected also during the update process.

OBTAINING VALIDATION SERVICES

The NBS-DOD agreement covers cost-reimbursable tests requested by: vendors wishing to have a compiler validated in response to a Government request for proposals; Government agencies involved in a procurement; or Government agencies wishing to validate a compiler already in use.

The raw data produced during the validation process will be reviewed by the FCCTS, which will prepare a Validation Summary Report (VSR) for initial dissemination to the requester. If the requested validation has previously been performed on a similar computer configuration, the validation run need not be repeated, and the earlier VSR will be provided to a requester. The VSR will classify a compiler according to each level of the Federal COBOL Standard which it has met. A request for validation services form may be obtained by writing to or calling: Director, Federal COBOL Compiler Testing Service, Department of the Navy (ADPESO), Washington, D.C. 20376, (telephone 202-697-1247).

The request form identifies the service required (Validation Summary Report, validation for a compiler not yet tested, FIPS PUB 21 or FIPS PUB 21-1, etc.), and appropriate supporting information, including a point of contact in the requesting agency, compiler and related operating system identification, machine make and model number, and special requirements, if any. If the request is for a validation, a Compiler Validation Manager will be assigned by the FCCTS to process the request. The assigned individual will contact the requesting agency to make the appropriate arrangements, and, if necessary, obtain appropriate documentation. (The requester must provide the facilities for performing the validation.)

An estimate of expenses will be provided to the requester for approval prior to a validation. The approval and, if applicable, an appropriation accounting number should be given as promptly as possible to the FCCTS.

Upon completion of the validation, a VSR will be compiled from the raw data and forwarded to the requester.

ERNEST AMBLER,
Acting Director.

APRIL 7, 1977.

[FR Doc.77-10757 Filed 4-12-77;8:45 am]

National Oceanic and Atmospheric Administration

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

Public Meeting

Notice is hereby given of a meeting of the Gulf of Mexico Fishery Management Council established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The Gulf Fishery Management Council has authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to Alabama, west coast of Florida, Louisiana, Mississippi, and Texas. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public hearings.

The meeting will be held Wednesday, Thursday, and Friday, May 4, 5, and 6, 1977, in the Nautical Room of the Sportsman Inn, 3810 North Roosevelt, Key West, Florida. The meeting will convene at 1:30 p.m. on May 4, and adjourn at about noon on May 6, 1977. The daily sessions will start at 8:30 a.m. and adjourn at 5:00 p.m., except as otherwise noted. The meeting may be extended or shortened depending on progress on the agenda.

PROPOSED AGENDA

1. Management plans.
2. Personnel and administration categories.
3. Review of foreign fishing applications, if any.
4. Other fishery management business.

This meeting is open to the public and there will be seating for a limited number of public members available on a first come, first served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact on or about April 28, 1977:

Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to submit written comments should do so by addressing the Executive Director at the above address.

To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

Dated: April 8, 1977.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc.77-10850 Filed 4-12-77;8:45 am]

NATIONAL MARINE FISHERIES SERVICE

Public Meeting

Notice is hereby given of a meeting with State Fish and Wildlife Directors from coastal and Great Lakes States on Thursday and Friday, May 19 and 20, 1977. The meeting will commence at 8:30 a.m. on May 19, and 8:30 a.m. on May 20, in the Woodward Room of the National Wildlife Federation Building, 1412 16th Street, N.W., Washington, D.C.

The topics to be addressed at the meeting are related to the role of the States under extended U.S. fishery jurisdiction, fishery management in the territorial sea, Federal grant-in-aid for fisheries programs providing financial assistance to States, and other National Marine Fisheries Service programs affecting State fishery interests.

The meeting will be open to the public throughout May 19 and 20. Seating space will be available for approximately 25 persons in addition to those participating in the meeting. The public will be admitted to the extent of seating available on a first come, first served basis. Questions from the public will be permitted during specific periods announced by the Chairman.

Additional information concerning this meeting may be obtained by contacting Mr. Robert W. Schoning, Director, National Marine Fisheries Service, Washington, D.C. 20235. The telephone number is 202-634-7283.

Issued: April 8, 1977.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc.77-10851 Filed 4-12-77;8:45 am]

V 42 71 APR 13 77 UMI

NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Public Meeting

Notice is hereby given of a meeting of the New England Fishery Management Council established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265).

The New England Fishery Management Council has authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to the States of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public hearings.

This meeting of the Council will be held on May 3 and 4, 1977, from 10:00 a.m. to 5:00 p.m., and 9:00 a.m. to 4:00 p.m. respectively, at the Massachusetts Maritime Academy, Buzzards Bay, Massachusetts.

PROPOSED AGENDA

1. Review of Council Scallop Plan.
2. Review of Mid-Atlantic Council Sea Clam Plan.
3. Council review of Preliminary Management Plan for Herring.
4. Other Business.

This meeting is open to the public and there will be seating for approximately 30 public members available on a first-come, first-served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. Interested members of the public should contact on or about 10 days before the meeting to receive information on changes in the agenda, if any:

Mr. Spencer Apollonio, Executive Director, Peabody Office Building, One Newbury Street, Peabody, Massachusetts 01960.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to provide written comments should do so by submitting them to Mr. Apollonio at the above address. To receive due consideration and facilitate inclusion of comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

Dated: April 8, 1977.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc.77-10862 Filed 4-12-77;8:45 am]

PACIFIC FISHERY MANAGEMENT COUNCIL AND ITS SCIENTIFIC AND STATISTICAL COMMITTEE

Meeting Location and Date Change

Notice is hereby given of a change in location and dates of the April 14–15, 1977, meeting of the Pacific Fishery Management Council and its Scientific and Statistical Committee as published in the FEDERAL REGISTER, Vol. 42, No. 58, on March 25, 1977.

The meeting of the Council originally scheduled to be held at the Oregon Department of Fish and Wildlife, Headquarters Conference Room, 1634 S.W. Alder, Portland, Oregon, on April 14–15, 1977, is now scheduled to be held in the Capri Del Rio Room of the Cosmopolitan Motor Hotel, 1030 N.E. Union, Portland, Oregon 97232, on May 2–3, 1977.

The meeting of the Council's Scientific and Statistical Committee, originally scheduled to be held on the Council's Headquarters 526 S.W. Mill Street, Portland, Oregon, on April 14–15 is now scheduled to be held in the Hall of Fame Room at the Cosmopolitan Motor Hotel, address given above, on May 2–3, 1977. The May 2nd meetings of both the Council and the scientific and Statistical Committee will convene at 1:00 p.m. and adjourn at approximately 5:00 p.m. The May 3rd meetings will convene at 8:00 a.m. and adjourn at approximately 5:00 p.m.

The agenda for both meetings will remain unchanged. These meetings are open to the public, and public seating will be available on a first-come, first-served basis. There will be approximately 200 seats for the public for the Council meetings, and approximately 25 seats for the public for the Scientific and Statistical Committee meetings.

Dated: April 7, 1977.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc.77-10748 Filed 4-12-77;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, DC 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $3.50 ($7.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF AGRICULTURE, RESEARCH Agreements and Patent Management Branch, General Services Division, Federal Bldg., Agricultural Research Service, Hyattsville, Md. 20782.

Patent 3,958,452: Uniform Planar Strain Tester; filed Jan. 23, 1975, patented May 25, 1976; not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent 3,898,048: Light-Weight Rocket Deployable Gas Generator; filed Mar. 21, 1974, patented Aug. 5, 1075; not available NTIS.

Patent 3,903,496: Opto-Acoustic Hydrophone; filed June 14, 1974; patented Sept. 2, 1975; not available NTIS.

Patent 3,903,497: Opto-Acoustic Hydrophone; filed June 14, 1974, patented Sept. 2, 1975; not available NTIS.

Patient 3,940,732: Buoyant Electrode and System for High Speed Towing; filed Mar. 30, 1970; patented Feb 24, 1976; not available NTIS.

Patent 3,943,482: Marine Mine Detector; filed Oct. 3, 1967; patented Mar. 9, 1976; not available NTIS.

Patent 3,949,676: Load Actuated Electro-Ignition Circuit Switch; filed June 10, 1974; patented Apr. 13, 1976; not available NTIS.

Patent 3,953,828: High Power-Wide Frequency Band Electroacoustic Transducer; filed Nov. 8, 1968; patented Apr. 27, 1976; not available NTIS.

Patent 3,958,490: Self-Cocking Rocket Launcher Detent; filed Dec. 19, 1974; patented May 25, 1976; not available NTIS.

Patent 3,960,171: Helmet Exhaust Valve; filed Jan. 27, 1975; patented June 1, 1976; not available NTIS.

Patent 3,961,476: Metal Interlayer Adhesive Technique; filed Sept. 11, 1975; patented June 8, 1976; not available NTIS.

Patent 3,961,555: Safety Mechanism for Intervalometers and Distributors; filed Jan. 13, 1975; patented June 8, 1976; not available NTIS.

Patent 3,962,628: Adjustable Magnetic Gradiometer; filed Apr. 14, 1975; patented June 8, 1976; not available NTIS.

Patent 3,968,445: Digital Pulse Width Doubler, filed Apr. 29, 1974, patented July 6, 1976; not available NTIS.

Patent 3,968,723: Method for Reclaiming and Recycling Plastic Bonded Energetic Material; filed Mar. 3, 1975; patented July 13, 1976; not available NTIS.

Patent 3,968,751 Arming Device. Filed Sept. 5, 1975, patented July 13, 1976; not available NTIS.

Patent 3,969,263: Method of Producing Light Using Catalyst Chemiluminescent System; filed Mar. 3, 1975; patented July 13, 1976; not available NTIS.

Patent 3,969,676: Electron Bean Ionization Signal Sampler; filed Apr. 17, 1975; patented July 13, 1976; not available NTIS.

Patent 3.974,985: Wide Angle Seeker; filed May 18, 1972; patented Aug. 17, 1976; not available NTIS.

Patent 3,974,990: Dual Ejector Stores Attitude Control System; filed July 21, 1975; patented Aug. 17, 1976; not available NTIS.

Patent 3,977,003: Conformal Helment Antenna; filed Oct. 15, 1974; patented Aug. 24, 1976; not available NTIS.

Patent 3,977,004: Aircraft VLF/LF/MF Window Antenna Receiving System; filed June 16, 1975; patented Aug. 24, 1976; not available NTIS.

Patent 3,978,430: Segmented Flow Laser Cavity; filed Oct. 2, 1975; patented Aug. 31, 1976; not available NTIS.

Patent 3,978,894: Energy Absorbing Tear-Webbing; filed Feb. 5, 1973; patented Sept. 7, 1976; not available NTIS.

Patent 3,982,144: Directional Low-Frequency Ring Hydrophone; filed Aug. 23, 1974; patented Sept. 21, 1976; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP–2, Washington, D.C. 20546.

Patent application 733,825: Nozzle Extraction Process and Handlemeter for Measuring Handle; filed Oct. 19, 1976.

Patent 3,983,695: Ion Beam Thruster Shield; patented Oct. 5, 1976; not available NTIS.

Patent 3,983,780: Casting Propellant in Rocket Engines; patented Oct. 5, 1976; not available NTIS.

Patent 3,984,072: Attitude Control System; patented Oct. 5, 1976; not available NTIS.

Patent 3,984,730: Method and Apparatus for Neutralizing Potentials Induced on Spacecraft Surfaces; patented Oct. 5, 1976; not available NTIS.

[FR Doc.77-10766 Filed 4-12-77;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $3.50 ($7.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL-number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF AGRICULTURE, Research Agreements and Patent Management Branch, General Services Division, Federal Bldg., Agricultural Research Service, Hyattsville, Md. 20782.

Patent 3,948,733: Simplified Protein Hydrolysis Apparatus; filed Dec. 12, 1973; patented Apr. 6, 1976; not available NTIS.

Patent 3,949,515: In-Field Boll Weevil Trap; filed July 23, 1975; patented Apr. 13, 1976; not available NTIS.

Patent 3,954,866: Process for the Preparation of Quaternary Arylaminoalkyl Phosphonium Salts; filed Dec. 5, 1974; patented May 4, 1976; not available NTIS.

Patent 3,960,763: Agricultural Foams as Carriers for Activated Charcoal; filed July 17, 1974; patented June 1, 1976; not available NTIS.

Patent 3,976,320: Chicken Coop Lifting Device; filed Aug. 14, 1975; patented Aug. 24, 1976; not available NTIS.

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Bldg., Bethesda, Md. 20014.

Patent application 708,008: Antenna with Electro-Optical Modulator; filed July 23, 1976.

Patent application 727,528: Aortic Heart Valve Catheter; filed Sept. 28, 1976.

Patent application 727,864: Preparative Countercurrent Chromatography with a Slowly Rotating Helical Tube Array; filed Sept. 29, 1976.

Patent application 731,092: Noise Chrono-Dosimeter System; filed Oct. 8, 1976.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP–2, Washington, D.C. 20546.

Patent application 717,319: Solar Cell Shingle; filed Aug. 24, 1976.

Patent application 726,910: Reaction Cured Glass and Glass Coatings, filed Oct. 28, 1976.

Patent application 732,630: Laser Extensometer; filed Oct. 15, 1976.

Patent application 738,218: Rotary Leveling Base Platform; filed Nov. 3, 1976.

Patent application 738,219: Two Wavelength Double Pulse Tunable Dye Laser; filed Nov. 3, 1976.

Patent application 740,155: Device for Measuring the Contour of a Surface; filed Nov. 8, 1976.

Patent 3,744,739: Multiple in-Line Docking Capability for Rotating Space Stations; patented July 10, 1973; not available NTIS.

Patent 3,982,910: Hydrogen-Rich Gas Generator; patented Sept. 28, 1976; not available NTIS.

Patent 3,983,714: Cryostat System for Temperatures on the Order of 2 Deg. K or Less; patented Oct. 5, 1976; not available NTIS.

Patent 3,983,749: Annular Arc Accelerator Shock Tube; patented Oct. 5, 1976; not available NTIS.

Patent 3,983,753: Thermistor Holder for Skin Temperature Measurements; patented Oct. 5, 1976; not available NTIS.

Patent 3,983,933: Heat Exchanger; patented Oct. 5, 1976; not available NTIS.

Patent 3,984,070: Wingtip Vortex Dissipator for Aircraft; patented Oct. 5, 1976; not available NTIS.

Patent 3,984,256: Photovoltaic Cell Array; patented Oct. 5, 1976; not available NTIS.

Patent 3,984,634: Anti-Multipath Digital Signal Detector; patented Oct. 5, 1976; not available NTIS.

Patent 3,984,671: Optical Process for Producing Classification Maps from Multispectral Data; patented Oct. 5, 1976; not available NTIS.

Patent 3,984,681: Ion and Electron Detector for Use in an ICR Spectrometer; patented Oct. 5, 1976; not available NTIS.

Patent 3,984,685: Wind Measurement System; patented Oct. 5, 1976; not available NTIS.

Patent 3,984,686: Focused Laser Doppler Velocimeter; patented Oct. 5, 1976; not available NTIS.

Patent 3,984,799: The DC-to-DC Converters Employing Staggered-Phase Power Switches with Two-loop Control; patented Oct. 5, 1976; not available NTIS.

Patent 3,985,454: Window Defect Planar Mapping Technique; patented Oct. 12, 1976; not available NTIS.

[FR Doc.77-10767 Filed 4-12-77;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

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Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF AGRICULTURE, Research Agreements and Patent Management Branch, General Services Division, Federal Bldg., Agricultural Research Service, Hyattsville, Md. 20782.

Patent 3,932,390: 2-Thia-1,3,5-Triaza-7-Phosphaadamantane 2,2-Dioxide; filed Apr. 29, 1975; patented Jan. 13, 1976; not available NTIS.

Patent 3,939,833: Machine to Fill Insect Rearing Cells with Diet; filed Oct. 1, 1974; patented Feb. 24, 1976; not available NTIS.

Patent 3,953,165: Flameproofing Resins for Organic Textiles from Adduct Polymers; filed Aug. 22, 1974; patented Apr. 27, 1976; not available NTIS.

Patent 3,954,400: Phosphorus, Nitrogen, Bromine Containing Polymers and Process for Producing Flame Retardant Textiles; filed Aug. 22, 1974; patented May 4, 1976; not available NTIS.

Patent 3,960,477: Crossdyed Cotton Fabrics; filed Jan. 11, 1974; patented June 1, 1976; not available NTIS.

Patent 3,963,434: Carboxymethylated Cotton Fabric with Improved Conditioned and Wet Wrinkle Recovery by Reaction with Propylene or Ethylene Carbonate; filed July 23, 1975; patented June 15, 1976; not available NTIS.

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Patent 3,972,924: 1-(1H,1H-Perfluorooctyl)-1,3-Trimethylenediphosphonic Tetrachloride; filed Nov. 10, 1975; patented Aug. 3, 1976; not available NTIS.

Patent 3,975,154: Process for Producing and Utilizing Durable Press Fabrics with Strong Acid Grafts, filed June 9, 1975; patented Aug. 17, 1976, not available NTIS.

Patent 3,976,604: Preparation of Ethylenimine Prepolymer; filed Jan. 30, 1975; patented Aug. 24, 1976; not available NTIS.

U.S. ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent 3,913,599: Coil Sprin Venting Arrangement; filed Sept. 30, 1974; patented Oct. 21, 1975; not available NTIS.

Patent 3,920,343: Key-and-Keyway Coupling for Transmitting Torque; filed Nov. 13, 1074; patented Nov. 18, 1975; not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent application 674,206: A Valve for Independently Throttling a Plurality of Hydraulic Lines; filed Apr. 6, 1976.

Patent application 684,527: Film-Recording Noise Dosimeter; filed May 10, 1976.

Patent application 690,695: Salvage Apparatus and Method; filed May 27, 1976.

Patent application 707,471: A Self-Contained, Portable, Underwater Stud Welder; filed July 21, 1976.

Patent application 707,583: Elliptical Flywheel Apparatus; filed July 22, 1976.

Patent application 708,236: A Novel Method for the Production of Hydrogen-Carbon Monoxide Mixtures; filed July 23, 1976.

Patent application 708,505: An Underwater Connector; filed July 30, 1976.

Patent application 711,322: A System for Compensating Self-Focusing and Self Phase Modulation in Lasers; filed Aug. 3, 1976.

Patent application 712,128: Fabrication of Ablator Liners in Combustors; filed Aug. 5, 1976.

Patent application 716,729: Preparation of Ceramics; filed Aug. 23, 1976.

Patent application 720,175: 7-Amino Coumarin Dyes for Flashlamp-Pumped Dye Lasers; filed Sept. 3, 1976.

Patent application 721,127: Polarization Holograms; filed Sept. 7, 1976.

Patent application 721,648: Neutral Beam Sustained Astron Reactor; filed Sept. 8, 1976.

Patent application 721,649; Heat by Laser Irradiation in the Pyrolytic Production of Acetylene; filed Sept. 8, 1976.

Patent application 724,053: Collective Ion Acceleration in a Converging Waveguide; filed Sept. 16, 1976.

Patent 3,922,572: Electroacoustical Transducer; filed Aug. 12, 1974, patented Nov. 25, 1975; not available NTIS.

Patent 3,934,208: Object Release Device; filed Nov. 18, 1974; patented Jan. 27, 1976; not available NTIS.

Patent 3,934,482: Cable Traction Sheave; filed Jan. 27, 1975, patented Jan. 27, 1976; not available NTIS.

Patent 3,939,467: Transducer; filed Apr. 8, 1974; patented Feb. 17, 1976; not available NTIS.

[FR Doc.77-10768 Filed 4-12-77;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing ir. accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $.50 each, Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $3.50 ($7.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF AGRICULTURE Research Agreements and Patent Mgmt. Branch, General Services Division, Federal Bldg., Agricultural Research Service, Hyattsville, Md. 20782.

Patent 3,937,724:Orango-Phosphorus Compounds Containing Perfluoroalkyl Radicals and Their Application to Cellulosic Textiles. Filed Mar. 24, 1975, patented Feb. 10, 1976; not available NTIS.

Patent 3,939,863: Machine to Fill Insect Rearing Cells with Diet. Filed Oct. 1, 1974, patented Feb. 24, 1976; not available NTIS.

Patent 3,941,764: Use of Acidic Hexane to Process Oil Seeds for Protein and Oil. Filed May 10, 1974, patented Mar. 2, 1976; not available NTIS.

Patent 3,947,613: Process for Reducing Agent Migration During Treatment of Knitted Cotton Fabric. Filed Aug. 7, 1974, patented Mar. 30, 1976; not available NTIS.

Patent 3,948,600: Selected Ammonium Sulfonate Catalysts for an Improved Process Utilizing Mild Curing Conditions in Durable Press Finishing of Cellulose-Containing Fabrics. Filed Feb. 27, 1975, patented Apr. 6, 1976; not available NTIS.

Patent 3,949,108: Process for Producing Fire Resistant Organic Textile Materials. Filed June 1, 1973, patented Apr. 6, 1976; not available NTIS.

Patent 3,953,166: Flame Resistant Organic Textiles Through Treatment with Phenols and Adduct Polymers. Filed Aug. 22, 1974, patented Apr. 27, 1976; not available NTIS.

Patent 3,954,968: Composition for attracting the Cotton Boll Weevil. Filed Feb. 27, 1975, patented May 4, 1976; not available NTIS.

Patent 3,958,932: Flame-Resistant Textiles Through Finishing Treatments with Vinyl Monomer Systems. Filed Aug. 28, 1974, patented May 25, 1976; not available NTIS.

Patent 3,959,461: Hair Cream Rinse Formulations Containing Quaternary Ammonium Salts. Filed May 28, 1974, patented May 25, 1976; not available NTIS.

Patent 3,961,110: Treatment of Organic Textiles with Adduct Polymers and Phenols. Filed Aug. 22, 1974, patented June 1, 1976; not available NTIS.

Patent 3,963,111: Full Flow Feeder. Filed Mar. 12, 1975, patented June 15, 1976; not available NTIS.

Patent 3,963,433: Formation of Urethane Crosslinks in Cellulose Ethers Incorporating Amine Groups by Use of Propiyene or Ethylene Carbonate. Filed July 23, 1975, patented June 15, 1976; not available NTIS.

Patent 3,963,435: Polyester Grafts and Crosslinks to Cotton by Reaction with Heterocyclic Carbonate, Glycol, and Dibasic Acid. Filed Sept. 9, 1975, patented June 15, 1976; not available NTIS.

Patent 3,963,570: Ultraviolet-Initiated Preparation of N, N-Dibutyl-9(10)-Dibutylphosphonooctadecanamide. Filed Sept. 26, 1974, patented June 15, 1976; not available NTIS.

Patent 3,963,927: Detection of Hidden Insects Filed June 18, 1975, patented June 15, 1976; not available NTIS.

Patent 3,970,424: Durable Press Treatment by Addition of Sodium Dihydrogen Phosphate to Aluminum Sulfate Catalyst. Filed Aug. 14, 1975, patented July 20, 1976; not available NTIS.

Patent 3,972,861: Process for Producing an Edible Cottonseed Protein Concentrate. Filed Nov. 26, 1974, patented Aug. 3, 1976; not available NTIS.

Patent 3,975,152: Simultaneous Dyeing and Crosslinking of Cellulosic Fabrics. Filed Jan. 23, 1975, patented Aug. 17, 1976; not available NTIS.

Patent 3,975,343: Solubilization of Protein with Ethanol-Acetonitril-Water Solvent Systems. Filed June 27, 1975, patented Aug. 17, 1976; not available NTIS.

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Patent 3,976,818: Polyfluorinated Amine Oil-Repellent, Stain-Release Fabric Treatment. Filed July 18, 1972, patented Aug. 24, 1976; not available NTIS.

Patent 3,993,782: Repellents for the Confused Flour Beetle. Filed Aug. 14, 1975, patented Nov. 23, 1976; not available NTIS.

U.S. ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent Application 555,754: Explosive Device. Filed Mar. 6, 1975.

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Patent Application 724,248: A Digital Display Plug-In. Filed Sep. 17, 1976.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

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Patent Application 702,641: Fuel Injection with Flameholding. Filed July 6, 1976.

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Patent Application 723,880: Liquid Propellant Gun. Filed Sep. 16, 1976.

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Patent 3,922,634: Sonar System. Filed Sep. 29, 1965, patented Nov. 25, 1975; not available NTIS.

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[FR Doc.77-10769 Filed 4-12-77;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $3.50 ($7.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPLnumber. Claims are deleted from patent application copies sold to the public to void premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF AGRICULTURE, Research Agreements and Patent Mgmt. Branch, General Services Division, Federal Bldg., Agricultural Research Service, Hyattsville, Md. 20782.

Patent 3,960,902: Synthetic Hormones for Insect Control. Filed July 2, 1975, patented June 1, 1976; not available NTIS.

Patent 3,970,688: Synthetic Hormones for Insect Control. Filed July 2, 1975, patented July 20, 1976, not available NTIS.

Patent 3,975,560: Phosphorus and Nitrogen Containing Resins for Flameproofing Organic Textiles. Filed Aug. 22, 1974, patented Aug. 17, 1976; not available NTIS.

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U.S. ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION, Assistant General Counsel for Patents, Washington, D.C. 20545.

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U.S. DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets NW., Washington, D.C. 20240.

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U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

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[FR Doc.77-10770 Filed 4-12-77;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $3.50 ($7.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF THE ARMY, Office of Judge Advocate General, Patent Divison, Room 2C-455, Pentagon, Washington, D.C. 20310.

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Patent 3,911,280: Method of Measuring a Profile of the Density of Charged Particles in a Particle Beam. Filed Apr. 11, 1974, patented Oct. 7, 1975; not available NTIS.

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U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

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Patent 3,979,561: Level-Code Encoded Multiplexer. Filed May 6, 1975, patented Sept. 7, 1976; not available NTIS.

Patent 3,982,235: Sinusoidal Film Plated Memory Wire. Filed Aug. 28, 1974, patented Sept. 21, 1976; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546.

Patent application 699,002: Ultra Stable Frequency Distribution System. Filed June 21, 1976.

Patent application 718,244: Supersonic Transport. Filed Aug. 27, 1976.

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Patent 3,977,231: Static Coefficient Test Method and Apparatus. Patented Aug. 31, 1976; not available NTIS.

Patent 3,977,771: Optical Noise Suppression Device and Method. Patented Aug. 31, 1976; not available NTIS.

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Patent 3,978,267: Real Time Analysis of Voiced Sounds. Patented Aug. 31, 1976; not available NTIS.

[FR Doc.77-10771 Filed 4-12-77;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

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DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF THE ARMY, Office of Judge Advocate General, Patent Division, Room 2C-455, Pentagon, Washington, D.C. 20310.

Patent 3,941,999: Automatic Focus Pulse Gated System. Filed Apr. 1, 1975, patented Mar. 2, 1976; not available NTIS.

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U.S. DEPARTMENT OF THE AIR FORCE AF/JACP, WASHINGTON, D.C. 20314.

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Patent Application 706,321: Method and Apparatus for Effecting Multiple Spectral Wavelength Imaging with Infrared Television. Filed July 19, 1976.

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Patent Application 707,574: Radiation Hardened MNOS Memory Transistor and Method of Manufacture. Filed July 22, 1976.

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Patent 3,975,955: Edgetone Suppression Device for Wind Tunnel Walls. Filed June 27, 1975, patented Aug. 24, 1976; not available NTIS.

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Patent 3,976,394: Interstage Bleed Assembly. Filed July 18, 1975, patented Aug. 24, 1976; not available NTIS.

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ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION, Assistant General Counsel for Patents, Washington, D.C. 20545.

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Patent 3,910,714: Liquid Metal Pump for Nuclear Reactors. Filed Dec. 11, 1974, patented Oct. 7, 1975; not available NTIS.

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Patent 3,912,584: LMFBR with Booster Pump in Pumping Loop. Filed Jan. 9, 1974, patented Oct. 14, 1975; not available NTIS.

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Patent 3,926,344: Volumetric Dispenser for Small Particles from Plural Sources. Filed June 20, 1974, patented Dec. 16, 1975; not available NTIS.

Patent 3,927,192: Chemical Cycle for Thermochemical Production of Hydrogen from Water. Filed Jan. 29, 1975, patented Dec. 16, 1975; not available NTIS.

Patent 3,927,325: Tissue Irradiator. Filed July 10, 1974, patented Dec. 16, 1975; not available NTIS.

Patent 3,928,126: Fuel or Irradiation Subassembly. Filed July 9, 1974, patented Dec. 23, 1975; not available NTIS.

Patent 3,928,549: Thermochemical Production of Hydrogen. Filed June 20, 1974, patented Dec. 23, 1975; not available NTIS.

Patent 3,928,700: Method of Producing Thin Cellulose Nitrate Film. Filed May 30, 1974, patented Dec. 23, 1976; not available NTIS.

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Bldg., Bethesda, Md. 20014.

Patent Application 704,667: Dialysis Regeneration System Using Automatic Feedback Control System and Controlled Ultrafiltration. Filed July 12, 1976.

Patent 3,976,072: Blink-Operated Extracorporeal Tear Duct. Filed Sept. 3, 1975, patented Aug. 24, 1976; not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent Application 673,494: Event Stacker and Display Devise. Filed Apr. 5, 1976.

Patent Application 682-010: Serial to Parallel Converter. Filed May 3, 1976.

Patent Application 694,623: Dual Resonance Bender Transducer. Filed June 10, 1976.

Patent Application 699,007: Constant Altitude Auto Pilot Circuit. Filed June 21, 1976.

Patent Application 702,794: Camera. Filed July 6, 1976.

Patent Application 705,643: Ship Propulsion for Burst Speed. Filed July 15, 1976.

Patent Application 706,410: Drive Control to Prevent Simultaneous Conduction in Push-Pull Switching Amplifiers. Filed July 19, 1976.

Patent Application 708,779: High Speed Manchester Encoder. Filed July 26, 1976.

Patent Application 711,173: A High Power Microstrip Element. Filed Aug. 3, 1976.

Patent Application 713,455: A Negative Feedback Amplifier and Level Shifter. Filed Aug. 11, 1976.

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Patent Application 715,083: Broadband Microwave Two-Stage Stagger Tuned Field Effect Transistor Amplifier. Filed Aug. 17, 1976.

Patent Application 716,870: Coaxial Wet Connector. Filed Aug. 23, 1976.

Patent 3,549,591: Polyfluoroepoxides and Epoxy Resins Containing Fluorine on the Aromatic Carbon Structure and Process. Filed July 30, 1968, patented Dec. 22, 1970; not available NTIS.

Patent 3,898,662: Radar Target Simulator Using No Electrical Connection to Radar. Filed Aug. 16, 1968, patented Aug. 5, 1975; not available NTIS.

Patent 3,936,954: Electronic Bearing Selector for Omni-Directional Signals. Filed May 27, 1964, patented Feb. 10, 1976; not available NTIS.

Patent 3,936,958: Sonar Reverberation Simulation. Filed June 18, 1968, patented Feb. 10, 1976; not available NTIS.

Patent 3,964,155: Method of Planar Mounting of Silicon Solar Cells. Filed June 8, 1973, patented June 22, 1976; not available NTIS.

Patent 3,965,343: Modular System for Performing the Discrete Fourier Transform via the Chirp–Z Transform. Filed Mar. 3, 1975, patented June 22, 1976; not available NTIS.

Patent 3,965,729: Load Crack Testing Device. Filed Oct. 1, 1975, patented June 29, 1976; not available NTIS.

Patent 3,967,633: Gas Vent System for Operation in Any Arbitrary Spatial Orientation. Filed May 22, 1975, patented July 6, 1976; not available NTIS.

Patent 3,968,491: Radar Rangemeter. Filed Nov. 25, 1974, patented July 6, 1976; not available NTIS.

Patent 3,971,110: Method for Fabricating an Electron-Emission Cathode. Filed Sept. 11, 1975, patented July 27, 1976; not available NTIS.

Patent 3,971,927: Modular Discrete Cosine Transform System. Filed Nov. 3, 1975, patented July 27, 1976; not available NTIS.

Patent 3,972,554: Ring Type Recovery Tool. Filed Jan. 12, 1976, patented Aug. 3, 1976; not available NTIS.

Patent 3,972,555: Tong Type Recovery Tool. Filed Jan. 2, 1976, patented Aug. 3, 1976; not available NTIS.

Patent 3,972,730: Pyrotechnically Activated Lithium-Chlorine Cell. Filed June 25, 1975, patented Aug. 3, 1976; not available NTIS.

Patent 3,972,814: Fluidic Oil-Water Separator. Filed Feb. 12, 1975, patented Aug. 3, 1976; not available NTIS.

Patent 3,973,501: Fuze with Dual Safe Positions and Armed-Safe Indicator. Filed Sept. 17, 1974, patented Aug. 10, 1976; not available NTIS.

Patent 3,978,487: Coupled Fed Electric Microstrip Dipole Antenna. Filed Apr. 24, 1975, patented Aug. 31, 1976; not available NTIS.

Patent 3,979,746: High-Speed Manchester Code Demodulator. Filed Apr. 28, 1975, patented Sept. 7, 1976; not available NTIS.

TENNESSEE VALLEY AUTHORITY, Division of Law, Muscle Shoals, Ala. 35660.

Patent 3,969,483: Removal of Carbonaceous Matter from Ammonium Polyphosphate Liquids. Filed June 5, 1975, patented July 13, 1976; not available NTIS.

[FR Doc.77-10772 Filed 4-12-77;8:45 am]

TECHNICAL INFORMATION PRODUCTS AND SERVICES

Spain

The National Technical Information Service of the U.S. Department of Commerce requests that parties interested in managing the sales of its technical information products and services in Spain make their interest known to the NTIS Assistant Director, Market Development, NTIS 5285 Port Royal Road, Springfield, Virginia 22161.

Approval: April 8, 1977.

DEAN SMITH,
Assistant Director,
Market Development.

[FR Doc.77-10773 Filed 4-12-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 714-1]

CALIFORNIA STATE STANDARDS

Motor Vehicle Pollution Control; Public Hearing

Section 209(a) of the Clean Air Act, as amended, 42 U.S.C. 1857f-6a(a), provides: "No State or any political subdivision thereof shall adopt or attempt to enforce any standard relating to the control of emissions from new motor vehicles or new motor vehicle engines subject to this part * * * [or] * * * shall require certification, inspection, or any other approval relating to the control of emissions from any new motor vehicle or new motor vehicle engine as condition precedent to the initial retail sale, titling (if any), or registration of such motor vehicle, motor vehicle engine, or equipment."

Section 209(b) of the Act directs the Administrator of the Environmental Protection Agency (EPA), after notice and opportunity for public hearing, to waive application of the prohibitions of section 209 to any State which had adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles or new motor vehicle engines prior to March 30, 1966, unless he finds that such State does not require standards more stringent than applicable Federal standards, to meet compelling and extraordinary conditions or that such State standards and accompanying enforcement procedures are not consistent with section 202(a) of the Clean Air Act.

By letters dated July 19, 1976, November 1, 1976, January 20, 1977, and February 22, 1977, the California Air Resources Board (CARB) notified the Administrator that the Board had taken a number of actions to revise California's motor vehicle emissions control program. The CARB requested that waivers be granted for those items in the revisions which in the judgment of the Administrator require such waivers, and that a public hearing be convened by the Administrator.

The EPA has determined that the following items are within the scope of waivers currently in effect, and therefore, no new waiver is required:

(i) Assembly line test procedures applicable to 1978 model year gasoline-powered passenger cars and light duty trucks, and

(ii) Compliance and inspection testing requirements applicable to 1977 and 1978 model year gasoline-powered passenger cars and light duty trucks.

The following items will require a waiver before they can be effectuated by California:

(i) Compliance and inspection testing of 1977 and subsequent model year motor vehicles except 1977 and 1978 model year gasoline-powered passenger cars and light duty trucks under sections 2100 et seq., Title 13, California Administrative Code,

(ii) Exhaust emission standards and test procedures for 1979 and subsequent model year passenger cars, light duty trucks and medium duty vehicles,

(iii) Evaporative emission standard and test procedures (SHED test) for 1980 and subsequent model year gasoline-powered motor vehicles except motorcycles, and also, amendments to the SHED test procedures for 1978 and subsequent model year gasoline-powered motor vehicles except motorcycles.

(iv) Certification test procedures applicable to 1980 and subsequent model year passenger cars, light duty trucks and medium duty vehicles imposing a restriction on allowable maintenance, and

(v) Assembly line test procedures for 1978 model year diesel-powered light duty trucks, and medium duty vehicles.

As a result of the promulgation of Federal emission standards and test procedures for 1978 and later model year motorcycles, see 42 FR 1122 (January 5, 1977), the CARB adopted certain amendments to the California motorcycle emission control regulations on March 24, 1977. In light of the promulgation of the Federal regulations as well as these amendments to the California regulations, EPA intends to consider whether California continues to comply with the conditions of the October 1, 1976, waiver. See 41 FR 44209 (October 7, 1976). In the meantime, though, this waiver will remain in effect unless and until the Administrator determines otherwise.

Finally, the EPA also notified the CARB that a public hearing would be convened by the Administrator in order to consider whether to grant California a general waiver of Federal preemption for all standards and test procedures (including accompanying enforcement procedures) adopted by the CARB in the future that related to the control of emissions from new motor vehicles or new motor vehicle engines. In the event that California is granted such a waiver, the Administrator would provide notice and an opportunity for a public hearing, upon submission of a bona fide request by any interested party, to consider whether California continued to comply with the conditions of such a waiver in light of any such future standards and test procedures.

Therefore, I hereby given notice that:

(i) California has submitted a request for a waiver from the prohibitions of section 209(a) for a series of five actions that have been taken by the CARB,

(ii) EPA intends to consider whether California continues to comply with the conditions of the October 1, 1976, waiver, see 41 FR 44209 (October 7, 1976), and to determine whether to grant California a general waiver from the prohibitions of section 209(a) for all standards and test procedures (including accompanying enforcement procedures) adpoted by the CARB in the future that relate to the control of emissions from new motor vehicles or new motor vehicle engines, for which no waiver has heretofore been granted, and

(iii) A public hearing on these matters will be convened at the U.S. Environmental Portection Agency Regional Office (Region IX), Conference Room A, Second Floor, 100 California Street, San Francisco, California, on May 16–20, 1977, commencing at 10:00 a.m. Benjamin R. Jackson, Director, Mobile Source Enforcement Division, EPA, is designated as the Presiding Officer for this hearing.

The agenda for the public hearing will be as follows:

Monday (May 16, 1977)—Compliance and inspection testing of 1977 and subsequent model year motor vehicles except 1977 and 1978 model year gasoline-powered passenger cars and light duty trucks; assembly line test procedures for 1978 model year diesel-powered light duty trucks, and medium duty vehicles; reconsideration of October 1, 1976, waiver.

Tuesday (May 17, 1977)—Evaporative emission standard and test procedures (SHED test) for 1980 and subsequent model year gasoline-powered motor vehicles except motorcycles, and also, amendments to the SHED test procedures for 1978 and subsequent model year gasoline-powered motor vehicles except motorcycles.

Wednesday (May 18, 1977)—Exhaust emission standards and test procedures for 1979 and subsequent model year passenger cars, light duty trucks and medium duty vehicles; certification test procedures applicable to 1980 and subsequent model year passenger cars, light duty trucks and medium duty vehicles imposing a restriction on allowable maintenance.

Thursday (May 19, 1977)—General waiver.

Any person desiring to make a statement at the hearing or to submit material for the record of the hearing should file a notice of such intention and ten copies of his or her proposed statement (and other relevant material) by May 1, 1977, with the Director, Mobile Source Enforcement Division (EN-340), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. In addition, fifteen copies of such statement or material for the record of the hearing should be submitted to the Presiding Officer at the time of the public hearing. Participants are also urged to supply additional copies of any written material for distribution to interested members of the audience.

The pertinent California standards and test procedures can be found in:

(i) Sections 2100 et seq., Title 13, California Administrative Code,

(ii) Sections 1955.1, 1955.5, 1959, Title 13, California Administrative Code, and "California Exhaust Emission Standards and Test Procedures for 1975 through 1979 Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," adopted February 19, 1975; last amended November 23, 1976,

(iii) Section 1960, Title 13, California Administrative Code, and "California Exhaust Emissions Standards and Test Procedures for 1980 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," adopted November 23, 1976, as amended December 14, 1976,

(iv) Section 1976(b), Title 13, California Administrative Code, and "California Evaporative Emission Standards and test procedures for 1978 and Subsequent Model Gasoline-Powered Motor Vehicles except Motorcycles," adopted April 16, 1975, last amended November 23, 1976,

(v) Section 2056, Title 13, California Administrative Code, and "California Assembly-Line Test Procedures for 1978 Model-Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles," adopted January 25, 1977, and

(vi) Section 1958, Title 13, California Administrative Code, and "California Exhaust Emission Standards and Test Procedures for 1978 and Subsequent Production Motorcycles," adopted July 15, 1975, as amended February 20, 1976.

In addition, in considering whether to grant California a general waiver from the prohibitions of section 209(a), the pertinent California standards and test procedures can be found in Title 13 of the California Administrative Code.

A copy of the above-described material is available for public inspection during normal working hours (8:00 a.m. to 4:30 p.m.) at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460. Copies of the California standards and test procedures are available upon request from the California Air Resources Board, 1102 Q Street, Sacramento, California 95812.

Procedures. Since the public hearing is designed to give interested persons an opportunity to participate in this proceeding by the presentation of data, views, arguments, or other pertinent information concerning the Administrator's proposed action, there are no adversary parties as such. Statements by the participants will not be made under oath and the participants will not be subject to cross-examination.

Presentation by the participants should be limited to the following considerations:

(i) Whether the California standards (including test procedures) mentioned above are more stringent than applicable Federal standards,

(ii) Whether compelling and extraordinary conditions continue to exist in California, and

(iii) Whether such standards and accompanying enforcement procedures are consistent with section 202(a) of the Act, in particular with respect to their technological feasibility in the lead time remaining.

In addition, participants will be able to present their views on the question of granting California a general waiver of Federal preemption.

In order to assure full opportunity for the presentation of data, views, and arguments by participants, the Presiding Officer will, upon request of the participants, allow a reasonable time after the close of the hearing for the submission of written data, views, arguments, or other pertinent information to be included as part of the record of the hearing.

A verbatim record of the proceeding will be made and a copy of the transcript will be made available on request at the expense of the person so requesting.

The determination of the Administrator regarding the action to be taken with respect to the waiver of the prohibition of section 209(a) for the State of California is not required to be made solely on the record of the public hearing. Other scientific, engineering, and related pertinent information, not presented at the public hearing may also be considered. This information will be available for public inspection prior to the Administrator's determination on this matter.

Dated: April 7, 1977.

STANLEY W. LEGRO,
Assistant Administrator
for Enforcement.

[FR Doc.77-10854 Filed 4-12-77;8:45 am]

[FRL 713-2; PFT22]

FOOD ADDITIVE PETITION

Filing

FMC Corporation, Agricultural Chemical Division, 100 Niagara St., Middleport, N.Y. 14105, has submitted a petition (FAP 7H5159) to the Environmental Protection Agency (EPA) which proposes to amend 21 CFR 561 and 193 by establishing food additive regulations permitting the use of the insecticide (3-phenoxyphenyl) methyl 3-(2,2-dichloroethenyl) - 2,2-dimethylcyclopropanecarboxylate in a proposed experimental program involving application of the insecticide to growing tomatoes and soybeans with a tolerance limitation of 80 parts per million in dehydrated tomato pomace and 1 part per million in soybean oil for residues of the combined *cis* and *trans* isomers of the insecticide.

Notice of this submission is given pursuant to the provisions of section 409(b)(5) of the Federal Food, Drug, and Cosmetic Act. Interested persons are invited to submit written comments on the petition referred to in this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments should

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be submitted as soon as possible and should bear a notation indicating the petition number "FAP 7H5159." Comments may be made at any time while a petition is pending before the Agency. All written comments will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: April 5, 1977.

DOUGLAS D. CAMPT,
Director, Registration Division.

[FR Doc.77-10880 Filed 4-12-77;8:45 am]

[FRL 713-3; OPP-50287]

MOBILE CHEMICAL CO. AND MOBAY CHEMICAL CO.

Issuance of Experimental Use Permits

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), experimental use permits have been issued to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 2224-EUP-8. Mobile Chemical Company, Richmond, Virginia 23231. This experimental use permit allows the use of 1,340 pounds of the insecticide ethoprop on sugarcane to evaluate control of nematodes. A total of 335 acres is involved; the program is authorized only in the State of Florida and Puerto Rico. The experimental use permit is effective from March 11, 1977, to March 11, 1978. A permanent tolerance for residues of the active ingredient in or on sugarcane, sugarcane fodder and forage has been established (40 CFR 180.262).

No. 2224-EUP-15. Mobile Chemical Company, Richmond, Virginia 23231. This experimental use permit allows the use of 234 pounds of the insecticide ethoprop on tobacco to evaluate control of nematodes, flea beetles, and wireworms. A total of 22 acres is involved; the program is authorized only in the States of Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia. The experimental use permit is effective from March 11, 1977, to March 11, 1978.

No. 3125-EUP-133. Chemagro Agricultural Division, Mobay Chemical Company, Kansas City, Missouri 64120. This experimental use permit allows the use of 4,000 pounds of the herbicide 4-Amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin 5(4H)-one on soybeans to evaluate control of grasses and broadleaf weeds. A total of 8,000 acres is involved; the program is authorized only in the States of Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, South Carolina, Tennessee, and Wisconsin. The experimental use permit is effective from March 11, 1977, to March 11, 1978. A permanent tolerance for residues of the active ingredient in or on soybeans has been established (40 CFR 180.332).

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202-755-4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: April 5, 1977.

DOUGLAS D. CAMPT,
Director, Registration Division.

[FR Doc.77-10856 Filed 4-12-77;8:45 am]

[FRL 713-5; OPP-50289]

MONSANTO AGRICULTURAL PRODUCTS CO. ET AL.

Issuance of Experimental Use Permits

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), experimental use permits have been issued to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 524-EUP-33. Monsanto Agricultural Products Company, St. Louis, Missouri 63166. This experimental use permit allows the use of 800 pounds of the herbicide alachlor on potatoes to evaluate control of annual grasses and broadleaf weeds, when used through center pivot irrigation systems. A total of 200 acres is involved; the program is authorized only in the States of Colorado, Idaho, Oregon, Washington, Wisconsin, and Wyoming. The experimental use permit is effective from March 21, 1977, to March 21, 1978. A permanent tolerance for residues of the active ingredient in or on potatoes has been established (40 CFR 180.249).

No. 677-EUP-10. Diamond Shamrock Corporation, Cleveland, Ohio 44114. This experimental use permit allows the use of 190 pounds of the insecticide thiofanox on cotton and potatoes to evaluate control of aphids, thrips, mites, fleahoppers, leafminers, and boll weevils. A total of 90 acres is involved; the program is authorized only in the States of Alabama, Arizona, California, Georgia, Idaho, Indiana, Louisiana, Maine, Michigan, Minnesota, Mississippi, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, and Wisconsin. The experimental use permit is effective from March 17, 1977, to March 17, 1978. All treated crops will be destroyed or used for research purposes only.

No. 1016-EUP-34. Union Carbide Corporation, Washington, D.C. 20006. This experimental use permit allows the use of 150 pounds of the insecticide-nematocide aldicarb on oranges to evaluate control of thrips, aphids, whiteflies, mites, scales, and nematodes. A total of 20.4 acres is involved; the program is authorized only in the States of Arizona, California, Florida, and Texas. The experimental use permit is effective from February 25, 1977, to February 25, 1978. Permanent tolerances for residues of the active ingredient in or on oranges and dried citrus pulp have been established (40 CFR 180.269 and 21 CFR 561.30, respectively).

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202-755-4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: April 5, 1977.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc.77-10858 Filed 4-12-77;8:45 am]

PESTICIDE PROGRAMS

[FRL-7; PP6G1731 & 6G1732/T101]

Extension of a Temporary Tolerance Gibberellic Acid and N-[Phenylmethyl[-1H-Purin-6-Amine

On May 6, 1976, the Environmental Protection Agency (EPA) gave notice (41 FR 18708) that in response to pesticide petitions (PP6G1731 and 6G1732) submitted to the Agency by Abbott Laboratories, Agricultural and Veterinary Products Div., North Chicago, IL 60064, a temporary tolerance was established for residues of the plant regulators gibberellic acid and *N*-[phenylmethyl]-1*H*-purin-6-amine in or on the raw agricultural commodity apples at 0.15 part per million (ppm). This temporary tolerance expires April 1, 1977.

Abbott Laboratories has requested a one-year extension of this temporary tolerance both to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodity when treated in accordance with the provisions of an experimental use permit that is being extended concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (89 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq).

The scientific data reported and all other relevant material have been evaluated, and it has been determined that an extension of the temporary tolerance will protect the public health. Therefore, the temporary tolerance is extended on condition that the pesticide is used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Abbott Laboratories must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires June 1, 1978. Residues not in excess of 0.15 ppm remaining in or on apples after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

Dated: April 5, 1977.

(Sec. 408(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)).)

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc.77-10881 Filed 4-12-77;8:45 am]

[FRL 713-1; PF67]

PESTICIDE PROGRAMS

Filing of Food Additive Petition

Interregional Project 4 (IR-4), PO Box 231, New Brunswick NJ 08903, on behalf of the States Oregon and Washington has submitted a petition (FAP 7H5161) to the Environmental Protection Agency (EPA) which proposes that 21 CFR 193 be amended by establishing a regulation permitting the use of the insecticide m-[[(dimethylamino) methylene]amino]-phenyl methylcarbamate hydrochloride on the growing crop hops with a tolerance limitation of 150 parts per million for residues in or on dry hops.

Notice of this submission is given pursuant to the provisions of section 409(b)(5) of the Federal Food, Drug, and Cosmetic Act. Interested persons are invited to submit written comments on the petition referred to in this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW, Washington DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments should be submitted as soon as possible and should bear a notation indicating the petition number "FAP 7H5161". Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: April 5, 1977.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc.77-10879 Filed 4-12-77;8:45 am]

[FRL 712-8; OPP-33000/498 and 499]

RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data to be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ("Interim Policy Statement"). On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" (41 FR 3339). This document described the changes in the Agency's procedures for implementing Section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement which were effected by the enactment of the recent amendments to FIFRA on November 28, 1975 [P.L. 940-140], and the new regulations governing the registration and reregistration of pesticides which became effective on August 4, 1975 (40 CFR Part 162).

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room 209, East Tower, 401 M Street, S.W., Washington, D.C. 20460. In the case of applications subject to the new section 3 regulations, and applications not subject to the new section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH-567), office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

Specific questions concerning applications made to the Agency should be addressed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone as follows:

PM 11, 12, & 13—202/755-9315
PM 21 & 22—202/426-2454
PM 24—202/755-2196
PM 31—202/426-2635
PM 33—202/755-9041
PM 15, 16, & 17—202/426-9425
PM 23—202/755-1397
PM 25—202/755-2632
PM 32—202/426-9486
PM 34—202/426-9490

The Interim Policy Statement requires that claims for compensation be filed by June 13, 1977. With the exception of 2(c) applications not subject to the new section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under section 10 of FIFRA, as amended, should be made by May 13, 1977.

Dated: April 5, 1977.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

APPLICATIONS RECEIVED (OPP-33000/498)

EPA Reg. No. 42-16. West Chemical Products, Inc., Long Island City NY 11101. BUG-A-BYE. Active Ingredients: Petroleum Distillates 14.00%; Piperonyl Butoxide, Technical 0.50%; Pyrethrins 0.40%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA Reg. No. 201-274. Shell Chemical Co., A Div. of Shell Oil Co., Agricultural Chemicals, San Ramon CA 94583. BIDRIN 8 WATER MISCIBLE. Active Ingredients: Dimethyl phosphate of 3-hydroxy N,N-dimethyl-cis-crotonamide 82%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Additional uses. PM16

V4271 APR 13 77 UMI

EPA File Symbol 275–GE. Chemical and Agricultural Products Div., Abbott Laboratories, 14th St. & Sheridan Rd., North Chicago IL 60064. PROMALIN PLANT GROWTH REGULATOR. Active Ingredients: N-[phenylmethl]-1H-purine-6-amine 1.8%; Gibberellins A,A, 1.8%. Method of Support: Application proceeds under 2(a) of interim policy. PM25

EPA Reg. No. 275–18. Agricultural and Veterinary Products Div., Abbott Laboratories. DIPEL WORM KILLER. Active Ingredients: Bacillus thuringiensis. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Amendment with data. PM17

EPA Reg. No. 352–354. E. I. Du Pont De Nemours & Co., Inc., Biochemicals Dept., Wilmington DE 19898. BENLATE BENOMYL FUNGICIDE TOMATOES. Active Ingredients: Benomyl [Methyl 1-(butylcarbamoyl)-2-benzimidazole carbamate] 50%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use. PM22

EPA Reg. No. 352–357. E. I. Du Pont De Nemours & Co., Inc. TERSAN 1991 TURF FUNGICIDE. Active Ingredients: Benomyl [Methyl 1-(butylcarbamoyl)-2-benzimidezolecarbamate] 50%. Method of Support: Application proceeds under 2(b) of interim policy. PM22

EPA File Symbol 352–GIE. E. I. Du Pont De Nemours & Co., Inc., Legal Dept. D7045. LEXONE 4L METRIBUZIN WEED KILLER. Active Ingredients: 4-Amino-6-(1,1-dimethylethyl) - 3 - (methylthio) - 1,2,4 - triazin-5 (4H)-one 42.8%. Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA File Symbol 352–GIU. E. I. Du Pont De Nemours & Co., Inc., Legal Dept. D7045, Biochemicals Dept., Wilmington DE 19898. METHOMYL INSECTICIDE WATER MISCIBLE LIQUID. Active Ingredients: Methomyl S-methyl N-[(methylcarbamoyl)oxy] thioacetimidate 29%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA Reg. No. 400–89. Uniroyal Chemical, Div. of Uniroyal, Inc., 74 Amity Rd., Bethany CT 06525. OMITE–6E. Active Ingredients: Propargite 2-(p-tert-butylphenoxy) cyclohexyl 2-propynyl sulfite 68.1%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM13

EPA Reg. No. 400–104. Uniroyal Chemical. COMITE. Active Ingredients: Propargite 2-(p-tert-butylphenoxy) cyclohexyl 2-propynyl sulfite 75.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM13

EPA Reg. No. 432–432. Div. of CPC International, Inc., 100 Church St., New York NY 10007. SBP–1382 AEROSOL INSECTICIDE. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.440%; Related Compounds 0.060%; Aromatic petroleum hydrocarbons 1.000%; Petroleum distillate 18.480%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added data. PM17

EPA Reg. No. 432–452. S. B. Penick & Co., 1050 Wall St. West, Lyndhurst NJ 07071 USA. YOUR BRAND SBP–1382 AQUEOUS PRESSURIZED SPRAY INSECTICIDE 0.25 FOR HOUSE AND GARDEN. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl - 3 - (2 - methylpropenyl) cyclopropanecarboxylate 0.250%; Related compounds 0.034%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added data. PM17

EPA Reg. No. 432–454. S. B. Penick & Co. YOUR BRAND SBP–1382 AQUEOUS PRESSURIZED SPRAY INSECTICIDE 0.35 FOR HOUSE AND GARDEN. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2 - methylpropenyl) cyclopropanecarboxylate 0.350%; Related compounds 0.048%. Method of Support: Application proceeds under 2(a) of interim policy. PM17

EPA Reg. No. 432–493. S. B. Penick & Co., YOUR BRAND SBP–1382 YARD AND PATIO FOGGER OUTDOOR FOGGER. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; Related compounds 0.034%. Method of Support: Application proceeds under 2(a) of interim policy. PM17

EPA Reg. No. 432–517. S. B. Penick & Co., 1050 Wall St. West, Lynchhurst NJ 07071 USA. YOUR BRAND SBP–1382 0.35% SPACE AND RESIDUAL AQUEOUS PRESSURIZED SPRAY. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.35%; Related compounds 0.04%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 476–ERIE. Stauffer Chemical Co., 1200 S. 47th St., Richmond CA 94804. TILLAM/DEVRINOL 4:1E. Active Ingredients: S-propyl butylethylthiocarbamate 43.9%; 2-alphanaphthoxy)-N,N-diethylpropionamide 11.0%. Method of Support: Application proceeds under 2(a) of interim policy. PM25

EPA File Symbol 557–ROET. Swift Agricultural Chemicals Corp., 111 W. Jackson Blvd., Chicago IL 60604. VIGORO INDOOR INSECT SPRAY FOR CONTAINER PLANTS. Active Ingredients: Pyrethrins 0.01%; Petroleum distillate 0.04%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 618–II. Merck Chemical Div., Merck & Co., Inc., PO Box 2000, Rahway NJ 07065. ARBOTECT 20–S. Active Ingredients: 2-(4-thiazolyl) benzimidazole hypophosphite 26.6% (equivalent to 20% 2-(4-thiazolyl) benzimidazole). Method of Support: Application proceeds under 2(b) of interim policy. PM21.

EPA File Symbol 618–10. Merck Chemical Div. ARBOTECT S. Active Ingredients: 2-(4-thiazolyl) benzimidazole - hypophosphite 1.3% (equivalent to 1% 2-(4-thiazolyl) benzimidazole). Method of Support: Application proceeds under 2(b) of interim policy. PM21

EPA File Symbol 40185–R. Florida Dept. of Agricultural and Consumer Services, Mayo Bldg., Tallahassee FL 32304. HEPTACHLOR 5–G GRANULAR INSECTICIDE. Active Ingrients: Heptachlor 5.00% (Heptachlorotetrahydro-4,7-methanoindene); Related compounds 1.94%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

APPLICATIONS RECEIVED (OPP–3300/499)

EPA File Symbol 1043–TN. Vestal Laboratories Div., Chemed Corp., 4963 Manchester Ave., St. Louis MO 63110. 1-STROKE VES-PHENE-L. Active Ingredients: Sodium o-phenylphenate 13.6%; Sodium o-benzyl-p-chlorophenate 9.3%; Tetrasodium ethylenediamine tetraacetate 1.0%; Essential oils 0.5%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM32

EPA File Symbol 1043–TR. Vestal Laboratories Div. VESPHENE-L. Active Ingredients: Sodium o-phenylphenate 5.3%; Sodium o-benzyl-p-chlorophenate 3.6%; Tetrasodium ethylenediamine tetraacetate 0.4%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM32

EPA File Symbol 1043–TE. Vestal Laboratories Div. VESTAL 8–L. Active Ingredients: Sodium o-phenylphenate 6.8%; Sodium o-benzyl-p-chlorophenate 4.8%; Tetrasodium ethylenediamine tetraacetate 0.5%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM32

EPA File Symbol 1043–TG. Vestal Laboratories Div. VESTAL 1 STROKE ENVIRON L. Active Ingredients: Sodium o-phenylphenate 13.6%; Sodium o-benzyl-p-chorophenate 9.3%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM32

EPA File Symbol 1043–TU. Vestal Laboratories Div. VESTAL ENVIRON L. Active Ingredients: Sodium o-phenylphenate 5.3%; Sodium o-benzyl-p-chlorophenate 3.6%; Tetrasodium ethylenediamine tetraacetate 0.4%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM32

EPA File Symbol 1043–TL. Vestal Laboratories Div. VESTAL 89–L. Active Ingredients: Sodium o-phenylphenate 5.3%; Sodium o-benzyl-p-chlorophenate 3.6%; Tetrasodium ethylenediamine tetraacetate 0.4%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM32

EPA File Symbol 1471–RNI. Elanco Products Co., A Div. of Eli Lilly and Co., PO Box 1750, Indianapolis IN 46206, USA. OXICIDIN. Active Ingredients: 3,7-dichlorophenodoxin-5-ium bisulfate 99.0%. Method of Support: Application proceeds under 2(a) of interim policy. PM33

EPA File Symbol 1471–RNO. Elanco Products Co. SPIKE 20P. Active Ingredients: tebuthiuron: N-[5-(1,1-dimethylethyl)-1,3,4-thiadiazol-2-yl]-N,N'-dimethylurea 20.0%. Method of Support: Application proceeds under 2(a) of interim policy. PM25

EPA File Symbol 2224–LG. Mobil Chemical, PO Box 26683, Richmond VA 23261. MODOWN HERBICIDE 4 FLOWABLE. Active Ingredients: Bifenox 44%. Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA Reg. No. 2596–62. Hartz Mountain Corp., Harrison NJ 07029 and St. Thomas Ontario N5P. HARTZ 2 in 1 TICK & FLEA COLLAR FOR DOGS. Active Ingredients: 2-Chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 13.7%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: New use. PM15

EPA Reg. No. 2596–63. Hartz Mountain Corp. HARTZ 2 in 1 TICK & FLEA COLLAR FOR CATS. Active Ingredients: 2-Chloro-1-(2, 4,5,-trichlorophenyl) vinyl dimethyl phosphate 13.7%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: New use. PM15

EPA Reg. No. 3125–146. Chemagro Agricultural Div., Mobay Chemical Corp., PO Box 4913, Kansas City MO 64120. BAYGON 70% WETTABLE POWDER. Active Ingredients: 2-(1-Methylethoxy) phenol methylcarbamate 12.8%; Xylene 33.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement. PM12

EPA Reg. No. 3125–288. Chemagro Agricultural Div. MESUROL 75% WETTABLE POWDER INSECTICIDE—BIRD REPELLENT. Active Ingredients: 3,5-Dimethyl-4-(methylthio) phenol methylcarbamate 75%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: New use pattern. PM12

EPA Reg. No. 3238–24. Agrico W Chemical Co., Crop Protection Chemicals Div., PO Box 3451, Tulsa OK 74101. FUNGI-SPERSE II. Active Ingredients: Sulphur 48.2%; Basic Copper Sulfate 8.0% (copper as Metallic 4.25%). Method of Support: Application proceeds under 2(b) of interim policy. PM22

EPA Reg. No. 4313–41. Carroll Co., 2900 W. Kingsley Rd., Garland TX 75041. PINE II PINE ODOR DISINFECTANT. Active Ingredients: Pine Oil 6.40%; Coconut Soap 5.32%; Isopropanol 4.80%; Potassium o-benzyl-p-chlorophenate 2.40%; Tetrasodium ethylenediimine tetraacetate 0.40%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA Reg. No. 4581–173. Agchem Div.-Pennwalt Corp., PO Box "C", King of Prussia PA 19406. HYDROTHOL 47 FOR ALGAE CONTROL. Active Ingredients: Di (N,N-dimethylalkylamine) salt of Endothall 66.7%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM24

EPA Reg. No. 4581–174. Agchem Div.-Pennwalt Corp. HYDROTHOL 191. Active Ingredients: Mono (N,N-dimethylalkylamine) salt of Endothall 53.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM24

EPA Reg. No. 4581–204. Agchem Div.-Pennwalt Corp. AQUATHOL "K". Active Ingredients: Dipotassium Salt of Endothall 40.3%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM24

EPA Reg. No. 4581–223. Agchem Div.-Pennwalt Corp. HERBICIDE 273. Active Ingredients: Dipotassium Salt of Endothall 40.3%. Method of Support: Application proceeds under 2(b) of interim policy. PM24

EPA File Symbol 5009–GR. Tretolite Div., Petrolite Corp., 369 Marshall Ave., St. Louis MO 63119. X-CIDE 502 INDUSTRIAL MICROBIOCIDE. Active Ingredients: Methylenebis(thiocyanate) 9.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA Reg. No. 5204–46. M & T Chemicals, Inc., PO Box 1104, Rahway NJ 07065. BIOMET 650 GERMICIDAL DETERGENT CONCENTRATE. Active Ingredients: n-alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimcthyl benzyl ammonium chlorides 9.85%; n-alkyl (50% C12, 30% C14, 17% C16, 3% C18) dimethyl ethylbenzyl ammonium chlorides 9.85%; tri-n-butyltin benzoate 2.90%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 5362–EE. Solventol Chemical Products, Inc., 13177 Huron River Dr., Romulus MI 48174. 703 DISINFECTANT-SANITIZER FUNGICIDE DEODORIZER. Active Ingredients: Didecyl dimethyl ammonium chloride 7.5%; Isopropanol 3.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 6125–GU. Bixon Chemical Co., 50–19 97th Pl., Corona NY 11368. BOWL CLEANER II. Active Ingredients: Octyl decyl dimethyl ammonium chloride 1.250%; Dioctyl dimethyl ammonium chloride 0.625%; Didecyl dimethyl ammonium chloride 0.625%; Alkyl amino betaine 1.000%; Hydrogen chloride 17.500%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 6125–GT. Bixon Chemical Co. BOWL CLEANER III. Active Ingredients: Octyl decyl dimethyl ammonium chloride 1.250%; Dioctyl dimethyl ammonium chloride 0.625%; Didecyl dimethyl ammonium chloride 0.625% Alkyl amino betaine 1.000%; Hydrogen chloride 8.000%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 6125–GI. Bixon Chemical Co. BOWL CLEANER IV. Active Ingredients: Octyl decyl dimethyl ammonium chloride 1.250%; Dioctyl dimethyl ammonium chloride 0.625%; Didecyl dimethyl ammonium chloride 0.625%; Alkyl amino betaine 1.000%; Hydrogen chloride 8.000%. Method of Support: Application proceeds under 2 (b) of interim policy. PM31

EPA File Symbol 7173–RTL. Chempar Chemical Co., Inc., 260 Madison Ave., New York NY 10016. ROZOL BAITS. Active Ingredients: 2-[(p-chlorophenyl) phenylacetyl]-1,3-indandione 0.005%. Method of Support: Application proceeds under 2(a) of interim policy. PM11

EPA Reg. No. 7969–45. BASF Wyandotte Corp., 100 Chery Hill Rd., Parsippany NJ 07054. BASAGRAN. Active Ingredients: Sodium salt of bentazon 42.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Significant new use. PM25

EPA Reg. No. 9115–7. Sun-Ray Chemical Co., Industrial Maintenance Products Div., 119 W. Jackson, Phoenix AZ 85003. H–T–X DISINFECTANT-CLEANER. Active Ingredients: n-alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 5.00%; Tetrasodium Ethylenediamine Tetraacetate (EDTA) 0.16%; Essential Oils 0.38%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 4581–GEE. Agchem Div., Pennwalt Corp., PO Box C, 900 First Ave., King of Prussia PA 19406. TOPSIN-M THIOPHANATE-METHYL FUNGICIDE. Active Ingredients: Thiophanate-methyl (dimethyl[(1,2-phenylene) bis (iminocarbonothioyl)]bis(carbamate)) 70%. Method of Support: Application proceeds under 2 (b) of interim policy. PM21

[FR Doc.77-10882 Filed 4-12-77;8:45 am]

[FRL 713-8; OPP-42042A]

STATE OF OHIO

Approval of State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides

Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136 et seq.), and the implementing regulations of 40 CFR Part 171, require each State desiring to certify applicators to submit a plan to the Environmental Protection Agency (EPA) for its certification program. Any State certification program under this section shall be maintained in accordance with the State Plan approved under this section.

On February 15, 1977, notice was published in the FEDERAL REGISTER (42 FR 9204) of the intent of the Regional Administrator, EPA Region V, to approve the Ohio State Plan for the Certification of Commercial and Private Applicators of Restricted Use Pesticides (Ohio State Plan).

Complete copies of the Ohio State Plan were made available for public inspection at the following locations: Office of the Director, Ohio Department of Agriculture, 65 S. Front Street, Columbus, Ohio; U.S. Environmental Protection Agency, Air and Hazardous Materials Division, Pesticide Branch, Region V, Chicago, Illinois; and the U.S. Environmental Protection Agency, Technical Services Division, Federal Register Section, Office of Pesticide Programs, Washington, D.C.

Written comments were received only from the National Canners Association. These comments were carefully reviewed and evaluated by EPA and by the Ohio Department of Agriculture, which has been designated as the State lead agency responsible for implementing the Ohio State Plan.

The National Canners Association commented that, because pesticide applicator training is not mandated by the amended FIFRA, the proposed training budget of the Ohio Cooperative Extension Service should not be considered by EPA in its assessment of the adequacy of funding to support the pesticide applicator certification program. The State Plan identifies the Ohio Cooperative Extension Service as a primary cooperating agency, and as such, includes a training plan with an estimate of funds needed to carry out proposed training activities under the certification program. However, the Agency assessed the adequacy of funding needed to conduct the certification program based only upon funding data provided by the lead agency.

The Ohio Plan separates commercial applicators engaged in Agricultural Pest Control into several subcategories, including (a) Agronomic Pest Control, (b) Horticultural Pest Control, and (c) Agricultural Weed Control. The National Canners Association commented that the Agricultural Weed Control subcategory overlaps into the Agronomic and Horticultural Pest Control subcategories. The Ohio Plan clarifies this comment by defining Agricultural Weed Control as commercial applicators using or supervising the use of pesticides, other than fumigants, to control weeds in agronomic and horticultural corps. The Plan goes on to limit the Agronomic and Horticultural subcategories to application of pesticides, other than herbicides, on these crops.

Concern was raised over the State's intention to require a certification fee for pesticide applicators. Section 4 of the amended FIFRA establishes a coordinated State/Federal program for certifying applicators, with section 4(a)(1) making EPA responsible for prescribing applicator certification standards. Section 4(a)(2) provides that if a State, at any time, desires to certify applicators of pesticides, the Governor shall submit a State Plan for such purposes. Further, under Section 24 of FIFRA, the States are given a great deal of flexibility in developing their individual programs provided those programs meet the prescribed Federal standards. This comment pertains to regulatory requirements established under State Law and addresses an issue which is not germane to the acceptability of the Plan under Federal regulations. The Agency has forwarded the comment to the Ohio Department of Agriculture for consideration.

V42 R13 A 7 7 UMI

The Ohio State Plan will remain available for public inspection in the Office of the Director, Ohio Department of Agriculture, 65 S. Front Street, Columbus, Ohio 43215.

It has been determined that the Ohio State plan satisfies the requirements of section 4(a)(2) of the amended FIFRA and 40 CFR Part 171. Accordingly, the Ohio State Plan is approved.

EFFECTIVE DATE: Pursuant to section 4(d) of the Administrative Procedure Act, 5 U.S.C. 553(d), the Agency finds that there is good cause for providing that the approval granted herein to the Ohio State Plan shall be effective upon signature of this notice. Neither the Ohio State Plan itself nor this Agency's approval of the Plan creates any direct or immediate obligation on pesticide applicators or other persons in the State of Ohio. Delays in starting the work necessary to implement the Plan, such as may be occasioned by providing some later effective date for this approval, are inconsistent with the public interest. Accordingly, this approval shall become effective immediately.

Dated: March 31, 1977.

GEORGE R. ALEXANDER, Jr.,
Regional Administrator,
Region V.

[FR Doc.77-10678 Filed 4-12-77;8:45 am]

[FRL 713-6]

SUBMITTAL OF SIP REVISIONS

Schedules for Submittal of Revisions to Louisiana Implementation Plan for Photochemical Oxidants and Particulate Matter

On July 16, 1976 (41 FR 29481), the Regional Administrator called for revisions to Louisiana's State Implementation Plan (SIP) to correct deficiencies with respect to attainment and maintenance of the national primary and secondary standards for photochemical oxidants, and attainment and maintenance of the national secondary standards for particulate matter. The revision for photochemical oxidants concerned Louisiana's portion of the Southern Louisiana-Southeast Texas air quality control region (AQCR), and the revision for particulate matter concerned the Shreveport AQMA (Caddo, Bossier, and Webster Parishes).

PHOTOCHEMICAL OXIDANTS

The revision to the control strategy for photochemical oxidants was requested to be submitted by July 1, 1977. No date was established for submittal of a control strategy to provide for maintenance of the standards. A detailed schedule for submittal of an attainment control strategy has been negotiated with Louisiana. The time required for developing additional control regulations, submitting the regulations for public hearing, and getting approval by the Louisiana Air Control Commission (LACC) will not allow Louisiana to meet the originally requested date of July 1, 1977. The schedule below reflects the various dates by which the LACC will accomplish the tasks required for development and submittal of the control strategy revision for photochemical oxidants. The date of December 15, 1977, is considered the earliest reasonable date by which the revision can be submitted, and this date will supersed the July 1, 1977, date originally established.

OXIDANT REVISION SCHEDULE

1. Complete emission inventory.	May 31, 1977.
2. Complete control strategy.	June 30, 1977.
3. Select emission limits	July 31, 1977.
4. State approval of proposed regulations.	Aug. 31, 1977.
5. Public hearing	Oct. 31, 1977.
6. Final State adoption	Nov. 30, 1977.
7. Submit to EPA	Dec. 15, 1977.

PARTICULATE MATTER

In the notice of call for SIP revisions, the date for submitting a revision to the control strategy for particulate matter was deferred until an analysis for determining the extent of the problem could be completed. The analysis for the Shreveport AQMA has started and is expected to be completed by the end of May 1977. Knowing the completion date of the analysis made it possible to negotiate a schedule with Louisiana for submitting a revision to the particulate matter control strategy. December 15, 1977, is considered the earliest reasonable date by which the revision can be submitted.

PARTICULATE REVISION SCHEDULE

1. Complete emission inventory.	Mar. 15, 1977.
2. Complete control strategy.	May 31, 1977.
3. Select emission limits	July 31, 1977.
4. State approval of proposed regulations.	Aug. 31, 1977.
5. Public hearing	Oct. 31, 1977.
6. Final State adoption	Nov. 30, 1977.
7. Submit to EPA	Dec. 15, 1977.

This notice is not subject to rulemaking procedures. The need for the plan revisions was based upon a technical finding by the Regional Administrator that the control strategies for photochemical oxidants and particulate matter are inadequate and need to be revised. Authority for such action is provided in sections 110(a)(2)(H) and 110(c) of the Clean Air Act, 1970. Ample opportunity for public comment on the control strategy revisions will be provided during the public hearing that the State is required to hold.

(Sec. 110(a)(2)(H), Clean Air Act, sec. 110(c), Clean Air Act, as amended, (42 U.S.C. 1857c-5(c)).)

Dated: March 31, 1977.

JOHN C. WHITE,
Regional Administrator.

[FR Doc.77-10855 Filed 4-12-77;8:45 am]

[FRL 713-4; OPP-50288]

UPJOHN CO. ET AL.

Issuance of Experimental Use Permits

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), experimental use permits have been issued to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 1023-EUP-39. The Upjohn Company, Kalamazoo, Michigan 49001. This experimental use permit allows the use of 277 pounds of the herbicide diphenamid on cotton, okra, peanuts, peppers, potatoes, soybeans, sweet potatoes, strawberries, tomatoes, blackberries, raspberries, fruit trees, and ornamentals to evaluate control of annual grasses and broadleaf weeds. A total of 60 acres is involved; the program is authorized only in the States of California, Florida, Georgia, Kentucky, Indiana, Illinois, Alabama, Ohio, North Carolina, Virginia, and Wisconsin. The experimental use permit is effective from March 11, 1977, to March 11, 1978. Permanent tolerances for residues of the active ingredient in or on cotton, okra, peanuts, peppers, potatoes, soybeans, sweet potatoes, strawberries, and tomatoes have been established (40 CFR 180.230). All treated blackberries, raspberries, and fruit trees will be non-bearing.

No. 476-EUP-87. Stauffer Chemical Company, Richmond, California 94804. This experimental use permit allows the use of 472.5 pounds of the herbicide S-propyl dipropylthiocarbamate and 270 pounds of the herbicide N-butyl-N-ethyl-a,a,a-trifluoro-2,6-dinitro-p-toluidine on peanuts when applied through a center pivot irrigation system to evaluate control of various grasses and broadleaf weeds. A total of 200 acres is involved; the program is authorized only in the States of Alabama, Florida, and Georgia. The experimental use permit is effective from March 11, 1977, to March 11, 1978. Permanent tolerances for residues of the active ingredients in or on peanuts have been established (40 CFR 180.240 and 40 CFR 180.206).

No. 201-EUP-53. Shell Chemical Company, Washington, D.C. 20036. This experimental use permit allows the use of 10,000 pounds of the herbicide 2-[[4-Chloro-6-(ethylamino)-s-triazin-2-yl]amino]-2-methylpropionitrile on soybeans to evaluate control of broadleaf weeds. A total of 9,350 acres is involved; the program is authorized only in the States of Alabama, Arkansas, Iowa, Illinois, Louisiana, Mississippi, Missouri, Minnesota, and Tennessee. The experimental use permit is effective from March 14, 1977, to March 14, 1978. A temporary tolerance for residues of the active ingredient in or on soybeans has been established.

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registeration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202-755-4851 before visting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: April 5, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.77-10857 Filed 4-12-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 21175, et al; File Nos. 2273-CM-P-73, et al]

AMERICAN TELEVISION AND COMMUNICATIONS CORP. ET AL.

Applications for Construction Permits

Adopted: March 7, 1977.

Released: March 31, 1977.

In re Applications of American Television & Communications Corporation and Eastern Shore Communications Corporation and Texas Microwave, Inc. and Shreveport Signal Company for construction permits in the multipoint distribution service for a new station at Shreveport, Louisiana; Docket No. 21175, File No. 2273-CM-P-73; Docket No. 21176, File No. 3899-CM-P-73; Docket No. 21177, File No. 4053-CM-P-73; Docket No. 21178, File No. 4173-CM-P-73.

1. The Commission has before it the above-referenced applications of American Television & Communications Corporation (ATC), filed on September 28, 1972; Eastern Shore Communications Corporation (Eastern Shore), filed on November 27, 1972; Texas Microwave, Inc. (TM), filed on November 30, 1972; and Shreveport Signal Company (SSS), filed on December 8, 1972. All four applications propose Channel 1 operation in the Shreveport, Louisiana area, and thus are mutually exclusive and require comparative consideration. All four applications have been amended as a result of informal requests of the Commission staff for additional information, and no petitions to deny or other objections to any of the applications have been received.

2. ATC, which holds licenses in point-to-point, DPLMRS, CATV and CARS services, has fifteen MDS construction permit applications pending and has been granted permits for four cities, including Savannah, Georgia. Eastern Shore is a wholly-owned subsidiary of United Cable Television Corporation (United Cable) and is transferee of certain MDS interests held by United Video, Inc. (Video) prior to the transfer of Video from United Cable to Lawrence Flinn, Jr. and the concomitant transfer of part of Video's MDS interests in Atlanta, Georgia to Robert Weisberg, all of which were authorized by the Commission in 1976. Eastern Shore also has construction permit applications pending for Oklahoma City and Tulsa, Oklahoma; Lansing, Michigan; Chattanooga, Tennessee; and Boise, Idaho. TM has five MDS construction permits, all in Texas, and has applications pending for Little Rock, Arkansas; Springfield, Illinois; and Newark, Ohio. Its parent corporation, Communications Properties, Inc., has a broad range of interests in CATV, common carrier, broadcast and CARS operations throughout the country. SSC has only this application pending, though its principal, Louis H. Pfau, has interests in various other MDS applications, including those for Little Rock, Arkansas; Knoxville, Tennessee; and Tallahassee, Florida.

3. Upon review of the captioned applications, we find that the four applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

4. Accordingly, *it is hereby ordered,* That pursuant to section 309(e) of the Communications Act of 1934, as amended, and § 0.291 of the Commission's Rules, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered: [1]

(a) The relative merits of each proposal with respect to service area and efficient frequency use;

(b) The nature of the services and facilities proposed, and whether they will satisfy service requirements known to exist or likely to exist in the Shreveport, Louisiana area;

(c) The anticipated quality and reliability of the service proposed, including selection of equipment, installation, subscriber security and maintenance;

(d) The charges, regulations and conditions of the service to be rendered, and their relation to the nature, quality and costs of service; and

(e) The managerial and entrepreneurial qualifications of the applicants.

5. *It is further ordered,* That American Television and Communications Corporation, Eastern Shore Communications Corporation, Texas Microwave, Inc., Shreveport Signal Company, and the Chief, Common Carrier Bureau, ARE MADE PARTIES to this proceeding.

6. *It is further ordered,* That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's Rules.

WALTER R. HINCHMAN,
Chief, Common Carrier Bureau.

[FR Doc.77-10817 Filed 4-12-77;8:45 am]

[Docket No. 19154; FCC 77-204]

BROADCAST RENEWAL APPLICANT

Comparative Hearing Process; Policies

Adopted: March 9, 1977;

Released: April 7, 1977.

By the Commission: Commissioners Hooks and Fogarty issuing a separate statement; Commissioner Quello concurring and issuing a statement.

1. The Commission has before it for consideration its Notice of Inquiry, 27 FCC 2d 580 (1971), Further Notice of Inquiry, 31 FCC 2d 443 (1971), Second Further Notice of Inquiry, 43 FCC 2d 367 (1973), and Third Further Notice of Inquiry, 43 FCC 2d 822 (1973), dealing with the criteria to be used during a comparative proceeding in which a renewal applicant is challenged by one or more new applicants for the same facility.[1] (See 39 FR 1516, January 10, 1974.)

2. One of our primary responsibilities is to choose from among such qualified applicants. This decision is extremely difficult, involving a number of factors of comparison and requiring a costly and time-consuming evidentiary hearing, which often extends beyond the license term sought by the competing applicants. In this proceeding we have explored whether we could simplify the decision-making process by substituting simple quantitative standards for our present ad hoc examination of an incumbent licensee's past program performance.

3. To better understand the matters at issue in this proceeding, it is necessary to explore some of the underlying concerns and events that prompted its institution. Under the statutory scheme devised by the Congress, broadcast station licenses are granted upon stated terms for a fixed period of time, with renewal being permitted upon written application therefor. The issuance of a license, however, confers no proprietary interest therein to the license holder; "no such license shall be construed to create any right, beyond the terms conditions, and periods of the license." [2] Consequently, the Commission is called upon to review, at regular intervals, the licensee's overall performance during the preceding license term and to determine whether the public interest, convenience, and necessity would be served by a renewal of the authorization. Congress has also provided for a competitive spur to existing licensees by affording new parties an opportunity to apply for the facilities of the licensees. At the same time, it has been recognized that there are "legitimate renewal expectancies implicit in the structure of the Act" and that "meritorious stations * * * should [not] be deprived of broadcasting privileges when once granted to them * * * unless clear and sound reasons of public policy demand such action." *Greater Boston Television Corporation* v. *F.C.C.*, 143 U.S. App. D.C. 383, 396, 444 F. 2d 841, 854 (1970); and *Chicago Federation of Labor* v. *F.R.C.*, 59 App. D.C. 333, 334, 41 F. 2d 422, 423 (1930).[3] These latter

[1] Consideration of these factors shall be made in light of the Commission's discussion in Peabody Telephone Answering Service, et al., 55 F.C.C. 2d 626 (1975).

[1] We also have before us the testimony and comments of the numerous parties who have participated in this proceeding. A list of those parties is attached as appendix A.

[2] Section 301, Communications Act of 1934, as amended, 47 U.S.C. 301. See also 47 U.S.C. 304, 309(h).

[3] See also *Journal Company* v. *F.R.C.*, 60 App. D.C. 92, 94, 48 F. 2d 461, 463 (1931); *Evangelical Lutheran Synod* v. *F.C.C.*, 70 App. D.C. 270, 273, 105 F. 2d 793, 796 (1939); and *WOKO, Inc.*, v. *F.C.C.*, 80 U.S. App. D.C. 333, 342, 153 F. 2d 623, 632, reversed on other grounds, 329 U.S. 223 (1946).

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concerns spring from the substantial financial and other investments necessary to render meritorious broadcast service to the public. To reward these efforts with a denial of renewal would not encourage the continuation of such worthwhile service. Rather, it would be an inducement to the opportunist to disregard the nature of the service to be rendered to the public and to set as his paramount goal the short-term maximization of his profit. Such a turn of events would ill-serve the public interest.

4. In an attempt to reconcile these essential elements of the public interest, namely, the maintenance of the competitive spur and the preservation of predictability and stability of broadcast operation, the Commission adopted the following policy: If a renewal applicant shows in a hearing with a competing applicant that its program service during the preceding license term has been substantially attuned to meeting the needs and interests of the public served by its station and that the operation of the station has not otherwise been characterized by serious deficiencies, the renewal applicant will be preferred over the newcomer and the application for renewal will be granted. See Policy Statement on Comparative Hearings Involving Regular Renewal Applicants, 22 FCC 2d 424, reconsideration denied, 24 FCC 2d 383 (1970). Under this policy, consideration of the characteristics normally explored in a comparative hearing involving new applicants, i.e., diversification of the media of mass communications, and the integration of station ownership and management as well as other elements of the "best practicable service" objective,[4] would not be necessary where it was clear that the existing licensee's operation had solidly met the needs and interests of the station's service area and had not been characterized by serious deficiencies. At that point, the hearing was to terminate and an initial decision in favor of the renewal applicant was to ensue. The critical question was, therefore, a non-comparative one: whether the renewal applicant has in the last license term rendered a substantial service, a service solidly meeting the needs and interests of the public served by its station.[5]

5. The Commission was aware that the policy and standards which it had adopted lacked mathematical precision, and that the elements which would constitute substantial service would have to be developed in terms of the particular factual circumstances of hearing cases.[6] On February 23, 1971, however, the Commission instituted the present inquiry in an effort to explore the feasibility and appropriateness of quantifying a concept of substantial service by which the past performance of a licensee could be properly evaluated in the context of a comparative hearing. Notice of Inquiry, 27 FCC 2d 580. As a beginning point, the inquiry concerned television broadcasting only[7] and focused on two important areas, local programming and programming designed to contribute to an informed electorate, specifically news and public affairs programming. The following figures were proffered as representative of a substantial service (27 FCC 2d at 582):[8]

(i) With respect to local programming, a range of 10–15% of the broadcast effort (including 10–15% in the prime time period, 6–11 p.m., when the largest audience is available to watch).

(ii) The proposed figure for news is 8–10% for the network affiliate, 5% for the independent VHF station (including a figure of 8–10% and 5%, respectively, in the prime time period).

(iii) In the public affairs area, the tentative figure is 3–5% with, as stated, a 3% figure for the 6–11 p.m. time period.

Where a percentage range was proposed, it was stated that the applicable percentage would depend on the station's revenues and market size. As a general matter, it was also suggested that unprofitable stations be exempted from these tentative guidelines and so, independent UHF stations were excluded until such time as they became profitable. The high end of the range in each category was to apply to renewal applicants in the top 50 television markets with annual revenues over $5 million, whereas the low end would apply to stations which were located outside those markets and which had annual revenues totaling less than $1 million. An appropriate graduation within the suggested ranges was left to be established for intermediately situated stations.

6. The Notice of Inquiry further pointed out that the proposed program guidelines were only prima facie indicators of substantial service. They were not conceived to be automatically definitive, either for or against the renewal applicant. If the renewal applicant did not meet these program guidelines, it could still be argued in the comparative hearing that the overall service rendered was substantial notwithstanding the substandard quantitative performance in the local and informed electorate program areas. In the same vein, the satisfaction of these guidelines would not preclude an evidentiary showing that the station's past performance was not, in fact, substantial—that the station had not dealt with the issues of truly great public concern or had failed to serve equitably and in good faith the needs of significant groups within its service area. Finally, it was noted that the program guidelines, if adopted, would not be fixed or immutable. They would have to be revisited at appropriate intervals to determine, in light of experience and changing conditions, whether the selected figures should be revised, unwards or downwards.

7. On June 11, 1971, the United States Court of Appeals for the District of Columbia Circuit invalidated the Commission's 1970 *Policy Statement*, holding that the bifurcated hearing procedure adopted by the Commission contravened Section 309 of the Communications Act, as interpreted in *Ashbacker Radio Corp. v. F.C.C.*, 326 U.S. 327 (1945), by depriving the qualified new applicant of its right to a full hearing on the merits of its application. *Citizens Communications Center v. F.C.C.*, 145 U.S. App. D.C. 32, 447 F. 2d 1202. A policy providing that the qualifications of challengers—no matter how superior they may be—may not be considered unless the licensee's past performance is found not to have been substantially attuned to the needs and interests of the community was, in the Court's view, contrary to law. Accordingly, it was ordered that the Policy Statement's provisions not be applied to any present or future comparative renewal proceedings. While it acknowledged that "licensees should be judged primarily on their records of past performance," the Court suggested that superior, rather than substantial, performance should be the standard of evaluation in a comparative renewal situation and that all relevant factors, such as the diversification of ownership of mass media, independence from governmental influence in promoting First Amendment objectives, the elimination of excessive and loud advertising, the

[4] See *Policy Statement on Comparative Broadcast Hearings*, 1 FCC 2d 393, *reconsideration denied*, 1 FCC 2d 918 (1965).

[5] It was specifically noted that "there can be concern whether this policy will prevent a new applicant willing to provide a superior service from supplanting an existing licensee who has broadcast a substantial, but less impressive, service." However, as the Commission pointed out:

> • • • there are obvious risks in accepting promises over proven performance at a substantial level, and we see no way, other than the one we have taken, adequately to preserve the stability and predictability which are important aspects of the overall public interest. We believe that there will still be real incentives for those existing broadcasters willing to provide superior service to do so, since the higher the level of their operations, the less likely the new applicants will file against them at renewal time • • • Thus the public interest will be served by the continuing efforts of broadcasters to minimize the chances of the filing of competing applications. Policy Statement, supra, 22 FCC 2d at 429.

[6] "It is not possible to lay down any more precise standards," stated the Commission, "since so much will depend on the particular facts." Policy Statement, supra, 22 FCC 2d at 426.

[7] The Policy Statement was not so restrictive in scope. It included comparative hearings between licensees and new applicants for the same radio as well as television facilities in the same community. Where the new applicant sought the use of facilities in another community, however, the Policy Statement would not apply, for the essential comparison was not between the applicants. Rather, it concerned the characteristics of the communities and their respective needs for a broadcast station. In such cases, the principles of Section 307(b) of the Act would govern the hearing.

[8] The figures proposed for the selected program categories were based upon the Commission's judgment and experience as to what should constitute substantial service and upon a study of the composite week program information set forth in commercial television renewal applications for the years 1968–1970.

delivery of quality programs, and the extent to which the incumbent has reinvested the profit of its license to, the service of the viewing and listening public," should be considered in determining whether the renewal applicant had rendered a superior service entitling it to a "plus of major significance." At the same time, the Court stated (145 U.S. App. D.C. at 43, 447 F. 2d at 1212):

> • • • without impinging at all upon the Commission's substantive discretion in weighing factors and granting licenses, our holding today merely requires the Commission to adhere to the comparative hearing procedure which it has followed without fail since Ashbacker and which has rightly come to be accepted by observers as a part of the due process owed to all mutually exclusive applications.

8. In a Further Notice of Inquiry adopted on August 4, 1971, the Commission weighed the impact the *Citizens* case had upon the instant proceeding and concluded that the Court's decision reinforced, rather than obviated, the need to seek out and quantify, at least in part, a past performance entitling the renewal applicant to a "plus of major significance" in a comparative renewal situation. See 31 FCC 2d 443. While expressing some confusion as to the meaning ascribed by the Court to the term "superior,"[10] the Commission found that further attempts to redefine the differing characterizations applied to the renewal applicant's past performance were not necessary. "What rather counts," stated the Commission, "are the guidelines actually adopted to indicate the 'plus of major significance', the type of service which, if achieved, is of such nature that one can '• • • reasonably expect renewal' • • •." 31 FCC 2d at 444. Thus, the Commission invited interested parties to address themselves to the appropriateness in this respect of the percentage figures set forth in the prior Notice. Comments directed to the other proposals and to the factors suggested by the Court in the *Citizens* case were also encouraged. In the latter regard, the Commission acknowledged that while a general guideline directed to the relationship between revenues and program expenditures had earlier been considered, it was tentatively concluded that the matter should be left to exploration, as appropriate, in the hearing process. In the same vein, the Commission expressed its disbelief that a general standard could be formulated with respect to the diversification of control of the media of mass communications. That important factor, reasoned the Commission, "is one which much be evaluated on the facts of each case." 31 FCC 2d at 445.

9. Second and Third Further Notices of Inquiry in this proceeding were issued by the Commission on October 9, 1973, and November 30, 1973, respectively. See 43 FCC 2d 367 and 43 FCC 2d 822. In the second Further Notice, the Commission noted that the parties who had previously participated in the inquiry had basically addressed themselves to the limited question of whether any quantitative standards should be established to define substantial service. To establish a more complete record, the Commission requested interested parties to comment on the pragmatic problems arising from the implementation of definitive guidelines in this area. Some problems specifically noted by the Commission were the categories of programming selected, the precise definitions of those categories, the relaitve merit of exact percentages or percentage ranges to reflect substantial service, and the applicability of the suggested standards to various groups of stations. In conjunction with this Notice, a special questionnaire was issued to all commercial television licensees in order to elicit current data on the program categories selected for the proposed percentage guidelines.[11] The tabulations, based on these questionnaires, were set forth in the Third Further Notice.

Comments. 10. Apart from the generally accepted belief that past programming performance is the best evidence of how a station has and will serve its community, the formal commentary received in response to our Notices and the remarks of the parties who participated in the oral argument before the Commission on May 4 and 5, 1972, do not reflect a clear consensus of opinion on any of the matters explored in this inquiry. For example, there is marked disagreement for various reasons regarding the proposal to present local and informed electorate programming during the prime time hours of 6:00–11:00 p.m. Separate prime time standards are opposed by Station KFMB–TV, which argues that they would improperly interfere with the ability of licensees to adapt to local conditions. Storer Broadcasting Company and the firm of Haley, Bader and Potts principally object to such standards on the ground that they would not serve their intended purpose. It cannot be validly assumed, argue these parties, that, regardless of content or quality, the scheduling of a program in prime time will result in achieving a greater audience, for experience has shown that programming which lacks strong popular entertainment value does not draw a large audience during prime time. It is also argued by renewal parties that certain programming, such as programs directed specifically to farmers, to women, or to some other particular population group, is not well-suited for prime time viewing and may be better received in the morning or early-afternoon rather than at night, when a more heterogenous audience is available. KMSO–TV, Inc. and Central Coast Broadcasters, Inc. maintain that the imposition of prime time program standards would destroy viewer preference for network programming in single station markets and deprive small market television stations of a vital source of revenue. Similarly, WUAB, Inc. contends that the required presentation of fixed amounts of news and public affairs programming in prime time would impede the efforts of independent UHF stations, which had begun to earn a profit, to counter-program with respect to network affiliate stations in the market. To compel independent UHF stations to directly compete against the news programs of the network affiliates or the highly popular network entertainment programs would, submits WUAB, disserve the public interest by eliminating diversity of programming and eroding whatever financial stability the independent UHF stations may have developed.

11. Black Efforts for Soul in Television, on the other hand, supports the proposal to present local and informed electorate programming during the prime time hours of 6:00–11:00 p.m. The suggested quantitative standards are necessary in each program category, argues BEST, to prevent such public interest programs from being relegated to "graveyard" hours where even the most interested viewer would have difficulty seeing them and where they would have only a minimal effeect in informing the electorate. "Omitting a prime time standard," states the National Citizens Committee for Broadcasting, "would defeat one of the purposes of establishing programming guidelines: to ensure dissemination of information and local service to a substantial segment of the audience. • • •" NCCB further submits that the reality of viewer preference cannot be ignored—prime time is the period when most people watch television, when the public needs will most need to be served. A somewhat middle ground approach is taken by several other parties. In recognition of the various time zones, the differing schedules of the three major networks, and the early evening and late nighttime television viewing patterns, Spanish International Communications Corporation would have the prime time hours begin at 5:00 p.m. rather than 6:00 p.m., McClatchy Newspapers would expand the prime time period to include the 11:00 to 11:30 p.m. time segment, and Westinghouse Broadcasting Company would allow stations to designate any continuous five-hour period beginning at either 5:30 p.m. to 6:00 p.m., local time, as their prime time viewing hours.

12. There is also a considerable divergence of opinion with respect to the percentages initially proposed by the Commission. Some parties suggest a single

[9] Another relevant criterion subsequently advanced by the Court was the "integration of minority groups into station operation." *Citizens Communications Center v. F.C.C.*, 149 U.S. App. D.C. 419, 420, 463 F. 2d 822, 823 (1972).

[10] In response to the original petitioners' further request for relief, the Court on May 4, 1972, clarified its earlier opinion and indicated that the word "superior" had been used in its ordinary dictionary meaning, namely, "far above the average." *Citizens Communications Center v. F.C.C., supra*, 149 U.S.C. App. D.C. at 420, 463 F. 2d at 823.

[11] Program information was requested for the days comprising the Commission's 1974 composite week. See note 7, supra.

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overall percentage for all stations, regardless of the size of the market, revenues, or network affiliation; others urge a percentile range for different kinds of stations based on a station's overall strength as measured by the American Research Bureau's Day-Part Average Quarter Hourly Prime-Time Delivery figures; [12] and still others propose specific percentages keyed to various types of programming for different kinds of stations. KGUN–TV, meanwhile, urges that any programming guidelines that may be adopted should be expressed in terms of actual broadcast time devoted to the preferred program categories. With respect to the level of these percentages, Storer Broadcasting Company and others argue that the figures proposed by the Commission are unrealistically high, pointing out that only one per cent of the nation's television stations meet all four proposed guidelines, and 45 per cent do not meet any of the four guidelines.[13] On the other hand, Black Efforts for Soul in Television submits that the percentage levels proposed reflect the broadcasters' current median performance and should, therefore, be substantially revised upwards. The more current performance data which we acquired in response to the Second Further Notice of Inquiry (see paragraph 8, supra) has contributed little to resolving the parties' disagreement. For example, the National Citizens Committee for Broadcasting recommends the adoption of a standard which would be applied to the various station groupings suggested by the Commission at levels approximating their respective 20th percentiles as shown in the Third Further Notice. The National Association of Broadcasters disagrees, contending that the percentages chosen, if any, should approximate the 80th percentile for each group of stations. A number of parties believe that the percentages that may be chosen should approximately the median, whereas others disagree as to whether median percentages would be too high or too low.

13. A more fundamental concern is expressed by several parties who question the Commission's professed authority to establish quantitative standards in the manner suggested in the initial Notice. Metromedia, Inc. submits that the adoption and imposition of quantitative programming requirements would exceed the Commission's authority. It is argued that the quantitative guidelines proposed herein are, in fact, program controls or uniform nationwide program edicts, which all licensees would comply with in an effort to protect their licenses. Through the adoption of these quantitative proposals, the Commission would be prescribing programming percentages for future operation. Such activity by governmental agency, submits Metromedia, is countenanced neither by the Communications Act nor by judicial interpretations of that federal statute, specifically *Red Rion Broadcasting* v. *F.C.C.*, 395 U.S. 367 (1969), which did not bestow carte blanche program authority upon the Commission. Iowa State University of Science and Technology, the licensee of Station WOI–TV, Ames, Iowa, also has serious doubts concerning the Commission's statutory and constitutional authority to specify exactly how much and what kind of programming a renewal applicant must present if it is to be found to have rendered a substantial service to the public. According to WOI–TV, the prohibition against Commission censorship, which is set forth in Section 326 of the Act, means that the Commission may not substitute its own judgment for that of its licensees and compel the presentation of programs which the Commission, but not necessarily the licensee, deems to be in the public interest. WOI–TV further contends that the suggested quantitative program proposals not only substitute the decision of the Commission as to what and how much programming serves the interest of the public receiving its station's signal,[14] but also necessarily entail a prohibition against the presentation of other types of programming within the limited broadcast week. In the latter regard, the National Religious Broadcasters, Inc., whose views are endorsed by the National Association of Evangelicals, argues that to single out any program category is to insure that many licensees give primary attention to the preferred categories, thereby reducing or eliminating broadcast time for other, less favored program categories. For the Commission to exclude religious programming from the categories which would be considered in achieving prima facie evidence of substantial program performance would, in the NRB's view, have a "chilling" and constitutionally impermissible effect upon the freedoms guaranteed by the First Amendment. NRB submits that a program service that does not include religious programming can be in the public interest. It maintains, however, that whether to include or exclude religious programs from a station's program fare is an individual, independent judgment of the licensee, based upon its knowledge of the needs and interests of the public it serves. It should not be a decision effectively mandated by an unwise Commission action.

Discussions. 14. As noted above, a number of participants in this proceeding argue that the proposal for quantitative program standards would draw us outside the bounds for our authority. We disagree, though we appreciate the concerns they express. In our Notice of Inquiry we disclaimed any intention to dictate the content or format of particular programs, and emphasized that choosing local and informational programming is a matter for each licensee's judgment, after giving good faith attention to the problems, needs, and interests of its station's service area. We recognized possible disadvantages of a system of quantitative standards, but believed that they might foster the effectiveness of the 1970 Policy Statement and lend stability to a situation where uncertainty was escalating. Accordingly, we decided to explore the feasibility of quantifying a concept of substantial service which, if met by a renewal applicant, would normally call for renewal, and whether the public interest benefits flowing from such a corollary to the 1970 Policy Statement would warrant our intrusion into an area where we have always been reluctant to tread.

15. Our attention was originally focused on the effects of quantitative standards on comparative renewal hearings. However, many of the comments filed discuss the anticipated effects of such standards outside the hearing process. It has become entirely clear that, whatever use standards would have in hearings, they would also have a substantial effect generally. In fact, we believe that almost all licensees would adopt our standards of substantial performance as their own minimum standards. This would result in increased levels of local, news, and public affairs programming, since many stations now broadcast lesser amounts of these program types.

16. Some commenters, as indicated, applaud the expected increases in these "favored" program categories as an improvement in broadcasters' public service. However, many others maintain that mere quantitative increases are an illusory gain, and that the intrusion on licensee discretion inherent in the scheme argues against it. There is some merit in each view. It is apparent that the value of a program to the viewing public is dependent on many variables, including the resources committed to its production and its relation to audience needs and interests. Those stations that increased their support for local and informational programming might well upgrade their service. However, others—through choice or necessity—might only spread their resources thinner, and reduce the quality and value of such programming. In short, increasing the amount of this programming would not necessarily improve the service a station provides its audience. In any event, we have no illusions that quantitative standards would be other than an encroachment on the broad discretion licensees now have to broadcast the programs they believe best serve their audiences. We do not believe such a result is justified unless there are clear and substantial benefits accompanying it. We therefore turn to consideration of the likely effects of quantitative standards on the comparative hearing process.

17. For several years we have aimed to streamline what we see as an unnecessarily burdensome hearing process. One apparent key to improvement was simplifying the imporant determination of whether an incumbent had provided a substantial program service. We therefore proposed quantitative standards as a means of lending concreteness to the otherwise imprecise concept of substantial service. We recognized, however, that a single standard could not equitably be applied to all stations, and consequently proposed a range of percentages for each program category, with the appropriate figure to be dependent on the factors described above.

18. Unfortunately, the very flexibility required for meaningful quantitative standards reintroduces much of the uncertainty we sought to avoid in the first place. Were they in effect, selecting the precise standards from the specified ranges would itself be a point of contention between competing applicants. Further, even once it were determined that a station's performance fell above or below the appropriate standards, the parties would indubitably dispute whether other factors overcame the prima facie showing of substantial or insubstantial service. Thus, quantitative standards do not appear to us to offer licensees, competing applicants, or the public any significantly greater certainty as to what level of preformance would constitute substantial service. In addition, of course, even a clear history of substantial service would not guarantee renewal, since any preference awarded for it cannot terminate the hearing in favor of the incumbent licensee.

19. Quantitative standards also suffer a defect suggested earlier, when we pointed out that meeting them established only a prima facie case of substantial service. We rely chiefly on program percentages and avoid judging program quality per se, but there are certain qualitative aspects we must consider. This was illustrated in an example we gave in the Notice of Inquiry: "An applicant could devote a most substantial percentage of his time to public affairs, * * * but with coverage solely of issues like canoe safety, rather than the issues that are truly of 'great public concern' in the area." We therefore look to the adequacy of an applicant's ascertainment of community problems, needs, and interests, and to his programming in response to them. While we afford a licensee great discretion in selecting his responsive programming, the adequacy of the programming effort is obviously the sum of both the amount and the nature of it. Since quantitative standards cannot take such important factors into account, they are inherently deficient.

Conclusions. 20. To summarize, we believe that the quantitative program standards under consideration here would have effects in two areas. First, they would artificially increase the time most television stations devote to local news, and public affairs programming. Such general increases were not our purpose in this proceeding and would represent a restriction on licensees' program discretion, a result we would eschew in the absence of clear and substantial public interest benefits. Licensees must present a reasonable amount of local and informational programming to justify renewal, but we are not convinced that the government should impose on broadcasters a national standard of performance in place of independent programming decisions attuned to the particular needs of the communities served. Second, they would not produce any significant improvement in the quality or efficiency of our comparative renewal hearing process. On the contrary, they might well complicate the process further.

21. We set out to establish benchmarks of substantial program service which would warrant preferring an incumbent licensee to a challenger, thereby affording licensees a degree of certainty as to programming performance they would have to achieve to protect themselves against competing applicants. After hearing two days of testimony and considering hundreds of pages of comments on this subject, we conclude that quantitative standards would not do what we had hoped. They would not simplify the hearing process, and they could not offer a licensee any real assurance of renewal. They are a simplistic, superficial approach to a complex problem, and we will not adopt them.

22. While we have decided that quantitative program standards should not be adopted and that this protracted inquiry should be terminated, our efforts and the endeavors of those who participated herein have not been for naught. The evaluation of the commentary developed in this proceeding and the experience acquired since 1971 in considering individual comparative renewal cases and in reviewing the legislative proposals advanced in Congress have led this Commission to conclude that inadequacies of the mechanism for comparing the incumbent licensee and the new applicant are symptomatic of the defects inherent in the comparative renewal process itself. In November 1976 we therefore recommended to Congress the elimination of comparative renewal hearings, stating:

> Since the earliest broadcast legislation was considered, Congress has favored a competitive, privately run broadcast system operating free of government censorship of program content. On the other hand, we have rightfully viewed broadcasters as public trustees with obligations to serve the public interest and with no vested interest in their assigned frequencies. The optimal balance between these values would produce a renewal process that encourages licensee performance with a minimum of government intrusion into the broadcaster's programming discretion. The possibility of a comparative renewal challenge has been viewed as an incentive operating to spur the broadcaster toward the best possible public service performance.[17a] In view of the fact that the comparative process has not and cannot operate effectively for this purpose [17] and since the subjectivity inherent in this process carries with it an ever present threat of undue government intrusion into broadcaster discretion, we believe that the comparative renewal process should be abolished. (Footnotes omitted.) [18]

23. Until such time as the Congress acts in this area, the Commission will continue to resolve these renewal proceedings in a manner consistent with the policies and practices set forth in prior comparative renewal cases. As reflected in those cases, our focus will initially be upon the program service rendered by the renewal applicant during the preceding license term. The incumbent licensee's past performance achieved under the pressures and demands of day-to-day operation in the community, affords the Commission the strongest and most reasonable basis on which to determine whether the public interest will be served by its renewal. Our past practice in this regard has been to examine all elements of the licensee's past performance that bear upon its service in the public interest. We agree with the Court in *McClatchy Broadcasting Co.* that "[w]here that interest lies is always a matter of judgment and must be determined on an ad hoc basis." 239 F. 2d 15 (D.C. Cir. 1956). Our precedent in this area further reveals some of the issues that we have considered particularly relevant. In general, of course, the licensee's responsiveness to the ascertained problems and needs of its community, including minority interests and concerns, remains central. See *Ascertainment of Community Problems by Broadcast Applicants*, 57 FCC 2d 418 (1976). In *RKO General, Inc. (KHJ–TV)*, 44 FCC 2d 123 (1973), a broad range of issues was developed in the record, including: news, public affairs and local programming, as well as cultural, educational, foreign language, prime time, children's agricultural and religious programming. Clearly, there is no "formula of general application" that can be applied to all cases. Moreover, in the future we expect that issues that are not now considered important will come to the fore. Thus to a large extent participants can raise, upon an appropriate showing; any other relevant and sub-

[12] Consideration of such factors as staff size, climate and topography, expansiveness of service areas, and other ingredients of small market broadcast operations are also advocated by KMSO–TV, Inc. and the Rocky Mountain Broadcasters Association.

[13] According to Storer, the Commission's statement in the Notice of Inquiry that "in each of [the] categories, substantial numbers of broadcasters are meeting the proposed guidelines" was premised upon an averaging of the relevant stations' performance in each program category. See 27 FCC 2d at 581.

[14] To suggest the specific categories, the minimum amount of broadcast time to be allocated to each category, and the specific hours of the day during which these favored types of programs are to be carried in order to preserve the broadcaster's license from challenge is, in the opinion of the North Carolina Association of Broadcasters, a substantial intrusion into the specific program judgment of every affected television licensee, in contravention of the First Amendment and Section 326 of the Act. Similarly, Southern Broadcasting Company feels that there is no basis in law for the Commission's imposition of rigid standards of specified program percentages at designated times.

[17] Report of the Federal Communications Commission to the Subcommittee on Communications of the Committee on Interstate and Foreign Commerce [of the House of Representatives] Re the Comparative Renewal Process, at page 41.

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stantial factors bearing upon the licensee's past performance and the program service that can be expected from that licensee in the future. When presented with comparative hearing cases in the future, the Commission will have to continue to weigh all issues carefully and make the public interest determinations that cannot be foreshadowed today or structured with mathematical precision.

24. As illustrated most recently in the Daytona Beach, Florida case,[16] the renewal applicant must, therefore continue to run on its record, and we believe that that record should be measured by the degree to which the licensee's program performance was sound, favorable, and substantially above a level of mediocre service which might just minimally warrant renewal. Where the renewal applicant has served the public interest in such a substantial fashion, it will be entitled to the "legitimate renewal expectancy" clearly "implicit in the structure of the [Communications] Act." *Greater Boston Television Corporation* v. *F.C.C., supra*, 143 U.S. App. D.C. at 396, 444 F. 2d at 854. Thereafter, we will direct our attention to the comparative factors set forth in the 1965 Policy Statement, supra. While that policy statement will otherwise govern the introduction of evidence in the comparative renewal proceeding, the weight to be accorded the legitimate renewal expectancy of the incumbent licensee and the significance of other comparative considerations will depend on the facts of the particular case.

25. This approach leaves it to the hearing process to determine—on a case-by-case basis—which applicant would best serve the public interest. Given the comparative nature of the process, we question whether any other result is possible, since each case must be decided on the record. That is, because each applicant is entitled to a full and complete comparative hearing, the outcome of the hearing must depend on the evidence adduced, not on some absolute standard set by the Commission.

26. Accordingly, it is ordered, That this proceeding is terminated.

FEDERAL COMMUNICATIONS COMMISSION [17]
VINCENT J. MULLINS,
Secretary.

APPENDIX A

Testimony was given or comments filed by or on behalf of the following parties:

Action for Children's Television
American Broadcasting Companies, Inc.
American Newspaper Publishers Association
Professor Robert A. Anthony
Appalachian Broadcasting Corp.
Mrs. Robert Bartunek
William H. Best III
Black Efforts for Soul in Television
Black Hawk Broadcasting Company
Capital Cities Communications, Inc.
Central Coast Broadcasters, Inc.
Channel 3, Inc.
Chronical Broadcasting Co.
Colby and Tarrant
Columbia Broadcasting System, Inc.
Combined Communications Corporation
Combined Communications Corporation of Kentucky, Inc.
Combined Communications Corporation of Oklahoma, Inc.
Committee for Community Access
Committee for Open Media
Community Broadcasting Company
Community Coalition for Media Change
The Corinthian Stations
Cornhusker Television Corporation
Council of Churches of Christ of Greater Cleveland
Dempsey and Koplovitz
Dudley Station Corporation
Eagle Broadcasting Company
Eugene Radio-Television, Inc.
The Evening News Association
Fetzer Broadcasting Company
Fetzer Television Corporation
Fidelity Television, Inc.
Fisher's Blend Station, Inc.
Florida Association of Broadcasters
Forum Communications, Inc.
General Electric Broadcasting Co., Inc.
Georgia Association of Broadcasters
Gill Industries
Golden West Broadcasters
Haley, Bader & Potts
Hampton Roads Television Corporation
Idaho Association of Broadcasters
Institute for Broadcasting Financial Management, Inc.
Iowa State University of Science and Technology
KAKE–TV and Radio, Inc.
Key Television, Inc.
KMSO–TV, Inc.
KOOL Radio-Television, Inc.
Koteen & Burt
KTAR Broadcasting Company
J. Jerome Lackamp
Leake TV, Inc.
Lee Enterprises, Incorporated
Louisiana Association of Broadcasters
McClatchy Newspapers
Meredith Corporation
Metromedia, Inc.
Midcontinent Broadcasting Co.
Arna Mueller
National Association for Better Broadcasting
National Association of Broadcasters
National Association of Evangelicals
National Black Media Coalition
National Broadcasting Company, Inc.
National Citizens Committee for Broadcasting
National Religious Broadcasters, Inc.
Nationwide Communications, Inc.
Nebraska Broadcasters Association
Norbertine Fathers
North Alabama Broadcasters, Inc.
North Carolina Association of Broadcasters
Office of Communication of the United Church of Christ
The Orion Stations
Palmer Broadcasting Company
Peninsula Broadcasting Corporation
Post-Newsweek Stations
Quincy Broadcasting Company
Ranchland Broadcasting Co., Inc.
RKO General, Inc.
Rock Island Broadcasting Co.
Rocky Mountain Broadcasters Association
Rust Craft Broadcasting of New York, Inc.
Sabine Broadcasting Company
Scranton Broadcasters, Inc.
Screen Gems Stations, Inc.
Sonderling Broadcasting Corp.
South Carolina Association of Broadcasters
Southern Broadcasting Company
Southwest Oregon Television Broadcasting Corporation
Spanish International Communications Corporation
Rev. Donald Stockford
Storer Broadcasting Company
Stuart Broadcasting Company
Tennessee Association of Broadcasters
Time-Life Broadcast, Inc.
Tribune Publishing Co.
United States Department of Justice
United States Office of Economic Opportunity
Universal Communications Corporation
WAPA–TV Broadcasting Corporation
WBEN, Inc.
WBNS–TV, Inc.
WCAR, Inc.
WDSU–TV, Inc.
Welfare Rights Organization
Westinghouse Broadcasting Company, Inc.
WGAL Television, Inc.
WHP, Inc.
WJAC, Incorporated
WKY Television System, Inc.
WLAC–TV, Inc.
WLKY–TV, Inc.
WNJU–TV Broadcasting Corporation
WOC Broadcasting Company
Wometco Skyway Broadcasting Company, Inc.
WPIX, Inc.
WPTA–TV, Inc.
WUAB, Inc.

STATIONS

KCAU–TV, Sioux City, Iowa
KFIZ–TV, Fond du Lac, Wisconsin
KRMB–TV, San Diego, California
KGUN–TV, Tucson, Arizona
KIIX, Fort Collins, Colorado
KJEO–TV, Fresno, California
KMEX–TV, Los Angeles, California
KMTV, Omaha, Nebraska
KOAA–TV, Pueblo, Colorado
KOSA–TV, Odessa, Texas
KRGV, Weslaco, Texas
KTSB–TV, Topeka, Kansas
KWEX–TV, San Antonio, Texas
KZTV, Corpus Christi, Texas
WAFB–TV, Baton Rouge, Louisiana
WAKR–TV, Akron, Ohio
WCIA, Champaign, Illinois
WCTV, Thomasville, Georgia
WDAM–TV, Laurel, Mississippi
WHNB–TV, New Britain, Connecticut
WICD, Champaign, Illinois
WICS, Springfield, Illinois
WJBF, Augusta, Georgia
WKNX–TV, Saginaw, Michigan
WKRG–TV Mobile, Alabama
WLTV, Miami, Florida
WMBD–TV Peoria, Illinois
WMTV, Madison, Wisconsin
WNOK–TV Columbia, South Carolina
WRAU–TV Peoria, Illinois
WSAU–TV Wausau, Wisconsin
WSIL–TV Harrisburg, Illinois
WSPA–TV Spartanburg, South Carolina
WTOK–TV Meridian, Mississippi
WTRF–TV Wheeling, West Virginia
WTVO, Rockford, Illinois
WXTV, Patterson, New Jersey

SEPARATE STATEMENT OF COMMISSIONERS BENJAMIN L. HOOKS AND JOSEPH R. FOGARTY

In Re: Docket 19154, Formulation of Policies Relating to the Broadcast Renewal Applicant, Stemming from the Comparative Hearing Process.

The most accurate way to describe the situation with respect to comparative renewals is, to borrow from Sir Winston Churchill, that it is a riddle within an enigma within a conundrum. The riddle: by what standards is a renewal applicant to be measured. The enigma: by what standards is a renewal challenger to be measured. The ultimate conundrum of course is, even assuming the establishment of such respective standards, how can there be constructed a matrix which can

[16] *Cowles Florida Broadcasting, Inc.* (*WESH–TV*), 60 FCC 2d 372 (1976), reconsideration denied, FCC 77–1, released January 4, 1977.

[17] See attached Separate Statement of Commissioners Hooks and Fogarty and Statement of Commissioner Quello.

be used to rationally measure and compare two largely unrelatable properties: an empirical property (an existing record) and an a priori property (a set of applicant pledges). The present statutory scheme which now unarguably compels such comparisons [1] may well demand the sort of classic "apples and oranges" similization which makes the statute impossible to administer in any perfect fashion.

Indeed, many deft and scholarly minds have addressed this condition and declared the patient incurable.[2]

The majority is understandably frustrated by its inability to resolve this complex equation systematically, and thus, in a metaphoric sense, it throws its hands in the air and its fate to the mercy of the legislature. It essentially declares the statutory scheme administratively unworkable and says that no intelligible standards being possible, it will adopt none and will instead decide future comparative cases on an ad hoc basis without benefit of pre-announced guidelines, save occasional reference to our 1965 Policy Statement on Comparative Broadcast Hearings. (see infra.)

Although that may be one pragmatic answer, it is not necessarily the only or the best answer to an admittedly deep dilemma. In fact, given that an administrative agency is required to justify its actions on some rational basis, any future decision in a comparative renewal case which smacks of a "seat of the pants" approach and judgment will be susceptible to appellate reversal. *See Johnston Broadcasting Co.* v. *FCC*, 175 F.2d 351 (1949) (comparative applicants must be measured on all "material differences" and the choice must go to the "better qualified").

Therefore, and in full appreciation of the conceptual difficulties involved, it behooves the Commission to do all that is conceivable to develop and enunciate the actual standards it intends to employ in its analytical process; that is an unavoidable legal duty. There is no doubt that any criteria developed in this amorphous area will be to some degree imperfect. Nor is there any doubt that such standards, of necessity, will be to some extent subjective or that in the final analysis any selection between competing candidates for a license will have to rely heavily on judgmental elements not given to rigid objectification. Notwithstanding, and unless and until the problem is addressed by legislature, we are flatly compelled to develop some reasonable comparative process so that the public as well as our regulatees have better notice of the ground for our judgments.

RENEWAL APPLICANT RECORD

To this end, as we see it, there needs first to be defined the elemental criteria by which we assess a renewal applicant's record. As we have been told by the judiciary, it is "literally" on that record that the renewal applicant runs. *Office of Communications of the United Church of Christ* v. *FCC*, 359 F.2d 994 (1966). And, as the majority correctly notes, we have been told that a "meritorious licensee" should not lose its license absent sound public policy reasons. *Majority Order*, para. 3 (*citing Greater Boston Television Corporation* v. *FCC*, 444 F.2d 841 (1970)). *Cf. Chicago Federation of Labor* v. *Federal Radio Commission*. 41 F.2d 422 (1930). Moreover, the *Greater Boston* doctrine was both endorsed and reinforced by *Citizens Communications Center* v. *FCC*, 447 F.2d 1201 (1970) wherein the court declared that a renewal applicant demonstrating a "superior" record should be accorded "a plus of major significance" in any comparative context. Specifically, the court said: (447 F.2d at 1213, footnote 35):

The court recognizes that the public itself will suffer if incumbent licensees cannot reasonably expect renewal when they have rendered superior service. Given the incentive, an incumbent will naturally strive to achieve a level of performance which gives him a clear edge on challengers at renewal time. But if the Commission fails to articulate the standards by which to judge superior performance, and if it is thus impossible for an incumbent to be reasonably confident of renewal when he renders superior performance, then an incumbent will be under an unfortunate temptation to lapse into mediocrity, to seek the protection of the crowd by eschewing the creative and venturesome in programming and other forms of public service. The Commission in rule making proceedings should strive to clarify in both quantitative and qualitative terms what constitutes superior service.

A. "QUANTITATIVE" RENEWAL STANDARDS

Thus, before any scale of licensee performance can be prescribed, it is clear that the elements on which we will "score" a renewal applicant must be clearly established. Putting aside all comparative aspects for the moment, it is an open secret that by delegation of authority to the staff, the rough rule of thumb employed by the Commission to gauge ordinary licensee renewability is our "5–1–5" rule. That is, any licensee which does not propose, in aggregate annual amounts of program time, at least (a) 5% news, (b) 1% public affairs and (c) 5% other non-entertainment programming has the onus of explaining to us the reason(s) for the "deficiencies."

Some have suggested, therefore, that the answer to the *Citizens* invitation is simply to have the Commission construct a graduated performance curve predicated on the "5–1–5" index and designate progressively higher levels within those selective program areas in accordance with an ascending continuum of superlatives. E.g., 6–2–6, "good" 7–3–7, "better," 8–4–8 and above, "superior."

However attractively simple that formula might appear, it is obvious that such a primitive calibration suffers from two principal and probably fatal deficiencies. One, it rests tenuously on the subjective and highly dubious proposition that the entirety of a licensee's overall obligations can be measured solely by the raw time it has devoted to three rather narrow programming categories. And, two, it would likely escalate into a potentially ad absurdam inflation of the regnant norm.

With respect to the first drawback, subjectivity, the learned Chief Judge of the D.C. Circuit Court of Appeals, the Hon. David L. Bazelon perhaps said it best when in a recent opinion he observed: "Comparing amounts of programming types aired, not only requires qualitative judgments in categorizing the programs, but would also seem to be a crude measure of the public interest." N.C.C.B. v. FCC, ---- F. 2d ----, ---- D.C. Cir. No. 75–1064, (released March 1, 1977), slip op. at 40. A literal reading of that opinion also suggests that any such qualitative analysis may run afoul of a broadcaster's First Amendment rights in the first instance and we cannot completely overlook the possible constitutional implications.

With respect to the second aspect, escalation, there is no denying that any performance "floor" we establish in terms of a performance gradation would quickly convert the "superior" into de rigueur. While this might very well upgrade the overall level of non-entertainment programming, it is largely inapposite to and unhelpful with our immediate problem, viz, a mechanism for contrasting the past programming record of an existing licensee with the promises of a new applicant. The nexus is, at best, remote. Thus, we concur with the majority in refusing to adopt the "quantitative standards" test as proposed.

B. TRADITIONAL COMPARATIVE STANDARDS

Hence, acknowledging the critical shortcomings of a pure "quantitative standards" methodology, many would suggest simply falling back on those standards set forth in our 1965 Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393 (1965), as a suitable benchmark. However, there is no getting around the fact that the 1965 Policy Statement was evolved to compare two (or more) competing applicants for a *new* facility and does not contemplate an advantage to any party on the basis of a meritorious record of performance. The 1965 Policy Statement, rather, assigns competitive values to ownership and organizational structure while the courts have told us that "a renewal applicant . . . must literally 'run on its record.'" Office of Communications of the United Church of Christ v. FCC, 359 F. 2d at 1007; and again, the superior applicant is to be given a "leg up" over its adversaries. Accordingly, as we read these principles, a renewal applicant demonstrating only average performance must be compared on the full gamut of predictive factors, and we have no particular dispute with that course of events. Thus, all that remains for us to effectuate the courts' edicts is to define and clarify the criteria by which we evaluate a broadcast record in order to determine whether a licensee's past performance entitles it to legitimate expectation of renewal.

A POSSIBLE ALTERNATIVE: THE "COMPREHENSIVE OVERVIEW" APPROACH

Having eschewed the so-called "quantitative standards" approach, we believe there needs to be devised a system that to the extent feasible:

(a) Measures the totality of licensee responsiveness to its fiduciary role according to objectively oriented guidelines.

(b) Allows for the appropriate recognition of meritorious past broadcast records, and

(c) Permits a challenger to point out deficiencies and offenses in a current licensee's record and its own ability to surpass that record in all foreseeable likelihood.

To that end, we believe that there should be articulated an outline of those positive activities engaged in by licensees which could evidence a strong commitment to the public interest responsibilities that accompany the broadcasting privilege. Such a conceptual list should include not only those codified duties that form the threshhold for any bare acceptability test, but those that go appreciably beyond our minimum requirements. Moreover, for purposes of taking cognizance of conduct that is in the truest sense "superior," the list should fully include those activities that demonstrate an awareness of and sensitivity to community problems, needs, tastes, and interests above and beyond those strictly amenable to regulatory supervision. By these, we mean those activities

[1] 47 U.S.C. Sections 309 (a) and (e). *See also Ashbacker Radio Corp.* v. *FCC*, 326 U.S. 327 (1945); *Citizens Communications Center* v. *FCC*, 447 F. 2d 1202 (1972).

[2] For an engrossing history of the comparative process, and overlooking the wry coloration, see the exhaustive dissent of former Commissioner Glen O. Robinson in Cowles Florida Broadcasting, Inc., 60 FCC 2d 372 at 435 (1976). After a thoroughgoing review of our comparative processes, Commissioner Robinson also consigns the system to the scrapheap and suggests, instead, licensing by lottery. That result, however, strikes us more than a little dicey and the odds on its adoption are about the same as those on the Easter Bunny in the Preakness.

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which evince a full integration into the affairs of the community and the licensee's attempts through its licensed medium to call attention to problems, to suggest answers, to educate the electorate, to serve minority groups, to recognize and respond to the needs of the large children's audience—in short—to illuminate, to entertain, to enlighten, to uplift.

In that connection, there is attached hereto a possible checklist of typical licensee activities, programming and otherwise, upon which we could conceivably evaluate licensees and provide the public with a comprehensive schedule of those elements we would look to in reviewing a licensee's total efforts to serve the community in accordance with the highest standards anticipated of a fiduciary. (See Attachment A). There is no intention here that the Commission keep a "running score" on individual broadcasters over one or more license terms; the list would serve simply as a yardstick by which, in a comparative renewal setting, a licensee's efforts could be evidenced. If, in contrast to the average station in its class, a licensee demonstrated service to its community in the most dedicated and conscientious manner according to the specified elements, that licensee would be awarded the "plus of major significance" adverted to ante.

Many will find that most of the component elements on the sample list are not entirely new but rather comprise a host of items which are now routinely noticed by the Commission or are routinely supplied by licensees in comparative proceedings anyway. They reflect, it is believed, a composite of those fundamental activities common—more or less—to all television broadcast stations; and in fact, the particular activities described may be more familiar to licensees than to the Commission itself.

While this suggested checklist is not intended to be definitive and public comment on improvements would be most welcome, it does represent, we believe, a reasonable attempt to objectify and to a certain extent quantify what until now has been a process of almost absolute subjectivity.

CONCLUSION

Although, regrettably, the objectification of renewal standards does not and cannot remove us from the thorny thicket of further comparative deliberations, it is, we believe, a possible step in the right direction. Because until some method is established of rationally evaluating a renewal applicant's performance, there is no possible way to begin to award the "plus" to which a superior applicant is properly entitled.

Moreover, we see no reason why a licensee which has rendered clearly meritorious service and whose record is free of any significant infractions should ever have to worry about being displaced by another party. In the real world, our experience has been that the spectre of comparative renewals is a threat most frequently to those licensees which have fallen significanty short of the right to be called superior, however that standard is defined. While the comparative renewal process is unquestionably a somewhat cumbersome method to spur licensees to the excellence we all would expect, it does have the advantage over more Draconian measures and deep regulatory involvement which might be the only suitable alternative to the comparative process.

In conclusion, although we concur with the majority to the extent that it rejects the "quantitative standards" approach as proposed, we do not at this time call for Congressional abrogation of the comparative process and have proffered a possible alternative by which to effect our public interest mandate in accordance with our understanding of the present state of the law and to make our ad hoc decisions more predictable, orderly and reasonable.

APPENDIX

HYPOTHETICAL TELEVISION RENEWAL CHECKLIST [1]

A sample of what elements such a Checklist might contain are the following:

A. *Programming Practices.* 1. Amount of time devoted to:

a. News and public affairs,

b. Childrens programming,

c. Local programs attuned to needs, problems and interests as adduced in ascertainment survey,

d. Programs primarily directed to racial and cultural minorities,

e. Programs relating to controversial issues of public importance and editorial programming,

f. Opportunity for public response to controversial issues and editorials,

g. Public service announcements and amount thereof devoted to local community affairs,

h. Pre-emption of network entertainment for other material.

2. Amount of the above presented in Prime Viewing Hours

B. *Commercial Practices.* 1. Overall average of commercial content

a. Reduction of such levels during childrens programs

b. Clustering (or other techniques) to avoid pervasive advertising directed to children

Conformance with appropriate codes respecting kinds and varieties of unsuitable advertising.

3. Rejection of deceptive or misleading advertisements.

a. Conformity with all Federal Trade Commission guidelines and advisories on ads.

4. Responsiveness to official (federal, state, local) agencies engaged in consumer protection.

C. *Employment, Management and Ownership Practices.* 1. Employment and management profile reflective of community demographics:

a. Conformance with rules of FCC, EEOC, and other federal, state and other local equal employment agencies.

2. Minority and female representation on board of directors and other management bodies.

3. Training and recruitment of minority and female personnel.

4. Efforts to attract minority equity in ownership (where applicable).

5. Investment in improvement of facilities, personnel and service.

D. *Community Involvement.* 1. Extent of ascertainment efforts.

2. Facilitation and encouragement of continuous dialogue with public and public interest groups.

3. Adherence to agreements with citizens and groups.

4. Participation in local affairs.

a. Service to charity and educational boards by management.

b. Involvement in civic affairs,

c. Provision of facilities, equipment, expertise and other resources to the public.

5. Commission examination of complaints and/or commendations from community during license term.

[1] The elements on this checklist are not necessarily complete or those favored by Commissioners Hooks and Fogarty, but represent a compendium of some of the major elements suggested by the public, public interest groups and the legislature.

STATEMENT OF COMMISSIONER JAMES H. QUELLO

In Re: Broadcast Comparative Hearings Policy Statement.

I support the majority position in continuing our present policy in comparative renewal cases. My support is based less on philosophical grounds than upon practical ones. It is clear to me that, absent Congressional action, comparative renewal proceedings are a fact of life and no objective standards, regardless of how they might be framed, will serve to obviate such proceedings under current interpretations of the court.

I want to make it clear that I view this issue as a technical one, however, and I do not regard it as an implication that the Commission is satisfied with current levels of public service by all the broadcasting industry. My personal view is that public service standards could, and should, be higher and that more time and effort should be devoted to local programming—including public affairs and news programming during hours which attract the largest audiences. I also believe that more attention should be devoted to the production and scheduling of public service announcements in TV prime time or radio "drive" time to reach a large audience and ensure effectiveness. Establishment of rigid rules to force public service performance would probably be a misuse of governmental authority. However, such performance, or lack thereof, will receive considerable weight in my personal future deliberations in renewal cases.

[FR Doc.10819 Filed 4-12-77;8:45 am]

CENLA BROADCASTING CO., INC. AND UNITED COMMUNICATIONS, INC.

Applications for Construction Permit

Adopted: April 4, 1977.

Released: April 11, 1977.

In re applications of Cenla Broadcasting Company, Inc., Alexandria, Louisiana, Req: 93.1 MHz, Channel 226; 100 kW (H & V); 790 ft. (H & V); (Docket No. 21151, File No. BPH-9495), United Communications, Inc., Alexandria, Louisiana, Req: 93.1 MHz, Channel 226; 100 kW (H & V); 810 ft. (H & V), (Docket No. 21152, File No. BPH-9648), for construction permit.

1. The Commission, by the Chief, Broadcast Bureau, has before it the above-captioned applications of Cenla Broadcasting Company, Inc. (hereinafter "Cenla") and United Communications, Inc. (hereinafter "United"), both seeking a construction permit for a new FM broadcast station in Alexandria, Louisiana. Requesting the same channel, these applications are mutually exclusive.

2. In Exhibit CN-I-a of its application, Cenla stated that "(t)he industrial life of Alexandria-Pineville and the surrounding area is based upon agriculture and its related activities * * *. Along with agriculture, commercial fresh-water fishing is also a thriving business". By letter dated March 29, 1976, Commission staff advised Cenla that its community leader survey omitted representatives of the fishing industry. This omission was not corrected by Cenla's amendment of April 28, 1976. Although the amendment reported numerous additional interviews

with community leaders, representatives of the fishing industry were not among them. Question and Answer 16 of the Commission's Primer on the Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650 (1971), indicates that an ascertainment showing is defective if leaders of a significant group comprising the community are not consulted. An appropriate issue will therefore be specified.

3. Question and Answer 6 of the Primer require an applicant to ascertain the problems of major communities which are outside the city of license, within 75 miles of the transmitter, and which the applicant undertakes to serve. Question and Answer 7 provides that as certainment in such communities may consist of consultations with leaders who can be expected to have a broad overview of community problems. In the alternative, if an applicant chooses not to serve such a community, it must explain why. These requirements were pointed out to Cenla by Commission staff letter of March 29, 1976. Figure K of Cenla's application indicates that Ferriday, Louisiana, is within Cenla's proposed 1 mV/m contour and is less than 75 miles from its proposed transmitter. In 1970, Ferriday's population was 5,239. Considering the size of the proposed city of license (41,557 in 1970), Ferriday is a major community as contemplated by Questions and Answers 6 and 7. As Cenla has neither interviewed "broad overview" leaders in Ferriday nor explained why it does not intend to serve the community, an issue will be specified.

4. A similar defect appears in United's ascertainment showing with respect to Ferriday and the Louisiana community of Winnfield, whose 1970 population was 7,142. Both communities are located within United's proposed contours and within 75 miles of its proposed transmitter site, and an issue on this point is required.

5. Commercial fishing, cited as economically important by Cenla, also goes unmentioned in the ascertainment showing of United. Although advised by Commission staff letter of March 29, 1976, of the need for economic data, United's description of the composition of Alexandria says nothing about fishing, and no representatives of the industry are listed in connection with the community leader survey. In accordance with Questions and Answers 13(a) and 16, an issue will be specified.

6. Prior to its amendment of March 4, 1977, United proposed to finance construction and operation with $16,400 paid in by stock subscribers and a $187,000 line of credit from SCDF Investment Corporation. The March 4 amendment, however, withdrew reliance upon the SCDF funds. United has therefore demonstrated the availability of only $16,400. Although the absence of information pertaining to costs of capital precludes calculation of United's total financial requirement, the funds now available clearly are vastly inadequate; United's down payment on equipment alone requires $37,312. A financial issue will therefore be included.

7. United proposes a specialized format of predominantly black-oriented programing. Cenla, in contrast, proposes general market programing. The relative need for these different types of programing will be considered under the standard comparative issue, Ward L. Jones, FCC 67-82 (1967); Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, footnote 9 at 37 (1965).

8. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Because they are mutually exclusive, they must be designated for hearing in a consolidated proceeding.

9. Accordingly, *it is ordered*, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

(1) To determine the efforts made by the applicants to ascertain the community needs and problems of the proposed service area, in the following respects:

(a) Whether Cenla Broadcasting Company Inc.'s showing omits consultations with leaders of the commercial fishing industry, a significant group in the community.

(b) Whether Cenla Broadcasting Company Inc. has complied with questions and answers 6 and 7 of the Primer with respect to the community of Ferriday, Louisiana.

(c) Whether United Communications, Inc. has complied with questions and answers 6 and 7 of the Primer with respect to the communities of Ferriday and Winnfield, Louisiana.

(d) Whether United Communications, Inc.'s showing omits consultations with leaders of the commercial fishing industry, a significant group in the community.

(2) To determine, with respect to United Communications, Inc.:

(a) The amount of funds required to construct the proposed station and operate it for one year without revenues;

(b) The source and availability of funds in excess of $16,400;

(c) Whether, in light of the evidence adduced pursuant to (a) and (b) above, the applicant is financially qualified to construct and operate as proposed.

(3) To determine which of the proposals would, on a comparative basis, better serve the public interest.

(4) To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

10. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

11. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly), within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the Rules.

FEDERAL COMMUNICATIONS COMMISSION.
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.77-10818 Filed 4-12-77;8:45 am]

[RM-2678]

KNBA INC.

Table of Assignments, FM Broadcast Stations (Vallejo, California)

Adopted: April 6, 1977.

Released: April 11, 1977.

By the Chief, Broadcast Bureau: 1. The Commission has under consideration a petition for rule making filed on March 29, 1976, by KNBA, Inc., licensee of daytime-only AM Station KNBA, Vallejo, California, requesting amendment of the FM Table of Assignments, Section 73.202 (b) of the Commission's Rules, by the assignment of Class B Channel 241 at Vallejo, California, as its first FM assignment. This proposal would require the following changes to existing assignments: (1) The substitution at Scramento, of Class B Channel 229 for Class B Channel 241, presently occupied by Station KCTC(FM); (2) the substitution at Roseville, California, of Channel 280A for Channel 228A, currently occupied by Station KPIP(FM); (3) the substitution at Chico, California, of Class B Channel 256 for Class B Channel 229, presently licensed to Station KFMF (FM); (4) the substitution at Yuba City, California, of Channel 249A for Channel 280A, presently occupied by Station KHEX(FM); and (5) the substitution at Oroville, California, of Channel 269A for Channel 249A, on which an application is pending.[1]

2. Two oppositions to KNBA's petition were timely filed, one by Kelly Broadcasting Company, licensee of KCTC (FM), Sacramento, California, and one by Cascade Broadcasting, licensee of Station KHEX(FM), Yuba City, California. One opposition was filed twenty days late by Radio KPOP, licensee of Station KPIP(FM), Roseville.[2] These

[1] An application, BPH-10031, for a construction permit for Channel 249A at Oroville was submitted by Oroville Radio, Inc. on June 29, 1976.

[2] KNBA filed a Motion to Dismiss or Strike Radio KPOP's Opposition because it was late filed and as such was in violation of Section 1.405 of the Commission's Rules. Radio KPOP thereafter filed a Motion to Dismiss KNBA's "Motion to Dismiss or Strike" or in the alternative that Radio KPOP's opposition be considered as an informal objection. However, we do not believe that it is necessary to resolve these procedural issues in view of the fact that, aside from the points made in the KPOP filing, the KNBA proposal requires denial.

V42N71 APR 13 77 UMI

oppositions argue that the Commission should not propose the assignment of FM Channel 241 at Vallejo for the following reasons: (1) KNBA's proposed assignment would serve no need compelling enough to justify changing FM channel assignments of four existing licensees; (2) the proposed change of channels would work an extreme hardship on the four existing licensees, especially to KCTC(FM), Sacramento, which would receive interference on its new channel from "super-power" Station KFYE(FM), Fresno; (3) KNBA has not demonstrated its ability to reimburse the four FM licensees for the costs of shifting their stations' channels; and (4) KNBA has not shown whether any Class A FM channels are available for assignment to Vallejo in lieu of the proposed Class B channel or why it would be in the public interest to assign a Class B FM channel to serve Vallejo rather than such a Class A channel. KNBA responded to these arguments in a timely filed reply in which KNBA alleged that Vallejo needs the service and is a large enough community under the Commission's population criteria to be entitled to two FM assignments. Moreover, KNBA argues that the Commission's Rules do not protect Station KCTC (FM), Sacramento, from interference, noting the fact that there would be no shortspacing between KCTC(FM) and KFYE(FM), Fresno.

THE KNBA PROPOSAL

3. The petition states that Vallejo (pop. 66,733) [1] is situated in Solano County (pop. 166,941) and is located approximately 40 kilometers (25 miles) northeast of San Francisco. Vallejo's local aural service consists solely of the petitioner's daytime-only AM Station KNBA.

4. The petitioner requests that the Commission propose the assignment of Channel 241 to Vallejo as its first FM assignment because, according to the petitioner, Vallejo needs fulltime aural service. The petitioner contends that Vallejo, Napa, and Fairfield compose a Standard Metropolitan Statistical Area (SMSA) of 250,000 people and points out that, within this SMSA, there is only one full-time AM station and one FM station (Class A). The petitioner believes that the assignment of Class B Channel 241 at Vallejo would help meet the needs of this area, which petitioner says is underserved, by providing first commercial FM service to Vallejo and to parts of Solano County. The petitioner has submitted a Roanoke Rapids, 9 F.C.C. 2d 672 (1976), study showing that a Class B station on Channel 241 with facilities of 5.3 kW and an antenna height of 425 meters (1,390 feet) HAAT would provide a first commercial FM service to 400 persons and a second commercial FM service to 1,510 persons in areas of 135 and 510 square kilometers (52 and 197 square miles), respectively. However, it should be noted that no showing has been made regarding first and second aural service. See Anamosa-Iowa City, Iowa, 46 F.C.C. 2d 520 (1974). The petitioner has also not stated whether or not a Class A channel would be available for assignment at Vallejo and, if so, the first and second FM service that would be provided by such a channel.

KELLY BROADCASTING'S OPPOSITION

5. The proposal to assign Channel 241 to Vallejo would require among other things, the substitution at Sacramento of Channel 229 for Channel 241, which is occupied by Kelly Broadcasting's Station KCTC(FM). Kelly opposes such a change and states that the shift from Channel 241 to Channel 229 would cause KCTC to experience interference within both its 60 dBu and 54 dBu contours. Kelly explains that this interference would be caused by the fact that, if KCTC were required to shift its channel as requested, it would be operating on the same channel, 229, as KFYE (FM), Fresno, which is authorized to broadcast with facilities in excess of the maximum now allowed for Class B stations. Under the provisions of Section 73.211 of the Commission's Rules, a Class B channel may utilize maximum facilities of 50 kW and an antenna height of 153 meters (500 feet) h.a.a.t. However, since KFYE(FM) has been authorized to operate with facilities of 68 kW and antenna height of 595 meters (1,950 feet) h.a.a.t. prior to the September 10, 1962, effective date of the power and antenna height requirements, Section 73.211(d) of the rules permits KFYE (FM) to operate with its "super-power" facilities. See Second Report, Memorandum Opinion and Order, Docket No. 14185, 23 R.R. 1845, 1852, para. 13 (1962).

6. Kelly admits that if KCTC were to operate on Channel 220, it would not be short-spaced with its co-channel Station KFYE(FM) because KFYE's transmitter site is located slightly beyond the minimum co-channel spacing of 241 kilometers (150 miles) for Class B stations. However, it argues that KFYE's interfering signal would overlap its 60 dBu and 54 dBu contours because KFYE (FM) operates with facilities in excess of the maximum allowed for Class B stations. Kelly argues that the interference caused by this overlap of contours would be equivalent to that received from a typical Class B co-channel station with maximum facilities located at considerably less than the minimum spacing. Moreover, Kelly avers that the Commission's guidelines for FM assignments in Zone I–A, which includes the communities involved in KNBA's petition, call for spacings which have the effect of allowing interference from co-channel stations with maximum facilities at permissible minimum spacings to extend no closer to a station than approximately its 54 dBu contour. Kelly argues that, since interference here would be inside of KCTC's 54 dBu contour, as well as inside of a small part of its 60 dBu contour, the KNBA proposal must be denied.

[1] The population data in paragraph 3 are taken from the 1970 U.S. Census.

DISCUSSION

7. At the outset, it should be noted that Section 73.209(b) of the Commission's Rules provides that "[t]he nature and extent of the protection from interference accorded to FM broadcast stations is limited solely to the protection which results from the minimum assignment and station separation requirements and the rules with respect to maximum powers and antenna heights. * * *" Since Stations KCTC (FM) and KFYE(FM) would not be short-spaced, and since the maximum power and antenna height rules would not apply to grandfathered "super-power" Station KFYE(FM), Station KCTC(FM) is not guaranteed protection from interference caused by Station KFYE(FM). However, we believe that if KCTC(FM) were required to switch to Channel 229, KCTC would be deprived of the type of interference protection that it could reasonably expect and which the Commission intended to give to Class B FM stations through adoption of the minimum spacing and the maximum power and antenna height rules. When the Commission adopted these rules in 1963, the Commission stated that one of the purposes of FM stations would be to provide effective coverage and that, to achieve this goal, it would "protect a 15 mile [24 kilometers] service area for Class A stations, 40 miles [64.4 kilometers] for Class B stations, and 65 miles [105 kilometers] for Class C stations * * *" Third Report, Memorandum Opinion and Order, Docket No. 14185, 40 F.C.C. 747, 756, para. 21 (1963). Requiring KCTC(FM) to switch to Channel 229 would for the first time subject it to interference within this 64.4 kilometer (40 mile) contour, a result which would be contrary to the Commission's purpose stated in 1963. Our point here is not that it is appropriate to use the old interference standard. Rather, it is that the effect of the proposal here can be seen as the equivalent of a short-spacing. Nor is recognition of this fact precluded by the "grandfathering" of Station KFYE(FM). That action had no impact on KCTC(FM) which was not called upon to accept the impact of "grandfathering," an argument which made sense in 1963. There is no occasion here, however, to act to prevent a possible loss of service from "superpower" stations. In our view, the effect of the proposal here would be to modify the license of Station KCTC(FM), a step not lightly to be considered.

8. We have examined the matter to see if the adverse consequences that would occur to KCTC(FM) are clearly outweighed by Vallejo's need. We have no question that the assignment of Channel 241 to Vallejo could benefit that community, as well as the surrounding area, by providing a valuable first FM service. However, there is no basis for finding that a first or even a second aural service would be provided to any significant population. Nor have we been given any other reasons for concluding that the need for the assignment assumes extraordinary importance. On the other side there is the impact of this proposal on the three existing licensees in addition to KCTC(FM) that would be required to change channels if Channel 241 were assigned to Vallejo. While a station may be made whole by being reimbursed for the expense of switching channels,[1] no such remedy is available insofar as a resulting loss of service area is concerned. By virtue of the change in KCTC(FM)'s channel, it would have its coverage reduced and the public would lose a service on which they have come to rely. We believe that such a result would be unfair to KCTC(FM) as well as to the listening public. While it could perhaps be argued that changing a station's channel is just as much a modification of its license as occurs when a station is required to share a channel with a "super-power" this attempt to equate the two loses its force where there are means of redress in only one of these situations. No approach would restore the service lost to KCTC(FM). For these reasons we refused to assign a second FM channel to Muncie, Indiana, when doing so involved requiring a station to change channels with the result that it would receive interference within its 60 dBu (1 mV/m) contour (and its 15 mile service area) from a "super-power" station. We denied the proposal even though, just as here, the existing licensee and the "super-power" station would not have been short-spaced. Muncie, Indiana, 32 F.C.C. 2d 839, 842–44, para. 12 (1972), recon. denied, 38 F.C.C. 2d 324 (1972). We believe these cases express the appropriate policy to apply in all but the most unusual cases, and nothing provided by petitioner demonstrates that such unusual circumstances exist here. Therefore we are denying KNBA's request to assign Channel 241 at Vallejo. Nevertheless, we would welcome a new petition proposing either a different Class B FM channel not subject to the defects inherent in the present proposal or a Class A channel for Vallejo.

9. Accordingly, *it is ordered*, That the petition for rule making filed by KNBA, Inc., IS DENIED.

10. *It is further ordered*, That this proceeding is terminated.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief Broadcast Bureau.

[FR Doc.77–10849 Filed 4–12–77;8:45 am]

[1] With regard to the allegations in the oppositions that KNBA does not appear to be financially qualified to reimburse four existing licensees for shifting their stations' channels, we would like to point out that such financial qualifications are not considered at the rule making stage because we do not know who will be the licensee for the newly assigned channel. Thus, the financial qualifications of a potential licensee or permittee are considered at the application stage. In any event, the grant of a construction permit for the new station would be made only upon a showing that reimbursement to existing licensees who would be required to switch channels can be afforded.

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following request for clearance of reports intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on April 7, 1977. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FEA request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before May 2, 1977, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5033, 441 G Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202–275–3532.

FEDERAL ENERGY ADMINISTRATION

The FEA requests an extension no change clearance of Form FEA–103B, entitled Storage Operators Monthly Report. FEA–103B provides the means for the FEA to monitor and keep abreast of the storage picture of such products as: propane, butane, P–B mixture, isobutane, mixed or field grade butanes and normal butane. Potential respondents are owners of storage facilities with a capacity in excess of 500,000 gallons. FEA estimates respondents to be approximately 400 and reporting burden to average 1.1 hours per response. A separate response is filed for each product.

The FEA requests an extension no change clearance of Form FEO–1000, entitled Prime Suppliers Monthly Report. The FEO–1000 has been used by FEA to monitor supply and demand relationships as they apply to individual firms within each state. FEO–1000 supplies information on actual supply deliveries and anticipated supply deliveries for a given state. Potential respondents are prime suppliers of products subject to a State set-aside. FEA estimates respondents to be approximately 300 and reporting burden to average 1.6 hours per month.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.77–10847 Filed 4–12–77;8:45 am]

UNITED STATES INTERNATIONAL TRADE COMMISSION

[TA–201–25]

LIVE CATTLE AND CERTAIN EDIBLE MEAT PRODUCTS OF CATTLE

Investigation and Hearings

Investigation instituted. Following the receipt on March 17, 1977, of a petition filed by the National Association of American Meat Promoters, the Meat Promoters of South Dakota, the Meat Promoters of North Dakota, the Meat Promoters of Montana, and the Meat Promoters of Wyoming, the United States International Trade Commission, on March 26, 1977, instituted an investigation to determine whether live cattle and certain meat products of cattle fit for human consumption, provided for in items 100.40 through 100.55, inclusive; 106.10, 106.80, and 106.85; 107.20 and 107.25; 107.40 through 107.60, inclusive; and 107.75 of the Tariff Schedules of the United States, are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing articles like or directly competitive with the imported articles.

Public hearings. Public hearings in connection with this investigation will be held in Rapid City, S. Dak., beginning on Tuesday, June 14, 1977; in Dallas, Tex., beginning on Tuesday, June 28, 1977; and in New York N.Y., beginning on Tuesday, July 12, 1977. Times and locations of the hearings will be announced later. Requests for appearances should be filed with the Secretary of the United States International Trade Commission, in writing, at his office in Washington, D.C., not later than noon of the fifth calendar day preceding the hearing at which the appearance is requested.

Inspection of the petition. The public portion of the petition filed in this case is available for public inspection at the Office of the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, and at the New York City office of the Commission, located at 6 World Trade Center.

By order of the Commission.

Issued: April 8, 1977.

KENNETH R. MASON,
Secretary.

[FR Doc.77–10870 Filed 4–12–77;8:45 am]

V4271 APR 13 77 UMI

FEDERAL COMMUNICATIONS COMMISSION

NEW STATIONS, PROPOSED CHANGES

Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Mexican standard broadcast stations modifying the assignments of Mexican broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Mexican list No. 278, February 4, 1977

Call letters	Location	Power watts	Antenna radiation mv/m/km	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of change or commencement of operation
		710 kHz							
XEPQ	Muzquiz, Coah., N. 27°54'00", W. 101°30'00" (PO 1 kWD, 0.100 kWN, ND-U-175).	5.000D/0.500N	*DA-D*/ND-N-175	U	II	*347*	90	*284*	June 30, 1977.
		760 kHz							
XEEQ	San Luis Potosi, S.L.P., N. 22°08'57", W. 100°59'44".	0.250	ND-D-175	D	II	*151*	*120*	*56*	Immediately.
		860 kHz							
XEAL	Manzanillo, Col., N. 19°02'00", W. 104°19'30" (PO 1 kWD, 0.100 kWN, ND-U-176).	5.000D/0.500N	*DA-D*/ND-D-176	U	II	262	90	253	June 30, 1977.
		870 kHz							
XEAMO	Irapuato, Gto., N. 20°37'25", W. 101°21'03"	1.000	DA-D	D	II	----------	----------	----------	Do.
		980 kHz							
XETU	Tampico, Tam., N. 22°12'43", W. 97°47'53"	10.000D/1.000N	DA-D/ND-N-190	U	III	*251*	120	*251*	Immediately.
		1270 kHz							
XE	Nuevo Laredo, Tam., N. 27°29'48", W. 99°30'01"	1.000	DA-D	D	III	----------	----------	----------	June 30, 1977.
		1340 kHz							
XEPX	Puerto Angel, Oax., N. 15°39'14", W. 96°30'05"	0.500D/0.200N	ND-U-175	U	IV	*197*	90	*140*	Do.
		1380 kHz							
XEKOK	Las Cruces, Gro., N. 16°58'41", W. 99°28'08"	1.000	ND-D-190	D	III	178	120	178	July 30, 1977.
		1440 kHz							
XEURM	Uruapan, Mich., N. 19°24'56", W. 102°03'46"	5.000	ND-D-190	D	III	171	120	171	Do.
		1450 kHz							
XEIN	Cintalapa, Chis., N. 16°41'58", W. 93°43'24" (PO 1 kWD, .200 kWN, ND-U-175).	*1.100*D/0.200N	ND-D-175/DA-N	U	IV	246	120	246	Do.
		1460 kHz							
XETEP	Pinotepa, Oax., N. 16°18'45", W. 98°01'00"	.500	ND-D-175	D	IV	136	120	143	Do.
		1460 kHz							
XECPQ	F. Carrillo, Pto, Q.R., N. 19°34'50", W. 88°02'38"	1.000	ND-D-190	D	III	168	120	168	Do.
		1470 kHz							
XEQF	Loma Bonita, Oax., N. 18°05'25", W. 95°54'40"	5.000D/5.000N	ND-D-*184*/DA-N	U	III	*167*	90	*167*	Do.
		1520 kHz							
XEVU	Mazatlan, Sin., N. 23°11'48", W. 106°25'29"	0.500	ND-D-175	D	II	*153*	120	*52*	June 30, 1977.
		1520 kHz							
XEVUC	Villa Union, Coah., N. 26°14'06", W. 100°45'50"	1.000	ND-D-190	D	II	*161*	120	*161*	Do.
		1560 kHz							
XERAL	Arandas, Jal., N. 20°42'36", W. 102°21'06"	0.250	ND-D-190	D	II	158	120	158	July 30, 1977.
		1600 kHz							
XEZK	Tepatitlan, Jal., N. 20°50'52", W. 102°44'12" (PO 0.250 kWU).	1.000D/0.250N	ND-U-182	U	III	154	120	131	June 30, 1977.

WALLACE E. JOHNSON,
Chief, Broadcast Bureau,
Federal Communications Commission.

[FR Doc.77-10673 Filed 4-12-77;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[H.C. No. 222]

PERPETUAL SECURITY CORPORATION

Receipt of Application for Permission To Acquire Control of Perpetual Savings and Loan Association

APRIL 8, 1977.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from Perpetual Security Corporation, Rapid City, South Dakota, for approval of aquisition of control of Perpetual Savings and Loan Association, Rapid City, South Dakota, an insured institution, under the provisions of Section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and Section 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by the transfer of 2,306 shares or 86.46 percent of the stock of Perpetual Savings and Loan Association held by Robert W. Brezina and a sum of $1,000 to Perpetual Security Corporation in return for all the outstanding stock of said corporation and the assumption by it of debt in the amount of $1,088,000. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this Notice appears in the FEDERAL REGISTER.

RONALD A. SNIDER,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.77-10781 Filed 4-12-77;8:45 am]

FEDERAL MARITIME COMMISSION

CITY OF LOS ANGELES AND OVERSEAS TERMINAL CO., INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by April 25, 1977.

Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Mr. Gerald F. Swan, Deputy City Attorney, City of Los Angeles, Harbor Division, P.O. Box 151, San Pedro, California 90733.

Agreement No. T-3450, between City of Los Angeles (City) and Overseas Terminal Company, Inc. (OTC), provides for the five-year nonexclusive preferential assignment of Berths 228-230, including Parcels 1, 2, 3, 4, and 5 at Los Angeles Harbor. As compensation, City is to receive all tariff charges pursuant to the Port of Los Angeles Tariff subject to a guaranteed minimum of $705,700 per annum. When the payment of tariff charges exceeds $705,700 but is less than $1,200,000, OTC will pay 45 percent to City and retain the remainder; and when the charge exceeds $1,200,000, OTC will pay 50 percent and retain the remainder. Agreement No. T-3450 will supersede Agreement No. T-2588 between City and Overseas Shipping Company.

By Order of the Federal Maritime Commission.

Dated: April 8, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-10873 Filed 4-12-77;8:45 am]

INDEPENDENT OCEAN FREIGHT FORWARDER LICENSE

Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to Section 44(a) of the Shipping Act, 1916 (Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Agricultural Air Exports, Inc., 342 Allerton Avenue, South San Francisco, CA 94080. Officers: Richard J. Crotty, President, Sylvia M. Crotty, Secretary/Treasurer, Raymond F. Crotty, Vice President.

Interford Corporation, 7352 N.W. 58th Street, Miami, FL 33166. Officers: Rafael Montejo, President, Lazaro E. Cruz, Secretary, Isabel Llopiz, Treasurer.

T.I.C. Agencies, Inc., 520 S.W. Sixth Avenue, Portland, OR 97204. Officer: D. N. Nicholson, President.

Action World Shippers, Inc., 4239 No. Nordica, Chicago, IL 60634. Officers: Susan E. Lee, President, Arthur B. Camp, Vice President.

Associated Shippers and Packers, Inc., 7010 North Loop East, Houston, TX 77028. Officers: Hugo A. Teste, President, Oliverio A. Alonso, Vice President, Richard M. Parker, Secretary, Carlos M. Sera, Treasurer.

Hans W. Armgort, 431 Green Hill Road, Smoke Rise, Kinnelon, NJ 07405.

Kosta International Corp., 3364 S.W. 28th Street, Miami, FL 33133. Officers: Waldo Del Rey, President, Alicia Del Rey, Vice President, Adolfo Rodriguez, Secretary.

Cosmos Shipping Company Incorporated (Maryland), 131 E. Redwood Street, Baltimore, MD 21202. Officers: Paul Bycoffe, President/Treasurer/Director, Marcia Bycoffe, Secretary/Director, Andrew Bycoffe, Director.

Stanley Edward Wells, 3443 Brayton Avenue, Long Beach, CA 90807.

Arnold International Movers, Inc., 2600 West Broadway, Louisville, KY 40211. Officer: Charles W. Arnold, President.

Pike Shipping Co., Inc., 624 Gravier Street, Suite 205, New Orleans, LA 70130. Officers: Patrick T. Bossetta, President, Van M. Brown, Vice President.

The I.C.E. Co., Inc., 901 Charleston, Bedford, TX 76021. Officers: Harold Wade Stewart, President, Pete Vela Fuentes, Vice President.

Rome International Freight Consultants, Inc., 2035 West Fourth Avenue, Hialeah, FL 33010. Officers: Yolanda Fuentes, President, Fernando Fuentes, Secretary/Treasurer.

Jose A. Fernandez, 121 S.E. First Street, Miami, FL 33131.

Fidelity Storage Corporation (The Fidelity Storage Corporation, dba), 6308 Gravel Road, Franconia, VA 22310. Officers: Michael J. Grad, President, Lewis Jacobs, Chairman of Board and Treasurer, Howard Grad, Vice President, Ronald D. Jacobs, Secretary, Bonnie McIntyre, Assistant Secretary.

Angel Alfredo Romero, 19234 N.W. 48th Avenue, Miami Gardens, FL 33055.

Clipper International Corporation, 1865 Brickell Avenue, A-1106, Miami, FL 33129. Officers: Francisco Senior, President/Director, Patricio Suarez, Secretary/Treasurer.

Gerhard Gedenk, 260-65th Street, Brooklyn, NY 11220.

By the Federal Maritime Commission.

Dated: April 7, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-10871 Filed 4-12-77;8:45 am]

MEDITERRANEAN U.S.A. GREAT LAKES WESTBOUND FREIGHT CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, by April 25, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

David C. Jordan, Esquire, Billig, Sher & Jones, P.C., 2033 K Street NW., Washington, D.C. 20006.

Agreement No. 8260-18, by and among the members of the above-named conference, amends the basic conference agreement to extend the conference's authority to intermodal cargo originating at inland Continental European points and moving through Mediterranean ports of the conference.

By Order of the Federal Maritime Commission.

Dated: April 7, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-10872 Filed 4-12-77;8:45 am]

FEDERAL POWER COMMISSION

[Project No. 2146]

ALABAMA POWER CO.

Application for Change in Land Rights

APRIL 7, 1977.

Public notice is hereby given that an application was filed under the Federal Power Act, 16 U.S.C. 791a-825r, on March 4, 1977, by Alabama Power Company (Applicant) (Correspondence to: Mr. F. L. Clayton, Jr., Vice President, Alabama Power Company, P.O. Box 2641, Birmingham, Alabama 35291) for a change in land rights at the H. Neely Henry Reservoir of Project No. 2146, known as the Coosa River Project in Etowah County, Alabama.

Applicant seeks Commission approval to grant an easement to South Central Bell Telephone Company, for the installation, operation, and maintenance of a submerged telephone cable, to be located adjacent to existing marine cables across the H. Neely Henry Reservoir approximately 60 feet southwest of and parallel to the Alabama Highway 77 bridge in Section 32, T. 12 S., R. 6 E., Huntsville Principal Meridian, Alabama.

The single-wire armored cable would be placed loosely along the river bottom upwards to mean low water elevation

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500 from where it would be buried to a 2.5-foot depth and anchored to existing manholes on each side of the river. The normal power pool elevation of the reservoir is 508.

Applicant has requested the shortened procedures pursuant to § 1.32(b) of the Commission's Rules of Practice and Procedure, 18 CFR 1.32(b) (1976).

Any person desiring to be heard or to make any protest with reference to said application should on or before May 23, 1977, file with the Federal Power Commission, 825 N. Capitol Street, N.E., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1976). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act, 16 U.S.C. 825g and 825h, and the Commission's Rules of Practice and Procedure, specifically § 1.32(b), as amended by Order No. 518, a hearing on this application may be held before the Commission without further notice if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to this notice within the time required herein. If an issue of substance is so raised, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will not be necessary for Applicant to appear or be represented at the hearing before the Commission.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10804 Filed 4-12-77;8:45 am]

[Docket No. RP74-61 (PGA77-4)]

ARKANSAS LOUISIANA GAS CO.

Proposed Change in Rates

APRIL 7, 1977.

Take notice that on March 29, 1977, Arkansas Louisiana Gas Company (Arkla) tendered for filing 13th Revised Sheet No. 4 to its FPC Gas Tariff First Revised Volume No. 1, to become effective May 1, 1977.

Arkla states that the instant tariff sheet is being submitted pursuant to the Purchased Gas Cost Adjustment Clause of its tariff to provide for a current adjustment and a surcharge adjustment in accordance with applicable regulations.

Arkla also states that copies of its filing were mailed to the jurisdictional customers affected and other interested parties.

Any person desiring to be heard or to protest said filing should file a Petition to Intervene or Protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 22, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10802 Filed 4-12-77;8:45 am]

[Docket No. CP77-318]

ARKANSAS OKLAHOMA GAS CORP.

Application

APRIL 1, 1977.

Take notice that on March 28, 1977, Arkansas Oklahoma Gas Corporation (Applicant), 115 North Twelfth Street, Fort Smith, Arkansas 72901, filed in Docket No. CP77-318 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities to connect one gas well to its pipeline system located in Fort Smith, Arkansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate facilities to connect the gathering line from the Spirit of '76 No. 1 well to Applicant's Line H at a point in Sebastian County, Arkansas. Applicant states that the locations of the proposed connection, the well and the gathering line are all within the city limits of Fort Smith, and the estimated cost of making the connection is $1,680 which will be financed from funds on hand.

Applicant states that the additional gas supply to be obtained through the proposed facilities would be used to maintain service to its 48,200 existing customers located in twenty-nine towns and cities in Sebastian, Crawford, Franklin, Logan and Scott Counties, Arkansas, and Le Flore, Latimer, Haskell and Sequoyah Counties, Oklahoma.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 29, 1977, filed with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10809 Filed 4-12-77;8:45 am]

[Docket No. ER77-231]

ARKANSAS POWER & LIGHT CO.

Supplements to Rate Schedules; Correction

MARCH 30, 1977.

In the matter of supplements to rate schedules, issued March 24, 1977 and published in the FEDERAL REGISTER on March 31, 1977, 42 FR (17171).

Paragraph 3, line 10: Please change "April 14, 1977" to "April 7, 1977".

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10812 Filed 4-12-77;8:45 am]

[Docket No. RP77-7 and RP72-157 (PGA77-6) (R.&D77-2)]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Changes in FPC Gas Tariff

APRIL 7, 1977.

Take notice that Consolidated Gas Supply Corporation (Consolidated) on March 31, 1977 tendered for filing Twenty-Second Revised Sheet Nos. 8 and 9. The tariff sheets are proposed to become effective May 1, 1977, subject to refund, in accordance with the provisions of Section 4 of the Natural Gas Act in lieu of rates filed October 29, 1976 as revised November 24, 1976 in Docket No. RP77-7 which were suspended until May 1, 1977.

Consolidated stated that the purpose of Twenty-Second Revised Sheet Nos. 8 and 9 is (1) to reflect all changes in Consolidated's pipeline purchased gas cost will be in effect May 1, 1977; (2) to reflect all changes in Consolidated's producer purchased gas cost that will be in effect May 1, 1977; (3) to include in its rates a surcharge credit to reflect the Unrecovered Purchased Gas Cost account, flow through of supplier refunds and flow through of the jurisdictional portion of the difference between the average annual average cost of gas reflected in the rates in 1976 and the annual average cost of gas withdrawn from the pre-1976 LIFO storage layers; and, (4) to include a Research and Development Cost Adjustment.

The proposed revised tariff sheets reflect an annual increase of $134.3 million in revenues from the revenues that would have been generated under the revised rates filed November 24, 1976. The average surcharge credit of 6.74¢/Mcf would be in effect for the six-month period May 1, 1977 through October 31, 1977. Research and Development Cost Adjustment is 0.11¢/Mcf.

The rates contained in Twenty-Second Revised Sheet Nos. 8 and 9 would generate $48.2 million in revenues, for sales for resale, over the rates contained in Twenty-First Revised Sheet Nos. 8 and 9 filed March 3, 1977 for effectiveness April 1, 1977.

Consolidated requests a waiver of any of the Commission's Rules and Regulations as may be required to permit the proposed rates to become effective.

Copies of this filing were served upon Consolidated's jurisdictional customers, as well as interested state commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10).

All such petitions or protests should be filed on or before April 22, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10806 Filed 4-12-77;8:45 am]

[Docket No. CP77-325]

CONSOLIDATED GAS SUPPLY CORP.

Application

APRIL 7, 1977.

Take notice that on March 31, 1977, Consolidated Gas Supply Corporation (Applicant), 455 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP77-325 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the storage of 30,000,000 Mcf of natural gas for three years for Texas Eastern Transmission Corporation (Texas Eastern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to store gas for Texas Eastern for each of the next three injection and withdrawal seasons, beginning with the 1977 summer injection period and ending with the 1979-1980 withdrawal period, pursuant to a letter agreement dated March 21, 1977 between Applicant and Texas Eastern. Applicant states that the proposed service consists of a storage capacity volume of 30,000,000 Mcf of natural gas for three years and a daily demand volume of 221,400 Mcf of natural gas. Applicant further states that it would render this proposed storage service on a best efforts basis for three years and charged for at rates contained in Applicant's Rate Schedule GSS (volumes in Mcf at 14.73 psia). It is stated that the natural gas to be delivered to Applicant by Texas Eastern and the natural gas to be returned by Applicant would be delivered at existing points of interconnection between the facilities of Texas Eastern and Applicant in the states of Ohio and Pennsylvania as operating conditions permit or require, and as mutually agreed to from time to time. Applicant states that no new facilities are required to render the proposed services.

It is stated that during each of the 1977, 1978 and 1979 injection periods, Texas Eastern would deliver to Applicant and Applicant would inject into storage such quantities of gas of Texas Eastern customers as are mutually agreed to and scheduled, on each day, by the dispatchers of Texas Eastern and Applicant. Any carried-over inventory and the injections would not exceed at any time the contracted storage capacity of 30,000,000 Mcf of natural gas, it is said.

Applicant states that during each of the 1977-1978, 1978-1979 and 1979-1980 withdrawal periods, it would deliver to Texas Eastern the contracted storage gas or any lesser portion thereof desired by Texas Eastern, at reasonably-constant daily rates not to exceed 221,400 Mcf.

Applicant asserts that under the services proposed here, it is contemplated that redeliveries from storage would occur ordinarily during the winter season next following the summer injection season. The customer may defer its withdrawals; and, in such event, the carried-over inventory and succeeding summer injection cannot exceed the contracted storage volume of 30,000,000 Mcf of natural gas, it is said.

Applicant indicates that the proposed storage service would enable Texas Eastern to render storage and transportation services for fourteen of its resale customers for the next three years, and that this service is needed to provide for the resale customers of Texas Eastern involved additional winter deliverability for serving essential high-priority consumer requirements and thereby to ameliorate some of the adverse effects of curtailments that have been so drastic in recent winter-heating seasons.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 29, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10808 Filed 4-12-77;8:45 am]

[Docket No. CP75-96, et al.; Docket No. RM77-6]

EL PASO ALASKA, ET AL.

Order Denying Conference and Allowing Interrogatories Pursuant to Consideration of Alcan's 48-Inch Express Line Alternative for an Alaska Natural Gas Transportation System; Correction

MARCH 24, 1977.

In the matters of El Paso Alaska, et al., order providing for suspension of proceedings and prescribing procedures pursuant to the provisions of the Alaska Natural Gas Transportation Act of 1976, Order No. 558-E, issued March 23, 1977 and published in the FEDERAL REGISTER on March 31, 1977, 42 FR 17170.

On page 17170, the second paragraph, change "March 27, 1977" to "March 22, 1977".

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10813 Filed 4-12-77;8:45 am]

[Docket No. RP72-140 (PGA77-3)]

GREAT LAKES GAS TRANSMISSION CO.

Proposed Changes in PGA Gas Tariff Under Purchased Gas Adjustment Clause Provisions

APRIL 7, 1977.

Take notice that Great Lakes Gas Transmission Company (Great Lakes),

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on March 16, 1977, tendered for filing Twenty-Third Revised Sheet No. 57, to its FPC Gas Tariff, First Revised Volume No. 1, proposed to be effective May 1, 1977.

Great Lakes states that the cost of gas purchased from TransCanada Pipelines Limited, its sole supplier of natural gas, is reduced as a result of the continuing decrease in the conversion rate between United States and Canadian currency.

In addition, the revised tariff sheet reflects a purchased gas cost surcharge resulting from maintaining an unrecovered purchased gas cost account for the period commencing September 1, 1976 and ending February 28, 1977.

Great Lakes also states that copies of this filing have been served upon its customers and the Public Service Commissions of Minnesota, Wisconsin and Michigan.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E. Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules and Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 22, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10811 Filed 4-12-77;8:45 am]

[Docket No. CS77-395, et al.]

H. H. PHILLIPS, WINNIE A. PHILLIPS AND JANE PHILLIPS LADOUCEUR, ET AL.

Notice of Applications for "Small Producer" Certificates [1]

APRIL 5, 1977.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 2, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Applicant
CS77-395	Mar. 14, 1977	H. H. Phillips, Winnie A. Phillip, and Jane Phillips Ladouceur, 314 Milam Bldg., San Antonio, Tex. 78205.
CS77-396	Mar. 18, 1977	American Petroleum, Inc., P.O. Box 1459, Hutchinson, Kans.
CS77-397	do	I. H. DeLatte, et al., P.O. Box 52511—OCS, Lafayette, La. 70505.
CS77-398	do	Thunderbird Energy Co., P.O. Box 1118, Ardmore, Okla. 73401.
CS77-399	do	D. & C. Gas Properties, P.O. Box 598, Pampa, Tex. 79065.
CS77-400	do	Fast Enterprises, P.O. Box 1200, Farmington, N. Mex. 87401.
CS77-401	Mar. 21, 1977	Ira C. Shimp, 1719 1st National Center, Oklahoma City, Okla. 7310.
CS77-402	do	Vern C. Shimp, 1719 1st National Center, Oklahoma City, Okla. 7310.
CS77-403	do	Mary Lorraine Shimp, 1719 1st National Center, Oklahoma City, Okla. 7310.
CS77-404	Mar. 10, 1977	Overly Operating Co., D-312 Petroleum Center, San Antonio, Tex. 78209.
CS77-405	Mar. 21, 1977	Ozello E. Eckels, Box 6046, Denver, Colo. 80206.
CS77-406	do	Robert Klabzuba, 3410 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.
CS77-407	do	Colton & Colton, D-204 Petroleum Center, San Antonio, Tex. 78209.
CS77-408	Mar. 22, 1977	Montina Petroleum Co., 8447 Wilshire Blvd., No. 323, Beverly Hills, Calif.
CS77-409	do	Don M. Fedric, P.O. Box 1771, Roswell, N. Mex.
CS77-410	do	George H. Hunker, Jr., P.O. Box 2086, Roswell, N. Mex.
CS77-411	do	Lantana Oil Co., P.O. Box 1771, Roswell, N. Mex.
CS77-412	do	Petroquest Inc., % Mr. L. Brooke Henderson, 112 Professional Bldg., 1136 North 28th St., Billings, Mont.
CS77-413	do	Davoil, Inc., 1800 1st National Bank Bldg., Dallas, Tex. 75202.
CS77-414	Mar. 23, 1977	Joe J. Klabzuba, P.O. Box 594, Prague, Okla. 74864.
CS77-415	do	Klabzuba Royalty Co., P.O. Box 594, Prague, Okla. 74864.

[FR Doc.77-10688 Filed 4-12-77;8:45 am]

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[Docket No. CP77-327]

NATURAL GAS PIPELINE CO. OF AMERICA, ET AL.

Application

APRIL 7, 1977.

Take notice that on March 31, 1977, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, Columbia Gulf Transmission Company (Columbia Gulf), 3805 West Alabama Avenue, Houston, Texas 77027, and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), The Tenneco Building, Houston, Texas 77002, (Applicants) filed in Docket No. CP77-327 a joint application pursuant to Section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and exchange of up to 10,000 Mcf of natural gas per day, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that Natural has available pursuant to its rights under a gas purchase contracted dated November 17, 1976, between Natural and Napeco Inc., an affiliate of Natural, (Napeco) volumes of natural gas in the Thornwell Area, Jefferson Davis Parish, Louisiana. Applicants further state that the gas would be gathered and delivered by the producer to Amoco Production Company's (Amoco) South Thornwell Processing Plant located in Jefferson Davis Parish, Louisiana, for processing, and the residue gas allocable to Napeco's account would be delivered and sold to Natural at the tailgate of the South Thornwell Processing Plant (Natural Delivery Point.

It is stated that Natural has entered into a gas transportation and exchange agreement dated March 15, 1977, with Columbia Gulf and Tennessee whereby Columbia Gulf and Tennessee would assist Natural in transporting up to 10,000 Mcf per day of gas purchased by Natural. It is further stated that Columbia Gulf would accept gas for Natural's account at the Natural Delivery Point into its existing pipeline and measurement facilities at the tailgate of Amoco's South Thornwell Processing Plant and redeliver the gas on an Mcf-for-Mcf basis to Tennessee at an existing point of interconnection located in Cameron Parish, Louisiana, and Tennessee would deliver, or cause the delivery of, gas to Natural at the inlet to the existing pipeline and measurement facilities of Natural at the tailgate of Mobile Oil Corporation's Cameron Gas Processing Plant located in Cameron Parish, Louisiana.

It is stated that delivery of gas on an Mcf-for-Mcf basis for Natural's account to Columbia Gulf, Columbia Gulf to Tennessee and Tennessee to Natural would be contemporaneous, within practical operating conditions, and each party would make such adjustment in deliveries as promptly as is consistent with their operating conditions in order to balance any excess or deficiency.

Applicants state that the proposed transportation and exchange agreement

is for a primary term of seven years from the date of first delivery of gas and from year-to-year thereafter until terminated by one party giving the other parties at least 1 year's prior notice.

It is stated that Natural would pay Tennessee a monthly handling charge as defined in the agreement (about 1.084 cents per Mcf at date of filing) for each Mcf received by Tennessee at the Columbia Delivery Point and would pay Columbia Gulf a handling charge of $500 for any month during which gas is transported and exchanged.

It is asserted that the transportation and exchange agreement between Applicants is beneficial to Natural in that it provides a means to Natural to connect a remote source of gas supply into its system obviating the necessity to construct and operate duplicate facilities. Applicants indicate that they would utilize their existing facilities to render the proposed transportation services.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 29, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the Appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10807 Filed 4-12-77;8:45 am]

[Docket No. RP77-41]

SOUTHERN NATURAL GAS CO.

Petition For Emergency Relief

APRIL 7, 1977.

Take notice that on March 7, 1977, Southern Natural Gas Company (Southern) filed in the above docket a petition requesting the Commission to grant Southern authorization to recover through its tariff PGA clause all costs associated with an emergency purchase of natural gas made by Southern pursuant to section 2.68 of the Commission's General Policy and Interpretations. In its petition Southern states as follows:

As has been set out in a number of proceedings, Southern experienced unprecedented cold weather in its service area this winter. This weather and the continued decline of deliverability from normal gas supply sources caused excessive withdrawals of Southern's stored reserves and resulted in a drastic decline in deliverability from those stored reserves. The decline in deliverability led to the curtailment of 100 percent of gas allocated for industrial uses on Southern's system during the period January 11, 1977 to February 23, 1977. Even this drastic curtailment of gas, however, did not bring supply in line with priority 1 requirements.

On January 19, depleted pipeline inventory and declining pipeline pressure required that a curtailment into priority 1 be made. Even with that curtailment, Southern's pipeline inventory and pressure continued to decline, threatening a widespread loss of service. At this critical juncture, however, Southern was able to arrange an emergency storage service from Northern Illinois Gas Company (NI-Gas) whereby NI-Gas agreed to provide Southern with up to 1 billion cubic feet of gas at rates up to 150,000 Mcf per day from NI-Gas' existing storage facilities. The transaction was carried out pursuant to Section 2.68 of the Federal Power Commission's General Policy and Interpretations. This gas was made available to Southern begining late January 18 and literally prevented a major disaster from occurring on Southern's system. Increased deliveries from NI-Gas beginning January 20 enable Southern to resume allocations to serve 100% of priority 1 beginning January 21.

In order to make this stored gas available to Southern, NI-Gas was forced to utilize its synthetic natural gas facilities to replace said stored gas at a cost to NI-Gas of approximately three times its ordinary cost of purchased gas. NI-Gas has informed Southern that during the 60-day period of the storage arrangement it utilized more than 800,000 Mcf of synthetic gas and that it will utilize far more synthetic gas this winter than last. NI-Gas has also informed Southern that its ordinary cost of purchased gas is $1.10 per Mcf and the gas utilized in lieu of the gas diverted to Southern had a cost to NI-Gas of $3.78 per Mcf. Southern and NI-Gas agreed, therefore, that Southern should replace the stored gas it withdrew during a second 60-day period (again pursuant to Section 2.68 of the Federal Power Commission's General Policy and Interpretations) on a three-to-one basis.

The gas withdrawn from storage and the gas Southern will return to NI-Gas was and will be transported by Natural Gas Pipeline Company of America (Natural) for a charge of 20¢ per Mcf of gas returned to NI-Gas plus 5 percent of the gas returned for fuel (no charge was made for the delivery to Southern). Natural delivered the gas to Transcontinental Gas Pipe Line Corporation (Transco) which delivered the same to Atlanta Gas Light Company for Southern's account for a transportation charge of 19.6¢ per Mcf. Transco will also displace gas which Southern delivers to Atlanta for Transco's account to Natural to accomplish the paycheck to NI-Gas.

Based on Southern's present average cost of purchased gas (66.74¢ per Mcf) the total cost to Southern of the volumes diverted to it by NI-Gas was only $1.33 per Mcf. Including transportation both ways, the total cost will be approximately $2.24 per Mcf.

Southern will be able to provide NI-Gas the payback volumes and fill its Muldon Storage Field without curtailment of high priority requirements. The depth of curtailment on Southern's system this summer will be influenced by the weather experienced in March and the deliverability of certain new reserves which should begin flowing this summer. Southern anticipates, however, that only curtailments of requirements in priorities 6 through 9 of the curtailment plan established by the Commission in Opinion Nos. 747 and 747-B will be necessary this summer.

Southern respectfully submits that the NI-Gas transaction described above was absolutely vital to Southern's ability to continue service to its customers during the extremely critical period experienced in the latter part of January and the first part of February. During that period of time Southern took delivery of approximately 800,000 Mcf of gas from NI-Gas all of which was used to maintain service to essential priority 1 requirements and other requirements not properly classified in priority 1 which could not safely withstand curtailment. Southern informed its customers and representatives of the Federal Power Commission Staff at a meeting on January 18 in Southern's offices of the pending transaction with NI-Gas and that the transaction was absolutely essential.

Southern respectfully submits that the transaction with NI-Gas and Natural was necessary to assure maintenance of adequate gas service where interruption or serious curtailment of service existed and that Southern is, therefore, entitled to recover all costs associated with that transaction. Indeed, the Commission by telegraphic order on January 18, 1977 authorized Southern to encourage distributors to switch to supplemental supplies such as propane and further authorized Southern to pay the costs of the alternate fuel for gas made available by such switches. The transaction with NI-Gas is on all fours with the intent of the Commission's January 18, 1977 order except that Southern, by using repayment gas as consideration, incurred substantially lower costs than the cost of the alternative fuel.

Thus, Southern and its customers experience a total cost of about $2.24 per Mcf instead of the $3.78 per Mcf syngas

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cost, which with transportation would have a total cost of about $4.00 per Mcf. By paying for the storage service with gas instead of money, a savings of over $1,400,000 was effected ($4.00−$2.24=$1.76×800,000=$1,408,000)..

Any person wishing to do so may submit comments in writing concerning Southern's request for emergency relief. All such comments should be filed or mailed on or before April 22, 1977, and should be addressed to the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Southern's petition is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10803 Filed 4-12-77;8:45 am]

[Docket No. CP66-180]

TENNESSEE GAS PIPELINE CO.

Petition To Amend

APRIL 7, 1977.

Take notice that on March 29, 1977, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP66-180 a petition to amend the Commission's order of May 10, 1966 issued in the instant docket (35 FPC 715) pursuant to Section 7(c) of the Natural Gas Act so as to authorize the construction and operation of a 3,260 horsepower compressor unit at its Compressor Station No. 261 located at Agawam, Massachusetts, all as is more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that pursuant to the Commission's order of May 10, 1966, it was authorized to install a 2,500 horsepower compressor unit at its Compressor Station No. 261 located at Agawam, Massachusetts, and in November of 1976 it became necessary for Tennessee to replace the 2,500 horsepower compressor unit because of its failure to provide the necessary compression in an efficient and dependable manner and because the unit had become absolete and repair of the unit would have been uneconomical. Petitioner indicates that pursuant to Section 2.55(b) of the Commission's General Policy and Interpretation (18 CFR 2.55 (b)) it purchased and installed a compressor unit that was represented to it as a 2,500 horsepower compressor unit, and that its understanding was that certain modifications by the vendor would be necessary to allow the unit to achieve a rating of 3,260 horsepower. Petitioner further states that during the current winter heating season, it discovered that this unit unit as delivered was not limited to 2,500 horsepower, but can be operated at 3,260 horsepower. It has been determined that the fuel efficiency when operating this unit at 3,260 horsepower is significantly greater than when operating at a restricted rating of 2,500 horsepower, it is said.

Petitioner asserts that operation of the unit as a rating of 3,260 horsepower would result in a fuel savings and would provide greater assurance of continuity of service to its customers in the event of an outage that may occur on any one of the four smaller units at its Compressor Station No. 261.

It is stated that although the modification has been made, the cost of the said modification would not be charged to Petitioner until operation of the unit at the higher rating is authorized, and the charge by the manufacturer for such modification would be $57,520. The total project cost would be $72,350, it is said.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 29, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10810 Filed 4-12-77;8:45 am]

[Docket No. CP77-296]

TEXAS GAS TRANSMISSION CORP.

Application

APRIL 7, 1977.

Take notice that on March 15, 1977, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP77-296 an application pursuant to section 7(c) of the Natural Gas Act and § 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of natural gas for Steel Services Company, a Division of Azcon Corporation (Steel Services), on an interruptible basis for two years, all as more fully set forth in the application which is on file at the Commission and open to public inspection.

Applicant states that Steel Services has entered into a contract with McGoldrick Joint Venture No. 1-73 (McGoldrick) for the purchase of natural gas to be produced from certain leasehold interests presently owned or controlled by McGoldrick in the Leatherman Creek Field, Claiborne Parish, Louisiana. The gas would be delivered to Applicant at an existing meter station located at or near Mile Post 20+1743 on Applicant's Sharon-Carthage 20-inch pipeline in Claiborne Parish. Applicant states it would simultaneously redeliver up to 1,957 Mcf of gas per day for Steel Services' account to Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), at Portland, Tennessee, where both Applicant and Tennessee have facilities, for ultimate delivery by East Tennessee Natural Gas Company to Steel Services' Knoxville, Tennessee, plant.

Applicant states that no new facilities are necessary in order to effectuate the proposed transportation service.

Applicant would retain 8.7 percent of the gas as makeup for compressor fuel and the line loss, which percentage is calculated on an incremental basis for pipeline throughput to and within the rate zone in which the delivery by Applicant would be made, i.e., Zone 3, it is said. Applicant states it would collect an initial charge of 17.51 cents per Mcf at 14.73 psia for all quantities of gas transported and delivered to Tennessee for the account of Steel Services.

In a letter from McGoldrick to Steel Services, included as an exhibit to the application it is asserted that the subject gas is from newly discovered reservoirs and is not available for sale for resale in interstate markets.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 18, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.18 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10799 Filed 4-12-77;8:45 am]

[Docket No. CP77-167]

TEXAS GAS TRANSMISSION CORP.

Application

APRIL 7, 1977.

Take notice that on March 29, 1977, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP77-167, an application pursuant to section 7 of the Natural Gas Act and § 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79), for a certificate of public convenience and necessity authorizing the transportation of up to 5,000 Mcf of natural gas per day on an interruptible basis, for Wheeling-Pittsburgh Steel Corporation (Wheeling), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to 5,000 Mcf of natural gas per day at 14.73 psia, on an interruptible basis, for 2 years for the account of Wheeling, pursuant to a transportation agreement, dated March 14, 1977, between Applicant and Wheeling. Applicant states that the proposed transportation service commenced on February 4, 1977, pursuant to the temporary authorization granted by the Commission in its order of January 31, 1977.

Applicant states that Wheeling has entered into a contract with McGoldrick Joint Venture No. 1-73 (McGoldrick) for the purchase of the subject gas at $1.70 per Mcf which is to be produced from certain leasehold interests presently owned or controlled by McGoldrick in Leatherman Creek Field, Claiborne Parish, Louisiana.

Applicant proposes to transport the subject gas from an existing meter station located at or near Mile Post 20 + 143 on Applicant's Sharon-Carthage 20-inch pipeline in Claiborne Parish, Louisiana, and redeliver such gas to Columbia Gas Transmission Corporation (Columbia) near Lebanon, Ohio, for ultimate delivery to Wheeling's plants located in the States of Ohio, Pennsylvania and West Virginia. It is stated that Applicant would not be obligated to deliver on any one day an aggregate amount of more than 290, 708 Mcf at 14.73 psia of natural gas to Columbia at all points of delivery of Applicant to Columbia, and that no new facilities are necessary in order to effectuate the proposed transportation service.

Applicant states that it would retain a volume equal to 12.2 percent above the delivered volume as makeup for compressor fuel and line loss, which percentage was calculated on an incremental basis for pipeline though put to and within the rate zone in which the delivery by Applicant would be made, i.e. Zone 4. Applicant further states that it would collect from Wheeling an initial charge of 20.01 cents per Mcf (at 14.73 psia) for all quantities of gas transported and delivered to Columbia. The proposed interruptible transportation rate is computed in the same manner, exclusive of the cost of compressor station fuel, as that rate charge for comparable long-haul interruptible transportation service by Applicant, it is said.

It is stated that the gas covered by the Wheeling contract has never been sold in interstate commerce, and if transportation had not been obtained, the gas in question would not have been sold in the interstate market. It is indicated that Wheeling would use the subject gas for Priority 2 uses.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 18, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the National Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10800 Filed 4-12-77;8:45 am]

[Docket No. CP77-280]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Amendment to Application

APRIL 7, 1977.

Take notice that on March 30, 1977, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP77-280 an amendment to its application filed in said docket pursuant to section 7(c) of the Natural Gas Act and § 2.79 of the Commission's General Policy and Interpretation (18 CFR 2.79) by which amendment Applicant requests authorization to increase its interruptible transportation rate for gas transported for Kerr Finishing Division of Allied Products Corporation (Kerr), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that in its initial application filed in said docket on March 7, 1977, there is a transportation agreement between Applicant, Kerr and Public Service Company of North Carolina, Inc. (PSNC). PSNC is a party to the agreement because it is the distribution company which serves Kerr, it is said. Applicant further states that in its initial application it proposed to transport natural gas on an interruptible basis for Kerr at a rate of 21.55 cents per Dekatherm (dt).

Applicant states that it is filing revised tariff sheets to its FPC Gas Tariff, Original Volume No. 2, and that these sheets provide for increased rates for interruptible transportation services rendered by Applicant under Volume 2 agreements. Applicant further states that the rate for Zone 2 (where Kerr is located) contained in such revised tariff sheets in 45.8 cents per dt.

By this amendment applicant proposes to increase the proposed transportation rate charged to Kerr to 45.8 cents per dt. Applicant asserts that this proposed increase in rate charged to Kerr for its transportation service would result in Kerr paying the same rate as other shippers for whom Applicant is transporting in Zone 2.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before April 18, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Persons who have heretofore filed need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10798 Filed 4-12-77;8:45 am]

[Docket No. RP77-48]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Tariff Filing

APRIL 7, 1977.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on March 30, 1977, tendered for filing certain revised tariff sheets to its FPC Gas Tariff, Original Volume No. 2.

Transco states that these tariff sheets provide for an increase in the rates

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charged for the interruptible transportation service rendered by Transco. The proposed effective date of such increased rates is March 31, 1977. The Company states that copies of the filing have been mailed to each of its customers receiving service under the affected rate schedules, interested parties and state commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 21, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10805 Filed 4-12-77;8:45 am]

FEDERAL RESERVE SYSTEM

HAMBURG FINANCIAL, INC.

Formation of Bank Holding Company

Hamburg Financial, Inc., Hamburg, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 82.5 percent of the voting shares of Iowa State Bank, Hamburg, Iowa. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than May 9, 1977.

Board of Governors of the Federal Reserve System, April 7, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-10820 Filed 4-12-77;8:45 am]

NBC CORP.

Order Approving Formation of Bank Holding Company

NBC Corp., Jackson, Tennessee has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 100 percent[1] of the voting shares of the successor by merger to The National Bank of Commerce of Jackson ("Jackson Bank"), Jackson, Tennessee and 83.1 percent of the voting shares of The First National Bank of Gibson County ("Humboldt Bank"), Humboldt, Tennessee (hereinafter collectively referred to as "Banks"). The bank into which Jackson Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Jackson Bank. Accordingly, the proposed acquisition of the shares of the successor organization is treated herein as the proposed acquisition of shares of Jackson Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a non-operating corporation organized for the purpose of becoming a bank holding company. Jackson Bank and Humboldt Bank have aggregate deposits of $78.3 million, representing 0.6 percent of the total deposits in commercial banks in Tennessee and, upon consummation, Applicant would rank as the eleventh largest of twelve multibank holding companies in the State.[2] Approval of the application would not increase significantly the concentration of banking resources in Tennessee.

Jackson Bank ($66.2 million in deposits as of June 30, 1976) is the second largest of four banks operating in the Madison County banking market and holds approximately 29.1 percent of total market deposits. Humboldt Bank ($14.4 million in deposits as of June 30, 1976) is the fifth largest of thirteen banks in the Gibson County banking market, with 9.7 percent of total market deposits. Neither Jackson Bank nor Humboldt Bank derives substantial amounts of deposits or loans from the other's market area, and, accordingly, no significant competition between Jackson Bank and Humboldt Bank would be eliminated by consummation of the acquisitions. Moreover, potential competition would not be adversely affected by consummation of the acquisitions as neither banking market appears attractive for de novo entry. Accordingly, it is concluded that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, which are dependent upon those of Banks, are regarded as satisfactory. Although Applicant will incur debt in connection with its acquisition of shares of Humboldt Bank, its income from Banks should provide sufficient revenue to service the debt without impairing the financial condition of either proposed subsidiary bank. In addition to incurring debt, Applicant will fund the subject proposal through a special dividend from Jackson Bank that may equal or exceed Jackson Bank's income for 1977 but, in light of Jackson Bank's capital strength, satisfactory management and future prospects, the dividend should not adversely affect Jackson Bank's overall financial condition.[3] Although the financial and managerial resources and future prospects of Jackson Bank are considered satisfactory, those of Humboldt Bank are not entirely satisfactory at the present time but are expected to show marked improvement as a result of Humboldt Bank's affiliation with Jackson Bank and Applicant. Therefore, considerations relating to banking factors are consistent with approval of the application, and considerations relating to convenience and needs are also regarded as being consistent with approval of the application. It is the Board's judgment that consummation of the proposal to form a bank holding company would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction should not be made (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,[4] effective April 6, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-10821 Filed 4-12-77;8:45 am]

NBM CORPORATION

Formation of Bank Holding Company

NBM Corporation, McAlester, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares of The National Bank of McAlester, McAlester, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 9, 1977.

[1] Applicant subsequently will resell qualifying shares to directors of The National Bank of Commerce of Jackson.

[2] All banking data are as of December 31, 1976, unless otherwise noted.

[3] Payment of the special dividend will not be in an amount violative of section 5199 of the Revised Statutes.

[4] Voting for this action: Chairman Burns and Governors Wallich, Coldwell, Jackson, Partee and Lilly. Absent and not voting: Governor Gardner.

Board of Governors of the Federal Reserve System, April 7, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-10822 Filed 4-12-77;8:45 am]

OMAHA STATE CORP.

Formation of Bank Holding Company

Omaha State Corporation, Omaha, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 per cent, less directors' qualifying shares, of the voting shares of Omaha State Bank, Omaha, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than May 5, 1977.

Board of Governors of the Federal Reserve System, April 6, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-10823 Filed 4-12-77;8:45 am]

PEOPLES CREDIT CO.

Proposed Retention of Midwest Data Processing

Peoples Credit Co., Kansas City, Missouri, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to retain the assets of Midwest Data Processing (a division of People Credit Co.). Notice of the application was published in newspapers of general circulation in the communities to be served.

Applicant states that retention of Midwest Data Processing would enable Applicant to continue to engage in providing bookkeeping and data processing services for the internal operations of the holding company and its subsidiary banks, performing data processing services for other banks, such as demand deposit, savings, certificates of deposits, installment loans, mortgage loans, commercial loans, payroll and general ledger, and processing financial and related economic data, including performing accounts receivable or payable, inventory, payroll and general ledger for commercial businesses and non-profit organizations. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 5, 1977.

Board of Governors of the Federal Reserve System, April 7, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-10824 Filed 4-12-77;8:45 am]

REPUBLIC OF TEXAS CORPORATION

Acquisition of Bank

Republic of Texas Corporation, Dallas, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent, less directors' qualifying shares, of the voting shares of successor by merger to Midway National Bank of Grand Prairie, Grand Prairie, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 5, 1977.

Board of Governors of the Federal Reserve System, April 7, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-10825 Filed 4-12-77;8:45 am]

[Docket No. TCR 76-107(a)]

REPUBLIC OF TEXAS CORPORATION

Prior Certification Under the Bank Holding Company Tax Act of 1976

Republic of Texas Corporation, Dallas, Texas ("Republic") has requested a prior certification pursuant to section 6158(a) of the Internal Revenue Code (the "Code"), as amended by section 3(a) of the Bank Holding Company Tax Act of 1976 (the "Tax Act"), that the proposed sale by The Howard Corporation ("Howard"), a subsidiary of Republic, of the Town & Country Shopping Center, Midland, Texas ("Town & Country") is necessary or appropriate to effectuate section 4 of the Bank Holding Company Act (12 U.S.C. 1843 et seq.) ("BHC Act"). Howard proposes to sell Town & Country to Hotelmattschappij Duin & Daal B.V., a corporation of Holland, for $1,025,000 cash and assumption of the unpaid principal balance owed by Howard on a note dated March 1, 1966, to The Equitable Life Assurance Association of the United States.

In connection with this request, the following information is deemed relevant for purposes of issuing the requested certification:[1]

1. On July 7, 1970, Republic National Bank of Dallas ("Old Republic Bank"), a national banking association, indirectly controlled 29.9 percent of the outstanding voting shares of Oak Cliff Bank and Trust Company, Dallas, Texas ("Oak Cliff Bank").

2. On July 7, 1970, Old Republic Bank indirectly controlled, through Howard, a trusteed affiliate, property the disposition of which would be necessary or appropriate to effectuate § 4 of the BHC Act if Old Republic Bank were to continue to be a bank holding company beyond December 31, 1980, which property is "prohibited property" within the meaning of § 1103(c) of the Code.

3. Old Republic Bank became a bank holding company on December 31, 1970, as a result of the 1970 Amendments to the BHC Act, by virtue of its indirect control at that time of more than 25 per cent of the outstanding voting shares of Oak Cliff Bank, and it registered as such with the Board on September 24, 1971.

4. Republic is a corporation that was organized under the laws of the State of Delaware on July 12, 1972, for the purpose of effecting the reorganization of Old Republic Bank into a subsidiary of Republic.

5. On September 10, 1973, the Board ruled that in the event Republic were to become a bank holding company through the acquisition of the successor by merger to Old Republic Bank, Republic would not be regarded as a "successor" to Old Republic as defined in § 2(e) of the BHC Act for the purposes of § 2(a)(6) of the BHC Act, or as a "company covered in 1970," as that term is defined in the BHC Act, and that Republic was not entitled to the benefit of any grandfather privileges that Old Republic Bank may have possessed pursuant to the proviso in section 4(a)(2) of the BHC Act.

6. By Order dated October 25, 1973, the Board approved Republic's application under section 3(a)(1) of the BHC Act to become a bank holding company

[1] This information derives from Republic's correspondence with the Board concerning its request for this certification, Republic's Registration Statement filed with the Board pursuant to the BHC Act as well as the Registration Statement of Republic National Bank and other records of the Board.

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through the acquisition of 100 per cent of the voting shares (less directors' qualifying shares) of the successor by merger to Old Republic Bank and the indirect acquisition of control of 29.9 percent of the voting shares of Oak Cliff Bank. Pursuant to the provisions of section 4(a)(2) of the BHC Act, Republic was required by that order to divest itself, within two years from the date as of which it would become a bank holding company, of the impermissible nonbanking interests that would be directly or indirectly controlled by the successor by merger to Old Republic Bank, including such impermissible interests held by Howard.

7. On May 9, 1974, in a transaction described in section 368(a)(1)(A) and section 368(a)(2)(D) of the Code, Old Republic Bank was merged into the present Republic National Bank of Dallas ("New Republic Bank"), a national banking association which was a wholly-owned subsidiary (except for directors' qualifying shares) of Republic. New Republic thereby acquired substantially all of the properties of Old Republic Bank and Republic thereupon became a bank holding company. By virtue of two one-year extensions granted by the Board, Republic presently has until May 9, 1978, to complete the divestitures required by the Board's order of October 25, 1973.

8. As part of the same transaction by which Republic became a bank holding company, in a transaction to which section 351 of the Code applied, Republic acquired beneficial interests in the shares of Howard held by trustees for the benefit of shareholders of New Republic Bank, which shares are shares described in section 2(g)(2) of the BHC Act.

9. Town & Country was acquired by Howard on November 2, 1965, and is a part of the property of Howard in which Republic acquired a beneficial interest pursuant to section 2(g)(2) of the BHC Act.

On the basis of the foregoing information, it is hereby certified that:

(A) Prior to May 9, 1974, Old Republic Bank was a "qualified bank holding corporation," within the meaning of subsection (b) of section 1103 of the Code, and satisfied the requirements of that subsection.

(B) New Republic Bank is a corporation that acquired substantially all of the properties of a qualified bank holding corporation, and as such is treated as a qualified bank holding corporation for the purposes of section 6158 of the Code, pursuant to section 3(d) of the Tax Act.

(C) Republic is a corporation in control (within the meaning of section 2(a)(2) of the BHC Act) of New Republic Bank, and as such is treated as a qualified bank holding corporation for the purposes of section 6158 of the Code, pursuant to section 3(d) of the Tax Act.

(D) Howard is a subsidiary (within the meaning of section 2(d) of the BHC Act) of Republic, and as such is treated as a qualified bank holding corporation for the purposes of section 6158 of the Code, pursuant to section 3(d) of the Tax Act.

(E) Town & Country is "prohibited property" for the purposes of section 6158 of the Code; and

(F) the sale of Town & Country is necessary or appropriate to effectuate section 4 of the BHC Act.

This certification is based upon the representations made to the Board by Republic and upon the facts set forth above. In the event the Board should hereafter determine that facts material to this certification are otherwise than as represented by Republic, or that Republic has failed to disclose to the Board other material facts, it may revoke this certification.

By order of the Board of Governors acting through its General Counsel, pursuant to delegated authority (12 CFR 265.2(b)(3)), effective March 30, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-10826 Filed 4-12-77;8:45 am]

SECURITY BANCSHARES, INC.

Formation of Bank Holding Company

Security Bancshares, Inc., Shenandoah, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 84.39 per cent or more of the voting shares of The Security Trust and Savings Bank, Shenandoah, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 4, 1977.

Board of Governors of the Federal Reserve System, April 6, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-10827 Filed 4-12-77;8:45 am]

GENERAL SERVICES ADMINISTRATION

NATIONAL HEALTH RESOURCES ADVISORY COMMITTEE

Meeting

Notice is hereby given, pursuant to the Federal Advisory Committee Act, Public Law 92-463, that the next meeting of the Presidentially-appointed National Health Resources Advisory Committee will be held June 9-10, 1977, at the Kona Kai Club, 1551 Shelter Island Drive, San Diego, California 92106.

The subject of the meeting will be Federal Emergency Health Preparedness Activities. It will be the fourth comprehensive review of the manner in which the Federal departments and agencies are carrying out their assigned responsibilities for emergency health preparedness. Emphasis will be placed on Federal-State-local government cooperation in emergency health preparedness activities. Participants will include officials concerned with health and medical matters at the Federal, State, and local levels as well as representatives of related agencies and associations in the private sector.

Meeting times are from 8:00 a.m. to 4:30 p.m., June 9, and from 9:00 a.m. to 4:30 p.m., June 10, 1977. All sessions are open to the public.

In order to assure adequate seating arrangements, persons planning to attend are asked to notify Frederick J. Haase, Staff Director, Telephone No. 202-566-0517 or 566-0763, as soon as possible.

Dated: April 1, 1977.

LESLIE W. BRAY, Jr.,
Director, Federal Preparedness Agency, General Services Administration.

[FR Doc.77-10783 Filed 4-12-77;8:45 am]

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 8, April 28 and 29, 1977, from 8 a.m. to 4 p.m., GSA Conference Room, Building 41, Denver Federal Center, Denver, Colorado. The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for two proposed one year term fixed price contracts: one for the State of Colorado and one for the State of Utah. The meeting will be open to the public.

Dated: March 30, 1977.

MICHAEL J. NORTON,
Regional Administrator.

[FR Doc.77-10782 Filed 4-12-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

ADVISORY COMMITTEES

Meetings for the Review of Contract Proposals

Pursuant to Public Law 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below in accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, for the review, discussion and evaluation of individual contract proposals as indicated.

These proposals and the discussions could reveal personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meetings and rosters of committee members, upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings will be held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014, unless otherwise stated.

BREAST CANCER DIAGNOSIS COMMITTEE

Dates and time: May 4-5, 1977; 8:30 a.m.
Place: May 4, Building 31A, Conference Room 3A10. May 5, Building 31C, Conference Room 8.
Type of meeting: Open—May 4, 8:30 a.m.-9:30 a.m. Open—May 5, 8:30 a.m.-9 a.m. Closed—May 4, 9:30 a.m.-5 p.m. Closed—May 5, 9 a.m.-adjournment.
Closure Reason: To review research contract proposals.
Executive Secretary: Dr. Bernice T. Radovich, Landow Building, Room B404, National Institutes of Health, 301-496-6773.
(Catalog of Federal Domestic Assistance No. 13.394—National Institutes of Health.)

BREAST CANCER EPIDEMIOLOGY COMMITTEE

Date and time: May 5, 1977; 8:30 a.m.
Place: Building 31C, Conference Room 9, National Institutes of Health.
Type of meeting: Open—May 5, 8:30 a.m.-10:30 a.m.
Agenda/Open Portion: To discuss possible future requests for proposals. Closed—May 5, 10:30 a.m.-adjournment.
Closure Reason: To review research contract proposals.
Executive Secretary: Dr. Elizabeth P. Anderson, Landow Building, Room A406, National Institutes of Health, 301-496-6718.
(Catalog of Federal Domestic Assistance No. 13.394—National Institutes of Health.)

BREAST CANCER TREATMENT COMMITTEE

Dates and time: May 5, 1977; 8:30 a.m.
Place: Landow Building, Room C418, 7910 Woodmont Avenue, Bethesda, Maryland.
Type of meeting: Open—May 5, 8:30 a.m.-12 noon. Closed: May 5, 1:30 p.m.-adjournment.
Closure reason: To review research contract proposals.
Executive Secretary: Dr. Mary E. Sears, Landow Building, Room A404, National Institutes of Health, 301-496-6773.
(Catalog of Federal Domestic Assistance No. 13.395—National Institutes of Health.)

BREAST CANCER EXPERIMENTAL BIOLOGY COMMITTEE

Dates and time: May 5-6, 1977; 8:30 a.m.
Place: Building 31C, Conference Room 9, National Institutes of Health.
Type of meeting: Open—May 5, 8:30 a.m.-12 noon. Closed—May 5, 1 p.m.-5 p.m. Closed—May 6, 8:30 a.m.-adjournment.
Closure Reason: To review research contract proposals.
Executive Secretary: Mr. Chester V. Piczak, Landow Building, Room A418, National Institutes of Health, 301-496-6718.
(Catalog of Federal Domestic Assistance No. 13.396—National Institutes of Health.)

COMMITTEE ON CANCER IMMUNOTHERAPY

Date and time: May 12, 1977; 1:15 p.m.
Place: Building 10, Room 4B14, National Institutes of Health.
Type of meeting: Open—May 12, 1:15 p.m.-1:45 p.m. Closed—May 12, 1:45 p.m.-adjournment.
Closure Reason: To review research contract proposals.
Executive Secretary: Dr. George M. Steinberg, Building 10, Room 4B09, National Institutes of Health, 301-496-1791.
(Catalog of Federal Domestic Assistance No. 13.395—National Institutes of Health.)

Dated: April 8, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-10835 Filed 4-12-77;8:45 am]

ADVISORY COMMITTEES

Meetings for the Review of Contract Proposals and Grant Applications

Pursuant to Public Law 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below in accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, for the review, discussion and evaluation of individual contract proposals and grant applications, as indicated. These proposals and applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the proposals and applications.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20014 (301-496-5708) will furnish summaries of the meetings and rosters of committee members, upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings will be held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014, unless otherwise stated.

DRUG DEVELOPMENT COMMITTEE

Date and time: May 6, 1977; 9 a.m.
Place: Building 31C, Conference Room 7, National Institutes of Health.
Type of meeting: Open—May 6, 9 a.m.-9:45 a.m. Agenda/open portion—General discussion of progress in the New Agents Synthesis Program; closed—May 6, 9:45 a.m.-adjournment.
Closure reason: To review research contract proposals.
Executive secretary: Mrs. Naomi T. FitzGibbon, Blair Building, Room 5A09, National Institutes of Health, 301-427-7263.
(Catalog of Federal Domestic Assistance No. 13.395—National Institutes of Health.)

CANCER CONTROL INTERVENTION PROGRAMS REVIEW COMMITTEE B

Dates and time: May 6-7, 1977; 8:30 a.m.
Place: Conference Room 5, Building 31, National Institutes of Health.
Type of meeting: Open—May 6, 8:30 a.m.-12 noon. Open—May 7, 8:30 a.m.-adjournment. Agenda/open portion—General discussion of progress on ongoing contracts. Closed—May 6, 1 p.m.-adjournment.
Closure reason: To review research contract proposals.
Executive secretary: Dr. Carlos E. Caban, Blair Building, Room 7A07, National Institutes of Health, 301-427-7945.
(Catalog of Federal Domestic Assistance No. 13.399—National Institutes of Health.)

NATIONAL CANCER ADVISORY BOARD SUBCOMMITTEE ON CENTERS AND CONSTRUCTION

Date and time: May 22, 1977; 1:30 p.m.
Place: Building 31C, Conference Room 6, National Institutes of Health.
Type of meeting: Open—May 22, 1:30 p.m.-6 p.m.; closed—May 22, 6 p.m.-adjournment. Agenda/open portion—Discussion of Intrainstitute Committee Report: analysis of 10 largest cancer center support grants and non comprehensive clinical centers.
Closure reason: To review research grant applications.
Executive secretary: Dr. William A. Walter, Jr., Westwood Building, Room 826, National Institutes of Health, 301-496-7427.
(Catalog of Federal Domestic Assistance No. 13.312—National Institutes of Health.)

COMMITTEE ON CANCER IMMUNOBIOLOGY

Dates and time: May 23-24, 1977; 8:30 a.m.
Place: Landow Building, Room C-418, National Institutes of Health.
Type of meeting: Open—May 23, 8:30 a.m.-9 a.m.; closed—May 23, 9 a.m.-11:30 p.m.; closed—May 24, 8:30 a.m.-adjournment.
Closure reason: To review research contract proposals.
Executive secretary: Mrs. Judith M. Whalen, Building 10, Room 4B17, National Institutes of Health, 301-496-1791.
(Catalog of Federal Domestic Assistance No. 13.396—National Institutes of Health.)

COMMITTEE ON CANCER IMMUNOTHERAPY

Dates and time: May 24-25, 1977; 8:30 a.m.
Place: May 24, Landow Building, 13th Floor Conference Room, 7910 Woodmont Avenue, Bethesda, Maryland, May 25, Landow Building, Room C-418.
Type of meeting: Open—May 24, 8:30 a.m.-9 a.m.; closed—May 24, 9 a.m.-11:30 p.m. Closed—May 25, 8:30 a.m.-adjournment.
Closure reason: To review research contract proposals.
Executive secretary: Dr. George M. Steinberg, Building 10, Room 4B09, National Institutes of Health, 301-496-1791.
(Catalog of Federal Domestic Assistance No. 13.395—National Institutes of Health.)

DEVELOPMENTAL THERAPEUTICS COMMITTEE

Dates and time: May 26, 1977; 9 a.m.
Place: Building 37, Room 6B23, National Institutes of Health.
Type of meeting: Open—May 26, 9 a.m.-10:30 a.m.; closed—May 26, 10:30 a.m.-adjournment.
Closure reason: To review research contract proposals.
Executive secretary: Dr. J. A. R. Mead, Blair Building, Room 5A03A, National Institutes of Health, 301-427-7263.

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(Catalog of Federal Domestic Assistance No. 13.395—National Institutes of Health.)

BIOMETRY AND EPIDEMIOLOGY CONTRACT REVIEW COMMITTEE

Dates and time: May 31–June 1, 1977; 7 p.m.
Place: Landow Building, Room C418, 7910 Woodmont Avenue, Bethesda, Maryland 20014.
Type of meeting: Open—May 31, 7 p.m.–11 p.m.; closed—June 1, 8:30 a.m.—adjournment.
Closure reason: To review research contract proposals.
Executive secretary: Mr. Harvey Geller, Landow Building, Room C519, National Institutes of Health, 301–496–6014.

(Catalog of Federal Domestic Assistance No. 13.393—National Institutes of Health.)

Dated: April 8, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77–10836 Filed 4–12–77;8:45 am]

ADVISORY COMMITTEES

Open Meetings

Pursuant to Public Law 92–463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be entirely open to the public to discuss issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available. Meetings will be held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014, unless otherwise stated.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of the meetings and rosters of committee members upon request.

Other information pertaining to the meeting can be obtained from the Executive Secretary indicated.

SUBCOMMITTEE ON COST REIMBURSEMENT OF THE CANCER CONTROL AND REHABILITATION ADVISORY COMMITTEE

Date and time: May 2, 1977; 9 a.m.–adjournment.
Place: Landow Building, Room C418, 7910 Woodmont Avenue, Bethesda, Maryland 20014.
Type of meeting: Open for the entire meeting.
Agenda: To consider strategies potentially applicable to supported projects of the Division of Cancer Control and Rehabilitation.
Executive Secretary: Dr. Dorothy R. Brodie, Blair Building, Room 7A07, National Institutes of Health, 301–427–7945.

SUBCOMMITTEE ON PREVENTION OF THE CANCER CONTROL AND REHABILITATION ADVISORY COMMITTEE

Date and time: May 2, 1977; 2 p.m.–adjournment.
Place: Landow Building, Room C418, 7910 Woodmont Avenue, Bethesda, Maryland 20014.
Type of meeting: Open for the entire meeting.
Agenda: To consider those interventions which staff might employ to lower the incidence of cancer through prevention.
Executive Secretary: Dr. Dorothy R. Brodie, Blair Building, Room 7A07, National Institutes of Health, 301–427–7945.

SUBCOMMITTEE ON COMMUNITY ACTIVITIES OF THE CANCER CONTROL AND REHABILITATION ADVISORY COMMITTEE

Dates and time: May 2, 1977; 7 p.m.–adjournment.
Place: Holiday Inn, Board Room No. 6, 8120 Wisconsin Avenue, Bethesda, Maryland 20014.
Type of meeting: Open for the entire meeting.
Agenda: To consider strategies for the Division of Cancer Control and Rehabilitation coordination and integration of current control efforts into more effective community-based cancer control.
Executive Secretary: Dr. Dorothy R. Brodie, Blair Building, Room 7A07, National Institutes of Health, 301–427–7945.

CANCER CONTROL AND REHABILITATION ADVISORY COMMITTEE

Dates and time: May 3–4, 1977; 9 a.m.
Place: Building 31C, Conference Room 7, National Institutes of Health.
Type of meeting: Open for thhe entire meeting.
Agenda: To discuss current and projected programs of the Division of Cancer Control and Rehabilitation.
Executive Secretary: Dr. Veronica L. Conley, Blair Building, Room 7A07, National Institutes of Health, 301–427–7941.

NATIONAL CANCER ADVISORY BOARD SUBCOMMITTEE ON BUDGET AND PLANNING

Date and time: May 23, 1977; 7:30 p.m.–adjournment.
Place: Building 31A, Conference Room 11A10, National Institutes of Health.
Type of meeting: Open for the entire meeting.
Agenda: To review the preliminary estimates for the NCI budget for fiscal year 1979 and the budget projections for 1980 to 1983; and to review the draft of the NCI Annual Plan for the first year period 1979–1983.
Executive Secretary: Mr. Louis M. Carrese, Building 31, Room 11A49, National Institutes of Health, 301–496–4445.

DATA EVALUATION SUBGROUP OF THE CLEARINGHOUSE ON ENVIRONMENTAL CARCINOGENS

Date and time: May 31, 1977; 8:30 a.m.–adjournment.
Place: Building 31C, Conference Room 6, National Institutes of Health.
Type of meeting: Open for the entire meeting.
Agenda: To consider criteria and procedures to be used in the evaluation of bioassay data and available bioassay data.
Executive Secretary: Dr. James M. Sontag, Building 31, Room 3A16, National Institutes of Health, 301–496–5108.

Dated: March 31, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77–10834 Filed 4–12–77;8:45 am]

ARTIFICIAL KIDNEY-CHRONIC UREMIA ADVISORY COMMITTEE

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Artificial Kidney-Chronic Uremia Advisory Committee, National Institute of Arthritis, Metabolism, and Digestive Diseases, May 16–18, 1977. The meeting will be held in Building 31, Conference Room 9, on May 16 and 17 and in Conference Room 8, Building 31 on May 18, at the National Institutes of Health, Bethesda, Maryland.

The meeting will be open to the public from 8:30 a.m. to 9:30 a.m. each day to discuss administrative reports. Attendance by the public will be limited to space available. In accordance with the provisions set forth in Title 5, U.S. Code 552b(c)(4) and 552b(c)(6), the meeting will be closed to the public from 9:30 a.m. to adjournment each day for the review, discussion and evaluation of individual contract proposals. The proposals and the discussions could reveal trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the proposals. Messrs. James N. Fordham or Leo E. Treacy, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, 301–496–3583, will provide summaries of the meeting and rosters of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13.849—National Institues of Health.)

Dated: April 1, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77–10840 Filed 4–12–77;8:45 am]

CONTRACEPTIVE EVALUATION RESEARCH CONTRACT REVIEW COMMITTEE

Cancelled Meeting

Notice is hereby given of the cancellation of the meeting of the Contraceptive Evaluation Research Contract Review Committee, National Institute of Child Health and Human Development, April 18, 1977, Conference Room 8, Building 31, National Institutes of Health, Bethesda, Maryland, which was published in the FEDERAL REGISTER on March 7, 1977, 42 FR 12926.

Dated: April 7, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77–10832 Filed 4–12–77;8:45 am]

CURRENT RESEARCH IN CARDIAC AND VASCULAR DISEASE IN RELATION TO DIABETES MELLITUS

Open Meeting

Notice is hereby given of the Workshop on Current Research in Cardiac and Vascular Disease in Relation to Diabetes Mellitus sponsored by the National Heart, Lung, and Blood Institute, June 3, 1977 between 9:00 am and 4:00 pm in Building 31, Conference Room 5, the National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on a space available basis.

Dr. Gardner C. McMillan, Associate Director, Etiology of Arteriosclerosis and Hypertension Program, Division of Heart and Vascular Diseases, National Heart, Lung, and Blood Institute, Landow Building, Room C803, Bethesda, Maryland 20014, (301) 496–1613 will provide additional information.

Dated: March 31, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77–10837 Filed 4–12–77;8:45 am]

National Institutes of Health

DENTAL CARIES PROGRAM ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Dental Caries Program Advisory Committee, National Institute of Dental Research, on June 16–17, 1977, National Institutes of Health, Building 31–B, Conference Room 5, Bethesda, Md.

The entire meeting will be open to the public from 9 a.m. to 5 p.m. on June 16, and from 9 a.m. to adjournment on June 17, to discuss research progress and ongoing plans and programs of the National Caries Program. Attendance by the public will be limited to space available.

Dr. James P. Carlos, Associate Director, National Caries Program, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 528, Bethesda, Md. 20014, phone number 301–496–7239, will furnish rosters of committee members, a summary of the meeting, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.840—National Institutes of Health.)

Dated: April 5, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77–10843 Filed 4–12–77;8:45 am]

MATERNAL AND CHILD HEALTH RESEARCH COMMITTEE

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Maternal and Child Health Research Committee, National Institute of Child Health and Human Development, on June 2–3, 1977, in the Landow Building, Room C–418, 7910 Woodmont Avenue, Bethesda, Maryland.

This meeting will be open to the public on June 2 from 9:00 a.m. to 10:30 a.m. to discuss items relative to the Committee's activities including announcements by the Director, Center for Research for Mothers and Children, the Chiefs, Human Learning and Behavior, Pregnancy and Infancy, and Developmental Biology and Nutrition Branches and the Executive Secretary of the Committee. Concept clearance for contract programs of the Center for Research for Mothers and Children will be discussed. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Title 5, U.S. Code 552b(c)(4) and 552b(c)(6) and Section 10(d) of Public Law 92–463, the meeting will be closed to the public on June 2 from 10:30 a.m. to adjournment on June 3 for the review, discussion and evaluation of individual grant applications. The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Building 31, Room 2A–04, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1848, will provide a summary of the meeting and a roster of committee members. Dr. Nancy F. Russo, Executive Secretary, Maternal and Child Health Research Committee, NICHD, Landow Building, Room C–717, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–5575, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.856, National Institutes of Health.)

Dated: April 1, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77–10842 Filed 4–12–77;8:45 am]

NATIONAL ADVISORY RESEARCH RESOURCES COUNCIL

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Research Resources Council, Division of Research Resources, May 19–20, 1977, Conference Room No. 9, Building 31, National Institutes of Health, Bethesda, Maryland 20014.

This meeting will be open to the public from 9:00 a.m. to recess on May 19 for: the conduct of Council business, including the report of the Director, DRR; the report of the Deputy Director, DRR; the annual Review of Council Operating Procedures; a presentation by a Council member entitled, "The National Advisory Research Resources Council—?"; a presentation entitled, "Trends in NIH Extramural Programs in Relation to DRR"; a presentation of the DRR Forward Plan FY 1979–83; a status report on the NIH Director's review of the Research Resources Evaluation Panel Report; a status report on resource identification plaques; a status report on the Research Resources Information Center and the Research Resources Reporter; and a program review of the functions of the Division's Minority Biomedical Support Program. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6) under Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the meeting will be closed to the public on May 20 from 8:30 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets of commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Room 5B39, Building 31, Bethesda, Maryland 20014 (301) 496–5545, will provide summaries of the meeting and rosters of the Council members. Dr. James F. O'Donnell, Deputy Director, Division of Research Resources, National Institutes of Health, 5B03, Building 31, Bethesda, Maryland 20014 (301) 496–6611, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.306; 13.333; 13.337; 13.371; 13.375; National Institutes of Health.)

Dated: April 1, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77–10833 Filed 4–12–77;8:45 am]

NATIONAL ADVISORY ALLERGY AND INFECTIOUS DISEASES COUNCIL

Open Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Allergy and Infectious Diseases Council, National Institute of Allergy and Infectious Diseases, May 25, 1977, in Building 31C, Conference Room 9, and on May 26 and 27, 1977, in Building 31C, Conference Room 10, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on May 25 from 1:30 p.m. until recess, and on May 26 from 9:00 a.m. until recess, to discuss program policies and issues. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Public Law 92–463, the meeting of the Council will be closed to the public on May 25 from 9:00 a.m. until 1:30 p.m., and on May 27 from 9:00 a.m. until adjournment, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

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Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A32, National Institutes of Health, Bethesda, Maryland, telephone (301) 496–5717, will provide summaries of the meetings and rosters of the Council members.

Dr. William I. Gay, Director, Extramural Activities Program, NIAID, NIH, Westwood Building, Room 703, telephone (301) 496–7291, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.855, 13.856, 13.857, and 13.858, National Institutes of Health.)

Dated: April 1, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-10839 Filed 4-12-77;8:45 am]

NATIONAL ADVISORY CHILD HEALTH AND HUMAN DEVELOPMENTAL COUNCIL

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Child Health and Human Development Council, May 23–24, 1977, Building 31, Conference Room 10, National Institutes of Health, Bethesda, Maryland. The meeting will be open to the public on May 23 from 9:00 a.m. to 5:00 p.m. with current status reports, review of the Reproductive Biology Program of the Center for Population Research, and scientific presentations. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Title 5, U.S. Code 552b(c) (4) and 552 (c) (6) and Section 10(d) of Public Law 92–463, the meeting will be closed to the public on May 24 from 9:00 a.m. to adjournment on May 24 for the review, discussion and evaluation of individual grant applications. The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mrs. Marjorie Neff, Council Secretary, NICHD, Building 31, Room 2A–04, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1848, will provide summaries of meetings and a roster of Council members as well as substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.864 and 13.865, National Institutes of Health.)

Dated: April 1, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-10841 Filed 4-12-77;8:45 am]

NATIONAL ADVISORY COUNCIL ON AGING

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Council on Aging, on May 24–25, 1977, in Building 31C, Conference Room 7, National Institutes of Health, Bethesda, Maryland.

The meeting will be open to the public from 9:00 a.m. to 2:00 p.m. on May 24 and from 9:00 a.m. to adjournment on May 25 for introductory remarks, status reports, and presentations by NIH Institute Directors. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b (c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the meeting will be closed to the public on May 24 from 2:00 p.m. to adjournment that day for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mrs. Suzanna Porter, Council Secretary, National Institute on Aging, Building 31, Room 4B–63, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–5345, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.866, National Institutes of Health.)

Dated: April 1, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-10838 Filed 4-12-77;8:45 am]

NATIONAL ADVISORY ENVIRONMENTAL HEALTH SCIENCES COUNCIL

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Environmental Health Sciences Council, National Institute of Environmental Health Sciences, May 23–24, 1977, in Building 18 Conference Room, National Institute of Environmental Health Sciences, Research Triangle Park, North Carolina. This meeting will be open to the public on May 23, 1977, from 9 a.m. to noon to discuss the Report of the Second Task Force for Research Planning in Environmental Sciences, recent legislation, interagency activities and other items of interest. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4), and 552b (c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on May 23, 1977, from 1 p.m. to adjournment on May 24, 1977. The closed portion of the meeting involves the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Leota B. Staff, Committee Management Officer, NIEHS, Westwood Building, Room 340, Bethesda, Maryland, 20014, 301–496–7483, will provide summaries of meetings and rosters of committee members. Dr. Wilford L. Nusser, Acting Associate Director for Extramural Program, National Institute of Environmental Health Sciences, Bethesda, Maryland, 20014, 301–496–7483, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.872, 13.873, 13.874, 13.875, and 13.876—National Institutes of Health.)

Dated: April 1, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-10844 Filed 4-12-77;8:45 am]

NATIONAL ADVISORY GENERAL MEDICAL SCIENCES COUNCIL

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory General Medical Sciences Council, National Institute of General Medical Sciences, National Institutes of Health, May 25–26, 1977, Building 31, Conference Room 8, Bethesda, Maryland. This meeting will be open to the public on May 25, 1977, from 9 a.m. to 5 p.m. for opening remarks; report of the Director, NIGMS; and other business of the Council. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Title 5, U.S. Code 552b(c)(4) and 552b(c)(6), the meeting will be closed to the public on May 26, 1977, from 9 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. Paul Deming, Research Reports Officer, NIGMS, National Institutes of Health, Room 9A05, Westwood Building, Bethesda, Maryland 20014, 301–496–7301, will provide a summary of the meeting and a roster of council members. Dr. Ruth L. Kirschstein, Executive Secretary, NAGMS Council, National Institutes of Health, Building 31, Room 4A52, Bethesda, Maryland 20014, 301–496–7518, will furnish substantive program information.

(Catalog of Federal Domestic Assistace Program Nos. 13–859, 13–860, 13–861, 13–862, 13–863—National Institutes of Health.)

Dated: April 1, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-10845 Filed 4-12-77;8:45 am]

NATIONAL LIBRARY OF MEDICINE, BOARD OF REGENTS

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Regents of the National Library of Medicine on May 19–20, 1977, in the Board Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland, and the meeting of the Extramural Programs Subcommittee of the Board of Regents of the National Library of Medicine on the preceding day, May 18, 1977, from 2 to 5 p.m., in Conference Room "B" of the Library.

The meeting of the Board will be open to the public all day on May 19 and from 9 to 9:15 a.m. on May 20 for administrative reports and program and operation discussions. Attendance by the public wil be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4), 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the entire meeting of the Subcommittee on May 18 will be closed to the public, and the regular Board meeting on May 20 will be closed from 9:15 a.m. to adjournment, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal informaiton concerning individuals associated with the applications.

Mr. Robert B. Mehnert, Chief Office of Inquiries and Publications Management, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20014, 301–496–6308, will furnish a summary of the meeting, rosters of Board members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program Nos. 13.348, 13.349, 13.351, 13.352, 13.881—National Institutes of Health.)

Dated: April 8, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-10846 Filed 4-12-77;8:45 am]

CONSULTING GROUP ON WELFARE REFORM

Meeting

Notice is hereby given that the Consulting Group on Welfare Reform will meet from 9:00 a.m. to 11:00 a.m. on April 15, 1977, in the first floor auditorium, HEW North Building, 330 Independence Avenue, SW., Washington, D.C. The Group will review and discuss leading welfare reform options.

This meeting has been called on short notice due to the unexpected lateness of cost and caseload estimate figures for welfare reform opinions, the need for Group members to review and discuss this information before concluding their work, and the extremely tight deadlines which the President has established for receipt of the Department's report and recommendations.

Further information about this meeting or the work of the Group may be obtained by writing to: Mr. Bob Heim, Executive Director, Room 410–E South Portal Building, 200 Independence Avenue, SW., Washington, D.C. 20201.

Dated: April 11, 1977.

BOB HEIM,
Executive Director.

[FR Doc.77-10961 Filed 4-12-77;8:45 am]

Office of the Secretary

HEALTH CARE FINANCING ADMINISTRATION, ET AL.

Amendment to Reorganization Order

The Reorganization Order, 42 FR 13262 (March 9, 1977), is amended as follows:

1. Part I, Paragraph E is amended by substituting "Employee Systems Center" for the two organizational units of the Office of Personnel and Training listed in subparagraph 2.

2. Part III is amended by adding thereto the following paragraph:

"5. The delegations of authority by the Secretary to the Regional Directors with respect to Long Term Care Standards Enforcement in Medicare and Medicaid and any redelegations thereunder continue in effect."

3. This Amendment to the Reoganization Order is effective immediately.

Dated: April 8, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc.77-10818 Filed 4-12-77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Consumer Affairs and Regulatory Functions

[Docket N–77–748]

REAL ESTATE SETTLEMENT PROCEDURES ACT

Special Information Booklet

This notice is issued to conform the Special Information Booklet prepared by HUD pursuant to the Real Estate Settlement Procedures Act of 1974 (RESPA), 12 U.S.C. 2601, et seq., with recent amendments to Regulation B adopted by the Board of Governors of the Federal Reserve in implementing the Equal Credit Opportunity Act (ECOA).

The original regulations issued by the Board and effective June 30, 1976, required that all creditors provide credit applicants, at the time of application, with a notice detailing the protection of ECOA and the agency which administers the creditor's compliance with the Act's provisions. HUD incorporated this requirement in its regulations under RESPA (June 4, 1976, 41 FR 22702), which also went into effect on June 30, 1976, and included in the Special Information Booklet an alternative vehicle for the delivery of the ECOA notice. Recent amendments to Regulation B, effective April 13, 1977, however, alter the notice delivery requirement; 12 CFR 202.9 requires that the ECOA notice need only be provided when a creditor takes adverse action regarding an application for credit.

It is the purpose of this notice, therefore, to revise the text of the Special Information Booklet to accurately reflect current ECOA coverage and procedures. The RESPA regulatory requirement dealing with ECOA (24 CFR 3500.6(a)) is amended by a rule published this date, April 13, 1977.

Because of the relatively minor nature of the ECOA references in the Booklet, the Department has determined that revision of the text of the booklet should not be made mandatory at this time. However, the booklet should be revised in accordance with this notice at the lender's (printer's) next reprinting. All booklets printed in accordance with the text as published on June 10, 1976, may continue to be used in complying with the requirements of RESPA, 24 CFR 3500.6, without change although obsolete material may be struck from existing supplies in accordance with this notice. The textual revisions outlined below will be incorporated into the required version mandated by this Department. It is HUD's policy to provide notice of a proposed required amendment of the booklet substantially in advance of the effective date of such amendment.

After April 13, 1977, the following alterations may be made in the text of the Special Information Booklet as it appeared on June 10, 1976, at 41 FR 23620:

1. At the end of the general heading, "Protection Against Unfair Practices", (See 41 FR 23635, after line 37) add the following:

* * * * *

Equal Credit Opportunity. The Equal Credit Opportunity Act prohibits lenders from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age (provided that the applicant has the capacity to enter into a binding contract), because all or part of the applicant's income derives from any public assistance program, or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. If you feel you have been discriminated against by any lender, you may have a private right of legal action against that lender and you may wish to consult an attorney; or you may wish to consult the Federal agency that administers compliance with this law concerning the lender you suspect has violated your rights thereunder. Inquire of the lender regarding the identity of that agency. You may also contact your regional Federal Reserve Bank about your rights under this Act.

* * * * *

2. Under the general heading, "The Right to File Complaints", the fourth and fifth sentence of the third paragraph should be deleted (see 41 FR 23636, lines 18, 19, and 20) and the amended paragraph should read as follows:

* * * * *

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Most settlement service providers, particularly lenders, are supervised by some governmental agency at the local, state and/or Federal level. Others are subject to the control of self-policing associations. If you feel a provider of settlement services has violated RESPA, you can address your complaint to the agency or association which has supervisory responsibility over that provider. For the names of such agencies or associations you will have to check with local and State governments or consumer agencies operating in your area. You are also encouraged to forward a copy of complaints regarding RESPA violations to the HUD Office of Consumer Affairs and Regulatory Functions, which has the primary responsibility for administering the RESPA program. Your complaints can lay the foundation for future legislative or administrative actions.

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3. On the final page, after Appendix A, (see 41 FR 23661, after line 25) delete the center caption and paragraph dealing with the "Equal Credit Opportunity Notice."

Issued at Washington, D.C. on April 5, 1977.

RANDOLPH S. KINDER,
Acting Assistant Secretary for Consumer Affairs and Regulatory Functions.

[FR Doc.77-10885 Filed 4-12-77;8:45 am]

Office of the Secretary

[Docket No. N-77-506]

PRIVACY ACT OF 1974

Adoption of New Notice of Systems of Records

In accordance with the Privacy Act of 1974 (Pub. L. 93-579), the Department of Housing and Urban Development (hereinafter referred to as "the Department") adopts a new System of Records.

On November 30, 1976, the Department published in the FEDERAL REGISTER at 41 FR 52545 a Notice of System of Records for a proposed system, entitled Urban Homesteading Evaluation Data, that will be maintained by the Department. Interested persons were given the opportunity to comment on the proposed Notice of System of Records on or before December 30, 1976. No comments were received.

The Routine Uses paragraphs of prefatory statement noted in the Systems description refer to the General Statement of Routine Uses appearing at 40 FR 47435, October 8, 1975, as amended at 41 FR 16850, April 22, 1976.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 was made for the earlier publication of the proposed Notice of the System of Records in accordance with HUD Handbook 1390.1. A copy of this Finding of Inapplicability is available for public inspection during the regular business hours at the Office of the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C.

It is hereby certified that the economic and inflationary impacts of the System of Records Notice have been carefully evaluated in accordance with OMB Circular A-107.

Therefore, the Department adopts the following Privacy Act System of Records, reprinting it in its entirety.

HUD/PD&R-1

System name:

Urban Homesteading Evaluation Data.

System location:

Cambridge, Massachusetts.

Categories of individuals covered by the system:

Urban homesteaders, other residents of Urban Homesteading Demonstration (UHD) target neighborhoods, and unsuccessful applicants for UHD properties.

Categories of records in the system:

Demographic, socio-economic, housing characteristics, and housing costs.

Routine uses of records maintained in the system, including categories of users and the purpose of such uses:

See Routine Uses paragraphs of prefatory statement. Other routine uses: none.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Survey questionnaires stored in file folders; punch cards, magnetic tape/disc/drum stored in facilities with limited access.

Retrievability:

Code number; address.

Safeguards:

File folders stored in locked cabinets; machine-readable files stored in secured areas and technical restraints are employed with regard to accessing the computer and machine-readable files. All material accessible only by authorized personnel.

Retention and disposal:

Quentionnaires are retained for about one month to permit conversion of data into machine-readable format; machine-readable records will be disposed of in approximately three years, early 1980.

System manager and address:

Director, Office of Organization and Management Information, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Notification procedure:

For inquiry about existence of records, contact the Privacy Act Officer at the Headquarters location, in accordance with procedures in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the Headquarters location.

Record access procedures:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Contesting record procedures:

The Department's rules for contesting the contents of records and appealing initial denials by the individual concerned appear in 24 CFR Part 16. If additional information or assistance is needed, in relation to contesting contents of records or in relation to appeals of initial denials, it may be obtained by contacting the Departmental Privacy Appeals Officer, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Record source categories:

Urban homesteaders, other residents of UHD target neighborhoods, and unsuccessful applicants for UHD properties.

Effective date: This Notice of System of Records shall be effective May 13, 1977.

Issued at Washington, D.C., on April 6, 1977.

PATRICIA ROBERTS HARRIS,
Secretary of Housing and Urban Development.

[FR Doc.77-10761 Filed 4-12-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA 2376]

MOUNT DIABLO MERIDIAN

Proposed Withdrawal and Reservation of Lands

APRIL 4, 1977.

The Corps of Engineers, Department of the Army, on October 7, 1974, filed application Serial No. CA 2376 for withdrawal of the following described lands from settlement, sale, location, or entry under all of the general land laws, including the mining laws and the mineral leasing laws, subject to valid existing rights:

MOUNT DIABLO MERIDIAN

T. 13 N., R. 10 W.,
Sec. 3, W½SW¼NW¼SW¼;
Sec. 4, E½E½NE¼NW¼, E½E½SW¼NW¼, SE¼NW¼, NE¼NE¼NW¼SW¼, NE¼NE¼SW¼, N½NW¼NE¼SW¼, SE¼NE¼SW¼, W½NE¼, W½NE¼NE¼, S½SE¼NE¼NE¼, NW¼SE¼, and E½E½SW¼SE¼;
Sec. 9, NE¼NE¼NW¼NE¼.

T. 14 N., R. 10 W.,
Sec. 7, W½SW¼ Lot 2, W½, W½NE¼, SE¼ Lot 3, and Lot 4;
Sec. 8, SW¼SW¼SW¼, W½NW¼SW¼SW¼, and W½SW¼NW¼SW¼;
Sec. 17, W½NW¼NW¼, W½E½NW¼NW¼, SW¼NW¼, SW¼SE¼NW¼, NE¼SW¼, E½NW¼SW¼, NW¼NW¼SW¼, E½SE¼SW¼, NW¼SE¼SW¼, S½SE¼, SW¼NW¼SE¼, SE¼NE¼SE¼, and E½SW¼NE¼SE¼;
Sec. 18, E½ and E½NW¼ Lot 1, and E½ Lot 2;
Sec. 20, E½NW¼NE¼, NW¼NW¼NE¼, and E½E½SE¼;
Sec. 21, NW¼NW¼;
Sec. 29, E½NE¼NE¼, E½E½SE¼NE¼, NW¼NE¼SE¼NE¼, and E½E½NE¼SE¼;
Sec. 32, S½SE¼NE¼NE¼, E½SE¼NE¼, SW¼SE¼NE¼, S½NW¼SE¼NE¼, S½S½SW¼NE¼, S½SE¼NW¼, N½NE¼SW¼, N½NW¼SE¼, NW¼NE¼SE¼, and N½NE¼NE¼SE¼;
Sec. 33, W½NW¼SE¼, SE¼NW¼SE¼, S½NE¼SE¼, N½SE¼SE¼, SW¼SE¼SE¼, N½SE¼SE¼, N½SW¼SE¼, SE¼SW¼SE¼, E½SW¼SW¼SE¼, and NE¼SE¼SW¼;
Sec. 34, SW¼NW¼SW¼ and NW¼SW¼SW¼.
T. 14 N., R. 11 W.,
Sec. 12, SW Lot 3, W½ and W½E½ Lot 4, SE¼NW¼SE¼, and NE¼SW¼SE¼;
Sec. 13, E½, NW¼ and E½SW¼ Lot 1, and E½NE¼ Lot 2.

The total acreage is 1,220.18 acres in Lake County, California.

The Corps of Engineers desires these lands for the purpose of construction of a multiple-purpose dam and reservoir at the Lakeport site on Scotts Creek for flood control, municipal water supply, irrigation, recreation, and fish and wildlife, and downstream levee and channel improvements for flood control.

On or before May 13, 1977, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825, on or before May 16, 1977. Notice of the public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual, Sec. 2351.16B.

The Department of the Interior's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of assuring that the area sought is the minimum essential to meet the applicant's needs, providing for the maximum concurrent utilization of the lands for purposes other than the applicant's, and reaching agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior, who will determine whether or not the lands will be withdrawn and reserved as requested by the applicant agency. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. The Secretary's determination shall, in a proper case, be subject to the provisions of section 204(c) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2752. The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws and the mineral leasing laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. The segregative effect of this proposed withdrawal shall terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with this proposed withdrawal should be addressed to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

VIOLA A. ANDRADE,
Acting Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc.77-10759 Filed 4-12-77;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 76-28]

RAYMOND G. MARINOFF, M.D.

Revocation of Registration

On June 15, 1976, the Administrator of the Drug Enforcement Administration (DEA) directed to Raymond G. Marinoff, M.D. (Respondent), of Oakland, California, an Order to Show Cause proposing to revoke Dr. Marinoff's DEA Certificate of Registration (AM1332080) for reason that on May 13, 1976, in the United States District Court for the Northern District of California, Dr. Marinoff was convicted of the unlawful distribution of a controlled substance in violation of 21 U.S.C. 841(a)(1), a felony. Concurrent with the issuance of the Order to Show Cause, the Administrator notified the Respondent of the immediate suspension of his registration pursuant to 21 U.S.C. 824(d), pending final determination of these proceedings.

On July 13, 1976, the Respondent, through counsel, requested a hearing on the Order to Show Cause. Following the completion of prehearing procedures, a hearing in this matter was held on December 7 and 8, 1976, in San Francisco, California, Administrative Law Judge Francis L. Young, presiding. On March 25, 1977, Judge Young certified to the Administrator the record of these proceedings, including his findings of fact, conclusions of law, and a recommended decision or ruling. Now, after a careful review of the entire record, and pursuant to 21 CFR 1316.66, the Administrator publishes his Final Order in this matter, based upon findings of fact and conclusions of law as set forth below.

The Administrative Law Judge found, inter alia, that the DEA and the California Diversion Investigative Unit (DIU) had become aware that the Respondent was ordering very large and excessive amounts of Schedule II controlled substances. In one three month period, the Respondent, an individual practitioner, had ordered over 110,000 dosage units of sodium secobarbital, an amount in excess of the quantity large hospitals are known to order over a similar period of time. Surveillance of the Respondent's office failed to show patient traffic which might have justified the quantities of controlled substances ordered. Hence, an undercover investigation of the Respondent's activities was begun by the California DIU. The DIU agent introduced himself to the Respondent as a massage parlor operator. Subsequently, the agent informed the Respondent that his "girls" could sell the barbiturate capsules to their customers for a dollar apiece. Dr. Marinoff began to sell sodium secobarbital to the agent for a mutually agreed price of fifty cents per capsule, with knowledge that his purported "patient" had no legitimate medical need for the drugs and that the controlled substances he sold to the agent were to be resold by the massage parlor employees.

Thereafter, on three occasions, January 9, 12 and 16, 1976, the Respondent sold the undercover agent 3,080 dosage units of sodium secobarbital for a total of $1,540.00. On January 27, 1976, the agent obtained from the Respondent 10,000 dosage units of sodium secobarbital and 4,000 dosage units of amphetamine. The Respondent was in the process of delivering an additional 10,000 dosage units of sodium secobarbital when other agents entered and he was arrested. The agreed price for the total of 24,000 dosage units of Schedule II controlled substances was $12,000.00. Subsequent to the Respondent's arrest, the DEA conducted an accountability audit of his controlled substances. The audit revealed that during the period, January 1, 1975 through January 27, 1976, Dr. Marinoff had actually received at least 768,000 dosage units of sodium secobarbital; an additional 65,000 dosage units of pentobarbital (Schedule II); and over 100,000 dosage units of dextroamphetamine (Schedule II). The audit further revealed that the Respondent had on hand at the time of his arrest approximately 168,300 dosage units of sodium seco-

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barbital and 21,450 dosage units of dextroamphetamine. Hence, Dr. Marinoff had dispensed, or otherwise disposed of, approximately 600,000 dosage units of secobarbital in less than thirteen months. A Federal Grand Jury indicted Dr. Marinoff for his sales of controlled substances to the undercover agent on January 12, 16 and 27, 1976, and with possessing with intent to distribute the secobarbital and dextroamphetamine he had in his possession at the time of his arrest. On May 13, 1976, upon his plea of Guilty to Count One of the six count indictment, Dr. Marinoff was convicted of distribution of controlled substances in violation of 21 U.S.C. 841(a)(1).

The Respondent testified at the hearing that he had never sold controlled substances other than to the undercover agent at the latter's suggestion. He further testified that he began to stockpile controlled substances because he had a large accident victim practice and because he dispensed boxes of 40 Seconal (sodium secobarbital) to between 35 and 40 of the 100 to 120 patients he saw each working day. With respect to Respondent's ordering and dispensing of controlled substances, the Administrative Law Judge found that "there is no direct evidence that Respondent was prepared to sell, or had sold, controlled substances unlawfully to anyone other than (the agent). The enormous quantities of drugs which Respondent had obtained gives rise to the strong probability that he did so. Even if we accept the general thrust of Respondent's testimony with respect to the drugs he dispensed to accident patients, the totals still leave a large quantity unaccounted for * * * The point is, even accepting at face value all of Respondent's testimony concerning the size of his accident patient practice, and his prescribing of controlled substances for those patients, he could still have been selling significantly large quantities of controlled substances unlawfully. Respondent's own figures leave approximately 100,000 dosage units of Schedule II controlled substances unaccounted for by and any theory he has advanced."

The Administrative Law Judge concluded that there is a lawful basis for the revocation of Respondent's DEA registration pursuant to 21 U.S.C. 824(a)(2); that the Administrator should revoke this registration; and that revocation is necessary and appropriate in the light of all the facts and circumstances in this case.

The Administrator hereby fully accepts and adopts the findings of fact, conclusions of law and recommended decision of the Administrative Law Judge.

Therefore, having reviewed the record of this proceeding in its entirety, and having concluded that the subject registration should be revoked for reason that the Respondent has been convicted of a felony relating to the distribution of controlled substances, it is the Administrator's decision that said registration be revoked pursuant to 21 U.S.C. 824(a)(2). Furthermore, in consideration of all of the facts and circumstances in this case, including the findings which necessitated the imposition of the immediate suspension in the public interest, and pursuant to the provisions of 21 CFR 1316.66, it is the Administrator's decision that such revocation will be effective immediately upon publication of this Final Order.

Accordingly, pursuant to the Authority vested in the Attorney General, and redelegated to the Administrator of the Drug Enforcement Administration, the Administrator hereby orders that the DEA Certificate of Registration, AM-1332080, previously issued to Raymond G. Marinoff, M.D., be and it hereby is, revoked, effective immediately.

Dated: April 7, 1977.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc.77-10756 Filed 4-12-77;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 7, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of Census:
Reconciliation of Vacant and Deleted Units—1977, Census of Oakland, California, DH-354, single-time, persons near vacant and possible nonexistent units in Oakland, Maria Gonzalez, 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development:
Cost Benefits in Rehabilitation Research, other (see SF-83), Rehabilitation counselors, administrators, researchers and clients, Human Resources Division, Sunderhauf, M. B., 395-3532.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management:
Contractor's Certification Concerning Labor Standards and Prevailing Wage Requirements, HUD-1421, single-time, construction contractor, housing, veterans and labor division, Lowry, R. L., 395-3532.
Record of Employee Interview, HUD-11, single-time, construction workers, housing, veterans and labor division, Lowry, R. L. 395-3532.
Classification, Salary and Wage Study for Technical Positions, FHA-2041, single-time, A & E firms and associations, housing, veterans and labor division, 395-3532.
Emergency Housing-Low Income Housing; Section 8 Housing, Assistance, single-time, PHAS located in areas determined eligible for emergency assistance, housing, veterans and labor division, 395-3532.

Office of the Secretary:
Subcontractor's Certification Concerning Labor Standards and Prevailing Wage Requirements, HUD-1422, single-time, construction subcontractor, housing, veterans and labor division, Lowry, R. L. 395-3532.

REVISIONS

OVERSEAS PRIVATE INVESTMENT CORPORATION

OPIC Mailing List Request Form, OPIC-64, on occasion, business firms, Lowry, R. L. 395-3772.

VETERANS ADMINISTRATION

Survey of Employment Following Training in Vocational Courses, A, B, C, other (see SF-83), Individuals, Housing, Veterans and Labor Division, Richard Eisinger, 395-3532.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service:
List Sampling Frame Survey, annually, all farmers, Gaylord Worden, 395-4730.

DEPARTMENT OF TRANSPORTATION

Coast Guard:
The Nationwide Boating Survey, single-time, households in continental United States, Maria Gonzalez, 395-6132.

EXTENSIONS

DEPARTMENT OF COMMERCE

Bureau of Census:
Inventory Valuation Retail Establishments (Supplements), Bus-230(R), Bus-230 (L), BUS-230(I), annually, retail firms, Raynsford, R., 395-3814.
National Oceanic and Atmospheric Administration, Oceanic Gamefish Investigations Big Game Fishing Log, NOAA 88-90, on occasion, recreational fisherman and boat captains, Maria Gonzales, 395-6132.

DEPARTMENT OF DEFENSE

Department and other:
Royalty Report—Foreign and Domestic, DD-783, on occasion, contractors and contracting officers, Marsha Traynham, 395-4529.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary:
Survey of Prevailing Maintenance Wage Rates, HUD 5136, on occasion, Building management (public and private), housing, veterans, and labor division, Lowry, R. L., 395-3532.

DEPARTMENT OF THE INTERIOR

Bureau of Mines:
Zinc Scraps (Receipt, Consumption and Stocks), 6-1119-MA, Monthly, secondary zinc smelters and remelters, Marsha Traynham, 395-4529.
Gold, 6-0930-QA, quarterly, refinery producers and consumers of gold, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-10929 Filed 4-12-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 9715; 812-4059]

CG MUNICIPAL BOND FUND, INC.

Filing of Application for Order of Exemption

APRIL 7, 1977.

In the matter of CG Municipal Bond Fund, Inc., Connecticut General Life Insurance Company, CG Equity Sales Company, Hartford, Connecticut 06152 (812-4059).

Notice is hereby given that CG Municipal Bond Fund, Inc. ("Fund"), an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), Connecticut General Life Insurance Company ("CG Life"), and CG Equity Sales Company ("Equity Sales") (collectively referred to as "Applicants"), have filed an application pursuant to Section 6(c) of the Act for an order exempting Applicants from the provisions of Section 22(d) of the Act to permit the purchase of shares of the Fund at a reduced sales charge when such purchases are from proceeds of insurance contracts issued by CG Life. All interested persons are referred to the application on file with the Commission for a statement of the facts and representations therein, which are summarized below.

Equity Sales is the principal underwriter of the shares of the Fund. All of the issued and outstanding shares of Equity Sales are owned by CG Investment Management Company, the investment adviser of the Fund, CG Fund, CG Income Fund and CG Money Market Fund. CG Investment Management Company is a wholly-owned subsidiary of Connecticut General Insurance Corporation, the parent corporation of CG Life. CG Life is a stock insurance company licensed to write life insurance, annuities, and accident and health insurance in all fifty states, the District of Columbia, Puerto Rico and certain Canadian provinces.

At the time of filing the application, registration statements on Form S-5 of the Securities Act of 1933 and Form N-8B-1 of the Investment Company Act of 1940 were pending before the Commission. Applicants propose to offer shares of the Fund to the public at a price based upon net asset value plus a sales charge that varies, with the quantity of securities purchased. The sales charge, expressed as a percentage of the public offering price, will range from 7.50 percent on sales of $10,000 or less to 1 percent of $1,000,000 or more. Applicants further propose to offer to the insureds of CG Life and their beneficiaries the right to apply their insurance proceeds to the purchase of shares of the Fund at a reduced sales charge ranging from 5.25 percent on sales of $10,000 or less down to .70 percent of $1,000,000 or more. Applicants have defined insurance proceeds as the death benefit under life policies, the maturity value of endowment contracts, the cash value of fixed-dollar life insurance and annuity contracts, and lump sum cash options available to beneficiaries.

Section 22(d) of the Act provides, in part, that no registered investment company shall sell any redeemable security issued by it to any person except either to or through a principal underwriter for distribution or at a current public offering price described in the prospectus, and, if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person except a dealer, a principal underwriter, or the issuer, except at a current public offering price described in the prospectus.

Applicants state that the insurance contracts will already have been subjected to sales charges and that the requested exemption will avoid an unnecessary accumulation of such charges. Applicants further state that an exemptive order for the Fund will be the same as exemptive orders which have already been granted to CG Fund, CG Income Fund, and CG Money Market Fund and will thereby establish an equitable balance in the rights and privileges among shareholders of the four funds. Finally, Applicants contend that Section 22(d) was not intended to prevent any differences in the sales charge relating to redeemable securities of investment companies, and the reduction in the sales charge under the circumstances described does not create unfair price discrimination.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary to appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 2, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-10874 Filed 4-12-77;8:45 am]

[File No. 500-1]

ORMONT DRUG & CHEMICAL CO., INC.

Suspension of Trading

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Ormont Drug & Chemical Co., Inc. being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 11:45 a.m. (Est) on April 5, 1977 through April 14, 1977.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-10875 Filed 4-12-77;8:45 am]

DEPARTMENT OF STATE

[Public No. CM-7/56]

GOVERNMENT ADVISORY COMMITTEE ON INTERNATIONAL BOOK AND LIBRARY PROGRAMS

Canceled Meeting

The April 21, 1977 meeting of the Government Advisory Committee on International Book and Library Programs, published in the FEDERAL REGISTER of

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March 25, 1977 (42 FR 16204), has been cancelled.

Dated: April 5, 1977.

CAROL M. OWENS,
Executive Secretary.

[FR Doc.77-10785 Filed 4-12-77;8:45 am]

[Public No. CM-7/55]

UNITED STATES ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

Revised Agenda for Meeting

The FEDERAL REGISTER of April 1, 1977 (42 FR 17556), noted that at its meeting on April 25, 1977, at 2:00 p.m., the Advisory Commission would examine "a proposal for the establishment of a currency convertibility program to encourage the sale abroad of American cultural materials."

The Commission has been forced to eliminate this item from the agenda of the meeting because the proposal referred to will not have been prepared by April 25.

In its place, the Commission will discuss the report it will make on its meeting with Canadian officials, in Ottawa, on February 18, 1977.

Dated: April 6, 1977.

W. E. WELD, Jr.,
Staff Director.

[FR Doc.77-10784 Filed 4-12-77;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

CHAINS AND PARTS THEREOF, OF CAST IRON, IRON OR STEEL FROM ITALY

Preliminary Countervailing Duty Determination

AGENCY: United States Customs Service.

ACTION: Preliminary Countervailing Duty Determination.

SUMMARY: This notice is to inform the public that a preliminary determination that the Government of Italy has given benefits which are considered to be bounties or grants under the countervailing duty statute (19 U.S.C. 1303), on the manufacture, production, or exportation of chains and parts thereof, of cast iron, iron or steel. A final determination will be made by October 1, 1977. Interested persons are invited to comment on this action not later than May 13, 1977.

EFFECTIVE DATE: This notice will be effective on April 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. John R. Kugelman, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229, 202-566-5492.

On November 8, 1976, a "Notice of Receipt of Countervailing Duty Petition and Initiation of Investigation" was published in the FEDERAL REGISTER (41 FR 49209). The notice stated that a petition had been received alleging that payments or bestowals conferred by the Government of Italy upon the manufacture, production or exportation of chains and parts thereof, of cast iron, iron or steel, including terminal and connecting links, hooks, rollers, pivots and plates, constitute the payment of a bounty or grant within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

On the basis of an investigation conducted pursuant to section 159.47(c) Customs Regulations, it has been determined preliminarily that benefits have been paid or bestowed, directly or indirectly, by reason of certain tax rebates under Italian Law 639. The program involves the rebate of both basic rate and specific incidence taxes to manufacturers and exporters of certain steel products, including the subject chain. The basic rate taxes which are rebated include Customs duties and border fees related to importations of plant and equipment, various stamp taxes, mortgage taxes, publicity taxes, surtaxes, taxes on governmental licenses and prints, and registration taxes. The specific incidence taxes which are rebated include Customs duties paid on imported raw materials, and manufacturing and excise taxes.

Certain portions of the Italian Law 639 rebates, which are the subject of this investigation, have been determined in previous proceedings under the Act to constitute bounties or grants within the meaning of the Act.

Accordingly, it has been determined preliminarily that imports of chains and parts thereof, of cast iron, iron or steel, including terminal and connecting links, hooks, rollers, pivots and plates, from Italy benefit from the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of the Act by reason of certain benefits conferred under the tax rebate program mentioned above. A final decision in this case is required on or before October 1, 1977.

Before a final determination is made, consideration will be given to any relevant data, views or arguments submitted in writing with respect to this preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW., Washington, D.C. 20229, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

VERNON D. ACREE,
Commissioner of Customs.

Approved:

JOHN H. HARPER,
Assistant Secretary of the Treasury.

[FR Doc.77-10815 Filed 4-12-77;8:45 am]

Internal Revenue Service

[Delegation Order No. 162]

COMMISSIONER OF INTERNAL REVENUE

Delegation of Authority

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of authority.

SUMMARY: The specific authorization for the Commissioner of Internal Revenue to allow persons to practice before the Service is being redelegated to the Director, Audit Division, National Office. The text of the delegation order appears below.

EFFECTIVE DATE: April 8, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. L. Odum, CP:A:S:C, 1111 Constitution Ave., NW., Room 2328, Washington, D.C. 20224, 202-566-4409 (not toll free).

Issued: April 8, 1977.

JOHN L. WEDICK, Jr.,
Director, Audit Division.

Subject: Authority to Practice before the Internal Revenue Service.

1. All the authorities granted to the Commissioner of Internal Revenue by Treasury Department Circular No. 230 are hereby delegated to the Director, Audit Division. Included in this delegation is the authority to affix a facsimile of the signature of the Commissioner of Internal Revenue to Enrollment Cards issued to qualified persons.

2. This authority may be redelegated but only to the Enrollment and Practice Program Coordinator in the Audit Division, National Office.

WILLIAM E. WILLIAMS,
Acting Commissioner.

[FR Doc.77-10883 Filed 4-12-77;8:45 am]

UNITED STATES INFORMATION AGENCY

U.S. ADVISORY COMMISSION ON INFORMATION

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting to be held on April 27, 1977. The purpose of the meeting is to review and edit the final draft of the Commission's Report to Congress. The meeting will convene at 9 a.m. in the Commission's office in Room 1008 at 1750 Pennsylvania Avenue NW., Washington, D.C., and then break for lunch at 12:30 p.m. If the task is not completed in the morning, the Commission will reconvene at 2:30 p.m. and conclude by 5 p.m.

MARGARET J. MILLER,
Federal Register Liaison Officer.

APRIL 6, 1977.

[FR Doc.77-10758 Filed 4-12-77;8:45 am]

VETERANS ADMINISTRATION

PRIVACY ACT OF 1974

Notice of Systems of Records

On page 10923 of the FEDERAL REGISTER of February 24, 1977, there was published a notice that the Veterans Administration was proposing the establishment of a new system of records entitled "Employee ADP Training Records—VA" (59VA31).

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed new system. No comments were received. The proposed new system "Employee ADP Training Records — VA" (59VA31) is adopted without change.

Effective date: This system of records is effective April 6, 1977 the date of final approval by the Administrator of Veterans Affairs.

Approved: April 6, 1977.

By direction of the Administrator.

RUFUS H. WILSON,
Deputy Administrator

59VA31

System name:

Employee ADP Training Records—VA.

System location:

Records are maintained at the Department of Data Management, Central Office, Veterans Administration and the VA data processing centers. Address locations are listed in VA Appendix 1, "Address of Veterans Administration Facilities" published September 7, 1976 (41 FR 37718).

Categories of individuals covered by the system:

Personnel currently employed at Veterans Administration Central Office and VA data processing centers who participate in ADP training.

Categories of records in the system:

Records that insure the proper reporting of completed employee ADP training to the employee personnel folder. Records such as enrollment lists, examinations, and instructor evaluations of students that are created in the administration of in-house training programs. Records created in the administration of ADP proficiency evaluations used to determine training needs.

Authority for maintenance of the system:

Title 5, United States Code, Section 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

4. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper documents.

Retrievability:

By course name, date, or employee name.

Safeguards:

Physical Security: Maintained under lock and key in file cabinets or desk drawers. Access to files is restricted to authorized training personnel.

Retention and disposal:

Records are maintained and destroyed in accordance with approved VA records control schedules.

System manager(s) and address:

Chief, Training and Standards Division, Department of Data Management, Veterans Administration Central Office, Washington, D.C. 20420.

Notification procedure:

A VA Central Office employee seeking information on records related to ADP training or proficiency evaluation results may make inquiry at the office of the Chief, ADP Training and Standard Division, Department of Data Management. A VA data processing center employee seeking information on records related to ADP training or proficiency evaluation results may make inquiry through the station training coordinator or authorized training personnel.

Record access procedures:

A VA Central Office employee may contact the office of the Chief, Training and Standards Division, Department of Data Management. A VA data processing center employee may contact the station training coordinator or authorized training personnel.

Contesting record procedures:

(See Record Access Procedures above.)

Record source categories:

From the enrollment of an employee in an ADP training course or from the participation of an employee in an ADP proficiency evaluation.

[FR Doc.77-10786 Filed 4-12-77;8:45 am]

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INTERSTATE COMMERCE COMMISSION

[Notice No. 366]

ASSIGNMENT OF HEARINGS

APRIL 8, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 115654 Sub 56, Tennessee Cartage Co., Inc. now assigned April 18, 1977 at Memphis, Tennessee is cancelled, application dismissed.

I & SM 29415, Increased Rates on Household Goods, Seattle, Wash., and Alaska, now being assigned May 17, 1977, at the Office of the Interstate Commerce Commission, Washington, D.C.

No. 36526, Colorado Intrastate Freight Rates and Charges—1977 hearing now being assigned July 6, 1977 (3 days), at Denver, Colo., in a hearing room to be later designated.

MC 121775 Sub 2, Milton B. Anderson and Melvin K. Anderson, dba Overland Express now being assigned June 13, 1977 (2 weeks) at Reno, Nevada in a hearing room to be later designated.

MC 135078 Sub 11, American Transport, Inc. now being assigned June 9, 1977 (2 days) at San Francisco, California in a hearing room to be later designated.

MC 141431 Sub 2, Cal-Valley Transportation, Inc. now being assigned June 8, 1977 (1 day) at San Francisco, California in a hearing room to be later designated.

MC 139923 Sub 24, Miller Trucking Co., Inc. now being assigned June 7, 1977 (1 day) at San Francisco, California in a hearing room to be later designated.

MC 114737 (Sub-No. 7), O & A Tex-Pack Express, Inc., now being assigned for continued hearing on May 25, 1977 (3 days), at the Ramada Inn (Formerly Centro Del Paso) 325 North Kansas Street, El Paso, Texas.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-10860 Filed 4-12-77;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

APRIL 8, 1977.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before April 22, 1977. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 107064 (Sub-No. E141) (correction), filed May 21, 1974, published in the FEDERAL REGISTER issue of September 18, 1975, and republished, as corrected, this issue. Applicant: STEERE TANK LINES INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* (except petroleum products and potash), from points in Dallam, Hartley, Moore, Oldham, Potter, Carson, Deaf Smith, Randall, Armstrong, Donley, Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, Kent, Gaines, Dawson, Borden, Scurry, Andrews, Martin, Howard, El Paso, Hudspeth, Culberson, Loving, Winkler, Ector, Midland, Glasscock, Ward, Crane, Upton, Reagan, Reeves, Jeff Davis, Pecos, Terrell, Presidio, and Brewster Counties, Tex., to points in Indiana. The purpose of this filing is to eliminate the gateway of Dimmit County, Tex.

NOTE.—The purpose of this correction is to state the correct spelling of origin territories.

No. MC 107107 (Sub-No. E13) (Partial Correction), filed June 2, 1974, published in the FEDERAL REGISTER issues of March 12, 1975 and May 5, 1975, and republished, as corrected, this issue. Applicant: ALTERMAN TRANSPORT LINES, INC., B.O. Box 425, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (2) *frozen foods* (except frozen citrus products) from points in Florida on and east of U.S. Highway 231, to points in Colorado. The purpose of this filing is to eliminate the gateways of Sylvester and Tifton, Ga.

NOTE.—The purpose of this partial correction is to state Part (2). The remainder of this letter-notice remains as previously published.

No. MC 108676 (Sub-No. E17), filed June 4, 1974. (Part II Secs. I & J). Applicant: A. J. METLER HAULING & RIGGING, 117 Chicamauga Avenue, Knoxville, Tennessee 37917. Applicant's representative: A. J. Metler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal and coke mining machinery, equipment and vehicles and mine cars*, consisting of *maintenance machinery and equipment, and parts, accessories and attachments*, therefor (not including contractors' machinery and equipment), *Iron or steel conveying, dredging, dumping, or hoisting buckets, dippers, or skips*, consisting of *construction machinery, tools, and equipment, and parts, accessories and attachments* therefor (not including contractors' machinery and equipment), *maintenance machinery, tools and equipment, and parts, accessories and attachments* therefor (not including contractors' machinery and equipment), *power distribution machinery, tools and equipment and parts, accessories and attachments* therefor (not including contractors' machinery and equipment), and *plant machinery, tools and equipment, and parts, accessories, and attachments*, therefore (not including contractors' machinery and equipment), I. (1) Between points in Georgia on and west and north of a line beginning at the Georgia-South Carolina State line, and extending along U.S. Highway 221, to junction U.S. Highway 441, thence along U.S. Highway 441 to the Georgia-Florida State line, on the one hand, and, on the other, points in Virginia. (2) Between points in Georgia on and north and west of a line beginning at the Georgia-South Carolina State line, and extending along U.S. Highway 221 to junction U.S. Highway 341, to junction U.S. Highway 301, thence along U.S. Highway 301 to the Georgia-Florida State line, on the one hand, and, on the other, points in Virginia excluding those in or south of Halifax, Charlotte, Prince Edward, Nottoway, Dinwiddie, Sussex, Surry, and Northampton Counties and excluding Norfolk, and Independent City, and points south of Norfolk. (3) Between points in Georgia except on and east of a line beginning at the Georgia-South Carolina State line, and extending along Georgia Highway 121 to the Georgia-Florida State line, on the one hand, and, on the other, points in Virginia except those on and east of Blue Ridge Parkway beginning at the Virginia-North Carolina State line, and extending along U.S. Highway 60 to junction U.S. Highway 360, thence along U.S. Highway 360 to the Chesapeake Bay. (4) Between points in Georgia except those in or east of Columbia, Richmond, Burke, Jenkins, Bulloch, Evans, and Liberty Counties, on the one hand, and, on the other, points in Virginia except those bounded on, west, and northwest and north by Henry, Franklin, Bedford, Amherst, Buckingham, Fluvanna, Louisa, Spotsylvania and Stafford Counties. (5) Between points in Georgia except those in Effingham, Chatham, and Bryan Counties, on the one hand, and, on the other, points in Virginia in or west of Grayson, Wythe, Pulaski, Montgomery, Craig, Botetour, Rockbridge, and August Counties, and in or north of Rockingham, Page, Madison, Culpeper, Fauquier, and Prince William Counties. (6) Between points in Georgia, on the one hand, and, on the other, points in Virginia in or west of Washington, Smyth, Wythe, Pulaski, Giles, Craig, Alleghany, Bath, Augusta, Rockingham, Page, Warren, and Clarke Counties. J.(1) Between points in Georgia, on the one hand, and, on the other, points in Kentucky. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn., and points within 75 miles thereof.

No. MC 108676 (Sub-No. E20), filed June 4, 1974, (Part II Sec. N & O). Applicant: A. J. METLER HAULING & RIGGING, 117 Chicamauga Avenue, Knoxville, Tennessee 37917. Applicant's representative: A. J. Metler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Coal and coke mining machinery, equipment and vehicles and mine cars*, consisting of *maintenance machinery and equipment, and parts, accessories and attachments* therefor (not including contractors' machinery and equipment), *iron or steel conveying, dredging, dumping, or hoisting buckets, dippers, or skips, consisting of construction machinery, tools, and equipment, and parts, accessories and attachments therefor* (not including contractors' machinery and equipment), *maintenance machinery, tools and equipment, and parts, accessories and attachments* therefor (not including contractors' machinery and equipment), *power distribution machinery, tools and equipment and parts, accessories and attachments* therefor (not including contractors' machinery and equipment), and *plant machinery, tools and equipment, and parts, accessories and attachments* therefor (not including contractors' machinery and equipment), N (1) Between points in South Carolina, on the one hand, and on the other, points in Kentucky. O.(1) Between points in South Carolina, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn., and points within 75 miles thereof.

No. MC 108676 (Sub-No. E22), filed June 4, 1974. (Part II Sec. R & S). Applicant: A. J. METLER HAULING & RIGGING, 117 Chicamauga Avenue, Knoxville, Tennessee 37917. Applicant's representative: A. J. Metler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Coal and coke mining machinery, equipment and vehicles and mine cars*, consisting of *maintenance machinery and equipment, and parts, accessories and attachments* therefor (not including contractors' machinery and equipment), *iron or steel conveying, dredging, dumping, or hoisting buckets, dippers, or skips, consisting of construction machinery, tools, and equipment, and parts, accessories and attachments therefor* (not including contractors' machinery and equipment), *maintenance machinery, tools and equipment, and parts, accessories and attachments* therefor (not including contractors' machinery and equipment), *power distribution machinery, tools and equipment and parts, accessories and attachments* therefor (not including contractors' machinery and equipment), and *plant machinery, tools and equipment, and parts, accessories and attachments* therefor (not including contractors' machinery and equipment), N (1) Between points in South Carolina, on the one hand, and, on the other, points in Kentucky. O.(1) Between points in South Carolina, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn., and points within 75 miles thereof.

No. MC 108676 (Sub-No. E23), filed June 4, 1974. (Part II Sec. T & U). Applicant: A. J. METLER HAULING & RIGGING, 117 Chicamauga Ave., Knoxville, Tenn. 37917. Applicant's representative: A. J. Metler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal and coke mining machinery, equipment, and vehicles and mine cars*, consisting of *maintenance machinery and equipment, and parts, accessories, and attachments* therefor (not including contractors' machinery and equipment), *power distribution machinery, tools, and equipment and parts, accessories, and attachments* therefor (not including contractors' machinery and equipment), T.(1) Between points in Virginia, on the one hand, and, on the other, points in Tennessee. U. (1) Between points in Kentucky in Hancock, Breckinridge, and Hardin Counties, and bounded on east in Bullitt, Spencer, Shelby, Henry, Owen, Grant, and Kenton and Campbell Counties, on the one hand, and, on the other, points in Tennessee excluding those in Lauderdale, Haywood, Hardeman, Fayette, Shelby, and Tipton Counties. (2) Between points in Kentucky in or north of Oldham, Shelby, Franklin, Woodford, and Fayette Counties, and in or west of Bourbon, Nicholas, Robertson, and Bracken Counties, on the one hand, and, on the other, points in Tennessee excluding those in or north of Lauderdale, Crockett, Gibson, and Weakley Counties. (3) Between points in Kentucky excluding those in or north of Hancock, Breckinridge, Hardin, Larue, Washington, Mercer, and Jessamine Counties, and in or west of Fayette, Bourbon, Nicholas, Robertson, and Bracken Counties, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn., and points within 75 miles thereof.

No. MC 112070 (Sub-No. E104), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission: (a) Between points in Iowa on and east and south of a line beginning at the Minnesota-Iowa State line and extending along Interstate Highway 35 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Iowa-Nebraska State line, on the one hand, and, on the other, those points in Texas on and north of a line beginning at the Texas-New Mexico State line, and extending along U.S. Highway 66 to the Texas-Oklahoma State line; (b) between points in Iowa on and north and west of a line beginning at the Iowa-Wisconsin State line, and extending along U.S. Highway 151 to junction U.S. Highway 30, to junction Iowa Highway 330, to junction U.S. Highway 65, thence along U.S. Highway 65 to the Iowa-Missouri State line, on the one hand, and, on the other, points in Texas; (c) be-

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tween points in Iowa, on the one hand, and, on the other, points in Texas on and west of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 259 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Gulf of Mexico; (d) between points in Iowa, on the one hand, and, on the other, points in Texas. The purpose of this filing is to eliminate the gateways of points in Missouri, Kansas, Enid, Okla., and points within 90 miles thereof.

No. MC 112070 (Sub-No. E105), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission: (a) Between points in Connecticut on and east of a line beginning at the Connecticut-Massachusetts State line, and extending along Connecticut Highway 198 to junction Connecticut Highway 32 to junction Interstate Highway 95 to the Block Island Sound, on the one hand, and, on the other, points in Texas except Jasper, Newton, Hardin, Orange, Jefferson, and Chambers Counties; (b) between points in Connecticut, on the one hand, and, on the other, to points in Texas on and west of a line beginning at the Texas-Oklahoma State line, and extending along U.S. Highway 271, to junction Texas Highway 155, to junction Interstate Highway 45, to junction U.S. Highway 75, thence along U.S. Highway 75 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateways of points in Missouri, and Enid, Okla., and points within 90 miles thereof.

No. MC 112070 (Sub-No. E106), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission: (a) Between points in Illinois in Rock Island, Whiteside, Carroll, Ogle, Jo Daviess, Stephenson, Winnebago, Boone, McHenry, and Lake Counties, on the one hand, and, on the other, those points in Texas on and west of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 271 to U.S. Highway 259, thence along U.S. Highway 259 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Texas Highway 347, thence along Texas Highway 347 to the Gulf of Mexico; (b) between points in Illinois on the one hand, and, on the other, those points in Texas on and west of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 281 to junction Texas Highway 9, thence along Texas Highway 9 to junction Interstate Highway 37, thence along Interstate Highway 37 to junction U.S. Highway 77, thence along U.S. Highway 77 to the International Boundary between United States and Mexico; (c) between points in Jo Daviess, Stephenson, Winnebago, Boone, McHenry, and Lake Counties, Ill., on the one hand, and, on the other, points in Texas on and west of a line beginning at the Texas-Oklahoma State line, and extending along U.S. Highway 271 to junction U.S. Highway 259, to junction U.S. Highway 69, to junction Texas Highway 124, to junction Texas Highway 87, thence along Texas Highway 87 to the Gulf of Mexico; (d) between points in Illinois, on the one hand, and, on the other, points in Texas on and west of a line beginning at Texas-Oklahoma State line, and extending along Texas Highway 79, to junction U.S. Highway 283, to junction Texas Highway 351, to junction U.S. Highway 277, thence along U.S. Highway 277 to the International Boundary line between United States and Mexico. The purpose of this filing is to eliminate the gateway of points in Missouri, Enid, Okla., and points within 90 miles thereof.

No. MC 116069 (Sub-No. E1), filed May 31, 1974. Applicant: MARINE TRANSIT, INC., 1703 Highway 2, Duluth, Minn. 55810. Applicant's representative: B. L. Newville (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rowboats and Outboard Motor Boats* (a) (1) From points in Arkansas to points in Wisconsin, and those points in the Upper Peninsula of Michigan beginning at Lake Superior and extending along U.S. Highway 41, thence along U.S. Highway 41 to Little Bay De Noc. (2) From points in Arkansas on and east of a line beginning at the Arkansas-Missouri State line, and extending along U.S. Highway 67, thence along U.S. Highway 67 to the Arkansas-Texas State line, to points in Minnesota on and north of a line beginning at the Minnesota-North Dakota State line, and extending along U.S. Highway 10, thence along U.S. Highway 10 to the Minnesota-Wisconsin State line. (3) From points in Indiana to points in Minnesota, North Dakota, South Dakota, those points in Wisconsin on and west of a line beginning at the Wisconsin-Iowa State line and extending along U.S. Highway 151, thence along U.S. Highway 151 to Lake Michigan, those points in the Upper Peninsula of Michigan, and on and west of a line beginning at Lake Superior and extending along U.S. Highway 41, thence along U.S. Highway 41 to Little Bay De Noc. (4) From points in Iowa on and north of a line beginning at the Iowa-Nebraska State line and extending along U.S. Highway 6, thence along U.S. Highway 6 to the Iowa-Illinois State line, to points in Delaware, New York, District of Columbia, Maine, Connecticut, Vermont, New Hampshire, Massachusetts, Rhode Island, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Maryland, New Jersey, and those points in Florida on and east of a line beginning at the Florida-Alabama State line and extending along U.S. Highway 231, thence along U.S. Highway 231 to the Gulf of Mexico. (5) From points in Iowa on and north of a line beginning at the Iowa-Nebraska State line, and extending along U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Illinois State line, to points in Ohio, Pennsylvania, and those points in Michigan except the Upper Peninsula of Michigan.

(6) From points in Iowa on and north and east of a line begininng at the Iowa-Nebraska State line, and extending along U.S. Highway 20 to junction U.S. Highway 63, thence south along U.S. Highway 63 to the Iowa-Missouri State line, to points in Indiana, and those points in Kentucky on and east of a line beginning at the Kentucky-Indiana State line, and extending along U.S. Highway 41 to the Kentucky-Tennessee State line. (7) From points in Iowa on and south and east of a line beginning at the Iowa-Nebraska State line and extending along U.S. Highway 6, to junction U.S. Highway 65, thence east along U.S. Highway 65 to the Iowa-Minnesota State line, to those points in Wisconsin on and north and east of a line beginning at the Iowa-Wisconsin State line and extending along U.S. Highway 18, to junction U.S Highway 51, thence southeast along U.S Highway 51 to the Wisconsin-Illinois State line. (8) From points in Iowa to points in Wisconsin on and north and east of a line beginning at the Wisconsin-Iowa State line and extending along U.S. Highway 18 to junction U.S. Highway 151, thence south along U.S. Highway 151 to the Illinois-Wisconsin State line. (9) From points in Kentucky to points in Minnesota, North Dakota, Wisconsin, South Dakota and the Upper Peninsula of Michigan west of Highway 41. (10) From points in Kentucky on and east of a line beginning at the Indiana-Kentucky State line, and extending along U.S. Highway 41, thence along U.S. Highway 41 to the Kentucky-Tennessee State line, to those points in Iowa on and north and east of a line beginning at the Iowa-Nebraska State line and extending along U.S. Highway 20 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Iowa-Missouri State line. (11) From points in Louisiana to points in North Dakota, Wisconsin those points in Minnesota on and north of a line beginning at the Minnesota-South Dakota State line, and extending along U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-Wisconsin State line, those points in the Upper Peninsula of Michigan on and west of a line beginning at Lake Superior and extending along U.S. Highway 41 to Little Bay De Noc. (12) From points in Michigan on and south of a line beginning at Lake Michigan, and extending along U.S. Highway 10, thence along U.S. Highway 10 to the International Boundary between United States and Canada, to points in Minnesota, North Dakota, South Dakota, Nebraska, those points in Wisconsin on and north of a line beginning at the Wisconsin-Minnesota State line, and extending

along U.S. Highway 10 to junction U.S. Highway 51, thence north along U.S. Highway 51 to the Wisconsin-Michigan State line, and those points in Iowa, on and north of a line beginning at the Iowa-Nebraska State line, and extending along U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Illinois State line.

(13) From points in Michigan to those points in Kansas on and west of a line beginning at the Kansas-Oklahoma State line, and extending along Interstate Highway 35, thence along Interstate Highway 35 to the Kansas-Missouri State line. (14) From points in the Upper Peninsula of Michigan on and west of a line beginning at Lake Superior, and extending along U.S. Highway 41, thence along U.S. Highway 41 to Little Bay De Noc, to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Kentucky, Louisiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, and West Virginia, and those points in Indiana on and south of a line beginning at the Illinois-Indiana State line, and extending along U.S. Highway 30, thence along U.S. Highway 30 to the Indiana-Ohio State line. (15) From points in Minnesota to points in the United States on and east of the Mississippi River, except those points in Illinois, Wisconsin, and those points in Michigan on and north of a line beginning at Lake Michigan, and extending along U.S. Highway 10, thence along U.S. Highway 10 to the International Boundary between the United States and Canada. (16) From points in Minnesota on and north of a line beginning at the Minnesota-North Dakota State line, and extending along U.S. Highway 10, thence along U.S. Highway 10 to the Minnesota-Wisconsin State line, to points in Louisiana, points in Illinois on and east of a line beginning at Lake Michigan and extending along U.S. Highway 66, thence along U.S. Highway 66 to the Illinois-Missouri State line, those points in Wisconsin on and east of a line beginning at the Wisconsin-Michigan State line, and extending along U.S. Highway 51 to junction U.S. Highway 151, thence along U.S. Highway 151 to the Wisconsin-Illinois State line, those points in Arkansas on and east of a line beginning at the Missouri-Arkansas State line, and extending along U.S. Highway 67, thence along U.S. Highway 67 to the Arkansas-Texas State line.

(17) From points in Minnesota on and east of a line beginning at the Minnesota-Wisconsin State line and extending along U.S. Highway 53, thence along U.S. Highway 53 to the International Boundary line between United States and Canada, to points in Texas. (18) From points in Mississippi, to points in Wisconsin, Upper Peninsula of Michigan, Minnesota, North Dakota, and South Dakota. (19) From points in Missouri, to points in the Upper Peninsula of Michigan, and those points in Wisconsin on and north and east of a line beginning at the Wisconsin-Minnesota State line, and extending along U.S. Highway 12 to junction U.S. Highway 53, thence along U.S. Highway 53 to the Wisconsin-Minnesota State line. (20) From points in Missouri on and east of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 63, thence along U.S. Highway 63 to those points in Minnesota on and east of a line beginning at the Minnesota-Wisconsin State line, and extending along U.S. Highway 53, thence along U.S. Highway 53 to the International Boundary line between United States and Canada. (21) From points in New York, to points in Wisconsin, Minnesota, Nebraska, North Dakota, South Dakota, those points in Iowa on and north of a line beginning at the Iowa- Nebraska State line, and extending along U.S. Highway 6, thence along U.S. Highway 6 to the Iowa-Illinois State line, points in the Upper Peninsula of Michigan on and west of a line beginning at Lake Superior and extending along U.S. Highway 41, thence along U.S. Highway 41 to Little Bay De Noc. (22) From points in Ohio, to points in Wisconsin, Minnesota, North Dakota, South Dakota, the Upper Peninsula of Michigan on and west of U.S. Highway 41, between Rapid River and Marquette, Mich. (23) From points in Pennsylvania, to points in Minnesota, Wisconsin, North Dakota, South Dakota, Nebraska, Upper Peninsula of Michigan, on and west of U.S. Highway 41 between Rapid River and Marquette, Mich., and points in Iowa on and north of a line beginning at the Illinois-Iowa State line and extending along U.S. Highway 30, thence along U.S. Highway 30 to the Illinois-Nebraska State line. (24) From points in Tennessee, to points in Minnesota, Wisconsin, North Dakota, South Dakota and Upper Peninsula of Michigan on and west of U.S. Highway 41, between Rapid River and Marquette, Mich.

(25) From points in Texas to points in Wisconsin, Upper Peninsula of Michigan, points in Minnesota on and east of a line beginning at the International Boundary between United States and Canada and extending along U.S. Highway 53, thence along U.S. Highway 53 to the Wisconsin-Minnesota State line, and those points in Illinois on and north of a line beginning at the Iowa-Illinois State line, and extending along U.S. Highway 30, thence along U.S. Highway 30 to the Illinois-Indiana State line. (26) From points in Wisconsin, to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia. (27) From points in Wisconsin and north and east of a line beginning at the Minnesota-Wisconsin State line, and extending along U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 151, thence south along U.S. Highway 151 to the Iowa-Minnesota State line, to points in Illinois. (28) From points in Wisconsin on and south and west of a line beginning at the Minnesota-Wisconsin State line, and extending along U.S. Highway 12 to junction U.S. Highway 151, thence along U.S. Highway 151 to the Iowa-Minnesota State line, to points in Illinois on and south of a line beginning at the Iowa-Illinois State line and extending along Illinois Highway 9, thence along Illinois Highway 9 to the Illinois-Indiana State line. (29) From points in Wisconsin on and north and west of a line beginning at the Iowa-Wisconsin State line and extending along U.S. Highway 18 to junction U.S. Highway 151, thence south along U.S. Highway 151 to the Wisconsin-Illinois State line, to points in Indiana. (30) From points in Wisconsin on and south and east of a line beginning at the Iowa-Wisconsin State line and extending along U.S. Highway 18 to junction U.S. Highway 151, thence east along U.S. Highway 151 to Lake Michigan, to points in Indiana on and south of a line beginning at the Indiana-Ohio State line, and extending along U.S. Highway 40 to the Illinois-Indiana State line. (31) From points in Wisconsin on and north and east of a line beginning at the Iowa-Wisconsin State line and extending along U.S. Highway 18 to junction U.S. Highway 151, thence east along U.S. Highway 151 to Lake Michigan, to points in Iowa.

(32) From points in Wisconsin on and east of a line beginning at Lake Superior and extending along Wisconsin Highway 13, thence east along Wisconsin Highway 13 to the Wisconsin River, to points in Kansas. (33) From points in Wisconsin on and north and west of a line beginning at the Wisconsin-Iowa State line, and extending along U.S. Highway 18, to junction U.S. Highway 151, thence along U.S. Highway 151 to Lake Michigan, to points in Michigan on and south of a line beginning at Lake Michigan and extending along U.S. Highway 10, thence along U.S. Highway 10 to the International Boundary line between United States and Canada. (34) From points in Wisconsin on and south of a line beginning at the Wisconsin-Iowa line, and extending along U.S. Highway 18, thence along U.S. Highway 18 to Lake Michigan, to points in Upper Peninsula of Michigan. (35) From points in Wisconsin on and south and east of a line beginning at the Iowa-Wisconsin State line, and extending along U.S. Highway 18 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Wisconsin-Michigan State line, to points in Minnesota. (36) From points in Wisconsin on and south and east of a line beginning at the Illinois-Wisconsin State line, and extending along U.S. Highway 151, thence along U.S. Highway 151 to Lake Michigan, to points in North Dakota. (37) From points in Wisconsin on and south of a line beginning at the Iowa-Wisconsin State line, and extending along U.S. Highway 18 to junction Wisconsin Highway 60, thence along Wisconsin Highway 60 to junction U.S.

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Highway 12, to junction Wisconsin Highway 78, to junction Interstate Highway 90–94, to junction Wisconsin Highway 33, to junction Wisconsin Highway 44, to junction U.S. Highway 41, thence along U.S. Highway 41 to Green Bay, to points in South Dakota. (38) From points in Wisconsin on and east of a line beginning at the Wisconsin-Illinois State line, and extending along U.S. Highway 51, thence along U.S. Highway 51 to the Wisconsin-Michigan State line, to points in Missouri.

(39) From points in Wisconsin on and south and east of a line beginning at the Wisconsin-Minnesota State line, and extending along U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Wisconsin-Michigan line, to points in Nebraska. (40) From points in Wisconsin on and north of a line beginning at the Wisconsin-Iowa State line, and extending along U.S. Highway 18, thence along U.S. Highway 18 to Lake Michigan, to points in Ohio. (41) From points in Wisconsin on and east of a line beginning at the Wisconsin-Illinois State line, and extending along U.S. Highway 51, thence along U.S. Highway 51 to the Wisconsin-Michigan State line, to points in Oklahoma. (42) From points in Wisconsin on and east of a line beginning at the Wisconsin-Minnesota State line and extending along U.S. Highway 53 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Wisconsin-Illinois State line, to points in Texas. (b) *Damaged and Returned shipments of rowboats and outboard motor boats* not exceeding 20 feet in length, from points in the United States east of the eastern boundaries of Montana, Wyoming, Colorado, and New Mexico, to points in Arkansas, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New York, Ohio, Pennsylvania, Tennessee, Texas and Wisconsin. The purpose of this filing is to eliminate the gateway of Waunakee, Wis.

No. MC 117815 (Sub-No. E5), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale grocery and food business houses*, and in connection therewith, *equipment, materials*, and *supplies used in the conduct of such business*, when moving to or from such business houses or other facilities thereof, between Des Moines, Iowa, on the one hand, and, on the other, points in Illinois within that territory bounded by a line beginning at the shore of Lake Michigan and extending west along a line through Winthrop Harbor, Illinois, to Hebron, Illinois, thence south over Illinois Highway 47 to junction U.S. Highway 14, to junction Illinois Highway 31, to Elgin, Illinois, thence southeast over U.S. Highway 20 to junction Illinois Highway 59, to junction U.S. Highway 52, to junction U.S. Highway 49, thence south to junction U.S. Highway 24, thence east over U.S. Highway 24 to Watseka, Illinois, thence along a line in a northeasterly direction to the Illinois-Indiana border, thence north along the Illinois-Indiana border to the shore of Lake Michigan. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 117815 (Sub-No. E6), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale grocery and food business houses*, and in connection therewith, *equipment, materials*, and *supplies used in the conduct of such business*, when moving to or from such business houses or other facilities thereof, Between Des Moines, Iowa, on the one hand, and, on the other, points in Illinois within the territory bounded by a line beginning at the shore of Lake Michigan and extending west along a line through Winthrop Harbor, Illinois, and South Beloit, Illinois, to Durand, Illinois, thence south over unnumbered highway through Pecatonica, Myrtle, Byron, and Chana, Illinois, to junction Illinois Highway 38, thence south over Illinois Highway 30 to Ashton, Illinois, thence south and east over unnumbered highway through Pawpaw, Earlville and Harding, Illinois, to junction Illinois Highway 23, thence south over Illinois Highway 23 to junction unnumbered road to Gridley, Illinois, thence east over U.S. Highway 24 to Watseka, Illinois, thence along a line in a northeasterly direction to the Illinois-Indiana border, thence north along the Illinois-Indiana border to the shore of Lake Michigan. The purpose of this filing is to eliminate the gateway of DeKalb, Illinois.

No. MC 117815 (Sub-No. E7), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Detroit, Michigan, to points in Illinois within the territory bounded by a line beginning at Galena, Illinois, thence in a southeasterly direction to Savanna, Illinois, thence south to Galesburg, Illinois, thence east over U.S. Highway 150 to junction Illinois Highway 91, thence north over Illinois Highway 91 to junction Illinois Highway 90, thence east over Illinois Highway 90 to junction Illinois Highway 88, thence north over Illinois Highway 88 to Campgrove, Illinois, thence east three miles over unnumbered road to junction unnumbered road, thence north over unnumbered road through Lombardville, Wayanett and Walnut, Illinois, to junction unnumbered highway four miles north of Walnut, Illinois, thence east on unnumbered highway one mile northwest of Dixon, Illinois, thence north on unnumbered highway through Mt. Morris, Ridott, and Dakota, Illinois, to Rock Grove, Illinois, thence west along a line through Warren, Illinois to Galena, Illinois, restricted to traffic originating at Detroit, Michigan and to movements, from, to or between wholesale and retail grocery houses, their warehouses and retail outlets. The purpose of this filing is to eliminate the gateway of Clinton, Iowa.

No. MC 117815 (Sub-No. E8), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, and *articles distributed by meat packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from Allen Township (Hillsdale County), Michigan, to points in Illinois within the territory bounded by a line beginning at Galena, Illinois, and extending in a southeasterly direction to Savanna, Illinois, thence south to Galesburg, Illinois, thence east over U.S. Highway 150 to junction Illinois Highway 78, thence north over Illinois Highway 78 to Lyndon, Illinois, thence northeast over Illinois Highway 2, to Sterling, Illinois, thence north over Illinois Highway 88 to Milledgeville, Illinois, thence north over unnumbered highway to junction Illinois Highway 72, thence west over Illinois Highway 72 to junction Illinois Highway 73, thence north over Illinois Highway 73, to Winslow, Illinois, and thence west along a line through Warren, Illinois, to Galena, Illinois, restricted to the transportation of shipments originating at the plant site and warehouse facilities of Peter Eckrich and Sons, Inc. at Allen Township (Hillsdale County), Michigan, and to movements from, to or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateway of Clinton, Iowa.

No. MC 117815 (Sub.-No. E9), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Wisconsin on and west of a line beginning at the Illinois-Wisconsin border and extending north on Wisconsin Highway 78 to Gratiot, Wisconsin, thence west over Wisconsin Highway 11 to junction Wisconsin Highway 23, thence north over Wisconsin Highway 23 to junction Wisconsin Highway 130, thence north over Wisconsin Highway 130 to junction U.S. Highway 14, thence north over U.S. Highway 14 to junction Wisconsin Highway 58, thence north over Wisconsin Highway 58 to LaValle, Wisconsin, thence northwest over Wisconsin Highway 33 to junction Wisconsin Highway 80, thence north over Wisconsin Highway 80 to junction Wisconsin Highway 13, thence north over Wisconsin Highway 13 to junction unnumbered highway one mile north of Butternut, Wisconsin, thence northeast over unnumbered highway to junction U.S. Highway 51, thence north over U.S. Highway 51 to the Wisconsin-Michigan border, to points in that part of Indiana north of U.S. Highway 40, restricted to movements from, to or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateway of Clinton, Iowa and Chicago, Illinois.

No. MC 117815 (Sub-No. E10), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned fruits and vegetables*, from points in that part of Michigan south of a line beginning at the Indiana-Michigan state line and extending along U.S. Highway 12 to junction unnumbered highway, at or near New Buffalo, Michigan, thence along unnumbered highway through Union Pier and Harbert, Michigan, to junction Interstate Highway 94, thence along Interstate Highway 94, to junction Business Route Interstate Highway 94, thence along Business Route Interstate Highway 94 to Benton Harbor, Michigan, thence along unnumbered highway through Coloma, Paw Paw, and Oshtemo, Michigan, to Kalamazoo, Michigan, and West of a line beginning at Kalamazoo, Michigan, and extending along unnumbered highway through Portage, Michigan, to junction U.S. Highway 131, at or near Schoolcraft, Michigan, thence along U.S. Highway 131 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Michigan Highway 103, thence along Michigan Highway 103 to the Michigan-Indiana state line (except Kalamazoo, Michigan), to Creston, Mt. Ayr, and Muscatine, Iowa. The purpose of this filing is to eliminate the gateway of Chicago, Illinois.

No. MC 117815 (Sub-No. E11), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned fruits and vegetables*, from points in that part of Michigan south of a line beginning at the Indiana-Michigan state line and extending along U.S. Highway 12 to junction unnumbered highway, at or near New Buffalo, Michigan, thence along unnumbered highway through Union Pier and Harbert, Michigan, to junction Interstate Highway 94, thence along Interstate Highway 94, to junction Business Route Interstate Highway 94, thence along Business Route Interstate Highway 94 to Benton Harbor, Michigan, thence along unnumbered highway through Coloma, Paw Paw, and Oshtemo, Michigan, to Kalamazoo, Michigan, and West of a line beginning at Kalamazoo, Michigan, and extending along unnumbered highway through Portage, Michigan, to junction U.S. Highway 131, at or near Schoolcraft, Michigan, thence along U.S. Highway 131 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Michigan Highway 103, thence along Michigan Highway 103 to the Michigan-Indiana state lines (except Kalamazoo, Michigan), to Denver and Pueblo, Colorado, Oklahoma City, and Tulsa, Oklahoma, points in North Dakota, South Dakota, Nebraska, Kansas, and points in Minnesota on and west of a line beginning at the Iowa-Minnesota state line, thence north over U.S. Highway 65, to Albert Lea, Minnesota, thence north over Minnesota Highway 13, to Waseca, Minnesota, thence west over U.S. Highway 14, to Nicollet, Minnesota, thence north over Minnesota Highway 111 to Gaylord, Minnesota, thence north over Minnesota Highway 22 to Hutchinson, Minnesota, thence west over Minnesota Highway 7 to junction U.S. Highway 71.

Thence north over U.S. Highway 71 to Belgrade, Minnesota, thence northwest over Minnesota Highway 55 to junction U.S. Highway 59, thence north over U.S. Highway 59 to Detroit Lakes, Minnesota, thence east over Minnesota Highway 34 to Park Rapids, Minnesota, thence north over U.S. Highway 71 to Bemidji, Minnesota, thence west over U.S. Highway 2 to junction Minnesota Highway 89, thence north over Minnesota Highway 89 to Roseau, Minnesota, thence north over Minnesota Highway 310 to the Minnesota-Canada border, and to points in Missouri on and west of a line beginning at the Iowa-Missouri state line, thence south over Missouri Highway 129 to junction Missouri Highway 11, thence south over Missouri Highway 11 to junction U.S. Highway 24, thence southwest over U.S. Highway 24 to junction Missouri Highway 13, thence south over Missouri Highway 13 to junction U.S. Highway 54, thence west over U.S. Highway 54 to junction Missouri Highway 32, thence south over Missouri Highway 32, to junction Missouri Highway 97, thence south over Missouri Highway 97 to Pierce City, Missouri, thence south over Missouri Highway 37 to Purdy, Missouri, thence west over unnumbered highway to junction Missouri Highway 86, thence south over Missouri Highway 86 to junction Missouri Highway 76, thence west over Missouri Highway 76 to junction U.S. Highway 71, and thence south over U.S. Highway 71 to the Missouri-Arkansas state line. The purpose of this filing is to eliminate the gateway of Chicago, Illinois and Des Moines, Iowa.

No. MC 117815 (Sub-No. E13), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, *transporting:* (a) *Frozen fruits, frozen berries*, and *frozen vegetables*, from points in Indiana within the territory bounded by a line on the south beginning at the Illinois-Indiana state line and extending in a northeasterly direction to Warsaw, Indiana, thence north to Goshen, Indiana, thence in a northwesterly direction to the Indiana-Michigan state line near Granger, Indiana, thence along the Indiana-Michigan state line to Lake Michigan (except LaPorte, Indiana), to Des Moines, Iowa, Omaha and Plattsmouth, Nebraska and (b) *Frozen foods*, from points in Indiana within the territory bounded by a line on the south beginning at the Illinois-Indiana state line and extending in a northeasterly direction to Warsaw, Indiana, thence north to Goshen, Indiana, thence in a northwesterly direction to the Indiana-Michigan state line near Granger, Indiana, thence along the Indiana-Michigan state line to Lake Michigan (except from LaPorte, Indiana), to points in Minnesota on, south and west of a line beginning at the Iowa-Minnesota state line and extending north over U.S. High-

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way 65 to Albert Lea, Minnesota, thence north over Minnesota Highway 13 to Montgomery, Minnesota, thence north one mile to junction unnumbered road, thence west over unnumbered road to LeSueur, Minnesota, thence west over Minnesota Highway 112 to junction Minnesota Highway 93, thence north over Minnesota Highway 93 to junction Minnesota Highway 19, thence west over Minnesota Highway 19 to junction Minnesota Highway 22, thence north and west over Minnesota Highway 22 to Hutchinson, Minnesota, thence west over Minnesota Highway 7 to junction U.S. Highway 71, thence north over U.S. Highway 71 to Willmer, Minnesota, thence northwest over U.S. Highway 12 to Benson, Minnesota, thence north over Minnesota Highway 29 to Starbuck, Minnesota, thence north on Minnesota Highway 114 to Lowry, Minnesota, thence northwest over Minnesota Highway 55 to junction U.S. Highway 59, thence north over U.S. Highway 59 to Thief River Falls, Minnesota, thence north over Minnesota Highway 32 to junction Minnesota Highway 11, thence northeast over Minnesota Highway 11 to junction Minnesota Highway 89, and thence north over Minnesota Highway 89 to the Minnesota-Canada border, restricted in (a) and (b) to movements from, to or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateways of Chicago, Illinois and Des Moines, Iowa.

No. MC 117815 (Sub-No. E14), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned fruits* and *vegetables*, (a) from points in that part of Michigan south of a line beginning at the Indiana-Michigan state line and extending along U.S. Highway 12 to junction unnumbered highway, at or near New Buffalo, Michigan, thence along unnumbered highway through Union Pier and Harbert, Michigan, to junction Interstate Highway 94, thence along Interstate Highway 94 to junction Business Route Interstate Highway 94, thence along Business Route Interstate Highway 94 to Benton Harbor, Michigan, thence along unnumbered highway through Coloma, Paw Paw and Oshtemo, Michigan, to Kalamazoo, Michigan, and west of a line beginning at Kalamazoo, Michigan, and extending along unnumbered highway through Portage, Michigan, to junction U.S. Highway 131, at or near Schoolcraft, Michigan, thence along U.S. Highway 131 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Michigan Highway 103, thence along Michigan Highway 103 to the Michigan-Indiana state line (except Kalamazoo, Michigan), to Charlton, Iowa, restricted to traffic destined to Charlton, Iowa and restricted to movements to or from wholesale grocery and food business houses or other facilities thereof; and (b) from points in that part of Indiana on and north of a line commencing at the Illinois-Indiana state line and extending east over Indiana Highway 10 to junction Indiana Highway 110, thence east over Indiana Highway 110 to junction Indiana Highway 143, thence east over Indiana Highway 143 to junction U.S. Highway 421, thence south over U.S. Highway 421 to junction Indiana Highway 14, thence east over Indiana Highway 14 to Akron, Indiana, thence east over Indiana Highway 114 to junction Indiana Highway 15, thence south over Indiana Highway 15 to Marion, Indiana, thence east over Indiana Highway 18 to junction Indiana Highway 3, thence south over Indiana Highway 3 to Muncie, Indiana, and thence southeast over U.S. Highway 35 to the Indiana-Ohio border, to Chariton, Iowa, restricted to traffic destined to Chariton, Iowa, and to movements to or from wholesale grocery and food business houses or other facilities thereof. The purpose of this filing is to eliminate the gateways of Chicago, Illinois and Des Moines, Iowa.

No. MC 117815 (Sub-No. E15), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from points in that part of Indiana bounded by a line commencing at the Illinois-Indiana state line at unnumbered highway approximately four miles north of Effner, Indiana, and extending in a northeasterly direction (through Brook, Collegeville, Francesville, and Winamac, Indiana), to Warsaw, Indiana, thence north over Indiana Highway 15 to Goshen, Indiana, and thence in a northwesterly direction to the Indiana-Michigan state line near Granger, Indiana, to Cedar Rapids, Iowa, restricted to movements from, to or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateway of Dixon, Illinois.

No. MC 117815 (Sub-No. E16), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned fruits and vegetables*, from points in that part of Michigan south of a line beginning at the Indiana-Michigan state line and extending along U.S. Highway 12 to junction unnumbered Highway, at or near New Buffalo, Michigan, thence along unnumbered highway through Union Pier and Harbert, Michigan, to junction Interstate Highway 94, thence along Interstate Highway 94, to junction Business Route Interstate Highway 94, thence along Business Route Interstate Highway 94, to Benton Harbor, Michigan, thence along unnumbered highway through Coloma, Paw Paw and Oshtemo, Michigan, to Kalamazoo, Michigan, and west of a line beginning at Kalamazoo, Michigan, and extending along unnumbered highway through Portage, Michigan, to junction U.S. Highway 131, at or near Schoolcraft, Michigan, thence along U.S. Highway 131 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Michigan Highway 103, thence along Michigan Highway 103 to the Michigan-Indiana state line (except Kalamazoo, Michigan), to Chariton, Iowa, restricted to traffic destined to Chariton, Iowa, and restricted to movements to or from wholesale grocery houses or other facilities thereof. The purpose of this filing is to eliminate the gateways of Chicago, Illinois and Des Moines, Iowa.

No. MC 117815 (Sub-No. E17), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canning plant supplies*, from points in that part of Indiana bounded by a line commencing at the Illinois-Indiana state line at unnumbered highway approximately four miles north of Effner, Indiana, and extending in a northeasterly direction (through Brook, Collegeville, Francesville, and Winamac, Indiana) to Warsaw, Indiana, thence north over Indiana Highway 15 to Goshen, Indiana, and thence in a northwesterly direction to the Indiana-Michigan state line near Granger, Indiana, to Grimes, Iowa, restricted to movements from, to or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateway of Chicago, Illinois.

No. MC 117815 (Sub-No. E18), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in that part of Indiana bounded by a line commencing at the Illinois-Indiana state line at unnumbered highway approximately four miles north of Effner, Indiana, and extending in a northeasterly direction (through Brook, Collegeville, Francesville, and Winamanc, Indiana), to Warsaw, Indiana, thence north over Indiana Highway 15, to Goshen, Indiana, and thence in a northwesterly direction to the Indiana-Michigan state line near Granger, Indiana, to Red Oak, Iowa, restricted to

movements from, to or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateway of Chicago, Illinois.

No. MC 117815 (Sub-No. E19), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operates as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned fruits* and *vegetables*, from points in that part of Indiana on and north of a line commencing at the Illinois-Indiana state line and extending east over U.S. Highway 36 to junction U.S. Highway 231, thence south over U.S. Highway 231 to junction U.S. Highway 40, and thence northeast over U.S. Highway 40 to the Indiana-Ohio state line (except those points in Lake and Porter Counties, Indiana, and except those points north of U.S. Highway 20 and west of Indiana Highway 15 and LaPorte, Indiana), to Muscatine, Iowa. The purpose of this filing is to eliminate the gateway of Chicago, Illinois.

No. MC 117815 (Sub-No. E20), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned fruits* and *vegetables*, from points in that part of Indiana on and north of a line commencing at the Illinois-Indiana state line and extending east and south over U.S. Highway 52 to junction U.S. Highway 40, and thence northeast over U.S. Highway 40 to the Indiana-Ohio state line (except those points in Lake and Porter Counties, Indiana and except those points north of U.S. Highway 20 and west of Indiana Highway 15, and LaPorte, Indiana), to Mt. Ayr, Iowa. The purpose of this filing is to eliminate the gateway of Chicago, Illinois.

No. MC 117815 (Sub-No. E21), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned fruis* and *vegetables*, from points in that part of Indiana on and north of a line commencing at the Illinois-Indiana state line and extending east over Indiana Highway 26 to Pine Village, Indiana, thence south over Indiana Highway 55 to junction U.S. Highway 136, thence southeast over U.S. Highway 136 to Crawfordsville, Indiana, thence south over U.S. Highway 231 to junction U.S. Highway 40, and thence northeast over U.S. Highway 40 to the Indiana-Ohio state line (except those in Lake and Porter Counties, Indiana, and except those north of U.S. Highway 20 and west of Indiana Highway 15, and LaPorte, Indiana), to Creston, Iowa. The purpose of this filing is to eliminate the gateway of Chicago, Illinois.

No. MC 117815 (Sub-No. E22), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned fruits* and *vegetables*, (a) from points in that part of Michigan south of a line beginning at the Indiana-Michigan state line and extending along U.S. Highway 12 to junction unnumbered highway, at or near New Buffalo, Michigan, thence along unnumbered highway through Union Pier and Harbert, Michigan, to junction Interstate Highway 94, thence along Interstate Highway 94, to junction Business Route Interstate Highway 94, thence along Business Route Interstate Highway 94 to Benton Harbor, Michigan, thence along unnumbered highway through Coloma, Paw Paw and Oshtemo, Michigan, to Kalamazoo, Michigan, and west of a line beginning at Kalamazoo, Michigan, and extending along unnumbered highway through Portage, Michigan, to junction U.S. Highway 131, at or near Schoolcraft, Michigan, thence along U.S. Highway 131 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Michigan Highway 103, thence along Michigan Highway 103 to the Michigan-Indiana state line (except Kalamazoo, Michigan), and (b) from points in that part of Indiana on and north of a line commencing at the Illinois-Indiana state line and extending east over Indiana Highway 32 to Crawfordsville, Indiana, thence south over U.S. Highway 231 to junction U.S. Highway 40, and thence northeast over U.S. Highway 40 to the Indiana-Ohio state line, to Red Oak, Iowa. The purpose of this filing is to eliminate the gateway of Chicago, Illinois.

No. MC 117815 (Sub-No. E23), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier, by motor vehicle*, over irregular routes, transporting: *Canned fruits* and *vegetables*, from points in that part of Michigan south of a line beginning at the Indiana-Michigan State line and extending along U.S. Highway 12 to junction unnumbered highway, at or near New Buffalo, Michigan, thence along unnumbered highway through Union Pier and Harbert, Michigan, to junction Interstate Highway 94, thence along Interstate Highway 94 to junction Business Route Interstate Highway 94, thence along Business Route Interstate Highway 94 to Benton Harbor, Michigan, thence along unnumbered highway through Coloma, Paw Paw, and Oshtemo, Michigan, to Kalamazoo, Michigan, and west of a line beginning at Kalamazoo, Michigan, and extending along unnumbered highway through Portage, Michigan, to junction U.S. Highway 131, at or near Schoolcraft, Michigan, thence along U.S. Highway 131 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Michigan Highway 103, thence along Michigan Highway 103 to the Michigan-Indiana State line (except Kalamazoo, Michigan), to points in Iowa on and east of U.S. Highway 69. The purpose of this filing is to eliminate the gateway of Chicago, Illinois.

No. MC 117815 (Sub-No. E24), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (a) *Canned fruits* and *vegetables*, from points in that part of Michigan south of a line beginning at the Indiana-Michigan state line and extending along U.S. Highway 12 to junction unnumbered highway, at or near New Buffalo, Michigan, thence along unnumbered highway through Union Pier and Harbert, Michigan, to junction Interstate Highway 94, thence along Interstate Highway 94 to junction Business Route Interstate Highway 94, thence along Business Route Interstate Highway 94 to Benton Harbor, Michigan, thence along unnumbered highway through Coloma, Paw Paw, and Oshtemo, Michigan, to Kalamazoo, Michigan, and west of a line beginning at Kalamazoo, Michigan, and extending along unnumbered highway through Portage, Michigan, to junction U.S. Highway 131, at or near Schoolcraft, Michigan, thence along U.S. Highway 131 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Michigan Highway 103, thence along Michigan Highway 103 to the Michigan-Indiana State line (except Kalamazoo, Michigan), to points in Iowa on, west and south of a line commencing at the Iowa-Illinois state line and extending west over U.S. Highway 34 to Fairfield, Iowa, thence north over Iowa Highway 1 to junction Iowa Highway 78, thence west over Iowa Highway 78 to junction Iowa Highway 149, thence west over Iowa Highway 149 to junction U.S. Highway 63, thence north over U.S. Highway 63 to New Sharon, Iowa, thence north over Iowa Highway 146 to junction U.S. Highway 30.

Thence west over U.S. Highway 30 to junction Iowa Highway 14, thence north over Iowa Highway 14 to Marshalltown, Iowa, thence west over unnumbered road through Clemons and St. Anthony, Iowa, to McCallsburg, Iowa, thence west over Iowa Highway 221 to junction U.S. Highway 69, and thence north over U.S. Highway 69 to the Iowa-Minnesota state line: (b) *Canned goods*, from points in that part of Indiana bounded by a line commencing at the Illinois-Indiana state line

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at unnumbered highway approximately four miles north of Effner, Indiana, and extending in a northeasterly direction (through Brook, Collegeville, Francesville, and Winamac, Indiana), to Warsaw, Indiana, thence north over Indiana Highway 15 to Goshen, Indiana, and thence in a northwesterly direction to the Indiana-Michigan state line near Granger, Indiana, to points in Iowa on, south and west of a line commencing at the Iowa-Illinois state line and extending west over U.S. Highway 6 to Iowa City, Iowa, thence northwest over U.S. Highway 218 to the Iowa-Minnesota state line, restricted in (a) and (b) above to movements from, to or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateways of Gary, Indiana and Peoria, Illinois.

No. MC 117815 (Sub-No. E25) filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th St., Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Canned fruits and vegetables*, from points in that part of Indiana north of U.S. Highway 40 (except those in Lake and Porter Counties, Indiana, and except those north of U.S. Highway 20 and west of Indiana Highway 15 and LaPorte, Indiana), including points on the indicated portions of the highways specified, to Omaha, Nebraska; (b) *Canned goods and canned pet food*, from points in that part of Indiana bounded by a line commencing at the Illinois-Indiana State line at unnumbered highway approximately four miles north of Effner, Indiana, and extending along in a northeasterly direction (through Brook, Collegeville, Francesville, and Winamac, Indiana) to Warsaw, Indiana, thence north over Indiana Highway 15 to Goshen, Indiana, and thence in a northwesterly direction to the Indiana-Michigan State line near Granger, Indiana, to Omaha and Plattsmouth, Nebraska, restricted to movements from, to or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateway of Chicago, Ill. and Des Moines, Iowa.

No. MC 117815 (Sub-No. E26), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th St., Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Deerfield, Illinois, to points in that part of Minnesota west and south of a line commencing at the Iowa-Minnesota State line and extending north over U.S. Highway 59 to Marshall, Minnesota, and thence northwest over Minnesota Highway 68 through Canby, Minnesota to the South Dakota-Minnesota State line, restricted to movements from, to or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateways of DeKalb, Ill. and Des Moines, Iowa.

No. MC 117815 (Sub-No. E27), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th St., Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in that part of Indiana bounded by a line commencing at the Illinois-Indiana State line at unnumbered highway approximately four miles north of Effner, Indiana, and extending in a northeasterly direction (through Brook, Collegeville, Francesville, and Winamac, Indiana), to Warsaw, Indiana, thence north over Indiana Highway 15 to Goshen, Indiana, and thence in a northwesterly direction to the Indiana-Michigan State line near Granger, Indiana, to Omaha and Plattsmouth, Nebraska, and points in Minnesota on, west and south of a line commencing at the Iowa-Minnesota State line and extending north over Minnesota Highway 15 to junction Minnesota Highway 30, thence west and north over Minnesota Highway 30 to junction Minnesota Highway 4, thence north over Minnesota Highway 4 to junction Minnesota Highway 68, thence northwest over Minnesota Highway 68 to Morgan, Minnesota, thence northwest over Minnesota Highway 67 to Granite Falls, Minnesota, thence northwest over U.S. Highway 212 to Montivedo, Minnesota, and thence northwest over Minnesota Highway 7 to Ortonville, Minnesota, restricted to movements from, to or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateways of Deerfield, Ill. and Des Moines, Iowa.

No. MC 117815 (Sub-No. E28), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th St., Des Moines, Iowa 50317. Applicant's representative. Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from North Chicago, Illinois, to Muscatine, Iowa, restricted to movements from, to or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 117815 (Sub-No. E29), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE 20th St., Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and canned pet food*, from points in that part of Indiana bounded by a line commencing at the Illinois-Indiana State line at unnumbered highway approximately four miles north of Effner, Indiana, and extending in a northeasterly direction (through Brook, Collegeville, Francesville, and Winamac, Indiana) to Warsaw, Indiana, and thence in a north over Indiana Highway 15 to Goshen, Indiana, and thence in a northwesterly direction to the Indiana-Michigan State line near Granger, Indiana, to Denver and Pueblo, Colorado, and points in North Dakota and South Dakota and points in Minnesota on, south and west of a line commencing at the Iowa-Minnesota State line and extending north over U.S. Highway 65 to Albert Lea, Minnesota, thence north over Minnesota Highway 12 to Montgomery, Minnesota, thence north one mile to junction unnumbered road to LeSueur, Minnesota, unnumbered road, thence west over unnumbered road to LeSeur, Minnesota, thence west over Minnesota Highway 112 to junction Minnesota Highway 93, thence north on Minnesota Highway 93 to junction Minnesota Highway 19, thence west over Minnesota Highway 19 to junction Minnesota Highway 22, thence north and west over Minnesota Highway 22 to Hutchinson, Minnesota, thence west over Minnesota Highway 7 to junction U.S. Highway 71, thence north over U.S. Highway 71 to Willmar, Minnesota, thence northwest over U.S. Highway 12 to Benson, Minnesota, thence north on Minnesota Highway 19 to Starbuck, Minnesota, thence north over Minnesota Highway 114 to Lowry, Minnesota, thence northwest on Minnesota Highway 55 to junction U.S. Highway 59, thence north over U.S. Highway 59 to Thief River Falls, Minnesota, thence north on Minnesota Highway 32 to junction Minnesota Highway 11, thence northeast over Minnesota Highway 11 to junction Minnesota Highway 89, and thence north on Minnesota Highway 89 to the Minnesota-Canada border, restricted to movements from, to or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateways of Chicago, Ill., and Des Moines, Iowa.

No. MC 117815 (Sub-No. E30), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE 20th St., Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packing house products*, between Des Moines and Davenport, Iowa, on the one hand, and, on the other, points in that part of Indiana bounded by a line commencing at the Illinois-Indiana State line at unnumbered highway approximately four miles north of Effner, Indiana, and extending in a northeasterly direction (through Brook, Collegeville, Francesville, and Winamac, Indiana) to Warsaw, Indiana, thence north over Indiana Highway 15 to Goshen, Indiana, and thence in a northwesterly direction to the Indiana-Michigan State line near

Granger, Indiana, restricted to movements from, to or between wholesale grocery houses, their warehouses, and retail outlets.

No. MC 117815 (Sub-No. E31), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE 20th St., Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen bakery products* (except in bulk, in tank vehicles), from the plant site of the United States Baking Company at Seeleyville, Indiana, to points in Illinois within the territory bounded on the east and south by a line commencing at Oneco, Illinois, and extending south over Illinois Highway 26 to junction unnumbered highway 5 miles south of Polo, Illinois, thence west and south over unnumbered highway through Penrose, Illinois, to junction Illinois Highway 2, thence southwest over Illinois Highway 2 to junction U.S. Highway 30, thence west over U.S. Highway 30 to Clinton, Iowa, and bounded on the west and north by a line beginning at Clinton, Iowa, and extending north to Savanna, Illinois, thence northwesterly to Galena, Illinois, and thence east through Warren, Illinois, to Oneca, Illinois, restricted to movements from, to or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateway of Clinton, Iowa.

No. MC 117815 (Sub-No. E32), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE 20th St., Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, when moving to or from such business houses or other facilities thereof (except in bulk), (a) from points in that part of Indiana within the territory bounded by a line beginning at the Illinois-Indiana State line and extending east on Indiana Highway 10 to junction Indiana Highway 110, thence east on Indiana Highway 110 to junction Indiana Highway 143, thence east on Indiana Highway 143 to junction U.S. Highway 421, thence south on U.S. Highway 421 to junction Indiana Highway 14, thence east on Indiana Highway 14 to Winamac, Indiana, thence along a line in a northeasterly direction to Warsaw, Indiana, thence north to Goshen, Indiana, and thence in a northwesterly direction to the Indiana-Michigan State line near Granger, Indiana, to Chariton, Iowa, restricted to traffic destined to Chariton, Iowa. (b) from points in Illinois within the territory bounded by a line beginning at the shore of Lake Michigan and extending west along a line through Winthrop Harbor, Illinois, to where it intersects with Illinois Highway 76, thence south over Illinois Highway 76 to junction U.S. Highway B.R. 20, thence southeast over U.S. Highway B.R. 20 to Belvidere, Illinois, thence south over unnumbered highway through Kirkland, Illinois, to junction Illinois Highway 64, thence west over Illinois Highway 64 to junction U.S. Highway 51, thence south over U.S. Highway 51 to Rochelle, Illinois, thence south and east over unnumbered highways through Steward and Lee, Illinois, to junction U.S. Highway 30, thence east over U.S. Highway 30 to junction unnumbered highway at Big Rock, Illinois, thence south over unnumbered highway to Plano, Illinois, thence east over U.S. Highway 34 to junction Illinois Highway 47, thence south over Illinois Highway 47 to Yorkville, Illinois, thence east over Illinois Highway 126 to junction U.S. Highway 30, thence southeast over U.S. Highway 30 to junction U.S. Highway 52, thence south over U.S. Highway 52 to junction unnumbered highway, thence east over unnumbered highway through St. George, Illinois, to junction Illinois Highway 1, thence south over Illinois Highway 1 to Momence, Illinois, thence east over Illinois Highway 114 to the Illinois-Indiana State line, thence north along the Illinois-Indiana State line to the shore to Lake Michigan, and thence north along the shore of Lake Michigan to the point of beginning, to Chariton, Iowa, restricted to traffic destined to Chariton, Iowa. The purpose of this filing is to eliminate the gateways of Des Moines, Iowa, and DeKalb, Ill.

No. MC 117815 (Sub-No. E34), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE 20th St., Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except liquid commodities in bulk, in tank vehicles, from points in that part of Indiana bounded by a line commencing at the Illinois-Indiana State line at unnumbered highway approximately four miles north of Effner, Indiana, and extending in a northeasterly direction (through Brook, Collegeville, Francesville, and Winamac, Indiana) to Warsaw, Indiana, thence north over Indiana Highway 15 to Goshen, Indiana, and thence in a northwesterly direction to the Indiana-Michigan State line near Granger, Indiana, to Omaha and Plattsmouth, Nebraska; and points in Iowa on and east of U.S. Highway 69, restricted to movements from, to or between wholesale grocery houses, their warthouses, and retail outlets. The purpose of this filing is to eliminate the gateways of Momence, Ill. and Des Moines, Iowa.

No. MC 117815 (Sub-No. E35), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE 20th St., Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Illinois within the territory bounded by a line beginning at the shore of Lake Michigan and extending west along a line to where it connects with U.S. Highway 14, thence south along U.S. Highway 14 to Woodstock, Illinois, thence south along Illinois Highway 47 to Dwight, Illinois, thence east on Illinois Highway 17 to Kankakee, Illinois, thence south on U.S. Highway 45 to junction Illinois Highway 49, thence south over Illinois Highway 49 to Crescent City, Illinois, thence east over U.S. Highway 24 to Watseka, Illinois, thence along a line in a northeasterly direction to the Illinois-Indiana State line, thence north along the Illinois-Indiana State border to the shore of Lake Michigan, and thence north along the shore of Lake Michigan to the point of beginning, to Omaha and Plattsmouth, Nebraska, restricted to movements from, to or between wholesale houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateway of Chicago, Ill., and Des Moines, Iowa.

No. MC 117815 (Sub-No. E36), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th St., Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in that part of Wisconsin within the territory bounded on the south by Wisconsin Highway 29 and on the east by U.S. Highway 51, to points in that part of Illinois within the territory bounded by a line beginning at Savanna, Illinois, and extending south to Galesburg, Illinois, thence in a southeasterly direction to Peoria, Illinois, thence east to Forrest, Illinois, thence north over Illinois Highway 47 to junction Illinois Highway 116, thence west over Illinois Highway 116 to Pontiac, Illinois, thence north over Illinois Highway 23 to Streator, Illinois, thence west over Illinois Highway 18 to junction U.S. Highway 51, thence north over U.S. Highway 51 to junction U.S. Highway 52, and thence north and west over U.S. Highway 52 to the point of beginning, restricted to movements from, to or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateway of Clinton, Iowa.

No. MC 117815 (Sub-No. E38), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th St., Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox,

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900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in that part of Wisconsin within the territory bounded on the north by Wisconsin Highway 29, and on the south by U.S. Highway 18 beginning at Prairie du Chien, Wisconsin, thence east over U.S. Highway 18 to junction U.S. Highway 151, thence east over U.S. Highway 151 to Beaver Dam, Wisconsin, thence east over Wisconsin Highway 33 to junction U.S. Highway 41, thence southeast over U.S. Highway 41, thence southeast over U.S. Highway 41 to junction unnumbered highway one mile southeast of Fussyville, Wisconsin, and thence east over unnumbered highway to Whitefish Bay, Wisconsin, to points in that part of Illinois within the territory beginning at the Mississippi River and extending south along a line to Galesburg, Illinois, thence in a southeasterly direction to Peoria, Illinois, thence north over Illinois Highway 88 to junction U.S. Highway 6, thence west over U.S. Highway 6 to Annawan, Illinois, thence north over Illinois Highway 78 to Morrison, Illinois, and thence west over U.S. Highway 30 to the point of beginning, restricted to movements from, to or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateway of Clinton, Iowa.

No. MC 117815 (Sub-No. E39), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th St., Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles and closures therefor*, from points in that part of Illinois within the territory bounded by a line beginning at the shore of Lake Michigan and extending west along a line through Winthrop Harbor, Ill., to where it connects with Illinois Highway 47, thence south over Illinois Highway 47 to junction U.S. Highway 30, and thence south and east over U.S. Highway 30 to the Illinois-Indiana State line, to points in Missouri, restricted to movements from, to or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateway of Plainfield, Ill.

No. MC 117815 (Sub-No. E40), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th St., Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in that part of Wisconsin on and west of a line beginning at LaCrosse, Wis., and extending northwest on Wisconsin Highway 35 to Nelson, Wis., thence north on Wisconsin Highway 25 to Durand, Wis., thence west over U.S. Highway 10 to junction U.S. Highway 63, thence north over U.S. Highway 63 to junction U.S. Highway 2, thence northeast over U.S. Highway 2 to the junction of Wisconsin Highway 13, and thence along a line northeast to the shore of Lake Superior, to points in Illinois within the territory bounded by a line beginning at Thompson, Ill., and extending along a line south to Galesburg, Ill., thence a southeasterly direction to Peoria, Ill., thence east to Onarga, Ill., thence in a northeasterly direction to the Illinois-Indiana State line, thence north along the Illinois-Indiana State line to the shore of Lake Michigan, thence north along the shore of Lake Michigan to Chicago, Ill., thence west over Interstate Highway 90 to the junction of Illinois Highway 38, thence west over Illinois Highway 38 to Dixon, Ill., thence north over U.S. Highway 52 to junction unnumbered highway just south of Polo, Ill., thence west over unnumbered highway to Milledgeville, Ill., thence north on Illinois Highway 88 to Chadwick, Ill., and thence west on unnumbered highway through Fay, Ill., to the point of beginning, restricted to movements from, to or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateway of Clinton, Iowa.

No. MC 117815 (Sub-No. E41), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th St., Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles and closures therefor*, from points in Illinois within territory bounded by a line beginning at the shore of Lake Michigan and extending west along a line through Winthrop Harbor, Ill., to where it connects with Illinois Highway 47, thence south over Illinois Highway 47 to Forrest, Ill., thence east over U.S. Highway 24 to Watseka, Ill., and thence along a line in a northeasterly direction to the Illinois-Indiana State line, to Omaha and Plattsmouth, Nebr., and to points in North Dakota and South Dakota, restricted to movements from, to or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateway of Plainfield, Ill., and Des Moines, Iowa.

No. MC 117815 (Sub-No. E42), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th St., Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles and closures therefor*. (a) From points in Illinois within the territory bounded by a line beginning at the shore of Lake Michigan and extending west through Chicago, Ill., over Interstate Highway 90 to junction Illinois Highway 38, thence west over Illinois Highway 38 to Glen Ellyn, Ill., thence south over Illinois Highway 53 to junction Illinois Highway 5, thence west over Illinois Highway 5 to junction Illinois Highway 31, thence south over Illinois Highway 31 to junction U.S. Highway 30, thence southeast over U.S. Highway 30 to Joliet, Ill., thence south over U.S. Highway 52 to Kankakee, Ill., thence east over Illinois Highway 17 to Momence, Ill., and thence east over Illinois Highway 114 to the Illinois-Indiana State line, to points in Iowa, and (b) from points in Illinois within the territory bounded by a line beginning at the shore of Lake Michigan and extending west along a line through Winthrop Harbor, Ill., to where it connects with Illinois Highway 47, thence south over Illinois Highway 47 to junction Illinois Highway 38, thence east over Illinois Highway 38 to junction Interstate Highway 90, thence east over Interstate Highway 90 to Chicago, Ill., and the shore of Lake Michigan, to points in Iowa on and south of a line beginning at the Iowa-Illinois State line and extending west over U.S. Highway 34 to Ottumwa, Iowa, thence north over U.S. Highway 63 to New Sharon, Iowa, thence north over Iowa Highway 146 to junction U.S. Highway 30, thence west over U.S. Highway 30, (including Marshalltown, Iowa) to junction Interstate Highway 35, thence north on Interstate Highway 35 to junction Iowa Highway 175, thence west over Iowa Highway 175 to junction U.S. Highway 59, thence north over U.S. Highway 59 to junction U.S. Highway 20, thence west over U.S. Highway 20 to Correctionville, Iowa, thence north and west over unnumbered road through Pierson, Kingsley, and Neptune, Iowa, to LeMars, Iowa, thence north over U.S. Highway 75 to junction Iowa Highway 10, and thence west and north over Iowa Highway 10 to the Iowa-South Dakota State line, restricted to movements from, to or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateway of Plainfield, Ill.

No. MC 117815 (Sub-No. E43), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th St., Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles* and *closures* therefor, from points in Illinois within the territory bounded by a line beginning at the shore of Lake Michigan and extending west through Chicago, Illinois, over Interstate Highway 90 to junction Illinois Highway 5, thence west over Illinois Highway 5 to junction Illinois Highway 47, thence south over Illinois Highway 47 to Forrest, Illinois, thence east over U.S. Highway 24, to Watseka, Illinois, thence along a line in a northeasterly direction to the Illinois-Indiana state line, thence north along the Illinois-Indiana state line to the shore of Lake Michigan, and thence north along the shore of Lake Michigan to point of beginning, to points in Wisconsin on, north, and west of a line beginning at the Iowa-Wisconsin state line and extending east over U.S. Highway 18 to Bridgeport, Wisconsin, thence east over Wisconsin Highway 60 to junction U.S. Highway 51, thence north over U.S. Highway 51 to the Wisconsin-Michigan state line, and to points in Minnesota, restricted to movements from, to, or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateway of Plainfield, Illinois.

No. MC 117815 (Sub-No. E44), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th St., Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles* and *closures* therefor, from points in that part of Indiana bounded by a line commencing at the Illinois-Indiana state line at unnumbered highway approximately four miles north of Effner, Indiana, and extending in a northeasterly direction (through Brook, Collegeville, Francesville, and Winamac, Indiana), to Warsaw, Indiana, thence north over Indiana Highway 15 to Goshen, Indiana, and thence in a northwesterly direction to the Indiana-Michigan state line near Granger, Indiana, to: (a) Omaha and Plattsmouth, Nebraska, and (b) points in Wisconsin on and west of U.S. Highway 51, points in Minnesota, North Dakota, South Dakota, and points in Iowa, on and north and west of a line beginning at the Iowa-Illinois state line and extending west on U.S. Highway 34 to Mt. Pleasant, Iowa, thence south and west over unnumbered highway through Oakland Mills and Salem, Iowa, to Hillsboro, Iowa, thence south over Iowa Highway 270 to junction Iowa Highway 16, thence west over Iowa Highway 16 to junction Iowa Highway 1 to junction Iowa Highway 2, thence west over Iowa Highway 2 to junction Iowa Highway 15, thence south over Iowa Highway 15 to the Iowa-Missouri state line, and to points in Missouri on, west, and south of a line beginning at the Iowa-Missouri state line and extending south over U.S. Highway 63 to Rolla, Missouri, thence southeast on Missouri Highway 72 to junction Missouri Highway 21, thence south over Missouri Highway 21 to junction U.S. Highway 60, thence southeast over U.S. Highway 60 to Poplar Bluff, Missouri, and thence south over U.S. Highway 67 to the Missouri-Arkansas state line, restricted to movements from, to or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateway of Plainfield, Illinois.

No. MC 117815 (Sub-No. E45), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50300. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware*, as described in Appendix IX to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 200, from points in Illinois within the territory bounded by a line beginning at the shore of Lake Michigan and extending west through Chicago, Illinois, over U.S. Highway Alternate 30 to junction Illinois Highway 38, thence west over Illinois Highway 38 to De Kalb, Illinois, thence south over Illinois Highway 23 to Pontiac, Illinois, thence south over unnumbered highway to Weston, Illinois, thence east over U.S. Highway 24 to Watseka, Illinois, thence along a line in a northeasterly direction to the Illinois-Indiana state line, thence north along the Illinois-Indiana state line to the shore of Lake Michigan, and thence north along the shore of Lake Michigan to point of beginning, to points in Minnesota on, north and west of a line beginning at the Minnesota-Wisconsin state line and extending south over U.S. Highway 63 to Rochester, Minnesota, thence west over U.S. Highway 14, to Mankato, Minnesota, thence southwest over Minnesota Highway 60 to Windom, Minnesota, and thence south over U.S. Highway 71 to the Minnesota-Iowa state line, restricted to movements from, to or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateway of Currie, Illinois.

No. MC 117815 (Sub-No. E46), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware*, as described in Appendix IX to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, from points in Illinois within the territory bounded by a line beginning at the shore of Lake Michigan and extending west through Chicago, Illinois, over U.S. Highway Alternate 30 to junction Illinois Highway 38, thence west over Illinois Highway 38 to DeKalb, Illinois, thence south over Illinois Highway 23 to junction Illinois Highway 17, thence west over Illinois Highway 17 to junction U.S. Highway 51, thence south over U.S. Highway 51 to junction U.S. Highway 24, thence east over U.S. Highway 24 to Watseka, Illinois, thence along a line in a northeasterly direction to the Illinois-Indiana state line, thence north along the Illinois-Indiana state line to the shore of Lake Michigan, and thence north along the shore of Lake Michigan to point of beginning, to points in Wisconsin bounded by Wisconsin Highway 29 on the south and U.S. Highway 51 on the east, restricted to movements from, to or between wholesale grocery houses, their warehouses and retail outlets. The purpose of this filing is to eliminate the gateway of Gurnee, Illinois.

No. MC 123407 (Sub-No. E273), filed March 30, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles* as are building materials, from Warren, Ill., to the points in Alabama; Georgia; North Carolina; South Carolina; Mississippi in the counties of Jones, Clarke, Wayne, Marion, Lamar, Forest, Perry, Greene, Pearl River, Stone, George, Hancock, Harrison, and Jackson; and Texas in the counties of Presidio, Maverick, Dimmit, LaSalle, McMullen, Live Oak, Bee, Refugio, San Patricio, Webb, Duval, Jim Wells, Nueces, Kleberg, Zapata, Jim Hogg, Brooks, Kenedy, Starr, Hildalgo, Willacy, and Cameron and Louisiana in the parishes of Washington, Iberville, Ascension, St. Mary, Assumption, St. James, St. John the Baptist, Terrebonne, Lafourche, St. Charles, Jefferson, Orleans, St. Bernard, and Plaquemines. The purpose of this filing is to eliminate the gateway of New Castle, Ind.

No. MC 123407 (Sub-No. E279), filed March 30, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles* as are building materials, from Warren County, Ill., to points in Marion and Horry Counties, S.C., and to points in Brunswick, New Hanover, Pender, Onslow, Jones, Carteret, Crave, Pamlico, Martin, Beaufort, Washington, Hyde,

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Tyrell and Dare Counties, N.C. The purpose of this filing is to eliminate the gateway of New Castle, Ind.

No. MC 123407 (Sub-No. E281), filed March 30, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such Iron and steel articles* as are building materials, from Mercer County, Ill., to points in Chatham County, Ga., to points in South Carolina in and east of Spartanburg, Laurens, Greenwood, and Edgefield Counties, S.C., and to points in North Carolina in and east of Yancey, Buncombe and Henderson Counties, N.C. The purpose of this filing is to eliminate the gateway of New Castle, Ind.

No. MC 123407 (Sub-No. E282), filed March 30, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such Iron and steel articles* as are building materials, from McHenry County, Ill., to points in Candler, Bulloch, Evans, Liberty, Bryan and Chatham Counties, Ga., to points in Brunswick, New Hanover, Pasquotank, Camden and Currituck Counties, N.C., and to points in South Carolina in and east of Dillon, Florence, Clarendow, Berkeley, Dorchester, Bamberg, and Allendale Counties, S.C. The purpose of this filing is to eliminate the gateways of Warren, Ill., and New Castle, Ind.

No. MC 123407 (Sub-No. E283), filed March 30, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting. *Such iron and steel articles* as are building materials, from Bureau County, Ill., to points in Chatham County, Ga., to points in South Carolina in and east of Lancaster, Kershaw, Richland, Lexington, Edgefield, and Aiken Counties, S.C., and to points in North Carolina in Bladen, Columbus, Pender, Brunswick and New Hanover Counties, N.C. The purpose of this filing is to eliminate the gateways of Warren, Ill., and New Castle, Ind.

No. MC 123407 (Sub-No. E291), filed March 30, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles* as are building materials, from Knox County, Ill., to points in Dillon, Marion and Horry Counties, S.C., and to points in Brunswick, New Hanover, Pender, Onslow, Jones, Carteret, Craven, Pamlico, Pasquotank, Camden and Currituck Counties, N.C. The purpose of this filing is to eliminate the gateways of Warren, Ill., and New Castle, Ind.

No. MC 123407 (Sub-No. E292), filed March 30, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles* as are building materials, from Putnam County, Ill., to points in Chatham County, Ga., to points in Jasper, Beaufort, Charleston, Georgetown, Marion and Horry Counties, S.C. and to points in Brunswick, New Hanover, Pasquotank, Camden and Currituck Counties, N.C. The purpose of this filing is to eliminate the gateways of Warren, Ill., and New Castle, Ind.

No. MC 125777 (Sub-No. E91), filed June 4, 1974. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: J. S. Gray, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cinders and shale*, in bulk, in dump vehicles, from Ottawa, Ill., to points in Lucas, Wood, Fulton, Ottawa, Erie, Henry, Williams, and Defiance Counties, Ohio, and points in Lenawee, Monroe, Hillsdale, Jackson, Washtenaw, and Wayne Counties, Mich. The purpose of this filing is to eliminate the gateway of Fort Wayne, Ind.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-10862 Filed 4-12-77;8:45 am]

[Notice No. 48]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 6, 1977.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication on or before April 27, 1977. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 71642 (Sub-No. 25TA) filed March 25, 1977. Applicant: CONTRACTUAL CARRIERS, INC., Harmony Industrial Park, Allen Drive, Newark, Del. 19711. Applicant's representative: Samuel W. Earnshaw, 833 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemically hardened fibre and insulating materials, articles, sheets, shapes and forms, including plastics and plastic articles, sheets, shapes, forms, rods, tubes, grinding and pellets*, for the account of Keysor-Century Corporations, between Delaware City Commercial Zone, and Newark, Del., on the one hand, and, the commercial zones of Hialeah and Miami, Fla., and Mt. Vernon, N.Y., and Holtsville and Holbrook, L.I., N.Y., and return from these points, under a continuing contract with Keysor Century Corp., for 180 days. Supporting shipper: Keysor Century Corp., P.O. Box 311, Delaware City, Del. 19706.

No. MC 79687 (Sub-No. 9TA) filed March 24, 1977. Applicant: WARREN C. SAUERS CO., INC., 200 Rochester Road, Zelienople, Pa. 16063. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, caps, stoppers and covers*, from the facilities of Glenshaw Glass Company, Inc., Glenshaw, Allegheny County, Pa., to Detroit and Howell, Mich., and points in their Commercial Zone; with the right to return refused, rejected or damaged shipments, to point of origin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Glenshaw Glass Company, Inc., 1101 Wm. Flynn Highway, Glenshaw, Pa. 15116. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 87617 (Sub-No. 4TA) (amendment) filed March 8, 1977, published in the FR issue of March 24, 1977, and republished as amended this issue. Applicant: HARRY BLOCK TRUCKING CO., INC., 100 Lockwood St., Newark, N.J. 07105. Applicant's representative: Piken & Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, from the warehouse and terminal of Harry Block Trucking Co., Inc., in Newark, N.J., to points in Fairfield County, Conn.; Dutchess, Sullivan and Ulster Counties, N.Y.; Burlington, Hunterdon, Warren, Sussex and Ocean Counties, N.J.; and (2) *Wheeled vehicles*, including but not limited to doll carriages, carriages, strollers, children's vehicles, bicycles, tricycles, unicycles; infant's dressing tables: baby car seats; outdoor playground apparatus and sleds, from the warehouse and terminal facilities of Harry Block Trucking Co., Inc., in Newark, N.J., to New York City, Nassau, Orange, Putnam, Rockland, Sullivan, Ulster, Suffolk, Westchester and Dutchess Counties, N.Y.; Bergen, Essex, Hudson, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Union, Hunterdon, Burlington, Warren, Sussex, and Ocean Counties, N.J., and Fairfield County, Conn., restricted to traffic having a prior movement by rail or truck, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: (1) Hedstrom Co., Box 432, Bedford, Pa. 15522. (2) Min Dee Distributors, Inc., P.O. Box 130, Syosset, N.Y. 11791. (3) Carriage Craft Co., One Park Ave., New York, N.Y. 10016. (4) Jack and Murray Levene Corp., 73-73 196th Place, Flushing, N.Y. 11366. Send protests to: Robert S. H. Vance, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102. The purpose of this republication is to amend the territorial description in this proceeding.

No. MC 102567 (Sub-No. 195TA), filed March 25, 1977. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, 4295 Meadow Lane, Bossier City, La. 71010. Applicant's representative: Joe C. Day, 2040 N. Loop West, Suite 208, Houston, Tex. 77018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrochloric* (muriatic acid), in bulk, in rubber-lined tank vehicles, from Deer Park (Harris County), Tex., to points in Arkansas, Louisiana, Mississippi and Oklahoma, for 180 days. Supporting shipper: Arkla Chemical Corporation, P.O. Box 751, Little Rock, Ark. 72203. Send protests to: Ray C. Armstrong, Jr., District Supervisor, 701 Loyola Ave., 9038 Federal Bldg., New Orleans, La. 70113.

No. MC 104589 (Sub-No. 34TA), filed March 21, 1977. Applicant: SOUTHERN FREIGHTWAYS, INC., P.O. Box 374, Eustis, Fla. 32726. Applicant's representative: David C. Venable, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Cade, Lozes and New Iberia, La., to points in Illinois, Indiana, Kentucky, Michigan, Ohio and Wisconsin, under a continuing contract with Bruce Foods Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Bruce Foods Corporation, P.O. Drawer 1030, New Iberia, La. 70560. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 W. Bay St., Jacksonville, Fla. 32202.

No. MC 107496 (Sub-No. 1072TA), filed March 24, 1977. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Ave., Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer materials*, in bulk, in tank vehicles, from Sangamon and Cass Counties, Ill., to points in Missouri, Iowa, Indiana, Michigan, Ohio, Kentucky, Wisconsin, Florida, Texas, New Mexico, Kansas, Arizona and Nebraska, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Brandt Chemical Co., Inc., P.O. Box 276, Pleasant Plains, Ill. 62677. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 108297 (Sub-No. 27TA), filed March 23, 1977. Applicant: FOX TRANSPORT SYSTEM, 21 S. Fifth St., Philadelphia, Pa. 19106. Applicant's representative: James Fox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cable, scrap, lead covered copper and reels, cable, electric* on vehicles with specialized equipment for loading or unloading, between points in Northampton, Lehigh, Franklin, Fulton, Redford and Adams Counties, Pa., on the one hand, and, on the other, Kearny, N.J., and Tottenville, N.Y., and Baltimore, Md., for 180 days. Supporting shipper: American Telephone & Telegraph Company, 5554 Port Royal Road, Springfield, Va. 22151. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 111729 (Sub-No. 696TA), filed March 22, 1977. Applicant: PUROLATOR COURIER, CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ophthalmic goods and business papers and records*, moving therewith, between Wheeling W. Va., on the one hand, and, on the other, Cumberland, Md., and Washington, Pa., for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: White-Haines Optical Co., 82 N. High St., Columbus, Ohio 43215. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 111956 (Sub-No. 36TA), filed March 25, 1977. Applicant: SUWAK TRUCKING COMPANY, 1105 Fayette St., Washington, Pa. 15301. Applicant's representative Henry M. Wick, 2310 grant Bldg., Pittsburgh, Pa. 51219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, caps, stoppers and covers*, from the facilities of Glenshaw Glass Company, Inc., Glenshaw, Allegheny Co., Pa., to Detroit and Howell, Mich., and points in their commercial zones, with the right to return refused, rejected or damaged shipments to point of origin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Glenshaw Glass Company, Inc., 1101 Wm. Flynn Highway, Glenshaw, Pa. 15116. Send protests to: J. A. Niggmyer, District Supervisor, Interstate Commerce Commission, 416 Old Post Office Bldg., Wheeling, W. Va. 26003.

No. MC 113658 (Sub-No. 14TA), filed March 23, 1977. Applicant: SCOTT TRUCK LINE, INC., 5820 Newport St., Commerce City, Colo. 80022. Applicant's representative: William J. Boyd, 800 Enterprise Drive, Oak Brook, Ill. 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products and commodities* used by packinghouses as described in Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Sterling, Colo., to points in Illinois, Ohio, New York, Pennsylvania, New Jersey, Maryland and Massachusetts, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sterling Colorado Beef Co., P.O. Box 1728, Sterling, Colo. 80751. Send protests to: Roger L. Buchanan, District Supervisor, 492 U.S. Customs House, 721 19th St., Denver, Colo. 80202.

No. MC 114897 (Sub-No. 125TA), filed March 25, 1977. Applicant: WHITFIELD TANK LINES, INC., 821 E. Pasadena, P.O. Box 7676, Phoenix, Ariz. 85011. Applicant's representative: J. P. Rose (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry urea and ammonium nitrate and potash*, in bulk, in tank vehicles, from points in Eddy County, N. Mex., to points in Terry, Hockley and Yoakum Counties, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Anderson Grain Corporation, P.O. Box 1117, Levelland, Tex. 79335. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427 Federal Bldg., 230 N. First Ave., Phoenix, Ariz. 85025.

No. MC 116710 (Sub-No. 28TA), filed March 25, 1977. Applicant: MISSISSIPPI CHEMICAL EXPRESS, INC., P.O. Box 6176, 2001 E. Texas St., Bossier City, La. 71010. Applicant's representative: Joe T. Lanham, 1102 Perry-Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastic materials*, in bulk, in

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tank or hopper motor vehicles, from the plantsite and storage facilities of Texas Eastman Company, at or near Longview, Tex., to Des Plaines, Ill., and Oconto, Wis., under a continuing contract with Texas Eastman Company, Division of Eastman Kodak Company, for 180 days. Supporting shipper: Texas Eastman Company, Division of Eastman Kodak Company, P.O. Box 7444, Longview, Tex. 75601. Send protests to: Ray C. Armstrong, Jr., District Supervisor, 701 Loyola Ave., 9038 Federal Bldg., New Orleans, La. 70113.

No. MC 116913 (Sub-No. 6TA), filed March 24, 1977. Applicant: RAYMOND BUIS, doing business as BUIS TRUCKING., Box 337, Somerset, Ky. 42501. Applicant's representative: Robert H. Kinker, P.O. Box 464, Frankfort, Ky. 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from the plantsite of C F Industries, Inc., Terre Haute Nitrogen Complex, near Terre Haute, Ind., to points in Kentucky, under a continuing contract with Southern States Cooperative, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Southern States Cooperative, Inc., P.O. Box 13065, Louisville, Ky. 40213. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, 216 Bakhaus Bldg., 1150 W. Main St., Lexington, Ky. 40505.

No. MC 117639 (Sub-No. 9TA), filed March 24, 1977. Applicant: PICK'S PACK HAULER, doing business as PICK'S PACK HAULER, INC., 1214 E. South St., Hastings, Nebr. 68901. Applicant's representative: Frederick J. Coffman, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick and clay products*, from Weir and Kanapolis, Kans., to points in Nebraska, under a continuing contract with Lumbermen's Brick and Supply Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dale Funk, President, Lumbermen's Brick and Supply Co., 900 S. 15th St., Omaha, Nebr. 68108. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg. and Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 119726 (Sub-No. 85TA), filed March 24, 1977. Applicant: N.A.B. TRUCKING CO., INC., 1644 W. Edgewood, Indianapolis, Ind. 46217. Applicant's representative: James L. Beattey, 130 E. Washington St., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tile, floor covering, wallpaper, and materials, equipment and supplies* used in the manufacture, distribution, installation, maintenance, removal, and sale of the above commodities (except commodities in bulk), from the plant and warehouse facilities of Color Tile Supermart, Inc., at or near Houston, Tex., to points in Indiana, Ohio, Michigan, Wisconsin and Tennessee, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Color Tile Supermart, Inc., P.O. Box 2475, Fort Worth, Texas. 65101. Send protests to: William S. Ennis, Transportation Specialist, Interstate Commerce Commission, Federal Bldg. and U.S. Courthouse, 46 E. Ohio St., Room 429, Indianapolis, Ind. 46204.

No. MC 119988 (Sub-No. 109TA), filed March 23, 1977. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Hwy. 103 West, Lufkin, Tex. 75901. Applicant's representative: Paul D. Angenend, P.O. Box 2207, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products* (except commodities in bulk, in tank vehicles), from Monroe and West Monroe, La., to points in Texas on and west of a line beginning at the Oklahoma-Texas state line and extending along Interstate Highway 35 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Interstate Highway 45, thence along Interstate Highway 45 to Galveston, Tex., for 180 days. Supporting shipper: Olinkfaft, Inc., P.O. Box 488, West Monroe, La. 71291. Send protests to: John F. Mensing, District Supervisor, Interstate Commerce Commission, 8610 Federal Bldg., 515 Rusk, Houston, Tex. 77002.

No. MC 123233 (Sub-No. 67TA), filed March 23, 1977. Applicant: PROVOST CARTAGE INC., 7887 Grenache St., Ville d'Anjou, Quebec, Canada H1J 1C4. Applicant's representative: J. P. Vermette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from the Ports of Entry on the International Boundary Line between the United States and Canada, located in New York and Vermont, to points in Connecticut, Massachusetts, New York and Vermont, restricted to the transportation of traffic having an immediate prior movement in foreign commerce in through, single-line local movement, for 180 days. Supporting shipper: St. Lawrence Sugar, Division of Sucronel Limited, 4026 Notre Dame St., East, Montreal, Quebec, Canada H1W 2K3. Send protests to: David A. Demers, District supervisor, Interstate Commerce Commission, P.O. Box 548, 87 State St., Montpelier, Vt. 05602.

No. MC 124711 (Sub-No. 44TA) (correction), filed March 21, 1977. Applicant: BECKER CORPORATION, P.O. Box 1050, 2643 W. Central, El Dorado, Kans. 67042. Applicant's representative: T. M. Brown, 223 Ciudad Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions* (except petroleum products), in bulk, in tank vehicles, from the facilities of Agrico Chemical Company, at or near Indianola, Nebr., to points in Colorado and Kansas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Agrico Chemical Company, Box 3166, Tulsa, Okla. 74101. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Bldg., Wichita, Kans. 67202. The purpose of this republication is to add the supporting shipper's name and address.

No. MC 128683 (Sub-No. 13TA), filed March 24, 1977. Applicant: LAUREL HILL TRUCKING CO., 614 New County Road, Secaucus, N.J. 07094. Applicant's representative: William J. Augello, 120 Main St., P.O. Box Z, Huntington, N.Y. 11743. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by department stores, from Secaucus, N.J., to Cleveland, Ohio, restricted to traffic destined to The May Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The May Company, 158218 Euclid Ave., Cleveland, Ohio 44144. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 133095 (Sub-No. 154TA), filed March 24, 1977. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, 2603 W. Euless Blvd., Euless, Tex. 76039. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carpeting*, from Marlin, Tex., to points in Mississippi, Louisiana, Arkansas, Minnesota, Iowa, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, New Mexico, Colorado, Wyoming, Montana, Arizona, Utah, Idaho, Nevada, California, Oregon and Washington; and (2) Materials, equipment and supplies utilized in the manufacture and distribution of carpeting, from points in (1) above, to Marlin, Tex., restricted against the transportation of commodities in bulk, for 180 days. Supporting shipper: Marlin Mills, Inc., Marlin, Tex. 76661. Send protests to: Robert J. Kirspel, District Supervisor, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 133119 (Sub-No. 117TA), filed March 25, 1977. Applicant: HEYL TRUCK LINES, INC., 200 Norka Drive, P.O. Box 206, Akron, Iowa 51001. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats*, from port of entry on the International Boundary between the United States and Canada located at or near Sweetgrass, Mont., to Denver, Colo., restricted to the transportation of traffic moving in foreign commerce from Alberta, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Robert Sauer, President, WESPAC Meat Processing Ltd., 12130 68th St., Edmonton, Alberta T5B 1R1. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, Omaha, Nebr. 68102.

No. MC 133565 (Sub-No. 10TA) filed March 25, 1977. Applicant: TRUE TRANSPORT, INC., 293 Wilson Ave., P.O. Box 829, Newark, N.J. 07101. Applicant's representative: Charles J. Williams, 1815 Front St., Scotch Plains, N.J. 07076. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dishes, plates, containers and trays* made from paper, pulpboard or woodpulp, in containers or trailers, from Plattsburgh and Ogdensburg, N.Y., to points in that part of the New York, N.Y. Commercial Zone, as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of Section 203(b)(8) of the Interstate Commerce Act (the exempt zone), restricted to traffic having a subsequent movement by water, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: (1) Diamond International Corporation, 733 Third Ave., New York, N.Y. 10017, (2) United States Lines, Inc., One Broadway, New York, N.Y. 10004. (3) Seatrain Lines, Inc., Container Division, Port Seatrain, Weehawken, N.J. 07087. Send protests to: Robert S. H. Vance, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 133689 (Sub-No. 116TA), filed March 23, 1977. Applicant: OVERLAND EXPRESS, INC., 719 First St. SW., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, W. St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise*, as is dealt in by retail department stores (except commodities in bulk and footstuffs), from points in Connecticut, Delaware, Illinois (except those north of U.S. Highway 24), Indiana, Kansas (except those in the Kansas City, Mo., Kansas City, Kans., and St. Joseph, Mo. Commercial Zones), Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri (except Kansas City and points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zones, St. Joseph and points in its Commercial zone and Maryville), New Hampshire, New Jersey (except those in Essex, Hudson, Hunterdon, Mercer, Middlesex, Passaic and Union Counties, N.J.), New York (except those each of New York Highway 12), North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee (except Memphis and points in its Commercial Zone), Vermont, Virginia and West Virginia, to Minnetonka, Minn., restricted to traffic originating at the named origins and destined to the facilities of Modern Merchandising, Inc., and its wholly owned subsidiaries, for 180 days. Supporting shipper: Modern Merchandising, Inc., 1300 S. Second St., Hopkins, Minn. 55343. Send protests to: Marion L. Chenney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 135283 (Sub-No. 20TA), filed March 22, 1977. Applicant: GRAND ISLAND MOVING & STORAGE CO., INC., East Hwy. 30, P.O. Box 1665, Grand Island, Nebr. 68801. Applicant's representative: Gailyn L. Larsen, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Swift Fresh Meats Company, at or near Grand Island, Nebr., to points in Ohio, Orwigsburg, Pa., and points in Maryland, New York, Pennsylvania, and West Virginia on and west of Interstate 81, for 180 days Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper. William H. Rudge, Mgr., Transportation Services, Swift Fresh Meats Company, a Division of Swift & Company, 115 W. Jackson Blvd., Chicago, Ill. 60604. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg., and Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 136605 (Sub-No. 23TA), filed March 24, 1977. Applicant: DAVIS BROS. DIST., INC., P.O. Box 8058, Missoula, Mont. 59807. Applicant's representative: W. E. Seliski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum sulfate* (restricted against transportation in bulk, in tank vehicles), from the port of entry on the United States-Canada International Boundary line at or near Sweetgrass, Mont., to points in Montana, Wyoming and North Dakota, restricted to traffic originating in the Province of Alberta, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Ave., North, Billings, Mont. 59101.

No. MC 138382 (Sub-No. 3TA), filed March 22, 1977. Applicant: PATTERSON COASTAL TRANSPORT, INC., 20607 S. La Grange Road, Frankfort, Ill. 60423. Applicant's representative: H. Barney Firestone, 327 S. LaSalle St., Chicago, Ill. 60604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gymnasium equipment, sporting equipment and parts, attachments and accessories* for gymnasium equipment and sporting equipment, (1) from the facilities of Universal Gym Equipment, at or near Fresno and Irvine, Calif., and the facilities of Nissen Corporation, at or near Cedar Rapids, Iowa, to Seattle, Wash.; Portland, Oreg.; Phoenix, Ariz.; Kansas City, Mo.; Oklahoma City, Okla.; Arlington, Tex.; Memphis, Tenn.; Atlanta, Ga.; Baltimore, Md.; Hempstead, N.Y.; Latrobe, Pa.; Chicago, Ill.; Hillsboro, Wis.; and (2) between the facilities of Universal Gym Equipment, at or near Fresno and Irvine, Calif., on the one hand, and, on the other, the facilities of Nissen Corporation, at or near Cedar Rapids, Iowa. Restrictions: The operations in (1) and (2) above are limited to a transportation service to be performed under a continuing contract with Universal Gym Equipment, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Universal Gym Equipment, Charles S. Fisher, Traffic Manager, 17352 Von Karman St., Irvine, Calif. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 139520 (Sub-No. 2TA), filed March 25, 1977. Applicant: DEAN McCARY, doing business as FLYING "S" FEED EXPRESS, Route 4, Box 84, Clovis, N. Mex. 88101. Applicant's representative: James E. Snead, P.O. Box 2228, Santa Fe, N. Mex. 87501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Livestock feed*, between points in California, on the one hand, and, on the other points in Arizona, Colorado, Kansas, New Mexico, Oklahoma, Texas and California, under a continuing contract with Wilbur-Ellis Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wilbur-Ellis Company, P.O. Box 427, Clovis, N. Mex. Send protests to: District Supervisor, John H. Kirkemo, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Bldg., 517 Gold Ave., S.W., Albuquerque, N. Mex. 87101.

No. MC 141865 (Sub-No. 2TA), filed March 25, 1977. Applicant: B. R. ELLIS, doing business as ACTION DELIVERY SERVICE, 3021 Pinewood Dr., Arlington, Tex. 76010. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is marketed by home products distributors for the account of Amway Corporation, from the warehouse and storage facilities of Amway Corporation, at Arlington, Tex., to points in Wyoming and Nebraska, under a continuing contract with Amway Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Amway Corporation, 2001 Timberlake Drive, Arlington, Tex. 76010. Send pro-

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tests to: Robert J. Kirspel, District Supervisor, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 142145 (Sub-No. 4TA), filed March 22, 1977. Applicant: LINDSAY TRANSPORTATION, INC., P.O. Box 156, Lindsay, Nebr. 68644. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Irrigation systems and parts, equipment, materials and supplies* used in the irrigation systems, their shipment, or their installation, from the facilities of Lindsay Manufacturing Co., Inc., at Columbus, Nebr., to points in the United States (except Alaska, Hawaii, and Nebraska); and (2) *Equipment, materials and supplies* utilized in the manufacture of irrigation systems, from points in the United States (except Alaska, Hawaii, and Nebraska), to the facilities of Lindsay Manufacturing Co., Inc., at Columbus, Nebr., restricted to a service under a continuing contract with Lindsay Manufacturing Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: George L. Abts, Vice President, Finance, Lindsay Manufacturing Co., Inc., Lindsay, Nebr. 68644. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg., 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 142964 (Sub-No. 1TA), filed March 4, 1977. Applicant: RONALD D. FOSTER, JAMES ARRON, AND GLADYS FOSTER, doing business as, RONAR TRUCKING, INC., 32 Comanche Road, Gunnison, Colo. 81230. Applicant's representative: Ronald D. Foster (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Sterling, Colo., to points in New York and New Jersey, under a continuing contract with Sterling Colorado Beef Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sterling Colorado Beef Co., P.O. Box 1728, Sterling, Colo. 80751. Send protests to: Herbert C. Ruoff, District Supervisor, 721 19th St., 492 U.S. Customs House, Denver, Colo. 80202.

No. MC 143051 (Sub-No. 1TA), filed March 22, 1977. Applicant: MICHAEL C. KOMBOL AND BRAD S. FRITZ, doing business as, SANDAU MOVING & STORAGE, 10836 Galt Industrial Ct., St. Louis, Mo. 63132. Applicant's representative: Joseph E. Rebman, 314 N. Broadway, Suite 1330, St. Louis, Mo. 63102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, new home furnishings and carpeting*, between St. Louis, Mo., on the one hand, and, on the other, points in Jersey, Macoupin, Madison, St. Clair, Monroe, and Randolph Counties, Ill., under a continuing contract with Dolnick Furniture, Inc., for 180 days. Applicant has also filed an underlyinb ETA seeking up to 90 days of operating authority. Supporting shipper: Dolnick Furniture, Inc., 10725 Page, St. Louis, Mo. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 143051 (Sub-No. 1TA), filed March 22, 1977. Applicant: MICHAEL C. KOMBOL AND BRAD S. FRITZ, doing business as, SANDAU MOVING & STORAGE, 10836 Galt Industrial Ct., St. Louis, Mo. 63132. Applicant's representative: Joseph E. Rebman, 314 N. Broadway, Suite 1330, St. Louis, Mo. 63102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, new home furnishings and carpeting*, between St. Louis, Mo., on the one hand, and, on the other, points in Jersey, Macoupin, Madison, St. Clair, Monroe and Randolph Counties, Ill., under a continuing contract with Dolnick Furniture, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dolnick Furniture, Inc., 10725 Page, St. Louis, Mo. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 143071TA, filed March 24, 1977. Applicant: UNIVERSAL DEVELOPMENT, INC., P.O. Box 568, York, Nebr. 68467. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum coils*, from Lancaster, Pa., Hannibal, Ohio, Lewisport, Ky., and Terre Haute, Ind., to the plant and warehouse facilities of Kroy Metal Products, at York, Nebr., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kenneth T. Nordlund, General Manager, Kroy Metal Products, P.O. Box 309, York, Nebr. 68467. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg. and Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 143074TA, filed March 24, 1977. Applicant: BIG RED ENTERPRISES, INC., Box 758, Gauley Bridge, W. Va. 25085. Applicant's representative: Russell F. Brannon, 430 W. 10th St., Huntington, W. Va. 25704. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mining machinery parts and supplies* as used in the mining industry between the facilities of Long-Airdox Company, in Fayette County, W. Va., on the one hand, and, on the other, Belmont and Harrison Counties, Ohio, Washington, Indiana, Armstrong, Green and Westmoreland Counties, Pa., Pike, Letcher, Martin, Knott, Perry, Floyd and Harlan Counties, Ky., and Dickenson, Buchanan, Wise, Tazewell and Lee Counties, Va., under a continuing contract with Long-Airdox Company, Division of Marmon Group, for 180 days. Supporting shipper: Charles M. DeBusk, Mgr. Renewal Parts Sales, Long-Airdox Company, Division of Marmon Group, Box 331, Oak Hill, W. Va. 25901. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va. 25301.

No. MC 143079TA, filed March 23, 1977. Applicant: DALTON TRUCKING, INC., 120 E. Junius St., Fergus Falls, Minn. 56537. Applicant's representative: Brent Wm. Primus, 432 Midland Bank Bldg., Minneapolis, Minn. 55401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and animal and poultry feed ingredients*, from points in Minnesota, to the port of entry on the United States-Canadian boundary line at or near Noyes, Minn., (traffic is destined to points in the Province of Manitoba, Canada), under a continuing contract with L. V. Patteson, Inc., for 180 days. Supporting shipper: L. V. Patteson, Inc., 215 Panet Road, Winnipeg, Manitoba, Canada R2J OS4. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 143081TA, filed March 24, 1977. Applicant: W. R. LALEVEE TRUCKING CO., INC., R.D. No. 1, Flemington, N.J. 08822. Applicant's representative: John T. Hildemann, P.O. Box D, Newark, N.J. 07105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Artificial kidneys, dialysate solution, dialysis treatment machines, and equipment, materials and supplies* used or useful in the performance of dialysis treatment, from Cinnaminson and Delran Townships, N.J., to dialysis clinics, hospitals (public and private), and home treatment facilities in the states of Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Virginia, and the District of Columbia within 350 miles of Cinnaminson and Delran Townships, N.J., under a continuing contract with Erika, Ind., for 180 days. Supporting shipper: Erika, Inc., One Erika Plaza, Rockleigh, N.J. 07647. Send protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 E. State St., Room 204, Trenton, N.J. 08608.

PASSENGER APPLICATION

No. MC 141460 (Sub-No. 2TA), filed March 24, 1977. Applicant: THE GRAY LINE TOURS COMPANY, 1207 W. Third St., Los Angeles, Calif. 90017. Applicant's representative: Warren M. Grossman, 606 S. Olive St., Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round trip, sight seeing and pleasure tours, beginning and ending at points in Los Angeles and Orange Counties, Calif., and extending to the port of entry (located in California, along the United States-Mexico International Boundary line at or near the Southernmost terminus of Interstate Highway 5, visiting such points of sight seeing interest enroute as San Juan Capistrano, San Clemente, La Jolla, and Coronado, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 8 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1321 Federal Bldg., 300 N. Los Angeles St., Los Angeles, Calif. 90012.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-10861 Filed 4-12-77;8:45 am]

[Notice No. 148]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 13, 1977.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC 77065. By application filed April 5, 1977. JOSEPH BUCCIERO CONTRACTING, INC., 185 Third Street, Troy, N.Y. 12180, seeks temporary authority to transfer the operating rights of Lester M. Gundrum, an individual, d.b.a. P & E Buehler Trucking, 15 Smith Avenue, Troy, N.Y. 12180, under section 210a(b). The transfer to Joseph Bucciero Contracting, Inc., of the operating rights of Lester M. Gundrum, an individual, d.b.a. P & E Buehler Trucking, is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-10864 Filed 4-12-77;8:45 am]

[I.C.C. Order No. 29; Service Order No. 1252]

REROUTING TRAFFIC

In the opinion of Joel E. Burns, Agent, The Chesapeake and Ohio Railway Company is unable to handle traffic to and from connections at Elkhorn City, Kentucky, because of flooding and track damage on its Big Sandy Division.

It is ordered, That: (a) *Rerouting traffic.* The Chesapeake and Ohio Railway Company, being unable to handle traffic to and from connections at Elkhorn City, Kentucky, because of flooding and track damage on its Big Sandy Division, that line is hereby authorized to divert and reroute such traffic over any available route to expedite the movement regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 10:30 a.m., April 6, 1977.

(g) *Expiration date.* This order shall expire at 11:59 p.m., April 13, 1977, unless otherwise modified, changed or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads, subscribing to the car service and car hire agreement under the terms of that agreement; and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 6, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.77-10863 Filed 4-12-77;8:45 am]

[No. MC-113658 (Sub-No. 11)]

SCOTT TRUCK LINE, INC. (COMMERCE CITY, COLO.)

APRIL 8, 1977.

Notice to all interested parties: Attention of all interested persons is called to the order of Division 1 acting as an Appellate Division, entered in Scott Truck Line, Inc., Docket No. MC-113658 (Sub-No. 11)[1] which assigned these matters for *prehearing conference* instead of oral hearing. These proceedings involve applications by numerous common carriers for authority for the transportation of meats and related commodities from all or specified points in Colorado to points in designated states. Pursuant to that order, applicants in all similar cases, whether or not published in the FEDERAL REGISTER, who desire or expect to have similar applications consolidated for hearing, should attend the prehearing conference now scheduled before Administrative Law Judge Edward J. Reidy on April 20, 1977, at Denver, Colorado, at 9:30 a.m. local time at the Tax Court, Room 587, U.S. Federal Building, 19th and Stout St., Denver, Colorado.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-10853 Filed 4-12-77;8:45 am]

[1] Embraces Nos. MC 25869 (Sub-No. 129), MC 48221 (Sub-No. 6), MC 53965 (Sub-No. 122), MC 114273 (Sub-No. 269), MC 114632 (Sub-No. 104), MC 115826 (Sub-No. 264), MC 118159 (Sub-No. 201), MC 124679 (Sub-No. 71), MC 134755 (Sub-No. 95), MC 138018 (Sub-No. 31), and MC 139973 (Sub-Nos. 18 and 22).

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sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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1

[MA-5 amending M-10]

AGENCY HOLDING THE MEETING: Civil Aeronautics Board.

CANCELLATION OF MEETING

APRIL 7, 1977.

The April 7, 1977 meeting regarding a Briefing by the Bureau of Enforcement-Activities and Plans and Briefing by the Bureau of Enforcement-Pending and Proposed Court Cases announced on March 31, 1977 will not take place.

At the scheduled meeting time, the press of other agency business would have permitted the attendance of only two Board Members for the entire length of the anticipated meeting. Because the purpose of the meeting was to brief and obtain the views of the Board, it was decided to cancel the announced meeting and re-schedule the Briefings for an as-yet-undetermined future time to permit the attendance of a greater number of Board Members.

SUPPLEMENTARY INFORMATION: The following Members have voted that agency business requires that this meeting be cancelled and that no earlier announcement of the change was possible:

Chairman John E. Robson
Member G. Joseph Minetti
Member Lee R. West

Vice Chairman Richard J. O'Melia and Member R. Tenney Johnson were not present.

PHYLLIS T. KAYLOR,
Secretary.

[S-137-77 Filed 4-8-77;3:05 pm]

2

AGENCY HOLDING THE MEETING: U.S. Comission on Civil Rights.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 13574.

DATE AND TIME: March 14 and 15, 1977.

PLACE: Patio Room, Los Angeles Hilton Hotel, Los Angeles, California.

CHANGES IN THE MEETING:

In the previous announcement of the meeting, agenda items 5. Review of H.R. 3504 Civil Rights Amendments Act of 1977; 7. Proposed Technical and Jurisdictional Amendments of the Commission Statute (42 U.S.C. 1975) and 8. Review of Fiscal Year 1977 Commission Program, were scheduled for the open portion of the meeting. On March 14, 1977, the Commissioners unanimously voted in separate votes that items 5, 7, and 8 be rescheduled for the closed portion of the meeting.

In addition, a new item, Discussion of a draft of the Los Angeles School Desegregation Report was added to the agenda of the closed portion of the meeting and a new item: Consideration of interim appointments to the District of Columbia and Missouri State Advisory Committees was added to the open portion of the meeting.

CONTACT PERSON FOR FURTHER INFORMATION:

Barbara Brooks, Public Affairs Unit, 202-254-6697.

[S-140-77 Filed 4-11-77;9:33 am]

3

AGENCY HOLDING THE MEETING: Consumer Product Safety Commission.

TIME AND DATE: April 20, 1977, 9:30 a.m.

PLACE: 3rd Floor Hearing Room, 1111 18th St. NW, Washington.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Mid-Year Review: The Commission will continue the mid-fiscal year review of its Operating Plan, which it began at the April 14, 1977 Commission meeting.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Suit 300, 1111 18th St. NW., Washington, D.C. 20207. Telephone: 202-634-7700.

[S-141-77 Filed 4-11-77;10:03 am]

4

AGENCY HOLDING THE MEETING: United States Parole Commission—National Commissioners (the three Commissioners presently maintaining offices at Washington, D.C. Headquarters).

TIME AND DATE: Tuesday, April 12, 1977; 9:30 a.m.

PLACE: Room 338 Federal Home Loan Bank Board Building, 320 First Street NW., Washington, D.C. 20537.

STATUS: Closed—Pursuant to 5 U.S.C. 552b(c)(10) and 28 CFR 16.205(b)(1).

MATTERS TO BE CONSIDERED: Referrals from regional directors of approximately 20 cases in which inmates of Federal Prisons have applied for parole or are contesting revocation of parole or madatory release.

CONTACT PERSON FOR MORE INFORMATION:

Jack Schneider—Analyst, 202-724-3094.

[S-143-77 Filed 4-11-77;10:39 am]

5

AGENCY HOLDING THE MEETING: U.S. Commission on Civil Rights.

TIME AND DATE: 9 a.m. to 12 p.m.; 1:30 p.m. to 5:30 p.m. Monday, April 18, 1977; 8 a.m. to conclusion of agenda, Tuesday, April 19, 1977.

PLACE: Open portion of meeting: Room 512; Closed portion of meeting: Room 800, 1121 Vermont Avenue NW., Washington, D.C.

STATUS: Part of the meeting will be open to the public and part of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portion open to the public 1 p.m. to 2:30 p.m., Monday, April 18, 1977:

1. Approval of agenda.
2. Approval of minutes of last meeting.
3. Staff Director's report: (A) Status of funds; (B) Personnel Report; (C) Correspondence; and (D) Office directors' reports.
4. Decision regarding interim appointments to Arkansas, New York, and Rhode Island Advisory Committees.
5. Decision regarding rechartering of New Jersey and Wisconsin Advisory Committees.

6. Report on civil rights developments in the Southern and Southwestern Regions.
7. Decisions on consumer federation request regarding discriminatory clubs.
8. Report on Voting Rights Act monitoring efforts.
9. Decision on age discrimination hearings.
10. Decision on Arab boycott hearing.
11. Newsclips.

MATTERS TO BE CONSIDERED:

Portion closed to the public on April 18, 1977, at 9 a.m. and 2:30 p.m. and on April 19, at 8:00 a.m.:

1. Decision on proposed legislation extending life of Commission.
2. Review of testimony on H.R. 3504 (amendments to Title VII of the Civil Rights Act of 1964, reorganization of the EEOC).
3. Review of Los Angeles hearing report on school desegregation.
4. Review of Volume VII, Federal Civil Rights Enforcement Effort report (civil rights policymaking in the Federal Government).

[S-144-77 Filed 4-11-77;11:28 am]

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federal register

WEDNESDAY, APRIL 13, 1977

PART II



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

■

NATIONAL FLOOD INSURANCE PROGRAM

Communities Eligible for Sale of Insurance

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Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-2841]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to list those communities where the sale of flood insurance is authorized under the National Flood Insurance Program.

Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state.

DATES: The date that appears in the fourth column of the table is the effective date of authorization for the sale of flood insurance.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202–755–5581) or Toll Free Line (800–424–8872) Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93–234) requires the purchase of flood insurance as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified for at least one year by the Secretary of Housing and Urban Development. The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction except as authorized by section 202(b) of the Act, as amended, unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The addresses of the National Flood Insurers Association servicing companies, where flood insurance policies can be obtained, are published at § 1912.5 (24 CFR Part 1912).

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 533(b) are impracticable and unnecessary.

Section 1914.6 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 1914.6 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
•	•	•	•	•	•
Kentucky	Greenup	Worthington, city of	Feb. 22, 1977, emergency		210092
Missouri	Callaway	Cedar City, city of	Mar. 13, 1974, emergency; Feb. 2, 1977, regular	Oct. 18, 1974	290050A
New York	Erie	Sloan, village of	Feb. 22, 1977, emergency		[1] 361588
Ohio	Geauga	Unincorporated areas	Feb. 18, 1977, emergency		390190
Pennsylvania	Clearfield	Osceola Mills, borough of	Feb. 22, 1977, emergency	Mar. 29, 1974	420313A
Do	Snyder	Monroe, township of	Sept. 26, 1973, emergency; Feb. 2, 1977, regular	Feb. 1, 1974 May 7, 1976	421020A
Do	Perry	Tyrone, township of	Feb. 22, 1977, emergency	Jan. 31, 1975	421961
Do	Washington	Union, township of	Dec. 3, 1971, emergency; Feb. 2, 1977, regular	June 28, 1974 June 18, 1976	420860A
Do	do	West Bethlehem, township of	Feb. 22, 1977, emergency	Nov. 29, 1974	422156
Virginia	Independent City	Norton, city of	Mar. 17, 1972, emergency; Feb. 16, 1977, regular	June 15, 1973	510108A
Washington	Clallam	Lower Elwha Indian Reservation	Feb. 22, 1977, emergency		[1] 530310
•	•	•	•	•	•
New York	Genesee	Elba, village of	Feb. 24, 1977, emergency	Jan. 24, 1975	361469
Ohio	Tuscarawas	Unincorporated areas	Feb. 18, 1977, emergency		390782
Pennsylvania	Venango	Richland, township of	Feb. 24, 1977, emergency	Jan. 24, 1975	422540
Do	do	Scrubgrass, township of	do	Feb. 28, 1975	422542A
•	•	•	•	•	•
Delaware	Sussex	Lewes, city of	Mar. 23, 1973, emergency; Mar. 15, 1977, regular	June 7, 1974 Dec. 12, 1975	100041B
Florida	Duval	Neptune Beach, city of	Nov. 19, 1971, emergency; Mar. 15, 1977, regular	May 31, 1974 Mar. 26, 1976	120079B
Do	Okaloosa	Valparaiso, city of	June 19, 1970, emergency; Apr. 1, 1977, regular	June 17, 1970 Jan. 9, 1976	120176B
New Jersey	Atlantic	Hamilton, township of	Nov. 26, 1971, emergency; Mar. 15, 1977, regular	July 26, 1974	340009A
Do	Ocean	Lakewood, township of	Aug. 4, 1972, emergency; Mar. 15, 1977, regular	Jan. 16, 1974	430378A
Do	Essex	Livingston, township of	Nov. 5, 1971, emergency; Mar. 15, 1977, regular	June 1, 1973	340185A
North Carolina	Carteret	Emerald Isle, town of	June 29, 1973, emergency; Apr. 1, 1977, regular	June 7, 1974 July 2, 1976	370047B
Do	Brunswick	Southport, city of	Apr. 11, 1973, emergency; Apr. 15, 1977, regular	May 24, 1974	370026B
•	•	•	•	•	•
New York	Clinton	Ausable, town of	Feb. 24, 1977, emergency		360165
Ohio	Athens	Amesville, village of	do	July 25, 1975	390015
Do	Morgan	Unincorporated areas	do	Jan. 10, 1975	390420
Do	Champaign	St. Paris, village of	do	June 7, 1974	390059A
Pennsylvania	Indiana	Canoe, township of	Feb. 18, 1977, emergency	July 11, 1975	421713
Do	Cambria	Ehrenfeld, borough of	Feb. 24, 1977, emergency	Aug. 9, 1974 Sept. 24, 1976	420228A
•	•	•	•	•	•
New York	Erie	Kenmore, village of	Feb. 25, 1977, emergency		[1] 361590
Pennsylvania	Cambria	East Conemaugh, borough of	do	Nov. 15, 1974	422259
Do	Jefferson	Heath, township of	do	Dec. 6, 1974	421738
Do	Butler	Jefferson, township of	do	Nov. 1, 1974 June 25, 1976	421421A
Do	Forest	Kingsley, township of	do	Dec. 12, 1974	422423
Do	Cambria	Lilly, borough of	do	Nov. 1, 1974	421430A
Do	Westmoreland	New Florence, borough of	do	July 30, 1976	420890
Do	Armstrong	West Franklin, township of	do	Jan. 10, 1975	422304

[1] New.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator (34 FR 2680, Feb. 27, 1969), as amended, 39 FR 2787, Jan. 24, 1974.)

Issued: February 25, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-10667 Filed 4-12-77;8:45 am]

[Docket No. FI-2843]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to list those communities where the sale of flood insurance is authorized under the National Flood Insurance Program. Flood Insurers Association servicing located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Association servicing company for the state.

DATES: The date that appears in the fourth column of the table is the effective date of authorization for the sale of flood insurance.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93–234) requires the purchase of flood insurance as a condition of receiving any form of Federal of federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified for at least one year by the Secretary of Housing and Urban Development. The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction except as authorized by section 202(b) of the Act, as amended, unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The addresses of the National Flood Insurers Association servicing companies, where flood insurance policies can be obtained, are published at § 1912.5 (24 CFR Part 1912).

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.6 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 1914.6 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
•	•	•	•	•	•
Ohio	Lawrence	Chesapeake, village of	Feb. 14, 1977, emergency	Jan. 10, 1975	390698
Do	Portage	Unincorporated areas	Feb. 11, 1977, emergency	Dec. 27, 1974 Dec. 10, 1976	390493
Do	Scioto	Rarden, village of	Feb. 14, 1977, emergency	Aug. 23, 1974 May 21, 1976	390409A
West Virginia	Marion	Fairmont, city of	do	July 23, 1976	540069
•	•	•	•	•	•
New York	Cattaraugus	Ischua, town of	Feb. 15, 1977, emergency	May 31, 1974	360079A
Ohio	Delaware	Unincorporated areas	Feb. 16, 1977, emergency		390146
Do	Cuyahoga	Orange, village of	do	Apr. 18, 1975	390737
Do	Adams	Rome, village of	do	July 25, 1975	390003
Oklahoma	Pittsburg	Savanna, town of	Feb. 22, 1977, emergency	Apr. 9, 1976	400448
Texas	Shelby	Center, city of	do	Mar. 1, 1974	480506A
Do	Kaufman	Mabank, city of	do		480411
Washington	Lewis	Toledo, city of	do	July 11, 1975	530383
Kentucky	Greenup	Unincorporated areas	Feb. 16, 1977, emergency		210284
New York	Rensselaer	North Greenbush, town of	Feb. 17, 1977 emergency	Oct. 3, 1975	361164
Pennsylvania	Bucks	Doylestown, borough of	do		421410
Do	Beaver	Independence, township of	Feb. 16, 1977, emergency	Aug. 30, 1974 June 18, 1976	421323A
Do	Allegheny	Ingram, borough of	Feb. 17, 1977, emergency	Nov. 5, 1976	420045
Do	Clinton	Leidy, township of	do	Dec. 20, 1974 May 28, 1976	421540A
Do	Huntingdon	Miller, borough of	do		[1] 422647
Do	Venango	Victory, township of	do	Jan. 31, 1975	422543
Do	Armstrong	Worthington, borough of	Feb. 16, 1977, emergency	Dec. 27, 1974	422306
•	•	•	•	•	•
Kansas	Barton	Great Bend, city of	Feb. 24, 1977, emergency	Mar. 19, 1976	200019
Missouri	Gasconade	Bland, city of	do	May 17, 1974	290139
New York	Erie	Farnham, village of	Feb. 17, 1977, emergency		[1] 361588
Do	do	Hamburg, village of	do	Oct. 29, 1976	360243
Oklahoma	Okmulgee	Morris, city of	Feb. 24, 1977, emergency	Apr. 23, 1976	400407
Pennsylvania	Allegheny	Bellevue, borough of	Feb. 17, 1977, emergency	Dec. 26, 1973	420009A
Do	Mercer	French Creek, township of	do		421867
Do	Venango	do	do	Nov. 22, 1974	422110
Do	Somerset	Rockwood, borough of	do	Dec. 6, 1974	422045
Do	Bucks	Silverdale, borough of	do	Jan. 3, 1975	422338
Do	Somerset	Somerset, borough of	Sept. 10, 1971, emergency; Nov. 27, 1976, regular; Dec. 15, 1976, suspended; Feb. 18, 1977, reinstated.	June 28, 1974 May 28, 1976	420803B
Do	Armstrong	Washington, township of	Feb. 17, 1977, emergency	Nov. 15, 1974	421317
•	•	•	•	•	•
California	San Luis Obispo	Pismo Beach, city of	Feb. 25, 1977, emergency	Mar. 26, 1976	060309
New York	Cattaraugus	Carrollton, town of	Feb. 18, 1977, emergency	Sept. 20, 1974 May 7, 1976	360063B
Do	Chautauqua	Forestville, village of	do		361501
Do	Cattaraugus	Franklinville, village of	do	May 31, 1974	360073A
Ohio	Jefferson	Adena, village of	do	July 23, 1976	390295
Oklahoma	Pittsburg	Canadian, town of	Feb. 25, 1977, emergency	Apr. 16, 1976	400272
Pennsylvania	Westmoreland	South Huntingdon, township of	Feb. 18, 1977, emergency	Aug. 9, 1974 Sept. 10, 1976	422194A
Virginia	Spotsylvania	Unincorporated areas	Feb. 25, 1977, emergency	July 11, 1975	510308
•	•	•	•	•	•
Florida	Martin	Jupiter Island, town of	February 15, 1977, suspension withdrawal		
Illinois	Peoria	Chillicothe, city of	do	Aug. 9, 1974	170535
Iowa	Floyd	Charles City, city of	do		190128
Michigan	Ingham	Meridian, charter township	do	June 28, 1974	260093A
Missouri	Callaway	Cedar City, city of	do	Oct. 18, 1974	290050
New Jersey	Hunterdon	Clinton, town of	do	do	340233
Do	Essex	East Orange, city of	do	Feb. 13, 1976	340181
Do	Union	Garwood, borough of	do	Feb. 1, 1977	340464
Do	do	Summit, city of	do	Mar. 16, 1973	340476
New York	Erie	West Seneca, town of	do	Oct. 12, 1973	360262
North Carolina	Haywood	Canton, town of	do	do	370121A
Do	Beaufort	Washington, city of	do	Feb. 20, 1976 Feb. 29, 1973 June 18, 1976	370017

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State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
Ohio	Lake	Painesville, city of	do	Nov. 2, 1973	390319
Do	Wayne	Wooster, city of	do	Oct. 26, 1973	390579
Pennsylvania	Northampton	Bangor, borough of	do		420716
Do	Centre	Bellefonte, borough of	do	June 7, 1974	420257A
				Jan. 16, 1976	
Do	Clinton	Castanea, township of	do	Jan. 9, 1974	420322B
				Apr. 30, 1976	
Do	Delaware	Collingdale, borough of	do	do	420408
Do	Union	East Buffalo, township of	do	June 28, 1974	421011
				May 28, 1976	
Do	Delaware	Eddystone, borough of	do	Apr. 6, 1973	420413
				June 25, 1976	
Do	Clinton	Flemington, borough of	do	June 15, 1973	420336A
Do	Union	Lewisburg, borough of	do	Feb. 20, 1973	420831
Do	Clinton	Lock Haven, city of	do	Apr. 12, 1974	420328
Do	Lehigh	Lower Macungie, township of	do	June 28, 1974	420389
Do	Centre	Milesburg, borough of	do	Dec. 28, 1973	420264B
				June 11, 1976	
Do	Snyder	Monroe, township of	do	Feb. 1, 1974	421020A
				May 7, 1976	
Do	Northumberland	Northumberland, borough of	do	June 28, 1974	420739A
				May 7, 1976	
Do	Schuylkill	St. Clair, borough of	do	Mar. 15, 1977	420786
Do	Clinton	South Renovo, borough of	do	Feb. 2, 1977	420335
Do	Washington	Union, township of	do	June 28, 1974	420860A
				June 18, 1976	
Texas	Atascosa and Bexar	Lytle, city of	do	Aug. 2, 1974	480092
				July 18, 1975	

[1] New.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator (34 FR 2680, Feb. 27, 1969), as amended, 39 FR 2787, Jan. 24, 1974.)

Issued: February 18, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-10669 Filed 4-12-77;8:45 am]

[Docket No. FI-2843]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to list those communities where the sale of flood insurance is authorized under the National Flood Insurance Program.

Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state.

DATES: The date that appears in the fourth column of the table is the effective date of authorization for the sale of flood insurance.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93-234) requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified for at least one year by the Secretary of Housing and Urban Development. The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction except as authorized by Section 202(b) of the Act, as amended, unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The addresses of the National Flood Insurers Association servicing companies where flood insurance policies can be obtained, are published at § 1912.5 (24 CFR Part 1912).

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.6 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 1914.6 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
Missouri	Franklin	St. Clair, city of	Mar. 7, 1977, emergency	Apr. 12, 1974	290135A
				Dec. 5, 1975	
New York	Cattaraugus	Otto, town of	Feb. 28, 1977, emergency	May 31, 1975	360050A
				Sept. 19, 1975	
Ohio	Marion	Unincorporated areas	do		390774
Pennsylvania	Forest	Barnett, township of	Mar. 7, 1977, emergency	Dec. 27, 1974	421043
Do	Clearfield	Burnside, borough of	Feb. 28, 1977, emergency	Jan. 24, 1975	421518
Do	Cambria	Dale, borough of	do	Mar. 21, 1975	421428
Do	Beaver	Economy, borough of	do	Apr. 5, 1974	420109A
				June 4, 1976	
Do	Clarion	Foxburg, borough of	do	Dec. 20, 1974	421502
Do	Fayette	Jefferson, township of	do	Jan. 3, 1975	421629
Do	Clearfield	Karthaus, township of	do	Nov. 29, 1974	421526
Do	Armstrong	Kiskiminetas, township of	do	Sept. 20, 1974	421209A
				May 21, 1976	
Do	Warren	Limestone, township of	do	Dec. 27, 1974	422547
Do	Venango	Oakland, township of	do	Dec. 13, 1974	422111
Do	Montgomery	Pennsburg, borough of	do	Dec. 27, 1974	422496

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
Do	Bedford	Snake Spring, township of	do	Jan. 24, 1975	421349
Do	Armstrong	South Bend, township of	do	Sept. 20, 1974	420214A
				May 14, 1976	
Do	Forest	Tionesta, township of	do	Nov. 29, 1974	42468A
				June 25, 1976	
Do	Warren	Watson, township of	do	Jan. 10, 1975	422551
Connecticut	New London	Groton, town of	Feb. 18, 1972, emergency; Apr. 15, 1977, regular.	Feb. 21, 1975	090097A
Illinois	Henry	Geneseo, city of	Mar. 31, 1972, emergency; May 16, 1977, regular.	Dec. 17, 1973	170284C
				Mar. 5, 1976	
Maryland	Howard	Unincorporated areas	Oct. 22, 1971, emergency; Mar. 15, 1977, regular.	Mar. 15, 1977	240044
Massachusetts	Bristol	Mansfield, town of	Jan. 28, 1972, emergency; Apr. 1, 1977, regular.	June 28, 1974	250057A
Minnesota	Benton, Sherbune, & Sterns.	St. Cloud, city of	Mar. 31, 1972, emergency; Apr. 1, 1977, regular.	Dec. 17, 1972	270456B
				Sept. 26, 1975	
New York	Broome	Dickinson, town of	July 22, 1975, emergency; Apr. 15, 1977, regular.	Dec. 19, 1973	360041B
				Mar. 8, 1974	
Do	do	Kirkwood, town of	Apr. 6, 1973, emergency; June 1, 1977, regular.	Oct. 5, 1973	360048A
Ohio	Clermont	Moscow, village of	Oct. 27, 1972, emergency; Mar. 15, 1977, regular.	Feb. 8, 1974	390070A
Pennsylvania	Bradford	Athens, borough of	Nov. 17, 1972, emergency; Mar. 15, 1977, regular.	Feb. 8, 1973	420167N
				Mar. 5, 1976	
Do	Union	Buffalo, township of	Mar. 17, 1975, emergency; Apr. 1, 1977, regular.	Jan. 24, 1975	421237A
Do	Cumberland	Camp Hill, borough of	Oct. 20, 1972, emergency; Mar. 15, 1977, regular.	Feb. 8, 1974	420357A
Do	Lebanon	Cleona, borough of	Mar. 9, 1973, emergency; Apr. 1, 1977, regular.	Dec. 28, 1973	420571B
Do	Delaware	Clifton Heights, borough of	Aug. 18, 1972, emergency; May 16, 1977, regular.	Oct. 12, 1973	420407A
Do	Chester	Downing, borough of	Dec. 3, 1971, emergency; Apr. 15, 1977, regular.	Feb. 9, 1973	420275A
Do	Cumberland	East Pennsboro, township of	do	Sept. 20, 1974	420359B
				June 18, 1976	
Do	Luzerne	Edwardsville, borough of	Dec. 1, 1972, emergency; Apr. 15, 1977, regular.	Mar. 23, 1973	420694
Do	Allegheny	Elizabeth, township of	May 19, 1972, emergency; Mar. 15, 1977, regular.	Mar. 29, 1974	420033B
				June 18, 1976	
Do	do	Fox Chapel, borough of	Aug. 18, 1972, emergency; Apr. 15, 1977, regular.	July 26, 1974	420036B
				Aug. 6, 1976	
Do	Luzerne	Forty Fort, borough of	Nov. 3, 1972, emergency; Apr. 1, 1977, regular.	Mar. 30, 1973	420697B
Do	Dauphin	Highspire, borough of	Nov. 10, 1972, emergency; Apr. 15, 1977, regular.	Mar. 23, 1973	420381A
Do	Wayne	Honesdale, borough of	Apr. 18, 1973, emergency; Mar. 1, 1977, regular.	Nov. 30, 1973	420864A
Do	Dauphin	Hummelstown, borough of	Mar. 30, 1973, emergency; Mar. 15, 1977, regular.	Nov. 23, 1973	420382A
Do	Cambria	Johnstown, city of	Aug. 4, 1972, emergency; Apr. 15, 1977, regular.	Jan. 16, 1974	420231B
				Sept. 3, 1976	
Do	Union	Kelly, township of	Sept. 19, 1974, emergency; Mar. 1, 1977, regular.	Oct. 25, 1974	422103B
				June 25, 1976	
Do	Northampton	Lower Mount Bethel, township of	Apr. 18, 1973, emergency; Mar. 1, 1977, regular.	Jan. 16, 1974	420724A
Do	Luzerne	Luzerne, borough of	Mar. 2, 1973, emergency; Apr. 15, 1977, regular.	Nov. 23, 1973	420616A
Do	do	Nanticoke, city of	Apr. 4, 1973, emergency; Apr. 15, 1977, regular.	Aug. 24, 1973	420617C
				Dec. 14, 1973	
				Oct. 3, 1975	
Do	York	North York, borough of	Mar. 16, 1973, emergency; May 2, 1977, regular.	Mar. 1, 1974	420933B
				Mar. 5, 1976	
Do	Clinton	Pine Creek, township of	Apr. 24, 1973, emergency; Apr. 1, 1977, regular.	Apr. 1, 1977	420332
Do	Luzerne	Pittston, city of	Apr. 17, 1973, emergency; May 2, 1977, regular.	Aug. 31, 1973	420620H
Do	Dauphin	Royalton, borough of	Mar. 16, 1973, emergency; Apr. 15, 1977, regular.	June 15, 1973	420394B
				Sept. 10, 1976	
Do	Lycoming	South Williamsport, borough of	Jan. 7, 1974, emergency; Apr. 15, 1977, regular.	Apr. 5, 1974	420658B
				Aug. 27, 1976	
Do	Luzerne	West Pittston, borough of	Nov. 24, 1972, emergency; Apr. 15, 1977, regular.	Mar. 29, 1974	420638B
				July 30, 1976	
Texas	Medina	Devine, city of	Nov. 14, 1973, emergency; Apr. 15, 1977, regular.	Jan. 9, 1974	480690B
				Jan. 9, 1976	
Wisconsin	Manitowoc	Manitowoc, city of	May 21, 1971, emergency; Apr. 15, 1977, regular.	June 7, 1974	550240B
				July 16, 1976	
Massachusetts	Berkshire	Becket, town of	Mar. 8, 1977, emergency	Dec. 31, 1976	250018
Michigan	Oakland	Sylvan Lake, city of	do	do	[1] 260701
New York	Orleans	Clarendon, town of	Mar. 1, 1977, emergency	Mar. 28, 1975	361254A
				Oct. 15, 1977	
Do	Chautauqua, Erie, Allegany, and Cattaraugus.	Seneca Nation of Indians	Feb. 24, 1977, emergency		[1] 361591
Do	Orleans	Shelby, town of	Mar. 1, 1977, emergency	Nov. 8, 1974	361258-A
				Dec. 12, 1975	
Do	Genesee	Stafford, town of	do	Jan. 24, 1975	361118
Do	Washington	White Creek, town of	do	Oct. 18, 1974	361238-A
				July 23, 1976	
Pennsylvania	Northampton	Allen, township of	do	Sept. 6, 1974	421928-A
				May 21, 1976	
Do	Indiana	Black Lick, township of	do	Jan. 10, 1975	421435
Do	Butler	Clinton, township of	do	do	422345
Do	Washington	East Finley, township of	do	Nov. 29, 1974	422147
Do	Fayette	German, township of	do	Jan. 3, 1975	421627
Do	Somerset	Jennerstown, borough of	do	Dec. 27, 1974	422514
Do	Lehigh	Lowhill, township of	do	Dec. 20, 1974	421811
Do	Clearfield	Mahaffey, borough of	Feb. 28, 1977, emergency	Aug. 30, 1974	420310-A
				Apr. 23, 1976	
Do	Beaver	New Galilee, borough of	Mar. 1, 1977, emergency	Jan. 31, 1975	422322
Do	Venango	Plumb, township of	do	Jan. 24, 1975	422539
Do	Lawrence	Slippery Rock, township of	do		422496
Do	Somerset	Southampton, township of	do	Dec. 27, 1974	422523
Do	Crawford	Spring, township of	do	May 31, 1974	421570-A
				July 9, 1976	
Do	Fayette	Vanderbilt, borough of	do	Jan. 31, 1975	421620
Do	Bradford	Warren, township of	do	do	421408
Do	Jefferson	Warsaw, township of	do	Jan. 17, 1975	422450
Do	Clearfield	Woodward, township of	do	Dec. 27, 1974	421532
Utah	Pitute	Marysvale, city of	Mar. 8, 1977, emergency		490096
California	Monterey	Unincorporated areas	Mar. 9, 1977, emergency		060195
Kentucky	Lewis	do	Mar. 2, 1977, emergency	Dec. 20, 1974	210141
Michigan	St. Joseph	Colon, township of	Mar. 9, 1977, emergency	July 18, 1975	260510
Do	do	Colon, village of	do	do	260511
Minnesota	Ramsey	White Bear, township of	do	do	270688
New York			Mar. 2, 1977, emergency		
Do	Cattaraugus	Yorkshire, town of	do	Apr. 11, 1975	361104
Ohio	Gallia	Unincorporated areas	do	Dec. 27, 1974	390185
Do	Athens	Trimble, village of	do	Oct. 1, 1976	390021
Do	Coshocton	Unincorporated areas	Feb. 28, 1977, emergency		390765
Oklahoma	Kay	New Kirk, city of	Mar. 9, 1977, emergency	Apr. 30, 1976	400422

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State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
•	•	•	•	•	•
Pennsylvania	Somerset	Black, township of	Mar. 2, 1977, emergency	Jan. 24, 1975	422510
Do.	Clearfield	Oleo Hope, borough of	do	Dec. 20, 1974	420305A
				June 4, 1976	
Do	Butler	Karns City, borough of	do	Nov. 8, 1974	420218
Do	Bedford	Manns Choice, borough of	do	Dec. 13, 1974	421325
Do.	Lawrence	North Beaver, township of	do	Feb. 14, 1975	421795
Do	Somerset	Shanksville, borough of	do	Nov. 15, 1974	420802
Texas	Fort Bend	Fort Bend County Water Control and Improvement District No. 4.	Mar. 9, 1977, emergency		481260
Do	Wilson	La Vernia, city of	do	Aug. 6, 1976	481070
•	•	•	•	•	•
California	Sacramento	Folsom, city of	Mar. 10, 1977, emergency	Dec. 3, 1976	060263-A
Pennsylvania	Armstrong	Boggs, township of	Mar. 3, 1977, emergency	Aug. 30, 1974	421301-A
				Apr. 9, 1976	
Do.	Indiana	Buffington, township of	do	Dec. 27, 1974	421711
Do.	Fayette	Connellsville, township of	do	Dec. 20, 1974	421623
Do.	Westmoreland	East Huntingdon, township of	do	Sept. 20, 1974	422188-A
				May 21, 1976	
Do.	Bedford	East St. Clair, township of	do	Feb. 28, 1975	421337
Do.	Mercer	Liberty, township of	do		421870
Do.	Armstrong	Mahoning, township of	do		422643
Do.	Butler	Petrolia, borough of	do		422221
Do.	Venango	Rockland, township of	do	Jan. 10, 1975	422113
•	•	•	•	•	•
Delaware	New Castle	Delaware City, city of	Feb. 28, 1977, suspension withdrawals	Apr. 5, 1974	100022A
				Dec. 19, 1975	
Florida	Broward	Sea Ranch Lakes, village of	do	June 21, 1974	120056A
New Jersey	Union	Mountainside, borough of	do		340048
Do.	Monmouth	Neptune township of	do	July 13, 1973	340317A
				Sept. 3, 1976	
Do.	do	Oceanport, borough of	do	May 11, 1973	340320
Do.	Passaic	Paterson, city of	do	June 1, 1973	340404
Do.	Monmouth	Wall, township of	do	do	340333
North Carolina	Brunswick	Yaupon Beach, town of	do	June 28, 1974	370030A
				June 25, 1976	
Pennsylvania	Luzerne	Conyngham, township of	do	May 10, 1974	420592A
				Oct. 22, 1976	
Do.	Dauphin	Dauphin, borough of	do	Nov. 9, 1973	420375A
				Oct. 8, 1976	
Do.	Wayne	Honesdale, borough of	do	Nov. 30, 1973	420564
Do.	Union	Kelly, township of	do	Oct. 25, 1974	422103A
				June 25, 1976	
Do	Northampton	Lower Mount Bethel, township of	do	Jan. 16, 1974	420724
Do.	Clinton	Mill Hall borough of	do	Mar. 29, 1974	420350A
				June 11, 1976	
Do.	Cumberland	New Cumberland, borough of	do	Aug. 24, 1973	420366A
				May 14, 1976	
Do.	Wayne	Paupack, township of	do	Dec. 13, 1974	421023A
				July 16, 1976	
Do.	Bucks	Perkasie, borough of	do	Feb. 9, 1973	420198
Do.	Snyder	Shamokin Dam, borough of	do	Jan. 16, 1974	420809
Do.	Cumberland	West Fairview, borough of	do	Aug. 24, 1973	420373A
				Apr. 30, 1976	
Do.	do	Wormleysburg borough of	do	Aug. 31, 1973	420374A
				June 4, 1976	
Do.	Chester	Thornberry, township of	do	Aug. 2, 1974	420290A
				Aug. 13, 1976	
•	•	•	•	•	•
Indiana	Perry	Tell City, city of	Sept. 24, 1971, emergency; Mar. 1, 1977, regular.	Jan. 16, 1974	180197-B
				July 16, 1976	
Iowa	Floyd	Charles City, city of	Mar. 3, 1972, emergency; Feb. 2, 1977, regular		190128-A
New York	Chenango	Greene, village of	Mar. 4, 1977, emergency	Feb. 20, 1976	360159-A
				May 21, 1976	
Do.	Washington	Salem, town of	do	Mar. 26, 1976	361237
Do.	Erie	West Seneca, town of	Mar. 31, 1972, emergency; Feb. 2, 1977, regular.	Oct. 12, 1973	360262-A
Ohio	Wayne	Wooster, city of	Mar. 24, 1972, emergency; Feb. 2, 1977, regular.	Oct. 26, 1973	390579-A
Pennsylvania	Northampton	Bangor, borough of	June 1, 1973, emergency; Feb. 2, 1977, regular.	Feb. 1, 1974	420716-A
Do.	Luzerne	Conyngham, township of	Feb. 9, 1973, emergency; Feb. 16, 1977, regular.	May 3, 1974	420600-B
				May 7, 1976	
Do	Union	Lewisburg, borough of	Nov. 3, 1972, emergency; Feb. 2, 1977, regular.	Feb. 20, 1973	420831-A
Virginia	Independent city	Chesapeake, city of	May 24, 1974, emergency; Feb. 2, 1977, regular.	June 18, 1970	510034-A
				Jan. 23, 1976	

• New.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator (34 FR 2680, Feb. 27, 1969), as amended, 39 FR 2787, Jan. 24, 1974.)

Issued: March 3, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc 77-10668 Filed 4-12-77;8:45 am]

[Docket No. FI-2848]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Suspension of Community Eligibility

AGENCY: Federal Insurance Administration. HUD.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to list communities wherein the sale of flood insurance as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) will be suspended because of noncompliance with the program regulations (24 CFR Part 1909 et seq.).

DATES: See table.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.6 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The last date that appears in the fourth column of the table is provided in order to designate the effective date of the suspension of the sale of flood insurance in the area under the emergency or the regular phase of the National Flood Insurance Program.

The Flood Disaster Protection Act of 1973 (Pub. L. 93–234) requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and insurance is purchased. Accordingly, for communities listed under this Part such restriction exists as of the effective date of suspension because insurance, which is required, cannot be purchased.

Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities suspended in this notice no longer meet that statutory requirement. Accordingly, the communities are suspended on the effective date in the list below:

The entry reads as follows:

§ 1914.6 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
•	•	•	•	•	•
Connecticut	New London	Groton, town of	Feb. 18, 1972, emergency; Apr. 15, 1977, regular; Apr. 15, 1977, suspended.	Feb. 21, 1975	090097
Maryland	Dorchester and Caroline	Federalsburg, town of	Nov. 5, 1971, emergency; Mar. 15, 1977, regular; Apr. 15, 1977.	Jan. 30, 1976	240013
Do	Harford	Havre de Grace, city of	Feb. 26, 1975, emergency; Mar. 15, 1977, regular; Apr. 15, 1977, suspended.	July 26, 1974	240043A
				Jan. 16, 1976	
Massachusetts	Bristol	Mansfield, town of	Jan. 28, 1972, emergency; Apr. 1, 1977, regular; Apr. 15, 1977, suspended.	June 28, 1974	250057
New Jersey	Camden	Haddonfield, borough of	July 14, 1972, emergency; Apr. 15, 1977, regular; Apr. 15, 1977, suspended.	Nov. 30, 1973	340510A
				Feb. 6, 1976	
Do	do	Pennsauken, township of	Jan. 28, 1972, emergency; Apr. 15, 1977, regular; Apr. 15, 1977, suspended.	Jan. 16, 1974	340142A
				Mar. 19, 1976	
Do	Burlington	Riverton, borough of	Mar. 31, 1972, emergency; Apr. 15, 1977, regular; Apr. 15, 1977, suspended.	Dec. 28, 1973	340114A
				Dec. 27, 1974	
North Carolina	Brunswick	Southport, city of	Mar. 11, 1973, emergency; Apr. 15, 1977, regular; Apr. 15, 1977, suspended.	May 24, 1974	370028A
South Carolina	Beaufort	Port Royal, town of	Sept. 10, 1971, emergency; Apr. 15, 1977, regular; Apr. 15, 1977, suspended.	June 14, 1974	450028A
				Oct. 10, 1975	
Texas	Hardin	Rose Hill Acres, city of	Mar. 8, 1974, emergency; Apr. 15, 1977, regular; Apr. 15, 1977, suspended.	Sept. 13, 1974	480846A
				Mar. 5, 1976	

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator (34 FR 2680, Feb. 27, 1969), as amended, 39 FR 2787, Jan. 24, 1974.)

Issued: March 1, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-10603 Filed 4-12-77;8:45 am]

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[Docket No. FI-2850]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Suspension of Community Eligibility

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to list communities wherein the sale of flood insurance as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) will be suspended because of noncompliance with the program regulations (24 CFR Part 1909 et seq.).

DATES: See table.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.6 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The last date that appears in the fourth column of the table is provided in order to designate the effective date of the suspension of the sale of flood insurance in the area under the emergency or the regular phase of the National Flood Insurance Program.

The Flood Disaster Protection Act of 1973 (Pub. L. 93–234) requires the purchase of flood insurance as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and insurance is purchased. Accordingly, for communities listed under this Part such restriction exists as of the effective date of suspension because insurance, which is required, cannot be purchased.

Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities suspended in this notice no longer meet that statutory requirement. Accordingly, the communities are suspended on the effective date in the list below:

The entry reads as follows:

§ 1914.6 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
•	•	•	•	•	•
Alabama	Lauderdale	Florence, city of	May 24, 1973, emergency; May 16, 1977, regular; May 16, 1977, suspended.	May 17, 1974 Mar. 26, 1976	010140A
Connecticut	Hartford	Avon, town of	Oct. 6, 1972, emergency; May 16, 1977, regular; May 16, 1977, suspended.	Jan. 23, 1974	090021
Do	Fairfield	New Canaan, town of	Apr. 7, 1972, emergency; May 16, 1977, regular; May 16, 1977, suspended.	July 19, 1974	090010
Do	Hartford	Simsbury, town of	Dec. 10, 1971, emergency; May 16, 1977, regular; May 16, 1977, suspended.	Aug. 2, 1974	090052–A
Georgia	Fulton and Clayton	Forest Park, city of	Sept. 15, 1972, emergency; May 15, 1977, regular; May 16, 1977, suspended.	May 31, 1974 May 21, 1976	130042A
Iowa	Buchanan	Independence, city of	Sept. 24, 1971, emergency; May 16, 1977, regular; May 16, 1977, suspended.	May 3, 1974 July 23, 1976	190031–A
Massachusetts	Norfolk	Brookline, town of	Mar. 24, 1972, emergency; May 2, 1977, regular; May 16, 1977, suspended.	Aug. 9, 1974	250234
Do	Essex	Salisbury, town of	Nov. 17, 1972, emergency; May 2, 1977, regular; May 16, 1977, suspended.	Sept. 13, 1974	250103
Missouri	St. Louis	Crestwood, city of	June 18, 1973, emergency; May 2, 1977, regular; May 16, 1977, suspended.	May 3, 1974	290343
•	•	•	•	•	•
New Jersey	Burlington	Delran, township of	Mar. 24, 1972, emergency; Apr. 15, 1977, regular; May 16, 1977, suspended.	Nov. 23, 1973	340094
Do	Bergen	Saddle River, borough of	Mar. 10, 1972, emergency; May 16, 1977, regular; May 16, 1977, suspended.	Jan. 9, 1974	340073
North Carolina	Beaufort	Belhaven, town of	Oct. 27, 1972, emergency; May 16, 1977, regular; May 16, 1977, suspended.	Apr. 13, 1973	370015
Rhode Island	Newport	Tiverton, town of	Aug. 18, 1972, emergency; May 2, 1977, regular; May 16, 1977, suspended.	May 24, 1974	440012
Texas	Montgomery	Conroe, city of	Mar. 8, 1974, emergency; May 16, 1977, regular; May 16, 1977, suspended.	June 14, 1974 May 21, 1976	480484–A
Do	do	Universal City, city of	Feb. 14, 1974, emergency; May 16, 1977, regular; May 16, 1977, suspended.	Mar. 8, 1974 Apr. 2, 1976	480049–A
•	•	•	•	•	•
Wisconsin	Milwaukee	Fox Point, village of	Aug. 7, 1973, emergency; May 16, 1977, regular; May 16, 1977, suspended.	Mar. 1, 1974	550274–A
Do	Winnebago	Oshkosh, city of	Nov. 12, 1971, emergency; May 16, 1977, emergency; May 16, 1977, suspended.	Nov. 23, 1973	550511–A
Virginia		Newport News, independent city	Aug. 16, 1974, emergency; May 2, 1977, regular; May 16, 1977, suspended.	Aug. 16, 1974	510103
Do		Poquoson, independent city	Aug. 29, 1973, emergency; May 16, 1977, regular; May 16, 1977, suspended.	July 26, 1974 Sept. 24, 1976	510183–A
•	•	•	•	•	•
Delaware	New Castle	Wilmington, city of	Dec. 19, 1973, emergency; May 16, 1977, regular; May 16, 1977, suspended.	May 31, 1974	100028–A

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator (34 FR 2680, Feb. 27, 1969), as amended, 39 FR 2787, Jan. 24, 1974.)

Issued: April 1, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-10602 Filed 4-12-77;8:45 am

federal register

WEDNESDAY, APRIL 13, 1977

PART III

OFFICE OF MANAGEMENT AND BUDGET

■

CUMULATIVE REPORT ON RESCISSIONS AND DEFERRALS

April 1977

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OFFICE OF MANAGEMENT AND BUDGET

CUMULATIVE REPORT ON RESCISSIONS AND DEFERRALS

April 1977

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93-344). Section 1014(e) provides for a monthly report listing all current year budget authority with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This month's report gives the status as of April 1, 1977, of the 13 rescissions and 54 deferrals contained in the first nine special messages transmitted to the Congress for fiscal year 1977. These messages were transmitted to the Congress on July 29, September 22, October 1, November 5, December 3, 1976, January 7, and 17, and March 9, and 24, 1977.

RESCISSIONS (TABLE A AND ATTACHMENT A)

There are no rescissions of budget authority pending before the Congress at the present time. Table A summarizes the status of rescissions proposed as of April 1, 1977. Attachment A shows the history and status of each rescission proposed for fiscal year 1977.

DEFERRALS (TABLE B AND ATTACHMENT B)

As of April 1, 1977, $4,412.2 million in 1977 budget authority was being deferred from obligation and another $59.5 million in 1977 obligations was being deferred from expenditure. Table B summarizes the status of existing deferrals. Attachment B shows the history and status of each deferral proposed during fiscal year 1977.

INFORMATION FROM SPECIAL MESSAGES

The special messages containing information on each of the rescissions and deferrals covered by the cumulative report are contained in the FEDERAL REGISTERS of:

Tuesday, August 3, 1976 (Vol. 41, No. 150, Part VI)
Monday, September 27, 1976 (Vol. 41, No. 188, Part III)
Thursday, October 7, 1976 (Vol. 41, No. 196, Part IV)
Wednesday, November 10, 1976 (Vol. 41, No. 218, Part VII)
Wednesday, December 8, 1976 (Vol. 41, No. 237, Part II)
Thursday, January 13, 1977 (Vol. 42, No. 9, Part X)
Monday, January 24, 1977 (Vol. 42, No. 15, Part VIII)
Wednesday, March 16, 1977 (Vol. 42, No. 51, Part IV)
Wednesday, March 30, 1977 (Vol. 42, No. 61, Part VI)

JAMES T. MCINTYRE, Jr.,
Acting Director.

TABLE A

STATUS OF 1977 RESCISSION PROPOSALS

	Amount (In millions of dollars)
Proposed rescissions	1,135.4
Withdrawn (R77-4A, Special Message No. 4, R77-13A, Special Message No. 8)	-95.0
Accepted by the Congress (R77-3, R77-5, R77-8, R77-9, R77-10, R77-11)	-711.6
Rejected by the Congress	-60.4
Adjustments	-268.4 1/
Pending before the Congress	---

* *

TABLE B

STATUS OF 1977 DEFERRALS

	Amount (In millions of dollars)
Proposed deferrals	7,088.4
Routine Executive releases (-2,087.7M and adjustments (-503.4M) 2/ through April 1, 1977.	-2,591.1
Overturned by the Congress	-25.6
Currently before the Congress	4,471.7 3/

1/ This amount is the difference between $721.0 million in Navy shipbuilding and conversion funds originally proposed for rescission and $452.6 million rescinded. When the rescission was proposed, these funds were already obligated for supply contracts. In testimony before the House Appropriations Committee, the Secretary of Defense concurred in the opinion that these contracts should not be terminated.

2/ An amount equal to $1,431.1 million included in the "Adjustments" column of Attachment B to this report represents superseded deferrals. This amount is not included in the "adjustments" entry above because superseded deferrals are netted out in calculating the amount shown on the line "Deferrals proposed by the President" to avoid double counting.

3/ Includes $59.5 million of outlays in two Treasury deferrals--D77-26 and D77-27A.

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ATTACHMENT A

A-1

STATUS OF RESCISSIONS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

As of April 1, 1977

Agency/Bureau/Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Funds Appropriated to the President							
International Security Assistance:							
Foreign military credit sales	R77-5	[41,500] 1/	01-17-77	41,500 2/	03-25-77		
Department of Commerce							
U.S. Travel Service							
Salaries and expenses.	R77-6	[525]	01-17-77			525	03-15-77
National Oceanic and Atmospheric Administration:							
Operations, research, and facilities	R77-7	[1,500]	01-17-77			1,500	03-15-77
Department of Defense-Military							
Retired pay, Defense	R77-8	[143,600]	01-17-77	143,600 2/	03-25-77		
Shipbuilding and conversion, Navy	R77-9	[721,000] 3/	01-17-77	452,600 2/	03-25-77		
Other procurement, Air Force	R77-10	[14,350]	01-17-77	14,350 2/	03-25-77		
Department of Defense-Civil							
Corps of Engineers-Civil:							
Revolving fund	R77-2	[6,600]	09-22-76			6,600	03-02-77
Department of the Interior							
Bureau of Mines:							
Helium fund	R77-3	[47,500]	09-22-76	47,500 4/	03-10-77		
Department of State							
Contributions for international peacekeeping activities	R77-11	[12,000]	01-17-77	12,000 2/	03-25-77		

A-2

Agency/Bureau/Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Department of Transportation							
Federal Highway Administration:							
Highway crossing Federal projects	R77-4	[35,000]	09-22-76				
	R77-4A	0	11-05-76			35,000 5/	10-01-76
Coast Guard:							
Retired pay	R77-12	[6,803]	01-17-77			6,803	03-15-77
Other Independent Agencies							
Legal Services Corporation:							
Payment to the Legal Services Corporation.	R77-1	[45,000] 6/	07-29-76			45,000 6/	10-01-76
Small Business Administration:							
Business loan and investment fund	R77-13	[60,000]	01-17-77				
	R77-13A	0	03-09-77			60,000 7/	10-01-76 7/
TOTAL:		0		711,550		155,428	

1/ This amount was included in a deferral (D77-38) that was transmitted to the Congress on 12-03-76.
2/ P.L. 95-15.
3/ Of the $721,000,000 proposed for rescission, $452,600,000 was rescinded because the difference, totaling $268,400,000, was previously obligated. The $452,600,000 was assumed to be included in a deferral (D77-34) transmitted to the Congress on 11-05-76.
4/ P.L. 95-10.
5/ A supplementary report withdrawing the proposed rescission was transmitted to the Congress on November 5, 1976.
6/ These funds were not withheld during the 45-day Congressional consideration period.
7/ A supplementary report withdrawing the proposed rescission was transmitted to the Congress on March 9, 1977. These funds were not withheld during the 45-day Congressional consideration period.

ATTACHMENT B

B-1

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Funds Appropriated to the President

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 04-01-77
Emergency Refugee and Migration Assistance Fund.....	D77-1		8,640	10-01-76					
				10-28-76	-1,000				
				11-12-76	-1,200				
				12-29-76	-2,000				
				01-10-77	-1,000				
				01-31-77	-2,100				1,340
International Security Assistance									
Military assistance, 1977.....	D77-37		73,000	12-03-76					73,000
Foreign military credit sales.....	D77-38		740,000	12-03-76				-41,500 1/	
				01-10-77	-23,627				
				01-25-77	-585,533				89,340
TOTAL:			821,640		-616,460			-41,500	163,680

1/ This amount was proposed for rescission (R77-5). The proposal was accepted by the Congress in P.L. 95-15.

B-2

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Agriculture

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 04-01-77
Foreign Agricultural Service									
Salaries and expenses: (Special foreign currency program).....	D77-2	[1,610]		10-01-76					
				01-17-77				-1,610 1/	
	D77-2A		1,743	01-17-77					1,743
Agricultural Stabilization and Conservation Service									
Commodity credit corporation administrative expenses.....	D77-3		2,919	10-01-76					
				12-30-76	-2,629				
				03-25-77	-84				206
Forest Service									
Expenses, brush disposal.	D77-4		22,321	10-01-76					22,321
Licensee programs.....	D77-5	[146]		10-01-76					
				01-17-77				-146 1/	
	D77-5A		239	01-17-77					239
TOTAL:		1,756	27,222		-2,713			-1,756	24,509

1/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Commerce

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 04-01-77
General Administration									
Special foreign currency program	D77-45		654	01-17-77					654
National Oceanic and Atmospheric Administration									
Operations, research, and facilities	D77-46		7,500	01-17-77					
				03-28-77	-1,200				6,300
Promote and develop fishery products and research pertaining to American fisheries	D77-6	[1,771]		10-01-76					
				01-07-77				-1,771 1/	
	D77-6A		1,772	01-07-77					
				03-08-77	-600				1,172
Fisheries loan fund	D77-7		5,799	10-01-76					5,799
Offshore shrimp fisheries fund	D77-8		59	10-01-76					59
Fisherman's guaranty fund	D77-9	[356]		10-01-76					
				10-01-76				-356 1/	
	D77-9A		544	01-07-77					544
Maritime Administration									
Ship construction	D77-47		200,900	01-17-77					200,900
TOTAL:		2,127	217,228		-1,800			-2,127	215,428

1/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Defense, Military

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 04-01-77
Shipbuilding and conversion, Navy	D77-34		929,250	11-05-76					
				01-17-77				-452,600 1/	476,650
Military construction, all services	D77-10	[76,483]		10-01-76					
				12-03-76				-76,483 2/	
	D77-10A	[335,883]		12-03-76					
				01-17-77				-335,883 2/	
	D77-10B	[387,652]		01-17-77					
				03-09-77				-387,652 2/	
	D77-10C		424,240	03-09-77					
				03-25-77	-12,960				
				03-28-77	-18,527				
				03-30-77	-34,011				358,742
TOTAL:		800,018	1,353,490		-65,498			-1,252,618	835,392

1/ This amount was included in a rescission proposal (R77-9). The proposal was accepted by the Congress in P.L. 95-15.
2/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Defense, Civil

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 04-01-77
Corps of Engineers-Civil									
Construction, general...	D77-53		7,760	03-24-77					
				03-14-77	-5,095				2,665
Panama Canal									
Canal Zone Government:									
Capital outlay.....	D77-11		146	10-01-76					146
Miscellaneous Accounts									
Wildlife conservation, etc., military reservations.....	D77-12	[363]		10-01-76					
				03-09-77				-363 1/	
	D77-12A		515	03-09-77					515
TOTAL:		363	8,421		-5,095			-363	3,326

1/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Health, Education, and Welfare

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 04-01-77
Office of the Assistant Secretary for Health									
Scientific activities overseas (Special foreign current program).....	D77-13	[1,113]		10-01-76					
				01-07-77				-1,113 1/	
	D77-13A		2,113	01-07-77					2,113
Office of Education									
Higher education.....	D77-14	[31,702]		10-01-76					
				11-05-76				-31,702 1/	
	D77-14A		303,862	11-05-76					
				02-28-77	-23,082				280,780
Social Security Administration									
Limitation on construction.....	D-77-15	[17,272]		10-01-76					
				11-05-76				-17,272 1/	
	D77-15A		18,673	11-05-76					18,673
Special Institutions									
Howard University.....	D77-35		500	11-05-76					500
TOTAL:		50,087	325,148		-23,082			-50,087	302,066

1/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of the Interior

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Amount Transmitted in Special Message: Current	Date of Action	Releases Resulting From Subsequent Actions Taken by: OMB/Agency	House	Senate	Adjustments	Amount Deferred as of 04-01-77
Bureau of Land Management									
Oregon and California grant lands	D77-16		5,426	10-01-76					5,426
Bureau of Reclamation									
Colorado River Basin Project	D77-54		4,790	03-24-77 03-15-77	-4,790				0
Bureau of Outdoor Reclamation									
Land and water conservation fund	D77-17		30,000	10-01-76					30,000
National Park Service									
Road construction	D77-18		3,245	10-01-76 10-01-76	-3,245				0
Geological Survey									
Payment from proceeds, sale of water	D77-19		30	10-01-76					30
Bureau of Mines									
Drainage of anthracite mines	D77-20		3,525	10-01-76					3,525
TOTAL:			47,016		-8,035				38,981

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Justice

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Amount Transmitted in Special Message: Current	Date of Action	Releases Resulting From Subsequent Actions Taken by: OMB/Agency	House	Senate	Adjustments	Amount Deferred as of 04-01-77
Federal Prison System									
Buildings and facilities.	D77-21		1,900	10-01-76				-1,900 1/	0
TOTAL:			1,900					-1,900	0

1/ This deferral resulted from anticipated savings attributable to a plan for leasing a New York State correctional facility. The lease proposal on which the deferral was based was not accepted by New York and the funds are needed to construct the facility as originally planned. Funds related to this deferral were not withheld.

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Labor

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 04-01-77
Employment and Training Administration									
Advances to the unemployment trust fund and other funds.....	D77-39		2,919,000	12-03-76 12-28-76	-1,119,000				1,800,000
TOTAL:			2,919,000		-1,119,000				1,800,000

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of State

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 04-01-77
Administration of Foreign Affairs									
Acquisition, operation, and maintenance of buildings abroad.....	D77-22		14,225	10-01-76					14,225
TOTAL:			14,225						14,225

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STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Transportation

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Amount Transmitted in Special Message: Current	Date of Action	Releases Resulting From Subsequent Actions Taken by: OMB/Agency	House	Senate	Adjustments	Amount Deferred as of 04-01-77
Coast Guard									
Acquisition, construction and improvements..	D77-23		22,581	10-01-76					22,581
Federal Aviation Administration									
Civil supersonic aircraft development termination.	D77-24	[464]		10-01-76 01-17-77				-464 1/	
	D77-24A		8,080	01-17-77					8,080
Facilities and equipment (Airport and airway trust fund).....	D77-25	[276,101]		10-01-76 01-17-77				-276,101 1/	
	D77-25A	[287,095]		01-17-77 03-09-77				-287,095 1/	
	D77-25B		278,095	03-09-77					278,095
Federal Highway Administration									
Trust fund share of other highway programs.....	D77-48		31,250	01-17-77					31,250
TOTAL:		563,660	340,006					-563,660	340,006

1/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of the Treasury

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Amount Transmitted in Special Message: Current	Date of Action	Releases Resulting From Subsequent Actions Taken by: OMB/Agency	House	Senate	Adjustments	Amount Deferred as of 04-01-77
Office of the Secretary									
State and local government fiscal assistance trust fund.....	D77-26		113,732 1/	10-01-76 11-01-76 01-31-77	-28,433 1/ -28,433 1/				56,866 1/
State and local government fiscal assistance trust fund.....	D77-27	[10,000] 1/		10-01-76 12-03-76				-10,000 1/2/	
	D77-27A		21,075 1/	12-03-76 12-31-76 01-31-77	-16,893 1/ -1,590 1/				2,592 1/
State and local government fiscal assistance trust fund.....	D77-28		82,500	10-01-76 11-01-76 12-01-76 12-31-76 03-01-77 04-01-77	-226 -186 -7,888 -317 -4				72,879
Loans to the District of Columbia for capital outlay.....	D77-36		51,002	11-05-76					51,002
TOTAL:		10,0000	132,502BA 134,8070		-8,6218A -75,3490			-10,0000	123,8818A 59,4580

1/ Outlays only.
2/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Energy, Research and Development Administration

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Amount Transmitted in Special Message: Current	Date of Action	Releases Resulting From Subsequent Actions Taken by: OMB/Agency	House	Senate	Adjustments	Amount Deferred as of 04-01-77
Operating expenses (Energy extension service).....	D77-49		7,500	01-17-77 02-22-77				-7,500 1/	0
Operating expenses (Magnetic fusion energy).....	D77-50		12,000	01-17-77		-12,000 2/			0
Operating expenses (Program support-community operations).....	D77-51		5,400	01-17-77		-5,400 3/			0
Operating expenses (Biomedical and environmental research).....	D77-52		8,200	01-17-77		-8,200 4/			0
TOTAL:			33,100			-25,600		-7,500	0

1/ This adjustment reflects the impact of P.L. 95-3 which makes the source of ERDA's funding their regular 1977 appropriations, rather than the continuing resolution (P.L. 94-473), without need for enactment of authorizing legislation.
2/ Impoundment resolution H. Res. 305 passed the House on March 3, 1977, rejecting this deferral.
3/ Impoundment resolution H. Res. 306 passed the House on March 3, 1977, rejecting this deferral.
4/ Impoundment resolution H. Res. 307 passed the House on March 3, 1977, rejecting this deferral.

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: General Services Administration

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Amount Transmitted in Special Message: Current	Date of Action	Releases Resulting From Subsequent Actions Taken by: OMB/Agency	House	Senate	Adjustments	Amount Deferred as of 04-01-77
Rare Silver Dollar Program.....	D77-29	[1,709]		10-01-76 01-07-77				-1,709 1/	
	D77-29A		1,797	01-07-77					1,797
TOTAL:		1,709	1,797					-1,709	1,797

1/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Other Independent Agencies

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 04-01-77
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Operating expenses, international and domestic programs.....	D77-40		550	12-03-76 12-31-76	-15				535
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Payment of Vietnam prisoner of war claims.	D77-30		10,833	10-01-76					10,833
American Revolution Bicentennial Administration									
Commemorative activities fund.....	D77-31	[1,346]		10-01-76 01-07-77				-1,346 1/	
	D77-31A		198	01-07-77					198
Interstate Commerce Commission									
Payment for directed rail service.....	D77-32		13,700	10-01-76					13,700
National Commission on the Observance of International Women's Year									
Salaries and expenses....	D77-33		680	10-01-76					680
U.S. Information Agency									
Salaries and expenses (special foreign currency program).....	D77-41		2,437	01-07-77					2,437
Special international exhibitions.....	D77-42		1,716	01-07-77					1,716
Special international exhibitions (special foreign currency program).....	D77-43		112	01-07-77					112

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(Amounts in thousands of dollars)

Agency: Other Independent Agencies (continued)

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 04-01-77
U.S. Railway Association									
Payments for the purchase of Conrail securities.....	D77-44		680,700	01-07-77 01-27-77	-162,000				518,700
TOTAL:		1,346	710,926		-162,015			-1,346	548,911
TOTAL, ALL DEFERRALS:		1,421,066BA 10,0000	6,953,621BA 134,8070		-2,012,319BA -75,3490	-25,600BA		-1,924,566BA -10,0000	4,412,202BA 59,4580

1/ Subsequently incoporated in a supplementary report.

[FR Doc.77-10914 Filed 4-11-77;12:05 pm]

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List of Public Laws

This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 4800.....Pub. L. 95–19 Emergency Unemployment Compensation Act of 1977. (Apr. 12, 1977; 91 Stat. 39) Price: $.35

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

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Title 3—The President

PROCLAMATION 4500

National Defense Transportation Day and National Transportation Week, 1977

By the President of the United States of America

A Proclamation

Our nation's transportation network provides us with the goods and services we need and the mobility in work and play that we want.

While our transportation systems have improved in recent years, they can still be made more efficient, accessible, and responsive to the needs of the nation. The Federal Government should take the lead in establishing and carrying out policies to help reduce energy consumption, curtail environmental abuses, and increase competition.

In recognition of the importance of reliable transportation to our economy and defense, and to encourage continued work on the problems that face our cities, roads, rail, air and water ways, the Congress has requested the President to proclaim annually the third Friday in May as National Defense Transportation Day, and the week in which that day falls as National Transportation Week (71 Stat. 30, 36 U.S.C. 160; 76 Stat. 69, 36 U.S.C. 166).

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate Friday, May 20, 1977, as National Defense Transportation Day, and the week beginning May 15, 1977, as National Transportation Week.

I urge the Governors of our States and the Commonwealth of Puerto Rico, the Mayor of the District of Columbia, and local officials to issue similar proclamations. I call upon individuals and organizations concerned with transportation, educators, the communications media, and the American people to join with the Department of Transportation in observing this day and week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of April, in the year of our Lord nineteen hundred seventy-seven, and of the Independence of the United States of America the two hundred and first.

Jimmy Carter

[FR Doc.77-11163 Filed 4-13-77;11:55 am]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 409]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final Rule.

SUMMARY: This regulation establishes the quantity of California-Arizona navel oranges that may be shipped to fresh market during the weekly regulation period April 15–21, 1977. This regulation is needed to provide for orderly marketing of fresh navel oranges for the regulation period because of the production and marketing situation confronting the navel orange industry.

EFFECTIVE DATE: April 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–3545.

SUPPLEMENTARY INFORMATION: (a) *Findings.* (1) Pursuant to the amended marketing agreement and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674, and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the amended marketing agreement and order, and upon other available information, it is found that the limitation of handling of such navel oranges, as provided in this regulation will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of navel oranges that may be marketed during the specified week stems from the production and marketing situation confronting the navel orange industry.

(i) The committee has submitted its recommendation for the quantity of navel oranges it considers advisable to be handled during the specified week. The recommendation resulted from consideration of the factors covered in the order. The committee further reports the demand for navel oranges is very strong for first grade fruit, but choice grade and all larger sized fruit is being discounted. Average f.o.b. price was $3.77 per carton on a reported sales volume of 1,168 carlots last week, compared to $3.84 per carton on sales of 1,225 carlots a week earlier. Track and rolling supplies at 584 cars were up 55 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of navel oranges which may be handled should be established as provided in this regulation.

(3) It is further found that it is impracticable and is contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because the time intervening between the date when information upon which this regulation is based became available and the time when it must become effective to effectuate the declared policy of the act is insufficient. A reasonable time is permitted, for preparation for the effective time; and good cause exists for making the regulation effective as specified. The committee held an open meeting during the current week, after giving due notice, to consider supply and market conditions for navel oranges and the need for regulation. Interested persons were afforded an opportunity to submit information and views at this meeting. The recommendation and supporting information for regulation during the period specified were promptly submitted to the Secretary after the meeting was held, and information concerning the provisions and effective time has been provided to handlers of navel oranges. It is necessary, to effectuate the declared policy of the act, to make this regulation effective as specified. The committee meeting was held on April 12, 1977.

§ 907.709 Navel Orange Regulation 409.

* * * * *

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period April 15, 1977, through April 21, 1977, are hereby fixed as follows:

(i) District 1: 1,200,000 cartons;

(ii) District 2: Unlimited Movement;

(iii) District 3: Unlimited Movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: April 13, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77–11152 Filed 4–13–77;11:24 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

PART 223a—REFUGEE TRAVEL DOCUMENT

Removal of Restrictions on Travel by Aliens

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: The amendments contained in this order remove the restrictions on travel to certain communist and communist dominated countries specified or referred to in Immigration and Naturalization Service regulations. These restrictions apply to aliens lawfully admitted to the United States for permanent residence and to aliens who are applicants for or holders of Refugee Travel Documents which are issued under those regulations. These amendments will give aliens the same freedom to travel as is enjoyed by citizens. These restrictions are being removed in furtherance of President Carter's human rights objectives.

EFFECTIVE DATE: April 14, 1977.

FOR FURTHER INFORMATION CONTACT:

James G. Hoofnagle, Jr., Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, D.C. 20536. 202–376–8373.

SUPPLEMENTARY INFORMATION: Existing 8 CFR 211.1(b) and 22 CFR 46.3 (k) and (l) contain restrictions on travel by aliens who have been lawfully admitted into the United States for permanent residence. Also, existing 8 CFR 223a.3 and 223a.5(b)(2) contain similar travel restrictions on aliens who are applicants for or holders of Refugee Travel Documents issued under 8 CFR Part 223a. In order to provide aliens the same freedom to travel as is enjoyed by citizens of the United States, the Acting Secretary of State, by order concurred in by

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the Attorney General (published elsewhere in this issue of the FEDERAL REGISTER) has deleted the restrictions on travel by lawful permanent residents set forth in 22 CFR 46.3 (k) and (l).

In accordance with the objectives of the President, and in conformity with the joint order of the Department of State and Department of Justice deleting 22 CFR 46.3(k) and (l), the Service will amend 8 CFR 211.1(b), and 8 CFR 223a.3 and 223a.5(b)(2) to remove the travel restrictions therein applicable to aliens lawfully admitted for permanent residence and to aliens who are applicants for or holders of Refugee Travel Documents issued under 8 CFR Part 223a.

In the light of the foregoing, the following amendments are hereby prescribed to Parts 211 and 223a of Title 8 of Chapter I of the Code of Federal Regulations:

In Part 211, §§ 211.1(b) (1), (2), and (3), are revised to read as follows:

§ 211.1 Visas.

* * * * *

(b) *Aliens returning to an unrelinquished lawful permanent residence*—(1) *Form I–151 or I–551 Alien Registration Receipt Card.* An immigrant alien returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad not exceeding one year may present an Alien Registration Receipt Card (Form I–151 or I–551) duly issued to him in lieu of an immigrant visa. An alien regularly serving as a crewman in any capacity required for normal operation and services aboard an aircraft or vessel of American registry who is returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad not exceeding one year may present an Alien Registration Receipt Card (Form I–151 or I–551) duly issued to him in lieu of an immigrant visa. A spouse or a child of a member of the Armed Forces of the United States or of a civilian employee of the United States Government stationed foreign pursuant to official orders may present an Alien Registration Receipt Card (Form I–151 or I–551) when returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad: *Provided,* Such spouse or child resided abroad while such member of the Armed Forces or such civilian employee was on overseas duty and is preceding or accompanying the member or employee or is following to join the member or employee within four months of the member's or employee's return to the United States.

(2) *Reentry permit.* An immigrant alien returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad may present a valid unexpired reentry permit duly issued to him in lieu of a immigrant visa. A refugee travel document issued to a lawful permanent resident pursuant to Part 223a of this chapter shall be regarded as a reentry permit.

(3) *Waiver of visas.* An immigrant alien returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad who satisfies the district director in charge of the port of entry that there is good cause for his failure to present an immigrant visa, Form I–151 or I–551, or reentry permit may, upon application on Form I–193, be granted a waiver of that requirement. If the returning resident alien is not presenting Form I–151 or I–551 because he has lost it, a Form I–90 (application for a replacement Form I–151) in duplicate may be filed with the district director having jurisdiction over the port of entry who may in his discretion grant or deny without appeal a waiver of the required immigrant visa, reentry permit or Form I–151 or I–551, by an immigrant alien who is returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad not exceeding one year; filing the I–90 will serve not only as an application for replacement but also as an application for waiver of passport and visa without the necessity of a separate filing of Form I–193. An alien who is granted a waiver under this part upon presentation of Form I–90 shall, after admission into the United States, comply with the requirements of § 264.1(c) of this chapter.

* * * * *

In Part 223, § 223a.3 is revised by deleting the fourth sentence thereof, and as revised § 223a.3 reads as follows:

§ 223a.3 Eligibility.

Any alien physically present in the United States may apply for a refugee travel document if he believes he is a refugee. A refugee travel document shall be issued to a refugee whose presence in the United States is lawful unless compelling reasons of national security or public order otherwise require; lawful presence, as used herein, does not include brief presence as a transit or crewman, or any other presence so brief as not to signify residence even of a temporary nature. A refugee travel document may be issued, in the exercise of discretion, to any other refugee unless reasons of national security or public order otherwise require; sympathetic consideration shall be given to such an application unless the Service intends to expel or exclude the alien from the United States. An alien who is a lawful permanent resident and who is in possession of a reentry permit issued pursuant to section 223 of the Act and Part 223 of this chapter may be issued a refugee travel document only if he surrenders the reentry permit to the Service.

Section 223a.5(b) is revised by revoking paragraph (b)(2) *Area restrictions* in its entirety, and by redesignating existing paragraphs (b) (3) and (4) as (b) (2) and (3) respectively. As revised, § 223a.5(b) reads as follows:

§ 223a.5 Validity of refugee travel document.

* * * * *

(b) *Invalidity*—(1) *False application.* A refugee travel document shall be invalid if the alien obtained it by making a material false representation or concealment in his application.

(2) *Exclusion or deportation proceedings.* A refugee travel document shall be invalid if the alien is ordered excluded or deported.

(3) *Aliens who are no longer refugees.* A refugee travel document shall be invalid if the United Nations Convention of July 28, 1951, shall cease to apply or shall not apply to the alien as provided in Article 1 C, D, E, or F of the Convention.

* * * * *

(Secs. 103, 215, 223, Immigration and Nationality Act (8 U.S.C. 1103, 1185, 1203); Proc. No. 3004 of January 17, 1953).

The above amendments are issued pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383), as amended by Pub. L. 93–502 (88 Stat. 1561) and the authority contained in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103), 28 CFR 0.105 (b) and 8 CFR 2.1. Compliance with section 553 of Title 5 of the United States Code as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendments contained in this order relieve restrictions on the persons affected thereby.

Effective date: The amendments prescribed in this order become effective on April 14, 1977.

Dated: April 11, 1977.

L. F. CHAPMAN, Jr.,
Commissioner of Immigration and Naturalization.

[FR Doc.77–11000 Filed 4–13–77;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION

PART 101—MOORED BALLOONS, KITES, UNMANNED ROCKETS AND UNMANNED FREE BALLOONS

Equipment and Marking Requirements

CFR Correction

In 14 CFR 101.35(d) appearing on page 181 of 14 CFR Parts 60–199 (revised as of January 1, 1977), the second line of paragraph (d) should read "sunrise and sunset an unmanned free".

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

[Departmental Regulation No. 108.737]

PART 46—CONTROL OF ALIENS DEPARTING FROM THE UNITED STATES

Removal of Travel Restrictions

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: This rule deletes the restrictions on travel by permanent resident aliens and brings our policy on travel by resident aliens into conformity with our recently announced policy toward citizens.

EFFECTIVE DATE: April 14, 1977.

FOR FURTHER INFORMATION CONTACT:
Guida Evans-Magher, 202–632–1933.

SUPPLEMENTARY INFORMATION: In accordance with the President's announced policy of promoting freedom of travel by United States citizens, paragraphs (k) and (l) in 22 CFR Part 46 are deleted to eliminate the provisions under which travel of lawfully admitted permanent resident aliens to certain Communist countries is restricted.

§ 46.3 [Amended]

In § 46.3, paragraphs (k) and (l) are deleted in their entirety.

(Sec. 215, Immigration and Nationality Act, 66 Stat. 190, 8 U.S.C. 1185; Proc. No. 3004 of January 17, 1953.)

Dated: April 1, 1977.

WARREN CHRISTOPHER,
Acting Secretary of State.

Concurred in: April 8, 1977.

GRIFFIN B. BELL,
Attorney General.

[FR Doc.77–11020 Filed 4–13–77;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7477]

PART 7—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1976

Expenditures To Remove Architectural and Transportation Barriers to Handicapped and Elderly

Correction

In FR Doc. 77–9995, appearing at page 17870 in the issue for Monday, April 4, 1977:

1. The last line of the "Effective Dates" paragraph on page 17870, first column, should read, "must be delivered or mailed by May 16, 1977."

2. The telephone number in the paragraph headed, "For Further Information Contact:" should read, "202–566–3346".

[T.D. 7480]

PART 7—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1976

Investment Credit for Movie and Television Films Placed In Service in a Taxable Year Beginning Before January 1, 1975, Which Are Subject to the Forty-Percent Election

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains an amendment to temporary regulations providing rules for taxpayers to use in electing the forty-percent method of determining investment credit for movie and television films placed in service in a taxable year beginning before January 1, 1975. This election is provided for under section 804(c)(2) of the Tax Reform Act of 1976. These regulations affect certain taxpayers desiring to make the forty-percent election and provide them with the guidance needed to make the election.

DATE: Taxpayer action to make the election must be made by April 25, 1977.

FOR FURTHER INFORMATION CONTACT:

Lawrence M. Axelrod of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202–566–4454).

SUPPLEMENTARY INFORMATION: This Treasury decision amends temporary regulations under section 804(c)(2) of the Tax Reform Act of 1976 that were published in the FEDERAL REGISTER for Thursday, March 31, 1977 (42 FR 17122). Those regulations provide that certain action must be made by April 4, 1977, by taxpayers that wish to make the election provided by section 804(c)(2) for a tax investment credit for certain movie and television films. This Treasury decision amends the regulations to provide that taxpayers are given to April 25, 1977, to take the necessary action.

DRAFTING INFORMATION: The principal author of this regulation was Robert A. Bley of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

ADOPTION OF AMENDMENT TO THE REGULATIONS

Accordingly, paragraphs (b)(1) and (b)(5) of § 7.48–2 (26 CFR Part 7), as published in the FEDERAL REGISTER for Thursday, March 31, 1977 (42 FR 17122) are amended by striking out "April 4, 1977" and inserting in lieu thereof "April 25, 1977".

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805), sec. 804(c)(2) (C) and (D), Tax Reform Act of 1976 (90 Stat. 1595).)

WILLIAM E. WILLIAMS,
Acting Commissioner of Internal Revenue.

Approved: April 6, 1977.

LAURENCE N. WOODWORTH,
Assistant Secretary of the Treasury.

[FR Doc.77–11032 Filed 4–12–77;12:18 pm]

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 7475]

PART 404—TEMPORARY REGULATIONS ON PROCEDURE AND ADMINISTRATION UNDER THE TAX REFORM ACT OF 1976

Certain Requirements for Income Tax Return Preparers

Correction

In FR Doc. 77–9993, appearing at page 17452 in the issue for Friday, April 1, 1977, the following changes should be made to page 17453:

1. The second word in the fifth line of § 404.6694–1(a) should read, "preparer".

2. The second line of Question 1 in § 404.6694–1(a) should read, "under section 6694(a) of the Code?".

3. The third line of Answer 1 in § 404.6694–1(a) should read, "preparer who has disregarded the rules and".

4. The second to last line of Question 2 in § 404.6694–1(b) should read, "client-taxpayer in order to avoid the penalty under section 6694(b)?".

Title 31—Money and Finance

CHAPTER I—MONETARY OFFICES, DEPARTMENT OF THE TREASURY

PART 51—FISCAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

Interim Regulations

Correction

In FR Doc. 77–10158, appearing at page 18362 of the issue for Wednesday, April 6, 1977, the following changes should be made:

1. On page 18363, the letter in parentheses at the end of the fifth from last line of the first full paragraph should read, "(d)".

2. On page 18364, the letter in parentheses at the end of the third line of the first full paragraph should read, "(d)".

3. On page 18365, the fifteenth line of § 51.50 should be removed and a new line inserted between the sixteenth and seventeenth lines, reading, "the Rehabilitation Act of 1973 or any".

4. On page 18368, first column, the second word in the seventh line of § 51.88 (a) should read "execute".

5. On page 18372, the second line of the table of sections for Subpart G should read, "51.201 Liberal construction".

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Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2874]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Bryson Implement Company, Inc., et al.

AGENCY: Federal Trade Commission.

ACTION: Order to cease and desist.

SUMMARY: Consent order requiring a Sampson, Ala., marketer of farming equipment, among other things, to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

DATES: Complaint and order issued March 22, 1977.[1]

FOR FURTHER INFORMATION CONTACT:

S. Edward Combs, Regional Director, Atlanta Regional Office, 1718 Peachtree St., NW., Rm 1000, Atlanta, Ga. 30309 404–881–4836.

SUPPLEMENTARY INFORMATION: On Friday, January 14, 1977, there was published in the FEDERAL REGISTER (42 FR 3027) a proposed consent agreement with analysis in the Matter of Bryson Implement Company, Inc., a corporation, and Herbert M. Bryson, Jr., individually and as an officer of said corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order.

No comments have been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows:

Supart—Advertising Fasely or Misleadingly: § 13.73 Formal regulatory and statutory requirements; 13.73–92 Truth in Lending Act § 13.155 Prices; 13.155–95 Terms and conditions; 13.155–95(a) Truth in Lending Act. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1623 Formal regulatory and statutory requirements; 13.1623–95 Truth in Lending Act.—Prices: § 13.1823 Terms and conditions; 13.1823–20 Truth in Lending Act. Subpart—Neglecting, Unfairly or Deceptively, to Make Material Disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852–75 Truth in Lending Act; § 13.1905 Terms and conditions; 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601, et seq.)

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77-10990 Filed 4-13-77;8:45 am]

[Docket No. C-2865]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Everseal Waterproofing Corporation, et al.

AGENCY: Federal Trade Commission.

ACTION: Order to cease and desist.

SUMMARY: Consent order requiring a Newton, Mass., seller and distributor of waterproofing products and services, and its subsidiaries, among other things, to cease misrepresenting their guarantees; the nature, efficacy, and performance characteristics of their products; and the size and volume of their business. Further, the order requires respondents to maintain specified records; make prescribed disclosures; and respond to requests for service within seven days. Additionally, respondents must provide a three-day cooling-off period during which customers may cancel transactions and receive prompt refunds; maintain a responsible customer relations department; and institute a surveillance program designed to ensure compliance with the order.

DATES: Complaint and order issued February 4, 1977.[1]

FOR FURTHER INFORMATION CONTACT:

Bruce M. Chadwick, Acting Regional Director, Boston Regional Office, Federal Trade Commission, 150 Causeway Street, Room 1301, Boston, Massachusetts 02114, 617–223–6621.

SUPPLEMENTARY INFORMATION: In the Matter of Everseal Waterproofing Corporation, a corporation, and Everseal Waterproofing of New Hampshire, Inc., a corporation, and Everseal Corporation of Maine, a corporation, and Irving Silverstein, individually, and William A. Epner, individually and as an officer of said corporations. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows:

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.15 Business status, advantages or connections; 13.15–205 Offices in principal cities; 13.15–220 Patent or other rights; 13.15–250 Qualifications and abilities; 13.15–265 Service; 13.15–270 Size and extent; § 13.70 Fictitious or misleading guarantees; § 13.135 Nature of product or service; § 13.145 Patent or other rights; § 13.155 Prices; 13.15–100 Usual as reduced, special, etc.; § 13.160 Promotional sales plans; § 13.170 Qualities or properties of product or service; 13.170–30 Durability or permanence; 13.170–50 Leakproof or leakproofing; 13.170–70 Preventive or protective; 13.170–96 Waterproof, waterproofing, water-repellent; § 13.190 Results; § 13.205 Scientific or other relevant facts. Subpart—Contracting for sale in any form binding on buyer prior to end of specified time period: § 13.527 Contracting for sale in any form binding on buyer prior to end of specified time period. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–45 Maintain records; 13.533–50 Maintain means of communication. Subpart—Delaying or withholding corrections, adjustments or Action owed: § 13.675 Delaying or withholding corrections, adjustments or action owed. Subpart—Failing to maintain records: § 13.1051 Failing to maintain records; 13.1051–10 Accurate; 13.1051–20 Adequate. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 Furnishing means and instrumentalities of misrepresentation or deception. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1553 Services; § 13.1555 Size, extent, or equipment; § 13.1570 Unique status or advantages—Goods: § 13.1647 Guarantees; § 13.1685 Nature; § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts—Prices: § 13.1825 Usual as reduced or to be increased—Promotional sales plans: § 13.1830 Promotional sales plans. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1863 Limitations of product; § 13.1885 Qualities or properties; § 13.1892 Sales contract, right-to-cancel provision; 13.1892–2 Commencing contractual obligations prior to end of cooling-off period; § 13.1895 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1980 Guarantee, in general; § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; (15 U.S.C. 45).)

[1] Copies of the Complaint and Decision and Order filed with the original document.

[1] Copies of the Complaint and Decision and Order filed with the original document.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

ORDER

It is ordered, That respondents Everseal Waterproofing Corporation, a corporation, Everseal Waterproofing of New Hampshire, Inc., a corporation, and Everseal Corporation of Maine, a corporation, their successors and assigns, and their officers, and Irving Silverstein, individually, and William A. Epner, individually and as an officer of the corporations, (hereinafter referred to as "respondents"), and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division, franchisee, licensee or other device, in connection with the advertising, offering for sale, sale and distribution of residential and commercial waterproofing products or services, or other products or services, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that respondents employ an exclusive, patented process.

2. Representing, directly or by implication, that respondents' waterproofing process will seal all types of basement walls, floors, and foundations against water seepage.

3. Using the words "permanently", "completely", "perpetually", "once and for all", or other words or phrases of similar import, to describe respondents' waterproofing products, services or methods or misrepresenting in any manner the nature and effectiveness of such products, services or methods.

4. Failing to disclose in writing on the face of every contract for the pressure pumping process, in bold print, on an easily detachable form which shall be executed by the customer and retained be the seller and orally, prior to the signing of any contract, and in ten point bold face type in all advertisements, promotional materials and similar documents, the following notice:

Everseal provides two kinds of waterproofing services: channeling water away from the basement and pressure pumping a bentonite mixture against walls and footings. The bentonite material used in the pressure pumping process will not prevent leaks in your basement under certain types of soil and water table conditions. If you have not had engineering tests conducted on your property by a qualified engineer, you cannot be sure the process you have contracted for will work on your home.

4a. Failing to disclose in radio and other electronic media advertisements the following notice:

The bentonite material used in the pressure pumping process will not prevent leaks in your basement under certain types of soil and water table conditions. If you have not had engineering tests conducted on your property by a qualified engineer, you cannot be sure this process will work.

5. Representing, directly or by implication, orally, visually or in writing, that any of said products or services are guaranteed unless the nature, extent and duration of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed, and unless respondents promptly and scrupulously fulfill all of their obligations and requirements directly or impliedly represented by the terms of the guarantee.

6. Representing, directly or by implication, that an office is maintained by respondents in any city or town other than that in which a fully staffed sales, service and installation office or place of business is, in fact, maintained, occupied and used by respondents; and from misrepresenting in any manner the size or volume of respondents' business.

7. Representing, directly or by implication, that respondents will, by means of their pressure pumping process or in any other manner, waterproof basements without digging, without damage to walks or driveways, or without the necessity of having waterproofing work done inside the basement.

8. Making any claim or representation, orally, visually or in writing, relating to the efficacy, nature and performance characteristics of respondents' waterproofing products or services unless, at the time such claim or representation is made, respondents have a reasonable basis for such claim or representation which shall consist of competent engineering or other similar objective material.

9. Failing to maintain accurate records which may be inspected and copied by Commission staff members upon reasonable notice:

(a) Which consist of documentation to support any and all claims or representations made after the effective date of this order in advertising or sales promotion material relating to the efficacy, nature and performance of any waterproofing process marketed by the respondents.

(b) Which provided the basis upon which respondents relied as of the time those claims or representations were made; and

(c) Which shall be maintained by respondents for a period of three (3) years from the date such advertising or sales promotion material was last disseminated.

10. Using in any manner a sales plan, scheme or device wherein false, misleading or deceptive statements or representations are made, directly or by implication, in order to obtain leads or prospects for the sale of, or to induce purchases of goods or services.

11. Representing, directly or by implication, orally, visually, or in writing that any price for the products or services sold by respondents is a special or reduced price unless respondents can affirmatively show that such price constitutes a significant reduction from the price at which respondents have sold such products and services for a reasonably substantial period of time in the recent regular course of their business.

12. Failing to maintain adequate records (a) which disclose the facts upon which any savings claim, including former pricing claims and comparative value claims is based; and (b) from which the validity of any savings claim, including former pricing claims and similar representations can be determined

13.

(a) Failing to maintain a customer relations department to which purchasers of said products and services may refer complaints, requests for maintenance, or replacement of faulty products or services as promised under the terms of said contract and guarantee; and failing to furnish to each customer at the time of the purchase of said products or services, the current name, address and telephone number of such customer relations representative to which requests for service and/or maintenance may be directed by such customers.

(b) Failing to respond to customers' requests for service within seven (7) days from the date of receipt thereof.

(c) Failing to maintain for a period of three (3) years, records of customers' service and maintenance requests and related documents in connection with the implementation of Paragraph Thirteen (a) and (b) above.

14. Furnishing or otherwise placing in the hands of others the means and instrumentalities by and through which the public may be misled or deceived in the manner, or by the acts and practices prohibited by this order.

15. Failing to maintain and produce for inspection and copying, for a period of three (3) years, copies of all advertisements, brochures, sales contracts, salesmen's manuals and sales bulletins, and all other promotional material utilized in the advertising, promotion and sale of such products or services.

16. Contracting for any sale of such products or services in the form of a sales contract or other agreement which shall become binding on the buyer prior to midnight of the third day, excluding Sundays and legal holidays, after the date of execution of the contract or other agreement.

17. Failing to furnish the buyer with a fully completed receipt or copy of any contract pertaining to such sale at the time of its execution which shows the date of the transaction and contains the name and address of the seller, and in immediate proximity to the space reserved in the contract for the signature of the buyer or on the front page of the receipt if a contract is not used and in bold face type of a minimum size of 10

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points, a statement in substantially the following form:

"You the buyer, may cancel this transaction at any time prior to midnight of the third business day after the date of this transaction. See attached notice of cancellation form for an explanation of this right.

18. Failing to furnish each buyer, at the time he signs the sales contract or otherwise agrees to buy consumer goods or services from the seller, a completed form in duplicate, captioned "NOTICE OF CANCELLATION", which shall be attached to the contract or receipt and easily detachable, and which shall contain in ten point bold face type the following information and statements:

NOTICE OF CANCELLATION

(*enter date of transaction*)
(*Date*)

You may cancel this transaction, without any penalty or obligation, within three (3) business days from the above date.

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice or any other written notice, or send a telegram, to (*Name of Seller*), at (*Address*) not later than midnight of (*Date*).

I hereby cancel this transaction.

(Date)

(Buyer's signature)

19. Failing to inform each buyer orally, at the time he signs the contract or purchases the goods or services, of his right to cancel.

20. Failing or refusing to honor any valid notice of cancellation by a buyer and within three (3) business days after the receipt of such notice, to (i) refund all payments made under the contract or sale, (ii) cancel and return any negotiable instrument executed by the buyer in connection with the contract or sale.

1. *It is further ordered*, That: (a) Respondents herein deliver, by registered mail, a copy of this Decision and Order to each of its present and future franchisees, licensees, employees, salesmen, agents, solicitors, independent contractors or to any other person who advertises, promotes, offers for sale, sells or distributes such products or services offered by respondents.

(b) Respondents herein provide each person so described in paragraph (a) above with a form returnable to the respondents clearly stating his intention to be bound by and to conform his business practices to the requirements of this order; retain said statement during the period said person is so engaged; and make said statement available to the Commission's staff for inspection and copying upon request.

(c) Respondents herein inform each person so described in paragraph (a) above that the respondents will not use or engage or will terminate the use or engagement of any such party, unless such party agrees to and does file notice with the respondents that he will be bound by the provisions contained in this order.

(d) If such party as described in paragraph (a) above will not agree to so file the notice set forth in paragraph (b) above with the respondents and be bound by the provisions of this order, the respondents shall not use or engage or continue the use or engagement of, such party to promote, offer for sale, sell or distribute such products or services included in this order;

(e) Respondents herein inform the persons described in paragraph (a) above that the respondents are obligated by this order to discontinue dealing with or to terminate the use or engagement of persons who continue on their own the deceptive acts or practices prohibited by this order;

(f) Respondents herein institute a program of continuing surveillance adequate to reveal whether the business practices of each said person described in paragraph (a) above conform to the requirements of this order;

(g) Respondents herein discontinue dealing with or terminate the use or engagement of any person described in paragraph (a) above, as revealed by the aforesaid program of surveillance, who continues on his own any act or practice prohibited by this order.

2. *It is further ordered*, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

3. *It is further ordered*, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporations which may affect compliance obligations arising out of the order.

4. *It is further ordered*, That the individual respondents named herein notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

5. *It is further ordered*, That in the event that the corporate respondents merge with another corporation or transfer all or a substantial part of their business or assets to any other corporation or to any other person, said respondents shall require such a successor or transferee to file promptly with the Commission a written agreement to be bound by the terms of this order: *Provided*, That if said respondents wish to present to the Commission any reason why said order should not apply in its present form to said successor or transferee, they shall submit to the Commission a written statement setting forth said reasons prior to the consummation of said succession or transfer.

6. *It is further ordered*, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77-10979 Filed 4-13-77;8:45 am]

[Docket No. C-2867]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

G. & B. Textiles, Inc., et al.

AGENCY: Federal Trade Commission.

ACTION: Order to cease and desist.

SUMMARY: Consent order requiring a New York City importer and distributor of fabrics, among other things, to cease misrepretsenting the fiber content of its wool products and to notify purchasers of these fabrics that government tests have shown them to be misbranded.

DATES: Complaint and Order Issued February 14, 1977.[1]

FOR FURTHER INFORMATION CONTACT:

Richard A. Givens, Regional Director, New York Regional Office, Federal Trade Commission, 2243-EB Federal Building, 26 Federal Plaza, New York, N.Y. 10007 (212) 264-1207.

SUPPLEMENTARY INFORMATION: In the Matter of G. & B. Textiles, Inc., a corporation formerly known as H.M.S. International Fabrics, Inc., and Benjamin Solomon, individually and as an officer of said corporation, and Herbert Solomon and Michael Solomon, individually and as former officers of said corporation. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows:

Subpart—Misbranding or mislabeling: § 13.1185 Composition; 13.1185–90 Wool Products Labeling Act; § 13.1200 Content; § 13.1212 Formal regulatory and statutory requirements; 13.1212–90 Wool Products Labeling Act; § 13.1320 Scientific or other relevant facts.

Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 Composition; 13.1590–90 Wool Products Labeling Act; § 13.1605 Content; § 13.1623 Formal regulatory and statutory requirements; 13.1623–90 Wool Products Labeling Act; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, unfairly or deceptively to make material disclosure: § 13.1845 Composition; 13.1845–80 Wool Products Labeling Act; § 13.1850 Content; § 13.1852 Formal regulatory and statutory requirements; 13.1852–80 Wool Products Labeling Act; § 13.1895 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2–5, 54 Stat. 1128–1130; (15 U.S.C. 45, 68))

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

[1] Copies of the Complaint, and Decision and Order filed with the original document.

ORDER

It is ordered, That respondents G. & B. Textiles, Inc., a corporation, its successors and assigns, and its officers, and Benjamin Solomon, individually and as an officer of said corporation, and Herbert Solomon and Michael Solomon, individually and as former officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporation, subsidiary, division or any other device, in connection with the introduction, or importing for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents notify, by delivery of a copy of this order by registered mail, each of their customers that purchased the wool products which gave rise to this complaint of the fact that United States government tests have shown that such products were misbranded.

It is further ordered, That the respondent corporation forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the individual respondents named herein promptly notify the Commission of each change in business or employment status, which includes discontinuance of their present business or employment and each affiliation with a new business or employment for ten (10) years following the effective date of this order. Such notice shall include respondents' current business address and a description of the business or employment in which they are engaged as well as a description of their duties and responsibilities. The expiration of the notice provision of this paragraph shall not affect any other obligations arising under this order.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in deail the manner and form in which they have complied with this order.

JAMES A. TOBIN,
Acting Secretary.

[FR Doc.77-10977 Filed 4-13-77;8:45 am]

[Docket No. 9032]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Idea Research and Development, Inc., et al.

AGENCY: Federal Trade Commission.

ACTION: Order to cease and desist.

SUMMARY: Consent order requiring a Mesquite, Texas, idea promotion firm, among other things to cease misrepresenting the nature and value of its services; misrepresenting its ability to successfully promote ideas, inventions, or products; and misrepresenting the probabilities of financial gain to its clients. Further, respondents are required to disclose, in contracts, and promotional material, the lack of confidentiality afforded its clients' ideas, the ramifications of contracting with respondents prior to contacting an independent patient attorney, and the amount of monies earned by previous clients through respondents' endeavors. The order additionally requires a ten-day cooling-off period before the execution of contracts and prohibits respondents from accepting any fee other than a percentage of royalties resulting from its efforts.

DATES: The Complaint was issued May 6, 1975, the Decision and Order January 11, 1977.[1]

FOR FURTHER INFORMATION CONTACT:

Carl L. Swanson, Jr., Director, Dallas Regional Office, 2001 Bryan Street, Suite 2665, Dallas, Texas 75201. 214–749–3056.

SUPPLEMENTARY INFORMATION: In the Matter of Idea Research and Development, Inc., a corporation, and Kellis Blakely Shanks and Jack Earnest Trout, individually and as an employee of said corporation, and Walter Glenn Ford, individually and as an employee of said corporation.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows:

Subpart—Advertising Falsely or Misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.15 Business status, advantages or connections; 13.15–5 Advertising and promotional services; 13.15–195 Nature; 13.15–225 Personnel or staff; 13.15–237 Professional or scientific status; 13–15–245 Prospects; 13.15–250 Qualifications and abilities; 13.15–255 Reputation, success, or standing; 13.15–265 Service; § 13.60 Earnings and profits; § 13.145 Patent or other rights; § 13.190 Results; § 13.205 Scientific or other relevant facts; § 13.285 Value. Subpart—Contracting for Sale in Any Form Binding on Buyer Prior to End of Specified Time Period: § 13.527 Contracting for sale in any form binding on buyer prior to end of specified time period. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–25 Displays, in-house; 13.533–40 Furnishing information to media; 13.533–45 Maintain records. Subpart—Delaying or Withholding Corrections, Adjustments or Actions Owed: § 13.675 Delaying or withholding corrections, adjustments or actions owed. Subpart—Failing to Maintain Records: § 13.1051 Failing to maintain records. Subpart—Misrepresenting Oneself and Goods—Business Status, Advantages or Connections: § 13.1490 Nature; § 13.1513 Operations generally; § 13.1520 Personnel or staff; § 13.1535 Qualifications; § 13.1553 Services. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1615 Earnings and profits; § 13.1675 Law or legal requirements; § 13.1685 Nature; § 13.1697 Opportunities in product or service; § 13.1700 Patent rights; § 13.1730 Results; § 13.1740 Scientific or other relevant facts; § 13.1775 Value. Subpart—Neglecting, Unfairly or Deceptively, to Make Material Disclosure: § 13.1870 Nature; § 13.1889 Risk of loss; § 13.1892 Sales contract, right-to-cancel provisions; § 13.1895 Scientific or other relevant facts. Subpart—Offering Unfair, Improper and Deceptive Inducements to Purchase or Deal: § 13.1935 Earnings and profits; § 13.2015 Opportunities in product or service; § 13.2063 Scientific or other relevant facts; § 13.2090 Undertakings, in general.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended; (15 U.S.C. 45).)

The order to cease and desist, including further order requiring report of compliance therewith is as follows:

ORDER

I. DEFINITIONS

For purposes of this order the following definitions shall apply:

A. "Idea" shall mean any idea, invention or product;

B. "Client" shall mean any party that has entered into an agreement with respondents for the "promotion" of an "idea";

C. "Financial gain" shall mean an amount of money derived by a "client", from a respondent's "promotion" of the client's "idea".

D. "Promotion" shall mean the evaluation, development, manufacturing, marketing or otherwise contributing to the success or growth of an "idea".

E. "Future services", shall include any arrangement whereby one party pays or contracts to pay a sum of money in the belief that he may receive, as a result of such arrangement, the delivery or performance, at least partly in the future, of any service, benefit, promotion, sum of money, or similar thing of value; the term shall include, but shall not be lim-

[1] Copies of the Complaint and Decision and Order filed with the original document.

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ited to, any arrangement whereby one party pays or contacts to pay a sum of money in the belief that he may receive a financial gain as a result of such arrangement.

II.

It is ordered, That respondents, Idea Research and Development, Inc., a corporation, and its officers, and Kellis Blakely Shanks and Jack Earnest Trout, individually and as officers of said corporation and Walter Glenn Ford, individually and as a former employee of said corporation, their successors and assigns, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale or sale of contracts for future services in the promotion of ideas, or any other future services, in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or indirectly, by any means, that:

A. Respondents possess ability in the field of engineering unless they retain a licensed engineer who shall provide a written evaluation of each client's idea. Respondents shall provide a copy of said evaluation which the client may retain.

B. A client may or can obtain legal protection for his idea unless respondents retain an attorney or agent licensed by the United States Patent Office who renders a written opinion on such client's idea. Respondents shall provide a copy of said opinion which the client may retain.

C. Any party may or will receive a financial gain as a result of contracting with respondents except as allowed by Subparagraphs A and B of Paragraph 4 of this order.

2. Representing, directly or indirectly, by any means, that respondents possess the ability to promote ideas that will or may result in financial gains for their clients.

3. Failing to prominently display the following notice in two or more locations in those portions of respondents' business premises most frequented by prospective clients and in each location where clients sign contracts or other binding instruments. Such notice shall be considered prominently displayed only if so positioned as to be easily observed and read by respondents' clients and prospective clients:

NOTICE

By proceeding without the advice of an independent patent attorney, you may lose any rights you might have in your idea, invention or product or expose yourself to a costly patent infringement lawsuit. Therefore, prior to signing any agreement with us you should and are encouraged to consult an independent patent attorney.

4. Failing to make the following disclosures on the contract or other binding instrument to be executed by prospective clients. Said disclosures shall be in more conspicuous print than all other language in said instrument, but in no case shall they be smaller than 12 point upper case type. Said disclosures and instrument shall be delivered to prospective clients at least 10 days prior to the time prospective clients execute said instrument. The disclosures shall be in the following form set off from the text of the instrument by a black border and immediately above the line for the prospective clients' signatures:

NOTICE

(A) Since we began doing business, we have contracted to promote ideas, inventions, or products for (*number*) clients. Since July 1, 1975, we have contracted with (*number*) clients. As a result of our services:

1. (*Number*) of our clients earned nothing.
2. (*Number*) of our clients earned $100–$499.
3. (*Number*) of our clients earned $500–$1,000.
4. (*Number*) of our clients earned over $1,000.

(B) Without patent protection recognized by the United States Patent Office, you may lose the opportunity to obtain financial benefit from your idea. We do not provide any legal protection recognized by the United States Patent Office.

(C) Because there will be no patent protection for your idea, serious consequences could result from your contracting with us, including:

(1) When we disclose information concerning your idea to persons/manufacturers/marketers outside our company, such disclosure may be interpreted by the United States Patent Office as a "publication" of your idea.

(2) "Publication" for a period of one year or more of an idea which has no legal protection recognized by the United States Patent Office will result in the loss of any patentable rights you may have.

(D) You should treat your idea as a confidential subject in order to avoid losing any patent rights you may have.

(E) By proceeding without the advice of an independent patent attorney you may lose any rights you might have in your idea, invention or product or expose yourself to a costly patent infringement lawsuit. You should and are encouraged to consult an independent patent attorney before you sign this agreement.

(F) Today is (*date*). We cannot ask you to sign an agreement until 10 business days have elapsed which will be on (*month/day/year*).

I, (*name of customer*), hereby acknowledge receipt of a copy of this agreement on the date specified below.

Customer's signature Date

5. Executing contracts or other agreements with a client prior to expiration of the 10-day period disclosed in accordance with Paragraph 4 herein.

6. Failing to retain executed copies of all disclosures required by Paragraph 4 of this order for a period of three (3) years after such disclosure is made regardless of whether prospective clients ultimately execute contracts. Respondents shall make accurate statistical disclosures required by this paragraph and maintain records for a period of five (5) years sufficient to verify the accuracy of each disclosure. Accurate disclosures, given without comment, as required by Paragraph 4 of this order, shall not be deemed a violation of Paragraph 1 of this order.

7. Failing, in all pamphlets, brochures and other promotional materials to make the following disclosures in the manner and form provided for herein.

A. In all printed advertisements, the notice shall be conspicuously placed in print at least as large as the largest print in the advertising material other than respondent's name and shall state:

(*Number*) percent of our clients have earned at least $100 as a result of our efforts to promote their ideas.

B. In all advertisements broadcast by radio, or television, the above-required notice shall be read at the end of the advertisement at a rate of speed at least as slow as the slowest part of the advertisement.

C. At the time respondents submit advertising to any newspaper or other written medium, they shall provide a copy of the following notice to each such medium:

NOTICE

(*Name of respondent*) has entered into a Consent Agreement with the Federal Trade Commission. A copy of the Commission's News Release is available from (*name of respondent*) upon request.

D. At the time respondents submit advertising to any radio or television station, they shall provide a copy of the following notice to each such station:

NOTICE

(*Name of respondent*) has entered into a consent Agreement with the Federal Trade Commission. A copy of the news release is available on request. Your attention is directed to an agreement between the Federal Trade Commission and the Federal Communications Commission dated April 27, 1972.

8. Failing to maintain for a period of three (3) years after any of their advertisements are disseminated:

A Records disclosing the date or dates each such advertisement was published;

B Records disclosing the name and address of the newspapers, other publications or broadcast media disseminating said advertisement; and

C Copies or scripts of all their advertisements published or disseminated by any media.

9. Failing to utilize one written contract or other binding instrument which shall constitute the entire agreement between the parties. In addition to the disclosures required under Paragraph 4 herein each such instrument shall contain the following provision:

(*Name of respondent*) agrees to present to the client all materials due to the client pertaining to the promotion of said client's idea within 90 days of the date this agreement is executed, and it is hereby further agreed that time is of the essence. If such materials are not presented to the client within the 90 day period it is hereby mutually agreed between (*name of respondent*) and the client whose signature appears below that this agreement is rescinded in its entirety.

10. *It is further ordered*, That respondents cease and desist from: A. Including in any contract or other document any waiver, limitation or condition on the right of a client to rescind an agreement under any provision of this order.

B. Misrepresenting the right of a client to rescind an agreement under any provision of this order or any applicable statute or regulation.

C. Making any representations or taking any action which is inconsistent with or detracts from the effectiveness of this order.

11. *It is further ordered*, That respondents shall make all disclosures required by this order accurately, making such disclosures or copies thereof available to the Federal Trade Commission on request, and comply with all contract provisions required by this order.

12. *It is further ordered*, That neither the corporate respondent nor the individual respondents engage in any course of conduct which contravenes the rights of clients or prospective clients provided by this order.

13. *It is further ordered*, That respondents, upon receipt of a complaint from a client alleging facts that indicate this order may have been violated, rescind the contract where respondents determine, after a good faith investigation, that one or more of the paragraphs of this order may have been violated in connection with such client's transaction with respondents.

14. *It is further ordered:* A. That respondents deliver, by hand or by certified mail, a copy of this order to each of their present or future salesmen, independent brokers, employees or any other person who sells or promotes the sale of respondents' contracts;

B. That respondents provide each person so described in sub-paragraph A above with a form returnable to respondents, clearly stating an intention to conform sales practices to the requirements of this order and retain such form for a period of three (3) years after it is executed by said persons;

C. That respondents inform each person described in sub-paragraph A above that respondents shall not use any such person, or the services of any such person, until such person agrees to and files notice with respondents to be bound by the provisions contained in this order;

D. That in the event such person will not agree to file such notice with respondents and be bound by the provisions of this order, respondents shall not use such person, or the services of such person;

E. That respondents institute a program of continuing surveillance adequate to reveal whether the sales practices of each of said persons described in sub-paragraph A conform to the requirements of this order; and

F. That respondents discontinue dealing with any person described in subparagraph A of this order who engages in the acts or practices prohibited by this order.

15. *It is further ordered*, That any respondent may accept compensation from a client for the promotion of the client's idea only as a percentage of royalties or other financial gain derived through a respondent's efforts. A respondent may not accept any other fee or monetary consideration from a client.

16. *It is further ordered*, That no respondent sell, lease, exchange, or otherwise alienate a client's idea or disclose a client's name, address, telephone number or other personal data to any party which will or may request such client to pay a fee or other monetary consideration for the promotion of that client's idea.

17. *It is further ordered*, That in the event the Federal Trade Commission promulgates a Trade Regulation Rule applicable to respondents' business that this order shall be deemed modified to the extent it contravenes said Rule.

18. *It is further ordered*, That in the event that corporate respondent merges with another corporation or transfers all or a substantial part of its business, respondents shall require said successor or transferee to file within thirty (30) days with the Commission a written agreement to be bound by the terms of this order; *Provided*, That if respondents wish to present to the Commission any reason why said order should not apply in its present form to said successor or transferee, they shall submit to the Commission a written statement setting forth said reasons prior to the succession or transfer.

19. *It is further ordered*, That the individual respondents named herein promptly notify the Commission of the discontinuance of their employment with Idea Research and Development, Inc., and of their affiliation with a new business or employment. In addition, the individual respondents named herein shall promptly notify the Commission of their affiliation with a new business or employment whose principal activities include the advertising, offering for sale or sale of contracts for future services and their affiliation with a new business or employment in which their own duties and responsibilities involve the advertising, offering for sale or sale of contracts for future services in the promotion of ideas, or any other future services. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

20. *It is further ordered*, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

21. *It is further ordered*, That each respondent shall, within sixty (60) days after service of this order upon it, file with the Commission a report in writing setting forth in detail the manner and form of its compliance with the order to cease and desist.

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77-10975 Filed 4-13-77;8:45 am]

[Docket No. C-2863]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Paramedical Services, Inc. T/A Pacific International, Ltd., et al.

AGENCY: Federal Trade Commission.

ACTION: Order to cease and desist.

SUMMARY: Consent order requiring a Wayne, Pa., distributor of a treatment method for nocturnal enuresis, and its Menlo Park, Calif., franchisee, among other things, to cease misrepresenting that the mechanical device used in their treatment method is unique. Further, respondents are required, three days before their contracts become binding, to give customers a written disclosure that the device is similar to those sold or rented by others.

DATES: Complaint and order issued January 24, 1977.[1]

FOR FURTHER INFORMATION CONTACT:

William A. Arbitman, Regional Director, San Francisco Regional Office, Federal Trade Commission, 450 Golden Gate Avenue, San Francisco, Calif. 94102, 415–556–1270.

SUPPLEMENTARY INFORMATION: In the Matter of Paramedical Services, Inc., a corporation doing business as Pacific International, Ltd., and C.R.O., Ltd., a corporation doing business as Pacific International—CRO, Ltd., and Robert C. Stearns, individually and as an office of C.R.O., Ltd. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows:

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.160 Promotional sales plans; § 13.205 Scientific or other relevant facts; § 13.280 Unique nature or advantages. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–45 Maintain records. Subpart—Failing to maintain records: § 13.1051 Failing to maintain records. Subpart—Misrepresenting oneself and goods—Goods: § 13.1740 Scientific or other relevant facts; § 13.1770 Unique nature or advantages. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1895 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 Scientific or other relevant facts.

[1] Copies of the Complaint and Decision and Order filed with the original document.

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(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended; (15 U.S.C. 45).)

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

ORDER

It is ordered, That Respondents Paramedical Services, Inc., and C.R.O., Ltd., corporations, their successors and assigns, and their officers, and Robert C. Stearns, individually and as an officer of said C.R.O., Ltd., and Respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, or through their "Distributors" as hereinafter defined, in connection with the advertising, offering for sale or rental, contracting, sale or rental, or other promotion of any device or service for the cure, mitigation or treatment of nocturnal enuresis in or effecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

1. Representing directly or by implication that the mechanical device utilized by Respondents is unlike all other mechanical devices utilized in treatment for nocturnal enuresis.

2. Failing to disclose the following verbatim to all persons executing any agreement or other binding obligation to pay money or other consideration to Respondents or Respondents' distributors, or paying any money or other consideration to Respondents or Respondents' distributors:

Our treatment method for nocturnal enuresis consists of: (1) A mechanical device of a type similar to those sold or rented elsewhere, which is designed to awaken the enuretic by sounding an alarm at the time bedwetting occurs; and (2) a training and consulting service to assist you in utilizing the device to treat the enuretic.

Said disclosure shall be furnished in a single disclosure statement in no less than 10 point bold type, which shall not contain any promotional claims or other information not required by this order, at least three (3) business days prior to either the execution by any consumer of any agreement or any other binding obligation to pay money or other consideration to Respondents or Respondents' distributors, or the payment by such person of money or other consideration to Respondents or Respondents' distributors, whichever occurs first. Respondents shall retain for two years dated and signed acknowledgements (or return receipts for mailed disclosures) of receipt by consumers of said disclosure statement: *Provided however*, That said disclosure statement may be furnished at the time of the execution of an agreement with a consumer, where said agreement contains a three day cooling-off period provision in compliance with the Federal Trade Commission's Trade Regulation Rule Regarding Cooling-Off Period for Door-to-Door Sales, 16 CFR Part 429.

It is further ordered, That Respondents:

1. Deliver, or cause to be delivered, a copy of this order to each Distributor. A "Distributor," as that term is used throughout this order, is defined as: Any present or future dealer, franchisee, licensee, employee, salesman, agent, solicitor, independent contractor or other representative, who purchases from, or receives commissions or other income on purchases from, Respondents.

2. Inform all Distributors that the Respondents are obligated by this order to discontinue dealing with those Distributors who fail to comply with this order, under the circumstances set forth in Subparagraph 4 of this paragraph.

3. Institute a program of continuing surveillance to reveal whether the business operations of each of said Distributors conform to the requirements of this order.

4. Upon receiving actual knowledge from any source (including but not limited to Respondents' program of surveillance, and representatives of the Federal Trade Commission) of facts indicating a Violation of any provision of this order by any Distributor, or by any of such Distributor's present and future dealers, franchisees, licensees, employees, salesmen, agents, solicitors, independent contractors, or other representatives, Respondents shall within 24 hours notify such Distributor by certified mail, return receipt requested, that such Violation of this order has occurred ("Notice"), and that Respondents will discontinue dealing with said Distributor upon receipt by Respondents of actual knowledge of two (2) or more further Violations of this order by such Distributor, or by any of such Distributor's present or future dealers, franchisees, licensees, employees, salesmen, agents, solicitors, independent contractors or other representatives, within one-hundred and eighty (180) days of receipt of said Notice by such Distributor. Respondents shall obtain from such Distributor written acknowledgement of receipt of such notice, which acknowledgement shall indicate the date of receipt of such notice.

Upon receiving actual knowledge from any source (including but not limited to Respondents' program of surveillance, and representatives of the Federal Trade Commission) of facts indicating two (2) or more Violations of any provision of this order, within one-hundred and eighty (180) days following a Distributor's receipt of the aforesaid "Notice," by a Distributor, or by any of such Distributor's present or future dealers, franchisees, licensees, employees, salesmen, agents, solicitors, independent contractors or other representatives, Respondents shall permanently discontinue dealing with such Distributor.

Provided however, That for purposes of any compliance proceeding that may be instituted as to this order, Respondents shall not be responsible for a Violation of any provision of this order by a Distributor or a Distributor's present or future dealers, franchisees, licensees, employees, salesmen, agents, solicitors, independent contractors or other representatives, except insofar as Respondents fail to terminate said Distributor as required by Subparagraph 4 of this paragraph.

5. Maintain complete records for a period of no less than three years from the date of the incident, of any written or oral information received which indicates the possibility of a Violation of this order by any Respondent or Distributor, or any of such Distributor's present and future dealers, franchisees, licensees, employees, salesmen, agents, solicitors, independent contractors, or other representatives; and maintain complete records of Notifications of Violations as required by Subparagraph 4 of this paragraph, and of Distributors' acknowledgements of receipt of such Notifications. Any oral information received indicating the possibility of a Violation of this order shall be reduced to writing, and shall include the name, address and telephone number of the informant, the name and address of the Distributor involved, the date of the communication, and a brief summary of the information received. Such records shall be available upon request to representatives of the Federal Trade Commission, at normal business hours upon reasonable advance notice.

It is further ordered, That the Corporate Respondents notify the Commission at least 30 days prior to any proposed change in the Corporate Respondents such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in said corporations which may affect compliance obligations arising out of the order.

It is further ordered, That Respondents forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That the Individual Respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include such Respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the Respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Chairman Collier voted against acceptance on the ground that the order is ineffective and the matter is not of sufficient importance to warrant the further expenditure of public funds.

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77-10976 Filed 4-13-77;8:45 am]

[Docket No. C-2870]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Uncle Ben's, Inc., et al

AGENCY: Federal Trade Commission.

ACTION: Order to cease and desist.

SUMMARY: Consent order requiring a Houston, Texas, producer and distributor of food products, and its New York City advertising agency, among other things to cease disseminating advertisements which depict or portray children coming close to foods in the process of being cooked, or attempting to cook foods themselves, without close adult supervision, or any other advertisements which may have the tendency to influence children to engage in behavior inconsistent with recognized safety practices.

DATES: Complaint and order issued February 23, 1977.[1]

FOR FURTHER INFORMATION CONTACT:

Richard B. Herzog, Assistant Director for National Advertising, Federal Trade Commission, 6th and Pennsylvania Avenue, NW., Washington, D.C. 20580. 202 724-1499.

SUPPLEMENTARY INFORMATION: In the Matter of Uncle Ben's, Inc., a corporation, and Rosenfeld, Sirowitz & Lawson, Inc., a corporation. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows:

Subpart—Advertising Falsely or Misleadingly: § 13.10 Advertising falsely or misleadingly. Subpart—Disseminating Advertisements, etc.: § 13.1043 Disseminating advertisements, etc.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended; (15 U.S.C. 45).)

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

ORDER

For the purposes of this order, the following definitions apply:

1. The term "commerce" means commerce as defined by the Federal Trade Commission Act, as amended.

2. The term "food" means any article used for food or drink for man or other animals.

3. The term "cooking" shall mean a process of food preparation which includes the application of heat.

4. The term "child" shall mean a person who appears to be or in fact is under the age of 12.

I.

It is ordered, That respondents Uncle Ben's, Inc., a corporation, and Rosenfeld, Sirowitz & Lawson, Inc., a corporation (hereinafter referred to as respondents), their successors and assigns, and their officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale or distribution in or affecting commerce of any product, forthwith cease and desist from, directly or indirectly:

A. Representing, through depictions, descriptions, or otherwise, children closely examining, or closely approaching foods or containers of foods which are in the process of being cooked.

B. Representing, through depictions, descriptions, or otherwise, children participating in the process of cooking without close supervision of an adult.

C. Representing, through depictions, descriptions, or otherwise, children initiating participation with persons who are in the process of cooking by touching a utensil, glove, pot or other object that is being used in the process of cooking without first having received permission from an adult.

D. Representing, through depictions, descriptions, or otherwise, children without close adult supervision in a kitchen or other area where foods are in the process of being cooked: *Provided*, That this subparagraph D shall not prohibit depiction of children eating foods or children engaging in other behavior not likely to affect the cooking process in the presence of adults who are attending to the process of cooking foods.

E. Representing, through depictions, descriptions, or otherwise, children engaging in activity in a kitchen or in an area where foods are in the process of being cooked where it is reasonably foreseeable, through reasonable inquiry, that such representation has the tendency or capacity to influence children to engage in behavior which creates an unreasonable risk of harm to themselves or to others.

II

It is further ordered, That respondents shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77-10978 Filed 4-13-77;8:45 am]

[1] Copies of the Complaint and Decision and Order filed with original document.

PART 433—PRESERVATION OF CONSUMERS' CLAIMS AND DEFENSES

Exemption From Trade Regulation Rule for Two-Party Open End Consumer Credit Contracts; Invitation to Comment

AGENCY: Federal Trade Commission.

ACTION: Exemption from Trade Regulation Rule; Invitation to comment on petition for exemption.

SUMMARY: The Commission is exempting contracts for the extension of two-party open end consumer credit from the requirements of the Trade Regulation Rule on Preservation of Consumers' Claims and Defenses, if the contracts are executed before August 1, 1977, and do not involve the use of negotiable instruments or waivers of claims and defenses. The primary purpose of the exemption is to avoid costs involved in modifying outstanding two-party open end credit contracts. As of August 1, 1977, the Rule will apply to all consumer credit contracts taken or received by sellers. In addition, the Commission has received two petitions for an exemption from the Trade Regulation Rule broader than the one the Commission is issuing. The Commission is soliciting comments on the issues raised by these petitions. The Commission is also soliciting comments on the more limited exemption that has been issued.

DATES: Exemption effective immediately. Comments must be received on or before May 16, 1977.

ADDRESSES: Comments should be addressed to: Assistant Director for Compliance, Federal Trade Commission, Washington, D.C. 20580, and labeled "HDIC Exemption Comment."

FOR FURTHER INFORMATION CONTACT:

Rachel Shoa, Attorney, Division of Compliance, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580. 202-254-8302.

SUPPLEMENTARY INFORMATION: The Commission is exempting contracts for the extension of two-party open end consumer credit from the requirements of Section 433.2(a) of the Trade Regulation Rule on Preservation of Consumers' Claims and Defenses, if the contracts are executed before August 1, 1977, and do not involve the use of negotiable instruments or waivers of claims and defenses. Section 433.2(a) requires the incorporation of a Notice preserving certain consumer rights in all credit contracts used by sellers. Contracts covered by the exemption will not be required to incorporate the Notice. The primary purpose of the exemption is to avoid costs involved in modifying outstanding two-party open end credit contracts. As of August 1, 1977, the Rule will apply to all consumer credit contracts taken or received by sellers.

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The Commission also determined that it is contrary to the public interest for it to publish notice of proposed rulemaking and for it to receive comment on granting the exemption in accordance with 5 U.S.C. Sec. 553 (b) and (d). Such procedures would result in continued uncertainty about compliance with the Rule for extensions of credit made pursuant to existing two-party open-end consumer credit contracts. Commissioner Dole dissented, stating:

> I believe the exemption the Commission today grants for two-party, open-end credit contracts, including two-party credit card arrangements, executed before August 1, 1977, should have been placed on the record for 60 days of public comment. I dissent from the Commission's determination that it is contrary to the public interest to grant the public an opportunity to comment on an action which excludes from the coverage of our Trade Regulation Rule on Preservation of Consumer Claims and Defenses a class of contracts which could involve millions of consumers.

In addition, the Commission has received two petitions for an exemption from the Trade Regulation Rule broader than the one the Commission is issuing. The Commission is soliciting comments on the issues raised by these petitions. The Commission is also soliciting comments on the more limited exemption that has been issued.

STATEMENT OF REASONS FOR EXEMPTION

INTRODUCTION

The Federal Trade Commission has received from the National Retail Merchants Association (NRMA) and the American Retail Federation (ARF) a petition for exemption from § 433.2(a) of the Commission's Trade Regulation Rule Concerning Preservation of Consumers' Claims and Defenses, 16 CFR 433.2(a). An additional petition has been received from the Fingerhut Corporation urging the Commission to accept the NRMA/ARF petition.[1] The petition proposes to exempt from the TRR consumer credit contracts used by sellers provided the contracts do not involve the use of negotiable instruments or waivers of claims or defenses, and further provided that sellers wishing to use the exemption agree to adopt certain specified protective measures, including registration with the Federal Trade Commission. A copy of the exemption proposed by NRMA and ARF is appended to this Statement.

The Commission has concluded that the public interest would be served by the issuance of a more limited exemption, effective immediately.[2] This more limited exemption, applies only to open end credit contracts, such as charge account master agreements, executed before August 1, 1977. It does not apply to agreements executed after this date. After July 31, 1977, the Rule will apply to all consumer credit contracts executed by sellers. This includes contracts for the extension of credit by means of seller credit cards.[3]

In addition, the Commission is soliciting comments from the public on the issues raised by the NRMA/ARF petition and the desirability of a broader exemption from 16 CFR 433.2(a).

REASONS FOR ISSUANCE OF EXEMPTION FOR OPEN-END CREDIT CONTRACTS ENTERED INTO BEFORE AUGUST 1, 1977

Section 433.2(a) of the Trade Regulation Rule on Preservation of Consumers' Claims and Defenses requires that a short Notice be included in all consumer credit contracts used by sellers. The Commission's decision to require the Notice in all such contracts was based on the fact that virtually all consumer credit is extended pursuant to form contracts. The costs of including a short Notice in contract forms before they are used appear to be minimal. In most cases the Notice can be included in forms when they are printed. Where it will be costly to replace existing inventories of forms, the Notice can be added by means of a stamp, a stapled addendum, or similar mechanism.

The above projections of compliance costs apply primarily to contracts which have not yet been executed. However, different considerations may be present in the case of open end charge accounts where credit is extended from time to time pursuant to a single master agreement. Under such plans, credit extensions subject to 16 CFR 433.2(a) may be made pursuant to a consumer credit contract which was executed before 16 CFR 433.2(a) took effect. Inserting the FTC Notice in such contracts in a manner sufficient to make it legally enforceable may require finding, removing from files, and adding language to large numbers of existing master agreements, and notifying the customers involved, a process which could be more costly than printing the Notice in standard forms to be used in the future.

These cost considerations suggest that it would be desirable to exempt from § 433.2(a) of the Rule seller open end credit contracts executed before the Rule went into effect on May 14, 1976, provided that such contracts do not involve the use of negotiable instruments or waivers of claims or defenses.

The Commission also understands that there have been misunderstandings about the applicability of 16 CFR 433.2 (a) to seller open end credit generally.

The existence of these misunderstandings suggests the desirability of extending an exemption for seller open end credit through to August 1, 1977, to give all sellers an opportunity to come into compliance with the Rule.

Finally, it should be noted that the definition of "open end credit" in the exemption is taken directly from § 226.2 (x) of Federal Reserve Board Regulation Z as amended October 28, 1975, except that the definition in the proposed exemption does not contain the language of Regulation Z § 226.2(x)(3) limiting the definition to plans in which a finance charge is computed.

DISCUSSION OF NRMA/ARF PETITION

Both the exemption issued on this date by the Commission and the exemption proposed by NRMA/ARF apply only to contracts that do not involve the use of negotiable instruments or waivers of claims or defenses. However, the Commission exemption applies only to open end consumer credit contracts executed before August 1, 1977. By contrast, the NRMA/ARF proposed exemption is permanently available; and applies to all types of consumer credit contracts used by sellers, including ordinary installment sales contracts.

The NRMA/ARF petition contains a number of arguments for extending an exemption to contracts not covered by the Commission exemption. NRMA and ARF argue that because their proposed exemption is confined to contracts that are not negotiable and do not contain waiver provisions, and because petitioners would agree to elaborate protective measures, including formal registration with the FTC, consumers would not suffer a loss of rights.

In addition, petitioners argue that the physical placement of the required Notice in other than open end credit contracts involves significant costs. Petitioners' cost arguments include the following, which are quoted from their petition:

> (1) The Rule would require sellers to revise their contracts to include a ten point bold type notice thereon. The notice, of technical nature, would take up a substantial amount of space on the seller's contract forms. Depending upon the particular seller and the document involved, the inclusion of such notice might require revision of the size of the document. Because contract documents are of a particular size, designed so as to fit particular filing cabinets, mechanical and electronic equipment, etc., any change in the size of a contract document could require the seller to incur a significant capital expense for the replacement or alteration of the foregoing.[4]
>
> (2) For those sellers who will be able to include the prescribed notice on their contract forms without changing the size thereof, there will nevertheless be a significant expense to revise such forms. This expense is particulary significant in the light of the fact that most sellers subject to the Rule have just completed a comprehensive form revision program which was undertaken to comply with requirements under the Fair Credit Billing Act effective April 30, 1976 and under the Equal Credit Opportunity Act effective June 30, 1976. This having been accomplished, sellers have disposed of their prior stock of credit forms and ordered and received substantial stock of new forms."[5]
>
> (3) While it is impossible to estimate with precision the industry-wide cost of form revision and system changes which would be necessary for sellers to comply with the Rule, clearly, given the many thousands of sellers and many millions of consumer credit sales transactions, the industry-wide cost would easily amount to many millions of dollars. The cost to individual companies is substantial and can be verified.[6]
>
> (4) In addition to the cost burden imposed on sellers, placing the notice on the form would disturb the seller's relationship with his customer—by creating the unwarranted implication that the seller may transfer an obligation and impair a customer's defenses when in fact that is not the seller's practice or intent. Retailers' relationships with their customers are their most highly valued asset, and although intangible, are indeed priceless. Many customers prefer to deal only with the retailer of goods or services—and not with a third party financer. There is no reason to require the retailer to suggest to his customers that the customer may be forced to deal with a third party when such is not the case.[7]

(The NRMA/ARF petition also includes cost arguments relating specifically to open end credit master agreements in existence at the time the Rule went into effect. These arguments are similar to the reasons given by the Commission for issuing its exemption.)

The Commission notes that its staff is of the view that the arguments and evidence in the NRMA/ARF petition do not warrant an exemption broader than the one the Commission has issued. This view is based on the following considerations:

1. There are advantages to requiring the Notice in all consumer credit contracts used by sellers. Such a requirement makes the Rule easier to enforce and will therefore reduce the likelihood of consumers losing rights as a result of violations of the Rule. The requirement also has other advantages for consumers. They can check their credit contracts at time of sale and know that something is wrong if the Notice is absent. If disputes with creditors arise, consumers and their lawyers can assert rights directly on the basis of language in the contract, without the need to determine the status of the particular contract as a matter of state commercial paper law. Finally, requiring the Notice in all consumer credit contracts used by sellers frees sellers from the need to determine whether the Notice is required in particular contracts, thereby reducing consultation with lawyers and other costs of decision making.

2. Ambiguities in the laws of certain states make it possible that some consumers may have rights cut off by assignment even though their contracts are not negotiable and do not contain explicit waivers of defenses.

3. It is not clear that the inclusion of the Notice in contracts will require purchase of new filing cabinets or other major capital expenses in a significant number of cases. Large numbers of businesses have been able to incorporate the Notice in contracts without changing the size or shape of documents. The Rule permits inclusion of the Notice on the back of contracts or as an additional page. One can imagine other mitigating measures such as folding pages, etc.

4. The cost of the Rule in making obsolete existing inventories of forms appears to be very low in the long run since inventories will have to be replaced in any case. Short run costs can be mitigated by the use of stamps, stapled addenda, etc. It also appears likely that most short run costs of revising forms have already been incurred, since the Rule was announced in November of 1975 and went into effect in May of 1976.

5. It is not clear that the language of the Notice will convey to a significant number of consumers the impression that a business ordinarily assigns its credit contracts. In addition, businesses can explain to customers that the Notice is required by law in all contracts, whether or not they are assigned.

6. The protective measures set out in petitioners' proposed exemption appear expensive, cumbersome, and possibly unworkable.

7. The legal effect of the protective measures set out in the petitioners' proposed exemption, e.g., "acknowledge (ment) to the Commission • • • that the notice • • • is an implied term of the consumer contract," [8] is uncertain.

It should be emphasized that the considerations listed above reflect the staff's initial judgment. The Commission is soliciting public comment on the NRMA/ARF petition and is interested in receiving any information relating to the validity of the listed considerations.

APPENDIX—EXEMPTION OF PERSONS, PARTNERSHIPS AND CORPORATIONS FROM REQUIREMENTS OF 16 CFR 433.2(a) PROPOSED BY NATIONAL RETAIL MERCHANTS ASSOCIATION AND AMERICAN RETAIL FEDERATION

It shall not be a violation of the Federal Trade Commission's Trade Regulation Rule entitled "Preservation of Consumers' Claims and Defenses," 16 CFR 433, for a seller of goods or services, directly or indirectly, to take or receive a consumer credit contract which fails to contain the provision required by 16 CFR 433.2(a) where:

(1) The seller takes or receives a consumer credit contract which: (a) is not a negotiable instrument, and (b) does not contain a provision limiting or waiving the consumer's right to assert against any holder of the consumer credit contract all claims and defenses which the consumer could assert against the seller of goods or services obtained pursuant to the consumer credit contract; and

(2) The seller acknowledges to the Commission, in a form which may be prescribed by the Commission, that the notice set forth in 16 CFR 433.2(a) is an implied term of the consumer credit contract; and

(3) The seller does not voluntarily transfer, sell, pledge or assign the consumer credit contract unless as a condition of said transfer, sale, pledge or assignment the transferee, buyer, pledgee or assignee agrees in writing that said consumer credit contract has as a term thereof the notice set forth in 16 CFR 433.2(a); and

(4) In the event of a voluntary transfer, sale, pledge or assignment of the consumer credit contract pursuant to which the consumer will be directed to make payment to a person other than the seller, the seller (or a transferee, buyer, pledgee or assignee on behalf of the seller) will provide the consumer with notice of the provision set forth in 16 CFR 433.2(a) not later than the time when the consumer is notified to make payment to a person other than the seller; and

(5) The seller executes and delivers to the Commission a statement, in a form and manner which may be prescribed by the Commission, that: (a) the seller intends to avail itself of this exemption from 16 CFR 433.2(a); and (b) the seller will fulfill in a timely manner all of the requirements set forth in paragraphs 1 through 4 of this exemption from 16 CFR 433.2(a), to the extent that the seller takes or receives a consumer credit contract which does not contain the notice which would otherwise be required by 16 CFR 433.2(a).

INVITATION TO COMMENT ON EXEMPTION AND ON PETITION FOR EXEMPTION FROM 16 CFR 433.2(a)

All interested parties are hereby notified that they may submit to the Assistant Director for Compliance, Federal Trade Commission, Washington, D.C. 20580, written data, views, or arguments on any issues of fact, law or policy, which may have some bearing on:

(1) The exemption from 16 CFR 433.2 (a) issued by the Commission on this date;

(2) The exemption from 16 CFR 433.2 (a) proposed in the NRMA/ARF petition;

(3) Any similar possible exemption from 16 CFR 433.2(a) which would not lead to a loss of consumer rights as compared to the original Rule but which might allow the objectives of the Rule to be achieved in a more efficient manner.

The Commission requests that persons commenting on any of these three subjects address the following issues: (1) What specific costs occasioned by compliance with 16 CFR 433.2(a) would be lessened by the exemption or any proposed exemption? (2) Will consumers receive the same protection against cut offs of claims and defenses under the terms of the exemption, or any proposed exemption, as under the Rule? (3) Is the language of the exemption, or any pro-

[1] A copy of the two petitions can be obtained from Public Reference Branch, Room 130, Federal Trade Commission, Washington, D.C. 20580. Please label a request for the petitions, "HDC Exemption Petition Request."

[2] Section 18(g)(2) of the Federal Trade Commission Act, 45 U.S.C. § 18(g)(2), provides that Section 553 of Title 5, United States Code, shall apply to Commission actions to exempt persons from Commission rules. 5 U.S.C. § 553(d) provides that, "The required publication or service of a substantive rule shall be made not less than 30 days before its effective date, except—(1) a substantive rule which grants or recognizes an exemption or relieves a restriction; • • •"

[3] The discussion of seller open end credit on page 10 of the Federal Trade Commission, Bureau of Consumer Protection, Staff Guidelines on Trade Regulation Rule Concerning Preservation of Consumers' Claims and Defenses (May 4, 1976) is somewhat ambiguous. The Commission would like to make clear that the Rule applies to all seller open end consumer credit not covered by the Commission's exemption.

[4] NRMA/ARF Petition at 5.

[5] Id.

[6] Id. at 6.

[7] Id. at 9.

[8] See the second condition of the NRMA/ARF proposed exemption.

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posed exemption, adequate? In what ways could the exemption be improved? (4) Are there any modifications that should be made in the exemption or any proposed exemption? What effect would these modifications have on the answers to questions (1) and (2)? (5) How will the exemption, or any proposed exemption, affect the ability of the Commission to effectively enforce the Rule?

Persons commenting on the exemption issued by the Commission are, in addition, specifically requested to address the following issues: (1) Is the definition of "open end credit" in the exemption appropriate to the scope of the problems addressed by the exemption? If not, what modifications should be made? What would be the effect of these modifications? and (2) Should the exemption be revoked and, if so, why?

Persons commenting on the NRMA/ARF proposed exemption are requested to discuss: (1) The arguments for the proposed exemption made in the NRMA/ARF petition; and (2) The considerations listed by the Commission in its discussion of the petition in the Statement of Reasons that accompanies the exemption issued by the Commission.

In all comments, the Commission particularly welcomes empirical evidence.

Written comments will be accepted until May 16, 1977. To assure prompt consideration of a comment, it should be identified as an "HIDC Exemption Comment" and, when feasible and not burdensome, submitted in five copies.

EXEMPTION

Accordingly, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. section 41, et seq., the provisions of Part I, Subparts B and C of the Commission's Procedures and Rules of Practice, 16 CFR section 1.7, et seq., and section 553 of Subchapter II, Chapter 5, Title 5 of the U.S. Code (Administrative Procedures), the Commission hereby issues the following exemption from 16 CFR 433.2(a), which will be added to 16 CFR Part 433 as a new § 433.3.

§ 433.3 Exemption of sellers taking or receiving open end consumer credit contracts before August 1, 1977 from requirements of § 433.2(a).

(a) Any seller who has taken or received an open end consumer credit contract before August 1, 1977, shall be exempt from the requirements of 16 CFR Part 433 with respect to such contract provided the contract does not cut off consumers' claims and defenses.

(b) *Definitions.* The following definitions apply to this exemption:

(1) All pertinent definitions contained in 16 CFR 433.1.

(2) Open end consumer credit contract: a consumer credit contract pursuant to which "open end credit" is extended.

(3) "Open end credit": consumer credit extended on an account pursuant to a plan under which (i) the creditor may permit the customer to make purchases or obtain loans, from time to time, directly from the creditor or indirectly by use of a credit card, check, or other device, as the plan may provide; (ii) the customer has the privilege of paying the balance in full or in installments. The term does not include negotiated advances under an open-end real estate mortgage or a letter of credit.

(4) Contract which does not cut off consumers' claims and defenses: a consumer credit contract which does not constitute or contain a negotiable instrument, or contain any waiver, limitation, term, or condition which has the effect of limiting a consumer's right to assert against any holder of the contract all legally sufficient claims and defenses which the consumer could assert against the seller of goods or services purchased pursuant to the contract.

By direction of the Commission.

Issued: April 14, 1977.

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77-11084 Filed 4-13-77;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 77-72]

PART 127—SECURITY ZONES

Security Zone—Boston Harbor, Massachusetts

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes a Security Zone around the land area of the Coast Guard Support Center, Boston, Massachusetts and the waters surrounding Piers 1, 2 and 3 of the Coast Guard Base and Support Center. This security zone is established to maintain security in the vicinity of the seized Russian fishing vessel TARAS SHEVCHENKO while in the custody of the United States.

DATES: This amendment is effective on April 11, 1977 and is terminated on June 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590 (202-426-1477).

SUPPLEMENTARY INFORMATION: The principal persons involved in the drafting of this rulemaking are: LCDR H. E. Snow, Project Manager and Mr. S. D. Jackson, Project Attorney.

This amendment is issued without publication of a notice of proposed rulemaking and this amendment is effective in less than 30 days from the date of publication, because this security zone involves a foreign affairs function of the United States.

In consideration of the foregoing, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.107, to read as follows:

§ 127.107 Boston Harbor, Massachusetts.

The area within the following boundary is a security zone: a line beginning at position 42°22'07.5'' N. latitude, 71°03'13'' W. longitude; thence in a northeasterly direction to a Coast Guard marker buoy at position 42°22'12.4'' N. latitude, 71°03'09'' W. longitude; thence in a easterly direction to a Coast Guard marker buoy at position 42°-22'11.2'' N. latitude, 71°03'02.9'' W. longitude; thence in a southeasterly direction to a Coast Guard marker buoy at position 42°22'05.3'' N. latitude, 71°-02'59.1'' W. longitude; thence in a southwesterly direction to the northern edge of Pier 4 at position 42°22'04'' latitude, 71°03'05'' W. longitude; extending along the northern face of Pier 4 in a southwesterly direction to position 42°22.01.5'' N. latitude, 71°03'05'' W. longitude; thence along the seawall in a northwesterly direction to the southernmost boundary of Coast Guard Support Center Boston at position 42°22'03'' N. latitude, 71°03'06'' W. longitude; thence along the shoreside property line of Coast Guard Support Center Boston to the point of beginning. No vessel or person may enter, cross, or navigate in the Security Zone without the consent of the Captain of the Port.

(40 Stat. 220, as amended (Sec. 1, 63 Stat. 503) sec. 6(b), 89 Stat. 937; 50 U.S.C. 191 (14 U.S.C. 91), 49 U.S.C. 1655(b); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR, 1949-1953 Comp. 349, 33 CFR Part 6, 49 CFR 1.46(b).)

Dated: April 12, 1977.

O. W. SILER,
Admiral, United States Coast Guard Commandant.

[FR Doc.77-11068 Filed 4-13-77;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 76-PC-7]

TRANSITION AREA

Proposed Alteration; Extension of Comment Period

Correction

In FR Doc. 77-7864, appearing on page 14885 in the issue of Thursday, March 17, 1977, in the first column, the airspace docket number should read as set forth in the heading of this correction.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 21191; RM-2618]

TELEVISION BROADCAST STATIONS IN FAYETTEVILLE, ARKANSAS, ET AL.

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule.

SUMMARY: This document proposes to substitute TV Channel 29 for 36 at Fayetteville, Arkansas, at the request of transferee, in order to utilize newly acquired broadcast equipment and facilitate restoration of UHF television service to the area. This change would also require substitution for three unoccupied UHF channels: Channel 36 for 29 at Little Rock, Arkansas; 31 for 14 at Harrison, Arkansas; and 47 for 29 at Tulsa, Oklahoma.

COMMENT DATES: Comments must be received on or before May 19, 1977, and reply comments on or before June 8, 1977.

ADDRESSES: James J. Gross, Legal Branch, Policy and Rules Division, Broadcast Bureau, Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

James J. Gross (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: April 4, 1977.

Released: April 11, 1977.

1. The Commission has before it several pleadings pertaining to a petition for rule making in this proceeding filed by Noark Investment Company ("Noark"), which seeks the amendment of § 73.606(b) of the Commission's rules, the Television Table of Assignments, by substituting UHF Channel 29 for Channel 36 at Fayetteville, Arkansas. This change would require assignment substitutions for three vacant UHF channels in order to meet the minimum separation requirements contained in the FCC rules. The required substitutions are Channel *36 for *29 at Little Rock, Arkansas; Channel *31 for *14 at Harrison, Arkansas; and Channel 47 for 29 at Tulsa, Oklahoma. All are vacant, and no applications are pending for any of these channels.

2. Fayetteville (1970 pop. 30,729) is located in Washington County (1970 pop. 77,370) in northwestern Arkansas. Noark states that Fayetteville is an educational and cultural center and is the home of the University of Arkansas. Present local television broadcasting consists of KAFT, Channel 13, an educational noncommercial station. Commercial UHF Station KGTO-TV (call letters were changed to KTVP on January 17, 1977), licensed to Noark, operated on Channel 36 in Fayetteville but has been off the air since December of 1973, because of continuing economic difficulties.

3. The proposed channel substitution is requested because KTVP's broadcast equipment was lost, stolen or damaged during the time preceding the transfer of control of Noark while the station was off the air. Noark has obtained replacement equipment designed for a Channel 29 frequency. Noark states that operation on Channel 29 rather than Channel 36 would permit restoration of service quickly and save approximately $100,000 in additional capital available to cover expected operating losses and future capital requirements.

4. A response in opposition to the petition was filed by Mid-America Broadcasting, Inc., licensee of KTVJ-TV, Joplin, Missouri, stating that it intended to apply for Channel 29 if assigned to Fayetteville and that it opposed any interim operation by Noark on Channel 29. Noark withdrew its petition for rulemaking on March 3, 1976, and the Commission's file was closed. However, Mid-America subsequently decided not to proceed and withdrew its objection to the substitution on May 6, 1976, whereupon Noark filed a request to reopen the rulemaking as it was originally proposed. The Commission indicated that it had reopened the proceeding by Public Notice (FCC Mimeo No. 65951) on June 8, 1976, allowing a new response period until August 23, 1976. On June 11, 1976, Noark filed a petition for issuance of a show cause order to modify the license of KTVP (then KGTO-TV) at Fayetteville from Channel 36 to Channel 29. Noark also filed a request for special temporary authority on July 28, 1976, to operate the station on Channel 29 while the rulemaking was pending. However, the Commission rejected this request. Finally, on December 7, 1976, Noark filed a request for prompt action on its petition for rulemaking.

5. On April 30, 1975, the Commission approved the transfer of control involving 100% of Noark's corporate stock to George T. Hernreich, licensee of UHF Station KFPW-TV, at Fort Smith, Arkansas, 53 F.C.C. 2d 923 (1975). The petition states that Hernreich plans to operate KTCP on Channel 29 as a satellite of KFPW-TV, which is the only operating UHF station in Arkansas at the moment.[1] Noark states that it has suffered financial losses since it began operation in 1971. Noark hopes that the two stations can profit by operating together as parent and satellite and provide UHF service to a new area at Fayetteville.

6. The KGTO-TV transfer of control (53 F.C.C. 2d 923 (1975)) was conditioned on the outcome of hearings designated on July 29, 1971, in Dockets 19291-92, which involved Hernreich's application for a license to cover a construction permit for KFPW-TV, Fort Smith, Arkansas (Docket No. 19291), and for renewal of license of KAIT-TV, Jonesboro, Arkansas (Docket No. 19292), 30 F.C.C. 2d 903 (1971). The Commission on July 17, 1974, denied renewal of the license for KAIT-TV, finding that Hernreich had conducted dishonest transactions to advance the private interests of his station, but granted the application for a license to cover the construction permit for KFPW-TV because of "the absence of any evidence of misconduct committed at KFPW-TV and the unlikelihood that the misconduct involving KAIT-TV will be repeated in his operation of Station KFPW-TV." 47 F.C.C. 2d 1090, 1095 (1974), Hernreich has petitioned the Commission for reconsideration of the KAIT-TV renewal denial, and the matter is still pending before the Commission, but on July 17, 1975, the Commission severed the KFPW-TV application from the KAIT-TV inquiry and the KFPW-TV grant became final. More recently, the Commission finalized the grant of Hernreich's application for a new FM station at Fort Smith, Arkansas, which was also conditioned on the out-

[1] A construction permit for a second UHF station, KLMN, Channel 24, in Fort Smith was granted by the Commission in March of 1975, but the station is not yet operational (File No. BPCT-4763).

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come of Docket Nos. 19291-92. The Review Board made a finding that the Commission intended its severance and favorable resolution of the KFPW-TV proceeding to be dispositive of Hernreich's character qualifications with regard to the FM grant. 57 F.C.C. 2d 1034, 1035 (1976). The Review Board decision indicates that "the Commission's recent approval of (the KGTO-TV) assignment agreement * * * removes any possible doubt which may otherwise have remained as to the Commission's views concerning Hernreich's qualifications to acquire an additional broadcast facility." 57 F.C.C. 2d at 1035-36. Normally character questions are not pertinent to television channel assignment cases, but in this case if Noark were not eligible to utilize the assignment, there would be little use in proposing an assignment, since no one else has expressed an interest in operating a station at Fayetteville.

7. Having considered the record in this proceeding, we find that the public interest would be served by proposing the requested amendments to the Television Table of Assignments in order to expand UHF service to Fayetteville, Arkapsas, and the surrounding area at the earliest possible time. Since petitioner is requesting a modification of its license, thereby waiving its rights under Section 316 of the Communications Act, it is unnecessary to issue an Order To Show Cause in the event the Commission decides to grant the proposed substitution.

8. Accordingly, the Commission proposes to amend the Television Table of Assignments, § 73.606(b) of the Commission's rules and regulations, with regard to the cities listed below, as follows:

City	Channel No.	
	Present	Proposed
Fayetteville, Ark.	*13-, 36	*13-, 29+
Little Rock, Ark.	*2, 4, 7-, 11+, 16-, *29-	*2, 4, 7-, 11+, 16-, *36
Harrison, Ark.	*14	*31+
Tulsa, Okla.	2+, 6, 8-, *11-, 23, 29, *35-, 41+	2+, 6, 8-, *11-, 23, *35-, 41+47,

9. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained in the attached Appendix and are incorporated herein.

10. Interested parties may file comments on or before May 19, 1977, and reply comments on or before June 8, 1977.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

APPENDIX

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the Television Table of Assignments, § 73.606(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc.77-10963 Filed 4-13-77;8:45 am]

[47 CFR Part 76]
[Docket No. 20561; FCC 77-215]

CABLE TELEVISION

Definition and Creation of Classes of Systems

AGENCY: Federal Communications Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Federal Communications Commission (FCC) proposes to amend its regulation to reduce the number of rules covering cable television systems with 500 to 1000 television subscribers. The FCC proposes to take this action because the regulatory burden on these systems appears excessive in light of the impact they have upon local broadcasting services.

DATES: Comments due June 6, 1977, and reply comments due July 6, 1977.

ADDRESS: Send comments to the Secretary, Federal Communications Commission, 1919 M Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

James A. Hudgens, Policy Review and Development Division, Cable Television Bureau, Federal Communications Commission, Washington, D.C. 20554, 202-632-6468.

SUPPLEMENTARY INFORMATION:

Adopted: March 9, 1977.

Released: April 6, 1977.

1. In a First Report and Order adopted today in this proceeding, we have amended our definition of a cable television system and created a class of small systems, having between 50 and 499 subscribers, to which a reduced regulatory program shall apply. While systems of this size must continue to observe the mandatory signal carriage rules, meet technical standards, and file abbreviated annual operating reports and financial reports, they need no longer comply with distant signal carriage limitations, or make system performance tests, nor need they comply with the rules on franchising and certification or maintain records for local inspection.

2 As explained in that document, we adopted this abbreviated regulatory program because our research indicated that, largely because of these systems' small size, exempting them from compliance with certain of our rules would not give rise to the problems those rules are intended to prevent.

3. Our analysis of available evidence further suggests that the same conclusion might also be drawn with respect to somewhat larger systems, having between 500 and 999 subscribers, and it may therefore be appropriate to apply the same reduced regulatory program to them as well. We are aware, of course, that these intermediate-sized systems are larger, in terms of both revenue base[1] and percentage of industry and total subscribers[2] than the small systems considered in the First Report and Order. Our research to date, however, does not indicate that this significantly differentiates them from the smaller systems in relation to their manner of operating or their potential impact on over-the-air broadcasting. Nevertheless, it may be that, where differences do exist, they may be such as to require some refinement of the small system regulatory program. It is the purpose of this Further Notice to ascertain the extent to which the similarities existing between these classes of systems would indicate the appropriateness of applying the same regulatory program to all cable television systems having fewer than 1000 subscribers.

4. *Signal Carriage.* As we stated at paragraph 29 of the First Report and Order, our signal carriage rules are the core of our regulatory program for cable television. For this reason we have undertaken a careful analysis of the projected impact of removing the distant signal carriage limitations from systems having between 500 and 999 subscribers. The result of this research, and a full description of the methodology used, appears at Appendix A. As can be seen, we employed a conservative approach to our analysis and still found only a handful of television markets where the projected audience fractionalization was potentially in excess of 2 percent. We then took these markets and performed a more complete assessment, using a standard impact formula also used in the research performed in conjunction with the Second Report and Order in Docket 19995, FCC 75-820, 54 FCC 2d 229 (1975). As can be seen, this considerably mitigated the impact projected by the first analysis. If the same standardized impact formula were also applied to the other markets, the anticipated audience fractionalization would be even smaller than the already negligible impact the "worst case" analysis projected.[3]

5. In the First Report and Order we exempted systems having fewer than 500 subscribers from compliance with the distant signal limitations because of the unlikelihood that any increase in distant signal carriage that resulted would produce any adverse economic impact on local broadcasters. The results of the attached survey seem to suggest that a like conclusion could be drawn with respect to intermediate-sized systems having between 500 and 999 subscribers. However, because we wish to proceed with circumspection in this crucial area of possible deregulation, we invite interested parties to comment on the survey and its bearing on the following questions: (1) Should the distant signal limitations be lifted from all systems having between 500-999 subscribers? Or should market-by-market, or case-by-case, approach be utilized? (2) Are there any reasons, not apparent from the results of the survey, that would militate against any relaxation of the distant signal limitations?

6. In addition to exempting small systems from compliance with distant signal carriage restrictions, in the First Report and Order we also relieved them of certain other obligations. These included the requirement that they make the system performance tests prescribed by § 76.601, as well as the obligations that they comply with the sports blackout rules contained in § 76.67, receive certificates of compliance and maintain records locally for public inspection. While each of these rules, and correspondingly our decision to exempt smaller systems from complying with them, has its own history and rationale, one reason for all of these exemptions is that the burdens involved in compliance with these rules fall harder on smaller systems than on those which have a larger subscriber base to support the added costs the regulations impose. Thus, for example, the purchase of the relatively costly equipment needed to make the performance tests required by § 76.601 constitutes a disproportionate burden for smaller systems. Similarly, such systems are typically passive retransmission facilities; most do not engage in access or origination cablecasting, and their staffs are limited and may work only on a parttime basis. Because of the burdens that would be involved in requiring this type of operation to purchase and operate the switching equipment needed to provide program exclusivity protection, these small systems have been exempted from compliance with these rules. It follows, therefore, that requiring them to shoulder the same financial and operational burdens solely to comply with the sports black-out rules would be exceedingly onerous. It is similarly incongruous with the passive nature of small system operation to require them to maintain certain documents locally for public inspection, since the required documents either relate to active operations uncharacteristic of these systems (such as private agreements on exclusivity and access channel operating rules) or else are otherwise readily obtainable in these small cable communities and thus need not be maintained by the system (for example, the system's franchise). These and other similar reasons, combined with our own wish to make the most effective possible use of our own resources, have been weighed in the decisions we have taken with respect to systems of under 500 subscribers and, although there is obviously no precise dividing line, we believe it worth considering whether these same reasons also weigh in favor of similarly relaxing regulation for systems of under 1000 subscribers.

7. The original Notice in this proceeding dealt with many broad issues, only one of which was the possible deregulation of one or more classes of cable television systems. How many classes there should be, what sized systems should be included, and which of the rules should apply to each were not specifically proposed; instead, possible alternatives were outlined in an effort to elicit the most comprehensive range of facts and opinions possible. The comments submitted, supplemented by our own research and experience, confirmed that minimal regulation of systems having fewer than 500 subscribers would serve the public interest. As we have said, this same research tentatively suggests that this minimal regulatory program may also be appropriate for all systems having fewer than 1000 subscribers. However, because in so doing we would affect an additional 18 percent of all systems now regulated (Note 2, supra), we must take this further step only on the basis of the most complete record possible. For this reason we request further comment specifically directed to whether deregulation of systems having 500-999 subscribers to the same extent as systems having fewer than 500 subscribers would serve the public interest. In addressing the issues outlined above we urge those submitting comments to focus on the similarities or dissimilarities perceived between the two classes of systems and how whatever recommendations are made would appropriately deal with them.[4]

8. Authority for the amendments proposed herein is contained in sections 4(i), 303, and 403 of the Communications Act of 1934, as amended.

9. All interested persons are invited to file written comments on the rule making proposal on or before June 6, 1977, and reply comments on or before July 6, 1977. In reaching a decision on this matter, the Commission may also take into account other relevant information before it in addition to the comments invited by this Further Notice.

10. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and five (5) copies of all comments, replies, pleadings, briefs, or other documents filed in this proceeding shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Dockets Reference Room (Room 239) at

[1] Assuming a subscriber rate of $6 per month, the maximum-size systems in the small and intermediate classes would generate gross annual revenues of $36,000 and $72,000 respectively. Considering the capital-intensive nature of system construction and operation, even the larger of these figures often produces little margin for profit, and this typically only after several years of operation.

[2] Systems having fewer than 500 subscribers comprise 24 percent of all systems but provide service to only 2 percent of the total subscribers nationwide. Systems having fewer than 1000 subscribers constitute 42 percent of all systems but serve only 6 percent of all subscribers.

[3] It should be noted, moreover, that from a regulatory standpoint the Commission is concerned not with audience fragmentation, per se, but rather with impact on station revenues and profits that is so great as to diminish the station's ability to serve the public interest. Paragraph 91, Cable Television Report and Order, 36 FCC 2d 143, 179 (1972).

[4] We seek to limit the inquiry in this fashion so as not to duplicate the work of the initial Notice in this docket.

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its Headquarters in Washington, D.C., 1919 "M" Street, N.W.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPENDIX A

Attached are the results of a Commission study of the estimated extent of audience fractionalization that local television stations might sustain if cable television systems having fewer than 500 or 1000 subscribers were exempted from compliance with the Commission's rules limiting cable carriage of distant television broadcast signals. Tables 1 and 2 present general approximations of audience impact in, respectively, each of the 100 largest television markets and in each of the smaller television markets. Table 3 presents the results of a more detailed impact analysis performed on the 15 markets which the previous more general analysis indicted were likely to sustain the largest percentages of potential audience fractionalization.

TABLES 1 AND 2: GENERAL APPROXIMATION OF AUDIENCE IMPACT

Tables 1 and 2 contain gross estimates of potential cumulative audience impact, computed by the following methodology:

(1) All cable systems located in 35-mile zones having 1000 or fewer subscribers were identified from the cable television system annual reporting forms (FCC Form 325) on file with the Commission. It was presumed that all of these systems would add one or more distant signals if the distant signal restrictions were removed.

(2) Major-market systems of this size that began operations prior to March 4, 1966 were excluded, but smaller-market systems that began operations prior to December 12, 1968 were included. These were the dates on which the Commission first adopted signal carriage rules applicable to systems located in these markets, and it was initially presumed that systems predating these rules would be carrying all the signals that feasibly could be carried and would be unlikely to add signals regardless of any exemption from our current rules. Subsequent examination of a representative number of these systems, however, indicated that although a majority of the approximately 60 older major market systems would probably not add distant signals (either because of channel saturation or because microwave costs appeared prohibitively large in relation to their revenue base), the same conclusion could not be drawn with respect to the older smaller-market systems. Therefore, the latter have been included for purposes of this survey.

(3) The total number of cable subscribers were broken down within each television market into two categories: (i) total subscribers of systems with 1000 or fewer subscribers, and (ii) total subscribers of systems with 500 or fewer subscribers.

(4) It was considered that exempting the described cable systems from the distant signal carriage rules could, at worst, cause 50 percent of the local station's cable audience to be fractionalized because of possible increases in the number of distant signals carried.

(5) The number of in-market subscribers to systems in each of the respective size categories was then multiplied by the assumed fractionalization figure (50 percent) to yield the total number of cable households potentially lost by importation of distant signals. This number was then divided by the total number of television households in the Area of Dominant Influence (ADI). (The ADI is a geographic market design that defines each market exclusive of another based on measurable viewing patterns. The ADI as defined by Arbitron is an area that consists of all counties in which the home-market stations receive a preponderance of viewing, and each county in the 48 contiguous states is allocated to only one ADI. Where the local station has no ADI, the audience from the county in which the city of license is located was used as the audience base, and where this was done it has been noted.)

(6) The percentages appearing in Tables 1 and 2 are the percentages of projected market audience impact when computed in the manner described above. Because the purpose of this research was simply to find the degree and scope of audience impact and to determine if there were any extensive clustering of small systems in markets, further allocation of this total impact to each station in each market has not been made.

It should be noted that the system data accumulated may reflect certain inaccuracies in the information as reported to the Commission in FCC Forms 325. For instance, many cable systems are included that in fact are part of larger systems and would therefore not be exempted by a redefinition; this occurs because these systems erred by reporting on an individual, rather than a composit, basis. On the other hand, there is a small delinquency rate in reporting that tends to deflate the estimates slightly. As an extra precaution, in-depth analyses were conducted of the fifteen markets that were projected to sustain relatively the most extensive audience impact.

TABLE 3: WORST-CASE DETAILED ANALYSES

For 15 markets indicated in Table 2 to be likely to sustain relatively greater percentages of potential audience impact, a further and more exacting analysis was performed. For purposes of this analysis, the following data was gathered:

1. Home market television stations including network affiliation, if any, and channel assignment.

2. ADI counties designated to market.

3. Systems within 35-mile zone having 1,000 or less subscribers including subscriber count, number of homes passed by cable, number of signals carried and affiliation of such signals, date began operation, channels in use, and channel capacity.

4. Audience data including the home station's recent total 9 AM to Midnight audience, the ADI's total market 9 AM to Midnight ratings and home station 9 AM to Midnight share of each county where applicable cable systems are located.

In each of the fifteen markets the data was rechecked thoroughly, including telephone verification of those cases in which the structure or location of a cable system was in doubt. The television markets were re-examined in order to check for any possible deletions stemming from error or delinquent reporting. FCC Form 325 data was matched against data from other reliable sources to check for inconsistencies. (Where inconsistencies were found, the general study was amended.) Once the data was verified, estimates of audience impact were computed for each station in each of the 15 worst-impacted markets. In computing the potential audience fractionalization per station, the following impact formula standardized was utilized:

Audience impact=

$$\text{Factors: } \frac{(1)\ (\text{number of cable subscribers}) \times (2)\ (\text{market rating}) \times (3)\ (\text{station share}) \times (4)\ (\text{fractionalization})}{(5)\ (\text{total television households in ADI})}$$

This formula is applied as follows:

(1) The total number of cable subscribers on systems located within the 35-mile zone and having between 50 and 499 subscribers was computed. This was also done for all 35-mile zone systems having between 500 and 999 subscribers. These totals are used as factor 1.

(2) The average percentage of households viewing television in the market during the 9 AM to Midnight period was ascertained. It is assumed that this percentage holds true for both cable and non-cable households. Therefore, factor 2 represents the average percentage of cable households viewing television in the market during the 9 AM to Midnight period.

(3) Each market station's audience share of cable television subscribers viewing television during the 9 AM to Midnight period was ascertained and is used as factor 3.

(4) If one or more distant signals are imported, it is assumed for purposes of this study that one-half (50 percent) of the local station's cable viewers might elect to watch the distant signal(s) instead. This assumed 50 percent fractionalization figure appears as factor 4.

(5) Factors 1-4 are multiplied together to give the number of cable households that would be lost if distant signals were imported. This number, divided by the total number of television households in the station's ADI, gives the percent of predicted audience impact. Table 3 presents the results of this detailed analysis of potential audience impact per station in comparison with the results of the potential audience impact per market projected by the initial general-approximation methodology.

TABLE 1

TOP 100 MARKETS

Market	% Impact[1] Under 1000	% Impact[1] 500-1000	% Impact[1] Under 500
New York	0.01	0.01	-
Los Angeles	0.11	0.06	0.05
Chicago	0.02	0.01	0.01
Philadelphia	0.06	0.05	0.01
Boston	0.04	0.02	0.03
San Francisco	0.03	0.02	0.01
Cleveland-Akron	0.01	0	0.01
Pittsburgh	0.18	0.11	0.08
Dallas-Ft. Worth	0.01	0	0.01
St. Louis	0.01	0	0.01
Minneapolis-St. Paul	0.04	0	0.04
Miami-Ft. Lauderdale	0.22	0.22	-
Atlanta	0.04	0.04	-
Tampa-St. Petersburg	0.13	0.11	0.01
Seattle-Tacoma	0.38	0.27	0.11
Baltimore	0.02	0	0.02
Indianapolis	0.21	0.18	0.03
Hartford-New Haven	0.17	0.13	0.04
Cincinnati	0.14	0.08	0.06
Kansas City	0.05	0	0.05
Milwaukee	0.02	0	0.02
Portland, Ore.	0.20	0.10	0.10
Sacramento-Stockton	0.30	0.30	-
Denver	0.10	0	0.10
Providence	0.03	0	0.03
San Diego	0.08	0.07	0.01
Columbus, Ohio	0.02	0	0.02
Charlotte	0.06	0.06	-
Louisville	0.11	0.09	0.01
Greenville-Spartanburg	0.23	0.23	
Charleston-Huntington	1.19	0.71	0.48
Dayton	0.03	0	0.03
Albany, N. Y.	0.14	0.08	0.06
Grand Rapids	0.42	0.25	0.17
Orlando	0.17	0.17	-
Wilkes Barre	0.16	0.14	0.02
Harrisonburg	0.58	0.19	0.39
Birmingham	0.10	0.10	-
Toledo	0.24	0.18	0.05
Greensboro-Winston Salem	0.02	0	0.02
Tulsa	0.02	0	0.02
Wichita-Hutchinson	0.11	0.09	0.02
Richmond	0.02	0	0.02
Little Rock	0.13	0.12	0.01
Raleigh-Durham	0.12	0	0.12
Des Moines	0.11	0.11	-
Rochester, N.Y.	0.04	0	0.04
Jacksonville	0.03	0	0.03
Roanoke	0.02	0	0.02
Davenport	0.10	0.10	-
Paducah	0.15	0.15	-
Johnstown-Altoona	1.20	1.16	0.04
Springfield, Ill.	0.78	0.41	0.37
Chattanooga	0.02	0	0.02
Spokane	0.02	0	0.02
Lincoln	0.66	0.47	0.19
Jackson, Ms.	0.08	0	0.08
Youngstown	0.27	0.13	0.14
South Bend	0.31	0.20	0.11
Peoria	0.17	0.17	-
Bristol	0.33	0.32	0.01
Sioux Falls	0.14	0.14	-
Ft. Wayne	0.08	0	0.08
Lansing	0.09	0	0.09
Huntsville	1.01	0.62	0.39

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Market	% Impact[1] Under 1000	500-1000	Under 500
Wheeling	1.56	0.78	0.78
Rockford	0.08	0	0.08
Amarillo	0.69	0.58	0.11
Columbus, Ga.	0.24	0.24	-

TABLE 2

SMALLER MARKETS

Market	% Impact[1] Under 1000	500-1000	Under 500
Tucson	0.07	0	0.07
Lexington	0.90	0.41	0.49
Austin, Tx.	0.32	0.32	-
Burlington	1.28	0.65	0.63
Waco-Temple	0.78	0.61	0.16
Terre Haute	0.27	0.27	-
Binghamton	1.28	0.64	0.64
Montgomery	0.36	0.31	0.05
Lafayette, La.	0.33	0.23	0.10
Joplin-Pittsburg	0.13	0	0.13
Wichita Falls-Lawton	0.40	0	0.40
Columbia-Jefferson Cty.	0.26	0.26	-
Topeka	0.20	0.20	-
La Crosse-Eau Claire	1.64	1.25	0.39
Rochester, Mn.	1.66	1.18	0.48
Traverse City	0.47	0.27	0.20
Yakima	0.37	0.37	-
Eugene	0.86	0.57	0.29
Wausau-Rhinelander	0.27	0	0.27
Quincy-Hannibal	0.23	0.23	-
Macon	0.27	0.27	-
Lubbock	0.28	0.28	-
Erie	0.52	0.29	0.23
Albany, Ga.	0.34	0.34	-
Bluefield-Beckley	1.87	1.36	0.51
Abilene-Sweetwater	1.80	1.62	0.18
Tallahassee	0.21	0	0.21
Bangor	0.13	0	0.13
Clarksburg-Weston	3.33	2.56	0.77
Utica	0.73	0.51	0.22
Bakersfield	0.04	0	0.04
Reno	0.13	0	0.13
Santa Barbara	0.09	0	0.09

Market	% Impact Under 1000	500-1000	Under 500
Parkersburg	2.74	2.46	0.28
Presque Isle	0.22	0	0.22
Harrisonburg, Va.	0.68	0	0.68
Kanesville	2.69	0	2.69
Canton*	0.16	0	0.16
Manchester*	2.24	0.85	1.38
Salem*	0.25	0	0.25
Hagerstown*	3.34	2.75	0.59
Charlotteaville*	1.71	1.71	-
Bowling Green*	2.53	1.90	0.63
Selma*	1.32	0	1.32
Flagstaff*	2.40	2.40	-
Hazard*	9.00	5.59	3.41

1/ Figures may not add exactly due to round-off error.

* -Non ADI market, impact calculated using metro county households only.

Market	% Impact Under 1000	500-1000	Under 500
Chico-Redding	0.84	0.84	-
Dothan	0.54	0.41	0.13
Missoula-Butte	0.52	0.44	0.07
Alexandria, Mn.	2.04	1.46	0.58
Florence, S.C.	1.47	1.47	-
Tyler	2.48	2.48	-
Ft. Smith	2.46	1.81	0.65
Columbus, Ms.	1.51	1.04	0.47
Laurel-Hattiesburg	0.84	0.84	-
Watertown	0.10	0	0.10
Meridian	1.73	1.47	0.27
Idaho Falls	0.27	0	0.27
Rapid City	0.70	0.70	-
Salisbury	1.12	1.12	-
Alexandria, La.	0.51	0.51	-
Billings	0.65	0.65	-
Ardmore-Ada	3.10	2.41	0.69
Lake Charles	0.47	0	0.47
Marquette	0.33	0	0.33
Casper-Riverton	0.33	0	0.33
Biloxi	0.72	0.72	-
Mankato	2.84	1.75	1.10
Tupelo	5.46	4.03	1.43
Jonesboro	0.13	0	0.13
Twin Falls	0.48	0	0.48
Gainesville	2.87	1.63	1.24
Panama City	0.48	0	0.48
Tuscaloosa	3.65	2.75	0.90
Jackson, Tn.	1.00	1.00	-
Greenville-Greenwood	1.31	1.31	-
Lafayette, Ind.	4.83	4.31	0.52
Lima	0.45	0	0.45
Anniston	1.52	0.80	0.72
Bellingham	0.92	0	0.92

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TABLE 3

A COMPARISON OF IMPACT ESTIMATES IN FIFTEEN MARKETS

	Approximation of Impact from General Study			Detailed Market Analysis Using Impact Formula		
Market	Less than 500	500-1000	Less than 1000	Less than 500	500-1000	Less than 1000
Hazard, Ky.	3.4%	5.6%	9.0%	.2%	.5%	.7%
Tupelo, Ms.	1.5	4.0	5.5	.3	.5	.8
Lafayette, In.	.5	4.3	4.8	.03	.47	.5
Hagerstown, Md.	.6	3.3	3.9	.2	.6	.8
Tuscaloosa, Ala.	.9	2.7	3.6	0	.8	.8
Clarksburg-Weston, W.Va.	.8	2.5	3.3	.5	1.0	1.5
Ardmore-Ada, Ok.	.8	2.3	3.1	.2	1.5	1.7
Mankato, Mn.	1.1	1.8	2.9	.03	.06	.09
Parkersburg, W.Va.	.3	2.5	2.8	.03	.17	.2
Gainesville, Fla.	1.2	1.6	2.8	.5	.5	1.0
Tyler, Tx.	0	2.5	2.5	0	.4	.4
Meridian, Ms.	.3	1.4	1.7	.09	.51	.6
Charlottesville, Va.	0	1.7	1.7	0	1.2	1.2
Columbus, Ms.	.5	1.0	1.5	.3	.8	1.1
Jackson, Tn.	0	1.0	1.0	0	.4	.4

[FR Doc.77-10775 Filed 4-13-77;8:45 am]

[47 CFR Part 87]

[Docket No. 21180; FCC 77-223]

AVIATION SERVICES

Permission of Aeronautical Enroute Stations to Identify by Location of Principal Control Point

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule.

SUMMARY: "This proposed rule would permit aeronautical enroute stations to identify by the location of their principal control points. Because of technical and operational difficulties, it is not practical for each station along an aircraft route to be individually identified by presently allowable methods."

COMMENT DATES: Comments must be received on or before May 9, 1977 and Reply Comments must be received on or before May 19, 1977.

ADDRESS: Send comments to: Federal Communications Commission, 2025 M Street, N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

R. P. De Young, Aviation & Marine Division, Safety & Special Radio Services Bureau, F.C.C., Washington, D.C. 20554, 202-632-7197.

SUPPLEMENTARY INFORMATION:

Adopted: March 24, 1977.

Released: April 1, 1977.

1. Notice of proposed rulemaking is hereby given in the above-captioned matter.

2. Section 87.115(g) of the rules governs identification of land stations in the aviation services. It provides that such a station may identify using call letters, its location, or the name of the city, area, or airdrome which it serves.

3. In the aeronautical enroute service, a series of fixed stations are often interconnected along aircraft routes of flight and formed into a network. By off-setting the carrier frequency of these stations, it is possible to avoid interference at an aircraft which would otherwise be caused by the interaction of simultaneous transmissions by the ground stations. Such networks are normally controlled from a principal control point.

4. Because of technical and operational difficulties, it is not practical for each station along such a route to be individually identified by the usual methods. Accordingly, we propose to amend the rules to permit such stations to be identified by the location of their principal control point.

5. The proposed amendment, as set forth in the attached Appendix, is issued pursuant to the authority contained in section 303(r) of the Communications Act of 1934, as amended.

6. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before May 9, 1977, and reply comments on or before May 19, 1977. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding.

7. In accordance with the provisions of § 1.419 of the Commission's rules, on original and 5 copies of all statements, briefs or comments shall be furnished the Commission. All comments received in response to this Notice of Proposed Rule Making, will be available for public inspection in the Docket Reference Room in the Commission's Offices in Washington, D.C.

FEDERAL COMMUNICATIONS COMMISSION
VINCENT J. MULLINS,
Secretary.

Part 87 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Section 87.115(g) is amended to read as follows.

§ 87.115 Station identification.

• • • • •

(g) A land station in the aviation services may use radio station call letters, its location, or the name of the city, area, or airdrome which it serves together with such additional identification as may be required. An aeronautical enroute station which is a part of a multistation network may also be identified by the location of its control points.

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[FR Doc.77-10925 Filed 4-13-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Parts 211, 212]

REDUCTION OF ENTITLEMENT OBLIGATIONS FOR LOWER TIER CRUDE OIL PRODUCED IN CALIFORNIA AND ALASKA

Availability of Preliminary Economic Impact Evaluation

AGENCY: Federal Energy Administration.

ACTION: Availability of preliminary economic impact evaluation of proposed rule.

SUMMARY: The FEA, as required by E.O. 11821, has prepared a preliminary economic impact evaluation of its proposal to reduce installment obligations for lower tier crude oil produced in California and Alaska.

DATES: Comments should be received on or before April 29, 1977.

ADDRESSES: Single copies of the evaluation may be obtained at: FEA Office of Communications and Public Affairs, Room 3138, or FEA National Energy Information Center, Room 1412, 12th and Pennsylvania Ave. NW., Washington, D.C. 20461, and at FEA Region IX, 111 Pine St., San Francisco, California.

Comments on the evaluation should be sent to: Federal Energy Administration, Executive Communications, Box LD, Room 3309, 12th and Pennsylvania Ave. NW., Washington, D.C. 20467.

FOR FURTHER INFORMATION CONTACT:

Joel Yudson, 202-566-9565.

SUPPLEMENTARY INFORMATION:

Notice is hereby given that, pursuant to Executive Order 11821, the Federal Energy Administration ("FEA") has prepared a preliminary economic impact evaluation of the March 17, 1977 proposed amendments (42 FR 15419; March 22, 1977) to the provisions of the domestic crude oil allocation program (the "entitlements program") to reduce entitlement obligations for lower tier crude oil produced in California and Alaska.

Single copies of the preliminary economic impact evaluation may be obtained commencing April 12, 1977 from the FEA Office of Communications and Public Affairs, Room 3138 or the FEA National Energy Information Center, Room 1412, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, between 8 a.m. and 4:30 p.m., e.s.t., Monday through Friday, except Federal holidays, and will also be available on that date during business hours at FEA Region IX, 111 Pine Street, San Francisco, California.

Interested persons are invited to submit data, views or arguments with respect to the preliminary economic impact evaluation to Executive Communications, Box LD, Room 3309, Federal Energy Administration, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on the documents submitted to FEA Executive Communications with the designation, "Preliminary Economic Impact Evaluation of the Proposal to Reduce Entitlement Obligations for Lower Tier Crude Oil Produced in California and Alaska." Fifteen copies should be submitted. All comments should be received by FEA by April 29, 1977, in order to receive full consideration.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in one copy only. The FEA reserves the rights to determine the confidential status of the information or data and to treat it according to that determination.

Issued in Washington, D.C., April 8, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77-10992 Filed 4-12-77;9:15 am]

[10 CFR Part 430]

ENERGY CONSERVATION PROGRAM FOR APPLIANCES

Cancellation of Public Hearing

AGENCY: Federal Energy Administration.

ACTION: Cancellation of Hearing for Proposed Rule.

SUMMARY: This document cancels a public hearing on a proposed regulation for testing room air conditioners. This cancellation is being made in view of the lack of interest in presenting oral comments.

DATE: April 15, 1977 hearing cancelled.

FOR FURTHER INFORMATION CONTACT:

James Smith, (202) 566-4635.

SUPPLEMENTARY INFORMATION:

On March 24, 1977, the Federal Energy Administration extended the written comment period and provided for further public hearings (42 FR 16811) with regard to the sampling provision of proposed test procedures for room air conditioners issued on July 22, 1976 (41 FR 31237).

A public hearing with respect to these amendments was scheduled for 9:30 a.m. on April 15, 1977 in Washington, D.C. In view of the lack of interest in presenting oral comments on the proposed test procedure for room air conditioners, the hearing is hereby cancelled.

Issued in Washington, D.C., April 13, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77-11151 Filed 4-13-77;11:19 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SHIPPERS ADVISORY COMMITTEE

Public Meeting

Pursuant to the provisions of section 10(a)(2) of the Federal Advisory Committee Act (86 Stat. 770), notice is hereby given of a meeting of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR Part 905). This order regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The committee will hold a meeting on May 5, 1977, at 10:30 a.m. in the Driftwood Inn, 3150 Ocean Drive, Vero Beach, Florida.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the meeting includes analysis of current information concerning market supply and demand factors, and consideration of recommendations for regulation of shipments of the named fruits.

The names of committee members, agenda, and other information pertaining to the meeting may be obtained from Frank D. Trovillion, Manager, Growers Administrative Committee, P.O. Box R, Lakeland, Florida 33802; telephone 813–682–3103.

Dated: April 11, 1977.

WILLIAM T. MANLEY,
Acting Administrator.

[FR Doc.77–10964 Filed 4–13–77;8:45 am]

Farmers Home Administration

[Designation No. A469]

MISSISSIPPI

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Kemper County, Mississippi, as a result of abnormally cold weather March 1 through May 30, 1976, and November 1, 1976, through January 21, 1977; drought June 15 through September 15, 1976; an ice storm January 2, 1977; and snow January 18 and January 31, 1977.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Cliff Finch that such designation be made.

Applications for emergency loans must be received by this Department no later than June 2, 1977, for physical losses and January 3, 1978, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 8th day of April, 1977.

DENTON E. SPRAGUE,
Acting Administrator,
Farmers Home Administration.

[FR Doc.77–10913 Filed 4–13–77;8:45 am]

Forest Service

DESCHUTES NATIONAL FOREST ADVISORY COMMITTEE

Meeting

The Deschutes National Forest Advisory Committee meeting scheduled for April 21, 1977, has been postponed until Thursday, May 12, 1977. The meeting will be held at The Riverhouse, 3075 North Highway 97, Bend, Oregon 97701, at 8 p.m.

The subject of this meeting will be, "Private Recreation Enterprises in Land Use Planning."

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor or Sandy Fergerson at 211 NE. Revere, Bend, Oregon 97701, telephone 503–382–6922. Written statements may be filed with the Committee before or after the meeting.

Dated: April 6, 1977.

EARL E. NICHOLS,
Forest Supervisor.

[FR Doc.77–10917 Filed 4–13–77;8:45 am]

McLOUGHLIN–KLAMATH PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the McLoughlin-Klamath Planning Unit, USDA–FS–R6–DES(Adm)–77–9.

The environmental statement concerns a proposed Land Management Plan for a unit of land containing some 456,368 acres.

The draft environmental statement was transmitted to CEQ on April 8, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3210, 12th St. 7 Independence Ave., SW., Washington, D.C. 20250.
USDA, Forest Service, Pacific Northwest Region, 319 SW. Pine Street, Portland, Oregon 97204.
USDA, Forest Service, Winema National Forest 7th and Walnut, Klamath Falls, Oregon 97601.
USDA, Forest Service, Rogue River National Forest, 333 West 8th Street, Medford, Oregon 97501.

A limited number of single copies are available upon request to Forest Supervisor, Robert J. Chadwick, Winema National Forest, P.O. Box 1390, Klamath Falls, Oregon 97601, or Forest Supervisor Donald H. Smith, Rogue River National Forest, P.O. Box 520, Medford, Oregon 97501.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Robert J. Chadwick, Winema National Forest, P.O. Box 1390, Klamath Falls, Oregon 97601 or Forest Supervisor Donald H. Smith, Rogue River National Forest, P.O. Box 520, Medford, Oregon 97501. Comments must be received by July 7, 1977, in order to be considered in the preparation of the final environmental statement.

CURTIS L. SWANSON,
Regional Environmental Coordinator, Planning, Programming and Budgeting.

APRIL 8, 1977.

[FR Doc.77–10918 Filed 4–13–77;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 30554; Order 77–4–33]

PAN AMERICAN WORLD AIRWAYS, INC.

Application for Disclaimer of Jurisdiction or Approval or for Exemption; Order of Approval

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 7th day of April, 1977.

Pan American World Airways, Inc. (Pan American) has requested that the Board disclaim jurisdiction over or, in the alternative, approve without hearing pursuant to section 408(b) of the Federal Aviation Act of 1958, as amended (the Act), Pan American's contract to manage the Westchester County Airport (Westchester). If action cannot be taken by March 29, 1977, the date upon which the contract is to take effect, Pan American has requested that the Board temporarily exempt it from the provisions of section 408 of the Act, pursuant to section 416 thereof, to the extent necessary to permit it to manage the airport.

Pan American has entered into an agreement to manage Westchester on behalf of Westchester County, New York, (the County) under the supervision and control of County officials. Westchester serves the County and adjacent areas of Fairfield County, Connecticut, for certificated service (Allegheny Airlines), air taxi service, and general aviation service.

Pan American states that another party currently operates the Airport and that its contract with the County will expire shortly; that the County requested proposals by potential replacements of the existing operator; and that Pan American's proposal was chosen from a group of nine which had been submitted.

Under the terms of the agreement, Pan American is required to manage and operate Westchester and keep it available to the public for 24 hours a day, seven days a week, and to do so in a safe and efficient manner; to maintain and repair the physical plant of the airport (runways, grounds, buildings, etc.); to perform certain aviation support functions (e.g., operate the airport's fuel farm and make continuous meteorological observations); and to prepare certain plans, rules, and regulations for the airport, including an emergency contingency plan and an airport security plan.

With regard to contracts between the County and third parties relating to Westchester, Pan American is required to perform said contracts on behalf of the County, to insure compliance by third parties, and to advise the County in the solicitation of bids and negotiations of contracts which are necessary or desirable for the operation of Westchester. Pan American does not have authority to enter into any contracts, and is limited to an advisory capacity.

Pan American is also responsible for certain financial and accounting services, including the preparation of financial statements, billing and collection, and preparation of statistical reports required by County, State, and Federal agencies. It is also responsible for preparation of Westchester's operating and capital budgets, which are subject to County approval. The agreement also establishes personnel requirements which Pan American must meet, and Pan American's personnel selections must be approved by the County.

Under the agreement Pan American will be reimbursed for all of its expenses which are made pursuant to the operating budget approved by the County, plus a fixed fee of approximately $14,600 per month. In addition Pan American will receive an annual incentive fee of 10 percent of the net income, if any, of the airport for the year. Net income is the surplus of revenues, as defined in the agreement, over expenses. The annual incentive fee cannot, however, exceed 150 percent of the incentive fee paid in the previous year.

Finally, the agreement contains a strong prohibiton against discrimination by Pan American in the provision of services and in the pricing of such services. It also prohibits Pan American from conducting air carrier operations at the airport except in cases of emergencies.

In support of its request for a disclaimer of jurisdiction, Pan American asserts that the County will, in fact, operate the airport and that Pan American will merely be acting as an agent of the County, carrying out its decisions. Pan American asserts that this situation is in sharp contrast to previous airport operating agreements in which the Board found control to exist within the meaning of section 408 of the Act;[1] that in those cases, Pan American would have assumed substantial entrepreneural risks for long periods of time, and would have assumed effective control of airport operations. Pan American asserts that although Westchester is a person engaged in a phase of aeronautics and Pan American is an air carrier, the county will in fact operate the airport with Pan American's assistance; and that Pan American is therefore neither operating the County's aeronautical properties nor acquiring control of the County's aeronautical operations.

With regard to the request for approval, Pan American asserts that the Board's approval of an agreement between Pan American and the Port Authority of New York and New Jersey for the operation of the Teterboro Airport provides ample precedent for approval of the subject application.[2] Pan American asserts further that the agreement with Westchester does not affect control of an air carrier directly engaged in the operation of aircraft in air transportation and will not create a monopoly or restrain competition. Pan American states that it received the contract through an essentially competitive bidding process; that its size in and of itself will not be a factor since the previous operator was the subsidiary of a much larger concern;[3] that Teterboro and Westchester Airports serve different markets;[4] and that Pan American will be acting as the County's agent.

Pan American believes that it has ample experience in airport operations which will enable Westchester to provide improved services to airport users; that since relief of congestion at New York's major airports continues to be of public concern, improved services at Westchester will benefit the public; and that Pan American, under the terms of its agreement with the County, has committed itself to encourage the investment of private capital at the airport.

An answer in support of Pan American's application was filed by Westchester County. It asserts that, after a careful and lengthy evaluation, Pan American was selected as the contractor most likely to meet the County's goals for its airport management program; that Pan American cannot operate into the airport under the terms of the agreement; and that carriers which compete with Pan American cannot use the airport because of its limited size. The County further asserts that its agreement with Pan American is totally unlike that approved by the Board involving Teterboro. that the County will retain full responsibility for fundamental decisions about the Airport's operations; and that disapproval of the agreement would be detrimental to the County since it would probably have to repeat the entire selection process and its pricing flexibility would be reduced by public disclosure of its agreement with Pan American.

No comments opposing the application or requesting a hearing have been received.

Notice of intent to dispose of this application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the foregoing, we find that Pan American is an air carrier; that Westchester County, by virtue of its ownership of Westchester County Airport, is a person engaged in a phase of aeronautics; and that Pan American's agreement with the County, as described above, may constitute a contract by an air carrier to operate a substantial part of the properties of a person engaged in a phase of aeronautics within the meaning of subsection 408(a)(3) of the Act.[5] However, it is further found that the transaction does not affect control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly, or restrain competition; and that no person disclosing a substantial interest is currently requesting a hearing. It is also found that the transaction will not be inconsistent with the public interest or leave the re-

[1] Pan American World Airways, Inc. Jurisdiction, 47 CAB 1126 (1967).

[2] Pan American World Airways, Inc. Farmingdale and Teterboro Airports, 49 CAB 107 (1968).

[3] The previous operator is owned by Gulf Oil Corp.

[4] Pan American alleges that Teterboro serves the general aviation market for Manhattan and Bergen and Passaic Counties in New Jersey and that Westchester County airport serves the Westchester County, New York, and Fairfield County, Connecticut, markets.

[5] As to Pan American's request for a disclaimer of jurisdiction, this issue cannot be definitely resolved on the basis of the limited information in the pleadings before us. Since we have concluded to grant Pan American the relief requested in the form of an approval without hearing, however, no further inquiry on the disclaimer request is required.

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quirements of section 408 otherwise unfulfilled; and that it should be approved, subject to condition.[6]

The Board has previously approved the operation of another suburban airport, Teterboro, by Pan American,[7] and many of the conclusions reached in that decision are relevant to the present application. Thus, it is unlikely that there are any conflicts of interest between Pan American's role as a certificated air carrier and its role as an operator of a predominently general aviation airport which would require disapproval. It would, in fact, be to Pan American's benefit to encourage use of Westchester by general aviation to reduce congestion at the major New York airports. Further, Pan American receives an incentive fee based on airport revenues, so that any restrictive practices could prove to be detrimental to the carrier itself. More fundamentally, any restrictive practices which might result from potential conflicts of interest would be forbidden by provisions of other sections of the Act, as well as the Federal Airport Act, and discriminatory practices are clearly forbidden by the terms of the agreement under consideration.[8] Further, Pan American's role at Westchester will be more limited than the arrangement at Teterboro, where the carrier leased the airport. Here, the County will retain substantial control over airport management and policy. Finally, we note that no air carrier, aviation supplier, general aviation user, or other person has objected to the application.

Specifically, the use of Westchester by a certificated carrier, Allegheny, does not appear to create substantial conflict of interest. Pan American and Allegheny do not currently significantly compete over any routes,[9] and it appears that Pan American would have no incentive to treat Allegheny unfairly.[10] Moreover, since Pan American is precluded from conducting other than emergency air carrier operations at Westchester, protection of its operations will not be an incentive to discriminate against any air carrier.

Nevertheless, to insure that Pan American's operation has limited anticompetitive effects, we will impose a condition similar to one of those imposed in our approval of the Teterboro operation to prohibit Pan American from engaging on its own behalf in the business of providing aviation services except on a casual, infrequent or emergency basis. The condition will not, however, prohibit Pan American from providing these services in connection with aircraft which it owns or sells or operates. We shall also retain jurisdiction in this proceeding for the purpose of amending or revoking our approval herein, should the public interest so require.

As a final matter, under the agreement, Pan American will be reimbursed for all expenses it incurs pursuant to authorized budgets and will receive at least a guaranteed fixed fee in addition. Thus there is almost no risk that Pan American would incur losses from this activity which would impair its ability to perform its certificate obligations.

Accordingly, *it is ordered*, That: 1. Subject to the condition specified below, the application of Pan American World Airways, Inc. for approval of its agreement with Westchester County, New York, for the operation of Westchester County Airport (Docket 30554) be and it hereby is approved;

2. The approval is subject to the following condition: Except in connection with aircraft which it may sell, own, or operate, or on a casual, infrequent, or emergency basis, Pan American on its own behalf, shall not engage in the aviation service business at Westchester County Airport; *Provided, however,* That Pan American may provide such services for a period up to 90 days if necessitated by failure of persons normally engaged in such activities to provide such services. For the purposes of this order, aviation service business involves principally the following activities: (1) the sale to users of aircraft fuel and lubricants; (2) the delivery of fuel into aircraft; (3) aircraft maintenance and repair; (4) the sale and installation of avionics; (5) the provision of hangar storage and outdoor tiedown locations for aircraft (Pan American reserves the right also to provide hangar facilities and public tiedown services); and (6) the performances of turnaround services; and

3. Except to the extent specifically granted herein, all other requests in the application in Docket 30544 be and they hereby are dismissed.

Jurisdiction is hereby retained for the purpose of amending or revoking with or without hearing, the approval granted herein, as the public interest may require.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-10958 Filed 4-13-77;8:45 am]

[6] Since the Board has decided to grant Pan American's request pursuant to section 408 of the Act, its alternative requests will be dismissed.

[7] Pan American World Airways, Inc. Farmingdale and Teterboro Airports, *supra.*

[8] Section 308 of the Act precludes any exclusive right of airport use. Section 11(1) of the Federal Airport Act requires that the airport be available for public use on fair and reasonable terms and without unjust discrimination. Article 8 of the agreement with the County requires that Pan American comply with all applicable Federal, State and local laws and requires that Pan American keep Westchester available to the public on a non-discriminatory basis, charging fair and reasonable prices for service provided.

[9] Pan American currently operates fill-up service between Detroit and Boston on some of its international flights and Allegheny operates one-stop service in the market. Pan American's operations are so limited in extent, however, that this competition would not appear to give rise to significant conflicts.

[10] It is also noted that Pan American and Allegheny have numerous agreements relating to provision of services by one carrier to the other, including a ground services agreement at JFK International Airport, Agreement CAB 24438, approved by Order 74-7-12, July 2, 1974. Any discriminatory action taken by Pan American would be totally inconsistent with the cooperative relationships indicated by these agreements.

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

CORNELL UNIVERSITY MEDICAL COLLEGE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651), 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number 77-00033. Applicant: Cornell University Medical College, Department of Physiology, 1300 York Avenue, New York, N.Y. 10021. Article: Two Micromanipulators, Type MPG, BN 6880 (right hand model and left hand model). Manufacturer: August Fischer KG, West Germany. Intended use of article: The article is intended to be used to obtain samples of tubular fluid which are to be analyzed in order to investigate kidney function. The experiments are designed to understand the regulation of sodium, calcium and water balance at the level of the individual nephron.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides wide excursion, accommodation of different pipettes types and versatility in positioning aided by right and left hand models. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated February 25, 1977 that the features of the article described above are pertinent to the applicant's intended use. HEW also advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-10909 Filed 4-13-77;8:45 am]

LOVELACE FOUNDATION

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00500. Applicant: Lovelace Foundation for Medical Education and Research, 5200 Gibson Blvd. SE, Albuquerque, New Mexico 87112. Article: Scanning Electron Microscope, Model JSM-35U and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in studies of the health effects of inhaled effluents from power plants which use a variety of fuels, such as nuclear fuels or coal in the following three general areas:

(1) Characterization of aerosol particles, both those naturally occurring and those used in experimental studies.

(2) The characterization of normal anatomic structures of the respiratory tract, particularly those that can be correlated with physical and computer models of the lung.

(3) The characterization of lesions induced by inhalation of power plant effluents.

Comments: No comments have been received with respect to this application. Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: This application is a resubmission of Docket Number 76-00258 which was denied without prejudice to resubmission on April 27, 1976 for informational deficiences. In this application in reply to Question 8, the applicant alleges that the article provides the following pertinent features:

a. Guaranteed resolution of 100 Angstroms (Å).

b. Accelerating voltage up to 39 kilovolts (kv).

c. Variable apertures 100, 200, 600 microns.

d. Stigmator monitor.

e. Eucentric goniometer stage.

f. Long working distance.

g. Conical shaped objective lens.

The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated December 10, 1976 that the most closely comparable domestic scanning electron microscope (SEM) is the ETEC Autoscan (Models B-1, U-1 or R-1) HEW further advises that the applicant provides no pertinent characteristics within the meaning of Subsection 301.2(n) of the regulations upon which duty-free entry can be based. As to the specific allegations of the applicant in reply to Question 8, in the order listed above, the following is noted:

a. Both the article and the domestic SEM provide a guaranteed resolution of 100Å. HEW advises that the ETEC SEM has equivalent resolution for the intended work. Based on this advice and upon a review of the guaranteed specifications, we find that the resolution capabilities are scientifically equivalent.

b. The article provides accelerating voltages up to 39KV and the domestic Autoscan provides optional accelerating voltages to 50 KV. We, therefore, find that the accelerating voltage of the domestic Autoscan matches that of article.

c. HEW advises that the variable aperture is pertinent only for X-ray analysis. However, the applicant states that an accessory X-ray spectrometer was not ordered with the article, Subsection 301.6(a)(3) of the regulations prohibits consideration of accessories to be purchased in the future in the determination of scientific equivalency. Based on applicant's stated intention to purchase such an accessory in the future, HEW advises that features c., e., f., and g.—indicated as needed to characterize small particles by X-ray analysis—are not pertinent specifications within the meaning of subsection 301.2(n).

In connection with the domestic availability of c., we further note that the article provides variable apertures and the domestic Autoscan also provides variable apertures as an accessory in some models. Moreover, it is standard in the Autoscan Model R-1. We, therefore, find that the domestic Autoscan matches the article with respect to this feature.

d. HEW advises that the stigmator monitor is a convenience which is not pertinent for the work.

e. HEW advises that this feature is not pertinent as indicated in our discussion of feature c. Moreover, we note that in response to Question 8, the applicant acknowledges that a eucentric stage is available from ETEC as an option. We, therefore, find that the domestic autoscan matches the article with respect to feature e.

f. HEW advises that this feature is not pertinent, as indicated in our discussion of feature c.

g. HEW advises that this feature is not pertinent, as indicated in our discussion of feature c.

Based in part on the advice received from HEW and upon our own review of the application, descriptive scientific materials and applicable prior decisions on the record, we find that any models of the ETEC Autoscan scanning electron microscope referred to above is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-10911 Filed 4-13-77;8:45 am]

UNIVERSITY OF IOWA

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 77-00040. Applicant: The University of Iowa, Institute of Hydraulic Research, Iowa City, Iowa 52242. Article: Double-Bragg-Cell Module and accessories. Manufacturer: Opto-Electronische Instrumente GmbH and Co., West Germany. Intended use of article: The article is intended to be used with a laser anemometer composed of the laser, optics, photomultipliers preamplifiers, and frequency trackers for studying velocities in complexed, three-dimensional flow investigations in boundary layers and transitions in both air and water.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value of the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides simultaneous shifting of the frequencies of the laser beams forming the scattering volume. The National Bureau of Standards (NBS) advises in its memorandum dated March 21, 1977, that the capability described above is pertinent to conducting investigations of high-signal-to-noise ratios generated by the article which are essential to the applicant's intended research. NBS also advises that it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-10912 Filed 4-13-77;8:45 am]

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UNIVERSITY OF TEXAS—AUSTIN

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77–00034. Applicant: The University of Texas, Department of Chemistry, Austin, Texas 78712. Article: Rotating Anode X-ray Generator, Model GX–20 and accessories. Manufacturer: Marconi-Elliott Avionics Ltd., United Kingdom. Intended use of article: The article is intended to be used as a high intensity monochromatic X-ray source for irradiating small protein crystals so that their diffraction patterns may be analyzed and their three-dimensional molecular structure determined. Under current investigation are the photo receptor accessory pigment proteins responsible for harvesting the light for photosynthesis, a number of toxins that have been implicated as possible antitumor agents and several enzymes which occupy key positions in the regulation of metabolism. The structures of these systems are being investigated with an objective of understanding the principles of the molecular mechanisms of action for these types of compounds.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a focused spot of minimal size (0.2 x 0.2 square millimeters) and a rotating target for maximum X-ray beam intensity. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated February 25, 1977 that the capabilities described above are pertinent to the purposes for which the article is intended to be used. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77–10910 Filed 4–13–77;8:45 am]

COMMISSION OF FINE ARTS

MEETING

The Commission of Fine Arts will meet in open session on Tuesday, April 26, 1977, at 10:00 a.m. in the Commission offices at 708 Jackson Place, N.W., Washington, D.C. 20006 to discuss various projects affecting the appearance of Washington, D.C.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address.

This notice confirms the previous notice of January 11, 1977, 42 FR 2337.

Dated in Washington, D.C., April 11, 1977.

CHARLES H. ATHERTON,
Secretary.

[FR Doc.77–10900 Filed 4–13–77;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[Petition No. CP 75–18]

RACING SULKIES

Denial of Petition

The purpose of this document is to announce the denial of a petition from William G. Krikorian, a manufacturer of harness racing sulkies, requesting regulation of the design and manufacture of harness horse racing sulkies.

Section 10 of the Consumer Product Safety Act (CPSA) (Pub. L. 92–573, 86 Stat. 1217; 15 U.S.C. 2059) provides that any interested person may petition the Consumer Product Safety Commission to commence a proceeding for the issuance of a consumer product safety rule. Section 10 also provides that if the Commission denies such a petition, it shall publish in the FEDERAL REGISTER its reasons for denial.

A letter dated February 27, 1975, from William G. Krikorian of Track-Cat, manufacturers of aluminum single shaft racing sulkies in Lowell, Massachusetts, requested the Commission to regulate the design and manufacture of racing sulkies. The letter was declared a petition on June 20, 1975, after the Commission received further information on the use patterns.

After careful consideration of the petition and the available relevant information, the Commission has decided to deny the petition to regulate harness sulkies.

Sulkies are used in harness racing, including pari-mutuel races, and in pony races. The petitioner estimates that 35% are used in racing and training and that the remaining 65% are used in horse and pony shows, state fairs and for activities such as 4–H projects and personal enjoyment.

The petitioner contends that double shaft racing sulkies are unsafe and that they are made primarily of wood, with the shafts going around the sides of the horse. Should there be an accident, the petitioner alleges that danger exists to both the horse and driver from splintering and shattering and possible impalement of the wood shafts.

The petitioner contends that single shaft harness racing sulkies built to go up over the back of the horse are inherently safer, as the aluminum or steel tubing would bend under pressure caused by an accident thereby preventing a serious injury.

Injury data submitted with the petition were neither confirmed nor denied. The data available to the Commission do not indicate that sulkies presently in use present risks to consumers that are not commensurate with the nature of the sport. The injuries are limited to those during accidents or mishaps, as opposed to during routine successful use of the equipment. The more severe injuries are those sustained by the horse from shattered wooden shafts.

The Commission has no evidence that the specific requirements which the petitioner urges the Commission to adopt would substantially lessen the likelihood of serious injury to consumers.

A copy of the petition and related materials may be seen during working hours, Monday through Friday, in the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

Accordingly, pursuant to section 10 (d) of the Consumer Product Safety Act (Pub. L. 92–573, 86 Stat. 1217 (15 U.S.C. 2059(d))), notice is hereby given of the Commission's denial of the petition.

Dated: April 11, 1977.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.77–10932 Filed 4–13–77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

COMMUNITY COLLEGE OF THE AIR FORCE (CCAF) ADVISORY COMMITTEE

Meeting

APRIL 6, 1977.

The Community College of the Air Force Advisory Committee is scheduled to meet at 2 p.m., May 10, 1977, in Room 41 of the Community College of the Air Force, Building 146, located at Lackland Training Annex, San Antonio, Texas.

The meeting is open to the public. Agenda items include: Health Related Programs, Transition to the Commission on Colleges, External Relations Program, Participation of Reserve and National Guard, Committee of Businessmen, and Internal Information Program.

For further information, contact Lieutenant Colonel Wade R. Kilbride, 512–671–5255.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison, Directorate of Administrations.

[FR Doc.–10919 Filed 4–13–77;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD

Meeting

APRIL 4, 1977.

The USAF Scientific Advisory Board Ad Hoc Committee on Advanced ICBM Technology will hold a meeting on May 23–25, 1977 in the Aerospace Corporation facilities, Los Angeles, California, from 8:30 a.m. to 5 p.m.

The Committee will receive classified briefings and conduct classified discussions concerning an in-depth review of the technical aspects of the advanced ICBM program.

The meeting concerns matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at 202–697–8845.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.77–10920 Filed 4–13–77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

DRAFT REVISED PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT

Extension of Comment Period

On February 22, 1977 (42 FR 10334) the Federal Energy Administration gave notice of the availability of its draft revised programmatic environmental impact statement which reflected the amendment of section 2 of the Energy Supply and Environmental Coordination Act of 1974 (ESECA), 15 U.S.C. 791 et seq., by the Energy Policy and Conservation Act, Pub. L. 94–163. The FEA hereby gives notice that pursuant to 10 CFR 208.12(a) the time period during which interested parties may submit comments concerning the draft revised programmatic environmental impact statement has been extended. All comments and relevant information received by April 18, 1977 will receive full consideration. In all other respects the earlier notice remains in effect.

Written comments should be sent to Executive Communications, FEA, Box KY, 12th and Pennsylvania Avenue, Washington, D.C. 20461. Comments should be identified on the outside of the envelope in which the comments are transmitted and on any documents submitted to Executive Communications, with the designation "Comments on ESECA Programmatic EIS." Fifteen comments should be submitted.

Signed in Washington, D.C. April 11, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77–10981 Filed 4–11–77;4:55 pm]

INDUSTRY WORKING PARTY OF THE INTERNATIONAL ENERGY AGENCY

Meeting

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (Pub. L. 94–163), notice is hereby provided of a meeting of the Industry Working Party (IWP) to the International Energy Agency (IEA). The meeting will be held on April 18, 19, and 20, 1977, at the headquarters of the IEA, 2 Rue Andre Pascal, Paris 16, France, beginning at 3:00 p.m. on April 18.

The purpose of the IWP meeting and this notice is to permit attendance by representatives of the IWP at certain portions of a meeting of the Standing Group on the Oil Market (SOM). The parts of the SOM meeting open to the IWP representatives is under the control of the SOM. The agenda for the meeting is as follows:

1. Financial information systems.
2. Crude oil and product cost and price information systems.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, this meeting will not be open to the public. Unanticipated circumstances have required the notice period as contained in § 209.32(b) of FEA regulations to be shortened.

Issued in Washington, D.C., April 11, 1977.

ERIC J. FYGI,
Acting General Counsel, Federal Energy Administration.

[FR Doc.77–10980 Filed 4–11–77;4:36 pm]

VOLUNTARY AGREEMENT AND PLAN OF ACTION TO IMPLEMENT THE INTERNATIONAL ENERGY PROGRAM

Meeting

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (Pub. L. 94–163), notice is hereby provided of a meeting of Subcommittee A of the Industry Advisory Board (IAB) to the International Energy Agency (IEA). The meeting will be held on April 19 through April 22, 1977, at the headquarters of the IEA, 2 Rue Andre Pascal, Paris 16, France, beginning at 10:00 a.m. on April 19. The agenda is as follows:

1. Opening remarks.
2. ISAG formats. a. Review and revision of formats used in allocation ssytems test.
   b. Development of new formats, including comparison of successive Questionnaire A and B submissions: checking consistency aspects between Questionnaire A and B data, allocation coordinator guidance, etc. considering flexible data retrieval possibilities.
   c. Further statistical requirements for ISAG management and allocation coordinator.
3. Possible computerization of voluntary offers. a. Receipt and input formats.
   b. Retrieval format.
   c. Data manipulation.
   d. Running balance of country allocation rights and obligations.
4. Review by Secretariat of data base interrogation capability.
5. Practical tests on the computer using retrieval instructions developed at the meeting and using the data base from the Fall 1976 allocation systems test.
6. Communications. a. Telex message scrambling.
   b. Data links for transmission of questionnaires.
   c. Telex equipment requirements.
7. Other potential communication, data transmission/processing problems.
8. Review and discussion of the Emergency Management Organization work profile.
9. Closing remarks/future meetings, if required.

The exchange of certain information and data in connection with this meeting of Subcommittee A has been approved by the Administrator (Annex A) and the Attorney General (Annex B).[1]

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, these meetings will not be open to the public. Unanticipated circumstances have required the notice period as contained in section 209.32(b) of FEA regulations to be shortened.

Issued in Washington, D.C., April 11, 1977.

ERIC J. FYGI,
Acting General Counsel, Federal Energy Administration.

[FR Doc.77–10966 Filed 4–11–77;4:17 pm]

FEDERAL MARITIME COMMISSION

GRUENINGER TRAVEL SERVICE, INC., ET AL

Certificates of Financial Responsibility; Order of Revocation

In the matter of certificate of financial responsibility for indemnification of passengers for nonperformance of Transportation No. P–148 and certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages No. C–1,147.

Whereas, Grueninger Travel Service, Inc. and Midwest Cruises, Inc., 6101 North Keystone Avenue, Indianapolis, Indiana 46220, have ceased to operate the passenger vessel *World Discoverer* (ex *Discoverer*); and

Whereas, Discovery Cruises K/S and Discovery Cruises A/S have ceased to operate the passenger vessel *World Discoverer* (*ex Discoverer*) to and from United States ports.

It is ordered, that Certificate (Performance) No. P–148 issued to Grueninger Travel Service, Inc., Midwest Cruises, Inc., Discovery Cruises K/S and Discovery Cruises A/S covering the *Discoverer* and reissued to cover the *World Discoverer*, and Certificate (Casualty) No. C–1,147 issued to Discovery Cruises K/S and Discovery Cruises A/S covering

[1] Annexes filed as part of the original document.

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the *World Discoverer* be and are hereby revoked effective April 8, 1977.

It is further ordered, that a copy of this order be published in the FEDERAL REGISTER and served on certificants.

By the Commission.

JOSEPH C. POLKING,
Acting Secretary.

APRIL 8, 1977.

[FR Doc.77-10968 Filed 4-13-77;8:45 am]

[Docket No. 77-7; Agreement No. 9929-2, etc.]

COMBI LINE JOINT SERVICE AGREEMENT AND INTERCONTINENTAL TRANSPORT, B.V. AND CAMPAGNIE GENERALE MARITIME JOINT MARKETING AGREEMENT

Modifications; Order of Investigation and Hearing and Order of Approval of Agreement No. 9929–3 Pendente Lite

This proceeding is instituted to determine whether Agreements Nos. 9929–2, 9929–3 and 9929–4, and Agreements Nos. 10266 and 10266–1, should be approved, disapproved or modified pursuant to Section 15 of the Shipping Act, 1916, 46 U.S.C. § 814.

Agreement No. 9929, as amended, is the organic agreement of the Combi Line Joint Service (Combi) between Hapag-Lloyd Aktiengesellschaft (Hapag-Lloyd) and Intercontinental Transport, B.V. (I.C.T.). This Agreement was originally approved on May 6, 1971. It provides for the establishment and maintenance of a joint service to operate lighter-aboard-ship (LASH) vessels and non-LASH vessels, either conventional or specialized, between U.S. South Atlantic and Gulf Ports and places on tributary inland waterways, on the one hand, and Ports in the United Kingdom/Eire and Continental Europe (excluding the Mediterranean) and places on tributary inland waterways, on the other hand. Agreement No. 9929 was approved by the Commission until December 31, 1986 with respect to LASH service, and for three years (that is, until May 1974) with respect to non-LASH service. Subsequently, the Commission extended its approval of the non-LASH service through April 8, 1977 (Agreement No. 9929–1).

Agreement No. 9929–2 amends the basic Agreement in three major respects: (1) adds Compagnie Generale Maritime (C.G.M.), a French flag line, as a party; (2) introduces authority for the parties to operate a coordinated container service, and (3) divides the Agreement in two sections: Section 1 covering the Combi LASH joint service, and Section 2 covering the coordinated container service. Apparently, the two services are meant to operate independently of each other.

The amended LASH section (Section 1) provides for operation of a LASH joint service under the name of Combi Line. It will operate LASH vessels and LASH feeder vessels, with new authority to charter space on conventional vessels as needed. Hapag-Lloyd and I.C.T. will each furnish a LASH vessel with a full complement of barges and ancillary equipment. C.G.M., the new party, will initially provide feeder vessels and equipment for the service in Europe.

Under the new section on the coordinated container service (section 2), the parties will operate separate container services, but will coordinate them in certain respects. This section provides for the parties to (1) operate between them up to six containerships, owned or chartered, with a capacity of up to 1,500 twenty-foot equivalent units (TEUs), each, as well as container space on certain conventional ships they operate; (2) coordinate sailings; (3) cross-charter space on each other's container and combination vessels for shipment of loaded and empty containers; (4) solicit and book containerized cargoes for their own separate accounts (Agreement No. 10266, discussed below, would authorize I.C.T. and C.G.M. to do this jointly); (5) issue their own bills of lading, but the parties will also establish and maintain a uniform bill of lading to be used by them in this trade; (6) join as separate members with separate votes conferences and agreements that may operate within the shipping trades covered by this Agreement, and (7) agree on rates where they do not belong to a conference or other rate agreement. Section 2 also prohibits the pooling of revenues realized from the coordinated container service and the sharing of operational expenses, but allows the parties to share administrative expenses.

Agreement No. 9929–2 also designates the Scandinavian and Baltic areas as being included within its geographic scope, and furthermore adds service between Mexico and Europe to its geographic scope with respect to the coordinated container service.

Agreement No. 9929–3 would extend the authority of the present joint service between Hapag–Lloyd and I.C.T. to operate non-LASH vessels through April 8, 1979. This Agreement is an interim measure designed to prevent Combi's non-LASH authority from expiring while the Commission is considering the other amendments and new Agreements covered by this Order, and in the event the Commission disapproves the other amendments and Agreements.

Agreement No. 9929–4 would modify Agreement No. 9929–2 to provide for a five year term on the coordinated container service from the date of Commission approval.

Agreement No. 10266 is designated as a joint marketing Agreement between I.C.T. and C.G.M. whereby the parties may (1) jointly solicit and book cargo for all ships they operate or to which they have access in the trades, except the LASH vessels; (2) designate joint agents; (3) issue joint bills of lading; (4) share in all revenues and expenses; (5) join as separate members with separate votes conferences and agreements that may operate within the shipping trades covered by this Agreement, and (6) agree on rates where they do not belong to a conference or other rate agreement. Despite its designation as a joint marketing Agreement, Agreement No. 10266 is in essence primarily a joint service Agreement.

Agreement No. 10266–1 amends Agreement No. 10266 to provide for the latter to remain in effect for five years from the date of Commission approval unless otherwise terminated by the parties.

Notice of the filing of Agreements Nos. 9929–2 and 10266 was published in the FEDERAL REGISTER on October 14, 1976. Notice of the filing of Agreements Nos. 9929–3, 9929–4 and 10266–1 was published in the FEDERAL REGISTER on February 2, 1977. Protests and requests for hearing with respect to all of the agreements were timely filed by United States Lines, Sea-Land Service, Inc. and Seatrain International, S.A. (hereinafter, the protestants). The proponents of the Agreements submitted responses to the protestants' filings.

The Commission has considered the subject Agreements, and the submissions of both the protestants and the proponents. The Commission has determined that issues have been presented which can only be resolved in a formal proceeding. Specifically, these issues include whether approval of the Agreements will enable the parties to offer a viable container service without overtonnaging the trade, as the proponents claim, or whether the trade is already overtonnaged and will be made more so by approval of the Agreements, as the protestants claim; whether approval of the Agreements will result in rationalized use of vessels and container space, thus achieving substantial savings in fuel consumption, as the proponents claim, or whether this benefit is purely speculative since the parties are unlikely to institute individual container services in the event of disapproval of these Agreements, as the protestants claim; whether approval of the Agreements will strengthen the competitiveness of the Combi LASH service and will make the parties more competitive among themselves with respect to the container service, as the proponents claim, or whether approval will give the parties excess market power and will create severe and dangerous competitive pressures on the other lines in the trade, as the protestants claim; whether the separate voting provisions contained in Agreements Nos. 9929–2 and 10266 may result in unjust or unfair advantages to the parties in conference affairs; whether a restriction should be placed on the open-ended provision in Section 1 (the LASH section) of Agreement No. 9929–2, which permits the parties to charter supplementary space on conventional vessels as such space is needed; whether Agreements Nos. 9929–2 and 10266 establish unnecessary restraints on individual termination (the Agreements require each party to give two years' notice prior to cancellation, and no notice can be given prior to December 31, 1980 in the case of Agreement No. 9929–2 and December 31, 1979 in the case of Agreement No. 10266); whether Agreement

9929–2 should be modified to more precisely define the operational relationship between the joint LASH service and the coordinated container service; whether the addition of the words "Scandinavia and Baltic" to the scope of Agreement No. 9929–2, and hence to Agreement No. 10266, constitutes an enlargement of the existing geographic scope of the basic Agreement, as the protestants claim, or whether the purpose of the addition is only clarification since Combi has served those areas since it commenced operations, as the proponents claim; whether approval of the Agreements should be conditioned upon the parties meeting all tariff filing requirements with respect to the foreign-to-foreign coordinated container service between Ports in Mexico and Ports in Continental Europe; whether Agreement No. 10266 should be amended to make it clear that it shall exist only so long as the parties' relationship under Agreement No. 9929–2 is maintained; and whether approval of the Agreements should be conditioned upon deletion or limitation of authority in Agreement No. 9929–2 for the parties to provide LASH service on 2 transshipment basis to or from ports outside the geographic scope of the Agreement.

It is noted that both Agreement No. 9929–2 and Agreement No. 10266 would grant their parties the power to set rates in certain circumstances. Rate-setting is, of course, equivalent to price-fixing, which is a per se violation of the Sherman Antitrust Act, 15 U.S.C. 1. *United States* v. *Trenton Potteries Company*, 273 U.S. 392 (1927). Furthermore, agreements to divide markets are also per se violations of the Sherman Act, *Timken Roller Bearing Company* v. *United States*, 241 U.S. 593 (1950). Agreement No. 10266 appears in essence to be a market-sharing arrangement between I.C.T. and C.G.M. Also, the coordinated container service section of Agreement No. 9929–2 appears to contain several anticompetitive provisions. Therefore, under *FMC* v. *Svenska Amerika Linien*, 390 U.S. 238 (1969), the proponents will have the burden of coming forward with evidence to demonstrate that the approval of these Agreements shown to be per se violative of the antitrust laws is nevertheless in the public interest.

The proponents have stated that excessive delay in final determination of the matters under consideration could seriously disrupt their efforts to make arrangements for the operation of new vessels, which are scheduled to be delivered for use in the trade in January or February of 1978. They request that any proceeding ordered be concluded as quickly as possible, and that the Commission issue a final decision at the earliest possible date. In consideration of this request, we hereby direct the Office of Administrative Law Judges to conduct the proceedings herein ordered with the utmost expedition, consistent with the fullest development of the facts, and to render a decision as soon as possible. This, we believe, will be in the interest of both proponents and protestants.

Although we have directed expeditious handling of the hearing, it will not be possible for us to issue a final decision in these matters prior to the termination on April 8, 1977 of Agreement No. 9929–1 providing for the Combi non-LASH (i.e., conventional and container) service. Therefore, to prevent Agreement 9929–1 from expiring during the course of this proceeding, the Commission hereby approves Agreement No. 9929–3 pendente lite. We believe this limited approval satisfies most, if not all, of the protestants' comments with respect to this Agreement, and we are also mindful of the many communications we have received from shippers and port authorities, both foreign and domestic, urging the continuance of the Combi service.

Now, Therefore, *it is ordered*, That pursuant to section 15 of the Shipping Act, 1916, Agreement No. 9929–3 is approved pendente lite, until the final order of the Commission in the proceeding instituted herein;

It is further ordered, That pursuant to section 15 (46 U.S.C. 814) and section 22 (46 U.S.C. 821) of the Shipping Act, 1916, a proceeding is hereby instituted to determine whether or not Agreements Nos. 9929–2, 9929–3, 9929–4, 10266 and 10266–1 shall be approved, disapproved, or modified under the provisions of Section 15;

It is further ordered, That Hapag-Lloyd, AG; Compagnie Generale Maritime and Intercontinental Transport B.V. are hereby made proponents in this proceeding;

It is further ordered, That United States Line, Sea-Land Service, Inc. and Seatrain International, S.A. are hereby made the protestants in this proceeding;

It is further ordered, That a public hearing be held in this proceeding and that the matter be assigned for hearing and decision by an Administrative Law Judge of the Commission's Office of Administrative Law Judges at a date and place to be hereafter determined by the presiding Administrative Law Judge, but not later than October 8, 1977.

The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record;

It is further ordered, That notice of this order be published in the FEDERAL REGISTER, and a copy thereof be served upon proponents and protestants as listed in the Appendix hereto;

It is further ordered, That any person other than proponents, protestants, and the Bureau of Hearing Counsel having an interest and desiring to participate in this proceeding shall file a petition for leave to intervene in accordance with Rule 5(1) (46 CFR 502.72) of the Commission's Rules of Practice and Procedure;

It is further ordered, That all future notices, orders, and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of the time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

JOSEPH C. POLKING,
Acting Secretary.

APPENDIX

PROPONENTS

Hapag Lloyd AG, c/o Schmeltzer, Aptaker & Sheppard, Counselors at law, Suite 305, 1150 Connecticut Avenue, NW., Washington, D.C. 20036.

Intercontinental Transport (ICT) B.V., c/o Schmeltzer, Aptaker & Sheppard, Counselors at law, Suite 305, 1150 Connecticut Avenue, NW., Washington, D.C. 20036.

Compagnie Generale Maritime, c/o Schmeltzer, Aptaker & Sheppard, Counselors at law, 1150 Connecticut Avenue, NW., Washington, D.C. 20036.

Combi Line, c/o Schmeltzer, Aptaker & Sheppard, Counselors at law, 1150 Connecticut Avenue, NW., Washington, D.C. 20036.

PROTESTANTS

Sea-Land Service, Inc., c/o Ragan & Mason, The Farragut Building, 900 Seventeenth Street, NW., Washington, D.C. 20006.

Seatrain International, S.A., c/o Coles & Goertner, 1000 Connecticut Avenue, NW., Washington, D.C. 20036.

United States Lines, Inc., c/o Kirlin, Campbell & Keating, The Connecticut Building, Suite 800, 1150 Connecticut Avenue, NW., Washington, D.C. 20036.

[FR Doc.77-10967 Filed 4-13-77;8:45 am]

CONTINENTAL NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before May 4, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth

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with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement filed by:

Howard A. Levy, Esq., 17 Battery Place, Suite 727, New York, New York 10004.

Agreement No. 8210–35, among the member lines of the above-named conference, (1) prohibits carriers' agents from offering any remuneration or consideration not provided by tariffs or contracts of affreightment and (2) makes the sharing of brokerage with any party having interest in the cargo by any forwarder who is also an agent for a member line a breach of the agreement by the member line.

By Order of the Federal Martime Commission.

Dated: April 8, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-10973 Filed 4-13-77;8:45 am]

COORDINATED CARIBBEAN TRANSPORT, INC., ET AL

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, NY., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 4, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Robert R. Schicchi, Chairman, Florida/Panama Rate Agreement, c/o Caribbean Agencies, Inc., P.O. Box 379189/Buena Vista Station, Miami, Florida 33137.

Agreement No. 10045–2, a rate agreement among Coordinated Caribbean Transport, Inc., Nopal Caribe Lines, N.V. and Pan American Mail Line, Inc., modifies the approved basic agreement by amending the geographic scope thereof to include the Republic of Costa Rica. Accordingly, the scope of the agreement will now be between Florida ports and ports in the Republic of Panama and the Republic of Costa Rica.

By Order of the Federal Maritime Commission.

Dated: April 8, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-10970 Filed 4-13-77;8:45 am]

INDIA OUTWARD FREIGHT CONFERENCE, ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval purusant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 4, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

William L. Hamm, Chairman, The India, Pakistan, Bangladesh, Ceylan, and Burma Outward Freight Conference, 25 Broadway, New York, New York 10004.

Agreement No. 7690–16, entered into by the member lines of the India, Pakistan, Bangladesh, Ceylon and Burma Outward Freight Conference, amends Paragraph 6 of the conference agreement by deleting the words "British Sterling" and thereby removing Sterling as an acceptable currency for payment of freight or other charges. At the present time, no payment of freight and charges shall be accepted or received by any member in any currency other than the currency of the United States of America or its equivalent in British Sterling or Canadian Currency at the time such rates or charges become due and payable.

By Order of the Federal Maritime Commission.

Dated: April 8, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-10969 Filed 4-13-77;8:45 am]

PACIFIC WESTBOUND CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement, accompanied by a statement of justification, has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement and the statement of justification at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement and the statement of justification at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 4, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Edward D. Ransom, Esq., Lillick McHose & Charles, Two Embarcadero Center, San Francisco, California 94111.

Agreement 57–107 is comprised of two parts, viz; the first would authorize the

program pursuant to its obligation to ensure that it is adequately self policed, and the second part is an appendum to the Conference's agreement which details how the misrating program is to be implemented.

By Order of the Federal Maritime Commission.

Dated: April 8, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-10974 Filed 4-13-77;8:45 am]

SOUTH AND EAST AFRICA/U.S.A. CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 4, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

William L. Hamm, Chairman, South and East Africa/U.S.A. Conference, 25 Broadway, New York, New York 10004.

Agreement No. 8054–14 will modify Clause 3(b)(2) of the basic agreement of the South and East Africa/U.S.A. Conference by increasing the admission fee for membership into the Conference from $5,000 to $25,000.

By Order of the Federal Maritime Commission.

Dated: April 8, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-10972 Filed 4-13-77;8:45 am]

U.S./SOUTH AND EAST AFRICA CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 4, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

William L. Hamm, Chairman, United States/South and East Africa Conference, 25 Broadway, New York, New York 10004.

Agreement No. 9502–9 will modify Clause 8(b)(1) of the basic agreement of the South and East Africa/U.S.A. Conference by increasing the admission fee for membership into the Conference from $5,000 to $25,000.

By Order of the Federal Maritime Commission.

Dated: April 8, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-10971 Filed 4-13-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E77-93]

EMERGENCY NATURAL GAS ACT OF 1977

Emergency Order

On April 8, 1977, Texas Gas Transmission Corporation (Texas Gas), as agent for certain of its customers,[1] filed, pursuant to Section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95–2 (91 Stat. 4 (1977)), an application for authorization to transport natural gas which it is purchasing for certain of its customers.

Texas Gas, as agent, executed a contract on March 29, 1977, with Chevron, U.S.A., Inc. (Chevron), for the purchase of approximately 250 Mcfd from the Block 23 Field, Ship Shoal Area, Offshore Louisiana.[2] The total price to be paid by Texas Gas, as agent, is $2.25 per MMBtu. The proposed price is fair and equitable in accordance with Order No. 2.

Texas Gas will receive these volumes through an existing metering station in Terrebonne Parish, Louisiana, and transport the gas through its existing pipeline facilities. Texas Gas' proposed transportation rates are based upon the cost data supporting the settlement rates in Texas Gas' most recent Federal Power Commission rate case in Docket No. RP76–17 and the retention of a percent of the transported volumes for compressor fuel and company use and loss. I find no basis on which to fix other charges since the parties have agreed upon the transportation charges and payment of the construction costs.

Based upon the foregoing, Texas Gas is authorized to purchase gas, as agent, from Chevron and to transport such gas for certain of its customers. This authorization is conditioned on (i) Texas Gas' submission of the names of the customers for which it is acting as agent, (ii) those customers agreeing to submit reports as required by Order No. 4 and (iii) such customers certifying that they are entitled to purchase gas under the provisions of Order No. 6.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Texas Gas and Chevron. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95–2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

APRIL 8, 1977.

[FR Doc.77-11016 Filed 4-13-77;8:45 am]

[Docket No. E77-38]

EMERGENCY NATURAL GAS ACT OF 1977

Supplemental Emergency Order

By order issued March 30, 1977, pursuant to section 6 of the Emergency Natural Gas Act or 1977 (Act), Pub. L. 95–2 (91 Stat. 4 (1977)), I granted the March 25, 1977 request, as supplemented on March 28, 1977, of Columbia Gas Transmission Corporation (Columbia)

[1] These customers are local distribution companies and interstate pipelines as defined in section 2(1), (5) of the Act (91 Stat. 4).

[2] The Block 23 Field is contiguous to the shoreline. Thus, this gas is not produced from the Outer Continental Shelf.

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for authorization to (i) divert gas purchased from Delhi Gas Pipe Line Corporation (Delhi) under the March 1, 1977 authorization in this proceeding to Pacific Lighting Service Company (Pacific) and Pacific Gas & Electric Company (PG&E), (ii) have such gas transported by El Paso Natural Gas Company (El Paso), and (iii) amend the March 1, 1977 authorization to permit Columbia to purchase up to an average of 60,000 Mcfd from the commencement of deliveries through July 31, 1977. That order authorizes Columbia to use the volumes purchased from Delhi to repay approximately 5.695 Bcf of natural gas which Columbia and the Columbia Distribution Companies (Columbia Distribution)[1] received from Pacific and PG&E in Docket Nos. E77-10, E77-21 and E77-30.

On April 8, 1977, Delhi requested that an additional supplemental order be issued to assure that it retained all legal protections afforded by the Act set forth in the March 1, 1977 order in this proceeding. Delhi noted that it and Columbia have agreed to the terms and conditions of items (i), (ii) and (iii) above as a part of their contract and that it will make deliveries to El Paso in Reeves County, Texas.

The March 30, 1977 order stated as follows: "To the extent not inconsistent with the provisions of this order, the provisions of the March 1, 1977 order in this proceeding remain in full force and effect." This language continued in effect the protections afforded Delhi by Section 6 (91 Stat. 4, 7–8) and 9 (91 Stat. at 8–9) of the Act as prescribed in the March 1, 1977 order. Such protections are continued in full force and effect by this order.

Pursuant to section 6(a) of the Act, I find the amendments in the contract between Columbia and Delhi as approved in the March 30, 1977 order in this proceeding to be appropriate. The March 30, 1977 order in this proceeding is hereby amended to state that Delhi will make deliveries to El Paso in Reeves County, Texas. To the extent not inconsistent with the provisions of this order, the provisions of the March 1, 1977, and March 30, 1977 orders in this proceeding and all protection and authorizations granted therein remain in full force and effect.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Columbia, Columbia Distribution, Pacific, PG&E, and El Paso. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

APRIL 8, 1977.

[FR Doc.11017 Filed 4-13-77;8:45 am]

[1] Columbia Gas of Kentucky, Inc., Columbia Gas of Maryland, Inc., Columbia Gas of New York, Inc., Columbia Gas of Ohio, Inc., Columbia Gas of Pennsylvania, Inc., Columbia Gas of Virginia, Inc., and Columbia Gas of West Virginia, Inc. Columbia's petition refers only to Columbia Gas of Kentucky, Inc., Columbia Gas of Pennsylvania, Inc., and Columbia Gas of West Virginia, Inc.

[Docket No. G-5715, etc.]

CABOT CORP. (SW), ET AL.

Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates[1]

APRIL 7, 1977.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 2, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft.[3]	Pressure base
G-5715 C 3-21-77	Cabot Corp. (SW), P.O. Box 1101, Pampa, Tex. 79065.	Northern Natural Gas Co., Carson, Gray, and Hutchinson Counties, Tex.	(1)	-------
G-6648 B 3-18-77	Sun Oil Co., 2 Northpark East, Dallas, Tex. 75221.	Texas Gas Transmission Corp., Carthage Field, Panola County, Tex.	(2)	-------
G-11860 D 3-22-77	Mobil Oil Corp., 3 Greenway Plaza East, suite 800, Houston, Tex. 77046.	Cities Service Gas Co., North Rhodes Field, Barber County, Kans.	(2)	-------
CI77-317 (CS74-425) B 3-23-77	Martin Exploration Co., 3501 North Causeway Blvd., suite 901, Metairie, La. 70002.	United Gas Pipe Line Co., Southeast Houma Field, Terrebonne Parish, La.	(4)	-------
CI77-336 A 3-16-77	Anadarko Production Co., P.O. Box 1330, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Keenan A No. 4 Well, Hugoton Field, Texas County, Okla.	[5] 52.7121¢	14.65
CI77-348 D 3-17-77	AMAX Petroleum Corp., 900 Town and Country Lane, suite 400, Houston, Tex. 77024.	Michigan Wisconsin Pipe Line Co., Stevenson No. 1 Well, sec. 27, T17N-R18W, Dewey County, Okla.	(6)	-------
CI77-349 A 3-18-77	Kewanee Oil Co., P.O. Box 2239, Tulsa, Okla. 74101.	United Gas Pipe Line Co., Burton's Creek, Covington County, Miss.	[7] [8] $1.5630	15.025
CI77-350 A 3-18-77	Ashland Oil, Inc., P.O. Box 1503, Houston, Tex. 77001.	United Gas Pipe Line Co., J. Paulin Duhe No. 2 Well, sec. 41-T12S-R8E, Iberia Parish, La.	[7] [8] $1.5439	14.73
CI77-351 A 3-22-77	American Natural Gas Production Co., 1 Woodward Ave., Detroit, Mich. 48226.	Michigan Wisconsin Pipe Line Co., Canadian County, Okla.	[7] [8] $1.44	14.65
CI77-352 A 3-22-77	American Natural Gas Production Co.	Michigan Wisconsin Pipe Line Co., Caddo County, Okla.	[7] [8] $1.44	14.65
CI77-354 A 3-21-77	Hunt Petroleum Corp., 1 Woodward Ave., Detroit, Mich. 48226.	Michigan Wisconsin Pipe Line Co., block 296, Eugene Island area, offshore Louisiana.	[7] [8] 144.0¢ @14.73	15.025
CI77-355 A 3-23-77	Chevron U.S.A., Inc., P.O. Box 283, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, block 564, West Cameron area, offshore Louisiana.	[8] $1.75	15.025
CI77-357 A 3-24-77	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., Hatcher unit, Northwest Anthon Field, Custer County, Okla.	[9] [10] 100.6183¢	14.65
CI77-358 A 3-25-77	Odessa Natural Corp., P.O. Box 3908, Odessa, Tex. 79760.	El Paso Natural Gas Co., basin Dakota Pool of San Juan County, N. Mex.	[7] [8] $1.44	14.73
CI77-359 (G-17570) F 3-25-77 [10]	Florida Gas Exploration Co. (successor to Exxon Corp., formerly Humble Oil & Refining Co.), P.O. Box 44, Winter Park, Fla. 32790.	United Gas Pipe Line Co., Wilson No. 1 Well, Northeast Gibson Field, Terrebonne Parish, La.	[8] 61.5714¢	15.025
CI77-360 A 3-25-77	Placid Oil Co., 1600 1st National Bank Bldg., Dallas, Tex. 75202.	Transcontinental Gas Pipe Line Corp., Bassfield Field, Jefferson Davis County, Miss.	[7] [11] $1.46883911	14.73
CI77-361 A 3-25-77	Odessa Natural Corp	El Paso Natural Gas Co., basin Dakota Pool of San Juan County, N. Mex.	[7] [8] $0.53	14.73
CI77-365 A 3-28-77	General American Oil of Texas Co., Meadows Bldg., Dallas, Tex. 75206.	Transcontinental Gas Pipe Line, Corp., block Nos. 243 and 244, South Marsh Island area, north addition, Gulf of Mexico.	[7] [8] $1.668084	15.025
CI77-366 (C160-490) B 3-28-77	Sun Gas Co., P.O. Box 20, Dallas, Tex. 75221.	Columbia Gas Corp., Pecan Lake Field, Cameron Parish, La.	(2)	-------
CI77-368 B 3-23-77	Howard J. Loftus, 69 Franklin St., Albion, Pa. 16401.	Consolidated Gas Supply Corp., Bushnell-Lexington Pool, Conneaut Township, Erie, Pa.	(2)	-------
CI77-369 A 3-25-77	Kerr-McGee Corp., P.O. Box 25861, Oklahoma City, Okla. 73125.	Montana-Dakota Utilities Co., Federal 17 Well No. 1, Boxcar Butte (Red River) Pool, McKenzie County, N. Dak.	[7] [12] $1.44	14.73
CI77-370 A 3-25-77	Union Oil Co. of California, P.O. Box 7600, Los Angeles, Calif. 90051.	El Paso Natural Gas Co., Burton Flats Field, Eddy County, N. Mex.	[13] 94.0¢ [7] [14] 144.0¢	14.73
CI77-371 (CS73-158) B 3-29-77	Partnership Properties Co., 1600 Broadway, P.O. Box 2250, Denver, Colo. 80201.	Columbia Gas Transmission Corp., Blaine Hughes No. 1 Well, Jackson County, W. Va.	(15)	-------

[1] Filing reflects additional delivery points made under the Apr. 1, 1967, exchange agreement. Applicant also wishes to continue the exchange of gas with Northern pursuant to said agreement.
[2] The S. J. Neal B Unit 1 has been plugged and abandoned.
[3] Nonproductive.
[4] Well has been plugged and abandoned.
[5] Applicant states rate is subject to opinion No. 699-H. Keenan A No. 4 well was spudded prior to Jan. 1, 1973, but sales did not commence until after Jan. 1, 1973.
[6] Uneconomical.
[7] Subject to adjustments pursuant to opinion No. 770, as amended.
[8] Applicant is willing to accept a permanent certificate in accordance with opinion No. 770, as amended.
[9] Applicant proposes to collect the national rate in accordance with opinion No. 770, as amended.
[10] Subject to upward and downward Btu adjustment.
[11] By farm-out agreement dated Nov. 30, 1972, and subsequent assignment of Nov. 1, 1974, applicant has succeeded to certain leases of Exxon.
[12] For the period ending Mar. 31, 1977.
[13] Wells commenced in the 1973-74 biennium.
[14] Wells commenced in the 1975-76 biennium.
[15] Well site condemned by West Virginia Department of Highways and paved over.

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[FR Doc.77-10789 Filed 4-13-77;8:45 am]

[Docket No. CS77-371, etc.]

N. A. STEED, ET AL.

Applications for "Small Producer" Certificates[1]

APRIL 7, 1977.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 4, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure here in provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

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Docket No.	Date Filed	Applicant
C877-371	Mar. 1, 1977	N. A. Steed, P.O. Drawer 5008, Wichita Falls, Tex. 76307.
C877-372	do	Terminal Land Co., 220 Glenbrook Centre-West, 1140 Northwest 63d St., Oklahoma City, Okla. 73116.
C877-373	Mar. 3, 1977	Mingo Oil & Gas Co., Inc., P.O. Box 716, Scottsdale, Ariz. 85252.
C877-374	do	Monterey Gas Transmission Co. P.O. Box 716 Scottsdale, Ariz. 85252.
C877-375	Mar. 3, 1977	Unit Drilling Co., 1101 Petroleum Club Bldg., Tulsa, Okla. 74119.
C877-376	do	Allan D. Scherer, P.O. Box Box 136, Fellsmere, Fla. 32948.
C877-377	Mar. 7, 1977	Hilton L. Ladner, 903 1st National Bank Bldg., Jackson, Miss.
C877-378	do	Estate of John S. Graham, Trust Department, American Security & Trust Co., 15th St. and Pennsylvania Ave. NW, Washington, D.C 20013.
C877-416	Mar. 34, 1977	Heber Ladner, P.O. Box 4644, Jackson, Miss. 39216.
C877-417	do	Ritchie Petroleum Corp., 107 Ray Ave., Pennsboro, W. Va. 26415.
C877-418	do	Ralph M. Nix, Jr. P.O. Box 2057, Roswell, N. Mex. 88201
C877-419	do	Colorado Gas Compression, Inc., P.O. Box 1035, Longmont. Colo. 80501.
C877-420	Mar. 25, 1977	Calvin Petroleum Corp., 1755 Glenarm Pl., Denver, Colo. 80202.
C877-421	do	Edwin L. Cox, Jr., 3500 1st National Bank Bldg., Dallas, Tex. 75202.
C877-422	Mar. 28, 1977	Charles B. Gillespie, Jr., P.O. Box 8, Midland, Tex. 79702.
C877-423	do	Ad Co. (formerly Marine Leasing)., 1967 East 2700 South, Salt Lake City, Utah 84106.
C877-424	do	Don Wilson, P.O. Box 763, Hobbs, N. Mex. 88240.
C877-425	do	Ralph M. Nix, P.O. Box 617, Artesia, N. Mex. 88210.
C877-426	do	William J. McCaw, P.O. Box 440, Artesia, N. Mex. 88210.
C877-427	do	Paul K. Sapaugh, 662 Fair Foundation Bldg., Tyler, Tex. 75702.
C877-428	do	Joe D. Davis, 806 1st National Bank Bldg., Forth Smith, Ark. 72901.
C877-429	do	Ruth Houy, P.O. Box 1113, Artesia, N. Mex. 88210.
C877-430	do	Robert L. Purvin, 200 Park Ave., New York, N.Y. 10017.
C877-431	do	Watson & Cox Oil & Gas, suite 745 Petroleum Bldg., Midland, Tex. 79702.

[FR Doc.77-10788 Filed 4-13-77;8:45 am]

FEDERAL RESERVE SYSTEM

MICHIGAN NATIONAL CORP.

Acquisition of Bank

Michigan National Corporation, Bloomfield Hills, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent, less directors' qualifying shares, of the voting shares of Michigan National Bank, Sterling, Sterling Heights, Michigan, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 6, 1977.

Board of Governors of the Federal Reserve System, April 8, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-10907 Filed 4-13-77;8:45 am]

MONTBELLO BANKCORP, INC.

Order Approving Formation of a Bank Holding Company

Montbello Bankcorp, Inc., Denver, Colorado, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)), to become a bank holding company through the acquisition of 80 percent or more of the voting shares of Montbello State Bank, Denver, Colorado ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act (42 FR 10339 (1977)). The time for filing comments and views has expired, and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a corporation recently formed for the purpose of becoming a bank holding company through the acquisition of Bank. Upon acquisition of Bank (deposits of $9.86 million), Applicant would control the 156th largest of 277 banks in Colorado, holding .13 percent of the total deposits in commercial banks in the State.[1] Bank ranks 58th among 79 banks operating in the Denver market,[2] controlling .23 percent of the commercial deposits therein.

Principals of Applicant are principals with a combined majority interest in another one-bank holding company in Colorado. In addition, these individuals own majority interests in two other banks and are officers and directors of these institutions. Applicant's principals have been associated with these banks, all three of which are in the Denver banking market, since the organization of each. Since the proposal involves only a restructuring of present ownership into corporate form and the banks in question are so small, approval of the instant application should have no effect on either existing or potential competition.

The financial and managerial resources and future prospects of Applicant, which are largely dependent upon those of Bank, are considered generally satisfactory and consistent with approval. Debt of $672,000 will be incurred by Applicant. However, acquisition of Bank will have no adverse effect on the finnacial condition of either Applicant or Bank. Therefore, considerations relating to banking factors are regarded as being consistent with approval.

Consummation of the transaction would effect no changes in the banking services offered by Bank, and considerations relating to the convenience and needs of the community to be served lend no weight toward approval. It has been determined that consummation of the transaction would be consistent with the public interest and the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The acquisition of Bank shall not be made before the thirtieth calendar day following the effective date of this Order, or later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Secretary of the Board, acting pursuant to delegated authority from the Board of Governors, effective April 7, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-10908 Filed 4-13-77;8:45 am]

[1] All banking data are as of December 31, 1975.

[2] The Denver banking market includes all of Denver, Adams, Arapahoe, and Jefferson Counties and the Broomfield area in Boulder County.

FEDERAL TRADE COMMISSION

[Docket No. 9061]

JETMA TECHNICAL INSTITUTE, ET AL.

Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Request for comment.

SUMMARY: Consent order requiring a San Francisco, Calif., seller of correspondence training courses for gas turbine engine mechanics, and technical illustrators, among other things, to cease misrepresenting the need, demand, or potential earnings of their graduate; failing to furnish, prior to contracting, prospective enrolees with material disclosures regarding the employment rate, drop-out rate, and financial success of recent students. Further, respondents are required to furnish prospective students with a ten-day cooling-off period within which to cancel their contracts, to maintain, for a two-year period, files of inquiries and complaints relating to prohibited acts and practices; and to institute a surveillance program designed to ensure that their representatives comply with the terms of the order.

DATE: Comments must be received on or before June 13, 1977.

ADDRESS: Comments shold be directed to: Office of the Secretary, Federal Trade Commission, 6th and Penna. Ave. NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

William A. Arbitman, Director, San Francisco Regional Office, Federal Trade Commission, 450 Golden Gate Ave., San Francisco, Calif. 94102 415-556-1270.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the FTC Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

AGREEMENT CONTAINING CONSENT ORDER TO CEASE AND DESIST

The argeement herein, by and between Jetma Technical Institute, a corporation, by its duly authorized officers, Fred and Anna H. Lee, individually and as officers of said corporation, respondents in a proceeding initiated by the Federal Trade Commission through the issuance of its complaint on October 28, 1975, and their attorney, and counsel for the Federal Trade Commission, is entered into in accordance with the Commission's Rule governing consent into in accordance with the Commission's Rule governing consent order procedure.

1. Respondent Jetma Technical Institute is a corporation organized, existing and doing business under and by virtue of the laws of the State of California, with its office and principal place of business located at 103 South Airport Boulevard, in the City of South San Francisco, State of California.

Respondent Fred Lee, Jr., is an individual and an officer of the corporate respondent. He formulates, directs and controls the acts and practices of the corporate respondent including the acts and practices hereinafter set forth. His address is the same as that of the corporate respondent.

Respondent Anna H. Lee is an individual and an officer of the corporate respondent. She formulates, directs and controls the acts and practices of the corporate respondent including the acts and practices hereinafter set forth. Her address is the same as that of the corporate respondent.

2. Respondents have been served with a copy of the complaint charging them with violations of Section 5 of the Federal Trade Commission Act.

3. Respondents admit all the jurisdictional facts set forth in the complaint.

4. Respondents waive: (a) Any further procedural steps; (b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and (c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

5. This agreement shall not become a part of the official record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released; and such acceptance may be withdrawn by the Commission if, within thirty (30) days after the sixty (60) day period, comments or views submitted to the Commission disclose facts or considerations which indicate that the order contained in the agreement is inappropriate, improper, or inadequate. The Commission may, at any time pending final acceptance of this order, require hearings on the relief requirements provided by this order.

6. This agreement is for settlement purposes only and does not constitute an admission by respondents that the law has been violated as alleged in the complaint.

7. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Section 2.34 of the Commission's Rules, the Commission may, without further notice to the respondents, issue its decision containing the following order to cease and desist in disposition of the proceeding and make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. This order shall become final upon service. Mailing of the complaint and decision containing the agreed-to order to respondent's address as stated in this agreement shall constitute service. Respondents waive any rights they may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representations, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

8. Respondents have read the complaint and order contemplated hereby, and they understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order, and that they may be liable for a civil penalty in the amount provided by law for each violation of the order after it becomes final.

ORDER

It is ordered, That respondent Jetma Tehnical Institute, a corporation, its successors and assigns, and its officers, and Fred Lee, Jr., and Anna H. Lee, individually and as officers of said corporation, and respondents' officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with advertising, offering for sale, sale, or distribution of courses of study, training or instruction in the field of gas turbine mechanics or any other subject, trade or vocation, or of any other product or service in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing in any manner, directly or by implication, that there is or will be any need or demand for respondents' graduates in positions for which such graduates are purportedly trained, except as hereinafter provided in Paragraph 4 of this Order.

2. Representing in any manner, directly or by implication, that respondents' graduates will or may earn any specified amount of money, or otherwise representing by any means the prospective earnings of such persons without clearly and conspicuously disclosing the employment salary range of respondents' graduates computed as prescribed in Paragraph 4 of the Order.

3. Representing in any manner, directly or by implication, that the gas turbine engine does not emit smog-producing pollutants.

4. Failing to disclose, in writing, clearly and conspicuously, prior to the signing of any contract, to any prospective student of any course of instruction offered by respondents, the following information in the format prescribed in Appendix B with the title "Important Information" printed in 10 point bold face type across the top of the form and for the Base Period described in Appendix A:

(1) The total number of students; the number and percentage of students who have failed to complete their course of instruction, such percentage to be computed separately for each course of instruction offered by respondents at each school, location or facility;

(2) The number and percentage of students who graduated, such percentage to be computed separately for each course of instruction;

(3) The number of graduates employed in a position for which the course trained them and the employment placement percentages based on all students and graduates; such numbers and percentages to be computed separately for each course of instruction offered by respondents at each school, location or facility;

(4) The employment salary range of respondents' graduates as to the same graduates used to compute the placement percentage in (3) above.

Provided, however, This Paragraph shall be inapplicable to any school newly established by respondents in a metropolitan area or county, whichever is larger, where they previously did not operate a school, or to any course newly introduced by respondents, until such time as the new school or course has been in operation for the base period described

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in Appendix A. However, during such period the following statement, and no other, shall be made in lieu of the Appendix B Disclosure Form required by this Paragraph:

DISCLOSURE NOTICE

This school (or course, as the case may be) has not been in operation long enough to indicate what, if any, actual employment or salary may result upon graduation from this school (course).

5. Failing to keep adequate records, for a period of three years from the date each student discontinues training or graduates, which may be inspected by Commission staff members upon reasonable notice which substantiate the data and information required to be disclosed by Paragraph 4 of this Order. Such records shall include the name, address, and telephone number of each student and, with respect to Paragraph 4 (subparagraphs 3 and 4), such records shall include: (i) The name, address and telephone number of the firm or employer employing each graduate; (ii) The name or title of the job position obtained; (iii) The date on which the job position was obtained; (iv) His/her monthly or annual salary.

6. (a) Contracting for the sale of any course of instruction in the form of a sales contract or any other agreement which does not contain in immediate proximity to the space reserved in the contract for the signature of the prospective student in bold face type of a minimum size of ten (10) points, a statement in the following form:

"You, the prospective student (the buyer), may cancel this transaction at any time prior to midnight of the tenth business day after the date of this transaction. See attached notice of cancellation form for an explanation of this right."

(b) Failing to furnish each prospective student, at the time he signs the sales contract or otherwise agrees to enroll in a course of instruction offered by respondents, a complete form in duplicate, which shall be attached to the contract or agreement, and easily detachable, and which shall contain in ten (10) point bold face type the following information and statements:

NOTICE OF CANCELLATION

(Enter date of transaction)

(Date)

YOU MAY CANCEL THIS TRANSACTION, WITHOUT ANY PENALTY OR OBLIGATION, WITHIN TEN (10) BUSINESS DAYS FROM THE ABOVE DATE.

IF YOU CANCEL, ANY PAYMENTS MADE BY YOU UNDER THE CONTRACT OR SALE, AND ANY NEGOTIABLE INSTRUMENT EXECUTED BY YOU WILL BE RETURNED WITHIN TEN (10) BUSINESS DAYS FOLLOWING RECEIPT BY THE SELLER OF YOUR CANCELLATION NOTICE, AND

ANY SECURITY INTEREST ARISING OUT OF THE TRANSACTION WILL BE CANCELLED.

IF YOU CANCEL, YOU MUST MAKE AVAILABLE TO THE SELLER AT YOUR RESIDENCE, IN SUBSTANTIALLY AS GOOD CONDITION AS WHEN RECEIVED, ANY GOODS DELIVERED TO YOU UNDER THIS CONTRACT OR SALE; OR YOU MAY, IF YOU WISH, COMPLY WITH THE INSTRUCTIONS OF THE SELLER REGARDING THE RETURN SHIPMENT OF THE GOODS AT THE SELLER'S EXPENSE AND RISK.

IF YOU DO MAKE THE GOODS AVAILABLE TO THE SELLER AND THE SELLER DOES NOT PICK THEM UP WITHIN TWENTY (20) DAYS OF THE DATE OF YOUR NOTICE OF CANCELLATION, YOU MAY RETAIN OR DISPOSE OF THE GOODS WITHOUT ANY FURTHER OBLIGATION. IF YOU FAIL TO MAKE THE GOODS AVAILABLE TO THE SELLER, OR IF YOU AGREE TO RETURN THE GOODS TO THE SELLER AND FAIL TO DO SO, THEN YOU REMAIN LIABLE FOR PAYMENT OF SAID GOODS.

TO CANCEL THIS TRANSACTION, MAIL OR DELIVER A SIGNED AND DATED COPY OF THIS CANCELLATION NOTICE OR ANY OTHER WRITTEN NOTICE, OR SEND A TELEGRAM, TO ----------

(Name of seller)

AT ----------

(Address of seller's place of business)

NOT LATER THAN MIDNIGHT OF ----------

(Date)

I HEREBY CANCEL THIS TRANSACTION

---------- ----------

(Date) (Buyer's signature)

• • • • • •

(c) Failing to orally inform each prospective student of his right to cancel at the time he signs a contract or agreement for the sale of any course of instruction.

(d) Misrepresenting in any manner the prospective student's right to cancel.

(e) Failing or refusing to honor any valid notice of cancellation by a prospective student and within ten (10) business days after the receipt of such notice to: (i) refund all payments made under the contract or sale; (ii) return any materials or property traded in, in substantially as good condition as when received by respondent; (iii) cancel and return any negotiable instrument executed by the prospective enrollee in connection with the contract or sale.

(f) During the cancellation period described herein, respondents shall not initiate contacts with such contracting persons other than contracts permitted by this paragraph.

7. Making any representations of any kind whatsoever, which are not already proscribed by other provisions of this Order, in connection with the advertising, promoting, offering for sale, sale or distribution of courses of study, training or instruction in the field of gas turbine mechanic's training or any other course offered to the public in any field in commerce, for which respondents have no reasonable basis prior to the making or dissemination thereof.

8. Furnishing or otherwise placing in the hands of others the means and instrumentalities by and through which the public may be misled or deceived in the manner, or by the acts and practices prohibited by the Order.

9. *It Is Further Ordered*, That:

(a) Respondents herein deliver, by hand or by registered mail, a copy of this Order to each of their present and future franchisees, licensees, employees, sales representatives, agents, solicitors, brokers, independent contractors or to any other person who promotes, offers for sale, sells or distributes any course of instruction included within the scope of this Order;

(b) Respondents herein provide each person or entity so described in subparagraph (a) of this paragraph with a form returnable to the respondents clearly stating his or her intention to be bound by and to conform his or her business practices to the requirements of this Order; retain said statement during the period said persons or entity is so engaged; and make said statement available to the Commission's staff for inspection and copying upon request;

(c) Respondents herein inform each person or entity described in subparagraph (a) of this paragraph that the respondents will not use or engage or will terminate the use or engagement of any such party, unless such party agrees to and does file notice with the respondents that he or she will be bound by the provisions contained in this Order;

(d) If such party as described in subparagraph (a) of this paragraph will not agree to file the notice set forth in subparagraph (b) above with the respondents and be bound by the provisions of this Order, the respondents shall not use or engage or continue the use or engagement of such party to promote, offer for sale, sell or distribute any course of instruction included within the scope of this Order;

(e) Respondents herein inform the persons or entities described in subparagraph (a) above that the respondents are obligated by this Order to discontinue dealing with or to terminate the use or engagement of persons or entities who continue on their own the deceptive acts or practices prohibited by this Order;

(f) Respondents herein institute a program of continuing surveillance adequate to reveal whether the business practices of each said person or entity described in subparagraph (a) above conform to the requirements of this Order;

(g) That respondents discontinue dealing with any person described in subparagraph (a) above, revealed by the aforesaid program of surveillance, who

engaged on his own in the acts or practices prohibited by this Order; *provided, however*, That violation of any provision of this Order by present or future employees of independent contractors shall not be deemed a violation of this Order by respondents unless respondents, upon knowledge of such violation, fail to take, within a reasonable time, corrective action to insure that such act or practice is terminated; *and further provided*, That in the event remedial action is taken, the sole fact of such dismissal or termination shall not be admissible against respondents in any proceeding brought to recover penalties for alleged violation of any other paragraph of this order.

(h) Respondents herein maintain files containing all inquiries or complaints from any source relating to acts or practices prohibited by this Order, for a period of two years after their receipt, and that such files be made available for examination by a duly authorized agent of the Federal Trade Commission during the regular hours of the respondents' business for inspection and copying.

10. *It is further ordered*, That respondent corporation shall forthwith distribute a copy of this Order to each of its operating divisions.

11. *It is further ordered*, That the respondent corporation shall notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the respondent corporation which may affect compliance obligations arising out of this Order.

12. *It is further ordered*, That the individual respondents named herein promptly notify the Commission of the discontinuance of his or her present business or employment with respondent corporation and of his or her affiliation with a new business or employment related to the vocational training industry. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he or she is engaged as well as a description of his or her duties and responsibilities.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

APPENDIX A

BASE PERIOD

The first Base Period shall be the six-month period ending three months prior to the effective date of this Order, such period to commence on the first day of the first month in the Base Period, and end on the last day of the sixth month. Subsequent Base Periods shall be of six months duration commencing on the next day following the termination of the prior Base Period. Base Periods shall be numbered consecutively beginning with the first Base Period (i.e., Base Period No. 1) as defined above.

MONITORING PHASE

The three-month period immediately following the close of a Base Period shall be used by respondents to monitor and compile the total number of all students, and the number of students who dropped out, at any time during the Base Period, and the employment success results of graduates during that Base Period. Respondents may include in the computation of statistics for the Base Period any employment statistics based upon events occurring during the three-month Monitoring Phase.

DISSEMINATION PHASE

On the first business day following three months after the termination of a Base Period, respondents shall begin dissemination of that just-terminated Base Period's statistics as required by this Order, continuing such dissemination until the first business day following three months after the termination of the next Base Period, at which time dissemination of the next set of Base Period statistics must begin.

APPENDIX B

DISCLOSURE FORM
BASE PERIOD #_____

(NAME OF SCHOOL)
DROP-OUT AND PLACEMENT RECORD OF
(NAME OF COURSE)
FOR THE PERIOD (DATE) THROUGH (DATE)

1. TOTAL NUMBER OF STUDENTS.
2. STUDENTS WHO DROPPED OUT:
   NUMBER.
   PERCENTAGE.%
3. STUDENTS WHO GRADUATED:
   NUMBER.
   PERCENTAGE.%
4. TOTAL NUMBER OF GRADUATES WHO FOUND EMPLOYMENT IN A POSITION FOR WHICH THIS COURSE TRAINED THEM.
   THESE GRADUATES FINDING EMPLOYMENT WERE:
   _____% OF ALL STUDENTS, AND
   _____% OF ALL GRADUATES.
   THESE GRADUATES WERE HIRED IN THE FOLLOWING SALARY RANGES:

	NUMBER	% OF ALL STUDENTS	% OF GRADUATES
$300 to 399 PER MONTH			
$400 to 599 PER MONTH			
$600 to 799 PER MONTH			
$800 AND OVER PER MONTH			

JETMA TECHNICAL INSTITUTE, ET AL.,
DOCKET No. 9061

ANALYSIS OF PROPOSED CONSENT ORDER TO AID PUBLIC COMMENT

The Federal Trade Commission has accepted an agreement to a proposed consent order from Jetma Technical Institute, a corporation, and Fred Lee, Jr. and Anna H. Lee, individually and as officers of Jetma Technical Institute.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint alleges respondents falsely advertise that there is a need for a substantial number of graduates of their gas turbine engine mechanics course, that graduates of their course receive high salaries as gas turbine mechanics, and that the gas turbine engine is smog free.

The order prohibits any representations concerning the need or demand for respondents' graduates in positions for which they are purportedly trained, or any representations concerning salary expectations for these graduates, unless respondents disclose the student dropout rate for each course, the percentage of students of each course gaining employment, and the employment salary range for respondents' graduates.

The order also prohibits any representations that the gas turbine engine is smog free.

In addition to the above prohibitions, the order requires the respondents to provide a ten (10) day cancellation period for the consumer on all contracts.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77-11028 Filed 4-13-77;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on April 8, 1977. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed EEOC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before May 2, 1977, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5033, 441 G Street NW., Washington, D.C. 20548.

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Further information may be obtained from Patsy Stuart of the Regulatory Report Review Staff, 202-275-3532.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

EEOC requests clearance of a revision to Form EEOC-5, Charge of Discrimination. EEOC-5 has been revised to bring it into compliance with Privacy and Freedom of Information Acts as well as amendment to the Commission's procedural regulations at 29 CFR 1601, 13, 41 FR 34745. Form EEOC-5 is to assist persons who believe they have been aggrieved to file charge of unlawful employment practices with the Commission. Use of Form EEOC-5 is not mandatory; however, section 706(b) of Title VII of the Civil Rights Act of 1964, as amended, requires that charges be in writing under oath or affirmation. EEOC estimates it will receive 45,000 complaints annually and that reporting burden averages 30 minutes by respondents for preparation of each complaint.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.77-10921 Filed 4-13-77;8:45 am]

GENERAL SERVICES ADMINISTRATION

[FPMR Temporary Reg. F-420]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in a proceeding involving the proposal to adopt a two-tier pricing system for natural gas sales in Maryland.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal Government before the Maryland Public Service Commission (Case No. 7033) involving the application by the Baltimore Gas and Electric Company, which proposes to adopt a two-tier pricing system for natural gas sales in the State of Maryland.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ROBERT T. GRIFFIN,
Acting Administrator.

APRIL 4, 1977.

[FR Doc.77-10922 Filed 4-13-77;8:45 am]

[FPMR TEMPORARY REG. F-421]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent, in conjunction with the Administrator of General Services, the consumer interests of the executive agencies of the Federal Government in proceedings before the Federal Communications Commission involving interstate telephone rates and tariffs.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Federal Communications Commission involving the application of the American Telephone and Telegraph Company for changes in its interstate regulations, rates, and charges, for Tariff FCC No. 260, shared use and resale of private line services and elimination of TELPAK tariffs (Tariff Transmittal Nos. 12714, 12715, and 12716). The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. his authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ROBERT T. GRIFFIN,
Acting Administrator.

APRIL 4, 1977.

[FR Doc.77-10923 Filed 4-13-77;8:45 am]

[FPMR TEMPORARY REG. F-422]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in an intrastate telephone rate increase proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Kansas State Corporation Commission in a proceeding involving the application of the Southwestern Bell Telephone Company for an intrastate rate increase.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ROBERT T. GRIFFIN,
Acting Administrator.

APRIL 4, 1977.

[FR Doc.77-10924 Filed 4-13-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Assistant Secretary for Education

COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

Opportunity to Comment

Pursuant to section 406(g)(2)(B), General Education Provisions Act, notice is hereby given as follows:

The U.S. Office of Education has proposed collections of information and data acquisition activities which will request information from educational agencies or institutions.

The purpose of publishing this notice in the FEDERAL REGISTER is to comply with paragraph (g)(2)(B) of the "Control of Paperwork" amendment which provides that each educational agency or institution subject to a request under the collection of information and data acquisition activity and their representative organization shall have an opportunity, during a 30-day period before the transmittal of the request to the Director of the Office of Management and Budget, to comment to the Administrator of the National Center for Education Statistics on the collection of information and data acquisition activity.

These data acquisition activities are subject to review by the HEW Education Data Acquisition Council and the Office of Management and Budget.

Descriptions of the proposed collections of information and data acquisition activities follow below.

Written comments on the proposed activities are invited. Comments should refer to the specific sponsoring agency and form number and must be received on or before May 13, 1977 and should be addressed to Administrator, National Center for Education Statistics, attention: Manager, Information Acquisition, Planning, and Utilization, Room 3001, 400 Maryland Avenue SW., Washington, D.C. 20202.

Further information may be obtained from Elizabeth M. Proctor of the National Center for Education Statistics, 202-245-1022.

Dated: April 8, 1977.

MARIE D. ELDRIDGE,
Administrator, National Center for Education Statistics.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

Application for Federal Loan for Institutional Capital Contribution, National Defense Education Act of 1958, Title II, section 207.

2. AGENCY/BUREAU/OFFICE

U.S. Office of Education, Bureau of Student Financial Assistance.

3. AGENCY FORM NUMBER

OE 1024.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

• • • "Upon application by any institution of Higher Education with which it has made an agreement under this title, the Commissioner may make a loan to such institution for the purpose of helping to finance the institution's capital contribution to a student loan fund established pursuant to such agreement • • •" (Pub. L. 85-864, sec. 207(a); 20 U.S.C. 427 as amended by Pub. L. 92-318, sec. 461; 20 U.S.C. 1067aa.)

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE

Required to obtain benefits.

6. HOW INFORMATION TO BE COLLECTED WILL BE USED

Information collected will be used to determine whether a loan for Institutional Capital Contribution will be made.

7. DATA ACQUISITION PLAN

(a) Method of Collection: Mail; (b) Time of Collection: Summer; (c) Frequency: Annually.

8. RESPONDENTS

(a) Type: Institutions of Postsecondary Education participating in the National Direct Student Loan Program; (b) Number: 200; (c) Estimated Average Man-Hours Per Respondent: ¼ hour.

9. INFORMATION TO BE COLLECTED

(1) Name and address of institution and Entity I.D. Number; (2) Amount of Institutional Capital Contribution needed to match Federal Capital Contribution; (3) Explanation of steps taken to obtain loan funds from non-Federal sources; (4) Terms available from non-Federal sources for borrowing funds; (5) Payment Terms and Duration desired for Federal loan; (6) Signature and title of institutional authorizing officer and date.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

Application for Basic Institutional Development Program, Title III, HEA of 1965, as amended.

2. AGENCY/BUREAU/OFFICE

Office of Education, Bureau of Postsecondary Education/Division of Institutional Development.

3. AGENCY FORM NUMBER

OE Form 1049.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

"Any institution desiring special assistance under the provisions of this title shall submit an application for eligibility to the Commissioner at such time, in such form, and containing such information, as may be necessary to enable the Commissioner to evaluate the need of the applicant for such assistance and to determine its eligibility to be a developing institution for the purposes of this title • • •" (Pub. L. 92-318, sec. 302(b); 20 U.S.C. 1052.)

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE

Required to obtain benefits.

6. HOW INFORMATION TO BE COLLECTED WILL BE USED

Information will be used to determine eligibility and merits of an institution as a "developing institution" for participation in the Title III Program, HEA of 1965, as amended. It is used in the grant-award process to determine the requested projects that should be funded as well as the total amount of grant award.

7. DATA ACQUISITION PLAN

(a) Method of Collection: Mail; (b) Time of Collection; Fall; (c) Frequency: Annually.

8. RESPONDENT

(a) Type: College and Universities; (b) Number: 400-500; (c) Estimated Average Man-Hours Per Respondent: 25.

9. INFORMATION TO BE COLLECTED

The standard face page SF-424 is used as Part I. The rest of the application, OE Form 1049, is divided into four parts:

(a) Part II, Requested Arrangement. Award grants are in the form of consortium or bilateral arrangements in five areas—curriculum development, faculty development, administrative improvement, student services and planning for future growth. Participating institutions and assisting institutions and agencies are listed. Amounts requested for arrangement are shown.

(b) Part III, Program Budgets for Requested Year. Separate budget pages must be completed and submitted for each program requested for funding. The salaries of all position titles by major categories must be listed; e.g., Program Coordinators, secretaries, National Teaching Fellows and Professors Emeriti. Amounts for travel, equipment, and any amount paid to participating or assisting institutions, and/or agencies must also be shown together with the non-federal share from institutional funds.

(c) Part IV, Institutional Eligibility and Assurances. In this part the institution assures the U.S. Commissioner of Education that it is eligible as a developing institution by checking off the listed requirements. It also sets forth its accreditation and identifies both the amounts and other Federal and State programs from which it receives funds.

(d) Part V, Institutional Statistics. This part of the application requests data for the last, current, and next academic year in the following areas: (1) Income, (2) Expenditures, (3) Staff, (4) Number of students and graduates during academic year, (5) Number of students (Full-time plus Part-time) enrolled during academic year (broken into minority groups), (6) Number of students (by minority groups) with family income less than $7,500 per year.

[FR Doc.77-10862 Filed 4-13-77;8:45 am]

Public Health Service

DIRECTOR, NATIONAL INSTITUTES OF HEALTH

Delegation of Authority; Preparation of Biological Products

Notice is hereby given that the Assistant Secretary for Health delegated to the Director, National Institutes of Health, with authority to redelegate, the authority under Section 352 of the Public Health Service Act (42 U.S.C. 263) to prepare biological products as specified in Section 352 for the use of the Public Health Service and for the use of other Federal departments or agencies, and public or private agencies and individuals engaged in work in the field of medicine.

The delegation became effective on April 1, 1977.

Dated: April 1, 1977.

RUPERT MOURE,
Executive Officer, Public Health Service.

[FR Doc.77-10915 Filed 4-13-77;8:45 am]

Office of the Secretary

OFFICE OF THE REGIONAL ATTORNEY

Statement of Organization, Functions, and Delegations of Authority

Chapters coded under the ADG Region I-X part of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare are amended to delete reference to supervision of the Regional Attorney by the Regional Director and to place the Regional Attorneys under the supervision and direction of the General Counsel for all matters. To the extent that other statements of organization are inconsistent with this statement, such statements are hereby revised.

The portion of each chapter relating to the Office of the Regional Attorney is amended as follows:

Office of the Regional Attorney. The Regional Attorney serves as the legal adviser to the Regional Director and as chief legal officer for DHEW programs and activities in the region. The Regional Attorney is under the supervision and direction of the General Counsel.

The office of the Regional Attorney:

1. Advises and counsels the Regional Director and operating program personnel on legal issues relating to their responsibilities within the region;

2. Assists in legal aspects of program development and of policy problem solution;

3. Provides professional legal services, such as preparation of legal instruments, memoranda, reports, and interpretive analyses;

4. Represents or counsels the Regional Director in negotiations to resolve actual and potential problems of a legal nature;

V4272 APR 14 77 UMI

5. Provides appropriate legal assistance to state agencies and officials in connection with DHEW programs;

6. Prepares for and conducts administrative hearings, aids the U.S. Attorney in preparation for and conduct of litigation, and performs such other duties as may be requested by the General Counsel.

Effective date: April 4, 1977.

Dated: April 4, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc.77-10916 Filed 4-13-77;8:45 am]

DEPARTMENT OF JUSTICE

COMMITTEE ON SELECTION OF DIRECTOR OF FEDERAL BUREAU OF INVESTIGATION

Meeting

APRIL 11, 1977.

Pursuant to the provisions of Public Law 92-463, notice is hereby given that the second meeting of the Committee on Selection of the Director of the Federal Bureau of Investigation will be held in the Andretta Conference Room of the Department of Justice, 10th and Constitution Avenue NW., Washington, D.C., at 2 p.m. on Tuesday, April 26, 1977.

The meeting will discuss criteria for selection of a Director of the FBI, procedures to be followed by the Committee and the qualifications of individuals whose names have been submitted. Portions of the meeting dealing with the qualifications of individuals or consideration of specific individuals may be closed to the public pursuant to section 10(d) of Pub. L. 92-463 as amended (see 5 U.S.C. 552(b)(c)(6)).

Additional information may be obtained from Ms. Mary C. Lawton, Deputy Assistant Attorney General, Office of Legal Counsel, Department of Justice, Washington, D.C. 20530.

Minutes of the meeting will be available upon request from the above designated official.

MARY C. LAWTON,
Staff Director, Committee on Selection of the FBI Director.

[FR Doc.77-10960 Filed 4-13-77;8:45 am]

LEGAL SERVICES CORPORATION

GRANTS AND CONTRACTS

Consideration of Applications

APRIL 11, 1977.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996*l*. Section 1007(f) provides:

At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly, and shall notify the Governor and the State Bar Association of any State where legal assistance will thereby be initiated, of such grant, contract, or project • • •

The Legal Services Corporation hereby announces publicly that it is considering the grant applications submitted by:

1. East River Legal Services Corporation to serve the counties of Clay, Lincoln, Turner, Moody, Union, McCook, and Minnehaha in South Dakota.

2. Legal Aid Society of Wichita to serve the counties of Butler, Harvey, McPherson, and Sloane in Kansas.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at:

Chicago Regional Office, 310 South Michigan Avenue, 24th Floor, Chicago, Illinois 60604.

THOMAS EHRLICH,
President.

[FR Doc.77 10930 Filed 4 13 77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Wyoming 58780]

WYOMING

Application

APRIL 5, 1977.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Kansas-Nebraska Natural Gas Company, Inc. of Hastings, Nebraska filed an application for a right-of-way to construct a 12¾" O.D. steel pipeline for the purpose of transporting natural gas across the following described national resource lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 34 N., R. 89 W.
Sec. 31.
T. 34 N., R. 90 W.
Sec. 14;
Sec. 24;
Sec. 25.
T. 35 N., R. 90 W.
Sec. 3;
Sec. 10;
Sec. 31.
T. 36 N., R. 90 W.
Sec. 3;
Sec. 10;
Sec. 15;
Sec. 34.
T. 37 N., R. 90 W.
Sec. 23;
Sec. 26.

This pipeline will connect with the applicant's existing pipeline in the NE¼ sec. 23, T. 37 N., R. 90 W., and tie into Northern Utilities, Inc., line in the SW¼ sec. 31, in T. 34 N., R. 89 W., in Fremont County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300, Third Street, P.O. Box 670, Rawlins, Wyoming 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-10927 Filed 4-13-77;8:45 am]

[Wyoming 58781]

WYOMING

Application

APRIL 4, 1977.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Company of Colorado Springs, Colorado filed an application for a right-of-way to construct a 4 inch O.D. natural gas pipeline for the purpose of transporting natural gas across the following described national resource lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 20 N., R. 94 W.,
Sec. 6, lot 5, NE¼SW¼ and NW¼SE¼.

The pipeline will transport natural gas produced from the No. 1-6 Federal well in section 6, Township 20 North, Range 94 West, in Sweetwater County, Wyoming into an existing natural gas pipeline in section 1, Township 20 North, Range 95 West in Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-10926 Filed 4-13-77;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Tennessee Valley Authority, Norris, Tennessee 37828.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (check only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Live capture and transplantation of Percina tanasi stocks confined to the Little Tennessee River embayment of Watts Bar Reservoir and those above Tellico Dam in the Little Tennessee River. This capture and transplantation will enhance survival probabilities of the species.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Tennessee Valley Authority
Norris, TN 37828

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: NOT APPLICABLE
☐ MR. ☐ MRS. ☐ MISS ☐ MS. | HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Federal Agency—regional resources development and conservation
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. Aubrey J. Wagner, Chairman Board of Directors, Ph. FTS 852-3554
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
Not applicable

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Transplantation from the Little Tennessee River embayment of Watts Bar Reservoir and the Little Tennessee River above Tellico Dam to the Holston River below Cherokee Dam, identified as a priority site in TVA's previous permit application transmitted November 10, 1976.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☐ NO
(If yes, list license or permit numbers)
PRT-7-05-C-2-NV PRT 2-4
4-PR-977 PRT-2-438

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)
Coordinated with Tennessee Wildlife Resources Agency

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ Not required

10. DESIRED EFFECTIVE DATE: Immediately

11. DURATION NEEDED: Until completion

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
50 CFR 17.22

CERTIFICATION
I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.
SIGNATURE (In ink) Thomas H. Ripley DATE February 25, 1977

3-200
16-748
GPO 895-042

ATTACHMENT TO APPLICATION OF TENNESSEE VALLEY AUTHORITY FOR WILDLIFE COLLECTION PERMIT

Information required by 50 CFR, section 17.22(a).—(a) (1) Snail darter (*Percina tanasi*). TVA will remove and transplant as many specimens as can reasonably be captured from the Little Tennessee River embayment of Watts Bar Reservoir below Tellico Dam and from the Little Tennessee River above Tellico Dam. Realistically, the total fish captured will probably not exceed 1,000. All fish, captured will be introduced into the Holston River below Cherokee Dam (Holston River Miles 7-40). The area of the Holston River below Cherokee Dam has been selected by general agreement with the U.S. Fish and Wildlife Service, the Tennessee Wildlife Resources Agency, and the Tennessee Valley Authority as having the most potential for maintenance of a snail darter population outside of the Little Tennessee and Hiwassee Rivers.

(2) The wildlife coverod by this permit is in the wild.

(3) No known captive populations of snail darters exist.

(4) Not applicable.

(5) Not applicable.

(6) Fish will be collected by SCUBA divers using modified bag seines. Transportation and release methods will be as authorized under TVA's previous permit (PRT 2-4, May 13, 1976). Specimens collected will be transplanted to the Holston River below Cherokee Dam (HRM 7-HRM 40). The area was agreed upon at the September 29, 1976, consultation meeting by biologists from the U.S. Fish and Wildlife Service, the Tennessee Wildlife Resources Agency, and the Tennessee Valley Authority, as being the most suitable site to maintain a population of *Percina tanasi* outside of the Little Tennessee and Hiwassee Rivers. Over 700 specimens have been transplanted in the past two years without incident of mortality.

(7) The activities under this permit are described, in part, under Activity V (Transplantation) of the workplan submitted previously with the application for Permit PRT 2-4, issued May 13, 1976. Capture of specimens will be accomplished by SCUBA divers using a modified bag seine. Such activities will be carried out by TVA under the general supervision of Dr. Thomas H. Ripley, Director of TVA's Division of Forestry, Fisheries, and Wildlife Development; and under the direct supervision of Richard B. Fitz. Personnel of the U.S. Fish and Wildlife Service and the Tennessee Wildlife Resources Agency will cooperate in carrying out field activities.

(8) (i)–(ii)—Details of scope and procedure for the activity are set out in the workplan previously submitted (referred to and as modified in (7) above).

(iii)—Investigations during the course of TVA's Program to Conserve the Snail Darter (*Percina tanasi*) have revealed a large number (>1,000) of young-of-the-year *P. tanasi* congregated below Tellico Dam in the Little Tennessee River embayment of Watts Bar Reservoir during 1976. Concurrent observations have failed to produce evidence of any young of the year in the Little Tennessee River above Tellico Dam although perhaps 1,000 adults remain in this reach. These factors indicate that recruitment to the reach of river designated as critical habitat is nonexistent due to the obstruction of Tellico Dam structure preventing upstream migration.

It was agreed during the November 10, 1976, consultation meeting by biologists from the USFWS, TWRA, and TVA that this situation created a potential threat to the continued existence of not only those congregated below Tellico Dam but to the Little Tennessee River population itself. Subsequently, TVA applied for a permit to capture the fish below Tellico Dam in Watts Bar Reservoir and transplant them to other sites in the eastern Tennessee River Valley with the initial transplant to be to the Holston River below Cherokee Reservoir. This area was selected by biologists from the U.S. Fish and Wildlife Service, the Tennessee Wildlife Resources Agency and TVA as the first priority among a list of six potential sites. It is now believed that a sufficient number of darters is available and recoverable only to stock the Holston River effectively.

TVA's view has always been that transplantation to suitable sites outside the lower section of the Little Tennessee River is the only action that can be taken to eliminate any direct threat to the fish congregated below Tellico Dam. With regard to the population in the Little Tennessee River, extirpation will occur this year following the impending spawning period despite any measures that may be taken. To transplant these fish to other waters prior to spawning is the most desirable alternative in TVA's opinion.

(iv)—All live specimens collected will be released in the transplant area. In the event that some specimens are killed or injured during the activity, they will be preserved and retained in TVA's Fisheries Laboratory in Norris, Tennessee, and will be available for inspection by other scientists.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-666-07; please refer to this number when submitting comments. All relevant com-

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ments received on or before May 16, 1977 will be considered.

Dated: April 11, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc.77-10901 Filed 4-13-77;8:45 am]

THREATENED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under Section 4(d), 16 U.S.C. 1533(d), of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Lloyd R. Ure, R.R. 1, Granton, Wisconsin 54436.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Mark only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED:
TO BE ABLE TO BUY AND SELL BAR-THIGED, BROWN-EARED, EDWINSI, MAINADO, PALAWAN PEACOCK, SWINHOE'S, WHITE-EARED, AND ELLIOTS PHEASANTS.
TO PROPAGATE THE ABOVE (ENDANGERED SPECIES) AND SELL SURPLUS STOCK TO OTHER LICENSED PROPAGATORS, AND BUY NEW BLOOD TO INSURE THEIR SURVIVAL BY A CAPTIVE SELF-SUSTAINING POPULATION

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
LLOYD R. URE
R.R. 1
GRANTON, WIS. 54436
PH. 715-238-7291

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 5'8" WEIGHT: 155
DATE OF BIRTH: SEPT. 12, 1930
COLOR HAIR: BROWN COLOR EYES: BLUE
PHONE NUMBER WHERE EMPLOYED: 715-238-7291
SOCIAL SECURITY NUMBER: 398-26-8238
OCCUPATION: DAIRY FARMING
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT: DOES NOT APPLY

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION: DOES NOT APPLY
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.: DOES NOT APPLY
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED: DOES NOT APPLY

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
R.R.1
GRANTON WIS. 54436
S.E.¼ SEC. 6 TOWN OF LYNN
CLARK COUNTY WIS.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit numbers)
WATERFOWL PROPAGATION 3-PR-2060

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of documents)
I HOLD A COMMERCIAL PROPAGATING LICENSE ISSUED BY THE STATE OF WISCONSIN LICENSE NO. 4517

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $

10. DESIRED EFFECTIVE DATE: JAN. 1, 1977

11. DURATION NEEDED: 2 YRS. (OR AS LONG AS POSSIBLE)

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED. ALL INFORMATION AND HISTORY RECORDED IN DEPT. OF INTERIOR FISH AND WILDLIFE SERVICE. FILE NO. PRT 2-273-07

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): Lloyd R. Ure
DATE: Dec. 8, 1976

3-200 (6/74) GPO 895-042

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

The substantive information required by 50 CFR 17.22 has been provided in a previous application (PRT 2-273) for similar purposes dated June 29, 1976, and published in the FEDERAL REGISTER Vol. 41 No. 167 Thursday, August 26, 1976. Such information supported the issuance of Permit PRT 2-273. Aforementioned information, is considered complete and adequate support for this application PRT 2-540.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-540-25; please refer to this number when submitting comments. All relevant comments received on or before May 16, 1977 will be considered.

Dated: April 11, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc.77-10902 Filed 4-13-77;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Central Florida Zoological Society, P.O. Drawer 2078, Sanford, Florida 32771. Alan E. Rozon, Executive Director.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION
Reference FWS/WPO PRT 1-08

OMB NO. 42-R1670

1. APPLICATION FOR (Mark only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED:
Export 1/0 Jaguar to Venezuela for introduction to natural habitat and subsequent breeding.

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Central Florida Zoological Society
P.O. Drawer 2078
Sanford, Florida 32771
(305) 323-6530 or 323-4450

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT / WEIGHT
DATE OF BIRTH / COLOR HAIR / COLOR EYES
PHONE NUMBER WHERE EMPLOYED / SOCIAL SECURITY NUMBER
OCCUPATION
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION: Non-profit corporation- zoological society involved in education and propogation.
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.: Alan E. Rozon, Ex. Dir. 305-323-4450
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED: Florida

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
From: Cent. Fla. Zoological Park
P.O. Drawer 2078
Sanford, Florida 32771
To: Dr. Ivan Dario Maldonado
Hacienda "El Frio"
Apure-state
Venezuela

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit numbers)
PRT 2-369AT
PRT 2-59AT

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)
Importation Permit(to be updated)
See attached forms.

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $

10. DESIRED EFFECTIVE DATE: 5/1/77

11. DURATION NEEDED: 30 days

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

50 CFR 17.22- Permits for Scientific Purposes & For Propogation & Survival

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink):
DATE: March 7, 1977

3-200 (6/74) GPO 895-042

The following information is supplied in conjunction with the attached application to export 1/0 Jaguar to the country of Venezuela by the Central Florida Zoological Society, P.O. Drawer 2078, Sanford, Florida 32771.

This information is supplied following the guidelines and instructions established by 50 CFR 17.22:

(1) Jaguar (*Panthera onca*), Male, 1 yr. old, exportation for potential breeding and release into natural habitat.

(2) Animal was born to resident pair on exhibit at the Central Florida Zoological Park.

(3) N/A.

(4) Born Mar. 3, 1976 at the Central Florida Zoological Park.

(5) This specimen will be conditioned for release on the hacienda property of Dr. Ivan Dario Maldonado, located in the Apure-state of Venezuela. Eventual release will take place within an area of approximately 190 acres which is an extension of the hacienda. Actual communication and liaison is through Dr. Pedro Trebbau, Director of Zoos, Parque Carucuao, Apartado 28058, Caracas, Venezuela. Permit authorization is shown on attached forms.

(6) (i) See attached diagram, to be used only to acclimate animal for eventual release.

(ii) Technical expertise will be supplied by Dr. Trebbau's office. Interest is also developing in the area of radio telemetry. Dr. Edgardo Mondolfi is the leader of this activity in Venezuela and is very interested in such a venture. Dr. John Eisenberg of the Smithsonian Institute may also lend valuable support to the project.

(iv) The container to be used will measure 3'w, 5'l, 4'h. It will be constructed of wood and reinforced even though animal in question is only one year old and extremely docile.

(7) See attached forms. When approved by your office, Dr. Trebbau informs us that these import forms can be updated to coincide with export permits with no problem.

(8) The intent of this exportation permit is to attempt to re-establish a breeding population of Jaguars in their natural habitat which is sparsely populated by people so as to allow maximum chance of survival and to increase the natural numbers of an endangered species.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-681-C-07; please refer to this number when submitting comments. All relevant comments received on or before May 16, 1977 will be considered.

Dated: April 11, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc.77-10903 Filed 4-13-77;8:45 am]

THREATENED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under Section 4(d), 16 U.S.C. 1533(d), of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant; Vance B. Grannis, Jr., 9240 Barnes Avenue East, Inver Grove Heights, Minn. 55075.

V4272 PR 14 77 UMI

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
[ ] IMPORT OR EXPORT LICENSE [X] PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
See Attachment A

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Vance B. Grannis, Jr.
9249 Barnes Ave. E.
Inver Grove Heights, Mn. 55075
612-457-4448

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
X MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 6'2" WEIGHT: 200lbs.
DATE OF BIRTH: 1/16/37
COLOR HAIR: Auburn COLOR EYES: Hazel
PHONE NUMBER WHERE EMPLOYED: 612-455-1661
SOCIAL SECURITY NUMBER: 475-38-9999
OCCUPATION: Aviculturalist & Attorney
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
None

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
N.A.
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
N.A.
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED: N.A.

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
9249 Barnes Ave. E.
Inver Grove Heights, Mn. 55075

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit numbers)
3PR 1610

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☒ NO
(If yes, list jurisdictions and type of document)
none required

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
N.A.

10. DESIRED EFFECTIVE DATE
date of issuance

11. DURATION NEEDED
2 years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
17.33

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE OF APPLICANT: Vance B. Grannis, Jr. DATE: 3/15/77

3-200
10/76

ATTACHMENT 17.33 TO PERMIT REQUEST

(1) A "Captive Self-Sustaining Population" permit is requested for the following species of pheasants, quail, ducks, and goose:

✓(1) Brown-eared pheasant (Crossoptilon mantichuricum)
(2) White-eared pheasant (Crossoptilon crossoptilon drouyni)
(3) Bar-tailed pheasant (Syrmaticus humiae)
(4) Mikado pheasant (Syrmaticus mikado)
(5) Palawan peacock pheasant (Polypectron emphanum)
(6) Elliot's pheasant (Syrmaticus ellioti)
(7) Edwards pheasant (Lophura edwardsi)
(8) Swinhoe's pheasant (Lophura swinhoii)

The applicant seeks a permit to authorize an unlimited number of transactions through interstate commerce over a 2 year period of time for the 8 species of pheasant, 1 specie of quail, 2 species of duck and 1 specie of goose listed above in this paragraph, with the permit being subject to renewal according to section 13.24.

(2) The applicant possesses numerous pheasant aviaries of varing sizes the average approximate size being 20 ft. long 9 ft. wide and 6 ft. high, all of which have various types of shelters. All pheasant aviaries are predator proof employing heavy guage wire. During the summer there are a number of waterfowl pens with separate ponds. During the winter there is a heated Barn with indoor ponds for the waterfowl. Quail are kept in aviaries similar to the pheasants or in smaller pens appropriate for their size. Five acres of land are used at present with an additional twenty acres available. Photos are attached.

(3) Applicant has been propagating pheasants and waterfowl for more than 8 years. I am presently raising some of the pheasants and the ducks referred to in this permit application. My aviaries contain different species of pheasants, quail and many species of waterfowl. The collection is considered one of the larger ones in the State of Minnesota.

The applicant is an active member of many wildlife organizations including (1) American Pheasant & Waterfowl Society (Director)
(2) Game Bird Breeders Cooperative Federation
(3) Minnesota Pheasant and Waterfowl Society (President)
(4) International Wild Waterfowl Association.

(4) The applicant is willing to participate in a cooperative breeding program and to contribute data for a stud book.

(5) The applicant will use standard shipping crates of appropriate size for pheasants, quail, ducks and geese. He has already shipped or received pheasants, ducks and geese throughout the United States without loss. Food and water will be included in crates when necessary.

(6) Among the hundreds of pheasants, quail, ducks and geese the applicant possesses or has bred only a negligible loss occurred. The losses have mainly been due to predators. Changes have been made to make pens predator proof. Some ducks died from a dosage of deworming medicine.

(7) i. The applicant is making this application to gain authorization to engage in interstate commerce with the pheasants, quail, duck and goose listed under #1. This will enable the applicant to dispose of progeny raised each year to qualified breeders and thereby recover all costs invested in the above species. This will also increase the "captive self-sustaining population" of each of the species involved and thereby enhance their overall chances for survival. The applicant also contends that this will better the probability of reintroduction into their natural habitats when environmental and political situations will allow such action. Maintaining these species in captivity will permit future generations to view and enjoy these birds. Hundreds of people, including bus loads of school children, come to my aviaries to see these birds which they cannot see in their native habitat.

ii. Upon termination of my breeding program, those birds covered by the permit as well as those which are not will be distributed among qualified breeders of those species concerned who will continue to propagate them for future generations.

Sincerely,
Vance B. Grannis, Jr.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-688-25; please refer to this number when submitting comments. All relevant comments received on or before May 16, 1977 will be considered.

Dated: April 11, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-10904 Filed 4-13-77;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Maresa Company, 764 Ora Avo Dr., Vista, Calif. 92083. Mr. S. J. "Tony" Eberson.

Donahoo Enterprises, Inc.
761 OHA AVO DRIVE • VISTA, CALIFORNIA 92083
PHONE: (714) 727-4135

February 28, 1977

Mr. Donald G. Donahoo
Chief, Permit Branch
Federal Wildlife Permit Office
Washington, D.C. 20240.

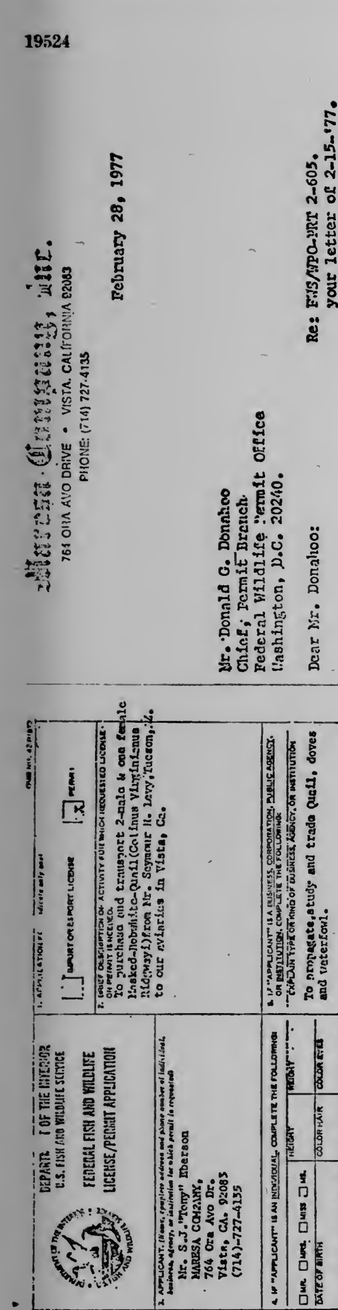
Re: FWS/WPO-PRT 2-605.
your letter of 2-15-'77.

Dear Mr. Donahoo:

Thank you for bringing to my attention the missing information in my letter of Jan. 12 -'77. In this letter and attached enclosures I will attempt to supply your office with all the answers requested under 50 CFR-17.22: 1-8.

a. Form 3-200 was completed and supplied to your office on 1-12-'77

1. Masked Bobwhites; Virginianus Ridgwayi, family of Colinus. 2/1 (2 males & 1 female) Birds are 1975 captive reared. For propagating and studying purposes.
2. All 2/1 Colinus Virginianus Ridgwayi quail are captive raised in Tucson, Arizona, in 1975.
3. Not applicable.
4. Original from Mexico. These birds were born and raised in Tucson, Arizona.
5. Marana Company, S.J."Tony" Eberson ± 764 Ora Avo Dr., Vista, San Diego county, California 92083.
6. See attached exhibit I & II.
6.i.-Educated in Europe through 2d year of college, attended the Royal Dutch Navy for my duty, after which I came to the U.S.A. Attended several different colleges taking subjects towards my degree. Became a U.S.A. citizen in 1962.
Grew-up on my fathers horsestable and animal-park in Benekom, Netherlands. I learned at an early age how to care for all sorts of wildlife and domestic animals and birds. Through my fathers on the job training (after school) and the professional guidance of our veterenian I acquired most of my early knowledge in how to technicaly take care of all sorts of animals and birds. I have had Pheasants, Quail, doves (foreign & domestic), waterfowl & Boobbills, for the past 10 years in



DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR [ ] IMPORT OR EXPORT LICENSE [X] PERMIT

2. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Mr. S.J. "Tony" Eberson
MARSA COMANY,
764 Ora Avo Dr.
Vista, Ca. 92083
(714)-727-4135

3. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
TYPE OF BUSINESS OR TYPE OF INSTITUTION (i.e., zoo, research, museum, etc.)
To propagate, study and trade Quail, doves and waterfowl.

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
[ ] MR. [ ] MRS. [ ] MS.
SEX: [ ] MALE [ ] FEMALE
DATE OF BIRTH
COLOR EYES
COLOR HAIR
HEIGHT
WEIGHT
PHONE NUMBER
WHERE EMPLOYED
SOCIAL SECURITY NUMBER
OCCUPATION
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. NAME, TITLE, AND PHONE NUMBER OF PRINCIPAL OFFICER, PARTNER, OR EXECUTIVE OFFICIAL
S.J "Tony" Eberson-President
IF APPLICANT IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
Arizona

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
764 Ora Avo Dr., Vista, Ca. 92083

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT [X] YES [ ] NO
(If yes, list license or permit number)
PRT-2-1165-Sc
PRT-2-1166-Sc.

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THE NECESSARY APPROVALS TO CONDUCT THE ACTIVITY YOU PROPOSE? [ ] NO [ ] YES
(If yes, list jurisdictions and type of documents)
California Fish & Wildlife Service
(see attached.)

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF $

10. DESIRED EFFECTIVE DATE: Immediately

11. DURATION NEEDED: 2 months

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12) AND MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLES 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE FURTHER CONDITIONS SET FORTH IN THIS APPLICATION. I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) S.J."Tony" Eberson
DATE 1-12-'77

FWS Form 3-200-12 (6/76) GPO 893-849

Arizona and at present in Vista, CA.. I have been and am a member of different Gamebird breeders associations, the American Federation of Aviculture, the Aviculture Society of America and other local clubs, for many years.

I have made the Masked Bobwhites and other quail my special study for the last six years. In doing this I have exchanged information and worked with well known and knowledgeable bird-people across the nation and in Europe.

iii.- We would be willing and interested in a cooperative breeding program and are keeping records.

iv.- One container 8"x 24"long x 12" deep, constructed out of wood. Fine wire netting in front, foam padding on inside top (for head protection), one feed and water container inside. See exhibit III

v.- I started with 1/1 Masked Bobwhite quail in 1973. These were old birds. In 1974 they laid 10 eggs- 5 were fertile, raised 4- lost one due to malformation of bird and one due to a hawk problem later on when I moved from Arizona to Southern California. We did not try to raise any in 1975, due to moving problems. Started with three related birds in 1976. My original parents died of old age.(Estimated age 7-8 years). I paired one pair (related) and left other male single, due to not being able to obtain the birds from Tucson in 1976, because of no response to my writing to your office at that time. Received 9 eggs, from this related pair, six were fertile, raised 4, 2 were malformed and killed by us. This is the balance we hope to start with this season, unless we are able to get the permit and add the 2/1 quail to our present collection.

7.- No contracts. I am engaging in this by myself.

8.-a.- I would like to see this bird being bred in order to stop them from becoming extinct in captivity as well as in the wild in southern Arizona & Mexico.

i.- For propagation and life study purposes.

ii.-Breeding through natural and artificial incubation methods.

iii.-My study records and other related data will help other breeders and/or ornitholigist.

iv.-If it will be terminated?, my birds will be donated to the San Diego Zoological gardens. Dr. Arthur Risser, head-curator of birds. I also work and exchange information with him.

Trusting that the above and attached information will fulfill all the required questions, I look forward to your favorable decision in sending us the requested permit.

Thank you for your cooperation in this matter, I remain,

Sincerely yours,

S.J. "Tony" Eberson.

Document and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-605-07; please refer to this number when submitting comments. All relevant comments received on or before May 16, 1977 will be considered.

Dated: April 11, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-10905 Filed 4-13-77;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Oklahoma City Zoo, Rt. 1, Box 1, Oklahoma City, Okla. 73111.

V4272 APR 14 77 UMI

March 24, 1977

Mr. Donald G. Donahoo
Chief, Permit Branch
Federal Wildlife Permit Office
United States Department of Interior
Fish and Wildlife Service
Washington, D. C. 20240 Ref: FWS/WPO PRT-2-504-07

Dear Mr. Donahoo:

With reference to the application of the Oklahoma City Zoo for an endangered species permit to import a male harpy eagle (FWS/WPO PRT 2-504-07; original date - 26 October 1976 and subsequently revised 1 March 1977), we submit (1) a further revision to the application and (2) additional information, as follows:

1. Circumstances by which eagle was removed from the wild:

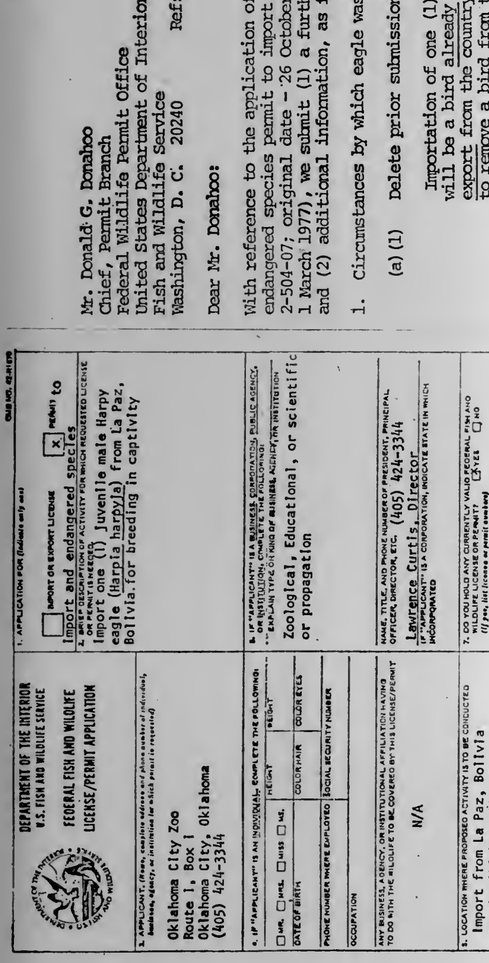
(a) (1) Delete prior submissions and substitute as follows:

Importation of one (1) male harpy eagle. Acquisition will be a bird already in captivity and legal for export from the country of origin. We will not seek to remove a bird from the wild. The objective would be to locate an orphaned or injured bird already removed from the wild. After an appropriate time, should this search be unproductive, then and only then, we will file an amendment to this application requesting a permit to import a specimen captured from the wild.

(a) (2) Delete prior submissions and substitute as follows:

Specific whereabouts of the bird sought by this permit is unknown at this time. We do know the following, however:

(1) If the bird is in the wild at present but subsequently becomes a subject of this permit, it will be as a result of that bird being injured, orphaned or otherwise incapable of surviving in the wild but due to circumstances unrelated to the issuance of this permit.



DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

OMB NO. 42-R170

1. APPLICATION FOR (Indicate only one) — ☐ IMPORT OR EXPORT LICENSE ☒ PERMIT to import and endangered species

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED: Import One (1) juvenile male Harpy eagle (Harpia harpyja) from La Paz, Bolivia for breeding in captivity

2. APPLICANT: (Print, typewrite or otherwise reproduce in ink. If corporation or other business organization, give name of individual who is authorized to act for the organization and indicate capacity in which he acts. If agent is making application for principal, give full name of principal and your relationship to him.)
Oklahoma City Zoo
Route 1, Box 1
Oklahoma City, Oklahoma
(405) 424-3344

3. IF APPLICANT IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: ☐ MR. ☐ MRS. ☐ MS. HEIGHT | WEIGHT | COLOR HAIR | COLOR EYES | DATE OF BIRTH | PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER | OCCUPATION | HOME ADDRESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE ACTIVITY TO BE COVERED BY THIS LICENSE/PERMIT: N/A

4. IF APPLICANT IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OF KIND OF BUSINESS, AGENCY OR INSTITUTION: Zoological, Educational, or scientific or propagation

NAME, TITLE AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. (405) 424-3344 Lawrence Curtis, Director
IF APPLICANT IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

5. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED: Import from La Paz, Bolivia to the Oklahoma City Zoo.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☐ NO (If yes, list licenses or permits number)
73E22

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO (If yes, list jurisdiction and type of document) Valid export permit from Bolivia will be in hand prior to shipment

9. CERTIFICATION CHECK OR MONEY ORDER PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: not required

10. DESIRED EFFECTIVE DATE: 15-Nov-76 (03) 21 11. DURATION NEEDED: 6 months

12. ATTACHMENTS: THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (SEE 50 CFR 13.12(B)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. (SEE INSTRUCTIONS ON REVERSE FOR ATTACHMENTS TO BE PROVIDED.)
(6) (ii)

CERTIFICATION: I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PARTS 13 OF THE CODE OF FEDERAL REGULATIONS AND FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE OF APPLICANT: [signature] DATE: 26 Oct 76

FWS FORM 3-200-1 (2-76) SUPERSEDES FWS FORM 3-200-1 (1-74) WHICH MAY BE USED

(2) If the bird has already been removed from the wild, then it will be a bird that (a) cannot be successfully returned now to the wild and (2) can be legally exported from its country of origin.

(3) We know of no harpy eagles available which have been born in captivity.

(a) (4) We are just advised through the Bronx Zoo of the availability of a single male harpy eagle in Surinam and have initiated efforts for detailed information on this bird. Based on our present knowledge of this specimen, it would qualify as an appropriate importation under the permit guidelines outlined above-(a) (1) and (2). However, if this bird is unavailable or does not qualify, then we shall seek a bird that does. This permit request, therefore, is not predicated on a specific specimen; but on specific conditions under which an animal must have become available.

We will appreciate your incorporating the above revisions in the subject permit request. Should you require additional information, please feel free to contact us.

Sincerely,

Lawrence Curtis
Director

October 26, 1976

Director
United States Fish and
Wildlife Service
Washington, D.C. 20249

Dear Sir:

Please consider this our application to import an endangered species of animal within the context of Endangered and Threatened Wildlife and Plants Part 17 Subpart C, Article 17-22 for enhancement of propagation.

(a) (1) Importation of one (1) juvenile (approximately one year old) male Harpy eagle (Harpia harpyja).

(2) (i) N/A.

(ii) This animal has already been removed from the wild.

(iii) N/A.

(3) N/A - see (2) (ii).

(4) This animal was removed from the wild in the vicinity of La Paz, Bolivia.

(5) Oklahoma City Zoo
Route 1, Box 1
Oklahoma City, Oklahoma 73111

(6) (i) Upon receipt of the approved permit to import the above animal, the Oklahoma City Zoo will construct the facility indicated on Attachment Number 1.

(ii) The Oklahoma City Zoo currently maintains a breeding pair of harpy eagles on display and a single female held off exhibit. The

V4272 APR 14 77 UMI

permit for which we are applying would allow us to pair the single female.

The Oklahoma City Zoo acquired a pair of harpy eagles in 1972 and since their introduction in that year a single egg has been laid in October of 1974 and 1975. The pair has once again exhibited nest building and courtship behavior and two eggs were laid on 15 Oct 76.

Our pair of Andean condors (Vultur gryphus) have a large breeding facility and have laid eggs in 1967, 1968, 1971, 1972, 1974, 1975 and 1976. Development was noted in 1975. One of our three pairs of ornate hawk eagles (Spizaetus ornatus) laid fertile eggs in February and May 1975 and April and May 1976. We have since constructed two off-exhibit breeding facilities for two pair of ornate hawk eagles in our Rare Animal Breeding Center in the north area of the Zoo. Since their introduction into these facilities copulation has been observed in one pair and courtship has begun in the second. The third pair of ornate hawk eagles are in an interim off exhibit breeding facility pending completion of their breeding facility on 12 January 77. In March 1976 one of our three pairs of Spectacled owls (Pulsatrix perspicillata) laid fertile eggs. Since egg laying, an off exhibit breeding facility has been constructed and the breeding pair of spectacled owls have been placed in the facility.

The Oklahoma City Zoo has worked closely with the Oklahoma Department of Wildlife, the local United States Fisheries and Wildlife personnel, and the School of Veterinary Medicine of Oklahoma State University in raptor rehabilitation (see Attachment Number 2) as well as successfully implemented a raptor rehabilitation program at the zoo (see Attachment Number 3). On 11 September 76 the Animal Research Council of the Oklahoma City Zoo sponsored a symposium on the conservation of birds of prey (see Attachment Number 4). The Oklahoma City Zoo has received many young birds of prey through the above agencies in the past. Some of the raptors our zoo staff has successfully reared are the Mississippi kite, sparrow hawk, Swanson's hawk, red-tailed hawk, Harris' hawk, great-horned owl, barred owl, and screech owl. A number of orhaned or injured herons and egrets as well as a large number of passerine birds are donated to the zoo by concerned citizens and have been

March 1, 1977

Mr. Donald G. Donahoo
Chief, Permit Branch
Federal Wildlife Permit Office
United States Department of Interior
Fish and Wildlife Service
Washington, D. C. 20240

Re: FWS/WPO PRT 2-504-07

Dear Mr. Donahoo:

This responds to your letter dated 4 January 1977 requesting additional information on the referenced permit application.

1. Circumstances by which the eagle was removed from the wild:

We have been advised that the bird in La Paz is no longer available. Therefore we request these amendments be attached to our request for an Endangered Species Permit originally dated 26 October 1976.

(a)(1) Delete original statement and substitute as follows: Importation of one(1) male harpy eagle (Harpia harpyja). Acquisition of a male harpy eagle may involve trading animals, cash or exchange purchase or breeding loan.

(a)(2)(i) Delete original statement and substitute as follows: the bird for which this permit is requested is either (1) still in the wild or (2) possibly an orphaned bird currently being hand-reared. Should the permit be granted, we will authorize and engage a collector (approved by appropriate authorities in the country of origin) to capture or confiscate the bird, whichever is appropriate. We would contact government agencies in the habitat area and request information on harpy that have been confiscated or may be available due to forestry projects, etc. In short, we will pursue a bird that is "in hand" first and if unavailable, will pursue legal wild capture in country of origin.

hand-reared by our zoo staff.

Our philosophy is to allow parental rearing of all captive born offspring unless it is contraindicated. With our staff's extensive experience in hand-rearing raptor species we feel we could successfully hand-rear a harpy eagle should it become necessary.

(iii) The Oklahoma City Zoo is willing to participate in a cooperative breeding program, and to maintain or contribute data to a studbook.

(iv) The animal will be packed in a crate meeting or exceeding current I.A.T.A. regulations and shipped by the most appropriate airline from La Paz, Bolivia to the Oklahoma City Zoo. Complete feeding and watering instructions to be attached to shipping crate.

(v) Of a total of three harpy eagles to enter the Oklahoma City Zoo collection, no mortalities have occurred.

(8) The Oklahoma City Zoo holds a breeding pair of adult harpy eagles and an unpaired adult female. Based on the fact that the Oklahoma City Zoo has committed itself to the breeding of this and similar species and to the construction of a breeding facility for the single resident female harpy eagle and the young male, for which we seek permission to import as well as constructed breeding facilities for those similar species indicated in (a) (6) (ii) we feel justified in obtaining this permit.

(i) See U.S.D.I. form 3-200 (Item 2) (Attachment Number 5)

(ii) See (6) (iv).

(iii) The importation of the juvenile male will complete a pair of harpy eagles, increase the potential reproductive rate of the species and provide additional offspring for future captive populations thus reducing the threat to wild populations.

(iv) In the event of death of the animal in question, the carcass will be preserved as a scientific specimen, and be made available to an institution(s) of higher learning for post mortem study.

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and acquire harpy eagles. None were available.

Note that there are only eight male harpies in captivity and there are 17 females. It is highly doubtful that a male will be available for many years from current captive collections.

The Oklahoma City Zoo is committed to maintaining two breeding pairs of this species and developing other breeding pairs from the offspring. The key to the success of a progressive breeding program depends upon the flexibility designed into the program itself. We feel that if we are to commit the necessary resources to the development of a second breeding pair and others from their offspring, we must have the flexibility that can occur by developing a breeding nucleus of two pairs of this species. Without such flexibility, should the male of the trio we now have die, or be determined incapable of reproduction, the entire breeding program fails. The lone female is essentially wasting away without a mate. Since our pair is compatible and the female has produced eggs (infertile to date), we hesitate to pull the male and place him in with the lone female. Hopefully, this pair will produce viable young in the next season. In summary, breeding programs at the Oklahoma City Zoo have been most successful when two unrelated males and several females were secured as the breeding nucleus. This allows the flexibility to manipulate the animals until the right combination of factors create a viable breeding group.

(a)(4) Delete original statement and substitute as follows:
N/A

(a)(7) Include the following response since this item was inadvertently omitted from the original application: N/A

Mr. Donahoo, we believe the above amendments clarify our permit application in accordance with your request of 4 January 1977. Please contact me or my Assistant Director at 405/424-3344 if you wish additional information, or if we can be of any further assistance relative to this application.

Sincerely,

Lawrence Curtis
Director

lkh

Enclosures: Correspondence from Mr. Gary Bogue dated 23 Sept 76 and response to him dated 27 Sept 76.

(a)(2)(i) Delete original statement and substitute as follows:
This bird may be in the wild; it may be "in hand" in a government compound. As stated above, all sources of bird "in hand" will be explored prior to taking from the wild.

(a)(2)(ii) Delete original statement and substitute as follows:
See (a)(2)(i) above.

(a)(3) Delete original statement and substitute as follows:
A census of harpy eagles in captivity was taken which revealed several important facts:

Known Census of Harpy Eagles in the United States:

1.	Oklahoma City Zoo	1/2
2.	Los Angeles	2/2
3.	Colorado Springs	0/0/2
4.	Fort Worth	1/1
5.	Redwood City, Ca	0/1 (used in film production "Harpy"
6.	Albany, Georgia	0/1 (owed by Jim Fowler)
7.	Walnut Creek, Ca*	0/0/1 (private owner-falconer)

Known Census of Harpy Eagles in Europe

1.	Frankfurt, Germany	1/4
2.	Antwerp, Belgium	1/1
3.	Detmold, Germany	1/1
4.	Belem, Brazil	1/4
5.	Panama	0/1 (owned by Dr. Nat Gale)

*See attached correspondence with Mr. Gary Bogue.

This census was derived from the International Zoo Yearbook, and, in the United States as based on our own interest and knowledge of the species and as verified by telephone with those individuals and institutions.

The above institutions and individuals have advised us that they are not in a position to sell, trade or loan their birds. The Los Angeles Zoo has had eggs the past two years but so far have not hatched or raised any. Fort Worth Zoo had two eggs in October 1975 but the eggs were broken by the parents. The Oklahoma City Zoo had two eggs laid in September 1976, after 62 days of incubation by the adult birds the eggs were taken away and found to be infertile. This could be due to the fact that our male has not reached sexual maturity. Our lone adult female will most likely be too old since harpy eagles mature at four to five years of age - if we are forced to wait for Los Angeles or Fort Worth or others to rear young. Oklahoma City Zoo Director and Assistant Director have made several trips to Europe and South America to locate

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-504-07; please refer to this number when submitting comments. All relevant comments received on or before May 16, 1977 will be considered.

Dated: April 11, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office U.S. Fish and Wildlife Service.

[FR Doc.77-10906 Filed 4-13-77;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Revised Notice of Meeting

The meeting notice for the subject meeting to be held on April 7-9, 1977 (published on March 23 and 24, 1977—FEDERAL REGISTER Volume 42, No. 56 and Volume 42, No. 57) is revised as detailed below. This revision involves the scheduling of one session not previously announced, the scheduling of another session and cancellation in part of one other agenda item.

THURSDAY, APRIL 7, 1977

6:30 p.m.–7:00 p.m.—Executive Session (Closed).—Discuss proposed ACRS comments regarding proposed Authorization Legislation for FY-1978 ACRS activities. The ACRS office was informed on April 4, 1977 that the proposed legislation provided for the implementation of a fellowship program to support ACRS activities. On April 5, 1977, the ACRS was asked to supply comments as soon as possible on this legislative proposal. In light of the timing of these events a meeting on this subject could not have been scheduled when the April 7-9 meeting was first noticed.

FRIDAY, APRIL 8, 1977

9 a.m.–10:30 a.m.—Executive Session (Closed).—Prepare ACRS reports on: Cherokee Nuclear Plant; Perkins Nuclear Plant.

This was previously announced as scheduled for 5 p.m.–6:30 p.m. on Friday April 8, 1977. It has been rescheduled due to cancellation of the meeting with the NRC Staff on review of the Federal/State Program for Regulation of Commercial Low-Level Waste Burial Grounds which was to have taken place during this same period.

I have determined that in accordance with Subsection 10(d) of Public Law 92-463 that it is necessary to close the portion of the meeting at which the ACRS will discuss the proposed legislation and formulate its comments thereon to avoid premature disclosure of information which would significantly frustrate proposed Committee/agency action (5 U.S.C. 552b.(c)(9)(B)). Separation of factual information and information considered exempt from disclosure under Exemption (9)(B) during this portion of the meeting is not considered practical.

Date: April 6, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-10520 Filed 4-7-77;8:45 am]

[Docket No. RM-50-5]

GENERIC ENVIRONMENTAL STATEMENT ON MIXED OXIDE FUEL

Order Regarding Postponement of Prehearing Conference

The prehearing conference scheduled for April 21 and the hearings scheduled to begin May 3, 1977 are postponed until further notice.[1]

For the Gesmo Hearing Board.

Dated: April 12, 1977.

GEORGE BUNN,
Chairman.

[FR Doc.77-11036 Filed 4-13-77;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has revised a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 10.3, Revision 1, "Guide for the Preparation of Applications for Special Nuclear Material Licenses of Less Than Critical Mass Quantities," describes the type of information needed by the NRC staff to evaluate an application for a specific license for receipt, possession, use, and transfer of special nuclear material of less than critical mass quantities. This guide was revised as the result of public comment and additional staff review.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Maryland this 6th day of April 1977.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.77-10948 Filed 4-13-77;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.127, "Inspection of Water-Control Structures Associated with Nuclear Power Plants," describes a basis acceptable to the NRC staff for developing an appropriate inservice inspection and surveillance program for dams, slopes, canals, and other water-control structures associated with emergency cooling water systems of nuclear power plants.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 1.127 will, however, be particularly useful in evaluating the need for an early revision if received by June 13, 1977.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced)

[1] See 42 FR 18459, April 7, 1977.

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or for placement on an automatic distribution list for single copies of future guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Maryland this 5th day of April 1977.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.77-10948 Filed 4-13-77;8:45 am]

[Byproduct Material License No. 45-02808-04]

ATLANTIC RESEARCH CORP.

Hearing

Atlantic Research Corporation, 5390 Cherokee Avenue, Alexandria, Virginia 22314, is the holder of Byproduct Material License No. 45-02808-04, which authorizes the company to perform industrial radiography with conditions specified therein. The license was issued originally on September 6, 1974 and will expire on August 31, 1977.

On February 14, 1977, the Director of Inspection and Enforcement, pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (42 USC 2282) and 10 CFR 2.205 of the Commission's regulations, served on the Licensee a Notice of Violation together with a Notice of Proposed Imposition of Civil Penalties. The Notice of Proposed Imposition of Civil Penalties, incorporating by reference the Notice of Violation, alleged that the Licensee was responsible for eight separate items of noncompliance which were violations of the Commission's regulations and license conditions and set forth the civil penalty to be assessed for each violation. These alleged violations were based on the results of an inspection of licensed activities on December 14, 15 and 21, 1976 and January 5, 1977.

An answer dated February 28, 1977 to the Notice of Proposed Imposition of Civil Penalties was received from the Licensee. The Director of Inspection and Enforcement, after due consideration of the response by Licensee, remitted the proposed penalty on one item in the Notice of Violation. Thereafter the Director served on the Licensee an Order Imposing Civil Penalties dated March 28, 1977. By letter dated March 30, 1977 the Licensee requested a hearing.

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Title 10, Code of Federal Regulations, Part 2, notice is hereby given that a hearing will be held before Hon. Samuel W. Jensch, Administrative Law Judge, at a time and place to be set by the Administrative Law Judge.

The issues before the Administrative Law Judge to be considered and decided shall be:

(a) Whether the Licensee committed violations of the Commission's regulations and condition of the license designated as Items A, B, C, D, E, F and H, in the Notice of Violation issued to Licensee; and

(b) Whether the Order Imposing Civil Penalties as it relates to Items A, B, C, D, E, F and H in the Notice should be sustained.

A prehearing conference shall be held by the Administrative Law Judge, at a date and place to be set by him, to consider pertinent matters in accordance with the Commission's Rules of Practice. The date and place of hearing will be set at or after the prehearing conference and noticed in the FEDERAL REGISTER.

Pursuant to 10 CFR 2.705, an answer to this Notice may be filed by the Licensee not later than May 4, 1977.

Required papers may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or by delivery to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555.

Pending further order of the Administrative Law Judge, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission. Pursuant to 10 CFR 2.785, the Commission authorizes an Atomic Safety and Licensing Appeal Board to exercise the authority and perform the review functions which would otherwise be exercised and performed by the Commission. The Appeal Board will be designated pursuant to 10 CFR 2.787, and notice as to membership will be published in the FEDERAL REGISTER.

Dated at Washington, D.C. this 8th day of April, 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary to the Commission.

[FR Doc.77-10936 Filed 4-13-77;8:45 am]

[Docket No. 50-325]

CAROLINA POWER AND LIGHT CO.

Granting of Relief from Inservice Inspection (Testing) Requirements

The Commission has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components," to the Carolina Power and Light Company. The relief is related to the inservice inspection (testing) program for the Brunswick Steam Electric Plant, Unit No. 1 located in Brunswick County, North Carolina. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of its date of issuance and ends March 1, 1978 pursuant to 50.55a (g)6.

The relief consists of: (1) relief from ASME Code Section XI Subsection IWV for valves until March 1, 1978 and (2) relief from ASME Section XI Subsection IWP-3400 for pumps until March 1, 1978.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the letter granting relief. Prior public notice of this action was not required since the granting of this relief from ASME Code requirements does not involve a significant hazards consideration.

The Commission has determined that granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental appraisal need not be prepared in connection with this action.

For further details with respect to this action, see (1) the request for relief dated August 18, 1976, (2) the Commission's letter to the licensee dated ------.

These documents are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Southport Brunswick County Library, 109 W. Moore Street, Southport, North Carolina. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 24th day of March 1977.

For the Nuclear Regulatory Commission.

STEVEN A. VARGA,
Chief, Light Water Reactors Branch No. 4, Division of Project Management.

[FR Doc.77-10937 Filed 4-13-77;8:45 am]

[Docket No. 50-484A]

DAIRYLAND POWER COOPERATIVE, ET AL.

Receipt of Attorney General's Advice and Time for Filing of Petitions

In the matter of Dairyland Power Cooperative, Lake Superior District Power Company, Cooperative Power Association, notice of receipt of Attorney General's advice and time for filing of petitions to intervene on antitrust matters.

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, a letter of advice from the Attorney General of the United States, dated March 28, 1977, a copy of which is attached as Appendix "A".

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714, of the Commission's "Rules of Practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by May 14, 1977, either (1) by delivery to the NRC Docketing and Service Section at 1717 H Street NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, ATTN: Docketing and Service Section.

For the Nuclear Regulatory Commission.

A. L. TOALSTON,
Acting Chief, Antitrust and Indemnity Group, Nuclear Reactor Regulation.

APPENDIX "A"

[NRC Docket No. 50-484A]

DAIRYLAND POWER COOPERATIVE, LAKE SUPERIOR DISTRICT POWER COMPANY, COOPERATIVE POWER ASSOCIATION, TYRONE ENERGY PARK, UNIT NO. 1

MARCH 28, 1977.

You have requested our advice pursuant to Section 105c of the Atomic Energy Act, as amended, in connection with the applications of the above-captioned electric systems to participate in the Tyrone Energy Park, Unit No. 1.

In connection with the application of Cooperative Power Association (CPA), we have examined the information submitted by CPA, as well as other pertinent information with respect to CPA's competitive relationships. Our review disclosed no antitrust problems regarding this application which would require a hearing by your Commission.

In the course of our antitrust review of the applications of Dairyland Power Cooperative and Lake Superior District Power Company, our attention was drawn to a provision of the July 1, 1963, Superseding Agreement between Dairyland and Lake Superior. Article VIII, Section 5 of that agreement states that for 25 years or the term of the agreement, whichever is longer, neither party shall serve any customer of the other without the other party's express written consent. This provision appears to establish a customer allocation in violation of Section 1 of the Sherman Act. When we brought this to the attention of Dairyland and Lake Superior, both parties agreed to eliminate the provision in question from their agreement and to abandon this customer allocation. Attached to this letter are letters from Dairyland's General Manager John P. Madgett and Lake Superior's President K. S. Austin memorializing this understanding. Our review revealed no other antitrust problems with these applications.

In light of the commitment by Dairyland and Lake Superior to eliminate Article VIII, Section 5 from their interconnection agreement and otherwise to abandon their customer allocation, as well as the absence of any other antitrust issues raised by their applications, we do not recommend an antitrust hearing in connection with these applications.

DAIRYLAND POWER DISTRICT, TYRONE ENERGY PARK, UNIT NO. 1

MARCH 3, 1977.

Referring to your letters of February 14 and January 17, you are advised that Dairyland is willing to execute and deliver an amendment to the Superseding Agreement between it and Lake Superior District Power Company, dated July 1, 1963, to delete from the language of said agreement Section 5 of Article VIII.

It is our understanding that Lake Superior District Power Company is likewise willing to execute this amendment and we hope to have this completed and in the hands of you and N.R.C. within a few days.

LAKE SUPERIOR DISTRICT POWER COMPANY, TYRONE ENERGY PARK, UNIT NO. 1

MARCH 4, 1977.

This is to advise you that Lake Superior District Power Company will proceed to take the action necessary to amend the Superseding Agreement Between Lake Superior District Power Company and Dairyland Power Cooperative, dated July 1, 1963, to delete Section 5 of Article VIII of said agreement. It is our understanding that Dairyland Power Cooperative has also indicated its intention to execute such an amendment.

Copies of the amendment will be filed with all governmental agencies with whom the 1963 agreement was filed.

[FR Doc.77-10933 Filed 4-13-77;8:45 am]

[Docket Nos. 50-369, 50-370]

DUKE POWER CO., (WILLIAM B. McGUIRE NUCLEAR STATION, UNITS 1 AND 2)

Resumption of Hearing

APRIL 11, 1977.

Please take notice that the evidentiary hearing being held before the Atomic Safety and Licensing Board to consider an application for the issuance of operating licenses for William B. McGuire Nuclear Station, Units 1 and 2, will resume on Tuesday, April 19, 1977, at 11:00 a.m., local time at:

Commissioner's Meeting Room, Fourth Floor, Mecklenburg County Administration Building, 720 East Fourth Street, Charlotte, North Carolina 28202.

Members of the public are welcome to attend the hearing.

Dated at Bethesda, Md., this 11th day of April 1977.

It is so ordered.

For the Atomic Safety and Licensing Board.

ROBERT M. LAZO,
Chairman.

[FR Doc.77-11037 Filed 4-13-77;8:45 am]

[Docket No. 50-334]

DUQUESNE LIGHT CO. ET AL

Special Prehearing Conference

In the Matter of Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company (Beaver Valley Power Station, Unit No. 1).

On April 1, 1977, an Atomic Safety and Licensing Board appointed to hear petitions to intervene in the above-identified proceeding granted a petition to intervene filed by the City of Pittsburgh and, accordingly, issued a Notice of Hearing with regard thereto. This hearing involves a proposed amendment to the Beaver Valley Power Station operating license, which amendment requests an increase in the spent fuel storage capacity at the facility.

The Atomic Safety and Licensing Board (the Board) established to conduct the hearing is composed of Mr. Lester Kornblith, Jr. and Dr. James C. Lamb, III as technically qualified members, and Mr. Daniel M. Head as chairman.

Notice is hereby given that, in accordance with Section 2.751a of the Commission's Rules of Practice, 10 CFR Part 2, a Special Prehearing Conference will be held in the above-identified proceeding on Tuesday, May 10, 1977, at 9:30 A.M. in U.S. District Court, U.S. Post Office and Court House, 7th and Grand Streets, Pittsburgh, Pennsylvania 15230.

This Special Prehearing Conference will deal with the following matters:

1. Oral argument on all outstanding contentions raised by the petition to intervene of the City of Pittsburgh;

2. Oral argument on any outstanding motions;

3. Discussion of any action necessary for further definition of the issues;

4. The need for discovery and the time required therefor;

5. Establishment of schedule for further action; and

6. Such other matters as may be to aid in the orderly disposition of the proceeding.

The Intervenor City of Pittsburgh, the Applicants and the NRC Regulatory Staff are directed to confer in advance of this Special Prehearing Conference in such manner and at such time as they deem appropriate, to discuss any stipulations that can be reached regarding contentions, discovery, scheduling or any other matters that may aid in the orderly disposition of this proceeding. The Board will require a report on such discussions at the Special Prehearing Conference.

Members of the public are invited to attend this prehearing conference as well as the evidentiary hearing which will be held at a later date to be fixed by the Board. However, the Board will not receive any limited appearances pursuant to section 2.715(a) of the Commission's rules of practice at this prehearing conference. Such limited appearances will be received at the beginning of the evidentiary hearing to be held in this proceeding.

Issued at Bethesda, Maryland, this 6th day of April, 1977.

By order of the Atomic Safety and Licensing Board.

DANIEL M. HEAD,
Chairman.

[FR Doc.77-10938 Filed 4-13-77;8:45 am]

[Docket No. 50-548]

OMAHA PUBLIC POWER DISTRICT

Availability of NRC Draft Environmental Statement, Related to the Determination of Site Suitability for the Fort Calhoun Station, Unit No. 2

Pursuant to the National Environmental Policy Act of 1969 and the United

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States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Draft Environmental Statement (NUREG–0213) has been prepared by the Commission's Office of Nuclear Reactor Regulation related to the suitability of the site proposed for eventual construction of the Fort Calhoun Station, Unit No. 2, in Washington County, Nebraska. NUREG–0213 is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and the Omaha Public Library, 1823 Harney Street, Omaha, Nebraska 68102 and the Extra-Metropolitan Council of Govenments, P.O. Box C, Fremont, Nebraska 68025. The Draft Environmental Statement is also being made available at the State Office of Planning and Programming, State Capital, Lincoln, Nebraska 68509. Copies of the Commission's Draft Environmental Statement may be obtained by request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis.

The Applicant's Environmental Report, as supplemented by the Omaha Public Power District, is also available for public inspection at the above designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on February 3, 1975 (40 FR 4983).

Pursuant to 10 CFR Part 51, interested persons may submit comments on the Draft Environmental Statement for the Commission's consideration. Federal, State, and specified local agencies are being provided with copies of the Draft Environmental Statement. Other interested persons or local agencies may obtain these documents upon request. Comments from Federal, State, and local officials, or other persons received by the Commission, will be made available for public inspection at the Commission's Public Document Room 1717 H Street, N.W., Washington, D.C., and the Omaha Public Library, 1823 Harney Street, Omaha, Nebraska 68102. Upon consideration of comments submitted with respect to the Draft Environmental Statement, the staff will prepare a Final Environmental Statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis. Comments are due by June 6, 1977.

Dated at Rockville, Maryland this 7th day of April 1977.

For the Nuclear Regulatory Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch 1, Division of Site Safety and Environmental Analysis.

[FR Doc.77-10934 Filed 4-13-77;8:45 am]

[Docket No. 50-277]

PHILADELPHIA ELECTRIC CO. ET AL

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 34 to Facility Operating License No. DPR–44 issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revised Technical Specifications for operation of the Peach Bottom Atomic Power Station, Unit No. 2. The amendment is effective as of its date of issuance.

The amendment consists of temporary changes to the Technical Specifications which will allow implementation of a testing program of reactor stability and transient response. During the tests compensatory changes have been made that will assure that reactor safety limits will be the same as those established by transient and accident analyses for cycle 2 operation.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 7, 1977, (2) Amendment No. 34 to License No. DPR–44, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Martin Memorial Library, 159 E. Market Street, York, Pennsylvania 17401.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 4th day of April 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77-10939 Filed 4-13-77;8:45 am]

[Docket No. 50-443 and 50-444; Construction Permits No. CPPR-135 and CPPR-136]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE ET AL. (SEABROOK STATION, UNITS 1 AND 2)

Order Suspending Certain Construction Activities

Pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, (The Act), and Title 10 Chapter 1, Code of Federal Regulations Parts 2 and 50, and pursuant to the Memorandum and Order of the Nuclear Regulatory Commission dated March 31, 1977, *it is hereby ordered*, That Construction, Permit No. CPPR–135 and Construction Permit No. CPPR–136 issued on July 7, 1976, to Public Service Company of New Hampshire, et al., for Seabrook Station, Units 1 and 2, be suspended effective 6:00 PM (EDT) on April 8, 1977, except for completion of the Unit 1 excavation and except for activities at the site to the extent necessary to ensure the protection of:

(1) The environmental integrity of the site, and

(2) Buildings, materials or personnel at the site, including any new materials brought on site if a substantial economic penalty could be shown for failure to do so.

As applicable to the above construction and construction already completed, the conditions for protection of the environment specified as conditions 3.E.(6), 3.E.(7), 3.E.(8), and 3.E.(9) of the construction permits shall remain in effect. Conditions as specified in § 50.55(e) of 10 CFR Part 50 as applicable to excavation and to onsite storage of equipment and materials shall remain in effect.

This suspension shall remain in effect until this Order is rescinded.

Date of issuance: April 7, 1977.

EDSON G. CASE,
Deputy Director, Office of Nuclear Reactor Regulation.

[FR Doc.77-10940 Filed 4-13-77;8:45 am]

[Docket No. 50-443, 50-444]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE ET AL. (SEABROOK STATION, UNITS 1 AND 2)

Prehearing Conference

At the request of counsel of Intervenor New England Coalition on Nuclear Pollution a special prehearing conference will be held on April 18, 1977, at 9:30 a.m., at the Superior Courtroom, Hillsborough County Courthouse, 19 Temple Street, Nashua, New Hampshire.

The purpose of the conference is to hear from the parties on the issues which the parties believe are pertinent to the remanded proceeding, to resolve any outstanding procedural matters, and to develop a hearing schedule.

Dated this 7th day of April 1977, at Bethesda, Maryland.

For the Atomic Safety and Licensing Board.

JOHN M. FRYSIAK,
Chairman.

[FR Doc.77-10941 Filed 4-13-77;8:45 am]

[Docket No. 50-556A, 50-557A]

PUBLIC SERVICE COMPANY OF OKLAHOMA, INC. AND WESTERN FARMERS ELECTRIC COOPERATIVE

Receipt of Attorney General's Advice and Time for Filing of Petitions

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following advice from the Attorney General of the United States, dated March 28, 1977:

You have requested our further advice pursuant to Section 105c of the Atomic Energy Act of 1954, as amended, in regard to the above-cited application. By letter to you dated June 23, 1975, we rendered advice with respect to Public Service Company of Oklahoma's application to construct the Black Fox units. 40 FR 28507. In that letter, we noted that Associated Electric Cooperative (AEC) had purchased a 500 MW ownership interest in the Black Fox station. Subsequently, you requested that we review the antitrust aspects of AEC's application as a participant in this plant. By letter dated May 26, 1976, we rendered our advice on AEC's application. You have asked us now to review the application of Western Farmers Electric Cooperative (WFEC) to participate in Black Fox Nuclear Station, Units 1 and 2.

WFEC, headquartered in Anadarko, Oklahoma, is a generation and transmission cooperative which has 19 members, all of which are distribution cooperatives. WFEC presently supplies power to its 12 members in western Oklahoma; beginning in July, 1977, WFEC will supply power to its other seven members located in southeastern Oklahoma. In addition, WFEC serves wholesale customers in one county in Kansas and three counties in Texas.

WFEC estimates its current (1976) peak load at 605 MW. WFEC's total available dependable generating capacity is 655 MW and is projected to almost triple in the next ten years. To meet this increase, WFEC has planned or has under construction additional generating capacity which will increase its dependable system capacity to 1749 KW by 1985. WFEC has interconnection agreements with adjacent electric power suppliers, providing for various power exchanges. Further, WFEC is a member of the Southwest Power Pool, a regional reliability organization.

We have examined the information submitted by WFEC in connection with the application as well as other information relevant to WFEC's competitive relationships. Our review of this information has disclosed no basis upon which to change our earlier conclusion that no antitrust hearing will be necessary with respect to the Black Fox Station units, assuming, of course, that the Commission issues licenses conditioned with regard to Public Service Company of Oklahoma as indicated in our letter to you of June 23, 1975, cited above.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by May 14, 1977, either (1) by delivery to the NRC Docketing and Service Section at 1717 H Street, NW, Washington, DC, or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 2055, Attn: Docketing and Service Section.

For the Nuclear Regulatory Commission.

A. L. TOALSTON,
Acting Chief, Antitrust and Indemnity Group Nuclear Reactor Regulation.

[FR Doc.77-10935 Filed 4-13-77;8:45 am]

[Docket No. 50-354 and 50-355]

PUBLIC SERVICE ELECTRIC AND GAS CO. AND ATLANTIC CITY ELECTRIC CO. (HOPE CREEK GENERATING STATION, UNITS 1 AND 2)

Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this construction permit proceeding to consist of the following members:

Jerome E. Sharfman, Chairman, Dr. Lawrence R. Quarles, Richard S. Salzman.

Dated: April 6, 1977.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.77-10942 Filed 4-13-77;8:45 am]

[Docket No. P-558-A]

SAN DIEGO GAS AND ELECTRIC CO., ET AL.

Receipt of Additional Antitrust Information; Time for Submission of Views on Antitrust Matters

San Diego Gas and Electric Company, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, filed on January 21, 1977, information requested by the Attorney General for Antitrust Review as required by 10 CFR Part 50, Appendix L. This information concerns the following prospective owners: California Department of Water Resources, and the Cities of Anaheim, Glendale, Pasadena, and Riverside, California. The information was filed in connection with the application for construction permits and operating licenses filed by the San Diego Gas and Electric Company to construct and operate two pressurized water nuclear reactors on a site near Blythe in Riverside County, California. The original antitrust portion of the application was submitted on October 29, 1975 by San Diego Gas and Electric Company. The Notice of Receipt of the Antitrust Application was published in the FEDERAL REGISTER on December 5, 1975 (40 FR 56985).

A portion of the application, consisting of general and financial information accompanied by an Environmental Report, dated November 30, 1976, is currently undergoing a detailed acceptance review. Upon acceptance, a Notice of Receipt of Application for Construction Permits and Operating Licenses and Availability of Environmental Report and a separate Notice of Hearing will be published in the FEDERAL REGISTER. A copy of the above stated documents, except for the Notice of Receipt for Construction Permits and Operating Licenses and Availability of Environmental Report, and the Notice of Hearing, which will be available upon issuance, are available for public inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C. 20555 and at the local public document room in the Palo Verde Valley District Library, 125 West Chanslorway, Blythe, California 92255.

Any person who wishes to have his views on the antitrusts matters of the application with respect to the California Department of Water Resources, and the Cities of Anaheim, Glendale, Pasadena, and Riverside, California presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Antitrust and Indemnity Group, Office of Reactor Regulation, on or before May 23, 1977.

Dated at Bethesda, Md., this 14th day of March 1977.

For the Nuclear Regulatory Commission.

OLAN D. PARR,
Chief, Light Water Reactors Branch No. 3, Division of Project Management.

[FR Doc.77-8565 Filed 3-23-77;8:45 am]

[Docket No. STN 50-518, STN 50-519, STN 50-520, STN 50-521]

TENNESSEE VALLEY AUTHORITY (HARTSVILLE NUCLEAR PLANTS, PLANT A, UNIT NOS. 1 AND 2 AND PLANT B, UNIT NOS. 1 AND 2)

Issuance of Amendment to Limited Work Authorization

Pursuant to the provisions of 10 CFR 50.10(e) of the Nuclear Regulatory Commission's (Commission) regulations, the Commission has authorized the Tennessee Valley Authority to conduct certain site activities in connection with the Hartsville Nuclear Plants, Plant A, Unit Nos. 1 and 2 and Plant B, Unit Nos. 1 and 2, in addition to those activities previously authorized in the Commission's letters dated April 22, July 23, September 9, and December 27, 1976. The effective date of this further authorization is April 5, 1977.

The additional activities authorized are within the scope of those activities authorized by 10 CFR 50.10(e)(1) and (2) and are also within the scope of the activities included in the assessment of environmental impacts considered by the Atomic Safety and Licensing Board in its Partial Initial Decisions referenced below. The additional activities authorized

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pertain to work in the turbine building, including the installation of fill concrete; the structual foundation mat; the exterior walls to approximate elevation (—)9 feet 10 inches, the interior walls, slabs, and equipment foundation to elevation (—)6 feet 10 inches (the floor slab at (—)6 feet 10 inches will project approximately 2 feet 2 inches above grade level); and the turbine generator pedestal to elevation (—)9 feet 10 inches. The above work includes the installation of reinforcing, the installation of embedded items, the setting and removal of form work, the installation of sump liners, and the placement of concrete. Also included with this item is the installation of the circulating water pipe, i.e., only that portion below the turbine building foundation mat.

Any activities undertaken pursuant to this authorization are entirely at the risk of the Tennessee Valley Authority and the grant of the authorization has no bearing of the issuance of construction permits with respect to the requirements of the Atomic Energy Act of 1954, as amended, and rules, regulations, or orders promulgated pursuant thereto.

A Partial Initial Decision on matters relating to the National Environmental Policy Act and site suitability was issued by the Atomic Safety and Licensing Board in the above captioned proceeding on April 20, 1976. On September 30, 1976, the Board issued its First Supplemental Partial Initial Decision Limited Work Authorization II, Part I; on December 10, 1976, the Board issued its Second Supplemental Partial Initial Decision Limited Work Authorization II—Part II, and on March 31, 1977 the Board issued a Memorandum and Order authorizing the additional activities described herein. A copy of (1) the Partial Initial Decisions and the Memorandum and Order (2) the applicant's Preliminary Safety Analysis Report and amendments thereto; (3) the applicant's Environmental Report and amendments thereto; (4) the Staff's Final Environmental Statement dated June 1975, (5) the Commission's letters of authorization dated April 22, July 23, September 9, and December 27, 1976 and (6) the Commission's further letter of authorization, dated April 5, 1977, are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. and the Fred A. Vought Library, 311 White Oak Street, Hartsville, Tennessee 37074.

Dated at Rockville, Maryland this 5th day of April 1977.

For the Nuclear Regulatory Commission.

O. D. T. LYNCH, JR.,
Acting Chief, Environmental Projects Branch 2, Division of Site Safety and Environmental Analysis.

[FR Doc.77-10944 Filed 4-13-77;8:45 am]

[Docket Nos. STN 50-566, STN 50-567]

TENNESSEE VALLEY AUTHORITY (YELLOW CREEK NUCLEAR PLANT UNITS 1 AND 2)

Date Change of Special Prehearing Conference

At the request of Staff Counsel and without objection from Applicant the Special Prehearing Conference scheduled for April 19, 1977, at 2 p.m., is postponed until May 11, 1977, on which date it will be held at 10:30 a.m., at the Municipal Building, 300 Childs Street, Corinth, Mississippi 38834.

Dated this 7th day of April 1977, at Bethesda, Maryland.

For the Atomic Safety and Licensing Board.

JOHN M. FRYSIAK,
Chairman.

[FR Doc.77-10943 Filed 4-13-77;8:45 am]

[Docket No. 50-271; OL No. DPR-28]

VERMONT YANKEE NUCLEAR POWER CORP. (VERMONT YANKEE NUCLEAR POWER STATION)

Order Postponing Special Prehearing Conference

Vermont Yankee Nuclear Power Corporation (Licensee) has made a request to postpone the special prehearing conference from April 19 to April 26, 1977.

The reason given for the request is that one of the principal attorneys for the Licensee in this proceeding will present a statement on April 19th to a Congressional committee considering water pollution matters and problems pertaining to particular cases, including the famed Seabrook case.

All parties to the proceeding have agreed to the request for the one-week postponement.

The Atomic Safety and Licensing Board finds good cause to grant the Licensee's request.

Wherefore, it is ordered, in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Nuclear Regulatory Commission, that the Licensee's requested postponement is granted and no prehearing conference will convene on April 19, but a Special Prehearing Conference in this proceeding shall convene at 9 a.m. on Tuesday, April 26, 1977, in Room 200 (Second Floor) of the U.S. Federal District Court, 204 Main Street, Brattleboro, Vermont 05301 to consider the petitions to intervene herein and the answers thereto, as well as identification of the key issues, establishment of a schedule for further actions and such other matters as may come within the scope of § 2.751(a) of the Rules of Practice of the Commission.

Issued: April 8, 1977, Bethesda, Maryland.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.77-10945 Filed 4-13-77;8:45 am]

[Dockets Nos. 50-266, 50-301]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Issuance of Amendment to Facility Operating License and Approval of a Reevaluation of ECCS Cooling Performance

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 29 to Facility Operating License No. DPR-27 issued to Wisconsin Electric Power Company and Wisconsin Michigan Power Company which revised Technical Specifications for operation of the Point Beach Nuclear Plant Unit No. 1, located in the Town of Two Creeks, Manitowac County, Wisconsin. The amendment is effective as of its date of issuance.

The amendment consists of changes in the Technical Specifications that will allow operation of Unit No. 2 in core Cycle 4 by eliminating the fuel residence time limit and modifying the core power distribution limits.

In addition, the Commission has approved the reevaluation of ECCS cooling performance for both Point Beach Units Nos. 1 and 2 that was submitted by the licensees on October 27, 1976 and supplemented by letter dated January 6, 1977 in response to the Commissions Order for Modification of License dated August 27, 1976.

The application for the amendment to Point Beach Unit No. 2 (Docket No. 50-301) and the licensees' October 27, 1976 submittal of reevaluation of ECCS cooling performance for Point Beach Units Nos. 1 and 2 (Dockets Nos. 50-266 and 50-301) comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of the Proposed Issuance of Amendment to Facility Operating License No. DPR-27 in connection with this action was published in the FEDERAL REGISTER on January 10, 1977 (42 FR 2141). Notice of Order for Modification of Licenses (Docket Nos. 50-266 and 50-301) was published in the FEDERAL REGISTER on September 9, 1976 (41 FR 38236). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action or notice of the Order for Modifications for Licenses.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5 (d)(4) an environmental impact statement and negative declaration or environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 9, 1976, as supplemented by letters dated February 1, March 18, and April 1, 1977, (2) Amendment No. 29 to License No. DPR-27, (3) the licensees' October 27, 1976 response to the Commission's Order for Modification of License dated August 27, 1976, and supplemental information dated January 6, 1977, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Document Department—University of Wisconsin, Stevens Point Library, Attention: Mr. Arthur M. Fish, Stevens Point, Wisconsin 54481.

A copy of items (2) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 7th day of April 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77-10946 Filed 4-13-77;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 77-15]

SAFETY RECOMMENDATION RESPONSES

Receipt and Availability

Response to Aviation Safety Recommendations A-77-1 and A-77-2.—National Transportation Safety Board recommendations to test the fuel system installed in the Grumman American AA-1B and similar model airplanes, and thereafter to change the fuel system design if necessary, have been answered by the Federal Aviation Administration. The recommendations were issued following investigation of the crash last July 13 of a Grumman American AA-1B at New Cumberland, West Virginia. The Board found that the AA-1B engine failed as a result of fuel starvation even though the fuel selector was positioned to a tank which contained approximately three gallons of fuel, or about one-quarter full. (See 42 FR 6655, February 3, 1977.)

FAA, by letter of March 29, states that seven tests have been conducted, simulating as near as possible the configurations, fuel load conditions, and flight maneuvers described in the Safety Board's January 27 recommendation letter. FAA reports that the Grumman American Aviation Corporation supplied the test airplane, a Model AA-1B, and full operation support, and that an airplane conformity inspection was made and recorded by FAA personnel.

FAA further reports that the flight tests were conducted by the Chief, Flight Test Section, FAA Southern Region, assisted by a Grumman American flight test engineer. A G-meter was installed in the airplane, the left fuel tank was filled with 100-octane low lead fuel, and the right tank was serviced to three gallons. The weather was clear, with light-to-moderate turbulence; temperature was 35° to 40° F. FAA's March 29 letter provides a detailed account of the seven tests, describing the configurations and the procedures employed in each instance.

FAA concludes, with reference to recommendation A-77-1, "The design of the engine fuel system and tank installation in the Grumman American AA-1B is safe and complies with CFR Part 23."

In view of its test findings, FAA plans no action on recommendation A-77-2 which sought an Airworthiness Directive requiring that all Grumman American AA-1B and similar models, flight operations "be in conformance with the newly established usable fuel supply."

Safety Board Reply to National Highway Traffic Safety Administration re Recommendation H-76-28.—On April 4 the Board noted with approval NHTSA's proposed additional brake-system compatibility testing in its FY 1977 research program. The proposed tests, discussed in NHTSA's letter of last November 26 (41 FR 55002, December 16, 1976), will be made in implementing recommendation H-76-28 which asked for tests and resolution of the apparent problem of operating any vehicle combination over the full-speed range and road and weather conditions encountered in normal operations if one of the units is equipped with a Federal Motor Vehicle Safety Standards No. 121 antilock brake system and the other unit is not. The recommendation was developed from the Board's investigation of the Union Oil Company gasoline truck and trailer crash on the Alaskan Freeway near Seattle, Washington, December 4, 1975.

NHTSA is asked to provide the scheduled testing dates, since the Safety Board wants to send one of its professional staff members to observe the testing of the various 121 and non-121 configurations scheduled for the Aberdeen Proving Ground, Maryland.

NOTE.—Copies of the full text of the above letters may be obtained at a cost of $4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by recommendation number and date of publication of this notice in the FEDERAL REGISTER. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(Sec. 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2172 (49 U.S.C. 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

APRIL 11, 1977.

[FR Doc.77-10959 Filed 4-13-77;8:45 am]

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

INTERGOVERNMENTAL SCIENCE, ENGINEERING, AND TECHNOLOGY ADVISORY PANEL

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Office of Science and Technology Policy announces the following meeting:

Name: Intergovernmental Science, Engineering, and Technology Advisory Panel Energy Task Force.
Date: May 6, 1977.
Time: 9:30 a.m.-3 p.m.
Place: New York State Energy Research & Development Authority, 230 Park Avenue, New York, N.Y. 10017.
Type of Meeting: Open.
Contact Person: Mr. Gordon Harrison, Office of the Governor, Atlanta, Georgia, Executive Office of the President; telephone (404) 656-5767. Anyone who plans to attend should contact Mr. Harrison by April 29.
Purpose of the Panel: The Intergovernmental Science, Engineering, and Technology Advisory Panel was established on November 4, 1976. The Panel is to identify State, regional and local government problems which research and technology may assist in resolving or ameliorating and to help develop policies to transfer research and development findings. The Energy Task Force was formed on March 25, 1977. It is responsible for identifying steps that the Federal government might take to increase the involvement of State and local governments in setting research priorities in the energy area and to increase the applications of energy-related science and technology products and processes in State and local governments.
Minutes of the meeting: Summary minutes of the meeting will be available from Louis Blair, Executive Secretary, ISETAP, Office of Science and Technology Policy, Executive Office of the President, 3011 NEOB, Washington, D.C. 20500, (202) 395-4596.

TENTATIVE AGENDA

To discuss structure objectives and coordinative measures and to develop a charter for the Energy Task Force.

WILLIAM J. MONTGOMERY,
Executive Officer, Office of Science and Technology Policy.

APRIL 8, 1977.

[FR Doc.77-10891 Filed 4-13-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

CONTINUATION OF ADVISORY COMMITTEES

Opportunity for Public Comment

The Securities and Exchange Commission is conducting a review of Federal advisory committees as directed by the President and the Office of Management and Budget. In connection with that review, we invite comments from interested members of the public on the need for and the performance of SEC advisory committees.

SEC advisory committees are as follows:

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ADVISORY COMMITTEE ON REPLACEMENT COST IMPLEMENTATION

The Committee's objectives are to advise the Chief Accountant of the Securities and Exchange Commission on various difficult, complex and technical questions concerning implementation of Rule 3–17 of Regulation S–X relating to replacement cost data, including:

(1) Conceptual and empirical problems of replacement cost measurement.

(2) Appropriate supplemental disclosures; and

(3) Other matters coming to the attention of the Chief Accountant.

THE NATIONAL MARKET ADVISORY BOARD

The Advisory Board's objectives are to:

(1) Formulate and furnish to the Commission its views on significant regulatory proposals made by the Commission or any self-regulatory organization concerning the establishment, operation, and regulation of the markets for securities in the United States;

(2) Study and make recommendations to the Commission as to the steps it finds appropriate to facilitate the establishment of a national market system; and

(3) Study the possible need for modification of the scheme of self-regulation so as to adapt it to a national market system, including the need for the establishment of a new self-regulatory organization, a National Market Regulatory Board, to administer the national market system. In the event the Advisory Board determines that a National Market Regulatory Board should be established it shall make recommendations as to: (a) The point in time at which a Regulatory Board should be established;

(b) The composition of a Regulatory Board;

(c) The scope of the authority of a Regulatory Board;

(d) The relationship of a Regulatory Board to the Commission and to existing self-regulatory organizations; and

(e) The manner in which a Regulatory Board should be funded.

Persons wishing to comment on any of the above advisory committees should submit written statements to George A. Fitzsimmons, Advisory Committee Management Officer, Room 892, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comments should be specific in nature and address particular committees. Comments should be received no later than April 22, 1977. The Commission will consider and where appropriate will forward comments to the Office of Management and Budget.

Questions concerning the review may be directed to George A. Fitzsimmons (202) 755–1160.

Dated: April 12, 1977.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77–11038 Filed 4–13–77;8:45 am]

SMALL BUSINESS ADMINISTRATION

ALBUQUERQUE DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Albuquerque District Advisory Council will hold a public meeting from 10 a.m. to 3 p.m., Monday, May 9, 1977, at the Bank of New Mexico, Main Office, 320 Gold Avenue SW., Albuquerque, Board of Director's Room, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information write or call A. Panagakos, District Director, U.S. Small Business Administration, 5000 Marble NE., Suite 320, Patio Plaza Building, Albuquerque, New Mexico 87110 (505) 474–3574.

Dated: April 11, 1977.

ANTHONY S. STASIO,
Acting Assistant Administrator for Advocacy and Public Communications.

[FR Doc.77–10949 Filed 4–13–77;8:45 am]

BIRMINGHAM DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Birmingham District Advisory Council public meeting scheduled at 9 a.m., Friday, April 22, 1977, has been cancelled. For further information, write or call James C. Barksdale, District Director, U.S. Small Business Administration, 908 South 20th Street, Birmingham, Alabama 35205, (205) 254–1341.

Dated: April 8, 1977.

ANTHONY S. STASIO,
Acting Assistant Administrator for Advocacy and Public Communications.

[FR Doc.77–10950 Filed 4–13–77;8:45 am]

[License No. 01/01–0285]

CAPITAL RESOURCE CO. OF CONNECTICUT

Issuance of License To Operate as Small Business Investment Company

On February 11, 1977, a notice was published in the FEDERAL REGISTER that Capital Resource Company of Connecticut, 707 Oakwood Avenue, Box 10407, West Hartford, Connecticut 06110, had filed an Application with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1976) for a license to operate as a small business investment company.

Interested parties were given until the close of business on February 28, 1977, to submit written comments on the Application to SBA.

Notice is hereby given that no written comments were received, and having considered the application and all other pertinent information, SBA approved the issuance of License No. 01/01–0285 on March 23, 1977, to Capital Resource Company of Connecticut, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: March 29, 1977.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.77–10951 Filed 4–13–77;8:45 am]

[Delegation of Authority No. 15–A; Amdt 4]

DIRECTOR, OFFICE OF AUDITS INVESTIGATIONS

Delegation of Administrative and Financial Activities

Delegation of Authority No. 15–A (37 FR 24716), as amended (38 FR 19294, 40 FR 23125, and 41 FR 15762), is hereby further amended to rescind delegation of certain investigatory authority to the Director, Office of Audits Investigations.

This office is now asigned to the Administrator's immediate office and the authority remains with the Administrator.

Section C is hereby rescinded from Delegation of Authority No. 15–A as amended.

Effective Date: April 14, 1977.

Dated: April 6, 1977.

ROGER H. JONES,
Assistant Administrator for Administration.

[FR Doc.77–10955 Filed 4–13–77;8:45 am]

[Declaration of Disaster Loan Area No. 1311]

KENTUCKY

Declaration of Disaster Loan Area

As a result of the President's declaration, I find that Bell, Breathitt, Floyd, Harlan, Johnson, Knott, Knox, Lawrence, Leslie, Letcher, Magoffin, Martin, Perry, Pike and Whitley Counties, and adjacent counties within the State of Kentucky constitute a disaster area because of damage resulting from severe storms and flooding beginning about April 4, 1977. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on June 6, 1977, and for economic injury until the close of business on January 9, 1978, at:

Small Business Administration, District Office, Federal Office Building Room 188, 600 Federal Place, Louisville, Kentucky 40202.

or other locally announced locations.

Dated: April 8, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77–10954 Filed 4–13–77;8:45 am]

[License No. 05/05–5109]

SC OPPORTUNITIES, INC.

Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that SC Opportunities (licensee) 1112 7th Avenue, Monroe, Wisconsin 53566 was licensed by the Small Business Administration on January 16, 1976, to operate as a small business investment company pursuant to the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.).

On August 31, 1976, the licensee provided equity financing to SCO Metairie-Gretna, Inc. (SCOM) a small business concern. SCOM is a Delaware corporation operating two Swiss Colony franchise stores, one in Metairie, Louisiana and Gretna, Louisiana.

SCOM is an associate of the licensee since SCOM was owned by SC America, Inc. (SCA), a Wisconsin Corporation. Mr. Ray Kubly, Mr. Robert Soderholm and Mr. Michael Kubly, all stockholders of the licensee, own more than 10% each of the Stock of SCA. 50.1% of the stock of SCOM was sold to Mr. John Koonce and 49.9% of the stock was acquired by licensee for $4900. Licensee also provided financing in the amount of $14,510 on August 31, 1976, and $14,510 on September 28, 1976, in the form of notes bearing interest at the rate of 9.5 percent annually.

The transaction falls within the purview of Section 107.1004 of the regulations because the financing was used to acquire property from an associate of the licensee.

Notice is hereby given that any person may submit to SBA written comments, no later than April 29, 1977, on this financing. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the licensee in newspapers of general circulation in Metairie and Gretna, Louisiana.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: April 7, 1977.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.77–10952 Filed 4–13–77;8:45 am]

PRIVACY ACT OF 1974

New Systems of Record

On March 2, 1977, there was published in the FEDERAL REGISTER (42 FR 12108) a notice of proposed new systems of records. Interested persons were given 30 days in which to comment on the proposed new systems.

No written objections have been received and the proposed systems are adopted without change, as set forth below.

Effective date: April 4, 1977.

Signed at Washington, D.C. on April 4, 1977.

A. VERNON WEAVER,
Administrator.

SBA425

System name:

Federal Personnel Career Administration Program Files—SBA425.

System location:

Central Office.

Categories of individuals covered by the system:

SBA employees.

Categories of records in the system:

Civil Service Commission Standard 171 forms and SBA mobility forms.

Authority for maintenance of the system:

5 U.S.C. 301, 44 U.S.C. 3101, 15 U.S.C. 634(b)(6).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To provide Program Evaluation Staff with information to help place qualified individuals in appropriate vacancies, and to determine what areas in Personnel need to be stressed in the individual's orientation.

Storage:

Information is maintained in notebooks in locked steel cabinets.

Retrievability:

Records are coded according to grade.

Safeguards:

Information released to authorized personnel on a need to know basis.

Records are maintained until employee leaves the Agency, then destroyed.

Systems manager(s) and address:

Director of Personnel Central Office: See Appendix A for address.

Notification procedure:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the manager listed above.

Record access procedures:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the system manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures:

Individuals desiring to contest or amended information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories:

Forms submitted directly by employees.

System name:

Executive Inventory Record—SBA430.

System location:

Central Office.

Categories of individuals covered by the system:

SBA employees at GS–15 to GS–18.

Categories of records in the system:

Executive Inventory Record (Application of Employment).

Authority for maintenance of the system:

5 U.S.C. 301, 44 U.S.C. 3101, 15 U.S.C. 634(b)(6).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To provide a system for maintaining records of SF–161's submitted to the Civil Service Commission when considering candidates for supergrade vacancies from Executive Inventory Register. To be used by Employment Division and by Civil Service Commission.

Storage:

Information is stored in steel file cabinet.

Retrievability:

Records are listed alphabetically as Executive Inventory Records.

Safeguards:

Information released to authorized personnel only.

Retention and disposal:

Records are maintained until employee leaves the Agency.

System manager(s) and address:

Chief, Employment Division, Central Office. See Appendix A for address.

Notification procedure:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the manager listed above.

Record access procedures:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the system manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph,

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stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories:

Applicants.

SBA435

System name:

Executive Development Records—SBA435.

System location:

8115 Fenton Street, Silver Spring, Maryland 20910.

Categories of individuals covered by the system:

Applicants and participants in The Executive Development Program.

Categories of records in the system:

SBA forms 1036 and 1038, SBA 171, SBA 1075A, miscellaneous forms evaluating assignments, and certificates of training completed.

Authority for maintenance of the system:

5 U.S.C. 301, 44 U.S.C. 3101, 15 U.S.C. 634(b)(6).

Routine uses of record maintained in the system, including categories of users and the purposes of such uses:

To provide records, back-up information and all pertinent information on participants in SBA Executive Development Program in one place for reference purposes. To be used by members of training staff, members of The Executive Manpower Resources Board, and their supervisors.

Storage:

Information is maintained in file folders in locked steel cabinet.

Retrievability:

Records are filed alphabetically.

Safeguards:

Files are locked when not in use, and are released to authorized personnel only.

Retention and disposal:

In accordance with SOP–00–41.

System manager(s) and address:

Chief, Training Division, 8115 Fenton Street, Silver Spring, Maryland 20970.

Notification procedure:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the manager listed above.

Record access procedures:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the system manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories:

Primarily from employee completion of Forms 1036 and their supervisors' completion of Form 1037.

SBA440

System name:

Documentation of Supervisor Training—SBA440.

System location:

8115 Fenton Street, Silver Spring, Maryland 20910.

Categories of individuals covered by the system:

Persons occupying first-level supervisory positions in the Agency.

Categories of records in the system:

SBA Form 1138.

Authority for maintenance of the system:

5 U.S.C. 301, 44 U.S.C. 3101, 15 U.S.C. 634(b)(6).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To determine who must receive training and to plan and schedule such training in order to meet Agency Supervisory training needs. To be used by employee, supervisor, and Office of Personnel.

Storage:

Information is maintained in file folders in steel file cabinet.

Retrievability:

Filed alphabetically by employee name.

Safeguards:

Information released only to authorized personnel on need to know basis.

Retention and disposal:

In accordance with SOP–00–41.

System manager(s) and address:

Chief, Training Division, 8115 Fenton Street, Silver Spring, Maryland 20910.

Notification procedure:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the manager listed above.

Record access procedures:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the system manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories:

Primarily from employee completion of Form 1138, and review of their Official Personnel Folder.

[FR Doc.77–10953 Filed 4–13–77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

EXEMPTION APPLICATIONS

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of Applications for renewal of Exemption or Application to Become a Party to an Exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Operations of the Materials Transportation Bureau has received the applications described herein. Normally, the modes of transportation would be identified and the nature of application would be described, as in past publications. However, this notice is abbreviated to expedite docketing and public notice. These applications have been separated from the new applications for exemptions because they represent the large majority of applications awaiting disposition.

DATES: Comments by April 29, 1977.

ADDRESSED TO: Section of Dockets, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION:

Complete copies of the applications are available for inspection and copying at the Public Docket Room, Office of Hazardous Materials Operations, Department of Transportation, Room 6500, Trans Point Building, 2100 Second Street SW., Washington, D.C.

Application No.	Applicant	Renewal of special permit or exemption
5112-X	Austin Powder Co., Cleveland, Ohio.	5112
5322-X	San Diego Gas & Electric Co., San Diego, Calif.	5322
5615-X	E. I. du Pont de Nemours & Co., Wilmington, Del.	5615
5923-X	Union Carbide Corp., Tarrytown, N.Y.	5923
6016-X	Moore Bros., Sacramento, Calif.	6016
6145-X	Kerr-McGee Chemical Corp., Oklahoma City, Okla.	6145
6299-X	Minnesota Valley Engineering, New Prague, Minn.	6299
6349-X	Kansas Refined Hellum Co., Wichita, Kans.	6349
6614-X	All Pure Chemical Co., Tracy, Calif.	6614
6733-X	Honeywell, Inc., Lexington, Mass.	6733
6960-X	PepsiCo, Inc., Purchase, N.Y.	6960
7005-X	Virginia Chemicals Inc., Portsmouth, Va.	7005
7005-X	Dow Chemical Co., Midland, Mich.	7005
7097-X	Fuller System, Inc., Woburn, Mass.	7097
7202-X	Waters Instruments, Inc., Rochester, Minn.	7202
7266-X	Airwick Industries, Inc., Carlstadt, N.J.	7266
7278-X	ACF Industries, Inc. St. Charles, Mo.	7278
7285-X	Ugine Kuhlmann of America, Inc., Paramus, N.J.	7285
7466-X	Firmenich Inc., Princeton, N.J.	7466
7628-X	Chemtech Industries, Inc., St. Louis, Mo.	7628
7638-X	Minnesota Valley Engineering, New Prague, Minn.	7638
7700-X	U.S. Department of Agriculture, Forest Service, Washington, D.C.	FAA 6572
4453-P	Monsanto Co., St. Louis, Mo.	4453
6016-P	Weller Welding Co., Inc., Dayton, Ohio.	6016
6253-P	Atlantic Cargo Services AB, Skeppsbroplatsen, Gothenburg/Sweden.	6253
6253-P	Bacardi International Ltd., Hamilton, Bermuda.	6253
6348-P	Pennwalt Corp., Philadelphia, Pa.	6348
6536-P	Delmarva Power & Light Co., Wilmington, Del.	6536
6536-P	SunOlin Chemical Co., Claymont, Del.	6536
6536-P	Air Products & Chemicals Inc., Allentown, Pa.	6536
6600-P	Morrow Counts Products Co., Abilene, Tex.	6600
6622-P	Delarich Corp., Clifton, N.J.	6622
6775-P	Valco Chemicals Division, Harlingen, Tex.	6775
6932-P	Allied Chemical Corp., Morristown, N.J.	6932
7555-P	Lonza, Inc., Fair Lawn, N.J.	7555
7584-P	Laporte Industries Ltd., EW Bedfordshire, England.	7584
7584-P	Peroxid Chemie, Hoellriegelskreuth, Germany.	7584
7600-P	Mobil Chemical Co., Beaumont, Tex.	7600
7600-P	Northern Petrochemical Co., Des Plaines, Ill.	7600
6116-P	Federal Laboratories, Inc., Saltsburg, Pa.	6116
6554-P	Hill Bros. Chemical Co., city of Industry, Calif.	6554

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C., on April 7, 1977.

J. R. GROTHE,
Chief, Exemptions Branch, Office of Hazardous Materials Operations.

[FR Doc.77–10792 Filed 4–13–77;8:45 am]

EXEMPTION APPLICATIONS

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of Applications for Exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Operations of the Materials Transportation Bureau has received the applications described herein.

DATES: Comments by May 16, 1977.

ADDRESSED TO: Section of Dockets, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION:

Complete copies of the applications are available for inspection and copying at the Public Docket Room, Office of Hazardous Materials Operations, Department of Transportation, Room 6500, Trans Point Building, 2100 Second Street SW., Washington, D.C.

Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

NEW EXEMPTIONS

Application No.	Applicant	Regulation(s) affected	Nature of application
7691-N	Contrans, Hamburg, Germany.	49 CFR 173.247	To authorize shipment of sulfuryl chloride in non-DOT portable tanks. (Mode 1.)
7692-N	Trans-Artic Ltd., Fairbanks, Alaska.	49 CFR 172.101, and 175.3.	To authorize shipment in cargo-only aircraft of certain flammable and corrosive liquids in quantities greater than authorized by 172.101. (Mode 4.)
7696-N	Encoat Chemicals Corp., Philadelphia, Pa.	49 CFR 176.410(d)	To authorize a space of 12 in in the stowage on barges of bagged ammonium nitrate fertilizer. (Mode 3.)
7697-N	Kerr-McGee Chemical Corp., Oklahoma City, Okla.	49 CFR 173.850(a)	To authorize shipment by water of calcium oxide in DOT 56 portable tanks. (Mode 3.)
7698-N	Federal Laboratories, Inc., Saltsburg, Pa.	49 CFR 173.385(a)	To authorized shipment of tear gas grenades with functioning elements not in a separate compartment or box. (Modes 1, 3, and 4.)
7699-N	Union Carbide Corp., Tarrytown, N.J.	49 CFR 173.119(m)	To authorize shipment of a flammable and corrosive liquid in a DOT 51 portable tank. (Modes 1 and 2.)
7701-N	Orval Tank Containers, Paris, France for Societe pour la Location de Containers, Geneva, Switzerland.	49 CFR 173.119 (a) and (b), 173.125(a), 173.245, 173.510, 173.605, and 173.630.	To authorize shipment of certain flammable and corrosive liquids, and ORM-A materials in non-DOT IMCO class 2 tanks. (Modes 1, 2, and 3.)
7702-N	Burlington Northern Inc., St. Paul, Minn.	49 CFR 174.91, 174.92, and 174.93.	To authorize unit trains for crude oil to operate without buffer cars. (Mode 2.)
7703-N	Big Country Flying Service, Medfra, Alaska.	49 CFR 173.28(m), and 175.320(c)(4)(iii).	To authorize reuse of single-trip containers for certain flammable and combustible liquids and the filling of containers within an aircraft with certain flammable and combustible liquids. (Modes 4 and 5.)
7704-N	GTE Sylvania Inc., Needham Heights, Mass.	49 CFR 173.206(a)(1)	To authorize shipment of lithium batteries, in wooden boxes, crates or pallcized, surrounded by 5 in of plastic foam. (Modes 1, 2, and 3.)
7705-N	The Lea Manufacturing Co., Waterbury, Conn.	49 CFR 172.400, and 177.841(c).	To authorize shipment of packages of class B poisons without the class B poison label and in the same vehicle with foodstuffs. (Mode 1.)
7706-N	Technic Inc., Cranston, R.I.	49 CFR 177.841(c).	To authorize shipment of certain class B poisons in the same vehicle with foodstuffs. (Mode 1.)
7707-N	C. S. Industries, Long Beach, Calif.	49 CFR 178.37–12	To authorize construction of DOT 3AA cylinders with a minimum of 4 threads in the I.D. neck area. (Modes 1, 2, 3, 4, and 5.)
7708-N	IITL Industries Inc., Monrovia, Calif.	49 CFR 173.302(a)	To authorize shipment of a certain nonflammable compressed gas in a non-DOT high pressure stainless steel welded container. (Modes 1, 2, 4, and 5.)
7709-N	National Aeronautics and Space Administration, Washington, D.C.	49 CFR 173.21(a), 173.304(a), 173.393, and 173.395.	To authorize shipment of certain flammable compressed gases and certain other hazardous materials in a solid cryogen cooler overpacked in a stainless steel tank or installed in a spacecraft. (Modes 1 and 4.)
7710-N	Midway Can Co., St. Paul, Minn.	49 CFR Part 173	To authorize shipment of certain flammable corrosive, and poison B liquids in a DOT 12½/2U container; 2 inner containers each 2.5 gal. (Modes 1 and 2.)
7711-N	Illinois Central Gulf RR, Chicago, Ill.	49 CFR 174.25(a)(2)(i)	To authorize use of "X" on waybills to enclose the placard endorsement. (Mode 2.)
7712-N	Schering AG, Bergkamen, Germany.	49 CFR 173.134	To authorize shipment of certain pyroforic liquids in DOT 51 portable tanks. (Modes 1 and 3.)
7713-N	Johnson Scan Star, San Francisco, Calif.	49 CFR 176.83, table II.	To authorize stowage of a nonflammable gas and a class B, and C explosive together. (Mode 3.)
7714-N	Suttons International Ltd., London, England.	49 CFR 173.346	To authorize shipment of certain class B poisons in non-DOT 150 portable tanks. (Mode 3.)
7715-N	Preco, Plainview, N.Y.	49 CFR 175.85(a)	To authorize the carriage of certain flammable liquids in luggage on passenger-carrying aircraft. (Mode 5.)
7716-N	Atlas Powder Co., Dallas, Tex.	49 CFR 173.153(b)(1).	To authorize shipment of up to 40 lb net weight of a certain oxidizer as a limited quantity. (Modes 1 and 2.)

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NEW EXEMPTIONS

Application No.	Applicant	Regulation(s) affected	Nature of application
7717-N	American Cyanamid Co., Wayne, N.J.	49 CFR 172.101, pt. 173, subpts. D, E, F, and H.	To authorize shipment as waste chemicals—flammable, corrosive and poison B liquids in containers authorized in 49 CFR of not over 1-gal capacity overpacked in DOT 17C, E, and H drums or in DOT 33A containers and flammable solids, oxidizers and organic peroxides in non-DOT containers overpacked in DOT 17C or 17H drums. Outside containers to be reused without testing. (Mode 1.)

This notice of receipt of applications for new exemptions is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C., on April 7, 1977.

J. R. GROTHE,
Chief, Exemptions Branch, Office of Hazardous Materials Operations.

[FR Doc.77-10793 Filed 4-13-77;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 77-6]

COMMERCE IN EXPLOSIVES

List of Explosive Materials

Correction

In FR Doc. 77-7998, appearing at page 15162 in the issue for Friday, March 18, 1977, in the list of explosive materials, under the entries for "D", add "dynamite" to the end.

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on May 10, 1977, at 10:00 a.m., the Waco Veterans Administration Station Committee on Educational Allowances shall at 1400 N. Valley Mills Drive, Waco, Texas, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Joint Apprenticeship Training Committee, Austin Area Glaziers, Local 1852, Austin, Texas, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: April 7, 1977.

R. H. TODD, Jr.,
Assistant Director, VA Regional Office.

[FR Doc.77-10928 Filed 4-13-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[AB 132]

AKRON & BARBERTON BELT RAILROAD CO.

Abandonment of Fairlawn Branch Near Norton, in Summit County, Ohio

MARCH 31, 1977.

The Interstate Commerce Commission hereby gives notice that: 1. The Commission's Section of Energy and Environment has prepared an environmental threshold assessment survey in the above-entitled proceeding in which it was concluded that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq. 2. A notice setting forth this conclusion was served February 22, 1977, and no substantive comments in opposition, of an environmental nature, have been received by the Commission in response to said notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-10986 Filed 4-13-77;8:45 am]

[AB 43; Sub-No. 27]

ILLINOIS CENTRAL GULF RAILROAD CO.

Abandonment of Railroad Services

MARCH 31, 1977.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the Illinois Central Gulf Railroad of its line between Seely and Mande, a distance of 14.5 miles, in Williamson County, Ill., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that traffic on the line is declining and amounted to 392 carloads in the 12 month period ending June 30, 1976. Approximately 75 percent of this traffic is generated at Marion which could be handled by the Missouri Pacific Railroad (Chicago and Eastern Illinois Railroad). Diversion of traffic to motor carriers in light of the small volume of traffic handled on the branch would not substantially alter the existing environment. Although there is an industrial park planned for a site west of Marion, no serious adverse impact on rural and community development is expected inasmuch as abandonment would not preclude the development of this park by the location of industries not dependent on rail service. Furthermore, the Wolf Creek Aboriginal Mound located in the Crab Orchard National Wildlife Refuge, which is listed as being eligible for inclusion on the National Register of Historic Places, would not be affected by the proposed abandonment.

Of note is that the American Heritage, Ltd., by application to the Commission filed December 20, 1976, proposes to acquire the subject branch for the purpose of providing freight service and a tourist train operation on the line. At the present, the application for acquisition has not been accepted due to the omission in the application of certain necessary data. However, should the application be processed and acquisition of the line by American Heritage eventually accomplished, the environmental impacts associated with the abandonment proposal would be eliminated.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before May 16, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-10989 Filed 4-13-77;8:45 am]

[AB 12; Sub-No. 30]

SOUTHERN PACIFIC TRANSPORTATION CO.

Abandonment of Portion of the Lick Branch, Santa Clara County, California

MARCH 31, 1977.

The Interstate Commerce Commission hereby gives notice that comments received in response to the environmental threshold assessment survey (TAS) in the above-entitled proceeding have not caused the Commission's Section of Energy and Environment to modify its previous conclusion that this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, et seq.

Said comments have been responded to in an addendum to the TAS which is available upon request to the Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7011.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-10987 Filed 4-13-77;8:45 am]

[AB 12; Sub-No. 44]

SOUTHERN PACIFIC TRANSPORTATION CO.

Abandonment of Railroad Services

MARCH 31, 1977.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the Southern Pacific Transportation Company of its line of railroad between Milepost 892.25 near Litchfield Park in a northerly direction to the end of the line at Milepost 894.26 at Litchfield Park, a distance of 2.01 miles, in Maricopa County, Ariz., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because the traffic volume exhibited on the portion of the branch proposed for abandonment is low. The shift of any rail traffic to motor carriers would cause no substantial alterations in existing air quality, fuel consumption, highway traffic, and noise intrusions to the area. No land use plans of an economic or industrial importance exist which depend upon the continued operation of the line. Consequently, there is no indication that this action will have a serious adverse impact on rural or community development. There are no historic or ecological impacts associated with the proposed action.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before May 16, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-10985 Filed 4-13-77;8:45 am]

[AB 12; Sub-No. 55]

SOUTHERN PACIFIC TRANSPORTATION CO.

Abandonment of Railroad Services

MARCH 31, 1977.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the Southern Pacific Transportation Company of its line between San Bernardino and North Redlands, a distance of 7.28 miles, in San Bernardino County, Calif., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environment Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that no signficant environmental impacts would result from abandonment because the line has handled a minimal volume of traffic, and alternative lines of the Atchison, Topeka and Santa Fe Railroad Company are within several highway miles from stations on the line to be abandoned. Interest has been expressed in acquiring the right-of-way for alternative transportation uses and possible recreational uses; therefore, the assessment recommends an appropriate public use condition. Impacts upon air quality and fuel consumption resulting from a diversion to motor carrier are considered minimal. Other impacts resulting from this action upon water quality, noise and wildlife are found to be minimally adverse.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before May 16, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-10988 Filed 4-13-77;8:45 am]

[AB 105]

WESTERN PACIFIC RAILROAD CO.

Abandonment of Railroad Services

MARCH 31, 1977.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the Western Pacific Railroad Company of 5.9 miles of its North Channel branch in the city of Stockton, San Joaquin County, Calif., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that diversion of rail traffic to motor carriers at the levels of recent years will result in only minimal increases in energy consumption, highway traffic, or air pollution. Abandonment would be consistent with local land use plans proposing the maintenance and expansion of existing residential uses adjacent to the line, and there are no economic development plans dependent upon continued service over the subject line. Consequently, there will be no serious adverse effect upon community development.

The proposed action will not affect historic properties or threatened or endangered species of wildlife and plants. Potential salvage operations on a railroad bridge spanning the Smith Canal should only minimally impact water quality.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before May 16, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the en-

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vironmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-10984 Filed 4-13-77;8:45 am]

Office of Hearings

[Notice No. 367]

ASSIGNMENT OF HEARINGS

Schanno Transportation, Inc.

APRIL 11, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 134477 (Sub-No. 128), Schanno Transportation, Inc., application dismissed.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-10982 Filed 4-13-77;8:45 am]

[Notice No. 149]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Sections 212(b), 206(a), 211, 312(b), and 410 (g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before May 16, 1977. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77019, filed March 10, 1977. Transferee: Simmons Trucking, Inc., P.O. Box 71, Glenwood, Mo. 63541. Transferor: Donald R. Simmons, P.O. Box 71, Glenwood, Mo. 63541. Applicant's representative: Frank W. Taylor Jr., Attorney at Law, 1221 Baltimore Ave., Suite 600, Kansas City, Mo. 64105. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit No. MC 140690 Sub-2, issued July 19, 1976, as follows: *Coal*, over irregular routes, From points in Missouri, to points in Iowa and Illinois, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Missouri Mining, Inc., of Unionville, Mo. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77027, filed March 14, 1977. Transferee: J & R Schugel Trucking, Inc., 301 North Water Street, New Ulm, MN. 56073. Transferor: Freddie Ahrenstorff, an individual, doing business as Ahrenstorff Transfer, P.O. Box 627, Lake Park, Ia. 51347. Applicant's representative: James H. Malecki, Attorney at Law, State and Center Streets, New Ulm, MN. 56073; Patrick E. Quinn, Attorney at Law, P.O. Box 82028, Lincoln, Neb. 68501. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificate No. MC 20729 (Sub-No. 8), issued March 7, 1967, and May 17, 1967, respectively, as follows: Limestone from the site of Midwest Limestone Co., located in Pocahontas County, Ia. to points in Minnesota, Nebraska and South Dakota and feed, from Waterloo, Ia. to Points in Nebraska and South Dakota and points in Minnesota on and south of U.S. Highway 12. Also from Estherville, Ia. to points in Nebraska and South Dakota, and points in Minnesota (except Minneapolis and St. Paul) on and south of U.S. Highway 12. Also from points in Nebraska (except Fremont, Arlington, and South Sioux City and points within 60 miles of Auburn, including Auburn), and South Dakota, to Lake Park, Ia. Transferee is presently authorized to operate as a common and contract carrier under Certificate No. MC 125894 and Permit No. MC 116446 and subs thereafter. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77043, filed March 16, 1977. Transferee: Route Messengers of Pennsylvania, Inc., 2425 Bainbridge St., Philadelphia, Pa. 19146. Transferor: Malone Transportation, Inc., 842 East Lycoming St., Philadelphia, Pa. 19124. Applicants' representative: Alan Kahn, Attorney-at-Law, Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought for purchase by transferee of the operating rights set forth in Certificate No. MC 64154, issued March 23, 1966, to transferor as follows: General commodities, with the usual exceptions, between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey within ten miles of Philadelphia. Transferee presently holds authority from this Commission under Certificate No. MC 129624 and subs thereafter. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77044, filed March 21, 1977. Transferee: Reeves Transportation Company, a corporation, Route 5, Dew's Pond Road, Calhoun, GA. 30701. Transferor: Patterson Trucking Company, a corporation, 318 Winchester Road, Memphis, Tenn. 38116. Applicants' representative: John C. Vogt, Jr., Attorney at Law, 406 N. Morgan St., Tampa, Fla. 33602. Authority sought for purchase by transferee of the operating rights of transferor set forth in Certificates Nos. MC 108065 and MC 108065 (Sub-No. 2), issued January 23, 1974 and January 26, 1976, respectively, as follows: General commodities, between Memphis, Tenn., and West Memphis, Ark., serving the Holiday Industrial Park, in De Soto County, Miss., as an off-route points in connection with such operations. Transferee presently holds authority from this Commission under Certificate No. MC 129537 (Sub-No. 1) and subs thereafter. Application has not been filed for temporary authority under Section 210a(b).

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-10983 Filed 4-13-77;8:45 am]

[Volume No. 12]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

Notices

APRIL 8, 1977.

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission on or before May 16, 1977. Such protest shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247)[1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 1117 (Sub-No. 2) (Notice of filing of petition for modification of commodity description), filed March 14, 1977. Petitioner: M.G.M. TRANSPORT CORPORATION, 70 Maltese Dr., Totowa, N.J. 07512 Petitioner's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Petitioner holds a motor *common carrier* Certificate in No. MC 1117 (Sub-No. 2), issued November 21, 1956, authorizing transportation, as pertinent, over irregular routes, of *new furniture*, uncrated, and *furniture frames*, uncrated, from points in Passaic County, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, which are within 350 miles of Paterson, N.J. By the instant petition, petitioner seeks to modify the above commodity description by deleting the restriction "uncrated" from that part of the commodity description that reads "new furniture, uncrated".

[No. MC 52214]

NOTICE OF FILING OF PETITION

PETITION FOR DECLARATORY ORDER—INTERPRETATION OF CERTIFICATE

Petitioner: RELIABLE TRANSPORT (U.S.) LIMITED. Petitioner's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. By petition filed December 8, 1976, Reliable Transport (U.S.) Limited seeks a ruling that under the authority held in its Certificate No. MC 52214, it is able to interline shipments moving in interstate or foreign commerce, and to originate or deliver shipments, between Buffalo, N.Y., and a point on the international boundary line between the United States and Canada abutting the city of Buffalo. Petitioner presently holds authority in No. MC 55214, issued November 14, 1940, as a *common carrier* by motor vehicle, over regular routes, authorizing the transportation of *general commodities* (except those of unusual value, high explosives, household goods when transported as a separate and distinct service in connection with so-called household movings, commodities in bulk, commodities requiring special equipment), between Rochester and Buffalo, N.Y., over specified routes, serving all intermediate points and designated off-route points.

Petitioner's petition arises out of an informal opinion from a regional office that the authority contained in the said certificate does not authorize transportation for compensation between Buffalo, N.Y., and the United States-Canada International Boundary at Buffalo, N.Y., and further, that it does not authorize the interlining of shipments originating at or destined to the United States-Canada International Boundary at Buffalo, N.Y., on the basis of the Commission's ruling in *Red Star Express Lines of Auburn, Inc.* v. *Maislin*, 110 M.C.C. 23.

Petitioner excepts to this statement. It argues that it is well settled that a certificate of public convenience and necessity authorizing service at a point comprehends the interchange of traffic at that point with any other carrier authorized to serve that point for the same class to traffic, and that no specific authority is required to handle interchange traffic at such an authorized point. More specifically, it contends that the Commission has long recognized that carriers authorized to serve points located at international boundaries are authorized to serve the international boundary. Petitioner's position is that the decision in *Red Star, supra*, does not set aside the rationale of the previous ruling in *Kingsway Transports Limited—Purchase—Kuhns*, 85 M.C.C. 287. Petitioner argues that one of the principal distinguishing factors between the *Red Star* and *Kingsway* decisions was the identicalness of the carrier within the United States and Canada. Petitioner states that the factual situation present in *Red Star* does not exist in its case (it admits that Reliable Transport (U.S.) Limited is affiliated with Reliable Transport Limited, a Canadian carrier) in that in the instant case there are two carriers rather than one as in the *Red Star* case.

The Commission is asked specifically whether petitioner may originate a shipment at Buffalo and transport that shipment to a point on the international boundary line (e.g., the Peace Bridge) for ultimate delivery in Canada by an appropriately authorized Canadian carrier, for deliveries on international shipments to points and places in the Province of Ontario. It submits that the *Kingsway* decision sanctions this operation. Following from this, petitioner states it is also authorized to interline with an authorized interstate motor common carrier at Buffalo or at any other point on its authorized route for the transportation of interline shipments to the international boundary line for interline with a properly authorized Canadian carrier. It contends that an affirmative answer with regard to shipments into Canada demands an affirmative answer for shipments delivered by petitioner at Buffalo having a Canadian origin.

No. MC 59806 (Sub-Nos. 1, 2, and 4) (Notice of filing of petition to add an additional contracting shipper), filed March 17, 1977. Petitioner: GROSS & HECHT TRUCKING, INC., Box 514, 35 Brunswick Ave., Edison, N.J. 08817. Petitioner's representative: 9. David Millner, 167 Fairfield Road, P.O. Box 1409, Fairfield, N.J. 07006. Petitioner holds motor *contract carrier* Permits in No. MC 59806 (Sub-Nos. 1, 2, and 4), issued July 16, 1976, July 16, 1976, and July 23, 1976, respectively, authorizing transportation (1) in No. MC 59806 (Sub-No. 1), of *such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, between points in Nassau, Suffolk, and Westchester Counties, N.Y., New York, N.Y., and points in Warren, Hunterdon, Morris, Somerset, Bergen, Essex, Hudson, Middlesex, Monmouth, Ocean, Passaic, and Union Counties, N.J., under a continuing contract, or contracts, with The Great A.&P. Tea Co., of Montvale, N.J.; (2) in No. MC 59806 (Sub-No. 2), of *such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, between Cherry Hill and Florence, N.J., on the one hand, and, on the other, points in Nassau, Suffolk, and Westchester Counties, N.Y., New York City, and points in Warren, Hunterdon, Morris, Somerset, Bergen, Essex, Hudson, Middlesex, Monmouth, Ocean, Passaic, and Union Counties, N.J., under a continuing contract, or contracts, with The Great Atlantic & Pacific Tea Co., of Montvale, N.J.; and

(3) In No. MC 59806 (Sub-No. 4), of (I) *such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and (II) *equipment, materials, and supplies* used in the conduct of the business described in (I) above, (A) between points in Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union, and Warren Counties, N.J., Bronx, Kings, Nassau, New York, Orange, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster, and Westchester Counties, N.Y.; (B) between points in the territory described in (A) above, on the one hand, and, on the other, Florence, N.J., and Philadelphia, Dunmore, and Scranton, Pa.; and (C) between points in (A) above, and Florence, N.J., on the one hand, and, on the other, Albany, N.Y., restricted against the transportation of commodities in bulk, and under a continuing contract, or contracts, with The Great Atlantic & Pacific Tea Company, Inc., of Montvale, N.J. By the instant petition, petitioner seeks to add White Rose Frozen Food Corp. as an additional constructing shipper to the authority in No. MC 59806 (Sub-Nos. 1, 2, and 4) above.

No. MC 126716 (Notice of filing a petition to modify a certificate), filed March 16, 1977. Petitioner: WESTON TRUCKING COMPANY, doing business as WESTON TRUCKING, 111 "C" Street, Encinitas, Calif. 92024. Petition-

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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er's representative: William D. Taylor, 100 Pine Street, San Francisco, Calif. 94111. Petitioner holds a motor *common carrier* Certificate in NO. MC 126716, issued March 12, 1970, authorizing transportation, over irregular routes, of *General commodities* (except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring special equipment), between Los Angeles International Airport, Calif., on the one hand, and, on the other, San Clemente, Camp Pendleton, Fallbrook, Vista, San Marcos, Escondido, Miramar, Santee, San Ysidro, Chula Vista, Coronada, San Diego La Jolla, Del Mar, Solano Beach, Encinitas, Carlsbad, and Oceanside, Calif., restricted to the transportation of shipments having a prior or subsequent movement by air. By the instant petition, petitioner seeks to remove "Class B explosives" from the restriction in its above authority.

No. MC 134011 (Notice of filing of petition to modify commodity description), filed March 14, 1977. Petitioner: LEON H. PENN, doing business as PENN TRUCKING CO., Route 3, Box 112, Cordele, Ga. 31015. Petitioner's representative: C. E. Walker, P.O. Box 1085, Columbus, Ga. 31902. Petitioner holds a motor *common carrier* Certificate in No. MC 134011, issued November 4, 1971, authorizing transportation, as pertinent, over irregular routes, of *dry fertilizer and dry fertilizer materials*, in bulk, (1) from points in Crisp County, Ga., to points in Florida; and (2) from points in Hamilton County, Tenn., to points in Florida and Georgia. By the instant petition, petitioner seeks to modify the commodity description above by the addition of "and in bags" following the words "in bulk."

No. MC 136733 (Notice of filing of petition for modification of commodity description), filed March 21, 1977. Petitioner: WEISS TRANSPORTATION CO., INC., 4250 Wissahickon Avenue, Philadelphia, Pa. 19129. Petitioner's representative: Raymond A. Thistle, Jr., Suite 1012, Four Penn Center Plaza, Philadelphia, Pa. 19103. Petitioner holds a motor *common carrier* Certificate in No. MC 136733, issued July 16, 1975, authorizing transportation, as pertinent, over irregular routes of *household and commercial appliances*, from Philadelphia, Pa., to points in Delaware and points in that part of New Jersey south of New Jersey Highway 33. By the instant petition, petitioner seeks to modify the above commodity description to read: "*Household and commercial appliances, radios, televisions, stereos, and component parts thereof, phonographs and tape recorders.*"

No. MC 138054 (Sub-No. 3) (Notice of filing of petition to add an additional origin point and add an additional destination state), filed March 16, 1977. Petitioner: CONDOR CONTRACT CARRIERS, INC., 1231 Blue Gum, Anaheim, Calif. 92806. Petitioner's representative: Scott E. Daniel, P.O. Box 82028, Lincoln, Nebr. 68501. Petitioner holds a motor *contract carrier* Permit in No. MC 138054 (Sub-No. 3) issued July 3, 1975, authorizing transportation, as pertinent, over irregular routes, in the transportation of, *power transmission equipment and component parts and accessories*, from Eaton, Ohio, to Dallas, Tex., St. Louis, Mo., Memphis, Tenn. Kernesville, N.C., New York, N.Y., North Bergen, N.J., Chicago, Ill., Detroit, Mich., and points in Arizona, California, Colorado, Oregon, and Washington, under a continuing contract, or contracts, with Emerson Electric Co. By the instant petition, petitioner seeks (1) to add Pella, Iowa as an additional origin point to the above authority; and (2) to add Nevada as an additional destination state to the above authority.

No. MC 138618 (Sub-No. 1) (Notice of filing of petition to change an origin point), filed March 25, 1977. Petitioner: FRANKLIN LUMBER COMPANY, INC., Route 10, Box 242, Jasper, Ala. 35501. Petitioner's D. H. Markstein, Jr., 512 Massey Building, Birmingham, Ala. 35203. Petitioner holds a motor *contract carrier* Permit in No. MC 138618 (Sub-No. 1), issued April 28, 1975, authorizing transportation over irregular routes, of *lumber*, from Russellville, Ala., to points in Florida, Georgia, Mississippi, and Tennessee, under a continuing contract, or contracts, with TMA Forest Products, a Division of Tennessee River Pulp & Paper Company, of Double Springs, and Jasper, Ala. By the instant petition, petitioner seeks to change the origin point above by the deletion of Russellville, Ala., and the substitution of Jasper and Double Springs, Ala., in lieu thereof.

REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of protests to the granting of the authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition shall not be tendered at this time. A copy of the protest shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 129068 (Sub-No. 31) (Republication), filed October 12, 1976, published in the FEDERAL REGISTER issue of November 11, 1976, and republished this issue. Applicant: GRIFFIN TRANSPORTATION, INC., 3002 S. Douglas Blvd., Oklahoma City, Okla. 73150. Applicant's representative: G. Timothy Armstrong, 6161 N. May Ave., Oklahoma City, Okla. 73112. An Order of the Commission, Review Board Number 1, dated March 17, 1977, and served March 24, 1977, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *trailers* (excluding recreational vehicles), designed to be drawn by passenger automobiles, in initial movements, and *buildings*, in sections, mounted on wheeled undercarriages in initial movements, from points in Kansas, to points in the United States (except Alaska and Hawaii); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the deletion of the restriction against the transportation of modular units and prefabricated buildings in applicant's grant of authority.

No. MC 141424 (Sub-No. 1) (Republication), filed May 17, 1976, published in the FEDERAL REGISTER issue of August 19, 1976, and republished this issue. Applicant: P–Y TRANSPORT, INC., 2767 Lewisberry Road, York, Pa. 17404. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005. An Order of the Commission, Review Board Number 3, dated March 23, 1977, and served March 30, 1977, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of (1) (a) *Lime, plaster, gypsum, plaster and gypsum articles, plaster retarder, plaster accelerator plasterboard joint system, and nails, clips, wedges, wire fasteners, and channels*, used in the installation of lime, plaster and gypsum, and of plaster and gypsum articles, from Akron, N.Y., to points in Delaware, and (b) *returned materials* as above described, from points in Delaware to Akron, N.Y.; (2) *insulating materials*, when moving in the same vehicle and at the same time with roofing materials and supplies, from York, Pa., to Martinsburg, W. Va., and points in Ohio, New York (except points in Nassau, Orange, Rockland, Suffolk, and Westchester Counties, and the New York, N.Y., Commercial Zone, as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Interstate Commerce Act), and that part of New Jersey south of New Jersey Highway 33, and the District of Columbia; (3) *Insulating materials*, when moving in the same vehicle and at the same time with plaster, plasterboard, gypsum lath, and gypsum sheathing, from Akron, N.Y., to points in Delaware and in that part of Pennsylvania on and east of U.S. Highway 219 (except points in Cameron, Elk, McKean, and Potter Counties, Pa.).

(4) *Roofing and building materials and materials and supplies* used in or incidental to the production and distribution of roofing and building materials, between York, Pa., on the one hand, and, on the other, Wilmington, Del., points in Maryland, and points in that part of New Jersey south of New Jersey Highway 33, and the District of Columbia; (5) *Roofing and building materials* used in the installation and application of such commodities (except iron and steel and commodities in bulk), between the plant site of Certain-Teed Products Corporation, at Avery, Ohio, on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and West Virginia, and the District of Columbia; (6) *Building materials and wire*, between York, Pa., and points in Pennsylvania within 25 miles of York, on the one hand, and, on the other, points in Maryland, Pennsylvania, and that part of New Jersey south of New Jersey Highway 33; (7) *Roofing materials and supplies* (a) from York Pa., to points in North Carolina, Virginia, and the District of Columbia, and (b) from points in New Jersey south of New Jersey Highway 33 to York, Pa., and Curtis Bay and Westminister, Md.; (8) *Lime, plaster, and gypsum, plaster, and gypsum articles, and plaster retarder, plaster accelerator, plasterboard joint system, nails, clips, wedges, wire fasteners, and channels* used in the installation of lime, plaster, gypsum, and plaster and gypsum articles, from Wheatland, N.Y., to points in Maryland, Delaware, New Jersey, and Virginia, and the District of Columbia, and that part of Pennsylvania on and east of U.S. Highway 219; (9) *Plaster, plasterboard, gypsum lath, and gypsum sheathing*, from Akron, N.Y., and points within 2 miles thereof, to points in Pennsylvania on and east of U.S. Highway 219 (except those in Cameron, Elk, McKean, and Potter Counties, Pa.); (10) *Plaster, plasterboard, gypsum lath, gypsum sheathing, and gypsum block, plank, slab, or tile*, from Oakfield, N.Y., to points in Pennsylvania on and east of U.S. Highway 219 (except Harrisburg and Lancaster, Pa., and points in Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa.).

(11) *Veneer, brick and clay products, roofing materials and supplies, building paper, wallpaper, and manufactured paper products*, from York, Pa., to Martinsburg, W. Va., and points in Delaware, Maryland, Ohio, New York (except points in Nassau and Suffolk Counties and the New York, N.Y., Commercial Zone, as defined in *Commercial Zones, and Terminals Areas*, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Interstate Commerce Act), and that part of New Jersey south of New Jersey Highway 33; carrier is hereby authorized to tack the above authority at Wilmington, Del., York, Pa., and points in Pennsylvania within 25 miles of York, Pa.; and carrier may not perform any service under the above authority for the transportation of: (a) shipments to or from the facilities of Arctic Roofing, Inc., at or near Wilmington, Del., (b) brick and clay products from Summerville, Pa., and points in the Summerville, Pa., commercial zone as defined by the Commission, and from Porter Township (Clarion County), Pa., (c) concrete, cinder and slag products from Baltimore, Md., and York, Pa., (d) brick from the facilities of Glen Glen Corporation, at or near York, Pa., and (e) brick and clay products, from Lewis Run, Pa., and points in the Lewis Run, Pa., commercial zone, as defined by the Commission; parts (4) and (6) of the above authority are restricted against the transportation of cement and limestone, and parts (5) and (11) of the above authority are restricted against the transportation of brick, refractory products, and materials and supplies used in the installation and production of refractory products (except liquid commodities in bulk); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the addition of Delaware as an additional destination state in (8) above in applicant's grant of authority.

No. MC 141728 (Sub-No. 2) (Republication), filed June 10, 1976, published in the FEDERAL REGISTER issue of July 22, 1976, and republished this issue. Applicant: WILMINGTON CORP., Northern Industrial Park, Wilmington, Mass. 01887. Applicant's representative: Irwin M. Heller, Suite 600, One Center Plaza, Boston, Mass. 02108. A Supplemental Order of the Commission, Review Board Number 2, dated March 4, 1977, and served March 24, 1977, finds on further consideration that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, in the transportation of *such commodities* as are sold or used by retail stores (except commodities in bulk, and commodities requiring the use of special equipment), between Boston, Mass., and the facilities of Edison Brothers Stores, Inc., located at Wilmington, Mass., under a continuing contract, or contracts, with Edison Brothers Stores, Inc., restricted to the transportation of traffic having an immediately prior or subsequent movement by rail, air, or water, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the addition of the words "or subsequent" following the words "immediately prior" in the restriction to applicant's grant of authority.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with Section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 720 (Sub-No. 30), filed March 25, 1977. Applicant: BIRD TRUCKING CO., INC., Box 227, Waupun, Wis. 53963. Applicant's representative: Anthony C. Vance, 1300 Old Chain Bridge Road, McLean, Va. 22101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as are dealt in

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by wholesale, retail, chain grocery, and food business houses (except commodities in bulk), between Hodgkins, Ill., on the one hand, and, on the other, points in the Wisconsin Counties listed below: Brown, Calumet, Columbia, Dane, Dodge, Door, Fond d i Lac, Green Lake, Jefferson, points in Kenosha west of U.S. Highway 45, Kewaunee, Manitowoc, Marquette, Milwaukee (except points east of Wisconsin Highway 100 in Milwaukee County) Outgamie, Ozaukee, Portage, points in Racine on and west of U.S. Highway 45, Rock, Sauk, Sheboygan, Walworth, Washington, Waukesha, Waupaca, Waushara, Winnebago, and Wood, Wis., restricted to traffic originating at or destined to the facilities of Couzens Warehouse & Distributors, Inc., located at Hodgkins, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 921 (Sub-No. 29), filed March 2, 1977. Applicant: DEAN TRUCK LINE, INC., P.O. Drawer 631, Corinth, Miss. 38834. Applicant's representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and articles which because of size or weight require special equipment): Between the junction of Tennessee Highway 57 and an unnumbered road approximately four miles southeast of Tulu, Tenn., and Corinth, Miss.: From the junction of Tennessee Highway 57 and an unnumbered road approximately four miles southeast of Tulu, Tenn., thence southerly over the unnumbered highway via Kendrick, Miss., to Corinth, Miss., serving all intermediate points, and return over the same route.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Corinth, Miss.

No. MC 2484 (Sub-No. 51), filed February 14, 1977. Applicant: E & L TRANSPORT COMPANY, a corporation, P.O. Box 4299, 14201 Prospect Avenue, Dearborn, Mich. 48121. Applicant's representative: Eugene C. Ewald, 100 West Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in secondary movements, in truckaway service, from Dearborn, Mich., to points in the United States (excluding Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Detroit, Mich.

No. MC 5470 (Sub-No. 121), filed February 24, 1977. Applicant: TAJON, INC., R.D. No. 5, Box 146, Mercer, Pa. 16137. Applicant's representative: Don Cross, 700 World Center Building, 918 Sixteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metals and alloys*, in dump vehicles, between points in Alabama, Arkansas, Kansas, Louisiana, Mississippi, Missouri, Ohio, Pennsylvania, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Chicago, Ill.

No. MC 3854 (Sub-No. 34), filed March 1, 1977. Applicant: BURTON LINES, INC., P.O. Box 11306, East Durham Station, Durham, N.C. 27703. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. and 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials, supplies and equipment* (except commodities in bulk, in tank vehicles) used in the processing, packing, storing, handling and marketing of tobacco, and (2) *unmanufactured tobacco* when moving on the same vehicle at the same time with the commodities described above, between points in Connecticut, Florida, Georgia, Kentucky, Maryland, Massachusetts, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Raleigh, N.C. or Washington, D.C.

No. MC 26396 (Sub-No. 144), filed March 1, 1977. Applicant: POPELKA TRUCKING CO., doing business as, THE WAGGONERS, Box 990, Livingston, Mont. 59047. Applicant's representative: David Waggoner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite clay, lignite coal*, treated or untreated, and *bentonite products*, (1) from the plantsite of American Colloid Co., located at or near Malta, Mont., to points in Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Nebraska, New Mexico, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wyoming, Wisconsin, and the Upper Peninsula of Michigan; and (2) from the origin point named in (1) above, to ports of entry on the International Boundary line between the United States and Canada located at points in Idaho, Montana, North Dakota and Washington, restricted to traffic destined to the Province of Alberta, Canada.

NOTE.—Applicant holds contract carrier authority in various subs under No. MC 136777, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Billings, Mont.

No. MC 26739 (Sub-No. 91) (Amendment), filed January 24, 1977, published in the FEDERAL REGISTER issue of March 17, 1977, and republished this issue. Applicant: CROUCH FREIGHT SYSTEMS, INC., P.O. Box 1059, St. Joseph, Mo. 64502. Applicant's representative: Roland Rice, 1111 E Street, N.W., Suite 618, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Denver, Colo., and Minneapolis, Minn., serving no intermediate points: From Denver over Interstate Highway 80S to the junction of Interstate Highway 80, thence over Interstate Highway 80 to the junction of U.S. Highway 281, thence over U.S. Highway 281 to the junction of U.S. Highway 30 at or near Grand Island, Nebr., thence over U.S. Highway 30 to the junction of U.S. Highway 77 at or near Fremont, Nebr., thence over U.S. Highway 77 to Sioux City, Iowa, thence over U.S. Highway 75 to the junction of Interstate Highway 90, thence over Interstate Highway 90 to the junction of Interstate Highway 35, thence over Interstate Highway 35 to Minneapolis, Minn., and return over the same route; (2) Between Kansas City, Kans., and Denver, Colo., serving no intermediate points: From Kansas City over U.S. Highway 24 to the junction of U.S. Highway 75, thence over U.S. Highway 75 to the junction of U.S. Highway 36 at or near Fairview, Kans., thence over U.S. Highway 36 to the junction of U.S. Highway 383, thence over U.S. Highway 383 to the junction of U.S. Highway 24, thence over U.S. Highway 24 to junction U.S. Highway 40, thence over U.S. Highway 40 to Denver, and return over the same route.

NOTE.—The purpose of this republication is to correct applicant's territorial description in (2) above. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo., or San Francisco, Calif.

No. MC 41098 (Sub-No. 42), filed February 11, 1977. Applicant: GLOBAL VAN LINES, INC., No. 1 Global Way, Anaheim, Calif. 92803. Applicant's representative: Alan F. Wohlstetter, 1700 K Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture; new furnishings and equipment; new appliances; new household fixtures, equipment and furnishings; new store and office fixtures, equipment and furnishings; new commercial and institutional fixtures, equipment and furnishings; new restaurant and kitchen fixtures, equipment and furnishings; new hospital and laboratory fixtures, equipment and furnishings; and new floor covering, carpet and padding*, including *accessories and parts* incidental to the foregoing commodities when shipped at the same time in the same vehicle, between points in California, Oregon and Washington on the one hand, and, on the other, points in the United States, including Alaska and Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles, Calif., or Chicago, Ill.

No. MC 42866 (Sub-No. 18), filed February 18, 1977. Applicant: NATIONAL VAN LINES, INC., 2800 Roosevelt Road, Broadview, Ill. 60153. Applicant's representative: Patrick H. Smyth, Suite 521, 19 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carpets, rugs, mats, matting, plastic articles, and rubber articles, and parts and accessories*, for carpets, rugs, mats, matting plastic articles, and rubber articles; and (2) *materials, equipment and supplies*, used in the manufacture, sale, and distribution of the commodities in (1) above (except bulk), between points in the United States (except Alaska and Hawaii), restricted to shipments originating at or destined to the facilities of General Felt Industries, Inc., or its subsidiaries.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 52460 (Sub-No. 193), filed February 28, 1977. Applicant: ELLEX TRANSPORTATION, INC., 1420 West 35th Street, P.O. Box 9637, Tulsa, Okla. 74107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in containers, from points in Union County, Ark., to points in Alabama, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 52460 (Sub-No. 194), filed March 2, 1977. Applicant: ELLEX TRANSPORTATION, INC., 1420 West 35th Street, P.O. Box 9637, Tulsa, Okla. 74107. Applicant's representative: Wilburn L. Williamson, 3535 N.W. 58th Street, 280 National Foundation Life Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in containers, from West Memphis, Ark., to points in Kansas, Louisiana, New Mexico, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Tulsa, Okla., or Dallas, Tex.

No. MC 61592 (Sub-No. 397), filed March 2, 1977. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, 101 First Avenue, P.O. Box 737, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mining equipment*; (2) *attachments and parts* of mining equipment; and (3) *equipment, materials and supplies* used in the manufacture of mining equipment (except commodities in bulk), between the facilities of Reading, U.S. Inc., located at or near Orange Park, Fla., on the one hand, and, on the other, points in the United States, including Alaska, but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Washington, D.C.

No. MC 63417 (Sub-No. 98), filed February 28, 1977. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, Va. 24034. Applicant's representative: William E. Bain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*; (2) *plastic sheets, dispensers and accessories*, and *premiums and advertising materials* when shipped in combination with (1) above; and (3) *equipment, materials and supplies* used in the manufacture and distribution of the commodities described in (1) and (2) above (except commodities in bulk, commodities requiring tank or hopper type vehicles, and commodities which by reason of size and weight require special equipment), between the plantsite, storage facilities, and shipping facilities of Fort Howard Paper Company located at or near Muskogee, Okla., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia, restricted to traffic originating at or destined to the plantsite, storage and shipping facilities of Fort Howard Paper Company located at or near Muskogee, Okla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 63973 (Sub-No. 17) (Partial amendment), filed September 14, 1976, published in the FEDERAL REGISTER issue of October 29, 1976, and republished, in part, as amended this issue. Applicant: KALER FREIGHT LINES, INC., 504 12th Street Southeast, Mason City, Iowa 50401. Applicant's representative: Gerald Kaler (same address as applicant). The purpose of this partial republication is to amend the previously published part (7) of this request so as to read: (7) "Between Allison, Iowa and Keokuk, Iowa, serving Fort Madison and Burlington, Iowa as intermediate points: From Allison over Iowa Highway 3 to junction U.S. Highway 218, thence over U.S. Highway 218 to junction U.S. Highway 34, thence over U.S. Highway 34 to junction U.S. Highway 61, thence over U.S. Highway 61 to Keokuk, and return over the same routes."

No. MC 66886 (Sub-No. 53), filed February 25, 1977. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64108. Applicant's representative: Dick L. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof; and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or well drilled (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injecting or removal of commodities into or from holes or wells, between points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina and Virginia on the one hand, and, on the other, points in the United States, including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held on a consolidated record with similar applications at either Houston, Tex. or Tulsa, Okla.

No. MC 66886 (Sub-No. 54), filed March 1, 1977. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pile driving equipment, foundation construction equipment* which because of size or weight requires the use of special equipment, and *machinery, materials, and supplies* used in the connection with the above named commodities, (except commodities in bulk), (1) between points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, and Oklahoma; and (2) between Baltimore, Md., on the one hand, and, on the other, points named in (1) above, restricted to shipments originating at or destined to the plant, maintenance, and storage facilities and jobsites of Raymond International, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 67403 (Sub-No. 2), filed March 1, 1977. Applicant: BROES TRUCKING CO., INC., 1485 Crown Point Road, Verga, N.J. 08093. Applicant's representative: Ira G. Megdal, 499 Cooper Landing Road, Cherry Hill, N.J. 08002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and*

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iron and steel articles, from the facility of Continental Steel, Inc., located at Cornwells Heights, Pa., to Bronx, Brooklyn, Yonkers, Middletown, Farmingdale, Hauppage, Richmond Hills, Wyandanch, College Point, Jamaica, N.Y.; Plantsville and Bridgeport, Conn.; Wilkes-Barre and New Berlin, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Newark, N.J., or Philadelphia, Pa.

No. MC 67403 (Sub-No. 3), filed February 25, 1977. Applicant: BROES TRUCKING CO., INC., 1485 Crown Point Rd., Verga, N.J. 08093. Applicant's representative: Ira G. Megdal, 499 Cooper Landing Road, Cherry Hill, N.J. 08002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, from the facility of Bristol Supply Co. located at Bristol, Pa., to Glenn Cove, Vestal, Brooklyn, Queens, and Hauppauge, N.Y., and Kearney, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Newark, N.J. or Philadelphia, Pa.

No. MC 70903 (Sub-No. 5), filed March 2, 1977. Applicant: OKANOGAN-SEATTLE TRANSPORT COMPANY, INC., P.O. Box 722, Ellensburg, Wash. 98926. Applicant's representative: Michael D. Duppenthaler, 607 3rd Ave., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diatomaceous earth*, in bags, barrels, boxes and packages, from points in Grant County, Wash., to the ports of entry on the International Boundary Line between the United States and Canada, located at points in Washington, restricted to traffic destined to Province of British Columbia, Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 93840 (Sub-No. 26), filed February 28, 1977. Applicant: W. W. GLESS, doing business as GLESS BROS., P.O. Box 216, Blue Grass, Iowa 52726. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer solutions*, from Fulton, Ill., to points in Iowa, Illinois, Wisconsin, Minnesota, and Missouri.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Des Moines, Iowa or Kansas City, Mo.

No. MC 100666 (Sub-No. 342), filed February 28, 1977. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Sherveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products;* (2) *plastic sheets, dispensers and accessories*, and *premiums and advertising materials* when shipped in combination with (1) above; and (3) *equipment, materials and supplies* used in the manufacture and distribution of the commodities described in (1) and (2) above (except commodities in bulk, commodities requiring tank or hopper type vehicles, and commodities which because of size and weight require special equipment), between the plantsite, storage facilities and shipping facilities of Fort Howard Paper Company located at or near Muskogee, Okla., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, restricted to traffic originating at or destined to the plantsite, storage and shipping facilities of Fort Howard Paper Company located at or near Muskogee, Okla.

NOTE.—If a hearing is deemed necessary, the applicant, requests it be held at Washington, D.C.

No. MC 103066 (Sub-No. 55), filed March 4, 1977. Applicant: STONE TRUCKING COMPANY, a corporation, P.O. Box 2014, Tulsa, Okla. 74101. Applicant's representative: Eugene D. Anderson, 910 17th St., N.W., Suite 428, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ingredients* used in making ice cream and ice cream products, from Dunkirk, N.Y., to points in Arkansas, Colorado, Iowa, Kansas, Missouri, Oklahoma, Tennessee and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Washington, D.C. or Columbus, Ohio.

No. MC 106497 (Sub-No. 139), filed March 1, 1977. Applicant: PARKHILL TRUCK COMPANY, a corporation, P.O. Box 912, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulated wall board and roof insulation*, from San Antonio, Tex., to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Dallas or San Antonio, Tex.

No. MC 106497 (Sub-No. 140), filed February 25, 1977. Applicant: PARKHILL TRUCK COMPANY, a corporation, P.O. Box 912, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic building materials, tile, flooring and molding*, from Franklin County, Mo., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either St. Louis or Kansas City, Mo.

No. MC 107107 (Sub-No. 455), filed February 28, 1977. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 N.W. 42nd Avenue, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen foods and commodities in bulk), from points in Florida, to points in Mecklenburg County, N.C.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Orlando, Fla.

No. MC 107452 (Sub-No. 9), filed February 22, 1977. Applicant: R. D. BROWN, doing business as DAN BROWN TRUCKING, Greybull Heights, Greybull, Wyo. 82426. Applicant's representative: James B. Hovland, 414 Gate City Building, P.O. Box 1637, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite clay*, in bulk, in pneumatic tank vehicles, from points in Big Horn County, Wyo., to points in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Billings, Mont. or Denver, Colo.

No. MC 107515 (Sub-No. 1060), filed February 28, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road, N.E., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the warehouse facilities of Packers Cold Storage, located at Laramie, Wyo., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, North Carolina, Ohio, South Carolina, Tennessee and Wisconsin.

NOTE.—Applicant holds contract carrier authority in various subs under MC 126436, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.; Laramie, Wyo.; or Denver, Colo.

No. MC 107515 (Sub-No. 1061), filed February 28, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Rd., N.E., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tobacco* (except leaf, chopped leaf, redried leaf, stemmed leaf, and stems of tobacco), (2) *leaf, redried leaf, stemmed leaf, and stems of tobacco*, when transported in the same vehicle and at the same time with commodities subject to economic regulation, (3) *tobacco products*, and (4) *articles* used in the production, processing, manufacture, sale and distribution of tobacco and tobacco products, between the facilities of Lorillard Division of Loews Theatres, Inc.,

located at or near Danville, Va.; Lexington and Louisville, Ky.; and Greensboro, N.C., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii) restricted in (1) thru (4) above against the transportation of commodities in bulk, and restricted to the transportation of traffic originating at or destined to the named facilities.

NOTE.—The purpose of this application is to convert applicant's contract carrier authority to a common carrier authority. Applicant holds contract carrier authority in various subs under No. MC 126436, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., Atlanta, Ga., Greensboro, N.C., or New York, N.Y.

No. MC 109397 (Sub-No. 355), filed March 1, 1977. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wood products and millwork*, from Red River Parish, La., to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Shreveport, La., or Dallas, Tex.

No. MC 109633 (Sub-No. 20), filed March 1, 1977. Applicant: ARBET TRUCK LINES, INC., 222 East 135th Place, Chicago, Ill. 60627. Applicant's representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles* (except in bulk), from the plantsite and storage facilities of Mobil Chemical Company, located at or near Frankfort, Ill., to points in Indiana, Kentucky, Michigan, Ohio, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110525 (Sub-No. 1183), filed February 23, 1977. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ink oils*, in bulk, in tank vehicles, from Honesdale, Pa., to Thurmont and Snow Hill, Md., and Rutland, Vt.; and (2) *emulsion*, including *carbon ink, water soluble*, in bulk, in tank vehicles, from Honesdale, Pa., to Rumford, Maine.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 110683 (Sub-No. 118), filed February 23, 1977. Applicant: SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, Va. 24401. Applicant's representative: Thomas N. Willess, 1000 Sixteenth Street, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of K-Tel International as an off-route point in connection with applicant's authority to serve the commercial zones of Minneapolis and St. Paul, Minn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Minneapolis, Minn.

No. MC 113047 (Sub-No. 10), filed February 24, 1977. Applicant: BUANNO TRANSPORTATION CO., INC., R.D. No. 1, Fort Johnson, N.Y. 12070. Applicant's representative: S. Michael Richards, 44 North Ave., P.O. Box 225, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), between points in Massachusetts, on the one hand, and, on the other, points in Amsterdam, Broadalbin, Gloversville and Johnstown, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Albany or Syracuse, N.Y.

No. MC 113271 (Sub-No. 38), filed March 1, 1977. Applicant: CHEMICAL TRANSPORT, a corporation, P.O. Box 2644, Great Falls, Mont. 59403. Applicant's representative: Ray F. Koby, 314 Montana Building, Great Falls, Mont. 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acid*, in bulk, from East Helena, Mont., to points in Colorado, Idaho, Minnesota, North Dakota, Oregon, Utah, Washington, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Helena or Great Falls, Mont.

No. MC 113545 (Sub-No. 18), filed February 24, 1977. Applicant: CORMETT FORWARDING CO., INC., P.O. Box 38, Jersey City, N.J. 07303. Applicant's representative: Morton E Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Radiopharmaceuticals, radioactive drugs and medical isotopes*, from South Plainfield, N.J., to points in Cecil, Harford, Anne Arundel, Baltimore, and Baltimore City Counties, Md., under contract with Medi-Physics, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York N.Y.

No. MC 113678 (Sub-No. 657), filed February 23, 1977. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware*, from Shreveport, La., to Denver, Colo. and points in its Commercial Zone as defined by the Commission.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 114045 (Sub-No. 460), filed February 24, 1977. Applicant: TRANSCOLD EXPRESS, INC., Post Office Box 61228, D/FW Airport, Tex. 75261. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products*, (except in bulk) in vehicles equipped with mechanical refrigeration, from Ashton, R.I., and Mansfield, Mass., to Arizona, California, Nevada, New Mexico, Oregon, Utah, Washington, Texas, and Oklahoma.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 114533 (Sub-No. 354), filed February 24, 1977. Applicant: BANKERS DISPATCH CORPORATION, 1106 West 35th St., Chicago, Ill. 60609. Applicant's representative: Paul R. Bergant (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit and accounting media and other business records*, between Elkhart, Ind., on the one hand, and, on the other, Indianapolis and Fort Wayne, Ind., restricted to traffic having an immediately prior or subsequent movement in interstate commerce.

NOTE.—Applicant holds contract carrier authority in No. MC 128616 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Indianapolis, Ind.

No. MC 114730 (Sub-No. 6), filed February 28, 1977. Applicant: V. VAN DYKE, doing business as VAN DYKE TRUCK LINES, 150 South River Street, Seattle, Wash. 98108. Applicant's representative: John Ranquet, 1344 Dexter Horton Bldg., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Traveling cranes and parts thereof*, from the plantsite of Ederer, Inc., located at Seattle, Wash., to points in the United States (excluding Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 114868 (Sub-No. 6), filed February 18, 1977. Applicant: HARRY EARL NEWLON, Jr., doing business as NEWLON'S TRANSFER, 1511 North Nelson

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Street, Arlington, Va. 22201. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Avenue, NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty household goods shipping containers*, set up or knocked down, between points in that part of the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada, and points in Arkansas, Iowa, Louisiana, Missouri, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests a consolidated hearing with similar applications to be held at Arlington, Va.

No. MC 115311 (Sub-No. 211), filed February 15, 1977. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Air conditioners, air coolers, air conditioning equipment, heaters, furnaces and heating equipment*; and (2) *related parts, accessories, materials, and supplies* for the commodities named in (1) above, from the plantsite and warehouse facilities of Rheem Manufacturing Company located in Baldwin County, Ga., to points in the United States (except Alaska and Hawaii); and (B) *materials, parts and supplies* used in the manufacture, production and distribution of commodities named in (A) above, from points in the United States (except Alaska and Hawaii), to the plantsite and warehouse facilities of Rheem Manufacturing Company located in Baldwin County, Ga. and Fort Smith, Ark., restricted in parts (A) and (B) above against the transportation of commodities in bulk and those which because of size or weight require the use of special equipment.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga. or Little Rock, Ark.

No. MC 115495 (Sub-No. 33) (Correction), filed January 27, 1977, published in the FEDERAL REGISTER issue of March 17, 1977, and republished as corrected this issue. Applicant: UNITED PARCEL SERVICE, INC., an Ohio corporation, 300 North 2nd Street, St. Charles, Ill. 60174. Applicant's representative: S. Harrison Kahn, 733 Investment Building, 1511 K Street, NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), (1) between the premises of the Catalog Distribution facilities of J. C. Penny Company, Inc., located in Wauwatosa, Wis.; Forest Park, Ga.; and Columbus, Ohio, on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Coloroda, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin and Wyoming; and (2) between the premises of the Catalog Distribution facilities of J. C. Penney Company, Inc., located in Wauwatosa, Wis.; Forest Park, Ga.; and Columbus, Ohio, on the one hand, and, on the other, points in Pennsylvania, West Virginia and Virginia within ten-miles of the Pennsylvania-Ohio, the West Virginia-Kentucky, the Virginia-Kentucky, the Virginia-Tennessee, the Virginia-North Carolina State lines, restricted in (1) above against the transportation of any package and article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as separate and distinct shipments; and further restricted in (2) above against the transportation of packages and articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day.

NOTE.—The purpose of this republication is to correct applicant's territorial description in (2) above. Applicant holds contract carrier authority in MC 13426 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 115730 (Sub-No. 29), filed February 24, 1977. Applicant: THE MICKOW CORP., 531 S.W. Sixth Street, Des Moines, Iowa 50309. Applicant's representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Chicago Heights, Ill., to points in Iowa, Missouri, and Nebraska.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 117303 (Sub-No. 8), filed February 28, 1977. Applicant: HUDSON VALLEY CEMENT LINES, INC., 6 West Market Street, Hyde Park, N.Y. 12538. Applicant's representative: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the Town of Greenport, including Hudson, Columbia County, N.Y., to points in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Albany, N.Y.

No. MC 118831 (Sub-No. 148), filed March 1, 1977. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 7007, High Point, N.C 27263. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from the plantsite of Carolina Eastman Company, located at or near Eastman, S.C., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 118831 (Sub-No. 149), filed March 2, 1977. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 7007, High Point, N.C. 27263. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and vegetable oils, and animal and vegetable oil products, and by-products*, in bulk (except such commodities which are chemicals), between Charlotte, N.C., on the one hand, and, on the other, points in the United States in and east of Texas, Oklahoma, Kansas, Nebraska, South Dakota and North Dakota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 118959 (Sub-No. 145), filed February 28, 1977. Applicant: JERRY LIPPS, INC., 130 South Frederick, Cape Girardeau, Mo. 63701. Applicant's representative: Robert M. Pearce, P.O. Box 1111, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products;* (2) *plastic sheets, dispensers and accessories, and premiums and advertising materials*, when shipped in combination with (1) above; and (3) *equipment, materials and supplies* used in the manufacture and distribution of the commodities described in (1) and (2) above (except commodities in bulk, commodities requiring tank or hopper type vehicles, and commodities which because of their size and weight require special equipment), between the plantsite, storage facilities, and shipping facilities of Fort Howard Paper Company located at or near Muskogee, Okla., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Wisconsin, restricted to traffic originating at or destined to the plantsite, storage and shipping facilities of

Fort Howard Paper Company located at or near Muskogee, Okla.

NOTE.—Applicant holds contract carrier in No. MC 125644, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 118989 (Sub-No. 155), filed February 28, 1977. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: Albert A. Andrin, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products;* (2) *plastic sheets, dispensers and accessories, and premiums and advertising materials*, when shipped in combination with (1) above; and (3) *equipment, materials and supplies*, used in the manufacture and distribution of the commodities described in (1) and (2) above (except commodities in bulk, commodities requiring tank or hopper type vehicles, and commodities which due to their size and weight require special equipment), between the plantsite, storage facilities, and shipping facilities of Fort Howard Paper Company, located at or near Muskogee, Okla., on the one hand, and, on the other, points in Arkansas, Colorado, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, Texas, and Wisconsin, restricted to traffic originating at or destined to the plantsite, storage facilities, and shipping facilities of Fort Howard Paper Company, located at or near Muskogee, Okla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 119789 (Sub-No. 330), filed February 28, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Texas 75222. Applicant's representative: Ralph W. Pulley, Jr., 4555 First National Bank Bldg., Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery, chocolate, chocolate-coating, chocolate-syrup, dry cocoa*, with or without sugar, *cocoa compounds, edible flour, soup mix* and *dry beverage preparations*, from Fulton, Syracuse and Oswego, N.Y., to points in California, Missouri, Oregon and Texas, restricted to traffic originating at the plantsite and warehouse facilities of The Nestle Company, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or New York, N.Y.

No. MC 119934 (Sub-No. 214), filed March 2, 1977. Applicant: ECOFF TRUCKING, INC., 625 E. Broadway, Fortville, Ind. 46040. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils, coconut oils, palm oil, palm kernel oil, cottonseed oil, peanut oil, corn oil, and soybean oil*, between Opelousas, La., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina and Tennessee.

NOTE.—Applicant holds contract carrier authority in No. MC 126161 and Sub-No. 1; therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Indianapolis, Ind. or New Orleans, La.

No. MC 119988 (Sub-No. 107), filed February 28, 1977. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, P.O. Box 1384, Lufkin, Tex. 75901. Applicant's representative: Paul D. Angenend, P.O. Box 2207, Austin, Tex. 78768. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products;* (2) *plastic sheets, dispensers and accessories*, and *premiums and advertising materials* when shipped in combination with (1) above; and (3) *equipment, materials and supplies* used in the manufacture and distribution of the commodities described in (1) and (2) above (except commodities in bulk, commodities requiring tank or hopper type vehicles, and commodities which because of size and weight require special equipment), between the plantsite, storage facilities and shipping facilities of Fort Howard Paper Company located at or near Muskogee, Okla, on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, and Wyoming, restricted to traffic originating at or destined to the plantsite, storage and shipping facilities of Fort Howard Paper Company located at or near Muskogee, Okla.

NOTE.—Applicant holds contract carrier authority in No. MC 140271 and (Sub-No. 2), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 123157 (Sub-No. 31), filed February 28, 1977. Applicant: CTI, a corporation, P.O. Drawer 397, Rillito, Ariz. 85246. Applicant's representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, Ariz. 85014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, (1) from points in California, to points in Nevada; and (2) from railheads in Clark County, Nev., to the Southern California Edison Power Plant, located approximately 3 miles south of Davis Dam, Nev.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif., or Phoenix, Ariz.

No. MC 123872 (Sub-No. 67) filed March 2, 1977. Applicant: W & L MOTOR LINES, INC., P.O. Box 2607, Hickory, N.C. 28601. Applicant's representative: Allen E. Bowman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furniture parts*, from points in North Carolina, to points in California.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Charlotte, N.C. or Washington, D.C.

No. MC 125433 (Sub-No. 98), filed February 28, 1977. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: Michael J. Norton, P.O. Box 2135, Boston Bldg., Suite 404, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferrous scrap*, from points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, South Dakota, Wisconsin and Wyoming, to points in Madison County, Nebr.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Salt Lake City, Utah.

No. MC 126118 (Sub-No. 32), filed February 28, 1977. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr., 68501. Applicant's representative: Duane W. Acklie (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products;* (2) *plastic sheets, dispensers and accessories*, and *premiums and advertising materials* when shipped in combination with (1) above; and (3) *equipment, materials and supplies* used in the manufacture and distribution of the commodities described in (1) and (2) above (except commodities in bulk, commodities requiring tank or hopper type vehicles, and those which because of size and weight require the use of special equipment), between the plantsite, storage facilities, and shipping facilities of Fort Howard Paper Company located at or near Muskogee, Okla., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic originating at or destined to the plantsite, storage and shipping facilities of Fort Howard Paper Company located at or near Muskogee, Okla.

NOTE.—Applicant holds contract carrier authority in No. MC 128375 (Sub-No. 1) and other subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Lincoln, Nebr.

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No. MC 126118 (Sub-No. 34), filed February 25, 1977. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Duane W. Acklie (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Peanuts, beverage preparations and confectionery products*, from Lincoln, Nebr., to points in Arizona, California, Colorado, Florida, Georgia, Illinois, Massachusetts, Minnesota, New Jersey, New York, Ohio, Oregon, Tennessee, Texas, Utah, and West Virginia, restricted to traffic originating at the plantsite of Ovaltine Products.

NOTE.—Applicant holds contract carrier authority in No. MC 128375 (Sub-No. 1) and other subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Lincoln or Omaha, Nebr.

No. MC 126230 (Sub-No. 3), filed March 2, 1977. Applicant: SOUTHERN PACKAGING & STORAGE CO., INC., West Irish Street, P.O. Box 3066, Greenville, Tenn. 37743. Applicant's representative: Powell Johnson (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printing paper* (except newsprint and carbonized paper), not printed or imprinted, between Greeneville and Kingsport, Tenn., under a continuing contract, or contracts, with Westvaco Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Greeneville or Knoxville, Tenn.

No. MC 126243 (Sub-No. 21), filed February 28, 1977. Applicant: ROBERTS TRUCKING CO., INC., U.S. Hwy., 271 South P.O. Drawer G, Poteau, Okla. 74953. Applicant's representative: Prentiss Shelley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products;* (2) *plastic sheets, dispensers and accessories*, and *premiums and advertising materials* when shipped in combination with (1) above; and (3) *equipment, materials and supplies* used in the manufacture and distribution of the commodities described in (1) and (2) above (except commodities in bulk, commodities requiring tank or hopper type vehicles, and commodities which because of size and weight require special equipment), between the plantside, storage facilities, and shipping facilities of Fort Howard Paper Company located at or near Muskogee, Okla., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia, restricted to the transportation of traffic originating at or destined to the plantsite, storage and shipping facilities of Fort Howard Paper Company located at or near Muskogee, Okla.

NOTE.—Applicant holds contract carrier authority in No. MC 140849 (Sub-No. 2) therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 127278 (Sub-No. 5), filed February 18, 1977. Applicant: PACIFIC VAN & STORAGE CO., INC., 1415 West Torrance Blvd., Torrance, Calif. 90509. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty household goods shipping containers*, set up or knocked down, between points in California, on the one hand, and, on the other, points in Arizona, Nevada, New Mexico, Oregon, Utah, and Washington.

NOTE.—If a hearing is deemed necessary, applicant requests a consolidated hearing with similar applications to be held at Torrance, Calif.

No. MC 127810 (Sub-No. 3) filed February 7, 1977. Applicant: SHERMAN & BODDIE, INC., Highway 158 South, P.O. Box 621, Oxford, N.C. 27565. Applicant's representative: Joseph E. Wall, 333 Fayetteville Street, Post Office Box 709, Raleigh, N.C. 27602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Natural and synthetic yarns*, between Henderson, N.C., on the one hand, and, on the other points in Alabama, Florida, Georgia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Tennessee, and Virginia; and (2) *natural and synthetic fibers*, on return movements from points named in (1) above to Henderson, N.C., under a continuing contract or contracts with Harriett Cotton Mills; Henderson Cotton Mills; and Harriett & Henderson Yarns, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Raleigh or Charlotte, N.C.

No. MC 128205 (Sub-No. 26), filed February 28, 1977. Applicant: BULK-MATIC TRANSPORT COMPANY, a Corporation, 12000 S. Doty Avenue, Chicago, Ill. 60628. Applicant's representative: Arnold L. Burke, 180 North La Salle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from Frankenmuth, Mich., to Chicago, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 128273 (Sub-No. 257), filed February 28, 1977. Applicant: MID-WESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Elden Corban (same address at applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products;* (2) *plastic sheets, dispensers, and accessories and premiums and advertising materials* when shipped in combination with (1) above, and (3) *equipment, materials and supplies* used in the manufacture and distribution of the commodities described in (1) and (2) above (except commodities in bulk, commodities requiring tank or hopper type vehicles and commodities which because of their size and weight require special equipment), between the plantsite, storage facilities and shipping facilities of Fort Howard Paper Company, located at or near Muskogee, Okla., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Kansas, Kentucky Louisiana, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, Wyoming, and Wisconsin, restricted to traffic orginating at or destined to the plantsite, storage and shipping facilities of Fort Howard Paper Company located at or near Muskogee, Okla.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Washington, D.C.

No. MC 128313 (Sub-No. 5), filed March 3, 1977. Applicant: TEMPO TRUCKING, INC., R.F.D. No. 5, Washington Court House, Ohio 43160. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sodium phosphate*, in bags, from the plantsite and facilities of Olin Corporation, located at Joliet, Ill., to Dayton and Washington Court House, Ohio, under a continuing contract, or contracts, with Sugar Creek Packing Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Washington, D.C.

No. MC 128555 (Sub-No. 15), filed February 15, 1977. Applicant: MEAT DISPATCH, INC., 2103 17th Street, East, Palmetto, Fla. 33561. Applicant's representative: S. Michael Richards, 44 North Ave., P.O. Box 225, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Unfrozen foodstuffs* (except in bulk), from Merced and North Hollywood, (Los Angeles), Calif., to points in Arizona, Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Mexico, New York, Oklahoma, Oregon, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming; (2) *materials, supplies and equipment* used in the manufacture of unfrozen foodstuffs, from (a) the destination states listed in (1) above, to Merced and North Hollywood (Los Angeles), Calif.; and (b) from points in Connecticut, Illinois, Indiana, Maryland, New Jersey, Ohio, Pennsylvania and West Virginia, to Rochester, N.Y., restricted in (1) and (2) above to traffic originating at or destined to the plantsites or warehouse facilities of Ragu Foods, Inc., and under a continuing contract or contracts in (1) and (2) above with Ragu Foods, Inc.

NOTE.—Applicant holds common carrier authority in various subs under MC 136123, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Rochester or Buffalo, N.Y.

No. MC 129282 (Sub-No. 36), filed February 28, 1977. Applicant: BERRY TRANSPORTATION, INC., P.O. Box 2147, Longview, Tex. 75601. Applicant's representative: Fred S. Berry, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products;* (2) *plastic sheets, dispensers and accessories, and premiums and advertising materials*, when shipped in combination with (1) above; and (3) *equipment, materials and supplies*, used in the manufacture and distribution of the commodities described in (1) and (2) above (except commodities in bulk, commodities requiring tank or hopper type vehicles, and commodities which due to their size and weight require special equipment), between the plantsite, storage facilities, and shipping facilities of Fort Howard Paper Company, located at or near Muskogee, Okla., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia, restricted to traffic originating at or destined to the plantsite, storage facilities, and shipping facilities of Fort Howard Paper Company, located at or near Muskogee, Okla.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133095 (Sub-No. 149), filed February 18, 1977. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs and medicines, nutritional and anti-coagulant solutions, distilled water*, including plain and saline, in glass or plastic containers, and *commodities* used in the administration of the above named commodities, in vehicles equipped with mechanical refrigeration, from Atlanta and Milledgeville, Ga., to those points in that part of the United States on and east of U.S. Highway 85 (except points in Georgia), restricted to traffic originating at the plantsites and storage facilities utilized by McGraw Laboratories, Division of American Hospital Supply Corp.

NOTE.—Applicant states that the purpose of this application is to convert existing contract carrier authority to common carrier authority. If a hearing is deemed necessary, applicant requests it be held at either Atlanta, Ga., or Washington, D.C.

No. MC 133095 (Sub-No. 150), filed February 18, 1977. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: K. Edward Wolcott, 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hair care toiletries and equipment, and cosmetic mirrors*, from the plantsite of Lake Center Industries located at or near Rochester, Minn., to Baltimore, Md.; Stamford, Conn.; Atlanta, Ga.; Memphis, Tenn.; Detroit, Mich.; and points in the United States in and west of Arkansas, Illinois, Mississippi, Missouri and Wisconsin (except Alaska and Hawaii).

NOTE.—Applicant states this is an application to convert existing contract carrier authority to common carrier authority. Applicant holds contract carrier authority in No. MC. 136032 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or New York City, N.Y.

No. MC 133566 (Sub-No. 74), filed March 1, 1977. Applicant: GANGLOFF & DOWNHAM TRUCKING COMPANY, INC., P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: Charles W. Beinhauer, Suite 1573, One World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pickles, pickled tomatoes, sauerkraut and pickle relish* in vehicles equipped with mechanical refrigreation (except commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Claussen Pickle Co., a wholly owned subsidiary of Oscar Mayer & Co., Inc., located at or near Woodstock, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, restricted to traffic originating at the above named plantsite and destined to points in the above named destination states.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., or New York City, N.Y.

No. MC 133586 (Sub-No. 75), filed February 28, 1977. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: Charles W. Beinhauer, Suite 1573, One World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery and confectionery products*, from the plantsite and storage facilities of M&M/Mars, a division of Mars, Inc., located at or in Chicago, Ill. and its Commercial Zone, to points in Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont and the District of Columbia, restricted to traffic originating at the above named origin, and destined to the named destination states.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 133666 (Sub-No. 19), filed February 28, 1977. Applicant: JACOBSON TRANSPORT, INC., 1112 Second Ave. South, Wheaton, Minn. 56296. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the pipeline terminals of Gulf Central Pipeline Company, located at or near Spencer and Holstein, Iowa; and David City, Nebr., to points in Iowa, Minnesota, Nebraska, North Dakota and South Dakota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 134323 (Sub-No. 95), filed February 24, 1977. Applicant: JAY LINES, INC., 720 North Grand St., P.O. Box 30180, Amarillo, Tex. 79120. Applicant's representative: Gailyn Larsen, 521 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and articles distributed by meat packinghouses*, and *such commodities* as are used by meat packers in the conduct of their business, as described in Section A, B, and C of Appendix I in Descriptions in Motor Carrier Certificates, 61 M.C.C. 766, between the plantsite and storage facilities of MBPXL Corporatian located at or near Nebraska City, Nebr., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with MBPXL Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York City, N.Y., or Washington, D.C.

No. MC 134477 (Sub-No. 150), filed February 28, 1977. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies and equipment*, used in the manufacture and sale of clothing and finished goods, from points in Delaware, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee and Virginia, to the facilities of Munsingwear, Inc., located at or near Ashland, Wis., and Minneapolis-St. Paul, Minn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134849 (Sub-No. 2), filed February 25, 1977. Applicant: SECURITY MOVING & STORAGE CO., a corporation, 3110 North Stone Avenue, P.O. Box 452, Colorado Springs, Colo. 80901. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used house-*

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hold goods, between points in Colorado, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 135913 (Sub-No. 9), filed February 24, 1977. Applicant: BREEN TRUCKING, INC., 8459 Church Road, Grosse Ile, Mich. 48138. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Phenolic polymers* (except in bulk), (1) from Detroit, Mich., to Tonawanda, N.Y.; and (2) from Tonawanda, N.Y., and Savannah, Ga., to points in and east of Arkansas, Iowa, Minnesota, Missouri, and Texas, under a continuing contract, or contracts, with Polymer Applications, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Detroit, Mich.

No. MC 136273 (Sub-No. 7), filed February 22, 1977. Applicant: CORONADO TRUCKING COMPANY, INC., 307 Old County Road, Edgewater, Fla. 32032. Applicant's representative: William J. Monheim, 15942 Whittier Blvd., P.O. Box 1756, Whittier, Calif. 90609. Authority to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metals, metal products, and equipment and supplies* used in the manufacture, sale or distribution of the above commodities (except in bulk, in tank vehicles, and those commodities which because of size or weight require the use of special equipment), (a) between Philadelphia, Pa., points in Montgomery County, Pa., and points in New Jersey, on the one hand, and, on the other, Houston, Tex., and points in Illinois, Indiana, Lower Peninsula of Michigan, and Ohio, (b) between Perris, Calif., and points in Los Angeles and Orange Counties, Calif., on the one hand, and, on the other, Houston, Tex., and points in Illinois, Indiana, Michigan, and Ohio, (c) between Houston, Tex., and Union, Ill.; and (d) from Dunkirk, N.Y., Newport News, Va., and Huntington, W. Va., to Houston, Tex., and Union, Ill., under a continuing contract or contracts in (a), (b), (c), and (d) above with Techalloy Company, Inc., Techalloy Illinois, Inc., Techalloy Western, Inc., and Techalloy California, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa. or Washington, D.C.

No. MC 136343 (Sub-No. 103), filed February 23, 1977. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnelle Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Egg cartons, egg cases, egg baskets, filler flats, and containers*, from the facilities of Barlett's Egg Dispatch, Inc., located at Lawrence, Mass., to points in Pennsylvania, restricted to the transportation of shipments originating at the above named origin and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boston, Mass., or Washington, D.C.

No. MC 136490 (Sub-No. 2, filed February 23, 1977. Applicant: PIKES PEAK MOVING & STORAGE COMPANY, a Corporation, 3201 North El Paso, Colorado Springs, Colo. 80901. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Colorado, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Denver, Colo.

No. MC 136188 (Sub-No. 3), filed February 25, 1977. Applicant: CAUDILL MOBILE MILL, INC., P.O. Box 85, Butlerville, Ind. 47223. Applicant's representative: Kirkwood Yockey, Suite 300 Union Federal Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Forgings and automotive parts*, from the plantsites of North Vernon Forge, Inc., located in Jennings County, Ind., to points in the lower peninsula of Michigan and Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., Cincinnati, Ohio or Louisville, Ky.

No. MC 138242 (Sub-No. 2), filed February 28, 1977. Applicant: WESTERN CARTAGE, INC., P.O. Box 964, Pryor, Okla. 74361. Applicant's representative: Mike Vanderburg, 1300 Mid-Continent Bldg., Tulsa, Okla. 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products;* (2) *plastic sheets, dispensers and accessories*, and *premiums and advertising materials* when shipped in combination with (1) above; and (3) *equipment, materials and supplies* used in the manufacture and distribution of the commodities described in (1) and (2) above (except commodities in bulk, commodities requiring tank or hopper type vehicles, and commodities which because of their size and weight require special equipment), between the plantsite, storage facilities, and shipping facilities of Fort Howard Paper Company located at or near Muskogee, Okla., on the one hand, and, on the other, points in Arkansas, Colorado, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, Texas, and Wisconsin, restricted to traffic originating at or destined to the plantsite, storage and shipping facilities of Fort Howard Paper Company located at or near Muskogee, Okla.

NOTE.—Applicant holds contract carrier authority in No. MC 134813, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 138469 (Sub-No. 39), filed February 28, 1977. Applicant: DONCO CARRIERS, INC., 641 North Meridian, Oklahoma City, Okla. 73107. Applicant's representative: E. K. McLinn, P.O. Box 75354, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products;* (2) *plastic sheets, dispensers and accessories*, and *premiums and advertising materials* when shipped in the same vehicle and at the same time with the commodities named in (1) above; (3) *equipment, materials and supplies* used in the manufacture and distribution of the commodities named in (1) and (2) above (except commodities in bulk, in tank or hopper type vehicles, and those requiring the use of special equipment), between the plantsite, storage facilities and shipping facilities of Fort Howard Paper Company, located at or near Muskogee, Okla., on the one hand, and, on the other, points in Arizona, California, Idaho, Montana, Nevada, Oregan, Utah, Washington and Wyoming, restricted to traffic originating at or destined to the plantsite, storage facilities, and shipping facilities of Fort Howard Paper Company, located at or near Muskogee, Okla.

NOTE.—Applicant holds contract carrier authority in various subs under No. MC 136375, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 138469 (Sub-No. 40), filed March 1, 1977. Applicant: DONCO CARRIERS, INC., 641 North Meridian, P.O. Box 75354, Oklahoma City, Okla. 73107. Applicant's representative: Jack H. Blanshan, 205 West Touhy Avenue, Suite 200, Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Curtains, dust collecting electric precipitators*, from the facilities of Evans Products Door Systems, Division of Evans Products Company, located at or near Roseville, Mich., to points in the United States (except Alaska, Hawaii and Michigan), restricted to the transportation of traffic originating at the above-named origin.

NOTE.—The purpose of this application is to convert applicant's contract carrier authority to common carrier authority. Applicant holds contract carrier authority in various subs under No. MC 136375, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Detroit, Mich. or Toledo, Ohio.

No. MC 138578 (Sub-No. 8), filed February 28, 1977. Applicant: L. C. W. TRUCKING, INC., 119 E. Chavez, P.O. Box 718, Edinburg, Tex. 78539. Applicant's representative: M. Ward Bailey, 2412 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated paper sheets*, from the plantsite of Crown Zellerbach, Gaylord Container Division located at Bogalusa, La., to the plantsite of Crown Zellerbach, Gaylord Container Div. located at Weslaco, Tex., under a continuing contract or contracts with Crown Zellerbach, Gaylord Container Div.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either San Antonio, Tex. or New Orleans, La.

No. MC 138741 (Sub-No. 31), filed February 23, 1977. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 2005 North Broadway, Joliet, Ill. 60435. Applicant's representative: Tom B. Kretsinger, 910 Brookfield Building, 101 W. 11th St., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and building materials*, from points in Pulaski County, Ark., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Oklahoma, Tennessee and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Kansas City, Mo. or Little Rock, Ark.

No. MC 139495 (Sub-No. 203), filed February 24, 1977. Applicant: NATIONAL CARRIERS, INC., 1501 E. 8th St., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St., N.W., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lawn and patio furniture*, from Nacogdoches, Tex., to points in Arkansas, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, and South Dakota.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 208), filed February 28, 1977. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1258, Liberal, Kans. 67901. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen ice cream and frozen novelties*, in mechanically refrigerated vehicles, from Millard (Douglas County), Nebr., to Dodge City and Liberal, Kans.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Dallas, Tex.

No. MC 139579 (Sub-No. 4), filed February 18, 1977. Applicant: GEORGE H. GOLDING, INC., 5879 Marion Drive, Lockport, N.Y. 14094. Applicant's representative: William J. Hirsch, Suite 1125, 43 Court Street, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Salad dressing and sauce*, (except in bulk) from Wilson, N.Y., to points in Alabama, Indiana, Missouri, and Texas; and (b) *materials, supplies, and equipment* used in the manufacture or distribution of salad dressing and sauce, (except in bulk) from points in Alabama, Indiana, Missouri, and Texas, to Wilson, N.Y., under a continuing contract, or contracts, in (1) (a) above and (b) above, with Pfeiffer's Foods, Inc.; and (2) (a) *Canned goods*, from Gorham, N.Y., to points in Alabama, Connecticut, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (b) *materials, supplies, and equipment* used in the manufacture or distribution of canned goods, from points in Alabama, Connecticut, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, to Gorham, N.Y., under a continuing contract, or contracts, in (2) (a) and (b) above, with Lohmann Foods, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 139923 (Sub-No. 30), filed February 28, 1977. Applicant: MILLER TRUCKING CO., INC., P.O. Drawer "D", Stroud, Okla. 74079. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products;* (2) *plastic sheets, dispensers and accessories, and premiums and advertising materials*, when shipped in combination with (1) above; and (3) *equipment, materials and supplies*, used in the manufacture and distribution of the commodities described in (1) and (2) above (except commodities in bulk, commodities requiring tank or hopper type vehicles, and commodities which due to their size and weight require special equipment, between the plantsite, storage facilities, and shipping facilities of Fort Howard Paper Company, located at or near Muskogee, Okla., on the one hand, and, on the other, points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, restricted to traffic originating at or destined to the plantsite, storage facilities, and shipping facilities of Fort Howard Paper Company, located at or near Muskogee, Okla.

NOTE.—Applicant holds contract carrier authority in MC 139925 Sub 2, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139973 (Sub-No. 23), filed March 1, 1977. Applicant: J. H. WARE TRUCKING, INC., P.O. Box 398, 909 Brown Street, Fulton, Mo. 65251. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pool, billiard and game tables, amusement devices and games*, and *accessories, parts and equipment* for the above named commodities, from Kansas City, Tipton, Columbia, and California, Mo., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in various subs under MC 138375, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Kansas City, Mo. or St. Louis, Mo.

No. MC 139999 (Sub-No. 22), filed March 1, 1977. Applicant: RED-FEATHER FAST FREIGHT, INC., 2606 North 11th Street, Omaha, Nebr. 68110. Applicant's representative: Arlyn L. Westergren, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk), from the plantsite and warehouse facilities of Minden Beef Company, located at or near Minden, Nebr., to points in Connecticut and New York, restricted to traffic originating at the named origin and destined to the named states.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 140003 (Sub-No. 6), filed February 25, 1977. Applicant: BALL MOTOR LINE OF APOPKA, INC., P.O. Box AL, Apopka, Fla. 32703. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Avenue, N.W., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electronic equipment and components*, from Jackson, Mich., to Brownstown, Ind. and De Leon Springs, Fla., under a continuing contract, or contracts, with Sparton Indiana, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Orlando, Fla.

No. MC 140586 (Sub-No. 1), filed February 13, 1977. Applicant: GOLDEN NORTH VAN LINES, INC., P.O. Box 1994, Anchorage Alaska 99510. Applicant's representative: John M. Stern,

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Jr., P.O. Box 1672, Anchorage, Alaska 99510. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Seattle and Tacoma, Wash., on the one hand, and, on the other, points in Alaska.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Anchorage, Alaska.

No. MC 141197 (Sub-No. 15), filed February 28, 1977. Applicant: FLEMINGBABCOCK, INC., 4106 Mattox Road, Riverside, Mo. 64151. Applicant's representative: Tom B. Kretsinger, 910 Brookfield Bldg., 101 West Eleventh, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer compounds, potash, urea, diammonium phosphate, triple phosphate, ammonium nitrate, phosphate blends, and nitrates and nitrogen*, from Kansas City, Mo., to points in Iowa, Kansas, Missouri, Nebraska and Oklahoma, restricted to traffic moving in dump type vehicles.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 141402 (Sub-No. 7), filed March 2, 1977. Applicant: LINCOLN FREIGHT LINES, INC., State Highway Route 32, P.O. Box 332, Lapel, Ind., 46051. Applicant's representative: Norman R. Garvin, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures, caps, covers and stoppers*, from the plantsites and warehouses of the Glass Containers Corporation, located at or near Indianapolis, Marion and Gas City, Ind., to points in Illinois, Kentucky, Ohio and Michigan (except the upper peninsula).

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Indianapolis, Ind. or Chicago, Ill.

No. MC 141652 (Sub-No. 10), filed February 25, 1977. Applicant: ZIP TRUCKING, INC., P.O. 5717, Jackson, Miss. 39208. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spheres, highway marking strips and glass beads* for blast cleaning, packaged in bags, drums, and boxes, from Jackson, Miss., to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington and Wyoming.

NOTE.—Applicant states that the purpose of this application is to convert its contract carrier authority in No. MC 138807 (Sub-Nos. 1 and 11) to common carrier authority. Applicant holds contract carrier authority in No. MC 138807 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Jackson, Miss. or Atlanta, Ga.

No. MC 141776 (Sub-No. 4), filed March 1, 1977. Applicant: FOODTRAIN, INC., Spring and South Center Street, Ringtown, Pa. 17967. Applicant's representative: Richard Rueda, Two Penn Center, Plaza, Suite 612, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candies and confectionaries, candy cough drops, hollow mold chocolate candy*, from the plantsite and warehouse of Luden's, Inc., located at Reading, Pa., to points in Illinois, Indiana, Iowa, Louisiana, Michigan, Minnesota, Ohio and Wisconsin; and (2) *refused, exchanged, rejected or damaged merchandise*, on return.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia or Ringtown, Pa.

No. MC 141804 (Sub-No. 47), filed February 16, 1977. Applicant: WESTERN EXPRESS, division of Interstate Rental, Inc., a corporation, P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Frederick J. Coffman, P.O. Box 81849, Lincoln, Nebr. 68509. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Musical instruments, audio equipment, sporting goods, bicycles, and related parts and equipment*, thereof, between Long Beach, San Pedro and Buena Park, Calif., on the one hand, and, on the other, points in Seattle, Wash.; New Orleans, La.; Chicago, Ill.; Grand Rapids and South Haven, Mich.; Pennsauken, N.J.; Jacksonville, Fla.; and Atlanta, Ga., restricted to traffic originating at or destined to the facilities utilized by Yamaha International Corporation, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles, Calif., or Nashville, Tenn.

No. MC 141849 (Sub-No. 2), filed February 25, 1977. Applicant: RAY LOCKRIDGE TRUCKING, INC., 95 Lawrenceville Industrial Park Circle, N.E., Lawrenceville, Ga. 30245. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles* (except in bulk), from points in Pottawatomie County, Okla., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee and Virginia, under a continuing contract or contracts with Mobile Chemical Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 141912 (Sub-No. 8), filed February 28, 1977. Applicant: MIDWEST TRANSPORT, INC., 65 State Street, Hutchinson, Kans. 67505. Applicant's representative: J. J. Knotts, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*; (2) *plastic sheets, dispensers and accessories*; and *premiums and advertising materials* when shipped in the same vehicle and at the same time with the commodities named in (1) above; and (3) *equipment, materials and supplies* used in the manufacture and distribution of the commodities named in (1) and (2) above (except commodities in bulk, in tank or hopper type vehicles, and those requiring the use of special equipment), between the plantsite, storage facilities, and shipping facilities of Fort Howard Paper Company, located at or near Muskogee, Okla., on the one hand, and, on the other, points in Arkansas, Colorado, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma and Texas, restricted to traffic originating at or destined to the plantsite, storage facilities, and shipping facilities of Fort Howard Paper Company, located at or near Muskogee, Okla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be heard on a consolidated record with similar applications at Washington, D.C.

No. MC 142122 (Sub-No. 1), filed February 10, 1977. Applicant: PASCUZZO & HONEYMAN TRUCKING, INC., 2750 South Alameda Street, Los Angeles, Calif. 90058. Applicant's representative: Milton W. Flack, 4311 Wilshire Boulevard, Suite 300, Los Angeles, Calif. 90010. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chicoite*, from the plantsite of Ex-Cel Mineral Corporation, located at or near McKittrick (Kern County), and Taft, Calif., to Flagstaff, Glendale, Ocotillo, Phoenix, Sahuarita (Pima County), Tempe, Tucson and Williams, Ariz.; Denver and Grand Junction, Colo.; Las Vegas, Reno and Sparks, Nev.; Clackamas, Eugene, Klamath Falls, Medford, Milwaukie, Portland, Roseburg and Salem, Oreg.; Geneva, Layton, Ogden and Salt Lake City, Utah; Auburn, Bellingham, Ferndale, Kent, Pasco, Seattle, Spokane, Tacoma, Vancouver and Yakima, Wash., under contract with Ex-Cel Mineral Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 142302 (Sub-No. 1), filed February 23, 1977. Applicant: ALLAN L. PETERSEN, R.F.D. Magnolia, Ill. 61336. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rough sawn lumber*, from Lacon, Ill., to points in Arkansas, Indiana, Kentucky, Michigan, Missouri, Mississippi, Ohio, Pennsylvania, Tennessee, Virginia and Wisconsin, under a continuing contract or contracts with James R. Bailey, doing business as, Riverside Lumber Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo., or Chicago, Ill.

No. MC 142342 (Sub-No. 1), filed February 25, 1977. Applicant: JAMES HEDGE, doing business as, J. R. ENTERPRISES, 20965 Lakeridge Drive, Perris, Calif. 92370. Applicant's representative: David P. Christianson, 606 South Olive Street, Suite 825, Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail paint stores, from the manufacturing facility of Standard Brands Paint Company, Inc. located in Los Angeles County, Calif., to points in Arizona and Utah, under a continuing contract or contracts with Standard Brands Paint Company, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 142447 (Sub-No. 2), filed February 28, 1977. Applicant: LOUISIANA PACIFIC TRUCKING COMPANY, a corporation, P.O. Drawer AB, New Waverly, Tex. 77358. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plywood and particleboard*, from Urania, La., to points in Texas; and (2) *pine lumber*, dressed, and *hardwood lumber*, rough, from Winnfield, La., to points in Texas, under a continuing contract, or contracts in (1) and (2) above, with Louisiana-Pacific Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La.

No. MC 142541 (Sub-No. 1), filed February 25, 1977. Applicant: J & R TRUCKING, INC., 2737, 77th SE., Mercer Island, Wash. 98040. Applicant's representative: James T. Johnson, 1610 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal doors, metal fireplaces and attachments and related parts thereof*, from Fredericksburg, Va., to points in Arizona and Nevada, and ports of entry on the International Boundary line between the United States and Canada located in Minnesota, Montana, New York and North Dakota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 142728 (Sub-No. 1), filed March 2, 1977. Applicant: THE BLUE CHIP TRANSFER COMPANY, INC., Route 5, Box 171-B, Russellville, Ark. 72801. Applicant's representative: Lester J. Bohnsack (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Saw dust, bark, wood chips and shavings*, from Ola, Ark., to Lilly, La., under a continuing contract, or contracts, with Deltic Farms and Timber Co., located at Ola, Ark.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Little Rock, Ark.

No. MC 142848 (Sub-No. 2), filed February 23, 1977. Applicant: JAMES R. POSHARD AND SON, INC., P.O. Box 69, Mt. Vernon, Ind. 47620. Applicant's representative: Norman R. Garvin, 815 Merchants Bank Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, between points in Williamson, Jefferson and Saline Counties, Ill., and points in Hopkins and Webster Counties, Ky., on the one hand, and, on the other, points in Vanderburgh and Posey Counties, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 142897 (Sub-No. 1), filed February 13, 1977. Applicant: KENNEDY FREIGHT LINES, INC., P.O. Box 332, Lapel, Ind. 46051. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Auto parts and related advertising material*, between Toledo, Ohio; Pinola, Ind.; and Grand Haven, Mich., on the one hand, and, on the other, points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada, under a continuing contract or contracts with Questor Corporation, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 142943 (Sub-No. 1), filed February 28, 1977. Applicant: McGREGOR TRANSPORTATION, INC., 5271 Rome Beauty Park, Murray, Utah 84107. Applicant's representative: Rick J. Hall, 300 Arrow Press Square, Bldg. No. 2, 165 S.W. Temple, P.O. Box 2465, Salt Lake City, Utah 84110. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick and clay tile*, from Boulder, Denver, and Pueblo, Colo.; Brownwood and Malakoff, Tex.; and Sumas, Wash., to points in Utah, under contract with Miller Brick Sales.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 142948 (Sub-No. 1), filed February 23, 1977. Applicant: THE GRADER LINE, INC., 1022 Sixth Avenue, North, Nashville, Tenn. 37208. Applicant's representative: Edward C. Blank, II, P.O. Box 1004, Middle Tennessee Bank Building, Columbia, Tenn. 38401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New wood furniture*, from the manufacturing plant of Davis Cabinet Company, located at Nashville, Tenn., to points in Arizona, California, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, and Washington.

NOTE.—Applicant holds contract carrier authority in No. MC 138336 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Nashville, Tenn. or Atlanta, Ga.

No. MC 142974, filed February 22, 1977. Applicant: SURE TRANSPORT, INC., 135 State Street, Suite 200, Springfield, Mass. 01103. Applicant's representative: David M. Marshall (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Artificial trees, light sets, decorations and displays*, and *materials and supplies* used in the manufacture, sale and distribution of the above named commodities, (except in bulk, in tank vehicles), between East Douglas, Mass., Spring City, Tenn., Los Angeles, Calif., and Longview, Wash., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract, or contracts, with Mr. Christmas, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Boston, Mass., of Washington, D.C.

No. MC 142976, filed February 22, 1977. Applicant: JOHN D. PERFETTI, 434 East Pike, P.O. Box 129, Indiana, Pa. 15701. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal framing products, garage door hardware, and iron and steel articles*, from the plantsite of Dietrich Industries, Inc., located at West Wheatfield Township, Indiana County, Pa., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (2) *materials* used in the manufacture of the commodities named in (1) above, from points in New York, Ohio, Maryland, and Kentucky, to the plantsite of Dietrich Industries, Inc., located at West Wheatfield Township, Indiana County, Pa., under a continuing contract, or contracts, with Dietrich Industries, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Washington, D.C. or Pittsburgh, Pa.

No. MC 142979, filed February 24, 1977. Applicant: GEORGE J. CROSS & SONS, INC., 59504 CR 33, Middlebury, Ind. 46540. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal feeds, animal feed ingredients and animal health care products*, (1) between Nappanee, Ind., on the one hand, and, on the other, points in Illinois, Michigan, and Ohio, under a continuing contract or contracts with Supersweet Feeds, a division of International Multifoods; and (2) between

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Shipshewana, Ind., on the one hand, and, on the other points in Illinois, Michigan, and Ohio, under a continuing contract or contracts with Hubbard Milling Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., or Chicago, Ill.

No. MC 142980, filed February 22, 1977. Applicant: PROCESSING TRANSPORTATION, INC., P.O. Box 68, Conley, Ga. 30027. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Inedible foodstuffs*, from points in Alabama, Florida, Indiana, Kentucky, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, and Virginia, to the plantsite of Atlanta Processing B, Inc., located in Clayton County, Ga.; and (2) *animal feed meal*, in bulk, from the plantsite of Atlanta Processing B, Inc., located in Clayton County, Ga., to points in Alabama, Florida, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, under a continuing contract, or contracts, in (1) and (2) above, with Atlanta Processing B, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 142982, filed February 25, 1977. Applicant: T. G. SWARB, doing business as SWARB TRUCKING CO., 10409 O'Donnell Street, Houston, Tex. 77076. Applicant's representative: Robert E. Hudson, 519 Lomas & Nettleton Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, in tank vehicles, dangerous explosives, and commodities of unusual value), between points in Harris and Brazoria Counties, Tex. and the Houston, Tex. commercial zones, including the Port of Houston, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Houston, Austin, or Dallas, Tex.

No. MC 142983, filed February 28, 1977. Applicant: NOBLE'S SERVICE, INC., 666 South Nelson Road, Columbus, Ohio 43205. Applicant's representative: Gerald P. Wadkowski, 85 East Gay Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, repossessed or replacement motor vehicles*, by use of wrecker equipment only, between points in Franklin County, Ohio, on the one hand, and, on the other, points in Florida, Georgia, Illinois, Indiana, Kentucky, Michigan, New Jersey, New York, Pennsylvania, Tennessee, and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 142998, filed March 1, 1977. Applicant: LAUGHLIN LINES, INC., P.O. Box 11888, Reno, Nev. 89510. Applicant's representative: Harley E. Laughlin, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and storage facilities of Ore-Ida Foods, Inc., located in Malheur County, Oreg.; Ada County, Idaho; and Cassia County, Idaho, to points in the United States, including Alaska (except Hawaii, California, Nevada and Arizona).

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Reno or Carson City, Nev.

No. MC 143006, filed February 7, 1977. Applicant: DORWIN TRUCKING CO., INC., 3420, 52nd Street East, Tacoma, Wash. 98443. Applicant's representative: George Kargianis, 2120 Pacific Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cranes, fabricated cranes, steel, fabricated rubber, equipment* which because of size or weight require special handling, including *contractor's equipment and supplies*, between points in Washington, on the one hand, and, on the other, points in Arizona, California, Idaho, Montana, Oregon, and Washington.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Seattle or Tacoma, Wash.

No. MC 143011, filed March 1, 1977. Applicant: P & D TRANSPORTATION, INC., Connell Highway, Newport, R.I. 02840. Applicant's representative: Frederick T. O'Sullivan, P.O. Box 2184, 622 Lowell Street, Peabody, Mass. 01960. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sailboats*, the transportation of which because of size requires the use of lowboy trailers, from points in Newport, R.I., to points in the United States (except Alaska, and Hawaii), under a continuing contract, or contracts, with True North Marine Industries, Inc.

NOTE.—Applicant holds common carrier authority in MC 60251 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I.

No. MC 143013, filed March 2, 1977. Applicant: ROGER CHILTON, doing business as CHILTON TRUCKING COMPANY, 405 11th Street, P.O. Box 841, Beaumont, Tex. 77704. Applicant's representative: John W. Carlisle, 4100 Greenbriar, Suite 215, Houston, Tex. 77098. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Engine and motor parts and equipment and parts thereof*, used on ships and ocean going vessels for the operation, maintenance and safety of such ships and vessels, (1) between Intercontinental Airport, Houston, Tex.; Rio Grande Valley Airport, Brownsville, Tex.; Corpus Christi International Airport, Corpus Christi, Tex.; Jefferson County Airport, Beaumont, Tex.; Scholes Field, Galveston, Tex.; Gulfport-Biloxi Municipal Airport, Gulfport-Biloxi, Miss.; Greenville Municipal Airport, Greenville, Miss.; Ryan Airport, Baton Rouge, La.; Moisant Airport, Metairie, La.; and Lake Charles Municipal Airport, Lake Charles, La.; and the Gulfports of Houston Navigation District, Baytown-LaPorte, Galveston, Corpus Christi, Port Lavaca, Orange, Brownsville, Port Arthur, Beaumont, Freeport, Port Neches, and Texas City, Tex.; Lake Charles, Baton Rouge and New Orleans, La.; Gulfport, Biloxi, Pascagoula and Greenville, Miss.; and (2) between the Gulf Ports named in (1) above; (3) between the following seaports: Houston Navigation District, Barber's Cut, Baytown, LaPorte, Corpus Christi, Galveston, Port Lavaca, Orange, Port Arthur, Brownsville, Beaumont, Freeport, Port Neches and Texas City, Tex.; Lake Charles, Baton Rouge and New Orleans, La.; Gulfport, Biloxi, Pascagoula and Greenville, Miss., on the one hand, and, on the other.

(4) the following seaports: Mobile, Ala.; Pensacola, Panama City, St. Petersburg, Tampa, Ft. Myers, Ft. Lauderdale, Key West, Miami, West Palm Beach, Ft. Pierce, Daytona Beach, St. Augustine, Fla.; Brunswick and Savannah, Ga.; Charleston, S.C.; Wilmington, and New Bern, N.C.; Norfolk, Hampton, Cape Charles, Va.; Wilmington, Delaware; Atlantic City, N.J.; New York, N.Y.; New London, Conn.; New Bedford and Boston, Mass.; Portsmouth, N.H.; and Portland, Maine; (5) between the following airports: Bates Field, Mobile, Ala.; Ferguson Regional Airport, Pensacola, Fla.; Clearwater Airport and Albert Whitted Airport, St. Petersburg, Fla.; Tampa International Airport, Peter O. Knight Airport and Vandenberg Airport, Tampa, Fla.; Page Field, Ft. Myers, Fla.; Executive Airport and Hollywood International Airport, Ft. Lauderdale, Fla.; Key West International Airport, Key West, Fla.; Miami International Airport, Miami, Fla.; Palm Beach International Airport, West Palm Beach, Fla.; Harry W. Nelson Airport, Ft. Pierce, Fla.; Daytona Beach Regional Airport, Daytona Beach, Fla.; St. Augustine Municipal Airport, St. Augustine, Fla.; Golden Isles Municipal Airport and Malcolm McKinnon Airport, Brunswick, Ga.; Savannah Municipal Airport, Savannah, Ga.; Charleston Municipal Airport and Johns Island Airport, Charleston, S.C.; New Hanover County Airport, Wilmington, N.C.; Simmons Nott Airport, New Bern, N.C.; Norfolk International Airport, Norfolk, Va.; Hampton Municipal Airport, Hampton, Va.; Cape Charles Municipal Airport, Cape Charles, Va.; Greater Wilmington Airport, Wilmington, Del.; Atlantic City Airport, Bader Field and NAFEC Airport, Atlantic City, N.J.; John F. Kennedy and La Guardia Airports, New York, N.Y.; Trumbull Airport, New London, Waterford Municipal Airport, New London, Conn.; Theodore Francis Green State Airport, Providence, R.I.; New Bedford Municipal Airport, New Bedford, Mass.; General Edward Lawrence Airport and Tagan International Airport, Boston, Mass.; Portsmouth Municipal Airport, Portsmouth, N.H.; Portland International Jetport, Portland, Maine, on the one hand, and, on the other, the seaports named in paragraphs 3 and 4 above; (6) from freight terminals located at or in the vicinity of the seaports named in paragraphs (1) and (4) above to ships docked at seaports named in paragraphs (1) and (4) above.

(7) from the following seaports: Houston Navigation District, Barber's Cut, Baytown, LaPorte, Corpus Christi, Galveston, Port Neches, Orange, Port Arthur, Brownsville, Beaumont, Freeport, Port Lavaca, and Texas City, Tex.; Lake Charles, Baton Rouge and New Orleans, La.; Gulfport, Biloxi, Pascagoula and Greenville, Miss.; to the following airports: Intercontinental Airport, Houston, Tex.; Gulfport-Biloxi Municipal Airport, Gulfport-Biloxi, Miss.; Ryan Airport, Baton Rouge, La.; Greenville Municipal Airport, Greenville, Miss.; Rio Grande Valley Airport, Brownsville, Tex.; Moisant Airport, Metairie, La.; Corpus Christi International Airport, Corpus Christi, Tex.; Lake Charles Municipal Airport, Lake Charles, La.; Jefferson County Airport, Beaumont, Tex., and Scholes Field, Galveston, Tex., restricted as follows: (a) transportation is restricted to pick-up and delivery service at the airports named above and at port facilities at or near the seaports named; (b) transportation between the seaports named above is restricted to pick-up and delivery services at port facilities at or near the seaports named above; (c) transportation is restricted to shipments having a prior or subsequent movement in interstate or foreign commerce; and (d) transportation is restricted to shipments moving between Mississippi and Louisiana under United States Customs.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex.

No. MC 143085, filed February 28, 1977. Applicant: DANIEL COMPANY OF SPRINGFIELD, a corporation, 419 East Kearney, Springfield, Mo. 65803. Applicant's representative: Turner White, 910 Plaza Towers, Springfield, Mo. 65803. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products;* (2) *plastic sheets, dispensers and accessories*, and *premiums and advertising materials* when shipped in combination with (1) above; and (3) *equipment, materials and supplies* used in the manufacture and distribution of the commodities described in (1) and (2) above (except commodities in bulk, commodities requiring tank or hopper type vehicles, and commodities which because of size and weight require special equipment), between the plantsite, storage facilities and shipping facilities of Fort Howard Paper Company located at or near Muskogee, Okla., on the one hand, and, on the other, points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington and Wyoming, restricted to traffic originating at or destined to the plantsite, storage and shipping facilities of Fort Howard Paper Company located at or near Muskogee, Okla.

NOTE.—Applicant holds contract carrier authority in No. MC 139274, therefore dual operations may be involved. If a hearing is deeme dnecessary, the applicant requests it be held at Washington, D.C.

PASSENGER APPLICATIONS

No. MC 13028 (Sub-No. 18), filed March 1, 1977. Applicant: BONANZA BUS LINES, INC., 27 Sabin Street, P.O. Box 1116, Annex Station, Providence, R.I. 02901. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street, NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, between Providence, R.I., and Atlantic City, N.J.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Providence, R.I.

No. MC 39491 (Sub-No. 16), filed February 23, 1977. Applicant: COLONIAL COACH CORP., 17 Franklin Turnpike, Mahwah, N.J. 07430. Applicant's representative: Samuel B. Zinder, 98 Cutter Mill Road, Great Neck, N.Y. 11021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in special operations, beginning and ending at points in Bucks County, Pa. and extending to Atlantic City, N.J.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Philadelphia, Pa.

No. MC 138141 (Sub-No. 4), filed February 3, 1977. Applicant: LOUIS SANTORA, JR., doing business as AAA UNITED LIMOUSINE SERVICE, P.O. Box 114, Raritan, N.J. 08869. Applicant's representative: L. C. Major, Jr., Suite 400, Overlook Bldg., 6121 Lincolnia, Alexandria, Va. 22312. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *Passengers and their baggage and express and newspapers*, in the same vehicle with passengers, Between Clinton, N.J. and John F. Kennedy Airport and LaGuardia Airport, located at or near New York, N.Y.: From Clinton N.J., at the junction U.S. Highway 31 and Interstate Highway 78, thence easterly over Interstate Highway 78 to the junction Interstate Highway 287, thence northerly over Interstate Highway 287 to junction U.S. Highway 202 (also U.S. Highway 206), thence southerly over U.S. Highway 202 (also U.S. Highway 206), to junction New Jersey Highway 28, thence over New Jersey Highway 28 to Somerville, N.J., thence northerly over U.S. Highway 202 (also U.S. Highway 206), to junction U.S. Highway 22, thence easterly over U.S. Highway 22 to junction Interstate Highway 287, thence easterly over Interstate Highway 287 to junction New Jersey Turnpike, thence northerly over New Jersey Turnpike to Exit 13 and the junction of Interstate Highway 278, thence easterly over Interstate Highway 278 to the Shore Parkway (Belt System), thence over Shore Parkway (Belt System) to access road leading to John F. Kennedy Airport, thence over access road to John F. Kennedy Airport, thence from John F. Kennedy Airport to exit road, thence over exit road to Van Wych Expressway, thence northerly over Van Wych Expressway to junction with Grand Central Parkway, thence northerly over Grand Central Parkway to LaGuardia Airport, located at or near New York, N.Y., and return over the same route, serving all intermediate points (except those east of the junction of Interstate Highway 287 and U.S. Highway 1, near Edison, N.J.); and

(2) Between Clinton, N.J. and Somerville, N.J.: From Clinton, N.J. at the junction U.S. Highway 31 and Interstate Highway 78, thence over U.S. Highway 31 to junction U.S. Highway 202, thence over U.S. Highway 202 (also portion U.S. Highway 206), to junction New Jersey Highway 28, thence over New Jersey Highway 28 to Somerville, N.J. and return same route, serving all intermediate points, restricted in (1) and (2) above to traffic either originating at or destined to LaGuardia or John F. Kennedy Airports, and further restricted in (1) and (2) above to the use of vehicles with a seating capacity of ten (10) passengers or less, not including the driver.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Somerville, N.J.

FREIGHT FORWARDER APPLICATION

No. FF 493, filed March 1, 1977. Applicant: AMERICAN INTERNATIONAL FREIGHT FORWARDING, INC., P.O. Box 545, Decatur, Ind. 46733. Applicant's representative: Paul E. Gabler (same address as applicant). Authority sought to engage in operation, in interstate or commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, motor, water, express and air, in the transportation of *Motor vehicles, farm tractors, self-propelled vehicles and trailers*, between points in Hawaii, on the one hand, and, on the other points in the United States including Alaska, and including transportation of import-export traffic.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Honolulu, Hawaii, or Chicago, Ill.

FINANCE APPLICATIONS

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested

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authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's General Rules of Practice (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC-F-13178. Authority sought for purchase by SALTER'S EXPRESS COMPANY, INCORPORATED, West Street, Simsbury, Connecticut, 06070, of the operating rights of B. W. Brown Truck Company Incorporated, 233 Woodlawn Road, Berlin, Connecticut 06037, and for acquisition by Arthur M. Salter, Dorothy M. Ames, and James Salter all of Simsbury, CT., 06070, of control of such right through the purchase. Applicants' attorneys: Thomas W. Murrett, 342 North Main Street, West Hartford, Connecticut 06117 and John E. Fay, Sr., 630 Oakwood Avenue, West Hartford, Connecticut 06110. Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier* over regular routes between New Britain, Connecticut and Hartford, Connecticut, serving the intermediate points of Newington and Elmwood, Connecticut: From New Britain over Connecticut Highway 71 to junction U.S. Highway 6, thence over U.S. Highway 6 to Hartford, and return over the same route. From New Britain over Connecticut Highway 174 to junction Connecticut Highway 175, thence over Connecticut Highway 175 to junction Connecticut Highway 176, thence over Connecticut Highway 176 to Hartford, and return over the same route. *General commodities*, with exceptions as a *common carrier* over irregular routes between points on the regular routes specified above, on the one hand, and, on the other, points in Connecticut. Vendee is authorized to operate as a common carrier in Vermont, Massachusetts, Connecticut, New Hampshire, New York, New Jersey, and Rhode Island. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13179. Authority sought for control by MAIN EXPRESS & STORAGE CO., INC., dba MAIN EXPRESS CO., 5938 South 13th Street, Milwaukee, WI. 53221, of AAA Cartage, Inc., 5938 South 13th Street, Milwaukee, WI. 53221, and for acquisition by G. Phillip Beitz and Ann Beitz, both of the Milwaukee, WI. 53221 address, of control of AAA Cartage, Inc., through the acquisition by G. Phillip Beitz and Ann Beitz. Applicants' attorney: Rolfe E. Hanson, 121 West Doty Street, Madison, WI. 53703. Operating rights sought to be controlled: *General commodities*, with exceptions as a *common carrier* over irregular routes between General Mitchell Field, Milwaukee, Wis., and O'Hara International Airport, Chicago, Ill., with restrictions. Main Express & Storage Co., Inc., holds no authority from this Commission except temporary authority to operate in interstate commerce in Docket No. MC 54444 Sub-No. 5(TA) extended indefinitely. Main Express & Storage Co., Inc., and AAA Cartage, Inc. are family owned with G. Phillip Beitz the President of Main and Vice-President of AAA. His mother, Ann Beitz, is President of AAA ad Vice-President of Main. G. Phillip Beitz owns 100% stock of AAA and 78% of stock of Main. Ann Beitz owns 12% of stock of Main.

OPERATING RIGHTS APPLICATION(S) DIRECTLY RELATED TO FINANCE PROCEEDINGS

The following operating rights application(s) are filed in connection with pending finance applications under Section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer application under Section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 70151 (Sub-No. 50), filed January 31, 1977. Applicant: UNITED TRUCKING, INC., 3047 Lonyo Road, Detroit, Mich. 48209. Applicant's representative: John P. Tynan, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J. 07006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (I) Regular routes: (A) *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as definied by the Commission, and liquids in bulk, in tank trucks), Between Cincinnati, Ohio and Cleveland, Ohio, serving the intermediate points of Xenia, Ohio, and those between Xenia and Cincinnati: From Cincinnati over U.S. Highway 42 to Cleveland, and return over the same route; (B) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) Between Indianapolis, Ind., and Louisville, Ky., serving all intermediate points.: From Indianapolis over U.S. Highway 31 to Sellersburg, Ind., thence over U.S. Highway 31E to Louisville, and return over the same route; (2) Between Dayton, Ohio, and Muncie, Ind., serving all intermediate points: From Dayton over Ohio Highway 49 to Greenville, Ohio, thence over Highway 571 (formerly Ohio Highway 71) to the Ohio-Indiana State Line, thence over Indiana Highway 32 to Munice, and return over the same routes; (3) Between Columbus, Ohio and Cambridge, Ohio, serving all intermediate points, over U.S. Highway 40, and return over the same route; (4) Between Delphos, Ohio and Salem, Ohio, serving all intermediate points, and the off-route points of Galion and Shelby, Ohio: From Delphos over U.S. Highway 30 (formerly portion U.S. Highway 30N) to junction U.S. Highway 30N, thence over U.S. Highway 30N to Mansfield, Ohio, thence over Ohio Highway 430 (formerly portion U.S. Highway 30) to junction U.S. Highway 30, thence over U.S. Highway 30 to Canton, Ohio, thence over U.S. Highway 62 to Salem, and return over the same route;

(5) Between Barberton, Ohio, and Findlay, Ohio, serving all intermediate points, and the off-route point of Rittman, Ohio: From Barberton over unnumbered highway (formerly portion U.S. Highway 224) via Wadsworth, Ohio, to junction U.S. Highway 224, thence over U.S. Highway 224 to junction unnumbered highway (formerly portion U.S. Highway 224), thence over unnumbered highway via Leroy and Lodi, Ohio, to junction U.S. Highway 224, thence over U.S. Highway 224 to Findlay, and return over the same route; (6) Between Massillon, Ohio, and Cambridge, Ohio, serving all intermediate points, over U.S. Highway 21, and return over the same route; (7) Between Toledo, Ohio, and Youngstown, Ohio, serving all intermediate points, and the off-route points of Garrettsville and Niles, Ohio: From Toledo over Ohio Highway 51 (formerly Ohio Highway 120) to junction U.S. Highway 20, thence over U.S. Highway 20 to junction unnumbered highway (formerly portion U.S. Highway 20), thence over unnumbered highway via Fremont, Ohio, to junction U.S. Highway 20, thence over U.S. Highway 20 to Cleveland, Ohio, thence over U.S. Highway 422 to Youngstown, and return over the same route; (8) Between Cambridge City, Ind., and Connersville, Ind., serving all intermediate points, over Indiana Highway 1, and return over the same route; (9) Between Cleveland, Ohio, and Canton, Ohio, serving all intermediate points, over Ohio Highway 8, and return over the same route; (10) Between Norwalk, Ohio and Youngstown, Ohio, serving all intermediate points, over Ohio Highway 18, and return over the same route; (11) Between Barberton, Ohio, and Warren, Ohio, serving all intermediate points, over Ohio Highway 5, and return over the same route; (12) Between Mansfield, Ohio, and Lodi, Ohio, serving all intermediate points, over U.S. Highway 42, and return over the same route; (13) Between Cleveland, Ohio, and Medina, Ohio, serving all intermediate points, over U.S. Highway 42, and return over the same route;

(14) Between Bucyrus, Ohio, and junction Ohio Highway 4 and U.S. Highway 20, serving all intermediate points: From Bucyrus over Ohio Highway 4 to

junction U.S. Highway 20, and return over the same route, serving the off-route points in Summit and Cuyahoga Counties, Ohio, those within ten miles of Louisville, Ky., and those within five miles of Youngstown, Ohio, in connection with carrier's regular route operations described above; (15) From Evansville, Ind., to Louisville, Ky., serving no intermediate points: From Evansville over Indiana Highway 62 to New Albany, Ind., thence over U.S. Highway 31W to Louisville, and return over the same route; (16) Between Delaware, Ohio, and Mansfield, Ohio, serving no intermediate points, over U.S. Highway 42, and return over the same route; (17) Between Lodi, Ohio, and Medina, Ohio, serving no intermediate points, over U.S. Highway 42, and return over the same route, serving points within ten miles of Canton, Ohio, as intermediate and off-route points in connection with carrier's regular route operations to and from Canton, Ohio; and (18) Between points in Indiana, as alternate routes for operating convenience only in connection with carrier's regular route operations requested above, serving no intermediate points, as follows: (a) From Dunreith over Indiana Highway 3 to junction Indiana Highway 403, thence over Indiana Highway 403 to junction U.S. Highway 31, and return over the same route; (b) From Pendleton over Indiana Highway 9 to junction U.S. Highway 31, and return over the same route; and (c) From Connersville over Indiana Highway 44 to junction U.S. Highway 52, thence over U.S. Highway 52 to Indianapolis, and return over the same route; (C) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) serving the site of the Ford Motor Company plant, located in Brownhelm Township, Lorain County, Ohio, near the intersection of U.S. Highway 6 and Baumhart Road, as an off-route point in connection with carrier's regular route operations between Toledo and Youngstown, Ohio; and (b) serving the site of the Warrick Works of the Aluminum Company of America plant, located near Newburgh, Warrick County, Ind., as an off-route point in connection with carrier's regular route operations to and from Evansville, Ind.

(D) *general commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Louisville, Ky., and junction U.S. Highways 42 and 40 (at or near Lafayette, Ohio), as an alternate route for operating convenience only in connection with carrier's regular route operations requested above, serving no intermediate points: From Louisville over the Ohio River Bridge, thence over Indiana Highway 62 to junction Indiana Highway 107 (Madison, Ind., Bypass), thence over Indiana Highway 107 to junction U.S. Highway 421, thence over U.S. Highway 421 to Versailles, Ind., thence over U.S. Highway 50 to junction Bypass U.S. Highway 50 (at or near Cleves, Ohio), thence over Bypass U.S. Highway 50 to junction U.S. Highway 42, thence over U.S. Highway 42 to junction U.S. Highway 40 (at or near Lafayette, Ohio), and return over the same routes; and (2) Between Sharonville, Ohio, and junction U.S. Highways 25 and 40 (at or near Vandalia, Ohio), as an alternate route for operating convenience only in connection with carrier's regular route operations requested above, serving no intermediate points, and serving Sharonville for purposes of joinder only: From Sharonville over U.S. Highway 25 to junction U.S. Highway 40, and return over the same route; (E) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), (1) Between points in Ohio, as alternate routes for operating convenience only in connection with carrier's regular route operations requested above, serving no intermediate points, as follows: (a) From Tiffin over Ohio Highway 101 to junction Ohio Highway 113, thence over Ohio Highway 113 to junction U.S. Highway 20, and return over the same route; (b) From Salem over U.S. Highway 62 to Youngstown, and return over the same route.

(c) From Salem over Ohio Highway 45 to Warren, and return over the same route; (d) From Salem over Alternate Ohio Highway 14 (formerly portion Ohio Highway 14) to junction Ohio Highway 14, thence over Ohio Highway 14 to Ravenna, and return over the same route; (e) From Wooster over Ohio Highway 5 to Barberton, and return over the same route; (f) From Wooster over Ohio Highway 3 to Medina, and return over the same route; (g) From Norwalk over U.S. Highway 250 to Wooster, and return over the same route; (h) From Cleveland over Ohio Highway 10 to junction U.S. Highway 20, and return over the same route; (i) From Shelby over Ohio Highway 61 to New Haven, and return over the same route; (j) From Bucyrus over Ohio Highway 98 to junction Ohio Highway 61, and return over the same route; and (k) From Delaware, over U.S. Highway 42 to junction U.S. Highway 40, and return over the same route; (2) Between Sidney, Ohio, and Union City, Ind., as an alternate route for operating convenience only in connection with carrier's regular route operations requested above, serving no intermediate points: From Sidney over Ohio Highway 47 to Union City at the Ohio-Indiana State line, and return over the same route; and (3) Between junction U.S. Highway 31 and Alternate U.S. Highway 31 (north of and near Columbus, Ind.) and junction U.S. Highways 31 and 50 (near and east of Seymour, Ind.), as an alternate route for operating convenience only in connection with carrier's regular route operations between Indianapolis, Ind., and Louisville, Ky., serving no intermediate points: From junction U.S. Highway 31 and Alternate U.S. Highway 31 over U.S. Highway 31 to junction U.S. Highway 50, and return over the same route; (F) *general commodities* (except those of unusual value, livestock, explosives, household goods as defined by the Commission, loose bulk commodities, small arms and ammunition, currency, and bullion), Between Louisville, Ky., and Nashville, Tenn., serving the intermediate points of Kosmosdale, Fort Knox, and Elizabethtown, Ky., restricted to the delivery of northbound traffic only, and serving all other intermediate points without restriction, and the off-route points of Mammouth Cave, Brownsville, Rocky Hill, Smith's Grove, and Morgantown, Ky., and Portland and Old Hickory, Tenn.: From Louisville over U.S. Highway 31W to Nashville, and return over the same route;

(G) *General commodities* (except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), Between Bowling Green, Ky., and Auburn, Ky., serving all intermediate points, and all off-route points within five miles of Auburn, Ky.: From Bowling Green over U.S. Highway 68 to Auburn, and return over the same route; and (H) *general commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Louisville, Ky., and junction U.S. Highways 42 and 40, located at or near Lafayette, Ohio, as an alternate route for operating convenience only in connection with carrier's regular route operations requested above, serving no intermediate points: From Louisville over U.S. Highway 42 to junction U.S. Highway 40, and return over the same route; and (2) Between Louisville, Ky., and Dayton, Ohio, as an alternate route for operating convenience only in connection with carrier's regular route operations requested above, serving no intermediate points and serving junction U.S. Highways 42 and 25 for joinder purposes only: From Louisville over U.S. Highway 42 to junction U.S. Highway 25, thence over U.S. Highway 25 to Dayton, and return over the same route; (II) Alternate routes for operating convenience only: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (a) Between junction U.S. Highway 40 and Indiana Highway 1, and junction Indiana Highways 1 and 38, in connection with carrier's regular route operations requested above, serving no intermediate points, and serving the termini for the purpose of joinder only: From junction U.S. Highway 40 and Indiana Highway 1 over Indiana Highway 1 to junction Indiana Highway 38, and return over the same route; and (b) Between Tiffin, Ohio, and Bellevue, Ohio, in connection

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with carrier's regular route operations requested above, serving no intermediate points: From Tiffin over Ohio Highway 18 to Bellevue, and return over the same route; and

(III) Regular routes: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Louisville, Ky., and junction Interstate Highway 75 and U.S. Highway 60: From Louisville, Ky., over Interstate Highway 64 to junction Kentucky Highway 151, thence over Kentucky Highway 151 to junction U.S. Highway 127, thence over U.S. Highway 127 (via Lawrenceburg) to junction U.S. Highway 62, thence over U.S. Highway 62 to junction U.S. Highway 60, thence over U.S. Highway 60 to junction Interstate Highway 75, at or near Lexington, Ky., and return over the same route, serving no intermediate points, serving the termini for purposes of joinder only and serving the facilities of General Cable Corp. located at or near Lawrenceburg, Ky., as an off-route points in connection with carrier's otherwise authorized regular-route operations.

NOTE.—The purpose of this filing is to remove both restrictions in MC 104004 (Sub-No. 164), which is presently held by Associated Transport, Inc. This is a matter directly related to a Section 5(2) finance proceedings in MC–F–12912, published in the FEDERAL REGISTER Issue of August 12, 1976. Common control may be involved. If a hearing is deemed necessary, applicant requests it be assigned along with MC–F–12912.

No. MC 109538 (Sub-No. 25), filed February 9, 1977. Applicant: CHIPPEWA MOTOR FREIGHT, INC., 2645 Harlem Street, P.O. Box 269, Eau Claire, Wis. 54701. Applicant's representative: Joseph E. Ludden, 309 State Bank Building, La Crosse, Wis. 54601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (1) Between Black River Falls and La Crosse, Wis.: From Black River Falls, Wis., over Wisconsin Highway 54, to junction Wisconsin Highway 108, thence over Wisconsin Highway 108 to junction U.S. Highway 16, thence over U.S. Highway 16 to La Crosse, Wis.; and (2) Between North Bend and Burr Oak, Wis., over unnumbered highways, serving all intermediate points, and restricted against service between West Salem and La Crosse, Wis., and between intermediate points thereto, and further restricted against service between La Crosse and West Salem, Wis., and intermediate points, on the one hand, and, on the other, points in Black River Falls, Wis. Service is authorized between the terminate points and all intermediate points (except as restricted above).

No. MC 109538 (Sub-No. 25), filed February 9, 1977. Applicant: CHIPPEWA MOTOR FREIGHT, INC., 2645 Harlem Street, P.O. Box 269, Eau Claire, Wis. 54701. Applicant's representative: Joseph E. Ludden, 309 State Bank Building, La Crosse, Wis. 54601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (1) Between Black River Falls and La Crosse, Wis.: From Black River Falls, Wis., over Wisconsin Highway 54, to junction Wisconsin Highway 108, thence over Wisconsin Highway 108 to junction U.S. Highway 16, thence over U.S. Highway 16 to La Crosse, Wis.; and (2) Between North Bend and Burr Oak, Wis., over unnumbered highways, serving all intermediate points, and restricted against service between West Salem and La Crosse, Wis., and between intermediate points thereto, and further restricted against service between La Crosse and West Salem, Wis., and intermediate points, on the one hand, and, on the other, points in Black River Falls, Wis. Service is authorized between the terminate points and all intermediate points (except as restricted above).

NOTE.—The purpose of this application is to convert applicant's Certificate of Registration to a Certificate of Public Convenience and Necessity. This is a matter directly related to a Section 5(2) finance proceeding in MC–F–13098 published in the FEDERAL REGISTER issue of February 10, 1977. If a hearing is deemed necessary, the applicant requests it be held at either Eau Claire, Wis., or St. Paul, Minn.

ABANDONMENT APPLICATIONS

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act that orders have been entered in the following abandonment applications which are administratively final and which found that subject to conditions the present and future public convenience and necessity permit abandonment.

A Certificate of Abandonment will be issued to the applicant carriers 30 days after this Federal Register publication unless the instructions set forth in the notices are followed.

[Docket No. AB–1; Sub-No. 27]

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY ABANDONMENT BETWEEN SOMERS AND CARROLL, IOWA

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on February 22, 1977, a finding, which is administratively final, was made by the Commission, Division 3, acting as an Appellate Division, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B. & Q. R. Co., Abandonment*, 257 I.C.C. 700, and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by the Chicago and North Western Transportation Company of that portion of its line extending from railroad milepost 389.1 near Somers, Iowa, in a southwesterly direction to railroad milepost 420.0 near Carroll, Iowa, a distance of 30.9 miles, all in Calhoun and Carroll Counties, Iowa. A certificate of abandonment will be issued to the Chicago and North Western Transportation Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB–6, Sub-No. 23]

BURLINGTON NORTHERN INC.—ABANDONMENT—BETWEEN VAUGHN AND AUGUSTA IN CASCADE, LEWIS AND CLARK COUNTIES, MONTANA

NOTICE OF FINDINGS

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on January 24, 1977, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission, in *Chicago, B. & Q. R. Co., Abandonment*, 257 I.C.C. 700, and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by the Burlington Northern Inc. of that portion of its line between Vaughn and Augusta, in Cascade, Lewis and Clark Counties, Montana, from milepost 0.10 near Vaughn, Montana, to milepost 42.24 near Augusta, a distance of approximately 42.14 miles. A certificate of abandonment will be issued to the Burlington Northern Inc. based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB–6 (Sub-No. 36)]

BURLINGTON NORTHERN INC. ABANDONMENT BETWEEN L&S JUNCTION AND LASALLE IN LASALLE COUNTY, ILLINOIS

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on February 18, 1977, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago, *B. & Q. R. Co., Abandonment*, 257 I.C.C. 700, and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by the Burlington Northern Inc. of its line of railroad, a distance of approximately 14.49 miles between milepost 11.02 at L&S Junction to milepost 25.51 near LaSalle, Illinois, located on the north end of the line located in LaSalle County, Illinois. A certificate of abandonment will be issued to the Burlington Northern Inc. based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB–7 (Sub-No. 26)]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY—BETWEEN BOVIL AND ELK RIVER, IDAHO

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on February 7, 1977, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B. & Q. R. Co., Abandonment*, 257 I.C.C. 700, and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company of that portion of its line between milepost 51.80 at Bovil and milepost 72.46 at Elk River, a distance of about 21.38 miles. A certificate of abandonment will be issued to the Chicago, Milwaukee, St. Paul and Pacific Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

TWIN BRANCH RAILROAD COMPANY—ENTIRE LINE ABANDONMENT

[Docket No. AB–129]

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on February 7, 1977, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago, B. & Q. R. Co., Abandonment, 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment by the Twin Branch Railroad Company of its entire line of railroad originating at its western terminus of land formerly occupied by Sollitt Construction Company, Inc., along

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a northeasterly thence northern route from Penn, Ind., to its connection with the Elkhart and Western Branch of Con-Rail Corporation at Twin Branch Junction, Ind., total length consisting of: single or first main track, 2.008 miles; second and additional main track, 0.697 miles; yard track and sidings, 3.416 miles, total track operated being 6.121 miles, all of which is located in St. Joseph County, Ind. A certificate of abandonment will be issued to the Twin Branch Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail service over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC 89723 (Deviation No. 39), MISSOURI PACIFIC TRUCK LINES, INC., 210 N. 13th St., St. Louis, Mo. 63103, filed March 29, 1977. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Hutchinson, Kans., over U.S. Highway 50 to Newton, Kans., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Hutchinson, Kans., over Kansas Highway 96 to Wichita, Kans., thence over U.S. Highway 81 to Newton, Kans., and return over the same route.

No. MC 107605 (Deviation No. 5), ADVANCE UNITED EXPRESSWAYS, INC., 2601 Broadway Rd., Minneapolis, Minn. 55413, filed March 31, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Darien, Wis., over Wisconsin Highway 15 to junction U.S. Highway 12, thence over U.S. Highway 12 to Chicago, Ill., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Darien, Wis., over U.S. Highway 14 to Chicago, Ill., and return over the same route.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Passengers (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 724), GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077, filed March 31, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: From Pocatello, Idaho over Interstate Highway 15 to Idaho Falls, Idaho with the following access route: (1) From junction Interstate Highway 15 and U.S. Highway 26 over U.S. Highway 26 to Blackfoot, Idaho and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Pocatello, Idaho over U.S. Highway 191 to the Idaho-Montana State Line, and return over the same route.

MOTOR CARRIER INTRASTATE APPLICATION(S)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's General Rules of Practice (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. A57106, filed February 23, 1977. Applicant: CARA TRANSPORTATION CO., INC., 639 Embarcadero, Oakland, Calif. 94606. Applicant's representative: Thomas M. Loughran, 100 Bush Street, San Francisco, Calif. 94104. Certificate of Public Convenience and Necessity sought to operate as a highway common carrier as defined by Section 213 of the Public Utilities Code as follows: Transportation of *Iron and steel articles*, as described in Appendix A hereto, between all points and places on and within 10 miles of the following routes: (a) Interstate Highway 80 between San Francisco and Sacramento, inclusive. (b) U.S. Highway 101 between San Francisco and Salinas, inclusive. (c) State Highway 17 between Oakland and San Jose, inclusive. (d) Interstate Highway 580 between its intersection with State Highway 17 and its intersection with Interstate Highway 205. (e) Interstate Highway 205 between its intersection with Interstate Highway 580 and its intersection with Interstate Highway 5. (f) Interstate Highway 5 between its intersection with Interstate Highway 205 and Sacramento, inclusive. (g) State Highway 99 between its intersection with State Highway 4 and Sacramento, inclusive. (h) State Highway 4 between its intersection with Interstate Highway 80 and its intersection with State Highway 99. (i) State Highway 12 between its intersection with Interstate Highway 80 and its intersection with State Highway 99; and (j) Interstate Highway 680 between its intersection

with Interstate Highway 80 and San Jose, inclusive. In performing the service herein authorized, applicant may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of said service.

APPENDIX A

IRON AND STEEL ARTICLES

Group I

Annealing boxes, pig iron, annealing box tops and bottoms, salamanders, furnace, annealing pots, scale, mill, bars, muck and puddle, skulls, ladle, cinder, mill, stools, ingot mold, molds, ingot, warmers, mill.

Group II

Axles, railway car, old, rods, coiled, bars, sheet and tin plate, scrap, billets, skelp, blooms, slabs, crop ends, wheels, cars, old, ingots.

Group III

Anchor chain, anchor rods, anchors, angles, arches, floor, balls, band, bars, grate, bases, structural, blanks, stampings, and unfinished shapes, boiler and tank parts, bolts, bonds, brick and wall, boxes, charging, braces, structural, brackets structural, bridge, steel, buckles, balling tie, buckles, turn, bumpers, structural, cable, chain, calks, toe, caps and capitals, structural, catch basins and covers, castings, chain and chain cable, channels, clevises (structural) columns, columns filled with concrete, cribbing, cross arms, culverts, dogs, timber, dowels and dowel pins, fittings, cable, rope and guy wire, fittings, cast iron pipe, flooring, structural, fixtures, fence, flues, boiler, flumes, footwalks, forgings, forms and molds, column, floor and road, concrete construction, forms, structural, furring, Beams, beams accessories, namely: Anchors, anchor plates, bridging, clamps, clips, hangers, screed chairs, belting, chain and link, insulator brackets, break arms and pins, irons, pole, electric light and railway, joints, concrete road, joists, joist accessories, namely: Anchors, anchor plates, bridging, clamps, clips, hangers, screed chairs, landing mats and runways, airfield, lathing and ribbing, lintels, machine bed plates, housings, frames, and weldings, manhole covers and frames, molding, nails, nut locks, nuts, pans, galvanizing, pans, tinning, pebbles, grinding and polishing, piling, pins, bridge, pins, cotter, pipe, cast iron, pipe, plate and sheet, pipe, wrought, pipe, conduit, pipe fittings, pipe hangers, plaster grounds, plate, plate, armor and deck, plate, boiler, gates, fence, girders, grating, ground rods, guard rails, highway, guides, elevator, hangers, joist, harrow spikes and teeth, hoops, ingot mold hot top casing covers and bottoms, ingot mold hot top casings, inserts, structural, pots, slag cast, pots, tinning, props, mine, protectors, pole, ore drying plates, cast iron or steel, rails, other than railway, reinforcement, concrete and plaster, retaining wall spacers, stringers and stringer stiffeners, rings, rings and circles, rivets, road grader and scraper blades, rods, anchor, rods, fence, rods, guy anchor, rods, not coiled, rods, pull, rods, sucker, rolls and pinions, roofings and accessories, rope, wire and strand, screws, separators, structural, sewer inlets, shafts and shafting, shapes, unfinished, sheets, shingles, shoes, horse, mule, and ox, shoes, pile, shoes, structural, siding, snowplow blades, spikes, spikes and teeth, harrow, spreaders, fence, staples, plate, nail and tack, plates, plates, floor, plates, structural, plugs, paper roll, poles, polls, axe, posts, sign, posts, structural, posts, posts drivers, fence, pots, galvanizing, pots, melting, cast, stars, tumbling mills, stays, fence wire, steps, pole, stiffeners, stringer retaining wall, stirrups, joist, straps and strapping, strip, struts, structural, studding, tacks, tees, terneplate, ties, balling and binding, ties, wall, tin plate, tin mill black plate, trusses, tubes, boiler, tubing, tunnel segments, turnouts, tuyeres, washers, weights, counter balance, weights, elevator, weights for folding bed, weights, sash, welding bars, rods and wire, wire, wire cable, wire cloth, wire fence, wire fencing, wire and wood combined, fencing, wire netting, wire rope, wire strand, zees.

Group IV

Railway Car or Locomotive Parts

Axles, bars, arch, bars, grate, beams, brake; bearings, bolsters, boxes, journal, brake shoe parts, buffers, bumpers, caps, bolsters, carlines, single, corner irons, couplers, covers, journal box, drawbars, drawheads, ends, car, floors, car, frames, truck, jaws, brake, knuckles, coupler, links, coupling, locks, coupler, parts, namely: Castings, forgings, and stampings, pins, coupling, plates, car center and spring, pockets, stake car, stabilizing buffers, body and truck bolsters, draft gear and rigging, rods, brake, shafts, brake, shoes, brake, sides, car, sides, truck, sills, car, stakes, car, tires, wheel, underframes, wheels, car, wheels, locomotive, yokes, draft and coupler.

Group V

Railway Track Material

Angle, bars and plates, anitrail creeper fastenings, base plates, braces, rail, bumpers, chairs, railroad, crossings, cross-overs and crossing foundations, cross ties, derailers, drawbridge guides, fastenings, foot guards, frogs, frog filler and filler blocks, guard rail clamps, guards, cattle, guards, tee rail, joints, rail plates, fish, plates, tie, rail anchors, rail anticreepers, and rail stays, rail braces, chairs, guards, joints, and yokes, rails, tie, antichecking irons, reinforcing and splice bars, rods, tie, splices, switches and switch points and stands, switch targets, tie bolts, bolts, nuts, washers, and spikes, wedges, turntables, turn-outs, wedges, tie plate, welder bars. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102 and should not be directed to the Interstate Commerce Act.

California Docket No. A57156, filed March 18, 1977. Applicant: MORGAN-MORAN TRANSPORTATION, INC., 139 Mitchell Avenue, No. 121, South San Francisco, Calif. 94080. Applicant's representative: M. C. Leiden, 1182 Market Street, Suite 207, San Francisco, Calif. 94102. Certificate of Public Convenience and Necessity sought to operate a freight service as a highway common carrier as defined by Section 213 of the Public Utilities Code for the transportation of *General commodities* (except as hereinafter provided), between all points and places in the San Francisco Territory which is described as follows: San Francisco Territory included all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way of Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanete; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue.

Northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to Berkley-Oakland Boundary line; northerly along said boundary line to the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway

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40 to and including the city of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning. Also off route service to all points and places located on Bear Gulch Road between its intersection with State Highway 35 (Skyline Boulevard) and its termination, (except that applicant shall not transport any shipments of.

(1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10–C of Minimum Rate Tariff No. 4–A. (2) Automobiles, trucks and buses, viz: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis, freight automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined buses and bus chassis. (3) Livestock, viz: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine. (4) Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers, or a combination of such higway vehicles. (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks. (6) Commodities, when transported in motor vehicles equipped for mechanical mixing in transit. (7) Cement. (8) Logs; and (9) Fresh fruit and vegetables. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102 and should not be directed to the Interstate Commerce Commission.

California Docket No. 57167, filed March 24, 1977. Applicant: EVERETT REDFEARN, doing business as REDFEARN TRUCKING COMPANY, P.O. Box 5503, Stockton, Calif. 95205. Applicant's representative: John L. Glovka, 36000 Fremont Blvd. No. 27, Fremont, Calif. 94536. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *Iron or steel; pipe or tubing, iron or steel; pipe or tubing, iron or steel, wrought;* in straight or mixed loads with a minimum weight of 10,000 pounds, between all points and places on or within twenty (20) miles of the following routes and territory: (1) The San Francisco Territory (as described in Note 1 hereto) and Stockton, Calif. via Interstate Highway 580 to its intersection with Interstate Highway 205 near Bethany, Calif. thence via Interstate Highway 205 to its intersection with Interstate Highway 5 near Lathrop, Calif. thence via Interstate Highway 5 to Stockton, Calif. (2) Between Pittsburg, and Stockton, Calif. via California Highway 4. (3) Between Stockton and Sacramento, Calif. via California Highway 99; and (4) Between Stockton and Modesto, Calif. via California Highway 99. In performing the service herein described, the routes and territory listed above may be joined and combined, and use may be made of any and all streets, roads, highways and bridges necessary or convenient for the performance of said service.

THE SAN FRANCISCO TERRITORY

NOTE.—Includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Line meets the Pacific Ocean; thence easterly along said county line to a point one mile west of State Highway 82; southerly along an imaginary line one mile west of and paralleling State Highway 82 to its intersection with Southern Pacific Company right-of-way at Arastradero Road; southeasterly along the Southern Pacific Company right-of-way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately two miles southwest from simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to Division Street; easterly along Division Street to the Southern Pacific Company right-of-way; southerly along the Southern Pacific Company right-of-way to the Campbell-Los Gatos City Limits; easterly along said limits and the prolongation thereof to South Bascom Avenue (formerly San Jose-Los Gatos Road); northeasterly along South Bascom Avenue to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to State Highway 82; northwesterly along State Highway 82 to Tully Road; northeasterly along Tully Road and the prolongation thereof to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capital Avenue; northwesterly along Capitol Avenue to State Highway 238 (Oakland Road); northerly along State Highway 238 to Warm Springs; northerly along State Highway 238 (Mission Boulevard) via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard and MacArthur Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard to Warren Boulevard (State Highway 13); Northerly along Warren Boulevard to Broadway Terrace; westerly along Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland Boundary Line; northerly along said boundary line to the campus boundary of the University of California; westerly, northerly and easterly along the campus boundary to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to San Pablo Avenue (State Highway 123); northerly along San Pablo Avenue to and including the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102 and should not be directed to the Interstate Commerce Commission.

Kansas Docket No. 87, 469 M Route 8435, filed March 31, 1977. Applicant: GOLDEN PLAINS EXPRESS, INC., 3615 South West Street, P.O. Box 17106, Wichita, Kans. 67217. Applicant's representative: W. Boyd Evans, 900 O. W. Garvey Building, Wichita, Kans. 67202. Certificate of Public Convenience and Necessity sought to operate a freight service as a common carrier as follows: Transportation of *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission and commodities in bulk), between points and places in Kansas through regular routes, said authority being in addition to the general commodity regular route authority heretofore authorized. Intrastate, Interstate and foreign commerce authority sought. Hearing: Date, time and place set for May 23rd, 24th and 25th, 1977, commencing at 10 a.m. on May 23, 1977, at the Wheats Lands Motor Inn, 1311 East Fulton, Garden City, Kans. Requests for procedural information should be addressed to the Kansas State Corporation Commission, State Office Building, Topeka, Kans. 66612 and should not be directed to the Interstate Commerce Commission.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-10865 Filed 4-13-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409), 5 U.S.C. 552b(e)(3).

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1

AGENCY HOLDING THE MEETING: Consumer Product Safety Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: April 7, 1977, 42 FR 18507.

PREVIOUSLY ANNOUNCED TIME AND DATE: April 13, 1977, 2:30 p.m.

CHANGES IN THE MEETING: The portion of this meeting closed to the public which begins at 4 p.m., and at which the Commission will discuss a draft CPSC/EPA Memorandum of Understanding on chlorofluorocarbons, will be followed by a portion open to the public at which the Commission and staff will discuss a draft proposed labeling rule for chlorofluorocarbons.

[S–157–77 Filed 4–12–77;12:06 pm]

2

AGENCY HOLDING THE MEETING: Federal Deposit Insurance Corporation.

TIME AND DATE: 10:30 a.m., April 19, 1977.

PLACE: Room 6023, FDIC Building, 550 17th Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Recommendations regarding liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 43,002–L—Franklin National Bank, New York, New York.
Case No. 43,012–L—The Hamilton Bank and Trust Company, Atlanta, Georgia.
Case No. 43,015–L—The Hamilton Bank and Trust Company, Atlanta, Georgia.
Case No. 43,019–NR—Unted States National Bank, San Diego, California.
Case No. 43,032–L—Birmingham Bloomfield Bank, Birmingham, Michigan.
Case No. 43,033—Farmers Bank of the State of Delaware, Dover, Delaware.

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6)).

Recommendations with respect to the retention by an employee of the Corporation of stock in a manufacturing company which is also a registered bank holding company:

Name of employee authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6)).

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary, 202–389–4446.

[S–154–77 Filed 4–12–77;10:56 am]

3

AGENCY HOLDING THE MEETING: Federal Deposit Insurance Corporation.

TIME AND DATE: 11 a.m., April 19, 1977.

PLACE: Board Room, Sixth Floor, FDIC Building, 550, 17th Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Disposition of minutes of previous meetings.

Request by the Comptroller of the Currency for a report on the competitive factors involved in a proposed purchase and assumption transaction:

The Northampton National Bank of Easton, Easton, Pennsylvania, by the First National Bank of Allentown, Allentown, Pennsylvania.

Recommendations regarding liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 43,023–L—Franklin National Bank, New York, New York.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Kaye Scholer, Fierman, Hays & Handler, New York, New York, in connection with the liquidation of The Bank of Bloomfield, Bloomfield, New Jersey.

Dreyer and Traub, New York, New York, in connection with the liquidation of Franklin National Bank, New York, New York.

McLeod, McLeod & Mahon, Columbia, South Carolina, in connection with the liquidation of American Bank & Trust, Orangeburg, South Carolina.

Hansell, Post, Brandon & Dorsey, Atlanta, Georgia, in connection with the liquidation of The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee.

Hansell, Post, Brandon & Dorsey, Atlanta, Georgia, in connection with the liquidation of The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee.

Blanchard, Walker O'Quin & Roberts, Shreveport, Louisiana, in connection with the liquidation of American City Bank & Trust Company, National Association, Milwaukee, Wisconsin.

Carlton, Fields, Ward, Emmanuel, Smith & Cutler, P.A., Tampa, Florida, in connection with the liquidation of American City Bank & Trust Company, National Association, Milwaukee, Wisconsin.

Recommendations with respect to the amendment of Corporation regulations:

Memorandum and resolution proposing the publication for comment of amendments to Part 329 of the Corporation's rules and regulations, entitled "Interest on Deposits," to authorize three-year IRA/Keogh deposits at 7¾%, with no interest rate differential.

Memorandum and resolution proposing the final adoption of amendments to Part 329 of the Corporation's rules and regulations, entitled "Interest on Deposits," which would add Massachusetts banking companies to that group of banks (i.e., mutual savings banks and guaranty savings banks in New Hampshire) which are entitled to pay higher interest rates, with the result that such banking companies will be afforded the same .25 percent rate differential advantage over commercial banks as that afforded mutual savings banks.

Memorandum and resolution proposing the withdrawal from consideration of proposed amendments to Part 329 of the Corporation's rules and regulations, entitled "Interest on Deposits," which would have restricted the payment of negotiated rates of interest on pooled time deposits of $100,000 or more.

Recommendation regarding the payment of dividends with respect to a closed bank in receivership:

Elm Creek State Bank, Elm Creek, Nebraska, that, subject to court approval, a fourth dividend of 5% be paid to preferred creditors.

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Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Reports with respect to security transactions authorized by the Chairman.

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary, 202–389–4446.

[S–156–77 Filed 4–12–77;10:56 am]

4

AGENCY HOLDING THE MEETING: Federal Deposit Insurance Corporation.

TIME AND DATE: 10:45 a.m., April 19, 1977.

PLACE: Room 6023, FDIC Building, 550–17th Street, N.W., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Applications for Federal deposit insurance:

Philippine Bank of California, to be located at 451 Montgomery Street, San Fransciso, California.

First State Bank of Lyman, to be located at 111 West Owen, Lyman, Wyoming.

Applications for consent to establish branches:

Intercontinental Bank of Miami Beach, Miami Beach, Florida, at 9544 Harding Avenue, Surfside, Florida.

Peoples Bank of Hillsborough County, Tamapa, Florida, at the northeast corner of Alexander and Victoria Streets, Plant City, Florida.

Cohutta Banking Company, Chetsworth, Georgia, on U.S. Highway, 411, within Eton, Georgia.

Provident Savings Bank, Jersey City, New Jersey, in the Seaview Square Shopping Center, Routes 66, 18 and 35, Ocean Township, New Jersey.

Dollar Savings Bank of New York, New York, on the south side of Fort Salonga Road, west of Vernon Valley Road (Unincorporated Area), Town of Huntington, New York.

The Dollar Savings Bank, Pittsburgh, Pennsylvania, at 995 Greensburg Pike Road, East Pittsburgh, Pennsylvania.

Request for an extension of time in which to establish a branch:

The Washington Bank, Washington Township (P.O. Turnersville), New Jersey, for an extension of time to July 9, 1977, within which to establish a branch at the northeast corner of Delsea Drive (Route 47) and Downer Road, Washington Township, New Jersey.

Request for an extension of time within which to change the location of a branch:

Suburban Trust Company, Hyattsville, Maryland, for an extension of time to March 24, 1973, within which to change the location of a full-service branch from 12210 Viers Mill Road to 12125 Viers Mill Road, Silver Spring, Maryland.

Application for consent to change the location of the main office:

The Whitehall State Bank, Whitehall, Montana, from 29 West Legion Avenue to 101 East Legion Avenue, both within Whitehall, Montana.

Application for consent to merge and to establish one branch:

Peoples Marine Bank of Green Bay, Green Bay, Wisconsin, an insured state nonmember bank, for consent to merge with New Franken Bank, New Franken, Wisconsin, also an insured State nonmember bank, under the charter and title of Peoples Marine Bank of Green Bay, and for consent to establish the sole office of New Franken Bank as a branch of the resulting bank.

Application for consent to acquire assets and assume liabilities:

Depositors Trust Company, Augusta, Maine, an insured State nonmember bank, for consent to acquire the assets and assume the liabilities of Depositors Corporation, Augusta, Maine, a noninsured institution which is the registered parent bank holding company of Depositors Trust Company.

Application for consent to a purchase and assumption transaction and to retire subordinated debentures:

Old Stone Bank, Providence, Rhode Island, an insured State nonmember bank, for consent to acquire the assets and assume the liabilities of Old Stone Mortgage and Realty Trust, Providence, Rhode Island, a noninsured, nonbanking entity, under the charter and title of Old Stone Bank, and to retire subordinated debentures.

Recommendations regarding liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 42,967–L—First State Bank of Northern California, San Leandro, California.

Case No. 43,005–SR—American Bank & Trust Company, New York, New York.

Case No. 43,008–SR—Sharpstown State Bank, Houston, Texas.

Case No. 43,010–L—Northern Ohio Bank, Cleveland, Ohio.

Case No. 43,011–L—The Hamilton Bank and Trust Company, Atlanta, Georgia.

Case No. 43,022–L—Franklin National Bank, New York, New York.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Bronson, Bronson & McKinnon, San Francisco, California, in connection with the receivership of United States National Bank, San Diego, California.

Sidley and Austin, Chicago, Illinois, in connection with the liquidation of State Bank of Clearing, Chicago, Illinois.

J. Randolph Pelzer, North Charleston, South Carolina, in connection with the liquidation of American Bank & Trust, Orangeburg, South Carolina.

Miller, Martin, Ritching, Tipton, Lanihan & Waterhouse, Chattanooga, Tennessee, in connection with the liquidation of The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee.

Fulbright & Jaworski, Houston, Texas, in connection with the receivership of Franklin Bank, Houston, Texas.

Recommendations with respect to the initiation of cease-and-desist proceedings or termination-of-insurance proceedings against certain insured banks:

Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8), (c)(9)(A)(ii), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(10)).

Recommendation regarding the payment of dividends with respect to a closed bank in receivership:

Coronado National Bank, Denver, Colorado, that a first dividend of 60% be paid on all proven, general claims.

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary, 202–389–4446.

[S–155–77 Filed 4–12–77;10:56 am]

5

AGENCY HOLDING THE MEETING: Federal Home Loan Bank Board.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 42, No. 68, page 18686, Friday, April 8, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9:30 a.m., Wednesday, April 13, 1977.

CHANGES IN THE MEETING:

Consideration of Proposed New Section 563.17–3 of the Insurance Regulations Pertaining to Definition of "Market Value" is withdrawn from the Agenda.

CONTACT PERSON FOR MORE INFORMATION: Mr. Robert Marshall [202–376–3012] No. 11, April 11, 1977.

RONALD A. SNIDER,
Assistant Secretary.

[S–14577 Filed 4–11–77;2:02 pm]

6

AGENCY HOLDING THE MEETING: FEDERAL RESERVE SYSTEM

ADDITION OF PREVIOUSLY ANNOUNCED AGENDA ITEMS

The Board of Governors has previously announced a meeting to be held on April 13, 1977, which will be closed to public observation under exemption(s) of the Government in the Sunshine Act (5 U.S.C. 552b(c)). One of the items announced for inclusion at that meeting was consideration of any agenda items carried forward from a previous meeting. The purpose of this announcement is to inform the public that the following such items, postponed from April 8, 1977, will be considered at this meeting:

1. A major equipment purchase by a Federal Reserve Bank.
2. A major equipment purchase by a Federal Reserve Bank.

The previously announced closed items are:

A possible amendment to the Board's rules of Employee Responsibilities and Conduct with respect to filing statements of employment and financial interests. This matter was originally scheduled for a meeting on April 8, 1977.

The meeting will be held at 10:00 a.m. in the Board's offices at 20th Street and Constitution Avenue, N.W., Washington, D.C. Information may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at (202) 452–3204.

Board of Governors of the Federal Reserve System, April 11, 1977.

GRIFFITH L. GARWOOD,
Acting Secretary of the Board.

[S–149 77 Filed 4–11–77;4:49 pm]

7

AGENCY HOLDING THE MEETING: FEDERAL RESERVE SYSTEM.

On Friday, April 15, 1977, at 10:45 a.m. a meeting of the Board of Governors of the Federal Reserve System will be held at the Board's offices at 20th Street and Constitution Avenue, N.W., Washington, D.C., to consider the following items of official Board business:

1. The Board's building renovation project. This matter was originally scheduled for a meeting on March 23, 1977.
2. A proposed office furniture design for the Renovation Program.
3. Any agenda items carried forward from a previously announced closed meeting.

This meeting will be closed to public observation because the items fall under exemptions contained in the Government in the Sunshine Act (5 U.S.C. 552b(c)). Information with regard to this meeting may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at (202) 452–3204.

Board of Governors of the Federal Reserve System, April 8, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S–142 77 Filed 4–11–77;10:03 am]

8

AGENCY HOLDING THE MEETING: Federal Trade Commission.

TIME AND DATE: 10:00 a.m. and 2:15 p.m., Wednesday, April 20, 1977.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED:

10:00 a.m.:

(1) Consideration of Proposed Amendment to Rule 2.2(d): Referral of Consumer Complaints to Companies That are the Targets of the Complaints.

(2) Consideration of Proposed Rule Under § 101(12) Permitting Deductions for Depreciation for Purposes of Refunds Under Full Written Warranties on Consumer Products.

(3) Report from General Counsel on Congressional Matters.

2:15 p.m.:

(1) Meeting with members and staff of the National Association of Attorneys General, at its request, to allow its members to express their concerns and views regarding the Commission's rulemaking proceedings and investigations. Although particular cases and pending rulemaking proceedings will not be specifically addressed, it is expected that the general question of preemption of state law, raised by final and proposed trade regulation rules, will be discussed.

CONTACT PERSON FOR MORE INFORMATION: Leonard J. McEnnis, Jr., Office of Public Information: (202) 523–3830: Recorded Message: (202) 523–3806.

[S–150 77 Filed 4–12–77;9:36 am]

9

AGENCY HOLDING THE MEETING: Federal Trade Commission.

TIME AND DATE: 10:00 a.m., Tuesday, April 19, 1977.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Nonadjudicative Matters:

(1) Approval of Minutes of Nonadjudicative Matters Considered at Meeting of April 5, 1977.

(2) Consideration of Disposition of (Nonpublic) Part II Matter.

Adjudicative Matters Under Part 3 of the Rules of Practice:

(1) Approval of Minutes of Adjudicative Matters Considered at Meeting of April 5, 1977.

(2) In the Matter of Exxon Corporation, et al., Docket No. 8934: Consideration of Motion to Dismiss Complaint as to Respondent Atlantic Richfield Company.

(3) In the Matter of Driver Training Institute, Inc., et al. Docket No. 9060: Consideration of Motion Certified by ALJ to Withdraw Matter from Adjudication.

(4) Consideration of Motion to Withdraw Matter from Adjudication in Marcor Inc., et al., Docket No. 9092.

CONTACT PERSON FOR MORE INFORMATION:

Leonard J. McEnnis, Jr., Office of Public Information: (202) 523–3830; Recorded Message: (202) 523–3806.

[S–151–77 Filed 4–12–77;9:36 am]

10

AGENCY HOLDING THE MEETING: INTERSTATE COMMERCE COMMISSION.

APRIL 11, 1977.

The Interstate Commerce Commission will hold an open regular meeting on Tuesday, April 19, 1977, at 9:30 a.m., at the Commission's offices located at the northwest corner of 12th Street and Constitution Avenue, N.W., Washington, D.C. (The room number will be posted in the main foyer on the morning of such meeting.)

Such meeting will be open in its entirety and its agenda will include the following matters:

1. Election of a Vice Chairman;
2. Matters relative to the subject "Testing of Railroad Scales;" and
3. Availability of notation votes for public inspection.

Requests for further information should be directed to the Commission's Public Information Officer whose telephone number is (202) 275–7252.

ROBERT L. OSWALD,
Secretary.

[S–148 –77 Filed 4–11–77;4:20 pm]

11

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

MEETINGS OF THE NUCLEAR REGULATORY COMMISSION FOR THE WEEK OF APRIL 18

In accordance with the requirements of the Government in the Sunshine Act and the Commission's Rules implementing the Act, this Notice identifies the Commission meetings for the Week of April 18, 1977 and, for each meeting, the subject matter and whether all or part of the meeting is closed. The public is invited to attend the section marked "Public Meetings."

SECTION I—PUBLIC MEETINGS

MONDAY, APRIL 18

1:30 p.m.—Briefing on NRC Inspection Alternatives.

3 p.m.—Briefing on Mid-Year Financial Review.

4:30 p.m.—Affirmation of Commission Action on Appointment of New ACRS Member. (The Affirmation will consist of a vote on a matter previously reviewed individually by the Commissioners and is expected to take no more than five minutes.)

FRIDAY, APRIL 22

1:30 p.m.—Briefing on Reactor Licensing Schedules.

2:30 p.m.—Briefing on American Physical Society Study on Nuclear Fuel Cycles and Waste Management.

SECTION II—CLOSED MEETINGS

MONDAY, APRIL 18

10 a.m.—Discussion of Commission Legislative Program. (Rescheduled from March 21, 1977; see March 14, 1977 Closed Meeting Notice.) (Authority to Close: 5 U.S.C 552b(d) and 5 U.S.C. 552b(c)(9)(B) and §§ 9.105(a) and 9.104(a)(9) of the Commission's Rules.) This matter involves a response to a Congressional request for views.

11 a.m.—Discussion of West Germany (Burgeraktion) Intervention Petition. (On March 18, 1977, the Commission unanimously voted (all members participating) to close meetings on this subject for up to 30 days from and including the initial meeting, which is now set for April 18.) (Authority to Close: 5 U.S.C. 552(d)(1) and 5 U.S.C. 552b (c)(9)(B) and (c)(10) and §§ 9.105(a) and 9.104 (a)(9) and (a)(10) of the Commission's Rules.)

The General Counsel will present legal and policy advice to the Commission, the premature disclosure of which might be harmful to and significantly frustrate the Commission's action in a matter which it is reasonable to anticipate will

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result in litigation, as well as being harmful to and significantly frustrating to the Commission's action in a pending case; the briefing will also involve discussion of the Commission's participation in a pending civil action and its participation in another civil action which could reasonably be anticipated.

FRIDAY, APRIL 22

10 a.m.—Discussion of Tarapur Consolidation Petition and Export License. (Authority to Close: 5 U.S.C. 552b(d)(1) and 5 U.S.C. 552 (c)(9)(B) and (c)(10) and §§ 9.105(a) and 9.104 (a)(9) and (a)(10) of the Commission's Rules.

The General Counsel will present legal and policy advice to the Commission, the premature disclosure of which might be harmful to and significantly frustrate the Commission's action in a matter which it is reasonable to anticipate will result in litigation, as well as being harmful to and significantly frustrating to the Commission's action in a pending case; the discussion will include the Commission's participation in a pending civil action and its participation in another civil action which could reasonably be anticipated.

11 a.m.—Discussion of Commission Briefs in Vermont Yankee and Aeschliman. (Authority to Close: 5 U.S.C. 552(d)(1) and 5 U.S.C. 552b(c)(10) and §§ 9.105(a) and 9.104(a)(10) of the Commission's Rules.)

The subject of the discussion relates to litigation presently before the Supreme Court.

The meetings will be held in the Commissioners' Conference Room, 1717 H Street N.W., Washington, D.C. For further information, contact Walter Magee, Office of the Secretary, telephone: (202) 634–1410.

For the Commission.

Dated the 11th day of April 1977, at Washington, D.C.

SAMUEL J. CHILK,
Secretary of the Commission.

[S–159–77 Filed 4–12–77;1:24 pm]

12

AGENCY HOLDING THE MEETING: Postal Rate Commission.

TIME AND DATE: Following Open Meeting on Thursday, April 21, 1977.

PLACE: Conference Room, Room 500, 2000 L St. NW., Washington, D.C.

STATUS: Closed Meeting.

MATTERS TO BE CONSIDERED:

1. Docket No. MC76–4 re: Map settlement matter.
2. Docket No. MC76–2 re: Transient mail settlement proposal.
3. Dockets Nos. MC76–1, –4 re: Discussion of memorandum of issues.

CONTACT PERSON FOR MORE INFORMATION:

Ned Callan, Information Officer, Postal Rate Commission, Room 500, 2000 L Street NW., Washington, D.C. 20268, Telephone (202) 254–5614.

[S–146–77 Filed 4–11–77;2:11 pm]

13

AGENCY HOLDING THE MEETING: Postal Rate Commission.

TIME AND DATE: 9 a.m., Thursday, April 21, 1977.

PLACE: Conference Room, Room 500, 2000 L St. NW., Washington, D.C.

STATUS: Open Meeting.

MATTERS TO BE CONSIDERED:

Policy initiatives to be considered as a result of the 4–18–77 report of the Commission on Postal Service.

Pre-hearing conference report in Docket No. MC76–5.

CONTACT PERSON FOR MORE INFORMATION:

Ned Callan, Information Officer, Postal Rate Commission, Room 500, 2000 L Street NW., Washington, D.C. 20268, Telephone (202) 254–5614.

[S–147–77 Filed 4–11–77;2:11 pm]

14

AGENCY HOLDING THE MEETING: Securities and Exchange Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 17580–3, April 1, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATES OF MEETINGS: 10 a.m., April 14, 19, 20, 21, 28, 1977.

CHANGES IN THE MEETINGS:

1. April 14—With respect to notice item 7 regarding proposed amendments to annual report Form U5S the Commission will consider a recommendation that it repeal Form 12–K under the Securities Exchange Act of 1934, and make other conforming changes in the rules to implement certain provisions of the Railroad Revitalization and Regulatory Reform Act of 1976. A companion recommendation would propose the publication of a notice of intent to adopt industry disclosure guidelines for railroads, including an inquiry into the disclosure of deferred maintenance and the acceptability of betterment accounting.

2. April 19—Item 7—Exchange request regarding proposed trading practices—Because of the need for additional staff consideration this item has been removed from the agenda.

3. April 19—Item 6—Because of a recent staff decision to solicit certain comments respecting the Lost and Stolen Securities program this item has been removed from the agenda.

4. April 20—Item 5—Proposed rule change of the NYSE relating to "percentage orders". The NYSE filed amendments to its proposal resulting in the need for additional staff consideration of the proposal. This item has been removed from the agenda.

5. April 20—Item 6—Chicago Board Options Exchange Proposal—Because additional staff consideration will be required of an anticipated communication from the CBOE this item has been removed from the agenda.

6. April 20—Item 7—Proposed amendment to Exchange Act Rule 17a–3(a)(9)—Because the comment period has been extended at the request of an industry association this item has been removed from the agenda.

7. April 21—Items 3 and 4, respectively proposed amendments to Rules 15b10–6 and 17a–4 and release on amendments to Rules 15c3–1 and 15c3–3. Because of the need for additional staff consideration of these matters they have been removed from the agenda.

8. April 28—Item 8 and 11 respectively amendments Rule 15c3–1 pertaining to transactions by market makers in listed options and petition for amendment to Rule 15c3–2. Because of the need for additional staff consideration of these matters they have been removed from the agenda.

Commissioners Loomis, Evans, and Pollack voted to approve the above changes.

Dated April 8, 1977.

GEORGE A. FITZSIMMONS,
Secretary.

[S–139–77 Filed 4–11–77;9:20 am]

15

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

In accordance with the requirements of the Government in the Sunshine Act and the Commission's Rules implementing the Act, this Notice identifies an additional meeting scheduled for April 18, 1977, and a postponement.

ADDITIONAL CLOSED MEETING

By unanimous vote on April 12, 1977, the Commission determined pursuant to 5 U.S.C. 552(e)(1) and § 9.107(a) of the Commission's rules that Commission business requires that this agenda item be held on less than one week's notice to the public. The need for the meeting did not arise until April 12, and immediate discussion is required.

On Tuesday, April 12, 1977, the Nuclear Regulatory Commission (all members participating) voted unanimously to hold the following closed meeting:

MONDAY, APRIL 18

11 a.m.—NRC Authorization Bill (Authority to close: 5 U.S.C. 552b(d)(1) and 5 U.S.C. 552b(c)(9)(B) and 10 CFR 9.105(a) and 9.104(a)(9)).

The meeting will include discussion of possible testimony before Congress.

Attendees will include the Commissioners and their staff, P. Strauss the General Counsel, and members of his office, B. Huberman, the Director of the Office of Policy Evaluation and members of his staff, S. Chilk, the Secretary, and members of his staff.

The meeting will be held in the Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C. For further information, contact Walter Magee, Office of the Secretary, 634–1410.

POSTPONEMENT

The meeting to discuss the Burgeraktion petition scheduled for 11 a.m., Monday, April 18, 1977 has been postponed. It has not yet been rescheduled.

Dated at Washington, D.C., this 12th day of April, 1977.

For the Commission.

JOHN C. HOYLE,
Assistant Secretary of the Commission.

[S–168–77 Filed 4–13–77;10:29 am]

federal register

THURSDAY, APRIL 14, 1977

PART II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

NATIONAL FLOOD INSURANCE PROGRAM

Communities Eligible for Sale of Insurance and Communities with Special Hazard Areas

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Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI 2845]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to list those communities where the sale of flood insurance is authorized under the National Flood Insurance Program.

Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state.

DATES: The date that appears in the fourth column of the table is the effective date of authorization for the sale of flood insurance.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202)–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93–234) requires the purchase of flood insurance as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified for at least one year by the Secretary of Housing and Urban Development. The requirement applies to all identified special flood hazard areas without the United States, and no such financial assistance can legally be provided for acquisition or construction except as authorized by section 202(b) of the Act, as amended, unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The addresses of the National Flood Insurers Association servicing companies, where flood insurance policies can be obtained, are published at § 1912.5 (24 CFR Part 1912).

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.6 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The entry read as follows:

§ 1914.6 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
Arkansas	Cross	Hickory Ridge, city of	Feb. 14, 1977, emergency	Mar. 5, 1976	050058
New York	Columbia	Austerlitz, town of	do	Dec. 27, 1974	361385
Ohio	Lawrence	Proctorville, village of	do	Apr. 18, 1975	390700
California	Santa Barbara	Carpinteria, city of	Nov. 5, 1971, emergency; Mar. 15, 1977, regular	June 21, 1974 Sept. 26, 1975	060332B
Oregon	Clackamas	Gladstone, city of	June 2, 1972, emergency; Mar. 15, 1977, regular	Apr. 5, 1974 June 25, 1976	410017B
Do	do	West Linn, city of	Oct. 20, 1972, emergency; Mar. 15, 1977, regular	Dec. 17, 1973 Aug. 20, 1976	410024B
Pennsylvania	Snyder	Shamokan Dam, borough of	Aug. 22, 1973, emergency; Mar. 1, 1977, regular	Jan. 16, 1974	420809A
Ohio	Ashtabula	Unincorporated areas	Feb. 15, 1977, emergency		390010
Pennsylvania	Northampton	East Bangor, borough of	do	Nov. 15, 1974	422352
Alaska	Kenai Peninsula	Skagway, city of	Sept. 11, 1970, emergency; Mar. 1, 1977, regular	Mar. 1, 1976	025011
Arizona	Yavapai	Prescott, city of	Feb. 25, 1972, emergency; Feb. 2, 1977, regular	May 17, 1974	040098A
Florida	Hendry	Clewiston, city of	Sept. 29, 1972, emergency; Mar. 15, 1977, regular	July 19, 1974 Feb. 13, 1974	120108B
New Jersey	Somerset	Green Brook, township of	Feb. 25, 1972, emergency; Mar. 15, 1977, regular	June 21, 1974	340435A
Pennsylvania	Clinton	Dunnstable, township of	May 23, 1973, emergency; Mar. 1, 1977, regular	Sept. 7, 1973	420325A
Do	Delaware	Eddystone, borough of	Sept. 15, 1972, emergency; Feb. 2, 1977, regular	Apr. 6, 1973 June 25, 1976	420413B
Do	Cumberland	New Cumberland, borough of	Nov. 5, 1971, emergency; Feb. 16, 1977, regular	Aug. 24, 1973 May 14, 1976	420366B
Do	Delaware	Thornbury, township of	Feb. 18, 1972, emergency; Mar. 1, 1977, regular	Aug. 2, 1974 Aug. 13, 1976	420290B
Rhode Island	Providence	Smithfield, town of	Dec. 17, 1971, emergency; Mar. 1, 1977, regular	Aug. 9, 1974	440025A
Texas	Tarrant	Richland Hills, city of	Mar. 3, 1972, emergency; Feb. 16, 1977, regular	Mar. 15, 1974	480608A
Ohio	Meigs	Unincorporated areas	Feb. 9, 1977, emergency		390387
Do	Jefferson	Irondale, village of	do	July 11, 1975	390741
Pennsylvania	Chester	Pennsbury, township of	Sept. 29, 1972, emergency; Dec. 28, 1976, regular; Jan. 15, 1977, suspended; Feb. 10, 1977, reinstated.	May 4, 1973 July 2, 1976	4202851
West Virginia	Wood	Unincorporated areas	Feb. 16, 1977, emergency	Jan. 17, 1975	54021[1]
Ohio	Monroe	Unincorporated areas	Feb. 11, 1977, emergency	Feb. 14, 1975	390404
Pennsylvania	Allegheny	Wall, borough of	Feb. 17, 1977, emergency	Apr. 25, 1975	420082
California	Los Angeles	San Dimas, city of	Aug. 18, 1972, emergency; Apr. 1, 1977, regular	June 28, 1974 Mar. 5, 1976	060154B
Georgia	Berrien	Ray City, city of	Dec. 26, 1973, emergency; Apr. 1, 1977, regular	Feb. 14, 1975	130009A
Michigan	Tuscola	Vassar, city of	Dec. 19, 1973, emergency; Apr. 1, 1977, regular	June 14, 1974	260208B
Minnesota	Anoka	Coon Rapids, city of	Oct. 20, 1973, emergency; Mar. 15, 1977, regular	June 1, 1973	270011A
Missouri	Franklin and St. Cloud	Pacific, city of	Sept. 29, 1972, emergency; Mar. 15, 1977, regular	Oct. 26, 1973	290134A
New Jersey	Middlesex	Dunellen, borough of	Dec. 22, 1972, emergency; Apr. 1, 1977, regular	Aug. 31, 1973	340259A
Do	Bergen	Oradell, borough of	Nov. 24, 1972, emergency; Mar. 15, 1977, regular	June 15, 1973	340060A
North Carolina	Carteret	Morehead City, town of	Apr. 13, 1973, emergency; Feb. 16, 1977, regular	Feb. 22, 1974	37048A
Pennsylvania	Chester	Thornbury, township of	Feb. 18, 1972, emergency; Mar. 1, 1977, regular	Aug. 2, 1974 Aug. 13, 1976	420290B
California	Kings	Lemoore, city of	Feb. 14, 1977, emergency	Feb. 6, 1976	060089
New York	Essex	Essex, town of	do	Dec. 20, 1974	361149
Do	Washington	Greenwich, town of	do	Sept. 24, 1976	361233A
North Dakota	Cass	Riverside, city of	do		[1] 380316
Ohio	Gallia	Gallipolis, city of	do	Sept. 10, 1976	390188A
Oklahoma	McIntosh	Eufaula, city of	do	Sept. 17, 1976	400376

[1] New.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001–4128); Secretary's delegation of authority to Federal Insurance Administrator (34 FR 2680, Feb. 27, 1969), as amended 39 FR 2787, Jan. 24, 1974.)

Issued: February 10, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77–10740 Filed 4–13–77;8:45 am]

[Docket No. FI 2846]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to list those communities where the sale of flood insurance is authorized under the National Flood Insurance Program.

Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state.

DATES: The date that appears in the fourth column of the table is the effective date of authorization for the sale of flood insurance.

FOR FURTHER INFORMATION, CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93–234) requires the purchase of flood insurance as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified for at least one year by the Secretary of Housing and Urban Development. The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction except as authorized by section 202 (b) of the Act, as amended, unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The addresses of the National Flood Insurers Association servicing companies, where flood insurance policies can be obtained, are published at § 1912.5 (24 CFR Part 1912).

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.6 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 1914.6 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
Pennsylvania	Susquehanna	Lenox, township of	Apr. 4, 1977, emergency	Dec. 20, 1974	422087
Do	Warren	Southwest, township of	do	Nov. 22, 1974	422126
Do	Bradford	Towanda, township of	do	July 26, 1974 June 18, 1976	421113–A
Do	Greene	Washington, township of	do	Nov. 1, 1974 Oct. 1, 1976	421678–A
Illinois	Cumberland	Greenup, village of	Apr. 5, 1977, emergency	Mar. 28, 1975	170862
Do	Cook	Prospects Heights, city of	do		170819
Kentucky	Boone	Florence, city of	do	Feb. 1, 1974 Feb. 20, 1976	210238A
North Carolina	Orange	Hillsborough, town of	Apr. 6, 1977, emergency		370343
Pennsylvania	Clinton	Orugan, township of	do	Nov. 8, 1974 July 23, 1976	421539–A
Georgia	Chattahoochee	Unincorporated areas	Apr. 7, 1977, emergency	Feb. 20, 1977	130293
Pennsylvania	Monroe	Stroudsburg, borough of	Aug. 25, 1972, emergency; Dec. 3, 1976, regular; Jan. 15, 1977, suspended; Apr. 1, 1977, reinstated.	June 21, 1974 June 11, 1976	420694–B
Illinois	Henry	Cleveland, village of	Apr. 8, 1977, emergency		170748
Missouri	Ray	Henrietta, city of	do	Oct. 18, 1974	290308–A
New York	Fulton	Bleecker, town of	do	Nov. 22, 1974 Nov. 14, 1975	361127–A
Do	Warren	Chester, town of	do	Feb. 6, 1976	360609
Ohio	Tuscarawas	Zoar, village of	Apr. 7, 1977, emergency	Apr. 18, 1975	390752
Pennsylvania	McKean	Otto, township of	Apr. 8, 1977, emergency	Nov. 15, 1974	421860
Do	Clarion	Salem, township of	do	Jan. 10, 1975	422376
Do	Berks	Upper Tulpehocken, township of	do	do	421120
Do	Huntingdon	Walker, township of	do	do	422577
Do	Butler	Washington, township of	do	Sept. 13, 1974 May 21, 1976	420224–A
Wyoming	Lincoln	Diamondville, town of	do		560034

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001–4128); Secretary's delegation of authority to Federal Insurance Administrator (34 FR 2680, Feb. 27, 1969), as amended 39 FR 2787, Jan. 24, 1974.)

Issued: April 1, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77–10741 Filed 4–13–77;8:45 am]

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[Docket No. FI 2849]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to list those communities where the sale of flood insurance is authorized under the National Flood Insurance Program.

Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state.

DATES: The date that appears in the fourth column of the table is the effective date of authorization for the sale of flood insurance.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93–234) requires the purchase of flood insurance as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified for at least one year by the Secretary of Housing and Urban Development. The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction except as authorized by section 202(b) of the Act, as amended, unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The addresses of the National Flood Insurers Association servicing companies, where flood insurance policies can be obtained, are published at § 1912.5 (24 CFR Part 1912).

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.6 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 1914.6 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
Alabama	Marshall	Arab, city of	Mar. 21, 1977, emergency	July 9, 1976	010345
Indiana	Carroll	Burlington, town of	do	Nov. 23, 1973 June 11, 1976	180318–A
Minnesota	Freeborn	Geneva, city of	Mar. 28, 1977, emergency	Sept. 6, 1974 July 2, 1976	270136–A
Ohio	Fairfield	Unincorporated areas	Mar. 21, 1977, emergency		390158
Do	Athens	Jacksonville, village of	do	May 17, 1974	390019–A
Pennsylvania	Butler	Forward, township of	do	Sept. 13, 1974 Apr. 16, 1976	421419–A
Do	Somerset	Meyersdale, borough of	do	Nov. 15, 1974	422044
Do	Perry	Miller, township of	do	Jan. 17, 1975	421954
Do	Indiana	Plumville, borough of	do	Aug. 9, 1974 Oct. 10, 1975	420504–A
Iowa	Allamakee	Lansing, city of	Suspension withdrawn. The city has not been identified as flood prone. It is a nonparticipating community, which is not eligible for the sale of flood insurance.		190006
Pennsylvania	Adams	Arendsville, borough of	Nov. 1, 1975, emergency	Dec. 13, 1974	422292
Do	Somerset	Boswell, borough of	Mar. 22, 1977, emergency	July 26, 1974 Apr. 16, 1976	420794
Do	Warren	Clarendon, borough of	do	Sept. 6, 1974 May 21, 1976	421221–A
Do	Bulter	Franklin, township of	do	Jan. 24, 1975	421721
Do	Indiana	Rayne, township of	do	Jan. 17, 1975	421721
Do	do	Brush Valley, township of	Mar. 23, 1977, emergency	Jan. 3, 1975	421710
Do	Northampton	Bushkill, township of	do	Nov. 8, 1974	421929
Do	Washington	Donegal, township of	do	Dec. 6, 1974	422146
Do	Huntingdon	Franklin, township of	do	Dec. 27, 1974	422573
Iowa	Clay	Everly, city of	Mar. 31, 1977, emergency	Sept. 19, 1975	190356
New York	Clinton	Mooers, town of	Mar. 24, 1977, emergency	Feb. 14, 1975	361983
North Dakota	McHenry	Villard, township of	Mar. 31, 1977, emergency		1380317
Oregon	Curry	Port Orford, city of	do	Apr. 30, 1976	410272
Missouri	Pike	Clarksville, city of	Dec. 26, 1973, emergency; Apr. 1, 1977, regular	May 24, 1974 Feb. 6, 1976	290289B
New Jersey	Bergen	New Milford, borough of	Feb. 25, 1972, emergency; Apr. 1, 1977, regular	Apr. 1, 1977	340054
Pennsylvania	Luzerne	Plymouth, borough of	Oct. 27, 1972, emergency; Apr. 1, 1977, regular	Mar. 20, 1973 Mar. 29, 1974	420622C
Texas	Sabine	Hemphill, city of	Apr. 1, 1977, emergency	Oct. 29, 1976	480997

¹ New.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001–4128); Secretary's delegation of authority to Federal Insurance Administrator (34 FR 2680, Feb. 27, 1969), as amended 39 FR 2787, Jan. 24, 1974.)

Issued: March 25, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-10742 Filed 4-13-77;8:45 am]

[Docket No. FI 2847]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The purpose of this rule is the identification of communities with areas of special flood or mudslide or erosion hazards as authorized by the National Flood Insurance Program. The identification of such areas is to provide guidance so that communities may mitigate hazards and reduce property losses by adopting appropriate flood plain management or other measures to minimize damage caused by floods or other hazards. It will enable communities to guide future construction, where practicable, away from locations which are threatened by flood or other hazards.

DATES: The effective date of identification is the date listed in the sixth column of the table or May 16, 1977, whichever is later.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply to loans by federally regulated, insured, supervised or approved lending institutions (1) To finance the acquisition of a residential dwelling occupied as a residence prior to March 1, 1976, or one year following identification of the area within which such dwelling is located as an area containing special flood hazards, whichever is later, or made to extend, renew, or increase the financing or refinancing in connection with such a dwelling, (2) To finance the acquisition of a building or structure completed and occupied by a small business concern, as defined by the Secretary, prior to January 1, 1976, (3) Any loan or loans, which in the aggregate do not exceed $5,000, to finance improvements to or rehabilitation of a building or structure occupied as a residence prior to January 1, 1976, or (4) Any loan or loans, which in the aggregate do not exceed an amount prescribed by the Secretary, to finance nonresidential additions or improvements to be used solely for agricultural purposes on a farm.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or their flood control methods. The six months period shall be considered to begin May 16, 1977 or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin May 16, 1977 or the effective date of the Flood Hazard Boundary Map, whichever is later.

This identification is made in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001–4128).

Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas (FHBMs in effect).

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Arkansas	Izard	Guion, town of	H 050248A 01 through H 050248A 02.	Mayor, City Hall, Guion, Ariz. 72540	Apr. 11, 1975
California	Marin	Larkspur, city of	H 065040A 01 through H 065040A 03.	Mayor, City Hall, 400 Magnolia Ave., Larkspur, Calif. 94939.	May 13, 1977
Florida	Gilchrist	Unincorporated areas	H 120094B 01 through H 120094B 27.	Chairman, P.O. Box 37, Trenton, Fla. 32069	Jan. 28, 1977
Do	Pasco	New Port Richey, city of	H 120232B 01 through H 120232B 10.	Mayor, 320 East Main St., New Port Richey, Fla. 33552	Jan. 16, 1974 June 18, 1976
Do	Orange	Orlando, city of	H 120186B 01 through H 120186B 18.	Mayor, 400 South Orange Ave., Orlando, Fla. 32801	July 2, 1976 Aug. 2, 1974 Mar. 18, 1977
Do	Palm Beach	West Palm Beach, city of	H 120229A 01 through H 120229A 15.	Director of Engineering, 415 5th St., West Palm Beach, Fla. No ZIP code.	Oct. 31, 1975
Georgia	Rabun	Dillard, city of	H 130446A 01 through H 130446A 04.	Mayor, Route 1, Dillard, Ga. 30537	June 4, 1976
Do	Towns	Hiawassee, town of	H 130047A 01 through H 130047A 06.	Mayor, Lakeside Dr., Hiawassee, Ga. 30546	June 11, 1976
Illinois	Cook	East Chicago Heights, village of	H 170084B 01	Village President, 1327 Ellis Ave., East Chicago Heights, Ill. 60411.	Apr. 5, 1974 June 11, 1976
Do	Lake	Fox Lake, village of	H 170362B 01 through H 170362B 03.	Mayor, 301 South Route 59, Fox Lake, Ill. 60020	Dec. 3, 1976 June 21, 1974 Mar. 18, 1977
Indiana	Blackford	Montpelier, city of	H 180010A 01	Mayor, City Hall, South Main St., Montpelier, Ind. 47359	Dec. 7, 1973 Mar. 18, 1977
Iowa	Sioux	Rock Valley, city of	H 190253A 01 through H 190253A 04.	Mayor, City Hall, Rock Valley, Iowa 51247	May 13, 1977
Massachusetts	Bristol	Fall River, city of	H 250055A 01 through H 250055A 14.	Mayor, 123 North Main St., Fall River, Mass. 02720	Do.
Michigan	Macomb	Shelby, township of	H 260126A 01 through H 260126A 12.	Township Supervisor, 52700 Van Dyke, Utica, Mich. 48087	May 31, 1974 Mar. 18, 1977
Minnesota	Jackson	Jackson, city of	H 270213C 01 through H 270213C 03.	Mayor, City Hall, 504 2d St., Jackson, Minn. 56143	Dec. 31, 1974 May 28, 1976 Oct. 26, 1973 Mar. 18, 1977
Missouri	Cass	Creighton, city of	H 290063A 01	Mayor, 104 West 2d St., Creighton, Mo. 64739	May 13, 1977
Do	St. Louis	Crystal Lake Park, city of	H 290345A 01	Mayor, 2333 Divot Dr., St. Louis, Mo. 63131	Do.
Do	do	Des Peres, city of	H 290347A 01 through H 290347A 03.	Director of Public Works, City Hall, 1235 Manchester Rd., Des Peres, Mo. 63131.	Do.
Do	Howard	Glasgow, city of	H 290164B 01	City Attorney, 411 1st St., Glasgow, Mo. 65254.	Apr. 12, 1974 Nov. 7, 1975 Mar. 18, 1977
Do	Washington	Irondale, city of	H 290446A 01	Mayor, P.O. Box 53, Irondale, Mo. 63648	May 13, 1977
Montana	Teton	Choteau, city of	H 300079A 01 through H 300079A 02.	City Attorney, P.O. Box 70, Choteau, Mont. 59422	Do.
Nebraska	Saunders	Mead, village of	H 310301A 01	Village Engineer, 142 West 11th St., P.O. Box 207, Wahoo, Nebr. 68066.	Sept. 5, 1975

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
New Hampshire	Grafton	Canaan, town of	H 330049A 01 through H 330049A 19.	Selectman, Town Hall, Canaan, N.H. 03741		June 28, 1974 Mar. 18, 1977
New York	Clinton	AuSable, town of	H 360165A 01 through H 360165A 05.	Town Supervisor, 11 South Sable, Keeseville, N.Y. 12944		May 13, 1977
Do	Fulton	Johnstown, town of	H 361131A 01 through H 361131A 09.	Supervisor, Box 88, Johnstown, N.Y. 12095		Oct. 25, 1974 Mar. 18, 1977
Oklahoma	Kingfisher	Dover, town of	H 400081A 01	Mayor, Town Hall, Dover, Okla. 73734		May 13, 1977
Texas	Real	Leakey, city of	H 480960A 01 through H 480960A 02.	Mayor, City Hall, Leakey, Tex. 78873		Do.
Do	Jefferson	Bevils Oaks, town of	H 480678A 01 through H 480678A 02.	Mayor, City Hall, Bevil Oaks, Tex. No ZIP code		Do.
Vermont	Rutland	Castleton, town of	H 500091A 01 through H 500091A 12.	Town Manager, Town Hall, Castleton, Vt. 05735		Do.
Alaska		Juneau, city and borough of include: Douglas, city of Juneau, city of Juneau, borough of.	H 020060A 01 through H 020060A 26.	City Engineer, 155 South Seward St., Juneau, Alaska 99801		May 20, 1977
Arizona	Greenlee	Clifton, town of	H 040035 0001A through H 040035 0002A.	Town Clerk, Clifton, Ariz. 85533		June 7, 1974 Mar. 25, 1977
Arkansas	Poinsett	Trumann, city of	H 050176B 01	Mayor, P.O. Box 100, Trumann, Ark. 72472		Nov. 16, 1973 Dec. 19, 1975 Mar. 25, 1977
Maine	Kennebec	West Gardiner, town of	H 230250A 01 through H 230250A 10.	Selectman, Town Office, rural delivery No. 3, Gardiner, Maine 04345.		Dec. 27, 1974 Mar. 25, 1977
Massachusetts	Worcester	Petersham, town of	H 250327A 01 through H 250327A 21.	Selectman, Town Hall, Petersham, Mass. 01366		Sept. 13, 1974 Mar. 25, 1977
Do	do	Sutton, town of	H 250338A 01 through H 250338A 12.	Selectman, Town Hall, Sutton, Mass. 01527		Aug. 9, 1974 Mar. 25, 1977
Michigan	St. Clair	China, township of	H 260203A 01 through H 260203A 10.	Supervisor, 4560 Indian Trial Rd., Marine City, Mich. 48039.		Aug. 16, 1974 Mar. 25, 1977
Minnesota	Martin	Unincorporated areas	H 270641A 01 through H 270641A 42.	County Auditor, Courthouse, Fairmount, Minn. 56031		May 20, 1977
Do	Red Lake	do	H 270387A 01 through H 270387A 26.	Chairman, County Commissioners, County Courthouse, Red Lake Falls, Minn. 56750.		Do.
New Hampshire	Grafton	Bethlehem, town of	H 330045A 01 through H 330045A 28.	Selectman, Town Hall, Bethlehem, N.H. 03574		June 28, 1974 Mar. 25, 1977
Do	Coos	Colebrook, town of	H 330031A 01 through H 330031A 12.	Selectman, Town Hall, Colebrook, N.H. 03576		May 20, 1977
Do	Sullivan	Cornish, town of	H 330155A 01 through H 330155A 17.	Selectman, Town Hall, Cornish, N.H. 03746		Apr. 5, 1974 Mar. 25, 1977
Do	do	Grantham, town of	H 330158A 01 through H 330158A 13.	Chairman, Board of Selectman, Box 8A, Grantham, N.H. 03753.		Jan. 24, 1975 Mar. 25, 1977
Do	Grafton	Thornton, town of	H 330075A 01 through H 330075A 20.	Selectman, Town Hall, Campton, N.H. 03223		June 28, 1974 Mar. 25, 1977
New York	Westchester	Rye, city of	H 360931A 01 through H 360931A 03.	Mayor, City Hall, Rye, N.Y. 10580		May 20, 1977
North Dakota	Pembina	Hamilton, city of	H 380084A 01	Mayor, City Hall, Hamilton, N. Dak. 58238		Do.
Oklahoma	Texas	Guymon, city of	H 400243A 01	Mayor, 219 West 4th St., Guymon, Okla. 73942		Do.
Do	Ottawa	Unincorporated areas	H 400154A 01 through H 400154A 35.	Chairman, Ottawa Co. Commissioners, Ottawa Co. Courthouse, Miami, Okla. 74354.		Do.
Oregon	Coos	Coos Bay, city of	H 410044 0001A through H 410044 0005A.	Director of Public Works, City Hall, Coos Bay, Oreg. 97420.		Aug. 23, 1974 Mar. 25, 1977
Do	Washington and Clackamas.	Tualatin, city of	H 410277A 01 through H 410277A 03.	Community Development Director, City Hall, Tualatin, Oreg. 97062.		May 20, 1977
Pennsylvania	York	Hallam, borough of	H 420926A 01	Mayor, 460 West Market St., Hallam, Pa. 17406		Nov. 30, 1973 Mar. 25, 1977
Do	Westmoreland	Oklahoma, borough of	H 422631A 01 through H 422631A 07.	Mayor, rural delivery No. 4, Apollo, Pa. 15613		May 20, 1977
Do	Tioga	Wellsboro, borough of	H 420829B 01 through H 420829B 02.	Mayor, 28 Crafton St., Wellsboro, Pa. 16901		Mar. 22, 1974 Aug. 20, 1976
South Dakota	Miner	Canova, town of	H 460102A 01	President, Town Hall, Canova, S. Dak. 57321		May 20, 1977
Do	Davison	Unincorporated areas	H 460020A 01 through H 460020A 12.	Chairman, Board of County Commissioners, Mitchell, S. Dak. 47301.		Do.
Do	Clark	Willow Lake, town of	H 460014A 01 through H 460014A 02.	Town President, Town Hall, Willow Lake, S. Dak. 57278.		Do.
Texas	Chambers	Beach City, city of	H 480121A 01 through H 480121A 06.	Mayor, City Hall, Baytown, Tex. 77520		Do.
Vermont	Grand Isle	Grand Isle, town of	H 500223A 01 through H 500223A 11.	Chairman, Board of Selectmen, rural free delivery, Grand Isle, Grand Isle, Vt. 05458.		Oct. 18, 1974 Mar. 25, 1977
Do	Washington	Middlesex, town of	H 500114A 01 through H 500114A 12.	Town Manager, Town Hall, Montpelier, Vt. 05602		June 28, 1974 Mar. 25, 1977
West Virginia	Kanawha	Chesapeake, city of	H 540074B 01 through H 540074B 02.	Mayor, 12404 McCorkle Ave., Chesapeake, W. Va. 25315		Mar. 15, 1974 June 11, 1976 Mar. 25, 1977
Do	Morgan	Unincorporated areas	H 540144A 01 through H 540144A 22.	President County Courthouse, Berkeley Springs, W. Va. 25411.		May 20, 1977
Wyoming	Lincoln	Diamondville, town of	H 560034A 01 through H 560034A 02.	Mayor, P.O. Box 281, Diamondville, Wyo. 83116		Do.
Do	Park	Powell, city of	H 560040A 01	General Commissioner, P.O. Box 1008, Powell, Wyo. 82435		June 25, 1976 Mar. 25, 1977
Arkansas	Crittenden	West Memphis, city of	H 050055A 01 through H 050055A 10.	Mayor, City Hall, West Memphis, Ark. 72301		Nov. 30, 1973 Apr. 1, 1977
California	Riverside	Corona, city of	H 060250A 01 through H 060250A 10.	City Manager, City Hall, 815 West 6th St., Corona, Calif. 91720.		May 24, 1974 Apr. 1, 1977
Do	San Diego	Vista, city of	H 060297A 01 through H 060297A 06.	Assistant Civil Engineer, City Hall, Vista, Calif. 92083		June 14, 1974 Apr. 1, 1977
Colorado	Larimer	Unincorporated areas	H 080101 0001A through H 080101 0029A.	Flood Plain Zoning Administrator, Larimer County Planning Department, Fort Collins, Colo. 80522.		Dec. 27, 1974 Mar. 11, 1977
Connecticut	New London	Ledyard, town of	H 090157A 01 through H 090157A 15.	Mayor, Town of Ledyard, Town Hall, Ledyard Center, Conn. 06339.		May 27, 1977
Do	Fairfield	Trumball, town of	H 090017A 01 through H 090017A 10.	Department of Public Works, Town Hall, 5866 Main St., P.O. Box 2, Trumball, Conn. 06611.		June 28, 1974 Apr. 1, 1977
Georgia	Baldwin	Unincorporated areas	H 130065A 01 through H 130065A 24.	Chairman, County Commissioners, room 8, Courthouse, Milledgeville, Ga. 31061.		May 27, 1977
Do	Lee	do	H 130122A 01 through H 130122A 27.	Chairman, Board of Commissioners, Route 3, Leesburg, Ga. 31763.		Do.
Illinois	Cook	do	H 170054A 01 through H 170054A 244.	Assistant Director, Department of Planning and Development, 118 North Clark St., Chicago, Ill. 60602.		Do.
Do	Winnebago	do	H 170730A 01 through H 170720A 33.	Associate Planner, 425 East State St., Rockford, Ill. 61104		Jan. 10, 1975 Apr. 1, 1977

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Kansas	Sedgwick	Wichita, city of	H 200328A 01 through H 200328A 26.	Flood Control Maintenance, Department of Public Works, City Building Annex 104 South Main, Wichita, Kansas. 67202.		Dec. 27, 1974 Apr. 1, 1977
Maine	Washington	Baileyville, town of	H 230304A 01 through H 230304A 17.	Town Manager, Broadway St., Woodland, Maine 04694		May 27, 1977
Do	Androscoggin	Lewiston, city of	H 230064A 01 through H 230004A 11.	Mayor, City Hall, Lewiston, Maine 04240		Apr. 5, 1974 Apr. 1, 1977
Massachusetts	Hampden	Blandford, town of	H 250134A 01 through H 250134A 15.	Selectman, Town Hall, Blaudford, Mass. 01008		July 26, 1974 Apr. 1, 1977
Do	Franklin	Orange, town of	H 250125A 01 through H 250125A 12.	Chairman, Planning Board, Town Hall, Orange, Mass. 01364.		May 27, 1977
Do	Middlesex	Sherborn, town of	H 250212A 01 through H 250212A 08.	Administrative Assistant, town of Sherborn, P.O. Box 8, Sherborn, Mass. 01770.		Do.
Michigan	Livingston	Green Oak, township of	H 260440 0001A through H 260440 0004A.	Township Supervisor, Township Hall, 10789 Silver Lake Rd., South Lyon, Mich. 48178		Do.
Do	Ottawa	Wright, township of	H 260495 0001A through H 260495 0004A.	Township Supervisor, 2060 Berlin Fair Dr., Marine, Mich. 49435.		Do.
Minnesota	Washington	Oakdale, city of	H 270511B 01 through H 270511B 05.	Roger Custafson, Bather-Ringrose-Wolsfeld, Inc., 7101 York Ave. South, Redina, Minn. 55435.		July 25, 1975 May 24, 1974 Apr. 1, 1977
Do	do	Willernie, city of	H 270695A 01	Mayor, 111 Wildwood Rd., Willernie, Minn. 55090		May 27, 1977
Nebraska	Furnas	Arapahoe, city of	H 310341A 01	City Clerk—Attorney, City Hall, Arapahoe, Nebr. 68922		July 25, 1975 Apr. 1, 1977
Nevada	Washoe	Reno, city of	H 320020A 01 through H 320020A 12.	City Engineer, city of Reno, P.O. Box 1900, Reno, Nev. 89505.		Mar. 29, 1974 Apr. 1, 1977
New Hampshire	Grafton	Alexandria, town of	H 330041A 01 through H 330041A 15.	Selectman, Town Hall, R.F.D. No. 1, Bristol, N.H. 03222		Feb. 21, 1975 Apr. 1, 1977
New Jersey	Gloucester	Clayton, borough of	H 340198A 01 through H 340198A 04.	Mayor, 125 North Delsea Dr., Clayton, N.J. 08312		Aug. 31, 1973 Apr. 1, 1977
Do	Atlantic	Somers Point, city of	H 340017A 01 through H 340017A 02.	Mayor, City Hall, Somers Point, N.J. 08244		Jan. 9, 1974
New York	Wyoming	Warsaw, town of	H 360950A 01 through H 360950A 06.	Supervisor, Box 184, Warsaw, N.Y. 14569		Oct. 18, 1974 Apr. 1, 1977
Oklahoma	Okmulgee	Beggs, city of	H 400345A 01	Mayor, P.O. Box 567, Beggs, Okla. 74421		Apr. 9, 1976 Apr. 1, 1977
Do	Garfield	Enid, city of	H 400062A 01 through H 400062A 26.	City Engineer, City Hall, P.O. Box 1768, Enid, Okla. 3701.		Feb. 22, 1974 Apr. 1, 1977
Pennsylvania	Perry	Oliver, township of	H 421022A 01 through H 421022A 04.	Chairman, P.O. Box 126, Newport, Pa. 17074		Feb. 22, 1974 Apr. 1, 1977
Texas	Caldwell	Unincorporated areas	H 480094A 01 through H 480094A 39.	County Judge, County Courthouse, Lockhart, Tex. 78644.		May 27, 1977
Do	Denton	do	H 480774A 01 through H 480774A 63.	County Judge, 1st floor Courthouse, Denton, Tex. 76201		Do.
Do	Wichita	Wichita Falls, city of	H 480662A 01 through H 480662A 18.	Mayor, P.O. Box 1431, Wichita Falls Tex. 76307		June 28, 1974 Apr. 1, 1977
Utah	Davis	East Layton, city of	H 490043B 01	Engineer, P.O. Box 9307, Ogden, Utah 84403		June 28, 1974 Apr. 1, 1977
Do	Cache	Mendon, city of	H 490020A 01	Mayor, 321 South 1st St., Mendon, Utah 84325		July 18, 1975 Apr. 1, 1977
Virginia	Halifax	Scottsburg, town of	H 510299A 01	Mayor, T wn Hall, Scottsburg, Va. 24589		May 27, 1977
Washington	Benton	Benton City, town of	H 530010B 01 through H 530010B 02.	Attorney, P.O. Box 6125, 300 West Kennewick Ave., Kennewick, Wash. 99336.		Do.
Wisconsin	Walworth	Unincorporated areas	H 550462A 01 through H 550462A 35.	Chairman, Courthouse, Elkhorn, Wis. 53121		Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969.)

Issued: March 31, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-10743 Filed 4-13-77;8:45 am]

[Docket No. FI 2844]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The purpose of this rule is the identification of communities with areas of special flood or mudslide or erosion hazards as authorized by the National Flood Insurance Program. The identification of such areas is to provide guidance so that communities may mitigate hazards and reduce property losses by adopting appropriate flood plain management or other measures to minimize damage caused by floods or other hazards. It will enable communities to guide future construction, where practicable, away from locations which are threatened by flood or other hazards.

DATES: The effective date of identification is the date listed in the sixth column of the table or May 16, 1977 whichever is later.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in an identified plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply to loans by federally regulated, insured, supervised or approved lending institutions (1) To finance the acquisition of a residential dwelling occupied as a residence prior to March 1, 1976, or one year following identification of the area within which such dwelling is located as an area containing special flood hazards, whichever is later, or made to extend, renew, or increase the financing or refinancing in connection with such a dwelling, (2) To finance the acquisition of a building or structure completed and occupied by a small business concern, as defined by the Secretary, prior to January 1, 1976, (3) Any loan or loans, which in the aggregate do not exceed $5,000, to finance im-

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provements to or rehabilitation of a building or structure occupied as a residence prior to January 1, 1976, or (4) Any loan or loans, which in the aggregate do not exceed an amount prescribed by the Secretary, to finance nonresidential additions or improvements to be used solely for agricultural purposes on a farm.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or their flood control methods. The six months period shall be considered to begin May 16, 1977 or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin May 16, 1977 or the effective date of the Flood Hazard Boundary Map, whichever is later.

This identification is made in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001–4128).

Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas (FHBMs in effect).

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Alabama	Morgan	Falkville, town of	H 010177A 01 through H 010177A 09.	Mayor, P.O. Box 407, Falkville, Ala. 35622	May 24, 1974 Feb. 11, 1977
California	San Diego	Chula Vista, city of	H 065021A 01 through H 065021A 11.	Mayor, City Hall, Chula Vista, Calif. 29012	Apr. 8, 1977
Do	Monterey	Monterey, city of	H 060200A 01 through H 060200A 04.	Public Works Director, City Hall, Monterey, Calif. 39340	Oct. 18, 1974 Feb. 11, 1977
Do	Santa Clara	Santa Clara, city of	H 060350A 01 through H 060350A 07.	Director of Public Works/City Engineer, 1500 Warburton Ave., Santa Clara, Calif. 95060.	Apr. 12, 1974 Feb. 11, 1977
Colorado	Fremont	Florence, city of	H 080076B 01	Councilman, c/o Livingston-Tripp Real Estates, 105 West Main St., Florence, Calif. 81226.	May 17, 1974 Dec. 26, 1975
Connecticut	Fairfield	Bridgeport, city of	H 090002A 01 through H 090002A 08.	City Engineer, Engineering Department, Bridgeport, Conn. 06604.	Feb. 11, 1977 Sept. 13, 1974 Feb. 11, 1977
Do	Litchfield	New Hartford, town of	H 090048A 01 through H 090048A 12.	Selectman, Main Street, New Hartford, Conn. 06057	Sept. 13, 1974 Feb. 11, 1977
Do	Hartford	Newington, town of	H 090033A 01 through H 090033A 06.	Assistant Town Manager, Town Hall, 131 Cedar St., Newington, Conn. 06111.	July 26, 1974 Feb. 11, 1977
Do	New London	North Stonington, town of	H 090101A 01 through H 090101A 17.	Selectman, Town Hall, Main St., P.O. Box 91, North Stonington, Conn. 06359.	Sept. 13, 1974 Feb. 11, 1977
Florida	Hernando	Unincorporated areas	H 120110A 01 through H 120110A 38.	Chairman, Board of Supervisors, P.O. Box 185, Brooksville, Fla. 33512.	Dec. 13, 1974 Feb. 11, 1977
Do	Marion	Ocala, city of	H 120330B 01 through H 120330B 09.	City Manager, P.O. Box 1270, Ocala, Fla. 32670	Feb. 14, 1975 Oct. 24, 1975 Feb. 11, 1977
Idaho	Latah	Moscow, city of	H 160090A 01 through H 160090A 04.	Mayor, 122 East 4th, Moscow, Idaho 83843	Feb. 15, 1974 Feb. 11, 1977
Indiana	Grant	Marion, city of	H 180412A 01 through H 180412A 06.	Mayor, Clerk's Office, City Hall, Marion, Ind. 46952	Apr. 8, 1977
Kentucky	Ballard	Unincorporated areas	H 210268A 01 through H 210268A 22.	County Judge, Courthouse, Wickliffe, Ky. 42087	Do.
Louisiana	Rapides Parish	Ball, town of	H 220373 0001A	Mayor, Town Hall, Ball, La. 71405	Do.
Maine	Somerset	Pittsfield, town of	H 230127A 01 through H 230127A 17.	Mayor, Town Hall, P.O. Box 402, Pittsfield, Maine 04967	Sept. 6, 1974 Feb. 11, 1977
Do	Knox	Saint George, town of	H 230229A 01 through H 230229A 24.	Town Manager, Box 131, Tenant's Harbor, Maine 04860	Jan. 24, 1975 Feb. 11, 1977
Massachusetts	Essex	Amesbury, town of	H 250075A 01 through H 250075A 06.	Amesbury Planning Commission, Town Hall, Amesbury, Mass. 01913.	June 14, 1974 Feb. 11, 1977
Do	Suffolk	Boston, city of	H 250286A 01 through H 250286A 31.	Deputy Director of Zoning, Boston Redevelopment Authority, City Hall, Rm. 900, 1 City Hall Square, Boston, Mass. 02201.	Nov. 22, 1974 Feb. 11, 1977
Do	Norfolk	Dedham, town of	H 250237A 01 through H 250237A 06.	Secretary, Board of Selectmen, Town Hall, Bryant St., Dedham, Mass. 02026.	Sept. 6, 1974 Feb. 11, 1977
Do	Bristol	Taunton, city of	H 250066A 01 through H 250066A 20.	Mayor, 15 Summer St., Taunton, Mass. 02780	Dec. 6, 1974 Feb. 11, 1977
Do	Norfolk	Wellesley, town of	H 250255A 01 through H 250255A 05.	Planning Director, 324 Washington St., Wellesley Hills, Mass. 02181.	June 21, 1974 Feb. 11, 1977
Michigan	Livingston	Green Oak, township of	H 260440 0001A through H 260440 0004A.	Township Supervisor, Township Hall, 10789 Silver Lake Rd., South Lyon, Mich. 48178.	Apr. 8, 1977
Do	Wayne	Van Buren, township of	H 260546 0001A through H 260546 0002A.	Township Supervisor, 46425 Tyler Rd., Belleville, Mich. 48111.	Do.
Do	Ottawa	Wright, township of	H 260495 0001A through H 260495 0004A.	Township Supervisor, 2060 Berlin Fair Dr., Marine, Mich. 49435.	Do.
Do	Washtenaw	Ypsilanti, township of	H 260542A 01 through H 260542A 12.	Supervisor, 7200 South Huron River Dr., Ypsilanti, Mich. 48197.	Do.
Minnesota	Swift	Holloway, city of	H 270471A 01 through H 270471A 02.	Mayor, City Hall, Holloway, Minn. 56249	Sept. 6, 1974
Mississippi	Tishomingo	Burnsville, city of	H 280264A 01 through H 280264A 02.	Mayor, P.O. Box 308, Burnsville, Miss. 38833	Mar. 22, 1974 Feb. 11, 1977
New Hampshire	Strafford	Dover, city of	H 330145A 01 through H 330145A 09.	Planning Director, Planning Office, Municipal Bldg., Dover, N.H. 03820.	July 26, 1974 Feb. 11, 1977
Do	Merrimack	Henniker, town of	H 330114A 01 through H 330114A 15.	Selectman, Town Hall, Henniker, N.H. 03242	Mar. 15, 1974 Feb. 11, 1977
Do	do	Northfield, town of	H 330118A 01 through H 330118A 09.	Selectman, Town Hall, Tilton, N.H. 03276	Mar. 22, 1974 Feb. 11, 1977
Do	Belknap	Sanbornton, town of	H 330008A 01 through H 330008A 17.	Selectman, Town Hall, Sanbornton, N.H. 03269	Oct. 18, 1974 Feb. 11, 1977
Do	Hillsborough	Weare, town of	H 330235A 01 through H 330235A 15.	Chairman, Board of Selectman, Town Hall, P.O. Box 90, Weare, N.H. 03281.	Feb. 14, 1975 Feb. 11, 1977
New Jersey	Monmouth	Brielle, borough of	H 340290A 01 through H 340290A 02.	Mayor, P.O. Box 445, 601 Union Lane, Brielle, N.J. 08730	Aug. 31, 1973 Feb. 11, 1977
Do	do	Colts Neck, township of	H 340291B 01 through H 340291B 10.	Mayor, Cedar Dr., Colts Neck, N.J. 07722	Sept. 17, 1976 Apr. 12, 1974 Feb. 11, 1977
Ohio	Clermont	Batavia, village of	H 390066B 01	Mayor, 389 East Main St., Batavia, Ohio 45703	Nov. 30, 1973 May 7, 1976
Oklahoma	Washita	New Cordell, city of	H 400224A 01	Mayor, P.O. Box 417, 101 East Main, New Cordell, Okla. 73642.	June 28, 1974 Feb. 11, 1977
Do	Pawnee	Ralston, town of	H 400164A 01	Mayor, Town Hall, Main St., Ralston, Okla. 74650	Aug. 13, 1976

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Oregon	Linn and Benton	Albany, city of	H 410137A 01 through H 410137A 04.	Mayor, City Hall, Albany, Oreg. 97321		Feb. 22, 1974 Feb. 11, 1977
Do	Linn	Brownsville, city of	H 410138B 01 through H 410138B 02.	Mayor, P.O. Box 188, Brownsville, Oreg. 97327		Dec. 7, 1973 Dec. 19, 1975 Feb. 11, 1977
Pennsylvania	Monroe	Delaware Water Gap, borough of	H 420690B 01 through H 420690B 04.	Mayor, Delaware Water Gap, Pa. 18327		June 21, 1974 May 28, 1976 Feb. 11, 1977
Do	Warren	Farmington, township of	H 422120 0001A through H 422120 0002A.	Chairman, R.D. 2, Russell, Pa. 16345		Apr. 8, 1977
Do	Dauphin	Lower Paxton, township of	H 420384A 01 through H 420384A 08.	Chairman, 75 South Houcks Rd., Harrisburg, Pa. 17109		Jan. 9, 1974 Feb. 11, 1977
Do	Lebanon	South Lebanon, township of	H 420581A 01 through H 420581A 10.	Chairman, 1800 South Fifth Ave., Lebanon, Pa. 17042		Dec. 28, 1973 Feb. 11, 1977
Do	Wyoming	Tunkhannock, borough of	H 420017A 01 through H 420017A 03.	Mayor, 80 West Fioga, Tunkhannock, Pa. 18657		Sept. 7, 1973
Texas	Dallas	Dallas, city of	H 480171A 01 through H 480171A 97.	Drainage Design Engineer, c/o Department of Public Works, 1500 West Mockingbird, Dallas, Tex. 75235.		Jan. 10, 1975 Feb. 11, 1977
Vermont	Rutland	Fair Haven, town of	H 500094A 01 through H 500094A 10.	Selectman, Town Hall, Fair Haven, Vt. 05473		July 19, 1974 Feb. 11, 1977
Do	do	Poultney, town of	H 500099A 01 through H 500099A 14.	Selectman, Town Hall, Poultney, Vt. 05761		June 28, 1974 Feb. 11, 1977
Do	Franklin	Richford, village of	H 500057A 01	Chairman, Board of Trustees, 31 River St., Richford, Vt. 05476.		Mar. 15, 1974 Feb. 11, 1977
Do	Windham	Whitingham, town of	H 500141A 01 through H 500141A 12.	Selectman, Town Hall, Whitingham, Vt. 05361		Aug. 9, 1974 Feb. 11, 1977
Virginia	Clarke	Berryville, town of	H 510037A 01	Mayor, Municipal Bldg., Berryville, Va. 22611		Apr. 8, 1977
Do	Northumberland	Unincorporated areas	H 510107A 01 through H 510107A 21.	Chairman, County Board of Supervisors, Northumberland County Administrative Office, Heathsville, Va. 22473.		Dec. 13, 1974 Feb. 11, 1977
California	Kern	California City, city of	H 060440A 01 through H 060440A 60.	Mayor, 10500 Heather Ave., California City, Calif. 93505		Apr. 15, 1977
Colorado	Eagle	Eagle, town of	H 080238A 01 through H 080238A 02.	Town Manager, Box 672, Eagle, Colo. 81631		Aug. 15, 1975 Feb. 18, 1977
Do	Yuma	Wray, city of	H 080191B 01 through H 080191B 02.	Mayor, City Hall, 245 West Fourth St., Wray, Colo. 80758		Mar. 15, 1974 Jan. 16, 1976 Feb. 18, 1977
Connecticut	Fairfield	Bethel, town of	H 090001A 01 through H 090001A 07.	Selectman, P.O. Box 3, Danbury, Conn. 06801		Apr. 5, 1974 Feb. 18, 1977
Do	Windham	Killingly, town of	H 090136A 01 through H 090136A 17.	Selectman, 127 Main St., Danielson, Conn. 06239		Sept. 6, 1974 Feb. 18, 1977
Do	New Haven	Naugatuck, borough of	H 090137A 01 through H 090137A 07.	Selectman, Town Hall, 220 Church St., Naugatuck, Conn. 06770.		June 28, 1974 Feb. 18, 1977
Illinois	Livingston	Dwight, village of	H 170423B 01	Village President, Village Hall, Dwight, Ill. 60420		June 25, 1976 Apr. 12, 1974 Feb. 18, 1977
Do	Pike	Unincorporated areas	H 170551A 01 through H 170551A 62.	Chairman, County Board, County Clerk's Office, County Courthouse, Pittsfield, Ill. 62363.		Dec. 13, 1974 Feb. 18, 1977
Kansas	Ellsworth	Holyrood, city of	H 200506A 01	Mayor, City Hall, Holyrood, Kans. 67450		Aug. 8, 1975
Louisiana	Calcasieu Parish	Lake Charles, city of	H 220040A 01 through H 220040A 06.	Director of City Planning, City Hall, Lake Charles, La. 70601.		Nov. 1, 1974 Feb. 18, 1977
Maine	Penobscot	Medway, town of	H 230175A 01 through H 230175A 14.	Acting Town Manager, Town Hall, Medway, Maine 04460		Nov. 1, 1974 Feb. 18, 1977
Do	Waldo	Montville, town of	H 230261A 01 through H 230261A 15.	Planning Board, Chairperson, RFD No. 1, Freedom, Maine 04941.		Feb. 21, 1975 Feb. 18, 1977
Do	Lincoln	Whitefield, town of	H 230087A 01 through H 230087A 16.	Selectman, Town Hall, Whitefield, Maine 04353		July 26, 1974 Feb. 18, 1977
Maryland	Garrett	Accident, town of	H 240093A 01	Mayor, Town Hall, Accident, Md. 21520		Apr. 15, 1977
Do	Calvert	Chesapeake Beach, town of	H 240100A 01	Mayor, P.O. Box 458, Chesapeake Beach, Md. 20732		Oct. 18, 1974 Feb. 18, 1977
Massachusetts	Essex	Gloucester, city of	H 250082A 01 through H 250082A 12.	City Planner, City Hall, 9 Dale Ave., Gloucester, Mass. 01930.		July 26, 1974 Feb. 18, 1977
Do	Suffolk	Revere, city of	H 250258A 01 through H 250258A 06.	Mayor, Broadway St., Revere, Mass. 02151		June 28, 1974 Feb. 18, 1977
Do	Hampden	Westfield, city of	H 250153A 01 through H 250153A 17.	Mayor, 59 Court St., Westfield, Mass. 01085		July 26, 1974 Feb. 18, 1977
Michigan	Kalamazoo	Augusta, township of	H 260627 0001A through H 260627 0002A.	Township Supervisor, P.O. Box 134, Whittaker, Mich. 48190.		Apr. 15, 1977
Do	Barry	Irving, township of	H 260354A 01 through H 260354A 12.	Supervisor, 2192 Woodruff Rd., Hastings, Mich. 49058		Do.
Do	Lapeer	Lapeer, township of	H 260435 0001A through H 260435 0002A.	Township Supervisor, 21 East Hunters Creek Rd., Lapeer, Mich. 48446.		Do.
Minnesota	Lincoln	Arco, city of	H 270091 0001A	Mayor, City Hall, Arco, Minn. 56113		Do.
Missouri	Polk	Humansville, city of	H 290715A 01	Mayor, City Hall, Humansville, Mo. 65674.		July 11, 1975 Feb. 18, 1977
Do	New Madrid	Tallapoosa, village of	H 290262A 01 through H 290262A 02.	Chairman, Village Hall, Tallapoosa, Mo. 63878		Apr. 15, 1977
Nebraska	Hitchcock	Palisade, village of	H 310108A 01	Chairman, Village Hall, Palisaden, Nebr. 69040		Do.
New Hampshire	Sullivan	Acworth, town of	H 330152A 01 through H 330152A 15.	Selectman, Town Hall, Acworth, N.H. 03601		Sept. 13, 1974 Feb. 18, 1977
Do	Strafford	Milton, town of	H 330149A 01 through H 330149A 16.	Selectman, Town Hall, Milton, N.H. 03851		Feb. 7, 1975 Feb. 18, 1977
New Jersey	Bergen	River Vale, township of	H 340069A 01 through H 340069A 02.	Mayor, 581 Westwood Ave., River Vale, N.J. 07675		Apr. 20, 1973 Feb. 18, 1977
New York	Cayuga	Montezuma, town of	H 360116B 01 through H 360116B 07.	Chairman, Planning Board, Box 375, Montezuma, N.Y. 13117.		June 11, 1976 May 31, 1974 Feb. 18, 1977
Do	Ontario	South Bristol, town of	H 360606B 01 through H 360606B 06.	Supervisor, R.D. No. 1, Naples, N.Y. 14512		July 2, 1976 June 7, 1974 Feb. 18, 1977
North Carolina	Lee	Sanford, city of	H 370143 0001A through H 370143 0002A.	Mayor, P.O. Box 338, Sanford, N.C. 27330		Apr. 15, 1977
Ohio	Wayne	Unincorporated areas	H 390574A 01 through H 390574A 35.	Chairman, County Commissioner, County Courthouse, Wooster, Ohio 44691.		Jan. 3, 1975 Feb. 18, 1977
Pennsylvania	Lawrence	Plain Grove, township of	H 421797 0001A through H 421797 0002A.	Chairman, Township Supervisor, R.D. 2, Volant, Pa. 16156.		Apr. 15, 1977
South Dakota	Moody	Unincorporated areas	H 460235A 01 through H 460235A 35.	Chairman, Board of County Commissioners, c/o County Auditor, Flandreau, S. Dak. 57028.		Do.
Texas	Houston	Crockett, city of	H 480359B 01 through H 480359B 05.	City Engineer, 702 East Goliad, P.O. Box 1005, Crockett, Tex. 75835.		May 10, 1974 Jan. 16, 1976 Feb. 18, 1977
Do	Hockley	Sundown, city of	H 480355B 01 through H 480355B 02.	City Clerk, Box 626, Sundown, Tex. 79372		Apr. 12, 1974 Mar. 19, 1976 Feb. 18, 1977

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Vermont	Bennington	Bennington, town of	H 500013A 01 through H 500013A 12.	Town Manager, Office of the Town Manager, 205 South St., Bennington, Vt. 05201.		Sept. 13, 1974 Feb. 18, 1977
Do	Windham	Brattleboro, town of	H 500126A 01 through H 500126A 09.	Selectman, Town Hall, Brattleboro, Vt. 05301		Feb. 8, 1974 Feb. 18, 1977
Do	Windsor	Bridgewater, town of	H 500144A 01 through H 500144A 16.	Selectman, Town Hall, Bridgewater, Vt. 05034		Aug. 16, 1974 Feb. 18, 1977
Do	Essex	Lunenburg, town of	H 500048A 01 through H 500048A 18.	Selectman, Town Hall, Lunenburg, Vt. 05906		June 28, 1974 Feb. 18, 1977
Do	Chittenden	Milton, town of	H 500038A 01 through H 500038A 19.	Selectman, Town Hall, Milton, Vt. 05468		Apr. 15, 1977
Do	Bennington	Readsboro, town of	H 500017A 01 through H 500017A 10.	Administrator Assistant, Town Hall, Readsboro, Vt. 05350.		May 31, 1974 Feb. 18, 1977
Virginia	Loudoun	Lovettsville, town of	H 510295A 01	Mayor, Town Hall, Lovettsville, Va. 22080		Apr. 15, 1977
Do	Isle of Wight	Windsor, town of	H 510295 0001A	Mayor, Town Hall, Windsor, Va. 23487		Do.
Washington	King	Auburn, city of	H 530073B 01 through H 530073B 08.	Planning Director, 20 "A" St. NW., Auburn, Wash. 98002		May 24, 1974 Sept. 19, 1975 Feb. 18, 1977
Do	Pierce	Tacoma, city of	H 530148A 01 through H 530148A 21.	Mayor, 4th Floor, Public Works Department, County-City Bldg., Tacoma, Wash. 98402.		Oct. 18, 1974 Feb. 18, 1977
Wisconsin	Juneau	New Lisbon, city of	H 550206B 01	City Clerk, 218 East Bridge St., New Lisbon, Wis. 53950		July. 9, 1976 Dec. 17, 1973 Feb. 18, 1977
California	Riverside	Banning, city of	H 060246A 01 through H 060246A 04.	Mayor, 155 East Hays St., Banning, Calif. 92220		Mar. 15, 1974 Feb. 25, 1977
Connecticut	Windham	Plainfield, town of	H 090116A 01 through H 090116A 16.	Selectman, Community Ave., Plainfield, Conn. 06374		Sept. 6, 1974 Feb. 25, 1977
Do	New London	Voluntown, town of	H 090143A 01 through H 090143A 12.	Selectman, Town Hall, Voluntown, Conn. 06384		May 31, 1977 Feb. 25, 1977
Florida	Flagler	Unincorporated areas	H 120085A 01 through H 120085A 30.	Chairman, County Commissioners, Bunnell, Fla. 32010		Jan. 10, 1975 Feb. 25, 1977
Do	Orange	Windermere, town of	H 120381A 01	Mayor, P.O. Drawer 669, Windermere, Fla. 32786		Apr. 22, 1977
Georgia	Clinch	Unincorporated areas	H 130048A 01 through H 130048A 59.	Chairman, County Commissioners, County Courthouse, Homerville, Ga. 31634.		Do.
Illinois	Will	Unincorporated areas	H 170695A 01 through H 170695A 62.	Chairman, County Board, 14 West Jefferson, Joliet, Ill. 60431.		Do.
Iowa	Jones	Unincorporated areas	H 190019A 01 through H 190019A 19.	Chairman, Jones County Courthouse, Board of Supervisors, Anamosa, Iowa 52205.		Do.
Massachusetts	Berkshire	Peru, town of	H 250036A 01 through H 250036A 09.	Selectman, Town Hall, Peru, Mass. 01235		Nov. 1, 1974 Feb. 25, 1977
Mississippi	Hinds	Bolton, town of	H 280216A 01	Mayor, P.O. Box 7, Bolton, Miss. 39041		Apr. 22, 1977
Nebraska	Sarpy	Unincorporated areas	H 3101900A 01 through H 3101900A 18.	Chairman, Sarpy County Courthouse, County Commissioners Office, Papillion, Nebr. 68046.		Do.
New Jersey	Union	Roselle Park, borough of	H 340473A 01 through H 340473A 03.	Mayor, 137 Chestnut St., Roselle Park, N.J. 07204		Do.
New York	Cattaraugus	Napoli, town of	H 360086H 01 through H 360086H 11.	County Planner, 303 Court St., Little Valley, N.Y. 14755		Jan. 2, 1976 June 14, 1974 Feb. 25, 1977
Vermont	Lamoille	Stowe, town of	H 500066A 01 through H 500066A 23.	Selectman, Selectman's Office, Stowe, Vt. 05672		July 21, 1974 Feb. 25, 1977
Washington	King	Issaquah, city of	H 530079A 01 through H 530079A 08.	Mayor, City Hall, 130 South Sunset Way, Issaquah, Wash. 98027.		Feb. 8, 1974 Feb. 25, 1977
Arkansas	Pulaski	North Little Rock, city of	H 050128A 01 through H 050182A 09.	City Engineer, City Hall, North Little Rock, Ark. (No ZIP code).		Nov. 2, 1973 May 4, 1977
California	San Mateo	Burlingame, city of	H 065019B 01 through H 065019B 04.	Assistant City Engineer, City Hall, 501 Primrose Rd., Burlingame, Calif. 94010.		June 28, 1974 Mar. 4, 1977
Do	Los Angeles	La Verne, city of	H 060133C 01 through H 060133C 03.	Public Services Coordinator, City Hall, 2061 Third St., La Verne, Calif. 91750.		June 14, 1974 Apr. 16, 1976 Mar. 4, 1977
Colorado	Rio Grande	Unincorporated areas	H 080153A 01 through H 080153A 30.	Chairman, Board of County Commissioners, Rio Grande County, P.O. Box 160, Del Norte, Colo. 81132.		Apr. 29, 1977
Connecticut	Middlesex	Clinton, town of	H 090061A 01 through H 090061A 08.	Planning and Zoning Commission, 8 Iron Works Rd., Clinton, Conn. 06413.		Feb. 1, 1974 Mar. 4, 1977
Georgia	Sumter	Andersonville, village of	H 130304A 01	Mayor, Village of Andersonville, Andersonville, Ga. 31711		Apr. 29, 1977
Illinois	Boone	Unincorporated areas	H 170807A 01 through H 170807A 21.	Chairman, County Board, County Courthouse, 521 North Main St., Belvidere, Ill. 61008.		Do.
Do	Jackson	Carbondale, city of	H 170298A 01 through H 170298A 04.	Mayor, P.O. Box 3067, Carbondale, Ill. 62901		May 3, 1974 Mar. 4, 1977
Louisiana	Washington Parish	Unincorporated areas	H 220230A 01 through H 220230 46.	Secretary-Treasurer, Washington Parish Police Jury, Courthouse Bldg., Franklinton, La. 74038.		Jan. 10, 1975 Mar. 4, 1977
Maine	Knox	Appleton, town of	H 230073A 01 through H 230073A 14.	Selectman, Town Hall, Appleton, Maine 04826		Aug. 2, 1974 Mar. 4, 1977
Do	Hancock	Cranberry Isles, town of	H 230278A 01 through H 230278A 06.	Chairman, Board of Selectmen, Cranberry Isles, Maine 04625.		Jan. 31, 1975 Mar. 4, 1977
Do	Franklin	Eustis, town of	H 230347A 01 through H 230347A 12.	Chairman, Planning Board, Stratton, Maine 04982		Dec. 13, 1974 Mar. 4, 1977
Do	Washington	Harrington, town of	H 230314A 01 through H 230314A 16.	Secretary, Planning Board, Town Hall, Harrington, Maine 04643.		Feb. 21, 1975 Mar. 4, 1977
Do	Waldo	Islesboro, town of	H 230256A 01 through H 230256A 25.	Local C.E.P. Director, P.O. Box 36, Islesboro, Maine 04848.		Apr. 4, 1974 Mar. 4, 1977
Do	Penobscot	Levant, town of	H 230012A 01 through H 230012A 10.	Selectman, Town Hall, Levant, Maine 04456		Apr. 29, 1977
Do	do	Plymouth, town of	H 230399A 01 through H 230399A 12.	Selectman, Town Hall, Box 35, Plymouth, Maine 04969		Do.
Do	Cumberland	Portland, city of	H 230051A 01 through H 230051A 19.	Director, City Planning, Portland, City Hall, 389 Congress St., Portland, Maine 04111.		Do.
Do	Somerset	Solon, town of	H 230371A 01 through H 230371A 12.	Selectman, Selectmans Office, Town of Solon, Solon, Maine 04979.		Apr. 18, 1975 Mar. 4, 1977
Massachusetts	Middlesex	Ashby, town of	H 250178A 01 through H 250178A 07.	Selectman, Town Hall, West Main St., Ashby, Mass. 01431		Apr. 29, 1977
Do	Plymouth	Carver, town of	H 250262A 01 through H 250262A 14.	Selectman, Main St., Carver, Mass. 02330		June 28, 1974 Mar. 4, 1977
Do	do	Middleborough, town of	H 250275A 01 through H 250275A 23.	Selectman, Town Hall, Nickerson Ave., Middleborough, Mass. 02346.		Nov. 1, 1974 Mar. 4, 1977
Do	Worcester	Millbury, town of	H 250318A 01 through H 250318A 06.	Administrative Assistant, Municipal Office Bldg., Millbury, Mass. 01527.		Feb. 22, 1974 Mar. 4, 1977
Do	Barnstable	Orleans, town of	H 250010A 01 through H 250010A 08.	Assistant Assessor, Town Hall, Orleans, Mass. 02653		May 31, 1974 Mar. 4, 1977
Do	Worcester	Sturbridge, town of	H 250337A 01 through H 250337A 14.	Selectman, Town Hall, Sturbridge, Mass. 01566		Sept. 13, 1974 Mar. 4, 1977
Do	do	Webster, town of	H 250343A 01 through H 250343A 06.	Selectman, Town Hall, Main St., Webster, Mass. 01570		July 19, 1974 Mar. 4, 1977

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
New Hampshire	Rockingham	Derry, town of	H 330128A 01 through H 330128A 14.	Town Engineer, Town Hall, 18 East Broadway, Derry, N.H. 03038.		Sept. 13, 1974 Mar. 4, 1977
Do	Grafton	Franconia, town of	H 330053A 01 through H 330053A 20.	Selectman, P.O. Box 246, Franconia, N.H. 03580.		Feb. 21, 1975 Mar. 4, 1977
Do	Belknap	Gilford, town of	H 330004A 01 through H 330004A 19.	Selectman, Gilford, N.H. 03246		Feb. 21, 1975 Mar. 4, 1977
Do	Cheshire	Gilsum, town of	H 330021A 01 through H 330021A 05.	Selectman, Town Hall, Gilsum, N.H. 03448		May 31, 1974 Mar. 4, 1977
Do	Hillsborough	New Boston, town of	H 330058A 01 through H 330058A 12.	Selectman, Town Hall, New Boston, N.H. 03070		June 28, 1974 Mar. 4, 1977
Do	Rockingham	Salem, town of	H 330142A 01 through H 330142A 16.	Selectman, Town Hall, Salem, N.H. 03079		Apr. 29, 1977
New Jersey	Camden	Berlin, township of	H 340126H 01 through H 340126H 02.	Mayor, Bate Ave., West Berlin, N.J. 08091		Apr. 16, 1976 June 7, 1974 Mar. 4, 1977
New York	Erie	Lancaster, village of	H 360248B 01	Mayor, Municipal Bldg., Lancaster, N.Y. 14086		May 14, 1976 Apr. 12, 1974 Mar. 4, 1977
Ohio	Morgan	Unincorporated areas	H 390120A 01 through H 390120A 20.	Chairman, County Commission, County Courthouse, McConnelsville, Ohio 43756.		Jan. 10, 1975 Mar. 4, 1977
Oregon	Lincoln	Lincoln City, city of	H 410130A 01 through H 410130A 03.	Mayor, City Hall, Lincoln, Oreg. 97367		Nov. 8, 1974 Mar. 4, 1977
Do	Wasco	"The Dalles" city of	H 410237A 01 through H 410237A 04.	Mayor, City Hall, The Dalles, Oreg. 97058		May 24, 1974 Mar. 4, 1977
Pennsylvania	Lycoming	Franklin, township of	H 420673A 01 through H 420673A 10.	Chairman, Township Hall, Muncy, Pa. 17756		July 19, 1974
Do	do	Plunketts Creek, township of	H 420655A 01 through H 420655A 20.	Chairman, Supervisors, Proctor Star Route, Williamsport, Pa. 17701.		May 3, 1974 Mar. 4, 1977
South Dakota	Brule	Chamberlain, city of	H 460161A 01	Mayor, Box 66, Chamberlain, S. Dak. 57325		June 25, 1976 Mar. 4, 1977
Texas	Tarrant	Benbrook, city of	H 480586A 01 through H 480586A 07.	Mayor, City Hall, 101 B Del Rio St., Benbrook, Tex. 76126.		May 3, 1974 Mar. 4, 1977
Do	do	Colleyville, town of	H 480590A 01 through H 480590A 09.	Town Secretary, Town Hall, 5201 Bransfords Rd., Colleyville, Tex. 67034.		May 10, 1974 Mar. 4, 1977
Do	Colorado	Weimar, city of	H 481121A 01 through H 481121A 02.	Mayor, 106 East Main St., Weimar, Tex. 78962.		Apr. 29, 1977
Utah	Box Elder	Deweyville, town of	H 490236A 01 through H 490236A 02.	Mayor, Town Hall, Deweyville, Utah 84309.		Do.
Vermont	Chittenden	Burlington, city of	H 500032A 01 through H 500032A 07.	Planning Director, City Hall, Burlington, Vt. 05401		July 19, 1974 Mar. 4, 1977
Do	Essex	Canaan, town of	H 500016A 01 through H 500016A 15.	Chairman, Planning Board, Box 128, Canaan, Vt. 05903		May 31, 1974 Mar. 4, 1977
Do	Rutland	Pawlet, town of	H 500007A 01 through H 500007A 12.	Planning Commission, Town Hall, Pawlet, Vt. 05761		June 28, 1974 Mar. 4, 1977
Do	do	Proctor, town of	H 500265A 01 through H 500265A 04.	Clerk, Town Hall, Proctor, Vt. 05765		May 31, 1974 Mar. 4, 1977
Do	Addison	Ripton, town of	H 500010A 01 through H 500010A 18.	Chairman, Selectman, Town Hall, Ripton, Vt. 05766		Jan. 17, 1975 Mar. 4, 1977
Do	Chittenden	Underhill, town of	H 500012A 01 through H 500012A 20.	Selectman, Town Hall, Underhill, Vt. 05489		May 31, 1974 Mar. 4, 1977
Do	do	Williston, town of	H 500013A 01 through H 500013A 12.	Selectman, RFD No. 2, Williston, Vt. 05595		Mar. 15, 1974 Mar. 4, 1977
Do	Windham	Wilmington, town of	H 500142A 01 through H 500142A 12.	Town Manager, Town of Wilmington, Wilmington, Vt. 05363.		May 31, 1974 Mar. 4, 1977
Washington	Douglas	East Wenatchee, city of	H 530038A 01 through H 530038A 02.	Mayor, Town Hall, Romaker Way, Wash. 98801		Apr. 29, 1977
Do	Walla Walla	Prescott, town of	H 530259A 01	Town Clerk, Town of Prescott, Prescott, Wash. 99348		July 18, 1975 Mar. 4, 1977
Wyoming	Crook	Sundance, town of	H 560017A 01 through H 560017A 02.	City Attorney, P.O. Box 456, Sundance, Wyo. 82729		May 17, 1974 Mar. 4, 1977
Alaska	Unorganized Borough.	Hooper Bay, city of	H 020108A 01 through H 020108A 02.	Mayor, City Hall, Hooper Bay, Alaska 99601		June 28, 1974 Mar. 11, 1977
Colorado	Larimer	Unincorporated areas	H 080101 0001A through H 080101 0029A.	Flood Plain Zoning Administrator, Larimer Co. Planning Department, Fort Collins, Colo. 80522.		Dec. 27, 1974 Mar. 11, 1977
Connecticut	New Haven	Ansonia, city of	H 090071A 01 through H 090071A 01.	City Engineer, City Hall, Ansonia, Conn. 06401		May 3, 1974 Mar. 11, 1977
Do	Windham	Woodstock, town of	H 090120A 01 through H 090120A 19.	Selectman, Town Hall, Woodstock, Conn. 06281		Sept. 20, 1974 Mar. 11, 1977
Florida	Broward	Coconut Creek, city	H 120031H 01 through H 120031B 04.	Mayor, 1071 Northwest 45th Ave., Coconut Creek, Fla. 33066.		Feb. 15, 1974 June 4, 1976
Do	Taylor	Perry, city of	H 120303H 01 through H 120303B 03.	Mayor, P.O. Drawer, 100, Perry, Fla. 32347		Mar. 15, 1974 June 4, 1976
Do	Bradford	Starke, city of	H 120017H 01 through H 120017B 02.	Mayor, City Hall, Starke, Fla. 32091		May 28, 1976 July 19, 1974 Mar. 11, 1977
Georgia	Stephens	Martin, town of	H 130302B 01 through H 130302B 02.	Mayor, Town Hall, Martin, Ga. 30557.		May 28, 1976 Apr. 4, 1975 Mar. 11, 1977
Do	Troup	Unincorporated areas	H 130105A 01 through H 130105A 34.	Chairman, County Commissioners, 118 Ridely Ave., La Grange, Ga. 30240.		May 6, 1977
Illinois	Tazewell	Creve Coeur, village of	H 170646H 01 through H 170646H 04.	Mayor, 101 North Thornerest Ave., Creve Coeur, Ill. 61611.		Mar. 1, 1974 Apr. 30, 1976
Do	Henry	Green Rock, city of	H 170285B 01	City Clerk, City Hall, Green Rock, Ill. 61241		Jan. 16, 1974 May 28, 1976
Do	Jersey	Jerseyville, city of	H 170315B 01 through H 170315B 02.	Mayor, 201 South Jefferson St., Jerseyville, Ill. 62052		June 7, 1974 June 4, 1976
Do	Moultrie	Lovington, city of	H 170833B 01	Mayor, Village Hall, Lovington, Ill. 61937		June 7, 1974 May 21, 1976
Indiana	Huntington	Andrews, town of	H 180097B 01	President, Town Board, 56 North Main St., Andrews, Ind. 46702.		June 7, 1974
Do	Greene	Bloomfield, town of	H 180316B 01	President, Town Board, Box 411, Bloomfield, Ind. 47424		Nov. 23, 1973
Do	Hendricks	Brownsburg, town of	H 180087H 01 through H 180087B 02.	Town Board President, 51 East Main St., Brownsburg, Ind. 46112.		Do. June 18, 1976
Do	Wayne	Cambridge City, town of	H 180281B 01	President, Town Board, North Foot St., Cambridge City, Ind. 47327.		Nov. 23, 1973
Iowa	Cherokee	Unincorporated areas	H 190851A 01 through H 190851A 35.	Chairman, Cherokee County, Courthouse, Board of Supervisors, Cherokee, Iowa 51012.		May 6, 1977
Kansas	Wyandotte	do	H 200562A 01 through H 200562A 15.	County Planner and Surveyor, Board of County Commissioners, 710 North 7th St., Wyandotte County Courthouse, Kansas City, Kans. 66101.		Do.
Louisiana	Washington	Bogalusa, city of	H 220232A 01 through H 220232A 06.	Mayor, City Hall, Bogalusa, La. 70427		Do.
Do	La Salle Parish	Unincorporated areas	H 220112A 01 through H 220112A 49.	Secretary/Treasurer Police Jury, La Salle Parish Police Jury, P.O. Box 56, Jena, La. 71342.		Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Maine	Cumberland	Naples, town of	H 230050A 01 through H 230050A 14.	Chairman, Planning board, Route 35, Naples, Maine 04055.		Aug. 9, 1974 Mar. 11, 1977
Do.	do.	Sebago, town of	H 230206A 01 through H 230206A 15.	Chairman, Board of Selectman, P.O. Box 73, East Sebago, Maine 04029.		Jan. 17, 1975 Mar. 11, 1977
Do.	Androscoggin	Turner, town of	H 230010A 01 through H 230010A 21.	Planning Board, Turner, Maine 04282		July 26, 1974 Mar. 11, 1977
Massachusetts	Berkshire	Otis, town of	H 250035A 01 through H 250035A 13.	Selectman, Town Hall, Otis, Massachusetts 01253		Sept. 20, 1974 Mar. 11, 1977
Michigan	Ionia	Saranac, village of	H 260421A 01	Village President, 8 Bridge St., Saranac, Mich. 48881		July 11, 1975 Mar. 11, 1977
Minnesota	Scott	Shakopee, city of	H 270434B 01 through H 270434B 10.	Clerk Administrator, 129 East 1st Ave., Shakopee, Minn. 55379.		May 28, 1976 June 7, 1974 Mar. 11, 1977
New Hampshire	Rockingham	Exeter, town of	H 330130A 01 through H 330130A 09.	Selectman, Town Hall, Exeter, N.H. 03833		Sept. 20, 1974 Mar. 11, 1977
Do.	Grafton	Lincoln, town of	H 330062A 01 through H 330062A 20.	Selectman, Town Hall, Lincoln, N.H. 03251		Feb. 21, 1975 Mar. 11, 1977
Do.	do.	Rumney, town of	H 330073A 01 through H 330073A 13.	Selectman, Town Hall, Rumney, N.H. 03266		Mar. 15, 1974 Mar. 11, 1977
Do.	do.	Warren, town of	H 330168A 01 through H 330168A 18.	Selectman, Town Hall, Warren, N.H. 03279		Sept. 13, 1974 Mar. 11, 1977
New York	Madison	Wampsville, village of	H 361485A 01	Mayor, Village Hall, 105 Frier Lane, Box 165, Wampsville, N.Y. 13163.		Jan. 17, 1975 Mar. 11, 1977
Pennsylvania	York	Goldsboro, borough of	H 420925B 01 through H 420925B 02.	Mayor, Borough Bldg., Etters, Pa. 17319		June 11, 1976 Dec. 28, 1973 Mar. 11, 1977
Do.	Lehigh	Upper Macungie, township of	H 421044B 01 through H 421044B 08.	Township Engineer, F. & M. Associates Inc., 1132 Hamilton St., Upper Macungie, Pa. (No ZIP code.)		Nov. 26, 1976 Mar. 11, 1977
Do.	Franklin	Washington, township of	H 421658B 01 through H 421658B 06.	Chairman, Route 3, Welty Rd., Waynesboro, Pa. 17268		Sept. 6, 1974 July 2, 1976
Tennessee	Benton	Camden, city of	H 470010B 01 through H 470010B 07.	Mayor, P.O. Box 448, Camden, Tenn. 38320		June 14, 1974 Oct. 1, 1976
Do.	Meigs	Decatur, city of	H 470134A 01 through H 470134A 04.	Mayor, P.O. Box 83, Decatur, Tenn. 37322		June 14, 1974
Texas	Liberty	North Cleveland, city of	H 481083A 01	Mayor, City Hall, Cold Spring Rd., Cleveland, Tex. 77327.		May 6, 1977
Do.	Freestone and Navarro.	Streetman, town of	H 480825A 01 through H 480825A 02.	Mayor, Main St., Streetman, Tex. 75859		Do.
Utah	Weber	North Ogden, city of	H 490214A 01 through H 490214A 07.	Mayor, City Hall, 505 East 2600 North, North Ogden, Utah 84404.		Do.
Virginia	Appomattox	Appomattox, town of	H 510194A 01	Mayor, P.O. Box 705, Appomattox, Va. 24522		Do.
West Virginia	Wayne and Cabell.	Huntington, city of	H 540018A 01 through H 540018A 06.	Mayor, P.O. Box 1659, Huntington, W. Va. 25717		Do.
Do.	Hampshire	Romney, town of	H 540276A 01 through H 540276A 02.	Mayor, 260 School St., Romney, W. Va. 26757		Do.
Wisconsin	Calumet	Brillion, city of	H 550036B 01	Office Clerk, City Hall, Brillion, Wis. 54110		Apr. 4, 1975 Mar. 8, 1974 Mar. 11, 1977
Do.	Washington	Kewaskum, village of	H 550474B 01	Village President, 204 1st St., Kewaskum, Wis. 53040		Apr. 23, 1976 Dec. 28, 1973 Mar. 11, 1977

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969) (42 U.S.C. 4001-4127); Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969.)

Issued: February 28, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-10744 Filed 4-13-77;8:45 am]

federal register

THURSDAY, APRIL 14, 1977
PART III



DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

■

EMERGENCY DROUGHT ACT OF 1977

1976-77 Drought Loan, Grant and Deferment Provisions

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Title 43—Public Lands: Interior

CHAPTER I—BUREAU OF RECLAMATION, DEPARTMENT OF THE INTERIOR

PART 423—1976–77 DROUGHT LOANS, GRANTS, AND DEFERMENTS

Rules for Emergency Loans, Grants, and Deferments Under the Emergency Drought Act of 1977

AGENCY: Bureau of Reclamation, Interior.

ACTION: Final rules.

SUMMARY: These rules provide guidelines on the implementation of the Bureau of Reclamation Emergency Drought Act of 1977, approved April 7, 1977, allowing qualified applicants to obtain loans, grants, and deferments to remedy the effects of actual or prospective substantial economic injury resulting from the 1976–77 drought. Areas eligible for assistance may be designated by the President or the Secretary of the Interior. The program includes short-term actions to increase water supplies; makes funds available for loans to repair, replace, or improve affected water supply facilities in such areas; and provides authority to establish a water bank of available water for redistribution.

DATES: These rules are effective on April 14, 1977, and expire on September 30, 1977. Public comments on these rules may be submitted for consideration in future modifications or corrections.

FOR FURTHER INFORMATION CONTACT:

Eugene Hinds, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, 202–343–5104.

SUPPLEMENTARY INFORMATION: Legislation to provide temporary authorities to the Secretary of the Interior to facilitate emergency actions to mitigate the impacts of the 1976–77 drought was enacted by the Congress and signed by President Carter on April 7, 1977. The legislation provides the authority to appropriate $100 million to augment, utilize, and conserve water supplies for irrigation farming operations on projects constructed or funded under Reclamation law, Indian irrigation projects constructed by the Secretary, and irrigation projects financed with non-Federal funds. Certain fish and wildlife activities are also covered. The objective is to mitigate losses and damages due to the 1976–77 drought period.

The funds will be used to (a) establish a water bank to assist water users to purchase water from willing sellers, including producers of lower value annual crops, and to redistribute such available water supplies for the maintenance of higher value perennial crops, crops to support foundation dairy and beef cattle herds and other breeding stock; and other uses as appropriate; (b) to augment water supplies in 1977 by permitting water user organizations to undertake construction; develop wells; build pipelines; pump water from dead pool storage, rivers, streams, and drains; and other activities to alleviate the impact of the drought; (c) to conduct studies to identify opportunities to augment, utilize, or conserve water supplies and evaluate potential facilities to mitigate the effect of a recurrence of the current emergency and make recommendations to the President and the Congress. The Secretary's authority under the Emergency Fund Act of June 26, 1948, is broadened to cover actions required because of the 1976–77 drought and to allow projects financed with non-Federal funds to obtain reimbursable loans from the expanded Emergency Fund for drought measures. However, the funds for non-Federal projects are limited to 15 percent of the available funds, and not more than $1 million may be expended for any individual non-Federal contracting entity.

During fiscal year 1977, a State water resource organization may obtain emergency funds up to $1 million in a given State for its drought emergency programs that provide benefits of a widespread and diffuse nature, but the total for this program is limited to 5 percent of the available funds. Expenditures for those State programs are nonreimbursable.

Funds are authorized up to $10 million on a nonreimbursable basis to purchase or to acquire entitlement to water from any available source to mitigate damages to fish and wildlife resources caused by drought.

The Department of the Interior has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and Office of Management and Budget (OMB) Circular A–107.

It is hereby determined that publication of this proposed rulemaking is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(c)) is required.

Under authority of Pub. L. 95–18, it is proposed to amend Subtitle B, Chapter I, Title 43 of the Code of Federal Regulations by adding a new Part 423, Subpart A, as set forth below.

Subpart A—Emergency Drought Act Policies, Procedures, and Authorizations

Sec.
423.1 General.
423.2 Objectives.
423.3 Applicant eligibility.
423.4 Definitions.
423.5 Creation of the water bank.
423.6 Water bank operation for acquisition and priority for redistribution of available water.
423.7 Purpose of loans pursuant to the Act.
423.8 Application process for water bank loans.
423.9 Loans (terms and conditions).

DEFERMENT OF EXISTING PAYMENTS

423.10 Deferment of 1977 payments.
423.11 Eligibility.
423.12 Application process for deferment actions.
423.13 Deferment contracts.

PROGRAMS PURSUANT TO EMERGENCY FUND ACT OF 1948

Sec.
423.14 Authority.
423.15 Eligibility.
423.16 Application process for programs pursuant to the Emergency Act of 1948.
423.17 Terms and conditions for reimbursable funds.
423.18 Procedures for State water resources agencies to obtain nonreimbursable funds.
423.19 Fish and wildlife mitigation procedures.
423.20 Studies and reporting requirements.
423.21 Disclaimer.

AUTHORITY: Pub. L. 95–18.

Subpart A—Emergency Drought Act Policies, Procedures, and Authorizations

§ 423.1 General.

This Subpart A of Part 423 prescribes the policies, procedures, and authorizations of the Bureau of Reclamation for making loans and grants to contracting entities, water districts and other entities, and deferring payments owed to the United States under existing repayment contracts pursuant to the Emergency Drought Act of 1977.

§ 423.2 Objectives.

The basic objective of emergency loans and deferment actions is to provide financial assistance to eligible contracting entities and agricultural operators to purchase water; drill wells; install pumps in wells, drains, lakes, and streams; build diversion structures for providing additional water; install water conservation measures such as replacing open ditches with pipes; line canals and laterals; install water measuring devices; implement improved system operations and irrigation practices; acquire and transport water; defer installment payments on construction and/or operation and maintenance costs owed to the United States by existing contracting entities for 1977 because of hardship conditions created by the drought; and all other appropriate actions to alleviate the effects of the drought.

§ 423.3 Applicant eligibility.

Applicants eligible for loans and/or deferments are contracting entities which are located in an area that has been determined by the President and/or the Secretary of the Interior to be an emergency drought impact area. (Loans requested by individuals shall be processed under existing authority of the Department of Agriculture.)

(a) On projects constructed or funded under Reclamation law;

(b) On Indian irrigation projects constructed by the Secretary (rules and regulations pertaining to Indian irrigation projects will be issued separately); and

(c) Irrigation projects financed with non-Federal funds.

§ 423.4 Definitions.

(a) Act—Emergency Drought Act of 1977.

(b) Contracting Entity—(1) an organization that distributes water on projects constructed or funded under Reclamation law, (2) Indian irrigation projects constructed by the Secretary, (3) Non-Federal water using entity organized pursuant to State laws and as determined by the Bureau of Reclamation to be acceptable.

(c) Commissioner—The Commissioner of the Bureau of Reclamation.

(d) Drought—The 1976–77 drought.

(e) Reclamation—Bureau of Reclamation.

(f) Secretary—The Secretary of the Interior.

(g) Solicitor—Field or Regional Solicitor of the Department of the Interior.

(h) Water Bank—The program established by the act to finance purchases, sales, and redistribution of water.

§ 423.5 Creation of the water bank.

Pursuant to the act, the Secretary or his designees will consult with the Department of Agriculture, universities, and other parties as appropriate to determine equitable water values. The Secretary may purchase, sell, and redistribute water which will be needed. The Secretary may authorize the Commissioner to establish water banks in each eligible district. The Secretary shall authorize the Commissioner to determine who shall receive the water, loans, and deferments under these rules.

§ 423.6 Water bank operation for acquisition and priority for redistribution of available water.

(a) Funds available to the Secretary under the act may be used for loans to purchase water or entitlement to water and redistribute such water acquired for the water bank. Prices paid for water by the district or the Secretary can be negotiated; however, such sales and purchases are not to allow undue benefit or profit to the seller. Any purchased water is to be sold at a price to cover actual expenditures involved in acquiring and redistributing the water. The negotiated purchase price of the water may be determined by one or a combination of the following:

(1) Enterprise analysis showing net income adjusted for fixed and variable costs already incurred and associated variable costs or expenses foregone.

(2) A reasonable percentage of average gross crop values (3- to 5-year historic averages from annual Reclamation crop reports or other comparable census data).

(3) A reasonable return on investment plus fixed costs.

(4) Any other reasonable evaluation process or technique for an equitable measurement of the price of water which will not allow undue benefit or profit to the seller.

(b) Priority in allocating water for redistribution will be for use in the following order: (1) Preserving orchards and other perennial crops that have the longest remaining productive life, (2) Irrigating alfalfa or other forage or grain crops to support foundation dairy and beef cattle herds and other breeding stock; and (3) Achieving crop maturity suitable for harvest if determined to be in the best interests of the contracting entity and the United States.

§ 423.7 Purpose of loans pursuant to the Act.

Any contracting entities located in a designated drought area may be eligible to obtain loans for the following:

(a) *Purchase and redistribution of water.* (1) For uses in the order designated in § 423.6(b) above. (2) For any other need determined by the Secretary to alleviate conditions of the drought.

(b) *Facilities.* (1) The Secretary is authorized to make loans to water user organizations or contracting entities for such activities as the drilling of wells; installing pumps in wells, drains, lakes, and streams; building diversion structures for providing additional water; installing water measuring devices; implementing improved system operations and irrigation practices; acquiring and transporting water; and other appropriate actions to alleviate the effects of the drought. However, such facilities must be capable of providing the most effective emergency relief with the least capable investment. Any of the above work programs may be accomplished by the contracting entity or by Reclamation.

§ 423.8 Application process for water bank loans.

(a) To the extent that this program is presently covered by the requirements of OMB Circular No. A–95, the procedure for drought assistance is as follows: Copies of the application will be sent to the State and areawide clearinghouses at the same time they are submitted to the funding agency. The applicant will also notify the clearinghouses that, because of the short time restrictions, any comments will have to be made almost immediately and addressed to the funding agency. If comments or objections from clearinghouses are not received prior to completion of application processing, they will not be considered.

(b) The application for a loan to obtain water or facilities pursuant to § 423.7(a) or § 423.7(b) shall be submitted to the appropriate Regional Director of the Bureau of Reclamation (addresses shown below).

Regions	*Mailing Address*
Pacific Northwest, Regional Director, Bureau of Reclamation, Federal Building 550 West Fort Street, Boise, Idaho.	Federal Building and U.S. Court House, 550 West Fort Street, Box 043, Boise, Idaho 83724.
Mid-Pacific, Regional Director, Bureau of Reclamation, Federal Office Building, 2800 Cottage Way, Sacramento, California.	Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.
Lower Colorado, Regional Director, Bureau of Reclamation, Nevada Highway and Park Street, Boulder City, Nevada.	P.O. Box 427, Boulder City, Nevada 89005.
Upper Colorado, Regional Director, Bureau of Reclamation, 125 South State Street, Salt Lake City, Utah.	P.O. Box 11568, Salt Lake City, Utah 84147.
Southwest, Regional Director, Bureau of Reclamation, Herring Plaza, 317 East Third Street, Amarillo, Texas.	Herring Plaza, Box H–4377, Amarillo, Texas 79101.
Upper Missouri, Regional Director, Bureau of Reclamation, Federal Office Building, 316 North 26th Street, Billings, Montana.	P.O. Box 2553, Billings, Montana 59103.
Lower Missouri, Regional Director, Bureau of Reclamation, Building 20, Denver Federal Center, Denver Colorado.	Denver Federal Center, P.O. Box 25247, Denver, Colorado 80225.

The application shall include appropriate information as follows:

(1) Identification of contracting entity with name, address, telephone number, and title of the appropriate official.

(2) Identification of water conservation plan or plans, quantities of water involved, orchard or other perennial crops and/or crops for foundation livestock uses, purchase and sales price criteria, and other relevant data on water uses and expected results.

(3) Identification of plans to construct or install facilities showing the starting date, the expected completion date, and estimated cost.

(4) Relevant financial data, records, or statements which demonstrate or support the ability to repay the loans and the need for financial assistance.

(5) A statement or resolution setting forth the commitment and the expected time required to repay the loan covered by the application.

(6) Evidence that applicable State water laws and/or other water right entitlements have been complied with.

(c) Applications must be postmarked no later than June 1, 1977, to ensure eligibility under the initial allocation of funds. Applications postmarked after June 1, 1977, will be considered within remaining fund availability.

§ 423.9 Loans (terms and conditions).

(a) *Purchase and redistribution of water.* (1) Federal financial assistance for the purchase of water or entitlement to water pursuant to § 423.7(a) will be handled through interest-free loans with repayment by the contracting entity over a period not to exceed 5 years. The contracting entity will arrange for purchase of available water for high priority agricultural uses with Federal assistance in locating sources of water and allocating supplies as identified in § 423.6(b). As an alternative, Reclamation may purchase available water and allocate and sell it to contracting entities.

(b) *Facilities.* (1) Any facilities obtained or constructed must be installed and operational on or before November 30, 1977.

(2) Federal financial assistance for facilities pursuant to § 423.7(b) will be handled through interest-free loans.

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The loans will be repaid in annual installments without interest within 5 years unless otherwise determined by the Secretary or his designee. Such payments shall begin not later than the first year following the next year of normal water supply, as determined by the Commissioner.

(3) In the event facilities provided pursuant to § 423.7(b) generate benefits which are useable beyond 1977, the repayment period for such items may be established beyond 5 years beginning not later than the first year following the next year of normal water supply, as determined by the Commissioner; however, such repayment period shall be based on the payment capacity of the water users, or the estimated useful life of the facilities whichever produces a shorter repayment period.

(4) Operating costs associated with pumping water from ground water aquifers, dead pool storage, rivers, streams, and other sources, may be capitalized and included in the loan with the contracting entity if such costs would be in excess of the contracting entity's reasonable ability to pay such operation and maintenance costs as they occur.

(c) *Repayment contracts.* (1) Contracts for repayment of any loan will be developed separately and apart from any existing repayment and/or water service contracts between the United States and a given contracting entity. The contract will cover the terms and conditions for repayment specified above and will be approved by the appropriate Regional Director of Reclamation in behalf of the Secretary following review and certification of the contract's legal sufficiency by the Solicitor.

DEFERMENT OF EXISTING PAYMENTS

§ 423.10 Deferment of 1977 payments.

The Secretary or his designee shall have authority to defer payments for construction installments and/or operation and maintenance costs owed to the United States for 1977 by existing contracting entities upon their showing of hardship conditions related to the drought in an area.

§ 423.11 Eligibility.

Eligibility of the contracting entities within the designated drought areas for projects constructed or funded under Reclamation law will be determined on a case-by-case basis. The entity's ability to pay the 1977 payment or payments will be considered based upon a showing of hardship relating to the drought.

§ 423.12 Application process for deferment actions.

(a) The application must be processed as provided by § 423.8(a).

(b) The application for a deferment action pursuant to this section shall include appropriate information as follows:

(1) Identification of the contracting entity with name, address, telephone number, and title of the appropriate official.

(2) Amount of 1977 payment or payments to be deferred.

(3) Justification for the needed deferment because of drought related conditions.

(4) Relevant financial data, records, or statements which demonstrate or support the need for financial assistance.

(5) A statement or resolution setting forth the need for the deferment and the commitment to repay the deferment covered by the application.

(6) Other relevant and supporting data or justification.

§ 423.13 Deferment contracts.

(a) Construction installments and/or operation and maintenance costs owed to the United States for 1977 by existing contracting entities may be deferred upon a showing of hardship conditions relating to the drought. Such deferment action will be documented and a contract will be written using the following standards:

(1) Beneficiaries who receive the relief generally will repay the deferment. Any deferred payment or payments shall be rescheduled for repayment in annual installments, along with existing payments, as soon as practicable, within the water users' payment capacity. The initial payment for the deferred amount shall begin not later than the first year following the next year of normal water supply, as determined by the Commissioner. Such deferred payments may be added to the end of the repayment period if necessary to stay within payment capacity.

(2) Any interest bearing costs that are deferred will be added to the capital obligation and will bear interest at the authorized rate for project repayment during the time the deferred amount is outstanding.

(3) Provisions will be included for the contracting entity to repay the deferred installment earlier than the negotiated time period.

(4) Such contracts meeting the above criteria will be approved by the appropriate Regional Director of Reclamation in behalf of the Secretary following review and certification of the legal sufficiency of each contract by the Solicitor.

(b) The contract form will be simplified to the extent practicable but will properly reference existing contracts, amendments, or supplements. No new terms and conditions will be added except those required to repay the deferred amount and each contract will be negotiated based on the foregoing criteria.

PROGRAMS PURSUANT TO EMERGENCY FUND ACT OF 1948

§ 423.14 Authority.

The Secretary is authorized for this drought period to expend funds allocated by the act and any other appropriations that deal with the drought through the Emergency Fund Act of 1948. The authority granted by the act shall cease on September 30, 1977.

§ 423.15 Eligibility.

Applicants eligible for loans under this section shall be those designated in § 423.3(a), and as determined by the Commissioner to be able to repay the loan: *Provided, however,* That each nonfederally funded project may not borrow more than $1 million and only 15 per centum of the total funds available may be used for non-federally funded projects.

§ 423.16 Application process for programs pursuant to the Emergency Act of 1948.

The application must be processed as provided by § 423.8.

§ 423.17 Terms and conditions for reimbursable funds.

(a) Emergency Fund requests will be reviewed on a first-come-first-served basis and disbursement will be made based on need as determined by the Secretary or his designee. Each reimbursable proposal must meet engineering and repayment capability.

(b) A contracting entity must be suitable to the United States. By appropriate resolution, the contracting entity must agree to enter into a repayment contract covering the costs of emergency work.

(1) Standard Bureau of Reclamation contract terms and conditions will apply. The 160-acre limitation will not be applicable for those projects not previously constructed with Federal funds.

(2) All costs shall be repaid without interest in accordance with § 423.9(b) above.

§ 423.18 Procedures for State water resources agencies to obtain nonreimbursable funds.

(a) Nonreimbursable funds may be expended through State water resources agencies as designated by the Governor for drought emergency programs that provide benefits of a widespread and diffused nature, provided not more than $1 million may be expended on behalf of any one State.

(b) The application must be processed as provided by § 423.8(a), and must be received by June 1, 1977, in order to be considered in the initial allocation of funds. The need for action must be attributable to the drought and the proposal must be a project consisting of physical structures or facilities or other conservation measures to alleviate the effects of the drought.

(c) The application for the nonreimbursable funds pursuant to this section shall include appropriate information as follows:

(1) Identification of the State Water Resource Agency or designee of the Governor with name, address, telephone number, title of the appropriate official.

(2) Identification of the plan or plans for the program, estimated costs, and schedule showing the estimated starting and completion dates for construction or installation of facilities.

(3) Compliance with all applicable State water laws and/or other water right entitlements is required.

(4) Proposed work program and supporting statements must demonstrate that the completed project will provide widespread and diffuse benefits in accordance with the act.

§ 423.19 Fish and wildlife mitigation procedures.

(a) Nonreimbursable funds up to $10 million may be expended by the Secretary to purchase or otherwise acquire available water or entitlement to water to mitigate damage to fish and wildlife resources caused by the drought.

(b) The application must be processed as provided by § 423.8(a), and must be received by June 1, 1977, in order to be considered in the initial allocation of funds. The need for action must be attributable to the drought. Regional Directors of Reclamation shall submit any such applications they receive to the Commissioner with recommendations for consideration and approval.

(c) The application for the nonreimbursable funds pursuant to this section shall include appropriate information as follows:

(1) Identification of the appropriate State or Federal agency representing the fish and wildlife resources, including name, address, telephone number, and title of the contact official.

(2) Identification of the water acquisition plan, level and extent of coordination with State and local officials, the holders of the water rights and their willingness to sell, quantities of water involved, justification of the reasonableness of the purchase price, compliance with applicable State water laws, and other relevant information.

§ 423.20 Studies and reporting requirements.

(a) Reclamation is authorized to perform studies to identify opportunities to augment, utilize, or conserve water supplies available to Federal Reclamation projects constructed by the Secretary. Reclamation will undertake studies of means to mitigate the effects of a recurrence of the current emergency and to make recommendations to the President and to the Congress evaluating potential undertakings including but not limited to drilling wells, installing pumping plants, lining canals, replacing open ditches with pipelines, making alterations to outlet works of existing impoundments, and other actions as appropriate. Study proposals may be submitted to the appropriate Regional Director by local interests at their own expense. Such studies and evaluations will be coordinated for input from other Federal and State agencies as appropriate.

(b) A detailed report on expenditures and accomplishments under the act will be prepared and submitted to the President and the Congress on or before March 1, 1978.

§ 423.21 Disclaimer.

Actions taken or water used pursuant to the legislation do not modify, alter, or otherwise affect existing Federal, Indian, State, local entity, and/or other authorities and rights to use water, nor is there any intent to modify interstate compacts.

Dated: April 12, 1977.

CECIL D. ANDRUS,
Secretary of the Interior.

[FR Doc.77-11075 Filed 4-13-77;8:45 am]

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federal register

THURSDAY, APRIL 14, 1977
PART IV



FEDERAL ELECTION COMMISSION

■

PUBLIC RECORDS

Candidate and Committee Index of Filers
(January 1, 1975 through
December 31, 1976)

V42 72 APR 14 77 UMI

FEDERAL ELECTION COMMISSION

[Notice 1977-20]

PUBLIC RECORDS

Candidate and Committee Index of Filers

The Federal Election Commission today publishes an index to candidates, committees and individuals who have filed campaign finance reports under the Federal Election Campaign Act Amended. This index includes filers submitting reports between January 1, 1975 and December 31, 1976.

The Federal Election Commission is required by 2 U.S.C. Section 438(a)(6) "to compile and maintain a cumulative index of reports and statements filed with it, which shall be published in the FEDERAL REGISTER at regular intervals and which shall be available for purchase directly or by mail for a reasonable price." This index is published to meet that requirement. Additional copies are available from the Commission for $.25 per copy.

Dated: April 6, 1977.

VERNON W. THOMSON,
Chairman for the Federal Election Commission.

CANDIDATE AND COMMITTEE INDEX OF FILERS
(January 1, 1975 through December 31, 1976)

Purpose of the Index

All campaign finance reports filed under the requirements of the Federal Election Campaign Act, as amended, are on file in the Public Records Office of the Federal Election Commission in Washington, D.C., and the Commission encourages the greatest possible use of these documents.[1] Since reports filed after January 1, 1975 now represent over 9,000 filers and over a million pages of documents, this index has been prepared as a reference to those candidates and committees from whom the FEC has received reports, and a guide to obtaining and using the reports.

Contents of Reports

Campaign finance reports on file with the FEC itemize the financial activity of Federal candidates and political committees, and are filed on a quarterly, monthly, and pre/post election basis. For general reference, each report also includes a summary page for the period covered, listing amounts of total receipts, total expenditures, cash on hand, debts owed, and other breakdowns.

How to Review Reports

All reports filed with the FEC are available for inspection and copying at Commission headquarters:

Public Records
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Hours: 9 AM to 5:30 PM
Monday through Friday
Telephone: (202) 523-4181
Toll Free Number: 800-424-9530

The Commission has available reference tables, ample work space, and knowledgeable staff to help locate documents. Since review may involve numerous reports with many pages, the Public Records staff is available to help narrow the scope of the review down to a size that can be handled.

How to Order Reports

Copies of all statements and reports on file with the Federal Election Commission can be ordered for $.10 per page either by writing, visiting, or calling the Public Records Office at the Commission. All or part of a report may be photocopied. Persons requesting reports through the mail should identify the name of the candidate or committee and the period of time covered by the report.

If an order requires more than one half hour of Commission staff time, there will be a charge of $2.50 for each following half hour. Authentication with the Commission Seal may also be obtained for a fee of $2.00 per document. The Public Records Division staff is always available to assist persons in understanding the quantity of pages and cost involved in any order. Full payment in advance is required, and checks should be made payable to the "U.S. Treasurer."

Restrictions

Reports are made available for public inspection and copying ". . . Provided, That any information copied from such reports and statements shall not be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose." (2 U.S.C. Section 438(a)(4))

PARA PERSONA DE HABLAR ESPANOL

Si usted tiene dificultades en entender el indice, escriba a Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463.

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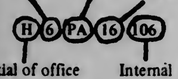
1 Reports on campaigns for the U.S. House of Representatives and the U.S. Senate may also be reviewed at the office of the Clerk of the House and the Secretary of the Senate, respectively. In addition, they should also be on file with the candidate's own Secretary of State.

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GUIDE TO USE OF THIS INDEX

Candidate Index

Identification Number	Name	City	State	Office Sought
Last digit of election yr. State District (House Candidates)	Candidates' names listed alphabetically	Residence		House, Senate or Presidential



Initial of office sought — Internal FEC use

Committee Index

Identification	Name	City	State	Type of Committee
Internal FEC use	Committee names listed alphabetically	Location of committee		Indicates whether committee is related to a Presidential, House or Senate campaign; others indicate whether party or non-party related; also includes some independent expenditors and delegates.

CANDIDATE INDEX OF FILERS

CANDIDATE CROSS INDEX - (A)

IDENTIFICATION	NAME			
H6PA16106	ABMODY, NORMAN O.	COATESVILLE,	PA	HOUSE
P60000114	ABBOTT, CONRAD M.	SUNDERLAND	MA	PRESIDENT
H6SD02026	ABNOR, JAMES	WASHINGTON	DC	HOUSE
H6AL05137	ABERCROMBIE, ALVIN L	MARYSELLE	AL	HOUSE
H6GA05134	ABERNATHY, RALPH DAVID	ATLANTA	GA	HOUSE
H6OR01043	ABEYTA, RAFEL CIODIO	PORTLAND	OR	HOUSE
S2SD00019	ABOUREZK, JAMES	WASHINGTON	DC	SENATE
H6MD02013	ABRAMS, ROSALIE SILBER	BALTIMORE	MD	HOUSE
S4NY00037	ABZUG, BELLA S.	NEW YORK	NY	SENATE
H6NY20027	ABZUG, BELLA S.	NEW YORK	NY	HOUSE
H6IN01056	ACANOVIC, MIRKO	EAST CHICAGO	IN	HOUSE
H6NY11018	ACEP, CHRISTOPHER T.	HOWARD BEACH	NY	HOUSE
H6FL13023	ACKERMAN, MR. EMANUEL C.	MIAMI	FL	HOUSE
H6GA08096	ADAMS, BILLIE	MACON	GA	HOUSE
H6WA07029	ADAMS, BROCK	SEATTLE	WA	HOUSE
S6WA00032	ADAMS, BROCK	SEATTLE	WA	SENATE
H6IA02013	ADAMS, CLARENCE JOHN	DUBUQUE	IA	HOUSE
H6FL11043	ADAMS, CLYDE DILLARD	LAKE PARK	FL	HOUSE
H6NJ15071	ADAMS, DENNIS F.	EDISON	NJ	HOUSE
H6NE01077	ADAMS, JOHN	EXETER	NE	HOUSE
H6NH01081	ADAMS, JOHN	EXETOR	NH	HOUSE
P60002561	ADAMS, JOSEPH COCKRELL JR.	NASHVILLE	TN	PRESIDENT
H6GA08054	ADAMS, MR. J. W. III	MACON	GA	HOUSE
H6TN05025	ADAMS, ROBIN	NASHVILLE	TN	HOUSE
S4FL00066	ADAMS, TIM	ORLANDO	FL	SENATE
H6CT05041	ADANTI, MR. MICHAEL J.	ANSONIA	CT	HOUSE
H6NY07024	ADDARBO, JOSEPH P.	OZONE PARK	NY	HOUSE
H6KS01047	ADDINGTON, BILL	ELKHART	KS	HOUSE
H6MI06013	ADELMAN, LYNN S.	SHOREWOOD	MI	HOUSE
H6CA37016	ADKINS, CLODEON	MEMET	CA	HOUSE
H6KY07042	ADKINS, MR. RAY	WHITESBURG	KY	HOUSE
H6MO09124	AFSHARI, JOSEPH P.	FLORISSANT	MO	HOUSE
P60000122	AHERN, FRANK	NEW ORLEANS	LA	PRESIDENT
H6MI11076	AHO, EDWARD WILLIAM	MASLETT	MI	HOUSE
H6TX21012	AINSWORTH, PATRICK M	KINGSLAND	TX	HOUSE
H6NJ08043	AIRES, MS. FRANCES	CLIFTON	NJ	HOUSE
H6HI02046	AKAKA, MR. DANIEL K.	HONOLULU	HI	HOUSE
S6MO00090	ALBAUGH, WILLIAM A.	MT. RAMIER	MO	SENATE
H6OK03025	ALBERT, CARL	MC ALESTER	OK	HOUSE
S6MI00186	ALBERT, THEODORE O.	IRONWOOD	MI	SENATE
H6CA23057	ALBERTSON, MR. WALLACE T.	LOS ANGELES	CA	HOUSE
H6MI10045	ALBOSTA, DONALD JOSEPH	ST. CHARLES	MI	HOUSE
H6NY03098	ALDEA, STEVEN "STUART" GEORGE	SYOSSET	NY	HOUSE
P60002706	ALDEA, STEVEN GEORGE	SYOSSET	NY	PRESIDENT
H6NY29077	ALDRICH, ALEXANDER	SARATOGA SPRINGS	NY	HOUSE
H6AZ03078	ALDRIDGE, MR. DONALD RAY	LAKE HAVASU	AZ	HOUSE
H6OH14024	ALEWITZ, MR. MEYER	CLEVELAND	OH	HOUSE
H6AR01023	ALEXANDER, BILL	JONESBORO	AR	HOUSE
S4NY00040	ALEXANDER, LEE	SYRACUSE	NY	SENATE
H6GA02032	ALEXANDER, MR. HERBERT	THOMASVILLE	GA	HOUSE
H6TX11039	ALEXANDER, STEVE S.	WACO	TX	HOUSE
H6TN08052	ALISSANDRATOS, A.O.	MEMPHIS	TN	HOUSE
H6TN05041	ALLEN, CLIFFORD	NASHVILLE	TN	HOUSE
H6MI09013	ALLEN, CONNIE	DETROIT	MI	HOUSE
H6LA05010	ALLEN, FRANK TUNNEY	MONROE	LA	HOUSE
S4AL00018	ALLEN, JAMES B.	WASHINGTON	DC	SENATE
H6PA04012	ALLEN, WILLIAM H.	FEASTERVILLE	PA	HOUSE
H6CA37024	ALLENTHORP, ROBERT J.	SUGARLOAF	CA	HOUSE
H6CA08017	ALLER, CURTIS C.	BERKELEY	CA	HOUSE
H6TX40016	ALLISON, JAMES BURNEY	COOPER	TX	HOUSE
H6PA01041	ALLMAN, ROBERT O.	PHILADELPHIA	PA	HOUSE
H6IL03015	ALLRED, GLEN JOHN	CALUMET CITY	IL	HOUSE
H6CA02003	ALLRED, MR. ROBERT B.	SANTA ROSA	CA	HOUSE
H6NJ14017	ALSTON, JOHN A.	JERSEY CITY	NJ	HOUSE
H6CA23065	ALTMAN, MR. MARTIN M.	ENCINO	CA	HOUSE
H6WA05056	ALTON, DUANE	SPOKANE	WA	HOUSE
H6MO03037	AMAIMO, MORGAN L.	BALTIMORE	MO	HOUSE
H6NJ06054	AMBER, MR. RICHARD D.	MT. MOLLY	NJ	HOUSE
H6NY03023	AMBRO, JEROME A.	EAST NORTHPORT	NY	HOUSE
H6PA23078	AMMERMAN, JOSEPH S.	CURWENSVILLE	PA	HOUSE
H6NE01069	ANDERSON, (SMITH) PAULINE FLORENCE	LINCOLN	NE	HOUSE
P60002664	ANDERSON, DENNIS M. (V.P.)	BOWLING GREEN	OH	PRESIDENT
H6CA32025	ANDERSON, GLENN M.	HARBOR CITY	CA	HOUSE
H6MN06041	ANDERSON, JAMES R.	MARSHALL	MN	HOUSE
H6IL16025	ANDERSON, JOHN	ROCKFORD	IL	HOUSE
H6MA03019	ANDERSON, JOHN R.	WORCESTER	MA	HOUSE
P60000130	ANDERSON, LEONARD	YONKERS	NY	PRESIDENT
H6TN05017	ANDERSON, MARY	NASHVILLE	TN	HOUSE
H6NE00064	ANDERSON, PAULINE F.	LINCOLN	NE	HOUSE
P60002151	ANDERSON, TOM	PIGEON FORGE	TN	PRESIDENT
S8MN00016	ANDERSON, WENDELL R.	WASHINGTON	DC	SENATE
H6CA17042	ANDREAS, HENRY JAY	SANGER	CA	HOUSE
H6CT01065	ANDREWS, BEN F. JR.	HARTFORD	CT	HOUSE
H6NC04011	ANDREWS, IKE F.	CARY	NC	HOUSE
H6ND00017	ANDREWS, MARK	WASHINGTON	DC	HOUSE
H6OK03082	ANDREWS, MARVIN DAVIS	SARDIS	OK	HOUSE
H6MD23586	ANDREWS, MR. RICHARD L.	BALTIMORE	MD	HOUSE
H6WA04067	ANDROMIDAS, TED	SEATTLE	WA	HOUSE
H6WA07227	ANDROMIDAS, TED	SEATTLE	WA	HOUSE
H6NJ01014	ANDUJAR, EMILIO	CAMDEN	NJ	HOUSE
H6IL11026	ANNUNZIO, FRANK	CHICAGO	IL	HOUSE
H6WA07185	ANSCHELL, CLEVELAND	MERCER ISLAND	WA	HOUSE
H6WA07041	ANSCHELL, CLEVELAND	MERCER ISLAND	WA	HOUSE
H6NV00119	ANTHONY, DART	LAS VEGAS	NV	HOUSE
P60002498	ANTON, VICTORIA MS.	BROOKLYN	NY	PRESIDENT
H6OH18066	APPLEGATE, DOUGLAS	STEUBENVILLE	OH	HOUSE
S6NY00102	APTHEKER, HERBERT	BROOKLYN	NY	SENATE
H6NM01053	ARAGON, JESUS	LAS CRUCES	NM	HOUSE
H6CO03049	ARCHER, ALFREDO L.	PUEBLO	CO	HOUSE
H6TX07029	ARCHER, WILLIAM	WASHINGTON	DC	HOUSE
H6NY36049	ARGEN, DR. RALPH J.	BUFFALO	NY	HOUSE
H6TX24081	ARMSTRONG, EARL W.	FORT WORTH	TX	HOUSE

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CANDIDATE CROSS INDEX - (A)

IDENTIFICATION	NAME			
H6FL02059	ARMSTRONG, JACK	TALLAHASSEE	FL	HOUSE
H6CO05027	ARMSTRONG, WILLIAM L.	WASHINGTON	CO	HOUSE
H6MN08013	ARNOLD, JEROME	DULUTH	MN	HOUSE
P6000033	ARNOLD, STANLEY	EAST HAMPTON	NY	PRESIDENT
H6OC00071	ARONICA, MR. LOUIS S.	WASHINGTON	DC	HOUSE
H6OH12010	ARTHUR, EDWARD A.	CARDINGTON	OH	HOUSE
H6MI15010	ARTZ, CLAYTEE O.	DETROIT	MI	HOUSE
H8FL14047	ARVAN, MORTENSE LANDESMAN	ROCKLEDGE	FL	HOUSE
H6CA43048	ASCHERFELD, MR. BILL	SAN DIEGO	CA	HOUSE
H6OH17027	ASHBROOK, JOHN M.	JOHNSTOWN	OH	HOUSE
H6OH09024	ASHLEY, THOMAS L.	WASHINGTON	DC	HOUSE
H6GA09037	ASHWORTH, MR. DAVID B.	CANTON	GA	HOUSE
P8000113B	ASKEW, GOV. REUBEN	TALLAHASSEE	FL	PRESIDENT
H6WI01010	ASPIN, LES	RACINE	WI	HOUSE
H6NY24078	ASSANTE, EDMUND D.	NEW ROCHELLY	NY	HOUSE
H6PA23086	ATIGANS, PETER	KANE	PA	HOUSE
H6PA25040	ATKINSON, EUGENE V.	ALIQUIPPA	PA	HOUSE
H8GA09045	ATKINSON, MR. WILLIAM I. III	LAWRENCEVILLE	GA	HOUSE
H6OR01027	AUCOIN, LES	WASHINGTON	DC	HOUSE
H6KY05053	AUGUSTA, MR. NICK	CUMBERLAND	KY	HOUSE
H6MI15051	AUGUSTINE, KATHRYN M.	BELLEVILLE	MI	HOUSE
H6NY14012	AUGUSTINE, OWEN	BROOKLYN	NY	HOUSE
H8IL09012	AULD, ROBIN KIDD	CHICAGO	IL	HOUSE
H6OH03027	AUSTIN, MR. JOHN R.	DAYTON	OH	HOUSE
S6MI00046	AUSTIN, RICHARD M.	DETROIT	MI	SENATE
H6OK04031	AUTRY, STACY MAURICE	NORMAN	OK	HOUSE
H6MD03094	AVARA, MR. CHARLES R.	BALTIMORE	MD	HOUSE
P8000101J	AVERILL, CHARLES NORTON	LAUREL	MD	PRESIDENT
S6OH00106	BABCOCK, DONALD E.	BAY VILLAGE	OH	SENATE
H6MN02016	BABCOCK, STEPHEN O.	MANKATO	MN	HOUSE
H6TX24016	BACH, DOROTHY	DALLAS	TX	HOUSE
H6CA32013	BADALICH, VIRGIL V.	TORRANCE	CA	HOUSE
H6MO02046	BADARACCO, JOSEPH L.	ST. LOUIS	MO	HOUSE
H6NY25059	BADGLEY, DONALD	POUGHKEEPSIE	NY	HOUSE
H6CA40036	BADHAM, ROBERT E.	NEWPORT BEACH	CA	HOUSE
H6NY21025	BACILLO, HERMAN	BRONX	NY	HOUSE
H6NJ09006	BAER, MR. BYRON M.	ENGLEWOOD	NJ	HOUSE
H6FL10011	BAFALIS, L. A.	FT MYERS	FL	HOUSE
H6CT02014	BAILEY JR., JOHN M.	COLCHESTER	CT	HOUSE
H6GA06041	BAILEY, MR. FRANK IRVING JR.	RIVERDALE	GA	HOUSE
H6AL06044	BAILEY, MR. MEL	BIRMINGHAM	AL	HOUSE
H6AK00052	BAILEY, MR. NORMAN A.	ANCHORAGE	AK	HOUSE
H6WA03036	BAILEY, ROBERT C	SOUTH BEND	WA	HOUSE
P8000018B	BAILEY, THOMAS M.	TAKOMA PARK	MD	PRESIDENT
H6CA40022	BAKALIAN, JOHN RICHARD	CAPITOLA	CA	HOUSE
S6MI00012	BAKER, DEANE	ANN ARBOR	MI	SENATE
H6VA01075	BAKER, HAB III	HAMPTON	VA	HOUSE
H6OK03017	BAKER, HAMP	RATLIFF CITY	OK	HOUSE
S6TN00091	BAKER, HOWARD H.	HUNTSVILLE	TN	SENATE
P8000147Z	BAKER, HOWARD H. JR.	WASHINGTON	DC	PRESIDENT
P8000003I	BAKER, JEFFERSON T. JR.	PASADENA	TX	PRESIDENT
S8AL00019	BAKER, JOHN MARTIN	RAINSVILLE	AL	SENATE
H6TN03038	BAKER, LAMAR	CHATTANOOGA	TN	HOUSE
H6KY33033	BAKER, MR. PHILIP VERNON BAKER	SMIRELY	KY	HOUSE
H6KY02027	BAKER, MR. WALTER A.	GLASGOW	KY	HOUSE
P6000015S	BAKER, PHILIP VERNON	SMIVELY	KY	PRESIDENT
H6MI17131	BAKKEN, ARVE	REDFORD	MI	HOUSE
H6NY37013	BALA, JOSEPH R.	LACKAWANNA	NY	HOUSE
H6WI03016	BALDUS, ALVIN	MENOMONIE	WI	HOUSE
H6NY03031	BALES, CARTER F.	NEW YORK	NY	HOUSE
H6IN06024	BALES, ROBERT M.	DANVILLE	IN	HOUSE
H6MI06019	BALLARD, MICHAEL T.	EAST LANSING	MI	HOUSE
H6NY06034	BALLETTA, MR. VINCENT R. JR.	PT. WASHINGTON	NY	HOUSE
H6CA43014	BANDES, BILL	EL CAJON	CA	HOUSE
H6NH01016	BANKS, DAVID A.	N CHICHESTER	NH	HOUSE
H6IN01017	BANNON, CHARLES B.	MIDMLAND	IN	HOUSE
H6GA09052	BARBER, MR. MAC	COMMERCE	GA	HOUSE
H6MI19079	BARBONE, THERESE S.	BIRMINGHAM	MI	HOUSE
H6MS05017	BAREFIELD, STONE D.	HATTIESBURG	MS	HOUSE
H6FL12124	BARKER, ART	FORT LAUDERDALE	FL	HOUSE
S6UT00030	BARKER, OES	SALT LAKE CITY	UT	SENATE
H6MD00028	BARLOW, WALLACE	BETHESDA	MD	HOUSE
S6CT00075	BARNARES, ROBERT J.	NEW HAVEN	CT	SENATE
H6GA10027	BARNARD JR., DRUIE DOUGLAS	AUGUSTA	GA	HOUSE
H6HA09057	BARNES, KATHRYN C.	DORCHESTER	MA	HOUSE
H6NC04037	BARNES, LENZIE GREEN	DURHAM	NC	HOUSE
H6KS05030	BARNES, MR. JOHN A.	CHERRYVALE	KS	HOUSE
H6IN11032	BARNETT, EUGENE ROBERT	INDIANAPOLIS	IN	HOUSE
H6MA09067	BARNSTEAD, WILLIAM A	ARLINGTON	MA	HOUSE
H6RI01013	BARONE, ERNEST	NORTH PROVIDENCE	RI	HOUSE
P6000249B	BARRETT, MARLENE K.	ST. LOUIS	MO	PRESIDENT
H6PA01017	BARRETT, WILLIAM	PHILADELPHIA	PA	HOUSE
H6OR04013	BARRY, FRANK J.	EUGENE	OR	HOUSE
H6NY00029	BARTLE, MS. NORMA A.	OSWEGO	NY	HOUSE
S6CA00097	BARTLETT, DONALD COMPTON	SAN JOSE	CA	SENATE
H6CA23073	BARTMAN, MR. THOMAS F.	SHERMAN OAKS	CA	HOUSE
H6ME01017	BARTON, FREDERICK D.	PORTLAND	ME	HOUSE
H6MN07197	BARTOS, LORLEE C.	ALEXANDRIA	MN	HOUSE
H6NO10016	BASALYGA, GENE	BLAKELY	PA	HOUSE
H6OH18082	BASHLINE, JOHN D.	PLUSHING	OH	HOUSE
H6TX05015	BASS, JOHN FRED	DALLAS	TX	HOUSE
H6TN06056	BASS, ROSS	PULASKI	TN	HOUSE
H6TL15035	BATCHELOR, CLARENCE E.	YORKVILLE	IL	HOUSE
S6UT00048	BATCHELOR, GEORGE MERL	OGDEN	UT	SENATE
H6VA01083	BATEMAN, SEN. HERBERT H.	NEWPORT NEWS	VA	HOUSE
H6TN07021	BATES, LARRY	MARTIN	TN	HOUSE
S6TN03125	BATES, MARK CLARK	NASHVILLE	TN	SENATE
H6MT01P20	BAUCUS, MAX S.	WASHINGTON	DC	HOUSE
H8LA03049	BAUER, CARL W.	FRANKLIN	LA	HOUSE
H6MD01023	BAUMAN, ROBERT	EASTON	MD	HOUSE
H6MA16116	BAXTER, ALONZO A. JR.	COATESVILLE	PA	HOUSE
P6000014J	BAYH, BIRCH E. JR.	WASHINGTON	DC	PRESIDENT

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IDENTIFICATION	NAME			
S6IN00084	BAYH, BIRCH E. JR.	WASHINGTON	DC	SENATE
S6MD00041	BEALL, HONORABLE J. GLENN	FROSTBURG	MD	SENATE
H6RI02029	BEARD, EDWARD P.	CRANSTON	RI	HOUSE
H6TN06023	BEARD, ROBIN	WASHINGTON	DC	HOUSE
H6NY14020	BEARD, SAMUEL S.	NEW YORK	NY	HOUSE
H6WI03040	BEARSON, TIMOTHY L.	EAU CLAIRE	WI	HOUSE
H6OK03033	BEASELY, GERALD L.	DUNCAN	OK	HOUSE
H6PA08137	BEATON, DUNCAN E. JR.	FURLONG	PA	HOUSE
H6GA10019	BEAZLEY, BOBBY	AUGUSTA	GA	HOUSE
S6NV00093	BECAN, DAN	RENO	NV	SENATE
H6MI16018	BECHLER, DON	DETROIT	MI	HOUSE
H6MI19053	BECKER, DOROTHEA	BIRMINGHAM	MI	HOUSE
H6KS02052	BECKWITH, LAWRENCE E.	TOPEKA	KS	HOUSE
H6IA06022	BEDELL, BERKLEY	SPIRIT LAKE	IA	HOUSE
H6OH19015	BEELEN, GEORGE DANIEL	YOUNGSTOWN	OH	HOUSE
H6IL13063	BEETHAM, TANYA	N/A	IL	HOUSE
S6ME00046	BEGIN, JAMES W.	WATERVILLE	ME	SENATE
H6KY05061	BEGLEY JR., MR. ELMER	HYDEN	KY	HOUSE
H6CA23024	BEILENSON, ANTHONY C.	BEVERLY	CA	HOUSE
H6GA05183	BELFOR, HARRY	UNK	GA	HOUSE
H6CA27025	BELL, ALPHONZO	LOS ANGELES	CA	HOUSE
S6CA00063	BELL, ALPHONZO	MARINA DEL REY	CA	SENATE
H6IN08038	BELL, BELDEN M.	EVANSVILLE	IN	HOUSE
H6NC08038	BELL, MR. FRANKLIN	CHARLOTTE	NC	HOUSE
H6IN01066	BELL, RAYMOND	GARY	IN	HOUSE
H6NJ02012	BELL, WESLEY K.	MANAMAKKIN	NJ	HOUSE
S6DC00026	BELLMON, HENRY	WASHINGTON	DC	SENATE
H6GA04012	BELLUSO, MICK M.	DECATUR	GA	HOUSE
H6UT02010	BELNAP, M. AUSTIN	SALT LAKE CITY	UT	HOUSE
H6PR00017	BENITEZ, JAIME	WASHINGTON	DC	HOUSE
H6IN01025	BENJAMIN JR., ADAM	WASHINGTON	DC	HOUSE
H6MI07054	BENJAMIN, DAVID JOASH	GRAND BLANC	MI	HOUSE
H6FL03016	BENNETT, CHARLES E.	JACKSONVILLE	FL	HOUSE
H6SC00018	BENNETT, RICHARD NEIL	SCRANTON	SC	HOUSE
H6MS01016	BENNEY, JACK	TUPPLO	MS	HOUSE
H6MD04119	BENNS, GEORGE W	SILVER SPRING	MD	HOUSE
H6FL01044	BENTON, JOHN J. JR.	PENSACOLA	FL	HOUSE
S6TA00016	BENTSEN, LLOYD	WASHINGTON	DC	SENATE
P8000017I	BENTSEN, LLOYD MILLARD JR.	WASHINGTON	DC	PRESIDENT
H6MO09148	BERG, JEAN	ST. CHARLES	MO	HOUSE
H6PA10011	BERGER, ARTHUR L.	CAMP HILL	PA	HOUSE
H6LA01142	BERGERON, WILLIAM T.	ST. BERNARD	LA	HOUSE
H6MN07023	BERGLAND, BOB	WASHINGTON	DC	HOUSE
P8000227I	BERGLAND, DAVID P.	NEWPORT	CA	PRESIDENT
H6NJ14041	BERGONZI, MR. EDWARD W.	JERSEY CITY	NJ	HOUSE
H6MI05110	BERMAN, JOE	E. GRAND RAPIDS	MI	HOUSE
H6TX24040	BERMAN, LEO	ARLINGTON	TX	HOUSE
H6CA23081	BERMAN, MR. HOWARD L.	BEVERLY HILLS	CA	HOUSE
S6WA00016	BERMANN, KARL	SEATTLE	WA	SENATE
H6GA10118	BERNARD, D. DOUGLAS	AUGUSTA	GA	HOUSE
S6LA00024	BERNARD, SHERMAN A.	BATON ROUGE	LA	SENATE
H6NY23013	BERNBACH, JEFFREY M.	SCARSDALE	NY	HOUSE
H6KY01037	BERSKY, MR. BOB	STURGIS	KY	HOUSE
H6PA06016	BERTASAVAGE, NORMAN W.	POTTSVILLE	PA	HOUSE
H6PA22098	BERTOVICH, DAVID A.	GENTLEYVILLE	PA	HOUSE
H6CA07019	BESERRA, RICHARD	WALNUT CREEK	CA	HOUSE
H6CA13092	BEST, MR. WILLIAM M. III	SAN JOSE	CA	HOUSE
H6FL13015	BETHEL, PAUL D.	MIAMI	FL	HOUSE
H6MI03016	BEUMER, STEVE	DETROIT	MI	HOUSE
H6AL08A23	BEVILL, TOM	WASHINGTON	DC	HOUSE
H6FL02842	BEVIS, RUSSELL ROLAND	TALLAHASSEE	FL	HOUSE
H6NY10028	BIAGGI, MARIO	BRONX	NY	HOUSE
H6PA08020	BIESTER, EDWARD G.	BUCKINGHAM,	PA	HOUSE
H6MO04083	BIGGS, MR. W. M. "BOYD"	INDEPENDENCE	MO	HOUSE
H6NV00010	BILBRAY, JAMES	LAS VEGAS	NV	HOUSE
H6NY14079	BILLINGS, DAVID J.	BROOKLYN	NY	HOUSE
H6IN01074	BILLINGS, ROBERT J.	OYER	IN	HOUSE
H6PA20041	BILLINGTON, JOSEPH A.	PITTSBURGH	PA	HOUSE
S6CA00311	BILLS, ROBERT	SUNNYVALE	CA	SENATE
H6NY22023	BINGHAM, JONATHAN B.	WASHINGTON	DC	HOUSE
H6TN05124	BISSELL, ROGER	NASHVILLE	TN	HOUSE
H6MD07046	BIVINS, OLLIE	BALTIMORE	MD	HOUSE
H6UT01046	BLACK, CALVIN	ALANDING	UT	HOUSE
H6OK02019	BLACKSTOCK, ROBERT W.	BRISTOW	OK	HOUSE
H6SC05007	BLACKWELL, CHARLES THOMAS	YORK	SC	HOUSE
H6OR01006	BLADINE, PHILIP M.	MCMINNVILLE	OR	HOUSE
H6CA14031	BLAIN, MR. ROGER A.	STOCKTON	CA	HOUSE
H6IN08079	BLAIR, JOHN M.	EVANSVILLE	IN	HOUSE
H6PA02072	BLAKE, WILLIAM M.	PHILADELPHIA	PA	HOUSE
H6MI18022	BLANCHARD, JAMES J.	PLEASANT RIDGE	MI	HOUSE
H6NC03021	BLANCHARD, WILLARD J.	SALEMBURG	NC	HOUSE
H6MO02012	BLANKE, ROBERT HENRY	OLIVETTE	MO	HOUSE
H6OK05012	BLANKENSHIP, G. T.	OKLAHOMA CITY	OK	HOUSE
H6CA27017	BLATCHFORD, JOSEPH M.	WASHINGTON	DC	HOUSE
H6WI04014	BLENSKI, ROMAN R.	MILWAUKEE	WI	HOUSE
H6MS05033	BLESSEY, GERALD	BILOXI	MS	HOUSE
P6000018J	BLESSITT, ARTHUR OWEN	MIAMI	FL	PRESIDENT
H6TN01016	BLEVINS, LLOYD	KINGSPORT	TN	HOUSE
H6MA09016	BLISS, JEANETTE T.	BOSTON	MA	HOUSE
H6PA00027	BLOCK, PETER M.	PITTBURGH	PA	HOUSE
P8000102I	BLOMBERG, IVAR	BURT LAKE	MI	PRESIDENT
P6000112O	BLOMEN, CONSTANCE IV.P.)	IPSWICH	MA	PRESIDENT
H6MN07098	BLOOMQUIST, ALDRICH C.	MOORHEAD	MN	HOUSE
H6IA02039	BLOUIN, MICHAEL T.	DUNUQUE	IA	HOUSE
H6AK00040	BLUME, MR. ALLEN	FAIRBANKS	AK	HOUSE
H6MD04027	BLUMENTHAL, CHARLES STANLEY	OXON HILL	MD	HOUSE
H6TN01065	BOBIC, ROBERT J.	KINGSPORT	TN	HOUSE
H6NY33012	BOCKMAN, ROBERT H.	SYRACUSE	NY	HOUSE
H6CA06105	BODLE, LOIS TYNER	CHULA VISTA	CA	HOUSE
S6CA00105	BODLE, LOIS TYNER	CHULA VISTA	CA	SENATE
H6NC05027	BOGER, GILBERT LEE	MOCKSVILLE	NC	HOUSE
H6CA37032	BOGERT, FRANK M.	PALM SPRINGS	CA	HOUSE

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IDENTIFICATION	NAME		
H6LA02017	BOGGS, LINDY (MRS, MALE)	WASHINGTON	DC HOUSE
H6NJ05015	BOWEN, FREDERICK M.	PRINCETON	NJ HOUSE
H6MA02011	BOLANO, EDWARD P.	SPRINGFIELD	MA HOUSE
S6TN00018	BOLIN, DAVID G.	SMYRNA	TN SENATE
S6MI00202	BOLLEY, LYNN M.	LANSING	MI SENATE
H6MO05023	BOLLING, RICHARD	KANSAS CITY	MO HOUSE
P6000197	BONA, FRANK J.	BUFFALO	NY PRESIDENT
H6MD04030	BOND, ARTHUR T	FROSTBURG	MD HOUSE
P6000205	BOND, HORACE JULIAN	ATLANTA	GA PRESIDENT
H6CA34120	BOND, MR. BILL	LONG BEACH	CA HOUSE
H6FL04055	BONEY, WALTER TOM	KEYSTONE HEIGHTS	FL HOUSE
H6FL12017	BONGIOVANNI, JOSEPH	MIAMI	FL HOUSE
H6MI12017	BONIOR, DAVID E.	MT. CLEMENS	MI HOUSE
H6WA03051	BONKER, DON	WASHINGTON	DC HOUSE
H6NC01046	BONNER, JAMES JORDAN	HERTFORD	NC HOUSE
H6NY22056	BONNER, PATRICK J.	BRONX	NY HOUSE
H6NY18013	BOOGAERTS JR., JOHN	NEW YORK	NY HOUSE
H6MI04055	BOOTHBY, LEE	BERRIEN SPRINGS	MI HOUSE
H6CA39046	BORANIAN, MR. DICKRAN	SANTA ANA	CA HOUSE
H6MN07064	BORDEN, WINSTON WENDELL	BRAINERD	MN HOUSE
H6NY18054	BORENSTEIN, MR. JERRY	NEW YORK	NY HOUSE
H6AL07034	BORGMESE, LOUIS A.	TUSCALOOSA	AL HOUSE
H6MN07205	BORN, JAMES D.	CLEARBROOK	MN HOUSE
S6NM00097	BORUNDA, ERNEST B.	ALAMOGORDO	NM SENATE
H6AZ03013	BOSCH, L. PAT	PHOENIX	AZ HOUSE
H6CA02101	BOSCO, MR. DOUGLAS H.	SEMASTOPOL	CA HOUSE
H6CA02010	BOSKOVICH, JOHN M.	SANTA ROSA	CA HOUSE
P6000214	BOTHWELL, SHIRLEY OAKES	BALTIMORE	MD PRESIDENT
H6PA19027	BOUCHARD, WAYNE D.	CARLISLE	PA HOUSE
H6ME01066	BOUCHER, GILBERT R	BIDDEFORD	ME HOUSE
H6CA06046	BOUEY, MS. MARY ANNE	SAN FRANCISCO	CA HOUSE
H6CA08025	BOUTELLE, PAUL	LOS ANGELES	CA HOUSE
H6PA22179	BOWE, JOHN	NEW EAGLE	PA HOUSE
H6MS02022	BOWEN, DAVID R.	CLEVELAND	MS HOUSE
H6FL03024	BOWEN, JOHN F.	JACKSONVILLE	FL HOUSE
H6NJ01071	BOWEN, MR. ROBERT	EAST ORANGE	NJ HOUSE
H6OH01013	BOWEN, WILLIAM	CINCINNATI	OH HOUSE
H6FL10045	BOWERS, O.W. JERRY	STUART	FL HOUSE
P6000195	BOWLER, WILLIAM HARRISON	TUCSON	AZ PRESIDENT
S6MO00089	BOWMAN, BARBARA	ST. LOUIS	MO SENATE
H6MI12041	BOWMAN, JOHN T.	ROSEVILLE	MI HOUSE
H6IN06057	BOWYER, JAMES D.	INDIANAPOLIS	IN HOUSE
H6MI12109	BOYD, CHARLOTTE	ROSEVILLE	MI HOUSE
H6PA16015	BOYD, DARVIN EUGENE	AKRON	PA HOUSE
S6NY00045	BOYD, ELIJAH C. JR.	NEW YORK	NY SENATE
H6OH21011	BOYD, JAMES W.	CLEVELAND	OH HOUSE
H6MD03052	BOYD, JEFFREY WILSON	BALTIMORE	MD HOUSE
H6GA09060	BOYD, MR. JIM	NORCROSS	GA HOUSE
H6IN07089	BOYKIN, ERNEST R.	NORLESVILLE	IN HOUSE
H6IN03039	BRADEMAS, JOHN	SOUTH BEND	IN HOUSE
H6IN05018	BRADLEY SR., ERNEST L.	MARION	IN HOUSE
S6MD00017	BRADLEY, BRUCE	BETHESDA	MD SENATE
H6MO02028	BRADLEY, FRED ESTEN	FERGUSON	MO HOUSE
H6PA14084	BRADLEY, JOHN F.	PITTSBURG	PA HOUSE
H6NY24038	BRADY, MARY	SCHENECTADY	NY HOUSE
H6WA06070	BRADY, BYRON E.	PORT ORCHARD	WA HOUSE
H6TX07037	BRADY, JIM	HOUSTON	TX HOUSE
H6KS0A017	BRANDT, ROBERT F.	LINDSBORG	KS HOUSE
H6TX22018	BRANN, ERIC JOHN	HOUSTON	TX HOUSE
S4CT00039	BRANNEN, JAMES M, III	COLCHESTER	CT SENATE
H6AL02043	BRANTLEY, MR. J. E.	TROY	AL HOUSE
H6IL09046	BRASKY, DENNIS	CHICAGO	IL HOUSE
H6AZ01000	BRAUN, HARRY III	TEMPE	AZ HOUSE
H6TN06016	BRAY, WILLIAM G.	INDIANAPOLIS	IN HOUSE
H6LA0T024	BREAUX, JOHN	LAKE CHARLES	LA HOUSE
H6CA08074	BRECK, MR. PHILIP STILES JR.	REAKELEY	CA HOUSE
H6KY06020	BRECKINRIDGE, JOHN B.	WASHINGTON	DC HOUSE
H6OH17035	BREITHAUPT SR., GEORGE L.	MT VERNON	OH HOUSE
S6MN00049	BREKKE, GERALD WAYNE	ST. PETER	MN SENATE
H6AR02062	BREMER, SHERMAN L.	LITTLE ROCK	AR HOUSE
P6000056	BRENNAN, JOHN	PITTSBURGH	PA PRESIDENT
S6MI00137	BRENNAN, THOMAS E.	EAST LANSING	MI SENATE
P6000041	BREWSTER, ROBERT L.	NORTHGLENN	CO PRESIDENT
H6GA09078	BRIDGES, MR. ALTON	ETON	GA HOUSE
H6NC11016	BRIGGS, BRUCE BURRY	MARS HILL	NC HOUSE
P6000217	BRIGGS, JACK	BATON	NM PRESIDENT
H6LA00030	BRINKHAUS, ARMAND	SUNSET	LA HOUSE
H6GA03014	BRINKLEY, JACK	WASHINGTON	DC HOUSE
P6000279O	BRISBEN, J. QUINN (V.P.)	CHICAGO	IL PRESIDENT
P6000058	BRITT, MARY	PHILADELPHIA	PA PRESIDENT
S6TN00026	BROCK, HONORABLE WILLIAM	NASHVILLE	TN SENATE
H6IL14012	BRODERICK, WILLIAM A.	BENSENVILLE	IL HOUSE
H6MI17024	BROOMEAD, WILLIAM M.	DETROIT	MI HOUSE
H6CA43055	BRONIE, MR. RICHARD	OCEANSIDE	CA HOUSE
H6PA14051	BROOY, SCOTT	PITTSBURGH	PA HOUSE
H6NJ14253	BROWN, MR. STUART	JERSEY CITY	NJ HOUSE
H6MA06061	BROWSON, MR. WILLIAM E.	MANCHESTER	MA HOUSE
S2MA00014	BROOKE, EDWARD W.	WASHINGTON	DC SENATE
H6TN05058	BROOKS JR., GEORGE W.	NASHVILLE	TN HOUSE
H6WA07193	BROOKS, ELBERT V.	SEATTLE	WA HOUSE
H6TX09025	BROOKS, JACK	BEAUMONT	TX HOUSE
H6WA07086	BROOKS, NORWARD J.	BELLEVUE	WA HOUSE
H6NY29085	BROOKS, PATRICIA O.	BALLSTON LAKE	NY HOUSE
H6MO06112	BROOMFIELD, CHARLES S.	KANSAS CITY	MO HOUSE
H6MI19020	BROOMFIELD, WILLIAM	BIRMINGHAM	MI HOUSE
H6MI08015	BROWSEN, NICOLEE	DETROIT	MI HOUSE
H6CA05013	BROWSHEARS, RAYMOND	SAN FRANCISCO	CA HOUSE
H6CO02045	BROTZMAN, DONALD G.	LAKEWOOD	CO HOUSE
H6MI11050	BROUILLETTE, FRANCIS	IRON MOUNTAIN	MI HOUSE
H6CA34020	BROWN JR., GEORGE E.	COLTON	CA HOUSE
H6AZ04011	BROWN, BYRON T.	PARADISE VALLEY	AZ HOUSE
S6PA00063	BROWN, C. HOMER	LAFAYETTE HILL	PA SENATE

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IDENTIFICATION	NAME		
H6OH07028	BROWN, CLARENCE J.	URBANA	OH HOUSE
H6TX04018	BROWN, DAVID M.	SHERMAN	TX HOUSE
H6OK0A018	BROWN, DEAN A.	ENID	OK HOUSE
P6000146	BROWN, EDMUND G. JR.	SACRAMENTO	CA PRESIDENT
H6MI03032	BROWN, GARY	SCHOOLCRAFT	MI HOUSE
S6WA00091	BROWN, GEORGE MCCULLOUGH	RENTON	WA SENATE
H6NY09061	BROWN, HARRY	ASTORIA	NY HOUSE
H6TN02014	BROWN, JESSE JAMES	KNOXVILLE	TN HOUSE
H6CA02028	BROWN, JIM	EUREKA	CA HOUSE
H6OH13018	BROWN, JOHN W.	MEDINA	OH HOUSE
H6OR02017	BROWN, KENNETH ALEXANDER	SERVAIS	OR HOUSE
H6VT06012	BROWN, L. S.	RICHFIELD	VT HOUSE
P6000890	BROWN, LOYCE LOWE	MOREETIE	TX PRESIDENT
H6MI13089	BROWN, MELVIN P	DETROIT	MI HOUSE
H6NC11024	BROWN, MR. GLENN WILLIAM	WAYNESVILLE	NC HOUSE
H6OH08067	BROWN, MR. JOHN R.	LERANON	OH HOUSE
H6CA23099	BROWN, MR. ROBERT	VAN NUYS	CA HOUSE
H6NJ06062	BROWN, MR. SAMUEL E.	TOMS RIVER	NJ HOUSE
H6TX02012	BROWN, RICHARD	NORMANGE	TX HOUSE
S6MT00049	BROWN, ROBERT	WHITEFISH	MT SENATE
H6MI01051	BROWN, RUSSELL S JR	DETROIT	MI HOUSE
H6MN08137	BROWN, TERENCE JAMES	ST. PAUL	MN HOUSE
H6TN07013	BROWN, WAYNE	BRENTWOOD	TN HOUSE
H6FL12025	BROWN, WILLIAM ALFRED	LAUDERDALE LAKES	FL HOUSE
H6NY09087	BROWN,HARRY	ASTORIA	NY HOUSE
P6000198	BROWNE, CECIL EVAN	PEMBROKE LAKES	FL PRESIDENT
H6NC10018	BROYHILL, JAMES T.	LENOIR	NC HOUSE
H6VA10134	BROYHILL, JOEL T.	ARLINGTON	VA HOUSE
H6TX22051	BRUNSON, JOHN S.	HOUSTON	TX HOUSE
H6MN05043	BRUST, JEAN T.	N. ST. PAUL	MN HOUSE
H6CA35069	BRUTOCAO, LOUIS	COVINA	CA HOUSE
H6CO01091	BRYANT, MR. THEODORE M.	DENVER	CO HOUSE
P6000248Z	BUBAR, BENJAMIN C.	CHINA	ME PRESIDENT
H6AL06028	BUCHANAN, JOHN M.	WASHINGTON	DC HOUSE
H6OK05079	BUCHANAN, ROBERT O. 808	OKLAHOMA CITY	OK HOUSE
H6CT01016	BUCKLEY, F. MAC	NEWINGTON	CT HOUSE
S6NY00011	BUCKLEY, JAMES L.	NEW YORK	NY SENATE
S6NY00136	BUCKLEY, WILLIAM	NEW YORK	NY SENATE
H6IN00019	BUELL, LAWRENCE LEE	INDIANAPOLIS	IN HOUSE
H6MI13072	BUFFINGTON, LANELL	DETROIT	MI HOUSE
H6NJ12052	BUGGELLI, MR. RICHARD A.	UNION	NJ HOUSE
H6IL03031	BUIKEMA, RONALD	S. HOLLAND	IL HOUSE
S6MN00135	BULLOCK, RICHARD W.	WYOMING	MN SENATE
H6OH10014	BUMPASS, VINCENT	ATHENS	OH HOUSE
S6AR00020	BUMPERS, DALE	BETHESDA	MD SENATE
H6OR01035	BUNCH, RALPH E.	PORTLAND	OR HOUSE
H6MD05065	BURCHAM, MR. JOHN	LANHAM	MD HOUSE
S6CA00113	BURCHETTE, HANNIBAL CAESER	COMPTON	CA SENATE
H6MI17115	BURDICK, JAMES P	SOUTHFIELD	MI HOUSE
S6ND00017	BURDICK, QUENTIN N.	FARGO	ND SENATE
S4IL00024	BURDITT, GEORGE M.	LA GRANGE	IL SENATE
H6CA43030	BURGENER, CLAIR	RANCHO SANTA FE	CA HOUSE
H6WI07017	BURGER, JOSEPH	WAUSAU	WI HOUSE
S6MT00048	BURGER, STANLEY C.	BOZEMAN	MT SENATE
H6TX11047	BURGESS, JACK	WACO	TX HOUSE
H6VT00095	BURGESS, JOHN A.	MONTPELIER	VT HOUSE
H6FL12033	BURKE, J. HERBERT	HOLLYWOOD	FL HOUSE
H6MA11012	BURKE, JAMES A.	MILTON	MA HOUSE
H6MA06018	BURKE, KEVIN W.	REVERLY	MA HOUSE
H6CT01057	BURKE, MR. CHARLEY ARNEY	EAST HARTFORD	CT HOUSE
H6CA24023	BURKE, YVONNE BRATHWAITE	INGLEWOOD	CA HOUSE
H6FL12041	BURKET, RICHARD C.	FT LAUDERDALE	FL HOUSE
H6TX01089	BURKHALTER, KEN W.	TEXARKANA	TX HOUSE
H6WV00022	BURLESON, DAN	MULLENS	WV HOUSE
H6TX17028	BURLESON, OMAR	WASHINGTON	DC HOUSE
H6MO10015	BURLISON, BILL D.	CAPE GIRARDEAU	MO HOUSE
P6000213	BURNER, JAMES A.	SUMMIT POINT	WV PRESIDENT
S6MI00145	BURNISON, VERNON R.	SNOVER	MI SENATE
H6NY25018	BURNS III, JOHN M.	CARMEL	NY HOUSE
P6000016	BURNS, ACCOUNTABILITY	TULSA	OK PRESIDENT
H6NV00028	BURNS, JAMES	LAS VEGAS	NV HOUSE
P6000162	BURNS, ROB	SAN FRANCISCO	CA PRESIDENT
H6FL08015	BURNS, T. DAVID	BARTON	FL HOUSE
H6TN07047	BURNS, WILLIE	TRENTON	TN HOUSE
H6MN05100	BURST, JEAN	ST. PAUL	MN HOUSE
P6000177	BURTON, AUSTIN	LOUISVILLE	KY PRESIDENT
H6CA05021	BURTON, JOHN L.	WASH	DC HOUSE
H6CA06029	BURTON, PHILLIP	SAN FRANCISCO	CA HOUSE
H6WA0A075	BUSBY, JEFF W.	SUNNYSIDE	WA HOUSE
H6WA06138	BUSKIRK, GEORGE VAN	TACOMA	WA HOUSE
H6ME00019	BUSTIN, DAVID W.	AUGUSTA	ME HOUSE
H6VA06033	BUTLER, MANLEY CALDWELL	ROANOKE	VA HOUSE
H6GA07049	BUTTERWORTH, MR. KEN	MARIETTA	GA HOUSE
H6OR03049	BUTTON, JANE	PORTLAND	OR HOUSE
H6IN0A046	BUTTRAM, DONALD E.	EVANSVILLE	IN HOUSE
S6VA00049	BYRD, HARRY FLOOD JR.	WASHINGTON	DC SENATE
P6000066	BYRD, ROBERT C.	WASHINGTON	DC PRESIDENT
S6WV00014	BYRD, ROBERT C.	WASHINGTON	DC SENATE
H6MS02048	BYRD, ROLAND	LOUISVILLE	MS HOUSE
H6RI02070	BYRNE, MARTIN T.	PROVIDENCE	RI HOUSE
H6NJ06070	BYRNE, MR. JOSEPH J.	TOMS RIVER	NJ HOUSE
H6MD03011	BYRNES, JOHN CARROLL	BALTIMORE	MD HOUSE
H6WI08049	BYRNES, JOHN R.	GREEN BAY	WI HOUSE
H6MD06022	BYRON, GOODLOE E.	HAGERTOWN	MD HOUSE
S6MI00131	CABRAL, SPENCER JAMES	MAUULA	MI SENATE
S6RI00049	CADDICK, JOHN E.	COVENTRY	RI SENATE
P6000153	CADWELL, JACK S.	ORANGE	MA PRESIDENT
H6MA06012	CAHILL, ROBERT	SALEM	MA HOUSE
H6NY39019	CALKINS, JOHN T.	ELMIRA	NY HOUSE
P6000254	CALLAHAN, JOHN F.	PORTLAND	OR PRESIDENT
H6VA10100	CALLAHAN, VINCE	MCLEAN	VA HOUSE
H6TX21048	CALHAN, C. J.	NEW BRAUNFELS	TX HOUSE

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IDENTIFICATION	NAME		
H6NY27113	CALOGERO, IMOGENE C.	ITHACA	NY
H6CA10010	CAMACHO, JULIAN	CAPITOLA	CA
P60000221	CAMEJO, PETER	NEW YORK	NY
H6KS05063	CAMIN, KAY	WHITEWATER	KS
S4CT00021	CAMP, HERBERT V.	RIDGEFIELD	CT
H6NJ14066	CAMPENNI, MR. ANTHONY LOUIS	BAYONNE	NJ
H6PA05034	CAMPOLO JR., ANTHONY	ST. DAVIDS	PA
H6NY15019	CANADE, AUSTEN O.	BROOKLYN	NY
S6RI00148	CANN, MARGARET R.	WARWICK	RI
S6NV00010	CANNON, HOWARD W.	WASHINGTON	DC
S6NC00084	CANNON, HUGH	RALEIGH	NC
H6VA08054	CANNON, MICHAEL D.	MANASSAS	VA
H6TN01024	CANTOR, BERNARD	JOHNSON CITY	TN
H6GA05100	CANTY, HENRIETTA M.	ATLANTA	GA
H6VA07015	CAPLOW, THEODORE	CHARLOTTESVILLE	VA
H6FL15077	CAPUA, PETER	MIAMI	FL
H6NY23021	CAPUTO, BRUCE F.	YONKERS	NY
H6NY14038	CARBAJAL JR., MICHAEL	BROOKLYN	NY
H6CA31019	CARD, EMILY KATTS	LOS ANGELES	CA
H6DE00073	CAREY, MR. ROBERT B.	WILMINGTON	DE
P60000239	CAREY, VINCENT J.	BELLMORE	NY
S6UT00055	CARLSON, JACK W.	SALT LAKE CITY	UT
H6MN01043	CARLSON, LYNN WARREN	WHITE BEAR LAKE	MN
H6MN07049	CARLSON, STANLEY A.	STAPLES	MN
H6CA36018	CARNER, GRANT C.	RIVERSIDE	CA
H6OH19023	CARNEY, CHARLES	YOUNGSTOWN	OH
P60002102	CARNEY, CHARLES J.	YOUNGSTOWN	OH
H6NJ01022	CAROTENUTO, RAYMOND	TURNERSVILLE	NJ
S6CA00030	CARPENTER, DENNIS E.	NEWPORT BEACH	CA
H6MI06035	CARR, BOB	EAST LANSING	MI
H6TX21047	CARRILLO, RAMON E.	SAN ANTONIA	TX
H6CO04012	CARROLL, JOHN S.	DENVER	CO
H6MI02018	CARROLL, PHILIP S.	ANN ARBOR	MI
H6MO10056	CARRON, JOE	ARNOLD	MO
H6CA07027	CARTER, ART	RICHMOND	CA
P60000247	CARTER, JIMMY	ATLANTA	GA
H6MI02053	CARTER, MR. GEORGE B.	AIEA	MI
H6FL07017	CARTER, ROBERT A.	TAMPA	FL
H6KY05012	CARTER, TIM LEE	WASHINGTON	DC
H6IA03011	CASE, ROBERT E.	CEDAR FALLS	IA
S6NJ00099	CASE, SENATOR CLIFFORD	WASHINGTON	DC
H6TX27028	CASEY, BOB	HOUSTON	TX
H6MI10011	CASEY, PATRICK CHARLES	CORUNNA	MI
H6PA18037	CASEY, ROBERT J.	PITTSBURGH	PA
H6NY10044	CASSESE, JOSEPH	NEW YORK	NY
H6CT03041	CASSETTE, ROBERT	NEW HAVEN	CT
H6MI02005	CATE, DEATER L.	MONO,	MI
H6MT07101	CATE, JEROME J.	BILLINGS,	MT
P60001141	CATES, NORMAN F.	OCALA	FL
H6IL14052	CAULPETZER, STEPHEN A.	CHICAGO	IL
H6MT02077	CAVAN, JOHN	BILLINGS	MT
H6NE00012	CAVANAUGH, JOHN J.	OMAHA	NB
S6NV00078	CAVNAR, SAMUEL MELMON	LAS VEGAS	NV
H6NV00093	CAVNAR, SAMUEL MELMON	LAS VEGAS	NV
H6FL06943	CAZARES, MR. DARRIEL	CLEARWATER	FL
H6MI10060	CEDERBERG, ELFORD A.	MIDLAND	MI
H6OH20013	CELEBREZZE JR., ANTHONY J.	CLEVELAND	OH
H6OH23017	CELEBREZZE, JAMES P.	BROOK PARK	OH
H6PA18094	CEPEK, GEORGE F.	PITTSBURG	PA
S6RI00056	CHAFEE, JOHN H.	WARWICK	RI
H6TX03036	CHAFIN, ROGER D.	DALLAS	TX
H6MI06043	CHAMBERLAIN, CHARLES E.	EAST LANSING	MI
H6KY03041	CHAMBERS, MR. WILLIAM P.	LOUISVILLE	KY
S6MD00109	CHAMBERS, ROY L.	OXON HILL	MD
H6VA07011	CHAMPION, WILLIAM	BELLEVUE	WA
H6UT02093	CHANDLER, ALAN CHILD	SALT LAKE	UT
H6KS04025	CHANEY, BERT	HUTCHINSON	KS
H6WV01020	CHANEY, DONALD	CHESTER	WV
H6WI05060	CHAPMAN, R. JULIAN	MILWAUKEE	WI
H6FL04022	CHAPPELL, BILL	WASHINGTON	DC
S6NV00051	CHARLES, ROBERT J.	LAS VEGAS	NV
H6MO02111	CHASE, MR. BOB	ST. LOUIS	MO
H6CT06049	CHASE, WARREN STOCKBRIDGE	AVON	CT
S6RI00114	CHERNOUK, ROBERT A.	PROVIDENCE	RI
H6LA02074	CHIASSON, TRAVIS J.	WESTWEGO	LA
H6MA07127	CHICKLES, HARRY G.	WAKEFIELD	MA
S6FL00012	CHILES, LAWTON	LAKELAND	FL
S6NM00010	CHIMENTO, CARMEN CHRISTOPHER	BROOKLINE	NH
H6NY00052	CHIRA, ROBERT	BROOKLYN	NY
H6NY12016	CHISHOLM, SHIRLEY	BROOKLYN	NY
H6CA02119	CHOTE, MS. MAY	CLOVERDALE	CA
S6CA00121	CHOTE, RAY	CLOVERDALE	CA
P60000074	CHURCH, FRANK	WASHINGTON	DC
S6ID00026	CHURCH, FRANK	PHOENIX	AZ
S6AZ00060	CHURCH, WADE	NAPERVILLE	GA
H6GA04058	CHURCHILL, MR. GERALD LAVERNE	MURRYSVILLE	PA
H6PA21023	CICCO JR., JOHN A.	PHILADELPHIA	PA
H6PA07048	CINGER, SAMUEL	LAGUNA HILLS	CA
H6CA44127	CLANCEY, MR. MICHAEL P.	CINCINNATI	OH
H6OH02029	CLANCY, DONALD D.	OAK PARK	IL
H6IL06018	CLANCY, MARILYN D.	WASHINGTON	DC
S6IA00017	CLARK, DICK	PROVO	UT
H6UT01012	CLARK, DOROTHY C.	JOLIET	IL
H6IL17015	CLARK, ELWIN N.	WASHINGTON	DC
H6PA25016	CLARK, FRANK M.	ROCHESTER	MI
H6MI12165	CLARK, GREGORY J.	NEW YORK	NY
S6NY00024	CLARK, RAMSEY	LITTLE ROCK	AR
H6AR00017	CLARK, WILLIAM P.	CRESCENT CITY	CA
H6CA02044	CLAUSEN, HON. DON H.	WASHINGTON	DC
H6CA33015	CLAWSON, DEL	COVINGTON	KY
P60000294	CLAY, FIFI	COVINGTON	KY
P60000202	CLAY, GUY-WALTERS-TAFT		

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IDENTIFICATION	NAME		
P60002755	CLAY, JOHN E. (V.P.)	CHICAGO	IL
H6KY04015	CLAY, R. M.	COVINGTON	KY
H6MO01022	CLAY, WILLIAM L.	ST LOUIS	MO
P60000270	CLEGG, BILLY JOE	SPRINGFIELD	MO
H6PA03054	CLEMENTE, KENNETH	PHILADELPHIA	PA
H6MS03012	CLEVELAND, DOROTHY COLBY	UNION	MS
H6NH02022	CLEVELAND, JAMES C.	NEW LONDON	NH
H6OH20039	CLIMACO, MICHAEL L.	CLEVELAND	OH
H6AR03011	CLINTON, WILLIAM J.	FAYETTEVILLE	AR
H6CA10016	CLOSE JR., VERNE DEAN	BAKERSFIELD	CA
H6IN05026	CLOUSER, MCADOO W.	TIPTON	IN
H6NY24045	CLUNE, MR. J. RUSSELL	MAMARONECK	NY
H6PA15058	COATES, MARY JANE	BETHLEHEM	PA
H6FL15085	COBB, PAUL RICHARD	MIAMI	FL
H6MS04028	COCHRAN, THAD	JACKSON	MS
P60000981	COCKBURN, CHARLES D.	UNIONTOWN	PA
H6OH11012	COFFEY, MICHAEL O.	MENTOR	OH
H6NY02058	COHALAN, MR. PETER F.	BAYPORT	NY
H6NY25026	COHEN, SANFORD	POUGHKEEPSIE	NY
H6NE02023	COHEN, WILLIAM S.	BANGOR	ME
H6FL05120	COKER, ROBERT C.	CLEARWATER	FL
H6NJ02061	COLOREN, MR. FRED	CAPE MAY	NJ
H6NY19045	COLE, BENTON	NEW YORK	NY
S6NM00030	COLE, ORLIN GENTRY	ALBUQUERQUE	NM
H6OH15013	COLEMAN, BRUCE R.	COLUMBUS	OH
H6MO06013	COLEMAN, E. THOMAS	KANSAS CITY	MO
H6MS04036	COLEMAN, ROBERT J.	JACKSON	MS
H6NY12024	COLEMANN, JOHN M.	BROOKLYN	NY
H6MI19061	COLLIER, BETTY F	DRAYTON PLAINS	MI
H6IL03064	COLLIN, FRANK	CHICAGO	IL
H6GA07015	COLLINS JR., JAMES O.	MARIETTA	GA
H6IL07024	COLLINS, CARDISS	CHICAGO	IL
H6PA09010	COLLINS, EARL P.	TYRONE	PA
H6TX03010	COLLINS, JAMES	DALLAS	TX
H6MO05064	COLLINS, MS. JOANNE M.	KANSAS CITY	MO
S6MO00065	COLLINS, NORBERT O.	ST. LOUIS	MO
P60000280	COLLINS, RICHARD C.	SAN RAMON	CA
H6NY32469	COLVIN, EARL W.	SYRACUSE	NY
H6CA40077	COMBS, JAMES O'BRIEN	COSTA MESA	CA
P60002110	COMPTON, CHARLES C.	SIERRA MADRE	CA
H6NY35025	CONABLE, BARBER B.	ALEXANDER	NY
H6OH07011	CONROY JR., JOHN T.	CINCINNATI	OH
H6CA30052	CONDON, MS. DIANE	SIMI VALLEY	CA
H6WA04016	CONE, BRUCE W.	KENNEWICK	WA
H6IA03029	CONKLIN, CHARLENE	WATERLOO	IA
H6AZ04037	CONLAN, JOHN B.	SCOTTSDALE	AZ
S6AZ00035	CONLAN, JOHN B.	PHOENIX	AZ
H6NY08037	CONLAN, MR. ROBERT J.	YONKERS	NY
H6MO01030	CONLEY, LARRY S.	ST LOUIS	MO
H6MN04053	CONNOLLY, JOHN S	ST. PAUL	MN
H6MO05024	CONROY, EDWARD T.	BOWIE	MD
H6MN02057	CONSIDINE, JOHN P	MANKATO	MN
H6MA07093	CONTE, BARTHOLOMEW J.	LYNNFIELD	MA
H6MA01021	CONTE, SILVIO	PITTSFIELD	MA
H6MI01026	CONYERS, JOHN J.	DETROIT	MI
H6MO09116	COOK, CONNIE	ST. CHARLES	MO
SADC00019	COOK, MARLOW W.	WASHINGTON	DC
H6IN09044	COOK, MR. GARY L. COOK	P.O. HARRISON	OH
H6NY34051	COOK, THOMAS O.	PITTSFESO	NY
P60000909	COOMBS, CHARLES F.	BEACON	NY
H6IN06041	COCMER, CHESTER	GREENWOOD	IN
H6CA12076	COONEY, JOSEPH DAVID	MENLO PARK	CA
H6ME02015	COONEY, LEIGHTON	SARATTUS	ME
H6CA40085	COOPER, ALICIA MATCHETT	MISSION VIEJO	CA
H6MI10030	COOPER, DANIEL S.	OAK PARK	MI
H6MA05014	COOPER, GLENN M.	LOWELL	MA
H6MO02053	COOPER, JACK	WEBSTER GROVES	MO
H6TN04068	COOPER, JOE	MEMPHIS	TN
H6CA35077	COOPER, MR. FRANK	COVINA	CA
H6IL10010	COOPER, RICHARD M.	WINNETKA	IL
H6HI02012	CORAY, CARL M.	HONOLULU	HI
H6WA03069	CORCORAN, ROBERT	PUYALLUP	WA
H6IL15019	CORCORAN, TOM	OTTAWA	IL
H6NY16017	CORDERO, NEREIDA	NEW YORK	NY
H6CA21010	CORMAN, JAMES C.	WASHINGTON	DC
H6CA20061	CORMAN, MS. PATTI LEAR	ENCINO	CA
H6WI00023	CORNELL, ROBERT J.	DE PERE	WI
H6MD07012	CORNISH, MONROE	BALTIMORE	MD
S6MD00056	CORNISH, MONROE	BALTIMORE	MD
H6IN04053	CORNWELL, DAVID LANCE	PADLI	IN
H6PR00041	CORPAOA, BALTASAR	SANTURCE	PR
H6OH13059	CORTEZ, MS. PATRICIA A.	LORAIN	OH
H6CT03007	COSSETTE, ROBERT	NEW HAVEN	CT
H6NJ06058	COSTA, MS. CATHERINE A.	WILLINGBORO	NJ
H6NY35033	COSTANZA, MARGARET	ROCHESTER	NY
S6IN00035	COSTAS, WILLIAM	VALPARAISO	IN
H6CT01032	COTTER, WILLIAM R.	HARTFORD	CT
H6CA30060	COUCH, MR. HARRY	MONTEREY PARK	CA
H6MN03063	COUGHLIN, JEROME WILLIAM	BROOKLYN PARK	MN
H6PA13020	COUGHLIN, R. LAWRENCE	WASHINGTON	DC
H6LA08022	COURTNEY, MR. KENT M.	ALEXANDRIA	LA
P60002045	COURTON, CLARENCE L.	LAKELAND	FL
P60001417	COUSINS, NORMAN	NEW YORK	NY
H6GA05035	COVERDELL, PAUL DOUGLASS	ATLANTA	GA
H6KS04108	COWDREY, ROBERT A.	WICHITA	KS
H6IN09010	COX JR., DELSON	SALEM	IN
H6PA1A031	COX, DENNIS FRANKLIN	LANCASTER	PA
H6ID01011	COX, J. RAY	HAYDEN LAKE	ID
P60002904	COYNE-CARNAC, SHEILA	SAN FRANCISCO	CA
H6OH10017	CRABBE, MR. WILLIAM	STEUBENVILLE	OH
H6SC00044	CRAIG, BILL S.	MARTSVILLE	SC
H6IN06065	CRANE, DAVID D.	MARTINSVILLE	IN

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IDENTIFICATION	NAME			
H6IL12016	CRANE, PHILIP M.	WASHINGTON	DC	HOUSE
S6CA00019	CRANSTON, ALAN	WASHINGTON	DC	SENATE
H6MI01071	CRAVEN, JOHN P.	MONOLULU	MI	HOUSE
S6CA00139	CRAVEN, LES	AZUSA	CA	SENATE
H6CA35010	CRAVEN, LESLIE WAYNE	AZUSA	CA	HOUSE
H6IL19029	CRAVER, JOHN	LONDON MILLS	IL	HOUSE
H6NY27022	CRAWFORD, EDWIN L.	BINGHAMTON	NY	HOUSE
S6MD00025	CRAWFORD, VICTOR L.	SILVER SPRING	MD	SENATE
H6MI14059	CRAWFORD, VIRGINIA	DEARBORN	MI	HOUSE
H6MA04041	CROKEN, JOE	MALDEN	MA	HOUSE
H6MA05022	CRONIN, PAUL W.	LOWELL	MA	HOUSE
H6OR01092	CROSS, MALCOLM	PORTLAND	OR	HOUSE
S6CA00055	CROSS, NANCY JEWELL	MENLO PARK	CA	SENATE
H6TX03028	CROUCH, TOM	DALLAS	TX	HOUSE
H6TN05066	CROWDER, HUBERT LESLIE	GOODLETSVILLE	TN	HOUSE
H6NY10033	CUCCIA, ARTHUR	BROOKLYN	NY	HOUSE
P6000882	CUDE, JIMMY H.	DALLAS	TX	PRESIDENT
H6KY05038	CULLUM, ALBERT G, JR.	MIDDLESBORO	KY	HOUSE
H6MD03102	CULOTTA, MR. SAMUEL A.	BALTIMORE	MD	HOUSE
H6FL10037	CULPEPPER, ROBERT P.	JUPITER	FL	HOUSE
SAIA00012	CULVER, JOHN C.	WASHINGTON	DC	SENATE
H6IL13014	CUMMINGS, JAMES J.	BARRINGTON	IL	HOUSE
S6NJ00057	CUNDARI, MANNIBAL	BERGENFIELD	NJ	SENATE
S6NV00069	CUNDIFF, CARL M	LAS VEGAS	NV	SENATE
H6NV00077	CUNDIFF, CARL HARRISON	LAS VEGAS	NV	HOUSE
H6IL15027	CUNNINGHAM, JOHN A.	AURORA	IL	HOUSE
H6WA07136	CUNNINGHAM, JOHN E. (JACK)	SEATTLE	WA	HOUSE
H6CT04044	CUNNINGHAM, RICHARD M.D.	STAMFORD	CT	HOUSE
H6MA04006	CUNNINGHAM, ROBERT G.	WESTWOOD	MA	HOUSE
H6AL05061	CURROW, MR. DONALD	DECATUR	AL	HOUSE
H6MD03068	CURRAN JR., J. JOSEPH	BALTIMORE	MD	HOUSE
H6OH21060	CURRY, MR. ANTHONY R.	CLEVELAND	OH	HOUSE
H6TN01057	CURTIS, JOHN	CHATTANOOGA	TN	HOUSE
S6MO00029	CURTIS, THOMAS B.	CLAYTON	MO	SENATE
H6TN04028	CUTRER, T. "TONY"	COTTON TOWN	TN	HOUSE
H6MA03027	D'AMICO, GERALD	WORCESTER	MA	HOUSE
H6NH01032	D'AMOURS, NORMAN E.	MANCHESTER	NH	HOUSE
H6NY15068	D'ANGELO, MR. RONALD J.	BROOKLYN	NY	HOUSE
H6MI16013	D'URSO, JOSEPH D.	DETROIT	MI	HOUSE
P6000 2363	DARRS, VERNON MATTHEW	DURHAM	NC	PRESIDENT
H6DC00016	DARNEY, DAVID HODGES	WASHINGTON	DC	HOUSE
H6MI11068	DALE, MALCOLM WOLVIN	EASTPORT	MI	HOUSE
H6CA27033	DALESSIO, JOHN	SANTA MONICA	CA	HOUSE
H6MI16067	DALTO, SUSANN L	DETROIT	MI	HOUSE
P6000 1179	DALY, LAR	CHICAGO	IL	PRESIDENT
H6MA07175	DALY, RICHARD W.	WELLESLEY	MA	HOUSE
H6FL05136	DAMA, FRANK J.	ORLANDO	FL	HOUSE
H6NV00032	DAMRON, IRVINE	LENORE	NV	HOUSE
P6000 2296	DANE, ROBERT M.	ST. JOSEPH	MO	PRESIDENT
S6MO00024	DANFORTH, JOHN CLABBETT	JEFFERSON CITY	MO	SENATE
H6VA04030	DANIEL, ROBERT W. JR.	SPRING GROVE	VA	HOUSE
H6VA05019	DANIEL, W.C. "DAN"	DANVILLE	VA	HOUSE
H6CT02089	DANIELLS, WILLIAM K.	LYME	CT	HOUSE
H6NJ14025	DANIELS, DOMINICK V.	JERSEY CITY	NJ	HOUSE
H6CA30029	DANIELSON, GEORGE E.	MONTERREY PARK	CA	HOUSE
H6MO00039	DANNER, PAT	GLADSTONE	MO	HOUSE
H6LA01100	DART, ALBERT LAPLACE	NEW ORLEANS	LA	HOUSE
H6MT02036	DASINGER, MATH J	SIDNEY	MT	HOUSE
H6AR01031	DAUER, JAMES LAWRENCE	MADDEN	AR	HOUSE
H6MI04014	DAUGHERTY, RICHARD E.	DOWAGIAC	MI	HOUSE
H6AL01029	DAVENPORT, MR. BILL	CITRONELLE	AL	HOUSE
H6CA40135	DAVENPORT, MR. M. F. "BILL"	SANTA ANA	CA	HOUSE
H6AZ04046	DAVIDS, CRAIG E.	COOLIDGE	AZ	HOUSE
S6AZ00076	DAVIDS, MR. CRAIG E.	COLLIDGE	AZ	SENATE
H6IL11067	DAVIDSON, MORRIS	CHICAGO	IL	HOUSE
H6NY02066	DAVIDSON, ROCHELLE	DEER PARK	NY	HOUSE
H6MI09023	DAVIS JR, ROBERT E	BAY CITY	MI	HOUSE
H6IN00061	DAVIS, ALTON	NEWBURGH	IN	HOUSE
H6FL11050	DAVIS, BOB	FORT LAUDERDALE	FL	HOUSE
H6CA06037	DAVIS, CARL RICHARD	SAN FRANCISCO	CA	HOUSE
H6TX03016	DAVIS, JAMES	FARMERS BRANCH	TX	HOUSE
H6TX01105	DAVIS, JESSALYN	MARSHALL	TX	HOUSE
H6GA07080	DAVIS, JOHN W.	N/A	GA	HOUSE
H6MD00010	DAVIS, LANNY JESSE	SILVER SPRING	MD	HOUSE
H6SC01037	DAVIS, MENDEL J	CHARLESTON	SC	HOUSE
H6MO06008	DAVIS, MR. BILL	KANSAS CITY	MO	HOUSE
H6CA40143	DAVIS, MR. DALE	HUNINGTON BEACH	CA	HOUSE
H6CO04046	DAVIS, MR. RICHARD M.	IDAHO SPRINGS	CO	HOUSE
H6NC07014	DAVIS, PETER R.	WILMINGTON	NC	HOUSE
H6MS04077	DAVIS, STERLING P.	VICKSBURG	MS	HOUSE
S6WA00149	DAVIS, WILLIAM MARLEY	SEATTLE	WA	SENATE
H6LA06020	DE BLIEUX, J.D.	BATON ROUGE	LA	HOUSE
H6CA27207	DE COU, ANTHONY B.	REDONDO BEACH	CA	HOUSE
H6TX15014	DE LA GARZA, E.	WASHINGTON	DC	HOUSE
H6VI00026	DE LUGO, RON	CHRISTIANSTED	VI	HOUSE
H6MI13088	DE WATERS, HAROLD LEROY	DETROIT	MI	HOUSE
H6PA02015	DEADWYLER, WILLIAM H.	PHILADELPHIA	PA	HOUSE
H6MS04044	DEAN, KENNETH L.	JACKSON	MS	HOUSE
H6MI10070	DEAN, LAWRENCE	MORRICE	MI	HOUSE
H6MI07116	DEAN, MAX	FLINT	MI	HOUSE
P6000 2649	DEANGLIS, KATHERINE A. (V.P.)	CINCINNATI	OH	PRESIDENT
H6VA01109	DEANS, ROBERT ESKRIDGE II	NEWPORT NEWS	VA	HOUSE
H6MA11038	DEBENEDICTIS, DANIELLE	MILTON	MA	HOUSE
H6NE03057	DECAMP, JOHN W.	RAEVILLE	NE	HOUSE
S6AZ00027	DECONCINI, DENNIS	TUCSON	AZ	SENATE
H6IN00007	DEEN, MR. RICHARD L.	MILTOWN	IN	HOUSE
H6PA22096	DEFINO, MICHAEL J.	UNIONTOWN	PA	HOUSE
H6LA06067	DEFRANCESCH, FRED R.	ROXTON ROUGE	LA	HOUSE
H6FL12074	DEGRAFFENREIDT, MR. ANDREW	FT. LAUDERDALE	FL	HOUSE
H6CA04032	DEHR, MR. ALBERT	CITRUS HEIGHTS	CA	HOUSE
H6NY04012	DELANEY, JAMES J.	FOREST HILLS	NY	HOUSE
H6MI04063	DELGADO, THERESA	DETROIT	MI	HOUSE

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IDENTIFICATION	NAME			
H6PA10086	DELLA VECCHIA, MICHAEL	PITTSBURGH	PA	HOUSE
H6CA41010	DELLA-GIUSTINA, JO ANN	SAN DIEGO	CA	HOUSE
H6CA00041	DELLUMS, RONALD V.	WASHINGTON	DC	HOUSE
H6PA24068	DELUCA, VINCENT M.	ERIE	PA	HOUSE
H6PA22013	DEMARS, THOMAS V.	CANONSBURG	PA	HOUSE
S6OH00098	DEMATTE, BILL	YORKVILLE	OH	SENATE
H6OH23025	DEMCYZK, RAYMOND	BRECKSVILLE	OH	HOUSE
H6NJ13092	DEMOTT, EDWARD P.	MOMATCONG	NJ	HOUSE
SAPA00014	DENENBERG, HERBERT S.	WYNNEWOOD	PA	SENATE
H6SD01010	DENHOLM, FRANK E.	BROOKINGS	SD	HOUSE
H6OH20047	DENNERLL, MR. NORBERT G. JR.	GRAFTON	OH	HOUSE
H6PA21015	DENT, JOHN H.	LIGONIER	PA	HOUSE
H6MI08072	DENTON, EDWARD BRADY JR	SAGINAW	MI	HOUSE
H6CA24014	DERITIS, ROBERT M.	LONG BEACH	CA	HOUSE
H6SC03025	DERRICK, BUTLER	WASHINGTON	DC	HOUSE
H6IL04021	DERWINSKI, EDWARD J.	FLOSSMOOR	IL	HOUSE
H6NY11026	DESBOROUGH, EDWARD G.	BROOKLYN	NY	HOUSE
P6000 1480	DESHON, CHARLES WESLEY	ST. JOSEPH	MO	PRESIDENT
H6IL13055	DESLAURIERS, DONALD G.	PARK RIDGE	IL	HOUSE
H6MA05030	DESMAND, JOHN J.	LOWELL	MA	HOUSE
P6000304	DESMOND, JOHN J., JR.	STEILACOOM	WA	PRESIDENT
H6FL05011	DESMOND, JOSEPH F.	BROOKSVILLE	FL	HOUSE
H6CA41083	DESMOND, MS. LOUISA A.	SAN DIEGO	CA	HOUSE
H6DM12028	DEVINE, SAMUEL L.	COLUMBUS	OH	HOUSE
H6NY00045	DEYOUNG, MR. JAMES JR.	GLENFALLS	NY	HOUSE
H6MA08091	DI DONATO, FLORENZO-	ARLINGTON	MA	HOUSE
H6AZ04078	DI ROBERTS, ARCH	FOUNTAIN HILLS	AZ	HOUSE
H6VT00183	DIAMONDSTONE, PETER	BRATTLEBORO	VT	HOUSE
H6NY07040	DIBERNARDO, SAMUEL J	QUEENS	NY	HOUSE
H6IA04019	DICK JR, CHARLES H.	DES MOINES	IA	HOUSE
P6000 1070	DICKERMAN, RICHARD	ST. LOUIS	MO	PRESIDENT
H6CA21036	DICKERSON, MR. MARK MITCHELL	PANORAMA CITY	CA	HOUSE
H6AL02050	DICKINSON, HON. WILLIAM L.	WASHINGTON	DC	HOUSE
H6WA04021	DICKS, NORMAN D.	BREMERTON	WA	HOUSE
H6WA03043	DIDEON, RICHARD F.	LACEY	WA	HOUSE
H6NJ14033	DIDOMENICA, FRANCO	JERSEY CITY	NJ	HOUSE
H6MT01046	DIEHL, WILLIAM D.	HELENA	MT	HOUSE
H6CT01073	DIFAZIO, LUCIEN P. JR.	HARTFORD	CT	HOUSE
H6MI13023	DIGGS JR., CHARLES	DETROIT	MI	HOUSE
H6DE00016	DILLARD, MELVIN	WILMINGTON	DE	HOUSE
H6SC04069	DILLINGHAM, C.C.	CAMDEN	SC	HOUSE
S6NM00089	DILLON, MAURICE MALCOLM "MATT"	ALBUQUERQUE	NM	SENATE
H6MD04019	DILLON, SAM	ANAPOLIS	MD	HOUSE
H6MO09017	DINERSTEIN, LESTER A.	ST. CHARLES	MO	HOUSE
H6MI16034	DINGELL, JOHN D.	TRENTON	MI	HOUSE
H6MA12051	DINIS, EDMUND	NEW BEDFORD	MA	HOUSE
H6NY20188	DINSMORE, HERMAN M.	NEW YORK	NY	HOUSE
S6MA00072	DINSMORE, ROBERT EMMET	BOSTON	MA	SENATE
H6NM00018	DIOTTE, RICHARD HAROLD	PENACOCK	NM	HOUSE
H6PA18102	DIPASQUALE, VINCENT J.	PITTSBURG	PA	HOUSE
H6CT02022	DISCEPOLO, ANTHONY	STORRS	CT	HOUSE
H6LA01027	DIXON, DAVID F.	NEW ORLEANS	LA	HOUSE
H6NY13014	DOBOSH, JACK M.	BROOKLYN	NY	HOUSE
H6MD08044	DOCTER, CHARLES A.	KENSINGTON	MD	HOUSE
H6MO09157	DOCTORIAN, DAVID	MACON	MO	HOUSE
H6CT02048	DODD, CHRISTOPHER J.	NORTH STONINGTON	CT	HOUSE
P6000 2680	DODGE, EARL FARWELL (V.P.)	LAKEWOOD	CO	PRESIDENT
H6AZ01042	DODGE, SUMNER DUNCAN	SCOTTSDALE	AZ	HOUSE
S6NJ00107	DOGAMIERO, BERNARDO S.	MOORESTOWN	NJ	SENATE
SAC0 00015	DOLAN, JOSEPH F.	ENGLEWOOD	CO	SENATE
SAKS 00010	DOLE, ROBERT	WASHINGTON	DC	SENATE
P6000 2276	DOLE, ROBERT (V.P.)	WASHINGTON	DC	PRESIDENT
H6AZ02066	DOLGAARD, KEITH E.	TUCSON	AZ	HOUSE
H6NJ08050	DOLL, MR. GILBERT	PASSAIC	NJ	HOUSE
H6GA06066	DOLL, MR. WILLIAM JOSEPH	HAMPTON	GA	HOUSE
H6MA08018	DOLPH, RANDI L.	NEW YORK	NY	HOUSE
S6NM00010	DOMENICI, PETE V.	WASHINGTON	DC	SENATE
H6CO05050	DOMINGUEZ, RUDOLPH NORMAN	DENVER	CO	HOUSE
S6CO00049	DOMINICK, PETER H.	DENVER	CO	SENATE
H6CA27078	DONALDSON, MICHAEL C.	REDONDO BEACH	CA	HOUSE
H6IN03047	DONIS, JACK A.	ELKHART	IN	HOUSE
H6CA26035	DONNELLY, MR. GEORGE M.	S. PASADENA	CA	HOUSE
H6CA34013	DONOHOE, JOHN S.	LONG BEACH	CA	HOUSE
H6MA07044	DONOVAN, MR. ROBERT F.	CHELSEA	MA	HOUSE
H6CO01109	DORN, VEEDER V.	DENVER	CO	HOUSE
H6SC03033	DORN, WILLIAM JENNINGS	GREENWOOD	SC	HOUSE
H6CA27124	DORNAN, MR. ROBERT K.	LOS ANGELES	CA	HOUSE
H6AL06051	DORSEY, BILLY E.	BIRINGHAM	AL	HOUSE
H6OH04017	DORSEY, MR. CLINTON G.	TROY	OH	HOUSE
H6CA33031	DOTY, NEAL T.	DOWNEY	CA	HOUSE
H6NJ04068	DOTY, MS. BESSIE	HASKELL	NJ	HOUSE
H6MN08039	DOTY, RALPH R.	DULUTH	MN	HOUSE
H6MI08079	DOUGLAS, ALLEN	DETROIT	MI	HOUSE
H6PA03104	DOUGLAS, STEVEN SIBLEY	PHILADELPHIA	PA	HOUSE
H6TN03079	DOVER, TOM	CHATTANOOGA	TN	HOUSE
H6NY31040	DOWER, VIRGINIA M.	SYRACUSE	NY	HOUSE
P6000 2656	DOWNEY, MAGDALENE R. (V.P.)	MADISON	WI	PRESIDENT
H6NY02025	DOWNEY, THOMAS J.	WEST ISLIP	NY	HOUSE
H6VA01028	DOWNING, THOMAS N.	HAMPTON	VA	HOUSE
H6MN01117	DORTATER, MARION M.	W. ST. PAUL	MN	HOUSE
S6NV00049	DOYLE, JACK CONAN	LAS VEGAS	NV	SENATE
H6TX02038	DOYLE, JAMES M.	CONROE	TX	HOUSE
H6LA06059	DOZIER, GIL	BATON ROUGE	LA	HOUSE
H6NJ02020	DRAGOTTA, ROBERT	VINELAND	NJ	HOUSE
H6GA07058	DRAKE, MR. RONALD LEE	MARIETTA	GA	HOUSE
H6IL23047	DRENOVAC, SAM P.	GRANITE CITY	IL	HOUSE
H6NJ01089	DREYS, MS. ELIZABETH L.	MANDONFIELD	NJ	HOUSE
H6MI16113	DREALER, DAVID WENGEL	HUNTINGTON WOODS	MI	HOUSE
H6WA04025	DRINAN, ROBERT F.	CHESTNUT HILL	MA	HOUSE
S6MT00030	DRUM, DAVE	BILLINGS	MT	SENATE
H6OK02027	DRUMMOND, CECIL GENTNER	PAWHUSKA	OK	HOUSE
H6NY18021	DRUMMOND, GILLIAN H.	NEW YORK	NY	HOUSE

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H6NY21066	DRUMMOND, KENNETH W		
H6PA08835	DRURY, WILLIAM A.		
H6OH23058	DU ROSS, MR. JOHN D.		
H6WA06088	DUANE, MICHAEL		
H6PA17062	DUBLIN, VERNON M.		
H6ME00100	DUBUC, ROGER		
S6ME00100	DUBUC, ROGER		
H6OK06093	DUCK, JOHN ELMER		
H6NJ02038	DUFALA, ROBERT F.		
H6PA08038	DUFF, WILLIAM A.		
H6CO02016	DUGAN JR., ROBERT P.		
H6PA08063	DUGAN, JAMES MARTIN		
H6OA03030	DUGAN, MR. STEVE		
S6TX00024	DUGI, LEON		
H6MI17032	DUKE, BRUCE E.		
H6SC01045	DUKES, MILTON J.		
P6O002607	DUKES, MILTON J.		
P6O001005	DUMONT, DON		
H6TN02030	DUNCAN, JOHN J.		
H6TN03007	DUNCAN, ROBERT B.		
H6OR03015	DUNCAN, ROBERT R.		
H6OK00013	DUNLAP JR., ELIJAH THOMAS		
H6MD03151	DUNN, TORY		
H6MD08051	DUNNELL, DAVID CARTER		
H6KS05010	DUNNICK, FRANKIE D.		
H6OE00040	DUPONT, PIERRE S.		
H6TX12011	DURHAM, WILHJAM RAY		
H6WA07219	DURHAN, MARTIN J.		
S6NM00039	DURKIN, JOHN ANTHONY		
H6MA05063	DURKIN, ROGER P		
H6WA07110	DURNING, MARVIN B.		
H6MN01091	DUWE, LLOYD		
H6NE01010	DYAS, MESS		
S6NE00012	DYAS, MESS		
PA0002615	DYKE, WILLIAM DANIEL (V.P.)		
H6MD01015	DYSON, ROYDEN P.		
H6NY09079	EAGAN, JAMES E.		
H6NC00046	EAGLE, MR. CARL RAY		
S6NJ00011	EAGLETON, THOMAS F.		
H6NV00101	EARHART, WALDEN CHARLES		
H6FL05037	EARLE, LEWIS S.		
H6MA03043	EARLY, JOSEPH O.		
PA0001765	EASON, JAMES H		
H6MI07017	EASTMAN, ROBERT E.		
P6O001195	EATON, CHARLES FREDERICK FRANCIS, SR.		
S6FL00103	ECKERD, JACK		
H6TX00027	ECKHARDT, ROBERT		
PA0001047	EDDY, ROY N. (V.P.)		
H6PA07022	EDGAR, ROBERT W.		
H6CA34138	EDGERTON, MR. WALLACE W.		
S6OK00018	EDMONDSON, ED		
H6OK02100	EDMONDSON, W. A. DREW		
H6OH05030	EDWARDS, BRUCE		
H6CA10013	EDWARDS, DON		
H6AL01011	EDWARDS, JACK		
H6OK05030	EDWARDS, MARVIN M. MICKEY		
H6WD04091	EDWARDS, MR. ROSS		
H6VA6A062	EGGE, T. FARRELL		
H6MI0202A	EGNOR, RONALD W		
PA0000999	EHINGER, CALVIN C.		
H6MO02129	EICKHOFF, MR. LEO		
H6PA04029	EILBERG, JOSHUA		
H6IN11099	EINEMAN, JOHN A		
H6AZ04102	EISENHOWER, EARL D.		
P6O001203	EISENMAN, ABRAM		
H6MN07114	EMERG, GORDON F.		
H6MN07171	EMEN, WILLIS R.		
H6MI11019	ELAM, BRIAN		
H6NY20048	ELDRIDGE, RONNIE M.		
H6KY00021	ELDRIDGE, RUTH		
P6O001211	ELEY, DAVID CORNELIUS		
H6WA03119	ELHART, CHARLES		
H6NY33078	ELKINS, WILLIAM C.		
H6MI17149	ELLIOT, SCOTT L.		
H6NY14046	ELLIOTT, DONALD M.		
S6PA00035	ELLIOTT, FRANK E.		
H6MI01869	ELLIOTT, LAWRENCE E.		
H6NM16014	ELLIS, RICHARD T.		
S6NI00053	ELSMAN, JAMES LEONARD JR.		
H6AZ02098	EMERLING, MICHAEL		
H6ME01025	EMERY, DAVID F.		
H6ND05073	EMERY, LEO L		
H6OH09AA0	EMERY, MR. EDWARD SILVIO		
H6MN0A061	ENGERRETSON, ANDREW P		
P6O001229	ENGLEFIELD, RICHARD M.		
H6OK0A036	ENGLISH, GLENN		
S6MI00061	ENGMAN, LEWIS A.		
P6O001971	ENGVALSON, PAUL WILLARD		
H6OE00081	ENNIS, MR. HOWARD TAYLOR JR.		
H6IN08095	ENOCHS, MR. FRANKLIN D.R.		
H6MN05076	ERDALL, RICHARD (DICK) M.		
H6FL14020	ERLENBORN, JOHN N.		
H6PA17039	ERTEL, ALLEN E.		
S6MI00194	ERWIN, BETTE		
H6IN02015	ERWIN, WILLIAM W.		
H6MI02042	ESCH, MARVIN L.		
S6MI00079	ESCH, MARVIN L.		
H6PA16023	ESHLEMAN, EDWIN D.		
H6MO00016	ESPEY, WATT F.		
H6FL14039	ESTRELLA, EVELIO S		
S6NE00028	ETCHISON, LENORE A.		

MOMINY	OK	HOUSE
BRONX	NY	HOUSE
LANCASTER	PA	HOUSE
ROCKY RIVER	OH	HOUSE
SEATTLE	WA	HOUSE
HARRISBURG	PA	HOUSE
LEWISTON	ME	HOUSE
LEWISTON	ME	SENATE
STILLWATER	OK	HOUSE
MILLVILLE	NJ	HOUSE
HOLLAND	PA	HOUSE
LAKEWOOD	CO	HOUSE
EIGHTY FOUR	PA	HOUSE
WARDNER ROBBINS	GA	HOUSE
CUERO	TX	SENATE
FARMINGTON HILLS	MI	HOUSE
SUMMERVILLE	SC	HOUSE
SUMMERVILLE	SC	PRESIDENT
CHICAGO	IL	PRESIDENT
KNOXVILLE	TN	HOUSE
N/A	TN	HOUSE
WASHINGTON	DC	HOUSE
OKLAHOMA CITY	OK	HOUSE
BALTIMORE	MD	HOUSE
SILVER SPRING	MD	HOUSE
NORAN	KS	HOUSE
WILMINGTON	DE	HOUSE
FT WORTH	TX	HOUSE
BELLEVUE	WA	HOUSE
MANCHESTER	NH	SENATE
LOWELL	MA	HOUSE
SEATTLE	WA	HOUSE
MASTINOS	MN	HOUSE
LINCOLN	NE	HOUSE
LINCOLN	NE	SENATE
MT. HOREB	WI	PRESIDENT
GREAT MILLS	MD	HOUSE
RICHMOND MILL	NY	HOUSE
SALISBURY	NC	HOUSE
WASHINGTON	DC	SENATE
CARSON CITY	NV	HOUSE
MAITLAND	FL	HOUSE
WORCESTER	MA	HOUSE
SAN FRANCISO	CA	PRESIDENT
FLINT	MI	HOUSE
MANSFIELD,	OH	PRESIDENT
CLEARWATER	FL	SENATE
WASHINGTON	DC	HOUSE
ST. CLOUD	FL	PRESIDENT
BROOMALL	PA	HOUSE
BELLFLOWER	CA	HOUSE
MUSKOGEE	OK	SENATE
MUSKOGEE	OK	HOUSE
BOWLING GREEN	OH	HOUSE
WASHINGTON	DC	HOUSE
WASHINGTON	DC	SENATE
OKLAHOMA CITY	OK	HOUSE
KANSAS CITY	MO	HOUSE
ALEXANDRIA	VA	HOUSE
YPSILANTI	MI	HOUSE
LAUNDALE	CA	PRESIDENT
DES PERES	MO	HOUSE
PHILADELPHIA	PA	HOUSE
INDIANAPOLIS	IN	HOUSE
SCOTTSDALE	AZ	HOUSE
SAVANNAH	GA	PRESIDENT
HERMAN	MN	HOUSE
TWIN VALLEY	MN	HOUSE
DETROIT	MI	HOUSE
NEW YORK	NY	HOUSE
LUTTLE	KY	HOUSE
WASHINGTON	DC	PRESIDENT
OLYMPIA	WA	HOUSE
BURDETT	NY	HOUSE
DETROIT	MI	HOUSE
BROOKLYN	NY	HOUSE
DOYLESTOWN	PA	SENATE
DETROIT	MI	HOUSE
GREENLAND	NH	HOUSE
BIRMINGHAM	MI	SENATE
TUCSON	AZ	HOUSE
ROCKLAND	ME	HOUSE
LAUREL	MD	HOUSE
TOLEDO	OH	HOUSE
ST PAUL	MN	HOUSE
MANCHESTER	NH	PRESIDENT
CORDELL	OK	HOUSE
GRAND RAPIDS	MI	SENATE
HERMOSA BEACH	CA	PRESIDENT
GEORGETOWN	DE	HOUSE
BEDFORD	IN	HOUSE
MINNEAPOLIS	MN	HOUSE
GLEN ELLYN	IL	HOUSE
MONTOURSVILLE	PA	HOUSE
ANN ARBOR	MI	SENATE
BOURBON	IN	HOUSE
ANN ARBOR	MI	HOUSE
ANN ARBOR	MI	SENATE
LANCASTER	PA	HOUSE
BRENTWOOD	MD	HOUSE
MIAMI	FL	HOUSE
PAPILLION	NE	SENATE

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IDENTIFICATION	NAME		
H6CA17018	ETTNER, RICHARD L.		
H6MO03051	EUGE, HARVEY F.		
H6MA00106	EVANS, CAROL MENDERSON		
S6MA00130	EVANS, CAROL MENDERSON		
H6IN06032	EVANS, DAVID WALTER		
H6CO03022	EVANS, FRANK E.		
P6O001338	EVANS, JAMES LEROY		
H6GA00062	EVANS, MR. BILLY LEE		
H6CA08802	EVANS, MR. ROBERT J.		
H6CE00099	EVANS, MR. THOMAS B. JR.		
P6O000312	EVANS, RONALD WAYNE		
P6O000320	EVERT, MARTHA N.		
H6TN04010	EVINS, JOE L.		
H6AL05020	EYSTER, JOHN C.		
H6IL16041	EYTALIS, STEPHEN JOSEPH		
H6MO04076	FABULA, MS. CECELIA A.		
P6O002029	FALKE, LEE CHARLES		
H6CA00030	FAMILIAN, GARY		
H6PA01058	FANELLI, SAMUEL N.		
H6CA05070	FANNING, MR. BRANWELL		
H6TX01014	FARRIS, JAMES W		
H6CA39012	FARRIS, WILLIAM E.		
H6IL05010	FARY, JOHN G.		
H6FL15044	FASCELL, DANTE A.		
H6KS02086	FATHERLEY, RICHARD W.		
H6DC00022	FAUNTROY, WALTER		
H6MI09054	FAWLEY, STEPHEN EARL		
H6TN03053	FEAREY, KENT		
H6OH20054	FEATHER, MR. JEFFREY M.		
S6AZ00100	FEIGHAN, WILLIAM MATHEWS		
H6IA02047	FELD, MICHAEL J.		
S6NC00023	FELMET, JOE		
H6MN04111	FENNER, DEAN L		
H6NJ05031	FENWICK, MILLICENT		
H6UT01020	FERGUSON, JOE		
H6NY20093	FERRAN, ROCCO A.		
H6CA29013	FERRARO, RICHARD E.		
H6LA02058	FERTEL, MR. RODNEY		
H6IL14046	FESE, MARIE		
H6MO00226	FESS, THOMAS S.		
H6OH16052	FESTERLY, HAROLD B.		
H6WI03032	FETTING, THEODORE F.		
S6CA00147	FEUER, ISRAEL		
H6MD00127	FICKER, ROBIN		
S6AZ00092	FIELD, BOB		
H6IN08103	FIELD, MR. CLARK		
H6CT01040	FIGUEROA, AUREN		
S6CA00022	FINCH, ROBERT H.		
H6IL20027	FINDLEY, PAUL		
H6OH09032	FINKBEINER JR., CARLTON S.		
H6PA22021	FINLEY JR., EARL R.		
H6OK03108	FINLEY, JACK CHALEY		
H6GA05043	FINLEY, MARILYN		
H6MO06021	FINLEY, SANDRA		
H6CA41026	FINNIGAN, DAN		
P6O002292	FIOLA, NELL K.		
H6PA22104	FISCHER, ROGER RAYMOND		
H6NY25042	FISH JR., HAMILTON		
H6PA06057	FISHER, GARLAND H.		
H6VA10019	FISHER, JOSEPH L.		
H6TX21020	FISHER, O. C.		
H6CT03053	FISHMAN, JOELLE		
H6IN02023	FITMIAN, FLOYD J.		
H6RI02006	FITZGERALD, PAUL E. JR.		
H6NE01024	FITZGERALD, WARREN		
H6MI03026	FITZPATRICK, RICHARD G.		
H6MI17040	FITZPATRICK, ROBERT E.		
H6CA21044	FIXLER, MS. AMY WHITE		
H6MN07163	FJOSLIEN, DAVID		
H6CA16028	FLADG, MORGAN		
H6MN0A079	FLANAVEN, PATRICK E		
S6PA00022	FLAHERTY, PETE		
H6TN00011	FLANAGAN, MARK FRANCIS		
H6OH20062	FLANIGAN, JOHN T.		
H6NY1A111	FLATEAU, ADELE		
H6OH01039	FLAX, MR. WILLIAM E.		
H6WA07169	FLEMING, DEORGE		
H6PA09026	FLEMING, RICHARD C.		
H6CA41091	FLICK, MR. ARNOLD		
H6AL05038	FLIPPO, RONNIE GENE		
H6PA11016	FLOOD, DANIEL		
H6NJ01040	FLORIO, JAMES J.		
H6MO10023	FLOTRON, RICHARD D.		
H6AL07026	FLOWERS, WALTER		
H6MI08098	FLYNN, CARL BERNARD		
H6PA15033	FLYNN, DOUGLAS C.		
H6RI02011	FLYNN, JAMES P.		
P6O001526	FLYNN, RICHARD F.		
H6MA09073	FLYNN, ROBERT OWEN		
H6SA00025	FLYNT JR., JOHN J.		
H6CA24030	FOGEL, JERRY		
S6NJ00040	FOLEY, STEPHEN J.		
H6WA05023	FOLEY, THOMAS S.		
H6AL04031	FOLSOM, MR. JAMES E. JR.		
S6PA00050	FOLTZ, MARY ELLEN		
H6LA01019	FONTENOT, WILLIAM A.		
H6AR02021	FORD JR., C. V.		
P6O000330	FORD, GERALD R.		
H6TN0A017	FORD, HAROLD E.		
H6CA19014	FORD, HERBERT ALVIN		
H6PA09036	FORD, ROBERT D.		
S6KY00018	FORD, WENDELL H.		

FRESNO	CA	HOUSE
ST LOUIS	MO	HOUSE
CAMBRIDGE	MA	HOUSE
CAMBRIDGE	MA	SENATE
INDIANAPOLIS	IN	HOUSE
BUELAH	CO	HOUSE
BACLIFF	TX	PRESIDENT
MACON	GA	HOUSE
OAKLAND,	CA	HOUSE
WILMINGTON	DE	HOUSE
DETROIT	MI	PRESIDENT
CAMP HILL	PA	PRESIDENT
SMITHVILLE	TN	HOUSE
DECATUR	AL	HOUSE
ROCKFORD	IL	HOUSE
BALTIMORE	MD	HOUSE
DAYTON	OH	PRESIDENT
BEVERLY HILLS	CA	HOUSE
PHILADELPHIA	PA	HOUSE
TIBURON	CA	HOUSE
PARIS	TX	HOUSE
ORANGE	CA	HOUSE
CHICAGO	IL	HOUSE
MIAMI	FL	HOUSE
TONGANOXIE	KS	HOUSE
WASHINGTON	DC	HOUSE
MUDSONVILLE	MI	HOUSE
OAK RIDGE	TN	HOUSE
CLEVELAND	OH	HOUSE
SCOTTSDALE	AZ	SENATE
DELWEIN	IA	HOUSE
WINSTON-SALEM	NC	SENATE
WHITE BEAR LAKE	MN	HOUSE
BERNARDSVILLE	NJ	HOUSE
AMERICAN FOLK	UT	HOUSE
ALBANY	NY	HOUSE
LOS ANGELES	CA	HOUSE
NEW ORLEANS	LA	HOUSE
ELMHURST	IL	HOUSE
ROCKVILLE	MD	HOUSE
MO. CANTON	OH	HOUSE
COON VALLEY	WI	HOUSE
LOS ANGELES	CA	SENATE
BETHESDA	MD	HOUSE
SCOTTSDALE	AZ	HOUSE
EVANSVILLE	IN	HOUSE
MIDDLETON	CT	HOUSE
LONG BEACH	CA	SENATE
SPRINGFIELD	IL	HOUSE
TOLEDO	OH	HOUSE
MARIANNA	PA	HOUSE
MEAD	OK	HOUSE
ATLANTA	GA	HOUSE
KANSAS CITY	MO	HOUSE
SAN DIEGO	CA	HOUSE
RICHFIELD	MN	PRESIDENT
WASHINGTON	PA	HOUSE
MILLBROOK	NY	HOUSE
DOUGLASVILLE	PA	HOUSE
ARLINGTON	VA	HOUSE
SAN ANTONIO	TX	HOUSE
NEW HAVEN	CT	HOUSE
LAFAYETTE	IN	HOUSE
WAKEFIELD	RI	HOUSE
GIMBON	NE	HOUSE
BATTLE CREEK	MI	HOUSE
DETROIT	MI	HOUSE
ENCINO	CA	HOUSE
BRANDON	MN	HOUSE
MONTEREY	CA	HOUSE
ST. PAUL	MN	HOUSE
PITTSBURGH	PA	SENATE
MEMPHIS	TN	HOUSE
CLEVELAND	OH	HOUSE
BROOKLYN	NY	HOUSE
CINCINNATI	OH	HOUSE
SEATTLE	WA	HOUSE
LEWISTOWN	PA	HOUSE
SAN DIEGO	CA	HOUSE
FLORENCE	AL	HOUSE
WILKES-BARRE	PA	HOUSE
RUNNEMEDE	NJ	HOUSE
NEWNAN	GA	HOUSE
STUDIO CITY	CA	HOUSE
OCEAL	NJ	SENATE
SPOKANE	WA	HOUSE
CULLMAN	AL	HOUSE
LITTLESTOWN	PA	SENATE
NEW ORLEANS	LA	HOUSE
LITTLE ROCK	AR	HOUSE
WASHINGTON	DC	PRESIDENT
MEMPHIS	TN	HOUSE
SANTA MARIA	CA	HOUSE
DUNCANNON	PA	HOUSE
WASHINGTON	DC	SENATE

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IDENTIFICATION	NAME		
H6MI15036	FORD, WILLIAM DAVID	TAYLOR	MI HOUSE
H6MD04084	FORNOS, MR. WERNER	DAVIDSONVILLE	MD HOUSE
H6ID02043	FORSCHLER, GEORGE	BURLEY	ID HOUSE
H6NJ06021	FORSYTHE, EDWIN B.	MOORESTOWN	NJ HOUSE
H6NC02023	FOUNTAIN, L. H.	TARBORO	NC HOUSE
H6GA05142	FOWLER, W. WYCHE JR.	ATLANTA	GA HOUSE
H6CA21051	FOX, MR. STEVE	W. HOLLYWOOD	CA HOUSE
H6PA01108	FRAENZLE, CLARE	PHILADELPHIA	PA HOUSE
H6IL01035	FRANCE, ERWIN A.	CHICAGO	IL HOUSE
H6TN02055	FRANCIS, MARGARET	KNOXVILLE	TN HOUSE
H6MN05035	FRANK, CHRIS	MINNEAPOLIS	MN HOUSE
H6IL12032	FRANK, EDWIN	HOFFMAN ESTATES	IL HOUSE
H6OH07010	FRANKE, MS. DOROTHY	ST. PARIS	OH HOUSE
H6MO07011	FRANKS, RICHARD L.	SPRINGFIELD	MO HOUSE
H6MN07130	FRANSON, DICK	MINNEAPOLIS	MN HOUSE
S6MN00101	FRANSON, RICHARD "DICK"	MINNEAPOLIS	MN SENATE
H6OH22019	FRANZ, WILLIAM J.	CLEVELAND HEIGHTS	OH HOUSE
H6MO02178	FRAPPIER, JAMES M.	FLORISSANT	MO HOUSE
H6MO06145	FRAPPIER, JO HENRI	ST. CHARLES	MO HOUSE
H6MN05027	FRASER, DONALD M.	MINNEAPOLIS	MN HOUSE
S6MN00029	FRASER, DONALD M.	MINNEAPOLIS	MN SENATE
H6IL05077	FRAY, JOHN G.	CHICAGO	IL HOUSE
H6MI04089	FRAZER, DAVID S	BENTON HARBOR	MI HOUSE
H6IN10075	FRAZIER, MR. WILLIAM GOULD	ALBANY	IN HOUSE
H6CA12019	FREDRICH, JOHN K.	PALO ALTO	CA HOUSE
H6PA14110	FREEMLE, JERRY D.	LEETSDALE	PA HOUSE
H6OH16011	FREEMON, MR. JOHN G.	N. CANTON	OH HOUSE
P6O001054	FREEMAN, CARL FLOYD	DECATUR	GA PRESIDENT
H6KS02017	FREEMAN, MR. ROSS R.	TOPEKA	KS HOUSE
H6TN05132	FREEMAN, PORTER	ANITOCH	TN HOUSE
P6O000015	FREGGE, KENNETH	ORWELL	NY PRESIDENT
H6CA05039	FRENCH, ALAN O.	SAN FRANCISCO	CA HOUSE
H6MN03022	FRENZEL, BILL	GOLDEN VALLEY	MN HOUSE
H6NJ12048	FREUND, MR. A. HOWARD	ROSELLE PARK	NJ HOUSE
H6FL09021	FREY JR., LOU	ORLANDO	FL HOUSE
P6O001518	FREY, FRANK	EAGLE ROCK	CA PRESIDENT
P6O00134A	FRIEDMAN, LOUIS J.	SHERMAN OAKS	CA PRESIDENT
H6FL12042	FRIEDMAN, MR. CHARLIE	HOLLYWOOD	FL HOUSE
H6CO01043	FRIEDMAN, MR. ORN	DENVER	CO HOUSE
H6MI09070	FRIESSEN, WILLIAM G.	GRANT	MI HOUSE
H6NC06016	FRIPP, H. ALLAN	GREENSBORO	NC HOUSE
H6MO03101	FRISELLA, MR. JAMES A.	ST. LOUIS	MO HOUSE
H6CA24022	FRISINA, MARY E.	LOS ANGELES	CA HOUSE
H6MI04105	FRISKE, KARL	GARDOA	MI HOUSE
P6O001377	FRITZ, JOHN PAUL	HONOLULU	HI PRESIDENT
H6MI12058	FROEHLICH, WILLIAM A.	MT. CLEMENS	MI HOUSE
H6WI08056	FROEHLICH, HAROLD V.	APPLETON	WI HOUSE
H6TX24057	FROST, MARTIN	DALLAS	TX HOUSE
P6O001492	FRY, FIELDING L. II	BALTIMERSBURG	MD PRESIDENT
H6NY10051	FUCHS, JOANNE S.	BRONX	NY HOUSE
H6IN08012	FUMPER SR., CHARLES T.	EVANSVILLE	IN HOUSE
H6MI15028	FUNKMANN, ALOI C.	WESTLAND	MI HOUSE
S6AR00012	FULBRIGHT, J. W.	WASHINGTON	DC SENATE
H6MA10010	FULHAM, JOHN	WELLESLEY	MA HOUSE
H6IA05040	FULK, KENNETH R.	CLARINDA	IA HOUSE
H6AZ01017	FULLINWIDER, PATRICIA MUELLER	TEMPE	AZ HOUSE
H6TN05033	FULTON, RICHARD	GOODLETTSVILLE	TN HOUSE
S6OH00049	FUNDARURK, EMMA LILA	BOWLING GREEN	OH SENATE
H6NJ00017	FUNSCH, ROBERT W.	ENGLEWOOD	NJ HOUSE
H6FL02029	FUQUA, DON	WASHINGTON	DC HOUSE
H6MO08135	FUSTERO, ROBERT A	SILVER SPRING	MO HOUSE
H6AZ03008	GABALDON, MR. TONY	PHOENIX	AZ HOUSE
P6O000346	GAROP, PATRICK W.	ALEXANDRIA	VA PRESIDENT
H6GA05050	GACRIS, MR. EDWARD W.	ATLANTA	GA HOUSE
H6NJ13076	GAFFNEY, MR. EDWARD J.	NEWTON	NJ HOUSE
H6KS05049	GAINES, FRANK	N/A	KS HOUSE
S6ME00092	GALBRAITH, MARC	SOUTH PORTLAND	ME SENATE
H6MD03029	GALLAGHER, FRANK X.	BALTIMORE	MD HOUSE
H6MI17057	GALLAGHER, KENNETH C.	DETROIT	MI HOUSE
H6D-20070	GALLAGHER, MR. DONALD T.	CLEVELAND	OH HOUSE
H6CA13017	GALLANT, MARK A.	SAN JOSE	CA HOUSE
S6NM00048	GALLEGOS, ORLANDO VITO	ALBUQUERQUE	NM SENATE
H6NC04045	GALLEMORE, JOHNNIE L.	DURHAM	NC HOUSE
H6TX21038	GALLION, ED	CRANE	TX HOUSE
S6TX00032	GALLION, MARJORIE P.	CRANE	TX SENATE
S6NY00060	GALLO, MARCIA	NEW YORK	NY SENATE
H6CO05035	GALLOWAY, WILLIAM RENNETT	DENVER	CO HOUSE
H6CA23107	GALLUCCI, MS. PATRICIA AYER	LOS ANGELES	CA HOUSE
H6OH09057	GALONSKY, LYNN	TOLEDO	OH HOUSE
H6MA08075	GALOTTI, EDWARD F.	BELMONT	MA HOUSE
H6NJ0907A	GAMBINO, MR. ANGELO S.	FORT LEE	NJ HOUSE
H6TX22069	GAMMAGE, ROBERT A.	HOUSTON	TX HOUSE
H6NT06042	GAMMANS, NELSON J.	OYSTER BAY	NY HOUSE
H6MO04026	GANT, JACK E.	INDEPENDENCE	MO HOUSE
H6OH09016	GARBER, COREY DOUGLAS	MAUMEE	OH HOUSE
H6NM01046	GARCIA, MR. RAYMOND	ALBUQUERQUE	NM HOUSE
H6IL07032	GARDNER, MILTON	CHICAGO	IL HOUSE
H6AZ04052	GARFIELD, MR. ERNEST	PHOENIX	AZ HOUSE
H6NY16042	GARGIULO, FRANK X.	BROOKLYN	NY HOUSE
S6UT00027	GARN, E. J. JAKE	SALT LAKE CITY	UT SENATE
H6CA22012	GARNER, DAVID LLOYD	NEWHALL	CA HOUSE
H6WA02053	GARNER, JOHN NANCE	EVERETT	WA HOUSE
H6MO08069	GARROTT, IDAMAE	SILVER SPRING	MO HOUSE
H6ME02011	GARTLEY, MARKHAM L	WINTHROP	ME HOUSE
H6MD08234	GARWOOD, FREDERICK LEROY	SILVER SPRING	MD HOUSE
H6CA25052	GARZA, VIRGINIA	EAST LOS ANGELES	CA HOUSE
H6CA18047	GASTIL, RUSSELL BORDEN	LA MESA	CA HOUSE
S6MD00042	GATES, HOWARD L.,	TIMONIUM	MD SENATE
H6OH10022	GATTEN, MR. J. KERMIT	WARNER	OH HOUSE
H6SC00036	GAUSE, GOLDIE LIVINGSTON	GEORGETOWN	SC HOUSE
H6PA20017	GAYDOS, JOSEPH M.	MCKEESPORT	PA HOUSE
P6O002748	GAYDOSH, FRANK (V.P.)	CARBONDALE	PA PRESIDENT

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IDENTIFICATION	NAME		
H6TX08019	GEARHART, NICK	HOUSTON	TX HOUSE
H6MI18048	GEARY, MAURICE	FERNDALE	MI HOUSE
H6OK02035	GEE, ROBERT S.	MIAMI	OK HOUSE
H6NY32063	GELBER, MICHAEL	SYRACUSE	NY HOUSE
H6IL19011	GENDE, JIM	MOLINE	IL HOUSE
P6O002063	GENTRY, E.E.	MARTHAVILLE	LA PRESIDENT
P6O003353	GEORGE, MALCOMBE	FRESNO	CA PRESIDENT
H6MO03119	GEPHARDT, MR. RICHARD A.	ST. LOUIS	MO HOUSE
H6NY38037	GERACI, PETER J.	AMHERST	NY HOUSE
H6UT01053	GEPLACH, HARRY B.	BOUNTIFUL	UT HOUSE
H6CA28072	GERMONPREZ, MR. MICHAEL O.	LOS ANGELES	CA HOUSE
H6MI14104	GETZ, JOHN EDWARD	GROSSE POINTE FARM	MI HOUSE
H6NJ00016	GFVER, PAUL M.	RAMWAY	NJ HOUSE
H6CT03020	GIAIMO, ROBERT N.	NEW HAVEN	CT HOUSE
H6NJ05049	GIANMARCO, JOHN	MIDDLESEX	NJ HOUSE
H6NC11032	GIBBONS, MR. ROY POWELL	ASHEVILLE	NC HOUSE
H6FL07033	GIBBONS, SAM M.	TAMPA	FL HOUSE
H6KY03017	GIBBS, WILLIAM	LOUISVILLE	KY HOUSE
S6DE00040	GIES, DONALD G.	WILMINGTON	DE SENATE
S6CA001A2	GIFFORD, HOWARD L. (CHIPS)	PATTERSON	CA SENATE
H6OK05061	GILBERT, JERRY A.	OKLAHOMA CITY	OK HOUSE
S6MT00014	GILBERT, LARRY	GREAT FALLS	MT SENATE
H6MS05025	GILLEY, GLENN EO	OCEAN SPRINGS	MS HOUSE
H6MI08031	GILLMAN, MICHAEL J	BAY CITY	MI HOUSE
H6NC11107	GILMAN, ALBERT F.	CULLOWHEE	NC HOUSE
H6NY26016	GILMAN, BENJAMIN A.	MIDDLETOWN	NY HOUSE
H6CA20079	GILMARTIN, MR. JAMES M.	VALENCIA	CA HOUSE
H6IL02017	GINNERSKI, JAMES	CHICAGO	IL HOUSE
H6GA06033	GINGRICH, NEWTON LEROY	CARROLLTON	GA HOUSE
H6OH20048	GINLEY, MR. EDWARD A.	FAIRVIEW PARK	OH HOUSE
H6GA01026	GINN, RONALD B.	MILLEN	GA HOUSE
H6NJ10015	GIORDANO, MICHAEL	NEWARK	NJ HOUSE
H6NY23443	GIORDANO, RALPH L.	BRONX	NY HOUSE
H6MI05011	GIRARD, FRANK	GRAND RAPIDS	MI HOUSE
S6MI00178	GIRARD, FRANK	GRAND RAPIDS	MI SENATE
H6ME02048	GLEN, WILLIAM S.	BANGER	ME HOUSE
H6MO07029	GLENN, DON	FORSYTH	MO HOUSE
H6TA04062	GLENN, FRANK S.	FLINT	TX HOUSE
P6O001948	GLENN, JOHN	WASHINGTON	DC PRESIDENT
S6OH00010	GLENN, JOHN M.	WASHINOTON	DC SENATE
H6KS04041	GLICKMAN, DANIEL R.	WASHINGTON	DC HOUSE
H6MD03110	GLOSS, MR. GERARD A.	BALTIMORE	MD HOUSE
S6MN00127	GLOVER, JOHN M.	MINNEAPOLIS	MN SENATE
P6O000023	GLOVER, JAMES IRVIN	BARFIELD	NJ PRESIDENT
H6TX04021	GODFREY, RONALD LEE	FORT WORTH	TX HOUSE
H6MI05029	GOEREL JR., PAUL O.	GRAND RAPIDS	MI HOUSE
S6NT00110	GOLD, ERNEST	BROOKLYN	NY SENATE
H6NY29010	GOLDEN, EDWARD J.	TROY	NY HOUSE
H6PA07030	GOLDEN, JOHN J.	LESTER	PA HOUSE
H6CA41109	GOLDEN, MR. KING JR.	SAN DIEGO	CA HOUSE
H6MI13049	GOLDEN, RICHARD A	SOUTHFIELD	MI HOUSE
H6NY18088	GOLDSTEIN, AL	NEW YORK	NY HOUSE
H6CA20020	GOLDWATER, BARRY M. JR.	WOODLAND MILLS	CA HOUSE
S6AZ00014	GOLDWATER, BARRY SR.	WASHINGTON	DC SENATE
P6O000049	GOMAS, JOHN S.	SOUTH BEND	IN PRESIDENT
H6CO01075	GONCE, JOHN C.	DENVER	CO HOUSE
H6TX15022	GONZALEZ, ANGEL NOE	HARLINGEN	TX HOUSE
H6TX20022	GONZALEZ, HENRY B.	SAN ANTONIO	TX HOUSE
H6WY00019	GOODELL, CHARLES	CASPER	WY HOUSE
H6PA19043	GOODLING, WILLIAM F.	JACOBUS	PA HOUSE
P6O002573	GOODLOE, THOMAS M. JR.	PLACERVILLE	CA PRESIDENT
P6O002300	GOODLUCK, JIM	CLEVELAND	OH PRESIDENT
H6NC09085	GOODMAN, ARTHUR JR.	CHARLOTTE	NC HOUSE
H6WV04048	GOODMAN, ERNEST S. JR.	HUNTINGTON	WV HOUSE
H6GA02040	GOOLSBY, ROGER JEFFERSON	ALBANY	GA HOUSE
P6O000361	GORDON, J. JOHN	WORCESTER	MA PRESIDENT
H6TN04036	GORE, ALBERT JR.	CARTHAGE	TN HOUSE
H6IL03049	GORMAN, ROBERT C.	WOMENWOOD	IL HOUSE
S6WA00040	GORTON, SLADE	SEATTLE	WA SENATE
H6NH01040	GOSSELIN, DAVID L.	STRAFFORD	NH HOUSE
H6NY23070	GOSTIGIAN, MR. KRIKOR B.	YONKERS	NY HOUSE
H6WA01105	GOTTLIFF, ALAN MERRIL	BELLEVUE	WA HOUSE
S6RI00044	GOULDING, PAUL E.	PROVIDENCE	RI SENATE
H6IL19045	GRABENLIS, EULALIA LITA	ROCK FALLS	IL HOUSE
H6DM20096	GRAROW, MR. RAYMOND J.	WARRENVILLE HGTS.	OH HOUSE
H6MO01049	GRACE, CHARLES O.	JOPPA	MO HOUSE
H6CO03048	GRADISHAR, MR. WILLIAM J.	PUEBLO	CO HOUSE
H6OH01021	GRADISON JR., WILLIS D.	CINCINNATI	OH HOUSE
S6FL00058	GRADY, JOHN L.	VALPARAISO	FL SENATE
S6VT00067	GRAHAM, BRUCE	STOWE	VT SENATE
H6PA00118	GRAHAM, ROBERT A.	MOLLAND	PA HOUSE
H6MO03069	GRALIKE, DONALD J.	ST LOUIS	MO HOUSE
S6TX00040	GRAMM, WILLIAM PHILIP	COLLEGE STATION	TX SENATE
H6IN04060	GRAN, EUGENE GAIL	COLUMBIA CITY	IN HOUSE
H6NJ10072	GRANDISON, MR. TONY	NEWARK	NJ HOUSE
H6NM02030	GRANOMATSON, MR. JR. JOSEPH	NASHUA	NH HOUSE
H6WA04059	GRANGER, RICHARD	VANCOUVER	WA HOUSE
H6PA02080	GRANT, DENNIS	PHILADELPHIA	PA HOUSE
H6WA07151	GRANT, GARY S.	KENT	WA HOUSE
H6CA20045	GRANT, LESLIE ALAN	SAN RAFAEL	CA HOUSE
H6IA03037	GRASSLEY, CHARLES E.	NEW HARTFORD	IA HOUSE
P6O002AA	GRASSO, ELLA (V.P.)	HARTFORD	CT PRESIDENT
P6O002599	GRAVEL, MIKE	ANCHORAGE	AK PRESIDENT
S6AR00016	GRAVEL, MIKE	WASHINGTON	DC SENATE
H6PA02023	GRAY III, WILLIAM H.	PHILADELPHIA	PA HOUSE
H6IL20011	GRAY, KENNETH J.	FRANKFORT	IL HOUSE
H6MO01063	GRAY, MR. PERRY "DOC"	ST. LOUIS	MO HOUSE
S6NJ00045	GRAYBAR, ANDREW T.	WHITEHOUSE STATION	NJ SENATE
H6VA01034	GRAYSON, GEORGE WALLACE	WILLIAMSBURG	VA HOUSE
H6OK06044	GREEN, GARY L.	STILLWATER	OK HOUSE
H6GA07064	GREEN, MR. WILLIAM O. JR.	ATLANTA	GA HOUSE
H6DE00156	GREEN, RAYMOND R.	WILMINGTON	DE HOUSE

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IDENTIFICATION	NAME			
S8PA00027	GREEN, WILLIAM J.	PHILADELPHIA	PA	SENATE
H8PA03013	GREEN, WILLIAM J.	PHILADELPHIA	PA	HOUSE
H8IL14053	GREEN, WINFIELD	W. CHICAGO	IL	HOUSE
H6NY23419	GREENAWALT, WILLIAM S.	HARTSDALE	NY	HOUSE
H6NY02033	GREENE, NEIL	N BABYLON	NY	HOUSE
H6NJ04034	GREENSPAN, MR. ELLIOT	TRENTON	NJ	HOUSE
H6AL05079	GREER, LYNN	ROGERSVILLE	AL	HOUSE
H6TX16053	GREGORY, JACK	EL PASO	TX	HOUSE
H6NY09020	GRESSEY, LORETTA E.	LONG ISLAND CITY	NY	HOUSE
S4AK00024	GREUEL, DICK	FAIRBANKS	AK	SENATE
H6MD08143	GREYBER, HOWARD D	POTOMAC	MD	HOUSE
H8SC01052	GRICE, GEORGE D.	CHARLESTON	SC	HOUSE
H6MN02065	GRIFFIN, GLORIA	TONKA BAY	MN	HOUSE
H6OH08075	GRIFFIN, MR. JOHN W.	MIAMISBURG	OH	HOUSE
H6TX16012	GRIGGS, EDGAR	EL PASO	TX	HOUSE
H6NY37070	GRIMM, STEPHEN	BUFFALO	NY	HOUSE
H6OH22043	GROPP, MR. DONALD W.	CLEVELAND HTS.	OH	HOUSE
H6IA03052	GROSS, H. R.	WATERLOO	IA	HOUSE
H6NY16137	GROSS, IRVING	BROOKLYN	NY	HOUSE
H6NY17031	GROSSBERGER, KENNETH J.	NEW YORK	NY	HOUSE
H6NY03090	GROVER, JAMES R. JR.	FARMINGDALE	NY	HOUSE
P6000292O	GRUNN, KARL	MOUND	MN	PRESIDENT
H6IL18013	GRUNKEMEYER, VIRGIL R.	PEORIA	IL	HOUSE
H6MN06017	GRUNSETH, JON RIEDER	COLD SPRING	MN	HOUSE
H6CA13025	GUALTIERI, ANTONY	LOS GATOS	CA	HOUSE
H6CA40010	GUALER, DAVID C.	NEWPORT	CA	HOUSE
H6MD08036	GUDE, GILBERT	BETHESDA	MD	HOUSE
H6NC11040	GUNDER, MR. LAMAR	ASHEVILLE	NC	HOUSE
H6AK00011	GUESS, EUGENE	ANCHORAGE	AK	HOUSE
H6SD01034	GUFFEY, JAMES VINCENT	WATERTOWN	SD	HOUSE
S6NT00055	GULICK, RAY E.	JOPLIN	MT	SENATE
S6WA00099	GUMBEL, PAUL	SEATTLE	WA	SENATE
H6WI03047	GUNDERSON, ADOLF	LA CROSSE	WI	HOUSE
H6OA09046	GUNNELLS, MR. JOEL B.	MARTWELL	GA	HOUSE
H6GA09004	GUNNIN, MR. RAY W.	NORCROSS	GA	HOUSE
S6FL00025	GUNTER, BILL	ORLANDO	FL	SENATE
H6FL05045	GUNTER, WILLIAM	TALLAHASSEE	FL	HOUSE
H6FL11019	GUSTAFSON, JOEL KARL	FORT LAUDERDALE	FL	HOUSE
H6LA01074	GUTIERREZ, SALVADOR EDWARD JR.	ARABI	LA	HOUSE
H6FL05042	GUTMAN, E. MICHAEL	LAKE MONROE	FL	HOUSE
H6AZ02008	GUTTERSON, LAIRD	TUCSON	AZ	HOUSE
S4ND00020	GUY, WILLIAM LEWIS GUY	CASSELTON	ND	SENATE
H6OH04025	GUYER, TENNYSON	FINDLAY	OH	HOUSE
H6PA14122	HAAS, RICHARD A.	LANCASTER	PA	HOUSE
S6MI00210	HACKETT, DON	INKSTER	MI	SENATE
P6000037O	HACKWORTHE, JOHNNIE MAE	BRENHAM	TX	PRESIDENT
S4TX00098	HAFENSOEN, JOANNE	MONTROSE	TX	SENATE
H6NY10036	HAGAN, JOHN P.	NYC	NY	HOUSE
H6MN02024	HAGEDORN, TOM	TRUMAN	MN	HOUSE
H6MI13031	HAGENS, JUDY	DETROIT	MI	HOUSE
S6ND00041	HAGGARD, CLARENCE			
P8000149O	HAILE, FRANK LITTLEJOHN	KNOXVILLE	TN	PRESIDENT
H6WA07045	HALE, REID E.	SEATTLE	WA	HOUSE
H6AL05047	HALE, MR. DOUG	MUNTSVILLE	AL	HOUSE
H6IL10044	HALES, DANIEL B.	WINNETKA	IL	HOUSE
H6TX01022	HALL JR., SAM B.	MARSHALL	TX	HOUSE
P8000139J	HALL, GUS	YONKERS	NY	PRESIDENT
H6DC00049	HALL, MR. DANIEL L.	WASHINGTON	DC	HOUSE
H6IL15043	HALL, TIM L.	OWIGHT	IL	HOUSE
H6CA40093	HALL, VIVIAN M.	IRVINE	CA	HOUSE
H6NY04070	HALPERN, GERALD P.	FREEPORT	NY	HOUSE
H6NY04OAR	HALPERN, JOHN	HICKSVILLE	NY	HOUSE
H6NY19037	HALYARD, HELEN	BROOKLYN	NY	HOUSE
H6NY37054	HAM, ROGER POWERS	BUFFALO	NY	HOUSE
H6NY00050	HAMBURG, AL	TORRINGTON	NY	HOUSE
H6IN09036	HAMILTON, LEE H.	COLUMBUS	IN	HOUSE
H6NY29028	HAMILTON, RONALD W.	SARATOGA SPRINGS	NY	HOUSE
H6KY05079	HAMLIN, THURMAN JEROME	LONDON	KY	HOUSE
P8000205Z	HAMLIN, THURMAN JEROME	LONDON	KY	PRESIDENT
H6AR03029	HAMMERSCHMIDT, HON JOHN PAUL	WASHINGTON	DC	HOUSE
H6NJ15014	HAMMESFAHR, ERNEST J.	MEPUCHEN	NJ	HOUSE
H6MI00012	HAMPTON, BRIAN ARTHUR	KALAMAZOO	MI	HOUSE
H6OK02110	HANCOCK, RICHARD E.	CLAREMORE	OK	HOUSE
H6MI16109	HANCOCK, SAMUEL S.	DEARBORN	MI	HOUSE
H6OH16037	HAND, MR. OWEN S., JR.	CANTON	OH	HOUSE
P8000223S	HANLEY, DAVID "CRASH"	ST. LOUIS	MO	PRESIDENT
H6FL08023	HANLEY, JAMES A.	BARTON	FL	HOUSE
H6NY32A51	HANLEY, JAMES M.	WASHINGTON	DC	HOUSE
H6PA10018	HANLON, THOMAS J.	SCRANTON	PA	HOUSE
S6NY00078	HANNA, EDWARD ARNOLD	UTICA	NY	SENATE
H6OH22050	HANNA, MR. MARY A.	SHAKER HTS.	OH	HOUSE
H6CA36021	HANNAFORD, MARK W.	LAKEWOOD	CA	HOUSE
P8000038J	HANNAH, SHANNON JOHN	PITTSFIELD	PA	PRESIDENT
H6CA02051	HANRATTY, JAMES P.	EUREKA	CA	HOUSE
S6FL00079	HANSEL, HELEN S.	ST. PETERSBURG	FL	SENATE
S2WY00018	HANSEN, CLIFFORD P.	WASHINGTON	DC	SENATE
H6ID02027	HANSEN, GEORGE	WASHINGTON	DC	HOUSE
H6NV00085	HANSEN, JANINE M.	SPARKS	NV	HOUSE
H6WA03077	HANSEN, RICHARD O.	VANCOUVER	WA	HOUSE
H6UT02028	HANSEN, ROBERT B.	SALT LAKE CITY	UT	HOUSE
S6MO00107	HANSMAN, GREGORY	UNIVERSITY CITY	MO	SENATE
H6ID02019	HANSON, MAX	BOISE	ID	HOUSE
S6WA00115	HANSON, WARREN E.	BELLINGHAM	WA	SENATE
H6MD01056	HARDNICKE, JOHN W.	MARVE DE GRACE	MD	HOUSE
P8000150O	HARDY, JAMES Z.	LOUISVILLE	KY	PRESIDENT
P8000283J	HARDY, JAMES Z.	LOUISVILLE	KY	PRESIDENT
H6CA40028	HARE, CASPER P.	TUSTIN	CA	HOUSE
H6IA05024	HARKIN, TOM	AMES	IA	HOUSE
S6CA00170	HARMER, JOHN L.	ROSEVILLE	CA	SENATE
H6IN10083	HARMON, RANDALL S.	MUNCIE	IN	HOUSE
H6CA15053	HARNER, MS. CAROL	MARIPOSA	CA	HOUSE
H6SC01060	HARNETT, THOMAS P.	MT PLEASANT	SC	HOUSE

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IDENTIFICATION	NAME			
H6AZ01066	HARPER, PAT	PHOENIX	AZ	HOUSE
H6MI05037	HARPER, RICHARD	GRAND RAPIDS	MI	HOUSE
H6AZ06096	HARPER, WILLIAM PATRICK	PHOENIX	AZ	HOUSE
H6MA06038	HARRINGTON, MICHAEL J.	BEVERLY	PA	HOUSE
H6VA08021	HARRIS II, HERBERT E.	ALEXANDRIA	VA	HOUSE
H6VA04012	HARRIS, CURTIS WEST	HOPEWELL	VA	HOUSE
H6CA12027	HARRIS, DAVID VICTOR	MENLO PARK	CA	HOUSE
P8000039S	HARRIS, FRED R.	MCLEAN	VA	PRESIDENT
H6GA05046	HARRIS, JAMES	ATLANTA	GA	HOUSE
H6CA37040	HARRISON, JACK R.	APPLE CITY	CA	HOUSE
H6GA10043	HARROLD, THOMAS JEWELL	ATHENS	GA	HOUSE
H6OH06020	HARSHA, WILLIAM H.	PORTSMOUTH	OH	HOUSE
H6SC04049	HART, CHARLES W.	TRAVELS REST	SC	HOUSE
S4CO00023	HART, GARY W.	WASHINGTON	DC	SENATE
H6WY00027	HART, LARRY J.	POWELL	WY	HOUSE
H6GA05076	HART, OSBORNE G.	ATLANTA	GA	HOUSE
S6MI00160	HART, PHILIP	WASHINGTON	DC	SENATE
S6WI00020	HART, WILLIAM OSBORNE	PRAIRIE DU SAC	WI	SENATE
H6NY27105	HARTER, MR. WILLIAM M.	HARDARETVILLE	NY	HOUSE
S6IN00048	HARTKE, MONDAMALE VANCE	WARMINGTON	DC	SENATE
H6FL08122	HARTMAN, WILLIAM A.	SARASOTA	FL	HOUSE
H6WT00038	HARWOOD, MADELINE BAILEY	MANCHESTER CTR	VT	HOUSE
S2CO00019	HASKELL, FLOYD K.	WASMINGTON	DC	SENATE
H6NY39027	HASTINGS, JAMES F.	ELMIRA	NY	HOUSE
H6UT00063	HATCH, ORRIN G.	SALT LAKE CITY	UT	HOUSE
S6UT00063	HATCH, ORRIN G.	SALT LAKE CITY	UT	SENATE
H6NC03039	HATCHER, JIMMY	CHINQUAPIN	NC	HOUSE
H6MD01066	HATEM, THOMAS J.	BEL AIR	MD	HOUSE
S8ME00015	HATHAWAY, WILLIAM D.	AUBURN	ME	SENATE
H6TX13050	HATHCOCK, WILLIAM K.	MIDLAND	TX	HOUSE
H6NY01035	HAUGAARD, WILLIAM C.	WADING RIVER	NY	HOUSE
H6FL06070	HAUSER, WARREN	ORMOND BEACH	FL	HOUSE
H6CO01018	HAUTMAN, JOEL	DENVER	CO	HOUSE
H6CA29039	HAWKINS, AUGUSTUS F.	LOS ANGELES	CA	HOUSE
H6MI13056	HAWKINS, JOHN	DETROIT	MI	HOUSE
S6RI00072	HAWKINS, JOHN P.	PROVIDENCE	RI	SENATE
H6MO07052	HAWKINS, MR. DOLAM B.	SPRINGFIELD	MO	HOUSE
H6NI01036	HAWKINS, PFRA W.	DETROIT	MI	HOUSE
H6MN05060	HAWS, FRANKLIN M.	ST. ANTHONY	MN	HOUSE
S6CA00050	HAYAKAWA, S. I.	MILL VALLEY	CA	SENATE
S6CA00049	HAYDEN, TOM	SANTA MONICA	CA	SENATE
H6MI06027	HAYES, MEG	DETROIT	MI	HOUSE
H6IN09020	HAYES, PHILIP M.	EVANSVILLE	IN	HOUSE
S6IN00027	HAYES, PHILIP M.	EVANSVILLE	IN	SENATE
H6IA05057	HAYES, VERLYN LEROY	ADEL	IA	HOUSE
H6IL01019	HAYNES, OSCAR M.	CHICAGO	IL	HOUSE
P8000169O	HAYS, WAYNE L.	ST. CLAIRSVILLE	OH	PRESIDENT
H6OH1A025	HAYS, WAYNE L.	BELMONT	OH	HOUSE
H6CA06094	HEAPS, MR. RAYMOND O.	SAN FRANCISCO	CA	HOUSE
S6MO00016	HEARNES, WARREN E.	CHARLESTON	MO	SENATE
H6LA01035	HEBERT, F. EDWARD	NEW ORLEANS	LA	HOUSE
H6ME01108	HEBERT, GERALD	CAPE ELIZABETH	ME	HOUSE
H6WV04024	HECHLER, KEN	HUNTINGTON	WV	HOUSE
H6NY23085	HECHT, MR. LAURENCE	NEW YORK	NY	HOUSE
H6MA10022	HECKLER, MARGARET	FALL RIVER	MA	HOUSE
H6NC04028	HEFNER, W. G.	WASMINGTON	DC	HOUSE
H6MI01043	HEFTEL, MR. CECIL LANDAU	HONOLULU	MI	HOUSE
H6OH21045	HEGGS, OWEN L.	CLEVELAND	OH	HOUSE
H6NJ03044	HEIMBOLD, MR. JOSEPH I. JR.	MONMOUTH BEACH	NJ	HOUSE
H6MN04012	HEINE, WILLIAM TOUMY	ST PAUL	MN	HOUSE
H6PA10029	HEINZ III, H. JOHN	PITTSBURGH	PA	HOUSE
S6PA00068	HEINZ, H. JOHN III	PITTSBURGH	PA	SENATE
H6OH20104	HELD, MR. THEODORE III	CLEVELAND	OH	HOUSE
H6CA27140	HELGEVOLD, MR. DAVID P.	MANHATTAN BEACH	CA	HOUSE
H6CT02055	HELLIER, SAMUEL BURGESS	MYSTIC	CT	HOUSE
S6MN00119	HELM, PAUL KEITH	MINNEAPOLIS	MN	SENATE
S6NC00015	HELMS, JESSE	WASMINGTON	DC	SENATE
H6NJ09025	HELSTOSKI, HENRY	RUTHERFORD	NJ	HOUSE
H6WA07102	HEMENWAY, JOHN D.	SEATTLE	WA	HOUSE
H6OA10050	HEMENWAY, MS. BETTY	EATONTON	GA	HOUSE
P8000096S	HEMPLE, EVYLIN	SAN FRANCISCO	CA	PRESIDENT
H6NC00019	HENDERSON, DAVID M.	WASMINGTON	DC	HOUSE
H6PA03039	HENDERSON, JOSEPH S.	PHILADELPHIA	PA	HOUSE
H6PA03120	HENDERSON, MRS. ELIZABETH	PHILA.	PA	HOUSE
H6IN07016	HENEGAR, WARREN P.	BLOOMINGTON	IN	HOUSE
S6WY00035	HENRY, DOYLE WINFORD	CASPER	WY	SENATE
H6NJ02079	HENSCHEN, MR. SOLVEIG I.	BAYVILLE	NJ	HOUSE
H6AK00029	HENSLEY, WILLIAM L.	KOTZEBUE	AK	HOUSE
H6PA17104	HEPFORD, M. JOSEPH	HARRISBURG	PA	HOUSE
H6IN01002	HERBERT, WILLIAM M.	MORART	IN	HOUSE
H6PA24092	HEREFORD, ROBERT MARLIN	GREENVILLE	PA	HOUSE
P8000102	HERNDON, ROBERT VERNON	CAMIL	KY	PRESIDENT
H6NY01043	HERON, JOHN M.	DIX MILLS	WY	HOUSE
H6WA07128	HERR, GORDON	SEATTLE	WA	HOUSE
H6CA13090	HERRELL, MR. WILLIAM P.	SARATOGA	CA	HOUSE
H6MI09062	HESSELINK, DE LOYD G.	MUSKEGON	MI	HOUSE
H6NM01057	HEWSON, EDWARD	WINDHAM	NM	HOUSE
H6IN1131	HIBNER, PAUL D.	INDPLS	IN	HOUSE
H6CA27082	HICKEY, ROBYN	MANHATTAN BEACH	CA	HOUSE
H6WA06039	HICKS, FLOYD V.	WASMINGTON	DC	HOUSE
S6ME00043	HICKS, JACK M.	CANAAN	ME	SENATE
H6NY24052	HICKS, MR. DAVID V.	BRIARCLIFF MANOR	NY	HOUSE
H6WI05037	HICKS, ROBERT LOUIS	MILWAUKEE	WI	HOUSE
H6OR02068	HICKS, TERRY L.	SALEM	OR	HOUSE
H6TX13027	HIGHTOWER, JACK	VERNON	TX	HOUSE
H6IN1110T	HIGNER, PAUL D.	INDIANAPOLIS	IN	HOUSE
H6MS02055	HILBUN, BEN F. JR.	STARKVILLE	MS	HOUSE
H6WVC3028	HILL, AVIS L.	ST. ALBANS	WV	HOUSE
H6CA02036	HILL, GERALD	SONOMA	CA	HOUSE
S6CA00188	HILL, HENRY	LOS ANGELES	CA	SENATE
H6CA21069	HILL, MR. BILL	NORTHRIDGE	CA	HOUSE
H6MO01071	HILL, MS. ELSA DEBRA	UNIVERSITY CITY	MO	HOUSE

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IDENTIFICATION	NAME		
S8DA00036	HILL, RENDER	GREENVILLE	SA SENATE
S4MD00116	HILL, RICHARD L.	BALTIMORE	MD SENATE
M6TN03061	HILL, WENDELL O. JR.	CHATTANOOGA	TN HOUSE
M8LA02041	HILLERY, JULES W.	SLIDELL	LA HOUSE
M8IN05042	HILLIS, ELWOOD M.	KOKOMO	IN HOUSE
M6MI00103	HILTY, DAVID M.	DETROIT	MI HOUSE
M6MI14120	HILTY, MARTHA	DETROIT	MI HOUSE
M6DE00107	HINDES, MR. GARY E.	DOVER	DE HOUSE
M8CA40044	HINSMAN, ANDREW J.	SANTA ANA	CA HOUSE
S4NY00032	HIRSCHFELD, ABRAHAM	NEW YORK	NY SENATE
S6CA00196	HIRT, MICHAEL A.	LOS ANGELES	CA SENATE
M6NE02034	HLAVACEK, JOHN M	OMAHA	NB HOUSE
S6IN00100	HOAGLAND, DAVID LEE	MUNCIE	IN SENATE
M6CO02032	HOBBS, LARRY FRANCIS	LAKEWOOD	CO HOUSE
M6NY22049	HOCHBERG, ALAN	BRONX	NY HOUSE
M6NE03045	HODGE, WILLIAM M	HOLDREGE	NE HOUSE
M6MI00081	HODGES, ANTHONY N.	HOHO	MI HOUSE
M6CA31027	HODGES, NORMAN A.	COMPTON	CA HOUSE
S6MI00123	HODGES, TONY	HONOLULU	MI SENATE
M6WI0R015	HOEFT, DONALD O.	NEW FRANKEN	WI HOUSE
P6000767	HOENIG, PEGGY	NEW YORK	NY PRESIDENT
M6NY03056	HOFFER, ARTHUR	OIX MILLS	NY HOUSE
M6MI07124	HOFFMAN, BENJAMIN G.	FLINO	MI HOUSE
M8CA41034	HOFFMAN, CHUCK	SAN DIEGO	CA HOUSE
M6MI02034	HOFFMAN, DELBERT J.	MONROE	MI HOUSE
M6MI00124	HOFFMAN, JOHN C.	DETROIT	MI HOUSE
M6TX01097	HOGAN, JAMES ELDER	ATLANTA	TX HOUSE
M6NY03108	HOGAN, LARRY	FARMINGDALE	NY HOUSE
M6CA21077	HOGAN, MR. ERWIN	PANORAMA CITY	CA HOUSE
M6NY03046	HOGAN, MR. HOWARD THOMAS JR.	LOCUST VALLEY	NY HOUSE
M6MA07119	HOGAN, WILLIAM F.	EVERETT	MA HOUSE
M6KS01042	HOJOA, JOHN	LEHANON	KS HOUSE
M6KY07018	HOLCOMB, ROBERT	PIKEVILLE	KY HOUSE
M6OH18031	HOLECKO JR., JOHN T.	YOUNGSTOWN	OH HOUSE
M6TX14017	HOLFORD, L. DEAN	FT. LAVACA	TX HOUSE
M6SC05020	HOLLAND, KENNETH L.	CAMDEN	SC HOUSE
P8000247Z	HOLLAND, PATRICIA O. (V.P.)	BEDFORD	NH PRESIDENT
M6AR01015	HOLLEMAN, MARLAN MOM	WYNNE	AR HOUSE
M6NJ09042	HOLLENBECK, MR. HAROLD C.	EAST RUTHERFORD	NJ HOUSE
M6MI04025	HOLLENBERG, GARY N.	RAMOKA	MO HOUSE
S4SC00010	HOLLINGS, ERNEST F.	WASHINGTON	OC SENATE
M8DE00149	HOLLON, JOSEPH B. SR.	NEWARK	DE HOUSE
S8CA00204	HOLLYWOOD, WALTER	PASADENA	CA SENATE
M6WA01097	HOLMAN, CARL VIKING	SEATTLE	WA HOUSE
M6MI04035	HOLT, MARJORIE	SEVERNA PARK	MO HOUSE
M6NY16025	HOLTZMAN, ELIZARATH	WASHINGTON	OC HOUSE
M6NE01051	HOLZER, JUDITH L.	BLACKWOOD	NJ HOUSE
M6MI10177	HOMU, ISAAC	DETROIT	MI HOUSE
M6FL14021	HOODWIN, MR. HERBERT J.	MIAMI	FL HOUSE
M6PA21049	HOOK III, JOHN INGRAHAM	WAYNESBORO	PA HOUSE
S6TN00067	HOOKER, JOHN JAY JR.	NASHVILLE	TN SENATE
M6MC09010	HOOKS, GEOFFREY N.	CHARLOTTE	NC HOUSE
M8IN04029	HOPE, STEPHEN O.	SPENCERVILLE	IN HOUSE
M8AK00142	HOPSON, EBEN	BARROW	AK HOUSE
M6VA04039	HORAN JR., ROBERT P.	ANNANDALE	VA HOUSE
M6CO05019	HORES, DOROTHY	LITTLETON	CO HOUSE
M6VA09011	HORNE, CHARLES J	ARINGDON	VA HOUSE
S4FL00041	HORNE, MALLORY E.	TALLAHASSEE	FL SENATE
M6CA27157	HORNER, MR. DAVID B.	SANTA MONICA	CA HOUSE
M6NY04042	HOROWITZ, ELAINE	MERRICK	NY HOUSE
M6NY36028	HORTON, FRANK	ROCHESTER	NY HOUSE
M6GA05092	HORTON, GERALD T.	ATLANTA	GA HOUSE
M6MI14134	HORVATH, JAMES C.	WARREN	MI HOUSE
M6CA23040	HORWIN, NOEL S.	BEVERLY HILLS	CA HOUSE
M8NV00014	HOSE, RODNEY CURTIS	MARTINSBURG	NV HOUSE
M6MI01049	HOSHIJO, KATHY	HONOLULU	MI HOUSE
M6MI13054	HOULE, RAYMOND	DETROIT	MI HOUSE
M8IL17023	HOULIHAN, JOHN J.	PARK FOREST	IL HOUSE
M6CA34039	HOUSLEY, CONRAD	LONG BEACH	CA HOUSE
P8000246	HOUSTON, GUY V.	MIAMI	FL PRESIDENT
M6OH16032	HOUSTON, MR. JAMES E.	AKRON	OH HOUSE
M6TX00032	HOWARD JR., W. O.	DALLAS	TX HOUSE
M6NJ03028	HOWARD, JAMES J.	SPRING LAKE HGHTS.	NJ HOUSE
M6OR04112	HOWARD, JAMES M.	DEXTER	OR HOUSE
M8AZ02011	HOWARD, RAY VERNON	TUSCON	AZ HOUSE
M6UT02044	HOWE, ALLAN T.	SALT LAKE CITY	UT HOUSE
M6WA07052	HOWELL, LEHMARD G.	SEATTLE	WA HOUSE
M6KY01029	HUBBARD JR., CARROLL	MAYFIELD	KY HOUSE
M6KY04073	HUBBARD, KYLE T.	LOUISVILLE	KY HOUSE
M6CA04073	HUBBARD, SIDNEY BARTHOLOMEW	SACRAMENTO	CA HOUSE
M6CA37057	HUBBS SR., JOE E.	COLTON	CA HOUSE
M6MI10055	HUBER, ROBERT J.	TROY	MI HOUSE
S6MI00087	HUBER, ROBERT J.	TROY	MI SENATE
M6LA05051	HUCKABY, THOMAS JERALD	RINGGOLD	LA HOUSE
S8KY00019	HUDDLESTON, WALTER D.	ARLINGTON	VA SENATE
M8IN11016	HUDNUT III, WILLIAM H.	INDIANAPOLIS	IN HOUSE
M6TX01113	HUDSON, FRED JR.	CENTER	TX HOUSE
M6PA06032	HUET, FRANK E.	ANDREAS	PA HOUSE
M6LA07032	HUFF, CHARLES FREDERICK	LAFAYETTE	LA HOUSE
M6NY34044	HUGHES , CHARLES M.	NEW YORK	NY HOUSE
M6MO04092	HUGHES, CASEY	ANNAPOLIS	MO HOUSE
M6UT02069	HUGHES, J. PRESTON	SALT LAKE CITY	UT HOUSE
M6NJ02046	HUGHES, WILLIAM J.	OCEAN CITY	NJ HOUSE
M6NY11075	HUHN, KENNETH	BELLE HARBOR	NY HOUSE
M6PA12022	HUMES, THEODORE L.	SILVER SPRING	MD HOUSE
P8000403	HUMPHREY, HUBERT	WASHINGTON	OC PRESIDENT
S6MN00010	HUMPHREY, HUBERT H.	WASHINGTON	OC SENATE
M6MO04041	HUNGATE, WILLIAM L.	TROY	MO HOUSE
M6IL10033	HUNGNESS, MARSHALL	ROCKFORD	IL HOUSE
M6MI17045	HUNSINGER, JOSEPHINE	LANSING	MI HOUSE
M6NC10026	HUNT, MR. JOHN J.	SHELBY	NC HOUSE
M8OH19056	HUNTER, MR. JACK C.	YOUNGSTOWN	OH HOUSE

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IDENTIFICATION	NAME		
M6NJ02047	HURLEY, MR. JAMES RICHARDSON	MILLVILLE	NJ HOUSE
M6OH03043	HURST, MR. WILMER MARK	ENGELWOOD	OH HOUSE
M6MI04022	HUTCHINSON, EDWARD	BENTON HARBOR	MI HOUSE
M8IL02025	HUTCHINSON, PERRY M.	CHICAGO	IL HOUSE
M6NY08014	HUTH, RODNEY	NEW YORK	NY HOUSE
M8VA07044	HUTT, JAMES A.	WARRENTON	VA HOUSE
M6KS03050	HYATT, MR. WILLIAM W.	KANSAS CITY	KS HOUSE
M8IL06024	HYDE, HENRY J.	PARK RIDGE	IL HOUSE
M6NY23096	IANNACONE, DOMINICK	YONKERS	NY HOUSE
M6RI02037	IANNITTI, THOMAS V.	WEST WARWICK	RI HOUSE
S6FL00095	ICE, EDWARD LEON (ED)	FORT LAUDERDALE	FL SENATE
M6MO08027	ICHORD, RICHARD H.	HOUSTON	MO HOUSE
M6KS02144	IJAMS, CHARLES	TOPEKA	KS HOUSE
M6PA10120	IMBURGIA, JOSEPH	PITTSBURG	PA HOUSE
M6NY21033	IMMEDIATO, LILLIAN	BRONX	NY HOUSE
M6NY15043	INCH, EUGENE	BROOKLYN	NY HOUSE
M6NJ0A042	INDYK, MR. JOSEPH S.	JAMESBURG	NJ HOUSE
M6GA10180	INGMAN, BOB JR.	AUGUSTA	GA HOUSE
M6OK01052	INHOFE, JAMES M.	TULSA	OK HOUSE
M6IN11024	INLOW JR., WILLIAM O.	INDIANAPOLIS	IN HOUSE
S4MI00011	INOUYE, DANIEL K.	WASHINGTON	OC SENATE
M6NI02079	INOUYE, HENRY KIYOSHI JR.	HONOLULU	HI HOUSE
M6TN04101	IRBY , LARRY SMITH	MURFREESBORO	TN HOUSE
M6FL00056	IRELAND, ANDY	WINTER HAVEN	FL HOUSE
S6CT00059	IRWIN, DONALD J.	ROWAYTON	CT SENATE
P6000110A	ISAAC, ARTIS GAINES	PHILADELPHIA	PA PRESIDENT
S6TN00109	JACEY, WILLIE C.	MEMPHIS	TN SENATE
P8000411	JACKSON, DONALD L.	BUFFALO	NY PRESIDENT
S6MA00057	JACKSON, HENRY M.	WASHINGTON	OC SENATE
P6000429	JACKSON, HENRY M. SEN.	WASHINGTON	OC PRESIDENT
M8LA01126	JACKSON, JOHNNY JR.	M.O.	LA HOUSE
M6CT02071	JACKSON, RICHARD M.	WILLIMANTIC	CT HOUSE
M6PA18045	JACOB, TED K.	PITTSBURGH	PA HOUSE
M6IN11040	JACOBS JR., ANDREW	WASHINGTON	OC HOUSE
M6NY07032	JACOBS, GREGORY A.	FOREST HILLS	NY HOUSE
M6CA34096	JACOBSON JR., ARTHUR L.	LOS ALAMITOS	CA HOUSE
M8RI01047	JACQUES, NORMAN JOSEPH	LINCOLN	RI HOUSE
M6IL04047	JAFFE, AARON	SKOKIE	IL HOUSE
M6AZ02031	JAMES F. MCNULTY, JR	WASHINGTON	OC HOUSE
M6CA37065	JAMES, C. L.	BEAUMONT	CA HOUSE
M6MD0A077	JAMES, PETER	SILVER SPRING	MD HOUSE
M6WI01020	JANCA, GERALD M.	RACINE	WI HOUSE
M6OK05020	JARMAN, JOHN	OKLAHOMA CITY	OK HOUSE
M6MT02093	JARVIS, CLYDE	GT. FALLS	MT HOUSE
M6LA01134	JASPER, THOMAS	NEW ORLEANS	LA HOUSE
SANY00016	JAVITS, JACOB	WASHINGTON	OC SENATE
M6MO03010	JAYKO, LIZ	ST. LOUIS	MO HOUSE
M6VT00053	JEFFORDS, JAMES M.	RUTLAND	VT HOUSE
M6CA40101	JEFFREY, HARRY P.	LAGUNA BEACH	CA HOUSE
M6GA09011	JENKINS JR., HERBERT	JASPER	GA HOUSE
M6GA09029	JENKINS, EDGAR L.	JASPER	GA HOUSE
M6TX22036	JENKINS, LINDELL R.	HOUSTON	TX HOUSE
M6MI07090	JENNINGS, JERRY O	FLINT	MI HOUSE
M6LA01043	JENNISON, MS. FLORENCE T.	NEW ORLEANS	LA HOUSE
M6SC06028	JENRETTE JR., JOHN W.	N MYRTLE BEACH	SC HOUSE
M6IA02054	JENSEN, JAMES MARTIN	MCLEAN	VA HOUSE
M6AL05095	JHIN, MR. KYO R.	HUNTSVILLE	AL HOUSE
M6MI09114	JOHNS, CHARLES O.	NORTH BRANCH	MI HOUSE
M6MI0A122	JOHNS, GEORGE C.	METAMORA	MI HOUSE
M6MI00138	JOHNS, ROBERT C.	ALMONT	MI HOUSE
M6PA23029	JOHNSON, ALBERT W.	SMETHPORT	PA HOUSE
P8000280S	JOHNSON, ALMA J	ATLANTA	GA PRESIDENT
M6GA05159	JOHNSON, ALMA J.	ATLANTA	GA HOUSE
M6WA01113	JOHNSON, BIZZ	WASHINGTON	OC HOUSE
M8MN06025	JOHNSON, BUFORD	WASHINGTON	OC HOUSE
M6WY00035	JOHNSON, CARL A.	CHEYENNE	WY HOUSE
M6PA13038	JOHNSON, EDWARD M.	BALA CYNWD	PA HOUSE
M6NY26048	JOHNSON, FREDERICK F.	SUFFERN	NY HOUSE
M6CA01028	JOHNSON, HAROLD T. BIZZ	ROSEVILLE	CA HOUSE
M6CA01046	JOHNSON, MON. HAROLD T.	WASHINGTON	OC HOUSE
M6TX23018	JOHNSON, JAKE	SAN ANTONIO	TX HOUSE
M6CO04038	JOHNSON, JAMES P.	FT. COLLINS	CO HOUSE
M6GA0A066	JOHNSON, JERRY ROLAND	STONE MOUNTAIN	GA HOUSE
S4GA00031	JOHNSON, JERRY ROLAND	LILBURN	GA SENATE
M6KS02136	JOHNSON, KENNETH E.	TOPEKA	KS HOUSE
S6NJ00115	JOHNSON, LEIF	EAST ORANGE	NJ SENATE
M6MO01080	JOHNSON, MS. SALLY MYERS	HOLLYWOOD	MO HOUSE
M6FL0R080	JOHNSON, ROBERT H.	SARASOTA	FL HOUSE
M6MO0A042	JOHNSON, ROBERT T.	LEE'S SUMMIT	MO HOUSE
S6MI00040	JOHNSON, ROCKNE HART	HONOLULU	MI SENATE
P8000196J	JOHNSON, TILMEN W.	LOS ANGELES	CA PRESIDENT
P6000255T	JOHNSON, WALLACE	BERKELEY	CA PRESIDENT
P8000249O	JOHNSON, WALLACE (VP)	DES MOINES	IA PRESIDENT
S4LA00016	JOHNSTON, BENNETT J.	SHREVEPORT	LA SENATE
M8WA06104	JOHNSTON, GORDON NORMAN	TACOMA	WA HOUSE
M6KY00036	JOLLEY, WILLIAM M.	FT THOMAS	KY HOUSE
M6MI17073	JONES, CARL PATRICK	DETROIT	MI HOUSE
M6TN07039	JONES, ED	MEMPHIS	TN HOUSE
M6TA01040	JONES, GLEN	JACKSONVILLE	TX HOUSE
M6CA13041	JONES, GRANT	SAN JOSE	CA HOUSE
M6MI00024	JONES, HAROLD ROGER	MONOLULU	MI HOUSE
M6AL05012	JONES, HON. ROB	SCOTTSBORO	AL HOUSE
M8OK01011	JONES, JAMES R.	TULSA	OK HOUSE
M6TX22077	JONES, JOSEPH W.	PASADENA	TX HOUSE
M6NJ14074	JONES, MR. DAVID L. JR.	JERSEY CITY	NJ HOUSE
M6CA41117	JONES, MR. STEPHAN R.	SAN DIEGO	CA HOUSE
M6CA11045	JONES, ROBERT A.	RELMONT	CA HOUSE
M6MI02059	JONES, ROY S.	MONROE	MI HOUSE
M8OK06101	JONES, STEPHEN	ENID	OK HOUSE
M6MI01085	JONES, THOMAS W	DETROIT	MI HOUSE
M6NC01025	JONES, WALTER	FARMVILLE	NC HOUSE
M6TX10034	JORDAN, BARBARA	HOUSTON	TX HOUSE

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IDENTIFICATION	NAME		
H6LA02066	JORDAN, THOMAS FRANCIS	NEW ORLEANS	LA HOUSE
H6TN01073	JOYNER, MARY SUE	KINGSPORT	TN HOUSE
H6TA05049	JUDY, NANCY	DALLAS	TX HOUSE
S6CA00035	JUSTICE, GAYLE M.	SAN JOSE	CA SENATE
H6SC05036	JUSTICE, JOHN REID	CHESTER	SC HOUSE
H6NY33020	KADYS, CLARENCE	SYRACUSE	NY HOUSE
H6AZ02023	KAFFENBERGER, RICHARD E.	TUCSON	AZ HOUSE
H6MA06109	KAMIAN, LEO F.	MIDDLEBORO	MA HOUSE
H6IN04037	KAISER JR., EDWARD E.	AUBURN	IN HOUSE
H6CA10021	KAISER, MR. EDMON V.	FREEMONT	CA HOUSE
H6NY17015	KALCHEIM, KENNETH WILLIAM	NEW YORK	NY HOUSE
H6MO08150	KALISH, ABRAHAM	SILVER SPRING	MO HOUSE
H6WA02061	KANE, CHARLES E.	SEATTLE	WA HOUSE
H6MA09099	KANE, ROBERT P.	SO. BOSTON	MA HOUSE
H6VA10043	KARABATSOS, KIMON T.	MCLEAN	VA HOUSE
H6OR02041	KARIKER, CECIL RONALD	CANBY	OR HOUSE
H6IL17031	KARLOCK, MERLIN	MONENCE	IL HOUSE
H6OH10041	KARNICK, MR. NICK G.	STEUBENVILLE	OH HOUSE
H6CA24071	KARSA, MR. ALSPAT M.	LOS ANGELES	CA HOUSE
H6MN04038	KARTH, JOSEPH E.	ST PAUL	MN HOUSE
H6CA35028	KASEM, GEORGE A.	WEST COVINA	CA HOUSE
H6WI09019	KASTEN JR., ROBERT W.	WASHINGTON	DC HOUSE
H6WI02034	KASTENMEIER, HON. ROBERT W.	WASHINGTON	DC HOUSE
S6VT00061	KAUFMAN, NANCY	NORTH MONTPELIER	VT SENATE
H6NJ15048	KAUFMAN, SUSAN	NEW BRUNSWICK	NJ HOUSE
S6OH00015	KAY, RICHARD A.	CLEVELAND	OH SENATE
H6ME02049	KAYE, JACQUELINE FRANCIS	RANGOR	ME HOUSE
H6TX23034	KAZEN, ABRAHAM	LAREDO	TX HOUSE
H6AL02069	KEANEY, J. CAROLE	WASHINGTON	DC HOUSE
H6OK01045	KEATING, FRANK A.	TULSA	OK HOUSE
H6NJ06039	KEATING, MICHAEL S.	MADDON TWP	NJ HOUSE
H6KS02151	KECK, EUGENE	TONGANOXIE	KS HOUSE
H6OK02043	KEEN, RALPH F.	TAHLEQUAH	OK HOUSE
S6NC0004A	KEENE, MILDRED	CHARLOTTE	NC SENATE
S6TN00075	KEFAUVER, LESTER R.	LENOIR CITY	TN SENATE
H6TN00075	KEFAUVER, LESTER RUSSELL	LENIOR CITY	TN HOUSE
P6000063S	KELLEHER, ROBERT L.	RILLINGS	MT PRESIDENT
H6MI00145	KELLER, KENNETH M.	PONTIAC	MI HOUSE
S6WA0002A	KELLEY, DENNIS ROBERT	SEATTLE	WA SENATE
H6IL11019	KELLEY, EDWARD O.	CHICAGO	IL HOUSE
H6PA08047	KELLEY, EDWARD W.	HATHORO	PA HOUSE
H6PA18052	KELLY III, JAMES B.	PITTSBURGH	PA HOUSE
H6WA04070	KELLY, FRANK J.	ANNANDALE	VA HOUSE
H6PAC10A9	KELLY, GEORGE	PHILADELPHIA	PA HOUSE
H6AR02070	KELLY, MR. JAMES J.	NORTH LITTLE ROCK	AR HOUSE
H6OH20112	KELLY, MR. MICHAEL O.	CLEVELAND	OH HOUSE
H6CA43043	KELLY, MR. PATRICK RANNERMAN	VISTA	CA HOUSE
H6FL05078	KELLY, RICHARD	WASHINGTON	DC HOUSE
H6MO05072	KELSO, MS. JAMIE W.	KANSAS CITY	MO HOUSE
H6TN04044	KELTON, WILLIAM J.	CHRISTIANA	TN HOUSE
H6NY34029	KEMP, JACK	HAMBURG	NY HOUSE
H6GA09102	KEMP, MR. TONY	GAINESVILLE	GA HOUSE
S6MA00015	KENNEDY, EDWARD	WASHINGTON	DC SENATE
P6000174G	KENNEDY, EDWARD M.	WASHINGTON	DC PRESIDENT
P6000144J	KENNEDY, JOHN M.	SURFSIDE	FL PRESIDENT
S6MO00032	KENNEDY, MICHAEL JOSEPH	KANSAS CITY	MO SENATE
H6NY23039	KENNEDY, T. RICHARD	PLEASANTVILLE	NY HOUSE
H6PA07014	KENNEY, JOHN M.	MEDIA	PA HOUSE
S6WA00172	KENNEY, RICHARD	SEATTLE	WA SENATE
H6OH21029	KENNICK JR., WILLIAM J.	WICKLIFFE	OH HOUSE
H6MO02054	KENTON SR., MR. WALTER S.	TOWSON	MO HOUSE
H6NJ13019	KEOGH-DWYER, WALTER C.	VERNON	NJ HOUSE
H6MI09021	KESSLER, CRAIG R.	LUDINGTON	MI HOUSE
H6CA18024	KETCHUM, WILLIAM	BAKERSFIELD	CA HOUSE
H6KS02029	KEYS, MARTHA	WASHINGTON	DC HOUSE
H6CA00048	KHOLOS, ROBERT ALAN	SANTA MONICA	CA HOUSE
H6CA26043	KIDD, MR. PATRICK O.	SIERRA MADRE	CA HOUSE
H6PA00048	KIEL JR., JAMES S.	GARDENVILLE	PA HOUSE
H6MA06026	KIGGEN, JAMES M.	NEW YORK	NY HOUSE
H6WA03045	KILPER, DAVID	SEATTLE	WA HOUSE
H6MI07108	KILDEE, DALE E.	FLINT	MI HOUSE
P6000C957	KILLEEN, CAROLINE P.	TUSCON	AZ PRESIDENT
H6AZ01025	KILLELEA, JOSEPH F.	SCOTTSDALE	AZ HOUSE
H6NC09028	KILLIAN, JOHN W.	CHARLOTTE	NC HOUSE
H6CA27041	KILLMEYER, RALPH J.	LOS ANGELES	CA HOUSE
P6000180T	KILPATRICK, ROBERT J.	CORTLAND	OH PRESIDENT
P6000282I	KILPATRICK, SHARON STONE	WOODVILLE	VA PRESIDENT
H6WA05049	KIMBALL, CHARLES G.	SPOKANE	WA HOUSE
H6NY37002	KIMBROUGH, CALVIN	GRAND ISLAND	NY HOUSE
S6MI00073	KIMMEL, JAMES O.	KAUNAKAKAI	HI SENATE
H6MI00073	KIMMEL, JAMES DAVID	KAUNAKAKAI	HI HOUSE
S6PA00159	KINCES, FRANK	PHILADELPHIA	PA SENATE
H6DM08059	KINONESS, HON. THOMAS M.	HAMILTON	OH HOUSE
H6GA05175	KING, CLEMMON REV.	UNK	GA HOUSE
H6CO00056	KING, JOHN W.	ENGLEWOOD	CO SENATE
H6MO04058	KING, RICHARD A.	INDEPENDENCE	MO HOUSE
H6TN04119	KING, SARAH M.	MURFREESBORO	TN HOUSE
H6MO06062	KING, VERNON	EXCELSIOR SPRINGS	MO HOUSE
S6MO00115	KINGERY, HORACE	MOPERLY	MO SENATE
S6CA00212	KINSKY, LYNN	SANTA BARBARA	CA SENATE
H6NC02015	KIPSY, JAMES RUSSELL	WILSON	NC HOUSE
H6CA34146	KIRK, MR. JAMES	LONG BEACH	CA HOUSE
H6MN05044	KIRKHAM, JACK O.	PRIOLEY	MN HOUSE
P6000043J	KIRKPATRICK, FREDERICK D. REV.	NEW YORK	NY PRESIDENT
H6MJ01063	KIRSCH, BRADLEY S.	BELLMAWR	NJ HOUSE
H6OH22068	KIRSCH, MS. ALMEDA	CLEVELAND	OH HOUSE
H6OH19044	KIRWAN, MR. S. MICHAEL	YOUNGSTOWN	OH HOUSE
H6NY18058	KISHA, DANIEL J.	BROOKLYN	NY HOUSE
H6MI06060	KITTS, GARY ROBERT	AUBURN	MI HOUSE
H6MT02018	KITZENBERG, SAM	GLENDIVE	MT HOUSE
H6NC06036	KIVETT, JAMES C.	STATESVILLE	NC HOUSE
H6MN07213	KJELDAHL, BILL O.	SEDAN	MN HOUSE

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IDENTIFICATION	NAME		
P6000279T	KLAHRE, CLAYTON DALE	JOHNSTOWN	PA PRESIDENT
H6AZ03021	KLASS, MAX M.	GLENDALE	AZ HOUSE
H6CA02069	KLEE OSCAR *.	UKIAH	CA HOUSE
H6IL03056	KLEIN, CARL	OAK LAWN	IL HOUSE
H6NJ15099	KLEIN, MICHAEL	NEW BRUNSWICK	NJ HOUSE
H6MN06093	KLEINBAUM, JACK I.	ST CLOUD	MN HOUSE
H6MO04041	KLEPPE, RUSSELL	DAWSON	MO HOUSE
H6NY09030	KLUGER, ALAN M.	FOREST HILLS	NY HOUSE
P6000178I	KNAUS, WILLIAM L.	MENDOTA HGTS.	MN PRESIDENT
S6MN00036	KNAUS, WILLIAM L.	MENDITA HEIGHTS	MN SENATE
H6WA01014	KNEDLIK, WILL	KIRKLAND	WA HOUSE
H6MI07025	KNOPF, EDWIN L.	FLINT	MI HOUSE
H6MN02040	KNUTSON, HOWARD A	BURNSVILLE	MN HOUSE
H6MI11027	KNUTSON, PAUL B.	MEGUANEE	MI HOUSE
H6NY18067	KOCH, EDWARD I.	NEW YORK	NY HOUSE
H6MO03127	KOCH, MR. PAUL A.	CRESTWOOD	MO HOUSE
P6000219J	KOCH, RACHELL DUNN	MILWAUKIE	OR PRESIDENT
H6MD02062	KOENIG, MR. JOHN LO	BALTIMORE	MD HOUSE
H6FL12116	KOLB, ANNE LOUISE	PLANTATION	FL HOUSE
H6CO05043	KOLE, SHEPHARD	COLORADO SPRINGS	CO HOUSE
H6CA41062	KOLIS, DOROTHY SALM	SAN DIEGO	CA HOUSE
H6PA25026	KOLTER, JOSEPH P.	NEW BRIGHTON	PA HOUSE
H6CT03038	KOLTYPIN, PETER	STRATFORD	CT HOUSE
H6CA13108	KONNYU, MR. ERNEST L.	SARATOGA	CA HOUSE
H6AZ03054	KOORY JR., EDWARD FREDERICK	GLENDALE	AZ HOUSE
H6IN11057	KORUNEK, IVAN	INDIANAPOLIS	IN HOUSE
H6PA20025	KOSTELAC, JOHN P.	WHITE OAK	PA HOUSE
H6PA00095	KOSTMAYER, PETER HOUSTON	SOLEMURY	PA HOUSE
H6AL07042	KOURMOULIS, F.A.	BIRMINGHAM	AL HOUSE
H6PA25032	KOVOLENKO, WILLIAM	ALIQUIPPA	PA HOUSE
H6NJ08019	KOWALCZYK, KENNETH	WALLINGTON	NJ HOUSE
H6MA06046	KOWALSKI, RONALD E.	LYNN	MA HOUSE
H6CT05046	KOZAK, WILLIAM JR.	SMELTON	CO HOUSE
H6WA03044	KRAMER, A. LUDLOW	LACEY	WA HOUSE
H6MI10063	KRAMER, ALBERT A.	OAK PARK	MI HOUSE
H6PA16130	KRANE, DONALD F.	LANCASTER	PA HOUSE
H6LA01092	KRASHOFF, SANFORD	NEW ORLEANS	LA HOUSE
H6CA17026	KREAS, JOHN	WASHINGTON	DC HOUSE
H6IL14038	KREN, WILLIAM F.	DOWNERS GROVE	IL HOUSE
H6ID02035	KRESS, STANLEY R.	FIRTH	ID HOUSE
H6NY17023	KRETCHMER, JEROME	NEW YORK	NY HOUSE
H6IL05051	KROK, VINCENT S.	CHICAGO	IL HOUSE
H6MI12140	KRONBERG, MARIELLE MAHMETT	DETROIT	MI HOUSE
H6NY27030	KROPP, ROBERT M.	ENWICOTT	NY HOUSE
H6TX21053	KRUEGER, ROBERT	NEW BRAUNFELS	TX HOUSE
H6OH23033	KUCINICH, DENNIS J.	CLEVELAND	OH HOUSE
H6CA11040	KUDROVIFFF, MR. NICHOLAS W.	PACIFICA	CA HOUSE
H6PA19006	KUHAR, RALPH WAR	CAMPHILL	PA HOUSE
H6NJ11039	KUPCHIK, MR. WARREN T.	UPPER MONTCLAIRE	NJ HOUSE
H6MI00016	KUPODA, JOSEPH YOSHIYUKI	PEARL CITY	MI HOUSE
H6TX12037	KUTCMINSKI, LARRY	FORT WORTH	TX HOUSE
H6TN08078	KUYKENDALL, DAN	MEMPHIS	TN HOUSE
H6ME01896	KYROS, PETER	N/A	ME HOUSE
H6LA06018	LACAZE, JEFFREY DEAN	BATON ROUGE	LA HOUSE
H6CA05120	LACH, JOHN ROBERT	OAKLAND	CA HOUSE
H6NY36015	LAFALCE, JOHN J.	KENMORE	NY HOUSE
H6CA19072	LAGOMARSINO, ROBERT J.	WASHINGTON	DC HOUSE
H6PA08103	LAMODA, STEPHEN RONALD	DOYLESTOWN	PA HOUSE
H6MO04047	LAMB, ART W.	INDEPENDENCE	MO HOUSE
H6TX03041	LAMBRIGHT, CLARENCE M.	DALLAS	TX HOUSE
H6NY10070	LANDAU, SONIA	NEW YORK	NY HOUSE
H6CA32066	LANDERS, MR. ALBERT	LONG BEACH	CA HOUSE
H6IN02031	LANDGREBE, EARL F.	VALPARAISO	IN HOUSE
H6CA34153	LANE, JOHN DOUGLAS	LAKEWOOD	CA HOUSE
H6OK01029	LANE, LAWRENCE E.	TULSA	OK HOUSE
H6IN00040	LANGE, ALEXANDE T.	INDIANAPOLIS	IN HOUSE
S6WA00114	LANGONE, FREDERICK C	BOSTON	MA SENATE
H6CA31050	LANKSTER, MR. SAUL EDWARD	COMPTON	CA HOUSE
H6TX08035	LANTZ, GENE	HOUSTON	TX HOUSE
P6000166B	LANYHOV, PAUL T. (ALIAS)	N/A	ZZ PRESIDENT
S6GA00023	LARISCY, ELIZABETH	ATLANTA	GA SENATE
P6000045Z	LAROUCHE, LYNDON H.	NEW YORK	NY PRESIDENT
H6GA08070	LARSEN, MR. W. W. JR.	DUBLIN	GA HOUSE
H6MD08168	LARSEN, PETER	ROCKVILLE	MD HOUSE
H6NY34036	LARSEN, WILLIAM C.	PITTSFORD	NY HOUSE
S6WY00050	LARSON, NELS THEODORE A	CHEYENNE	WY SENATE
H6MS04005	LATHAM, LUTHER G.	JACKSON	MS HOUSE
H6OH05022	LATTA, DELBERT L.	BOWLING GREEN	OH HOUSE
H6CA26050	LATTA, MR. BRUCE GEORGE	AZUSA	CA HOUSE
H6OR04120	LAUSMANN, JERRY	EUGENE	OR HOUSE
H6OR04104	LAVIN, DONALD GLENN	ROSEBURG	OR HOUSE
S6NM00055	LAVINE, ARTHUR ALFRED	MORIATY	NM SENATE
H6IL05028	LAWLOR, FRANCIS X.	CHICAGO	IL HOUSE
H6KY03050	LAWRENCE, MR. JAMES E.	LYNN	MA HOUSE
S6NV00015	LAXALT, PAUL	SMELTON	CO HOUSE
H6NY06018	LAYNE, EDYTHE J.	LACEY	WA HOUSE
H6NJ14042	LE FANTE, MR. JOSEPH A.	OAK PARK	MI HOUSE
H6IA04027	LE PORTE, DONNA	LANCASTER	PA HOUSE
H6IA01015	LEACH, JAMES A.	NEW ORLEANS	LA HOUSE
H6MI25096	LEACH, JOHN F.	WASHINGTON	DC HOUSE
S6VT00017	LEAHY, PATRICK J.	DES MOINES	IA HOUSE
H6IL02041	LEAK, SPENCER	WASHINGTON	DC HOUSE
H6MO04109	LEARD, MR. LANE	GRAND RAPIDS	MI HOUSE
H6PA22039	LERDER, FRED L.	WASHINGTON	DC SENATE
H6CA29042	LEBURG, SHEILA	CHICAGO	IL HOUSE
H6AR02039	LEDRETTER JR., CALVIN	INDEPENDENCE	MO HOUSE
H6PA03047	LEDERER, RAYMOND F.	UNIONTOWN	PA HOUSE
H6NC11057	LEDFORD, RALPH WILLIAM	LITTLE ROCK	AR HOUSE
S6IN00092	LEE, DON (DONNIE LANE LEE)	UNIONTOWN	PA HOUSE
H6WA03101	LEE, EDWARD CHARLES	MENDERSONVILLE	NC HOUSE
H6MD05041	LEE, RICHARD E	INDIANAPOLIS	IN SENATE
H6MA07010	LEFF, JACK	PORT ANGELES	WA HOUSE
		COLLEGE PARK	MD HOUSE
		MALDEN	MA HOUSE

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H6CA04026	LEGGETT, ROBERT L.	SUISAN	CA HOUSE
H6FL13031	LEHMAN, WILLIAM	N. MIAMI BEACH	FL HOUSE
H6NY20092	LEICHTER, FRANZ S.	NEW YORK	NY HOUSE
H6MO08035	LEICK, CHARLES R.	DAVISVILLE	MO HOUSE
H6MO08043	LEIDERMAN, STUART	STEELVILLE	MO HOUSE
H6MN07056	LEISETH, BOB	LAKE PARK	MN HOUSE
H6OH03019	LELAK JR., JOHN W.	DAYTON	OH HOUSE
S6TX00107	LEMAN, LOUIS	CROSBY	TX SENATE
H6WA02087	LENDERMAN, DONALD E	EVERETT	WA HOUSE
H6NY08030	LENISHOW, ALBERT	KE GARDENS MILL	NY HOUSE
H6NY04039	LENT, NORMAN F.	EAST ROCKWAY	NY HOUSE
H6MA00023	LEO, MR. ROBERT S.	EVERETT	MA HOUSE
H6OK00051	LEONARD, TIM	BEAVER	OK HOUSE
H6OH22076	LERTZMAN, MR. RICK	PEPPER PIKE	OH HOUSE
H6PA23011	LESHOCK, GREGORY M.	STATE COLLEGE	PA HOUSE
H6PA24019	LEVENHAGEN, ALVIN	LINESVILLE	PA HOUSE
H6NJ12011	LEVIN, ADAM K.	WESTFIELD	NJ HOUSE
H6MI17081	LEVIN, JOSEPH	DETROIT	MI HOUSE
P60001112	LEVIN, JULIUS	PALO ALTO	CA PRESIDENT
H6NY11034	LEVINSON, BRYAN FIELDER	HOWARD BEACH	NY HOUSE
H6DA04020	LEVITAS, ELLIOTT H.	WASHINGTON	DC HOUSE
H6MO02041	LEVITT, JIM	ST. LOUIS	MO HOUSE
H6PA14049	LEWIS JR., AL	HERSEY	PA HOUSE
H6NY26020	LEWIS, CHRISTOPHER	NEW YORK	NY HOUSE
S6AK00032	LEWIS, CLYDE R.	ANCHORAGE	AK SENATE
H6GA05110	LEWIS, JOHN	ATLANTA	GA HOUSE
H6WA05031	LEWIS, WILLIAM	PASCO	WA HOUSE
P60001674	LIBERATOR, AMERICUS	VALENTINE	NE PRESIDENT
H6NY27048	LIBOUS, ALFRED J.	BINGHAMTON	NY HOUSE
H6MI12116	LICK, LARRY	NEW HAVEN	MI HOUSE
H6OH03050	LICKLIDER, MR. M. QUINN	DAYTON	OH HOUSE
P60001849	LIEBMAN, MONTE MARRIS	MARTLAND	WI PRESIDENT
H6WA05064	LIEBOWITZ, IRA	SEATTLE	WA HOUSE
H6MI03040	LIGHTVOET, MARVIN	MICHORY CORNERS	MI HOUSE
H6NC08041	LIGON, MR. BRADFORD V.	SALISBURY	NC HOUSE
H6ME02055	LINCOLN, THEODORE R	LEWISTON	ME HOUSE
H6CA20047	LINDSAY, MR. CHARLES	THOUSAND OAKS	CA HOUSE
H6IL04039	LINDSEY, CARLOS V.	MARKHAM	IL HOUSE
H6NY21074	LINDSLEY, LAWRENCE W. SR.	BRONX	NY HOUSE
H6KS04033	LINKER, BILL	WICHITA	KS HOUSE
H6MA03050	LIONETT, DAVID J.	WORCESTER	MA HOUSE
H6OH22092	LIPPITT, THOMAS W.	SAN EUCLID	OH HOUSE
H6FL12090	LIPPMAN, MR. FRED	HOLLYWOOD	FL HOUSE
H6MO08047	LITTON, JERRY	N-A	MO HOUSE
S6WD00127	LITTON, JERRY	WASHINGTON	DC SENATE
H6SC02059	LIVINGSTON, CLYDE BURNS	ORANGEBURG	SC HOUSE
H6LA01AA6	LIVINGSTON, ROBERT L.	NEW ORLEANS	LA HOUSE
H6CA35036	LLOYD, JIM	WASHINGTON	DC HOUSE
H6TN03012	LLOYD, MARILYN	CHATTANOOGA	TN HOUSE
S6UT00071	LLOYD, SHERMAN P.	SALT LAKE CITY	UT SENATE
H6MA07051	LO PRESTI, MR. VINCENT A.	MEDFORD	MA HOUSE
H6DE00131	LO PRESTI, ROBERT B.	CLAYMONT	DE HOUSE
H6TX21061	LOCKE, BOBBY A	SAN ANTONIO	TX HOUSE
H6IL09030	LODICO, CARL C.	CHICAGO	IL HOUSE
H6CA19039	LOEBL, JAMES D.	OJAI	CA HOUSE
H6CA13033	LOEBL, JAMES DAVIS	VENTURA	CA HOUSE
H6MO05031	LOEFFLER, FRANK J.	KANSAS CITY	MO HOUSE
H6CA2A031	LOFTON, LEON E.	INGLEWOOD	CA HOUSE
H6IN06099	LOGAN, JAMES MENSLEY	WARSAW	IN HOUSE
H6IL04067	LOGAN, M. O. PATRICK	OAK PARK	IL HOUSE
H6FL12046	LOMELO JR., JOHN	SUNRISE	FL HOUSE
P60001534	LOMENTO, FRANK M.	BURLINGTON	NJ PRESIDENT
H6MD02039	LONG, CLARENCE D.	TOWSON	MD HOUSE
H6LA04014	LONG, GILLIS W.	ALEXANDRIA	LA HOUSE
P60002912	LONG, HUGH WILSON III	NEW ORLEANS	LA PRESIDENT
S6LA00014	LONG, RUSSELL B.	WASHINGTON	DC SENATE
S6LA00029	LONG, RUSSELL B.	BATON ROUGE	LA SENATE
H6TN04051	LONG, WILLIAM M.	PETERSBERG	TN HOUSE
S6CT00067	LOOMIS, ROBERT S.	EAST GRANBY	CT SENATE
H6AZ03096	LOPEZ, MR. JOE EDDIE	PHOENIX	AZ HOUSE
H6PA23037	LOPUS, MILT	BRADFORD	PA HOUSE
S6RI00015	LORBER, RICHARD P.	PROVIDENCE	RI SENATE
H6CA02077	LOSH, PATRICIA	EUREKA	CA HOUSE
H6MI18071	LOTT, JAMES G.	ROYAL OAK	MI HOUSE
H6MS05041	LOTT, TRENT	WASHINGTON	DC HOUSE
H6NC00035	LOVE, JIMMY L.	SANFORD	NC HOUSE
H6MI02103	LOVING, FLOYD CARLTON	WAIANAE	MI HOUSE
S6MI00099	LOVING, FLOYD CARLTON	WAIANAE	MI SENATE
H6FL00072	LOVINGOOD, JOE Z.	SARASOTA	FL HOUSE
H6CA42016	LOWE, BOB	CARDIFF	CA HOUSE
H6GA85019	LOWE, NYMAN C.	ATLANTA	GA HOUSE
P60000775	LOWENHERZ, RICK	TULSA	OK PRESIDENT
H6NY05010	LOWENSTEIN, ALLARD K.	LONG BEACH	NY HOUSE
H6ME01033	LOWRY, DONALD GREY	FALMOUTH	ME HOUSE
S6WA00031	LOWRY, GRAHAM	DORCHESTER	MA SENATE
H6CA14049	LOWRY, MS. NORMA	MONESTO	CA HOUSE
H6NY02010	LOY, WILLIAM H.	MARTINSBURG	NY HOUSE
H6PA17096	LU, DAVID JOHN	LEWISBURG	PA HOUSE
P60002870	LUCAS, DONALD LAYTON	CARIBOU	ME PRESIDENT
P60001714	LUCEY, BRIAN F.	BROTON	NY PRESIDENT
H6IN10010	LUELLEN, ROBERT J.	NEW CASTLE	IN HOUSE
P60000466	LUELLEN, ROBERT J.	NEW CASTLE	IN PRESIDENT
S6IN00014	LUGAR, RICHARD G.	INDIANAPOLIS	IN SENATE
H6NM01020	LUJAN JR., MANUEL	ALBUQUERQUE	NM HOUSE
H6OH02052	LUKEN, MR. THOMAS A.	CINCINNATI	OH HOUSE
H6IL13048	LUMBER, F. JAMES	ROUND LAKE	IL HOUSE
H6NH01075	LUNDEEN, BLAINE	DOVER	NH HOUSE
H6NY36035	LUNDINE, MR. STANLEY N.	WASHINGTON	DC HOUSE
H6CA34112	LUNGREN, DANIEL E.	LONG BEACH	CA HOUSE
H6IL15050	LUNSFORD, WALTER B.	MENDOTA	IL HOUSE
P60001997	LUTHER, RON	CLEVELAND	OH PRESIDENT
H6PA22112	LUZIER, ROBERT M.	CLARKSVILLE	PA HOUSE

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H6ME02026	LYNCH, DAN	OMAHA	NE HOUSE
H6NY21041	LYNCH, MARY	BRONX	NY HOUSE
H6NY35058	MACALUSO, MICHAEL JR.	ROCHESTER	NY HOUSE
H6MD08176	MACARTHUR, JOHN M	CLARKSBURG	MD HOUSE
P60000478	MACBRIDE, ROGER LEA	CHARLOTTESVILLE	VA PRESIDENT
H6WA07037	MACCARRONE, SAM	BELLEVUE	WA HOUSE
H6WA07235	MACCARRONE, SAM A.	BELLEVUE	WA HOUSE
H6MI19054	MACDONALD, LYNN M.	WHITEFISH BAY	WI HOUSE
H6MA07028	MACDONALD, TORRERT M.	BOSTON	MA HOUSE
H6OR01050	MACE, RORIN	PORTLAND	OR HOUSE
H6MI12124	MACHCINNSKI, JOSEPH J	SMITHS CREEK	MI HOUSE
H6AL05046	MACHEN, JYLES	HUNTSVILLE	AL HOUSE
H6OH21037	MACK, BILL	CLEVELAND	OH HOUSE
H6NJ10080	MACK, MR. CHARLES	EAST ORANGE	NJ HOUSE
H6IL20019	MACK, PETER	SPRINGFIELD	IL HOUSE
H6MA00056	MACKAY, J. ALAN	HINGHAM	MA HOUSE
H6OR01046	MACKINTOSH, W.D.	TULSA	OK HOUSE
S6WI00053	MACLAUREN, MICHAEL A.	MILWAUKEE	WI SENATE
H6IN01041	MADDEN, RAY	GARY	IN HOUSE
P60002375	MADDOX, LESTER GARFIELD	MARIETTA	GA PRESIDENT
H6IL21025	MADIGAN, EDWARD	LINCOLN	IL HOUSE
H6CA25037	MADRID, MR. JIM	LOS ANGELES	CA HOUSE
P60002359	MAGNIFICO, GENERAL	SOUTH GATE	CA PRESIDENT
S6WA00011	MAGNUSON, WARREN G.	WASHINGTON	DC SENATE
H6NJ07029	MAGUIRE, ANDREW	RINGEWOOD	NJ HOUSE
H6NJ04075	MAHAMCHIK, JOHN V.	MOUNT MOLLY	NJ HOUSE
H6TX19024	MAHON, GEORGE H.	LUBBOCK	TX HOUSE
H6PA00076	MAHR, FRANK	CORADPOLIS	PA HOUSE
S6VT00025	MALLARY, RICHARD	BRADFORD	VT SENATE
H6NY26057	MALONEY, JOHN R.	MANVET	NY HOUSE
S6DE00032	MALONEY, MR. THOMAS C.	WILMINGTON	DE SENATE
H6OH23041	MALOOF, WILLIAM MUCAL	FAIRVIEW PARK	OH HOUSE
H6MO04117	MANFORD, MR. DONALD LEE	LEFFS SUMMIT	MO HOUSE
H6IN10026	MANGAS, CLOYCE L.	RICHMOND	IN HOUSE
H6DE00115	MANGINI, MR. JOSEPH A.	WILMINGTON	DE HOUSE
H6MD08045	MANKIEWICZ, FRANK	WASHINGTON	DC HOUSE
H6CA01012	MANN, DAVID PARKER	AVILA BEACH	CA HOUSE
H6VA04047	MANN, FRANK E.	ALEXANDRIA	VA HOUSE
H6SC04023	MANN, JAMES R.	GREENVILLE	SC HOUSE
H6NJ07045	MANNING, JOHN F.	GLEN ROCK	NJ HOUSE
H6MA01039	MANNING, THOMAS R.	PITTSFIELD	MA HOUSE
H6NJ13027	MARAZITI, JOSEPH J.	ROONTON	NJ HOUSE
H6MI10037	MARBLE, SAMUEL D.	OWOSSO	MI HOUSE
H6KY05047	MARCUM, MR. HUBERT LESLIE	MANCHESTER	KY HOUSE
H6CA42024	MARDEN, WES	CHULA VISTA	CA HOUSE
H6CA40150	MARGOLIS, MR. GEORGE M.	NEWPORT BEACH	CA HOUSE
H6CT06015	MARIETTA, LOUIS	NEW BRITAIN	CT HOUSE
P60002433	MARKEN, JOHN MERRERT	SAN JOSE	CA PRESIDENT
H6MA07101	MARKEY, EDWARD J.	MALDEN	MA HOUSE
S6MS00018	MARKS, E. MICHAEL	JACKSON	MS SENATE
H6PA24043	MARKS, MARC LINCOLN	SHARON	PA HOUSE
H6MT02028	MARLENEE, RONALD CHARLES	ALEXANDRIA	VA HOUSE
S6RI00122	MARLEY, ARTHUR E.	NARRAGANSETT	RI SENATE
H6RI00122	MARLEY, ARTHUR E.	NARRAGANSETT	RI HOUSE
H6IN03054	MARLO, EDWARD J.	SOUTH BEND	IN HOUSE
H6OH16040	MARMADUKE, MR. ROBERT	AKRON	OH HOUSE
H6UT02077	MARRIOTT, DAN	SALT LAKE CITY	UT HOUSE
H6CA03034	MARSH, MR. GEORGE R. JR.	SACRAMENTO	CA HOUSE
H6IN10042	MARSH, ROGER F.	MUNCIE	IN HOUSE
S6AZ00022	MARSHALL, JONATHAN	PHOENIX	AZ SENATE
H6MO01048	MARTIN, ARTHUR O.	ST LOUIS	MO HOUSE
H6WA04026	MARTIN, JAMES ELLIS	WENATCHEE	WA HOUSE
H6NC09051	MARTIN, JAMES G.	CHARLOTTE	NC HOUSE
H6NY29016	MARTIN, JOSEPH J.	TROY	NY HOUSE
H6KY04049	MARTIN, MR. GEORGE CLARKE	ANCHORAGE	KY HOUSE
H6CA37073	MARTINEZ, LOUIS	RIVERSIDE	CA HOUSE
H6IN04111	MARTING, MS. BARBARA J. MARTING	EVANSVILLE	IN HOUSE
H6NY29051	MARTINO, JOSEPH A.	BALLSTON LAKE	NY HOUSE
H6OH01047	MARTINSON, MS. CHRISTOPHER L.	CINCINNATI	OH HOUSE
H6AZ04045	MASON, ANTHONY M.	PHOENIX	AZ HOUSE
H6WA04017	MASON, ARTHUR D.	BROOKLINE	MA HOUSE
H6IN07097	MASON, JAMES MICHAEL	SULLIVAN	IN HOUSE
H6WA03010	MASSER, EUGENE	VANCOUVER	WA HOUSE
S6NY00151	MASSI, ROBERT E.	BROOKLYN	NY SENATE
S6DE00057	MASSIMILLA, JOHN A.	REHOBETH BEACH	DE SENATE
H6IA03078	MASTERS, RON	MASON CITY	IA HOUSE
P60001542	MATALIK, EMIL	MIAMI	FL PRESIDENT
H6CA20030	MATHEWS, ARLINE	CHATSWORTH	CA HOUSE
H6CA37081	MATHESON, BUD	BEAUMONT	CA HOUSE
S6MD00012	MATHIAS, CHARLES MCC. JR.	WASHINGTON	DC SENATE
H6MN03071	MATHIAS, CLIFFORD C.	ROBBINSDALE	MN HOUSE
H6GA02024	MATHIS, DAWSON	ALBANY	GA HOUSE
H6OH13067	MATHNA, MR. WOODROW W.	LORAIN	OH HOUSE
S6NI00016	MATSUNAGA, HONORABLE SPARK M.	WASHINGTON	DC SENATE
H6MI01022	MATSUNAGA, SPARK M.	WASHINGTON	DC HOUSE
H6PA04037	MATTHEWS, CHRIS	PHILADELPHIA	PA HOUSE
H6NJ02053	MATTHEWS, MICHAEL J.	LINWOOD	NJ HOUSE
H6MI07033	MATTISON, EUGENE L.	FLUSING	MI HOUSE
H6TX05031	MATTOX, JAMES ALBON	DALLAS	TX HOUSE
H6FL08049	MATTOX, RAY	WINTER HAVEN	FL HOUSE
H6MN04152	MATTSON, ROBERT	ST.PAUL	MN HOUSE
P60002623	MATZAL, EDMUND O. (V.P.)	BLAIRSTOWN	NJ PRESIDENT
H6MO09033	MAURER, KEN	ST. CHARLES	MO HOUSE
H6MO08093	MAURER, LUCILLE	SILVER SPRING	MO HOUSE
H6NJ00090	MAURO, MR. ROBERT L.	FAIRVIEW	NJ HOUSE
H6CA41119	MAURO, THOMAS J.	S. LAGUNA	CA HOUSE
H6NY02041	MAWNE MR. JOHN	RONKONKOMA	NY HOUSE
P6000108A	MAXEINER, LAWRENCE (V.P.)	ST. LOUIS	MO PRESIDENT
H6MO02079	MAXFIELD, MORGAN	N. KANSAS CITY	MO HOUSE
H6NY31057	MAXWELL, ANITA	NEWPORT	NY HOUSE
H6WA07201	MAY, JACK LLOYD	RENTON	WA HOUSE
H6WA04042	MAY, JAMES C.	RENTON	WA HOUSE

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IDENTIFICATION	NAME			
P80000783	MAYBERRY, LUCY	WASHINGTON	DC	PRESIDENT
H6NY23435	MAYER, EDWARD	CHAPPAQUA	NY	HOUSE
H6NJ13050	MAYER, MR. JOSEPH	FLEMINGTON	NJ	HOUSE
H6CA37099	MAYFIELD, JAMES L.	APPLE CITY	CA	HOUSE
H6KY03025	MAZZOLI, ROMANO L.	WASHINGTON	DC	HOUSE
H6MT02119	MC DONALD, JOHN K.	LAKESIDE	MT	HOUSE
H6CA20053	MC GURK, DAN L.	WOODLAND MILLS	CA	HOUSE
H6NJ10098	MCADAM, MS. KATHLEEN A.	NEWARK	NJ	HOUSE
H6TX16038	MCALMON, GEORGE A.	EL PASO	TX	HOUSE
H6OR0106A	MCALMOND, PHIL	PORTLAND	OR	HOUSE
H6PA18144	MCAROLE, FRANCIS V.	PITTSBURG	PA	HOUSE
H6FL11027	MCBAIN, ROBERT D.	LAKE WORTH	FL	HOUSE
P80000486	MCCABE, JOHN HENRY	JACKSON	MI	PRESIDENT
H6RI02045	MCCAFFREY JR., EUGENE J.	WARWICK	RI	HOUSE
H6TN02040	MCCALL, BOYCE	KNOXVILLE	TN	HOUSE
S6CA00071	MCCANDLESS, AL	PALM DESERT	CA	SENATE
H6VA08085	MCCANN, ELIZABETH C.	ALEXANDRIA	VA	HOUSE
H6UT02119	MCCARTHY, DARYL JOHN	SALT LAKE CITY	UT	HOUSE
P80000494	MCCARTHY, EUGENE J.	WASHINGTON	DC	PRESIDENT
H6MA02052	MCCARTHY, JOHN D.	SPRINGFIELD	MA	HOUSE
H6MA07069	MCCARTHY, MR. GEORGE R.	EVERETT	MA	HOUSE
H6NJ14090	MCCARTHY, MR. KENNETH C.	JERSEY CITY	NJ	HOUSE
H6OH06012	MCCARTHY, MR. PAUL M.	BATAVIA	OH	HOUSE
H6MA00015	MCCARTHY, PATRICK HENRY	RANDOLPH	MA	HOUSE
H6CA05047	MCCARTHY, SEAN	SAN RAFAEL	CA	HOUSE
H6VA01042	MCCLAINE, MARY B.	NEWPORT NEWS	VA	HOUSE
H6OK05064	MCCLINTIC, GEORGE V.	OKLAHOMA CITY	OK	HOUSE
H6IL13022	MCCLORY, ROBERT	WASHINGTON	DC	HOUSE
H6CA12043	MCCLOSKEY, PAUL N.	WASHINGTON	DC	HOUSE
S6ID00047	MCCLURE, JAMES A.	BOISE	ID	SENATE
H6MI06084	MCCLURE, JAMES F.	MASLETT	MI	HOUSE
H6TX10015	MCCLURE, PAUL FREDERICK	AUSTIN	TX	HOUSE
H6UT02051	MCCLURE, RALPH V.	SALT LAKE CITY	UT	HOUSE
H6MA01047	MCCOLGAN, MR. EDWARD A.	NORTHAMPTON	MA	HOUSE
H6NE02042	MCCOLLISTER, JOHN Y.	OMAHA	NE	HOUSE
S6NE00038	MCCOLLISTER, JOHN Y.	OMAHA	NE	SENATE
H6UT02101	MCCONKIE, JAMES W.	ARLINGTON	VA	HOUSE
H6NY1A0A2	MCCONNELL, JAMES W.	NYC	NY	HOUSE
H6KY06051	MCCORD, MR. ANTHONY A.	LEXINGTON	KY	HOUSE
P80000502	MCCORMACK, ELLEN	MERRICK	NY	PRESIDENT
H6WA04034	MCCORMACK, MIKE	RICHLAND	WA	HOUSE
H6PA23045	MCCORMACK, RICHARD	DERRICK CITY	PA	HOUSE
H6PA12014	MCCORMICK, DUANE M.	LEECHBURG	PA	HOUSE
S6CA00043	MCCOY, JACK	CARLSBAD	CA	SENATE
H6OH1005R	MCCOY, MR. RALPH R.	WOODSFIELD	OH	HOUSE
H6NJ01097	MCCULLOUGH, MR. JOSEPH I.	MADDON HEIGHTS	NJ	HOUSE
H6AZ03104	MCCUNE, BILL	PHOENIX	AZ	HOUSE
H6IL20035	MCCUNE, LLOYD M.	GODFREY	IL	HOUSE
H6OK0A045	MCCURLEY, CAROL	YUKON	OK	HOUSE
H6WV01010	MCCUSKEY, JOHN F.	BRIDGEPORT	WV	HOUSE
H6MI01044	MCCUTCHEON, HATTIE	DETROIT	MI	HOUSE
H6PA10026	MCDADE, JOSEPH M.	ARLINGTON	VA	HOUSE
H6PA05018	MCDERMOTT, LEO D.	WEST CHESTER	PA	HOUSE
H6OA07072	MCDONALD, HON. LARRY	WASHINGTON	DC	HOUSE
H6TN05076	MCDONALD, JESSIE DANIEL	NASHVILLE	TN	HOUSE
H6OH17019	MCDONALD, JOHN C.	NEWARK	OH	HOUSE
H6GA07031	MCDONALD, LAWRENCE P	MARIETTA	GA	HOUSE
H6WI09062	MCDONALD, LYNN	WHITEFISH BAY	WI	HOUSE
H6MI17099	MCDONALD, PATRICK A.	DETROIT	MI	HOUSE
H6TX15030	MCDONALD, ROBERT LENOOL	LOS FRESNOS	TX	HOUSE
H6TX05072	MCDONNELL, SAM	DALLAS	TX	HOUSE
H6CT01039	MCDONOUGH, DONNA C.	HARTFORD	CT	HOUSE
H6MO05080	MCDONOUGH, MR. JAMES J.	KANSAS CITY	MO	HOUSE
H6VA06041	MCDOWELL, L.S.	STAUNTON	VA	HOUSE
H6TN05148	MCEWEN, JOE "RED"	NASHVILLE	TN	HOUSE
H6NY30026	MCEWEN, ROBERT C.	OGDENSBURG	NY	HOUSE
H6CA14015	MCFALL, JOHN J.	MANTECA	CA	HOUSE
H6TN04069	MCFARLIN, BEN HALL	MURFREESBORO	TN	HOUSE
S6MI00012	MCFARREN, GERALD L.	MARION	MI	SENATE
H6VA06017	MCGAY, TIM	GOSHEN	VA	HOUSE
S6NY00019	MCGEE, DALE	WASHINGTON	DC	SENATE
H6OH15021	MCGEE, MR. MIKE	COLUMBUS	OH	HOUSE
H6IL22049	MCGINNIS, RALPH Y.	CHARLESTON	IL	HOUSE
S6SD00015	MCGOVERN, GEORGE S.	WASHINGTON	DC	SENATE
H6MO01089	MCGOVERN, MR. DAN E.	BEL-NOR	MO	HOUSE
H6MA00031	MCGRAIL, MR. STEPHEN J.	MALDEN	MA	HOUSE
H6MA07168	MCGRAIL, STEPHEN J.	MALDEN	MA	HOUSE
H6WV03010	MCGRAW JR., HARRELL V.	CHARLESTON	WV	HOUSE
H6WV03042	MCGRAW, DARNELL V.	CHARLESTON	WV	HOUSE
H6MI01119	MCGREGOR, HECTOR M.	REDFORD MIS STA	MI	HOUSE
H6CA05054	MCGUIRE, TERRENCE	SAN RAFAEL	CA	HOUSE
H6CA11052	MCGURIE, JOHN J.	PACIFICA	CA	HOUSE
H6AR02047	MCHENRY JR., ROBERT M.	LITTLE ROCK	AR	HOUSE
H6NY27043	MCHUGH, MATTHEW F.	WASHINGTON	DC	HOUSE
H6MA07077	MCHUGH, MR. LEO	MEDFORD	MA	HOUSE
S6DE00024	MCINERNEY, JOSEPH F.	DOVER	DE	SENATE
H6MD04100	MCINTOSH, MR. CHARLES GOFF	CROFTON	MD	HOUSE
H6UT0103A	MCKAY, GUNN K.	WASHINGTON	DC	HOUSE
H6MO10031	MCKEE, W. F. "PATH"	CAPE GIRARDEAU	MO	HOUSE
H6MI02141	MCKENNA, LAWRENCE M.	ANN ARBOR	MI	HOUSE
H6GA05167	MCKINNEY, JAMES E. "BILLY"	ATLANTA	GA	HOUSE
H6CT04020	MCKINNEY, STEWART B.	FAIRFIELD	CT	HOUSE
H6MT02044	MCKITTRICK, D. PATRICK	GREAT FALLS	MT	HOUSE
S6NC00049	MCKNIGHT, DAVID PROCTOR	FAYETVILLE	NC	SENATE
H6AL05053	MCLAIN, GENE	HUNTSVILLE	AL	HOUSE
H6KY01045	MCLAUGHLIN, MR. ARTHUR LEE	SACRAMENTO	KY	HOUSE
H6PA24076	MCLAUGHLIN, NEIL GEORGE	MILL VILLAGE	PA	HOUSE
H6RI02004	MCMANUS, MALCOLM	PROVIDENCE	RI	HOUSE
H6NY15076	MCMANUS, MR. HANK	BROOKLYN	NY	HOUSE
H6TA10023	MEANDS, E.M.	AUSTIN	TX	HOUSE
H6PA16056	MEARIG, HERBERT CHARLES	LANCASTER	PA	HOUSE
S6VT00879	MEDEIROS, JOHN	NORTH WENNINGTON	VT	SENATE

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H6WA02038	MEEDS, LLOYD	WASHINGTON	DC	HOUSE
H6CA33040	MEGDAL, MR. PHILIP	NORWALK	CA	HOUSE
H6MT02069	MELCHER, JOHN	WASHINGTON	DC	HOUSE
S6MT00071	MELCHER, JOHN	FORSYTH	MT	SENATE
S6CA00329	MENDELSOHN, 908	SAN FRANCISCO	CA	SENATE
H6OR02058	MERCER, THOMAS M.	RENO	OR	HOUSE
H6CA11011	MERDINGER, BRAINARD G.	SO SAN FRANCISCO	CA	HOUSE
H6CA11029	MERDINGER, LYDIA C.	SO SAN FRANCISCO	CA	HOUSE
H6MS04051	MEREDITH, JAMES H.	JACKSON	MS	HOUSE
H6FL08031	MERKLIN, FRANK N.	SARASOTA	FL	HOUSE
H6MD02070	MERONEY, RONALD A	BALTIMORE	MD	HOUSE
H6TN05042	MERRITT, GILBERT S.	NONELSON	TN	HOUSE
S6CO00049	MERSON, ALAN	BRECKINRIDGE	CO	SENATE
H6IL01043	METCALFE, RALPH	CHICAGO	IL	HOUSE
H6WA01022	METNICK, DANIEL	SEATTLE	WA	HOUSE
S6OH00028	METZENBAUM, HOWARD M.	SHAKER HEIGHTS	OH	SENATE
H6OH22110	METZENBAUM, HOWARD M.-1974	SHAKER HEIGHTS	OH	HOUSE
H6IL07040	METZGER, DONALD L.	CHICAGO	IL	HOUSE
H6MO01028	MEYER, DONALD DRAKE	LARADIE	MO	HOUSE
H6NY23047	MEYER, J. EDWARD	CHAPPAQUA	NY	HOUSE
H6OH14057	MEYER, MR. STEVEN P.	AKRON	OH	HOUSE
H6CO01117	MEYERS, LANN	DENVER	CO	HOUSE
H6NJ13043	MEYNER, HELEN S.	PHILLIPSBURG	NJ	HOUSE
H6IA01031	MEZVINSKY, EDWARD	IOWA CITY	IA	HOUSE
H6IL18021	MICHEL, ROBERT H.	PEORIA	IL	HOUSE
H6CA27058	MICIAK, CARL M.	WEST LOS ANGELES	CA	HOUSE
S6SD00036	MICKELSON, GRACE	RAPID CITY	SD	SENATE
H6SD02040	MICKELSON, GRACE ERDAHL	RAPID CITY	SD	HOUSE
H6AL06036	MIGLIONICO, NINA	BIRMINGHAM	AL	HOUSE
H6PA03088	MIKULIAK, JOE	PHILADELPHIA	PA	HOUSE
H6MD03078	MIKULSKI, BARBARA ANN	BALTIMORE	MD	HOUSE
H6IL13028	MIKVA, ABNER J.	EVANSTON	IL	HOUSE
H6FL12058	MILBERRY, JACK E.	HOLLYWOOD	FL	HOUSE
H6TX24032	MILFORD, DALE	GRAND PRAIRIE	TX	HOUSE
H6NO04125	MILLER, ADELAIDE L.	LEE'S SUMMIT	MO	HOUSE
H6OH10030	MILLER, CLARENCE E.	LANCASTER	OH	HOUSE
S6UT00022	MILLER, CLINTON B.	MONROVIA	CA	SENATE
SANV00031	MILLER, DAN	LAS VEGAS	NV	SENATE
H6WI02018	MILLER, ELIZABETH T.	PORTAGE	WI	HOUSE
P60000701	MILLER, ERNEST	HARRISONBERG	VA	PRESIDENT
H6CA07043	MILLER, GEORGE	MARTINEZ	CA	HOUSE
H6CA18040	MILLER, JAMES A.	LANCASTER	CA	HOUSE
P60002A41	MILLER, JOSEPH IONAS	N'SC. PARK	FL	PRESIDENT
S6FL00047	MILLER, JOSEPH IONAS	BISCAYNE PARK	FL	SENATE
P60001906	MILLER, JOSEPHINE ANN(RUDD)	KINGMAN	IN	PRESIDENT
S4CO00031	MILLER, MARTIN P.	LITTLETON	CO	SENATE
H6PA16044	MILLER, MARVIN EUGENE	LANCASTER	PA	HOUSE
H6LA02042	MILLER, MATT PETER	NEW ORLEANS	LA	HOUSE
H6GA08013	MILLER, MITCH	MACON	GA	HOUSE
H6PA21031	MILLER, ROBERT H.	GREENSBURG	PA	HOUSE
S6MN00044	MILLER, ROBIN EUGENE	ANOKA	MN	SENATE
H6MI16075	MILLER, SLAYTER B	ALAN PARK	MI	HOUSE
S4AK00040	MILLER, TERRY	FAIRBANKS	AK	SENATE
S6MO00198	MILLIN, RUSSELL	KANSAS CITY	MO	SENATE
H6AR02013	MILLS, HON. WILBUR O.	LITTLE ROCK	AR	HOUSE
H6CA09031	MILLS, MR. JAMES K.	LIVERMORE	CA	HOUSE
H6PA05026	MILNE, JAMES S	PAOLI	PA	HOUSE
H6IA06040	MINCER, WILLIAM DAVID	SPENCER	IA	HOUSE
H6CA13116	MINETA, NORMAN Y.	ALEXANDRIA	VA	HOUSE
H6NJ11021	MINISH, JOSEPH G.	WEST ORANGE	NJ	HOUSE
H6GA09110	MINISH, MR. J. ALBERT	COMMERCE	GA	HOUSE
S6HI00024	MINK, HONORABLE PATSY TAKEMOTO	HONOLULU	HI	SENATE
H6HI02038	MINK, PATSY T.	HONOLULU	HI	HOUSE
H6PA16072	MINNEY, MICHAEL JAY	LANCASTER	PA	HOUSE
H6IA04050	MINOR, CHARLES E.	DES MOINES	IA	HOUSE
H6OH22084	MINSHALL, MR. KENT ROSS	SHAKER HTS.	OH	HOUSE
H6NJ12046	MISKELL, VINCENT	ELIZABETH	NJ	HOUSE
H6NY31024	MITCHELL, DONALD J.	MERRIMER	NY	HOUSE
H6PA10034	MITCHELL, EDWARD	SCRANTON	PA	HOUSE
H6PA08111	MITCHELL, GEORGE C.	LEVITTOWN	PA	HOUSE
H6ME01074	MITCHELL, JAMES EDWARD	VASSALBORO	ME	HOUSE
H6MD07038	MITCHELL, PARREN	BALTIMORE	MD	HOUSE
S6VA00051	MITCHELL, PERRY J.	MCLEAN	VA	SENATE
H6TX18042	MITCHELL, ROBBINS	HOUSTON	TX	HOUSE
H6NY20035	MITCHELL, TIMOTHY A.	NEW YORK	NY	HOUSE
H6NC05026	MIZELL, WILMER DAVID	WINSTON-SALEM	NC	HOUSE
H6OK01037	MIZER JR., GEORGE ALFRED	TULSA	OK	HOUSE
H6NM01012	MIZER, QUINN O.	ALBUQUERQUE.	NM	HOUSE
H6MA09032	MOAKLEY, JOHN JOSEPH	BOSTON	MA	HOUSE
P60001559	MOBLEY, JAMES ARNOLD	MCKENZIE	TN	PRESIDENT
H6CT06023	MOFFETT, ANTHONY TOBY	WASHINGTON	DC	HOUSE
H6PA16080	MOHLER, RICHARD L.	EUPHRATA	PA	HOUSE
H6LA03031	MOITY,WARREN J. "PUDGY" SR	NEW IBERIA	LA	HOUSE
H6WV01046	MOLLOHAN, HON. ROBERT H.	WASHINGTON	DC	HOUSE
H6FL08098	MOLTHROP, DAVID H.	LAKELAND	FL	HOUSE
H6MT02051	MONAHAN, THOMAS O.	BILLINGS	MT	HOUSE
S2MN00019	MONDALE, WALTER F.	WASHINGTON	DC	SENATE
P60000510	MONDALE, WALTER F.(W.F.)	HASTINGS	MN	PRESIDENT
H6NM01038	MONDRAGON, ROBERT A.	SANTE FE	NM	HOUSE
S6ME00050	MONKS, ROBERT A.R.	PORTLAND	ME	SENATE
H6AL05103	MONROE, MR. JOE	HUNTSVILLE	AL	HOUSE
H6FL08019	MONROE, MICKEY	ST PETERSBURG	FL	HOUSE
H6PA03021	MONTEIRRO, ANTHONY	PHILADELPHIA	PA	HOUSE
H6CA35044	MONTES, MARY	POMONA	CA	HOUSE
H6MS03020	MONTGOMERY, GILLESPIE V.	MERIDAN	MS	HOUSE
S6NM00022	MONTOYA, JOSEPH	ALBUQUERQUE	NM	SENATE
S6NM00077	MOONEY, BEATRICE J.	LAFELAND	NM	SENATE
H6MD05032	MOONEY, THOMAS J.	TAKOMA PARK	MD	HOUSE
H6DC00048	MOORE JR., JERRY A.	WASHINGTON	DC	HOUSE
H6OK02048	MOORE, DAVIS J.	MOUNDS	OK	HOUSE
H6LA06034	MOORE, HENSON W.	WASHINGTON	DC	HOUSE
H6MO05056	MOORE, MR. HM. F. "BILL"	KANSAS CITY	MO	HOUSE

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IDENTIFICATION	NAME		
M6NY26028	MOORE, THOMAS		
M6VI00034	MOORMEAD, ALEXANDER A. JR.		
M6CA22026	MOORMEAD, CARLOS J.		
M6PA14028	MOORMEAD, WILLIAM S.		
M6MI12066	MORAN, KIM		
M6NY12065	MORANCIE, HORACE L.		
S6CT00018	MORANO, ALBERT P.		
M6LA01118	MOREAU, MR. JAMES A.		
M6GA10068	MORELAND, MR. CARVIN COLUMBUS		
M6CT04077	MORGAN, MICHAEL O.		
M6CA17059	MORGAN, MR. RICHARD T.		
M6NE02018	MORGAN, P.J.		
S6NC00014	MORGAN, ROBERT		
M6NY01019	MORGAN, SETH		
M6PA22047	MORGAN, THOMAS E.		
M6LA02033	MORPHOS, DIANE		
M6MO04118	MORRIS, MR. MARVIN OLIPHANT		
M6VT00061	MORRISSEAU, DENNIS J.		
M6RI01021	MORRISSEY, ANN M.		
P6O000973	MORROW, CONRAD FLOURNOY		
M6OM03CR4	MORROW, CONRAD FLOURNOY		
M6CA16051	MORTON, MR. ROBERT B.		
M6MA02029	MOSAKOWSKI, KENNETH R.		
M6MI14146	MOSER, MARSHALL F.		
M6OH13026	MOSHER, CHARLES		
M6OK02050	MOSPADDEN, CLEM R.		
M6CT06098	MOSRETTO, LOUIS		
S6UT00014	MOSS, FRANK E.		
M6PA01042	MOSS, HENRY DOUGLASS		
M6NE00038	MOSS, JOE R.		
M6CA03026	MOSS, JOHN E.		
M6OH12036	MOSS, MR. WILLIAM R.		
M6PA03042	MOSZCZYNSKI, RICHARD		
P6000158A7	MOTSINGER, GRADY RAY JR.		
M6CM23066	MOTTL, RONALD A.		
M6TX24945	MOWERY, WES		
M6NJ04067	MOYERS, MR. JACK		
S6NY00052	MOYNIHAN, DANIEL PATRICK		
M6CT06040	MROTEK, RYSZARD S.		
M6PA04045	MUGFORD, JAMES E.		
M6VA02024	MULLIGAN JR., JAMES ALFRED		
M6WA07096	MUNRO, ALLAN		
M6MO03077	MUNSELL, RURL A.		
M6MI18067	MUOTKA, JOHN OMAR		
M6PA17047	MURDOCH JR., W. CRAWFORD		
M6IN11065	MURLEY, MR. LOGAN D.		
M6PA22042	MURPHY, AUSTIN J.		
M6CA08058	MURPHY, FREDERICK M.		
M6MA07036	MURPHY, JAMES J.		
M6NY17040	MURPHY, JOHN M.		
M6TN05000	MURPHY, MICHAEL DOLAN		
M6IL02033	MURPHY, MORGAN F.		
M6IN10034	MURPHY, ROBERT L.		
M6TX10031	MURRAY, BILL		
M6IA05016	MURRAY, JOHN S.		
P6O001724	MURRAY, KEN		
M6MO02137	MURRAY, MR. WUOM		
M6NY03046	MURRAY, MS. SHIRLEY		
M6NY17040	MURRAY, PETER J.		
M6PA12030	MURTHA, JOHN P.		
M6CA2A049	MUSA, OMARI		
S6CA00220	MUSA, OMARI		
S6ME00019	MUSKIE, EDMUND S.		
M6PA00044	MUSMANNO, NEAL V.		
M6OH16045	MUSSER, MR. VIRGIL S.		
M6CA24049	MUSUN, CHRIS		
S6MO00124	MUZYK, GEORGE ALEXANDER		
M6PA11024	MUZYKA, RICHARD A.		
M6WY04016	MYERS, ROB E.		
M6PA25065	MYERS, MON. GARY A.		
M6IN07030	MYERS, JOHN T.		
M6PA01074	MYERS, MICHAEL OZZIE		
M6NY29069	MYLES, MR. THOMAS J.		
S6MI00115	NAPOLEON, NATHAN M.		
M6IL0A034	NASLUND, BENGT E.		
S6MA00049	NASON, FRENA LEE		
M6KY02019	NATCHER, WILLIAM		
M6OR04070	NATHAN, THEODORA (TONIE)		
M6MO04133	NAVE, MR. FOREST "BUD"		
M6NC05018	NEAL, STEPHEN L.		
M6CA28056	NEDDY, THOMAS A.		
M6MI14021	NEOZI, LUCIEN		
S6MA00023	NELSON, AVI		
M6MI01101	NELSON, CAROLYN		
M6NY20043	NELSON, CHRISTINA A.		
S6WI00017	NELSON, GAYLORD		
M5WA01030	NELSON, JOHN M.		
M6MI08049	NELSON, MARK L.		
M6OH07036	NELSON, PATRICK L.		
M6CA24055	NELSON, RICHARD		
M6MA08083	NELSON, STEVEN A.		
M6MI16093	NEMETH, CHARLES J		
M6PA2213A	NEPA, ENNET		
P6O001419	NEPHEW, ALICE K.		
M6NJ05023	NERO, FRANK R.		
M6CA38014	NEUGEBAUER, JOY L.		
M6WI05045	NEWCOMB, JAMES		
M6NJ05056	NEWTON, LEONARD F.		
M6FL05102	NEWTON, MR. VIRGIL MILLER		
M6OM04033	NICHOLAS, MR. DIMITRI		
M6WA06112	NICHOLLS, JAMES		
M6AL03025	NICHOLS, MON. BILL		
MIDDLETOWN	NY	HOUSE	
FREDERIKSTED	VI	HOUSE	
GLENDALE	CA	HOUSE	
PITTSBURG	PA	HOUSE	
ROSEVILLE	MI	HOUSE	
BROOKLYN	NY	HOUSE	
GREENWICH	CT	SENATE	
NEW ORLEANS	LA	HOUSE	
MONROE	GA	HOUSE	
STAMFORD	CT	HOUSE	
FRESNO	CA	HOUSE	
OMAHA	NE	HOUSE	
RALEIGH	NC	SENATE	
WANORVILLE	NY	HOUSE	
WASHINGTON	PA	HOUSE	
NEW ORLEANS	LA	HOUSE	
ANNAPOLIS	MD	HOUSE	
MINESBURG	VT	HOUSE	
PAWTUCKET	RI	HOUSE	
DAYTON	OH	PRESIDENT	
DAYTON	OH	HOUSE	
SCOTTSDALE VALLEY	CA	HOUSE	
AMHERST	MA	HOUSE	
GROSSE PTE. WOODS	MI	HOUSE	
LORAIN	OH	HOUSE	
CLAREMORE	OK	HOUSE	
NEW BRETON	CT	HOUSE	
SALT LAKE CITY	UT	SENATE	
PHILADELPHIA	PA	HOUSE	
OMAHA	NE	HOUSE	
WASHINGTON	DC	HOUSE	
COLUMBUS	OH	HOUSE	
PHILADELPHIA	PA	HOUSE	
DORSON	NC	PRESIDENT	
PARMA	OH	HOUSE	
FT. WORTH	TX	HOUSE	
MATAWAN	NJ	HOUSE	
NEW YORK	NY	SENATE	
HARTFORD	CT	HOUSE	
PHILADELPHIA	PA	HOUSE	
VIRGINIA BEACH	VA	HOUSE	
SEATTLE	WA	HOUSE	
ST LOUIS	MO	HOUSE	
UNION LAKE	MI	HOUSE	
MEAMSEY	PA	HOUSE	
INDIANAPOLIS	IN	HOUSE	
MONONGAMELA	PA	HOUSE	
PIEDMONT	CA	HOUSE	
MELROSE	MA	HOUSE	
WASHINGTON	DC	HOUSE	
NASHVILLE	TN	HOUSE	
WASHINGTON	DC	HOUSE	
MUNCIE	IN	HOUSE	
AUSTIN	TX	HOUSE	
AMES	IA	HOUSE	
STURGIS	MI	PRESIDENT	
UNIVERSITY	MD	HOUSE	
LOUISVILLE	KY	HOUSE	
STATEN ISLAND-NYC	NY	HOUSE	
JOHNSTOWN	PA	HOUSE	
SANTA MONICA	CA	HOUSE	
LOS ANGELES	CA	SENATE	
WASHINGTON	DC	SENATE	
MCKEES ROCKS	PA	HOUSE	
MASSILLON	OH	HOUSE	
LOS ANGELES	CA	HOUSE	
BETHESDA	MD	SENATE	
WILKES-BARRE	PA	HOUSE	
LESAGE	WV	HOUSE	
BUTLER	PA	HOUSE	
COVINGTON	IN	HOUSE	
PHILADELPHIA	PA	HOUSE	
EAST GREENBUSH	NY	HOUSE	
MAILUA	MI	SENATE	
FRANKLIN PARK	IL	HOUSE	
CAMBRIDGE	MA	SENATE	
BOWLING GREEN	KY	HOUSE	
EUGENE	OR	HOUSE	
LEAINGTON	MO	HOUSE	
WINSTON-SALEM	NC	HOUSE	
TONAWANDA	NY	HOUSE	
WASHINGTON	DC	HOUSE	
BROOKLINE	MA	SENATE	
DETROIT	MI	HOUSE	
NEW YORK	NY	HOUSE	
WASHINGTON	DC	SENATE	
SEATTLE	WA	HOUSE	
BAY CITY	MI	HOUSE	
SPRINGFIELD	OH	HOUSE	
HOLLYWOOD	CA	HOUSE	
BOSTON	MA	HOUSE	
DEARBORN	MI	HOUSE	
CONNELLSVILLE	PA	HOUSE	
WALTON	NY	PRESIDENT	
NORTH PLAINFIELD	NJ	HOUSE	
WESTMINSTER	CA	HOUSE	
MILWAUKEE	WI	HOUSE	
PRINCETON	NJ	HOUSE	
LUTZ	FL	HOUSE	
PIQUA	OH	HOUSE	
PUYALLUP	WA	HOUSE	
ANNISTON	AL	HOUSE	

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M6TX01055	NICKERSON III, JESSE L.		
M6NY01060	NICOSIA, SALVATORE C.		
M6UT02085	NIELSEN, G. HARRY		
S6WA00107	NIELSON, HENRY C.		
M6UT01061	NIELSON, STEVEN EDWARD		
M6TX00047	NIGLIAZZO, CARL A.		
M6PA01025	NIGRO, RUSSELL M.		
M6CA37180	NILSON, DOUGLAS C. JR.		
M6IL18051	NIMROD, JOHN J.		
M6PA02031	NIX, ROBERT N. C.		
S6NY00088	NIXON, MARTIN E.		
P6O002565	NIXON, RICHARD M.		
M6OH17043	NOBLE, DAVID O.		
S6RI00098	NOEL, HONORABLE PHILIP WILLIAM		
M6NY14053	NOJOVITS, ALEXANDER W.		
S6OH00056	NOLAN, JAMES O.		
M6MN06058	NOLAN, RICHARD		
M6PA19076	NOLL, RICHARD		
S6NJ00073	NORCROSS, DAVID F.		
S6WI00A1	NORDLANDER, ROBERT E.		
M6IL18039	NORDVALL, STEPHEN L.		
M6MS04069	NORMAN, B.L. (BOB)		
S6ME00068	NORRIS, FRANK		
S6AZ00084	NORWITZ, ALLAN		
M6OH20120	NOVAK, MR. RONALD J.		
M6MI17156	NOVESS, C. M. III		
M6NY37039	NOWAK, HENRY J.		
M6NJ06013	NOWAK, JOSEPH ALFONS		
M6MO03143	NOWAK, MARIE S.		
M6MI18049	NOWAKOWSKI, ADAM E.		
M6MO04184	NUNN, ALBERT N		
S2GA00019	NUNN, SAM A. JR.		
M6CA27066	O'ALOCK, DENNIS FRANK		
M6IL17040	O'BRIEN, GEORGE M.		
M6NM01073	O'BRIEN, JOHN M.		
M6WA04046	O'BRIEN, JOSEPH WILLIAN JR.		
M6MA01056	O'BRIEN, MR. EDWARD		
M6FL12100	O'BRIEN, MR. JOSEPH KEVIN		
P6O002310	O'CONNOR, LORETTA M.		
P6O000520	O'CUMMINGS, GRADY		
M6WA06067	O'DONNELL, JAMES P.		
S6NY00096	O'DWYER, PAUL		
M6MI12025	O'HARA, JAMES O.		
S6MI00095	O'HARA, JAMES O.		
P6O001732	O'HARA, LOU		
M6PA24086	O'HARA, ROBERT T.		
S6OH00114	O'NEILL, JOHN		
M6MN04087	O'NEILL, MICHEAL PATRICK		
M6WA08042	O'NEILL, THOMAS		
M6OH20138	OAKAR, MS. MARY ROSE		
M6KS03019	OAKES, TED		
M6MN08047	OBERSTAR, JAMES L.		
M6WI07033	OBEY, DAVID		
M6IL08014	ODDO, SALVATORE E.		
M6VA08006	OESTERREICHER, PAUL HENRY		
S6VA00085	OGDEN, ALAN ROBERT		
M6VA03014	OGDEN, ALAN ROBERT		
M6CO04053	OGDEN, MR. DANIEL M. JR.		
M6GA05048	OGLE, WILLIAM M.		
M6MN08054	OJALA, WILLIAM R.		
M6WA03028	OLAFSON, EVELYN K.		
M6AZ02015	OLGAARD, KEITH E.		
M6WI07058	OLISHKEWYCH, GEORGE		
P6O002185	OLIVER, ETHEL		
M6CA06052	OLMSTED, JONATHAN		
M6MI18121	OLSEN, JOHN E.		
M6TN05108	OLSEN, ROBERT J.		
M6CO03043	OLSHAN, HENRY JOHN		
M6KS05048	OLSON, MR. VIRGIL LEON		
M6MN11109	OLSON, ROBERT C.		
M6NJ08075	OMDAHL, LLOYD B.		
M6IN02049	OPPENHEIM, JAY PHILIP		
M6MI12033	ORAWIEC, RICHARD		
M6NY04047	ORNSTEIN, FRANKLIN M.		
M6CA30037	ORTIZ, PHIL		
M6IL06042	OSBORN, CLIFFORD T.		
M6MI07041	OSTROW, SHEILA		
S6MI00111	OTTERBACHER, JOHN R.		
M6NY24060	OTTINGER, HON. RICHARD L.		
M6NC03013	OVERBY, JOSEPH R.		
M6MI05045	OWENS, ANN RILEY		
M6FL07058	OWENS, DUSTY		
M6NY16074	OWENS, MAJOR R.		
M6FL07041	OWENS, MR. ROBERT J.		
S6UT00019	OWENS, WAYNE		
M6IA02106	OXLEY, LORIN E.		
S6IA00033	OXLEY, LORIN E.		
M6IN05059	OYLER, LARRY W.		
M6PA25073	PACE, EUGENE O.		
M6RI02052	PACIA, PASQUALE F.		
S6PA00076	PACKARD, GEORGE R.		
S6OR00037	PACKWOOD, ROBERT		
M6OA10076	PADGETT, MR. MICHAEL JACKSON SR.		
M6LA06042	PAILETTE, RONNY GENE SR.		
P6O002763	PAINE, PHYLLIS J.		
M6CA22034	PAK, MR. M. HSTARRH		
M6NJ03036	PALVEN, THOMAS W.		
M6NY00011	PANCIO, GEORGE		
M6CA16036	PANETTA, LEON E.		
M6MO01097	PANLASIGUI, MR. FELIX J.		
M6NY15004	PAONE, ARTHUR J.		
M6IO02076	PAPE, ELIZABETH D		
PITTSBURG	TX	HOUSE	
HOLBROOK	NY	HOUSE	
SALT LAKE CITY	UT	HOUSE	
SEATTLE	WA	SENATE	
PROVO	UT	HOUSE	
MEARNE	TX	HOUSE	
PHILADELPHIA	PA	HOUSE	
MENTONE	CA	HOUSE	
GLENVIEW	IL	HOUSE	
WASHINGTON	DC	HOUSE	
NEW YORK	NY	SENATE	
SAN CLEMENTE	CA	PRESIDENT	
GLENMONT	OH	HOUSE	
WARWICK	RI	SENATE	
BROOKLYN	NY	HOUSE	
CLEVELAND	OH	SENATE	
WASHINGTON	DC	HOUSE	
YORK	PA	HOUSE	
TRENTON	NJ	SENATE	
MENASHA	WI	SENATE	
PEORIA	IL	HOUSE	
JACKSON	MS	HOUSE	
WEST PERU	ME	SENATE	
SCOTTSDALE	AZ	SENATE	
CLEVELAND	OH	HOUSE	
DETROIT	MI	HOUSE	
BETHESDA	MD	HOUSE	
MOORESTOWN	NJ	HOUSE	
ST. LOUIS	MO	HOUSE	
WARREN	MI	HOUSE	
POTOMAC	MD	HOUSE	
WASHINGTON	DC	SENATE	
PLAYA DEL REY	CA	HOUSE	
JOLIET	IL	HOUSE	
RAYMOND	NH	HOUSE	
CHESAPEAKE	VA	HOUSE	
EASTHAMPTON	MA	HOUSE	
FT. LAUDERDALE	FL	HOUSE	
COLLEGE POINT	NY	PRESIDENT	
NEW YORK	NY	PRESIDENT	
TACOMA	WA	HOUSE	
NEW YORK	NY	SENATE	
MT CLEMENS	MI	HOUSE	
UTICA	MI	SENATE	
PROVIDENCE	RI	PRESIDENT	
ERIE	PA	HOUSE	
FAIRVIEW PARK	OH	SENATE	
ST. PAUL	MN	HOUSE	
BOSTON	MA	HOUSE	
CLEVELAND	OH	HOUSE	
KANSAS CITY	KS	HOUSE	
CHISHOLM	MN	HOUSE	
WAUSAU	WI	HOUSE	
CHICAGO	IL	HOUSE	
ALEXANDRIA	VA	HOUSE	
RICHMOND	VA	SENATE	
RICHMOND	VA	HOUSE	
FORT COLLINS	CO	HOUSE	
ATLANTA	GA	HOUSE	
AURORA	MN	HOUSE	
SEATTLE	WA	HOUSE	
TUCSON	AZ	HOUSE	
NEILLSVILLE	WI	HOUSE	
MASON	MI	PRESIDENT	
SAN FRANCISCO	CA	HOUSE	
HUNTINGTON WOODS	MI	HOUSE	
NASHVILLE	TN	HOUSE	
VIA RIGE	CO	HOUSE	
CHANUTE	KS	HOUSE	
KASSON	MN	HOUSE	
GRAND FORKS	ND	HOUSE	
LEESBURG	IN	HOUSE	
DETROIT	MI	HOUSE	
LIDO	NY	HOUSE	
PICO RIVERA	CA	HOUSE	
OAK PARK	IL	HOUSE	
DETROIT	MI	HOUSE	
GRAND RAPIDS	MI	SENATE	
PLEASANTVILLE	NY	HOUSE	
SMITHFIELD	NC	HOUSE	
DETROIT	MI	HOUSE	
TAMPA	FL	HOUSE	
BROOKLYN	NY	HOUSE	
TEMPLE TERRACE	FL	HOUSE	
SALT LAKE CITY	UT	SENATE	
TIPTON	IA	HOUSE	
TIPTON	IA	SENATE	
PERU	IN	HOUSE	
NEW CASTLE	PA	HOUSE	
JOHNSTON	RI	HOUSE	
VILLANOVA	PA	SENATE	
WASHINGTON	DC	SENATE	
AUGUSTA	GA	HOUSE	
BATON ROUGE	LA	HOUSE	
OMAHA	NE	PRESIDENT	
GLENDALE	CA	HOUSE	
MOWELL	NJ	HOUSE	
OLEAN	NY	HOUSE	
MONTEREY	CA	HOUSE	
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BROOKLYN	NY	HOUSE	
POCATELLO	ID	HOUSE	

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IDENTIFICATION	NAME		
H6CT02097	PAPE, ROBERT J.	CLINTON	CT HOUSE
H6VT00079	PARENTI, MICHAEL	ESSEX JUNCTION	VT HOUSE
H8NJ09041	PARETI, HAROLD A.	CARLSTADT	NJ HOUSE
H8CA01030	PARIDIS, DOROTHY O.	OROVILLE	CA HOUSE
S6PA00064	PARISE, STEPHEN J.	PITTSBURGH	PA SENATE
H6TX00060	PARISH, WELBY KENNETH	GILMER	TX HOUSE
H6OK05103	PARKER, DONALD F.	OKLAHOMA CITY	OK HOUSE
H6MN04145	PARKER, HOWARD J.	ST. PAUL	MN HOUSE
S8NJ00024	PARKER, JAMES ELLISON	WALLINGTON	NJ SENATE
H6WA04054	PARKER, M. L.	TACOMA	WA HOUSE
H6SC03041	PARKER, MARSHALL J.	SENECA	SC HOUSE
H6NC01041	PARKER, MICHAEL MCDONALD	KINSTON	NC HOUSE
S6WA00123	PARKIN, WILBUR R.	CENTRALIA	WA SENATE
H6SC05046	PARNELL, HOWARD J.	SUMTER	SC HOUSE
H6AK00086	PARNELL, MR. KEVIN (PAT)	ANCHORAGE	AK HOUSE
H6VA08112	PARRIS, STANFORD E.	SPRINGFIELD	VA HOUSE
S6RI00106	PASBACH, EARL F.	RIVERSIDE	RI SENATE
H6CA36034	PASLEY, MR. WILLIAM EMERY	RIALTO	CA HOUSE
H6LA05036	PASSMAN, OTTO E.	MONROE	LA HOUSE
H6PI02060	PASTORE JR., LOUIS M.	PROVIDENCE	RI HOUSE
H6OK03041	PATE, THOMAS L.	WILBURTON	OK HOUSE
H6TX01030	PATMAN, WRIGHT	TEXARKANA	TX HOUSE
H6NJ15022	PATTEN, EDWARD J.	PERTH AMBOY	NJ HOUSE
H6MO04018	PATTERSON, CLAUDE	APPLETON CITY	MO HOUSE
H6CA36030	PATTERSON, JERRY M.	WASHINGTON	DC HOUSE
H6NY29044	PATTISON, EDWARD W.	TROY	NY HOUSE
H6AL07018	PATTON, JAMES WILLIAM	BIRMINGHAM	AL HOUSE
H6CA24019	PATTON, PAT	SAN GABRIEL	CA HOUSE
P6000536	PATTON, PAT	MANDAN	ND PRESIDENT
H6TN02063	PATTY, HUBERT	MARYVILLE	TN HOUSE
H6TX22101	PAUL, RON	LAKE JACKSON	TX HOUSE
H6MI01049	PAUL, WILLIAM B.	HONOLULU	HI HOUSE
H6TN04093	PAULK, ROBERT A.	MANCHESTER	TN HOUSE
H6PA08129	PAVLAK, JOSEPH M.	TREVOSE	PA HOUSE
H6OK03046	PAYNE, GARY E.	ATOKA	OK HOUSE
H6CA36044	PAYNTER, MR. DAVID M.	GARDEN GROVE	CA HOUSE
H6OH08043	PAYTON, MR. JOSEPH F.	CLAYTON	OH HOUSE
H6ID02068	PEARCE, C. KELLY	LAVA HOT SPRINGS	ID HOUSE
S2KS00014	PEARSON, JAMES R.	WASHINGTON	DC SENATE
H6OH13042	PEASE, DONALD J.	OBERLIN	OH HOUSE
H6MI1A097	PECK, SANDRA L.	DETROIT	MI HOUSE
S6NM00043	PEIRSE, GENE JR.	ALBUQUERQUE	NM SENATE
H6IN07022	PEKEL, JON	TERRE HAUTE	IN HOUSE
S6RI00155	PELL, CLAIBORNE	WASHINGTON	DC SENATE
H6OH04018	PELLEY, JAMES M.	OXFORD	OH HOUSE
H6CA25046	PELSER, ROBERT J.	THOUSAND OAKS	CA HOUSE
H6NY14046	PEMBERTON, GLADYS L.	BROOKLYN	NY HOUSE
H6MI02047	PENAPOZA, WILLIAM K.	KAPAA	MI HOUSE
H6DC00055	PENNINGTON, SUSAN	WASHINGTON	DC HOUSE
H6FL16013	PEPPER, CLAUDE D.	MIAMI BEACH	FL HOUSE
S6IL00037	PERCY, CHARLES	WASHINGTON	DC SENATE
H6FL15020	PEREIRA JR., JOSEPH A.	MIAMI	FL HOUSE
H6CA30045	PEREZ, JOHN J.	PICO RIVERA	CA HOUSE
S4OH00036	PERK, RALPH J.	CLEVELAND	OH SENATE
H6KY07026	PERKINS, CARL D.	WASHINGTON	DC HOUSE
S6VA00036	PERPER, MARTIN HOWARD	FALLS CHURCH	VA SENATE
H6MN08062	PERPICH, ANTON J.	EVELETH	MN HOUSE
S6RI00023	PERROTTA, RALPH JOHN	PROVIDENCE	RI SENATE
H6ME02011	PERRY, MARY WANNON	CORNISH	ME HOUSE
H6SC02019	PERRY, MATTHEW	COLUMBIA	SC HOUSE
H6LA05077	PERRY, ROWLAND M.	MONROE	LA HOUSE
P6B000650	PERSONS, ROBERT L.	LONG BOTTOM	OH PRESIDENT
H6NY15027	PESCE, MICHAEL L.	BROOKLYN	NY HOUSE
H6NY17072	PETERS, JOHN M	STATEN ISLAND	NY HOUSE
S6MN00051	PETERSON, AXEL	MINNEAPOLIS	MN SENATE
H6CT04036	PETERSON, MR. GEOFFREY GISSLER	WESTPORT	CT HOUSE
S6WI00025	PETRI, TOM	FOND DU LAC	WI SENATE
H6WI01051	PETRIE, WILLIAM WATSON II	WATERFORD	WI HOUSE
H6PA17070	PETRUCCI, ANTHONY M.	HARRISBURG	PA HOUSE
H6PA10042	PETSKO, MICHAEL	TAYLOR	PA HOUSE
H6CT01041	PETTES, KEVIN S.	MADISON	CT HOUSE
S6FL00017	PETTIGREW, RICHARD A.	MIAMI	FL SENATE
H6CA37115	PETTIS, RONALD E.	RIVERSIDE	CA HOUSE
H6CA37123	PETTIS, SHIRLEY M.	WASHINGTON	DC HOUSE
H6MI02067	PETTIT, MARTHA	DETROIT	MI HOUSE
H6MO02160	PETTY, LAWRENCE W.	OVERLAND	MO HOUSE
S6MO00073	PETTY, LAWRENCE W.	OVERLAND	MO SENATE
H6NY25034	PEYSER, MINNA POST	PUTNAM VALLEY	NY HOUSE
H6NY23052	PEYSER, PETER A.	PUTNAM VALLEY	NY HOUSE
S6NY00029	PEYSER, PETER A.	IRVINGTON	NY SENATE
H6CA27098	PEZZUTI, THOMAS ALEXANDER	SANTA MONICA	CA HOUSE
H6NY39043	PFUNTNER, MR. ROBERT JAMES	WELLSVILLE	NY HOUSE
H6OH02037	PHALEN, ROBERT A	CINCINNATI	OH HOUSE
H6CO03030	PHELPS, HARVEY W.	PUEBLO	CO HOUSE
H6SC05053	PHILLIPS, S. LEONARD	LANCASTER	SC HOUSE
H6CA34047	PHILLIPS, DON	LONG BEACH	CA HOUSE
H6VA10027	PHILLIPS, RUFUS	MCLEAN	VA HOUSE
H6OR04021	PIACENTINI, JOHN	PORTLAND	OR HOUSE
H6MO03128	PICA, JOHN A.	BALTIMORE	MD HOUSE
H6TX18049	PICKLE, HON. JAMES J.	AUSTIN	TX HOUSE
H6MI02053	PIERCE, EDWARD C.	ANN ARBOR	MI HOUSE
S4MD00028	PIERPONT, ROSS Z.	BALTIMORE	MD SENATE
H8IL08059	PIETRANTONIO, THOMAS	CICERO	IL HOUSE
H6NY81027	PIKE, OTIS G.	RIVERHEAD	NY HOUSE
H6TX06056	PINON, MARLEY L.	DESOTO	TX HOUSE
H6MN04129	PIOTROWSKI, THOMAS F.	ROSEVILLE	MN HOUSE
H6PA01116	PIRILLO, ANTHONY D. JR.	PHILADELPHIA	PA HOUSE
P6000212B	PIRMAN, ANTON	CHICAGO	IL PRESIDENT
H6CT08031	PISCOPO, PATSY J.	THOMASTON	CT HOUSE
H6NY20076	PLOSCOWE, MR. BERNARD L.	NEW YORK	NY HOUSE
H6OH10048	PLUMMER, MR. JAMES A.	JACKSON	OH HOUSE
H6TX11021	POAGE, W. R.	WACO	TX HOUSE

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H6NJ11047	POEKEL, MR. CHARLES A. JR.	ESSEX FALLS	NJ HOUSE
H6TX21079	POERNER, JOHN M	HONDO	TX HOUSE
H6OK03098	POLING, EUGENE VICTOR	DOUGHERTY	OK HOUSE
H6OK06069	POOR, LAWRENCE L.	EL RENO	OK HOUSE
P8000142?	PORENSKI, DONALD JAMES BUTLER	CHESTER	NJ PRESIDENT
H6OR04048	PORTER, CHARLES O.	EUGENE	OR HOUSE
H6NC00043	PORTER, MARION	CHARLOTTE	NC HOUSE
H6NY20019	POSNER, STEPHEN	NEW YORK	NY HOUSE
H6MD01072	POST, EDWARD	STEVENSONVILLE	MD HOUSE
H6NC10036	POSTON, MR. E. EUGENE	BOILING SPRINGS	NC HOUSE
H6PA08048	POSTUPAK, STEPHEN	TAMAQUA	PA HOUSE
H6NY37021	POTH, CHARLES III	BUFFALO	NY HOUSE
H6AL05111	POTTS, MR. ROBERT LESLIE	FLORENCE	AL HOUSE
H6MI00111	POWELL, GARY D.	DETROIT	MI HOUSE
H6GA08021	POWELL, MARRY	DUBLIN	GA HOUSE
H6MI00106	POWELL, JOY	DETROIT	MI HOUSE
H6FL08114	PRATT, JEROME	PALMETTO	FL HOUSE
P6000163J	PREOGEN, JOHN L.	CANAJOHARIE	NY PRESIDENT
H6SC01026	PRESSLER, LARRY	MUNROLDT	SD HOUSE
H6TA01063	PRESTON, GEORGE L.	PARIS	TX HOUSE
H6NC06024	PREYER, RICHARDSON	GREENSBORO	NC HOUSE
H6PA20033	PRIBANIC, JOHN E.	MCKEESPORT	PA HOUSE
H6TA13043	PRICE, BOB	PAMPA	TX HOUSE
H6CA29104	PRICE, JAY BERRY	BELL	CA HOUSE
S6MI00065	PRICE, KAMUELA	KAWEONE	MI SENATE
H6IL23021	PRICE, MELVIN	EAST ST. LOUIS	IL HOUSE
H6CA29070	PRICE, MR. JAY B.	BELL	CA HOUSE
P8000123?	PRICE, RALPH MSHORTYM	LOUISVILLE	AL PRESIDENT
H6NJ09108	PRIMICK, MR. FRANK J.	NORTH BERGEN	NJ HOUSE
H6IL24029	PRINEAS, PETER G.	CARBONDALE	IL HOUSE
H6WA01048	PRITCHARD, JOEL	WASHINGTON	DC HOUSE
H8WA07078	PRITCHARD, RAYMOND	SEATTLE	WA HOUSE
H6KY06049	PRIVETT, MR. VICTOR E.	NICHOLASVILLE	KY HOUSE
S6WA00164	PRIVETTE, MRS. CLARICE L. R.	SPOKANE	WA SENATE
H6WA06146	PROSSER, JEFFREY G.	TACOMA	WA HOUSE
S6NE00053	PROUD, RICHARD F.	OMAHA	NE SENATE
H6SC02027	PROVEAUX, PAUL	BAMBERG	SC HOUSE
S6WI00046	PROXMIRE, WILLIAM	MADISON	WI SENATE
H6DE00024	PRUETT, ROBERT THOMAS	DOVER	DE HOUSE
S6CT00026	PRYOR, THEODORE MARCUS	HARTFORD	CT SENATE
H6MP00017	PUGA, ANTHONY P.	POTOMAC	MD HOUSE
H6CT03046	PUCCIANO, JOHN O.	ORANGE	CT HOUSE
H6VA05025	PUCKETT, JOHN JESSE	ROANOKE	VA HOUSE
H6IL01050	PULLEY, ANDREW	CHICAGO	IL HOUSE
H6MI02001	PURSELL, CARL D	PLYMOUTH	MI HOUSE
H6ID01029	PURSLEY, KENNETH L.	BOISE	ID HOUSE
H6MI01105	PUTZEL, WARREN ALLEN	HONOLULU	MI HOUSE
H6WJ00026	QUAREMBA, JAMES A.	RIDGEWOOD	NJ HOUSE
H6IN04045	QUAYLE, DANFORTH J.	MUNTINGTON	IN HOUSE
H6WA01036	QUIE, ALBERT	WASHINGTON	DC HOUSE
H6TN01048	QUILLEN, JAMES	KINGSPORT	TN HOUSE
S6MI00032	QUINN, HONORABLE WILLIAM F.	HONOLULU	MI SENATE
H6VA01059	QUINN, ROBERT	HAMPTON	VA HOUSE
H6NY23427	RADDA, HENRY	YONKERS	NY HOUSE
S4NH00021	RADWAY, LAURENCE	HANOVER	NH SENATE
H6TN06064	RAGAN, HENRY V.	DICKSON	TN HOUSE
H6TN08045	RAGSDALE, DUNCAN	MEMPHIS	TN HOUSE
H6MV04057	RAHALL, NICK JOE II	BECKLEY	WV HOUSE
H6IL19037	RAILSBACK, TOM	ROCK ISLAND	IL HOUSE
H6KY05095	RAMEY, MR. JESSE M.	WAYNESBURG	KY HOUSE
H6KY03074	RAMSEY, MR. DENZIL J.	LOUISVILLE	KY HOUSE
H6MA06020	RANDALL, FREDERICK P.	W. BOXFORD	MA HOUSE
H6MO04034	RANDALL, WILLIAM	INDEPENDENCE	MO HOUSE
H6IL23039	RANDOLF, SCOTT R.	E ST LOUIS	IL HOUSE
S6WV00022	RANDOLPH, JENNINGS	WASHINGTON	DC SENATE
H6NY19029	RANGEL, CHARLES B.	NEW YORK	NY HOUSE
H6IA03086	RAPP, STEPHEN J.	WATERLOO	IA HOUSE
H8LA01159	RAPICK, JOHN R.	SAINT FRANCISVILLE	LA HOUSE
H6NY14061	RASSIN, PRISCILLA J.	BROOKLYN	NY HOUSE
H6SC05012	RAST SR., STEVEN DOUGLAS	ROCK MILL	SC HOUSE
H6CT05017	RATCHFORD, WILLIAM R.	DANBURY	CT HOUSE
H6MN05092	RATTE, PHIL	MPLS.	MN HOUSE
H6VA01067	RATTLEY, JESSIE M.	NEWPORT NEWS	VA HOUSE
H6TN03020	RAYFIELD, RONALD L.	HIRSON	TN HOUSE
H6IL01050	RAYNER JR., A. A.	CHICAGO	IL HOUSE
P6000046B	REAGAN, RONALD	LOS ANGELES	CA PRESIDENT
H6DC00097	REAVIS, CHARLOTTE	WASHINGTON	DC HOUSE
H6IL11042	REBER, DANIEL C.	CHICAGO	IL HOUSE
H6MN07031	REBER, DANIEL M.	BRECKENRIDGE	MN HOUSE
H6CA07050	REBER, GARY	WALNUT CREEK	CA HOUSE
H6TX10056	REECE, RANDOLPH FAIN	AUSTIN	TX HOUSE
H8TX10011	REECE, RANDOLPH FAIN	AUSTIN	TX HOUSE
H6PA22054	REED, DEASTON R.	CONNELLSVILLE	PA HOUSE
H6NJ10023	REED, GEORGE S.	NEWARK	NJ HOUSE
P6000067G	REED, RALPH RANDOLPH	NEWPORT NEWS	VA PRESIDENT
S6VA00010	REED, RALPH RANDOLPH	WILLIAMSBURG	VA SENATE
H6VA01091	REED, RALPH RANDOLPH	NEWPORT NEWS	VA HOUSE
H6WA02046	REED, RONALD C.	BOTHELL	WA HOUSE
H6CA23032	REES, THOMAS M.	LOS ANGELES	CA HOUSE
H6TX19016	REESE, JAMES O.	ODESSA	TX HOUSE
H6CA05062	REEVES, ALAN F.	SAN FRANCISCO	CA HOUSE
H6AL02035	REEVES, BEN C.	EUFAULA	AL HOUSE
H6ME01082	REEVES, BRUCE M	PITTSTON	ME HOUSE
H6OH16029	REGULA, RALPH S.	NAVARRE	OH HOUSE
S6PA00092	REIBMAN, JEANETTE F.	EASTON	PA SENATE
S4NV00023	REID, HARRY	LAS VEGAS	NV SENATE
H6NY24011	REID, OGDEN R.	WHITE PLAINS	NY HOUSE
P6000164J	REID, WILLIE MAE (V.P.)	CHICAGO	IL PRESIDENT
H6WI09047	REIGLE, RONALD O.	KENASKUN	WI HOUSE
S6MI00038	REIMERS, PAULA	DETROIT	MI SENATE
H6NY33041	REINER, LILLIAN E.	SYRACUSE	NY HOUSE
H6MA07143	REINSTEIN, WILLIAM B.	REVERE	MA HOUSE

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H6FL13049	REMICK, MR. ROBERT	MIAMI	FL HOUSE
H6PA08061	RENNINGER, JOHN S.	NEWTOWN	PA HOUSE
H6NY27071	RESSEGUIE, FRANKLIN B.	BINGHAMTON	NY HOUSE
P8000183I	REUSCH, DALE R.	LODI	OH PRESIDENT
H6WI05011	REUSS, HENRY S.	MILWAUKEE	WI HOUSE
H6FL05029	REYNOLDS, DON T.	SANFORD	FL HOUSE
H6CA27199	REYNOLDS, JR, VERNON WINTON (SKIP)	VENICE	CA HOUSE
H6WA06120	REYNOLDS, ROBERT M	TACOMA	WA HOUSE
H6MN04046	RHEINBERGER, JOSEPH A.	ST PAUL	MN HOUSE
H6NJ05066	RHEMKE, MS. JANE T.	BERNARDSVILLE	NJ HOUSE
H6KS03068	RHOADS, PHILIP S.	KANSAS CITY	KS HOUSE
H6CA12050	RHODES, HERBERT	EAST PALO ALTO	CA HOUSE
H6AZ01041	RHODES, JOHN J.	MESA	AZ HOUSE
H6OH02045	RHODES, W. EMERSON	CINCINNATI	OH HOUSE
SACT00013	RIBICOFF, ABRAHAM	WASHINGTON	DC SENATE
H6CA31068	RICE, MR. JOSEPH	COMPTON	CA HOUSE
H6VA02016	RICHARDS, ROBERT RAY	NORFOLK	VA HOUSE
S6MO00131	RICHARDS, TERRY	KANSAS CITY	MO SENATE
H6MI18105	RICHARDS, WILLIAM M.	ROYAL OAK	MI HOUSE
H6OK01068	RICHARDSON, DICK EUGENE	TULSA	OK HOUSE
H6CA37131	RICHARDSON, GLENN D.	PALM SPRINGS	CA HOUSE
S6NY00077	RICHARDSON, JOHN S.	FALLON	NV SENATE
H6GA09128	RICHARDSON, MR. HOWARD	@ALL GROUND	GA HOUSE
H6SC05061	RICHARDSON, ROBERT C. JR.	SUMTER	SC HOUSE
H6NY14067	RICHMOND, FREDERICK W.	BROOKLYN	NY HOUSE
H6CA02065	RICHTER, BARBARA A.	ARCATA	CA HOUSE
H6NY23054	RICKLES, ROBERT N.	N. TARRYTOWN	NY HOUSE
P8000165@	RIDDICK, MERRILL K.	PHILIPSBURG	MT PRESIDENT
H6GA10064	RIDGEWAY, MR. THEODORE RONALD	DEXINGTON	GA HOUSE
H6MI07066	RIEGLE JR., DONALD	FLINT	MI HOUSE
S6MI00103	RIEGLE, DONALD W. JR.	FLINT	MI SENATE
S6MN00045	RIEMERS, ROLAND C.	MINNEAPOLIS	MN SENATE
H6MN03038	RIGGS, ROBERT E.	GOLDEN VALLEY	MN HOUSE
H6IN01108	RIGLEY, RICHARD M.	RICHMOND HEIGHTS	MO HOUSE
H6IA02062	RILEY, TOM	CEDAR RAPIDS	IA HOUSE
H6NJ12029	RINALDO, MATTHEW J.	UNION	NJ HOUSE
H6CT06072	RINHART, MR. GEORGE ROBERT	LITCHFIELD	CT HOUSE
H6OH19072	RIPPLE, MR. JAMES L.	YOUNGSTOWN	OH HOUSE
H6PA17088	RIPPON, DONALD J.	HERSEY	PA HOUSE
H6OK02084	RISENHOOVER, THEODORE M.	TAHLEQUAH	OK HOUSE
H6MI18139	RISING, FRANK O.	TROY	MI HOUSE
H6NY24029	RISOLI, ANDREW C.	MOUNT VERNON	NY HOUSE
H6NC04032	RITCHIE, R. K.	REIDSVILLE	NC HOUSE
H6VA10118	RITTENHOUSE, E. STANLEY	DUNN LORING	VA HOUSE
H6OR03023	RIVERA, CARLOS	PORTLAND	OR HOUSE
H6CA25029	RIVES, MICHAEL PATRIC	LOS ANGELES	CA HOUSE
H6TA08043	ROACH, PERRY	HOUSTON	TX HOUSE
P8000247@	ROBBINS, CROWN	WINNETKA	IL PRESIDENT
H6MI02109	ROBERS, MARY F	YPSILANTI	MI HOUSE
H6IA02096	ROBERSON, MR. JAMES D.	CEDAR RAPIDS	IA HOUSE
S6OR00024	ROBERTS, BETTY	PORTLAND	OR SENATE
P8000068@2	ROBERTS, CLAUDE	HOLLYWOOD	CA PRESIDENT
H6TX04026	ROBERTS, RAY	MC KINNEY	TX HOUSE
H6NY12032	ROBERTSON, CLARENCE A.	BROOKLYN	NY HOUSE
S6MA00056	ROBERTSON, MICHAEL S.	BERKELEY	MA SENATE
H6IL20043	ROBINSON, DAVID	SPRINGFIELD	IL HOUSE
H6VA07031	ROBINSON, J. KENNETH	WINCHESTER	VA HOUSE
S6MO00132	ROBINSON, ROBERT LEE	CONCORD POINT	MO SENATE
H6CA34054	ROBLEY, RUSS	LONG BEACH	CA HOUSE
H6MD02145	ROCHE, MR. EDWARD D.	MARYLAND HEIGHTS	MO HOUSE
H6CA43071	ROCK, MR. DAVID	RIVERSIDE	CA HOUSE
P8000272Z	ROCKEFELLER, NELSON (V.P.)	BALTIMORE	MD PRESIDENT
H6CA34052	RONECKER, WALLACE B.	HUNTINGTON BEACH	CA HOUSE
P8000810@	ROSEN, GEORGE R.	WACO	TX PRESIDENT
H6IL04013	ROSGER, RONALD A.	TINLEY PARK	IL HOUSE
P8000157S	ROGERS, LUCKY RUCK	SACRAMENTO	CA PRESIDENT
H6NJ10049	ROGINO JR. PETER	NEWARK	NJ HOUSE
H6NJ08035	ROE, ROBERT A.	WAYNE	NJ HOUSE
H6IN01090	ROGAN, MICHAEL P.	HAMMOND	IN HOUSE
H6KY06044	ROGERS III, THOMAS F.	LEXINGTON	KY HOUSE
S6NY00189	ROGERS, EMMETT FRANCIS	SOUTHAMPTON	NY SENATE
H6TN04085	ROGERS, JOHN STANLEY	MANCHESTER	TN HOUSE
H6NJ11054	ROGERS, MR. JOSEPH A.	MONTCLAIRE	NJ HOUSE
H6FL11035	ROGERS, PAUL G.	WASHINGTON	DC HOUSE
H6OH19040	ROMAN, MR. JOSEPH J.		OH HOUSE
H6MI01055	ROMLFING, FREDERICK	HONOLULU	MI HOUSE
H6MD08192	ROWBAUGH, AUSTIN B	POTOMAC	MD HOUSE
H6TX23050	ROLAND, JON	SEQUIN	TX HOUSE
H6ME01058	ROLDE, NEIL RICHARD	YORK	ME HOUSE
H6NJ13004	ROLLINSON,	COLUMBIA	NJ HOUSE
P8000125Z	ROLLINSON, RAY (V.P.)	COLUMBIA	NJ PRESIDENT
H6NC11065	ROLLMAN, MR. HEINZ	WAYNESVILLE	NC HOUSE
H6CA41125	ROLOFF, HENRY M.	SAN DIEGO	CA HOUSE
H6IN01108	ROMANOWSKI, THADDEUS	GARY	IN HOUSE
H6AZ02072	ROMERO, RUBEN	TUCSON	AZ HOUSE
H6OH18033	ROMIG, RALPH M.	TUSCARAWAS	OH HOUSE
H6WY00043	RONCALIO, TENO	CHEYENNE	WY HOUSE
H6PA15025	ROONEY, FRED B.	BETHLEHEM	PA HOUSE
P8000080@	ROOSEVELT, ROBERT	WASHINGTON	DC PRESIDENT
H6MD08200	ROOSEVELT, ROBERT J	WASHINGTON	DC HOUSE
SMD00038	ROOSEVELT, ROBERT J.	BETHESDA	MD SENATE
H6NC07030	ROSE III, CHARLES	WASHINGTON	DC HOUSE
H6KS02078	ROSE, C.D.	KANSAS CITY	KS HOUSE
H6AZ03042	ROSEN, SID	PHOENIX	AZ HOUSE
H6NY0A022	ROSENTHAL, BENJAMIN	FLUSHING	NY HOUSE
H6FL08020	ROSIER, MR. JOSEPH A.	WINTER PARK	FL HOUSE
H6NJ13068	ROSNER, JAY RICHARD MR.	WEST TRENTON	NJ HOUSE
H6TX24073	ROSS, JAMES	DALLAS	TX HOUSE
H6MA08059	ROSS, LAURA	BRIGHTON	MA HOUSE
H6PA16155	ROSS, MARTIN P.	LANCASTER	PA HOUSE
H6IL08022	ROSTENKOWSKI, DAN	WASHINGTON	DC HOUSE
H6MI16091	ROSTRON, WILLIAM E	DETROIT	MI HOUSE

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H6MA04033	ROTENBERG, JON	BROOKLINE	MA HOUSE
H6WI00018	ROTH, TOBY	APPLETON	WI HOUSE
S6DE00016	ROTH, WILLIAM V. JR.	WILMINGTON	DE SENATE
H6NY11067	ROTHENBERG, JOSEPH	ROCKAWAY	NY HOUSE
H6MI06092	ROTSTEIN, ANDREW	DETROIT	MI HOUSE
H6NY36023	ROURKE, RUSSELL A.	LEWISTON	NY HOUSE
H6IN04011	ROUSH, J. EDWARD	HUNTINGTON	IN HOUSE
H6CA26027	ROUSSELOT, JOHN H.	SAN MARINO	CA HOUSE
H6MA03068	ROWE, DOUGLAS J.	MARLBOROUGH	MA HOUSE
H6SC01078	ROWELL, EDWARD LEONIDAS (LONNIE)	SUMMERVILLE	SC HOUSE
H6TN02071	ROWLAND, MICHAEL YOUNG	KNOXVILLE	TN HOUSE
H6FL09039	ROWLAND, WILLIAM D.	WINTER PARK	FL HOUSE
H6KS02045	ROY, MR. WILLIAM ROBERT	TOPEKA	KS HOUSE
S6KS00028	ROY, WILLIAM	TOPEKA	KS SENATE
H6CA25011	ROYBAL, EDWARD R.	LOS ANGELES	CA HOUSE
H6WA02079	RUCKERT, CAROL M.	SEATTLE	WA HOUSE
H6WA01089	RUCKERT, PATRICK	SEATTLE	WA HOUSE
H6NC02056	RUDASILL, ELBERT G.	WARRENTON	NC HOUSE
H6AZ0A029	RUDD, ELDON	WASHINGTON	DC HOUSE
H6TA13035	RUFFIN, RAY	AMARILLO	TX HOUSE
H6NM02028	RUNNELS, HAROLD	LOVINGTON	NM HOUSE
H6OR04039	RUNNING FOXE, JERRY	COTTAGE GROVE	OR HOUSE
H6FL01036	RUNYAN, MR. DARRELL WESLEY	PENSACOLA	FL HOUSE
H6MO00025	RUPLI, DANNY CRAIG	BURRITTSVILLE	MO HOUSE
H6MI11043	RUPPE, PHILLIP E.	HOUGHTON	MI HOUSE
H6OH05026	RUPPERT, JAMES D.	FRANKLIN	OH HOUSE
H6KS04090	RUSSELL, ARON ROGER	WICHITA	KS HOUSE
H6MI05052	RUSSELL, WALTER J.	GRAND RAPIDS	MI HOUSE
H6IL03023	RUSSO, MARTIN A.	SOUTH HOLLAND	IL HOUSE
H6OH20146	RUSSO, MR. BASIL M.	CLEVELAND	OH HOUSE
H6NY15035	RUTAN, SIDNEY Z.	BROOKLYN	NY HOUSE
H6KS05071	RUTHERFORD, GLEN L.	EDNA	KS HOUSE
H6MD03136	RUTKOWSKI SR., MR. J. ROBERT	BALTIMORE	MD HOUSE
H6OH12044	RUZICKO, MR. ANDREW JACK	POWELL	OH HOUSE
H6OH13034	RYAN, JOHN MICHAEL	LORAIN	OH HOUSE
P8000055I	RYAN, JOSEPH A.	MONOLULU	MI PRESIDENT
H6CA11037	RYAN, LEO J.	BELMONT	CA HOUSE
H6IL18054	RYAN, MATTHEW	WASHINGTON	IL HOUSE
H6OH12051	RYAN, MS. FRANCINE	COLUMBUS	OH HOUSE
H6NY14145	RYLEY, ROBERT W.	JERSEY CITY	NJ HOUSE
P8000109@	SARATINI, VINCENT J.	HOUSTON	TX PRESIDENT
H6MI07074	SARIN, JIMMY L.	FLINT	MI HOUSE
H6CO01024	SACHS, ELMER R.	DENVER	CO HOUSE
H6OH19098	SADLAK, MR. ROBERT E.	YOUNGSTOWN	OH HOUSE
S6TN00034	SADLER, MARRY M.	GALLATIN	TN SENATE
S6PA00126	SALERA, BERNARD	PHILADELPHIA	PA SENATE
H6PA01033	SALERA, BERNERD	PHILADELPHIA	PA HOUSE
H6MD07053	SALISBURY, WILLIAM	BALTIMORE	MD HOUSE
H6MN03049	SALITEMAN, JOEL A.	ST LOUIS PARK	MN HOUSE
H6OH13075	SALKOWITZ, MR. ROBERT C.	LORAIN	OH HOUSE
H6CA22042	SALLEY, MR. ROBERT L.	ALTADENA	CA HOUSE
S6VT00038	SALMON, THOMAS P.	BELLOWS FALLS	VT SENATE
H6IN05067	SALOMONE, JOHN C.	INDIANAPOLIS	IN HOUSE
H6NY14129	SALTIEL, SARAH	FAR ROCKAWAY	NY HOUSE
H6GU00018	SANCHEZ, DR. PEDRO CRUZ	TAMUNING	GU HOUSE
H6WA05080	SANDAHL, BEAR O.E.	SPOKANE	WA HOUSE
S6VT00033	SANDERS, BERNARD	ESSEX	VT SENATE
H6CA06102	SANDERS, MR. THOMAS C.	SAN FRANCISCO	CA HOUSE
H6IN05091	SANDERS, REMUS LEE	INDIANAPOLIS	IN HOUSE
H6NY17056	SANDON, DANIELLE M.	NEW YORK	NY HOUSE
P8000056@	SANFORD, TERRY	DURHAM	NC PRESIDENT
H6NY00044	SANTINI, JAMES DAVID	WASHINGTON	DC HOUSE
H6VT00111	SANTWAY, ROBERT	BENNINGTON	VT HOUSE
H6CA22059	SAPIRO, MR. STANLEY M.	LOS ANGELES	CA HOUSE
H6CT05025	SARASIN, RONALD A.	WASHINGTON	DC HOUSE
S6CT05025	SARASIN, RONALD A.	WATERBURY	CT SENATE
S6MD00066	SARBANES, HONORABLE PAUL S.	BALTIMORE	MD SENATE
H6MD03045	SARBANES, PAUL S.	BALTIMORE	MD HOUSE
H6NY00069	SARGEANT, LARRY BRANT	YERINGTON	NV HOUSE
H6MD04043	SARGENT, FRANK R.	CROWNSVILLE	MD HOUSE
H6CA09049	SARGIS, MR. ALBERT L.	OAKLAND	CA HOUSE
H6MI15049	SARKISIAN, JOHN	SOUTH GATE	MI HOUSE
H6TX05023	SARTAIN, JOHN BOAZ	DALLAS	TX HOUSE
H6IL05036	SASKA, LARRY	CHICAGO	IL HOUSE
S6TN00042	SASSER, JAMES RALPH	NASHVILLE	TN SENATE
H6CA34070	SASSONE, ROBERT L.	FOUNTAIN VALLEY	CA HOUSE
H6VA03030	SATTERFIELD III, DAVID E.	RICHMOND	VA HOUSE
P8000094@	SAUCKE, ORLAN A.	CHATTANOOGA	TN PRESIDENT
H6FL05086	SAUNDERS, JO ANN	ORLANDO	FL HOUSE
H6VA06058	SAUNDERS, WARREN D.	BEDFORD	VA HOUSE
H6GA03022	SAVAGE, CARL	MONTEZUMA	GA HOUSE
H6OH21086	SAVICH, PAULA M.	CLEVELAND	OH HOUSE
H6NI07041	SAVINO, FRANK A.	SCHOFIELD	WI HOUSE
S6MN00093	SAVOLA, MATT	MINNEAPOLIS	MN SENATE
H6MI05102	SAWYER, HAROLD S	ROCKFORD	MI HOUSE
H6PA26027	SCALZITTI, CLEMENT R.	ERIE	PA HOUSE
H6MI17074	SCANDRITO, JAMES A.	MT. CLEMENS	MI HOUSE
H6OH23082	SCANLON, MR. MICHAEL T.	N. OLMSTED	OH HOUSE
H6PA03070	SCHADE, TERRENCE J.	PHILADELPHIA	PA HOUSE
H6TN06031	SCHAEFFER, JAMES F.	EADS	TN HOUSE
S6CT00034	SCHAFFER, GLORIA	WOODBRIDGE	CT SENATE
P8000057?	SCHECHTER, BERNARD B.	OCEANSIDE	CA PRESIDENT
H6NY04054	SCHEIN, AARON L.	HICKSVILLE	NY HOUSE
H6IA05032	SCHERLE, WILLIAM J.	HENDERSON	IA HOUSE
H6NY11059	SCHEUER, JAMES H.	WEPONSIT	NY HOUSE
H6LA00029	SCHEVERMANN, DAVID "PRO"	METAIRIE	LA HOUSE
H6NJ15030	SCHIFF, PAUL H.	PISCATAWAY	NJ HOUSE
P8000239I	SCHILLACI, CHRISTOPHER	HICKSVILLE	NY PRESIDENT
H6NC09044	SCHLANGER, HARLEY	CHARLOTTE	NC HOUSE
H6IN07048	SCHLECHTWEG, HAROLD	BLOOMINGTON	IN HOUSE
H6VA04020	SCHLITZ, LESTER E	PORTSMOUTH	VA HOUSE
H6NJ13035	SCHLUTER, WILLIAM E.	PENNINGTON	NJ HOUSE

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IDENTIFICATION	NAME			
H6MO03135	SCHMIDT, MS. VICTORIA	ST. LOUIS	MO	HOUSE
P6O002013	SCHMIDT, O B A	THE WOODLAND	TX	PRESIDENT
H6MO05015	SCHMIOTLEIN, PAUL	ST. LOUIS	MO	HOUSE
S6NM00071	SCHMITT, MARRISON H.	ALBUQUERQUE	NM	SENATE
H6OK06077	SCHMITT, WILLIAM PATRICK	YALE	OK	HOUSE
S6CA00230	SCHMITZ, JOHN G.	CORONA DEL MAR	CA	SENATE
H6CA39053	SCHMITZ, MR. JOHN G.	CORONA DEL MAR	CA	HOUSE
H6VT00129	SCHNERLY, JOHN T, JR.	TOWLSHEND	VT	HOUSE
H6PA17013	SCHNEEBELI,HERMAN T.	WASHINGTON	DC	HOUSE
H6NY17064	SCHNEIER, MR. NEO	NEW YORK	NY	HOUSE
S4SO00023	SCHOCK, ALVIN A.	SIOUX FALLS	SD	SENATE
H6CA40176	SCHOONOVER, MR. JOHN B.	NEWPORT BEACH	CA	HOUSE
H6MN07080	SCHRADER, RONALD F.	MOORHEAD	MN	HOUSE
H6MO02087	SCHRAMM, JACK J.	UNIVERSITY CITY	MO	HOUSE
H6OM19049	SCHRECKENGOST, O. GARY	YOUNGSTOWN	OH	HOUSE
H6CO01034	SCHROEDER, PAT	DENVER	CO	HOUSE
H6PA05042	SCHULZE, RICHARD T.	R.D. 1 MALVERN	PA	HOUSE
H6MN08021	SCHUR, CHESTER F.	EVELETH	MN	HOUSE
H6PA09069	SCHUSTER, BUD	EVERETT	PA	HOUSE
H6MN04095	SCHWARTZ, RALPH	ST PAUL	MN	HOUSE
H6MI03081	SCHWARZ, JOHN JOSEPH HENRY	BATTLE CREEK	MI	HOUSE
S6PA00142	SCHWEIKER, DICK	WASHINGTON	DC	SENATE
H6KS02169	SCOGGIN, DAVID N.	JUNCTION CITY	KS	HOUSE
H6IL21017	SCOTT, ANNA WALL	URBANA	IL	HOUSE
S6PA00134	SCOTT, HUGH	WASHINGTON	DC	SENATE
P6O002078	SCOTT, LLOYD O.	LUBBOCK	TX	PRESIDENT
H6TA20014	SCOTT, MARGARET	HOUSTON	TX	HOUSE
H6CO02040	SCOTT, MR. EDWARD	LAKEWOOD	CO	HOUSE
H6PA16148	SCOTT, RICHARD M.	LANCASTER	PA	HOUSE
H6MN01125	SCOTT, ULRIC	WINONA	MN	HOUSE
S2VA00019	SCOTT, WILLIAM L.	WASHINGTON	DC	SENATE
H6CA25045	SEALS, MS. MARILYNN	LOS ANGELES	CA	HOUSE
P6O001503	SEAMAN, K. CORE	DENVER	CO	PRESIDENT
H6FL09013	SEARS, CURTIS R.	ROCKLEDGE	FL	HOUSE
H6KS01013	SEBELIUS, KETTH G.	WASHINGTON	DC	HOUSE
H6PA23052	SEEGER, CHARLES MORGAN	STATE COLLEGE	PA	HOUSE
H6OH14016	SEIBERLING, JOHN F.	AKRON	OH	HOUSE
P6O001039	SEIBERLING, JOHN F.	AKRON	OH	PRESIDENT
H6MO08218	SEIDEN, JOHN JAY	WHEATON	MD	HOUSE
H6CA18057	SEIELSTAD, GEORGE A.	BISHOP	CA	HOUSE
P6O000593	SELL, DANNY P.	LONDON	OH	PRESIDENT
H6CA34089	SEMANARO, BILL	LONG BEACH	CA	HOUSE
H6MD02047	SEMEY, JOHN W.	TOWSON	MD	HOUSE
H6MI12082	SEMOTKIN, DAVID M.	MT. CLEMENS	MI	HOUSE
H6MI00030	SEMPRANCE, RUSSELL	RIVES JCT	MI	HOUSE
H6MI14039	SEVERS, MARK	DETROIT	MI	HOUSE
H6OA01042	SEVIER, MR. NELSON APPLETON JR.	SAVANNAH	GA	HOUSE
H6WV01012	SHACKELFORD SR., HOWARD L.	TRIADELPHIA	WV	HOUSE
H6TX03044	SHACKELFORD, LES E.	DALLAS	TX	HOUSE
H6TX16046	SHACKELFORD, VICTOR O.	ODESSA	TX	HOUSE
H6CA00055	SHAFFER, JACK	REDONDO BEACH	CA	HOUSE
H6CA13066	SHAFFER, VIRGINA	SAN JOSE	CA	HOUSE
P6O002243	SHAKER, MITCHELL F.	MILES	OH	PRESIDENT
S6MA00098	SHANNON, BERNARD P.	STOUGHTON	MA	SENATE
P6O001757	SHANNON, DONALD J.	DETROIT	MI	PRESIDENT
P6O000585	SHAPP, MILTON J.	MERRION STATION	PA	PRESIDENT
H6NY11042	SHAROFF, MR. BRIAN	BROOKLYN	NY	HOUSE
H6IN10059	SHARP, PHILIP R.	WASHINGTON	DC	HOUSE
H6CA12044	SHASKEY, MR. NORMAN J.	MOUNTAIN VIEW	CA	HOUSE
S6MO00074	SHAW, DAVID E.	WESTMINSTER	MD	SENATE
H6NJ09058	SHAW, HERBERT M.	NORTH BERGEN	NJ	HOUSE
H6CA06065	SHEEDY, JOSEPH E.	SACRAMENTO	CA	HOUSE
H6NJ07011	SHEEHAN, JAMES	WYCKOFF	NJ	HOUSE
S6MI00228	SHEELE, ALTOADA	JACKSON	MI	SENATE
H6CT00056	SHELTO JR., JOSEPH A.	BRISTOL	CT	HOUSE
H6NY12040	SHEPHARD JR., MARTIN	BROOKLYN	NY	HOUSE
H6OH03068	SHEPHERD, MR. BILLY R.	DAYTON	OH	HOUSE
H6TX07045	SHEPLER, DON M.	HOUSTON	TX	HOUSE
H6NC11073	SHEPPARD, MR. WALTER R.	FLETCHER	NC	HOUSE
H6NJ12037	SHERR, LLOYD J.	ELIZABETH	NJ	HOUSE
H6MA09040	SHERMAN, LAURENCE R.	NEW YORK	NY	HOUSE
H6OH14074	SHERRY, ALLAN	WOODSFIELD	OH	HOUSE
S6TN00059	SHINE, D. RAUCE	KINGSPORT	TN	SENATE
H6OH23074	SHINN, ARTHUR M.	STRONGSVILLE	OH	HOUSE
H6IL22031	SHIPLEY, GEORGE E.	OLNEY	IL	HOUSE
H6DE00123	SHIPLEY, MR. SAMUEL L.	NEWARK	DE	HOUSE
H6CA35051	SHIREY, KEITH F.	GLENDORA	CA	HOUSE
H6MO05098	SHOCKEY, JOHN JAMES	INDEPENDENCE	MO	HOUSE
H6MO00024	SHOCKEY, JOHN JAMES	KANSAS CITY	MO	HOUSE
H6NC09069	SHORT, MILTON	CHARLOTTE	NC	HOUSE
H6KS04058	SHRIVER, GARNER E.	WICHITA	KS	HOUSE
P6O000817	SHRIVER, ROBERT SARGENT, JR.	ROCKVILLE	MD	PRESIDENT
H6TN05116	SHRIVER, THOMAS M.	NASHVILLE	TN	HOUSE
H6CA23115	SHULMAN, MR. JULTUS	LOS ANGELES	CA	HOUSE
H6PA25081	SHUMAKER, THOMAS A.	NEW CASTLE	PA	HOUSE
S6ME00076	SHURTLEFF, EDDIE R.	RUMFORD	ME	SENATE
H6PA29351	SHUSTER, E. G. BUD	EVERETT	PA	HOUSE
H6NJ03069	SICILIANO, MR. RALPH A.	RED BANK	NJ	HOUSE
H6NC09077	SIEBURG, MR. ROBERT H.	CHARLOTTE	NC	HOUSE
H6CA06110	SIEGEL, MS. EMILY	SAN FRANCISCO	CA	HOUSE
S6MI00152	SIGNORELLI, PETER A.	DETROIT	MI	SENATE
H6FL10052	SIKES, BILL	FT. MYERS	FL	HOUSE
H6FL01028	SIKES, ROBERT L.	CRESTVIEW	FL	HOUSE
H6MI05086	SILVER, PAUL	ADA	MI	HOUSE
H6NJ06096	SILVERSTEIN, MARK DAVID	BRICKTOWN	NJ	HOUSE
P6O001206	SILVERSTEIN, SAM	NEW YORK	NY	PRESIDENT
H6IN06073	SIMCOX, EDWIN JESSE	INDIANAPOLIS	IN	HOUSE
H6WI06035	SIMENZ, NANCY J.	SHEBOYGAN	WI	HOUSE
H6CA24063	SIMMONS, MR. DAVID IRVING	LOS ANGELES	CA	HOUSE
H6OR01019	SIMON, MARTIN	PORTLAND	OR	HOUSE
H6IL24037	SIMON, PAUL	CARRONDALE	IL	HOUSE
H6OH19106	SIMONES, MR. JAMES E.	NEWTON FALLS	OH	HOUSE

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IDENTIFICATION	NAME			
H6IL07057	SIMONSEN, DEBRA	CHICAGO	IL	HOUSE
H6CA13074	SIMPKINS, S. DAVID	SAN JOSE	CA	HOUSE
H6MI00178	SIMPSON, THOMAS L.	DETROIT	MI	HOUSE
S6NM00014	SIMS, ROBERT R.	ALBUQUERQUE	NM	SENATE
S6FL00061	SIMS, WALTER JACKSON	ORLANDO	FL	SENATE
S6OH00023	SINGLER, MELISSA	CLEVELAND	OH	SENATE
H6CA15020	SISK, B. F.	FRESNO	CA	HOUSE
H6CA19048	SISSON, DANIEL J.	SANTA BARBARA	CA	HOUSE
H6PA22146	SIVAVEC, FREDERICK M.	CANONSBURG	PA	HOUSE
H6PA15041	SIVULICH, ALICE B.	EASTON	PA	HOUSE
H6IA03096	SKAINE, JAMES C.	CEDAR FALLS	IA	HOUSE
H6MO0A1A1	SKELTON, IKE	LEXINGTON	MO	HOUSE
H6PA22153	SKILLIN, DONALD J.	EIGHTY-FOUR	PA	HOUSE
H6CA20064	SKINNER, MR. EDWARD S.	EL MONTE	CA	HOUSE
H6TN05157	SKINNER, ROY G.	NASHVILLE	TN	HOUSE
S6VT00046	SKINNER, SCOTT M.	MONTPELIER	VT	SENATE
H6CA12068	SKORNIA, THOMAS A.	PALO ALTO	CA	HOUSE
H6KS05022	SKURITZ, JOSEPH	EMPORIA	KS	HOUSE
H6WV03034	SLACK , JOHN M.	CHARLESTON	WV	HOUSE
H6WV02028	SLOAN, JIM	BEVERLY	WV	HOUSE
H6NY27089	SLOAN, MICHAEL,P.	BINGHAMTON	NY	HOUSE
H6NJ01105	SLOAN, MR. THOMAS C.	WENONAM	NJ	HOUSE
H6RI01054	SLOCUM, JOHN J. JR.	NEWPORT	RI	HOUSE
H6NY22031	SLOTKIN, MR. PAUL	BRONX	NY	HOUSE
S6CA00246	SLOVER, MILLARD FILLMORE	INGLEWOOD	CA	SENATE
S6TN00083	SMAW, DR. OWEN MEREDITH	MADISON	TN	SENATE
H6WI06043	SMITH , JOSEPH C.	OSHKOSH	WI	HOUSE
H6NY36031	SMITH III, HENRY P.	N TONAWANDA	NY	HOUSE
H6KY05046	SMITH, CHARLES C.	WILLIAMSBURG	KY	HOUSE
S6WA00065	SMITH, DAVE L.	SEATTLE	WA	SENATE
H6WA07177	SMITH, DAVID L.	SEATTLE	WA	HOUSE
H6MD00033	SMITH, DEMAYEN L.	BALTIMORE	MD	HOUSE
H6MI02111	SMITH, DON	MILO	MI	HOUSE
H6TA22044	SMITH, JAMES T.	LA PORTE	TX	HOUSE
H6OK05087	SMITH, JIM	OKLAHOMA CITY	OK	HOUSE
S6NC00031	SMITH, JOHN MCNEILL	GREENSBORO	NC	SENATE
H6WI01036	SMITH, LEONARD W.	WHITEWATER	WI	HOUSE
H6CA10039	SMITH, MR. HERB	SAN JOSE	CA	HOUSE
H6GA10092	SMITH, MR. JAMES F.	ATHENS	GA	HOUSE
H6NJ01113	SMITH, MR. VERNON A.	CAMDEN	NJ	HOUSE
H6CA27173	SMITH, MS. SWIGLEY	MARINA DEL REY	CA	HOUSE
S6NJ00081	SMITH, N. LEONARD	NORTHFIELD	NJ	SENATE
H6IA04043	SMITH, NEAL	ALTOONA	IA	HOUSE
H6TN02049	SMITH, OLIVER A. JR.	KNOXVILLE	TN	HOUSE
H6IA01049	SMITH, REV. LARRY	NEOSAUQUA	IA	HOUSE
SAID0003A	SMITH, ROBERT L. BOB	BOISE	IO	SENATE
H6MO03169	SMITH, THOMAS W.	BALTIMORE	MD	HOUSE
H6NE03016	SMITH, VIRGINIA	WASHINGTON	DC	HOUSE
H6PA05059	SMOLA, NICHOLAS S.	PHOENIXVILLE	PA	HOUSE
P6O001591	SNOW, WALLACE JR.	TRENTON	NJ	PRESIDENT
H6NY39050	SNOWDEN, RICHARD A.	WILLIAMSVILLE	NY	HOUSE
H6KY04031	SNYDER, GENE	WASHINGTON	DC	HOUSE
H6MI04330	SNYDER, HAROLD	WATERVLIET	MI	HOUSE
H6IN11081	SNYDER, MR. STEVEN D.	INDIANAPOLIS	IN	HOUSE
H6CA33056	SNYDER, MR. TED	WHITTIER	CA	HOUSE
H6MO02095	SNYDER, ROBERT O.	KIRKWOOD	MO	HOUSE
H6IN11073	SNYDER, STEVEN D. MR.	INDIANAPOLIS	IN	HOUSE
H6CA27108	SOEN, GEORGE	REDONDO BEACH	CA	HOUSE
H6WI05052	SOKOLY, JOHN EDWARD	MILWAUKEE	WI	HOUSE
H6NY13030	SOLARZ, STEPHEN J.	BROOKLYN	NY	HOUSE
P6O002508	SOLDO, JOHN JOSEPH DAVID	NEW YORK	NY	PRESIDENT
H6DE00057	SOLES, JAMES R.	NEWARK	DE	HOUSE
H6CT04069	SOLYMOSSY, ZOLTAN TOTH	STAMFORD	CT	HOUSE
H6IA06030	SOPER, MS. JEANNE D.	SIOUX CITY	IA	HOUSE
H6CA42032	SOPER, DONALD EDWARD	SAN DIEGO	CA	HOUSE
H6MO06054	SOUTHERLAND, HERBERT W.	BETHANY	MO	HOUSE
H6CO01042	SOUTHWORTH, FRANK K.	DENVER	CO	HOUSE
S6MO00081	SPAINHOWER, JAMES I.	JEFFERSON CITY	MO	SENATE
H6MI14096	SPANIOLO, JOSEPH A.	DETROIT	MI	HOUSE
H6AL02076	SPARKMAN, FLOYD JR.	ENTERPRISE	AL	HOUSE
H6OH21078	SPARKS, MS. BARBARA	CLEVELAND	OH	HOUSE
S6PA00100	SPECTER, ARLEN	PHILADELPHIA	PA	SENATE
H6VA10035	SPEH, FRANK J	VIENNA	VA	HOUSE
H6MO05040	SPELLMAN, GLADYS NOON	LAUREL	MD	HOUSE
H6IL12040	SPENCE, BETTY	LAKE BARRINGTON	IL	HOUSE
H6SC02043	SPENCE, FLOYD D.	LEXINGTON	SC	HOUSE
H6NY35041	SPENCER, TERENCE J.	MOLCOMB	NY	HOUSE
H6NY07016	SPIDA, RICHARD	NEW YORK	NY	HOUSE
H6FL13056	SPIELGELMAN, MR. LEE ARNOLD	MIAMI SHORES	FL	HOUSE
H6MI02117	SPILLSON,JOHN M	MONROE	MI	HOUSE
H6CA06060	SPINOSA, TOM	SAN FRANCISCO	CA	HOUSE
H6MI14112	SPIRO, THEODORE C	EAST DETROIT	MI	HOUSE
P6O002631	SPOCK, BENJAMIN MCLANE (V.P.)	ST. THOMAS	VI	PRESIDENT
H6LA05044	SPOONER, MR. FRANK	MONROE	LA	HOUSE
H6GA08088	SPORTS, MR. JOE	DOUGLAS	GA	HOUSE
P6O002169	SSHACKELFORD, RUFUS E.	WAUCHULA	FL	PRESIDENT
HARI01039	ST. GERMAIN, FERNAND	WOONSOCKET	RI	HOUSE
H6OH20153	STACHEWICZ, RAYMOND A.	GARFIELD HEIGHTS	OH	HOUSE
H6VA07049	STACY, PAUL	CHARLOTTESVILLE	VA	HOUSE
H6FL06050	STAFF, WALLACE W.	ST. PETERSBURG	FL	HOUSE
S6VT00053	STAFFORD, SEN. ROBERT T.	WASHINGTON	DC	SENATE
H6WV02036	STAGGERS, HON. HARLEY O.	WASHINGTON	DC	HOUSE
H6MN07148	STANGELAND, ARLAN	BARNESVILLE	MN	HOUSE
SAIA00020	STANLEY, DAVID	MUSCATINE	IA	SENATE
H6MO05099	STANLEY, JONATHAN J	RIVERDALE	MO	HOUSE
H6OK04015	STANLEY, M. C.	MIDWEST CITY	OK	HOUSE
H6CA07058	STANLEY, MR. MELVIN E.	EL SOBRANTE	CA	HOUSE
H6OM11020	STANTON, J. WILLIAM	PAINESVILLE	OH	HOUSE
H6OH20021	STANTON, JAMES V.	CLEVELAND	OH	HOUSE
S6OH0006A	STANTON, JAMES V.	CLEVELAND	OH	SENATE
H6WI03024	STANTON, THOMAS	EAU CLAIRE	WI	HOUSE
H6CA09023	STARK, FORTNEY H.	OAKLAND	CA	HOUSE

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IDENTIFICATION	NAME		
H6LA01050	STARR, MR. MICHAEL F.		
P60001856	STASSEN, HAROLD E.		
H6OK0A023	STEED, TOM		
S6CA00253	STEELE, ADAM		
H6CA01053	STEELE, MR. BILL		
H6CT82063	STEELE, ROBERT H.		
S6TA00057	STEELMAN, HONORABLE ALAN		
H6NE03073	STEEN, WILLIAM W.		
H6MO08101	STEERS JR., NEWTON IVAN		
H8AZ03039	STEIGER, HON. SAM		
S6AZ00050	STEIGER, SAM		
H6WI06019	STEIGER, WILLIAM A.		
S6NY00128	STEIN, ANDREW J.		
P8000284?	STEIN, DUANE F.		
H6NY20084	STEINBERG, DIANNE		
H6NJ12045	STEINER, ROBERT A.		
H6MI16042	STEINHARDT, LEWIS		
P6000203?	STELMAN, CARL F.		
H6MI02125	STEMPIEN, MARVIN R		
S6MS00026	STEPHENS, JOHN C.		
H6PA22070	STEPANIAN II, STEVEN A.		
H6GA10035	STEPHENS JR., ROBERT G.		
H6NY24037	STEPHENS, CHARLES J.		
H6MD04050	STERLING III, J. WALTER		
H6WA06013	STEVENS, C. F.		
H6SC01059	STEVENS, DONALD ORLANDO		
H6MI00152	STEVENS, LEON J.		
S2AK00010	STEVENS, TED		
S6MC00030	STEVENS, WILLIAM E.		
P6000191A	STEVENSON, ADLAI E.		
S6IL00016	STEVENSON, ADLAI E.		
H8PA02049	STEVENSON, ROBERT F.		
H6OK0212A	STEWART, BOB		
H6MI02061	STEWART, JUDITH PUANANI MAUMU		
H6NJ10106	STEWART, MR. LAURENCE		
H6FL13072	STEWART, ROBERT R.		
H6MI04048	STOCKMAN, DAVID A.		
H6MD02152	STOEFFLER, MR. JOHN R.		
H6OH21052	STOKES, LOUIS		
P6000214A	STOKES, LOUIS		
S6NY00144	STOKES, THOMAS MOYT		
P6000DAD1	STONE, KEITH K.		
S6FL00033	STONE, RICHARD OICK		
H6CA43049	STOUT, MR. H. LEE		
H6IN05075	STOUT, MR. WILLIAM C.		
H6AZ01058	STRAHLING, LOUIS EPHRAIM		
H6RS02048	STRAHM, NINA J.		
H6NY28012	STRATTON, SAMUEL S.		
H6PA13946	STRICK, GERTRUDE		
H6OH6A038	STRICKLAND, MR. TED		
H8OH08034	STRINKO, T. E.		
H6NC01058	STROUD, HAROLD E.		
S6ND00025	STROUP, ROBERT		
H6OH03074	STURRS, MR. LEONARD E. JR.		
H6OA06047	STUCKEY, W. S.		
H6MA12028	STUDDS, GERRY E.		
S6OR00016	STUDER, JOHN		
H6AZ03112	STUMP, BOB		
S6CA00027	STYRON, CHARLES DAN		
H6IN02056	SULLIVAN, GLENN M.		
H6IA02070	SULLIVAN, HARRY		
H6TX21095	SULLIVAN, JOE		
H6WD03093	SULLIVAN, LEANOR K.		
H6MN07015	SULLIVAN, MICHAEL J.		
H6OH14095	SULLIVAN, MR. RAYMOND A.		
H8PA03112	SUMMERS, A. CARL		
H6TN0A049	SUMMERS, WILLARD		
H6SC05079	SUMNER, BERT		
P6000284A	SURGES, MARY ANN (V.P.)		
H6FL05060	SURSELY, JAMES E.		
P6000126?	SUSSINA, JOHN J.		
H6MD06096	SUTHERLAND, MR. H. N.		
S6MD00149	SUTTON, LEE C.		
H6TN06072	SUTTON, PAT		
H6WI10049	SVENDROWSKI, M. FRANCIS		
H6MA02037	SWANK, THOMAS R.		
S6TX00365	SWEENEY, HUGH W.		
P6000892A	SWEENEY, WILLIAM EDWARD FRANCIS		
H6OH15047	SWEET, MR. DAVID C.		
H6PA17054	SWENSON, HAROLD A.		
H6PA18040	SWENSON, KEITH		
H6CO01059	SWIGERT JR., JOHN L.		
H6WA02012	SYRRANOY, FRANK		
H6MO02038	SYMINGTON, JAMES W.		
S6MO00156	SYMINGTON, JAMES W.		
S6MO00206	SYMINGTON, STUART		
HSICC1037	SYMMS, STEVE		
H6CA27181	SYMONDS, MR. GARY L.		
H6NY3A010	TADIO, VIRGINIA		
H6CA18065	TAFARELLA, MR. SANTI JR.		
S6OH00072	TAFT, HONORABLE ROBERT JR.		
H6CO03055	TAKAKI, MR. MELVIN		
H6MI0A097	TAKE, HELEN R		
H6CA16044	TALCOTT, BURT L.		
H6NJ10064	TALIAFERRO, JOHN R.		
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H6NY21042	TANNER, HARRIETA J.		
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H6MI06076	TAYLOR, CLIFFORD W		
P6000191S	TAYLOR, FRANK		
H6MO85057	TAYLOR, FREDERICK C.		
H6MO87045	TAYLOR, GENE		
H6FL08064	TAYLOR, LEX MORTON		
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H6CA0A0A0	TAYLOR, MR. HARVEY		
H6CA01061	TAYLOR, MR. JAMES E.		
H6CA29088	TAYLOR, MR. JOE		
H6OH0A0A6	TAYLOR, MS. BARBARA E.		
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H6TA06013	TEAGUE, OLIN E.		
S6MO00057	TEASDALE, JOSEPH P.		
H6SC00013	TEDDER, C. COOPER		
H6PO01055	TEI, TAKURI		
H6ND00033	TEIGEN, TOMTIN AUSTIN		
H8PA14036	TEITELBAUM, JON		
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H6NJ09116	TERLIZZI, JAMES J. SR.		
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H6IN02072	TESANIVICH, MILAN DRAGO		
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H6SC04015	THEODORE, NICK		
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H6MI08106	THILL, DAVID W.		
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S6CA00089	THOMAS, FRANK L.		
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H6OH10114	THOMPSON, MR. GARY J.		
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S6MS00034	THOMPSON, WILLIAM (RICHARD)		
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H6AR0A019	THORNTON, HON. RAY		
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H6CA40051	THYGESON, FRITJOF PEDER		
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H6IN07055	TIPTON, JOHN ELDEN		
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H6MI03115	TODD, CHARLES M.		
H6MI03107	TODD, CHARLES HARRISON		
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H6PA22161	TOMIKEL, JOHN		
H6IL05044	TOMS, WILLIAM M.		
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P6000160?	TORRES, JOSE A. II		
H8WD01121	TOTTER, ARNOLD L.		
H6MI02085	TOWE, THOMAS		
H6NV00051	TOWELL, DAVID		
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P6000DP25	TOWERS, REGINALD S.V.		
H6FL04048	TOWNLEY, MR. J. O. (JAKE)		
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H6LA03023	TREEN, DAVID C.		
P6000277	TREGENZA, MIKE		
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H6OK04049	TRENT, PAUL E.		
H6CA41075	TRENTO, MR. JOSEPH JOHN		
H8VA01018	TRIBLE JR., PAUL S.		
H6LI1A070	TROOST, ROMAINE		
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H6MO81105	TROUPE, MR. JAMES PAL		
H6MI02133	TROWBRIDGE, RONALD L		
H6MO85049	TROZZOLO, MARION A.		
H6NM02036	TRUREY, DONALD WAYNE		
S6ME00027	TRUMAN, PLATO		
H6MA05055	TSONGAS, PAUL E.		
H6NY30034	TUBBY, ROGER W.		
H8AR02054	TUCKER JR., JAMES GUY		
H6IL02058	TUCKER, ANDREW		
H6FL10029	TUCKER, EVELYN		
P6000198?	TUCKER, HOWARD		
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P6000273?	TULLY, ARTHUR		
H6CA00014	TUNNEY, JOHN V.		
H6CA39020	TUONEY, CONRAD G.		
H6NY36056	TUPPEN, CHARLES		
H8MA07085	TURINO, MS. ROSEMARIE		
H6OR04096	TURNER, DONALD E.		
H6FL05094	TURNER, GLENN		
S6FL00074	TURNER, GLENN W.		
H6GA09136	TURNER, MR. BOB		
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S6MO00033	TYDINGS, JOSEPH DAVIES		
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WILIAMANTIC	CT	HOUSE	
WASHINGTON	DC	SENATE	
SARGENT	NE	HOUSE	
BETHESDA	MD	HOUSE	
PRESCOTT	AZ	HOUSE	
PRESCOTT	AZ	SENATE	
OSHKOSH	WI	HOUSE	
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BARNUM	IA	PRESIDENT	
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WESTFIELD	NJ	HOUSE	
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SOMERS	NY	HOUSE	
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TACOMA	WA	HOUSE	
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DETROIT	MI	HOUSE	
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SANETMA	KS	HOUSE	
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JENKINTOWN	PA	HOUSE	
LUCASVILLE	OH	HOUSE	
MIDDLETON	OH	HOUSE	
PINK HILL	NC	HOUSE	
HAZEN	ND	SENATE	
CENTERVILLE	OH	HOUSE	
WASHINGTON	DC	HOUSE	
NEW BEDFORD	MA	HOUSE	
PORTLAND	OR	SENATE	
TOLLESON	AZ	HOUSE	
LOS ANGELES	CA	SENATE	
W. LAFAYETTE	IN	HOUSE	
RYAN	IA	HOUSE	
SAN ANTONIO	TX	HOUSE	
ST LOUIS	MO	HOUSE	
MOTLEY	MN	HOUSE	
AKRON	OH	HOUSE	
PARKERSBURG	VA	HOUSE	
RANER	TN	HOUSE	
UNION	SC	HOUSE	
DENVER	CO	PRESIDENT	
MAITLAND	FL	HOUSE	
NORTH HAVEN	CT	PRESIDENT	
BETHANY	NO	HOUSE	
COLUMBIA	MO	SENATE	
LAWRENCEBURG	TN	HOUSE	
FARMINGTON	MO	HOUSE	
SPRINGFIELD	MA	HOUSE	
HOUSTON	TX	SENATE	
MEDFORD	MA	PRESIDENT	
COLUMBUS	OH	HOUSE	
HARRISBURG	PA	HOUSE	
SEWICKLEY	PA	HOUSE	
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MT VERNON	WA	HOUSE	
CLAYTON	MO	HOUSE	
ST. LOUIS	MO	SENATE	
WASHINGTON	DC	SENATE	
CALDWELL	ID	HOUSE	
LOS ANGELES	CA	HOUSE	
FAIRPORT	NY	HOUSE	
LANCASTER	CA	HOUSE	
CINCINNATI	OH	SENATE	
PUEBLO	CO	HOUSE	
ST JOSEPH	MI	HOUSE	
SALINAS	CA	HOUSE	
NEWARK	NJ	HOUSE	
WASHINGTON	DC	SENATE	
BRONX	NY	HOUSE	
FAIRFAX	VA	HOUSE	
EAST LANSING	MI	HOUSE	
BISBEE	AZ	PRESIDENT	
DISTRICT HEIGHTS	MD	HOUSE	
SARCOXIE	MO	HOUSE	
LAKELAND	FL	HOUSE	
OMAHA	NE	HOUSE	
E. NICOLAUS	CA	HOUSE	
AUBURN	CA	HOUSE	
LOS ANGELES	CA	HOUSE	
CHILLICOTHE	OH	HOUSE	
MARSHALL	TX	HOUSE	
DETROIT	MI	HOUSE	
WASHINGTON	DC	HOUSE	
KANSAS CITY	MO	SENATE	
FLORENCE	SC	HOUSE	
WEBSTER GROVES	MO	HOUSE	
FARGO	ND	HOUSE	
PITTSBURGH	PA	HOUSE	
ELLENSBURG	WA	PRESIDENT	
UNION CITY	NJ	HOUSE	
OMAHA	NE	HOUSE	
MERRILLVILLE	IN	HOUSE	
HAMPETON	NO	SENATE	
GREENVILLE	SC	HOUSE	
FT MORGAN	CO	HOUSE	
FLINT	MI	HOUSE	
FAIRFAX	VA	HOUSE	
THOUSAND OAKS	CA	SENATE	
LONDON	KY	HOUSE	
MINSOALE	IL	HOUSE	
HENDERSONVILLE	NC	HOUSE	
OVERLAND	MO	SENATE	
PHILA	PA	HOUSE	
TRENTON	NJ	HOUSE	
WARREN	OH	HOUSE	
N. KANSAS CITY	MO	HOUSE	
PORTLAND	OR	HOUSE	
BATESVILLE	MS	SENATE	
LINCOLN	NE	HOUSE	
SHERIDAN	AR	HOUSE	
ROCKY MOUNT	NC	HOUSE	
ALEXANDRIA	VA	SENATE	
LAPORTE	IN	HOUSE	
ATLANTA	GA	HOUSE	
SAN DIEGO	CA	HOUSE	
GREAT FALLS	MT	SENATE	
HYDE PARK	MA	HOUSE	
DEARBORN	MI	SENATE	
JASONVILLE	IN	HOUSE	
BRIDGEPORT	CT	HOUSE	
WILLOUGHBY	OH	HOUSE	
W. LAFAYETTE	IN	PRESIDENT	
KALAMAZOO	MI	HOUSE	
KALAMAZOO	MI	HOUSE	
KAVAMAZOO	MI	HOUSE	
PERTH AMBOY	NJ	HOUSE	
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ELLSWORTH	OH	HOUSE	
CALIFORNIA	PA	HOUSE	
CHICAGO	IL	HOUSE	
CHALMETTE	LA	HOUSE	
SALT LAKE CITY	UT	PRESIDENT	
EL PASO	TX	PRESIDENT	
NORMANDY	MO	HOUSE	
BILLINGS	MT	HOUSE	
GARDNERVILLE	NV	HOUSE	
GARDNERVILLE	NV	SENATE	
WASHINGTON	DC	SENATE	
WASHINGTON	DC	SENATE	
SERASTAPOL	CA	PRESIDENT	
CANOLER	FL	HOUSE	
GARDEN GROVE	CA	SENATE	
WILMINGTON	DE	HOUSE	
BAY CITY	MI	HOUSE	
WASHINGTON	DC	HOUSE	
DEVON, ENGLAND	ZZ	PRESIDENT	
ALTUS	OK	PRESIDENT	
ATTUS	OK	HOUSE	
LA JOLLA	CA	HOUSE	
TAPPAHANOCK	VA	HOUSE	
GLEN ELLYN	IL	HOUSE	
SOUTH OGDEN	UT	SENATE	
ST. LOUIS	MO	HOUSE	
ANN ARBOR	MI	HOUSE	
KANSAS CITY	MO	HOUSE	
PORTALES	NM	HOUSE	
BIDDEFORD	ME	SENATE	
LOWELL	MA	HOUSE	
ALBANY	NY	HOUSE	
LITTLE ROCK	AR	HOUSE	
CHICAGO	IL	HOUSE	
SEARS TOWN	FL	HOUSE	
ATLANTA	GA	PRESIDENT	
GLOCESTER	RI	SENATE	
ERIE	PA	HOUSE	
LOS ANGELES	CA	PRESIDENT	
WASHINGTON	DC	SENATE	
FULLERTON	CA	HOUSE	
TONAWANDA	NY	HOUSE	
LYNNFIELD	MA	HOUSE	
EUGENE	OR	HOUSE	
MAITLAND	FL	HOUSE	
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HAVRE DE GRACE	MD	SENATE	

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S6MO00172	TYLER, JIM CANNON		
M6RS05055	TYLER, MR. WILLIAM F.		
P80002060	TYNER, JARVIS (V.P.)		
M6MI12132	TYZA, EUGENE J		
M6AZ02049	UDALL, MORRIS K.		
P80000710	UDALL, MORRIS K.		
M6MN04178	UHL, ALAN W.		
M6OR02033	ULLMAN, AL		
M6NC11099	UNDERWOOD, MR. ROY		
S6MA00064	UNDERWOOD, ROBERT O.		
M6CA05134	UNGER, SAMUEL		
M6PA18078	UNKOVIC,DENNIS		
M6OM19130	UNTCH, MR. KARL T.		
M6CT00064	UPSON, THOMAS F.		
M6IL08048	URBASZEWSKI, JOHN F.		
M6MN07155	VALAN, MERLYN O.		
M6DE00032	VALENTI, PHILIP		
M6CA26068	VALENTINE, JEAN		
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M6WA07144	VALLE, GEORGETTE		
M6CA42040	VAN DEERLIN, LIONEL		
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M6MI05060	VANDER VEEN, RICHARD F.		
S6VA00077	VANDERJAGT, M. T.		
M6MI09047	VANDERJAGT,GUY		
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P80002560	VANIK, CHARLES A.		
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M6IL13030	VASS, EDWARD M.		
M6NC11115	VAUGHN, MR. MICHAEL E.		
M6NY07065	VEGA, LUZ		
M6CA37149	VEGA, MARTIN		
M6NY21058	VELEZ, MR. RAMON S.		
M6MN04103	VENTO, BRUCE F		
M6WI00031	VERICH, DEWEY O		
M6CA07076	VICKERS, MR. ROBERT L.		
M6NY26045	VICTOR, EUGENE		
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M6PA24035	VIGORITO, JOSEPH P.		
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M6WI02026	VILMAUSER, EMIL		
M6CA37156	VINCENT, ROBBY RAY		
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M6NJ05072	VIOLA, MR. JOSEPH R. JR.		
M6MA04053	VLAMOS, GEORGE C.		
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P80002011	VON RASE, DONALD JAMES		
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S6OH00048	VOSS, PETER F.		
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M6LA04013	WAGGONNER, JOE D.		
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M6WA01063	WAGNER, JAY M.		
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M6CA37156	WAHL, BERNARD		
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M6NY22015	WAKSMAN, RICHARD J.		
M6MI15044	WALASKAY, JAMES O		
S6CA00279	WALD, DAVID W.		
M6OH13043	WALDERZAK, MR. PETER A.		
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M6CA32041	WALKER, FRANK M.		
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P80001930	WASHINGTON, ROBERT LEE JR.		
P80002367	WASHINGTON,GEORGE		
M6CA3A104	WATERS, VIRGINIA MOZIMOO		
M6OR02092	WATKINS, L. V.		
	EL DORADO SPRINGS	MO	SENATE
	CANEY	KS	HOUSE
	NEW YORK	NY	PRESIDENT
	MT CLEMENS	MI	HOUSE
	TUCSON	AZ	HOUSE
	WASHINGTON	DC	PRESIDENT
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	BAKER	OR	HOUSE
	MURPHY	NC	HOUSE
	MT. TOM	MA	SENATE
	SAN RAFAEL	CA	HOUSE
	PITTSBURGH	PA	HOUSE
	YOUNGSTOWN	OH	HOUSE
	WATERTOWN	CT	HOUSE
	CHICAGO	IL	HOUSE
	MOORHEAD	MN	HOUSE
	CLAYMONT	DE	HOUSE
	ALHAMBRA	CA	HOUSE
	NEWPORT	TN	HOUSE
	SEATTLE	WA	HOUSE
	CHULA VISTA	CA	HOUSE
	MERRIVILLE	IN	HOUSE
	LEONARD	MI	SENATE
	GRAND RAPIDS	MI	HOUSE
	ALEXANDRIA	VA	SENATE
	LUTHER	MI	HOUSE
	SOUTH BEND	IN	HOUSE
	EUCLID	OH	HOUSE
	EUCLID	OH	PRESIDENT
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	WEST DUNDEE	IL	HOUSE
	ASHEVILLE	NC	HOUSE
	BROOKLYN	NY	HOUSE
	COLTON	CA	HOUSE
	BRONX	NY	HOUSE
	ST PAUL	MN	HOUSE
	LADNA	WI	HOUSE
	CONCORD,	CA	HOUSE
	HAMPTONBORGH	NY	HOUSE
	CLEVELAND HEIGHTS	OH	HOUSE
	ERIE	PA	HOUSE
	MCLEAN	VA	SENATE
	MCLEAN	VA	PRESIDENT
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	SUN PRAIRIE	WI	HOUSE
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	CANTON	OH	SENATE
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	SEATTLE	WA	HOUSE
	SEATTLE	WA	HOUSE
	MIDDLETOWN	NY	HOUSE
	NEWET	CA	HOUSE
	CHICAGO	IL	HOUSE
	WHITE PLAINS	NY	HOUSE
	PLYMOUTH	MI	HOUSE
	SANTA CLARA	CA	SENATE
	MURON	OH	HOUSE
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	RAYMOND	NH	HOUSE
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	RICHMOND	VA	HOUSE
	TULSA	OK	HOUSE
	PHOENIX	AZ	SENATE
	ST. LOUIS	MO	HOUSE
	DECATUR	GA	HOUSE
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	DETROIT	MI	HOUSE
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	CHICAGO	IL	PRESIDENT
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	MUSKOGEE	OK	HOUSE

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M6OK03074	WATKINS, WESLEY WADE		
S6PA00118	WATSON, ANDREW J.		
M6CA33023	WATSON, DEAN		
M6AL02004	WATSON, J. C. "JAKE"		
M6FL13066	WATSON, RICHARD A. "DICK"		
M6CA24048	WAXMAN, HENRY A.		
M6MO09074	WEATHERS , EUGENE K.		
M6OR04062	WEAVER, JAMES		
M6MI06068	WEDLER, RANDOLPH		
M6MA12036	WEEKS, WILLIAM D.		
M6CA04057	WEGIENKA, LAURENCE		
M6IO02050	WEGNER, GLEN		
S6CT00042	WEICKER, LOWELL P.		
M6SD02032	WEILAND, JACK M.		
M6CA05112	WEINSTEIN, NATHAN		
M6NY20050	WEISS, THEODORE S.		
M6CA27116	WELBOURN, ROBERT ALDEN		
M6CA37172	WELBY, RICHARD		
M6VT00007	WELCH JR., JOHN J.		
M6TN03046	WELCH, BILLY		
M6NY33053	WELCH, CHARLES C.		
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S6VT00012	WELCH, JOHN JOSEPH		
M6WY04073	WELLS, DR. HAWEY A. JR.		
M6MS02030	WELLS, M.B.		
S6NJ00032	WENDELKEN, MARTIN E.		
M6MN07072	WENSTROM, GENE		
M6MN07106	WENSTROM, GENE		
M6MN07109	WENZEL, STEPHEN G.		
M6WA07060	WERTZ, MARIANNA		
S6WA00073	WERTZ, WILLIAM F. JR.		
M6WA01121	WERTZ, WILLIAM F. JR.		
M6FL02034	WFSOLOWSKI, ANTHONY P.		
M6OM11046	WEST, MR. THOMAS R. JR.		
M6OM03035	WHALEN JR., CHARLES W.		
P60000742	WHARTON, GORDON M.		
P80002862	WHEATON, SALLY LOUISE		
S6MO00188	WHEELER, CHARLES B. JR.		
S6IN00076	WHITCOMB, EDGAR D.		
P60001310	WHITE, OTHO RAYMOND		
M6TX16020	WHITE, RICHARD C.		
M6VA02040	WHITEHURST, G. WILLIAM		
M6TX22095	WHITFIELD, J. CHARLES		
P60000932	WHITFORD, ERNEST WAYNE		
M6IA02084	WHITFORD, JAMES W.		
M6NC02049	WHITLEY, CHARLES ORVILLE		
M6NY07057	WHITMAN, WILLIAM M.		
M6WS01024	WHITTEN, JAMIE L.		
M6NY32071	WHORTLEY, GEORGE		
M6OM17050	WICKMAN, MR. DONALD C.		
M6MI07082	WIDDERY, ROBIN		
M6WA06062	WIEGMAN, EUGENE		
M6SD01042	WIELAND, JACK		
M6MI05076	WIERSMA, CHARLES M.		
M6CA39038	WIGGINS, CHARLES E.		
M6MJ15063	WILEY, MR. CHARLES W.		
M6CA06078	WILKES, WESLEY		
M6OM08042	WILKS, HARRY T.		
M6IN10067	WILLIAMS, A GREER		
M6PA11032	WILLIAMS, HOWARD B.		
M6IA03102	WILLIAMS, JOHN D.		
P80001270	WILLIAMS, MARY F. HUMPHREY		
M6MJ07052	WILLIAMS, MR. GERALD L.		
M6KS04082	WILLIAMS, MR. JACK NEIL		
M6MT01030	WILLIAMS, PAT		
S6CA00303	WILLIAMS, RONALD L.		
S6WJ00016	WILLIAMS, SEN. HARRISON A. JR.		
M6MI02075	WILLIAMS, THEO W.		
P80001328	WILLIAMS, THOMAS O.		
M6MO09090	WILLIAMSON, JOHN (WILLIE)		
M6KY05103	WILLIS, LYLE L.		
M6FL00106	WILLNER, WILLIAM		
M6MO09108	WILLSIE, THOMAS RODNEY		
M6PA22107	WILSIN, ARTHUR E.		
M6AL01037	WILSON, AUGUSTA E.		
M6CA41059	WILSON, BOB		
M6TX02020	WILSON, CHARLES		
M6CA31043	WILSON, CHARLES H.		
M6CA29096	WILSON, DR. OLIVER WENDELL		
S6NC00022	WILSON, HENRY HALL		
S6TX00061	WILSON, HUGH		
M6TX03069	WILSON, JIM		
M6KS01039	WILSON, MR. CHUCK		
M6AL06049	WILSON, MR. LEONARD		
M6AL05129	WILSON, MS. JUDY		
M6CA40059	WILSON, RODERICK J.		
M6LA04021	WILSON, T. A. MCMWYN		
M6AL03033	WINGARD, MR. GEORGE		
M6KS03043	WINN JR., LARRY		
M6KY04056	WINTERBERG, MR. EDWARD J.		
M6CO02024	WIRTH, TIMOTHY E.		
M6TX05056	WISE, WES		
M6OR01076	WISER, RALPH		
M6MO01113	WITHERSPOON, MR. ROBERT L.		
M6GA09144	WOFFORD, LOUISE		
M6VA16050	WOLF, FRANK R.		
M6NY04026	WOLFF, LESTER L.		
S6NV00127	WOLFF, ROMENA M.		
M6OK05095	WOLFLEY, MAX		
M6MI03073	WOLPE, HOWARD		
M6MI14056	WOLSKI, RICHARD S.		
	GREENVILLE	SC	HOUSE
	ADA	OK	HOUSE
	HARRISBURG	PA	SENATE
	DOWNEY	CA	HOUSE
	MONTGOMERY	AL	HOUSE
	NORTH MIAMI	FL	HOUSE
	WASHINGTON	DC	HOUSE
	DEFIANCE	MO	HOUSE
	EUGENE	OR	HOUSE
	NEW YORK	NY	HOUSE
	COHASSET	MA	HOUSE
	WOODLAND	CA	HOUSE
	BOISE	IO	HOUSE
	WASHINGTON	DC	SENATE
	PIERRE	SD	HOUSE
	SAN FRANCISCO	CA	HOUSE
	WASHINGTON	DC	HOUSE
	EL SEGUNDO	CA	HOUSE
	PALM DESERT	CA	HOUSE
	RUTLAND	VT	HOUSE
	CHATTANOOGA	TN	HOUSE
	SOLVAY	NY	HOUSE
	FLORISSANT	MO	HOUSE
	RUTLAND	VT	SENATE
	ATHENS	WV	HOUSE
	COLUMBUS	MS	HOUSE
	GLEN ROCK	NJ	SENATE
	ELAON LAKE	MN	HOUSE
	ELAON LAKE	MN	HOUSE
	LITTLE FALLS	MN	HOUSE
	SEATTLE	WA	HOUSE
	SEATTLE	WA	SENATE
	SEATTLE	WA	HOUSE
	TALLAHASSEE	FL	HOUSE
	HUMRARD	OH	HOUSE
	WASHINGTON	DC	HOUSE
	TACOMA	WA	PRESIDENT
	SELINGSGROVE	PA	PRESIDENT
	KANSAS CITY	MO	SENATE
	SEYMOUR	IN	SENATE
	ST. LOUIS	MO	PRESIDENT
	BETHESDA	MD	HOUSE
	WASHINGTON	DC	HOUSE
	HOUSTON	TX	HOUSE
	SAN PEDRO	CA	PRESIDENT
	VOLGA	IA	HOUSE
	WASHINGTON	DC	HOUSE
	OZONE PARK	NY	HOUSE
	CHARLESTON	MS	HOUSE
	SYRACUSE	NY	HOUSE
	LONDONVILLE	OH	HOUSE
	FLINT	MI	HOUSE
	TACOMA	WA	HOUSE
	N/A	SD	HOUSE
	GRAND RAPIDS	MI	HOUSE
	WASHINGTON	DC	HOUSE
	PARLIN	NJ	HOUSE
	TIBURON	CA	HOUSE
	HAMILTON	OH	HOUSE
	MUNCIE	IN	HOUSE
	WILKES BARRE	PA	HOUSE
	ARLINGTON	VA	HOUSE
	HASTINGS	MI	PRESIDENT
	MAHWAH	NJ	HOUSE
	WICHITA	KS	HOUSE
	HELENA	MT	HOUSE
	SAN DIEGO	CA	SENATE
	WASHINGTON	DC	SENATE
	YPSILANTI	MI	HOUSE
	ITHACA	NY	PRESIDENT
	FULTON	MO	HOUSE
	CORBIN	KY	HOUSE
	SARASOTA	FL	HOUSE
	CLIFTON MILL	MD	HOUSE
	WASHINGTON	PA	HOUSE
	MOBILE	AL	HOUSE
	SAN DIEGO	CA	HOUSE
	LUFKIN	TX	HOUSE
	WASHINGTON	DC	HOUSE
	LOS ANGELES	CA	HOUSE
	MONROE	NC	SENATE
	PORT ARTHUR	TX	SENATE
	DALLAS	TX	HOUSE
	LACROSSE	KS	HOUSE
	JASPER	AL	HOUSE
	MONTSVILLE	AL	HOUSE
	OCEANSIDE	CA	HOUSE
	SHREVEPORT	LA	HOUSE
	ANNISTON	AL	HOUSE
	KANSAS CITY	KS	HOUSE
	COVINGTON	KY	HOUSE
	WASHINGTON	DC	HOUSE
	DALLAS	TX	HOUSE
	PORTLAND	OR	HOUSE
	ST. LOUIS	MO	HOUSE
	GAINESVILLE	GA	HOUSE
	VIENNA	VA	HOUSE
	GREAT NECK	NY	HOUSE
	FINLEY	NV	SENATE
	OKLAHOMA CITY	OK	HOUSE
	KALAMAZOO	MI	HOUSE
	WARREN	MI	HOUSE

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CANDIDATE CROSS INDEX - (A)

IDENTIFICATION	NAME		
H6GU00026	WON PAT, ANTONIO BORJA		
H6OC00063	WOOD, ANTON V.		
H6IN11149	WOOD, BRUCE JEFFREY		
H6WA01071	WOOD, DAVID GLENN		
H6OH11053	WOODMAN, MR. ROBERT P.		
P6000143S	WOODRUFF, KENNETH R.		
H6PA02056	WOODS JR., JESSE W.		
S6PA00019	WORLEY, FRANCIS		
H6MT02127	WORM, BEN C.		
H6NY32055	WORTLEY, MR. GEORGE C. III		
P6000138S	WOYTOWICH, MICHAEL		
H6IN07063	WRAY, JAMES R.		
H6PA08079	WRIGHT JR., JAMES L.		
H6PA23060	WRIGHT, DAVID R.		
H6IN04052	WRIGHT, DENNIS L.		
H6MN03055	WRIGHT, DONALD		
H6PA00100	WRIGHT, JAMES L.		
H6CA32058	WRIGHT, JAMES L.		
H6TX12029	WRIGHT, JIM		
P6000140I	WRIGHT, MARGARET		
H6AK00004	WRIGHT, MR. DONALD		
H6TX18059	WRIGHT, SAM W.		
H6NY12073	WRIGHT, SAMUEL D.		
H6AZ03047	WYCKOFF, DR. TED		
H6NY05036	WYDLER, JOHN W.		
H6OH15039	WYLIE, CHALMERS		
S6WM00013	WYMAN, LOUIS		
H6NJ07037	WYNGAARDEN, MARJORIE A.		
H6NC04029	WYNNE III, ROBERT W.		
H6PA08046	WYNNE JR., JAMES		
H6IL11059	YANIRAS, ARIS F.		
S2TX00015	YARBOROUGH, RALPH W.		
H6IL09038	YATES, SIDNEY R.		
H6PA06024	YATRON, GUS		
H6TX22093	YBARRA, ROY		
H6NY03072	YORK, MY		
S6WI00038	YORK, STANLEY		
H6GA05027	YOUNG, ANDREW		
S6NV00101	YOUNG, AYRON D.		
H6FL08035	YOUNG, C. W.		
H6CA00043	YOUNG, CLIFFORD O.		
S6ME00035	YOUNG, CLIFTON M.		
H6AK00045	YOUNG, DON		
H6SC06051	YOUNG, ED		
H6CA29067	YOUNG, JIM		
H6TX14025	YOUNG, JOHN		
S6NY00012	YOUNG, MILTON R.		
H6MO02103	YOUNG, ROBERT A.		
H6IL10036	YOUNG, SAMUEL M.		
H6KS01054	YOWELL, PANDY		
H6IL05069	ZABIELSKI, EUGENE		
H6WI04022	ZABLOCKI, CLEMENT J.		
H6IL11034	ZADROZNY, MITCHELL O.		
H6IL19047	ZAEMPINGER, GEORGE W.		
H6OK05053	ZAHN, FREDERICK ANTHONY		
S6TN00117	ZANDI, ARNOLD JOSEPH		
H6MI00020	ZARAMACKAS, ALOIS		
H6TX00107	ZAPATA, SILVIA		
P6000075G	ZAPANSKI, JOSEPH PETER		
H6MI12000	ZATKOFF, LAWRENCE P.		
H6NY15050	ZEFERETTI, LEO C.		
P6000124S	ZEIDLER, FRANK P.		
S6SC00047	ZEIGLER, E. W.		
H6AL02092	ZEIGLER, JIM		
H6MI19046	ZELLER, RUDOLF		
H6CA06128	ZELTZER, ALLEN		
H6MI03065	ZENDER JR., BRYCE F.		
H6WE03040	ZIEBARTH, W.		
H6MI00160	ZIEGLER, RONALD O.		
H6IN07071	ZIETLOW, CHARLOTTE T.		
H6WI01069	ZIMMERMAN, EUGENE RICHARD		
H6MI0109T	ZIVALICH, CHRIST P. JR.		
H6TX04034	ZOLLVER, BEN HENRY		
S6WE00046	ZORINSKY, EDWARD		
S6VA00028	ZUMWALT, ELMO R. JR.		
H6OH19148	ZURMUGG, MR. KENNETH		
H6MI14062	ZWOLAK, ROBERT		

SILVER SPRING	MD	HOUSE
WASHINGTON	DC	HOUSE
INDIANAPOLIS	IN	HOUSE
SEATTLE	WA	HOUSE
WILLOUGHBY	OH	HOUSE
ARNOLD	MO	PRESIDENT
PHILADELPHIA	PA	HOUSE
YORK SPRINGS	PA	SENATE
MYSHORN	MT	HOUSE
FAYETTEVILLE	NY	HOUSE
ANNAJOGE	PA	PRESIDENT
BLOOMINGTON	IN	HOUSE
LEVITTOWN	PA	HOUSE
CLARION	PA	HOUSE
FT. WAYNE	IN	HOUSE
ST LOUIS PARK	MN	HOUSE
LEVITTOWN	PA	HOUSE
LONG BEACH	CA	HOUSE
FT WORTH	TX	HOUSE
LOS ANGELES	CA	PRESIDENT
FAIRBANKS	AK	HOUSE
HOUSTON	TX	HOUSE
BROOKLYN	NY	HOUSE
FLAGSTAFF	AZ	HOUSE
GARDEN CITY	NY	HOUSE
COLUMBUS	OH	HOUSE
MANCHESTER	NH	SENATE
WESTWOOD	NJ	HOUSE
RALEIGH	NC	HOUSE
DOYLESTOWN	PA	HOUSE
CHICAGO	IL	HOUSE
AUSTIN	TX	SENATE
CHICAGO	IL	HOUSE
READING	PA	HOUSE
PASADENA	TX	HOUSE
JERICHO	NY	HOUSE
MADISON	WI	SENATE
WASHINGTON	DC	HOUSE
SPARKS	NV	SENATE
WASHINGTON	DC	HOUSE
CARSON	CA	HOUSE
PEMAQUID BEACH	ME	SENATE
ANCHORAGE	AK	HOUSE
FLORENCE	SC	HOUSE
INGLEWOOD	CA	HOUSE
CORPUS CHRISTI	TX	HOUSE
WASHINGTON	DC	SENATE
ST. ANN	MO	HOUSE
SKOKIE	IL	HOUSE
LAWRENCE	KS	HOUSE
CHICAGO	IL	HOUSE
WASHINGTON	DC	HOUSE
CHICAGO	IL	HOUSE
TOULON	IL	HOUSE
OKLAHOMA CITY	OK	HOUSE
KNOXVILLE	TN	SENATE
ROYAL OAK	MI	HOUSE
HOUSTON	TX	HOUSE
FREEHOLD	NJ	PRESIDENT
FRASER	MI	HOUSE
BROOKLYN	NY	HOUSE
MILWAUKEE	WI	PRESIDENT
FLORENCE	SC	SENATE
EVERGREEN	AL	HOUSE
DETROIT	MI	HOUSE
SAN JOSE	CA	HOUSE
KALAMAZOO	MI	HOUSE
WILCOX	NE	HOUSE
MONROE	MI	HOUSE
BLOOMINGTON	IN	HOUSE
BELOIT	WI	HOUSE
HONOLULU	HI	HOUSE
ROCKWALL	TX	HOUSE
OMAHA	NE	SENATE
ARLINGTON	VA	SENATE
SEGRING	OH	HOUSE
HAMTRAMCK	MI	HOUSE

COMMITTEE INDEX OF FILERS

FEDERAL ELECTION COMMISSION

COMMITTEE CROSS INDEX - (B)

DATE 14MAR77

IDENTIFICATION	NAME			
C00031841				
C00038081	#1 PARTY	MIAMI	FL	PRESIDENTIAL
C00031054	'76 DEMOCRATIC CAMPAIGN COMMITTEE (MICHIGAN)	DETROIT	MI	PARTY RELATED
C00064980	'76 MORGAN FOR CONGRESS COMMITTEE	MANERVILLE	NY	HOUSE
C00081754	'76 TAFT FOR SENATE COMMITTEE	CINCINNATI	OH	SENATE
C00046136	10TH CONGRESSIONAL DISTRICT DELEGATES FOR STEVENSON COMMITTEE	SKOKIE	IL	PRESIDENTIAL
C00074468	10TH DISTRICT CONGRESSIONAL DEMOCRAT ACTION CLUB	MARIETTA	OH	PARTY RELATED
C00000706	10TH DISTRICT REPUBLICAN COMM.	OSSIAN	IN	PARTY RELATED
C00034890	11TH C.D. CITIZENS FOR WALLACE	CHICAGO	IL	PRESIDENTIAL
C00024455	11TH CONGRESSIONAL DISTRICT DEMOCRATIC ORGANIZATION	GAYLORD	MI	PARTY RELATED
C00045393	13TH CONGRESSIONAL DISTRICT REPUBLICAN COMMITTEE	ALPENA	MI	PARTY RELATED
C00043562	1200 COMMITTEE	PHILADELPHIA	PA	NON-PARTY RELATED
C00033431	12TH CONGRESSIONAL DISTRICT DEMOCRATIC COMMITTEE-FEDERAL ELECTIONS	MT CLEMENS	MI	PARTY RELATED
C00038067	12TH REPUBLICAN CONGRESSIONAL DISTRICT	WARREN	MI	PARTY RELATED
C00000021	13TH CONGRESSIONAL DISTRICT DELEGATES FOR REAGAN	ALBONQUIN	IL	DELEGATE
C00045385	13TH CONGRESSIONAL DISTRICT DEMOCRATIC ORGANIZATION	DETROIT	MI	PARTY RELATED
C00038174	13TH CONGRESSIONAL DISTRICT EXPLORING COMMITTEE	MEDINA	OH	HOUSE
C00040188	13TH CONGRESSIONAL DISTRICT REPUBLICAN COMMITTEE	DETROIT,	MI	PARTY RELATED
C00031195	14TH CONGRESSIONAL DISTRICT REPUBLICAN	DETROIT	MI	PARTY RELATED
C00077933	14TH DEMOCRATIC DISTRICT FEDERAL ELECTION CAMP. CMTE	N/A	MI	PARTY RELATED
C00035113	15TH CONGRESSIONAL DISTRICT CITIZENS FOR HUMPHREY	DE KALK	IL	PRESIDENTIAL
C00072T44	16TH CONGRESSIONAL DEMOCRATIC DISTRICT FEDERAL FUND	DETROIT	MI	PARTY RELATED
C00041152	16TH DISTRICT PRESIDENT FORD DELEGATE COMM.	NAVARRE	OH	PRESIDENTIAL
C00000013	17TH C.D. DELEGATES FOR REAGAN	ABILENE	TX	DELEGATE
C00024208	17TH CONGRESSIONAL DISTRICT COMMITTEE	HARRISBURGH	PA	PARTY RELATED
C00060236	17TH CONGRESSIONAL DISTRICT DEMOCRATIC PARTY-FEDERAL CAMPAIGN	DETROIT	MI	PARTY RELATED
C00007096	17TH CONGRESSIONAL DISTRICT REPUBLICAN COMMITTEE	DETROIT	MI	PARTY RELATED
C00034035	18TH CONGRESSIONAL DISTRICT REPUBLICAN COMMITTEE	TROY	MI	PARTY RELATED
C00005215	18TH DEMOCRATIC CONGRESSIONAL DISTRICT COMMITTEE	ROYAL OAK	MI	PARTY RELATED
C00072421	1968 WASHINGTON STATE MCCARTHY FOR PRESIDENT CAMPAIGN COMMITTEE, THE	WOODINVILLE	WA	PRESIDENTIAL
C00032052	1972 CAMPAIGN LIQUIDATION TRUST	WASHINGTON	DC	PRESIDENTIAL
C00010959	1972 CUMBERLAND COUNTY REPUBLICAN CAMPAIGN COMMITTEE	BURKESVILLE	KY	PARTY RELATED
C00031015	1972 DEBT RETIREMENT COMMITTEE	MINNEAPOLIS	MN	PRESIDENTIAL
C00045377	1972 DEMOCRATIC NATIONAL CONVENTION COMMITTEE	WASHINGTON	DC	PARTY RELATED
C00039362	1972 FLORIDIANS FOR MUSKIE DEBT RETIREMENT COMMITTEE	WINTERHAVEN	FL	PRESIDENTIAL
C00020631	1974 CAMPAIGN FUND	BETHESDA	MD	PARTY RELATED

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FEDERAL ELECTION COMMISSION
COMMITTEE CROSS INDEX - (8)

DATE 14MAR77

IDENTIFICATION	NAME		
C00022186	1974 CAMPAIGN TRAVEL COMMITTEE	WASHINGTON	DC	PARTY RELATED
C00014134	1974 COMMITTEE FOR DEMOCRATIC REPRESENTATION	BUFFALO	NY	PARTY RELATED
C00044941	1974 COMMITTEE FOR RESPONSIBLE GOVERNMENT	SAN FRANCISCO	CA	NON-PARTY RELATED
C00042713	1974 CONFERENCE ON DEMOCRATIC PARTY ORGANIZATION AND POLICY	WASHINGTON	DC	PARTY RELATED
C00021073	1974 DEMOCRATIC CAMPAIGN FINANCE COMMITTEE OF ERIE COUNTY	BUFFALO	NY	PARTY RELATED
C00020750	1974 ENDORSED DEMOCRATIC CANDIDATES COMMITTEE	BUFFALO	NY	PARTY RELATED
C00044933	1974 INDEPENDENT CAMPAIGN COMMITTEE	CHICAGO	IL	NON-PARTY RELATED
C00019919	1974 NEW YORK STATE TELETHON COMMITTEE	NEW YORK	NY	PARTY RELATED
C00045328	1974 SOCIALIST WORKERS CAMPAIGN COMMITTEE-LOWER MANHATTAN	NEW YORK	NY	PARTY RELATED
C00045369	1974 STATE CAMPAIGN (AKA CONN REPUBLICAN FINANCE COMM)	HARTFORD	CT	PARTY RELATED
C00022462	1975 NEW YORK STATE TELETHON COMMITTEE	NEW YORK	NY	PARTY RELATED
C00049114	1976 BONNER FOR CONGRESS COMMITTEE	HERTFORD	NC	HOUSE
C00066274	1976 CAMPAIGN FUND	WASHINGTON	DC	NON-PARTY RELATED
C00026237	1976 CITIZENS FOR SEEGER	STATE COLLEGE	PA	HOUSE
C00065508	1976 COMMITTEE FOR THE REELECTION OF ROE TO CONGRESS-RECEPTION COMMITTEE	WAYNE	NJ	HOUSE
C00069492	1976 COMMITTEE TO ELECT DEMOCRATS	ST. LOUIS	MO	PARTY RELATED
C00070938	1976 COMMITTEE TO ELECT LUTHER G. LATHAM	JACKSON	MS	HOUSE
C00066225	1976 COMMUNITY VOTER REGISTRATION COMMITTEE	PHILADELPHIA	PA	PARTY RELATED
C00070680	1976 CONGRESSIONAL RECEPTION	MONROE	OH	PARTY RELATED
C00045351	1976 D.C. REPUBLICAN DINNER	WASHINGTON	DC	PARTY RELATED
C00034561	1976 DEMOCRATIC CAMPAIGN 10TH DISTRICT COMMITTEE	MIDLAND	MI	PARTY RELATED
C00042770	1976 DEMOCRATIC NATIONAL CONVENTION COMMITTEE INC.	WASHINGTON	DC	PARTY RELATED
C00048587	1976 DEMOCRATIC PRESIDENTIAL CAMPAIGN COMMITTEE, INC.	ATLANTA	GA	PRESIDENTIAL
C00068268	1976 DEMOCRATIC PRESIDENTIAL CAMPAIGN COMMITTEE, INC., COMPLIANCE FUND	ATLANTA	GA	PRESIDENTIAL
C00034777	1976 ENDORSED DEMOCRATIC CANDIDATES COMMITTEE	BUFFALO	NY	PARTY RELATED
C00035097	1976 INDEPENDENT CAMPAIGN COMMITTEE	CHICAGO	IL	NON-PARTY RELATED
C00069336	1976 JOHN F. KENNEDY-DAVID L. LAWRENCE DINNER COMMITTEE	PITTSBURGH	PA	PARTY RELATED
C00035782	1976 MICHIGAN SOCIALIST WORKERS CAMPAIGN COMMITTEE	DETROIT,	MI	PARTY RELATED
C00050724	1976 RAPP FOR CONGRESS COMMITTEE	CEDAR FALLS	IA	HOUSE
C00045310	1976 SOCIALIST WORKERS CAMPAIGN COMMITTEE OF MINNESOTA	MINNEAPOLIS	MN	PARTY RELATED
C00045302	1976 SOCIALIST WORKERS CAMPAIGN COMMITTEE-MISSOURI	ST. LOUIS	MO	PARTY RELATED
C00039180	1976 SOCIALIST WORKERS ILLINOIS CAMPAIGN COMMITTEE	CHICAGO	IL	PARTY RELATED
C00066050	1976 UNITED STATES PARTY ELECTION COMMITTEE	DENVER	CO	PARTY RELATED
C00069278	1976 WESTCHESTER DEMOCRATIC CAMPAIGN COMMITTEE	WHITE PLAINS	NY	PARTY RELATED
C00000203	19TH CONGRESSIONAL DISTRICT DELEGATE SLATE	NEW YORK	NY	DELEGATE
C00035147	19TH CONGRESSIONAL DISTRICT DEMOCRATIC COMMITTEE	BLOOMFIELD HILLS	MI	PARTY RELATED

FEDERAL ELECTION COMMISSION
COMMITTEE CROSS INDEX - (8)

DATE 14MAR77

IDENTIFICATION	NAME		
C00020699	19TH CONGRESSIONAL DISTRICT REPUBLICAN COMMITTEE	W BLOOMFIELD	MI	PARTY RELATED
C00060972	1ST CONGRESSIONAL DISTRICT (GOP)	ST. LOUIS	MO	PARTY RELATED
C00046326	1ST CONGRESSIONAL DISTRICT COMMITTEE	CHICAGO	IL	PARTY RELATED
C00066326	1ST CONGRESSIONAL DISTRICT REPUBLICAN ORGANIZATION	GLASTONBURY	CT	PARTY RELATED
C00067132	1ST SOUTHERN FEDERAL POLITICAL ACTION COMMITTEE	MOBILE	AL	NON-PARTY RELATED
C00041285	21 ASS BRUNCH	WASHINGTON	DC	PARTY RELATED
C00000237	21ST CONGRESSIONAL DISTRICT CMTE TO ELECT A DEMOCRATIC PRESIDENT	BRONX	NY	DELEGATE
C00014902	22ND DISTRICT REPUBLICANS FOR DUZAN	OAKLAND	IL	HOUSE
C00001107	23RD CONGRESSIONAL DISTRICT CAMPAIGN CMTE (MEL PRICE-PPC)	EAST ST. LOUIS	IL	HOUSE
C00005520	250 CLUB	ATLANTA	GA	HOUSE
C00010302	25TH FOR ANGELL COMMITTEE	POUGHKEEPSIE	NY	HOUSE
C00045619	2ND DISTRICT DEMOCRATIC CONGRESSIONAL COMMITTEE	YPSILANTI	MI	PARTY RELATED
C00070565	2ND DISTRICT VIRGINIANS FOR BYRD	NORFOLK	VA	SENATE
C00022624	365 CAP COUNCIL FUND	BROOKLYN	NY	NON-PARTY RELATED
C00007864	3RD DISTRICT FEDERATION OF REPUBLICAN WOMEN	ORCHARD	IA	PARTY RELATED
C00073074	46TH ASSEMBLY DISTRICT REPUBLICAN COUNTY CENTRAL COMMITTEE	LOS ANGELES	CA	PARTY RELATED
C00051995	47 A.D. INDEPENDENT REPUBLICAN CLUB	BROOKLYN	NY	PARTY RELATED
C00000919	4TH DISTRICT CAMPAIGN COMMITTEE	DES MOINES	IA	HOUSE
C00008763	4TH DISTRICT REPUBLICAN CENTRAL COMMITTEE	ANGOLA	IN	PARTY RELATED
C00017558	514 COMMITTEE	PITTSBURGH	PA	NON-PARTY RELATED
C00008811	59TH ASSEMBLY DISTRICT DEMOCRATIC COUNCIL	BEVERLY HILLS	CA	PARTY RELATED
C00017673	5TH CONGRESSIONAL DISTRICT REPUBLICAN COMMITTEE	MIDDLEBURY	CT	PARTY RELATED
C00012072	5TH DISTRICT CONGRESSIONAL CAMPAIGN COMMITTEE 1976	AMES	IA	PARTY RELATED
C00067567	5TH DISTRICT FEDERATION OF REPUBLICAN WOMEN (OF IOWA)	SIDNEY	IA	PARTY RELATED
C00017020	6TH CONGRESSIONAL DISTRICT REPUBLICAN ORGANIZATION	NEW BRITAIN	CT	PARTY RELATED
C00047951	6TH DISTRICT CARR FOR CONGRESS COMMITTEE	LANSING	MI	HOUSE
C00036376	6TH DISTRICT DEMOCRATS	FOND DU LAC	WI	PARTY RELATED
C00047464	6TH DISTRICT DEMOCRATS OF IOWA	SIOUX CITY	IA	PARTY RELATED
C00066698	76 CAMPAIGN DINNER	BEDMINSTER	NJ	PARTY RELATED
C00040922	76 SOCIALIST WORKERS CAMPAIGN COMMITTEE OF SAN JOSE	SAN JOSE	CA	PARTY RELATED
C00025056	7TH DISTRICT DEMOCRATIC COMMITTEE	CHARLOTTESVILLE	VA	PARTY RELATED
C00030687	7TH DISTRICT DEMOCRATIC EDUCATION CAUCUS	FLINT	MI	PARTY RELATED
C00024794	7TH DISTRICT REPUBLICAN CLUB	KENT	WA	PARTY RELATED
C00045401	7TH DISTRICT REPUBLICANS	PINE VILLAGE	IN	PARTY RELATED
C00014522	8TH CONGRESSIONAL DISTRICT DEMOCRATIC COMMITTEE OF VIRGINIA	TERMINATED ALEXANDRIA	VA	PARTY RELATED
C00046722	8TH CONGRESSIONAL DISTRICT FEDERAL CAMPAIGN	TOOMSBORO	GA	PARTY RELATED

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IDENTIFICATION	NAME			
C00014670	8TH CONGRESSIONAL PUBLIC AFFAIRS COUNCIL	CASS CITY	MI	HOUS
C00008041	9TH DISTRICT YOUNG REPUBLICAN FEDERATION	MILWAUKEE	WI	PARTY RELATED
C00043836	9TH DISTRICT YOUNG REPUBLICANS	MILWAUKEE	WI	PARTY RELATED
C00017681	A & B EMPLOYEES VOLUNTARY POLITICAL COMMITTEE FOR FEDERAL CANDIDATES	HONOLULU	HI	NON-PARTY RELATED
C00035329	A LOT OF PEOPLE THINK PAUL GOULDING IS THE BEST MAN FOR THE U.S. SENATE	PROVIDENCE	RI	SENATE
C00029785	A LOT OF PEOPLE WANT JOE TYDINGS U.S. SENATOR (AKA THE TYDINGS COMMITTEE)	CHEVY CHASE	MD	SENATE
C00018721	A LOT OF PEOPLE WHO WANT BRUCE BARTON IN CONGRESS	JACKSON	MI	HOUSE
C00044115	A LOT OF PEOPLE WHO WANT HAYAKAWA IN THE U.S. SENATE	PALO ALTO	CA	SENATE
C00026369	A LOT OF PEOPLE WHO WANT PAUL SILVER ELECTED TO CONGRESS	GRAND RAPIDS	MI	HOUSE
C00044701	A LOT OF PEOPLE WHO WANT TO ELECT JOHN J. WELCH TO THE U.S. SENATE	RUTLAND	VT	SENATE
C00022525	A SALUTE TO WIDNALL COMMITTEE	ORADELL	NJ	HOUSE
C00020685	A VOLUNTEER GROUP THAT WANTS PAUL TODD BACK IN CONGRESS	THREE RIVERS	MI	HOUSE
C00051482	A WHOLE BUNCH OF FRIENDS FOR RUSSELL BEVIS	TALLAHASSEE	FL	HOUSE
C00002741	A WHOLE LOT OF PEOPLE WHO THINK GUY VANCER JADT IS DOING A GOOD JOB	(AKA FRY FOR GUY) SPRINGFIELD	VA	HOUSE
C00040147	A-T-O BETTER GOVERNMENT COMMITTEE	WILLOUGHBY	OH	NON-PARTY RELATED
C00053629	A.D. ALISSANDRATOS FOR CONGRESS TEAM	MEMPHIS	TN	HOUSE
C00073627	A.F.M. TEMPO POLITICAL CONTRIBUTIONS COMMITTEE	-ENEW YORK	NY	NON-PARTY RELATED
C00062248	AAMODT FOR CONGRESS	COATESVILLE	PA	HOUSE
C00040279	ABBOTT LABORATORIES BETTER GOVERNMENT FUND	NORTH CHICAGO	IL	NON-PARTY RELATED
C00071456	ABC FREE ENTERPRISE POLITICAL ACTION COMMITTEE	BIRMINGHAM	AL	NON-PARTY RELATED
C00075903	ABERNATHY FOR CONGRESS COMMITTEE	ATLANTA	GA	HOUSE
C00040048	ABRAM EISENMAN PRESIDENTIAL CAMPAIGN	SAVANNAH	GA	PRESIDENTIAL
C00034705	ACA'S SAMPAC	MINNEAPOLIS	MN	NON-PARTY RELATED
C00020297	ACADEMIC & PROFESSIONAL ACTION COMMITTEE FOR A RESPONSIBLE CONGRESS	NEW YORK	NY	NON-PARTY RELATED
C00000011	ACHEE, WILLIAM M.	ARITA SPRINGS	LA	DELEGATE
C00038976	ACTION COMMITTEE	PITTSBURGH	PA	NON-PARTY RELATED
C00062972	ACTION COMMITTEE FOR RURAL ELECTRIFICATION (ACRE)	WASHINGTON	DC	NON-PARTY RELATED
C00008037	ACTIVE BALLOT CLUB COUNCIL NO.6	QUEENS VILLAGE	NY	NON-PARTY RELATED
C00025619	ACTIVE BALLOT CLUB OF RETAIL CLERKS INTERNATIONAL ASSOCIATION LOCAL	#1393 READING	PA	NON-PARTY RELATED
C00008870	ACTIVE BALLOT CLUB OF RETAIL CLERKS INTERNATIONAL ASSOCIATION LOCAL	NO. 648 SAN FRANCISCO	CA	NON-PARTY RELATED
C00008045	ACTIVE BALLOT CLUB RETAIL FOOD CLERKS UNION LOCAL 1500	QUEENS VILLAGE	NY	NON-PARTY RELATED
C00002766	ACTIVE BALLOT CLUB, A DEPARTMENT OF THE RETAIL CLERKS INTERNATIONAL	ASSOCIATION WASHINGTON	DC	NON-PARTY RELATED
C78008008	ACTIVE BALLOT CLUB, A DEPT. OF RETAIL CLERKS INT'L. UNION	WASHINGTON	OC	NON-PARTY RELATED
C00004846	ACTIVE BALLOT CLUB, LOCAL NO. 692	BALTIMORE	MD	NON-PARTY RELATED
C00000027	AD HOC COMMITTEE CONCERNED FOR LIFE	ELMONT	NY	INDEPENDENT EXPENDITOR
C00065738	AOA CAMPAIGN COMMITTEE	WASHINGTON	DC	NON-PARTY RELATED

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C00003491	ADAM BENJAMIN, JR. FOR CONGRESS COMMITTEE	WASHINGTON	DC	HOUSE
C00011072	ADAMS COUNTY REPUBLICAN CENTRAL COMMITTEE	BRIGHTON	CO	PARTY RELATED
C00026286	ADAMS FOR CONGRESS	NASHVILLE	TN	HOUSE
C00021578	ADAMS FOR CONGRESS COMMITTEE	ALAMEDA	CA	HOUSE
C00049668	ADAMS FOR CONGRESS COMMITTEE	MACON	GA	HOUSE
C00053603	ADANTI FOR CONGRESS	ANSONIA	CT	HOUSE
C00012508	ADELMAN FOR CONGRESS COMMITTEE	MILWAUKEE	WI	HOUSE
C00065045	ADR	FM	AZ	HOUSE
C00065565	AFFILIATED CITIZENS FOR LEMISHOW FOR CONGRESS	KEW GARDENS HILLS	NY	HOUSE
C00021717	AFFIRMATIVE POLITICAL ACTION COMM.	PALM BEACH	FL	NON-PARTY RELATED
C00000068	AFLENBACH, ROY C. II (CONTRIBUTOR)	ALLENTOWN	PA	INDEPENDENT EXPENDITOR
C00003806	AFL-CIO COPE POLITICAL CONTRIBUTIONS COMMITTEE	WASHINGTON	OC	NON-PARTY RELATED
C00048868	AFSHARI FOR CONGRESS COMMITTEE	FLORISSANT	MO	HOUSE
C00039255	AGC OF ST. LOUIS POLITICAL COMMITTEE	ST. LOUIS	MO	NON-PARTY RELATED
C00001388	AGRICULTURAL & DAIRY EDUCATIONAL POLITICAL TRUST	SPRINGFIELD	MO	NON-PARTY RELATED
C00002717	AGRICULTURAL COOPERATIVE TRUST	WASHINGTON	DC	NON-PARTY RELATED
C00020925	AIADA POLITICAL ACTION COMMITTEE	WASHINGTON	DC	NON-PARTY RELATED
C00035451	AIR LINE PILOTS ASSOCIATION POLITICAL ACTION COMMITTEE	WASHINGTON	DC	NON-PARTY RELATED
C00056528	AKAKA FOR CONGRESS	KANEOHE	HI	HOUSE
C00040642	AKRON LABOR COUNCIL, AFL-CIO-	AKRON	OH	NON-PARTY RELATED
C00037259	AL ULLMAN APPRECIATION DINNER COMMITTEE	SALEM,	OR	HOUSE
C00073609	ALABAMA COTTON FARMERS FOR CARTER	MADISON	AL	PRESIDENTIAL
C00017228	ALABAMA ASSOCIATION OF INSURANCE AGENTS	BIRMINGHAM	AL	NON-PARTY RELATED
C00029934	ALABAMA CITIZENS FOR REAGEN	TERMINATED HOLLY POND	AL	PRESIDENTIAL
C00072736	ALABAMA COMMITTEE ON POLITICAL EDUCATION	BIRMINGHAM	AL	NON-PARTY RELATED
C00004911	ALABAMA MEDICAL POLITICAL ACTION COMMITTEE	MONTGOMERY	AL	NON-PARTY RELATED
C00038992	ALABAMA POLITICAL RESEARCH GROUP	TUSCALOOSA	AL	NON-PARTY RELATED
C00044776	ALABAMA REPUBLICAN PARTY-FEDERAL ACCOUNT	BIRMINGHAM	AL	PARTY RELATED
C00065391	ALABAMA SAVINGS ASSOCIATIONS PUBLIC AFFAIRS COMMITTEE	MONTGOMERY	AL	NON-PARTY RELATED
C00071225	ALABAMIANS FOR GOOD HEALTH CARE	MOBILE	AL	PRESIDENTIAL
C00047456	ALAN MACRAY FOR CONGRESS	MINGHAM	MA	HOUSE
C00039164	ALASKA ALIVE VOLUNTARY COMMITTEE	ANCHORAGE	AK	NON-PARTY RELATED
C00041079	ALASKA DEMOCRATIC STATE CENTRAL COMMITTEE	JUNEAU	AK	PARTY RELATED
C00068122	ALASKA MACBRIDE FOR PRESIDENT COMMITTEE	FAIRBANKS	AK	PRESIDENTIAL
C00001A41	ALASKA MEDICAL POLITICAL ACTION COMMITTEE	ANCHORAGE	AK	NON-PARTY RELATED
C00034520	ALASKA REPUBLICANS FOR REAGAN	ANCHORAGE	AK	PRESIDENTIAL

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IDENTIFICATION	NAME		
C00032300	ALASKA UDALL '76 COMMITTEE	ANCHORAGE, AK	PRESIDENTIAL
C00024349	ALASKAN SKIES ASSOCIATION NATIONAL	SEATTLE WA	NON-PARTY RELATED
C00001438	ALASKANS FOR BEGICH	ANCHORAGE AK	HOUSE
C00012220	ALASKANS FOR DON YOUNG	ANCHORAGE AK	HOUSE
C00011775	ALASKANS FOR EMIL NOTTI COMMITTEE	ANCHORAGE AK	HOUSE
C00028910	ALASKANS FOR GRAVEL	WASHINGTON DC	SENATE
C00035360	ALBAUGH ELECTION COMMITTEE	MT. RANIER MD	SENATE
C00047431	ALBERT OEHR FOR CONGRESS COMMITTEE	SACRAMENTO CA	HOUSE
C00002279	ALBERT FOR CONGRESS CLUB	TULSA OK	HOUSE
C00053595	ALBERT GORE, JR. FOR CONGRESS	CARTHAGE TN	HOUSE
C00017865	ALBUQUERQUE FEDERATED REPUBLICAN WOMEN	ALBUQUERQUE NM	PARTY RELATED
C00039172	ALCOA EMPLOYEES POLITICAL FUND	PITTSBURGH PA	NON-PARTY RELATED
C00048468	ALDRIDGE FOR CONGRESS COMMITTEE	PHOENIX AZ	HOUSE
C00051928	ALEVITZ FOR CONGRESS COMMITTEE	CLEVELAND OH	HOUSE
C00054534	ALEXANDER CAMPAIGN COMMITTEE	WASHINGTON DC	HOUSE
C00028936	ALEXANDER FOR SENATE COMMITTEE	SYRACUSE NY	SENATE
C00054048	ALEXANDRIA YOUNG REPUBLICAN CLUB FINANCE COMMITTEE	ALEXANDRIA VA	PARTY RELATED
C00043596	ALEXANDRIA DEMOCRATIC COMMITTEE	ALEXANDRIA VA	PARTY RELATED
C00070730	ALEXANDRIA DEMOCRATIC EXECUTIVE GENRAL FECA ACCOUNT	ALEXANDRIA LA	PARTY RELATED
C00021436	ALEXANDRIA REPUBLICAN CAMPAIGN FUND	ALEXANDRIA VA	PARTY RELATED
C00018622	ALEXANDRIA YRS FOR PARRIS	TERMINATED ALEXANDRIA VA	HOUSE
C98001132	ALICE B. TOKLAS MEMORIAL DEM. CLUB	SAN FRANCISCO CA	INDEPENDENT EXPENDITOR
C00037564	ALICIA M. COOPER FOR CONGRESS	MISSION VIEJO CA	HOUSE
C00069419	ALISSANDRATOS FOR CONGRESS TEAM	MEMPHIS TN	HOUSE
C00070029	ALL FOR ONE DINNER COMMITTEE ("PEOPLE FOR ED SCOTT IN CONGRESS")	DENVER CO	HOUSE
C00088023	ALLEGANY COUNTY REPUBLICAN STATE CENTRAL COMMITTEE OF MD	CUMBERLAND MD	PARTY RELATED
C00066027	ALLEGHENY COUNTY CITIZENS FOR MOOK	CORAOPOLIS PA	HOUSE
C00010850	ALLEGHENY COUNTY DEMOCRATIC COMMITTEE	PITTSBURGH PA	PARTY RELATED
C00022723	ALLEGHENY COUNTY DEMOCRATIC COMMITTEE, DINNER COMMITTEE	PITTSBURGH PA	PARTY RELATED
C00038943	ALLEGHENY COUNTY DEMOCRATIC PRIMARY COMMITTEE	PITTSBURGH PA	PARTY RELATED
C00040204	ALLEGHENY LUDLUM COMMITTEE FOR EFFECTIVE GOVERNMENT	PITTSBURGH PA	NON-PARTY RELATED
C00066176	ALLEGHENY POLITICAL ACTION COMMITTEE	WASHINGTON DC	NON-PARTY RELATED
C00051235	ALLEN BLUME FOR CONGRESS COMMITTEE	FAIRBANKS AK	HOUSE
C00010587	ALLEN COUNTY DEMOCRATIC CENTRAL COMMITTEE	FORT WAYNE IN	PARTY RELATED
C00014100	ALLEN COUNTY REPUBLICAN CAMPAIGN COMMITTEE	LIMA OH	PARTY RELATED
C00005918	ALLEN COUNTY REPUBLICAN CENTRAL COMMITTEE	FORT WAYNE IN	PARTY RELATED

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IDENTIFICATION	NAME			
C00014118	ALLEN COUNTY REPUBLICAN EXECUTIVE COMMITTEE	LIMA	OH	PARTY RELATED
C00025247	ALLEN FOR CONGRESS COMMITTEE	OAKLAND	CA	HOUSE
C90000100	ALLEN, JACK M. (CONTRIBUTOR)	PERRYTON	TX	INDEPENDENT EXPENDITOR
C90000118	ALLEN, RICHARD J.	LANSING	MI	INDEPENDENT EXPENDITOR
C00055962	ALLER FOR CONGRESS COMMITTEE	BERKELEY	CA	HOUSE
C00026586	ALLIANCE FOR GOOD GOVERNMENT	NEW ORLEANS	LA	HOUSE
C70000096	ALLIED INDUSTRIAL WORKERS OF AMERICA, AFL-CIO	MILWAUKEE	WI	NON-PARTY RELATED
C00052795	ALLIS-CHALMERS VOLUNTARY POLITICAL CONTRIBUTION FUND	WEST ALLIS	WI	NON-PARTY RELATED
C00040253	ALLSTATE POLITICAL ACTION COMMITTEE	NORTHBROOK	IL	NON-PARTY RELATED
C00074001	ALMA JOHNSON CAMPAIGN COMMITTEE	ATLANTA	GA	HOUSE
C00003699	ALPENA COUNTY REPUBLICAN COMMITTEE	ALPENA	MI	PARTY RELATED
C00022426	ALTADENA REPUBLICAN WOMEN'S CLUB, FEDERATED	ALTADENA	CA	PARTY RELATED
C00034140	ALTON BOX BOARD COMPANY POLITICAL ACTION COMMITTEE	ALTON	IL	NON-PARTY RELATED
C00036285	ALTON DAVIS FOR CONGRESS (AKA CITIZENS FOR DAVIS)	EVANSVILLE,	IN	HOUSE
C00070258	ALTON FOR CONGRESS	SPOKANE	WA	HOUSE
C90000159	ALVAREZ, JANA OLIPHANT (CONTRIBUTOR)	SANTA ANA	CA	INDEPENDENT EXPENDITOR
C70000732	AMALGAMATED CLOTHING AND TEXTILE WORKERS UNION	NEW YORK	NY	NON-PARTY RELATED
C00005728	AMALGAMATED CLOTHING AND TEXTILE WORKERS UNION - POLITICAL ACTION COMMITTEE (ACTWU-PAC)	NEW YORK	NY	NON-PARTY RELATED
C00004895	AMALGAMATED CLOTHING WORKERS AFL CIO POLITICAL	BOSTON	MA	NON-PARTY RELATED
C00071092	AMALGAMATED MEAT CUTTERS AND RETAIL FOOD STORE EMPLOYEES UNION: LOCAL 342	JAMAICA	NY	NON-PARTY RELATED
C00005496	AMALGAMATED POLITICAL AND EDUCATIONAL COMMITTEE OF PHILADELPHIA	PHILADELPHIA	PA	NON-PARTY RELATED
C00011155	AMAMALGAMATED SERVICE & ALLIED INDUSTY JOINT BOARD L EDUCATION COMMITTEE	NEW YORK	NY	NON-PARTY RELATED
C00068518	AMAREX EMPLOYEES POLITICAL ACTION COMMITTEE	OKLAMOMA CITY	OK	NON-PARTY RELATED
C00038992	AMAX CONCERNED CITIZENS FUND	GREENWICH	CT	NON-PARTY RELATED
C00010697	AMBRO FOR CONGRESS	HUNTINGTON	NY	HOUSE
C00002428	AMCOPE	CHICAGO	IL	NON-PARTY RELATED
C00034249	AMERCO POLITICAL ACTION COMMITTEE	PHOENIX	AZ	NON-PARTY RELATED
C00001784	AMERICAN APPAREL MANUFACTURERS POLITICAL ACTION COMMITTEE	ARLINGTON	VA	NON-PARTY RELATED
C00020206	AMERICAN BOOK PUBLISHERS POLITICAL ACTION COMMITTEE	WASHINGTON	DC	NON-PARTY RELATED
C00039385	AMERICAN CAN COMPANY EMPLOYEES GOOD GOVERNMENT FUND	GREENWICH	CT	NON-PARTY RELATED
C00000416	AMERICAN CONSERVATIVE UNION	WASHINGTON	DC	NON-PARTY RELATED
C00068729	AMERICAN DENTAL POLITICAL ACTION COMMITTEE	WASHINGTON	DC	NON-PARTY RELATED
C00023259	AMERICAN EXPORT LINES POLITICAL ACTION COMMITTEE	WASHINGTON	DC	NON-PARTY RELATED
C00068535	AMERICAN EXPRESS OFFICERS COMMITTEE FOR RESPONSIBLE GOVERNMENT	WASHINGTON	DC	NON-PARTY RELATED
C00034157	AMERICAN FAMILY POLITICAL ACTION COMMITTEE (AFPAC)	COLUMBUS	GA	NON-PARTY RELATED
C70000184	AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES	WASHINGTON	DC	NON-PARTY RELATED

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C70000112	AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS	WASHINGTON	DC	NON-PARTY RELATED
C00072231	AMERICAN FEDERATION OF SMALL BUSINESS	CHICAGO	IL	NON-PARTY RELATED
C70000138	AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO	HARRISBURG	PA	NON-PARTY RELATED
C70000129	AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO (C,C,)	WASHINGTON	DC	NON-PARTY RELATED
C00028860	AMERICAN FEDERATION OF TEACHERS COMMITTEE ON POLITICAL EDUCATION	WASHINGTON,	DC	NON-PARTY RELATED
C00062703	AMERICAN FEDERATION STATE COUNTY MUNICIPAL EMPLOYEES	CHICAGO	IL	NON-PARTY RELATED
C00044057	AMERICAN FREEDOM PARTY	YERINTON	NV	PARTY RELATED
C00024299	AMERICAN GENERAL POLITICAL ACTION COMMITTEE	HOUSTON	TX	NON-PARTY RELATED
C00001198	AMERICAN HOTEL MOTEL POLITICAL ACTION COMMITTEE (AHMPAC)	NEW YORK	NY	NON-PARTY RELATED
C00063180	AMERICAN INDEPENDENCE PARTY	OREANA	IL	PARTY RELATED
C00033985	AMERICAN INDEPENDENCE PARTY (NATIONAL)	MANITOWOC	WI	PARTY RELATED
C00073734	AMERICAN INDEPENDENT PARTY	SEATTLE	WA	PARTY RELATED
C00009738	AMERICAN INTERNATIONAL TRADE POLITICAL AFFAIRS COMMITTEE	NEW YORK	NY	NON-PARTY RELATED
C00068312	AMERICAN LIBERTY DINNER '76 FINANCE COMMITTEE	CEDAR FALLS	IA	NON-PARTY RELATED
C00044040	AMERICAN LIBERTY DINNER FINANCE COMMITTEE	CEDAR FALLS	IA	NON-PARTY RELATED
C00000422	AMERICAN MEDICAL POLITICAL ACTION COMMITTEE	CHICAGO	IL	NON-PARTY RELATED
C00067231	AMERICAN MEDICORP GOOD GOVERNMENT COMMITTEE	BALA CYNWYD	PA	NON-PARTY RELATED
C00006080	AMERICAN NURSING HOME EDUCATION AND POLITICAL ACTION COMMITTEE	WASHINGTON	DC	NON-PARTY RELATED
C00024968	AMERICAN OPTOMETRIC ASSN. PAC	WASHINGTON	DC	NON-PARTY RELATED
C00045104	AMERICAN PARTY	PIGEON FOGEY	TN	PARTY RELATED
C00039388	AMERICAN PARTY - ALLEN COUNTY CENTRAL COMMITTEE	FORT WAYNE	IN	PARTY RELATED
C00075044	AMERICAN PARTY - NATIONAL CONVENTION REPORT	PIGEON FORGE	TN	PARTY RELATED
C00068429	AMERICAN PARTY MEDIA COMMITTEE	WEST PALM BEACH	FL	PARTY RELATED
C00067736	AMERICAN PARTY OF BURLINGTON COUNTY	MT. LAUREL	NJ	PARTY RELATED
C00073163	AMERICAN PARTY OF IDAHO, THE	EAGLE	IO	PARTY RELATED
C00023291	AMERICAN PARTY OF KENTUCKY STATE CENTRAL COMMITTEE	LEXINGTON	KY	PARTY RELATED
C00072090	AMERICAN PARTY OF NEBRASKA	LINCOLN	NE	PARTY RELATED
C00062877	AMERICAN PARTY OF NORTH CAROLINA	RALEIGH	NC	PARTY RELATED
C00064741	AMERICAN PARTY OF NORTH DAKOTA	BISMARCK	ND	PARTY RELATED
C00077768	AMERICAN PARTY OF VIRGINIA	NA	VA	PARTY RELATED
C00028878	AMERICAN PARTY STATE CAMPAIGN	LEXINGTON	KY	PARTY RELATED
C00034660	AMERICAN PEOPLES FREEDOM PARTY	LAUREL	MO	PRESIDENTIAL
C00012880	AMERICAN PHYSICAL THERAPY CONGRESSIONAL ACTION COMMITTEE	WASHINGTON	DC	NON-PARTY RELATED
C00041061	AMERICAN PILOTS' ASSOCIATION POLITICAL ACTION COMMITTEE	WASHINGTON	DC	NON-PARTY RELATED
C00072225	AMERICAN POULTRY HISTORICAL SOCIETY	W. LAFAYETTE	IN	NON-PARTY RELATED
C00028720	AMERICAN RADIO ASSOCIATION AFL-CIO	NEW YORK	NY	NON-PARTY RELATED

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C00048071	AMERICAN SIGN AND INDICATOR CORPORATION POLITICAL ACTION COMMITTEE	SPOKANE	WA	NON-PARTY RELATED
C00032441	AMERICAN TEXTILE INDUSTRY GOOD GOVERNMENT COMMITTEE	WASHINGTON	DC	NON-PARTY RELATED
C00034678	AMERICAN WATERWAYS OPERATORS-PAC	ARLINGTON	VA	NON-PARTY RELATED
C00048154	AMERICAN-STANDARD GOOD GOVERNMENT FUND	NEW YORK	NY	NON-PARTY RELATED
C90000142	AMERICANS AGAINST RACIAL DISCRIMINATION	WEST BETHESDA	MD	INDEPENDENT EXPENDITOR
C00000117	AMERICANS FOR CONSTITUTIONAL ACTION (ACA)	WASHINGTON	DC	NON-PARTY RELATED
C00030411	AMERICANS IN FRANCE FOR MCGOVERN	TERMINATED PARIS	ZZ	PRESIDENTIAL
C00001758	AMIGOS DE JORGE LUIS CORDOVA INC	SAN JUAN	PR	HOUSE
C00037101	AMMERMAN FOR CONGRESS	CURWENSVILLE,	PA	HOUSE
C00060103	AMOCO POLITICAL ACTION COMMITTEE (AMOCO PAC)	CHICAGO	IL	NON-PARTY RELATED
C00074625	AMP/PAC	WASHINGTON	DC	NON-PARTY RELATED
C00035279	AMSTCO POLITICAL ACTION COMMITTEE	CHICAGO	IL	NON-PARTY RELATED
C00034884	AMWAY POLITICAL ACTION COMMITTEE	ADA	MI	NON-PARTY RELATED
C00048801	AMY WHITE FIALER FOR CONGRESS	LOS ANGELES	CA	HOUSE
C00066944	AN EVENING WITH RONALD REAGAN COMMITTEE	ARLINGTON	TX	HOUSE
C00026138	ANACONDA CONCERNED CITIZENS FUND	#	NY	NON-PARTY RELATED
C00068726	ANDERSON COUNTY DEMOCRATIC EXECUTIVE	LAWRENCEBURG	KY	PARTY RELATED
C00023828	ANDERSON COUNTY LLOYD STEERING COMMITTEE	TERMINATED OAK RIDGE	TN	HOUSE
C00047605	ANDERSON FOR CONGRESS	LINCOLN	ME	HOUSE
C00000802	ANDERSON FOR CONGRESS FINANCE COMMITTEE	ROCKFORD	IL	HOUSE
C00051912	ANDERSON FOR CONGRESS VOLUNTEER COMMITTEE	MARSHALL	MN	HOUSE
C90000167	ANDERSON, DARREL (CONTRIBUTOR)	NEW PORT BEACH	CA	INDEPENDENT EXPENDITOR
C90000175	ANDERSON, JOHN M.	DORCHESTER	MA	INDEPENDENT EXPENDITOR
C00049023	ANDERSON-SHACKLEFORD CAMPAIGN COMMITTEE	PIGEON FORGE	TN	PRESIDENTIAL
C00053892	ANDREAS FOR CONGRESS COMMITTEE	FRESNO	CA	HOUSE
C00051449	ANDREW PULLEY FOR CONGRESS CAMPAIGN COMMITTEE	CHICAGO	IL	HOUSE
C00018051	ANDREW YOUNG CAMPAIGN	ATLANTA	GA	HOUSE
C00009654	ANDREW YOUNG CAMPAIGN COMMITTEE	WASHINGTON	DC	HOUSE
C00000430	ANDREWS FOR CONGRESS COMMITTEE	FARGO	ND	HOUSE
C00061317	ANDREWS FOR CONGRESS COMMITTEE	FARGO	ND	HOUSE
C00075911	ANDROMIDAS FOR CONGRESS	SEATTLE	WA	HOUSE
C00050385	ANDY IRELAND CAMPAIGN COMMITTEE	WINTER HAVEN	FL	HOUSE
C00039677	ANDY JACOBS FOR CONGRESS COMMITTEE	INDIANAPOLIS	IN	HOUSE
C00026476	ANGEL NOE GONZALEZ FOR CONGRESS	HARLINGEN	TX	HOUSE
C00034488	ANHEUSER-BUSCH POLITICAL ACTION COMMITTEE (AB-PAC)	ST. LOUIS	MO	NON-PARTY RELATED
C00016337	ANNE ARUNDEL CITIZENS COMMITTEE WINELAND FOR CONGRESS	PASADENA	MD	HOUSE

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C00051532	ANNE L. KOLB CAMPAIGN FUND	PLANTATION	FL HOUSE
C00003814	ANNUNZIO FOR PEOPLE COMMITTEE	CHICAGO	IL HOUSE
C00010918	ANOTHER MOTHER FOR PEACE	BEVERLY HILLS	CA NON-PARTY RELATED
C00043257	ANR POLITICAL ACTION COMMITTEE	DETROIT	MI NON-PARTY AFLATFO
C00064139	ANTHONY FOR CONGRESS COMMITTEE	LAS VEGAS	NV HOUSE
C00037034	ANTHONY J. CELEBREZZE, JR. FOR CONGRESS	CLEVELAND	OH HOUSE
C00055368	ANTI-SOCIALIST AMERICAN PARTY	CAMP HILL	PA PRESIDENTIAL
C00061580	ANYBODY BUT CARTER	LOS ANGELES	CA PRESIDENTIAL
C00012799	APARTMENT POLITICAL ACTION COMMITTEE	WASHINGTON	DC NON-PARTY RELATED
C00064337	APPLEGATE CAMPAIGN FUND, THE	STEUBENVILLE	OH HOUSE
C00024414	APPLETON FEDERATION OF LABOR POLITICAL EDUCATION	APPLETON	WI NON-PARTY RELATED
C00038502	APTA-PAC	WASHINGTON	DC NON-PARTY RELATED
C00073395	ARAPAHOE COUNTY REPUBLICAN CENTRAL COMMITTEE	ENGLEWOOD	CO PARTY RELATED
C00021865	ARCADIA REPUBLICAN WOMEN'S CLUB, FEDERATED	ARCADIA	CA PARTY RELATED
C00008125	ARCHER FOR CONGRESS COMMITTEE	HOUSTON	TX HOUSE
C00039941	ARIZONA BANKERS POLITICAL ACTION COMMITTEE	PHOENIX	AZ NON-PARTY RELATED
C00019356	ARIZONA DEMOCRATIC TELETHON COMMITTEE	PHOENIX	AZ PARTY RELATED
C00012591	ARIZONA DENTAL POLITICAL ACTION COMMITTEE	PHOENIX	AZ NON-PARTY RELATED
C00004499	ARIZONA MEDICAL POLITICAL ACTION COMMITTEE	PHOENIX	AZ NON-PARTY RELATED
C70000146	ARIZONA STATE AFL-CIO	PHOENIX	AZ NON-PARTY RELATED
C00007559	ARKANSAS COMMITTEE ON POLITICAL EDUCATION	LITTLE ROCK	AR NON-PARTY RELATED
C00044032	ARKANSAS DEMOCRATIC STATE COMMITTEE	LITTLE ROCK	AR PARTY RELATED
C00024618	ARKANSAS DENTAL PAC	TERMINATED WALNUT RIDGE	AR NON-PARTY RELATED
C00002907	ARKANSAS MEDICAL POLITICAL ACTION COMMITTEE	FORT SMITH	AR NON-PARTY RELATED
C00035261	ARKANSAS REPUBLICAN PARTY FEDERAL CAMPAIGN COMMITTEE	LITTLE ROCK	AR PARTY RELATED
C00016865	ARLINE MATHEWS FOR CONGRESS COMMITTEE	CHATSWORTH	CA HOUSE
C00066388	ARLINGTON DEMOCRATIC JOINT CAMPAIGN COMMITTEE	ARLINGTON	VA PARTY RELATED
C00021667	ARLINGTON POLITICAL ACTION COMMITTEE	ARLINGTON	VA NON-PARTY RELATED
C00021105	ARLINGTON SALUTE	ARLINGTON	VA HOUSE
C00034322	ARMPAC	BLUE SPRINGS	MO NON-PARTY RELATED
C00053058	ARMSTRONG COMMITTEE	WASHINGTON	DC HOUSE
C00004119	ARMSTRONG COUNTY REPUBLICAN COMMITTEE	KITTANING	PA PARTY RELATED
C00023978	ARRANGEMENTS COMMITTEE OF THE REPUBLICAN NATIONAL COMM. FOR THE 1976 REPUB. NAT. CONVENTION	WASHINGTON	DC PARTY RELATED
C00044516	ARRANGEMENTS COMMITTEE-REPUBLICAN NATIONAL CONVENTION (1972)	WASHINGTON	DC PARTY RELATED
C00042877	ARROYO REPUBLICAN ASSEMBLY	PASADENA	CA PARTY RELATED
C00049213	ART BARKER FOR CONGRESS COMMITTEE	FORT LAUDERDALE	FL HOUSE

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IDENTIFICATION	NAME		
C00037762	ART LAMB FOR CONGRESS COMMITTEE	INDEPENDENCE	MO HOUSE
C00070599	ARTHUR CUCCIS FOR CONGRESS COMMITTEE	BROOKLYN	NY HOUSE
C00052373	ARTHUR LEE MCLAUGHLIN COMMITTEE	RUMSEY	KY HOUSE
C00035493	ARTHUR YOUNG EMPLOYEES POLITICAL ACTION COMMITTEE	NEW YORK	NY NON-PARTY RELATED
C00066548	ARVE BAKKEN FOR CONGRESS COMMITTEE	LIVONIA	MI HOUSE
C00034553	ASARCO EMPLOYEES POLITICAL ACTION COMMITTEE (ASARCOPAC)	WASHINGTON	DC NON-PARTY RELATED
C00015974	ASHBROOK FOR CONGRESS COMMITTEE	JOHNSTOWN	OH HOUSE
C00054551	ASHLAND COUNTY DEMOCRATIC PARTY	ASHLAND	OH PARTY RELATED
C00011064	ASHLAND COUNTY REPUBLICAN EXECUTIVE/CENTRAL COMMITTEE	ASHLAND	OH PARTY RELATED
C00075994	ASHLAND OIL GOOD GOVERNMENT ACTION COMMITTEE	ASHLAND	KY NON-PARTY RELATED
C00003319	ASHLEY FOR CONGRESS COMMITTEE	TOLEDO	OH HOUSE
C00058093	ASHWORTH FOR CONGRESS COMMITTEE	CANTON	GA HOUSE
C00003389	ASKEW 76 COMMITTEE	WASHINGTON	DC PRESIDENTIAL
C00063545	ASSANTE FOR CONGRESS COMM.	NEW ROCHELLE	NY HOUSE
C00062430	ASSEMBLYMAN SHAROFF FOR CONGRESS COMMITTEE	BROOKLYN	NY HOUSE
C00022129	ASSISTANT COUNTY ATTORNEYS' VOLUNTARY FUND	LOUISVILLE	KY NON-PARTY RELATED
C00035717	ASSOCIATED BUILDERS & CONTRACTORS INC. FREE ENTERPRISE PAC	LANSING	MI NON-PARTY RELATED
C00023523	ASSOCIATED BUILDERS & CONTRACTORS POLITICAL ACTION COMMITTEE OF WISCONSIN	APPLETON	WI NON-PARTY RELATED
C00026799	ASSOCIATED BUILDERS AND CONTRACTORS OF OKLAHOMA POLITICAL ACTION COMMITTEE	OKLAHOMA CITY	OK NON-PARTY RELATED
C00040261	ASSOCIATED BUILDERS AND CONTRACTORS OF TEXAS PAC	HOUSTON	TX NON-PARTY RELATED
C00025031	ASSOCIATED BUILDERS AND CONTRACTORS, INC. OF CENTRAL MICHIGAN-POLITICAL ACTION COMMITTEE	LANSING	MI NON-PARTY RELATED
C00056818	ASSOCIATED BUILDERS AND CONTRACTORS/PAC	LOUISVILLE	KY NON-PARTY RELATED
C00068079	ASSOCIATED CITIZENS POLITICAL ACTION COMMITTEE	HOUSTON	TX NON-PARTY RELATED
C00071175	ASSOCIATED GENERAL CONTRACTORS OF INDIANA, INC.	INDIANAPOLIS	IN NON-PARTY RELATED
C00030619	ASSOCIATES EMPLOYEES PAC	DALLAS	TX NON-PARTY RELATED
C00073791	ASSOCIATION OF STATE DEMOCRATIC CHAIRPERSONS	WASHINGTON	DC PARTY RELATED
C00006193	ASSOCIATION FOR BETTER CITIZENSHIP	BURLINGAME	CA NON-PARTY RELATED
C00022483	ASSOCIATION FOR POLITICAL EDUCATION IN CONSTRUCTION	PITTSBURGH	PA NON-PARTY RELATED
C00020438	ASSOCIATION FOR RESPONSIBLE GOVERNMENT	NEW YORK	NY NON-PARTY RELATED
C00040113	ASSOCIATION OF PENNSYLVANIA STATE COLLEGE & UNIVERSITY FACULTIES PAC ON EDUCATION	HARRISBURG	PA NON-PARTY RELATED
C00041723	ASTON DEMOCRATIC COMMITTEE OF FINANCE TO ELECT EDGAR , BARZIA & STRUNK	MEDIA	PA HOUSE
C00077764	ATHENS AREA DEMOCRATIC WOMENS CLUB	N/A	OH PARTY RELATED
C00060133	ATHENS COUNTY DEMOCRATIC CENTRAL COMMITTEE	NEW MARSHFIELD	OH PARTY RELATED
C00038133	ATKINSON FOR CONGRESS	ELLWOOD CITY	PA HOUSE
C00024521	ATTORNEYS CONGRESSIONAL CAMPAIGN TRUST	WASHINGTON	DC NON-PARTY RELATED
C00032905	ATU COPE POLITICAL CONTRIBUTIONS COMMITTEE	WASHINGTON	DC NON-PARTY RELATED

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IDENTIFICATION	NAME		
C00016048	AUCOIN FOR CONGRESS COMMITTEE	PORTLAND	ME HOUSE
C00059832	AUCTION MARKETS PAC	CHICAGO	IL NON-PARTY RELATED
C00075739	AUDIO-VISUAL COMMUNICATIONS FUND ("AVCM")	FAIRFAX	VA NON-PARTY RELATED
C00000514	AUERBACH, JAMES	SOMERVILLE	NJ DELEGATE
C00077776	AUGUSTA COUNTY REPUBLICAN COMMITTEE	N/A	VA PARTY RELATED
C00071985	AUGUSTIN FOR CONGRESS	BELLEVILLE	MI HOUSE
C00023093	AURORA REPUBLICAN FINANCE COMMITTEE	AURORA	IL PARTY RELATED
C00020868	AUSTIN FOR SENATE	DETROIT	MI SENATE
C00066605	AUSTIN J. MURPHY FOR CONGRESS COMMITTEE OF FAYETTE COUNTY	UNIONTOWN	PA HOUSE
C00037770	AUSTIN J. MURPHY FOR CONGRESS COMMITTEE	CHARLEROI,	PA HOUSE
C00040998	AUTOMOBILE AND TRUCK DEALERS ELECTION ACTION COMMITTEE	MCLEAN	VA NON-PARTY RELATED
C00071597	AUTOMOTIVE PARTS AND ACCESSORIES ASSOCIATION-POLITICAL ACTION COMMITTEE (APAA-PAC)	WASHINGTON	DC NON-PARTY RELATED
C00033027	AUTOMOTIVE SERVICE COUNCILS' POLITICAL ACTION COMMITTEE	ELMHURST	IL NON-PARTY RELATED
C00022046	AUTOPAC - AUTOMOBILE DEALERS POLITICAL ACTION COMMITTEE	AUSTIN	TX NON-PARTY RELATED
C00050583	AUTRY FOR CONGRESS IN '76 COMMITTEE	NORMAN	OK HOUSE
C00052332	AVARA FOR CONGRESS - 76 COMMITTEE	BALTIMORE	MD HOUSE
C00049767	AVARA FOR CONGRESS COMMITTEE	BALTIMORE	MD HOUSE
C00068361	AVERAGE MAN FOR CONGRESS COMMITTEE, THE	FULTON	MO HOUSE
C00069399	AVI NELSON FOR CONGRESS (1972)	PEMBROKE	MA HOUSE
C00070474	AVOYELLES FOR FORD COMMITTEE	COTTONPORT	LA PRESIDENTIAL
C00015933	AZPAC (ARIZONA POLITICAL ACTION COMM.)	PHOENIX	AZ NON-PARTY RELATED
C00061048	B.R. WASHINGTON FOR CONGRESS	DETROIT	MI HOUSE
C00063481	BABCOCK & WILCOX GOOD GOVERNMENT FUND	NEW YORK	NY NON-PARTY RELATED
C00052688	BACKWITH FOR CONGRESS COMMITTEE HEADQUARTERS	TOPEKA	KS HOUSE
C00017863	BADALICH FOR CONGRESS COMMITTEE	TERMINATED TORRANCE	CA HOUSE
C00049783	BADARACCO FOR CONGRESS COMMITTEE	ST. LOUIS	MO HOUSE
C00068298	BADGLEY AND BUREAUCRACY	POUGHKEEPSIE	NY HOUSE
C00025889	BADHAM CONGRESSIONAL COMMITTEE	NEWPORT BEACH	CA HOUSE
C00000526	BADILLO, HERMAN	BRONX	NY DELEGATE
C00038265	BAFALIS FOR CONGRESS	ENGLEWOOD	FL HOUSE
C00024612	BAIL OUT BILL LOY COMMITTEE	AMSTED	WV HOUSE
C00046140	BAILEY FOR CONGRESS	ANCHORAGE	AK HOUSE
C00048447	BAILEY FOR CONGRESS CAMPAIGN	BIRMINGHAM	AL HOUSE
C00015230	BAILEY FOR CONGRESS COMMITTEE	OLYMPIA	WA HOUSE
C00017723	BAILEY FOR CONGRESS COMMITTEE	DANIELSON	CT HOUSE
C00037879	BAKALIAN FOR CONGRESS	CAPITOLA	CA HOUSE

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IDENTIFICATION	NAME		
C00033241	BAKER CONSTITUENT SERVICE COMMITTEE	KNOXVILLE	TN SENATE
C00061325	BAKER FOR CONGRESS	SMIVELY	KY HOUSE
C00028829	BAKER RE-ELECTION COMMITTEE	TERMINATED NASHVILLE	TN SENATE
C90000183	BAKER, WILLIAM HUGH	AUSTIN	TX INDEPENDENT EXPENDITOR
C00023929	BALA FOR CONGRESS	LACKAWANNA	NY HOUSE
C00014431	BALDUS FOR CONGRESS COMMITTEE	MENOMONIE	WI HOUSE
C00039461	BALL CORPORATION GOOD GOVERNMENT COMMITTEE	MUNCIE	IN NON-PARTY RELATED
C00049007	BALLENGER FOR CONGRESS COMMITTEE	LANSING	MI HOUSE
C00022491	BALLOT-BANKERS LEGISLATIVE LEAGUE OF TEXAS	AUSTIN	TX NON-PARTY RELATED
C00065383	BALTIMORE CITY DEMOCRATIC CENTRAL COMMITTEE	BALTIMORE	MD PARTY RELATED
C00007104	BALTIMORE REGIONAL JOINT BOARD, POLITICAL EDUCATION COMMITTEE	BALTIMORE	MD NON-PARTY RELATED
C00034595	BANCO PAC	MINNEAPOLIS	MN NON-PARTY RELATED
C00032227	BANK OF EVERETT VOLUNTARY POLITICAL ACTION COMMITTEE (BEVPAC)	EVERETT	WA NON-PARTY RELATED
C00038430	BANK OF OKLAHOMA POLITICAL ACTION COMMITTEE	TULSA	OK NON-PARTY RELATED
C00004275	BANK PAC	WASHINGTON	DC NON-PARTY RELATED
C00010942	BANTON COUNTY DEMOCRATIC CENTRAL COMMITTEE	KENNEWICK	WA PARTY RELATED
C00029892	BARBARA BOWMAN FOR U.S. SENATE	ST. LOUIS	MO SENATE
C00053520	BARBARA E. TAYLOR FOR CONGRESS COMMITTEE	CHILLICOTHE	OH HOUSE
C00050435	BARBARA SPARKS TO CONGRESS COMMITTEE	SHAKER HTS.	OH HOUSE
C00061242	BARLOW FOR CONGRESS COMMITTEE	BETHESDA	MD HOUSE
C00067296	BARNABEI FOR CONGRESS COMMITTEE	SHELTON	CT SENATE
C00062737	BARNES COUNTY REPUBLICAN CLUB	ZZ	C6 PARTY RELATED
C00051904	BARNES FOR CONGRESS COMM.	DURHAM	NC HOUSE
C90000191	BARNES, EARL T. (CONTRIBUTOR)	CINNCINATI	OH INDEPENDENT EXPENDITOR
C80000532	BARNETT, GEORGE M.	GUNTERSVILLE	AL DELEGATE
C00050575	BARNSTEAD FOR CONGRESS	ALLSTON	MA HOUSE
C80002397	BARRETT, WILLIAM E.	LEXINGTON	NE DELEGATE
C00007508	BARRY COUNTY REPUBLICAN COMMITTEE	TERMINATED HASTINGS	MI PARTY RELATED
C00015818	BARRY FOR CONGRESS COMMITTEE	TERMINATED EUGENE	OR HOUSE
C00009175	BARTHOLEMEW COUNTY REPUBLICAN CENTRAL COMMITTEE	TERMINATED COLUMBUS	IN PARTY RELATED
C00028837	BARTLETT FOR U.S. SENATE COMMITTEE	WOODWARD	OK SENATE
C00025189	BARTON FOR CONGRESS COMMITTEE	PORTLAND	ME HOUSE
C00075580	BARTOS FOR CONGRESS	ALEXANDRIA	MN HOUSE
C00026338	BASS FOR CONGRESS FINANCE COMMITTEE	DALLAS	TX HOUSE
C90006019	BASS, ROBERT P.,JR.	CONCORD	NH INDEPENDENT EXPENDITOR
C00072892	BATES FOR CONGRESS, 7TH DISTRICT	UNION CITY	TN HOUSE

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IDENTIFICATION	NAME		
C00060734	BATES FOR SENATE COMMITTEE	NASHVILLE	TN SENATE
C00061267	BAUMAN FOR CONGRESS COMMITTEE	EASTON	MD HOUSE
C00054114	BAXTER FOR CONGRESS	WEST CHESTER	PA HOUSE
C00021899	BAY AREA REPUBLICAN WOMEN'S CLUB	HOUSTON,	TX PARTY RELATED
C00044784	BAY COUNTY REPUBLICAN COMMITTEE	BAY CITY	MI PARTY RELATED
C00003053	BAY STATE PHYSICIANS POLITICAL ACTION COMMITTEE	SPRINGFIELD	MA NON-PARTY RELATED
C00028845	BAYH FOR SENATE COMMITTEE	WASHINGTON	DC SENATE
C00074310	BCM POLITICAL ACTION COMMITTEE	VIENNA	VA NON-PARTY RELATED
C00072694	BEAR SANDAHL FOR U.S. CONGRESS COMMITTEE	SPOKANE	WA HOUSE
C00019513	BEARD FOR CONGRESS	CRANSTON	RI HOUSE
C00048959	BEASLEY FOR CONGRESS COMMITTEE	DUNCAN	OK HOUSE
C00021949	BEAVER COUNTY REPUBLICAN PARTY	BEAVER	PA PARTY RELATED
C00065086	BECAN FOR SENATE	RENO	NV SENATE
C00005884	BECKER COUNTY REPUBLICAN COMMITTEE	DETROIT LAKES	MN PARTY RELATED
C00070284	BECKER FOR CONGRESS COMMITTEE, INC.	BIRMINGHAM	MI HOUSE
C00052670	BECKWITH FOR CONGRESS COMMITTEE HEADQUARTERS	TOPEKA	KS HOUSE
C00000458	BECNEL, DANIEL JR.	RESERVE	LA DELEGATE
C00011866	BEDFORD COUNTY DEMOCRATIC COMMITTEE	BEDFORD	PA PARTY RELATED
C00023002	BEDMINSTER PICNIC CLUB	GLADSTONE	NJ HOUSE
C00015552	BEEF-PAC (BEEF POLITICAL ACTION COMMITTEE)	AMARILLO	TX NON-PARTY RELATED
C00037069	BEELEN FOR CONGRESS	YOUNGSTOWN,	OH HOUSE
C00063586	BEET SUGAR POLITICAL ACTION COMMITTEE	WASHINGTON	DC NON-PARTY RELATED
C00013318	BEETHAM FOR CONGRESS COMMITTEE	BARRINGTON	IL HOUSE
C90000035	BEGAM, ROBERT G.	PHOENIX	AZ INDEPENDENT EXPENDITOR
C00061465	BEGLEY FOR CONGRESS	HYDEN	KY HOUSE
C00049742	BEILENSON FOR CONGRESS	BEVERLY HILLS	CA HOUSE
C00036038	BELL 76 COMMITTEE	EVANSVILLE	IN HOUSE
C00071308	BELL COUNTY DEMOCRATIC CLUB	KILLEEN	TX PARTY RELATED
C00028688	BELL COUNTY DEMOCRATIC COMMITTEE FOR FORD	MIDDLESBORO	KY SENATE
C00072181	BELL COUNTY DEMOCRATIC EXECUTIVE COMMITTEE	PINEVILLE	KY PARTY RELATED
C00052003	BELL FOR SENATE (AKA FRIENDS OF CONGRESSMAN ALPHONSO BELL)	LOS ANGELES	CA SENATE
C00028696	BELLA ABZUG FOR SENATOR	NEW YORK	NY SENATE
C90000043	BELLEAIR WOMENS REPUBLICAN CLUB OF LARGO	LARGO	FL INDEPENDENT EXPENDITOR
C00000829	BELMONTE FOR CONGRESS COMMITTEE	ASHLAND	MA HOUSE
C00061077	BELSKY FOR CONGRESS COMMITTEE	BOSTON	MA HOUSE
C00052662	BEN ANDREWS FOR CONGRESS COMMITTEE	NEWINGTON	CT HOUSE

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C00049338	BEN HALL MCFARLIN FOR CONGRESS COMMITTEE	MURFREESBORO	TN HOUSE
C00049791	BEN HENRY ZOLLNER FOR US CONGRESS	ROCKWALL	TX HOUSE
C00043711	BEN PAC	MORRISTOWN	NJ NON-PARTY RELATED
C00034918	BENDIX PAC	SOUTHFIELD	MI NON-PARTY RELATED
C00036400	BENJAMIN FOR CONGRESS	WASHINGTON	DC HOUSE
C00000486	BENNERFIELD, HEBERT F.	GRETNA	LA DELEGATE
C00028704	BENNETT JOHNSTON FOR THE SENATE	BATON ROUGE	LA SENATE
C00054569	BENNINGER FOR CONGRESS COMMITTEE	DOYLESTOWN	PA HOUSE
C00057968	BENSTEN DELEGATE CAMPAIGN	HOUSTON	TX PRESIDENTIAL
C00000474	BENTLEY, ROBERT O.	AARCADE	NY DELEGATE
C00064998	BENTON COLE FOR CONGRESS COMMITTEE	NEW YORK	NY HOUSE
C00020263	BENTON COUNTY REPUBLICAN CENTRAL COMMITTEE	TERMINATED FOWLER	IN PARTY RELATED
C00005991	BENTON COUNTY REPUBLICAN COMMITTEE	SAUK RAPIDS	MN PARTY RELATED
C00031286	BENTSEN COMMITTEE FUND	HOUSTON	TX PRESIDENTIAL
C08C00351	BENTSEN DALLAS DELEGATE COMMITTEE	DALLAS	TX DELEGATE
C00031302	BENTSEN FOR PRESIDENT CITIZENS COMMITEE	TERMINATED ALEXANDRIA	VA PRESIDENTIAL
C00031252	BENTSEN IN '76 (FORMERLY BENTSEN COMMITTEE FUND)	AUSTIN	TX PRESIDENTIAL
C00000393	BENTSEN IN THE 18TH COMMITTEE	DALLAS	TX DELEGATE
C00021659	BERGEN COUNTY DEMOCRATIC COMM	HACKENSACK	NJ PARTY RELATED
C90001744	BERGEN COUNTY LAWYERS FOR CARTER	LYNDHURST	NJ INDEPENDENT EXPENDITOR
C00000252	BERGEN COUNTY UNCOMMITTED DELEGATE SLATE	TEANECK	NJ DELEGATE
C00059196	BERGERON FOR CONGRESS COMMITTEE	ST. BERNARD	LA HOUSE
C00006015	BERGLAND VOLUNTEER COMMITTEE	WASHINGTON	DC HOUSE
C00032185	BERKELEY CAMEJO-REID CAMPAIGN COMMITTEE	BERKELEY	CA PARTY RELATED
C00076067	BERMAN FOR CONGRESS '78	ARLINGTON	TX HOUSE
C00054286	BERMAN FOR CONGRESS CAMPAIGN COMMITTEE	LOS ANGELES	CA HOUSE
C00036921	BERMAN FOR CONGRESS,	ARLINGTON	TX HOUSE
C00044727	BERMANN FOR U.S. SENATE	SEATTLE	WA SENATE
C00033159	BERNARD B. SCHECHTER FOR PRESIDENT COMMITTEE	OCEANSIDE	CA PRESIDENTIAL
C00037978	BERNBACH FOR CONGRESS COMMITTEE	YONKERS	NY HOUSE
C90000050	BERNHARD, ARTHUR	SCOTTDALE	AZ INDEPENDENT EXPENDITOR
C00001362	BERRIEN COUNTY REPUBLICAN COMMITTEE	BENTON HARBOR	MI PARTY RELATED
C90000076	BERRY, ED (CONTRIBUTOR)	ROCKPORT	TX INDEPENDENT EXPENDITOR
C00019000	BERT CHANEY CONGRESSIONAL CAMPAIGN COMMITTEE	HUTCHINSON	KS HOUSE
C00000482	BESMARA, FRED A.	YOUNGSTOWN	OH DELEGATE
C00055376	BESS OOTY FOR CONGRESS COMMITTEE	PATERSO N	NJ HOUSE

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IDENTIFICATION	NAME		
C00041467	BEST CANDIDATE COMMITTEE	WASHINGTON DC	NON-PARTY RELATED
C00066016	BETTE HENDERSON FOR CONGRESS	PHILA. PA	HOUSE
C00016023	BETTER GOVERNMENT COMMITTEE	SCARSDALE NY	HOUSE
C00043489	BETTER GOVERNMENT COMMITTEE I	ATLANTA GA	NON-PARTY RELATED
C00051896	BETTY COLLIER FOR CONGRESS COMMITTEE	GRAYTON PLAINS MI	HOUSE
C00051870	BETTY HEMENWAY FOR CONGRESS	EATONTON GA	HOUSE
C00074716	BETTY MCCANN FOR CONGRESS	ALEXANDRIA VA	HOUSE
C00074401	BETTY ROBERTS COMMITTEE	PORTLAND OR	SENATE
C00046748	BETTY SPENCE FOR CONGRESS COMMITTEE	LAKE BARRINGTON IL	HOUSE
C00055863	BEVERLY HILLS YOUNG REPUBLICAN CLUB	BEVERLY HILLS CA	PARTY RELATED
C00039396	BEXAR COUNTY CARTER CAMPAIGN COMMITTEE	SAN ANTONIO TX	PRESIDENTIAL
C00007120	BEXAR COUNTY DEMOCRATIC EXECUTIVE COMMITTEE	SAN ANTONIO TX	PARTY RELATED
C00038455	BEXAR COUNTY DEMOCRATIC PARTY VICTORY FUND	SAN ANTONIO TX	PARTY RELATED
C00041378	BGE EMPLOYEES' GOOD GOVERNMENT ASSOCIATION	BALTIMORE MD	NON-PARTY RELATED
C00062109	BI-CENTENIAL PARTY CMTE TO ELECT SAMUEL J DIBERNARDO	QUEENS NY	HOUSE
C00030270	BI-PARTISON FRIENDS OF THE PRESIDENCY WALLACE FOR PRESIDENT	COMMITTEE SHEBOYGAN WI	PRESIDENTIAL
C00054965	BIBB COUNTY REPUBLICAN PARTY ELECTION COMMITTEE	MACON GA	PARTY RELATED
C00056143	BICENTENNIAL COMMITTEE FOR LESS FEDERAL GOVERNMENT	SPOKANE WA	NON-PARTY RELATED
C00074385	BICENTENNIAL VOTE DRIVE SIXTH DISTRICT COMMITTEE	CORDELL OK	HOUSE
C00041403	BICYCLISTS FOR MCCARTHY	NEW YORK NY	PRESIDENTIAL
C00026948	BIDEN FOR SENATE	WILMINGTON DE	SENATE
C00015651	BIESTER FOR CONGRESS COMMITTEE	BUCKINGHAM PA	HOUSE
C00043539	BIG 50 POLITICAL ACTION COMMITTEE	HOUSTON TX	NON-PARTY RELATED
C00049307	BILL ATKINSON CAMPAIGN FUND	LAWRENCEVILLE GA	HOUSE
C00016394	BILL BANDES FOR CONGRESS	EL CAJON CA	HOUSE
C00054197	BILL BEST FOR CONGRESS	LOS GATOS CA	HOUSE
C00016592	BILL BOND CAMPAIGN COMMITTEE FOR CONGRESS	TERMINATED LONG BEACH CA	HOUSE
C00026658	BILL BROWN FOR CONGRESS CAMPAIGN COMMITTEE	LAUDERDALE LAKES FL	HOUSE
C00053009	BILL CHAPPELL CAMPAIGN COMMITTEE	WASHINGTON DC	HOUSE
C00048355	BILL DAVENPORT CAMPAIGN COMMITTEE	MOBILE AL	HOUSE
C00049206	BILL DAVIS FOR CONGRESS 76	KANSAS CITY MO	HOUSE
C00037713	BILL DRURY FOR CONGRESS	WILLOW ST.. PA	HOUSE
C00063846	BILL FORD CAUCUS CLUB	DETROIT MI	HOUSE
C00047613	BILL FRAZIER FOR CONGRESS COMMITTEE	MUNCIE IN	HOUSE
C00015560	BILL GOODLING FOR CONGRESS	YORK PA	HOUSE
C00026831	BILL GRADISON FOR CONGRESS COMMITTEE	CINCINNATI OH	HOUSE

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IDENTIFICATION	NAME		
C00053041	BILL GREEN FOR CONGRESS COMMITTEE	MABLETON GA	HOUSE
C00063420	BILL HARTMAN FOR CONGRESS	SARASOTA FL	HOUSE
C00022681	BILL LOY APPRECCIATION NIGHT DINNER	CHARLESTON WV	HOUSE
C00021760	BILL LOY FOR U.S. CONGRESS COMMITTEE	MARTINBURG WV	HOUSE
C00046755	BILL MOSS FOR CONGRESS COMMITTEE	COLUMBUS OH	HOUSE
C00073122	BILL MURRAY FOR CONGRESS	AUSTIN TX	HOUSE
C00054015	BILL NICHOLS CAMPAIGN FUND	SYLACAUGA AL	HOUSE
C00021337	BILL PAUL FOR CONGRESS COMMITTEE	HONOLULU HI	HOUSE
C00039867	BILL PETERSON FOR SENATE COMMITTEE	MINNEAPOLIS MN	SENATE
C00063529	BILL SIKES FOR CONGRESS	FORT MEYERS FL	HOUSE
C00009746	BILL STANTON FOR CONGRESS COMMITTEE	PAINESVILLE OH	HOUSE
C00054577	BILL STEELE FOR CONGRESS	NEVADA CITY CA	HOUSE
C00012023	BILL YOUNG FOR CONGRESS COMMITTEE	DANVILLE IL	HOUSE
C00037661	BILLINGS FOR CONGRESS COMMITTEE	HIGHLAND IN	HOUSE
C00076117	BILLY MCKINNEY FOR CONGRESS COMMITTEE	ATLANTA GA	HOUSE
C00018085	BINGHAM BOOSTERS	NEW YORK NY	HOUSE
C00000086	BINSFELD , CONNIE	LANSING MI	INDEPENDENT EXPENDITOR
C00000092	BISHOP, DONALD E.	ROCHESTER NY	INDEPENDENT EXPENDITOR
C00071977	BISSELL FOR CONGRESS COMMITTEE	NORTHVILLE TN	HOUSE
C00012310	BLACK & VEATCH GOOD GOVERNMENT FUND	KANSAS CITY MO	NON-PARTY RELATED
C00021899	BLACK VOTERS FOR REPUBLICAN CONGRESS	WASHINGTON DC	HOUSE
C00005389	BLACKBURN FOR CONGRESS COMMITTEE (AKA THE BEN BLACKBURN CAMPAIGN	FUND) ATLANTA GA	HOUSE
C00062570	BLACKWELL FOR CONGRESS	YORK SC	HOUSE
C00047936	BLAGINE FOR CONGRESS COMMITTEE	MCMINNIVILLE OR	HOUSE
C00014460	BLANCHARD FOR CONGRESS COMMITTEE	SALEMBURG NC	HOUSE
C00047621	BLANCHARD FOR CONGRESS COMMITTEE	OAK PARK MI	HOUSE
C00059725	BLANCHARD FOR CONGRESS COMMITTEE	CLINTON MC	HOUSE
C00003947	BLAND COUNTY REPUBLICAN PARTY	TERMINATED BLAND VA	PARTY RELATED
C00026732	BLANKENSHIP FOR CONGRESS	OKLAHOMA CITY OK	HOUSE
C00049109	BLATCHFORD FOR CONGRESS COMMITTEE	LOS ANGELES CA	HOUSE
C00048827	BLESSEY FOR CONGRESS	BILOXI MS	HOUSE
C00036475	BLOCK FOR CONGRESS	PITTSBURGH. PA	HOUSE
C00074534	BLOOMQUIST FOR CONGRESS COMMITTEE	MOOREHEAD MN	HOUSE
C00013276	BLOUIN FOR UNITED STATES CONGRESS	DUBUQUE IA	HOUSE
C00048050	BLUMENTHAL FOR CONGRESS	ACCOKEEK MD	HOUSE
C00062661	BO GINN COMMITTEE	WAYNESBORO GA	HOUSE

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FEDERAL ELECTION COMMISSION
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IDENTIFICATION	NAME		
C00001990	BOAS FOR CONGRESS CAMPAIGN	SAN FRANCISCO	CA HOUSE
C00014415	BOATING INFORMATION COUNCIL POLITICAL ACTION COMMITTEE	WASHINGTON	DC NON-PARTY RELATED
C00055541	BOB BERSKY FOR CONGRESS	STURGIS	KY HOUSE
C00075846	BOB CASEY FOR CONGRESS COMMITTEE	PITTSBURGH	PA HOUSE
C00049247	BOB CHASE FOR CONGRESS COMMITTEE	ST. LOUIS	MO HOUSE
C00016261	BOB DANIEL FOR CONGRESS COMMITTEE	HOPEWELL	VA HOUSE
C00049379	BOB DUGAN/CONGRESS COMMITTEE	LAKEWOOD	CO HOUSE
C00036731	BOB ECKHARDT CAMPAIGN FUND,	HOUSTON	TX HOUSE
C00071274	BOB FIELD FOR U.S. SENATE	SCOTTSDALE	AZ SENATE
C00064071	BOB HICKS FOR CONGRESS	MILWAUKEE	WI HOUSE
C00050401	BOB JOHNSON CONGRESSIONAL CAMPAIGN COMMITTEE	SARASOTA	FL HOUSE
C00014514	BOB JONES CAMPAIGN FUND	HUNTSVILLE	AL HOUSE
C00036541	BOB JONES FOR CONGRESS	BELMONT	CA HOUSE
C00061150	BOB LEISETH	LAKE PARK	MN HOUSE
C00013201	BOB MILLER FOR CONGRESS	OAK PARK	IL HOUSE
C00061606	BOB NORMAN FOR CONGRESS	JACKSON	MS HOUSE
C00036421	BOB PRICE FOR CONGRESS	PAMPA	TX HOUSE
C00004044	BOB PRICE FOR CONGRESS, COMMITTEE 2	PAMPA	TX HOUSE
C00017350	BOB RIGGS FOR CONGRESS COMMITTEE	GOLDEN VALLEY	MN HOUSE
C00055764	BOB SALLEY FOR CONGRESS COMMITTEE	PASADENA	CA HOUSE
C00063057	BOB SIKES APPRECIATION DINNER COMM.	PANAMA CITY	FL HOUSE
C00020271	BOB SIKES POLITICAL CAMPAIGN COMMITTEE	PENSACOLA	FL HOUSE
C00025437	BOB SNYDER FOR CONGRESS	ST LOUIS	MO HOUSE
C00020951	BOB STAFFORD VOLUNTEERS	RUTLAND	VT SENATE
C00016303	BOB STEINER FOR CONGRESS	WESTFIELD	NJ HOUSE
C00053884	BOB STUMP FOR CONGRESS	TOLLESON	AZ HOUSE
C00021642	BOB TRAXLER FOR CONGRESS	BAY CITY	MI HOUSE
C00026914	BOB WALKER FOR CONGRESS	MILLERSVILLE	PA HOUSE
C00062786	BOB WATKINS FOR CONGRESS	GREENVILLE	SC HOUSE
C00023127	BOB WHITE FOR CONGRESS COMMITTEE	NORWALK	CA HOUSE
C00047779	BOB WILSON COMMITTEE (AKA COMMITTEE OF 20,000 TO RE-ELECT CONG. BOB WILSON)	SAN DIEGO	CA HOUSE
C00013185	BOB WYNNE CAMPAIGN COMMITTEE	RALEIGH	NC HOUSE
C00069963	BOBBY LOCKE FOR CONGRESS COMMITTEE	SAN ANTONIO	TX HOUSE
C00040772	BOBIC FOR CONGRESS COMMITTEE	KINGSPORT	TN HOUSE
C00000568	BODDIE, BERNARD	BOSSIER CITY	LA DELEGATE
C00037416	BOGER FOR CONGRESS	MOCKSVILLE,	NC HOUSE

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IDENTIFICATION	NAME		
C00024638	BOGERT FOR CONGRESS COMMITTEE	PALM SPRINGS	CA HOUSE
C00000490	BOGGUS, FRANK	MARLINBEN	TX DELEGATE
C00039131	BOISE CASCADE CORPORATION EMPLOYEES GOOD GOVERNMENT FUND	BOISE	IO NON-PARTY RELATED
C00044636	BOLIN FOR U.S. SENATE COMMITTEE	SMYRNA	TN SENATE
C00032235	BONA IN 76 COMMITTEE	BUFFALO	NY PRESIDENTIAL
C00046698	BOND FOR CONGRESS COMMITTEE	CUMBERLAND	MD HOUSE
C90000134	BOND, JULIA W.	ATLANTA	GA INDEPENDENT EXPENDITOR
C00026179	BONIOR FOR CONGRESS	MT CLEMENS	MI HOUSE
C00054585	BONKER FOR CONGRESS COMMITTEE	OLYMPIA	WA HOUSE
C00016493	BONNEVILLE COUNTY REPUBLICAN CENTRAL COMMITTEE	IDAHO FALLS	ID PARTY RELATED
C00021683	BOOGAERTS FOR CONGRESS	NEW YORK	NY HOUSE
C00062636	BOONE COUNTIANS FOR LEIDERMAN, U.S. CONGRESS	COLUMBIA	MO HOUSE
C90000126	BOOSTERS FOR PRESIDENT FORD	OMAHA	NE INDEPENDENT EXPENDITOR
C90000209	BORBA, GEORGE (CONTRIBUTOR)	CHINO	CA INDEPENDENT EXPENDITOR
C00000540	BORDELON, STEVE P.	PINEVILLE	LA DELEGATE
C00074161	BORDEN FOR CONGRESS	BRAINERD	MN HOUSE
C00039438	BORG-WARNER EMPLOYEES VOLUNTARY GOOD GOVERNMENT COMMITTEE	CHICAGO	IL NON-PARTY RELATED
C00004572	BOSTON JOINT BOARD, AMALGAMATED POLITICAL EDUCATION COMMITTEE	BOSTON	MA NON-PARTY RELATED
C00051088	BOUCHER FOR CONGRESS	BIDDEFORD	ME HOUSE
C00051862	BOUEY FOR CONGRESS	SAN FRANCISCO	CA HOUSE
C00012088	BOULDER COUNTY DEMOCRATIC CENTRAL COMMITTEE	BOULDER	CO PARTY RELATED
C00011551	BOULDER COUNTY REPUBLICAN CENTRAL COMMITTEE	BOULDER	CO PARTY RELATED
C00064550	BOYE FOR CONGRESS COMMITTEE	MONON GAMELA	PA HOUSE
C00037952	BOWEN FOR CONGRESS COMMITTEE	CINCINNATI	OH HOUSE
C00046763	BOWERS FOR CONGRESS COMMITTEE	STUART	FL HOUSE
C00065995	BOWERY OFFICIALS NONPARTISAN POLITICAL COMMITTEE, THE	NEW YORK	NY NON-PARTY RELATED
C00025460	BOWMAN FOR CONGRESS COMMITTEE	MT. CLEMENS	MI HOUSE
C00037473	BOYD FOR CONGRESS COMMITTEE,	AKRON	PA HOUSE
C00000557	BOYD, ROLAND	MCKINNEY	TX DELEGATE
C00000563	BRACHMAN, JUDITH Y.	COLUMBUS	OH DELEGATE
C00038059	BRADLEY FOR CONGRESS	FERGUSON	MO HOUSE
C00070219	BRADLEY FOR CONGRESS	PITTSBURGH	PA HOUSE
C00028654	BRADLEY FOR SENATE COMMITTEE	BETHESDA	MD SENATE
C00000992	BRANCH COUNTY REPUBLICAN COMMITTEE	COLDWATER,	MI PARTY RELATED
C00000573	BRANDON, JAMES E.	AMARILLO	TX DELEGATE
C00020149	BRANDT FOR CONGRESS CLUB	TOPEKA	KS HOUSE

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IDENTIFICATION	NAME		
C00020886	BRANNEN FOR SENATE	COLCHESTER	CT
C00000581	BRANNIAN, ROSS E.	DALLAS	TX
C00080599	BRANTLEY, W. L.	DAINGERFIELD	TA
C00052272	BRANNELL FANNING FOR CONGRESS COMMITTEE	SAN FRANCISCO	CA
C00004788	BRAZOS COUNTY REPUBLICAN PARTY	COLLEGE STATION	TX
C00016386	BREAD POLITICAL ACTION COMMITTEE	WASHINGTON	OC
C00049694	BRECK FOR CONGRESS COMM.	BERKELEY	CA
C00046256	BREKKE VOLUNTEER COMMITTEE	ST. PETER	MN
C00054122	BREMER FOR CONGRESS	LITTLE ROCK	AR
C00035550	BRENNAN SENATE COMMITTEE	LANSING	MI
C00000607	BRENNAN, TIMOTHY LOUIS	METAIRIE	LA
C00006217	BRESSLER, RONALD G.	BAYONNE	NJ
C00032151	BRENSTER FOR PRESIDENT COMMITTEE	ALBUQUERQUE	NM
C00036624	BRIAN HAMPTON FOR CONGRESS	KALAMAZOO,	MI
C00003632	BRICKLAYERS' ACTION COMMITTEE	WASHINGTON	OC
C00047639	BRIGGS FOR CONGRESS COMMITTEE	MARS HILL	NC
C00019984	BRIGHT FOR CONGRESS COMMITTEE	OKLAHOMA CITY	OK
C00023606	BRIGHTON DEMOCRATIC COMMITTEE	ROCHESTER	NY
C00046771	BRINKLEY CAMPAIGN COMMITTEE	COLUMBUS	GA
C00035675	BRISTOL-MYERS EMPLOYEES GOOD GOVERNMENT COMMITTEE	NEW YORK	NY
C00000615	BRITTAIN, JACK O.	NATCHITOCHES	LA
C00029637	BROCK ADAMS CONGRESSIONAL COMMITTEE	WASHINGTON	DC
C00029710	BROCK ADAMS SENATE COMMITTEE	SEATTLE	WA
C00015388	BROOMEAD FOR CONGRESS	DETROIT	MI
C00034272	BROILER INDUSTRY GOOD GOVERNMENT COMMITTEE	WASHINGTON	DC
C00047803	BRONSON FOR CONGRESS COMMITTEE	GLOUCESTER	MA
C00002287	BRONX COMMITTEE FOR PROGRESSIVE LEGISLATORS	NEW YORK	NY
C00073577	BRONX COUNTY LIBERAL PARTY CAMPAIGN COMMITTEE 1976-CARTER-MONDALE	BRONX	NY
C00028894	BROOKE COMMITTEE	MINGHAM	MA
C00011791	BROOKFIELD REPUBLICAN TOWN COMMITTEE	BROOKFIELD CENTER	CT
C00001743	BROOKLYN LONGSHOREMEN'S POLITICAL ACTION AND EDUCATION FUND	BROOKLYN	NY
C00063768	BROOKS FOR CONGRESS	BALLSTONLAKE	NY
C00000623	BROOKSHIRE, JESSE W.	TEXARKANA	TX
C00010884	BROOME COUNTY REPUBLICAN COMM	BINGHAMTON	NY
C00081164	BROOMFIELD CAMPAIGN COMMITTEE	BIRMINGHAM	ME
C00053876	BROOMFIELD FOR CONGRESS 1976	KANSAS CITY	MO

SENATE	
DELEGATE	
DELEGATE	
HOUSE	
PARTY RELATED	
NON-PARTY RELATED	
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NON-PARTY RELATED	
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NON-PARTY RELATED	
PRESIDENTIAL	
SENATE	
PARTY RELATED	
NON-PARTY RELATED	
HOUSE	
DELEGATE	
PARTY RELATED	
HOUSE	
HOUSE	

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IDENTIFICATION	NAME		
C00001578	BROOMFIELD FOR CONGRESS CAMPAIGN COMMITTEE	KANSAS CITY	MO
C00070878	BROTHERHOOD RAILWAY CARMEN LODGE 886 POLITICAL ACTION COMMITTEE	JAMAICA	NY
C00026982	BROTHERS IMPROVEMENT ASSOCIATION	NEW ORLEANS	LA
C00010059	BROUILLETTE FOR CONGRESS COMMITTEE	IRON MOUNTAIN	MI
C00022012	BROWARD CITIZENS' COMMITTEE	FT. LAUDERDALE	FL
C00030478	BROWN BUILDERS PAC	HOUSTON	TX
C00002477	BROWN COUNTY REPUBLICAN EXECUTIVE COMMITTEE	GEORGETOWN	OH
C00037556	BROWN FOR CONGRESS	ANNA,	TX
C00059741	BROWN FOR CONGRESS VOLUNTEER COMMITTEE	ST. PAUL	MN
C00038380	BROWN FOR PRESIDENT COMMITTEE	LOS ANGELES	CA
C00021592	BROWN FOR PRESIDENT/ANNE ARUNDEL COUNTY COMMITTEE	ANNAPOLIS	MD
C00033316	BROWN FOR SENATOR	LAFAYETTE HILL	PA
C00041137	BROWN SLATE COMMITTEE	REDONDO BEACH	CA
C90000225	BROWN, JOHN SHILLARD (CONTRIBUTOR)	DALLAS	TX
C00000631	BROWN, JULIA	LAUREL	MD
C90000233	BROWN, MRS. JOHN S.(CONTRIBUTOR)	DALLAS	TX
C90000241	BROWN, TED B.	SAN ANGELO	TX
C00059733	BROWN-FORMAN NON-PARTISAN COMMITTEE FOR RESPONSIBEL GOV*T	LOUISVILLE	KY
C00036897	BROYHILL CAMPAIGN COMMITTEE	WASHINGTON,	DC
C00002071	BROYHILL FOR CONGRESS COMMITTEE	LENOIR	NC
C00032615	BROYHILL POLITICAL ACTION COMMITTEE	LENOIR	NC
C90000266	BRUCE, GEORGE M.	WICHITA	KS
C00035972	BRUNSON FOR CONGRESS	HOUSTON,	TX
C00037655	BRUTOCAO FOR CONGRESS	COVINA	CA
C00037291	BRYANT FOR CONGRESS	DENVER	CO
C00002678	BUCH, PATTY (MRS. GEORGE G.)	HOUSTON	TX
C00071191	BUCHANAN COUNTY DEMOCRATIC COMMITTEE	GRUNDY	VA
C00001586	BUCHANAN FOR CONGRESS COMMITTEE	BIRMINGHAM	AL
C90000274	BUCKLEY, JAMES W. (CONTRIBUTOR)	CINCINNATI	OH
C00014589	BUCKS COUNTY DEMOCRATIC COMMITTEE	DOYLESTOWN	PA
C00006189	BUCKS COUNTY REPUBLICAN COMMITTEE	DOYLESTOWN	PA
C00014944	BUD SHUSTER FOR CONGRESS	EVERETT	PA
C00039404	BUDD CITIZENSHIP COMMITTEE, THE	TROY	MI
C00037119	BUELL FOR A BETTER CONGRESS	INDIANAPOLIS,	IN
C70000153	BUFFALO AFL-CIO COUNCIL	BUFFALO	NY
C00021246	BUFORD JOHNSON FOR CONGRESS VOLUNTEER COMMITTEE	ST CLOUD	MN

HOUSE	
NON-PARTY RELATED	
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NON-PARTY RELATED	
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PRESIDENTIAL	
PRESIDENTIAL	
SENATE	
PRESIDENTIAL	
INDEPENDENT EXPENDITOR	
DELEGATE	
INDEPENDENT EXPENDITOR	
INDEPENDENT EXPENDITOR	
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DELEGATE	
PARTY RELATED	
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INDEPENDENT EXPENDITOR	
PARTY RELATED	
PARTY RELATED	
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NON-PARTY RELATED	
HOUSE	
NON-PARTY RELATED	
HOUSE	

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IDENTIFICATION	NAME		
C00071050	BUGGELLI FOR CONGRESS COMMITTEE	UNION	NJ HOUSE
C00000901	BUILDERS POLITICAL CAMPAIGN COMMITTEE	WASHINGTON	DC NON-PARTY RELATED
C70000161	BUILDING AND CONSTRUCTION TRADES DEPARTMENT	WASHINGTON	DC NON-PARTY RELATED
C00023283	BUMPASS FOR CONGRESS	ATHENS	OH HOUSE
C00068270	BUMPERS FOR SENATE CAMPAIGN COMMITTEE	LITTLE ROCK	AR SENATE
C00023846	BUNCOMBE COUNTY DEMOCRATIC EXECUTIVE COMMITTEE	ASHEVILLE	NC PARTY RELATED
C00000649	BUNGORI, DELORES F.	MARYE DE GRACE	MD DELEGATE
C00021386	BURCHAM FOR CONGRESS	LANHAM	MD HOUSE
C00028795	BURDICK CAMPAIGN COMMITTEE	FARGO	ND SENATE
C00053074	BURDICK FOR CONGRESS COMMITTEE	SOUTHFIELD	MI HOUSE
C00020803	BURDITT FOR SENATE CAMPAIGN COMMITTEE	LAGRANGE	IL SENATE
C00060681	BURESS FOR CONGRESS	WACO	TX HOUSE
C00000349	BURGENER FOR CONGRESS COMMITTEE	SAN DIEGO	CA HOUSE
C00020289	BURGER FOR CONGRESS COMMITTEE	WAUSAU	WI HOUSE
C00053165	BURGER FOR U.S. SENATE COMMITTEE	BILLINGS	MT SENATE
C00049411	BURGESS FOR CONGRESS COMMITTEE	MONTPELIER	VT HOUSE
C00063958	BURGESS FOR CONGRESS COMMTTEE	WACO	TX HOUSE
C00067579	BURKE FOR CONGRESS COMMITTEE	SHELTON	CT HOUSE
C00036210	BURLESON POLITICAL FUND*	WASHINGTON,	DC HOUSE
C00006981	BURLINGTON COUNTY REPUBLICAN COMMITTEE	MOUNT HOLLY	NJ PARTY RELATED
C00040238	BURLINGTON INDUSTRIES GOOD GOVERNMENT COMMITTEE	GREENSBORO	NC NON-PARTY RELATED
C00004069	BURLINGTON NORTHERN EMPLOYEES VOLUNTARY GOOD GOVERNMENT FUND	ST. PAUL	MN NON-PARTY RELATED
C98000282	BURNETT, NAUD (CONTRIBUTOR)	DALLAS	TX INDEPENDENT EXPENDITOR
C00029702	BURNISON FOR U.S. SENATE COMMITTEE	SNOVER	MI SENATE
C00004078	BUS INDUSTRY PUBLIC AFFAIRS COMMITTEE (BUSPAC)	WASHINGTON	DC NON-PARTY RELATED
C00072702	BUSBY CAMPAIGN COMMITTEE	SUNNYSIDE	WA HOUSE
C00066902	BUSINESS AND INDUSTRY POLITICAL ACTION COMMITTEE OF SAN ANTONIO	SAN ANTONIO	TX NON-PARTY RELATED
C00041053	BUSINESS AND PROFESSIONAL ALLIANCE	TULSA	OK NON-PARTY RELATED
C00001727	BUSINESS INDUSTRY POLITICAL ACTION COMMITTEE	WASHINGTON	DC NON-PARTY RELATED
C00022111	BUSINESSMEN AND PROFESSIONALS FOR TRAILER COMMITTEE	BAY CITY	MI HOUSE
C00038935	BUSINESSMEN FOR GOOD GOVERNMENT	COLUMBIA	SC NON-PARTY RELATED
C00044198	BUSINESSMEN FOR HAYAKAWA COMMITTEE	LOS ANGELES	CA SENATE
C00061564	BUSINESSMEN FOR PRESIDENT FORD	LOS ANGELES	CA PRESIDENTIAL
C00040626	BUSINESSMEN FOR REAGAN COMMITTEE	LOS ANGELES	CA PRESIDENTIAL
C00036871	BUTLER '76 COMMITTEE*	ROANOKE,	VA HOUSE
C00022772	BUTLER APPRECIATION DINNER COMMITTEE	ROANOKE	VA HOUSE

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IDENTIFICATION	NAME		
C00015453	BUTLER COUNTY REPUBLICAN EXECUTIVE COMMITTEE	HAMILTON	OH PARTY RELATED
C00022459	BUTLER RECEPTION COMMITTEE	LYNCHBURG	VA HOUSE
C00000656	BUTLER, JAMES	BRONX	NY DELEGATE
C00000664	BUTSCHER FOR DELEGATE COMMITTEE	HAGERSTOWN	MD DELEGATE
C90002114	BYKER, GARY (CONTRIBUTOR)	HUDSONVILLE	MI INDEPENDENT EXPENDITOR
C00071233	BYRD FOR SENATE COMMITTEE, DANVILLE	DANVILLE	VA SENATE
C00000672	BYRD, ANDREW WAYNE	NASHVILLE	TN DELEGATE
C00036236	BYRNE FOR CONGRESS	PROVIDENCE	RI HOUSE
C00040650	BYRNES FOR CONGRESS COMMITTEE	GREEN BAY	WI HOUSE
C00000037	BYRNES, WILLIAM B.	ECHART	MD DELEGATE
C00047647	BYRON BAER FOR CONGRESS	ENGLEWOOD	NJ HOUSE
C00012831	BYRON FOR CONGRESS 76	FREDERICK	MD HOUSE
C00073387	BYRON FOR CONGRESS COMMITTEE	FREDERICK	MD HOUSE
C00015941	BYRON T. "BUD" BROWN FOR CONGRESS COMMITTEE	SCOTTSDALE	AZ HOUSE
C00045948	C-E TEC POLITICAL ACTION COMMITTEE	WALTHAM	MA NON-PARTY RELATED
C00036616	C. COOPER TEDDER FOR CONGRESS	FLORENCE,	SC HOUSE
C00022277	C.O.P.E. VOLUNTARY CON. FUND	TOPEKA	KS NON-PARTY RELATED
C00076182	C000	RESTON	VA NON-PARTY RELATED
C00042531	CABELL COUNTY REPUBLICAN EXECUTIVE COMMITTEE	HUNTINGTON	WV PARTY RELATED
C00010082	CABLEPAC	WASHINGTON	DC NON-PARTY RELATED
C00035022	CABOT POLITICAL ACTION COMMITTEE	BOSTON	MA NON-PARTY RELATED
C00008680	CABRILLO REPUBLICAN WOMEN FEDERATED	TERMINATED APTOS	CA PARTY RELATED
C00065258	CACARL VIKING HOLMAN FOR CONGRESS	SEATTLE	WA HOUSE
C00063702	CADDICK FOR UNITED STATES SENATE COMMITTEE (AKA CADDICK FOR U.S. SENATOR)	COVENTRY	RI SENATE
C00075424	CADDO PARISH DEMOCRATIC COMMITTEE (GENERAL FECA ACCOUNT)	SHREVEPORT,	LA PARTY RELATED
C00000045	CAFARO, WILLIAM M.	HUBBARD	OH DELEGATE
C00049288	CAL BLACK FOR CONGRESS	SALT LAKE CITY	UT HOUSE
C00012278	CAL FEO POLITICAL ACTION COMMITTEE	LOS ANGELES	CA NON-PARTY RELATED
C00038364	CAL LEDBETTER FOR CONGRESS	LITTLE ROCK	AR HOUSE
C00000613	CAL-STATE FULLERTON STUDENTS FOR BROWN	SANTA ANA	CA INDEPENDENT EXPENDITOR
C00033217	CALBANK-FEO PAC	SAN FRANCISCO	CA NON-PARTY RELATED
C00070375	CALCASIEN PARISH DEMOCRATIC EXECUTIVE COMMITTEE	LAKE CHARLES	LA PARTY RELATED
C00073031	CALHOUN COUNTY REPUBLICAN CENTRAL COMMITTEE	KAMPSVILLE	IL PARTY RELATED
C00042523	CALHOUN COUNTY REPUBLICAN COMMITTEE	BATTLE CREEK	MI PARTY RELATED
C00014449	CALIFORNIA ASSOCIATION OF HEALTH FACILITIES POLITICAL ACTION COMMITTEE	SACRAMENTO	CA NON-PARTY RELATED
C00030536	CALIFORNIA CABLE TELEVISION POLITICAL ACTION COMMITTEE	CASTRO VALLEY	CA NON-PARTY RELATED

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C00000597	CALIFORNIA CONSERVATIVE UNION	BURBANK	CA	INDEPENDENT EXPENDITOR
C00030846	CALIFORNIA CREDIT UNION LEAGUE POLITICAL ACTION COMMITTEE	MERCER	CA	NON-PARTY RELATED
C00042515	CALIFORNIA DEMOCRATIC COUNCIL	LOS ANGELES	CA	PARTY RELATED
C00031344	CALIFORNIA DEMOCRATS TO DRAFT SENATOR FRANK CHURCH	SHERMAN OAKS	CA	PRESIDENTIAL
C00005751	CALIFORNIA DENTAL POLITICAL ACTION COMMITTEE	SACRAMENTO	CA	NON-PARTY RELATED
C00068703	CALIFORNIANS ENVIRONMENTALISTS FOR CARTER	LOS ANGELES	CA	PRESIDENTIAL
C0004A954	CALIFORNIA FARM BUREAU FEDERATION POLITICAL ACTION COMMITTEE (FARM PAC)	BERKELEY	CA	NON-PARTY RELATED
C70000179	CALIFORNIA LABOR FEDERATION, AFL-CIO STANDING COMM. ON POLITICAL EDUCATION	SAN FRANCISCO	CA	NON-PARTY RELATED
C00030825	CALIFORNIA LABOR PARTY	SAN FRANSISCO	CA	PARTY RELATED
C00012A01	CALIFORNIA LEAGUE OF CONSERVATION VOTERS	SAN FRANCISCO	CA	NON-PARTY RELATED
C00055020	CALIFORNIA MACBRIDE FOR PRESIDENT COMMITTEE	SAN FRANCISCO	CA	PRESIDENTIAL
C00003194	CALIFORNIA MEDICAL POLITICAL ACTION COMMITTEE	SAN FRANCISCO	CA	NON-PARTY RELATED
C0001774A	CALIFORNIA REAL ESTATE POLITICAL ACTION COMMITTEE	LOS ANGELES	CA	NON-PARTY RELATED
C0004A482	CALIFORNIA REPUBLICAN ASSEMBLY	SANTA ANA	CA	PARTY RELATED
C00033035	CALIFORNIA REPUBLICAN HERITAGE GROUPS COUNCIL	KENSINGTON	CA	PARTY RELATED
C0001A571	CALIFORNIA RICE FUND	SACRAMENTO	CA	NON-PARTY RELATED
C00060505	CALIFORNIA S.L.P. CAMPAIGN 1976	SAN FRANCISCO	CA	SENATE
C00065862	CALIFORNIA STATE COUNCIL OF CARPENTERS POLITICAL ACTION FUND	SAN FRANCISCO	CA	NON-PARTY RELATED
C90000608	CALIFORNIA TEAM '76	LOS ANGELES	CA	INDEPENDENT EXPENDITOR
C00019943	CALIFORNIA TELETHON COMMITTEE (1975)	BEVERLY HILLS	CA	PARTY RELATED
C00075382	CALIFORNIA TRIAL LAWYERS FEDERAL PAC (CTL-FEDPAC)	LOS ANGELES	CA	NON-PARTY RELATED
C00008979	CALIFORNIA-ARIZONA CITRUS LEAGUE FUND	SHERMAN OAKS	CA	NON-PARTY RELATED
C00031971	CALIFORNIANS FOR MCGOVERN	BEVERLY HILLS	CA	PRESIDENTIAL
C00026779	CALIFORNIANS FOR MURPHY FIDIY FD	SANTA ANA	CA	NON-PARTY RELATED
C00069674	CALIFORNIANS FOR NUCLEAR SAFEGUARDS	SAN FRANCISCO	CA	PRESIDENTIAL
C00016584	CALIFORNIANS FOR SPITTERS/CONGRESS	PALO ALTO	CA	HOUSE
C0004765A	CALLAHAN FOR CONGRESS COMMITTEE	MCLEAN	VA	HOUSE
C00063669	CALOGERO FOR CONGRESS	ITHACA	NY	HOUSE
C00012419	CAMACHO FOR CONGRESS	CAPITOLA	CA	HOUSE
C0004A442	CAMEJO/REID CAMPAIGN COMMITTEE	SAN FRANCISCO	CA	PARTY RELATED
C00074773	CAMERON COUNTY DEMOCRATIC EXECUTIVE COMMITTEE	MARLINGEN	TX	PARTY RELATED
C00005546	CAMERON COUNTY REPUBLICAN EXECUTIVE COMMITTEE	MARLINGEN	TX	PARTY RELATED
C00053587	CAMIN FOR CONGRESS COMMITTEE	WHITEWATER	KS	HOUSE
C00024489	CAMPAIGN '72	DENVER	CO	PARTY RELATED
C0006A894	CAMPAIGN '76	LOUISVILLE	KY	PARTY RELATED
C0006274I	CAMPAIGN 76 DANVILLE DEMOCRATIC COMMITTEE	DANVILLE	VA	PARTY RELATED

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IDENTIFICATION	NAME			
C0006849A	CAMPAIGN COMMITTEE FOR BOB DAVIS	FORT LAUDERDALE	FL	HOUSE
C00060731	CAMPAIGN COMMITTEE FOR CONTRIBUTIONS AND EXPENDITURES	TULSA	OK	HOUSE
C0001A175	CAMPAIGN COMMITTEE FOR DICK LETOURNEAU	LONGVIEW	TX	HOUSE
C00072082	CAMPAIGN COMMITTEE FOR ERNESTO BORUNDA AND JESUS ARAGON	LAS VEGAS	NM	SENATE
C0004A888	CAMPAIGN COMMITTEE FOR FRANK TAYLOR	BISBEE	AZ	PRESIDENTIAL
C00068411	CAMPAIGN COMMITTEE FOR JOHN O'NEILL	AKRON	OH	SENATE
C00049728	CAMPAIGN COMMITTEE FOR LAMAR GUDGER	ASHEVILLE	NC	HOUSE
C0001A324	CAMPAIGN COMMITTEE FOR ROY A TAYLOR	ASHEVILLE	NC	HOUSE
C00029173	CAMPAIGN COMMITTEE FOR SENATOR MAGNUSEN	SEATTLE	WA	SENATE
C00066670	CAMPAIGN COMMITTEE FOR TONY GRANDISON	NEWARK	NJ	HOUSE
C00063073	CAMPAIGN COMMITTEE TO ELECT ANDREW DEGRAFFENREIDT	FT. LAUDERDALE	FL	HOUSE
C00069526	CAMPAIGN FUND - WILLIAM H. DAVIS	SEATTLE	WA	SENATE
C00073406	CAMPAIGN FUND FOR GENE KRAFT FOR CONGRESS	SPOKANE	WA	HOUSE
C0005123	CAMPAIGN FUND FOR LOU FREY, JR.	ORLANDO	FL	HOUSE
C00008003	CAMPAIGN FUND FOR THE ENVIRONMENT	WASHINGTON	DC	HOUSE
C00062133	CAMPAIGN FUND FOR TOM RONEY-FOR THE OFFICE OF CONGRESS	KEYSTONE HEIGHTS	FL	HOUSE
C00020998	CAMPAIGN FUND OF BOB CORCORAN	PUYALLUP	WA	HOUSE
C00025692	CAMPAIGN FUND OF CONGRESSMAN MAGUIRE	RIDGEWOOD	NJ	HOUSE
C00039966	CAMPAIGN FUND OF DEALERS POLITICAL ACTION COMMITTEE	THIENSVILLE	WI	NON-PARTY RELATED
C00051094	CAMPAIGN FUND OF DICK WATSON	MIAMI	FL	HOUSE
C00016287	CAMPAIGN FUND OF EDWARD H. HYNES FOR CONGRESS	PARAMUS	NJ	HOUSE
C00023218	CAMPAIGN FUND OF SOMERSET COUNTY REPUBLICAN EXECUTIVE COMMITTEE	SOMERVILLE	NJ	PARTY RELATED
C00062406	CAMPAIGN TO ELECT RONALD NOVAK	CLEVELAND	OH	HOUSE
C00056401	CAMPAIGN VICTORY '76 (DALLAS COUNTY)	DALLAS	TX	PARTY RELATED
C00055137	CAMPAIGN VICTORY FUND-DNC	WASHINGTON	DC	PARTY RELATED
C00070987	CAMPBELL COUNTY DEMOCRATIC EXECUTIVE COMMITTEE	NEWPORT	KY	PARTY RELATED
C90000621	CAMPBELL, BRUCE T.	SHARON	PA	INDEPENDENT EXPENDITOR
C00000052	CAMPBELL, JAMES M.	ANNISTON	AL	DELEGATE
C90000639	CAMPBELL, WILLIAM C.	PULASKI	PA	INDEPENDENT EXPENDITOR
C00026377	CAMPOLO FOR CONGRESS	ST DAVIDS	PA	HOUSE
C00030544	CANE SUGAR REFINERS POLITICAL ACTION COMMITTEE	WASHINGTON	DC	NON-PARTY RELATED
C00009118	CANNEPAC COMMITTEE	DENVER	CO	NON-PARTY RELATED
C00003756	CANNERS PUBLIC AFFAIRS COMMITTEE	SILVER SPRING	MD	NON-PARTY RELATED
C00053264	CANNON FOR CONGRESS	MANASSAS	VA	HOUSE
C00063651	CANNON FOR SENATE COMMITTEE	RALEIGH	NC	SENATE
C00075663	CANTY FOR CONGRESS VOLUNTEER CMTE.	ATLANTA	GA	HOUSE

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IDENTIFICATION	NAME		
C00036758	CAPUTO FOR CONGRESS	TONKERS	NY
C00022095	CARBAJAL FOR CONGRESS COMMITTEE	BROOKLYN	NY
C00022740	CARBON COUNTY DEMOCRATIC CENTRAL COMMITTEE	RAWLINS	WY
C00020388	CARDINAL SOCIETY CONCERT COMMITTEE	ALEXANDRIA	VA
C00002527	CAREY FOR CONGRESS COMMITTEE	WILMINGTON	DE
C00001167	CAREY, MARYANN	OZONE PARK	NY
C00067884	CARGILL POLITICAL ACTION COMMITTEE	WAYZATA	MN
C00037457	CARL D. PERKINS CAMPAIGN COMMITTEE	HINDMAN	KY
C00038729	CARL FREEMAN PRESIDENTIAL FINANCE COMMITTEE	DECATUR	GA
C00055947	CARL HAMILTON WAGLE FOR CONGRESS	GREENSBORO	NC
C00026534	CARL L. KLEIN COMMITTEE FOR CONGRESS	CHICAGO	IL
C00023432	CARL PERKINS FOR CONGRESS LABOR COMMITTEE	ASHLAND	KY
C00009365	CARL W. BAUER CAMPAIGN COMMITTEE	FRANKLIN	LA
C00021774	CARLA CORAY FOR CONGRESS	HONOLULU	HI
C00062745	CARLSON FOR CONGRESS	WHITE BEAR LAKE	MN
C00073981	CARLSON FOR CONGRESS	STAPLES	MN
C00013284	CARLSON FOR CONGRESS COMMITTEE 1974	GENEVA	IL
C00007807	CARLTON COUNTY (MINNESOTA) REPUBLICAN COMMITTEE	CLOQUET	MN
C00024034	CARMEL REPUBLICAN WOMEN'S CLUB	CARMEL	CA
C00030075	CARNER FOR CONGRESS COMMITTEE	RIVERSIDE	CA
C00006668	CARNEY FOR CONGRESS COMMITTEE	POLAND	OH
C00014753	CAROL WARNER FOR CONGRESS COMMITTEE	ATWATER	CA
C00048991	CAROL MCCURLEY FOR CONGRESS COMMITTEE	YUKON	OK
C00012252	CAROLINA DRIVE CHAPTER #1	GREENSBORO	NC
C00073411	CAROLINAS CONSTRUCTION INDUSTRY POLITICAL ACTION COMMITTEE	CHARLOTTE	NC
C00070342	CAROLINE COUNTY DEMOCRATIC STATE CENTRAL COMMITTEE	DENTON	MD
C00047276	CAROLYN WARNER/SENATE 76 (ALSO KNOWN AS CAROLYN WARNER FOR U.S. SENATE 76)	PHOENIX	AZ
C00007328	CARPENTERS COMMITTEE ON POLITICAL ACTION	LOS ANGELES	CA
C00001016	CARPENTERS LEGISLATIVE IMPROVEMENT COMMITTEE	WASHINGTON	DC
C00033803	CARPET AND RUG INDUSTRY POLITICAL ACTION COMMITTEE	DALTON	GA
C00000243	CARR, SHARON	EL PASO	TX
C00042705	CARROL COUNTY REPUBLICAN CENTRAL COMMITTEE	MILLEDGEVILLE	IL
C00042697	CARROLL COUNTY REPUBLICAN COMMITTEE	MILLSVILLE	VA
C00012741	CARROLL FOR CONGRESS COMMITTEE, INC (AKA CARROLL FOR CONGRESS COMMITTEE)	DENVER	CO
C00014712	CARROLL MUBRARO FOR CONGRESS COMMITTEE	PADUCAH	KY
C00046888	CARROLL MUBRARO FOR CONGRESS COMMITTEE	PADUCAH	KY

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IDENTIFICATION	NAME		
C00001092	CARROLL, DAVID RICHARD	SHREVEPORT	LA
C00000647	CARTER COMMITTEE, ROUGH & READY	ROUGH& READY	CA
C00055848	CARTER FOR CONGRESS	AICA	MI
C00045005	CARTER SLATE COMMITTEE	INGLEWOOD	GA
C00000258	CARTER, CHARLENE ANN	ANTIOCH	TN
C00035188	CARTER-MANLEY MALE POLITICAL ACTION COMMITTEE (CHM-PAC)	LOS ANGELES	CA
C90000654	CARY, ARTHUR (CONTRIBUTOR)	DALLAS	TX
C00014423	CASE FOR CONGRESS COMMITTEE	WATERLOO	IA
C00053512	CASEY FOR CONGRESS COMMITTEE	MIDLAND	MI
C00066936	CASEY FOR CONGRESS COMMITTEE	MIDLAND	MI
C00067819	CASEY FOR CONGRESS COMMITTEE	WILMINGTON	DE
C00020453	CASS COUNTY REPUBLICAN CENTRAL COMMITTEE	LOGANSPORT	IN
C00000630	CASS COUNTY REPUBLICAN COMMITTEE	CASSOPOLIS	MI
C00006650	CASS COUNTY REPUBLICAN COMMITTEE	MACKENSACK	MN
C00071514	CASSIA COUNTY REPUBLICAN CENTRAL COMMITEE	BURLEY	ID
C00028639	CASSIA COUNTY REPUBLICAN CENTRAL COMMITTEE	BURLEY	ID
C00055046	CATCH-UP COMMITTEE	POTOMAC	MD
C00046789	CATE FOR CONGRESS CLUB	BILLINGS	MT
C00066924	CATHOLICS FOR CARTER	ARLINGTON	VA
C00053314	CATHY COSTA FOR CONGRESS	WILLINGBORO	NJ
C00028787	CATTLEMEN'S ACTIVE LEGISLATIVE FUND	DENVER	CO
C00023499	CAUCUS OF DEMOCRATIC ELECTED OFFICIALS	BATON ROUGE	LA
C00049518	CAVAN FOR CONGRESS	BILLINGS	MT
C00026211	CAVANAUGH FOR CONGRESS	OMAHA	NE
C00016279	CAYLOR FOR CONGRESS COMMITTEE (AKA THOMAS CAYLOR FOR CONG COMM)	SAN FRANCISCO	CA
C00061499	CECELIA FABULA FOR CONGRESS	GLEN BURNIE	MD
C00010728	CECIL COUNTY DEMOCRATIC COMMITTEE/DEMOCRATIC CENTRAL COMMITTEE OF CECIL COUNTY	ELKTON	MD
C00055467	CECIL COUNTY OYSON FOR CONGRESS COMMITTEE	ELKTON	MD
C00046979	CECIL DRUMMOND FOR CONGRESS	PAWHUSKA	OK
C00071103	CEDAR RAPDIS BUILDING & TRADES REFERENCE & SAFETY BOOK	CEDAR RAPIDS	IA
C00000711	CEDERBERG FOR CONGRESS COMMITTEE	ALEXANDRIA	VA
C00038851	CEN POLITICAL ACTION COMMITTEE	LEWISBURG	PA
C00008496	CENTRAL LABOR COUNCIL OF SANTA CLARA COUNCIL, AFL-CIO COMMITTEE ON POL. ED. (COPE)	SAN JOSE	CA
C00026743	CENTRAL REPUBLICAN WOMEN OF SAN DIEGO, FEDERATED	SAN DIEGO	CA
C00012666	CENTRAL SOYA POLITICAL ACTION COMMITTEE	FT WAYNE	IN
C00046359	CENTRAM CORPORATION POLITICAL ACTION COMMITTEE	CLEVELAND	OH

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IDENTIFICATION	NAME		
C00003459	CENTURY CLUB	WHITTIER	CA
C00012971	CENTURY CLUB OF HOME & APARTMENT BUILDERS ASSOCIATION OF METROPOLITAN	DALLAS	TX
C00055616	CEPAC	NEW YORK	NY
C00075203	CEREAL WORKERS LOCAL 110 - COPE COMMITTEE	CEDAR RAPIDS	IA
C00066027	CFA POLITICAL ACTION FUND	WASHINGTON	DC
C00035402	CHAFEE FOR SENATOR COMMITTEE	PROVIDENCE	RI
C00042580	CHAFFEY COMMUNITY REPUBLICAN WOMEN FEDERATED	ONTARIO	CA
C00022368	CHAIN DRUG STORES POLITICAL ACTION COMMITTEE	ARLINGTON	VA
C00061515	CHAMBERS FOR CONGRESS	LOUISVILLE	KY
C00038706	CHAMPAC	TOLEDO	OH
C00042259	CHAMPAIGN COUNTY DEMOCRATIC CENTRAL COMMITTEE	URBANA	IL
C00000077	CHAMPAIGN COUNTY REPUBLICAN EXECUTIVE COMMITTEE	URBANA	OH
C00050187	CHANDLER FOR CONGRESS COMMITTEE	SALT LAKE CITY	UT
C00072405	CHAPMAN FOR CONGRESS (COMMITTEE OF ONE)	MILWAULKEE	WI
C00002660	CHAPMAN, P. D.	DALLAS	TX
C00007161	CHAPTER 557-D.R.I.V.E.	BALTIMORE	MD
C00015156	CHARLES H. WILSON CAMPAIGN COMMITTEE	WASHINGTON	DC
C00047829	CHARLES R. LEICK FOR CONGRESS	DAVISVILLE	MO
C00049015	CHARLIE FRIEDMAN CONGRESSIONAL CAMPAIGN COMMITTEE	HOLLYWOOD	FL
C00046157	CHARLOTTE H. BOYD FOR CONGRESS COMMITTEE	ROSEVILLE	MI
C00067462	CHARLOTTESVILLE-ALBEMARLE DEMOCRATIC WOMEN'S CLUB	CHARLOTTESVILLE	VA
C00068130	CHARLOTTESVILLE-ALBERMARLE DEMOCRATIC CAMPAIGN	CHARLOTTESVILLE	VA
C00072199	CHARTER COMMITTEE FOR GOOD GOVERNMENT, INC.	MACON	GA
C00036426	CHASE FOR CONGRESS	AVON	CT
C00021915	CHATHAM BORO REPUBLICAN COMMITTEE	CHATHAM	NJ
C00071621	CHATTANOOGA LABOR COMMITTEE FOR SASSER	CHATTANOOGA	TN
C00002139	CHEBOYGAN COUNTY REPUBLICAN COMMITTEE	CHEBOYGAN	MI
C00022097	CHELTENAM TOWNSHIP REGULAR REPUBLICAN ORGANIZATION	GLENSIDE	PA
C00026226	CHEMICAL DISTRIBUTORS POLITICAL ACTION FUND	DAYTON	OH
C00005512	CHENANGO COUNTY DEMOCRATIC COMMITTEE	OSTELIC	NY
C00007633	CHEROKEE COUNTY REPUBLICAN COMMITTEE	CHEROKEE	IA
C00010652	CHEROKEE COUNTY REPUBLICAN WOMEN	CHEROKEE	IA
C00002188	CHERRY, MRS. S. A.	DOTHAN	AL
C00006346	CHESAPEAKE REPUBLICAN CITY COMMITTEE	CHESAPEAKE	VA
C00020875	CHESHIRE DEMOCRATS FOR SANTAGUIDA	CHESHIRE	CT
C00002212	CHESTER COUNTY REPUBLICAN COMMITTEE	WEST CHESTER	PA

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IDENTIFICATION	NAME		
C00070540	CHESTERFIELD FOR BYRD	RICHMOND	VA
C00035006	CHEVRON COMMITTEE FOR POLITICAL PARTICIPATION	SAN FRANCISCO	CA
C00055194	CHIASSON CAMPAIGN COMMITTEE	WESTWEGO	LA
C00026094	CHICAGO AND MIDWEST POLITICAL EDUCATION COMMITTEE	CHICAGO	IL
C00004309	CHICAGO JOINT BOARD POLITICAL EDUCATION COMMITTEE	TERMINATED CHICAGO	IL
C70000187	CHICAGO JOURNEYMAN PLUMBERS' LOCAL UNION 130 U.A.	CHICAGO	IL
C00031427	CHICAGO LAND MARRIS FOR PRESIDENT	CHICAGO	IL
C00000185	CHICO REPUBLICAN WOMEN, FEDERATED	CHICO	CA
C00061762	CHILTON PAC	DALLAS	TX
C00074963	CHIMENTO FOR SENATE COMMITTEE	BROOKLINE	MA
C00054862	CHIRA FOR CONGRESS COMMITTEE	NEW YORK	NY
C00039289	CHIROPRACTIC POLITICAL ACTION COMMITTEE	THOMASTON	GA
C00023903	CHIROPRACTIC POLITICAL ACTION COMMITTEE (OREGON)	PORTLAND	OR
C00043471	CHIROPRACTORS OF NEBRASKA POLITICAL ACTION COMMITTEE	COLUMBUS	NE
C00046573	CHISHOLM 1976 RE-ELECTION COMMITTEE	BROOKLYN	NY
C00049254	CHRIS 0000/CONGRESS '76 COMMITTEE	BROTON	CT
C00075440	CHRIS FRANK FOR CONGRESS COMMITTEE	MINNEAPOLIS	MN
C00066860	CHRISTIAN COUNTY DEMOCRATIC EXCUTIVE COMMITTEE	HOPKINSVILLE	KY
C00069195	CHRISTIAN-BULL MOOSE-FIGHTING TIGER PARTY	MANILA	ZZ
C00066373	CHRISTIANS FOR AMERICA'S SURVIVAL	DALLAS	TX
C00052878	CHRISTIANS FOR LAWRENCE	LOUISVILLE	KY
C00061630	CHRISTY WALLACE FOR CONGRESS COMMITTEE	DETROIT	MI
C00043943	CHROMALLOY AMERICAN CORPORATION POLITICAL ACTION COMMITTEE	ST. LOUIS	MO
C00043687	CHRYSLER NONPARTISAN POLITICAL SUPPORT COMMITTEE	DETROIT	MI
C00012955	CHUCK DICK FOR CONGRESS	DES MOINES	ID
C00059808	CHUCK F. HUFF ELECTION CAMPAIGN COMMITTEE	LAFAYETTE,	LA
C00047103	CHUCK MINOR FOR CONGRESS COMMITTEE	DES MOINES	IA
C00019265	CHUCK WIERSMA FOR CONGRESS COMMITTEE	GRAND RAPIDS	MI
C00032193	CHURCH FOR PRESIDENT COMMITTEE	NEW YORK	NY
C00056077	CHURCHILL FOR CONGRESS CAMPAIGN COMMITTEE	NAPEVILLE	GA
C00033969	CIBA-GEIGY EMPLOYEE GOOD GOVERNMENT FUND	AROSLEY	NY
C00037531	CICCO FOR U.S. CONGRESS	MURRYSVILLE,	PA
C00022640	CIPAC	DALLAS	TX
C00042572	CIRCLE CLUB	INDIANAPOLIS	IN
C00009779	CITICORP EMPLOYEES, VOLUNTARY POLITICAL FUND	NEW YORK	NY
C00035527	CITIES SERVICE POLITICAL ACTION COMMITTEE	TULSA	OK

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IDENTIFICATION	NAME		
C00031989	CITIZEN'S COMMITTEE TO DRAFT TED	NEW YORK	NY PRESIDENTIAL
C00011858	CITIZEN'S COMMITTEE TO RE-ELECT CARDISS COLLINS TO CONGRESS	CHICAGO	IL HOUSE
C00056606	CITIZEN'S POLITICAL ACTION COMMITTEE	OKLAHOMA CITY	OK NON-PARTY RELATED
C00041228	CITIZENS ACTION COMMITTEE	WASHINGTON	DC NON-PARTY RELATED
C00055871	CITIZENS AGAINST CARTER COMMITTEE	HOUSTON	TX PRESIDENTIAL
C00040595	CITIZENS AGAINST TUNNEY	LOS ANGELES	CA SENATE
C00039818	CITIZENS AGAINST TYDINGS	ROCKVILLE	MD SENATE
C00063719	CITIZENS COALITION TO ELECT HORACE L. MORANCIE	BROOKLYN	NY HOUSE
C00010389	CITIZENS COMMITTEE FOR A. B. WON PAT	AGANA	GU HOUSE
C00046041	CITIZENS COMMITTEE FOR ABNER J. MIKVA FOR CONGRESS	EVANSTON	IL HOUSE
C00051054	CITIZENS COMMITTEE FOR ARTHUR O. MARTIN	ST. LOUIS	MO HOUSE
C00001826	CITIZENS COMMITTEE FOR BROCK ADAMS	SEATTLE	WA HOUSE
C00072256	CITIZENS COMMITTEE FOR CONGRESSMAN DENT	LATROBE	PA HOUSE
C00003335	CITIZENS COMMITTEE FOR CONGRESSMAN JAMES R. GROVER, JR.	FARMINGDALE	NY HOUSE
C00000448	CITIZENS COMMITTEE FOR CONGRESSMAN LLOYD MEEDS	EVERETT	WA HOUSE
C00026332	CITIZENS COMMITTEE FOR ERNEST F. HOLLINGS (ALSO KNOWN AS THE CITIZENS COMMITTEE)	CHARLESTON	SC SENATE
C00007682	CITIZENS COMMITTEE FOR GILMAN FOR CONGRESS	MIDDLETOWN	NY HOUSE
C00011247	CITIZENS COMMITTEE FOR GOLDBERG	ROCHESTER	NY HOUSE
C00039065	CITIZENS COMMITTEE FOR LEE ARNOLD SPIEGELMAN	MIAMI SHORES	FL HOUSE
C00008995	CITIZENS COMMITTEE FOR PEYSER	IRVINGTON	NY HOUSE
C00070102	CITIZENS COMMITTEE FOR RE-ELECTION OF CONGRESSMAN LEO C. ZEFERETTI	BROOKLYN	NY HOUSE
C00004838	CITIZENS COMMITTEE FOR ROSALIE SILBER ABRAMS FOR CONGRESS	BALTIMORE	MD HOUSE
C00064873	CITIZENS COMMITTEE FOR THE DEMOCRATIC NATIONAL CONVENTION, INC.	NEW YORK	NY PARTY RELATED
C00000737	CITIZENS COMMITTEE FOR THE RE-ELECTION OF JOHN W. WYDLER	GARDEN CITY	NY HOUSE
C00053504	CITIZENS COMMITTEE FOR TROUPE	ST. LOUIS	MO HOUSE
C00014795	CITIZENS COMMITTEE FRED L. WINELAND FOR CONGRESS	FORESTVILLE	MD HOUSE
C00005140	CITIZENS COMMITTEE HELSTOSKI FOR CONGRESS	EAST RUTHERFORD	NJ HOUSE
C00056259	CITIZENS COMMITTEE TO ELECT ANDREW TUCKER	CHICAGO	IL HOUSE
C00071647	CITIZENS COMMITTEE TO ELECT GEORGE MARSH TO CONGRESS	SACRAMENTO	CA HOUSE
C00026977	CITIZENS COMMITTEE TO ELECT HIRSCHFELD SENATOR	NEW YORK	NY SENATE
C00019307	CITIZENS COMMITTEE TO ELECT MATTHEW PERRY TO CONGRESS	COLUMBIA	SC HOUSE
C00053256	CITIZENS COMMITTEE TO ELECT PAUL COBB, U.S. CONGRESS	MIAMI	FL HOUSE
C00062448	CITIZENS COMMITTEE TO ELECT PAUL SLOTKIN	BRONX	NY HOUSE
C00010611	CITIZENS COMMITTEE TO RE-ELECT CLAY	ST LOUIS	MO HOUSE
C00005264	CITIZENS COMMITTEE TO RE-ELECT DEL CLAWSON	DOWNEY	CA HOUSE
C00073033	CITIZENS FOR GREGORY R JACOBS	FOREST HILLS	NY HOUSE

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C00073908	CITIZENS FOR RESPONSIBLE ACTION	CORPUS CHRISTI	TX PRESIDENTIAL
C00014233	CITIZENS FOR A BETTER FUTURE	SEGUIN	TX HOUSE
C00074518	CITIZENS FOR A REPUBLICAN VICTORY 1976	SHAWNEE	KS PRESIDENTIAL
C00025627	CITIZENS FOR ADOLF GUNDERSEN	LA CROSSE	WI HOUSE
C00029256	CITIZENS FOR ALAN CRANSTON	LOS ANGELES	CA SENATE
C00075531	CITIZENS FOR ALLAN MUNRO FOR CONGRESS	SEATTLE	WA HOUSE
C00026948	CITIZENS FOR ALLRED	S. HOLLAND	IL HOUSE
C00059998	CITIZENS FOR ANITA MAXWELL	UTICA	NY HOUSE
C00064238	CITIZENS FOR BABCOCK	COVINGTON	OH SENATE
C00046581	CITIZENS FOR BAKER IN CONGRESS	HAMPTON	VA HOUSE
C00004382	CITIZENS FOR BELLA	NEW YORK	NY HOUSE
C00026985	CITIZENS FOR BENNETT JOHNSTON	BATON ROUGE	LA SENATE
C00026993	CITIZENS FOR BIDEN	WILMINGTON	DE SENATE
C00056410	CITIZENS FOR BIGGS	INDEPENDENCE	MO HOUSE
C00018739	CITIZENS FOR BOB HARAMAN & AN EFFECTIVE CONGRESS	HOMEWOOD	IL HOUSE
C00061275	CITIZENS FOR BOYD	BALTIMORE	MD HOUSE
C00006544	CITIZENS FOR BRADEMAS COMMITTEE	SOUTH BEND	IN HOUSE
C00001832	CITIZENS FOR BRECKINRIDGE	LEXINGTON	KY HOUSE
C00055475	CITIZENS FOR BRODERICK FOR CONGRESS	BENSENVILLE	IL HOUSE
C00026161	CITIZENS FOR BUIKEMA	S. HOLLAND	IL HOUSE
C00019901	CITIZENS FOR BURCH OR BURCH FOR CONGRESS COMMITTEE	MEMPHIS	TN HOUSE
C00038281	CITIZENS FOR BUTTRAM	EVANSVILLE	IN HOUSE
C00061093	CITIZENS FOR BYRD	ARLINGTON	VA SENATE
C00025908	CITIZENS FOR CALNAN FOR CONGRESS	SAN ANTONIO	TX HOUSE
C00055632	CITIZENS FOR CARDISS COLLINS	CHICAGO	IL HOUSE
C00039313	CITIZENS FOR CARTER	NEW YORK	NY PRESIDENTIAL
C00072017	CITIZENS FOR CARTER-MONDALE	ANNAPOLIS	MD PRESIDENTIAL
C00052753	CITIZENS FOR CHARONNE WALI FOR CONGRESS	SHERMAN OAKS	CA HOUSE
C00068932	CITIZENS FOR CLEAN ENERGY AND CARTER	WASHINGTON	DC PRESIDENTIAL
C00044925	CITIZENS FOR CLEAN GOVERNMENT	PEARL RIVER	NY NON-PARTY RELATED
C00013086	CITIZENS FOR COHEN, INC.	POUGHKEEPSIE	NY HOUSE
C00054668	CITIZENS FOR CONDON	MONTEBELLO	CA HOUSE
C00049627	CITIZENS FOR CONGRESSMAN HERB HARRIS	SPRINGFIELD	VA HOUSE
C00019968	CITIZENS FOR CONGRESSMAN JOHN M. MURPHY	STATEN ISLAND	NY HOUSE
C00051847	CITIZENS FOR CONGRESSMAN LLOYD MEEDS	EVERETTE	WA HOUSE
C00053882	CITIZENS FOR CONYERS (AKA CITIZENS CMTE. TO RE-ELECT CONG. CONYERS)	DETROIT	MI HOUSE

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IDENTIFICATION	NAME		
C00029199	CITIZENS FOR CULVER	CEDAR RAPIDS	IA SENATE
C00013532	CITIZENS FOR CUNNINGHAM	AURORA	IL HOUSE
C00029207	CITIZENS FOR CURTIS COMMITTEE	HASTINGS	NE SENATE
C0001721A	CITIZENS FOR D'AMOURS COMMITTEE	MANCHESTER	NH HOUSE
C00017030	CITIZENS FOR DAVE OBEY COMMITTEE	WAUSAU	WI HOUSE
C00013706	CITIZENS FOR DAVID J. LIOJETT	WORCESTER	MA HOUSE
C00009662	CITIZENS FOR DAVIS	ST. JOSEPH	MO HOUSE
C00013433	CITIZENS FOR DAVIS FOR CONGRESS	ROCKVILLE	MD HOUSE
C00013967	CITIZENS FOR DEMOCRATIC POLITICAL ACTION	CHATTANOOGA	TN NON-PARTY RELATED
C00075T06	CITIZENS FOR DEMOCRATS COMMITTEE	WASHINGTON	DC PARTY RELATED
C00051039	CITIZENS FOR DENNERLL COMMITTEE	CLEVELAND	OH HOUSE
C00015511	CITIZENS FOR DERWINSKI	WORTH	IL HOUSE
C00051204	CITIZENS FOR DI ROBERTS	FOUNTAIN HILLS	AZ HOUSE
C00040035	CITIZENS FOR DOCTORIAN COMMITTEE	MACON	MO HOUSE
C00060996	CITIZENS FOR DONIS IN CONGRESS	ELKHART	IN HOUSE
C00051021	CITIZENS FOR DORNAN	LOS ANGELES	CA HOUSE
C00017700	CITIZENS FOR DOW	NEWBURGH	NY HOUSE
C00051136	CITIZENS FOR DOWNEY	BAY SHORE	NY HOUSE
C00047159	CITIZENS FOR DREXLER FOR CONGRESS	HUNTINGTON WOODS	MI HOUSE
C00008128	CITIZENS FOR DURKIN	LOWELL	MA HOUSE
C000A9395	CITIZENS FOR EDWARD R. MADIGAN	NORMAL	IL HOUSE
C000A3109	CITIZENS FOR EFFECTIVE REPRESENTATION	BEVERLY HILLS	CA HOUSE
C00075210	CITIZENS FOR ELBERT V. BROOKS	SEATTLE	WA HOUSE
C00065096	CITIZENS FOR ELECTION OF BYRON D. YOUNG	SPARKS	NV SENATE
C00064378	CITIZENS FOR ELHART	OLYMPIA	WA HOUSE
C00017715	CITIZENS FOR ELLIOTT	BROOKLYN	NY HOUSE
C00038489	CITIZENS FOR EMERY COMMITTEE	AUGUSTA	ME HOUSE
C00020537	CITIZENS FOR ESCH	ANN ARBOR	MI HOUSE
C00056309	CITIZENS FOR EYTALIS	ROCKFORD	IL HOUSE
C00052103	CITIZENS FOR FAIR PLAY	KANSAS CITY	MO HOUSE
C00002451	CITIZENS FOR FORNOS	DAVIDSONVILLE	MD HOUSE
C00018226	CITIZENS FOR FRED RICHMOND	BROOKLYN	NY HOUSE
C00074179	CITIZENS FOR FRED RICHMOND, ACCOUNT #2	BROOKLYN	NY HOUSE
C00075490	CITIZENS FOR FRED RICHMOND, ACCOUNT #2	BROOKLYN	NY HOUSE
C00049429	CITIZENS FOR GALLUCCI	LOS ANGELES	CA HOUSE
C00011609	CITIZENS FOR GARRY BROWN	KALAMAZOO	MI HOUSE

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C00018614	CITIZENS FOR BATES	ST. LOUIS	MO HOUSE
C00029215	CITIZENS FOR BOOD BOVERNMENT (KS)	TOPEKA	KS NON-PARTY RELATED
C00022558	CITIZENS FOR BREEN '76	PHILADELPHIA	PA HOUSE
C00070235	CITIZENS FOR BRIMM	BUFFALO	NY HOUSE
C00016608	CITIZENS FOR BRUBER	ATLANTA	BA HOUSE
C00054066	CITIZENS FOR BRUNKENMEYER	PEORIA	IL HOUSE
C00062805	CITIZENS FOR HAAS	LANCASTER	PA HOUSE
C00006478	CITIZENS FOR HANNAFORD COMMITTEE	OAKLAND	CA HOUSE
C00053207	CITIZENS FOR HICKS	MOUNT VERNON	NY HOUSE
C00037203	CITIZENS FOR HOBBS	LAKEWOOD	CO HOUSE
C00076059	CITIZENS FOR HOOK	WASHINGTON	PA HOUSE
C00044594	CITIZENS FOR HOOKER COMMITTEE	NASHVILLE	TN SENATE
C00037499	CITIZENS FOR HOWARD COMMITTEE	DALLAS,	TX HOUSE
C00043796	CITIZENS FOR HUMPHREY	DEKALB	IL PRESIDENTIAL
C00008150	CITIZENS FOR ICHORD COMMITTEE	HOUSTON	MO HOUSE
C00065037	CITIZENS FOR IMPROVED BOVERNMENT INC.	NEW ORLEANS	LA NON-PARTY RELATED
C00053249	CITIZENS FOR INOUYE FOR CONGRESS COMMITTEE	KANEOHE	HI HOUSE
C00005694	CITIZENS FOR JACK BROWN FOR CONGRESS	PHOENIX	AZ HOUSE
C00013565	CITIZENS FOR JACK KEMP	BUFFALO	NY HOUSE
C00053579	CITIZENS FOR JAMES A. PLUMMER	LANCASTER	OH HOUSE
C00021923	CITIZENS FOR JAMES H. SCHEUER THE BATEWAY CONBRESSIONAL DISTRICT	COMMITTEE NEW YORK	NY HOUSE
C00002725	CITIZENS FOR JIM O'HARA	MT CLEMENS	MI HOUSE
C00001975	CITIZENS FOR JIMMY CARTER/MONDALE CAMPAIGN	CHATHAM	VA INDEPENDENT EXPENDITOR
C00054858	CITIZENS FOR JOE MARTINO	CLIFTON PARK	NY HOUSE
C00024497	CITIZENS FOR JOHN D. DINGELL	ECORSE	MI HOUSE
C00029280	CITIZENS FOR JOHN GLENN COMMITTEE	WASHINGTON	DC SENATE
C00052175	CITIZENS FOR JOHN P. CRAVEN, HAWAII AND THE SEA	AIEA	MI HOUSE
C00036111	CITIZENS FOR JOHNSON	LEE'S SUMMIT,	MO HOUSE
C0001464Y	CITIZENS FOR JUSTICE FOR CONGRESS	CHESTER	SC HOUSE
C00000166	CITIZENS FOR KARTH	ST PAUL	MN HOUSE
C00073681	CITIZENS FOR KELTON FOR CONGRESS	CHRISTINA	TN HOUSE
C00014936	CITIZENS FOR KRAMER	OLYMPIA	WA HOUSE
C0000A291	CITIZENS FOR KYROS CAMPAIGN COMM.	PORTLAND	ME HOUSE
C00048132	CITIZENS FOR LAIRD GUTTERSEN	TUCSON	AZ HOUSE
C00052860	CITIZENS FOR LAWRENCE	LOUISVILLE	KY HOUSE
C00046318	CITIZENS FOR LEACH	GRAND RAPIDS	MI HOUSE

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C00065524	CITIZENS FOR LESS GOVERNMENT	WARSAW	IN HOUSE
C00074195	CITIZENS FOR LESS GOVERNMENT	MINNATONKS	MN HOUSE
C00056283	CITIZENS FOR LOGAN	OAK PARK	IL HOUSE
C00000455	CITIZENS FOR LOTTO	GREEN BAY	WI HOUSE
C00042796	CITIZENS FOR LOUISE A. DESMOND	SAN DIEGO	CA HOUSE
C00054825	CITIZENS FOR LOVINGOOD	SARASOTA	FL HOUSE
C00025171	CITIZENS FOR LUNSFORD FOR CONGRESS	MENDOTA	IL HOUSE
C00007591	CITIZENS FOR MADIGAN	NORMAL	IL HOUSE
C00029298	CITIZENS FOR MALLARY	MONTPELIER	VT SENATE
C00060962	CITIZENS FOR MARTINO COMMITTEE	EVANSVILLE	IN HOUSE
C00016774	CITIZENS FOR MATTHEWS	NORTHFIELD	NJ HOUSE
C00025494	CITIZENS FOR MAURER	ST CHARLES	MO HOUSE
C00071431	CITIZENS FOR MCCARTHY IN 1980	SCARBOROUGH	ME PRESIDENTIAL
C00004945	CITIZENS FOR MCCORMACK	BRADFORD	PA HOUSE
C00008656	CITIZENS FOR MCEWEN COMMITTEE	WATERTOWN	NY HOUSE
C00027870	CITIZENS FOR MCGOVERN COMMITTEE	TERMINATED WASHINGTON	OC SENATE
C00017646	CITIZENS FOR MIKE SLOAN	BINGHAMTON	NY HOUSE
C00004200	CITIZENS FOR MINISM	SHEFIELD	NJ HOUSE
C00048728	CITIZENS FOR MITCHELL FOR U.S. SENATE	MCLEAN	VA SENATE
C00014845	CITIZENS FOR MOFFETT	SUFFIELD	CT HOUSE
C00073518	CITIZENS FOR MOFFETT'76	SUFFIELD	CT HOUSE
C00026971	CITIZENS FOR NELSON	SAGINAW	MI HOUSE
C00075630	CITIZENS FOR NORWARD J. BROOKS	SEATTLE	WA HOUSE
C00014654	CITIZENS FOR O'SCANNLAIN FOR CONGRESS	PORTLAND	OR HOUSE
C00025700	CITIZENS FOR OLSEN COMMITTEE	NASHVILLE	TN HOUSE
C00025080	CITIZENS FOR P.J. MORGAN	OMAHA	NE HOUSE
C00021766	CITIZENS FOR PARETI	ENGLEWOOD CLIFFS	NJ HOUSE
C00071522	CITIZENS FOR PEACE COMMITTEE	FORT WORTH	TX PRESIDENTIAL
C00031765	CITIZENS FOR PEGGY HOENIG FOR PRESIDENT	NEW YORK	NY PRESIDENTIAL
C00056291	CITIZENS FOR PERRY H. HUTCHINSON	CHICAGO	IL HOUSE
C00003426	CITIZENS FOR PETER W. RODINO, JR. INC.	NEWARK	NJ HOUSE
C00046268	CITIZENS FOR PETTES	KILLINGWORTH	CT HOUSE
C00013540	CITIZENS FOR PRITCHARD	SEATTLE	WA HOUSE
C00043000	CITIZENS FOR QUALIFIED CANDIDATES	NEW YORK	NY NON-PARTY RELATED
C00029918	CITIZENS FOR REAGAN	SANTA MONICA	CA PRESIDENTIAL
C00060418	CITIZENS FOR REAGAN - NEW YORK	RICHMOND HILL	NY PRESIDENTIAL

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C00046847	CITIZENS FOR REEVES	AUGUSTA	ME HOUSE
C00022608	CITIZENS FOR REILE	MARCY	NY HOUSE
C00030437	CITIZENS FOR REPRESENTATIVE GOVERNMENT	DALLAS	TX NON-PARTY RELATED
C00068056	CITIZENS FOR RESPONSIBLE GOVERNMENT	HELENA	MT NON-PARTY RELATED
C00036558	CITIZENS FOR RICKLES, INC.*	N. TARRYTOWN,	NY HOUSE
C00006002	CITIZENS FOR ROBERT P. HANRAHAN	HARVEY	IL HOUSE
C00046284	CITIZENS FOR ROBIN WIDGERY	FLINT	MI HOUSE
C00049643	CITIZENS FOR RODINO	EAST ORANGE	NJ HOUSE
C00026518	CITIZENS FOR ROHLFING FOR CONGRESS	HONOLULU	HI HOUSE
C00046797	CITIZENS FOR RYAN COMMITTEE	LORAIN	OH HOUSE
C00005683	CITIZENS FOR SALIM	FORT WAYNE	IN HOUSE
C00019042	CITIZENS FOR SARBANES COMMITTEE	BALTIMORE	MO SENATE
C00019315	CITIZENS FOR SCHECHTER FOR CONGRESS COMMITTEE	LAKE HILL	NY HOUSE
C00015263	CITIZENS FOR SCHULZE COMMITTEE	LIMA	PA HOUSE
C00026019	CITIZENS FOR SENATOR BROCK	NASHVILLE	TN SENATE
C00029264	CITIZENS FOR SENATOR JOHN V. TUNNEY	BEVERLY HILLS	CA SENATE
C00029645	CITIZENS FOR SLADE GORTON	SEATTLE	WA SENATE
C00000463	CITIZENS FOR SNYDER	ST MATTHEWS	KY HOUSE
C00044552	CITIZENS FOR SPECTER	PHILADELPHIA	PA SENATE
C00023184	CITIZENS FOR SPELLMAN	LAUREL	MD HOUSE
C00067199	CITIZENS FOR SPENCER LEAK	CHICAGO	IL HOUSE
C00031237	CITIZENS FOR STANLEY ARNOLD	NEW YORK	NY PRESIDENTIAL
C00017327	CITIZENS FOR STANTON	EAU CLAIRE	WI HOUSE
C00029272	CITIZENS FOR STEVENSON COMMITTEE	CHICAGO	IL SENATE
C00019802	CITIZENS FOR STRAUS	WEST BLOOMFIELD	MI HOUSE
C00070789	CITIZENS FOR STUBBLEFIELD	CADIZ	KY HOUSE
C00036764	CITIZENS FOR SURSELY	MAITLAND,	FL HOUSE
C00004218	CITIZENS FOR SYMINGTON COMMITTEE	ST. LOUIS	MO HOUSE
C00042804	CITIZENS FOR TAX REVOLT	CLIFTON	NJ HOUSE
C00049544	CITIZENS FOR TAYLOR FOR CONGRESS	NICOLAUS	CA HOUSE
C00055459	CITIZENS FOR THE ELECTION OF ELSA D. HILL	UNIVERSITY CITY	MO HOUSE
C00075398	CITIZENS FOR THE REPUBLIC	SANTA MONICA	CA PARTY RELATED
C00020727	CITIZENS FOR TIERNAN	PAWTUCKET	RI HOUSE
C00020123	CITIZENS FOR TOLLES (AKA CITIZENS COMMITTEE FOR THE ELECTION OF THEODORE L. TOLLES)	NEW HARTFORD	NY HOUSE
C00029132	CITIZENS FOR TOM PETRI	MILWAUKEE	WI SENATE
C00061382	CITIZENS FOR VAN DORP	MERRILLVILLE	IN HOUSE

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C00048926	CITIZENS FOR WALTER BAKER	GLASGOW	KY HOUSE
C00013094	CITIZENS FOR WILLIAM "BILL" LEHMAN, U.S. CONGRESSMAN 13TH DIST	NORTH MIAMI BEACH	FL HOUSE
C00029140	CITIZENS FOR WILLIAM O. BILL GUNTER	ORLANDO	FL SENATE
C00005850	CITIZENS FOR MINAH	MANCHESTER	NH HOUSE
C00026203	CITIZENS FOR ZAHN	OKLAHOMA CITY	OK HOUSE
C00048421	CITIZENS FUND FOR ALEXANDER	OSCEOLA	AR HOUSE
C00043028	CITIZENS ORGANIZED FOR LEGILATIVE ACTION (COLA)	ST. LOUIS	MO NON-PARTY RELATED
C00007047	CITIZENS SAVINGS POLITICAL ACTION COMMITTEE	SAN FRANCISCO	CA NON-PARTY RELATED
C00035063	CITIZENS SAVINGS PUBLIC AFFAIRS COMMITTEE	CANTON	OH NON-PARTY RELATED
C00050799	CITIZENS TO ELECT CAMPENNI	BAYONNE	NJ HOUSE
C00054031	CITIZENS TO ELECT DENNIS ADAMS	FORDS	NJ HOUSE
C00050534	CITIZENS TO ELECT JACK RUZICHO TO CONGRESS	COLUMBUS	OH HOUSE
C00007748	CITIZENS TO ELECT LEW WARDEN TO CONGRESS	SAN LEANDRO	CA HOUSE
C00014746	CITIZENS TO ELECT MCGEE	COLUMBUS	OH HOUSE
C00013862	CITIZENS TO ELECT RICHARD BESERRA	WALNUT CREEK	CA HOUSE
C00015354	CITIZENS TO ELECT RON RODGER	TINLEY PARK	IL HOUSE
C00050278	CITIZENS TO ELECT TOM MERCER	BEMO	OR HOUSE
C00026443	CITIZENS TO ELECT TOM MOONEY	TAKOMA PARK	MO HOUSE
C00072314	CITIZENS VOTER INFORMATION COMMITTEE	HUTCHINS	TX NON-PARTY RELATED
C00054106	CITIZENS WHO WANT NORMAN JACQUES IN CONGRESS TO WORK FOR THE NEEDS OF PEOPLE; NOT BANKS	PAWTUCET	RI HOUSE
C00054874	CITIZENS' COMMITTEE TO ELECT PAUL SLOTKIN TO 22ND C.D.	BRONX	NY HOUSE
C00038703	CITIZENSHIP RESPONSIBILITY FUND	CHICAGO	IL NON-PARTY RELATED
C00005967	CITRUS COUNTY DEMOCRATIC EXECUTIVE COMMITTEE	HOMOSASSA	FL PARTY RELATED
C00042564	CITY DEMOCRATIC COMMITTEE OF LYNCHBURG, VIRGINIA	LYNCHBURG	VA PARTY RELATED
C00032631	CITY FEDERAL POLITICAL ACTION COMMITTEE	ELIZABETH	NJ NON-PARTY RELATED
C00006238	CITY OF SALEM REPUBLICAN COMMITTEE	SALEM	VA PARTY RELATED
C00007286	CITY OF WILLIAMSBURG REPUBLICAN COMMITTEE	WILLIAMSBURG	VA PARTY RELATED
C00032005	CIVIC ACTION FUND, ATLANTIC RICHFIELD COMPANY	LOS ANGELES	CA NON-PARTY RELATED
C00024216	CIVIC APPRECIATION FUND	TOLEDO	OH NON-PARTY RELATED
C00024711	CIVIC COMMITTEE FOR JOHN G. FARY	CHICAGO	IL HOUSE
C00075713	CIVIC PLEDGE PROGRAM	SEATTLE	WA NON-PARTY RELATED
C00009902	CIVIC TRUST 80--SANTA FE EMPLOYEES GOOD GOVERNMENT FUND	CHICAGO	IL NON-PARTY RELATED
C00018648	CLAIBORNE COUNTY CITIZENS FOR REAGAN	NEW TAZEWELL	TN PRESIDENTIAL
C00023911	CLAIRTON DEMOCRATIC COMMITTEE	TERMINATED CLAIRTON	PA PARTY RELATED
C00035170	CLANCEY FOR CONGRESS COMMITTEE-CA	LAGUNA NIGUEL	CA HOUSE
C00001255	CLANCY FOR CONGRESS COMMITTEE	CINCINNATI	OH HOUSE

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C00036343	CLANCY FOR CONGRESS	OAK PARK	IL HOUSE
C00042556	CLARE COUNTY REPUBLICAN COMMITTEE	HARRISON	MI PARTY RELATED
C00056317	CLARENCE E. BATCHELOR FOR CONGRESS COMMITTEE	YORKVILLE	IL HOUSE
C00005074	CLARK COUNTY DEMOCRATIC COMMITTEE	TREMONT CITY	OH PARTY RELATED
C00001495	CLARK COUNTY REPUBLICAN CENTRAL AND EXECUTIVE COMMITTEE	SPRINGFIELD	OH PARTY RELATED
C00023713	CLARK COUNTY REPUBLICAN CENTRAL COMMITTEE	JEFFERSONVILLE	IN PARTY RELATED
C00036673	CLARK FOR CONGRESS	LITTLE ROCK	AR HOUSE
C00012294	CLARK FOR CONGRESS COMMITTEE	WASHINGTON	DC HOUSE
C00039651	CLARKPAC	BUCHANAN	MI NON-PARTY RELATED
C00063743	CLAUDE PEPPER CAMPAIGN COMMITTEE	MIAMI BEACH	FL HOUSE
C00024620	CLAY CAMPAIGN COMMITTEE	ST LOUIS	MO HOUSE
C00007625	CLAY COUNTY REPUBLICAN COMMITTEE	MOORHEAD	MN PARTY RELATED
C00015701	CLAY RE-ELECTION COMMITTEE	ST LOUIS	MO HOUSE
C90000670	CLAYTON, HELEN (CONTRIBUTOR)	AMARILLO	TX INDEPENDENT EXPENDITOR
C00054130	CLEMENTE FOR CONGRESS	PHILADELPHIA	PA HOUSE
C80000268	CLEMENTS, JAMIE M.	TEMPLE	TX DELEGATE
C80000276	CLENNY, JAMES T. III	ANNAPOLIS	MD DELEGATE
C00004432	CLERMONT COUNTY REPUBLICAN EXECUTIVE COMMITTEE	MILFORD	OH PARTY RELATED
C70000195	CLEVELAND AFL-CIO FEDERATION OF LABOR	CLEVELAND	OH NON-PARTY RELATED
C00024380	CLEVELAND AFL-CIO FEDERATION OF LABOR COMMITTEE ON POLITICAL EDUCATION	CLEVELAND	OH NON-PARTY RELATED
C00062059	CLEVELAND FOR CONGRESS	UNION	MS HOUSE
C00049098	CLEVELAND FOR CONGRESS COMMITTEE	CONCORD	NH HOUSE
C90001991	CLEVELAND, JAMES C.	NEW LONDON	NH INDEPENDENT EXPENDITOR
C00014787	CLIFF TAYLOR FOR CONGRESS COMMITTEE	EAST LANSING	MI HOUSE
C00025817	CLIFFORD ALLEN FOR CONGRESS	NASHVILLE	TN HOUSE
C00039016	CLIFFS' POLITICAL ACTION COMMITTEE	CLEVELAND	OH NON-PARTY RELATED
C00071613	CLINTON COUNTY DEMOCRATIC EXECUTIVE COMMITTEE	ALBANY	KY PARTY RELATED
C00020792	CLINTON COUNTY OHIO REPUBLICAN EXECUTIVE COMMITTEE	NEW VIENNA	OH PARTY RELATED
C00014290	CLINTON FOR CONGRESS COMMITTEE	FAYETTEVILLE	AR HOUSE
C00021204	CLINTON REPUBLICAN WOMEN'S CLUB	CLINTON	IA PARTY RELATED
C00062201	CLORPAC THE CLOROX CO POLITICAL ACTION COMMITTEE	OAKLAND	CA NON-PARTY RELATED
C00054659	CLOSE FOR CONGRESS COMMITTEE	BAKERSFIELD	CA HOUSE
C00002667	CLOTHING WORKERS POLITICAL COMMITTEE FOR EASTERN PENNSYLVANIA	ALLENTOWN	PA NON-PARTY RELATED
C00067595	CLYDE ADAMS FOR CONGRESS CAMPAIGN COMMITTEE	PALM BEACH	FL HOUSE
C80000284	CMICH, STANLEY A.	CANTON	OH DELEGATE
C90000704	CMTE OF LAW PROF. FOR CARTER/MONDALE	AUSTIN	TX INDEPENDENT EXPENDITOR

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C00012989	CHA EMPLOYEES' CIVIC RESPONSIBILITY COMMITTEE	CHICAGO	IL	NON-PARTY RELATED
C00009597	COAL LANDOWNERS COMMITTEE	AUGUSTA	GA	NON-PARTY RELATED
C00013342	COAL MINERS POLITICAL ACTION COMMITTEE	WASHINGTON	DC	NON-PARTY RELATED
C00077792	COALITION FOR A DEMOCRATIC MAJORITY	N/A	DC	PARTY RELATED
C00024430	COALITION FOR AN EFFECTIVE CONGRESS	ARCATA	CA	NON-PARTY RELATED
C00071282	COALITION FOR PROGRSSIVE GOVERNMENT	AUSTIN	TX	PRESIDENTIAL
C00061A16	COALITION FOR THE FUTURE OF CIVILIZATION	KANSAS CITY	KS	NON-PARTY RELATED
C00000860	COCKERILL, WILLIAM	SCRANTON	PA	DELEGATE
C00000245	CODY FOR DELEGATE COMMITTEE	SPRINGFIELD	IL	DELEGATE
C00048793	COHALAN FOR CONGRESS	BAY SHORE	NY	HOUSE
C00024901	COLEMAN FOR CONGRESS COMMITTEE	KANSAS CITY	MO	HOUSE
C00060551	COLES COUNTY REPUBLICAN CENTRAL COMMITTEE	CHARLESTON	IL	PARTY RELATED
C00032714	COLLEGE DEMOCRATS OF AMERICA	WASHINGTON	DC	PARTY RELATED
C00075747	COLLEGE REPUBLICAN NATIONAL COMMITTEE	WASHINGTON	DC	PARTY RELATED
C00040855	COLLEGE STUDENTS FOR REAGAN	NEW YORK	NY	PRESIDENTIAL
C00044206	COLLEGIANS FOR MAYAKAWA COMMITTEE	LOS ANGELES	CA	SENATE
C00041103	COLLEGIANS FOR REAGAN COMMITTEE	LOS ANGELES	CA	PRESIDENTIAL
C00047167	COLLIN COUNTY REPUBLICAN EXECUTIVE COMMITTEE	PLANO	TX	PARTY RELATED
C00054898	COLLINS FOR CONGRESS '7A COMMITTEE	SMYRNA	GA	HOUSE
C00051013	COLLINS FOR CONGRESS CAMPAIGN COMMITTEE	KANSAS CITY	MO	HOUSE
C00064964	COLLINS FOR CONGRESS COMMITTEE	MARIETTA	GA	HOUSE
C90000898	COLLINS, LUCIA M. (CONTRIBUTOR)	DALLAS	TX	INDEPENDENT EXPENDITOR
C00038448	COLONIAL EMPLOYEES' VOLUNTARY POLITICAL ACTION COMMITTEE	ATLANTA	GA	NON-PARTY RELATED
C00011387	COLORADO ADVOCATES FOR RURAL ELECTRIFICATION	DENVER	CO	NON-PARTY RELATED
C70000203	COLORADO COMMITTEE ON POLITICAL EDUCATION	DENVER	CO	NON-PARTY RELATED
C00023788	COLORADO COMMITTEE ON POLITICAL EDUCATION (COLORADO COPE)	DENVER	CO	NON-PARTY RELATED
C00020693	COLORADO FEDERATION OF REPUBLICAN WOMEN	GRAND JUNCTION	CO	PARTY RELATED
C00031047	COLORADO LABOR PARTY	DENVER	CO	PARTY RELATED
C00007583	COLORADO MACHINISTS NON-PARTISAN POLITICAL LEAGUE	DENVER	CO	NON-PARTY RELATED
C00004192	COLORADO MEDICAL POLITICAL ACTION COMMITTEE	DENVER	CO	NON-PARTY RELATED
C00033134	COLORADO REPUBLICAN FEDERAL CAMPAIGN COMMITTEE	DENVER	CO	PARTY RELATED
C00009092	COLORADO REPUBLICAN FIRST CONGRESSIONAL CENTRAL COMMITTEE	DENVER	CO	PARTY RELATED
C00006557	COLORADO REPUBLICAN STATE CENTRAL COMMITTEE	DENVER	CO	PARTY RELATED
C00025783	COLORADO SAVINGS ASSOCIATIONS-POLITICAL ACTION COMMITTEE	LAKEWOOD	CO	NON-PARTY RELATED
C00034975	COLORADO UOALL '76 COMMITTEE	DENVER	CO	PRESIDENTIAL
C00025285	COLT INDUSTRIES VOLUNTARY POLITICAL COMMITTEE	NEW YORK	NY	NON-PARTY RELATED

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IDENTIFICATION	NAME			
C00009647	COLUMBIA COUNTY DEMOCRATIC PARTY	WISCONSON DELLS	WI	PARTY RELATED
C00016006	COLUMBIA COUNTY REPUBLICAN COMMITTEE	BERWICK	PA	PARTY RELATED
C00011205	COLUMBIA COUNTY REPUBLICAN ORGANIZATION	PORTAGE	WI	PARTY RELATED
C00054890	COLUMBIA GAS DISTRIBUTION EMPLOYEES POLITICAL ACTION FUND	COLUMBUS	OH	NON-PARTY RELATED
C00051979	COLUMBIA GAS EMPLOYEES POLITICAL ACTION FUND	WILMINGTON	DE	NON-PARTY RELATED
C00006197	COMAL COUNTY REPUBLICAN EXECUTIVE COMMITTEE	NEW BRAUNFELS	TX	PARTY RELATED
C00041020	COMBINED COMMUNICATIONS CORPORATION POLITICAL ACTION COMMITTEE (COMPAC)	PHOENIX	AZ	NON-PARTY RELATED
C00041947	COMBUSTION ENGINEERING POLITICAL ACTION COMMITTEE	STAMFORD	CT	NON-PARTY RELATED
C00063974	COMITE AMIGOS DE JAIME BENITEZ	SNATURCE	PR	HOUSE
C00069443	COMITE PRO BALTASAR CORRADA	SANTURCE	PR	HOUSE
C00032096	COMITTEE TO ELECT ELIJAH BOYD	NEW YORK	NY	SENATE
C00060699	COMM. FOR THE NOMINATION OF HERB BATEMAN TO CONGRESS	NEWPORT NEWS	VA	HOUSE
C00063115	COMM. TO REELECT CHARLES E. BENNETT	JACKSONVILLE	FL	HOUSE
C00072967	COMMERCE BANCS PAC	KANSAS CITY	MO	NON-PARTY RELATED
C00063966	COMMITEE TO ELECT DUNCAN E BEATON JR TO CONGRESS	BAROENVILLE	PA	HOUSE
C00038034	COMMITEE TO ELECT ROGER CHAPIN TO CONGRESS	DALLAS	TA	HOUSE
C00075184	COMMITTE FOR LIFE	AUSTIN	TA	HOUSE
C00059303	COMMITTE TO ELECT MARTHA MITTY	DETROIT	MI	HOUSE
C48000112	COMMITTE TO ELECT UNCOMMITTED DELEGATES IN THE FIRST C.D.	LINDENHURST	NY	DELEGATE
C00037877	COMMITTEE 76 FOR THE ELECTION OF LOUIS J. TULLIO TO CONGRESS	ERIE,	PA	HOUSE
C00050765	COMMITTEE FOR "MIKEM ACKERMAN	MIAMI	FL	HOUSE
C00013235	COMMITTEE FOR A BETTER BROOKLYN	TERMINATED NEW YORK	NY	HOUSE
C00042028	COMMITTEE FOR A BETTER COMMUNITY	FAR ROCKAWAY	NY	NON-PARTY RELATED
C00031656	COMMITTEE FOR A CONSTITUTIONAL PRESIDENCY - MCCARTHY '76	WASHINGTON	DC	PRESIDENTIAL
C00072249	COMMITTEE FOR A CONSTITUTIONAL PRESIDENCY-OREGON	NORTH BEND	OR	PRESIDENTIAL
C00052506	COMMITTEE FOR A NEW CONGRESS	RICHMOND HILL	NY	HOUSE
C00005692	COMMITTEE FOR ACTION	BELLEVUE	WA	NON-PARTY RELATED
C00051805	COMMITTEE FOR ARTHUR O. MARTIN CONGRESS - 1ST DISTRICT	ST. LOUIS	MO	HOUSE
C00069161	COMMITTEE FOR BETTER GOVERNMENT	MEMPHIS	TN	HOUSE
C00014209	COMMITTEE FOR BETTER NEIGHBORHOODS	BROOKLYN	NY	HOUSE
C00031245	COMMITTEE FOR BIRCH BAYH IN '76	WASHINGTON	DC	PRESIDENTIAL
C00047589	COMMITTEE FOR BO THOMAS	HENDERSONVILLE	NC	HOUSE
C00063875	COMMITTEE FOR CARL NIOLIAZZO	HEARNE	TX	HOUSE
C00037275	COMMITTEE FOR CHARLES C. SMITH FOR U.S. REPRESENTATIVE	WILLIAMSBURG,	KY	HOUSE
C00082345	COMMITTEE FOR CLARENCE J. BROWN(AKA BROWN FOR CONGRESS COMMITTEE	URBANA	OH	HOUSE
C00016030	COMMITTEE FOR COFFEY TO CONGRESS	MENTOR	OH	HOUSE

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FEDERAL ELECTION COMMISSION
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IDENTIFICATION	NAME		
C00014985	COMMITTEE FOR CONGRESSMAN CHARLIE ROSE	FAYETTEVILLE	NC HOUSE
C00002683	COMMITTEE FOR CONGRESSMAN JOSEPH P. ADDABBO	OZONE PARK	NY HOUSE
C00026328	COMMITTEE FOR CONGRESSMAN RONALD V DELLUMS/AKA/COM/T/REELECT/CONG/R/D/AKA/COM/F/R/DELLUMS	OAKLAND	CA HOUSE
C00061697	COMMITTEE FOR CONNIE FOR CONGRESS	ST. CHARLES	MO HOUSE
C00031864	COMMITTEE FOR CONSTITUTIONAL PRESIDENCY-WISCONSIN	MADISON	WI PRESIDENTIAL
C00046805	COMMITTEE FOR COTLEY TO CONGRESS	MENTOR	OH HOUSE
C00053496	COMMITTEE FOR DAN E. MCGOVERN	BEL-NOR	MO HOUSE
C00065268	COMMITTEE FOR DRIVE POLITICAL FUND	WICHITA	KS NON-PARTY RELATED
C00013490	COMMITTEE FOR ECONOMIC STRENGTH	WASHINGTON	DC NON-PARTY RELATED
C00015222	COMMITTEE FOR ED MEYER IN 76	CHAPPAQUA	NY HOUSE
C00041012	COMMITTEE FOR EFFECTIVE AND RESPONSIBLE GOVERNMENT	GENEVA	IL NON-PARTY RELATED
C00040832	COMMITTEE FOR EFFECTIVE LEGISLATION	CHICAGO	IL NON-PARTY RELATED
C00018861	COMMITTEE FOR EFFECTIVE REPRESENTATION TO ELECT RON HAMILTON TO CONGRESS	SARATOGA SPRINGS	NY HOUSE
C00011536	COMMITTEE FOR ELECTION OF CONGRESSIONAL CANDIDATES	WASHINGTON	DC NON-PARTY RELATED
C00046854	COMMITTEE FOR ELECTION OF JOE CARRON	ARNOLD	MO HOUSE
C80000104	COMMITTEE FOR ELECTION OF LOCAL DELEGATES TO THE NATIONAL DEMOCRATIC CONVENTION	YOUNGSTOWN	OH DELEGATE
C00063396	COMMITTEE FOR EUGENE VICTOR	GOSHEN	NY HOUSE
C00047522	COMMITTEE FOR FAUNTROY '76	WASHINGTON	DC HOUSE
C00030320	COMMITTEE FOR FREEDOM, EQUALITY, AND JUSTICE FOR ALL	SILVER SPRING	MD PRESIDENTIAL
C00061358	COMMITTEE FOR GARROTT RESEARCH	SILVER SPRING	MD NON-PARTY RELATED
C00046540	COMMITTEE FOR GATTEN FOR CONGRESS	MARIETTA	OH HOUSE
C00002832	COMMITTEE FOR GOOD GOVERNMENT	DETROIT	MI NON-PARTY RELATED
C00024331	COMMITTEE FOR GOOD GOVERNMENT	EL MONET	CA HOUSE
C00064725	COMMITTEE FOR GOOD GOVERNMENT	BRONX	NY NON-PARTY RELATED
C00003067	COMMITTEE FOR GOOD GOVERNMENT (VANDER JAGT)	SPRINGFIELD	VA HOUSE
C00005231	COMMITTEE FOR GOVERNMENT IMPROVEMENT	BAKERSFIELD	CA NON-PARTY RELATED
C00060608	COMMITTEE FOR HUGHES FOR THE HOUSE	ANNAPOLIS	MD HOUSE
C00073569	COMMITTEE FOR INDEPENDENT ACTION	LOS ANGELES	CA NON-PARTY RELATED
C00032177	COMMITTEE FOR JIMMY CARTER (PRINCIPAL CAMPAIGN COMMITTEE FOR PRIMARY ELECTION)	ATLANTA	GA PRESIDENTIAL
C00074831	COMMITTEE FOR JOE FELMET FOR U. S. SENATE	WINSTON-SALEM	NC SENATE
C00061853	COMMITTEE FOR JOSEPH ADDABBO	OZONE	NY HOUSE
C00062489	COMMITTEE FOR KARNICK	STEUBENVILLE	OH HOUSE
C00076216	COMMITTEE FOR KEVIN BURKE	EVERLY	MA HOUSE
C00017103	COMMITTEE FOR KOLTER FOR CONGRESS	NEW BRIGHTON	PA HOUSE
C00037465	COMMITTEE FOR MERLIN KARLOCK	MOMENCE,	IL HOUSE
C00052449	COMMITTEE FOR NUNN FOR CONGRESS	ROCKVILLE	MD HOUSE

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IDENTIFICATION	NAME		
C00035121	COMMITTEE FOR PRO-LIFE GOVERNMENT	EDGEWATER	MD NON-PARTY RELATED
C00032607	COMMITTEE FOR QUALITY GOVERNMENT-P	COLUMBUS	GA NON-PARTY RELATED
C00019836	COMMITTEE FOR RE-ELECTION OF CONGRESSMAN JAMES A. BURKE	MILTON	MA HOUSE
C00019885	COMMITTEE FOR RE-ELECTION OF CONGRESSWOMAN CHISHOLM	BROOKLYN	NY HOUSE
C00035733	COMMITTEE FOR REPRESENTATIVE GOVERNMENT	WASHINGTON	DC NON-PARTY RELATED
C00013995	COMMITTEE FOR RESPONSIBLE GOVERNMENT	DES MOINES	IA NON-PARTY RELATED
C00041869	COMMITTEE FOR RESPONSIBLE GOVERNMENT	CHICAGO	IL NON-PARTY RELATED
C00010041	COMMITTEE FOR RESPONSIBLE GOVERNMENT	TERMINATED SAN RAFAEL	CA NON-PARTY RELATED
C00010363	COMMITTEE FOR RESPONSIBLE YOUTH POLITICS	ARLINGTON	VA NON-PARTY RELATED
C00001529	COMMITTEE FOR ROBERT L. CAWLEY STATE SENATOR ROBERT CAWLEY	BOSTON	MA HOUSE
C00065600	COMMITTEE FOR ROTHENBERG FOR CONGRESS	BELLE HARBOR	NY HOUSE
C00012458	COMMITTEE FOR SAM GIBBONS	TAMPA	FL HOUSE
C00032599	COMMITTEE FOR SENSIBLE GOVERNMENT	HAMPTON	NH NON-PARTY RELATED
C00071555	COMMITTEE FOR SUPPORT OF THE DEEP WATER PORT - CORPUS CHRISTI	CORPUS CHRISTI	TX PRESIDENTIAL
C00023028	COMMITTEE FOR THE ADVANCEMENT OF COTTON	MEMPHIS	TN NON-PARTY RELATED
C00051797	COMMITTEE FOR THE ELECTION OF ARNOLD L. TOTTER	NORMANDY	MO HOUSE
C00069588	COMMITTEE FOR THE ELECTION OF BERNARDO BOGANIERO	LITTLE FALLS	NJ SENATE
C00055612	COMMITTEE FOR THE ELECTION OF ED HOBAN	PANORAMA CITY	CA HOUSE
C00060114	COMMITTEE FOR THE ELECTION OF ED ICE TO THE U.S. SENATE	FT. LAUDERDALE	FL SENATE
C00030015	COMMITTEE FOR THE ELECTION OF GEORGE BODEN FOR PRESIDENT	WACO	TX PRESIDENTIAL
C00056432	COMMITTEE FOR THE ELECTION OF JOE CARRON TO CONGRESS	ARNOLD	MO HOUSE
C00026906	COMMITTEE FOR THE ELECTION OF JOHN LOMELO, JR.- USCONGRESS	SUNRISE	FL HOUSE
C00054888	COMMITTEE FOR THE ELECTION OF OLIVER A. SMITH, JR. FOR CONGRESS	KNOXVILLE	TN HOUSE
C00070896	COMMITTEE FOR THE ELECTION OF SAMUEL S. HANCOCK	DEARBORN	MI HOUSE
C00064204	COMMITTEE FOR THE ELECTION OF SIDNEY BARTHOLOMEW HUBBARD TO UNITED STATES CONGRESS	SACRAMENTO	CA HOUSE
C00023945	COMMITTEE FOR THE ELECTION OF THE 65 A.D. DEMOCRATIC TEAM	BRONX	NY HOUSE
C00065029	COMMITTEE FOR THE ELECTION OF WILBUR PARKIN	CENTRALIA	WA SENATE
C00039689	COMMITTEE FOR THE NEW MAJORITY/FREEDOM OF CHOICE INC	LEESBURG	FL NON-PARTY RELATED
C00064608	COMMITTEE FOR THE NOMINATION OF BATEMAN TO CONGRESS	NEWPORT NEWS	VA HOUSE
C00031773	COMMITTEE FOR THE NOMINATION OF HUBERT H. HUMPHREY, INC	WASHINGTON	DC PRESIDENTIAL
C00009571	COMMITTEE FOR THE RE-ELECTION OF CONGRESSMAN FRANK HORTON	ROCHESTER	NY HOUSE
C00054072	COMMITTEE FOR THE RE-ELECTION OF CONGRESSMAN HERMAN BADILLO	BRONX	NY HOUSE
C00008243	COMMITTEE FOR THE RE-ELECTION OF CONGRESSMAN ROBERT F. DRINAN	BOSTON	MA HOUSE
C00045088	COMMITTEE FOR THE REELECTION OF THE CLASS OF 74	WASHINGTON	DC PARTY RELATED
C00019976	COMMITTEE FOR THE SURVIVAL OF A FREE CONGRESS	WASHINGTON	DC NON-PARTY RELATED
C00001594	COMMITTEE FOR THOROUGH AGRICULTURAL POLITICAL EDUCATION	SAN ANTONIO	TX NON-PARTY RELATED

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IDENTIFICATION	NAME			
C00036301	COMMITTEE FOR TIM WIRTH	LAKEWOOD	CO	HOUSE
C00040303	COMMITTEE FOR UDALL 17TH CONGRESSIONAL DISTRICT CAMPAIGN	NEW YORK	NY	PRESIDENTIAL
C00052167	COMMITTEE FOR URBESZENSKI FOR U.S. CONGRESS	CHICAGO	IL	HOUSE
C00052399	COMMITTEE FOR VICTOR PRIVETT	NICHOLASVILLE	KY	HOUSE
C00053926	COMMITTEE FOR VICTORIA SCHMIDT	ST. LOUIS	MO	HOUSE
C00023614	COMMITTEE FOR WENDELL H. FORD FOR UNITED STATES SENATOR	LANSING	MI	SENATE
C00073379	COMMITTEE FOR WIRTH FOR CONGRESS	LAKEWOOD	CO	HOUSE
C00064441	COMMITTEE FOR THE ELECTION OF LOCAL DELEGATES TO THE DEMOCRATIC NATIONAL CONVENTION	YOUNGSTOWN	OH	PRESIDENTIAL
C00069617	COMMITTEE MOVING A FULL SPECTRUM BALLOT, NANCY JEWELL CROSS UNITED STATES SENATOR	MENLO PARK	CA	SENATE
C00013303	COMMITTEE NO. 1 FOR BOB CASEY	HOUSTON	TX	HOUSE
C00060632	COMMITTEE OF 10,000 FOR HYLES	TROY	NY	HOUSE
C00037267	COMMITTEE OF 1976	LITTLE ROCK	AR	HOUSE
C00051789	COMMITTEE OF 1976 FOR BATES FOR CONGRESS	UNION CITY	TN	HOUSE
C00064790	COMMITTEE OF 76 SHUMAKER CONGRESS	NEW CASTLE	PA	HOUSE
C00036202	COMMITTEE OF 7600 FRIENDS OF BOB MCMENRY FOR CONGRESS	LITTLE ROCK	AR	HOUSE
C00030403	COMMITTEE OF AMERICANS IN HONG KONG FOR RE-ELECTION OF THE PRESIDENT	TERMINATED HONG KONG	ZZ	PRESIDENTIAL
C00005256	COMMITTEE OF AUTOMOTIVE RETAILERS	MCLEAN	VA	NON-PARTY RELATED
C00066676	COMMITTEE OF CONCERNED CITIZENS WHO WANT TO ELECT JIM TATE OUR CONGRESSMAN	FAIRFAX	VA	HOUSE
C00029068	COMMITTEE OF CONCERNED NEW MEXICANS TO ELECT A. SIMS	ALBUQUERQUE	NM	SENATE
C00073247	COMMITTEE OF INDEPENDENT REPUBLICANS	SACRAMENTO	CA	PARTY RELATED
C00060467	COMMITTEE OF LAWYERS & FRIENDS FOR WARREN E. HEARNES	KIRKWOOD	MO	SENATE
C00029108	COMMITTEE OF NINE	WASHINGTON	DC	NON-PARTY RELATED
C00037408	COMMITTEE OF PEOPLE WHO WANT EDGAR GRIGGS IN CONGRESS	EL PASO,	TX	HOUSE
C00042135	COMMITTEE OF RESPONSIBLE REPUBLICANS	SACRAMENTO	CA	PARTY RELATED
C00029124	COMMITTEE OF THE FRIENDS FOR REID	LAS VEGAS	NV	SENATE
C00011916	COMMITTEE ON AGRICULTURAL POLICY	SAN FRANCISCO	CA	NON-PARTY RELATED
C00066924	COMMITTEE ON AMERICAN LEADERSHIP	WASHINGTON	DC	NON-PARTY RELATED
C00009936	COMMITTEE ON FEDERAL EMPLOYEE POLITICAL EDUCATION	WASHINGTON	DC	NON-PARTY RELATED
C00075952	COMMITTEE ON INDIVIDUAL RESPONSIBILITY (CDIR)	ALBUQUERQUE	NM	NON-PARTY RELATED
C00023580	COMMITTEE ON LETTER CARRIERS POLITICAL EDUCATION (LETTER CARRIERS POLITICAL ACTION FUND)	WASHINGTON	DC	NON-PARTY RELATED
C00073890	COMMITTEE ON POLITICAL ED COUNCIL OF SUPERVISORS & ADMINISTRATORS	BROOKLYN	NY	NON-PARTY RELATED
C00014019	COMMITTEE ORGANIZED FOR THE TRADING OF COTTON	WASHINGTON	DC	NON-PARTY RELATED
C00061333	COMMITTEE TO RE-ELECT CONGRESSMAN JAMES A. BURKE & OTHER	MILTON	MA	HOUSE
C00016691	COMMITTEE TO ADMINISTER THE GOVERNOR REAGAN TRAVEL FUND	SACRAMENTO	CA	PRESIDENTIAL
C00066969	COMMITTEE TO AMEND THE CONSTITUTION	NEW YORK	NY	NON-PARTY RELATED
C00076000	COMMITTEE TO DEFEAT THE UNION BOSSES' CANDIDATES	WASHINGTON	DC	NON-PARTY RELATED

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IDENTIFICATION	NAME			
C00044313	COMMITTEE TO DRAFT AVI NELSON	QUINCY	MA	SENATE
C00060814	COMMITTEE TO ELECCT MICHAEL OELBER	NEW YORK	NY	HOUSE
C00059659	COMMITTEE TO ELECT 'SKIP' REYNOLDS, U.S. CONGRESS	VENICE	CA	HOUSE
C00033324	COMMITTEE TO ELECT ALAN A. OGDEN FOR THE U.S. SENATE FOR VIRGINIA	RICHMOND	VA	SENATE
C00054064	COMMITTEE TO ELECT ALEXANDER ALDRICH TO CONGRESS	SARATOGA SPRINGS	NY	HOUSE
C00059915	COMMITTEE TO ELECT ALLEN DOUGLAS	DETROIT	MI	HOUSE
C00055780	COMMITTEE TO ELECT ALTON BADGES TO CONGRESS	ETON	GA	HOUSE
C00067397	COMMITTEE TO ELECT ANDERSON & SHACKELFORD	EATON PARK	FL	PRESIDENTIAL
C00067660	COMMITTEE TO ELECT ANDERSON/SHACKELFORD IN FLORIDA	EATON PARK	FL	PRESIDENTIAL
C00059295	COMMITTEE TO ELECT ANDREW ROTSTEIN	DETROIT	MI	HOUSE
C00060624	COMMITTEE TO ELECT ANDREW ROTSTEIN	DETROIT	MI	HOUSE
C00070326	COMMITTEE TO ELECT ANDROMIDAS	SEATTLE	WA	HOUSE
C00020966	COMMITTEE TO ELECT ANTHONY Q. SAWKA FOR U.S. REPRESENTATIVE TO CONGRESS	GREENVILLE	SC	HOUSE
C00008061	COMMITTEE TO ELECT ANTHONY R. DIFRUSCIA TO CONGRESS	LAWRENCE	MA	HOUSE
C00072629	COMMITTEE TO ELECT APTHEKER TO THE U.S. SENATE	NEW YORK	NY	SENATE
C00022160	COMMITTEE TO ELECT ARTHUR HOFFER TO CONGRESS	PLAINVIEW	NY	HOUSE
C00047555	COMMITTEE TO ELECT BELL	CHARLOTTE	NC	HOUSE
C00071480	COMMITTEE TO ELECT BENJAMIN HOFFMAN	FLINT	MI	HOUSE
C00065068	COMMITTEE TO ELECT BERNARD SALERA	PHILADELPHIA	PA	SENATE
C00071134	COMMITTEE TO ELECT BILL MILL	NORTHRIDGE	CA	HOUSE
C00065425	COMMITTEE TO ELECT BILL PENAROZA, THE	KAPAA	HI	HOUSE
C00013060	COMMITTEE TO ELECT BOB CHIRA	NEW YORK	NY	HOUSE
C00065813	COMMITTEE TO ELECT BOB FLYNN TO CONGRESS	SOUTH BOSTON	MA	HOUSE
C00062323	COMMITTEE TO ELECT BOB RYLEY TO CONGRESS	JERSEY CITY	NJ	HOUSE
C00049304	COMMITTEE TO ELECT BOB TURNER	GAINSVILLE	GA	HOUSE
C00059261	COMMITTEE TO ELECT BROWN	DETROIT	MI	HOUSE
C00067090	COMMITTEE TO ELECT BRUCE J. WOOD	INDIANAPOLIS	IN	HOUSE
C00055277	COMMITTEE TO ELECT BRUCE LATTA	AZUZA	CA	HOUSE
C00071498	COMMITTEE TO ELECT BRUCE TODD FOR CONGRESS	EAST ORANGE	NJ	HOUSE
C00063917	COMMITTEE TO ELECT C. M. LAMBRIGHT	DALLAS	TX	HOUSE
C00070946	COMMITTEE TO ELECT C.M. MOVESS III	DETROIT	MI	HOUSE
C00065003	COMMITTEE TO ELECT CALVIN KIMBROUGH FOR CONGRESS	BUFFALO	NY	HOUSE
C00020362	COMMITTEE TO ELECT CANADE TO CONGRESS	BROOKLYN	NY	HOUSE
C00053710	COMMITTEE TO ELECT CAROL RUCKERT	SEATTLE	WA	HOUSE
C00059345	COMMITTEE TO ELECT CAROLYN NELSON	DETROIT	MI	HOUSE
C00036384	COMMITTEE TO ELECT CHAMPION TO CONGRESS	SEATTLE,	WA	HOUSE

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IDENTIFICATION	NAME		
C00071670	COMMITTEE TO ELECT CHARLES G. JOHNS	ALMONT	MI HOUSE
C00060913	COMMITTEE TO ELECT CHARLES HUGHES	NEW YORK	NY HOUSE
C00071712	COMMITTEE TO ELECT CHARLES J. NERNETH	DEARBORN	MI HOUSE
C00060202	COMMITTEE TO ELECT CHARLES MACK FOR CONGRESS	EAST ORANGE	NJ HOUSE
C00055442	COMMITTEE TO ELECT CHARLES V. IJAMS	TOPEKA	KS HOUSE
C00060830	COMMITTEE TO ELECT CHRISTOPHER LEWIS	NEW YORK	NY HOUSE
C00015289	COMMITTEE TO ELECT CLAIR CHISLER TO CONGRESS	MONTGOMERY	AL HOUSE
C00074914	COMMITTEE TO ELECT CLEVELAND ANSCHELL	SEATTLE,	WA HOUSE
C00060426	COMMITTEE TO ELECT CONSIDINE TO CONGRESS	MANKATO	MN HOUSE
C00069989	COMMITTEE TO ELECT COONEY	MENLO PARK	CA HOUSE
C00016329	COMMITTEE TO ELECT D'AMICO TO CONGRESS	WORCESTER	MA HOUSE
C00015008	COMMITTEE TO ELECT DAN LYNCH TO CONGRESS	OMAHA	NB HOUSE
C00021543	COMMITTEE TO ELECT DAVID J. BILLINGS, III TO CONGRESS	BROOKLYN	NY HOUSE
C00046177	COMMITTEE TO ELECT DAVID KILBER	SEATTLE	WA HOUSE
C00066803	COMMITTEE TO ELECT DAVID L. HOAGLAND	INDIANAPOLIS	IN SENATE
C00059368	COMMITTEE TO ELECT DAVID M. HILTY	DETROIT	MI HOUSE
C00027995	COMMITTEE TO ELECT DAVID VAN RYN TO U.S. SENATE	LEONARD	MI SENATE
C00059352	COMMITTEE TO ELECT DAVID W. THILL	DETROIT	MI HOUSE
C00059717	COMMITTEE TO ELECT DAVIS JOASH BENJAMIN	FLINT	MI HOUSE
C00037580	COMMITTEE TO ELECT DEAN HOLFORD TO CONGRESS	PORT LAVACA	TX HOUSE
C00051771	COMMITTEE TO ELECT DEBENEDICTIS	MILTON	MA HOUSE
C00002702	COMMITTEE TO ELECT DECKER, MURPHY & FITZGIBBONS	PHILLIPSBURG	NJ DELEGATE
C00037747	COMMITTEE TO ELECT DEHAVEN L. SMITH TO CONGRESS	BALTIMORE	MD HOUSE
C00021212	COMMITTEE TO ELECT DEMOCRATS	UTICA	NY PARTY RELATED
C00050302	COMMITTEE TO ELECT DENNIS R. KELLEY TO U.S. SENATE	SEATTLE	WA SENATE
C00052415	COMMITTEE TO ELECT DENNIS WRIGHT	FT. WAYNE	IN HOUSE
C00062182	COMMITTEE TO ELECT DI DONATO TO CONGRESS	ARLINGTON	MA HOUSE
C00017947	COMMITTEE TO ELECT DOLGAARD	TUCSON	AZ HOUSE
C00047142	COMMITTEE TO ELECT DON ALBOSTA TO CONGRESS (II)	ST. CHARLES	MI HOUSE
C00046870	COMMITTEE TO ELECT DON T. REYNOLDS TO CONGRESS	SANFORD	FL HOUSE
C00063453	COMMITTEE TO ELECT DON WRIGHT	FAIRBANKS	AK HOUSE
C00054056	COMMITTEE TO ELECT DOUGLAS H. BOSCO	SEBASTOPOL	CA HOUSE
C00036988	COMMITTEE TO ELECT DR RON PAUL TO CONGRESS #2	LAKE JACKSON	TX HOUSE
C00049353	COMMITTEE TO ELECT DR. OLIVER WENDELL WILSON	LOS ANGELES	CA HOUSE
C00027676	COMMITTEE TO ELECT DR. RON PAUL TO CONGRESS	LAKE JACKSON	TX HOUSE
C00070037	COMMITTEE TO ELECT EARL COLVIN	SYRACUSE	NY HOUSE

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IDENTIFICATION	NAME		
C00021568	COMMITTEE TO ELECT EARL W. ARMSTRONG	FT WORTH	TX HOUSE
C00062083	COMMITTEE TO ELECT ED DINIS TO CONGRESS	NEW BEDFORD	MA HOUSE
C00018937	COMMITTEE TO ELECT ED JESELLA	NO TONAWANDA	NY HOUSE
C00049148	COMMITTEE TO ELECT ED MARKEY TO CONGRESS	MALDEN	MA HOUSE
C00062711	COMMITTEE TO ELECT ED POST TO U.S. CONGRESS'76	ANNAPOLIS	MD HOUSE
C00055533	COMMITTEE TO ELECT EDWARD F. GALOTTI	BELMONT	MA HOUSE
C00021394	COMMITTEE TO ELECT EDWARD J. GOLDEN	TROY	NY HOUSE
C00018333	COMMITTEE TO ELECT EDWARD P. BOLAND TO CONGRESS	SPRINGFIELD	MA HOUSE
C00018952	COMMITTEE TO ELECT EDYTHE LAYNE TO CONGRESS	ROSLYN	NY HOUSE
C00071639	COMMITTEE TO ELECT ELLIOT GREENSPAN FOR CONGRESS	EAST ORANGE	NJ HOUSE
C00064955	COMMITTEE TO ELECT EMMETT ROGERS U. S. SENATOR	SOUTHAMPTON	NY SENATE
C00014316	COMMITTEE TO ELECT ESTEBAN ED TORRES	LAGUNA NIGUEL	CA HOUSE
C00044412	COMMITTEE TO ELECT ETCHISON U.S. SENATE '76	PAPILLON	NE SENATE
C00035915	COMMITTEE TO ELECT EUGENE INCH	NEW YORK,	NY HOUSE
C00065631	COMMITTEE TO ELECT EUGENE POSTON TO CONGRESS	SHELBY	NC HOUSE
C00072850	COMMITTEE TO ELECT EUGENE R. ZIMMERMAN TO CONGRESS	BELOIT	WI HOUSE
C00053090	COMMITTEE TO ELECT FLANIGAN	CLEVELAND	OH HOUSE
C00071837	COMMITTEE TO ELECT FRANK COLLIN	CHICAGO	IL HOUSE
C00056176	COMMITTEE TO ELECT FRANK J. OAMA	ORLANDO	FL HOUSE
C00060111	COMMITTEE TO ELECT FRANK J. KELLY TO CONGRESS	ANNANDALE	VA HOUSE
C00018531	COMMITTEE TO ELECT FRANKLIN ORNSTEIN TO CONGRESS	LIDO LONG BEACH	NY HOUSE
C00052159	COMMITTEE TO ELECT FRANZ LEICHTER	NEW YORK	NY HOUSE
C00007112	COMMITTEE TO ELECT FRED BOHEN TO CONGRESS (AKA BOHEM FOR CONGRESS	COMMI PRINCETON	NJ HOUSE
C00072041	COMMITTEE TO ELECT GALBRAITH U.S. SENATOR	SCARBOROUGH	ME SENATE
C00063859	COMMITTEE TO ELECT GARLAND M. FISHER	DOUGLASSVILLE	PA HOUSE
C00059378	COMMITTEE TO ELECT GARY D. POWELL	DETROIT	MI HOUSE
C00062455	COMMITTEE TO ELECT GENE POSTON	BOILING SPRINGS	NC HOUSE
C00048769	COMMITTEE TO ELECT GEORGE BROWN TO U.S. SENATE	SEATTLE	WA SENATE
C00051680	COMMITTEE TO ELECT GEORGE DONNELLY	SOUTH PASADENA	CA HOUSE
C00018101	COMMITTEE TO ELECT GERALD FLAHERTY	SACRAMENTO	CA HOUSE
C00066845	COMMITTEE TO ELECT GIAMMARCO TO CONGRESS	MIDDLESEX	NJ HOUSE
C00066589	COMMITTEE TO ELECT GLADYS PEMBERTON	BROOKLYN	NY HOUSE
C00022749	COMMITTEE TO ELECT GLENN GILEY	OCEAN SPRINGS	MS HOUSE
C00018432	COMMITTEE TO ELECT GLENN R. WELLIS TO CONGRESS	SANBORN	NY HOUSE
C00063842	COMMITTEE TO ELECT GOLDIE DAUSE TO CONGRESS	FLORENCE	SC HOUSE
C00048074	COMMITTEE TO ELECT GORDON GASTIL TO CONGRESS	LA MESA	CA HOUSE

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FEDERAL ELECTION COMMISSION
COMMITTEE CROSS INDEX - (B)

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IDENTIFICATION	NAME		
C00046532	COMMITTEE TO ELECT MARRY A. MANNA	CLEVELAND	OH HOUSE
C00070177	COMMITTEE TO ELECT MARRY CHICKLES	WAKEFIELD	MA HOUSE
C00052621	COMMITTEE TO ELECT MARRY V. TEACHOUT TO CONGRESS	DETROIT	MI HOUSE
C00055855	COMMITTEE TO ELECT HELEN HANSEL TO U.S. SENATE	ST. PETERSBURG	FL SENATE
C00020832	COMMITTEE TO ELECT HELEN S. MEYNER	PHILLIPSBURG	NJ HOUSE
C00061481	COMMITTEE TO ELECT HENRY C. NIELSEN U.S. SENATE	SEATTLE	WA SENATE
C00065490	COMMITTEE TO ELECT HENRY O. MOSS	PHILADELPHIA	PA HOUSE
C00020719	COMMITTEE TO ELECT HENRY J. NOWAK TO CONGRESS	CHEEKTOWAGA	NY HOUSE
C00063339	COMMITTEE TO ELECT HILL TO CONGRESS	ST. ALBANS WEST	VA HOUSE
C00055070	COMMITTEE TO ELECT HOOKS	CHARLOTTE	NC HOUSE
C00070105	COMMITTEE TO ELECT IRA LIEBOWITZ	SEATTLE	WA HOUSE
C00062891	COMMITTEE TO ELECT IRVING GROSS TO CONGRESS	BROOKLYN	NY HOUSE
C00062679	COMMITTEE TO ELECT JACKSON DELEGATES-8TH CONGRESSIONAL DISTRICT OF MARYLAND	POTOMAC	MD PRESIDENTIAL
C00054973	COMMITTEE TO ELECT JAMES A. GILMARTIN	VALENCIA	CA HOUSE
C00062943	COMMITTEE TO ELECT JAMES D. KIMMEL TO U.S. SENATE	KAUNAKAKAI	HI SENATE
C00074955	COMMITTEE TO ELECT JASON BOE UNITED STATES SENATOR	REEDSPORT	OR SENATE
C00017640	COMMITTEE TO ELECT JESSE WOODS TO CONGRESS	PHILADELPHIA	PA HOUSE
C00020487	COMMITTEE TO ELECT JIM BANKS TO CONGRESS	WASHINGTON	OC HOUSE
C00075689	COMMITTEE TO ELECT JIM BORN TO U.S. CONGRESS	SHEVLIN	MN HOUSE
C00014011	COMMITTEE TO ELECT JIM LLOYD FOR CONGRESS	WEST COVINA	CA HOUSE
C00049361	COMMITTEE TO ELECT JIM MADRID	LOS ANGELES	CA HOUSE
C00053223	COMMITTEE TO ELECT JIM MILLS	LIVERMORE	CA HOUSE
C00037046	COMMITTEE TO ELECT JIM O'DONNELL TO CONGRESS	TACOMA,	WA HOUSE
C00013446	COMMITTEE TO ELECT JIM SPARLING	SIGINAW	MI HOUSE
C00063479	COMMITTEE TO ELECT JOE CARRON	ARNOLD	MD HOUSE
C00049221	COMMITTEE TO ELECT JOE RICE	LOS ANGELES	CA HOUSE
C00013870	COMMITTEE TO ELECT JOHN B. ANDERSON	WORCESTER	MA HOUSE
C00074294	COMMITTEE TO ELECT JOHN BAKER	RAINSVILLE	AL SENATE
C00069765	COMMITTEE TO ELECT JOHN BASHLINE TO CONGRESS	FLUSHING	OH HOUSE
C00059366	COMMITTEE TO ELECT JOHN C. HOFFMAN	DETROIT	MI HOUSE
C00063313	COMMITTEE TO ELECT JOHN MAGAN	NEW YORK	NY HOUSE
C00072496	COMMITTEE TO ELECT JOHN LANE TO CONGRESS	LAKEWOOD	CA HOUSE
C00015644	COMMITTEE TO ELECT JOHN M. GRILLO TO CONGRESS	SAGINAW	MI HOUSE
C00029874	COMMITTEE TO ELECT JOHN M. KING U.S. SENATE	ENGLEWOOD	CO SENATE
C00056168	COMMITTEE TO ELECT JOHN MCCARTHY	SPRINGFIELD	MA HOUSE
C00072504	COMMITTEE TO ELECT JOHN OMAR MUOTKA TO CONGRESS	UNION LAKE	MI HOUSE

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IDENTIFICATION	NAME		
C00072819	COMMITTEE TO ELECT JOHN SARKISIAN	TRENTON	MI HOUSE
C00065433	COMMITTEE TO ELECT JOSEPH A. BILLINGTON	PHILADELPHIA	PA HOUSE
C00061929	COMMITTEE TO ELECT JOSEPH BYRNE INDEPENDENT FOR CONGRESS	TOMS RIVER	NJ HOUSE
C00035907	COMMITTEE TO ELECT JOSEPH CASSESE	NEW YORK	NY HOUSE
C00059402	COMMITTEE TO ELECT JOSEPH O. D'URSO	DETROIT	MI HOUSE
C00018754	COMMITTEE TO ELECT JOSEPH D. EARLY TO CONGRESS	WORCESTER	MA HOUSE
C00046888	COMMITTEE TO ELECT JOSEPH M PAVLAK CONGRESSMAN	FEASTERVILLE	PA HOUSE
C00018259	COMMITTEE TO ELECT JOSEPH P. SWEENEY	CANOGA PARK	CA HOUSE
C00073403	COMMITTEE TO ELECT JOSEPH RYAN	TOMS RIVER	NJ HOUSE
C00059394	COMMITTEE TO ELECT JOY POWELL	DETROIT	MI HOUSE
C00062463	COMMITTEE TO ELECT KARL T. UNTCH	YOUNGSTOWN	OH HOUSE
C00065607	COMMITTEE TO ELECT KATHY MOSHIJO	HONOLULU	HI SENATE
C00049569	COMMITTEE TO ELECT KEN BUTTERWORTH TO CONGRESS	MARIETTA	GA HOUSE
C00059410	COMMITTEE TO ELECT KENNETH H. KELLER	DETROIT	MI HOUSE
C00023812	COMMITTEE TO ELECT KESSEL TO CONGRESS IN '76	BROOKLYN	NY HOUSE
C00070201	COMMITTEE TO ELECT LARRY KUTCHINISKI	FORT WORTH	TX HOUSE
C00049536	COMMITTEE TO ELECT LARRY WOJIENKA	WOODLAND	CA HOUSE
C00056440	COMMITTEE TO ELECT LAWRENCE ELLIOTT	DETROIT	MI HOUSE
C00051474	COMMITTEE TO ELECT LAWRENCE MECHT	NEW YORK	NY HOUSE
C00059428	COMMITTEE TO ELECT LEOA J. STEVENS	DETROIT	MI HOUSE
C00070755	COMMITTEE TO ELECT LEIF JOHNSON FOR SENATE	EAST ORANGE	NJ SENATE
C00037325	COMMITTEE TO ELECT LENDY MCDONALD	LOS FRESNOS,	TX HOUSE
C00048942	COMMITTEE TO ELECT LEO EICKHOFF TO CONGRESS	UNIVERSITY CITY	MO HOUSE
C00058791	COMMITTEE TO ELECT LEONARD M. ANDERSON	YONKERS	NY PRESIDENTIAL
C00052779	COMMITTEE TO ELECT LEX TAYLOR TO U.S. HOUSE OF REPRESENTATIVES	LAKELAND	FL HOUSE
C00071530	COMMITTEE TO ELECT LOCAL DELEGATES TO THE NNATIONAL DEMOCRATIC CONVENTION	YOUNGSTOWN	OH PRESIDENTIAL
C00046227	COMMITTEE TO ELECT LOIS TYNER BODLE TO THE U. S. SENATE FROM CALIFORNIA	CHULA VISTA	CA SENATE
C00025734	COMMITTEE TO ELECT LOUIS M. PASTORE, JR. FOR CONGRESS	PROVIDENCE	RI HOUSE
C00050161	COMMITTEE TO ELECT LOUIS J. TULLIS TO CONGRESS	ERIE	PA HOUSE
C00055905	COMMITTEE TO ELECT LOUISE WOFFORD	GAINESVILLE	GA HOUSE
C00035410	COMMITTEE TO ELECT LOWRY SENATOR	BOSTON	MA SENATE
C00032532	COMMITTEE TO ELECT LUCY MAYBERRY PRESIDENT	WASHINGTON	OC PRESIDENTIAL
C00063727	COMMITTEE TO ELECT LUZ VEGA	BROOKLYN	NY HOUSE
C00031781	COMMITTEE TO ELECT LYNDON LAROUCHE	NEW YORK	NY PRESIDENTIAL
C00067157	COMMITTEE TO ELECT LYNN GALONSKY	TOLEDO	OH HOUSE
C00059253	COMMITTEE TO ELECT MARIELLE HAMMMETT KRONBERG	DETROIT	MI HOUSE

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FEDERAL ELECTION COMMISSION
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IDENTIFICATION	NAME		
C00065698	COMMITTEE TO ELECT MARIETTA J. TANNER	BRONX	NY HOUSE
C00010630	COMMITTEE TO ELECT MARION A. TROZZOLO	KANSAS CITY	MO HOUSE
C00060491	COMMITTEE TO ELECT MARTHA MILTY	DETROIT	MI HOUSE
C00005652	COMMITTEE TO ELECT MARTIN P. MOSS	PHILADELPHIA	PA HOUSE
C00062414	COMMITTEE TO ELECT MARTINSON CONGRESSMAN	CINCINNATI	OH HOUSE
C00065466	COMMITTEE TO ELECT MARY JANE COATES	PHILADELPHIA	PA HOUSE
C00070110	COMMITTEE TO ELECT MARY S. JOYNER TO THE HOUSE OF REPRESENTATIVES	KINGSPORT	TN HOUSE
C00067180	COMMITTEE TO ELECT MAX DEAN	FLINT	MI HOUSE
C00054049	COMMITTEE TO ELECT MCCUNE DIST. 3	PHOENIX	AZ HOUSE
C00038331	COMMITTEE TO ELECT MCCUSKEY TO CONGRESS	BRIDGEPORT	WV HOUSE
C00059956	COMMITTEE TO ELECT MELVIN P. BROWN	DETROIT	MI HOUSE
C00052142	COMMITTEE TO ELECT MEYER	DETROIT	MI HOUSE
C00072074	COMMITTEE TO ELECT MEYERS	DENVER	CO HOUSE
C00048512	COMMITTEE TO ELECT MICHAEL A. MACLAURIN FOR SENATOR	MILWAUKEE	WI SENATE
C00046105	COMMITTEE TO ELECT MICHAEL DUANE	SEATTLE	WA HOUSE
C00048330	COMMITTEE TO ELECT MONROE TO CONGRESS	HUNTSVILLE	AL HOUSE
C00013078	COMMITTEE TO ELECT NELSON WOLFF	SAN ANTONIO	TX HOUSE
C00036327	COMMITTEE TO ELECT NEREIDA CORDERO	NEW YORK,	NY HOUSE
C00055491	COMMITTEE TO ELECT NOWAK	ST. LOUIS	MO HOUSE
C00072118	COMMITTEE TO ELECT ODDEN	RICHMOND	VA HOUSE
C00053199	COMMITTEE TO ELECT OLLIE BIVINS	BALTIMORE	MD HOUSE
C00069906	COMMITTEE TO ELECT OSCAR HAYNE	PHILFTYO	IL HOUSE
C00055939	COMMITTEE TO ELECT OWEN AUGUSTIN TO CONGRESS	BROOKLYN	NY HOUSE
C00066647	COMMITTEE TO ELECT PAT BONNER	NEW YORK	NY HOUSE
C00064196	COMMITTEE TO ELECT PAT HARPER	PHOENIX	AZ HOUSE
C00046169	COMMITTEE TO ELECT PAT RUCKERT	SEATTLE	WA HOUSE
C00066673	COMMITTEE TO ELECT PAUL GUMBEL UNITED STATES SENATOR	SEATTLE	WA SENATE
C00068957	COMMITTEE TO ELECT PAUL KREINDLO	NEW YORK	NY HOUSE
C00072579	COMMITTEE TO ELECT PERRY TO THE U.S. CONGRESS	CORNISH	ME HOUSE
C00056580	COMMITTEE TO ELECT PETER A. SIGNORELLI	DETROIT	MI SENATE
C00068764	COMMITTEE TO ELECT PETER GERACI	AMHERST	NY HOUSE
C00065516	COMMITTEE TO ELECT PHILIP VALENTI	PHILADELPHIA	PA HOUSE
C00036491	COMMITTEE TO ELECT PORTER,	CHARLOTTE,	NC HOUSE
C00048185	COMMITTEE TC ELECT PRESIDENT JOHN PAUL FRITZ WORLD GOVERNMENT ELECTION CAMPAIGN	HONOLULU	HI PRESIDENTIAL
C00017939	COMMITTEE TO ELECT R. TED MOTTIGER, CONGRESS	PARKLAND	WA HOUSE
C00047881	COMMITTEE TO ELECT RALPH MCCOY TO CONGRESS	WOODSFIELD	OH HOUSE

FEDERAL ELECTION COMMISSION
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IDENTIFICATION	NAME		
C00068965	COMMITTEE TO ELECT RANSON AYULA	NEW YORK	NY HOUSE
C00052001	COMMITTEE TO ELECT RAY MATTOX TO CONGRESS	WINTER HAVEN	FL HOUSE
C00060194	COMMITTEE TO ELECT RAYMOND GARCIA TO THE U.S. CONGRESS	ALBUQUERQUE	NM HOUSE
C00063321	COMMITTEE TO ELECT RAYMOND PRITCHARD	SEATTLE	WA HOUSE
C00051763	COMMITTEE TO ELECT RAYMOND W. THOMPSON	N. KANSAS CITY	MO HOUSE
C00064949	COMMITTEE TO ELECT RICHARD F. DIOEON	LACEY	WA HOUSE
C00053157	COMMITTEE TO ELECT RICHARD HILL	BALTIMORE	MD SENATE
C00019992	COMMITTEE TO ELECT RICHARD S. WOLSKI TO CONGRESS	WARREN	MI HOUSE
C00036335	COMMITTEE TO ELECT RICHARD SPIDA	NEW YORK,	NY HOUSE
C00050823	COMMITTEE TO ELECT ROBERT A. WELBOURN CONGRESSMAN	EL SEGUNDO	CA HOUSE
C00072108	COMMITTEE TO ELECT ROBERT BOWEN FOR CONGRESS	EAST ORANGE	NJ HOUSE
C00064972	COMMITTEE TO ELECT ROBERT CHARLES-UNITED STATES SENATE	LAS VEGAS	NV SENATE
C00015867	COMMITTEE TO ELECT ROBERT E. DAVIS JR. TO CONGRESS	BAY CITY	MI HOUSE
C00047100	COMMITTEE TO ELECT ROBERT EMMET DINSMORE	BOSTON	MA SENATE
C00048288	COMMITTEE TO ELECT ROBERT F. DONOVAN	CHELSEA	MA HOUSE
C00032383	COMMITTEE TO ELECT ROBERT J. LUELLEN FOR PRESIDENT	NEW CASTLE	IN PRESIDENTIAL
C00048908	COMMITTEE TO ELECT ROBERT M. LUZIER	RICHEYVILLE	PA HOUSE
C00060788	COMMITTEE TO ELECT ROBERT M. REYNOLDS	TACOMA	WA HOUSE
C00061143	COMMITTEE TO ELECT ROBERT O. BOB BUCHANAN	OKLAHOMA CITY	OK HOUSE
C00048645	COMMITTEE TO ELECT ROBERT O. UNDERWOOD U.S. SENATOR	HOLYOKE	MA SENATE
C00046490	COMMITTEE TO ELECT ROBERT SIEBURG '78	CHARLOTTE	NC HOUSE
C00050500	COMMITTEE TO ELECT RODERICK J. WILSON	OCEANSIDE	CA HOUSE
C00036020	COMMITTEE TO ELECT RODNEY MUTH	NEW YORK,	NY HOUSE
C00060798	COMMITTEE TO ELECT ROGER MAN	NEW YORK	NY HOUSE
C00024604	COMMITTEE TO ELECT RON PETTIS (AKA FRIENDS OF RON PETTIS)	RIVERSIDE	CA HOUSE
C00059436	COMMITTEE TO ELECT RONALD O. ZIEGLER	DETROIT	MI HOUSE
C00052423	COMMITTEE TO ELECT RONALD J. O'ANGELO TO CONGRESS	BROOKLYN	NY HOUSE
C00022265	COMMITTEE TO ELECT RONALD REED, M.D.	BOTHELL	WA HOUSE
C00048371	COMMITTEE TO ELECT RONNIE FLIPPO	FLORENCE	AL HOUSE
C00030023	COMMITTEE TO ELECT ROOSEVELT PRESIDENT	WASHINGTON	DC PRESIDENTIAL
C00061309	COMMITTEE TO ELECT ROOSEVELT TO CONGRESS	BETHESDA	MD HOUSE
C00053025	COMMITTEE TO ELECT ROSE TO CONG.	KANSAS CITY	KS HOUSE
C00049270	COMMITTEE TO ELECT ROSEMARIE TURINO	LYNNFIELD	MA HOUSE
C00000161	COMMITTEE TO ELECT ROWK	MARGATE	NJ DELEGATE
C00021303	COMMITTEE TO ELECT RUSSELL M. NIGRO	PHILADELPHIA	PA HOUSE
C00072884	COMMITTEE TO ELECT SALISBURY	BALTIMORE	MD HOUSE

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IDENTIFICATION	NAME		
C00065474	COMMITTEE TO ELECT SAMUEL CINGER	PHILADELPHIA	PA HOUSE
C00023143	COMMITTEE TO ELECT SAMUEL D. WRIGHT, ET AL	BROOKLYN	NY HOUSE
C00049320	COMMITTEE TO ELECT SAUL E. LANKSTER CONGRESSMAN 31ST DISTRICT	COMPTON	CA HOUSE
C00037398	COMMITTEE TO ELECT SCHLANGER	CHARLOTTE	NC HOUSE
C00065441	COMMITTEE TO ELECT SCOTT BRODY	PHILADELPHIA	PA HOUSE
C00066590	COMMITTEE TO ELECT SCOTT L. ELLIOT	DETROIT	MI HOUSE
C00075606	COMMITTEE TO ELECT SENATOR GEORGE FLEMING TO CONGRESS	SEATTLE	WA HOUSE
C00029223	COMMITTEE TO ELECT SENATOR HUMPHREY	MINNEAPOLIS	MN SENATE
C00051755	COMMITTEE TO ELECT SHANNON	STOUGHTON	MA SENATE
C00025221	COMMITTEE TO ELECT SHEPHARD	COLORADO SPRINGS	CO HOUSE
C00029090	COMMITTEE TO ELECT SHERMAN BERNARD SENATOR	TERMINATED BATON ROUGE	LA SENATE
C00051748	COMMITTEE TO ELECT STAN SAPIRO	BURBANK	CA HOUSE
C00049403	COMMITTEE TO ELECT STEPHAN R. JONES	SAN DIEGO	CA HOUSE
C00037376	COMMITTEE TO ELECT STEVEN B. WARM FOR THE U.S. HOUSE OF	REPRESENTATIVES RICHMOND,	VA HOUSE
C00065482	COMMITTEE TO ELECT STEVEN S. DOUGLAS	PHILADELPHIA	PA HOUSE
C00060218	COMMITTEE TO ELECT STUART M. BROWN FOR CONGRESS	EAST ORANGE	NJ HOUSE
C00059444	COMMITTEE TO ELECT SUSANNE GALTO	DETROIT	MI HOUSE
C00031963	COMMITTEE TO ELECT THE LAST PRESIDENT, AKA KELLEHER FOR PRESIDENT	BILLINGS	MT PRESIDENTIAL
C00052084	COMMITTEE TO ELECT THEODORE C. SPIRO	EAST DETROIT	MI HOUSE
C00072089	COMMITTEE TO ELECT THEODORE G. ALBERT U.S. SENATOR	FLINT	MI SENATE
C00071753	COMMITTEE TO ELECT THERESE S. BARBONE	BIRMINGHAM	MI HOUSE
C00026120	COMMITTEE TO ELECT THOMAS ALEXANDER PEZZUTI	SANTA MONICA	CA HOUSE
C00059451	COMMITTEE TO ELECT THOMAS L. SIMPSON	DETROIT	MI HOUSE
C00037333	COMMITTEE TO ELECT THOMAS WAJERSKI	CHICAGO	IL HOUSE
C00060822	COMMITTEE TO ELECT TOM GOVER TO CONGRESS	CHATTANOOGA	TN HOUSE
C00053173	COMMITTEE TO ELECT TORY DUNN	BALTIMORE	MD HOUSE
C00056242	COMMITTEE TO ELECT URBASZENSKI AS 8TH DISTRICT CONGRESSMAN	CHICAGO	IL HOUSE
C00000369	COMMITTEE TO ELECT VEGA, OWENS & BOYLAND	BROOKLYN	NY DELEGATE
C00054593	COMMITTEE TO ELECT VINCENT A. LOPRESTI	MEDFORD	MA HOUSE
C00071878	COMMITTEE TO ELECT VINCENT MISKELL FOR CONGRESS	EAST ORANGE	NJ HOUSE
C00054270	COMMITTEE TO ELECT WILLIAM B. REINSTEIN TO CONGRESS	MALDEN	MA HOUSE
C00044743	COMMITTEE TO ELECT WILLIAM WERTZ	SEATTLE	WA SENATE
C00069450	COMMITTEE TO ELECT WILLIE C. JACOA	MEMPHIS	TN SENATE
C00050758	COMMITTEE TO ELECT WILLNER TO CONGRESS	SARASOTA	FL HOUSE
C00063640	COMMITTEE TO KEEP THE GOOD WORK OF AL CEDERBERG	ALEXANDRIA	VA HOUSE
C00039768	COMMITTEE TO MAKE CONGRESSMAN HEINZ SENATOR HEINZ, THE (AUTHORIZED COMMITTEE)	PHILADELPHIA	PA SENATE

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IDENTIFICATION	NAME		
C00059709	COMMITTEE TO NOMINATE AND ELECT CALVIN WARBURTON	RAYMOND	NH HOUSE
C00062849	COMMITTEE TO PROMOTE JOBS, CONSTRUCTION AND THE ECONOMY	MILTON,	MA HOUSE
C00016808	COMMITTEE TO RE-ELECT BARBARA JORDAN	HOUSTON	TX HOUSE
C00012344	COMMITTEE TO RE-ELECT BOB TIERNEY	NEW YORK	NY HOUSE
C00003723	COMMITTEE TO RE-ELECT BURT TALCOTT	SALINAS	CA HOUSE
C00001982	COMMITTEE TO RE-ELECT CHARLES E. WIGGINS	FULLERTON	CA HOUSE
C00001909	COMMITTEE TO RE-ELECT CLARENCE D. LONG/CLARENCE D. LONG CAMPAIGN FUND	BALTIMORE	MD HOUSE
C00050864	COMMITTEE TO RE-ELECT CONGRESSMAN AMBRO	HUNTINGTON	NY HOUSE
C00015529	COMMITTEE TO RE-ELECT CONGRESSMAN BILL COTTER	WETHERSFIELD	CT HOUSE
C00004242	COMMITTEE TO RE-ELECT CONGRESSMAN CHARLES B. RANGEL	WASHINGTON	DC HOUSE
C00003681	COMMITTEE TO RE-ELECT CONGRESSMAN DON CLAUSEN	SANTA ROSA	CA HOUSE
C00062159	COMMITTEE TO RE-ELECT CONGRESSMAN FRANK HORTON	ROCHESTER	NY HOUSE
C00050856	COMMITTEE TO RE-ELECT CONGRESSMAN HINSHAW	SANTA ANA	CA HOUSE
C00049197	COMMITTEE TO RE-ELECT CONGRESSMAN J. HERBERT BURKE	HOLLYWOOD	FL HOUSE
C00016477	COMMITTEE TO RE-ELECT CONGRESSMAN LAMAR BAKER	CHATTANOOGA	TN HOUSE
C00049312	COMMITTEE TO RE-ELECT CONGRESSMAN LEO C. ZEFERETTI	BROOKLYN	NY HOUSE
C00000471	COMMITTEE TO RE-ELECT CONGRESSMAN LIONEL VAN DEERLIN	SAN DIEGO	CA HOUSE
C00018291	COMMITTEE TO RE-ELECT CONGRESSMAN MARIO BIAGGI	NEW YORK	NY HOUSE
C00001149	COMMITTEE TO RE-ELECT CONGRESSMAN MICHAEL J. HARRINGTON	SALEM	MA HOUSE
C00009852	COMMITTEE TO RE-ELECT CONGRESSMAN PETE MCCLOSKEY	PALO ALTO	CA HOUSE
C00049601	COMMITTEE TO RE-ELECT CONGRESSMAN ROBERT DUNCAN	PORTLAND	OR HOUSE
C00059311	COMMITTEE TO RE-ELECT CONGRESSMAN ROBERT F. DRINAN	BOSTON	MA HOUSE
C00061388	COMMITTEE TO RE-ELECT CONGRESSMAN ROBERT F. DRINAN	ARBURNDALE	MA HOUSE
C00018648	COMMITTEE TO RE-ELECT CONGRESSMAN STUDDS	NORWELL	MA HOUSE
C00002063	COMMITTEE TO RE-ELECT CONGRESSMAN WILLIAM D. FORD	DETROIT	MI HOUSE
C00010553	COMMITTEE TO RE-ELECT JACK BROOKS	WASHINGTON	DC HOUSE
C00061614	COMMITTEE TO RE-ELECT JAMIE WHITTEN	CHARLESTON,	MS HOUSE
C00049874	COMMITTEE TO RE-ELECT JOSEPH D. EARLY TO CONGRESS	WORCESTER	MA HOUSE
C00025379	COMMITTEE TO RE-ELECT LAFALCE	TONAWANDA	NY HOUSE
C00012690	COMMITTEE TO RE-ELECT LEO J. RYAN	REDWOOD CITY	CA HOUSE
C00017988	COMMITTEE TO RE-ELECT LUKEN TO CONGRESS	CINCINNATI	OH HOUSE
C00036905	COMMITTEE TO RE-ELECT PATTERSON TO CONGRESS	SANTA ANA	CA HOUSE
C00001941	COMMITTEE TO RE-ELECT PEYSER TO CONGRESS	IRVINGTON	NY HOUSE
C00070318	COMMITTEE TO RE-ELECT RON DE LUGO, THE	ST. THOMAS	VI HOUSE
C00063883	COMMITTEE TO RE-ELECT RON PAUL GEN'L ELECT	LAKE JACKSON	TX HOUSE
C00050633	COMMITTEE TO RE-ELECT SENATOR EDWARD M. KENNEDY '74	BOSTON	MA SENATE

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IDENTIFICATION	NAME			
C00020188	COMMITTEE TO RE-ELECT THOMAS P. O'NEILL, JR. TO CONGRESS	BOSTON	MA	HOUSE
C00002592	COMMITTEE TO RE-ELECT TOM FOLEY	SPOKANE	WA	HOUSE
C00069948	COMMITTEE TO RE-ELECT VIRGINIA SMITH TO CONGRESS	CHAPPELL	NE	HOUSE
C00042586	COMMITTEE TO RE-ELECT YVONNE BRAITHWAITE BURKE	INGLEWOOD	CA	HOUSE
C00021420	COMMITTEE TO REELECT CONG. LAGOMARSINO (AKA '74 COMMITTEE TO REELECT CONG. LAGOMARSINO)	VENTURA	CA	HOUSE
C00076208	COMMITTEE TO REELECT SENATOR MATHIAS	PORTLAND	ME	SENATE
C00071357	COMMITTEE TO RETIRE DRINAN	NEWTON HIGHLANDS	MA	HOUSE
C00065889	COMMITTEE TO SEND GERRY STUDDS TO CONGRESS IN 1972	HINGHAM	MA	HOUSE
C00036814	COMMITTEE TO SUPPORT THE CAMPAIGN OF ANN MORRISSEY	PAWTUCKET,	RI	HOUSE
C00065102	COMMITTEE TO ELECT LAWRENCE W. LINDSLY TO U.S. CONGRESS	BRONX	NY	HOUSE
C00024265	COMMON CAUSE (SEC. 437)	WASHINGTON	DC	NON-PARTY RELATED
C00012518	COMMONWEALTH ASSOCIATES PAC FUND	CHARLOTTE	NC	NON-PARTY RELATED
C00032458	COMMONWEALTH POLITICAL PARTY OF THE UNITED STATES	HOUSTON	TX	PARTY RELATED
C00018917	COMMONWEALTH REPUBLICAN WOMEN'S CLUB	DENVER	CO	PARTY RELATED
C78888211	COMMUNICATION WORKERS OF AMERICA	WASHINGTON	DC	NON-PARTY RELATED
C00000984	COMMUNICATIONS POLITICAL ACTION COMMITTEE	WASHINGTON	DC	NON-PARTY RELATED
C00034744	COMMUNICATORS-POLITICAL ACTION CLUB (C-PAC)	SAN ANGELO	TX	NON-PARTY RELATED
C00041426	COMMUNITY ACTION COMMITTEE	PORTLAND	OR	NON-PARTY RELATED
C00000571	COMSTOCK, FREDERICK G.	ALBUQUERQUE	NM	INDEPENDENT EXPENDITOR
C00015902	CONABLE CONGRESSIONAL COMMITTEE	BATAVIA	NY	HOUSE
C00038232	CONBOY FOR CONGRESS	CINCINNATI	OH	HOUSE
C00074813	CONCERNED OREGON CITIZENS COMMITTEE	BEAVERTON	OR	PRESIDENTIAL
C00066977	CONCERNED BUSINESSMENS POLITICAL ACTION COMMITTEE	OKLAHOMA CITY	OK	NON-PARTY RELATED
C00072934	CONCERNED CITIZENS COMMITTEE 1ST CONG. DIST.	UNIVERSITY CITY	MO	HOUSE
C00071083	CONCERNED CITIZENS FOR FORD	LAREDO	TX	PRESIDENTIAL
C00000563	CONCERNED CITIZENS FOR FORD	DECATUR	AL	INDEPENDENT EXPENDITOR
C00067793	CONCERNED CITIZENS FOR GOOD GOVERNMENT FOR PRESIDENT FORD	WASHINGTON	DC	PRESIDENTIAL
C00021626	CONCERNED CITIZENS FOR NEIL GREENE	N BABYLON	NY	HOUSE
C00022566	CONCERNED CITIZENS FOR OBERSTAR	DULUTH	MN	HOUSE
C00038486	CONCERNED CITIZENS POLITICAL ACTION COMMITTEE	HOUSTON	TX	NON-PARTY RELATED
C00027961	CONCERNED NEW YORKERS FOR ABE HIRSCHFIELD	NEW YORK	NY	SENATE
C00002106	CONCERNED OREGON CITIZENS CMTE.	BEAVERTON	OR	INDEPENDENT EXPENDITOR
C00000388	CONCERNED SENIORS FOR BETTER GOVERNMENT	WASHINGTON	DC	PRESIDENTIAL
C00070588	CONCERNED TAXPAYERS OF NEW JERSEY	PRINCETON	NJ	NON-PARTY RELATED
C99888820	CONCERNED TAXPAYERS OF NEW JERSEY	PRINCETON	NJ	INDEPENDENT EXPENDITOR
C00078912	CONCERNED TENNESSEANS	NASHVILLE	TN	SENATE

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C00073858	CONCERNED VOTERS FOR JOE HEIMBOLD	MONMOUTH BEACH	NJ	HOUSE
C00055358	CONE FOR CONGRESS COMMITTEE	RICHLAND	WA	HOUSE
C00016964	CONGRESS COMMITTEE FOR BRAINARD G. MEROINGER	SAN FRANCISCO	CA	HOUSE
C00030582	CONGRESSIONAL ACTION COMMITTEE	PORTLAND	OR	HOUSE
C00003038	CONGRESSIONAL ACTION FUND	WASHINGTON	DC	HOUSE
C00065771	CONGRESSIONAL CAMPAIGN COMMITTEE	NEWTON	MA	HOUSE
C00036145	CONGRESSIONAL CLUB OF REEVES COUNTY	PECOS	TX	PARTY RELATED
C00049692	CONGRESSIONAL CLUB OF THE PERMIAN BASIN	ODESSA	TX	HOUSE
C00013539	CONGRESSIONAL COMMITTEE OF ROANE COUNTY	HARRIMAN	TN	HOUSE
C00036863	CONGRESSIONAL PROJECT NO. 16-1976 CAMPAIGN COMMITTEE	MONROE,	LA	HOUSE
C00068643	CONGRESSIONAL SPEAKER REFORM COMMITTEE	VIRGINIA BEACH	VA	HOUSE
C00056333	CONGRESSIONAL SPEAKER REFORM COMMITTEE (TERMINATED) NOW OPERATES UNDER ID C00068643)	WASHINGTON	DC	PARTY RELATED
C00010777	CONGRESSIONAL VICTORY COMMITTEE	NEW YORK	NY	NON-PARTY RELATED
C00055509	CONGRESSIONAL VICTORY FUND	INDIANAPOLIS	IN	PARTY RELATED
C00051227	CONGRESSMAN BILL YOUNG CAMPAIGN COMMITTEE	ST. PETERSBURG	FL	HOUSE
C00025593	CONGRESSMAN BOB MCCLORY FINANCE COMMITTEE	WAUKEGAN	IL	HOUSE
C00021113	CONGRESSMAN BOWEN RE-ELECTION COMMITTEE	WEST POINT	MA	HOUSE
C00048033	CONGRESSMAN BOWEN RE-ELECTION COMMITTEE	CLEVELAND	MS	HOUSE
C00002030	CONGRESSMAN FORD BIRTHDAY PICNIC COMMITTEE	DETROIT	MI	HOUSE
C00015743	CONGRESSMAN GUYER COMMITTEE	LIMA	OH	HOUSE
C00000257	CONGRESSMAN HUDNUT FOR CONGRESS COMMITTEE	INDIANAPOLIS	IN	HOUSE
C00012617	CONGRESSMAN JAMES R. JONES ELECTION COMMITTEE	TULSA	OK	HOUSE
C00055178	CONGRESSMAN JOHN J. DUNCAN RE-ELECTION COMMITTEE	KNOXVILLE	TN	HOUSE
C00014266	CONGRESSMAN ROBERT MCCLORY ELECTION COMMITTEE	WAUKEGAN	IL	HOUSE
C00036150	CONGRESSMAN ST. GERMAIN CAMPAIGN	WOONSOCKET	RI	HOUSE
C00013120	CONGRESSMAN WAXMAN CAMPAIGN COMMITTEE	BEVERLY HILLS	CA	HOUSE
C00010744	CONGRESSMAN WILLIAM D. FORD CAMPAIGN FUND.	DETROIT	MI	HOUSE
C00002055	CONGRESSMAN WILLIAM D. FORD TESTIMONIAL DINNER COMMITTEE	DETROIT	MI	HOUSE
C00012427	CONGRESSMAN WRIGHT APPRECIATION COMMITTEE	FORT WORTH	TX	HOUSE
C00016204	CONLAN FOR CONGRESS	PHOENIX	AZ	HOUSE
C00039784	CONLAN FOR U.S. SENATE	PHOENIX	AZ	SENATE
C00032169	CONN. HARRIS FOR PRESIDENT COMMITTEE	HARTFORD	CT	PRESIDENTIAL
C00074351	CONNECTICUT CITIZENS FOR MCCARTHY	SOUTH NORWALK	CT	PRESIDENTIAL
C00070821	CONNECTICUT DEMOCRATIC CAMPAIGN '76 COMMITTEE	HARTFORD	CT	PARTY RELATED
C00073957	CONNECTICUT DEMOCRATIC FEDERAL CANDIDATES COMMITTEE	HARTFORD	CT	PARTY RELATED
C00073296	CONNECTICUT EDUCATION ASSOCIATION	HARTFORD	CT	NON-PARTY RELATED

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C00007078	CONSTRUCTIVE CITIZENSHIP PROGRAM	RICHARDSON TX	NON-PARTY RELATED
C00034769	CONSTRUCTIVE CONGRESS COMMITTEE	WASHINGTON DC	NON-PARTY RELATED
C00073619	CONSUMER ACTION PARTY	FLEMINGTON NJ	HOUSE
C00015516	CONSUMER BANKERS ASSOCIATION POLITICAL ACTION COMMITTEE, THE	WASHINGTON DC	NON-PARTY RELATED
C00020321	CONSUMER CREDIT PEOPLE FOR RESPONSIBLE GOVERNMENT	MACON GA	NON-PARTY RELATED
C00033604	CONSUMER FINANCE POLITICAL ACTION COMMITTEE	WASHINGTON DC	NON-PARTY RELATED
C00030593	CONSUMER REPORTING & COLLECTION EXECUTIVES POLITICAL ACTION	COMMITTEE LANGLEY PARK MD	NON-PARTY RELATED
C90000720	CONSUMERS FOR CARTER/MONDALE	WASHINGTON DC	INDEPENDENT EXPENDITOR
C00013005	CONSUMERS FOR PEYSER	IRVINGTON NY	HOUSE
C00040212	CONTAINER CORPORATION OF AMERICA POLITICAL ACTION COMMITTEE (D/B/A CON PAC)	CHICAGO IL	NON-PARTY RELATED
C00016931	CONTE FOR CONGRESS COMMITTEE	PITTSFIELD MA	HOUSE
C00069922	CONTE FOR CONGRESS COMMITTEE	LYNN MA	HOUSE
C00026625	CONTINENTAL GROUP CIVIC ASSOCIATION	NEW YORK NY	NON-PARTY RELATED
C00038828	CONTROL DATA POLITICAL ACTION COMMITTEE	MINNEAPOLIS MN	NON-PARTY RELATED
C00006270	COOK FOR CONGRESS	ATLANTA GA	HOUSE
C00046555	COOK FOR CONGRESS COMMITTEE	ROCHESTER NY	HOUSE
C90000738	COOK, PETER & JOAN	GRANDRAPIDS MI	INDEPENDENT EXPENDITOR
C00061010	COOMER FOR CONGRESS	GREENWOOD IN	HOUSE
C80000308	COON, JAMES E.	MANCHACA TX	DELEGATE
C00038240	COONEY TO CONGRESS	AUBURN ME	HOUSE
C00036319	COOPER FOR CONGRESS	ROCKHILL MO	HOUSE
C00024596	COOPER FOR CONGRESS COMMITTEE	WINNETKA IL	HOUSE
C70000047	COOPER INDUSTRIES, INC.	MOUSTON TX	NON-PARTY RELATED
C00032573	COORS EMPLOYEES POLITICAL ACTION COMMITTEE	GOLDEN CO	NON-PARTY RELATED
C90001470	COORS, JOSEPH	GOLDEN CO	INDEPENDENT EXPENDITOR
C00056515	COPE - CHARLOTTE	CHARLOTTE NC	NON-PARTY RELATED
C70000229	COPE - INDUSTRIAL CONTRIBUTIONS ACCOUNT	HAMDEN CT	NON-PARTY RELATED
C00073338	COPE COMMITTEE AFL-CIO	GREENSBORO NC	NON-PARTY RELATED
C00023242	COPE COMMITTEE FUND, IUE, LOCAL 761	LOUISVILLE KY	NON-PARTY RELATED
C00004283	COPE COMMITTEE OF THE UNITED RUBBER CORK LINOLEUM AND PLASTIC	WORKERS OF AMERICA AFL AKRON OH	NON-PARTY RELATED
C00005447	COPE FIRE FIGHTERS	TERMINATED WASHINGTON DC	NON-PARTY RELATED
C00010819	COPE FUND IUE-AFL-CIO DISTRICT THREE	E. RUTHERFORD NJ	NON-PARTY RELATED
C00023055	COPE LOCAL 1362 IAEW	CEDAR RAPIDS IA	NON-PARTY RELATED
C00011833	COPE UA LOCAL 469	PHOENIX AZ	NON-PARTY RELATED
C00034165	COPE-INDIVIDUAL CONTRIBUTION ACCOUNT	HAMDEN CT	NON-PARTY RELATED
C00040030	COPE-NORTH CAROLINA STATE	RALIEGH NC	NON-PARTY RELATED

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C00038661	CONNECTICUT INSURANCE POLITICAL ACTION COMMITTEE	HARTFORD CT	NON-PARTY RELATED
C00033670	CONNECTICUT LABOR PARTY (FORMERLY UNITED STATES LABOR PARTY)	HARTFORD CT	PARTY RELATED
C00003020	CONNECTICUT MEDICAL POLITICAL ACTION COMMITTEE	NEW HAVEN CT	NON-PARTY RELATED
C00039602	CONNECTICUT MERIT SHOP POLITICAL ACTION COMMITTEE	MIDDLETOWN CT	NON-PARTY RELATED
C00023838	CONNECTICUT REPUBLICAN FEDERAL CAMPAIGN COMMITTEE	HARTFORD CT	PARTY RELATED
C00038398	CONNECTICUT UOALL '76 COMMITTEE	HARTFORD CT	PRESIDENTIAL
C00069518	CONNECTICUTT CONSERVATIVE COMMITTEE	STAMFORD CT	NON-PARTY RELATED
C80000029	CONNER, TROY B.	MORGANTOWN WV	DELEGATE
C00049502	CONNOLLY FOR CONGRESS	SAINT PAUL MN	HOUSE
C00063016	CONNOLLY FOR CONGRESS	ST. PAUL MN	HOUSE
C00035055	CONOCO EMPLOYEE GOOD GOVERNMENT FUND	HOUSTIN TX	NON-PARTY RELATED
C00040824	CONPAC	PITTSBURGH PA	NON-PARTY RELATED
C00040816	CONSERVATIVE COALITION OF IOWA	WATERLOO IA	NON-PARTY RELATED
C00074492	CONSERVATIVE DEMOCRATIC ORGANIZATION	CHALMETTE LA	HOUSE
C00066049	CONSERVATIVE PARTY OF KANSAS	FLORENCE KS	PARTY RELATED
C90000712	CONSERVATIVE PARTY OF NEW YORK	NEW YORK NY	INDEPENDENT EXPENDITOR
C00009704	CONSERVATIVE VICTORY FUND	WASHINGTON DC	NON-PARTY RELATED
C00050237	CONSERVATIVES FOR BUCKLEY	NEW YORK NY	SENATE
C00076158	CONSERVATIVES FOR HELMS	NEW YORK NY	SENATE
C00065235	CONSERVATIVES FOR NELSON BAHMANS	ROSLYN NY	HOUSE
C00064147	CONSERVATIVES FOR RADDA	YONKERS NY	HOUSE
C00023986	CONSERVATIVES FOR REAGAN	NEW YORK NY	PRESIDENTIAL
C00062695	CONSERVATIVES FOR WILLIAM WHITMAN	OZONE PARK NY	HOUSE
C00024950	CONSERVATIVE CAMPAIGN COMMITTEE, INC.	ARLINGTON VA	NON-PARTY RELATED
C00010967	CONSOLIDATED EXECUTIVES VOLUNTARY NON-PARTISAN POL. FUND	BRIDGEPORT WV	NON-PARTY RELATED
C00011098	CONSOLIDATED VOLUNTARY NON-PARTISAN POLITICAL FUND	NORWOOD NJ	NON-PARTY RELATED
C00038554	CONSTERNPAC CONSERVATIVE TENNESSEANS POLITICAL ACTION COMMITTEE	FEDERAL FUND MEMPHIS TN	NON-PARTY RELATED
C00042549	CONSTITUTIONAL STATE COMMITTEE OF PENNSYLVANIA	HARRISBURG PA	PARTY RELATED
C00012443	CONSTRUCTION ACTION COMMITTEE	DES MOINES IA	NON-PARTY RELATED
C00035030	CONSTRUCTION ACTION COMMITTEE	DES MOINES IA	NON-PARTY RELATED
C00010124	CONSTRUCTION EQUIPMENT POLITICAL ACTION COMMITTEE	WASHINGTON DC	NON-PARTY RELATED
C00059162	CONSTRUCTION INDUSTRY LEGISLATIVE ORGANIZATION	HONOLULU HI	NON-PARTY RELATED
C00012351	CONSTRUCTION INDUSTRY MANAGEMENT POLITICAL ACTION COMMITTEE	LANSING MI	NON-PARTY RELATED
C00047407	CONSTRUCTION INDUSTRY OF MISSOURI POLITICAL ACTION COMMITTEE	(CIMPAC) KANSAS CITY MO	NON-PARTY RELATED
C00011668	CONSTRUCTION INDUSTRY POLITICAL EDUCATION COMMITTEE	ST. LOUIS MO	NON-PARTY RELATED
C00068452	CONSTRUCTION SURVIVAL CLUB	DES MOINES IA	NON-PARTY RELATED

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C00004936	CCPE-PCC-SEIU	WASHINGTON	DC
C00047449	CORCORAN DEBT RETIREMENT COMMITTEE	OTTAWA	IL
C00013169	CORCORAN FOR CONGRESS COMMITTEE	OTTAWA	IL
C00030228	COREY DANNEM FOR CONGRESS	TOLEDO,	OH
C00015800	CORINNE FRIEDMAN FOR CONGRESS	SAN JOSE	CA
C00003673	CORMAN CAMPAIGN COMMITTEE	VAN NUYS	CA
C00023069	CORMAN DINNER COMMITTEE	TERMINATED VAN NUYS	CA
C00033589	CORNING GLASS WORKS EMPLOYEES POLITICAL ACTION COMMITTEE	WASHINGTON	DC
C00075929	CORNWELL FOR CONGRESS (1974)	PAOLI	IN
C00049122	CORNWELL FOR CONGRESS COMMITTEE (76)	PAOLI	IN
C00075168	CORRECTION, PUNISHMENT AND REMEDY PARTY	LOUISVILLE	KY
C00046557	CORTEZ FOR CONGRESS COMMITTEE	CLEVELAND	OH
C80001A07	COSENTINO, DIANA	HILLBURN	NY
C00067389	COSETTE FOR CONGRESS COMMITTEE	SHELTON	CT
C00061A38	COSTANZA FOR CONGRESS	ROCHESTER	NY
C00020552	COSTANZA FOR CONGRESS FINANCE COMMITTEE	ROCHESTER	NY
C00039826	COSTAS FOR SENATE COMMITTEE	VALPARAISO	IN
C00035477	COTTON WAREHOUSE GOVERNMENT RELATIONS COMMITTEE	MEMPHIS	TN
C00063735	COUGHLIN FOR CONGRESS	RITCHFIELD	MN
C00001248	COUGHLIN FOR CONGRESS COMMITTEE	NORRISTOWN	PA
C70000765	COUNCIL 13, AMERICAN FEDERATION OF STATE, COUNTY & MUNICIPAL EMPLOYEES,	HARRISBURG	PA
C00029165	COUNCIL FOR A LIVABLE WORLD	WASHINGTON	DC
C00063289	COUNTRYSIDE FOR CARTER-MONDALE	ST. PAUL	MN
C00070524	COUNTY DEMOCRATIC SPECIAL COMMITTEE	MUSKEGON	MI
C00075455	COVERDELL FOR CONGRESS COMMITTEE	ATLANTA	GA
C00056390	COWDREY FOR CONGRESS	WICHITA	KS
C00023697	COWLITZ COUNTY REPUBLICAN CENTRAL COMMITTEE	LONGVIEW	WA
C00024190	COWLITZ COUNTY REPUBLICAN WOMEN'S CLUB	LONGVIEW	WA
C00036079	COX FOR CONGRESS	LANCASTER,	PA
C90000290	COX, THOMAS PENNELTON JR	GRAND RAPIDS	MI
C00026740	CRANE FOR CONGRESS	PROSPECT HEIGHTS	IL
C00021519	CRANE, RIGGING AND MILLWRIGHTING POLITICAL ACTION COMMITTEE (CRAMPAC)	WASHINGTON	DC
C00050930	CRAVER FOR CONGRESS FUND COMMITTEE	LONDON MILLS	IL
C00005959	CRAWFORD COUNTY REPUBLICAN EXECUTIVE COMMITTEE	BUCYRUS	OH
C00007997	CREDIT EDUCATION FOUNDATION	LOS ANGELES	CA
C00007880	CREDIT UNION LEGISLATIVE ACTION COUNCIL	BIRMINGHAM	AL

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IDENTIFICATION	NAME		
C00032565	CROCKER INDIVIDUAL VOLUNTARY INVESTMENT IN CITIZENSHIP	LOS ANGELES	CA
C00008318	CROCKETT COUNTY DEMOCRATIC EXECUTIVE COMMITTEE	ALAMO	TN
C80001381	CROMEENES, JAMES RICHARD	METROPOLIS	IL
C80001324	CROOK, CHARLES MCDOWELL	MONTGOMERY	AL
C80001316	CROSBY, ROBERT B.	LINCOLN	NE
C90000308	CROSSMAN, MARLAN J.	PHOENIX	AZ
C90000332	CROUCH, C.W. (CONTRIBUTOR)	AMARILLO	TX
C00025213	CROWN EMPLOYEES POLITICAL FUND	SAN FRANCISCO	CA
C00059899	CRUM & FORSTER VOLUNTARY POLITICAL ACTION COMMITTEE	NEW YORK	NY
C00065888	CRUSADE FOR LOGIC-BRIGGS FOR PRESIDENT	RATON	NM
C00039925	CSB 0000 GOVERNMENT COMMITTEE	SALT LAKE CITY	UT
C00074748	CUBAN-AMERICANS FOR FORD	MIAMI	FL
C80001282	CULLERTON, JOHN J.	CHICAAGO	IL
C00061283	CULOTTA FOR CONGRESS	BALTIMORE	MD
C00005124	CUMBERLAND COUNTY REPUBLICAN COMMITTEE	LEMOYNE	PA
C00059881	CUMBERLAND COUNTY REPUBLICAN EXECUTIVE COMMITTEE	BURKESVILLE	KY
C00039569	CUMBERLAND VALLEY POLITICAL ACTION COMMITTEE	HAGERSTOWN	MD
C00053975	CUNNINGHAN FOR CONGRESS	STAMFORD	CT
C00062927	CUNNINGHAM FOR CONGRESS COMMITTEE	WESTWOOD	MA
C90000324	CUNNINGHAM, ANNETTE R.	PRINCETON	WV
C00050906	CURBOW FOR CONGRESS COMMITTEE	DECATUR	AL
C00026575	CURRAN FOR CONGRESS	BALTIMORE	MD
C00015677	CURRY FOR CONGRESS COMMITTEE	CLEVELAND	OH
C00029181	CURTIS FOR SENATOR COMMITTEE	TERMINATED CLAYTON	MO
C00028027	CURTIS R. SEARS CAMPAIGN FUND	ROCKLEDGE	FL
C90000555	CURTIS, JOE B. (CONTRIBUTOR)	PAMPA	TX
C00067611	CUSTER COUNTY REPUBLICAN CENTRAL COMMITTEE	MILES CITY	MT
C00072553	CUYAHOGA COUNTY DELEGATES AND ALTERNATES COMMITTEE FOR PRESIDENT FORD	CLEVELAND	OH
C00012492	CUYAHOGA COUNTY DEMOCRATIC EXECUTIVE COMMITTEE	CLEVELAND	OH
C00070144	CUYAHOGA COUNTY DEMOCRATIC PARTY-VOTER REGISTRATION DRIVE	CLEVELAND	OH
C00004267	CUYAHOGA COUNTY REPUBLICAN CENTRAL COMMITTEE	CLEVELAND	OH
C00039370	CWA DISTRICT 1 POLITICAL ACTION COMMITTEE	NEW YORK	NY
C00030742	CWA DISTRICT 10 POLITICAL ACTION COMMITTEE	BIRMINGHAM	AL
C00039812	CWA DISTRICT 11 POLITICAL ACTION COMMITTEE	LOS ANGELES	CA
C00030668	CWA DISTRICT 12 POLITICAL ACTION COMMITTEE	AUSTIN	TX
C00030759	CWA DISTRICT 2 POLITICAL ACTION COMMITTEE	WASHINGTON	DC

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C00075960	CWA DISTRICT 2 POLITICAL EDUCATION COMMITTEE	WASHINGTON	DC
C00032789	CWA DISTRICT 3 POLITICAL ACTION COMMITTEE	ATLANTA	GA
C00034850	CWA DISTRICT 4	CLEVELAND	OH
C00028092	CWA DISTRICT 5 POLITICAL ACTION COMMITTEE	ELK GROVE VILLAGE	IL
C00045880	CWA DISTRICT 6 POLITICAL ACTION COMMITTEE	ST. LOUIS	MO
C00030650	CWA DISTRICT 7 POLITICAL ACTION COMMITTEE	OMAHA	NE
C00041129	CWA DISTRICT 8 POLITICAL ACTION COMMITTEE	ENGLEWOOD	CO
C00040758	CWA DISTRICT 9 POLITICAL ACTION COMMITTEE	SAN FRANCISCO	CA
C00030767	CWA DISTRICT 9 POLITICAL EDUCATION COMMITTEE	SAN FRANSISCO	CA
C00024505	CWA LOCAL 4108 POLITICAL CONTRIBUTION COMMITTEE	SAGINAW	MI
C00045096	CWA LOCAL 4310 POLITICAL CONTRIBUTION COMMITTEE	COLUMBUS	OH
C00002089	CWA-COPE POLITICAL CONTRIBUTIONS COMMITTEE	WASHINGTON	DC
C00029405	D C MONTANA COMMITTEE(SENATOR LEE METCALF)	ALEXANDRIA	VA
C00000893	D. C. COMMITTEE FOR BILL ALEXANDER	WASHINGTON	DC
C00007344	D. C. DENTISTS FOR EFFECTIVE GOVERNMENT	WASHINGTON	DC
C00012641	D. C. RECEPTION FOR M. ROBERT CARR	EAST LANSING	MI
C00040295	D.C. COMMITTEE FOR UDALL	WASHINGTON	DC
C00009795	D.C. COMMITTEE OF BUSINESSMEN TO ASSIST CONGRESSIONAL CANDIDATES	WASHINGTON	DC
C00002691	D.C. REPUBLICAN COMMITTEE	WASHINGTON	DC
C00030965	D.C. TELETHON COMMITTEE	WASHINGTON	DC
C00029371	D.K.I. FOR '76 (SENATOR DANIEL K. INOUYE)	HONOLULU	HI
C00017285	D.O. DAVIES CAMPAIGN COMMITTEE	NEW CASTLE	PA
C00030627	D.S.C.C. FEDERAL CANDIDATES FUND	BEVERLY HILLS	CA
C00063222	DADE DEMOCRATIC CAMPAIGN COMMITTEE OF THE DEMOCRATIC EXECUTIVE COMMITTEE OF DADE COUNTY	MIAMI	FL
C00029389	DALE BUMPERS CAMPAIGN COMMITTEE	LITTLE ROCK	AR
C00026153	DALE MILFORD CAMPAIGN COMMITTEE (1976)	PRAIRIE	TX
C00016196	DALESSIO FOR CONGRESS	SANTA MONICA	CA
C00005108	DALLAS COUNTY DEMOCRATIC EXECUTIVE COMMITTEE	DALLAS	TX
C00015255	DALLAS COUNTY DEMOCRATIC PROGRESSIVE VOTERS LEAGUE	DALLAS	TX
C00040592	DALLAS COUNTY DEMOCRATS FOR REAGAN	IRVING	TX
C00003285	DALLAS COUNTY REPUBLICAN EXECUTIVE COMMITTEE	DALLAS	TX
C80001944	DALTON, WILFRED	FOREST HILLS	NY
C80001779	DALTON, DONALD M.	CHEVY CHASE	MD
C00075598	DALY FOR CONGRESS COMMITTEE	WELLESLEY	MA
C00064477	DAMRON FOR CONGRESS	LENORE	WV
C00052340	DAN BURLESON FOR CONGRESS COMM.	MULLENS	WV

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C00012534	DAN FINNIGAN FOR CONGRESS	SAN DIEGO	CA
C00026146	DAN MALES FOR CONGRESS	CHICAGO	IL
C00021618	DAN LYNCH APPRECIATION NIGHT	OMAHA	NE
C00016527	DAN REBER FOR CONGRESS COMMITTEE	BRECKENRIDGE	MN
C00065557	DAN RUPLI FOR CONGRESS	HAGERSTOWN	MD
C00026930	DAN SISSON FOR CONGRESS	SANTA BARBARA	CA
C00029397	DANFORTH FOR SENATOR COMMITTEE	JEFFERSON CITY	MO
C00019927	DANIEL FOR CONGRESS	MEMPHIS	TN
C00068346	DANIEL FOR CONGRESS CAMPAIGN COMMITTEE	DANVILLE	VA
C90002015	DANIEL PATRICK MOYNIHAN FOR SENATE	ONEOTA	NY
C00015313	DANIELS FOR CONGRESS	JERSEY CITY	NJ
C80001928	DANKER, ARLYN E.	MINDEN	IA
C00046896	DANTE B. FASCELL CAMPAIGN COMMITTEE	MIAMI	FL
C00024384	DARIEN REPUBLICAN TOWN COMMITTEE	DARIEN	CT
C90001579	DARNER, CORINNE (CONTRIBUTOR)	WICHITA FALLS	TX
C00050443	DASINGER FOR CONGRESS	SIDNEY	NY
C00020198	DAUGHERTY FOR CONGRESS COMMITTEE	ST JOSEPH	MI
C00020230	DAVE BANKS FOR CONGRESS COMMITTEE	N CHICHESTER	NH
C00050450	DAVE DIXON FOR CONGRESS CAMPAIGN COMMITTEE	NEW ORLEANS	LA
C00047092	DAVE DRUM FOR SENATE COMMITTEE	BILLINGS	MT
C00013177	DAVE EVANS FOR CONGRESS COMMITTEE	INDIANAPOLIS	IN
C00075176	DAVE FJOSLIEN FOR CONGRESS VOLUNTEER COMMITTEE	ALEXANDRIA	MN
C00050179	DAVE SWEET FOR CONGRESS COMMITTEE	COLUMBUS	OH
C00052936	DAVE WOOD FOR CONGRESS COMMITTEE	SEATTLE	WA
C00030791	DAVENPORT EDUCATION ASSOC. POLITICAL ACTION COMMITTEE	DAVENPORT	IA
C00053181	DAVENPORT FOR CONGRESS COMMITTEE	SANTA ANA	CA
C80036582	DAVID BUSTIN CAMPAIGN COMMITTEE	PORTLAND,	ME
C00032284	DAVID C ELEY FOR PRESIDENT USA INC	WASHINGTON	DC
C00025528	DAVID CRANE FOR CONGRESS COMMITTEE	GREENWOOD	IN
C00054742	DAVID D. MARRIOTT FOR CONGRESS	SALT LAKE CITY	UT
C00025072	DAVID HARRIS FOR CONGRESS	MENLO PARK	CA
C00036798	DAVID J. BENJAMIN COMMITTEE FOR CONGRESS	FLINT,	MI
C00020164	DAVID L. GOSSELIN FOR CONGRESS	CENTER BARNSTEAD	NH
C00024273	DAVID PARKER MANN FOR CONGRESS COMMITTEE	MADALIA	CA
C00013722	DAVID REHMAN FOR CONGRESS COMMITTEE (AKA FRIENDS OF DAVID REHMAN)	GARDEN GROVE	CA
C00013110	DAVID ROBINSON FOR CONGRESS	SPRINGFIELD	IL

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IDENTIFICATION	NAME		
C00009001	DAVID TOWELL FOR CONGRESS	GARDNERVILLE NV	HOUSE
C00056150	DAVIDS FOR CONGRESS COMMITTEE	PHOENIX AZ	HOUSE
C00006353	DAVIDSON COUNTY REPUBLICAN EXECUTIVE COMMITTEE	WINSTON - SALEM NC	PARTY RELATED
C00073684	DAVIESS COUNTY DEMOCRATIC CENTRAL EXECUTIVE COMMITTEE	OWENSBORO KY	PARTY RELATED
C00019794	DAVIS COUNTY REPUBLICAN CENTRAL COMMITTEE	TERMINATED WASHINGTON IN	PARTY RELATED
C00006445	DAVIS FOR CONGRESS	ST. JOSEPH MO	HOUSE
C00004259	DAVIS FOR CONGRESS COMMITTEE	CHARLESTON SC	HOUSE
C00052134	DAVIS FOR CONGRESS COMMITTEE	FT. COLLINS CO	HOUSE
C00019117	DAVIS RECEPTION COMMITTEE	TERMINATED WASHINGTON DC	HOUSE
C80001910	DAVIS, CLARENCE JR. M.D.	OSCEOLA NE	DELEGATE
C90001507	DAVIS, SENATOR ROBERT W.	GAYLORD MI	INDEPENDENT EXPENDITOR
C90001595	DAVIS, WILLIAM J.	COVINGTON TN	INDEPENDENT EXPENDITOR
C00024844	DAVISON FOR CONGRESS COMMITTEE	DEDFORD TA	HOUSE
C00003913	DAWSON MATHIS CAMPAIGN COMMITTEE	ALBANY GA	HOUSE
C00067553	DAYTON AREA BUSINESS POLITICAL ACTION COMMITTEE (DAYPAC)	DAYTON OH	NON-PARTY RELATED
C00019224	DE LUGO CAMPAIGN COMMITTEE	ST THOMAS VI	HOUSE
C00018424	DEAN FOR CONGRESS	JACKSON MS	HOUSE
C00060908	DEAN FOR CONGRESS	MILLTOWN IN	HOUSE
C00020686	DEANE BAKER FOR U.S. SENATE COMMITTEE	DETROIT MI	SENATE
C00074427	DEANOLIS FOR VICE-PRISIDENT COMMITTEE	CINCINNATI OH	PRESIDENTIAL
C00011320	DEARBORN COUNTY DEMOCRATIC CENTRAL COMMITTEE	LAWRENCEBURG IN	PARTY RELATED
C00024323	DEARBORN COUNTY REPUBLICAN COMMITTEE	LAWRENCEBURG IN	PARTY RELATED
C00047662	DECAMP FOR CONGRESS	RAEVILLE NE	HOUSE
C80002520	DECKER, GLORIA A.	PHILLIPSBURG NJ	DELEGATE
C00033506	DECONCINI FOR U.S. SENATE COMMITTEE	TUSCON AZ	SENATE
C00016089	DECOU FOR CONGRESS COMMITTEE	REDONDO BEACH CA	HOUSE
C90001603	DECMAN, MRS. RICHARD O.	PINE BLUFF AR	INDEPENDENT EXPENDITOR
C00002352	DEFIANCE COUNTY REPUBLICAN EXECUTIVE COMMITTEE	DEFIANCE OH	PARTY RELATED
C00024836	DEFICIT STOMPDOWN COMMITTEE	TERMINATED COLUMBIA SC	PARTY RELATED
C90001611	DEGROW, ALVIN J.	PIGEON MI	INDEPENDENT EXPENDITOR
C00004853	DEKALB COUNTY REPUBLICAN CENTRAL COMMITTEE	TERMINATED AUBURN IN	PARTY RELATED
C00009316	DEL MONTE VOLUNTARY NONPARTISAN GOOD GOVERNMENT FUND	SAN FRANCISCO CA	NON-PARTY RELATED
C00004721	DELANEY COMMITTEE FOR CONGRESS	MASPETH NY	HOUSE
C00011080	DELAWARE CO DEMOCRATIC CAMPAIGN COMMITTEE	MEDIA PA	PARTY RELATED
C00022905	DELAWARE COUNTY CITIZENS FOR MCHUGH	WALTON NY	HOUSE
C00009670	DELAWARE COUNTY DEMOCRATIC COMMITTEE	WALTON NY	PARTY RELATED

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IDENTIFICATION	NAME		
C00006437	DELAWARE COUNTY REPUBLICAN CENTRAL COMMITTEE	MUNCIE IN	PARTY RELATED
C00069245	DELAWARE DEMOCRATIC PARTY 1976 STATEWIDE VOTER REGISTRATION TASK FORCE	WILMINGTON DE	PARTY RELATED
C00030817	DELAWARE LABOR PARTY	COLLINS PARK DE	PARTY RELATED
C00039073	DELAWARE VOLUNTEERS FOR REAGAN	REHOBOTH DE	PRESIDENTIAL
C00068311	DELEGATES AND ALT. COMM. FOR PRESIDENT FORD	COLUMBIA OH	PRESIDENTIAL
C80000054	DELEGATES FOR REAGAN - 13TH C.D.	PAMPA TX	DELEGATE
C80000088	DELEGATES FOR REAGAN - CONGRESSIONAL DISTRICT #10	AUSTI TX	DELEGATE
C80000047	DELEGATES FOR REAGAN - WACO	WACO TX	DELEGATE
C80000070	DELEGATES FOR REAGAN CMTE TEXAS 9TH CD	LEAGUE CITY TX	DELEGATE
C80000062	DELEGATES FOR REAGAN COMMITTEE - FT. WORTH	FORT WORTH TX	DELEGATE
C00034413	DELLA VECCHIA FOR CONGRESS	PITTSBURG PA	HOUSE
C00001902	DELONG, TERRY GENE	MESCOSVILLE PA	DELEGATE
C00006791	DELTA COUNTY REPUBLICAN COMMITTEE	ESCANABA MI	PARTY RELATED
C00028621	DELTA FUND	CLEVELAND MS	NON-PARTY RELATED
C00076133	DELTA-PAC	ATLANTA GA	NON-PARTY RELATED
C00069252	DEM. HUDSON COUNTY CAMPAIGN FUND, NOV. 1976	UNION CITY NJ	PARTY RELATED
C00002014	DEM. HUDSON COUNTY N.J. CAMPAIGN FUND, JUNE 1976	UNION CITY NJ	PARTY RELATED
C00029744	DEM. STATE COMMITTEE GET-OUT-THE-VOTE	MANCHESTER NH	PARTY RELATED
C00065300	DEMOCRAT 76 PAC TARRANT COUNTY	FORT WORTH TX	PARTY RELATED
C00009548	DEMOCRAT EXECUTIVE COMMITTEE OF WASH CO.	SALEM IN	PARTY RELATED
C00074021	DEMOCRATIC EXECUTIVE COMMITTEE OF SANTA ROSA COUNTY, FLORIDA	MILTON FL	PARTY RELATED
C00073662	DEMOCRATIC STATE CENTRAL COMMITTEE OF ALLEGANY COUNTY, THE	CUMBERLAND MD	PARTY RELATED
C88000195	DEMOCRATIC WHONE OF THE NAMES SHOWN COMMITTEE	MADISON, WI	DELEGATE
C00014058	DEMOCRATIC 8TH CONGRESSIONAL DISTRICT	SAGINAW MI	PARTY RELATED
C00038521	DEMOCRATIC AMERICAN WAY OF LIFE COMMITTEE TO ELECT JOSEPH CLAUDE	ROBERTS PRESIDENT LOS ANGELES CA	PRESIDENTIAL
C00073429	DEMOCRATIC CAMPAIGN COMMITTEE OF BRONX COUNTY	BRONX NY	PARTY RELATED
C00038125	DEMOCRATIC CAMPAIGN COMMITTEE OF CHAUTAUQUA COUNTY(AUTH. SEE 053767)	LAKEWOOD NY	PARTY RELATED
C00070623	DEMOCRATIC CAMPAIGN FUND, 1976-JOHN. M.MURPHY	STATEN ISLAND NY	HOUSE
C00071209	DEMOCRATIC CENTRAL COMMITTEE FOR CARROLL COUNTY	WESTMINSTER MD	PARTY RELATED
C00065136	DEMOCRATIC CENTRAL COMMITTEE OF WEBSTER COUNTY, MISSOURI	MARSHFIELD MO	PARTY RELATED
C00071076	DEMOCRATIC CENTRAL COMMITTEE OF WICOMICO COUNTY MARYLAND	SALISBURY MD	PARTY RELATED
C00000935	DEMOCRATIC CONGRESSIONAL CAMPAIGN COMMITTEE	WASHINGTON, DC	PARTY RELATED
C00000182	DEMOCRATIC CONGRESSIONAL DINNER COMMITTEE	WASHINGTON DC	PARTY RELATED
C00012922	DEMOCRATIC CONGRESSIONAL FINANCE COMMITTEE	WASHINGTON DC	PARTY RELATED
C00012096	DEMOCRATIC COUNTY CENTRAL COMMITTEE ARAPAHOE	ENGLEWOOD CO	PARTY RELATED
C00063224	DEMOCRATIC COUNTY CENTRAL COMMITTEE PUEBLO COUNTY	PUEBLO CO	PARTY RELATED

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IDENTIFICATION	NAME		
C00012112	DEMOCRATIC COUNTY CENTRAL COMMITTEE, ADAMS COUNTY	COMMERCE CITY CO	PARTY RELATED
C00006916	DEMOCRATIC COUNTY EXECUTIVE COMMITTEE	PHILADELPHIA PA	PARTY RELATED
C00005561	DEMOCRATIC EXECUTIVE COMMITTEE OF FLORIDA	TALLAHASSEE FL	PARTY RELATED
C00072991	DEMOCRATIC EXECUTIVE COMMITTEE OF QUEENS COUNTY (FEDERAL ACCOUNT)	FOREST HILLS NY	PARTY RELATED
C00077800	DEMOCRATIC FARM LABOR DISTRICT #49	N/A MN	PARTY RELATED
C00073551	DEMOCRATIC FIFTH DISTRICT COMMITTEE	FREMONT OH	HOUSE
C00014076	DEMOCRATIC FINANCE COMMITTEE	WASHINGTON DC	PARTY RELATED
C00066902	DEMOCRATIC GENERAL STORE, INC.	WASHINGTON DC	PARTY RELATED
C00002758	DEMOCRATIC NATIONAL COMMITTEE	WASHINGTON DC	PARTY RELATED
C00001230	DEMOCRATIC NATIONAL CONGRESSIONAL COMMITTEE	WASHINGTON DC	PARTY RELATED
C00075762	DEMOCRATIC NATIONAL TELETHON III COMMITTEE	WASHINGTON DC	PARTY RELATED
C00022301	DEMOCRATIC ORGANIZATION OF BERGEN COUNTY	HACKENSACK NJ	PARTY RELATED
C00025635	DEMOCRATIC PARTY OF ARIZONA	PHOENIX AZ	PARTY RELATED
C00009126	DEMOCRATIC PARTY OF BUFFALO COUNTY	ALMA WI	PARTY RELATED
C00009332	DEMOCRATIC PARTY OF CRAWFORD COUNTY	PRAIRIE DU CHIEN WI	PARTY RELATED
C00013508	DEMOCRATIC PARTY OF EVANSTON	EVANSTON IL	PARTY RELATED
C00009076	DEMOCRATIC PARTY OF LACROSSE COUNTY	LA CROSSE WI	PARTY RELATED
C00009373	DEMOCRATIC PARTY OF LAFAYETTE COUNTY	DARLINGTON WI	PARTY RELATED
C00042341	DEMOCRATIC PARTY OF OKLAHOMA	OKLAHOMA CITY OK	PARTY RELATED
C00012203	DEMOCRATIC PARTY OF OREGON	THE DALLES, OR	PARTY RELATED
C00009407	DEMOCRATIC PARTY OF POLK COUNTY	AMERY WI	PARTY RELATED
C00042358	DEMOCRATIC PARTY OF PUERTO RICO	SANTURCE PR	PARTY RELATED
C00030940	DEMOCRATIC PARTY OF ROCK COUNTY	TERMINATED BELOIT WI	PARTY RELATED
C00007658	DEMOCRATIC PARTY OF SOUTH CAROLINA	COLUMBIA SC	PARTY RELATED
C00001396	DEMOCRATIC PARTY OF THE 7TH CONGRESSIONAL DISTRICT OF WISCONSIN	MARSHFIELD WI	PARTY RELATED
C00010473	DEMOCRATIC PARTY OF THE 8TH CONGRESSIONAL DISTRICT OF WISONSIN	CLINTONVILLE WI	PARTY RELATED
C00008110	DEMOCRATIC PARTY OF THE SECOND CONGRESSIONAL DISTRICT OF WISCONSIN	MONROE WI	PARTY RELATED
C00067330	DEMOCRATIC PARTY OF THE STATE OF MISSIPPI-VOTER REGISTRATION COMMITTEE	CLARKSDALE MS	PARTY RELATED
C00034793	DEMOCRATIC PARTY OF THE STATE OF NEW MEXICO	ALBUQUERQUE NM	PARTY RELATED
C00009456	DEMOCRATIC PARTY OF THE THIRD CONGRESSIONAL DISTRICT	RICHLAND CENTER WI	PARTY RELATED
C00071217	DEMOCRATIC PARTY OF VIRGINIA (FEDERAL ACCOUNT)	RICHMOND VA	PARTY RELATED
C00019331	DEMOCRATIC PARTY OF WISCONSIN	MADISON WI	PARTY RELATED
C00077618	DEMOCRATIC PARTY OF WOOD COUNTY	N/A WI	PARTY RELATED
C00043786	DEMOCRATIC PRIMARY COMMITTEE (NEW YORK STATE)	NEW YORK NY	PARTY RELATED
C00023309	DEMOCRATIC PROFESSIONALS CLUB	LA JOLLA CA	PARTY RELATED
C00012656	DEMOCRATIC REPUBLICAN INDEPENDENT VOTERS EDUCATION	LITTLE ROCK AR	NON-PARTY RELATED

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C00042366	DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE	WASHINGTON DC	PARTY RELATED
C00075770	DEMOCRATIC SPONSORS COMMITTEE	WASHINGTON DC	PARTY RELATED
C00030981	DEMOCRATIC STATE CENTRAL CMTE (ILL)-NAT'L TELETHON ACCT	SPRINGFIELD IL	PARTY RELATED
C00062935	DEMOCRATIC STATE CENTRAL COMM.-NORTHERN DIV.	SAN FRANCISCO CA	PARTY RELATED
C00045245	DEMOCRATIC STATE CENTRAL COMMITTEE - SOUTH DAKOTA	PIERRE SD	PARTY RELATED
C00008987	DEMOCRATIC STATE CENTRAL COMMITTEE COLORADO	DENVER CO	PARTY RELATED
C00073536	DEMOCRATIC STATE CENTRAL COMMITTEE OF ALLEGANY COUNTY, THE	CUMBERLAND MD	PARTY RELATED
C00074781	DEMOCRATIC STATE CENTRAL COMMITTEE OF BALTIMORE COUNTY (MD)	DUNDALK MD	PARTY RELATED
C00042374	DEMOCRATIC STATE CENTRAL COMMITTEE OF CALIFORNIA	LOS ANGELES CA	PARTY RELATED
C00068890	DEMOCRATIC STATE CENTRAL COMMITTEE OF CALVERT COUNTY	PRINCE FREDERICK MD	PARTY RELATED
C00068753	DEMOCRATIC STATE CENTRAL COMMITTEE OF CONNECTICUT	HARTFORD CT	PARTY RELATED
C00069393	DEMOCRATIC STATE CENTRAL COMMITTEE OF HARFORD COUNTY, MARYLAND	CHURCHVILLE MD	PARTY RELATED
C00004564	DEMOCRATIC STATE CENTRAL COMMITTEE OF IOWA	ALTOONA IA	PARTY RELATED
C00031021	DEMOCRATIC STATE CENTRAL COMMITTEE OF LOUISANA	BATON ROUGE LA	PARTY RELATED
C00071365	DEMOCRATIC STATE CENTRAL COMMITTEE OF LOUISIANA GENERAL FECA ACCOUNT	BATON ROUGE LA	PARTY RELATED
C00071381	DEMOCRATIC STATE CENTRAL COMMITTEE OF LOUISIANA-SPECIAL 9012(F)(1)ACCOUNT	BATON ROUGE LA	PARTY RELATED
C00071373	DEMOCRATIC STATE CENTRAL COMMITTEE OF LOUISIANA-VOTER REGISTRATION ACCOUNT	BATON ROUGE LA	PARTY RELATED
C00003616	DEMOCRATIC STATE COMMITTEE OF DELAWARE	WILMINGTON DE	PARTY RELATED
C00044917	DEMOCRATIC STATE COMMITTEE OF MISSOURI	JEFFERSON CITY MO	PARTY RELATED
C00025585	DEMOCRATIC STATE COMMITTEE OF NEW JERSEY	TRENTON NJ	PARTY RELATED
C00069781	DEMOCRATIC STATE COMMITTEE OF NEW JERSEY VOTER REGISTRATION ACCOUNT	WOODBRIDGE NJ	PARTY RELATED
C00042382	DEMOCRATIC STUDY GROUP CAMPAIGN FUND	WASHINGTON DC	PARTY RELATED
C00019752	DEMOCRATIC TELETHON COMMITTEE OF LOUISIANA	BATON ROUGE LA	PARTY RELATED
C00042390	DEMOCRATIC TELETHON PRODUCTION COMMITTEE	WASHINGTIN DC	PARTY RELATED
C00042408	DEMOCRATIC TELETHON SPECIAL EVENTS COMMITTEE	WASHINGTON DC	PARTY RELATED
C00068221	DEMOCRATIC UNITED CAMPAIGN COMMITTEE OF SACRAMENTO COUNTY-FEDERAL ACCOUNT	SACRAMENTO CA	PARTY RELATED
C00066001	DEMOCRATIC UNITED CAMPAIGN/MARIN	SAN RAFAEL CA	PARTY RELATED
C00060855	DEMOCRATIC VOTERS DOMINICK IANNOCONE	YONKERS NY	HOUSE
C00025791	DEMOCRATIC WOMEN'S CLUB OF MONTEREY COUNTY	CARMEL CA	PARTY RELATED
C00042416	DEMOCRATIC WOMEN'S CLUB OF SACRAMENTO	SACRAMENTO CA	PARTY RELATED
C00032979	DEMOCRATIC-REPUBLICAN INDEPENDENT VOTER EDUCATION COMMITTEE (DRIVE COMMITTEE)	WASHINGTON DC	NON-PARTY RELATED
C00056119	DEMOCRATS '76 - THE PRINCE GEORGE'S DEMOCRATIC COMMITTEE	RIVERDALE MD	PARTY RELATED
C00023861	DEMOCRATS 5TH DISTRICT COMMITTEE	FREMONT OH	PARTY RELATED
C00071910	DEMOCRATS ABROAD (BELGIUM)	BELGIUM ZZ	PARTY RELATED
C00074443	DEMOCRATS ABROAD (FRANCE)	PARIS 75008 ZZ	PARTY RELATED
C00070813	DEMOCRATS ABROAD-CANADA	MAPLE, ONT K0E1E0 ZZ	PARTY RELATED

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IDENTIFICATION	NAME		
C00073924	DEMOCRATS ABROAD/SWITZERLAND	1202 GENEVA	ZZ
C00073783	DEMOCRATS ABROAD/UNITED KINGDOM	LONDON, S.W.1.	ZZ
C00060095	DEMOCRATS FOR AN OPEN PARTY	MESSICK	NY
C00061730	DEMOCRATS FOR BOBBY PAIGETTE COMMITTEE	BATON ROUGE	LA
C00066712	DEMOCRATS FOR BUCKLEY	NEW YORK	NY
C00055327	DEMOCRATS FOR CASS COUNTY	RAYMORE	MO
C00070268	DEMOCRATS FOR EDWARDS	OKLAHOMA CITY	OK
C00061523	DEMOCRATS FOR FORD	LOS ANGELES	CA
C00072439	DEMOCRATS FOR FORD	LAFAYETTE	LA
C00072603	DEMOCRATS FOR JERRY LAUGHNAN	MEDFORD	OR
C00035311	DEMOCRATS FOR MACOMB	EAST DETROIT	MI
C00023481	DEMOCRATS FOR MERTZ	BILOXI	MS
C00015198	DEMOCRATS FOR MILLER	MARTINEZ	CA
C00053488	DEMOCRATS FOR MORAL GOVERNMENT	DEARBORN	MI
C0007009A	DEMOCRATS FOR RHODES	TEMPE	AZ
C00070581	DEMOCRATS FOR SCHMITT	ALBUQUERQUE	NM
C00067755	DEMOCRATS FOR STEELMAN	DALLAS	TX
C00066258	DEMOCRATS FOR WEICKER	STAMFORD	CT
C00009183	DEMOCRATS OF MONROE COUNTY	TOMAH	WI
C00042762	DEMOCRATS OF THE 58TH ASSEMBLY DISTRICT	BROOKLYN	NY
C00051078	DEMOCRATS TO ELECT MCCUSKEY TO CONGRESS	BRIDGEPORT	WV
C00063123	DEMOCRATS UNITED (MCLENNAN COUNTY)	WACO	TX
C00042885	DEMOCRATS UNITED OF THE 8TH C.D.	OAKLAND	CA
C00028647	DENENBERG FOR SENATE COMMITTEE	WYNNWOOD	PA
C00051722	DENNERLL FOR CONGRESS COMMITTEE	CLEVELAND	OH
C80001936	DENNEY, MAR A.	LINCOLN	NE
C00024232	DENNIS O'BLOCK FOR CONGRESS	PLAYA DEL REY	CA
C00002915	DENT RE-ELECTION COMMITTEE	GREENSBURG	PA
C00041871	DENTAL POLITICAL ACTION COMMITTEE-KANSAS	TOPEKA	KS
C00049080	DENTON FOR CONGRESS COMMITTEE	SAGINAW	MI
C00010678	DENVER COUNTY REPUBLICAN CENTRAL COMMITTEE	TERMINATED DENVER	CO
C00016550	DEPOSIT GUARANTY EMPLOYEES' VOLUNTARY POLITICAL COMMITTEE	JACKSON	MS
C00074138	DERRICK FINANCE COMMITTEE (1976 CAMPAIGN)	GREENWOOD	SC
C00016212	DERRICK FINANCE COMMITTEE	GREENWOOD	SC
C00051714	DES LAURIERS FOR CONGRESS COMMITTEE	MUNDELAIN	IL
C00006999	DETROIT PIPING INDUSTRY POLITICAL ACTION COMMITTEE	DETROIT	MI

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IDENTIFICATION	NAME		
C00035501	DETROITBANK CORPORATION COMMITTEE FOR RESPONSIBLE POLITICAL ACTION (=YOUR=PAC=)	DETROIT	MI
C00000364	DEVINE FOR CONGRESS COMMITTEE	COLUMBUS	OH
C90001629	DEVOS, RICHARD M	GRAND RAPIDS	MI
C0004A017	DEYOUNG FOR CONGRESS	AVERILL PARK	NY
C00019687	OFL*ERS FOR PERPICH	ST. PAUL	MN
C00026278	DIABLO VALLEY REPUBLICAN ASSEMBLY	CONCORD	CA
C0004A123	DIABLO VALLEY TOM MAYDEN FOR SENATE	PLEASANT HILL	CA
C00004580	DIAL (DENTISTRY INVESTING IN ACTION ON LEGISLATION)	BATH	MI
C00029548	DICK CLARK FOR U.S. SENATE	DES MOINES	IA
C00076166	DICK CLARK SENATE COMMITTEE	DES MOINES	IA
C00075515	DICK FRANSON FOR CONGRESS VOLUNTEER COMMITTEE	MINNEAPOLIS	MN
C00037929	DICK MOHLER FOR CONGRESS COMMITTEE*	EPHRATA	PA
C0004A9A2	DICK SNOWDEN FOR CONGRESS COMMITTEE	AMHERST	NY
C0004A1350	DICKINSON COUNTY REPUBLICAN CENTRAL COMMITTEE	SPIRIT LAKE	IA
C00001081	DICKINSON FOR CONGRESS COMMITTEE	MONTGOMERY	AL
C00051706	DIEHL FOR CONGRESS	HELENA	MT
C00056358	DIFAZIO '76 FOR CONGRESS COMMITTEE	HARTFORD	CT
C00036368	DIGGS FOR CONGRESS	WASHINGTON,	DC
C00044883	DILLINGHAM EMPLOYEES CITIZEN ACTION PROGRAM	HONOLULU	HI
C00069591	DINNER WITH HARRY BYRD	WINCHESTER	VA
C00067264	DINSMORE FOR CONGRESS	NEW YORK	NY
C00036590	DIOTTE CONGRESSIONAL COMMITTEE	PENACOCK,	NH
C00017467	DISCEPOLO FOR CONGRESS	STORRS	CT
C80002538	DIST. 10 UNCOMMITTED DEL. CAMPAIGN	WAYSIDE	NJ
C00030734	DISTILLED SPIRITS PUBLIC AFFAIRS COMMITTEE	WASHINGTON	DC
C00022400	DISTRICT 1199 POLITICAL ACTION FUND	NEW YORK	NY
C0003A066	DISTRICT 1199C POLITICAL ACTION FUND	PHILADELPHIA	PA
C00027532	DISTRICT 2 MEBA-AMO,AFL/CIO VOLUNTARY POLITICAL ACTION FUND	BROOKLYN	NY
C0004A853	DISTRICT 37 DEMOCRATIC N.P.L.	DICKINSON	ND
C00011122	DISTRICT 65 POLITICAL ACTION FUND	NEW YORK	NY
C70000237	DISTRICT COUNCIL 37, AMER. FED. OF STATE, COUNTY & MUNICIPAL EMPLOYEES, AFL-CIO	NEW YORK	NY
C00041517	DISTRICT NO. 10, MACHINISTS NON-PARTISAN POLITICAL LEAGUEE	MILWAUKEE	WI
C00007757	DISTRICT NO. 70 N.N.P.L.	WICHITA	KS
C00072652	DISTRICT OF COLUMBIA DEMOCRATIC CAMPAIGN '76	WASHINGTON	DC
C00065755	DISTRICT OF COLUMBIA DEMOCRATIC PARTY CENTRAL COMMITTEE	WASHINGTON	DC
C00003921	DISTRICT OF COLUMBIA POLITICAL ACTION COMMITTEE	WASHINGTON	DC

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IDENTIFICATION	NAME		
C00034694	DISTRICT OF COLUMBIA-FRED HARRIS FOR PRESIDENT COMMITTEE	WASHINGTON	DC
C00023705	DIX HILLS-MELVILLE DEMOCRATIC CLUB, INC.	DIX HILLS	NY
C00002546	DIXON, MORTENSE WILLIAMS	HOUSTON	TX
C00010603	DNC SERVICES CORPORATION	WASHINGTON	DC
C00014920	DOC GILMAN FOR CONGRESS COMMITTEE	CULLOWHEE	NC
C00034082	DOCTER IN THE HOUSE COMMITTEE	WHEATON	MD
C00023226	DOCTORS FOR ESCH	TERMINATED ANN ARBOR	MI
C00041210	DOCTORS FOR REAGAN	SEATTLE	WA
C00007146	DODGE COUNTY REPUBLICAN COMMITTEE	KASSON	MN
C00063701	DODGE FOR CONGRESS	SCOTTSDALE	AZ
C00029553	DOLAN FOR SENATE COMMITTEE	DENVER	CO
C00025361	DOLGAARD FOR CONGRESS	TUCSON	AZ
C00052126	DOLL FOR CONGRESS	HAMPTON	GA
C00029561	DOMENICI SENATE ASSOCIATES	ROSWELL	NM
C00001894	DOMINQUEZ, R. NORMAN	ARVADA	CO
C00033787	DOMINION BANKPAC	ROANOKE	VA
C00032888	DON BARTLETT FOR U.S. SENATOR COMMITTEE	SAN JOSE	CA
C00014183	DON BLANK FOR CONGRESS COMMITTEE	MCCOOK	NE
C00026724	DON EDWARDS CONGRESSIONAL CAMPAIGN FUND	SAN JOSE	CA
C00037192	DON HOEFT FOR CONGRESS	GREEN BAY,	WI
C00055566	DON IRWIN FOR SENATOR	ROMAYTON	CT
C00048686	DON LEE FOR SENATE	ANDERSON	IN
C00035881	DON MANFORD FOR CONGRESS	LEE'S SUMMIT	MO
C00075192	DON MEYER FOR CONGRESS	LLABADIE	MO
C00031200	DON PEASE FOR CONGRESS COMMITTEE*	ELYRIA,	OH
C00014001	DON PHILLIPS FOR CONGRESS CAMPAIGN COMMITTEE	LONG BEACH	CA
C00055715	DON SORSA FOR CONGRESS COMMITTEE	SAN DIEGO	CA
C00051524	DON TRUBEY FOR U.S. CONGRESS COMMITTEE	LAS CRUCES	NM
C00045906	DONAHEY-OCASEK DELEGATE COMMITTEE	COLUMBUS	OH
C00061473	DONALD BECHLER FOR CONGRESS COMMITTEE	DETROIT	MI
C00036715	DONALDSON FOR CONGRESS	REDONDO BEACH,	CA
C00009217	DONOHUE FOR CONGRESS COMMITTEE	WORCESTER	MA
C00001926	DONOVAN, RAYMOND J.	SHORT HILLS	NJ
C00022962	DOOR COUNTY REPUBLICAN VOLUNTARY COMMITTEE	STURGEON BAY	WI
C00016642	DOROTHY CLARK FOR CONGRESS COMMITTEE	PROVO	UT
C00038091	DOROTHY HORES FOR CONGRESS COMMITTEE, INC.	LITTLETON	CO

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C00046599	DORSEY FOR CONGRESS COMMITTEE	TROY	OH
C00018945	DORSEY POLITICAL FUND	MINNEAPOLIS	MN
C00056085	DOUG BARNARD FOR CONGRESS	AUGUSTA	GA
C00021477	DOUG ROWE FOR U.S. CONGRESS COMMITTEE	MARLBORO	MA
C00051060	DOUG WALGREN FOR CONGRESS COMMITTEE	PITTSBURGH	PA
C00001886	DOUTHIT, ROBERT C.	NEWTON	IL
C00074096	DOW CENTER-POLITICAL ACTION COMMITTEE	MIDLAND	MI
C00040246	DOW CORNING EMPLOYEE POLITICAL ACTION COMMITTEE	MIDLAND	MI
C00034124	DOW EASTERN EMPLOYEES POLITICAL ACTION COMMITTEE, (DEEPAC)	STRONGVILLE	OH
C00018028	DOWELL EMPLOYEES' POLITICAL ACTION COMMITTEE	HOUSTON	TX
C00031484	DOWN STATE ILLINOIS COMMITTEE FOR FRED HARRIS FOR PRESIDENT	MATTOON	IL
C00000753	DOWNE, EDWARD R. JR.	NEW YORK	NY
C00072066	DOWNEY CITIZENS FOR TED SNYDER	DOWNEY	CA
C00002998	DOWNING DISTRICT FUND COMMITTEE	HAMPTON	VA
C00012237	DR PEPPER POLITICAL ACTION COMMITTEE	DALLAS	TX
C00050591	DR. ARDEN FOR CONGRESS COMMITTEE	WILLIAMSVILLE	NY
C00029587	DR. BILL ROY FOR SENATE	TOPEKA	KS
C00013821	DRAFT AVI NELSON FOR CONGRESS COMMITTEE	PEMBROKE	MA
C00030262	DRAFT GEORGE C. WALLACE FOR PRESIDENT	CORONA	CA
C00051052	DRAFT HANK MCMANUS FOR CONGRESS COMMITTEE	BROOKLYN	NY
C00031385	DRAFT NORMAN COUSINS FOR PRESIDENT COMMITTEE	WAYNE	NJ
C00051698	DRAFT OMDAHL FOR CONGRESS	GRAND FORKS	ND
C00030353	DRAFT SENATOR HUBERT HUMPHREY FOR PRESIDENT COMMITTEE	HAMPTON	NH
C00030098	DRAFT SHRIVER COMMITTEE	COLLEGE PARK	MD
C00031476	DRAFTEO COMMITTEE, THE	BOSTON	MA
C00050831	DRAKE FOR CONGRESS COMMITTEE	SMYRNA	GA
C00038794	DRAVO EMPLOYEES FOR BETTER GOVERNMENT FUND	PITTSBURGH	PA
C00022806	DRB POLITICAL FUND A	SAINT PAUL	MN
C00022814	DRB POLITICAL FUND B	ST. PAUL	MN
C00022848	DRB POLITICAL FUND C	SAINT PAUL	MN
C00066449	DRESSER INDUSTRIES POLITICAL ACTION COMMITTEE (DIPAC)	DALLAS	TX
C70000054	DRESSER INDUSTRIES, INC.	DALLAS	TX
C00036939	DREW EDMONDSON CONGRESSIONAL CAMPAIGN COMMITTEE	MUSKOGEE	OK
C00059329	DRILLING CONTRACTORS POLITICAL ACTION COMMITTEE	HOUSTON	TX
C00023374	DRINAN COMMITTEE TO KEEP THE GOOD FIGHT GOING	NEWTON	MA
C00001339	DRIVE ATLANTA	ATLANTA	GA

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IDENTIFICATION	NAME		
C00011957	DRIVE CHAPTER #238	CEDAR RAPIOS	IO
C00011882	DRIVE CHAPTER 941	EL PASO	TX
C00000174	DRIVE CHAPTER LOCAL NO. 592	RICHMOND	VA
C00004226	DRIVE CHAPTER NO. 667	TERMINATED MEMPHIS	TN
C00024729	DRIVE FT.SMITH . DEMOCRATIC REPUBLICAN INDEPENDENT VOTER EDUCATION	FT SMITH	AR
C00004697	DRIVE JANESVILLE POLITICAL FUND	JANESVILLE	WI
C00001628	DRIVE LOCAL 657	SAN ANTONIO	TX
C00005645	DRIVE LOCAL NO. 47	FORT WORTH	TX
C00001859	DRIVE MICHIGAN POLITICAL FUND	DETROIT	MI
C00000489	DRIVE POLITICAL FUND. CHAPTER 886	OKLAHOMA CITY	OK
C00010272	DRIVE TEAMSTERS 435-452 COMMITTEE	DENVER	CO
C00000307	DRIVE TEAMSTERS JOINT COUNCIL NO. 69	SPRINGFIELD	IL
C00007815	DRIVE TEAMSTERS LOCAL THREE FORTY	SOUTH PORTLAND	ME
C00006627	DRIVE TEAAS	DALLAS	TX
C00012633	DRIVE. HOUSTON CHAPTER NO. 968	HOUSTON	TX
C00001099	DRIVE-42	LOS ANGELES	CA
C00000687	DRIVE-CHAPTER 568	SHREVEPORT	LA
C00062232	DRURY FOR CONGRESS COMMITTEE	WILLOW STREET	PA
C80001878	DUBIN. MARTIN DAVID	DEKALB	IL
C00008813	DUBUQUE COUNTY REPUBLICAN CENTRAL COMMITTEE	DUBUQUE	IA
C00061804	DUFALA FOR CONGRESS COMMITTEE	MILLVILLE	NJ
C00064469	DUFF FOR CONGRESS COMMITTEE	WA CROSSING	PA
C00036772	DUGAN FOR CONGRESS	EIGHTY-FOUR.	PA
C00055160	DUGAN FOR CONGRESS COMMITTEE	WARNER ROBINS	OA
C00002553	DUMIO. [MRS.] VIVIAN C.	LAKE CHARLES	LA
C00062547	DUMONT FOR PRESIDENT	CHICAGO	IL
C00023416	DUNCAN FOR CONGRESS	KNOXVILLE	TN
C00015735	DUNCAN FOR CONGRESS COMMITTEE	PORTLAND	OR
C00059170	DUNNELL FOR CONGRESS COMMITTEE	SILVER SPRIN0	MD
C00076257	DUNNICK FOR CONGRESS	MORAN	KS
C00022954	DUPAGE COUNTY REPUBLICAN CENTRAL COMMITTEE	WHEATON	IL
C00066951	DURHAM CENTRAL LABOR UNION	DURHAM	NC
C00039453	DURHAM COMMITTEE ON POLITICAL EDUCATION	DURHAM	NC
C00037887	DURHAM FOR CONGRESS*	FORT WORTH	TX
C00075895	DURKAN FOR CONGRESS COMMITTEE	SEATTLE	WA
C00050468	DURKIN FOR CONGRESS COMMITTEE	LOWELL	MA

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IDENTIFICATION	NAME		
C00029523	DURKIN FOR U.S. SENATE COMMITTEE	MANCHESTER	NH
C00075523	DURNING FOR CONGRESS	SEATTLE	WA
C00062372	DUROSS FOR CONGRESS - 23RD DISTRICT	CLEVELAND	OH
C00062007	DUKE FOR CONGRESS	HASTINGS	MN
C00028126	DYAS COMMITTEE (ALSO KNOWN AS DYAS FOR NEBRASKA COMMITTEE)	LINCOLN	NE
C00002561	DYBAS, RAYMOND J.	AMSTERDAM	NY
C00074419	DYKE-A I P CAMPAIGN COMMITTEE	MT. MOREB	WI
C00051045	DYSON FOR CONGRESS COMMITTEE	GREAT MILLS	MD
C00066613	E-SYSTEMS (GREENVILLE DIVISION)	GREENSVILLE	TX
C00039032	E-SYSTEMS CORPORATE PAC	DALLAS	TX
C00038836	E-SYSTEMS DONALDSON DIVISION PAC	GREENVILLE	SC
C00038810	E-SYSTEMS GARLAND DIVISION POLITICAL ACTION COMMITTEE	DALLAS	TX
C00039958	E-SYSTEMS MEMCOR PAC	HUNTINGTON	IN
C00038802	E-SYSTEMS MONTEK PAK	SALT LAKE CITY	UT
C00043166	E-SYSTEMS, MELPAR DIVISION PAC	FALLS CHURCH	VA
C00061036	E. F. HUTTON GROUP POLITICAL ACTION COMMITTEE, THE	NEW YORK	NY
C00029538	E. N. ZEIGLER CAMPAIGN COMMITTEE	FLORENCE	SC
C00063867	E.M. MEADOWS FOR U.S. CONGRESSIONAL REPRESENTATIVES DISTRICT10	AUSTIN	TX
C00050419	EAGLE FOR CONGRESS	SALISBURY	NC
C00029488	EAGLETON CAMPAIGN COMMITTEE	ST. LOUIS	MO
C00070292	EARL ARMSTRONG FOR CONGRESS	FORT WORTH	TX
C00005405	EARL RUTH FOR CONGRESS COMMITTEE	SALISBURY	NC
C00074039	EAST YOLO COMMUNITY DEMOCRATIC CLUB	WEST SACRAMENTO	CA
C00014472	EAST OHIO GAS EMPLOYEES VOLUNTARY GOOD GOVERNMENT ASSOCIATION	CLEVELAND	OH
C00019679	EAST WISCONSIN CLUB	MILWAUKEE	WI
C00038695	EASTERN AIRLINES POLITICAL ACTION COMMITTEE	MIAMI	FL
C00033142	EASTERN PENN. 1976 SOCIALIST WORKERS CAMPAIGN COMMITTEE	PHILADELPHIA	PA
C00033381	EASTERN PENNSYLVANIA HARRIS FOR PRESIDENT COMMITTEE	PHILADELPHIA	PA
C00045294	EASTERN PENNSYLVANIA SOCIALIST WORKERS CAMPAIGN COMMITTEE	PHILADELPHIA	PA
C70000245	EASTERN REGION. I.L.G.W.U.	NEW YORK	NY
C00021360	EASTMAN FOR CONGRESS COMMITTEE	FLINT	MI
C90001900	EASTMAN. ROBERT E.	FLINT	MI
C00073916	EATON COUNTY 1976 CAMPAIGN COMMITTEE	GRAND LEDGE	MI
C00031146	EATON COUNTY REPUBLICAN COMMITTEE	TERMINATED CHARLOTTE	MI
C00034027	EATON POLITICAL ACTION COMMITTEE	CLEVELAND	OH
C00009464	EAU CLAIRE COUNTY DEMOCRATIC PARTY	EAU CLAIRE	WI

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IDENTIFICATION	NAME		
C00050004	EBEN HOPSON FOR CONGRESS	ANCHORAGE AK	HOUSE
C00041550	ECKERD COMMITTEE FOR RESPONSIBLE GOVERNMENT	CLEARWATER FL	NON-PARTY RELATED
C00006692	ECTOR COUNTY REPUBLICAN PARTY	ODESSA TX	PARTY RELATED
C00018445	ED BONETT FOR CONGRESS COMMITTEE	JOPLIN MO	HOUSE
C00020404	ED ENGEL FOR CONGRESS COMMITTEE	TOPEKA KS	HOUSE
C00051490	ED GADRIX FOR CONGRESS COMMITTEE	ATLANTA GA	HOUSE
C00064014	ED GALLION CAMPAIGN FUND	CRANE TX	HOUSE
C00038323	ED JENKINS FOR CONGRESS	JASPER GA	HOUSE
C00065649	ED JENKINS GENERAL ELECTION COMMITTEE	JASPER GA	HOUSE
C00059469	ED LEE FOR CONGRESS	PORT ANGELES WA	HOUSE
C00047670	ED MITCHELL/DEMOCRAT FOR CONGRESS COMMITTEE	SCRANTON PA	HOUSE
C00036954	ED SIMCOX FOR CONGRESS	INDIANAPOLIS IN	HOUSE
C00012288	ED VASS CAMPAIGN FUND COMMITTEE	WILMETTE IL	HOUSE
C00026385	ED WARREN FOR CONGRESS	ST LOUIS MO	HOUSE
C00010900	ED YOUNG FOR CONGRESS FINANCE COMMITTEE	FLORENCE SC	HOUSE
C00026056	ED YOUNG IN*76	FLORENCE SC	HOUSE
C00014225	EDGAR FOR CONGRESS COMMITTEE	BROOMALL PA	HOUSE
C00016295	EDGERTON FOR CONGRESS COMMITTEE	LONG BEACH CA	HOUSE
C00070698	EDNA MASSIMILLA (WIFE) (PRINCIPAL CAMPAIGN COMMITTEE FOR JOHN A. MASSIMILLA)	REHOBOTH BEACH DE	SENATE
C00024018	EDUCATORS ACTION COMMITTEE	SAGINAW MI	HOUSE
C00072355	EDUCATORS FOR A LIBERAL VICTORY	WHITEFISH BAY WI	NON-PARTY RELATED
C00025833	EDUCATORS POLITICAL ACTION COMMITTEE	MOORE OK	NON-PARTY RELATED
C00016816	EDUCATORS POLITICAL ACTION COUNCIL	SAN ANTONIO TX	NON-PARTY RELATED
C00061903	EDWARD PATTEN FOR CONGRESS COMMITTEE	EDISON NJ	HOUSE
C00067561	EDWARD S. SKINNER FOR CONGRESS COMMITTEE	EL MONTE CA	HOUSE
C00062257	EDWARD W. KELLEY CAMPAIGN FUND ACCT.	MATBORO PA	HOUSE
C00013904	EDWARDS FOR CONGRESS COMMITTEE	MOBILE AL	HOUSE
C00024919	EDWARDS IN 76 COMMITTEE	OKLAHOMA CITY OK	HOUSE
C00001060	EDWARDS, BINGHAM D.	DECATUR AL	DELEGATE
C00041525	EDWIN(ENGINEERS DOLLARS WIN IN NOVEMBER)	PORTLAND OR	NON-PARTY RELATED
C00002626	EFFECTIVE GOVERNMENT ASSOCIATION	NEW YORK NY	NON-PARTY RELATED
C00041566	EFFECTIVE GOVERNMENT GROUP	WASHINGTON DC	NON-PARTY RELATED
C00047688	EGGE FOR CONGRESS COMMITTEE	ALEXANDRIA VA	HOUSE
C00001829	EGGERS, JAMES W.	OMAHA NE	DELEGATE
C00039594	EGGPAC (EGG INDUSTRY POLITICAL ACTION COMMITTEE)	DECATUR GA	NON-PARTY RELATED
C00023515	EGNOR *74 COMMITTEE	YPSILANTI MI	HOUSE

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IDENTIFICATION	NAME		
C00001736	EHRE, VICTOR T.	UTICA NY	INDEPENDENT EXPENDITOR
C00035626	EIGHT CONGRESSIONAL DISTRICT DEMOCRATIC COMMITTEE	SPRINGFIELD VA	PARTY RELATED
C00022392	EIGHT DISTRICT FOR JIM SPARLING COMMITTEE	SAGINAW MI	HOUSE
C00036004	EIGHTH CONGRESSIONAL DISTRICT DEMOCRATIC PARTY OF MICHIGAN	SAGINAW, MI	PARTY RELATED
C00043919	EIGHTH CONGRESSIONAL DISTRICT REPUBLICAN COMMITTEE	ALEXANDRIA VA	PARTY RELATED
C00084329	EIGHTH DISTRICT DEMOCRATIC CENTRAL COMMITTEE	EVANSVILLE IN	PARTY RELATED
C00070647	EIGHTH DISTRICT DEMOCRATIC COMMITTEE-VIRGINIA	ALEXANDRIA VA	PARTY RELATED
C00010108	EILBERG FOR CONGRESS COMMITTEE	ORELAND PA	HOUSE
C00050484	EINEMAN FOR CONGRESS COMMITTEE	INDIANAPOLIS IN	HOUSE
C00017657	EINHORN FOR CONGRESS COMMITTEE	PHILADELPHIA PA	HOUSE
C00073270	EISENHOWER FOR CONGRESS	SCOTTSDALE AZ	HOUSE
C00074690	EKBERG VOLUNTEER COMMITTEE	HERMAN MN	HOUSE
C00074948	EKEN FOR CONGRESS VOLUNTEER COMMITTEE	MOORHEAD MN	HOUSE
C00000581	EL DORADO COUNTY REPUBLICAN CENTRAL COMMITTEE	TERMINATED PLACERVILLE CA	PARTY RELATED
C00045112	EL DORADO COUNTY REPUBLICAN WOMEN FEDERATED	PLACERVILLE CA	PARTY RELATED
C00019505	EL MACERO REPUBLICAN WOMEN'S CLUB, FEDERATED	EL MACERO CA	PARTY RELATED
C00014191	EL PASO COUNTY DEMOCRATIC CENTRAL COMMITTEE	COLORADO SPRINGS CO	PARTY RELATED
C00073130	EL PASO COUNTY DEMOCRATIC PARTY	EL PASO TX	PARTY RELATED
C00007336	EL PASO COUNTY REPUBLICAN CENTRAL COMMITTEE	COLORADO SPRINGS CO	PARTY RELATED
C00006904	EL PASO COUNTY REPUBLICAN EXECUTIVE COMMITTEE	EL PASO TX	PARTY RELATED
C00044909	EL PASO GET-OUT-THE-VOTE COMMITTEE	EL PASO TX	PARTY RELATED
C00071415	EL PASOANS FOR FORD	EL PASO TX	PRESIDENTIAL
C00015016	ELCHER FOR CONGRESS CLUB	BILLINGS MT	HOUSE
C00021154	ELDON C. TIPTON FOR CONGRESS	GREENCASTLE IN	HOUSE
C00051029	ELDON RUDD FOR CONGRESS	SCOTTSDALE AZ	HOUSE
C00061101	ELECT AMAIMO TO CONGRESS COMMITTEE	BALTIMORE MD	HOUSE
C00018671	ELECT ANGELL COMMITTEE	POUGHKEEPSIE NY	HOUSE
C00026500	ELECT BLAIN TO CONGRESS COMMITTEE	STOCKTON CA	HOUSE
C00060459	ELECT DELLENBACK TO CONGRESS COMMITTEE	EUGENE OR	HOUSE
C00025643	ELECT EDWARD ARTHUR COMMITTEE	CARDINGTON OH	HOUSE
C00063347	ELECT MY YORK COMMITTEE	JERICHO NY	HOUSE
C00068536	ELECT MARTHA EVERT WRITE IN	CAMPHILL PA	PRESIDENTIAL
C00020008	ELECT RESSEGUIE COMMITTEE	BINGHAMTON NY	HOUSE
C00048066	ELECT ROBERT ALLRED COMMITTEE	SANTA ROSA CA	HOUSE
C00036467	ELECT RON GODBEY TO CONGRESS CAMPAIGN COMMITTEE.	DUNCANVILLE, TX	HOUSE
C00023036	ELECT TODD COMMITTEE	KALAMAZOO MI	HOUSE

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IDENTIFICATION	NAME		
C00070763	ELECTION '76 31 ST.	PASADENA	MD
C00030510	ELECTRIC COOPERATIVE HELP ORGANIZATION (ECHO)	CAYCE	SC
C00069203	ELECTRICIANS LOCAL UNION NO. 306	AKRON	OH
C00043778	ELEVENTH CONGRESSIONAL DISTRICT REPUBLICAN COMMITTEE	ALPHENA	MI
C00018093	ELIZABETH MILLER FOR CONGRESS VOLUNTARY COMMITTEE	PORTAGE	WI
C00065623	ELKINS FOR CONGRESS COMMITTEE	BURDETT	NY
C00051672	ELLIOT FOR CONGRESS COMMITTEE	BROOKLYN	NY
C00019299	ELLIOTT '74 COMMITTEE	BROOKLYN	NY
C00013631	ELLIOTT FOR CONGRESS COMMITTEE	BROOKLYN	NY
C00032870	ELLIOTT FOR SENATE COMMITTEE	BOYLESTOWN	PA
C00002595	ELLIOTT, EMILIE	HOUSTON	TX
C00001934	ELLIOTT, GERALDINE	OKANOGAN	WA
C00053231	ELSA O. HILL FOR CONGRESS OF 1ST CONGRESSIONAL DISTRICT	UNIVERSITY CITY	MO
C00001811	EMANUEL, MEYER M, JR.	HYATTSVILLE	MD
C00015040	EMERY FOR CONGRESS COMMITTEE	AUGUSTA	ME
C00020131	EMILY CARO CAMPAIGN DEBT COMMITTEE	GARDENA	CA
C00009340	EMMET COUNTY REPUBLICAN CENTRAL COMMITTEE	ESTHERVILLE	IA
C00014355	EMMETT J. SLINOSBY FOR CONGRESS COMMITTEE	OTTAWA	IL
C00032813	EMPAC-EMPLOYEES POLITICAL ACTION COMMITTEE, CENTRAL REGION, DOW	FREEPORT	TX
C00032623	EMPAC-EMPLOYEES POLITICAL ACTION COMMITTEE, SOUTHEASTERN REGION, DOW CHEMICAL U.S.A.	PLAQUEMINE	LA
C00006296	EMPIRE DENTAL POLITICAL ACTION COMMITTEE	FAIRPORT	NY
C00043505	EMPIRE MEDICAL POLITICAL ACTION COMMITTEE	LAKE SUCCESS	NY
C00000148	EMPIRE SLATE - 33RD CONGRESSIONAL DISTRICT	SYRACUSE	NY
C00039453	EMPIRE STATE ABC PAC FOR BETTER FEDERAL GOVERNMENT	FAYETTEVILLE	NY
C00022855	EMPLOYEE RIGHTS CAMPAIGN COMMITTEE	FAIRFAX	VA
C00075473	EMPLOYEES FOR BETTER GOVERNMENT - FEDERAL	JACKSON	MI
C00033753	EMPLOYEES FOR GOOD GOVERNMENT (F)	SAN FRANCISCO	CA
C00041509	EMPLOYEES GOOD GOVERNMENT CLUB, GENERAL TELEPHONE COMPANY OF OHIO	MARION	OH
C00048215	EMPLOYEES' GOOD GOVERNMENT CLUB, GENERAL TELEPHONE COMPANY OF MICHIGAN	MUSKEGON	MI
C00066726	ENDORSED DEMOCRATIC CANDIDATES COMMITTEE OF ERIE COUNTY	BUFFALO	NY
C00052118	ENGEBRETSON FOR CONGRESS VOLUNTEER COMMITTEE	ST. PAUL	MN
C00071258	ENGINEERS COMMITTEE FOR BYRD	RICHMOND	VA
C00029504	ENGINEERS POLITICAL EDUCATION COMMITTEE	WASHINGTON	DC
C00021733	ENGLISH FOR CONGRESS COMMITTEE	CORDELL	OK
C00039909	ENGMAN COMMITTEE	GRAND RAPIDS	MI
C00048819	ENNIS FOR CONGRESS COMMITTEE	GEORGETOWN	DE

IDENTIFICATION	NAME		
C00039610	ENPAC	HOUSTON	TX
C00035709	ENSERCH EMPLOYEES POLITICAL SUPPORT ASSOCIATION	DALLAS	TX
C00039511	ENTERPRISE CLUB, THE	CONYERS	GA
C00086967	ENVIRONMENT CAMPAIGN COMMITTEE (PRINCIPAL CAMPAIGN COMMITTEE FOR THOMAS M. STOKES)	NEW YORK	NY
C00041691	ENVIRONMENTAL ACTION'S DIRTY DOZEN CAMPAIGN COMMITTEE	WASHINGTON	DC
C00013888	ENVIROTECH POLITICAL ACTION ASSOCIATION	MENLO PARK	CA
C00042127	EQUITABLE TRUST CO. POLITICAL ACTION COMMITTEE	BALTIMORE	MD
C00034710	ERC EMPLOYEES PUBLIC AFFAIRS PROGRAM	KANSAS CITY	MO
C00059691	ERDALL FOR CONGRESS	MINNEAPOLIS	MN
C00065417	ERIE VOTER REGISTRATION DRIVE COMMITTEE	ERIE	PA
C00002568	ERLENBORN FOR CONGRESS COMMITTEE	WHEATON	IL
C00001883	ERLENBORN, JOHN N.	GLEN ELLYN	IL
C00027341	ERTEL FOR CONGRESS	WILLIAMSPORT	PA
C00071845	ERWIN FOR SENATE COMMITTEE	ANN ARBOR	MI
C00005421	ESCAMBIA COUNTY DEMOCRATIC EXECUTIVE COMMITTEE	PENSACOLA	FL
C00019174	ESCH FOR CONGRESS COMMITTEE	PLYMOUTH	MI
C00028134	ESCH IN '76	ANN ARBOR	MI
C00000190	ESHLEMAN FOR CONGRESS COMMITTEE	MOUNT GRETNA	PA
C00043588	ESMERALDA COUNTY REPUBLICAN CENTRAL COMMITTEE	GOLDFIELD	NV
C00019539	ESPOSITO FOR CONGRESS COMMITTEE	RUTLAND	VT
C00018481	ESSEX COUNTY DEMOCRATIC COMMITTEE	NEWARK	NJ
C00017806	ETTNER FOR CONGRESS COMMITTEE	FRESNO	CA
C00018988	EUGENE MESSER FOR CONGRESS	VANCOUVER	WA
C00042291	EUROPEAN REPUBLICAN COMMITTEE	PARIS	ZZ
C00051684	EVANS FOR CONGRESS CAMPAIGN FUND	MACON	GA
C00000836	EVANS FOR CONGRESS COMMITTEE	PUEBLO	CO
C00055004	EVANS FOR CONGRESS COMMITTEE	OAKLAND	CA
C00066795	EVANS FOR SENATE COMMITTEE	CAMBRIDGE	MA
C00062818	EVELIO S. ESTRELLA CAMPAIGN COMMITTEE	MIAMI	FL
C00032557	EVERGREEN ASSOCIATES	EVERETT	WA
C00005181	EXECUTIVE COMMITTEE OF REPUBLICAN PARTY WILLACY COUNTY	RAYMONDVILLE	TX
C00048363	EYSTER FOR CONGRESS COMMITTEE	DECATUR	AL
C00061978	F EDWARD DE MOTT - FOR CONGRESS	HOPATCONG	NJ
C00033548	F H B GOOD CITIZENSHIP COMMITTEE	HONOLULU	HI
C00010348	F. F. GOOD GOVERNMENT FUND	LOS ANGELES	CA
C00020016	F. W. CHMIELEWSKI FOR CONGRESS VOLUNTEER COMMITTEE	STURGEON LAKE	MN

IDENTIFICATION	NAME		
C00039610	ENPAC	HOUSTON	TX
C00035709	ENSERCH EMPLOYEES POLITICAL SUPPORT ASSOCIATION	DALLAS	TX
C00039511	ENTERPRISE CLUB, THE	CONYERS	GA
C00086967	ENVIRONMENT CAMPAIGN COMMITTEE (PRINCIPAL CAMPAIGN COMMITTEE FOR THOMAS M. STOKES)	NEW YORK	NY
C00041691	ENVIRONMENTAL ACTION'S DIRTY DOZEN CAMPAIGN COMMITTEE	WASHINGTON	DC
C00013888	ENVIROTECH POLITICAL ACTION ASSOCIATION	MENLO PARK	CA
C00042127	EQUITABLE TRUST CO. POLITICAL ACTION COMMITTEE	BALTIMORE	MD
C00034710	ERC EMPLOYEES PUBLIC AFFAIRS PROGRAM	KANSAS CITY	MO
C00059691	ERDALL FOR CONGRESS	MINNEAPOLIS	MN
C00065417	ERIE VOTER REGISTRATION DRIVE COMMITTEE	ERIE	PA
C00002568	ERLENBORN FOR CONGRESS COMMITTEE	WHEATON	IL
C00001883	ERLENBORN, JOHN N.	GLEN ELLYN	IL
C00027341	ERTEL FOR CONGRESS	WILLIAMSPORT	PA
C00071845	ERWIN FOR SENATE COMMITTEE	ANN ARBOR	MI
C00005421	ESCAMBIA COUNTY DEMOCRATIC EXECUTIVE COMMITTEE	PENSACOLA	FL
C00019174	ESCH FOR CONGRESS COMMITTEE	PLYMOUTH	MI
C00028134	ESCH IN '76	ANN ARBOR	MI
C00000190	ESHLEMAN FOR CONGRESS COMMITTEE	MOUNT GRETNA	PA
C00043588	ESMERALDA COUNTY REPUBLICAN CENTRAL COMMITTEE	GOLDFIELD	NV
C00019539	ESPOSITO FOR CONGRESS COMMITTEE	RUTLAND	VT
C00018481	ESSEX COUNTY DEMOCRATIC COMMITTEE	NEWARK	NJ
C00017806	ETTNER FOR CONGRESS COMMITTEE	FRESNO	CA
C00018988	EUGENE MESSER FOR CONGRESS	VANCOUVER	WA
C00042291	EUROPEAN REPUBLICAN COMMITTEE	PARIS	ZZ
C00051684	EVANS FOR CONGRESS CAMPAIGN FUND	MACON	GA
C00000836	EVANS FOR CONGRESS COMMITTEE	PUEBLO	CO
C00055004	EVANS FOR CONGRESS COMMITTEE	OAKLAND	CA
C00066795	EVANS FOR SENATE COMMITTEE	CAMBRIDGE	MA
C00062818	EVELIO S. ESTRELLA CAMPAIGN COMMITTEE	MIAMI	FL
C00032557	EVERGREEN ASSOCIATES	EVERETT	WA
C00005181	EXECUTIVE COMMITTEE OF REPUBLICAN PARTY WILLACY COUNTY	RAYMONDVILLE	TX
C00048363	EYSTER FOR CONGRESS COMMITTEE	DECATUR	AL
C00061978	F EDWARD DE MOTT - FOR CONGRESS	HOPATCONG	NJ
C00033548	F H B GOOD CITIZENSHIP COMMITTEE	HONOLULU	HI
C00010348	F. F. GOOD GOVERNMENT FUND	LOS ANGELES	CA
C00020016	F. W. CHMIELEWSKI FOR CONGRESS VOLUNTEER COMMITTEE	STURGEON LAKE	MN

NON-PARTY RELATED	HOUSE	
NON-PARTY RELATED	HOUSE	
NON-PARTY RELATED	HOUSE	
PARTY RELATED	SENATE	
HOUSE		
HOUSE		
HOUSE		
HOUSE		
HOUSE		
SENATE		
DELEGATE		
INDEPENDENT EXPENDITOR		
HOUSE		
DELEGATE		
HOUSE		
HOUSE		
PARTY RELATED		
HOUSE		
SENATE		
NON-PARTY RELATED		
HOUSE		
SENATE		
HOUSE		
NON-PARTY RELATED		
NON-PARTY RELATED		
NON-PARTY RELATED

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IDENTIFICATION	NAME		
C00029447	F.I.R.E. -PAC	WASHINGTON	DC NON-PARTY RELATED
C00004747	FAIRFAX CITY REPUBLICAN COMMITTEE	FAIRFAX	VA PARTY RELATED
C00021402	FAIRFAX COUNTY DEMOCRATIC COMMITTEE	FALLS CHURCH	VA PARTY RELATED
C00022622	FAIRFAX COUNTY FIREFIGHTERS POLITICAL ACTION COMMITTEE	FAIRFAX	VA NON-PARTY RELATED
C00005348	FAIRFAX COUNTY REPUBLICAN COMMITTEE	ANNANDALE	VA PARTY RELATED
C00015107	FAIRFIELD COUNTY REPUBLICAN EXECUTIVE COMMITTEE	LANCASTER	OH PARTY RELATED
C00031278	FALL EVENING WITH THE BENTSENS COMMITTEE	HOUSTON	TX PRESIDENTIAL
C00015032	FALLS CHURCH REPUBLICAN COMMITTEE	FALLS CHURCH	VA PARTY RELATED
C00023408	FAMILY PHYSICIANS POLITICAL ACTION COMMITTEE	KANSAS CITY	MO NON-PARTY RELATED
C00063982	FANELLI FOR CONGRESS	PHILADELPHIA	PA HOUSE
C00072765	FANNINO FOR CONGRESS	SAN FRANCISCO	CA HOUSE
C00002410	FARIBAULT COUNTY REPUBLICAN COMMITTEE	BLUE EARTH	MN PARTY RELATED
C00045963	FARM & HOME SAVINGS ASSOCIATION POLITICAL ACTION COMMITTEE	NEVADA	MO NON-PARTY RELATED
C00033795	FARMERS COMMITTEE FOR POLITICAL ACTION	PHOENIX	AZ NON-PARTY RELATED
C00065201	FARMERS FOR CARTER-MONDALE VOLUNTEERS	WASHINGTON	DC PRESIDENTIAL
C00006522	FARMERS FOR CARTER-MONDALE VOLUNTEERS	BLOOMINGTON	IN PRESIDENTIAL
C00069021	FARMERS FOR CARTER-MONDALE VOLUNTEERS	KENNAN	WI PRESIDENTIAL
C00067025	FARMERS FOR KING	INDEPENDENCE	MO HOUSE
C00011148	FARMINGDALE CTA COMMITTEE ON POLITICAL EDUCATION	FARMINGDALE	NY NON-PARTY RELATED
C00021634	FARRIS FOR CONGRESS COMMITTEE	BUENA PARK	CA HOUSE
C00069880	FAUQUIER DEMOCRATIC COMMITTEE	WARRENTON	VA PARTY RELATED
C00001795	FAUSEY, VERNA M.	NASHVILLE	TN DELEGATE
C00053033	FAWLEY FOR U.S. CONGRESS	GRAND HAVEN	MI HOUSE
C00068074	FAYETTE COUNTY CITIZENS FOR HOOK	UNIONTOWN	PA HOUSE
C00067140	FAYETTE COUNTY DEMOCRATIC EXECUTIVE COMMITTEE	LEXINGTON	KY PARTY RELATED
C00018218	FAYETTE COUNTY REPUBLICAN CENTRAL COMMTEE	TERMINATED CONNERSVILLE.	IN PARTY RELATED
C00004828	FAYETTE COUNTY REPUBLICAN COMMITTEE	UNIONTOWN	PA PARTY RELATED
C00004754	FAYETTE COUNTY REPUBLICAN EXECUTIVE COMMITTEE	WASHINGTON C.H.	OH PARTY RELATED
C00019422	FCB RESPONSIBLE GOVERNMENT GROUP-FEDERAL	ALBANY	NY NON-PARTY RELATED
C00011023	FD MASON FOR CONGRESS COMMITTEE	HAGERSTOWN	MD HOUSE
C00024166	FOR CAMPAIGN COMMITTEE	BALTIMORE	MD PARTY RELATED
C00051656	FEATHER FOR CONGRESS COMMITTEE	CLEVELAND	OH HOUSE
C00016410	FEDERAL CAMPAIGN COMMITTEE OF NEVADA	RENO	NV PARTY RELATED
C00010512	FEDERAL CAMPAIGN FUND/MONROE COUNTY REPUBLICAN COMMITTEE	ROCHESTER	NY PARTY RELATED
C00019653	FEDERAL CITIZENSHIP RESPONSIBILITY GROUP	ROSEMEAD	CA NON-PARTY RELATED
C00068692	FEDERAL EXPRESS CORPORATION POLITICAL ACTION COMMITTEE	MEMPHIS	TN NON-PARTY RELATED

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C00067439	FEDERALIST PRESERVER BODY/PARTY/COMMITTEE	TRENTON	NJ PARTY RELATED
C00034009	FEDERALIST PRESERVER, THE	TRENTON	NJ PRESIDENTIAL
C00067983	FEDERICK C. TAYLOR FOR CONGRESS 5TH MARYLAND DISTRICT	DISTRICT HEIGHTS	MD HOUSE
C00002261	FEOPAC	LITTLE ROCK	AR NON-PARTY RELATED
C00033944	FEED INDUSTRY POLITICAL ACTION COMMITTEE	ARLINGTON	VA NON-PARTY RELATED
C00063085	FELD FOR CONGRESS COMMITTEE	ALEXANDRIA	VA HOUSE
C00050427	FENNER FOR CONGRESS VOLUNTEER COMMITTEE	ST. PAUL	MN HOUSE
C00000318	FENTON, DAVID	LINCOLN	NE DELEGATE
C00016980	FENWICK FOR CONGRESS	FAR HILLS	NJ HOUSE
C00007536	FERGUS COUNTY REPUBLICAN CENTRAL COMMITTEE	TERMINATED LEWISTOWN	MT PARTY RELATED
C00000615	FERGUSON FOR CONGRESS COMMITTEE	PROVA	UT HOUSE
C00018956	FERNANDEZ FOR CONGRESS COMMITTEE	CONCORD	CA HOUSE
C00066888	FERRAN FOR CONGRESS COMMITTEE	ALBANY	NY HOUSE
C00037986	FESS FOR CONGRESS	ROCKVILLE	MD HOUSE
C00063412	FESTERLY FOR CONGRESS	MO. CANTON	OH HOUSE
C00040287	FF POLITICAL ACTION COMMITTEE	CHICAGO	IL NON-PARTY RELATED
C00050402	FICKER '76 COMMITTEE	BETHESDA	MD HOUSE
C00040527	FIDELITY UNION LIFE INSURANCE COMPANY POLITICAL ACTION COMMITTEE	DALLAS	TX NON-PARTY RELATED
C00049468	FIELD FOR CONGRESS COMMITTEE	EVANSVILLE	IN HOUSE
C00074732	FIFTH CONGRESSIONAL DISTRICT COMMITTEE (DEMOCRATIC)	KANSAS CITY	MO PARTY RELATED
C00013425	FIFTH CONGRESSIONAL DISTRICT DEMOCRATIC COMMITTEE	GRAND RAPIDS	MI PARTY RELATED
C00021349	FIFTH DISTRICT D.F.L.	MINNEAPOLIS	MN PARTY RELATED
C00064885	FIFTH DISTRICT DEMOCRATIC CAMPAIGN COMMITTEE-EDWARDS FOR CONGRESS	BOWLING GREEN	OH HOUSE
C00015958	FIFTH DISTRICT REPUBLICAN CENTRAL COMMITTEE	INDIANAPOLIS	IN PARTY RELATED
C00013763	FIFTH DISTRICT REPUBLICAN COMMITTEE	GRAND RAPIDS	MI PARTY RELATED
C00073676	FIFTH DISTRICT REPUBLICAN COMMITTEE	ANDERSON	IN PARTY RELATED
C00050286	FILIPINOS FOR CARTER	SAN FRANCISCO	CA PRESIDENTIAL
C00077826	FILLMORE COUNTY REPUBLICAN COMMITTEE	N/A	MN PARTY RELATED
C00038000	FINANCE COMMITTEE FOR JOE W. JONES*	PASADENA	TX HOUSE
C00014357	FINANCE COMMITTEE TO ELECT GORDON BROWN	ORLANDO	FL HOUSE
C00032102	FINANCE COMMITTEE TO RE-ELECT THE PRESIDENT	WASHINGTON	DC PRESIDENTIAL
C00029439	FINCH FOR SENATE COMMITTEE	LONG BEACH	CA SENATE
C00000326	FINDLAY, CARY A.	TUSCALOOSA	AL DELEGATE
C00002006	FINDLEY FOR CONGRESS COMMITTEE	SPRINGFIELD	IL HOUSE
C00016253	FINKBEINER FOR CONGRESS COMMITTEE	TOLEDO	OH HOUSE
C00053561	FINLEY FOR CONGRESS COMMITTEE	SMITHVILLE	MO HOUSE

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IDENTIFICATION	NAME		
C00071043	FINLEY FOR CONGRESS COMMITTEE	MEAD	OK
C00000334	FINN, DR. JAMES PATRICK JR.	GREENSBURG	PA
C00015180	FINNEY FOR CONGRESS	AMARILLO	TX
C00020596	FIRE FIGHTERS FOR SPELLMAN	CHEVERLY	MD
C00007427	FIRST ASSOCIATES - NATIONAL	SEATTLE	WA
C00010036	FIRST BANK SYSTEM MINNESOTA GOOD GOVERNMENT COMMITTEE	MINNEAPOLIS	MN
C00041319	FIRST BANK SYSTEM MONTANA GOOD GOVT. COMMITTEE (AKA 1ST BK SYSTEM MT GOOD GOVT PROGRAM)	GREAT FALLS	MT
C00010366	FIRST BANK SYSTEM/NORTH DAKOTA GOOD GOVERNMENT PROGRAM	BISMARCK	ND
C00019349	FIRST BANK SYSTEM/SOUTH DAKOTA GOOD GOVERNMENT PROGRAM	SIOUX FALLS	SD
C00070748	FIRST CONGRESSIONAL DISTRICT DEMOCRATIC EXECUTIVE COMMITTEE	NEW ORLEANS	LA
C00016840	FIRST CONGRESSIONAL DISTRICT DEMOCRATIC ORGANIZATION FEDERAL ELECTION ACCOUNT	DETROIT	MI
C00005975	FIRST CONGRESSIONAL DISTRICT REPUBLICAN COMMITTEE	EASTON	MD
C00043190	FIRST CONGRESSIONAL DISTRICT REPUBLICAN FEDERAL CAMPAIGN COMMITTEE	VIDALIA	GA
C00073940	FIRST CONGRESSIONAL DISTRICT, DEMOCRATIC PARTY-FLORIDA	MILTON	FL
C00031450	FIRST DISTRICT JACKSON FOR PRESIDENT COMMITTEE	MERGED RACINE	WI
C00008565	FIRST DISTRICT LIAISON COMMITTEE	BURLINGTON	IA
C00006635	FIRST DISTRICT REPUBLICAN COMMITTEE	OWATONNA	MN
C00064881	FIRST EMPLOYEES POLITICAL ACTION COMMITTEE	ENID	OK
C00048576	FIRST FEDERAL EMPLOYEES' POLITICAL ACTION COMMITTEE (FEPAC)	PHOENIX	AZ
C00016238	FIRST FEDERAL OF NEWTON, KANSAS POLITICAL ACTION COMMITTEE	NEWTON	KS
C00034386	FIRST FUND, THE	HOUSTON	TX
C00035725	FIRST INTERNATIONAL BANCSHARES GOOD GOVERNMENT FUND	DALLAS	TX
C00050922	FIRST KENTUCKY NATIONAL CORPORATION POLITICAL ACTION COMMITTEE	LOUISVILLE	KY
C00041533	FIRST SECURITY CORPORATION POLITICAL ACTION COMMITTEE ("FIRST PAC")	SALT LAKE	UT
C00050336	FIRST TENNESSEE NATIONAL BANK GOOD GOVERNMENT COMMITTEE	CHATTANOOGA	TN
C00056473	FIRST WARD VOTERS LEAGUE, INC.	BATON ROUGE	LA
C00041301	FIRST WISCONSIN CIVIC AFFAIRS COMMITTEE	MILWAUKEE	WI
C00014993	FISHER FOR CONGRESS	FALLS CHURCH	VA
C00017574	FITZPATRICK FOR CONGRESS	BIRMINGHAM	MI
C00016188	FLAGG FOR CONGRESS COMMITTEE	MONTEREY	CA
C00046920	FLAHAREN FOR CONGRESS VOLUNTEER COMMITTEE	ST. PAUL	MN
C00052993	FLANIGAN FOR CONGRESS COMMITTEE	CLEVELAND	OH
C00000342	FLETCHER, MILLARD W.	TUSCALOOSA	AL
C00046730	FLICK FOR CONGRESS	SAN DIEGO	CA
C00075697	FLM JOINT BOARD COPE	NEW YORK	NY
C00000497	FLOOD FOR CONGRESS COMMITTEE	WILKES-BARRE	PA

MEAD	OK	HOUSE
GREENSBURG	PA	DELEGATE
AMARILLO	TX	HOUSE
CHEVERLY	MD	HOUSE
SEATTLE	WA	NON-PARTY RELATED
MINNEAPOLIS	MN	NON-PARTY RELATED
GREAT FALLS	MT	NON-PARTY RELATED
BISMARCK	ND	NON-PARTY RELATED
SIOUX FALLS	SD	NON-PARTY RELATED
NEW ORLEANS	LA	PARTY RELATED
DETROIT	MI	PARTY RELATED
EASTON	MD	PARTY RELATED
VIDALIA	GA	PARTY RELATED
MILTON	FL	PARTY RELATED
MERGED RACINE	WI	PRESIDENTIAL
BURLINGTON	IA	HOUSE
OWATONNA	MN	PARTY RELATED
ENID	OK	NON-PARTY RELATED
PHOENIX	AZ	NON-PARTY RELATED
NEWTON	KS	NON-PARTY RELATED
HOUSTON	TX	NON-PARTY RELATED
DALLAS	TX	NON-PARTY RELATED
LOUISVILLE	KY	NON-PARTY RELATED
SALT LAKE	UT	NON-PARTY RELATED
CHATTANOOGA	TN	NON-PARTY RELATED
BATON ROUGE	LA	NON-PARTY RELATED
MILWAUKEE	WI	NON-PARTY RELATED
FALLS CHURCH	VA	HOUSE
BIRMINGHAM	MI	HOUSE
MONTEREY	CA	HOUSE
ST. PAUL	MN	HOUSE
CLEVELAND	OH	HOUSE
TUSCALOOSA	AL	DELEGATE
SAN DIEGO	CA	HOUSE
NEW YORK	NY	NON-PARTY RELATED
WILKES-BARRE	PA	HOUSE

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IDENTIFICATION	NAME		
C00012328	FLORIDA AGRICULTURAL EDUCATION COMMITTEE	CLEWISTON	FL
C00012484	FLORIDA BANKERS POLITICAL ACTION COMMITTEE	ORLANDO	FL
C00039529	FLORIDA CHAPTERS/ASSOCIATED BUILDERS & CONTRACTERS, INC.	TAMPA	FL
C00039287	FLORIDA CITIZENS FOR REAGEN	TERMINATED WASHINGTON	DC
C00075721	FLORIDA COOPERATIVE CITRUS GROWERS PAC (CITRUS-PAC)	ORLANDO	FL
C00013672	FLORIDA DENTAL POLITICAL ACTION COMMITTEE	TAMPA	FL
C00074229	FLORIDA FRIENDS OF REAGAN	PANAMA CITY	FL
C00068171	FLORIDA GAS FEDERAL POLITICAL ACTION COMMITTEE	WINTER PARK	FL
C00067484	FLORIDA MEDICAL POLITICAL ACTION COMMITTEE	JACKSONVILLE	FL
C00060541	FLORIDA REAL ESTATE POLITICAL ACTION CMTE.	TALLAHASSEE	FL
C00063230	FLORIDA SAVINGS POLICTICAL ACTION COMMITTEE	ORLANDO	FL
C00030060	FLORIDA SHAPP FOR PRESIDENT COMMITTEE	MERRITT ISLAND	FL
C00064733	FLORIDA'S LITHUANIAN AMERICAN COMMITTEE FOR DR. J. GRADY	MIAMI	FL
C00031948	FLORIDIANS FOR MUSKIE COMMITTEE	TERMINATED WINTERHAVEN	FL
C00037515	FLOTRON FOR CONGRESS	FESTUS,	MO
C00033555	FLOWERS POLITICAL ACTION COMMITTEE	THOMASVILLE	GA
C00020917	FLOYD COUNTY INDIANA REPUBLICAN CENTRAL COMMITTEE	NEW ALBANY	IN
C00034132	FLUOR POLITICAL ACTION COMMITTEE	LOS ANGELES	CA
C00055995	FLYNN COMMITTEE	MT. MORRIS	MI
C00036251	FLYNN FOR CONGRESS	NORTH KINGSTOWN	RI
C00002659	FLYNT CAMPAIGN COMMITTEE	GRIFFIN	GA
C00033704	FMC GOOD GOVERNMENT PROGRAM	CHICAGO	IL
C00033415	FMBA GOOD GOVERNMENT COMMITTEE	PHOENIX	AZ
C00044438	FOLEY FOR U.S. SENATE	ASBURY PARK	NJ
C00048389	FOLSON CAMPAIGN COMMITTEE	CULLMAN	AL
C00044537	FOLTZ FOR U.S. SENATOR COMMITTEE	LITTLESTOWN	PA
C00069435	FOOD FAIR POLITICAL ACTION COMMITTEE	PHILADELPHIA	PA
C00014555	FOOD INDUSTRY GOOD GOVERNMENT COMMITTEE	WASHINGTON	DC
C00022053	FOOD OPERATORS POLITICAL ACTION TRUST (FOPAT)	LOUISVILLE	KY
C00000524	FOOD PROCESSORS PUBLIC AFFAIRS COMMITTEE	ROCHESTER	NY
C00032540	FOOTWEAR INDUSTRY POLITICAL ACTION COMMITTEE	ARLINGTON	VA
C00046474	FORD CIVIC ACTION FUND	DEARBORN	MI
C00065367	FORD COMMITTEE	WILMINGTON	DE
C00022145	FORD COUNTIANS FOR SEBELIUS	DODGE CITY	KS
C00016717	FORD DINNER COMMITTEE TARRANT CTY PEPUBLICAN MOBTRS.	FT WORTH	TX
C00016063	FORD FOR CONGRESS	DUNCANNON	PA

CLEWISTON	FL	NON-PARTY RELATED
ORLANDO	FL	NON-PARTY RELATED
TAMPA	FL	NON-PARTY RELATED
TERMINATED WASHINGTON	DC	PRESIDENTIAL
ORLANDO	FL	NON-PARTY RELATED
TAMPA	FL	NON-PARTY RELATED
PANAMA CITY	FL	PRESIDENTIAL
WINTER PARK	FL	NON-PARTY RELATED
JACKSONVILLE	FL	NON-PARTY RELATED
TALLAHASSEE	FL	NON-PARTY RELATED
ORLANDO	FL	NON-PARTY RELATED
MERRITT ISLAND	FL	PRESIDENTIAL
MIAMI	FL	SENATE
TERMINATED WINTERHAVEN	FL	PRESIDENTIAL
FESTUS,	MO	HOUSE
THOMASVILLE	GA	NON-PARTY RELATED
NEW ALBANY	IN	PARTY RELATED
LOS ANGELES	CA	NON-PARTY RELATED
MT. MORRIS	MI	HOUSE
NORTH KINGSTOWN	RI	HOUSE
GRIFFIN	GA	HOUSE
CHICAGO	IL	NON-PARTY RELATED
PHOENIX	AZ	NON-PARTY RELATED
ASBURY PARK	NJ	SENATE
CULLMAN	AL	HOUSE
LITTLESTOWN	PA	SENATE
PHILADELPHIA	PA	NON-PARTY RELATED
WASHINGTON	DC	NON-PARTY RELATED
LOUISVILLE	KY	NON-PARTY RELATED
ROCHESTER	NY	HOUSE
ARLINGTON	VA	NON-PARTY RELATED
DEARBORN	MI	NON-PARTY RELATED
WILMINGTON	DE	PRESIDENTIAL
DODGE CITY	KS	HOUSE
FT WORTH	TX	HOUSE
DUNCANNON	PA	HOUSE

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C00024781	FORD FOR CONGRESS	N. LITTLE ROCK	AR
C00071563	FORD FOR PRESIDENT	NORTH HOLLYWOOD	CA
C00045815	FORD FOR PRESIDENT COMMITTEE OF NORTHWEST OHIO	MAUMEE	OH
C00043208	FOREST COUNTY REPUBLICAN ORG.	LAONA	WI
C00029348	FOREST PRODUCTS POLITICAL COMMITTEE	WASHINGTON	DC
C80002454	FORETICH, JOSEPH J.	BAKER	LA
C00022574	FORMER STEEL PLANT EMPLOYEES FOR OBERSTAR	DULUTH	MN
C00087702	FORMER YOUNG REPUBLICANS AND CITIZENS FOR THE ELECTION OF CONSERVATIVE CANDIDATES	WASHINGTON	DC
C90001785	FORMER YOUNG REPUBS & CITIZENS FOR	GREAT FALLS	VA
C00016097	FORREST COUNTY FEDERATION OF TEACHERS COMMITTEE ON POLITICAL EDUCATION (COPE)	HATTIESBURG	MS
C00048009	FORSCHLER FOR CONGRESS COMMITTEE	BURLEY	ID
C00033357	FORSYTHE COUNTY REPUBLICAN PARTY	WINSTON SALEM	NC
C00001842	FORSYTHE FOR CONGRESS COMMITTEE	HAMMONTON	NJ
C00010181	FORT BEND COUNTY REPUBLICAN PARTY	RICHMOND	TX
C00019067	FORT VANCOUVER PLYWOOD COMPANY EMPLOYEES POLITICAL ACTION COMMITTEE	VANCOUVER	WA
C00068940	FORWARD WITH FORD	HURST	TX
C00000927	FOUNTAIN FOR CONGRESS COMMITTEE	ROCKY MOUNT	NC
C00015172	FOUR STAR REPUBLICAN LEGISLATIVE DINNER COMMITTEE	CHICAGO HEIGHTS	IL
C00024075	FOURTH CONGRESSIONAL DIST - REPUBLICAN COMMITTEE	BUCKNER	MO
C00020107	FOURTH CONGRESSIONAL DISTRICT DEMOCRATIC 2000 CLUB	BRONSON	MI
C00022319	FOURTH CONGRESSIONAL DISTRICT REPUBLICAN WOMEN'S ASSOCIATION	STAMFORD	CT
C90000340	FOX, ANNE CHISHOLM	NEEDHAM	MA
C80000359	FOX, FRANCES FARNSWORTH	CUBA	NY
C00037622	FRAN RYAN FOR CONGRESS COMMITTEE	COLUMBUS	OH
C00036152	FRANCE FIRST CONGRESSIONAL CAMPAIGN COMMITTEE	CHICAGO,	IL
C00029355	FRANCIS WORLEY CAMPAIGN COMMITTEE	WILLOW ST	PA
C00062919	FRANK AHERN FOR PRESIDENT COMMITTEE	NEW ORLEANS	LA
C00051003	FRANK BAILEY CAMPAIGN COMMITTEE	RIVERDALE	GA
C00051631	FRANK FOR CONGRESS	HOFFMAN ESTATES	IL
C00058801	FRANK GIRARD FOR U.S. SENATE COMMITTEE	GRAND RAPIDS	MI
C00025312	FRANK J. LOEFFLER FOR CONGRESS COMMITTEE	KANSAS CITY	MO
C00038273	FRANK NERO FOR CONGRESS	BRIDGEWATER	NJ
C00052092	FRANKE FOR CONGRESS	PARIS	OH
C00011940	FRANKLIN COUNTY DEMOCRAT COMMITTEE	CHAMBERSBURG	PA
C00069872	FRANKLIN COUNTY DEMOCRATIC PARTY-VOTER REGISTRATION DRIVE	COLUMBUS	OH
C00023473	FRANKLIN COUNTY POLITICAL ACTION COMMITTEE VOLUNTARY FUND	COLUMBUS	OH

HOUSE	
PRESIDENTIAL	
PRESIDENTIAL	
PARTY RELATED	
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DELEGATE	
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NON-PARTY RELATED	

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IDENTIFICATION	NAME		
C00019844	FRANKLIN COUNTY REPUBLICAN CENTRAL COMMITTEE	BROOKVILLE	IN
C00022913	FRANKLIN COUNTY REPUBLICAN COMMITTEE	TOPEKA LAKE	NY
C00003985	FRANKLIN COUNTY REPUBLICAN EXECUTIVE COMMITTEE	COLUMBUS	OH
C00006973	FRANKLIN COUNTY REPUBLICAN EXECUTIVE COMMITTEE	RUSSELLVILLE	AL
C00071266	FRANKLIN COUNTY VIRGINIANS FOR BYRD	ROCKY MOUNT	VA
C00034348	FRANKLIN ELECTRIC POLITICAL ACTION COMMITTEE	BLUFFTON	IN
C00018846	FRANTZ FOR CONGRESS	MAPLE HEIGHTS	OH
C00046938	FRAPPIER FOR CONGRESS	ST. CHARLES	MO
C00052084	FRAZER FOR CONGRESS	BENTON HARBOR	MI
C00072470	FRAZIER FOR CONGRESS COMMITTEE	ALMANY	IN
C00012385	FRED C. MALKUS FOR CONGRESS	CAMBRIDGE	MD
C00049437	FRED COLOREN FOR CONGRESS	CAPE MAY	NJ
C00071696	FRED GARWOOD FOR CONGRESS COMMITTEE	SILVER SPRING	MD
C00068973	FRED HARRIS FOR PRESIDENT '76	WASHINGTON	DC
C00031534	FRED HARRIS FOR PRESIDENT - COLORADO	DENVER	CO
C00031526	FRED HARRIS FOR PRESIDENT COMMITTEE OF ANN ARBOR (MICHIGAN	ANN ARBOR	MI
C00033902	FRED HARRIS FOR PRESIDENT TEXAS CAMPAIGN COMMITTEE	AUSTIN	TX
C00054841	FRED JOHNSON FOR CONGRESS COMMITTEE	SUFFERN	NY
C00051623	FRED LIPPMAN CAMPAIGN FUND	HOLLYWOOD	FL
C00038745	FRED MEYER GOOD GOVERNMENT FUND	PORTLAND	OR
C00043042	FREDERICK COUNTY CITIZENS, BROWN FOR PRESIDENT COMMITTEE	FREDERICK	MD
C00062729	FREDERICK COUNTY DEMOCRATS '76	MYERSVILLE	MD
C00024315	FREDERICKSBURG REPUBLICAN COMMITTEE	FREDERICKSBURG	VA
C00022434	FREDERICKSBURG, SPOTSYLVANIA STAFFORD ROBINSON COMMITTEE	FREDERICKSBURG	VA
C00063149	FREE ENTERPRISE PAC	ENID	OK
C00038778	FREE ENTERPRISE POLITICAL ACTION COMMITTEE (FEPAC)	WASHINGTON	DC
C00067496	FREE INDEPENDENT REVOLUTIONARY ELEMENT	CHESTER	PA
C00029363	FREE POLITICAL CAMPAIGN FUND, OK	OKLAHOMA CITY	OK
C00047134	FREEMAN FOR CONGRESS COMMITTEE	TOPEKA	KS
C00056192	FREEPORT CITIZENSHIP COMMITTEE	WASHINGTON	DC
C00042968	FREEZERS POLITICAL ACTION COMMITTEE (FREEPAC)	BALTIMORE	MD
C00018843	FREMONT DEMOCRATIC CLUB	FREMONT	CA
C00017502	FRENCH FOR CONGRESS COMMITTEE	SAN FRANCISCO	CA
C00046946	FRENZEL VOLUNTEER COMMITTEE	MINNEAPOLIS	MN
C00061788	FRESNO COUNTY DEMOCRATIC CENTRAL COMMITTEE	FRESNO	CA
C00015446	FRIEDLANDER FOR CONGRESS COMMITTEE	JACKSON	NJ

PARTY RELATED	
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IDENTIFICATION	NAME		
C00037497	FRIEDMAN FOR CONGRESS	DENVER CO	HOUSE
C00034280	FRIEDMAN FOR PRESIDENT	SHERMAN OAKS CA	PRESIDENTIAL
C00000367	FRIEDMAN, CYNTHIA	JOHNSTON PA	DELEGATE
C00000375	FRIEDMAN, PAMALA	OCEANSIDE NY	DELEGATE
C00053470	FRIENDS AND NEIGHBORS FOR T. TOMMY CUTRER	HENDERSONVILLE TN	HOUSE
C00029603	FRIENDS FOR CARPENTER	LONG BEACH CA	SENATE
C00037358	FRIENDS FOR ED MEYER	THORNWOOD NY	HOUSE
C00053868	FRIENDS FOR FLORIO COMMITTEE	GLASSBORO NJ	HOUSE
C00004374	FRIENDS FOR FROEHLICH	APPLETON WI	HOUSE
C00044172	FRIENDS FOR HAYAKAWA COMMITTEE	LOS ANGELES CA	SENATE
C00052100	FRIENDS FOR HOLLENBECK	ENGLEWOOD NJ	HOUSE
C00032250	FRIENDS FOR JACKSON	OLYMPIA WA	PRESIDENTIAL
C00014807	FRIENDS FOR JIM ABDNOR	PIERRE SD	HOUSE
C00029884	FRIENDS FOR MINK FOR SENATE COMMITTEE	AREA MI	SENATE
C00067207	FRIENDS FOR PUTZKE	HONOLULU HI	HOUSE
C00026133	FRIENDS FOR REAGAN COMMITTEE	LOS ANGELES CA	PRESIDENTIAL
C00030114	FRIENDS FOR SOLOD	NEW YORK NY	PRESIDENTIAL
C00074146	FRIENDS OF GENE ATKINSON	AMBRIDGE PA	HOUSE
C00050997	FRIENDS OF ALBERT JOHNSON	STATE COLLEGE PA	HOUSE
C00029470	FRIENDS OF ALEXANDER	SYRACUSE NY	SENATE
C00073502	FRIENDS OF ARTHUR E. WILSON	WASHINGTON PA	HOUSE
C00025502	FRIENDS OF ARTHUR MASON	BOSTON MA	HOUSE
C00049346	FRIENDS OF BALLETTA	PORT WASHINGTON NY	HOUSE
C00060665	FRIENDS OF BEA MOONEY	AFTON MN	SENATE
C00025866	FRIENDS OF BELL	WASHINGTON DC	HOUSE
C00002733	FRIENDS OF BILL ANDERSON	WASHINGTON DC	HOUSE
C00069294	FRIENDS OF BOB KRUEGER	NEW BRAUFELS TX	HOUSE
C00013045	FRIENDS OF BOB KRUEGER COMMITTEE	WASHINGTON DC	HOUSE
C00024026	FRIENDS OF BURCHAM COMMITTEE	BLADENSBURG MD	HOUSE
C00017962	FRIENDS OF CALDWELL BUTLER COMMITTEE	ROANOKE VA	HOUSE
C00024125	FRIENDS OF CARD DEBT COMMITTEE	LOS ANGELES CA	HOUSE
C00050989	FRIENDS OF CEC HEFTEL COMMITTEE	HONOLULU HI	HOUSE
C00026666	FRIENDS OF CHIP SEEGER	UPPER MARLBORO MD	HOUSE
C00066563	FRIENDS OF CHRIST P. ZIVALICH, JR.	HONOLULU HI	HOUSE
C00029314	FRIENDS OF CLIFF HANSEN	CASPER WY	SENATE
C00037895	FRIENDS OF CLIFF YOUNG	LOS ANGELES CA	HOUSE

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IDENTIFICATION	NAME		
C00019091	FRIENDS OF CONGRESSMAN BILL STUCKEY	NEW YORK NY	HOUSE
C00026757	FRIENDS OF CONGRESSMAN GEORGE MILLER (AKA MILLER FOR CONGRESSMAN)	MARTINEZ CA	HOUSE
C00000201	FRIENDS OF CONGRESSMAN JOHN CONYERS	WASHINGTON DC	HOUSE
C00014167	FRIENDS OF CORNELL FOR CONGRESS	GREEN BAY WI	HOUSE
C00044651	FRIENDS OF DES BARKER COMMITTEE	SALT LAKE CITY UT	SENATE
C00029330	FRIENDS OF DICK LUGAR COMMITTEE	INDIANAPOLIS IN	SENATE
C00016311	FRIENDS OF DOMINICK V. DANIELS	WASHINGTON DC	HOUSE
C00013102	FRIENDS OF DON MITCHELL	HERKIMER NY	HOUSE
C00014704	FRIENDS OF DOUG HARLAN	SAN ANTONIO TX	HOUSE
C00023879	FRIENDS OF EDEN HOPSON	ANCHORAGE AK	HOUSE
C00000828	FRIENDS OF ED JONES	YORKVILLE TN	HOUSE
C00015768	FRIENDS OF ED PATTEN COMMITTEE	SILVER SPRING MD	HOUSE
C00025064	FRIENDS OF FATHER LAWLOR	CHICAGO IL	HOUSE
C00012930	FRIENDS OF FELO	WASHINGTON DC	HOUSE
C00007088	FRIENDS OF FLOYD FITHIAN (AKA FITHIAN FOR CONGRESS COMMITTEE)	LAFAYETTE IN	HOUSE
C00033498	FRIENDS OF FRASER SENATE COMMITTEE	MINNEAPOLIS MN	SENATE
C00047903	FRIENDS OF FRASER VOLUNTEER COMMITTEE	MINNEAPOLIS MN	HOUSE
C00032830	FRIENDS OF FREEDOM RALLY FINANCE COMMITTEE	CEDAR FALLS IA	PARTY RELATED
C00061457	FRIENDS OF GILLIS LONG	ALEXANDRIA LA	HOUSE
C00027052	FRIENDS OF GLENN BEALL	BALTIMORE MD	SENATE
C00001115	FRIENDS OF HAM FISH, JR.	POUGHKEEPSIE NY	HOUSE
C00027060	FRIENDS OF HAYAKAWA	TERMINATED MILL VALLEY CA	SENATE
C00027078	FRIENDS OF HELEN DELICH BENTLEY	TERMINATED TOWSON MD	SENATE
C00027227	FRIENDS OF HENRY BELLMON	TERMINATED OKLAHOMA CITY OK	SENATE
C00014910	FRIENDS OF HENRY REUSS (AKA REUSS FOR CONGRESS COMMITTEE)	MILWAUKEE WI	HOUSE
C00029454	FRIENDS OF HUMPHREY COMMITTEE	MINNEAPOLIS MN	PRESIDENTIAL
C00044354	FRIENDS OF HUMPHREY COMMITTEE (AKA COMMITTEE TO REELECT SENATOR HUBERT H. HUMPHREY)	MINNEAPOLIS MN	SENATE
C00047696	FRIENDS OF IDAMAE GARROTT FOR CONGRESS	WHEATON MD	HOUSE
C00014506	FRIENDS OF JACK SWIGERT	DENVER CO	HOUSE
C00061432	FRIENDS OF JACK WILLIAMS FOR CONGRESS COMMITEE	MILLSBORO KS	HOUSE
C00020876	FRIENDS OF JEANETTE REISMAN	BETHLEHEM PA	SENATE
C00061218	FRIENDS OF JERRY JENNINGS	FLINT MI	HOUSE
C00029462	FRIENDS OF JIM ABOUREZK COMMITTEE	WASHINGTON DC	SENATE
C00027235	FRIENDS OF JIM BUCKLEY	NEW YORK NY	SENATE
C00063808	FRIENDS OF JIM BUCKLEY-NASSAU COUNTY	GARDEN CITY NY	SENATE
C00060539	FRIENDS OF JIM COLLINS(AKA COLLINS RESERVE ACCOUNT)	DALLAS TX	HOUSE

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IDENTIFICATION	NAME		
C00013151	FRIENDS OF JIM SPARLING COMMITTEE	ARLINGTON VA	HOUSE
C00024562	FRIENDS OF JIM TATE	SPRINGFIELD VA	HOUSE
C00022889	FRIENDS OF JOHN BOVE FOR CONGRESS	WASHINGTON PA	HOUSE
C00018267	FRIENDS OF JOHN D. DINGELL COMMITTEE	FALLS CHURCH VA	HOUSE
C00013052	FRIENDS OF JOHN REUTHER COMMITTEE	ANN ARBOR MI	HOUSE
C00035337	FRIENDS OF JOHN SCHMITZ	ANAHEIM CA	SENATE
C00067306	FRIENDS OF KAMUELA PRICE	KANEOHE HI	SENATE
C00025353	FRIENDS OF KEITH COLGAARD	TUCSON AZ	HOUSE
C00012583	FRIENDS OF LARRY HOGAN	SEABROOK MD	HOUSE
C00003137	FRIENDS OF LES ASPIN COMMITTEE	RACINE WI	HOUSE
C00019026	FRIENDS OF LESTER WOLFF	PORT WASHINGTON NY	HOUSE
C00066423	FRIENDS OF LOU PAPAN (FEDERAL)	DALY CITY CA	NON-PARTY RELATED
C00012030	FRIENDS OF MARJORIE HOLT COMMITTEE	ANNAPOLIS MD	HOUSE
C00051615	FRIENDS OF MARK FLANAGAN FOR CONGRESS	MEMPHIS TN	HOUSE
C00019711	FRIENDS OF MATT MCHUGH (AKA MCHUGH FOR CONGRESS COMMITTEE)	ITHACA NY	HOUSE
C00037705	FRIENDS OF MICHAEL L. CLIMACO COMMITTEE	CLEVELAND, OH	HOUSE
C00027243	FRIENDS OF MIKE GRAVEL (AKA ALASKANS FOR THE REELECTION OF SENATOR MIKE GRAVEL)	ANCHORAGE AK	SENATE
C00031468	FRIENDS OF MIKE GRAVEL VP	TERMINATED WASHINGTON DC	PRESIDENTIAL
C00067967	FRIENDS OF NEAL SMITH COMMITTEE	DES MOINES IA	HOUSE
C00037572	FRIENDS OF NEXT STEERS	BETHESDA, MD	HOUSE
C00013292	FRIENDS OF NICK JOHNSON	MARSHALLTOWN IA	HOUSE
C00046607	FRIENDS OF NOWAK	CHECKTOWAGA NY	HOUSE
C00018702	FRIENDS OF ORVAL HANSEN	IDAHO FALLS ID	HOUSE
C00037127	FRIENDS OF PAUL TRIBLE	TAPPAHANNOCK, VA	HOUSE
C00069484	FRIENDS OF PETER MACK	SPRINGFIELD IL	HOUSE
C00014274	FRIENDS OF PHIL SHARP	MUNCIE IN	HOUSE
C00050377	FRIENDS OF RAMON V. VELEZ FOR CONGRESS	BRONX NY	HOUSE
C00060440	FRIENDS OF REAGAN COMMITTEE (NEBRASKA)	LOS ANGELES CA	PRESIDENTIAL
C00046243	FRIENDS OF REAGAN COMMITTEE (UNAUTHORIZED)	LOS ANGLELS CA	PRESIDENTIAL
C00049486	FRIENDS OF REES (F.O.R.)	LOS ANGELES CA	HOUSE
C00020563	FRIENDS OF REID	LAS VEGAS NV	SENATE
C00027987	FRIENDS OF ROBERT C. BYRD	WASHINGTON DC	SENATE
C00005678	FRIENDS OF ROHLFING	MONOLULU HI	HOUSE
C00056556	FRIENDS OF RON MERONEY	RIDGEWOOD MD	HOUSE
C00061861	FRIENDS OF RONNIE ELDRIDGE	NEW YORK NY	HOUSE
C00027839	FRIENDS OF SENATOR JAVITS	NEW YORK NY	SENATE

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IDENTIFICATION	NAME		
C00075986	FRIENDS OF SENATOR OTTERBACHER (PRINCIPAL CAMPAIGN COMMITTEE FOR JOHN OTTERBACHER '78)	LANSING MI	SENATE
C00046684	FRIENDS OF SENATOR WILLIAM PROXMIRE - 1976	MILWAUKEE WI	SENATE
C00002048	FRIENDS OF SPARKY	HONOLULU HI	SENATE
C00044750	FRIENDS OF STAN YORK (ALSO KNOWN AS YORK FOR U.S. SENATE '76)	MADISON WI	SENATE
C00047126	FRIENDS OF TED FETTING	COON VALLEY WI	HOUSE
C00018598	FRIENDS OF TED FETTING(AKA FETTING FOR CONGRESS)	COON VALLEY WI	HOUSE
C00037020	FRIENDS OF THE CLASS OF '76	WASHINGTON DC	NON-PARTY RELATED
C00022590	FRIENDS OF THE FIRST FAMILY	GRAND RAPIOS MI	PRESIDENTIAL
C00009969	FRIENDS OF THE LANOES TEAM	GREAT NECK NY	HOUSE
C00021063	FRIENDS OF TIERNAN R. I.	PROVIDENCE RI	HOUSE
C00013524	FRIENDS OF TOM BEVILL	JASPER AL	HOUSE
C00026674	FRIENDS OF TOM EVANS	WILMINGTON DE	HOUSE
C00071936	FRIENDS OF U.S. SENATOR JOHN O. PASTORE	CRANSTON RI	SENATE
C00010979	FRIENDS OF WAYNE BROWN	JACKSON TN	HOUSE
C00027177	FRIENDS OF WILLIAM GUY COMMITTEE	CASSELTON ND	SENATE
C00013615	FRIENDS OF WRIGHT PATMAN	BETHESDA MD	HOUSE
C00050344	FRIENDS OF ZUMWALT COMMITTEE	RICHMOND VA	SENATE
C00001929	FRISCO EMPLOYEES' COMMITTEE FOR GOOD GOVERNMENT	ST. LOUIS MO	NON-PARTY RELATED
C00069955	FRISKE FOR CONGRESS	WATERVLIET MI	HOUSE
C00052712	FROBERG FOR CONGRESS COMMITTEE	MT. CLEMENS MI	HOUSE
C00002603	FROEHLICH, HAROLD V.	APPLETON WI	DELEGATE
C00064121	FUCHS CAMPAIGN COMMITTEE	BRONX NY	HOUSE
C00074872	FULBRIGHT CAMPAIGN COMMITTEE	LITTLE ROCK AR	SENATE
C00075079	FULMAN FOR CONGRESS	BOSTON MA	HOUSE
C00054676	FULK FOR CONGRESS COMMITTEE	CLARINDA IA	HOUSE
C00011734	FULTON COUNTY DEMOCRATIC COMMITTEE	TERMINATED MCCONNELLSBURG PA	PARTY RELATED
C00006056	FULTON COUNTY REPUBLICAN CENTRAL COMMITTEE	CANTON IL	PARTY RELATED
C00020883	FULTON COUNTY REPUBLICAN CENTRAL COMMITTEE	ROCHESTER IN	PARTY RELATED
C00043950	FULTON COUNTY, REPUBLICAN EXECUTIVE COMMITTEE	ATLANTA GA	PARTY RELATED
C00010314	FULTON FOR CONGRESS COMMITTEE	NASHVILLE TN	HOUSE
C00071605	FUND '74	PIERRE SD	HOUSE
C00001966	FUND FOR A CONSERVATIVE MAJORITY AKA YOUNG AMERICA CAMPAIGN	WASHINGTON DC	NON-PARTY RELATED
C00043216	FUND FOR A REPRESENTATIVE CONGRESS, INC.	WASHINGTON DC	NON-PARTY RELATED
C00011718	FUND FOR BETTER GOVERNMENT	ATLANTA GA	NON-PARTY RELATED
C00003030	FUND FOR GOOD GOVERNMENT	NEW YORK NY	NON-PARTY RELATED
C00033464	FUNDABURK CANDIDATE COMMITTEE	BOWLING GREEN OH	SENATE

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IDENTIFICATION	NAME			
C00055798	FUQUA CONGRESSIONAL CAMPAIGN COMMITTEE	WASHINGTON	DC	HOUSE
C00017137	FUTEY IN CONGRESS COMMITTEE	PARMA	OH	HOUSE
C00067223	FUTURES INDUSTRY GOOD GOVERNMENT COMMITTEE	CHICAGO	IL	NON-PARTY RELATED
C00028878	G-P EMPLOYEES FUND	PORTLAND	OR	NON-PARTY RELATED
C00026708	G. V. MONTGOMERY FOR CONGRESS	MERIDIAN	MS	HOUSE
C00006151	G.F.G. (GOOD FEDERAL GOVERNMENT) COMMTTEE	MEMPHIS	TN	NON-PARTY RELATED
C00003780	GOOD GOVERNMENT FUND	SAN FRANCISCO	CA	NON-PARTY RELATED
C00060640	GABE CAZARES FOR CONGRESS COMMITTE	CLEARWATER	FL	HOUSE
C00002447	GAFFORD, ROBERT C.	BIRMINGHAM	AL	DELEGATE
C00000616	GAFT-COPE	BILOXI	MS	HOUSE
C00019521	GALA FOR GARRT	KALAMAZOO	MI	HOUSE
C00016766	GALLANT CAMPAIGN COMMITTEE	SARATOGA	CA	HOUSE
C00029819	GALLEGOS FOR U.S. SENATE COMMITTEE	ALBUQUERQUE	NM	SENATE
C00051599	GALLEMORE FOR CONGRESS COMMITTEE	DURHAM	NC	HOUSE
C00019869	GALLOWAY FOR CONGRESS COMMITTEE	DENVER	CO	HOUSE
C00047837	GAMMAGE FOR CONGRESS COMMITTEE	HOUSTON	TX	HOUSE
C00046953	GANT FOR CONGRESS	INDEPENDENCE	MO	HOUSE
C00018028	GAPAC (GRAPHIC ARTS POLITICAL ACTION COMMITTEE)	ARLINGTON	VA	NON-PARTY RELATED
C00011254	GARFIELD COUNTY REPUBLICAN CENTRAL COMMITTEE	GLENWOOD SPRINGS	CO	PARTY RELATED
C00048462	GARFIELD FOR CONGRESS COMMITTEE	PHOENIX	AZ	HOUSE
C00027193	GARN FOR SENATE	SALT LAKE CITY	UT	SENATE
C00015917	GARTLEY FOR CONGRESS COMMITTEE	PITTSFIELD	ME	HOUSE
C90000357	GARWOOD, ELLEN CLAYTON (CONTRIBUTOR)	AUSTIN	TX	INDEPENDENT EXPENDITOR
C00000383	GARWOOD, WILMER ST. JOHN	AUSTIN	TX	DELEGATE
C90002163	GARWOOD, WILMER ST. JOHN	AUSTIN	TX	INDEPENDENT EXPENDITOR
C00050153	GARY FAMILIAN FOR CONGRESS COMMITTEE	SANTA MONIC	CA	HOUSE
C00075572	GARY GRANT FOR CONGRESS	SEATTLE	WA	HOUSE
C00027201	GARY HART SENATE CAMPAIGN COMMITTEE, INC.	TERMINATED DENVER	CO	SENATE
C00007450	GAS EMPLOYEES POLITICAL ACTION COMMITTEE	WASHINGTON	DC	NON-PARTY RELATED
C90000365	GAY, DONALD B. (CONTRIBUTOR)	DALLAS	TX	INDEPENDENT EXPENDITOR
C00000216	GAYDOS FOR CONGRESS COMMITTEE	MC KEESPORT	PA	HOUSE
C00025007	GAYDOS REELECTION COMMITTEE	MCKEESPORT	PA	HOUSE
C00011189	GBBA - POLITICAL EDUCATION LEAGUE	MEDIA	PA	NON-PARTY RELATED
C00037903	GEARHART FOR CONGRESS	HOUSTON	TX	HOUSE
C00073017	GEARY COUNTY DEMOCRATIC CENTRAL COMMITTEE (FEDERAL FUND)	JOT CITY	KS	PARTY RELATED
C00007856	GEAUGA COUNTY REPUBLICAN CENTRAL AND EXECUTIVE COMMITTEE (AKA GEAUGA	COUNTY REP FINANCE COM CHARDON	OH	PARTY RELATED

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IDENTIFICATION	NAME			
C00015537	GENARLICH CONGRESSIONAL CAMPAIGN COMMITTEE	FAIRFIELD	OH	HOUSE
C00041085	GELLER FOR CONGRESS COMMITTEE	BOSTON	MA	HOUSE
C00018747	GEM CITY POLITICAL ACTION COMMITTEE	DAYTON	OH	NON-PARTY RELATED
C00013979	GEMOC CONGRESS	MOLINE	IL	HOUSE
C00860434	GENE BRAN FOR CONGRESS COMMITTEE	HUNTINGTON	IN	HOUSE
C00027219	GENE GUESS SENATE CAMPAIGN COMMITTEE (ALSO KNOWN AS GENE GUESS FOR U.S. SENATE)	ANCHORAGE	AK	SENATE
C00038026	GENE LANTZ CAMPAIGN	HOUSTON	TX	HOUSE
C00044461	GENE PEIRCE FOR U.S. SENATE COMMITTEE	ALBUQUERQUE	NM	SENATE
C00005033	GENE TAYLOR FOR CONGRESS	CARTHAGE	MO	HOUSE
C00037178	GENE WIEGMAN FOR CONGRESS	TACOMA,	WA	HOUSE
C00014078	GENERAL AVIATION PUBLIC AFFAIRS COMMITTEE	WASHINGTON	DC	NON-PARTY RELATED
C00032021	GENERAL TELEPHONE EMPLOYEE GOOD GOVERNMENT CLUB-ILLINOIS	BLOOMINGTON	IL	NON-PARTY RELATED
C00030043	GENERAL TELEPHONE EMPLOYEES GOOD GOVERNMENT CLUB	FORT WAYNE	IN	NON-PARTY RELATED
C00004978	GENERAL TELEPHONE OF CALIFORNIA EMPLOYEE'S GOOD GOVERNMENT CLUB	SANTA MONICA	CA	NON-PARTY RELATED
C00033191	GENESEE COUNTY EXECUTIVE COMMITTEE FEDERAL CONDIDATES CONTRIBUTION	FUND FLINT	MI	PARTY RELATED
C00023671	GENESEE COUNTY REPUBLICAN FINANCE COMMITTEE	FLINT	MI	PARTY RELATED
C00021465	GENTILI FOR CONGRESS	BROOKLYN	NY	HOUSE
C00039354	GENTRY COUNTY REPURLICAN CENTRAL COMMITTEE	ALBANY	MO	PARTY RELATED
C00044669	GEORGE BATCHELOR FOR U.S. SENATE	OGDEN	UT	SENATE
C00864394	GEORGE C. WALLACE PRESIDENTIAL STEERING COMMITTEE	AKRON	OH	PRESIDENTIAL
C00051575	GEORGE DANIELSON CAMPAIGN COMMITTEE	LOS ANGELES	CA	HOUSE
C00018143	GEORGE F. MONTGOMERY FOR CONGRESS COMMITTEE	UNION LAKE	MI	HOUSE
C00020057	GEORGE HANSEN FOR CONGRESS	POCATELLO	ID	HOUSE
C00006965	GEORGE L. RUSSELL JR. FOR COJGRESS COLMITTEE	BALTIMORE	MD	HOUSE
C00005900	GEORGE MAHON FOR CONGRESS COMMITTEE	LUBBOCK	TX	HOUSE
C00012674	GEORGE MASTICS COMMITTEE	FAIRVIEW PARK	OH	HOUSE
C00049262	GEORGE MCCARTHY FOR CONGRESS COMMITTEE	EVERETT	MA	HOUSE
C00062704	GEORGE OLISHKEWYCH FOR CONGRESS COMMITTEE	NEILLSVILLE	WI	HOUSE
C00037104	GEORGE SOEN FOR CONGRESS	MANHATTAN BEACH,	CA	HOUSE
C00044923	GEORGE VAN BUSKIRK COMMITTEE	TACOMA	WA	HOUSE
C00075556	GEORGETTE VALLE FOR CONGRESS	SEATTLE	WA	HOUSE
C00041905	GEORGIA BANKING COMPANY FEDERAL POLITICAL ACTION COMMITTEE TRUST	ATLANTA	GA	NON-PARTY RELATED
C00040717	GEORGIA COMMITTEE FOR POLITICAL ACTION	MANSFIELD	GA	NON-PARTY RELATED
C00041269	GEORGIA FEDERAL ELECTIONS COMMITTEE	ATLANTA	GA	PARTY RELATED
C00043760	GEORGIA LEAGUE OF CONSERVATION VOTERS	MARIETTA	GA	NON-PARTY RELATED
C00001685	GEORGIA MEDICAL POLITICAL ACTION COMMITTEE	ATLANTA	GA	NON-PARTY RELATED

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FEDERAL ELECTION COMMISSION
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IDENTIFICATION	NAME		
C00073775	GEORGIA NURSING HOMES EDUCATION & POLITICAL ACTION COMMITTEE	MC DONOUGH	GA
C00033571	GEORGIA REPUBLICAN FEDERAL CAMPAIGN COMMITTEE	ATLANTA	GA
C00038422	GEORGIA SECOND CONGRESSIONAL DISTRICT FEDERAL CAMPAIGN COMMITTEE	ALBANY	GA
C00020073	GEORGIA TELETHON COMMITTEE	ATLANTA	GA
C00062851	GEORGIA VOTER REGISTRATION COMMITTEE	ATLANTA	GA
C00073718	GEORGIANS FOR ANDERSON	ATLANTA	GA
C00041277	GEORGIANS FOR GOOD GOVERNMENT	AUGUSTA	GA
C00027698	GEORGIANS FOR TALMADGE	ATLANTA	GA
C00038406	GEORGIANS FOR UDALL	ATLANTA	GA
C00052076	GEPHARDT FOR CONGRESS COMMITTEE	ST. LOUIS	MO
C00025957	GERALD HILL FOR CONGRESS IN 1976	SONOMA	CA
C00041541	GERBER POLITICAL ACTION COMMITTEE	FREMONT	MI
C00047373	GERLACH FOR CONGRESS	BOUNTIFUL	UT
C00002439	GERLTOLO, ANNE	WAYNE	NJ
C00053462	GERMONPREZ FOR CONGRESS	LOS ANGELES	CA
C00061937	GERRY WILLIAMS CLUBS	MILLSDALE	NJ
C00035212	GETTY OIL COMPANY CITIZENSHIP ACTION PLAN	LOS ANGELES	CA
C00035238	GETTY OIL COMPANY POLITICAL ACTION COMMITTEE	LOS ANGELES	CA
C00013599	GIAIMO FOR CONGRESS COMMITTEE	NEW HAVEN	CT
C00002421	GIALIN, LEONARD J.	PORT NECHES	TX
C00009951	GIBSON COUNTY REPUBLICAN CENTRAL COMMITTEE	FORT BRANCH	IN
C00001702	GIBSON, ALLAN T.	FORT MEADE	FL
C00068593	GIES FOR SENATOR COMMITTEE	WILMINGTON	DE
C00033852	GIFFORD FOR U.S. SENATE	PATTERSON	CA
C00065706	GIL DOLL FOR CONGRESS COMMITTEE	PASSAIC	NJ
C00044388	GILBERT FOR SENATOR	GREAT FALLS	MT
C00000224	GILES COUNTY REPUBLICAN COMMITTEE	PEARISBURG	VA
C00013388	GILLIS LONG FOR CONGRESS COMMITTEE	ALEXANDRIA	LA
C00015693	GINGERICH FOR CONGRESS COMMITTEE	DAYTON	OH
C00049155	GINGRICH CAMPAIGN FUND	CARROLLTON	GA
C00066217	GINGRICH CAMPAIGN FUND-1976 DEBTS	CARROLLTON	GA
C00008250	GINN FOR CONGRESS	WAYNESBORO	GA
C00039446	GIRARD BANK GOOD GOVERNMENT FUND	PHILADELPHIA	PA
C00048116	GLEN JONES CONGRESSIONAL CAMPAIGN COMMITTEE	RUSK	TX
C00076285	GLENCROSS FOR CONGRESS COMMITTEE	SEATTLE	WA
C00000505	GLENN ANDERSON CAMPAIGN COMMITTEE	TORRENCE	CA

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IDENTIFICATION	NAME		
C00047845	GLENN BROWN FOR CONGRESS COMMITTEE	MAGGIE VALLEY	NC
C00052068	GLENN FOR CONGRESS COMMITTEE	TYLER	TX
C00012062	GLENN M. ANDERSON FOR CONGRESS	ALEXANDRIA	VA
C00036566	GLICKMAN FOR CONGRESS	WICHITA,	KS
C00044230	GLORIA SCHAFFER-SENATE 76	HARTFORD	CT
C00000391	GNEREK, PATRICIA I.	FORREST HILLS	NY
C00007823	GO FOURTH CLUB	ST PAUL	MN
C00017038	GO GAINES GROUP	AUGUSTA	KS
C00049171	GOEBEL FOR CONGRESS COMMITTEE	GRAND RAPIDS	MI
C00020248	GOEBEL FOR CONGRESS FINANCE COMMITTEE	GRAND RAPIDS	MI
C00049239	GOING-AWAY PARTY COMMITTEE	LANSING	MI
C00010280	GOLDEN EMBLEM CLUB	FORT LAUDERDALE	FL
C00046466	GOLDEN FOR CONGRESS	SOUTHFIELD	MI
C00064808	GOLDEN FOR CONGRESS COMMITTEE	ESSINGTON	PA
C00012104	GOLDPAC	HOUSTON	TX
C00063552	GOLDSEIN FOR CONGRESS COMMITTEE	NEW YORK	NY
C00052472	GOLDWATER COMMITTEE	SHERMAN OAKS	CA
C00027037	GOLDWATER EXPLORATORY COMMITTEE	TERMINATED SHERMAN OAKS	CA
C00027045	GOLDWATER FOR SENATE COMMITTEE	TERMINATED PHOENIX	AZ
C00042671	GOOD GOVERNMENT CLUB	TUCSON	AZ
C00024935	GOOD GOVERNMENT COMMITTEE	CHICAGO	IL
C00041006	GOOD GOVERNMENT COMMITTEE	SAN FRANCISCO	CA
C00012153	GOOD GOVERNMENT COMMITTEE OF FIRST FEDERAL SAVINGS OF MIAMI	MIAMI	FL
C00075003	GOOD GOVERNMENT COMMITTEE OF J.P. STEVENS & CO., INC.	NEW YORK	NY
C00041293	GOOD GOVERNMENT FUND	HOUSTON	TX
C00009639	GOOD GOVERNMENT GROUP	ATLANTA	GA
C00033662	GOOD GOVERNMENT GROUP	ATLANTA	GA
C00056069	GOOD GOVERNMENT GROUP - GENERAL FUND	AUBUSTA	GA
C00073742	GOOD GOVERNMENT GROUP-CAMPAIGN FUND	ROME	GA
C00062000	GOOD GOVERNMENT GROUP-GENERAL FUND	ROME	GA
C00062018	GOOD GOVERNMENT GROUP-GENERAL FUND	SAVANNAH	GA
C00062026	GOOD GOVERNMENT GROUP-GENERAL FUND	VOLUMRUS	GA
C00011384	GOOD GOVERNMENT OF GEORGIA, PAC	ATLANTA	GA
C00064774	GOOD GOVERNMENT MANAGEMENT ASSOCIATION	MIAMI	FL
C00037614	GOOD PEOPLE WHO WANT AL LEWIS IN CONGRESS.	LANCASTER,	PA
C00000409	GOOD, EDWARD A.	WARREN	OH

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IDENTIFICATION	NAME		
C00046316	GOODALL PAC	TRENTON	NJ
C00005942	GOODHUE COUNTY REPUBLICAN COMMITTEE	TERMINATED ZUMBROTA	MN
C00005652	GOODLING FOR CONGRESS COMMITTEE	YORK	PA
C00059766	GOODMAN FOR CONGRESS	CHAROLETTE,	NC
C00052357	GOODMAN FOR CONGRESS COMMITTEE	HUNTINGTON	WV
C00001370	GOODRICH FOR CONGRESS COMMITTEE	COLUMBUS	OH
C00000417	GOODWIN, EARL	SELMA	AL
C00037739	GOP CAMPAIGN FOR MARVIN E. MILLER	LITITZ,	PA
C00000211	GOP DELEGATE COMMITTEE .5TH DISTRICT	POUGHKEEPSIE	NY
C90001777	GOP FEMINIST CAUCUS (CONTRIBUTOR)	MINNEAPOLIS	MN
C00023267	GOP WOMEN'S REPUBLICAN CLUB OF PUTNAM CO., INC	PATTERSON	NY
C00050146	GORDON JOHNSTON FOR UNITED STATES CONGRESS	TACOMA	WA
C90001942	GORE, ALBERT	CARTHAGE	TN
C00026641	GORMAN FOR CONGRESS	MOMENOOD	IL
C00000425	GORMAN, FRANK W, JR,	EL PASO	TX
C00067645	GOTTLIEB CAMPAIGN COMMITTEE	BELLEVUE	WA
C00016378	GOVERNMENT EMPLOYEES' POLITICAL RESEARCH INSTITUTE	WASHINGTON	DC
C00003855	GOVERNMENT IMPROVEMENT GROUP	WASHINGTON	DC
C00045823	GOVERNMENTAL AFFAIRS COMMITTEE	SOUTHFIELD	MI
C00059824	GOVERNOR ROBERT D. RAY COMMITTEE	DES MOINES	IA
C00051501	GRABOW FOR CONGRESS COMMITTEE	WARRENSVILLE HTS,	OH
C00041996	GRACE GOOD GOVERNMENT COMMITTEE	NEW YORK	NY
C00050476	GRADISHAR FOR CONGRESS COMMITTEE	PUEBLO	CO
C00016576	GRADISON FOR CONGRESS COMMITTEE	CINCINNATI	OH
C00044248	GRADY FOR SENATE COMMITTEE	BELLE GLADE	FL
C00021790	GRAHAM FOR CONGRESS COMMITTEE	LOS ANGELES	CA
C00051508	GRAHAM FOR CONGRESS COMMITTEE	RICHBORO	PA
C90000373	GRAHAM, WILLIAM J, JR, (CONTRIBUTOR)	CINCINNATI	OH
C00055293	GRALIKE FOR CONGRESS COMMITTEE	ST, LOUIS	MO
C00029694	GRAMM FOR SENATE COMMITTEE	COLLEGE STATION	TX
C00004655	GRAND TRAVERSE COUNTY REPUBLICAN COMMITTEE	TRAVERSE CITY	MI
C00049130	GRANDMAISON FOR CONGRESS COMMITTEE	NASHUA	NH
C00050369	GRANGER FOR US CONGRESS	VANCOUVER	WA
C00009136	GRANT COUNTY DEMOCRATIC PARTY	PENNIMORE	WI
C00065177	GRANT COUNTY REPUBLICAN COMMITTEE,	ELBOW LAKE	MN
C00025767	GRANT JONES FOR CONGRESS CENTRAL COMMITTEE	SAN JOSE	CA

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C00027144	GRAPHIC ARTS INTERNATIONAL UNION PCC	WASHINGTON	DC
C00039156	GRASS ROOTS COMMITTEE	WASHINGTON	DC
C00067421	GRASS ROOTS FRIENDS OF J.R. CHAMPION FOR IN SUPPORT OF PRES. FORD	WASHINGTON, D.C.	DC
C00047352	GRASSLEY FOR CONGRESS COMMITTEE	OIKE	IA
C00002337	GRATIOT COUNTY REPUBLICAN PARTY	ALMA	MI
C00033290	GRAYBAR FOR SENATE COMMITTEE	WHITEMOUSE STATIONNJ	
C90001793	GRAYS HARBOR CENTRAL LABOR COUNCIL	ABERDEEN	WA
C00071928	GRAYSON COUNTY DEMOCRATIC EXECUTIVE COMMITTEE	LEITCHFIELD	KY
C00006705	GRAYSON COUNTY REPUBLICAN EXECUTIVE COMMITTEE	SHERMAN	TX
C00053650	GRAYSON FOR CONGRESS	WILLIAMSBURG	VA
C00076075	GREAT WESTERN GOOD GOVERNMENT COMMITTEE	BEVERLY MILLS	CA
C00040065	GREATER ANESTHESIA SERVICE & POLITICAL ACTION COMMITTEE (GASPAC)	SAN MATEO	CA
C70000252	GREATER CANTON AFL-CIO COUNCIL	CANTON	OH
C00024257	GREATER FLINT COMMUNITY ACTION COUNCIL VOLUNTARY FUND	FLINT	MI
C00042333	GREATER HOUSTON YOUNG ADULT REPUBLICAN POLITICAL ACTION COMMITTEE	BELLAIRE	TX
C00005587	GREATER INDIANAPOLIS REPUBLICAN FINANCE COMMITTEE	INDIANAPOLIS	IN
C00069639	GREATER LEXINGTON DEMOCRATIC WOMANS CLUB	LEXINGTON	KY
C70000260	GREATER WASHINGTON CENTRAL LABOR COUNCIL, AFL-CIO, COPE	WASHINGTON	DC
C00023739	GREECE DEMOCRATIC COMMITTEE	ROCHESTER	NY
C00010035	GREEN COUNTY REPUBLICAN WOMEN'S CLUB	MONROE	WI
C00004903	GREEN FOR CONGRESS	PHILADELPHIA	PA
C00017111	GREEN FOR CONGRESS COMMITTEE	YUKON	OK
C00033522	GREEN FOR SENATE	PHILADELPHIA	PA
C00000433	GREENAWAY, DENNIS C,	JERSEY SHORE	PA
C00060082	GREENE COUNTY CITIZENS FOR HOOK	WAYNESBURG	PA
C00073759	GREENE COUNTY DEMOCRATIC EXECUTIVE COMMITTEE	SNOW HILL	NC
C00000232	GREENE COUNTY REPUBLICAN EXECUTIVE COMMITTEE	XENIA	OH
C00042325	GREENLEE COUNTY DEMOCRATIC PARTY	MORENCI	AZ
C00067138	GREENSBORO COMMITTEE ON POLITICAL EDUCATION	GREENSBORO	NC
C00049734	GRIFFIN FOR CONGRESS COMMITTEE	MIAMISBURG	OH
C00036459	GRIFFIN VOLUNTEER COMMITTEE	LAKE CRYSTAL	MN
C00012393	GRILLO FOR CONGRESS COMMITTEE	WASHINGTON	DC
C00052217	GRISBAUM FOR CONGRESS	METAIRIE	LA
C00001808	GROPP FOR CONGRESS COMMITTEE	CLEVELAND HEIGHTS	OH
C90000381	GROSENBACH, DANIEL CARL	CALDWELL	ON
C00025858	GROUP 78, TEXAS CONGRESSIONAL DISTRICT 18	HOUSTON	TX

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IDENTIFICATION	NAME			
C90882098	GROUP OF CONCERNED CITIZENS CMTE.	LOS ANGELES	CA	INDEPENDENT EXPENDITOR
C00821295	GROUP P COMMITTEE	HOUSTON	TX	NON-PARTY RELATED
C00822178	GROUP PRACTICE POLITICAL ACTION COMMITTEE	MCLEAN	VA	NON-PARTY RELATED
C00003939	GROVER FOR CONGRESS COMMITTEE	BABYLON	NY	HOUSE
C90000399	GROVER, HENRY C.	HOUSTON	TX	INDEPENDENT EXPENDITOR
C00019083	GROWERS FOR EFFECTIVE GOVERNMENT	LAFAYETTE	CA	NON-PARTY RELATED
C00042184	GRUMMAN POLITICAL ACTION COMMITTEE	BETHPAGE	NY	NON-PARTY RELATED
C00012559	GRUNSETH VOLUNTEER COMMITTEE	ST. CLOUD	MN	HOUSE
C00025163	GTE STAMFORD EMPLOYEES' GOOD GOVERNMENT CLUB	STAMFORD	CT	NON-PARTY RELATED
C00065144	GUARANTEE SAVINGS GOOD GOVERNMENT COMMITTEE	FRESNO	CA	NON-PARTY RELATED
C00016998	GUBLER FOR CONGRESS COMMITTEE	NEWPORT	CA	HOUSE
C90001462	GUCKENBERGER, GUY C.	CINCINNATI	OH	INDEPENDENT EXPENDITOR
C00001065	GUDE FOR CONGRESS COMMITTEE	WASHINGTON	DC	HOUSE
C00049718	GUFFEY IN THE FIRST COMMITTEE	SIOUX FALLS	SD	HOUSE
C00002413	GUIDRY, ROMAN A.	CUT OFF	LA	DELEGATE
C00071118	GUILFORD COUNTY REPUBLICAN PARTY	GREENSBORO	NC	PARTY RELATED
C00035808	GULF RESOURCES & CHEMICAL CORPORATION POLITICAL ACTION COMMITTEE	HOUSTON	TX	NON-PARTY RELATED
C00004341	GULFPORT AMERICAN FEDERATION OF TEACHERS COMMITTEE ON POLITICAL EDUCATION (COPE)	GULFPORT	MS	NON-PARTY RELATED
C00008862	GULL POLITICAL ACTION COMMITTEE	SEATTLE	WA	NON-PARTY RELATED
C00030999	GUN OWNERS OF AMERICA CAMPAIGN COMMITTEE '76 (TARGET '76)	SACRAMENTO	CA	NON-PARTY RELATED
C00052043	GUNNIN FOR CONGRESS COMMITTEE	MORGROSS	GA	HOUSE
C00001215	GUS YOUNG CIVIC ASSOCIATION	BATON ROUGE	LA	INDEPENDENT EXPENDITOR
C00019935	GUTHRIE TO CONGRESS	MEMPHIS	TN	HOUSE
C00052029	GUTIERREZ CAMPAIGN COMMITTEE	NEW ORLEANS	LA	HOUSE
C00046045	H & K PAC	NEW YORK	NY	NON-PARTY RELATED
C00004515	H. & R.E. & B.I.U. T.I.P. "TO INSURE PROGRESS" (AKA H. & R.E. & B.I.U. COPE)	WASHINGTON	DC	NON-PARTY RELATED
C00025965	H.L. CROWDER FOR CONGRESS	JOELTON	TN	HOUSE
C00015750	HAAS FOR CONGRESS	PORTLAND	OR	HOUSE
C90000407	HAAS, EDWARD F.	MT. PENN READING	PA	INDEPENDENT EXPENDITOR
C90001728	HADEN, CHARLES & SUZANNE (CONTRIBUTOR)	HOUSTON	TX	INDEPENDENT EXPENDITOR
C00002130	HAFIF, HERBERT	CLARENONT	CA	INDEPENDENT EXPENDITOR
C00015792	HAGEDORN FOR CONGRESS VOLUNTEER COMMITTEE	MANKATO	MN	HOUSE
C00061721	HAGGARD FOR U.S. SENATE	BISMARCK	ND	SENATE
C00008441	HAGIE, RAY	CLARION	IA	DELEGATE
C00025403	HAGINO FOR CONGRESS	TERMINATED IN SEPTEMBE LAIE OAHU	HI	HOUSE
C00050682	HAL JONES FOR CONGRESS	HONOLULU	HI	HOUSE

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C00026435	HALE FOR CONGRESS	BURIEN	WA	HOUSE
C00049285	HALE FOR CONGRESS COMMITTEE	BURIEN	WA	HOUSE
C00035891	HALIBURTON PAC (HALPAC)	DUNCAN	OK	NON-PARTY RELATED
C00014217	HALL FOR CONGRESS COMMITTEE	MARSHALL	TX	HOUSE
C00037002	HALL FOR CONGRESS COMMITTEE	WASHINGTON	DC	HOUSE
C00067546	HALL FOR CONGRESS COMMITTEE OF BOWIE COUNTY	TEXARKANA	TX	HOUSE
C00002405	HALL, ANTHONY WILLIAM JR.	HOUSTON	TX	DELEGATE
C00034819	HALL-TYNER ELECTION CAMPAIGN COMMITTEE	NEW YORK	NY	PRESIDENTIAL
C00045799	HALL-TYNER ELECTION CAMPAIGN COMMITTEE OF CALIFORNIA	SAN FRANCISCO	CA	PRESIDENTIAL
C00036752	HALL-TYNER-FLORY CAMPAIGN '76	CHICAGO	IL	PRESIDENTIAL
C00016485	HALLIN FOR CONGRESS COMMITTEE	ST. PETERSBURG	FL	HOUSE
C00000059	HALLPAC-FEDERAL	KANSAS CITY	MO	NON-PARTY RELATED
C00052019	HALPERN FOR CONGRESS 1976	FREEPORT	NY	HOUSE
C90001835	HALVERSON, LOWELL R.	MERCER ISLAND	WA	INDEPENDENT EXPENDITOR
C00020214	HALYARD/DELGADO ELECTION COMMITTEE	NEW YORK	NY	HOUSE
C00068072	HAMILTON COUNTY DEMOCRATIC PARTY VOTER REGISTRATION DRIVE	CINN.	OH	PARTY RELATED
C00005272	HAMILTON COUNTY REPUBLICAN CENTRAL COMMITTEE	CICERO	IN	PARTY RELATED
C00014969	HAMILTON COUNTY REPUBLICAN EXECUTIVE COMMITTEE	TERMINATED CINCINNATI	OH	PARTY RELATED
C00033175	HAMILTON COUNTY REPUBLICAN FEDERAL CAMPAIGN COMMITTEE	CINCINNATI	OH	PARTY RELATED
C00046839	HAMILTON COUNTY REPUBLICAN FINANCE COMMITTEE	CINCINNATI	OH	PARTY RELATED
C00004465	HAMILTON FOR CONGRESS COMMITTEE	COLUMBUS	IN	HOUSE
C00073221	HAMILTON FOR CONGRESS COMMITTEE	COLUMBUS	IN	HOUSE
C00001431	HAMILTON, WILLIAM J. JR.	NEW BRUNSWICK	NJ	DELEGATE
C00000036	HAMMER AND NAILS CLUB	FORT WORTH	TX	NON-PARTY RELATED
C00021469	HAMMESFAHR FOR CONGRESS	METUCHEN	NJ	HOUSE
C00053843	HAMP BAKER FOR CONGRESS COMMITTEE	RATLIFF CITY	OK	HOUSE
C00067165	HAMPTON COMMITTEE VIRGINIANS FOR BYRD	HAMPTON	VA	SENATE
C00000869	HAMPTON ROADS REPUBLICAN WOMAN'S CLUB	NEWPORT NEWS	VA	PARTY RELATED
C00011395	HAMPTON TOWNSHIP REPUBLICAN COMMITTEE	ALLISON PARK	PA	PARTY RELATED
C00021451	HANCOCK COUNTY REPUBLICAN CENTRAL COMMITTEE	GREENFIELD	IN	PARTY RELATED
C00001057	HANCOCK COUNTY REPUBLICAN EXECUTIVE COMMITTEE	FINDLAY	OH	PARTY RELATED
C00009720	HANDLOFF FOR CONGRESS COMMITTEE	NEWARK	DE	HOUSE
C00032763	HANDY ANDY POLITICAL ACTION COMMITTEE	SAN ANTONIO	TX	NON-PARTY RELATED
C00002363	HANES, JOHN W.	MILLBROOK	NY	DELEGATE
C00050229	HANNA FOR U.S. SENATE COMMITTEE	UTICA	NY	SENATE
C00054361	HANNAFORD REELECTION COMMITTEE	LONG BEACH	CA	HOUSE

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C00044420	HANNIBAL CUNDARI FOR U.S. SENATE	ORADELL NJ	SENATE
C00018770	HANSEN FOR CONGRESS COMMITTEE	SALT LAKE CITY UT	HOUSE
C00021253	HANSEN FOR CONGRESS COMMITTEE	SPARKS NV	HOUSE
C00008425	HANSON FUND	ST PAUL MN	NON-PARTY RELATED
C00071126	HARDEN COUNTY DEMOCRATIC EXECUTIVE COMMITTEE	ELIZABETHTOWN KY	PARTY RELATED
C00001321	HARDIN COUNTY REPUBLICAN EXECUTIVE AND CENTRAL COMMITTEE	ADA OH	PARTY RELATED
C00012260	HARDWICKE FOR CONGRESS COMMITTEE	BALTIMORE MD	HOUSE
C00017509	HARKIN FOR CONGRESS	AMES IA	HOUSE
C00070979	HARLEY L. PINON CAMPAIGN FUND	DE SOTO TX	HOUSE
C00019810	HARMSEN FOR CONGRESS COMMITTEE	SALT LAKE CITY UT	HOUSE
C90001694	HARNETTY, CHARLES S.	JUNCTION CITY OH	INDEPENDENT EXPENDITOR
C00060228	HAROLD E. STROUD FOR CONGRESS	PINK HILL NC	HOUSE
C00063925	HAROLD FORD , DAY FUND	MEMPHIS TN	HOUSE
C00019208	HAROLD FORD COMMITTEE FOR BETTER GOVERNMENT	MEMPHIS TN	HOUSE
C00046615	HAROLD RUNNELS CONGRESSIONAL CLUB	ROSWELL NM	HOUSE
C00015131	HAROLD RUNNELS RE-ELECTION COMMITTEE	ROSWELL NM	HOUSE
C00047860	HAROLD S. SAWYER FOR U.S. CONGRESS	GRAND RAPIDS MI	HOUSE
C00023200	HARRAH'S DEMOCRATIC POLITICAL ACTION COMMITTEE	RENO NE	NON-PARTY RELATED
C00023192	HARRAH'S REPUBLICAN POLITICAL ACTION COMMITTEE	RENO NV	NON-PARTY RELATED
C00040272	HARRIS COUNTY DEMOCRATIC EXECUTIVE COMMITTEE	HOUSTON TX	PARTY RELATED
C00074104	HARRIS COUNTY DEMOCRATIC GET-OUT-THE-VOTE COMMITTEE	HOUSTON TX	PARTY RELATED
C00074112	HARRIS COUNTY DEMOCRATIC VOTER REGISTRATION COMMITTEE	HOUSTON TX	PARTY RELATED
C00010355	HARRIS COUNTY DEMOCRATS	TERMINATED HOUSTON TX	PARTY RELATED
C00042317	HARRIS COUNTY REPUBLICAN EXECUTIVE COMMITTEE	HOUSTON TX	PARTY RELATED
C80000260	HARRIS DELEGATES FOR BROWN	ROCKVILLE MD	DELEGATE
C00053835	HARRIS FOR CONGRESS CAMPAIGN COMMITTEE	DISPUTANTA VA	HOUSE
C00018119	HARRIS FOR CONGRESS COMMITTEE	HOPEWELL VA	HOUSE
C00031435	HARRIS FOR PRESIDENT	MCLEAN VA	PRESIDENTIAL
C00031633	HARRIS FOR PRESIDENT COMM.	MILFORD NH	PRESIDENTIAL
C00032490	HARRIS FOR PRESIDENT COMMITTEE	CINCINATTI OH	PRESIDENTIAL
C00031591	HARRIS FOR PRESIDENT COMMITTEE OF NEW MEXICO	ALBUQUERQUE NM	PRESIDENTIAL
C00031575	HARRIS FOR PRESIDENT COMMITTEE-NORTHERN CALIFORNIA	SAN FRANCISCO CA	PRESIDENTIAL
C00033860	HARRIS FOR PRESIDENT COMMITTEE-OHIO	CINCINNATI OH	PRESIDENTIAL
C00031617	HARRIS FOR PRESIDENT COMMITTEE-SOUTHERN CALIFORNIA	SAN PEDRO CA	PRESIDENTIAL
C00031559	HARRIS FOR PRESIDENT-KANSAS CITY	KANSAS CITY MO	PRESIDENTIAL
C00022327	HARRISON COUNTY AMER. FED. TEACHERS AFL-CIO, LOCAL 3261	BILOXI MS	NON-PARTY RELATED

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IDENTIFICATION	NAME		
C00042309	HARRISON COUNTY REPUBLICAN CENTRAL AND EXECUTIVE COMMITTEE	FREEPORT OH	PARTY RELATED
C00027151	HARRISON COUNTY REPUBLICAN PARTY	MARSHALL TX	PARTY RELATED
C00048546	HARRISON SCHMITT SENATORIAL COMMITTEE	ALBUQUERQUE NM	SENATE
C80001415	HARRISON, CECILE E.	HOUSTON TX	DELEGATE
C90000415	HARRISON, JOHN RANDOLPH (CONTRIBUTOR)	CUERNAVACA MORELOSZZ	INDEPENDENT EXPENDITOR
C00069567	HARRISONBURG-ROCKINGHAM COMMITTEE FOR BYRD	HARRISONBURG VA	SENATE
C00027169	HARROFF FOR SENATE COMMITTEE	CLEVELAND OH	SENATE
C00048082	HARROLD CAMPAIGN COMMITTEE	ATHENS GA	HOUSE
C00070086	HARRY BRAUN CONGRESS, DIST. I	TEMPE AZ	HOUSE
C00052050	HARRY COUCH FOR CONGRESS COMMITTEE	MONTEREY PARK CA	HOUSE
C00051565	HARRY POWELL '76 CAMPAIGN	DUBLIN GA	HOUSE
C00014126	HARRY SULLIVAN FOR CONGRESS	WASHINGTON DC	HOUSE
C00047019	HARSHA FOR CONGRESS	WASHINGTON DC	HOUSE
C00046342	HART COMMITTEE	CASPER WY	HOUSE
C00074047	HART FOR CONGRESS CAMPAIGN COMMITTEE	ATLANTA GA	HOUSE
C00036012	HARTER EXPLORATORY COMMITTEE	HANCOCK, NY	HOUSE
C00053967	HARTER FOR CONGRESS COMMITTEE	HANCOCK NY	HOUSE
C80001423	HARTNETT, ALICE M.	TROY NY	DELEGATE
C00001373	HARTNETT, EITHNE MARY	PITTSBURGH PA	DELEGATE
C90001454	HARVEY, MR. & MRS. ELDON P. (CONTR)	EL PASO TX	INDEPENDENT EXPENDITOR
C90000423	HARVEY, MRS. MAUDE (CONTRIBUTOR)	EL PASO TX	INDEPENDENT EXPENDITOR
C90000522	HASLAM, WILLIAM K, JR.	WENONA MO	INDEPENDENT EXPENDITOR
C00000240	HASTINGS CONGRESSIONAL COMMITTEE	ELMIRA NY	HOUSE
C00010504	HAT, CAP AND MILLINERY WORKERS COMMITTEE ON POLITICAL EDUCATION	NEW YORK NY	NON-PARTY RELATED
C00020495	HATEM FOR CONGRESS COMMITTEE	BELAIR MD	HOUSE
C90000258	HAUENSTEIN, RALPH W.	GRAND RAPIDS MI	INDEPENDENT EXPENDITOR
C00075804	HAWAII AUTOMOTIVE AND RETAIL GASOLINE DEALERS ASS'N PAC	HONOLULU HI	NON-PARTY RELATED
CT0000278	HAWAII GOVERNMENT EMPLOYEES' ASSOCIATION, LOCAL 152, AFSCME, AFL-CIO	HONOLULU HI	NON-PARTY RELATED
C00001347	HAWAII MEDICAL POLITICAL ACTION COMMITTEE	HONOLULU HI	NON-PARTY RELATED
C00010371	HAWAIIAN TEL EMPLOYEES GOOD GOVERNMENT CLUB	HONOLULU HI	NON-PARTY RELATED
C00063001	HAWKINS FOR CONGRESS	SPRINGFIELD MO	HOUSE
C00007617	HAWKINS FOR CONGRESS COMMITEE	LOS ANGELES CA	HOUSE
C00053447	HAWKINS POLITICAN FUNE - REBA WATSON HAWKINS-	DETROIT MI	HOUSE
C00062620	HAWS FOR CONGRESS COMMITTEE	MINNEAPOLIS MN	HOUSE
C00001365	HAY, MRS. JESS	DALLAS TX	DELEGATE
C00044081	HAYAKAWA FOR U.S. SENATOR	PALO ALTO CA	SENATE

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IDENTIFICATION	NAME		
C00044107	MAYAKAWA FOR U.S. SENATOR OF SANTA CLARA COUNTY	SANTA CLARA	CA SENATE
C00044099	MAYAKAWA FOR U.S. SENATOR OF SANTA CLARITA VALLEY	VALENCIA	CA SENATE
C00033282	MAYAKAWA FOR U.S. SENATOR OF SOUTH LOS ANGELES	LOS ANGELES	CA SENATE
C00035394	MAYES FOR SENATE COMMITTEE	EVANSVILLE	IN SENATE
C00001357	MAYES, DAVID S.	FAIRFIEW	PA DELEGATE
C00001340	MAYES, WILLIAM DONALD	OMAHA	NE DELEGATE
C00000679	MAYS FOR CONGRESS COMMITTEE	BELMONT	OH HOUSE
C00036984	MAYS FOR PRESIDENT COMMITTEE	EAST LIVERPOOL	OH PRESIDENTIAL
C90000431	MAZELWOOD, GRADY (CONTRIBUTOR)	AUSTIN	TX INDEPENDENT EXPENDITOR
C00042102	MEALTH AND CONSUMER PRODUCTS DEPARTMENT EMPLOYEES' POLITICAL ACTION COMMITTEE	INDIANAPOLIS	IN NON-PARTY RELATED
C00046409	MEALTH PROFESSIONALS FOR GOOD GOVERNMENT	MEMPHIS	TN PARTY RELATED
C00063784	MEALTH VOLUNTEERS FOR CARTER-MONDALE	WASHINGTON	DC PRESIDENTIAL
C90000530	MEARN, FREDERICK W.	GLENDALE	CA INDEPENDENT EXPENDITOR
C00027110	MEARNES FOR SENATE COMMITTEE	CHARLESTON	MO SENATE
C00073312	MEARNES FOR SENATOR - CAPE COUNTY	CAPE GIRARDEAU	MO SENATE
C00073304	MEARNES FOR SENATOR COMMITTEE, BOONE COUNTY, MO.	COLUMBIA	MO SENATE
C00072595	MEARPT FOR CONGRESS COMMITTEE	SCARBOROUGH	ME HOUSE
C00000513	MECHLER FOR CONGRESS COMMITTEE	WASHINGTON	DC HOUSE
C00015857	MECKLER CONGRESSIONAL BALL COMMITTEE	SOMERSET	MA HOUSE
C00016626	MECKLER CONGRESSIONAL COMMITTEE	WELLESLEY	MA HOUSE
C00003046	MEED: THE POLITICAL ACTION COMMITTEE OF THE ROCHESTER CHAMBER OF COMMERCE, INC.	ROCHESTER	NY NON-PARTY RELATED
C00015149	MEFNER FOR CONGRESS COMMITTEE	LANDIS	NC HOUSE
C00040931	MEILEMAN POLITICAL ACTION COMMITTEE	LA CROSSE	WI NON-PARTY RELATED
C00053454	MELO FOR CONGRESS COMMITTEE	CLEVELAND	OH HOUSE
C00065328	MELEN S. MEYNER CAMPAIGN	PHILLIPSBURG	NJ HOUSE
C00053439	MELEN TAKE FOR CONGRESS COMMITTEE	ST. JOSEPH	MI HOUSE
C00054932	MELGEVOLD FOR CONGRESS COMMITTEE	MANHATTAN BEACH	CA HOUSE
C00014894	MELIX FOR CONGRESS COMMITTEE	CONCORD	CA HOUSE
C00024695	MELIX RETIREMENT TRIBUTE	CONCORD	CA HOUSE
C00016659	MELLIER FOR CONGRESS COMMITTEE	MYSTIC	CT HOUSE
C00014738	MELMKE-FOR-CONGRESS	FT WAYNE	IN HOUSE
C00074687	MELMS FOR SENATE (78)	RALEIGH	NC SENATE
C00027128	MELMS FOR THE U.S. SENATE	TERMINATED RALEIGH	NC SENATE
C00001332	MEMPHILL, O. L.	BROWNSVILLE	TX DELEGATE
C00008383	MENDRICKS COUNTY REPUBLICAN CENTRAL COMMITTEE	DANVILLE	IN PARTY RELATED
C00002246	MENEGAR FOR CONGRESS COMMITTEE	BLOOMINGTON	IN HOUSE

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IDENTIFICATION	NAME		
C00008833	MENNEPIN ANOKA REPUBLICAN COMMITTEE	MINNEAPOLIS	MN PARTY RELATED
C00006205	MENRICO COUNTY DEMOCRATIC COMMITTEE	RICHMOND	VA PARTY RELATED
C00004622	MENRICO COUNTY REPUBLICAN COMMITTEE	RICHMOND	VA PARTY RELATED
C00070557	MENRICO FOR BYRD	RICHMOND	VA SENATE
C00073825	MENRY CO. REPUBLICAN FINANCE COMMITTEE	NAPOLEON	OH PARTY RELATED
C00015339	MENRY B. GONZALEZ COMMITTEE	SAN ANTONIO	TX HOUSE
C00016667	MENRY COUNTY REPUBLICAN CENTRAL COMMITTEE	KEWANEE	IL PARTY RELATED
C00077842	MENRY COUNTY REPUBLICAN WOMEN	N/A	IA PARTY RELATED
C00064931	MENRY FOR SENATE COMMITTEE	CODY	WY SENATE
C00036848	MENRY J. HYDE CONGRESSIONAL DINNER COMMITTEE	OAK PARK,	IL HOUSE
C00013573	MENRY J. HYDE FOR CONGRESS COMMITTEE	OAK PARK	IL HOUSE
C00036216	MENRY J. HYDE LUNCHEON COMMITTEE	FRANKLIN PARK	IL HOUSE
C00016105	MENRY SCHULTZ FOR CONGRESS	LONG BEACH	CA HOUSE
C00055079	MENRY V. RAGAN FOR CONGRESS	DICKSON	TN HOUSE
C90001769	MENRY, CRAIG MCCUTCHEON	FREDERICK	MD INDEPENDENT EXPENDITOR
C00015875	MENSLEY FOR CONGRESS CAMPAIGN COMMITTEE	ANCHORAGE	AK HOUSE
C00026252	MENSON MOORE REELECTION COMMITTEE	BATON ROUGE	LA HOUSE
C00036483	MEPFORD FOR CONGRESS	HARRISBURGH	PA HOUSE
C00027136	MERB CAMP FOR U.S. SENATE	RIDGEFIELD	CT SENATE
C00014332	MERB HARRIS FOR CONGRESS COMMITTEE	MOUNT VERNON	VA HOUSE
C00008540	MERBERT HOOVER REPUBLICAN WOMEN'S CLUB	GAITHERSBURG	MD PARTY RELATED
C00059287	MERCULES VOLUNTARY NONPARTISAN POLITICAL CONTRIBUTIONS COMMITTEE	(MERCULES PCC) WILMINGTON	DE NON-PARTY RELATED
C00072546	MEREFORD FOR CONGRESS COMMITTEE	BREENVILLE	PA HOUSE
C00007955	MERITAGE REPUBLICAN WOMEN'S CLUB	GRAFTON	VA PARTY RELATED
C90000548	MERMANIES, DOROTHY (CONTRIBUTOR)	CINCINNATI	OH INDEPENDENT EXPENDITOR
C00001308	MERMANN, SYLVIA B.	BETHESDA	MD DELEGATE
C00001290	MERRIMAN, TOM	OAK PARK	IL DELEGATE
C00074971	MERRING RUN CLUB, INC, THE	BALTIMORE	MD NON-PARTY RELATED
C00073239	MESSELINK FOR CONGRESS COMMITTEE	MUSKEGON	MI HOUSE
C00034470	MEUBLEIN EMPLOYEES POLITICAL COMMITTEE	FARMINGTON	CT NON-PARTY RELATED
C00052035	MEWSON FOR CONGRESS	MANCHESTER	NH HOUSE
C00027086	MIBBARD FOR U.S. SENATE COMMITTEE	HELENA	MT SENATE
C00002389	MICKMAN, TIMOTHY R.	CANTONSVILLE	MD DELEGATE
C00043174	MICKORY STREET FUND	COLUMBUS	OH NON-PARTY RELATED
C00050526	MICKS IN '76 FOR U.S. REPRESENTATIVE IN CONGRESS	SALEM	OR HOUSE
C00060749	MICKS LUNCHEON	NEW YORK	NY HOUSE

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IDENTIFICATION	NAME		
C00081274	HICKS, M. MILLER	AUSTIN	TX
C00039115	HIGH SCHOOL STUDENTS FOR REAGAN	BELL GARDENS	CA
C00013136	HIGHTOWER FOR CONGRESS COMMITTEE (AKA JACK HIGHTOWER CAMP FUND)	VERNON	TX
C00032505	HILBUN FOR CONGRESS COMMITTEE	STARKVILLE	MS
C00082057	HILLIS FOR CONGRESS (AKA COMMITTEE TO RE-ELECT CONG. HILLIS)	KOKOMO	IN
C70000206	HILLSBOROUGH COUNTY CENTRAL LABOR COUNCIL	TAMPA	FL
C00062267	HILLSDALE COUNTY REPUBLICAN EXECUTIVE COMMITTEE	HILLSDALE	MI
C00067751	HILSMAN FOR CONGRESS	NORWICH	CT
C00055830	HINOES FOR THE HOUSE	DOVER	DE
C00015297	HLAVACEK FOR CONGRESS COMMITTEE	OMAHA	NB
C00052027	HODGE FOR CONGRESS COMMITTEE	HOLOREGE	NE
C00000730	HOELLEN FOR CONGRESS COMMITTEE	CHICAGO	IL
C00041459	HOFFEARERT DEMOCRATIC ORGANIZATION	BALTIMORE	MD
C00036832	HOFFMAN FOR CONGRESS	MONROE,	MI
C00072769	HOFFMAN-LA ROUCHE GOOD GOVERNMENT COMMITTEE	NUTLEY	NJ
C00067878	HOGAN FOR CONGRESS	ATLANTA	TX
C00050708	HOGAN FOR CONGRESS	OYSTER BAY	NY
C00047886	HOGAN FOR CONGRESS COMMITTEE	EVERETT	MA
C00065375	HOISTING ENGINEERS LOCAL 513 POLITICAL EDUCATION AND CHARITABLE VOLUNTARY FUND	ST. LOUIS	MO
C00013896	HOLLAND IN CONGRESS	CAMDEN	SC
C00036087	HOLLEMAN FOR CONGRESS	WYNNE	AR
C00070276	HOLLON FOR CONGRESS	NEWARK	DE
C00010264	HOLLYWOOD HILLTOPPERS REPUBLICAN WOMEN'S CLUB, FEDERATED	TERMINATED LOS ANGELES	CA
C00001446	HOME FURNISHINGS POLITICAL COMMITTEE	WASHINGTON	DC
C00012625	HOMER BRUNDAGE "300" CLUB	KALAMAZOO	MI
C90002056	HONNAMI, SUMI	SAN FRANCISCO	CA
C00046961	HOODWIN FOR CONGRESS	MIAMI	FL
C00068866	HOOK FOR CONGRESS-ADVERTISING	WASHINGTON	PA
C00052011	HOOKER FOR U.S. SENATE COMMITTEE IN MEMPHIS	MEMPHIS	TN
C00019448	HOOSIER GOOD GOVERNMENT COMMITTEE	INDIANAPOLIS	IN
C00027094	HOOSIERS FOR BIRCH BAYH	INDIANAPOLIS	IN
C00039842	HOOSIERS WHO WANT TO ELECT PHILIP HAYES SENATOR	EVANSVILLE	IN
C90000761	HOOVER, SHERMAN M, M.D.	PINE BLUFF	AR
C00071241	HOPEWELL FOR WYAD	HOPEWELL	VA
C00071407	HORN '76 COMMITTEE	ABINGDON	VA
C00014803	HORNE FOR CONGRESS COMMITTEE	ABINGDON	VA

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INDEPENDENT EXPENDITOR	
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C00036703	HORNER FOR CONGRESS	SANTA MONICA,	CA
C00051037	HOROVITZ, ELAINE	HERRICK	NY
C00074922	HORTON FOR CONGRESS COMMITTEE	ATLANTA	GA
C00050393	HORWIN FOR CONGRESS	BEVERLY HILLS	CA
C00037028	HOSE FOR CONGRESS	MARTINSBURG,	WV
C00069096	HOSPITALITY INDUSTRY EDUCATION COMMITTEE-FEDERAL FUND	SAINT PAUL	MN
C00001266	HOSTICK, KING V,	SPRINGFIELD	IL
C00069302	HOUDAILLE INDUSTRIES POLITICAL ACTION COMMITTEE (HOUDAILLE PAC)	BUFFALO	NY
C00031153	HOUGHTON COUNTY REPUBLICAN COMMITTEE	HOUGHTON	MI
C00002371	HOUGHTON, AMORY JR,	CORNING	NY
C00039580	HOUSE OF WILLIAMS FOR A REPUBLICAN PRESIDENT	HASTINGS	MI
C00033423	HOUSE PAC	CHICAGO	IL
C00040964	HOUSING INDUSTRY POLITICAL ACTION COMMITTEE OF KENTUCKY	LOUISVILLE	KY
C00000039	HOUSTON AREA DELEGATES FOR REAGAN	HOUSTON	TX
C00035824	HOUSTON OIL & MINERALS GOOD GOVERNMENT FUND	HOUSTON	TX
C00027102	HOWARD CANNON DINNER COMMITTEE	LAS VEGAS	NV
C00067488	HOWARD COUNTY DEMOCRATIC CENTRAL COMMITTEE	ELLICOTT CITY	MD
C00006686	HOWARD COUNTY REPUBLICAN CENTRAL COMMITTEE	KOKOMO	IN
C00076026	HOWARD FOR CONGRESS	TUCSON	AZ
C00008621	HOWARD FOR CONGRESS COMMITTEE	SPRING LAKE HGHTS,	NJ
C00035543	HOWARD GATES FOR SENATOR CAMPAIGN COMMITTEE	ELLICOTT CITY	MD
C00026294	HOWARD WOLPE CAMPAIGN COMMITTEE	KALAMAZOO	MI
C00018457	HOWE FOR CONGRESS COMMITTEE	SALT LAKE CITY	UT
C00038877	HOWELL CORPORATION POLITICAL AWARENESS COMMITTEE	HOUSTON	TX
C00007211	HUBBARD COUNTY REPUBLICAN PARTY	NEVIS	MN
C00001258	HUBBELL, CORINNE H,	DES MOINES	IA
C00033332	HUBER FOR U.S. SENATE COMMITTEE	TROY	MI
C00051557	HUCKABY FOR CONGRESS CAMPAIGN COMMITTEE	MONROE	LA
C00026997	HUDDLESTON FOR U.S. SENATE	LOUISVILLE	KY
C00011163	HUDSON COUNTY REGULAR DEMOCRATIC ORGANIZATION	WEST NEW YORK	NJ
C00001241	HUENEFELD, FRED WILLIAM JR,	MONROE	LA
C00002162	HUGHES ACTIVE CITIZENSHIP FUND	LOS ANGELES	CA
C90001751	HUGHES COUNTY VOTERS INTERESTED IN THE PEACE, FREEDOM AND PROSPERITY OF OUR COUNTRY	WETUMKA	OK
C00016543	HUGHES FOR CONGRESS COMMITTEE	OCEAN CITY	NJ
C00047894	HUGHES FOR CONGRESS COMMITTEE	SALT LAKE CITY	UT
C00042018	HUGHES TOOL COMPANY POLITICAL ACTION COMMITTEE	HOUSTON	TX

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NON-PARTY RELATED	

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IDENTIFICATION	NAME		
C00001233	HUGHES, WILLIAM	BALTIMORE	MD
C00072058	HUMAN RIGHTS PARTY COMMITTEE	OAK PARK	MI
C00035984	HUMES FOR CONGRESS	SILVER SPRING	MD
C00040139	HUMPHREY '76/ TEXAS	HOUSTON	TX
C00031732	HUMPHREY DINNER COMMITTEE	MINNEAPOLIS	MN
C00032342	HUMPHREY FOR PRESIDENT COMMITTEE	WASHINGTON	DC
C00004408	HUNGATE FOR CONGRESS COMMITTEE	TROY	MO
C00016949	HUNGNESS FOR CONGRESS CAMPAIGN COMMITTEE	ROCKFORD	IL
C00001225	HUNT, JAMES L.	TUSCUMBIA	AL
C00046975	HUNTER FOR CONGRESS CAMPAIGN	YOUNGSTOWN	OH
C00065292	HUNTERDON COUNTY DEMOCRATIC COMMITTEE	FLEMINGTON	NJ
C00011841	HUNTINGTON COUNTY REPUBLICAN CENTRAL COMMITTEE	HUNTINGTON	IN
C00005017	HUNTINGTON COUNTY REPUBLICAN COMMITTEE	HUNTINGDON	PA
C00061807	HURLEY FOR CONGRESS COMMITTEE	MILLVILLE	NJ
C00072272	HURON COUNTY DEMOCRATIC COMMITTEE	BAY PORT	MI
C00067694	HURON COUNTY DEMOCRATIC EXECUTIVE COMMITTEE	NORWALK	OH
C00019729	HURON COUNTY REPUBLICAN EXECUTIVE COMMITTEE	TERMINATED GREENWICH	OH
C00010579	HURON COUNTY REPUBLICAN PARTY	SEBEWAING	MI
C00019486	HUTCHINSON'S CAMPAIGN COMMITTEE(AKA HUTCHINSON'S 1976 CAMPAIGN	COMMITTEE MILLSDALE	MI
C00066910	HUTT FOR CONGRES CAMPAIGN COMMITTEE	WARRENTON	VA
C00068387	HYATT FOR CONGRESS	KANSAS CITY	KS
C00020610	HYDE FOR CONGRESS DINNER COMMITTEE	OAK PARK	IL
C00035741	IANNITTI IN '76 COMMITTEE	WARWICK	RI
C00034496	IBLT PARTICIPATING CITIZENS FUND	POCATELLO	ID
C00036806	IBEW LOCAL 59 8000 CITIZENSHIP COMMITTEE	DALLAS,	TX
C00042994	IBEW-OHIO STATE CONFERENCE	AKRON	OH
C00022194	ICG 8000 GOVERNMENT FUND	CHICAGO	IL
C00056523	IDAHO BANKERS POLITICAL ACTION COMMITTEE	BOISE	ID
C00025130	IDAHO DENTAL POLITICAL ACTION COMMITTEE	BOISE	ID
C00027003	IDAHO FOR CHURCH COMMITTEE	BOISE	ID
C00009449	IDAHO MEDICAL POLITICAL ACTION COMMITTEE	BOISE	ID
C00022947	IDAHO REPUBLICAN CONGRESSIONAL CAMPAIGN COMMITTEE	BOISE	ID
C00043661	IDAHO REPUBLICAN STATE CENTRAL COMMITTEE	BOISE	ID
C70000294	IDAHO STATE AFL-CIO	BOISE	ID
C00010439	IDAHO STATE DEMOCRATIC CENTRAL COMMITTEE	BOISE	ID
C00006948	IJ ALAJ ANT CITIZENS COMMITTEE FOR THE 32ND DISTRICT	SYRACUSE	NY

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IDENTIFICATION	NAME			
C00025973	IKE SKELTON FOR CONGRESS COMMITTEE	HARRISONVILLE	MO	HOUSE
C00014696	IMOLA FOR CONGRESS COMMITTEE	SANTA MARIA	CA	HOUSE
C00004861	IL&WU CAMPAIGN COMMITTEE	NEW YORK	NY	NON-PARTY RELATED
C00030924	ILLINOIS CAMPAIGN COMMITTEE SOCIALIST LABOR PARTY	CHICAGO	IL	PARTY RELATED
C00043752	ILLINOIS CITIZENS FOR MACBRIDE	CHICAGO	IL	PRESIDENTIAL
C00029942	ILLINOIS CITIZENS FOR REAGEN	TERMINATED WASHINGTON	DC	PRESIDENTIAL
C00065920	ILLINOIS CONSUMERS FOR CARTER/MONDALE	CHICAGO	IL	PRESIDENTIAL
C00024703	ILLINOIS FUND	MOLINE	IL	NON-PARTY RELATED
C00030690	ILLINOIS LABOR PARTY	CHICAGO	IL	PARTY RELATED
C00005488	ILLINOIS MEDICAL POLITICAL ACTION COMMITTEE	CHICAGO	IL	NON-PARTY RELATED
C00074908	ILLINOIS OPTOMETRIC POLITICAL ACTION COMMITTEE	OAK BROOK	IL	NON-PARTY RELATED
C00010386	ILLINOIS POLITICAL ACTION COMMITTEE FOR EDUCATION	SPRINGFIELD	IL	NON-PARTY RELATED
C00005926	ILLINOIS REPUBLICAN STATE CENTRAL COMMITTEE	SPRINGFIELD	IL	PARTY RELATED
C00043653	ILLINOIS SOCIALIST WORKERS 1976 CAMPAIGN COMMITTEE	CHICAGO	IL	PARTY RELATED
C70000302	ILLINOIS STATE LEGISLATIVE BOARD (UNITED TRANSPORTATION UNION)	CHICAGO	IL	NON-PARTY RELATED
C00022475	ILLINOIS STATE LEGISLATIVE COMMITTEE (BRAC) POLITICAL EDUCATION FUND	ADDISON	IL	NON-PARTY RELATED
C00000042	ILLINOIS TOOL WORKS INC. POLITICAL ACTION COMMITTEE	CHICAGO	IL	NON-PARTY RELATED
C00034967	ILLINOIS UDALL '76 COMMITTEE	URBANA	IL	PRESIDENTIAL
C00066837	ILLINOIS VOLUNTEER FARMERS FOR CARTER	PLYMOUTH	IL	PRESIDENTIAL
C00062653	IMPAC	DENVER	CO	NON-PARTY RELATED
C00022220	IMPERIAL BEACH REPUBLICAN WOMAN'S CLUB, FEDERATED	TERMINATED SAN DIEGO	CA	PARTY RELATED
C00029736	INDEPENDENCE 76 COMMITTEE (BRUCE GRAHAM)	STOWE	VT	SENATE
C00017152	INDEPENDENCE CLUB POLITICAL COMMITTEE	ST LOUIS	MO	NON-PARTY RELATED
C00075291	INDEPENDENCE NATIONAL BANK POLITICAL ACTION COMMITTEE	GASTONIA	NC	NON-PARTY RELATED
C00056549	INDEPENDENT AMERICAN PARTY OF NEVADA	RENO	NV	PARTY RELATED
C00032698	INDEPENDENT BANKERS - POLITICAL ACTION COMMITTEE	SAUK CENTRE	MN	NON-PARTY RELATED
C00049445	INDEPENDENT CITIZENS COMMITTEE FOR THE 32ND CONGRESSIONAL DISTRICT	SYRACUSE	NY	HOUSE
C00066571	INDEPENDENT CITIZENS COMMITTEE TO ELECT MUNN	BELLE HARBOR	NY	HOUSE
C00003244	INDEPENDENT CITIZENS FOR RE-ELECTION OF BOB ROE TO CONGRESS	WAYNE	NJ	HOUSE
C00054379	INDEPENDENT CITIZENS FOR TOM DOWNEY	EAST ISLIP	NY	HOUSE
C00065769	INDEPENDENT CLERGY CAMPAIGN COMMITTEE	WASHINGTON	DC	PRESIDENTIAL
C00015691	INDEPENDENT CLUB POLITICAL COMMITTEE	LAREDO	TX	NON-PARTY RELATED
C00072645	INDEPENDENT COMMITTEE TO ELECT CARTER/MONDALE/GREEN	PHILADELPHIA	PA	NON-PARTY RELATED
C00051219	INDEPENDENT COMMITTEE TO ELECT KENNETH W. DRUMMOND TO CONGRESS	BRONX	NY	HOUSE
C00077659	INDEPENDENT CONSERVATIVE PARTY	N/A	IL	PARTY RELATED
C00041364	INDEPENDENT ENERGY FUND	WASHINGTON	DC	NON-PARTY RELATED

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IDENTIFICATION	NAME			
C00066142	INDEPENDENT FRIENDS OF KIKA DE LA GARZA	EDINBURG	TX	HOUSE
C00047670	INDEPENDENT GASOLINE MARKETERS COUNCIL POLITICAL ACTION COMMITTEE (IGMC-PAC)	WASHINGTON	DC	NON-PARTY RELATED
C00022063	INDEPENDENT INSURANCE AGENTS POLITICAL ACTION COMM.	EASTMAN	GA	NON-PARTY RELATED
C00041830	INDEPENDENT MEAT PACKERS POLITICAL ACTION COMMITTEE	WASHINGTON	DC	NON-PARTY RELATED
C00001354	INDEPENDENT MEDICINE'S POLITICAL ACTION COMMITTEE TENNESSEE	NASHVILLE	TN	NON-PARTY RELATED
C00003749	INDEPENDENT MINNESOTA POLITICAL ACTION COMMITTEE FOR EDUCATION	ST. PAUL	MN	NON-PARTY RELATED
C00070490	INDEPENDENT NEW YORK STATE ENVIRONMENTALISTS FOR CARTER	NEW YORK	NY	PRESIDENTIAL
C00034892	INDEPENDENT POLITICAL YOUTH-CAMPAIGNS OF AMERICA	CHICAGO	IL	PRESIDENTIAL
C00061531	INDEPENDENT VOTERS FOR PRESIDENT FORD	LOS ANGELES	CA	PRESIDENTIAL
C00028933	INDEPENDENTS FOR BOHEN COMMITTEE	MOQUIAM	WA	HOUSE
C00069112	INDEPENDENTS FOR CARTER-MONDALE	PITTSBURGH	PA	PRESIDENTIAL
C00023457	INDEPENDENTS FOR FENWICK	SOMERVILLE	NJ	HOUSE
C00061879	INDEPENDENTS TO ELECT BEYER TO CONGRESS	RAMAY	NJ	HOUSE
C00010877	INDIANA 3RD DISTRICT REPUBLICAN COMMITTEE	LAPORTE	IN	PARTY RELATED
C00054916	INDIANA CONSTRUCTION INDUSTRY FOR RESPONSIBLE GOVERNMENT POLITICAL ACTION COMMITTEE	INDIANAPOLIS	IN	NON-PARTY RELATED
C00012773	INDIANA CREDIT UNION POLITICAL ACTION COMMITTEE	INDIANAPOLIS	IN	NON-PARTY RELATED
C00016022	INDIANA DEMOCRATIC STATE CENTRAL COMMITTEE	TERMINATED. INDIANAPOLIS	IN	PARTY RELATED
C00023572	INDIANA DENTAL POLITICAL ACTION COMMITTEE	WINCHESTER	IN	NON-PARTY RELATED
C00007690	INDIANA FRIENDS OF RURAL ELECTRIFICATION	GOSPORT	IN	NON-PARTY RELATED
C00077867	INDIANA LABOR PARTY	N/A	IO	PARTY RELATED
C00048710	INDIANA MANUFACTURED HOUSING ASSOCIATION FEDERAL POLITICAL ACTION COMMITTEE	INDIANAPOLIS	IN	NON-PARTY RELATED
C00000638	INDIANA MEDICAL POLITICAL ACTION COMMITTEE	SOUTH BEND	IN	NON-PARTY RELATED
C00023341	INDIANA REPUBLICAN 8TH DISTRICT TREASURER	EVANSVILLE	IN	PARTY RELATED
C00008486	INDIANA REPUBLICAN STATE CENTRAL COMMITTEE	INDIANAPOLIS	IN	PARTY RELATED
C00074252	INDIANA SAVINGS ASSOCIATIONS COMMITTEE ON PUBLIC AFFAIRS	INDIANAPOLIS	IN	NON-PARTY RELATED
C00067340	INDIANA SERVICE STATION DEALERS POLITICAL ACTION COMMITTEE	INDIANAPOLIS	IN	NON-PARTY RELATED
C00070672	INDIANA SOCIALIST WORKERS CAMPAIGN COMMITTEE	INDIANAPOLIS	IN	PARTY RELATED
C70000310	INDIANA STATE AFL-CIO	GREENWOOD	IN	NON-PARTY RELATED
C00000284	INDIANA STATE FEDERATION OF WOMEN'S REPUBLICAN CLUBS	INDIANAPOLIS	IN	PARTY RELATED
C70000328	INDIANA STATE LEGISLATIVE BOARD (UNITED TRANSPORTATION UNION)	INDIANAPOLIS	IN	NON-PARTY RELATED
C00009050	INDIANA TELEPHONE INDUSTRY GOOD GOVERNMENT CLUB	INDIANAPOLIS	IN	NON-PARTY RELATED
C00026591	INDIANA'S GOOD GOVERNMENT FUND	INDIANAPOLIS	IN	NON-PARTY RELATED
C00018496	INDIANAPOLIS WOMEN'S REPUBLICAN CLUB	BEECH GROVE	IN	PARTY RELATED
C00006155	INDUSTRIES CIVIC TRUST	CHICAGO	IL	NON-PARTY RELATED
C00056226	INGERSOLL-RAND COMPANY POLITICAL ACTION COMMITTEE	WOODCLIFF LAKE	NJ	NON-PARTY RELATED
C00013607	INGHAM COUNTY DEMOCRATIC PARTY	LANSING	MI	PARTY RELATED

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IDENTIFICATION	NAME			
C00008797	INGHAM COUNTY DEMOCRATIC PARTY FEDERAL CAMPAIGN FUND	LANSING	MI	PARTY RELATED
C00006817	INGHAM COUNTY REPUBLICAN COMMITTEE	LANSING	MI	PARTY RELATED
C00035463	INGHAM COUNTY REPUBLICAN FINANCE COMMITTEE	EAST LANSING	MI	PARTY RELATED
C00052985	INGHAM FOR CONGRESS	AUGUSTA	GA	HOUSE
C00051540	INHOFE FOR CONGRESS COMMITTEE	TULSA	OK	HOUSE
C00072926	INLAND POLITICAL ACTION COMMITTEE (INPAC)	INDIANAPOLIS	IN	NON-PARTY RELATED
C00030528	INOPAC	INDIANAPOLIS	IN	NON-PARTY RELATED
C00046086	INSTITUTE OF SCRAP IRON AND STEEL POLITICAL ACTION COMMITTEE	WASHINGTON	DC	NON-PARTY RELATED
C00024760	INSURANCE EXECUTIVES POLITICAL ACTION COMMITTEE	WATERVILLE	NY	NON-PARTY RELATED
C00026088	INSURANCE PUBLIC AFFAIRS COUNCIL	CHICAGO	IL	NON-PARTY RELATED
C70000336	INT'L. ASSOC. OF BRIDGE, STRUCTURAL & ORNAMENTAL IRON WORKERS	WASHINGTON	DC	NON-PARTY RELATED
C00073999	INTERLAKE POLITICAL ACTION COMMITTEE	WASHINGTON	DC	NON-PARTY RELATED
C00027342	INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS COMMITTEE ON POLITICAL EDUCATION	WASHINGTON	DC	NON-PARTY RELATED
C00005066	INTERNATIONAL BROTHERHOOD OF FIREMEN AND OILERS POLITICAL LEAGUE	WASHINGTON	DC	NON-PARTY RELATED
C00000026	INTERNATIONAL CHIROPRACTORS POLITICAL ACTION COMMITTEE	DAVENPORT	IA	NON-PARTY RELATED
C00040840	INTERNATIONAL HARVESTER COMPANY GOOD GOVERNMENT COMMITTEE	CHICAGO	IL	NON-PARTY RELATED
C70000351	INTERNATIONAL LADIES' GARMENT WORKERS' UNION	NEW YORK	NY	NON-PARTY RELATED
C70000740	INTERNATIONAL LADIES' GARMENT WORKERS' UNION, AFL-CIO, SOUTHEAST REGION	ATLANTA	GA	NON-PARTY RELATED
C00075754	INTERNATIONAL LJONGSHOREMAN'S ASS'N LOCAL #158	TOLEDO	OH	NON-PARTY RELATED
C00038372	INTERNATIONAL MOLDERS & ALLIED WORKERS UNION, AFL-CIO-CLC COPE FUND	CINCINNATI	OH	NON-PARTY RELATED
C70000344	INTERNATIONAL UNION OF BRICKLAYERS AND ALLIED CRAFTSMEN	WASHINGTON	DC	NON-PARTY RELATED
C70000369	INTERNATIONAL UNION, UAW	DETROIT	MI	NON-PARTY RELATED
C00018978	INTRIAGO FOR CONGRESS	MIAMI	FL	HOUSE
C00005207	IOWA ACTION COMMITTEE FOR RURAL ELECTRIFICATION	URBANDALE	IA	NON-PARTY RELATED
C00031582	IOWA COMMITTEE FOR HARRIS FOR PRESIDENT	DES MOINES	IA	PRESIDENTIAL
C00035600	IOWA DEMOCRATIC STATE CENTRAL COMMITTEE (FEDERAL DIVISION)	DES MOINES	IA	PARTY RELATED
C00017392	IOWA DENTAL POLITICAL ACTION COMMITTEE	TAMA	IA	NON-PARTY RELATED
C00067876	IOWA FARMERS FOR CARTER-MONDALE VOLUNTEERS	DUNKERTON	IA	PRESIDENTIAL
C00075861	IOWA FEDERATION OF REPUBLICAN WOMEN OF 3RD DISTRICT	N/A	IA	PARTY RELATED
C00006569	IOWA FEDERATION OF REPUBLICAN WOMEN, INC.	WEST UNION	IA	PARTY RELATED
C00030833	IOWA LABOR PARTY	DAVENPORT	IA	PARTY RELATED
C00042978	IOWA MACBRIDE FOR PRESIDENT COMMITTEE	URBANDALE	IA	PRESIDENTIAL
C00003970	IOWA MEDICAL POLITICAL ACTION COMMITTEE	DES MOINES,	IA	NON-PARTY RELATED
C00005439	IOWA POLITICAL ACTION COMMITTEE FOR EDUCATION	DES MOINES	IA	NON-PARTY RELATED
C00056507	IOWA SOCIETY OF CERTIFIED PUBLIC ACCOUNTANTS	DES MOINES	IA	NON-PARTY RELATED
C00030163	IOWA UDALL '76' COMMITTEE	DES MOINES	IA	PRESIDENTIAL

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IDENTIFICATION	NAME		
C00060038	IRBY FOR CONGRESS	MURFREESBORO	TN HOUSE
C00020354	IRENE BOSSIN FOR CONGRESS COMMITTEE	ROCHESTER	NY HOUSE
C00004648	IRON COUNTY REPUBLICAN COMMITTEE	CRYSTAL FALLS,	MI PARTY RELATED
C00009019	IRONWORKERS LOCAL UNION NO. 25 POLITICAL EDUCATION COMMITTEE	DETROIT	MI NON-PARTY RELATED
C00027359	IRONWORKERS POLITICAL ACTION LEAGUE	WASHINGTON	OC NON-PARTY RELATED
C00027367	ISHMAEL FLORY FOR U.S. SENATE CAMPAIGN	CHICAGO	IL SENATE
C00007872	ISLE OF WIGHT COUNTY REPUBLICAN PARTY COMMITTEE	CARROLLTOWN	VA PARTY RELATED
C00044073	ISRAEL FEUER FOR U.S. SENATE COMMITTEE	LOS ANGELES	CA SENATE
C00022244	IT'S TIME FOR TODD COMMITTEE	KALAMAZOO	MI HOUSE
C00025122	ITALIAN AMERICAN DEMOCRAT CLUB	WATERBURY	CT PARTY RELATED
C00007278	ITASCA COUNTY REPUBLICAN COMMITTEE	GRAND RAPIDS	MN PARTY RELATED
C00002295	IUD VOLUNTARY FUNDS	WASHINGTON	OC NON-PARTY RELATED
C00006247	IUE COMMITTEE ON POLITICAL EDUCATION	WASHINGTON	OC NON-PARTY RELATED
C00005793	IVORY CLUB, REPUBLICAN PARTY OF CAMERON COUNTY	BROWNSVILLE	TX PARTY RELATED
C00053140	J. C. SMITH FOR CONGRESS COMMITTEE	NEENAH	WI HOUSE
C00064253	J. D. DE BLIEUX CAMPAIGN COMMITTEE	BATON ROUGE	LA HOUSE
C00038950	J. D. JOHNSON PAC COMMITTEE	POUGHKEEPSIE	NY NON-PARTY RELATED
C00009829	J. LOUIS WATKINS, JR. CAMPAIGN COMMITTEE	HOUMA	LA HOUSE
C00023317	J. M. "PRO-LIFE" SANDERS FOR CONGRESS COMMITTEE	TEMPE	AZ HOUSE
C00017699	J. RAY COX FOR CONGRESS COMMITTEE	COEUR D'ALENE	ID HOUSE
C00061234	J. ROBERT RUTKOWSKI FOR CONGRESS	BALTIMORE	MD HOUSE
C00033084	J.C. NICHOLS COMPANY POLITICAL ACTION COMMITTEE	KANSAS CITY	MO NON-PARTY RELATED
C00037911	J.J. "JAKE" PICKLE 1976 RE-ELECTION COMMITTEE"	AUSTIN	TX HOUSE
C00053132	J.J. PICKLE POLITICAL TRUST FUND	AUSTIN	TX HOUSE
C00056028	J.W.WILLIAMSON-AVERAGE MAN FOR CONGRESS, THE	FULTON	MO HOUSE
C00050088	JACK ARMSTRONG FOR CONGRESS COMMITTEE	TALLAHASSEE	FL HOUSE
C00000521	JACK BROOKS CAMPAIGN COMMITTEE	WASHINGTON	DC HOUSE
C00028613	JACK C. DOYLE FOR U.S. SENATE COMMITTEE	LAS VEGAS	NV SENATE
C00037085	JACK CALKINS CONGRESSIONAL COMMITTEE	ELMIRA	NY HOUSE
C00029629	JACK CARLSON FOR SENATE COMMITTEE	SALT LAKE CITY	UT SENATE
C00063776	JACK GORDSH FOR CONGRESS	BROOKLYN	NY HOUSE
C00018440	JACK FEAGAN FOR CONGRESS	SHAWNEE	KS HOUSE
C00048967	JACK HUNT FOR CONGRESS COMMITTEE	SHELBY	NC HOUSE
C00036996	JACK LEFF FOR CONGRESS	MALDEN	MA HOUSE
C00062117	JACK MAY FOR CONGRESS COMMITTEE	SEATTLE	WA HOUSE
C00075887	JACK MAY FOR CONGRESS COMMITTEE	RENTON	WA HOUSE

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C00044149	JACK MCCOY FOR U.S. SENATE	CARLSBAD	CA SENATE
C00071781	JACK RUZICKO FOR CONGRESS	COLUMBUS	OH HOUSE
C00037317	JACK SHAFFER FOR CONGRESS	REDONDO BEACH,	CA HOUSE
C00019483	JACKSON COUNTY CARR FOR CONGRESS COMMITTEE	JACKSON	MI HOUSE
C00043646	JACKSON COUNTY DEMOCRATIC CENTRAL COMMITTEE	CROTHERSVILLE	IN PARTY RELATED
C00022061	JACKSON COUNTY DEMOCRATIC COMMITTEE	JACKSON	MI PARTY RELATED
C00063263	JACKSON COUNTY DEMOCRATIC COMMITTEE	KANSAS CITY	MO PARTY RELATED
C00009159	JACKSON COUNTY DEMOCRATS	BLACK RIVER FALLS	WI PARTY RELATED
C00008516	JACKSON COUNTY REPUBLICAN CENTRAL COMMITTEE	FREETOWN	IN PARTY RELATED
C00001735	JACKSON COUNTY REPUBLICAN COMMITTEE	JACKSON	MI PARTY RELATED
C00008359	JACKSON COUNTY REPUBLICAN FINANCE COMMITTEE	JACKSON	MI PARTY RELATED
C00068338	JACKSON EDUCATORS PUBLIC AFFAIRS COUNCIL	JACKSON	MI NON-PARTY RELATED
C00052928	JACKSON FOR CONGRESS COMMITTEE	NORWICH	CT HOUSE
C00030361	JACKSON FOR PRESIDENT CAMPAIGN HEADQUARTERS	BUFFALO	NY PRESIDENTIAL
C00031492	JACKSON FOR PRESIDENT COMMITTEE	WASHINGTON	DC PRESIDENTIAL
C00031518	JACKSON PLANNING COMMITTEE	WASHINGTON	DC PRESIDENTIAL
C00001217	JACKSON, JOHN MOLLIS JR.	CLANTON	AL DELEGATE
C00001209	JACKSON, MARY MORTON	SAN ANTONIO	TX DELEGATE
C00068775	JACKSONVILLE CITIZENS FOR PRESIDENT FORD COMMITTEE	JACKSONVILLE	FL PRESIDENTIAL
C00066928	JACQUES FOR CONGRESS	N/A	NY HOUSE
C00013847	JAMES A. BROWNING JR. FOR CONGRESS	VENTURA	CA HOUSE
C00076042	JAMES A. DAVIS CAMPAIGN COMMITTEE	FARMERS BRANCH	TX HOUSE
C00053124	JAMES A. SCANDIRITO COMMITTEE FOR CONGRESS	MT. CLEMONS	MI HOUSE
C00037309	JAMES ALLISON FOR CONGRESS, CAMPAIGN COMMITTEE	COOPER,	TX HOUSE
C00016857	JAMES B. WRAY FOR CONGRESS COMMITTEE	BLOOMINGTON	IN HOUSE
C00054387	JAMES C. MAY FOR CONGRESS COMMITTEE	YAKIMA	WA HOUSE
C00053421	JAMES EDWARD HOUSTON FOR CONGRESS	AKRON	OH HOUSE
C00055913	JAMES J. CUMMINGS CAMPAIGN COMMITTEE	CHICAGO	IL HOUSE
C00018242	JAMES J. FLORIO CAMPAIGN FUND	SOMERDALE	NJ HOUSE
C00068833	JAMES J. KELLY FOR THE U.S. HOUSE	LITTLE ROCK	AR HOUSE
C00073064	JAMES J. MURPHY CANDIDATE FOR CONGRESS	MELROSE	MA HOUSE
C00013375	JAMES K. MILLER FOR CONGRESS COMMITTEE	GRAND RAPIDS	MI HOUSE
C00055265	JAMES KIRK FOR CONGRESS	LONG BEACH	CA HOUSE
C00024646	JAMES L. MAYFIELD FOR CONGRESS COMMITTEE	APPLE VALLEY	CA HOUSE
C00052605	JAMES LAWRENCE FOR CONGRESS	LOUISVILLE	KY HOUSE
C00054403	JAMES P. CELEBREEZE FOR CONGRESS COMMITTEE	BROOK PARK	OH HOUSE

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IDENTIFICATION	NAME		
C00083444	JAMES SCANDIRITO COMMITTEE FOR CONGRESS	MT. CLEMENS	MI
C00083787	JAMES V. STANTON COMMITTEE	CLEVELAND	OH
C00017442	JAMES WRIGHT FOR CONGRESS COMMITTEE	LONG BEACH	CA
C00065748	JANE RUTTON FOR CONGRESS	PORTLAND	OR
C00078139	JANE REHNKE FOR CONGRESS	BERNARDSVILLE	NJ
C00021139	JAPANESE AMERICANS FOR POLITICAL ACTION, INC.	CHICAGO	IL
C00007641	JARMAN FOR CONGRESS CLUB	OKLAHOMA CITY	OK
C00061655	JARVIS FOR CONGRESS	GREAT FALLS MT	MT
C00024693	JASPER COUNTY REPUBLICAN CENTRAL COMMITTEE	RENSSELAER	IN
C00035816	JASPER COUNTY REPUBLICAN COMMITTEE-MO	JOPLIN	MO
C00027391	JAVITS DINNER COMMITTEE	NEW YORK	NY
C00047266	JAVITS FINANCE COMMITTEE	NEW YORK	NY
C00040678	JAVITS OFFICE FUND COMMITTEE	NEW YORK	NY
C00027482	JAVITS RE-ELECTION COMMITTEE	TERMINATED NEW YORK	NY
C00009274	JAY COUNTY REPUBLICAN CENTRAL COMMITTEE	PORTLAND	IN
C00048649	JAY ROSNER FOR CONGRESS	BOONTON	NJ
C00076273	JAY WAGNER FOR CONGRESS	SEATTLE	WA
C00050021	JEAN BERG FOR CONGRESS COMMITTEE	ST. CHARLES	MO
C00067009	JEFF BOOLSBY FOR CONGRESS COMMITTEE	ALBANY	GA
C00022137	JEFF LACAZE COMMITTEE	BATON ROUGE	LA
C00053116	JEFF PETERSON FOR CONGRESS COMMITTEE	WESTPORT	CT
C00005043	JEFFERSON COUNTY CENTRAL COMMITTEE OF IOVA	FAIRFIELD	IA
C00012282	JEFFERSON COUNTY DEMOCRATIC CENTRAL COMMITTEE	LAKEWOOD	CO
C00067629	JEFFERSON COUNTY DEMOCRATICEXECUTIVE COMMITTEE	LOUISVILLE	KY
C00004739	JEFFERSON COUNTY REPUBLICAN CENTRAL COMMITTEE	DENVER	CO
C00074187	JEFFERSON COUNTY REPUBLICAN CENTRAL COMMITTEE	RIGBY	ID
C00006429	JEFFERSON COUNTY REPUBLICAN EXECUTIVE COMMITTEE	BEAUMONT	TX
C00074484	JEFFERSON DAVIS PARISH DEMOCRATIC EXECUTIVE COMMITTEE	JENNINGS,	LA
C00042044	JEFFERSON GOOD GOVERNMENT COMMITTEE/FUNO	BIRMINGHAM	AL
C00075812	JEFFERSON PARISH DEMOCRATIC EXECUTIVE COMMITTEE	KENNER	LA
C00043638	JEFFERSON-JACKSON DAY DINNER COMMITTEE	BALTIMORE	MD
C00015362	JEFFORDS FOR CONGRESS COMMITTEE	MONTPELIER	VT
C00026047	JEFFREY '76	LAGUNA BEACH	CA
C00002329	JEMPAC	TRENTON	NJ
C00001191	JENKINS, REP. LOUIS (WOODY)	BATON ROUGE	LA
C00017624	JENKINTOWN BOROUGH REGULAR REPUBLICAN ORGANIZATION	JENKINTOWN	PA

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	HOUSE	
	HOUSE	
	DELEGATE	
	PARTY RELATED	

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C00001183	JENNINGS, MANA SMITH	FRANKLIN	TN
C00018283	JENRETTE FOR CONGRESS VOLUNTEER COMMITTEE	FLORENCE	SC
C00013409	JENSEN FOR CONGRESS COMMITTEE	CEDAR RAPIDS	IA
C00062580	JEROME PRATT CAMPAIGN COMMITTEE	PALMETTO	FL
C00018584	JERRY ARNOLD FOR CONGRESS VOLUNTEER COMMITTEE	DULUTH	MN
C00061812	JERRY BORENSTEIN FOR CONGRESS	NEW YORK	NY
C00025411	JERRY FOGEL FOR CONGRESS	BEVERLY HILLS	CA
C00054999	JERRY FOGEL FOR CONGRESS COMMITTEE	BEVERLY HILLS	CA
C00019604	JERRY FOX FOR CONGRESS COMMITTEE	STAMFORD	CT
C00050260	JERRY GILBERT FOR CONGRESS COMMITTEE	OKLAHOMA CITY	OK
C00052647	JESSALYN DAVIS CAMPAIGN FUND	MARSHALL	TX
C00055304	JESSE RATTLEY FOR CONGRESS	NEWPORT NEWS	VA
C00025742	JESSIE O. MCDONALD FOR CONGRESS	NASHVILLE	TN
C00037804	JESSIE WOODS FOR CONGRESS	PHILADELPHIA	PA
C00027490	JIM ALLEN CAMPAIGN COMMITTEE	GADSDEN	AL
C00025197	JIM BOWYER FOR CONGRESS COMMITTEE	INDIANAPOLIS	IN
C00054411	JIM BROWN FOR CONGRESS	EUREKA	CA
C00036723	JIM COMBS CRUSADE FOR CONGRESS	SANTA ANA	CA
C00072207	JIM DOYLE FOR CONGRESS	CONROE	TX
C00058609	JIM ELSMAN FOR U.S. SENATE	BIRMINGHAM	MI
C00047597	JIM GUY TUCKER CAMPAIGN FOR CONGRESS COMMITTEE	LITTLE ROCK	AR
C00052944	JIM HOWARD FOR CONGRESS COMMITTEE	EUGENE	OR
C00026393	JIM LEVITT FOR CONGRESS COMMITTEE	ST LOUIS	MO
C00036681	JIM LUMBER FOR CONGRESS	ROUND LAKE,	IL
C00025676	JIM MATTOX ELECTION COMMITTEE	DALLAS	TX
C00046934	JIM MUGFORD FOR CONGRESS COMMITTEE	PHILADELPHIA	PA
C00064915	JIM NICHOLLS COMMITTEE FOR CONGRESS	PUYALLUP	WA
C00016113	JIM OSGOOD FOR CONGRESS COMMITTEE	SAN BERNARDINO	CA
C00062331	JIM QUAREMBA FOR CONGRESS	WYCKOFF	NJ
C00053546	JIM REESE FOR CONGRESS COMMITTEE	ODESSA	TX
C00017095	JIM SANTINI'S PEOPLE	LAS VEGAS	NV
C00060756	JIM SMITH FOR CONGRESS	OKLAHOMA CITY	OK
C00017622	JIM SOLES FOR U.S. CONGRESS	NEWARK	DE
C00055301	JIM TATE FOR CONGRESS	SPRINGFIELD	VA
C00036947	JIMMY LOVE FOR CONGRESS	SANFORD,	NC
C00026450	JO ANN SAUNDERS RECEPTION COMMITTEE	ORLANDO	FL

DELEGATE	
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IDENTIFICATION	NAME			PARTY RELATED
C00074997	JO DAVIESS COUNTY REPUBLICAN WOMEN'S CLUB	GALENA	IL	HOUSE
C00037523	JOANN SAUNDERS FOR CONGRESS	ORLANDO,	FL	HOUSE
C00054429	JOANNE MAENSGEN CAMPAIGN	HOUSTON	TX	HOUSE
C00036574	JOE B. MOSS FOR CONGRESS	OMAHA,	NB	HOUSE
C00070953	JOE BERMAN FOR CONGRESS	EAST GRAND RAPIOS	MI	HOUSE
C00007716	JOE BOYD FOR CONGRESS COMMITTEE	NEW YORK	NY	HOUSE
C00046987	JOE COOPER FOR U.S. CONGRESS, DIST. 8-TENN.	MEMPHIS	TN	HOUSE
C00048918	JOE CROKEN FOR CONGRESS COMMITTEE	BOSTON	MA	HOUSE
C00047514	JOE EDDIE LOPEZ FOR CONGRESS	PHOENIX	AZ	HOUSE
C00017708	JOE POLICANO FOR CONGRESS COMMITTEE	TERMINATED NEW YORK	NY	HOUSE
C00054437	JOE ROSIER FOR CONGRESS	ORLANDO	FL	HOUSE
C00054445	JOE SPORTS FOR CONGRESS CAMPAIGN COMMITTEE	DOUGLAS	GA	HOUSE
C00063891	JOE SULLIVAN CAMPAIGN COMMITTEE FOR CONGRESS	SAN ANTONIO	TX	HOUSE
C00046706	JOEL B. GUNNELLS (CAMPAIGN TO COMMITTEE)	MARTWELL	GA	HOUSE
C00002964	JOEL T. BROYHILL CAMPAIGN COMMITTEE	ARLINGTON	VA	HOUSE
C00047118	JOHN A. PICA FOR CONGRESS	BALTIMORE	MO	HOUSE
C00055756	JOHN B. SCHOONOVER - CAMPAIGN-	NEWPORT BEACH	CA	HOUSE
C00055129	JOHN BENTON CAMPAIGN COMMITTEE	PANAMA CITY	FL	HOUSE
C00061002	JOHN BLAIR FOR CONGRESS COMMITTEE	EVANSVILLE	IN	HOUSE
C00067280	JOHN BRADEMAS COMMITTEE FOR A DEMOCRATIC MAJORITY	WASHINGTON	DC	PARTY RELATED
C00019158	JOHN BREAUX RE-ELECTION COMMITTEE	CROWLEY	LA	HOUSE
C00046565	JOHN BROWN FOR CONGRESS COMMITTEE	LEBANON	OH	HOUSE
C00025478	JOHN BURCHAM TESTIMONIAL	HYATTSVILLE	MO	HOUSE
C00013011	JOHN BURTON CONGRESSIONAL CAMPAIGN COMMITTEE	SAN FRANCISCO	CA	HOUSE
C00024877	JOHN CARROLL BYRNES FOR CONGRESS COMMITTEE	BALTIMORE	MO	HOUSE
C00055145	JOHN CURTIS FOR CONGRESS	JOHNSON CITY	TN	HOUSE
C00002600	JOHN D. DINGELL FOR CONGRESS COMMITTEE	FALLS CHURCH	VA	HOUSE
C00056457	JOHN DUCK FOR CONGRESS COMMITTEE	STILLWATER	OK	HOUSE
C00053066	JOHN E. GETZ FOR CONGRESS COMMITTEE	DETROIT	MI	HOUSE
C00062984	JOHN E. SOKOLY COMMITTEE	MILWAUKEE	WI	HOUSE
C00046623	JOHN G. FREEDOM FOR CONGRESS COMMITTEE	NORTH CANTON	OH	HOUSE
C00036178	JOHN GONCE FOR CONGRESS OF THE UNITED STATES	DENVER	CO	HOUSE
C00032680	JOHN GRAHAM POLITICAL ACTION COMMITTEE	SEATTLE	WA	NON-PARTY RELATED
C00061226	JOHN HAWKINS FOR CONGRESS COMMITTEE	DETROIT	MI	HOUSE
C00000219	JOHN HEINZ CAMPAIGN COMMITTEE (AKA COMMITTEE FOR RE-ELECTION OF	CONG. JOHN HEINZI PITTSBURGH	PA	HOUSE
C00029835	JOHN HEINZ FOR SENATE COMMITTEE (PRINCIPAL CAMPAIGN COMMITTEE)	PHILADELPHIA	PA	SENATE

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IDENTIFICATION	NAME			
C00075259	JOHN HEMENWAY FOR CONGRESS COMMITTEE	SEATTLE	WA	HOUSE
C00018689	JOHN J. WELCH FOR CONGRESS COMMITTEE	RUTLAND	VT	HOUSE
C00067647	JOHN K. (JACK) MCDONALD FOR CONGRESS COMMITTEE	BELT	MT	HOUSE
C00075671	JOHN LEWIS FOR CONGRESS COMMITTEE	ATLANTA	GA	HOUSE
C00052589	JOHN MANN FOR CONGRESS COMMITTEE	RONKONKOMA	NY	HOUSE
C00047530	JOHN MCDONOUGH FOR U.S. CONGRESS	KANSAS CITY	MO	HOUSE
C00071704	JOHN MYERS GOLF DAY	PENCE	IN	HOUSE
C00048890	JOHN NANCE GARNER CONGRESSIONAL COMMITTEE	EVERETT	WA	HOUSE
C00072124	JOHN O'NEILL FOR U.S. SENATE CAMPAIGN COMMITTEE	NORTH ROYALTON	OH	SENATE
C00033845	JOHN P. HAWKINS FOR U.S. SENATOR COMMITTEE	PROVIDENCE	RI	SENATE
C00003566	JOHN PAUL HAMMERSCHMIDT REELECTION COMMITTEE	HARRISON	AR	HOUSE
C00059337	JOHN R. RARICK CONGRESSIONAL CAMPAIGN COMMITTEE	SIDELL	LA	HOUSE
C00004762	JOHN R. RARICK CONGRESSIONAL CAMPAIGN FUND (DISTRICT FINANCE COMMITTEE)	BATON ROUGE	LA	HOUSE
C00050138	JOHN P. STOEFFLER FOR U.S. CONGRESS COMMITTEE	MANCHESTER	MO	HOUSE
C00012948	JOHN SARTAIN CAMPAIGN COMMITTEE	DALLAS	TX	HOUSE
C00036293	JOHN SCHELORUP FOR CONGRESS	LANCASTER,	PA	HOUSE
C00054486	JOHN STANLEY FOR CONGRESS COMMITTEE	RIVERDALE	MO	HOUSE
C00020081	JOHN STEVENS FOR CONGRESS ELECTION COMMITTEE	WICHITA	KS	HOUSE
C00038349	JOHN WADE CAMPAIGN COMMITTEE	GILMER	TX	HOUSE
C00054460	JOHN YOUNG POLITICAL ACTION COMMITTEE	CORPUS CHRISTI	TX	HOUSE
C00009530	JOHNS-MANVILLE POLITICAL ACTION COMMITTEE, INC.	DENVER	CO	NON-PARTY RELATED
C00010983	JOHNSON & JOHNSON EMPLOYEES' GOOD GOVERNMENT FUND	NEW BRUNSWICK	NJ	NON-PARTY RELATED
C00041756	JOHNSON COUNTY CARTER COMMITTEE	FRANKLIN	IN	PRESIDENTIAL
C00006783	JOHNSON COUNTY REPUBLICAN CENTRAL COMMITTEE	FRANKLIN	IN	PARTY RELATED
C00010645	JOHNSON FOR CONGRESS	NORTH VERNON	IN	HOUSE
C00064006	JOHNSON FOR CONGRESS	PHILADELPHIA	PA	HOUSE
C00066720	JOHNSON FOR CONGRESS	STONE MOUNTAIN	GA	HOUSE
C00004481	JOHNSON FOR CONGRESS CAMPAIGN	ROSEVILLE	CA	HOUSE
C00000867	JOHNSON FOR CONGRESS, INC.	FORT COLLINS	CO	HOUSE
C00067934	JOHNSON FOR PRESIDENT 76, CWVBOC	LOS ANGELES	CA	PRESIDENTIAL
C00027508	JOHNSON FOR U.S. SENATE COMMITTEE	LILBURN	GA	SENATE
C00054478	JOHNSON TO CONGRESS COMMITTEE	SMETHPORT	PA	HOUSE
C00001175	JOHNSON, JESSE	VILLE PLATTE	LA	DELEGATE
C00002355	JOHNSON, THOMAS A. JR.	MILLBROOK	NY	DELEGATE
C00042051	JOINT COUNCIL #37 FEDERAL POLITICAL FUND	PORTLAND	OR	NON-PARTY RELATED
C00030569	JOINT COUNCIL NO. 94-TEAMSTERS DRIVE FUND	LOUISVILLE	KY	NON-PARTY RELATED

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IDENTIFICATION	NAME		
C00042176	JOINT COUNCIL OF TEAMSTERS #87 (DRIVE)	BIRMINGHAM	AL
C00054452	JON PEKEL CONGRESSIONAL CAMPAIGN	TERRE HAUTE	IN
C00059204	JON ROTENBERG FOR CONGRESS COMMITTEE	BROOKLINE	MA
C00034181	JONES & LAUGHLIN STEEL CORPORATION ACTIVE CITIZENSHIP COMMITTEE	PITTSBURG	PA
C00017758	JONES COUNTY DEMOCRATIC CENTRAL COMMITTEE	TERMINATED ANAMOSA	IA
C00065714	JONES FOR CONGRESS	DETROIT	MI
C00009787	JONES FOR CONGRESS CLUB	TULSA	OK
C00003358	JONES FOR CONGRESS COMMITTEE	FARMVILLE	NC
C00050674	JORDAN FOR CONGRESS	NEW ORLEANS	LA
C90000779	JORDAN, R.C. (CONTRIBUTOR)	AMARILLO	TX
C00074070	JOSEPH A. LE FANTE ASSOC.	BAYONNE	NJ
C00048058	JOSEPH A. LEFANTE FOR CONGRESS COMMITTEE	BAYONNE	NJ
C00056051	JOSEPH K. GRIEM FOR U.S. CONGRESS	FORT LAUDERDALE	FL
C00019240	JOSEPH LEVIN FOR CONGRESS COMMITTEE	DETROIT	MI
C00020628	JOSEPH M. TIERNEY FOR CONGRESS COMMITTEE	HYDE PARK	MA
C00036749	JOSEPH S. HENDERSON FOR CONGRESS	PHILADELPHIA,	PA
C00050701	JOSEPH S. INDYK CONGRESSIONAL CAMPAIGN COMMITTEE	JAMESBURG	NJ
C90000804	JOYCE, EDWARD R.	ST. LOUIS	MO
C00051006	JUDY STEWART - U.S. HOUSE	KANEOHE	HI
C00048314	JUDY WILSON FOR CONGRESS	HUNTSVILLE	AL
C00074591	JULES W. "TED" HILLERY	JEFFERSON	LA
C00000265	JULIA BUTLER HANSEN FOR CONGRESS COMMITTEE	LONGVIEW	WA
C00031294	JULIAN BOND '76 CAMPAIGN COMMITTEE	TERMINATED ATLANTA	GA
C00010140	JUNEAU COUNTY REPUBLICAN ORGANIZATION	TERMINATED HAUSTON	WI
C0002490A	JUSTICE FOR GEORGE COMMITTEE	POCATELLO	ID
C00048454	KAFFENBERGER FOR CONGRESS COMMITTEE	TUCSON	AZ
C00070906	KAMIAN FOR CONGRESS COMMITTEE	BOSTON	MA
C00019372	KAIOAG BETTER GOVT COMMITTEE	PHOENIX	AZ
C00047415	KAISER ALUMINUM & CHEMICAL CORPORATION POLITICAL ACTION COMMITTEE	OAKLAND	CA
C00036702	KALAMAZOO DEMOCRATS '78(AKA KALAMAZOO DEMOCRATS '76)	KALAMAZOO	MI
C00001883	KALKASKA COUNTY REPUBLICAN COMMITTEE	SOUTH BOARDMAN	MI
C00073666	KANAWHA COUNTY DEMOCRATIC EXECUTIVE COMMITTEE	CHARLESTON	WV
C00054496	KANE FOR CONGRESS	SEATTLE	WA
C00016915	KANSANS FOR DON SMITH	DODGE CITY	KS
C00027425	KANSANS FOR SENATOR DOLE	TERMINATED TOPEKA	KS
C00010561	KANSAS ACTION COMMITTEE FOR RURAL ELECTRIFICATION	MANEGO	KS

NAME		
BIRMINGHAM	AL	NON-PARTY RELATED
TERRE HAUTE	IN	HOUSE
BROOKLINE	MA	HOUSE
PITTSBURG	PA	NON-PARTY RELATED
TERMINATED ANAMOSA	IA	PARTY RELATED
DETROIT	MI	HOUSE
TULSA	OK	HOUSE
FARMVILLE	NC	HOUSE
NEW ORLEANS	LA	HOUSE
AMARILLO	TX	INDEPENDENT EXPENDITOR
BAYONNE	NJ	HOUSE
BAYONNE	NJ	HOUSE
FORT LAUDERDALE	FL	HOUSE
DETROIT	MI	HOUSE
HYDE PARK	MA	HOUSE
PHILADELPHIA,	PA	HOUSE
JAMESBURG	NJ	HOUSE
ST. LOUIS	MO	INDEPENDENT EXPENDITOR
KANEOHE	HI	HOUSE
HUNTSVILLE	AL	HOUSE
JEFFERSON	LA	HOUSE
LONGVIEW	WA	HOUSE
TERMINATED ATLANTA	GA	PRESIDENTIAL
TERMINATED HAUSTON	WI	PARTY RELATED
POCATELLO	ID	HOUSE
TUCSON	AZ	HOUSE
BOSTON	MA	HOUSE
PHOENIX	AZ	NON-PARTY RELATED
OAKLAND	CA	NON-PARTY RELATED
KALAMAZOO	MI	PARTY RELATED
SOUTH BOARDMAN	MI	PARTY RELATED
CHARLESTON	WV	PARTY RELATED
SEATTLE	WA	HOUSE
DODGE CITY	KS	HOUSE
TERMINATED TOPEKA	KS	SENATE
MANEGO	KS	NON-PARTY RELATED

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IDENTIFICATION	NAME		
C00005082	KANSAS BANK PAC	SENECA	KS
C00042663	KANSAS CITY LIFE EMPLOYEES' POLITICAL ACTION COMMITTEE	KANSAS CITY	MO
C00060442	KANSAS FOR YOWELL	LAWRENCE	KS
C00000547	KANSAS MEDICAL POLITICAL ACTION COMMITTEE	TOPEKA	KS
C00006130	KANSAS POLITICAL ACTION COMMITTEE	TOPEKA	KS
C00004606	KANSAS REPUBLICAN STATE COMMITTEE	TOPEKA	KS
C00019380	KANSAS STATE DEMOCRATIC COMMITTEE	TOPEKA	KS
C00030171	KANSAS UOALL '76' COMMITTEE	TOPEKA	KS
C90000902	KANTER, JOEL S.	COLLEGE PARK	MD
C00050128	KARABATSOS FOR CONGRESS	MCLEAN	VA
C90000896	KARCHER, JOHN CLARENCE (CONTRIBUTOR)	DALLAS	TX
C00018788	KASTEN FOR CONGRESS COMMITTEE	MILWAUKEE	WI
C00069716	KATHY MCADAM FOR CONGRESS	NEWARK	NJ
C00069682	KATY GOOD GOVERNMENT COMMITTEE	DALLAS	TX
C00065548	KAUAI FRIENDS FOR JOE KURODA	LIHUE	HI
C00052910	KAYE FOR CONGRESS COMMITTEE	BANGOR	ME
C00017517	KAZEN FOR CONGRESS COMMITTEE	SAN ANTONIO	TX
C00048413	KEAMEY FOR CONGRESS COMMITTEE	MONTGOMERY	AL
C00054502	KEATING FOR CONGRESS	TULSA	OK
C00001118	KEEFER, FORESTER W.	MOUNTAINTOP	PA
C00014004	KEEP IKE IN CONGRESS COMMITTEE	BURLINGTON	NC
C00000273	KEEP JOHN RHODES IN CONGRESS COMMITTEE	MESA	AZ
C00008102	KEEP KASTENMETER IN CONGRESS COMMITTEE	MADISON	WI
C00047548	KEEP MCDADE IN CONGRESS COMMITTEE	SCRANTON	PA
C00052571	KEEP ROBIN BEARD IN CONGRESS COMMITTEE	FRANKLIN	TN
C00002405	KEEP SEIBERLING IN CONGRESS COMMITTEE	AKRON	OH
C00016733	KEEP TENO IN CONGRESS COMMITTEE	CHEYENNE	WY
C00044602	KEFAUVER SENATORIAL COMMITTEE	KNOXVILLE	TN
C90000920	KELLER, MRS. SUE (CONTRIBUTOR)	PAMPA	TX
C90000910	KELLEY, JOHN J. JR. (CONTRIBUTOR)	CINCINNATI	OH
C00020479	KELLIS FOR CONGRESS	FAIRFIELD	CT
C00039552	KELLOGG BETTER GOVERNMENT COMMITTEE	BATTLE CREEK	MI
C00033050	KELLWOOD COMPANY EMPLOYEES POLITICAL ACTION COMMITTEE	ST. LOUIS	MO
C00038533	KELLY CAMPAIGN COMMITTEE	LAVA HOT SPRINGS	ID
C00037846	KELLY CAMPAIGN COMMITTEE	PITTSBURGH,	PA
C00068841	KELLY FOR CONGRESS	VISTA	CA

NAME		
SENECA	KS	NON-PARTY RELATED
KANSAS CITY	MO	NON-PARTY RELATED
LAWRENCE	KS	HOUSE
TOPEKA	KS	NON-PARTY RELATED
TOPEKA	KS	NON-PARTY RELATED
TOPEKA	KS	PARTY RELATED
TOPEKA	KS	PARTY RELATED
TOPEKA	KS	PRESIDENTIAL
COLLEGE PARK	MD	INDEPENDENT EXPENDITOR
MCLEAN	VA	HOUSE
DALLAS	TX	INDEPENDENT EXPENDITOR
MILWAUKEE	WI	HOUSE
NEWARK	NJ	HOUSE
DALLAS	TX	NON-PARTY RELATED
LIHUE	HI	HOUSE
BANGOR	ME	HOUSE
SAN ANTONIO	TX	HOUSE
MONTGOMERY	AL	HOUSE
TULSA	OK	HOUSE
MOUNTAINTOP	PA	DELEGATE
BURLINGTON	NC	HOUSE
MESA	AZ	HOUSE
MADISON	WI	HOUSE
SCRANTON	PA	HOUSE
FRANKLIN	TN	HOUSE
AKRON	OH	HOUSE
CHEYENNE	WY	HOUSE
KNOXVILLE	TN	SENATE
PAMPA	TX	INDEPENDENT EXPENDITOR
CINCINNATI	OH	INDEPENDENT EXPENDITOR
FAIRFIELD	CT	HOUSE
BATTLE CREEK	MI	NON-PARTY RELATED
ST. LOUIS	MO	NON-PARTY RELATED
LAVA HOT SPRINGS	ID	HOUSE
PITTSBURGH,	PA	HOUSE
VISTA	CA	HOUSE

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IDENTIFICATION	NAME		
[illegible]	KELLY FOR CONGRESS COMMITTEE	CLEVELAND OH	HOUSE
[illegible]	KELLY PEARCE FOR CONGRESS COMMITTEE	LAVA HOT SPRINGS ID	HOUSE
[illegible]	KELLY, EDWARD W.	KATONAH NY	DELEGATE
[illegible]	KELLY-PARTY COMMITTEE	ST PETERSBURG FL	HOUSE
[illegible]	KEMP, MAURY P. (CONTRIBUTOR)	EL PASO TX	INDEPENDENT EXPENDITOR
[illegible]	KEMP, THOMAS L.	ELKTON MD	DELEGATE
[illegible]	KEMPER CAMPAIGN FUND	LONG GROVE IL	NON-PARTY RELATED
[illegible]	KEN BUTTERWORTH TO CONGRESS	MARIETTA GA	HOUSE
C00010298	KEN FISHER CAMPAIGN FUND	BELL GARDENS CA	HOUSE
C00053413	KEN JOHNSON FOR CONGRESS COMMITTEE	TOPEKA KS	HOUSE
C00020172	KEN MILLER FOR CONGRESS	TERMINATED MOSCOW ID	HOUSE
C00026070	KEN PURSLEY FOR CONGRESS COMMITTEE	BOISE ID	HOUSE
C00033183	KEN WOODRUFF WORKING PEOPLES COMMITTEE	ARNOLD MO	PRESIDENTIAL
C00012047	KENNECOTT EXECUTIVES, CITIZENSHIP ASSOCIATION	NEW YORK NY	NON-PARTY RELATED
C00035899	KENNEDY FOR CONGRESS	PLEASANTVILLE NY	HOUSE
C00000698	KENNEDY, E. CRAIG	SHREVEPORT LA	DELEGATE
C00025981	KENNETH J. GROSSENBERGER FOR CONGRESS	NEW YORK NY	HOUSE
C00067744	KENNETH ZURBRUGG FOR US REP 19TH DISTRICT	SEBRING OH	HOUSE
C00037721	KENNEY FOR CONGRESS	MEDIA PA	HOUSE
C00069930	KENNEY FOR SENATE	SEATTLE WA	SENATE
C00033597	KENOSHA COUNTY REPUBLICAN PARTY	KENOSHA WI	PARTY RELATED
C00040980	KENT COUNTY DEMOCRATIC COMMITTEE	GRAND RAPPIDS MI	PARTY RELATED
C00075838	KENT COUNTY DEMOCRATIC STATE CENTRAL COMMITTEE	N/A MD	PARTY RELATED
C00013029	KENT COUNTY REPUBLICAN COMMITTEE	GRAND RAPIDS MI	PARTY RELATED
C00013037	KENT COUNTY REPUBLICAN FINANCE COMMITTEE	GRAND RAPIDS MI	PARTY RELATED
C00061291	KENTON FOR CONGRESS	TOWSON MD	HOUSE
C00061440	KENTUCKY AMERICAN '76 CAMPAIGN	LOISVILLE KY	PARTY RELATED
C00062036	KENTUCKY BANKERS ASSOC POLITICAL ACTION COMMITTEE	LOUISVILLE KY	NON-PARTY RELATED
C00018164	KENTUCKY COMMITTEE FOR POLITICAL ACTION	PHILPOT KY	NON-PARTY RELATED
C00002949	KENTUCKY CONSTRUCTION INDUSTRY PAC	LEXINGTON KY	NON-PARTY RELATED
C00008334	KENTUCKY DENTAL POLITICAL ACTION COMMITTEE	LEXINGTON KY	NON-PARTY RELATED
C00016444	KENTUCKY EDUCATIONAL MEDICAL POLITICAL ACTION COMMITTEE	LOUISVILLE KY	NON-PARTY RELATED
C00073080	KENTUCKY SOCIALIST WORKERS 1976 CAMPAIGN COMMITTEE	LOUISVILLE KY	PARTY RELATED
C70000377	KENTUCKY STATE AFL-CIO COPE	LOUISVILLE KY	NON-PARTY RELATED
C00011403	KENTUCKY STATE AFL-CIO COPE	TERMINATED LOUISVILLE KY	NON-PARTY RELATED
C00011197	KENTUCKY STATE DEMOCRATIC CENTRAL EXECUTIVE COMMITTEE	FRANKFORT KY	PARTY RELATED

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IDENTIFICATION	NAME		
C00065946	KENTUCKY UNITED LABOR COMMITTEE FOR CARTER-MONDALE	LOUISVILLE KY	PRESIDENTIAL
C00034041	KERR-MCGEE CORPORATION POLITICAL ACTION COMMITTEE	OKLAHOMA CITY OK	NON-PARTY RELATED
C00006775	KETCHUM CAMPAIGN COMMITTEE	BAKERSFIELD CA	HOUSE
C00018168	KEYS FOR CONGRESS COMMITTEE	MANHATTAN KS	HOUSE
C00026559	KHOLOS FOR CONGRESS	SANTA MONICA CA	HOUSE
C00038356	KIEL FOR CONGRESS	BUCKINGHAM PA	HOUSE
C00026484	KIKA DE LA GARZA FOR CONGRESS	MIDALGO TX	HOUSE
C00026682	KILDEE FOR CONGRESS	FLINT MI	HOUSE
C00068577	KINCES FOR SENATE COMMITTEE	PHILDELPHIA PA	SENATE
C00015602	KINDNESS FOR CONGRESS COMMITTEE	HAMILTON OH	HOUSE
C00001024	KING CONGRESSIONAL COMMITTEE	SARATOGA SPRINGS NY	HOUSE
C00036665	KING FOR CONGRESS	EXCELSIOR SPRINGS MO	HOUSE
C00070797	KING FOR CONGRESS COMMITTEE	INDEPENDENCE MO	HOUSE
C00026872	KING GOLDEN FOR CONGRESS	SAN DIEGO CA	HOUSE
C90000944	KING, RUFUS (CONTRIBUTOR)	WICHITA FALLS KS	INDEPENDENT EXPENDITOR
C80000706	KING, WILLIAM H.	CUMBERLAND MD	DELEGATE
C90000951	KING, YUM Y.	PINE BLUFF AR	INDEPENDENT EXPENDITOR
C00042606	KINGS COUNTY DEMOCRATIC COMMITTEE	BROOKLYN NY	PARTY RELATED
C00069823	KINGS COUNTY LIBERAL PARTY CARTER-MONDALE	BROOKLYN NY	PRESIDENTIAL
C00024802	KINGS COUNTY REPUBLICAN CENTRAL COMMITTEE	HANFORD CA	PARTY RELATED
C80002338	KIMLAW, LARRY J.	FRANKLINTON LA	DELEGATE
C00036186	KIRBY FOR CONGRESS	WILSON NC	HOUSE
C00065532	KIRKHAM VOLUNTEER COMMITTEE	FRIDLEY MN	HOUSE
C00051516	KIRSCH FOR CONGRESS COMMITTEE	CLEVELAND OH	HOUSE
C00052852	KISHA FOR CONGRESS COMMITTEE	BROOKLYN NY	HOUSE
C00051118	KITTS FOR CONGRESS COMMITTEE	AUBURN MI	HOUSE
C00061663	KITZENBURG FOR CONGRESS	MILES CITY MT	HOUSE
C90002064	KIYOTA, ROBERT	SAN FRANCISCO CA	INDEPENDENT EXPENDITOR
C00036889	KLASS FOR CONGRESS	PHOENIX AZ	HOUSE
C00006023	KLEBERG COUNTY REPUBLICAN FINANCE COMMITTEE	KINGSVILLE TX	PARTY RELATED
C00024067	KLEN BOOSTERS, INC.	HAMMOND IN	HOUSE
C00062012	KLEPPE FOR CONGRESS	DAWSON ND	HOUSE
C00063354	KLUGER FOR CONGRESS	FOREST HILLS NY	HOUSE
C00019398	KNAUF CAMPAIGN	WATERBURY CT	HOUSE
C00039099	KNAUS FOR PRESIDENT	MENDOTE HGTS MN	PRESIDENTIAL
C00074856	KNAUS FOR SENATOR COMMITTEE	MENDOSA MN	SENATE

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IDENTIFICATION	NAME		
C90000829	KNOTT, KEN (CONTRIBUTOR)	BUENA PARK	CA
C90000837	KNOTT, MARION (CONTRIBUTOR)	LAGUNA BEACH	CA
C90000845	KNOTT, RUSSELL M.	BUENA PARK	CA
C90000852	KNOTT, STEVE (CONTRIBUTOR)	FULLERTON	CA
C90000860	KNOTT, VIRGINIA (CONTRIBUTOR)	NEWPORT BEACH	CA
C90001512	KNOTT, WALTER	BUENA PARK	CA
C00002652	KNOUSE, MARK S.	HARRISBURG	PA
C00019828	KNOX COUNTY REPUBLICAN CENTRAL COMMITTEE	TERMINATED VINCENNES	IN
C00067454	KNOX COUNTY REPUBLICAN EXECUTIVE COMMITTEE	MT VERNON	OH
C00000943	KNUDSEN EMPLOYEE'S POLITICAL ACTION	LOS ANGELES	CA
C00061200	KNUTSON FOR CONGRESS	NEGAUNEE	MI
C00048892	KOCH FOR CONGRESS COMMITTEE	ST. LOUIS	MO
C00052431	KOENIG FOR CONGRESS '76	BALTIMORE	MD
C00018994	KOLTYPIN FOR CONGRESS COMMITTEE	BRONX	NY
C00046037	KONNYU ELECTION COMMITTEE	SARATOGA	CA
C00037788	KOORY FOR CONGRESS	PHOENIX	AZ
C00034603	KOPPERS EMPLOYEES POLITICAL ACTION FUND	PITTSBURG	PA
C00051102	KOSTELAC FOR CONGRESS COMMITTEE	MCKEESPORT	PA
C00037754	KOSTMAYER FOR CONGRESS	HUNTINGDON VALLEY	PA
C00000714	KOUNTZE, DENMAN JR.	OMAHA	NE
C00007179	KOWALSKI FOR CONGRESS COMMITTEE	SALEM	MA
C00067507	KOZAK FOR CONGRESS COMMITTEE	SHELTON	CT
C00000722	KRAEMER, ANNE	NEW YORK	NY
C00000730	KRAEMER, JOHN JOSEPH	NEW ROCHELLE	NY
C00016618	KRAMER FOR CONGRESS	OAK PARK	MI
C00014340	KREBS CAMPAIGN COMMITTEE	FRESNO	CA
C00014779	KREN FOR CONGRESS	DOWNERS GROVE	IL
C00019612	KRETCHMER FOR CONGRESS COMMITTEE	NEW YORK	NY
C00059238	KROGER BETTER GOVERNMENT COMMITTEE	CINCINNATTI	OH
C00019281	KROPP FOR CONGRESS COMMITTEE	ENDICOTT	NY
C00014258	KUCINICH TO CONGRESS	CLEVELAND	OH
C90001504	KUGHN, RICHARD P	DETROIT	MI
C00062307	KUMAR FOR CONGRESS COMMITTEE	WINDSOR	PA
C00048804	KURODA FOR CONGRESS COMMITTEE	AREA	MI
C00065839	KURODA FOR CONGRESS, BIG ISLAND	AREA	MI
C00013698	KYLE HUBBARD FOR CONGRESS CAMPAIGN COMMITTEE	LOUISVILLE	KY

INDEPENDENT EXPENDITOR		
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FEDERAL ELECTION COMMISSION
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IDENTIFICATION	NAME		
C00058040	KYO R. JHIN FOR CONGRESS COMMITTEE	HUNTSVILLE	AL
C00030445	L.A. COUNTY COPE-VOLUNTARY POLITICAL CONTRIBUTION COMMITTEE	LOS ANGELES	CA
C70000305	L.A. COUNTY FEDERATION OF LABOR, AFL-CIO	LOS ANGELES	CA
C00001958	L.G. WILLIAMS FOR CONGRESS COMMITTEE	SPRINGFIELD	PA
C00019596	LA FALCE FOR CONGRESS	KENMORE	NY
C00054708	LA HODA FOR CONGRESS	CORNWELLS HEIGHTS	PA
C00043628	LA JOLLA DEMOCRATIC CLUB	LA JOLLA	CA
C00071600	LA RAZA UNIDA PARTY	PUEBLO	CO
C00012179	LABOR COALITION CLEARINGHOUSE VOLUNTARY FUND	WASHINGTON	DC
C00042689	LABOR COMMITTEE FOR POLITICAL ACTION IN NEW YORK STATE	BROOKLYN	NY
C00063389	LABOR COMMITTEE FOR THE ELECTION OF DANIEL P. MOYNIHAN FOR U.S. SENATE	NEW YORK	NY
C00010926	LABOR COMMITTEE FOR THE RE-ELECTION OF MAZZOLI	LOUISVILLE	KY
C00043240	LABOR DIRECTORY	PHOENIX	AZ
C00035832	LABOR FOR BAYH COMMITTEE	SALEM	NH
C00032268	LABOR FOR JACKSON	WASHINGTON	DC
C00003750	LABOR FOR LUNDINE COMMITTEE	JAMESTOWN	NY
C00055269	LABOR FOR PANETTA	MONTEREY	CA
C00005835	LABOR'S INVESTMENT IN VOTER EDUCATION	AKRON	OH
C00042747	LABORERS LOCAL 660 POLITICAL COMMITTEE	ST. CHARLES	MO
C00069211	LABORERS' INTERNATIONAL UNION OF NORTH AMERICA, LOCAL 8894	AKRON	OH
C00007922	LABORERS' POLITICAL LEAGUE	WASHINGTON	DC
C00002858	LACKEY, BOBBY	WESLACO	TX
C00033712	LACLEDE COUNTY REPUBLICAN CENTRAL COMMITTEE	LEBANON	MO
C90000688	LADIES FOR REAGAN	BOISE	ID
C00070656	LAFAYETTE PARISH DEMOCRATIC EXECUTIVE COMMITTEE	LAFAYETTE	LA
C00021550	LAGUNA HILLS REPUBLICAN CLUB	LAGUNA HILLS	CA
C00070409	LAKE CHARLES MUNICIPAL DEMOCRATIC EXECUTIVE COMMITTE	LAKE CHARLES	LA
C00009506	LAKE COUNTY COUNCIL OF REPUBLICAN WOMEN, FEDERATED	TERMINATED CLEARLAKE HIGHLANDS	CA
C00006098	LAKE COUNTY REPUBLICAN CENTRAL COMMITTEE	LAKEPORT	CA
C00075002	LAKE COUNTY REPUBLICAN CENTRAL COMMITTEE	MERRILLVILLE	IN
C00003525	LAKE COUNTY REPUBLICAN FEDERATION	WAUKEGAN	IL
C00026427	LAKESHORE ALUMNI FOR STOCKMAN	STEVENSVILLE	MI
C00054718	LAMAR BAKER FOR CONGRESS	CHATTANOOGA	TN
C00023051	LAMAR COUNTY REPUBLICAN PARTY	PARIS	TX
C00000748	LAMBERT, FRANCIS J.	MORRIDGE	IL
C00015990	LANCASTER COUNTY REPUBLICAN COMMITTEE	LANCASTER	PA

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DELEGATE		
PARTY RELATED		

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IDENTIFICATION	NAME		
C00034546	LAND AND WATER POLITICAL ACTION COMMITTEE (LAW-PAC)	WASHINGTON DC	NON-PARTY RELATED
C00004150	LANDGREBE FOR CONGRESS COMMITTEE	VALPARAISO IN	HOUSE
C00073320	LANELL BUFFINGTON FOR U.S. REPRESENTATIVE	DETROIT MI	HOUSE
C00001027	LANGERMAN, SAMUEL	PHOENIX AZ	INDEPENDENT EXPENDITOR
C00014548	LANGFORD FOR CONGRESS	KEARNEY NB	HOUSE
C00063032	LANGONE FIGHTING FOR U.S. SENATOR COMMITTEE	BOSTON MA	SENATE
C00014837	LANINGHAM FOR CONGRESS COMMITTEE	WINDSOR CO	HOUSE
C00016501	LANSING FOR CONGRESS COMMITTEE	ANN ARBOR MI	HOUSE
C00046813	LAPEER COUNTY REPUBLICAN PARTY	LAPEER MI	PARTY RELATED
C00019471	LAPORTE COUNTY REPUBLICAN CENTRAL COMMITTEE	LAPORTE IN	PARTY RELATED
C00015487	LARCAMP FOR CONGRESS	ST. ALBANS WV	HOUSE
C00012054	LARIMER COUNTY DEMOCRATIC CENTRAL COMMITTEE	FORT COLLINS CO	PARTY RELATED
C00073007	LARRY D. SMITH, SMITH FOR CONGRESS COMMITTEE	KEOSAUQUA IL	HOUSE
C00052365	LARRY LICK FOR CONGRESS COMMITTEE	NEW HAVEN MI	HOUSE
C00017021	LARRY PRESSLER FOR CONGRESS COMMITTEE	HUMBOLT SD	HOUSE
C00054171	LARSEN CONGRESSIONAL CAMPAIGN COMMITTEE	ROCHESTER NY	HOUSE
C00050112	LARSEN FOR CONGRESS COMMITTEE	DUBLIN GA	HOUSE
C00067769	LARUE COUNTY DEMOCRATIC EXECUTIVE COMMITTEE	HODGENVILLE KY	PARTY RELATED
C00008554	LATTA FOR CONGRESS COMMITTEE	PAULDING OH	HOUSE
C00023333	LAUREL COUNTY COMMITTEE FOR MARLOW COOK	LONDON KY	SENATE
C00074575	LAUREL COUNTY DEMOCRATIC EXECUTIVE COMMITTEE	LONDON KY	PARTY RELATED
C00062141	LAWRENCE COUNTY CITIZEN FOR ATKINS	NEW CASTLE PA	HOUSE
C00000201	LAWRENCE COUNTY REPUBLICAN COMMITTEE	BEDFORD IN	PARTY RELATED
C00060905	LAWRENCE O. VANDEWALLE FOR CONGRESS COMMITTEE	SOUTH BEND IN	HOUSE
C00072413	LAWRENCE DEAN FOR CONGRESS COMMITTEE	MORRICE MI	HOUSE
C00014519	LAWRENCE FOR CONGRESS	SIMI VALLEY CA	HOUSE
C00027441	LAWTON CHILES CAMPAIGN COMMITTEE	LAKELAND FL	SENATE
C00021188	LAWYERS COMMITTEE FOR YOSWEIN FOR CONGRESS	BROOKLYN NY	HOUSE
C00001650	LAWYERS FOR LIFE, INC.	ST. LOUIS MO	INDEPENDENT EXPENDITOR
C00075028	LAWYERS POLITICAL ACTION COMMITTEE	BAY CITY MI	NON-PARTY RELATED
C00067116	LAWYERS POLITICAL ACTION COMMITTEE (MICH)	BAY CITY MI	NON-PARTY RELATED
C00006874	LEA COUNTY REPUBLICAN CENTRAL COMMITTEE	HOBBS NM	PARTY RELATED
C00014159	LEACH FOR CONGRESS COMMITTEE	DETTENDORF IA	HOUSE
C00004089	LEAGUE OF CONSERVATION VOTERS	WASHINGTON DC	NON-PARTY RELATED
C00004077	LEAGUE OF CONSERVATION VOTERS CAMPAIGN FUND	WASHINGTON DC	NON-PARTY RELATED
C00074088	LEAGUE OF VOTER EDUCATION	ATLANTA GA	HOUSE

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C00068353	LEAHY FOR U.S. SENATOR COMMITTEE	WASHINGTON DC	SENATE
C90001421	LEAHY, DENNIS LEE	ROCKFORD IL	INDEPENDENT EXPENDITOR
C00047571	LEBDER FOR CONGRESS COMMITTEE	UNIONTOWN PA	HOUSE
C00041448	LEALOND POLITICAL COMMITTEE	CINCINNATI OH	NON-PARTY RELATED
C00038083	LEDERER FOR CONGRESS	PHILADELPHIA PA	HOUSE
C00052563	LEE BOOTHBY FOR CONGRESS COMMITTEE	BERRIEN SPRINGS MI	HOUSE
C00000755	LEEDOM, JOHN N.	DALLAS TX	DELEGATE
C00002314	LEEPER, CORA SUE	NILES OH	DELEGATE
C00005157	LEGISLATIVE EDUCATION ACTION PROGRAM CAMPAIGN ASSISTANCE FUND	KANSAS CITY KS	NON-PARTY RELATED
C00007187	LEGISLATIVE INTEREST COMMITTEE OF ILLINOIS DENTISTS	CHICAGO IL	NON-PARTY RELATED
C00073460	LEIDERMAN FOR CONGRESS	STEELVILLE MO	HOUSE
C00062992	LEISETH VOLUNTEER COMMITTEE	DETROIT LAKES MN	HOUSE
C00069633	LEISURE WORLD DEMOCRATIC CLUB	SEAL BEACH CA	PARTY RELATED
C00029878	LEMAN FOR U.S. SENATOR	CROSBY TX	SENATE
C00073965	LEMBHARD G. HOWELL FOR CONGRESS	SEATTLE WA	HOUSE
C90001710	LEMON, JAMES ANTHONY	FALLS CHURCH VA	INDEPENDENT EXPENDITOR
C00018960	LEN PHILLIPS FOR CONGRESS	LANCASTER SC	HOUSE
C00021030	LEN SMITH FOR CONGRESS COMMITTEE	WHITEWATER WI	HOUSE
C00039636	LENAPE MERIT SHOP POLITICAL ACTION COMMITTEE	RIVERTON NJ	NON-PARTY RELATED
C00031179	LENAWEE COUNTY REPUBLICAN COMMITTEE	ADRIAN MI	PARTY RELATED
C00060483	LENDERMAN FOR CONGRESS	EVERTT WA	HOUSE
C90001439	LENDRUM, PETER A.	PHOENIX AZ	INDEPENDENT EXPENDITOR
C00073692	LENOIR COUNTY DEMOCRATIC PARTY EXECUTIVE COMMITTEE	KINSTON NC	PARTY RELATED
C00000794	LENT FOR CONGRESS COMMITTEE	ISLAND PARK NY	HOUSE
C00061374	LEO FOR CONGRESS COMMITTEE	EVERETT MA	HOUSE
C00050013	LEO J. RYAN FOR CONGRESS COMMITTEE	SAN MATEO CA	HOUSE
C00044644	LEON DUBI CAMPAIGN COMMITTE	CUERO TX	SENATE
C00028302	LEON PANETTA FOR CONGRESS	MONTEREY CA	HOUSE
C00015214	LEONARD FOR CONGRESS COMMITTEE	BEAVER OK	HOUSE
C00005314	LEONOR K. SULLIVAN FOR CONGRESS FINANCE COMMITTEE	ST. LOUIS MO	HOUSE
C00002304	LESEGANICH, FRANK	CANFIELD OH	DELEGATE
C00007237	LESUEUR COUNTY REPUBLICAN COMMITTEE	WATERVILLE MN	PARTY RELATED
C00054510	LET'S GO PRO	METAIRIE LA	HOUSE
C00017129	LEVIN FOR CONGRESS COMMITTEE	WESTFIELD NJ	HOUSE
C00062174	LEVINSON FOR CONGRESS COMMITTEE	KEW GARDENS NY	HOUSE
C00017269	LEVITAS CAMPAIGN COMMITTEE	ATLANTA GA	HOUSE

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IDENTIFICATION	NAME		
C00011049	LEWIS COUNTY REPUBLICAN COMMITTEE	LOWVILLE	NY
C00000763	LEWIS, KATHRYN S.	LAKEWOOD	CO
C90001447	LEWIS, ROGER E. (CONTRIBUTOR)	WICHITA FALLS	TX
C90000969	LEWIS, SIDNEY AND FRANCES	RICHMOND	VA
C70000062	LIBBEY-OWENS-FORD COMPANY	TOLEDO	OH
C00075366	LIBERAL PARTY CAMPAIGN COMMITTEE 1976-FEDERAL	NEW YORK,	NY
C00066621	LIBERAL PARTY CAMPAIGN COMMITTEE FOR 1976-CARTER-MONDALE	NEW YORK	NY
C00027292	LIBERALS FOR JAVITS	NEW YORK	NY
C00042275	LIBERTARIAN PARTY	WASHINGTON	DC
C00019547	LIBERTY BENEFIT FOR KRETCHMER	NEW YORK	NY
C00003582	LICKING COUNTY REPUBLICAN EXECUTIVE COMMITTEE	NEWARK	OH
C00047563	LICKLIDER FOR CONGRESS COMMITTEE	DAYTON	OH
C00061713	LIEBERMAN FOR CONGRESS	STEELVILLE	MO
C00029611	LIFE UNDERWRITERS PAC-TEXAS	AUSTIN	TX
C00005249	LIFE UNDERWRITERS POLITICAL ACTION COMMITTEE	WASHINGTON	DC
C00050880	LIGON FOR CONGRESS	SALISBURY	NC
C00065052	LILLAN E. REIMER FOR CONGRESS	SYRACUSE	NY
C00071787	LIMESTONE COUNTY CITIZENS FOR FORD	DALLAS	TX
C00017293	LINCOLN CLUB OF KENTUCKY	LOUISVILLE	KY
C00035246	LINCOLN CLUB OF ORANGE COUNTY	FULLERTON	CA
C00020040	LINCOLN CLUBS OF LOS ANGELES COUNTY	GLENDALE	CA
C00071720	LINCOLN FOR CONGRESS	LEWISTON	ME
C00011817	LINCOLNIA CLUB	PORTLAND	IN
C00011759	LINDY BOGGS CAMPAIGN COMMITTEE (AKA LINDY BOGGS CAMPAIGN FUND)	NEW ORLEANS	LA
C00010595	LINN CHAPTER OF THE DEMOCRATIC WOMENS ACTIVITIES OF IOWA	CEDAR RAPIDS	IA
C00011411	LINN COUNTY (MISSOURI) REPUBLICAN COMMITTEE	BROOKFIELD	MO
C00004507	LINSKY FOR CONGRESS COMMITTEE	NEWTON HIGHLANDS	MA
C00018004	LINSPAC	MIAMI BEACH	FL
C00010447	LIPPITT FOR CONGRESS	SOUTH EUCLID	OH
C00008789	LITCO GOOD GOVERNMENT FUND	GARDEN CITY	NY
C00032409	LITTLE MEN AND WOMEN'S MARCHING AND WHISTLING CHOWDER COMMITTEE	SAN JOSE	CA
C00008441	LITTLETON COMMITTEE FOR POLITICAL EDUCATION	LITTLETON	CO
C00035667	LITTON EMPLOYEES PAC (LEPAC)	BEVERLY HILLS	CA
C00055558	LITTON FOR U.S. SENATOR	KANSAS CITY	MO
C00013649	LITTON'S SUPPORTERS FOR BETTER GOVERNMENT	CHILLICOTFE	MO
C90000977	LITTON, CHARLES	CHILLICOTHE	MO

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SENATE	
HOUSE	
INDEPENDENT EXPENDITOR	

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IDENTIFICATION	NAME		
C00000771	LIVELY, OLIN ARNOLD	DALLAS	TX
C00031283	LIVINGSTON COUNTY REPUBLICAN COMMITTEE	HOWELL	MI
C00043612	LIVINGSTON COUNTY REPUBLICAN WOMEN'S CLUB	HOWELL	MI
C00071969	LIVINGSTON FOR CONGRESS	ORANGEBURG	SC
C00053751	LIVINGSTON FOR CONGRESS COMMITTEE	NEW ORLEANS	LA
C00038760	LIVONIA INTERESTED DEMOCRATS	LIVONIA	MI
C00026401	LIZ JAYKO FOR CONGRESS COMMITTEE	ST LOUIS	MO
C00035386	LLOYD FOR SENATE COMMITTEE	SALT LAKE CITY	UT
C00047084	LLOYD M. BLEVINS FOR CONGRESS	KINGSPORT	TN
C00034207	LMB-PAC	DAYTON	OH
C70000419	LOCAL 148 - 162 I.L.G.W.U.	UNION CITY	NJ
C00011468	LOCAL 2 POLITICAL ACTION COMMITTEE FUND	NEW YORK	NY
C00008409	LOCAL 302 VOLUNTARY POLITICAL FUND	SEATTLE	WA
C00017376	LOCAL 35 POLITICAL COMMITTEE-NATIONAL	HARTFORD	CT
C00011569	LOCAL 52 REGISTER AND VOTE COMMITTEE (COPE COMMITTEE)	LOS ANGELES	CA
C00033365	LOCAL 525 VOLUNTARY POLITICAL ACTION FUND	ASHEVILLE	NC
C70000393	LOCAL 57-77, I.L.G.W.U.	JAMAICA	NY
C00004440	LOCAL 745 DRIVE	DALLAS	TX
C00041988	LOCAL 860 LABOR POLITICAL ACTION LEAGUE	CLEVELAND	OH
C70000401	LOCAL 91, I.L.G.W.U.	NEW YORK	NY
C00069377	LOCAL P-3 POLITICAL COMMITTEE	CEDAR RAPIDS	IA
C00006759	LOCAL UNION DRIVE NO. 25	BOSTON	MA
C00011601	LOCAL UNION NO.364 VOTER EDUCATION AND POLITICAL FUND	SOUTH BEND	IN
C00030783	LOCKHEED GOOD GOVERNMENT PROGRAM	BURBANK	CA
C90000985	LOCKWOOD, EMIL	LANSING	MI
C00013953	LOEBL FOR CONGRESS COMMITTEE	VENTURA	CA
C00014381	LOGAN COUNTY REPUBLICAN CENTRAL AND EXECUTIVE COMMITTEE	WEST LIBERTY	OH
C00060970	LOGAN FOR CONGRESS COMMITTEE	TRAFALGAR	IN
C00034454	LONE STAR STEEL PAC	DALLAS	TX
C00075036	LONG BEACH COUNCIL OF REPUBLICAN WOMEN, FEDERATED	LONG BEACH,	CA
C00025387	LONG TESTIMONIAL DINNER COMMITTEE	TOWSON	MD
C00000789	LONGORIA, RAUL L.	EDINBURG	TX
C00065599	LOOMIS FOR SENATE COMMITTEE	WEST HARTFORD	CT
C00010793	LOOSE GROUP, THE	DORAVILLE	GA
C00000912	LORAIN COUNTY DEMOCRATIC CENTRAL COMMITTEE	ELYRIA	OH
C00008928	LORAIN COUNTY DEMOCRATIC EXECUTIVE COMMITTEE	LORAIN	OH

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NON-PARTY RELATED	
PARTY RELATED	
PARTY RELATED	

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IDENTIFICATION	NAME		
C00002196	LOS ANGELES COUNTY PHYSICIANS COMMITTEE	LOS ANGELES	CA	NON-PARTY RELATED
C00040196	LOS ANGELES WESTSIDE SOCIALIST WORKERS 1976 CAMPAIGN COMMITTEE	LOS ANGELES	CA	PARTY RELATED
C00011593	LOS FELIZ REPUBLICAN WOMEN'S CLUB, FEDERATED	LOS ANGELES	CA	PARTY RELATED
C00003433	LOU FREY APPRECIATION COMMITTEE (AKA LOU FREY JR. APPRECIATION	(INNER) ORLANDO	FL	HOUSE
C00040063	LOU O'HARA COMMITTEE, THE	PROVIDENCE	RI	PRESIDENTIAL
C00066704	LOUDOUN'S BYRD COMMITTEE	LEESBURG	VA	SENATE
C00028472	LOUIE B. NUNN FOR THE U.S. SENATE	LEXINGTON	KY	SENATE
C00046995	LOUIS STOKES FOR CONGRESS COMMITTEE	CLEVELAND	OH	HOUSE
C00048876	LOUISE WOFFORD FOR CONGRESS COMMITTEE	GAINESVILLE	GA	HOUSE
C00000187	LOUISIANA 8TH C.D. UNCOMMITTED DELEGATE COMMITTEE	ALEXANDRIA	LA	DELEGATE
C70000427	LOUISIANA AFL-CIO	BATON ROUGE	LA	NON-PARTY RELATED
C00018192	LOUISIANA COMMITTEE FOR POLITICAL ACTION	YOUNGSVILLE	LA	NON-PARTY RELATED
C00042168	LOUISIANA FEDERAL BANKERS POLITICAL ACTION COMMITTEE	BATON ROUGE	LA	NON-PARTY RELATED
C00069369	LOUISIANA FOR FORD COMMITTEE	GRETNA,	LA	PRESIDENTIAL
C00038539	LOUISIANA FRED HARRIS FOR PRESIDENT COMMITTEE	NEW ORLEANS	LA	PRESIDENTIAL
C00032425	LOUISIANA MACBRIDE FOR PRESIDENT COMMITTEE	LAFAYETTE	LA	PRESIDENTIAL
C00071951	LOUISIANA MADDOX FOR PRESIDENT COMMITTEE	BATON ROUGE	LA	PRESIDENTIAL
C00001008	LOUISIANA MEDICAL POLITICAL ACTION COMMITTEE	NEW ORLEANS	LA	NON-PARTY RELATED
C00038438	LOUISIANA REPUBLICAN FEDERAL CAMPAIGN COMMITTEE	BATON ROUGE	LA	PARTY RELATED
C00073932	LOUISIANA REPUBLICAN PARTY 1ST CONGRESSIONAL DISTRICT	NEW ORLEANS	LA	PARTY RELATED
C00067520	LOUISIANA VOTE FOR FORD COMMITTEE	NEW ORLEANS	LA	PRESIDENTIAL
C00002998	LOVELL, JAMES R.	DUMAS	TX	DELEGATE
C00023135	LOW COST ELECTRIC ENERGY COMMITTEE	BOONEVILLE	IA	NON-PARTY RELATED
C00063438	LOWE FOR CONGRESS	ATLANTA	GA	HOUSE
C00036160	LOWELL WEEKS FOR CONGRESS COMMITTEE	BANGOR,	ME	HOUSE
C00052845	LOWENSTEIN '76 COMMITTEE	GREAT NECK	NY	HOUSE
C00003186	LOWENSTEIN FOR CONGRESS	BROOKLYN	NY	HOUSE
C00020636	LOWENSTEIN FOR CONGRESS '74 COMMITTEE	GREAT NECK	NY	HOUSE
C00042481	LOWER EAST SIDE SOCIALIST WORKERS CAMPAIGN COMMITTEE	NEW YORK	NY	PARTY RELATED
C00017166	LOWER MERION-NARBERTH REPUBLICAN PRIMARY CAMPAIGN COMMITTEE	ARDMORE	PA	PARTY RELATED
C00025270	LOWRY FOR CONGRESS COMMITTEE	PORTLAND	ME	HOUSE
C00034058	LOYAL DEMOCRATS	PHILADELPHIA	PA	PARTY RELATED
C00008953	LTV CORP./VOUGHT CORP.ACTIVE CITIZENSHIP CAMPAIGN	DALLAS	TX	NON-PARTY RELATED
C00064899	LUBBOCK COUNTY DEMOCRATIC CAMPAIGN COMMITTEE	LUBBOCK	TX	PARTY RELATED
C00006213	LUCAS COUNTY DEMOCRATIC EXECUTIVE COMMITTEE	TOLEDO	OH	PARTY RELATED
C00019189	LUCAS COUNTY REPUBLICAN EXECUTIVE COMMITTEE	TOLEDO	OH	PARTY RELATED

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IDENTIFICATION	NAME		
C00000797	LUCAS, MARRY JR.	HOUSTON	TX	DELEGATE
C90002155	LUCAS, MARRY JR.	HOUSTON	TX	INDEPENDENT EXPENDITOR
C00043604	LUCE COUNTY DEMOCRATIC COMMITTEE	NEWBERRY	MI	PARTY RELATED
C00038224	LUCY MAURER FOR CONGRESS	BETHESDA	MD	HOUSE
C00061341	LUCY MAURER FOR CONGRESS LABOR COMMITTEE	WASHINGTON	DC	HOUSE
C00007203	LUJAN BOOSTER CLUB	ALBUQUERQUE	NM	HOUSE
C00060525	LUJUN FOR CONGRESS	ALBUQUERQUE	NM	HOUSE
C00062513	LUKEN FOR CONGRESS	CINCINNATI	OH	HOUSE
C00061026	LUKENS POLITICAL ACTION COMMITTEE	COATESVILLE	PA	NON-PARTY RELATED
C90001686	LUKING, WILLIAM M.	CHICAGO	IL	INDEPENDENT EXPENDITOR
C00039214	LUMBER DEALERS POLITICAL ACTION COMMITTEE	WASHINGTON	DC	NON-PARTY RELATED
C00036830	LUNGREN FOR CONGRESS	LONG BEACH,	CA	HOUSE
C00000865	LUTENBACHER, MARK G.	METAIRIE	LA	DELEGATE
C00002200	LUTZ, MARTWELL	HUNTSVILLE	AL	DELEGATE
C00017426	LUZERNE COUNTY REPUBLICAN COMMITTEE	WILKES-BARRE	PA	PARTY RELATED
C00049971	LYCOMING COUNTY DEMOCRATIC COMMITTEE	WILLIAMSPORT	PA	PARTY RELATED
C00041665	LYKES POLITICAL ACTION COMMITTEE	NEW ORLEANS	LA	NON-PARTY RELATED
C00022830	LYNCH'S WEST SIDE RALLY	OMAHA	NE	HOUSE
C00021691	LYNCHBURG REPUBLICAN CITY COMMITTEE	LYNCHBURG	VA	PARTY RELATED
C00048397	LYNN GREER FOR CONGRESS COMMITTEE	ROGERSVILLE	AL	HOUSE
C00013193	LYNN MILTON FOR CONGRESS	SALT LAKE CITY	UT	HOUSE
C00044131	LYNN KINSKY FOR U.S. SENATE COMMITTEE	SANTA BARBARA	CA	SENATE
C00053736	LYNN M. MACDONALD FOR CONGRESS	WHITEFISH BAY	WI	HOUSE
C00066456	LYONS PAC	ERIE	PA	NON-PARTY RELATED
C00036102	M. L. "MIKE" PARKER FOR CONGRESS	TACOMA	WA	HOUSE
C00017434	M. MONTES FOR CONGRESS COMMITTEE	POMONA	CA	HOUSE
C00020545	MAC BUCKLEY FOR CONGRESS COMMITTEE	HARTFORD	CT	HOUSE
C00047480	MACALUSO FOR CONGRESS COMMITTEE	ROCHESTER	NY	HOUSE
C00030378	MACBRIDE FOR PRESIDENT COMMITTEE	WASHINGTON	DC	PRESIDENTIAL
C00032417	MACBRIDE FOR PRESIDENT COMMITTEE OF COLORADO	DENVER	CO	PRESIDENTIAL
C00076224	MACCARRONE FOR CONGRESS	BELLEVUE	WA	HOUSE
C00021311	MACCARRONE FOR CONGRESS COMMITTEE	BELLEVUE	WA	HOUSE
C00070425	MACDONALD FOR CONGRESS	WHITEFISH BAY	WI	HOUSE
C00001073	MACDONALD FOR CONGRESS COMMITTEE	MALDEN	MA	HOUSE
C00024547	MACE FOR CONGRESS COMMITTEE	PORTLAND	OR	HOUSE
C00061192	MACHCINSKI FOR CONGRESS	SMITHS CREEK	MI	HOUSE

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IDENTIFICATION	NAME		
C00043521	MACHEN FOR CONGRESS COMMITTEE	HUNTSVILLE	AL
C00034173	MACHINE-TOOLPAC	MCLEAN	VA
C00011106	MACHINERY DEALERS PAC	SILVER SPRING	MD
C00011031	MACHINIST NON PARTISAN POLITICAL LEAGUE DISTRICT 727 CHAPTER	BURBANK	CA
C00042036	MACHINIST NON-PARTISAN POLITICAL LEAGUE DISTRICT #37	GALENA PARK	TX
C00007419	MACHINISTS BEAN FEED COMMITTEE	ST PAUL	MN
C00002469	MACHINISTS NON-PARTISAN POLITICAL LEAGUE	WASHINGTON	DC
C70000435	MACHINISTS NON-PARTISAN POLITICAL LEAGUE	WASHINGTON	DC
C00007310	MACHINISTS NON-PARTISAN POLITICAL LEAGUE DISTRICT #71	KANSAS CITY	MO
C00008342	MACHINISTS NON-PARTISAN POLITICAL LEAGUE DISTRICT 751	SEATTLE	WA
C00009498	MACHINISTS NON-PARTISAN POLITICAL LEAGUE DISTRICT LODGE #117	COMMITTEE READING	MI
C00012765	MACHINISTS NON-PARTISAN POLITICAL LEAGUE LOCAL LODGE 15	HOUSTON	TX
C00007393	MACHINISTS NON-PARTISAN POLITICAL LEAGUE MINNESOTA	ST PAUL	MN
C00007468	MACHINISTS NON-PARTISAN POLITICAL LEAGUE OF OREGON	PORTLAND	OR
C00007526	MACHINISTS NON-PARTISAN POLITICAL LEAGUE OF THE EAST BAY AUTOMOTIVE	MACHINISTS LODGE 1546 OAKLAND	CA
C00009415	MACHINISTS NON-PARTISAN POLITICAL LEAGUE OF THE IOWA STATE COUNCIL	OF MACHINISTS, I.A.&M. DES MOINES	IA
C00024358	MACHINISTS NON-PARTISAN POLITICAL LEAGUE OF WASHINGTON STATE	SEATTLE	WA
C00007401	MACHINISTS NON-PARTISAN POLITICAL LEAGUE TWIN CITY AREA	ST PAUL	MN
C00010116	MACHINISTS NON-PARTISAN POLITICAL LEAGUE, DIST. 9	BRIDGETON	MO
C00041970	MACHINISTS NON-PARTISAN POLITICAL LEAGUE-LOCAL 631	CEDAR RAPIDS	IA
C00023663	MACHINISTS NON-PARTISAN POLITICAL LEAGUE-TEXAS AIRLINE DISTRICT 146	HOUSTON	TX
C00007443	MACHINISTS NON-PARTISON POLITICAL LEAGUE OF MICHIGAN	TERMINATED MUSKEGON	MI
C00071084	MACOMB COUNTY REPUBLICAN FINANCE COMMITTEE	MOUNT CLEMENS	MI
C80000813	MACRAE, MRS. BETTE	WACO	TX
C00006908	MADDEN IN '72 COMMITTEE	MAMMOND	IN
C00063495	MADDOX FOR PRESIDENT CAMPAIGN COMMITTEE	ATLANTA	GA
C00067868	MADDOX-DYKE CAMPAIGN COMMITTEE SOUTHERN CALIFORNIA	NORTHRIDGE	CA
C00052555	MADELINE B. MARWOOD FOR CONGRESS COMMITTEE	MANCHESTER CENTER	VT
C00042283	MADERA COUNTY REPUBLICAN CENTRAL COMMITTEE	MADERA	CA
C00070516	MADISON COUNTY DEMOCRATIC EXECUTIVE COMMITTEE	JACKSON	TN
C00071167	MADISON COUNTY DEMOCRATIC EXECUTIVE COMMITTEE	RICHMOND	KY
C00016147	MADISON COUNTY REPUBLICAN CENTRAL COMMITTEE	LONDON	OH
C00017871	MADISON COUNTY REPUBLICAN CENTRAL COMMITTEE	ANDERSON	IN
C00042739	MADISON COUNTY REPUBLICAN COMMITTEE	JACKSON	TN
C00073197	MADISON COUNTY YOUNG REPUBLICAN CLUB	LONDON	OH
C00075416	MADISON COUNTY YOUNG REPUBLICAN CLUB	LONDON	OH

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IDENTIFICATION	NAME		
C00035774	MAGAZINE PUBLISHERS ASSOCIATION POLITICAL ACTION COMMITTEE	WASHINGTON	DC
C00042721	MAHASKA COUNTY REPUBLICAN CENTRAL COMMITTEE	OSKALOOSA	IA
C00042952	MAHNOMEN COUNTY REPUBLICAN COMMITTEE	N/A	ZZ
C00014621	MAHONING COUNTY DEMOCRAT CAMPAIGN BANQUET COMMITTEE	YOUNGSTOWN	OH
C00015842	MAHONING COUNTY DEMOCRAT CAMPAIGN COMMITTEE	YOUNGSTOWN	OH
C00046821	MAHONING COUNTY DEMOCRAT COCKTAIL PARTY COMMITTEE	YOUNGSTOWN	OH
C00022467	MAHONING COUNTY DEMOCRATIC FALL CAMPAIGN DINNER COMMITTEE	WESTON	CT
C00071019	MAHONING COUNTY DEMOCRATIC PARTY-VOTER REGISTRATION DRIVE	YOUNGSTOWN	OH
C00054726	MAHR FOR CONGRESS COMMITTEE	WEST MIFFLIN	PA
C00047365	MAINE CENTRAL RAILROAD POLITICAL ACTION COMMITTEE	PORTLAND	ME
C00008326	MAINE DEMOCRATIC STATE COMMITTEE	AUGUSTA	ME
C00023648	MAINE DENTAL POLITICAL ACTION COMMITTEE	RIDDEFORD	ME
C00027524	MAINE FOR MUSKIE COMMITTEE	PORTLAND	ME
C00071142	MAINE INDEPENDENT COALITION	SCARBOROUGH	MA
C00001669	MAINE MEDICAL POLITICAL ACTION COMMITTEE	SKOWHEGAN	ME
C00019620	MAINE REPUBLICAN SECOND CONGRESSIONAL DISTRICT COMMITTEE	AUGUSTA	ME
C00003111	MAINE REPUBLICAN STATE COMMITTEE	AUGUSTA	ME
C00024885	MAINE TOWNSHIP REPUBLICAN WOMEN'S CLUB INC	DES PLAINES	IL
C00000372	MAINTENANCE OF WAY POLITICAL LEAGUE	DETROIT	MI
C00017616	MALCOLM (MAC) CROSS ACTIVE CITIZENS CONGRESSIONAL CAMPAIGN	PORTLAND	OR
C00052548	MALCOLM DALE FOR CONGRESS COMMITTEE	CHARLEVOIX	MI
C00028555	MALLORY HORNE ELECTION COMMITTEE	TALLAHASSEE	FL
C00059774	MALONEY FOR CONGRESS COMMITTEE	NANVET	NY
C00028050	MALONEY FOR SENATE COMMITTEE	WILMINGTON	DE
C00030130	MAMMON PRINCIPAL CAMPAIGN COMMITTEE	SANTA MONICA	CA
C00073353	MANAGING BOVERNMENT BETTER COMMITTEE	GREENVILLE	MS
C00022533	MANDELL FOR CONGRESS COMMITTEE	BOSTON	MA
C00048777	MANGINI FOR CONGRESS	WILMINGTON	DE
C00003624	MANISTEE COUNTY REPUBLICAN COMMITTEE	MANISTEE	MI
C00047472	MANKIEWICZ FOR CONGRESS	SILVER SPRING	MO
C00000821	MANLEY, RICK	DEMOPOLIS	BA
C00001792	MANN FOR CONGRESS COMMITTEE	GREENVILLE	SC
C00017731	MANN FOR CONGRESS COMMITTEE	ALEXANDRIA	VA
C90000746	MANSMELL, WARREN D.	NEW YORK	NY
C00043463	MANUFACTURED HOUSING ACTION COMMITTEE	CHANTILLY	VA
C00041616	MAPCO INC. POLITICAL ACTION COMMITTEE	TULSA	OK

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IDENTIFICATION	NAME		
C00007930	MARATHON COUNTY REPUBLICAN WOMEN	WAUSAU	WI
C00040568	MARATHON EMPLOYEES POLITICAL ACTION COMMITTEE	FINDLAY	OH
C00006890	MARAZITI FOR CONGRESS	ROONTON	NJ
C00025577	MARC LINCOLN MARKS FOR CONGRESS COMMITTEE	SHARON	PA
C90001223	MARCHMAN, JOSEPH V.	PLANO	TA
C00040652	MARCIA GALLO FOR U.S. SENATE COMMITTEE	NEW YORK	NY
C00041863	MARCO COMMITTEE FOR EFFECTIVE FEDERAL GOVERNMENT	BALTIMORE	MD
C00032664	MARCOR INC. POLITICAL ACTION COMMITTEE	CHICAGO	IL
C00050690	MARDEN CAMPAIGN COMMITTEE	CHULA VISTA	CA
C00052969	MARGARET FRANCIS FOR CONGRESS	KNOXVILLE	TH
C00066619	MARGARET R. CANN ELECTION CAMPAIGN COMMITTEE	WARICK	RI
C00038018	MARGARET SCOTT CAMPAIGN COMMITTEE	HOUSTON	TA
C00045047	MARGARET WRIGHT FOR PRESIDENT COMMITTEE	LOS ANGELES	CA
C00075200	MARGE THURMAN FOR CONGRESS	ATLANTA	GA
C00036970	MARIE FESE FOR CONGRESS	RENSENVILLE	IL
C00048207	MARILYN FINLEY FOR CONGRESS	ATLANTA	GA
C00022665	MARILYN LLOYD FOR CONGRESS CAMPAIGN COMMITTEE	CHATTANOOGA	TN
C00042630	MARIN COUNTY REPUBLICAN CENTRAL COMMITTEE	SAN RAFAEL,	CA
C00038646	MARIN REPUBLICAN COUNCIL	SAN RAFAEL	CA
C00034620	MARINE BANK PUBLIC AFFAIRS CMTE.	ERIE	PA
C00041855	MARINE COOKS & STEWARDS VOLUNTARY FEDERAL POLITICAL FUND	SAN FRANCISCO	CA
C00017244	MARINE FIREMAN'S UNION POLITICAL ACTION FUND	SAN FRANCISCO	CA
C00025106	MARINE STAFF OFFICERS POLITICAL COMMITTEE	SAN FRANCISCO	CA
C00074393	MARINERS AID DONATION	SEATTLE	WA
C00008458	MARION COUNTY REPUBLICAN CENTRAL COMMITTEE	INDIANAPOLIS	IN
C00019141	MARIPOSA COUNTY COMMITTEE TO ELECT CAROL MARNER	MARIPOSA	CA
C00069542	MARJORIE GALLION CAMPAIGN COMMITTEE	CRANE	TX
C00018275	MARK HANNAFORD FOR CONGRESS	LAKEWOOD	CA
C00062521	MARK HURST CAMPAIGN COMMITTEE	ENGELWOOD	OH
C00061168	MARK SEVERS FOR CONGRESS COMMITTEE	DETROIT	MI
C00065501	MARLEY FOR UNITED STATES SENATE	NARRAGANSETT	RI
C00054734	MARMADUKE FOR CONGRESS	AKRON	OH
C90000449	MAROUARD, WILLIAM A.	OUOGUE	NY
C00001677	MARQUETTE COUNTY REPUBLICAN COMMITTEE	MARQUETTE	MI
C00065656	MARRIOTT FOR CONGRESS COMMITTEE	SALT LAKE CITY	UT
C00037960	MARSH FOR CONGRESS COMMITTEE	MUNCIE	IN

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IDENTIFICATION	NAME		
C00006148	MARSHALL COUNTY CENTRAL COMMITTEE OF IOWA	MARSHALLTOWN	IA
C00013458	MARTHA PENNINO FOR CONGRESS COMMITTEE	VIENNA	VA
C00007575	MARTIN COUNTY REPUBLICAN COMMITTEE	FAIRMONT	MN
C00072975	MARTIN DEMOCRATIC EXECUTIVE COMMITTEE	WILLIAMSTON	NC
C00044487	MARTIN E. NIXON FOR SENATE COMMITTEE	NEW YORK	NY
C00001271	MARTIN FOR CONGRESS COMMITTEE	CHARLOTTE	NC
C00060145	MARTIN FOR CONGRESS COMMITTEE	LOUISVILLE	KY
C00024786	MARTINEZ FOR CONGRESS COMMITTEE	RIVERSIDE	CA
C90000456	MARTINEZ, ALICE B. (CONTRIBUTOR)	SPRINGFIELD	LA
C00002090	MARTINEZ, MICHAEL D.	HAMMOND	LA
C00023101	MARV ESCH FOR CONGRESS SUPPORT COMMITTEE	ANN ARBOR	MI
C00022509	MARVIN ESCH CAMPAIGN COMMITTEE	ANN ARBOR	MI
C00065615	MARY BRADT FOR CONGRESS COMMITTEE	SCOTIA	NY
C00031310	MARY BRITT FOR PRESIDENT COMMITTEE	PHILADELPHIA	PA
C00047498	MARY ROSE OAKAAR FOR CONGRESS COMMITTEE	CLEVELAND	OH
C00053660	MARY WARNER FOR CONGRESS	TULSA	OK
C00047944	MARYLAND 1976 SOCIALIST WORKERS CAMPAIGN COMMITTEE	BALTIMORE	MD
C00075457	MARYLAND DEMOCRATIC PARTY - VOTER REGISTRATION DRIVE	BALTIMORE	MD
C00042846	MARYLAND DEMOCRATIC STATE CENTRAL COMMITTEE	BALTIMORE	MD
C00032037	MARYLAND DEMOCRATS FOR NIXON	TERMINATED BALTIMORE	MD
C00033894	MARYLAND HARRIS FOR PRESIDENT COMMITTEE	ROCKVILLE	MD
C00030973	MARYLAND LABOR PARTY	BALTIMORE	MD
C00002501	MARYLAND MEDICAL POLITICAL ACTION COMMITTEE	BALTIMORE	MD
C70000443	MARYLAND STATE AND D.C.. AFL-CIO	BALTIMORE	MD
C00028514	MARYLANDERS FOR MATHIAS	TERMINATED WASHINGTON	DC
C00025239	MASON FOR CONGRESS COMMITTEE	PHEONIX	AZ
C00021162	MASSACHUSETTS DEMOCRATIC STATE 1976 TELETHON COMMITTEE	BOSTON	MA
C00013326	MASSACHUSETTS FRIENDS OF JOHN REUTHER	BOSTON	MA
C00031567	MASSACHUSETTS HARRIS FOR PRESIDENT COMMITTEE	BOSTON	MA
C00025544	MASSACHUSETTS LABOR PARTY	BOSTON	MA
C00041764	MASSACHUSETTS MACBRIDE FOR PRESIDENT COMMITTEE	FALL RIV ER	MA
C00039644	MASSACHUSETTS MERIT SHOP POLITICAL ACTION COMMITTEE	HOPKINTON	MA
C00042622	MASSACHUSETTS REPUBLICAN STATE CONGRESSIONAL COMMITTEE	BOSTON	MA
C00030189	MASSACHUSETTS UDALL '76' COMMITTEE	BOSTON	MA
C00002272	MAST, PATRICIA R.	NACOGDOCHES	TX
C00012013	MASTERS, MATES & PILOTS PENSIONERS, ACTION FUND	NEW YORK	NY

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C00073056	MASTERS, MATES AND PILOTS POLITICAL CONTRIBUTION FUND	WASHINGTON	DC	NON-PARTY RELATED
C00019018	MATHEW PERRY TESTIMONIAL DINNER COMMITTEE	TERMINATED MANNING	SC	HOUSE
C90001660	MATHEWS, EDWARD AND MARY (CONTRIBUTOR)	NEW YORK	NY	INDEPENDENT EXPENDITOR
C00001172	MATHIAS FOR CONGRESS COMMITTEE	TULARE	CA	HOUSE
C00050104	MATHNA FOR CONGRESS COMMITTEE	LORAIN	OH	HOUSE
C00024752	MATSON FEDERAL ELECTION COMMITTEE	SAN FRANCISCO	CA	NON-PARTY RELATED
C00066530	MATT DILLON FOR U.S. SENATE	ALBUQUERQUE	NM	SENATE
C00056366	MATT MILLER FOR CONGRESS CAMPAIGN COMMITTEE	NEW ORLEANS	LA	HOUSE
C00060028	MATTSON FOR CONGRESS	SAINT PAUL	MN	HOUSE
C00010234	MAUI DEMOCRATIC PARTY OF HAWAII	KAHULUI	HI	PARTY RELATED
C00065573	MAUI FRIENDS FOR JOE KURODA	WAILUKU	HI	HOUSE
C80000305	MAUREEN WOLF DELEGATE COMMITTEE	CHICAGO	IL	DELEGATE
C00049775	MAURO FOR CONGRESS COMMITTEE	SOUTH LAGUNA	CA	HOUSE
C00014456	MAX BAUCUS FOR CONGRESS (AKA BAUCUS FOR CONGRESS)	MISSOULA	MT	HOUSE
C00019034	MAX BAUCUS FOR CONGRESS FLATHEAD COUNTY CLUB	COLUMBIA FALLS	MT	HOUSE
C00019125	MAX MANSON FOR CONGRESS	IDAHO FALLS	ID	HOUSE
C00062075	MAX WOLPLEY FOR CONGRESS COMMITTEE	OKLAHOMA CITY	OK	HOUSE
C00036640	MAXFIELD FOR CONGRESS	CHILLICOTHE	MO	HOUSE
C00000786	MAYNE FOR CONGRESS COMMITTEE	SIOUX CITY	IA	HOUSE
C00075432	MC CARTHY '76	WASHINGTON	DC	PRESIDENTIAL
C00036103	MCALMON FOR CONGRESS	EL PASO,	TX	HOUSE
C00016121	MCALMOND FOR CONGRESS COMMITTEE	EL PASO	TX	HOUSE
C00009308	MCATEE FOR CONGRESS COMMITTEE	TOPEKA	KS	HOUSE
C00054759	MCCAFFREY FOR CONGRESS COMMITTEE	WARWICK	RI	HOUSE
C00074674	MCCARTHY '76 MINNESOTA	MINN	MN	PRESIDENTIAL
C00067033	MCCARTHY '76 (LORAIN OHIO COUNTY)	OBERLIN	OH	PRESIDENTIAL
C00074344	MCCARTHY '76 - CA	BURBANK	CA	PRESIDENTIAL
C00074369	MCCARTHY '76 - MICHIGAN (DETROIT AREA)	DEARBORN	MI	PRESIDENTIAL
C00074377	MCCARTHY '76 - MICHIGAN (LANSING AREA)	LANSING	MI	PRESIDENTIAL
C00074336	MCCARTHY '76 - NEBRASKA	OMAHA	NE	PRESIDENTIAL
C00046433	MCCARTHY '76 - OKLAHOMA	OKLAHOMA CITY	OK	PRESIDENTIAL
C00066742	MCCARTHY '76 BROOKLYN COMMITTEE	BROOKLYN	NY	PRESIDENTIAL
C00031880	MCCARTHY '76 CALIFORNIA, 5TH CONGRESSIONAL DISTRICT	SAN RAFAEL	CA	PRESIDENTIAL
C00071811	MCCARTHY '76 COLORADO	DENVER	CO	PRESIDENTIAL
C00074237	MCCARTHY '76 COLUMBUS	COLUMBUS	OH	PRESIDENTIAL
C00031914	MCCARTHY '76 COMMITTEE - OREGON	PORTLAND	OR	PRESIDENTIAL

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C00071423	MCCARTHY '76 MARYLAND 8TH C.D.	BETHESDA	MD	PRESIDENTIAL
C00041434	MCCARTHY '76 MASSACHUSETTS	BRIGHTON	MA	PRESIDENTIAL
C00031898	MCCARTHY '76 MISSOURI 2ND CONGRESSIONAL DIST.	CREVE COEUR	MO	PRESIDENTIAL
C00031906	MCCARTHY '76 N.Y. 6TH CONGRESSIONAL DISTRICT	FLUSHING	NY	PRESIDENTIAL
C00046425	MCCARTHY '76 PENNSYLVANIA	SELINSGROVE	PA	PRESIDENTIAL
C00075796	MCCARTHY '76 WASHINGTON	SEATTLE	WA	PRESIDENTIAL
C00031872	MCCARTHY '76--IOWA, FIRST C.D.	IOWA CITY	IA	PRESIDENTIAL
C00018150	MCCARTHY '76--NORTHERN NEW ENGLAND	WOLFEBORO	NH	PRESIDENTIAL
C00068015	MCCARTHY '76-VERMONT	WOLFERONO	NH	PRESIDENTIAL
C00062093	MCCARTHY '76-WISCONSIN 8TH C.D.	GREEN BAY	WI	PRESIDENTIAL
C00070482	MCCARTHY '76-WISCONSIN SECOND DISTRICT	MADISON	WI	PRESIDENTIAL
C00076141	MCCARTHY 76 - MISSOURI STATE COMMITTEE	ST. LOUIS	MO	PRESIDENTIAL
C00065151	MCCARTHY 76 ILLINOIS STEERING COMMITTEE	CHICAGO	IL	PRESIDENTIAL
C00036046	MCCARTHY FOR CONGRESS	RANDOLPH,	MA	HOUSE
C00060106	MCCARTHY FOR PRESIDENT-KANSAS CITY, MISSOURI	KANSAS CITY	MO	PRESIDENTIAL
C00075705	MCCARTHY-'76 IOWA 4TH C.D.	DES MOINES	IA	PRESIDENTIAL
C00070631	MCCARTY FOR CONGRESS COMMITTEE	SALT LAKE CITY	UT	HOUSE
C00071068	MCCLURE FOR CONGRESS	HASLETT	MI	HOUSE
C00037143	MCCLURE FOR CONGRESS*	AUSTIN,	TX	HOUSE
C00027300	MCCLURE FOR U.S. SENATE COMMITTEE	WEISER	ID	SENATE
C00049973	MCCOLGAN FOR CONGRESS COMMITTEE	NORTHAMPTON	MA	HOUSE
C90000046	MCCOLL, JOHN ANGUS	SAN DIEGO	CA	INDEPENDENT EXPENDITOR
C00028043	MCCOLLISTER FOR SENATE COMMITTEE	OMAHA	NE	SENATE
C00066068	MCCONKIE FOR CONGRESS	SALT LAKE CITY	UT	HOUSE
C00063446	MCCONNELL FOR CONGRESS	NEW YORK	NY	HOUSE
C00000851	MCCORMACK CONGRESSIONAL COMMITTEE	PICHLAND	WA	HOUSE
C80002264	MCCORQUODALE, JOSEPH C.	JACKSON	AL	DELEGATE
C00046631	MCCULLOUGH FOR CONGRESS	MADDON HEIGHTS	NJ	HOUSE
C00050656	MCCUNE FOR CONGRESS COMMITTEE	PHOENIX	AZ	HOUSE
C00018010	MCDERMOTT FOR CONGRESS	BUFFALO GROVE	IL	HOUSE
C00036129	MCDONALD '76 COMMITTEE*	MARIETTA,	GA	HOUSE
C00036707	MCDONALD FOR CONGRESS	NEWARK,	OH	HOUSE
C00006742	MCDONALD FOR CONGRESS COMMITTEE	BOSTON	MA	HOUSE
C00017483	MCDONALD FOR CONGRESS COMMITTEE	BIRMINGHAM	MI	HOUSE
C00019651	MCDONALD FOR CONGRESS COMMITTEE II	BIRMINGHAM	MI	HOUSE
C00020669	MCDONALD FOR CONGRESS COMMITTEE IV	BIRMINGHAM	MI	HOUSE

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FEDERAL ELECTION COMMISSION
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IDENTIFICATION	NAME		
C00063164	MCDONALD'S CORPORATION POLITICAL ACTION COMM.	OAK BROOK	IL
C00000839	MCDONALD, MRS. SHIRLEY	HUNTSVILLE	AL
C00040667	MCDONNELL DOUGLAS GOOD GOVERNMENT FUND	ST. LOUIS	MO
C00059865	MCDONOUGH FOR CONGRESS COMMITTEE	HARTFORD	CT
C00023325	MCDONOUGH FOR CONGRESS DINNER COMMITTEE	KANSAS CITY	MO
C00052530	MCDONOUGH FOR U.S. CONGRESS	KANSAS CITY	MO
C00002256	MCDUFFIE, DUEL J.	PLAQUEMINE	LA
C90001876	MCELRATH, ROBERT	HONOLULU	HI
C00024059	MCFALL DEMOCRATIC HOUSE CANDIDATES COMMITTEE	WASHINGTON	DC
C00024102	MCFALL FOR CONGRESS COMMITTEE	MANTECA	CA
C00015909	MCGEACHY FOR CONGRESS	FAYETTEVILLE	NC
C00054492	MCGEE FOR CONGRESS COMMITTEE	COLUMBUS	OH
C00027516	MCGEE FOR SENATE COMMITTEE	WASHINGTON	DC
C00038305	MCGOVERN 72 COMMITTEE	BEVERLY HILLS	CA
C00031997	MCGOVERN CENTRAL CONTROL FUND	BEVERLY HILLS	CA
C00030429	MCGOVERN COMMITTEE	ST. THOMAS	VI
C00032086	MCGOVERN FOR PRESIDENT - OHIO	CLEVELAND	OH
C00032003	MCGOVERN FOR PRESIDENT/ MINNESOTA	ST. PAUL	MN
C00032011	MCGOVERN FOR PRESIDENT/NORTH DAKOTA COMMITTEE	BISMARK	ND
C00052324	MCGRAIL FOR CONGRESS COMMITTEE	MALDEN	MA
C00000047	MCGRUDER, MRS. C. E.	NASHVILLE	TN
C00040843	MCGUIRE FOR CONGRESS	PACIFICA	CA
C00026187	MCGURK FOR CONGRESS	CALABASAS	CA
C00033472	MCINERNEY FOR U.S. SENATE COMMITTEE	REHOBOTH BEACH	DE
C00018895	MCINTOSH FOR CONGRESS CAMPAIGN	ANDERSON	SC
C00061119	MCINTOSH FOR CONRESS	CROFTON	MD
C00005611	MCKAY APPRECIATION COMMITTEE	SALT LAKE CITY	UT
C00005637	MCKAY FOR CONGRESS	SALT LAKE CITY	UT
C00005538	MCKEAN COUNTY REPUBLICAN COMMITTEE	BRADFORD	PA
C90001652	MCKILLOP, WILLIAM D.	SOLVANG	CA
C00017400	MCKINNEY'S 5000	FAIRFIELD	CT
C00061598	MCKITTRICK FOR CONGRESS	GREAT FALLS	MT
C00075622	MCKNIGHT FOR SENATE COMMITTEE	FAYETVILLE	NC
C00038315	MCLAIN CAMPAIGN COMMITTEE	HUNTSVILLE	AL
C00033746	MCLEOD COUNTY REPUBLICAN COMMITTEE	GLENCOE	MN
C00010538	MCLOUGHLIN FOR CONGRESS COMMITTEE	BRIDGEPORT	CT

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IDENTIFICATION	NAME		
C00050807	MCMANUS FOR CONGRESS	BROOKLYN	NY
C00078849	MCNEILL SMITH CAMPAIGN COMMITTEE	GREENSBORO	NC
C00026005	MCNULTY/CONGRESS	BISBEE	AZ
C00000854	MCREYNOLDS, ED	HARVARD	ME
C90000472	MCSHANE, JOE B., JR (CONTRIBUTOR)	MONAHANS	TX
C00011726	MCU LEGISLATIVE ACTION FUND	EAST LANSING	MI
C00034538	MEAD EFFECTIVE CITIZENSHIP FUND	DAYTON	OH
C00069070	MEADE COUNTY DEMOCRATIC EXECUTIVE COMMITTEE	BRANDENBURG	KY
C00036913	MEARIG FOR CONGRESS COMMITTEE	LANCASTER,	PA
C00024201	MEAT INDUSTRY POLITICAL ACTION COMMITTEE	ARLINGTON	VA
C00002022	MEBA POLITICAL ACTION FUND	NEW YORK	NY
C00003863	MEBA RETIREES' GROUP FUND	NEW YORK	NY
C00041913	MECHANICAL CONTRACTORS ASSOC. OF TEXAS POLITICAL ACTION COMMITTEE (MCAT-PAC)	AUSTIN	TX
C00070193	MECHANICAL SPECIALTY CONTRACTING INDUSTRY POLITICAL ACTION COMMITTEE	COLUMBUS	OH
C00023358	MECKLENBURG GET OUT THE VOTE COMMITTEE	CHARLOTTE	NC
C00072512	MECKLENBURG MEN'S DEMOCRATIC CLUB	CHARLOTTE	NC
C00034645	MEDICAL LABORATORY TECHNOLOGY POLITICAL ACTION COMMITTEE	WASHINGTON	DC
C00000862	MEEKS, MRS. J. PAUL JR.	BIRMINGHAM	AL
C90000480	MEHNEY, MR AND MRS DAVID P.	GRAND RAPIDS	MI
C00000562	MEIGS COUNTY REPUBLICAN EXECUTIVE COMMITTEE	POMEROY	OH
C00052225	MEL PRICE NONPARTISON TESTIMONIAL DINNER COMMITTEE	EAST ST. LOUIS	IL
C00044396	MELCHER FOR SENATE COMMITTEE	BILLINGS	MT
C00070839	MEMORIAL HOSPITAL MEDICAL CENTER POLITICAL ACTION COMMITTEE	LONG BEACH	CA
C00018507	MENDOCINO COUNTY REPUBLICAN CENTRAL COMMITTEE	UKIAH	CA
C00000870	MENGDEN, WALTER M. JR.	HOUSTON	TX
C00067710	MENLO-ATHERTON COMMITTEE	MENLO PARK	CA
C00003657	MENOMINEE COUNTY REPUBLICAN COMMITTEE	MENOMINEE	MI
C00009381	MENSWEAR PUBLIC AFFAIRS COMMITTEE	NEW HOPE	PA
C00013268	MERCED DEMOCRATIC CLUB	MERCED	CA
C00002980	MERCER COUNTY DEMOCRATIC COMMITTEE	TRENTON	NJ
C00074062	MERCER COUNTY REPUBLICAN COMMITTEE	MERCER	PA
C00027318	MERCHANT COMMITTEE FOR CAMPAIGN CONTRIBUTIONS	INDIANAPOLIS	IN
C00010520	MEREDITH CORPORATION EMPLOYEES FUND FOR BETTER GOVERNMENT	DES MOINES	IA
C00015925	MERIDIAN PUBLIC AFFAIRS COMMITTEE	INDIANAPOLIS	IN
C00010421	MERIT SHOP ACTION COMMITTEE	TAKOMA PARK	MD
C00066502	MERIT SHOP POLITICAL FUND	DALLAS	TX

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IDENTIFICATION	NAME		
C00038190	MERL T DOTY FOR CONGRESS ELECTION COMMITTEE	DOWNEY	CA HOUSE
C00000270	MERLINO, MCMANIMON & JONES	TRENTON	NJ DELEGATE
C00040550	MERRILL LYNCH POLITICAL ACTION COMMITTEE	NEW YORK	NY NON-PARTY RELATED
C00025974	MERRITT FOR CONGRESS COMMITTEE	NASHVILLE	TN HOUSE
C00000886	MERRY, MILDRED R.	ALINESVILLE	PA DELEGATE
C00011999	MESA COUNTY DEMOCRATIC CENTRAL COMMITTEE	GRAND JUNCTION	CO PARTY RELATED
C00024406	METAL BUILDING INDUSTRY POLITICAL ACTION COMM	DAYTON	OH NON-PARTY RELATED
C00026567	METCALFE FOR CONGRESS	CHICAGO	IL HOUSE
C00068031	METRO CAMPAIGN FUND (OF THE METRO DEMOCRATIC CLUB)	BALTIMORE	MD PARTY RELATED
C00046923	METROPOLITAN EMPLOYEES' POLITICAL PARTICIPATION FUND A	NEW YORK	NY NON-PARTY RELATED
C00005434	METT FOR U.S. SENATE COMMITTEE	MILWAUKEE	WI SENATE
C00029850	METZENBAUM FOR SENATE	CLEVELAND	OH SENATE
C00027326	METZENBAUM POST CAMPAIGN COMMITTEE	CLEVELAND	OH SENATE
C00020834	METZGER FOR CONGRESS COMMITTEE	CHICAGO	IL HOUSE
C00077883	MEXICAN-AMERICAN REPUBLICANS OF TEXAS	N/A	TX PARTY RELATED
C00062824	MEZVINSKY FOR CONGRESS COMMITTEE	IOWA CITY	IA HOUSE
C00004416	MIAMI COUNTY REPUBLICAN CENTRAL AND EXECUTIVE COMMITTEES	TIPP CITY	OH PARTY RELATED
C00009472	MIAMI COUNTY REPUBLICAN CENTRAL COMMITTEE	PERU	IN PARTY RELATED
C00055988	MIBANKPAC	STEPHENSON	MI NON-PARTY RELATED
C00063610	MICHAEL EMPLING FOR CONGRESS	TUCSON	AZ HOUSE
C00070227	MICHAEL M. PARKER CAMPAIGN COMMITTEE	KINSTON	NC HOUSE
C00008094	MICHAEL SHAPIRO FOR CONGRESS COMMITTEE	SANTA MONICA	CA HOUSE
C00025759	MICHEL FOR CONGRESS COMMITTEE	PEORIA	IL HOUSE
C00040949	MICHIGAN BOILERMAKERS POLITICAL ACTION FUND	MARINE CITY	MI NON-PARTY RELATED
C00067413	MICHIGAN CITIZENS FOR CARTER/MONDALE	DETROIT	MI PRESIDENTIAL
C00035840	MICHIGAN COMMUNICATIONS PAC	LANSING	MI NON-PARTY RELATED
C00040264	MICHIGAN CONSERVATIVE UNION	METAMORA	MI NON-PARTY RELATED
C00066811	MICHIGAN CPA'S FOR ESCH COMMITTEE	TRAVERSE CITY	MI SENATE
C00041400	MICHIGAN DEMOCRATIC PARTY	LANSING	MI PARTY RELATED
C00012898	MICHIGAN DEMOCRATIC TELETHON II COMMITTEE	TERMINATED DETROIT	MI PARTY RELATED
C00061100	MICHIGAN DOCTORS POLITICAL ACTION COMMITTEE	EAST LANSING	MI NON-PARTY RELATED
C00055897	MICHIGAN FEDERATION OF TEACHERS COMMITTEE ON POLITICAL ED.	DETROIT	MI NON-PARTY RELATED
C00042754	MICHIGAN LABOR PARTY(FORMERLY DETROIT LABOR PARTY)	DETROIT	MI PARTY RELATED
C00032110	MICHIGAN MCGOVERN FOR PRESIDENT	ANN ARBOR	MI PRESIDENTIAL
C00033399	MICHIGAN OAKLAND COUNTY HARRIS FOR PRESIDENT COMMITTEE	PONTIAC	MI PRESIDENTIAL
C00041168	MICHIGAN REPUBLICAN STATE COMMITTEE	LANSING	MI PARTY RELATED

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IDENTIFICATION	NAME		
C00041186	MICHIGAN REPUBLICAN STATE FINANCE COMMITTEE	LANSING	MI PARTY RELATED
C70000450	MICHIGAN STATE AFL-CIO	LANSING	MI NON-PARTY RELATED
C00007294	MICHIGAN STATE AFL-CIO COPE VOLUNTARY FUND	LANSING	MI NON-PARTY RELATED
C70000468	MICHIGAN STATE LEGISLATIVE BOARD (UNITED TRANSPORTATION UNION)	LANSING	MI NON-PARTY RELATED
C00033274	MICHIGAN TEACHERS PREFER O'HARA FOR U.S. SENATE	MOUNT CLEMENS	MI SENATE
C00039198	MICHIGAN UDALL FOR PRESIDENT COMMITTEE	DETROIT	MI PRESIDENTIAL
C00052316	MICKELSON FOR CONGRESS COMMITTEE	RAPID CITY	SD HOUSE
C00011130	MID AMERICA COMMITTEE FOR SOUND GOVERNMENT	LAKE QUIVIRA	KS NON-PARTY RELATED
C00074153	MID-PENINSULA ENVIRONMENTALISTS FOR CARTER	MENLO PARK	CA PRESIDENTIAL
C99000036	MID-PENINSULA ENVIORMENTALISTS FOR CARTER	MENLO PARK	CA INDEPENDENT EXPENDITOR
C00073437	MID-VALLEY CARTER-MONDALE COMMITTEE	PHARR	TX PRESIDENTIAL
C00070649	MIDDLESEX COUNTY DEMOCRATIC ORGANIZATION	WOODBRIDGE	NJ PARTY RELATED
C00043364	MIDLAND COUNTY DEMOCRATIC PARTY	MIDLAND	MI PARTY RELATED
C00004424	MIDLAND COUNTY REPUBLICAN COMMITTEE	MIDLAND	MI PARTY RELATED
C00040368	MIDLAND ENTERPRISES INC. POLITICAL ACTION COMMITTEE	CINCINNATI	OH NON-PARTY RELATED
C00040873	MIDWEST AREA POLITICAL ACTION COMMITTEE	MIDLAND	MI NON-PARTY RELATED
C00009423	MIDWEST POLITICAL ACTION COOPERATIVE TRUST (IMPACT)	MINNEAPOLIS	MN NON-PARTY RELATED
C00004317	MIDWEST REGIONAL JOINT BOARD CENTRAL COMMITTEE	TERMINATED CHICAGO	IL HOUSE
C00006163	MIDWEST REPUBLICAN GROUP	TERMINATED DES MOINES	IA PARTY RELATED
C00043356	MIDWEST REPUBLICAN LEADERSHIP CONFERENCE	YPSILANTI	MI PARTY RELATED
C00022335	MIFFLIN COUNTY DEMOCRATIC COMMITTEE	LEWISTOWN	PA PARTY RELATED
C00060137	MIKE MORGAN FOR CONGRESS COMMITTEE	STAMFORD	CT HOUSE
C00073361	MIKE MORGAN FOR CONGRESS COMMITTEE	STAMFORD	CT HOUSE
C00025288	MIKE MURPHY CAMPAIGN COMMITTEE	NASHVILLE	TN HOUSE
C00064584	MIKE PARKER FOR CONGRESS COMMITTEE	TACOMA	WA HOUSE
C00044321	MIKE ROBERTSON FOR SENATE COMMITTEE	TAUNTON	MA SENATE
C00053465	MIKE ROWLAND FOR CONGRESS COMMITTEE	KNOXVILLE	TN HOUSE
C00052308	MIKE STARR FOR CONGRESS COMMITTEE	NEW ORLEANS	LA HOUSE
C00050096	MIKE VAUGHN FOR CONGRESS	WILLMINGTON	NC HOUSE
C00064683	MIKULIAK FOR CONGRESS	PHILADELPHIA	PA HOUSE
C00038695	MIKULSKI FOR CONGRESS	BALTIMORE	MD HOUSE
C00010832	MILIAS FOR CONGRESS COMMITTEE	SAN JOSE	CA HOUSE
C00066787	MILITARY FRIENDS OF HARRY BYRD	ALEXANDRIA	VA SENATE
C00004176	MILLER FOR CONGRESS COMMITTEE	LANCASTER	OH HOUSE
C00017772	MILLER FOR CONGRESS COMMITTEE	LANCASTER	OH HOUSE
C00054148	MILLER FOR CONGRESS COMMITTEE	GREENSBURG	PA HOUSE

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IDENTIFICATION	NAME		
C00031938	MILLER FOR PRESIDENT NATIONAL COMMITTEE	HARRISONBURG	VA
C00044685	MILLER FOR SENATOR COMMITTEE (AKA CLINTON R. MILLER FOR U.S. SENATOR)	SALT LAKE CITY	UT
C00065722	MILLER NEWTON FOR CONGRESS	NEW PORT RICHEY	FL
C90000498	MILLIGAN, ELVA JUNE	PINE BLUFF	AR
C90000506	MILLIGAN, MONTE CLYDE	PINE BLUFF	AR
C00035345	MILLIN FOR U.S. SENATOR COMMITTEE	KANSAS CITY	MO
C00002249	MILLS, CHARLES A.	HOUSTON	TX
C00016154	MILTON SHORT FOR CONGRESS COMMITTEE	CHARLOTTE	NC
C00013013	MILWAUKEE OFFICERS TRUST ACCOUNT	OAK BROOK	IL
C00067017	MINCER FOR CONGRESS COMMITTEE	SPENCER	IA
C00014613	MINETA FOR CONGRESS	SAN JOSE	CA
C00052290	MINISH FOR CONGRESS CAMPAIGN COMMITTEE	COMMERCE	GA
C00035980	MINNA POST PEYSER FOR CONGRESS	PUTNAM VALLEY,	NY
C00043255	MINNESOTA 2ND CONGRESSIONAL DISTRICT OFL PARTY CAMPAIGN COMMITTEE	ST PETER	MN
C00011627	MINNESOTA BANKERS POLITICAL ACTION COMMITTEE	MINNEAPOLIS	MN
C00026807	MINNESOTA CHIROPRACTIC POLITICAL ACTION COMMITTEE (MCPAC)	WHITE BEAR LAKE	MN
C00032433	MINNESOTA COMMITTEE TO ELECT MACBRIDE	OAKDALE	MN
C00019273	MINNESOTA DEMOCRATIC TELETHON COMMITTEE	MINNEAPOLIS	MN
C00042208	MINNESOTA DENTAL HEALTH PUBLIC AFFAIRS COMMITTEE	REDWOOD FALLS	MN
C00025254	MINNESOTA DOLLARS FOR DEMOCRATS	MINNEAPOLIS	MN
C00006601	MINNESOTA DRIVE	MINNEAPOLIS	MN
C00030601	MINNESOTA FEDERATION OF TEACHERS POLITICAL FUND (COPE) VOL.	MERRIN6	MN
C00039271	MINNESOTA HARRIS FOR PRESIDENT COMMITTEE	ST. PAUL	MN
C00009688	MINNESOTA JOINT POLITICAL EDUCATION COMMITTEE	ST. PAUL	MN
C00056598	MINNESOTA LIBERTARIAN CANDIDATES COMMITTEE	NORTH OAKS	MN
C00011494	MINNESOTA LIFE UNDERWRITERS POLITICAL ACTION COMMITTEE	MINNEAPOLIS	MN
C00883176	MINNESOTA MEDICAL POLITICAL ACTION COMMITTEE	ST. PAUL	MN
C00039339	MINNESOTA REAL ESTATE POLITICAL EDUCATION COMMITTEE	MINNEAPOLIS	MN
C00801313	MINNESOTA REPUBLICAN FINANCE COMMITTEE	ST. PAUL	MN
C00040410	MINNESOTA SECOND	WASECA	MN
C00068981	MINNESOTA SIXTH DISTRICT DFL PARTY	REDWOOD FALLS	MN
C00030117	MINNEY FOR CONGRESS	MILLERSVILLE	PA
C00000896	MINNICK, WILLIAM B.	HARRISBURG	PA
C00050870	MINUTEMAN COMMITTEE FOR JOHN M. SPILLSON	MONROE	MI
C00040485	MISS. APT COPE	GULFPORT	MS
C00006932	MISSILE AND ELECTRONIC DISTRICT LODGE NO. 588	SUNNYVALE	CA

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IDENTIFICATION	NAME		
C00004952	MISSISSIPPI ACRE COMMITTEE	JACKSON	MS
C70000476	MISSISSIPPI AFL-CIO	JACKSON	MS
C00053728	MISSISSIPPI AMERICAN PARTY	COLUMBUS	MS
C00018200	MISSISSIPPI COMMITTEE FOR POLITICAL ACTION	TYLERTOWN	MS
C00031609	MISSISSIPPI HARRIS FOR PRESIDENT COMMITTEE	JACKSON	MS
C00004804	MISSISSIPPI MEDICAL POLITICAL ACTION COMMITTEE	JACKSON	MS
C00067082	MISSOURI '76 SOCIALIST WORKERS CAMPAIGN COMMITTEE	KANSAS CITY	MO
C00008169	MISSOURI A.C.R.E. COMMITTEE	JEFFERSON CITY	MO
C00031260	MISSOURI COMMITTEE FOR THE ELECTION OF BIRCH BAYH IN '76	WASHINGTON	DC
C00019760	MISSOURI DEMOCRATIC TELETHON COMMITTEE	TERMINATED JEFFERSON	MO
C00023150	MISSOURI EIGHTH CONGRESSIONAL DISTRICT REPUBLICAN COMMITTEE	CANDEATON	MO
C00019469	MISSOURI FARM BUREAU NORTHEAST AGRICULTURE COMMITTEE TO INFORM OUR NATION	PALMYRA	MO
C00040428	MISSOURI FARM BUREAU NORTHWEST AGRICULTURE COMMITTEE TO INFORM OUR NATION	TARKIO	MO
C00038968	MISSOURI FARM BUREAU WEST CENTRAL AGRICULTURAL COMMITTEE TO INFORM	OUR NATION STOVER	MO
C00030841	MISSOURI LABOR PARTY	UNIVERSITY CITY	MO
C00001420	MISSOURI MEDICAL POLITICAL ACTION COMMITTEE	TROY	MO
C00010173	MISSOURI NATIONAL EDUCATION ASSOC. PAC (MNEA)	JEFFERSON CITY	MO
C00068684	MISSOURI REPUBLICAN HOST COMMITTEE, INC.	KANSAS CITY	MO
C00008664	MISSOURI REPUBLICAN STATE COMMITTEE	JEFFERSON CITY	MO
C00066241	MISSOURI ST LABOR COUNCIL AFL-CIO SPECIAL REGISTRATION FUND	JEFFERSON CITY	MO
C00010074	MISSOURI STATE COMMITTEE ON POLITICAL EDUCATION AFL-CIO FEDERAL FUND	JEFFERSON CITY	MO
C00029728	MISSOURIANS FOR LITTON	CHILLICOTHE	MO
C00062687	MITCHELL CAMPAIGN GROUP	LEVITTOWN	PA
C00006536	MITCHELL COUNTY CENTRAL COMMITTEE OF IOWA	OSAGE	IA
C00036061	MITCHELL FOR CONGRESS	AUGUSTA	ME
C00010413	MITCHELL FOR CONGRESS CAMPAIGN COMMITTEE	MIDDLEVILLE	NY
C00011692	MITCHELL, HUTCHINS VOLUNTARY POLITICAL FUND	NEW YORK	NY
C90001868	MIYABI, NEWTON	WAIPAHU	HI
C00004184	MIZELL BOOSTER CLUB	LEXINGTON	NC
C00003541	MIZELL FOR CONGRESS COMMITTEE	WINSTON SALEM	NC
C00020842	MIZER FOR CONGRESS COMMITTEE	TULSA	OK
C00016907	MOBILE HOME ACTION COMMITTEE	CHANTILLY	VA
C00070920	MODERATE INDEPENDENT WRITE IN COMMITTEE (P.C.C. FOR GEORGE ALEXANDER MUZYKI	BETHESDA	MD
C00002231	MOLDENHAUER, HOWARD H.	OMAHA	NE
C00036855	MOLLOHAN FOR CONGRESS	FAIRMONT,	WV
C00048629	MOLTHROP CAMPAIGN COMMITTEE	EATON PARK	FL

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IDENTIFICATION	NAME		
C00014399	MONAHAN FOR CONGRESS COMMITTEE	BILLINGS	MT
C00027334	MONDALE COMMITTEE	MINNEAPOLIS	MN
C00032029	MONDALE COMMITTEE, THE	MINNEAPOLIS	MN
C00047282	MONDALE VOLUNTEER COMMITTEE	MINNEAPOLIS	MN
C00012526	MONDRAGON FOR CONGRESS (AKA COMMITTEE TO ELECT ROBERT A. MONDRAGON)	SANTA FE	NM
C00043554	MONITEAU COUNTY REPUBLICAN CENTRAL COMMITTEE	CALIFORNIA	MO
C00033308	MONKS FOR SENATE (76)	PORTLAND	ME
C00066084	MONMOUTH COUNTY GOP SPORTS OUTING	FREEHOLD	NJ
C00054353	MONMOUTH COUNTY REPUBLICAN FINANCE COMMITTEE	WEST LONG BRANCH	NJ
C00038414	MONROE COUNTY DEMOCRATIC COMMITTEE	MONROE	MI
C00073528	MONROE COUNTY DEMOCRATIC COMMITTEE	KUNKLETOWN	PA
C00006577	MONROE COUNTY DEMOCRATIC EXECUTIVE COMMITTEE	KEY WEST	FL
C00010462	MONROE COUNTY REPUBLICAN COMMITTEE	TOMAH	WI
C00042069	MONSANTO CITIZENSHIP FUND	ST. LOUIS	MO
C00003293	MONTANA MEDICAL POLITICAL ACTION COMMITTEE	HELENA	MT
C00000006	MONTANA REPUBLICAN STATE CENTRAL COMMITTEE	HELENA	MT
C70000484	MONTANA STATE AFL-CIO	HELENA	MT
C00010033	MONTANA STATE DEMOCRATIC CENTRAL COMMITTEE	HELENA	MT
C00037630	MONTANANS FOR HARLEMEE COMMITTEE*	GT. FALLS,	MT
C00038107	MONTANANS FOR UDALL	MISSOULA	MT
C00031161	MONTCALM REPUBLICAN COMMITTEE	CARSON CITY	MI
C00025940	MONTE TAYLOR FORCONGRESS	OMAHA	NE
C00007781	MONTEREY COUNTY REPUBLICAN CENTRAL COMMITTEE	SALINAS	CA
C00022350	MONTGOMERY COUNTY DEMOCRATIC CAMPAIGN COMMITTEE	SILVER SPRING	MD
C00009845	MONTGOMERY COUNTY DEMOCRATIC CENTRAL COMMITTEE	KENSINGTON	MD
C00060213	MONTGOMERY COUNTY DEMOCRATIC PARTY-FEDERAL FUND	DAYTON	OH
C00000380	MONTGOMERY COUNTY REPUBLICAN CENTRAL COMMITTEE (INDIANA)	CRAWFORDSVILLE	IN
C00020859	MONTGOMERY COUNTY REPUBLICAN CENTRAL COMMITTEE (MARYLAND)	BETHESDA	MD
C00013474	MONTGOMERY COUNTY REPUBLICAN EXECUTIVE COMMITTEE	DAYTON	OH
C00006122	MONTGOMERY COUNTY REPUBLICAN PARTY	CONROE	TX
C00032656	MONTGOMERY WARD & CO. INC. POLITICAL ACTION COMMITTEE	CHICAGO	IL
C00027268	MONTOYA FOR SENATE CLUB	ALBUQUERQUE	NM
C00015347	MOORE FOR CONGRESS	YORK	SC
C00000906	MOORE, HELENE RANDOLPH	NEW BRAUNFELS	TX
C00021988	MOORHEAD CAMPAIGN COMMITTEE	PITTSBURGH	PA
C00006320	MOORHEAD FOR CONGRESS COMMITTEE	GLENDALE	CA

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IDENTIFICATION	NAME		
C00054296	MOORHEAD FOR CONGRESS COMMITTEE, THE	ST. CROIX	VI
C00037448	MORAN FOR CONGRESS COMMITTEE	TRENTON,	MO
C00037796	MORAN FOR CONGRESS COMMITTEE	ROSEVILLE,	MI
C00044222	MORANO FOR U.S. SENATE COMMITTEE	BRIDGEPORT	CT
C00058005	MOREAU CONGRESSIONAL CAMPAIGN COMMITTEE	NEW ORLEANS	LA
C00054775	MORELAND FOR CONGRESS COMMITTEE	MONROE	GA
C80000912	MORENO, ARTHUR JR.	LAKE CHARLES	LA
C00008532	MORGAN COUNTY REPUBLICAN CENTRAL COMMITTEE	MOORESVILLE	IN
C00000398	MORGAN COUNTY REPUBLICAN EXECUTIVE COMMITTEE	MALTA	OH
C00000703	MORGAN FOR CONGRESS COMMITTEE	WASHINGTON	PA
C00002642	MORGAN MURPHY FOR CONGRESS COMMITTEE	CHICAGO	IL
C00067215	MORGAN STANLEY BETTER GOVERNMENT FUND	NEW YORK	NY
C00019695	MORRIS COUNTY REPUBLICAN COMMITTEE	MORRISTOWN	NJ
C80000920	MORRIS, LARRY W.	ALEXANDER CITY	AL
C00007674	MORRISON COUNTY REPUBLICAN COMMITTEE	SWANVILLE	MN
C00018853	MORRISSEAU FOR CONGRESS COMMITTEE	MINESAURO	VT
C00004812	MORTGAGE BANKERS POLITICAL ACTION COMMITTEE	WASHINGTON	DC
C00021493	MORTGAGE INSURANCE POLITICAL ACTION COMMITTEE (MIPAC)	WASHINGTON	DC
C80055282	MORTON FOR CONGRESS	CAPITOLA	CA
C00020784	MOSAKOWSKI FOR CONGRESS COMMITTEE	HADLEY	MA
C90000514	MOSES, MELVIN EMMETT (CONTRIBUTOR)	DALLAS	TX
C00002675	MOSHER FOR CONGRESS COMMITTEE	LORAIN	OH
C00062364	MOSS FOR CONGRESS	OMAHA	NE
C00004358	MOSS FOR CONGRESS COMMITTEE	CARMICHAEL	CA
C00027276	MOSS FOR SENATE COMMITTEE	SALT LAKE CITY	UT
C00075341	MOTOROLA EMPLOYEES GOOD GOVERNMENT COMMITTEE	WASHINGTON	DC
C90002171	MOTT, STEWART RAWLINGS	NEW YORK	NY
C00016127	MOTTLEY FOR CONGRESS	REMINGTON	VA
C00017097	MOUNTAIN FIR POLITICAL COMMITTEE	SALEM	OR
C00043547	MOWER COUNTY D.F.L. PARTY	ROSE CREEK	MN
C00006825	MOWER COUNTY REPUBLICAN COMMITTEE	AUSTIN	MN
C00037663	MOWERY FOR CONGRESS	FT. WORTH,	TX
C90001165	MOYER, JAMES R.	MCALLEN	TX
C00044479	MOYNIHAN FOR SENATE COMMITTEE	NEW YORK	NY
C00017905	MRS. HAVEN SMITH FOR CONGRESS COMMITTEE	CHAPELL	NB
C00010025	MT. BURNEY COUNCIL OF REPUBLICAN WOMEN	BURNEY	CA

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IDENTIFICATION	NAME			
C00066839	MUHLENBERG COUNTY FORD-DOLE COMMITTEE	GREENVILLE	KY	PRESIDENTIAL
C00043455	MUHLENBERG COUNTY REPUBLICANS FOR COOK-BANKEN	CENTRAL CITY	KY	PARTY RELATED
C00038497	MULLIGAN FOR CONGRESS	VIRGINIA BEACH	VA	HOUSE
C00002215	MULVANEY, LYNN	KINGSTON	NY	DELEGATE
C00001506	MUNLEY, JAMES MARTIN	ARCHBALD	PA	DELEGATE
C90000787	MURPHY, JOE	TRACYTON	WA	INDEPENDENT EXPENDITOR
C00002207	MURPHY, MARY E.	YOUNGSTOWN	OH	DELEGATE
C00025916	MURRAY FOR CONGRESS COMMITTEE	AMES	IA	HOUSE
C00001498	MURRAY, THOMAS R, JR.	ZELIENOPLE	PA	DELEGATE
C00019075	MURTHA FOR RE-ELECTION COMMITTEE	JOHNSTOWN	PA	HOUSE
C00059782	MUSH-CHEEN-SKEE FOR CONGRESS COMMITTEE	PHILADELPHIA	PA	HOUSE
C00073445	MUSKEGON COUNTY REPUBLICAN FINANCE COMMITTEE	MUSKEGON	MI	PARTY RELATED
C00005686	MUSKINGUM COUNTY REPUBLICAN CLUB	ZANESVILLE	OH	PARTY RELATED
C00054338	MUSMANNO FOR CONGRESS COMMITTEE	PITTSBURGH	PA	HOUSE
C00002199	MUSTO, CARMEN	PISCATAWAY	NJ	DELEGATE
C00001438	MUTH, CHARLES A.	BALTIMORE	MD	DELEGATE
C00003467	MYERS FOR CONGRESS COMMITTEE	COVINGTON	IN	HOUSE
C00015727	MYERS FOR CONGRESS COMMITTEE	PHILADELPHIA	PA	HOUSE
C00064386	MYERS FOR CONGRESS COMMITTEE	HUNTINGTON	WV	HOUSE
C00069120	MYERS FOR CONGRESS COMMITTEE	BUTLER	PA	HOUSE
C00017525	N CAP (NURSES' COALITION FOR ACTION IN POLITICS)	WASHINGTON	DC	NON-PARTY RELATED
C00025023	N L EXECUTIVES NON-PARTISAN POLITICAL FUND	NEW YORK	NY	NON-PARTY RELATED
C00029967	N. C. CITIZENS FOR REAGEN	TERMINATED	WASHINGTON DC	PRESIDENTIAL
C00030056	N. C. FOR TERRY SANFORD	WASHINGTON	DC	PRESIDENTIAL
C00003152	N. C. MEDICAL POLITICAL EDUCATION AND ACTION COMMITTEE	RALEIGH	NC	NON-PARTY RELATED
C00047423	N. JOE RAHALL, II FOR CONGRESS COMMITTEE	BECKLEY	WV	HOUSE
C70000518	N.J. STATE AFL-CIO COPE	TRENTON	NJ	NON-PARTY RELATED
C00044719	N.T. VANDERJAGT FOR SENATE COMMITTEE	ALEXANDRIA	VA	SENATE
C00075358	NAATS POLITICAL ACTION FUND	BETHESDA	MD	NON-PARTY RELATED
C00002444	NACOGDOCHES COUNTY REPUBLICAN PARTY EXECUTIVE COMMITTEE	NACOGDOCHES	TX	PARTY RELATED
C00039578	NACSAPAC	WASHINGTON	DC	NON-PARTY RELATED
C90002072	NAKAMURA, KENNETH	SAN FRANCISCO	CA	INDEPENDENT EXPENDITOR
C00049999	NANCY JUDY FOR CONGRESS COMMITTEE	DALLAS	TX	HOUSE
C00062968	NANCY KAUFMAN FOR U.S. SENATE	NORTH MONTPELIER	VT	SENATE
C00019497	NANCY SIMENZ FOR CONGRESS COMMITTEE	FOND DU LAC	WI	HOUSE
C00042986	NAPA COUNTY REPUBLICAN CENTRAL COMMITTEE	NAPA	CA	PARTY RELATED

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C00034371	NASH EDGECOMB WILSON COUNTY COPE	WILSON	NC	NON-PARTY RELATED
C00060262	NASH-EDGECOMBE CITIZENS FOR FORD COMMITTEE	ROCKY MOUNT	NC	PRESIDENTIAL
C00044305	NASON FOR SENATE COMMITTEE	FALL RIVER	MA	SENATE
C90000795	NASS, DALE W. (CONTRIBUTOR)	PLYMOUTH	IL	INDEPENDENT EXPENDITOR
C00072900	NASSAU COUNTY CONSERVATIVE CAMPAIGN COMMITTEE	WANTAGH	NY	PARTY RELATED
C00021261	NASSAU COUNTY REPUBLICAN FEDERAL CAMPAIGN COMMITTEE	HEMPSTEAD	NY	PARTY RELATED
C00011742	NASSAU-SUFFOLK BUILDING TRADES COUNCIL POLITICAL ACTION COMMITTEE	WESTBURY	NY	NON-PARTY RELATED
C00033993	NAT'L UNION OF HOSP. & HEALTH CARE EMPLOYEES P & FUND	NEW YORK	NY	NON-PARTY RELATED
C00022343	NATIONAL AGENTS POLITICAL ACTION COMMITTEE (NAPAC)	WASHINGTON	DC	NON-PARTY RELATED
C00069708	NATIONAL AMERICAN HELLENIC COM FOR CARTER & MONDALE	FAIRFIELD	CT	PRESIDENTIAL
C00065938	NATIONAL ASPHALT PAVEMENT ASSOCIATION GOVERNMENTAL ACTION COMMITTEE	RIVERDALE	MD	NON-PARTY RELATED
C00074302	NATIONAL ASSOCIATION OF CONCERNED CITIZENS AGAINST GUN CONTROL	SAN DIEGO	CA	NON-PARTY RELATED
C00040659	NATIONAL ASSOCIATION OF FEDERAL CREDIT UNIONS POLITICAL ACTION COMMITTEE (NAFCUPAC)	WASHINGTON	DC	NON-PARTY RELATED
C00034942	NATIONAL ASSOCIATION OF FEDERAL VETERINARIANS POLITICAL ACTION COMM.	WASHINGTON	DC	NON-PARTY RELATED
C00066472	NATIONAL ASSOCIATION OF INDEPENDENT INSURERS POLITICAL ACTION COMMITTEE	DES PLAINES	IL	NON-PARTY RELATED
C00030809	NATIONAL ASSOCIATION OF PHARMACISTS POLITICAL ACTION COMMITTEE	PARK RIDGE	IL	NON-PARTY RELATED
C00075275	NATIONAL ASSOCIATION OF WATER COMPANIES POLITICAL ACTION COMMITTEE (NAWC - PAC)	WASHINGTON	DC	NON-PARTY RELATED
C00041822	NATIONAL BLACK REPUBLICAN COUNCIL	WASHINGTON	DC	PARTY RELATED
C00034504	NATIONAL CAN EMPLOYEES' BETTER GOVERNMENT COMMITTEE	CHICAGO	IL	NON-PARTY RELATED
C00041681	NATIONAL CHIROPRACTIC POLITICAL ACTION COMMITTEE	WHITE BEAR LAKE	MN	NON-PARTY RELATED
C00003558	NATIONAL COMMITTEE FOR AN EFFECTIVE CONGRESS	NEW YORK	NY	NON-PARTY RELATED
C00011650	NATIONAL COMMITTEE FOR FULL HEALTH CARE	ST. PAUL	MN	NON-PARTY RELATED
C00061770	NATIONAL COMMITTEE FOR THE SUPPORT OF FREE BROADCASTING	WASHINGTON	DC	NON-PARTY RELATED
C00040311	NATIONAL COMMITTEE OF AMERICAN MUGWUMP PARTY	SACRAMENTO	CA	PRESIDENTIAL
C00024687	NATIONAL CONSERVATIVE POLITICAL ACTION COMMITTEE	ARLINGTON	VA	NON-PARTY RELATED
C00024372	NATIONAL DEMOCRATIC PARTY AFFAIRS COMMITTEE OF THE ARKANSAS DEMOCRATIC STATE COMMITTEE	LITTLE ROCK	AR	PARTY RELATED
C00043448	NATIONAL DEMOCRATIC SENATORIAL COMMITTEE	WASHINGTON	DC	PARTY RELATED
C70000492	NATIONAL EDUCATION ASSOCIATION	WASHINGTON	DC	NON-PARTY RELATED
C00003251	NATIONAL EDUCATION ASSOCIATION POLITICAL ACTION COMMITTEE	WASHINGTON	DC	NON-PARTY RELATED
C00040691	NATIONAL EMPLOYMENT ASSOCIATION POLITICAL ACTION COMMITTEE	WASHINGTON	DC	NON-PARTY RELATED
C00076125	NATIONAL ENERGY POLITICAL ACTION COMMITTEE	SPRINGFIELD	VA	NON-PARTY RELATED
C00001123	NATIONAL FEDERATION OF REPUBLICAN WOMEN	WASHINGTON	DC	PARTY RELATED
C00006957	NATIONAL FRIENDS OF JOHN BRADEMAS	WASHINGTON	DC	HOUSE
C00032797	NATIONAL GOOD GOVERNMENT FUND, THE	HOUSTON	TX	NON-PARTY RELATED
C00032128	NATIONAL LAWYERS COMMITTEE FOR MCGOVERN/SHRIVER	WELLESLEY	MA	PRESIDENTIAL
C00041673	NATIONAL LEAGUE POLITICAL ACTION COMMITTEE	MC LEAN	VA	NON-PARTY RELATED

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C00072348	NATIONAL OCEAN INDUSTRIES ASSOCIATION POLITICAL ACTION COMMITTEE	WASHINGTON	DC	NON-PARTY RELATED
C00035204	NATIONAL OIL JOBBERS COUNCIL SMALL BUSINESSMEN'S COMMITTEE	WASHINGTON	DC	NON-PARTY RELATED
C00033779	NATIONAL REALTY POLITICAL ACTION COMMITTEE	WASHINGTON	DC	NON-PARTY RELATED
C00075820	NATIONAL REPUBLICAN CONGRESSIONAL CMTE - EXPENDITURES	WASHINGTON	DC	PARTY RELATED
C00002931	NATIONAL REPUBLICAN CONGRESSIONAL COMMITTEE - CONTRIBUTIONS	WASHINGTON	DC	PARTY RELATED
C00024851	NATIONAL REPUBLICAN HERITAGE CONVENTION-1975	WASHINGTON	DC	PARTY RELATED
C00003079	NATIONAL REPUBLICAN HERITAGE GROUPS (NATIONALITIES) COUNCIL	WASHINGTON	DC	PARTY RELATED
C00027466	NATIONAL REPURLICAN SENATORIAL COMMITTEE	WASHINGTON	DC	PARTY RELATED
C00040329	NATIONAL RETAIL MERCHANTS ASSOCIATION POLITICAL ACTION COMMITTEE	WASHINGTON	DC	NON-PARTY RELATED
C70000716	NATIONAL RIFLE ASSOCIATION (INSTITUTE FOR LEGISLATIVE ACTION)	WASHINGTON	DC	NON-PARTY RELATED
C00072025	NATIONAL RURAL LETTER CARRIERS ASSOCIATION POLITICAL EDUCATION COMMITTEE	WASHINGTON	DC	NON-PARTY RELATED
C00043059	NATIONAL SHEEP INDUSTRY COMMITTEE FOR GOOD GOVERNMENT	WASHINGTON	DC	NON-PARTY RELATED
C00035485	NATIONAL STEEL POLITICAL ACTION FUND	PITTSBURGH	PA	NON-PARTY RELATED
C00000101	NATIONAL UTILITY CONTRACTORS ASSN LEGISLATIVE INFORMATION & ACTION COMMITTEE	WASHINGTON	DC	NON-PARTY RELATED
C00034256	NATIONAL WOMEN'S POLITICAL CAUCUS CAMPAIGN SUPPORT COMMITTEE	WASHINGTON	DC	NON-PARTY RELATED
C00076174	NATIONWIDE POLITICAL PARTICIPATION COMMITTEE	COLUMBUS	OH	NON-PARTY RELATED
C00038513	NATPAC	WASHINGTON	DC	NON-PARTY RELATED
C00006299	NATRONA COUNTY DEMOCRATIC CENTRAL COMMITTEE	CASPER	WY	PARTY RELATED
C00040886	NBO 0000 CITIZENSHIP COMMITTEE	DETROIT	MI	NON-PARTY RELATED
C00063024	NCPR - PAC	WASHINGTON	DC	NON-PARTY RELATED
C00017087	NEAL FOR CONGRESS COMMITTEE	WINSTON-SALEM	NC	HOUSE
C00029959	NEBRASKA CITIZENS FOR REAGEN	TERMINATED WASHINGTON	DC	PRESIDENTIAL
C00050872	NEBRASKA CONSTRUCTION INDUSTRY POLITICAL ACTION COMMITTEE	OMAHA	NE	NON-PARTY RELATED
C00003988	NEBRASKA DEMOCRATIC STATE CENTRAL COMMITTEE	LINCOLN	NE	PARTY RELATED
C00025551	NEBRASKA DENTAL POLITICAL ACTION COMMITTEE	LINCOLN	NB	NON-PARTY RELATED
C00031625	NEBRASKA FRED HARRIS FOR PRESIDENT COMMITTEE	LINCOLN	NE	PRESIDENTIAL
C00002147	NEBRASKA MEDICAL POLITICAL ACTION COMMITTEE	LINCOLN	NE	NON-PARTY RELATED
C00011585	NEBRASKA REALTORS PAC	LINCOLN	NE	NON-PARTY RELATED
C00027417	NEBRASKA REPUBLICAN COMMITTEE	TERMINATED WASHINGTON	DC	PARTY RELATED
C00032334	NEBRASKA REPURLICAN FEDERAL CAMPAIGN COMMITTEE	LINCOLN	NE	PARTY RELATED
C00004671	NEBRASKA REPUBLICAN STATE CENTRAL COMMITTEE	LINCOLN	NE	PRESIDENTIAL
C00030285	NEBRASKA UDALL FOR PRESIDENT COMMITTEE	OMAHA	NE	HOUSE
C00046124	NED PATTISON '76 COMMITTEE	TROY	NY	HOUSE
C00062976	NED SCHNEIER FOR CONGRESS COMMITTEE	NEW YORK	NY	HOUSE
C00064287	NED SCHNEIER FOR CONGRESS COMMITTEE	NEW YORK	NY	HOUSE
C00003301	NEDZI FOR CONGRESS COMMITTEE	HAMTRAMCK	MI	HOUSE

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IDENTIFICATION	NAME			
C00010629	NEEDHAM WOMEN'S REPUBLICAN CLUB	NEEDHAM	MA	PARTY RELATED
C00061747	NELS LARSON ELECTION COMMITTEE	CHEYENNE	WY	SENATE
C00023796	NELSON FOR CONGRESS	BAY CITY	MI	HOUSE
C00013334	NELSON FOR CONGRESS COMMITTEE	SPRINGFIELD	ON	HOUSE
C00059667	NELSON FOR CONGRESS COMMITTEE	BOSTON	MA	HOUSE
C00027813	NELSON FOR SENATE	MADISON	WI	SENATE
C80002181	NERO, FRANK A.	SOMERVILLE	NJ	DELEGATE
C00027821	NETTLES FOR SENATE COMMITTEE	TERMINATED MOBILE	AL	SENATE
C00069724	NEVADA COMMITTEE FOR THE ELECTION OF PRESIDENT FORD, THE	LAS VEGAS	NV	PRESIDENTIAL
C00068197	NEVADA DEMOCRATIC STATE CENTRAL COMMITTEE -VOTER REGISTRATION	CARSON CITY	NV	PARTY RELATED
C00039248	NEVADA MEDICAL POLITICAL ACTION COMMITTEE (NEMPAC)	RENO	NV	NON-PARTY RELATED
C00012708	NEVADA POLITICAL ACTION COMMITTEE DENTAL	RENO	NV	NON-PARTY RELATED
C00076240	NEVADA STATE DEMOCRATIC CENTRAL COMTE.-GET OUT THE VOTE	CARSON CITY	NV	PARTY RELATED
C00022269	NEVADA TELETHON COMMITTEE	RENO	NV	PARTY RELATED
C00048702	NEW ENGLAND ELECTRIC POLITICAL ACTION COMMITTEE	WESTBOROUGH	MA	NON-PARTY RELATED
C00032462	NEW HAMPSHIRE CITIZENS FOR REAGEN	TERMINATED WASHINGTON	DC	PRESIDENTIAL
C00032201	NEW HAMPSHIRE DEMOCRATIC STATE COMMITTEE	MANCHESTER	NH	PARTY RELATED
C00014373	NEW HAMPSHIRE DENTAL POLITICAL ACTION COMMITTEE	CONCORD	NH	NON-PARTY RELATED
C70000580	NEW HAMPSHIRE LABOR COUNCIL, AFL-CIO	PORTSMOUTH	NH	NON-PARTY RELATED
C00038919	NEW HAMPSHIRE MERIT SHOP POLITICAL ACTION COMMITTEE	GREENLAND	NH	NON-PARTY RELATED
C00005629	NEW HAMPSHIRE REPUBLICAN STATE COMMITTEE	CONCORD	NH	PARTY RELATED
C00030213	NEW HAMPSHIRE UDALL '76' COMMITTEE	LONDONDERRY	NH	PRESIDENTIAL
C00033126	NEW JERSEY CITIZENS FOR MACBRIDE	ORANGE	NJ	PRESIDENTIAL
C00022251	NEW JERSEY EDUCATION ASSOCIATION POLITICAL ACTION COMMITTEE	TOMS RIVER	NJ	HOUSE
C00031658	NEW JERSEY HARRIS FOR PRESIDENT COMMITTEE	NESHANIC STATION	NJ	PRESIDENTIAL
C00032946	NEW JERSEY HEALTH CARE POLITICAL ACTION COMMITTEE	TRENTON	NJ	NON-PARTY RELATED
C00031211	NEW JERSEY LABOR PARTY	EAST ORANGE	NJ	PARTY RELATED
C00039123	NEW JERSEY MEDICAL PAC	TRENTON	NJ	NON-PARTY RELATED
C00043406	NEW JERSEY REPUBLICAN GRAND OLD PARTY	HOHOKUS	NJ	PARTY RELATED
C00035584	NEW JERSEY SOCIALIST WORKERS CAMPAIGN COMMITTEE	NEWARK	NJ	PARTY RELATED
C00008672	NEW JERSEY TEAMSTERS D.R.I.V.E.	JERSEY CITY	NJ	NON-PARTY RELATED
C00034959	NEW JERSEY UDALL '76 COMMITTEE	PRINCETON,	NJ	PRESIDENTIAL
C00039586	NEW LEADERSHIP FUND	WASHINGTON	DC	NON-PARTY RELATED
C00073148	NEW MEXICO CITIZENS FOR CARTER-MONDALE	ALBUQUERQUE	NM	PRESIDENTIAL
C00001776	NEW MEXICO MEDICAL POLITICAL ACTION COMMITTEE (AKANEMPAC)	ALBUQUERQUE	NM	NON-PARTY RELATED
C00034900	NEW MEXICO UDALL '76 COMMITTEE	ALBUQUERQUE	NM	PRESIDENTIAL

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IDENTIFICATION	NAME			
C00048553	NEW MILLENIUM COMMITTEE - INDEPENDENT REPUBLICAN PRESIDENTIAL CANDIDATE COMMITTEE	RICHFIELD	MN	PRESIDENTIAL
C00042440	NEW MIXON NOW COMMITTEE MOVEMENT	WALLA WALLA	VA	PRESIDENTIAL
C00040501	NEW ORLEANS SOCIALIST WORKERS CAMPAIGN	NEW ORLEANS	LA	PARTY RELATED
C00021352	NEW RICHMOND AREA UNIT OF REPUBLICAN WOMEN	TERMINATED NEW RICHMOND	WI	PARTY RELATED
C00053694	NEW SCHNEIER FOR CONGRESS COMM.	NEW YORK	NY	HOUSE
C00067124	NEW VOTING VIRGINIANS COMMITTEE	RICHMOND	VA	PARTY RELATED
C00068999	NEW YORK AOA INDEPENDENT COMMITTEE FOR CARTER/MONDALE	NEW YORK	NY	PRESIDENTIAL
C00032144	NEW YORK CITY COMMITTEE, LABOR FOR MCGOVERN-SHRIVER	NEW YORK	NY	PRESIDENTIAL
C00070441	NEW YORK COUNTY LIBERAL PARTY-CARTER-MONDALE	NEW YORK	NY	PRESIDENTIAL
C00043828	NEW YORK HALL-TYNER-APTHEKER CAMPAIGN COMMITTEE	NEW YORK	NY	PRESIDENTIAL
C00031674	NEW YORK HARRIS FOR PRESIDENT COMMITTEE	CROTON	NY	PRESIDENTIAL
C00003962	NEW YORK JOINT BOARD POLITICAL ACTION FUND	NEW YORK	NY	NON-PARTY RELATED
C00043398	NEW YORK LABOR PARTY	NEW YORK	NY	PARTY RELATED
C00033373	NEW YORK LIBERTARIANS FOR MACBRIDE	NEW YORK	NY	PRESIDENTIAL
C00002634	NEW YORK REPUBLICAN CONGRESSIONAL CAMPAIGN COMMITTEE	POUND RIDGE	NY	PARTY RELATED
C00055502	NEW YORK REPUBLICAN FEDERAL CAMPAIGN COMMITTEE	ALBANY	NY	PARTY RELATED
C00031104	NEW YORK SOCIALIST WORKERS 1976 CAMPAIGN COMMITTEE	NEW YORK	NY	PARTY RELATED
C00072132	NEW YORK STATE AFL-CIO	NEW YORK	NY	NON-PARTY RELATED
C00005868	NEW YORK STATE DEMOCRATIC COMMITTEE	NEW YORK	NY	PARTY RELATED
C00043389	NEW YORK STATE REPUBLICAN YOUTH COMMITTEE	NEW YORK	NY	PARTY RELATED
C00072264	NEW YORK STATE VOTER REGISTRATION DRIVE	ROSEDALE	NY	PARTY RELATED
C00033928	NEW YORK UDALL '76 COMMITTEE	NEW YORK	NY	PRESIDENTIAL
C00075101	NEW YORKERS FOR A DEMOCRATIC SENATOR	N. TARRYTOWN	NY	PARTY RELATED
C00031443	NEW YORKERS FOR ELLA GRASSO FOR VICE PRESIDENT	BROOKLYN	NY	PRESIDENTIAL
C00054884	NEW YORKERS FOR KOCH	NEW YORK	NY	HOUSE
C00043414	NEWAGO COUNTY REPUBLICAN COMMITTEE	FREMONT	MI	PARTY RELATED
C00049619	NEWCOMB TEAM	MILWAUKEE	WI	HOUSE
C00001472	NEWMAN, KIT	AURORA	NE	DELEGATE
C00073015	NEWPORT NEWS DEMOCRATIC COMMITTEE	NEWPORT NEWS	VA	PARTY RELATED
C00006700	NEWPORT NEWS REPUBLICAN CITY COMMITTEE	NEWPORT NEWS	VA	PARTY RELATED
C00041343	NEWPORT REPUBLICAN GALA COMMITTEE	PROVIDENCE	RI	PARTY RELATED
C00021410	NEWTON FOR CONGRESS COMMITTEE	PRINCETON	NJ	HOUSE
C00009522	NEWTON WOMEN'S REPUBLICAN CLUB	NEWTON	MA	PARTY RELATED
C00022517	NEZ PERCE COUNTY DEMOCRATIC CENTRAL COMMITTEE	LEWISTON	ID	PARTY RELATED
C00023721	NEZ PERCE COUNTY REPUBLICAN WOMENS CLUB	LEWISTON	ID	PARTY RELATED
C00071746	NICHOLAS NACIL KUDROVZEFF FOR CONGRESS	PACIFICA	CA	HOUSE

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C00049551	NICK SHOLA FOR CONGRESS CAMPAIGN COMMITTEE	PHOENIXVILLE	PA	HOUSE
C00052977	NICKERSON FOR CONGRESS	PITTSBURG	TX	HOUSE
C00055657	NICOLLET COUNTY DFL PARTY	ST. PETER	MN	PARTY RELATED
C00059949	NICOSIA FOR CONGRESS FINANCE COMMITTEE	MALBROOK	NY	HOUSE
C00054809	NIELSON FOR CONGRESS	PROVO	UT	HOUSE
C00054817	NILSON FOR CONGRESS	MENTONE	CA	HOUSE
C00036525	NIMROD FOR CONGRESS	SKOKIE,	IL	HOUSE
C00048348	NINA MIGLIONICO FOR CONGRESS	BIRMINGHAM	AL	HOUSE
C00052522	NINA STRAHM FOR CONGRESS COMMITTEE	TOPEKA	KS	HOUSE
C00009167	NINTH DISTRICT DEMOCRATIC CENTRAL COMMITTEE	LEXINGTON	IN	PARTY RELATED
C00010256	NINTH DISTRICT DEMOCRATIC COMMITTEE	BRISTOL	VA	PARTY RELATED
C00022871	NJEA PAC EDUCATORS FOR RINALDO	CLARK	NJ	HOUSE
C00022731	NJEA-PAC EDUCATOR FOR YATES	PEMBERTON	NJ	HOUSE
C00022921	NJEA-PAC EDUCATORS FOR BOHEN	SOMERVILLE	NJ	HOUSE
C00022541	NJEA-PAC EDUCATORS FOR HUGHES	VENTNOR	NJ	HOUSE
C00040618	NLI POLITICAL ACTION COMMITTEE	WASHINGTON	DC	NON-PARTY RELATED
C00004366	NMU POLITICAL & LEGISLATIVE ORGANIZATION ON WATCH	NEW YORK	NY	NON-PARTY RELATED
C00034512	NN CORPORATION FEDERAL POLITICAL ACTION COMMITTEE	MILWAUKEE	WI	NON-PARTY RELATED
C00074203	NOBLE COUNTY REPUBLICAN CENTRAL COMMITTEE	KENDALLVILLE	IN	PARTY RELATED
C00044578	NOEL FOR SENATOR	WARWICK	RI	SENATE
C99000883	NOM, KATHLEEN	KIMBERLY	ID	INDEPENDENT EXPENDITOR
C00002097	NOLAN FOR CONGRESS VOLUNTEER COMMITTEE	ST. CLOUD	MN	HOUSE
C00044529	NOLAN FOR SENATE COMMITTEE	CLEVELAND	OH	SENATE
C00035089	NON-COMMITTEE TO ELECT PAUL PRESIDENT	ALTUS	OK	PRESIDENTIAL
C00010090	NON-PARTISAN POLITICAL COMMITTEE OF MASSACHUSETTS	LYNN	MA	NON-PARTY RELATED
C00024869	NON-PARTISAN POLITICAL SUPPORT COMMITTEE	FAIRFIELD	CT	NON-PARTY RELATED
C00014597	NON-PARTISAN TRANSPORTATION ACTION COMMITTEE	SPRINGFIELD	VA	NON-PARTY RELATED
C00007831	NON-PARTISAN VOLUNTARY POLITICAL FUND	LOUISVILLE	KY	NON-PARTY RELATED
CC0012468	NONPARTISAN COMMITTEE FOR BOOD GOVERNMENT	ATLANTA	GA	NON-PARTY RELATED
C00002173	NOONAN, MRS. L.W. (REO)	MOBILE	AL	DELEGATE
C00044446	NORCROSS FOR U.S. SENATE	TRENTON	NJ	SENATE
C00037606	NORM DICKS FOR CONGRESS	TACOMA	WA	HOUSE
C00052274	NORMA BARTLE FOR CONGRESS	OSWEGO	NY	HOUSE
C00006379	NORMAN COUNTY REPUBLICAN COMMITTEE	ADA	MN	PARTY RELATED
C00055749	NORMAN SMASKEY FOR U.S. CONGRESS	MOUNTAIN VIEW	CA	HOUSE
C00023366	NORRISTOWN REPUBLICAN COMMITTEE	NORRISTOWN	PA	PARTY RELATED

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C00056234	NORTH BABYLON DEMOCRATIC COMMITTEE	NORTH BABYLON	NY	PARTY RELATED
C00012211	NORTH CAROLINA DENTAL P.A.C.	RALEIGH	NC	NON-PARTY RELATED
C00035287	NORTH CAROLINA COMMITTEE FOR POLITICAL ACTION	ELON COLLEGE	NC	NON-PARTY RELATED
C00023430	NORTH CAROLINA CONGRESSIONAL CLUB	RALEIGH	NC	NON-PARTY RELATED
C00011213	NORTH CAROLINA DEMOCRATIC CLUB OF WASHINGTON DC	WASHINGTON	DC	PARTY RELATED
C00074476	NORTH CAROLINA DEMOCRATIC INAUGURAL COMMITTEE	WASHINGTON	DC	PARTY RELATED
C00034447	NORTH CAROLINA HARRIS FOR PRESIDENT COMMITTEE	CHAPEL HILL	NC	PRESIDENTIAL
C00010660	NORTH CAROLINA REALTORS POLITICAL ACTION COMMITTEE	GREENSBORO	NC	HOUSE
C00066886	NORTH CAROLINA REPUBLICAN 4TH DISTRICT COMMITTEE	RALEIGH	NC	PARTY RELATED
C00038505	NORTH CAROLINA REPUBLICAN EXECUTIVE COMMITTEE	RALEIGH	NC	PARTY RELATED
C00012302	NORTH CAROLINA STATE DEMOCRATIC EXECUTIVE COMMITTEE	RALEIGH	NC	PARTY RELATED
C00003269	NORTH CAROLINIANS FOR MENDERSON COMMITTEE	ARLINGTON	VA	HOUSE
C00003061	NORTH DAKOTA COMMITTEE ON MEDICAL POLITICAL ACTION	BISMARK	ND	NON-PARTY RELATED
C00013748	NORTH DAKOTA DEMOCRATIC-NONPARTISAN LEAGUE PARTY	BISMARCK	ND	PARTY RELATED
C00018929	NORTH DAKOTA REPUBLICAN STATE COMMITTEE	BISMARCK	ND	PARTY RELATED
C00049031	NORTH EAST SOCIALIST WORKERS CAMPAIGN	HOUSTON	TX	PARTY RELATED
C00043323	NORTH KENT DEMOCRATIC CLUB	GRAND RAPIDS	MI	PARTY RELATED
C00069864	NORTH MINNEAPOLIS 1976 SOCIALIST WORKERS CAMPAIGN COMMITTEE	MINNEAPOLIS	MN	PARTY RELATED
C00022756	NORTH PACIFIC DAIRYMENS COOPERATIVE TRUST	SEATTLE	WA	NON-PARTY RELATED
C00068395	NORTH PHOENIX REPUBLICAN WOMEN	PHOENIX	AZ	PARTY RELATED
C00022304	NORTH SHORE REPUBLICAN CLUB	MILWAUKEE	WI	PARTY RELATED
C00069385	NORTH TEXAS DEMOCRATS FOR FORD	FORT WORTH	TX	PRESIDENTIAL
C00071589	NORTH WARREN DEMOCRATIC PRECINCT DELEGATE CAUCUS	DETROIT	MI	PARTY RELATED
C00002694	NORTH WARREN DEMOCRATIC PRECINCT DELEGATE CAUCUS	DETROIT	MI	DELEGATE
C00040014	NORTH WESTERN OFFICERS TRUST ACCOUNT	CHICAGO	IL	NON-PARTY RELATED
C00000778	NORTHAMPTON COUNTY REPUBLICAN COMMITTEE	EASTON	PA	PARTY RELATED
C00041392	NORTHEAST ARKANSAS CITIZENS FOR REAGAN	JONESBORO	AR	PRESIDENTIAL
C00075085	NORTHEAST CITIZENS FOR SPECTER	FEASTERVILLE	PA	SENATE
C00030866	NORTHEAST MICHIGAN GOP FINANCE COMMITTEE	ALPENA	MI	PARTY RELATED
C00006114	NORTHERN CALIFORNIA CHAPTER OF PRO AMERICA	SAN MATEO	CA	NON-PARTY RELATED
C00032045	NORTHERN CALIFORNIA CITIZENS FOR MUSKIE	SAN FRANCISCO	CA	PRESIDENTIAL
C00074880	NORTHERN CALIFORNIA CITIZENS FOR SENATOR ALAN CRANSTON	SAN FRANCISCO	CA	SENATE
C00010892	NORTHERN CALIFORNIA JOINT BOARD, ACTWU PAC	SAN FRANCISCO	CA	NON-PARTY RELATED
C00074989	NORTHERN N.J. ASSOC. BUILDERS & CONTR. POLITICAL ACTION COMM.	UNION	NJ	NON-PARTY RELATED
C00009027	NORTHERN VIRGINIA JEFFERSON-JACKSON DAY DINNER COMMITTEE	ALEXANDRIA	VA	PARTY RELATED
C00067314	NORTHERN VIRGINIANS FOR BYRD	FAIRFAX	VA	SENATE

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C00073503	NORTHSIDE SOCIALIST WORKERS CAMPAIGN COMMITTEE	MINNEAPOLIS	MN	PARTY RELATED
C00066876	NORTHSIDE SOCIALIST WORKERS CAMPAIGN COMMITTEE	HOUSTON	TX	PARTY RELATED
C00059683	NORTHWESTERN MUTUAL LIFE PAC	MILWAUKEE	WI	NON-PARTY RELATED
C00003998	NORTON REPUBLICAN COMMITTEE	NORTON	VA	PARTY RELATED
C00062956	NORWITZ FOR SENATE COMMITTEE	SCOTTSDALE	AZ	SENATE
C00011437	NOVATO REPUBLICAN WOMEN'S CLUB FEDERATED	NOVATO	CA	PARTY RELATED
C00052282	NOWAK FOR CONGRESS COMMITTEE	ST. LOUIS	MO	HOUSE
C00041194	NRA INSTITUTE POLITICAL ACTION FUND	WASHINGTON	DC	NON-PARTY RELATED
C00053553	NRA POLITICAL VICTORY FUND	WASHINGTON	DC	NON-PARTY RELATED
C00070359	NUECES COUNTY REPUBLICAN PARTY CAMPAIGN FUND	CORPUS CHRISTI	TX	PARTY RELATED
C00022988	NURSERY INDUSTRY POLITICAL ACTION COMMITTEE	WASHINGTON	DC	NON-PARTY RELATED
C00016345	NURSING HOME ADMINISTRATORS POLITICAL ACTION COMMITTEE OF TEXAS (NAPACT)	AUSTIN	TX	NON-PARTY RELATED
C00011490	NW WOMEN'S REPUBLICAN CLUB	ST PETERSBURG	FL	PARTY RELATED
C00029983	NY CITIZENS FOR REAGAN	RICHMOND HILL	NY	PRESIDENTIAL
C00074567	NYC 1976 CAMPAIGN SOCIALIST LABOR PARTY	BREAT NECK	NY	PARTY RELATED
C00052266	O'BRIEN ELECTION COMMITTEE	EASTHAMPTON	MA	HOUSE
C00006144	O'BRIEN FOR CONGRESS	JOLIET	IL	HOUSE
C00062752	O'BRIEN FOR CONGRESS	PORTSMOUTH	VA	HOUSE
C00070854	O'BRIEN FOR CONGRESS	RAYMOND	NH	HOUSE
C00015081	O'DONNELL FOR CONGRESS COMMITTEE	PICO RIVERA	CA	HOUSE
C00044495	O'DWYER FOR U.S. SENATE	NEW YORK	NY	SENATE
C00027979	O'HARA FOR U.S. SENATE COMMITTEE	MOUNT CLEMENS	MI	SENATE
C00051466	O'NEILL VOLUNTEER COMMITTEE	ST. PAUL	MN	HOUSE
C00002157	O'QUIN, LOUIS A.	WESTLAKE	LA	DELEGATE
C00000976	OAHU FRIENDS FOR MINK	HONOLULU	HI	HOUSE
C00060254	OAKLAND CAMEJO-REID CAMPAIGN COMMITTEE	OAKLAND	CA	PARTY RELATED
C00003574	OAKLAND COUNTY REGISTER AND VOTE COMMITTEE	TERMINATED PONTIAC	MI	PARTY RELATED
C00040857	OAKLAND DEMOCRATIC CAMPAIGN COMMITTEE	BLOOMFIELD HILLS	MI	PARTY RELATED
C00002512	OAKS, CASTILLO AND KILGARLIN	HOUSTON	TX	DELEGATE
C00001484	OATES, MRS. RUTH BURNS	SCOTT	LA	DELEGATE
C00017251	OBERSTAR FOR CONGRESS VOLUNTEER COMMITTEE	DULUTH	MN	HOUSE
C00030635	OCAW POLITICAL AND LEGISLATIVE LEAGUE	DENVER	CO	NON-PARTY RELATED
C00003022	OCEANA REPUBLICAN COUNTY COMMITTEE	HART	MI	PARTY RELATED
C00070391	OFFSHORE COMPANY POLITICAL ACTION COMMITTEE, THE	HOUSTON	TX	NON-PARTY RELATED
C00066985	OGLE EMPLOYEES PAC	OKLAHOMA CITY	OK	NON-PARTY RELATED
C00051458	OGDEN FOR CONGRESS	FORT COLLINS	CO	HOUSE

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C00064022	OGDEN FOR CONGRESS COMMITTEE	RICHMOND VA	HOUSE
C00006710	OGEMAW COUNTY REPUBLICAN COMMITTEE	WEST BRANCH MI	PARTY RELATED
C00074799	OHIO BANKERS POLITICAL CAMPAIGN COMMITTEE	COLUMBUS OH	NON-PARTY RELATED
C00040881	OHIO ACTION COMMITTEE FOR RURAL ELECTRIFICATION	COLUMBUS OH	NON-PARTY RELATED
C70000526	OHIO AFL-CIO	COLUMBUS OH	NON-PARTY RELATED
C00015636	OHIO AFL-CIO COMM. ON POLITICAL ED.	COLUMBUS OH	NON-PARTY RELATED
C00008888	OHIO CONTRACTORS POLITICAL ACTION COMMITTEE	COLUMBUS OH	NON-PARTY RELATED
C00020560	OHIO COUNTY REPUBLICAN CENTRAL COMMITTEE	RISING SUN IN	PARTY RELATED
C00016899	OHIO DEMOCRATIC PARTY FEDERAL CAMPAIGN ACCOUNT	COLUMBUS OH	PARTY RELATED
C00060657	OHIO DEMOCRATIC PARTY VOTER REGISTRATION DRIVE	COLUMBUS OH	PARTY RELATED
C00011544	OHIO DENTAL POLITICAL ACTION COMMITTEE	COLUMBUS OH	NON-PARTY RELATED
C00008870	OHIO DRIVE	CLEVELAND OH	NON-PARTY RELATED
C00030908	OHIO LABOR PARTY	CLEVELAND OH	PARTY RELATED
C00055038	OHIO MACBRIDE FOR PRESIDENT COMMITTEE	COLUMBUS OH	PRESIDENTIAL
C00003327	OHIO MEDICAL POLITICAL ACTION COMMITTEE (OMPAC)	COLUMBUS OH	NON-PARTY RELATED
C70000534	OHIO P.F.O.P.L.E. COUNCIL NO. 8	COLUMBUS OH	NON-PARTY RELATED
C00002220	OHIO REPUBLICAN FINANCE COMMITTEE	COLUMBUS OH	PARTY RELATED
C00005306	OHIO STATE COUNCIL OF CARPENTERS POLITICAL ACTION COMMITTEE	GIRARD OH	NON-PARTY RELATED
C00010694	OHIO STATE COUNCIL OF MACHINISTS	CLEVELAND OH	NON-PARTY RELATED
C70000542	OHIO STATE LEGISLATIVE BOARD (UNITED TRANSPORTATION UNION)	COLUMBUS OH	NON-PARTY RELATED
C00075333	OHIOANS FOR JACKSON COMMITTEE	COLUMBUS OH	PRESIDENTIAL
C00032060	OHIOANS FOR MUSKIE COMMITTEE	COLUMBUS OH	PRESIDENTIAL
C00018309	OHLENDORF FOR CONGRESS COMMITTEE	ST LOUIS MO	HOUSE
C00018374	OJALA FOR CONGRESS VOLUNTEER COMMITTEE	MISRING MN	HOUSE
C00030932	OKALOOSA COUNTY DEMOCRATIC EXECUTIVE COMMITTEE	MILLIGAN FL	PARTY RELATED
C00004143	OKLAHOMA BANKPAK	OKLAHOMA CITY OK	NON-PARTY RELATED
C00068007	OKLAHOMA DEMOCRATIC PARTY FEDERAL ELECTION COMMITTEE	OKLAHOMA CITY OK	PARTY RELATED
C00005025	OKLAHOMA DENTAL POLITICAL ACTION COMMITTEE	OKLAHOMA CITY OK	NON-PARTY RELATED
C00067670	OKLAHOMA FRIENDS OF FORD INDIVIDUALLY CONTRIBUTING ENDORSEMENT	NORMAN OK	PRESIDENTIAL
C00030007	OKLAHOMA MEDICAL POLITICAL ACTION COMMITTEE	MOORE OK	NON-PARTY RELATED
C00003145	OKLAHOMA REPUBLICAN STATE COMMITTEE	OKLAHOMA CITY OK	PARTY RELATED
C00041502	OKLAHOMA STATE AFL-CIO FREE POLITICAL CAMPAIGN FUND	OKLAHOMA CITY OK	NON-PARTY RELATED
C00012542	OKLAHOMA TELETHON COMMITTEE	OKLAHOMA CITY OK	PARTY RELATED
C00064723	OKLAHOMA'S SALUTE TO CARL ALBERT COMMITTEE	SHAWNEE OK	PARTY RELATED
C00031682	OKLAHOMANS FOR FRED HARRIS FOR PRESIDENT COMMITTEE	OKC OK	PRESIDENTIAL
C00027680	OKLAHOMANS FOR EDMONDSON	OKLAHOMA CITY OK	SENATE

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C00002790	OLIN EXECUTIVES VOLUNTARY NONPARTISAN POLITICAL FUND	STAMFORD CT	NON-PARTY RELATED
C90001231	OLIPHANT, DON (CONTRIBUTOR)	SANTA ANA CA	INDEPENDENT EXPENDITOR
C90001249	OLIPHANT, KEN (CONTRIBUTOR)	NEWPORT BEACH CA	INDEPENDENT EXPENDITOR
C00089488	OLNEY DISTRICT WOMEN'S REPUBLICAN CLUB	SILVER SPRING MD	PARTY RELATED
C00010869	OLSEN FOR CONGRESS CLUB	HELENA MT	HOUSE
C00050971	OLSEN FOR CONGRESS COMMITTEE	HUNTINGTON WOODS MI	HOUSE
C00076109	OLSON FOR CONGRESS	KASSON MN	HOUSE
C00063560	OLSON VOLUNTEER COMMITTEE	KASSON MN	HOUSE
C00001456	OLSON, DALE	CORPUS CHRISTI TX	DELEGATE
C70000559	OMAHA CENTRAL LABOR UNION	OMAHA NE	NON-PARTY RELATED
C00029793	OMARI MUSA FOR U.S. SENATE	LOS ANGELES CA	SENATE
C00038547	ONC POLITICAL ACTION COMMITTEE	OMAHA NE	NON-PARTY RELATED
C00035659	ONE HUNDRED CLUB	SALT LAKE CITY UT	PARTY RELATED
C00036600	ONE MILLION FOR MAUDARO	MADING RIVER, NY	HOUSE
C00006168	ONE PERCENT FUND	WASHINGTON DC	NON-PARTY RELATED
C00069658	ONONDAGA COUNTY DEMOCRATIC COMMITTEE-FEDERAL ACCOUNT	SYRACUSE NY	PARTY RELATED
C00040694	ONTONAGON COUNTY DEMOCRATIC COMMITTEE	ONTONAGON MI	PARTY RELATED
C00008896	OPEIU, LOCAL 153 "VOTE" (VOICE OF THE ELECTORATE) COMM.	NEW YORK NY	NON-PARTY RELATED
C00017196	OPERATING ENGINEERS LOCAL 825 POLITICAL AND EDUCATION COMMITTEE	LITTLE FALLS NJ	NON-PARTY RELATED
C90001256	OPERATION SPLIT/BALLOT	CHICAGO IL	INDEPENDENT EXPENDITOR
C00022293	OPTICIANS COMMITTEE FOR POLITICAL EDUCATION	WASHINGTON DC	NON-PARTY RELATED
C00069062	OPTIPAC	ARLINGTON VA	NON-PARTY RELATED
C00067777	OPTOMETRISTS FOR CARTER COMMITTEE	MARINA DEL REY CA	PRESIDENTIAL
C00060759	OPTOMETRISTS FOR FORD/DOLE COMMITTEE	CRANSTON RI	PRESIDENTIAL
C00019677	ORA J. GATTI FOR CONGRESS	WORCESTER MA	HOUSE
C00005660	ORAL SURGERY POLITICAL ACTION COMMITTEE	CHICAGO IL	NON-PARTY RELATED
C00005058	ORANGE COUNTY (N.C.) DEMOCRATIC EXECUTIVE COMMITTEE	CHAPEL HILL NC	PARTY-RELATED
C00074260	ORANGE COUNTY AMERICAN INDEPENDENT CENTRAL COMMITTEE	HUNTINGTON BEACH CA	PARTY RELATED
C00055608	ORANGE COUNTY COMMITTEE, BROWN FOR PRESIDENT	SANTA ANA CA	PRESIDENTIAL
C00042887	ORANGE COUNTY COORDINATING REPUBLICAN ASSEMBLY	MIDWAY CITY CA	PARTY RELATED
C00020461	ORANGE COUNTY DEMOCRATIC PARTY/REGISTRATION TRUST FUND	SANTA ANA CA	PARTY RELATED
C00009878	ORANGE COUNTY REPUBLICAN COMMITTEE	ORANGE VA	PARTY RELATED
C00006254	ORANGE COUNTY REPUBLICAN EXECUTIVE COMMITTEE	ORANGE TX	PARTY RELATED
C00006528	ORANGE COUNTY REPUBLICAN EXECUTIVE COMMITTEE	ORLANDO FL	PARTY RELATED
C00011171	ORANGE REPUBLICAN TOWN COMMITTEE	ORANGE CT	PARTY RELATED
C00008391	OREGON AFL-CIO COPE - PCC	SALEM OR	NON-PARTY RELATED

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C00035253	OREGON BANKERS POLITICAL ACTION COMMITTEE	SALEM OR	NON-PARTY RELATED
C00065193	OREGON COMMITTEE ANDERSON/SHACKELFORD WRITE-IN CAMPAIGN	PORTLAND OR	PRESIDENTIAL
C00031708	OREGON HARRIS FOR PRESIDENT COMMITTEE	PORTLAND OR	PRESIDENTIAL
C00008068	OREGON HEALTH SERVICES POLITICAL ACTION COMMITTEE	WATERFORD WI	NON-PARTY RELATED
C00031070	OREGON LABOR PARTY	PORTLAND OR	PARTY RELATED
C00035154	OREGON LEAGUE OF ENVIRONMENTAL VOTERS	PORTLAND OR	NON-PARTY RELATED
C00035766	OREGON MEDICAL POLITICAL ACTION COMMITTEE	PORTLAND OR	NON-PARTY RELATED
C00032938	OREGON REAL ESTATE POLITCAL ACTION COMMITTEE	SALEM OR	NON-PARTY RELATED
C00022632	OREGON REPUBLICAN STATE CENTRAL COMMITTEE	PORTLAND OR	PARTY RELATED
C00045971	OREGON REPUBLICAN STATE CENTRAL COMMITTEE FEDERAL CAMPAIGN ASSISTANCE COMMITTEE	SALEM OR	PARTY RELATED
C00030874	OREGON SOCIALIST WORKERS 1976 CAMPAIGN COMMITTEE	PORTLAND OR	PARTY RELATED
C00030221	OREGON UDALL 76 COMMITTEE	PORTLAND OR	PRESIDENTIAL
C00063308	ORGANIC GROWTH	BISC. PARK FL	PRESIDENTIAL
C00074864	ORGANIZING COMMITTEE WORLD FEDERALIST PARTY	PENACOOK NH	PARTY RELATED
C00070417	ORLEANS PARISH DEMOCRATIC EXECUTIVE COMMITTEE	NEW ORLEANS LA	PARTY RELATED
C00069757	ORLEANS PARISH REPUBLICAN POLITICAL ACTION COUNCIL	NEW ORLEANS LA	PARTY RELATED
C00002105	OROSZ, ALICE	YOUNGSTOWN OH	DELEGATE
C00044677	ORRIN G. HATCH COMMITTEE FOR THE SENATE	SALT LAKE CITY UT	SENATE
C00001449	ORTIZ, JAMES J.	CUMBERLAND MD	DELEGATE
C00005109	ORVAL HANSEN FOR CONGRESS COMMITTEE	IDAHO FALLS ID	HOUSE
C00001092	OSBORN, WILLIAM A.	OAKNOERFIELD TA	INDEPENDENT EXPENDITOR
C00066654	OSCAR H. HAYNES FOR CONGRESS	CHICAGO IL	HOUSE
C00071902	OSCEOLA COUNTY REPUBLICAN COMMITTEE	MARION MI	PARTY RELATED
C00022376	OSCODA COUNTY DEMOCRATIC COMMITTEE	MIO MI	PARTY RELATED
C00001272	OSTEN, REGINA K.	OMAHA NE	INDEPENDENT EXPENDITOR
C00010580	OTSEGO COUNTY REPUBLICAN COMMITTEE	GAYLORD MI	PARTY RELATED
C00043513	OTTAWA COUNTY PRESIDENT FORD COMMITTEE	HOLLAND MI	PRESIDENTIAL
C00006049	OTTAWA COUNTY REPUBLICAN PARTY	ZEELAND, MI	PARTY RELATED
C00005777	OTTER TAIL COUNTY REPUBLICAN COMMITTEE	FERGUS FALLS MN	PARTY RELATED
C00053306	OTTO E. PASSMAN CAMPAIGN COMMITTEE	MONROE LA	HOUSE
C00027631	OUACHITA PARISH BLACK CONCERNED CITIZENS	MONROE LA	HOUSE
C00029900	OUACHITA PARISH BLACK CONCERNED CITIZENS	MONROE LA	NON-PARTY RELATED
C00067512	OUR POLITICAL ACTION COMMITTEE	SOUTHGATE MI	NON-PARTY RELATED
C00041590	OUR UNITED REPUBLIC POLITICAL ACTION COMMITTEE	OAK BROOK IL	NON-PARTY RELATED
C00045701	OUTDOOR ADVERTISING POLITICAL ACTION COMMITTEE (OAPAC)	WASHINGTON DC	NON-PARTY RELATED
C00002080	OUYE, SANORA	SAN FRANCISCO CA	INDEPENDENT EXPENDITOR

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C00060576	OVE FOR CONGRESS COMMITTEE	MONON DANIELA PA	HOUSE
C00049684	OWEN WAND CONGRESSIONAL COMMITTEE	CANTON OH	HOUSE
C00051441	OWEN WEGGS FOR CONGRESS COMMITTEE	CLEVELAND OH	HOUSE
C00052258	OWENS FOR CONGRESS	TAMPA FL	HOUSE
C00034330	OWENS-ILLINOIS EMPLOYEES GOOD CITIZENSHIP FUND	TOLEDO OH	NON-PARTY RELATED
C00068888	OWENSBORO DAVIESS COUNTY DEMOCRATIC EXECUTIVE COMMITTEE	OWENSBORO KY	PARTY RELATED
C00021287	OX ROAST CAMPAIGN COMMITTEE	OLDWICK NJ	HOUSE
C00046383	P & F 1976 CAMPAIGN FUND	LOS ANGELES CA	PARTY RELATED
C00041814	P.A.C.E.-RHODE ISLAND (POLITICAL ACTION COMMITTEE FOR EDUCATION)	WAKEFIELD RI	NON-PARTY RELATED
C00016451	PAC FOR CONGRESS COMMITTEE	NEW BRITAIN CT	HOUSE
C00011767	PAC INT'L UNION UNITED PLANT GUARD WORKERS OF AMERICA(UPGWA)	EAST DETROIT MI	NON-PARTY RELATED
C00034355	PACCAR POLITICAL INTEREST COMMITTEE	BELLEVUE WA	NON-PARTY RELATED
C00002238	PACE - POLITICAL ACTION FOR COOPERATIVE EFFECTIVENESS	WASHINGTON DC	NON-PARTY RELATED
C00037648	PACIA FOR CONGRESS	MONNSTOM RI	HOUSE
C00030679	PACIFIC BANK POLITICAL ACTION COMMITTEE NATIONAL	SEATTLE WA	NON-PARTY RELATED
C00008748	PACIFIC LIGHTING POLITICAL ASSISTANCE COMMITTEE	LOS ANGELES CA	NON-PARTY RELATED
C00068526	PACIFIC MUTUAL POLITICAL ACTION COMMITTEE (PMPAC)	LOS ANGELES CA	NON-PARTY RELATED
C00001264	PACK, HOWARD M.	NEW YORK NY	INDEPENDENT EXPENDITOR
C00027755	PACKWOOD 88	PORTLAND OR	SENATE
C00042093	PACON	PROVIDENCE RI	NON-PARTY RELATED
C00052241	PADGETT FOR CONGRESS COMMITTEE	AUGUSTA GA	HOUSE
C00012249	PAINE WEBBER FUND FOR BETTER GOVERNMENT	NEW YORK NY	NON-PARTY RELATED
C00065912	PAINT AND COATINGS POLITICAL ACTION COMMITTEE	WASHINGTON DC	NON-PARTY RELATED
C00069468	PAINTERS D.C. #6 COPE FUND (FED)	CLEVELAND OH	NON-PARTY RELATED
C00001076	PALCHIK, FRANCES R.	WEST MIFFLIN PA	DELEGATE
C00001068	PALMQUIST, CARL B.	OMAHA NE	DELEGATE
C00005579	PALO PINTO COUNTY REPUBLICAN EXECUTIVE COMMITTEE	MINERAL WELLS TX	PARTY RELATED
C00019737	PALOS VERDES PENINSULA REPUBLICAN WOMEN FEDERATED	PALOS VERDES PENINCA	PARTY RELATED
C00042068	PAN AM FLIGHT ENGINEERS' POLITICAL ACTION COMMITTEE	JAMAICA NY	NON-PARTY RELATED
C00024556	PAN AM POLITICAL ACTION COMMITTEE	WASHINGTON DC	NON-PARTY RELATED
C00041418	PANHANDLE EASTERN SYSTEM POLITICAL ACTION COMMITTEE (PELPAC)	HOUSTON TX	NON-PARTY RELATED
C00062768	PANHANDLE ENERGY POLITICAL ACTION COMMITTEE	AMARILLO TX	NON-PARTY RELATED
C00047982	PAONE FOR CONGRESS	BROOKLYN NY	HOUSE
C00037671	PARISH FOR CONGRESS	GILMER, TX	HOUSE
C00016808	PARKER FOR CONGRESS COMMITTEE	SENECA SC	HOUSE
C00067249	PARKER FOR CONGRESS COMMITTEE	OKLAHOMA CITY OK	HOUSE

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FEDERAL ELECTION COMMISSION
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IDENTIFICATION	NAME		
C00056104	PARKER FOR CONGRESS VOLUNTEER COMMITTEE	ST. PAUL	MN
C90000811	PARKER, FOSTER	HOUSTON	TX
C00081050	PARKER, ROBERT W. JR.	ERIE	PA
C00014698	PARMENT FOR CONGRESS COMMITTEE	JAMESTOWN	NY
C00004523	PARREN J. MITCHELL CAMPAIGN FOR CONGRESS COMMITTEE	BALTIMORE	MD
C00000570	PARRIS CAMPAIGN COMMITTEE	SPRINGFIELD	VA
C00021055	PART IV FREIGHT FORWARDERS POLITICAL ACTION COMMITTEE	WASHINGTON	DC
C00067785	PARTICIPATION IN THE POLITICAL PROCESS COMMITTEE-FEDERAL	SAN DIEGO	CA
C00021956	PASADENA REPUBLICAN WOMEN'S CLUB FEDERATED	PASADENA	CA
C00063198	PASADENA-ALTADENA DEMOCRATS	PASADENA	CA
C00044586	PASBACH FOR SENATOR	RIVERSIDE	RI
C00069997	PASLEY FOR CONGRESS	RIALTO	CA
C00010397	PASSAIC COUNTY DEMOCRATIC COMMITTEE	PASSAIC	NJ
C00017996	PAT BOSCH FOR CONGRESS COMMITTEE	OLENDALE	AZ
C00054783	PAT DANNER FOR CONGRESS	KANSAS CITY	MO
C00016523	PAT FULLINWIDER FOR CONGRESS COMMITTEE	TEMPE	AI
C00016014	PAT WILLIAMS FOR CONGRESS COMMITTEE	HELENA	MT
C00013556	PATCO POLITICAL ACTION COMMITTEE	WASHINGTON	DC
C80031043	PATMAN, CARPIN MAURITZ	OANADO	TX
C00009621	PATRICK COUNTY REPUBLICAN COMMITTEE	STUART	VA
C00051425	PATRIOTIC AMERICANS FOR COLLINS FOR CONGRESS	KENNESAW	GA
C00016352	PATTERSON FOR CONGRESS	SANTA ANA	CA
C00011015	PATTERSON FOR CONGRESS COMMITTEE	MEMPHIS	TN
C00012369	PATTERSON FOR CONGRESS COMMITTEE	MIDDLETOWN	OH
C00016903	PATTERSON FOR CONGRESS COMMITTEE	APPLETON CITY	MO
C00051433	PATTI LEAR CORMAN FOR CONGRESS	ENCINO	CA
C00037382	PATTON FOR CONGRESS	HELENA	AL
C00056036	PAUL G. ROGERS CAMPAIGN COMMITTEE	WEST PALM BEACH	FL
C00063404	PAUL HELM FOR U.S. SENATE COMMITTEE	MINNEAPOLIS	MN
C00027763	PAUL LAXALT FOR U.S. SENATE COMMITTEE	CARSON CITY	NV
C00026419	PAUL SCHMIDTLEIN FOR CONGRESS COMMITTEE	ST LOUIS	MO
C00013003	PAUL SIMON FOR CONGRESS COMMITTEE	SALEM	IL
C00006262	PAUL W. CRONIN CONGRESSIONAL COMMITTEE (AKA COMM. TO ELECT PAUL W.	CRONIN TO CONGRESS) ANDOVER	MA
C00039859	PAULA REIMERS FOR SENATE COMMITTEE	DETROIT	MI
C00005116	PAULDING COUNTY REPUBLICAN CENTRAL COMMITTEE	PAULDING	OH
C00051417	PAXTON FOR CONGRESS COMMITTEE	YAKIMA	WA

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IDENTIFICATION	NAME		
C00053827	PAYNE FOR CONGRESS COMMITTEE	ATOKA	OK
C00055251	PAYNTER FOR CONGRESS COMMITTEE	GARDEN GROVE	CA
C00074120	PAYTON FOR CONGRESS COMMITTEE	CLAYTON	OH
C00032078	PEABODY FUND COMMITTEE	WASHINGTON	DC
C00055358	PEACE & FREEDOM MOVEMENT CAMPAIGN COMMITTEE	OAKLAND	CA
C00042101	PEAR GROWERS FOR RESPONSIBLE GOVERNMENT	SAN FRANCISCO	CA
C00027854	PEARSON FOR SENATE COMMITTEE TRUST ACCOUNT	MISSION	KS
C80002140	PEARSON, CATHRINE A.	ERIE	PA
C00053619	PECKEL FOR CONGRESS COMMITTEE	VERONA	NJ
C00035444	PEDRO VASQUEZ CAMPAIGN	HOUSTON	TX
C00015164	PELLEY FOR CONGRESS	OAFORD	OH
C00022502	PENFIELD DEMOCRATIC COMMITTEE	ROCHESTER	NY
C00001298	PENINSULA WOMEN'S CNTE-CAMPAIGN '76	PALO ALTO	CA
C00074757	PENN CENTRAL POLITICAL ACTION COMMITTEE-PENNPAC	PHILADELPHIA	PA
C00042695	PENNEYPAC	NEW YORK	NY
C00072371	PENNINGTON FOR CONGRESS COMMITTEE	WASHINGTON	DC
C00064782	PENNSTATE PAC AKA LLTHC POLITICAL COMMITTEE	STATE COLLEGE	PA
C70000547	PENNSYLVANIA AFL-CIO	HARRISBURG	PA
C00024248	PENNSYLVANIA BANKERS PUBLIC AFFAIRS COMMITTEE	HARRISBURG	PA
C00045021	PENNSYLVANIA CITIZENS FOR MACBRIDE	PARKSIDE	PA
C00027698	PENNSYLVANIA DEMOCRATIC TELETHON COMMITTEE	PARKSIDE	PA
C00012377	PENNSYLVANIA DENTAL POLITICAL ACTION COMMITTEE	HARRISBURG	PA
C00044842	PENNSYLVANIA GOP CONGRESSIONAL COMMITTEE	HARRISBURG	PA
C00030802	PENNSYLVANIA LABOR PARTY	PHILADELPHIA	PA
C00004929	PENNSYLVANIA MEDICAL POLITICAL ACTION COMMITTEE	LEMOYNE	PA
C00031055	PENNSYLVANIA MUSKIE FOR PRESIDENT	PHILADELPHIA	PA
C00069310	PENNSYLVANIA PHYSICAL THERAPY POSITIVE ACTION COMMITTEE	EBENSBURG	PA
C00009837	PENNSYLVANIA STATE COUNCIL	YORK	PA
C00034983	PENNSYLVANIA UDALL'76 COMMITTEE	PHILADELPHIA	PA
C00059840	PENNSYLVANIANS 'WIN' COMMITTEE	HARRISBURG	PA
C00061945	PEOPLE	FOROS	NJ
C00050062	PEOPLE FOR AL ULLMAN	SALEM	OR
C00067363	PEOPLE FOR BEDELL COMMITTEE	SPIRIT LAKE	IA
C00001484	PEOPLE FOR ROLLINS	KANSAS CITY	MO
C00012963	PEOPLE FOR CONGRESSMAN THOMSON	LA CROSSE	WI
C00050666	PEOPLE FOR COMLAN	YONKERS	NY

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IDENTIFICATION	NAME		
C00065979	PEOPLE FOR DEATER	MONO	MI HOUSE
C00053942	PEOPLE FOR DICKERSON	PANORAMA CITY	CA HOUSE
C00075408	PEOPLE FOR DOMINGUEZ IN THE 5TH DISTRICT	DENVER	CO HOUSE
C00017707	PEOPLE FOR ED CRAWFORD COMMITTEE	BINGHAMTON	NY HOUSE
C00052191	PEOPLE FOR ED SCOTT IN CONGRESS (AKA SCOTT FOR CONGRESS)	BOULDER	CO HOUSE
C00016071	PEOPLE FOR EVANS FINANCE COMMITTEE	ELKTON	VA HOUSE
C00066043	PEOPLE FOR FORD-OOLE	KANSAS CITY	MO PRESIDENTIAL
C00062380	PEOPLE FOR GINLEY	WARRENSVILLE HTS	OH HOUSE
C00014027	PEOPLE FOR HARDY WILLIAMS	PHILADELPHIA	PA HOUSE
C00027896	PEOPLE FOR HASKELL	DENVER	CO SENATE
C00017343	PEOPLE FOR IMPROVEMENT OF EDUCATION	TIGARD	OR NON-PARTY RELATED
C00044735	PEOPLE FOR JACKSON	SEATTLE	WA SENATE
C00034442	PEOPLE FOR LEE TERRY	OMAHA	NE HOUSE
C00027540	PEOPLE FOR MILLER, INC	LITTLETON	CO SENATE
C00038141	PEOPLE FOR MURDOCH FINANCE COMMITTEE	HARRISBURG	PA HOUSE
C00028100	PEOPLE FOR OTTERBACHER	GRAND RAPIDS	MI SENATE
C00027912	PEOPLE FOR PACKARD	VILLANOVA	PA SENATE
C00029652	PEOPLE FOR PERK COMMITTEE	CLEVELAND	OH SENATE
C00039875	PEOPLE FOR PERROTTA	PROVIDENCE	RI SENATE
C00076190	PEOPLE FOR PETE (PRINCIPAL CAMPAIGN COMMITTEE FOR PETE V. DOMENICI)	ALBUQUERQUE	NM SENATE
C00027862	PEOPLE FOR PETTIGREW	TERMINATED MIAMI	FL SENATE
C00013797	PEOPLE FOR PEYSER	IRVINGTON	NY HOUSE
C00056325	PEOPLE FOR POTH COMMITTEE	BUFFALO	NY HOUSE
C00037218	PEOPLE FOR PRESTON	PARIS,	TX HOUSE
C00027706	PEOPLE FOR RIRICOFF	TERMINATED HARTFORD	CT SENATE
C00018408	PEOPLE FOR SANDOW	NEW YORK	NY HOUSE
C00061952	PEOPLE FOR SHOCKEY	INDEPENDENCE	MO HOUSE
C00054948	PEOPLE FOR TELACU	LOS ANGELES	CA NON-PARTY RELATED
C00066993	PEOPLE FOR TONY HOGGES	HONOLULU	HI SENATE
C00028035	PEOPLE FOR VIC CRAWFORD	SILVER SPRING	MD SENATE
C00014530	PEOPLE FOR WEILAND FOR CONGRESS	PIERRE	SD HOUSE
C00015578	PEOPLE FOR WILLIAMS	WAVERLY	IA HOUSE
C00049882	PEOPLE TO ELECT JERRY LAUSMANN 4TH CONGRESSIONAL DISTRICT	EUGENE	OR HOUSE
C00061127	PEOPLE TO ELECT LANELL RUFFINGTON TO CONGRESS	DETROIT	MI HOUSE
C00054205	PEOPLE TO RE-ELECT BEDELL COMMITTEE	SIOUX CITY	IA HOUSE
C00033480	PEOPLE WANT JOHN J. WELCH U.S. SENATOR	RUTLAND	VT SENATE

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IDENTIFICATION	NAME		
C00029843	PEOPLE WHO WANT DISTRICT ATTORNEY BOLD ELECTED TO U.S. SENATE	NEW YORK	NY SENATE
C00012336	PEOPLE WHO WANT RUFUS PHILLIPS ELECTED TO CONGRESS	MCLEAN	VA HOUSE
C00063378	PEOPLE'S INDEPENDENT PARTY	PISCATAWAY	NJ HOUSE
C00043808	PEOPLE'S PARTY 1975 CONVENTION STEERING COMMITTEE	WASHINGTON	DC PARTY RELATED
C00067926	PEOPLE'S PARTY 1976 CONVENTION COMMITTEE	SAN FRANCISCO	CA PARTY RELATED
C00034017	PEOPLE'S PARTY 1976 NATIONAL CAMPAIGN COMMITTEE	WASHINGTON	DC PARTY RELATED
C00001280	PEOPLES ACTION COMMITTEE	DALLAS	TX INDEPENDENT EXPENDITOR
C00066696	PEOPLES COMMITTEE FOR JOELLE FISHMAN	NEW HAVEN	CT HOUSE
C00031500	PEOPLES COMMITTEE TO ELECT BRO. FREDERICK DOUGLAS KIRKPATRICK U.S.	PRESIDENT NY	NY PRESIDENTIAL
C00020200	PEOPLES FOR U.S. SENATOR	NORRISTOWN	PA SENATE
C00074435	PEOPLES FORUM, THE	LOVELAND	OH NON-PARTY RELATED
C00011676	PEORIA COUNTY REPUBLICAN CENTRAL COMMITTEE.	PEORIA	IL PARTY RELATED
C00018372	PEORIA COUNTY UNITED REPUBLICAN FUND	PEORIA	IL PARTY RELATED
C00033167	PEPIC (PEOPLES EMPLOYEES POLITICAL INVOLVEMENT COMMITTEE)	PITTSBURGH	PA NON-PARTY RELATED
C00009142	PEPIN COUNTY DEMOCRATIC PARTY	ARKANSAW	WI PARTY RELATED
C00039321	PEPSICO POLITICAL ACTION COMMITTEE	PURCHASE	NY NON-PARTY RELATED
C78000678	PEPSICO, INC.	PURCHASE	NY NON-PARTY RELATED
C00032136	PERCY COMMITTEE	CHICAGO	IL SENATE
C00002132	PEREBOOM, A.C.	BATON ROUGE	LA DELEGATE
C00002140	PEREZ, LEANDER (MR. & MRS.)	NEW ORLEANS	LA INDEPENDENT EXPENDITOR
C00002645	PERKINS, A. JANE	HARRISBURG	PA DELEGATE
C00039743	PEPPER FOR SENATE COMMITTEE '76	MCLEAN	VA SENATE
C00014055	PERPICH FOR CONGRESS	EVELETH	MN HOUSE
C00019133	PERPICH FOR CONGRESS (PAC)	VIRGINIA	MN HOUSE
C00018663	PERRY CAMPAIGN FUND	COLUMBIA	SC HOUSE
C00019661	PERRY COUNTY REPUBLICAN CENTRAL COMMITTEE	TELL CITY	IN PARTY RELATED
C00035956	PERRY ROACH FOR CONGRESS	HOUSTON,	TX HOUSE
C00001306	PERRY, BOB J.	HOUSTON	TX INDEPENDENT EXPENDITOR
C00050054	PERSONS FOR BORANIAN	SANTA ANA	CA HOUSE
C00051409	PETE LARSON FOR CONGRESS COMMITTEE	ROCKVILLE	MD HOUSE
C00020974	PETE STARK REELECTION COMMITTEE	OAKLAND	CA HOUSE
C00010515	PETE TO D.C. COMMITTEE	BRADDOCK	MD HOUSE
C00002170	PETE'S 3000 (AKA PETE DU PONT FOR CONGRESS) IN '72	WILMINGTON	DE HOUSE
C00056267	PETER G. PRINCAS FOR CONGRESS	CARBONDALE	IL HOUSE
C00037226	PETER JAMES FOR CONGRESS	BETHESDA,	MD HOUSE
C00063487	PETER MURRAY FOR CONGRESS	STATEN ISLAND	NY HOUSE

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IDENTIFICATION	NAME		
C00052209	PETERS FOR CONGRESS	STATEN ISLAND	NY
C00016535	PETERSON FOR CONGRESS COMMITTEE	TOPEKA	KS
C00001035	PETERSON, LOIS G.	SWARTHMORE	PA
C00052514	PETRIE FOR CONGRESS COMMITTEE	RACINE	WI
C00015115	PETRO FOR CONGRESS COMMITTEE	CLEVELAND	OH
C00083865	PETROLANE POLITICAL ACTION COMMITTEE ("PETPAC")	LONG BEACH	CA
C00026112	PETRUCCI FOR CONGRESS	HARRISBURG	PA
C90001314	PEW, ROBERTA M. (CONTRIBUTOR)	DALLAS	TX
C00044503	PEYSER FOR SENATE	IRVINGTON	NY
C00016683	PFIZER EMPLOYEES NONPARTISAN GOOD GOVERNMENT FUND	NEW YORK	NY
C00021972	PHARMACEUTICAL MANUFACTURERS ASSOCIATION BETTER GOVERNMENT COMMITTEE	WASHINGTON	DC
C00033456	PHELPS DODGE EMPLOYEES FUND FOR GOOD GOVERNMENT	NEW YORK	NY
C00015396	PHIL HARRY FOR CONGRESS	SANTA CRUZ	CA
C00047910	PHIL OPPENHEIM FOR CONGRESS COMMITTEE	NORTH MANCHESTER	IN
C00020735	PHIL RATTE, FOR CONGRESS	MINNEAPOLIS	MN
C00072148	PHILADELPHIA COUNTY DEMOCRATIC EXECUTIVE COMMITTEE FEDERAL CAMPAIGN ACCOUNT	PHILADELPHIA	PA
C00066761	PHILADELPHIA NATIONAL BI-PARTISAN POLITICAL ACTION COMMITTEE	PHILADELPHIA	PA
C00001131	PHILADELPHIA REPUBLICAN CITY COMMITTEE	PHILADELPHIA	PA
C00072520	PHILADELPHIA RESPONSE	PHILADELPHIA	PA
C00041368	PHILIP VERNON BAKER'S PRESIDENTIAL CAMPAIGN COMMITTEE FOR 1976	SHIVELY	KY
C00000141	PHILLIP BURTON FOR CONGRESS CAMPAIGN COMMITTEE	SAN FRANCISCO	CA
C00001019	PHILLIPS, GEOFFREY B.	MEADLAND.	AL
C00001027	PHILLIPS, E. JAMES JR.	FORTY FORT	PA
C00000095	PHYSICIANS COMMITTEE FOR GOOD GOVERNMENT D.C.	TERMINATED WASHINGTON	DC
C00056382	PHYSICIANS FOR MCCUSKEY	BRIDGEPORT	WV
C00002808	PICKAWAY COUNTY REPUBLICAN EXECUTIVE COMMITTEE	ASHVILLE	OH
C00009977	PIERCE COUNTY DEMOCRATIC PARTY	EAST ELLSWORTH	WI
C00025825	PIERCE FOR CONGRESS '76	ANN ARBOR	MI
C00027565	PIERPONT FOR SENATE	LUTHERVILLE	MD
C00073452	PIKE COUNTY DEMOCRATIC EXECUTIVE COMMITTEE.	PIKEVILLE	KY
C00000052	PIKE COUNTY REPUBLICAN EXECUTIVE COMMITTEE	BEAVER	OH
C00052951	PIKE FOR CONGRESS COMMITTEE	RIVERHEAD	NY
C00032748	PILLSBURY ACTIVE CITIZENSHIP PROGRAM	MINNEAPOLIS	MN
C00041087	PILOTS FOR REAGAN	DALLAS	TX
C00022699	PINE TREE POLITICAL COMMITTEE	HOUSTON	TX
C00059914	PIOTROWSKI FOR CONGRESS COMMITTEE	ROSEVILLE	MN

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C00041574	PIPING INDUSTRY POLITICAL ACTION COMMITTEE (PIPAC)	GRANGER	IN
C00013557	PISCOPO FOR CONGRESS COMMITTEE (AKA FRIENDS FOR PAT PISCOPO)	TORRINGTON	CT
C00035519	PITTSBURGH NATIONAL BIPARTISAN VOLUNTARY POLITICAL ACTION COMMITTEE	PITTSBURGH	PA
C00009555	PITTSBURGH SECURITIES INDUSTRY CAMPAIGN COMM.	PITTSBURGH	PA
C00074500	PLAQUEMINES FOR FORD	NEW ORLEANS	LA
C00072530	PLAQUEMINES FOR MOREAU CAMPAIGN	NEW ORLEANS	LA
C00083731	PLATTE COUNTY DEMOCRATIC CENTRAL COMM	WHEATLAND	WY
C00059931	PLEDGED DELEGATES FOR FORD COMMITTEE C/O STEPHEN M. SMITH	PLYMOUTH	NH
C00066035	PLOSCOWE FOR CONGRESS COMMITTEE	NEW YORK	NY
C00076018	PLUMBERS LOCAL UNION 690 (COMMITTEE FOR POLITICAL ACTION)	PHILADELPHIA	PA
C90001322	POARCH, SAM	ROYAL CITY	WA
C00066030	PODIATRY POLITICAL ACTION COMMITTEE	WASHINGTON	DC
C00061095	POEHL FOR CONGRESS COMMITEE	VERONA	NJ
C00018796	POERNER CAMPAIGN FUND	MONDO	TX
C00060120	POLILANO FOR CONGRESS COMMITTEE	NEW YORK	NY
C00000075	POLITICAL ACTION CLUB OF TEACHERS	LAVALE	MD
C00066010	POLITICAL ACTION COMMITTEE	PITTSBURGH	PA
C00043018	POLITICAL ACTION COMMITTEE (MARYLAND)	BALTIMORE	MD
C00048709	POLITICAL ACTION COMMITTEE AGAINST ABORTION	FALLS CHURCH	VA
C00035303	POLITICAL ACTION COMMITTEE FOR DESIGN PROFESSIONALS IN MICHIGAN	DETROIT	MI
C00010991	POLITICAL ACTION COMMITTEE FOR EDUCATION	ENGLEWOOD	CO
C00055590	POLITICAL ACTION COMMITTEE FOR EDUCATION	HAMDEN	CT
C00072200	POLITICAL ACTION COMMITTEE FOR EDUCATION	FORESTVILLE	MD
C00022234	POLITICAL ACTION COMMITTEE OF CENTRAL FLORIDA	ORLANDO	FL
C00034462	POLITICAL ACTION COMMITTEE OF EDUCATORS	RALIEGH	NC
C00021229	POLITICAL ACTION COMMITTEE OF NATCHITOCHES AREA	NATCHITOCHES	LA
C00023754	POLITICAL ACTION COUNCIL OF EDUCATORS	LOS ANGELES	CA
C00066767	POLITICAL ACTION FOR CANDIDATE ELECTION FOR HUMAN SERVICES	WASHINGTON	DC
C00017475	POLITICAL ACTION FOR COOPERATIVE EFFECTIVENESS OF KANSAS	HUTCHINSON	KS
C00000885	POLITICAL ACTION TOGETHER POLITICAL COMMITTEE	WASHINGTON	DC
C00001209	POLITICAL AWARENESS FUND	LOS ANGELES	CA
C00010868	POLITICAL COMMITTEE FOR DESIGN PROFESSIONALS	WASHINGTON	DC
C00069534	POLITICAL EDUCATION PARTICIPATION PROGRAM	COLUMBUS	OH
C00065870	POLITICAL EDUCATION PATTERNS	CLEVELAND	OH
C00003160	POLITICAL EDUCATIONAL FUND OF THE BUILDING AND CONSTRUCTION TRADES	DEPARTMENT WASHINGTON	DC
C00010322	POLITICAL FUND COMMITTEE OF THE AMERICAN POSTAL WORKERS UNION,	AFL-CIO WASHINGTON	DC

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IDENTIFICATION	NAME		
C00070706	POLITICAL FUND FOR THE YOUNG DEMOCRATS AT MSU	WICHITA FALLS	TX
C00012015	POLITICAL SUPPORT ASSOCIATION	HOUSTON	TX
C00010058	POLITICAL UNITY OF LEADERS IN STATE EDUCATION	OLYMPIA	WA
C00041939	POLITICAL, EDUCATIONAL LEGISLATIVE FUND	ST. LOUIS	MO
C00070334	POLITICAL, EDUCATIONAL, LEGISLATIVE, CHARITY AND DEFENSE FUND	FAIRBANKS	AK
C00007518	POLK COUNTY REPUBLICAN COMMITTEE	CROOKSTON	MN
C00009811	POLLOCK FOR CONGRESS COMMITTEE	PHOENIA	AZ
C00001001	POMERANTZ, MARVIN A.	DES MOINS	IA
C00009266	PORTER COUNTY REPUBLICAN CENTRAL COMMITTEE	PORTAGE	IN
C00022939	PORTUGUESE AMERICAN FRIENDS OF RON SARASIN	DANBURY	CT
C00006734	POSEY COUNTY REPUBLICAN CENTRAL COMMITTEE	MOUNT VERNON	IN
C00002637	POSNER, SEYMOUR	BRONX	NY
C00069005	POSTON FOR CONGRESS	BOILING SPRINGS	NC
C00041608	POTLATCH EMPLOYEES' POLITICAL FUND	SAN FRANCISCO	CA
C00040322	POTTS FOR CONGRESS COMMITTEE	FLORENCE	AL
C00039628	POULTRY AND EGG INDUSTRIES COMMITTEE FOR POLITICAL ACTION	WASHINGTON	DC
C00043232	POVERTY BAY REPUBLICAN WOMEN'S CLUB	FEDERAL WAY	WA
C00072868	POVINELLI FOR CONGRESS COMMITTEE	MILFORD	CT
C00004051	POWELL FOR CONGRESS COMMITTEE	FRANKLIN	OH
C00034298	PPG EMPLOYEES VOLUNTARY POLITICAL CAMPAIGN FUND	PITTSBURG	PA
C00007666	PREBLE COUNTY DEMOCRATIC CENTRAL COMMITTEE	TERMINATED WEST ALEXANDRIA	OH
C00004398	PREBLE COUNTY REPUBLICAN CENTRAL AND EXECUTIVE COMMITTEES	TERMINATED EATON	OH
C00031336	PRESIDENT FORD COMMITTEE	WASHINGTON	DC
C00031401	PRESIDENT LAR DALY COMMITTEE	CHICAGO	IL
C00067681	PRESIDENT'S TEAM FOR TEXAS	HOUSTON	TX
C00056531	PRESIDENTIAL COMMITTEE FOR HONTE HARRIS LIEBMAN	MILWAUKEE	WI
C00043299	PRESIDENTIAL LUNCHEON COMMITTEE (FEDERAL ACCOUNT)	SAN FRANCISCO	CA
C00043307	PRESIDENTIAL VISIT COMMITTEE	GREENSBORO	NC
C00031187	PRESQUE ISLE COUNTY REPUBLICAN COMMITTEE	ROGERS CITY	MI
C00020313	PREYER FOR CONGRESS	GREENSHORO	NC
C00062315	PRIBANIC FOR CONGRESS	MCKEESPORT	PA
C00000995	PRICHARD, JOHN STEWART	BUTLER	PA
C00073544	PRINCE EDWARD COUNTY VIRGINIANS FOR BYRD	FARMVILLE	VA
C00033266	PRINCIPAL CAMPAIGN COM. FOR DAVE SMITH FOR U.S. SENATE (AKA CAMPAIGN FUND FOR DAVE SMITH)	SEATTLE	WA
C00026468	PRINCIPAL CAMPAIGN COMMITTEE	PITTSBURG	TX
C00054007	PRINCIPAL CAMPAIGN COMMITTEE FOR JAMES ELLISON PARKER	WALLINGTON	NJ

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IDENTIFICATION	NAME		
C00061051	PRINCIPAL CAMPAIGN COMMITTEE FOR U.S. SENATORIAL CANDIDATE C. HARRISON CUNDIFF	LAS VEGAS	NV
C00071324	PRINCIPAL CAMPAIGN COMMITTEE FOR WALDOEN CHARLES EARHART	CARSON CITY	NV
C00026062	PRINCIPAL POLITICAL CAMPAIGN COMMITTEE	NASHVILLE	TN
C00075068	PRINCIPLE CAMPAIGN FUND FOR DAVE SMITH (AKA PRINC. CAMP. FUND FOR DAVE SMITH	SEATTLE	WA
C00071738	PRISCILLA SCHENK 1976 CAMPAIGN COMMITTEE	DENVER	CO
C00031922	PRO-LIFE ACTION COMMITTEE (PCC FOR ELLEN MCCORMACK)	BELLMORE	NY
C00016231	PROBESSOR REIJER CAMPAIGN COSMITTEE	LINCOLN PARK	NJ
C00022798	PRODUCERS GOOD GOVERNMENT COMMITTEE	FRESNO	CA
C00011429	PROFESSIONAL COMMITTEE FOR GOOD GOVERNMENT	LYNWOOD	CA
C00004994	PROFESSIONAL INSURANCE AGENT S PAC	2	DC
C00067074	PROFESSIONALS POLITICAL ACTION COUNCIL	HELENA	MT
C00043281	PROHIBITION NATIONAL COMMITTEE	DENVER	CO
C00072728	PROHIBITON PARTY OF KANSAS, THE	LEONARDVILLE	KS
C00048579	PROJECT POLITICAL INVOLVEMENT COMMITTEE (PPIC)	TEMPE	AZ
C00040584	PROPRIETARY INDUSTRY POLITICAL ACTION COMMITTEE (PIPAC)	WASHINGTON	DC
C00028001	PROUD FOR SENATE COMMITTEE	OMAHA	NE
C00035568	PRYOR FOR U.S. SENATE COMMITTEE	HARTFORD	CT
C00060239	PSA POLITICAL ACTION COMMITTEE	SAN DIEGO	CA
C00069732	PSYCHOLOGISTS FOR CARTER-MONDALE	WASHINGTON	DC
C00002956	PSYCHOLOGISTS FOR LEGISLATIVE ACTION NOW (PLAN)	WASHINGTON	DC
C00003533	PUBLIC AFFAIRS COMMITTEE OF SAVINGS ASSOCIATIONS (PACOSA)	HARRISBURG	PA
C00033728	PUBLIC AFFAIRS FUND	WHITEVILLE	NC
C00027623	PUBLIC EMPLOYEES ORGANIZATION FOR LEGISLATIVE EQUALITY (P.E.O.P.L.E.)	WASHINGTON	DC
C00011114	PUBLIC EMPLOYEES ORGANIZED TO PROMOTE LEGISLATIVE EQUALITY OCC	WASHINGTON	DC
C00022996	PUBLIC INTEREST COMMITTEE, THE	CHICAGO	IL
C00055572	PUBLIC SERVICE COMPANY OF OKLAHOMA POLITICAL ACTION COMMITTEE	TULSA	OK
C00038578	PUBLIC SERVICE POLITICAL ACTION COMMITTEE	VIENNA	VA
C00063537	PUCCIANO FOR CONGRESS	NEW HAVEN	CT
C00010801	PUEBLO COUNTY REPUBLICAN CENTRAL COMMITTEE	PUEBLO	CO
C00066464	PUERTO-RICAN VOTER REGISTRATION COMMITTEE	PHILADELPHIA	PA
C00070388	PULASKI CO. DEMOCRATIC EXECUTIVE COMMITTEE	SOMERSET	KY
C00030494	PULLMAN EMPLOYEES GOOD GOVERNMENT FUND	CHICAGO	IL
C00014043	PURRINGTON FOR CONGRESS	RALEIGH	NC
C00048108	PURSELL-CONGRESS COMMITTEE	PLYMOUTH	MI
C00021758	PUT AMERICA FIRST COMMITTEE	SALT LAKE CITY	UT
C00004713	PUTNAM COUNTY REPUBLICAN CENTRAL COMMITTEE	GREENCASTLE	IN

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IDENTIFICATION	NAME		
C00033209	PWS GOOD GOVT COMMITTEE	VIDALIA	GA NON-PARTY RELATED
C00047191	QUAYLE FOR CONGRESS COMMITTEE	HUNTINGTON	IN HOUSE
C00073023	QUEENS COUNTY LIBERAL PARTY CARTER-MONDALE CAMPAIGN COMMITTEE	FOREST HILLS	NY PRESIDENTIAL
C00038885	QUEENS SOCIALIST WORKERS CAMPAIGN COMMITTEE	JAMAICA	NY PARTY RELATED
C00000987	QUERREVELO, CORALEE	CLYMER	NY DELEGATE
C00074898	QUESTOR CORPORATION POLITICAL ACTION COMMITTEE	TOLEDO	OH NON-PARTY RELATED
C00003798	QUIE VOLUNTEER COMMITTEE	ROCHESTER	MN HOUSE
C00001768	QUILLEN FOR CONGRESS COMMITTEE	KINGSPORT	TN HOUSE
C00026617	QUINCY COLLINS BENEFIT COMMITTEE	MARIETTA	GA HOUSE
C00044263	QUINN FOR SENATE COMMITTEE	HONOLULU	HI SENATE
C00005702	R & A COMMITTEE, AGENTS, A VOLUNTARY POLITICAL COMMITTEE	INDIANAPOLIS	IN NON-PARTY RELATED
C00031369	R C FOR PRESIDENT	SAN RAMON	CA PRESIDENTIAL
C00002873	R. L. MAZZOLI CAMPAIGN FUND	LOUISVILLE	KY HOUSE
C00033977	R. R. DONNELLEY & SONS COMPANY POLITICAL ACTION COMMITTEE	CHICAGO	IL NON-PARTY RELATED
C00003012	R.A.V.E. (RUPPE ASSOCIATES FOR VICTORY IN THE ELECTION)	HOUGHTON	MI HOUSE
C00052704	R.E. LARAMIE FOR CONGRESS	FLORISSANT	MO HOUSE
C00055483	R.M. BLANKE FOR CONGRESS COMMITTEE	OLIVETTE	MO HOUSE
C00059246	RACHEL GUNN KOCH FOR PRESIDENT COMMITTEE	MILWAUKIE	OR PRESIDENTIAL
C00025882	RACINE COUNTY REPUBLICAN PARTY	RACINE	WI PARTY RELATED
C00000648	RADFORD CITY REPUBLICAN COMMITTEE	RADFORD	VA PARTY RELATED
C00000979	RADKE, DILLARD V.	DALLAS	TX DELEGATE
C00000953	RAOLANI, JOHN	HOMER CITY	PA DELEGATE
C00000961	RAGSDALE, ELEANOR F.J.	GRETNA	LA DELEGATE
C00035048	RAILROAD GROUP EMPLOYEES' ELECTION CONTRIBUTION FUND COMMITTEE	PITTSBURGH	PA NON-PARTY RELATED
C00004028	RAILSBACK FOR CONGRESS COMMITTEE	ROCK ISLAND	IL HOUSE
C00022038	RAILWAY CARMEN POLITICAL LEAGUE	KANSAS CITY	MO NON-PARTY RELATED
C00006338	RAILWAY CLERKS POLITICAL LEAGUE	ROSEMONT	IL NON-PARTY RELATED
C00002303	RAILWAY LABOR EXECUTIVES' ASSOCIATION POLITICAL LEAGUE	WASHINGTON	DC NON-PARTY RELATED
C00040519	RAINIER BANCORPORATION FEDPAC	SEATTLE	WA NON-PARTY RELATED
C00039537	RALEIGH COMMITTEE ON POLITICAL EDUCATION	RALEIGH	NC NON-PARTY RELATED
C00045120	RALLS COUNTY REPUBLICAN COMMITTEE	NEW LONDON,	MO PARTY RELATED
C00015271	RALPH BUNCH FOR CONGRESS	TIGARD	OR HOUSE
C00016246	RALPH DUTY FOR CONGRESS VOLUNTEER COMMITTEE	DOLUTH	MN HOUSE
C00882899	RALPH H. METCALFE CAMPAIGN FUND	CHICAGO	IL HOUSE
C00050047	RALPH LEDFORD FOR CONGRESS COMMITTEE	ASHVILLE	NC HOUSE
C00065654	RALPH LEDFORD FOR CONGRESS COMMITTEE	ASHEVILLE, N.	NC HOUSE

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C00071993	RALPH MCGINNIS FOR CONGRESS COMMITTEE	CHARLESTON	IL HOUSE
C00071035	RALPH SCHWARTZ FOR CONGRESS COMMITTEE	ST PAUL	MN HOUSE
C00038189	RAMON CARRILLO FOR CONGRESS	SAN ANTONIA	TX HOUSE
C00027805	RAMSEY CLARK FOR U.S. SENATOR COMMITTEE	NEW YORK	NY SENATE
C00048538	RAMSEY CLARK/SENATE '78	NEW YORK	NY SENATE
C00049759	RAMSEY FOR CONGRESS COMMITTEE	LOUISVILLE	KY HOUSE
C00007989	RANCHO BERNARDO REPUBLICAN WOMEN'S CLUB FEDERATED	SAN DIEGO	CA PARTY RELATED
C00005165	RANDALL FOR CONGRESS COMMITTEE	GARDEN CITY	MO HOUSE
C00020982	RANDOLPH COUNTY REPUBLICAN CENERAL COMMITTEE	TERMINATED UNION CITY	IN PARTY RELATED
C00021097	RANGEL NEWSLETTER FUND	WASHINGTON	DC HOUSE
C00014960	RANGEL-RECEPTION COMMITTEE	NEW YORK	NY HOUSE
C00070722	RAPIDES PARISH DEMOCRATIC EXECUTIVE COMMITIEE	LE COMPTE	LA PARTY RELATED
C00014068	RAPP FOR CONGRESS COMMITTEE	WATERLOO	IA HOUSE
C00000946	RARIG, F. JOHN	ORRTANNA	PA DELEGATE
C00015784	RASSIN FOR CONGRESS COMMITTEE	NEW YORK	NY HOUSE
C00056465	RATTE FOR CONGRESS COMMITTEE	MINNEAPOLIS	MN HOUSE
C00002116	RAUB, FRIEDA W.	WASHINGTON	DC DELEGATE
C00012141	RAUSCHER PIERCE EMPLOYEES POLITICAL AWARENESS COMMITTEE	DALLAS	TX NON-PARTY RELATED
C00061424	RAY = I AM A DEMOCRATH ADKINS	WHITESBURG	KY HOUSE
C00000752	RAY J. MADDEN FOR CONGRESS COMMITTEE	GARY	IN HOUSE
C00013714	RAY ROBERT CAMPAIGN COMMITTEE	MCKINNEY	TX HOUSE
C00063990	RAY SULLIVAN FOR CONGRESS COMMITTEE	AKRON	OH HOUSE
C00054957	RAY THORNTON CAMPAIGN FUND	PINE BLUFF	AR HOUSE
C00050617	RAYMOND A. STACHEWICZ FOR CONGRESS CMTE.	GARFIELD HTS.	OH HOUSE
C00071464	RAYMOND HOULE FOR CONGRESS COMMITTEE	DET	MI HOUSE
C00072306	RAYMOND O. HEAPS FOR CONGRESS	SAN FRANCISCO	CA HOUSE
C00052787	RAYNER FOR CONGRESS COMMITTEE	CHICAGO	IL HOUSE
C00012757	RE ELECT CONGRESSMAN JOE MOAKLEY COMMITTEE	SOUTH BOSTON	MA HOUSE
C00014951	RE ELECT WILSON FOR CONGRESS COMMITTEE	ANNANDALE	VA HOUSE
C00000869	RE-ELECT AL ULLMAN COMMITTEE	ALBANY	OR HOUSE
C00047704	RE-ELECT CLEMENT J. ZABLOCKI TO CONGRESS CLUB	WEST ALLIS	WI HOUSE
C00018709	RE-ELECT CONGRESSMAN MARTIN COMMITTEE	CHARLOTTE	NC HOUSE
C00026815	RE-ELECT DUNCAN FOR CONGRESS	PORTLAND	OR HOUSE
C00026245	RE-ELECT JOHN RHODES COMMITTEE	WASHINGTON	DC HOUSE
C00050039	RE-ELECT LES AUCOIN COMMITTEE	PORTLAND	OR HOUSE
C00004093	RE-ELECT LIZ MOLTZMAN COMMITTEE (AKA MOLTZMAN FOR CONGRESS	COMMITTEE) BROOKLYN	NY HOUSE

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C00047027	RE-ELECT RON MOTTL FOR CONGRESS COMMITTEE	PARMA	OH
C00075051	RE-ELECT SENATOR PELL COMMITTEE	NEWPORT	RI
C00072835	RE-ELECT WILSON FOR CONGRESS COMMITTEE	LUFKIN	TX
C00024778	READING BUILDING TRADES COMMUNITY ACTION COMMITTEE	EXCEPTED READING	PA
C88000427	REAGAN DELEGATE CMTE-SAN ANTONIO	SAN ANTONIO	TX
C88000302	REAGAN DELEGATEES COMMITTEE - MIDLAND	MIDLAND	TX
C00049825	REAGAN VOLUNTEERS OF MISSOURI	ST. LOUIS	MO
C00030700	REAL ESTATE PAC OF WASHINGTON [RPAC-WA]	OLYMPIA	WA
C00030718	REALTORS POLITICAL ACTION COMMITTEE	CHICAGO	IL
C00042119	REALTORS POLITICAL ACTION COMMITTEE OF PUEBLO BOARD OF REALTORS, INC.	PUEBLO	CO
C00043133	REALTORS POLITICAL ACTION COMMITTEE OF VIRGINIA	RICHMOND	VA
C00036244	REBER FOR CONGRESS	CHICAGO,	IL
C00071001	REBER FOR CONGRESS COMMITTEE	SO. HOLLAND	IL
C00009357	RECORDING ARTS POLITICAL ACTION COMMITTEE	WASHINGTON	DC
C00024927	REELECT MARILYN LLOYD TO CONGRESS COMMITTEE	CHATANOOGA	TN
C00001263	REES FOR CONGRESS ELECTION COMMITTEE	BEVERLY HILLS	CA
C00013219	REEVES FOR CONGRESSMAN COMMITTEE	SAN FRANCISCO	CA
C00031831	REGARDS TO THE LINDSAY YEARS COMMITTEE	NEW YORK	NY
C00061044	REGISTRATION '76 (FEDERAL)/ GET-OUT-THE-VOTE '76 (FEDERAL)	DALLAS	TX
C00005041	REGULA FOR CONGRESS COMMITTEE	MASSILLON	OH
C00072710	REGULAR DEMOCRATIC ORGANIZATION	NEW ORLEANS	LA
C00069286	REGULAR HUDSON COUNTY DINNER COMMITTEE (NOV. 1976)	UNION CITY	NJ
C00017533	REGULAR REPUBLICAN CAMPAIGN COMMITTEE OF DARBY TOWNSHIP	GLENOLDEN	PA
C00016568	REILLY FOR CONGRESS COMMITTEE	LEAVENWORTH	KS
C00067900	REINFORCING IRON WORKERS LOCAL 426 POLITICAL ACTION FUND	DETROIT	MI
C00037937	RENNINGER FOR CONGRESS COMMITTEE	DOYLESTOWN	PA
C00003640	RENSSELAER COUNTY REPUBLICAN COMMITTEE	TROY	NY
C00010546	RENVILLE COUNTY REPUBLICAN COMMITTEE	FRANKLIN	MN
C00064212	REP. PARTY OF ALASKA	FAIRBANKS	AK
C00051391	REPRESENTATIVE ROGER RAYMOND FISHER FOR CONGRESS	WASHINGTON	PA
C00035071	REPUBLIC STEEL CORPORATION POLITICAL ACTION COMMITTEE	CLEVELAND	OH
C00074005	REPUBLICAN CENTRAL COMMITTEE OF FRESNO COUNTY	FRESNO	CA
C00012849	REPUBLICAN ADVOCATES COMMITTEE	WASHINGTON	DC
C88011825	REPUBLICAN ASSOCIATION OF IMPERIAL COUNTY	EL CENTRO	CA
C00003348	REPUBLICAN CAMPAIGN COMMITTEE	WASHINGTON	DC
C00020818	REPUBLICAN CAMPAIGN COMMITTEE OF NEW MEXICO	ALBUQUERQUE	NM

IDENTIFICATION	NAME		
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C00073635	REPUBLICAN CAMPAIGN FUND	SHELBYVILLE	KY
C00003228	REPUBLICAN CANDIDATES PRIMARY ELECTION CAMPAIGN COMMITTEE	POTTSVILLE	PA
C00043331	REPUBLICAN CENTRAL COMMITTEE - DUBOIS COUNTY	JASPER	IN
C00043349	REPUBLICAN CENTRAL COMMITTEE - MILLER COUNTY	IBERIA	MO
C00043372	REPUBLICAN CENTRAL COMMITTEE - NEWTON COUNTY	NEOSHO	MO
C00026823	REPUBLICAN CENTRAL COMMITTEE FOR PRINCE GEORGE'S COUNTY	OXON HILL	MD
C00011643	REPUBLICAN CENTRAL COMMITTEE OF IMPERIAL COUNTY	EL CENTRO	CA
C00043273	REPUBLICAN CENTRAL COMMITTEE OF ORANGE COUNTY	ORANGE	CA
C00072157	REPUBLICAN CENTRAL COMMITTEE OF PIERCE COUNTY	TACOMA	WA
C00062562	REPUBLICAN CENTRAL COMMITTEE OF SAN DIEGO CO. CALIFORNA	SAN DIEGO	CA
C00041236	REPUBLICAN CENTRAL COMMITTEE OF STANISLAUS COUNTY	MODESTO	CA
C00045195	REPUBLICAN CENTRAL COMMITTEE-SANTA BARBARA COUNTY	SANTA BARBARA	CA
C00008854	REPUBLICAN COMMITTEE OF BERKS COUNTY	READING	PA
C00034579	REPUBLICAN COMMITTEE OF COMAL COUNTY	NEW BRAUNFELS	TX
C00002204	REPUBLICAN COMMITTEE OF GUADALUPE COUNTY	SEGUIN	TX
C00043729	REPUBLICAN COMMITTEE OF KEWEENAW COUNTY, MICHIGAN	CALUMET	MI
C00005983	REPUBLICAN COMMITTEE OF LEBANON COUNTY	LEBANON	PA
C00020255	REPUBLICAN COMMITTEE OF LOWER MERION AND NARBERTH	ARDMORE	PA
C00008771	REPUBLICAN COMMITTEE OF OAKLAND COUNTY	BIRMINGHAM	MI
C00000810	REPUBLICAN CONGRESSIONAL BOOSTERS CLUB	WASHINGTON	DC
C00021725	REPUBLICAN COUNTY CENTRAL COMMITTEE OF SAN FRANCISCO FEDERAL	CANDIDATES SAN FRANCISCO	CA
C00021857	REPUBLICAN COUNTY COMMITTEE OF RICHMOND COUNTY NEW YORK	STATEN IS	NY
C00003236	REPUBLICAN COUNTY COMMITTEE OF SCHUYKILL COUNTY (GENERAL ACCOUNT)	POTTSVILLE	PA
C00009068	REPUBLICAN COUNTY COMMITTEE, INC.	AUBURN	NY
C00068296	REPUBLICAN COUNTY EXECUTIVE COMMITTEE OF SOMERSET COUNTY	SOMMERVILLE	NJ
C00006796	REPUBLICAN EXECUTIVE COMMITTEE OF AUSTIN COUNTY	SEALY	TX
C00015594	REPUBLICAN EXECUTIVE COMMITTEE OF JEFFERSON COUNTY	LOUISVILLE	KY
C00020420	REPUBLICAN LEAGUE OF LA JOLLA	LA JOLLA	CA
C00074765	REPUBLICAN MEN'S POLITICAL ACTION COMMITTEE	DALLLAS	TX
C00043315	REPUBLICAN NATIONAL ASSOCIATES COMMITTEE	WASHINGTON	DC
C00003376	REPUBLICAN NATIONAL COMMITTEE - CONTRIBUTIONS (AKA REPUBLICAN NATIONAL FINANCE COMMITTEE	WASHINGTON	DC
C00003418	REPUBLICAN NATIONAL COMMITTEE - EXPENDITURES (AKA REPUBLICAN NATIONAL COMMITTEE)	WASHINGTON	DC
C00003392	REPUBLICAN NATIONAL FINANCE OPERATIONS COMMITTEE	WASHINGTON	DC
C00021071	REPUBLICAN NATIONAL HISPANIC ASSEMBLY	WASHINGTON	DC
C00045013	REPUBLICAN PARTY FOR CHIPPEWA COUNTY	CHIPPEWA FALLS	WI
C00045641	REPUBLICAN PARTY OF AUGLAIZE COUNTY, OHIO	WAPAKONETA	OH

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C00010405	REPUBLICAN PARTY OF BEXAR COUNTY, TEXAS	SAN ANTONIO	TX	PARTY RELATED
C00045633	REPUBLICAN PARTY OF BLAND COUNTY	BLAND	VA	PARTY RELATED
C00026922	REPUBLICAN PARTY OF COMAL COUNTY	TERMINATED NEW BRAUNFELS	TX	PARTY RELATED
C00007765	REPUBLICAN PARTY OF DANE COUNTY	MADISON	WI	PARTY RELATED
C00045625	REPUBLICAN PARTY OF FLORIDA	TALLAHASSEE	FL	PARTY RELATED
C00009563	REPUBLICAN PARTY OF GREEN COUNTY	MONROE	WI	PARTY RELATED
C00004986	REPUBLICAN PARTY OF HAWAII	HONOLULU	HI	PARTY RELATED
C00006460	REPUBLICAN PARTY OF JEFFERSON COUNTY	TERMINATED FORT ATKINSON	TX	PARTY RELATED
C00015065	REPUBLICAN PARTY OF KENTUCKY	FRANKFORT	KY	PARTY RELATED
C00006205	REPUBLICAN PARTY OF KLEBERG COUNTY	KINGSVILLE	TX	PARTY RELATED
C00008466	REPUBLICAN PARTY OF LOS ALAMOS COUNTY	LOS ALAMOS	NM	PARTY RELATED
C00006486	REPUBLICAN PARTY OF NEW JERSEY	BEDMINSTER	NJ	PARTY RELATED
C00006234	REPUBLICAN PARTY OF OZAUKEE COUNTY	CEDARBURG	WI	PARTY RELATED
C00072397	REPUBLICAN PARTY OF ROWAN COUNTY	MOREHEAD	KY	PARTY RELATED
C00007021	REPUBLICAN PARTY OF SANTA FE COUNTY	SANTA FE	NM	PARTY RELATED
C00001401	REPUBLICAN PARTY OF STEPHENS COUNTY	RRECKENRIDGE	TX	INDEPENDENT EXPENDITOR
C00001305	REPUBLICAN PARTY OF VIRGINIA	RICHMOND	VA	PARTY RELATED
C00005000	REPUBLICAN PARTY OF WAUKESHA COUNTY	WAUKESHA	WI	PARTY RELATED
C00005769	REPUBLICAN PARTY OF WHITFIELD COUNTY	DALTON	GA	PARTY RELATED
C00077891	REPUBLICAN PARTY OF WICHITA COUNTY	N/A	TX	PARTY RELATED
C00005595	REPUBLICAN PARTY OF WISCONSIN	MADISON	WI	PARTY RELATED
C00074458	REPUBLICAN PARTY OF WISCONSIN-FEDERAL COMMITTEE	MADISON	WI	PARTY RELATED
C00036593	REPUBLICAN PARTY OF WOOD COUNTY	PORT EDWARDS	WI	PARTY RELATED
C00008755	REPUBLICAN PARTY SIXTH CONGRESSIONAL DISTRICT OF WISCONSIN	MONTELLO,	WI	PARTY RELATED
C00022183	REPUBLICAN REGION #7 COMMITTEE-STATE OF IDAHO	IDAHO FALLS	ID	PARTY RELATED
C00067843	REPUBLICAN ROUNDUP	WASHINGTON	DC	PARTY RELATED
C00043117	REPUBLICAN SENATE-HOUSE DINNER #76	WASHINGTON	DC	PARTY RELATED
C00013417	REPUBLICAN STATE CENTRAL AND EXECUTIVE COMMITTEE OF OHIO	COLUMBUS	OH	PARTY RELATED
C00001651	REPUBLICAN STATE CENTRAL COMMITTEE (OF MICHIGAN)	LANSING	MI	PARTY RELATED
C00022152	REPUBLICAN STATE CENTRAL COMMITTEE FOR CHARLES COUNTY,MD,	LA PLATA,	MD	PARTY RELATED
C00020662	REPUBLICAN STATE CENTRAL COMMITTEE OF CALIFORNIA FEDERAL ELECTION	ACCT, WOODLAND HILLS	CA	PARTY RELATED
C00045682	REPUBLICAN STATE CENTRAL COMMITTEE OF CECIL COUNTY	ELKTON	MD	PARTY RELATED
C00069186	REPUBLICAN STATE CENTRAL COMMITTEE OF GARRETT COUNTY	GRANTSVILLE	MD	PARTY RELATED
C00014498	REPUBLICAN STATE CENTRAL COMMITTEE OF IOWA	DES MOINES	IA	PARTY RELATED
C00003677	REPUBLICAN STATE CENTRAL COMMITTEE OF MARYLAND	ANNAPOLIS	MD	PARTY RELATED
C00005389	REPUBLICAN STATE CENTRAL COMMITTEE OF NEW MEXICO	ALBUQUERQUE	NM	PARTY RELATED

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C00044990	REPUBLICAN STATE CENTRAL COMMITTEE OF SOUTH DAKOTA	PIERRE	SD	PARTY RELATED
C00008227	REPUBLICAN STATE COMMITTEE OF ARIZONA	PHOENIX	AZ	PARTY RELATED
C00026344	REPUBLICAN STATE COMMITTEE OF DELAWARE	WILMINGTON	DE	PARTY RELATED
C00011270	REPUBLICAN TOWN COMMITTEE NEW CANAAN CONN	NEW CANAAN	CT	PARTY RELATED
C00003488	REPUBLICAN VICTORY COMMITTEE	TERMINATED WASHINGTON	DC	PARTY RELATED
C00045674	REPUBLICAN WOMEN OF COMAL COUNTY	NEW BRAUNFELS	TX	PARTY RELATED
C00010069	REPUBLICAN WOMEN OF WALLA WALLA COUNTY	TERMINATED WALLA WALLA	WA	PARTY RELATED
C00006866	REPUBLICAN WOMEN RACINE COUNTY WEST	WATERFORD	WI	PARTY RELATED
C00009431	REPUBLICAN WOMEN'S CLUB OF DUXBURY	DUXBURY	MA	PARTY RELATED
C00045211	REPUBLICAN WOMEN, FEDERATED - SAN LORENZO VALLEY	BEN LOMOND	CA	PARTY RELATED
C00018499	REPUBLICANS FOR EDGAR COMMITTEE	NORTON	PA	HOUSE
C00074930	REPUBLICANS FOR LIFE COMMITTEE (PRINCIPAL CAMPAIGN COMMITTEE FOR N.	LEONARD SMITH LAUREL SPRINGS	NJ	SENATE
C00066852	REPUBLICANS FOR PIKE COMMITTEE	PATCHOGUE	NY	HOUSE
C00025486	REPUBLICANS FOR ROBERT BALES COMMITTEE	DANVILLE	IN	HOUSE
C00037836	REPUBLICANS SUPPORTING LUNDINE COMMITTEE	JAMESTOWN,	NY	HOUSE
C00006494	REPUBLICIAN EXECUTIVE COMMITTEE OF MORGAN COUNTY	BERKELEY SPRINGS	WV	PARTY RELATED
C00025395	RESPONSIBLE CITIZENS FED GROUP	ALRUQUERQUE	NM	NON-PARTY RELATED
C00026605	RESPONSIBLE GOVERNMENT ASSOCIATION	ROLLING MEADOWS	IL	NON-PARTY RELATED
C00009191	RESPONSIBLE GOVERNMENT ASSOCIATION (AKA BETTER GOVERNMENT	ASSOCIATION OF BRYN MA ROLLING MEADOWS	IL	NON-PARTY RELATED
C00003764	RESTAURATEURS POLITICAL ACTION COMMITTEE	CHICAGO	IL	NON-PARTY RELATED
C00069229	RETAIL CLERKS UNION #698	AKRON	OH	NON-PARTY RELATED
C00033449	RETAIL GROCERS POLITICAL ACTION COMMITTEE	RESTON	VA	NON-PARTY RELATED
C00042903	RETAIL POLITICAL ACTION COMMITTEE	RESTON	VA	NON-PARTY RELATED
C00005710	RETAIL STORE EMPLOYEES UNION LOCAL 1262 ACTIVE BALLOT CLUB	CLIFTON	NJ	NON-PARTY RELATED
C00023695	RETAIL STORE EMPLOYEES UNION LOCAL 428 ACTIVE BALLOT CLUB	SAN JOSE	CA	NON-PARTY RELATED
C00011708	RETAIL STORE EMPLOYEES UNION LOCAL NO. 880 ACTIVE BALLOT	CLEVELAND	OH	NON-PARTY RELATED
C00034231	RETAIL STORE EMPLOYEES' UNION ACTIVE BALLOT CLUB	CLINTON	MD	NON-PARTY RELATED
C00047985	RETURN BOB PRICE TO CONGRESS COMMITTEE	PAMPA	TX	HOUSE
C00005223	RETURN GEORGE BROWN TO CONGRESS CAMPAIGN COMMITTEE	SAN BERNARDINO	CA	HOUSE
C00062273	RETURN PORTER TO CONGRESS COMMITTEE	EUGENE	OR	HOUSE
C00070003	REV. DICK AMBER FOR CONGRESS COMMITTEE	MT. HOLLY	NJ	HOUSE
C00045039	REVEREND BILL BOWLER FOR PRESIDENT COMMITTEE	TUCSON	AZ	PRESIDENTIAL
C00034397	REXNORD CORPORATE POLITICAL ACTION COMMITTEE	MILWAUKEE	WI	NON-PARTY RELATED
C00045649	REYNOLDS ALUMINUM POLITICAL PARTICIPATION PROGRAM FUND	RICHMOND	VA	NON-PARTY RELATED
C00001696	REYNOLDS, RICHARD F,	RICHARDSON	TX	DELEGATE
C00020868	RHEINBERGER VOLUNTEER COMMITTEE	ST PAUL	MN	HOUSE

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IDENTIFICATION	NAME			
C70000878	RHODE ISLAND AFL-CIO	PROVIDENCE	RI	NON-PARTY RELATED
C00030957	RHODE ISLAND DEMOCRATIC TELETHON COMMITTEE	PROVIDENCE	RI	PARTY RELATED
C00036137	RHODE ISLAND DOCKWORKERS POLITICAL ACTION COMMITTEE	PROVIDENCE	RI	NON-PARTY RELATED
C00031666	RHODE ISLAND HARRIS FOR PRESIDENT COMMITTEE	PROVIDENCE	RI	PRESIDENTIAL
C00001552	RHODE ISLAND MEDICAL POLITICAL ACTION COMMITTEE (RIMPAC)	PROVIDENCE	RI	NON-PARTY RELATED
C00052766	RHODE ISLANDERS FOR CHAFEE	PROVIDENCE	RI	SENATE
C00036418	RHODES FOR CONGRESS*	CINCINNATI,	OH	HOUSE
C00011577	RICE & SOYBEAN POLITICAL ACTION COMMITTEE	STUTTGART	AR	NON-PARTY RELATED
C00010199	RICE PRODUCERS POLITICAL EDUCATION COMMITTEE	LAKE CHARLES	LA	NON-PARTY RELATED
C00037159	RICH WAKSMAN FOR CONGRESS	WHITE PLAINS,	NY	HOUSE
C00001608	RICH, KERRY GALEN	GADSEN	AL	DELEGATE
C00061069	RICHARD "DICK" FRANSON FOR U.S. SENATE VOL. COMMITTEE	MINNEAPOLIS	MN	SENATE
C00000083	RICHARD A. VIGUERIE COMPANY POLITICAL ACTION COMMITTEE ("RAVCO-PAC")	FALLS CHURCH	VA	NON-PARTY RELATED
C00025650	RICHARD BENNETT CAMPAIGN FUND	FLORENCE	SC	HOUSE
C00016782	RICHARD C. WHITE CONGRESSIONAL CLUB	EL PASO	TX	HOUSE
C00050195	RICHARD E. MANCOCK FOR CONGRESS COMMITTEE	CLAREMORE	OK	HOUSE
C00061135	RICHARD E. LEE FOR CONGRESS	COLLEGE PARK	MD	HOUSE
C00025718	RICHARD FITZPATRICK FOR CONGRESS	BATTLE CREEK	MI	HOUSE
C00047035	RICHARD KELLY CAMPAIGN COMMITTEE	ALTAMONTE SPRINGS	FL	HOUSE
C00015586	RICHARD L. FRANKS FOR CONGRESS COMMITTEE	SPRINGFIELD	MO	HOUSE
C00039800	RICHARD LORBER FOR U.S. SENATE COMMITTEE	PROVIDENCE	RI	SENATE
C00056002	RICHARD P. NOLL FOR CONGRESS COMMITTEE	YORK	PA	HOUSE
C00064642	RICHARD VIGUERIE FOR VICE PRESIDENT (AKA RICHARD VIGUERIE FOR PRESIDENT) COMMITTEE	MCLEAN	VA	PRESIDENTIAL
C00017954	RICHARDS FOR CONGRESS	NORFOLK	VA	HOUSE
C00058408	RICHARDSON FOR CONGRESS	BALLGROUND	GA	HOUSE
C00047258	RICHARDSON FOR CONGRESS COMMITTEE	SUMTER	SC	HOUSE
C00062265	RICHARDSON FOR CONGRESS COMMITTEE	TULSA	OK	HOUSE
C00075135	RICHARDSON FOR U.S. SENATE	ARCADIA	CA	SENATE
C00075018	RICHLAND COUNTY (OHIO) COUNCIL, AFL-CIO VOL. COPE FUND	MANSFIELD	OH	NON-PARTY RELATED
C00074609	RICHLAND COUNTY COUNCIL, AFL-CIO VOLUNTARY COPE FUND (OHIO)	MANSFIELD	OH	NON-PARTY RELATED
C00009225	RICHLAND COUNTY DEMOCRATIC ORGANIZATION	RICHLAND CENTER	WI	PARTY RELATED
C00004556	RICHLAND COUTNY REPUBLICAN EXECUTIVE COMMITTEE	MANSFIELD	OH	PARTY RELATED
C00007732	RICHLAND REPUBLICAN WOMEN'S CLUB	RICHLAND	WA	PARTY RELATED
C00074617	RICHMOND AREA AMERICAN PARTY	SANDSTON	VA	PARTY RELATED
C00069856	RICHMOND CITY DEMOCRATIC COMMITTEE	RICHMOND	VA	PARTY RELATED
C00073678	RICHMOND COUNTY LIBERAL PARTY CAMPAIGNN COMMITTEE-CARTER-MONDALE:1976	STATEN ISLAND	NY	PRESIDENTIAL

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C00031849	RICK LOWENMERZ FOR PRESIDENT COMMITTEE	TULSA	OK	PRESIDENTIAL
C00037242	RICK NELSON FOR CONGRESS	HOLLYWOOD	CA	HOUSE
C00051144	RICK TOWRY CAMPAIGN COMMITTEE	CHALMETTE	LA	HOUSE
C00051383	RIDGEWAY FOR CONGRESS	LEXINGTON	GA	HOUSE
C00003511	RIEGEL PEOPLE FOR GOOD GOVERNMENT	VARE SHOALS	SC	HOUSE
C00003608	RIEGLE FOR CONGRESS	FLINT	MI	HOUSE
C00028068	RIEGLE FOR SENATE COMMITTEE	ROYAL OAK	MI	SENATE
C00002686	RIELLY, KEVIN P.	BATON ROUGE	LA	DELEGATE
C00001017	RIFFE, VERNAL G. JR.	NEW BOSTON	OH	INDEPENDENT EXPENDITOR
C00012906	RIGHT TO KEEP AND BEAR ARMS POLITICAL VICTORY FUND	BELLEVUE	WA	NON-PARTY RELATED
C00066189	RIGHT TO LIFE CALIFORNIANS FOR MCCOY	LA JOLLA	CA	SENATE
C00070805	RIGHT TO LIFE COUNCIL OF SAN DIEGO COUNTY	SAN DIEGO	CA	NON-PARTY RELATED
C00012887	RILEY FOR CONGRESS COMMITTEE	CEDAR RAPIDS	IA	HOUSE
C00014977	RINALDO FOR CONGRESS COMMITTEE	UNION	NJ	HOUSE
C00047712	RINHART FOR CONGRESS COMMITTEE	LITCHFIELD	CT	HOUSE
C00017368	RISENHOOVER FOR CONGRESS COMMITTEE	TAMLEQUAM	OK	HOUSE
C00070961	RISING FOR CONGRESS CAMPAIGN COMMITTEE	TROY	MI	HOUSE
C00001662	RISLEY, JOHN	NEW BRUNSWICK	NJ	DELEGATE
C00001670	RISLEY, POWER AND O'GRADY	PISCATAWAY	NJ	DELEGATE
C00016790	RITENAUER TO CONGRESS COMMITTEE	LORAIN	OH	HOUSE
C00067728	RITTENHOUSE FOR CONGRESS COMMITTEE	DUNN LORING	VA	HOUSE
C00017004	RIVERA FOR CONGRESS COMMITTEE	PORTLAND	OR	HOUSE
C00003129	RIVERSIDE CIVIC ASSOCIATION	CHICAGO	IL	NON-PARTY RELATED
C00074054	RIVERSIDE COUNTY REPUBLICAN CENTRAL COMMITTEE	RIVERSIDE	CA	PARTY RELATED
C00049585	RIVES FOR CONGRESS	LOS ANGELES	CA	HOUSE
C00011619	RIVIERA REPUBLICAN WOMEN'S CLUB	SOUTH MIAMI	FL	PARTY RELATED
C00042002	RJRI GOOD GOVERNMENT COMMITTEE	WINSTON-SALEM	NC	NON-PARTY RELATED
C00065904	ROANOKE VALLEY PRESIDENT FORD COMMITTEE	ROANOKE	VA	PRESIDENTIAL
C00070011	ROBERSON FOR CONGRESS COMMITTEE	CEDAR RAPIDS	IA	HOUSE
C00031377	ROBERT C. BYRD FOR PRESIDENT COMMITTEE	WASH.	DC	PRESIDENTIAL
C00047241	ROBERT E. DEANS COMMITTEE	NEWPORT NEWS	VA	HOUSE
C00002584	ROBERT E. GIBSON CAMPAIGN COMMITTEE	CHESAPEAKE	VA	HOUSE
C00049981	ROBERT E. QUINN FOR CONGRESS	HAMPTON	VA	HOUSE
C00047050	ROBERT F. CULPEPPER CAMPAIGN COMMITTEE	TEQUESTA	FL	HOUSE
C00017202	ROBERT J. LUELLEN FUND FOR ELECTION TO CONGRESS	NEW CASTLE	NJ	HOUSE
C00025841	ROBERT L. LEGGETT CAMPAIGN FUND	WASHINGTON	DC	HOUSE

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C00076232	ROBERT LEE ROBINSON FOR SENATE COMMITTEE	HAVRE DE GRACE	MD	SENATE
C00027649	ROBERT MORGAN FOR THE U.S. SENATE	RALEIGH	NC	SENATE
C00017384	ROBERT N.C. NIX CAMPAIGN COMMITTEE	DICKERSON	ND	HOUSE
C00060320	ROBERT N.C. NIX FOR CONGRESS	PHILA	PA	HOUSE
C00055906	ROBERT PAULK FOR CONGRESS	MANCHESTER	TN	HOUSE
C00053678	ROBERT R. STEWART , CANDIDATE FOR CONGRESS	N/A	ZZ	HOUSE
C00056127	ROBERT REMICK FOR CONGRESS CAMPAIGN COMMITTEE	MIAMI	FL	HOUSE
C00056424	ROBERT T. O'HARA FOR CONGRESS COMMITTEE	ERIE	PA	HOUSE
C00006312	ROBERTS FOR CONGRESS COMMITTEE	ARLINGTON	TX	HOUSE
C00001654	ROBERTSON, EDWARD D.	NORTHPORT	AL	DELEGATE
C00066148	ROBIN MILLER FOR U.S. SENATE	ANOKA	MN	SENATE
C00000768	ROBINSON FOR CONGRESS COMMITTEE	WINCHESTER	VA	HOUSE
C90001009	ROBSON, ROBERT G. (CONTRIBUTOR)	CINCINNATI	OH	INDEPENDENT EXPENDITOR
C00025429	ROBYN MICKEY FOR U.S. CONGRESS	MANHATTAN BEACH	CA	HOUSE
C00011239	ROCHESTER JOINT BOARD POLITICAL EDUCATION COMMITTEE	ROCHESTER	NY	NON-PARTY RELATED
C00024737	ROCK COUNTY REPUBLICAN CENTRAL COMMITTEE	LUVERNE	MN	PARTY RELATED
C00007252	ROCK COUNTY REPUBLICAN COMMITTEE	LUVERNE	MN	HOUSE
C00046286	ROCK JOHNSON'S COMMITTEE	HONOLULU	HI	SENATE
C00001647	ROCK, NANCY J.	SHARON	PA	DELEGATE
C00000844	ROCKBRIDGE LEXINGTON REPUBLICAN COMMITTEE	FAIRFIELD	VA	PARTY RELATED
C00043034	ROCKEFELLER FOR VICE PRESIDENT COMMITTEE	WASHINGTON	DC	PRESIDENTIAL
C00070714	ROCKLAND COUNTY DEMOCRATIC COMMITTEE	NEW CITY	NY	PARTY RELATED
C00038471	ROCKWELL INTERNATIONAL CORPORATION GOOD GOVERNMENT COMMITTEE	PITTSBURGH	PA	NON-PARTY RELATED
C00002124	RODRIGUEZ, JULIA	BRONX	NY	DELEGATE
C00072165	ROE CONGRESSIONAL RECEPTION COMMITTEE	WAYNE	NJ	HOUSE
C00005355	ROGER MILSMAN FOR CONGRESS COMMITTEE	NORWICH	CT	HOUSE
C00061968	ROGER L. FORD	ALBUQUERQUE	NM	HOUSE
C00049932	ROGERS FOR CONGRESS COMMITTEE	MACHESTER	TN	HOUSE
C00025320	ROHLFING FOR HAWAII	HONOLULU	HI	HOUSE
C00039057	ROHM AND HAAS EMPLOYEES ASSOCIATION FOR BETTER GOVT	PHILADELPHIA	PA	NON-PARTY RELATED
C00054155	ROHRBAUGH FOR CONGRESS	ROCKVILLE	MD	HOUSE
C00050351	ROLAND BYRD FOR CONGRESS	LOUISVILLE	MS	HOUSE
C00026021	ROLOE FOR CONGRESS (AKA ROLDE FOR U.S. REP. COMM)	PORTLAND	ME	HOUSE
C00061986	ROLLINSON FOR CONGRESS	COLUMBIA	NJ	HOUSE
C00040688	ROLLINSON FOR VICE PRESIDENT	COLUMBIA	NJ	PRESIDENTIAL
C90000993	ROLLMAN, HENRY II (CONTRIBUTOR)	CINCINNATI	OH	INDEPENDENT EXPENDITOR

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C00017814	ROMACK FOR CONGRESS COMMITTEE, 1976	EL DORADO HILLS	CA	HOUSE
C00053298	ROMAN R. BLENSKI FOR CONGRESS	MILWAUKEE,	WI	HOUSE
C00060921	ROMANOWSKI FOR 1ST DIST. CONGRESS	GARY	IN	HOUSE
C00036657	RON DE LUGO FUND RAISING COMMITTEE	ST. THOMAS, U.S.	VI	HOUSE
C00060558	RON GODSEY FOR CONGRESS	FT WORTH	TX	HOUSE
C00051375	RON KARKER FOR CONGRESS COMMITTEE	SALEM	OR	HOUSE
C00013227	RON MOTTL FOR CONGRESS COMMITTEE	PARMA	OH	HOUSE
C00051367	RON RODGER FOR CONGRESS INC.	TINLEY PARK	IL	HOUSE
C00051359	RONALD C. REED, MD FOR CONGRESS	BOTHELL	WA	HOUSE
C88000138	RONALD REAGAN DELEGATE COMMITTEE - DALLAS	DALAS	TX	DELEGATE
C88000120	RONALD REAGAN DELEGATE COMMITTEE, C.D. 1 & 4	MINEOLA	TX	DELEGATE
C00021238	RONALD W. INKLEY FOR CONGRESS	OGDEN	UT	HOUSE
C00000488	ROONEY FOR CONGRESS COMMITTEE	BETHLEHEM	PA	HOUSE
C00020067	ROSARIO FUND	PORTLAND	OR	NON-PARTY RELATED
C00032219	ROSCOMMON COUNTY REPUBLICAN COMMITTEE	ROSCOMMON	MI	PARTY RELATED
C00055335	ROSE FOR CONGRESS COMMITTEE	KANSAS CITY	KS	HOUSE
C00024307	ROSEAU CO BEROLAND VOL COMM	WASHINGTON	DC	HOUSE
C00009944	ROSENTHAL CAMPAIGN COMMITTEE	NEW YORK	NY	HOUSE
C00001639	ROSKOS, JOHN O.	KINGSTON	PA	DELEGATE
C00051342	ROSS BASS FOR CONGRESS	FRANKLIN	TN	HOUSE
C00005553	ROSS COUNTY REPUBLICAN EXECUTIVE COMMITTEE	CHILLICOTHE	OH	PARTY RELATED
C00061689	ROSS EDWARDS FOR CONGRESS COMMITTEE	LEE'S SUMMIT	MO	HOUSE
C00002576	ROSTENKOWSKI FOR CONGRESS COMMITTEE	CHICAGO	IL	HOUSE
C00027664	ROTH FOR SENATE	WILMINGTON	DE	SENATE
C00027656	ROTH FOR SENATE	TERMINATED DENVER	CO	SENATE
C00001621	ROTHENBERGER, ROBERT M.	WORCESTER	PA	DELEGATE
C00023119	ROTONDO FOR CONGRESS COMMITTEE	CRANSTON	RI	HOUSE
C00020776	ROURKE FOR CONGRESS COMMITTEE	RANSOMVILLE	NY	HOUSE
C00002105	ROUSH FOR CONGRESS COMMITTEE	HUNTINGTON	IN	HOUSE
C00011981	ROUSSELOT '76 COMMITTEE	SOUTH PASADENA	CA	HOUSE
C00072587	ROWELL FOR CONGRESS	SUMMERVILLE	SC	HOUSE
C00071779	ROXBURY SOCIALIST WORKERS CAMPAIGN COMMITTEE	ROXBURY	MA	PARTY RELATED
C00055921	ROY BIBBENS FOR CONGRESS COMMITTEE	ASHEVILLE	NC	HOUSE
C00072488	ROY HILL FOR CONGRESS COMMITTEE	LENOIR	NC	HOUSE
C00072389	ROY UNDERWOOD CAMPAIGN	MURPHY	NC	HOUSE
C00036942	ROY YBARRA TO CONGRESS	PASADENA,	TX	HOUSE

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C00014308	ROYBAL CAMPAIGN COMMITTEE	LOS ANGELES	CA
C00036269	RSC CAMPAIGN FUND	ALEXANDRIA	VA
C00060012	RUDEN ROMERO FOR CONGRESS COMMITTEE	TUCSON	AZ
C00059279	RUDASILL FOR CONGRESS COMMITTEE	HENDERSON	NC
C00049527	RUNNING FOXE FOR CONGRESS COMMITTEE	COTTAGE GROVE	OR
C00054189	RUNYAN FOR CONGRESS COMMITTEE	PENSACOLA	FL
C00074633	RUPAC COMMITTEE	DES MOINES	IA
C00001487	RUPPE FOR CONGRESS COMMITTEE	HOUGHTON	MI
C00007773	RUPPERT FOR CONGRESS IN '72	FRANKLIN	OH
C00004127	RURAL AMERICANS FOR VOTER REGISTRATION AND ACTION	DENVER	CO
C00075119	RURAL COLORADOANS FOR CARTER MONDALE	DENVER	CO
C00010710	RURAL ELECTRIC ACTION PROGRAM	RALEIGH	NC
C00066746	RURAL PENNSYLVANIANS FOR CARTER, MONDALE, GREEN	HARRISBURG	PA
C00069209	RUSH COUNTY REPUBLICAN CENTRAL COMMITTEE	CARTHAGE	IN
C00047332	RUSSELL B. LONG COMMITTEE	BATON ROUGE	LA
C00070532	RUSSELL COUNTY DEMOCRATIC EXECUTIVE COMMITTEE	JAMESTOWN	KY
C00037135	RUSSELL FOR CONGRESS	GRAND RAPIDS,	MI
C00053108	RUSSELL FOR CONGRESS COMMITTEE	WICHITA	KS
C00049635	RUSSO FOR CONGRESS	CHICAGO	IL
C00001613	RUSSO, DONALD P.	OANIELSVILLE	PA
C00074245	RUTH ELDRIDGE COMMITTEE	LONDON	KY
C00040806	RUTHERFORD FOR CONGRESS COMMITTEE	EDNA	KS
C00015321	RYAN FOR CONGRESS	LORAIN	OH
C00047720	RYAN FOR CONGRESSS	WASHINGTON	IL
C70000583	S.C. LABOR COUNCIL, AFL-CIO	COLUMBIA	SC
C00047977	SABIN FOR CONGRESS COMMITTEE	FLINT	MI
C00066407	SACRAMENTO COUNTY DEMOCRATIC CENTRAL COMMITTEE	SACRAMENTO	CA
C00009324	SACRAMENTO REPUBLICAN WOMEN'S CLUB, FEDERATED	SACRAMENTO	CA
C00044610	SADLER FOR SENATE COMMITTEE	NASHVILLE	TN
C00034076	SAFECO-PAC	SEATTLE	WA
C00065763	SAGINAW COUNTY GOP CONGRESSIONAL BOOSTER CLUB	SAGINAW	MI
C00005936	SAGINAW COUNTY REPUBLICAN COMMITTEE	SAGINAW	MI
C00022673	SAGINAW PROFESSIONAL AND BUSINESS COMMITTEE	SAGINAW	MI
C00011338	SAILORS POLITICAL FUND	SAN FRANCISCO	CA
C00069344	SAINT PAUL SOCIALIST WORKERS	SAINT PAUL	MN
C00033761	SALISBURY REPUBLICAN TOWN COMMITTEE	SALISBURY	CT

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C00053371	SALLY JOHNSON FOR U.S. CONGRESS	HOLLYWOOD	MD
C00044693	SALMON FOR VERMONT	BELLOWS FALLS	VT
C00060939	SALOMONE FOR CONGRESS	INDIANAPOLIS	IN
C00026583	SALUTE TO TENNESSEE COMMITTEE	WASHINGTON	DC
C00076034	SALUTE TO TOBY ROTH	APPLETON	WI
C00069328	SAM BROWN FOR CONGRESS	TOM RIVER	NJ
C00050203	SAM CAVNAR FOR U.S. SENATOR	LAS VEGAS	NV
C00017608	SAM DILLON FOR CONGRESS COMMITTEE	ANNAPOLIS	MD
C00070607	SAM DRENOVAC FOR CONGRESS	GRANITE CITY	IL
C00047233	SAM MARBLE FOR CONGRESS	MIDLAND	MI
C00070243	SAM MCDONNELL CAMPAIGN	DALLAS	TX
C00063909	SAM TAYLOR CAMPAIGN FUND	MARSHALL	TX
C00014092	SAN BERNARDINO COUNTY REPUBLICAN CENTRAL COMMITTEE	SAN BERNARDINO	CA
C00039990	SAN DIEGO 1976 SOCIALIST WORKERS CAMPAIGN COMMITTEE	SAN DIEGO	CA
C00044156	SAN DIEGO CITIZENS FOR JOHN TUNNEY	SAN DIEGO	CA
C00020156	SAN FRANCISCO DEMOCRATIC COUNTY CENTRAL COMMITTEE	SAN FRANCISCO	CA
C00046052	SAN FRANCISCO UNITED DEMOCRATIC CAMPAIGN FUND	SAN FRANCISCO	CA
C00045203	SAN LUIS OBISPO REPUBLICAN CENTRAL COMMITTEE	SAN LUIS OBISPO	CA
C00011486	SAN MARCOS REPUBLICAN WOMEN'S CLUB,FEDERATED	TERMINATED LAKE SAN MARCUS	CA
C00022020	SAN MARINO REPUBLICAN WOMEN'S CLUB	SAN MARINO	CA
C00001597	SAN MARTIN, DR. JOSE JR.	SAN ANTONIO	TX
C00035634	SAN MATEO COUNTY REPUBLICAN CENTRAL COMMITTEE	SAN MATEO	CA
C00010157	SAN MIGUEL COUNTY REPUBLICAN PARTY	LAS VEGAS	NM
C00069351	SAN PATRICIO COUNTY DEMOCRATIC PARTY CAMPAIGN '76	SINTON	TX
C00001605	SANDERS, BAREFOOT	DALLAS	TX
C00001538	SANDMAN, JR. CHARLES W	CAPE MAY	NJ
C00015628	SANDUSKY COUNTY REPUBLICAN CENTRAL COMMITTEE	TERMINATED FREMONT	OH
C00030049	SANFORD FOR PRESIDENT COMMITTEE	DURHAM	NC
C00030064	SANFORD FOR PRESIDENT COMMITTEE (1972 COMMITTEE)	TERMINATED DURHAM	NC
C00023168	SANGAMON COUNTY COMMITTEE TO ELECT PETER MACK	SPRINGFIELD	IL
C00025726	SANGAMON COUNTY DEMOCRATIC COMMITTEE	SPRINGFIELD	IL
C00069401	SANGAMON COUNTY DEMOCRATIC FEDERAL COMMITTEE	SPRINGFIELD	IL
C00040477	SANGAMON COUNTY REPUBLICAN CAMPAIGN FUND	SPRINGFIELD	IL
C00006072	SANGAMON COUNTY REPUBLICAN CENTRAL COMMITTEE	SPRINGFIELD	IL
C00045062	SANILAC COUNTY DEMOCRATIC COMMITTEE	MELVIN	MI
C00003509	SANILAC COUNTY REPUBLICAN COMMITTEE	SANDUSKY	MI

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C00069815	SANTA BARBARA COUNTY VOTER PROJECT	SANTA BARBARA	CA
C00071571	SANTA CLARA COUNTY DEMOCRATIC CENTRAL COMMITTEE	SAN JOSE	CA
C00022202	SANTA CLARA COUNTY REPUBLICAN CENTRAL COMMITTEE	TERMINATED SAN JOSE	CA
C00009233	SANTA CLARA REPUBLICAN WOMEN, FEDERATED	SAN JOSE	CA
C00019778	SANTA CLARA VALLEY DEMOCRATIC COALITION	MOUNTAIN VIEW	CA
C00011518	SANTA PAULA REPUBLICAN WOMEN'S CLUB FEDERATED	TERMINATED SANTA PAULA	CA
C00016634	SANTAGUIDA FOR CONGRESS COMMITTEE	WATERBURY	CT
C00000286	SANTIESTEBAN, QUENON & KASTER	AUSTIN	TX
C00051334	SANTWAY FOR SANITY	BENNINGTON	VT
C00064519	SANTWAY FOR SANITY	BENNINGTON	VT
C00011221	SAPEC, M.J.	FANWOOD	NJ
C00053793	SARAH KING FOR CONGRESS COMMITTEE	MURFREESBORO	TN
C00009589	SARASIN CONGRESS COMMITTEE	WATERBURY	CT
C00029777	SARBANES FOR SENATE '76	BALTIMORE	MD
C00021329	SARGENT ELECTION COMMITTEE	CROWNSVILLE	MD
C00072678	SARPIS FOR CONGRESS COMMITTEE/AND ALBERT SARPIS	OAKLAND	CA
C00035436	SASSER FOR SENATE	NASHVILLE	TN
C00002709	SATTERFIELD CAMPAIGN FUND	RICHMOND	VA
C00008946	SAUK COUNTY DEMOCRATIC PARTY	SAUK CITY	WI
C00053785	SAUNDERS FOR CONGRESS CAMPAIGN COMMITTEE	BEDFORD	VA
C00071159	SAVE CYPRUS COUNCIL	MARINA DEL REY	CA
C00053777	SAVICH FOR CONGRESS COMMITTEE	CLEVELAND	OH
C00025114	SAVINGS AND LOAN POLITICAL ACTION COMMITTEE	ST PETERSBURG	FL
C00064018	SAVINGS AND LOAN POLITICAL ACTION COMMITTEE-OHIO	COLUMBUS	OH
C00035295	SAVINGS ASSOCIATION COMMITTEE FOR RESPONSIBLE GOVERNMENT	GLENDALE	CA
C00008607	SAVINGS ASSOCIATION POLITICAL ACTION COMMITTEE	MALEDON,	NJ
C00001875	SAVINGS ASSOCIATION POLITICAL ELECTIONS COMMITTEE	WASHINGTON	DC
C00001156	SAVINGS ASSOCIATION PUBLIC AFFAIRS COMMITTEE MICHIGAN	LANSING	MI
C00002253	SAVINGS BANKERS NON PARTISAN POLITICAL ACTION COMMITTEE	WASHINGTON	DC
C00049924	SAVINO FOR CONGRESS COMMITTEE	SCHOFIELD	WI
C00061739	SAVOLA FOR SENATE CAMPAIGN COMMITTEE	MINNEAPOLIS	MN
C90000878	SAYENGA, MARIE (CONTRIBUTOR)	BETHEL PARK	PA
C00008474	SBMU BETTER GOVERNMENT COMMITTEE	NEW YORK	NY
C90001843	SCAIFE, RICHARD M.	PITTSBURGH	PA
C00053934	SCANLON FOR CONGRESS CITIZENS COMMITTEE	ROCKY RIVER	OH
C00051326	SCHADE FOR CONGRESS	PHILADELPHIA	PA

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FEDERAL ELECTION COMMISSION
COMMITTEE CROSS INDEX - (B)

DATE 14MAR77

IDENTIFICATION	NAME		
C00019323	SCHENECTADY COUNTY DEMOCRATIC COMMITTEE	TERMINATED SCHENECTADY	NY
C00010705	SCHENECTADY COUNTY REPUBLICAN COMMITTEE	TERMINATED SCHENECTADY	NY
C90001546	SCHERER, GORDON H. (CONTRIBUTOR)	CINCINNATI	OH
C00000588	SCHERLE FOR CONGRESS COMMITTEE	SIVER CITY	IA
C00016436	SCHEUER FOR CONGRESS 1976	WASHINGTON	DC
C00036509	SCHEUER FOR CONGRESS 1976	WASHINGTON,	DC
C00015685	SCHLITZ FOR CONGRESS COMMITTEE	PORTSMOUTH	VA
C00036517	SCHLUTER FOR CONGRESS*	CLINTON,	NJ
C90001181	SCHNAPPER, ERIC	NEW YORK	NY
C00062554	SCHNEBLY FOR CONGRESS	TOWNSMEND	VT
C00002535	SCHNEEBELI FOR CONGRESS COMMITTEE	WILLIAMSPORT	PA
C90001173	SCHORR,FREDRIC MARC (CONTRIBUTOR)	BROOKLYN	NY
C00074542	SCHRADER VOLUNTEER COMMITTEE	MOOREHEAD	MN
C00009106	SCHRAMM FOR CONGRESS COMMITTEE	ST. LOUIS	MO
C00008235	SCHROEDER FOR CONGRESS COMMITTEE	DENVER	CO
C00000653	SCHUYLKILL COUNTY DEMOCRATIC COMMITTEE	MAHANEY CITY	PA
C00003202	SCHUYLKILL COUNTY REPUBLICAN FINANCE COMMITTEE	POTTSVILLE	PA
C00049593	SCHWARZ FOR CONGRESS COMMITTEE	BATTLE CREEK	MI
C00014829	SCHWIEGER FOR CONGRESS COMMITTEE	WATERLOO	IA
C00020347	SCOTT COUNTY REPUBLICAN CENTRAL COMMITTEE	AUSTIN	IN
C00005470	SCOTT COUNTY REPUBLICAN COMMITTEE	BELLE PLAINE	MN
C00023762	SCOTT COUNTY REPUBLICAN COMMITTEE	GATE CITY	VA
C00055319	SCOTT FOR CONGRESS	CHAMPAIGN	IL
C00015073	SCOTT FOR CONGRESS COMMITTEE	WINONA	MN
C00049916	SCOTT FOR CONGRESS COMMITTEE	LANCASTER	PA
C00020357	SCOTT FOR SENATE COMMITTEE	FAIRFAX	VA
C00074211	SCOTT R. RANDOLPH FOR CONGRESS COMMITTEE	EAST ST. LOUIS	IL
C00035428	SCOTT SKINNER FOR U.S. SENATE COMMITTEE	MONTPELIER	VT
C00001571	SCURLOCK, BILL	MCALLEN	TX
C00063131	SDGLE CITIZENS FOR GOOD GOVERNMENT COMMITTEE	SAN DIEGO	CA
C00000325	SEAFARERS POLITICAL ACTIVITY DONATION "SPAD"	BROOKLYN	NY
C00038612	SEARS POLITICAL ACTION COMMITTEE	CHICAGO	IL
C00002311	SEBELIUS FOR CONGRESS	NORTON	KS
C90001199	SECCHIA, PETER & JOAN	EAST GRAND RAPIDS	MI
C00011908	SECOND CONGRESSIONAL BOOSTERS (NOTE: DON CLAUSEN'S PRINCIPAL CAMPAIGN COMMITTEE)	SANTA ROSA	CA
C00016824	SECOND CONGRESSIONAL DISTRICT DEMOCRATIC EXECUTIVE COM.	NORFOLK	VA

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FEDERAL ELECTION COMMISSION
COMMITTEE CROSS INDEX - (B)

DATE 14MART7

IDENTIFICATION	NAME		
C00072338	SECOND CONGRESSIONAL DISTRICT DEMOCRATIC EXECUTIVE COMMITTEE	NEW ORLEANS	LA
C00044974	SECOND CONGRESSIONAL DISTRICT REPUBLICAN CENTRAL COMMITTEE	LAKEWOOD	CO
C00042614	SECOND CONGRESSIONAL DISTRICT REPUBLICAN COMMITTEE	ANN ARBOR	MI
C00039545	SECOND CONGRESSIONAL DISTRICT REPUBLICAN WOMEN'S CLUB	WEBSTER GROVES	MO
C00045179	SECOND DISTRICT CONGRESSIONAL DEMOCRATIC COMMITTEE	MONROE	MI
C00021824	SECOND DISTRICT CONGRESSIONAL DEMOCRATIC COMMITTEE-IOWA	MANCHESTER	IA
C00010454	SECOND DISTRICT COPE	ST PETER	MN
C00064436	SECOND DISTRICT DELEGATES FOR FORD	OMAHA	NE
C00045187	SECOND DISTRICT DEMOCRATIC COMMITTEE	NORFOLK	VA
C00065896	SECOND DISTRICT DEMOCRATIC COMMITTEE	YPSILANTI	MI
C00007245	SECOND DISTRICT REPUBLICAN CENTRAL COMMITTEE	LAFAYETTE	IN
C00073720	SECOND DISTRICT REPUBLICAN COMMITTEE	NORFOLK	VA
C00075325	SECOND DISTRICT REPUBLICAN COMMITTEE	PRIOR LAKE	MN
C00030562	SECOND DISTRICT WAYNE COUNTY OFFICIAL DEMOCRATIC PARTY	LIVONIA	MI
C00002618	SECURITIES INDUSTRY CAMPAIGN COMMITTEE	WASHINGTON	DC
C00067504	SECURITIES INDUSTRY POLITICAL ACTION COMMITTEE	WASHINGTON	DC
C00030452	SECURITY PACIFIC ACTIVE CITIZENSHIP TODAY COMMITTEE	LOS ANGELES	CA
C00029975	SEOCO POLITICAL ACTION COMMITTEE	DALLAS	TX
C00034868	SEIBERLING PRESIDENTIAL DELEGATE STEERING COMMITTEE	AKRON	OH
C00037812	SEIDEN FOR CONGRESS COMMITTEE*	WHEATON*	MD
C00015412	SEIELSTAD FOR CONGRESS COMMITTEE	BISHOP	CA
C00001563	SELLENTIN, JERRY L.	LINCOLN	NE
C00006452	SEMINOLE COUNTY DEMOCRATIC EXECUTIVE COMMITTEE	FOREST CITY	FL
C00075242	SEN. HERR FOR CONGRESS COMTE. (AKA GORDON HERR CONGRESSIONAL COMTE.)	SEATTLE	WA
C00039206	SENATE-HOUSE ASSOC. FOR RESPONSIBLE ELECTIONS (SHARE)	WASHINGTON	DC
C00074823	SENATOR ANDERSON VOLUNTEER COMMITTEE	BLOOMINGTON	MN
C00066029	SENATOR BYRD FOR VIRGINIA, CHARLOTTESVILLE-ALBEMARLE	CHARLOTTESVILLE	VA
C00047316	SENATOR ELLENDER CAMPAIGN COMMITTEE	HOUMA	LA
C00029801	SENATOR JOHN CULVER NEWSLETTER FUND	CEDAR RAPIDS	IA
C00047368	SENATOR JOHN CULVER OFFICE ACCOUNT	CEDAR RAPIDS	IA
C00048603	SENATOR JOHN GLENN COMMITTEE ('74)	WASHINGTON	DC
C00039727	SENATOR JOHN GLENN FOR PRESIDENT COMMITTEE	WASHINGTON	DC
C00075077	SENATOR JOHN TOWER OFFICE ACOUNT	WASHINGTON	DC
C00029769	SENATOR LLOYD BENTSEN RE-ELECTION COMMITTEE	AUSTIN	TX
C00073189	SENATOR NICHOLAS C. PETRIS CAMPAIGN COMMITTEE-FEDERAL	BERKELEY	CA
C00046235	SENATOR SAM NUNN CAMPAIGN COMMITTEE (AKA SAM NUNN FOR SENATE CAMPAIGN COMMITTEE)	ATLANTA	GA

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FEDERAL ELECTION COMMISSION
COMMITTEE CROSS INDEX - (B)

DATE 14MART7

IDENTIFICATION	NAME		
C00008153	SENATORIAL DISTRICT 17 UNCOMMITTED DEMOCRATS	ATLA LOMA	TX
C00055699	SEND A VALENTINE TO CONGRESS COMMITTEE	ALHAMBRA	CA
C00048306	SEND JAKE WATSON TO CONGRESS	MONTGOMERY	AL
C00001479	SENECA COUNTY REPUBLICAN EXECUTIVE COMMITTEE	MCCUTCHENVILLE	OH
C00044180	SENIOR CITIZENS FOR NAYAKAWA COMMITTEE	LOS ANGELES	CA
C00023655	SENIOR CITIZENS FOR MORNE	ABINGDON	VA
C00061549	SENIOR CITIZENS FOR PRESIDENT FORD	LOS ANGELES	CA
C00040634	SENIOR CITIZENS FOR REAGAN COMMITTEE	LOS ANGELES	CA
C00026526	SEROTKIN FOR CONGRESS	ROMEO	MI
C70000591	SERVICE EMPLOYEES INTERNATIONAL UNION, PEA	WASHINGTON	DC
C00032730	SEVENTH CONGRESSIONAL DISTRICT DEMOCRATIC COMMITTEE	FLINT	MI
C00045161	SEVENTH CONGRESSIONAL DISTRICT REPUBLICAN COMMITTEE	SPRINGFIELD	MO
C00046128	SEVENTH DISTRICT DELEGATES FOR FORD COMMITTEE	SPRINGFIELD	OH
C00038164	SHACKLEFORD FOR CONGRESS*	DALLAS	TA
C00030072	SHAPP FOR PRESIDENT COMMITTEE	HARRISBURG	PA
C90001287	SHAPP, MILTON J.	MERION STATION	PA
C90001841	SHARP, CHARLES S. & RUTH C. (CONTR)	DALLAS	TX
C00060160	SHASTA COUNTY REAGAN FOR PRESIDENT COMMITTEE	REDDING	CA
C00001555	SHAUGHNESSY, MICHAEL J.	ST PAUL	ME
C00006104	SHEBOYGAN COUNTY REPUBLICAN PARTY	SHEBOYGAN	WI
C00059675	SHEEDY FOR CONGRESS	SACRAMENTO	CA
C00038842	SHEEHAN FOR CONGRESS*	WYCKOFF	NJ
C00013961	SHEET METAL AND AIR CONDITIONING CONTRACTORS' POLITICAL ACTION COMMITTEE	VIENNA	VA
C00008680	SHEET METAL WORKERS LOCAL UNION #70	AKRON	OH
C00007542	SHEET METAL WORKERS' INTERNATIONAL ASSOCIATION POLITICAL ACTION LEAGUE	WASHINGTON	DC
C00005504	SHELBY COUNTY REPUBLICAN CENTRAL AND EXECUTIVE COMMITTEE	SIDNEY	OH
C00028378	SHELBY COUNTY REPUBLICAN CENTRAL COMMITTEE	SHELBYVILLE	IN
C00010215	SHELBY COUNTY REPUBLICAN WOMEN'S CLUB	MEMPHIS	TN
C90001488	SHELDON, JAMES RHODES	GRAPEVINE	TX
C00039503	SHELL EMPLOYEES' POLITICAL AWARENESS COMMITTEE	HOUSTON	TX
C00055814	SHELTO FOR CONGRESS	BRISTOL	CT
C00070367	SHENANDOAH COUNTY DEMOCRATIC COMMITTEE	WOODSTOCK	VA
C00028373	SHENANDOAH COUNTY REPUBLICAN COMMITTEE	WOODSTOCK	VA
C00049908	SHEPHERD FOR CONGRESS COMMITTEE	KETTERING	OH
C00054262	SHEPPARD FOR CONGRESS	FLETCHER	NC
C00006278	SHERIDAN COUNTY REPUBLICAN CENTRAL COMMITTEE	SHERIDAN	WY

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FEDERAL ELECTION COMMISSION
COMMITTEE CROSS INDEX - (8)

DATE 14MAR77

IDENTIFICATION	NAME		
C00045153	SHIAWASSEE COUNTY REPUBLICAN PARTY	OWOSSO	MI
C00001548	SHIMP, THERESA M.	ZZ	ON
C00044628	SHINE/SENATE COMMITTEE	KINGSPORT	TN
C00025569	SHIPLEY CAMPAIGN COMMITTEE	OLNEY	IL
C00040256	SHIPLEY FOR CONGRESS COMMITTEE	NEWARK	DE
C00037853	SHIRLEY CHISHOLM TESTIMONIAL DINNER COMMITTEE(AUTH. SEE 842623)	BROOKLYN	NY
C00061507	SHIRLEY MURRAY FOR CONGRESS	LOUISVILLE	KY
C00024570	SHIRLEY PETTIS FOR CONGRESS	SAN BERNARDINO	CA
C00055665	SHIRLEY SMITH FOR CONGRESS	MARINA DEL REY	CA
C00056200	SHOCKEY FOR CONGRESS	KANSAS CITY	MO
C00003095	SHOE MANUFACTURERS GOOD GOVERNMENT COMMITTEE	WASHINGTON	DC
C00034025	SHORTY PRICE FOR PRESIDENT COMMITTEE	LOUISVILLE	AL
C00001560	SHOUP FOR CONGRESS CLUB	MISSOULA	MT
C00002865	SHRIVER FOR CONGRESS COMMITTEE	WICHITA	KS
C00030106	SHRIVER FOR PRESIDENT COMMITTEE	WASHINGTON	DC
C00054254	SICILIANO FOR CONGRESS	FREEHOLD	NJ
C00026690	SID ROSEN FOR U.S. CONGRESS COMMITTEE	PHOENIX	AZ
C00056044	SID VIMLEN FOR CONGRESS CAMPAIGN COMMITTEE	ALAMONTE SPRINGS	FL
C00011262	SIGNALMEN'S POLITICAL LEAGUE	MT. PROSPECT	IL
C00055731	SIMMONS FOR CONGRESS COMMITTEE	LOS ANGELES	CA
C90001498	SIMON, NORTON	LOS ANGELES	CA
C00062778	SIMONES FOR CONGRESS COMMITTEE	NEWTON FALLS	OH
C00034934	SIMPSON POLITICAL ACTION COMMITTEE	SEATTLE	WA
C00044255	SIMS FOR U.S. SENATE COMMITTEE (AKA COMMITTEE ADVOCATING SIMS FOR U.S. SENATE)	ORLANDO	FL
C00022004	SIMSBURY REPUBLICAN TOWN COMMITTEE	TERMINATED WEST SIMSBURY	CT
C00048744	SINGLER FOR SENATE COMMITTEE	CLEVELAND	OH
C00055723	SISK FOR CONGRESS COMMITTEE	FRESNO	CA
C00062604	SIVULICH FOR CONGRESS COMMITTEE	EASTON	PA
C00003097	SIXTH CONGRESSIONAL DISTRICT DEMOCRATIC COMMITTEE OF VIRGINIA	ROANOKE	VA
C00031039	SIXTH CONGRESSIONAL DISTRICT REPUBLICAN COMMITTEE	EAST LANSING	MI
C00045146	SIXTH CONGRESSIONAL DISTRICT REPUBLICAN COMMMITTEE	CHILLICOTHE	MO
C00074682	SIXTH CONGRESSIONAL DISTRICT, DEMOCRATIC COMMITTEE FEDERAL CAMPAIGN FUND	LANSING	MI
C00026963	SIXTH DISTRICT CITIZEN'S COMMITTEE	FLORENCE	SC
C00012435	SIXTH DISTRICT CONGRESSIONAL CLUB	REDWOOD	MN
C00020024	SIXTH DISTRICT DEMOCRATIC CLUB (OHIO)	AMELIA	OH
C00007035	SIXTH DISTRICT FEDERATION OF REPUBLICAN WOMAN	MERRILL	IA

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IDENTIFICATION	NAME		
C00033407	SIXTH DISTRICT HENNEPIN COUNTY DFL	CHAMPLIN	MN
C00005801	SIXTH DISTRICT REPUBLICAN COMMITTEE	ROANOKE	VA
C00009928	SK-PAC	PHILADELPHIA	PA
C00040493	SKAGIT COUNTY DEMOCRATIC CENTRAL COMMITTEE	MT. VERNON	WA
C00000596	SKAINE FOR CONGRESS	CEDAR FALLS	IA
C00033696	SKELLY OIL COMPANY PAC	TULSA	OK
C00017335	SKILLIN FOR CONGRESS COMMITTEE	DYLESTOWN	PA
C00059634	SKIP INTO THE SENATE (PRINCIPAL CAMPAIGN COMMITTEE FOR ROBERT B. CHERNOUK)	PROVIDENCE	RI
C00024943	SKIP LANGE FOR CONGRESS COMMITTEE	INDIANAPOLIS	IN
C00066379	SKORNIA FOR CONGRESS	PALO ALTO	CA
C00006387	SKUBITZ FOR CONGRESS CLUB	PITTSBURG	KS
C00001610	SLACK FOR CONGRESS COMMITTEE	CHARLESTON	WV
C00073171	SLACK FOR CONGRESS COMMITTEE	CHARLESTON	WV
C00008367	SLIGO CREEK REPUBLICAN WOMEN'S CLUB	COLLEGE PARK	MD
C00071027	SLOAN FOR CONGRESS '76 COMMITTEE	WENONAH	NJ
C00052886	SLOAN FOR CONGRESS COMMITTEE	BEVERLY	WV
C00054247	SLOCUM FOR CONGRESS COMMITTEE	NEWPORT	RI
C00031005	SLP CAMPAIGN 1976	PALO ALTO	CA
C00013854	SMALL FOR CONGRESS	LEROY	IL
C00033563	SMALL PRODUCERS FOR ENERGY INDEPENDENCE POLITICAL ACTION COMMITTEE	KANSAS CITY	MO
C90001033	SMALL, MARVIN (CONTRBUTOR)	WICHITA FALLS	TX
C00049676	SMITH FOR CONGRESS COMMITTEE	ATHENS	GA
C00072918	SMITH FOR CONGRESS COMMITTEE	MOUNTAIN VIEW	CA
C00001522	SMITH, CLYDE M.	HARRISBURG	PA
C90001967	SMITH, EDITH WALKER	CHATHAM	VA
C00002074	SMITH, GOODE	BATON ROUGE	LA
C00002066	SMITH, JOHN T.	YOUNGSTOWN	OH
C00001514	SMITH, KEREN S.	GETTYSBURG	PA
C90001025	SMITH, MR. & MRS. TAD R. (CONTRIBUTOR)	EL PASO	TX
C00001837	SMITH, SINSIMER & ERDOS	POMPTON LAKES	NJ
C90001058	SMITH, TOREY HALL JR.	WIGGINS	MS
C00010637	SMITHTOWN TOWN REPUBLICAN CLUB, INC.	SMITHTOWN	NY
C00009993	SMITHTOWN TOWN REPUBLICAN COMMITTEE	SMITHTOWN	NY
C00066662	SMYTH COUNTY REPUBLICAN PARTY	MARION	VA
C00020909	SOCIALIST LABOR PARTY NATIONAL CAMPAIGN COMMITTEE	PALO ALTO	CA
C00024539	SOCIALIST WORKERS '75 CAMPAIGN COMM.-TEXAS	HOUSTON	TX

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COMMITTEE CROSS INDEX - (B)

DATE 14MARTY

IDENTIFICATION	NAME			
C00033951	SOCIALIST WORKERS '76 CAMPAIGN COMMITTEE	BOSTON	MA	PARTY RELATED
C00014720	SOCIALIST WORKERS 1974 CALIFORNIA CAMPAIGN COMMITTEE	LOS ANGELES	CA	PARTY RELATED
C00017319	SOCIALIST WORKERS 1974 EAST LOS ANGELES CAMPAIGN COMMITTEE	LOS ANGELES	CA	PARTY RELATED
C00016139	SOCIALIST WORKERS 1974 NATIONAL CAMPAIGN COMMITTEE	NEW YORK	NY	PARTY RELATED
C00015859	SOCIALIST WORKERS 1974 SAN DIEGO CAMPAIGN COMMITTEE	SAN DIEGO	CA	PARTY RELATED
C00017145	SOCIALIST WORKERS 1974 WEST LOS ANGELES CAMPAIGN COMMITTEE	SANTA MONICA	CA	PARTY RELATED
C00045344	SOCIALIST WORKERS 1976 BROOKLYN CAMPAIGN COMMITTEE	BROOKLYN	NY	PARTY RELATED
C00046193	SOCIALIST WORKERS 1976 CALIFORNIA CAMPAIGN.	LOS ANGELES	CA	PARTY RELATED
C00045138	SOCIALIST WORKERS 1976 CAMPAIGN COMMITTEE-ATLANTA	ATLANTA	GA	PARTY RELATED
C00034439	SOCIALIST WORKERS 1976 CAMPAIGN COMMITTEE-PRINCIPAL	NY	NY	PRESIDENTIAL
C00067050	SOCIALIST WORKERS 1976 COLORADO CAMPAIGN COMMITTEE	DENVER	CO	PARTY RELATED
C00040543	SOCIALIST WORKERS 1976 GERMANTOWN CAMPAIGN	PHILADELPHIA	PA	PARTY RELATED
C00075226	SOCIALIST WORKERS CAMPAIGN '77	ATLANTA	GA	HOUSE
C00045609	SOCIALIST WORKERS CAMPAIGN COMMITTEE	LOS ANGELES	CA	PARTY RELATED
C00061622	SOCIALIST WORKERS CAMPAIGN COMMITTEE	MINNEAPOLIS	MN	PARTY RELATED
C00045278	SOCIALIST WORKERS CAMPAIGN COMMITTEE - DC	WASHINGTON	DC	PARTY RELATED
C00045286	SOCIALIST WORKERS CAMPAIGN COMMITTEE - WESTERN PENNSYLVANIA	PITTSBURGH	PA	PARTY RELATED
C00031393	SOCIALIST WORKERS CAMPAIGN FOR CAMEJO & REID	SAN FRANCISCO	CA	PARTY RELATED
C00042143	SOCIALIST WORKERS FIRST CONGRESSIONAL CAMPAIGN COMMITTEE	CHICAGO	IL	PARTY RELATED
C00039701	SOCIALIST WORKERS PARTY 1976 CAMPAIGN COMMITTEE	CLEVELAND	OH	PARTY RELATED
C00073767	SOCIALIST WORKERS/WEINSTEIN FOR BOARD OF EDUCATION COMMITTEE	SAN FRANCISCO	CA	PARTY RELATED
C00073155	SOCIETY POLITICAL ACTION COMMITTEE	CLEVELAND	OH	NON-PARTY RELATED
C00033530	SOHIOANS CIVIC CONTRIBUTION FUND	CLEVELAND	OH	NON-PARTY RELATED
C00026609	SOLARZ FOR CONGRESS 1976	BROOKLYN	NY	HOUSE
C00071654	SOLYMOSSY FOR CONGRESS COMMITTEE	STAMFORD	CT	HOUSE
C00021814	SOMERSET COUNTY CITIZENS FOR WOMEN	PRINCETON	NJ	HOUSE
C00064279	SONIA LANDAU FOR CONGRESS	NEW YORK	NY	HOUSE
C00026716	SONNY MONTGOMERY FOR CONGRESS	MERIDIAN	MS	HOUSE
C90001004	SOONERS FOR FORD	NORMAN	OK	INDEPENDENT EXPENDITOR
C00037234	SOPER FOR CONGRESS	SIOUX CITY	IA	HOUSE
C00002579	SOPKO, GEORGE	MANVILLE	NJ	DELEGATE
C00015461	SORDI FOR CONGRESS COMMITTEE	GLEN COVE	NY	HOUSE
C00042150	SOUTH BAY CITIZENS FOR RESPONSIBLE GOVERNMENT	BEVERLY HILLS	CA	NON-PARTY RELATED
C00059907	SOUTH CAROLINA CREDIT UNION LEAGUE PAC	COLUMBIA	SC	NON-PARTY RELATED
C00045252	SOUTH CAROLINA FEDERATION OF REPUBLICAN WOMEN	AIKEN	SC	PARTY RELATED
C00003475	SOUTH CAROLINA POLITICAL ACTION COMMITTEE (SCPAC)	COLUMBIA	SC	NON-PARTY RELATED

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C00034033	SOUTH CAROLINA REPUBLICAN PARTY FEDERAL CAMPAIGN COMMITTEE	COLUMBIA	SC	PARTY RELATED
C00022616	SOUTH CAROLINA STATE ALUMNI FOR MATTHEW PERRY	WASHINGTON	DC	HOUSE
C00056499	SOUTH CENTRAL HOUSTON SOCIALIST WORKERS CAMPAIGN	HOUSTON	TX	PARTY RELATED
C00060445	SOUTH COUNTY DEMOCRATIC COMMITTEE	HAYWARD	CA	PARTY RELATED
C00075267	SOUTH DAKOTA EDUCATORS POLITICAL INVOLVEMENT	PIERRE	SD	NON-PARTY RELATED
C00085132	SOUTH DAKOTA POLITICAL ACTION COMMITTEE	SOUIX FALLS	SD	NON-PARTY RELATED
C00019216	SOUTH DAKOTA STATE DEMOCRATIC TELETHON COMMITTEE	PIERRE	SD	PARTY RELATED
C70000609	SOUTH DAKOTA VOTER REGISTRATION COMMITTEE, AFL-CIO	SIOUX FALLS	SD	NON-PARTY RELATED
C00067058	SOUTH FORK CITIZENS FOR CARTER	SAG HARBOR	NY	PRESIDENTIAL
C90001066	SOUTH FORK CITIZENS FOR CARTER	SAG HARBOR	NY	INDEPENDENT EXPENDITOR
C00034611	SOUTH JERSEY REPUBLICAN BOOSTERS	CAPE MAY	NJ	PARTY RELATED
C00063172	SOUTH WESTERN LIFE GOOD GOVERNMENT COMMITTEE	DALLAS	TX	NON-PARTY RELATED
C00006802	SOUTH WOOD FEDERATION OF REPUBLICAN WOMEN	WISCONSIN RAPIDS	WI	PARTY RELATED
C00004937	SOUTHAMPTON COUNTY REPUBLICAN COMMITTEE	COURTLAND	VA	PARTY RELATED
C00009100	SOUTHAMPTON TOWN REPUBLICAN COMMITTEE	SOUTHAMPTON	NY	PARTY RELATED
C00009241	SOUTHBURY REPUBLICAN WOMEN'S CLUB	SOUTHBURY	CT	PARTY RELATED
C00073585	SOUTHEAST/WESTBANK SOCIALIST WORKERS CAMPAIGN COMMITTEE	MINNEAPOLIS	MN	PARTY RELATED
C00033092	SOUTHEASTERN GOOD GOVERNMENT COMMITTEE	JACKSONVILLE	FL	NON-PARTY RELATED
C00001453	SOUTHEASTERN MICHIGAN UNITED REPUB. FUND (AKA SOUTHEASTERN MIHIGAN REPUB.FINANCE COMM.)	DETROIT	MI	PARTY RELATED
C00005744	SOUTHERN CALIFORNIA JOINT BOARD, POLITICAL EDUCATION COMMITTEE	LOS ANGELES	CA	NON-PARTY RELATED
C00068437	SOUTHERN FARMERS FOR CARTER	FALLS CHURCH	VA	PRESIDENTIAL
C00066076	SOUTHERN ILLINOIS DEMOCRATIC DINNER COMMITTEE	SALEM	IL	PARTY RELATED
C00032326	SOUTHERN MAINE HARRIS FOR PRESIDENT COMMITTEE	PORTLAND	ME	PRESIDENTIAL
C00050310	SOUTHERN NATURAL RESOURCES, INC. POLITICAL ACTION COMMITTEE	BIRMINGHAM	AL	NON-PARTY RELATED
C00044792	SOUTHERN ORGANIZATION FOR UNIFIED LOUISIANA, INC.	NEW ORLEANS	LA	HOUSE
C00009910	SOUTHERN PACIFIC MANAGEMENT OFFICERS GOOD GOVERNMENT FUND	SAN FRANCISCO	CA	NON-PARTY RELATED
C00034223	SOUTHERN PIEDMONT COMMITTEE ON POLITICAL EDUCATION	LOWELL	NC	NON-PARTY RELATED
C00009282	SOUTHERN RAILWAY GOOD GOVERNMENT FUND	WASHINGTON	DC	NON-PARTY RELATED
C00009290	SOUTHERN RAILWAY TAX ELIGIBLE GOOD GOVERNMENT FUND	WASHINGTON	DC	NON-PARTY RELATED
C00011056	SOUTHOLD TOWN REPUBLICAN COMMITTEE	GREENPORT	NY	PARTY RELATED
C00073049	SOUTHSIDE SOCIALIST WORKERS CAMPAIGN COMMITTEE	MINNEAPOLIS	MN	PARTY RELATED
C00018132	SOUTHWEST BETTER GOVERNMENT COMMITTEE	PHOENIX	AZ	NON-PARTY RELATED
C00045831	SOUTHWEST OHIO CITIZENS FOR REAGAN	CINCINNATI	OH	PRESIDENTIAL
C00059477	SOUTHWESTERN COMMITTEE ON POLITICAL EDUCATION	AMARILLO	TX	NON-PARTY RELATED
C00049056	SOUTHWESTERN EMPLOYEES POLITICAL ACTION COMMITTEE (SEPAC)	SUGAR LAND	TX	NON-PARTY RELATED
C00017976	SOUTHWORTH FOR CONGRESS COMMITTEE	DENVER	CO	HOUSE

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IDENTIFICATION	NAME		
C00054320	SPARKMAN TO CONGRESS COMMITTEE	ENTERPRISE	AL
C00007849	SPEAK UP FOR RURAL ELECTRIFICATION (SURE)	LOUISVILLE	KY
C00074328	SPEAR, LEEDS & KELLOGG GOOD GOVERNMENT FUND COMMITTEE	NEW YORK	NY
C00000235	SPEARS, JEANELLE MAYNES	LEVELLAND	TX
C00020026	SPECIAL COMMITTEE ON POLITICAL ACTION	ROCHESTER	NY
C00033108	SPECIAL POLITICAL ACTION RESEARCH COMMITTEE (SPARC)	WASHINGTON	DC
C00025668	SPECIAL POLITICAL EDUCATION COMMITTEE	HONOLULU	HI
C00003071	SPECIAL PROJECTS GROUP	JACKSONVILLE	FL
C00001074	SPECIALIZED PERIODICAL ACTION COMMITTEE	WASHINGTON	DC
C00002154	SPENCE FOR CONGRESS COMMITTEE	COLUMBIA	SC
C00072681	SPIEGELMAN CAMPAIGN DISTRICT 13 IN MIAMI FLORIDA	MIAMI	FL
C00051318	SPIRIT OF 76 CAMPAIGN	NORCROSS	GA
C00056101	SPOKANE COUNTY DEMOCRATIC CENTRAL COMMITTEE	SPOKANE	WA
C00040025	SPOONER FOR CONGRESS	MONROE	LA
C00020388	SPORTMANS POLITICAL ACTION COMMITTEE	NEW YORK	NY
C00070446	SPORTS AWARD	CEDAR RAPIDS	IA
C00051389	SPORTSMAN FOR MILLER	GAFFENSBURG	PA
C00041259	SPORTSMEN FOR AYARA	BALTIMORE	MD
C00071399	SPORTSMEN OF KENTUCKY	LOUISVILLE	KY
C00018416	SPRINGFIELD COMMITTEE TO ASSURE GOOD GOVERNMENT	SPRINGFIELD	PA
C00025898	SPRINGS POLITICAL ACTION COMMITTEE	FORT MILL	SC
C00042655	SQUARE D COMPANY POLITICAL ACTION COMMITTEE	PARK RIDGE	IL
C00066246	SQUIBB GOOD GOV'T FUND	NEW YORK	NY
C00060163	SSR RESPONSIBLE GOVERNMENT GROUP-FEDERAL	FAYETTEVILLE	NY
C00041787	SSEU-371 POLITICAL ACTION COMMITTEE	NEW YORK	NY
C00066738	ST. CLAIR COUNTY DEMOCRATIC CAMPAIGN COMMITTEE	PORT HURON	MI
C00015495	ST. CLAIR COUNTY REPUBLICAN COMMITTEE	PORT HURON	MI
C00035196	ST. JOE MINERALS POLITICAL ASSISTANCE COMMITTEE	WASHINGTON	DC
C00044966	ST. JOSEPH REPUBLICAN CENTRAL COMMITTEE	SOUTH BEND	IN
C00032706	ST. LOUIS AREA PEACE AND FREEDOM PARTY	ST. LOUIS	MO
C00032508	ST. LOUIS CITIZENS FOR HARRIS	ST. LOUIS	MO
C00063107	ST. LOUIS LABOR COUNCIL AFL-CIO	ST LOUIS	MO
C70000617	ST. LOUIS LABOR COUNCIL AFL-CIO	ST. LOUIS	MO
C00007369	ST. MARY'S COUNTY REPUBLICAN CENTRAL COMMITTEE	CALIFORNIA	MD
C00042426	ST. PAUL VOLUNTEER COMMITTEE FOR GOOD FEDERAL GOVERNMENT	ST. PAUL	MN
C00016881	STAGGERS FOR CONGRESS	KEYSER	WV

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C00056564	STALEY PAC	DECATUR	IL	NON-PARTY RELATED
C00026666	STAN KRESS FOR CONGRESS	FIRTH	ID	HOUSE
C00036699	STAN LUNDINE FOR CONGRESS	JAMESTOWN	NY	HOUSE
C00000227	STANFIELD, WALLACE G.	FLORENCE	AL	DELEGATE
C00075614	STANGELAND FOR CONGRESS	HAWLEY	MN	HOUSE
C00067918	STANISLAUS COUNTY DEMOCRATIC CENTURY CLUB	MODESTO	CA	PARTY RELATED
C00051250	STANLEY FOR CONGRESS	MIDWEST CITY	OK	HOUSE
C00060087	STANLEY WORKS POLITICAL ACTION COMMITTEE	NEW BRITAIN	CT	NON-PARTY RELATED
C00027920	STANTON FOR SENATE COMMITTEE	CLEVELAND	OH	SENATE
C00002122	STANTON, JOSEPH R. (CONTRIBUTOR)	NEWTON	MA	INDEPENDENT EXPENDITOR
C00006565	STARK CAMPAIGN COMMITTEE	OAKLAND	CA	HOUSE
C00045237	STARK COUNTY CAMPAIGN COMMITTEE - OHIO	CANTON	OH	PARTY RELATED
C00869153	STARK COUNTY DEMOCRATIC PARTY-VOTER REGISTRATION DRIVE	CANTON	OH	PARTY RELATED
C00013441	STARK COUNTY REPUBLICAN CENTAL & EXECUTIVE COMMITEE	CANTON	OH	PARTY RELATED
C00021279	STARKE COUNTY REPUBLICAN CENTRAL COMMITTEE	KNOX	IN	PARTY RELATED
C00041327	STASSEN FOR PRESIDENT COMMITTEE	PHILADELPHIA	PA	PRESIDENTIAL
C00006365	STATE CENTRAL COMMITTEE OF THE DEMOCRATIC PARTY OF HAVAII	HONOLULU	HI	PARTY RELATED
C00034843	STATE CENTRAL COMMITTEE OF THE LIBERTARIAN PARTY OF CONNECTICUT	EAST BRAMBY	CT	PARTY RELATED
C00005173	STATE DEMOCRATIC EXECUTIVE COMMITTEE OF ALABAMA	BIRMINGHAM	AL	PARTY RELATED
C00065284	STATE DEMOCRATIC PARTY OF CONNECTICUT/VOTER REGISTRATION COMMITTEE	HARTFORD	CT	PARTY RELATED
C00060061	STATE DEMOCRATIC PARTY OF PENNSYLVANIA/VOTER REGISTRATION DRIVE COMMITTEE	HARRISBURG	PA	PARTY RELATED
C00083434	STATE REPUBLICAN EXECUTIVE COMMITTEE OF TEXAS	AUSTIN	TX	PARTY RELATED
C00072751	STATE STREET VOLUNTARY POLITICAL FUND (FEDERAL)	BOSTON	MA	NON-PARTY RELATED
C00067272	STATEHOOD COMMITTEE FOR LOU ARONICA	WASHINGTON	DC	HOUSE
C00016428	STATEHOOD POSSE	WASHINGTON	DC	PARTY RELATED
C00039735	STAUFFER CHEMICAL POLITICAL CONTRIBUTION COMMITTEE	WESTPORT	CT	NON-PARTY RELATED
C00001874	STAUTBERG, A. T.	HOUSTON	TX	INDEPENDENT EXPENDITOR
C00012021	STEAK AND ALE POLITICAL ACTION FUND	DALLAS	TX	NON-PARTY RELATED
C00006767	STEARNS COUNTY REPUBLICAN COMMITTEE	ST CLOUD	MN	PARTY RELATED
C00007492	STEELE COUNTY REPUBLICAN COMMITTEE	OWATONNA	MN	PARTY RELATED
C00033258	STEELE FOR SENATE CAMPAIGN COMMITTEE	LOS ANGELES	CA	SENATE
C00012716	STEELMAN FOR CONGRESS COMMITTEE	DALLAS	TX	HOUSE
C00029678	STEELMAN FOR SENATE COMMITTEE	DALLAS	TX	SENATE
C00068635	STEEN FOR CONGRESS COMMITTEE	SARGENT	NE	HOUSE
C00001982	STEMLIM, JOHN MRS. (CONTRIBUTOR)	HOUSTON	TX	INDEPENDENT EXPENDITOR
C00002368	STEIGER FOR CONGRESS	PHOENIX	AZ	HOUSE

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IDENTIFICATION	NAME		
C00018002	STEIGER FOR CONGRESS COMMITTEE	OSHKOSH	WI
C00033225	STEIGER FOR SENATE COMMITTEE	PHOENIX	AZ
C00033233	STEIN FOR SENATOR COMMITTEE	NEW YORK	NY
C00053769	STEMPIEN 76 COMMITTEE	LIVONIA	MI
C80000219	STENHOLM, CHARLES W.	STANFORD	TX
C00033514	STENNIS COMMITTEE	JACKSON	MS
C00037994	STEPANIAN FOR CONGRESS '76	CHARLEROI	PA
C00044545	STEPHEN J. PARISE FOR U.S. SENATE COMMITTEE	PITTSBURG	PA
C00053363	STEPHEN JONES FOR CONGRESS COMMITTEE	ENID	OK
C80016402	STEPHEN MCEWEN FOR CONGRESS COMMITTEE	MEDIA	PA
C80055087	STEPHEN POSTUPACK FOR CONGRESS COMMITTEE	TAMAQUA	PA
C00014202	STEVE BARCOCK FOR CONGRESS	MANKATO	MN
C00017046	STEVE RITCHIE FOR CONGRESS COMMITTEE	GREENSBORO	NC
C00063933	STEVE S. ALEXANDER FOR CONGRESS	WACO	TX
C00005454	STEVE SYMMS FOR CONGRESS	BOISE	IO
C00075564	STEVE WENZEL FOR CONGRESS VOLUNTEER COMMITTEE	LITTLE FALLS	MN
C00070078	STEVENS FOR CONGRESS	FLANDREAU	SD
C00028381	STEVENS FOR SENATE	LENOIR	NC
C00028316	STEVENS FOR SENATE COMMITTEE	ANCHORAGE	AK
C00042457	STEVENSON PRESIDENTIAL COMMITTEE	CHICAGO	IL
C00000201	STEVENSON, MARY L.	GREENVILLE	PA
C00054346	STEWART FOR CONGRESS COMMITTEE	MUSKOGEE	OK
C00017590	STICK WITH HEINZ COMMITTEE	PITTSBURGH	PA
C00044826	STOCKMAN EMPLOYEES POLITICAL ACTION COMMITTEE AND PROGRAM	BIRMINGHAM	AL
C00037481	STOCKMAN FOR CONGRESS COMMITTEE	ST. JOSEPH	MI
C00000968	STOKES COUNTY REPUBLICAN EXECUTIVE COMMITTEE	KING	NC
C00048520	STOKES FAVORITE SON COMMITTEE	WARRENSVILLE HGTS.	OH
C00004457	STOKES FOR CONGRESS COMMITTEE	CLEVELAND	OH
C00047746	STOUT FOR CONGRESS COMMITTEE	KOKOMO	IN
C00019950	STOUT IN CONGRESS	BRENTWOOD	MO
C00040290	STRADLING FOR CONGRESS COMMITTEE	MESA	AZ
C80000193	STRATTFF, FRANK M.	GREENVILLE	PA
C00001644	STRATTON FOR CONGRESS CAMPAIGN COMMITTEE	SCHENECTADY	NY
C80000165	STRAUB, CHESTER J.	BROOKLYN	NY
C00072033	STRICK FOR CONGRESS COMMITTEE	WYNOMOOR	PA
C00071332	STRICKLAND FOR CONGRESS COMMITTEE	LUCASVILLE	OH

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C90001188	STROMWATER, SHERRY	TOUCHET	WA
C00013730	STROMER FOR CONGRESS	LEXINGTON	NE
C00044511	STROUP FOR SENATE COMMITTEE	HAZEN	NO
C00000177	STRUNK, PAUL M.	CORPUS CHRISTI	TX
C00072611	STUART ALDEA FOR CONGRESS	SYOSSET	NY
C00047175	STUBBS FOR CONGRESS COMMITTEE	CENTERVILLE	OH
C00000661	STUCKEY BOOSTERS	EASTMAN	GA
C00071290	STUDENT ACTION COMMITTEE	AUSTIN	TX
C00023465	STUDENTS FOR ESCH COMMITTEE	ANN ARBOR	MI
C00044214	STUDENTS FOR HAYAKAWA COMMITTEE	LOS ANGELES	CA
C00069831	STUDENTS FOR MCCARTHY-BOSU	BOWLING GREEN	OH
C00061556	STUDENTS FOR PRESIDENT FORD	WASHINGTON	DC
C00041095	STUDENTS FOR REAGAN COMMITTEE	LOS ANGELES	CA
C80000169	STUPP, MRS. VICKI C.	DENTON	TX
C00022418	SUFFOLK COMMITTEE FOR A REPUBLICAN CONGRESS	TERMINATED PATCHOGUE	NY
C00073346	SUFFOLK COUNTY DEMOCRATIC COMMITTEE SPECIAL ACCOUNT #2	HOLBROOK	NY
C00003715	SUFFOLK COUNTY REPUBLICAN COMMITTEE	PATCHOGUE	NY
C00008698	SUFFOLK COUNTY REPUBLICAN PRE-PRIMARY COMMITTEE	PATCHOGUE	NY
C00047753	SUFFOLK COUNTY SALUTES CONGRESSMAN OTIS G. PIKE COMMITTEE	BELLPORT	NY
C00045229	SULLIVAN COUNTY REPUBLICAN CENTRAL COMMITTEE	SULLIVAN	IN
C00026955	SULLIVAN FOR CONGRESS	LAFAYETTE	IN
C00075937	SULLIVAN FOR CONGRESS FINANCE COMMITTEE	ST. LOUIS	MO
C00075587	SULLIVAN VOLUNTEER COMMITTEE	MOORHEAD	MN
C90001498	SULLIVAN, MARK & SWANBERG, WILLIAM	SAN MATEO	CA
C00013359	SUMMIT COUNTY REPUBLICAN CAMPAIGN COMMITTEE	AKRON	OH
C00013402	SUMMIT COUNTY REPUBLICAN CENTRAL COMMITTEE	AKRON	OH
C00013367	SUMMIT COUNTY REPUBLICAN EXECUTIVE COMMITTEE	AKRON	OH
C00069013	SUMMIT COUNTY VOTER REGISTRATION DRIVE	AKRON	OH
C00025346	SUN COMPANY, INC. POLITICAL ACTION COMMITTEE	RADNOR	PA
C00070383	SUNNYVALE DEMOCRATIC HEADQUARTERS	SUNNYVALE	CA
C00038927	SUPAC	EL PASO	TX
C00024422	SUPPORTERS OF ENGINEERS LOCAL 3 FEDERAL ENDORSED CANDIDATES	SAN FRANCISCO	CA
C00028399	SUPPORTERS OF MIKE GRAVEL	TERMINATED WASHINGTON	DC
C00024653	SUPPORTERS OF ROBERT L. SASSONE	SANTA ANA	CA
C00042929	SUSSEX COUNTY DEMOCRATIC CAMPAIGN COMMITTEE	FRANKLIN	NJ
C00033878	SUSSINA FOR PRESIDENT COMMITTEE	NORTH HAVEN	CT

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IDENTIFICATION	NAME		
C00033011	SWEENY FOR U.S. SENATE COMMITTEE	HOUSTON	TX SENATE
C00037549	SWENSON FOR CONGRESS®	PITTSBURGH	PA HOUSE
C00037507	SWENSON TO CONGRESS COMMITTEE	HARRISBURG	PA HOUSE
C00001116	SWICEGOOD, O.W. (CONTRIBUTOR)	DANVILLE	VA INDEPENDENT EXPENDITOR
C00007005	SWIFT COUNTY REPUBLICAN COMMITTEE	HENSON	MN PARTY RELATED
C00075945	SYLVIA ZAPATA CAMPAIGN COMMITTEE	HOUSTON	TX HOUSE
C00027946	SYMINGTON FOR SENATOR	ST. LOUIS	MO SENATE
C00047761	SYMMS FOR CONGRESS COMMITTEE	BOISE	IO HOUSE
C00049090	SYMONDS FOR CONGRESS	LOS ANGELES	CA HOUSE
C00053983	T. DAVID BURNS CAMPAIGN FUND	LAKELAND	FL HOUSE
C00052902	T.R. WILLSIE FOR CONGRESS COMMITTEE	CLIFTON HILL	MO HOUSE
C00038869	TAB GOVERNMENT PARTICIPATION COMMITTEE	PHOENIX	AZ NON-PARTY RELATED
C00007948	TACOMA FUND, THE	FEDERAL WAY	WA NON-PARTY RELATED
C00028407	TAFT '71 COMMITTEE	CINCINNATI	OH SENATE
C00047795	TAKAKI FOR CONGRESS CAMPAIGN COMMITTEE	PUEBLO	CO HOUSE
C00066700	TALBOT COUNTY DEMOCRATIC STATE CENTRAL COMMITTEE	EASTON	MD PARTY RELATED
C00022274	TALMADGE CAMPAIGN COMMITTEE	ALEXANDRIA	VA SENATE
C00028142	TALMADGE NEWSLETTER FUND	BUTLER	GA SENATE
C00006239	TARRANT COUNTY REPUBLICAN COMMITTEE	FORT WORTH	TX PARTY RELATED
C00021782	TAXPAYERS ACTION FUND	WASHINGTON	DC NON-PARTY RELATED
C00056275	TAXPAYERS FOR PETER MACK	SPRINGFIELD	IL HOUSE
C00071100	TAXPAYERS POLITICAL ACTION COMMITTEE	DENVILLE	NJ NON-PARTY RELATED
C00001959	TAXPAYERS POLITICAL ACTION COMMITTEE	DENVILLE	NJ INDEPENDENT EXPENDITOR
C00060064	TAYLOR COUNTY DEMOCRATIC POLITICAL ACTION COMMITTEE	ABILENE	TX PARTY RELATED
C00050328	TAYLOR FOR CONGRESS COMMITTEE	AUBURN	CA HOUSE
C90001405	TAYLOR, A. STARKE (CONTRIBUTOR)	DALLAS	TX INDEPENDENT EXPENDITOR
C00000151	TAYLOR, NEWTON C.	HUNTINGDON	PA DELEGATE
C00024513	TEACHERS FOR PAT PAYNE	BALDWIN	MO HOUSE
C00026039	TEAGUE FOR CONGRESS COMMITTEE	NACOGDOCHES	TX HOUSE
C00010223	TEAMSTERS JOINT COUNCIL #16 DRIVE	BOSTON	MA NON-PARTY RELATED
C00005736	TEAMSTERS JOINT COUNCIL NO. 13 POLITICAL ACTION	ST LOUIS	MO NON-PARTY RELATED
C00018076	TEAMSTERS LOCAL #115 POLITICAL ACTION FUND (AKA DRIVE-LOCAL NO. 115)	PHILADELPHIA	PA NON-PARTY RELATED
C00008722	TEAMSTERS LOCAL UNION $59 DRIVE	NEWINGTON	CT NON-PARTY RELATED
C00001537	TEAMSTERS UNION LOCAL #795 COMMITTEE FOR DRIVE	WICHITA	KS NON-PARTY RELATED
C00053744	TED JACOB FOR CONGRESS COMMITTEE	PITTSBURGH	PA HOUSE
C00016220	TED SNYDER FOR CONGRESS COMMITTEE	WHITTIER	CA HOUSE

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IDENTIFICATION	NAME		
C00050090	TED STRICKLAND FOR CONGRESS	LUCASVILLE	OH HOUSE
C00036194	TED WEISS FOR CONGRESS COMMITTEE	NEW YORK	NY HOUSE
C00025049	TEI FOR CONGRESS	ST LOUIS	MO HOUSE
C00004473	TELEPHONE EDUCATION COMMITTEE ORGANIZATION	SILVER SPRING	MD NON-PARTY RELATED
C00045583	TELETHON FOUR COMMITTEE OF ILLINOIS	SPRINGFIELD	IL PARTY RELATED
C00045591	TELETHON THREE COMMITTEE OF ILLINOIS	SPRINGFIELD	IL PARTY RELATED
C00009985	TELEVISION AND RADIO POLITICAL ACTION COMMITTEE	WASHINGTON	DC NON-PARTY RELATED
C00021881	TEMPLE CITY REPUBLICAN WOMEN'S CLUB	TEMPLE CITY	CA PARTY RELATED
C00030122	TEMPLETON'S WRITE-IN ROUNDUP	PRINEVILLE	OR PRESIDENTIAL
C00064758	TEMPO-TIGER EMPLOYEES & MANAGEMENT POLITICAL ORGANIZATION	LOS ANGELES	CA NON-PARTY RELATED
C00020262	TENNESSEANS COMMITTEE	WASHINGTON	DC SENATE
C00032359	TENNESSEANS FOR UDALL CAMPAIGN	OAK RIDGE	TN PRESIDENTIAL
C00011312	TENNESSEE ASSOCIATED BUILDERS AND CONTRACTORS POLITICAL ACTION COMMITTEE	NASHVILLE	TN NON-PARTY RELATED
C00040199	TENNESSEE COMMITTEE FOR BAKER	NASHVILLE	TN SENATE
C00021089	TENNESSEE COMMITTEE FOR POLITICAL ACTION	MOSHEIM	TN NON-PARTY RELATED
C00031112	TENNESSEE DEMOCRATIC TELETHON COMMITTEE	NASHVILLE	TN PARTY RELATED
C00044018	TENNESSEE DENTAL POLITICAL ACTION COMMITTEE	MEMPHIS	TN NON-PARTY RELATED
C00046220	TENNESSEE FEDERAL ELECTION ACCOUNT	NASHVILLE	TN PARTY RELATED
C70000625	TENNESSEE STATE LABOR COUNCIL	NASHVILLE	TN NON-PARTY RELATED
C00010165	TENTH DISTRICT BURLISON FOR CONGRESS COMMITTEE	CLARKTON	MO HOUSE
C00005462	TENTH DISTRICT CONGRESSIONAL COMMITTEE	MCLEAN	VA HOUSE
C00068304	TERRY MILLER'S ALASKA FIRST COMMITTEE	JUNEAU	AK SENATE
C00060954	TESANOVICH FOR CONGRESS	MERRILLVILLE	IN HOUSE
C00012005	TESTIMONIAL COMMITTEE FOR SENATOR ROSALIE SILBER ABRAMS	BALTIMORE	MD HOUSE
C00041170	TEXACO EMPLOYES POLITICAL INVOLVEMENT COMMITTEE	NEW YORK	NY NON-PARTY RELATED
C00014835	TEXANS ARE RUFFIN READY	AMARILLO	TX HOUSE
C00012768	TEXANS FOR BETTER TRANSPORTATION POLITICAL ACTION COMMITTEE	AUSTIN	TX NON-PARTY RELATED
C00039933	TEXANS FOR REAGAN	IRVING	TX PRESIDENTIAL
C00067041	TEXANS IN AGRICULTURE FOR CARTER	AUSTIN	TX PRESIDENTIAL
C00007062	TEXAS COMMITTEE ON POLITICAL EDUCATION	AUSTIN,	TX NON-PARTY RELATED
C00045579	TEXAS COUNTY REPUBLICAN COMMITTEE	HOUSTON	MO PARTY RELATED
C00069854	TEXAS DEMOCRATIC GOTV COMMITTEE	AUSTIN	TX PARTY RELATED
C00077909	TEXAS DEMOCRATIC PARTY	AUSTIN	TX PARTY RELATED
C00071316	TEXAS DEMOCRATIC VOTER REGISTRATION COMMITTEE	AUSTIN	TX PARTY RELATED
C00040907	TEXAS EASTERN POLITICAL ACTION COMMITTEE	HOUSTON	TX NON-PARTY RELATED
C00068767	TEXAS FARMERS FOR CARTER	LUBROCK	TX PRESIDENTIAL

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IDENTIFICATION	NAME		
C00001214	TEXAS MEDICAL POLITICAL ACTION COMMITTEE	AUSTIN	TX NON-PARTY RELATED
C00007609	TEXAS OIL FOR TEXANS PAC	ODESSA	TX NON-PARTY RELATED
C00019745	TEXAS REPUBLICAN CAMPAIGN COMMITTEE	TERMINATED AUSTIN	TX PARTY RELATED
C00012732	TEXAS REPUBLICAN CONGRESSIONAL COMMITTEE	AUSTIN	TX PARTY RELATED
C00034199	TEXAS SOCIALIST WORKERS CAMPAIGN	HOUSTON	TX PARTY RELATED
C70000633	TEXAS STATE AFL-CIO	AUSTIN	TX NON-PARTY RELATED
C00030737	TEXAS STEEL POLITICAL AFFAIRS COMMITTEE	FORT WORTH	TX NON-PARTY RELATED
C00019430	TEXAS TELETHON COMMITTEE	AUSTIN	TX PARTY RELATED
C00011346	TEXASOULF POLITICAL ACTION COMMITTEE (TOPAC)	NEW YORK	NY NON-PARTY RELATED
C00006618	THAD COCHRAN CAMPAIGN FOR CONGRESS COMMITTEE	JACKSON	MS HOUSE
C0002610A	THAD COCHRAN WASHINGTON COMMITTEE	ALEXANDRIA	VA HOUSE
C00047209	THANE FOR U.S. SENATOR COMMITTEE	WAMPETON	ND SENATE
C00032391	THC POLITICAL ACTION COMMITTEE	WASHINGTON	DC NON-PARTY RELATED
C00011965	THE 7TH DISTRICT CITIZENS COMMITTEE FOR OTIS G. COLLINS	CHICAGO	IL HOUSE
C00003483	THE ADAMS COUNTY REPUBLICAN COMMITTEE	GETTYSBURG	PA PARTY RELATED
C00045078	THE AMERICAN PARTY	PIGEON FORGE	TN PARTY RELATED
C00002923	THE BROTHMEN COMMITTEE	BOULDER	CO HOUSE
C00062216	THE CITIZEN FOR A DEMOCRATIC VICTORY	FORT WORTH	TX PARTY RELATED
C00061408	THE COMMITTEE TO ELECT JOHN ELDEN TIPTON - U. S. CONGRESSMAN	TERRE HAYTE	IN HOUSE
C00009004	THE COMMITTEE TO MAKE JOHN E. DEVINE CONGRESSMAN	DIXON	IL HOUSE
C00007302	THE FIRST CONGRESSIONAL DISTRICT REPUBLICAN WOMANSCLUB	WILLIAMSBURG	VA PARTY RELATED
C00026260	THE FRED RANDALL TO CONGRESS COMMITTEE / 176	BYFIELD	MA HOUSE
C00010478	THE FUND FOR EFFECTIVE GOVERNMENT	NEW YORK	NY NON-PARTY RELATED
C00036277	THE JIM MARTIN COMMITTEE (AKA JIM MARTIN IS MY CONGRESSMAN)	CHARLOTTE,	NC HOUSE
C00060475	THE JOHN R. DRUMMOND U. S. HOUSE OF REPRESENTATIVES	HOMINY	OK HOUSE
C00063578	THE MALE CHAUVINISTIC COMMITTEE TO ELECT PAUL	E. TRENT TO CONGRESS ALTERS	OK HOUSE
C00076083	THE MARINE CORPORATION POLITICAL ACTION COMMITTEE	MILWAUKEE	WI NON-PARTY RELATED
C00061846	THE NEW GENERATION FOR HICKS	LARCHMONT	NY HOUSE
C00054395	THE NEWCOMB TEAM	MILWAUKEE	WI HOUSE
C00023994	THE REDDEN COMMITTEE	MEDFORD	OR HOUSE
C00068415	THE SIXTH WARD DEMOCRATS	ST LOUIS	MO PARTY RELATED
C00020412	THELMA MORGAN-FOR U.S. REPRESENTATIVE 1ST DISTRICT	HUGOTON	KS HOUSE
C00025155	THEODORE FOR CONGRESS VOLUNTEER COMMITTEE	GREENVILLE	SC HOUSE
C00078128	THIEL FOR CONGRESS	FT MORGAN	CO HOUSE
C00031130	THIRD CONGRESSIONAL DISTRICT DEMOCRATIC COMMITTEE	BATTLE CREEK	MI PARTY RELATED
C00024745	THIRD CONGRESSIONAL DISTRICT REPUBLICAN CLUB	ISSAQUAH	WA PARTY RELATED

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IDENTIFICATION	NAME		
C00064188	THIRD DISTRICT CITIZENS FOR LESS GOVERNMENT	MINNETONKA	MN HOUSE
C00069041	THIRD DISTRICT DEMOCRATIC CAMPAIGN FUND	RICHMOND	VA PARTY RELATED
C00002113	THIRD DISTRICT DEMOCRATIC-FARMER-LABOR PARTY (DFL)	MINNEAPOLIS	MN PARTY RELATED
C00041111	THIRD DISTRICT GEORGIA REPUBLICAN FEDERAL CAMPAIGN COMMITTEE	COLUMBUS	GA PARTY RELATED
C00043265	THIRD'S GOOD GOVERNMENT FUND	NASHVILLE	TN NON-PARTY RELATED
C00037598	THOBURN FOR CONGRESS	FAIRFAX	VA HOUSE
C00052696	THOMAS A. WALSH FOR CONGRESS COMMITTEE	ST. LOUIS COUNTY	MO HOUSE
C00075V78	THOMAS JEFFERSON FUND	METAIRIE	LA NON-PARTY RELATED
C00010135	THOMAS P. O'NEILL, JR. CONGRESS FUND	ALEXANDRIA	VA HOUSE
C00049965	THOMAS R. MANNING FOR THE PEOPLE COMMITTEE	PITTSFIELD	MA HOUSE
C00013771	THOMAS S. FOLEY COMMITTEE	POTOMAC	MD HOUSE
C00054304	THOMPSON FOR CONGRESS COMMITTEE	WARREN	OH HOUSE
C00001693	THOMPSON'S PEOPLE, A CITIZENS COMMITTEE TO RE-ELECT FRANK THOMPSON, JR. TO CONGRESS	TRENTON	NJ HOUSE
C00012064	THONE FOR CONGRESS COMMITTEE	LINCOLN	NB HOUSE
C00000144	THORN, WAYNE DUDLEY	PRATTVILLE	AL DELEGATE
C00037051	THORPE FOR CONGRESS	ROCKY MOUNT,	NC HOUSE
C00027047	THORSNESS COMMITTEE	SIOUX FALLS	SD SENATE
C00061398	THORSON FOR U.S. CONGRESS COMMITTEE	SOUTH BEND	IN HOUSE
C00044271	THOUSANDS OF HOOSIERS FOR MARTKE (AKA SEN MARTKE ELECT COM &COM FOR REELECT OF SEN MARTKE)	INDIANAPOLIS	IN SENATE
C00045698	THURMAN JEROME HAMLIN FOR PRESIDENT	LONDON	KY PRESIDENTIAL
C00028183	THURMOND FINANCE COMMITTEE	COLUMBIA	SC SENATE
C00060748	TIDE POLITICAL ACTION COMMITTEE	WASHINGTON	DC NON-PARTY RELATED
C00001933	TIERNAN FOR CONGRESS	PROVIDENCE	RI HOUSE
C00044404	TIERNEY FOR U.S. SENATE COMMITTEE	GREAT FALLS	MT SENATE
C90001363	TIERNEY, JOSEPH H.	HYDE PARK	MA INDEPENDENT EXPENDITOR
C00045567	TIFT COUNTY REPUBLICAN PARTY	TIFTON	GA PARTY RELATED
C00025898	TIGER TEAGUE CLUB	FORT WORTH	TX HOUSE
C00002816	TIM LEE CARTER FOR CONGRESS COMMITTEE	TOMPKINSVILLE	KY HOUSE
C00069179	TIM WALTER FOR U.S. CONGRESS COMMITTEE	BATTLE CREEK	MI HOUSE
C00017840	TIMMERMANS FOR CONGRESS	BAKERSFIELD	CA HOUSE
C00000135	TIPPECANOE COUNTY REPUBLICAN CENTRAL COMMITTEE	LAFAYETTE	IN PARTY RELATED
C90001553	TIPPECANOE CTY. RT. TO LIFE CMTE	LAFAYETTE	IN INDEPENDENT EXPENDITOR
C00055426	TISDALE FOR CONGRESS	BRIDGEPORT	CT HOUSE
C00050518	TISOR FOR CONGRESS	WILLOUGHBY	OH HOUSE
C00012914	TITLE INDUSTRY POLITICAL ACTION COMMITTEE	WASHINGTON	DC NON-PARTY RELATED
C00000761	TOBACCO PEOPLE'S PUBLIC AFFAIRS COMMITTEE	WASHINGTON	DC NON-PARTY RELATED

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IDENTIFICATION	NAME		
C00019414	TODD FOR CONGRESS	KALAMAZOO	MI
C90001140	TODD, FRED	GATES CITY	NO
C90001128	TOEPP, JOHN F. (SEN.)	LANSING	MI
C00023010	TOLEDO AREA AFL-CIO COUNCIL	TOLEDO	OH
CT0000641	TOLEDO AREA AFL-CIO COUNCIL	TOLEDO	OH
C00024083	TOLEDO AREA CITIZENS FOR GEORGE WALLACE	TOLEDO	OH
C00030348	TOLEDOANS FOR HARRIS FOR PRESIDENT	TOLEDO	OH
C00073700	TOM ANDERSON CAMPAIGN	BEAUMONT	TX
C00049866	TOM BARTMAN FOR CONGRESS	BEVERLY MILLS	CA
C00015834	TOM DOWNEY FOR CONGRESS	BRIGHTWATERS	NY
C00065011	TOM DUNLAP FOR CONGRESS COMMITTEE	OKLAHOMA CITY	OK
C00035923	TOM DUNLAP FOR CONGRESS EXPLORATORY COMMITTEE	OKLAHOMA CITY,	OK
C00001891	TOM GETTYS RE-ELECTION COMMITTEE	ROCK MILL	SC
C00004663	TOM GREEN REPUBLICAN PARTY EXECUTIVE COMMITTEE	TERMINATED SAN ANGELO	TX
C00018358	TOM HAMLON CAMPAIGN COMMITTEE	SCRANTON	PA
C00029668	TOM HAYDEN FOR U. S. SENATE	SANTA MONICA	CA
C00051201	TOM PATE FOR CONGRESS COMMITTEE	WILBURTON	OK
C00049856	TOM PRUETT FOR CONGRESS	DOVER	DE
C00025510	TOM SHRIVER FOR CONGRESS	NASHVILLE	TN
C00070045	TOM SPINOSA FOR CONGRESS COMMITTEE	SAN FRAANCISCO	CA
C00001602	TOM STEED FOR CONGRESS CLUB	SHAWNEE	OK
C00062186	TOM SWANK FOR U.S. CONGRESS COMMITTEE	SPRINGFIELD	MA
C00000136	TONEY, SHARON KAY	OHAMA	NE
C00053702	TONIE NATHAN FOR CONGRESS COMMITTEE	SPRINGFIELD	OR
C00048470	TONY GARALOON FOR CONGRESS COMMITTEE	PHOENIX	AZ
C00047225	TONY PUCA FOR CONGRESS COMMITTEE	POTOMAC	MD
C00043091	TOOLING & MACHINING INDUSTRY PAC	TOLEDO	OH
C00063297	TORO POLITICAL ACTION COMMITTEE	MINNEAPOLIS	MN
C00001787	TORRES, MRS. RUBEAN (MARIE E.)	BROWNSVILLE	TX
C00000128	TORRY, MRS. P. SPENCER	ALEXANDRIA	LA
C00054239	TOWE FOR CONGRESS CLUB	BILLINGS	MT
C00064352	TOWELL FOR SENATE COMMITTEE	GARDNERVILLE	NV
C00028159	TOWER SENATE CLUB, AUSTIN	AUSTIN	TX
C00022764	TOWN EAST REPUBLICAN WOMENS CLUB	DALLAS	TX
C00051193	TOWNLEY FOR CONGRESS CAMPAIGN COMMITTEE	CANDLER	FL
C00043978	TRAINER REPUBLICAN PARTY	CHESTER	PA

		HOUSE
		INDEPENDENT EXPENDITOR
		INDEPENDENT EXPENDITOR
		NON-PARTY RELATED
		NON-PARTY RELATED
		PRESIDENTIAL
		PRESIDENTIAL
		PARTY RELATED
		HOUSE
		HOUSE
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		PARTY RELATED
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		HOUSE
		NON-PARTY RELATED
		NON-PARTY RELATED
		DELEGATE
		DELEGATE
		HOUSE
		SENATE
		SENATE
		PARTY RELATED
		HOUSE
		PARTY RELATED

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IDENTIFICATION	NAME			
C00015826	TRANSPORT ACTION (AKA TRANS/ACTION PAC)	BURLINGAME	CA	NON-PARTY RELATED
C00000417	TRANSPORT WORKERS UNION LOCAL 100 POLITICAL CONTRIBUTION COMMITTEE	NEW YORK	NY	NON-PARTY RELATED
C00000268	TRANSPORT WORKERS UNION POLITICAL CONTRIBUTIONS COMMITTEE	NEW YORK	NY	NON-PARTY RELATED
C00001636	TRANSPORTATION POLITICAL EDUCATION LEAGUE	CLEVELAND	OH	NON-PARTY RELATED
C00074724	TRAVIS COUNTY "DEMO YES" COMMITTEE	AUSTIN	TX	PARTY RELATED
C00023440	TREATING REPUBLICANS AND DEMOCRATS EQUALLY	ERIE	PA	HOUSE
C00013938	TREEN FOR CONGRESS COMMITTEE	METAIRIE	LA	HOUSE
C00015404	TREMPEALEAU COUNTY DEMOCRATIC PARTY	OSSEO	WI	PARTY RELATED
C00006411	TRENT LOTT FOR CONGRESS COMMITTEE	PASCAGOULA	MS	HOUSE
C00049841	TRENTO FOR CONGRESS COMMITTEE	SAN DIEGO	CA	HOUSE
C00045542	TRES REPUBLICAN ASSEMBLY	RICHMOND	CA	PARTY RELATED
C00069187	TRI-COUNTY BUILDING AND CONSTRUCTION TRADES COUNCIL	AKRON	OH	NON-PARTY RELATED
C00040352	TRI/VALLEY GROWERS FOR RESPONSIBLE GOVERNMENT	SAN FRANCISCO	CA	NON-PARTY RELATED
C00031757	TRIPLE M COMMITTEE	BETHESDA	MD	PRESIDENTIAL
C00027938	TROTTER FOR SENATE COMMITTEE	SOUTH OGDEN	UT	SENATE
C00053355	TROWBRIDGE FOR CONGRESS	ANN ARBOR	MI	HOUSE
C00053545	TROWBRIDGE FOR CONGRESS	ANN ARBOR	MI	HOUSE
C00002881	TRUCK OPERATORS' NONPARTISAN COMMITTEE	WASHINGTON	DC	NON-PARTY RELATED
C00044057	TRUCKING INDUSTRY POLITICAL ACTION COMMITTEE	INDIANAPOLIS	IN	NON-PARTY RELATED
C00034720	TRUE RESPONSIBLE GOVERNMENT COMMITTEE	CASPER	WY	NON-PARTY RELATED
C00020167	TRUMAN FOR SENATE COMMITTEE	BIDDEFORD	ME	SENATE
C00002493	TRUMBULL COUNTY REPUBLICAN CENTRAL COMMITTEE	WARREN	OH	PARTY RELATED
C00000116	TRUMP, ROSEMARY	PITTSBURGH	PA	DELEGATE
C00003772	TRUST FOR SPECIAL POLITICAL AGRICULTURAL COMMUNITY EDUCATION	LOUISVILLE	KY	NON-PARTY RELATED
C00025536	TRW 8000 GOVERNMENT FUND	CLEVELAND	OH	NON-PARTY RELATED
C00013501	TSONGAS FOR CONGRESS (AKA COMMITTEE FOR PAUL TSONGAS)	BOLTON	MA	HOUSE
C00010606	TUBBY FOR CONGRESS	SARANAC LAKE	NY	HOUSE
C00039883	TUCKER FOR SENATE COMMITTEE	WARWICK	RI	SENATE
C00000094	TUCKER, BETTY JO (B.J.)	BEAUMONT	TX	DELEGATE
C00000102	TUCKER, DONALD	NEWARK	NJ	DELEGATE
C00070433	TULARE COUNTY REPUBLICAN CENTRAL COMMITTEE	PORTERVILLE	CA	PARTY RELATED
C00000402	TULSA COUNTY REPUBLICAN COMMITTEE	TULSA	OK	PARTY RELATED
C00020179	TUNNEY FOR SENATE COMMITTEE	BEVERLY HILLS	CA	SENATE
C00045534	TUOLOMNE COUNTY REPUBLICAN CENTRAL COMMITTEE	SONORA	CA	PARTY RELATED
C00002840	TURANYIN, WILLIAM F.	EL CAMPO	TX	INDEPENDENT EXPENDITOR
C00067606	TURBODYNE ACTIVE CITIZENSHIP TODAY PROGRAM AND FUND	MINNEAPOLIS	MN	NON-PARTY RELATED

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IDENTIFICATION	NAME		
C00006502	TURNBULL FOR CONGRESS VOLUNTEER COMMITTEE(AKA DROP THE ANCHER	VOLUNTEER COMMITTEE) ST. PETER	MN HOUSE
C00051185	TURNER FOR CONGRESS COMMITTEE	EUGENE	OR HOUSE
C00045054	TURNEY FOR PRESIDENT COMMITTEE	SILVER SPRING	MD PRESIDENTIAL
C00039008	TURTLE CREEK GOOD GOVERNMENT COMMITTEE	INDIANAPOLIS	IN NON-PARTY RELATED
C00046417	TWENTYIETH CENTURY FOX POLITICAL ACTION COMMITTE	LOS ANGELES	CA NON-PARTY RELATED
C00033118	TWUA POLITICAL FUND	NEW YORK	NY NON-PARTY RELATED
C00012575	TX. STATE COUNCIL OF MACHINISTS AND AEROSPACE WORKERS	BEAUMONT	TX NON-PARTY RELATED
C00044289	TYDINGS COMMITTEE OF PRINCE GEORGE'S COUNTY	UPPER MARLBORO	MD SENATE
C00049700	TYLER FOR CONGRESS COMMITTEE	CANEY	KS HOUSE
C00035014	TYSON POLITICAL ACTION COMMITTEE (TYPAC)	SPRINGDALE	AR NON-PARTY RELATED
C00012476	U.A. POLITICAL EDUCATION COMMITTEE	WASHINGTON	DC NON-PARTY RELATED
C00051177	U.C.S.B. STUDENTS FOR SISSON	SANTA BARBARA	CA HOUSE
C00021832	U.S. LABOR PARTY	NEW YORK	NY PARTY RELATED
C00002840	UAW VOLUNTARY COMMUNITY ACTION PROGRAM (UAW V CAP)	DETROIT	MI NON-PARTY RELATED
C00046276	UBA GOOD GOVERNMENT COMMITTEE	PHOENIX	AZ NON-PARTY RELATED
C00040675	UDALL '76 - SOUTH DAKOTA	RAPID CITY	SD PRESIDENTIAL
C00030155	UDALL '76 CALIFORNIA COMMITTEE	LOS ANGELES	CA PRESIDENTIAL
C00032474	UDALL '76 COMMITTEE-ARIZONA	PHOENIX	AZ PRESIDENTIAL
C00032276	UDALL '76 COMMITTEE-KENTUCKY	LOUISVILLE	KY PRESIDENTIAL
C00020651	UDALL '76 COMMITTEE-OHIO	COLUMBUS	OH PRESIDENTIAL
C00030197	UDALL '76 MASSACHUSETTS SPECIAL EVENTS COMMITTEE	TERMINATED CONCORD	MA PRESIDENTIAL
C00030148	UDALL '76' COMMITTEE	NEW YORK	NY PRESIDENTIAL
C00017301	UDALL '76-MISSOURI	ST. LOUIS	MO PRESIDENTIAL
C00039149	UDALL '76/VERMONT	RUTLAND	VT PRESIDENTIAL
C00000229	UDALL DELEGATE COMMITTEE - 20TH C.D.	NEW YORK	NY DELEGATE
C00032367	UDALL DELEGATE COMMITTEE-28TH C.D.	NEW YORK	NY PRESIDENTIAL
C00064410	UDALL DELEGATES	WINNETKA	IL PRESIDENTIAL
C00000328	UDALL DELEGATES	WINNETKA	IL DELEGATE
C00022087	UDALL ELECTION COMMITTEE	TUCSON	AZ HOUSE
C00034991	UDALL MARYLAND CAMPAIGN	WHEATON	MD PRESIDENTIAL
C00000088	UFWA COPE COMMITTEE	NEW YORK	NY NON-PARTY RELATED
C70000658	UFWA COPE COMMITTEE	NEW YORK	NY NON-PARTY RELATED
C00066597	UML FOR CONGRESS	ST. PAUL	MN HOUSE
C00067405	UKRAINIAN AMERICAN POLITICAL ACTION COMMITTEE	WASHINGTON	DC NON-PARTY RELATED
C00040444	UM EMPLOYEES BETTER GOVERNMENT FUND	PITTSBURGH	PA NON-PARTY RELATED
C00040121	UN-AUTHORIZED COMMITTEE FOR FRED HARRIS	BEAUMONT	TX PRESIDENTIAL

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IDENTIFICATION	NAME			
C00044008	UNAUTHORIZED COMMITTEE BROWN FOR PRESIDENT	DENVER	CO	PRESIDENTIAL
C00001918	UNCOMMITTED DELEGATE CAMPAIGN DISTRICT	CLIFTON	NJ	INDEPENDENT EXPENDITOR
C00000896	UNCOMMITTED DELEGATE CAMPAIGN DISTRICT #34	CLIFTON	NJ	DELEGATE
C00045088	UNCOMMITTED DEMOCRATS COMMITTEE	DAYTON	OH	PARTY RELATED
C00000481	UNCOMMITTED DEMOCRATS COMMITTEE	DAYTON	OH	DELEGATE
C00001397	UNETIC, ROBERT (CONTRIBUTOR)	SANTA ANA	CA	INDEPENDENT EXPENDITOR
C00039479	UNION CAMP POLITICAL ACTION COMMITTEE	WAYNE	NJ	NON-PARTY RELATED
C00035162	UNION CARBIDE 410 COMMITTEE	NEW YORK	NY	NON-PARTY RELATED
C00021741	UNION COUNTY DEMOCRATIC COMMITTEE	SPRINGFIELD	NJ	PARTY RELATED
C00032987	UNION COUNTY REPUBLICAN CENTRAL COMMITTEE	WEST MANSFIELD	OH	PARTY RELATED
C00011924	UNION COUNTY REPUBLICAN COMMITTEE	LEWISBURG	PA	PARTY RELATED
C00023564	UNION COUNTY REPUBLICAN COMMITTEE	WESTFIELD	NJ	PARTY RELATED
C00000310	UNION COUNTY UNCOMMITTED DELEGATE SLATE	CRANFORD	NJ	DELEGATE
C00044024	UNION PLANTERS COMMITTEE ON GOVERNMENT AFFAIRS	MEMPHIS	TN	NON-PARTY RELATED
C00040725	UNIPAC (UNITED POLITICAL ACTION COMMITTEE)	WASHINGTON	DC	NON-PARTY RELATED
C00041202	UNITED 3RD DISTRICT DEMOCRATIC ORGANIZATION-1976 CONGRESSIONAL COMMITTEE	BALTIMORE	MD	PARTY RELATED
C00048089	UNITED AMERICAN PARTY	NISAEE	AZ	PRESIDENTIAL
C00075069	UNITED CAMPAIGN COM. OF DAVIDSON COUNTY, DEMOCRATIC EXECUTIVE COMMITTEE #2 (FOR SASSER)	NASHVILLE	TN	SENATE
C00066357	UNITED CAMPAIGN COMMITTEE FOR THE DAVIDSON COUNTY DEMOCRATIC EXECUTIVE COMMITTEE	NASHVILLE	TN	PARTY RELATED
C00000950	UNITED CONGRESSIONAL APPEAL	WWASHINGTON	DC	NON-PARTY RELATED
C00041004	UNITED CONSERVATIVES OF INDIANA POLITICAL ACTION COMMITTEE, INC.	INDIANAPOLIS	IN	NON-PARTY RELATED
C00046219	UNITED DELEGATES FOR FORD COMMITTEE	LINCOLN	ME	PRESIDENTIAL
C00069666	UNITED DEMOCRATIC CAMPAIGN COMMITTEE	LOS ANGELES	CA	PARTY RELATED
C00066431	UNITED DEMOCRATIC CAMPAIGN OF SAN MATEO CO.	SAN MATEO	CA	PARTY RELATED
C00048561	UNITED DEMOCRATIC HEADQUARTERS PROPERTIES COMMITTEE	SANTA BARBARA	CA	PARTY RELATED
C00011783	UNITED FARM WORKERS OF AMERICA, AFL-CIO FED POL ACTION COM(AKA FARM	WORKERS POL ED FUND) KEENE	CA	NON-PARTY RELATED
C00020766	UNITED FEDERATION OF TEACHERS COPE	NEW YORK	NY	NON-PARTY RELATED
C00068247	UNITED FIDELITY POLITICAL ACTION COMMITTEE	DALLAS	TX	NON-PARTY RELATED
C00068825	UNITED LABOR COMMITTEE	TOLEDO	OH	HOUSE
C70000773	UNITED MINE WORKERS OF AMERICA	WASHINGTON	DC	NON-PARTY RELATED
C00043992	UNITED NATIONS REFORM ELECTORAL CAMPAIGN COMMITTEE	WAYNE	NJ	NON-PARTY RELATED
C00002394	UNITED PAPERWORKERS INTERNATIONAL UNION POLITICAL EDUCATION PROGRAM	FLUSHING	NY	NON-PARTY RELATED
C00069237	UNITED PUBLIC WORKERS, LOCAL 646, AFSCME, AFL-CIO POLITICAL ACTION COMMITTEE	HONOLULU	HI	NON-PARTY RELATED
C00046451	UNITED REPUBLICAN COORDINATING COMMITTEE	FARGO	ND	PARTY RELATED
C00067892	UNITED REPUBLICAN FINANCE COMMITTEE	CONCORD	CA	PARTY RELATED
C00045526	UNITED REPUBLICAN FINANCE COMMITTEE OF SANTA CLARA COUNTY	SUNNYVALE	CA	PARTY RELATED

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C00005819	UNITED REPUBLICAN FUND OF ILLINOIS	CHICAGO	IL	PARTY RELATED	
C00010934	UNITED RUBBER WORKERS LOCAL UNION	DENVER	CO	NON-PARTY RELATED	
C00031062	UNITED SAN FRANSISCO REPUBLICAN COMMITTEE	SAN FRANSISCO	CA	PARTY RELATED	
C00031351	UNITED STATES COMMITTEE TO ELECT J. JOHN GORDON PRESIDENT OF THE UNITED STATES	WORCHESTER	MA	PRESIDENTIAL	
C70000660	UNITED STEELWORKERS OF AMERICA	PITTSBURGH	PA	NON-PARTY RELATED	
C00043158	UNITED STEELWORKERS OF AMERICA DISTRICT 7	PHILADELPHIA	PA	NON-PARTY RELATED	
C00003590	UNITED STEELWORKERS OF AMERICA POLITICAL ACTION FUND	PITTSBURG	PA	NON-PARTY RELATED	
C00066399	UNITED TEACHERS OF DADE/TIGER-C.O.P.E.	MIAMI	FL	NON-PARTY RELATED	
C00035683	UNITED TECHNOLOGIES CORPORATION PAC	HARTFORD	CT	NON-PARTY RELATED	
C00073288	UNITED YOUNG DEMOCRATS OF ST. LOUIS COUNTY	ST. LOUIS	MO	PARTY RELATED	
C00034736	UNITY 76	WASHINGTON	DC	PARTY RELATED	
C00000364	UNITY 76	WASHINGTON	DC	DELEGATE	
C00035931	UNMOVIC FOR CONGRESS	PITTSBURGH,	PA	HOUSE	
C00030585	UOP EMPLOYEES POLITICAL ACTION FUND	DES PLAINES	IL	NON-PARTY RELATED	
C00017566	UPPER DARBY TOWNSHIP REPUBLICAN CAMPAIGN COMMITTEE	UPPER DARBY	PA	PARTY RELATED	
C00011353	UPPER DEERFIELD DEMOCRATS	BRIDGETON	NJ	PARTY RELATED	
C00055022	UPSON FOR CONGRESS COMMITTEE	AVON	CT	HOUSE	
C00066766	UPSPAC	GREENWICH	CT	NON-PARTY RELATED	
C00030296	US LABOR PARTY(INC)/NORTH CAROLINA LABOR PARTY	CHARLOTTE	NC	PARTY RELATED	
C00030676	USS EMPLOYEES GOOD GOVERNMENT FUND	PITTSBURGH	PA	NON-PARTY RELATED	
C00055053	UTAH CITIZENS FOR MACBRIDE FOR PRESIDENT	SALT LAKE CITY	UT	PRESIDENTIAL	
C00043141	UTAH COUNCIL FOR IMPROVEMENT OF EDUCATION (UCIE)	MURRAY	UT	NON-PARTY RELATED	
C00044034	UTAH COUNCIL OF SMALL BUSINESS POLITICAL ACTION COMM	SALT LAKE CITY	UT	NON-PARTY RELATED	
C00000315	UTAH COUNTY REPUBLICAN CENTRAL COMMITTEE	PROVO	UT	PARTY RELATED	
C00002402	UTAH DENTAL POLITICAL ACTION COMMITTEE	PROVO	UT	NON-PARTY RELATED	
C00003210	UTAH MEDICAL POLITICAL ACTION COMMITTEE (UMPAC)	SALT LAKE CITY	UT	NON-PARTY RELATED	
C00040469	UTAH NON-PARTISAN POLITICAL ACTION COMMITTEE	SAN FRANCISCO	CA	NON-PARTY RELATED	
C00023689	UTAH RIGHT TO WORK COMMITTEE	WOODS CROSS	UT	NON-PARTY RELATED	
C70000674	UTAH STATE AFL-CIO	SALT LAKE CITY	UT	NON-PARTY RELATED	
C00007708	UTAH STATE AFL-CIO	TERMINATED SALT LAKE CITY	UT	NON-PARTY RELATED	
C00071860	UTAH STATE DEMOCRATIC COMMITTEE GET-OUT-THE-VOTE-DRIVE	SALT LAKE CITY	UT	PARTY RELATED	
C00042473	UTAH STATE DEMOCRATIC TELETHON COMMITTEE	SALT LAKE CITY	UT	PARTY RELATED	
C00071852	UTAH VOTER REGISTRATION DRIVE	SALT LAKE CITY	UT	PARTY RELATED	
C00040741	UTILITY WORKERS UNION OF AMERICA POLITICAL CONTRIBUTIONS COMMITTEE	WASHINGTON	DC	NON-PARTY RELATED	
C00075549	VALAN FOR CONGRESS COMMITTEE	MOORHEAD	MN	HOUSE	
C00075309	VALLEY ASSOCIATES PUBLIC AFFAIRS COMMITTEE	PHILADELPHIA	PA	NON-PARTY RELATED	

FEDERAL ELECTION COMMISSION
COMMITTEE CROSS INDEX - (B)

IDENTIFICATION	NAME			
C00035139	VALLEY LINE COMPANY POLITICAL ACTION COMMITTEE	ST. LOUIS	MO	NON-PARTY RELATED
C98001561	VAN ANDEL, JAY	GRAND RAPIOS	MI	INDEPENDENT EXPENDITOR
C00034926	VAN BUREN COUNTY DEMOCRATIC CAMPAIGN COMMITTEE	PAW PAW	MI	PARTY RELATED
C00043067	VAN BUREN COUNTY DEMOCRATIC COMMITTEE	DECATUR	MI	PARTY RELATED
C00000885	VAN BUREN COUNTY REPUBLICAN CENTRAL COMMITTEE	STOCKPORT	IA	PARTY RELATED
C00006361	VAN BUREN COUNTY REPUBLICAN COMMITTEE	DECATUR	MI	PARTY RELATED
C00000878	VAN LOAN, EUGENE H. III	BEDFORD	NH	DELEGATE
C00020677	VANDER VEEN '74 COMMITTEE	GRAND RAPIOS	MI	HOUSE
C00024976	VANDER VEEN '76 COMMITTEE	GRAND RAPIOS	MI	HOUSE
C00015438	VANDERBURGH COUNTY LINCOLN REPUBLICAN COMMITTEE	EVANSVILLE	IN	PARTY RELATED
C00055640	VANIK FOR CONGRESS COMMITTEE	UNIVERSITY HTS.	OH	HOUSE
C00017079	VERDE VALLEY REPUBLICAN WOMEN	TERMINATED SEDON	AZ	PARTY RELATED
C00036822	VERICH FOR U.S. CONGRESS	LADNA,	WI	HOUSE
C00067603	VERLYN LEROY HAYES FOR U.S. CONGRESS CAMPAIGN COMMITTEE	GREENFIELD	IA	HOUSE
C00022976	VERMONT CONSTRUCTION INDUSTRY POLITICAL ACTION COMMITTEE	NO BENNINGTON	VT	NON-PARTY RELATED
C00022787	VERMONT EDUCATIONAL POLITICAL ACTION COMMITTEE	WINOOSKI	VT	NON-PARTY RELATED
C00031690	VERMONT HARRIS FOR PRESIDENT COMMITTEE	STOWE	VT	PRESIDENTIAL
C00023531	VERMONT REPUBLICAN DINNER COMMITTEE	TERMINATED MONTPELIER	VT	PARTY RELATED
C00035618	VERMONT REPUBLICAN FEDERAL ELECTIONS COMMITTEE	MONTPELIER	VT	PARTY RELATED
C00045518	VERMONT STATE DEMOCRATIC COMMITTEE	BURLINGTON	VT	PARTY RELATED
C00024679	VERMONT STATE DEMOCRATIC COMMITTEE CAMPAIGN FUND	BURLINGTON	VT	PARTY RELATED
C00019455	VERMONT STATE DEMOCRATIC TELETHON COMMITTEE	JOHNSON	VT	PARTY RELATED
C00070880	VERN SMITH FOR CONGRESS COMMITTEE	CAMDEN	NJ	HOUSE
C00009685	VERNON COUNTY DEMOCRATIC PARTY	WESTBY	WI	PARTY RELATED
C00010178	VEYSEY CAMPAIGN COMMITTEE	CLAREMONT	CA	HOUSE
C00054833	VIC SHACKELFORD FOR CONGRESS COMMITTEE	ODESSA	TX	HOUSE
C00055707	VICKERS FOR CONGRESS COMMITTEE	CONCORD	CA	HOUSE
C00075234	VICTORY '76 COMMITTEE	MINEOLA	NY	NON-PARTY RELATED
C00018655	VICTORY 76 COMMITTEE	BANGOR	ME	HOUSE
C00011007	VIGORITO TO CONGRESS COMMITTEE	ERIE	PA	HOUSE
C90001330	VIGUERIE, RICHARD	MCLEAN	VA	INDEPENDENT EXPENDITOR
C00000377	VILLAGE INDEPENDENT DEMOCRATS CAMPAIGN COMMITTEE	NEW YORK	NY	DELEGATE
C00072737	VILLAGE REPUBLICAN WOMEN'S CLUB	HOUSTON	TX	PARTY RELATED
C00016873	VINCENT FOR CONGRESS	CRESTLINE	CA	HOUSE
C00071029	VINCENT S. KROK FOR CONGRESS COMMITTEE	CHICAGO	IL	HOUSE
C00022236	VINTON COUNTY REPUBLICAN EXECUTIVE COMMITTEE	MCARTHER	OH	PARTY RELATED

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FEDERAL ELECTION COMMISSION
COMMITTEE CROSS INDEX - (8)

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IDENTIFICATION	NAME		
C00071340	VIOLA FOR CONGRESS	SOMERVILLE	NJ
C00081701	VIOLETTE FOR CONGRESS COMMITTEE	EAGLE LAKE	ME
C00052381	VIRGIL LEON OLSON CONGRESSIONAL CAMPAIGN COMMITTE	CHANUTE	KS
C00010176	VIRGINIA COMMITTEE FOR POLITICAL ACTION	ROCKY MOUNT	VA
C00019102	VIRGINIA DEMOCRATIC TELETHON COMMITTEE	RICHMOND	VA
C00043901	VIRGINIA DENTAL POLITICAL ACTION COMMITTEE	HARRISONBURG	VA
C00030596	VIRGINIA FRED HARRIS FOR PRESIDENT COMMITTEE	HAMPTON	VA
C00054981	VIRGINIA GARZA FOR CONGRESS COMMITTEE	EAST LOS ANGELES	CA
C00045500	VIRGINIA LABOR PARTY	RICHMOND	VA
C00081036	VIRGINIA MEDICAL POLITICAL ACTION COMMITTEE	RICHMOND	VA
C00019257	VIRGINIA NURSING HOME ASSOCIATION POLITICAL ACTION COMMITTEE	NEWPORT NEWS	VA
C00021931	VIRGINIA POLITICAL ACTION COMMITTEE V-PAC	LACROSSE	VA
C00020396	VIRGINIA R. BEACH FOR CONGRESS	SOUTH BEND	IN
C00017053	VIRGINIA SHAFFER FOR CONGRESS COMMITTEE	SAN JOSE	CA
C00060773	VIRGINIA SOCIALIST WORKERS 1976 CAMPAIGN COMMITTEE	RICHMOND	VA
C78000602	VIRGINIA STATE AFL-CIO	RICHMOND	VA
C00029751	VIRGINIANS FOR BYRD	RICHMOND	VA
C00078664	VIRGINIANS FOR BYRD, CHARLOTTE COUNTY COMMITTEE	CHARLOTTE	VA
C00070573	VIRGINIANS FOR BYRD, LYNCHBURG	LYNCHBURG	VA
C00060569	VIRGINIANS FOR BYRD, MADISON FUND	MADISON	VA
C00069503	VIRGINIANS FOR BYRD, PRINCE GEORGE COUNTY	PRINCE GEORGE	VA
C00067538	VIRGINIANS FOR BYRD, PULASKI	PULASKI	VA
C00073643	VIRGINIANS FOR BYRD, RICHMOND	RICHMOND	VA
C00069575	VIRGINIANS FOR BYRD, ROANOKE	ROANOKE	VA
C00071946	VIRGINIANS FOR BYRD, WILLIAMSBURG	WILLIAMSBURG	VA
C00020241	VIRGINIANS FOR SCOTT	ALEXANDRIA	VA
C00027185	VIRGINIANS FOR ZUMWALT COMMITTEE	RICHMOND	VA
C00081951	VISTA, ALAN	HYATTSVILLE	MD
C00062422	VITAL ISSUE OF AMERICA , INC."(SEC.437)"	HOUSTON	TX
C00037689	VIVIAN HALL FOR CONGRESS	IRVINE,	CA
C00001969	VIVO, ANTHONY	YOUNGSTOWN	OH
C00037168	VLADOS FOR CONGRESS"	BYFIELD,	MA
C00043125	VNB GOOD GOVERNMENT	PHOENIX	AZ
C00021121	VOICE OF TEACHERS FOR EDUCATION/COMM. ON POLITICAL EDUCATION	ALBANY	(VOTE / COPE) NY
C00007690	VOICE OF THE ELECTORATE	WASHINGTON	DC
C00015503	VOID SEE 810162	MT SIONEY	VA

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IDENTIFICATION	NAME		
C00022218	VOID SEE 810723	WINSTON-SALEM	NC
C00015883	VOID SEE 832395	OKLAHOMA CITY	OK
C00021444	VOID SEE 843419	SOUTH BEND	IN
C00051953	VOLBY FOR CONGRESS COMMITTEE	TUCSON	AZ
C00025932	VOLKMER FOR CONGRESS COMMITTEE	HANNIBAL	MO
C00036405	VOLUNTARY CONTRIBUTORS FOR BETTER GOVERNMENT	WASHINGTON	DC
C00062646	VOLUNTARY 0000 CITIZENSHIP FUND	MINNEAPOLIS	MN
C00041046	VOLUNTARY INVESTMENT FOR PROGRESS COMMITTEE	ST. LOUIS	MO
C00032771	VOLUNTARY NONPARTISAN POLITICAL FUND, THE	OWENSBORO	KY
C00043570	VOLUNTARY POLITICAL CONTRIBUTION FUND	HOUSTON	TX
C00007229	VOLUNTARY REPUBLICAN PART OF KENAUNEE COUNTY	ALGOMA	WI
C00060848	VOLUNTEER COMMITTEE OF UNION BUILDING AND CONSTRUCTION WORKERS	LOUISVILLE	KY
C00053348	VOLUNTEERS FOR GORE	COOKEVILLE	TN
C00049872	VOLUNTEERS FOR HANSEN COMMITTEE	GERING	NE
C00048496	VOLUNTEERS FOR HARMER	ROCKLIN	CA
C00020571	VOLUNTEERS FOR HARTKE	INDIANAPOLIS	IN
C00047217	VOLUNTEERS FOR JOHN CURTIS	SIGNAL MOUNTAIN	TN
C00037424	VOLUNTEERS FOR MCCLINTIC	OKLAHOMA CITY,	OK
C00015099	VOLUNTEERS FOR NOBLE	MANSFIELD	OH
C00016162	VOLUNTEERS FOR REAGAN 4TH CONG. DIST. OF MO.	BALTIMORE	MD
C00046003	VOLUNTEERS FOR VENTO	ST. PAUL	MN
C00025296	VOLUNTEERS FOR VLPEC	LOS ANGELES,	CA
C00049869	VOLUNTEERS: DAN RUPLI FOR CONGRESS	HAGERSTOWN	MD
C00046060	VON RASE FOR PRESIDENT	MADISON	WI
C00065953	VOTE FOR FORD COMMITTEE	WASHINGTON	DC
C00011288	VOTE REPUBLICAN COMMITTEE	CHICAGO	IL
C00071472	VOTER REGISTRATION DRIVE	DAYTON	OH
C00026069	VOTERS AND VOLUNTEERS FOR LEARD	INDEPENDENCE	MO
C00021964	VOTERS FOR ANGELL COMMITTEE	POUGHKEEPSIE	NY
C00021170	VOTERS FOR CARMEN	ROCHESTER	NY
C00071469	VOTERS FOR CARTER	SOUTHFIELD	MI
C00064113	VOTERS FOR HAYAKAWA	SAN MATEO	CA
C00013789	VOTERS FOR PEYSER	IRVINGTON	NY
C00049960	VOTERS ORGANIZED TO ELECT SANCHEZ TO THE U.S. CONGRESS (V.O.T.E.S)	ADANA	OH
C00018398	W. JOHN SCHADE, JR. FOR CONGRESS COMMITTEE	ROCKFORD	IL
C00046656	W. R. POAGE CAMPAIGN COMMITTEE	MARLIN	TX

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IDENTIFICATION	NAME		
C00053652	W.F. PAT MCKEE FOR CONGRESS COM.	CAPE GIRARDEAU	MO
C00019693	WABASH COUNTY REPUBLICAN CENTRAL COMMITTEE	WABASH	IN
C00007260	WABASHA COUNTY REPUBLICAN COMMITTEE	LAKE CITY	MN
C00844065	WADE CHURCH FOR U.S. SENATE COMMITTEE	PHOENIX	AZ
C00002386	WAGGONNER FOR CONGRESS	SHREVEPORT	LA
C00052464	WAGNER FOR CONGRESS COMMITTEE	MIDDLETOWN	NY
C00070052	WAHL FOR CONGRESS	MEMET	CA
C00065847	WALASKAY FOR CONGRESS	CANTON	MI
C00032054	WALD FOR U.S. SENATE COMMITTEE	SAN JOSE	CA
C00854221	WALDERZAK FOR CONGRESS COMMITTEE	HURON	SM
C00001977	WALKER, WELDON W.	WACO	TX
C00040436	WALL AND CEILING/ POLITICAL ACTION COMMITTEE	WASHINGTON, D.C.	DC
C00039263	WALLACE "76" 14TH DISTRICT HEADQUARTERS	AKRON	OH
C00847787	WALLACE ALBERTSON FOR CONGRESS COMMITTEE	LOS ANGELES	CA
C00030254	WALLACE CAMPAIGN INC., THE	MONTGOMERY	AL
C00026174	WALLACE SAN DIEGO CAMPAIGN FUND	SAN DIEGO	CA
C00044164	WALLACH FOR SENATE COMMITTEE	SAN FRANSISCO	CA
C00844748	WALLOP SENATE DRIVE	CASPER	WY
C00889806	WALSH CONGRESSIONAL CAMPAIGN COMMITTEE	SYRACUSE	NY
C00002121	WALTER FLOWERS FOR CONGRESS COMMITTEE	TUSCALOOSA	AL
C00015669	WAMPLER FOR CONGRESS COMMITTEE	PULASKI	VA
C00004085	WANO COUNTY REPUBLICAN EXECUTIVE COMMITTEE	MONAHANS	TX
C00849886	WANO FOR CONGRESS COMMITTEE	DURANT	OK
C00050025	WARD FOR CONGRESS COMMITTEE	GREENVILLE	NC
C00001965	WARD, CECIL	SPOFIELD GARDENS	NY
C00810325	WARRICK COUNTY INDIANA REPUBLICAN CENTRAL COMMITTEE	BOONVILLE	IN
C00069690	WARREN COUNTY DEMOCRATIC EXECUTIVE COMMITTEE	BOWLING GREEN	KY
C00011835	WARREN COUNTY REPUBLICAN CENTRAL COMMITTEE/WARREN COUNTY REPUBLICAN ORGANIZATION	MONMOUTH	IL
C00851151	WARREN FOR CONGRESS COMMITTEE	DECATUR	GA
C00067173	WARREN FOR CONGRESS COMMITTEE	ROXBURY	MA
C00851169	WARREN SAUNDERS FOR CONGRESS COMMITTEE	BEDFORD	VA
C00045492	WASCO COUNTY REPUBLICAN COMMITTEE	THE DALLES	OR
C00864097	WASH CREDIT UNION PAC (CUPAC)	BELLINGHAM	WA
C00844659	WASH.TEAMSTERS LEGISLATIVE LEAGUE-FUND A	SEATTLE	WA
C00026088	WASHBURN FOR CONGRESS	MORRIS	IL
C00001818	WASHINGTON AMERICAN MEDICAL POLITICAL ACTION COMMITTEE (WAMPAC)	SEATTLE	WA

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IDENTIFICATION	NAME		
C00022715	WASHINGTON BANKERS POLITICAL ACTION COMMITTEE GENERAL FUND	SEATTLE	WA
C00030239	WASHINGTON CITIZENS FOR UDALL '76'	SEATTLE	WA
C00831823	WASHINGTON COMMITTEE TO ELECT LAROUCHE-EVANS	TERMINATED SEATTLE	WA
C00068858	WASHINGTON COUNTY CITIZENS FOR HOOK	WASHINGTON	PA
C00007971	WASHINGTON COUNTY REPUBLICAN COMMITTEE	STILLWATER	MN
C00009668	WASHINGTON COUNTY REPUBLICAN COMMITTEE	SALEM	IN
C00021048	WASHINGTON COUNTY REPUBLICAN COMMITTEE	BARTLESVILLE	OK
C00045484	WASHINGTON COUNTY REPUBLICAN COMMITTEE	ABINGDON	VA
C00020222	WASHINGTON COUNTY REPUBLICAN WOMENS CLUB	FAYETTEVILLE	AR
C00068582	WASHINGTON O.C. FRIENDS OF BILL CLAY	ST. LOUIS	MO
C00030858	WASHINGTON OC LABOR PARTY	WASHINGTON	DC
C00014142	WASHINGTON DENTAL POLITICAL ACTION COMMITTEE	SCATTLE	WA
C00036392	WASHINGTON FOR CONGRESS	NORFOLK	VA
C00031716	WASHINGTON HARRIS FOR PRESIDENT	SEATTLE	WA
C00031229	WASHINGTON LABOR PARTY	SEATTLE	WA
C00845268	WASHINGTON SOCIALIST WORKERS CAMPAIGN COMMITTEE	SEATTLE	WA
C00026589	WASHINGTON STATE COMMITTEE ON POLITICAL EDUCATION	SEATTLE	WA
C00031013	WASHINGTON STATE DEMOCRATIC COMMITTEE	SEATTLE	WA
C00019190	WASHINGTON STATE DEMOCRATIC TELETHON COMMITTEE	SEATTLE	WA
C00028586	WASHINGTON STATE MACHINISTS NON-PARTISAN POL. LEAGUE	SEATTLE	WA
C00031088	WASHINGTON STATE REPUBLICAN FEDERAL CAMPAIGN COMMITTEE	TUKWILA	WA
C00039024	WASHINGTON YOUTH FOR REAGAN	BELLEVUE	WA
C00073841	WASHTENAW COUNTY REPUBLICAN COMMITTEE	ANN ARBOR	MI
C00841038	WATER POWER FEDERAL POLITICAL ACTION COMMITTEE	SPOKANE	WA
C00019166	WATKINS FOR CONGRESS COMMITTEE	ADA	OK
C00036363	WATKINS-JOHNSON POLITICAL ACTION COMMITTEE	PALO ALTO	CA
C00019783	WATT FOR CONGRESS	SUMTER	SC
C00004689	WAUPACA COUNTY REPUBLICAN PARTY	MANAWA	WI
C00841475	WAYNE 2ND DISTRICT REPUBLICAN COMMITTEE	PLYMOUTH	NI
C00015206	WAYNE BOUCHARD FOR CONGRESS	CARLISLE	PA
C90001348	WAYNE COUNTY CITIZENS FOR FORD	GOLDSBORO	NC
C00039467	WAYNE COUNTY DEMOCRATIC PARTY FEDERAL ACCOUNT	DETROIT	MI
C00045476	WAYNE COUNTY REPUBLICAN COMMITTEE	RICHMOND	IN
C00015545	WAYNE COUNTY REPUBLICAN EXECUTIVE COMMITTEE	TERMINATED WOOSTER	OH
C00020597	WAYNE OWENS FOR SENATE COMMITTEE	MIDVALE	UT
C00833647	WAYNESBORO REPUBLICAN COMMITTEE	WAYNESBORO	VA

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IDENTIFICATION	NAME		
C00001993	WAZNYS, PETER J.	RICHMOND HILL	NY
C00046391	WE THE PEOPLE OF CALIFORNIA	SAN DIEGO	CA
C00067652	WE THE PEOPLE WITH ADELAIDE L. MILLER IN CONGRESS	KANSAS CITY	MO
C00075317	WEATHER EMPLOYEES POLITICAL ACTION COMMITTEE	WOODBRIDGE	VA
C00047811	WEATHERS FOR CONGRESS COMMITTEE	TROY	MO
C00035642	WEAVER '76	EUGENE	OR
C00015776	WEAVER FOR CONGRESS	EUGENE	OR
C00002089	WEAVER, PHILLIP ARTHUR	WAVERLY	NE
C00001100	WEAVER, PHILLIP HART	FALLS CITY	NE
C00013920	WEBB FOR CONGRESS	FERNDALE	MI
C00007914	WEEKS COMMITTEE	HINGHAM	MA
C00047076	WEGNER FOR CONGRESS COMMITTEE	BOISE	IO
C00020456	WEICKER/SENATE '76	STAMFORD	CT
C00002017	WEIDENEYER, C. MAURICE	ANNAPOLIS	MO
C00017459	WEILER FOR CONGRESS	PITTSBURGH	PA
C00002025	WEINLEIN, ANTHONY B.	ROCKVILLE	MO
C00026633	WELCH FOR CONGRESS	FLORISSANT	MO
C00072561	WELCH FOR CONGRESS COMMITTEE	SOLVAY	NY
C00012070	WELD COUNTY DEMOCRATIC CENTRAL COMMITTEE	GREELEY	CO
C00035469	WELLMAN INDUSTRIES GOOD GOVERNMENT FUND	JOHNSONVILLE	SC
C00046011	WELLMAN INDUSTRIES TAX ELIGIBLE GOOD GOVERNMENT FUNDS	JOHNSONVILLE	SC
C00067975	WELLS COUNTY REPUBLICAN CENTRAL COMMITTEE	BLUFFTON	IN
C00055525	WELLS FOR CONGRESS CAMPAIGN COMMITTEE	COLUMBUS	MS
C00042028	WELLS POLITICAL CAMPAIGN	ATHENS	WV
C00002033	WELTY, DR. JOHN	SAN BENITO	TX
C00039891	WENDELKEN FOR U.S. SENATE IN '76	GLEN ROCK	NJ
C00074526	WENSTROM FOR CONGRESS COMMITTEE	ELBOW LAKE	MN
C00046292	WERTZ FOR THE HOUSE OF REPRESENTATIVES	SEATTLE	WA
C00065359	WES WATKINS FOR CONGRESS COMM. OF PITTSBURG COUNTY	MCALESTER	OK
C00055392	WES WISE FOR CONGRESS COMMITTEE	DALLAS	TX
C00073254	WEST EL PASO REPUBLICAN WOMEN'S CLUB	EL PASO	TX
C90001371	WEST END REPUBLICANS FOR LLOYD BROUP	UPLAND	CA
C00013144	WEST FOR CONGRESS	HUBBARD	OH
C00042125	WEST FOR CONGRESS	HUBBARD	OH
C00067637	WEST PHILADELPHIA SOCIALIST WORKERS CAMPAIGN COMMITTEE	PHILADELPHIA	PA
C00045997	WEST SIDE '76 SOCIALIST WORKERS CAMPAIGN COMMITTEE	NEW YORK	NY

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FEDERAL ELECTION COMMISSION
COMMITTEE CROSS INDEX - (B)

DATE 14MARTY

IDENTIFICATION	NAME			
C00011361	WEST VIRGINIA AFL-CIO COPE VOLUNTARY FUND	CHARLESTON	WV	NON-PARTY RELATED
C00073205	WEST VIRGINIA CAR (COMMITTEE OF AUTOMOTIVE RETAILERS)	CHARLESTON	WV	NON-PARTY RELATED
C00042879	WEST VIRGINIA DENTAL POLITICAL ACTION COMMITTEE	PARKERSBURG	WV	NON-PARTY RELATED
C00019588	WEST VIRGINIA STATE DEMOCRATIC TELETHON COMMITTEE	CHARLESTON	WV	PARTY RELATED
C00023952	WESTCHESTER COUNTY DEMOCRATIC COMMITTEE	WHITE PLAINS	NY	PARTY RELATED
C00063818	WESTCHESTER COUNTY FRIENDS OF JIM BUCKLEY	WHITE PLAINS	NY	SENATE
C00000179	WESTCHESTER INDEPENDENT DEMOCRATIC DELEGATION	WHITE PLAINS	NY	DELEGATE
C00075053	WESTERN AIRLINES POLITICAL ACTION COMMITTEE	LOS ANGELES	CA	NON-PARTY RELATED
C00021535	WESTERN DOW EMPLOYEES COMMITTEE FOR FREE ENTERPRISE	PITTSBURG	CA	NON-PARTY RELATED
C00043430	WESTERN EGG & POULTRY ACTION COMMITTEE	LOS ANGELES	CA	NON-PARTY RELATED
C00031724	WESTERN ILLINOIS HARRIS FOR PRESIDENT COMMITTEE	ROCK ISLAND	IL	PRESIDENTIAL
C00073213	WESTERN INTERMOUNTAIN NETWORK POLITICAL ACTION COMMITTEE	BOZEMAN	MT	NON-PARTY RELATED
C00030711	WESTERN PENNSYLVANIA HARRIS FOR PRESIDENT	PITTSBURGH	PA	PRESIDENTIAL
C00039495	WESTERN PIEDMONT COMMITTEE ON POLITICAL EDUCATION	HICKORY	NC	NON-PARTY RELATED
C00035220	WESTINGHOUSE POLITICAL PARTICIPATION PROGRAM	PITTSBURGH	PA	NON-PARTY RELATED
C00011644	WESTMORELAND COUNTY DEMOCRATIC CAMPAIGN COMMITTEE (AKA WESTMORELAND CTY DEM COMM)	GREENSBURG	PA	PARTY RELATED
C00004531	WESTMORELAND COUNTY REPUBLICAN COMMITTEE	GREENSBURG	PA	PARTY RELATED
C90001389	WESTON, HARRIS K.	CINCINNATI	OH	INDEPENDENT EXPENDITOR
C00052761	WESTPORT DEMOCRATS FOR ACTION	KANSAS CITY	MO	PARTY RELATED
C00021527	WESTSIDE UNITED DEMOCRATIC CAMPAIGN	BEVERLY HILLS	CA	PARTY RELATED
C00065987	WESTVACO GOOD GOVERNMENT COMMITTEE	NEW YORK	NY	NON-PARTY RELATED
C00068916	WESTWOOD REPUBLICAN WOMEN, FEDERATED	LOS ANGELES	CA	PARTY RELATED
C00003004	WEXFORD COUNTY REPUBLICAN COMMITTEE	TERMINATED CADILLAC	MI	PARTY RELATED
C00002774	WHALEN FOR CONGRESS COMMITTEE	DAYTON	OH	HOUSE
C00030280	WHARTON FOR PRESIDENT COMMITTEE 1976	TACOMA	WA	PRESIDENTIAL
C00025452	WHATCOM COUNTY DEMOCRATIC CENTRAL COMMITTEE	BELLINGHAM	WA	PARTY RELATED
C00039750	WHEELER FOR SENATE	KANSAS CITY	MO	SENATE
C00035857	WHEELING-PITTSBURGH STEEL POLITICAL ACTION COMMITTEE	PTSBRGH	PA	NON-PARTY RELATED
C90001355	WHINERY, DR. JOHN (CONTRIBUTOR)	AMARILLO	TX	INDEPENDENT EXPENDITOR
C00039040	WHIRLPOOL POLITICAL ACTION COMMITTEE	BENTON HARBOR	MI	NON-PARTY RELATED
C00000508	WHITE COUNTY REPUBLICAN CENTRAL COMMITTEE	IOAVILLE	IN	PARTY RELATED
C00000323	WHITEHURST FOR CONGRESS	NORFOLK	VA	HOUSE
C00036053	WHITFIELD FOR CONGRESS	HOUSTON,	TX	HOUSE
C00001004	WHITFIELD, WALLIE JO	PLEASANT HILL	CA	DELEGATE
C00021022	WHITLEY COUNTY REPUBLICAN CENTRAL COMMITTEE	COLUMBIA CITY	IN	PARTY RELATED
C00037093	WHITLEY FOR CONGRESS*	MT. OLIVE,	NC	HOUSE

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FEDERAL ELECTION COMMISSION
COMMITTEE CROSS INDEX - (B)

DATE 14MAR77

IDENTIFICATION	NAME		
C00062497	WICKMAN FOR CONGRESS	LOUDONVILLE	OH
C00055574	WICOMICO COUNTY DEMOCRATIC CLUB, INC.	SALISBURY	MD
C00072983	WICOMICO COUNTY REPUBLICAN CENTRAL COMMITTEE	SALISBURY	MD
C00052456	WIERSMA FOR CONGRESS COMMITTEE	GRAND RAPIDS	MI
C00023424	WILBUR MILLS CAMPAIGN COMMITTEE	TERMINATED LITTLE ROCK	AR
C00002840	WILCOX, HENRY E.	CARLTON	PA
C00861911	WILEY FOR CONGRESS	PISCATAWAY	NJ
C00055400	WILEY FOR CONGRESS - GENERAL ELECTION COMMITTEE	SAYREVILLE	NJ
C00000612	WILKES COUNTY REPUBLICAN EXECUTIVE COMMITTEE	WILKESBORO	NC
C00002402	WILKINSON, TIMOTHY	AKRON	OH
C00036350	WILL ERWIN FOR CONGRESS COMMITTEE	WINAMAC,	IN
C00021907	WILL-GRUNDY POLITICAL INFORMATION COMMITTEE	JOLIET	IL
C00044362	WILLIAM (RICHARD) THOMPSON CAMPAIGN FOR U.S. SENATE COMMITTEE	BATESVILLE	MS
C00062356	WILLIAM CHARGE FOR CONGRESS	STEUBENVILLE	OH
C00074503	WILLIAM O. MACKINTOSH COMMITTEE	OKLAHOMA CITY	OK
C00034874	WILLIAM EDWARD FRANCIS SWEENEY COMMITTEE	W. TISBURY	MA
C00062042	WILLIAM F MOORE FOR CONGRESS COMMITTEE	KANSAS CITY	MO
C00013516	WILLIAM FLAX FOR CONGRESS COMMITTEE	CINCINNATI	OH
C00071662	WILLIAM FRIESSER FOR CONGRESS COMMITTEE (PRINCIPAL CAMPAIGN COMMITTEE)	GRANT	MI
C00037432	WILLIAM GRAY FOR CONGRESS FINANCE	PHILADELPHIA,	PA
C00037945	WILLIAM H. HATCHER FOR CONGRESS,	BOWLING GREEN	KY
C00020511	WILLIAM J. FRANZ FOR CONGRESS COMMITTEE	CLEVELAND	OH
C00054643	WILLIAM LEHMAN CAMPAIGN FUND	NORTH MIAMI BEACH	FL
C00000177	WILLIAMS CO. REPUBLICAN CENTRAL & EXECUTIVE COMMITTEE	STRYKER	OH
C00048394	WILLIAMS COMPANIES POLITICAL ACTION COMMITTEE (WILLCO PAC)	TULSA	OK
C00028464	WILLIAMS PROJECT '76 (ALSO KNOWN AS CITIZENS FOR WILLIAMS COMMITTEE)	CARTERET	NJ
C00001712	WILLIAMS, B.V.	HIDFIELD	AL
C00053991	WILLIE BURNS FOR CONGRESS COMMITTEE	TRENTON	TN
C00001720	WILLIS, CHARLES V.	BELAIR	MD
C00000402	WILMINGTON COMMITTEE ON POLITICAL EDUCATION	WILMINGTON	NC
C00053322	WILSON COUNTY ALBERT GORE, JR. FOR CONGRESS	LEBANON	TN
C00028522	WILSON COUNTY REPUBLICAN BOOSTERS CLUB	WILSON	NC
C00029041	WILSON FOODS CORPORATION ACTIVE CITIZENSHIP CAMPAIGN FUND	OKLA. CITY	OK
C00000569	WILSON FOR CONGRESS COMMITTEE	JASPER	AL
C00000292	WILSON, JACK B.	LAKEWOOD	CO
C00001746	WILSON, JOHN THORNTON	LA GRANGE	TX

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IDENTIFICATION	NAME		
C00002470	WILSON, THOMAS ALVIN	SHREVEPORT	LA
C00023507	WIN WITH TODD COMMITTEE	COMSTOCK	MI
C00028118	WIN WITH WHITCOMB	SEYMORE	IN
C00010249	WINCHESTER DEMOCRATIC COMMITTEE (VIRGINIA)	WINCHESTER	VA
C00065219	WINE INSTITUTE POLITICAL ACTION COMMITTEE	SAN FRANCISCO	CA
C00037366	WINFIELD GREEN FOR CONGRESS	W. CHICAGO,	IL
C00001222	WINN FOR CONGRESS COMMITTEE	SHAWNEE MISSION	KS
C00011478	WINNEBAGO COUNTY REPUBLICAN CAMPAIGN COORDINATING COMMITTEE	OSHKOSH	WI
C00010769	WINNEBAGO COUNTY REPUBLICAN PARTY	TERMINATED OSHKOSH	WI
C00006643	WINONA COUNTY REPUBLICAN COMMITTEE	WINONA	MN
C00034751	WINSTON-SALEM COMMITTEE ON POLITICAL EDUCATION	WINSTON-SALEM	NC
C00054635	WINTERBERG FOR CONGRESS COMMITTEE	LOUISVILLE	KY
C00063156	WINTERS POLITICAL ACTION COMMITTEE	DAYTON	OH
C00068460	WIS-CON-SKINS FOR CARTER-MONDALE	RESHENA	WI
C00010604	WISCONSIN ACTION COMMITTEE FOR RURAL ELECTRIFICATION	MADISON	WI
C00048181	WISCONSIN BANKERS POLITICAL ACTION COMMITTEE	MANAWA	WI
C00069559	WISCONSIN CAMPAIGN COMMITTEE-SOCIALIST LABOR PARTY	MILWAUKEE	WI
C00054627	WISCONSIN CITIZENS FOR DEMOCRATIC SOCIALISM - MART FOR U.S. SENATE	PRAIRIE OU SAC	WI
C00071894	WISCONSIN CITIZENS FOR DEMOCRATIC SOCIALISM, WILLIAM OSBORNE MART FOR SENATE	MADISON	WI
C00029991	WISCONSIN CITIZENS FOR REAGEN	TERMINATED OSHKOSH	WI
C00046334	WISCONSIN CITIZENS ZEIDLER FOR PRESIDENT	PRAIRIE OU SOL	WI
C00031740	WISCONSIN HARRIS FOR PRESIDENT COMMITTEE	MADISON	WI
C00045450	WISCONSIN LABOR PARTY (AKA MILWAUKEE LABOR PARTY)	MILWAUKEE	WI
C00040956	WISCONSIN MACBRIDE FOR PRESIDENT COMMITTEE	WASHINGTON	DC
C00043422	WISCONSIN MACHINIST'S NON-POLITICAL LEAGUE	MILWAUKEE	WI
C00001412	WISCONSIN PHYSICIANS PAC (WISPAC)	MADISON	WI
C00005413	WISCONSIN STATE AFL-CIO COMMITTEE ON POLITICAL EDUCATION	MILWAUKEE	WI
C00030247	WISCONSIN UDALL '76' COMMITTEE	MILWAUKEE	WI
C00032094	WISCONSON MCGOVERN FOR PRESIDENT COMMITTEE	TERMINATED OSHKOSH	WI
C00030916	WISCONSON SOCIALIST WORKERS 1976 CAMPAIGN COMMITTEE	MILWAUKEE	WI
C00045559	WISE COUNTY REPUBLICAN COMMITTEE	WISE	VA
C00026054	WOLF FOR CONGRESS COMMITTEE	VIENNA	VA
C00001753	WOLF, MAUREEN	SKOKIE	IL
C00014639	WOLTERMAN FOR CONGRESS COMMITTEE	CINCINNATI	OH
C00034314	WOMAN'S SUBURBAN DEMOCRATIC CLUB CAMPAIGN COMMITTEE	BETHESDA	MD
C00063834	WOMEN FOR LAMODA FOR CONGRESS COMMITTEE	LANGEMORNE	PA

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COMMITTEE CROSS INDEX - (B)

DATE 14MARTT

IDENTIFICATION	NAME		
C00010488	WOMEN FOR:	BEVERLY HILLS	CA
C00015024	WOMEN'S CAMPAIGN FUND	WASHINGTON	DC
C00011206	WOMEN'S REPUBLICAN CLUB OF DEDHAM	NORWOOD	MA
C00000573	WOMEN'S REPUBLICAN CLUB OF DENVER	DENVER	CO
C00023622	WOMEN'S REPUBLICAN CLUB OF FLATHEAD COUNTY	KALISPELL	MT
C00010231	WOMEN'S REPUBLICAN CLUB OF THE LOWER CAPE	BARNSTABLE	MA
C00009514	WOMEN'S REPUBLICAN CLUB OF WELLESLEY	WELLESLEY	MA
C00045435	WOMENS NATIONAL REPUBLICAN CAMPAIGN COMMITTEE	NEW YORK	NY
C00003343	WOOD COUNTY REPUBLICANS	MINEOLA	TX
C00019638	WOOD FOR CONGRESS COMMITTEE	FRANKFORT	OH
C00001761	WOOD, LINDA K.	SLVER SPRING	MD
C00077925	WOODFORD COUNTY REPUBLICAN COMMITTEE	N/A	KY
C00077917	WOODFORD COUNTYY DEMOCRARIC EXECUTIVE COMMITTEE	N/A	KY
C00055111	WORKERS PARTY 13 C.D. MICHIGAN CAMPAIGN COMMITTEE	DETROIT	MI
C00050542	WORKERS PARTY 14TH C.D. NEW JERSEY CAMPAIGN COMMITTEE	JERSEY CITY	NJ
C00050773	WORKERS PARTY 14TH C.D. NEW YORK CAMPAIGN COMMITTEE	NEW YORK	NY
C00050716	WORKERS PARTY 19TH C.D. NEW YORK CAMPAIGN COMMITTEE	NEW YORK	NY
C00054681	WORKERS PARTY 20TH C.D. NEW YORK CAMPAIGN COMMITTEE	NEW YORK	NY
C00055673	WORKERS PARTY 29 C.D. CALIF. CAMPAIGN COMMITTEE	HUNTING PARK	CA
C00054619	WORKERS PARTY 2ND C.D. ILLINOIS	CHICAGO	IL
C00050748	WORKERS PARTY 2ND C.D. PENNSYLVANIA CAMPAIGN COMMITTEE	PHILADELPHIA	PA
C00055183	WORKERS PARTY 3 C.D. OHIO CAMPAIGN COMMITTEE	DAYTON	OH
C00055772	WORKERS PARTY 5 CD MINN. CAMPAIGN COMMITTEE	MINNEAPOLIS	MN
C00051961	WORKERS PARTY 6TH C.D. CALIFORNIA CAMPAIGN COMMITTEE	OAKLAND	CA
C00049898	WORKERS PARTY 8TH CD QUEENS CAMPAIGN COMMITTEE	LONG ISLAND CITY	NY
C00058559	WORKERS PARTY 9TH C.D. MASSACHUSETTS CAMPAIGN COMM.	DORCHESTER	MA
C00067959	WORKERS PARTY 9TH C.D. MASSACHUSETTS CAMPAIGN COMMITTEE	DORCHESTER	MA
C00050567	WORKERS PARTY 9TH C.D. NEW YORK CAMPAIGN COMMITTEE	NEW YORK	NY
C00048751	WORKERS PARTY CAMPAIGN COMMITTEE	NEW YORK	NY
C00051292	WORKERS PARTY D.C. CAMPAIGN COMMITTEE	WASHINGTON	DC
C00023556	WORKING FAMILIES FOR HORNE COMMITTEE	ARLINGTON	VA
C00041731	WORKOVER WELL SERVICING ACTION COMMITTEE (WOWSAC)	DALLAS	TX
C00017160	WORTHINGTON FOR CONGRESS COMMITTEE	CORTON	KY
C00040833	WORTLEY TO CONGRESS	SYRACUSE	NY
C00053637	WRIGHT CAMPAIGN DEBT FUND	FORT WORTH	TX
C00038257	WRIGHT FOR CONGRESS	LANGHORNE	PA

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IDENTIFICATION	NAME		
C00054163	WRIGHT FOR CONGRESS	HOUSTON	TX
C00075150	WRITE IN VICE PRESIDENTIAL CAMPAIGN COMMITTEE	ATLANTA	GA
C00069849	WRITE-IN MCCARTHY COMMITTEE '76	MENLO PARK	CA
C00000620	WYANDOT COUNTY REPUBLICAN COMMITTEE	UPPER SAMOUSKY	OH
C00074708	WYCHE FOWLER FOR CONGRESS COMMITTEE	ATLANTA	GA
C00001297	WYLIE FOR CONGRESS COMMITTEE	COLUMBUS	OH
C00028423	WYMAN FOR SENATE COMMITTEE	MANCHESTER	NH
C00027953	WYMAN FOR SENATE COMMITTEE 82	MANCHESTER	NH
C00023887	WYOMING DENTAL POLITICAL ACTION COMMITTEE	CHEYENNE	WY
C00028415	WYOMING POLITICAL ACTION COMMITTEE	CHEYENNE	WY
C00024828	WYOMING POLITICAL ACTION COMMITTEE FOR EDUCATION	CHEYENNE	WY
C00005785	WYOMING REPUBLICAN STATE COMMITTEE	CASPER	WY
C70000690	WYOMING STATE AFL-CIO	CHEYENNE	WY
C00001917	WYOMING STATE DEMOCRATIC CENTRAL COMMITTEE	CASPER	WY
C00006221	WYTHE COUNTY REPUBLICAN COMMITTEE	WYTHEVILLE	VA
C00041921	YANKTON COUNTY FORD COMMITTEE	YANKTON	SD
C00008745	YATES FOR CONGRESS COMMITTEE	CHICAGO	IL
C00001503	YATRON FOR CONGRESS COMMITTEE	READING	PA
C00021816	YELLOWSTONE COUNTY REPUBLICAN CENTRAL COMMITTEE	BILLINGS	MT
C00017491	YGNACIO VALLEY REPUBLICAN WOMEN FEDERATED	CONCORD	CA
C00051946	YOLO COUNTY CITIZENS FOR TUNNEY	DAVIS	CA
C00011378	YONKERS FEDERATION OF TEACHERS-COPE	YONKERS	NY
C00011452	YORK COUNTY DEMOCRATIC CAMPAIGN COMMITTEE	YORK	PA
C00003889	YORK COUNTY REPUBLICAN COMMITTEE	SEAFORD	VA
C00024000	YORK COUNTY REPUBLICAN COMMITTEE	YORK	PA
C00030304	YORTY FOR PRESIDENT	LOS ANGELES	CA
C00021196	YOSWEIN FOR CONGRESS	BROOKLYN	NY
C00020339	YOUNG ARIZONANS FOR BOLGAARD COMMITTEE	TUCSON	AZ
C90001157	YOUNG BUSINESS & PROFESSIONAL MEN & WOMEN FOR PRESIDENT FORD	SAN ANTONIO	TX
C00048173	YOUNG CONSERVATIVES REAGAN FOR PRESIDENT PROJECT	LOS ANGELES	CA
C00067454	YOUNG DEMOCRATIC CLUB OF BEXAR COUNTY	SAN ANTONIO	TX
C00045427	YOUNG DEMOCRATS OF AMERICA	WASHINGTON	DC
C00025684	YOUNG FOR CONGRESS	ST ANN	MO
C00015420	YOUNG FOR CONGRESS - 1974	SKOKIE	IL
C00026229	YOUNG FOR CONGRESS 1976	SKOKIE	IL
C00030338	YOUNG MAN FROM OHIO FOR PRESIDENT	MANCHESTER	NH

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IDENTIFICATION	NAME		
C00055889	YOUNG REPUBLICAN BICENTENNIAL SALUTE	NASHVILLE	TN
C00060060	YOUNG REPURLICAN FEDERATION	WASHINGTON	DC
C00002023	YOUNG REPUBLICANS FEDERATION OF VIRGINIA	CHARLOTTESVILLE	VA
C00062844	YOUNG REPUBLICANS OF CALDWELL COUNTY	LENOIR	NC
C00001413	YOUNG, SENATOR ROBERT D.	SAGINAW	MI
C00048405	YOUR ALASKA TEAM TO ELECT KEVIN "PAT" PARNELL YOUR CONGRESSMAN	ANCHORAGE	AK
C00028884	YOUTH AGAINST TUNNEY	LONG BEACH	CA
C00001738	YSAGUIRRE, MANUEL	CORPUS CHRISTI	TX
C00001704	YUACHUCK, ROGER	COLUMBUS	OH
C00011445	YUMA COUNTY REPUBLICAN CENTRAL COMMITTEE	YUMA	AZ
C00046165	ZACOPAC	SAN ANTONIO	TX
C00014052	ZADROZNY FOR CONGRESS COMMITTEE	CHICAGO	IL
C00054213	ZAHN FOR CONGRESS COMMITTEE	OKLAHOMA CITY	OK
C00034852	ZALE POLITICAL ACTION COMMITTEE	DALLAS	TX
C00002493	ZANE, RAYMOND J.	WOODBURY	NJ
C00051938	ZAPARACKAS FOR CONGRESS COMMITTEE	ROYAL OAK	MI
C00025775	ZATKOFF FOR CONGRESS	ROSEVILLE	MI
C00030312	ZEIDLER-RAISBEN CAMPAIGN COMMITTEE	MILWAUKEE	WI
C00014563	ZIEBARTH FOR CONGRESS	WILCOX	NE
C00032882	ZORINSKY FOR U.S. SENATE COMMITTEE	OMAHA	NE
C00000331	ZWACH VOLUNTEER FINANCE COMMITTEE	MARSHALL	MN

NASHVILLE	TN	PARTY RELATED
WASHINGTON	DC	PARTY RELATED
CHARLOTTESVILLE	VA	INDEPENDENT EXPENDITOR
LENOIR	NC	PARTY RELATED
SAGINAW	MI	INDEPENDENT EXPENDITOR
ANCHORAGE	AK	HOUSE
LONG BEACH	CA	SENATE
CORPUS CHRISTI	TA	DELEGATE
COLUMBUS	OH	DELEGATE
YUMA	AZ	PARTY RELATED
SAN ANTONIO	TX	NON-PARTY RELATED
CHICAGO	IL	HOUSE
OKLAHOMA CITY	OK	HOUSE
DALLAS	TX	NON-PARTY RELATED
WOODBURY	NJ	DELEGATE
ROYAL OAK	MI	HOUSE
ROSEVILLE	MI	HOUSE
MILWAUKEE	WI	PRESIDENTIAL
WILCOX	NE	HOUSE
OMAHA	NE	SENATE
MARSHALL	MN	HOUSE

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Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

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Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

SUBCHAPTER C—EXCEPTED SCHEDULES

PART 213—EXCEPTED SERVICE

Federal Energy Administration

AGENCY: Civil Service Commission.

ACTION: Final Rule.

SUMMARY: This addition excepts from the competitive service under Schedule C one position of Confidential Assistant (Secretary) to the Associate Administrator for Policy and Program Evaluation because of the confidential nature of the position.

EFFECTIVE DATE: April 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Bill Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3388(p) is added as set out below:

§ 213.3388 Federal Energy Administration.

• • • • • •

(p) *Office of the Associate Administrator for Policy and Program Evaluation.*

(1) One Confidential Assistant (Secretary) to the Associate Administrator.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR, 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–11026 Filed 4–14–77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C two positions of Special Assistant to the Under Secretary because the positions are confidential in nature.

EFFECTIVE DATE: April 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Bill Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3384(a)(9) is amended to read as follows:

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* • • •

(9) Three Special Assistants to the Under Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR, 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–11025 Filed 4–14–77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

AGENCY: Civil Service Commission.

ACTION: Final Rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Urban Policy Advisor to the Secretary because the position is confidential in nature.

EFFECTIVE DATE: April 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Bill Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3384(a)(62) is added as set out below:

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* • • •

(62) One Urban Policy Advisor to the Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR, 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–11024 Filed 4–14–77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Justice

AGENCY: Civil Service Commission.

ACTION: Final Rule.

SUMMARY: This amendment reestablishes under Schedule C the position of Private Secretary to the Associate Attorney General because of the confidential nature of the position.

EFFECTIVE DATE: April 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Bill Bohling, 202–632–4533

Accordingly, 5 CFR 213.3310(a)(9) is amended to read as follows:

§ 213.3310 Department of Justice.

(a) *Office of the Attorney General.* • • •

(9) One Private Secretary to the Associate Attorney General.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR, 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–11022 Filed 4–14–77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Labor

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Special Assistant to the Under Secretary because the position is confidential in nature.

EFFECTIVE DATE: April 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Bill Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3315(a)(13) is added as set out below:

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* • • •

(13) One Special Assistant to the Under Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR, 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–11023 Filed 4–14–77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

AGENCY: Civil Service Commission.

ACTION: Final Rule.

SUMMARY: This addition excepts from the competitive service under Schedule C one position of Secretary (Stenography) to the Assistant Secretary for Policy, Plans and International Affairs because of the confidential nature of the position.

EFFECTIVE DATE: April 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Bill Bohling, 202–632–4533.

Accordingly, 5 CR 213.3394(a)(21) is amended to read as follows:

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§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* • • •

(21) One Secretary (Stenography) and one Special Assistant to the Assistant Secretary for Policy, Plans and International Affairs.

(5 U.S.C 3301, 3302; EO 10577, 3 CFR, 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-11021 Filed 4-14-77;8:45 am]

PART 213—EXCEPTED SERVICE

Federal Energy Administration

AGENCY: Civil Service Commission.

ACTION: Final Rule.

SUMMARY: This addition excepts from the competitive service under Schedule C one position of Confidential Assistant (Secretary) to the Assistant Administrator for Regulatory Programs because of the confidential nature of this position.

EFFECTIVE DATE: April 15, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3388(o) (2) is added as set out below:

§ 213.3388 Federal Energy Administration.

• • • • • •

(o) *Office of the Assistant Administrator for Regulatory Programs.* • • •

(2) One Confidential Assistant (Secretary).

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-11169 Filed 4-14-77;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE

Deletion of Arsenical Solution From List of Permitted Dips

AGENCY: Animal and Plant Health Inspection Service, (USDA).

ACTION: Final Rule.

SUMMARY: The purpose of this amendment is to delete arsenical solution from the list of dips permitted by the Department in official dipping of cattle for interstate movement, and to delete requirements for determination of suitability of such dips. These deletions are required because the Environmental Protection Agency has rejected the petition for registration of arsenical cattle dips.

EFFECTIVE DATE: April 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. Glen O. Schubert, USDA, APHIS, VS, Room 737, Federal Building, Hyattsville, MD 20782, 301–436–8322.

SUPPLEMENTARY INFORMATION: The provisions in 9 CFR Part 72 allow cattle to be moved interstate after dipping in certain permitted proprietary brands of pesticides when the pesticides have been specifically approved by the Department. Heretofore arsenical solution has been permitted for dipping cattle; however, the Environmental Protection Agency, which is charged with registering pesticides, has rejected the petition for registration of arsenical cattle dips.

Accordingly, Part 72, Title 9, Code of Federal Regulations, is amended in the following respects:

§ 72.13 [Amended]

1. In § 72.13, paragraph (b) (1) is deleted. The remainder of § 72.13(b) is renumbered in light of the deletion of (b) (1).

§ 72.14 [Deleted]

2. § 72.14 is deleted in its entirety.

(Secs. 1 and 2, 32 Stat. 791, 792, as amended; secs. 4–7, 23 Stat. 32, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 37 FR 28464, 28477; 38 FR 19141.)

The amendment removes approved proprietary brands of an arsenical solution from the list of permitted dips approved by the Department for use in official dipping of cattle because the Environmental Protection Agency has rejected the petition for registration of arsenical cattle dips. This amendment should be made effective promptly to be of maximum benefit to persons affected. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of April 1977.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

NORVAN L. MEYER,
Acting Deputy Administrator Veterinary Services.

[FR Doc.77-11034 Filed 4-14-77;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER IX—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 932—COASTAL ZONE MANAGEMENT INTERSTATE GRANTS

Application Procedures

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Final Rule.

SUMMARY: These final regulations establish procedures by which entities can apply for and receive grants for interstate coordination of coastal management issues affecting two or more States in a region. These regulations are necessary because of a new law amending the Costal Zone Management Act.

EFFECTIVE DATE: May 16, 1977.

FOR FURTHER INFORMATION CONTACT:

Carol Sondheimer; Chief, Program Planning; State Programs Division; Office of Coastal Zone Management; 202–634–1672.

SUPPLEMENTARY INFORMATION: On December 22, 1976, NOAA published proposed regulations (41 FR 55786) covering the requirements for interstate grants pursuant to section 309 of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451, et seq.), hereinafter referred to as the "Act."

As a result of Pub. L. 94–370, signed on July 26, 1976, which added a new section 309 to the Act, it is necessary to issue new regulations.

Written comments were requested by January 24, 1977. As of that date, substantive comments had been received from ten reviewers. Three of these reviewers commented on the basic purposes of the grants; four commented on the definition of contiguous areas; three commented on the uses of grants; five commented on funding priorities; three commented on review and approval procedures; and two reviewers had miscellaneous comments. These comments have been considered prior to issuance of these regulations in final form. Major comments and NOAA responses are discussed below.

DISCUSSION OF MAJOR COMMENTS AND NOAA RESPONSES

BASIC PURPOSES

(a) *Timing of interstate efforts:* Two commentators noted that the language of § 932.1(a) implied that interstate efforts not already underway would be ineligible for funding and that such efforts would have to be initiated prior to management program approval in order to be eligible for funding afterward.

NOAA response: Although it was not so intended, NOAA agrees that the proposed language could be read this way. Accordingly, the language of § 932.1(a) has been revised to indicate that interstate activities are eligible for funding under section 309 if developed or undertaken as part of program implementation as well as during program development.

(b) *Use of term "unified":* One commentator objected to the use of the term "unified" when applied to policies, plans, or programs because it appeared to require the same policies rather than permitting similar, compatible ones. It was suggested that the term "compatible" be substituted.

NOAA response: While noting that the expression "unified coastal zone policies" is a direct quotation from the Act, NOAA agrees that the term "compatible" is a reasonable interpretation of the Act's intent, and therefore has substituted this term for the term "unified" whenever a direct quotation from the Act is not involved.

(c) *Program implementation by interstate entities:* One commentator suggested that § 932.1(a) be revised to allow interstate entities to implement States' coastal zone management programs.

NOAA response: NOAA does not agree that this change is necessary since utilization of interstate entities by a single State for implementation purposes already is provided for under section 306(f) of the Act.

DEFINITION OF CONTIGUOUS AREAS

(a) *Breadth of definition:* One commentator maintained that the term "contiguous areas" should include only those land and water areas within the defined coastal zone but not those areas which affect the coastal zone.

NOAA response: NOAA believes that a broad definition of the term "contiguous," including areas affecting the coastal zone, is consistent with the Act's intent. Neither section 309 of the Act nor the implementing regulations endeavor to redefine "coastal zone" nor to extend State jurisdiction beyond that which exists under present law. The use of the term "affecting" simply recognizes the fact that issues and problems outside the defined coastal zone are often relevant to and impact upon the coastal zone.

(b) *Regional groupings:* One commentator assumed that the groupings of States listed in § 932.3(d) (1)–(6) were illustrative only. A second commentator suggested that it be made clear that contiguous areas could not be established from two or more regional groupings. A third commentator requested that a seventh grouping be added to include all ocean islands, on the grounds that they have common environmental, economic, social, and administrative problems.

NOAA response: NOAA believes that the language in § 932.2(d) clearly indicates that the groupings of States listed are the only ones which will be considered contiguous for the purposes of section 309 grants, and accordingly contemplates no change in the language. A grouping of Pacific and Caribbean islands as one region not logically appear to constitute a "contiguous area." However, a separate grouping of Pacific islands and one of Caribbean islands would represent appropriate regional groupings. Such groupings are possible as subgroups of § 932.2(d) (1) and (6).

USE OF GRANTS

(a) *State-Federal consultation mechanism:* One commentator suggested that the language of § 932.3(a) (3) be amended to reflect the Act's emphasis on the establishment of Federal-State consultation procedures for dealing with marine and coastal area problems. Another commentator suggested that existing Federal Regional Councils would be an appropriate forum and effective mechnism for such consultation.

NOAA response: NOAA agrees with the first commentator that § 932.3(a)(3) should include a reference to State-Federal consultation procedures, and has added such a reference. In response to the second commentator, NOAA does not believe that it is appropriate to specify by regulation the particular mechanism for State-Federal consultation which States may choose, and therefore has made no change in the regulations.

(b) *Activities consistent with sections 305 and 306:* One commentator stated that the definition of activities deemed consistent with sections 305 or 306 of the Act, as set out in § 932.3(b), was unduly broad and would allow grants for activities which might have only a tenuous relationship to sections 305 and 306. A second commentator asked whether some cooperating States in an interstate effort could be doing program development work while others were doing program administrative work. This commentator also suggested that, in order to deal with unanticipated problems, States should not be required to reflect proposed interstate problems in their work programs.

NOAA response: NOAA does not agree with the first commentator that the definition of consistency with sections 305 and 306 is too broad. NOAA considers activities related to or derived from approved State management programs or from approved work programs as entirely appropriate for section 309 funding. In response to the second commentator, NOAA does not require that all States cooperating in a given interstate effort be at the same stage of program development or implementation, but NOAA does believe that interstate concerns should be reflected in one or more of the participating States' work programs or approved management programs to be eligible for funding under section 309.

(c) *Permissible work activities:* One commentator found the list of permissible activities in § 932.3(c) to be too restrictive and suggested that they be considered examples rather than limits.

NOAA response: NOAA agrees and accordingly has changed the language of § 932.3(c) so as not to preclude other reasonable work activities.

(d) *Ineligible work activities:* One commentator found § 932.3(d) too restrictive, while a second felt that the requirement as stated would put the Associate Administrator in the position of having to determine the results of a study before it was undertaken and/or would commit the coastal States to policies before they knew what they were.

NOAA response: NOAA agrees that § 932.3(d) is awkwardly phrased and therefore has deleted the first part of the sentence, leaving only a simple prohibition against section 309 funding of activities which are more appropriately funded under section 308 or 310 of the Act.

(e) *Eligible applicants:* One commentator suggested that a single State be permitted to apply for a grant on behalf of one or more other States so that the applicant could undertake the preparatory work necessary to establish a temporary or permanent interstate entity.

NOAA response: NOAA agrees that this is reasonable, particularly where States are contemplating the establishment of a new, permanent interstate entity. Accordingly, § 932.11(a)(4) has been added in order to permit application by one State on behalf of itself and others, provided the other States concur with this arrangement.

FUNDING PRIORITIES

(a) *Funding priorities:* Four commentators objected to giving funding priority to new interstate entities (established pursuant to section 309(b) where existing entities have the needed capabilities. These commentators maintained that such priority encouraged unnecessary duplication. One commentator suggested that existing entities be given a least equal funding priority where they met the basic needs of the participating States. Two of the commentators argued that the policy established in § 932.11(b) (i.e., that the Associate Administrator does not encourage the establishment of temporary entities duplicative of existing entities where the existing entity has demonstrated capability) should be carried to its logical conclusion and extended to permanent entities as well. Another commentator maintained that the establishment of new compacts or interstate arrangements should be prohibited where such compacts already exist.

NOAA response: NOAA agrees that the statement of funding priorities in the proposed regulations could serve to encourage unnecessary duplication and accordingly has deleted the proposed § 932.12. In its place, NOAA has substituted a new § 932.12 which incorporates and consolidates the funding priorities implicit in §§ 932.11(b) and 932.32 of the proposed regulations. These two sections therefore have been deleted from the final regulations.

(b) *Federal matching share:* One commentator suggested, as an alternative to the funding priorities established by the proposed regulations, that the Associate Administrator reduce the percentage of the Federal share in order to fund additional entities.

NOAA response: While NOAA has the discretion to fund section 309 grants at less than 90 percent, it is not NOAA's intention to establish priorities by use of a sliding percentage scale. Instead, NOAA will use the priorities established in these regulations and will be prepared to fund all successful applicants at 90 percent, assuming available funds.

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REVIEW/APPROVAL PROCEDURES

(a) *Federal agency concurrence in grant applications:* One commentator objected to § 932.22(c)(3), as giving Federal agencies the authority to veto interstate coordination efforts funded pursuant to section 309.

NOAA response: It is NOAA's intention to require Federal agency concurrence only where the participation of a Federal agency or agencies is integral to the accomplishment of the proposed work program. To clarify this point, § 932.22(c)(3) has been reworded.

(b) *Public review of grant applications:* One commentator suggested that notice of receipt of an application for section 309 funds be published in the FEDERAL REGISTER and that the application be available for public review and comment for 60 days prior to awarding a grant in order to encourage public participation.

NOAA response: NOAA is not aware of any similar grant program which uses this approach, primarily because all such programs are subject to the provisions of Office of Management and Budget Circular No. A-95 which provides for State and/or local notification, review, and comment on proposed applications. NOAA believes this procedure provides sufficient and appropriate public notice. Accordingly, no change has been made.

(c) *Review of proposed compacts:* One commentator asked whether NOAA review of proposed compacts would include a finding that the compact or agreement was consistent with the policies and objectives of the Act itself.

NOAA response: In reviewing proposed compacts, NOAA does not believe it is necessary to make a formal finding of consistency with the Act. However, there must be a finding of consistency with sections 305 and 306 of the Act, pursuant to section 309(a)(2).

MISCELLANEOUS

(a) *Notification of A-95 areawide clearinghouses:* One commentator suggested that the regulations should recognize the fact that some section 309 applications may contain work elements which have areawide or local applicability and therefore should be reviewed at the area wide level.

NOAA response: NOAA agrees with this suggestion and has revised the language of § 932.42(a) accordingly.

(b) *Definition of "temporary entity:"* One commentator questioned the definition of the "life" of a temporary entity in § 932.2(f), noting that a temporary entity might require more than one year to accomplish effective interstate coordination.

NOAA response: NOAA believes the commentator misunderstood the regulations which do provide that a temporary entity may exist until September 30, 1980, the time at which section 309 authorization expires. The regulations contemplate that grants will be on an annual basis, but do not preclude a particular entity from applying for a renewal or continuation of its grant. Therefore, no change is made in the regulations.

NOAA has reviewed these regulations pursuant to the National Environmental Policy Act of 1969 and has determined that promulgation of these regulations will have no significant impact on the environment.

NOTE.—*Compliance with Executive Order 11821.* The economic and inflationary impact of these regulations has been evaluated in accordance with OMB Circular No. A-107, and it has been determined that no major economic impact will result.

Following consideration of comments received and other relevant information, there are adopted below revised final regulations describing procedures for applying for and receiving interstate grants pursuant to section 309 of the Act.

Dated: April 12, 1977.

T. P. GLEITER,
Assistant Administrator for Administration.

In consideration of the foregoing, Part 932 is issued as follows:

Subpart A—General

Sec.
932.1 Basic purposes.
932.2 Definitions.
932.3 Use of grants.

Subpart B—Eligible Entities

932.10 General.
932.11 Eligible entities.
932.12 Funding priorities among entities.

Subpart C—Review/Approval Procedures

932.20 General.
932.21 Presubmission consultation.
932.22 Formal submission and review.

Subpart D—Permanent Interstate Coastal Management Compacts or Agreements

932.30 General.
932.31 Review by NOAA for non-conflict with laws and treaties of the United States.
932.32 Federal consultation procedures.

Subpart E—Application for Interstate Grants

932.40 General.
932.41 Applicant responsibility.
932.42 Application procedure.
932.43 Approval of applications.
932.44 Amendments.

AUTHORITY: Sec. 309, Coastal Zone Management Act of 1972. (Pub. L. 92-583, 86 Stat. 1280, as amended by Pub. L. 94-370, 90 Stat. 1013).

Subpart A—General

§ 932.1 Basic purposes.

(a) This section establishes the basic purposes for which interstate grants pursuant to subsections 309(a) and 309(d) of the Act may be awarded. The basic intent of interstate grants under these subsections is to provide support for cooperative interstate and regional efforts on the part of coastal states during the program development phase undertaken pursuant to section 305 of the Act and/or the program administration phase undertaken pursuant to section 306 of the Act. Cooperative efforts may consist of coordinating coastal zone planning, policies, and programs; and/or studying, planning, and implementing compatible coastal zone policies. These cooperative efforts may also consist of establishment of effective mechanisms, including especially State-Federal consultation procedures, for the identification, examination and cooperative resolution of mutual problems with respect to marine and coastal areas affecting the applicable coastal zone.

(b) *Comment.* Statutory Citation, subsection 309(a):

The coastal states are encouraged to give high priority—

(1) To coordinating state coastal zone planning, policies, and programs with respect to contiguous areas of such states; and

(2) To studying, planning, and implementing unified coastal zone policies with respect to such areas • • •

(c) *Comment.* Statutory Citation, subsection 309(b):

The consent of the Congress is hereby given two or more coastal states to negotiate, and to enter into, agreements or compacts, which do not conflict with any law or treaty of the United States, for—

(1) Developing and administering coordinated coastal zone planning, policies and programs pursuant to sections 305 and 306; and

(2) Establishing executive instrumentalities or agencies which such states deem desirable for the effective implementation of such agreements or compacts • • •

(d) *Comment.* Statutory Citation, subsection 309(d):

If no applicable interstate agreement or compact exists, the Secretary may coordinate coastal zone activities described in subsection (a) and may make grants to assist any group of two or more coastal states to create and maintain a temporary planning and coordinating entity to—

(1) Coordinate state coastal zone planning, policies, and programs with respect to contiguous areas of the states involved;

(2) Study, plan, and implement unified coastal zone policies with respect to such areas; and

(3) Establish an effective mechanism, and adopt a Federal-State consultation procedure, for the identification, examination, and cooperative resolution of mutual problems with respect to the marine and coastal areas which affect, directly or indirectly, the applicable coastal zone • • •

§ 932.2 Definitions.

(a) The term "Act" means the Coastal Zone Management Act of 1972, as amended.

(b) The term "Secretary" means the Secretary of Commerce or his/her designee. Delegations of authority from the Secretary to the Administrator, National Oceanic and Atmospheric Administration, have been duly executed by Amendment 5 of Department of Commerce Organization Order 25-5A, dated October 13, 1976; and from the Administrator to the Associate Administrator for Coastal Zone Management, by NOAA Circular 76-82, effective October 13, 1976.

(c) The term "Associate Administrator" means the Associate Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(d) The term "contiguous areas" means those land or water areas in or affecting the coastal zone of two or more states which collectively constitute an interrelated ecological, economic, social, or administrative unit for the purposes for which an interstate grant is sought.

Areas will be considered contiguous if they involve or affect the coastal zones of any of the following groups of states, or any subgroups thereof:

(1) Pacific States including California, Oregon, Washington, Alaska, Hawaii, Guam and/or American Samoa;

(2) Great Lakes States including Michigan, Minnesota, Wisconsin, Ohio, Illinois, Indiana, New York and/or Pennsylvania;

(3) New England States including Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut and/or New York;

(4) Mid-Atlantic States including Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland and/or Virginia;

(5) South Atlantic States including Virginia, North Carolina, South Carolina, Georgia, and/or Florida; and

(6) Gulf States including Florida, Alabama, Mississippi, Louisiana, Texas, Puerto Rico and/or the U.S. Virgin Islands.

(e) The term "marine and coastal areas" means the State's defined coastal zone including waters (and lands thereunder) within a State's territorial limit as well as waters (and lands thereunder) beyond this territorial limit but within the extended lateral seaward boundaries of States as determined pursuant to subsection 308(b)(3)(B) of the Act.

(f) The term "temporary" means either the duration of a particular project in which case "temporary" means one year, or the life of a particular entity which may be created for purposes of receiving grants under section 309 of the Act, in which case "temporary" means no longer than September 30, 1980, which is the expiration date for authorizations under this section, pursuant to subsection 318(a)(4) of the Act.

§ 932.3 Use of grants.

(a) Pursuant to subsections 309(a) and 309(d) of the Act, the Associate Administrator will consider for funding any cooperative effort involving contiguous areas of two or more States if the purposes of such cooperative effort are consistent with section 305 or 306 of the Act and are designed specifically to:

(1) Coordinate State coastal zone planning, policies and programs with respect to contiguous areas of such States; and/or

(2) Study, plan and/or implement compatible coastal zone policies with respect to such contiguous areas; and/or

(3) Establish effective mechanisms for the identification, examination and/or cooperative resolution of mutual problems with respect to marine and coastal areas which affect, directly or indirectly, the applicable coastal zone. Particular consideration should be given to establishment of State-Federal consultation procedures.

(b) The Associate Administrator will deem an interstate cooperative effort to be consistent with sections 305 or 306 of the Act if the activities proposed are related to or derived from goals, objectives, mutual issues, problems, and/or needs identified by one or more States in their approved section 306 management programs or their program development or program implementation work programs funded pursuant to section 305 or section 306 respectively.

(c) Specific work activities in any interstate cooperative effort funded pursuant to section 309 of the Act may include, but are not limited to:

(1) Collection and analysis of data;

(2) Preparation and dissemination of reports and position papers;

(3) Development of agreements with individual Federal agencies, including regional offices of these agencies;

(4) Establishment of interstate agreements or compacts pursuant to subsection 309(b) of the Act; and

(5) Holding of workshops and similar, necessary meetings or conferences.

(d) The Associate Administrator will not consider funding activities under this section of the Act which could be funded more appropriately under section 308 or section 310 of the Act.

(e) The Associate Administrator will not consider funding under section 309 of the Act any work activity which will be performed by an interstate entity on behalf of only a single coastal state. This prohibition on the use of section 309 grants does not preclude a state from exercising its option pursuant to subsections 305(g) and 306(f) of the Act to allocate, with the approval of the Associate Administrator, portions of its grant to any interstate agency for carrying out approved work program activities.

Subpart B—Eligible Entities

§ 932.10 General.

(a) The Associate Administrator will consider an applicant eligible for a grant under section 309 of the Act if the applicant meets the criteria listed in § 932.11 and if the applicant and the proposed grant activities have the explicit, written support of the state management agencies designated pursuant to 920.52 or 923.33 of this chapter. The content of what must be in this written support is contained in § 932.42.

(b) Applications will be considered from more than a single interstate or bistate entity in a particular region (as listed in § 932.2(d)), depending on the nature of the issues to be addressed, the qualifications of entities to address those issues, and the nature and number of states affected by the applications.

§ 932.11 Eligible entities.

(a) The Associate Administrator will consider any of the following to be eligible entities for the purpose of applying for grants pursuant to subsections 309(a) or 309(d) of the Act:

(1) An executive instrumentality or agency established by an interstate agreement or compact pursuant to subsection 309(b);

(2) A temporary planning and coordinating entity created by two or more States in a region, with the concurrence of the Associate Administrator, to serve the purposes of subsection 309(d);

(3) An existing regional, interstate entity designated by the States involved, and with the concurrence of the Associate Administrator, to address issues identified in § 932.3, or

(4) A coastal State funded pursuant to section 305 or section 306 of the Act, and with the concurrence of the Associate Administrator, acting on its own behalf and that of one or more other States in a particular region.

§ 932.12 Funding priorities among entities.

(a) Higher funding priority will be given to interstate entities which contain a State-Federal consultation procedure for the identification, examination, and cooperative resolution of mutual problems with respect to the marine and coastal areas which affect, directly or indirectly, the applicable coastal zone.

(b) *Comment.* Statutory Citation, subsection 309(c):

Each executive instrumentality or agency which is established by an interstate agreement or compact pursuant to this section is encouraged to adopt a Federal-State consultation procedure for the identification, examination, and cooperative resolution of mutual problems with respect to the marine and coastal areas which affect, directly or indirectly, the applicable coastal zone.

(c) *Comment.* Statutory Citation, subsection 309(d)(3):

If no applicable interstate agreement or compact exists, the Secretary may • • • make grants to assist any group of two or more coastal states to create and maintain a temporary planning and coordinating entity to • • • establish an effective mechanism, and adopt a Federal-State consultation procedure, for the identification, examination, and cooperative resolution of mutual problems with respect to the marine and coastal areas which affect, directly or indirectly, the applicable coastal zone.

(d) Existing interstate entities will be given funding priority over temporary entities created pursuant to subsection 309(d) of the Act, where such existing entities can be demonstrated to have the capability or working experience necessary to accomplish the proposed purpose(s) for which the temporary entity would be created.

Subpart C—Review/Approval Procedures

§ 932.20 General.

(a) This section establishes the procedures by which the Associate Administrator will accept and review grant applications pursuant to subsections 309(a) or 309(d) of the Act. These procedures will include presubmission consultation on the part of the applicant with the Associate Administrator, followed by a formal submission by the applicant, and a formal review by the Associate Administrator.

§ 932.21 Presubmission consultation.

(a) States or interstate entities which have identified problems or needs requiring interstate coordination are expected

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to consult with the Associate Administrator prior to the formulation of a formal application for a section 309 grant. The purpose of such consultation will be to determine whether the proposed interstate effort will be consistent with the purposes of sections 305 or 306 of the Act, and with the affected States' developing or approved coastal management programs. Such consultation also will facilitate the early determination of the eligibility of the proposed entity and proposed work items. Further, if Federal agencies are to be involved, such consultation also will enable the Associate Administrator to assist States in securing early participation by these Federal agencies in defining mutual problems to be resolved and in determining the procedure to be used for State-Federal consultation.

(1) Where presubmission consultation is initiated by an entity other than the States, that entity should demonstrate evidence of support by the designated coastal management agencies of those States which may be expected to be involved in or affected by the proposed application. At the presubmission consultation stage, evidence of support need not consist of the written documentation, pursuant to § 932.42, required for a formal application.

§ 932.22 Formal submission and review.

(a) After presubmission consultation, a formal application may be submitted by any entity which has been deemed by the Associate Administrator to be an eligible applicant.

(1) A formal submission will contain the information required pursuant to § 932.42. In no case will the Associate Administrator consider an application unless it contains the documentation specified in § 932.42 with respect to States' review and concurrence.

(b) Upon receipt of a formal grant application, the Associate Administrator will initiate an evaluation of the proposal in terms of both programmatic and budgetary considerations.

(1) If the proposal requires the involvement of one or a number of Federal agencies, that proposal will be forwarded to the referenced agency (agencies) for their review and comment within thirty days from receipt of the proposal from the Associate Administrator.

(c) The Associate Administrator will award a grant pursuant to section 309 of the Act assuming availability of funds, if the application:

(1) Is consistent with the purposes and uses of section 309 grants contained in §§ 932.1 and 932.3;

(2) Meets the financial and budgetary requirements contained in § 932.42; and

(3) Is concurred with by affected Federal agencies, only when their participation is essential to accomplishing the proposed work program. Otherwise, Federal agency concurrence is not necessary for the Associate Administrator to approve an interstate grant.

Subpart D—Permanent Interstate Coastal Management Compacts or Agreements

§ 932.30 General.

(a) Subsection 309(b) of the Act establishes prior Congressional consent for two or more coastal states to negotiate and enter into agreements or compacts for certain purposes related to coastal management, provided these compacts or agreements do not conflict with any law or treaty of the United States. This subpart establishes the procedure by which the Associate Administrator will review such compacts or agreements, prior to their ratification, to insure that there is no conflict with U.S. laws or treaties.

§ 932.31 Review by NOAA for non-conflict with laws or treaties of the United States.

(a) Pursuant to subsection 309(b) of the Act, two or more coastal States may enter into agreements or compacts for the following two broad purposes:

(1) Development and administration of coordinated coastal zone planning, policies and programs pursuant to sections 305 and 306 of the Act (i.e., supportive of State coastal management program development or implementation); and

(2) Establishment of executive instrumentalities or agencies which two or more States deem desirable for effective implementation of such agreements or compacts.

(b) Prior Congressional approval is given for such compacts or agreements provided they do not conflict with laws or treaties of the United States. To insure that States do not expend time and money unnecessarily in negotiating and entering into compacts or agreements that may conflict with existing United States laws or treaties, it is recommended that, prior to final ratification of a subject compact or agreement, the relevant document be submitted to the Associate Administrator. The Associate Administrator will undertake a review of the proposed agreement or compact, in consultation with the Department of Justice and with other Federal agencies as appropriate. In order to expedite this review, States are advised to submit relevant documents to the Associate Administrator as early in the negotiation process as is reasonably possible.

(c) *Comment.* Statutory Citation, subsection 309(b):

> The consent of Congress is hereby given to two or more coastal states to negotiate, and to enter into, agreements or compacts, which do not conflict with any law or treaty of the United States • • •. Such agreements or compacts shall be binding and obligatory upon any state or party thereto without further approval by Congress.

§ 932.32 Federal consultation procedures.

(a) Where a State-Federal consultation procedure is adopted pursuant to subsection 309(c) of the Act, the participation of the following, ex officio, shall be included:

(1) The Associate Administrator;
(2) The Secretary of the Interior;
(3) The Chairman of the Council on Environmental Quality;
(4) The Administrator of the Environmental Protection Agency;
(5) The Secretary of the department in which the Coast Guard is operating;
(6) The Administrator of the Federal Energy Administration; or
(7) Their designated representatives.

(b) The Associate Administrator encourages the inclusion and participation of other Federal agencies, as appropriate, in this consultation procedure.

(c) *Comment.* Statutory Citation, subsection 309(c):

> • • • The Secretary of the Interior, the Chairman of the Council on Environmental Quality, the Administrator of the Environmental Protection Agency, the Secretary of the department in which the Coast Guard is operating, and the Administrator of the Federal Energy Administration or their designated representatives shall participate ex officio on behalf of the Federal Government whenever any such Federal-State consultation is requested by such an instrumentality or agency.

Subpart E—Application for Interstate Grants

§ 932.40 General.

(a) The purpose of this section is to define the procedures by which grantees apply for and administer grants under section 309 of the Act and to provide guidelines regarding the content of applications for interstate grants. These procedures shall be used and interpreted in conjunction with the Grants Management Manual for Grants under the Coastal Zone Management Act, hereinafter referred to as the "Manual." The Manual incorporates a wide range of Federal requirements, including those established by the Office of Management and Budget, the General Services Administration, the Department of the Treasury, the General Accounting Office, and the Department of Commerce.

(b) Grants shall not exceed ninety percent of the total cost of the interstate project proposed in the grant request. Federal funds received from other sources cannot be used to match section 309 grants. Match provided by the applicant may consist of cash or in-kind services as provided in the Manual.

(c) *Comment.* Statutory Citation, subsection 309(a)(2):

> • • • Such coordination, study, planning, and implementation may be conducted pursuant to interstate agreements or compacts. The Secretary may make grants annually, in amounts not to exceed 90 per centum of the cost of such coordination, study, or implementation, if the Secretary finds that the proceeds of such grants will be used for purposes consistent with sections 305 and 306.

(d) *Comment.* Statutory Citation, subsection 309(d)(3):

> • • • The amount of such grants shall not exceed 90 per centum of the cost of creating and maintaining such (a temporary planning and coordinating) entity.

(e) Costs claimed as charges to the grant project must be beneficial and necessary to the objectives of the grant project. As used herein the terms costs and grant project pertain to both the Federal grant and the matching share. The allowability of costs will be determined in accordance with the provisions of the General Services Administration Federal Management Circular 74-4: Cost Principles Applicable to Grants and Contracts with State and Local Governments.

§ 932.41 Applicant responsibility.

(a) The application will designate the entity to receive and administer grants pursuant to section 309 of the Act. The applicant must be legally and administratively capable of receiving and administering such grants.

(b) The grantee will be administratively and fiscally responsible for all aspects of the grant, including any subcontracts made by the grantee.

§ 932.42 Application procedure.

(a) All applications are subject to the provisions of Part I, Attachment A of OMB Circular No. A-95 (revised). Applications which do not involve activities which affect or have specific applicability to areawide or local planning and programs need be sent only to the State clearinghouse involved in or affected by the grant application. In all other cases, applications also will be sent to the affected areawide clearinghouses. Where there is doubt as to effects on an areawide clearinghouse jurisdiction, the appropriate State clearinghouse should be consulted.

(b) All applications shall contain documentation signed by the head of the designated State agencies for coastal management program development or program administration designated pursuant to 920.52 and 923.33 of this chapter respectively of the affected States and, where required by State law or interstate agreement, by the Governors of those States, that the designated State agency:

(1) Has reviewed the application and finds the purposes for which the grant will be used are consistent with developing or approved coastal management programs;

(2) Has reviewed the application and supports the proposed work program; and

(3) Has reviewed the capabilities and functions of the applicant entity and supports that entity for purposes of carrying out the activities described in the application;

(4) Where the applicant is an entity established pursuant to subsection 309(b) of the Act, the application will contain a copy of the compact or agreement pursuant to which the entity was created, and documentation that the compact or agreement does not conflict with any law or treaty of the United States. The copy of the compact or agreement and the documentation shall be required only upon initial application for a section 309 grant and will not be required for subsequent applications from the same entity.

(c) The form SF-424, Application for Federal Assistance (Non-Construction Programs), constitutes the formal application and must be submitted 60 days prior to the desired grant beginning date. The application must be accompanied by evidence of compliance with requirements of OMB Circular A-95, including the resolution of any problems raised about the proposed project. The Associate Administrator will not accept applications that are substantially deficient in adherence to either A-95 requirements or the documentation required pursuant to § 932.42(b).

(d) In Part IV, the Program Narrative, the applicant shall respond to the following requirements:

(1) A clear description of the contiguous areas on which the cooperative effort will focus, including a listing of the States' involved in and/or affected by the cooperative effort;

(2) A general discussion of the purposes for which the interstate grant will be used, including the relationship of grant activities to the developing or approved coastal management programs of affected States;

(3) A discussion of the anticipated results of the proposed cooperative effort, including how these results may be expected to affect or be integrated into the coastal management program of affected States;

(4) A description of the work program to be undertaken during the grant period. This work program will include:

(i) A precise description of each major task to be undertaken, how it will be accomplished, and by whom it will be accomplished;

(ii) For each task, identify any "Other Entities," as defined in the Manual, that will be allocated responsibility for carrying out all or portions of the task, and indicate the estimated cost of any subcontract for each allocation. Identify, if any, that portion of the task that will be carried out under contract with consultants and indicate the estimated cost of such contract(s); and

(iii) For each task indicate the estimated total cost. Also indicate the estimated total months of effort, if any, allocated to the task from the applicant's staff.

(e) The sum of all tasks in subparagraph (4) above should equal the total estimated grant project cost.

(f) Using two categories, Professional and Clerical, indicate the total number of personnel in each category on the applicant's staff that will be assigned to the grant project. Also, indicate the number assigned full-time and the number assigned less than full-time in the two categories. Additionally, indicate the number of new positions created in the two categories as a result of the grant project. Indicate total personnel costs.

§ 932.43 Approval of applications.

(a) An application for an interstate grant which complies with the policies and requirements of the Act and the guidance contained in this subpart may be approved by the Associate Administrator, assuming available funding.

(b) Should an application be found deficient, the Associate Administrator will notify the applicant in writing as to the manner in which the application fails to conform to the requirements of the Act or this subpart. Conferences may be held on these matters. Corrections or adjustments to the application will provide the basis for resubmittal of the application for further consideration and review.

(c) The Associate Administrator may, upon finding extenuating circumstances relating to applications for interstate grants, waive appropriate administrative requirements contained herein.

§ 932.44 Amendments.

Amendments to an approved application must be submitted to and approved by the Associate Administrator prior to initiation of the contemplated change. Requests for substantial changes should be discussed with the Associate Administrator well in advance. While all amendments must be approved in writing by the NOAA Grants Officer, approval may be presumed for minor amendments if the grantee has not been notified of objections within 30 working days of date of postmark of the request.

[FR Doc.77-11065 Filed 4-14-77;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER B—GUIDES AND TRADE PRACTICE RULES

RESCISSION OF OBSOLETE PARTS

AGENCY: Federal Trade Commission.

ACTION: Final Rescission of Certain Trade Practice Rules.

SUMMARY: Action taken is rescission of obsolete trade practice rules for five industries: blueprint and diazotype coaters, electrical contracting, resistance welder manufacturing, slide fastener and library binding industries. The Commission considered trade association comments and concluded that these trade practice rules are not needed in the public interest. The Commission notes that rescission of trade practice rules does not relieve anyone of duties to comply with Commission administered laws. The intended effect of rescission is removal of unnecessary material from official publications.

EFFECTIVE DATE: March 16, 1977.

FOR FURTHER INFORMATION WRITE OR CALL:

Charles H. Slayman, Jr., Attorney, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580 (telephone: 202-724-1193).

SUPPLEMENTARY INFORMATION: Trade practice rules grew out of trade practice conferences convened by the Commission on its own initiative or in response to requests from trade associa-

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tions and other members of different industries. Regardless of the industry, trade practice rules often appear in identical or nearly identical language restating statutory provisions and general principles of law concerning deceptive, unfair and anticompetitive acts and practices. The Commission is conducting a thorough review of its trade practice rules to determine which may be in the public interest to keep.

A footnote to 16 CFR 1.6 identifies trade practice rules as early industry guides. Both are administrative interpretations of Commission administered laws. They have provided the basis for voluntary and simultaneous abandonment of unlawful practices by members of industry. Noncompliance with guides may require corrective action under applicable statutes. Trade practice rules and other industry guides should not be confused with newer, specific, directly enforceable trade regulation rules.

The FEDERAL REGISTER on January 16, 1976 (41 FR 2399) reported that certain trade practice rules (16 CFR Parts 28, 64, 149, 193 and 220) were being studied for possible modification or other appropriate action. In that study discussions were held with trade associations that had requested retention of trade practice rules for their industries. Finally associations in three industries withdrew their requests for retention and agreed to rescission of 16 CFR Parts 28, 149 and 193.

16 CFR Part 64. An association requested that Part 64 be retained without any substantial modification or that it be completely rescinded. The Commission is of the opinion that Part 64 should not be retained in its present form because it contains 13 Group II rules and a section on an industry committee. Trade practice rules for the electrical contracting industry resulted from a trade practice conference held March 18, 1931. The conference adopted resolutions dealing with various trade or business practices. The Commission reworded some resolutions, divided them into Group I and Group II and issued them as trade practice rules on November 28, 1931. The Commission stated: "Those in Group I the Commission has approved and those in Group II the Commission has accepted as expressions of the trade." The Commission may now rescind or modify all trade practice rules containing Group II sections. The Commission cease accepting and issuing Group II rules in the early 1960's. On January 21, 1971 (published February 18, 1971 in 36 FR 3116) the Commission rescinded 16 CFR 16.1 the authority to establish industry committees. The Commission did not find a public interest in retaining or in modifying Part 64.

16 CFR Part 220. The organization interested in Part 220 designated sections it wanted retained concerning certain kinds of deceptive and anticompetitive practices and agreed to elimination of other generalized provisions. However the Commission did not find a public interest in keeping such sections because they too are basically in general language.

Actions to date. In the review first announced May 15, 1975 in 40 FR 21047 the Commission has rescinded trade practice rules for 88 industries out of 152 leaving 64 still to be considered for retention, modification or rescission. However the Commission has not granted any request to retain or to modify any trade practice rules. Also still to be considered are 28 guides with particularized provisions rather than the generalized sections of most trade practice rules. The Commission unanimously voted at an open meeting under the Sunshine Act on March 16, 1977 to rescind trade practice rules for five industries published as 16 CFR Parts 28, 64, 149, 193 and 220. The reevaluation project continues.

Accordingly the Commission hereby announces its final rescission of obsolete trade practice rules published in the following Parts of Title 16 of the Code of Federal Regulations.

PART 28—BLUEPRINT AND DIAZOTYPE COATERS INDUSTRY

PART 64—ELECTRICAL CONTRACTING INDUSTRY

PART 149—RESISTANCE WELDER MANUFACTURING INDUSTRY

PART 193—SLIDE FASTENER INDUSTRY

PART 220—LIBRARY BINDING INDUSTRY

The Commission notes that rescission of trade practice rules and industry guides does not relieve anyone of duties to comply with Commission administered laws. Therefore rescission is not an invitation to engage in unfair or deceptive or anticompetitive acts or practices in violation of law.

(Secs. 5, 6, 18(a)(1)(A), amended FTC Act, 38 Stat. 719, 721, 88 Stat. 2193 (15 U.S.C. 45, 46, 57a); 16 CFR 1.5, 1.6, 17.1.)

Effective date: March 16, 1977.

Issued: April 15, 1977.

By the Commission.

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77-11174 Filed 4-14-77;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

SUBCHAPTER H—REGULATIONS UNDER THE EMERGENCY NATURAL GAS ACT OF 1977

[Doc. No. RM 77-10]

PART 295—EMERGENCY REGULATIONS

Accounting and Billing Procedures for Interstate Natural Gas Pipelines; Rehearing

APRIL 6, 1977.

AGENCY: Federal Power Commission.

ACTION: Rehearing granted for further consideration of Commission's order of February 5, 1977.

SUMMARY: The Commission is granting rehearing of an earlier document which established accounting and billing procedures for interstate natural gas pipelines to reflect payments and receipts under the Emergency Natural Gas Act of 1977. This action does not constitute a grant or denial of the application for rehearing on its merits in whole or in part.

FOR FURTHER INFORMATION CONTACT:

Richard L. Mattingly, Office of the General Council, Telephone No. 202-275-4341.

ORDER GRANTING REHEARING FOR PURPOSES OF FURTHER CONSIDERATION

In the matter of accounting and billing procedures of interstate natural gas pipelines to reflect payments and receipts pursuant to the Emergency Natural Gas Act of 1977, Pub. L. 95-2.

On March 7, 1977, United Gas Pipe Line Company (United) filed in the above-captioned proceeding and application seeking rehearing of the Commission's order issued herein on February 5, 1977 (42 FR 9381, February 16, 1977). The February 5th order prescribed accounting and billing procedures to be followed by natural gas pipelines pursuant to the Emergency Natural Gas Act of 1977.

In order to more fully review the issues raised by United, the Commission shall grant rehearing of the February 5th order solely for purposes of further consideration. This action does not constitute a grant or denial of the application for rehearing on its merits in whole or in part.

The Commission orders: Rehearing of the Commission's order of February 5, 1977, in this docket, is granted for purposes of further consideration.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10790 Filed 4-14-77;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 510—NEW ANIMAL DRUGS

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Nitrofurantoin Tablets and Boluses

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: These amendments state the conditions of use of a previously approved new animal drug application (10-358V) of Norwich Pharmacal Co., a Division of Morton-Norwich Products, Inc., Norwich, N.Y. 13815, for nitrofurantoin tablets and boluses, and also sets forth the change of name of the sponsor.

EFFECTIVE DATE: April 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert A. Baldwin, Bureau of Veterinary Medicine (HFV-114), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: The drug is used for the treatment of canine tracheobronchitis and bacterial urinary tract infections of dogs and cats. This document, reflecting a previously approved NADA and a change of sponsor name, does not require reevaluation of the basic NADA nor does it constitute a reaffirmation of the drug's safety and effectiveness. Since this NADA was approved prior to July 1, 1975, a summary of the safety and effectiveness data and information submitted in accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) to support this application is not required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 5.1), Parts 510 and 520 are amended as follows:

1. In Part 510, § 510.600 is amended in paragraph (c)(1) by deleting the firm name "Norwich Agricultural Products" and substituting it with "Norwich Pharmacal Co.," and in paragraph (c)(2) by deleting under entry No. "000947" the firm name "Norwich Agricultural Products" and inserting in its place "Norwich Pharmacal Co.," to read as follows:

§ 510.600 Names, addresses, and code numbers of sponsors of approved applications.

* * * * * * *

(c) * * *
(1) * * *

Firm name and address:	*Drug listing No.*
* * * * *	
Norwich Pharmacal Co., a Division of Morton-Norwich Products, Inc., Norwich, N.Y. 13815	000947
* * * * *	

(2) * * *

Drug listing No.:	*Firm name and address:*
000947	Norwich Pharmacal Co. a Division of Morton-Norwich Products, Inc., Norwich, N.Y. 13815.

* * * * * * *

2. In Part 520 by adding new § 520.1560b to read as follows:

§ 520.1560b Nitrofurantoin tablets and boluses.

(a) *Specifications.* Each tablet contains 10 milligrams of nitrofurantoin. Each bolus contains 50 milligrams of nitrofurantoin.

(b) *Sponsor.* No. 000947 in § 510.600(c) of this chapter.

(c) *Conditions of use.* (1) *Amount.* 2 milligrams per pound of body weight every 8 hours.

(2) *Indications for use.* It is used for the treatment of epizootic canine tracheobronchitis (kennel cough) and bacterial urinary tract infections of dogs and cats (nephritis and cystitis) when due to nitrofurantoin-susceptible organisms.

(3) *Limitations.* For canine tracheobronchitis, treat for 4 to 7 days. For acute urinary tract infections, treat for 7 to 10 days. For chronic urinary tract infections, treat for 10 to 14 days, or longer as needed. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date: This regulation shall be effective April 15, 1977.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: April 7, 1977.

PHILIP D. CAZIER,
Acting Director of Bureau of Veterinary Medicine.

[FR Doc.77-10956 Filed 4-14-77;8:45 am]

PART 540—PENICILLIN DRUGS FOR ANIMAL USE

Penicillin Ointment

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration is amending the regulation providing for the use of Furacin-Penicillin Gel covered by a new animal drug application (NADA) 65-148V, which is the only NADA approved under the regulation and which is the subject of a notice of withdrawal of approval published elsewhere in this issue of the FEDERAL REGISTER.

EFFECTIVE DATE: April 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert A. Baldwin, Bureau of Veterinary Medicine (HFV-114), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of August 17, 1976 (41 FR 34899), the Director of the Bureau of Veterinary Medicine issued a notice of opportunity for hearing that proposed to withdraw approval of certain approved NADA's for the use of nitrofurazone in food-producing animals in accordance with section 512(e)(1)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)(1)(B)) on the grounds that new evidence not available when the applications were approved, evaluated together with the evidence available at the time of approval, shows that nitrofurazone is not shown to be safe for use under either the approved or currently labeled conditions of use. Furacin-Penicillin Gel, covered by NADA 65-148V, was not included in the notice of opportunity for hearing because it is a topical ointment. Nonetheless, the companion notice published in the FEDERAL REGISTER of August 17, 1976 (41 FR 34884) proposing to revoke the regulations on which the NADA's listed in the notice of opportunity for hearing relied as a condition of their approval, inadvertently proposed to delete a sentence from § 540.380a that pertained to the use of nitrofurazone-penicillin topical ointment. No comments were received on this proposal. Therefore the required prior notice and public procedure have been fulfilled for the promulgation of this rule.

§ 540.380a [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 540 is amended in § 540.380a Penicillin ointment by deleting the sentence in paragraph (a)(1), "If it is intended solely for topical veterinary use and not for udder instillation in dairy animals and is conspicuously so labeled, it may contain nitrofurazone."

Effective date: This amendment becomes effective April 15, 1977.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: April 7, 1977.

PHILIP D. CAZIER,
Acting Director of Bureau of Veterinary Medicine.

[FR Doc.77-10896 Filed 4-14-77;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 694-7]

PART 51—PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

Maintenance of National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: This notice extends by one year the date by which State implementation plans under the Clean Air Act must provide for a procedure for the continual acquisition of information used in projecting air pollutant emissions. Because of necessary delays, States will not have EPA guidance to develop their emission growth information systems until July 1977. The deadline is extended to allow States the benefit of that guidance.

EFFECTIVE DATE: April 15, 1977.

ADDRESS: Comments may be addressed to: U.S. Environmental Protection Agency, Office of Air and Waste Management, Office of Transportation and Land Use Policy (AW 443). Attention: Ms. Martha Burke, 401 M Street, SW., Washington, D.C. 20460.

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FOR FURTHER INFORMATION CONTACT:

Ms. Martha Burke, U.S. Environmental Protection Agency, Office of Air and Waste Management, Office of Transportation and Land Use Policy (AW 443), 401 M Street, SW., Washington, D.C. 20460. Telephone: Commercial—202-755-0570; FTS-755-0570.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On May 3, 1976, EPA promulgated a regulation (40 CFR 51.12(h)(1)) that requires State implementation plans to provide by May 3, 1977, a procedure for the continual acquisition of information used in projecting emissions. The purpose of such a procedure is to provide an early warning system to identify areas that, due to rapid growth in sources of emissions, may exceed a national ambient air quality standard. The areas encompassed by such a procedure should include those at or cleaner than national ambient air quality standards as well as areas where standards are still to be attained in the near future. The procedure should provide warning of potential violations that might occur before regularly scheduled implementation plan updates.

Under § 51.12(h)(3), States would retain information obtained through this procedure for public inspection and would submit the information to EPA upon request. Under § 51.12(h)(4), States would notify EPA if any area is undergoing an amount of development such that it presents the potential for a violation of national ambient air quality standards within a period of 20 years. Further information on this procedure appears in the FEDERAL REGISTER of May 3, 1976, (41 FR 18382), and October 20, 1975 (40 FR 49048).

When EPA proposed § 51.12(h)(1) on October 20, 1975, the Administrator indicated that EPA would provide guidance to the States to assist them in developing a procedure for acquiring emission growth information. At the time the regulation was finally promulgated, however, EPA still had not developed such guidance. EPA has found the task of developing guidance for such a procedure more complex and time-consuming than originally envisioned. Questions that have presented themselves are: What relevant data are already being collected? How frequently should the data be collected? How often should States compile and analyze the data? What methods should the States use to analyze the data? What indicators should trigger additional actions by States? How should the States store the data? Should EPA attempt to outline an automated system of information storage for those States that may wish to use such a system?

EPA decided that the agency did not have the in-house resources to develop the detailed guidance and consequently sought the assistance of a contractor with experience in emissions projection and implementation plan development. Defining the scope of work and obtaining a contractor consumed several months of time. EPA now expects to have the guidance completed by June, 1977.

ACTION TAKEN BELOW:

As a consequence of the delays mentioned above, States will not have EPA guidance to develop their emission growth information systems until July 1977, and would not, in most instances be able to submit by May 3, 1977, an adequate procedure for tracking growth in emissions. Therefore, in the action below, EPA is extending the deadline for submission of the procedure one year—to May 3, 1978. In view of the delays explained above, and in view of the unquestioned need for the States to have the benefit of the overdue guidance, in EPA's judgment it would be unnecessary and impracticable to delay publication of this extension by first proposing it for public comment.

EPA will provide notice in the FEDERAL REGISTER of the availability of the guidance on the procedures for gathering information on growth in emissions.

FOR FURTHER INFORMATION CONTACT:

Martha Burke, Office of Transportation and Land Use Policy, AW-445, Room 901, 401 M Street, SW., Washington, D.C. 20460.

(Secs. 110 and 301(1) of the Clean Air Act, as amended (42 U.S.C. 1857c-5, 1857g(a)).)

Dated: March 31, 1977.

DOUGLAS M. COSTLE,
Administrator.

Title 40, Chapter I, Part 51 of the Code of Federal Regulations is amended by revising paragraph (h)(1) of § 51.12 to read as follows:

§ 51.12 Control strategy: General.

* * * * *

(h)(1) For all areas of the State, the State implementation plan shall, by May 3, 1978, provide for a procedure for the continual acquisition of information used in projecting emissions.

* * * * *

[FR Doc.77-11130 Filed 4-14-77;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

Alaska Stations That Handle Public Correspondence Radiocommunications

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: These editorial amendments will clarify the Commission's rules to better classify and provide for the authorization and operation of land stations in Alaska that handle public correspondence radiocommunications.

EFFECTIVE DATE: April 19, 1977.

ADDRESSES:

Sherman W. Pratt, Aviation and Marine Division, Safety and Special Radio Services Bureau, Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Sherman W. Pratt, 202-632-7197.

Adopted: April 4, 1977.

Released: April 7, 1977.

1. For many years we have granted public coast and Public-fixed station authorizations for stations on land in Alaska for public correspondence radiocommunications, in a manner that is distinctive in some respects from the practice and procedure that applies to other Part 81 public coast stations outside Alaska that provide public correspondence services.

2. Specifically, for operation in Alaska we grant, depending on the authority requested in an application, authorizations for the following categories of stations.

a. Alaska-public fixed stations[1] that operate on assigned fixed frequencies as specified in § 81.708 in Subpart Q of our rules.

b. Public coast stations[2] pursuant to Section 81.304 of our rules that operate on assigned Maritime Mobile Service public correspondence frequencies available generally to public coast stations located anywhere.

c. Alaska-public fixed and public coast stations that are collocated ordinarily are assigned one call sign for both stations. These stations are usually authorized on a single instrument and are assigned both fixed and maritime mobile public correspondence frequencies.

3. Alaska-public fixed and public coast stations in Alaska, whether authorized on individual licenses, or jointly on one license form, are considered by us to be common carriers for hire, or not, depending on whether the applicants check a box on the station application form indictating that a charge will, or will not, be made for radiocommunication services.[3] If an applicant indicates that a charge for services will be made, the application is placed on public notice as required by Section 309(b)(1) of the Communications Act, and no grant is made for an application otherwise in order, earlier than thirty days following that public notice. Applications that indicate no charge will be made for service, are granted routinely upon completion of processing without any statutorily required delay following public notice. All three categories of stations must be open to the public, whether or not a charge for service is made.

4. In assigning frequencies to Alaska-public fixed stations that are performing a public correspondence radiocommunication service formerly provided by the Alaska Communication System,[4] we have, to the extent possible, attempted to insure that these stations will have frequencies for their exclusive use for these communications and that are free from operational or electrical interference. These stations provide a communication service to the public not otherwise available and we are interested in preserving the integrity and quality of that service. The practice, generally, is for these stations to operate with a primary or central station at a geographical location shown in our rules, that communicates with one or more secondary or local stations of the same class on a duplex (paired frequency) arrangement. The primary station uses a specified assigned frequency for transmitting that is different from the frequency specified for use by the stations transmitting to the primary station. The frequencies available to these primary stations and to other public fixed stations communicating with the primary stations have been shown in §§ 81.711 to 81.713 of our rules. Simplex frequencies which are available for assignment to any Alaska-public fixed stations except the primary stations are shown in § 81.710 of our rules. The simplex frequencies are intended to be used by stations other than the primary stations for exchanging communications between secondary stations. The secondary stations may communicate among themselves but if they do so, it must be on the simplex frequencies shown in § 81.710 of the rules. We are making editorial revision of these rule sections for clarity and to delete some obsolescent terms, but we will continue to separate in the rules the two categories of frequencies and we will assign the paired frequencies only for use by a central station and for exchanging communications with a central station.

5. At present our rules do not reflect that applications for Alaska-public fixed or Public Coast stations will not be placed on public notice when the box is checked indicating that no charge is to be made for radio service, nor do the authorizations for the stations indicate whether or not the station is a common carrier and may charge for services. Additionally, our rules do not clearly indicate the conditions under which we will assign frequencies to Alaska-public fixed stations that are performing a common carrier service as successors to the Communications system as explained above. We believe the public interest would be better served if our rules and the authorizations contained this and certain other processing information, and we are, therefore, so amending our rules to provide for this as indicated in the attached Appendix.

6. Since this regulatory action merely promulgates in our rules, a procedural and administrative practice that has been in effect for many years, and constitutes no substantive change that could adversely affect the public, public notice of these rule changes is not necessary and the provisions of 5 U.S.C. 553(a) do no apply.

7. Accordingly, pursuant to authority contained in Section 4(i) and 303(3) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's rules. Part 81 of the rules is amended as set forth in Appendix attached hereto, effective April 19, 1977.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

FEDERAL COMMUNICATIONS COMMISSION,
RICHARD D. LICHTWARDT,
Executive Director.

Part 81 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 81.9(d) is amended to read:

§ 81.9 Alaska-public fixed.

* * * * *

(d) *Alaska-public fixed station.* A fixed station in Alaska, which is open to public correspondence and is licensed by the Commission for radiocommunication between specified fixed points in Alaska exclusively. The stations may be primary stations operating at geographical locations specified in the rules for exchanging communications with secondary stations operating at locations not specified in the rules on paired, duplex channels; or the stations may be secondary stations operating at geographical locations not shown in the rules for exchanging communications with primary stations on paired, duplex channels, or with other secondary stations on single, simplex channels.

* * * * *

2. A new § 81.66 is added as follows:

§ 81.66 Stations on land in Alaska for public correspondence.

(a) Public correspondence Radiocommunication in the maritime mobile service in Alaska may be provided from stations on land by Alaska-public fixed and public coast radio stations in Alaska. These stations may be authorized either on individual authorization instruments, or on a single instrument for both classes of stations, depending upon the request of the applicant as contained in the application. When a station of each class is authorized on a single instrument, only one call sign will be assigned for use by both stations, except when telegraph operation is authorized, in which case a telegraph call sign will also be assigned for radiotelegraphic operations.

(b) The frequencies available for assignment to Alaska-public fixed stations and the conditions for use of the frequencies are the fixed frequencies shown in § 81.708, Subpart Q of this chapter. These frequencies are generally divided into two categories. One group, shown in § 81.710 of the rules are available for simplex assignment to any Alaska-public fixed station except to stations that operate as a primary station for purposes of exchanging duplex communications with secondary stations on paired frequencies. The terms "simplex" and "duplex", as used herein, are employed to indicate: "simplex", single frequency operation, the station transmits and receives on the same frequency; and "duplex", two frequency operation, the station transmits on one frequency and receives on a second or different frequency. The other group, shown in § 81.711 of this chapter are available for assignment on a duplex channel basis to Alaska-public fixed stations that operate on a primary and secondary station arrangement and provide the public correspondence communications service that was formerly furnished, essentially, by the Alaska Communications Service. These frequencies will only be assigned to stations furnishing such services as provided for in § 81.711. The frequencies available for assignment to public coast stations in Alaska are the same maritime mobile frequencies generally available for assignment to stations anywhere of this class as shown in § 81.304 (a) and (b), and in accordance with the service area criteria specified in § 81.303 of this chapter.

(c) Applications for Alaska-public fixed stations and public coast stations in Alaska that indicate on the application form that a charge will be made for radiocommunication services furnished will be placed on public notice as required by Section 309(b)(1) of the Communications Act and such applications, when otherwise in order, will not be granted earlier than thirty days following the issuances of the public notices. Authorizations for these stations will contain a notation that charges for service may be made provided the applicant complies with § 81.179 of this chapter concerning the filing of tariffs for message charges. Applications that indicate that no charge will be made for service will not be placed on public notice and will be granted upon completion of routine processing.

(d) The authorization for stations not placed on public notice will contain a notation indicating that charges for service may not be made. If a licensee desires to commence charging for services, during the term of a station authorization granted without public notice, an application, for modification of license to show that service charges may be made must be filed. The application if otherwise in order, will be granted

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[1] Section 81.9(d) of the rules defines an Alaska-public fixed station as "A station in Alaska, which is open to public correspondence and is licensed by the Commission for radiocommunication between specified fixed points in Alaska exclusively".

[2] Section 81.3(f) of the rules defines a Public coast station as "A coast station open to public correspondence". Public coast stations provide service to vessels.

[3] "Common carrier" or "carrier" is defined in Section 3(h) of the Communications Act, in pertinent part, as "* * * any person engaged as a common carrier *for hire*, in interstate or foreign communications * * *" (emphasis supplied).

[4] In a Memorandum Opinion and Order adopted March 18, 1970 (FCC 70-304, 22 FCC 2d 200) we approved in principle the acquisition and operation of the Alaska Communications System facilities by RCA Alaska Communications, Inc., with some exceptions not here pertinent.

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only after the statutorily required public notice period.

(e) Alaska-public fixed stations and public coast stations in Alaska must be open to the public for public correspondence radiocommunications services, but only those that make a charge for this service are common carriers for hire.

3. In § 81.710, the headnote and text are amended to read as follows:

§ 81.710 Frequencies for simplex use available in one or more zones of the Alaska area.

Each of the carrier frequencies set forth in the following tables are available for assignment to Alaska-public fixed stations other than primary stations shown in § 81.711 of this chapter, and, when authorized by station license, may be used by stations employing radiotelephony. These frequencies are authorized for use on a shared basis, except 1660 kHz, with stations of the maritime mobile service. Frequencies designated for use in a specified zone of the Alaska area are available only to coast stations located in that zone. The limitations and conditions of use applicable to each frequency are set forth in § 81.708.

TABLE 1.—*Frequencies below ½ MHz*

[In kilohertz]

Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
1646			1643		1646
	1649			1652	
			1660		1657
		1705	1705		
1709				1712	
2006				2003	
2419					
	2430	2422		2430	
		2450	2427		2450
		2479	2447		2482
			2482		2506
				2506	
2512	2509	2512	2509		
	2538	2536			
2566			2563	2566	
2616					
3261			3261	3258	

TABLE 2.—*Frequencies above ½ MHz*

Zone 1	Zone 2 [1]	Zone 3 [1]	Zone 4	Zone 5	Zone 6 [1]
	4791.5	4791.5			4791.5
	6948.5	6948.5			6948.5
	7368.5	7368.5			7368.5
	11437.0	11437.0			11437.0
	11601.5	11601.5			11601.5

[1] Available kilohertz.

4. In Section 81.711, the headnote and text are amended to read as follows:

§ 81.711 Frequencies for duplex use in paired channel operations.

The carrier frequencies in the table below are available for assignment and use in duplex frequency operations, to Alaska-public fixed primary and associated secondary stations that provide, essentially, the public correspondence radiocommunication services formerly furnished by the Alaska Communications System. The frequencies in column two below are available for assignment to primary stations located in the geographical areas listed in column one. The frequencies listed in column three are available for assignment for transmissions as a paired frequency to secondary stations of this class that operate and exchange communications with any of the primary stations in the locations shown in column one. The limitations and conditions of use applicable to each frequency are set forth in § 81.708 of this chapter. The specified frequency or frequencies to be used for transmitting shall be specified on the station authorization.

Location of primary station	Frequencies available (kilohertz)	
	Primary station transmit	Secondary station transmit
(1)	(2)	(3)
Anchorage	3183	3365
		5137.5
		2598
Bethel	2604	2629
		2778
		5204.5
Cold Bay	3241	2691
Cordova	2312	2632
Fairbanks	3167.5	3354
		5207.5
Juneau	2784	2694
	3241	3357
Ketchikan	2604	2256
	3180	2776
King Salmon	3164.5	2466
Kodiak	3781	2474
Kotzebue	2601	2463
Nome	5370	5207.5
	2784	2471
Unalaska	3238	3362
	5370	5134.5

§ 81.712 and § 81.713 [Deleted]

5. Sections 81.712 and 81.713 are deleted.

[FR Doc.77-10962 Filed 4-14-77;8:45 am]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 75—REGULATIONS FOR INSPECTION AND CERTIFICATION OF QUALITY OF AGRICULTURAL AND VEGETABLE SEEDS

AGENCY: Agricultural Marketing Service.

ACTION: Final rule.

SUMMARY: This action continues the current regulations applicable to the inspection and certification of quality of agricultural and vegetable seeds under Part 68 of Chapter 1 as Part 75 of Chapter 1 of Title 7, Code of Federal Regulations.

EFFECTIVE DATE: April 8, 1977.

FOR FURTHER INFORMATION CONTACT:

Clyde R. Edwards, Chief, Seed Branch, Grain and Seed Division, Agricultural Marketing Service, Department of Agriculture, Washington, D.C. 20250 (202-447-9340).

SUPPLEMENTAL INFORMATION: The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) provides for the inspection of agricultural products to bring about efficient and orderly marketing and to foster and assist in the development of new or expanding markets (domestic and foreign). Said Act also provides for the collection of fees and charges equal to the cost of providing the services.

Regulations for the inspection and certification of quality of agricultural and vegetable seeds are contained in the Part 68 regulations for the inspection of grain and related commodities.

On March 2, 1977, there was published in the FEDERAL REGISTER (42 FR 12033), an amendment of Part 68 transferring delegation of authority for that part from the Agricultural Marketing Service to the Federal Grain Inspection Service, effective April 10, 1977. It therefore is necessary for the Agricultural Marketing Service to promulgate new regulations to continue authority for the inspection of seeds under the Agricultural Marketing Act of 1946.

Accordingly, in order to provide continuity and continued availability of such inspection service until new regulations for agricultural and vegetable seed are adopted, pursuant to sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), the provisions of Part 68, Chapter I of Title 7, Code of Federal Regulations (7 CFR Part 68), as now in effect and applicable to the inspection and certification of quality of agricultural and vegetable seeds, are continued in effect as Part 75 of Chapter I, Title 7, Code of Federal Regulations as the Regulations for Inspection and Certification of Quality of Agricultural and Vegetable Seeds.

The need for promulgation of these regulations is to continue inspection service without interruption, with no substantive change in the service available. Pursuant to the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice or other public rulemaking procedures are impractical and unnecessary. Accordingly, Part 75 is added as follows:

§ 75.1 Scope and applicability.

The provisions of Part 68, Chapter I of Title 7, Code of Federal Regulations (7 CFR Part 68), in effect April 1, 1977, continue in effect to the extent applicable to the inspection and certification of quality of agricultural and vegetable seeds inspected pursuant to the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.).

(Secs. 203, 205, 60 Stat. 1087, 1090, as amended; 7 U.S.C. 1622, 1624.)

Done at Washington, D.C. on April 8, 1977.

WILLIAM T. MANLEY,
Acting Administrator.

[FR Doc.77-11064 Filed 4-14-77;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 88]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final Rule.

SUMMARY: This regulation establishes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period April 17-23, 1977. This regulation is needed to provide for orderly marketing of fresh lemons for the regulation period because of the production and marketing situation confronting the lemon industry.

EFFECTIVE DATE: April 17, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447-3545.

SUPPLEMENTARY INFORMATION: (a) *Findings.* (1) Pursuant to the amended marketing agreement and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee established under the amended marketing agreement and order, and upon other available information, it is found that the limitation of handling of such lemons, as provided in this regulation will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the specified week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation for the quantity of lemons it considers advisable to be handled during the specified week. The recommendation resulted from consideration of the factors covered in the order. The committee further reports the demand for lemons is trending easier after being good early in the week. Average f.o.b. price was $5.61 per carton the week ended April 9, 1977, compared to $5.58 per carton the previous week. Track and rolling supplies at 100 cars were down 10 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be established as provided in this regulation.

(3) It is further found that it is impracticable and is contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because the time intervening between the date when information upon which this regulation is based became available and the time when it must become effective to effectuate the declared policy of the act is insufficient. A reasonable time is permitted, for preparation for the effective time; and good cause exists for making the regulation effective as specified. The committee held an open meeting during the current week, after giving due notice, to consider supply and market conditions for lemons and the need for regulation. Interested persons were afforded an opportunity to submit information and views at this meeting. The recommendation and supporting information for regulation during the period specified were promptly submitted to the Secretary after the meeting was held, and information concerning the provisions and effective time has been provided to handlers of lemons. It is necessary, to effectuate the declared policy of the act, to make this regulation effective as specified. The committee meeting was held on April 12, 1977.

§ 910.388 Lemon regulation 88.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period April 17, 1977, through April 23, 1977, is established at 230,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: April 14, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-11265 Filed 4-14-77;12:18 pm]

CHAPTER XI—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MISCELLANEOUS COMMODITIES), DEPARTMENT OF AGRICULTURE

[Doc. No. BRIA-1]

PART 1260—BEEF RESEARCH AND INFORMATION

Subpart—Beef Research and Information Order; Establishment of Program

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Decision and Order.

SUMMARY: This document announces a decision to issue an order to establish a beef research and information program as authorized by the Beef Research and Information Act. The order would provide the industry with sufficient funding to carry out a coordinated program of education, promotion, and research for the entire cattle and beef industry. Such a program, operated on a national basis, would minimize duplication of effort among the various State groups and would be far more efficient and effective than previous, fragmented programs.

DATE: The order becomes effective when approved in a referendum of cattle producers; results of the referendum and the effective date, if applicable, will be announced later.

FOR FURTHER INFORMATION CONTACT:

C. Lowell Strong, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447-2389.

SUPPLEMENTARY INFORMATION: A recommended decision including a recommended order to establish a beef research and information program was published on Page 4476 of the FEDERAL REGISTER of January 25, 1977, and corrections were published on Page 5362 of the FEDERAL REGISTER of January 28, 1977. Interested persons were given until February 24, 1977, to file exceptions to the recommended decision. The public hearing on the record of which the recommended decision was formulated was held at Dallas, Texas, September 14 and 15; Pittsburgh, Pennsylvania, September 28; Atlanta, Georgia, September 30; Denver, Colorado, October 5 and 6; San Francisco, California, October 7; and Des Moines, Iowa, October 12 and 13, 1976. Briefs and proposed findings and conclusions were received until November 15, 1976. This hearing was held pursuant to notice which was published in the FEDERAL REGISTER August 17, 1976, 41 FR 34772. The notice set forth a proposed order which was submitted to the Department of Agriculture by a cattle and beef industry group pursuant to rules and regulations for formulating an order published in the FEDERAL REGISTER June 23, 1976, 41 FR 25881. These actions were taken pursuant to authority contained in the Beef Research and Information Act (7 U.S.C. 2901 et seq.).

On the basis of the evidence introduced at the hearing and the record thereof, the Administrator, Agricultural Marketing Service, filed with the Hearing Clerk, U.S. Department of Agriculture, a recommended decision containing notice of the opportunity for interested persons to file exceptions to the decision. Upon review of the record, the material issues, findings and conclusions, rulings, and the general findings of the recommended decision which were published in the FEDERAL REGISTER January 25, 1977, 40 FR 4476 are hereby approved and adopted and are set forth in full herein, with the following modifications:

(1) Changes in the Order provisions:

(a) § 1260.138(e) is changed to reduce the number of Board members from the State of Montana.

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(b) § 1260.138(f) is changed to permit additional factors to be considered when updating representation on the Beef Board.

(c) § 1260.142 is changed to clarify the duties of alternate Board members.

(d) § 1260.162(a)(5) is changed to clarify assessments on breeding cattle.

(e) § 1260.162(c) is added because the Act requires the Order to contain a provision for the Secretary to initiate a suit against persons for assessments due.

(2) Changes in the Findings and Conclusions:

(a) Under the heading "(1) *Need for the Order,*" paragraphs 1, 3, 7, 8, and 20 are changed.

(b) Under the heading "(2) *Terms and Provisions of the Order*":

1. Under the heading "(b) *Beef Board*":

a. Under the subheading *"Certification of organizations,"* a new paragraph is added after paragraph 1.

b. Under the subheading *"Nominations"*:

i. A new paragraph is added after paragraph 5.

ii. A new paragraph is added after paragraph 7.

iii. A new paragraph is added after paragraph 9.

c. Under the subheading *"Alternate members,"* a new paragraph is added after paragraph 1.

d. Under the subheading *"Compensation,"* paragraph 1 is changed.

e. Under the subheading *"Duties"*:

i. Paragraphs 2, 3, and 4 are changed.

ii. A new paragraph is added after paragraph 2.

iii. A new paragraph is added after paragraph 3.

iv. A new paragraph is added after paragraph 4.

2. Under the heading "(c) *Programs and Projects*":

a. Paragraphs 1, 2, and 6 are changed.

b. A new paragraph is added after paragraph 2.

3. Under the heading "(d) *State Beef Councils*":

a. A new paragraph is added after paragraph 5.

b. A new paragraph is added after paragraph 8.

4. Under the heading "(e) *Assessments, Refunds, Expenses*":

a. Under the subheading *"Assessments"*:

i. Paragraphs 2 and 10 are changed.

ii. A new paragraph is added after paragraph 1.

iii. Three new paragraphs are added after paragraph 8.

iv. A new paragraph is added after paragraph 10.

v. A new paragraph is added after paragraph 11.

b. Under the subheading *"Refunds,"* paragraph 2 is changed.

c. Under the subheading *"Expenses,"* a new paragraph is added after paragraph 3.

5. Under the subheading "(f) *Records and Reports*":

a. A new paragraph is added after paragraph 1.

b. A new paragraph is added after paragraph 4.

MATERIAL ISSUES

The material issues presented on the record of hearing are as follows:

1. The need for the Proposed Research and Information Order to effectuate the declared policy and purposes of the Act; and

2. The determination of the specific terms and provisions of the Proposed Order necessary to effectuate the declared policy and purposes of the Act, including:

a. Definitions of terms used therein which are necessary and incidental to achieve the objectives of the Order;

b. The establishment, maintenance, composition, powers, duties, procedures, and operation of a Board which shall be the administrative agency for this Order;

c. The authority for establishing and financing the development and implementation of programs and projects of research, information, education, and promotion to improve, maintain, and develop domestic and foreign markets for cattle, beef, and beef products;

d. The establishment and maintenance of an effective working relationship with State beef boards, beef councils, or other beef promotion entities organized to conduct programs with objectives similar to those of this Order;

e. The procedures to levy assessments on the sales of cattle, to make refunds of assessments to producers who request them, and to incur necessary expenses;

f. The provisions concerning record-keeping requirements and reports by slaughterers; and

g. The need for additional terms and conditions as set forth in §§ 1260.181 through 1260.187 of the Order which are necessary to effectuate provisions of the Act.

FINDINGS AND CONCLUSIONS

Cattle are produced in all 50 States and cattle, beef, and beef products move in interstate and foreign commerce and those which do not move in such channels of commerce directly burden or affect interstate commerce of cattle, beef, and beef products. The record is replete with testimony that such commerce in cattle, beef, and beef products is commonplace. Therefore, it is found that the right to exercise Federal jurisdiction with respect to the Order set forth herein is established.

The findings and conclusions on the material issues are based on the evidence presented at the hearing and the record thereof and are as follows:

1. *Need for the Order.* Beef is the major source of protein in the diet of most U.S. citizens. Beef supplies are currently at record levels and U.S. per capita beef consumption in 1976 totaled nearly 9 pounds above the former record established in 1975. Large increases in beef output during 1975 and 1976 were due largely to unusually high cow and heifer slaughter. During the past 3 years, beef producers have been caught in a severe price-cost squeeze. In response to this extremely unfavorable situation, cattlemen have reduced cow herds, sharply curtailing the nation's production potential for future years.

The U.S. cattle cycle typically encompasses a period of approximately 10 years, which usually includes a period of about 7 years of increasing numbers followed by about 3 years of decline. There is a need to eliminate or at least moderate the recurring 10-year cattle cycle. A more stable beef production pattern would result in less variation in prices to consumers and more consistent returns to producers. Funding from assessments under this Order could be used to provide improved market information at all levels, which could aid the nation's nearly 2 million producers in being more responsive to consumer demand.

During the past 50 years the U.S. cattle herd has more than doubled, but inventory growth has been marked by alternate periods of expansion and liquidation. The number of cattle and calves on U.S. farms and ranches grew from 57 million head in 1928 to a peak of nearly 132 million head on January 1, 1975. Numbers have consistently peaked at about 10-year intervals followed by inventory declines of up to 12 percent in succeeding years. U.S. per capita consumption of beef and veal during the past 50 years has ranged from about 53 pounds in 1932 to 133 pounds during 1976. However, as herds were being rebuilt following periods of inventory liquidation, per capita consumption declined as much as 22 percent from the level attained in an earlier year.

Large fluctuations in production and consumption of beef are caused by large numbers of individual cattle producers responding independently but similarly to price incentives. Cattlemen tend to retain larger numbers of cows and heifers for breeding when calves are selling at profitable levels. This practice tends to restrict concurrent beef supplies while increasing beef output prospects for future years. In the early stages of the expansion phase of the cattle cycle, inventories grow but slaughter supplies remain relatively stable as increased retention of females tends to offset the effect of larger calf crops. Eventually, however, the full impact of a larger breeding herd is reflected in larger slaughter and prices begin to decline. As profits turn to losses, cow and heifer slaughter increases, further boosting beef output. The increased supplies soon put additional pressure on prices and significant losses to producers result. After the cow herd is diminished and calf crops decline, however, smaller beef supplies and higher prices return. With improved profitability the expansion phase of the cycle begins anew.

Biological factors are a major cause of alternate periods of overproduction and underproduction in the beef industry. Roughly 3 years transpire between the time a producer decides to retain a heifer for replacement and the date the beef from her offspring is purchased by the consumer. Thus, unprofitable price levels for a sustained period do not result in a reduction in beef output until a few years later. Losses continue until the adjustment can be accomplished.

Changes in cow numbers are a major determinant of future beef supplies; thus cattlemen favor an improved cow-herd size awareness program. Cow numbers increased rapidly during the early 1970's, jumping from 48 million head on January 1, 1969, to a peak of 56.7 million head on January 1, 1975. From January 1, 1972, through January 1, 1975, cow numbers grew at an annual rate of 4 percent, or over 2 million head per year. As usually happens when the rate of expansion exceeds the normal year-to-year increase in demand for beef, which is 1 to 2 percent, excess beef output and unprofitable price levels resulted.

As losses to producers mounted during 1974 and 1975, cow slaughter rates increased dramatically and numbers of heifer replacements entering the herd dropped sharply. Cow slaughter reached a record of almost 12 million head in 1975, nearly doubling the 6 million head killed during 1973. The cow inventory dropped nearly 2 million head during 1975 to 54.8 million on January 1, 1976. With large cow slaughter and reduced heifer replacements continuing during 1976, the cow inventory dropped an additional 2.4 million head to 52.4 million on January 1, 1977.

The downturn in the total cattle inventory during the current cycle is unusually sharp, reflecting the severe financial stress the cattle industry experienced during 1974–1976. On January 1, 1976, cattle numbers totaled 128 million head, down nearly 4 million head from peak levels a year earlier, and by January 1, 1977, the inventory had dropped an additional 5 million head to less than 123 million. With the exception of several months during 1975, the cattle feeding segment of the industry has suffered severe losses, often over $100 per head marketed, since late 1973. Cow-calf producers generally have sold calves and yearlings for less than the cost of production since mid-1974. As a result, many cattlemen have been forced into bankruptcy and those remaining have sharply higher mortgages on their farms and ranches and greatly increased overall debt.

One significant measure of the turnaround experienced by the industry was the drop in inventory value. From January 1, 1974, to January 1, 1975, the average value per head of cattle in the United States dropped 46 percent from $293 to $159, and the value of the total inventory dropped from over $37 billion to only $21 billion.

Cattle producers have repeatedly indicated that they want a self-help program and not Federal monetary assistance. There are no price support programs for cattle or beef to moderate the cyclical ups and downs. A desirable goal of the programs made possible by assessments under the Order is to assist in alleviating the problems which result from the cyclical nature of beef production by providing improved information to aid in making production decisions.

Beef producers have been conducting beef education, information, and promotion programs for a number of years, often relying on either voluntary or mandatory State collection systems. Funding levels in relation to sales value are lower than expenditures for many other raw agricultural products, and are extremely low when compared to expeditures for competing manufactured food products. Twenty-eight beef producing States have organizations which collect funds, primarily for State promotion activities. Some of the money collected at the State level is forwarded to the National Live Stock and Meat Board to be used, along with other voluntary contributions, in national education, information, promotion, and research efforts. But such efforts have been relatively small in size and scope due to funding limitations.

The Order would provide the industry with sufficient funding to carry out a coordinated program of education, promotion, and research for the entire cattle and beef industry. Such a program, operated on a national basis, would minimize duplication of effort among the various State groups and would be far more efficient and effective than previous, fragmented programs.

Numerous areas of research concerning cattle and beef have potential for benefiting both producers and consumers but presently lack funding. There are identifiable research needs for production research, marketing research, product or market research, and foreign market research. Examples of some current research needs are:

Production research. Studies should be designed to speed genetic improvement of the nation's cattle herds and to improve the rate of grain on grass and in the feedlot. Gaining a clearer understanding of protein synthesis would provide a step toward improving the growth process. Increasing the emphasis on finding solutions to animal health problems, such as brucellosis and internal parasites, could lead to reduced death losses and lower production costs.

Marketing research. More efficient beef marketing procedures and techniques would not only benefit producers but would also help consumers obtain quality beef at reasonable prices. Improved efficiency and reductions in the cost of distribution, cost reduction in the labor-intensive processing segment of the industry, and reduced product loss in the distribution chain could be studied to help reach that goal.

Product or market research. There is a need to more accurately identify the quantities and types of cattle and beef products desired by the retail customer. Methods of marketing beef have not kept pace with consumer desires and buying habits and new beef products should be developed to meet changing consumer preferences. With a growing share of meals eaten away from home, appropriate beef products must be developed to meet the needs of this growing market. Studies should be initiated to find beef products and cooking methods consistent with the limited time available for meal preparation. Also, research directed toward developing processing methods to produce more desirable products from the less desirable portions of the carcass is necessary to more efficiently utilize the whole carcass.

Foreign market research. Determining the wants and needs of potential foreign customers for beef and the methods required to fulfill those needs is necessary for effective foreign market development. U.S. exports of beef and veal in recent years have been less than one-half of 1 percent of commercial production while comparable U.S. imports averaged 7 to 8 percent of commercial production. The United States enjoys a competitive advantage over all other nations in the production of large quantities of high-quality beef. With increasing affluence around the world, there is considerable potential for substantial increases in U.S. beef exports if the appropriate market knowledge is developed.

The record reveals a need to communicate factual information to consumers about the nutritional properties of beef. Consumers understand that beef is high in protein, but often do not understand its many other significant contributions to health needs. For instance, there are high iron and B vitamin contents in beef, and the life-saving drug insulin is a beef byproduct. Educational programs could provide information to consumers on many topics concerning beef, with particular attention directed to those issues involving nutrition and health. Nutrition and health information developed for use in elementary schools has been well received. However, funds to reproduce this information and to distribute it to schools have been limited; consequently, only a small percentage of the nation's schools have had access to this information. Similar funding problems have limited the distribution of meat nutrition, purchasing, and cooking information to high school and college classes in nutrition, food, and home economics.

Adoption of a beef research and information order has been endorsed in concept by 81 State and national cattle organizations. The record evidence establishes a need for financing research to find more efficient methods to produce and market a relatively stable supply of beef at fair prices to consumers with reasonable returns to producers. The evidence also shows that research and information funded under the Order will be beneficial to the beef industry and consumers as well. Consumers would benefit from the increased efficiency in production and marketing, a more stable supply of beef, more stable beef prices, and increased nutrition and health information.

A number of exceptions were filed questioning the need for and the value of a beef research and information program. However, it is concluded from the record evidence that the beef industry

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needs a research and information program and that the Order, by providing such a program, would effectuate the declared policy of the Act.

2. *Terms and Provisions of the Order.*—(a). *Definitions.* "Act" is defined to provide the correct legal citation for the statute pursuant to which the Order may be put into effect and operated. The inclusion of this definition makes it unnecessary to refer to such law and statutory citation each time reference is made to the Act in the provisions of the Order. "Act" also is defined to include any amendments that may be made to the Beef Research and Information Act (7 U.S.C. 2901 et seq.).

"Fiscal Period" is defined as the 12-month period corresponding with the USDA's fiscal year. The Beef Board is required to submit to the Secretary, for his approval, budgets on a fiscal period basis containing anticipated expenses and disbursements in the various areas expenditures are authorized. The Board's fiscal period is the same as USDA's fiscal year. However, the Beef Board, with the approval of the Secretary, may select some other 12-month period as its fiscal year if necessary.

"Beef Board" or "Board" is defined as the administrative agency or body charged by the Act with the duty to administer the Order. Producer assessments finance the activities authorized and the administrative agency is composed of beef producers, selected by the Secretary from nominations submitted by eligible organizations, associations, general farm organizations, cooperatives, or unaffiliated producers.

The Board shall elect an "Executive Committee" of 7 to 11 Board members who are generally representative of the cattle industry. This Committee has the authority to hire a staff to handle administrative matters, to make policy recommendations to the Board, and to administer the terms of the Order under the direction of the Board and within the policies determined by the Board.

"Producer" is defined in the Order to identify the persons responsible for payment of assessments under the Order. In addition, producers have the right to vote in any referendum on the Order and are eligible to serve on the Board and to nominate others to serve on the Board.

The term "producer" includes any person who owns or acquires ownership of cattle other than one who acquires cattle solely for the purpose of slaughter, except that a person may not qualify as a producer based on sales transactions in which his only share in the proceeds is a sales commission, handling fee, or other fee. However, the period of ownership may be short. For example, a cattle trader or any other person who assumes ownership of cattle, even if the cattle are resold the same day, would qualify as a producer.

The term "producer" does not include a person who acquires cattle solely for the purpose of slaughter. Packers who purchase all their cattle solely for the purpose of slaughter are performing no producer function and do not qualify as producers, even though it is recognized that in normal trade practice such cattle sometimes remain in the feedlot or packer's lot for several days before slaughter. However, a cattle slaughter or packer who has cattle on feed or buys or owns cattle for purposes other than immediate slaughter qualifies as a producer.

"Producer organization" or "eligible organization" is defined to include producer organizations, associations, general farm organizations, and cooperatives representing cattle producers in a geographic area. The final determination of whether an organization is an eligible organization rests with the Secretary of Agriculture.

"Research" is defined to include any type of systematic study or investigation intended to advance the desirability, marketability, production, or quality of cattle, beef, or beef products. It includes market research, production research, and other basic research as well as the evaluation of the relative effectiveness of such studies and investigations.

The Board may enter into contracts, with the approval of the Secretary, for the purpose of carrying out authorized activities. The term "Contracting Party" is defined to include any individual, group of individuals, partnership, corporation, association, cooperative, or other entity, public or private, with which the Beef Board may enter into a contract or agreement in the manner provided in the Order.

"Marketing year" means the calendar year ending on December 31 unless some other consecutive 12-month period is designated by the Board and approved by the Secretary. The calendar year is the appropriate period to be designated the marketing year since most marketing statistics applicable to the Order are maintained on a calendar year basis.

"Part" refers to 7 CFR Part 1260, containing rules, regulations, orders, supplemental orders, amendments, and similar matters concerning the Beef Research and Information Act. The term "subpart" is used when referring to a portion or segment of Part 1260.

b. *Beef Board.* A "Beef Board" is established to act as the administrative body for this Order as specified in Section 8 of the Act. It is composed of producers appointed by the Secretary from nominations submitted either by eligible producer organizations in specified geographic areas or in a direct manner by producers not represented by eligible organizations in such areas. Each member has an alternate to serve in his stead as necessary.

Membership. Members of the Beef Board shall be selected to reflect the varied character of the cattle and beef industry. Cattle are produced in all 50 States, although the concentration varies greatly in different States as does the position of producers in the production chain. Some are engaged primarily in the production of calves from either commercial or purebred herds, while another large section of the industry is involved in feedlot operations. Many producers keep only dairy animals which are used primarily for the production of milk, although such operations also add substantially to the beef supply. There are many combinations of these different functions and related interests in individual production units. There also is a wide range in the size of production units.

The Act specifies that the Beef Board shall consist of not more than 68 members. A Board of this size was constituted so that there may be sufficient representation for all geographic areas and for the multifarious interests of producers. It is intended that the result will be widespread participation of producers in the management of the programs authorized by the Act and the Order.

The stated purpose of the Act is to enable cattle producers, through a Board composed of producers, to establish, finance, and carry out a coordinated program of research, producer and consumer information, and promotion to improve, maintain, and develop markets for cattle, beef, and beef products.

There was testimony recommending that consumers should be included as members of the Beef Board. The legislative history of the Act demonstrates that Congress considered this point extensively. However, the final version of the Act specifies that the Beef Board shall be composed of producers. The conference report indicates that Congress intended for the Beef Board to seek consumer input and it was recommended that the Secretary appoint five consumer representatives to serve in advisory capacities. Record evidence indicates that such a practice would be advisable in order to obtain consumer views on programs of the Board.

A partnership, cooperative, corporation, or similar business entity is to be considered a producer for the purpose of determining who is required to pay assessments and who is eligible to vote in any referendum held pursuant to the Act. However, only individual producers will be nominated and appointed to membership on the Beef Board.

There was testimony proposing that only producers who receive a majority of their income from the production of cattle should be eligible to serve on the Beef Board. Further, it was recommended that elected or appointed local, State, or Federal government officials and executives or officers of organizations which contract with the Beef Board should be prohibited from serving as members of the Board. Rather than outlining such restrictions on Board membership in the Order, producers in selecting nominees and the Secretary in appointing Board members should ascertain that they are active, representative producers.

Term of office. The term of office for Board members and their alternates is 3 years as provided in the Act. Such a period of time is necessary to permit a member to become familiar with the

programs and operations of the Board and to make an effective contribution. Initial appointments shall be, proportionately, for 1, 2, and 3 year terms, giving staggered terms for Board members to prevent the possibility that all terms would expire at the same time and providing continuity of program efforts and program direction. The Secretary shall determine, in a random manner, which initial members shall serve for 1, 2, or 3 year terms, though assuring that the terms of members from a geographic area with multiple representation expire at different times.

No member may serve more than 6 consecutive years on the Beef Board, except that members appointed to the initial Board for terms of 1 or 2 years are eligible to serve 2 additional terms. This provision would serve to utilize the experience acquired and enhance the development of an effective program.

Certification of organizations. Record evidence shows that there are many organizations representing cattle producers throughout the country. The Secretary is charged with the responsibility to set the criteria to be used in determining the eligibility of organizations to nominate members of the Board and has the final authority to make the determination.

Exception was taken to the preceding statement that the Secretary is charged with setting the criteria to determine eligibility. Exceptor asserted that such a statement was not supported by the Act or the record and, further, that Congress set forth the criteria in the Act and that the Secretary has responsibility to determine if organizations meet such criteria. However, the Act mandates that the Secretary certify the eligibility of organizations, based, in addition to other available information, on a factual report from the organization containing information deemed relevant and specified by the Secretary, including but not limited to criteria listed in the Act. To adopt wording which limits the criteria to those listed in the Act as recommended by exceptor would not accurately reflect that responsibility.

Representatives of general farm organizations expressed concern about whether such organizations would be eligible to nominate members to the Board. Further testimony suggested that accurate information necessary to establish the eligibility of general farm organizations to nominate members would not be available, such as the proportion of members producing cattle and the number of cattle they produce. However, other testimony indicates that such organizations normally could provide the data required to meet the needs for certification. It is concluded that general farm organizations should be certified if they meet the criteria established.

Record testimony shows that many of the producer organizations intending to nominate Board members are State organizations, but there also may be some regional organizations participating. A regional organization should be certified to nominate members to the Board in any geographic area in which it meets the established criteria. Similarly, a State organization should be certified to nominate members in a geographic area, even though the area may include other States, if it meets the established criteria.

An organization may file a request for certification to nominate members to the Board at any time. However, the certification of an organization should not be open-ended, since the membership, program objectives, geographic area covered, and other characteristics of an organization may shift. Accordingly, an organization is required to request recertification each time it wishes to nominate a member of the Board.

Nominations. Orderly procedures are established for producer organizations, associations, general farm organizations, cooperatives, and producers not represented by such organizations within a geographic area, as determined by the Secretary, to submit nominations for Board members and alternates to the Secretary. It is essential that the nominations and appointments be completed in a timely fashion, but adequate time must be provided for producers to consider and select their nominees and for the Secretary to make the appointments.

Eligible organizations in each geographic area may caucus to jointly nominate qualified individuals for each member and each alternate member to be appointed to the Board. If they do not caucus or if they fail to agree on nominees, each eligible organization is authorized to submit nominations for each position to be filled. The Secretary also is required to determine whether a substantial number of producers are not members of or their interests are not represented by any eligible organization and, if so, provide a manner for such producers to submit nominations. A 90-day period between approval of the Order in the referendum and the deadline for submitting nominations is necessary to permit the Department to certify eligible organizations and establish procedures by which producers not represented by an organization may submit nominations. This period of time should be sufficient for all certified organizations to caucus, make their selections, and submit their nominations to the Secretary and for producers not represented by such organizations to submit nominations. However, the Secretary may prescribe a longer period if necessary.

After the initial Board has been established, nominations for subsequent appointments of Board members and alternates should be submitted sufficiently in advance to permit the Secretary to select the members, to inform them of their selections, and to obtain acceptance of such appointments before the beginning of the term of office for which they are being appointed. It is necessary to make these subsequent appointments in a timely fashion in order that operations of the Board can continue without interruption when normal changes in membership of the Board occur. Therefore, submission or nominations to the Secretary for subsequent Board members and alternates shall be at least 60 days prior to the expiration of the terms of members and alternates previously appointed to the Board. Other aspects of the nomination procedures for these appointments to the Board are the same as those for nominating members and alternates to the initial Board.

Section 8 of the Act provides that Board members and alternates be named from specified geographic areas designated to reflect, to the extent practicable, the proportion of cattle in each such geographic area. Organizations representing cattle producers normally are organized and operate on a statewide basis, although there also are regional or national organizations, often formed by an affiliation of similar State organizations. Statistics measuring cattle production are available on a State by State basis. Accordingly, to the extent practicable, a State is the geographic area used for determining representation on the Board, with each major cattle producing State entitled to at least one Board member and one alternate. The geographic areas for the initial Board and the number of Board members for each are listed in § 1260.138(e) of the Order.

January 1 inventory numbers of cattle and calves on farms, published annually by the Department of Agriculture, are generally considered the best available measure of the proportion of cattle in the various States. In determining this initial distribution of membership, a geographic area is defined as a State or combination of States with 500,000 head of cattle or more. Each such geographic area is entitled to one Board member and alternate plus an additional member and alternate for each additional 2.5 million head of cattle. Use of this definition accomplishes the objective of providing separate representation on the Board for most States, recognizing the usual boundaries of producer organizations and the similarity of interests of producers within many States.

Representation on the Board by geographic area as published in the Proposed and Recommended Orders was based on the January 1, 1976, inventory of cattle and calves on farms. Record testimony indicated that initial representation on the Board should be based on the latest available inventory data. The January 1, 1977, inventory shows 2.98 million cattle in Montana—down from 3.15 million in 1976. Therefore, based on the criteria specified above and the record evidence, the number of Board members from Montana is reduced from 2 to 1 as shown in § 1260.138(e). Board representation in all other geographic areas is unchanged. The total number of Board members becomes 65.

Important considerations in combining States which have too few cattle to qualify as a geographic area are geographic location and similarity of interests, among other factors. To the extent pos-

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sible, a geographic area containing several States includes those which are contiguous and which have similar interests. The practical problems of caucusing and reaching agreement on nominations then are simplified.

California and Hawaii were combined to form a geographic area with two Board members and two alternates in the Proposed Order published and subjected to hearing. Spokesmen for California cattlemen testified at the hearing that California should be designated a geographic area by itself, since under the proposed guidelines the State would be entitled to two Board members without the addition of another State. A representative of Nevada cattlemen testified that it would be acceptable to combine Nevada and Hawaii. In a subsequent brief, the proponents recommended that Hawaii be included with Maryland, Delaware, New Jersey, and the District of Columbia to form a geographic area. A spokesman for Hawaii cattlemen filed a brief with the same recommendation. Such a combination would not follow the principle outlined with respect to geographic location. Accordingly, Hawaii is included with Nevada to form a geographic area rather than with California.

Proponents filed an exception reiterating the position expressed in a brief objecting to the inclusion of Hawaii with Nevada to form a geographic area, asserting that the Hawaii Cattlemen's Association has requested that Hawaii be combined with Maryland, Delaware, New Jersey, and the District of Columbia. Although an attempt has been made to satisfy the desires of cattlemen in States combined to form geographic areas, it is apparent that no perfect solution exists in this instance. As outlined in preceding paragraphs, an important criterion for combining States should be geographic proximity. Other considerations include similarity of interests and similarity in number of cattle produced. Another consideration is the apparent stability of a geographic area, or the likelihood that it may have to be enlarged in the future in order to meet the minimum criteria. Therefore, the original finding to combine Hawaii and Nevada to form a geographic area is not changed.

The record contains a suggestion that each State be assigned one Board member in establishing the initial Board until records are developed on assessments from the various States for use in determining representation. However, it is found that, with the wide differences in cattle numbers among the various States, adoption of such a plan would not provide representation on the Board accurately reflecting the proportion of cattle in each geographic area.

The basis of determining the makeup of the initial Board cannot be permanent. Representation must be reviewed periodically to take into account shifts in cattle production. Accordingly, the Board is required to review the distribution of membership within 5 years of the establishment of the initial Board and subsequently at any time not to exceed 5 years from the date of the last review. Assessments, cash receipts from the sales of cattle, cattle numbers, and other factors which are found feasible to reflect the proportion of cattle in each geographic area may be considered by the Board in determining the need for changes in geographic areas when updating representation on the Board. The Board shall cause regular review to be made of geographic areas and redefine the geographic areas as necessary, subject to the approval of the Secretary. Such changes will be made at the expiration of the terms of members in order to effect the changes in an orderly fashion.

An exception was filed recommending that the wording of § 1260.138(f) of the Order be changed to show the permitted use of information on assessments, cash receipts for cattle, cattle numbers, and other factors to reflect the proportion of cattle in each geographic area in reviewing and updating representation on the Board. Such a change is made to provide a better profile of the cattle industry which will be reflected in representation on the Board.

Appointments. The Order provides that the Secretary will select and appoint Board members and an alternate for each from nominations submitted, providing representation on the Board by geographic area. Written notice of their acceptance of the appointment will be submitted to the Secretary promptly by member and alternate designates.

Vancancies. The nomination and appointment procedures for individuals to fill unexpired terms when vacancies occur are the same as those specified for the normal appointment and reappointment of members and alternates. It is important that vacancies be filled promptly in order to maintain full membership and representation on the Board and a minimum of disruption. Accordingly, nominations to fill vacancies are to be submitted to the Secretary within 60 days of the time the vacancy occurs. Such a period provides a reasonable amount of time for the selection of nominees. However, should a vacancy occur within 6 months of the expiration of the term of a Board member or alternate, the Secretary need not fill the vacancy.

Alternate members. Each Board member has an alternate designated to serve in his place as necessary. On occasion, a Board member may find it necessary to be absent from Board meetings. An alternate member should be available so that the business affairs of the Board will not be impaired. The alternate member will serve at Board meetings in the absence of the member. Also, in the event of a vacancy on the Board for any reason, the alternate will act until a successor is appointed. Alternate members do not automatically serve in place of Board members on committees and other special assignments unless specifically selected to do so by the Board. The Board is not precluded from assigning other duties to alternates in addition to their responsibility to serve in the absence of Board members. The same criteria and procedures are used for nominating and appointing alternates as those for Board members. Alternates also are limited to 6 consecutive years of service as an alternate. However, nothing precludes an alternate from replacing or succeeding a member and that alternate is permitted to serve up to two terms as a Board member, without regard to the length of time served as an alternate.

An exceptor suggested a change in wording in the first sentence of § 1260.142 concerning alternate members. The suggested wording more clearly indicates that an alternate member may serve for a Board member at Board meetings only, unless assigned other duties. The exceptor's suggestion is adopted.

Procedure. The Board should adopt bylaws governing its organization and operation. However, the method of voting in decisions of the Board and quorum requirements are specified in the Order. The presence of a majority of the members and alternates acting for members constitutes a quorum. On any vote taken by the Board, a majority of those present and voting must concur before any action can be taken. All votes cast at an assembled meeting shall be cast in person with no proxy voting permitted.

It is necessary that the Board adopt procedures which will assure that it operates properly and efficiently and it should schedule regular meetings. However, there may be instances when it is necessary to transact routine, noncontroversial business or take rapid action at times when it would be expensive and unnecessary to call an assembled meeting. Therefore, the Board is authorized to vote by telephone, telegraph, or other means of communication in such instances. However, any such vote by telephone shall be confirmed promptly in writing. The Board should have authority to determine when it will be necessary to transact business without calling an assembled meeting.

Compensation. Board members and alternates serve without compensation, but it is appropriate that members and alternates be reimbursed for necessary and reasonable expenses incurred when performing authorized Board business. An exception included a recommendation that Executive Committee members be paid up to $10,000 annually. Exceptor asserted that in this way it would be possible to make the Committee more representative of the entire industry, since it would make it possible for less affluent producers to devote the necessary time to serve on the Committee. The recommendation cannot be adopted, since the Act requires that Board members shall serve without compensation, except that they may be reimbursed for reasonable expenses incurred. The Board, with the approval of the Secretary, shall set standard procedures governing reimbursement, including the forms to be used, receipts or other documentation required, and the limits of reasonable expenses.

Powers. The Board must have the powers specified in Section 8 of the Act in order to effectively provide administrative direction of the program. The board has the power to administer all terms and provisions of the Order and carry out the plans and programs authorized by the Act. The Board is empowered to develop rules and regulations necessary for implementing and operating the program and submit them to the Secretary for approval and issuance. Such rules and regulations are necessary to set the procedures under which the Board exercises its responsibilities. They govern the method of collecting assessments, the refund procedures, the actions to be taken to implement specific programs, the records that must be kept by slaughterers and others, and the related provisions necessary to meet the requirements of the Order.

Violations of the rules and regulations issued pursuant to the Order may occur and the Board has the power to investigate alleged violations. Procedures established for handling such violations should assure fair and equitable treatment in all instances. The Board should take all reasonable steps to settle violations and in the event that settlement cannot be reached, report violations to the Secretary for appropriate action.

Problems may arise or conditions may change within the industry that would necessitate amendments to the Order. The Board should maintain regular surveillance of the need for amendments and has the power to recommend amendments of the Order to the Secretary when it deems that such action is necessary.

Duties. The duties of the Board as set forth in the Order are necessary for the discharge of its responsibilities. The stated duties provide authority and guidance concerning many details common to the operation of an administrative entity such as the Board. They include the duty to meet and organize, elect officers, and establish committees and subcommittees of Board members as necessary to handle the affairs of the Board. Bylaws should be adopted governing the conduct of business by the Board. The Board also has authority to appoint advisory committees, which would include persons who are not members of the Board, in order to gain added expert advice and counsel on problems, procedures, and programs. Such committees can act in an advisory position only; final decisions and actions are reserved to the Board, and only the Board may take action authorizing the expenditure of funds. The Board has the authority to reimburse advisory committee members for travel and other expenses arising from their assignments.

The Act provides that the Beef Board shall appoint from its members an Executive Committee of not less than 7 nor more than 11 members. In view of the authorized maximum size of the Beef Board, 68 members, an Executive Committee is necessary to provide more efficient and effective administration of the programs. The Beef Board shall delegate to the Executive Committee authority to employ staff members and to administer the provisions of the Order under the direction of the Board and within policies established by the Board. The Board should establish and maintain an effective managerial team composed of the Executive Committee and the administrative staff of the Board.

Exception was taken to wording in the Recommended Decision showing that the Board shall delegate to the Executive Committee authority to employ staff members and specify their duties and compensation. Exceptor pointed out that the record does not mention specifying the duties and compensation of staff members. Neither does the Order contain such a reference, and it is deleted from these findings and conclusions. A related exception objected to the wording in § 1260.146(b) providing for the delegation of authority to the Executive Committee to administer the terms and provisions of this subpart under the direction of the Beef Board and within the policies determined by the Board. It was recommended that language similar to that found in the Act, which refers to authority of the Executive Committee to conduct routine business within the policies determined by the Beef Board be used. However, the record contains testimony noting that the Executive Committee should meet more frequently and be much more closely involved in details of day-to-day operations than the entire Board. Therefore, the wording in the Recommended Order requiring delegation of such authority to the Executive Committee is necessary.

A major duty of the Board is the development of plans and programs to implement the Order. Since the level of anticipated funding is relatively large for programs of this nature and should provide for a comprehensive program, the Board has authority to initiate contracts or agreements with other organizations to conduct program activities. Contractors are required to provide plans for each project or program, outline procedures to be followed, and submit a detailed estimate of the costs. Further, contractors are required to keep adequate records and submit regular reports of their activities on a project showing progress made, disbursement of funds, and any other relevant information required by the Board or the Secretary. Contracts and agreements of the Board become effective upon approval of the Secretary. In addition to contracting with others, the Board has authority to conduct program activities on its own if such an approach can be shown to be more effective or efficient in furthering the purposes of the Act and Order.

An exception was filed which objected to the inclusion of a sentence in the Recommended Decision which showed that contracts and agreements may become effective only upon approval of the Secretary. It was argued that the phrase "only upon approval of the Secretary" does not appear in the Act and concern was expressed that it unnecessarily called attention to the role of the Secretary. However, the Act specifically provides that plans, projects, contracts, and agreements shall become effective upon approval of the Secretary. Further, the Act requires that such a provision be included in the Order. Therefore, the recommended deletion of the sentence is denied, although the wording is changed to reflect the wording of the Act.

The Board shall prepare a budget of its anticipated income and expenses each fiscal period and submit it to the Secretary for approval. The Secretary should specify the date for submission of the budget for his approval, allowing adequate time for review prior to the beginning of the fiscal period. In addition to income and expenses, the budget statement should show program plans, the distribution of anticipated expenses for each major program category, the estimated cost for administration, and justification of the plans. The Board is required to submit copies of the budget to the House Committee on Agriculture and the Senate Committee on Agriculture and Forestry.

An exception was taken to a reference in the Recommended Decision that justification of plans covered in the budget should be included when it is submitted for approval. A related exception recommended changes to the reference in § 1260.146(d) of the Order requiring estimated costs of each plan or project to be shown in the budget. The recommended changes are denied because it is necessary that the Secretary be informed of the estimated costs of each plan comprising the budget in order to review and approve it.

Other duties of the Board which are outlined in the Order are those necessary to assure that it operates in a businesslike fashion. They involve requirements for maintaining records and submitting reports of activities as required by the Secretary, making annual reports of activities to producers and the public, accounting for funds received and expended each fiscal period, and initiating an annual audit of its financial status by an outside party. Further, the Board is required to give the Secretary the same notice of meetings as is given Board members and to provide any other information pertaining to the Order which the Secretary requests.

c. *Programs and Projects.* The Board has the authority to determine the type of research, market development, education, producer information, consumer information, promotion, and advertising projects to be undertaken, and it is charged with the responsibility of developing and submitting to the Secretary for approval, such plans and projects as are authorized by the Act. The projects and programs should be designed to assist, improve, or promote the production, sale, marketing, processing, distribution, and utilization of cattle, beef, and beef products. The authority is broad and flexible in order to enable the Board to use the most efficient and effective methods of carrying out the purposes of the Act. Emphasis

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should be placed on developing a coordinated national program, with activities designed to complement the efforts of groups, organizations, or agencies which are currently engaged in research and promotion activities.

The Board has the authority to develop programs designed to expand sales in foreign markets for cattle, beef, and beef products. This area of activity should include steps to increase sales to present overseas customers as well as to develop new outlets and tailor products to their needs. Cooperative efforts with existing programs of this nature conducted by Federal and State governments and private interests may prove to be an effective approach.

An exceptor recommended deletion of statements in the Recommended Decision concerning the Board recommending to the Secretary the establishment of projects. As justification, exceptor asserted that "from inception, this program was conceived as a producer program" and argued that to require the Board to recommend to the Secretary the establishment of projects is contrary to the intent of Congress. However, Section 8 of the Act clearly requires the Board to submit plans, projects, budgets, contracts, and agreements to the Secretary for approval, and there was record evidence supporting the principle that the Board would submit for approval only those actions which it recommended. Therefore, an explanation of the requirement is retained in the conclusion, although it is changed so as to reflect the record and the language of the Act.

Programs or projects conducted by the Board shall be periodically reviewed to determine if each such plan or project contributes to an effective and coordinated program of research, information, education, and promotion. Upon such review, the Board shall terminate any program or project which it determines does not further the purposes of the Act.

The provision of the Order and Act that no advertising or promotion shall make any reference to private brand names of cattle, beef, or beef products is necessary to avoid discrimination. The Board represents all interests in the industry and therefore must be fair to all segments and elements of the cattle industry. Prohibition of the use of false or unwarranted claims in behalf of cattle, beef, or beef products or false or unwarranted statements with respect to the attributes or uses of competing products is also necessary for proper administration of the Order.

An ample and stable supply of beef for consumers is clearly in the public interest. Maintenance and expansion of existing markets and the development of new markets, both at home and abroad, are essential if the cattle industry is to be healthy enough to supply the needs of consumers. Therefore, the Order provides the necessary authorizations for research and information designed to accomplish this objective. It enables the Board to undertake production research, marketing research, product or market research, and other research designed to improve efficiency throughout the production and marketing chain from the earliest stages of production up to the time the product reaches the consumer. In addition, information derived from research and other factual information would be made available to both producers and consumers.

The Board may either perform research or information work within its own organization, or it may contract for such research, market development, education, producer information, consumer information, promotion, and advertising projects and programs with public and private research and development agencies which are capable of performing the work needed. It is recognized that study and planning may be involved in the development of projects and programs. Therefore, funds to cover the reasonable expenses which may be incurred by the Board in connection with such development should be included in the annual budget. An exceptor objected to the preceding statements that funds to be used for planning and developing programs and projects should be shown as part of the annual budget. The wording is changed but the statement is not deleted as recommended because there is need for the Board to consider funds needed for planning purposes in preparing the budget.

d. *State Beef Councils.* The effectiveness of a new national program of research and information activities for cattle and beef will depend, in part, on its relationship to existing programs operating in several States. The stated purpose of the Act is to enable the development of an effective and continuous program of research, consumer information, producer information, and promotion designed to strengthen the cattle and beef industry's position in the marketplace and maintain and expand domestic and foreign markets and uses for United States beef. Further, Section 16 of the Act states that nothing in the Act shall be construed to preempt or interfere with the workings of any beef board, beef council, or other beef promotion entity organized and operating within and by authority of any of the several States. Record evidence shows that 28 States have programs similar to the national program which would be established by an Order under the Beef Research and Information Act. Also, there is a national effort of this nature, currently operating on a voluntary basis, conducted by industry interests through the National Live Stock and Meat Board. A portion of the funds collected in connection with several of the State programs presently is being forwarded to the National Live Stock and Meat Board.

State programs differ widely in several characteristics, but especially with respect to the basis for the assessments, the assessment rate, the method of collection, the mandate under which the State program operates, the availability of refunds, and the composition of the administrative body of the program. Testimony received at the hearing indicates that the anticipated effect of the initiation of a new national program on existing State programs varies widely. Representatives of some State programs indicated that they expected their local effort to continue with little change. Others indicated that their program would be likely to either diminish considerably or end because producers would not be willing to pay an increased assessment necessary to operate both State and national programs. Such testimony indicates that a new national program under the Beef Research and Information Act may interfere with the operation of some State programs in such instances. There is abundant evidence throughout the record that it may be desirable to keep viable State programs active in a coordinated, cooperative effort as part of a new national program in order to achieve maximum overall effectiveness of the effort. Such an approach would provide continuity available from ongoing State programs, minimize duplication of effort, and assure that the total effort was directed toward common goals. Spokesmen familiar with existing State programs pointed out the need for local contacts in order to have effective educational activities, particularly those conducted through the schools. Feedback from producers through cooperating State programs also might help achieve a successful national program. Some State representatives felt that there should be no overlap between current State programs and a new national program. They felt that assessments for State programs should be phased out and that such programs should continue to operate only as a part of the national effort. In essence, such an approach could result in using the State organization only as an administrative entity of the national program without the State organization conducting any local program activities. The Board should continually analyze the results of cooperative relationships with the various State programs and select the most effective approach in each case.

Record evidence supports permitting the Beef Board to allocate up to 10 percent of the net assessments paid by producers in a State for return to the qualifying State beef board, beef council, or other beef promotion entity. Although current programs in some States are funded at a higher level and some at a lower level than such funds would provide, all State programs would be accorded equal treatment by making up to 10 percent of the funds generated in the State for the national program available for use in the State. Such a provision helps assure the continuation of State programs by providing funds, upon the proper showing of program need and objectives.

Many producers testified that the Order should guarantee that at least 10 percent of the assessments from a State

would be returned to help fund its State beef council, if requested. However, such a provision would be an undue restriction on the Board in that needs for funds may change over the years in many States and other States may demonstrate acceptable plans for less than the 10 percent level of funding. Still other States may decide that the national program better serves their purposes. Further, the Order contains a provision that allows State promotion entities to be eligible to be awarded contracts by the Board for program activities. These funds would be in addition to any funds returned to the States from the allocation of up to 10 percent of net assessments. Thus, a State promotion board, upon demonstration of need and an acceptable program, could receive further funding.

The Board is given flexibility with respect to the use of funds, including those which may be made available to support State programs, in order to achieve maximum effectiveness of the total national program. Testimony at the hearing indicates that assessments in some State programs would diminish rapidly and that funds from the national program would be needed in many States soon after the national program began. Accordingly, the Board may enter into agreements allocating funds to State programs as soon as possible during the first year on the basis of estimated net assessments in the State.

An exceptor recommended deletion of the phrase "during the next fiscal year" from § 1260.156 of the Recommended Order in connection with the distribution of funds to State organizations. Exceptor also asserted that a proviso which was added at the hearing to permit allocating funds for distribution to States as early as possible during the first year would be unnecessary. On review of the record, it is concluded that the wording in the Recommended Order is necessary to provide authority for early funding of States during the first year, for which need was established in the record.

The amount of funds available for return to a qualifying State organization is based on net assessments contributed to the program by producers in that State. Refunds made to producers in the State would be subtracted from the estimated total assessments paid by producers in the State to compute net assessments. Accurate records of assessments on a State-by-State basis will be difficult or impractical to compile, since under the value-added concept the assessments remitted to the Board at the time cattle are slaughtered may also include assessments paid by several previous owners. The record includes considerable testimony showing that many cattle change ownership several times during their lifetime and often move from State to State. Extensive recordkeeping would be necessary to accurately credit the assessments paid by producers in each State. Data on the cash receipts from the sale of cattle by producers in each State, published by the U.S. Department of Agriculture, may provide the best available estimate of total assessments obtained from each State. It was also suggested in testimony that the number of cattle fed in a State and the size of the basic cow herd should be considered to help determine net assessments. Finally, testimony was presented proposing that the Order explicitly show the manner in which net assessments for a State would be computed. However, it is preferable for the Board to spell out such procedures in the rules which it adopts, thereby maintaining the option of seeking improvements, from time to time, in the basis for accurately reflecting the net assessments paid by producers in each State.

To qualify to receive funds from assessments collected by the Board, a State beef board, beef council, or other beef promotion entity must demonstrate ability to provide research, information, education, or promotion consistent with the purposes of the Order. The State entity should have goals and purposes complementary to the goals and purposes of the Act and the Order, and must submit budgets and plans for research, information, education, or promotion programs for which the funds will be used and also submit reports to the Board on use of the funds. An eligible State organization should be organized under legislative authority in the State or by State charter. If more than one State entity requests funds, the one most qualified to fulfill the purposes of the Act and the Order will be selected by the Beef Board, subject to the approval of the Secretary.

Record evidence shows considerable concern that the use of funds returned to States would be unduly controlled by the Board and the Secretary. It was suggested that an organization should be able to qualify merely by demonstrating that it has goals complementary to those of the Order rather than be required to submit specific plans and programs for which the funds would be used and to report how the funds were used. However, the requirements should be the same as for other contractors and are not meant to result in submission of State entities to undue controls. Rather, they are necessary to assure that the Board and the Secretary exercise their responsibilities under the Act.

An exception was filed which disagreed with the finding that a State organization must meet the same requirements as other contractors to qualify to receive funds collected by the Board. Exceptor asserted that greater flexibility was necessary in returning a portion of funds collected to the various States and that requiring budgets, plans, and reports from State organizations would interfere with the workings of such organizations, which was alleged to be contrary to the Act and the intent of Congress. However, the Act does not elevate State beef promotion organizations to preferred contractor status. In fact, it provides no authority for the Board to distribute funds to States except through contracts. The reference in the legislative history to returning 10 percent of the funds to States clearly shows the intent that State organizations meet the same requirements as other contractors in order to qualify for such funds. Therefore, the recommended changes in the findings and conclusions and the Order are denied.

e. *Assessments, Refunds, Expenses.* The Act provides that funding for activities under this Order shall be acquired from assessments levied on producers of cattle, which will be collected from producers by producer-buyers and slaughterers, and that the slaughterers shall remit the assessments to the Board. Assessments levied on producers are based on the commercial value of cattle at the time of sale, normally the sale price. In order for each producer to pay his fair share of the assessment on cattle owned by two or more producers, a value-added procedure is employed.

An exceptor suggested that the funding of the beef research and information program should be strictly voluntary rather than requiring assessments on all transfers of cattle, with refunds permitted. Since the Act requires the collection of assessments and the refund of assessments upon request, the suggestion cannot be implemented.

The rate of assessment will be established by the Board, subject to the approval of the Secretary. Such rate of assessment may not exceed the statutory maximum of one-half of 1 percent of the value of the cattle sold. Section 1260.162 of the Order specifies that assessments may not exceed three-tenths of 1 percent of the value of cattle sold during the first 3 years that assessments are collected. A rate of three-tenths of 1 percent of the value of cattle sold should provide sufficient funds to carry out the policy and purposes of the Act at this time while not creating an undue burden on producers. Some producer testimony recommended a one-tenth of 1 percent assessment rate for the first year or more, or a plan whereby the rate would be increased periodically in the early years of the program. Reasons given for this position included: (1) Some producers, especially feeders, would pay a relatively larger share of the assessments since they would have to pay the total assessment on cattle they owned at the time the program began, even though they owned the cattle only a short time; (2) time is required to develop the administrative details of a new program and initiate projects to effectively use the funds; and (3) a lower initial rate would help reduce any disruption of existing State programs caused by the beginning of a new national program. However, the bulk of the testimony supported the assessment rate shown in the Order. Further, under the Order, the Board has flexibility to set the assessment rate at less than three-tenths of 1 percent if it finds that conditions warrant a lesser rate.

The cattle industry includes numerous classes of producers, such as dairy cattle producers, purebred or breeding stock producers, cow-calf producers, stocker-growers, traders, and cattle feeders. Each represents a segment of the industry or a stage in the production process. Most cattle slaughtered are owned by two or

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more producers prior to slaughter and some change hands several times.

The evidence indicates that for all producers to pay their fair share of assessments, a value-added concept should be employed—that is, each producer should pay an assessment based on the increase in value of cattle under his ownership. The value-added concept operates as follows:

Assuming an assessment rate of three-tenths of 1 percent of the sales price, a cow-calf man who sells a calf to a stocker-grower for $100 would be assessed three-tenths of 1 percent of the sales price or $0.30. The cow-calf man could pay the stocker-grower $0.30 or the stocker-grower could deduct $0.30 from the $100 sales price and pay the cow-calf man $99.70 rather than $100. In either case, the cow-calf man would have paid an assessment based on the value added to the animal during his ownership. If the stocker-grower sold the animal to a feeder for $200, he would either pay the feeder three-tenths of 1 percent of the sales price ($0.60) or the feeder would deduct $0.60 from the $200 sales price and pay the stocker-grower only $199.40. In either instance, the $0.60 assessment would include $0.30 from the $100 increase in value during the cow-calf man's period of ownership and $0.30 from the $100 increase in value during the stocker-grower's period of ownership. If the feeder later sells the animal to a slaughterer for $400, the slaughterer would collect from the feeder, or deduct from his $400 check, three-tenths of 1 percent of the sales value of $1.20. The slaughterer would forward the $1.20 to the Beef Board. Each of the producers would have contributed his fair share based on the value added during his ownership—$0.30 each from the cow-calf man and the stocker-grower and $0.60 from the feeder.

If no sales transaction occurs at the point of slaughter or other transfer, a fair commercial market value shall be attributed to the cattle for purposes of determining the assessment. For example, packer-owned cattle from feedlots will be assessed at the point of slaughter based on market prices of similar cattle. Cattle traded for other cattle or for merchandise also would be assessed on commercial market value. Similarly, cattle custom slaughtered for home consumption would be assigned a fair commercial market value for assessment purposes. However, cattle slaughtered for an individual's own home consumption are exempt from the assessment if the individual has owned the animal from birth to slaughter.

Most cattle increase in value rather consistently from birth to slaughter. Thus, under the value-added system of assessments, the final assessment remitted to the Beef Board by the slaughterer will exceed any previous assessment for the bulk of all cattle slaughtered. However, if the value of cattle involved in a sales transaction declines during a person's period of ownership, the total assessment paid by previous producers will not be passed on in the normal manner. A decline in value could be due to factors such as death loss, weight loss, or decline in market price. Detailed procedures for the collection of assessments due the Board but not passed along in the normal manner under such circumstances should be provided in the rules and regulations of the Board.

Further, since many cattle kept for breeding and milk production achieve a value for these purposes which is higher than their slaughter value, the Order specifies that the Beef Board shall provide for an adjustment in the value of these cattle for assessment purposes so as not to exceed their value in the commercial slaughter market chain, or the Board shall exempt collection of the assessment on such cattle until time of slaughter.

Exceptions were taken to the wording of paragraph (a) (5) of § 1260.162 of the Order concerning the assessment value of breeding cattle. As a result, the wording is changed to show that the Beef Board shall provide for the adjustment of the value of breeding cattle, including those used in milk production, so as not to exceed their commercial market value for beef, or it shall exempt collection of the assessment on such cattle until time of slaughter. Commercial market value for beef as used herein refers to the market value of similar cattle in the commercial slaughter market chain, normally as either feeder or slaughter animals, depending on market conditions. The changes in wording clarify the Order and reduce the possibility that commercial market value could be interpreted to mean commercial market value for breeding or for dairy purposes. Exceptors also proposed deleting any specific mention of dairy cattle in this provision. However, the hearing evidence indicated a need to make clear that all cattle, including cattle kept for milk production, are subject to assessment, and the proposed deletion is not accepted.

While not specifically defined, the meaning of the term "commercial market value" has been clarified above and in the Order. The term "breeding cattle," based on evidence presented at the hearing, should include all cattle kept for breeding, including those kept for milk production purposes. However, no concise definition for breeding cattle or for classes of breeding cattle is included in the Order. This will allow the Board the necessary flexibility in establishing rules and regulations to effectively carry out the assessment provisions of the Order.

An exceptor recommended that provisions for collection of assessments from the production of registered cattle producers should be made through breed headquarters at the time of transfer and that assessments should be made on the full value of registered cattle sold, asserting that these producers would likely profit more from research and promotion than the commercial producer. The majority of the hearing testimony called for adjusting sales value of breeding animals to commercial market value for assessment purposes; there was no testimony favoring assessments on the full sales value of registered cattle. Collection and remittance of an assessment on the full value for each transaction prior to the final sale for slaughter would not follow the value-added concept used for all other classes of cattle. Adopting the recommendation also would require two separate systems for assessing breeding and dairy cattle—one for purebred cattle registered by breed associations and another for the many breeding and dairy cattle which are not registered. Further, the Act provides only for remittance of assessments by slaughterers or collection from producer-buyers. Thus, the recommendation is rejected.

Some hearing evidence indicated that purebred cattle and cattle kept for dairy purposes should be exempt from assessment until slaughter. The exemption of such cattle until slaughter would reduce administrative problems, it was argued. However, testimony from producers of purebred and dairy cattle indicated that they wished to pay their fair share of assessments levied on the industry. In addition, proponents testified that determination by the buyer and seller of the commercial market value of breeding cattle would not be difficult. To maintain the flexibility necessary under the Order, the Beef Board will determine and specify in the regulations of the Board whether assessments on breeding cattle, including cattle kept for milk production, will be based on the estimated commercial value or whether such cattle will be exempt until slaughter. If assessments are based on estimated commercial value and difficulties arise, the Beef Board may amend the regulations and exempt breeding and dairy cattle from assessment until slaughter.

Slaughterers will be required to remit assessments to the Board, including assessments due at time of slaughter on cattle of their own production, in accordance with regulations developed by the Board. Assessments due on cattle slaughtered must be paid to the Board regardless of whether the assessment has been collected from the producer. Similarly, throughout the production chain, collection or deduction of assessments with transfer of ownership will be self-enforcing, since a producer-buyer who fails to collect the assessment on a transaction will be obligated to pay, as a producer-seller, an assessment based on the total commercial value of the transaction rather than only the assessment based on the value added during his ownership. In all transactions in which a slaughterer or producer-buyer has collected or deducted an assessment from a producer, the producer-seller should be entitled to receive evidence of the amount deducted or collected.

An exceptor suggested that original owners of cattle sold should be required to report to the Beef Board. The suggested change is not incorporated in the Order since a need for such reports has not been established.

The Beef Board is authorized to set aside funds in an operating reserve and

to budget for such a reserve. It would be impractical to operate without a reasonable reserve. Research opportunities, the need for increased promotion, and other opportunities may develop suddenly. Without available funds it would not be possible to take advantage of such opportunities and to fulfill such needs, and a reserve fund is necessary for such purposes. The amount of the reserve fund will be determined by the Board with the approval of the Secretary. However, the reserve fund should not exceed approximately the average yearly collections of the Board.

Review of the Act shows that a provision for the Secretary to initiate a suit against any person subject to the Order for the collection of any assessment due is a required term of the Order. Such a provision is added in § 1260.162 of the Order.

Refunds. There is a provision in the Order for the refund of assessments to producer-sellers who request them. Any producer against whose cattle any assessment is made and collected from him—and who is not in favor of supporting the programs—shall have the right to receive a refund of such assessment from the Beef Board. However, no producer may receive a refund of the portion of the assessement which he collected from other producers. Regulations will be issued controlling the method of obtaining a refund, including a requirement of proof that the producer-seller paid the assessment for which the refund is claimed. A refund request must be submitted within 60 days after the end of the month in which the transaction occurred.

The Act and the Order provide that the refund be made by the Board within 60 days after the submission of proof satisfactory to the Board that the producer-seller paid the assessment for which refund is sought, but no producer shall claim or receive a refund of any portion of an assessment which he collected from other producers. The refund provision is essential to the voluntary concept of the Order, in that no producer is forced to financially support the Order if he does not favor it. The Board should make refund forms available to producers and each producer who asks for a refund must individually request it, i.e., he must submit the refund request. Marketing agencies, cooperatives, brokers, or others shall not be allowed to request refunds on behalf of producers. Slaughterers shall not be entitled to refunds even if they submit funds to the Board in the amount of a producer's assessment without collecting the assessment from the producer. But a slaughterer who is also a producer and has paid the assessment as a producer is entitled to request and receive a refund.

Expenses. Board expenses shall be paid from assessments received and any other funds which accrue to the Board. The Board may incur expenses which are found by the Secretary to be reasonable for the functioning and maintenance of the Board and necessary for the Board to exercise its powers and duties.

The Act and its legislative history make it clear that the expenses of the Board will include reimbursement to the Secretary for such expenses excluding salaries, as the Secretary determines were incurred by the Government in preparation of an original order and for the conduct of the referendum. In a brief, the opinion was expressed that the Secretary should be reimbursed for the conduct of the referendum but not for expenses incurred in preparation of an original order. However, the conference report of April 15, 1976, (House of Representatives Report No. 94–1044), clearly lists a number of costs for which the Secretary is to be reimbursed which are necessary costs in the preparation of an original order. It is therefore found that such costs must be reimbursed.

The Act also requires that, after the Order becomes effective, all administrative costs, including salaries, which the Secretary determines were incurred by the Government under the Order shall be reimbursed by the Beef Board. In a brief, the opinion was expressed that Government salaries should not be reimbursed by the Beef Board. However, the legislation is clear that administrative costs of the Government are to be reimbursed. Therefore, it is found that the Secretary shall be reimbursed for all costs, including salaries, that he determines are incurred by the Government under the Order.

An exceptor questioned wording in § 1260.161(c) of the Recommended Order concerning the right of the Secretary to determine the level of costs incurred by the Government with respect to the beef research and information program. However, Section 8(e) (2) of the Act provides that the Beef Board shall pay for the administrative costs of the Secretary as determined by the Secretary. Therefore, the wording of § 1260.161(c) is not changed.

f. Records and Reports. The Act imposes requirements on slaughterers to keep records and make such reports as necessary for the effectuation, administration and enforcement of the Act and the Order or regulations issued pursuant to it. The Board has authority, with approval of the Secretary, to establish regulations requiring slaughterers to keep necessary book and records and to report to the Board periodically as the Board determines is necessary. Details on the information needed in records and reports and the frequency and timing of reports are to be established by the Board and shown in the regulations. Record evidence shows some concern that unduly burdensome requirements may be imposed on slaughterers. It was suggested that existing records systems of the industry should be utilized to the extent possible, and the Board should be cognizant of this recommendation when formulating regulations for approval by the Secretary.

An exceptor suggested an addition to the Order in § 1260.171 to read "The Board shall take all steps necessary to insure that all assessments due, including assessments due from a slaughterer for slaughter of cattle of his own production have been paid." However, the Order authorizes the establishment of regulations, including those designed to insure that slaughterers remit all assessments to the Beef Board. The proposed addition is unnecessary and is denied.

All books and records required under the regulations must be made available by slaughterers for inspection by representatives of the Board or the Secretary as necessary to verify reports on assessments made and forwarded to the Board. These records are to be retained at least 2 years beyond the marketing year of their applicability. Such a time period is necessary to permit the completion of authorized audits, investigations, or other actions that may be necessary in administering and enforcing the provisions of the Order and the Act.

Representatives of the Board or the Secretary, while acting in their official capacities, on occasion are likely to have access to records and accounts of slaughterers, producers, and others which may reveal trade secrets. The Act requires that the confidential nature of such business records be protected. Therefore, the Order provides that information obtained from books, records, and reports required of slaughterers, and information about refunds made to producers, shall be kept confidential by employees of the Board and of the Department of Agriculture. Also, any such information which becomes available to contracting parties should be kept confidential by officers and employees of such parties. However, the Secretary retains the authority to permit disclosure of such information, but only in a suit or administrative hearing relevant to the Order brought at the direction, or upon the request, of the Secretary of Agriculture, or to which any officer of the United States is a party.

It should be recognized that some information about the program may be of interest and benefit to the general public. Accordingly, the Order does not prohibit (1) the issuance of general statements concerning the number of persons subject to the Order or statistical data collected which do not identify the information furnished by any person; (2) the publication, as approved by the Secretary, of general statements relating to refunds made by the Beef Board which do not identify any person to whom a refund is made; or (3) the publication by direction of the Secretary of the name of any person violating the Order, together with a statement of the provisions of the Order violated.

An exceptor suggested that § 1260.173 be changed to permit release of a specific statistic, namely, slaughter numbers by sex. The suggested change would outline specific permission to release data which might be collected for dissemination in educational or informational programs developed by the Beef Board. Detailed provisions concerning the confidentiality

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of the varied information of this nature obtained by the Board are unnecessary, and the suggested change is not adopted.

g. *Other Terms and Conditions.* Record evidence shows concern that patents, copyrights, inventions, and publications developed through the use of funds collected under the Order should be the property of the Beef Board to use for the benefit of the entire cattle industry. In a brief, proponents suggested that a section be added to the Order to outline such a provision. Accordingly, such a section is included in the Order as shown in § 1260.181. It provides that any patents, copyrights, inventions, or publications developed through the use of funds collected under the Order shall be the property of the Beef Board and any benefits or income from the use of such patents, copyrights, inventions, or publications shall inure to the benefit of the cattle industry. In the event of termination of the Order, control of such holdings and other assets would revert to the Secretary to be used for the benefit of the industry as specified in the Order.

The record shows a need for several other miscellaneous terms and conditions as shown in §§ 1260.182 through 1260.187 of the Order. Each section sets forth certain rights, obligations, privileges, or procedures which are necessary and appropriate for the effective operation of the Order. These provisions are incidental to, and not inconsistent with, the terms and conditions of the Act, are necessary to effectuate the other provisions of the Order, and are supported by the record evidence.

RULINGS ON BRIEFS, PROPOSED FINDINGS, AND CONCLUSIONS

At the close of the hearing, the Administrative Law Judge fixed November 15, 1976, as the final date for interested parties to file briefs, proposed findings, and conclusions based on the evidence received at the hearing. Eight briefs were filed on behalf of the following parties: Ed Grady, Manager, Information Division, Minnesota Farm Bureau Federation, St. Paul, Minnesota; Jack Russ, Director, California Cattlemen's Association, Sacramento, California; J. F. Goold, Executive Vice-President, League of California Milk Producers, Sacramento, California; James K. Kreutz, Attorney, Beef Development Taskforce, Denver, Colorado; Stephen F. Krut, Assistant Executive Director, National Association of Meat Processors, Elizabethtown, Pennsylvania; B. H. Jones, Executive Vice-President, National Livestock Feeders Association, Omaha, Nebraska; J. Gordon Cran, President, Hawaii Cattlemen's Council, Inc., Honolulu, Hawaii; and John Lewis, Director, California Farm Bureau Federation, Berkeley, California.

Several of the briefs reiterated points made by witnesses at the hearing or were copies of statements presented at the hearing. The points in each of the briefs were carefully considered along with the record evidence received at the hearing in making the findings and conclusions set forth herein as discussed in this decision. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions as set forth herein, requests to make such findings or reach such conclusions are denied for the reasons previously cited in this decision.

GENERAL FINDINGS

On the basis of the evidence presented at the hearing and the record thereof, it is found that:

1. The Beef Research and Information Order and all of the terms and conditions thereof as hereinafter set forth will tend to effectuate the declared policy of the Act; and

2. The following terms and conditions of the Order are a detailed means of carrying out the declared policy of the Act with respect to the development of effective and continuous coordinated programs of research, consumer information, producer information, and promotion for cattle, beef, and beef products with adequate financing through assessments on the sales of cattle.

RULINGS ON EXCEPTIONS

In arriving at the findings and conclusions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

BEEF RESEARCH AND INFORMATION ORDER

It is concluded that the detailed and appropriate means of effectuating the foregoing conclusions is the Beef Research and Information Order which follows. However, this Order shall not become effective unless approved in a producer referendum as provided in Section 9 of the Act and in § 1260.17 of the Rules of Practice and Procedure Governing Proceedings to Formulate an Order (7 CFR 1260).

A new subpart is added to Part 1260 of Title 7 of the Code of Federal Regulations as follows:

PART 1260—BEEF RESEARCH AND INFORMATION

Subpart—Beef Research and Information Order

DEFINITIONS

Sec.
1260.101 Secretary.
1260.102 Act.
1260.103 Person.
1260.104 Cattle.
1260.105 Beef.
1260.106 Beef products.
1260.107 Fiscal period.
1260.108 Beef Board or Board.
1260.109 Executive Committee.
1260.110 Producer.
1260.111 Producer-buyer.
1260.112 Producer-seller.
1260.113 Slaughterer.
1260.114 United States.
1260.115 Marketing.
1260.116 Commerce
1260.117 Producer organization or eligible organization.
1260.118 Producer information.
1260.119 Consumer information.
1260.120 Promotion.
1260.121 Research.
1260.122 Transactions.
1260.123 Contracting party.
1260.124 Marketing year.
1260.125 Part and subpart.

BEEF BOARD

1260.136 Establishment and membership.
1260.137 Term of office.
1260.138 Nominations.
1260.139 Appointments.
1260.140 Acceptance.
1260.141 Vacancies.
1260.142 Alternate members.
1260.143 Procedure.
1260.144 Compensation and reimbursement.
1260.145 Powers of the Board.
1260.146 Duties of the Board.

RESEARCH, INFORMATION, EDUCATION, AND PROMOTION

1260.151 Research, information, education, and promotion.

STATE BEEF COUNCILS

1260.156 Continuity.
1260.157 Qualifications.

EXPENSES AND ASSESSMENTS

1260.161 Expenses.
1260.162 Assessments.
1260.163 Producer refunds.
1260.164 Influencing governmental action.

REPORTS, BOOKS, AND RECORDS

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AUTHORITY: Beef Research and Information Act (7 U.S.C. 2901 et seq.).

Subpart—Beef Research and Information Order

DEFINITIONS

§ 1260.101 Secretary.

"Secretary" means the Secretary of Agriculture or any other officer or employee of the Department of Agriculture to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in his stead.

§ 1260.102 Act.

"Act" means the Beef Research and Information Act (7 U.S.C. 2901 et seq.) and any amendments thereto.

§ 1260.103 Person.

"Person" means any individual, group of individuals, partnership, corporation,

association, cooperative, or any other entity.

§ 1260.104 Cattle.

"Cattle" means live domesticated bovine quadrapeds.

§ 1260.105 Beef.

"Beef" means the flesh of cattle.

§ 1260.106 Beef products.

"Beef products" means products produced in whole or in part from cattle, exclusive of milk and products made therefrom.

§ 1260.107 Fiscal period.

"Fiscal period" is the 12-month budgetary period and means the USDA's fiscal year unless the Beef Board, with the approval of the Secretary, selects some other 12-month period.

§ 1260.108 Beef Board or Board.

"Beef Board" or "Board" or other designatory term adopted by such Board means the administrative body established pursuant to § 1260.136.

§ 1260.109 Executive Committee.

"Executive Committee" means those members of the Beef Board, from 7 to 11 in number, who are elected by the Board to administer the provisions of this subpart under the supervision of the Board and within the policies determined by the Board.

§ 1260.110 Producer.

"Producer" means any person who owns or acquires ownership of cattle other than one who acquires cattle solely for the purpose of slaughter: *Provided*, That a person shall not be considered to be a producer if his only share in the proceeds of a sale of cattle or beef is a sales commission, handling fee, or other service fee.

§ 1260.111 Producer-buyer.

"Producer-buyer" means a producer who buys cattle.

§ 1260.112 Producer-seller.

"Producer-seller" means a producer who sells cattle.

§ 1260.113 Slaughterer.

"Slaughterer" means any person who slaughters cattle including cattle of his own production.

§ 1260.114 United States.

"United States" means the 50 States of the United States of America and the District of Columbia.

§ 1260.115 Marketing.

"Marketing" means the sale or any other disposition of cattle, beef, or beef products in any channel of commerce.

§ 1260.116 Commerce.

"Commerce" means interstate, foreign, or intrastate commerce.

§ 1260.117 Producer organization or eligible organization.

"Producer organization" or "eligible organization" means any organization which has been certified by the Secretary pursuant to this subpart.

§ 1260.118 Producer information.

"Producer information" means facts, data, and other information that will assist producers in making decisions that lead to increased efficiency, lower cost of production, a stable supply of cattle, and the development of new markets.

§ 1260.119 Consumer information.

"Consumer information" means facts, data, and other information that will assist consumers and other persons in making evaluations and decisions regarding the purchasing, preparation, and utilization of beef and beef products.

§ 1260.120 Promotion.

"Promotion" means any action to advance the image or desirability of beef and beef products.

§ 1260.121 Research.

"Research" means any type of systematic study or investigation to advance the desirability, marketability, production, or quality of cattle, beef, and beef products, and includes the evaluation of such studies or investigations.

§ 1260.122 Transaction.

"Transaction" means any transfer of ownership of cattle or beef through a sale, trade, or other means of exchange.

§ 1260.123 Contracting party.

"Contracting party" means any individual, group of individuals, partnership, corporation, association, cooperative, or other entity, public or private, with which the Beef Board may enter into a contract or agreement pursuant to § 1260.146(e).

§ 1260.124 Marketing year.

"Marketing year" means the calendar year ending on December 31 or any other consecutive 12-month period designated by the Board, with the approval of the Secretary.

§ 1260.125 Part and subpart.

"Part" means 7 CFR Part 1260, containing rules, regulations, orders, supplemental orders, and similar matters concerning the Beef Research and Information Act. "Subpart" refers to any portion or segment of this part.

BEEF BOARD

§ 1260.136 Establishment and membership.

There is hereby established a Beef Board composed of not more than 68 producers, each of whom shall have an alternate, appointed by the Secretary from nominations submitted by eligible producer organizations within geographic areas certified pursuant to § 1260.176 or by producers in a manner authorized by the Secretary pursuant to § 1260.138(a).

§ 1260.137 Term of office.

The members of the Board and their alternates shall serve for terms of 3 years, except appointments to the initial Board shall be, proportionately, for terms of 1, 2, and 3 years. Each member and alternate member shall continue to serve until his successor is appointed by the Secretary and has accepted. No member or alternate member shall serve more than 6 consecutive years: *Provided*, That those members and alternate members appointed to the initial Board for 1 or 2 year terms are eligible to serve two additional consecutive terms.

§ 1260.138 Nominations.

All nominations to the Beef Board authorized under § 1260.136 shall be made in the following manner:

(a) Within 90 days of the announcement of approval of this Order, or a longer period if so prescribed by the Secretary, nominations shall be submitted to the Secretary for each member and each alternate member to be appointed for each geographic area as specified in paragraph (d) of this section by eligible organizations certified pursuant to § 1260.176: *Provided*, That if there is no eligible organization certified for a geographic area, or if the Secretary determines that a substantial number of producers are not members of, or their interests are not represented by, any such eligible organization, then nominations shall be submitted in a manner authorized by the Secretary;

(b) After the establishment of the Board, the nominations for subsequent board members and alternates shall be submitted to the Secretary not less than 60 days prior to the expiration of the terms of the members and alternates previously appointed to the Board;

(c) Where there is more than one eligible organization within a geographic area, they may caucus for the purpose of jointly nominating qualified persons for each member and for each alternate member to be appointed. If joint agreement is not reached with respect to any such nominations, or if no caucus is held within a defined geographic area, each eligible organization may submit to the Secretary nominations for each appointment to be made;

(d) For purposes of nominating members and their alternates to the Board, the United States shall be divided into geographic areas so as to reflect the proportion of cattle in each geographic area: *Provided*, That each designated geographic area shall be entitled to at least one member on the Board and one alternate member;

(e) The initial geographic areas and the number of members and alternates on the Beef Board from each area shall be: Alabama 1, Arizona 1, Arkansas 1, California 2, Colorado 2, Florida 1, Georgia 1, Idaho 1, Illinois 2, Indiana 1, Iowa 3, Kansas 3, Kentucky 2, Louisiana 1, Michigan 1, Minnesota 2, Mississippi 1, Missouri 3, Montana 1, Nebraska 3, New Mexico 1, New York 1, North Carolina 1, North Dakota 1, Ohio 1, Oklahoma 3, Oregon 1, Pennsylvania 1, South Carolina 1, South Dakota 2, Tennessee 2, Texas 7, Utah 1, Virginia 1, West Virginia 1, Wisconsin 2, Wyoming 1. Additional geographic areas, comprised of combined States, shall be: Nevada-Hawaii 1,

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Washington-Alaska 1, Maryland-Delaware-New Jersey-District of Columbia 1, Maine-Vermont-New Hampshire-Massachusetts-Rhode Island-Connecticut 1; and

(f) After the establishment of the Board, the geographic areas provided for in paragraph (d) of this section, including the area distribution of members of the Board and their alternates, shall be reviewed within 5 years and at any time not to exceed 5 years from the date of the last review by the Board. The Board shall redefine the geographic areas and reapportion the membership of the Board, with approval of the Secretary, if it finds that the existing geographic areas are not properly represented in proportion to cash assessments, cash receipts for cattle, cattle numbers, and other related factors: *Provided*, That each such area shall be represented by at least one Board member.

§ 1260.139 Appointments.

From the nominations made pursuant to §§ 1260.136 and 1260.138, the Secretary shall appoint the members of the Board and an alternate for each member on the basis of the representation provided for in §§ 1260.136, 1260.137, and 1260.138.

§ 1260.140 Acceptance.

Any person appointed by the Secretary as a member or as an alternate member of the Board shall notify the Secretary of his acceptance in a manner prescribed by the Secretary.

§ 1260.141 Vacancies.

To fill any vacancy occasioned by the death, removal, resignation, or disqualification of any member or alternate member of the Board, a successor for the unexpired term of such member or alternate member of the Board shall be nominated and appointed in a manner specified in §§ 1260.136, 1260.137, 1260.138(b), and 1260.140, except that replacement of a Board member or alternate with an unexpired term of less than 6 months is not necessary.

§ 1260.142 Alternate members.

An alternate member of the Board, during the absence of the member for whom he is the alternate, shall act in the place and stead of such member at Board meetings and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him at Board meetings until a successor for such member is appointed.

§ 1260.143 Procedure.

(a) A majority of the members of the Board, including alternates acting for members of the Board, shall constitute a quorum, and any action of the Board shall require the concurring votes of at least a majority of those present and voting. At assembled meetings all votes shall be cast in person.

(b) For matters which do not require deliberation and the exchange of views, and in matters of an emergency nature when there is not enough time to call an assembled meeting of the Board, the Board may also take action upon the concurring votes of a majority of its members by mail, telegraph, or telephone, but any such telephone vote shall be confirmed promptly in writing.

§ 1260.144 Compensation and reimbursement.

The members of the Board and alternates shall serve without compensation but shall be reimbursed for necessary and reasonable expenses incurred by them in the performance of their duties under this subpart.

§ 1260.145 Powers of the Board.

The Board shall have the following powers: (a) To supervise the administration of this subpart in accordance with its terms and conditions; (b) To make rules and regulations to effectuate the terms and provisions of this subpart; (c) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this subpart; and (d) To recommend to the Secretary amendments to this subpart.

§ 1260.146 Duties of the Board.

The Board shall have the following duties:

(a) To meet and organize and to select from among its members a chairman and such other officers as may be necessary, to select committees and subcommittees of Board members, and to adopt such rules for the conduct of its business as it may deem advisable. The Board also may establish advisory committees of persons other than Board members;

(b) To appoint from its members an Executive Committee, consisting of not less than 7 nor more than 11 members, and to delegate to the Committee authority to employ a staff and administer the terms and provisions of this subpart under the direction of the Beef Board and within the policies determined by the Board. The membership of the Executive Committee shall be generally representative of the cattle industry and shall reflect, to the extent practicable, the same geographic distribution of membership as the Beef Board itself;

(c) To develop and submit to the Secretary plans or projects, together with the Board's recommendations with respect to the approval thereof by the Secretary;

(d) To prepare and submit to the Secretary for his approval budgets on a fiscal period basis of its anticipated expenses and disbursements in the administration of this subpart, including probable costs of each research, information, advertising, promotion, and developmental plan or project. The Board shall also submit informational copies of such budgets to the House Committee on Agriculture and the Senate Committee on Agriculture and Forestry;

(e) To enter into contracts or agreements, with the approval of the Secretary, with appropriate contracting parties for the development and carrying out of the projects and programs of the Board as authorized by § 1260.151, and for the payment of the costs thereof with funds accruing pursuant to the administration of this subpart: *Provided*, That nothing in this subpart shall preclude the Board from conducting projects or activities on its own to effectuate the intent and purposes of the Act. Any such contract or agreement shall also provide that such contracting parties shall develop and submit to the Board a plan or project, together with a budget or budgets which shall show the estimated cost to be incurred for such plan or project, and that any such plan or project shall become effective upon approval by the Secretary. Any such contract or agreement shall also provide that the contracting parties shall keep accurate records of all of their activities with respect to the contract or agreement and make periodic reports to the Board of activities carried out, an accounting for funds received and expended, and such other reports as the Secretary or Board may require;

(f) To maintain such books and records and prepare and submit such reports from time to time to the Secretary as he may prescribe and to make appropriate accounting with respect to the receipt and disbursement of all funds entrusted to it;

(g) To prepare and make public, at least each fiscal period, a report of activities carried out and an accounting for funds received and expended;

(h) To cause its books to be audited by a public accountant at least once each fiscal period and at such other times as the Secretary may request and to submit a copy of each such audit to the Secretary;

(i) To give the Secretary the same notice of meetings of the Board as is given to members in order that he or his representative may attend such meetings; and

(j) To submit to the Secretary such information pertaining to this subpart as he may request.

RESEARCH, INFORMATION, EDUCATION, AND PROMOTION

§ 1260.151 Research, information, education, and promotion.

(a) The Beef Board shall in the manner prescribed in § 1260.146 provide for:

(1) The establishment, issuance, effectuation, and administration of plans or projects for advertising, promotion, education, producer information, and consumer information with respect to the use of cattle, beef, and beef products and for the disbursement of necessary funds for such purposes;

(2) The establishment and carrying on of research, market development projects, and studies with respect to the production, sale, processing, distribution, marketing, or utilization of cattle, beef, and beef products and the creation of new products thereof, in accordance with section 7(b) of the Act, to the end that the production, marketing, and utilization of cattle, beef, or beef products may be encouraged, expanded, improved, or made more efficient and/or acceptable and the data collected by such activities may be disseminated, and for the disbursement of necessary funds for such purposes; and

(3) The development and expansion of foreign markets and uses for cattle, beef, or beef products.

(b) Each program or project authorized under paragraph (a) of this section shall be periodically reviewed or evaluated by the Board to insure that each such plan or project contributes to an effective and coordinated program of research, information, education, and promotion. If it is found by the Board that any such program or project does not further the purposes of the Act, then the Board shall terminate such program or project.

(c) No reference to a private brand or trade name shall be made if the Secretary determines that such reference will result in undue discrimination against the cattle, beef, or beef products of other persons in the United States. No such advertising, consumer education, or sales promotion program shall make use of claims in behalf of cattle, beef, or beef products, or statements with respect to quality, value, or use of any competing product if the Secretary determines them to be false or misleading.

STATE BEEF COUNCILS

§ 1260.156 Continuity.

The Beef Board may allocate up to 10 percent of net assessments from each State for use during the next fiscal year by the qualifying State beef council, beef board, or other beef promotion entity: *Provided*, That during the first year, the Beef Board may estimate the net assessments from each State and upon request from such entity provide up to 10 percent of estimated net assessments. The amount of net assessments from each State shall be computed by the Beef Board to reflect total assessments in such State less a deduction for refunds to producers in such State. Any request for funds shall be made by a State beef promotion entity which meets the qualifications specified in § 1260.157.

§ 1260.157 Qualifications.

To qualify for the receipt of funds pursuant to § 1260.156, a State beef board, beef council, or other beef promotion entity shall (a) be organized pursuant to legislative authority within the State or be organized by State charter, (b) have goals and purposes complementary to the goals and purposes of the Act, and (c) demonstrate ability to provide research, information, education, or promotion consistent with the Act and this subpart. The request from a State beef promotion entity for such funds shall show plans or projects and estimated costs of activities for which the funds will be used. The contract or agreement for such funds shall provide that the State promotion entity shall keep accurate records of all activities with respect to the contract or agreement and make periodic reports to the Board of activities carried out, an accounting for funds received and expended, and such other reports as the Board or the Secretary may require. In no event shall more than one such entity qualify within a State. If more than one entity applies for qualification within a State, the Beef Board shall choose, subject to the approval of the Secretary, the one most qualified to fulfill the purposes of the Act and this subpart.

EXPENSES AND ASSESSMENTS

§ 1260.161 Expenses.

(a) The Board is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the Board for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions of this subpart. Such expenses shall be paid from assessments received pursuant to § 1260.162 and other funds available to the Board.

(b) The Board shall reimburse the Secretary, from producer assessments, for all the expenses and expenditures, excluding salaries, which the Secretary determines were incurred by the Government in the preparation of an original order and the conduct of the referendum considering its approval.

(c) The Board shall reimburse the Secretary, from producer assessments, for administrative costs, including salaries, which the Secretary determines are incurred by the Government with respect to this subpart.

§ 1260.162 Assessments.

(a) Each producer-seller, upon sale or transfer of ownership of any cattle, except as provided below, shall pay to the producer-buyer or slaughterer thereof, pursuant to regulations issued by the Board, and such producer-buyer or slaughterer shall collect from the producer-seller an assessment based on the value of the cattle involved in the transaction as follows:

(1) The Beef Board, with the approval of the Secretary, shall set the amount of assessment, not to exceed five-tenths of 1 percent of the sale price;

(2) The assessment rate for the first three years shall not exceed three-tenths of 1 percent of the sale price;

(3) In the event that no sales transaction occurs at the point of slaughter or other transfer, a fair commercial market value shall be attributed to the cattle for the purpose of determining the assessment;

(4) Cattle slaughtered for his own home consumption by a producer who has been the sole owner of such cattle shall not be subject to assessments provided in this subpart;

(5) The Beef Board shall provide for the adjustment of the value of breeding cattle or classes of breeding cattle, including those used in milk production, so as not to exceed their commercial market value for beef, or it shall exempt collection of the assessment on such cattle until time of slaughter;

(6) Each slaughterer shall remit assessment(s) collected to the Beef Board at such times and in such manner as prescribed by regulations issued by the Board, including any assessment(s) due at time of slaughter on cattle of his own production;

(7) Failure of the slaughterer to collect the assessment(s) on each animal shall not relieve the slaughterer of his obligation to remit the assessment(s) to the Beef Board as required in this subpart; and

(8) The Beef Board may collect directly from any producer any assessment(s) that he collected under the provisions of this subpart or otherwise due which were not passed along in the manner set forth in this subpart due to the loss in value of the cattle or due to the export of the cattle or due to other reasons.

(b) The Beef Board may accumulate a reasonable reserve of approximately the average yearly collections to maintain continuity of programs and fulfill other obligations and expenses.

(c) The Secretary may maintain a suit in the several district courts of the United States against any person subject to the Order for the collection of any assessment due pursuant to this section.

§ 1260.163 Producer refunds.

Any producer-seller on whose cattle an assessment is made and collected from him under the authority of the Act shall have the right to demand and receive from the Beef Board a refund of such assessment upon submission of proof satisfactory to the Board that the producer-seller paid the assessment for which refund is sought. Any such demand shall be made by such producer-seller in accordance with regulations and on a form prescribed by the Board and approved by the Secretary. Such demands shall be made within 60 days after the end of the month in which the transaction occurred upon which said refund is based. Refund shall be made within 60 days after the submission of proof satisfactory to the Board that the producer-seller paid the assessment for which refund is sought: *Provided*, That no producer shall claim or receive a refund of any portion of an assessment which he collected from other producers.

§ 1260.164 Influencing governmental action.

No funds collected by the Board under this subpart shall in any manner be used for the purpose of influencing governmental policy or action except as provided in this subpart.

REPORTS, BOOKS, AND RECORDS

§ 1260.171 Reports.

Each slaughterer subject to this subpart shall be required to report to the Beef Board periodically such information as may be required by regulations established by the Board.

§ 1260.172 Books and records.

Each slaughterer shall maintain and make available for inspection by the Beef

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Board and the Secretary such books and records as are necessary to carry out the provisions of this subpart and the regulations issued thereunder, including such records as are necessary to verify any reports required. Such records shall be retained for at least two years beyond the marketing year of their applicability.

§ 1260.173 Confidential treatment.

All information obtained from such books, records, or reports required to be maintained under §§ 1260.171 and 1260.172 and all information obtained obtained by the Beef Board pertaining to producer refunds made pursuant to § 1260.163 shall be kept confidential by all employees of the Beef Board, all employees of the Department of Agriculture, and all officers and employees of contracting parties, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary of Agriculture, or to which any officer of the United States is a party, and involving this subpart: *Provided, however,* That nothing in this subpart shall be deemed to prohibit (a) the issuance of general statements based upon the reports of the number of persons subject to this subpart or statistical data collected therefrom, which statements do not identify the information furnished by any person, (b) the publication of general statements relating to refunds made by the Beef Board during any specific period, which statements do not identify any person to whom refunds are made, or (c) the publication by direction of the Secretary of the name of any person violating this subpart, together with a statement of the particular provisions violated by such person.

CERTIFICATION OF ORGANIZATIONS

§ 1260.176 Certification of organizations.

(a) Any producer organization within a geographic area designated pursuant to §§ 1260.136 and 1260.138 may request the Secretary to certify its eligibility to represent cattle producers to participate in nominating members and alternate members to represent such geographic area on the Beef Board. Such eligibility shall be based, in addition to other available information, upon a factual report submitted by the organization which shall contain information deemed relevant and specified by the Secretary for the making of such determination, including but not limited to the following:

(1) Geographic area covered by the organization's active membership;

(2) Nature and size of the organization's active membership, proportion of total of such active membership accounted for by producers of cattle, and the volume of cattle produced by the organization's active membership in each such State or applicable geographic area(s);

(3) The extent to which the cattle producer membership of such organization is represented in setting the organization's policies;

(4) Evidence of stability and permanency of the organization;

(5) Sources from which the organization's operating funds are derived;

(6) Functions of the organization; and

(7) The organization's ability and willingness to further the aims and objectives of the Act.

(b) The primary consideration in determining the eligibility of an organization shall be whether its producer membership consists of a substantial number of producers who produce a substantial volume of cattle in the geographic area subject to the provisions of this subpart.

(c) The Secretary shall certify any organization which he finds to be eligible under this section and his determination shall be final. After the original certification of an organization, such organization shall request recertification at any time it wishes to nominate a member to the Board and the Secretary may require recertification at any time.

MISCELLANEOUS

§ 1260.181 Patents, copyrights, inventions, and publications.

Any patents, copyrights, inventions, or publications developed through the use of funds collected under the provisions of this subpart shall be the property of the Beef Board, and shall, along with any rents, royalties, residual payments, or other income from the rental, sale, leasing, franchising, or other uses of such patents, copyrights, inventions, or publications, inure to the benefit of the cattle industry. Upon termination of this subpart, § 1260.183 applies to determine disposition of all such property.

§ 1260.182 Suspension and termination.

(a) The Secretary shall, whenever he finds that this subpart or any provision thereof obstructs or does not tend to effectuate the declared policy of the Act, terminate or suspend the operation of this subpart or such provision.

(b) The Secretary may conduct a referendum at any time, and shall hold a referendum on request of 10 percent or more of the number of cattle producers voting in the referendum approving this subpart, to determine whether cattle producers favor the termination or suspension of this subpart, and the Secretary shall suspend or terminate such subpart 6 months after he determines that its suspension or termination is approved or favored by a majority of the producers of cattle voting in such referendum who, during a representative period determined by the Secretary, have been engaged in the production of cattle and who produced more than 50 percent of the volume of the cattle produced by the cattle producers voting in the referendum.

§ 1260.183 Proceedings after termination.

(a) Upon the termination of this subpart, the Beef Board shall recommend not more than five of its members to the Secretary to serve as trustees for the purpose of liquidating the affairs of the Beef Board. Such persons, upon designation by the Secretary, shall become trustees of all of the funds and property then in the possession or under control of the Board, including claims for any funds unpaid or property not delivered or any other claim existing at the time of such termination.

(b) The said trustees shall: (1) continue in such capacity until discharged by the Secretary; (2) carry out the obligations of the Beef Board under any contracts or agreements entered into by it pursuant to § 1260.146(e); (3) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Board and of the trustees, to such person as the Secretary may direct; and (4) upon the direction of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the Board or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered pursuant to this subpart shall be subject to the same obligations imposed upon the trustees.

(d) Any residual funds or property not required to defray the necessary expenses of liquidation shall be turned over to the Secretary to be utilized, to the extent practicable, in the interest of continuing one or more of the beef research or information programs hitherto authorized.

§ 1260.184 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant thereto, or the issuance of any amendment to either thereof, shall not:

(a) Affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued thereunder;

(b) Release or extinguish any violation of this subpart or any regulation issued thereunder; or

(c) Affect or impair any right or remedies of the United States, or of any person, with respect to any such violation.

§ 1260.185 Amendments.

Amendments to this subpart may be proposed, from time to time, by the Board or by an organization certified pursuant to Section 15 of the Act, or by any interested person affected by the provisions of the Act, including the Secretary.

§ 1260.186 Personal liability.

No member, alternate member, or employee of the Beef Board shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, of such member, alternate, or employee except for acts of dishonesty or willful misconduct.

§ 1260.187 Separability.

If any provision of this subpart is declared invalid or the applicability thereof to any person or circumstances is held invalid, the validity of the remainder of this subpart or the applicability thereof to other persons or circumstances shall not be affected thereby.

Single copies of this decision and Order may be obtained from the Livestock Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

REFERENDUM

Rules governing the procedure to conduct referenda on the Beef Research and Information Order will be promulgated and notice will be given designating the time and manner for conducting the referendum to consider this Order.

The Agricultural Marketing Service has determined that this document contains a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107 and certifies that an inflation impact statement has been prepared.

Signed at Washington, D.C. on April 12, 1977.

BOB BERGLAND,
Secretary.

[FR Doc.77-11185 Filed 4-14-77;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

CIVIL SERVICE COMMISSION

[5 CFR Part 552]

PROCESSING GARNISHMENT ORDERS ISSUED AGAINST U.S.

Proposed Uniform Procedures for Executive Agencies

AGENCY: Civil Service Commission.

ACTION: Proposed rulemaking.

SUMMARY: This proposed rule prescribes the requirements for the garnishment of moneys due from the United States as remuneration for employment, where the garnishment, or similar legal process, is brought to enforce child support or alimony obligations. This proposed rule is published in compliance with Executive Order 11881, October 3, 1975. We intend these regulations to provide uniform procedures for all executive agencies to follow in processing garnishment orders issued against the United States.

DATES: Comments must be received on or before May 31, 1977.

ADDRESSES: Send comments to: Office of the General Counsel (Room 5H36), U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT:

Murray Meeker, Attorney Advisor, Office of the General Counsel, U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C. 20415. (202–632–5524).

SUPPLEMENTARY INFORMATION:

THE SOCIAL SERVICES AMENDMENTS OF 1974

On January 4, 1975, Congress amended the Social Security Act with the enactment of Pub. L. 93–647, the Social Services Amendments of 1974. Pub. L. 93–647 added a number of new sections to the Social Security Act, including section 459 which waived the sovereign immunity of the United States to allow for the acceptance of garnishment orders, or similar legal process, for the enforcement of child support and alimony obligations. Congress expressly provided that section 459 would be effective on January 1, 1975, but Congress did not assign responsibility for the implementation of section 459 to any agency. It was soon evident, however, that questions concerning the garnishment provision would have to be answered, and an Ad Hoc Interdepartmental Committee was formed.

The Ad Hoc Interdepartmental Committee included representatives from the Commission, the Justice Department, the Defense Department, the Office of Management and Budget, the Department of Health, Education, and Welfare, the Postal Service, and the Treasury Department. The Committee met in March of 1975 and determined that an Executive Order should be issued which would delegate authority for the promulgation of regulations to implement section 459. Accordingly, Mr. Russell Chapin of the Justice Department, Chairman of the Ad Hoc Interdepartmental Committee, prepared a proposed Executive Order which was circulated to numerous departments and agencies for comment.

On August 8, 1975, a revised version of Chairman Chapin's proposed Executive Order was sent to Attorney General Edward H. Levi, and on October 3, 1975, Executive Order 11881 was issued.

EXECUTIVE ORDER 11881

Executive Order 11881 provides, inter alia, that the Civil Service Commission, in consultation with the Justice Department, shall issue regulations for the uniform implementation by all executive agencies of section 459. Executive Order 11881 also provides that the regulations issued by the Civil Service Commission shall be made available to the public by publication in the FEDERAL REGISTER.

On May 17, 1976, the Commission submitted proposed regulations to Mr. Irving Jaffe, Deputy Assistant Attorney General, and on December 20, 1976, Mr. Rex E. Lee, Assistant Attorney General, returned the proposed regulations with a significant number of recommended changes, the great majority of which have been accepted.

Accordingly, it is proposed that 5 CFR Part 552 be added as follows:

PART 552—GARNISHMENT

Subpart A—Purpose and Definition

Sec.
552.101 Purpose.
552.102 Definitions.

Subpart B—Service of Process

552.201 Official to receive process.
552.202 Service of process.
552.203 Data and documents to accompany legal process.

Subpart C—Compliance With Process

552.301 Suspension of payments.
552.302 Notification of individual obligor affected.
552.303 Answering interrogatories.
552.304 Validity of legal process.
552.305 Honoring legal process.
552.306 Lack of moneys due from or payable by an executive agency served with legal process.
552.307 Invalid legal process.

AUTHORITY: 42 U.S.C. 659; E.O. 11881, 3A CFR, 1976 Comp., p. 191.

Subpart A—Purpose and Definition

§ 552.101 Purpose.

The purpose of this part is to carry into effect the objectives of section 659 of title 42, United States Code, which provides that the United States be subject, in like manner and to the same extent as a private person, to legal process brought to collect moneys due from, or payable by, the United States to any individual (the entitlement to which is based upon remuneration for employment) to enforce such individual's legal obligation to provide child support and/or to make alimony payments.

§ 552.102 Definitions.

In this part:

(a) "Executive agency" means all departments, both civilian and military, independent establishments, the Postal and all agencies, boards, commissions, all wholly-owned Federal corporations, and all agencies, boards, commisisons, councils, bodies, groups, entities, organizations or instrumentalities of the Government of the United States, including advisory bodies, except those in the legislative or judicial branches of the Government of the United States.

(b) "Legal process" means any writ, order, summons, or other similar process, issued by a court of competent jurisdiction within any State, territory or possession of the United States, or issued by any official authorized by law to issue such process, which compels or seeks to compel a third party who owes moneys to an individual, to pay such moneys or any portion of such moneys to an alimony or child support creditor of that individual, in order to satisfy such creditor's claim against the individual.

(c) "Moneys due from, or payable by, the United States" means all moneys due an individual from an executive agency, where the entitlement of such individual to such moneys is based on remuneration for employment, as defined in § 552.102 (d); *Provided, however*, That any moneys or portion of moneys so due an individual which are withheld from such individual for the following reasons shall not be considered as due such individual:

(1) Pursuant to any statute of the United States, or regulation issued thereunder, which provides for the mandatory withholding of moneys otherwise due and payable including, but not limited to, any statute which provides for:

(i) The withholding or payment of Federal income taxes;

(ii) The payment of life insurance premiums;

(iii) The payment of premiums for any health benefits program;

(iv) Deductions for any retirement program, Survivor Benefit Plan, or Retired Serviceman's Family Protection Plan;

(v) The withholding or payment of Social Security tax, or

(2) The payment of any debt owed the United States, including a fine or forfeiture ordered by a court-martial; or

(3) The withholding, or payment, of any taxes levied by any State or locality: *Provided, however*, That such withholding or payment is required by sections 5516, 5517, or 5520 of title 5, United States Code.

(4) The reduction or suspension of benefit payments pursuant to sections 402–404, 422, 424, or 425 of title 42, United States Code.

(d) Moneys held by an executive agency which may be due and payable to an individual at some future date shall not be considered due such individual unless and until all of the conditions necessary for payment of the moneys to the individual have been met, including, but not limited to, the following conditions which might apply: (1) Retirement; (2) Resignation from a position in the Federal service; (3) Application for payment of moneys by the individual.

(e) "Remuneration for employment" means all compensation for personal service performed by an individual whatever the denomination used, including, but not limited to:

(1) Any wages, salary or pay, including the scheduled, basic or regular pay, night differentials, Sunday and holiday premium pay, overtime pay, environmental differentials, hazardous duty pay, cost-of-living allowance, tropical differentials, recruitment incentives, post differentials, cash awards under any incentive awards programs, any payments in consideration of accrued leave, and any similar payment the entitlement to which is for the personal service of the payee in the employment of the United States is a civilian employee;

(2) Any basic pay (including Service Academy Cadet and Midshipman pay) special pay, enlistment and re-enlistment bonuses, lump sum bonuses, continuation pay for physicians and dentists, special pay for physicians, dentists, and veterinarians, any incentive pay, inactive duty training pay, administrative duty pay, academy official pay, any payments made in consideration of accrued leave (basic pay portion only), severance pay (other than for disability), retired/retainer pay, and any similar payment the entitlement to which is for personal service of the payee in the employment of the United States as a member of the uniformed services;

(3) Any payment made to an individual by an executive agency, under the terms of a contract between such individual and such executive agency, where the payment is made in consideration of personal services rendered by such individual;

(4) Any payments by an executive agency to an individual in consideration of past services rendered, including, but not limited to, any periodic payments of annuities or other benefits under a Federal retirement program, whether civilian or military, where the payee's entitlement to such payment is based on his or her own past employment; any payments made pursuant to title II of the Social Security Act as amended, 42 U.S.C. 402 or 423, where the beneficiary's entitlement to such payments is based on his or her own earnings.

(5) "Remuneration for employment" does not mean, however, payments the entitlement to which is by reasons other than or in addition to personal services or the employment of an individual and, therefore does not include, among other payments, the following:

(i) Any payment intended to reimburse or defray expenses incurred by an individual in execution of duties associated with employment by the United States or any executive agency thereof, including, but not limited to (A) in the case of civilian employees, uniform allowances, travel and transportation expenses, relocation expenses, storage expenses, and per diem allowances, and (B) in the case of members of the uniformed services position pay (Navy only), basic allowance for quarters, basic allowance for subsistence, station allowances, travel and transportation allowances, dislocation allowances, family separation allowances, ROTC subsistence allowances, allowance for recruiting expenses, education allowance for dependents, clothing allowances, uniform allowances, and personal money allowances for general or flag officers, and for the Surgeon General of the United States;

(ii) Any benefit payment made pursuant to any life insurance or health insurance agreement or plan under which the United States, or any executive agency thereof, may have made premium payments, or in any way established, contributed to, administered, or regulated;

(iii) Any payment or portion of a payment, made to an individual, in which that individual's entitlement is based on injuries or illnesses incurred in the scope of any employment with the United States or any executive agency thereof, or otherwise, including, but not limited to, any payments made pursuant to any workman's compensation plan, or pursuant to provisions of the Federal Employees Compensation Act, as amended, 5 U.S.C. 8101 et seq., or pursuant to the provisions of the Federal Tort Claims Act, as amended, 28 U.S.C. 1291, 1346, et al.;

(iv) Payments made pursuant to any Federal retirement programs, whether civilian or military, or pursuant to Title II of the Social Security Act, as amended, 42 U.S.C. 402 or 423, in which the entitlement of the payee or beneficiary is based not on his or her own employment, former employment, contributions, or earnings, but rather is based solely on such individual's status as spouse, widow, widower, child, parent, or beneficiary of an estate of a deceased person;

(v) Payments or portions of payments made pursuant to any Federal retirement program, whether civilian or military, in which the entitlement of the payee to such payments or portions thereof is based on the nature or extent of a disabling illness or injury suffered by the payee; except that payments or portions of payments shall be considered remuneration for employment if the existence of a disabling illness or injury merely engenders present rather than future entitlement, and the nature or extent of such disabling illness or injury is not used as a basis for determining the amount of the payment due the payee.

(f) "Alimony" means any legal obligation of an individual to support and maintain the individual's spouse or former spouse through the periodic payment of funds, or through other means, and includes, but is not limited to, separate maintenance, pendente lite relief, maintenance, spousal support, or alimony. Court costs, interest on unpaid arrearages, and attorney's fees, incurred in connection with the establishment or enforcement of the above-mentioned legal obligation may also be recovered when and to the extent embodied in a decree, judgment, or order of a court of competent jurisdiction. Alimony does not include the legal obligation to transfer property or its value in compliance with any property settlement, or equitable distribution of property, or the division of property among and between spouses or former spouses.

(g) "Child support" means the legal obligation of a parent to support and maintain his or her child or children, and includes, but is not limited to, periodic payments of funds for the support and maintenance of such child or children, and payments made for specific purposes, such as health care, education, recreation, clothing, or other necessities of life. Court costs, interest on unpaid arrearages, and attorney's fees, incurred in connection with the establishment or enforcement of the above-mentioned legal obligation may also be recovered when and to the extent embodied in a decree, judgment, or order of a court of competent jurisdiction.

(h) "Legal obligation" means an obligation which has been recognized by the obligor in a signed writing and which is enforceable under appropriate state or local law, or an obligation which has been established by a court of competent jurisdiction or other official body authorized to establish such an obligation, pursuant to appropriate state or local law.

(i) "Obligor" means an individual who, having a legal obligation to pay alimony and/or child support, has failed to discharge such obligation or obligations.

(j) "A party" means the person or persons to whom payment of alimony and/or child support should have been made, or, in the case of an agency established by State or local law, the agency which, by law or by agreement of the person or persons to whom such payment or payments of alimony and/or child support should have been made, has been assigned or has been subrogated to the

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right to receive such payment or payments.

Subpart B—Service of Process

§ 552.201 Official to receive process.

(a) The head of each executive agency shall designate an official or officials upon whom service of legal process against the agency may be had in order to facilitate and expedite the agency's compliance with such legal process, and shall, within 45 days of the publication of this part; (1) provide to the Civil Service Commission the position title, mailing address and telephone number of each designated official, and, if applicable, the geographic limits of process to be served on each official named or; (2) if there is a class of designated officials describable by common position, provide to the Civil Service Commission a description of that class with any general geographic limits as to service of process for each official.

(b) The Civil Service Commission shall, within a reasonable time after it receives the information to be supplied pursuant to paragraph (a) of this section, publish that information as an appendix to this part.

§ 552.202 Service of process.

(a) A party using this part shall serve on the official of the executive agency which has moneys due or payable to that party's alimony and/or child support obligor, legal process which names the United States and the executive agency as the third party debtor (garnishee). Where it does not appear from the face of the legal process that it has been brought to enforce the legal obligation(s) authorized in paragraphs (f) and/or (g) of § 552.102, the legal process must be accompanied by a certified copy of the court order establishing such legal obligation(s).

(b) Service of process shall be accomplished by serving the official designated by the executive agency to receive such process at the address specified in person, or by registered or certified mail, "Return Receipt Requested," which information will be contained in the appendix to this part; except that if an executive agency has failed to designate an official to receive service of process, or if such designation does not appear in the appendix to this part, service may be had on the executive agency by serving the head of the executive agency in person, or by registered or certified mail, "Return Receipt Requested."

§ 552.203 Data and documents to accompany legal process.

Sufficient identifying information must accompany the legal process in order to enable processing by the executive agency named. Therefore, the following identifying data, if known, is requested:

(a) Full name of the obligor of the original alimony and/or child support obligations,

(b) Date of birth of the obligor,

(c) Employment number, social security number, or civil service claim number of the obligor, and

(d) Component of the agency for which the obligor works, and official duty station or work site of the obligor.

In the event that the information submitted is not sufficient to identify the obligor, the legal process should be returned directly to the court, and the court should be advised of the deficiency. However, prior to returning the legal process to the court, if there is sufficient time, an attempt should be made to inform the party who caused the legal process to be served, or his/her representative, that the legal process will not be honored unless adequate identifying data is supplied.

Subpart C—Compliance With Process

§ 552.301 Suspension of payments.

Upon proper service of legal process together with all supplementary documents and data as required by §§ 552.202 and 552.203, the head of the executive agency or his/her designee, shall identify the individual alimony and/or child support obligor to whom that executive agency holds moneys due and payable as remuneration for employment, and shall suspend such remuneration payment or payments to that obligor for any amounts necessary to permit compliance with the legal process in accordance with the law of the jurisdiction from which it was issued.

§ 552.302 Notification of individual obligor affected.

Immediately upon receipt of legal process, the head of an executive agency, or his or her designee, shall notify in writing the individual whose remuneration for employment is affected by such legal process, of the receipt of such legal process, the effect of such legal process on his or her remuneration, and that the United States does not represent the interests of the individual in the pending legal proceedings. The notice shall also include copies of the legal process and of supporting documents, and shall advise the individual that he or she may wish to consult legal counsel regarding defenses to the legal process that he or she may wish to assert.

§ 552.303 Answering interrogatories.

The head of the executive agency, or his/her designee, served with interrogatories or subpoenas duces tecum as a part of the legal process served under this part, shall, within the time limit provided under applicable State or local law, or within such enlargement thereof as may be obtained, answer such inquiries or provide such records as are necessary for the party submitting such questions or desiring such records to utilize section 659 of title 42, United States Code, and the regulations contained in this part; except that in complying with such interrogatories or subpoenas, the head of the executive agency, or his/her designee, must maintain compliance with the provisions of section 552a of title 5, United States Code.

§ 552.304 Validity of legal process.

Upon receipt of service of legal process, the head of the executive agency, or his/her designee, shall review such legal process and accompanying documents in order to:

(a) Determine if they are in compliance with the requirements of this part, and

(b) Determine if such legal process is facially in conformity with the laws of the jurisdiction in which the court or other legal authority which issued such process is located.

§ 552.305 Honoring legal process.

(a) Subject to paragraph (b) of this section, the head of an executive agency, or his/her designee, shall honor and comply with all legal process received by the executive agency in accordance with these regulations: *Provided*, That:

(1) The obligor is due moneys, the entitlement to which is based on remuneration for employment, from the executive agency which received such legal process; and

(2) The head of the executive agency, or his/her designee has not been served with an order of a court of competent jurisdiction enjoining the enforcement of such legal process; and

(3) Enforcement of the legal process will not subject the United States or the executive agency to multiple liability for the moneys which such legal process attaches, and

(4) Mutiple legal process seeking to attach the same moneys shall be honored by the head of the executive agency, or his/her designee, in the order of receipt until such moneys are exhausted.

(b) In honoring and complying with legal process under paragraph (a) of this section, the head of an executive agency, or his/her designee, shall not be required to disrupt the scheduled method of accruing remunerative payments, or the regular timing for making such payments generally used by the agency, despite the existence of a special schedule of accrual or payment of amounts due a party contained in the legal process; except that within the confines of the agency's established accrual and payment schedule, the head of the agency, or his/her designee, shall as nearly as is practicable, comply with the terms of legal process.

§ 552.306 Lack of moneys due from or payable by an executive agency served with legal process.

(a) When legal process is served on an executive agency, and the individual identified in the legal process as the obligor is found not to be entitled to moneys due from or payable by the executive agency, the head of the agency, or his/her designee, shall follow the procedures set forth in the legal process for such contingency or, if no procedures are set forth therein, shall return such legal process to the court, or other authority from which it was issued, and advise such court, or other authority, and the party, that no moneys, subject to section 659 of title 42, United States Code, are due from or payable by the executive agency to the named obligor.

§ 552.307 Invalid legal process.

Whenever the head of an executive agency, or his/her designee, determines that legal process served upon his or her agency cannot be complied with because:

(a) It does not facially conform to the laws of the jurisdiction from which it was issued; or

(b) The legal process (1) would require the withholding of funds not deemed moneys due from, or payable by, the United States as remuneration for employment, as set forth in paragraphs (c)–(e) of § 552.102 or (2) is not brought to enforce legal obligation(s) for alimony and/or child support, as authorized in paragraphs (f) and/or (g) of § 552.102; or

(c) An order of a court of competent jurisdiction enjoining or suspending the operation of such legal process has been served on the executive agency;

The head of the executive agency, or his/her designee, shall immediately refer the matter to the United States Attorney for the District embracing the jurisdiction from which the legal process issued, and shall inform the party who caused the legal process to be served or his/her representative that the legal process will not be honored.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-11066 Filed 4-14-77;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Chapter VII]

BEEF RESEARCH AND INFORMATION

Conduct of Referenda

CROSS REFERENCE: For a document issued jointly by the Agricultural Marketing Service and the Agricultural Stabilization and Conservation Service on procedures for referenda regarding the Beef Research and Information Program; see FR Doc. 77-11184, under the Agricultural Marketing Service in the Proposed Rules section of this issue of the FEDERAL REGISTER.

Agricultural Marketing Service

[7 CFR Part 1260]

[Doc. No. BRIA-1]

BEEF RESEARCH AND INFORMATION

Procedure for the Conduct of Referenda

AGENCIES: Agricultural Marketing Service and Agricultural Stabilization and Conservation Service.

ACTION: Proposed Rule.

SUMMARY: The proposed regulation would establish the procedure for the conduct of referenda with respect to any Beef Research and Information Order or amendment issued pursuant to the Beef Research and Information Act. This action is necessary because the Act provides that an Order must be submitted to a referendum among eligible beef producers before it can become effective.

DATE: Comments must be received by April 30, 1977.

ADDRESS: Send written comments to Hearing Clerk, Room 1077 South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Robert Cook, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Room 3639 South Building, Washington, D.C. 20250, 202-447-5735.

SUPPLEMENTARY INFORMATION: The Act provides that the Secretary of Agriculture shall issue a Beef Research and Information Order, or amendments thereto, applicable to producers and slaughterers of cattle to effectuate the declared policy of the Act. The Act further provides that the Secretary shall conduct a referendum among cattle producers for the purpose of ascertaining whether the issuance of an Order is approved or favored by cattle producers. This proposed procedure for the conduct of referenda is in accordance with the authority vested in the Secretary of Agriculture by the Act.

The public is invited to submit written exceptions or recommendations regarding the proposed regulations to the Hearing Clerk, Room 1077 South Building, U.S. Department of Agriculture, Washington, D.C. 20250, no later than April 30, 1977, to be sure of consideration. Each person submitting comments, suggestions, or objections regarding the proposed regulations shall include his name and address and give reasons for any suggested changes. Copies of all written communications received will be available for examination by interested persons at the office of the Hearing Clerk during regular business hours.

In accordance with the above, it is proposed to amend 7 CFR Part 1260 by adding a new Subpart at follows:

Subpart—Procedure for the Conduct of Referenda in Connection with Beef Research and Information Order

Sec.
1260.200 Referenda.
1260.201 Definitions.
1260.202 Supervision of referendum.
1260.203 Requirements of referendum.
1260.204 Computation of time.
1260.205 Public notice.
1260.206 Eligibility.
1260.207 Registration.
1260.208 Voting.
1260.209 Challenge of eligibility.
1260.210 Receiving ballots.
1260.211 Canvassing ballots.
1260.212 County ASCS Office report.
1260.213 State ASCS Office report.
1260.214 Results of the referendum.
1260.215 Disposition of ballots and records.
1260.216 Suspension and termination of order.
1260.217 Instructions and forms.

AUTHORITY: (Sec. 17, Pub. Law 94-294, 90 Stat. 537 (7 U.S.C. 2916).)

Subpart—Procedure for the Conduct of Referenda in Connection With Beef Research and Information Order

§ 1260.200 Referenda.

Referenda for the purpose of ascertaining whether the issuance by the Secretary of Agriculture of a Beef Research and Information Order, or the amendment, continuance, termination, or suspension of such an Order, is favored by producers, shall, unless supplemented or modified by the Secretary, be conducted in accordance with this Subpart.

§ 1260.201 Definitions.

(a) "Secretary" means the Secretary of Agriculture or any other officer or employee of the U.S. Department of Agriculture to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in his stead.

(b) "ASCS" means the Agricultural Stabilization and Conservation Service.

(c) "Act" means the Beef Research and Information Act (7 U.S.C. 2901 et seq.) and any amendments thereto.

(d) "Deputy Administrator" means the Deputy or Acting Deputy Administrator, Programs, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(e) "State ASC Committee" means the group of persons within a State designated by the Secretary to act as the State Agricultural Stabilization and Conservation committee.

(f) "County ASC Committee" means the group of persons within a county elected to act as the county Agricultural Stabilization and Conservation committee, pursuant to the regulations governing the election and functioning of the county Agricultural Stabilization and Conservation committee.

(g) "County ASCS Executive Director" means the person employed by the county ASC committee to execute the policies of the county ASC committee and be responsible for the day-to-day operation of the county ASCS office, or the person acting in such capacity.

(h) "Person" means any individual, group of individuals, partnership, corporation, association, cooperative, or any other entity.

(i) "Cattle" means live domesticated bovine quadrapeds.

(j) "Producer" means any person who owns or acquires ownership of cattle other than one who acquires cattle solely for the purpose of slaughter: *Provided*, That a person shall not be considered to be a producer if his only share in the proceeds of a sale of cattle or beef is a sales commission, handling fee, or other service fee.

(k) "Order" means the Beef Research and Information Order or any amend-

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ment thereto promulgated pursuant to the Act with respect to which the Secretary has directed that a referendum be conducted.

(l) "Representative Period" means a consecutive twelve-month period preceding the referendum designated by the Secretary.

(m) "Registration Period" means a 12-day period to be announced for the registration of producers desiring to vote in a referendum. The registration period shall end not less than ten calendar days prior to the first day of the voting period.

(n) "Voting Period" means a 12-day period to be announced for voting in a referendum.

§ 1260.203 Requirements of referendum.

No Beef Research and Information Order or amendment thereto issued under the Act shall become effective unless the Secretary determines (a) that valid ballots were cast by at least 50 percent of the eligible producers registered to vote, and (b) that the issuance of such Order is approved or favored by not less than two-thirds of the producers casting valid ballots in such referendum.

§ 1260.204 Computation of time.

Sundays and Federal holidays shall be included in computing the time allowed for the filing of any documents or taking any action: *Provided*, That when such time expires on a Sunday or a Federal holiday, such period shall be extended to include the next following business day.

§ 1260.205 Public notice.

Advance public notice of the referendum shall be provided without advertising expense by the State and county ASCS offices by means of newspapers, television, county newsletter, county extension agents, etc. Such notice shall announce the registration requirements and other pertinent information.

§ 1260.206 Eligibility.

(a) *Eligible Producer.* Each person who was a producer at any time during the representative period is entitled to register and vote in the referendum. Each producer entity shall be entitled to cast only one ballot in the referendum.

(b) *Proxy Registration and Voting.* Proxy registration and voting is not authorized except that an officer or employee of a corporate producer, or any guardian, administrator, executor, or trustee of a producer's estate, or an authorized representative of any other producer entity may register and cast a ballot on behalf of such entity. Any individual registering to vote in the referendum on behalf of any producer entity shall certify that he is authorized by such entity to take such action.

(c) *Joint and Group Interest.* A group of individuals, such as members of a family, joint tenants, tenants in common, a partnership, owners of community property, or a corporation, engaged in the production of cattle as a producer entity shall be entitled to only one vote: *Provided, however*, That any member of a group may register to vote as a producer if he is an eligible producer separate from the group.

§ 1260.207 Registration.

(a) *Registration procedure.* Each producer desiring to vote in the referendum must register during the registration period with the county ASCS office serving the county in which his farm or ranch headquarters is located. An absentee producer who does not have a local headquarters may register and vote in any county where his cattle are located, but shall register and vote in only one such county. To register, a producer must complete a registration card, Form ASCS–151, during the registration period. Registration may be in person or by mail. A producer who wishes to register by mail may request the county ASCS office to mail him a registration card. A registration card shall be considered received during the registration period if (1) it was delivered in person to the county ASCS office prior to the close of business on the final day of the registration period, or (2) it was postmarked not later than midnight of the final day of the registration period, and was received in the county ASCS office prior to the close of business on the fourth day after the close of the registration period.

(b) *List of registered producers.* A list of registered producers shall be prepared and posted in a conspicuous public location at the county ASCS office on the fifth day after the close of the registration period. The list shall include all persons who submitted a valid registration card in a timely manner.

§ 1260.208 Voting.

(a) *Facilities and ballot box.* Each county ASCS office shall provide (1) adequate facilities and space to permit producers to mark their ballots in secret and (2) a sealed ballot box which shall be kept under observation during office hours and secured at all times until the ballots are counted.

(b) *Voting.* Voting may be in person or by mail. A producer wishing to vote by mail may request the county ASCS office to mail him a ballot. Ballots will be issued only to eligible cattle producers who have registered to vote. Ballots will not be provided nor accepted prior to the voting period. Each registered cattle producer voting shall obtain and cast his ballot on Form ASCS–151A with the county ASCS office where he registered to vote. The ballot shall be marked to indicate "yes" or "no" and must be signed by the producer. Producers voting in person shall place their own ballots in the ballot box. Ballots received by mail shall be placed promptly in the ballot box.

§ 1260.209 Challenge of eligibility.

(a) *Who may challenge.* A person's eligibility to register and vote may be challenged by any person. The county ASCS executive director shall review all registrations and promptly challenge any registrant who appears to be ineligible.

(b) *Determinations of challenges.* Any person whose eligibility to register and to vote has been challenged must prove to the satisfaction of the county ASCS executive director that he was a producer during the representative period. Records such as tax returns, sales documents, purchase documents, or other similar documents may be submitted to prove that a person is a producer. The county ASCS executive director shall make his determination concerning the eligibility of a producer who has been challenged as soon as practicable, and in all cases before the opening of the ballot box.

(c) *Challenged ballot.* A person whose eligibility to register or to vote has been challenged but not resolved by the county ASCS executive director or by the county ASCS committee, if on appeal, may be allowed to cast a ballot, but such ballot shall be considered a challenged ballot for the purpose of the referendum until a resolution of the challenge has been made. A challenged ballot shall be determined to have been resolved if no appeal is taken from the determination of the county ASCS executive director within the time allowed for appeal or there has been a determination by the county ASC committee after appeal.

(d) *Appeal.* Appeal from a decision by the county ASCS executive director on the eligibility of a person to register or to vote must be made to the county ASC committee within three business days after notification of such decision. An appeal shall be determined by the county ASC committee as soon as practicable, but in all cases not later than 5 days after the opening of the ballot box.

§ 1260.210 Receiving ballots.

A ballot shall be considered to have been received during the voting period (a) if it was cast in the county ASCS office prior to the close of business on the final day of the voting period, or (b) if mailed, the ballot was postmarked not later than midnight on the final day of the voting period and received in the county ASCS office prior to the close of business on the fourth day after the close of the voting period.

§ 1260.211 Canvassing ballots.

(a) *Counting the Ballots.* As soon as possible after opening of the county ASCS office on the fifth day after the close of the voting period, employees of the county ASCS office shall open the ballot box and count the ballots. The ballots shall be tabulated as follows: (1) number of eligible producers casting valid ballots, (2) number of producers favoring the order, (3) number of producers not favoring the order, (4) the number of challenged ballots deemed invalid, and (5) the number of spoiled ballots.

(b) *Spoiled Ballots.* Ballots shall be considered as spoiled ballots when they are unsigned, mutilated, or marked in such a way that it cannot be determined whether it is a "yes" or "no" vote. Spoiled ballots shall not be considered as approving or disapproving the Order, or as a ballot cast in the referendum.

(c) *Confidentiality.* All ballots shall be treated as confidential and the contents of the ballots shall not be divulged except as provided for in this Subpart or as the Secretary may direct. The public may witness the opening of the ballot box and the counting of the ballots, but shall remain a reasonable distance from the tabulation so as not to interfere with the tabulation or see how any person voted in the referendum.

§ 1260.212 County ASCS office report.

(a) *Preliminary report.* The county ASCS office shall notify the State ASCS office by telephone, telegraph, or messenger as to the preliminary results of the referendum as soon as possible. Such report shall also include the total number of eligible producers that registered to vote in the referendum. Each county ASCS office may release the unofficial results of the referendum in its county after the report has been given to the State ASCS office.

(b) *Final report.* Within seven days after the opening of the ballot box, each county ASCS office shall transmit a written summary certified by the county ASCS executive director of the final results of the referendum in its county to the State ASCS office. Any appeal concerning a producer's eligibility shall be resolved by the county ASC committee prior to the date of the final report. A copy of the summary shall be posted for 30 days in the county ASCS office in a conspicuous place accessible to the public and a copy shall be kept on file in the county ASCS office for a period of at least 12 months.

§ 1260.213 State ASCS office report.

(a) *Preliminary report.* Each State ASCS office shall send to the Deputy Administrator by telegraph as soon as possible a summary of the preliminary results of the referendum received from the county ASCS offices within its State. Such report shall also include the total number of eligible producers that registered to vote in the referendum. Each State ASCS office may release the unofficial results of the referendum in its State after its report has been sent to the Deputy Administrator.

(b) *Final report.* Within ten days after the opening of the ballot boxes in the county ASCS offices each State ASCS office shall transmit to the Deputy Administrator a written summary of the final results of the referendum received from the county ASCS offices within the State. Such summary shall be prepared in triplicate and certified by the State ASCS executive director. The orginal and one copy of the summary shall be sent to the Deputy Administrator. One copy of the summary shall be maintained in the State ASCS office where it shall be available for public inspection for a period of not less than 12 months.

§ 1260.214 Results of the referendum.

(a) The Deputy Administrator shall prepare and submit to the Secretary or his designee a report of the results of the referendum. The official results of the referendum shall be published in the FEDERAL REGISTER. State summaries and related papers shall be available for public inspection in the office of the Deputy Administrator, Programs, ASCS, U.S. Department of Agriculture, Room 243–W, Administration Building, Washington, D.C.

(b) If the Deputy Administrator or the Secretary deems it necessary, the report of any State or county shall be reexamined and checked by such persons that may be designated by the Deputy Administrator or the Secretary.

§ 1260.215 Disposition of ballots and records.

The county ASCS executive director shall place the registration cards, list of registrants, eligible voter lists, voted ballots, challenged registration cards and challenged ballots found to be ineligible, spoiled ballots, and county summaries in sealed containers marked with the identification of the referendum. Such records shall be placed under lock in a safe place under the custody of the county ASCS executive director for a period of not less than 12 months after the referendum. If no notice to the contrary is received from the Deputy Administrator by the end of such time, the records shall be destroyed.

§ 1260.216 Suspension and termination of order.

The Secretary of Agriculture may conduct a referendum at any time, and shall hold a referendum on request of 10 percent or more of the number of cattle producers voting in the referendum approving the Order, to determine whether such producers favor the termination or suspension of the Order, and he shall suspend or terminate such Order six months after he determines that suspension or termination of the Order is approved or favored by a majority of the producers voting in such referendum who, during a representative period determined by the Secretary of Agriculture, have been engaged in the production of cattle, and who produced more than 50 percent of the volume of cattle produced by the producers voting in the referendum.

§ 1260.217 Instructions and forms.

The Deputy Administrator is hereby authorized to prescribe additional instructions and forms not inconsistent with the provisions of this Subpart to govern the conduct of the referendum.

Issued at Washington, D.C., this 11th day of April, 1977.

VICTOR A. SENECHAL,
Acting Administrator, Agricultural Stabilization and Conservation Service.

APRIL 8, 1977.

WILLIAM T. MANLEY,
Acting Administrator, Agricultural Marketing Service.

APRIL 11, 1977.

[FR Doc.77-11184 Filed 4-14-77;8:45 am]

FARM CREDIT ADMINISTRATION

[12 CFR Parts 611, 615, 618]

ASSOCIATION CHARTERS, FUNDING, AND FISCAL AFFAIRS

AGENCY: Farm Credit Administration.

ACTION: Proposed Rule.

SUMMARY: The Farm Credit Administration (FCA) is proposing amendments to its regulations relating to the terms of office of directors of Farm Credit associations, funding programs of Farm Credit banks and financially related service programs of Farm Credit associations. Based upon suggestions received by FCA, the amendments to the terms of office provisions are being made to simplify Farm Credit association director election procedures used when Farm Credit associations merge. The FCA has found a need for the amendments to the regulations on funding programs of Farm Credit banks to make the regulations more comprehensive. The amendment to the regulations on financially related service programs of Farm Credit associations is intended to correct a technical problem in the regulation.

COMMENT DATE: Written comments must be received on or before May 13, 1977.

ADDRESS: Submit any comments or suggestions in writing (10 copies) to Donald E. Wilkinson, Governor, Farm Credit Administration, Washington, D.C. 20578. Copies of all communications received will be available for examination by interested persons in the Office of Director, Information Division, Office of Administration, Farm Credit Administration.

FOR FURTHER INFORMATION CONTACT:

Jon F. Greeneisen, Deputy Governor, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza, SW., Washington, D.C. 20578, 202–755–2181.

SUPPLEMENTARY INFORMATION: The Farm Credit Administration, by its Federal Farm Credit Board, has under consideration proposed amendments and additions to its regulations as set forth below in tentative form. These amendments and additions would (1) in the case of a merger of two or more Federal land bank associations or production credit associations, provide a basis for allowing directors of a merging association to serve as directors of the continuing association until the expiration of their terms, (2) set forth the authority of the Farm Credit banks to issue Farm credit securities, (3) define the responsibility of each bank's board of directors to authorize, by resolution, a bank to issue obligations up to a determined amount, (4) set forth the responsibilities of each Finance Committee, (5) require each Finance Committee to develop a debt maturity program, (6) require each bank's board of directors to adopt a debt management policy, (7) clarify the conditions under which Consolidated Systemwide Notes are issued, and (8) clarify

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that a Farm Credit bank board's approval for an association to offer a financially related service program shall be conditioned on the probability of recovery of all direct and indirect costs.

Chapter VI of Title 12 of the Code of Federal Regulations is proposed to be amended by revising § 611.1120(a)(1); renumbering §§ 615.5100, 615.5101, 615.5102, 615.5103, and 615.5104 to be §§ 615.5101, 615.5106, 615.5107, 615.5108, 615.5109 respectively; adding § 615.5100; revising § 615.5101; adding §§ 615.5102, 615.5103, 615.5104, and 615.5105; and revising § 618.8010(d) and (d)(3). These amendments and additions are as follows:

PART 611—ORGANIZATION

1. Section 611.1120(a)(1) is revised to read:

§ 611.1120 Amendments of association charters.

(a) * * *

(1) The agreement for merger or consolidation shall include the proposed effective date; the proposed name and location of the continuing or consolidated association; the designation of the charter and bylaws of one constituent association to be those of the continuing or consolidated association; the names of persons nominated to serve as directors until the first annual meeting after the merger or consolidation (in case of a merger, present directors of the merging associations may be named in the merger agreement to serve as directors of the continuing association until the expiration of their terms, provided, the number of directors so named does not exceed the maximum number of directors designated in the association's bylaws, and provided further, the directors so named are currently serving terms of office which will expire on a staggered basis in order to assure that there will be an election of director(s) at the first and subsequent annual stockholders' meetings following the merger); the authority for transferring assets to and assumption of liabilities by the continuing or consolidated association; provision relating to the stock of the constituent associations and the stock of the continuing or consolidated association, provided no fractional shares of stock shall be issued; and the designation of persons and granting of authority to carry out the agreement, including authority to execute any documents necessary to perfect title.

* * * * *

PART 615—FUNDING AND FISCAL AFFAIRS

2. Sections 615.5100, 615.5101, 615.5102, 615.5103 and 615.5104 are renumbered §§ 615.5101, 615.5106, 615.5107, 615.5108 and 615.5109 respectively; § 615.5100 is added; § 615.5101 is revised; §§ 615.5102, 615.5103, 615.5104, and 615.5105 are added to read as follows:

§ 615.5100 Authority to issue.

(a) The Farm Credit Act of 1971 authorizes, by appropriate resolution of individual bank boards of directors, the twelve Federal intermediate credit banks, the twelve Federal land banks and the thirteen banks for cooperatives: to issue notes, bonds, debentures or other similar obligations individually, fully collateralized; to join with any or all banks organized and operating under the same title of the Farm Credit Act in issuance of consolidated obligations; and to join with other banks of the Farm Credit System in the issuance of Systemwide obligations.

(b) Systemwide obligations are authorized to be issued only with the concurrence by appropriate resolutions of the boards of directors of each of the twelve districts and the Central Bank for Cooperatives and the approval of the Governor, which approval is conditioned on and evidenced by such concurrence.

(c) All joint, consolidated and Systemwide obligations are authorized to be issued in such amounts, maturities, rates of interest, participations, terms and conditions as may be determined by the Finance Committees of the banks or their subcommittees and approved by the Governor.

§ 615.5101 Resolution required.

Each bank's board of directors shall by resolution authorize the issuance of notes, bonds, debentures, and similar obligations in such amounts as may be required to meet bank's needs. Such resolution shall specify the maximum amount of obligations which shall be outstanding at any one time, shall authorize the president of the bank, the executive committee or appropriate officers to do all things necessary and proper to issue such obligations and shall authorize the Governor to execute the consolidated and Systemwide obligations on behalf of the bank. Each such resolution shall cover all authorities to issue or borrow as stated in section 4.2 of the Farm Credit Act of 1971.

§ 615.5102 Finance Committee.

Each Finance Committee for the banks organized and operating under the separate titles of the Farm Credit Act of 1971 shall appoint appropriate subcommittees and establish its organization, responsibilities and procedures to cover its operations and those of its subcommittees, subject to the approval of the Farm Credit Administration.

§ 615.5103 Debt maturity program.

Each Finance Committee of a banking system shall develop a system debt maturity program, to assure that funding programs provide flexibility for the banks and are sound in the view of the capital markets, subject to the approval of the Farm Credit Administration.

§ 615.5104 Debt policy.

Each bank's board of directors shall adopt a policy, subject to approval by the Farm Credit Administration, regarding the management of its debt.

§ 615.5105 Consolidated systemwide notes.

Consolidated Systemwide Notes authorized under § 615.5100(b) shall be subject to the following provisions unless otherwise approved by the Farm Credit Administration:

(a) Maturities shall be not less than five days nor more than 365 days.

(b) Prices shall be on a discount yield basis or as agreed by the Finance Committees.

(c) Each bank shall maintain unencumbered formalized lines of credit from commerical banks or other financial institutions at least equal to one-third of its participation of notes outstanding.

PART 618—GENERAL PROVISIONS

3. In § 618.8010 paragraphs (d) introductory text, and (d)(3) are revised to read as follows:

§ 618.8010 District board policies.

* * * * *

(d) Bank board approval to offer a financially related service program shall be conditioned on a feasibility determination including the following four criteria:

* * * * *

(3) Probability of equitable cost recovery—based on a reasonable presumption that the proposed service program will, at the minimum, generate sufficient revenue to cover all direct and indirect costs. In any case, a service program requiring a substantial subsidization from or interference with the lending function shall not be permitted.

C. K. CARDWELL,
Acting Governor
Farm Credit Administration.

[FR Doc.77-11112 Filed 4-14-77;8:45 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

[15 CFR Parts 803 and 806]

UNAFFILIATED FOREIGN RESIDENTS AND DIRECT INVESTMENT SURVEYS

Reports on International Transactions in Royalties and Fees

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes rules to implement the duties and responsibilities of the President under the International Investment Survey Act of 1976. Those duties and responsibilities were delegated to the Secretary of Commerce in Executive Order 11961. The Act authorizes studies and mandatory surveys of U.S. direct investment abroad and foreign direct investment in the United States. This document also proposes amendments to present regulations which would be necessary if the new rules are adopted.

DATES: Comments must be received on or before May 16, 1977.

ADDRESSES: Send comments to: U.S. Department of Commerce, Bureau of Economic Analysis, International Investment Division (BE-50), Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT:

George R. Kruer, Chief, International Investment Division, Bureau of Economic Analysis, U.S. Department of Commerce, Washington, D.C. 20230 (202 523-0657).

SUPPLEMENTARY INFORMATION: On October 11, 1976, the President signed the International Investment Survey Act of 1976 (Pub. L. 94-472, 90 Stat. 2059, 22 U.S.C. 3101-3108—hereinafter "the Act") which provides authority for the collection and analysis of data relating to international investment and its effect on the national security, commerce, employment, inflation, general welfare, and foreign policy of the United States.

Section 5(a) of the Act authorizes the promulgation of such rules and regulations as may be necessary to carry out the purposes of the Act.

In Section 3 of Executive Order 11961 of January 19, 1977, the President delegated the authority granted under the Act as concerns direct investment to the Secretary of Commerce, "* * * in the absence of any contrary delegation or direction by the Director * * *" of the Office of Management and Budget, and the Secretary of Commerce has redelegated this authority to the Bureau of Economic Analysis (BEA).

Notice is hereby given that, pursuant to the Act, the Secretary of Commerce proposes to promulgate regulations concerning U.S. direct investment abroad and foreign direct investment in the United States whereby (1) surveys presently conducted under the authority of the Bretton Woods Agreements Act, title 22 U.S.C., section 286(f), Executive Orders 10033 and 11269, and title 15 U.S.C., section 1516 (see 15 CFR Part 803), will now be conducted pursuant to the Act; (2) surveys previously conducted on a voluntary basis will be made mandatory; (3) certain changes in exemption levels and reporting requirements will be instituted; (4) three new report forms will be adopted; and (5) reporting requirements for a Benchmark Survey of U.S. Direct Investment Abroad covering 1976 will be instituted.

Adoption of item (1) above necessitates that the present regulations contained in 15 CFR Part 803 be amended. The amended Part 803 will cover only the reporting of International Transactions in Royalties and Fees With Unaffiliated Foreign Residents; no change is made with respect to the current reporting requirements for these items. The amendment is being made solely to accommodate the removal of the regulations on U.S. direct investment abroad and foreign direct investment in the United States from 15 CFR Part 803, and to substitute the new regulations found in new Part 806.

More specifically, as concerns foreign direct investment in the United States (see new part 806) the changes are as follows:

(1) Exemption levels, previously stated in terms of the book value of the foreign parent's holdings or investment in its U.S. affiliate, will now be stated in terms of the size of the U.S. affiliate's assets, net sales, and net income. (See § 806.15 (d) and (e)).

(2) A new quarterly report form, BE-609, Direct Transactions of U.S. Affiliate With Foreign Affiliates of Foreign Parent, will be adopted for reporting transactions between a U.S. affiliate and all foreign affiliates of the foreign parent. Also, an exemption level is set for the reporting of such transactions. Previously, separate reports were required for transactions between the U.S. affiliate and each foreign affiliate of the foreign parent, and no formal exemption level was set. (See § 806.15(e)(4).)

(3) Current forms will be revised to include data on leasing transactions between U.S. affiliates and their foreign parents. A recently completed survey of leasing transactions for the year 1975 indicated that a separate survey form covering such transactions was not warranted and that they could best be covered by minor changes to the present forms. As concerns U.S. direct investment abroad (see new Part 806) the changes and additions are as follows:

(1) Exemption levels previously stated in terms of the U.S. Reporter's investment in all foreign affiliates, the book value of the Reporter's holdings or investment in each foreign affiliate, or the value of certain transactions, will now be stated in terms of the size of each foreign affiliate's assets, net sales, and net income. (See § 806.14 (d), (e), (f), and (g).)

(2) A new report form, BE-507, Industry Classification Questionnaire, will be adopted in order to classify correctly and systematically U.S. Reporters and foreign affiliates who are reported for the first time or whose industrial classification changes in the years following a benchmark survey. (See § 806.14(g)(1).)

(3) Forms BE-577, BE-578, BE-578B, and BE-577S have been redesigned to facilitate entering and processing the data; a few items have been added or changed, including the addition of items on leasing transactions between U.S. Reporters and their foreign affiliates; and on the BE-577S, numerous data items have been deleted.

(4) Forms BE-577A, Transactions With Associated Foreign Enterprises, will be eliminated. This was an annual report form for foreign affiliates 10 to 24 percent U.S.-owned. These affiliates will now be required to be reported quarterly on forms BE-577, BE-578, or BE-578B, as appropriate, providing they are above the exemption level.

(5) Forms BE-133, BE-133B, and BE-133C, previously voluntary, will be made mandatory. However, in order to maintain continuity of the data series, the sample of U.S. Reporters will remain constant for a short period pending development of a method for selecting a new sample of Reporters. (See § 806.14 (f).)

(6) Rules and regulations for the BE-10 Benchmark Survey of U.S. Direct Investment Abroad, mandated by the Act, are provided below and 1976 is designated as a year to be covered by the survey. This is a major undertaking that involves a significant reporting burden. (See §§ 806.14(g)(2) and 806.15.)

All comments received on or before May 16, 1977, will be considered. All comments, material, questions, etc. in response to this proposal will be available for public inspection during normal business hours, 8:30 a.m. to 5 p.m., in Room 608, 1401 K Street NW., Washington, D.C.

It is therefore proposed to modify Part 803, 15 CFR, and add Part 806 to 15 CFR, as set forth below.

The Department of Commerce has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: April 11, 1977.

JUANITA M. KREPS,
Secretary of Commerce.

1. It is proposed to revise Part 803 as follows:

PART 803—REPORTS ON INTERNATIONAL TRANSACTIONS IN ROYALTIES AND FEES WITH UNAFFILIATED FOREIGN RESIDENTS

Sec.
803.1 Purpose.
803.2 Who must report.
803.3 Form to be used, frequency of reports, and place of filing.
803.4 Exemptions.
803.5 General definitions.

AUTHORITY: Reports on Form BE-93 are mandatory under Section 8(b) of the Bretton Woods Agreements Act (59 Stat. 515, 22 U.S.C. 286f). All replies will be held in confidence under the provisions of Section 8(c) of that Act (22 U.S.C. 286f(c)) and Section 4(b) of the Federal Reports Act (44 U.S.C. Section 3509).

§ 803.1 Purpose.

Reports on Form BE-93 are required in order to provide reliable and up-to-date information on international transfers of intangible assets and proprietary rights with unaffiliated foreign residents for use in compiling the U.S. balance of payments.

§ 803.2 Who must report.

United States individuals and firms who have entered into agreements with unaffiliated foreign residents, including governments of foreign countries, to sell or buy outright or provide or be provided with the use of intangible assets or rights such as patents, techniques, processes, formulae, designs, trademarks, copyrights, franchises, manufacturing rights, film rentals, and other similar intangible property or rights shall report on Form BE-93.

NOTE.—Oil royalties and other natural resources (mining) royalties are not reportable on this form.

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§ 803.3 Form to be used, frequency of reports, and place of filing.

(a) One Form BE-93 is to be filed annually by each United States person or firm receiving from unaffiliated foreign residents, or paying to unaffiliated foreign residents, royalties, licensing fees, film rentals, etc., arising from the use, purchase, or sale of intangible assets or rights. Reports should be sent to the Department of Commerce, Bureau of Economic Analysis, BE-58, Washington, D.C. 20230 within 90 days after the close of the calendar or fiscal year.

(b) Requests for extension of the filing dates, additional forms, or clarifications of the reporting requirements or instructions should be directed to the same address.

(c) Consolidated reports for each company and its domestic affiliates are preferred. Please list on an attachment names of affiliates whose transactions are consolidated on this form. Also list names of affiliates with reportable transactions not consolidated on this form.

§ 803.4 Exemption.

A U.S. individual or business firm otherwise required to report is exempted if his annual foreign receipts and payments, combined, of the types covered by Form BE-93, are less than $25,000 in the year covered by the report.

§ 803.5 General definitions.

(a) *U.S. resident*—Any person, including corporations, unincorporated business organizations, partnerships, individuals, trusts and estates, under the jurisdiction of the U.S. and ordinarily residing in the U.S., including territories and possessions.

(b) *U.S. subsidiary or affiliate*—For purposes of this statistical report, any U.S. incorporated enterprise in which more than 50 percent of the voting stock is directly or indirectly held by another U.S. Company.

(c) *Unaffiliated foreign resident, means:* (1) With reference to ownership by a U.S. resident in a foreign business enterprise, any enterprise in which the U.S. resident holds less than 10 percent, directly or indirectly of the voting stock if an incorporated foreign enterprise, or an equivalent interest if an unincorporated enterprise; and

(2) With reference to ownership in a U.S. business enterprise by a foreign resident, any enterprise in which the foreign resident holds less than 10 percent, directly or indirectly, of the voting stock if an incorporated U.S. enterprise, or an equivalent interest if an unincorporated U.S. enterprise.

2. It is proposed to add Part 806 as follows:

PART 806—DIRECT INVESTMENT SURVEYS

Sec.
806.1 Purpose.
806.2 Recordkeeping requirements.
806.3 Reporting requirements.
806.4 Confidentiality.
806.5 Penalties.
806.6 General definitions.
806.7 Real Estate.
806.8 Airlines and ship operators.
806.9 Determining place of residence and country of jurisdiction of individuals.
806.10 Response required when contacted.
806.11 Estates, trusts, and intermediaries.
806.12 Partnerships.
806.13 Miscellaneous.
806.14 U.S. direct investment abroad.
806.15 Foreign direct investment in the United States.
806.16 Rules and regulations for BE-10, Benchmark Survey of U.S. Direct Investment Abroad.
806.17 Rules and regulations for BE-12, Benchmark Survey of Foreign Direct Investment in the United States.

AUTHORITY: The provisions of this Part 806 are issued under 5 U.S.C. 301, 22 U.S.C. 3101, and Executive Order 11961.

§ 806.1 Purpose.

The purpose of this Part is to set forth the rules and regulations necessary to carry out the data collection program and analyses concerning direct investment as required by, or provided for in, the International Investment Survey Act of 1976 (Pub. L. 94-472, 90 Stat. 2059, 22 U.S.C. 3101 to 3108), hereinafter "the Act". The overall purpose of the Act is to provide comprehensive and reliable information pertaining to international investment, including direct investment, and to do so with a minimum of burden on respondents and with no unnecessary duplication of effort.

§ 806.2 Recordkeeping requirements.

In accordance with section 5(b)(1) of the Act (22 U.S.C. 3104) persons subject to the jurisdiction of the United States shall maintain any information (including journals or other books of original entry, minute books, stock transfer records, lists of shareholders, or financial statements) which is essential for carrying out the surveys and studies provided for by the Act.

§ 806.3 Reporting requirements.

In accordance with section 5(b)(2) of the Act (22 U.S.C. 3104) persons subject to the jurisdiction of the United States shall furnish, under oath, any report containing information which is determined to be necessary to carry out the surveys and studies provided for by the Act.

§ 806.4 Confidentiality.

Information collected pursuant to § 806.3 of this chapter is confidential (see section 5(c) of the Act, 22 U.S.C. 3104).

(a) Access to this information shall be available only to officials and employees (including consultants and contractors and their employees) of agencies designated by the President to perform functions under the Act.

(b) Subject to § 806.4(d) of this part, the President may authorize the exchange of information between agencies or officials designated to perform functions under the Act.

(c) Nothing in this Part shall be construed to require any Federal Agency to disclose information otherwise protected by law.

(d) This information shall be used solely for analytical or statistical purposes or for a proceeding under § 806.5 of this chapter.

(e) No official or employee (including consultants and contractors and their employees) shall publish or make available to any other person any information collected under the Act in such a manner that the person to whom the information relates can be specifically identified.

(f) Reports and copies of reports prepared pursuant to the Act are confidential and their submission or disclosure shall not be compelled by any person without the prior written permission of the person filing the report and the customer of such person where the information supplied is identifiable as being derived from the records of such customer.

§ 806.5 Penalties.

(a) Whoever fails to furnish any information required by the Act or required by § 806.3 of this chapter or to comply with any other rule, regulation, order or instruction promulgated under the Act may be subject to a civil penalty not exceeding $10,000 in a proceeding brought in an appropriate United States court and to injunctive relief commanding such person to comply, or both (see section 6 (a) and (b) of the Act, 22 U.S.C. 3105).

(b) Whoever willfully fails to submit any information required by the Act or required by § 806.3 of this chapter or willfully violate any other rule, regulation, order or instruction promulgated under the Act, upon conviction, shall be fined not more than $10,000 and, if an individual, may be imprisoned for not more than one year, or both. Any officer, director, employee, or agent of any corporation who knowingly participates in such violation, upon conviction, may be punished by a like fine, imprisonment, or both (See section 6(c) of the Act 22 U.S.C. 3105).

(c) Any person who willfully violates § 806.4 of this chapter relating to confidentiality, shall, upon conviction, be fined not more than $10,000, in addition to any other penalty imposed by law (see section 5(d) of the Act, 22 U.S.C. 3104).

§ 806.6 General definitions.

(a) "United States," when used in a geographic sense, means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, and all territories and possessions of the United States.

(b) "Foreign", when used in a geographic sense, means that which is situated outside the United States or which belongs to or is characteristic of a country other than the United States;

(c) "Person" means any individual, branch, partnership, associated group, association, estate, trust, corporation, or other organization (whether or not organized under the laws of any State), and any government (including a foreign government, the United States Government, a State or local government, and any agency, corporation, financial institution, or other entity or instrumentality thereof, including a government sponsored agency);

(d) "United States person" means any person resident in the United States or subject to the jurisdiction of the United States;

(e) "Foreign person" means any person resident outside the United States or subject to the jurisdiction of a country other than the United States;

(f) "Business enterprise" means any organization, association, branch, or venture which exists for profitmaking purposes or to otherwise secure economic advantage, and any ownership of any real estate;

(g) "Parent" means a person of one country who, directly or indirectly, owns or control 10 per centum or more of the voting stock of an incorporated business enterprise, or an equivalent ownership interest in an unincorporated business enterprise, which is located outside that country;

(h) "Affiliate" means a business enterprise located in one country which is directly or indirectly owned or controlled by a person of another country to the extent of 10 per centum or more of its voting stock for an incorporated business or an equivalent interest for an unincorporated business, including a branch;

(i) "International investment" means (1) the ownership or control, directly or indirectly, by contractual commitment or otherwise, by foreign persons of any interest in property in the United States, or of stock, other securities, or short- and long-term debt obligations of a United States person, and (2) the ownership or control, directly or indirectly, by contractual commitment or otherwise, by United States persons of any interest in property outside the United States, or of stock, other securities, or short- and long-term debt obligations of a foreign person;

(j) "Direct investment" means the ownership or control, directly or indirectly, by one person of 10 per centum or more of the voting securities of an incorporated business enterprise or an equivalent interest in an unincorporated business enterprise;

(k) "Portfolio investment" means any international investment which is not direct investment;

(l) "Associated group" means two or more persons who, by the appearance of their actions, by agreement, or by an understanding, exercise their voting privileges in a concerted manner to influence the management of a business enterprise. Each of the following are deemed to be an associated group:

(1) Members of the same family,

(2) A business enterprise and one or more of its officers and directors,

(3) Members of a syndicate or joint venture, or

(4) A corporation and its domestic subsidiaries;

(m) "Branch" means the operations or activities conducted by a person in a different location in its own name rather than through an incorporated entity; and

(n) "Intermediary" means an agent, nominee, manager, custodian, a trust as described in § 806.11(b)(2) of this chapter, or any person acting in a similar capacity.

§ 806.7 Real estate.

Real estate held exclusively for personal use and not for profit-making purposes, is exempted from being reported. A residence which is leased by an owner who intends to reoccupy it, is considered real estate held for personal use. If a business enterprise, otherwise required to report, is in the form of real property not identifiable by name, reports are required to be filed by and in the name of the beneficial owner, or in the name of such beneficial owner by the intermediary of such beneficial owner.

§ 806.8 Airlines and ship operators.

Foreign stations, ticket offices, and terminal and port facilities of U.S. airlines and ship operators; and U.S. stations, ticket offices, and terminal and port facilities of foreign airlines and ship operators; which provide services only to their own operations are exempted from being reported. Reports are required when such affiliates produce significant revenues from services provided to unaffiliated persons.

§ 806.9 Determining place of residence and country of jurisdiction of individuals.

An individual will be considered a resident of, and subject to the jurisdiction of, the country in which physically located, subject to the following qualifications:

(a) Individuals who reside, or expect to reside, outside their country of citizenship for less than one year are considered to be residents of their country of citizenship.

(b) Individuals who reside, or expect to reside, outside their country of citizenship for one year or more are considered to be residents of the country in which they are residing, except as provided in § 806.9(c) of this part.

(c) Notwithstanding paragraph (b), if an owner or employee of a business enterprise resides outside the country of location of the enterprise for one year or more for the purpose of furthering the business of the enterprise, and the country of the business enterprise is the country of citizenship of the owner, then such owner or employee shall nevertheless be considered a resident of the country of citizenship provided there is the intent to return within a reasonable period of time.

(d) Individuals and members of their immediate families who are residing outside their country of citizenship as a result of employment by the government of that country—diplomats, consular officials, members of the armed forces, etc.—are considered to be residents of their country of citizenship.

§ 806.10 Response required.

Reports, as specified below, are required from all persons coming within the reporting requirements, whether or not they are contacted by BEA. In addition, any person contacted in writing by BEA concerning the person's being subject to the reporting requirements of a survey conducted pursuant to this Part must respond in writing. The response must be made by filing the properly completed survey form, or by submitting in writing a valid exemption claim (including the situation where the statistical data requested on the form are not applicable), or by certifying in writing to the fact that the person has no direct investments within the purview of the Act or the regulations contained herein. This requirement is necessary to ensure compliance with reporting requirements and efficient administration of the Act.

§ 806.11 Estates, trusts, and intermediaries.

(a) An estate, either U.S. or foreign, is a person and therefore may have direct investment, and the estate, not the beneficiary, is considered to be the parent. Thus, ownership of a foreign affiliate by a U.S. estate shall be reported by the administrator, executor, etc., of the estate and not by the beneficiary.

(b) A trust, either U.S. or foreign, is a person, but is not a business enterprise. For direct investment purposes, a trust may be considered either a parent or an intermediary depending on whether the trust is revocable or irrevocable and whether the settlor(s), creator(s) and beneficiaries of the trust have control over the activities of the trust.

(1) Where a trust is irrevocable and the creator(s) and the beneficiary(ies) of the trust have no control over the activities of the trust, then the existence of direct investment shall be determined in reference to the trust instrument, and the trust shall be considered to be the parent as concerns any direct investment activity. Such investment shall be reported in the name of the trust and not its creator(s) or beneficiary(ies).

(2) Where a trust is revocable or the creator(s) or beneficiary(ies) of the trust in fact exercise, or may exercise, some control over the activities of the trust, then the existence of direct investment shall be determined in reference to the creator(s) or beneficiary(ies) of the trust and the creator(s) and/or beneficiary(ies) shall be considered to be the parent(s) as concerns any direct investment activity. The trust shall be considered the same as an intermediary and reporting should be as outlined in paragraph (c) of this section.

(c) *Intermediary.* (1) If a particular U.S. direct investment abroad is held, exercised, administered, or managed by a U.S. intermediary, such intermediary shall be responsible for reporting the required information for, and in the name of, its principal or shall instruct the principal to submit the required informa-

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tion. Upon instructing the principal, the intermediary shall be released from further liability provided it has informed this Bureau of the date such instructions were given and the name and address of the principal, and has supplied the principal with any information in the possession of, or which can be secured by, the intermediary, that is necessary to permit the principal to complete the required reports. When acting in the capacity of an intermediary, the accounts or transactions of the U.S. intermediary with the foreign affiliate shall be considered as accounts or transactions of the U.S. beneficial owner with the foreign affiliate.

(2) If a U.S. person holds a foreign affiliate through a foreign intermediary, the U.S. person will be considered to own the foreign affiliate directly and all accounts or transactions of the U.S. person with the intermediary will be considered to be with the foreign affiliate.

(3) If a particular foreign direct investment in the United States is held, exercised, administered, or managed by a U.S. intermediary for the foreign beneficial owner, such intermediary shall be responsible for reporting the required information for, and in the name of, the U.S. affiliate, and shall report on behalf of the U.S. affiliate or shall instruct the U.S. affiliate to submit the required information. Upon so instructing the U.S. affiliate, the intermediary shall be released from further liability provided it has informed this Bureau of the date such instructions were given and the name and address of the U.S. affiliate, and has supplied the U.S. affiliate with any information in the possession of, or which can be secured by, the intermediary that is necessary to permit the U.S. affiliate to complete the required reports. When acting in the capacity of an intermediary, the accounts or transactions of the U.S. intermediary with a foreign beneficial owner shall be considered as accounts or transactions of the U.S. affiliate with the foreign beneficial owner.

(4) If a foreign beneficial owner holds a U.S. affiliate through a foreign intermediary, the U.S. affiliate may report the intermediary as its foreign parent but, when requested, must also identify and furnish information concerning the foreign beneficial owner, if known, or if such information can be secured. Accounts or transactions of the U.S. affiliate with the foreign intermediary shall be considered as accounts or transactions of the U.S. affiliate with the foreign beneficial owner.

§ 806.12 Partnerships.

Limited partners do not have voting rights in a partnership and therefore cannot have a direct investment in a partnership; their investment is considered to be portfolio investment. Determination of the existence of direct investment in a partnership shall be based on the country of residence of, and the percentage control exercised by, the general partner(s), although this may differ from the general partner(s)' percentage financial interest.

§ 806.13 Miscellaneous.

(a) *Accounting methods and records.* Generally accepted U.S. accounting principles should be followed. Corporations should generally use the same methods and records that are used to generate reports to stockholders. Two important exceptions are that, regardless of the respondent's normal accounting practice, (1) the equity method must be used for certain items and (2) unrealized gains (losses) must be reflected in the income statement items. Reports for unincorporated persons must be generated on an equivalent basis.

(b) *Annual stockholder's report.* Business enterprises issuing annual reports to stockholders are requested to furnish a copy of their annual reports to this Bureau.

(c) *Required information not available.* All reasonable efforts should be made to obtain information required for reporting. Every question on each form should be answered, except where specifically exempted. When only partial information is available, an appropriate indication should be given.

(d) *Estimates.* If actual figures are not available, estimates should be supplied and labelled as such. When data items cannot be fully subdivided as required, totals and an estimated percentage breakdown of the total should be supplied.

(e) *Specify.* When "specify" is included in certain data items, the type and dollar amount of the major items included must be given for at least the items mentioned in the line instruction.

(f) *Space on form insufficient.* When space on a form is insufficient to permit a full answer to any item, the required information should be submitted on supplementary sheets, appropriately labeled and referenced to the item number and the form.

(g) *Extensions.* Requests for an extension of a reporting deadline will not normally be granted. However, in hardship cases, written requests for an extension will be considered provided they are received 15 days prior to the date of the report and enumerate substantive reasons necessitating the extension.

(h) *Number of copies.* A single original copy of each report shall be filed with the Bureau of Economic Analysis. In addition, each respondent should retain a copy of its report.

(i) *Other.* Instructions concerning filing dates, where to send reports, and whom to contact concerning a given report are contained on each form. General inquiries should be directed to the—

U.S. Department of Commerce, Bureau of Economic Analysis, International Investment Division (BE–50), Washington, D.C. 20230.

§ 806.14 U.S. direct investment abroad.

(a) *Specific definitions.* (1) "U.S. direct investment abroad" means the ownership or control, directly or indirectly, by one U.S. person of 10 per centum or more of the voting securities of an incorporated foreign business enterprise or an equivalent interest in an unincorporated foreign business enterprise, including a branch.

(2) "U.S. Reporter" means the U.S. person which has direct investment in a foreign business enterprise, including a branch. (If the U.S. person is an incorporated business enterprise, the U.S. Reporter is the fully consolidated U.S. domestic enterprise, consisting of (i) the U.S. corporation which is not owned to the extent of more than 50 per centum of its stock by another U.S. corporation, and (ii) proceeding down each ownership chain from this first U.S. corporation, any U.S. corporation whose voting stock is more than 50 per centum owned by the U.S. corporation above it.)

(3) "Foreign affiliate" means an affiliate located outside the United States in which a U.S. person has direct investment.

(4) "Majority-owned foreign affiliate" means a foreign affiliate in which the combined direct investment interest of all U.S. Reporters of the affiliate exceeds 50 per centum.

(b) *Consolidation of foreign affiliates.* In cases where the recordkeeping system of the foreign affiliates makes it impossible or extremely difficult to file a separate report for each foreign affiliate, a U.S. Reporter may consolidate affiliates in the same country when the following conditions apply:

(1) The affiliates are in the same BEA 3-digit industry as defined in Industry Classifications and Export and Import Trade Classifications Booklet; or

(2) The affiliates are integral parts of the same business operation. For example, if German affiliate A manufactures tires and a majority of its sales are to German affiliate B which produces autos, then affiliates A and B may be consolidated. Any affiliates consolidated shall thereafter be considered to be one affiliate and should be consolidated in the same manner for all reports required to be filed pursuant to this section.

(c) *Reports required.* The place and time for filing, and specific instructions and definitions relating to, a given report form are given on the form. Reports are required even though a foreign affiliate may have been established, acquired, seized, liquidated, expropriated, sold, or inactivated during the reporting period.

(d) *Exemption levels.* Exemption levels for individual report forms will normally be stated in terms of total assets, net sales or gross operating revenues excluding sales taxes, and net income after income taxes, whether positive or negative. For a given affiliate, if any one of the three items exceeds the exemption level and if the statistical data requested in the report are applicable to the affiliate, then a report must be filed for the affiliate (see, however, § 806.10). Since these items may not have to be reported on a given form, a U.S. Reporter claiming exemption from filing a given form must furnish a certification as to the levels of the items on which the exemption is based or must certify the data requested are not applicable. The exemption-level tests for a given affiliate shall be applied as outlined below.

(1) For quarterly report forms, as to the assets test, reports shall be required for any quarter in which assets exceed the exemption level; as to the test for sales (revenues) and net income after income taxes, reports shall be required for a year in which the annual amount of these items exceeds or can be expected to exceed, the exemption level. Quarterly reports for a year may be required retroactively when it is determined that the exemption level has been exceeded. If a foreign affiliate's sales or net income exceed the exemption level in a given year, the presumption is that the exemption level will also be exceeded in the following year.

(2) For report forms requesting annual data after the close of the year in question, the test shall be whether any one of the three items exceeded the exemption level during that year.

(3) For the semi-annual plant and equipment expenditures survey, which requests actual data for the past year and/or annual projections for the current and following year, the test will be made for each year as to whether any one of the three items exceeded, or is expected to exceed, the exemption level; data must be reported only for the year or years in which the exemption level is, or is expected to be, exceeded.

The number and title of each report form, its exemption level, and other reporting criteria, if any, pertaining to it, are given below.

(e) *Quarterly report forms.* (1) BE–577—Direct Transactions of U.S. Reporter With Foreign Affiliate Incorporated Abroad: One report is required for each foreign affiliate exceeding an exemption level of $750,000.

(2) BE–578—Transactions of U.S. Reporter With Unincorporated Foreign Affiliate, Except a Bank: One report is required for each foreign affiliate exceeding an exemption level of $750,000.

(3) BE–578—Transactions of U.S. Reporter With Unincorporated Foreign Banking Affiliate: One report is required for each foreign banking affiliate exceeding an exemption level of $750,000.

(f) *Annual report forms.* (1) BE–133—Sources and Applications of Funds of U.S. Direct Investments Abroad: One report is required for each majority-owned foreign affiliate exceeding an exemption level of $8,000,000.

NOTE.—This survey will not be conducted for the year for which a BE–10 Benchmark Survey of U.S. Investment Abroad is conducted.

(2) BE–133B—Follow-up Schedule of Expenditures for Property, Plant and Equipment of U.S. Direct Investment Abroad: This is a schedule-type report form on which each majority-owned foreign affiliate exceeding an exemption level of $8,000,000 must be listed and the requested data given for each.

(3) BE–133C—Schedule of Expenditures for Property, Plant, and Equipment of U.S. Direct Investment Abroad: This is a schedule-type report form on which each majority-owned foreign affiliate exceeding an exemption level of $8,000,000 must be listed and the requested data given for each.

(4) BE–577S—U.S. Reporter's Directly-Owned Foreign Affiliate's Share in Net Income of Indirectly-Owned Foreign Affiliates: This is a schedule type report form on which each indirectly-owned foreign affiliate exceeding an exemption level of $2,000,000, based only on net income (whether positive or negative), must be listed and the requested data given for each. A further qualification is that reporting is required only if both the directly- and the indirectly-owned foreign affiliates are incorporated.

(g) *Other report forms.* (1) BE–507—Industry Classification Questionnaire: In general, U.S. Reporters and their foreign affiliates will each be assigned a BEA 3-digit industry code in the BE–10 Benchmark Surveys required by the Act to be conducted at least once every five years. However, interim reports on Form BE–507 are required:

(i) For each foreign affiliate newly established or acquired by a U.S. person on or after January 1, 1977; or

(ii) For each U.S. person who becomes a U.S. Reporter on or after January 1, 1977 by virtue of establishing or acquiring a foreign affiliate; or

(iii) For an existing foreign affiliate or U.S. Reporter whose industry classification changed on or after January 1, 1977 and for which either a previous BE–507 report or the BE–10 report required to be filed for 1976 does not accurately reflect the current industry classification of the entity.

For new U.S. Reporters or foreign affiliates, the BE–507 report should be submitted with the initial filing of the related BE–577, BE–578, BE–578B, or BE–577S report. For an existing U.S. Reporter or foreign affiliate, reports should be filed whenever it is determined that a change from one 3-digit industry classification to another has occurred.

(2) BE–10—Benchmark Survey of U.S. Direct Investment Abroad: Section 4b of the Act (22 U.S.C. 3103) provides that a comprehensive benchmark survey of U.S. direct investment abroad shall be conducted at least once every five years. The survey, referred to as the "BE–10," consists of Form BE–10A for reporting information concerning the U.S. Reporter and Form BE–10B for reporting information concerning each foreign affiliate. Specific requirements for, and the year of coverage of, each BE–10 Survey are given in § 806.16.

§ 806.15 Foreign direct investment in the United States.

(a) *Specific definitions.* (1) "Foreign direct investment in the United States" means the ownership or control, directly or indirectly, by one foreign person of 10 per centum or more of the voting securities of an incorporated U.S. business enterprise or an equivalent interest in an unincorporated U.S. business enterprise, including a branch.

(2) "U.S. affiliate" means an affiliate located in the United States in which a foreign person has a direct investment.

(3) "Foreign parent" means the foreign person, or the first person outside the United States in a foreign chain of ownership, which has direct investment in a U.S. business enterprise, including a branch.

(4) "Affiliated foreign group" means (i) the foreign parent, (ii) any foreign person, proceeding up the foreign parent's ownership chain, which owns more than 50 per centum of the person below it up to and including that person which is not owned more than 50 per centum by another foreign person, and (iii) any foreign person, proceeding down the ownership chain(s) of each of these members, which is owned more than 50 per centum by the person above it.

(5) "Foreign affiliate of foreign parent" means, with reference to a given U.S. affiliate, any member of the affiliated foreign group owning the affiliate that is not a foreign perent of the affiliate.

(6) "Majority-owned U.S. affiliate" means a U.S. affiliate in which the combined direct investment interest of all foreign parents of the affiliated exceeds 50 per centum.

(b) *Consolidation of U.S. affiliates.* U.S. affiliates of a foreign parent may be consolidated when the following conditions apply:

(1) The affiliates are in the same BEA 3-digit industry as defined in Industry Classifications and Export and Import Trade Classifications Booklet; or

(2) The affiliates are integral parts of the same business operation. For example if U.S. affiliate A manfactures tires and a majority of its sales are to U.S. affiliate B which produces autos, then affiliates A and B may be consolidated.

Any affiliates consolidated shall thereafter be considered to be one affiliate and should be consolidated in the same manner for all reports required to be filed pursuant to this section.

NOTE.—U. S. affiliates currently reporting and which are consolidated in a manner which is not in accord with the above rules may continue their present consolidated reporting until the next BE–12, Benchmark Survey of Foreign Direct Investment in the United States, is conducted.

(c) *Reports required.* The place and time for filing, and specific instructions and definitions relating to, a given report form, will be given on the form. Reports are required even though a U.S. affiliate may have been established, acquired, liquidated, sold, or inactivated during the reporting period.

(d) *Exemption levels.* Exemption levels for individual report forms will normally be stated in terms of total assets, net sales or gross operating revenues excluding sales taxes, and net income after income taxes, whether positive or negative. For a given U.S. affiliate, if any one of the three items exceeds the exemption level and if the statistical data requested in the report are applicable to the affiliate, then a report must be filed for the affiliate (see however § 806.10 of this Chapter). Since these items may not have to be reported on a given form, a U.S. affiliate claiming exemption from

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filing a given report form must furnish a certification as to the levels of the items on which the exemption is based or must certify that the data requested are not applicable. The exemption level test for a given affiliate shall be applied as outlined below.

(1) For quarterly report forms, as to the assests test, reports shall be required for any quarter in which assets exceed the exemption level; as to the test for sales (revenues) and net income after income taxes, reports shall be required for a year in which the annual amount of these items exceeds or can be expected to exceed the exemption level. Quarterly reports for a year may be required retroactively when it is determined that the exemption level has been exceeded. If a U.S. affiliate's sales or net income exceed the exemption level in a given year, the presumption is that the exemption level will also be exceeded in the following year.

(2) For report forms requesting annual data after the close of the year in question, the test shall be whether any one of the three items exceeded the exemption level during that year. The number and title of each report form, its exemption level and other reporting criteria, if any, pertaining to it, are given below.

(e) *Quaterly report forms.* (1) BE–605—Transactions of U.S. Corporation With Foreign Affiliate: One report is required for each U.S. affiliate exceeding an exemption level of $2,000,000.

(2) BE–605—Transactions of Unincorporated U.S. Business Enterprise (Except a Bank) With Foreign Parent: One report is required for each U.S. affiliate exceeding an exemption level of $2,000,000.

(3) BE–606B—Transactions of U.S. Banking Branch or Agency With Foreign Parent: One report is required for each U.S. banking affiliate exceeding an exemption level of $2,000,000.

(4) BE–609—Transactions of U.S. Affiliate With Foreign Affiliate(s) of Foreign Parent: Must be filed only when a related Form BE–605, 606, or 606B is required to be filed by the U.S. affiliate and must cover only those countries for which direct intercompany payable or receivable balances with, or interest, royalty, rental, or fee charges by or to, foreign affiliates of foreign parent exceed, or can be expected to exceed, $500,000, during the year. Quarterly reports may be required retroactively when it is determined that the exemption level has been exceeded. If the exemption level is exceeded in a given year, the presumption is that the exemption level will also be exceeded in the following year. Data for all foreign affiliates of the foreign parent within a single country must be consolidated on one line of the form.

(f) *Other report forms.* (1) BE–607—Industry Classification Questionnaire: In general, a U.S. affiliate will be assigned a BEA 3-digit industry code in the BE–12 Benchmark Surveys required by the Act to be conducted at least once every five years. However, interim reports on Form BE–607 are required:

(i) For each U.S. affiliate newly established or acquired by a foreign person on or after January 1, 1977; or

(ii) For an existing U.S. affiliate whose industry classification changed on or after January 1, 1977 and for which either a previous BE–607 report or the BE–12 report required to be filed for 1974, does not accurately reflect the current industry classification of the entity.

For new U.S. affiliates, the BE–607 report should be submitted with the initial filing of the related BE–605, BE–606, or BE–606B report. For changes in existing U.S. affiliates, the BE–607 report should be filed whenever it is determined that a change from one BEA 3-digit industry classification to another has occurred.

(2) Be–12—Benchmark Survey of Foreign Direct Investment in the United States: Section 4b of the Act (22 U.S.C. 3103) provides that a comprehensive benchmark survey of foreign direct investment in the United States shall be conducted at least once every five years. The survey is referred to as the "BE–12". Specific requirements for, and the year of coverage of, each BE–12 Survey are given in section 806.17.

§ 806.16 Rules and regulations for BE–10, Benchmark Survey of U.S. Direct Investment Abroad—1976.

A BE–10, Benchmark Survey of U.S. Direct Investment Aboard, will be conducted covering calendar year 1976. All legal authorities, provisions, definitions, and requirements contained in §§ 806.1 through 806.13, 806.14 (a), (b), (c), (d), and (g) (2) of this chapter are applicable to this Survey. Specific additional rules and regulations for the BE–10 Survey are given below.

(a) *Who must report and forms required.* (1) *Basic requirement*—A BE–10 report is required from every U.S. person having a foreign affiliate—that is, every U.S. person having direct or indirect ownership or control of a least 10 per centum of the voting stock of an incorporated foreign business enterprise, or an equivalent interest in an unincorporated foreign business enterprise—at any time during the year ending December 31, 1976. Reports are required even though the foreign business enterprise may have been established, acquired, seized, liquidated, sold, exporpriated, or inactivated during the reporting period.

(2) Form BE–10A (Report for U.S. Reporter).

(i) *Filing*—A completed Form BE–10A is required from each U.S. Reporter (see definition). Exception: When a U.S. business enterprise owns a foreign affiliate and the U.S. business enterprise is owned more than 50 per centum by a U.S. individual, the report should be filed by, and Form BE–10A should be for, the business enterprise rather than the individual. Direct transactions or positions, if any, with the foreign affiliate by the individual must be included in the U.S. business enterprise's report.

(ii) *Total exemption*—If no Form BE–10B is required to be filed, then neither is a Form BE–10A.

(iii) *Partial exemption*—U.S. Reporters which are religious, charitable, or other nonprofit organizations or who are individuals, are required to file Form BE–10A, but are exempt from completing Part II, Financial and Operating Data on U.S. Reporter, of the fcrm.

(3) Form BE–10B (Report for Foreign Affiliate).

(i) *Filing*—A U.S. person is required to file at least one Form BE–10B for each foreign affiliate. (Under those limited conditions where foreign affiliates may be consolidated, the consolidated entity is considered to be one foreign affiliate.) All direct and indirect lines of ownership interest held by a U.S. person in the given foreign business enterprise must be summed to determine whether the enterprise is a foreign affiliate of the U.S. person for purposes of reporting. (A U.S. person's percentage of indirect voting ownership in a given foreign business enterprise is the product of the direct voting ownership percentage of the U.S. person in the first foreign business enterprise in the ownership chain times that first enterprise's direct ownership percentage in the second business enterprise times each succeeding direct voting ownership percentage of each other intermediary foreign business enterprise in the ownership chain between the U.S. person and the given foreign business enterprise.) If two or more U.S. Reporters own a foreign affiliate, directly or indirectly, each U.S. Reporter must submit a Form BE–10B for the affiliate. The U.S. Reporter having the highest percentage ownership (direct and indirect combined) in the foreign affiliate must file a complete Form BE–10B and the other U.S. Reporter(s) must file a Form BE–10B in which only Parts I (Identification of Foreign Affiliate Being Reported) and III (Investment and Transactions Between Foreign Affiliate and (A) U.S. Reporter or (B) Foreign Affiliate Parent) have been completed. If the percentage of ownership is the same, the U.S. Reporters must decide among themselves which one will submit the complete report.

(ii) *Consolidation*—In cases where the recordkeeping system of the foreign affiliates makes it impossible or extremely difficult to file a separate report for each foreign affiliate, a U.S. Reporter may consolidate affiliates in the same country when the following conditions apply:

(A) The affiliates are in the same BEA 3-digit industry, as defined in the Industry Classifications and Export and Import Trade Classifications Booklet;

or

(B) The affiliates are integral parts of the same business operation. For example, if German affiliate A manufactures tires and a majority of its sales are to German affiliate B which produces autos, then affiliates A and B may be consolidated.

In all other situations, the U.S. Reporter should call this office at (202) 523–0632 for guidance. Under no circumstances may a U.S. Reporter consolidate foreign affiliates in different countries.

(iii) *Total exemption*—A Form BE–10B need not be filed if the foreign affiliate's total assets, net sales or gross operating revenues excluding sales taxes, and net income after income taxes, are each less than $250,000 (positive or negative); and the foreign affiliate does not own another foreign affiliate for which Form BE–10B must be filed. If the latter condition is not met, then Form BE–10B must be filed for the foreign affiliate holding the equity interest regardless of the value of its assets, sales or income. That is, all affiliates upward in a chain of ownership must be reported.

(iv) *Number of Form BE–10B, Part III's required to be completed*—A separate Part III (Investment and Transactions Between Foreign Affiliate and (A) U.S. Reporter or (B) Foreign Affiliate Parent) or Form BE-10B is required to be filed by the U.S. Reporter for a single foreign affiliate to report each of the following, when applicable: A direct line of ownership in the foreign affiliate which is held by the U.S. Reporter; each direct line of ownership in the foreign affiliate which is held by another foreign affiliate of the U.S. Reporter; and direct financial positions or transactions between the foreign affiliate and the U.S. Reporter when the foreign affiliate is indirectly owned by the U.S. Reporter. If more than one Part III is required for a single foreign affiliate, the supplementary sheet provided—Form BE–10B, Part III (Additional)—should be utilized for each additional one required to be completed.

(4) *Relationship between Forms BE–10A and BE–10B.* The term "U.S. Reporter" as defined means the fully consolidated U.S. domestic enterprise; therefore, on Form BE–10B, when data on trade and financial relationships between the U.S. Reporter and the foreign affiliate are requested, the data must reflect the foreign affiliate's relationship with the entire U.S. enterprise, not merely with one division or part.

§ 806.17 Rules and regulations for BE–12, Benchmark Survey of Foreign Direct Investment in the United States.

No survey is scheduled at this time; the last one was for 1974.

[FR Doc.77–11019 Filed 4–14–77;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 295]

[Doc. No. E77–92]

EMERGENCY NATURAL GAS ACT OF 1977

Proposed Implementation; Extension of Time

AGENCY: Administrator, Emergency Natural Gas Act of 1977.

ACTION: Proposed Rule; Extension of Time to Submit Comments.

SUMMARY: This notice extends the time to submit comments regarding the proposed order in Docket No. E77–92 (published April 12, 1977;) at 42 FR 19154) which would prescribe rules for the allocation of volumes purchased under Section 6 of the Emergency Natural Gas Act.

DATES: Comments must be received on or before April 18, 1977.

ADDRESS: Send an original and six copies to: Richard L. Dunham, Administrator, Emergency Natural Gas Act of 1977, Room 9200, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

J. Paul Douglas, 202–432–1212.

SUPPLEMENTARY INFORMATION: On April 7, 1977 (42 FR 19154, April 12, 1977), I issued a notice of proposed order to implement Section 7 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95–2 (91 Stat. 4 (1977)). Comments regarding the proposed order were to be filed on or before April 13, 1977.

On April 12, 1977, Natural Gas Pipeline Company of America (Natural) requested that the time for the submission of comments be extended to and including April 22, 1977. Natural states that it was not aware of the proposed order until April 11, 1977, and that additional time is required to prepare and submit comments.

For good cause shown, the time to submit comments in this proceeding is extended to and including April 18, 1977.

This notice is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be published in the FEDERAL REGISTER.

This notice is subject to the continuing authority of the Administrator under Pub. L. 95–2 and the rules and regulations which may be issued thereunder.

Dated: April 12, 1977.

RICHARD L. DUNHAM,
Administrator.

[FR Doc.77–11266 Filed 4–14–77;12:29 pm]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

SMALL BUSINESS ADMINISTRATION

MAXIMUM INTEREST RATES

Correction

In FR Doc. 77-10591 appearing at page 18913 in the issue for Monday, April 11, 1977, in the first line at the top of column one on page 18914, "1½%" should have read "½%".

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

GRAIN STANDARDS

Louisiana Grain Inspection Points

Statement of considerations. Pursuant to sections 7(e)(1) and 7A(c)(1) of the U.S. Grain Standards Act of 1976 (7 U.S.C. 71 et seq.), hereinafter the "Act", the Federal Grain Inspection Service is required to provide official inspection and weighing services for all grains required or authorized to be inspected and weighed by the Act, at those export port locations where a state is not delegated to perform these official services (7 U.S.C. 79(e)(1) and 7 U.S.C. 79a(c)(1)).

The Federal Grain Inspection Service will assume performance of official inspection and weighing services at such export port locations within 18 months of the November 20, 1976, effective date of the amended Act. Provided that, subject to meeting certain requirements of the Act, existing official agencies may continue to function during such transition period.

Destrehan Board of Trade, Norco, Louisiana, the designated official agency at Bunge Elevator, Desterhan, Louisiana, and Bayside Elevator Co., Reserve, Louisiana, ceased providing official inspection services effective December 31, 1976, in accordance with prior notice to the Federal Grain Inspection Service.

Notice is hereby given that, effective January 1, 1977, the designation of Destrehan Board of Trade, Norco, Louisiana, as an official agency, has been canceled pursuant to the provisions of section 7(g)(2) of the Act (7 U.S.C. 79(g)(2)).

The Federal Grain Inspection Service, effective January 1, 1977, commenced providing official grain inspection and weighing at the Bunge Elevator, Destrehan, Louisiana, and Bayside Elevator Co., Reserve, Louisiana, in accordance with sections 7(e)(1) and 7A(c)(1) of the Act (7 U.S.C. 79(e)(1) and 7 U.S.C. 79a(c)(1)).

(Sec. 7, (Pub. L. 94-582) 90 Stat. 2870 (7 U.S.C. 79); Sec. 7A (Pub. L. 94-582) 90 Stat. 2875 (7 U.S.C. 79A).)

Effective date. This notice shall become effective April 15, 1977.

Done in Washington, D.C., on April 12, 1977.

WILLIAM T. MANLEY,
Interim Administrator.

[FR Doc.77-11083 Filed 4-14-77;8:45 am]

CIVIL SERVICE COMMISSION

PRESCRIBED MINIMUM EDUCATIONAL REQUIREMENTS; ESTABLISHMENT

Computer Science Series, GS-1550

AGENCY: Civil Service Commission.

ACTION: Notice.

SUMMARY: The United States Civil Service Commission has established a prescribed minimum education requirement for computer scientists employed within the Federal service. Computer science is a new professional occupation and the prescribed requirement will assure fair and equitable recruitment and placement actions with respect to the duties of individual positions.

EFFECTIVE DATE: April 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Raymond R. Yinger, Personnel Management Specialist, Bureau of Policies and Standards, U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C. 20415, 202-632-5612.

SUPPLEMENTARY INFORMATION: In accordance with Section 3308 of Title 5, United States Code, the Civil Service Commission has established a prescribed minimum education requirement for computer scientists employed within the Federal service. The requirements, the duties of the positions, and the reasons for the Commission's decision that the requirements are necessary are set forth below:

THE COMPUTER SCIENCE SERIES, GS-1550

GS-5 THRU GS-15

Minimum Educational Requirements. Candidates must have successfully completed a curriculum leading to a bachelor's or higher degree in an accredited college or universiay with a course of study that included or was supplemented by 30 semester hours of course work in a combination of mathematics, statistics, and computer science that provided an indepth knowledge of the (1) theoretical foundations and practical applications of computer science, including digital computer system architecture and software organization; the representation and transformation of information structures, and the theoretical models for such representations and transformations, and (2) essential mathematical and statistical techniques. At least 15 of the 30 semester hours must be in any combination of statistics and mathematics which included differential and integral calculus.

Duties. Computer scientists perform professional research or development work to evolve new or improved concepts, methods, and techniques to store, manipulate or transform, and present information by means of digital computer systems. Computer scientists are either concerned with the development of new fields of computer science research or are responsive to problems arising from use of digital computers within the Federal service. The work requires (a) professional competence in applying the theoretical foundations of computer science, including digital computer system architecture and system software organization, the representation and transformation of information structures, and the theoretical models for such representations and transformations; (b) specialized knowledge of broad areas of applications of computing which have common structures, processes, and techniques and of the design characteristics, limitations, and potential applications of electronic and electro-mechanical digital systems having the ability to transform information; and (c) knowledge of relevant mathematical and statistical sciences.

Reasons for Establishing Requirements. The duties of these positions cannot be performed without a sound basic knowledge of the scientific principles, theories, and concepts that have application to the professional scientific field of computer science, and the mathematical and statistical techniques that pertain to or are involved in computer science. The duties of the positions require the application of highly technical scientific information of a course of study leading to a baccalaureate or higher degree in an accredited college or university which has scientific libraries, well equipped computer center or laboratory, and thoroughly trained instructors who give expert guidance and evaluate progress competently.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-11067 Filed 4-14-77;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

SPECIAL CENSUSES

The Bureau of the Census conducts a program whereby a local or State government can contract with the Bureau to conduct a special census of population. The content of a special census is ordinarily limited to questions on relationship to the head of the household, age, race, and sex, although additional items may be included at the request and expense of the sponsor. The enumeration in a special census is conducted under the same concepts which govern the Decennial Census.

Summary results of special censuses are published semiannually in the "Current Population Reports"—Series P-28, prepared by the Bureau of the Census. For each area which has a special census population of 50,000 or more, a separate publication showing data for that area by age, race, and sex is prepared. If the area has census tracts, these data are shown by tracts.

The data shown in the following table are the results of special censuses conducted since June 30, 1976, for which tabulations were completed between March 1, 1977, and March 31, 1977.

Dated: April 11 1977.

ROBERT L. HAGAN,
Acting Director,
Bureau of the Census.

State/place or special area	County	Date of census	Population
Alabama: Pleasant Grove City	Jefferson	Jan. 11, 1977	5,774
Arkansas:			
Ash Flat Town	Sharp	Dec. 2, 1976	648
Carlisle City	Lonoke	Dec. 10, 1976	2,280
Melbourna City	Izard	Dec. 7, 1976	1,286
Oxford Town	do	Dec. 2, 1976	385
California: Huntington Park City	Los Angeles	Nov. 18, 1976	37,851
Idaho: Bancroft City	Caribou	Feb. 7, 1977	478
Illinois:			
Beecher Village	Will	Nov. 22, 1976	1,859
Tolono Village	Champaign	Jan. 17, 1977	2,451
Westmont Village	DuPage	Jan. 12, 1977	13,823
Iowa:			
Center Point City	Linn	Jan. 10, 1977	1,472
Clarinda City	Page	Jan. 24, 1977	5,312
Michigan:			
Albert Township	Montmorency	Jan. 18, 1977	1,562
Oceola Township	Livingston	Jan. 13, 1977	3,520
Oscoda County		Jan. 5, 1977	6,306
Springfield City	Calhoun	Jan. 10, 1977	5,576
West Bloomfield Township	Oakland	Nov. 11, 1976	36,316
Wisconsin:			
Balsam Lake Village	Polk	Jan. 17, 1977	748
Hustisford Village	Dodge	Jan. 17, 1977	855
Oak Creek City	Milwaukee	Dec. 14, 1976	15,510
Texas Town	Marathon	Feb. 7, 1977	1,611

[FR Doc.77-11055 Filed 4-14-77;8:45 am]

Domestic and International Business Administration

COLUMBIA UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 77-00028. Applicant: Columbia University, Havemeyer Hall, New York, N.Y. 10027. Article: CO_2 TEA 801A Laser and Accessories. Manufacturer: Lumonics Research Ltd., Canada. Intended use of article: The article is intended to be used for the studies of infrared-radiation-induced chemical reactions, including isotope separation. Chemicals that will be employed are nontoxic, volatile liquids. Reaction is driven by absorption of IR photons from an intense infrared source.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides high power level (0.8 joules at a peak power of 1250 kilovolts). The National Bureau of Standards advises in its memorandum dated February 28, 1977 that (1) the specification of the article described above is pertinent to the applicant's intended use and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.77-11053 Filed 4-14-77;8:45 am]

UNIVERSITY OF CALIFORNIA—BERKELEY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00074. Applicant: University of California, Biochemistry Department, 401 Biochemistry Building, Berkeley, California 94720. Article: Electron Microscope, Model EM 301 and accessories. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for the following research projects: (1) Studies of nucleic acids by electron microscopy using protein free spreading techniques for DNA, DNA fragments and DNA-enzyme complexes, (2) Studies of cellular structures (e.g., active transport of amino acids in thin sections of the bacterium *Salmonella typhimurium*, biochemical and morphological changes in the sexual mating reactions of yeast, biosynthesis of the spore coat in wild type and spore defective mutants contractile proteins in cytokinesis and mitosis, bacterial membranes and their flagellar attachment sites), and (3) Structural studies employing unstained or negatively stained preparations viewed in darkfield as well as bright field. The article will also be used for instruction in specimen preparative techniques required for specific research projects and for individual and small group instruction in the operation of the electron microscope and associated techniques.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (November 9, 1976). Reasons: The foreign article has a specified resolving capability of 3 Angstroms (Å). The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated March 22, 1977 that the best resolution available is pertinent to the purposes for which the foreign article is intended to be used. HEW further advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended purposes which was being manufactured in the United States at the time the foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.77-11054 Filed 4-14-77;8:45 am]

V4273APR157 UMI

UNIVERSITY OF CALIFORNIA—LOS ALAMOS

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 60 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce Washington D.C. 20230.

Docket Number: 77–00068. Applicant: University of California—Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, NM 87545. Article: Automatic Bar Machine, Model AR7 and accessories. Manufacturer: Andre Bechler, Ltd., Switzerland. Intended use of article: The article is intended to be used in the fabrication of meteorized detonator components needed and requested for the Laboratory weapons program.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the capability to fabricate large quantities of long slender components (which must be evaluated while production of other components proceeds) to tight tolerances (±0.0005" or less). The National Bureau of Standards advises in its memorandum dated March 23, 1977 that (1) the capability of the article described above is pertinent to the applicant's intended use and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.77–11051 Filed 4–14–77;8:45 am]

UNIVERSITY OF KENTUCKY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77–00061. Applicant: University of Kentucky, Department of Pathology, Albert B. Chandler Medical Center, Lexington, Kentucky 40506. Article: Electron Microscope, Model EM400 and accessories. Manufacturer: Philips Electronics Instruments Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for the following investigations:

(1) Studies of renal pathology and pathogenesis of disease,

(2) Studies of cellular abnormalities resulting from drug administration,

(3) Studies of changes in enzyme localization in kidney cells as a means of trying to understand mechanisms by which anuria form in acture renal failure,

(4) Studies of the association of viruses with human tumors and their preliminary viral diagnosis.

(5) Detailed studies of the complex tubular structures which are found in human endometrial cells with the aim of trying to understand the role of this complex channel system in the physiology of these cells.

(6) Studies of the effects of vincristine and vinblastine on rat ovaries and testes.

(7) Study of the role of microtubules and actin-like filaments in dividing cells in culture and the means by which the cell regulates the polymerization, localization and activities of these structures.

(8) Studies of hypercalcemia and hypokalemia at the cellular level in cultured cells.

(9) Studies of large numbers of specimens for purposes related to surgical pathology.

In addition the article will be used for the training of graduate students, and Pathology residents and students taking special programs in Pathology in fine structure analysis and techniques in pathological diagnosis.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (November 12, 1976). Reasons: The foreign article is equipped with a eucentric goniometer stage and has a specified resolving power of 5Å and provides a magnification range of 50 to 440,000X. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated March 22, 1977 that the eucentric goniometer stage and the magnification range of the article are pertinent to the applicant's intended purposes. HEW further advises that it knows of no domestic instrument which provided the pertinent features at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77–11050 Filed 4–14–77;8:45 am]

UNIVERSITY OF NEBRASKA—LINCOLN

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR, Part 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77–00087. Applicant: University of Nebraska—Lincoln, Department of Chemistry, Lincoln, Nebraska 68588. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to cut crystals of all types in experiments involving determination of the modulate piezoreflection spectra from several different crystal facts not all of which occur naturally. The objective of this research is to locate the Van Hove singularities in the joint density of states of the crystals studied. This will permit greater understanding of the band structure of these solids. The article will also be used in the course Thesis Research, Chemistry 999 to train graduate students for research in solid state spectroscopy.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm/sec). The most closely comparable domestic instrument is the Model MT–2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm/sec. We are advised by the National Bureau of Standards (NBS) in its memorandum dated March 15, 1977 (1) that cutting speeds in the excess of 4 mm/sec. are pertinent to the applicant's research studies and (2) the domestic instrument does not provide the pertinent feature. We, therefore, find that the Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77–11052 Filed 4–14–77;8:45 am]

[File No. 23–548]

ALLAN PORJE

Export Privileges Restored

In the matter of Allan Porje, individually and as operator of Chirana Ltd., Centrotex Ltd., Kovo Ltd., St. Eriksgatan 69, Stockholm, Sweden; Respondent.

Pursuant to the Export Control Act of February 28, 1949, as amended and supplemented by the Export Administration Act of 1969, 50 U.S.C. App. Sec. 2021 et seq., and 2401 et seq., Allan Porje, doing business as Chirana Ltd., was denied all export privileges for an indefinite period of time because of his failure to answer duly served interrogatories. The Hearing Commissioner, in view of the many years in which respondent has complied with the export laws and regulations and whose activities are not now suspect, recommends that he be restored to full export privileges.

I have examined the report and recommendations of the Commissioner. The record fails to disclose any adverse report relative to the respondent and he is not presently suspect in connection with any violations of the United States export laws or U.S. Department of Commerce export regulations. Accordingly, pursuant to the authority delegated to me, Allan Porje, doing business as Chirana Ltd., is unconditionally restored to all United States export privileges.

Dated: April 4, 1977.

RAUER H. MEYER,
Director, Office of Export Administration.

[FR Doc.77–11105;Filed 4–14–77;8:45 a.m.]

JOHANNES HENDRIKUS VOS

Export Privileges Restored

In the matter of Johannes Hendrikus Vos, F. Walda, Zelantra, N.V., Netherlands; Respondents.

Pursuant to the Export Control Act of February 28, 1949, as amended and supplemented by the Export Administration Act of 1969, 50 U.S.C. App. 2021 et seq., and 2401 et seq., the above-named respondents were denied export privileges.

The Director, Compliance Division, reports that none of the respondents listed above is presently suspect of violation of U.S. export laws. The Hearing Commissioner, in view thereof, recommended respondents be restored to full export privileges.

I examined the report and recommendations of the Commissioner. The record fails to disclose any adverse reports relating to respondents and none are presently suspect in connection with any violations of United States export laws or U.S. Department of Commerce export regulations. It is fair, fitting and proper that respondents who are in compliance and where it can be reasonably anticipated they will continue in compliance, be restored to full export privileges. Restoration is in accord to purpose and intent of the law, the regulations and policies of this Department. Therefore, it is

ORDERED

Respondents above named are hereby unconditionally restored to all U.S. export privileges.

Dated: April 4, 1977.

RAUER H. MEYER,
Director, Office of Export Administration.

[FR Doc.77–11104 Filed 4–14–77;8:45 am]

MAHMUD AHMAD, ET AL.

Termination of Indefinite Denial Orders; Order

In the matter of Mahmud Ahmad et al.; Respondents.

The Export Administration Regulations, 15 CFR 388.15, authorize indefinite denial orders because of a person's failure to answer interrogatories or produce evidence. Orders previously issued, generally, remain effective until receipt of a proper response or adequate reasons are furnished for failure to reply. The denied parties covered by such orders are listed in the Table of Denial and Probation Orders; the expiration date in most cases is "indefinite".

The Hearing Commissioner reports that the purpose of an indefinite denial order, ordinarily, is served within a 5-year period. He recommended that all orders heretofore issued for an "indefinite" term be terminated at the end of five years or on May 31, 1978, whichever is later. He also recommended that an amended order be issued where it is desired to extend the denial period beyond the 5-year period or May 31, 1978.

I concur in the Commissioner's recommendations. I find it consistent with the purposes and in accord with the policies of the Export Administration Regulations, to restore full export privileges to denied persons where there is no continuing purpose for denial or when a denied person demonstrates worthiness for restoration to all export privileges. Therefore, pursuant to the authority vested in me, it is

ORDERED

All indefinite denial orders heretofore issued and for which no termination date was shown, shall expire five years from the date of such order or on May 31, 1978, whichever is later. But the period of denial, for such reasons as may be deemed appropriate, may be terminated at an earlier date or may be extended.

Dated: April 8, 1977.

RAUER H. MEYER,
Director, Office of Export Administration.

[FR Doc.77–11103 Filed 4–14–77;8:45 a.m.]

[File No. 22–69]

PAUL AEBERSOLD

Export Privileges Restored

In the matter of Paul Aebersold, Fronwaldstrasse 21, Zurich, Switzerland; Respondent.

Pursuant to the Export Administration Act of 1969, 50 U.S.C. App. Sec. 2401 et seq., Paul Aebersold was denied all export privileges for commodities which may be exported under general license GLV; his name appears on the Table of Denial and Probation Orders List, 15 CFR 388, Supp. I.

The Director, Compliance Division, reports that respondent is not now suspect or known to be in violation of the U.S. export laws or regulations.

The Hearing Commissioner, in view of the Compliance Division report, recommends respondent be restored to full export privileges.

I have examined the report and recommendations of the Commissioner. The record fails to disclose any adverse report. Nor is respondent presently suspect in connection with any violation of United States export laws or U.S. Department of Commerce export regulations. Therefore, pursuant to the authority delegated to me by the Export Administration Regulations, it is

ORDERED

Paul Aebersold is hereby unconditionally restored to all United States export privileges.

Dated: April 8, 1977.

RAUER H. MEYER,
Director, Office of Export Administration.

[FR Doc.77–11106 Filed 4–14–76;8:45 am]

National Oceanic and Atmospheric Administration

WESTERN PACIFIC FISHERY MANAGEMENT COUNCIL'S SCIENTIFIC AND STATISTICAL COMMITTEE

Meeting

Notice is hereby given of a meeting of the Scientific and Statistical Committee of the Western Pacific Fishery Management Council, established in accordance with section 302(g)(1) or the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265).

The Western Pacific Fishery Management Council has authority over fish-

V42 I73 APR 15 77 UMI

eries within the fishery conservation zone adjacent to the State of Hawaii, Guam and American Samoa. The Council's functions are, among other things, to prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public hearings. The Scientific and Statistical Committee assists the Council in the development, collection and evaluation of such statistical, biological, economic, social and other scientific information as is relevant to the Council's development and amendment of fishery management plans.

The meeting, the Committee's second, will be held on May 3 and 4, 1977, in the conference room of the National Marine Fisheries Service laboratory at 2570 Dole Street, Honolulu, Hawaii, from 9 a.m. to 4:30 p.m. each day.

PROPOSED AGENDA

1. Consideration of the minutes of the first meeting.
2. Progress reports on management plan development.
3. Report of the subcommittee on methodology.
4. Report on status of Advisory Panel formation.
5. Report from Executive Director on status of arrangements and responses to legal and policy questions.
6. Further discussion of contents and format of management plans.

This meeting is open to the public, and there will be seating for approximately 15 members of the public on a first-come first-served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. To receive information on changes, interested members of the public should contact:

Mr. W. G. Van Campen, Executive Director, Western Pacific Fishery Management Council, Room 1506, 1164 Bishop Street, Honolulu, Hawaii 96813, 808-523-1368.

about 10 days before the meeting.

At the discretion of the Committee, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Committee business. Interested members of the public who wish to submit written comments should do so by submitting them to Mr. Van Campen at the above address. To receive due consideration and facilitate inclusion of these comments in the written record of the meeting, typewritten statements should be received within 10 days after the close of the Committee meeting.

Dated: April 12, 1977.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc.77-11100 Filed 4-14-77;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

April 4 Through April 8, 1977

The following is a list of environmental impact statements received by the Council on Environmental Quality from April 4 through April 8, 1977. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the *minimum* period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (May 30, 1977). The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies are also available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Mr. Errett Deck, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, Room 359-A, Washington, D.C. 20250, 202-447-6827.

FOREST SERVICE

Draft

Eagle Aspen Unit, White River National Forest, Eagle and Pitkin Counties, Colo., April 6: Proposed is the implementation of a revised Land Management plan for the 550,000 acre Eagle-Aspen Unit in White River National Forest in Colorado. Opportunities to be provided include 172,000 visitor days of developed recreation and 452,000 visitor days of dispersed recreation. Management of 20,000 acres of forest stand for wildlife habitat would contribute to an estimated annual yield of 4.0 MMBF. Primary impacts will result from construction and reconstruction of 253 miles of road, protection of 70,150 acres for wilderness study, and the harvesting of trees and the utilization of forage. (ELR Order No. 70441.)

Francis Marion Nation Forest Land Management Plan, Berkely and Charleston Counties, S.C., April 6: The proposed action is the implementation of a ten year management plan for the 249,412 acre Francis Marion National Forest in South Carolina. The plan provides for suitable public access as well as sustained yield of timber through silvicultural activities. Adverse effects include soil compaction, visual changes, periodic lowered air quality, increased noise levels and impacts related to limited use of pesticides. (ELR Order No. 70439.)

Final

South Fourche Unit Plan, Quachita, National Forest, Saline, Yell, and Perry Counties, Ark., April 6: Proposed is a plan for the management of the 98,275 acre South Fourche Planning Unit, Quachita National Forest, from October 1, 1976 to September 30, 1986. Major actions include regenerating commercial timber stands on 11,945 acres, thinning timber on 19,000 acres, improving wildlife habitat, constructing 23 miles and reconstructing 72 miles of road. The degree of negative impact varies according to the nature and location of the many activities. Comments made by: USDA, DOD, DOI, DOC, and EPA. (ELR Order No. 70438.)

RURAL ELECTRIFICATION ADMINISTRATION

Supplement

115 kV Transmission Line, Teton to Jackstatement supplements a final EIS filed with CEQ in March, 1976. The proposed action is the construction of a 115 kV transmission line by Lower Valley Power and Light Inc., from Teton to Jackson. Subsequent to the issuance of the Rural Electrification Administration's final EIS, the Department of Interior denied rights of way to cross lands controlled by the Bureau of Land Management. This supplement discusses three alternative routes and their associated impacts. (ELR Order No. 70430.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202-377-2186.

Draft

California Coastal Management Program (2), several counties, Oreg., April 7: This statement is a revision of a draft EIS filed with CEQ in September 1976. Proposed is the approval of the Coastal Management Program for the State of California pursuant to Pub. L. 92-583. The program would restrict or prohibit certain land and water uses in parts of the California Coast, while promoting and encouraging development and use activities in other parts. The revised draft EIS reflects changes made by the California Legislature in the course of adoption of the California Coastal Act of 1976. (ELR Order No. 70443.)

ECONOMIC DEVELOPMENT ADMINISTRATION

Final

E. Market Wholesale Dist. Ctr., Railroad Spur, Wayne County, Mich., April 5: The proposed action calls for construction of a railroad spur to be located within the Eastern Market Wholesale Distribution Center in Detroit, Michigan. The project consists of constructing 3,600 ft. of track connected to the maintrack of the Grand Trunk and Western Railroad, a 40 x 200' public shed, and related street reconstruction and signalization. Adverse impacts include increased auto and truck traffic volumes, and increased levels of noise and air pollution. Comments made by: EPA, DOT, DOI, DLAB, ARP, GSA, and State agencies, concerned citizens. (ELR Order No. 70435.)

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Final

Old Woman Creek Estuarine Sanctuary, Erie County, Ohio; April 4: The statement proposes that a grant be awarded to the State of Ohio to acquire, develop, and operate an estuarine sanctuary in Erie County. About 637 acres of land and water in Old Woman Creek and surrounding lands would be acquired and protected. Land and water uses would be restricted and mineral exploitation prohibited within sanctuary boundaries. Agriculture within the proposed sanctuary, if allowed, would be limited in extent and strictly controlled. Comments made by: USDA, DOD, DOI, DOT, EPA, NRC, and State and local agencies, concerned citizens. (ELR Order No. 70433.)

DEPARTMENT OF DEFENSE
AIR FORCE

Contact: Col. Luis F. Domingues, Room 5D 431, Pentagon, Washington, D.C. 20330, 202-697-7795.

Draft

Loring AFB Closure (2), Maine, April 5: This statement represents a revision of a draft EIS filed with CEQ in September 1976. The proposed action is to reduce Loring AFB, in Maine, to a forward operating base by inactivating the 42 Bombardment Wing and its supporting operational and maintenance squadrons. The following selected tenant organizations would be retained because of special mission requirements: specifically, the 4000 Aerospace Applications Detachment and the 49th Fighter Interceptor Squadron Detachment of the Aerospace Defense Command. The major adverse impacts are socioeconomic, resulting from the elimination of approximately 3,560 personnel positions. (ELR Order No. 70434.)

Draft

F-16 Beddown at Hill AFB, Utah, April 7: The proposed action is to beddown a F-16 Tactical Fighter Wing at Hill Air Force Base (AFB), Utah during the period from January 1979 to September 1980. During this 21 month period the 388th Tactical Fighter Wing (TFW) will phase out 54 F-4D Phantom aircraft. The action will result in a decrease in the area impacted by the noise associated with F-16 operations. Carbon monoxide, total hydrocarbons, and total hydrocarbons, and total particulates due to aircraft operations will decrease during the beddown. (ELR Order No. 70442.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, 202-755-6308.

Final

Monte Brisas Development, Fajardo, Puerto Rico, April 4: Proposed is the Los Caobos Development Project, Ponce, Puerto Rico. This project involves the residential development of a 138.34 acre tract of land over approximately six years. Land is being reserved for development of public space and school areas. Adverse effects include the conversion of potential agricultural land to urban use, temporary increases in air pollution, increased storm water runoff, and increased solid waste collection and disposal activities. Comments made by: GSA, HUD, DOT, USDA, HEW, DOI, EPA, and commonwealth agencies, concerned groups and persons. (ELR Order No. 70431.)

SECTION 104(h)

The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD.)

Draft

Lawton, Okla.—Industrial Waterline, Oklahoma, April 8: Proposed is the construction of industrial utilities in the City of Lawton, Oklahoma. The project includes an industrial water storage tower, a water pump station at the existing seven million gallon tank, an industrial water line, and an industrial sewer line. Short term construction impacts will result. (ELR Order No. 70444.)

Final

Castleberry, Ala., Water Systems Improvement, Conecuh County, Ala., April 4: Proposed is the granting of HUD funds for replacement of an existing water system in the town of Castleberry. Project plans include construction of a new 250 gallon per minute well in the north-central section of town and an additional elevated water storage tank in the northwestern portion of the community. Short run impacts will be an increase in noise and dust, as well as the occurance of soil erosion. Comments made by: EPA, HEW and state agencies. (ELR Order No. 70432.)

Carbondale, Ill.—Street Improvements, Jackson County, Ill., April 6: Proposed is the widening and resurfacing of 6 streets in the Springmore area, Carbondale, Ill. The project calls for reconstruction of curbs and gutters; improvement of base course and pavement surface material; construction of new 4-feet wide sidewalks, storm sewers, and culverts; and improvements in sanitary sewer and water line systems. Estimated costs of Bridge and Rigdon Street improvements are $990,300. Depending on the alternative selected, adverse impacts include removal of 97-246 trees, and loss of 3-5 acres of land surface to sidewalks and streets. Comments made by: EPA and State and local agencies, concerned citizens. (ELR Order No. 70436.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

FAP Rte. 56, Kalihiwai to Haena, Hawaii, April 6: Proposed are improvements to 12.5 miles of FAP Rte. 56, the Kuhio Highway, in the Hanalei District of the Island Kauai, Hawaii. The action consists of: realigning and/or widening the highway from Kalihiwai to the Hanalei Bridge (3.6 miles); constructing shoulders and resurfacing the existing highway from the Hanalei Bridge to the outskirts of Hanalei Town (1.2 miles); and replacing or repairing eleven one-lane bridge structures, including the Hanalei Bridge (Hanalei River to Linahuli Stream, 8.9 miles). Adverse effects are alterations of landscape, loss of wildlife habitat and impacts to historical and archeological resources. (Hawaii division.) (ELR Order No. 70440.)

Final

I-94, U.S. 12/I-394 to T.H. 152, Hennepin County, Minn., April 6: This final EIS combines two earlier draft EISs on the Construction of I-94. The project runs between inplace I-94 at U.S. 12/I-394 on the west side of the Minneapolis Central Business District, and T.H. 152 in Brooklyn Center. The length of new construction is 6.2 miles and the length of reconstruction is 1.8 miles. A 4(f) statement is included for the parklands in Minneapolis and Brooklyn Center. Adverse impacts will be displacement of dwelling units and businesses, increased noise levels, and disruption of Shingle Creek due to a channel change. (Region 5.) Comments made by: EPA, USDA, DOT, DOI, HUD, DOC, and (ELR Order No. 70437.)

NICHOLAS C. YOST,
General Counsel.

[FR Doc.77-11029 Filed 4-14-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

SEAFARER ELF COMMUNICATIONS SYSTEM; SITE SELECTION AND PROPOSED TEST OPERATIONS IN MICHIGAN

Public Hearing and Availability of Draft Environmental Impact Statement

Notice is hereby given that a public hearing will be held for the purpose of providing the public with relevant information on site selection and proposed test operations at K. I. Sawyer Air Force Base, Michigan, for the Seafarer Extremely Low Frequency (ELF) Communications System, and to afford the public an opportunity to present their views on the proposed Navy Project. The hearing will be held on May 2, 1977 and continued on May 3, if necessary, at the Catherine Bonifas Civic Center, 225 N. 21st St., Escanaba, Mich. 49829. The hearing will start at 7 p.m. and terminate at 11 p.m. The hearing will be conducted by Captain John Dobson, U.S. Navy (CEC), and will include a presentation explaining the Navy's proposed action, a system description, a site-dependent environmental impact summary, alternatives, proposed Navy recommendations and the proposed program plan for the future.

This hearing is being held in Escanaba, Michigan, because K. I. Sawyer Air Force Base and the surrounding region is one of three candidate areas considered for building a Seafarer Test Facility, conducting ELF communications experiments, and developing appropriate construction criteria and operational methods to ensure maximum environmental pro- for an operational Seafarer System.

Seafarer is essentially a buried transmitting array of insulated cables. The system's principal purpose is for communications with submerged submarines.

The following procedures will be followed during the public hearing. Individual speakers will have three minutes, and group spokespersons will have five minutes to summarize and present their views. One speaker may not relinquish time to another. Individuals and organizations wishing lengthy statements to be included in the hearing record should provide written statements to the Hearing Officer. Pre-registration is desired, and should be made in person or by writing either to the Seafarer Information Center, 201 Rublein Street, Marquette, MI 49855 or to Captain John Dobson, USN (CEC), Code 01F, Naval Electronic Systems Command, Washington, DC 20360. The name and title of the speaker for organizations should be included. The closing date for including written statements in the hearing record is May 25, 1977.

Anticipated environmental effects are available for review in the Seafarer ELF Communications System Draft Environmental Impact Statement for Site Selection and Test Operations; Naval Electronic Systems Command (February

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1977). Copies of the statement are available at the following locations:

Chief of Information, The Pentagon Press Room, Washington, D.C. (Captain Thomas, 679–2886).
Bay de Noc Community College Library, North Campus, Escanaba, MI 49829.
State of Michigan Washington Office, 1150 17th St., NW., Suite 609, Washington, DC 20036.
Library of Congress, Washington, DC 20540.
U.S. Environmental Protection Agency, Region V, 230 South Dearborn St., Chicago, IL 60604.
Commander, K. I. Sawyer Air Force Base, MI 49843.
Michigan Environmental Review Board, Lewis Cass Building, Lansing, MI 48900.
Northern Michigan University Library, Marquette, MI 49855.
Michigan Technological University Library, Houghton, MI 49931.
Lake Superior State College Library, College Drive, Sault Ste. Marie, MI 49783.
Suomi College Library, Hancock, MI 49930.
Chassell Township Schools, P.O. Box 40, Chassell, MI 49916.
Big Bay de Noc School, Cooks, MI 49817.
Gogebic Community College Library, Greenbush and Jackson Rd., Ironwood, MI 49938.
Amasa Community Library, Amasa, MI 49903.
Baraga Township Schools, Lyons St., Baraga, MI 49908.
Bergland Community School, Bergland, MI 49910.
Bessemer Public Library, City Hall, S. Sophie St., Bessemer, MI 49911.
Bessemer Township Schools, Ramsay, MI 49951.
A. D. Johnson High School, Moore St., Bessemer, MI 49911.
Brimley Public Schools, Brimley, MI 49715.
Calumet School—Public Library, Calumet Avenue, Calumet, MI 49913.
Carney—Nadeau Public School, Carney, MI 49812.
Les Cheneaux Community Schools, Cedarville, MI 49719.
Champion High School, P.O. Box 68, Champion, MI 49814.
Ewen-Trout Creek Consolidated School, Box 218, Ewen, MI 49925.
Crystal Falls Community Library, Superior Ave., Crystal Falls, MI 49920.
Forest Park School District, West Superior Ave., Crystal Falls, MI 49920.
Curtis Library, Curtis, MI 49820.
DeTour Area School and Public Library, P.O. Box 68, DeTour Village, MI 49725.
Osceola Township School and Public Library, Box 371, Dollar Bay, MI 49922.
Rock River Township Schools, Eben Junction, MI 49825.
Escanaba Public Library, 201 South 7th St., Escanaba, MI 49820.
Catherine Bonifas Memorial Library, Escanaba Area Public High School, 500 South Lincoln Rd., Escanaba, MI 49829.
Escanaba Area Junior High School, 1500 Luddington St., Escanaba, MI 49829.
McMillian Township Library, Ewen, MI 49925.
North Dickinson County School, Star Route 1, Iron Mountain, MI 49801.
West Iron District Library, City Hall, 106 West Genesee, Iron River, MI 49935.
Gladstone Area School and Public Library, 1041 Dakota Ave., Gladstone, MI 49837.
Burt Township School and Public Library, Grand Marais, MI 49839.
Forsyth Township Public Library, Gwinn, MI 49841.
Gwinn High School Library, Gwinn High School, Gwinn, MI 49841.
Hancock School-Public Library, Quincy Street, Hancock, MI 49930.
Bark River-Harris Schools, Harris, MI 49345.
Portage Lake District Library, 105 Huron St., Houghton, MI 49931.
Houghton High School Library, Houghton High School, Houghton, MI 49931.
Mid-Peninsula Library Federation, Dickinson County Library, 401 Iron Mountain St., Iron Mountain, MI 49801.
Iron Mountain Senior High School, West B Street, Iron Mountain, MI 49801.
Central Junior High School, Iron Mountain, MI 49801.
Lake Linden-Hubbell Public Schools, 601 Calumet St., Lake Linden, MI 49945.
L'Anse Township School and Public Library, L'Anse, MI 49946.
West Iron County High School, 612 W. Adams St., Iron River, MI 49935.
Carnegie Library, 235 E. Aurora St., Ironwood, MI 49938.
Luther L. Wright High School Library, Ayer St., Ironwood, MI 49938.
Ironwood Catholic High School, 106 S. Marquette St., Ironwood, MI 49938.
Carnegie Public Library, Corner Main and Barnum Sts., Ishpeming, MI 49849.
Ishpeming High School Library, Division St., Ishpeming, MI 48949.
C. L. Phelps Intermediate School, North St., Ishpeming, MI 48949.
Kingsford High School, Hamilton Ave., Kingsford, MI 49301.
Kingsford Junior High School, Hamilton Ave., Kingsford, MI 49801.
Menominee Middle School, 13th St. at 13th Ave., Menominee, MI 49858.
Allouez Township School Public Library, P.O. Box 318, Mohawk, MI 49950.
Munising School—Public Library, Mather High School, Elm Ave., Munising, MI 49862.
Mackinac Island Public Library, Mackinac Island, MI 49757.
Manistique School and Public Library, Corner Main and Cedar Sts., Manistique, MI 49854.
Roosevelt School, P.O. Box 88, Marenisco, MI 49947.
Peter White Public Library, Marquette, MI 49855.
Marquette Senior High School, 1201 West Fair Ave., Marquette, MI 49855.
Bothwell Middle School, Marquette, MI 49855.
St. Peter-St. John, 500 S. Fourth St., Marquette, MI 49855.
Spies Public Library, 940 First St., Menominee, MI 49859.
Menominee Area High School, 18th St., Menominee, MI 49858.
Rapid River Public Schools, Rapid River High School, Rapid River, MI 49878.
Republic-Michigamme School and Public Library, Route 1, Republic, MI 49879.
Rock Public Schools, Rock, MI 49883.
Sault Area High School, 1 Educational Plaza, Sault Ste. Marie, MI 49783.
National Mine High School, Box B, National Mine, MI 49865.
Negaunee Public Library, Case St., Negaunee, MI 49866.
Negaunee High School, Peck St., Negaunee, MI 49866.
Tahkuamenon Area Street, Public Library, Newberry High School, Newberry, MI 49863.
Norway Public Library, Norway, MI 49870.
Norway High School Library, 3rd and Section Sts., Norway, MI 49870.
Rudyard School—Public Library, Second and William Sts., Rudyard, MI 49780.
Turner-Howson Elementary School Library, Rudyard, MI 49780.
St. Ignace Public Library, 396 North State St., St. Ignace, MI 49781.
LaSalle High School, Portage Rd., St. Ignace, MI 49781
Eastern Peninsula Library Systems Stations, c/o Carnegie Public Library, Sault Ste. Marie, MI 49783.
Associated Press, 6th Floor, Commerce Bldg., Detroit, MI 48226.
Sault Junior High School, E. Spruce, Sault Ste. Marie, MI 49783.
West Iron County Middle School, Airport Rd., Stambuagh, MI 49964.
Menominee County Library, Stephenson, MI 49887.
Wakefield Public Library, 407 Hancock St., Wakefield, MI 49958.
Wakefield Township Schools, Wakefield, MI 49968.
Watersmeet High School, Watersmeet, MI 49969.
Carp Lake Township Library, White Pine, MI 49971.
Michigan State Chamber of Commerce, 501 South Capitol Ave., Suite 500, Lansing, MI 48933.
The Detroit Free Press, 321 West Lafayette Blvd., Detroit, MI 48231
The Detroit News, 815 Lafayette Blvd., Detroit, MI 48231.
The Lansing State Journal, 120 East Lenawee, Lansing, MI 48919.
Booth Newspapers, 1501 Bank of Lansing Bldg., Lansing, MI 48923.
United States International, 404 Commerce Bldg., Detroit, MI 48226.

For further information, contact Captain John Dobson, USN (CEC); Naval Electronic Systems Command, Code 01F, Washington, DC 20360; telephone number (202) 692–5958.

Dated: April 12, 1977.

K. D. LAWRENCE,
Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate, General (Administrative Law).

[FR Doc.77–11073 Filed 4–14–77;8:45 am]

DEPARTMENT OF STATE

Agency for International Development

[Redelegation of Authority No. 165–17]

BOLIVIA

Rural Education II—Teacher Training, 511–0482

Pursuant to the authority vested in me as Assistant Administrator, Bureau for Latin America, by the Foreign Assistance Act of 1961, as amended, and the delegations of authority issued thereunder, I hereby delegate to the Director, USAID/Bolivia, the authority to negotiate, execute and implement a Project Agreement between the Government of Bolivia and the United States of America for a loan and a grant to help finance a project which consists of the consolidation of ten existing normal schools into eight sites and the improvement of teacher training, curriculum development, teaching materials, physical facilities and administrative procedures, pursuant to the Project Authorization and Request for Allotment of Funds dated April 3, 1977.

The delegation of authority to negotiate and execute shall expire one hundred twenty (120) days after the date of the signing of this Delegation of Authority.

Dated: April 5, 1977.

D. M. LION,
Assistant Administrator, Bureau for Latin America.

[FR Doc.77–11132 Filed 4–14–77;8:45 am]

FEDERAL POWER COMMISSION

[Doc. No. ER77–274]

ARKANSAS-MISSOURI POWER CO.

Filing

APRIL 7, 1977.

Take notice that on March 30, 1977, Arkansas-Missouri Power Company (Ark-Mo) tendered for filing the following contracts:

1. Amendatory Agreement between the Southwestern Power Administration (SPA), the City of Thayer, Missouri (Thayer) and Ark-Mo, dated August 17, 1976, providing for an increase in rates charged by Ark-Mo for transmission of power and energy from SPA to Thayer.

2. Electric Service Agreement between Ark-Mo and Thayer dated August 17, 1976, providing for sale of power and energy by Ark-Mo to Thayer for resale.

Ark-Mo states that the rates for transmission service and resale service provided in these contracts are its Rate Schedule W–1, Transmission Service, and its Rate Schedule R–1, Resale Service, which were approved in Docket No. E–9092.

Ark-Mo has requested waiver of the notice requirement in § 35.3 of the Commission's regulations in order to permit these agreements to become effective on March 1, 1977. Ark-Mo estimates that it will realize an increase in revenues for transmission service of $7,321 during the year ending February 28, 1978, and that it will receive approximately $7,400, exclusive of fuel adjustment revenues, for resale service provided during that period.

Ark-Mo states that the contract for resale service contemplates that Ark-Mo will provide power and energy needed to meet Thayer's requirements in excess of that provided by the SPA. Ark-Mo states that it cannot accurately predict the billing determinants or revenues which it will receive from Thayer during the first year after resale service commences and has therefore requested waiver of the requirements of § 35.12(b) (1) of the Commission's regulations with respect to submittal of such estimates.

Copies of this filing have been served upon Thayer and upon the Missouri Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 20, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–11011 Filed 4–14–77;8:45 am]

[Doc. No. ER77–278]

ARKANSAS POWER & LIGHT CO.

Change in Rates

APRIL 8, 1977.

Take notice that Arkansas Power & Light Company (AP&L), on April 1, 1977, tendered for filing proposed changes in its rates and charges to eight municipalities, as reflected in proposed Rate Schedule WM1; three rural electric cooperatives, as reflected in proposed Rate Schedule WC1; and the City Water and Light Department of Jonesboro, Arkansas, as reflected in a proposed amendment to Appendix B of the January 23, 1973 contract between AP&L and Jonesboro. The proposed changes would increase revenues from jurisdictional sales and services to these customers by $5,397,801.41 based on the 12 months period ending May 1, 1977.

AP&L states that the proposed increased rates are necessitated by the fact that it is realizing an unreasonably low rate of return on sales to its affected jurisdictional customers, AP&L's financial condition has deteriorated to the point that it has been precluded from issuing additional first mortgage bonds since July, 1975 and additional preferred stock since December, 1976. The Company states that the proposed rates for service to the municipals and cooperatives have been prepared in accordance with the provisions of the September 16, 1976 Settlement Agreement between the Company and those customers, which were filed in Docket No. ER76–110 and approved by the Commission by Order issued November 15, 1976.

Copies of the proposed rate schedules and statements comparing the sales and revenues therefrom, which pertain to the particular customer, were served on AP&L's jurisdictional customers affected by the filing. Copies were also served on the Arkansas Public Service Commission, Louisiana Public Service Commission and the Tennessee Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capital Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 20, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–11004 Filed 4–14–77;8:45 am]

[Doc. No. CP77–200]

COLUMBIA GAS TRANSMISSION CORP.

Application

APRIL 8, 1977.

Take notice that on February 9, 1977, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP77–200 an application[1] pursuant to Section 7(c) of the Natural Gas Act and § 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79), for a certificate of public convenience and necessity authorizing the transportation of natural gas on a best-efforts basis for a term of two years on behalf of Quaker State Oil Refining Corporation (Quaker), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to 1,100 Mcf of natural gas per day for Quaker. It is stated that the gas to be transported would be delivered into Applicant's line FO–1776 in Jackson Township, Guernsey County, Ohio, and redelivered by Applicant to Columbia Gas of West Virginia, Inc. (Columbia W. Va.) and Columbia Gas of Pennsylvania, Inc. (Columbia Pa.) at existing points of delivery. Applicant estimates that 75 percent of the gas transported would be delivered to Columbia W. Va. at Newell, West Virginia, and 25 percent of the gas would be delivered to Columbia Pa. at Emlenton, Pennsylvania.

Applicant states that it would make a transportation charge of 24.75 cents for each Mcf of gas delivered into its gathering system for the account of Quaker and would retain for company-use and unaccounted-for gas 3.1 percent of the total volume of gas delivered into its system.

It is further stated that the transportation of such gas would be on a best-efforts basis and subject to Applicant's obligations to its customers and its pipeline capacity.

It is stated that Quaker has contracted to purchase such gas from Enterprise Gas and Oil, Inc. (Enterprise), New Cumberland, Ohio, an independent producer, and has agreed to pay $1.95 per Mcf for the first year of the two year term and $2.03 per Mcf during the last year of the term. Enterprise states that if the Commission does not approve Applicant's transportation service, such gas would be sold to the intrastate market.

[1] The instant application is a telegraphic request which was supplemented pursuant to a letter dated February 10, 1977.

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It is asserted that such gas would be used by Quaker to offset curtailment of its Priority 2 gas utilized in its hydrogen processing units at its Congo, West Virginia, refinery and at its Emlenton, Pennsylvania, refinery. It is further asserted that no other source of energy, other than propane which is not presently available, could be utilized in this process.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 21, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11003 Filed 4-14-77;8:45 am]

[Doc. No. CP72-189]

COLUMBIA GULF TRANSMISSION CO.

Tariff Filings

APRIL 7, 1977.

Take notice that on March 7, 1977, Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing tariff sheets to its FPC Gas Tariff, Original Volume No. 2, consisting of the following:

First Revised Sheet Numbers 62, 63, and 69 through 71 Superseding Original Sheet Numbers 62, 63, and 69 through 71.

Second Revised Sheet Number 72 and 73 Superseding Substitute First Revised Sheet Numbers 72 and 73.

First Revised Sheet Number 74 Superseding Original Sheet Number 74.

These tariff sheets constitute the revisions to Columbia Gulf's Rate Schedule X-9, to become effective February 9, 1977, pursuant to the Commission's order in Docket No. CP72-189.

Any person desiring to be heard or to make any protest with reference to said application, on or before April 28, 1977, should file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11010 Filed 4-14-77;8:45 am]

[Doc. No. CP77-326]

COLUMBIA GULF TRANSMISSION CO.

Application

APRIL 7, 1977.

Take notice that on March 31, 1977, Columbia Gulf Transmission Company (Applicant), Post Office Box 683, Houston, Texas, 77001, filed an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Sea Robin Pipeline Company (Sea Robin) all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant proposes to transport for Sea Robin up to 50,000 Mcf of gas per day from Blocks 609 and 617, West Cameron Area, Offshore Louisiana. The gas will be transported through facilities owned by Applicant, and/or with others in the West Cameron, East Cameron and Vermilion Areas, Offshore Louisiana. Applicant will deliver an equivalent volume of gas for Sea Robin's account at Egan, Louisiana.

Any person desiring to be heard or to make any protest with reference to said application, on or before April 28, 1977, should file with the Federal Power Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11009 Filed 4-14-77;8:45 am]

[Doc. No. RP72-150, et al.]

EL PASO NATURAL GAS CO.

Tariff Filing

APRIL 7, 1977.

Take notice that on March 28, 1977, El Paso Natural Gas Company ("El Paso") tendered for filing certain original and revised tariff sheets to its FPC Gas Tariff, Original Volume No. 1, which, when accepted for filing and permitted to become effective, will modify El Paso's Purchased Gas Cost Adjustment Provision ("PGAC") contained in said tariff.

El Paso states that by Order Affirming Initial Decision, Adopting Settlement Proposal and Reversing Initial Decision on Rate Design Complaint, issued February 16, 1977, at Docket Nos. RP72-150, et al., the Commission approved and adopted the Stipulation and Agreement of El Paso dated and filed with the Commission on August 6, 1976. Said Stipulation and Agreement provides for, inter alia, certain modifications to El Paso's PGAC which are designed to: (i) permit the inclusion of carrying charges on monthly balances in Account 191, Unrecovered Purchased Gas Costs and change the surcharge adjustment for unrecovered purchased gas costs to be based upon estimated volumes of gas to be sold during the six (6) month period the surcharge will be in effect, (ii) allow all producer-supplier refunds received by El Paso to be credited to El Paso's Account 191, with the exception of requiring El Paso to flow-through, as a cash refund, supplier refunds aggregating $10 million or more received during a 120 day period as a result of a single Commission order and (iii) permit costs associated with the Rhodes Reservoir Storage injections and withdrawals to be assigned directly to El Paso's east-of-California customers, as agreed upon during the settlement proceedings.[1]

[1] Appendix F to the subject Stipulation and Agreement contains the revisions to El Paso's PGAC described herein.

El Paso states that it is submitting the instant tender in order to implement the above changes in El Paso's PGAC in conformity with the provisions of said Stipulation and Agreement. El Paso further states that Article XII of the subject Stipulation and Agreement provides that the tariff sheets reflecting the required changes in El Paso's PGAC provision shall become effective as of the first day of the month following the date the Commission order approving such Stipulation and Agreement becomes final and nonappealable. Accordingly, El Paso has requested that the Commission grant waiver of all of its Rules and Regulations, as may be deemed necessary, in order that the tariff sheets tendered as a part of the instant filing be permitted to become effective on April 1, 1977.

El Paso states that copies of the filing have been served upon all parties to the proceedings at Docket Nos. RP72-150, RP73-104, RP74-57 and RP75-39 and, otherwise, upon all of El Paso's affected interstate transmission system customers and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before April 22, 1977, file with the Federal Power Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations Under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11013 Filed 4-14-77;8:45 am]

[Doc. No. ES77-26]

IDAHO POWER CO.

Application

APRIL 8, 1977.

Take notice that on April 4, 1977, Idaho Power Company (Applicant), a corporation organized under the laws of the State of Maine and qualified to transact business in the States of Idaho, Nevada, Oregon, and Wyoming, with its principal business office at Boise, Idaho, filed an application with the Federal Power Commission, pursuant to Section 204 of the Federal Power Act, seeking an order authorizing it to enter into a Financing Agreement (Financing Agreement) with the County of Sweetwater, Wyoming (County), and to issue notes thereunder, pursuant to which Applicant will incur liabilities equal to the required payment of the principal obligation of, premium, if any, and interest on Pollution Control Revenue Bonds (Pollution Control Bonds) not to exceed $26,000,000 in aggregate principal amount, to be issued by the County, pursuant to an Indenture of Trust (Indenture) to be entered into between the County and the First National Bank of Chicago acting as Trustee (Trustee).

Any person desiring to be heard or to make any protest with reference to said application should, on or before April 25, 1977, file with the Federal Power Commission, Washington, D.C., 20426, petitions to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11012 Filed 4-14-77;8:45 am]

[Doc. Nos. RP73-14, RP76-50; PGA 77-2, DCA 77-1]

MICHIGAN WISCONSIN PIPE LINE CO.

Proposed Changes in F.P.C. Gas Tariff

APRIL 7, 1977.

Take notice that on March 16, 1977 Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) tendered for filing Sixteenth Revised Sheet No. 27F to its F.P.C. Gas Tariff, Second Revised Volume No. 1. Michigan Wisconsin proposes an effective date of May 1, 1977 for said revised sheet.

The foregoing tariff sheet reflects (1) a commodity increase of 3.34 cents, a one-part rate increase of 3.49 cents and a demand charge increase of $.03 in the purchase gas adjustment to reflect principally increased rates charged by pipeline suppliers including the impact of the increase in the cost of Canadian gas which became effective January 1, 1977, (2) an increase in the surcharge of 4.95 cents to recover principally increases in the cost of Canadian gas and the effect of emergency purchases during the deferral period August 1, 1976 through January 31, 1977, and (3) a commodity increase of 1.41 cents to recover the Demand Charge Adjustment for the period September, 1976 through January, 1977.

Michigan Wisconsin further states that it requests a waiver of the requirements of Part 154 of the Commission's Regulations under the Natural Gas Act to the extent that such waiver may be necessary to permit this filing of Sixteenth Revised Sheet No. 27F to be made and to become effective May 1, 1977. However, in the event the Commission does not accept Sixteenth Revised Sheet No. 27F to become effective May 1, 1977, Michigan Wisconsin requests that Alternate Sixteenth Revised Sheet No. 27F be accepted May 1, 1977 and that Sixteenth Revised Sheet No. 27F be suspended for (1) day to become effective May 2, 1977.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with § 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 22, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11007 Filed 4-14-77;8:45 am]

[Doc. No. ER77-277]

PENNSYLVANIA POWER CO.

Tariff Change

APRIL 8, 1977.

Take notice that the Pennsylvania Power Company (PPC), on April 1, 1977, tendered for filing proposed changes in its FPC Electric Service Tariff. PPC indicates that the proposed changes would increase revenues from jurisdictional sales and service by $1,317,600 based on the twelve month period ending December 31, 1977.

PPC indicates that it last filed for an increase in FPC jurisdictional rates on April 30, 1973 utilizing a 1972 test year and since that time FPC has obtained vested interest in various short lead time capacity units; has become the operating company and partial owner (4.2 percent) of the CAPCO coal-fired Bruce Mansfield Unit No. 1 with a net rated capacity of 825 Mw; and is also a 17.5 percent owner of the CAPCO nuclear Beaver Valley Unit No. 1 with an initial net rated capacity of 856 Mw. PPC also indicates that the average plant in service has increased 109 percent since 1972, including approximately $32,600,000 in pollution control devices.

PPC states that as a direct result of these additional facilities, the inflationary operating costs have caused a tremendous erosion in PPC's earnings. In the FPC order in our 1973 rate case, a rate of return of 8.05 percent was granted. PPC's cost of service study for Period I, twelve months ended October 31, 1976, indicates that the rate of return for the municipal resale class was only 3.17 percent; and for Period II, twelve months ending December 31, 1977, the rate of return would be 3.35 percent.

Copies of the filing were served upon the Pennsylvania Public Utility Commission and all secretaries of the municipalities involved on April 1, 1977.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the

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Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with § 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.0). All such protests should be filed on or before April 20, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not service to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11005 Filed 4-14-77;8:45 am]

REGULATORY INFORMATION SYSTEM

Pilot Test Program

APRIL 8, 1977.

Notice is hereby given that the Federal Power Commission intends to conduct during April–May–June 1977 a pilot test of the new forms of its Respondent Reporting System. The Respondent Reporting System is the data collection phase of the FPC's Regulatory Information System. The purpose of this pilot test program is to test the adequacy of FPC's proposed new forms packages (schedules, instructions and data item lists). The report forms provided in the following proposed rulemakings will be included in the pilot test:

151, notice issued June 28, 1976, Docket No. RM76-19 (41 FR 29165).
153, notice issued July 28, 1976, Docket No. RM76-27 (41 FR 33642).
154, notice issued August 27, 1976, Docket No. RM76-33 (41 FR 37682).
156, notice issued August 23, 1976, Docket No. RM76-32 (41 FR 36926).
157, notice issued June 30, 1976, Docket No. RM76-21 (41 FR 28416).
158, notice issued August 16, 1976, Docket No. RM76-31 (41 FR 37232).
159, notice issued July 7, 1976, Docket No. RM76-23 (41 FR 28904).
160, notice issued June 28, 1976, Docket No. RM76-20 (41 FR 29179).
161, notice issued July 20, 1976, Docket No. RM76-26 (41 FR 31714).
162, notice issued August 31, 1976, Docket No. RM76-34 (41 FR 39448).

With few exceptions, all schedules in these forms will be tested.

Report form schedules provided in the following proposed rulemakings do not pose problems warranting a pilot test:

155, notice issued July 30, 1976, Docket No. RM76-28 (41 FR 33782).
163, notice issued August 13, 1976, Docket No. RM76-30 (41 FR 36402).
164, notice issued July 12, 1976, Docket No. RM76-25 (41 FR 31340).

Pursuant to public notice given January 18, 1977, inviting all interested parties to participate in planning for the continued development of the FPC's Regulatory Information System, representatives of industry and government have participated with FPC staff in the development of the RIS pilot test program. The plan calls for the collection of 1976 or earlier data on the new RIS Schedules in accordance with the set of instruction included in each new form package. Pilot test packages will be available starting in April 1977. All schedules are to be completed and returned to the FPC, together with participants' comments, no later than 30 days following their mailing date to the respondents. All interested parties are hereby invited to participate in the conduct of the pilot test program.

The experience gained from the pilot test program will be useful to the FPC staff in preparation of its recommendations to the Commission regarding the next steps in the implementation of the Respondent Reporting System. A successful pilot test could mean the elimination of the parallel reporting requirement indicated for all respondents in the above referenced Rulemakings.

If you are interested in participating in the pilot test program, within the time frame stated above, you are invited to reply on or before May 16, 1977 to:

Secretary, Federal Power Commission, 825 N. Capitol Street, Washington, D.C. 20426.

In your response, please identify the Rulemakings/Forms that you would be willing to execute as a pilot respondent, along with the dates you propose to return each of the completed report form schedules to the FPC.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11006 Filed 4-14-77;8:45 am]

[Doc. No. CP77-243]

SOUTHERN NATURAL GAS CO.

Proposed Changes in FPC Gas Tariff

APRIL 7, 1977.

Take notice that Southern Natural Gas Company (Southern) on March 28, 1977, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 3. The proposed changes reflect a new Rate Schedule F-17 providing for a field sale of natural gas to Sea Robin Pipeline Company (Sea Robin) in Block 22, Vermilion Area, Offshore Louisiana.

Southern states that the new rate schedule reflects an agreement dated February 17, 1977, between Southern and Sea Robin and is being filed pursuant to the Commission's order dated March 11, 1977 in Docket No. CP77-243. Southern further states that the sale to Sea Robin is an obligation under the Joint Venture Agreement between Southern and United Gas Pipe Line Company, all as more fully explained in its application for a certificate of public convenience and necessity filed in Docket No. CP77-243.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 28, 1977 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11008 Filed 4-14-77;8:45 am]

[Doc. No. CP77-160]

TENNESSEE NATURAL GAS LINES, INC.

Application

APRIL 8, 1977.

Take notice that on February 3, 1977, Tennessee Natural Gas Lines, Inc. (Applicant), 2008 Parkway Towers, Nashville, Tennessee 37219, filed in Docket No. CP77-160 an application pursuant to Section 7(c) of the Natural Gas Act and § 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79), for a certificate of public convenience and necessity authorizing the transportation of natural gas on an interruptible basis for Stauffer Chemical Company (Stauffer), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Stauffer has entered into a contract with Texas Pacific Oil Company, Inc. (Texas Pacific) for the purchase of volumes of natural gas to be produced from certain leasehold interests presently owned or controlled by Texas Pacific in the Beckwith Creek Field in Calcasieu Parish, Louisiana. It is further stated that such gas would be delivered by Texas Pacific to Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) for redelivery to Applicant at the presently-existing Nashville Station No. 2, Davidson County, Tennessee.

It is asserted that pursuant to the Commission's order of June 30, 1976, in Docket No. CP76-322 (55 FPC ——), Tennessee is already transporting gas produced by Texas Pacific to East Tennessee Natural Gas Company (East Tennessee) for ultimate use by Stauffer's Mt. Pleasant, Tennessee, plant. It is further asserted that Tennessee and East Tennessee are amending their authorization so as to allow Tennessee to deliver up to 325 Mcf to Applicant for redelivery to Nashiville Gas Company which will in turn deliver the gas to Stauffer's Nashville, Tennessee, plant.

Applicant stater that it will collect an initial transportation charge of 4.0 cents per Mcf (at 14.73 psia) for all quantities of gas transported and delivered for the account of Stauffer.

It is stated that such gas would be used by Stauffer to help offset curtailments from its supplier, Nashville Gas Company, which has caused a loss of 80 percent of the plant's daily output. It is further stated that such gas would be used for the following Priority 2 purposes:

a. In direct-fired drying operations;
b. In direct-fired process in the manufacture of a polymerization catalyst;
c. In a heating system for product drying.

It is stated that Stauffer has contracted to purchase up to 650 Mcf of natural gas per day over a two-year term from Texas Pacific. It is further stated that the present price is $1.50 per million Btu's, which price will increase to $1.60 per million Btu's on January 1, 1978, for the remainder of the term.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 21, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11015 Filed 4-14-77;8:45 am]

[Doc. No. E-9587]

UPPER PENINSULA POWER CO. AND UPPER PENINSULA GENERATING CO.

Joint Application For Sale and Acquisition of Transmission Facilities

APRIL 8, 1977.

Take notice that Upper Peninsula Power Company (Power Co.) and Upper Peninsula Generating Company (Generating Co.) on March 30, 1977 tendered for filing a joint application for an order authorizing sale and acquisition of transmission facilities pursuant to Section 203(a) of the Federal Power Act.

The applicants indicate that Power Co. seeks to sell and Generating Co. seeks to acquire four short segments of 138 kV transmission facilities and various rights of way to facilitate the latter's construction of new generating units at its Presque Isle Station.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street. NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 20, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11014 Filed 4-14-77;8:45 am]

[Project No. 2534]

BANGOR HYDRO-ELECTRIC CO.

Application for Approval of Exhibit R

APRIL 8, 1977.

Public notice is hereby given that an application for Commission approvtl of an Exhibit R (Recreation Use Plan) was filed on September 30, 1974, under the Federal Power Act (16 U.S.C. 791a–825r) by the Bangor Hydro-Electric Company (Correspondence to: Mr. Earle R. Webster, Executive Vice President, Bangor Hydro-Electric Company, 33 State Street, Bangor, Maine 04401) for Milford Project No. 2534, located on the Penobscot River, a navigable waterway of the United States, and in the City of Old Town and the Town of Milford, Penobscot County, Maine.

The Exhibit R submitted by Applicant does not provide for any project recreational development at this time. Approximately 2.2 acres of project lands in the vicinity of the Gilman Falls Dam have, however, been reserved for future recreational development. The Exhibit R also notes that a public park with a boat launching facility is currently being constructed by the City of Old Town, and that the launch will extend 50 feet within the project boundary.

Applicant requests the use of the shortened procedures pursuant to § 1.32 (b) of the Commission's Rules and Regulations.

Any person desiring to be heard or to make any protest with reference to said application should file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before May 30, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a part in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act (16 U.S.C. 825g, 825h) and the Commission's Rules of Practice and Procedure, specifically § 132(b) (18 CRF 1.32(b)), (1976), a hearing may be held without further notice before the Commission on its application if no issue of substance is raised by any request to be heard, protest or petition filed subsequent to this notice within the time required herein.

Under the shortened procedure herein provided for, unless otherwise advised, it will not be necessary for applicant to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11096 Filed 4-14-77;8:45 am]

[Doc. No. ER76-320]

CONNECTICUT LIGHT & POWER CO.

Electric Rates

APRIL 11, 1977.

On March 1, 1977, Cities [1] filed a motion for reconsideration of the Commission's February 16, 1977, Order Denying Rehearing in this proceeding. In the alternative, Cities also move for summary judgment. For the reasons hereinafter stated, we shall deny the relief requested.

The question repeated here and answered twice in the negative by our orders of December 23, 1976, and February 16, 1977, is whether Cities should be afforded relief by way of rejection of the rate increase application or enlargement of the suspension period by reason of the alleged understatement of the impact of Connecticut Light and Power Company's (CL&P's) R–3 rates. Our prior orders have made it eminently clear that our actions there were based on a careful review of the facts and circumstances underlying the dispute. Our review disclosed that the differences in the percentage increases estimated in CL&P's filing and those actually billed were the result of differences between estimated and actual operations and the interaction of such operating characteristics with the differing fuel clauses contained in the prior R–2 rate and the presently proposed R–3 rate. We further found that Cities were not deprived of their due-process right to notice. Cities had ample opportunity and means by which to evaluate each of the provisions of CL&P's R–3 rate so as to determine the impact

[1] The pleading does not explicitly identify "Cities"; however, the context of the pleading would indicate that "Cities" are the Connecticut Municipal Group, intervenors herein.

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on their monthy bills and to make due provision for recovering such purchased power costs from their customers upon resale.

In the motion for reconsideration, Cities substantially reiterate the same arguments previously considered. Cities stress their contention that they did not receive substantive notice of the amount of increase that they would be experiencing. As we stated in our February 16 order: "Important in these regards is the actual, substantive notice provided to Cities by CP&L's service upon Cities of copies of the filing, to include copies of the new rate schedules." Where the impact of a proposed rate change can be the function of changes in rate design, as here with the fuel adjustment clause, the actual, substantive notice of the proposed schedule of rates takes on added significance. As we pointed out in our December 23, 1976, order, the actual and estimated billing data demonstrates that the average revenue in mills per kWh actually billed under the increased rate was less than that originally estimated by CL&P. This illustrates that no rate design problems should have been incurred in designing the retail rates of the customer in reliance on the rates filed by CL&P.

Cities argue further that the rate application should be dismissed as a matter of summary judgment on the grounds that the estimates of the rate impact were not reliable and probative in accordance with Commission Order No. 487, issued July 1, 1973, where, in promulgating the future test-year regulations, the Commission stated:

> It is also important to note, in response to the concern of many objectors to this rulemaking, that we will not approve rates based on unsubstantiated cost estimations. The burden will be on such companies to establish the validity and accuracy for each of their cost estimates. In addition, these estimates will be subject to full due process standards including discovery, presentation of evidence, briefing, decision and opinion.

The question presented here is not whether the proposed rates should be approved. That question has been set for hearing. The basic question presented at this stage is whether Cities have been afforded their due-process rights to notice. We have answered that question in the affirmative.

The Commission finds: Good cause does not exist to reconsider the Commission's February 16, 1977, order denying rehearing nor to grant summary judgment dismissing the rate application.

The Commission orders:

(A) Cities' motion for reconsideration is hereby denied.

(B) Cities' motion for summary judgment is hereby denied.

(C) The Secretary shall cause the prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11094 Filed 4-14-77;8:45 am]

[Doc. No. ER76-45]

CONSUMERS POWER CO.

Order Approving Settlement; Correction

MARCH 31, 1977.

In FR Doc. 77-7239 appearing at page 13589 in the issue for Friday, March 11, 1977, make the following corrections:

(1) Page 13590, paragraph (B), in line 1, delete "30" and insert "60".

(2) Page 13590, paragraph (C), in line 1, delete the first phrase "Within 30 days after the settlement tariff sheets are accepted for filing," and insert "At the same time that the revised tariff sheets are filed in conformance with the settlement agreement,".

Also in line 1, delete "20" and insert "30", paragraph (D):

KENNETH F. PLUMB,
Secretary.

[FR Doc 77 11099 Filed 4-14-77;8:45 am]

[Doc. No. RI77-53]

CRA, INC.

Petition for Waiver of National Rates

APRIL 11, 1977.

Take notice that on April 1, 1977, CRA, Inc., P.O. Box 7305, Kansas City, Missouri, 64116, filed in Docket No. RI77-53, a petition for waiver of the national flowing gas ceiling under Opinion No. 749 pursuant to § 2.56B(h) of the Commission's General Policy and Interpretations and § 1.7(b) of the Commission's Rules of Practice and Procedure for sales of residue natural gas from its Mertzon Plant in Drion County, Texas, to Northern Natural Gas Company (Northern) under its FPC Gas Rate Schedule No. 48 attributable to CRA's purchase of raw gas from Columbia Oil Corporation (Columbia). CRA seeks to collect a rate in excess of such ceiling rate for a limited period sufficient to permit it to recover the cost increase it has incurred as a result of passing on to its supplier, Columbia, the higher rates it was contractually authorized to collect for the resale to Northern of gas purchased from Columbia.

In an effort to obtain new, undedicated gas directly from Columbia which it had available in the vicinity of CRA's Mertzon Plant, Northern arranged with CRA to increase the price for Columbia's existing sales to CRA. Northern on November 19, 1973, amended its residue contract with CRA to increase the rate for the gas purchased by CRA from Columbia, and CRA amended its contracts with Columbia to provide for a 100 percent passback of the higher residue prices which Northern had agreed to pay CRA. Northern subsequently was able to consumate a contract directly with Columbia for the purchase of previously undedicated reserves.

Although CRA immediately began paying Columbia the higher rates provided in the amended CRA-Northern contract, CRA did not file with the Commission either the contract amendment or a rate increase relating thereto at that time. Subsequently CRA did make the necessary filings and began to receive from Northern as of January 1, 1976, the higher rates authorized under its contract amendment.

Petitioner requests Commission approval of a rate increase to recover the $139,425.64 loss which it incurred for the period from November 19, 1973, until January 1, 1976, by paying the higher rate to Columbia and not collecting it from Northern. By letter agreement dated January 3, 1977, Northern has agreed to pay CRA a surcharge of 25 cents per Mcf (14.65 psia) on all flowing residue gas which is attributable to production from the Columbia acreage covered by the November 19, 1973 agreement, between CRA and Northern, until CRA's loss is reimbursed. The 25 cents per Mcf surcharge will not be passed back to Columbia, or its successor. In the event that reserves underlying the Columbia acreage are depleted prior to complete recovery by CRA of its loss, Northern has agreed in the January 1977 agreement to pay the remaining monies to CRA.

Any person desiring to be heard or to make any protest with reference to said application, on or before April 28, 1977, should file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11092 Filed 4-14-77;8:45 am]

[Doc. No. ER77-275]

FITCHBURG GAS & ELECTRIC LIGHT CO. AND BANGOR HYDRO-ELECTRIC CO.

Initial Rate Filing

APRIL 7, 1977.

Take notice that Fitchburg Gas and Electric Light Company ("Fitchburg") and Bangor Hydro-Electric Company ("Bangor") on March 30, 1977, tendered for filing as an Initial Rate Schedule an Electric Generating Capability Sales Agreement. The Agreement provides for the sale by Fitchburg to Bangor of 22.25 MW of electric generating capability during April 1, 1977 through April 30, 1977.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 20, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11097 Filed 4-14-77;8:45 am]

[Project No. 1971]

IDAHO POWER CO.

Order Permitting Temporary, Emergency Variance in Condition of License and Providing for Hearing

APRIL 8, 1977.

Idaho Power Company, licensee for Project No. 1971, filed on March 28, 1977, a request for approval of a variance of Article 43 of the license for Project No. 1971, commencing April 5, 1977, and extending through July 1, 1977. The requested variance would retain the minimum flow of 5,000 cfs at Johnson's Bar, but would permit a maximum variation in river stage of one foot per 20 minutes instead of one foot per hour. It would eliminate the minimum flow requirement of 13,000 cfs at Lime Point. The purpose of the variance would be to permit greater storage in Brownlee Reservoir during the run-off period so as to permit the later use of that stored water for hydroelectric generation and other beneficial purposes. Without the variance, it will be impossible to fill Brownlee Reservoir because the Idaho area is experiencing the worst drought in recorded history.

The Governor of Idaho has requested the Commission to grant the request. He stated that very serious electrical power shortages will undoubtedly occur affecting all segments of the Idaho population and economy if the Brownlee Reservoir is not kept at its maximum feasible height for summer and fall power generation. The Commission has received letters concurring in the proposed variance from the Secretary of the Interior, U.S. Corps of Engineers, National Marine Fisheries Service, and Idaho Public Utilities Commission.

The Commission has also received a number of filings made on April 5, 6, and 7, 1977, that state opposition to granting the licensee the requested variance of Article 43 of the license. These filings in opposition state concerns respecting the reach of the Snake River below the project, and it appears that at least in large part those protesting are concerned primarily with the effect of the variance on boating in downstream reaches. Four of these filings specifically request a hearing.

We are, of course, aware of the severe drought conditions that are occurring in the Pacific Northwest and in other areas of the Nation. In view of the support of, and concurrence in, the requested variance that has been given by the U.S. Army Corps of Engineers, the Secretary of the Interior, the National Marine Fisheries Service, the Governor of the State of Idaho, who also reports agreement of the Governors of the States of Oregon, and Washington, and the Idaho Public Utilities Commission, we believe the requested variance should be permitted, on a temporary, emergency basis, provided that a hearing be held promptly to give to those having opposing views the opportunity to be heard further.

Accordingly, we permit the requested variance only as a temporary, emergency measure and direct that a public hearing be held in Lewiston, Idaho, on April 22, 1977. The hearing shall, of course, be a public hearing session and shall include the taking of evidence either in opposition to or in support of the requested variance of Article 43, or with respect to any alternative proposal. Promptly on competition of the hearing, the record shall be certified to this Commission so that we may consider what further action may be appropriate.

We, therefore, will approve, on a temporary, emergency basis, the variance of Article 43 of the license for Project No. 1971 effective as of April 7, 1977, and continuing until July 1, 1977, or until further order of the Commission. Additionally, the approved temporary variance will be conditioned to provide that the licensee (1) take appropriate measures to warn the public of periods of rapid river stage fluctuations, and (2) coordinate with the U.S. Corps of Engineers in establishing flow releases under the temporary variance.

Our granting of this temporary variance as an emergency measure is, of course, without prejudice to any further action which may be appropriate respecting releases from the Hells Canyon Development of Project No. 1971.

We observe that a request for compensation for any losses resulting from the requested change in operation of Project No. 1971 has also been included in these filings opposing the variance. It should be noted that under the Federal Power Act this Commission does not have authority to award any damages (see Idaho Power Company, Project No. 1971, 29, FPC 572).

We are aware of the concerns in this proceeding. While the interest in avoiding a possible crisis in electric power supply is appreciated, we also recognize the need to afford all affected persons a meaningful opportunity to be heard in opposition to the proposed variance. The exigencies of time dictate that the hearing be carried out as expeditiously as possible. Accordingly, we will not require the parties to file sworn and notarized copies of direct testimony prior to commencement of the hearing. All parties to the proceeding, including any persons who have, as of the date of issuance of this order, filed with the Commission statements in support of, or in opposition to, the variance, will be permitted to participate as parties so as to present or cross-examine oral testimony by sworn witnesses at the hearing. A list of persons who are thus allowed to participate as parties will be furnished by the Commission's Secretary to all on the list. Any person who is not a party but who submits a petition to intervene that is pending before the Commission will be allowed to participate in a like manner. All other participation will be limited to presentation into the record of unsworn oral or written statements of position. Such statements do not constitute evidence. While the Commission will consider the statements in reaching a determination on the matter at hand, that determination must ultimately be based on the evidentiary record.

In the interest of expediting the hearing and ensuring a complete record, all parties are encouraged to consider cooperating in depositions or stipulations that may be entered into the record at the commencement of the hearing. Upon the close of the hearing record, all parties will have five days within which to review the record and file briefs, comments, or statements of position on the basis thereof.

The Commission finds: (1) It is appropriate and in the public interest for the purposes of the Federal Power Act to hold a hearing on the matters and issues presented respecting the variance from Article 43 of the license for Project No. 1971 requested by the licensee on March 28, 1977.

(2) In the circumstances, it is appropriate and in the public interest for the purposes of the Federal Power Act to permit, on a temporary emergency basis, the requested variance from Article 43 of the license for Project No. 1971, provided that a hearing be promptly and expeditiously held.

(3) In the circumstances, the period of notice of hearing provided by this order is reasonable and consistent with the public interest.

(4) In the interest of expedition, all governmental entities, individuals, and groups that have filed comments, as of the date of this order, on the request for variance, may participate as parties in the hearing set by this order, without

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the filing of petitions for intervention; all others who have not filed comments as of the date of this order should file petitions to intervene pursuant to the Commission's rules if they desire to participate as a party in the hearing.

(5) Copies of this order should be served on the licensee and on all governmental entities, individuals, and groups that have filed comments as of the date of this order on the request for variance.

The Commission orders: (A) Pursuant to the authority contained in, and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly Sections 10 and 308 thereof, and the Commission's Rules of Practice and Procedure a public hearing shall be held at 9:30 a.m. local time, on April 22, 1977, in the Courtroom of the Nez Perce County Court, Lewiston, Idaho, respecting the matters involved and the issues presented in finding (1) above.

(B) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose pursuant to § 3.5(d) of the Commission's Regulations, 18 CFR 3.5(d) (1976), shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates and to rule on all motions with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Commission's Rules of Practice and Procedure.

(C) The Commission's Rules of Practice and Procedure shall apply in this proceeding except to the extent they are modified and supplemented herein.

(D) All governmental entities, individuals, and groups that have filed comments, as of the date of this order, on the request for variance, are hereby permitted to participate as parties in the hearing set by this order.

(E) All briefs, comments, and statements of position by the parties and the Commission Staff on the basis of the hearing record shall be filed with the Commission within five days following the date upon which the hearing record is closed.

(F) Effective as of April 7, 1977, and continuing until July 1. 1977, or until further order of the Commission, the variance of Article 43 of the license for Project No. 1971 requested by Idaho Power Company is hereby approved, subject to the conditions hereinafter imposed. The approved variance shall be as follows:

Idaho Power Company shall not be required to maintain the 13,000 cfs flow in the Snake River at Lime Point. The minimum flow shall be 5,000 cfs at Johnson's Bar, at which point the maximum variation at river stage shall not exceed one foot in 20 minutes of time. This reduction of flow at Lime Point will be subject to the condition that during the period of the "fish operation," which will be requested by the fisheries agencies of Idaho, Washington and Oregon, operation of the project will be such that there will be an average of 13,000 cfs during each 24 hour period at Lime Point. This fish operation will occur in May of 1977 and could last for two or three weeks. It is for the purpose of assuring downstream migration of juvenile salmonids.

Our approval of the variance is subject to the following conditions:

(1) Licensee shall take appropriate measures (signs, sirens, and other devices) to warn the public of periods of rapid river stage fluctuations.

(II) Licensee shall coordinate with the Corps of Engineers in establishing flow releases consistent with the above authorization.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11095 Filed 4-14-77;8:45 am]

[Doc. No. ER77-276]

NIAGARA MOHAWK POWER CORP.

Cancellation

APRIL 7, 1977.

Take notice that Niagara Mohawk Power Corporation, on March 31, 1977, tendered for filing proposed changes in its FPC Electric Service Tariff No. 50. The proposed change is the cancellation of the "Power Pool Participation" agreement between Niagara Mohawk Power Corporation and New York State Electric and Gas Corporation.

Niagara indicates that this agreement has been superseded by subsequent agreements. These are: The New York Power Pool Agreement on file as Niagara Mohawk Power Corporation Rate Schedule FPC No. 93 and the New York Power Pool–PJM Agreement on file as Niagara Mohawk Power Corporation Rate Schedule FPC No. 86.

A copy of the filing was served upon New York State Electric and Gas Corporation, Ithaca, New York 14850.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 20, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11098 Filed 4-14-77;8:45 am]

[Doc. No. RP75-19; Opinion No. 792]

TEXAS GAS TRANSMISSION CORP.

Proper Methods for Cost Classification, Cost Allocation, and Rate Design and Deciding Zone Boundaries Issue

APRIL 11, 1977.

APPEARANCES

Christopher Boland, John Harrington, Robert O. Koch and Steve Finch on behalf of Texas Gas Transmission Corporation.
H. Kent Howard on behalf of Indiana Gas Company, Inc.
Richard J. Flynn, Frederick G. Berner, Joseph B. Thompkins, Jr. and Charles V. Shannon on behalf of Michigan Wisconsin Pipe Line Company.
Albert J. Feigen on behalf of Terre Haute Gas Company.
Charles R. Brown, Norman A. Flaningam, George L. Weber, Henry P. Sullivan and David E. Weatherwax on behalf of Consolidated Gas Supply Company.
W. P. Saviers, Jr., D. L. Bell, Jr., and Giles D. H. Snyder on behalf of Columbia Gas Transmission Corporation.
Dana Fox and J. David Mann, Jr. on behalf of the City of Hamilton, Ohio.
George E. Morrow and Reuben Goldberg on behalf of Memphis Light, Gas & Water Division.
O. Grant Bruton on behalf of Louisville Gas & Electric Company.
Stephen J. Small, Tilford A. Jones, Wallace R. Barnes and Roger O. Post on behalf of Columbia Gas of Ohio, Inc.
Peyton G. Bowman III, August L. Griesedieck and John M. Kuykendall on behalf of Arkansas-Missouri Power Company and Mississippi Valley Gas Company.
Gloria M. Sodaro on behalf of the Staff of the Federal Power Commission.

BACKGROUND

This proceeding arises from a rate filing tendered on September 30, 1974, by Texas Gas Transmission Corporation (Texas Gas) for a proposed increase in jurisdictional revenues of $27,978,836. By order issued October 30, 1974, the Commission accepted for filing and suspended Texas Gas' rate filing for five months until April 1, 1975, and established hearing procedures to determine the justness and reasonableness of the proposed rates and charges. By orders issued January 23, 1975, and April 1, 1975, several parties were granted intervention in this proceeding.[1]

[1] Columbia Gas of Ohio, Inc., Ohio Valley Gas Corporation, The City of Columbus, Ohio, Western Kentucky Gas Company, The City of Hamilton, Ohio, Memphis Light, Gas and Water Division, Texas Eastern Transmission Corporation, Jackson Utility Division of City of Jackson, Tennessee, Southern Indiana Gas and Electric Company, Columbia Gas Transmission Corporation, Rochester Gas and Electric Corporation, The Public Service Commission of the State of New York, Consolidated Gas Supply Corporation, Hoosier Gas Corporation, Public Service Electric and Gas Company, The Tennessee Public Service Commission, Terre Haute Gas Corporation, Michigan Wisconsin Pipe Line Company, United Cities Gas Company, The Cincinnati Gas & Electric Company and Lawrenceburg Gas Transmission Corporation, Louisville Gas and Electric Company, Indiana Gas Company and Ohio River Pipeline Corporation, Mississippi Valley Gas Company and Arkansas-Missouri Power Company.

Thereafter, settlement conferences were held among the parties which resulted in a stipulation and agreement that was filed with the Commission together with a motion for approval on June 12, 1975. The stipulation and agreement resolved most of the issues in the proceeding but reserved several for hearing and decision. The issue of the level of the rate to be used for book depreciation and the issue involving the propriety of including in Texas Gas' cost of service costs associated with the acquisition of coal reserves for coal gasification were reserved and made subject to the Commission's final determination in another Texas Gas rate proceeding in Docket No. RP74–25.[2] Furthermore, the stipulation and agreement provided for a hearing on the issues to be determined in this opinion and order, i.e. the issues of the proper methods of: cost classification, cost allocation, rate design and location of zone boundaries. By order issued October 6, 1975, ---- FPC ---- (1975) the Commission approved the proposed stipulation and agreement subject to conditions not relevant to this proceeding and established hearing procedures on the reserved issues which are to be determined herein.

Hearings were held on the reserved issues on December 2 and 3, 1975, and on May 11, 1976. Presiding Administrative Law Judge Michel Levant issued an Initial Decision in this proceeding. Briefs on exception were filed by the Commission Staff and Memphis Light, Gas and Water Division (Memphis). Briefs opposing exceptions were filed by Texas Gas, the Commission Staff[3] and Consolidated Gas Supply Corporation and Columbia Gas Transmission Corporation (Columbia and Consolidated).

POSITIONS OF THE PARTIES

COST CLASSIFICATION AND COST ALLOCATION

Texas Gas, the Commission Staff and Columbia and Consolidated are in agreement that the unmodified Seaboard[4] method should be used for purposes of cost classification and cost allocation, including distribution of mileage-related transmission costs among Texas Gas' four rate zones. They allege, among other things, that the Seaboard method is appropriate because: (1) there is no substantial underutilization of Texas Gas' system on the peak day as in United;[5] (2) United would upset historical zone differentials, and thus historical revenue patterns among Texas Gas' jurisdictional customers; (3) United Gas Pipe Line is like a grid system whereas Texas Gas is a "long line" pipeline transmission system; and (4) United discriminates against customers such as Consolidated and Columbia which have installed storage and other peak-shaving devices to improve their load factors.

Memphis, on the other hand, urges use of the United method of cost classification arguing, inter alia, that this approach is consistent with recent Commission policy and distributes the costs associated with Texas Gas' increasing unutilized capacity (on an annual basis) more fairly among Texas Gas' jurisdictional customers and that the alleged distinctions between the United case and the instant case are not significant. However, in allocating demand costs between jurisdictional and non-jurisdictional customers and among Texas Gas' rate zones, Memphis uses the respective customers' average day "Quantity Entitlement" volumes as determined by Texas Gas' curtailment plan rather than 3-day average peak volumes, the method used by the other parties to this proceeding. Memphis argues that this method represents a fairer distribution of costs among Texas Gas' customers.

RATE DESIGN

Having distributed the mileage-related transmission costs among the four zones using the Seaboard method, Staff and Texas Gas recommend that the rates be designed using the United Method. Staff argues, among other things, that: (1) United eliminates to some extent the price discount for large volume users; (2) it more nearly reflects the utilization of Texas Gas' system in a curtailment situation; (3) it reflects the fact that the supply of natural gas, rather than the capacity of the system, is the limiting factor on Texas Gas' system; and (4) United narrows the gap between the commodity cost of natural gas and the price of alternative fuels. Memphis also recommends the United method for rate design in conjunction with the cost classification and cost allocation techniques it recommends, which were discussed previously herein.

Columbia and Consolidated argue for the use of the Seaboard method for rate design arguing, inter alia, (1) that the United method will not limit the consumption of natural gas on Texas Gas' system; (2) United penalizes high load factor customers with storage; (3) United fails to consider the differing load factor of Texas Gas' customers; and the facts in the United case are significantly different from those raised in the instant proceeding.

Memphis argues for use of the United method of rate design with the demand rates being calculated for Texas Gas' jurisdictional customers by each customer's respective average daily "Quantity Entitlement" volumes as oppossed to the customer's contract demand billing units, as proposed by the other parties to this proceeding. Memphis argues that since it, as well as other customers of Texas Gas, can no longer demand its total contract demand volumes on most days of the year, it is not reasonable that customers should continue to pay demand rates based upon their respective contract demand.

ZONE BOUNDARIES

Although no parties challenged the Presiding Judge's initial decision on this issue, Louisville Gas and Electric Company (Louisville) argued before the Presiding Judge for a readjustment in the historic zone boundaries such that it and several other customers would be located in Zone 3 rather than in Zone 4. Texas Gas, staff, and Consolidated and Columbia all oppose the proposed changes, as did the Presiding Judge. All parties, however, agreed to the proposed shift from the zone-gate to the Mcf-mile method for allocating transmission costs.

MISCELLANEOUS

As of the time of the Initial Decision, all parties had agreed that Staff's classification of: (1) payments made by Texas Gas to Michigan Wisconsin for transmission of gas located in the Gulf of Mexico to various points of delivery in the southern portion of Texas Gas' onshore system and (2) payments to other pipelines for transmission of gas was proper. For the reasons set forth in the Initial Decision (mimeo pp. 5–6), the Commission agrees and affirms the Initial Decision on these issues. The Commission also concurs with the now-agreed upon treatment of "as billed" demand charges from pipeline transporters and suppliers as demand costs for the reasons set forth in the Initial Decision (mimeo, p. 6). In view of the preceding no further discussion of these miscellaneous issues is required in this opinion.

INITIAL DECISION

COST CLASSIFICATION AND COST ALLOCATION

The Presiding Judge found that the unmodified Seaboard method of cost classification and cost allocation was most appropriate for use on Texas Gas' system. The Judge found unpersuasive the argument of Memphis that the United opinion required the use of the "25–75" method for cost classification and cost allocation on Texas Gas' system. The Initial Decision (mimeo, p. 10) cites with approval the "distinctions" between United and the instant case which were proferred by Texas Gas' Witness Joseph Benson:

[2] On August 3, 1976, Judge Kaplan issued an Initial Decision in that proceeding. The case is currently pending before the Commission on exceptions to that decision.

[3] For good cause shown, the Commission shall grant Staff's request to file its Brief Opposing Exceptions out of time.

[4] Atlantic Seaboard Corporation, 11 FPC 43 (1952); Northern Natural Gas Company, 11 FPC 123 and 375 (1952), aff'd 206 F. 2d 690, cert. denied 346 U.S. 992. This method provides that 50 percent of storage and transmission (but not production) fixed costs and all "as billed" demand costs be recovered in the demand component of Seaboard's two-part rates while the remaining 50 percent of transmission and storage fixed costs, all production costs (with the exception of "as billed" demand costs), and all variable costs be recovered through the commodity component.

[5] The United method takes it name from the Commission's decision in United Gas Pipe Line Company, Opinion No. 671, 50 FPC 1348 (1973), rehearing denied, 51 FPC 1014 (1974); aff'd sub nom., *Consolidated Gas Supply Corporation, et al.* v. *Federal Power Commission*, 520 F. 2d 1176 (D.C. Cir., 1975). Simply stated, it provides that 25 percent of the fixed transmission and storage costs and all "as billed" demand costs be classified to the demand component, and the remaining fixed costs together with all variable costs be classified to commodity.

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(1) In United, non-jurisdictional sales amounted to 32.36 percent of total system sales whereas Texas Gas' non-jurisdictional sales were less than 1 percent (0.84 percent).

(2) In United, most of the peak day requirements were being curtailed, materially, whereas Texas Gas' customers' peak day requirements were not.

(3) In United, the use of the 25 percent-75 percent classification of costs before allocation shifted substantial costs from jurisdictional to non-jurisdictional sales which had markedly different and lower priorities of service. In sharp contrast, the use of that method in the instant proceeding will merely shift costs from one group of jurisdictional customers to another whose sales are substantially of the same priority of service.

(4) United's system is more akin to a grid pipeline whereas Texas Gas is a longline pipeline system.

Judge Levant placed particular emphasis on the contention that use of the United method would "penalize" high load factor customers such as Columbia, Consolidated, Louisville and Texas Eastern Transmission Corporation (Texas Eastern) which take gas at the northern terminus of the system and have extensive storage operations.[6] Another reason for the adoption of Seaboard by the Presiding Judge is to preserve historic zone cost differentials. Judge Levant also cites with approval four Initial Decisions which also approve the use of the Seaboard method.[7]

With respect to Memphis' proposals to allocate demand costs among Texas Gas' customers based upon each customer's average daily "Quantity Entitlement"[8] of gas, the Judge found that the average of the three day annual system peak was more appropriate than the Average Quantity Entitlement (AQE) method advocated by Memphis. The Judge cites with approval the arguments of Texas Gas and others that the annual peak day usage is still significant on the Texas Gas system because Texas Gas is able to meet all of its customers' demands for gas (including those of Memphis) on that day, in spite of curtailments on an annual basis on the system (mimeo, p. 12). It is argued that Memphis' approach is basically a volumetric approach similar to that which was "rejected" by the Commission in United as being "disruptive". Furthermore, it is alleged that any deviation from the unmodified Seaboard method will penalize those high load factor customers with storage. Memphis is said to receive adequate compensation for its curtailment from the operation of Texas Gas' demand charge adjustment provision which credits a customer's demand charge billing to reflect curtailments to that customer and recovers these amounts from all of the pipeline's customers through a surcharge on the commodity rate. The Judge notes that although, as Memphis alleges, it is being curtailed 47 percent from its contract demand, it is only being curtailed 12 percent from its prior actual purchases which compares to the 6 percent to 17 percent curtailment figures of the pipeline customers, who had been purchasing at close to 100 percent load factor. Accordingly, the Presiding Judge found no compelling reason to depart from the historical 3-day average peak method for allocating demand costs.

[6] The investment in storage plant and gas stored by Texas Gas' large volume high load factor Zone 4 customers on December 31, 1974, is shown as follows (Tr. 246):

	Storage plant investment on Dec. 31, 1974	Gas stored investment on Dec. 31, 1974
Columbia	$206,333,151	$106,205,520
Consolidated	146,801,119	50,416,425
Texas Eastern	112,475,467	27,681,519
Louisville G&E	20,671,000	10,933,000

[7] Tennessee Gas Pipeline Company, Docket No. RP73-113, Initial Decision, issued February 3, 1975; Natural Gas Pipeline Company of America, Docket No. RP73-110, Initial Decision, issued February 13, 1975; Michigan Wisconsin Pipeline Company, Docket Nos. RP73-102, et al., Initial Decision, issued March 31, 1975; Transcontinental Gas Pipe Line Corporation, Docket Nos. RP74-48, Initial Decision, issued December 22, 1975.

[8] The "Quantity Entitlement" for each customer was a volume of gas based on an historical test period which represented the gross annual quantity of gas from which curtailments would be measured.

RATE DESIGN

Again, the Presiding Judge found the unmodified Seaboard method appropriate; albeit this time for rate design purposes. The Judge argues that the United case is distinguishable from the instant case because there are no substantial low priority direct industrial sales and no peak day curtailments on the Texas Gas system and there is a demand charge adjustment provision in Texas Gas' FPC Gas Tariff. He also argues that a switch from Seaboard to United would produce insubstantial changes in cost responsibility which would not in any significant way bring the price of natural gas closer to the cost of alternate fuels.

RATE ZONES

As discussed earlier, the Presiding Judge found that (1) no change in the zone boundaries is supported by the evidence in the record, and that (2) Texas Gas' switch from the zone gate to the Mcf-mile method of allocating transmission costs is appropriate. No exceptions were filed on these issues. Upon review of the record in the proceeding, the Commission concurs and accordingly, affirms the Presiding Judge's Initial Decision on these issues.

DISCUSSION

For the reasons set forth below, the Commission finds that the United method of cost classification, cost allocation, and rate design is appropriate for use on the Texas Gas system.

COST CLASSIFICATION AND COST ALLOCATION

The United method of cost classification and cost allocation is appropriate for use on Texas Gas' system because it appropriately allocates costs between Texas Gas' jurisdictional and non-jurisdictional customers and, more importantly, among Texas Gas' four rate zones. In conjunction with this finding, the Commission has determined that the 3-day average peak method for allocating demand costs among the zones and between jurisdictional customers is appropriate for Texas Gas based on the record of this case. In view of the effects of the Mcf-mile zone allocation, it is appropriate to discuss exactly how a United methodology, with the average 3-day peak method and the Mcf-mile method of allocating transmission commodity and demand costs, would be implemented.

In the first instance, all costs would be functionalized as transmission, storage or production costs. Then the transmission and storage costs would be classified as either variable costs or fixed costs. Under United 25 percent of storage and transmission fixed costs are classified to the demand component and the remaining 75 percent of such fixed costs plus all of the storage and transmission variable costs are classified as commodity costs. All of the production costs are classified as commodity costs with the exception of "as billed" demand charges which are classified as demand costs.

Production commodity costs are allocated to zones based upon annual sales volumes and production demand costs (i.e. "as billed" demand charges) are allocated based upon 3-day average peak volumes. Storage demand and commodity costs are allocated on the basis of 3-day average peak volumes and seasonal volumes, respectively. Mileage-related transmission demand and commodity costs are costs which, by definition, are related to the distance the gas travels and are allocated to zones based upon demand Mcf-miles and commodity Mcf-miles, respectively. Other transmission costs such as sales expense, customer accounting and administrative and general expense are not mileage-related and are therefore allocated based upon 3-day average peak and annual volumes, respectively, without regard to the distance the gas has traveled. At this point, there is an amount of jurisdictional demand and commodity dollars, respectively, allocated to each of Texas Gas' four rate zones.[9] The next step would, of course, be to distribute the jurisdictional costs in each zone among the jurisdictional customers in that zone through the design of rates, a subject which will be discussed in the next section of this opinion.

As noted by all parties to this proceeding, the most significant impact resulting from the use of the United method as opposed to the Seaboard method of cost classification and cost allocation is the distribution of mileage-related transmission costs among the four zones. A comparison of the United method (using 3-day average peak volumes to allocate demand costs) and the Seaboard method of cost classification and cost allocation indicates that use of the Seaboard method would shift approximately $3 million from zone 4 at the northern terminus of the system to zones 1, 2 and 3 in the southern part of the system. (Exhibit No. 24, Schedule 1, Column (11)). The effect on the allocation of costs between jurisdictional and nonjurisdictional sales is not substantial because nonjurisdictional sales represent less than 1 percent (.84 percent) of Texas Gas' annual sales volumes (Tr. 244).

[9] See pages 33 and 34 of the transcript which set forth Staff Witness W. S. Chinn's explanation of the manner of allocating the demand and commodity costs of the various functions.

The issue then is whether or not the high load factor customers such as Texas Eastern, Columbia, Consolidated and Louisville should pay more of the pipeline system's costs because of a shift to a United cost classification and cost allocation method or whether Seaboard should be maintained so as to prevent a shift in the historical zone cost responsibility. At the outset, the Commission notes that historical cost responsibility patterns per se are not determinative of whether or not a given cost distribution method is appropriate. They are perhaps most important in cases such as the United case[10] where the Commission found that a volumetric cost classification, cost allocation and rate design methodology was supported by the record evidence but declined, as a matter of judgment, to go all the way to such a methodology in one step so as to make the eventual shift more gradual. Historical cost patterns are also significant in cases where there has been no substantial change in circumstaces since the time of a prior Commission determination in a litigated proceeding to justify a change in the cost distribution methodology.

The most critical factor in favor of using the United method is the degree of curtailment on the Texas Gas system. The recent history of Texas Gas' curtailment situation is set forth in the testimony of Staff Witness Chinn (Tr. 40–41):

> Texas Gas originally planned to curtail on a gradual basis commencing with 100,000 Mcf per day on April 1, 1974 and increasing to 300,000 Mcf per day on April 1, 1976. However, as gas shortage becomes acute, the Company began a 450,000 Mcf per day summer curtailment (April 1 through October 31) and contemplated a 300,000 Mcf per day winter curtailment (November 1 through March 31). Under the plan each customer is assigned a seasonal entitlement and sales are to be curtailed based on end-use. The summer curtailment is 23.25 percent with sales of Priority 4 through 9 [being] completely cut-off and Priority 3 [being] reduced to 50 percent. And the winter curtailment is 13.03 percent with sales of Priority 3 through 9 [being] completely cut-off and Priority 2 [being] reduced by 4 percent.

Thus, although the record indicates that there is not severe underutilization of the system on the peak day on the Texas Gas system[11] at this time as there was on the United system (17 percent), there is quite substantial underutilization of Texas Gas' system on an annual basis. Thus, the limiting factor on Texas Gas' system is the reduced supply of natural gas and not pipeline capacity.[12] Therefore, it is appropriate for the Commission to shift more fixed costs to the commodity component from the demand component so as to allocate more of Texas Gas' costs on the basis of annual rather than 3-day average peak day sales volumes. In this manner, customer cost responsibility is made to parallel more closely customer usage of the pipeline's facilities.

However, it is argued that a shift from Seaboard to United at this stage in the cost distribution process will unfairly burden or discriminate aganist high load factor customers such as Columbia and Consolidated in zone 4 which have invested substantial sums of money in storage facilities and conversely would unfairly benefit lower load factor customers such as Memphis in the southern zones of Texas Gas' system. Witness Chinn discusses the differences between high load factor and low load factor customers in times of natural gas shortage on a pipeline system. Although his testimony is used to support a United rate design (based upon the use of the Seaboard formula at the cost classification and cost allocation stage, it is equally applicable to support the use of United at the cost classification and cost allocation stage since, in this case, it affects the distribution of dollars among zones, and thus among jurisdictional customers. Witness Chinn states that:

> Seaboard was developed in a period when natural gas was cheap and plentiful, which is no longer true today. It results in too great a cost advantage to high load factor customers which in gas supply shortage situations is indefensible. Texas Gas is in curtailment which means the pipeline is not operating as before. (Tr. 40)

Witness Chinn continues by describing in general the effects of curtailment on Texas Gas' system:

> Curtailment creates excess capacity. It also changes the character of operation. Texas Gas' pipeline capacity was designed to meet each customers' maximum contract quantity or contract demand. Contract Demand as that term is used in the tariff means the customer has the right to demand every day of the year from the pipeline to deliver the quantity of gas he has under contract and the pipeline is obligated to deliver it because the necessary capacity has been installed. Since the pipeline cannot meet that delivery every day, the importance of a demand rate for a demand service has diminished.
>
> The inability to make demand delivery is not due to capacity but supply. Moreover, each customer is allocated a seasonal supply. While the customer may take gas up to his contract quantity, such rate of take would soon exhaust his allotment.
>
> Pipeline fixed costs remain constant regardless of curtailment level and the volumes of throughput must bear the costs; therefore, as the gas is sold a greater portion of the fixed costs should be recovered • • • (Tr. 41–42)

With respect to storage and other peak-shaving devices, the argument is made that customers such as Columbia and Consolidated installed storage in response to encouragement by the Commission in the 1950's and especially in the 1960's in the Seaboard form of cost classification and two part demand-commodity rate design methodologies. In many cases the rate design was "tilted" (by assigning more fixed costs to the demand component),[13] to encourage high load factor utilization of the pipeline supplier's system. Thus, these parties argue that to remove, even in part, the discount which they have enjoyed in the past and continue to enjoy because of storage facilities, is "discriminatory". They argue further that had the customers such as Columbia and Consolidated not invested in storage facilities when they did, Texas Gas would have been required to install more capacity to meet their peak demands, and the fixed costs associated with that capacity would now be burdening Texas Gas' present customers.

These arguments are not persuasive.[14] In the first instance, it is important to put the discussion in perspective. Placing more fixed costs in the commodity component, as in the case of moving from Seaboard to United, removes to some extent the differences in average unit cost of gas between the high load factor and the low load factor purchaser. It does not make the high load factor customer's average unit cost of gas as high as that of the lower load factor customer. Furthermore, there is evidence that Columbia and Consolidated's use of their storage facilities would not be affected by a switch from Seaboard to United. Columbia and Consolidated's Witness Davidson indicated on cross-examination that Columbia and Consolidated would "• • • use the (storage) facilities under any rate design." (Tr. 215)

As to the "discrimination" argument, it should first be noted that Columbia and Consolidated also purchase gas directly from producers as well as directly from other pipeline suppliers.[15] Thus, the argument that Columbia and Consolidated, in the face of increased demands by their respective customers in the past for peak day gas service had to construct storage facilities as the only alternative to requesting more peak day service from Texas Gas, is clearly too speculative a basis for refraining from adopting cost distribution methods suited to present operating conditions on the

[10] See footnote 5, supra.

[11] Texas Gas' FPC Gas Tariff Third Revised Volume No. 1 indicates that the design capacity of the system is 2,656,682 Mcf. For purposes of this case, no party contests the average of the 3-day peak figure of 2,427,080 Mcf used by Staff Witness Chinn (Exh. No. 18, Schedule 2, Sheet 2). Texas Gas' 1974 Form No. 2 indicates a comparable figure of 2,461,104 Mcf for the average of January 12–14, 1975, and its 1975 Form No. 2 indicates a figure of 2,471,106 Mcf for the average of January 7–9, 1976.

[12] See also, Natural Gas Pipeline Company of America, Opinion No. 762,—— FPC ——, issued November 9, 1976, in Docket No. RP73-110.

[13] United Fuel Gas Company, et al., 31 FPC 1342 (1964).

[14] Indeed, as Memphis points out, many of these same arguments were considered by the Commission and rejected in the United case. (See esp. 51 FPC at 1017 and 1018.)

[15] Columbia and Consolidated Brief Opposing Exceptions, pp. 2–3.

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Texas Gas system. Moreover, since storage facilities provide the owner thereof with many advantages, such as operating flexibility, increased reliability of service and higher curtailment priority, the decision to construct such facilities is clearly based on more than a desire to achive lower average unit costs of purchased gas. In any event, customers of Texas Gas with storage, such as Columbia and Consolidated, have enjoyed price discounts (through lower than average unit costs of purchased gas) because of their high load factor purchases under Seaboard and "tilted" Seaboard rate designs and will continue to enjoy discounts under the United method, albeit to a lesser extent.

With respect to Texas Gas' Witness Benson's point that United in Opinion No. 671 made approximately 32.36 percent of its annual sales to non-jurisdictional customers whereas Texas Gas in the instant case has made only .84 percent of its sales to non-jurisdictional customers, the Commission notes again that the shift to the United method of cost classification and cost allocation in the instant case will have a minimal effect on the total dollars distributed to the jurisdictional and the non-jurisdictional classes of customers, respectively. However, use of the United method is significant in that it properly allocates costs to Texas Gas' rate zones for the reasons discussed above.

Similarly, Witness Benson's statement regarding the "long-line" nature of Texas Gas' system versus the "gridlike" nature of the United system is no basis for retaining the Seaboard method on the Texas Gas system. As discussed previously, the cost distribution methodology adopted in this opinion, which includes the use of the Mcf-mile method for allocating mileage-related transmission costs, appropriately distributes costs among Texas Gas' customers so as to reflect not only the curtailment conditions on the Texas Gas system but also the different distances gas must travel to reach each of Texas Gas' customers. The United case, with its two-zone methodology (also based on distance) used in conjunction with the 25–75 cost classification approach, appropriately reflected the operating conditions of the United Gas Pipe Line system, which was more akin to a "grid" system than is the Texas Gas system.[16] Thus, the distinction discused by Mr. Benson has been given appropriate consideration in each case. In any event, it should be noted that both United and Texas Gas serve their pipeline customers in their northernmost zones at high load factors whereas their respective lower load factor city-gate customers are served in their southern zones.

Finally, the Commission finds unpersuasive Mr. Benson's contention that since the Texas Gas-Staff method (Seaboard cost classification and cost allocation with United rate design) allocates approximately the same dollars to the commodity component of Texas Gas' rates overall (albeit to different jurisdictional zones and customers) as does the "pure" United method, there is no need to disturb existing zone cost responsibility patterns because the Commission's purported main goal of discouraging industrial sales by distributors through a shift of fixed costs to the commodity component can be met by either method. As will be discussed in the rate design section of this opinion, the Commission agrees that it is important to partially close the gap between the price of natural gas used for industrial purposes and the price of alternate fuels (as was done in the United case) by shifting more costs to the commodity component. However, the primary thrust of any cost distribution methodology, is to distribute costs among a pipeline's customers in accordance with their respective cost responsibilities. Thus, even if "narrowing the price gap" considerations are put aside, the United method of cost classification and cost allocation must be adopted herein because, as previously discussed, it properly distributes costs among Texas Gas' customers by utilizing annual deliveries as the principal measure of cost responsibility.

[16] See United, supra.

MEMPHIS' AVERAGE DAY METHOD FOR DEMAND COST ALLOCATION

As indicated previously, Memphis proposes an alternate method of allocating demand costs based upon average day "Quantity Entitlements" of each customer, a method similar to the volumetric allocation method which is based upon annual sales volumes. The arguments in the instant case (as in the United case) for the Average Quantity Entitlement (AQE) method are essentially the same as those for the United method. Further, the Commission has agreed with arguments in favor of the United method. However, as a matter of policy and judgment, the Commission has determined that for the purposes of this opinion, it will not adopt the AQE method for allocating those fixed costs classified to the demand component.[17] Accordingly, demand costs shall be allocation between the jurisdictional and non-jurisdictional classes of customers and among rate zones based upon the average three-day peak sales volumes and, as discussed later, among jurisdictional customers in each rate zone by billing determinants based upon contract demand.[18] In future cases, however, the Commission will continue its review of the operations of Texas Gas' system and determine whether a further shift in cost distribution methodology is in the public interest.

Rate Design: Based upon the record evidence in this proceeding, the Commission finds that the United rate design method, using contract demand billing determinants to calculate demand charges, should be adopted in this proceeding. Many of the arguments used to support the United method of cost classification and cost allocation are applicable to the rate design issue because, in both instances, distribution of costs among jurisdictional customers is a major consideration.

The United rate design method is appropriate for use on the Texas Gas system because it reflects a more equitable distribution of costs among its jurisdictional customers based upon the levels of curtailment now existing on the system.[19] As noted earlier herein, it is the supply of natural gas rather than capacity of the system which is the limiting factor on the Texas Gas system today. The Commission recently discussed this factor, along with Commission authority in the rate design area, in Natural Gas Pipeline Company of America, Opinion No. 782, ___ FPC ___ issued November 9, 1976, in Docket No. RP73–110:

> Our decision to depart from Seaboard and adopt the United rate design on Natural's system is supported by the recent opinion of the U.S. Court of Appeals for the D.C. Circuit. In discussing the Commission's departure from the Seaboard method in *Consolidated Gas Supply Corporation* v. *Federal Power Commission*,[25] the Court stated:
>
> "In setting rates the Commission is 'free', within the ambit of (its) statutory authority to make the pragmatic adjustments which may be called for by particular circumstances.
>
> "The percentage distribution of fixed costs within the framework of a two-part allocation and rate structure has never been considered inviolate. In Atlantic Seaboard, the Commission, recalling the words of the Court in Colorado Interstate, stressed that it was making a 'judgement determination' in deciding to divide the fixed costs equally between demand and commodity. The Seventh Circuit, rebuffing a challenge to a 'substantial deviation' from the 50 percent–50 percent formula, noted that 'the Commission's orders have deviated markedly from Seaboard since that case was decided' and found 'that the Commission is to be extended this discretion and • • • we are not to substitute our judgment except in cases of clear abuse.
>
> "We cannot say that the result reached by the Commission in allocating one quarter of fixed costs to demand and three quarters to commodity is unreasonable. The Commission realistically acknowledged the conclusion in Seaboard that the assignment of costs 'could not be done by mathematical computation but involves judgment.' The courts 'cannot fairly demand the perfect at the expense of the achievable.'
>
> "The development of extreme gas shortages and the resulting existence of large unused pipeline capacity provides a reasonable basis for reducing the demand component of the tariff charge and moving away from a marked peak differential."
>
> (Footnotes omitted.)

Under these circumstances, it is necessary to reduce to some extent the rate differential (i.e. the average unit cost of purchased gas) between high load factor and low load factor customers of Texas Gas and move in the direction of rates which minimize the price discounts offered to high load factor, high volume users. These discount rates are no longer appropriate in times of natural gas shortage.

[17] Compare United, supra.

[18] Tr. 232.

[19] See pages 12–13 of this opinion.

[25] 520 F.2d 1176, 1185–1186 (D.C. Cir. 1975).

Consolidated and Columbia attack this "elimination of price discount" argument, which was raised by Staff in this case, saying that the Commission's end-use curtailment plan for Texas Gas effectively prohibits additional sales by Texas Gas' customers in any event so that there is no need to partially remove the promotional or discount feature of the Seaboard rate design which Columbia and Consolidated propose. This argument is not persuasive. The discount-type promotional rates which result from Seaboard rates were prescribed (and even tiled) so as to encourage high load factor utilization of the pipeline supplier's system. Clearly, not the supply of natural gas but capacity of the pipeline was the limiting factor.[20] At the present time on the Texas Gas system, it is no longer necessary or in the public interest to continue, without modification, Seaboard rate. witb the level of discount it offers to high load factor, high volume users.[21]

But Columbia and Consolidated argue further that it is only fair and equitable that they, as high load factor purchasers, retain the benefits of lower average unit costs of purchased gas, to offset the costs to their customers of storage facilities which they installed to increase their load factors as the result of Commission encouragement in the 1950's and 1960's. They also argue that their storage has benefited and continues to benefit Texas Gas' other customers because it obviated the need for Texas Gas to install more peaking facilities in the past which would have burdened all of Texas Gas' customers with more fixed costs associated therewith. The arguments raised by Columbia and Consolidated regarding the storage issue are similar to the arguments they raised in supporting the use of Seaboard and opposing the use of United for cost classification and cost allocation. Accordingly, we incorporate our responsive arguments from the cost classification and cost allocation section of this opinion to refute the arguments raised by Columbia and Consolidated. It is appropriate, however, to reiterate our basic finding that the storage arguments are not sufficient to prevent this Commission from adopting a rate design which more nearly reflects the operation of the Texas Gas system. In any event, use of the United rate design still offers a price discount in the form of lower average unit costs of purchased gas to high load factor customers with storage, such as Columbia and Consolidated, albeit to a lesser extent than with Seaboard.

Columbia and Consolidated also argue that it is improper to overemphasize the annual use of the system because it "• • • was constructed to meet each customer's maximum contract quantity." This is only partially correct. As the Commission noted in the original Seaboard case[22]:

> Pipelines are built to supply service not only on the few peak days but on all days thorughout the year. In proving the economic feasibility of the project in certificate proceedings, reliance is placed upon the annual as well as the peak deliveries. Stated another way, the capital outlay for the pipeline facility is made—and justified—not only for service on the peak days but for service throughout the year. • • • If fixed expenses are assigned wholly to the demand or capacity function, then gas service which is interrupted on peak days will not share in any of the fixed costs.

In any event, the Commission in this opinion has not over-emphasized the annual use of the system but rather has made a proper determination basod on the current operations of the Texas Gas system under curtailment conditions.

Columbia and Consolidated also argue that "it is relatively less costly to serve high load factor customers" than low load factor customers.[23] However, upon cross-examination he indicated that no specific cost studies were prepared to show the costs of serving Columbia, Consolidated or any other high load factor customer or, for that matter, any of Texas Gas' low load factor customers such as Memphis. Specifically, he stated:

> I think the only costs studies we made were to accept the Seaboard allocation costs • • •. (Tr. 218.)

Absent specific cost studies, it is clear that the determination of cost distribution techniques—

> "• • • is not a matter for the slide rule," but "(a) judgement on a myriad of facts," • • • (and Courts have held) • • • that "the appropriateness of the formula employed by the Commission in a given case raises questions of fact not of law."
>
> When Congress • • • fails to provide a formula for the Commission to follow courts are not warranted in rejecting the one which the Commission employs unless it plainly contravenes the statutory scheme of regulation.[24]

The facts and record in this proceeding support the United rate design method.

Columbia and Consolidated also argue that the instant case is distinguishable from the United case because United had no demand charge adjustment provision whereas Texas Gas does. This is significant, it is argued, because demand charge adjustment provision reduces the demand charge of customers experiencing curtailment and recovers the deficit in demand charge collections through temporary surcharges to the commodity component of all customers' rates. As indicated previously, the Commission has found that the record evidence in this proceeding supports a United rate design. It is true that the operation of the demand charge adjustment provision will shift further fixed costs among customers through its operation. However, this further shifting of costs is consistent with the Commission's goals of shifting costs to reflect curtailments on Texas Gas' system and is not a reason retaining Seaboard.

Although the Commission finds that the United rate design is otherwise supportable for use on the Texas Gas system, the Commission finds that a beneficial aspect of this method will be to narrow the gap between the price of natural gas and the price of competitive fuels through an increase in the commodity component of Texas Gas' rates. By increasing the commodity rates, the incentive of distributors to make industrial sales is somewhat affected, albeit not to a sufficient extent to cause industrials to leave the system. However, the Commission continues to support this "narrowing of the gap" so as to move in the direction of eliminating the relatively low rates industrial users have enjoyed in the past and continue to enjoy vis-a-vis residential and small commercial users.[26] As the U.S. Court of Appeals indicated in Consolidated, supra at 1186[26]:

> Due to the increasing costs of coal and oil and the growing scarcity of natural gas, it is no longer necessary to lure industrial customers with relatively low commodity charges.

We note that Article IV of the Stipulation and Agreement in the proceeding approved by order issued October 6, 1975, provides that Texas Gas shall be required to reflect the United cost classification, cost allocation, and rate design method as set forth in this opinion only after a final and non-appealable order in this proceeding. The practical effect of this provision is to delay implementation of this opinion for a year or more if a party appeals this decision to a U.S. Court of Appeals. Accordingly, we shall expect Texas Gas in any new general rate increase filing under Section 4 of the Natural Gas Act to reflect fully the United methodology. To the extent that Texas Gas does not reflect the United method in any new filing, it is hereby placed on notice that it shall be subject to such undercollections as may occur if, after decision in that case, we find that the method used by Texas Gas therein is different from the one ultimately found to be just and reasonable by the Commission in that case. However, such undercollection shall not exceed those

[20] See United Fuel, supra; see also Fuels Research Council, Inc. v. F.P.C., 374 F.2d 842 (7th Cir. 1967).

[21] In a related argument, Columbia and Consolidated make the argument that high load factor customers are not necessarily high volume purchasers of natural gas because the term "high load factor" refers to customers who purchase more gas on an annual basis per unit of gas used on the peak day than do low load factor customers. While this is technically correct, it is unclear what relevance this point has in this proceeding since Columbia and Consolidated, as well as Texas Eastern, are all high load-factor customers who are also large volume purchasers of gas from Texas Gas.

[22] 11 F.P.C. at 54–55.

[23] Testimony of Columbia and Consolidated Witness Davidson, Tr. 177.

[24] Consolidated Gas Supply Corporation, et al., v. F.P.C., 520 F.2d at 1185 citing to Colorado Interstate Gas Co. v. F.P.C., 324 U.S. 581 (1945); see also Consolidated, supra at 1187.

[26] See United, supra; Trunkline Gas Company, ____ FPC ____, issued July 9, 1975, in Docket No. RP74–89; Transwestern Pipeline Company, ____ FPC ____, issued March 2, 1976, in Docket No. RP74–52; Natural, supra.

[26] See also Fuels Research, supra, for a discussion of the relationship of commodity rate levels charged by pipelines to distributors and retail industrial rate levels.

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that would be computed if 75 percent of fixed costs were classified to commodity under the United method as presented in the instant opinion.

CONCLUSION

In accordance with this opinion, and Texas Gas' Stipulation and Agreement in this docket which was approved by Commission order issued October 6, 1975, herein, Texas Gas shall file revised tariff sheets, with rates reflecting the United cost classification, cost allocation and rate design methods, within 10 days of the date the instant order becomes final and non-appealable, as more fully provided in Article IV of the Stipulation and Agreement.

The Commission finds: (1) Texas Gas Transmission Corporation is a natural gas company subject to the provisions of the Natural Gas Act and its sales for resale are subject to the jurisdiction of this Commission

(2) To the extent inconsistent with this opinion, the Initial Decision should be adopted in part and reversed in part, all as set forth more fully in the body of this opinion.

(3) Good cause exists to grant Staff's request to file its Brief Opposing Exceptions out of time.

The Commission orders: (A) The Initial Decision herein is reversed in part to provide for the adoption of the United method of cost classification, cost allocation and rate design in lieu of the unmodified Seaboard method, as set forth in more detail in the body of this order.

(B) Except as provided in (A) above, the Initial Decision is affirmed.

(C) As provided by this opinion and Article IV of Texas Gas' Stipulation and Agreement in this docket, Texas Gas shall file revised tariff sheets consistent with the findings of this opinion within 10 days of the date this opinion becomes final and non-appealable.

(D) Staff's request to file its Brief Opposing Exceptions out of time is hereby granted.

(E) The Secretary shall cause prompt publication of this opinion in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11108 Filed 4-14-77;8:45 am]

[Doc. No. RP77-49]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Tariff Filing

APRIL 11, 1977.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on March 30, 1977, tendered for filing Second Revised Sheet No. 12 to its FPC Gas Tariff, Second Revised Volume No. 1.

Transco states that this tariff sheet is being filed for the purpose of reflecting a decrease in rates for Transco's Rate Schedule GSS (General Storage Service) to track the rate decrease to Transco from Consolidated Gas Supply Corporation (Consolidated) under the latter's GSS rate schedule. On October 29, 1976, Consolidated filed a general rate case in Docket No. RP77-7, which among other things, provided for a net decrease in Consolidated's Rate Schedule GSS charges to Transco by an amount of approximately $467,000 annually. By its order issued November 24, 1976, the Commission suspended Consolidated's filing until May 1, 1977. The instant filing by Transco is intended to "track" Consolidated's rate decrease on May 1, 1977 if Consolidated moves to make effective its rate filing in Docket No. RP77-7 on that date.

The GSS rates reflected in the enclosed tariff sheet reduce the rates made effective subject to refund on February 1, 1977, in Transco's Docket No. RP76-136. Therefore, the reduced GSS rates, if made effective May 1, 1977, will also be subject to refund in said Docket No. RP76-136.

The Company states that copies of the filing have been mailed to each of its customers and interested state commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 22, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

[FR Doc.77-11093 Filed 4-14-77;8:45 am]

[Doc. No. E77-88]

TRANSWESTERN PIPELINE CO., ET AL.

Emergency Natural Gas Act of 1977; Emergency Order

On April 5, 1977, North Central Oil Corporation (NCOC), Transwestern Pipeline Company (Transwestern) and Colorado Interstate Gas Company (CIG) filed, pursuant to Section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)), an application for authorization to permit Transwestern to commence an emergency purchase under Section 6 from NCOC through July 31, 1977. Subsequent to the emergency purchase, CIG will purchase the remaining reserves from NCOC at the applicable area or national rate prescribed by the Federal Power Commission (FPC), and NCOC and CIG will compromise and settle pending litigation regarding certain gas reserves.

On April 6, 1977, Cities Service Gas Company (Cities Service) filed a petition to intervene and requested whether Cities Service is eligible to purchase emergency gas from Transwestern under Order No. 6 (February 22, 1977). Cities Service also states that it must be allowed to roll in the cost of emergency gas through the purchased gas adjustment provisions in its tariff.

Cities Service's petition in this proceeding is similar to its petition in Docket No. E77-79. There, I stated that Order No. 6 was directed to the initial purchaser of gas sold under Section 6 and the purchaser's authorization to purchase such gas "encompasses the right to sell such gas to its customers." Transwestern Pipeline Company, Docket No. E77-79 (April 5, 1977). The same rationale applies in this proceeding.

Cities Service's petition also raises the question of how it may recover the costs associated with gas purchased under Section 6. On April 7, 1977, I issued a notice of proposed order prescribing rules for allocating gas volumes purchased under Section 6 and the costs associated with those purchases pursuant to Section 7 of the Act (91 Stat. 4, 8). Docket No. E77-92 (April 7, 1977). Cities Service's recovery of the costs associated with emergency gas purchased under Section 6 will be governed by the final order in that proceeding and any rules or regulations issued by the FPC to implement Section 6(b)(2) of the Act (91 Stat. at 8).

On or about March 14, 1977, NCOC and CIG executed formal documents providing for the sale and dedication of NCOC's interest in the Madden Field, Fremont County, Wyoming, to GIG. This sale and dedication was subject to NCOC's right to make an emergency sale under the Act. In addition, NCOC and CIG agreed to compromise and settle pending litigation regarding gas reserves in the Madden Field area. On March 15, 1977, NCOC and Transwestern executed an agreement for the purchase of available gas supplies from NCOC's interest in the Madden Field (approximately 7,500 Mcfd).[1] Contemporaneously with the execution of the contract with NCOC, and at all times prior to such execution, Transwestern states that it reasonably believed that it was qualified to make such purchase under Order No. 6 (February 22, 1977).

This case is similar to *Inexco Oil Company, et al.*, Docket No. E77-79 (March 28, 1977). Here, as there, Transwestern reasonably believed that it was eligible to purchase gas under Order No. 6, the seller detrimentally relied on Transwestern's belief, and the seller and CIG have agreed that the seller's interests in disputed acreage will be dedicated to CIG subsequent to the emergency sale and that pending litigation between the seller and CIG will be compromised and settled. In this case, however, deliveries to Transwestern had not commenced prior to Transwestern's receipt of information that it was not eligible to purchase gas under Order No. 6. That distinction is not controlling. *Colorado Interstate Gas Company*, Docket No. E77-31 (February 28, 1977), indicated that detrimental reliance on Order No. 2 (February 3, 1977) coupled with a long-term dedication of the remaining reserves to the interstate market at the applicable area or national rate prescribed by the FPC could justify approval of the proposed sale even though the purchaser was not eligible to make the purchase under Order No. 6. I find that Transwestern has satisfied the *Colorado Interstate* criteria. Therefore, Transwestern is authorized to purchase this gas from NCOC notwithstanding Order No. 6.

Transwestern will purchase these supplies at a price of $2.25 per MMBtu inclusive of all state and local taxes and other adjustments. This price is fair and equitable in accordance with Order No. 2.

This gas will be delivered to Transwestern through the existing pipeline facilities of CIG, Northwest Pipeline Corporation (Northwest) and El Paso Natural Gas Company (El Paso). Transwestern shall submit all relevant information regarding transportation charges to the Administrator.

Pursuant to Section 6(a) of the Act, I hereby authorize Transwestern to purchase gas from NCOC. This authorization is conditioned upon CIG and NCOC submitting to the FPC, within seventy-two (72) hours of this order, a binding contract for the sale of this gas by NCOC to CIG subsequent to July 31, 1977, at a price not to exceed the applicable area or national rate prescribed by the FPC. Pursuant to Section 6(c)(1), I authorize CIG, Northwest, and El Paso to transport this gas for Transwestern.

Transwestern shall submit weekly reports as required by Order No. 4.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Transwestern, NCOC, CIG, Northwest, and El Paso. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

APRIL 12, 1977.

[FR Doc.77-11091 Filed 4-14-77;8:45 am]

[1] The application states that the wells supplying 4,000 Mcfd are now connected to CIG's pipeline. An additional three wells supplying an additional 3,500 Mcfd are to be connected. The April 4, 1977 cover letter indicates that at least one of three additional wells has been connected to CIG's pipeline.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Meetings

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of FDA. This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations, 21 CFR Part 14, (formerly Subpart D of Part 2, prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)), relating to advisory committees. The following advisory committee meetings are announced:

Committee name	Date, time, and place	Type of meeting and contact person
2. Science Advisory Board	May 2, 3, and 4, 9 a.m., National Center for Toxicological Research, Jefferson, Ark. on May 2 and 3, Camelot Inn, Little Rock, Ark. on May 4.	Open public hearing May 2, 9 a.m. to 10 a.m.; open committee discussion May 2, 10 a.m. to 4:30 p.m., May 3 and 4, 9 a.m. to 4:30 p.m.; Ruth S. Magee, National Center for Toxicological Research, Jefferson, Ark. 72079, 501-541-4578.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearings. Interested parties are encouraged to present information pertinent to the tentative classification findings to the executive secretary. Those desiring to make formal presentations should notify the executive secretary by April 25, 1977, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments.

Open committee discussion. The panel members will review their classification recommendations and justifications for all implants and life-supporting type devices for which they recommend other than a class III classification. The panel members will also discuss a plan for preparing their classification report and the contents of that report.

Committee name	Date, time, and place	Type of meeting and contact person
1. Cardiovascular Device Classification Panel.	May 2, 9 a.m., room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open public hearing 9 a.m. to 10 a.m.; open committee discussion 10 a.m. to 4 p.m.; Glenn A. Rahmoeller (HFK-450), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7226.

General function of the committee. Advises on establishment and implementation of research program that will assist the Commissioner of Food and Drugs and the Administrator, Environmental Protection Agency, in fulfilling their regulatory responsibilities.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the board.

Open committee discussion. Discussion of NCTR status report; future plans; pathology—past and present; cell biology; tissue culture; mutagenesis; matrix approach; teratology; bladder cancer; aromatic amines; graduate education; hepatoma; hormones; and recomemndations.

Committee name	Date, time, and place	Type of meeting and contact person
3. Hepatotoxicity Subcommittee of the Gastrointestinal Drugs Advisory Committee.	May 3, 9 a.m., conference room I, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing 9 a.m. to 10 a.m.; open committee discussion 10 a.m. to 5 p.m.; Joan C. Standaert (HFD-110), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4730.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of marketed investigational prescription drugs for use in gastrointestinal diseases.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Evaluation of potential hepatotoxicity in clinical investigation Phase I and II.

Committee name	Date, time, and place	Type of meeting and contact person
4. Cardiovascular and Renal Advisory Committee.	May 4 and 5, 9 a.m., conference room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing May 4, 9 a.m. to 10 a.m.; open committee discussion May 4, 10 a.m. to 5 p.m., May 5, 9 a.m. to 12 p.m.; Joan C. Standaert (HFD-110), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4730.

General function of the committee. reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in cardiovascular and renal disorders.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of new drug application (NDA) 17-819 (Atropen); NDA 16-194 (Talwin injection labeling claims); and FDA action report.

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Committee name	Date, time, and place	Type of meeting and contact person
5. Technical Electronic Product Radiation Safety Standards Committee.	May 5 and 6, 9 a.m., room 416, 12720 Twinbrook Parkway, Rockville, Md.	Open public hearing May 5, 9 a.m. to 10 a.m.; open committee discussion May 5, 10 a.m. to 5 p.m., May 6, 8:30 a.m. to adjournment; Marshall S. Little (HFX-440), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3429.

General function of the committee. Advises on technical feasibility, reasonableness, and practicability of performance standards for electronic products to control the emission of radiation pursuant to 42 U.S.C. 263f(f)(1)(A).

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of proposed amendments to laser product standard; proposed amendments to diagnostic X-ray equipment standard; report on criteria for mercury vapor lamps; report on microwave diathermy equipment standard; report on bioeffects of microwaves; and report on the Medical Device Amendments of 1976 (Pub. L. 94-295).

Committee name	Date, time, and place	Type of meeting and contact person
6. Hepatotoxicity Subcommittee of the Gastrointestinal Drugs Advisory Committee.	May 9 and 10, 9 a.m., conference rooms H, I, and J, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing May 9, 9 a.m. to 10 a.m.; open committee discussion May 9, 10 a.m. to 5 p.m.; May 10, 9 a.m. to 3 p.m.; Joan C. Standaert (HFD-110), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4730.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of marketed investigational prescription drugs for use in gastrointestinal diseases.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of pre-clinical guidelines (Conference Rm. H); guidelines for clinical testing Phases III and IV (Conference Rm. I); and guidelines for evaluation of drug interaction and pharmacogenetics (Conference Rm. J).

Committee name	Date, time, and place	Type of meeting and contact person
7. FDA/NIDA Drug Abuse Research Advisory Committee.	May 12, 8:30 a.m., conference room F, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing 8:30 a.m. to 9:30 a.m.; open committee discussion 9:30 a.m. to 5 p.m.; John A. Seligiano, Ph. D. (HFD-123), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3504.

General function of the committee. Advises the Food and Drug Administration on action to be taken with respect to investigational use of substances with abuse potential. Advises the National Institutes on Drug Abuse on supplies of substances for clinical studies and on quantities of substances for animal and in vitro studies. Advises FDA and NIDA on development of board outlines for studies of substances with abuse potential and on new methods and tests in animals and man by which the dependence liability on investigational drugs may be estimated.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of minutes and action report; progress reports on the effects on nausea and vomiting in cancer chemotherapy, effects on intraocular pressure and glaucoma, preclinical data on teratology; reviews of investigational new drugs (IND's), amendments and progress reports (clinical), and schedule I substances shipments (preclinical); discussion of conflict of interest and the special government employee; open agency regulations; developing an FDA policy re decriminalization of cannabis; and congressional inquiry re supplies of Schedule I substances.

Committee name	Date, time, and place	Type of meeting and contact person
8. Toxicology Advisory Committee.	May 12 and 13, 9 a.m., conference rooms G and H, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open committee discussion May 12, 9 a.m. to 12 m.; open public hearing May 12, 1 p.m. to 2 p.m.; open committee discussion May 12, 2 p.m. to 4:30 p.m., May 13, 9 a.m. to 12 m.; open public hearing May 13, 1 p.m. to 2 p.m.; open committee discussion May 13, 2 p.m. to 3 p.m.; Jeffrey A. Staffa, Ph. D. (HFS-50), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4990.

General function of the committee. Reviews and evaluates available data relating to the evaluation of the safety of chemicals present in foods, drugs, cosmetics, and medical devices. Advises on the safety of specific human drugs, animal drugs, color and food additives, cosmetic components, and components of devices. Recommends the development of standardized methodologies for the toxicity testing of such materials.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of the increased prolactin levels in animals on psychotropic drugs and toxicology guidelines.

Committee name	Date, time, and place	Type of meeting and contact person
9. Miscellaneous Internal Drug Products Panel.	May 15 and 16, 9 a.m., conference room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open committee discussion May 15, 9 a.m. to 4:30 p.m.; open public hearing May 16, 9 a.m. to 10 a.m.; open committee discussion May 16, 10 a.m. to 4:30 p.m., Armond M. Welch (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The panel will review data submitted pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10(a)(2)).

The panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

The panel will be reviewing, voting upon, and modifying its draft report in preparation for submission to the Commissioner.

Committee name	Date, time, and place	Type of meeting and contact person
10. Arthritis Advisory Committee.	May 19 and 20, 9 a.m., conference room F, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing May 19, 9 a.m. to 10 a.m.; open committee discussion May 19, 10 a.m. to 4:30 p.m., May 20, 9 a.m. to 3 p.m.; C. H. Maxwell, M.D. (HFD-150), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-5197.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in arthritic conditions.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of NDA 17-911 (Clinoril); proposed changes in indomethacin labeling; guidelines for evaluation of remission inducing drugs; and basis of approval for nonsteroidal anti-inflammatory drugs.

Committee name	Date, time, and place	Type of meeting and contact person
11. Dental Drug Products Advisory Committee.	May 23, 9 a.m., conference room F, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing 9 a.m. to 10 a.m.; open committee discussion 10 a.m. to 4 p.m.; Clarence C. Gilkes, D.D.S. (HFD-160), 5600 Fishers Lane, Rockville Md. 20857, 301-443-3560.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in the practice of dentistry.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of Xylitol in chewing gum studies.

Committee name	Date, time, and place	Type of meeting and contact person
12. Antimicrobial Panel.....	May 20 and 21, 9 a.m., conference room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing May 20, 9 a.m. to 10 a.m.; open committee discussion May 20, 10 a.m. to 4:30 p.m.; May 21, 9 a.m. to 4:30 p.m.; Armond M. Welch (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The panel will review data submitted pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10(a)(2)).

The panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

The panel will be reviewing, voting upon, and modifying its draft report in preparation for submission to the Commissioner.

Committee name	Date, time, and place	Type of meeting and contact person
13. Contraceptive and Other Vaginal Drug Products Panel.	May 20 and 21, 9 a.m., conference room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing May 20, 9 a.m. to 10 a.m.; open committee discussion May 20, 10 a.m. to 4:30 p.m., May 21, 9 a.m. to 4:30 p.m.; Armond M. Welch (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

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General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The panel will review data submitted pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10(a)(2)).

The panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

The panel will be reviewing, voting upon, and modifying its draft report in preparation for submission to the Commissioner.

Committee name	Date, time, and place	Type of meeting and contact person
14. Dentifrices and Dental Care Agents Panel.	May 25 and 26, 9 a.m., conference room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing May 25, 9 a.m. to 10 a.m.; open committee discussion May 25, 10 a.m. to 4:30 p.m.; May 26, 9 a.m. to 4:30 p.m.; Michael D. Kennedy (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The panel will review data submitted pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10(a)(2)).

The panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

The panel will be reviewing, voting upon, and modifying its draft report in preparation for submission to the Commissioner.

Committee name	Date, time, and place	Type of meeting and contact person
15. Ear, Nose, and Throat Device - Classification Panel.	May 25 and 26, 9 a.m., room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open public hearing May 25, 9 a.m. to 10 a.m.; open committee discussion May 25, 10 a.m. to 4:30 p.m., May 26, 9 a.m. to 4:30 p.m.; Harry R. Sauberman (HFB-5), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7226.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to ENT devices to be classified at this meeting to the executive secretary. Submission of data relative to previous classification recommendations is also invited. Those desiring to make formal presentations should notify the executive secretary by May 10, 1977, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments.

Open committee discussion. The panel will complete and review supplementary classification data sheets for the following ENT devices; Laryngeal implants: laryngeal prothesis (Taub). Prosthetic implant material: composite synthetic polymers (e.g. proplast TM). Ear Instruments: ear drape; electric ear drill; ear drill handpiece; aural magnifier; AC powered otoscope; battery powered otoscope. Multiple use surgical instruments: burr; pneumatic drill; fiberilluminator; surgical microscope; pneumatic saw; laser. Nasal and paranasal sinus instruments: AC powered antroscope; nasograph. Pharyngeal instruments; nasopharyngoscope; laryngeal telescope. Tracheal, bronchial and esophageal instruments: AC powered bronchoscope; battery powered bronchoscope; AC powered esophagoscope; battery powered seophagoscope; AC powered mediastinascope; battery powered mediastinascope; esophageal probang.

Committee name	Date, time, and place	Type of meeting and contact person
16. Bladder Cancer Subcommittee of the Science Advisory Board to the National Center for Toxicological Research.	May 27, 9 a.m., Doll Room, Holiday Inn, North Little Rock, Ark.	Open public hearing 9 a.m. to 10 a.m.; open committee discussion 10 a.m. to 3 p.m.; Ruth S. Magee, National Center for Toxicological Research, Jefferson, Ark. 72079, 501-541-4528.

General function of the committee. Advises on establishment and implementation of a research program that will assist the Commissioner of Food and Drugs and the Administrator, Environmental Protection Agency, in fulfilling their regulatory responsibilities.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Status report on bladder lesions seen in urinary tract of mice fed 4-ethyl-sulfonylnaphthalene 7-sulfonamide (ENS) and other chemical agents; presentation of protocols in chronic studies; progress reports of the following projects: metabolism and biological effects of ENS; cofactors in the etiology of bladder cancer in mice; exfoliative cytology as a tool for early detection of bladder cancer in mice; tissue culture systems in cell-virus interactions in the evaluation of toxic environmental chemicals.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be obtained from the Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14 published in the FEDERAL REGISTER of November 26, 1976 (41 FR 52148) under Subpart D of former Part 2 and recodified in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553).

The Commissioner approves the scheduling of meetings at locations outside of the Washington, DC, area on the basis of the criteria of § 14.22 (21 CFR 14.22, formerly § 2.307, prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)) of FDA's regulations relating to public advisory committees.

Dated: April 8, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-10893 Filed 4-14-77;8:45 am]

[Doc. No. 76P-0061]

CONTINENTAL X-RAY CORP.

Extension of Variance

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces the extension of Variance No. 75001, originally granted to Continental X-Ray Corp., 641 West Lake St., Chicago, IL 60606, in the FEDERAL REGISTER of March 19, 1975 (40 FR 12534). This action is being taken so that sufficient time will be allowed for publication of the agency's final ruling on amendments to § 1020.31 (21 CFR 1020.31), originally proposed in the FEDERAL REGISTER of February 23, 1976 (41 FR 7957), which would incorporate the major features of Variance No. 75001 into the regulations.

DATES: The expiration date of Variance No. 75001 is extended from March 19, 1977, until September 30, 1977, unless written objections and supporting information are filed on or before May 16, 1977, requesting that the extension not be granted.

ADDRESSES: Objections to this action to extend the expiration date of the variance should be sent to: Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Harvey Rudolph, Bureau of Radiological Health (HFX-460), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. 301-443-3426).

SUPPLEMENTARY INFORMATION: On March 19, 1975, a variance from specific provisions of the diagnostic x-ray equipment performance standards (21 CFR 1020.30 through 1020.32) was granted to Continental X-Ray Corp. under § 1010.4 (21 CFR 1010.4), which concerns granting of variances for electronic products for which there are performance standards promulgated under section 358 of the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263f). This variance applies to the Compere Temporal Bone Radiographic Unit, a diagnostic x-ray system marketed by that company. Under the variance, these x-ray systems have been allowed to deviate from § 1020.31(f)(2) in that means are not provided to align the center of the x-ray field with the center of the image receptor to within 2 percent of the source-image receptor distance; however, the x-ray field is confined to be within the area of the image receptor. These provisions have been incorporated into the February 23, 1976 proposal to amend § 1020.31.

The expiration date of Variance No. 75001 is now March 19, 1977 (extension granted in the FEDERAL REGISTER of March 17, 1976 (41 FR 11197)). Due to delays resulting from the consideration of public comments on the proposal to amend § 1020.31, Variance No. 75001 expired before the effective date of the anticipated final rule. Because of this, the Director of the Bureau of Radiological Health is granting an extension of this variance until September 30, 1977. The extension shall become effective on March 19, 1977, unless written objections and supporting information are filed with the Hearing Clerk, Food and Drug Administration, on or before May 16, 1977, requesting that the variance be modified or not granted. Upon receipt of such objections and supporting documentation, the effective date of the variance will be stayed until the Director, Bureau of Radiological Health, rules on them. Pursuant to § 1010.4(c)(3), the applicant shall then be notified by certified mail and a notice of the stay shall be published in the FEDERAL REGISTER. The ruling on the objections shall be made within 60 days, shall be published in the FEDERAL REGISTER, and shall constitute final agency action subject to judicial review under section 358(d) of the act.

The application for this variance and all related correspondence, except information covered by the confidentiality provisions of section 360A(e) of the act (42 U.S.C. 263i(e)), have been placed on public display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, and may be seen Monday through Friday from 9 a.m. to 4 p.m. except on Federal legal holidays.

Dated: April 8, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-10897 Filed 4-14-77;8:45 am]

[Doc. No. 76P-0047]

DIAGNOSTIC X-RAY SYSTEMS AND THEIR MAJOR COMPONENTS

Extension of Variance to CGR Medical Corp.

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces the extension of Variance No. 74001, originally granted to CGR Medical Corp., 2519 Wilkens Ave., Baltimore, MD 21203, in the FEDERAL REGISTER of May 22, 1974 (39 FR 17988). This action is being taken so that sufficient time will be allowed for publication of the agency's final ruling on amendments to § 1020.31 (21 CFR 1020.31), originally proposed in the FEDERAL REGISTER of February 23, 1976 (41 FR 7957), which would incorporate the major features of Variance No. 74001 into the regulations.

DATES: The expiration date of Variance No. 74001 is extended from April 4, 1977, until September 30, 1977, unless written objections and supporting information are filed on or before May 16, 1977, requesting that the extension not be granted.

ADDRESSES: Objections to this action, to extend the expiration date of the variance should be sent to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Harvey Rudolph, Bureau of Radiological Health (HFX-460), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. (301-443-3426).

SUPPLEMENTARY INFORMATION: On May 22, 1974, a variance from specific provisions of the diagnostic x-ray equipment preformance standard (21 CFR 1020.30-32) was granted to CGR Medical Corp. under § 1010.4 (21 CFR 1010.4), which concerns granting of variance for electronic products for which there are performance standards promulgated under section 358 of the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263f). This variance applies to removable, fixed-aperture, beam-limiting devices for use with the Senographe mammography unit, a diagnostic x-ray system marketed by that company. Under the variance, these products have been allowed to deviate from the requirements of § 1020.31(f)(3) in that means are not provided to align the center of the image receptor to within 2 percent of the source-image receptor distance, and the devices have appropriate labeling changes to ensure alternate radiation protection. These provisions have been incorporated into the February 23, 1976 proposal to amend § 1020.31.

The expiration data of Variance No. 74001 is now April 4, 1977 (extension granted in the FEDERAL REGISTER of March 3, 1976 (41 FR 9236). Due to delays resulting from the consideration of public comments on the proposal to amend § 1020.31, Variance No. 74001 expired before the effective date of the anticipated final rule. Because of this, the Director of the Bureau of Radiological Health is granting an extension of this variance until September 30, 1977. The extension shall become effective on April 4, 1977, unless written objections and supporting information are filed with the Hearing Clerk, Food and Drug Administration, on or before May 16, 1977, requesting that the variance be modified or not granted. Upon receipt of such objections and supporting documentation, the effective date of the variance will be stayed until the Director, Bureau of Radiological Health, rules on them. Pursuant to § 1010.4(c)(3), the applicant shall then be notified by certified mail and a notice of the stay shall be published in the FEDERAL REGISTER.

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The ruling on the objections shall be made within 60 days, shall be published in the FEDERAL REGISTER, and shall constitute final agency action subject to judicial review under section 358(d) of the act.

The application for this variance and all related correspondence, except information covered by the confidentiality provisions of section 360A(e) of the act (42 U.S.C. 263i(e)), have been placed on public display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, and may be seen Monday through Friday from 9 a.m. to 4 p.m. except on Federal legal holidays.

Dated: April 8, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-10898 Filed 4-14-77;8:45 am]

NORWICH PHARMACAL CO.

Nitrofurazone-Penicillin Gel; Withdrawal of Approval of New Animal Drug Application

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration is withdrawing approval of a new animal drug application (NADA) for Furacin-Penicillin Gel.

EFFECTIVE DATE: April 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert A. Baldwin, Bureau of Veterinary Medicine (HFV–114), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, (301) 433–3420.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345–347 (21 U.S.C. 360b(e))) and under authority redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.29), the following notice is issued:

Norwich Pharmacal Co., Division of Morton-Norwich Products, Inc., 13–12 Eaton Ave., Norwich, N.Y. 13815, holder of approved NADA No. 65–148V for Furacin-Penicillin Gel has requested, by letter dated July 8, 1976, that approval of the NADA be withdrawn and has waived its opportunity for a hearing. The NADA, which was originally approved October 16, 1962, currently provides for the use of the drug as a topical antibacterial for the treatment or prevention of topical bacterial infections caused by organisms sensitive to nitrofurazone or penicillin. The firm has requested that the NADA be withdrawn because the drug is no longer being marketed.

Therefore, in accordance with § 54.115 (21 CFR 514.115), notice is given that approval of NADA 65–148V and all supplements thereto for Furacin-Penicillin Gel is hereby withdrawn; effective April 15, 1977.

Published elsewhere in this issue of the FEDERAL REGISTER is an amendment to § 540.380a *Penicillin ointment* (21 CFR 540.380a) to reflect this notice.

Dated March 28, 1977.

C. D. VAN HENWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.77-10894 Filed 4-14-77;8:45 am]

ADVISORY COMMITTEES

Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), and FDA regulations, 21 CFR Part 14, (formerly Subpart D of Part 2, prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 CFR 15553)), relating to advisory committees.

SUPPLEMENTARY INFORMATION: The following advisory committee meetings are announced:

Committee name	Date, time, and place	Type of meeting and contact person
1. Allergenic Extracts Panel.	May 20 and 21, 9 a.m., room 130, 6110 Executive Blvd., Rockville, Md.	Open public hearing May 20, 9 a.m. to 10 a.m.; open committee discussion May 20, 10 a.m. to 5:30 p.m., May 21, 8:30 a.m. to 10 a.m.; closed committee deliberations May 21, 10 a.m. to adjournment; Clay Sisk (HFB–5), 8800 Rockville Pike, Bethesda, Md. 20014, 301–443–5455.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of biological products.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of the recommendations for further clinical testing and revision of draft reviews on epidermal, insect, pollen, food and miscellaneous inhalent extracts.

Closed committee deliberations. Review of data submission from allergenic extract producers on the subject of manufacturing techniques for insect allergenic extracts and for food allergenic extracts. This portion of the meeting will be closed to permit discussion of trade secret information (5 U.S.C. 552b(c)(4)).

Committee name	Date, time, and place	Type of meeting and contact person
2. Physical Medicine Device Classification Panel.	May 23 and 24, 9 a.m., room 6-21, FB-8, 200 C St. SW., Washington, D.C.	Open public hearing May 23, 9 a.m. to 10 a.m.; open committee discussion May 23, 10 a.m. to 2:30 p.m.; closed committee deliberations May 23, 2:30 p.m. to 4 p.m.; open committee discussion May 24, 9 a.m. to 4 p.m.; Johnnie W. Bailey (HFK–440), 8757 Georgia Ave., Silver Spring, Md. 20910, 301–427–7234.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to classification of devices included in this announcement or devices previously considered by the panel to the executive secretary. Submissions of data relative to tentative classification findings is also invited. Those desiring to make formal presentations should notify the executive secretary by May 16, 1977, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments.

Open committee discussion. Review classification recommendations of the October 18 and 19, 1976, Orthotic/Prosthetic Subcommittee meeting; review classification recommendations of the December 6, 1976, Electrodiagnostic Subcommittee meeting; review of classification recommendations of the March 18, 1977, Electrotherapeutic Subcommittee meeting; and review of recommendations for Class I Device Exemptions from registration, records, and reports and/or good manufacturing practices.

Closed committee deliberations. The panel will discuss a proposed regulatory action to be taken by FDA under authority granted under section 516 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360f). This portion of the meeting will be closed to protect information, the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action (5 U.S.C. 552b(c)(9)(B)).

Each public advisory meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be obtained from the Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14, (formerly Subpart D of Part 2, prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)).

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94–409), permit such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personal records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably, deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

Dated: April 8, 1977.

DONALD KENNEDY,
Commissioner of Food and Drugs.

[FR Doc.77-11002 Filed 4-14-77;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL FOR CAREER EDUCATION

Meeting

AGENCY: National Advisory Council for Career Education, HEW/OE.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of forthcoming meeting of the National Advisory Council for Career Education. It also describes the functions of the Council. Notice of the meeting is required by the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: May 5–6, 1977. May 5—7 p.m.–10 p.m. May 6—9 a.m.–4 p.m.

ADDRESS: Federal Office Building No. 6, Room 300, 400 Maryland Avenue, SW., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT:

Dr. Robert D. Bhaerman, Office of Education, Office of Career Education, Room 3100, ROB No. 3, 7th and D Sts., SW., Washington, D.C. 20202. 202–245–2547.

SUPPLEMENTARY INFORMATION: The National Advisory Council for Career Education is established under Section 406 of the Education Amendments of 1974, Pub. L. 93–380, (88 Stat. 552, 553.) The Council is directed to:

Advise the Commissioner of Education on the implementation of Section 406 of the Education Amendments of 1974 and carry out such advisory functions as it deems appropriate, including reviewing the operation of this Section and all other programs of the Division of Education pertaining to the development and implementation of career education, evaluating their effectiveness in meeting the needs of career education throughout the United States, and in determining need for further legislative remedy in order that all citizens may benefit from the purposes of career education as described in section 406.

The Council with the assistance of the Commissioner conducted a survey and assessment of the current status of career education programs, projects, curricula and materials in the United States and submitted to Congress a report on such survey.

The meeting of the Council shall be open to the public. The meeting on May 5 will begin at 7 p.m. and end at 10 p.m. and on May 6 the meeting will begin at 9 a.m. and end at 4 p.m. The meeting will be held at the Office of Education, Federal Office Building No. 6 (FOD No. 6), located at 400 Maryland Avenue, SW., Room 3000, Washington, D.C. 20202.

The proposed agenda includes:

(1) Report of the Legislative Sub-Committee.
(2) Discussion of H.R. 7.
(3) Report on "Supportive Activities for Career Education".
(4) Report on Education and Work Initiative.
(5) Correspondence and Other Business Matters.
(6) Discussion of Commissioned Papers.

Records shall be kept of all Council proceedings and shall be available 14 days after the meeting for public inspection at the Office of Career Education located at 7th and D Sts., SW., Room 3100, ROB No. 3, Washington, D. C. 20202.

Signed at Washington, D.C. on April 12, 1977.

JOHN LINDIA,
Delegate, National Advisory Council for Career Education.

[FR Doc.77-10999 Filed 4-14-77;8:45 am]

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

Meeting

AGENCY: National Advisory Council on Vocational Education.

ACTION: Notice of Public Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of forthcoming meetings of the National Advisory Council on Vocational Education. It also describes the functions of the Council. Notice of these meetings is required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1, 10 (a)(a)). This document is intended to notify the general public of their opportunity to attend.

DATES: Meeting of the National Advisory Council on Vocational Education, May 4, 1977, 9 a.m. to 5 p.m.; Meeting of the National Council with the State Advisory Councils on Vocational Education, May 4, 1977, 4 p.m. to 7 p.m.; May 5, 1977, 8 a.m. to 5 p.m.; and May 6, 1977, 8:30 a.m. to 12 noon.

ADDRESS: Hyatt Regency Washington, 400 New Jersey Avenue, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Ruth Tangman, NACVE Staff, 425 13th Street, NW., Suite 412, Washington, D.C. 20004 202–376–8873.

The National Advisory Council on Vocational Education is established under Section 104 of the Vocational Education Amendments of 1968, Pub. L. 90–576. The Council is directed to:

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(1) Advise the Commissioner concerning the administration of, preparation of general regulations for, and operation of, vocational education programs supported with assistance under this title;

(2) Review the administration and operation of vocational education programs under this title, including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for changes in the provisions of this title) to the Secretary for transmittal to the Congress; and

(3) Conduct independent evaluations of programs carried out under this title and publish and distribute the results thereof.

The meetings on May 4, 1977 will be open to the public from 9 a.m. to 5 p.m. and from 4 p.m. to 7 p.m.; on May 5, 1977 from 8 a.m. to 5 p.m., and on May 6, 1977, from 8:30 a.m. to 12 noon. These meetings will be held at the Hyatt Regency Washington, Washington, D.C.

The proposed meeting of the National Advisory Council on Vocational Education on May 4, 1977 includes:

Approval of January Minutes.
Welcome for New Members.
Chairperson/Executive Director's Reports.
Budget Review.
Report from the U.S. Office of Education.
Discussion with the National Institute of Education.
Discussion and Planning on Youth Unemployment.
Task Force Presentations.
Discussion and Planning for July Meeting.

The meeting with the National and State Advisory Council's on Vocational Education on May 4–6, 1977, will include the following agenda items:

May 4, 1977: Registration: Banquet presentation on the Relationship of CETA and Vocational Education.

May 5, 1977: Registration; Welcome and Introductions; Speaker on Youth Unemployment from the State Point of View; Presentation by Secretary of Labor Ray Marshall; Reaction Panel on Youth Unemployment. Workshops: Planning; Evaluation. Evaluating National Priority Problems: A Coordinated NACVE/SACVE Approach; Technical Assistance to Local Advisory Councils; Sex Stereotyping.

May 6, 1977: Speaker on the Administration's position toward vocational education; Wrap-up session: workshop reports; report from NACVE; discussion of location for next meeting.

Records shall be kept of all Council proceedings and shall be available 14 days after the meeting for public inspection at the Office of the National Advisory Council on Vocational Education located at 425 13th Street NW., Suite 412, Washington, D.C. 20004.

Signed at Washington, D.C. on April 11, 1977.

REGINALD E. PETTY,
Executive Director, National Advisory Council on Vocational Education.

[FR Doc.77-11018 Filed 4-14-77;8:45 am]

INDIAN EDUCATION

Acceptance of Nominations for Membership on the National Advisory Council on Indian Education

1. *Introduction.* In accordance with 20 U.S.C. 1221g, National Advisory Council on Indian Education—Establishment; Membership; Appointment; and Geographic Representation, announcement is hereby made that the Commissioner of Education will accept nominations for Indians and Alaska Natives, as defined below, in order to make recommendations of individuals to the President of the United States for membership on the National Advisory Council on Indian Education. The National Advisory Council on Indian Education consists of fifteen (15) members who are Indians and Alaska Natives appointed by the President. Such appointments shall be made by the President from lists of nominees furnished from time to time, by Indian tribes and organizations, and shall represent diverse geographic areas of the country.

(Pub. L. 92-318, Section 442, Title IV, Part D.)

Nominations submitted to the Commissioner of Education by Indian tribes and organizations must be received no later than May 23, 1977. Nominations are being requested to make recommendations for five (5) membership positions, which will be vacated in the fall of 1977. Each Presidential appointment will be for a term of three years.

2. *Nomination review procedure.* The Deputy Commissioner for Indian Education will gather members of the Management Team to screen nominations received and address appropriate criteria. Lists of primary and alternate recommended individuals will be compiled as a result of this session and will be forwarded to the Commissioner of Education for his review. These lists will be accompanied by a listing of all individuals nominated.

The Commissioner of Education will make his recommendations to the Secretary of Health, Education, and Welfare and forward primary and alternate lists of recommended nominees for the Secretary's review, which will be accompanied by a complete listing of all individuals nominated.

The Secretary of Health, Education, and Welfare will then forward his primary and alternate recommendations and a complete list of all nominations received to the President of the United States for necessary action.

3. *Definition.* "Indian" means any individual who (a) is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such member, or (b) is considered by the Secretary of the Interior to be an Indian for any purpose, or (c) is an Eskimo or Aleut or other Alaska Native.

(Pub. L. 92-318, Section 453, Title IV, Part E.)

4. *Nominations.* Nominations submitted to the Commissioner of Education should be made according to the following categories:

(a) Professional educators,
(b) Laypersons involved in education,
(c) Students, and
(d) Individuals with other than education experience.

Nominations from categories (a), (c), and (d) above will be stressed for this year's recommendations by the Commissioner of Education, but nominations from all categories will be accepted. These categories are explained further below.

Nomination categories. (a) Individuals with active experience as education professionals, for example: teachers/professors, administrators, specialists (e.g., curriculum, language, math, etc.), counselors, researchers, or other education professionals.

(b) Individuals with active experience as laypersons involved with education, for example: school board members, Parent/Teacher Association members, parents of school-age children, or those with other lay involvement.

(c) An Indian student who is a college student or who has reached his or her junior year of high school at the time of nomination.

(d) Individuals who do not have education experience and preferably those individuals who have experience in a field involving Indian affairs.

5. *Recommendations.* Dependent upon the nominations received, it is anticipated that at least three of the nominees will be recommended from the category of professional educators, one nominee recommended from the category of students, and one nominee recommended from the category of individuals with other than education experience. Attempts will be made to recommend individuals representing diverse geographic areas of the country, particularly from those areas with large Indian populations. Questions pertaining to the representation of urban, rural, reservation, non-reservation, male, and female interests will be addressed by giving adequate consideration during the screening process by the Deputy Commissioner for Indian Education. The Deputy Commissioner for Indian Education will consider the following factors in recommending individuals for nomination: Indian education experience, general education experience, experience as an administrator, education background, previous council or committee experience, honors and awards received, and organizational memberships. Nominees will also be considered on the basis of their knowledge of and experience with both local community and national issues.

6. *Nomination procedure.* Nominations submitted to the Commissioner of Education must be submitted on Office of Education form OE-543, which may be obtained by writing or calling the Office of Indian Education. The address and telephone number are as follows: Office of Indian Education, U.S. Office of Education, FOB-6, Room 2177, 400 Maryland Avenue SW., Washington, D.C. 20202, 202-245-8060.

A. Nominations sent by mail. A nomination sent by mail should be addressed as above. A nomination sent by mail will be considered to be received on time by the Office of Indian Education if:

(1) The nomination was sent by registered or certified mail not later than May 18, 1977, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The nomination is received on or before the closing date by either the Department of Health, Education, and Welfare, or the Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner of Education will rely on the time/date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. Hand-delivered nominations. A nomination to be hand delivered must be taken to the Office of Indian Education, Room 2177, Federal Office Building Six, 400 Maryland Avenue SW., Washington, D.C. Hand-delivered nominations will be accepted daily between the hours of 8 a.m. and 4 p.m., Washington, D.C. time, except Saturdays, Sundays, and Federal holidays. Nominations will not be accepted after 4 p.m. on the closing date.

7. *Incomplete forms.* Incomplete forms will be returned to the nominating Indian tribe or organization accompanied by a checklist detailing information necessary for completion. Corrected forms must be received by the Office of Indian Education no later than May 23, 1977 or not later than fifteen (15) days after the date on the checklist in order to be considered for recommendation by the Commissioner.

Dated: April 7, 1977.

WILLIAM F. PIERCE,
Acting U.S. Commissioner of Education.

[FR Doc.77-11114 Filed 4-14-77;8:45 am]

Office of the Secretary

REVIEW PANEL ON NEW DRUG REGULATION

Meeting

Notice is hereby given, pursuant to Public Law 92-463, that the Review Panel on New Drug Regulation, established pursuant to 42 U.S.C. 217a, by the Secretary of Health, Education, and Welfare, on February 21, 1975, will meet on Sunday, May 1, 1977, from 8:30 a.m. to 5:00 p.m., in Room 5559 of the Donohoe Building, 400 6th Street SW., Washington, D.C. The Review Panel will consider matters pertaining to its study of existing policies and procedures for the regulation of new drugs by the Food and Drug Administration and the investigation of allegations by certain employees of the Bureau of Drugs and Bureau of Veterinary Medicine, FDA. In accordance with the provisions of Section 10(d) of Public Law 92-463 and 5 U.S.C. 552(b)(6), the meeting will be closed to the public from 8:30 a.m. until 9:30 a.m. on May 1 for the discussion of the investigation of FDA, Bureau of Veterinary Medicine, internal personnel matters, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

All other portions of the meeting will be open to the public. Further information on the Review Panel may be obtained from John D. Rust, Executive Secretary, Review Panel on New Drug Regulation, telephone (202) 472-3000. Mail should be addressed to: Donohoe Building, Room 1187, 330 Independence Avenue SW., Washington, D.C. 20201.

JOHN D. RUST,
Executive Secretary, Review Panel on New Drug Regulation.

APRIL 6, 1977.

[FR Doc.77-11255 Filed 4-14-77;10:48 am]

NATIONAL SCIENCE FOUNDATION

SCIENCE APPLICATIONS TASK FORCE

Meeting

In accordance with the Federal Advisory Committee Act, Public Law 92-463, the National Science Foundation announces the following meeting:

Name: Science Applications Task Force.
Date and time: 2 May: 9 a.m.-5 p.m., 3 May: 9 a.m.-4 p.m.
Place: Room 410, Marvin Center, George Washington University, 800 21st Street, NW., Washington, D.C. 20006.
Type of meeting: Open.
Contact Person: Gilbert B. Devey, Executive Secretary, Science Applications Task Force, 1730 K Street, N.W., Washington, D.C., Telephone: 202-634-6608.
Persons interested in attending the meeting should inform the Executive Secretary before 5 PM on April 25, 1977.
Summary minutes: May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Room 248, National Science Foundation, Washington, D.C. 20550.
Purpose of advisory group: The purpose of the NSF Task Force on Science Applications, is to provide advice and assessments and make recommendations to the NSF Director on science applications programs and related organization and management issues.
Agenda:
May 2, 1977: 9 a.m.—Announcements: Dr. John R. Whinnery, Task Force Chairman.
9:15 a.m.—NSF Science Applications Programs. Dr. Richard C. Atkinson, Acting Director, NSF.
9:45 a.m.—General Discussion of Division of Engineering Program Objectives and Project Management (project selection criteria; coordination mechanisms; long range planning; criteria for support of industrial researchers; program evaluation; program needs). Participants: Dr. E. E. Creutz, Assistant Director, MPE; Mr. Wayne R. Gruner, Assistant to the Assistant Director, MPE; Dr. Charles Polk, Acting Division Director, ENG. Engineering Staff members.
Noon-1:30 p.m.—Lunch.
1:30 p.m.—Reports by Task Force Members. NSF/Industry: Dr. J. Bliss, Telesensory Systems, Inc.; Dr. A. M. Bueche, General Electric Co.; Dr. S. J. Lukasik, McLean, Virginia. NSF/Other Agencies: Dr. S. Lukasik. Applied Environmental Research: Dr. J. Neuhold, Dr. E. Murphy.
4:30—5 p.m.—General discussion.

MAY 3, 1977

9 a.m.—Viewpoints of the American Society of Civil Engineers: Dr. Leland J. Walker, President.
10 a.m.—Applied Social Science Research: Dr. W. Bevan, Duke University; Dr. C. Rubin, International City Management Assoc.; Dr. E. B. Sheldon, Social Science Research Council.
11:30 a.m.—Noon: General Discussion.
Noon—1:30 p.m.: Lunch.
1:30 p.m.—Research Utilization Discussion: Dr. L. Tambaugh, RANN.
2 p.m.—Discussion of Specific Issues and Work Assignments: Technology Assessment, Applied Research, Hot Pursuit Situations, Transfer of Results, State and Local Government. Outline of Task Force Report.

NOTE.—Plans are to be discussed for participation of the public at the fifth meeting of the Task Force scheduled for May 23-24, 1977.

4 p.m.—Adjourn.

M. REBECCA WINKLER,
Acting Committee Management Officer.

[FR Doc.77-11131 Filed 4-14-77;8:45 am]

FEDERAL TRADE COMMISSION

CIGARETTE TESTING

Tar and Nicotine Content Results

The latest results of cigarette testing were published in the FEDERAL REGISTER on Monday, December 13, 1976, 41 FR 54221.

Because the below listed cigarettes have been reformulated, they have been retested in accordance with the December 17, 1970, Commission's agreement with the Tobacco Industry. The results of the test are as follows:

	TPM dry, milligram per cigarette	Nicotine, milligram per cigarette
Parliament, king size, filter, hard pack.	10	0.6
Parliament, king size, filter, soft pack.	10	0.6
Parliament, 100 mm, filter, soft pack.	12	0.7

By direction of the Commission dated April 4, 1977.

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77-11027 Filed 4-14-77;8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[EPA 714-4; OPP-42041A]

MISSOURI

Approval of State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides

Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136 et seq.), and the implementing regulations of 40 CFR Part 171, require each state desiring to certify applicators to submit a plan for its certification program. Any State certification program under this section shall be maintained in accordance with the State Plan approved under this section.

On January 31, 1977, notice was published in the FEDERAL REGISTER (42 FR 5754) of the intent of the Regional Administrator, Environmental Protection Agency (EPA) Region VII, to approve on a contingency basis, the Missouri State Plan for Certification of Commercial and Private Applicators of Restricted Use Applicators of Restricted Use Pesticides (Missouri State Plan). Contingency approval was requested by the State of Missouri pending enactment of proposed amendments to the Missouri Pesticide Act of 1974 and subsequent promulgation of regulations described in the Plan.

Complete copies of the Missouri State Plan (except for sample examination) were made available for public inspection at the following location: Missouri Department of Agriculture, Jefferson City, Missouri; Environmental Protection Agency, Region VII, Kansas City, Missouri; and the U.S. Environmental Protection Agency, Federal Register Section, Technical Services Division, Office of Pesticide Programs, Washington, D.C

The only comments received on the State plan during the 30-day public comment period were from the Missouri Department of Natural Resources. It suggested that recordkeeping requirements for certified public operators and commercial applicators include information pertaining to the method and/or site used for the disposal of pesticide containers and excess or obsolete pesticides. It also suggested that training sessions for private applicators, commercial applicators and dealers address proper disposal methods.

It is the Agency's position that Section 4 of the amended FIFRA establishes a coordinated State/Federal program for certifying applicators with Section 4(a)(1) making EPA responsible for prescribing applicator certification standards. Under Section 24 of FIFRA, the State Lead Agency is given a great deal of flexibility in developing their individual programs provided these programs meet the prescribed standards.

The comment suggesting additional recordkeeping requirements for pesticide disposal goes beyond the standards prescribed by EPA. It is a discretionary matter which the Missouri Department of Agriculture may or may not wish to pursue, but to which they are giving consideration.

Regarding the comment that pesticide training courses address disposal methods, the certification standards for private applicators, 40 CFR 171.5, and commercial applicators, 40 CFR 171.6 (which include public operators), make provisions for pesticide disposal. Training of both private and commercial applicators in Missouri has included disposal procedures as required under the Regulations covering standards of competency for private, public and commercial applicators. Refer to Chapter 281 RSMO (Supp. 1975); 2 CSR 70-25.110(2)(B) and 2 CSR 70-25.150(2)(B).

Therefore, it has been determined that the Missouri State Plan will satisfy the requirements of Section 4(a)(2) of the amended FIFRA and 40 CFR Part 171, if the proposed amendments are enacted and the subsequent regulations are promulgated as described in the Missouri State Plan.

This contingency approval shall expire October 21, 1977 if these terms and conditions are not satisfied by that time. On or before the expiration of the period of contingency approval, a notice shall be published in the FEDERAL REGISTER concerning the extent to which these terms and conditions have been satisfied, and the approval status of the Missouri State Plan as a result thereof.

EFFECTIVE DATE

Pursuant to Section 4(d) of the Administrative Procedure Act, 5 U.S.C. 533(d), the Agency finds that there is good cause for providing that the contingency approval granted herein to the Missouri State Plan shall be effective upon signature of this notice. Neither the Missouri State Plan itself nor this Agency's contingency approval of the Plan creates any direct or immediate obligation on pesticide applicators or other persons in the State of Missouri. Delays in starting the work necessary to implement the Plan, such as may be occasioned by providing some later effective date for this contingent approval, are inconsistent with the public interest. Accordingly, this contingent approval shall become effective immediately.

Dated: April 6, 1977.

CHARLES V. WRIGHT,
Acting Regional Administrator,
EPA Region VII.

[FR Doc.77-10995 Filed 4-14-77;8:45 am]

[FRL 714-3; OPP-180107A]

WASHINGTON STATE DEPARTMENT OF AGRICULTURE

Correction; Issuance of Specific Exemption To Use Thiabendazole To Control Fungi in Stored Sugar Beets

In FR Doc. 77-1630 appearing at pages 3702-3703 in the issue of January 19, 1977, the following correction should be made. On page 3703, item number 7 in the center column should read:

"7. Thiabendazole residues not to exceed six (6) ppm in or on sugar beets, fifty (50) ppm for sugar beet pulp, and forty (40) ppm for sugar beet molasses have been determined to be adequate to protect the public health. EPA has determined that established tolerances for thiabendazole in meat and milk will not be exceeded. In terms of tolerances pertinent to poultry or eggs, it is not possible to establish with certainty whether finite residues will be incurred, but there is no reasonable expectation of finite residues (40 CFR 180.6(a)(3)). The Food and Drug Administration of U.S. Department of Health, Education, and Welfare has been advised of this action;"

Dated: April 8, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc.77-10994 Filed 4-14-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1037]

APPLICATION FOR REVIEW OF ACTIONS IN RULE MAKING PROCEEDINGS FILED

APRIL 11, 1977.

Docket or RM No.	Rule No.	Subject	Date received
20863 (RM-2624)	Sec. 73.202(b)	Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Rome, New York). Filed by Philip R. Hochberg, Attorney for Promedia Communications, Incorporated.	Apr. 6, 1977

NOTE.—Oppositions to the application for review must be filed within 15 days after publication of this Public Notice in the FEDERAL REGISTER. Replies to an opposition must be filed within 10 days after time for filing oppositions has expired.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-11062 Filed 4-14-77; 8:45 am]

[Report No. I-327]

COMMON CARRIER SERVICES INFORMATION

International and Satellite Radio Applications Accepted for Filing

APRIL 11, 1977.

The Applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's rules, regulations and its policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1).

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

SATELLITE COMMUNICATIONS SERVICES

Correction, Report No. I-333, dated 4-4-77, Hawaii Public Broadcasting Authority. The antenna size should have read: With an 11 meter antenna.

#0070-C4-ML-77 All America Cable & Radio, Inc., Bayamon (Hato Tejas), Puerto Rico. Modification of license for authority to participate in the third (3) microwave radio frequency channel to be established in the existing Puerto Rico/St. Thomas Microwave System which extends between the AAC&R, Inc. microwave radio terminal station at Hato Tejas, Puerto Rico and the ITT World Communications-Virgin Islands microwave radio terminal at Magens Bay, St. Thomas, Virgin Islands via AAC&R, Inc. microwave radio repeater station located at El Yunque, Puerto Rico.

#0071-C4-ML-77 All America Cable & Radio, Inc., Rio Grande, Puerto Rico, Modification of license relating to the above addition of a 3rd radio frequency channel in the Puerto Rico/St. Thomas Microwave System.

#0072-C4-ML-77 All America Cable & Radio, Inc., Magens Bay, St. Thomas, Virgin Islands. Modification of license relating to the above addition of a 3rd radio frequency channel in the Puerto Rico/St. Thomas Microwave System.

269-DSE-ML-77 Heritage Communications, Inc. (KB54), Des Moines, Iowa. Modification of license to permit the reception of signals of station WYAH-TV, Channel 27, Portsmouth, Virginia.

270-DSE-ML-77 Houma Cablevision (KD61), Houma, Louisiana. Modification of license to permit the reception of signals of station WTCG-TV, Channel 17, Atlanta, Georgia.

277-DSE-P-77 Western Union Telegraph Company, Sky Valley, California. For authority to construct a stranmit/receive earth station at this location to provide domestic communications service via the WESTAR satellite System. Lat. 38°09'39", Long. 122°11'18". Rec. freq: 3700-4200 MHz. Trans. freq: 5925-6425 MHz. Emission 36000F5/36000F9. With a 10 meter diameter parabolic reflector.

278-DSE-ML-77 American Cable Television, Inc. (KD48), Pampa, Texas. Modification of license to make technical changes to utilize a 4.5 meter antenna.

279-DSE-P-77 Laurel Cable TV, Inc., Laurel, Montana. For atuhority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 45°40'08", Long. 108°46'24". Rec. freq: 3700-4200 MHz. Emission 3600 F9. With a 4.5 meter antenna.

280-DSE-P-77 RCA Alaska Communications, Inc., Atkasuk, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 70°28'10", Long. 157°-23'40". Rec. freq: 3700-4200 MHz. Trans. freq: 5925-6425 MHz. Emission 25.7F9. With a 4.5 meter antenna.

281-DSE-P-77 RCA Alaska Communications, Inc., Council, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 64°53'42". Long. 163°-40'10". Rec. freq: 3700-4200 MHz. Trans. freq: 5925-6425 MHz. Emission 25.7F9. With a 4.5 meter antenna.

282-DSE-P-77 RCA Alaska Communications, Inc., Fort Graham, Alaska. For authority to construct a communications satellite earth station a this location for operation with a domestic communications satellite system. Lat. 59°21'00", Long. 151°-49'46". Rec. freq: 3700-4200 MHz. Trans. freq: 5925-6425 MHz. Emission 25.7F9. With a 4.5 meter antenna.

283-DSE-P-77 RCA Alaska Communications, Inc., Telida, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 63°23'03", Long. 153°16'34". Rec. freq: 3700-4200 MHz. Trans. freq.: 5925-6425 MHz. Emission 25.7F9. With a 4.5 meter antenna.

286-DSE-P-77 Twin City Area Educational Television Corporation, St. Paul, Minnesota. For authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 44°58'35", Long. 93°10'11". Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 10 meter antenna.

287-DSE-P-77 Northeastern Pennsylvania Educational Television Association, Scranton, Pennsylvania, For authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 41°17'34", Long. 75°46'28". Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 10 meter antenna.

288-DSE-P-77 Tennessee State Board of Education, Chattanooga, Tennessee. For authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 35°06'05", Long. 85°14'14". Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 10 meter antenna.

289-DSE-P-77 University of Vermont and State Agricultural College, Winooski, Vermont. For authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 44°30'15", Long. 73°08'59". Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 10 meter antenna.

[FR Doc.77-11061 Filed 4-14-77;8:45 am]

[Report No. I-330]

COMMON CARRIER SERVICES INFORMATION

International and Satellite Radio Applications Accepted for Filing

MARCH 28, 1977.

The Applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's rules, regulations and its policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1).

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

SATELLITE COMMUNICATIONS SERVICES

215-DSE-P-77 Ark City Cable T.V. Services, Inc., Arkansas City, Kans. For authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 37°01'33", Long. 97°00'38". Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 4.5 meter antenna.

216-DSE-P/L-77 Transponder Corp., Kansas City, Mo. For authority to construct, own and operate a domestic communications satellite earth station at this location. Lat. 39°04'04", Long. 94°36'11". Rec. freq: 3700-4200 MHz. Trans. freq: 5925-6425 MHz. Emission 36000F9. With a 10 meter antenna.

217-DSE-P/L-77 Turner Communications Corp., Atlanta, Ga. For authority to construct and operate a transportable domestic communications satellite receive-only earth station at this location. Lat. 33.75, Long. 84.38. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 5 meter antenna.

218-DSE-P-77 The State of Alaska, Marshall, Alaska. For authority to construct and establish channels of communications by means of a communications satellite earth station at this location. Lat. 61°52'53", Long. 162°05'09". Rec. freq: 3700-4200 MHz. Trans. freq: 5925-6425 MHz. Emission 25.7F9. With a 4.5 meter antenna.

219-DSE-P-77 The State of Alaska, St. Michael, Alaska. For authority to construct and establish channels of communications by means of a communications satellite earth station at this location. Lat. 63°28'43", Long. 162°02'19". Rec. freq: 3700-4200 MHz. Trans. freq: 5925-6425 MHz. Emission 25.7F9. With a 4.5 meter antenna.

220-DSE-P-77 The State of Alaska, Mountain Village, Alaska. For authority to construct and establish channels of communications by means of a communications satellite earth station at this location. Lat. 62°05'18", Long. 163°43'35". Rec. freq: 3700-4200 MHz. Trans. freq: 5925-6425 MHz. Emission 25.7F9. With a 4.5 meter antenna.

221-DSE-P-77 The State of Alaska, Shaktoolik, Alaska. For authority to construct and establish channels of communications by means of a communications satellite earth station at this location. Lat. 64°21'18", Long. 161°11'32". Rec. freq: 3700-4200 MHz. Trans. freq: 5925-6425 MHz. Emission 25.7F9. With a 4.5 meter antenna.

222-DSE-P-77 The State of Alaska, Koyuk, Alaska. For authority to construct and establish channels of communications by means of a communications satellite earth station at this locaion. La. 64°55'54", Long. 161°09'23". Rec. freq: 3700-4200 MHz. Trans. freq: 5925-6425 MHz. Emission 25.7F9. With a 4.5 meter antenna.

223-DSE-P-77 The State of Alaska, Elim, Alaska. For authority to construct and establish channels of communications by means of a communications satellite earth station at this location. Lat. 67°37'03", Long. 162°15'20". Rec. freq: 3700-4200

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MHz. Trans. freq: 5925–6425 MHz. Emission 25.7F9. With a 4.5 meter antenna.

224–DSE–P–77 The State of Alaska, Pilot Station, Alaska. For authority to construct and establish channels of communications by means of a communications satellite earth station at this location. Lat. 57°33' 53", Long. 157°34'30". Rec. freq: 3700–4200 MHz. Trans. freq: 5925–6425 MHz. Emission 25.7F9. With a 4.5 meter antenna.

225–DSE–P–77 The State of Alaska, Kasaan, Alaska. For authority to construct and establish channels of communications by means of a communications satellite earth station at this location. Lat. 55°32'24", Long. 132°24'04". Rec. freq: 3700–4200 MHz. Trans. freq: 5925–6425 MHz. Emission 25.7F9. With a 4.5 meter antenna.

226–DSE–P–77. The State of Alaska, Crooked Creek, Alaska. For authority to construct and establish channels of communications by means of a communications satellite earth station at this location. Lat. 61°52'16", Long. 158°06'06". Rec. freq: 3700–4200 MHz. Trans. freq: 5925–6425 MHz. Emission 25.7F9. With a 4.5 meter antenna.

227–DSE–P–77 The State of Alaska, Red Devil, Alaska. For authority to construct and establish channels of communications by means of a communications satellite earth station at this location. Lat. 61°47' 04", Long. 157°20'00". Rec. freq: 3700–4200 MHz. Trans. freq: 5925–6425 MHz. Emission 25.7F9. With a 4.5 meter antenna.

228–DSE–P–77 The State of Alaska, Russion Mission, Alaska. For authority to construct and establish channels of communications by means of a communications satellite earth station at this location. Lat. 61°47'11", Long. 161°19'11". Rec. freq: 3700–4200 MHz. Trans. freq: 5925–6425 MHz. Emission 25.7F9. With a 4.5 meter antenna.

229–DSE–P–77 The State of Alaska, Kaltag, Alaska. For authority to construct and establish channels of communications by means of a communications satellite earth station at this location. Lat. 64°19' 42", Long. 158°43'16". Rec. freq: 3700–4200 MHz. Trans. freq: 5925–6425 MHz. Emission 25.7F9. With a 4.5 meter antenna.

230–DSE–P–77 The State of Alaska, Central, Alaska. For authority to construct and establish channels of communications by means of a communications satellite earth station at this location. Lat. 65°34'16", Long. 144°46'58". Rec. freq: 3700–4200 MHz. Trans. freq: 5925–6425 MHz. Emission 25.7F9. With a 4.5 meter antenna.

231–DSE–P–77 The State of Alaska, Alaka-nuk, Alaska. For authority to construct and establish channels of communications by means of a communications satellite earth station at this location. Lat. 62°41'-03". Long. 164°38'56". Rec. freq.: 3700–4200 MHz. Trans. freq: 5925–6425 MHz. Emission 25.7F9. With a 4.5 meter antenna.

232–DSE–P–77 The State of Alaska, Golovin, Alaska. For authority to construct and establish channels of communications by means of a communications satellite earth station at this location. Lat. 64°32' 36", Long. 163°02'03". Rec. freq: 3700–4200 MHz. Trans. freq: 5925–6425 MHz. Emission 25.7F9. With a 4.5 meter antenna.

[FR Doc.77-11060 Filed 4-14-77;8:45 am]

NOTICES

[Doc. Nos. 21148, etc.]

RONALD E. BRUNK ET AL.

Order of Consolidation Designating Hearing

Adopted: April 7, 1977.

Released: April 11, 1977.

In the matter of Ronald E. Brunk, 3190 Holiday Drive, S., Salem, Oregon 97302, Application for amateur radio station and (Novice Class) operator license, Docket No. 21148; and Order to show cause why the license for Radio Station KND–4719 in the Citizens Band Radio Service should not be Revoked, Docket No. 21173; and Phillip M. Schiller, 1935 Lowen Avenue, NW., Salem, Oregon 97304, order to show cause why the license for Radio Station KKF–4756 in the Citizens Band Radio Service should not be revoked, Docket No. 21150.

The Chief, Safety and Special Radio Services Bureau, pursuant to delegated authority, has under consideration an Order released March 18, 1977, designating the above-captioned application for hearing; an Order to Show Cause (SS–132–77) released January 25, 1977,[1] directing Ronald E. Brunk to show cause why the license for Citizens Band radio station KND–4719 should not be revoked; an Order of Consolidation released March 22, 1977, which consolidated the two Brunk matters for hearing; and an Order to Show Cause (SS–129–77) released January 24, 1977, directing Phillip M. Schiller to show cause why the license for Citizens Band radio station KKF–4756 should not be revoked.

Both respondents have requested that hearings regarding their respective matters be held in Salem, Oregon, and the Chief Administrative Law Judge has ordered that hearings in these matters be held in Salem, Oregon, or vicinity. In addition, the matters raised by the above-mentioned Orders involve the same respondents and substantially the same issues.

Accordingly, consolidation of these proceedings will be conducive to judicial economy, the proper dispatch of business and to the ends of justice; *And it is ordered*, Pursuant to § 1.227 of the Commission's rules, that the proceeding on the issues specified in the Commission's order designating Brunk's application for hearing, released March 18, 1977, the proceeding on the issues raised in the Brunk Order to Show Cause, released January 25, 1977, and the proceeding on the issues raised in the Schiller Order to Show Cause, released January 24, 1977, are consolidated for hearing.

It is further ordered, That with respect to Brunk's application, the burden of proceeding with the introduction of evidence on issues (1) and (3) shall be on the Bureau and the burden of proof on all issues shall be upon the applicant.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof with respect to all issues raised in the Brunk Order to Show Cause and raised in the Schiller Order to Show Cause shall be upon the Bureau; and

It is further ordered, That a copy of the order shall be sent by Certified Mail—Return Receipt Requested and by Regular Mail to Brunk and to Schiller at their respective addresses as shown in the caption.

GERALD M. ZUCKERMAN,
Chief, Legal, Advisory and Enforcement Division.

[FR Doc.77-11063 Filed 4-14-77;8:45 am]

[1] See 42 FR 17517, April 1, 1977.

FEDERAL MARITIME COMMISSION

PUERTO RICO PORTS AUTHORITY AND PUERTO RICO MARITIME SHIPPING AUTHORITY

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before May 5, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

William Karas, Esquire, Galland, Kharasch, Calkins & Short, Canal Square, 1054 Thirty-First Street NW., Washington, D.C. 20007.

Agreement No. T–3453, between the Puerto Rico Ports Authority (Port) and the Puerto Rico Maritime Shipping Authority (PRMSA), grants PRMSA preferential berthing privileges at two berths located at the Port's Isla Grande Marine Terminal and preferential use of approximately 4,164 cuerdas of aprons and cargo-in-transit areas adjacent to these berths. The agreement's term extends from the date of its approval by this Commission to September 30, 1990, with two successive five-year renewal options. As compensation, the Port is to receive: (1) $8,808.25 annually for the preferential rights granted under the agreement; (2) $302,000 annually as a minimum dockage and wharfage guarantee; and (3) all other applicable charges imposed by the Port, such as demurrage and harbor dues. The agreement provides that the Port will retain secondary berthing privileges at the facility; dockage and wharfage collected from nonPRMSA vessels calling at the facility will be credited to PRMSA's annual minimum dockage and wharfage guarantee.

Agreement No. T–3453 supersedes Agreement No. T–3308, which is a subject of Docket No. 76–38, Arrangements Relating to the Use of Isla Grande Marine Terminal, San Juan, Puerto Rico.

By order of the Federal Maritime Commission.

Dated: April 12, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-11101 Filed 4-14-77;8:45 am]

SELF-POLICING STUDY

Availability

The Federal Maritime Commission has had prepared an independent study by Mr. Harry C. deVenoge entitled "Report on Self-Policing Within the Steamship Conference System." Copies of this two-volume study have been circulated within the maritime industry for comment.

The Commission wishes to receive comments on the study from all interested persons. Accordingly, the document is available for review at the Commission's offices in Washington, D.C.; New York, N.Y., New Orleans, La.; San Francisco, Calif.; and San Juan, Puerto Rico. Comments thereon may be filed with the Acting Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 20, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-11101 Filed 4-14-77;8:45 am]

FEDERAL RESERVE SYSTEM

ROYAL TRUST CO.

Order Approving Acquisition of Bank

The Royal Trust Company, Montreal, Quebec, Canada, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Baymeadows Bank, Jacksonville, Florida ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, with total assets of $4.1 billion (as of September 30, 1976) is one of the largest financial institutions in Canada, and operates, through its subsidiaries and other interests, in both Europe and the Caribbean Islands. In the United States, Applicant controls five Florida banks[1] and operates one nonbank subsidiary.[2] Through its five subsidiary banks, Applicant controls aggregate deposits of $148.8 million, representing approximately six-tenths of one percent of the total deposits held by commercial banks in Florida and ranks as the twenty-ninth largest commercial banking organization in that State.[3] Consummation of the subject proposal would increase Applicant's share of State deposits by approximately one-hundredth of one percent, and would not have a significant effect upon the concentration of banking resources in Florida.

Bank (with deposits of $7.4 million as of September 30, 1976) is the twelfth largest of the 17 banking organizations in the Jacksonville banking market[4] and holds approximately three-tenths of one per cent of the market's total commercial bank deposits. Applicant is not currently represented in the relevant banking market and its closest banking subsidiary to Bank is located approximately 185 miles southwest of Bank. There does not appear to be any existing competition between Bank and any of Applicant's present banking or nonbanking subsidiaries and, in view of the distances involved, it does not appear likely that any significant competition would develop in the future. While Applicant could enter the relevant market de novo, in view of Bank's relative size and its market position, the Board views the proposed acquisition of Bank as essentially a foothold entry by Applicant into the market.[5] Such entry by Applicant should have a salutary effect upon competition among the banking organizations in the relevant market by enabling Bank to compete more effectively in that market. Therefore, on the basis of the facts of record, the Board concludes that consummation of the proposal would not have any significant adverse effects upon either existing or potential competition in any relevant area, and that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, its subsidiary banks and Bank are regarded as being generally satisfactory. Therefore, considerations relating to banking factors are consistent with approval of the application. Applicant will provide Bank with its expertise in the areas of international banking, trust services, investment management, accounts receivable financing, factoring, personal property and equipment leasing, and will be a source of capital to Bank as needed. Considerations relating to the convenience and needs of the community to be served lend some weight toward approval. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by either the Board or the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[6] effective April 8, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-11046 Filed 4-14-77;8:45 am]

[1] Applicant currently controls these subsidiary banks through Royal Trust Bank Corp., Miami, Florida ("Corp."), itself a registered bank holding company. Corp. was formed in 1976 as a wholly owned subsidiary of Applicant in order to hold directly all of Applicant's banking interests in the United States.

[2] Information Systems Design of Florida, Inc., Miami, Florida ("ISD–Florida"), is a subsidiary of Information Systems Design, Inc., Santa Clara, California ("ISD–California"), which is owned by Computel Systems, Ltd. ("Computel"), a Canadian data processing company. By Order of December 6, 1973, the Board denied Applicant's retention of ISD–California after Applicant's acquisition of Computel pursuant to section 4(c)(9) of the Act [38 FR 34514 (1973); 60 Federal Reserve Bulletin 58 (1974)]. ISD–California is engaged in nonpermissible data processing activities while ISD–Florida is engaged in permissible data processing activities. The Board granted Applicant a 2-year period, after its acquisition of Computel, within which to divest itself of ISD–California. On January 31, 1977, the Board approved a plan of divestiture of ISD–California that had been submitted by Applicant. Immediately prior to consummation of the divestiture proposal, Applicant will retain ISD–Florida through a corporate reorganization by which ISD–Florida will be transferred to Applicant or to another subsidiary of Applicant.

[3] All banking data are as of December 31, 1975, unless otherwise indicated.

[4] The Jacksonville banking market encompasses Duval County and the Orange Park area in northern Clay County.

SIBLEY BANCORPORATION

Order Denying Formation of Bank Holding Company

Sibley Bancorporation, Sibley, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 93 percent or more of the voting shares of The First National Bank of Sibley, Sibley, Iowa ("Bank").

[5] Bank opened for business on May 15, 1975.

[6] Voting for this action: Chairman Burns and Governors Coldwell, Jackson, Partee, and Lilly. Absent and not voting: Governors Gardner and Wallich.

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Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received, including those of the Comptroller of the Currency, in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a nonopertaing corporation with no subsidiaries, was organized for the purpose of becoming a bank holding company through the acquisition of Bank. Bank holds deposits of $9.6 million[1] and was, as of December 31, 1975, the second largest of five commercial banks in the relevant market,[2] controlling 20.6 percent of the total deposits in commercial banks in the relevant market. Upon acquisition of Bank, Applicant would control approximately .08 percent of the total commercial bank deposits in Iowa. Since the proposed transaction is essentially a reorganization of existing ownership interests whereby Bank's principal shareholders would substitute for their direct control of Bank indirect control of Bank through Applicant, consummation of the proposal would not eliminate any existing competition, nor would it appear to have any adverse effects on other banks or on the development of potential competition in the relevant market. Therefore, competitive considerations do not weigh against approval of the application.

The Board has indicated on previous occasions that it believes that a holding company should constitute a source of financial and managerial strength to its subsidiary bank(s), and that the Board will closely examine the condition of an applicant in each case with this consideration in mind. The record indicates that Bank is in need of additional capital. However, Applicant proposes to incur a substantial amount of debt to acquire shares of Bank. Applicant proposes to repay that debt over a period of twelve years solely with dividends from Bank. The dividend payout that would be required of Bank under Applicant's proposal would serve to weaken the capital position of Bank.[3] In view of the limited financial flexibility of Applicant, the strain that would be placed on Bank's capital position as a result of Applicant's debt servicing requirements, and other facts of record, the Board is of the opinion that considerations relating to the financial and managerial resources and future prospects of Applicant and Bank weigh against approval of the application.

[1] All banking data areas of December 31, 1975.

[2] The relevant banking market is Asceola County.

[3] Applicant proposes that Bank sell $150,000 in long-term notes to be due two years after Applicant's acquisition debt matures. Proceeds of that note issue would not constitute permanent capital and repayment of those notes may well serve further to weaken Bank's capital.

Applicant proposes to make minor changes in Bank's services. However, the Board finds that the considerations relating to the convenience and needs of the community to be served do not outweigh the adverse findings with respect to the financial and managerial resources and future prospects of Applicant and Bank.

On the basis of all of the circumstances concerning this application, the Board concludes that the financial considerations involved in this proposal present adverse circumstances bearing upon the financial resources and future prospects of both Applicant and Bank. Such adverse factors are not outweighed by any procompetitive effects or by substantial benefits that would result in serving the convenience and needs of the community. Accordingly, it is the Board's judgment that approval of the application would not be in the public interest and that the application should be denied.

On the basis of the record, the application is denied for the reasons summarized above.

By order of the Board of Governors,[4] effective April 8, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-11045 Filed 4-14-77;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following request for clearance of reports intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on April 11, 1977. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FEA request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before May 3, 1977, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5033, 441 G Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the regultory Reports Review Staff, 202-275-3532.

[4] Voting for this action: Chairman Burns and Governors Coldwell, Jackson, Partee, and Lilly. Absent and not voting: Governors Gardner and Wallich.

FEDERAL TRADE COMMISSION

The FTC requests clearance for a single-time questionnaire on individual Retirement Accounts/Annuities (IRA's) created under the Pension Reform Act of 1974. The questionnaire is designed to determine whether IRA's are serving consumers' financial needs. Potential respondents are more than 1,600 consumers who have recently purchased these accounts. FTC estimates the reporting burden to be 15 minutes per response.

FTC requests clearance of a new single-time consumer mail survey to be used in developing information to assist the Commission in making policy decisions in the warranties area. Questionnaires will be sent to a sample of consumers drawn from an established National Consumer Mail Panel to ascertain information about their use of warranties in the purchase decision and in the event of product failure. FTC estimates the burden to average 45 minutes per response.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.77-11082 Filed 4-14-77;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

CANAVERAL NATIONAL SEASHORE ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Canaveral National Seashore Advisory Commission will be held at 1 p.m. on April 30, 1977, at the Canaveral National Seashore temporary headquarters, State Route 402, 7 miles east of Titusville, Florida.

The purpose of the Canaveral National Seashore Advisory Commission is to consult and advise with the Secretary of the Interior on all matters of planning, development, and operation of the Canaveral National Seashore.

The members of the Advisory Commission are as follows:

Mr. Ney C. Landrum (Chairman)
Mr. Robert H. Hudson
Ms. Doris Leeper
Mr. James T. Swann
Mr. Thomas K. Wetherell
Mr. T. C. Wilder

After meeting at the temporary park headquarters at 1 p.m., the Commission members will be given an orientation trip and overflight of the seashore. Upon return to park headquarters, the following matters will be discussed:

(1) Discussion of planning process currently under way for Canaveral National Seashore.
(2) Function of Advisory Commissions.
(3) Lands Status Report.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and it is expected that not more than 25 persons will be able to attend. Space is not available for the public on the orientation trip and overflight. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who wish to submit written statements may contact Donald Guiton, Superintendent, Canaveral National Seashore, P.O. Box 2583, Titusville, FL 32780, Telephone 305-867-4675. Minutes of the meeting will be available for public inspection approximately 4 weeks after the meeting at park headquarters.

Dated: April 7, 1977.

DAVID D. THOMPSON, Jr.,
Regional Director,
Southeast Region.

[FR Doc.77-11058 Filed 4-14-77;8:45 am]

CUYAHOGA VALLEY NATIONAL RECREATION AREA ADVISORY COMMISSION

Meeting

Notice is hereby given, in accordance with the Federal Advisory Committee Act, that a meeting of the Cuyahoga Valley National Recreation Area Advisory Commission will be held beginning 12 p.m. (EDT), on Thursday, May 5 and continuing until approximately 12 p.m. (EDT), Friday, May 6, 1977 at Punderson State Park, State Route 87, Newbury, Ohio.

The Commission was established by Pub. L. 93-555 to meet and consult with the Secretary of the Interior on matters relating to the development of the Cuyahoga Valley National Recreation Area and with respect to carrying out the provisions of the Public Law.

The members of the Commission are as follows:

Mrs. Robert G. Warren (Chairman)
Mr. Courtney Burton
Mr. Norman A. Godwin
Mr. Donald W. Haskett
Mr. Robert L. Hunker
Mr. James S. Jackson
Mr. Melvin J. Rebholz
Mrs. Roger L. Rossi
Mrs. George N. Seltzer
Ms. R. Robin Stillman
Mr. Barry K. Sugden
Mr. Robert W. Teater
Mr. Williiam O. Walker

The meeting will be held in two segments in the Columbian Room of the Manor House Lodge at Punderson State Park. On Thursday, May 5, it will meet at 7:30 p.m. (EDT) and on Friday, May 6, it will meet at 9:30 a.m. (EDT). Matters to be discussed at this meeting include:

1. Superintendent's report.
2. Committee report on adverse land use.
3. Role of the Park in northeastern Ohio recreation.
4. Discussion of public transportation relating the Park.
5. Discussion of initial development priorities.
6. Plans for visitor use facilities.

The meeting will be open to the public. It is expected that about 50 persons in addition to members of the Commission will be able to attend this meeting. Interested persons may submit written statements. Such statements should be submitted to the official listed below prior to the meeting.

Further information concerning this meeting may be obtained from William C. Birdsell, Superintendent, Cuyahoga Valley National Recreation Area, P.O. Box 158, Peninsula, Ohio 44264, telephone 216-653-9036. Minutes of the meeting will be available for public inspection three weeks after the meeting at the office of Cuyahoga Valley National Recreation Area, located at 501 West Streetsboro Road (State Route 303), two miles east of Peninsula, Ohio.

Dated: April 6, 1977.

MERRILL D. BEAL,
Regional Director,
Midwest Region.

[FR Doc.77-11059 Filed 4-14-77;8:45 am]

INTERNATIONAL TRADE COMMISSION

[332-82]

CHANGE FROM "CHIEF VALUE" METHOD OF CLASSIFYING TEXTILE IMPORTS TO "CHIEF WEIGHT" METHOD; DOMESTIC IMPACT

Modified Proposal for Determining "Chief Weight"; Hearing

On January 7, 1977, in response to a request of the President, the Commission instituted an investigation under section 332(g) of the Tariff Act of 1930 to determine the probable domestic impact of changing from the current "chief value" method of classifying imports of textile articles to a "chief weight" method of classifying such imports (42 FR 5432).

In order to provide the requisite basis for assessing the probable domestic impact of changing to a chief-weight method of classifying imports of textile articles in the TSUSA the Commission on February 8, 1977, issued proposed rules for determining "chief weight" (42 FR 9062).

Based on comments received from interested parties, the Commission has modified those proposed rules. A draft of the modified rules together with an explanation of the changes made therein is published herewith in order to assist interested parties in the preparation of their written statements or testimony regarding this investigation.

Hearings. The first in a series of public hearings to be held in connection with this investigation will be held at 10 a.m., April 26, 1977, at the Briefing Center, Commerce Center, corner of Trade and Church Streets, Charlotte, North Carolina 28233.

All interested persons will be given an opportunity to be present, to produce evidence, and to be heard at the hearing. Requests to appear at the public hearing should be addressed to the Secretary, United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, and should be received not later than noon of the fifth calendar day preceding the hearing at which an appearance is requested.

Written submissions. In lieu of or in addition to appearances at the public hearings, interested persons may submit written statements. Any business information which a submitter desires the Commission to treat as confidential shall be submitted on separate sheets, each clearly marked at the top "Confidential Business Data." All written submissions, except for confidential business data, will be made available for inspection by interested persons. To be assured of consideration by the Commission, written statements should be submitted at the earliest practicable date but not later than June 17, 1977. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

By order of the Commission.

Issued: April 11, 1977.

KENNETH R. MASON,
Secretary.

For purposes of determining chief weight in the conduct of investigation 332-82, the provisions of the TSUS applicable to imports of textile articles should be treated as if they had been amended as follows:

(a) By deleting headnote 7 to schedule 3 and substituting in lieu thereof the following new headnote:

7. For the purposes of the tariff schedules—

(a) The term *"of"* when used between the description of an article and (i) the term "textile materials," or (ii) a class of textile materials, or (iii) a named textile material within any such class, or (iv) any of the foregoing and specified nontextile materials means that the article is, *in its imported condition,* wholly or in chief weight thereof;

N.B. For purposes of this headnote where the present TSUS combines two or more classes of textile materials (e.g., vegetable fibers) the TSUS provision should be read as if it were subdivided into the applicable textile classes enumerated in paragraph (b) below.

(b) The classes of textile materials referred to in paragraph (a)(ii) are: (i) cotton, (ii) vegetable fibers (except cotton), (iii) wool and related animal hair, (iv) silk, (v) man-made fibers, and (vi) other textile materials, and an article is in chief weight of one of these classes if the weight of the materials of such class is greater than the weight of the materials of each other class in the article;

(c) An article is in chief weight of a named textile material within a class specified in paragraph (b), if the weight of such named textile material is greater than the weight of each other material in it class and is also greater than the weight of the material of each other class in the article;

(d) An article is in chief weight of a textile material and specified nontextile material as set forth in paragraph (a)(iv) if the aggregate weight of the textile and nontextile materials is greater than the weight of each other single materials in the article;

(e) An article is in chief weight of textile materials if the aggregate weight of all such materials in the article is greater than the weight of each separate nontextile component material in the article (other than a nontextile material that, as provided for elsewhere in the schedules, is to be disregarded in making the chief determination), whether or not in chief value of such nontextile component material;

(f) An article which is in chief weight of textile materials as provided for in paragraph (e) is to be classified as being in chief weight of the named class of textile materials or

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of the named textile material in much class as provided for in paragraph (b) and (c) respectively, regardless of the weight of the respective nontextile component materials in the article;

(g) A textile article in which two or more textile fibers are of equal weight and no other textile fiber predominates by weight shall be subject to duty under the tariff description applicable to that textile fiber of equal weight for which the original statutory rate is highest, and, should the highest original statutory rate be applicable to two or more of such descriptions the article shall be subject to duty under that one of such descriptions which first appears in the schedules;

(h) In determining the classification of an article not in chief weight of textile materials, the value of any textile material in such article shall be disregarded.

(b) By substituting the term "chief weight" for the term "chief value" wherever it appears in the article descriptions of schedule 3 and in the following schedule and subpart headnotes in schedule 3 of the TSUS:

(1) Schedule 3 headnotes 3(c) and 4(b);
(2) Schedule 3, part 1, subpart F headnote 1(a); and
(3) Schedule 3, part 5, subpart A headnote 3 and subpart B headnote 2; and

(c) By adding the term "or chief weight" immediately after the term "chief value" in headnote 2 to subpart C and headnote 3 to subpart D of part 1 to schedule 7.

EXPLANATION OF CHANGES IN THE PROPOSED RULES

The proposed rules issued on February 8, 1977, have been modified to make necessary or desirable changes based on comments received from the public and interested governmental agencies. Changes in the proposed rules are indicated by the italicized language.

Paragraph (a) was modified as follows—

Headnote 7(a). The phrase "in its imported condition" was added to this headnote in order to clarify when the propose weight comparisons are to be made.

The note was added to the headnote to reinforce the principles set forth in the explanation to the previously issued rules which provide that, in determining the component textile class in chief weight, comparisons are to be made only among the six classes of textile materials referred to in the headnote, notwithstanding the fact that a tariff provision may combine 2 or more of such classes (e.g., vegetable fibers).

Headnote 7(d). New headnote 7(d) was added to clearly specify the procedure for determining when an article is in chief weight of textile materials and specified non-textile materials as provided for in paragraph (a)(iv) of this headnote.

Headnote 7(g). New headnote 7(g), which is based on general headnote 10(d), was added to provide a rule in the case where a textile article contains two or more textile fibers of equal weight and no other textile fiber predominates by weight. In the absence of a rule governing this situation, such articles would be classified in residual textile provisions of the TSUS.

Headnote 7(h). New headnote 7(h) was drafted to cover the situation where an article is in chief value of textile materials but in chief weight of non-textile materials. Under the headnote when an article is determined to be not in chief weight of textile materials the textile component materials of the article are disregarded in determining the classification of the article.

The proposed rules previously published inadvertently substituted the term chief weight for chief value in headnote 2 to subpart C and headnote 3 to subpart D of part 1 to schedule 7. It was not intended to substitute the chief weight method for the chief value method of classification with respect to the nontextile articles covered by those headnotes. Paragraph (C) was added to the proposed rules in order to rectify this situation.

[FR Doc.77-10996 Filed 4-14-77;8:45 am]

PRELIMINARY DRAFT OF PARTS OF ENUMERATION OF ARTICLES TO PROVIDE FOR COMPARABILITY AMONG U.S. IMPORT, PRODUCTION, AND EXPORT DATA

Release for Public Comment

Notice is hereby given that the United States Departments of the Treasury and Commerce and the United States International Trade Commission are releasing for public comment the following preliminary draft of parts of an enumeration of articles which will provide for comparability among U.S. import, production, and export data pursuant to section 484(e) of the Tariff Act of 1930 (19 U.S.C. 1484(e)), as amended by section 608(a) of the Trade Act of 1974 (19 U.S.C. 2101):

Benzenoid chemicals and products; organic chemical compounds; chemical mixtures; drugs and related products; synthetic resins and plastics materials; rubber; flavoring extracts; essential oils; glue, gelatin, and related products; aromatic or odoriferous substances; perfumery, cosmetics, and toilet preparations; surface-active agents; soap and synthetic detergents; dying and tanning products; explosives; fatty substances, camphor, chars and carbons, waxes, and other products—schedule 4, parts 1, 2D, 2E, 3, 4, 5, 6, 7, 8, 9A, 12, and 13, Tariff Schedules of the United States Annotated (TSUSA); release date: April 14, 1977;

Metals, their alloys, and their basic shapes and forms; metallic containers; wire cordage; wire screen, netting and fencing; bale ties; metal leaf and foil; metallics; nails, screws, bolts, and other fasteners; locks, builders' hardware; furniture, luggage, and saddlery hardware; miscellaneous metal products; metal products not specially provided for—schedule 6, part 2 and part 3A, 3B, 3C, and 3F, TSUSA; release date: April 22, 1977.

Machines for working metal, stone, and other materials—schedule 6, part 4F, TSUSA; release date: April 12, 1977; and

Rubber and plastics products—schedule 7, part 12, TSUSA; release date: April 13, 1977.

Background.—The preparation of the draft by the three agencies has generally proceeded from recommendations made in a joint report of the Secretary of Commerce and the U.S. International Trade Commission, dated August 1, 1975, submitted to Congress and the President pursuant to section 608(b) of the Trade Act of 1974, entitled "Principles and Concepts Which should Guide the Organization and Development of an Enumeration of Articles Which Would Result in Comparability of U.S. Import, Production, and Export Data."

The report noted that the principal advantages of achieving comparability among import, production, and export data are—

1. To permit the development and implementation of a more coordinated and efficient program for the administration, interpretation, and maintenance of national systems;

2. To improve and facilitate the publication of trade data most useful for international economic analysis;

3. To permit more reliable analysis of the impact of external trade on domestic industry.

In making specific recommendations concerning the organization and development of an enumeration of articles which would result in comparability, the report recognized various prerequisites to achieving comparability, such as adhering to sound nomenclature principles, employing identical descriptive techniques and product definitions using compatible standards of valuation and measurement and providing for centralized responsibility for interpretation and coordinated responsibility for maintenance. The report also acknowledged many of the practical considerations involved in achieving comparability among the three generally discordant classification systems presently used for the collection of import, production, and export data, including reconciling differences among the three existing systems, preserving statistical continuity, and achieving useful levels of product comparability with the least disruptive impact on current programs and reporting.

In summary, the specific recommendations provided that—

1. The organizational framework of the TSUS should be adopted as the basis for the enumeration of the export schedule.

2. The review and development of an enumeration should take into account the current import, production, and export product classes, with the primary aim of obtaining comparability at a common level.

3. Changes may be proposed to any system, including combinations, subdivisions, and modifications of existing language and content. In particular, consideration should be given to updating of definitions and terms to make them more reflective of current practice in the trade. It must be borne in mind that the TSUS structure and detail are legally based. Therefore, the enumeration should consist of individual TSUSA classifications, or combinations of individual TSUSA classifications (current or as proposed by this program), since this is the only way to attain comparability to the relatively rigid classifications of imports. Combinations may be made of commodities falling in different TSUS classes, if necessary, as long as they consist of aggregations of individual TSUSA classifications.

Continuing program for statistical annotation.—The establishment of an enumeration for statistical purposes is, and should be looked upon as, a continuing program. It is intended that the initial modifications to the import, production, and export schedules will serve as a basis for further refinement and change. Modifications to each of the systems will be made from time to time to reflect changing statistical needs and also to improve the comparability of U.S. trade data with trade data reported by other countries on the basis of the Standard International Trade Classification (SITC). The publication of trade data by the Department of Commerce on the basis of the SITC will continue.

Modifications to the Tariff Schedules of the United States.—Any proposals to modify the TSUS (other than statistical annotations thereto) could not be implemented without legislative approval. After comments have been recovered and reviewed, consideration may then be given to the extent of, and need for, amendatory legislation.

Comments by interested parties.—Over the next several months further preliminary drafts will be released for public comment and consideration. Interested parties are invited to comment on all aspects of the comparability program. Specific recommendations and proposals are invited with respect to the extent to which the drafts would—

Recognize the specific needs of users of statistics;
Facilitate economic analysis;
Reflect sound principles of commodity identification and specifications; and
Impose undue reporting burdens for business establishments.

We would also welcome comments with respect to modifications which would provide greater comparability with the SITC (revision 2).

Copies of the drafts are available from the Chief, Industry and Commodity Classification Branch, Economic Surveys Division, U.S. Bureau of the Census, Washington, D.C. 20233.

Written comments should be submitted at the earliest practicable date, but, to be assured of consideration, not later than 60 days after release of the drafts. Such statements should be submitted to the Chief, Industry and Commodity Classification Branch, at the address shown above.

By order of the Commission.

Issued: April 11, 1977.

KENNETH R. MASON,
Secretary.

[FR Doc.77-10997 Filed 4-14-77;8:45 am]

STEEL TOY VEHICLES

Investigation

Notice is hereby given that a complaint was filed with the United States International Trade Commission on March 11, 1977, under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and the complaint was amended on March 24, 1977, on behalf of Tonka Corporation, 10505 Wayzata Boulevard, Hopkins, Minnesota 55343, alleging that unfair methods of competition and unfair acts exist in the importation of certain steel toy vehicles into the United States, or in their sale, by reason of the alleged coverage of such steel toy vehicles by all claims of U.S. Letters Patents, 3,462,879 and 3,730,594 and by reason of their simulation of the size, appearance and design of certain domestically manufactured products of said Tonka Corporation in such a way as to pass off such steel toy vehicles as products of said Tonka Corporation. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States. Complainant requests that the imports in question be permanently excluded from entry into the United States.

Having considered the complaint and the amended complaint, the United States International Trade Commission, on April 7, 1977, *ordered*—

(1) That, pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), an investigation be instituted to determine, under subsection (c), whether, on the basis of the allegations set forth in the complaint, there is a violation of subsection (a) of this section in the unauthorized importation of—

(a) Certain steel toy vehicles having a hinge connection; and

(b) Steel toy truck beds and carrying receptacles having elements thereof cooperating to form a hinge connection

into the United States, or in their sale, by reason of such steel toy vehicles having a hinge connection allegedly being covered by one or more of the claims of U.S. Letters Patent 3,462,879;

(c) Certain wheel and tire assemblies for use in toy vehicles,

(d) Components of such wheel and tire assemblies, and

(e) Certain steel toy vehicles containing such wheel and tire assemblies

into the United States, or in their sale, by reason of such steel toy vehicles containing a wheel and tire assembly allegedly being covered by the claims of U.S. Letters Patent 3,730,584; and

(f) Certain steel toy vehicles, incorporating nonfunctional design features of complainant's steel toy vehicles

into the United States, or in their sale, by reason of such steel toy vehicles allegedly being passed off as the products of aforesaid Tonka Corporation, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

(2) That, for the purpose of the investigation so instituted, the following persons, alleged to be involved in the unauthorized importation of such articles into the United States, or in their sale, are hereby named as respondents upon which the complaint, the amendments to the complaint, and this notice are to be served:

DOMESTIC IMPORTER

Buddy L Corporation, 200 Fifth Avenue, New York, New York 10010.

FOREIGN EXPORTERS

Apollo Trading, Ltd., 2-22-3 chome, Yatsugi Katsushika-ku, Tokyo, Japan.
Universal Trading, Ltd., P.O. Box 79, Asakusa, Tokyo, Japan.
International Sales (Far East) Ltd., Room 1220, Tung Ying Building, 100 Nathan Road, Kowloon, Hong Kong.

FOREIGN MANUFACTURERS

Watanabe Toy, Ltd., 193 Nakane, Noda-cho, Chiba-ken, Japan.
Yamakatsu Kogyo, Ltd., 25, 3-chome, Nishi-Shinkoiwa, Katsushika-ku, Tokyo, Japan.
Bell Toy Co., Ltd., 17-1 2-chome, Shiratori, Katsushika-ku, Tokyo, Japan.
Kimura Toy, Ltd., 198 Tamiya, Ushiku-cho, Inashiki-gun, Ibaragi-ken, Japan.
Meiwa Kogyo, Ltd., 4-chome, Towa, Adachi-ku, Tokyo, Japan.
Makabe Gangu Seisakusho, Ltd., 5-4 chome, Koboku, Adachi-ku, Tokyo, Japan.
Kobori Seisakusho, 8-8, 4-chome, Sumida-ku, Tokyo, Japan.
Superdex Manufacturers, 34 Hung To Road, 3d Floor, Kwun Tong, Kowloon, Hong Kong.

(3) That, for the purpose of the investigation so instituted, Judge Myron R. Renick, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, is hereby appointed as presiding officer, and

(4) That, for the purpose of the investigation so instituted, Edward M. Lebow, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, is hereby named as Commission Investigative Attorney.

Responses must be submitted to the parties in accordance with § 210.21 of the Commission's Rules of Practice and Procedure, as amended (41 FR 17710, Apr. 27, 1976). Pursuant to §§ 210.16(d) and 210.20(a) of the Rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint.

Extensions of time for submitting a response will not be granted unless good and sufficient cause therefor is shown.

Failure of a respondent to file a timely response may be subject to the penalties described in § 210.21(d) of the Commission's Rules of Practice and Procedure.

The complaint, with the exception of confidential information referred to therein, is available for inspection by interested persons at the Office of the Secretary, United States International Trade Commission Building, Washington, D.C., and in the New York City office of the Commission, 6 World Trade Center.

By order of the Commission.

Issued: April 11, 1977.

KENNETH R. MASON,
Secretary.

[FR Doc.77-10998 Filed 4-14-77;8:45 am]

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[AA1921-Inq.-6]

IMPRESSION FABRIC OF MANMADE FIBER FROM JAPAN

Determination

On March 10, 1977, the United States International Trade Commission received advice from the Department of the Treasury that, in accordance with section 201(c) of the Antidumping Act of 1921, as amended, an antidumping investigation was being initiated with respect to impression fabric of manmade fiber from Japan, and that, pursuant to section 201(c) of the act, information developed during the summary investigation led to the conclusion that there is substantial doubt whether an industry in the United States is being, or is likely to be injured, or is prevented from being established, by reason of the importation of this merchandise into the United States. Accordingly, the Commission on March 14, 1977, instituted Inquiry No. AA1921-Inq.-6, under section 201(c)(2) of the act, to determine whether there is no reasonable indication that an industry in the United States is being or is likely to be injured or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing in connection with the inquiry was held in New York City on March 28, 1977. Notice of the institution of the inquiry and the hearing was duly given by posting copies of the notice at the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and at the Commission's Office in New York City, and by publishing the original notice in the FEDERAL REGISTER of March 21, 1977 (42 FR 15375).

On the basis of its inquiry with respect to imports of impression fabric of manmade fiber from Japan possibly sold at less than fair value as indicated by the Department of the Treasury, the Commission (Vice Chairman Parker and Commissioners Moore, Bedell, and Ablondi)[1] does not determine that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

STATEMENT OF REASONS OF VICE CHAIRMAN JOSEPH O. PARKER AND COMMISSIONERS WILL E. LEONARD, GEORGE M. MOORE, CATHERINE BEDELL, AND ITALO H. ABLONDI

On March 14, 1977, the United States International Trade Commission instituted inquiry No. AA1921-Inq.-6 under section 201(c)(2) of the Antidumping Act, 1921, as amended. The purpose of this 30-day inquiry was to determine whether "there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation" into the United States of impression fabric of manmade fiber from Japan, which is the subject of a pending Department of the Treasury (Treasury) investigation under the Antidumping Act, 1921.[2]

Determination. On the basis of the information developed with respect to this inquiry, we do not determine that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established,[3] by reason of the importation into the United States of impression fabric of manmade fiber from Japan possibly sold at less than fair value as indicated by the Treasury.[4] As a result of this determination by the Commission, Treasury is authorized to proceed with its investigation of sales at less than fair value pursuant to the Antidumping Act, 1921.

Discussion. In this inquiry, evidence has been presented that the producers of slit impression fabric of manmade fiber may be adversely affected by imports possibly sold at less than fair value from Japan.[5] Three U.S. firms, which account for the bulk of domestic production, produce slit impression fabric for sale; a fourth firm produces such fabric on a commission basis.

Treasury advised the Commission that U.S. imports of impression fabric from Japan had declined in 1976 and that U.S. producers' shipments had increased in that year. In making its decision in this matter, the Commission did not consider these two considerations as determinative and in addition examined other evidence, as noted below.

Apparent U.S. consumption of slit impression fabric increased substantially from 32.9 million square yards in 1972 to 44.4 million square yards in 1974. In 1975, consumption declined by 14 percent to 38.3 million square yards, but then increased to 42.0 million square yards in 1976. U.S. producers' shipments of slit impression fabric followed a trend similar to that for consumption.

With respect to the apparent position of imports of slit impression fabric from Japan in the U.S. market, such imports increased annually from an estimated 0.7 million square yards in 1972 to 3.2 million square yards in 1975. The ratio of such imports to U.S. consumption increased from 2 percent in 1972 to 8 percent in 1975. Although imports declined in 1976 to 2.5 million square yards, the ratio of imports from Japan to U.S. consumption remained higher than in all preceding years except 1975. Preliminary data provided by the Department of the Treasury indicated that possible margins of sales at less than fair value ranging from 3 to 15 percent were applicable to imports from Japan during September 1976. These margins could account for the amount by which Japanese imports apparently undersold the domestically produced fabric in 1975 and 1976.

U.S. imports of slit impression fabric from Japan averaged 2.8 million square yards in 1975 and 1976, compared with 1.7 million square yards in 1973 and 1974. This increase in imports was accompanied by a decline in U.S. producers' employment, profitability, and prices. The average number of production and related workers engaged in the slitting of impression fabric declined from 344 in 1974 to 272 in 1976. Net sales of impression fabric declined from $36.8 million in 1974 to $33.8 million in 1976, while the ratio of the firms' net operating profit to net sales declined from 12 percent in 1974 to 8 percent in 1976. The lowest net selling prices received by U.S. producers for most size categories of the fabric in 1976 were from 4 to 6 percent lower than those received in 1975.

Conclusion. We determine that the evidence obtained in this investigation does not warrant the conclusion that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of impression fabric of manmade fiber from Japan possibly sold at less than fair value.[6]

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[1] Commissioner Leonard determines that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States. Chairman Minchew determines that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

[2] Commissioner Ablondi notes that the Commission completed investigation No. AA1921-116 on May 14, 1973, with respect to the same articles that are the subject of this inquiry. In that case the Commission unanimously determined in the negative. See Impression Fabric of Manmade Fiber From Japan, Investigation No. AA1921-116 • • •, TC Publication 557, May 1973. However, since the Commission's 1973 investigation, imports of slit impression fabric of manmade fiber from Japan have increased markedly; in 1976 they amounted to approximately four times the level that existed during the prior investigation.

[3] The question of no reasonable indication of the prevention of establishment of an industry was not an issue in this inquiry.

[4] Commissioner Leonard determines that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation into the United States of impression fabric of manmade fiber from Japan possibly sold at less than fair value as indicated by the Treasury.

[5] Commissioner Leonard notes that while the domestic industry producing impression fabric could be considered to include operations at several manufacturing stages, i.e., weaving, finishing, slitting, and inking, comprehensive data in this inquiry were available only for the operations of the U.S. producers which slit the fabric. These producers would account for a substantial part of any such larger industry. It is believed that the conclusions reached herein would not change if data were available with repect to any such larger industry.

[6] Commissioner Leonard notes that Treasury requested that the Commission advise Treasury "as to whether it determines there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established by possible less than fair value imports of impressing fabric of manmade fiber from Japan on each of the following three categories: TSUSA items 338.3014, 338.3016, and 347.6020 in the aggregate; TSUSA items 338.3014 and 338.3016 in the aggregate; and TSUSA item 337.6020 individually." In this inquiry, data on the domestic industry necessary to make such analyses were not available to the Commission. Available data were based on U.S. producers' operations at various stages of manufacturing, namely weaving and slitting, whereas the import categories specified by Treasury combined both slit and unslit fabric except in one instance where an analysis based on only part of the slit fabric imports was requested. Within the time frame provided for inquiries of this sort, the Commission could not obtain data for the analyses necessary to be responsive to Treasury's request.

[7] The question of no reasonable indication of the prevention of establishment of an industry is not at issue in this inquiry.

STATEMENT OF REASONS OF CHAIRMAN DANIEL MINCHEW

On March 10, 1977, the United States International Trade Commission (Commission) received advice from the Department of the Treasury that, in accordance with section 201(c) of the Antidumping Act of 1921, as amended, an antidumping investigation was being initiated with respect to impression fabric of manmade fiber from Japan. The Department of the Treasury concluded, pursuant to a summary investigation, that there is substantial doubt whether an industry in the United States is being, or is likely to be injured, or is prevented from being established, by reason of the importation of this merchandise into the United States. Upon receipt of this information, the Commission, on March 14, 1977, instituted inquiry No. AA1921-Inq.-6 under section 201(c)(2) of the Antidumping Act of 1921, as amended, to determine whether "there is no reasonable indication that an industry in the United States is being, or is likely to be injured, or is prevented from being established, by reason of the importation" into the United States of impression fabric of manmade fiber from Japan, which is the subject of the pending Department of Treasury investigation.

Investigations conducted by the Commission on inquiries under section 201(c)(2) must be completed within 30 days.

Determination. On the basis of the information developed in this inquiry, I have determined that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established,[7] by reason of the importation into the United States of impression fabric of manmade fiber from Japan allegedly sold at less than fair value (LTFV).

The product. Impression fabrics of manmade fibers are highly specialized woven fabrics which are suitable for making typewriter and machine ribbon. Their manufacture requires a high degree of precision in construction, weave, and finish. Impression fabrics are, to a greater extent than most other fabrics of manmade fibers, made on machinery and by processes which are highly specialized. The "impression" is that made on paper by a key striking the ribbon, and the fabrics are used solely as inking ribbons on typewriters, adding machines, computers, and similar machines.

The U.S. industry. There are four major operations involved in the manufacture of impression fabrics: weaving, finishing, slitting, and, inking. Some U.S. firms specialize in a single major operation, but in most cases a firm producing impression fabric performs more than one of these operations. An exception is the inking operation—no domestic firm which inks impression fabric has involved itself in any of the other major operations. Six domestic firms weave impression fabric, one of which also performs finishing and slitting operations. The other five domestic weavers sell the bulk of their output, some of which is finished internally, to two domestic firms which perform slitting. In addition to these firms, there are three U.S. firms, called converters for purpose of this inquiry, which take title to either imported or domestically produced impression fabric and arrange to have the fabric slit, and sometimes finished, on contract. Most of the impression fabric purchased by converters is imported.

No reasonable indication of injury to the U.S. industry. In making my determination in this inquiry, I considered the industry most likely to be adversely affected by imports of the subject investigated to consist of the U.S. facilities devoted to the slitting of impression fabric of manmade fiber. Three U.S. firms, which account for the bulk of domestic production, produce slit impression fabric for sale; a fourth firm slits such fabric on a commission basis.

Apparent U.S. consumption of slit impression fabric increased substantially, from an estimated 32.9 million square yards in 1972, to 44.4 million square yards in 1974, at which time shortages developed in the U.S. market. In 1975, a year of over-supply, consumption declined by 14 percent, but then increased to 42.0 million square yards in 1976. U.S. producers' shipments of slit impression fabric followed a trend similar to that for consumption, declining in 1975 from their 1974 peak, but increasing by 13 percent in 1976.

Imports of slit impression fabric from Japan increased from an estimated annual average of 0.7 million square yards in 1972–73 to 2.1 million square yards in 1974, due to a shortage of domestic supplies. Imports continued to increase to 3.1 million square yards in 1975, mainly because of the long lead times required between orders by U.S. customers and actual delivery. Most imports shipped in 1975 were contracted for in 1974, at which time continued shortages were anticipated in the domestic market. The anticipated shortages never materialized, however, as witnessed by the decline in U.S. consumption, and imports of the slit fabric from Japan subsequently declined by 23 percent, to 2.4 million square yards in 1976. The ratio of imports to consumption declined from a high of 8 percent in 1975 to 6 percent in 1976.

Data supplied by the Department of Treasury indicate possible less-than-fair-value margins ranging from 3 to 15 percent for September 1976. As indicated above, imports of slit impression fabric from Japan declined by 23 percent in 1976, while shipments by U.S. producers increased by 13 percent. Many large users of the fabric, such as IBM Corp. which had not imported impression fabric until the 1974 shortage, once again turned to U.S. producers to meet their demand requirements. Other customers have indicated a desire to continue purchasing imports on a small scale, in order to guard against possible impression fabric shortages in the future. Virtually all purchasers of slit impression fabric have indicated that price was not a significant factor in decisions to import.

While there is some evidence that U.S. producers' employment and profitability were lower in 1976 than in 1974, indications point to the decline in U.S. consumption as the primary cause of such developments. Net sales of slit impression fabric by U.S. producers increased in 1976, in both absolute terms and as a percentage of U.S. consumption, and there is every reasonable indication that the trend will continue.

It should also be noted that in 1976, under the Bilateral Arrangement with Japan, a restraint level of 5.7 million square yards was invoked on annual imports of wide impression fabric from Japan. A similar restraint level has recently been arranged for imports of narrow impression fabric, limiting such imports from Japan to their 1976 level. These restraint levels add further support to my conclusion that imports of impression fabric from Japan pose no threat of injury to the U.S. industry.

By order of the Commission.

Issued: April 12, 1977.

KENNETH R. MASON,
Secretary.

[FR Doc.77-11713 Filed 4-14-77;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal

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assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D St. NW., Washington, D.C. 20213.

Signed at Washington, D.C., this 11th day of April 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

Applications received during the week ending Apr. 8, 1977

Name of applicant	Location of enterprise	Principal product or activity
O. P. Industries, Inc	Arroyo, P.R	Manufacture of masonry products and stove castings.
Trigo Corp	Toa Baja, P.R	Production of alcoholic beverages.
Mission Marine Associates	Lower bank, Egg Harbor City, N.J.	Manufacture of inboard motor boats.
The Mullan Brick Co	Elkton, Md	Manufacture of unglazed brick.
Acme Fishing Tool Co	Parkersburg, W. Va	Manufacture of cable drilling tools and industrial forgings.
Plantation Pecans, division of Pinewood Plantation, Inc.	Leesburg, Ga	Buy, clean, grade, shell, package, and sell pecans.
Kerr Glass Manufacturing Corp. (tenant of Wilson County).	Wilson, N.C	Manufacture of glass bottles.
W. E. Parks Lumber Co., Inc	Port Gibson, Miss., and Newellton, La.	Manufacture of hardwood and softwood lumber products.
Noble Corp	Anniston, Ala	Manufacture of cylinder liners for diesel engines.
Lafayette Gin Co., Inc	Oxford, Miss	Ginning of cotton.
B. & M. Manufacturing Co., Inc. (tenant of Union County Industrial Development Authority).	Blairsville, Ga	Screw machine products.
Ellijay Spinning Mills, Inc. (tenant of Union County Industrial Development Authority).	Blairsville, Ga	Manufacture of carpet yarn.
The Hunt Grain Co	Marion, Ky	Buying and selling of grains.
Cutting-Pike Investment Corp	Hammond, La	Sales and service on industrial equipment.
Elkner Nurseries	Tyler, Tex	Wholesale nursery growing, processing, and marketing.
Kopperl Locker Plant, Inc	Kopperl, Tex	Retail sales and processing of meats.
American Beef Packers, Inc., Western Iowa Pork Co.	Harlan, Iowa	Hog slaughtering.
Hyplains Dressed Beef, Inc	Dodge City, Kans	Slaughter and processing of beef cattle.
De Lorean Motor Co	Sedgwick County, Kans.	Automotive manufacturing plant.
Outrider, Inc	Laramie, Wyo	Motel and convention center.
Leonard C. Versteegan	Avondale, Ariz	Manufacture of hay cubers, cotton pickers, and parts.
Mid-Western Nurseries, Inc	Tahlequah, Okla	Growing, processing wholesale nursery products.

[FR Doc.77-11056 Filed 4-14-77;8:45 am]

Occupational Safety and Health Administration

NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

Meeting

Notice is hereby given that the National Advisory Committee on Occupational Safety and Health (NACOSH) will meet on May 5 and 6, 1977, in Convention Hall–C, 57 Park Plaza, Howard Johnson's Motor Lodge, 200 Stuart Street, Boston, Massachusetts 02116.

The National Advisory Committee was established under section 7(a) of the Occupational Safety and Health Act of 1970 to advise the Secretary of Labor and the Secretary of Health, Education and Welfare on matters relating to the administration of the Act.

The meeting will begin at 9:00 a.m. The public is invited to attend. Agenda items will include an update of OSHA and NIOSH activities and action on reports from the subgroups. The Subgroup on Compliance will present recommendations to NACOSH on new concepts in compliance techniques and the system for processing employee discrimination complaints under section 11(c) of the Act. The Subgroup on Policy/Budget will present recommendations on the OSHA/NIOSH interface. The Subgroup on Standards in conjunction with the Subgroup on Policy/Budget will present recommendations on the proposed regulation of certain toxic substances.

For additional information contact:

J. Goodell, Acting Director, Division of Consumer Affairs, Occupational Safety and Health Administration, Department of Labor, OSHA, Room N–3635, Third Street and Constitution Avenue, NW., Washington, D.C. 20210, Phone: (202) 523–8024.

Any written data or views concerning these agenda items or suggestions for future agenda items which are received by the Division of Consumer Affairs before the meeting, preferably with 20 copies, will be presented to the Committee and included in the official record of the meeting.

Anyone wishing to make an oral presentation should notify the Division of Consumer Affairs before the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation. Oral presentations will be schedlued at the discretion of the Chairman, depending on the extent to which time permits.

Official records of the meeting will be available for public inspection at the above address.

Signed at Washington, D.C., this 12th day of April 1977.

J. GOODELL,
Executive Secretary.

[FR Doc.77-11090 Filed 4-14-77;8:45 am]

Office of the Secretary

AMERICAN MOTORS CORP., ET AL.

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision..

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 25, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 25, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 31st day of March 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: (union/ workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
American Motors Corp. (UAW).	Detroit, Mich	Mar. 31, 1977	Mar. 28, 1977	TA-W-1,929	American Motors passenger cars.
American Motors Corp. (UAW).	Kenosha, Wis	do	do	TA-W-1,930	American Motors passenger cars.
American Motors Corp., South Charleston Stamping Plant (UAW).	So. Charleston, W. Va.	do	do	TA-W-1,931	Metal stamping and assemblies for American Motors passenger cars.
Bouquet Fashions (ILGWU).	Lancaster, Calif	Mar. 29, 1977	Mar. 23, 1977	TA-W-1,932	Ladies' coats and suits.
D'Andre (ILGWU)	Montclair, Calif	do	do	TA-W-1,933	Do.
D'Mia Fashions (ILGWU).	S. El Monte, Calif.	Mar. 31, 1977	Mar. 22, 1977	TA-W-1,934	Do.
D'Roma Fashions (ILGWU).	Covina, Calif	do	do	TA-W-1,935	Do.
Fisher Dress Co. (ILGWU).	Los Angeles, Calif.	Mar. 29, 1977	Mar. 23, 1977	TA-W-1,936	Ladies dresses and sportswear.
Ford Motor Co., Metuchen Assembly Plant (UAW).	Metuchen, N.J	Mar. 31, 1977	Mar. 28, 1977	TA-W-1,937	Ford Motor Co. passenger cars.
Ford Motor Co., Dearborn Assembly Plant (UAW).	Dearborn, Mich	do	do	TA-W-1,938	Do.
Ford Motor Co., San Jose Assembly Plant (UAW).	San Jose, Calif	do	do	TA-W-1,939	Do.
General Motors Corp., Assembly Div. (UAW).	Lordstown, Ohio	do	do	TA-W-1,940	General Motors passenger cars.
General Motors Corp., Assembly Div. (UAW).	Wilmington, Del	do	Feb. 28, 1977	TA-W-1,941	Do.
Jolie'D Coats (ILGWU)	Gardena, Calif	do	Mar. 22, 1977	TA-W-1,942	Ladies' coats and suits.
Roth LeCover (ILGWU).	Los Angeles, Calif.	Mar. 29, 1977	Mar. 23, 1977	TA-W-1,943	Ladies' suits, dresses and sportswear.
Sabrina Coat, Inc. (ILGWU).	S. El Monte, Calif.	Mar. 31, 1977	Mar. 22, 1977	TA-W-1,944	Ladies' coats and suits.

[FR Doc.77-11087 Filed 4-14-77;8:45 am]

[TA-W-1303]

ARCTIC ENTERPRISES, INC. AND ARCTIC DISTRIBUTORS, INC.

Negative Determination Regarding Eligibility To Apply for Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–1303: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 29, 1976 in response to a worker petition received on that date which was filed on behalf of workers and former workers marketing snowmobiles at Arctic Distributors, Inc., Neenah, Wisconsin, a wholly owned subsidiary of Arctic Enterprises, Inc. The investigation was expanded to include Arctic Enterprises, Inc., Thief River Falls, Minnesota, which produces all snowmobiles marketed at the Neenah, Wisconsin facility.

The notice of investigation was published in the FEDERAL REGISTER on December 21, 1976 (41 FR 55601). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Arctic Enterprises, Inc., and Arctic Distributors, Inc., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof, have increased either actual or relative to domestic production, and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Department's investigation reveals that with respect to Arctic Enterprises, Inc. criterion (1) and criterion (2) have not been met; with respect to Arctic Distributors, Inc. criterion (4) has not been met.

Significant Total or Partial Separations. The average number of production workers at Arctic Enterprises, Inc. increased 11 percent in 1975 compared to 1974 and increased 17 percent in 1976 compared to 1975.

The average number of workers marketing snowmobiles at Arctic Distributors, Inc. declined 7 percent in 1975 compared to 1974 and declined 16 percent in 1976 compared to 1975.

Sales or Production, or Both, Have Decreased Absolutely. Production at Arctic Enterprises, Inc. increased 30 percent in 1975 compared to 1974 and increased 17 percent in 1976 compared to 1975.

Sales of snowmobiles at Arctic Distributors, Inc. declined 22 percent in 1975 compared to 1974 and increased 21 percent in 1976 compared to 1975.

Increased Imports. Imports of snowmobiles declined from 230,400 in 1971 to 41,800 in 1975. Imports decreased from 28,500 snowmobiles in the first three quarters of 1975 to 26,600 snowmobiles in the first three quarters of 1976. Imports as a percentage of production de-

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creased from 46.2 percent in 1972 to 12.0 percent in 1974. Imports as a percentage of production increased from 12.0 percent in 1974 to 22.1 percent in 1975 and increased from 27.1 percent in the first three quarters of 1975 to 28.3 percent in the first three quarters of 1976.

Contributed Importantly. Artic Distributors, Inc. markets snowmobiles solely produced by its parent firm, Arctic Enterprises, Inc., Thief River Falls, Minnesota. Production of snowmobiles by Arctic Enterprises increased in 1976 over 1975 as did production related employment at that firm. Arctic Enterprises increased its share of the domestic snowmobile market both in 1975 and in 1976. In order to continue what it considers to be a successful marketing strategy, company officials have made the decision to consolidate its distribution outlets into regional locations. This will result in the closure of Arctic Distributors, Inc. in Neenah, Wisconsin.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with snowmobiles produced at Arctic Enterprises, Thief River Falls, Minnesota did not contribute importantly to the separations of the workers at that firm or Arctic Distributors, Inc., Neenah, Wisconsin.

Signed at Washington, D.C. this 7th day of April 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-11124 Filed 4-14-77;8:45 am]

[TA-W-1546]

BELLEVILLE SHOE MANUFACTURING CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1546: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 4, 1977 in response to a worker petition received on December 20, 1976 which was filed on behalf of workers and former workers producing combat boots and athletic shoes at Belleville Shoe Manufacturing Company, Belleville, Illinois. The investigation revealed that Belleville Shoe did not manufacture athletic shoes.

The Notice of Investigation was published in the FEDERAL REGISTER on January 28, 1977 (42 FR 5446). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Belleville Shoe Manufacturing Company, its customers, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separation, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any other criteria have been met, criterion (3) has not been met.

Evidence developed in the Department's investigation reveals that Belleville Shoe Manufacturing Company, in Belleville, Illinois produces combat boots specially manufactured to strict military specifications for use by the U.S. Armed Service branches. During the past 3 years, Belleville Shoe Manufacturing Company production consisted of as much as 99 percent combat boots sold to the U.S. Government and about 1 percent men's and boys' shoes.

In accordance with the Defense Appropriations Act regulations, all procurement of supplies, including combat boots, is restricted to those which are manufactured in the United States or its possessions. Furthermore, according to various industry sources, there are no known quantities of imports of combat boots.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that imports like or directly competitive with combat boots produced at the Belleville, Illinois plant of Belleville Shoe Manufacturing Company have not increased as required in Section 222 of the Trade Act of 1974. The petition is, therefore, denied.

Signed at Washington, D.C. this 7th day of April 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-11128 Filed 4-14-77;8:45 am]

BIG RIVER MFG. CO., ET AL.

Investigations Regarding Certifications of Eligibility To Apply For Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 25, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 25, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 4th day of April 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: (union/ workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Boss Manufacturing Co. (ACTWU)	Oneida, Tenn	Apr. 7, 1977	Mar. 15, 1977	TA-W-1,956	Cotton and leather work gloves.
Bonjel Sportswear (workers).	New York, N.Y.	Apr. 5, 1977	Mar. 31, 1977	TA-W-1,957	Men's sport shirt, slacks, robes, underwear and scarfs.
Cobre Tire Co. (International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers).	Butte, Mont	do	do	TA-W-1,958	Tires for off-road equipment.
Dynamics Corp., Reeves-Hoffman Div. (workers).	McConnelsburg, Pa.	do	do	TA-W-1,959	Electronic quartz crystals for watches.
Fletcher Service Co. (International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers).	Butte, Mont	do	do	TA-W-1,960	Repairing tires for off-the-road equipment.
Wolverine Worldwide, Inc., Frolic Footwear Division (Boot and Shoe Workers Union).	Jonesboro, Ark	do	Mar. 29, 1977	TA-W-1,961	Women's shoes.
J.A.M. K.A. Sheling Co., Inc. (company).	Fitchburg, Mass.,	Apr. 26, 1977	Mar. 26, 1977	TA-W-1,962	Doll clothes, sportwear for women, denim skirts for girls.
Lazza of Boston (workers).	Natick, Mass	do	Mar. 31, 1977	TA-W-1,963	Women's shoes.
LeSaude Shoe Co., Inc. (workers).	Haverhill, Mass	do	Apr. 5, 1977	TA-W-1,964	Women's shoes.
Shiftmire (U), shirt Co. (workers).	Fall River, Mass	Apr. 7, 1977	Mar. 25, 1977	TA-W-1,965	Men's shirts and ladies' blouses.
Weil Shoe Co. (workers).	Afton, Mo	Apr. 5, 1977	Mar. 30, 1977	TA-W-1,966	Men's, women's and children's shoes.
Young Brothers, Ltd. (workers).	Honolulu, Hi	do	do	TA-W-1,967	Transportation services for pineapple and fertilizer.

[FR Doc.77-11089 Filed 4-14-77;8:45 am]

[TA-W-1009]

GENERAL SHOE CO.

Revised Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 222 of the Trade Act of 1974 and in accordance with section 223(a) of such Act, on October 29, 1976, the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to workers and former workers at the Frankfort, Kentucky plant of General Shoe Company, a Division of GENESCO, Inc., Nashville, Tennessee (TA-W-1009).

The Notice of Certification was published in the FEDERAL REGISTER (41 FR 50040) November 12, 1976. An amended certification was issued January 31, 1977 to include five additional workers who were separated after the termination date because of their required presence to close out the plant. The Notice of Amended Certification was published in the FEDERAL REGISTER (42 FR 8018) February 8, 1977.

Appendix

Petitioner: (union/ workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Big River Manufacturing Co. (workers).	Kittanning, Pa	Apr. 1, 1977	Mar. 28, 1977	TA-W-1,945	Boys' woven shirts and jackets.
Coronet Printing, Inc. (workers).	Fall River, Mass	Mar. 31, 1977	Mar. 28, 1977	TA-W-1,946	Flock printing.
Earth Shoe Corp. (workers).	Middleboro, Mass	do	Mar. 30, 1977	TA-W-1,947	Earth shoes.
Fedders Automotive & Co. Components (USA).	Buffalo, N.Y.	Apr. 4, 1977	Mar. 30, 1977	TA-W-1,948	Auto radiators, heaters and transmission oil coolers.
H. W. Gossard Co. (workers).	Jehpening, Mich	do	Mar. 13, 1977	TA-W-1,949	Ladies' undergarments.
Hawaiian Sugar Planters' Association (Co.).	Waipahu, Hawaii	do	Mar. 30, 1977	TA-W-1,950	Administrative, coordination and research of cane sugar.
Do	Hilo, Hawaii	do	do	TA-W-1,951	Do.
Do	Lihue, Hawaii	do	do	TA-W-1,952	Do.
Olokele Sugar Co.	Kaumakani, Hawaii	Feb. 28, 1977	Feb. 23, 1977	TA-W-1,953	Raw sugar.
T&W, Inc. (IUE)	Philadelphia, Pa	Apr. 1, 1977	Mar. 28, 1977	TA-W-1,954	Carbon composition resistors.
The Vendo Co. (UBA)	Kansas City, Mo	do	Mar. 18, 1977	TA-W-1,955	Vending machines.

[FR Doc.77-11088 Filed 4-14-77;8:45 am]

BOSS MFG. CO., ET AL.

Investigations Regarding Certifications of Eligibility To Apply For Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 25, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 25, 1977.

The petitions filed in this case are available for inspection at the Office of

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Subsequent to the publication of the original determination, the Office of Trade Adjustment Assistance received an inquiry on behalf of two former workers at the Frankfort, Kentucky plant of GENESCO. Further investigation revealed that two additional workers were engaged in employment related to the production of women's footwear and should have been included in the original certification as eligible to apply for adjustment assistance even if separated after the termination date. The subject workers were omitted from the original certification because they were retained to complete shut down operations.

Conclusion. Based on additional evidence, a review of the entire record and in accordance with the provisions of the Act, I have determined that the following certification is hereby made as follows:

All workers at the Frankfort, Kentucky plant of the General Shoe Company who became totally or partially separated from employment on or after May 26, 1976 and before August 1, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974 except that the following identified employees of General Shoe Company shall be eligible to apply for adjustment assistance even if they become totally or partially separated on or after August 1, 1976.

1. Danny Anderson, 604 Forest Hill Drive, Frankfort, Kentucky.
2. Floyd Gilbert, 110 Adair, Frankfort, Kentucky.
3. Alvin Aldridge, Route 1, Frankfort, Kentucky.
4. Howard Smith, Route 5, Frankfort, Kentucky.
5. Mac Foster, 130 Locust Street, Frankfort, Kentucky.
6. Harrison Smith, Route 5, Frankfort, Kentucky.
7. Arthur McDaniel, Route 4, Box 1975, Frankfort, Kentucky.
8. Juanita Honaker, 121 Seminole Trail, Frankfort, Kentucky.
9. Catherine McKee, 816 Prince Hall, Frankfort, Kentucky.

Signed at Washington, D.C. this 7th day of April 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-11126 Filed 4-14-77;8:45 am]

[TA-W-1416]

LEMONT MANUFACTURING CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results or TA-W-1418: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 14, 1976 in response to a worker petition received on December 14, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing concrete reinforcing bars, angles and plain rounds at the Lemont, Illinois plant of Lemont Manufacturing Company, a division of Ceco Corporation.

The notice of investigation was published in the FEDERAL REGISTER on January 4, 1977 (42 FR 887). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Lemont Manufacturing Company, Ceco Corporation, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that the fourth criterion has not been met.

Significant Total or Partial Separations. Average weekly employment of production workers increased 2.5 percent in 1974 compared with 1973, decreased 4.3 percent in 1975 compared with 1974 and decreased 10.7 percent in 1976 compared with 1975.

Sales or Production, or Both, Have Decreased Absolutely. Production of concrete reinforcing bar, angles and plain rounds in terms of quantity decreased 6.9 percent in 1974 compared with 1973, decreased 22.9 percent in 1975 compared with 1974 and increased 0.9 percent in 1976 compared with 1975. Production decreased in three of the four quarters in 1976 compared with the respective quarters of 1975.

Increased Imports. Imports of concrete reinforcing bars in terms of net tons decreased 30.4 percent in 1972 compared with 1971, decreased 20.0 percent in 1973 compared with 1972, increased 66.7 percent in 1974 compared with 1973, decreased 70.3 percent in 1975 compared with 1974 and increased 18.2 percent in the first three quarters of 1976 compared with the first three quarters of 1975. The ratio of imports to domestic shipments and consumption increased from 4.4 percent and 4.3 percent, respectively, in the first three quarters of 1975 to 4.8 percent and 4.6 percent, respectively, in the first three quarters of 1976.

Contributed Importantly. Lemont Manufacturing Company is a captive supplier of concrete reinforcing bar, angles and plain rounds for Ceco Corporation. Ceco Corporation, the parent company, is a major construction company. All production at Lemont is scheduled by and produced for Ceco in accordance with the company's requirements. Ceco Corporation relies on its three steelmaking divisions, including Lemont, for virtually all its production of concrete reinforcing bar, angles and plain rounds. In the rare occasion that Ceco purchases reinforcing bar products from sources other than its steelmaking division, these purchases are made only from domestic steel producing sources. Purchases of steel from Lemont by Ceco have generally declined since 1974 due largely to continuing depressed conditions within the construction industry. Producing this steel exclusively for Ceco, production at Lemont has been directly affected by what decreases in construction Ceco has experienced within the industry.

Conclusion. After careful review of the facts obtained in the investigation, it is concluded that imports of articles like or directly competitive with concrete reinforcing bars, angles and plain rounds produced by Lemont Manufacturing Company in Lemont, Illinois have not contributed importantly to the total or partial separations of workers at that plant as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 7th day of April 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-11122 Filed 4-14-77;8:45 am]

[TA-W-1373]

MARSH VALVE CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1373: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 1, 1976 in response to a worker petition received on December 1, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing brass valves and castings at the Dunkirk, New York plant of Marsh Valve Company.

The Notice of Investigation was published in the FEDERAL REGISTER on January 4, 1977 (42 FR 889). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Marsh Valve Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that the first three criteria have been met but criterion (4) has not been met.

Significant Total or Partial Separations. Average annual employment of production workers at Marsh Valve Company declined 49.0 percent in 1975 compared to 1974. Average employment increased 0.8 percent in 1976 compared to 1975. Average employment increased 40.0 percent in the second quarter of 1976, 12.0 percent in the third quarter and 4.2 percent in the fourth quarter compared to the same quarters of 1975.

Sales or Production, or Both, Have Decreased Absolutely. Annual sales by the Marsh Valve Company declined 53.6 percent in quantity in 1975 compared to 1974. Sales increased 2.5 percent in 1976 compared to 1975. Sales declined 15.5 percent and 2.2 percent respectively, in the third and fourth quarters of 1976 compared to the same quarters in 1975.

Increased Imports. Imports of valves and similar devices in terms of value increased each year from $56.5 million dollars in 1971 to $165.1 million in 1975. Imports further increased from $127.6 million in the first nine months of 1975 to $134.2 million in the first nine months of 1976.

The ratio of imports to domestic production increased each year from 1971 to 1975, from 2.4 percent in 1971 to 4.7 percent in 1975. The ratio of imports to production decreased from 4.9 percent in the first nine months of 1975 to 4.5 percent in the first nine months of 1976.

Detailed import data is published for valves by type and composition. Production data using this detail is not available. Imports of brass valves of the type produced by Marsh are included in the category of "valves, hand-operated and check, made of copper, including those of brass."

Imports of valves, hand-operated and check, made of copper, including those of brass increased by 59.6 percent in value from 1971 to 1972. Imports declined 9.6 percent from 1972 to 1973, increased 22.7 percent from 1973 to 1974 and declined 23.4 percent from 1974 to 1975. In the first three quarters of 1976 imports were 52.7 percent higher than during the same period of 1975.

Contributed Importantly. One customer of Marsh purchased all their valves and a substantial amount of their castings. This customer does not purchase any imported valves or castings. This customer used Marsh's products in the hot water heating systems they manufactured. Sales of hot water heating systems are highly dependent upon the construction of new buildings. The slump in the construction industry reduced the demand for hot water heating systems which caused this manufacturer to decrease its purchases of valves and castings from Marsh.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with brass valves and castings produced at the Marsh Valve Company in Dunkirk, New York did not contribute importantly to the total or partial separation of workers at the plant as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 7th day of April 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-11123 Filed 4-14-77;8:45 am]

[TA-W-1419]

MILTON MANUFACTURING CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1419: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 14, 1976 in response to a worker petition received on December 14, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing concrete reinforcing bars and plain rounds at the Milton, Pennsylvania plant of Milton Manufacturing Company.

The notice of investigation was published in the FEDERAL REGISTER on January 4, 1977 (42 FR 890). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Milton Manufacturing Company, its customers, the U.S. Department of Commerce, the International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although criteria (1), (2) and (3) have been met, criterion (4) has not been met.

Milton Manufacturing, a division of the Ceco Corporation, is a new billet steel operation complete with Melt Shop, Bar Mill and a Fabricating Department which are capable of producing approximately 150,000 tons annually of concrete reinforcing bars and steel rounds. Ninety-five percent of Milton's production from year to year is concrete reinforcing bars. Production workers are used interchangeably between both products.

Significant total or partial separations. The average weekly employment of production workers at the Milton, Pennsylvania plant declined 33.2 percent in 1975 compared to 1974 and increased 7.9 percent in 1976 compared to 1975.

Sales or production, or both, have decreased absolutely. Plant sales declined 39.4 percent in 1975 compared to 1974 and increased 0.4 percent in 1976 compared to 1975.

Plant production declined 41.9 percent in 1975 compared to 1974 and increased 6.8 percent in 1976 compared to 1975.

Increased imports. U.S. imports of concrete reinforcing bars were 514.5 thousand net tons in 1971 and declined to 358.2 thousand net tons and 286.4 thousand net tons, respectively, in 1972 and 1973. U.S. imports increased to 477.5 thousand net tons in 1974 before declining to 141.9 thousand net tons in 1975. U.S. imports increased from 121.3 thousand net tons in the first three quarters of 1975 to 143.4 thousand net tons for the like 1976 period.

Contributed importantly. A survey of customers whose purchases of concrete reinforcing bars from Milton Manufacturing Company represented over fifty percent of Milton's sales in 1975 and 1976 indicated that none of these customers have purchased imported reinforcing bars since 1974. All but one customer surveyed stated that they decreased purchases from Milton in 1975 and 1976. The depressed state of the construction industry in New England was the reason most often given by customers of Milton for their decreased purchases of concrete reinforcing bars.

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Conclusion. After careful review of the facts obtained in the investigation, I conclude that imports of articles like or directly competitive with concrete reinforcing bars produced at the Milton, Pennsylvania plant of the Milton Manufacturing Company have not contributed importantly to the total or partial separations of workers at that plant as required by Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 7th day of April 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-11129 Filed 4-14-77;8:45 am]

[TA-W-1392]

SOUTHWEST STEEL CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1392: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 15, 1976 in response to a worker petition received on November 15, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing fabricated concrete reinforcing bars at the Houston, Texas plant of Southwest Steel Company, a division of Armco Steel Corporation, Middletown, Ohio.

The notice of investigation was published in the FEDERAL REGISTER on January 4, 1977 (42 FR 898). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Southwest Steel Company, the U.S. International Trade Commission, the U.S. Department of Commerce, the American Iron and Steel Institute, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of **eligibility to apply for adjustment** assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision has decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether the first (3) criteria have been met, the fourth criterion has not been met.

Significant total or partial separations. Average employment of production workers was unchanged in 1974 compared to 1973, and decreased 5 percent in 1975 compared to 1974. The number of production workers in the fourth quarter of 1975 was unchanged when compared to the like quarter in 1974. Employment in the nine-month period of January–September 1976 increased 33 percent compared to the like period in 1975.

Average weekly hours worked were unchanged in 1974 compared to 1973, and decreased 3 percent in 1975 compared to 1974. Average weekly hours in the nine-month period of January–September 1976 increased 19 percent compared to the like period in 1975.

Sales or production, or both, have decreased absolutely. Sales increased 42 percent in quantity in 1974 compared to 1973, decreased 43 percent in 1975 compared to 1974, then increased 48 percent in the nine-month period of January–September 1976 compared to the like period in 1975.

Production increased 22 percent in quantity in 1974 compared to 1973, decreased 18 percent in 1975 compared to 1974, then increased 55 percent in the nine-month period January–September 1976 compared to the like period in 1975.

Increased imports. Imports of concrete reinforcing bars (the fabrication of these bars is only an additional step in the production process) decreased both absolutely and relative to domestic production in 1972 and 1973 when compared to the previous year. Imports increased both absolutely and relative to domestic production in 1974 compared to 1973 and then decreased both absolutely and relatively in 1975 when compared to 1974. These imports decreased 70 percent from 1974 to 1975 and then increased 18 percent in the first nine months of 1976 when compared to the like period of 1975. The ratio of imports to domestic production decreased from 9.5 percent in 1974 to 3.9 percent in 1975 and then increased from 4.4 percent in the first nine months of 1975 to 4.8 percent in the first nine months of 1976.

Contributed importantly. The Houston Texas concerete reinforcing bar fabricating plant of Southwest Steel Company produces fabricated rebars for sale to general contractors in the Houston area. Notwithstanding an 18 percent increase in imports of mill-length concrete reinforcing bars in the first nine months of 1976 compared to the like period in 1975, sales of the Houston plant increased 48 percent in quantity and production increased 55 percent in quantity during this same period. In this same nine month period average production employment increased 33 percent and average weekly hours of production workers increased 19 percent. Production employment remained unchanged in the fourth quarter of 1975 compared to the fourth quarter of 1974, but average weekly hours increased 9 percent in this same quarter.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that imports like or directly competitive with concrete reinforcing bars (the fabrication of these bars is only an additional step in the production process) produced by the Houston, Texas plant of Southwest Steel Company, a division of Armco Steel Corporation, Middletown, Ohio did not contribute importantly to the total or partial separations of the workers of that plant.

Signed at Washington, D.C. this 31st day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-11121 Filed 4-14-77;8:45 am]

S AND S CHILDREN'S APPAREL CORP.

[TA-W-1300]

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1300: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 22, 1976 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing women's and girls' dresses and sportswear at the Brooklyn, New York plant of S and S Children's Apparel Corporation.

The notice of investigation was published in the FEDERAL REGISTER on December 21, 1976 (41 FR 55608). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of S and S Children's Apparel Corporation, manufacturers for whom the subject company produced, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

Significant Total or Partial Separations. Plant employment of production workers increased 14.7 percent in 1975 compared to 1974 and declined 17.9 percent in the first nine months of 1976 compared to the same period in 1975. Production workers at the plant are used interchangeably and are not separately identifiable by product.

Sales or Production, or Both, Have Decreased Absolutely. Production at S and S Children's Apparel equals sales. Total production declined 31.1 percent and 41.7 percent in the second and third quarters of 1976, respectively, compared to the same quarters in 1975.

Production of girls' dresses and women's and girls' blouses and shirts ceased during the first quarter of 1976.

Increased Imports. Imports of woven women's, misses' and children's dresses increased from 870,000 dozens in 1974, to 987,000 dozens in 1975 and from 674,000 dozens in the first nine months of 1975, to 806,000 dozens in the same period in 1976.

Imports of woven women's, misses' and children's slacks and shorts increased from 4.584 million dozens in 1974 to 5.39 million dozens in 1975 and from 3.823 million dozens in the first nine months of 1975, to 5.399 million dozens in the same period in 1976.

Imports of women's, misses' and children's blouses and shirts increased from 20.549 million dozens in 1974, to 26.113 million dozens in 1975 and increased from 19.251 million dozens in the first nine months of 1975, to 24.016 million dozens in the same period in 1976.

Contributed Importantly. S and S Children's Apparel produces under contract from clothing manufacturers. A representative sample of customers of one of those manufacturers revealed that several of these customers reduced purchases from this manufacturer while increasing purchases of imports.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with girls' and women's slacks and shorts, girls' and women's blouses and shirts and girls' dresses produced at the Brooklyn, New York plant of S and S Children's Apparel Corporation contributed importantly to the total or partial separations of the workers engaged in the production of such products at that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Brooklyn, New York plant of S and S Children's Apparel Corporation who became totally or partially separated from employment on or after April 1, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 7th day of April 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-11125 Filed 4-14-77;8:45 am]

[TA-W-1627]

VULCAN CORP.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-1627: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 31, 1977 in response to a worker petition received on January 27, 1977 which was filed by the Boot and Shoe Workers' Union on behalf of workers and former workers producing wood heels and wedges at the South Charleston, Ohio plant of Vulcan Corporation, Cincinnati, Ohio.

The notice of investigation was published in the FEDERAL REGISTER on March 4, 1977 (42 FR 12499). No hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Vulcan Corporation, the U.S. Department of Commerce, the U.S. Tariff Commission, the International Trade Commission and the American Footwear Industries Association.

In order to make an affirmative determination and issue certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard as to whether the other criteria have been met, criterion (3) has not been met.

Vulcan Corporation is primarily a supplier of lasts, heels and other component parts to several footwear manufacturers in the United States. Wood heels and wedges are produced at the South Charleston, Ohio plant. The plant stopped production in February 1977.

Imports of shoe heels are negligible, having amounted to less than one half of one percent of the domestic market in recent years.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that imports of articles like or directly competitive with wood heels and wedges produced at the South Charleston, Ohio plant of Vulcan Corporation, Cincinnati, Ohio have not increased as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 7th day of April 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-11127 Filed 4-14-77;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 12, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice, through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

ENVIRONMENTAL PROTECTION AGENCY

Reporting Chemical Substances for TSCA Inventory, single-time, business firms, Ellette, C. A. 395–5867.

GENERAL SERVICES ADMINISTRATION

State Agency Monthly Donation Report of Surplus Personal Property, GSA–3040, monthly, State Agencies, Warren Topelius, 395–5872.

DEPARTMENT OF AGRICULTURE

Economic Research Service, Survey of Banks in Wheat-Livestock Drought Areas, single-time, banks in wheat-livestock drought areas, Lowry, R. L., 395–3772.

Agricultural Stabilization and Conservation Service:

1975–1977 Rice Program Regulations, on occasion, farmers, Warren Topelius, 395–5872.

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1975–1977 Feed Grain Program Regulations, on occasion, farmers, Lowry, R. L., 395–3772.
ASCS–516–Feed Grain, Rice Wheat, Upland Cotton Program, ASCS–516, on occasion, farmers, Lowry, R. L., 395–3772.
1975–1977 Wheat Program Regulations, on occasion, farmers, Lowry, R.L., 395–3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:
Black Leaders' Attitudes Toward the Desirability of Black Students Entering and Completing Vocational Education Programs, OE–544, single time, black leaders, Kathy Wallman, 395–6140.
Application for Federal Assistance (Nonconstruction Programs)—Education for the Handicapped—Preschool Incentive Grant, OE–9055–1, annually, SEA's, Budget Review Division, Lowry, R. L., 395–4775.

DEPARTMENT OF THE TREASURY

Departmental and other, Electrical and Electronic Industry Survey, single time, business firms, Gaylord Worden, 395–4730.

DEPARTMENT OF TRANSPORTATION

Departmental and other, Survey of the Attitudes of Intercity Automobile Travelers Toward Intercity Transportation Alternatives, single time, households having adult intercity auto travelers, Strasser, A., 395–5867.

REVISIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, Study to Assess and Compare Type A Lunches with Alternative Subsidized Lunches Among High School Students, single time, high school students, food service employees and managers, Lowry, R. L., 395–3772.
Rural Electrification Administration, Financial Forecast—Electric Distribution Systems, REA 325A, on occasion, REA electric borrowers, Tracey Cole, 395–5870.

DEPARTMENT OF DEFENSE

Department of the Army (excluding Defense Civil Preparedness Agency), Great Lakes Shoreline Property Damage, on occasion, shoreland property owners, Maria Gonzalez, 395–6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Student Application for Federally Insured Loan, OE 1154, on occasion, borrowers, schools, lenders, Lowry, R. L., 395–3772.

EXTENSIONS

DEPARTMENT OF DEFENSE

Department of the Navy, Acceptance/Declination, NDW–USNA, on occasion, candidate's for appointment to USNA, Warren Topelius, 395–5872.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management, Cost of Handling Mortgages Insured Under Section 235, annually, members of the mortgage banking industry, Housing, Veterans and Labor Division, 395–3532.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77–11227 Filed 4–14–77;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 11, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration, Odometer Complaint Form, HS–367, on occasion, individuals with odometer complaints, Tracey Cole, 395–5870.

REVISIONS

VETERANS ADMINISTRATION

Employment Questionnaire, 21–4140, on occasion, disabled veterans, Caywood, D.P., 395–3443.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Acreage and Production Survey, annually, farmers, Gaylord Worden and Maria Gonzalez, 395–4730.

DEPARTMENT OF THE TREASURY

Bureau of Customs, Certificate of Registration, CF–4455, on occasion, travellers, tourists, and salespersons, Warren Topelius, 395–587.

EXTENSIONS

TENNESSEE VALLEY AUTHORITY

Electric Sales Statistics, TVA–6157, monthly, electric utilities, Ellett, C. A., 395–5867.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Production and Mortgage Credit, application for mortgage insurance—sales type, FHA–3202, on occasion, business firms, Housing, Veterans, and Labor Division, 395–3532.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77–11228 Filed 4–14–77;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 8, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed

NEW FORMS

WATER RESOURCES COUNCIL

Request for assistance under title III of the Water Resources Planning Act, Pub. L. 89–80, annually, State Planning Offices, Budget Review Division, Lowry, R.L. 395–4775.

REVISIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Rice Production and Farm Stocks, other (see SF–83), rice farmers, Gaylord Worden, 395–4730.
Economic Research Service, Tractor Power Technology Survey, single-time, farm operators, tractor experts, Gaylord Worden, 395–4730.
Forest Service, Experience Questionnaire—Contractor, 6300–27, on occasion, construction and service contractors, Warren Topelius, 395–5872.

DEPARTMENT OF COMMERCE

Bureau of Census, cotton, manmade fibers, woolen and worsted fabrics (production, stocks, and unfilled orders), M22A, monthly, producers of broadwoven fabrics, C. Louis Kincannon, 395–3211.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, request for correction of earnings record, SSA–7008, on occasion, individual W/E's, Human Resources Division, 395–3532.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service, report of acreage and marketing of peanuts to non-established buyers, MQ–98–1, and MQ–98, annually, producers selling peanuts, Lowry, R. L. 395–3772.
Statistical Reporting Service, Annual Pesticide Survey, annually, sample of farmers in Minnesota, Gaylord Worden, 395–4730.

EXTENSIONS

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration, Big Game Fishing Log, 88–904, on occasion, recreational fishermen and boat captains, Maria Gonzalez, 395–6132.
Bureau of Census, Housing Vacancy Survey and Housing Vacancy Reinterview Survey, HVS–1 and HVS–1(R), monthly, vacant living quarters in monthly CPS sample, Larry Haber, 395–5831.

DEPARTMENT OF JUSTICE

Departmental and other:
National Crime Survey, basic screen questionnaires; crime incident reports and control card, NCS–1, NCS–2, NCS–3, NCS–4, NCS–6, NCS–500, NCS–500A, NCS–501, other (see SF–83), households in 376 PSU's commercial establishments, George Hall, 395–6140.
National Crime Survey, basic screen questionnaires, crime incident reports and control card, CVS–100, CVS–101, monthly, households in 376 PSU's commerical establishments, George Hall, 395–6140.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration, Highway Safety Improvement Program, annually, State Highway Agencies, American Samoa, Guam, Virgin Islands, Economics and General Government Division, Tracey Cole, 395–3451.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77–11229 Filed 4–14–77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

ADVISORY COMMITTEE ON CORPORATE DISCLOSURE

Meeting

This is to give notice pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I 10(a), that the Advisory Committee on Corporate Disclosure will conduct an open meeting on May 18 and 19 at 500 North Capitol Street, Washington, D.C. 20549 in Room 776 beginning at 10 a.m.

The summarized agenda for the meeting is as follows:

1. Discussion of Recommendations Developed from the Case-Study on Corporate Disclosure;
2. Conclusion of Discussion of Recommendation Concerning Materiality Carried Over from December Meeting;
3. Discussion of Additional Recommendations Relating to Accounting Matters;
4. Any Other Matters as may be Brought Before the Committee.

Further information may be obtained from Mary E. T. Beach, Staff Director, Advisory Committee on Corporate Disclosures, Securities and Exchange Commission, Washington, D.C. 20549.

GEORGE A. FITZSIMMONS,
Secretary.

APRIL 7, 1977.

[FR Doc.77–11057 Filed 4–14–77;8:45 am]

[File No. 500–1]

CHEMTRUST INDUSTRIES CORP.

Suspension of Trading

APRIL 7, 1977.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Chemtrust Industries Corp. being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, Pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 9:50 a.m. e.s.t. on April 7, 1977 through April 16, 1977.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77–11047 Filed 4–14–77;8:45 am]

[Rel. No. 70–5998; 70–5998]

INDIANA & MICHIGAN ELECTRIC CO. AND AMERICAN ELECTRIC POWER COMPANY, INC.

Proposed Issue and Sale of Preferred Stock at Competitive Bidding and Capital Contribution From Holding Company to Subsidiary

Notice is hereby given that American Electric Power Company, Inc. ("AEP"), 2101 Spy Run, Fort Wayne, Indiana 46801, a registered holding company, and Indiana & Michigan Electric Power Company ("I&M"), 2 Broadway, New York, New York 1004, an electric utility subsidiary thereof, have filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b) and 12 of the Act and Rules 42(a), 45, and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

I&M proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, up to 1,600,000 shares of a new series of its cumulative preferred stock, par value $25 per share. The price to be received by I&M shall be $25 per share, which shall also be the price at which the preferred stock shall be initially offered to the public. The dividend rate and the amount per share to be paid by I&M as compensation to the purchasers of the preferred stock will be determined by competitive bidding. None of the shares of the preferred stock may be redeemed during the five year period following the date of its issuance if such redemption is for the purpose of refunding such stock, directly or indirectly, through the incurring of debt or the issuance of stock ranking equally with or prior to the preferred stock at an effective interest cost or effective dividend cost less than the dividend cost to I&M of the preferred stock.

The terms of the preferred stock may provide for a cumulative sinking fund pursuant to which I&M would retire at $25 per share, commencing no earlier than 5 years after sale, not more than 5 percent annually of the shares initially issued, with the non-cumulative option on any sinking fund date of redeeming at $25 per share an additional like number of shares, and with the option to credit against any sinking fund requirement the shares of preferred stock theretofore purchased or otherwise acquired by I&M.

It is stated that I&M will decide upon the necessity for a sinking fund at a subsequent date and notify prospective bidders of its decision by telegram reasonably in advance of, but not less than 72 hours prior to, the bidding date.

AEP proposes, prior to or concurrently with the sale of the preferred stock, to make one or more cash capital contributions aggregating $39,000,000 to I&M. The making of $19,000,000 for cash capital contributions has been previously authorized by this Commission (HCAR No. 19597). Authorization is sought for the remaining $20,000,000 of cash capital contributions. It is stated that the preferred stock will not be issued and sold unless, prior to such sale, I&M shall have received from AEP one or more cash capital contributions aggregating $39,000,000.

It is proposed that the proceeds from the sale of the preferred stock will be applied, within ninety days after such sale, to the payment of a like principal amount of unsecured short-term debt of I&M. As of March 16, 1977, I&M had $157,984,000 principal amount of unsecured short-term debt outstanding, and it is anticipated that at the time of sale of the preferred stock, and following the receipt of the cash capital contributions, not less than $100,000,000 principal amount of unsecured short-term debt will be outstanding. It is proposed that the proceeds from the cash capital contribution or contributions from AEP will be applied by I&M, together with other funds available to it, to the payment of unsecured short-term debt and for construction. I&M states that its construction program for 1977 is estimated at $143,750,000 (exclusive of construction costs of approximately $85,200,000 of its generating subsidiary).

It is stated that the Public Service Commission of Indiana and the Michigan Public Service Commission have jurisdiction over the proposed transactions and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed transactions will be supplied by amendment.

Notice is further given that any interested person may, not later than May 4, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request.

At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided

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in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-11049 Filed 4-14-77;8:45 am]

[File No. 500-1]

INTERNATIONAL SYSTEMS & CONTROLS CORP.

Suspension of Trading

APRIL 7, 1977.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of International Systems & Controls Corp. being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 9 a.m., e.s.t. on April 7, 1977 through April 16, 1977.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-11048 Filed 4-14-77;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

GRAIN ORIENTED SILICON ELECTRICAL STEEL FROM ITALY

Preliminary Countervailing Duty Determination

AGENCY: United States Treasury Department.

ACTION: Preliminary countervailing duty determination.

SUMMARY: This notice is to inform the public that a countervailing duty investigation has resulted in a preliminary determination that the Government of Italy has not given benefits which are considered to be bounties or grants under the countervailing duty statute (19 U.S.C. 1303), on the manufacture or exportation of grain oriented silicon electrical steel. However additional inquiries will be made regarding certain aspects of this case before a final determination is made. That determination is required by October 1, 1977. Interested parties are invited to comment by May 2, 1977, on this action.

EFFECTIVE DATE: This notice will be effective on April 15, 1977.

FOR FURTHER INFORMATION CONTACT:

William T. Trujillo, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229, (202-566-5492).

On November 11, 1976, a "Notice of Receipt of Countervailing Duty Petition and Initiation of Investigation" was published in the FEDERAL REGISTER (41 FR 49922). The notice stated that a petition in proper form was received on October 1, 1976, alleging that payments or bestowals conferred by the Government of Italy upon the manufacture, production, or exportation of grain oriented silicon electrical steel by Terni Societa per l'Industria e l'Electtricita, S.p.A. (TERNI) constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in the notice as "the Act").

Grain oriented silicon electrical steel is provided for in the Tariff Schedules of the United States under item numbers 608.88 and 609.07.

On the basis of an investigation conducted pursuant to § 159.47(c), Customs Regulations (19 CFR 159.47(c)), it preliminarily has been determined that benefits have not been received by TERNI which constitute bounties or grants within the meaning of the Act. The alleged benefits preliminarily determined not to constitute bounties or grants based on the information available and analysis to date include:

1. *Stock purchases by the holding company.* Finsider, Terni's parent, appears to have made purchases of Terni stock at depressed values from its own reserves, accumulated through profitable operation of various enterprises, rather than public resources. This conclusion is based on information provided by the Italian Government which indicates that the Government holding company IRI, has not transferred capital to Finsider in the form of stock purchases since before 1965. Thus it appears that the funds used by Finsider to increase its share holdings in Terni from 70 percent to 98 percent during the last two years were not provided either directly or indirectly by the Government of Italy. However further analysis will be made as to the sources of Finsider's capital, its profits and losses and those of Terni over the years and especially during 1975 and 1976 when losses were sustained. Further inquiry will be made regarding Government participation in investments and other financial decisions of Terni and Finsider.

2. *Preferential financing and credit availability.* The information presently available indicates that Terni's long term and short term credit bears interest rates at least equal to those charged by private banks, which hold a portion of the company's debt. It also reveals that rates charged by the state participation banks, including "ILIC", a Finsider subsidiary, have been consistently above those imposed by private banks. While Terni, may have enjoyed a greater access to credit than might normally be expected for a corporation in Italy, that alone is not considered to be a bounty or grant in the absence of information to the effect that Terni benefited from preferential or favorable loan terms.

3. *Rebates of taxes under Italian Law 639.* The relevant provision of this law grants rebates to "Manufactured products obtained from sheets, coils or pipes in either iron or steel which are neither referred to nor included elsewhere." Grain oriented silicon steel, exported in its raw form, is not a manufactured product within the meaning of Italian Law 639 and, accordingly, is not entitled to the rebate under that law.

4. *Electricity subsidies.* Alleged below-cost electricity rates charged Terni by the State-owned electrical corporation, ENEL, reflect a compensation agreement between Terni and ENEL, which was entered into in 1963 when ENEL assumed ownership of Terni's electrical generating facilities. Prior to that time Terni maintained its own power facilities and consumed electricity at intercompany transfer rates. As compensation for being required to yield ownership of its power facility, Terni is charged rates reflecting its own intercompany transfer price in 1961 for a period of 30 years ending 1992. Escalator clauses for increased consumption and overhead costs are contained in the agreement. Accordingly, it appears that the reduced power rates to Terni are reflective of a form of compensation for a surrendered asset as distinguished from government assistance. However, further inquiry on this subject will be made, to include questions as to whether ENEL was subsequently required to undertake significant capital investment for the expansion of power facilities to meet increased power needs stemming from recent increases in productive capacity. Terni is exempted from the electrical surcharge imposed by the Italian Government to offset sudden fuel cost increases because it falls within a class of manufacturers who produce at least 70 percent of the power they consume. By an Italian court ruling, Terni qualified for this exemption since the hydroelectric power supplied by the facility Terni formerly owned met this test. In view of the purpose of the surcharge, and the general exemption for which Terni qualifies this does not constitute a bounty or grant.

5. *Privileged availability and preferential rate for scrap.* The information available indicates that CPR, the scrap company which is part of the Finsider Group, makes sales to Terni of scrap it purchases at market prices plus commission. Sales from its own stocks to Terni are made at prices CPR pays. It appears that scrap purchases by Terni from CPR represent no subsidy in that the sales represent an intercompany transfer price at no apparent loss to the supplier.

6. *Preferential shipping rates.* Terni has never used the Finsider owned shipping line, Sidemar, for shipments of grain oriented silicon steel to the United States since shipments have been too small to justify the use of the larger Sidemar carriers. The information presently available indicates that Sidemar is not used by Terni for the shipment of raw materials to Terni's facilities. Further inquiry will be made to determine whether Terni benefits indirectly from potential favorable shipping rates.

7. *Preferential export financing to foreign purchasers under Italian Law 131.* Terni has never utilized loans under this law for shipments to the United States.

8. *Preferential rates of insurance provided by the State.* Terni has never received benefits under insurance from any state participation company.

A final decision in this case is required on or before October 1, 1977.

Before a final determination is made, consideration will be given to any relevant data, views or arguments submitted in writing with respect to this preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW., Washington, D.C. 20229, in time to be received by his office on or before May 2, 1977.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

VERNON D. ACREE,
Commissioner of Customs.

Approved: April 6, 1977.

JOHN H. HARPER,
Assistant Secretary of the Treasury.

[FR Doc.77-11033 Filed 4-14-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 368]

ASSIGNMENT OF HEARINGS

APRIL 12, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 136343 Sub-No. 92, Milton Transportation, Inc., now assigned April 19, 1977, at New York, N.Y. is postponed indefinitely.

MC-F-12411, Noel Transfer, Inc., Control—Dakota Express, Inc., now assigned May 2, 1977, at Chicago, Ill., will be held in room 349, 230 South Dearborn St.

MC-F-12312, and MC 108461 Sub-No. 123, Whitfield Transportation, Inc., Purchase (Portion)—Lee Hawkes Transfer; and Whitfield Transportation Inc., Control and Merger—Miller Bros. Truck Line, now assigned May 16, 1977, at Salt Lake City, Utah, will be held in room 2437, Federal Bldg., 125 South State St.

MC 128270 Sub-No. 15, Redlehs Interstate, Inc., now assigned May 5, 1977, at Chicago, Ill., will be held in room 204, Everett McKinley Dirksen Bldg., 219 South Dearborn St.

MC 118989 Sub-No. 145, Container Transit, Inc., now assigned May 9, 1977, at Chicago, Ill., will be held in room 204, Everett McKinley Dirksen Bldg., 219 South Dearborn St.

MC 139021 Sub-No. 4, Interstate Auto Transport, Inc., now assigned May 11, 1977, at Chicago, Ill., will be held in room 204, Everett McKinley Dirksen Bldg., 219 South Dearborn St.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77 11115 Filed 4-14-77;8:45 am]

[Exemption No. 137]

SOUTHERN PACIFIC TRANSPORTATION CO., ET AL.

Exemption Under Provision of Rule 19 of the Mandatory Car Service Rules Ordered in Ex Parte No. 241

To: All Railroads. *It appearing,* That there are substantial shortages of plain gondolas on the lines of the Southern Pacific Transportation Company (SP); that there is an available supply of such cars on the National Railways of Mexico (NDM); that the NDM has consented to use by the SP of certain of these cars; that the SP has secured clearance from the United States Customs Service for use of these cars provided they are interchanged from and to the NDM exclusively by the SP; and that use of these cars by the SP will substantially relieve gondola shortages on the SP.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain gondolas owned by the National Railways of Mexico (NDM) identified herein may be used by the Southern Pacific Transportation Company (SP) without regard to the requirements of Car Service Rules 1 and 2.

It is further ordered, That NDM plain gondolas identified herein available empty on lines other than the SP must be returned to the SP either loaded or empty and may not be returned to the NDM by any line other than the SP, regardless of the requirements of Car Service Rules 1 and 2; and

It is further ordered, That this exemption is applicable to freight cars owned by the NDM identified as follows:

NDM 55000-56199

Effective April 7, 1977, and continuing in effect until further order of the Commission.

Issued at Washington, D.C., April 7, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.77-11118 Filed 4-14-77;8:45 am]

[Fourth Revised Exemption No. 133]

MISSOURI PACIFIC RAILROAD CO., ET AL.

Exemption Under Provision of Rule 19 of the Mandatory Car Service Rules Ordered in Ex Parte No. 241

To: All Railroads. *It appearing,* That there are substantial shortages of fifty-foot plain boxcars on the lines of the Missouri Pacific Railroad Company (MP); that there is an available supply of such cars on the National Railways of Mexico (NDM); that the NDM has consented to use by the MP of certain of these cars; and the MP has secured clearance from the United States Customs Service for use of these cars provided they are interchanged from and to the NDM exclusively by the MP; and that use of these cars by the MP will substantially relieve boxcar shortages on the MP.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain boxcars owned by the National Railways of Mexico (NDM) identified herein may be used by the Missouri Pacific Railroad Company (MP) without regard to the requirements of Car Service Rules 1 and 2.

It is further ordered, That NDM plain boxcars identified herein available empty on lines other than the MP must be returned to the MP either loaded or empty and may not be returned to the NDM by any line other than the MP, regardless of the requirements of Car Service Rules 1 and 2; and

It is further ordered, That this exemption is applicable to freight cars owned by the NDM identified in Appendix A hereto.

Effective April 5, 1977, and continuing in effect until further order of the Commission.

Issued at Washington, D.C., April 5, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

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APPENDIX A TO
FOURTH REVISED EXEMPTION NO. 133
REPORTING MARKS NDM

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TOTAL=0955

[FR Doc.77-11119 Filed 4-14-77;8:45 am]

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[Notice No. 150]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 15, 1977.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-77071. By application filed April 6, 1977, SEA TRUCK, INC., 4055 Hubbard Street, Emeryville, CA 94608, seeks temporary authority to transfer the operating rights of Busy Bee Freight Lines, Inc., P.O. Box 3364, Modesto, CA 95353, under section 210a(b). The transfer to Busy Bee Freight Lines, Inc., of the operating rights of Sea Truck, Inc., is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-11117 Filed 4-14-77;8:45 am]

[Notice No. 151]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 15, 1977.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-77074. By application filed April 7, 1977, GEORGE HALLDEN SONS, CO., 313 Wood Street, Youngstown, OH 44503, seeks temporary authority to transfer the operating rights of The Z. L. Travis Co., Old State Rt. No. 7, Pottery Avenue, Steubenville, OH 44503, under section 210a(b). The transfer to George Hallden Sons, Co., of the operating rights of The Z. L. Travis Co., is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-11116 Filed 4-14-77;8:45 am]

[I.C.C. Order No. 27-A under Service Order No. 1252]

CONSOLIDATED RAIL CORP.

Rerouting Traffic

Upon further consideration of I.C.C. Order No. 27 (Consolidated Rail Corporation) (42 FR 18173, Apr. 15, 1977) and good cause appearing therefor:

It is ordered, That I.C.C. Order No. 27 be, and it is hereby, vacated and set aside.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 5, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent

[FR Doc.77-10993 Filed 4-14-77;8:45 am]

[Volume No. 2]

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

Correction

In FR Doc. 77-7760, appearing at page 14951 in the issue of Thursday, March 17, 1977, on page 14952, in the first column, the second complete paragraph which now begins "No. MC 11316" should be changed to begin "No. MC 113106".

[Vol. No. 9]

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

Correction

In FR Doc. 77-8653, appearing at page 16028 in the issue of Thursday, March 24, 1977, make the following changes:

1. On page 16037, in the first column, the first complete paragraph, the first line should be changed to read: "No. MC 126612 (Sub-No. 8), filed";

2. On page 16038, in the first column, the second complete paragraph, the first line should be changed to read: "No. MC 134477 Sub-No. 143), filed".

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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1

AGENCY HOLDING THE MEETING: National Commission on Electronic Fund Transfers.

The National Commission on Electronic Fund Transfers' Suppliers Committee will meet on Tuesday, May 3, Wednesday, May 4 and Thursday, May 5 at the Annapolis Hilton Inn, Annapolis, Maryland beginning at 9 a.m. each day. These meetings will be held to discuss the ongoing work of the committee in the standards and security areas as well as to approve a discussion paper on the structure of competition in the EFT suppliers market for Commission consideration and public release.

The meetings are open to the public on a first-call basis to the extent that space permits. Any person interested in attending should first call Ms. Janet Miller at 202-634-1746 to check on the availability of space.

Dated: April 12, 1977.

JAMES O. HOWARD, JR.,
General Counsel.

[S-161-77 Filed 4-12-77;2:46 pm]

2

AGENCY HOLDING THE MEETING: Federal Power Commission.

TIME AND DATE: 2 p.m., April 19, 1977.

PLACE: 825 North Capitol Street, Room 9306, Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED:

(Agenda).

NOTE.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, 202-275-4166.

This is a list of the matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda. However, all public documents may be examined in the Office of Public Information Room 1000.

POWER AGENDA, 7586TH MEETING—APRIL 19, 1977

REGULAR MEETING—PART I (2 P.M.)

P-1—Docket No. ER77-217, Central Maine Power Company.
P-2—Docket No. ER76-211, Florida Power & Light Company.
P-3—Docket No. E-8242, Public Service Company of Oklahoma.
P-4—Docket No. ER76-848, Montana Power Company.
P-5—Docket No. E-8615, Louisiana Power and Light Company.
P-6—Docket No. E-9579, Idaho Power Company.
P-7—Project No. 2146, Alabama Power Company.

MISCELLANEOUS AGENDA, 7586TH MEETING—APRIL 19, 1977

REGULAR MEETING—PART I

M-1—Docket No. RM77- ,residential electric bill data for United States Bureau of Labor Statistics FPC Form No. 3-P.
M-2—Docket No. RM77- , change in procedure concerning application under Part I of the Federal Power Act.

POWER AGENDA, 7586TH MEETING—APRIL 19, 1977

REGULAR MEETING—PART II

CP-1—Docket No. ER77-256, Illinois Power Company.
CP-2—Docket No. ER77-261, Northern States Power Company of Minnesota.
CP-3—Docket No. ER77-91, Arkansas-Missouri Power Company.
CP—4—Docket No. ER77-197, Florida Power Corporation.
CP-5—Project No. 2438, New York State Electric and Gas Corporation.
CP-6—Project No. 2443, Westvaco Corporation.
CP-7—Project No. 2640, Kansas City Star Company.
CP-8—Docket Nos. ER77-97 and ER77-75, New England Power Company.

MISCELLANEOUS AGENDA, 7586TH MEETING—APRIL 19, 1977

REGULAR MEETING—PART II

CM-1 Southwestern Electric Power Company.
CM-2 Commission minutes.

KENNETH F. PLUMB,
Secretary.

[S-160-77 Filed 4-12-77;1:29 pm]

3

AGENCY HOLDING THE MEETING: Federal Reserve System.

On Wednesday, April 20, 1977, at 12 noon a meeting of the Board of Governors of the Federal Reserve System will be held at the Board's offices at 20th Street and Constitution Avenue NW., Washington, D.C., to consider the following items of official Board business:

(1) Amendments to the Federal Reserve System's retirement, thrift and long-term disability income plan. This matter was originally scheduled for a meeting on March 23, 1977.

(2) A possible amendment to the Board's rules of Employee Responsibilities and Conduct with respect to filing statements of employment and financial interests. This matter was originally scheduled for a meeting on April 8, 1977.

(3) Any agenda items carried forward from a previously announced closed meeting.

This meeting will be closed to public observations because the items fall under exemptions contained in the Government in the Sunshine Act (5 U.S.C. 552 b(c)). Information with regard to this meeting may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at 202-452-3204.

Board of Governors of the Federal Reserve System, April 12, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-158-77 Filed 4-12-77;1:09 pm]

4

AGENCY HOLDING THE MEETING: Commission on Federal Paperwork.

Notice is hereby given to the tenth regular meeting of the Commission on Federal Paperwork to be held on April 28, 1977, in Rayburn Bldg., Room 2203, Capitol, Washington, D.C. The meeting will continue on April 29, 1977, if necessary.

The meeting will begin at 9:00 a.m. and will continue until approximately 12:00 noon. The meetings are open to the public. The following topics will be discussed: Equal Employment Opportunity, Health, Small Business Loans, Social Services Delivery and Energy.

The Commission also will review progress on approved projects, staff proposals for future projects, and proposed Commission positions on specific paperwork problems.

Anyone wishing to attend the meetings is invited. For further details, contact the Commission on Federal Paperwork, Room 2000, 1111 20th Street NW., Wash-

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ington, D.C. 20582, telephone 202-653-5400.

FRANK HORTON,
Chairman.

[S-153-77 Filed 4-12-77;10:46 am]

5

AGENCY HOLDING THE MEETING: Occupational Safety and Health Review Commission.

TIME AND DATE: 2:30 p.m., April 18, 1977.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public: 1. Proposed revisions in the Commission's rules of procedure.

Portions closed to the public: 2. Specific cases in the Commission adjudication process. This portion is subject to being closed by a vote taken at the beginning of the portion. Otherwise, it will remain open.

CONTACT PERSONS FOR MORE INFORMATION:

Mrs. Nori Heuberger or Ms. Lottie Richardson (202-634-7970).

For the Commission.

Dated: April 11, 1977.

PAUL R. WALLACE,
Counsel to the Commission.

[S-152-77 Filed 4-12-77;9:40 am]

6

AGENCY HOLDING THE MEETING: Federal Home Loan Mortgage Corporation.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Vol 42, No. 69, Page 18921, Monday, April 11, 1977.

CONTACT PERSON FOR MORE INFORMATION: Henry L. Judy (202-624-7107).

CHANGES IN THE MEETING: In addition to the items previously listed, the Board of Directors will also consider the Appointment of Advisory Committee Member, No. 12, April 12, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: April 14, 1977, 2:30 p.m.

RONALD A. SNIDER,
Assistant Secretary.

[S-162-77 Filed 4-12-77;3:42 pm]

7

AGENCY HOLDING THE MEETING: National Science Board.

The National Science Board, the policy-making body of the National Science Foundation, will meet on Thursday-Friday, April 21-22, 1977, in Room 540, 1800 G Street NW. Washington, D.C. 20550. Much of this meeting will be open to the public in keeping with the Government in the Sunshine Act. Attached is an agenda for the meeting. As indicated the session of the meeting that will be open to the public is scheduled for Thursday, April 21, from 1:00 to 6:00 p.m. Should an additional open session be necessary to complete the open session agenda, that session will be held about 12:30 p.m., Friday, April 22.

The agenda also indicates the subjects to be discussed in both open and closed sessions.

Requests for information on the items may be directed to the Office of the National Science Board, Washington, D.C., which may be reached on 202-632-5840. If the person receiving your call is unable to answer your question, please ask for Miss Vernice Anderson, Executive Secretary, National Science Board.

AGENDA—189TH MEETING, NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, WASHINGTON, D.C., APRIL 21-22, 1977

THURSDAY—APRIL 21

Open Session

1. Program Review—Exploratory Research and Systems Analysis.
2. Report of Chairmen:
   (a) Advisory Committee for Research Applications.
   (b) Science Applications Task Force.
   (c) Advisory Committee for Research.
3. Minutes—188th Meeting.
4. Chairman's Report.
5. Director's Report.

Recess

6. Programs, Report and Discussion Items:
   (a) Biological, Behavioral, and Social Sciences—Environmental Biology; Academy of Natural Sciences, Philadelphia, "The River Continuum: Strategy of Biological Systems for Maintaining a Quasi-Equilibrium of Energy Flow."
   (b) Research Applications—Intergovernmental Science and Public Technology; State Science, Engineering, and Technology Program.
7. Board Committees—Reports on Meetings.
8. Advisory Committees:
   (a) Reports on Meetings.
   (b) Board Representation at Future Meetings.
9. Annual Reviews of National Research Centers—Board Representation at Future Reviews.
10. Reports on Reviews of NSF Projects and Centers.
11. Other Business.
12. Next Meetings:
   (a) National Science Board: Twenty-seventh Annual (190th) Meeting—May 19-20.
   (b) NSB Committees:
   (1) Executive Committee; (2) Planning and Policy Committee; (3) Programs Committee; (4) Committee on Mechanisms for Improved Policy Formulation and External Communications.
   (c) Program Review.

FRIDAY—APRIL 22, 8:30 A.M.-12:30 P.M.

Closed Session

A. Minutes—Closed Session—188th Meeting.
B. Science Indicators—1976.
C. Alan T. Waterman Award.
D. Committee Reports:
   (1) Committees for meetings with high Government officials on proposed legislative initiatives.
   2. Ad Hoc Committee on NSF Staff and NSB Nominees.
   3. Planning and Policy Committee (Report on Planning Environment Review).
   4. Ad hoc committees on proposed legislative initiatives.
E. Grants and Contracts—Action Item—Astronomical, Atmospheric, Earth, and Ocean Sciences—Earth Sciences.

M. REBECCA WINKLER,
Acting Committee Management Officer.

APRIL 12, 1977.

[S-167-77 Filed 4-13-77;8:45 am]

8

AGENCY HOLDING THE MEETING: National Railroad Passenger Corporation.

In accordance with rule 4a. of Appendix A of the By-laws of the National Railroad Passenger Corporation, notice is given that the Board of Directors will meet on April 22, 1977.

A. The meeting will be held on Friday, April 22, 1977, in the Monet Room of the L'Enfant Plaza Hotel, 480 L'Enfant Plaza East SW., Washington, D.C., beginning at 9:00 a.m. The portion of the meeting beginning at 9:00 will be closed to the public, during which time the Board will consider agenda item No. 1, as identified below.

B. The meeting will be open to the public beginning at 9:30 a.m. starting with agenda item No. 2, as identified below.

C. The agenda items to be discussed at the meeting follow:

AGENDA—NATIONAL RAILROAD PASSENGER CORPORATION

MEETING OF THE BOARD OF DIRECTORS—APRIL 22, 1977

9:00—Closed session: 1. Internal Personnel Matters.
9:30—Open session:
2. Approval of Minutes of Regular Meeting of March 30, 1977.
3. Committment Approval Requests: 77-82—Canton, Ohio—Construct New Station; 77-89—Refurbish North Philadelphia Station; 75-5-82—Right-of-Way Improvements-Northeast Corridor; 77-136—Acquisition of Ten New Diesel Electric Locomotives.
4. Board Committee Reports:
   A. Planning/Equipment: (1) Update on 30th Street Office Space Plan; (2) Update on LRC Trains; (3) Modification of Conventional Sleepers to Operate with Electric Heat and AMPLEET Equipment; (4) Route Criteria Task III; (5) Conversion of Ten Unserviceable E-8 Type Locomotives Into Steam Generator Cars.
   B. Northeast Corridor Improvement Project: (1) Status Report.
   C. Track Policy: (1) Status Report.

5. President's Reports:
   A. Operations: (1) National Operations; (2) Operations Support; (3) Northeast Corridor Operations.
   B. Marketing.
   C. Government Affairs.
   D. Other: (1) Discussions with Representatives of Greyhound Bus Lines.
6. Financial Reports.
7. General Fare Increase.
8. New Business.
9. Adjournment.

D. Inquiries regarding the information required to be made available to the public pursuant to Appendix A of the Corporation's By-laws should be directed to the Corporate Secretary at 202-484-7679.

Dated: April 12, 1977.

ELYSE G. WANDER,
Corporate Secretary.

[S-163-77 Filed 4-12-77;4:08 pm]

9

AGENCY HOLDING THE MEETING: International Trade Commission.

Interested members of the public are invited to attend and to observe the meeting of the United States International Trade Commission to be held on Tuesday, April 12, 1977, beginning at 3 p.m., in the Hearing Room of the United States International Trade Commission. 701 E Street NW., Washington, D.C. 20436. Except as hereinafter specified, the Commission plans to consider the following agenda items in open session:

1. Color Television Receivers (Inv. 337-TA-23)—see action jacket OP1-77-52, and a memorandum from Commissioner Bedell, dated April 12, 1977.

Commissioners Minchew, Parker, Leonard, Moore, and Bedell determined by recorded vote that Commission business requires that the meeting of April 12, 1977, be called with less than one week's prior notice and directed the issuance of this notice at the earliest practicable time. (Commissioner Ablondi did not participate in the vote.)

If you have any questions concerning the agenda for the April 12, 1977, Commission meeting, please contact the Secretary to the Commission at 202-523-0161. Access to documents to be considered by the Commission at the meeting is provided for by access to the public files of the Commission, or when such documents are not in such files, as provided for in Subpart C of the Commission's rules (19 CFR 201.17-201.21).

On the authority of 19 U.S.C. 1335 and in conformity with 19 CFR 201.38(a), when a person's privacy interests may be directly affected by holding a portion of a Commission meeting in public, that person may request the Commission to close such portion to public observation. Such requests should be communicated to the Office of the Chairman of the Commission.

Issued: April 12, 1977.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[S-164-77 Filed 4-12-77;5:09 pm]

10

AGENCY HOLDING THE MEETING: International Trade Commission.

Interested members of the public are invited to attend and to observe the meeting of the United States International Trade Commission to be held on Friday, April 22, 1977, beginning at 9:30 a.m., in the Hearing Room of the United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436. Except as hereinafter specified, the Commission plans to consider the following agenda items in open session:

(1) Agenda; (2) Minutes; (3) Report on Balance-of-Payments; (4) Swimming Pools (Inv. 337-TA-25)—final vote; (5) Status report on optional work projects; (6) Complaints and petitions; (7) Judge Renick's memorandum of March 31, 1977, on the hearing in Investigation 337-TA-23 (Color Television Receivers); (8) Briefing by the staff on the budget hearings; (9) Items left over from previous agenda; and (10) Reorganization.

If you have any questions concerning the agenda for the April 22, 1977, Commission meeting, please contact the Secretary to the Commission at (202) 523-0161. Access to documents to be considered by the Commission at the meeting is provided for by access to the public files of the Commission, or when such documents are not in such files, as provided for in Subpart C of the Commission's rules (19 CFR 201.17-201.21).

On the authority of 19 U.S.C. 1335 and in conformity with 19 C.F.R. 201.38(a), when a person's privacy interests may be directly affected by holding a portion of a Commission meeting in public, that person may request the Commission to close such portion to public observation. Such requests should be communicated to the Office of the Chairman of the Commission.

Pursuant to the specific exemptions of 5 U.S.C. 552b(c) (2) and (6), on the authority of 19 U.S.C. 1335, and in conformity with 19 C.F.R. 201.36(b) (2) and (6), Commissioners Parker, Moore, Bedell, and Ablondi voted to hold the portion of the April 22, 1977, meeting with respect to the selection of personnel under reorganization (agenda item No. 10) in closed session. Commissioners Minchew and Leonard voted against closing this portion to the public.

A majority of the entire membership of the Commission felt that this portion of the meeting should be closed to the public since: (1) The discussion would only concern internal personnel practice and procedures; and (2) the information discussed in such portion would be likely to disclose information of a personal nature which could constitute a clearly unwarranted invasion of personal privacy.

Those persons expected to be present at this closed portion, and their corresponding affiliations, are listed as follows:

Daniel Minchew, Chairman.
Joseph O. Parker, Vice Chairman.
Will E. Leonard, Commissioner.
George M. Moore, Commissioner.
Catherine Bedell, Commissioner.
Italo H. Ablondi, Commissioner.
Kenneth R. Mason, Secretary.
Jayne L. Silva, Staff Assistant (if Mr. Mason is not available).
E. Bernice Morris, Staff Assistant.
Charles R. Ramsdale, Chief, Personnel Division.
Norma H. Warbis, Personnel Management Specialist (if Mr. Ramsdale is not available).
Bruce N. Hatton, Assistant to Commissioner Leonard.

The General Counsel to the Commission certified that it is his opinion that the Commission's action in closing this portion of its meeting of April 22, 1977, was properly taken by a vote of a majority of the entire membership of the Commission pursuant to 5 U.S.C. 552b (d)(1) and in conformity with 19 CFR 201.36(e). The discussion to be held in closed session is within the specific exemptions of 5 U.S.C. 552b(c) (2) and (6) and 19 CFR 201.36(b) (2) and (6).

Issued: April 11, 1977.

By order of the Commission.

KENNETH R. MASON,
Secretary.

RUSSELL N. SHEWMAKER,
General Counsel.

[S-165-77 Filed 4-12-77;5:09 pm]

11

AGENCY HOLDING THE MEETING: International Trade Commission.

Interested members of the public are invited to attend and to observe the meeting of the United States International Trade Commission to be held on Monday, April 25, 1977, beginning at 9:30 a.m., in the Hearing Room of the United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436. Except as hereinafter specified, the Commission plans to consider the following agenda items in open session:

(1) Agenda; (2) Minutes; (3) Travel funds (see Commissioner Bedell's memorandum of March 29, 1977, and action jacket COI-77-85); (4) Glass fiber optics (see memorandum dated March 31, 1977, from Mr. Jablonski); (5) Petitions and complaints; (6) Items left over from previous agenda; and (7) Reorganization.

If you have any questions concerning the agenda for the April 25, 1977, Commission meeting, please contact the Secretary to the Commission at (202) 523-0161. Access to documents to be considered by the Commission at the meeting is provided for by access to the public files of the Commission, or when such documents are not in such files, as provided for in Subpart C of the Commission's rules (19 CFR 201.17-201.21).

On the authority of 19 U.S.C. 1335 and in conformity with 19 CFR 201.38 (a), when a person's privacy interests may be directly affected by holding a portion of a Commission meeting in public that person may request the Commission to close such portion to public observation. Such requests should be communicated to the Office of the Chairman of the Commisson.

Pursuant to the specific exemptions of 5 U.S.C. 552b(c) (2) and (6), on the au-

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thority of 19 U.S.C. 1335, and in conformity with 19 CFR 201.36(b) (2) and (6), Commissioners Parker, Moore, Bedell, and Ablondi voted to hold the portion of the April 25, 1977, meeting with respect to the selection of personnel under reorganization (agenda item No. 7) in closed session. Commissoners Minchew and Leonard voted against closing this portion to the public.

A majority of the entire membership of the Commission felt that this portion of the meeting should be closed to the public since: (1) The discussion would only concern internal personnel practice and procedures; and (2) the information discussed in such portion would be likely to disclose information of a personal nature which could constitute a clearly unwarranted invasion of personal privacy.

Those persons expected to be present at this closed portion, and their corresponding affiliations, are listed as follows:

Daniel Minchew, Chairman.
Joseph O. Parker, Vice Chairman.
Will E. Leonard, Commissioner.
George M. Moore, Commissioner.
Catherine Bedell, Commissioner.
Italo H. Ablondi, Commissioner.
Kenneth R. Mason, Secretary.
Jayne L. Silva, Staff Assistant (if Mr. Mason is not available).
E. Bernice Morris, Staff Assistant.
Charles R. Ramsdale, Chief, Personnel Division.
Norma H. Warbis, Personnel Management Specialist (if Mr. Ramsdale is not available).
Bruce N. Hatton, Assistant to Commissioner Leonard.

The General Counsel to the Commission certified that it is his opinion that the Commission's action in closing this portion of its meeting of April 25, 1977, was properly taken by a vote of a majority of the entire membership of the Commission pursuant to 5 U.S.C. 552b (d) (1) and in conformity with 19 CFR 201.36(e). The discussion to be held in closed session is within the specific exemptions of 5 U.S.C. 552b(c) (2) and (6) and 19 CFR 201.36(b) (2) and (6).

Issued: April 11, 1977.

By order of the Commission.

KENNETH R. MASON,
Secretary.

RUSSELL N. SHEWMAKER,
General Counsel.

[S-166-77 Filed 4-12-77;5:06 pm]

12

AGENCY HOLDING THE MEETING: Federal Home Loan Bank Board.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 42, No. 68, page 18686, Friday, April 8, 1977.

CONTACT PERSON FOR MORE INFORMATION:

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9:30 a.m., Wednesday, April 13, 1977.

Mr. Robert Marshall, 202-376-3012.

CHANGES IN THE MEETING: Proposed Modifications of Applications for Insurance of Accounts and Permission to Organize (Application Forms) is Withdrawn from the Agenda for the Open Meeting, No. 13, April 13, 1977.

RONALD A. SNIDER,
Assistant Secretary.

[S-169-77 Filed 4-13-77;10:42 am]

13

AGENCY HOLDING THE MEETING: U.S. Railroad Retirement Board.

TIME AND DATE: 10 a.m., April 22, 1977.

PLACE: Board's meeting room on the 8th floor of its headquarters building at 844 Rush Street, Chicago, Illinois, 60611.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

(1) Computerized accounting system for the bureau of budget and fiscal operations.
(2) Purchase of new X-ray machine for the Board's medical services section.
(3) Purchase of plaques for identification of Board's field service offices.
(4) Space for hearings and appeals referees.

Portions closed to the public:

(5) Appeal to the Board of denial of annuity application, George L. Colbert.
(6) Appeal to the Board of denial of annuity application, Philip A. Erardi.

CONTACT PERSON FOR MORE INFORMATION:

R. F. Butler, Secretary of the Board, 312-387-4920.

[S-170-77 Filed 4-13-77;10:57 am]

14

AGENCY HOLDING THE MEETING: Consumer Product Safety Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: April 7, 1977, 42 FR 18507.

PREVIOUSLY ANNOUNCED TIME AND DATE: 9:30 a.m., April 14, 1977.

CHANGES IN THE MEETING: By a vote on April 8, 1977, the Commission decided: to add an item to its April 14 agenda; to close that portion of the meeting; and to waive the seven day notice requirement, because Agency business requires that the item be considered without the normal notice. The item, a recommended prosecution under the Federal Hazardous Substances Act and the Poison Prevention Packaging Act (BCMI #6-217), will be considered in a closed session immediately following the last two items previously announced for consideration at the morning session, which are also closed to the public.

[S-171-77 Filed 4-13-77; 11:21 am]

15

AGENCY HOLDING THE MEETING: Federal Maritime Commission.

TIME AND DATE: 2 p.m., April 22, 1977.

PLACE: Room 12126.

STATUS: Open.

MATTERS TO BE CONSIDERED:

(1) Monthly Report of Actions Pursuant to Delegated Authority.
(2) Report on times shortened for submitting comments on section 15 agreements pursuant to delegated authority.
(3) Report on Notation Items Disposed of During March 1977.
(4) Report on Applications for Admission to Pratice approved during the month of March 1977.
(5) Report on Assignment of Informal Dockets.
(6) Agreement Nos. 10072 and 10072-1—Cruise Lines International Association—a Proposed Conference Agreement.
(7) Agreement No. 10236, Latin American Discussion Agreement.
(8) Agreement No. T-1393, as amended: between the Greater Baton Rouge Port Commission and Baton Rouge Marine Contractors, Inc., and Agreement No. T-3365, as amended by T-3365-1; between the Port and Capital City Stevedores, Inc.
(9) Proposed Amendents to Rules of Practice and Procedure; Simplification of Rule Designations and nomenclature of parties.
(10) Special Docket No. 486—P.C. International, Inc. v. Sea-Land Service.
(11) Docket No. 73-22—Matson Navigation Co.—Proposed Changes In Rates Between The U.S. Pacific Coast and Hawaii. Docket No. 73-22 (Sub No. 1)—Matson Navigation Co.—General Rate Increase In The Hawaiian Trade. Docket No. 74-36 (Sub No. 1)—Matson Navigation Co.—Proposed Increases In Auto Rates; Request for Oral Argument.

CONTACT PERSON FOR MORE INFORMATION:

Joseph C. Polking, Acting Secretary, 202-523-5727.

[S-172-77 Filed 4-13-77;1:13 pm]

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AGENCY HOLDING THE MEETING: U.S. Commission on Civil Rights.

TIME AND DATE: 9:00 a.m.-12:00 p.m.; 1:30 p.m.-5:30 p.m., Monday, April 18, 1977; 8:00 a.m. to conclusion of agenda, Tuesday, April 19, 1977.

PLACE: Open portion of meeting: Room 512; Closed portion of meeting: Room 800, 1121 Vermont Avenue, N.W., Washington, D.C.

STATUS: Part of the meeting will be open to the public and part of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portion open to the public 1:00 p.m.-2:30 p.m., Monday, April 18, 1977:

(1) Approval of agenda
(2) Approval of minutes of last meeting
(3) Staff Director's report
A. Status of funds
B. Personnel Report
C. Correspondence
D. Office directors' reports
(4) Decision regarding interim appointments to Arkansas, New York, and Rhode Island Advisory Committees
(5) Decision regarding rechartering of New Jersey and Wisconsin Advisory Committees
(6) Report on civil rights developments in the Southern and Southwestern Regions
(7) Decisions on consumer federation request regarding discriminatory clubs
(8) Report on Voting Rights Act monitoring efforts
(9) Decision on age discrimination hearings
(10) Decision on Arab boycott hearing
(11) Newsclips

MATTERS TO BE CONSIDERED:

Portion closed to the public on April 18, 1977, at 9:00 a.m. and 2:30 p.m. and on April 19, at 8:00 a.m.:

(1) Decision on proposed legislation extending life of Commission
(2) Review of testimony on HR 3504 (amendments to Title VII of the Civil Rights Act of 1964, reorganization of the EEOC)
(3) Review of Los Angeles hearing report on school desegregation
(4) Review of Volume VII, Federal Civil Rights Enforcement Effort report (civil rights policymaking in the Federal Government)

CONTACT PERSON FOR FURTHER INFORMATION:

Barbara Brooks, Public Affairs Unit, (202) 254-6697.

[S-175-77 Filed 4-13-77;5:02 pm]

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federal register

FRIDAY, APRIL 15, 1977

PART II



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

ENVIRONMENTAL IMPACT CONSIDERATIONS

Procedural Changes for Impact Statements

V42 73 APR 15 77 UMI

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

[Doc. No. 76N-0327]

ENVIRONMENTAL IMPACT CONSIDERATIONS

Procedural Changes for Impact Statements

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This rule sets forth amendments to the environmental impact consideration regulations. This action is based on consideration of the Council on Environmental Quality revised guidelines for the preparation of environmental impact statements by Federal agencies. These amendments make procedural changes in the environmental impact statement regulations.

EFFECTIVE DATE: May 16, 1977.

FOR FURTHER INFORMATION CONTACT:
Buzz L. Hoffman, Environmental Impact Staff (HFS-32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857 (301-443-4500).

SUPPLEMENTARY INFORMATION: The Food and Drug Administration (FDA) is amending the regulations in Part 25 (formerly Part 6 (21 CFR Part 6), prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15533)) governing the need for, and the procedures for preparing, environmental impact statements pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA) (Pub. L. 91-190, 83 Stat. 853 (42 U.S.C. 4332)) and revised guidelines on such procedures issued by the Council on Environmental Quality in the FEDERAL REGISTER of August 1, 1973 (38 FR 20550).

For the convenience of the reader, the following is a list of sections affected by this document which were part of the reorganization of Subchapter A published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553):

New section:	Old section
20.100	4.100
25.1	6.1
25.20	6.2
25.25	6.3
25.30	6.6

Proposed amendments were published in the FEDERAL REGISTER of April 16, 1974 (39 FR 13742). During the 60-day comment period, nine comments were received from the following groups: The Council on Environmental Quality, four trade associations, and four regulated manufacturers. The principal points raised by the comments received and the Commissioner's conclusions follow.

INVESTIGATIONAL NEW DRUG APPLICATIONS

One comment proposed that approval of investigational new drug applications be included in § 25.1(d) (21 CFR 25.1(d)) as agency actions that are totally excluded from environmental impact statement consideration, in that investigational new drugs are usually manufactured in small quantities in pilot-type process facilities and therefore cannot be considered major federal actions significantly affecting the quality of the human environment.

The Commissioner concludes, as indicated in § 25.1(d)(5) of the existing environmental regulations, that in some instances the manufacture and use of an investigational new drug may significantly affect the quality of the human environment. For example, the manufacture or use of an investigational drug may release a toxic substance into the environment, or the source of raw material for the drug may affect plant or animal populations or other natural resources. Accordingly, actions on notices regarding such drugs shall be included in new § 25.1(b)(14) as agency actions requiring consideration of the need for an environmental impact statement, and in new § 25.1(f)(11) as actions for which, under § 25.1(g), environmental impact analysis reports are not normally required but for which environmental manufacturing process information is required. Existing § 25.1(d)(5) is deleted.

Since approval of an investigational new drug application is more appropriately termed an action on an investigational new drug notice, new § 25.1 (b)(14) and (f)(11) are amended to refer to FDA actions on investigational new drugs as "actions regarding investigational new drug notices and investigational new animal drug notices." Existing § 25.1(b)(13) has been editorially revised and is redesignated as § 25.1(b)(16).

EXEMPTION FOR ARTICLES IDENTICAL, SIMILAR, OR RELATED TO ARTICLES ALREADY ON THE MARKET

One comment objected to the scope of § 25.1(f)(1)(iii) of the amendments, which, in most circumstances, exempts from the requirement of an environmental impact analysis report drugs, animal drugs, or biological products that, in chemical structure or biological composition, or known pharmacological properties and indications for use, are identical, similar, or related to such articles that are already being marketed, where there is no reason to conclude that the marketing of the new article will change the overall use pattern or existing market for the article involved.

The Commissioner concludes that the terms "similar" and "related to" in this provision are not excessively broad. Many drugs, animal drugs, and biological products vary slightly in chemical structure, biological composition, known pharmacological properties, and indications for use primarily because of patent laws, and these terms are therefore sufficiently definite to describe the types of these articles included within the exemption. Moreover, the same terms are used in relation to the applicability of Drug Efficacy Study Implementation notices under § 310.6 (21 CFR 310.6).

Two other comments proposed to delete the phrase "me-too" from the exemption in this section because it is a subjective term that can have a variety of meanings.

The Commissioner concurs with the proposal, and the phrase "me-too" is therefore deleted from this section.

AUTHORITY

One comment questioned the authority of FDA to require applicants and petitioners to submit information in an environmental impact analysis report.

The Commissioner concludes that section 1500.7(c) of the Council on Environmental Quality guidelines provides such authority. In the pertinent part, that provision states: "Where an agency relies on an applicant to submit initial environmental information, the agency should assist the applicant by outlining the types of information required." Under § 25.1(h), the failure to submit an adequate environmental impact analysis report, if one is required, shall be sufficient grounds to refuse to accept or file the application or petition. The comment contended that FDA lacks the authority to require submission of an adequate environmental impact analysis report as a criterion for accepting, filing, and approving applications and petitions submitted to the agency.

As stated in the preamble to the final order published in the FEDERAL REGISTER of March 15, 1973 (38 FR 7001) promulgating the existing environmental regulations of FDA, NEPA, as interpreted by the courts, requires FDA to consider environmental issues in reviewing and acting on applications and petitions. The Commissioner concludes, therefore, that to assist it in such consideration, the agency has the authority to establish, as a requirement for accepting, filing, and approving an application or petition, the submission of adequate environmental data in an environmental impact analysis report included as part of the application or petition. In addition, section 1500.7(c) of the Council on Environmental Quality guidelines provides such authority.

MANUFACTURING PROCESS INFORMATION

Two comments objected that the inclusion in § 25.1(g) of an analysis of the environmental effects of the manufacturing process of the article that is the subject of a requested agency action is unnecessary in view of existing Federal, state, and local permit requirements and the fact that by the terms of § 25.1(f) an action governed by § 25.1(g) significantly affects the quality of the human environment only in rare or unusual circumstances.

The Commissioner concludes, as he indicated in the preamble to the proposal of April 16, 1974 (39 FR 13744), that FDA has a duty under NEPA to consider whether the manufacture, preparation, processing, or packaging of articles governed by § 25.1 (f) and (g) will significantly affect the quality of the human environment, irrespective of the environmental effects of the articles upon or after use. Accordingly, the requirement of an analysis of the environmental effects of the manufacturing process of such articles shall be included in § 25.1(g).

The Commissioner further concludes that an applicant or petitioner who claims to be exempt from submitting an environmental impact analysis report pursuant to § 25.1(g) shall be required to indicate which subparagraph of § 25.1(f) covers the article involved in the application or petition and therefore warrants such exemption. Section 25.1(g) is amended to state this accordingly.

One comment proposed that the terms "pollutants" and "emission" in § 25.1(g) conform to environmental definitions of the Environmental Protection Agency.

The Commissioner notes that environmental definitions of the Environmental Protection Agency vary in the several statutes administered by that agency and concludes that the environmental terms in § 25.1(g) are sufficiently definite to enable applicants or petitioners to submit the environmental manufacturing process information required by this section.

ENVIRONMENTAL IMPACT ANALYSIS

The Commissioner concludes that § 25.1(m) should be amended to clarify the agency's procedure for analyzing an environmental impact analysis report or statement of exemption from an applicant or petitioner, and to distinguish the factual environmental analysis required in an environmental impact analysis report from the agency's evaluation in an environmental assessment report of the need for an environmental impact statement. The amendment specifies that the responsible agency official shall, on the basis of the environmental impact analysis report or statement of exemption received along with other relevant information, prepare an environmental assessment report stating the agency's conclusion as to whether an environmental impact statement is required for the action and the reasons for this conclusion, and shall prepare an environmental impact statement pursuant to § 25.25 (a) if one is required.

COST-BENEFIT ANALYSIS

Two comments objected to the requirement of cost-benefit analysis in an environmental impact statement as provided by § 25.20(a)(8), and to the requirement of such an analysis in an environmental impact analysis report as stated in § 25.1(k), alleging that such an analysis is not authorized by NEPA.

Since section 1500.8(a)(8) of the Council on Environmental Quality guidelines provides for a cost-benefit analysis in an environmental impact statement, the Commissioner concludes that such a revision is authorized by NEPA and should be retained in § 25.20(a)(8). Since section 1500.7(c) of the Council on Environmental Quality guidelines authorizes Federal agencies to rely on applicants to submit initial environmental information for the preparation of environmental impact statements, the Commissioner concludes that provision for a cost-benefit analysis in an environmental impact analysis report is authorized by NEPA and shall be included in § 25.1(k) (redesignated as 25.1(j)).

The Commissioner further concludes that since risks to the environment are the principal costs to be described in any cost-benefit analysis issued under NEPA and these regulations, this analysis shall be termed a risk-benefit analysis in new § 25.1(j) and in § 25.20(a)(8) (21 CFR 25.20(a)(8)).

TRADE SECRETS AND CONFIDENTIAL INFORMATION

One comment argued that the existence of pending new drug applications and investigational new drugs is confidential commercial information entitled to protection from disclosure as trade secrets and, therefore, approvals of new drug applications or actions regarding investigational new drug notices for which environmental impact statements are prepared should not be the subject of public hearings pursuant to § 25.25(c) (21 CFR 25.25(c)) or of statements prepared by FDA pursuant to § 25.25(d) assessing the environmental effects of such approvals.

The Commissioner concludes that approval of new drug applications shall be subject to the public hearing provision of § 25.25(c) (revised and redesignated as § 25.25(d)) since under Part 20 (21 CFR Part 20) the existence of approved new drug applications is not confidential; a listing of all such applications will be maintained by FDA for public inspection. The Commissioner further concludes that since the existence of an investigational new drug may be confidential information under Part 20, actions regarding investigational new drug notices and investigational new animal drug notices that are confidential information under that part shall not be subject of public hearings under § 25.25 (d). That section is amended accordingly.

To protect trade secrets and confidential information from disclosure in any document prepared by FDA pursuant to Part 25, the Commissioner concludes that § 25.1(l) shall be amended to provide that data and information constituting trade secrets and confidential information under Part 20, shall not be included in environmental impact analysis reports prepared by applicants, in environmental assessment reports, or in environmental impact statements, all of which are made public pursuant to the provisions of § 25.30 (21 CFR 25.30).

Although § 25.1(l) provides that the agency may not include trade secrets or confidential information in an environmental assessment report or an environmental impact statement, such data shall be available to the agency official analyzing a petitioner's or an applicant's environmental impact analysis report so that a full environmental analysis may be made. The format for an environmental impact analysis report, in proposed § 25.1(k), provides in item 9 that such data may be substituted in these reports by references to appropriate parts of the petition or application. This provision has been retained under redesignated § 25.1(j), item D. Proposed § 25.25(d) is deleted.

SIMULTANEOUS PUBLICATION OF FINAL ENVIRONMENTAL IMPACT STATEMENT AND REGULATION

One comment objected that the amendment to § 25.25(a)(5) providing for simultaneous publication in the FEDERAL REGISTER of the notice of availability of a final environmental impact statement and a regulation effective 30 days after date of publication whose subject is the same as that of the statement conflicts with section 1500.11(b) of the Council on Environmental Quality guidelines, which provides that, to the maximum extent practicable, no agency action shall be taken sooner than 30 days after a final environmental impact statement thereon is forwarded to the Council on Environmental Quality and made available to the public. The comment alleged that this amendment does not comply with the Council on Environmental Quality provision that an agency consider the results of its impact statement prior to reaching a final decision on the proposed action.

The Commissioner concludes, as he stated in the preamble to the proposal in the FEDERAL REGISTER of April 16, 1974, that the simultaneous publication amendment meets the Council on Environmental Quality requirement and its intended policy. Since the final environmental impact statement is released when the regulation is published, the conclusions of the statement will have been fully considered in reaching a final decision on the regulation. Moreover, any regulation published simultaneously in the FEDERAL REGISTER with the notice of availability of its final environmental impact statement must have at least a 30-day effective date, affording interested persons the opportunity to review the regulation and the final environmental impact statement before the regulation becomes final.

CERTAIN OTHER COMMENTS

Two comments proposed that approval of supplemental new drug applications be included within the scope of the exemptions provided by § 25.1(f) as actions that normally do not significantly affect the quality of the human environment.

The commissioner concurs with this proposal, and § 25.1(f) is amended accordingly.

One comment proposed that approval of color additive petitions be included within the scope of the exemptions provided by § 25.1(f).

The Commissioner concurs with this proposal with respect to the articles specified in the exemption provided by § 25.1(f)(1)(iv), and that provision is amended accordingly.

One comment proposed to include biological product licenses within the scope of the exemption provided by § 25.1(f)(1)(iv).

The Commissioner concurs with this proposal, and that provision is amended accordingly.

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One comment proposed that the language of § 25.1(f)(2)(i)(b) be clarified to indicate that environmental consideration of approval of new premixes for use in animal feeds should focus on the end-use concentration of the new premix rather than on the concentration of the new premix, which cannot be greater than that of the approved premix.

The Commissioner agrees with this proposal, and this section is therefore amended to read as follows: "A new premix for a previously approved animal drug which provides for no more than the dosage levels, duration of administration, and makes the same claims as the approved premix for the previously approved new animal drug."

One comment proposed that food additives for investigational use in animals pursuant to § 511.1 (21 CFR 511.1) be included in § 25.1(f)(11).

The Commissioner agrees with this proposal, and this section, with the changes discussed under "Investigational New Drug Applications", is therefore amended to read as follows: "Actions regarding investigational new drug notices and investigational new animal drug notices, including food additives used pursuant to investigational new animal drug notices under § 511.1 of this chapter."

One comment proposed that the establishment by regulation of labeling or other requirements for marketing articles and the establishment by regulation of standards for articles should be removed from § 25.1(b)(6) and (7), respectively, and included in § 25.1(f), which requires environmental impact statements only in rare or unusual circumstances.

The Commissioner concludes that regulations regarding labeling requirements for marketing drugs, animal drugs, foods, and cosmetics will require environmental impact statements only in rare or unusual circumstances, and a new paragraph (f)(12) is therefore added to § 25.1, normally exempting such regulations from the requirement of environmental impact analysis reports.

Two comments proposed that approval of biological product licenses, new drug applications, new animal drug applications, requests for certification of new antibiotic drugs, food additive petitions, and color additive petitions that are subject to environmental consideration under § 25.1(b) be included in § 25.1(f) whereby they would be exempt in most instances from the requirement of an environmental impact analysis report.

The Commissioner concludes that many of the actions within these classes may significantly affect the quality of the human environment with a degree and frequency requiring full environmental consideration; therefore, these classes of actions cannot be exempted under § 25.1(f) without further specification. However, several of the individual actions within these classes have been included in § 25.1(f) and will be exempt in most instances from the requirements of an environmental impact analysis report.

One comment objected that approval of supplemental new animal drug applications need not be included in §§ 25.1(f)(1) and (2) in view of the inclusion of such actions in existing § 25.1(c), which exempts them from the requirement of an environmental impact statement unless, in the Commissioner's judgment, the change effected by the supplement is substantial.

Since the degree of change effected by an amendment to an existing regulation or approval in existing § 25.1(c) may have no bearing on the potential impact that an amendment or supplement will have on the quality of the human environment, the Commissioner concludes that this section is not needed in the regulations. The agency, in preparing its environmental assessment report of the amendment or supplement pursuant to § 25.1(m), will determine, as for any other action, whether the amendment or supplement requires an environmental impact statement. Accordingly, existing § 25.1(c) is deleted from the regulations.

To clarify that amendments or exemptions with respect to existing regulations and approval of supplements to existing approvals are to be governed by Part 25, the Commissioner concludes that a new § 25.1(b)(15) should be added to the regulations to this effect.

The Commissioner believes the connection between the environmental assessment by FDA of an amendment or exemption with respect to an existing regulation, or an approval of a supplement to an existing approval, and the agency's retroactive environmental assessment of existing regulations should be further clarified. Accordingly, the Commissioner has determined that proposed § 25.1(h), redesignated as new § 25.1(c), shall be amended to provide that FDA shall prepare an environmental assessment report of existing regulations that have not received environmental analysis when that is necessary to the consideration of the environmental effects of an amendment, supplement, or exemption concerning an existing regulation proposed after the effective date of this order. Environmental assessment reports prepared by the agency on existing regulations pursuant to this paragraph may govern classes of regulations as well as individual regulations. Proposed paragraphs (i) through (k) of § 25.1 are redesignated as paragraphs (h) through (j), respectively.

New § 25.1(c) is also amended to provide that environmental analysis of existing regulations or approvals, whether or not previously subject to environmental consideration, may be initiated by the agency when an amendment, supplement, or exemption is proposed with respect to such regulation or approval or when there is new information before the agency with respect to the environmental effects of such regulation or approval.

New § 25.1(c) is further amended to provide that under the environmental assessment of existing regulations or approvals both the current and original applicants or petitioners and any applicants or petitioners who initiated those regulations, as well as other persons governed by such regulations, may be required to submit an environmental impact analysis report provided by redesignated § 25.1(h) when notified by the agency that one is required.

The Commissioner therefore concludes that approval of supplemental new animal drug applications shall remain included in § 25.1(f)(1) and (2). For those supplemental new drug and supplemental new animal drug applications that are not covered by the exemption from an environmental impact analysis report afforded by the provisions of § 25.1(f), environmental impact analysis reports are required pursuant to redesignated § 25.1(h).

One comment suggested that the words "or are not" in § 25.1(f)(9) render the meaning of that provision unclear. Another comment suggested that the word "produce" in this paragraph be changed to "release" and that the phrase "or disposed of in a sanitary landfill" be added to the paragraph.

The Commissioner concludes that § 25.1(f)(9) shall be clarified and amended to include disposal of all articles regulated by FDA that do not involve any toxic substance. Accordingly, this section is amended to read: "Destruction or disposition of any article, including its packaging, if it does not contain a toxic substance, and will not produce a toxic substance when incinerated or disposed of in a sanitary landfill." This provision applies to all such articles regardless of the type of article, amount involved, or type of packaging, and regardless of whether the disposition results from seizure, injunction, detention, or recall.

One comment proposed that the language of § 25.1(f)(3) be amended to include provisions for food-contact articles intended for repeated use in the household, food service establishments, or food dispensing equipment.

The Commissioner concludes that such articles are intended to be covered by § 25.1(f)(3), which is accordingly amended to read as follows: "Approval of food additives to be used as components of food-contact surfaces of permanent or semipermanent equipment or of other food-contact articles intended for repeated use."

One comment proposed that § 25.30 be amended to provide for newspaper public notice of the availability of environmental impact statements affecting limited geographic areas.

The Commissioner concludes that under existing § 25.30 (21 CFR 25.30) the agency is authorized to and will provide notice through appropriate media to limited geographic areas concerning the availability of environmental impact statements affecting such areas.

With respect to public availability of environmental documents, the Commissioner further concludes the following:

a. Existing § 25.30 (a) and (b) shall be amended to provide for the public availability of environmental impact analysis reports and environmental assessment reports if they are required; in view of this provision and the amendment to the proposed § 25.1(m), proposed § 25.25(d) is deleted;

b. Existing § 25.25(a)(3)(ii) and (iii) is amended to provide for the public availability of environmental assessments when prepared, and § 25.25(a)(3)(vi), which is § 25.25(b) in this final regulation, is amended to provide that the notice of availability of the environmental impact analysis report, statement of exemption, and/or the environmental assessment report for an action that is the subject of a notice of filing published in the FEDERAL REGISTER, shall be published as part of the regulation should the agency be unable to complete its environmental consideration before the notice of filing must be published.

One comment proposed that effects on public health, effects on endangered species, effects on historical places, and compliance with local ordinances be included in the item entitled "Human Values" in the format of an environmental impact analysis report in redesignated § 25.1(j) as examples of such values.

The Commissioner agrees with this proposal and redesignated § 25.1(j) is amended accordingly.

ADDITIONAL AGENCY CHANGE

The Commissioner further concludes, in part on the basis of comments received, that the following additional minor language and procedural changes shall be made in Part 25.

The phrase "treatment or a rare disease" in § 25.1(f)(1)(i) is changed to read "treatment of a rare disease."

The instruction in an environmental impact analysis report to omit any data or information constituting trade secrets or confidential information is removed from the body and set forth at the outset of the format for the report in item D in redesignated § 25.1(j).

A new § 25.1(k) is added to advise that additional direction on the nature and scope of information required to be submitted in an environmental impact analysis report by an applicant or petitioner may be obtained from the bureau or other office of the agency having responsibility for the action that is the subject of the report.

The requirement in section 102(2)(C) of the National Environmental Policy Act of 1969 and section 1500.8(a)(6) of the Council on Environmental Quality guidelines that an environmental impact statement analyze the relationship between local short-term uses of man's environment with respect to the action involved and the maintenance and enhancement of long-term productivity is included in the format for an environmental impact statement in § 25.20(b) as item "6"; the remaining items in the format are renumbered accordingly.

Animal drugs covered by a Form FD-1800 in the criterion for exemption in § 25.1(f)(2)(i)(*d*) are redesignated as animal feeds bearing or containing drugs approved under the provisions of § 514.2 or § 514.9 (21 CFR 514.2 or 514.9).

Redesignated § 25.1 (h) and (i) are amended to specify that environmental impact analysis reports are to be prepared in the format set forth in redesignated § 25.1(j).

Section 25.1(f)(1)(iv)(*b*) is changed to read "or, if it is metabolized, the metabolites in the amounts excreted into the environment are naturally occurring in the environment or (in place of "and") may reasonably be considered to be nontoxic." If the metabolites of a naturally occurring nontoxic article are themselves nontoxic in the amounts excreted into the environment and meet the requirements of § 25.1(f)(1)(iv)(c), they will not have a significant effect on the quality of the human environment, whether or not the metabolites are naturally occurring in the environment.

Reference to an abbreviated new animal drug application is deleted each time it appears in this part since such an application is not authorized by any other provision of this chapter.

Existing § 25.25(a)(2) and (5) are revised to provide that the responsible agency official shall forward copies of draft and final environmental impact statements to the Office of the Secretary and to the Council on Environmental Quality and that draft and final statements will be made available for public inspection in the office of the Hearing Clerk.

Section 25.1(b)(6) is revised to indicate more clearly that it is intended to designate actions other than any of the other types of actions specified in paragraph (b).

In the FEDERAL REGISTER of May 28, 1976 (41 FR 21768), the Commissioner revoked § 25.1(a)(3) pursuant to the order of the Honorable John H. Pratt, United States District Judge, entered in *Environmental Defense Fund, Inc.* v. *Mathews*, 410 F. Supp. 336 (D.D.C., 1976). This regulation provided that a determination of adverse environmental impact pursuant to NEPA did not provide a basis for the Commissioner to take or withhold action under the laws he administers unless the environmental impact was related to adverse health consequences or other effects related to adulteration or misbranding.

On October 31, 1975, the Environmental Defense Fund brought suit seeking to invalidate the regulation. In ruling that the FDA regulation was invalid, Judge Pratt held that NEPA does not supersede the agency's other statutory duties or require that environmental consideration be favored over other factors, but that it does provide supplementary authority to the agency to act on the basis of all environmental considerations. Because the Commissioner concluded that the Court's ruling is not inconsistent with the agency's other statutory obligations, the decision was not appealed.

Subsequent to the ruling in *Environmental Defense Fund, Inc.* v. *Mathews*, *supra*, holding that NEPA provides broad authority for the agency to base substantive action on adverse environmental impact, the Supreme Court's decision in *Flint Ridge Development Co.* v. *Scenic Rivers Association of Oklahoma*, ------ U.S. ------ 96 S. Ct. 2430 (1976), held that NEPA does not authorize the Department of Housing and Urban Development to suspend the effective date of a statement of record under the Interstate Land Sales Full Disclosure Act so as to give HUD time to prepare an impact statement. In light of these two decisions, the Commissioner concludes that the weight to be accorded environmental factors must be determined on a case-by-case basis. After the agency has acquired experience in the exercise of its substantive authority under NEPA, the environmental regulations may be amended to establish specific criteria for the application of such authority.

Having considered the comments received and other relevant information, the Commissioner concludes that the proposal, with changes, should be adopted as set forth below. Accordingly, § 20.100(c)(3) is editorially amended by cross-reference. Section 25.1 is amended by revising paragraph (b)(6); by deleting the words "and old drug monograph" in paragraph (b)(8); by deleting the words "and old animal drug monographs" in paragraph (b)(9); by revising paragraph (b)(10); by revising and redesignating paragraph (b)(13) as (b)(16) and adding new paragraphs (b)(13), (14) and (15); by revising paragraph (c); by deleting paragraph (d)(5); by revising and redesignating existing paragraphs (e), (f), (g), (h) and (i) as paragraphs (h), (i), (j), (l) and (m) respectively and adding new paragraphs (e), (f), (g) and (k). In revised and redesignated paragraph (i), the word "recalled" has been added and the words "banned by regulation" have been deleted immediately following the words "detained, or." Section 25.25 is amended by revising paragraph (a)(2), (3)(ii), and (5); by redesignating paragraph (b) as paragraph (c); by revising and redesignating paragraph (a)(3)(vi) as new paragraph (b); by editorially amending and redesignating paragraph (c) as paragraph (e); and by adding new paragraph (d). In § 25.30, paragraphs (a) and (b) are amended and new paragraphs (c) and (d) are added.

Therefore, under the National Environmental Policy Act of 1969 (sec. 102(2)(C), 83 Stat. 853 (42 U.S.C. 4332)); and under the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055–1056 as amended (21 U.S.C. 371)); Fair Packaging and Labeling Act (sec. 2 et seq., 80 Stat. 1296 (et seq. (15 U.S.C. 1451 et seq.)) the Public Health Service Act (secs. 301, 351, 352, 454–360F, 58 Stat. 691 as amended; 702 as amended by 81 Stat. 536, 82 Stat. 1173–1187 (42 U.S.C. 241, 262, 263–263n)); and under authority delegated to the Commissioner (21 CFR 5.1), Parts 20 and 25 of Subchapter A and Part 601 of Subchapter F are amended as follows:

PART 20—PUBLIC INFORMATION

§ 20.100 [Amended]

1. In Part 20, by amending § 20.100(c)(3) by deleting the reference to "25.1(h)".

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PART 25—ENVIRONMENTAL IMPACT CONSIDERATIONS

2. In Part 25: by revising § 25.1 to read as follows:

§ 25.1 Applicability.

(a) (1) An environmental impact statement shall be prepared, circulated, and filed pursuant to section 102(2) (C) of the National Environmental Policy Act of 1969 for every major agency action that significantly affects the quality of the human environment.

(2) Agency decisions shall include a careful consideration of all environmental effects of proposed actions.

(b) The need for preparing an environmental impact statement shall be considered for the following agency actions pursuant to environmental criteria established by the agency and the department.

(1) Recommendations or reports made to Congress on proposals for legislation in instances where the agency has primary responsibility for the subject matter involved;

(2) Destruction of articles condemned after seizure or enjoined;

(3) Destruction of articles following detention or recall at agency request;

(4) Disposition of Food and Drug Administration laboratory waste materials;

(5) Issuance of licenses for biological products;

(6) Establishment by regulation of labeling or other requirements for marketing articles other than through any of the other types of actions specified in this paragraph;

(7) Establishment by regulation of standards for articles (except food standards);

(8) Approval of new drug and abbreviated new drug applications;

(9) Approval of new animal drug applications;

(10) Approval of requests to provide for certification of new antibiotic drugs for which no provision for certification is made in the existing regulations in this chapter;

(11) Approval of food additive petitions;

(12) Approval of color additive petitions;

(13) Intramural or extramural research supported in whole or in part through grants and contracts (except biostatistical and epidemiological studies);

(14) Actions regarding investigational new drug notices and investigational new animal drug notices;

(15) Amendments or exemptions with respect to existing regulations and approval of supplements to existing approvals of any of the types of regulations and approvals specified in this paragraph;

(16) Actions to establish or amend policy, other regulations, or agency procedures that could significantly affect the quality of the human environment.

(c) (1) The need for preparing an environmental impact statement for existing regulations or approvals of any of the types specified in paragraph (b) of this section that have not previously received environmental analysis shall be considered when that is necessary to the consideration of the environmental effects of an amendment, supplement, or exemption proposed with respect to such a regulation or approval. Environmental assessment reports prepared by the agency on existing regulations pursuant to this paragraph and paragraph (m) of this section may govern classes of existing regulations as well as existing individual regulations. For existing regulations or approvals for which an amendment, supplement, or exemption is proposed:

(i) The current applicant or petitioner shall submit an environmental impact analysis report as provided by paragraph (h) of this section with respect to the existing regulation or approval if notified by the agency in writing that one is required;

(ii) Any applicant or petitioner who initiated the existing regulation, if different from the current applicant or petitioner, and other persons governed by such regulations or approvals shall submit an environmental impact analysis report as provided by paragraph (h) of this section with respect to the existing regulation or approval if notified by the agency in writing that one is required.

(2) The need for preparing an environmental impact statement for existing regulations or approvals of any of the types specified in paragraph (b) of this section, whether or not previously subject to environmental analysis, may be considered by the agency when an amendment, supplement, or exemption is proposed with respect to such regulation or approval or if there is new information before the agency with respect to the environmental effects of such regulation or approval.

(d) The agency has carefully considered the environmental effects of the following types of actions and has concluded that since they are not major agency actions significantly affecting the quality of the human environment, environmental impact statements are not required for them:

(1) Recommendations for court action concerning foods, drugs, devices, cosmetics, and electronic products;

(2) Factory inspections;

(3) Seafood inspections; and

(4) Issuance, amendment, or repeal of food standards.

(e) After further review of the classes of actions the agency takes, other types of actions will be identified which normally are not major agency actions significantly affecting the quality of the human environment and which will therefore be exempt from the requirements of this part to the extent specified in paragraphs (f) and (g) of this section.

(f) The agency has considered the environmental effects of the following types of actions and has concluded that, because these actions normally do not significantly affect the quality of the human environment, environmental impact statements, except in rare and unusual circumstances, are not required:

(1) Approval or issuance by the agency of new drug applications, abbreviated new drug applications, supplemental new drug applications, requests to provide for certification of new antibiotic drugs, new animal drug applications, supplemental new animal drug applications, food additive petitions, color additive petitions, or biological product licenses for the following articles:

(i) A drug, animal drug, or biological product intended for use in the prevention, diagnosis, or treatment of a rare disease, for infrequent use, or for use in insignificant amounts (taking into account projected effects on animal or man);

(ii) An animal drug intended:

(*a*) For use in non-food animals;

(*b*) For ophthalmic or topical application;

(*c*) For local and general anesthesia;

(*d*) For use as an in vitro diagnostic product; or,

(*e*) For pharmacological use:

(*1*) Under prescription on a limited number of animals; or

(*2*) In the treatment of a disease or condition which requires individual dose administration; or

(*3*) In animals which metabolize the drug so that no significant quantities of the drug are excreted into the environment.

(iii) A drug, animal drug, or biological product, which, in chemical structure or biological composition, or known pharmacological properties and indications for use, is identical, similar, or related to a drug, animal drug, or biological product which is already being marketed, and there is no reason to conclude that the marketing of such an additional drug, animal drug or biological product will change the overall use pattern or the existing market for the article involved:

(iv) A drug, animal drug, food additive, color additive, or biological product which meets all of the following criteria:

(*a*) The article is composed of a substance or its derivatives that naturally occurs in the environment and that may reasonably be considered to be nontoxic in the amounts used;

(*b*) The article is not metabolized in its use and is excreted unchanged back into the environment or, if it is metabolized, the metabolites in the amounts excreted into the environment are naturally occurring in the environment or may reasonably be considered to be nontoxic; and

(*c*) The use of the article can reasonably be expected on the basis of all available evidence, not to alter significantly the prevalence and/or distribution of the substance or its derivatives or their metabolites in the environment.

(v) A food additive to be used as a minor constituent of food-packaging material which meets all of the following criteria:

(*a*) The food additive will not materially change the potential uses of the packaging material to which it is added;

(*b*) The additive is intended as a replacement for a similar substance already in use;

(*c*) The additive is used in small concentrations and normally will not significantly affect the environmental impact of the disposal of the packaging material to which it is added; and,

(*d*) The use of the additive and the ultimate disposal of the packaging material to which it is added normally will not significantly alter the prevalence and/or distribution in the environment of the elements of which the additive is composed.

(2) Approval of new animal drug applications and supplemental new animal drug applications for:

(i) The following types of drugs used in animal feeds:

(*a*) A combination of previously approved animal drugs which provides for no more than the dosage levels and makes the same claims as the approved drugs:

(*b*) A new premix for a previously approved animal drug which provides for no more than the dosage levels, duration of administration, and makes the same claims as the approved premix for the previously approved new animal drug.

(*c*) An animal drug to be distributed under conditions of approval of a previously approved animal drug; and

(*d*) An animal feed bearing or containing a drug approved by the provisions of §§ 514.2 or 514.9 of this chapter.

(ii) An animal drug for administration other than in animal feed to be distributed under conditions of approval of a previously approved animal drug.

(3) Approval of food additives to be used as components of food-contact surfaces of permanent or semi-permanent equipment or of other food-contact articles intended for repeated use:

(4) Promulgation of monographs for old drugs, old animal drugs, over-the-counter (OTC) drugs, or in vitro diagnostic products;

(5) Promulgation of antibiotic drug monographs;

(6) Approval of color additive petitions to change provisional listings to permanent listings;

(7) Testing and certification of batches of color;

(8) Promulgation of additional standards for licensed biological products;

(9) Destruction or disposition of any article, including its packaging, if it does not contain a toxic substance, and will not produce a toxic substance when incinerated or disposed of in a sanitary landfill;

(10) Training grants and contracts;

(11) Actions regarding investigational new drug notices and investigational new animal drug notices, including food additives used pursuant to investigational new animal drug notices under § 511.1 of this chapter;

(12) Establishment by regulation of labeling requirements for marketing drugs, animal drugs, foods, and cosmetics.

(g) Whenever a person submits an application or petition requesting action by the agency of any of the types specified in paragraph (f) of this section, or proposes to destroy an article as provided in paragraph (f) (9) of this section, he is not required to submit an environmental impact analysis report on the requested action pursuant to paragraphs (h) or (i) of this section unless the agency notifies him in writing that one is required. However, such applicant or petitioner shall submit a statement of exemption containing:

(1) A statement indicating the appropriate subparagraph of paragraph (f) of this section which warrants exemption from the requirement of an environmental impact analysis report; and

(2) For actions specified in paragraphs (f) (1) through (3) and (11) of this section, an analysis of the environmental effects of the manufacturing process of the article that is the subject of the requested action, which shall include:

(i) An identification of the pollutants expected to be emitted;

(ii) A citation of applicable Federal, state, and local emission requirements; and

(iii) A certification that such emission will comply with said requirements.

(h) Except as provided by paragraph (g) of this section, whenever a person submits any application or petition requesting action by the agency of a type specified in paragraph (b) of this section, he shall include an environmental impact analysis report on the requested action in the format prescribed in paragraph (j) of this section. Failure to submit an adequate environmental impact analysis report or statement of exemption in an application or petition, if one is required, shall be sufficient grounds to refuse to accept or file the application or petition.

(i) Except as provided by paragraph (g) of this section, whenever a manufacturer, distributor, or dealer proposes to destroy a food, drug, cosmetic, device, or electronic product that has been condemned, enjoined, detained, or recalled, he shall submit to the agency an environmental impact analysis report in the format prescribed in paragraph (j) of this section analyzing the environmental impact of the disposition of such article.

(j) An environmental impact analysis report shall be prepared in the following format:

ENVIRONMENTAL IMPACT ANALYSIS REPORT

A. Date:

B. Name of applicant/petitioner:

C. Address:

D. Environmental information. (Omit any data or information constituting trade secrets or confidential information. Refer to, instead, the appropriate part of the detailed statement accompanying your application/petition.)

1. *Describe the proposed action.* In this description include:

a. The purpose of the action.

b. The environment to be affected if the action is taken.

2. *Discuss the probable impact of the proposed action on the environment, including primary and secondary consequences.*

a. Describe probable adverse and beneficial environmental effects of the use, consumption and disposal of the article that is the subject of the action, including but not limited to the following areas of environmental impact (where applicable):

(1) Pollution (air, water, soil).

(2) Solid and liquid wastes (compliance).

(3) Toxic substances (heavy metals, pesticides, radiation).

(4) Populations (human, animal, plant).

(5) Human values (e.g., effects on public health, effects on endangered species, effects on historical places, and compliance with local ordinances).

(6) Food contamination.

(7) Natural resources.

(8) Energy.

b. Describe measures taken to avoid or mitigate potential adverse environmental effects.

c. Analyze the environmental impact of the manufacturing process(es) of the article that is the subject of the requested action. Include:

(1) An identification of pollutants expected to be emitted;

(2) A citation of applicable Federal, state, and local emission requirements; and,

(3) A certification that such emission complies with said requirements. Where there are no applicable Federal, state or local emission requirements, citation and certification shall be made to appropriate industry, advisory, or voluntary standards acceptable to the agency.

d. Specific data, including pertinent references, shall be included to substantiate the information provided above.

3. *Describe the probable adverse environmental effects that cannot be avoided.* Identify the adverse environmental effects that cannot be avoided even when the precautionary measures outlined in item 2 are taken.

4. *Evaluate alternatives to the proposed action.* Describe in detail the environmental impact of all reasonable alternatives to the proposed action, particularly those that will enhance the quality of the environment and avoid some or all of the adverse environmental effects of the proposed action. Discuss in detail the environmental benefits and risks of each such alternative.

5. *Describe the relationship between local short-term use of the environment with respect to the proposed action and the maintenance and enhancement of long-term productivity.* Discuss the extent to which the proposed action involves trade-offs between short-term gains at the expense of cumulative, long-term environmental losses and discuss the extent to which the proposed action may foreclose further options for utilizing environmental resources. Special attention should be given to environmental effects that reduce the range of beneficial uses of the environment or pose long-term risks to health or safety.

6. *Describe any irreversible and irretrievable commitment of resources that would be involved if the proposed action should be implemented.* The term "resource" should not be construed to be only the labor and materials devoted to a proposed action. "Resource" also means the natural resources committed to loss or destruction by the action. If no irreversible or irretrievable commitment of resources will result, so state.

7. *Discuss the objections raised by other agencies, organizations, or individuals that are known to the applicant.* If no such objections are known, so indicate.

8. *If the proposed action should be taken prior to 90 days from the circulation of a draft environmental impact statement or 30 days from the filing of a final environmental impact statement, explain why.*

9. *Risk-benefit analysis.* Prepare a risk-benefit analysis to determine whether the economic, technical, and health benefits to the public of the proposed action will outweigh the action's potential risks to the environment. Where practicable, benefits and risks should be quantified, or, if described

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qualitatively, presented in a manner that will permit an objective judgment of their value. This analysis should summarize the data presented in the previous sections and should present the reasons why the proposed action, when considered in its totality, is preferable to other alternatives.

E. *Certification.* The undersigned applicant petitioner certifies the information furnished in this Environmental Impact Analysis Report is true, accurate, and complete to the best of his knowledge.

(Date) (Signature of responsible official)

(Title)

(k) Additional direction on the nature and scope of information required to be submitted in an environmental impact analysis report by an applicant or petitioner may be obtained from the bureau or other office of the agency having responsibility for the action that is the subject of the report.

(l) Data and information that constitute trade secrets or confidential information under Part 20 of this chapter shall not be included in an environmental impact analysis report prepared pursuant to paragraph (h) of this section, in statements of exemption prepared pursuant to paragraph (g) of this section, in environmental assessment reports prepared pursuant to paragraph (m) of this section, or in environmental impact statements prepared pursuant to § 25.25(a).

(m) Upon receipt of an environmental impact analysis report or statement of exemption from an applicant or petitioner or other affected person pursuant to paragraphs (c), (g), or (h) of this section, the responsible agency official shall prepare an environmental assessment report based on the pertinent environmental impact analysis report or statement of exemption and any other relevant information, stating whether an environmental impact statement is required for the action and the reasons for this conclusion, and shall prepare an environmental impact statement pursuant to § 25.25(a) if one is required.

3. By amending § 25.20 by adding new paragraph (a)(8), and in the environmental impact statement format in paragraph (b) by redesignating items 6, 7, 8, and 9 as 7, 8, 9, and 10 respectively and adding a new item 6, as follows:

§ 25.20 Content and format of environmental impact statements.

(a) • • •

(8) A risk-benefit analysis must be included, analyzing what benefits of the proposed action offset any probable adverse environmental effects of the action. The analysis should also indicate the extent to which these benefits could be realized by following reasonable alternatives to the proposed action as described in paragraph (a)(4) of this section that would avoid some or all of any adverse environmental effects.

(b) • • •

("DRAFT" OR "FINAL") ENVIRONMENTAL IMPACT STATEMENT, FOOD AND DRUG ADMINISTRATION (RESPONSIBLE OPERATING DIVISION)

• • • • •

6. Describe the relationship between local short-term uses of the environment with respect to the action and the maintenance and enhancement of long-term productivity.

7. Describe any irreversible and irretrievable commitments of resources involved in implementing the action.

8. Where appropriate, evaluate any objections to the action raised by interested persons.

9. (a) For draft statements, state the date and form of FEDERAL REGISTER publication by which comments are being requested from all interested persons and attach a copy of the notice.

(b) For final statements, list all persons from whom written comments have been received and attach a copy of each.

10. Give the date that the draft or final statement was made available to the Council on Environmental Quality and to the public.

4. By revising § 25.25 to read as follows:

§ 25.25 Preparation and review procedures.

(a) When it is determined that an environmental impact statement is required, the statement shall be prepared as follows:

(1) *Preparation of draft environmental impact statement.* A draft environmental impact statement shall be prepared by the responsible agency official as designated in § 6.4. When appropriate during the preparation of a draft environmental impact statement, the responsible agency official shall consult with Federal, State, and local officials and other interested persons.

(2) *Distribution of draft environmental impact statements.* After the responsible agency official has prepared a draft environmental impact statement, he shall forward 10 copies of the draft statement to the Office of the Secretary and 5 copies to the Council on Environmental Quality. At the same time the draft statement will be made available for public inspection in the office of the Hearing Clerk.

(3) *Solicitation of comments.* (i) After the preparation and distribution of a draft environmental impact statement, comments will be solicited from all interested persons. Sixty days are allowed for reply, after which it is presumed that no comments will be made unless a specified extension of time is requested.

(ii) Where the subject of a draft environmental impact statement is also the subject of a notice of proposed rule making, the FEDERAL REGISTER notice of proposed rule making shall state that the environmental impact analysis report, environmental assessment report, and the draft environmental impact statement are available upon request, and shall solicit comments from all interested persons.

(iii) Where the subject of a draft environmental impact statement is not also the subject of a notice of proposed rule making published in the FEDERAL REGISTER, a notice will be published in the FEDERAL REGISTER describing the proposed action, stating that the environmental impact analysis report, environmental assessment report and the draft environmental impact statement are available upon request, and soliciting comments by all interested persons.

(iv) Comments shall be solicited from Federal agencies having jurisdiction by law or special expertise with respect to the environmental impact of a proposed action by sending them a copy of a draft environmental impact statement.

(v) All comments on draft environmental impact statements shall be submitted in quintuplicate to the Hearing Clerk, Food and Drug Administration, Department of Health, Education, and Welfare, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, where they shall be available for public inspection during working hours, Monday through Friday.

(4) *Time for consideration prior to decision.* Draft environmental impact statements shall be prepared, forwarded to the Council on Environmental Quality, and made available to the public early enough in the consideration of the proposed action to permit meaningful review of the environmental issues involved. To the maximum extent practicable, no final action shall be taken on the proposal earlier than 90 days after a draft environmental impact statement has been prepared, forwarded to the Council, and made available to the public.

(5) *Final environmental impact statements.* The final text of an environmental impact statement shall be prepared by the responsible agency official after comments on the draft statement have been reviewed and shall receive full consideration in the agency's decision making process. The responsible agency official shall forward 10 copies of the final statement to the Office of the Secretary and 5 copies to the Council on Environmental Quality, and copies of the final statement shall be made available for public inspection in the office of the Hearing Clerk. To the maximum extent practicable, no agency action shall take place earlier than 30 days after the final statement has been forwarded to the Council on Environmental Quality and made available to the public. Where the subject of a final statement is also the subject of a regulation published in the FEDERAL REGISTER, this latter requirement may be met by simultaneous publication of a notice of availability of the final statement and the regulation, provided the regulation becomes effective at least 30 days after date of publication.

(6) Where the subject of an environmental impact statement is an agency action governed by specific time requirements under statute or regulation, every effort shall be made to comply with the provisions of this part within the time

specified, and those time requirements shall be extended only as long as is absolutely necessary to permit the agency to consider or issue an environmental impact statement of the action.

(b) When the responsible agency official concludes that no environmental impact statement is necessary and the proposed action is the subject of a notice of proposed rule making or a notice of filing published in the FEDERAL REGISTER notice shall state that no environmental impact statement is necessary and that the environmental impact analysis report, statement of exemption, and environmental assessment report as applicable, are available upon request. Should the responsible agency official be unable to complete environmental consideration of the proposed action before the notice of filing must be published, the FEDERAL REGISTER regulation rather than the notice of filing shall state that no environmental impact statement is necessary and that the environmental impact analysis report, statement of exemption and environmental assessment report as applicable, are available upon request.

(c) When the proposed action involves destruction of condemned, enjoined, detained or recalled articles or disposition of Food and Drug Administration laboratory waste materials, the agency shall adhere to disposal guidelines consistent with Federal, State, and local regulations applicable on a case-by-case basis. This shall be reflected in environmental impact statements when they are issued on such actions.

(d) An informal public hearing will be held when appropriate and for good cause shown on any agency action for which an environmental impact statement is prepared, except actions on investigational new drugs or investigational new animal drugs that may be based on information that is confidential under Part 4 of this chapter.

(e) There are certain regulatory actions which, because of their immediate importance to the public health, make adherence to the requirements of paragraph (a)(1) through (5) of this section impracticable. Compliance with the requirements for environmental analysis under the National Environmental Policy Act is impossible in instances which require immediate regulatory action to safeguard the public health. The responsible agency official shall give written notice to the Council on Environmental Quality of those actions having a potentially significant individual environmental impact and for which no environmental impact statement is filed because public health considerations require immediate action.

5. By revising § 25.30 to read as follows:

§ 25.30 Public availability of environmental impact statements.

(a) All draft and final environmental impact statements, all environmental impact analysis reports, if required, and all environmental assessment reports, if required, except for such impact statements, reports, or assessments on investigational new drug or investigational new animal drugs that are confidential information under Part 20 of this chapter, shall be available for public inspection through the office of the Hearing Clerk or Public Records and Documents Center.

(b) Draft and final environmental impact statements will be available immediately after preparation. An environmental impact analysis report and an environmental assessment report available under paragraph (a) of this section will be available at the time a draft environmental impact statement is circulated or, if no environmental impact statement is necessary, at the time of publication in the FEDERAL REGISTER of notice announcing the availability of the report.

(c) The agency shall maintain for public inspection on request a list of those agency actions for which draft and final environmental impact statements have been prepared, except for actions regarding investigational new drugs or investigational new animal drugs that are confidential information under Part 20 of this chapter.

(d) Copies of each final environmental impact statement prepared shall be forwarded to those persons who submitted substantive comments on the pertinent draft statements. A final environmental impact statement shall summarize each type of comment submitted on the pertinent draft statement and the Commissioner's conclusions with respect to it.

PART 601—LICENSING

3. In Part 601 by amending § 601.2 by inserting the following sentence before the last sentence of paragraph (a) as follows:

§ 601.2 Application for establishment and product licenses; procedures for filing.

(a) • • • The applicant shall also include an environmental impact analysis report analyzing the environmental impact of the manufacturing process and the ultimate use or consumption of the biological product pursuant to § 25.1 of this chapter.

• • • • • •

Effective date. This order shall be effective on May 16, 1977.

(Sec. 102(2)(C), Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); sec. 701, Pub. L. 717, 52 Stat. 1055–1055 as amended (21 U.S.C. 371); secs. 2 et seq., Pub. L. 89–755, 80 Stat. 1296 et seq. (15 U.S.C. 1451 et seq.); secs. 301, 351, 352, 354–360F, Pub. L. 410, 58 Stat. 702 as amended by 81 Stat. 536, 82 Stat. 1173 et seq. (42 U.S.C. 262, 263, 263b–263n).)

Dated: March 24, 1977.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.77-10899 Filed 4-14-77;8:45 am]

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federal register

FRIDAY, APRIL 15, 1977

PART III



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

SACCHARIN AND ITS SALTS

Proposed Rule and Hearing

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 145, 150, 172, 180, 189, 310, 430, 510, 589, and 700]

[Docket No. 77N-0085]

SACCHARIN AND ITS SALTS

Proposed Rule Making

AGENCY: Food and Drug Administration

ACTION: Proposed rule.

SUMMARY: The Commissioner of Food and Drugs is proposing to revoke the interim food additive regulation under which saccharin and its salts (saccharin) are currently permitted as ingredients in prepackaged foods, such as soft drinks, and as tabletop nonnutritive sweeteners. The Commissioner is also inviting comments on a proposal to accept and promptly review new drug applications for the marketing of saccharin as a single-ingredient drug, available without a physician's prescription. If approvable under the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), such products would be required to bear a conspicuous warning about the risk of cancer. The Commissioner is also proposing to prohibit the use of saccharin in cosmetics that are likely to be ingested, to amend the standards of identity that provide for the use of saccharin and to prohibit the use of saccharin in animal drugs and animal feed.

The Commissioner's determination that saccharin must be banned as a food additive is based on a series of scientific studies conducted in accordance with currently accepted methods for determing whether compounds can cause cancer. The most recent of these studies, conducted by Canadian scientists under the auspices of the Canadian Government, confirms what earlier American studies have suggested: that saccharin poses a significant risk of cancer for humans. Under these circumstances, conscientious concern for the public health requires that FDA prohibit the continued general use of saccharin in foods.

This conclusion is also dictated by the so-called Delaney clause of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(c)(3)), which prohibits the use in food of any food additive which has been shown, by ingestion or other appropriate tests, to cause cancer in laboratory animals.

The Delaney clause does not apply to human drugs, however, and it therefore does not prohibit the approval of a drug that has been shown to ca cancer in laboratory animals if the drug provides medical benefits that outweight the potential risk. For many individuals, including diabetics who must limit their intake of sugar and other carbohydrates, the availability of a nonnutritive sweetener, may serve a legitimate medical need. The Commissioner is therefore proposing to permit the submission of new drug applications for the marketing of saccharin as a single-ingredient OTC drug, which applications must be accompanied by legally sufficient evidence of the effectiveness of saccharin for its labeled indications.

DATES: Comments on this proposal may be submitted by June 14, 1977. Published elsewhere in this issue of the FEDERAL REGISTER is a notice of an informal hearing before the Commissioner to be held on May 18 and 19, 1977 to hear oral comments on this proposal.

ADDRESS: Written comments should be sent (preferably in quadruplicate) to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

GENERAL: Ronald J. Wylie, Compliance Regulations Policy Staff (HFC-10), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3480.

FOODS: John J. McAuliffe, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-472-5690.

HUMAN DRUGS: Paul Fehnel, Bureau of Drugs (HFD-30), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3640.

COSMETICS: Heinz Eiermann, Bureau of Foods (HFF-440), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, 202-245-1530.

VETERINARY DRUGS: Edward Ballitch, Bureau of Veterinary Medicine (HFV-231), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3336.

SUPPLEMENTARY INFORMATION:

I. SACCHARIN AS A FOOD INGREDIENT

A. HISTORY OF THE USE AND SAFETY OF SACCHARIN

Saccharin is a nonnutritive, artificial sweetener that is approximately 350 times sweeter than sugar. Following the discovery of saccharin in 1879, commercial interest was initially shown in its possible usefulness as an antiseptic or as a preservative to inhibit fermentation in foods, but from the beginning, questions about its safety existed. In 1886, workers in Europe noted no effects in human subjects who had been given single doses of saccharin up to 5 grams. In 1888, a French scientist reported no harmful effects in diabetics who ingested 5 grams per day for 5 months. During the succeeding decade, several reports both endorsing and criticizing the use of saccharin in diabetics noted evidence in some patients of loss of appetite, nausea, and pressure in the stomach. In the meantime, attempts to use saccharin in the treatment of intestinal infections, chronic gastritis, cystitis, and numerous other diseases proved unsuccessful. By 1907, however, canners of fruits and vegetables in the United States had developed an interest in using saccharin to sweeten their products. In 1912, a Board of Scientific Advisors to the Secretary of Agriculture, appointed by President Theodore Roosevelt, concluded that 0.3 gram/day of saccharin was safe and that higher levels of intake, especially above 1 gram/day, caused disturbances of digestion.

In numerous toxicological studies in experimental animals during the period 1920 to 1950, no findings were reported that raised serious questions about the safety of saccharin as then used. In Europe, during World Wars I and II, the consumption of saccharin greatly increased, with no apparent adverse effects among consumers, though no adequate epidemiologic studies were conducted at that time.

Saccharin use today is widespread. Approximately 6 to 7.6 million pounds of saccharin were used in the United States in 1976. It is used in food and beverages, cosmetics, drugs, animal feed, and industrial processes. Food and beverage uses are by far the most extensive, accounting for over 70 percent of the saccharin used.

The soft drink industry accounts for about 74 percent of the saccharin consumed in food and beverages in the United States. Other dietary uses, which account for 14 percent of the saccharin consumed, include powdered juices and drinks, other beverages, sauces and dressings, canned fruits, dessert toppings, cookies, gums, jams, candies, ice cream, and puddings. About 12 percent of the saccharin consumed is as a sweetener in place of nutritive sweeteners (e.g., sugar) in coffee and tea and on cereal.

Although saccharin's predominant use is in foods, it is also used in drugs—both prescription and OTC—especially those intended for pediatric use and for use by diabetics. Saccharin is also found in a variety of cosmetics, including lipsticks, dentifrices, mouthwashes, aftershave lotions, moisturizing skin preparations, hair tonics, skin cleansers, bubble baths, colognes, face powders, and douches. Saccharin is also used to a limited extent in animal feed and animal drugs.

One of the first chronic toxicity studies of saccharin was reported by Fitzhugh et al. in 1951 (discussed below). The findings of that study were inconclusive and there continued to be debate among scientists about the safety of saccharin. Accordingly, in 1955 the Committee on Food Protection of the National Academy of Sciences reviewed the literature bearing on the safety of saccharin and concluded that the "maximum probable tolerance level for saccharin in the human diet is at least as great as 1.0 gram per day." The National Academy of Sciences (NAS) committee further concluded that the substitution of saccharin for the average daily consumption of sugar in the United States would amount to about 0.3 gram of saccharin, and that

"the maximal amount of saccharin likely to be consumed was not hazardous."

Because of greatly increased use of saccharin and cyclamate, another nonnutritive sweetener, as well as drastic changes in the patterns of their consumption during the 1960's, in 1967 FDA requested the National Academy of Sciences again to evaluate the safety of these nonnutritive sweeteners. In response to this request, an ad hoc committee was formed under the NAS Committee on Food Protection. In 1968, the committee issued an interim report in which it concluded that the intake of 1 gram or less per day of saccharin by an adult should present no hazard. However, the committee also recognized at that time that the existing carcinogenesis studies on saccharin, judged by current standards, were inadequate, and it therefore recommended that contemporary studies be undertaken.

During the late 1960's, saccharin was being widely used competitively or in combination with cyclamates. Consequently, when the use of cyclamate was banned by FDA in 1969, it was anticipated that the daily intake of saccharin by users of nonnutritive sweeteners would increase substantially. An ad hoc subcommittee of the NAS Committee on Food Protection was once again requested by FDA to review all available toxicity data on saccharin in the light of the projected sharp increase in use.

The NAS subcommittee issued its final report in July 1970. It arrived at conclusions regarding the safety of saccharin very similar to the assessments of 1955 and 1968. The subcommittee again recommended that chronic toxicity studies, designed according to modern protocols, be completed. It further recommended that: (a) epidemiologic studies should be carried out with emphasis on the diabetic segment of the population and in relation to pregnancy; (b) comparative metabolism studies should be done in man and in animals; and (c) toxicologic interactions with other selected chemicals should be explored.

Although the then existing studies raised some questions about whether saccharin could cause cancer, no firm conclusions could be reached on the basis of those data. In 1972, because of the questions about the safety of saccharin, FDA removed saccharin from the list of substances generally recognized as safe (GRAS) and imposed limits on the use of saccharin to discourage general use by consumers and to inhibit an increase in its use by the general population. At that time, FDA also issued an interim food additive regulation to permit continued limited use of saccharin pending completion of studies to resolve the questions concerning the safety of saccharin. In issuing the interim regulation, FDA concluded that the continued limited use of saccharin did not constitute a significant risk to public health.

B. HISTORY OF SCIENTIFIC AND MEDICAL INQUIRY INTO THE CAUSES OF CANCER

Sir Percival Potts' description, almost 200 years ago, of the relationship between exposure to soot and cancer of the scrotum in chimney sweeps is usually cited as marking the beginning of studies in environmental carcinogenesis (Ref. 1). It was not until the late 19th century, however, that the association between exposure to aromatic amines and the production of bladder cancer among workers in the German dye industry was established, and only in the early part of this century that the production of skin cancer by X-radiation and radium became evident.

Modern research on chemical carcinogenesis dates from the classic studies of Yamagiwa and Itchikawa (Ref. 2). They successfully induced cancer by applying coal tar to the ears of rabbits and thereby produced the first experimental animal analogy of a type of chemically induced human cancer. The work of these Japanese investigators in 1915 was quickly followed by similar investigations in many laboratories and culminated in the isolation from coal tar of the carcinogenic polycyclic hydrocarbon benzo[a]pyrene by Kennaway and Cook (Ref. 3). But it was only in 1938 that Hueper experimentally produced bladder cancer in dogs by administration of β-naphthylamine (Ref. 4).

The known causes of human cancer include physical, chemical, and biological agents. According to Boyland (Ref. 5):

Reasonable estimates are that not more than 5% of human cancer is due to viruses and less than 5% to radiations. Some 90% of cancer in man is therefore due to chemicals, but we do not know how much is due to endogenous carcinogens and how much to environmental factors. An expert committee (WHO, 1965) has concluded that at least half of all cancer in man is due to environmental factors. It should therefore be possible to prevent a great deal of human cancer by finding and removing chemical carcinogens from the environment.

In 1960, Dr. G. B. Mider prepared for a committee of the United States Congress a summary of the current state of scientific knowledge about the causes of cancer (Ref. 6). Despite major subsequent advances in our understanding of the role of microsomal enzyme metabolism in the action of carcinogens, in molecular biology, in virology, in our knowledge of the immunological aspects of cancer, and in the development of in vitro models for carcinogenesis, the summary of the causes of cancer prepared by Dr. Mider more than a decade ago is still essentially correct:

(1) Although cancer can be caused by extraneous agents, not all members of the exposed population will develop cancer. Those who are most susceptible can be identified only by experience.

(2) Even a powerful carcinogen requires weeks or months to elicit cancer in mice or rats and probably requires years in man.

(3) No change need be recognizable in the organ or tissue destined to become cancerous before the cancer itself appears

(4) Experience in the laboratory does not predict unequivocally the reaction of humans to the same agent. On the other hand, those few chemical and physical agents known to produce cancer in man, with the possible exception of inorganic arsenical compounds, have elicited cancers in animals.

(5) No one at this time can tell how much or how little of a carcinogen would be required to produce cancer in any human being, or how long it would take the cancer to develop.

(6) The effect of certain chemical carcinogens can be markedly increased by other compounds with little or no carcinogenic power.

(7) The accumulated evidence suggests the irreversibility of the cancerous response once it has been initiated and further suggests a cumulative effect.

(8) The most potent carcinogens, by their very strength, are almost sure to be discovered clinically. It is assuredly the less potent carcinogens that seem most important in human cancer and provide the real problem for evaluation. A major objective of experimental carcinogenesis is, therefore, the bioassay for the presence of weak carcinogens.

(9) Chemical configuration alone cannot be used to predict the ability of a new compound to produce cancer.

(10) Possession (by a substance) of a biological effect, known to be associated with a particular type of cancer production, may be of importance in assessing potential carcinogenicity. Examples are: estrogenic activity, goitrogenic activity, production of liver cirrhosis.

The special attention given to the prevention of cancer is reflected in the Food Additives Amendment of 1958 and Color Additive Amendments of 1960. In principle, both laws recognize that all substances have a potential for harm and that, conversely, there are conditions under which most substances may be used safely. However, both laws also provide that under no conditions are cancer-producing substances to be considered safe. This Congressional expression of concern about cancer-producing agents indicates the need to know about the cancer-producing potential of food additives.

C. USE OF ANIMAL TESTS TO IDENTIFY RISKS TO HUMAN HEALTH

Testing for acute toxic effects in animals has long been and remains today the primary basis for evaluating the safety of food for humans. Now, however, scientists also test substances in animals to assess their long-term, or chronic effects, including their potential to cause cancer.

The first chronic animal studies were conducted in the late 19th century, after it was found that certain diseases were associated with lack of certain essential dietary constituents. For example, vitamin C deficiency, which leads to scurvy and niacin deficiency, which causes pellegra, were extensively studied in animals after scientists discoverd that these diseases could be mimicked in animals. After it became apparent that laboratory animals were useful in studying nutritional diseases, scientists quickly concluded that animal experience might also be useful in predicting the long-term effects in man of ingestion of small amounts of chemicals. In the early 1930's, FDA scientists initiated some of the first long-term, or lifetime chronic feeding studies on substances to which humans are exposed. These studies—on lead arsenate pesticides—led, in 1940, to the establishment of limitations on the use of lead arsenate.

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Since these early days of toxicology, the use of tests in laboratory animals to predict the long-term chronic effects of chemicals in man has been accepted by virtually all scientists and is today used by every technologically advanced country in the world. In the United States, many Federal agencies in addition to FDA, such as the Environmental Protection Agency and the National Cancer Institute, rely on these animal tests to assess the safety of a variety of compounds. In 1954, the National Academy of Sciences/National Research Council (the Academy) published a report entitled "Principles and Procedures for Evaluating the Safety of Intentional Chemical Additives in Foods." This report updated pamphlets published in 1951 and 1952 on the safe use of chemicals in foods. The 1954 report and subsequent publications by the Academy describe the widely accepted approach of animal tests for evaluating the safety of chemicals added to foods. The World Health Organization has also espoused the use of animal tests to assess the safety of food ingredients.

The difficulty of identifying chemicals that may cause cancer has been considered may times in the last 15 years, and distinguished expert committees of the World Health Organization, Food and Agricutural Organization, National Academy of Sciences/National Research Council, and Department of Health, Education, and Welfare, as well as FDA, have published reports setting down principles and guildelines. Again the accepted test model is the chronic test in laboratory animals. As Berenblum (Ref. 8) has pointed out, our existing knowledge does not provide a basis for firm agreement on the optimal conditions for carcinogenicity testing, but merely allows the setting down of minimal requirements for animal tests for carcinogenicity. These minimum accepted requirements include: (1) more than one species of animal should be used to demonstrate lack of carcinogencity; (2) continuation of testing for the "practical" lifetime of the animals to establish a negative finding; (3) use of test doses close to the pharmacologically active range, several orders of magnitude above the actual use level; (4) maximization of numbers of animals on test, recognizing the practical limitations on population size; (5) use of routes of administration analogous to those by which humans will be exposed; and (6) whenever possible, commencing exposure during pregnancy and continuing exposure in the offspring for a lifetime. The three principal tests of saccharin on which the Commissioner is basing the accompanying proposals generally meet these basic criteria.

Even with the best test system, it must be recognized that a positive result only labels a substance as a suspect human carcinogen; at the same time, a negative result does not necessarily exclude the possibility that the substance is carcinogenic for man. Furthermore, it should be remembered that absolute demonstration of noncarcinogencity, even in the species tested, is impossible. As J. Cornfield has indicated:

Expression of results as confidence limits rather than as a test of significance is to be preferred, since even when the lower confidence limit is below zero and no positive evidence exists, the upper limit may well be above zero, and this will serve as a constant reminder that failure to uncover positive evidence of carcinogenicity is not the same as a positive demonstration of noncarcinogenicity (Ref. 9).

Questions are frequently raised about the significance of carcinogensis observed in animal experiments based on the belief that the high dosages to which animals are customarity exposed have no relevance in the assessment of human risk. Indeed, such questions have been raised about the findings in the WARF, FDA, and Canadian studies that saccharin causes bladder cancer. The Commissioner therefore believes that it is important to clarify this crucial issue.

It should be recognized that, general, only high dosages will produce tumors in animals under the experimental conditions that must customarily be employed. In setting up model experimental systems, scientists have no choice but to use relatively small numbers of animals in comparison to the human population likely to be exposed. In order to obtain meaningful, consistent, and reproducible results, studies must be designed to produce a significant number of cancers in the animals under test.

Even as low an incidence of cancer as 10 percent in a group of 100 experimental animals, which would approach the limit of reproducibility, would exceed any acceptable human risk. An incidence of 0.01 percent would represent 20,000 out of the total U.S. population of 200 million, and would certainly be considered unacceptably high. But to detect such a low incidence in experimental animals using dosage levels comparable to those administered to humans would require literally tens of thousands of animals. For this reason, scientists administer large doses to relatively small groups of experimental animals and then extrapolate the results to estimate the risk of cancer at low dosages.

Several methods for making such calculations of risk have been employed, but based on present knowledge and experience, the Commissioner believes the proper conservative approach is to assume a direct proportionality between the size of the dose and the incidence of tumors. For example, if a daily dosage of 1 gram per kilogram (kg) fed to experimental animals over a 2-year period produces a 10 percent incidence of tumors, FDA would assume that there would be a 1 percent incidence with 0.1 gram per kg dose, or a 0.1 percent incidence with a 0.01 gram per kg dose. Using this method of calculation, the agency would estimate, conservatively, that if a substance produces a 10 percent incidence of cancer in the rat at a dose of 1 gram per kg, it would produce a 0.01 percent incidence, representing 20,000 persons out of a total population of 200 million, if ingested by man at a dose of 1 milligram per kg.

It is important to recognize that such calculations may indicate only a minimal risk. Experimental assays are conducted under controlled dietary and environmental conditions with animals of homogeneous genetic background, while humans live under diverse conditions and are genetically heterogeneous, and are therefore likely to include subpopulations of unusual susceptibility.

Another popular misconception about the use of high dosages in animal carcinogenesis testing is the belief that any substance will induce cancer in animals if fed at sufficiently high levels. Excessively high levels of most substances can induce toxic effects in animals, but only a small number of such substances can produce cancer. This fact is illustrated by a study of 120 pesticides and industrial chemicals reported by J. R. M. Innes, et al. (Ref. 10). The compounds were selected on the basis of toxicity evidence suggesting potential harm to man, widespread use, or chemical structure suggesting possible carcinogenicity. In this study, both sexes of 2 hybrid strains of mice were orally administered maximum tolerated doses of the 120 test compounds starting at the age of 7 days. The authors found that administration of only 11 of the compounds unequivocally induced a significantly elevated incidence of tumors.

D. CARCINOGENICITY TESTING OF SACCHARIN

The first long-term study to evaluate the chronic toxicity of saccharin in the diet of rats was reported at FDA in 1951 by Fitzhugh, Nelson, and Frawley (Ref. 11). Various levels of saccharin were fed, some as high as 5 percent of the diet, to 10 male and 10 female rats per dosage level. At the conclusion of the study, the authors reported:

> No pathological effect whatever could be attributed to saccharin at levels of 1.0 percent or less. At 5 percent only one effect was noted, in the latter part of the experiment, namely an increased incidence of the ordinarily uncommon condition of abdominal lymphosarcoma. In the 5 percent group there were seven animals with lymphosarcomas; this number is not out of line with the incidence in comparable groups of rats, but the fact that in four of the seven rats abdominal as well as thoracic lymphosarcomas were present is unusual, since ordinarily the ratio is about 1 to 15–20. Three of these four combinations occurred in animals on experiment one hundred and two or more weeks.

In 1969, FDA pathologists reevaluated the findings from the Fitzhugh study (Ref.12). They concluded:

> The only effect of treatment during life was retardation of growth at 5 percent. In regard to pathological changes, our diagnoses of individual lesions were almost identical to those of Dr. Nelson. However, there were differences of opinion as to the role played by saccharin. Dr. Nelson stated in his 1951 report and also in the paper previously mentioned that the only pathological effect of saccharin was an increase in the incidence of the ordinary uncommon condition of abdominal lymphosarcoma. While we were not impressed by this, our examination of the written data and the microslides led us to conclude that saccharin had induced 2 lesions, and possibly a third. (1) Papillary excrescences from the papilla and papillocalyceal junction of the kidney in 13 of the 17 rats with kidneys sections microscopically

at 5 percent, 3/18 at 1 percent, and 1/15 at 0.5 percent. The papillary excrescences were the result of edema, vascular congestion, leukocytic infiltration, and fibroblastic proliferation of the stroma, stratification of the normally simple cuboidal epithelium to the stratified cuboidal or transitional type, calcium deposition, and in a few instances, phlebothrombosis. (2) Increased cellularity of the bone marrow at 5 percent. (3) While we have presented evidence which suggests that saccharin may have increased the incidence of the malignant lung tumor, lymphosarcoma, which occurs spontaneously in the rat and was very common in FDA rats at the time this study was performed, the data are inconclusive. A consideration of this, the presence of the renal changes, and the lack of knowledge as to whether the urinary bladder was affected strongly suggest the need for another two-year experiment.

A second long-term test of saccharin by oral administration to rats was completed in 1959 by Lessel (Ref. 13). As in the earlier Fitzhugh study, rats were fed saccharin for 24 months at levels up to 5 percent of their diet. Twenty male and 20 female rats were used per group. Lessel included a positive-control group to determine the susceptibility of his rats to the development of this tumor type, which he felt resembled the lymphosarcomas noted by Fitzhugh et al. Lessel found this type of tumor among the various tumors noted in both controls and treated animals; however, he did not find the incidence of tumors in the rats to be altered by the presence of saccharin in the diet even at the highest level (5 percent) fed.

In 1969, a re-study of the urinary bladders of some rats from the Lessel study was undertaken; however, all of the rats were not examined and the procedure used in the fixing of the urinary bladders would not be regarded as adequate by qualified experts. On gross observation of the rats, bladder abnormalities were noted at all feeding levels. Five males and three females at the 5-percent level exhibited these abnormalities. The author concluded that saccharin promoted the formation of bladder stones which in turn led to the bladder lesions (Ref. 14).

In 1970, at the request of FDA, the previously described studies and other data on the safety of saccharin were evaluated by NAS/NRC. At the conclusion of its review, the Academy made the following recommendations:

> Long-term studies designed according to present-day protocols and including adequate investigation of effects on reproduction should be completed in at least two species. In view of the concern about effects on the kidney and urinary bladder, special attention should be given to pathological examination of these organs.

Based on the data available in 1970, the Ad-Hoc Subcommittee on Nonnutritive Sweeteners of the NAS Committee on Food Protection accepted 1 percent as a "no-effect" level of saccharin in the diets of rats and mice (Ref. 15).

Between 1970 and 1975, additional lifetime chronic feeding studies of saccharin were conducted in which the compound was fed to laboratory animals either at a single- or multiple-dose level. These studies were carried out in a variety of laboratory animals including rats, mice, and hamsters. Two of these modern studies yielded notable and troubling results. In both of these studies, diets containing saccharin were fed to male and female rats from weaning. At the proper age, these rats were bred and their offspring carried to lifetime. Thus, these offspring were exposed to saccharin in their diets from the time of conception until death. These two studies were conducted by FDA and in the laboratories of the Wisconsin Alumni Research Foundation (WARF).

The FDA study fed doses of 0.01, 0.1, 1, 5, and 7.5 percent saccharin to the laboratory animals. There were 50 males and 50 females in each dose group and 100 control animals (animals not fed saccharin). The study was terminated when the number of survivors in a test group fell to 20 percent of the starting number. Serial sacrifices were performed at 14 and 18 months. Of the 23 males fed the saccharin diet at the 7.5-percent level which were examined, 7 developed bladder tumors. No tumors were found at lower saccharin levels, but 1 of 25 males examined fed the control diet developed a bladder tumor. Of the female rats, bladder tumors were found in 2 of 31 examined animals fed the 7.5-percent diet. None were found in the control females nor in female rats fed the 5-percent or lower levels of saccharin.

The WARF study followed essentially the same protocol as the FDA study, except there were 20 males and 20 females per group and the study was terminated at 100 weeks. In the WARF test, bladder tumors were found in 7 of 15 male rats fed the diet containing 5 percent saccharin. No bladder tumors were found in the female rats at any level of saccharin feeding.

In the FDA study, the rats fed the higher dose levels (5.0 and 7.5 percent) tended to grow less well than did controls or those fed lower levels of saccharin; a body-weight deficit of about 15 percent prevailed throughout the test period. All other measurements of well-being were normal, however, including survival and organ weight/body weight ratios. In the WARF test, the high level (5 percent) saccarin-fed rats lagged behind the other groups during the period of rapid growth, but as adults revealed no difference in body weight. Indeed, the control group was the lightest among the males on test, but the weight range among the various groups was remarkably narrow.

The high dietary sodium ($Na+$) level introduced by feeding high levels (5 to 7.5 percent) of sodium saccharin (about 11 percent $Na+$) was taken into account in the FDA study by adding an equivalent level of $Na+$ as Na_2CO_3 to the diet of a group of rats fed the basal (no saccharin) diet. However, no test was made of $Na+$-free saccharin as opposed to soluble saccharin. This is an important issue, since, for example, the metabolic disposition of saccharin may be altered by higher $Na+$ levels; the question is not accounted for by the Na_2CO_3 control, nor is it clear whether carbonate is an appropriate anion for this particular study.

As previously explained, the rationale of animal testing for possible carcinogenic hazards to man contemplates maximizing the sensitivity of the bioassay system, requiring administration of the highest tolerable dose along with appropriate lower doses. Because saccharin has a low toxicity, dose levels as high as 5 to 7.5 percent of the diet were fed in the FDA and WARF studies. As of 1974, tumors had been associated with saccharin feeding only at these high levels and in only two of many studies—those conducted by FDA and by WARF. This result raised uncertainty as to whether saccharin itself was the carcinogen, or whether the bladder tumors were induced by an impurity in the saccharin (orthotoluenesulfonamide) that was present at a detectable dose when high levels of saccharin were fed.

In addition, the high levels of saccharin fed were thought to raise the problem of calculus formation (Ref. 16). Calculi were associated with the occurrence of bladder tumors in the study by Hicks et al., (Ref. 17). Orthotoluenesulfonamide is a carbonic anhydrase inhibitor which can increase urinary pH, predisposing to calculus formation. Clayson found that bladder tumors due to certain sulfonamides were eliminated by feeding NH_4Cl to give an acid urine (Ref. 18). Furthermore, saccharin alone may cause bladder calculi (Ref. 19). This was thought to be potentially important, because there is evidence that bladder stones may play a determining role in the appearance of bladder tumors in the rats. Occurrence of bladder stones and increased urinary pH associated with saccharin feeding were not investigated in the FDA or in the WARF study. It was thought that this phenomenon may be critical in the embryo or newborn rat that is exposed to saccharin.

It should be emphasized that in both the FDA and WARF tests the offspring (F_1) generation of rats, i.e., those that were conceived after the parental generation had been placed on the saccharin-containing diets, were held and observed for manifestation of toxicity. The relatively high sensitivity of experimental animals to transplacental exposure to carcinogens has become obvious in recent years (Ref. 20). A number of carcinogens have been shown to be effective at very low levels by the transplacental route. Frequently, exposure of the pregnant female is associated with the relatively early appearance of tumors in the offspring. Despite these important implications, information about transplacental carcinogenesis is limited. For example, the dose level to which the fetus is exposed is often unknown, nor is there an understanding of the importance of developmental state, metabolic capacity, immune competency, and factors related to fetal pharmacology.

Even with these uncertainties, however, the F_0—F_1 feeding procedure is considered to be an appropriate and essential test because saccharin may be consumed by pregnant women as well as in-

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dividuals of all ages. The technique of in utero exposure in lifetime testing has been recommended by an expert on carcinogenesis of the FDA Advisory Committee on Protocols for Safety Evaluation, J. Tox. and Appl. Pharmacol., 20:419–438 (1971). The panel recognized that exposure of an animal to a chemical early in life, even during pregnancy, may be important in influencing expression of carcinogenesis later in life. The panel stated that "since one of the important purposes of the chronic toxicity tests is the detection of carcinogenic potential, it would seem desirable to begin the exposure as early in life, i.e., as close to conception as possible."

The International Agency for Research on Cancer of the World Health Organization (IARC Scientific Publications No. 4) has also endorsed the need to consider in utero exposure in the study of carcinogenesis potential. The IARC report noted that "experimental studies have indicated the increased susceptibility of neonatal animals to the carcinogenic insult. The logical development of studying the effect on the rodent fetus of maternal exposure to a chemical carcinogen has made it clear that this pathway could well be operative in the human fetus."

Unfortunately, in neither the WARF study nor the FDA study were the rats in the parent (F_0) generation continued for long-term carcinogenicity testing of saccharin; thus no comparative data on the susceptibility of F_0 and F_1 rats in an internally controlled experiment were obtained. Therefore, at the conclusion of these studies, doubt remained about whether the concurrence of transplacental exposure and of bladder tumors was causally related.

Because of the continuing questions about the carcinogenicity of saccharin, in June 1972, FDA once more called upon the Academy to review the results of all experiments on the issue. To be able to provide FDA with a complete and up-to-date report, the Academy delayed completing its review until several studies, including the FDA study, then underway, were completed.

The Academy's report was received by FDA in December 1974. The report's primary conclusion was that the data then available had "not established conclusively whether saccharin is or is not carcinogenic when administered orally to test animals." This conclusion was based in part on the uncertainty about the role of orthotoluenesulfonamide (OTS) in the induction of tumors. The Academy recommended that additional research on saccharin be conducted to determine whether saccharin is a carcinogen. The Academy recommended further that FDA reconsider the question when a substantial portion of the additional data became available.

E. CANADIAN STUDY

The recently reported Canadian study was initiated in February 1974 under the sponsorship of the Department of Health and Public Welfare of the Canadian Government (Toxicity and Carcinogenicity Study of Orthotoluenesulfonamide and Saccharin, Project E405/405E). Two generations of test animals (the F_0 and F_1 generations) were fed OTS and OTS-free saccharin to evaluate the toxicity and carcinogenicity of these compounds. The study on saccharin was the third experiment in which rats were exposed to saccharin during their period of development in the uterus and then throughout their entire life span. Both the earlier FDA and the WARF studies had shown an increased incidence of bladder tumors in male rats, but had left unresolved the question whether the tumors were caused by saccharin itself or by OTS. The Canadian study was designed to clarify this question by testing the OTS by itself as well as by testing purified saccharin containing only minimal amounts of the impurity. The Canadian study was thus designed to resolve the uncertainties noted by the NAS in its 1974 report.

Six groups of 50 male and 50 female rats were included in the study: a control group, 3 dose levels of OTS at 2.5, 25, and 250 milligrams per kilogram per day, a group receiving 5 percent saccharin (2,500 milligrams per kilogram per day) in the diet, and a group receiving 250 milligrams per kilogram OTS per/day and 1 percent ammonium chloride in the drinking water. The doses of OTS incorporated the amount of OTS, ranging from 0.6 to 27 milligrams per kilogram OTS per day, which may have been consumed by animals in the FDA and WARF studies on saccharin. OTS, a weak carbonic anhydrase inhibitor, may have a tendency to produce a slightly alkaline urine, possibly resulting in an increased incidence of bladder stones. Therefore, ammonium chloride was added to the drinking water of one OTS group to prevent this effect by producing a more acidic urine. The rats were observed daily, their weights and food consumption were recorded weekly, and 20 males of each generation of controls, saccharin treated, and high-level OTS treated animals with and without ammonium chloride had urine examined at 6-month intervals for microscopic calculi and parasite eggs.

The results of the Canadian study have been evaluated by expert pathologists, including scientists from FDA and other institutions in the United States, from Great Britain, and from other European countries, as well as from Canada. The findings indicate unequivocally that saccharin causes bladder tumors in the test animals. Specifically, 7 male and no female rats in the F_0 generation developed bladder tumors. Twelve male and two female rats in the F_1 generation developed bladder tumors. Thus, of a total of 200 rats fed saccharine, 21 developed bladder tumors.

In sharp contrast, of 100 control animals—those not fed saccharine or OTS—only 1 developed a tumor. Moreover, the low incidence of tumors in the animals fed OTS clearly resolves the earlier speculations, based on the FDA and WARF studies, that OTS and not saccharin may have been responsible for the cancers in the test animals. No evidence of bladder parasites was found in any of the rats. Microscopic crystals were found in the urine but the distribution did not seem to be related to treatment. Two grossly visible bladder stones were found in rats bearing tumors, one receiving saccharin and the other receiving OTS, while six were found in animals of various groups without bladder tumors. There was no significant increase in bladder tumors in any of the group treated with OTS.

F. ASSESSMENT OF HUMAN RISK

An important question raised about the animal studies on saccharin is their relevance to human beings. Public reaction to recent publicity about the Canadian study suggests considerable misunderstanding about the nature of toxicity testing in animals and the interpretation of results. For example, it has been widely publicized that the dose of saccharin found to be carcinogenic in rats is about 1,000 times that ingested by a human in a single diet beverage (when both doses are adjusted for the difference in body weight between rats and humans). Since this amount of saccharin would clearly never be ingested chronically by any person, some have suggested that these results have no pertinence whatsoever to human risk. In the judgment of FDA, this conclusion is not valid for the reasons to be described in this section.

Before dealing with the saccharin data specifically, however, the principles of appraising the risk of chemical carcinogenic substances should be explicitly stated. Those principles are as follows:

1. Certain substances can be shown in validly controlled animal experiments to increase the incidence of benign and/or malignant tumors. This result does not occur with all chemicals, only with certain ones.

2. Those substances that cause benign or malignant tumors in one species often also do so in other species. Therefore, any substance that causes such tumors in any species must be considered a potential carcinogen in man.

3. Chemical carcinogens, like other toxic substances, generally demonstrate a dose-response relationship, i.e., the the greater the dose the greater the tendency to produce tumors, and vice versa. The predominant opinion among experts in the field of carcinogenesis is that the dose-response principle extends to very low doses of the carcinogen—that is, that there is no dose, however small, at which one can be certain there is no risk. In other words, there is no threshold dose below which a carcinogen may be considered safe in the absolute sense.

4. Estimation of the risk of a low dose of a carcinogen in animals requires that one test the carcinogen at a dose high enough to produce tumors in the group of animals tested and then calculate what the risk is likely to be at a very small dose. The intent of animal testing is not only to identify potential risks such as carcinogenesis but also to estimate whether such an effect is likely to occur with a frequency, e.g., of 1 in 100, 1 in 1,000, 1 in 10,000, 1 in a 100,000, 1 in a million, etc. Since the actual measurement of a single event once in, e.g., 1,000 times, requires several thousand animals, it is evident that direct measurement of low frequency events cannot feasibly be done because of limitations on cost, the difficulty of handling large numbers of animals, etc. The problem is thus currently solved, albeit imperfectly and not without difference of opinion among experts, by conducting tests with a feasible number of animals at high doses and extropolating the results to low doses.

5. The method of extrapolation of results obtained at high doses to low doses should be a "conservative" method, i.e., it should err in the direction of overstating risk rather than understating it. Two accepted methods that meet this principle are the linear extrapolation method and the Mantel-Bryan procedure. In the dose range under consideration, the two methods give similar results for saccharin. The linear extrapolation method has been used in the FDA calculation on saccharin because it is easier to explain and understand.

6. The results of animal tests and their extrapolation to low doses provides an estimate of the risk of developing a tumor in the species tested. If one is to assume that such results are directly applicable to man, one must assume that one lifetime in the test animal is equal to a lifetime in man and that the test animal and humans are equally sensitive to the carcinogen. These assumptions are clearly open to debate, but in the absence of data to the contrary, the opinion of most experts is to assume that they are applicable. In the case of some carcinogens, wide variation among species in their sensitivity to the chemical has been demonstrated. The current view of experts is that these differences are due, at least in part, to species differences in the way the carcinogen is metabolized. In the case of saccharin, the drug is metabolized little, if at all, in either the rat or man. This fact supports the assumption that results from testing in rats are applicable to human risk assessment. The FDA risk estimates are then based on the principle that risk estimates in the rat are directly applicable to man.

Current scientific methods are not capable of determining the exact risk to humans of a chemical found to be carcinogenic in animals. However, techniques are available for estimating the upper limits of the risk. The Food and Drug Administration estimates that the lifetime ingestion of the amount of saccharin in one diet beverage per day results in a risk to the individual of somewhere between zero and 4 in 10,000 of developing a cancer of the bladder. If this risk is transposed to the population at large and if everyone in the United States drank one such beverage a day, this would result in anywhere between zero and 1,200 additional cases of bladder cancer per year. These estimates are identical to the estimates recently presented publicly by representatives of the Food and Drug Administration and of the National Cancer Institute (NCI) in hearings before the Health Subcommittee of the House Committee on Interstate and Foreign Commerce. The approach used in their calculation is described in the following paragraphs.

In the Canadian study, a 24 percent incidence of bladder tumors (12 of 50) was noted in the second generation male rats fed saccharin in a dose of 5 percent of the diet. This was the most sensitive group in the study to the carcinogenic effect of saccharin. Thus, in the absence of evidence that factors involved in its sensitivity are not relevant to the human population, this group is used to estimate the upper limit of human risk. There were no bladder tumors in an untreated control group of comparable size. Although the observed incidence of bladder tumors was 24 percent, the upper limit of risk in this study at the 95 percent confidence level is 36 percent. A 5 percent dietary level of saccharin in the rat is equivalent to 2,500 milligrams/kilogram/day of saccharin. If a 60-kilogram human (approximately 132 pounds) were to ingest 150 milligrams/day of saccharin (i.e., 2.5 milligrams/kilogram/day over a lifetime, he or she would thus receive the equivalent of one one-thousandth of the rat dose per day. This dose is approximately that contained in one large diet beverage drink (12½ ounces) per day.

Since rats fed 2,500 milligrams/kilogram/day may have as high as a 36 percent incidence of bladder tumors, ingestion by rats of one one-thousandth of that dose could yield, by linear extrapolation, an incidence of 0.036 percent or 4 cases per 10,000.

The lifetime risk of bladder cancer in humans in the United States is 1.5 percent; that is, of every 10,000 persons, it is expected that 150 will develop bladder cancer sometime during their lives. Extrapolating from the Canadian rat study, and if one assumes a direct correlation between the estimate of maximum risk of saccharin in rats and in humans, if a human ingests 150 milligrams/day of saccharin for a lifetime, he could increase the risk of bladder cancer by 0.036 percent, for a total risk of approximately 1.54 percent. That is, of every 10,000 persons, 154 might develop bladder cancer (if they all use 150 milligrams/day of saccharin) and if the assumptions are valid.

The risk from use of 150 milligrams/day of saccharin over a lifetime can be assessed in another fashion. The annual case rate of bladder cancer in the United States is given by the NCI as approximately 30,000. If everyone in the United States ingested 150 milligrams of saccharin per day (e.g., from one large diet drink) over a lifetime, and if the other assumptions are correct, there could be approximately an additional 1,200 cases per year (or an increase in risk of 4 percent over the basal risk). If only half the population ingested 150 milligrams of saccharin per day over a lifetime, an additional 600 cases per year could occur (or an increase in risk of 2 percent over the basal risk).

The estimated increase risk from this moderate use of saccharin cannot be detected in human epidemiological studies. Such studies usually can only detect increased risks of 200 to 300 percent (i.e., 2 to 3 times the baseline rate) or greater. Even the best feasible epidemiologic study is not likely to detect an increased risk of only 2 to 4 percent over background incidence. Thus, for example, the author of one epidemiological study of bladder cancer in consumers of artificial sweeteners (Kessler, I. I., J. Urology, 115:143–146, 1976) noted that "The sample sizes used here would permit the detection of an 80 percent increase in bladder cancer owning to nonnutritive sweetener use * * *." This study would not, then, have detected any increase in bladder cancer due to saccharin consumption if the risk is at the level suggested by the Canadian study in rats.

As discussed previously, cancer has a long latent period, requiring 5 to 30 years before it can be detected. Although saccharin has been used in food for over 70 years, it is only in the past 15 to 20 years that its use has become substantial. Thus, it is probably too early to ascertain from human epidemiological studies the number of bladder cancers associated with saccharin consumption. This conclusion was reached by the authors of one of the epidemiological studies on saccharin (Armstrong, B. and R. Doll, Brit. J. Prev. Soc. Med., 28:233–40, 1974) who pointed out that "If the minimum time necessary to see a significant number of bladder cancers induced by saccharin were more than thirty years * * * it would be too early to see an effect of saccharin consumption on mortality rates."

In a third epidemiological study on saccharin consumption (Armstrong, B. et al., Brit. J. Prev. Soc. Med., 30:151–157, 1976) only about 600 of the diabetics studied had consumed saccharin for more than 25 years. This number is far too low to detect the level of risk from saccharin consumption suggested by the experiments in rats. The fact that these epidemiological studies in patients with diabetes who used saccharin for prolonged periods revealed no detectable increased in bladder cancer is therefore compatible with the available animal data. A common feature of all three epidemiological studies is their comparative insensitivity, which could permit a sharply increased incidence of bladder cancer attributable to consumption of saccharin—on the order of more than 20,000 cases per year in the American population—to go undetected.

By contrast, the risk of lung cancer from cigarette smoking (which FDA has no authority to regulate) is now readily detectable in human epidemiological studies. However, even though cigarette smokers have been shown to incur a risk of developing lung cancer that is 500 to 2,000 percent greater than the risk of lung cancer incurred by nonsmokers, depending on how much they smoke, it

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took many years to recognize and document the increased risk. The first suggestions of an association between cigarette smoking and lung cancer were not made util the late 1930's (Muller, F. H., Z. Krebsforsch, 49:57–84, 1939). Several epidemiological studies reported an association between cigarette smoking and lung cancer in the early 1950's, but widespread acceptance of the relationship did not occur until publication of the 1964 report to the Surgeon General entitled Smoking and Health.

The Food and Drug Administration thus considers the animal data and the human epidemiological data on saccharin to be compatible. The estimated excess risk to the individual of developing bladder cancer from lifetime use of, e.g., 150 milligrams of saccharin per day, is believed to be somewhere between zero and 4 per 10,000. The estimated population risk in the United States, assuming such use by each individual, is somewhere between zero and 1,200 cases per year.

Although the risk from consumption of saccharin is small compared to that of other health hazards, e.g., cigarette smoking, saccharin is only one of a potentially large number of hazards present in our environment. The Commissioner believes that reduction of prolonged, general exposure to a number of weakly carcinogenic substances in our environment as they are discovered may be essential to reduce the total incidence of cancer.

G. LEGAL BASIS FOR ACTION

Press reports of the announcement of FDA's intention to withdraw approval of saccharin as an ingredient in foods and beverages have given the impression that the Commissioner is acting reluctantly, based exclusively on the Delaney anticancer clause of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348 (c)(3)(A)) and, further, that the agency's action was triggered solely by the findings of the Canadian study. Neither impression is accurate.

As should be clear from the foregoing discussion, questions about the safety of saccharin have persisted almost from the date of its introduction. Serious doubt about its potential for causing cancer in laboratory animals arose much later, but this concern, too, is not new. Before the Canadian study, two scientifically sound and generally well-conducted studies had suggested an association between saccharin and bladder cancer in animals exposed to high doses of the sweetener. The Canadian study unequivocally confirms this association and lays to rest speculation that the causative agent may have been OTS. There can no longer be any doubt that saccharin causes a sharply increased incidence of bladder cancer in test animals.

The discussion in the previous section makes clear that the human risk of cancer indicated by these findings is significant and cannot be ignored. The Commissioner believes that conscientious protection of the public health is not consistent with continued general use in foods of a compound shown to present the kind of risk of cancer that has been demonstrated for saccharin—regardless of the asserted benefits of its use for some individuals in the population.

Section 409(c) of the act (21 U.S.C. 348(c)) requires that any food additive must be found to be safe for human consumption before it can be approved or, in case of an additive already approved, continue to be used in foods. Based on the accumulated evidence of hazard associated with ingestion of saccharin, culminated by the Canadian study, the Commissioner concludes that the finding required by the statute can no longer be made, and that the interim food additive regulation approving the use of saccharin should be repealed.

FDA has previously prohibited the use in food of ingredients found to cause cancer in laboratory animals to which the Delaney clause was not applicable. For example, in January 1950, before enactment of the Delaney clause, FDA prohibited the use in food of two artificial sweeteners as "poisonous substances." This conclusion was based in large part on the finding of liver tumors in rat studies. In May 1968, FDA prohibited the use in food of the flavoring agent, oil of calamus, based on a finding of carcinogenicity in animal studies. Oil of calamus had been used in food on the determination that it was generally recognized as safe; thus, the Delaney clause did not apply. There are a number of other examples. In short, although FDA has acted on a number of occasions to remove carcinogenic substances from the food supply during the past 25 years, only two previous actions—both involving minor indirect food additives—have been based on the Delaney clause.

Those actions, like this one, were based on certain well-recognized postulates about chemical carcinogenesis: (1) there is reason to believe that those substances which cause cancer in animals may also cause cancer in man; (2) animal tests, despite inadequacies, provide the best evidence currently available about the potential of chemicals to cause cancer in humans; (3) there is no reliable basis for concluding that there is a completely "safe" level of a carcinogen, i.e., a threshold level that will not cause cancer in some members of the population; and (4) cancer appears to be an irreversible process, in both test animals and in man.

It is of course true that the present law would afford the Commissioner no choice but to prohibit the marketing of saccharin as an ingredient in foods even if he were not persuaded that the scientific evidence independently warranted such action. The Delaney anticancer clause specifies that "[N]o additive shall be deemed to be safe if it is found to induce cancer when ingested by man or animal, or if it is found, after tests which are appropriate for the evaluation of the safety of food additives, to induce cancer in man or animal * * *." (21 U.S.C. 348(c)(3)(A).) There can no longer be any question that saccharin does cause cancer when ingested by laboratory animals, in this instance in tests that the Commissioner would in any event regard as appropriate for the evaluation of carcinogenicity.

Therefore, under both the general safety requirement of the Food Additives Amendment of 1958 and the Delaney anticancer clause, the Commissioner concludes that saccharin may no longer be approved as a food additive. This proposal is issued to comply with the procedural requirements of section 409(h) of the act. The Commissioner welcomes comments on any facet of this proposal, including the reasonableness of his judgment about the safety of saccharin under the law. He feels constrained to point out, however, that the wisdom of the Delaney clause is not at issue in this proceeding. FDA could not ignore that provision even if the Commissioner were persuaded that the risks to human health were less than they appear. He further notes that under the provisions of the law relating to food additives, FDA is not empowered to take into account the asserted benefits of any food additive in applying the basic safety standard of the act.

The Commissioner does recognize, however, the potential medical value of permitting saccharin to remain available for individuals who may depend on a nonnutritive sweetener to maintain a diet free from sugar, provided such products can meet the standards of the drug provisions of the act. This subject is addressed in the following part of this preamble, on which the Commissioner specifically invites comments from specialists in the treatment of diabetes and obesity.

II. USE OF SACCHARIN IN DRUGS

A. HISTORY OF DRUG USE OF SACCHARIN

In addition to being used in foods, saccharin has been used in drugs for a number of years as a sweetening agent to improve the taste of oral drug products. Thus saccharin is used extensively in such drugs as pediatric liquid preparations, chewable tablets, and mouthwashes and toothpastes with drug claims. When used as a sweetener in a drug product, it is usually used in conjunction with a nutritive carbohydrate sweetener, such as sucrose or sorbitol, to mask the bitter aftertaste often experienced with saccharin. Saccharin is a pharmaceutical aid in liquid pediatric products where palatability is important to induce small children to take the medication. The volume of sucrose needed to provide acceptable levels of sweetness in some of these products has posed problems of incompatibility in the formulation in certain products.

The quantity of saccharin used as a flavoring agent in drug products covers a wide range. For example, of 12 penicillin V potassium products for oral suspension that were examined, the concentration of saccharin ranged from a low of 5.2 milligrams per teaspoonful to a high of 42.8 milligrams per teaspoonful. If a pediatric liquid oral preparation contains 40 milligrams of saccharin per teaspoonful (one dose) and the maximum daily dose is 2 teaspoonfuls four times a day, a child could consume 320 milligrams per day of saccharin from this one drug. Obviously, if other products containing saccharin were also being consumed, the daily intake of saccharin would be much higher. It should also be noted that drug products can be used for both the treatment of acute and chronic conditions. Thus, if a drug product containing saccharin is administered daily for the treatment or prophylaxis of a chronic condition, such as rheumatic fever, the patient could be exposed to a daily amount of saccharin equivalent to that contained in one or more diet soft drinks.

Saccharin is also marketed in tablet, powder, and liquid forms as a so-called "tabletop sweetener" for use in conditions in which nutritive carbohydrate sweeteners in the diet must be avoided. Certain of these products meet the statutory definition of a drug in that they are recognized by the U.S. Pharmacopoeia or the National Formulary. In addition, they have at one time or another been tacitly recognized by FDA as drugs. In recent years, however, such products have been marketed and regulated as food additives.

In light of the recent Canadian study's unequivocal demonstration that saccharin causes malignant bladder tumors in test animals, the Commissioner has examined the use of saccharin in drug products, both as an inactive ingredient and as an active ingredient. In his judgment, the safety considerations involving the use of saccharin in drug products differ from those regarding its use in foods. Moreover, the Delaney clause does not apply to drug products. An ingredient that is clearly unjustified for general use in foods for humans may be suitable for use as a drug when there is a legitimate medical need that outweighs the risks of possible adverse effects. The Commissioner is thus permitted under the drug provisions of the law to evaluate the risk of using saccharin compared to the benefits of its use as a drug ingredient.

B. SACCHARIN AS AN INACTIVE INGREDIENT IN DRUG PRODUCTS

With respect to the use of saccharin as a pharmaceutical aid, the Commissioner has tentatively concluded that the risk of such use in most drug products is not outweighed by the benefits, and thus, saccharin will not be permitted as an inactive ingredient unless it affords an overriding benefit. The Commissioner therefore proposes to add new § 310.514 to Part 310 (21 CFR Part 310) of the new drug regulations, declaring that any drug product for human use containing saccharin as an inactive ingredient is a new drug and is misbranded unless such product is specifically exempted from the regulation. The Commissioner bases this proposal on the fact that the use of saccharin in most drug products as an inactive ingredient produces no direct therapeutic benefit. Thus, the possible risk associated with the use of saccharin for such purpose is medically unjustified. This is particularly true because individuals do not have the opportunity to choose whether or not to take such a risk if saccharin were to remain available as an inactive ingredient in drug products.

In § 310.514, the Commissioner proposes that any holder of an approved new drug application for a drug product containing saccharin as an inactive ingredient be required to submit to FDA within 9 months of the date of publication of the final regulation, a supplemental application providing for a new revised formulation removing saccharin as an ingredient. The revised formulation may not be marketed before the receipt of written notice of approval of the supplemental application by FDA. Any sponsor of a "Notice of Claimed Investigational Exemption for a New Drug" (IND notice) for a drug product containing saccharin as an ingredient shall amend the IND notice within 9 months of the date of publication of the final regulation to revise the formulation removing saccharin as an ingredient. Under the proposal, the Commissioner would initiate action to withdraw approval of an application or terminate an IND notice if any current holder of an approved new drug application or sponsor of an IND notice fails to submit a supplemental application or to amend an IND notice as set forth, and within the time periods provided for, in § 310.514.

A period of 9 months for the submission of supplemental applications is being proposed to allow manufacturers time to reformulate their products and perform the stability and bioavailability studies, where necessary. Depending upon the type of product, i.e., tablet or liquid, and the amount of saccharin currently in the product, reformulation to maintain palatability may pose problems. For example, attempts to raise the content of nutritive sweeteners to mask the bitter taste of a drug is limited by such physical factors as solubility. Further, because of the increased nutritive sweetener content, a preservative may have to be added. Likewise, as of July 7, 1977, firms, will also have to comply with the bioavailability requirements as set forth in §§ 320.21 and 320.22 (21 CFR 320.21 and 320.22) of the regulations. Similar provisions, applicable to antibiotic drug products, are set forth in a new § 430.300 that the Commissioner proposes to add to Part 430 (21 CFR Part 430) of the regulations.

Because of the potential need for specially formulated drugs for diabetics or for special situations in which saccharin may be necessary for the product as a pharmaceutical aid, the Commissioner is also proposing a specific provision under which a petition may be submitted to FDA requesting that a specific use of saccharin as an inactive ingredient be permitted. To support such a petition, the person requesting the exemption must submit the following information: (1) the amount of saccharin in the drug product; (2) is saccharin is included as a pharmaceutical aid, an adequate showing that there are no technically feasible alternatives to saccharin, or an adequate showing that the drug product containing saccharin provides a substantial health benefit that would not be available without the use of saccharin, for example, the product is one specifically formulated for diabetics; and (3) copies of the proposed labeling specifying the saccharin content.

Whether or not the drug product is subject to the requirements for an approved new drug application or for antibiotic certification, under the proposal, a drug product containing saccharin as an inactive ingredient shall, unless exempted, not be manufactured after 15 months and shall not be initially shipped into interstate commerce 18 months from the date the final regulations are published in the FEDERAL REGISTER. Initial introduction into interstate commerce of a drug product for purposes of this regulation means the first shipment of the final dosage form of the drug product into interstate commerce pursuant to a sale or consignment to an independent party. Since these dates are applicable to all drug products, firms submitting supplemental new drug applications or amendments to antibiotic drug files should assure that they are complete when they are submitted.

C. SACCHARIN AS A SINGLE-ACTIVE-INGREDIENT DRUG

Saccharin has been available for many years in single-active-ingredient products for use by individuals who must control their caloric intake. These products consist of tablets, liquids, or powders containing saccharin as the primary sweetening ingredient, and some are popularly known as "tabletop sweeteners." For the most part, these products have been regulated by the agency as food additives, and most recently as special dietary foods (see 21 CFR 105.79, formerly 21 CFR 125.7 prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)).

These products have also historically been recognized as drugs. The Referee Board of the United State Department of Agriculture, while considering the safety of saccharin in foods in 1912, stated, "The Food and Drug Act provides that any substance which is intended to be used for the prevention, cure, or mitigation of disease is a drug, and a product containing saccharin and plainly labeled to show that the mixture is intended for the use of those persons who, on account of disease, must abstain from the use of sugar, falls within the class of drugs * * *." This statement by a board of scientific advisors indicates that, even as early as 1912, saccharin was recognized as a drug when offered for sale for use by persons with a medical need to limit nutritive sweeteners in their diets.

The United States Pharmacopoeia has recognized saccharin as a pharmaceutical aid since at least 1926. The current edition of the National Formulary recognizes saccharin calcium, saccharin sodium, and saccharin sodium tablets. By

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virtue of the recognition of those products in the official compendia, and depending on their labeling, they may fall within the definition of "drug" in section 201(g) of the act (21 U.S.C. 321(g)).

Saccharin was reviewed in the mid-1950's under the new drug provisions of the act as an active ingredient of a new drug product in combination with a cyclamate salt, but the new drug application for this product is no longer approved. In addition, as recently as August 27, 1975 (40 FR 38179), FDA published an amended notice requesting data and information on saccharin for review by its OTC Miscellaneous Internal Products Panel. This publication was a part of the agency's ongoing review of OTC drug products for human use currently marketed in the United States. Saccharin was included in the listing of ingredients under the product categories of sweeteners and weight control products. The Commissioner notes, however, that in response to the August 27, 1975 notice, no submissions of any type were made for any product containing saccharin as an active ingredient. The Bureau of Drugs of FDA thus has no request before it at the present time from any manufacturer to market saccharin either OTC or by prescription, under the OTC review or as a new drug.

Although single-ingredient tabletop sweeteners containing saccharin in the form of tablets, liquids, or powders have been subject to regulation as foods, the Commissioner believes that such products may be considered as drugs, depending upon the claims made for them. The essential criterion for determining whether a product is a drug is whether it meets the definition in section 201(g)(1)(B) and (C) of the act, as "articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of a disease in man or other animals," and "articles (other than food) intended to affect the structure or any function of the body of man or other animals."

Once determined to be a drug, a product must meet the standards of the drug provisions of the act, among them the safety and effectiveness requirements of either section 201(p) or 505. Section 201(p) states that a drug is a new drug if it is "not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling thereof." If a new drug, the law requires among other things "substantial evidence that [it] will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the proposed labeling thereof" (21 U.S.C. 355(d)(5)). Such substantial evidence means "evidence consisting of adequate and well-controlled investigations, including clinical investigations, by experts qualified by scientific training and experience to evaluate the effectiveness of the drug involved, on the basis of which it could fairly and responsibly be concluded by such experts that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling or proposed labeling thereof" (21 U.S.C. 355(d)(6)).

Finally, if a drug is otherwise marketable, the Commissioner must determine whether it should be considered as a prescription or OTC drug. The applicable standard (21 U.S.C. 353(b)(1)(B)) requires that a drug must be dispensed by prescription if, "because of its toxicity or other potentiality for harmful effect, or the method of its use, or the collateral measures necessary to its use, [it] is not safe for use except under the supervision of a practitioner licensed by law to administer such drug."

The Commissioner recognizes that saccharin is the only product available on the market for use as a nonnutritive sweetener and that such use may be important to the proper dietary management of individuals who must control their intake of nutritive sweeteners. These include individuals with conditions such as diabetes, obesity, reactive hypoglycemia, and carbohydrate-induced hyperlipemia. Whether such use is properly construed as a drug use under the law depends upon the claims made by the manufacturer and is reasonably open to debate. The Commissioner is prepared to consider the possibility that such single-ingredient sweeteners may be marketable as drugs, even if the same formula might not be approvable as a food additive. The Commissioner believes, however, that the proper context for considering such a use under the drug laws is in reviewing new drug applications for individual products.

In reaching this tentative conclusion, the Commissioner has specifically excluded the possibility of reviewing the matter further as part of the OTC review. This review is fundamentally intended to identify those conditions under which specific ingredients can be generally recognized as safe and effective for OTC use within the meaning of section 201(p) of the act. There is no realistic prospect, however, that such a determination can be made for saccharin as a drug. Saccharin has no history of marketing in the United States as a drug approved for effectiveness under the Drug Amendments of 1962; general recognition of effectiveness under these conditions would seem to be precluded, even though effectiveness vel non may be demonstrated. Similarly, the Canadian study represents new evidence reflecting on the safety of the product which the Commissioner considers sufficient to remove it from the market as an approved food additive. In the face of this new evidence, general recognition of safety does not appear to be a reasonable possibility. For these reasons, the Commissioner concludes that saccharin is not a suitable ingredient for review by the Miscellaneous Internal Products Panel of the OTC Review, and the call of August 27, 1975 for submission of information on sweeteners to this panel is hereby rescinded.

The Commissioner believes that the new drug application is a more appropriate mechanism for considering the issues related to the marketability of saccharin-containing sweeteners for use by individuals who for medical reasons must limit their intake of nutritive sweeteners. He therefore invites comment on a proposal to add a new § 310.514(b) to the regulations which would permit the submission of new drug applications for such products. This authorization would be limited to consideration of tabletop sweeteners in packaging appropriate for use by individual patients. The agency will not entertain under this proposal new drug applications for any products that are clearly foods sweetened with saccharin, e.g., diet soft drinks, canned fruits, etc.

The proposed regulation requires that any manufacturer wishing to ship a single-active-ingredient sweetener containing saccharin in interstate commerce would have to meet the following conditions after publication of the final regulations:

1. Within 180 days, submit a new drug application for the product, meeting the requirements of § 314.1 of the regulations.

2. Within 120 days, label the product with the following interim indications statement: "For use as a noncaloric sweetener when a sugar-restricted diet is medically indicated, as in patients with diabetes" and with a warning statement concerning the risk of cancer. The Commissioner proposes the following warning statement, and solicits additional suggestions: "Warning: Saccharin causes bladder cancer in animals. Use of saccharin may increase your risk of cancer."

Any manufacturer not meeting these conditions would be subject to regulatory action.

The Commissioner proposes that those manufacturers whose products meet the requirements of this section will be permitted to market their products while their new drug applications are under review. Such marketing is permitted for a marketed drug which is newly declared as a new drug provided the Commissioner determines it is or may be medically necessary (*Hoffman-LaRoche, Inc. v. Weinberger*, 425 F. Supp. 890 (D.D.C. 1975)). The Commissioner has determined that the continued marketing of saccharin as a single-ingredient drug meets this criterion, at least for purposes of permitting further consideration of the data and information in new drug applications, since saccharin is the only remaining sweetener on the market for patients on sugar-restricted diets.

The foregoing determinations should in no way be construed as committing the Commissioner to approve any new drug applications submitted either for the interim indication proposed or any other indication. Approval will depend on whether the products as labeled meet the definition of a drug and whether the evidence presented in these applications meets the criteria for approval set forth in the statute and in the regulations.

The Commissioner tentatively concludes that, if saccharin-containing sweeteners are labeled as drugs and if they are deemed to be otherwise approvable under the new drug provisions of the act, they may be marketed OTC. This conclusion is based on the lack of toxicity (other than risk of cancer, for which it will be labeled), the lack of other collateral measures necessary for its safe use, which would require a prescription, and the long history of safe OTC use of the product without a physician's prescription. The Commissioner invites comments on this tentative conclusion.

III. Use of Saccharin as a Cosmetic Ingredient

Saccharin is currently used as an ingredient in a number of cosmetic products, principally to affect taste. Many of these products, such as dentifrices (toothpastes) and mouthwashes, as well as lipsticks, are likely to be ingested under normal conditions of use. Although the risk of exposure to significant amounts of saccharin from any of these products may not be large, the use of saccharin affords no benefit sufficient to warrant the acceptance of any increased risk. The Commissioner therefore proposes to determine that the use of saccharin in any cosmetic product that is likely to be ingested and which is manufactured more than 30 days after the date of publication of a final regulation will result in the product being deemed to be adulterated under section 601(a) of the act (21 U.S.C. 361(a)).

IV. Use of Saccharin in Standardized Foods

Saccharin is listed as a mandatory ingredient in nine standards of identity for artificially sweetened fruit products. In addition two standards, 21 CFR 146.111 and 146.121 (formerly 21 CFR 27.128 and 27.103, prior to recodification published in the Federal Register of March 15, 1977 (42 FR 14302)) list as a mandatory ingredient "one or more of the artificial sweetening ingredients listed in and complying with Parts 170 through 129 of this chapter."

The Commissioner proposes to amend those standards of identity for artificially sweetened fruit products that require saccharin to be used as the artificial sweetener by deleting the reference to saccharin and replacing it with more general language requiring the use of "one or more of the artificial sweeteners listed in and complying with Parts 170 and 189" of Chapter I of Title 21 of the Code of Federal Regulations.

When the ban on saccharin as a food additive takes effect, the marketing of the foods covered by the 11 standards will be unlawful. The Commissioner has opted to amend the standards rather than revoke them to conserve agency resources.

If the standards were revoked and an artificial sweetener was subsequently approved for use by FDA, the process of establishing standards for artificially sweetened fruit products would have to begin anew. By keeping the standards on the books, the Commissioner will avoid unnecessarily expending scarce agency resources. The Commissioner emphasizes, however, that his election of the amendment approach rather than revocation should not be taken to be an implied prediction that FDA will soon approve another artificial sweetener as a replacement for saccharin. The amendments are being proposed as a matter of administrative convenience, not as a harbinger of future approval of any artificial sweetener.

V. Use of Saccharin in Animal Drugs and Animal Feed

The use of saccharin as an ingredient in animal drugs or animal feed for food-producing animals requires a demonstration that no residue will be found in food from the edible products derived from those animals, either by an assay designated in accordance with the provisos to the anticancer clauses of the act (sections 409(c)(3)(A), 512(d)(1)(H), and 706(b)(5)(B)) if it is a carcinogen, or by an assay designated under sections 409(b)(2)(D), 512(b)(7), and 706(b)(5)(A)(iv), in accordance with the general safety provisions of the act. No such assay has been submitted, nor, to the knowledge of the Commissioner, does such an assay exist. Accordingly, the Commissioner proposes to ban saccharin for all uses in food-producing animals.

Since saccharin is also an ingredient in some animal drugs and feeds intended for use in non-food-producing animals, the Commissioner proposes to disapprove this use as well. Saccharin provides no therapeutic benefit to animals and has not been shown to provide any overriding benefit to a measurable animal treatment population. For these reasons, the Commissioner concludes that any risks to animals from the use of saccharin in such drugs outweigh any theoretical benefit alleged from its continued use.

VI. Compliance Policy

An important aspect of this proposal is, quite obviously, the compliance policy that FDA intends to adopt as part of the final regulations on saccharin. Matters of interest to consumers and manufacturers and users of saccharin alike are: When will the ban take effect? Will it apply to manufacture or shipment of saccharin containing foods? Is a recall contemplated? When must new drug applications be submitted? This section summarizes FDA's intended compliance policy when final regulations are issued.

A. Saccharin Used in Food

Under section 409(e) of the act (21 U.S.C. 348(e)), the final regulation revoking the interim food additive regulation for saccharin (21 CFR 180.37) shall be effective on publication in the Federal Register. The Commissioner intends, in the final regulation, to prohibit the addition of saccharin to any food (e.g., soft drinks) after the effective date of the final regulation. Foods that have been fully processed and packaged for sale to consumer or institutions on the effective date of the final regulation would be permitted to be sold. The addition of saccharin in the manufacture of food, further processing, or repacking, after the effective date of the final regulation will cause such products to be adulterated within the meaning of the act and subject to regulatory action.

B. Saccharin Used in Human Drugs

When a final regulation is issued, holders of approved new drug applications for a drug product containing saccharin as an inactive ingredient and sponsors of IND notices for a drug product containing saccharin as an ingredient will have 9 months to file a supplemental application (NDA) or amendment (IND notice) to revise the formulation removing saccharin an an ingredient. Similar requirements are proposed for antibiotic drug products.

Petitions may be submitted to FDA requesting that a specific use of saccharin as an inactive ingredient be permitted. Such a petition must include the information specified in section II.B. of this preamble.

Manufacture of any drug products containing saccharin as an inactive ingredient would be prohibited after 15 months from the date of publication of final regulations in the Federal Register Initial shipment of drug products containing saccharin as an inactive ingredient would be prohibited 18 months after the date of publication of final regulation in the Federal Register.

This proposal invites comment on the appropriateness of permitting the marketing of saccharin as a single-ingredient drug for use by persons who must restrict their intake of sugar, available without a physician's prescription. If the final regulation should permit such marketing, any manufacturer wishing to ship in interstate commerce a saccharin-containing tabletop sweetener would, within 180 days after the date of publication of the final regulation, have to submit a new drug application for the product and comply with the other requirements set forth in proposed § 310.514.

Tabletop sweeteners currently being marketed would be permitted to continue to be marketed as over-the-counter drugs, pending review and action on the new drug applications. The Commissioner cautions against substantial changes in the packaging format of saccharin as a single-ingredient product during this period. Within 120 days after publication of the final regulation, however, those products would have to be labeled with the statements prescribed in § 310.514(b)(2).

C. Saccharin Used in Cosmetics

A final regulation prohibiting the use of saccharin in cosmetics that are likely to be ingested will be effective 30 days after publication of a final regulation in the Federal Register. The addition of saccharin to cosmetics that are likely to be ingested after the effective date of a final regulation would be prohibited. Cosmetics containing saccharin that are already on the market and those prod-

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ucts that are fully processed and packaged for sale to consumers or institutions before the final regulation takes effect will be permitted to be sold. The prohibition on saccharin in cosmetics does not apply to products that are not likely to be ingested (e.g., hair tonics).

D. SACCHARIN USED IN ANIMAL DRUGS AND FEED

The final regulation prohibiting the use of saccharin in animal feed will be effective on publication in the FEDERAL REGISTER. The Commissioner intends, in the final regulation, to prohibit the addition of saccharin to any animal feed after the effective date of the regulation.

The final regulation prohibiting the use of saccharin in animal drugs will be effective 30 days after publication in the FEDERAL REGISTER. After the effective date, it will be unlawful to manufacture an animal drug containing saccharin. Holders of approved new animal drug applications for products that contain saccharin as an inactive ingredient will be required to file a supplemental application within 9 months of publication of final regulations.

E. RECALL OF SACCHARIN-CONTAINING PRODUCTS

The Commissioner has concluded that the protection of the public health does not require the recall from the market of food, drugs (human and animal), animal feed, and cosmetics that contain saccharin or the destruction of products that are fully processed and packaged for sale to consumers or institutions when a final regulation is issued. Thus, at this time, no recall is contemplated and products that contain saccharin on the market or fully processed and packaged for sale to consumers or institutions when a final regulation is issued would be permitted to be sold.

As discussed earlier in this preamble, the Commissioner believes that prolonged consumption of saccharin in ordinary foods, such as soft drinks, and exposure to saccharin from other products (i.e., drugs, animal drugs and feed, and cosmetics) poses a significant risk of cancer and should not be permitted in the future. However, the potential risk of human cancer from saccharin is cumulative; though significant, it is not immediate in the sense that the exposure of consumers to saccharin must be halted at once. The relatively short period of time in which products containing saccharin already on the market will be sold, does not, in the Commissioner's judgment, significantly threaten the public health.

The Commissioner emphasizes, however, that there is a significant potential risk of cancer from prolonged consumption of saccharin. His judgment is that a recall—with all the attendant costs to the industry and consumers—is not required to protect the public health; but this judgment should not be construed as reflecting a lack of concern about the cumulative risk associated with the routine consumption of saccharin by the general population.

All FDA regulations concerning human food were reorganized under Subchapter B—Food for Human Consumption, published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302). For the convenience of the reader, the following table lists the former designation of the sections in recodified Subchapter B which would be amended by this proposal.

New section:	Old section
145.116	27.14
145.126	27.84
145.131	27.73
145.136	27.43
145.171	27.6
145.176	27.24
145.181	27.57
146.111	27.128
146.121	27.103
150.141	29.4
150.161	29.5
172.135	121.1056
172.820	121.1185
180.37	121.4001
189.185	121.106(d)

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. A copy of the environmental impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

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Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 301, 401, 402, 409, 502, 505, 512, 601(a), 701 (a) and (e), 52 Stat. 1042–1043 as amended, 1046–1047 as amended, 1050–1055 as amended, 70 Stat. 919, 72 Stat. 1784–1788 as amended, 82 Stat. 343–351 (21 U.S.C. 321(s), 331, 341, 342, 348, 352, 355, 360b, 361(a), 371 (a) and (e))) and under authority delegated to the Commissioner (21 CFR 5.1), it is proposed that Chapter I of Title 21 of the Code of Federal Regulations be amended as follows:

PART 145—CANNED FRUITS

1. In Part 145:

a. By revising § 145.116(a) to read as follows:

§ 145.116 Artificially sweetened canned apricots.

(a) Artificially sweetened canned apricots is the food which conforms to the definition and standard of identity prescribed for canned apricots by § 145.115(a), except that in lieu of a packing medium specified in § 145.115(a)(3), the packing medium used is water sweetened with one or more of the artificial sweeteners listed in and complying with Parts 170 through 189 of this chapter. Such packing medium may be thickened with pectin and may contain any mixture of any edible organic salt or salts and any edible organic acid or acids as a flavor-enhancing agent, in a quantity not more than is reasonably required for that purpose.

• • • • •

b. By revising § 145.126(a) to read as follows:

§ 145.126 Artificially sweetened canned cherries.

(a) Artificially sweetened canned cherries is the food which conforms to the definition and standard of identity prescribed for canned cherries by § 145.125(a), except that in lieu of a packing medium specified in § 145.125(a)(3), the packing medium used is water sweetened with one or more of the artificial sweeteners listed in and complying with Parts 170 through 189 of this chapter. Such packing medium may be thickened with pectin and may contain any mixture of any edible organic salt or salts and any edible organic acid or acids as a flavor-enhancing agent, in a quantity not more than is reasonably required for that purpose.

• • • • •

c. By revising § 145.131(a) to read as follows:

§ 145.131 Artificially sweetened canned figs.

(a) Artificially sweetened canned figs is the food which conforms to the definition and standard of identity prescribed for canned figs by § 145.130, except that in lieu of a packing medium specified in § 145.130(c), the packing medium used is water sweetened with one or more of the artificial sweeteners listed in and complying with Parts 170 through 189 of this chapter. Such packing medium may be thickened with pectin and may contain any mixture of any edible organic salt or salts and any edible organic acid or acids as a flavor-enhancing agent, in a quantity not more than is reasonably required for that purpose.

• • • • •

e. By revising § 145.171(a) to read as follows:

§ 145.171 Artificially sweetened canned peaches.

(a) Artificially sweetened canned peaches is the food which conforms to the definition and standard of identity prescribed for canned peaches by § 145.170(a), except that in lieu of a packing medium specified in § 145.170(a)(3), the packing medium used is water sweetened with one or more of the artificial sweeteners listed in and complying with Parts 170 through 189 of this chapter. Such packing medium may be thickened with pectin and may contain any mixture of any edible organic salt or salts and any edible organic acid or acids as a flavor-enhancing agent, in a quantity not more than is reasonably required for that purpose.

• • • • •

f. By revising § 145.176(a) to read as follows:

§ 145.176 Artificially sweetened canned pears.

(a) Artificially sweetened canned pears is the food which conforms to the definition and standard of identity prescribed for canned pears by § 145.175(a) except that in lieu of a packing medium specified in § 145.175(a)(3), the packing medium used is water sweetened with one or more of the artificial sweeteners listed in and complying with Parts 170 through 189 of this chapter. Such packing medium may be thickened with pectin and may contain any mixture of any edible organic salt or salts and any edible organic acid or acids as a flavor-enhancing agent, in a quantity not more than is reasonably required for that purpose.

• • • • •

g. By revising § 145.181(a) to read as follows:

§ 145.181 Artificially sweetened canned pineapple.

(a) Artificially sweetened canned pineapple is the food that conforms to the definition and standard of identity prescribed for canned pineapple by § 145.180(a), except that in lieu of a packing medium specified in § 145.180(a)(2), the packing medium used is water sweetened with one or more of the artificial sweeteners listed in and complying with Parts 170 through 189 of this chapter. Such packing medium may be thickened with pectin.

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PART 150—FRUIT BUTTERS JELLIES, PRESERVES, AND RELATED PRODUS

2. In Part 150:

a. By revising § 150.141(c) to read as follows:

§ 150.141 Artificially sweetened fruit jelly.

• • • • •

(c) The artificial sweetening ingredients referred to in paragraph (a) of this section are one or more of the artificial sweeteners listed in and complying with Parts 170 through 189 of this chapter.

• • • • •

b. By revising § 150.161(c) to read as follows:

§ 150.161 Artificially sweetened fruit preserves and jams.

• • • • •

(c) The artificial sweetening ingredients referred to in paragraph (a) of this section are one or more of the artificial sweeteners listed in and complying with Parts 170 through 189 of this chapter.

• • • • •

PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN CONSUMPTION

3. In Part 172:

§ 172.135 [Amended]

a. By amending § 172.134 Disodium EDTA by deleting paragraph (b)(3).

b. By amending § 172.812 by revising paragraphs (b) and (c) to read as follows:

§ 172.812 Glycine.

• • • • •

(b) The additive is used or intended for use as a stabilizer in mono- and diglycerides prepared by the glycerolysis of edible fats or oils in an amount not to exceed 0.02 percent of the mono- and digylcerides.

(c) To assure safe use of the additive, in addition to the other information required by the act, the labeling of the additive shall bear adequate directions for the use of the additive in compliance with the provisions of this section.

§ 172.820 [Amended]

c. By amending § 172.820 Polyethylene glycol (mean molecular weight 200–9,500), by deleting and reserving paragraph (c)(2).

PART 180—FOOD ADDITIVES PERMITTED IN FOOD ON AN INTERIM BASIS

§ 180.37 [Revoked]

4. In Part 180, by revoking § 180.37 Saccharin, ammonium saccharin, calcium saccharin, and sodium saccharin, which had permitted saccharin and its salts in food on an interim basis pending additional study.

PART 189—SUBSTANCES PROHIBITED FROM USE IN HUMAN FOOD

5. In Part 189, by adding new § 189.185 to read as follows:

§ 189.185 Saccharin and its salts.

(a) The food additive saccharin is the chemical, 1,2-benzisothiazolin-3-one-1,1-dioxide ($C_7H_5NO_3S$). Ammonium saccharin, calcium saccharin, and sodium saccharin are produced by the additional neutralization of saccharin with the proper base to yield the desired salt. Saccharin and the named salts have been used as sweetening agents in food.

(b) Food containing any added saccharin or saccharin salt is deemed to be adulterated in violation of the act.

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PART 310—NEW DRUGS

6. In Part 310, by adding new § 310.514 to read as follows:

§ 310.514 Saccharin; use as an ingredient in drug products.

(a) Saccharin has been used for many years as a flavoring agent in drug products, such as pediatric liquid oral preparations, cough sirups, chewable tablets, and toothpaste with medical claims. Saccharin has also been used in the management or mitigation diabetes and other conditions in which the available carbohydrate and/or calories of a patient must be controlled. Information now available demonstrates that saccharin causes malignant bladder tumors in test animals and therefore has a potential for causing cancer in humans. The potential risk in humans outweighs the benefits of nontherapeutic use of saccharin. On the basis of this new evidence, saccharin has not been shown to be safe for use as an inactive drugs ingredient, with certain exceptions as provided for in paragraph (f) of this section.

(b)(1) Any drug product that contains saccharin, or one of its salts, as a single-active-ingredient product in liquid, tablet or powder form for use as a tabletop sweetener is a new drug within the meaning of seciton 201(p) of the act and requires an approved new drug application for marketing.

(2) Such products currently being marketed may remain on the market as over-the-counter products: *Provided*, (i) A new drug application complying with the requirements of § 314.1 of this chapter, is submitted within 180 days of the date of publication of a final regulation; (ii) All products labeled after (120 days after date of publication of a final regulation) shall have the following statements displayed prominently on the principal display panel and on any other labeling, unless revised upon approval of the new drug application:

(A) "For use as a noncaloric sweetener when a sugar-restricted diet is medically indicated, as in patients with diabetes."

(B) "Warning: Saccharin causes bladder cancer in animals. Use of saccharin may increase your risk of cancer."

(C) Any drug product that contains saccharin as an inactive ingredient is a new drug within the meaning of section 20(p) of the act and is misbranded and subject to regulatory action under sections 301, 502, and 505 of the act.

(D) Any holder of an approved new drug application for a drug product containing saccharin as an inactive ingredient shall submit to the Food and Drug Administration on or before (9 months after date of publication of final regulation) a supplemental application providing for a revised formulation removing saccharin as an ingredient.

(1) The supplemental application shall contain:

(i) A full list of articles used as components and a full statement of the composition of the drug product.

(ii) Data showing that the change in composition does not interfere with any assay or other control procedures used in manufacturing the drug product, or that the assay and other control procedures are revised to make them adequate.

(iii) Data to establish that the stability of the product is not adversely affected by the revised formulation. If the data are too limited to support a conclusion that the drug will retain its declared potency for a reasonable marketing period, a commitment from the applicant:

(A) To test the stability of marketed batches at reasonable intervals;

(B) To submit the data as they become available; and

(C) To recall from the market any batch found to fall outside the approved specifications for the drug.

(2) The revised formulation shall not be marketed before the receipt of written notice of approval of the supplement by the Food and Drug Administration.

(e) Any sponsor of a "Notice of Claimed Investigational Exemption for a New Drug" (IND) for a drug product containing saccharin as an inactive ingredient shall amend the IND notice before (9 months after date of publication of final regulation) to provide for a revised formulation removing saccharin as an ingredient.

(f) If the holder of an approved new drug application or sponsor of an IND notice fails to comply with the provisions of paragraph (d) or (e) of this section, the Commissioner will initiate action to withdraw approval of the application or terminate the IND notice in accordance with the applicable provisions of section 505 of the act and Parts 312 and 314 of this chapter.

(g) Any person may file a petition in accordance with Part 10 of this chapter to amend paragraph (c) of this section to specify a use of saccharin in a drug product as not being subject to the misbranding provisions of that paragraph. The petition must be supported by the following information:

(1) The amount of saccharin contained in each dose of the drug;

(2) An adequate showing that there are not technically feasible alternatives to the use of saccharin in the drug product, or an adequate showing that the drug product provides a substantial health benefit or other public benefit that would not be available without the use of saccharin; and

(3) A copy of the proposed labeling clearly specifying the saccharin content and its intended use.

PART 430—ANTIBIOTIC DRUGS; GENERAL

7. In Part 430, by adding new Subpart F—Ingredients No longer Shown To Be Safe, consisting at this time of § 430.300, to read as follows:

Subpart F—Ingredients No Longer Shown To Be Safe

§ 430.300 Saccharin; use as an ingredient in antibiotic drug products.

(a) Saccharin has been used for many years as a flavoring agent in drug products, such as pediatric liquid oral preparations, cough sirups, chewable tablets, and toothpaste with medical claims. Saccharin has also been used in the management or mitigation of diabetes and other conditions in which the available carbohydrate and/or calories of a patient must be controlled. Information now available demonstrates that saccharin causes malignant bladder tumors in test animals and has a potential for causing cancer in humans. The potential risk in humans outweighs the benefits of nontherapeutic use of saccharin. On the basis of this new evidence, saccharin has not been shown to be safe for use as an inactive drug ingredient, with certain exceptions as provided for in paragraph (e) of this section.

(b) (1) Any manufacturer or other person who holds an approved antibiotic drug file providing for a product that contains saccharin shall sumbit an amendment on or before (9 months after date of publication of final regulation) providing for a revised formulation removing saccharin as an ingredient.

(2) The amendment shall contain:

(i) A full list of articles used as components and a full statement of the composition of the drug product.

(ii) Data showing that the change in composition does not interfere with any assay or other control procedures used in manufacturing the drug product, or that the assay and other control procedures are revised to make them adequate.

(iii) Data to establish that the stability of the product is not adversely affected by the revised formulation. If the data are too limited to support a conclusion that the drug will retain its declared potency for the period allowed by the expiration date, a commitment from the applicant:

(A) To test the stability of marketed batches at reasonable intervals;

(B) To submit the data as they become available; and

(C) To recall from the market any batch found to fall outside the approved specifications for the drug.

(c) No batch of antibiotic drug product containing saccharin as an ingredient will be certified or released after (18 months after date of publication of final regulation).

(d) (1) Any sponsor of a "Notice of Claimed Investigational Exemption for a New Drug" (IND) for a drug product containing saccharin as an ingredient shall amend the IND notice before (9 months after date of publication of final regulation) to provide for a revised formulation removing saccharin as an ingredient.

(2) If the sponsor of an IND notice fails to comply with the provisions of paragraph (d)(1) of this section, the Commissioner will initiate action to terminate the IND notice in accordance with the applicable provisions of section 507 of the act and Parts 312 and 433 of this chapter.

(e) Any person may file a petition in accordance with Part 10 of this chapter to amend paragraph (c) of this section to specify a use of saccharin in a drug product which justifies certification or release of the product. The petition must be supported by the following information:

(1) The amount of saccharin contained in each dose of the drug;

(2) An adequate showing that there are no technically feasible alternatives to the use of saccharin in the drug product, or an adequate showing that the drug product provides a substantial health benefit or other public benefit that would not be available without the use of saccharin; and

(3) A copy of the proposed labeling clearly specifying the saccharin content and its intended use.

PART 510—NEW ANIMAL DRUGS

8. In Part 510, by adding new § 510.414, to read as follows:

§ 510.414 Saccharin.

(a) There are no approved or documented uses of saccharin as an ingredient in animal drugs intended for use in food-producing animals. Information now available demonstrates that saccharin causes malignant bladder tumors in test animals and therefore has a potential for causing cancer in humans. In food-producing animals, the use of saccharin as an ingredient in animal drugs or animal feed requires a demonstration that no residue will be found in food from the edible products derived from those animals, either by an assay designated in accordance with the provisos to the anticancer clauses of the act if it is a carcinogen, or by an assay designated in accordance with the general safety provisions of the act. No such assay has been submitted, nor, to the knowledge of the Commissioner, does such an assay exist. On the basis of this evidence, saccharin has not been shown to be safe for use as an inactive ingredient in animal drugs intended for use in food-producing animals.

(b) Saccharin has been used as an ingredient in some animal drugs intended for use in non-food-producing animals. Saccharin provides no therapeutic benefit to animals and has not been shown to provide any overriding benefit to a measurable animal treatment population. For these reasons, the Commissioner concludes that any risks to animals from the use of saccharin in such drugs outweigh any theoretical benefit alleged from its continued use. Accordingly, on the basis of the new evidence, saccharin has not been shown to be safe for use as an active or inactive ingredient in animal drugs intended for use in non-food-producing animals.

(c) Any drug product that contains saccharin as an inactive ingredient is a new animal drug within the meaning of section 201(w) of the act, and is unlawful and subject to regulatory action under sections 301 and 512 of the act.

(d) Any holder of an approved new animal drug application for a drug product containing saccharin as an inactive ingredient shall submit to the Food and Drug Administration on or before (9 months after date of publication of final regulation) a supplemental application providing for a revised formulation removing saccharin as an ingredient.

(e) If the holder of an approved new animal drug application fails to comply with the provisions of paragraph (d) of this section, the Commissioner will initiate action to withdraw approval of the application in accordance with the applicable provisions of section 512 of the act.

PART 589—SUBSTANCES PROHIBITED FROM USE IN FOOD OR FEED FOR ANIMALS OTHER THAN MAN

9. By adding a new Part 589, consisting at this time of § 589.185, to read as follows:

§ 589.185 Saccharin and its salts.

(a) The food additive saccharin is the chemical, 1,2-benzisothiazolin-3-one-1,1-dioxide ($C_7H_5NO_3S$). Ammonium saccharin, calcium saccharin, and sodium saccharin are produced by the additional neutralization of .saccharin with the proper base to yield the desired salt. Saccharin and the named salts have been used as sweetening agents in human food and may have been used as a sweetening agent in food or feed for animals other than man.

(b) Information now available demonstrates that saccharin causes malignant bladder tumors in test animals and therefore has a potential for causing cancer in humans. For this reason it has not been shown to be safe for use in food or feed for animals other than man. In food-producing animals, the use of saccharin as an ingredient in animal feed requires a demonstration that no residue will be found in food from the edible products derived from those animals, either by an assay designated in accordance with the provisos to the anticancer clauses of the act if it is a carcinogen, or by an assay designated in accordance with the general safety provisions of the act. No such assay has been submitted, nor, to the knowledge of the Commissioner, does such an assay exist.

(c) Food or feed for animals other than man containing any added saccharin or saccharin salt is deemed to be adulterated in violation of the act.

PART 700—GENERAL

10. In Part 700, by adding a new § 700.22, to read as follows:

§ 700.22 Use of saccharin as an ingredient in cosmetic products.

(a) Saccharin and its salts have been used as an ingredient in cosmetic products. The ingestion of saccharin has been shown to induce cancer of the bladder in rats. The Commissioner concludes that, on the basis of these findings, saccharin is a deleterious substance that may render injurious to users any cosmetic product that contains saccharin or a saccharin salt as an ingredient and is likely to be ingested under normal conditions of use.

(b) Any cosmetic product containing saccharin or a saccharin salt as an ingredient that is likely to be ingested is deemed to be adulterated and is subject to regulatory action under sections 301 and 601(a) of the Federal Food, Drug, and Cosmetic Act.

Interested persons may, on or before June 14, 1977, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, Md. 20857, written comments (preferably in quadruplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. The envelope containing the comment(s) should be prominently marked "SACCHARIN." Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

NOTE.—The Food and Drug Administration has determined that this document contains a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A–107 and certifies that an inflation impact statement has been prepared. A copy of the inflation impact statement is on file with the Hearing Clerk, Food and Drug Administration.

Dated: April 12, 1977.

DONALD KENNEDY,
Commissioner of Food and Drugs.

[FR Doc.77–11139 Filed 4–14–77;8:45 am]

[21 CFR Parts 145, 150, 172, 180, 189, 310, 430, 510, 589 and 700]

[Doc. No. 77N–0065]

SACCHARIN AND ITS SALTS

Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice of Public Hearing.

SUMMARY: The Commissioner of Food and Drugs announces that a public hearing will be held on May 18 and 19, 1977 to receive information and views from interested persons on the proposed regulations regarding saccharin published elsewhere in this issue of the FEDERAL REGISTER.

DATES: The public hearing will be held on May 18 and 19, 1977 at 9 a.m. A written notice of participation must be filed by May 9, 1977.

ADDRESSES: Written notices of participation should be sent to the Hearing Clerk (HFC–20), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Mr. Ted Herman, Compliance Regulations Policy Staff (HFC–10), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857 (301–443–3480).

SUPPLEMENTARY INFORMATION: Elsewhere in this issue of the FEDERAL REGISTER, the Commissioner is proposing to revoke the interim food additive regu-

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lation, 21 CFR 180.37 (formerly 21 CFR 121.4001, prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) under which saccharin and its salts (saccharin) are currently permitted as ingredients in prepackaged food such as soft drinks, and as tabletop nonnutritive sweeteners. The Commissioner is also proposing to accept and promptly review new drug applications for the marketing of saccharin as a single-ingredient drug, available without a physician's prescription. The Commissioner is also proposing to prohibit the use of saccharin in cosmetics that are likely to be ingested, to amend the standards of identity that provide for the use of saccharin, and to prohibit the use of saccharin in animal drugs and animal feed. Comments on the proposal may be submitted until June 14, 1977. Because of the broad public interest in and concern about saccharin, the Commissioner has determined that, in addition to the normal 60-day comment period for receipt of written comments, an informal public hearing should be held regarding the proposal. The purpose of the informal hearing is to provide an open forum for the presentation of information and views concerning all aspects of the proposal by interested persons, be they consumers, scientists, or representatives of manufacturers of regulated products.

In preparing a final regulation, the Commissioner will consider the administrative record of this hearing along with all other written comments received during the comment period specified in the proposal.

The hearing will be held on May 18 and 19, 1977 in the auditorium located on the first floor in the HEW North Building, 330 Independence Ave. SW., Washington, DC 20201. The hearing will begin at 9 a.m. each day. The presiding officer will be Dr. Donald Kennedy, Commissioner of Food and Drugs.

A written notice of participation must be filed pursuant to 21 CFR 12.45 (formerly 21 CFR 2.131 prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)) with the Hearing Clerk (HFC–20), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857 not later than May 9, 1977. The envelope containing the notice of participation should be prominently marked "Saccharin Hearing." The notice of participation itself must contain the Hearing Clerk Docket No. 77N–0085, the name, address, and telephone number of the person desiring to make a statement, along with any business affiliation, a summary of the scope of the presentation, and the approximate amount of time being requested for the presentation. A schedule for the hearing will be mailed to each person who files a notice of participation; the schedule will also be available from the FDA Hearing Clerk. Individuals and organizations with common interests are urged to consolidate or coordinate their presentations.

In the event that the responses to this notice of hearing are so numerous that insufficient time is available to accommodate the full amount of time requested in the notices of participation received, the Commissioner will allocate the available time among the persons making the oral presentation to be used as they wish. Formal written statements (preferably in quadruplicate) may be presented to the presiding officer on May 18 and 19 for inclusion in the administrative record.

The hearing will be open to the public. Any interested person who files a written notice of participation may be heard with respect to matters relevant to the issues under consideration.

Dated: April 12, 1977.

DONALD KENNEDY,
Commissioner of Food and Drugs.

[FR Doc.77–11138 Filed 4–14–77;8:45 am]

federal register

FRIDAY, APRIL 15, 1977

PART IV

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

FEDERAL ENERGY ADMINISTRATION

ENERGY AUDIT PROCEDURES

Proposed Rules and Public Hearings

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FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 450]

ENERGY AUDITS

Proposed Procedures

AGENCY: Federal Energy Administration.

ACTION: Notice of Proposed Rulemaking and Public Hearings for Energy Audits.

SUMMARY: FEA proposes to designate, by rule, the types of, and requirements for, energy audits, as required by the Energy Conservation and Production Act. The proposal also includes certain criteria and projections of future energy prices which FEA would use to identify energy conservation measures and renewable-resource energy measures. The intended effect of this solicitation of views and data is to provide FEA with information relevant to the development of final regulations on the types of, and requirements for, energy audits.

DATES: Comments by May 13, 1977, 4:30 p.m., e.d.t.; requests to speak at National hearing by April 25, 1977, 4:30 p.m., e.d.t.; requests to speak at other hearings by the times indicated in Comment Procedures, below.

ADDRESSES: Comments and request to speak at the National hearing to: Executive Communications, Box LQ, Room 3309, Federal Energy Administration, Washington, D.C. 20461.

National hearing shall be held May 10 and, if necessary, May 11, 1977, 9:30 a.m. e.d.t., Room 2105, 2000 M Street N.W., Washington, D.C. 20461.

Regional hearings shall be held at the times and places indicated in Comment Precedures, below.

FOR FURTHER INFORMATION CONTACT:

Mr. Sydney D. Berwager, Federal Energy Administration, National Office, Washington, D.C. 20461. (202) 566-7472.

SUPPLEMENTARY INFORMATION:

I. Introduction.
II. Uses of Energy Audits.
III. Qualifying Conditions.
A. Energy Price Projections.
B. Primary Purpose.
C. Ineligible Fuel Conversion.
IV. Information Audits.
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A. Scope of Reporting Requirements.
B. Purchase and Installation Costs.
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IX. Certification in Verification Audit Report.
X. Comment Procedure.
XI Coordination with Outside Parties, Environmental and Inflationary Review.

I. Introduction

The Federal Energy Administration (FEA) proposes to add a new Part 450 to Chapter II of Title 10, Code of Federal Regulations (CFR), to designate, by rules, types of, and requirements for, energy audits, under Section 432(d), 42 U.S.C. 6325(e)(2) of the Energy Conservation and Production Act (Act), Pub. L. 94-385, 90 Stat. 1125 et seq.

FEA also is including in this part its proposed projections of future energy prices. These projections will be used in calculating the changes in energy costs which will result from installing a particular modification in an existing building or industrial plant. This regulation also includes criteria FEA will use to determine whether the installation of a particular modification meets requirements of the Act for designation as an energy measure.

II. Uses of Energy Audits

The proposed regulation prescribes requirements to accomplish the following purposes—

1. To establish minimum requirements for the type of energy audits to be carried out as part of a supplemental State energy conservation plan, proposed guidelines for which were published in the Federal Register on March 25, 1977 at page 16150 et seq.;

2. To measure the energy and cost savings to be derived from the installation of an energy measure; and

3. To provide a process to identify a modification of a building or industrial plant as an energy measure for purposes of the Act.

FEA at this time is proposing two types of energy audits—information audits for the first purpose and verification audits for the other two purposes. FEA may develop additional types of energy audits at a later date.

III. Qualifying Conditions

Proposed § 450.4 includes criteria FEA will use, in reviewing the results of an energy audit, to determine whether a modification meets certain conditions specified in the Act as necessary for designation as an energy measure.

For designation of a modification as an energy conservation measure or a renewable-resource energy measure, FEA must determine that installation of the modification is likely to reduce energy costs in an amount sufficient to enable a person to recover the total cost of purchasing and installing such modification within its attributed life. The information provided by a verification audit will enable FEA to measure the extent of energy and cost savings and to determine whether these savings are sufficient to meet this cost recovery test.

This proposed section also contains projections of future energy prices which will be used in carrying out verification audits for calculating the changes in energy costs projected to result from installing a particular modification in an existing building or industrial plant.

In addition, for designation as an energy conservation measure, the Act requires that FEA must determine that installation of the modification (1) has as its primary purpose an improvement in the efficiency of energy use and (2) will not result in any conversion from one fuel or source of energy to another which is of a type which FEA determines, in accordance with this part, is ineligible on the basis that such type of conversion is inconsistent with national policy with respect to energy conservation or reduction of imports of fuels. This proposed section sets forth the standards by which FEA will determine whether the primary purpose of a modification is an improvement in energy use efficiency and whether it will result in an ineligible fuel conversion.

A. Energy Price Projections

In accordance with the definitions of energy conservation measure and renewable-resource energy measure in Section 431 of the Act, FEA has provided energy costs reasonably projected over time as Appendix A to this proposed regulation. These take the form of price projections for electricity, liquefied petroleum gas (LPG), natural gas, distillate fuel oil, residual fuel and coal for each of the 10 FEA regions through the year 1991. For price projections for years beyond 1991, 1991 prices will be used. Proposed § 450.4(d) requires that prices be derived by using the projected prices provided in Appendix A, either as shown in Tables 1-20, or by adjusting these prices for a particular user by using prescribed alternate formulas. Proposed § 450.21(c) requires that prices derived in accordance with proposed § 450.4(d) be used for verification audits.

FEA's projected energy prices are developed from the March 30, 1977 Reference Case results of the Project Independence Evaluation System (PIES). PIES is an integrated model of the domestic energy system with explicit representation at the regional level of supplies and costs of petroleum products, gas, and coal; costs of petroleum refining, electricity generation, and energy transportation; and price sensitivity of energy demands. Although new cases are being prepared by FEA, this Reference Case was selected as the currently available future case best reflecting current laws and regulations, thus requiring little conjecture regarding future legislative actions. Specific assumptions under which the Reference Case is prepared are:

1. Real annual growth rate for the Gross National Product (GNP) will average 5.0 percent to 1980, 3.4 percent from 1980 to 1985, and 3.0 percent from 1985 to 1990.

2. Legislation and policies in effect as of November 1976 will continue, including—

(a) Domestic composite crude oil prices will rise at a rate of 10 percent per year

(b) Most of the major conservation programs included in the Energy Policy and Conservation Act of 1975 will be carried out.

(c) FPC Opinion 770, which increased prices of interstate natural gas, will remain in force.

(d) Import oil prices will remain constant in real terms.

The projection techniques have been developed to be used for a number of critical FEA forecasting purposes. These projections are expected to be revised as better information becomes available.

Also proposed are formulas by which individual building and industrial plant owners or operators can adjust the regional average prices to reflect the difference between their actual base year price and the regional average base year price.

FEA is particularly interested in receiving comments on the applicability and implications of these fuel price projections and the price adjustment formulas.

B. Primary Purpose

The Act requires that the "primary purpose" of an energy conservation measure is to be an improvement (characterized in the proposed regulations as the result of a "modification") in efficiency of energy use, as determined by FEA. Proposed § 450.4(a) reflects FEA's determination that if the costs of the purchase and installation of a modification will be recovered by the projected energy cost savings to be attained over the attributed life of such modification, the primary purpose for an energy conservation measure will have been met.

Two other approaches to "primary purpose" were considered and rejected. One approach would be to determine whether the energy cost savings of the modification would comprise some significant proportion of the total cost savings resulting from use of that modification. Such an approach would allow FEA to support modifications for which energy savings were only one of several desirable benefits. However, FEA decided that the determination of any given percentage of total costs would be arbitrary, complex and difficult.

A second alternative approach would be to determine whether energy efficiency is the primary purpose of any given modification on a case-by-case basis. FEA decided that such an approach would provide inadequate guidance to building and industrial plant owners, and would be both time-consuming and costly to implement.

FEA is interested in receiving comments on the feasibility and implications of its approach in proposed § 450.4(a) to determining primary purpose.

C. Ineligible Fuel Conversion

As reflected in proposed § 450.4(b), FEA finds, as required by the Act, that any modification that results in an increase in the consumption of petroleum products, natural gas, or a combination of these, at the building or industrial plant site cannot qualify as an energy conservation measure because it is inconsistent with national policy or with respect to reduction of import of fuels.

Although coal is currently perceived by FEA as a depletable energy resource, a conversion to coal has been determined by FEA to be acceptable since such a conversion would not increase and may reduce the import of fuels.

One alternative considered and rejected would have required that the energy consumption impacts of each modification be traced back to the original fuel source. Under this alternative, end-use electricity consumption would have had to be converted to power plant energy consumption and then analyzed in terms of the fuels (e.g., gas, oil, coal, nuclear fuel) required to generate this electricity. While an analysis of this type would enable FEA to make an ideal determination of the modification's net impact on the consumption of imported fuels, FEA does not feel that sufficient information exists to allow such analysis to be undertaken or reviewed in a technically sound and consistent manner. Accordingly, in general, FEA will judge the fuel conversion impacts of proposed modifications at the point of use on site.

The only exceptions that FEA will review, on a case-by-case basis, are those that involve the installation of dual-purpose power plant equipment as provided in proposed § 450.4(c). In addition to the fact that such modifications have a salutary impact on the efficiency of energy use at the site, the equipment used has by-products, such as process steam or electricity, which in many cases can be used elsewhere and thus can reduce the consumption of imported fuels. Accordingly, the installation of a dual-purpose power plant may qualify as an energy conservation measure even if its installation increases the consumption of petroleum products at the user site. However, FEA will require that the energy audit submitted for case-by-case review of such a modification demonstrate that an off-setting reduction in the consumption of petroleum products occurs at a utility power plant or other location where the useful by-products of the equipment are used.

FEA is particularly interested in receiving comments on its proposed approach in § 450.4(b) to determining ineligible fuel conversions and the practicability of its procedures for assessing dual-purpose power plant equipment on a case-by-case basis as proposed in § 450.4(c).

IV. Information Audits

Proposed subpart B establishes the classes and requirements for the conduct of information audits and the qualifications of persons conducting and the cost of information audits. This subpart establishes the minimum criteria for information audits to be carried out by a State under a supplemental plan eligible for Federal financial assistance. A program for supplemental plans is established under Part B, Title IV of the Act.

On March 25, 1977, FEA published in the Federal Register proposed supplemental State energy conservation plan guidelines, 42 FR 16150. The proposed guidelines pursuant to the Act mandate three program measures, one of which calls for energy conservation efforts by a State to encourage and carry out energy audits. The guidelines provide for the use of three types of information audits—Classes A, B, and C.

Proposed § 450.11 establishes these three classes of information audits and their requirements, and proposed § 450.12 establishes the information to be contained in each type. Class A information audits require a qualified energy auditor to conduct an on-site energy audit of a particular building or industrial plant. Class B information audits require a State-provided questionnaire and State-sponsored analytical process that would enable the owner, operator or occupant of a building or industrial plant to analyze the likely effects of certain modifications on reducing energy consumption. Class C information audits require State-provided workbooks to enable the owner, operator or occupant of a building or industrial plant to conduct a "do it yourself" information audit.

While subpart B of the regulation applies only to information audits conducted in implementation of supplemental plans, it is not the intent of these rules to suggest that an information audit can be carried out only by, or with the approval of, a State. Parties desiring to assess modifications for saving energy in their buildings or industrial plants may consider this regulation as providing useful guidelines for making such assessments.

The proposed guidelines for supplemental plans provide that Class B or C audits shall be available to all individuals who are occupants of residential dwelling units in the State at no direct cost to those persons. Furthermore, the proposed guidelines require that no Federal financial assistance provided for a supplemental plan be used to pay auditors to perform Class A energy audits.

FEA wishes to provide each State with the maximum latitude and will not require the stringent procedures prescribed for verification audits. However, prior to issuance of a grant, a State's procedures shall be included in its supplemental plan submitted to FEA for review and approval.

V. Verification Audits

Proposed subpart C prescribes guidelines for building and industrial process verification audits. A verification audit provides detailed analysis of the changes in energy use and costs likely to result from the implementation of modifications. All audits carried out for the purposes set forth in proposed § 450.2, with the exception of audits carried out as elements of supplemental plans, will be of the verification audit type, although a State may choose to prescribe the use of a verification audit in its supplemental plan, if desired.

FEA shall use the findings of a verification audit to determine that a site-specific application of a modification which is not an approved energy measure meets the requirements for an energy measure. An energy measure is "approved" if it is on a list of energy measures published by FEA pursuant to Section 365(e)(1) of the Energy Policy and Conservation Act. A verification audit may also be required by FEA or other Federal agencies in the administration of a particular Federal program. If Federal programs are developed to foster the installation of energy measures, the administering Federal agency may use an energy audit to provide an appropriate analysis of the costs, energy use changes

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and energy cost changes associated with a particular modification to an existing building or industrial plant.

A verification audit shall be site-specific, performed as prescribed in proposed § 450.21, conducted by an auditor who is qualified in accordance with proposed § 450.22, and conducted at no cost or at a reasonable cost to the owner, operator or occupant of a building or industrial plant as provided in proopsed § 450.23. A distinction is made between a verification audit of a building and that of an industrial process, where appropriate.

Proposed § 450.21 prescribes requirements for (a) describing the energy consumption of a building system or industrial process system before implementing a modification; (b) considering the effects of modifications which will result in reducing energy costs; (c) computing the costs of purchasing and installing a modification and the resulting energy savings, improvements in the efficiency of energy use, and energy cost savings; and (d) reporting on the findings of a verification audit.

A. SCOPE OF REPORTING REQUIREMENTS

The reporting requirements for a verification audit are not designed to povide proof that the measure which is the subject of the audit is the most cost-effective option available. Such a requirement would be burdensome, costly, and time-consuming. Instead, proposed § 450.21(b)(3) requires that the audit identify all modifications considered as an alternative to the modification which is the subject of the audit.

More explicitly, there is a further reason for choosing not to require a detailed assessment of alternative modifications that might reduce energy consumption. FEA has no desire to set up an application and review process that would require complex Federal supervision, impose higher costs by prescribing that an open-ended number of options be analyzed and reported on using rigorously defined procedures, and increase the likelihood of delay.

By requiring that the audit identify other modifications that have been considered, FEA assumes that there will have been appropriate consideration of other modifications in any event.

FEA is particularly interested in receiving comments on the proposal in § 450.21(b)(1) that only the measure being considered undergo detailed analysis in a verification audit.

The verification audit procedures are not intended to prescribe a methodology for conducting a sophisticated cash flow analysis that will determine for each building or industrial plant whether the installation of the particular modification would be a prudent management decision. Verification audit procedures are intended solely to provide a consistent technique to assess the cost and energy savings of energy measures consistent with FEA determinations discussed in proposed § 450.4.

This approach has been taken not only because it is impossible to develop a general methodology that would be appropriate in all cases but also due to a variety of statutory requirements regarding the analytical approach. For example, the Act provides that the reduced energy costs should be sufficient to recover the total cost of purchasing and installing the measure without regard to any tax benefits. Clearly, from a business standpoint, the prudent manager will consider the tax implications of implementation. Therefore, some financial analysis in addition to the verification audit will be necessary for an appropriate evaluation of the financial soundness of implementation of a modification.

B. PURCHASE AND INSTALLATION COSTS

Section 431 of the Act specifies that for a modification to be eligible for designation as an energy measure, it must be established that the modification is likely "to reduce energy costs • • • in an amount sufficient • • • to recover the total costs of purchasing and installing such measure • • •."

Under proposed § 450.21(d)(1) FEA proposed to include in the total costs of purchasing and installing a modification the costs associated with purchasing and installing it, including principal and interest payments on debt incurred, less the salvage value of any equipment being replaced. Also included are the costs of purchasing and installing those replacements of significant components and parts necessary to the achievement of the modification's attributed life, less the costs of replacing existing equipment or its significant components which would have been required—over the modification's attributed life—had the modification not been installed. FEA includes the cost of replacing significant components and parts (e.g., the compressor on a heat pump) as these replacement components then become integral parts of the installed modification.

Not included in total costs are the operation and maintenance costs associated with a modification as compared to those which would have been incurred had the modification not been implemented. If changes in maintenance costs associated with the modification were to be excessive (e.g., greater than 2 percent of the purchase and installation costs for each year of the attributed life of the modification), their omission could distort the cost computations. However, it would be very difficult to prescribe the nature of those changes which should be analyzed and, in some cases, to conduct this analysis as part of a verification audit. FEA proposes not to require consideration of normal operation and maintenance costs in the conduct of an energy audit.

FEA proposes a computational technique that will adequately account for the items in total costs. The technique requires the conversion to present values of total costs and the future energy cost savings resulting from the modification. The present values of costs are subtracted from the present values of energy savings to determine the net present value of implementing the modification.

FEA proposes to use a simple standard net present value (NPV) technique to determine whether the reductions in energy costs are sufficient to recover, within its attributed life, the total cost of implementing the modification, as defined in this part. The present value of the savings minus the present value of the costs gives the NPV of the investment. The requirement for qualification of a modification as an energy measure would be met if the NPV is not negative for the energy measure's attributed life.

Estimated replacement component costs and the value of energy savings will be expressed in constant dollars, using the same base year as used in Appendix A, FEA's latest projections of energy prices. To convert a future cost savings to present value, the method uses a discounting rate of 10 percent, a rate which represents an estimate of the average rate of return on private investment, before taxes and after inflation as discussed in OMB Circular No. A-94, Revised, March 27, 1972. Principal and interest payments in any time period should be treated just as any other costs to be paid in that time period and discounted to their present value using the 10 percent discounting rate.

This technique can be used by anyone with an understanding of calculating the net present value of future expenditures and savings. It obviates the use of uncertain projections of inflationary or deflationary trends. It permits use of future fuel prices and estimated component and labor costs, and interest costs. The auditor calculating costs thus has a standard method to use in calculating net present value. The use of a 10 percent discounting rate is the normal Federal procedure for comparing receipts and costs that will occur at different times. Accordingly FEA feels its approach is both valid and appropriate.

An alternative technique considered for calculating whether a modification would meet the cost recovery requirements was the use of a variation of the simple payback technique. This would have compared the total energy cost savings (in constant, but not discounted, dollars) over the modification's attributed life to the modification's installation costs, as adjusted by a factor to account for interest accrued for debt incurred to install it. It would have varied from the usual payback approach in that it would not result in an estimate of the actual payback period.

The adjusted costs would be calculated by adding the equal annual payments which would have accrued had a real rate of interest been applied to the principal amount of the loan over its life. For example, for a real rate of interest of 5 percent on a four year, $10,000 loan, the adjusted amount would have been $11,280 $=4\times\$10{,}000\times.282$ (.282 is the capital recovery factor for a 5 percent, four year loan).

This technique has the advantages of giving explicit consideration to interest costs and not requiring the year-by-year discounting of future costs and benefits. However, because this approach does not account for the time costs of money and is inconsistent with standard business and Federal Government practices for comparing alternative investments, it is not being proposed.

FEA also considered the use of other rates, either for the purpose of discounting future cost savings or for adjusting installation costs.

Consideration was given to using 5 percent so that relatively long-lived modifications might qualify as energy measures, or allowing the use of different rates depending on whether the modifications were to be installed in an industrial plant, commercial or residential building, or a single family dwelling. However, the use of a lower discount rate would be inconsistent with the rate used in conjunction with Federal programs and would not properly reflect the return on investment normally expected in the private sector. The use of different rates of discount for different sectors, FEA felt, would result in needless complication and lead to inconsistencies. For example, the same modification might qualify as an energy measure for one business use and be ineligible for another even if the energy savings were identical for both applications.

FEA is particularly interested in receiving comments on those cost items proposed for consideration in the calculation of total purchase and installation costs; the possible inclusion of operating and maintenance costs in total purchase and installation costs; the method of comparing costs and energy cost savings; and the use of a 10 percent rate for discounting purposes in assessing modifications.

C. COMPUTATION OF ENERGY CONSUMPTION PATTERNS

In establishing improvements in energy efficiency, FEA has specified in proposed § 450.21(b)(4) that they will be determined by comparing the projected annual energy consumption, by fuel type, which would occur if the modification were implemented to that which would occur if the modification were not implemented. The level of conversion from depletable to nondepletable energy resources will be calculated by subtracting the amount of depletable energy consumed with the modification from the amount which is projected to be consumed without it. These calculations will be made for each year of the attributed life of the modification.

FEA recognizes that implementation of other modifications for which Federal program approval is not requested may affect the magnitude of the consumption changes resulting from implementation of the modification for which the audit is being conducted. For example, if in addition to a new furnace, which is the subject of an audit, an owner plans to install insulation, the effect of such insulation must be accounted for when calculating the amount of energy which would be consumed with and without the furnace. Therefore, FEA is requiring that, for verification audits, other modifications to be implemented be identified and described. All such modifications must be taken into account as prescribed by this part in making projections of future energy consumption.

FEA rejected the alternative approach of basing projected consumption without the subject modification on current conditions and comparing it to that which would occur if the subject modification were implemented in combination with other modifications. While this approach has the advantage of being easy to apply, it would not allow a valid determination of the savings that are a direct result of implementing the subject modification and, therefore, would not provide for a valid determination of whether that modification meets the requirements for designation as an energy measure or other program requirements.

However, FEA, in its discretion with respect to a particular program, may consider cumulative energy savings of all modifications to be undertaken in determining whether to provide Federal financial assistance. FEA does not seek to create any disincentives to the implementation of energy measures through private initiative, but endeavors to encourage such actions.

FEA is particularly interested in receiving comments on its proposed technique in § 450.21(b) for calculating the changes in energy consumption patterns attributable to the modification which is the subject of a verification audit.

VI. COST OF ENERGY AUDITS

The Act requires that these rules assure that energy audits carried out pursuant to its provisions impose (1) no direct costs upon individuals who are occupants of dwelling units in any State having a supplemental plan and (2) only reasonable costs, as determined by FEA, with respect to other persons. For information audits, proposed § 450.14(a), and for verification audits, proposed § 450.23(a), require that an energy audit be conducted at no direct cost to the occupant of a dwelling unit.

With respect to an information audit performed for other parties, proposed § 450.14(b) provides that the cost shall not exceed 7 percent of the annual fuel bill. However, a State may prescribe procedures which would permit a greater percentage in exceptional circumstances. FEA is concerned that financial assistance for supplemental plans earmarked to encourage development and use of energy audits be prudently expanded. Imposing additional restrictions upon a State with respect to cost of audits or type of audits was considered. At this time, however, no additional restrictions are imposed to encourage innovation and local initiative, except that the supplemental guidelines prohibit payment of auditors carrying out Class A audits with program funds provided through Federal financial assistance.

Proposed § 450.23(b) limits reasonable costs of verification audits conducted for parties other than those covered by proposed § 450.23(a) to no more than 7 percent of the annual cost of energy used in the building or industrial plant, except in those cases where FEA finds, on the basis of case-by-case review, that the audited building or industrial plant exhibits truly unique or unusually complex characteristics.

In developing this standard for reasonable cost, FEA considered the options of relating reasonable cost to (1) the qualifications of, and time spent by, the persons involved in conducting the audits, (2) the complexity of the building or industrial process being audited, (3) the amount of energy cost savings to be derived from implementing the audit's findings, and (4) the cost of implementing its recommendations.

FEA does not believe that sufficient information currently exists to develop a reasonable fee structure for persons having certain qualifications or to estimate the time required for individual audits. Therefore, in addition to its reluctance to prescribe guidelines that could be interpreted as a fee schedule, FEA has determined that basing reasonable cost determinations on the level of professional effort is not possible at the present time.

For a similar reason, i.e., the lack of adequate information regarding the costs and results of energy audits for buildings and industrial plants of varying types and complexity, it is not possible to relate reasonable costs to the characteristics of a building or industrial plant.

Finally, FEA does not support a criterion that would define reasonable cost in terms of the audit's findings regarding savings to be achieved or the cost of implementation of an energy measure. The use of this type of criterion would not be conducive to sound business practice because the cost of the auditor's services would be undetermined until after such services were provided.

Instead, the regulation specifies that the cost of the audit will be "reasonable" for purposes of the Act if it does not exceed 7 percent of the annual cost of energy used in the building or industrial plant to be modified. This determination is based on knowledge regarding a number of audits that have been conducted on various types of facilities, most of which cost less than 5 percent of the annual energy costs. However, because there are isolated instances in which the costs exceeded 5 percent and because the cases for which information is available cannot be held as representative of all possible energy audit applications, a figure of 7 percent is used. By holding 7 percent as an upper bound, the regulation encourages parties seeking an energy audit to use careful judgment in selecting the auditor, defining the scope of the audit, and negotiating the final cost with the auditor. By allowing for exceptions to this upper limit based on FEA's finding that the facility being audited exhibits unique or unusually complex characteristics, FEA recognizes the probability of isolated cases in which the conduct of a technically sound audit imposes costs greater than 7 percent of the annual energy costs.

FEA is particularly interested in receiving comments on the proposed ap-

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proach to reasonable costs in § 450.14 and § 450.23.

VII. QUALIFICATIONS OF AUDITORS

The States are given considerable discretion in developing standards by which a person will be designated as qualified to conduct Class A information audits of various types of buildings and industrial plants, subject to the approval of FEA. The regulation does prescribe specific qualifications for a person who wishes to conduct a verification audit. Proposed § 450.22 requires that to be considered qualified to conduct a verification audit, a person must either (1) be licensed as a professional engineer or architect by the State in which the audit is performed, or (2) have an engineering degree from an accredited college or university plus four years of relevant experience.

Two other options were considered. On the one hand, FEA could have stipulated that only licensed professional engineers and architects are qualified to conduct verification audits. It was decided, however, that this would be too restrictive to be used in connection with Federal programs which are intended to accelerate the adoption of energy measures. Thus, it was decided to allow graduates of accredited engineering schools to conduct verification audits if they have experience relevant to the building or industrial plant being audited and are willing to certify to this effect in the report of an audit.

The other option considered was the establishment of procedures for FEA accreditation of persons authorized to conduct verification audits, combined with a Federal training program to assure a supply of such approved auditors.

This was considered inappropriate because it would require the Federal Government to expend resources establishing a potentially cumbersome accreditation program that would duplicate many of the professional accreditation procedures that currently exist at the State level; and, in the short term, would inhibit the conduct of verification audits because of the time required to design and implement such accreditation procedures.

FEA is particularly interested in receiving comments on whether the two classes of persons described in proposed § 450.22(a), or others, should be deemed qualified to conduct verification audits and on procedures which could be used to screen the qualifications of persons in any other classes.

VIII. CONFLICT OF INTEREST

With respect to Class A information audits, a State shall provide conflict of interest procedures as part of its supplemental plan, subject to FEA approval.

With respect to a verification audit, proposed § 450.22(c) requires the disclosure by an auditor of any significant financial interest held by the auditor and his or her spouse or children, in the manufacturing (including manufacturing of major components), marketing, installing or servicing of the modification, or in the ownership or operation of the building or industrial plant, that is the subject of the audit. The regulation also identifies the financial interests that FEA considers significant.

The regulation further requires that the disclosure be made in writing to the person for whom the verification audit is to be performed before the audit is begun. Furthermore, a copy of the disclosure statement is to accompany the submission of an audit report to the Federal Government, which may rely on its contents. Proposed § 450.22(e)(2) requires that the auditor certify in the audit report that the auditor has made a full written disclosure of significant financial interests to his client.

The disclosure statement will alert both the person for whom the audit is performed, and any Federal agency which may consider the audit report, to the possibility that an auditor's findings may be influenced by personal financial interests. However, FEA is proposing not to prohibit an auditor who has a significant financial interest from performing a verification audit.

Although such a prohibition would guarantee preparation of the audit by a disinterested auditor, there are certain countervailing considerations. One consideration is that this could limit the number of people qualified to perform audits. The persons most highly skilled and qualified may already be associated with financial interests in the field of energy conservation or with the management of the building or plant being audited. Any Federal energy conservation programs in connection with which audits are to be performed will be intended to accelerate the adoption of energy measures, and this prohibition could work to delay or deter businesses from implementing energy measures.

Another consideration is that business enterprises which are engaged in the manufacturing, marketing, installing or servicing of a particular energy measure might be willing to perform audits for a client at a reduced cost or at no cost. A financial interest prohibition might discourage some persons from applying to participate in a Federal program for fostering the implementation of energy measures because they may not be able or willing to pay for an audit when there is no certainty that their applications will be approved.

FEA also considered the question of whether to require disclosure of financial interests held by members of the auditor's family, and if so, which members. FEA has decided that it is desirable to hold an auditor responsible for disclosure of the financial interests of a spouse or child on the ground that it is highly probable their financial interests are known to the auditor and on the ground that, if the auditor does not know, the information needed to comply with this part can easily be obtained.

Another alternative that FEA considered was whether a financial interest in a business enterprise engaged in the manufacturing, marketing, installing or servicing of an energy measure other than the energy measure which is the subject of the audit should be required to be disclosed. This alternative was not adopted on the ground that there would most likely be no conflict of interest in that case.

FEA also considered the question of whether to exclude from the disclosure requirement a financial interest in a business enterprise in which less than a certain percentage of gross receipts is generated by sales or services related to the energy measure which is the subject of the audit. This alternative was not adopted because its application is not quantifiable. For example, a manufacturer entering into production of a new energy measure may have no gross receipts whatsoever with respect to sale of the energy measure.

However, the manufacturer's interest in promoting the sale of the energy measure may, at the very least, be considered to be significant.

FEA is particularly interested in receiving comments on whether otherwise qualified individuals having the types of financial interests described in proposed § 450.22(b), or others, should be prohibited from performing verification audits.

IX. CERTIFICATION IN VERIFICATION AUDIT REPORT

Proposed § 450.22(e) requires that the auditor, as part of a verification audit report, certify that he is qualified to perform the audit, has made a full disclosure of financial interest, has conducted the audit in accordance with the regulation, and has accurately described the findings in the report. In addition, the auditor must indicate an understanding that the report may be submitted to an agency of the Federal Government for official action. Any false representations or concealment of material facts in the areas certified to may subject the auditor to criminal prosecution under 18 U.S.C. Section 1001. Conviction under this criminal provision is punishable by a fine of not more than $10,000 or imprisonment for not more than five years, or both.

X. COMMENT PROCEDURE

A. WRITTEN COMMENT PROCEDURES

Interested persons are invited to participate in this rulemaking by submitting data, views, or arguments with respect to the proposed rules set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box LQ, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation "Proposed Energy Audit Regulation." Fifteen copies should be submitted. All comments received by May 13, 1977, before 4:30 p.m., e.d.t., and all other relevant information, will be considered by FEA before final action is taken regarding the proposed regulation.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

B. PUBLIC HEARINGS

FEA has determined that in addition to holding a public hearing on this proposal in Washington, D.C., it will hold public hearings in Kansas City, Missouri and San Francisco, California. In addition, FEA will welcome oral presentation on this proposal at the public hearings it has scheduled in each of the 10 FEA regions on its proposed supplemental State energy conservation plan guidelines. The schedule for these hearings, which will occur between April 19, 1977 and April 23, 1977, was published along with the proposed guidelines in the FEDERAL REGISTER, 42 FR 16150, on March 25, 1977. However, written comments shall be sent to Box LQ at the address provided above and shall be identified with the designation "Proposed Energy Audit Regulation."

1. *National hearing.* The Washington, D.C., hearing (hereinafter referred to as the National hearing) will be held beginning at 9:30 a.m., e.d.t., May 10, 1977, at 2000 M Street, N.W., Room 2105, Washington, D.C. The hearing will be continued, if necessary, on May 11, 1977. Any person who has an interest in this proceeding or who is a representative of a group or class of persons that has an interest in this proceeding may make a written request for an opportunity to make an oral presentation. Such a request should be directed to Executive Communications, FEA, Room 3309, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, and must be received before 4:30 p.m., e.d.t., on April 25, 1977. A request may be hand-delivered between the hours of 8 a.m., and 4:30 p.m., Monday through Friday. Requests should be submitted in accordance with the "Request Procedures" set forth below.

2. *Regional hearings.* Both of the regional hearings will be held beginning at 9:30 a.m., local time, on the dates and at the locations specified below.

Any person who has an interest in this proceeding or who is a representative of a group or class of persons that has an interest may make a written request for an opportunity to make an oral presentation. Such a request should be directed to FEA at the address given below for the appropriate region, and in accordance with the "Request Procedures" set forth below. Requests must be received before 4:30 p.m., local time, on April 27, 1977.

City	Hearing date	Submit requests to testify to—	Hearing location
Kansas City, Mo.....	May 12	FEA, 1150 Grand Ave., Kansas City, Mo. 64106.	Room 140, Federal Bldg., 601 East 12th St., Kansas City, Mo.
San Francisco, Calif...	May 13	FEA, 111 Pine St., 4th floor, San Francisco, Calif. 94111.	EPA conference rooms A and B, 2d floor 100 California St., San Francisco, Calif.

3. *Request procedure.* The following request procedures are applicable to both the National and regional hearings. Persons requesting an opportunity to make an oral presentation will submit their written requests to the appropriate address for the region in which they wish to appear. Requests should be labelled both on the document and on the envelope "Energy Audit Hearing."

The person making the request should briefly describe the interest concerned; if appropriate, state why she or he is a proper representative of a group or class of persons that has such an interest; and give a concise summary of the proposed oral presentation and a phone number where she or he may be contacted through May 11, 1977, for regional hearings and May 9, 1977, for the National hearing. Each person selected to be heard will be notified by FEA before 4:30 p.m., local time, May 9, 1977, in the case of the regional hearings and by May 6, 1977, in the case of the National hearing. Each person selected to be heard must submit 100 copies, if feasible, of her or his statement to the Office of Regulation Development, FEA, Room 2214, 2000 M Street NW., Washington, D.C., before 9 a.m., e.d.t., May 10, 1977, for the National hearing and to the location of the hearing by 9 a.m., on the day the statement is scheduled to be presented, for regional hearings.

4. *Hearing procedures.* FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if she or he desires, to make a supplemental statement which will be given in the order in which the initial statements were made and will be subject to time limitations.

Any person attending the hearing who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by FEA and made available for inspection at the Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m., and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

XI. COORDINATION WITH OUTSIDE PARTIES, ENVIRONMENTAL AND INFLATIONARY REVIEW

In preparing this proposed rulemaking, issues and options were reviewed not only internally within FEA but also by representatives from the Energy Research and Development Administration, representatives of the Department of Housing and Urban Development, and representatives of the Department of Commerce, including the National Bureau of Standards.

In accordance with FEA's obligations under the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 et seq.), an evaluation of the potential environmental impacts of designating rules for the conduct of energy audits has been prepared by FEA. No "significant" environmental impacts have been identified as defined by NEPA.

As required by Section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency (EPA) for his comments concerning the impact of this proposal on the quality of the environment. The Administrator has no comments.

NOTE.—The proposal has been reviewed in accordance with Executive Order 11821, and OMB Circular Number A-107, issued November 27, 1974, and has been determined not to be a major proposal requiring an evaluation of its inflationary impact.

In consideration of the foregoing, it is proposed to add a new Part 450 to Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., April 8, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

Subchapter D, Chapter II of Title 10, Code of Federal Regulations, is amended by establishing Part 450 as follows:

PART 450—ENERGY AUDITS

Subpart A—General Provisions

Sec.
450.1 Purpose and scope.
450.2 Uses of energy audits.
450.3 Definitions.
450.4 Qualifying conditions.

Subpart B—Information Audits

450.10 Purpose and scope.
450.11 Classes of and requirements for information audits.
450.12 Contents of information audits.
450.13 Auditors.
450.14 Cost of information audits.

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Subpart C—Verification Audits

Sec.
450.20 Purpose and scope.
450.21 Contents of verification audits.
450.22 Auditors.
450.23 Cost of verification audits.

AUTHORITY: Energy Conservation and Production Act, Pub. L. 94-385; Energy Policy and Conservation Act, Pub. L. 94-163; Federal Energy Administration Act of 1974; as amended, Pub. L. 93-275 and Pub. L. 94-385; E.O. 11790, 39 FR 23185.

Subpart A—General Provisions

§ 450.1 Purpose and scope.

This part designates the types of, and requirements for, energy audits as required by the Federal Energy Administration, pursuant to Section 432(d) of the Energy Conservation and Production Act, Pub. L. 94-385, 90 Stat. 1125 et seq., which adds Section 365(e)(2), 42 U.S.C. 6325(e)(2), to the Energy Policy and Conservation Act, 42 U.S.C. 6201 et seq. This part also contains the projections of future energy prices which shall be used in calculating the changes in energy costs which will result from installation of a particular modification in a building or industrial plant, and includes the criteria for determining whether the installation of a particular modification meets certain requirements of the Act for designation as an energy measure.

§ 450.2 Uses of energy audits.

The requirements of this part shall be used—

(a) To establish minimum requirements for the type of energy audit to be carried out under a supplemental plan;

(b) To measure the energy and cost savings to be derived from the installation or implementation of an energy measure; and

(c) To provide a process to identify a modification of a designated building or industrial plant as an energy measure for purposes of the Act.

§ 450.3 Definitions.

As used in this part—

"Administrator" means the Administrator of the Federal Energy Administration.

"Appliance" means an energy consuming article or device designed for household use the primary purpose of which is labor saving or personal convenience and which, although connected to public utilities servicing the building, is not attached to a building such that it would be considered part of the building or building system; for example, room air conditioners, room heat pumps, room heaters, refrigerators, refrigerator-freezers, clothes washers and dryers, dish-washers, kitchen ranges and ovens, and television sets. Energy consuming articles or devices not classified as an appliance and considered part of a building or building system include, but are not limited to water heaters, central heat pumps, central air conditioners, and central heating units.

"Approved" means, with respect to an energy measure, any modification which is included on a list of energy measures published by FEA pursuant to section 365(e)(1), 42 U.S.C. 6325(e)(1), of the Energy Policy and Conservation Act.

"Attributed Life" means, with respect to an energy conservation measure, the time period which is equal to either the useful life or 15 years, whichever is less or, with respect to a renewable-resource energy measure, the time period which is equal to either the useful life or 25 years, whichever is less.

"Auditor" means any person or persons who conduct an energy audit which is represented to be in conformance with this regulation.

"British Thermal Unit" means the amount of heat required to raise the temperature of one pound of water one degree Fahrenheit.

"Btu" means British thermal unit or units.

"Building" means any structure which includes a heating or cooling system, or both, or a hot water system, and which was constructed prior to August 14, 1976.

"Building Envelope" means all external surfaces, such as walls, doors and windows, roof, and floors in contact with the ground, of a building which are affected by weather.

"Depletable Energy Resource" means a fossil fuel or nuclear fission fuel.

"Distillate Fuel Oil" means any fuel oil, gas oil, topped crude oil, or other petroleum oils, except refined petroleum wax, derived by refining or processing crude oil or unfinished oils, in whatever type of plant such refining or processing may occur, which have a boiling range at atmospheric pressure which falls completely or in part between 550° and 1,200° F.

"Dual-Purpose Power Plant" means an equipment configuration which produces both electricity and useful thermal energy and which consumes, exclusive of the fuel required to produce the useful thermal energy, less than 7,500 Btu of fuel per kilowatt-hour of electricity produced.

"Dwelling Unit" means a house, including a stationary mobile home, an apartment, a group of rooms, or a single room occupied as separate living quarters.

"Energy Audit" means a process which identifies and specifies the energy and cost savings which are likely to be realized through the purchase and installation of particular energy conservation measures or renewable-resource energy measures and which is carried out in accordance with this part.

"Energy Conservation Measure" means a measure which modifies any building or industrial plant, the construction of which has been completed prior to August 14, 1976, if such measure has been determined by means of an energy audit or by FEA, by rule, to be likely to improve the efficiency of energy use and to reduce energy costs in an amount not less than the total cost of purchasing and installing such measure (without regard to any tax benefit or Federal financial assistance applicable thereto), within the period of—

(1) The useful life of the modification involved; or

(2) Fifteen years after the purchase and installation of such measure, whichever is less.

Such terms does not include the purchase or installation of any appliance, any conversion from one fuel or source of energy to another which FEA, by rule, determines is ineligible on the basis that such type of conversion is inconsistent with national policy with respect to energy conservation or reduction of imports of fuels, or any measure or type of measure which does not have as its primary purpose an improvement in efficiency of energy use.

"Energy Measure" means an energy conservation measure or renewable-resource energy measure.

"Industrial Plant" means any fixed equipment or facility which is used in connection with, or as part of, a process or system for industrial production or output and which was constructed prior to August 14, 1976.

"Industrial Process" means an action or series of actions in connection with, or part of, a process or system contributing to the production or output of an industrial plant.

"Liquefied Petroleum Gas" means propane and butane, and propane/butane mixes but not ethane.

"LPG" means liquefied petroleum gas.

"Modification" means a measure which changes a building or industrial plant, the construction of which was completed prior to August 14, 1976.

"Nondepletable Energy Resource" means a type of energy other than a depletable energy resource.

"Renewable-Resource Energy Measure" means a measure which modifies any building or industrial plant, the construction of which has been completed prior to August 14, 1976, if such measure has been determined by means of an energy audit or by FEA, by rule, to—

(1) Involve changing in whole or in part, the fuel or source of the energy used to meet the requirements of such building or plant from a depletable source of energy to a nondepletable source of energy; and

(2) Be likely to reduce energy costs in an amount not less than the total cost of purchasing and installing such measure (without regard to any tax benefit or Federal financial assistance applicable thereto), within the period of—

(i) The useful life of the modification involved, or

(ii) Twenty-five years after purchase and installation of such measure, whichever is less. Such term does not include the purchase or installation of any appliance.

"Residual Fuel" means No. 4 fuel oil, No. 4-D fuel oil, those fuel oils commonly known as American Society for Testing Materials No. 5 and No. 6 fuel oils, heavy diesel, Navy diesel, Bunker C and all other fuel oils which have a fifty percent boiling point over 700° F in the American Society for Testing Materials D-86 standard distillation test.

"Supplemental Plan" means a supplemental State energy conservation plan which is eligible for financial assistance

under Part 420, Subchapter D, Chapter II of Title 10, Code of Federal Regulations.

"Useful Life" means that period of time for which a modification used under specified conditions is able to fulfill its intended function, and which does not exceed the period of remaining use of the building or that element of the industrial plant, which is being modified.

§ 450.4 Qualifying conditions.

(a) A modification has as its primary purpose an improvement in energy use efficiency only if the costs of the purchase and installation of the modification will be recovered by the projected energy cost savings associated with improving the efficiency of energy use over the attributed life of the modification.

(b) A modification is determined to result in an ineligible conversion if its implementation would result in an increase, expressed in Btu, at the building or industrial plant site, in the consumption of petroleum products, natural gas, or a combination of the two.

(c) An increase in the consumption of petroleum products at a building or industrial plant site shall not be an ineligible conversion as provided by paragraph (b) of this section, if the increase will result from the installation of dual-purpose power plant equipment which FEA determines in a specific application produces an off-setting reduction in the consumption of petroleum products, natural gas, or a combination of them, at one or more sites.

(d) Projected prices for electricity, natural gas, distillate, residual fuel, LPG and coal shall be derived from either—

(1) The projected energy prices from 1977 to 1991 set forth in Appendix A, Tables 1-20 of this Part; or

(2) The following adjustment formulas—

(i) For petroleum products, coal, and natural gas:

$PA_t = PR_t - ((t-b)\cdot(PR_b - PA_b)/(1985-b))$, for $t<1985$.

$PA_t = PR_t$, for $t \geq 1985$.

Where—

PA_t = Projected fuel price for future year t.
PA_b = Fuel price actually paid in base year b.
PR_b = Regional fuel price for base year as set forth in Appendix A.
PR_t = Projected regional fuel price for future year t as set forth in Appendix A.
t = Future year for which fuel price is being projected.
b = Base year used in current FEA projection of fuel prices, as shown in Appendix A.

(ii) For electricity:

$PA_t = PR_t \cdot PA_b / PR_b$, for all years.

Where PA_t, PA_b, PR_b and PR_t have the same meaning as in subparagraph (d)(2)(i) of this section.

(e) Prices set forth in Appendix A, Tables 1-10 of this Part, expressed in dollars per physical unit, shall be converted to prices set forth in Appendix A, Tables 11-20, expressed in dollars per million Btu, by using the following conversion factors—

(1) Electricity—3412 Btu per kilowatt-hour.
(2) Natural Gas—1030 Btu per cubic foot.
(3) Distillate—5.825 million Btu per barrel.

FUEL OIL

(4) Residual Fuel—6.287 million Btu per barrel.
(5) Coal—22.5 million Btu per standard short ton.
(6) LPG—4.01 million Btu per barrel.

Subpart B—Information Audits

§ 450.10 Purpose and scope.

This subpart establishes the classes of and requirements for the conduct of information audits, the qualifications of persons conducting Class A information audits, and the allowable cost of information audits. Information audits are required to be provided for in supplemental State energy conservation plans pursuant to Part 420, Subpart D, Chapter II of Title 10, Code of Federal Regulations.

§ 450.11 Classes of and requirements for information audits.

(a) A Class A information audit shall consist of—

(1) An on-site visit at the building or industrial plant by an auditor who has qualifications considered appropriate by the State; and

(2) An evaluation by an auditor, supported by data, of the building or industrial plant's energy consumption and energy systems based on data such as heating and cooling degree days, fuel costs and other data considered appropriate by the State, which evaluation shall consist of either—

(i) An analysis of the energy and cost savings likely to result from the implementation of one or more modifications selected by the State, or

(ii) General recommendations regarding one or more modifications selected by the State accompanied by a workbook, manual, or other material allowing the owner, operator, or occupant of the building or industrial plant to calculate the energy and cost savings for those modifications.

(b) A Class B information audit shall consist of—

(1) Information provided by the owner, operator, or occupant of the building or industrial plant to the State, using a questionnaire provided by the State; and

(2) An evaluation whereby the information provided pursuant to paragraph (b)(1) of this section is analyzed by the State in such a way as to identify the energy and cost savings likely to result from not less than two modifications selected by the State, taking into account factors such as heating and cooling degree days, fuel costs and others considered appropriate by the State, and whereby the analysis is sent to the owner, operator or occupant of the building or industrial plant.

(c) A Class C information audit shall consist of—

(1) Using a workbook provided by the State, a calculation by the owner, operator, or occupant of the building or industrial plant of the energy and cost savings for each of not less than four modifications selected by the State, which calculations shall take into account factors such as heating and cooling degree days, fuel costs, and others considered appropriate by the State; and

(2) Any provision by the State of information relating to the building type or industrial plant, in the form of pamphlets, books, brochures or similar data regarding modifications which may prove to be energy conservation measures and renewable-resource energy measures.

§ 450.12 Contents of information audits.

(a) All three classes of information audits shall include an energy consumption description containing the following information—

(1) For a building—

(i) Actual energy consumption by type of fuel by month for the preceding 12 months, except that where actual energy consumption data are not available, estimates of actual energy consumption and an explanation of the derivation of the estimates;

(ii) Cost of energy by type of fuel for the preceding 12 months;

(iii) Building profile, including descriptions of—

(A) Location, climatic context, and immediate site conditions;

(B) Configuration, envelope, construction, and condition; and

(C) Heating, ventilating, air conditioning, hot water and lighting systems; and

(2) For an industrial plant—

(i) Actual energy consumption for both the plant's building operations and its industrial processes, by type of fuel by month for the preceding 12 months, except that where actual energy consumption data are not available, estimates of actual energy consumption and an explanation of the derivation of the estimates;

(ii) Cost of energy by type of fuel for the preceding 12 months;

(iii) Description of the plant's building characteristics, providing the information required by subparagraph (a)(1)(iii) of this section;

(iv) Profile of the plant's industrial processes, including a description of—

(A) The process layout and conditions within which it operates;

(B) Material storage, handling and processing; and

(C) All mechanical, electrical, hydraulic, and pneumatic systems, including those for waste handling; and

(v) Energy consumption of each process system by type of fuel.

(b) Each information audit shall identify and describe a modification sufficiently to enable the determination of the effects of the modification or combination of modifications on a building or industrial plant's energy consumption.

(c) Each information audit (1) shall identify and describe, by the procedures set forth in § 450.21 or other appropriate procedures, the total costs of purchasing and installing a modification, and the related energy and cost savings, as pre-

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scribed by a State, subject to approval by FEA in the review of a State's supplemental plan and (2) shall indicate whether projected energy cost savings attributable to the modification are sufficient to recover the total cost of purchasing and installing the modification within its attributed life.

§ 450.13 Auditors.

The State shall establish the qualifications of those persons conducting Class A information audits, appropriate requirements and procedures to ensure that full disclosure of financial interests relating to each audit is made, and appropriate measures for certification by the auditor to assure that each audit has been conducted in accordance with this regulation. These provisions shall be subject to approval by FEA and made part of the supplemental plan submitted to FEA.

§ 450.14 Cost of information audits.

An information audit conducted under a supplemental plan shall—

(a) For an individual dwelling unit, be conducted at no direct cost to the occupants of that dwelling unit; and

(b) For any building or industrial plant not covered in paragraph (a) of this section, be conducted for a cost not to exceed 7 percent of the total cost of all energy used in the building or industrial plant during the 12 months preceding the audit, except that, subject to FEA review and approval, the State may establish procedures to permit information audit costs to exceed this limitation in those cases where the State finds that the buildings or industrial plants exhibit unique or unusually complex characteristics relating to energy use.

Subpart C—Verification Audits

§ 450.20 Purpose and scope.

This subpart prescribes guidelines for building and industrial process verification audits, which audits provide for a detailed analysis of the changes in energy use and costs likely to result from the implementation of a modification.

§ 450.21 Contents of verification audits.

(a) A verification audit shall contain an analysis of the actual or estimated energy consumption of the one or more building systems or industrial processes to be affected by the installation of a modification. The actual energy consumption of the building or industrial process shall be computed by type of fuel by month for a consecutive twelve-month period, if available. Information in a verification audit shall include, but not be limited to—

(1) Location, orientation, climatic context, and immediate site conditions;

(2) Operating characteristics, which shall include—

(i) For a building, a description of the building envelope, configuration, construction and condition, and daily hours of use; and

(ii) For an industrial process, a description of the plant, process and system layout, and operating conditions; and

(3) Actual energy consumption of the building or industrial process, by type of fuel per month, for the representative year selected, except that where actual energy consumption data are not available, estimates of actual energy consumption and a detailed explanation of the derivation of the estimates.

(b) A verification audit shall identify and describe—

(1) The modification which is the subject of the audit, including but not limited to—(i) The model and manufacturer; (ii) method of application for a building or industrial process; (iii) performance specifications which may include engineering drawings; (iv) useful life; (v) and for a modification under consideration as a renewable-resource energy measure, a description of the process by which the modification will convert one or more nondepletable energy resources to useful energy;

(2) All other modifications that are anticipated to be implemented by an owner, operator or occupant of the building or industrial plant that could influence the energy and cost savings associated with the modification for which the audit is being conducted;

(3) All alternative modifications considered in choosing to implement those identified in paragraphs (b) (1) and (b) (2) of this section;

(4) Future energy consumption for each year of the attributed life of the modification, by type of fuel, in terms of both units of fuel, such as kilowatt-hours of electricity or gallons of distillate fuel oil, and equivalent Btu, using the conversion factors pursuant to § 450.4 (e) under each of the following conditions—

(i) Without implementation of the modification identified in paragraph (b) (1) of this section, but including implementation of all of the modifications identified in paragraph (b) (2) of this section, if any, and

(ii) With implementation both of the modification identified in paragraph (b) (1) of this section and of all of the modifications identified in paragraph (b) (2) of this section, if any;

(5) For a modification under consideration as an energy conservation measure, the energy efficiency index shall be computed—

(i) For a building, by dividing the size of the building, expressed in terms of net square feet, by the number of Btu used in its operation; and

(ii) For an industrial process, by dividing the amount of production, consistently expressed in units, weight or volume, achieved by the industrial process being modified, by the number of Btu used in its operation;

(6) For a modification under consideration as an energy conservation measure, whether the energy efficiency index associated with the conditions prescribed in paragraph (b) (4) (ii) of this section is greater than the energy efficiency index associated with the conditions prescribed in paragraph (b) (4) (i) of this section, in which event the modification will be found to result in an improvement in the efficiency of energy use; and

(7) For a modification under consideration as a renewable-resource energy measure, whether the description of the modification establishes that nondepletable energy resources are converted to useful energy and if the number of Btu of depletable energy resources consumed under the conditions prescribed in paragraph (b) (4) (ii) of this section is less than the number of Btu of depletable energy resources consumed under the conditions prescribed in paragraph (b) (4) (i) of this section, in which event the modification will be found to result in a change from a depletable to a nondepletable energy resource.

(c) Costs and savings shall be presented in terms of constant dollars using the same base year as in the most current FEA projection of fuel prices set forth in Appendix A, Tables 1–20 of this Part. Future costs and savings shall be converted to present values using a discounting rate of 10 percent. Appendix B of this Part contains factors to be used in calculating the present value of future costs and savings at the 10 percent annual rate. Future costs and savings values are converted to present value by multipling each value by the discount factor for the year in which incurred.

(d) (1) Purchase and installation costs shall include—

(i) The costs of purchasing and installing the modification, including yearly principal and interest payments on debt incurred, converted to present value using the factors set forth in Appendix B of this Part, less any salvage value of existing equipment; and

(ii) Future purchase and installation costs for normal replacement of significant components and parts, less the cost of normal replacement of significant components and parts for existing equipment and less the cost which would be incurred for future replacement of existing equipment, calculated by year for the attributed life of the modification, which yearly costs shall be converted to present values by using the factors set forth in Appendix B of this Part.

(2) Energy cost savings shall be computed as follows—

(i) Fuel prices by type of fuel shall be derived for each year of attributed life of the modification using projected energy prices in accordance with § 450.4(d).

(ii) Future energy consumption, determined pursuant to paragraphs (b) (4) (i) and (ii) of this section, shall be multiplied by the fuel prices determined pursuant to paragraph (d) (2) (i) of this section to compute annual fuel costs with and without implementation of the modification. Reductions in fuel costs resulting from the installation of the modification shall be calculated by subtracting the annual fuel costs computed on the basis of the energy consumption determined pursuant to paragraph (b) (4) (ii) from those computed on the basis of paragraph (b) (4) (i), assuming no change in building size or production level. Values for each year of attributed life shall be converted to present value using the factors set forth in Appendix B of this Part.

(3) The net present value of implementing the modification shall be computed by subtracting implementation costs and the present value of replacement costs calculated in accordance with paragraph (d) (1) of this section from present value of energy cost savings calculated in accordance with paragraph (d) (2) of this section.

(e) A verification audit shall contain a finding that a modification will reduce energy costs sufficiently to recover purchase and installation costs within the attributed life of the modification if the net present value is either zero or a positive value.

(f) The contents of a verification audit shall be reduced to writing in the form of an audit report which shall contain the information and supporting documentation required by this section.

§ 450.22 Auditors.

(a) A person who conducts a building verification audit shall—

(1) Be a licensed professional engineer or architect, or

(2) Have an engineering degree from an accredited college or university in addition to four years of subsequent experience in one or more of the following—

(i) Heating, ventilation and air conditioning installation or design work;

(ii) Building operations, including operation of the environmental systems; or

(iii) design of the building systems which are to be modified.

(d) A person who conducts an industrial process verification audit shall—

(1) Be a licensed professional engineer, or

(2) Have an engineering degree from an accredited college or university in addition to four years of subsequent experience in the design or operation of the particular industrial process being audited.

(c) Prior to conducting a verification audit, the auditor shall disclose in writing to the person for whom the audit is to be performed any significant financial interest held by the auditor, the auditor's spouse, or any child of the auditor, in a partnership, corporation, sole proprietorship, or other business enterprise engaged in the manufacturing, including manufacturing of major components, marketing, installing or servicing, of the modification which is the subject of an audit, or in the ownership or operation of the building or industrial plant which is the subject of an audit. A copy of the disclosure statement shall be signed by the auditor and shall accompany submission of the energy audit report or any portion thereof to FEA or any other agency, department or other instrumentality of the Federal Government.

(d) A financial interest shall be significant for the purposes of this section if it is one of the following—

(1) Employment, including employment as a consultant, by a partnership, corporation, sole proprietorship, or other business enterprise engaged in the manufacturing, marketing, installing or servicing of the modification which is the subject of an audit or in the ownership or operation of the building or industrial plant which is the subject of an audit;

(2) Ownership of 10 or more percent of the stock, including options to purchase stock, or other securities issued by a corporation, or of 10 o. more percent financial interest in any other business enterprise engaged in the manufacturing, marketing, installing or servicing of a modification which is the subject of an audit or in the ownership or operation of the building or industrial plant which is the subject of an audit;

(3) A position as a director or officer of a corporation or partner in a partnership or active principal in a consortium or any other business enterprise engaged in the manufacturing, marketing, installing or servicing of a modification which is the subject of an audit or in the ownership or operation of the building or industrial plant which is the subject of an audit;

(4) Participation in the profit-sharing program of a partnership, corporation, or other business enterprise engaged in the manufacturing, marketing, installing or servicing of a modification which is the subject of an audit or in the ownership or operation of the building or industrial plant which is the subject of an audit; or

(5) Ownership of patent rights or other industrial property interests or the receipt of royalties therefrom for the manufacturing, installing, or servicing of a modification which is the subject of an audit.

(e) Each verification audit report shall include a statement signed by the auditor certifying that—

(1) The auditor meets the qualifications set forth in paragraphs (a) and (b) of this section;

(2) The auditor has made a full written disclosure of any significant financial interests in accordance with paragraph (c) of this section;

(3) The audit was conducted in accordance with the requirements of Subpart C of this part;

(4) The audit report required by § 450.21(e) and accompanying documentation accurately describe the audit findings; and

(5) The auditor understands that the report will be submitted to a department or agency of the United States which may rely on the contents of the material prepared by the auditor.

§ 450.23 Cost of verification audits.

(a) A verification audit shall be conducted without cost to the occupant of a dwelling unit.

(b) The cost of a verification audit for a building or industrial plant not covered in paragraph (a) of this section shall not exceed 7 percent of the cost of all energy consumed in that building or industrial plant in the 12 months preceding the audit. FEA may grant an exception to this limitation when requested if it determines upon specific review of a proposed audit that the audited building or plant exhibits unique or unusually complex characteristics relating to energy use and that the audit will therefore be unusually costly to perform.

Appendix A—Energy Price Projections

Tables 1–20 present FEA energy price projections in constant 1977 (Base Year) dollars for the years 1975 to 1991. The prices were developed from the most current Reference Case results of the Project Independence Evaluation System (PIES). These prices will be revised and reissued periodically. Abbreviations and other information pertinent to use of the tables are as follows:

1. Tables 1–10 show energy prices by fuel unit.

2. Tables 11–20 show energy prices per million Btu.

3. For the years following 1991, use 1991 prices.

4. FEA regions are comprised of the following:

Region I—New England: Maine, New Hampshire, Vermont, Rhode Island, Connecticut, Massachusetts.
Region II—New York/New Jersey: New York, New Jersey, Puerto Rico[1] Virgin Islands.[1]
Region III—Mid-Atlantic: Pennsylvania, Delaware, Maryland, Virginia, West Virginia, District of Columbia.
Region IV—South Atlantic: North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Alabama, Mississippi, Canal Zone.[1]
Region V—Midwest: Michigan, Ohio, Indiana, Wisconsin, Minnesota, Illinois.
Region VI—Southwest: Arkansas, Louisiana, Oklahoma, Texas, New Mexico.
Region VII—Central: Iowa, Missouri, Nebraska, Kansas.
Region VIII—North Central: North Dakota, South Dakota, Montana, Wyoming, Colorado, Utah.
Region IX—Western: Nevada, Arizona, California, Hawaii, American Samoa,[1] Guam,[1] Trust Territory of the Pacific Islands.[1]
Region X—Northwestern: Idaho, Washington, Oregon, Alaska.

5. Column heading abbreviations mean as follows:

Res.—Residential Customer.
Comm.—Commercial Customer.
Ind.—Industrial Customer.
Elect.—Electricity.
N. Gas—Natural Gas.
Dist.—Distillate Fuel Oil.
Resid.—Residual Fuel Oil.
L.P.G.—Liquefied Petroleum Gas.
¢/MKWH—Dollars per thousand kilowatt-hours.
$/MCFT—Dollars per thousand cubic feet.
$/BBL—Dollars per barrel.
$/MEST—Dollars per standard short ton (22.5 million Btu per ton).

[1] Price projections not yet available. Until such time as they are made available, regional prices shall be applicable.

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TABLE 1
ENERGY PRICES IN 1977 DOLLARS PER FUEL UNIT
FEA REGION I NEW ENGLAND
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. DIST. $/BBL	COMM. DIST. $/BBL	IND. DIST. $/BBL	COMM. RESID. $/BBL	IND. RESID. $/BBL	RES. LPG $/BBL	IND. LPG $/BBL	IND. COAL $/MEST
1975	20.06	17.75	17.75	14.86	14.73	15.61	13.32	28.46
1976	20.23	18.12	18.11	15.37	15.49	15.31	13.29	30.74
1977	20.40	18.49	18.48	16.07	16.24	15.02	13.27	33.02
1978	20.58	18.85	18.85	16.77	17.00	14.72	13.24	35.29
1979	20.75	19.22	19.21	17.48	17.76	14.42	13.22	37.57
1980	20.92	19.59	19.58	18.18	18.51	14.12	13.19	39.85
1981	21.05	19.72	19.71	18.21	18.54	14.32	13.40	40.19
1982	21.17	19.84	19.83	18.23	18.56	14.52	13.61	40.54
1983	21.30	19.97	19.96	18.26	18.59	14.72	13.82	40.89
1984	21.42	20.09	20.08	18.28	18.61	14.93	14.04	41.23
1985	21.55	20.22	20.21	18.30	18.63	15.13	14.25	41.58
1986	21.82	20.49	20.48	18.42	18.75	15.39	14.51	41.83
1987	22.09	20.76	20.75	18.55	18.88	15.66	14.78	42.07
1988	22.36	21.03	21.02	18.67	19.00	15.92	15.04	42.32
1989	22.63	21.30	21.29	18.79	19.12	16.19	15.31	42.57
1990	22.90	21.57	21.56	18.91	19.24	16.45	15.57	42.82
1991	22.90	21.57	21.56	18.91	19.24	16.45	15.57	42.82

TABLE 2
ENERGY PRICES IN 1977 DOLLARS PER FUEL UNIT
FEA REGION II NEW YORK/NEW JERSEY
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT. $/MKWH	COMM. ELECT. $/MKWH	IND. ELECT. $/MKWH	RES. N. GAS $/MCFT	COMM. N. GAS $/MCFT	IND. N. GAS $/MCFT
1975	55.70	56.00	30.33	2.83	2.30	1.71
1976	55.28	56.12	30.38	2.91	2.37	1.76
1977	54.87	56.25	30.43	2.98	2.43	1.81
1978	54.45	56.37	30.48	3.06	2.50	1.86
1979	54.04	56.49	30.54	3.14	2.56	1.91
1980	53.62	56.62	30.59	3.21	2.63	1.96
1981	53.09	56.63	30.56	3.32	2.74	2.07
1982	52.56	56.63	30.53	3.44	2.85	2.18
1983	52.03	56.64	30.51	3.55	2.97	2.29
1984	51.50	56.65	30.48	3.66	3.08	2.41
1985	50.97	56.66	30.45	3.77	3.19	2.52
1986	50.99	57.22	30.97	3.92	3.34	2.66
1987	51.01	57.78	31.50	4.06	3.48	2.81
1988	51.03	58.34	32.02	4.21	3.63	2.95
1989	51.04	58.90	32.54	4.35	3.77	3.10
1990	51.06	59.45	33.07	4.50	3.92	3.24
1991	51.06	59.45	33.07	4.50	3.92	3.24

TABLE 2
ENERGY PRICES IN 1977 DOLLARS PER FUEL UNIT
FEA REGION II NEW YORK/NEW JERSEY
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. DIST. $/BBL	COMM. DIST. $/BBL	IND. DIST. $/BBL	COMM. RESID. $/BBL	IND. RESID. $/BBL	RES. LPG $/BBL	IND. LPG $/BBL	IND. COAL $/MEST
1975	18.26	16.60	16.53	14.32	14.32	12.92	11.65	23.76
1976	18.65	17.24	17.17	15.20	15.32	13.20	11.97	26.48
1977	19.44	17.89	17.81	16.09	16.33	13.47	12.30	29.20
1978	20.04	18.53	18.45	16.97	17.34	13.74	12.62	31.93
1979	20.63	19.18	19.08	17.86	18.34	14.02	12.95	34.65
1980	21.22	19.82	19.72	18.74	19.35	14.29	13.28	37.37
1981	21.37	19.97	19.87	18.77	19.37	14.52	13.52	37.72
1982	21.52	20.13	20.03	18.79	19.40	14.75	13.75	38.07
1983	21.67	20.28	20.18	18.82	19.42	14.98	13.99	38.41
1984	21.83	20.43	20.33	18.84	19.45	15.21	14.23	38.76
1985	21.98	20.58	20.48	18.86	19.47	15.44	14.47	39.10
1986	22.25	20.85	20.75	18.99	19.59	15.70	14.73	39.35
1987	22.52	21.12	21.02	19.11	19.71	15.97	15.00	39.60
1988	22.79	21.39	21.29	19.23	19.83	16.23	15.26	39.85
1989	23.06	21.66	21.56	19.35	19.95	16.50	15.53	40.09
1990	23.33	21.93	21.83	19.47	20.07	16.76	15.79	40.34
1991	23.33	21.93	21.83	19.47	20.07	16.76	15.79	40.34

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TABLE 3
ENERGY PRICES IN 1977 DOLLARS PER FUEL UNIT
FEA REGION III MID-ATLANTIC
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT. $/MKWH	COMM. ELECT. $/MKWH	IND. ELECT. $/MKWH	RES. N. GAS $/MCFT	COMM. N. GAS $/MCFT	IND. N. GAS $/MCFT	COMM. DIST. $/BBL	IND. DIST. $/BBL	RES. DIST. $/BBL	COMM. RESID. $/BBL	IND. RESID. $/BBL	RES. LPG $/BBL	IND. LPG $/BBL	IND. COAL $/MBTU
1975	41.77	38.85	27.36	2.19	1.87	1.22	16.53	16.40	17.81	14.25	14.04	11.65	10.98	18.32
1976	41.60	38.78	27.69	2.30	1.96	1.36	17.24	17.25	18.70	15.51	15.25	12.40	11.59	21.63
1977	41.44	38.72	28.01	2.42	2.05	1.50	17.95	18.09	19.58	16.77	16.45	13.16	12.20	24.95
1978	41.27	38.65	28.34	2.53	2.13	1.63	18.66	18.93	20.47	18.03	17.66	13.92	12.81	28.26
1979	41.10	38.59	28.66	2.65	2.22	1.77	19.38	19.77	21.36	19.29	18.87	14.68	13.42	31.58
1980	40.93	38.52	28.98	2.76	2.31	1.90	20.09	20.61	22.24	20.55	20.07	15.44	14.03	34.90
1981	41.24	38.94	29.83	2.88	2.43	2.02	20.24	20.77	22.39	20.57	20.10	15.68	14.27	35.29
1982	41.56	39.37	30.67	2.99	2.54	2.14	20.39	20.92	22.55	20.60	20.12	15.91	14.50	35.69
1983	41.87	39.79	31.51	3.11	2.66	2.25	20.54	21.07	22.70	20.62	20.15	16.15	14.74	36.09
1984	42.18	40.21	32.36	3.23	2.78	2.37	20.69	21.22	22.85	20.64	20.17	16.39	14.98	36.48
1985	42.49	40.63	33.20	3.34	2.89	2.49	20.84	21.37	23.00	20.67	20.20	16.63	15.22	36.88
1986	42.76	41.01	33.99	3.46	3.01	2.60	21.12	21.64	23.27	20.79	20.32	16.89	15.48	37.08
1987	43.03	41.39	34.79	3.57	3.12	2.71	21.39	21.91	23.54	20.91	20.44	17.16	15.75	37.27
1988	43.30	41.77	35.59	3.69	3.24	2.83	21.66	22.18	23.81	21.03	20.56	17.42	16.01	37.47
1989	43.57	42.15	36.38	3.80	3.35	2.94	21.93	22.46	24.08	21.15	20.68	17.69	16.28	37.67
1990	43.83	42.53	37.18	3.92	3.46	3.06	22.20	22.73	24.35	21.27	20.80	17.95	16.54	37.87
1991	43.83	42.53	37.19	3.92	3.46	3.06	22.20	22.73	24.35	21.27	20.80	17.95	16.54	37.87

TABLE 4
ENERGY PRICES IN 1977 DOLLARS PER FUEL UNIT
FEA REGION IV SOUTH ATLANTIC
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT. $/MKWH	COMM. ELECT. $/MKWH	IND. ELECT. $/MKWH	RES. N. GAS $/MCFT	COMM. N. GAS $/MCFT	IND. N. GAS $/MCFT	COMM. DIST. $/BBL	IND. DIST. $/BBL	RES. DIST. $/BBL	COMM. RESID. $/BBL	IND. RESID. $/BBL	RES. LPG $/BBL	IND. LPG $/BBL	IND. COAL $/MBTU
1975	30.74	32.20	19.82	1.69	1.34	0.94	16.53	16.40	17.94	12.72	12.86	10.98	10.15	21.78
1976	31.75	33.11	21.39	1.81	1.43	1.04	17.25	17.23	18.88	13.85	13.92	11.88	10.95	25.24
1977	32.76	34.02	22.95	1.93	1.52	1.14	17.96	18.07	19.82	14.97	14.97	12.78	11.75	28.71
1978	33.77	34.92	24.52	2.05	1.62	1.24	18.68	18.90	20.76	16.09	16.03	13.68	12.55	32.17
1979	34.73	35.83	26.09	2.18	1.71	1.34	19.39	19.73	21.70	17.21	17.08	14.58	13.36	35.64
1980	35.79	36.74	27.65	2.30	1.80	1.44	20.11	20.56	22.64	18.34	18.14	15.48	14.16	39.10
1981	35.84	36.68	28.28	2.43	1.93	1.59	20.27	20.72	22.80	18.37	18.17	15.74	14.42	39.50
1982	35.89	36.62	28.91	2.55	2.06	1.74	20.43	20.88	22.96	18.40	18.20	15.99	14.67	39.90
1983	35.93	36.56	29.53	2.68	2.19	1.89	20.59	21.04	23.12	18.44	18.24	16.25	14.93	40.29
1984	35.98	36.50	30.16	2.81	2.31	2.04	20.75	21.20	23.28	18.47	18.27	16.51	15.18	40.69
1985	36.02	36.44	30.79	2.94	2.44	2.19	20.91	21.36	23.44	18.50	18.30	16.76	15.44	41.08
1986	36.14	36.45	31.48	3.08	2.58	2.31	21.20	21.65	23.73	18.62	18.42	17.05	15.72	41.28
1987	36.25	36.46	32.17	3.21	2.72	2.43	21.50	21.95	24.03	18.74	18.55	17.34	16.00	41.48
1988	36.37	36.46	32.86	3.35	2.86	2.55	21.79	22.24	24.32	18.86	18.67	17.64	16.29	41.68
1989	36.49	36.47	33.55	3.49	3.00	2.67	22.08	22.53	24.61	18.99	18.79	17.93	16.57	41.88
1990	36.60	36.48	34.24	3.63	3.13	2.79	22.37	22.82	24.90	19.11	18.91	18.22	16.85	42.07
1991	36.60	36.48	34.24	3.63	3.13	2.79	22.37	22.82	24.90	19.11	18.91	18.22	16.85	42.07

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TABLE 5
ENERGY PRICES IN 1977 DOLLARS PER FUEL UNIT
FEA REGION V MIDWEST
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT. $/MKWH	COMM. ELECT. $/MKWH	IND. ELECT. $/MKWH	RES. N. GAS $/MCFT	COMM. N. GAS $/MCFT	IND. N. GAS $/MCFT	RES. DIST. $/BBL	COMM. DIST. $/BBL	IND. DIST. $/BBL	COMM. RESID. $/BBL	IND. RESID. $/BBL	RES. LPG $/BBL	IND. LPG $/BBL	IND. COAL $/MBTU
1975	36.37	35.58	21.99	1.73	1.46	1.21	16.92	15.95	15.95	15.35	15.28	10.41	9.79	21.76
1976	36.67	35.96	22.88	1.84	1.56	1.30	17.44	16.47	16.46	16.20	16.11	11.01	10.38	24.25
1977	36.98	36.33	23.77	1.95	1.66	1.38	17.97	16.98	16.97	17.04	16.94	11.61	10.97	26.73
1978	37.28	36.71	24.66	2.05	1.75	1.46	18.49	17.50	17.48	17.89	17.78	12.21	11.57	29.20
1979	37.59	37.09	25.55	2.16	1.85	1.54	19.02	18.01	17.99	18.73	18.61	12.81	12.16	31.68
1980	37.89	37.47	26.44	2.27	1.95	1.63	19.55	18.52	18.50	19.58	19.44	13.41	12.75	34.15
1981	38.20	37.84	27.36	2.38	2.06	1.74	19.82	18.80	18.78	19.61	19.47	13.67	13.02	34.45
1982	38.50	38.21	28.27	2.49	2.17	1.85	20.10	19.07	19.05	19.65	19.50	13.94	13.29	34.75
1983	38.81	38.59	29.18	2.60	2.28	1.96	20.37	19.35	19.33	19.68	19.54	14.20	13.57	35.05
1984	39.11	38.96	30.10	2.71	2.40	2.08	20.65	19.62	19.60	19.71	19.57	14.47	13.84	35.34
1985	39.41	39.34	31.01	2.83	2.51	2.19	20.92	19.90	19.88	19.74	19.60	14.73	14.12	35.64
1986	39.70	39.69	31.90	3.03	2.71	2.39	21.23	20.21	20.19	19.87	19.72	15.03	14.41	35.89
1987	39.98	40.04	32.80	3.23	2.91	2.59	21.54	20.52	20.50	19.99	19.84	15.33	14.70	36.13
1988	40.26	40.40	33.69	3.43	3.12	2.80	21.85	20.83	20.81	20.11	19.96	15.63	14.99	36.38
1989	40.55	40.75	34.58	3.64	3.32	3.00	22.16	21.14	21.12	20.23	20.09	15.93	15.28	36.63
1990	40.83	41.11	35.47	3.84	3.52	3.20	22.47	21.45	21.43	20.35	20.21	16.23	15.57	36.88
1991	40.83	41.11	35.47	3.84	3.52	3.20	22.47	21.45	21.43	20.35	20.21	16.23	15.57	36.88

TABLE 6
ENERGY PRICES IN 1977 DOLLARS PER FUEL UNIT
FEA REGION VI SOUTHWEST
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT. $/MKWH	COMM. ELECT. $/MKWH	IND. ELECT. $/MKWH	RES. N. GAS $/MCFT	COMM. N. GAS $/MCFT	IND. N. GAS $/MCFT	RES. DIST. $/BBL	COMM. DIST. $/BBL	IND. DIST. $/BBL	COMM. RESID. $/BBL	IND. RESID. $/BBL	RES. LPG $/BBL	IND. LPG $/BBL	IND. COAL $/MBTU
1975	29.69	25.93	15.91	1.53	1.03	0.80	17.43	15.95	15.89	13.28	13.69	10.72	9.92	41.83
1976	33.13	29.56	20.00	1.60	1.10	1.03	18.12	16.66	16.58	14.33	14.65	11.33	10.52	39.75
1977	36.58	33.19	24.08	1.66	1.16	1.25	18.80	17.36	17.28	15.38	15.60	11.94	11.12	37.67
1978	40.02	36.81	28.16	1.73	1.22	1.47	19.49	18.06	17.97	16.43	16.56	12.54	11.72	35.59
1979	43.47	40.44	32.24	1.79	1.29	1.69	20.18	18.76	18.67	17.47	17.51	13.15	12.32	33.51
1980	46.91	44.07	36.32	1.86	1.35	1.91	20.87	19.46	19.36	18.52	18.47	13.76	12.92	31.43
1981	46.33	43.66	36.39	1.91	1.53	1.92	21.03	19.62	19.52	18.56	18.50	14.02	13.19	31.88
1982	45.74	43.26	36.45	1.96	1.70	1.92	21.19	19.78	19.68	18.59	18.53	14.27	13.45	32.32
1983	45.15	42.86	36.52	2.02	1.87	1.93	21.35	19.94	19.84	18.62	18.57	14.53	13.72	32.77
1984	44.57	42.46	36.59	2.07	2.05	1.93	21.51	20.10	20.00	18.66	18.60	14.79	13.98	33.21
1985	43.98	42.05	36.65	2.12	2.22	1.94	21.67	20.26	20.16	18.69	18.63	15.04	14.25	33.66
1986	44.47	42.72	37.79	2.27	2.46	2.18	21.96	20.55	20.46	18.81	18.75	15.34	14.54	34.11
1987	44.95	43.39	38.93	2.41	2.70	2.42	22.26	20.85	20.75	18.93	18.88	15.64	14.83	34.55
1988	45.44	44.06	40.07	2.56	2.94	2.66	22.55	21.14	21.04	19.05	19.00	15.94	15.12	35.00
1989	45.93	44.73	41.21	2.70	3.18	2.90	22.84	21.43	21.33	19.17	19.12	16.24	15.41	35.44
1990	46.42	45.40	42.35	2.85	3.42	3.13	23.13	21.72	21.63	19.29	19.24	16.54	15.70	35.89
1991	46.42	45.40	42.35	2.85	3.42	3.13	23.13	21.72	21.63	19.29	19.24	16.54	15.70	35.89

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TABLE 7
ENERGY PRICES IN 1977 DOLLARS PER FUEL UNIT
FEA REGION VII CENTRAL
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT. $/MKWH	COMM. ELECT. $/MKWH	IND. ELECT. $/MKWH	RES. N. GAS $/MCFT	COMM. N. GAS $/MCFT	IND. N. GAS $/MCFT	RES. DIST. $/BBL	COMM. DIST. $/BBL	IND. DIST. $/BBL	COMM. RESID. $/BBL	IND. RESID. $/BBL	RES. LPG $/BBL	IND. LPG $/BBL	IND. COAL $/MEST
1975	33.40	31.00	21.28	1.46	1.10	0.76	17.11	16.02	15.95	16.60	16.39	10.50	9.79	28.46
1976	34.45	31.94	22.51	1.52	1.15	0.96	17.48	16.42	16.36	17.21	17.00	10.99	10.31	29.30
1977	35.49	32.88	23.74	1.57	1.20	1.16	17.86	16.82	16.76	17.81	17.62	11.49	10.83	30.15
1978	36.53	33.82	24.97	1.63	1.24	1.37	18.23	17.22	17.17	18.42	18.23	11.98	11.35	30.99
1979	37.58	34.76	26.20	1.68	1.29	1.57	18.61	17.62	17.57	19.03	18.85	12.47	11.87	31.83
1980	38.62	35.69	27.43	1.74	1.34	1.77	18.99	18.02	17.97	19.63	19.46	12.97	12.39	32.67
1981	38.56	36.05	28.24	1.74	1.60	2.04	19.26	18.29	18.25	19.67	19.49	13.23	12.66	32.97
1982	38.50	36.41	29.05	1.75	1.86	2.32	19.54	18.57	18.52	19.70	19.52	13.50	12.92	33.26
1983	38.44	36.76	29.86	1.76	2.12	2.59	19.81	18.84	18.80	19.73	19.56	13.76	13.19	33.56
1984	38.37	37.12	30.67	1.76	2.38	2.86	20.09	19.12	19.07	19.77	19.59	14.03	13.45	33.86
1985	38.31	37.48	31.48	1.77	2.64	3.13	20.36	19.39	19.35	19.80	19.62	14.29	13.72	34.15
1986	38.15	37.73	32.19	2.00	2.86	3.19	20.67	19.70	19.66	19.92	19.74	14.59	14.02	34.35
1987	37.99	37.99	32.90	2.24	3.08	3.25	20.98	20.01	19.97	20.04	19.87	14.89	14.32	34.55
1988	37.83	38.24	33.61	2.47	3.29	3.31	21.29	20.32	20.28	20.16	19.99	15.19	14.62	34.75
1989	37.67	38.50	34.32	2.70	3.51	3.37	21.60	20.63	20.59	20.28	20.11	15.49	14.92	34.95
1990	37.51	38.75	35.03	2.94	3.73	3.43	21.91	20.94	20.90	20.40	20.23	15.79	15.22	35.14
1991	37.51	38.75	35.03	2.94	3.73	3.43	21.91	20.94	20.90	20.40	20.23	15.79	15.22	35.14

TABLE 8
ENERGY PRICES IN 1977 DOLLARS PER FUEL UNIT
FEA REGION VIII NORTH CENTRAL
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT. $/MKWH	COMM. ELECT. $/MKWH	IND. ELECT. $/MKWH	RES. N. GAS $/MCFT	COMM. N. GAS $/MCFT	IND. N. GAS $/MCFT	RES. DIST. $/BBL	COMM. DIST. $/BBL	IND. DIST. $/BBL	COMM. RESID. $/BBL	IND. RESID. $/BBL	RES. LPG $/BBL	IND. LPG $/BBL	IND. COAL $/MEST
1975	30.78	25.86	13.96	1.33	1.11	0.68	17.94	17.17	17.17	17.63	17.29	11.51	10.72	20.54
1976	30.97	26.28	15.09	1.41	1.19	0.94	18.38	17.51	17.55	18.05	17.71	11.88	11.08	21.83
1977	31.17	26.70	16.21	1.49	1.28	1.20	18.82	17.85	17.93	18.47	18.13	12.25	11.44	23.12
1978	31.36	27.11	17.33	1.58	1.36	1.45	19.25	18.19	18.31	18.88	18.55	12.62	11.80	24.40
1979	31.56	27.53	18.46	1.66	1.45	1.71	19.69	18.53	18.69	19.30	18.97	12.99	12.17	25.69
1980	31.76	27.95	19.58	1.75	1.53	1.97	20.13	18.86	19.07	19.71	19.39	13.37	12.53	26.98
1981	31.57	27.98	20.33	1.77	1.72	1.98	20.40	19.14	19.35	19.83	19.51	13.60	12.77	27.37
1982	31.39	28.01	21.08	1.79	1.90	1.98	20.68	19.41	19.62	19.94	19.62	13.84	13.00	27.77
1983	31.19	28.04	21.83	1.81	2.09	1.99	20.95	19.69	19.90	20.06	19.74	14.08	13.24	28.17
1984	31.00	28.07	22.58	1.84	2.28	2.00	21.23	19.96	20.17	20.17	19.85	14.32	13.48	28.56
1985	30.81	28.09	23.33	1.86	2.46	2.00	21.50	20.24	20.45	20.28	19.96	14.56	13.72	28.96
1986	31.21	28.71	24.67	2.05	2.71	2.25	21.80	20.53	20.74	20.49	20.17	14.85	14.02	29.30
1987	31.61	29.33	26.01	2.25	2.96	2.49	22.09	20.83	21.03	20.69	20.37	15.14	14.32	29.65
1988	32.01	29.95	27.35	2.44	3.20	2.74	22.38	21.12	21.33	20.89	20.57	15.43	14.62	30.00
1989	32.41	30.57	28.69	2.63	3.45	2.99	22.68	21.41	21.62	21.09	20.77	15.72	14.92	30.34
1990	32.81	31.18	30.03	2.83	3.70	3.23	22.97	21.70	21.91	21.30	20.98	16.01	15.22	30.69
1991	32.81	31.18	30.03	2.83	3.70	3.23	22.97	21.70	21.91	21.30	20.98	16.01	15.22	30.69

TABLE 9
ENERGY PRICES IN 1977 DOLLARS PER FUEL UNIT
FEA REGION IX WESTERN
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT. $/MKWH	COMM. ELECT. $/MKWH	IND. ELECT. $/MKWH	RES. N. GAS $/MCFT	COMM. N. GAS $/MCFT	IND. N. GAS $/MCFT	RES. DIST. $/BBL	COMM. DIST. $/BBL	IND. DIST. $/BBL	COMM. RESID. $/BBL	IND. RESID. $/BBL	RES. LPG $/BBL	IND. LPG $/BBL	IND. COAL $/MEST
1975	36.97	31.11	23.76	1.73	1.42	1.12	19.16	17.56	17.56	18.26	18.19	12.31	11.29	41.33
1976	39.13	33.56	26.37	1.92	1.56	1.46	19.43	17.84	17.84	18.33	18.27	12.60	11.60	39.90
1977	41.30	36.01	28.98	2.10	1.71	1.79	19.69	18.12	18.12	18.40	18.35	12.89	11.91	38.46
1978	43.46	38.46	31.59	2.28	1.85	2.13	19.96	18.40	18.40	18.47	18.43	13.18	12.22	37.03
1979	45.63	40.90	34.21	2.47	2.00	2.47	20.23	18.68	18.68	18.54	18.51	13.47	12.53	35.59
1980	47.79	43.35	36.82	2.65	2.14	2.80	20.49	18.96	18.96	18.61	18.59	13.76	12.84	34.15
1981	47.28	43.12	36.78	2.85	2.35	2.75	20.71	19.18	19.18	18.64	18.61	13.97	13.05	34.65
1982	46.77	42.89	36.74	3.06	2.55	2.70	20.93	19.40	19.40	18.66	18.64	14.19	13.26	35.14
1983	46.26	42.66	36.70	3.26	2.75	2.65	21.15	19.62	19.62	18.68	18.66	14.40	13.47	35.64
1984	45.74	42.43	36.67	3.46	2.95	2.60	21.37	19.84	19.84	18.71	18.69	14.61	13.68	36.13
1985	45.23	42.20	36.63	3.66	3.16	2.55	21.59	20.06	20.06	18.73	18.71	14.82	13.89	36.63
1986	45.27	42.52	37.14	3.70	3.19	2.70	21.86	20.33	20.33	18.85	18.83	15.15	14.22	37.12
1987	45.32	42.85	37.66	3.74	3.23	2.86	22.13	20.60	20.60	18.97	18.95	15.47	14.55	37.62
1988	45.36	43.17	38.17	3.78	3.27	3.01	22.39	20.86	20.86	19.10	19.07	15.80	14.87	38.11
1989	45.40	43.50	38.69	3.81	3.31	3.16	22.66	21.13	21.13	19.22	19.19	16.13	15.20	38.61
1990	45.44	43.82	39.20	3.85	3.34	3.31	22.92	21.39	21.39	19.34	19.32	16.45	15.53	39.10
1991	45.44	43.82	39.20	3.85	3.34	3.31	22.92	21.39	21.39	19.34	19.32	16.45	15.53	39.10

TABLE 10
ENERGY PRICES IN 1977 DOLLARS PER FUEL UNIT
FEA REGION X NORTHWESTERN
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT. $/MKWH	COMM. ELECT. $/MKWH	IND. ELECT. $/MKWH	RES. N. GAS $/MCFT	COMM. N. GAS $/MCFT	IND. N. GAS $/MCFT	RES. DIST. $/BBL	COMM. DIST. $/BBL	IND. DIST. $/BBL	COMM. RESID. $/BBL	IND. RESID. $/BBL	RES. LPG $/BBL	IND. LPG $/BBL	IND. COAL $/MEST
1975	15.91	16.66	6.16	2.37	1.78	1.17	18.77	17.17	17.11	17.77	17.91	11.91	10.98	24.01
1976	17.23	17.90	7.81	2.59	2.00	1.38	19.12	17.53	17.48	17.86	18.11	12.28	11.35	24.55
1977	18.55	19.13	9.47	2.80	2.22	1.59	19.46	17.89	17.85	17.94	18.31	12.65	11.72	25.10
1978	19.87	20.37	11.13	3.02	2.44	1.80	19.81	18.25	18.22	18.03	18.52	13.02	12.09	25.64
1979	21.19	21.60	12.79	3.24	2.66	2.01	20.15	18.61	18.59	18.11	18.72	13.39	12.47	26.19
1980	22.51	22.84	14.45	3.45	2.88	2.22	20.49	18.96	18.96	18.19	18.92	13.76	12.84	26.73
1981	22.52	22.77	14.81	3.46	2.88	2.22	20.71	19.18	19.18	18.22	18.94	13.97	13.05	28.56
1982	22.53	22.70	15.18	3.46	2.89	2.23	20.93	19.40	19.40	18.24	18.97	14.19	13.26	30.39
1983	22.54	22.62	15.54	3.46	2.89	2.23	21.15	19.62	19.62	18.27	18.99	14.40	13.47	32.22
1984	22.55	22.55	15.90	3.46	2.89	2.23	21.37	19.84	19.84	18.29	19.02	14.61	13.68	34.06
1985	22.56	22.48	16.26	3.46	2.89	2.23	21.59	20.06	20.06	18.31	19.04	14.82	13.89	35.89
1986	22.91	22.75	16.95	3.50	3.23	2.57	21.86	20.33	20.33	18.44	19.16	15.15	14.22	36.68
1987	23.25	23.01	17.65	3.54	3.57	2.91	22.13	20.60	20.60	18.56	19.28	15.47	14.55	37.47
1988	23.60	23.28	18.34	3.58	3.90	3.24	22.39	20.86	20.86	18.68	19.40	15.80	14.87	38.26
1989	23.94	23.54	19.04	3.62	4.24	3.58	22.66	21.13	21.13	18.80	19.52	16.13	15.20	39.06
1990	24.29	23.80	19.73	3.66	4.58	3.92	22.92	21.39	21.39	18.92	19.65	16.45	15.53	39.85
1991	24.29	23.80	19.73	3.66	4.58	3.92	22.92	21.39	21.39	18.92	19.65	16.45	15.53	39.85

TABLE 11
ENERGY PRICES IN 1977 DOLLARS PER MILLION BTU
FEA REGION I NEW ENGLAND
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT.	COMM. ELECT.	IND. ELECT.	RES. N. GAS	COMM. N. GAS	IND. N. GAS	RES. DIST.	COMM. DIST.	IND. DIST.	COMM. RESID.	IND. RESID.	RES. LPG	IND. LPG	IND. COAL
1975	14.53	14.15	10.35	3.37	2.79	2.36	3.44	3.05	3.05	2.33	2.34	3.89	3.32	1.26
1976	14.54	14.18	10.55	3.37	2.78	2.69	3.47	3.11	3.11	2.44	2.46	3.82	3.32	1.37
1977	14.54	14.22	10.75	3.37	2.77	3.01	3.50	3.17	3.17	2.56	2.58	3.74	3.31	1.47
1978	14.55	14.25	10.95	3.37	2.76	3.34	3.53	3.24	3.24	2.67	2.70	3.67	3.30	1.57
1979	14.56	14.29	11.15	3.37	2.75	3.66	3.56	3.30	3.30	2.78	2.82	3.59	3.30	1.67
1980	14.56	14.33	11.35	3.37	2.74	3.98	3.59	3.36	3.36	2.89	2.94	3.52	3.29	1.77
1981	14.52	14.32	11.51	3.53	2.90	3.78	3.61	3.38	3.38	2.90	2.95	3.57	3.34	1.79
1982	14.48	14.30	11.68	3.69	3.06	3.59	3.63	3.41	3.40	2.90	2.95	3.62	3.39	1.80
1983	14.44	14.29	11.84	3.84	3.21	3.39	3.66	3.43	3.43	2.90	2.96	3.67	3.45	1.82
1984	14.40	14.28	12.00	4.00	3.37	3.19	3.68	3.45	3.45	2.91	2.96	3.72	3.50	1.83
1985	14.36	14.27	12.17	4.15	3.52	2.99	3.70	3.47	3.47	2.91	2.96	3.77	3.55	1.85
1986	14.46	14.40	12.48	4.33	3.70	3.17	3.75	3.52	3.52	2.93	2.98	3.84	3.62	1.86
1987	14.56	14.53	12.78	4.50	3.87	3.34	3.79	3.56	3.56	2.95	3.00	3.90	3.68	1.87
1988	14.67	14.67	13.09	4.68	4.05	3.52	3.84	3.61	3.61	2.97	3.02	3.97	3.75	1.88
1989	14.77	14.80	13.40	4.85	4.22	3.69	3.89	3.66	3.65	2.99	3.04	4.04	3.82	1.89
1990	14.88	14.93	13.71	5.03	4.40	3.87	3.93	3.70	3.70	3.01	3.06	4.10	3.88	1.90
1991	14.88	14.93	13.71	5.03	4.40	3.87	3.93	3.70	3.70	3.01	3.06	4.10	3.88	1.90

TABLE 12
ENERGY PRICES IN 1977 DOLLARS PER MILLION BTU
FEA REGION II NEW YORK/NEW JERSEY
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT.	COMM. ELECT.	IND. ELECT.	RES. N. GAS	COMM. N. GAS	IND. N. GAS	RES. DIST.	COMM. DIST.	IND. DIST.	COMM. RESID.	IND. RESID.	RES. LPG	IND. LPG	IND. COAL
1975	16.32	16.41	8.89	2.75	2.23	1.66	3.13	2.85	2.84	2.28	2.28	3.22	2.90	1.06
1976	16.20	16.45	8.90	2.82	2.30	1.71	3.24	2.96	2.95	2.42	2.44	3.29	2.99	1.18
1977	16.09	16.48	8.92	2.90	2.36	1.76	3.34	3.07	3.06	2.56	2.60	3.36	3.07	1.30
1978	15.96	16.52	8.93	2.97	2.42	1.80	3.44	3.18	3.17	2.70	2.76	3.43	3.15	1.42
1979	15.84	16.56	8.95	3.04	2.49	1.85	3.54	3.29	3.28	2.84	2.92	3.50	3.23	1.54
1980	15.72	16.59	8.97	3.12	2.55	1.90	3.64	3.40	3.39	2.98	3.08	3.56	3.31	1.66
1981	15.56	16.60	8.96	3.23	2.66	2.01	3.67	3.43	3.41	2.99	3.08	3.62	3.37	1.68
1982	15.41	16.60	8.95	3.34	2.77	2.12	3.69	3.46	3.44	2.99	3.09	3.68	3.43	1.69
1983	15.25	16.60	8.94	3.45	2.88	2.23	3.72	3.48	3.46	2.99	3.09	3.74	3.49	1.71
1984	15.09	16.60	8.93	3.55	2.99	2.34	3.75	3.51	3.49	3.00	3.09	3.79	3.55	1.72
1985	14.94	16.61	8.92	3.66	3.10	2.45	3.77	3.53	3.52	3.00	3.10	3.85	3.61	1.74
1986	14.94	16.77	9.08	3.80	3.24	2.59	3.82	3.58	3.56	3.02	3.12	3.92	3.67	1.75
1987	14.95	16.93	9.23	3.95	3.38	2.73	3.87	3.63	3.61	3.04	3.14	3.98	3.74	1.76
1988	14.96	17.10	9.38	4.09	3.52	2.87	3.91	3.67	3.66	3.06	3.15	4.05	3.81	1.77
1989	14.96	17.26	9.54	4.23	3.66	3.01	3.96	3.72	3.70	3.08	3.17	4.11	3.87	1.78
1990	14.97	17.43	9.69	4.37	3.80	3.15	4.01	3.77	3.75	3.10	3.19	4.18	3.94	1.79
1991	14.97	17.43	9.69	4.37	3.80	3.15	4.01	3.77	3.75	3.10	3.19	4.18	3.94	1.79

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TABLE 13
ENERGY PRICES IN 1977 DOLLARS PER MILLION BTU
FEA REGION III MID-ATLANTIC
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT.	COMM. ELECT.	IND. ELECT.	RES. N. GAS	COMM. N. GAS	IND. N. GAS	RES. DIST.	COMM. DIST.	IND. DIST.	IND. RESID.	COMM. RESID.	RES. LPG	IND. LPG	IND. COAL
1975	12.24	11.38	8.02	2.12	1.81	1.19	3.06	2.84	2.82	2.23	2.27	2.90	2.74	0.81
1976	12.19	11.37	8.11	2.23	1.90	1.32	3.21	2.96	2.96	2.43	2.47	3.09	2.89	0.96
1977	12.14	11.35	8.21	2.35	1.99	1.45	3.36	3.08	3.11	2.62	2.67	3.28	3.04	1.11
1978	12.09	11.33	8.30	2.46	2.07	1.58	3.51	3.20	3.25	2.81	2.87	3.47	3.19	1.26
1979	12.05	11.31	8.40	2.57	2.16	1.72	3.67	3.33	3.39	3.00	3.07	3.66	3.35	1.40
1980	12.00	11.29	8.50	2.68	2.24	1.85	3.82	3.45	3.54	3.19	3.27	3.85	3.50	1.55
1981	12.09	11.41	8.74	2.79	2.36	1.96	3.84	3.47	3.56	3.20	3.27	3.91	3.56	1.57
1982	12.18	11.54	8.99	2.91	2.47	2.07	3.87	3.50	3.59	3.20	3.28	3.97	3.62	1.59
1983	12.27	11.66	9.24	3.02	2.58	2.19	3.90	3.53	3.64	3.20	3.28	4.03	3.68	1.60
1984	12.36	11.79	9.48	3.13	2.70	2.30	3.92	3.55	3.64	3.21	3.28	4.09	3.74	1.62
1985	12.45	11.91	9.73	3.25	2.81	2.41	3.95	3.58	3.67	3.21	3.29	4.15	3.79	1.64
1986	12.53	12.02	9.96	3.36	2.92	2.52	4.00	3.62	3.72	3.23	3.31	4.21	3.86	1.65
1987	12.61	12.13	10.20	3.47	3.03	2.64	4.04	3.67	3.76	3.25	3.33	4.28	3.93	1.66
1988	12.69	12.24	10.43	3.58	3.14	2.75	4.09	3.72	3.81	3.27	3.35	4.34	3.99	1.67
1989	12.77	12.35	10.66	3.69	3.25	2.86	4.13	3.76	3.85	3.29	3.36	4.41	4.06	1.67
1990	12.85	12.46	10.90	3.80	3.36	2.97	4.18	3.81	3.90	3.31	3.38	4.48	4.12	1.68
1991	12.85	12.46	10.90	3.80	3.36	2.97	4.18	3.81	3.90	3.31	3.38	4.48	4.12	1.68

TABLE 14
ENERGY PRICES IN 1977 DOLLARS PER MILLION BTU
FEA REGION IV SOUTH ATLANTIC
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT.	COMM. ELECT.	IND. ELECT.	RES. N. GAS	COMM. N. GAS	IND. N. GAS	RES. DIST.	COMM. DIST.	IND. DIST.	IND. RESID.	COMM. RESID.	RES. LPG	IND. LPG	IND. COAL
1975	9.01	9.44	5.81	1.64	1.30	0.91	3.08	2.84	2.82	2.05	2.02	2.74	2.53	0.97
1976	9.31	9.70	6.27	1.76	1.39	1.01	3.24	2.96	2.96	2.21	2.20	2.96	2.73	1.12
1977	9.60	9.97	6.73	1.88	1.48	1.11	3.40	3.08	3.10	2.38	2.38	3.19	2.93	1.28
1978	9.90	10.24	7.19	1.99	1.57	1.20	3.56	3.21	3.24	2.55	2.56a	3.41	3.13	1.43
1979	10.19	10.50	7.65	2.11	1.66	1.30	3.73	3.33	3.39	2.72	2.74	3.64	3.33	1.58
1980	10.49	10.77	8.10	2.23	1.75	1.40	3.89	3.45	3.53	2.89	2.92	3.86	3.53	1.74
1981	10.50	10.75	8.29	2.36	1.88	1.54	3.91	3.48	3.56	2.89	2.92	3.92	3.59	1.76
1982	10.52	10.73	8.47	2.48	2.00	1.69	3.94	3.51	3.58	2.90	2.93	3.99	3.66	1.77
1983	10.53	10.72	8.66	2.60	2.12	1.83	3.97	3.53	3.61	2.90	2.93	4.05	3.72	1.79
1984	10.54	10.70	8.84	2.73	2.25	1.98	4.00	3.56	3.64	2.91	2.94	4.12	3.79	1.81
1985	10.56	10.68	9.02	2.85	2.37	2.13	4.02	3.59	3.67	2.91	2.94	4.18	3.85	1.83
1986	10.59	10.68	9.23	2.99	2.51	2.24	4.07	3.64	3.72	2.93	2.96	4.25	3.92	1.83
1987	10.63	10.68	9.43	3.12	2.64	2.36	4.12	3.69	3.77	2.95	2.98	4.33	3.99	1.84
1988	10.66	10.69	9.63	3.26	2.77	2.48	4.17	3.74	3.82	2.97	3.00	4.40	4.06	1.85
1989	10.69	10.69	9.83	3.39	2.91	2.60	4.23	3.79	3.87	2.99	3.02	4.47	4.13	1.86
1990	10.73	10.69	10.04	3.52	3.04	2.71	4.28	3.84	3.92	3.01	3.04	4.54	4.20	1.87
1991	10.73	10.69	10.04	3.52	3.04	2.71	4.28	3.84	3.92	3.01	3.04	4.54	4.20	1.87

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TABLE 15
ENERGY PRICES IN 1977 DOLLARS PER MILLION BTU
FEA REGION V MIDWEST
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT.	COMM. ELECT.	IND. ELECT.	RES. N. GAS	COMM. N. GAS	IND. N. GAS	RES. DIST.	COMM. DIST.	IND. DIST.	COMM. RESID.	IND. RESID.	RES. LPG	IND. LPG	IND. COAL
1975	10.66	10.43	6.45	1.68	1.42	1.18	2.90	2.74	2.74	2.44	2.43	2.60	2.44	0.97
1976	10.75	10.54	6.71	1.79	1.51	1.26	2.99	2.83	2.83	2.58	2.56	2.75	2.59	1.08
1977	10.84	10.65	6.97	1.89	1.61	1.34	3.08	2.92	2.91	2.71	2.70	2.90	2.74	1.19
1978	10.93	10.76	7.23	1.99	1.70	1.42	3.18	3.00	3.00	2.85	2.83	3.04	2.88	1.30
1979	11.02	10.87	7.49	2.10	1.80	1.50	3.27	3.09	3.09	2.98	2.96	3.19	3.03	1.41
1980	11.11	10.98	7.75	2.20	1.89	1.58	3.36	3.18	3.18	3.11	3.09	3.34	3.18	1.52
1981	11.20	11.09	8.02	2.31	2.00	1.69	3.40	3.23	3.22	3.12	3.10	3.41	3.25	1.53
1982	11.28	11.20	8.29	2.42	2.11	1.80	3.45	3.27	3.27	3.12	3.10	3.48	3.32	1.54
1983	11.37	11.31	8.55	2.53	2.22	1.91	3.50	3.32	3.32	3.13	3.11	3.54	3.38	1.56
1984	11.46	11.42	8.82	2.64	2.33	2.02	3.54	3.37	3.37	3.14	3.11	3.61	3.45	1.57
1985	11.55	11.53	9.09	2.74	2.43	2.13	3.59	3.42	3.41	3.14	3.12	3.67	3.52	1.58
1986	11.63	11.63	9.35	2.94	2.63	2.32	3.65	3.47	3.47	3.16	3.14	3.75	3.59	1.59
1987	11.72	11.74	9.61	3.14	2.83	2.52	3.70	3.52	3.52	3.18	3.16	3.82	3.67	1.61
1988	11.80	11.84	9.87	3.33	3.02	2.71	3.75	3.58	3.57	3.20	3.18	3.90	3.74	1.62
1989	11.88	11.94	10.14	3.53	3.22	2.91	3.80	3.63	3.63	3.22	3.19	3.97	3.81	1.63
1990	11.97	12.05	10.40	3.73	3.42	3.11	3.86	3.68	3.68	3.24	3.21	4.05	3.88	1.64
1991	11.97	12.05	10.40	3.73	3.42	3.11	3.86	3.68	3.68	3.24	3.21	4.05	3.88	1.64

TABLE 16
ENERGY PRICES IN 1977 DOLLARS PER MILLION BTU
FEA REGION VI SOUTHWEST
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT.	COMM. ELECT.	IND. ELECT.	RES. N. GAS	COMM. N. GAS	IND. N. GAS	RES. DIST.	COMM. DIST.	IND. DIST.	COMM. RESID.	IND. RESID.	RES. LPG	IND. LPG	IND. COAL
1975	8.70	7.60	4.66	1.48	1.00	0.78	2.99	2.74	2.73	2.11	2.18	2.67	2.47	1.86
1976	9.71	8.66	5.86	1.55	1.06	1.00	3.11	2.86	2.85	2.28	2.33	2.82	2.62	1.77
1977	10.72	9.73	7.06	1.61	1.13	1.21	3.23	2.98	2.97	2.45	2.48	2.98	2.77	1.67
1978	11.73	10.79	8.25	1.68	1.19	1.43	3.35	3.10	3.09	2.61	2.63	3.13	2.92	1.58
1979	12.74	11.85	9.45	1.74	1.25	1.64	3.46	3.22	3.20	2.78	2.79	3.28	3.07	1.49
1980	13.75	12.91	10.65	1.80	1.31	1.86	3.58	3.34	3.32	2.95	2.94	3.43	3.22	1.40
1981	13.58	12.80	10.66	1.86	1.48	1.86	3.61	3.37	3.35	2.95	2.94	3.50	3.29	1.42
1982	13.41	12.68	10.68	1.91	1.65	1.87	3.64	3.40	3.38	2.96	2.95	3.56	3.35	1.44
1983	13.23	12.56	10.70	1.96	1.82	1.87	3.67	3.42	3.41	2.96	2.95	3.62	3.42	1.46
1984	13.06	12.44	10.72	2.01	1.99	1.88	3.69	3.45	3.43	2.97	2.96	3.69	3.49	1.48
1985	12.89	12.33	10.74	2.06	2.16	1.88	3.72	3.48	3.46	2.97	2.96	3.75	3.55	1.50
1986	13.03	12.52	11.08	2.20	2.39	2.11	3.77	3.53	3.51	2.99	2.98	3.83	3.63	1.52
1987	13.19	12.72	11.41	2.34	2.62	2.35	3.82	3.58	3.56	3.01	3.00	3.90	3.70	1.54
1988	13.32	12.91	11.74	2.48	2.86	2.58	3.87	3.63	3.61	3.03	3.02	3.98	3.77	1.56
1989	13.46	13.11	12.08	2.63	3.09	2.81	3.92	3.68	3.66	3.05	3.04	4.05	3.84	1.58
1990	13.60	13.31	12.41	2.77	3.32	3.04	3.97	3.73	3.71	3.07	3.06	4.12	3.92	1.59
1991	13.60	13.31	12.41	2.77	3.32	3.04	3.97	3.73	3.71	3.07	3.06	4.12	3.92	1.59

TABLE 17
ENERGY PRICES IN 1977 DOLLARS PER MILLION BTU
FEA REGION VII CENTRAL
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT.	COMM. ELECT.	IND. ELECT.	RES. N. GAS	COMM. N. GAS	IND. N. GAS	RES. DIST.	COMM. DIST.	IND. DIST.	RES. LPG	IND. LPG	IND. COAL
1975	9.79	9.09	6.24	1.42	1.07	0.74	2.94	2.75	2.74	2.62	2.44	1.26
1976	10.10	9.36	6.60	1.47	1.11	0.93	3.00	2.82	2.81	2.74	2.57	1.30
1977	10.40	9.64	6.96	1.53	1.16	1.13	3.07	2.89	2.88	2.86	2.70	1.34
1978	10.71	9.91	7.32	1.58	1.21	1.33	3.13	2.96	2.95	2.99	2.83	1.38
1979	11.01	10.19	7.66	1.63	1.26	1.52	3.19	3.02	3.02	3.11	2.96	1.41
1980	11.32	10.46	8.04	1.69	1.30	1.72	3.26	3.09	3.09	3.23	3.09	1.45
1981	11.30	10.57	8.28	1.69	1.55	1.98	3.31	3.14	3.13	3.30	3.16	1.47
1982	11.28	10.67	8.51	1.70	1.81	2.25	3.35	3.19	3.18	3.37	3.22	1.48
1983	11.26	10.77	8.75	1.71	2.06	2.51	3.40	3.23	3.23	3.43	3.29	1.49
1984	11.25	10.88	8.99	1.71	2.31	2.78	3.45	3.28	3.27	3.50	3.35	1.50
1985	11.23	10.98	9.23	1.72	2.56	3.04	3.50	3.33	3.32	3.56	3.42	1.52
1986	11.18	11.06	9.44	1.95	2.77	3.10	3.55	3.38	3.37	3.64	3.50	1.53
1987	11.13	11.13	9.64	2.17	2.99	3.16	3.60	3.44	3.43	3.71	3.57	1.54
1988	11.09	11.21	9.85	2.40	3.20	3.22	3.66	3.49	3.48	3.79	3.65	1.54
1989	11.04	11.28	10.06	2.63	3.41	3.27	3.71	3.54	3.53	3.86	3.72	1.55
1990	10.99	11.36	10.27	2.85	3.62	3.33	3.76	3.60	3.59	3.94	3.79	1.56
1991	10.99	11.36	10.27	2.85	3.62	3.33	3.76	3.60	3.59	3.94	3.79	1.56

TABLE 18
ENERGY PRICES IN 1977 DOLLARS PER MILLION BTU
FEA REGION VIII NORTH CENTRAL
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT.	COMM. ELECT.	IND. ELECT.	RES. N. GAS	COMM. N. GAS	IND. N. GAS	RES. DIST.	COMM. DIST.	IND. DIST.	RES. LPG	IND. LPG	IND. COAL
1975	9.02	7.58	4.09	1.29	1.08	0.66	3.08	2.95	2.95	2.87	2.67	0.91
1976	9.08	7.70	4.42	1.37	1.16	0.91	3.16	3.01	3.01	2.96	2.76	0.97
1977	9.13	7.82	4.75	1.45	1.24	1.16	3.23	3.06	3.08	3.06	2.85	1.03
1978	9.19	7.95	5.08	1.53	1.32	1.41	3.31	3.12	3.14	3.15	2.94	1.08
1979	9.25	8.07	5.41	1.62	1.40	1.66	3.38	3.18	3.21	3.24	3.03	1.14
1980	9.31	8.19	5.74	1.70	1.48	1.91	3.46	3.24	3.27	3.33	3.12	1.20
1981	9.25	8.20	5.96	1.72	1.67	1.92	3.50	3.29	3.32	3.39	3.18	1.22
1982	9.20	8.21	6.18	1.74	1.85	1.92	3.55	3.33	3.37	3.45	3.24	1.23
1983	9.14	8.22	6.40	1.76	2.03	1.93	3.60	3.38	3.42	3.51	3.30	1.25
1984	9.09	8.23	6.62	1.78	2.21	1.94	3.64	3.43	3.46	3.57	3.36	1.27
1985	9.03	8.23	6.84	1.80	2.39	1.94	3.69	3.47	3.51	3.63	3.42	1.29
1986	9.15	8.42	7.23	1.99	2.63	2.18	3.74	3.52	3.56	3.70	3.50	1.30
1987	9.26	8.60	7.62	2.18	2.87	2.42	3.79	3.58	3.61	3.78	3.57	1.32
1988	9.38	8.78	8.02	2.37	3.11	2.66	3.84	3.63	3.66	3.85	3.65	1.33
1989	9.50	8.96	8.41	2.56	3.35	2.90	3.89	3.68	3.71	3.92	3.72	1.35
1990	9.62	9.14	8.80	2.74	3.59	3.14	3.94	3.73	3.76	3.99	3.79	1.36
1991	9.62	9.14	8.80	2.74	3.59	3.14	3.94	3.73	3.76	3.99	3.79	1.36

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TABLE 19
ENERGY PRICES IN 1977 DOLLARS PER MILLION BTU
FEA REGION IX WESTERN
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT.	COMM. ELECT.	IND. ELECT.	RES. N. GAS	COMM. N. GAS	IND. N. GAS	RES. DIST.	COMM. DIST.	IND. DIST.	COMM. RESID.	IND. RESID.	RES. LPG	IND. LPG	IND. COAL
1975	10.83	9.12	6.96	1.68	1.37	1.09	3.29	3.01	3.01	2.90	2.89	3.07	2.82	1.84
1976	11.47	9.84	7.73	1.86	1.52	1.42	3.33	3.06	3.06	2.92	2.91	3.14	2.89	1.77
1977	12.10	10.55	8.49	2.04	1.66	1.74	3.38	3.11	3.11	2.93	2.92	3.21	2.97	1.71
1978	12.74	11.27	9.26	2.22	1.80	2.07	3.43	3.16	3.16	2.94	2.93	3.29	3.05	1.65
1979	13.37	11.99	10.02	2.40	1.94	2.40	3.47	3.21	3.21	2.95	2.94	3.36	3.12	1.58
1980	14.01	12.71	10.79	2.57	2.08	2.72	3.52	3.26	3.26	2.96	2.96	3.43	3.20	1.52
1981	13.86	12.64	10.78	2.77	2.28	2.67	3.56	3.29	3.29	2.96	2.96	3.48	3.25	1.54
1982	13.71	12.57	10.77	2.97	2.48	2.63	3.59	3.33	3.33	2.97	2.96	3.54	3.31	1.56
1983	13.56	12.50	10.76	3.16	2.67	2.58	3.63	3.37	3.37	2.97	2.97	3.59	3.36	1.58
1984	13.41	12.43	10.75	3.36	2.87	2.53	3.67	3.41	3.41	2.98	2.97	3.64	3.41	1.61
1985	13.26	12.37	10.74	3.56	3.07	2.48	3.71	3.44	3.44	2.98	2.98	3.70	3.46	1.63
1986	13.27	12.46	10.89	3.59	3.10	2.63	3.75	3.49	3.49	3.00	3.00	3.78	3.55	1.65
1987	13.28	12.56	11.04	3.63	3.14	2.77	3.80	3.54	3.54	3.02	3.01	3.86	3.63	1.67
1988	13.29	12.65	11.19	3.67	3.17	2.92	3.84	3.58	3.58	3.04	3.03	3.94	3.71	1.69
1989	13.31	12.75	11.34	3.70	3.21	3.07	3.89	3.63	3.63	3.06	3.05	4.02	3.79	1.72
1990	13.32	12.84	11.49	3.74	3.25	3.21	3.94	3.67	3.67	3.08	3.07	4.10	3.87	1.74
1991	13.32	12.84	11.49	3.74	3.25	3.21	3.94	3.67	3.67	3.08	3.07	4.10	3.87	1.74

TABLE 20
ENERGY PRICES IN 1977 DOLLARS PER MILLION BTU
FEA REGION X NORTHWESTERN
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT.	COMM. ELECT.	IND. ELECT.	RES. N. GAS	COMM. N. GAS	IND. N. GAS	RES. DIST.	COMM. DIST.	IND. DIST.	COMM. RESID.	IND. RESID.	RES. LPG	IND. LPG	IND. COAL
1975	4.66	4.88	1.80	2.30	1.73	1.13	3.22	2.95	2.94	2.83	2.85	2.97	2.74	1.07
1976	5.05	5.25	2.29	2.51	1.94	1.34	3.28	3.01	3.00	2.84	2.88	3.06	2.83	1.09
1977	5.44	5.61	2.78	2.72	2.16	1.54	3.34	3.07	3.06	2.85	2.91	3.15	2.92	1.12
1978	5.82	5.97	3.26	2.93	2.37	1.75	3.40	3.13	3.13	2.87	2.95	3.25	3.02	1.14
1979	6.21	6.33	3.75	3.14	2.58	1.95	3.46	3.19	3.19	2.88	2.98	3.34	3.11	1.16
1980	6.60	6.69	4.24	3.35	2.80	2.16	3.52	3.26	3.26	2.89	3.01	3.43	3.20	1.19
1981	6.60	6.67	4.34	3.36	2.80	2.16	3.56	3.29	3.29	2.90	3.01	3.48	3.25	1.27
1982	6.60	6.65	4.45	3.36	2.80	2.16	3.59	3.33	3.33	2.90	3.02	3.54	3.31	1.35
1983	6.61	6.63	4.55	3.36	2.80	2.16	3.63	3.37	3.37	2.91	3.02	3.59	3.36	1.43
1984	6.61	6.61	4.66	3.36	2.81	2.17	3.67	3.41	3.41	2.91	3.02	3.64	3.41	1.51
1985	6.61	6.59	4.76	3.36	2.81	2.17	3.71	3.44	3.44	2.91	3.03	3.70	3.46	1.59
1986	6.71	6.67	4.97	3.40	3.14	2.49	3.75	3.49	3.49	2.93	3.05	3.78	3.55	1.63
1987	6.81	6.74	5.17	3.44	3.46	2.82	3.80	3.54	3.54	2.95	3.07	3.86	3.63	1.67
1988	6.92	6.82	5.38	3.48	3.79	3.15	3.84	3.58	3.58	2.97	3.09	3.94	3.71	1.70
1989	7.02	6.90	5.58	3.52	4.12	3.48	3.89	3.63	3.63	2.99	3.11	4.02	3.79	1.74
1990	7.12	6.98	5.78	3.56	4.44	3.80	3.94	3.67	3.67	3.01	3.12	4.10	3.87	1.77
1991	7.12	6.98	5.78	3.56	4.44	3.80	3.94	3.67	3.67	3.01	3.12	4.10	3.87	1.77

[FR Doc.77-10991 Filed 4-12-77;7:57 am]

federal register

FRIDAY, APRIL 15, 1977

PART V



DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

V42 73 APR 15 77 UMI

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Ohio	OH77–2057, OH77–2058, OH77–2059, OH77–2060, OH77–2061, OH77–2062

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alabama:	
AL77–1025	Mar. 4, 1977.
Georgia:	
GA76–1119	Oct. 5, 1976.
Hawaii:	
HI77–5030	Mar. 4, 1977.
Idaho:	
ID77–5023	Feb. 25, 1977.
Kansas:	
KS77–4025	Feb. 18, 1977.
Louisiana:	
LA77–4052	Mar. 4, 1977.
Michigan:	
MI76–2138	Nov. 5, 1976.
MI77–2019	Feb. 18, 1977.
Minnesota:	
MN76–2001	Jan. 16, 1976.
Missouri:	
MO77–4051	Mar. 4, 1977.
Nevada:	
NV77–5012	Feb. 11, 1977.
New Mexico:	
NM77–4074	Apr. 8, 1977.
New York:	
NY77–3014; NY77–3015	Feb. 11, 1977.
Oklahoma:	
OK77–4063	Mar. 11, 1977.
Pennsylvania:	
PA76–3271	Nov. 5, 1976.
PA77–3026	Feb. 4, 1977.
Rhode Island:	
RI76–2150	Nov. 5, 1976.
RI76–2151	Nov. 12, 1976.
RI76–2152	Nov. 19, 1976.
Tennessee:	
TN77–1038	Apr. 1, 1977.
Texas:	
TX76–4192	Dec. 17, 1976.
TX77–4006; TX77–4007	Jan. 21, 1977.
TX77–4044	Feb. 25, 1977.
TX77–4071	Apr. 1, 1977.
Virginia:	
VA76–3254	Oct. 8, 1976.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Alabama:	
AL76–1027 (AL77–1045)	Feb. 20, 1976.
Connecticut:	
CT76–2109 (CT77–3045)	Sept. 10, 1976.
Iowa:	
IA76–4092 (IA77–4069)	May 21, 1976.
Kansas:	
KS77–4049 (KS77–4085)	Feb. 25, 1977.
KS77–4050 (KS77–4084)	Mar. 4, 1977.
Nevada:	
NV77–5029 (NV77–5037)	Do.
Ohio:	
OH76–2041 (OH77–2063)	Apr. 9, 1976.
OH76–2085 (OH77–2056)	July 23, 1976.
OH76–2092 (OH77–2056)	Aug. 13, 1976.
Pennsylvania:	
PA76–3181 (PA77–3034)	June 11, 1976.
PA76–3204 (PA77–3028)	June 18, 1976.
Texas:	
TX77–4043 (TX77–4086)	Feb. 13, 1976.
Wisconsin:	
WI76–2119 (WI77–2049)	Oct. 8, 1976.

Signed at Washington, D.C., this 8th day of April, 1977.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATE: OHIO
DECISION NO.: OH77-2058
DESCRIPTION OF WORK: Residential Construction Consisting of single family homes and garden type apartments up to and including 4 stories.

COUNTY: CLINTON
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$6.50				
CARPENTERS	6.00				
CEMENT MASONS	5.70				
ELECTRICIANS	3.69				
LABORERS	5.14				
PAINTERS	5.80				
PLUMBERS	5.62				
SHEET METAL WORKERS*	4.00				
TRUCK DRIVERS					
POWER EQUIPMENT OPERATORS:					
Backhoe operators	5.50				
Bulldozer operators	5.85				

NEW DECISION

STATE: OHIO
DECISION NO.: OH77-2057
DESCRIPTION OF WORK: Residential Construction Consisting of single family homes and garden type apartments up to and including 4 stories.

*CHAMPAIGN, LOGAN, & UNION

COUNTIES: *SEE BELOW
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$4.95				
BRICKLAYERS	6.19				
CARPENTERS	4.72				
CEMENT MASONS	4.79				
DRYWALL FINISHERS	5.00				
ELECTRICIANS	4.95				
LABORERS	3.50				
PAINTERS	5.00				
PLUMBERS	4.37				
ROOFERS	4.50				
SHEET METAL WORKERS	4.50				
SOFT FLOOR LAYERS	6.33				
TRUCK DRIVERS	4.10				
POWER EQUIPMENT OPERATORS:					
Backhoes; Bulldozers; & Front end loaders	5.35				

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NEW DECISION

STATE: OHIO COUNTIES: COSHOCTON & GUERNSEY
DECISION NO.: OH77-2059 DATE: Date of Publication
DESCRIPTION OF WORK: Residential Construction Consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$6.00				
CARPENTERS	5.12				
CEMENT MASONS	5.00				
DRYWALL FINISHERS/HANGERS	6.25				
ELECTRICIANS	6.00				
LABORERS	3.71				
PAINTERS	4.39				
PLUMBERS	6.00				
ROOFERS	3.50				
SHEET METAL WORKERS	4.60				
SOFT FLOOR LAYERS	5.00				
TRUCK DRIVERS	5.35				
POWER EQUIPMENT OPERATORS:					
Backhoes	5.16				
Bulldozers/Graders	5.80				
Front end loaders	5.50				

NEW DECISION

STATE: OHIO COUNTIES: *SEE BELOW
DECISION NO.: OH77-2060 DATE: Date of Publication
DESCRIPTION OF WORK: Residential Construction Consisting of single family homes and garden type apartments up to and including 4 stories.

*CRAWFORD, HANCOCK, SENECA, & WYANDOT

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$4.67				
BRICKLAYERS	6.50				
CARPENTERS	5.91				
CEMENT MASONS	6.14				
ELECTRICIANS	6.60				
LABORERS	4.56				
PAINTERS	5.00				
PLUMBERS	6.00				
ROOFERS	6.37				
POWER EQUIPMENT OPERATORS:					
Backhoes	6.67				
Front end loader	7.57				

NEW DECISION

STATE: OHIO COUNTY: MEDINA
DECISION NO.: OH77-2061 DATE: Date of Publication
DESCRIPTION OF WORK: Residential Construction Consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$9.27	.50	.40		.02
CARPENTERS	7.60				
CEMENT MASONS	8.21				
DRYWALL HANGERS	6.00				
ELECTRICIANS	7.25	.47	1%		.2%
LABORERS	5.50				
PAINTERS	6.00				
PLUMBERS	7.92				
ROOFERS	5.50				
SHEET METAL WORKERS	5.36	.45	.45		.02
POWER EQUIPMENT OPERATORS:					
Bulldozers	7.60				

NEW DECISION

STATE: OHIO COUNTY: MUSKINGUM
DECISION NO.: OH77-2062 DATE: Date of Publication
DESCRIPTION OF WORK: Residential Construction Consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$5.25				
CARPENTERS	4.83				
CEMENT MASONS	6.50				
DRYWALL FINISHERS	6.25				
DRYWALL HANGERS	7.00				
ELECTRICIANS	6.00				
LABORERS	3.73				
PAINTERS	4.50				
PLUMBERS	6.00				
ROOFERS	4.25				
SHEET METAL WORKERS	4.10				
SOFT FLOOR LAYERS	5.50				
TRUCK DRIVERS	3.73				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision # AL77-1025 - Mod. # 1 (42 FR-12577 - March 4, 1977) Lawrence, Limestone and Morgan Counties Alabama					
Change:					
Power Equipment Operators:					
Group A	9.38	.35	.35		
Group B	8.04	.35	.35		
Group C	7.36	.35	.35		
DECISION #GA76-1119 - Mod. #2 (41 FR-45800 - October 15, 1976) Richmond County, Georgia					
Change:					
Plumbers & Steamfitters	9.93	.50	.45		.03
DECISION #HI77-5030 - Mod. #2 (42 FR 12579 - March 4, 1977) Statewide Hawaii					
Change:					
Bricklayers	$10.50	$1.10	$1.45		.10
Cement Masons:					
Cement masons	9.33	1.10	1.45	.60	.10
Trowel machine operators	9.48	1.10	1.45	.60	.10
Marble Setters	10.50	1.10	1.45		.10
Plasterers	9.74	1.10	1.75	.60	.16
Terrazzo Workers and Tile Setters	10.50	1.10	1.45		.10
Omit:					
Terrazzo base grinder	7.45	.65	.75		.10
Terrazzo and tile helpers	7.19	.65	.75		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #ID77-5023 - Mod. #4 (42 FR 11195 - February 25, 1977) Statewide Idaho					
Change:					
Electricians:					
Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties:					
Electricians	$12.13	.57	1% + .40		.02
Cable Splicers	12.53	.57	1% + .40		.02
DECISION #KS77-4025 - Mod. #2 (42 FR 15251 - February 18, 1977) Allen, Anderson, Atchison, Bourbon, Brown, Butler, Chase, Chautaugua, Cherokee, Clay, Cloud, Coffey, Cowley, Crawford, Dickinson, Doniphan, Elk, Franklin, Geary, Greenwood, Harper, Harvey, Jackson, Kingman, Labette, Linn, Lyon, Marion, Marshall, McPherson, Montgomery, Morris, Nemaha, Neosho, Osage, Ottawa, Pottawatomie, Reno, Republic, Riley, Saline, Sumner, Wabaunsee, Washington, Wilson and Woodson Counties, and Geary and Riley Counties for Highway Construction only Kansas					
Change:					
Description of Work to Read: Highway (does not include airport runways and taxiways; bridges over navigable waters, tunnels; rest areas which include building structures; and railroad construction) and Water and Sewer Line Construction					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #IA77-4052 - Mod. #4 (42 FR 12593 - March 4, 1977) Statewide Louisiana					
Change:					
Electricians:					
Electricians:					
Zone 7	$10.35	.85	1%		1%
Cable splicers:					
Zone 7	10.85	.85	1%		1%
Line construction:					
Zone 7:					
Linemen; Operators	10.35	.85	1%		1%
Cable splicers	10.85	.85	1%		1%
Groundmen	8.35	.85	1%		1%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #MI76-2138 - Mod. #3 (41 FR 48988 - November 5, 1976) Bay, Genesee, Huron, Iosco, Lapeer, Saginaw, St. Clair, Sanilac, Shiawassee & Tuscola Counties, Michigan					
ADD:					
Glaziers:					
Genesee, Lapeer & Shiawassee Counties	$9.09	.55	.70		.02
St. Clair County	9.77	.55	.65		
Bay, Huron, Iosco; Tuscola & Saginaw Counties	8.45		.50	.25	.01
DECISION #MI77-2019 - Mod. #1 (42 FR 10238 - February 18, 1977) Genesee, Lapeer, Saginaw, St. Clair & Shiawassee Counties, Michigan					
CHANGE:					
Electricians:					
Genesee, Lapeer & Shiawassee Counties	$6.63	.40	1%+.75		.02
ADD:					
Glaziers:					
Genesee, Lapeer & Shiawassee Counties	9.09	.55	.70		.02
Saginaw County	8.45		.50	.25	.01
St. Clair County	9.77	.55	.65		

MODIFICATIONS P. 5

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #MN76-2001 - Mod. #7 (41 FR 2551 - January 16, 1976) Anoka, Carver, Hennepin, Scott, Dakota, Ramsey & Washington Counties, Minnesota					
CHANGE: Electricians: Residential Carver, Hennepin & Scott Cos; Twps. of Anoka, Fridley, Grow & Ramsey in Anoka County: Construction of all new family dwellings up to and including four-plexes. Old work shall apply to all residential remodeling, rewiring & repairing, in apartment buildings up to & including a 400 ampere service. This is limited to 3 floors occupied as living quarters floors & non-elevator apartment buildings	$6.73	.48	1%	.27	1%

MODIFICATIONS P. 6

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #77-4051 - Mod. #1 (42 FR 12618 - March 4, 1977) Description of Work and Locations: Heavy and Highway Construction, Missouri					
Change:					
CARPENTERS & PILEDRIVERMEN:					
Zone 3	$11.00	.50	.30		.05
LINE CONSTRUCTION:					
Zone 4					
Lineman	10.58	.45	1%		.25%
Groundman - Class I	9.02	.45	1%		.25%
Groundman - Class II	7.38	.45	1%		.25%
Groundman - Class A	6.72	.45	1%		.25%
Groundman - 1st. 6 mos.	6.42	.45	1%		.25%
PAINTERS:					
Zone 1					
Brush & roller	10.19	.55	.70		.08
Spray	11.19	.55	.70		.08
Bridge	10.94	.55	.70		.08
Zone 2					
Brush	8.15		.25		
Spray	8.90		.25		
Zone 3					
Brush	7.05				
Spray	7.45				
Zone 11					
Brush	9.05		.50		
Spray, bridgemen, steelman	9.55		.50		
OMIT:					
Zone 13	10.15	1.00	.95		
Zone 12	8.30		.50		
AREAS COVERED BY CEMENT MASONS ZONES					
Zone 12 - Clark, Knox, Lewis and Scotland Counties.					
Zone 13 - St. Louis City and County, Jefferson and St. Charles Counties; and Counties of Crawford, Franklin, Iron, Lincoln, Madison, Reynolds, Shannon, St. Francois, Ste. Genevieve, Warren and Washington on projects $100,000.00 and over.					

MODIFICATIONS P. 7

DECISION #77-4051 (Cont'd.)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADD:					
Zone 12	10.15	1.00	.95		
AREAS COVERED BY CEMENT MASONS ZONES					
Zone 12 - St. Louis City and County, Jefferson and St. Charles Counties; and Counties of Crawford, Franklin, Iron, Lincoln, Madison, Reynolds, Shannon, St. Francois, Ste. Genevieve, Warren and Washington on projects $100,000.00 and over.					
DECISION #NV77-5012 - Mod. #1 (42 FR 8947 - February 11, 1977) Nevada Test Site including the Tonopah Test Range in Clark and Nye Counties, Nevada					
Change:					
Asbestos Workers	$11.92	.78	$1.17	$1.00	
Carpenters:					
Carpenters	10.33	.65	.90	.80	.03
Floor Layers	10.355	.65	.90	.80	.03
Millwrights	10.83	.65	.90	.80	.03
Painters:					
Brush; Roller Paperhangers; Spray; Steel; Sandblasters; Swing Stage; Tapers; Buffing; Sandblasters, Steel	9.21	.75	.35	1.50	.06
	9.56	.75	.35	1.50	.06
Sheet Metal Workers	10.88	.93	1.60	1.00	.05

MODIFICATIONS P. 8

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. NM77-4074 - Mod. #1 (42 FR April 8, 1977) Statewide, New Mexico					
CHANGE:					
BOILERMAKERS	$9.625	.775	1.00	.50	.02
GLAZIERS ZONE DEFINITIONS TO READ:					
ZONE I - Dona Ana, Luna and Otero Counties					
ZONE II - Statewide except Dona Ana, Luna and Otero Counties					
ADD:					
LABORERS (HEAVY ENGINEERING)					
Grade setter	6.61	.53	.50		.05
DECISION NO. #NY77-3014 Mod. #1 (42 FR 8966-February 11, 1977) Orange County, New York					
Change:					
Asbestos Workers	$13.29	5%	10%		
Boilermakers	12.33	5%	15%	7%	.02
Electricians: Remainder of County	10.60	.79	1% + .75	.60	1%
Glaziers	10.70	.66	1.66	.47	.01
Ironworkers, Structural Ornamental, Reinforcing	9.75	1.45	2.02	1.50	
DECISION NO. NY77-3015-Mod.#1 (42 FR 8973-February 11, 1977) Erie County, New York					
OMIT: Test Core Drill Machine from Building Power Equipment Operators and Heavy and Highway Power Equipment Operators.					

DECISION NO. OK77-4063 - Mod. #2
(42 FR 13790 - March 11, 1977)
Oklahoma, Cleveland, Caddo, Canadian, Grady, Kingfisher, Logan, Lincoln, McClain, Seminole and Pottawatomie Counties, Oklahoma

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
PAINTERS:					
Brush	$7.95	.50	.35	.35	.03
Spray under 30 feet	8.45	.50	.35	.35	.03
Spray over 30 feet	8.95	.50	.35	.35	.03
Sandblasting under 30 feet	8.45	.50	.35	.35	.03
Sandblasting over 30 feet	8.95	.50	.35	.35	.03
Hazardous work	8.45	.50	.35	.35	.03
Paperhanging	8.95	.50	.35	.35	.03
Tapers using machine tools	8.45	.50	.35	.35	.03

DECISION #PA76-3271 - Mod. # 3
(41 FR 48993 - November 5. 1976)
Luserne County, Pennsylvania

Change:					
Plasterers	$9.40				
Painters:					
Remainder of County					
Brush	8.55	.50	.30		.05
Tapers	8.81	.50	.30		.05
Hazardous	9.81	.50	.30		.05

DECISION #PA77-3026 - Mod. # 2
(42 FR 7066 - February 4, 1977)
Lancaster County, Pennsylvania

Change:					
Marble Setters	8.00	.45	.45		
Tile Setters	8.00	.45	.45		
Terrazzo Workers	8.00	.45	.45		

DECISION NO. RI76-2150- Mod #1
(41 FR 43976- November 5, 1976)
Bristol, Kent, & Providence Counties, Rhode Island

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Building construction:					
Asbestos workers	$10.28	1.00	1.18		
Bricklayers, cement masons, and stonemasons: Ashton, Berkley, Central Falls, Cumberland, Lincoln, Londsdale, Pawtucket, and Valley Falls	10.15	.85	.50		.01
Bricklayers; cement masons; plasterers; stonemasons; marble, tile, and terrazzo workers: Woonsocket, N.Smithfield, Burrillville, and Cumberland Hill	9.55	.95	1.00		.01
Glaziers	8.88	.52	1.03		.01
Lathers	9.50	.65	.45		.01
Line construction:					
Linemen	10.98	.65	1%	d	3/8of1%
Driver Groundman	9.20	.65	1%	d	3/8of1%
Groundman	7.66	.65	1%	d	3/8of1%
Equipment operator	9.86	.65	1%	d	3/8of1%
Marble, tile, and terrazzo workers' helpers	8.20		1.00		
Roofers:					
Composition	9.90	.45	.25		
Slate, tile & Precast concrete	10.10	.45	.25		
Helpers, Class A	9.05	.45	.25		
Helpers, Class B	8.55	.45	.25		
Heavy, highway, and marine construction:					
Line construction:					
Linemen	10.98	.65	1%	a	3/8of1%
Equipment operator	9.86	.65	1%	a	3/8of1%
Groundman	7.66	.65	1%	a	3/8of1%
Driver groundman	9.20	.65	1%	a	3/8of1%

DECISION NO. #RI76-2151- Mod #1
(41 FR 50106- November 12, 1976)
Newport County, Rhode Island

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos workers	$10.28	1.00	1.18		
Glaziers	8.88	.52	1.03		
Line Construction- Building, heavy, highway, & marine constn.					
Linemen	10.98	.65	1%	d	3/8of1%
Groundman	7.66	.65	1%	d	3/8of1%
Equipment operator	9.86	.65	1%	d	3/8of1%
Driver groundman	9.20	.65	1%	d	3/8of1%
Roofers:					
Composition, waterproofers	9.90	.45	.25		
Slate, tile, precast concrete	10.10	.45	.25		
Helpers, Class "a"	9.05	.45	.25		
Helpers, Class "b"	8.55	.45	.25		
Lathers	9.45	.65	.55		.01

DECISION NO. RI76-2152- Mod #1
(41 FR 51362- November 19, 1976)
Washington County, Rhode Island

Change:					
Asbestos workers	10.28	1.00	1.18		
Glaziers	8.88	.52	1.03		.01
Lathers	9.45	.65	.55		.01
Line construction (Building, heavy, highway, marine constr.):					
Linemen	10.98	.65	1%	c	3/8of1%
Driver groundman	9.20	.65	1%	c	3/8of1%
Groundman	7.66	.65	1%	c	3/8of1%
Equipment operator	9.86	.65	1%	c	3/8of1%
Roofers:					
Composition, waterproofers	9.90	.45	.25		
Slate, tile, precast concrete	10.10	.45	.25		
Helpers, Class A	9.05	.45	.25		
Helpers, Class B	8.55	.45	.25		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision # TN77-1038 - Mod. # 1 (42 FR-17782 - April 1, 1977) Hamilton, Bradley, Marion, Meigs, Polk and Rhea Counties, Tennessee.					
Change:					
Hamilton County Building Construction (does not include single homes and garden type apartments up to and including 4 stories) and Heavy Construction					
Bradley, Marion, Meigs, Polk, Rhea Building Construction Only (does not include single family homes and garden type apartments up to and including 4 stories)					
DECISION #TX76-4192 - Mod. #5 (41 FR 55289 - December 17, 1976) Jefferson & Orange Cos., Texas					
Change:					
Carpenters:					
Millwrights	$11.355				
Piledrivermen	10.96		.30		
DECISION #TX77-4006 - Mod. #2 (42 FR 4105 - January 21, 1977) Travis County, Texas					
Change:					
Marble Setters	7.96	.45			.04
Terrazzo workers	7.96	.45			.04
Tile setters	7.96	.45			.04
DECISION #TX77-4007 - Mod. #2 (42 FR 11190 - January 21, 1977) Wichita County, Texas					
Change:					
Carpenters:					
Carpenters	9.07	.43	.40		.07
Millwrights	9.57	.43	.40		.07

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MODIFICATIONS P. 13

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX77-4044 - Mod. #2 (42 FR 11226 - February 25, 1977) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas					
Change:					
Carpenters:					
Zone 2:					
Carpenters	$ 9.07	.43	.40		.07
Millwrights	9.57	.43	.40		.07
DECISION #TX77-4071 - Mod. #1 (42 FR 17787 - April 1, 1977) El Paso County, Texas					
Change:					
Power Equipment Operators:					
Group 1	6.74	.60	.60		.10
Group 2	7.32	.60	.60		.10
Group 3	7.41	.60	.60		.10
Group 4	7.46	.60	.60		.10
Group 5	7.54	.60	.60		.10
Group 6	7.78	.60	.60		.10
Group 7	7.94	.60	.60		.10
Group 8	7.41	.60	.60		.10
Group 9	7.64	.60	.60		.10
Group 10	7.94	.60	.60		.10

MODIFICATIONS P. 14

Decision NO.: VA76-3854 Mod. #1 (41 FR 44660 October 5, 1976) York County and the Cities of Hampton and Newport News (including Langley Air Force) Virginia	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADD: To Location York County.					

SUPERSEDEAS DECISION

STATE: Alabama COUNTY: Tuscaloosa
DECISION NO.: AL77-1045 DATE: Date of Publication
Supersedes Decision No.: AL76-1027 dated February 20, 1976, in 41 FR-7897
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	7.71	.30	.30		.05
Bricklayers, Marble masons, Stonemasons	8.65		.40		.05
Carpenters	6.95				.015
Cement masons	5.175				
Electricians	10.10	.30	1%+.40		½ of 1%
Glaziers	6.85	.20	.20		
Ironworkers	8.50	.60	.815		.04
Laborers:					
Laborers	3.15	.15	.10		
Mason tenders	3.15	.15	.10		
Mortar mixers	3.25	.15	.10		
Millwrights	9.15				
Painters, brush	6.65	.50			
Plasterers	5.175				
Plumbers: Steamfitters	8.85	.30	.35		.05
Roofers	5.45		.20		.05
Sheet metal workers	9.75	.69	.82		.09
Soft floor layers	5.45				
Tile setters	8.40		.40		.05
Truck drivers					
POWER EQUIPMENT OPERATORS:					
Tractors, farm	3.50				
Scrapers	4.00				
Bulldozers, Front end loader	5.00				
Pumps	5.64				
Oiler	6.25	.20	.20		
Cranes, lift truck	7.60	.20	.20		

SUPERSEDEAS DECISION

STATE: Connecticut COUNTY: New Haven
DECISION NO.: CT77-3045 DATE: Date of Publication
Supersedes Decision No. CT76-2109, dated September 10, 1976 in 41 FR 38705.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	O
Carpenters	6.85					
Cement Masons	10.10					
Electricians	6.67					
Laborers	5.33					
Painter, brush	6.25					
Plumbers	7.94					
Roofers	9.65					
Sheetrock Installer	8.00					
Sheet Metal Workers	7.30					
Taper	8.00					
Soft Floor Layers	4.63					
Truck Drivers:						
2 axle	4.00					
3 axle	5.75					
Power Equipment Operators:						
Backhoe	10.85					
Asphalt Paver	9.96					
Bulldozer	8.99					

SUPERSEDEAS DECISION

STATE: Iowa

COUNTY: Black Hawk (City of Waterloo and abutting municipalities)

DECISION NO.: IA77-4069

DATE: Date of Publication

Supersedea Decision No. IA76-4092, dated May 21, 1976, in 41 FR 21079

DESCRIPTION OF WORK: Building Construction (does not include single homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.60	.35	.60		
BOILERMAKERS	10.30	.85	1.00		.02
BRICKLAYERS & STONEMASONS	9.79	.38	.50		
CARPENTERS:					
Carpenters; Piledrivermen	8.08	.38	1.00		
Millwrights	8.48	.38	1.00		
CEMENT MASONS	8.00	.38	.81		
ELECTRICIANS:					
Electricians	10.48	.45	1%		1%
Cable splicers	10.79	.45	1%		1%
ELEVATOR CONSTRUCTORS	9.535	.495	.32	4%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.485	.32	4%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
IRONWORKERS	10.565				
LABORERS:					
GROUP 1 - Common laborers; Carpenters' helpers; moving; wrecking & demolition	7.00	.38	.20		
GROUP 2 - Mason tenders; hod carriers; machine and air tool operators	7.10	.38	.20		
GROUP 3 - Powderman	7.25	.38	.20		
LATHERS	7.24	.31			
LINE CONSTRUCTION:					
GROUP 1- Cable splicers; Lineman; welder; technicians; all rigs setting assembled "H" fixtures and steel transmission structures	9.32	.45	1%	b	4%
GROUP 2 - Groundman; truck driver (without winch); Experienced (not less than 6 months)	6.06	.45	1%	b	4%
GROUP 3 - Groundman; truck driver (with winch)	6.24	.45	1%	b	4%
GROUP 4 - Blaster; special equipment operations (hole digging machines, all tractions, transmission line pole hauling & setting equipment other than assembled "H" fixtures)	7.46	.45	1%	b	4%
GROUP 5 - Groundman-1st 6 mos.	5.13	.45	1%	b	4%

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Brush, roller	8.08		.20		.03
Tapers	8.18		.20		.03
Spray	8.58		.20		.03
PLASTERERS	9.24	.38			
PLUMBERS & STEAMFITTERS	9.78	.60	.85		.08
ROOFERS	8.50				
SHEET METAL WORKERS	10.02	.50	.22		.02
SOFT FLOOR LAYERS	8.08	.38	1.00		
SPRINKLER FITTERS	11.23	.60	.90		.08
TILE SETTERS	7.01	.31		.25	
TRUCK DRIVERS:					
Up to 6 tons	5.14	.25	.30		
Helpers	4.97	.25	.30		
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTE:

a - Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. Six Paid Holidays - A thru F

b. Seven paid holidays - A thru G

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F- Christmas Day; G-Friday after Thanksgiving

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	9.56	.50	.50		.05
GROUP 2	9.435	.50	.50		.05
GROUP 3	8.59	.50	.50		.05
GROUP 4	8.265	.50	.50		.05

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; tower cranes; truck cranes and cherry pickers 12½ ton & over rated capacity; derricks; piledrivers and extractors; caisson rigs; side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; welders; mechanics; locomotive; dredge (levermen)

GROUP 2 - 1 and 2 drum hoists; air and electric tuggers (on power plants or setting steel and grating); economobiles; plant mixers; farm type tractors (with loaders, backhoes, attachments, etc.); scrapers (tournapull, etc.); endloaders; dredge (engineer); side boom and winch truck other than Group No. 1; motor patrol; bulldozers; push cat; truck cranes and cherry pickers (under 12½ tons); concrete mixers (1 yard and over); ditching machine (8" and over); fork lifts (on steel erection and machinery moving or hoisting above one complete story); concrete pump; dewatering pumps; temporary hoist cage operated; second man on locomotive; vibrating concrete spreader (Gomaco, C-450 or equal)

GROUP 3 - Tractors (under 35 HP) with or without attachments; endloaders (under 35 HP) with or without attachments; air compressors (one or a combination of 250 cfm or more); pumps 3" or over; welding machine 600 amps or combination thereof; conveyors; firemen (boiler); generator (75 KW & over); fork lifts (other than above Group No. 2); gunnite machine; self-propelled rollers; stump chippers; self-propelled tampers; air and electric tuggers (other than above); ditching machine under 8"

GROUP 4 - Oilers; mechanical heaters; truck crane drivers; permanent elevators

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS & PILEDRIVERMEN	7.75	.38			
CEMENT MASONS	6.86				
LABORERS:					
Group 1	6.60	.30	.10		
Group 2	6.35	.30	.10		
Group 3	6.10	.30	.10		
Group 4	5.95	.30	.10		
Group 5	5.85	.30	.10		

LABORERS (HEAVY & HIGHWAY CONSTRUCTION) CLASSIFICATION DEFINITIONS

GROUP 1 - Sandblasters; Powderman and Blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills, powered by air; All work performed by Laborers working from a bos'n chair, swinging stage, life belt, tag line or block and tackle; Drill operator of air track, wagon drills and similar drills

GROUP 2 - Tree climber; Form setters; Bakers; Boxtenders; Asphalt curb machines; Potmen, not mechanical; Bull float, hand operated; Scalers; Timbermen; Underpinning and shoring; Caissons over 12 ft.; Grade checker and cutting torches on demolition work

GROUP 3 - Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timbar and chain saw man; Mechanical grouters; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers

GROUP 4 - Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers; electric drills, hammers and jack hammers; Tree groundmen; Chuck tenders; Drill helpers, tool room man and checkers; Sand blaster helper; Concrete processing material and monitors; Cement finishers' helpers; Stringman on paving work

GROUP 5 - Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common laborers; Rodmen; Tending to carpenters; Hot asphalt labor

DECISION NO. IA77-4069 Page 5

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Group 1	7.30	.40	.40		.03
Group 2	6.90	.40	.40		.03
Group 3	6.50	.40	.40		.03
TRUCK DRIVERS	6.34	.34			

POWER EQUIPMENT OPERATORS (HEAVY & HIGHWAY CONSTRUCTION) CLASSIFICATION DEFINITIONS

GROUP 1 - Power shovel, crane, backhoe and dragline; central mix plant operator; dredge engineer; dredge leverman; paver or spreader operator; hoisting engineer (steel erection); motor patrol; piledriver machine; concrete mixer; tow or push boat operator; master mechanic; C.M.I. paver; C.M.I. subgrader (or equivalent); asphalt plant; front end loader; scraper; bulldozer; push cat tractor pulling scraper; sideboom tractor; churn or rotary drill; trenching machine (Cleveland 80 or similar capacity); asphalt laydown; asphalt screed; asphalt heater-planer unit; asphalt roller; self-propelled elevating grader or similar machine; spreader (concrete); Horizontal boring machine; mechanics-welders; group equipment greaser; concrete pump; self-propelled curb machine

GROUP 2 - Concrete curb breaker; concrete widening machine; paving breaker; barber-greene, hains loader or similar machine; tractor pulling ripper, disc, sheepsfoot or flat roller; self-propelled sheepsfoot roller; self-propelled roller (other than asphalt); distributor; screening and washing plant; self-propelled vibrating compactor; trenching machine (other than above); steel placing machine; conveyor; finishing machine (on concrete); flexplane; bullfloat; form grader

GROUP 3 - Boiler; mechanical broom; oiler or mechanics helper or Group greaser helper; farm-type tractor (pulling disc, harrow or roller); welding machine; pump operator (other than dredge); boom and winch truck; compressor; tank car heater (combination boiler and booster); pumps on well points and deep wells for dewatering; truck crane combination driver-oiler; concrete curbing machine; safety boat operator; batch plant (dry)

SUPERSEDEAS DECISION

STATE: Kansas COUNTIES: Douglas, Jefferson, Leavenworth, Miami & Shawnee

DECISION NO.: KS77-4084 DATE: Date of Publication

Supersedes Decision No. KS77-4050, dated March 4, 1977 in 42 FR 12589

DESCRIPTION OF WORK: Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS and PILEDRIVERMEN:					
Zone 1	$8.55	.35	.25		.05
Zone 2	8.15	.35	.25		.05
Zone 3	11.00	.50	.30		.05
Zone 4:					
Carpenters	10.75	.50	.30		.05
Piledrivermen	11.00	.50	.30		.05
Zone 5	5.375	.275	.25		.05

AREAS COVERED BY CARPENTERS AND PILEDRIVERMEN ZONES

Zone 1 - Douglas and Shawnee Counties (Includes Forbes Air Force Base and within the City of Topeka and the City of Lawrence and with 3 miles of the city limits of these cities)
Zone 2 - Remainder of Douglas and Shawnee Counties
Zone 3 - Leavenworth County
Zone 4 - Miami County
Zone 5 - Jefferson County

CEMENT MASONS:					
Zone 1 - Leavenworth and Miami Counties	9.655	.40	.50	1.25	
Zone 2 - Douglas and Shawnee Cos	8.80	.35	.35		
Zone 3 - Jefferson County	8.85	.40	.35		.05
ELECTRICIANS:					
Zone 1 - Leavenworth County (Delaware, High Prairie, Kickapoo and Leavenworth) Townships)	11.22	.39	17+.31	.80	.06
Zone 2 - Douglas, Jefferson, Miami, Shawnee and the remainder of Leavenworth Counties	11.33	.45	17+.55		.05
IRONWORKERS	9.60	.70	1.00	1.00	.05
LABORERS:					
Group 1					
Zone 1	6.00	.40	.35		.05
Zone 2	6.80	.40	.35		.05
Zone 3	6.85	.35	.35		.05
Zone 4	4.625	.35	.35		

DECISION NO. KS77-4084 Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (Cont'd)					
Group 2					
Zone 1	$6.15	.40	.35		.05
Zone 2	6.95	.40	.35		.05
Zone 3	7.00	.35	.35		.05
Zone 4	4.775	.35	.35		
Group 3					
Zone 1	6.25	.40	.35		.05
Zone 2	7.05	.40	.35		.05
Zone 3	7.10	.35	.35		.05
Zone 4	4.875	.35	.35		
Group 4					
Zone 1	6.40	.40	.35		.05
Zone 2	7.20	.40	.35		.05
Zone 3	7.25	.35	.35		.05
Zone 4	5.025	.35	.35		
Group 5					
Zone 1	6.50	.40	.35		.05
Zone 2	7.30	.40	.35		.05
Zone 3	7.35	.35	.35		.05
Zone 4	5.275	.35	.35		

CLASSIFICATION DEFINITIONS

Laborers:
Group 1 - Board mat weavers and cable tiers; georgia buggy (manually operated); mixerman-no skip lift; nailers; salamander tenders; track men; tractor swamper; truck dumper; wire mesh setter; water pump to to 4 inches; and all other general laborers including flagman
Group 2 - Air tool operators; cement handlers (bulk); chain saw; georgia buggy (mechanically operated); grade man; hot mastic kettlemen; crusher feeder; joint man; jute man; mason tender; material batch hopper and scale man; mixer man; pier hole man working 10 feet deep; pipelayer-drainage (concrete and/or corrugated metal); signal man (crane); truck dumper-dry batch; vibrator operator; wagon and churn drill operator
Group 3 - Asphalt raker, barco tamper; concrete saw; creosote material-handling and applying; nozzle burner (cutting torch)
Group 4 - Conduit pipe; tile and duct line setter; form setter and liner on concrete paving; powderman; sandblasting and gunnite nozzleman; sanitary sewer plep layer
Group 5 - Leadmen or pusher

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (cont'd)					
AREA COVERED BY LABORERS					
Zone 1 - Jefferson County					
Zone 2 - Douglas and Shawnee Cos.					
Zone 3 - Leavenworth County					
Zone 4 - Miami County					
LINE CONSTRUCTION:					
Zone 1 - Remainder of Leavenworth Co.					
Lineman	10.56	.38	1%+.15		½%
Heavy equipment operator	9.83	.38	1%+.15		½%
Groundman powderman	7.34	.38	1%+.15		½%
Groundman	6.97	.38	1%+.15		½%
Groundman (1st year)	5.99	.38	1%+.15		½%
Zone 2 - Douglas, Jefferson, Miami and Shawnee Cos. and Southwestern 2/3 of Leavenworth County					
Lineman	9.25	.45	1%		½%
Cable splicers	9.71	.45	1%		½%
Groundman, over 1 year	5.75	.45	1%		½%
Groundman, 1st year	4.36	.45	1%		½%
Powderman	7.67	.45	1%		½%
Line Truck and Equipment Ops.:					
1st year	5.89	.45	1%		½%
2nd year	7.05	.45	1%		½%
Over 2 years' experience	7.67	.45	1%		½%
POWER EQUIPMENT OPERATORS:					
Zone 1 - Leavenworth County					
Group 1	10.10	.50	1.00	.75	.10
Group 2	9.85	.50	1.00	.75	.10
Group 3	9.60	.50	1.00	.75	.10
Group 4	8.60	.50	1.00	.75	.10
Group 5	10.35	.50	1.00	.75	.10
Group 6	10.60	.50	1.00	.75	.10
Group 7	10.10	.50	1.00	.75	.10
Group 8	9.10	.50	1.00	.75	.10

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS:

Group 1 - Asphalt paver and spreader, asphalt plant console operator, auto grader, back hoe, blade operator, all types, boiler - 2; booster pump on dredge, boring machine (truck or crane mounted); bulldozer operator; clamshell operator; compressor maintenance operator - 2; concrete plant operator-central mix, concrete mixer paver, crane operator; derrick or derrick trucks; Ditching machine, dragline operator, dredge engineman, dredge operator, drill-cat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled, high loader-fork lift; locomotive operator, standard gauge, Mecahnics and welders, maintenance operator, mucking machine, pile driver operator, pitman crane operator, pump-2; quad-trac; scoop operator - all types; scoops in tandem, self-propelled rotary drill (Leory or equal - not air trac); shovel operator, side discharge spreader; sideboom cats, skimmer scoop operator, slip-form paver (CMI, REX, or equal); throttle man, truck crane, welding machine maintenance operator - 2; hoisting engine - 2 active drums

Group 2 - "A" frame truck, asphalt hot mix silo, asphalt plant fireman, drum or boiler, asphalt plant mixer operator, asphalt plant man, asphalt roller backfiller operator; chip spreader, concrete batch plant, dry-power operated, concrete mixer operator, skip loader, concrete pump operator, crusher operator; elevating grader operator, greaser, hoisting engine - 1 drum, Latourneau rooter, multiple compactor, pavement breaker, self-propelled of the hydra-hammer or similar type, power shield, pug mill operator, stump cutting machine, towboat operator, tractor operator - over 50 HP

Group 3 - Boilers - 1; chip spreader (front man) churn drill operator, compressor maintenance operator - 1; concrete saws, self-propelled, conveyor opr., distributor operator, finishing machine opr., fireman, rig, float operator, form grader operator, pump; pump maintenance operator, other than dredge; roller operator, other than high type asphalt; screening and washing plant operator; self-propelled street broom or sweeper; siphons and jets; sub-grading machine operator; tank car heater operator - combination boiler and booster; tractor - 50 HP or less without attachments; vibrating machine operator, hot hand; welding machine maintenenace operator - 1

Group 4 - Mechanic's helper; oiler

Group 5 - Clamshells, 3 yd. capacity or over; crane or rigs, 80 ft. of boom or over (including jib); draglines, 3 yds. capacity or over; pile drivers, 80 ft. of boom or over (including jib); shovels, 3 yd. capacity or over

Group 6 - Crane or rigs, over 200 ft. of boom (including jib)

Group 7 - Hoists (each additional drum over 1 drum)

Group 8 - Oiler drivers, all types

Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) feet or more in length or depth will be paid fifty (50) cents per hour above the regular classification.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS CONTD:					
Zone 2 - Douglas, Jefferson, Miami and Shawnee Counties					
Group 1	8.60	.50	1.00	.75	.10
Group 2	8.35	.50	1.00	.75	.10
Group 3	8.10	.50	1.00	.75	.10
Group 4	7.85	.50	1.00	.75	.10
Group 5	7.50	.50	1.00	.75	.10
Group 6	7.60	.50	1.00	.75	.10

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS:

Group 1 - Master mechanic

Group 2 - Asphalt paver and spreader, backhoe, boring machine, blades, all types, clamshell, concrete mixer paver operator, concrete central plant operator (automatic), crane, truck crane, pitman crane, hydro crane or any machine with power swing, derrick or derrick trucks, dragline operator, dredge operator, dozer, ditching machine, duclid loader, hoist - 2 active drums; loader, all types, mechanic or welder, mixermobile, multi-unit scraper, piledriver operator, power shovel operator, quad truck; scoop operators, all types; sideboom cat-cherry picker; skimmer scoop operator

Group 3 - Asphalt plant operator, elevating grader operator; pushcat operator

Group 4 - A-frame truck; asphalt roller operator; asphalt plant boiler fireman, backfiller operator, barger green loader, boiler - other than asphalt, bull float operator, chrun drill operator, compressor operator (1); concrete central plant operator, concrete mixer opr., skip; concrete pump operator, crusher operator, distributor operator, finish machine operator - concrete; fireman other than asphalt, flex plane operator, fork lift, form grader operator; greaser jhoist - 1 drum; jeep ditching machine; pavement breaker, self-propelled (of the hydra hammer or similar type); pump operator, 4" or over, two; pump operator, other than dredge; screening and wash plant operator, small machine operator; spreader box operator, self-propelled; tractor operator over 50 h.p.; self-propelled roller operator, other than asphalt; siphons and jets; subgrading machine operator, tank car heater operator, combination booster and boilers, towboat operator, vibrating machine operator, not hand

Group 5 - Concrete gang saw, self-propelled (con-cut); conveyor operator; harrow, disc. seeder; oiler, tractor operator, 50 h.p. or less without attachments

Group 6 - Oiler, motor crane

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Zone 1 - Leavenworth County					
Group 1	8.59	.50	1.00	.75	
Group 2	8.79	.50	1.00	.75	
Group 3	9.10	.50	1.00	.75	
Group 4	9.25	.50	1.00	.75	
Group 5	8.365	.50	1.00	.75	

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS:

Group 1 - One team; station wagons; pickup trucks; material trucks, single axle; tank wagon drivers, single axle

Group 2 - Material trucks, tandem, two teams, semi-trailers, winch truck-fork trucks; distributor drivers and operators; agitator and transit mix tank wagon drivers, single axle; tank wagon drivers; tandem or semi-trailer; insley wagons, dump trucks, excavator 5 cu. yds. and over; dumpsters; half-tracks; speedace; euclids and other similar excavating equipment

Group 3 - A-frame, lowboy, boom truck drivers

Group 4 - Mechanics and welders

Group 5 - Mechanics' helpers, oilers and greasers

DECISION NO. KS77-4084

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS: (Cont'd)					
Zone 2 - Douglas and Shawnee Cos.					
Group 1	6.90	.40	.35		
Group 2	7.00	.40	.35		
Group 3	7.15	.40	.35		
Zone 3 - Miami County	8.35	.50	1.00	.75	

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS:
Group 1 - Pickups, panel trucks, station wagons, flat beds, dump and batch trucks single axle

Group 2 - Tandem trucks, warehousemen or partsmen, mechanic helpers and servicemen

Group 3 - Lowboys; semi-trailers, all transit mixer trucks, (single or tandem axle); a-frame and winch trucks when used as such; euclid, end and bottom dump; tournatockers; atheys, dumpsters and similar off-road equipment and mechanics on such equipment

DECISION NO. KS77-4084

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Zone 4 - Jefferson County					
Group 1	4.22	.275	.25		
Group 2	4.37	.275	.25		
Group 3	4.42	.275	.25		
Group 4	4.47	.275	.25		
Group 5	4.65	.275	.25		
Group 6	4.47	.275	.25		

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS:
Group 1 - Pickups, panel trucks, station wagons

Group 2 - Flat beds, dump and batch trucks, single axle

Group 3 - Tandem trucks

Group 4 - Lowboys, semi-trailers, all transit mixer trucks (single or tandem axle); A-frame and winch trucks when used as such

Group 5 - Euclid, end and bottom dump; tournatockers; atheys; dumpsters and similar off-road equipment and mechanics on such equipment

Group 6 - Watchmen or partsmen; mechanic helpers; servicemen

SUPERSEDEAS DECISION

STATE: Kansas COUNTY: Leavenworth
DECISION NO.: KS77-4085 DATE: Date of Publication
Supersedes Decision No. KS77-4049, dated February 25, 1977 in 42 FR 11219
DESCRIPTION OF WORK: Building Construction, (does not include single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.52	.50	.80		.05
BOILERMAKERS	10.30	.85	1.00		.02
BRICKLAYERS; Stonemasons	9.725	.55	.35	1.00	
CARPENTERS; Millwrights and Pile-drivermen	11.00	.50	.30		.05
CEMENT MASONS	9.475	.40	.50	.50	
ELECTRICIANS:					
Zone 1 - Delaware, Kickapoo, High Prairie and Leavenworth Townships	11.22	.39	1%+.51	.80	.06
Zone 2 - Remainder of County	11.35	.45	1%+.55		.05
ELEVATOR CONSTRUCTORS	10.56	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	70%JR	.445	.29	3%+a+b	.02
EDEVATOR CONSTRUCTORS' HELPERS	50%JR				
GLAZIERS	9.90	.55	.59	16.46%	.03
IRONWORKERS	9.60	.70	1.00	1.00	.05
LABORERS:					
General laborer	7.40	.30	.30		.05
Power tool operators, compactors, concrete breakers, chipping tools, drilling tools, concrete saws, mechanically operated georgia buggy, rubbing concrete, form setters and liners, concrete paving, mason tenders, plaster tenders, mortar mixers for plasterers, masons & cement finishers, all stocking scaffold, clean up for masons (building & wrecking), sand & concrete gun nozzleman, powderman	7.65	.30	.30		.05

FOOTNOTES: a-Employer contributes 4% of basic hourly rate for over 5 years service, and 2% of basic hourly rate for 6 mos. to 5 years as vacation Pay Credit. b-lst 6 months - none; 6 months - 5 years-2%; over 5 years-4% of the basic hourly rate; also 6 paid holidays.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (Site Preparation and Grading):					
Group 1	6.85	.35	.35		.05
Group 2	7.00	.35	.35		.05
Group 3	7.10	.35	.35		.05
Group 4	7.25	.35	.35		.05
Group 5	7.35	.35	.35		.05

CLASSIFICATION DEFINITIONS

Group 1 - Board mat weavers and cable tiers, goergia buggy (manually operated, mixerman-no skip lift, nailers, salamander tenders, track men, tractor swamper, truck dumper, wire mesh setter, water pump up to 4 inches, and all other general laborer including flagman

Group 2 - Air tool operators, cement handlers (bulk), chain saw, georgia buggy (mechanically operated) grade man, hot mastic kettleman, crusher feeder, joint man, jute man, mason tender, material batch hopper and scale man, mixer man, pier hole man working 10 ft. deep, pipelayer-drainage (concrete and/or corrugated metal), signal man (crane), truck dumper - dry batch, vibrator operator, wagon and churn drill operator

Group 3 - Asphalt raker, barco tamper, concrete saw, creosote material - handling and applying, nozzle burner (cutting torch and burning bar)

Group 4 - Conduit pipe, tile and duct line setter, form setter and liner on concrete paving, powderman, sandblasting and gunnite nozzleman, sanitary sewer pipe layer; steel plate structure erectors; water and gas distribution lines

Group 5 - Leadmen or pusher

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	10.60	.40			
LINE CONSTRUCTION:					
Zone 1 - Southwest 2/3 of Leavenworth County					
Lineman	9.25	.45	1%		½%
Cable splicers	9.71	.45	1%		½%
Groundman, over 1 year	5.75	.45	1%		½%
Groundman, 1st year	4.36	.45	1%		½%
Powderman	7.67	.45	1%		½%
Line Truck & Equipment Operators;					
1st year	5.89	.45	1%		½%
2nd year	7.05	.45	1%		½%
Over 2 years' experience	7.67	.45	1%		½%
Zone 2 - Remainder of Leavenworth County					
Lineman	10.56	.38	1%+.15		½%
Heavy Equipment Operator	9.83	.38	1%+.15		½%
Groundman powderman	7.34	.38	1%+.15		½%
Groundman	6.97	.38	1%+.15		½%
Groundman (1st year)	5.99	.38	1%+.15		½%
MARBLE AND TILE SETTERS	10.82	3.65%	3.25%		
MARBLE AND TILE SETTERS' HELPERS	9.00				
PAINTERS:					
Zone 1- Northern 2/3 of County					
Brush, roller, tapers	8.10	.55	.70		
Spray	9.10	.55	.70		
Zone 2 - Remainder of County					
Brush, roller, tapers	8.70	.30	.35		
Spray	9.70	.30	.35		
PLASTERERS	11.15				
PIPEFITTERS	11.37	.57	1.15		.11
PLUMBERS	11.64	.65	.80		.11
POWER EQUIPMENT OPERATORS (Building Construction);					
Group 1	10.10	.50	1.00	.75	.10
Group 2	9.85	.50	1.00	.75	.10
Group 3	8.60	.50	1.00	.75	.10
Group 4	9.10	.50	1.00	.75	.10
Group 5	9.10	.50	1.00	.75	.10
Group 6	9.35	.50	1.00	.75	.10
Group 7	10.35	.50	1.00	.75	.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (Building Construction) CONT'd:					
Group 8	10.60	.50	1.00	.75	.10
Group 9	10.10	.50	1.00	.75	.10
Group 10	11.10	.50	1.00	.75	.10
Group 11	10.60	.50	1.00	.75	.10
Group 12:					
(a)	9.85	.50	1.00	.75	.10
(b)	9.60	.50	1.00	.75	.10
(c)	9.60	.50	1.00	.75	.10
(d)	8.85	.50	1.00	.75	.10

POWER EQUIPMENT OPERATORS (Building Construction)

CLASSIFICATION DEFINITIONS

Group 1 - Asphalt paver and spreader, asphalt plant mixer operator, asphalt plant operator, back fillers, backhoe, all types, barber-green loader (similar type), blade-power, all types, boats-power, boilers (2), boring machines (all types), cableways, cherry pickers (all types), chip spreader, clamshells, combination concrete hoist and mixer such as mixermobile (with tower, 50¢ per hour additional, compressors (2), 105 ft. or over not more than 20' apart, compressors tandem (any sizes), compressors single, truck mounted, concrete ready-mixed plant, portable (job site); concrete mixer paver, crane-overhead, crusher, rock, derricks, and derrick cars (power operated), ditching machines, dozers, draglines, dredges - any type power grade-all - similar types, hoist, endless chain - power operated with power travel, loaders - all types, locomotives all types, mechanic and welder, mucking machine, orange peels, piledrivers - all types; pumps - material all types, push cats, scoops all types, self-propelled rotary drill, shovel, power, side boom, skimmer scoop, testhole machine, throttle man

Group 2 - A-frame trucks, boilers (1), brooms-power operated (all types), chip spreader (front man), clef plane operator, compressors (1) 105' or over, concrete saws, (self-propelled), conveyor operator, crab-power operated, curb finishing machine, firemen on rigs, flex plane, floating machine, form grader, fork lift - all types and sizes (except masonry), greaser, hoist, hoist, endless chain-power operated, hopper-power operated, hydra hammer (all types), lad-a-vator - similar type, mixers with side loaders, jennies, sub-grader, tractors over 50 h.p.,pumps (with well points); pump; rollers - all types, siphons, jets

Group 3 - Oiler

Group 4 - Fork lift-masonry

Group 5 - Oiler driver all types

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS CONTD:

Group 6 - Tractors (except when hauling material) less than 50 h.p.

Group 7 - Clamshells, 80 ft. of boom or over (including jib), crane or rigs 80 ft. of boom or over (including jib), draglines, 80 ft. of boom or over (including jib), piledrivers, 80 ft. of boom or over (including jib)

Group 8 - Cranes or rigs, over 200 ft of boom

Group 9 - Hoists each additional drum over 1 drum

Group 10 - Mater Mechanic

Group 11 - Crane - tower or climbing

Group 12 - Ready mixed concrete plants; (a) crane operator, (b) loader operator, (c) plant man, (d) conveyor operator

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (CONT'D) Site Preparation and Grading					
Group 1	10.10	.50	1.00	.75	.10
Group 2	9.85	.50	1.00	.75	.10
Group 3	9.60	.50	1.00	.75	.10
Group 4	8.60	.50	1.00	.75	.10
Group 5	9.10	.50	1.00	.75	.10
Group 6	10.35	.50	1.00	.75	.10
Group 7	10.60	.50	1.00	.75	.10
Group 8	10.10	.50	1.00	.75	.10

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS:

Group 1 - Asphalt paver and spreader, asphalt plant console operator, auto grader, backhoe, blade operator, all types, boilers - 2; booster pump or dredge, boring machine (truck or crane mounted), bulldozer operator, clamshell operator, compressor maintenance operator - 2; concrete plant operator, central mix, concrete mixer, paver, crane operator, derrick or derrick trucks, ditching machine, dragline operator, dredge engineman, dredge operator, drill cat with compressor mounted on cat, drilling or boring machine, rotary, self-propelled, high loader-fork lift, hoisting engine - 3 active drums, locomotive operator, standard gauge, mechanics and welders, field or shop, maintenance operator, mucking machine, piledriver operator, pitman crane operator, pump-2, quad-trac, scoop operator all types, scoops in tandem, self-propelled rotary drill (Leroy or equal - not air tac); shovel operator, side discharge spreader, sideboom cats, skimmer scoop operator, slip-form paver (CMI, REX, or equal), throttle man, truck crane welding machine maintenance operator - 2

POWER EQUIPMENT OPERATORS (CONTD):
Site Preparation and Grading

Group 2 - A-frame truck asphalt hot mix silo, asphalt plant fireman, drum or boiler, asphalt plant mixer operator, asphalt plant man, asphalt roller operator, backfiller operator, chip spreader, concrete batch plant, dry power operator, concrete mixer operator, skiploader, concrete pump operator, crusher operator, elevating grader operator, greaser, hoisting engine-1 drum, latourneau rooter, multiple compactor, pavement breaker, self-propelled, of the hydra-hammer or similar type, power shield, pug mill operator, stump cutting machine, towboat operator, tractor operator over 50 h.p.

Group 3 - Boilers - 1 chip spreader (front man), churn drill operator, compressor maintenance operator - 1, concrete saws, self-propelled, conveyor operator, distributor operator, finishing machine operator, fireman, rig, float operator, form grader operator, pump, pump maintenance operator, other than dredge, roller operator, other than high type asphalt, screening and washing plant operator, self-propelled street broom or sweeper, siphons and jets, sub-grading machine operator, tank car heater operator operators - combination boiler and booster, tractor, 50 h.p. or less, without attachments, vibrating machine operator, not hand, welding machine maintenance operator-1

Group 4 - Mechanic's helpers, oiler

Group 5 - Oiler, driver, all types

Group 6 - Clamshells, 3 yds. capacity or over, crane or rigs, 80 ft of boom or over (including jib), draglines, 3 yds. capacity or over, piledrivers, 80 ft. of boom or over (including jib), shovels, 3 yds capacity or over

Group 7 - Cranes or rigs, over 200 ft of boom (including jib)

Group 8- Hoists (each additional drum over 1 drum)

Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) ft. or more in length or depth will be paid fifty cents (50¢) per hour above the regular classification

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Roofers	9.80	.45	.60		.04
Helpers:					
1st 6 mos.	5.88	.45	.60		.04
2nd 6 mos.	6.37	.45	.60		.04
3rd 6 mos.	6.86	.45	.60		.04
4th 6 mos.	7.35	.45	.60		.04
5th 6 mos.	7.84	.45	.60		.04
6th 6 mos.	8.33	.45	.60		.04
7th 6 mos.	8.82	.45	.60		.04
SHEET METAL WORKERS	11.355	.50	.50		.05
SPRINKLER FITTERS	11.23	.60	.90		.08
TERRAZZO WORKERS	10.48	3.65%	3.25%		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Building Construction:					
Group 1	8.525	.50	1.00		
Group 2	8.575	.50	1.00		
Group 3	8.65	.50	1.00		
Group 4	8.775	.50	1.00		
Group 5	8.675	.50	1.00		
Group 6	8.875	.50	1.00		
Group 7	8.725	.50	1.00		
Group 8	8.625	.50	1.00		

TRUCK DRIVERS (Building Construction) (Cont'd)

CLASSIFICATION DEFINITIONS

Group 1 - Warehousemen and stock man

Group 2 - Flat beds, pick-ups, dump trucks, under 10 yds.

Group 3 - Dump trucks, 10 yds.and over, steel trucks, semi truck drivers

Group 4 - Straddle trucks, wheel tractors (when used for towing), hydro lift trucks, hydraulically operated aerial lifts, heavy hauling, a-frame winch and fork lifts, heavy excavating (dumpter, euclid, etc.), double bottom units (20 tons cap. and over)

Group 5 - Distributor truck drivers and operators, oilers, greasers and mechanics' helpers

Group 6 - Mechanics

Group 7 - Transit mix, 5 yds. and over

Group 8 - Transit mix, under 5 yds.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Site Preparation and Grading					
Group 1	8.59	.50	1.00	.75	
Group 2	8.79	.50	1.00	.75	
Group 3	9.10	.50	1.00	.75	
Group 4	9.25	.50	1.00	.75	
Group 5	8.365	.50	1.00	.75	

TRUCK DRIVERS
CLASSIFICATION DEFINITIONS

Group 1 - One team, station wagons, pickup trucks, material trucks, single axle, tank wagon drivers, single axle

Group 2 - Material trucks, tandem, two teams, semi-trailers, winch trucks-fork trucks, distributors drivers and operators, agitator and transit mix, tank wagon drivers, single axle, tank wagon drivers tandem or semi-trailers, Insley wagon, dump trucks, excavating, 5 cu. yds. and over, dumpsters, half-tracks, speedace, euclids and other similar excavating equipment

Group 3 - A-frame, lowboy, and boom truck driver

Group 4 - Mechanics and welders

Group 5 - Mechanics' helpers, oilers and greasers

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

SUPERSEDEAS DECISION

STATE: Nevada

COUNTIES: Statewide (excluding the Nevada Test Site and Tonopah Test Range), Nevada

DECISION NUMBER: NV77-5037

DATE: Date of Publication

Supersedes Decision No. NV77-5029 dated March 4, 1977, in 42 FR 12647.

DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Clark, Esmeralda, Lincoln, Nye Counties	$ 12.11	.85	$ 1.10		
Elko, Eureka, White Pine Cos.	10.56	.52	1.17		
Remaining Counties	13.06	.90	1.02		
BOILERMAKERS	13.175	.775	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Clark, Esmeralda, Lincoln, Nye County (south of Hwy. #6)	11.37	.70	.60		.06
Remaining Counties and Nye County (north of Hwy. #6):					
Zone 1: 0-35 miles from Courthouse in Reno, Nevada	11.00	.50	.60		.01
Zone 2: 35-75 miles from Courthouse in Reno, Nevada	11.90	.50	.60		.01
Zone 3: 75 miles and over from Courthouse in Reno, Nevada	11.00	.50	.60		.01
BRICK TENDERS:					
Clark, Esmeralda, Lincoln, Nye Counties	8.47	.51	1.25	1.00	
Remaining Counties:					
Zone A: 0-35 miles from Courthouse in Reno, Nevada	9.25	.50	.90		.05
Zone B 35-75 miles from Courthouse in Reno, Nevada	10.15	.50	.90		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Clark, Esmeralda County (South of Hwy. #6), Lincoln, Nye County (south of Hwy. #6, including City of Tonopah):					
Zone 1: Area within the City limits of Henderson, Nevada, and Boulder City, Nevada; area within a 10 mile radius of Las Vegas, Nevada; area within a 5 mile radius of Tonopah, Nevada; present fenced area of Nellis Air Force Base, as well as that area adjacent to Nellis Air Force Base bounded on the north by the Nellis spur track and on the west by the train line of the Union Pacific Railroad:					
Carpenters	$ 10.46	.55	.90	$1.00	.10
Floor Layers; Patent Scaffold Erectors;					
Power Saw Operators	10.61	.55	.90	1.00	.10
Piledrivermen	10.66	.55	.90	1.00	.10
Millwrights	11.06	.55	.90	1.00	.10
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the communities described above:					
Carpenters	10.96	.55	.90	1.00	.10
Floor layers; Patent Scaffold Erectors;					
Power Saw Operators	11.11	.55	.90	1.00	.10
Piledrivermen	11.16	.55	.90	1.00	.10
Millwrights	11.56	.55	.90	1.00	.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS: (Cont'd)					
Zone 3: Area over 20 miles and not more than 40 miles from the communities described in Zone 1:					
Carpenters	$ 11.21	.55	.90	1.00	.10
Floor Layers; Patent Scaffold Erectors; Power Saw Operators	11.36	.55	.90	1.00	.10
Piledrivermen	11.41	.55	.90	1.00	.10
Millwrights	11.81	.55	.90	1.00	.10
Zone 4: Area over 40 miles from the communities described in Zone 1:					
Carpenters	12.46	.55	.90	1.00	.10
Floor Layers; Patent Scaffold Erectors; Power Saw Operators	12.61	.55	.90	1.00	.10
Piledrivermen	12.66	.55	.90	1.00	.10
Millwrights	13.06	.55	.90	1.00	.10
Nye County (north of Hwy. #6, excluding City of Tonopah) and all Remaining Counties:					
Zone 1: Area within 5 road miles of the following communities - Carson City, Elko, Ely, Fallon, Hawthorne, Lovelock, Minden, Winnemucca; also area within 10 road miles of Reno, Nevada; also the area within 2 road miles of Yerington, Nevada; also Washoe Valley between Reno, Nevada, and Carson City, Nevada, but not including any area further than the foot of the mountains to the east or west side of Washoe Valley; also the area of Stead Air Force Base:					
Carpenters	9.55	.65	1.01	1.00	.05
Floor Layers; Patent Scaffold Erectors; Power Saw Operators	9.70	.65	1.01	1.00	.05
Piledrivermen	9.75	.65	1.01	1.00	.05
Millwrights	10.15	.65	1.01	1.00	.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS: (Cont'd)					
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the communities in Zone 1:					
Carpenters	$ 10.15	.65	$ 1.01	$1.00	.05
Floor Layers; Patent Scaffold Erectors; Power Saw Operators	10.30	.65	1.01	1.00	.05
Piledrivermen	10.35	.65	1.01	1.00	.05
Millwrights	10.75	.65	1.01	1.00	.05
Zone 3: Area over 20 and not more than 40 road miles from the communities in Zone 1:					
Carpenters	10.35	.65	1.01	1.00	.05
Floor Layers; Patent Scaffold Erectors; Power Saw Operators	10.50	.65	1.01	1.00	.05
Piledrivermen	10.55	.65	1.01	1.00	.05
Millwrights	10.95	.65	1.01	1.00	.05
Zone 4: Area over 40 road miles from the communities in Zone 1:					
Carpenters, Floor Layers; Patent Scaffold Erectors; Power Saw Operators	11.05	.65	1.01	1.00	.05
Piledrivermen	11.20	.65	1.01	1.00	.05
Millwrights	11.25	.65	1.01	1.00	.05
CEMENT MASONS:	11.65	.65	1.01	1.00	.05
Clark, Lincoln, Nye Counties:					
Cement Masons	8.90	1.00	.40	2.00	.08
Cement Floor Finishing Machine and Color Work	9.15	1.00	.40	2.00	.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS: (Cont'd)					
Lake Tahoe Area:					
Cement Masons	$ 10.60	.65	.75	$1.00	.03
Mastic, Magnesite and all Composition Masons	10.85	.65	.75	1.00	.03
Troweling Machine; Grinder Operator and Kelly Float	11.10	.65	.75	1.00	.03
Remaining Counties:					
Zone 1: Area within a 15 mile radius of the Main Post Office, Reno, Nevada, or within a 15 mile radius of the employee's permanent residence in the State of Nevada; also area within a 7 mile radius of the Main Post Office, Carson City, Nevada:					
Cement Masons	9.15	.65	.75	1.00	.03
Mastic, Magnesite and all Composition Masons	9.40	.65	.75	1.00	.03
Troweling Machine; Grinder Operator and Kelly Float	9.65	.65	.75	1.00	.03
Zone 2 - Highway Construction:					
Area outside of Zone 1:					
Cement Masons	10.40	.65	.75	1.00	.03
Mastic, Magnesite and all Composition Masons	10.65	.65	.75	1.00	.03
Troweling Machine; Grinder Operator and Kelly Float	10.90	.65	.75	1.00	.03
Zone 2 - Nonhighway Construction:					
2-A: Area over 15 but not over 50 miles to the center of the jobsite:					
Cement Masons	9.90	.65	.75	1.00	.03
Mastic, Magnesite and all Composition Masons	10.15	.65	.75	1.00	.03
Troweling Machine; Grinder Operator and Kelly Float	10.40	.65	.75	1.00	.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS: (Cont'd)					
2-B: Area over 50 miles to the center of the jobsite:					
Cement Masons	$ 11.15	.65	.75	$1.00	.03
Mastic, Magnesite and all Composition Masons	11.40	.65	.75	1.00	.03
Troweling Machine; Grinder Operator and Kelly Float	11.65	.65	.75	1.00	.03
DRYWALL INSTALLERS:					
Statewide except the Counties of Clark, Esmeralda County (South of Hwy. #6), Lincoln, Nye County (south of Hwy. #6):					
Zone 1: Area within 5 road miles of the following communities: Carson City, Elko, Ely, Fallon, Hawthorne, Lovelock, Minden, Winnemucca; also area within 10 road miles of Reno, Nevada; also the area within 2 road miles of Yerington, Nevada; also Washoe Valley between Reno, Nevada, and Carson City, Nevada, but not including any area further than the foot of the mountains to the east or west side of Washoe Valley; also the area of Stead Air Force Base:	9.80	.65	1.01	1.00	.05
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the communities in Zone 1	10.40	.65	1.01	1.00	.05
Zone 3: Area over 20 and not more than 40 road miles from the communities in Zone 1	10.60	.65	1.01	1.00	.05
Zone 4: Area over 40 road miles from the communities in Zone 1	11.30	.65	1.01	1.00	.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
Clark, Lincoln, Nye County (south of Mt. Diablo Base Line):					
Electricians; Technicians	$ 13.81	.73	1%+.40		.08
Cable Splicers	14.14	.73	1%+.40		.08
Nye County (north of Mt. Diablo Base Line) and Remaining Counties excluding Lake Tahoe Area:					
Electricians; Technicians	12.33	.67	1%+.77		.08
Cable Splicers	13.56	.67	1%+.77		.08
Lake Tahoe Area:					
Electricians; Technicians	13.33	.67	1%+.77		.08
Cable Splicers	14.56	.67	1%+.77		.08
ELEVATOR CONSTRUCTORS:					
Nevada west of 118° longitude	13.49	.545	.35	3%+a	.02
Nevada east of 118° longitude and south of 39° North latitude	12.95	.545	.35	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.545	.35	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS:					
Clark, Esmeralda, Lincoln, Nye Counties	12.63	.35	.40		.05
Remaining Counties	10.495	.43	1.20	.84+.43	
IRONWORKERS:					
Elko, Eureka, White Pine Counties:					
Fence Erectors; Machinery Movers; Ornamental; Reinforcing; Riggers; Structural	10.10	.55	1.00		.04
Remaining Counties:					
Fence Erector	10.41	1.14	1.86	1.20	.04
Ornamental; Reinforcing; Structural	11.30	1.14	1.86	1.20	.04
LATHERS:					
Clark, Esmeralda, Lincoln, Nye Counties	9.30	.50	1.00	1.00	.06
Remaining Counties	10.86	.56	.20		.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION WORKERS:					
Clark, Lincoln, Nye County (South half)					
Line Equipment Operator	$ 13.73	.73	1%		.35
Cable Splicers	5%overJr	.73	1%		.35
Lake Tahoe Area:					
Lineman	13.33	.67	1%+.77		.08
Line Equipment Operator	12.10	.67	1%+.77		.08
Groundman	10.25	.67	1%+.77		.08
Cable Splicer	14.56	.67	1%+.77		.08
Remaining Counties (excluding Lake Tahoe Area):					
Lineman	12.33	.67	1%+.77		.08
Line Equipment Operator	11.10	.67	1%+.77		.08
Groundman	9.25	.67	1%+.77		.08
Cable Splicers	13.56	.67	1%+.77		.08
MARBLE MASONS:					
Clark, Esmeralda, Lincoln, Nye County (south half)	11.37	.70	.60		.06
PAINTERS:					
Clark, Esmeralda, Lincoln, Nye Counties					
Brush; Roller	11.55	.75	.35		.06
Paperhangers; Spray; Steel; Swing Stage; Sandblasters; Sign; Tapers	11.90	.75	.35		.06
Buffing Steel; Sandblasters; Structural Steel	12.35	.75	.35		.06
Steeplejack	13.15	.75	.35		.06
Remaining Counties including Lake Tahoe Area:					
Brush	10.95	.70	.75		
Paperhangers; Spray; Structural Steel; Swing Stage; Sandblaster; Tapers	11.20	.70	.75		
PLASTERERS:					
Clark, Lincoln, Nye Counties	9.98	1.00	.40	1.20	.08
Remaining Counties	10.52	.65	1.00		.03
PLASTERER TENDERS:					
Statewide except Clark, Esmeralda, Lincoln, Nye County (South of Hwy. 86)					
Plasterer Tenders serving Plasterers	10.05	.50	.90		
Plasterer Tenders working on any type of gun	10.65	.50	.90		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS; Steamfitters:					
Clark, Esmeralda, Lincoln, Nye County (south half)	$ 11.05	$ 1.05	$ 1.90	$1.85	.08
Remaining Counties and Nye County (north half)	10.84	.73	.80	1.95	.10
PLUMBERS (Utility):					
Statewide except Clark, Esmeralda, Lincoln, Nye County (south half)	10.84	.73	.80	1.95	.10
ROOFERS:					
Clark, Esmeralda, Lincoln, Nye County (south half)	12.75	.65			
Remaining Counties and Nye County (north half)	9.75	.50	.35		.02
SHEET METAL WORKERS:					
Clark, Esmeralda, Lincoln, Nye County (South half), White Pine Counties	11.43	.93	1.60	1.00	.07
Remaining Counties and Nye County (north half)	9.80	.94	1.83	.98	.05
SOFT FLOOR LAYERS:					
Clark, Esmeralda, Lincoln, Nye Counties	12.52	.40			.15
Remaining Counties including Lake Tahoe Area	10.80	.70	.20	2.4%	
SPRINKLER FITTERS	14.80	.60	.90		.08
TERRAZZO WORKERS; TILE SETTERS:					
Clark, Esmeralda, Lincoln, Nye County (south half)	11.37	.70	.60		.06
Remaining Counties and Nye County (north half):					
Zone 1: 0-35 miles from Courthouse in Reno, Nevada	11.00	.50	.60		.01
Zone 2: 35-75 miles from Courthouse in Reno, Nevada	11.90	.50	.60		.01
Zone 3: 75 miles and over from Courthouse in Reno, Nevada	11.00	.50	.60		.01

FOOTNOTE:
a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Clark, Esmeralda, Lincoln, Nye Counties:					
Group 1	$ 7.63	.51	$ 1.25	$1.00	
Group 2	7.68	.51	1.25	1.00	
Group 3	7.71	.51	1.25	1.00	
Group 4	7.73	.51	1.25	1.00	
Group 5	7.75	.51	1.25	1.00	
Group 6	7.76	.51	1.25	1.00	
Group 7	7.78	.51	1.25	1.00	
Group 8	7.81	.51	1.25	1.00	
Group 9	7.82	.51	1.25	1.00	
Group 10	7.84	.51	1.25	1.00	
Group 11	7.89	.51	1.25	1.00	
Group 12	7.92	.51	1.25	1.00	
Group 13	7.94	.51	1.25	1.00	
Group 14	7.97	.51	1.25	1.00	
Group 15	7.99	.51	1.25	1.00	
Group 16	8.055	.51	1.25	1.00	
Group 17	8.08	.51	1.25	1.00	
Group 18	8.15	.51	1.25	1.00	

LABORERS
Clark Esmeralda, Lincoln, Nye Counties

Group 1: Debris Handler; Dry packing of concrete and filling of form-bolt holes; Dumpman; Gas and oil pipeline laborers; Demolition Laborers; General or construction Laborers; Spotter; Window Cleaner

Group 2: Cutting Torch Operator (demolition); Tarman and Motorman

Group 3: Guinea Chaser

Group 4: Fine Grader, highway and street paving, airport, runways and similar type heavy construction; Landscape gardener and nursery-man

Group 5: Laborers - packing rod steel and pans

Group 6: Underground Laborer including caisson bellowers

Group 7: Chucktender (except tunnels); Scaler; Septic tank digger and installer (lead man); Tank scaler and cleaner

Group 8: Cesspool digger and installer

Group 9: Concrete curer-impervious membrane and oiler of all materials; Making and caulking of all non-metallic pipe joints; Riprap stonepaver; Sandblaster (pot tender)

LABORERS (Cont'd)
Clark, Esmeralda, Lincoln, Nye Counties

Group 10: Asphalt Ironer, raker, spreader; Buggymobile; Cement dumper (on 1 yard or larger mixers and handling bulk concrete); Cement grinding machine operator; Concrete core cutter; Concrete saw man, excluding tractor type; Gas and oil pipeline wrapper, pot tender and form man; Tree climber, faller, chain saw operator; Pittsburgh Chipper and similar type; Vibrators and all pneumatic, gas, electric and similar mechanical tools not separately classified herein; Roto Scraper

Group 11: Rock Slinger; Scaler, using bosun chair, safety belt or power tools

Group 12: Driller and/or pavement breaker

Group 13: Laying of all non-metallic pipe (including sewer pipe, drain pipe and underground tile)

Group 14: Gas and oil pipeline wrapper - 6 inch pipe and over

Group 15: Cribber or Shorer; Powderman

Group 16: Steel Headerboard Man

Group 17: Driller (core, diamond or wagon) Joy Driller Model TW-M-2A, Gardner-Denver Model DH-163 and similar drills; Sandblaster - Nozzleman

Group 18: Head Rock Slinger

LABORERS*:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Remaining Counties:					
Building Construction:					
Zone 1: Area within 5 road miles of the following communites - Carson City, Elko, Fallon, Hawthorne, Lovelock, Minden, Tonopah, Winnemucca; also area within 10 road miles of Reno, Nevada; also the area within 2 road miles of Yerington, Nevada; also Washoe Valley between Reno, Nevada, and Carson City, Nevada, but not including any area further than the foot of the mountains to the east or west side of Washoe Valley; also the area of Stead Air Force Base; also the Tahoe Basin from the Summit to the Lake:					
Group 1	$ 8.00	.50	.90		.10
Group 2	8.10	.50	.90		.10
Group 3	8.25	.50	.90		.10
Group 4	8.50	.50	.90		.10
Group 5	8.80	.50	.90		.10
Group 6-A	8.80	.50	.90		.10
Group 6-B	8.50	.50	.90		.10
Group 6-C	8.15	.50	.90		.10
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the above communities:					
Group 1	8.60	.50	.90		.10
Group 2	8.70	.50	.90		.10
Group 3	8.85	.50	.90		.10
Group 4	9.10	.50	.90		.10
Group 5	9.40	.50	.90		.10
Group 6-A	9.40	.50	.90		.10
Group 6-B	9.10	.50	.90		.10
Group 6-C	8.75	.50	.90		.10

LABORERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Remaining Counties (Cont'd)					
Building Construction (Cont'd)					
Zone 3: Area over 20 and not more than 40 road miles from the communities named in Zone 1:					
Group 1	$ 8.80	.50	.90		.10
Group 2	8.90	.50	.90		.10
Group 3	9.05	.50	.90		.10
Group 4	9.30	.50	.90		.10
Group 5	9.60	.50	.90		.10
Group 6-A	9.60	.50	.90		.10
Group 6-B	9.30	.50	.90		.10
Group 6-C	8.95	.50	.90		.10
Zone 4: Area over 40 road miles from the communities named in Zone 1:					
Group 1	9.50	.50	.90		.10
Group 2	9.60	.50	.90		.10
Group 3	9.75	.50	.90		.10
Group 4	10.00	.50	.90		.10
Group 5	10.30	.50	.90		.10
Group 6-A	10.30	.50	.90		.10
Group 6-B	10.00	.50	.90		.10
Group 6-C	9.65	.50	.90		.10
Heavy and Highway Construction:					
Area 1:					
Group 1	8.00	.50	.90		.10
Group 2	8.10	.50	.90		.10
Group 3	8.25	.50	.90		.10
Group 4	8.50	.50	.90		.10
Group 5	8.80	.50	.90		.10
Group 6-A	8.80	.50	.90		.10
Group 6-B	8.50	.50	.90		.10
Group 6-C	8.15	.50	.90		.10
Area 2:					
Group 1	9.15	.50	.90		.10
Group 2	9.25	.50	.90		.10
Group 3	9.40	.50	.90		.10
Group 4	9.65	.50	.90		.10
Group 5	9.95	.50	.90		.10
Group 6-A	9.95	.50	.90		.10
Group 6-B	9.65	.50	.90		.10
Group 6-C	9.30	.50	.90		.10

*LABORERS - Area Definition - See "Area Definition" following TRUCK DRIVERS

LABORERS (Cont'd)
Remaining Counties

Group 1: All cleanup work of debris, grounds and building including windows and tile; Dumpman or spotter (other than asphalt); General laborer; Gardeners and landscape laborers; Limber, brushloader and piler

Group 2: Choker setter or rigger (clearing work only); Pittsburgh chipper and similar type brush shredders; Concrete worker (wet or dry) all concrete work not listed in Group 3; Crusher or Grizzly tender; Guinea chaser (stakeman); Panel forms (wood or metal) handling, cleaning and stripping of; Loading and unloading, carrying and handling of all rods and material for reinforcing concrete; Railroad trackmen (builders); Sloper; Semi-skilled wrecker (salvaging of building materials other than those listed in Group 3); Greasing Dowels

Group 3: Asphalt workers (ironers, shoveler, cutting machine); Buggymobile; Chainsaw, faller, logloader and bucker; Compactor (all types); Concrete mixer under 1/2 yd.; Concrete pan work (breadpan type), (handling, cleaning, stripping); Concrete saw, chipping, grinding, sanding, vibrator; Cribbing, shoring, lagging, trench jacking, hand-guided lagging hammer; Curbing or divider machine; Curb setter (precast or cut); Ditching machine (hand-guided); Drillers' helper, chuck tender; Form raiser, slip forms; Grouting of concrete walls, windows and door jams; Headerboardman; Jackhammer, pavement breaker, air spade; Mastic worker (wet or dry); Pipe wrapper, kettleman, potman, and men applying asphalt, creosote and similar type materials; All power tools (air, gas or electric) not listed in Group 5; Pipejacking; Posthole digger (air, gas or electric), Post driver; Riprap-stonepaver and rock slinger, including placing of sack concrete wet or dry; Rototiller; Rigging and signaling in connection with laborers' work; Sandblaster, potman, gunman or nozzleman; Vibra-screed; Skilled wrecker (removing and salvaging of sash, windows, doors, plumbing and electrical fixtures)

Group 4: Burning and welding in connection with laborers' work; Joy Drill Model TWH-2A, Gardner Denver Model DN 143 and similar type drills; Track drillers, Diamond core drillers, Wagon drillers, Mechanical drillers on multiple units; High scalers; Concrete pump; Heavy duty vibrator with stinger 5" diameter or over; Pipelayer, caulker and bander; Pipelayer - waterline, sewerline, gasline, conduit; Asphalt rakers

Group 5: Blasters and powderman, all work of loading, placing and blasting of all powder and explosives of any type, regardless of method used for such loading and placing

Group 6-A: Nozzleman

Group 6-B: Gunman, Materialman

Group 7: Reboundman

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection) Clark, Esmeralda, Lincoln, Nye Counties:					
Group 1	$ 9.75	.95	$ 2.00	.50	.04
Group 2	10.03	.95	2.00	.50	.04
Group 3	10.32	.95	2.00	.50	.04
Group 4	10.46	.95	2.00	.50	.04
Group 5	10.68	.95	2.00	.50	.04
Group 6	10.79	.95	2.00	.50	.04
Group 7	10.91	.95	2.00	.50	.04
Group 8	11.08	.95	2.00	.50	.04
Group 9	11.21	.95	2.00	.50	.04

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)
Clark, Esmeralda, Lincoln, Nye Counties

Group 1: Brakeman; Compressor Operator; Engineer Oiler; Generator operator; Heavy duty repairman helper; Pump; Signalman; Switchman

Group 2: Concrete Mixer Operator, Skip Type; Conveyor Operator; Fireman; Generator, Pump or Compressor (2-5 inclusive); Generator, Pump or Compressor Portable Units (over 5 units, 10¢ per hour for each additional unit up to nine units); Hydrostatic Pump; Oiler Crusher (Asphalt or Concrete Plant); Plant Operator, Generator, Pump or Compressor; Skiploader - Wheel type up to 3/4 yd. w/o attachment; Soils Field Technician; Tar Pot Fireman; Temporary Heating Plant; Trenching Machine Oiler; Truck Crane Oiler; Rotary Drill Helper (oilfield)

Group 3: A-Frame or Winch Truck; Elevator operator (inside); Equipment greaser (rack); Ford Ferguson (with dragtype attachments); Helicopter radioman (ground); Power concrete curing machine; Power concrete saw; Power driven jumbo form setter; Rose carrier; Stationary pipe wrapping and cleaning machine

Group 4: Asphalt Plant Fireman; Boring Machine; Boxman or Mixerman (Asphalt or Concrete); Chip Spreading Machine; Concrete Pump (small portable); Bridge Type Unloader and Turntable; Dinkey Locomotive or Motorman (up to and including 10 tons); Equipment Greaser (grease truck); Helicopter Hoist; Highline Cableway Signalman; Hydra-Hammer - Aero Stomper; Power sweeper; Roller (compacting); Screed (Asphalt or Concrete); Trenching Machine (up to 6 ft.)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)
Clark, Esmeralda, Lincoln, Nye Counties)

Group 5: Asphalt Plant Engineer; Concrete Batch Plant; Backhoe (up to and including 3/4 yds.); Bit Sharpener; Concrete Joint Machine (canal and similar type); Concrete Planer; Deck Engine; Forklift (under 5 ton capacity); Machine Tool; Maginnis Internal Full Slab Vibrator; Mechanical Berm (curb or gutter concrete or asphalt); Mechanical Finisher (concrete-Clary-Johnson-Bidwell or similar); Pavement Breaker; Road Oil Mixing Machine; Roller (asphalt or finish); Rubber-tired Earth Moving Equipment, (single engine, up to and including 25 yards struck); Self-propelled Tar Pipelining Machine; Slip Form Pump (power-driven hydraulic lifting device for concrete forms); Tugger Hoist (1 drum); Tunnel Locomotive (over 10 and up to and including 30 tons); Stinger Crane (Austin-Western or similar type); Skiploader Crawler and Wheel type over 3/4 yards and up to and including 1¼ yards); Tractor-Bulldozer, Tamper, Scraper (single engine, up to 100 HP, Flywheel and similar types, up to and including D-5 and similar types)

Group 6: Asphalt or Concrete Spreading (tamping or finishing); Asphalt Paving Machine (Barber Greene or similar type); BHL Lima Road Pactor or similar; Bridge Crane; Pipe Laying Machine (cast in place); Combination Mixer and Compressor (gunite work); Concrete Pump (truck mounted); Concrete Mixer; Crane (up to and including 25 tons); Crushing Plant; Elavating Grader; Forklift (over 5 tons); Grade Checker; Gradeall; Grouting Machine; Heading Shield; Heavy Duty Repairman; Hoist (Chicago Boom and similar type); Kolman Belt Loader and similar type; LeTourneau Blob Compactor or similar type; Lift Slab Machine (Vagtborg and similar types); Lift Mobile; Loader-Athey, Euclid, Sierra and similar type); Material Hoist; Mucking Machine 1/4 yd. - rubber-tired, rail or track type); Pneumatic Concrete Placing Machine (Hackley-Presswell or similar type); Pneumatic Heading Bhield (tunnel); Pumpcrete Gun; Rotary Drill (excluding caisson type); Rubber-tired Earth Moving Equipment Operator (single engine - Caterpillar, Euclid, Athey Wagon and similar types with any and all attachments over 25 yards and up to and including 50 cubic yards struck); Rubber-tired Scraper (self-loading - Paddle wheel type - John Deere, 1040 and similar single unit); Skiploader (Crawler and Wheel type - over 1¼ yards, up to and including 6¼ yards); Surface Heaters and Planers; Rubber-tired Earth Moving Equipment, multiple engine (up to and including 25 yards, struck); Trenching Machine (over 6 feet depth capacity, manufacturers rating); Tower Crane; Tractor Compressor Drill Combination; Tractor (any type larger D-5 - 100 Flywheel HP and over or similar) (Bulldozer, Tamper, Scraper and Push Tractor single engine); Tractor (Boom attachments); Traveling Pipe Wrapping, Cleaning and Bending; Tunnel Locomotive (over 30 tons); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yard and up to 5 cubic yards, M.R.C.)

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POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)
Clark, Esmeralda, Lincoln, Nye Counties

Group 7: Crane (over 25 tons up to and including 100 tons M.R.C.); Derrick Barge, Dual Drum Mixer; Hoist, Stiff Legs, Guy Derrick, or similar type, up to and including 100 tons; Monorail Locomotive (Diesel, gas or electric); Motor Patrol - Blade Operator (single engine); Multiple Engine Tractor Operator (Euclid and similar type except Quad 9 Cat); Rubber-tired Earth Moving Equipment (single engine over 50 yards struck); Rubber-tired Earth Moving Equipment (Multiple engine, Euclid, Caterpillar and similar) (over 25 yards and up to 50 cubic yards struck); Tractor Loader Operator (Crawler and wheel type over 6½ yards); Tower Crane Repairman; Shovel, Backhoe, Dragline, Clamshell Operator (over 5 cubic yards, MRC); Woods Mixer and similar Pugmill Equipment; Heavy Duty Repairman - Welder Combination

Group 8: Auto Grader; Automatic Slip Form; Crane (Over 100 tons); Hoist Stiff Legs, Guy Derricks or similar types (capable of hoisting 100 tons or more); Mass Excavator (less than 750 cubic yards); Mechanical Finishing Machine; Mobile Form Traveler; Motor Patrol (multi engine); Pipe Mobile Machine; Rubber-tired Earth Moving Equipment (multiple engine, Euclid, Caterpillar and similar type over 50 cubic yards struck); Rubber-tired Self Loading Scraper (Paddle Wheel - Auger type self-loading (2 or more units); Tandem Equipment (2 units only); Tandem Tractor (Quad 9 or similar type); Tunnel Mole Boring Machine; Rubber-tired Scraper (pushing without Push Cat, Push-Pull (50¢ per hour additional)

Group 9: Canal Liner; Canal Trimmer; Helicopter Pilot; Highline Cableway; Wheel Excavator (over 750 cubic yards); Remote Controlled Earth Moving Equipment ($1.00 per hour additional to base rate)

POWER EQUIPMENT OPERATORS* (Except Piledriving and Steel Erection)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
Remaining Counties:	AREA 1	AREA 2				
Group 1	$ 8.75	$ 9.90	$ 1.12	$ 2.23	.92	.20
Group 2	9.12	10.27	1.12	2.23	.92	.20
Group 3	9.32	10.47	1.12	2.23	.92	.20
Group 4	9.84	10.99	1.12	2.23	.92	.20
Group 5	10.05	11.20	1.12	2.23	.92	.20
Group 6	10.17	11.32	1.12	2.23	.92	.20
Group 7	10.34	11.49	1.12	2.23	.92	.20
Group 8	10.72	11.87	1.12	2.23	.92	.20
Group 9	10.94	12.09	1.12	2.23	.92	.20
Group 10	11.17	12.32	1.12	2.23	.92	.20
Group 10-A	11.29	12.44	1.12	2.23	.92	.20
Group 11	11.46	12.61	1.12	2.23	.92	.20
Group 11-A	12.54	13.69	1.12	2.23	.92	.20

*POWER EQUIPMENT OPERATORS - Area Definition - See "Area Definition" following TRUCK DRIVERS.

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)
Remaining Counties

Group 1: Assistant to Engineer, including brakeman, deckhand, fireman, heavy duty repairman helper, oiler, pertaman (heavy duty repair shops parts room when needed), Switchman, tar pot fireman

Group 2: Compressor; Material Loader and/or Conveyor (handling building materials); Pump; Tar Pot Fireman (power agitated)

Group 3: Box Operator (bunker); Concrete Curing Machine (streets, highways, airports, canals); Conveyor Belt (tunnel); Engineer Generating Plant (500 K.W.); Fireman Hot Plant; Hydraulic Monitor; Lubrication and Service Engineer (mobile and grease rack); Mixer Box Operator (concrete plant); Motorman; Rotomist; Screedman (except asphaltic or concrete paving); Oiler (truck crane)

Group 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper multiple-purpose; Boxman (asphalt plant); Concrete Mixer, skip type; Dinky; Fork Lift (construction job site); Rose Carrier; Skip Loader (under 1 cu. yd.); Tie Spacer; Line Master

Group 5: Concrete Mixer (over 1 cu. yd.); Concrete Pumps or Pumpcrete Gune; Elevator and Material Hoist (1 drum); Screedman (Barber-Greene and similar) (asphaltic or concrete paving); Shuttle Car; Signalman

Group 6: Boom Truck or Dual Purpose "A" Frame Truck; B.L.H. Lima Road Pactor or similar; Chip Box Spreader (Flaherty type or similar); Concrete Batch Plant (wet or dry); Concrete Saws (highways, streets, airports, canals); Highline Cableway Signalman; Locomotive (over 30 tons); Maginnis International Full Slab Vibrator (airports, highways, canals, warehouses); Mechanical Burn, curb and/or curb gutter machine (concrete or asphalt); Power Jumbo (setting slip forms, etc., in tunnels); Roller (except asphalt); Self-propelled Compactor (single engine); Slip Form Pump (power driven by hydraulic, electric, air, gas, etc., lifting device for concrete forms); Stationary Pipe Wrapping, Cleaning and Bending Machine; Pavement Breaker or Tamper (with or without compressor combination); Pavement Breaker, truck mounted, with compressor combination; Small rubber-tired Tractors; Self-propelled Tape Machine

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)
Remaining Counties

Group 7: Compressor (over 2); Concrete Conveyor; Concrete Conveyor or Concrete Pump, truck or equipment mounted (boom length to apply); Crusher Plant Engineer; Deck Engineer; Drilling and Boring Machinery, vertical and horizontal (not to apply to water-liners, wagon drills or jackhammers); Generators; Grade Setters; Grade Checker; Kolman Loader; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber-Greene and similar); Mine or Shaft Hoist; Pipe Bending Machines (pipelines only); Pipe Cleaning Machines (tractor propelled and supported); Pipe Wrapping Machines (tractor propelled and supported); Portable Crushing and Screening Plants; Pumps (over 2); Refrigeration Plants; Self-propelled Boom type Lifting Device (center mount) (10 ton capacity or less); Slusher; Soil Tester (certified); Surface Heater and Planer; Trenching Machine (maximum digging capacity 3 ft. depth); Truck type Loader; Welding Machines (gasoline or diesel); Roller (asphalt)

Group 8: Asphalt Plant Engineer; Car Passer; Cast-in-place Pipe Laying Machine; Combination Slusher and Motor; Dozer; Concrete Batch Plant (multiple units); Elevating Grader; Grooving and Grinding Machine (highways); Heavy-duty Repairman and/or Welder; Ken-Seal; Loader (up to and including 2½ cu. yds.); Mechanical Trench Shield; Mixermobile; Push Cats; Road Oil Mixing Machine; Wood-mixer (and other similar pugmill equipment); Rubber-tired Earthmoving Equipment (up to and including 35 cu. yds. "struck" m.r.c., Euclids, T-Pulls, DW's 10, 20, 21 and similar); Self-propelled Compactor with dozer; Sheepfoot; Small Tractor (with boom); Soil Stabilizer (P & H or equal); Timber Skidder (rubber tire) or similar equipment; Tractor; Tractor drawn Scraper; Tractor mounted compressor drill combination; Trenching Machine (over 3 ft. depth); Tri-batch Paver; Tunnel Badger or Tunnel Boring Machine; Tunnel Mole Boring Machine

Group 9: Canal Finger Drain Digger; Chicago Boom; Combination Backhoe and Loader (up to and including 3/8 yds.); Combination Mixer and Compressor (gunite); Lull Hi-Lift (20 ft. or over); Mucking Machine; Tractor with boom (D6 or larger); Track Laying type Earth Moving Machine (single engine with tandem scrapers); Sub-grader (Gurries or other types)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)
Remaining Counties

Group 10: Boom type Backfilling Machine; Bridge Crane; Cary-lift or similar; Chemical Grouting Machine; Derricks; Derrick Barges (except excavation work); Euclid Loader and similar types; Heavy Duty Rotary Drill Rigs; Lift-slab (Vagtborg and similar types); Loader (over 2½ cu. yds. up to and including 4 cu. yds.); Locomotive (over 100 tons) (single or multiple units); Multiple engine earth moving machines (Euclid, dozers, etc.); Pre-stress Wire-wrapping Machine; Rubber-tired Scraper, self-loading; Self-propelled Reservoir-debris equipment floating (200 HP and over); Shuttle Car (reclaim station); Single engine Scraper (over 35 cu. yds.); Train loading station; Vacuum Cooling Plant; Whirley Crane (up to and including 25 tons); Trenching Machine; Multi-engine with Sloping attachments (JEFFCO or similar)

Group 10-A: Backhoe (up to and including 1 cu. yd. hydraulic); Backhoe (up to and including 1 cu. yd. cable); Cranes (not over 25 tons) (Hammerhead and Gantry); Grade-alls (up to and including 1 cu. yd.); Motor Patrol; Power Shovels, Clamshells, Draglines, Cranes (up to and including 1 cu. yd.); Rubber-tired Scraper, Self-loading (twin engine); Self-propelled Boom-type Lifting Device (center mount) (over 10 tons)

Group 11: Automatic Asphalt or Concrete Slip Form Paver; Automatic Railroad Car Dumper; Canal Finger Drain Backfiller; Canal Trimmer; Cranes (over 25 tons); Highline Cableway Operator; Loader (over 4 yds. up to and including 12 cu. yds.); Multi-engine Earthmoving Equipment (up to and including 75 cu. yds. "struck" M.R.C.); Power Shovels, Clamshells, Draglines, Backhoes, Grade-alls (over 1 yd. and up to and including 7 cu. yds. M.R.C.); Self-propelled Compactor (with multiple propulsion power units); Single engine rubber-tired earth-moving machine (with tandem scraper); Slip Form Paver (concrete or asphalt); Tandem Cats and Scrapers; Tower Crane Mobile; Universal Liebher and Tower Cranes (and similar types); Wheel Excavator (up to and including 750 cu. yds. per hour); Whirley Cranes (over 25 tons)

Group 11-A: Band Wagons (in conjunction with wheel excavators); Loader (over 12 cu. yds.); Multi-engine Earth Moving Equipment (over 75 cu. yds. "struck" M.R.C.); Operator of Helicopter (when used in construction work); Power Shovels and Draglines (over 7 cu. yds. M.R.C.); Remote controlled Earth Moving Equipment; Wheel Excavator (over 750 cu. yds. per hour)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: STEEL ERECTION Remaining Counties					
Group 1	$ 9.22	$1.12	$2.23	.92	.20
Group 2	9.61	1.12	2.23	.92	.20
Group 3	10.61	1.12	2.23	.92	.20
Group 4	10.75	1.12	2.23	.92	.20
Group 4-A	11.04	1.12	2.23	.92	.20
Group 5	11.52	1.12	2.23	.92	.20
Group 6	11.93	1.12	2.23	.92	.20
Group 6-A	12.50	1.12	2.23	.92	.20
Group 7	13.48	1.12	2.23	.92	.20

POWER EQUIPMENT OPERATORS (Cont'd)
STEEL ERECTION
Remaining Counties

Group 1: Oiler

Group 2: Compressor Operator; Generator, gasoline or diesel-driven (100 K.W. or over); Truck Crane Oiler

Group 3: Compressors, Gensrators and/or Welding Machines or combination (2 to 6) (Structural Steel or Tank Erection only)

Group 4: Heavy Duty Repairman; Tractor Operator

Group 4-A: Combination Heavy-duty Repairman-welder

Group 5: Boom Truck or Dual purpose A-Frame Truck; Boom Cat; Chicago Boom; Crawler Cranes and Truck Cranes (15 tons m.r.c. or less); Self-propelled boom-type lifting device (center mount) (10 ton capacity or less m.r.c.); Single Drum Hoist; Tugger Hoist

Group 6: Crawler Cranes and Truck Cranes (over 15 tons m.r.c); Derricks; Gantry Rider (or similar equipment); Highline Cableway; Self-propelled boom-type lifting device (center mount) (over 10 tons); Tower Cranes Mobile; Universal Liebher and Tower Cranes (and similar types); Two or more drum hoist

Group 6-A: Cranes (over 125 tons)

Group 7: Operator of Helicopter

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: PILEDRIVING Remaining Counties					
Group 1	$ 8.78	$1.12	$2.23	.92	.20
Group 1-A	9.11	1.12	2.23	.92	.20
Group 1-B	9.26	1.12	2.23	.92	.20
Group 2-A	9.89	1.12	2.23	.92	.20
Group 2-B	10.10	1.12	2.23	.92	.20
Group 3	10.40	1.12	2.23	.92	.20
Group 3-A	10.79	1.12	2.23	.92	.20
Group 4	11.34	1.12	2.23	.92	.20
Group 5	11.48	1.12	2.23	.92	.20
Group 6	12.50	1.12	2.23	.92	.20

POWER EQUIPMENT OPERATORS (Cont'd)
PILEDRIVING
Remaining Counties

Group 1: Fireman; Oilman; Deckhand

Group 1-A: Compressor Operator

Group 1-B: Truck Crane Oiler

Group 2-A: Operator of Tugger Hoist (hoisting material only)

Group 2-B: Compressor Operator (over 2); Generator Operator; Pump Operator (over 2); Welding Machine Operator (powered other than by electricity)

Group 3: Deck Engineer; Fork Lift Operator; A-Frames; Self-propelled boom-type lifting device (center mount) (10 ton capacity or less m.r.c.)

Group 3-A: Heavy Duty Repairman and/or Welder

Group 4: Operating Engineer in lieu of Assistant to Engineer tending boiler or compressor attached to Crane Piledriver; Operator of pile-driving rigs, skid or floating and derrick barges; Operator of diesel or gasoline powered Crane Piledriver (without boiler) (up to and including 1 cu. yd. rating); Self-propelled boom-type lifting device (center mount) (over 10 tons); Truck Crane Operator (up to and including 25 tons)

Group 5: Operator of diesel or gasoline powered Crane Piledriver (without boiler) (over 1 cu. yd. rating); Operator of Crane (with steam, flash boiler, pump or compressor attached); Operator of steam powered Crawler, or Universal type Driver (Raymond or similar type); Truck Crane Operator (over 25 tons) (hoisting material or performing pile-driving work)

Group 6: Cranes (over 125 tons)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS Clark, Esmeralda, Lincoln, Nye Counties					
Group 1	$ 9.35	.40	.65		
Group 2	9.46	.40	.65		
Group 3	9.51	.40	.65		
Group 4	9.67	.40	.65		
Group 5	9.85	.40	.65		
Group 6	10.35	.40	.65		

TRUCK DRIVERS
Clark, Esmeralda, Lincoln, Nye Counties

Group 1: Dump Trucks (less than 12 yds.); Trucks (legal payload capacity less than 15 tons); Water and Fuel Trucks (under 2500 gals.); Pickups; Service; Repairman Helper; Drivers of busses (on jobsite used for transportation of up to 25 passengers); Teamster Equipment (highest rate for dual craft operation)

Group 2: Dump Trucks (12 yds. but less than 16 yds.); Trucks (legal payload capacity between 15 and 20 tons); Water and Fuel Trucks (2500 to 4000 gals.); Truck Driver working on gas and oil pipeline (including Winch truck and all sizes of trucks); Truck Greaser and Fireman; Drivers of busses (on jobsite used for transportation of more than 25 passengers); Bootman

Group 3: Dumpcrete (less than 6½ yds.); Transit-mix (less than 3 yds.); Warehouse Clerk

Group 4: Dump Trucks (16 yds. up to and including 22 yds.); Trucks (legal payload capacity 20 tons but less than 30 tons); Water and Fuel Trucks (4000 gals. but less than 6000 gals.); Dumpcrete (6½ yds. and over); Transit-mix (3 yds. but less than 6 yds.); Euclid-type Spreader Trucks; Dumpster; Fork Lift; Ross Carrier - highway; Road Oil Spreading Truck, time spent spreading oil

Group 5: Dump Trucks (over 22 yds.); Trucks (legal payload capacity 20 tons and over); Water and Fuel Trucks (6000 gals. and over); Transit-mix (6 yds. and over); Truck Repairman

Group 6: D.W. and similar-type equipment, D.W. 10 and D.W. 20; Euclid-type equipment, LeTourneau Pulls, Terra Cobras and similar types of equipment; also PB and similar-type trucks when performing work within Teamster jurisdiction, regardless of types of attachment including power units pulling off Highway Belly Dumps in tandem

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS* Remaining Counties	AREA 1	AREA 2				
DUMP (single or multiple units including semi, double and tranafer units; Dumpcrete and bulk cement spreaders:						
Under 4 yards	$ 9.20	$ 10.35	.51	.65		.05
4 yds. and under 8 yds.	9.40	10.55	.51	.65		.05
8 yds. and under 18 yds.	9.60	10.75	.51	.65		.05
18 yds. and under 35 yd.	9.75	10.90	.51	.65		.05
35 yds. and under 60 yds.	10.00	11.15	.51	.65		.05
60 yds. and under 75 yds.	10.15	11.30	.51	.65		.05
75 yds. and under 100 yds.	10.30	11.45	.51	.65		.05
100 yards and over	10.45	11.60	.51	.65		.05
TRANSIT MIX:						
Under 8 yards	9.60	10.75	.51	.65		.05
8 yards and including 12 yards	9.70	10.85	.51	.65		.05
Over 12 yards	9.90	11.05	.51	.65		.05
WATER TRUCKS and Jetting Trucks:						
Up to 2,500 gallons	9.40	10.55	.51	.65		.05
2,500 gallons and over	9.60	10.75	.51	.65		.05
DW 20 and 21 and other similar Cat type, Terra Cobra, LeTourneau Pulls, Tournarocker, Euclid and similar type equipment when pulling Aqua/Pak; Water tank trailers, fuel and/or grease tank or other misc. trailers (except as defined under dump trucks)	9.85	11.00	.51	.65		.05

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS (Cont'd)	AREA 1	AREA 2				
FLATRACK; Industrial Lift with Mechanical Tailgate:						
Single unit 2 axle	$ 9.40	$ 10.55	.51	.65		.05
Single unit 3 axle	9.50	10.65	.51	.65		.05
BUS AND MANHAUL DRIVERS, Single Unit; Pickup:						
Up to 18,000 pounds	9.25	10.40	.51	.65		.05
18,000 pounds and over	9.35	10.50	.51	.65		.05
WINCH TRUCK, A-FRAME:						
Under 18,000 pounds	9.35	10.50	.51	.65		.05
18,000 pounds and over	9.45	10.60	.51	.65		.05
HEAVY DUTY TRANSPORT (High-bed); Heavy Duty Transport (gooseneck lowbed); Tiltbed or flatbed pull trailers	9.75	10.90	.51	.65		.05
BOOTMAN, Combination; Bootman and road oiler	9.65	10.80	.51	.65		.05
ROAD OIL TRUCK OR BOOTMEN; Fuel driver; Fuel man and Fuel island man	9.35	10.50	.51	.65		.05
HELICOPTER PILOT (when transporting men or material)	10.15	11.30	.51	.65		.05
LIFT JITNEYS And FORK LIFTS	9.45	10.60	.51	.65		.05
WAREHOUSE CLERK	9.30	10.45	.51	.65		.05
TIRE REPAIRMAN	9.60	10.75	.51	.65		.05
TRUCK REPAIRMAN	9.90	11.05	.51	.65		.05

*TRUCK DRIVERS - Area Definition - See "Area Definition" following this page.

AREA DEFINITIONS
Remaining Counties
LABORERS
Heavy and Highway Construction
POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)
TRUCK DRIVERS

AREA 1: All of northern Nevada within the following lines:
Commencing at the N.W. corner of township 22N, range 18E, Mount Diablo Baseline and Meridian at the California-Nevada border;
Thence easterly to the N.E. corner to township 22N, range 22E;
Thence southerly to the N.E. corner of township 20N, range 22E;
Thence easterly to the N.W. corner of township 20N, range 26E;
Thence northerly to the N.W. corner of township 22N, range 26E;
Thence easterly to the N.W. corner of township 22N, range 29E;
Thence northerly to the N.W. corner of township 30N, range 29E;
Thence easterly to the N.E. corner of township 30N, range 33E;
Thence southerly to the S.E. corner of township 24N, range 33E;
Thence westerly to the S.E. corner of township 24N, range 31E;
Thence southerly to the S.E. corner of township 16N, range 31E;
Thence westerly to the S.E. corner of township 16N, range 30E;
Thence southerly to the S.E. corner of township 15N, range 30E;
Thence westerly to the S.E. corner of township 15N, range 27E;
Thence southerly to the S.E. corner of township 14N, range 27E;
Thence westerly to the S.E. corner of township 14N, range 23E;
Thence southerly to the S.E. corner of township 13N, range 23E;
Thence westerly to the S.E. corner of township 13N, range 22E;
Thence southerly to the N.E. corner of township 10N, range 22E;
Thence easterly to the N.E. corner of township 10N, range 23E;
Thence southerly along the easterly line of range 23E to the intersection of the California-Nevada border;
Thence north-westerly, then northerly following the California-Nevada border to the point of beginning.

Area 1 also includes that portion of northern Nevada included within the following line:
Commencing at the S.W. corner of township 37N, range 52E;
Thence easterly to the S.E. corner of township 37N, range 52E;
Thence northerly to the N.E. corner of township 37N, range 52E;
Thence easterly to the N.W. corner of township 37N, range 58E;
Thence southerly to the S.W. corner of township 37N, range 58E;
Thence easterly to the S.E. corner of township 37N, range 58E;
Thence southerly to the N.E. corner of township 31N, range 58E;
Thence westerly to the N.W. corner of township 31N, range 58E;
Thence southerly to the S.W. corner of township 31N, range 58E;
Thence westerly to the S.E. corner of township 31N, range 52E;
Thence northerly to the N.E. corner of township 31N, range 52E;
Thence westerly to the S.E. corner of township 32N, range 51E;
Thence northerly to the point of beginning.

AREA 2: All areas not included within Area 1 as defined above.

SUPERSEDEAS DECISION

STATE: Ohio COUNTIES: Mahoning & Trumbull
DECISION NUMBER: OH77-2056 DATE: Date of Publication
Supersedes Decision Nos.: OH76-2085, dated July 23, 1976, in 41 FR 30557, & OH76-2092, dated August 13, 1976, in 41 FR 34528
DESCRIPTION OF WORK: Building and Residential Construction

DECISION NO. OH77-2056

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.74	.45	.70		.02
BOILERMAKERS	11.48	.60	1.00		.03
BRICKLAYERS:					
Mahoning Co. (Smith Twp.)	10.40	.70	.45		.01
Mahoning Co. (Rem. of Co.)	10.71	.60	.60		.02
Trumbull Co.	11.01	.40	.50		.02
CARPENTERS:					
Commercial Building	9.45	.87	.65		.02
Residential	9.27	1.07	.80		.02
CEMENT MASONS:					
Mahoning & Trumbull (Twps. of Hubbard & Liberty) Cos.	10.57	.50	.50		.05
Trumbull (Rem. of Co.) Co.	10.30	.40			.01
ELECTRICIANS:					
Mahoning (Milton Twp.) & Trumbull (Excluding Hubbard & Liberty Twps.) Cos.	11.76	.60	5%		.7%
Mahoning (Austintown, Beaver, Berlin, Broadman, Canfield, Ellsworth, Coitsville, Goshen, Green, Jackson, Poland, Springfield, & Youngstown Twps.) & Trumbull (Hubbard & Liberty Twps.) Cos.	11.72	.53	5%		.3%
Mahoning (Smith Twp.) Co.:					
Commercial Building	11.20	.40	1%+.25		.3%
Residential (4 units only)	7.25	.30	1%+.10		.3%
ELEVATOR CONSTRUCTORS:					
Elevator constructors	10.99	.545	.35	4%+a+b	.02
Helpers	7.69	.545	.35	4%+a+b	.02
Helpers (Prob.)	5.495				
GLAZIERS	10.37	.40	.20		
IRONWORKERS:					
Ornamental; Reinforcing; & Structural	11.08	.40	1.00		.07
Sheeters	11.58	.40	1.00		.07
Bucker-up	11.205	.40	1.00		.07
LABORERS (Mahoning Co.):					
Building & Construction	$8.95	.55	.40		.05
Jackhammer op. (all machine driven tools, electric, gas or air & gas buggies); Mortar mixers (hand or machine)	9.08	.55	.40		.05
Trenching & shaft excavations (7' or more)	9.13	.55	.40		.05
Jackhammer op. in trench & shaft excavation (7' or more)	9.07	.55	.40		.05
Power & dynamite & sewer pipelayers	9.27	.55	.40		.05
Scrap iron burning	9.05	.55	.40		.05
Gunnite scaffold man (over 25')	9.35	.55	.40		.05
Gunnite nozzlemen; Gunnite gunman	9.53	.55	.40		.05
Plasterers hod carriers	9.15	.55	.40		.05
LABORERS (Trumbull Co.):					
Laborers & Carpenters' tenders	8.09	.55	.40		.05
Burning scrap iron	8.19	.55	.40		.05
Mortar mixers; Mason tenders; Jackhammer (All mech. driven tools, under 4"); Spikers; Work 7' or more in depth; Concrete work	8.21	.55	.40		.05
Hod carrier	8.29	.55	.40		.05
Pipelayers; Muckers; Power & dynamite man; Laser beam op.	8.41	.55	.40		.05
Gunniting & sandblasting	8.49	.55	.40		.05
LEADBURNERS	10.75	.40		c	.01
LINE CONSTRUCTION:					
Linemen; Cable splicer; Operator - pole digging equipment	12.37	.45	1%		
MARBLE SETTERS; Terrazzo workers; & Tile setters:					
Mahoning Co.	11.475				
MARBLE SETTERS' HELPERS ; Terrazzo workers' helpers; & Tile setters' helpers:					
Mahoning (Excluding Smith Twp.)	10.625				
MILLWRIGHTS; Piledrivermen	10.60	1.07	.80		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Brush; Dipping; Hydro jet cleaning; Paperhangers; Roller; Steamcleaning; Wall washing; & Waterproofing	$10.665	.60	.40		
Spray; Epoxy-mastic (Brush & Roller)	11.165	.60	.40		
Dry wall taping	10.815	.60	.40		
Open structural steel	10.88	.60	.40		
PLASTERERS:					
Mahoning Co.	10.88	.50			.03
Trumbull Co.	9.65	.50			.03
PLUMBERS; Steamfitters:					
Mahoning & Trumbull (Hubbard & Liberty Twps.) Cos.	11.49	.75	.50		.03
Trumbull Co.	10.75	.57	.65		.01
ROOFERS	10.48	.60	.60		.01
SHEET METAL WORKERS	11.84	.75	.79		.04
SOFT FLOOR LAYERS:					
Commercial Building	9.27	1.07	.80		.02
Residential	8.77	1.07	.80		.02
SPRINKLER FITTERS	12.05	.60	.90		.08
TERRAZZO WORKERS' HELPERS; Tile setters' helpers:					
Mahoning Co. (Smith Twp.)	8.09	.70	.45		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day

FOOTNOTES:
a. Six paid holidays: A through F
b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years, and 2% for employee in business less than 5 years.
c. Nine paid holidays: A through F, Washington's Birthday; Good Friday; & Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

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POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$ 11.18	.65	.80		.14
CLASS II	10.49	.65	.80		.14
CLASS III	9.91	.65	.80		.14
CLASS IV	9.50	.65	.80		.14
CLASS V	9.40	.65	.80		.14
CLASS VI	11.45	.65	.80		.14

CLASS I - Asphalt planer heater; Austin western & similar type; Backhoe; Batch plant-central mix; Batch plant-portable concrete; Berm builder-automatic; Backfiller w/drag attachment; Boat derrick; Boat-tug; Boring mach. attached to tractor; Bullclam; Bulldozer; C.M.I. road builder & similar types; Cable placer & layer; Carrier-straddle; Carryall - scraper or scoop; Chicago boom; Compactor w/blade attached; Concrete spreader finisher comb., Crane; Crane-stationary or climbing; Crane-electric overhead; Crane-side boom; Crane truck; Crane-tower; Derrick-boom; Derrick-car; Diggers-wheel (not trencher or road widener); Double nine; Drag line; Dredge; drill-Kenny or similar type; Electromatic; Fork lift; Frankie pile; Gradall; Grader-power; Gurry; Gurry-self-propelled; High lift; Hoist-monorail; Hoist-stationary & mobile tractor; Hoist-2 or 3; Jackall; Jumbo mach.; Kocal or Kuhlman; land-seagoing vehicle; Loader - Elevating; Loader-front end; Locomotive; Mechanic as welder; Metro clip harvester w/boom; Mucking mach.; Paver-asphalt finishing mach.; Paver-road concrete; Paver-slip form; Place crete mach; Post driver; Power driven hydraulic pumps & jacks; pump crete machine; Regulator-ballast; Reigs-drilling; Shovels; Spikemaster; Stonecrusher; Tie puller & loader; tie tamper; Tractor-double boom; tractor w/attachments; Trucks-boom; Truck-tirc-assigned to job; Trench mach.; Tunnel machine (Mark 21 Java or similar); Whiley

CLASS II - Asphalt plant; bending machine; Boring mach.; Chip harvester w/o boom; cleaning mach.- pipeline type; Coating Mach-pipeline type; Concrete belt placer; concrete finisher; Concrete planer or asphalt; Concrete spreader; Elevator; Fork lift walk behind; form line mach.; Grease truck op.; Grout pump; Gunnite mach.; Huck bolting Mach.; Hydraulic scaffold; Paving breaker; Pipe dream; Pot firemen; Power broom; Refrigeration plant; Sasgen derrick; Seeding Mach.; Self-propelled mobile vibrator compactor or roller; Hoist-single drum; Soil stabilizer (pump type); Spray cure Mach.-Self propelled; Straw blower mach.; Sub-grader; Tube Finisher or broom C.M.I. or similar type; Tugger Hoist

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POWER EQUIPMENT OPERATORS (CONT'D)

CLASS III - Batch plant-job related; Boiler op.; Compressor (125 CFM or over); Curb buildor (self-propelled); Generator-steam; Jack-hydraulic driven; Mixer-concrete; Mulching Mach.; Pin puller; Pulverizer; Pump; Road finishing mach. (pulltype); roller; Saw-concrete-self propelled; signal man; spray cure mach.-motor powered; Spreader (side driver shoulder attachment); Tractor; Trencher-form; Water Blaster
CLASS IV - Brake man; Compressor under 125 CFM; Conveyor; Conveyor 12 feet or under other than servicing bricklayers; Deck hand; Drill wagon; fireman; Generator sets; Heaters-portable powar (2 to 5); Helper-mechanic, Jacks Hydraulic (railroad); Ladavator; Roller (walk behind 1 ton or over); Steam jenny; Syphone; Vibrator-gasoline; Welding machines (2) (fuel burning)
CLASS V - Oiler
CLASS VI - Rige-pile driving or caisson type

SUPERSEDEAS DECISION

STATE: Ohio
DECISION NO.: OH77-2063
Supersedes Decision No. OH76-2041, dated April 9, 1976 in 41 FR 15300
DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTIES: Statewide
DATE: Date of Publication

BRICKLAYERS & STONE MASONS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADAMS & SCIOTO Cos.	$ 9.90				
ALLEN, AUGLAIZE, MERCER & VAN WERT Cos.	10.53		.20		
ASHLAND, CRAWFORD, HARDIN, HOLMES, MARION, MORROW, RICHLAND, & WAYNE Cos. & WYANDOT Co. (except Townships of Crawford, Richland, Ridge & Tymochtee)					
Bricklayers	10.19	.50	.85		.02
Sewer Bricklayers	10.19	.50	.85		.02
ASHTABULA County					
Bricklayers	10.66	.60	.50		
Sewer Bricklayers	9.91	.60	.50		
ATHENS County	11.20	.50	.30		
BELMONT & MONROE Counties & JEFFERSON County (Townships of Mt. Pleasant, & Warren & City of Dillonvale)	9.60	.60	.25		.02
BROWN, CLERMONT & HAMILTON Cos.					
Bricklayers & Stonemasons	11.245	.55	.35		.02
BUTLER & WARREN Cos. & PREBLE Co. (Townships of Dixon, Gratis, Israel, Lanier, & Somers)	10.435	.45	.35	.45	.01
CARROLL, STARK & TUSCARAWAS Cos., MAHONING Co. (Township of Smith), COLUMBIANA Co. (Townships of Butler, Hanover, Knox & West)	10.40	.70	.45		.01
~~CHAMPAIGN, CLARK & LOGAN Cos.~~	~~10.10~~				
CLINTON & HIGHLAND Cos.	8.50				
COLUMBIANA Co., (Townships of Center, Elk Run, Fairfield, Middletown, New Waterford, Perry, Salem & Unity), MAHONING Co. (except Smith Twp.)	10.71	.60	.60		.02

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BRICKLAYERS & STONEMASONS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
COLUMBIANA County (Twps. of E. Liverpool, Franklin, Madison, St. Clair, Washington, Wayne & Yellow Creek), JEFFERSON Co. (Twps. of Bush, Creek & Saline)	$ 9.80	.50	.50		
COSHOCTON, GUERNSEY, KNOX, LICKING, MORGAN & MUSKINGUM Counties	9.68	.45	.50		.02
CUYAHOGA Co. & MEDINA Co. (except the Twps. of Chatham, Harrisville, Homer, Litchfield & Spencer)	11.25	.95	1.00		.01
DARKE, MIAMI, & SHELBY Cos.	10.30		.25		.05
DEFIANCE, PAULDING, PUTNAM & WILLIAMS Cos., FULTON Co. (except Twps. of Amboy, Fulton & Swan Creek), HENRY Co. (except Twps of Barlo, Damascus, Liberty, Marion, Monroe, Richfield, Washington & that part of Harrison outside City limits of Napolean)	11.30	.60			
DELAWARE, FRANKLIN MADISON, PICKAWAY & UNION Cos. Bricklayers	10.04	.80	.70		.02
ERIE, HANCOCK & HURON Cos. & OTTAWA Co., SANDUSKY, SENECA, WOOD (Perry & Bloom Twps.) WYANDOT (Tymochtee, Crawford, Ridge, & Richland Twps.) & ISLAND OF LAKE ERIE North of SANDUSKY	10.70	.50	.35		.01
FAIRFIELD , HOCKING & PERRY Cos.	8.80	.45	.50		.02
FAYETTE, ROSS & PIKE Cos.	10.50				
~~GALLIA & MEIGS Cos.~~	~~10.45~~	~~.50~~			
GEAUGA & LAKE COS.	11.57	.50	.80		40.00 p/y
GREENE & MONTGOMERY Cos. & the remainder of PREBLE Co.	10.05	.55	.75		.01

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BRICKLAYERS & STONEMASONS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
NOBLE Co. (Twps. of Beaver, Buffalo, Marion, Seneca & Wayne)	9.68	.45	.50		.02
HARRISON Co. & the remainder of JEFFERSON Co.	8.93	.45			.02
JACKSON & VINTON Cos.	10.50				
LAWRENCE County	9.00				
LORAIN Co. & the remainder of MEDINA Co.	11.35		.40		.01
LUCAS Co., the remainder of FULTON Co. & WOOD Co. (Twps. of Lake, Perrysburg & Ross)	11.655	.73	.80		.01
PORTAGE & SUMMIT Cos.:					
Bricklayers	10.97	.57	.50		.02
TRUMBULL County	11.01	.40	.50		.02
WASHINGTON Co. & the remainder of NOBLE Co.	9.70	.50			.04
The remainder of WOOD & HENRY Cos.	11.86	.65	.45		.01
CARPENTERS & PILEDRIVERMEN					
ADAMS, FAYETTE, GALLIA, HIGHLAND, JACKSON, LAWRENCE, MEIGS, PIKE, ROSS, & SCIOTO COS.					
Carpenters	$ 9.96	.40	.50		.03
Piledrivermen	10.25	.40	.50		.03
ALLEN, AUGLAIZE, CHAMPAIGN, CLARK, COSHOCTON, DELAWARE, FAIRFIELD, FRANKLIN, GUERNSEY, HARDIN, HOLMES, KNOX, LICKING, LOGAN, MADISON, MARION, MERCER, MORGAN, MORROW, MUSKINGUM, NOBLE, PERRY, PICKAWAY, PUTNAM, UNION, VAN WERT, & WYANDOT Cos.					
Carpenters	9.67	.40	.50		.02
Piledrivermen	10.27	.40	.50		.02

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CARPENTERS & PILEDRIVERMEN (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASHLAND, CRAWFORD, ERIE (East of B & O Rail Road Tracks), HURON, LORAIN & RICHLAND Counties					
Carpenters	10.36	.50	.80	a	.04
Piledrivermen	10.36	.50	.80	a	.04
Footnote: a. 2 paid holidays: Memorial Day & Labor Day					
ERIE (West of B & O Rail Road Tracks), OTTAWA, SANDUSKY & SENECA COS. & city of Fostoria in WOOD & HANCOCK COS.					
Carpenters	10.36	.50	.80	a	.04
Piledrivermen	11.97	.73	.50		.05
ASHTABULA, CUYAHOGA, GEAUGA & LAKE Counties					
Carpenters	11.60	.67	1.00		.03
Piledrivermen	11.45	.67	1.15		.03
ATHENS HOCKING, VINTON & WASHINGTON Counties					
Carpenters	9.67	.40	.50		.02
Piledrivermen	10.27	.40	.50		.02
BELMONT, COLUMBIANA, HARRISON, JEFFERSON & MONROE Cos.					
Carpenters	9.45	.87	.65		.02
Piledrivermen	9.52	.40	.50		.01
BROWN, BUTLER, CLERMONT, CLINTON, HAMILTON & WARREN Cos.					
Carpenters	10.55	.60	.65		.075
Piledrivermen	10.55	.60	.65		.075
CARROLL, STARK, TUSCARAWAS & WAYNE Cos.					
Carpenters	9.89	.40	.30		.02
Piledrivermen	10.35	.40	.30		.02
DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE & SHELBY Cos.					
Carpenters	9.60	.60	1.00		.05
Piledrivermen	9.60	.60	1.00		.05

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CARPENTERS & PILEDRIVERMEN (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DEFIANCE, HENRY, PAULDING & WILLIAMS Cos.					
Carpenters	11.29	.73	.40		
Piledrivermen	11.97	.73	.50		.05
FULTON, HANCOCK, LUCAS & WOOD Cos., excluding the city of Postoria in HANCOCK & WOOD Cos.					
Carpenters	11.97	.73	.50		.05
Piledrivermen	11.97	.73	.50		.05
MAHONING & TRUMBULL Cos.					
Carpenters	9.45	.87	.65		.02
Piledrivermen	10.60	1.07	.80		.02
MEDINA, PORTAGE, & SUMMIT Cos.					
Carpenters	11.00	.40	.50		.02
Piledrivermen	11.45	.67	1.15		.03
CEMENT MASONS:					
CUYAHOGA, GEAUGA, LAKE & LORAIN Counties	10.73	.50			.02
ALLEN, ASHTABULA, COLUMBIANA, DEFIANCE, ERIE, FULTON, HARDIN, HANCOCK, HENRY, HURON, LUCAS, MAHONING, MEDINA, OTTAWA, PAULDING, PORTAGE, PUTNAM, SANDUSKY, SENECA, STARK, SUMMIT, TRUMBULL, VAN WERT, WILLIAMS & WOOD Cos.	10.08	.50			.02
Remainder of Counties	9.53	.50			.02
ELECTRICIANS					
ADAMS & SCIOTO Cos., JACKSON Co. (all but Coal, Jackson, Liberty, Milton & Washington Twps.) PIKE Co. (Twps. of Camp Creek, Marion, Newton, Scioto, Sunfish & Union)	10.50	.50	1%+.40	.52	.04

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ELECTRICIANS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ALLEN, AUGLAIZE, HARDIN, LOGAN, MERCER, SHELBY, & VAN WERT Cos. & WYANDOT Co. (West of Crane, Pitt, & Tymochtee Twps)	10.94	.32	1%+.37		.04
ASHLAND, CRAWFORD, MARION, MORROW & RICHLAND Cos., WYANDOT CO. (Remainder of County), KNOX Co. (North ½ including Clinton, Howard, Liberty, Monroe & Union Twps.), & HURON Co. (Twps. of Greenwich, New Haven, Richmond & Ripley)	10.90	.48	1%+.30		.1%
ASHTABULA Co. (all but Colebrook, Orwell, Wayne, Williamsfield & Windsor Twps.)	11.70	.65	1%+.75		.2%
ATHENS, MEIGS, MONROE, NOBLE & WASHINGTON Cos., & VINTON Co (East of Clinton, Elk & Swan Twps.)	10.15	.50	1%+.62	1.02	.04
BELMONT Co.	9.20	.30	1%+.32	1.02	.04
BROWN, CLERMONT & HAMILTON COUNTIES					
Within 18 Mi. of Hamilton County Court House	11.30	.70	1%+.40		.5%
From 18 to 21 Miles	11.60	.70	1%+.40		.5%
From 21 to 25 Miles	11.70	.70	1%+.40		.5%
Over 25 Miles	11.85	.70	1%+.40		.5%
BUTLER County & WARREN Co. excluding Clear Creek, Franklin & Wayne Twps Within City Limits of Hamilton or Middleton	11.40	.40	1%+.65		4%
Outside city limits West of Interstate 75	11.75	.40	1%+.65		4%
Outside city limits East of Interstate 75	11.95	.40	1%+.65		4%
CHAMPAIGN & CLARK Cos. & MADISON Co. (Twps. of Paint, Pike, Somerford, Stokes & Union)	10.09	.45	1%+.65		.04

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ELECTRICIANS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY & PREBLE Cos. & WARREN Co. (Remainder of Co.)					
Within 11 Mi. radius of 3rd & Main Streets, Dayton	11.08	.45	1%+1.00		.5%
Beyond 11 Mi. radius	11.31	.45	1%+1.00		.5%
COLUMBIANA Co. (except the Twps. of Butler, Fairfield, Knox, Perry, Salem & Unity	10.26	8%	4.5%	8%+a	1%
FOOTNOTE: a. 9 paid holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day; Good Friday, Day after Thanksgiving Day & Day before Christmas					
COSHOCTON Co. & TUSCARAWAS Co. (South ½ including the Twps. of Auburn, Clay, Rush & York)					
CUYAHOGA CO., LORAIN CO. (Twps. of Columbia), & GEAUGA Co. (Twps. of Bainbridge, Chester & Russell)	12.15	.50	1%+.43		.02
DEFIANCE, FULTON, HANCOCK, HENRY, LUCAS, OTTAWA, PAULDING, PUTNAM, SANDUSKY, SENECA, WILLIAMS & WOOD Cos.	12.35	.50	1%+.55		.2%
DELAWARE, FAIRFIELD, FRANKLIN, & UNION Cos., MADISON (Remainder of Co.), & PICKAWAY Co. (excluding Deer Creek, Perry, Pickaway, Salt Creek & Wayne Twps.)	10.98	.28	1%+.60		.03
ERIE Co., HURON Co. (Remainder of Co.)	11.85	.53	1%		.1%
FAYETTE, HIGHLAND, HOCKING, & ROSS Cos. & JACKSON Co. (remainder of Co.), PICKAWAY, PIKE & VINTON Cos.	10.95	.29	1%		.02
GALLIA Co.	10.82	.50	1%+.45	1.00	.04
GUERNSEY, MUSKINGUM & PERRY Cos.	10.00	.28	1%+.60		.03
HARRISON & JEFFERSON COS. & CARROLL CO. (South of Fox, Harrison, Rose & Washington Twps.)	12.00	6%	1%+ 6%	8%	4%

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ELECTRICIANS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
HOLMES & STARK Cos., the remainder of CARROLL & TUSCARAWAS Cos., COLUMBIANA Co. (Knox Twp.), MAHONING Co. (Smith Twps), & WAYNE CO. (South of Baughman, Chester Green & Wayne Twps.)	11.20	.40	1%+.25		.3%
LAKE Co. & GEAUGA Co. (all but Auburn, Bainbridge, Chester, Middlefield, Parkman, Russell & Troy Twps.)	12.08	.50	1%+.50		.3%
LAWRENCE County	10.37	.50	1%+.45	1.00	.04
LICKING Co. & KNOX Co. (remainder of Co.)	10.30	.28	1%+.60		.03
LORAIN CO. (remainder of Co.) & MEDINA Co. (Twps. of Litchfield & Liverpool)	11.68	.60	1%+.80		.1%
MAHONING Co. (excluding Milton & Smith Twps.), TRUMBULL Co. (Twps. of Hubbard & Liberty) & COLUMBIANA Co. (Twps. of Butler, Fairfield, Perry, Salem & Unity)	11.72	.53	5%		.3%
SUMMIT Co., the remainder of MEDINA & WAYNE Cos. & PORTAGE Co. (excluding Twps of Charleston, Edinburg, Freedom, Hiram, Palmyra, Paris & Windham)	11.48	.47	1%+.50		.2%
MORGAN Co.	9.40	.28	1%		.02
ASHTABULA (remainder of Co.), PORTAGE & TRUMBULL Cos., GEAUGA County (Twps. of Auburn, Middlefield Parkman & Troy), & MAHONING Co. (Twp of Milton)	11.76	.60	5%		.7%
IRONWORKERS:					
ADAMS, BROWN, CLERMONT & HAMILTON Cos. & the South half of BUTLER & WARREN Cos.					
Structural & Ornamental	11.08	.75	.85		.03
Reinforcing	10.43	.75	1.45		.02

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IRONWORKERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ALLEN, AUGLAIZE, CLINTON, DARKE, GREENE, MERCER, MIAMI, MONTGOMERY, PREBLE & SHELBY Cos., the North half of BUTLER & WARREN Cos., the West two-thirds of CHAMPAIGN & LOGAN Cos., the west three-fourths of CLARK Cof. & the West four-fifths of HIGHLAND Co., Dayton Metropolitain Area	10.51	.75	1.05		.04
Outside of Dayton Metro Area	10.66	.75	1.05		.04
ASHLAND, CARROLL, COSHOCTON, HOLMES, RICHLAND, STARK, TUSCARAWAS, & WAYNE Cos.	10.62	.60	.60		.03
CUYAHOGA, ERIE, GEAUGA, HURON, LAKE, LORAIN, MEDINA & SUMMIT Cos., & ASHTABULA CO. (except the North-East Quarter), & PORTAGE Co. (except the Ravenna Ordnance Depot)	11.72	.60	.95		.03
ASHTABULA (Remainder of Co.)	10.00	1.11	1.01		.10
ATHENS, MEIGS, MORGAN, NOBLE, & WASHINGTON Cos.	10.17	.75	.85		.01
BELMONT GUERNSEY, HARRISON, JEFFERSON & MONROE Cos.	9.30	.60	.50	5%	.03
COLUMBIANA, MAHONING & TRUMBULL Cos. & The Ravenna ORDNANCE Depot in PORTAGE Co.	11.08	.40	1.00		.07
CRAWFORD, FAYETTE, HARDIN, HOCKING, JACKSON, KNOX, MARION, MORROW, MUSKINGUM, PERRY, PIKE, ROSS, VINTON, WYANDOT, & the remainder of CHAMPAIGN, CLARK, HIGHLAND & LOGAN Cos.	10.60	.75	1.35		.05
DELAWARE, FAIRFIELD, LICKING, MADISON, PICKAWAY & UNION Cos.	10.50	.75	1.35		.05
FRANKLIN County	10.35	.75	1.35		.05
DEFIANCE, PAULDING, PUTNAM, VAN WERT & WILLIAMS Cos.	10.75	.75	.95		.01
FULTON, HANCOCK, HENRY, LUCAS, OTTAWA, SANDUSKY, SENECA, & WOOD COS	11.75	.73	1.06		.05
GALLIA, LAWRENCE, & SCIOTO Cos.	10.61	.65	.70		.01

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LINEMEN	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADAMS, ATHENS, GALLIA, LAWRENCE, MEIGS, & SCIOTO Cos., JACKSON Co. (except Coal, Jackson, Liberty, Milton & Washington Twps.), PIKE CO. (Twps. of Camp Creek, Marion, Newton, Scioto, Sunfish & Union), & VINTON Co. (East of Clinton, Elk, & Swan Twps.)	11.53	.45	1%+.40	1.00	½%
ALLEN, AUGLAIZE, HARDIN, LOGAN, MERCER, SHELBY, VAN WERT & WYANDOT Co. (Remainder of Co.)	11.18	.45	1%		
ASHLAND, CRAWFORD, MARION, MORROW, & RICHLAND Cos,. HURON Co. (Townships of Greenwich, New Haven, Richmond, & Ripley), KNOX Co. North Half including the Twps. of Clinton, Howard, Liberty, Monroe, & Union), & WYANDOT Co. East Half including the Twps of Crane, Pitt & Tymochtee)	10.30	.33	1%+.25		.25%
ASHTABULA Co. except the Twps. of Colebrook, Orwell, Wayne, Williamsfield, & Windsor	11.70	.65	1%+.75		.2%
BELMONT CO.	9.20	.30	1%+.32	1.02	.5%
BROWN, CLERMONT, & HAMILTON COS.					
Within 18 Mi. of Hamilton County Court House	11.30	.70	1%+.40		.5%
From 18 to 21 Miles	11.60	.70	1%+.40		.5%
From 21 to 25 Miles	11.70	.70	1%+.40		.5%
Over 25 Miles	11.85	.70	1%+.40		.5%
BUTLER Co. & WARREN CO., except Townships of Clear Creek, Franklin & Wayne within city limits of cities of Hamilton & Middleton	11.40	.40	1%+.65		½%
West of Interstate 75	11.74	.40	1%+.65		½%
East of Interstate 75	11.95	.40	1%+.65		½%

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LINEMEN (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHAMPAIGN, & CLARK COS.	9.11	.35	1%		.25%
CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY, & PREBLE Cos. & WARREN CO. (Remainder of Co.)					
WITHIN 11 Mi. radius of 3rd & Main Streets, Dayton	11.08	.45	1%+1.00		.5%
Beyond 11 Mi. radius	11.31	.45	1%+1.00		.5%
COLUMBIANA Co. except the Twps. of Butler, Knox, Fairfield, Perry, Salem & Unity	10.26	8%	4½%	8%	½%
COSHOCTON & TUSCARAWAS Cos.	10.83	.35	1%		½%
CUYAHOGA Co., & GEAUGA Co. (Twps. of Bainbridge, Chester, & Russell), LORAIN CO. (Columbia Twps.)	12.73	.35	1%		½%
DEFIANCE, FULTON, HANCOCK, HENRY, LUCAS, OTTAWA, PAULDING, PUTNAM, SANDUSKY, SENECA, WILLIAMS & WOOD Cos.	12.76	.45	1%	a	.25%
FOOTNOTE: a. 9 paid holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day; Christmas Eve; New Year's Eve & Day after Thanksgiving Day					
DELAWARE, MADISON, PICKAWAY & UNION Cos.	11.56	.35	1%		½%
ERIE Co., & HURON Co. (Remainder of Co.)	11.85	.53	1%		1%
FAIRFIELD & LICKING Cos. & KNOX Co. (Remainder of Co.)	10.98	.45	1%		.50%
FAYETTE, HIGHLAND, HOCKING & ROSS Cos. & the remainder of JACKSON, PIKE & VINTON Cos.	10.95	.28	1%		.02
FRANKLIN Co.	9.20	.35	1%		½%

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LINEMEN (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GUERNSEY Co.	10.53	.35	1%		½%
MORGAN Co.	9.40	.28	1%+.30		
HARRISON, & JEFFERSON Cos. & CARROLL Co. (South of Fox, Harrison, Rose & Washington Twps.)	12.00	6%	7%	8%	½%
HOLMES & STARK Cos., CARROLL (Remainder of Co.), COLUMBIANA Co. (Knox Twp.), & WAYNE Co. (South of Baughman, Chester, Green & Wayne Twps.)	11.20	.40	1%+.25		.25%
LAKE CO. & GEAUGA Co. except the Twps of Auburn, Bainbridge, Chester, Middlefield, Parkman, Russell & Troy	11.83	.50	1%+.50		.5%
LORAIN Co. (except Columbia Twp.) & MEDINA Co. (Twps. of Litchfield & Liverpool)	11.68	.60	1%+.80		.1%
MAHONING & TRUMBULL Cos., ASHTABULA Co. (Remainder of Co.), COLUMBIANA Co. (Twps of Butler, Fairfield, Perry, Salem & Unity), GEAUGA Co. (Townships of Auburn, Middlefield, Parkman, & Troy) & PORTAGE Co. (Twps of Charleston, Edinburg, Freedom, Hiram, Nelson, Palmyra, Paris & Windham)	12.37	.45	1%		
MONROE, NOBLE & WASHINGTON Cos.	10.15	.50	1%+.62	1.02	.04
MUSKINGUM & PERRY COS.	10.53	.35	1%		.2%
SUMMIT Co. & the remainder of MEDINA, PORTAGE & WAYNE Cos.	11.48	.47	1%+.50		.2%
PAINTERS					
ADAMS, HIGHLAND, JACKSON, PIKE & SCIOTO Cos.					
Brush	10.85		.40		
Spray	11.85		.40		

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PAINTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
ALLEN, AUGLAIZE, DEFIANCE, HARDIN, MERCER, PAULDING, PUTNAM, SHELBY, VAN WERT & WILLIAMS Cos.	8.40	.50	.50		.01
ASHLAND, CRAWFORD, MARION, MORROW, & RICHLAND Cos.					
Brush	8.05		.50		
Structural Steel	8.55		.50		
Spray	8.80		.50		
ATHENS & HOCKING Cos.	10.03				
BELMONT Co.	7.50				
BROWN, CLERMONT & HAMILTON Cos.					
Brush	10.80		.25		
Spray	11.20		.25		
BUTLER & WARREN Cos.					
Brush	9.48				
Spray	9.98				
CARROLL, HOLMES, STARK, TUSCARAWAS & WAYNE Cos.					
Brush	9.47	.55	.50		.02
Spray	9.97	.55	.50		.02
Structural Steel	10.19	.55	.50		.02
CHAMPAIGN, CLARK & LOGAN Cos.					
Brush	7.80	.10	.25		
Structural Steel	8.35	.10	.25		
CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY & PREBLE Cos.					
Brush	10.55	.40	.40		.02
Structural Steel	10.95	.40	.40		.02
Spray	11.05	.40	.40		.02

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PAINTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
CUYAHOGA, GEAUGA & LAKE Cos., LORAIN (North East Part) & PORTAGE & SUMMIT Cos. North at the Ohio Turnpike					
Brush	10.81	.63	.74		.05
Structural Steel & Spray	11.51	.63	.74		.05
DELAWARE, FAIRFIELD, FAYETTE, FRANKLIN, MADISON, PICKAWAY & UNION Cos.	9.45	.55	.55		
ERIE, HANCOCK, HURON, SANDUSKY, SENECA & WYANDOT Cos.					
Brush	8.95	.50	.50		
Structural Steel & Bridges	9.65	.50	.50		
FULTON, HENRY, LUCAS, OTTAWA & WOOD Cos.					
Brush	10.49	.65	.70		
Spray	11.04	.65	.70		
Structural Steel	10.04	.65	.70		
GALLIA, LAWRENCE, MEIGS, & VINTON Cos.					
Brush	9.45				
Spray	9.75				
GUERNSEY County					
Brush	7.00				
Structural Steel, Tanks & Bridges	7.50				
HARRISON & JEFFERSON Cos.	7.70	.30	.25		
KNOX, LICKING, MUSKINGUM & PERRY Cos.					
Brush	7.00				
Structural Steel	7.65				
Bridge	7.65				
LORAIN Co. (Remainder of Co.)					
Brush	9.05				
Spray	9.55				
Structural Steel & Bridge	10.35				

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PAINTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
COLUMBIANA, MAHONING & TRUMBULL Cos. and the Ravenna Ordnance Depot in PORTAGE County					
Brush	11.07	.60	.40		
Spray	11.57	.60	.40		
MEDINA Co. & PORTAGE & SUMMIT Cos. South of Ohio Turnpike excluding the Ravenna Ordnance Depot in PORTAGE Co.					
Brush	9.40	.62	.60		
Spray	9.90	.62	.60		
Structural Steel	9.65	.62	.60		
MONROE, MORGAN, NOBLE & WASHINGTON Cos.	9.92		.20		.02
ROSS County					
Brush	8.25				
Spray	9.00				
PLUMBERS & STEAMFITTERS:					
ADAMS, ATHENS, GALLIA, HIGHLAND, JACKSON, LAWRENCE, MEIGS, PIKE, SCIOTO, & VINTON Cos.	10.87	.55	.75		
ALLEN, AUGLAIZE, HARDIN, MERCER, & VAN WERT Cos.	11.35	.40	.65		.05
ASHLAND, KNOX, MORROW, & RICHLAND Cos.	11.63	.50	.80		.05
ASHTABULA, CUYAHOGA, GEAUGA & LAKE Cos., MEDINA Co. N. of Rt. 18 & Smith Rd. & SUMMIT Co. N. of Rt. 303					
Plumbers	11.43	.75	1.00		.02
Pipefitters	11.42	1.05	.80		.05
BELMONT Co. & MONROE Co. North of Rt. 78	8.96	.40	6%	10%	.05
BROWN, CLERMONT, HAMILTON & WARREN Cos.					
Plumbers	11.47	.75	1.05		.05
Steamfitters	11.35	.875	1.15		.08

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PLUMBERS & STEAMPITTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
BUTLER Co. North half	11.45	.60	1.00		.05
BUTLER Co. South Half	11.37	.65	1.10		.02
CARROLL Co. (except Twps. of Ross, Monroe, Union, Lee, Orange, Perry & London), Stark & Wayne Cos.	10.77	.45	.55	a	.05
FOOTNOTE: a. One paid holiday: Labor Day Providing employee has worked 5 consecutuve days before and after the holiday					
CARROLL (Twps. of Ross, Monroe, Union, Lee, Orange, Perry & London) COSHOCTON, GUERNSEY, HOLMES, MORGAN (South of State Route #78 & from McConnelsville West on State Route #37 to the Perry Co. line), MUSKINGUM, NOBLE, & TUSCARAWAS Cos.	11.32	.35	.35		.08
CHAMPAIGN, CLARK & LOGAN Cos., GREENE Co. (Twps. of Cedarville, Ceasar Creek, New Jasper, Jefferson, & Ross), MADISON Co. (West of Rt. 38 including the City of London)	11.01	.58	.80		.04
CLINTON, DARKE, FAYETTE, MIAMI, MONTGOMERY, PREBLE & SHELBY Cos. & GREENE Co. (Remainder of Co.)	11.41	.55	.80		.03
COLUMBIANA & MAHONING Cos. & TRUMBULL Co. (Hubbard & Liberty Twps, Youngstown Municipal Airport & the Filtration Plant of the Mahoning Valley Sanitary District)	11.49	.75	.50		.03
CRAWFORD & WYANDOT Cos.	11.63	.50	.80		.05

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PLUMBERS & STEAMFITTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DEFIANCE, FULTON, HANCOCK, HENRY, LUCAS, OTTAWA, PAULDING, PUTNAM, SANDUSKY, SENECA, WILLIAMS & WOOD Cos.	12.03	.80	.85		.09
DELAWARE, FAIRFIELD, FRANKLIN, HOCKING, LICKING, MARION, PERRY, PICKAWAY, ROSS & UNION Cos. & MADISON (remainder of Co.)	11.82	.55	.80		.05
ERIE & HURON Cos.	11.63	.50	.80		.05
LORAIN Co.	11.63	.50	.80		.05
MONROE Co. (Remainder of Co.), MORGAN (Remainder of Co.), & WASHINGTON Co.	10.63	.52	.40		.045
PORTAGE Co. & the remainder of MEDINA & SUMMIT Cos.	10.61	.79	.90		.04
TRUMBULL Co. (Remainder of Co.)	10.75	.57	.65		.01

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LABORERS

	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
GROUP I	$ 8.83	8.15	7.72
GROUP II	8.955	8.275	7.845
GROUP III	9.03	8.35	7.92
GROUP IV	9.18	8.50	8.07
GROUP V	9.48	8.80	8.37

FRINGE BENEFITS FOR ALL ZONES AND CLASSIFICATIONS
$.55 - Health & Welfare
.40 - Pension
.05 - Education and/or Apprentice Training

GROUP I - Laborers (construction); plant laborers or yardmen; right-of-way laborers; landscape laborer; utility man or handyman; joint setter; flagman; carpenter helper; waterproofing laborer; slurry seal; seal coating surface treatment or road mix laborer & grouter; asphalt laborer dump man (batch trucks); guardrail & fence installers; mesh handlers & placers; concrete curing applicator; scaffold erector
GROUP II - Asphalt raker; concrete puddler; kettle man (pipeline); machine driven tools; mason tender; mortar mixer; sheeting & shoring man; surface grinder man; power buggy or power wheelbarrow
GROUP III - Form setter; bottom man; Welder helper (pipeline); concrete saw man; cutting with burning torch; pipelyer; hand spiker (railroad); car pusher (without air); undergroundman (working in sewer & waterline, repairing & reconditioning); tunnel laborer (without air) and caisson; cofferdam (below 25 feet deep); air track & wagon drill
GROUP IV - Blaster; power man; muckers; wrencher (mechanical joints & utility pipeline); yarner; top lander
GROUP V - Curb setter & cutter; miner without air; concrete crew in tunnels; utility pipeline tapper; gunnite nozzle man; waterline caulker

ZONE DEFINITIONS

Zone 1 - Cuyahoga, Geauga & Lake Cos.
Zone 2 - Ashtabula, Erie, Huron, Lorain, Lucas, Mahoning, Medina, Ottawa, Portage, Stark, Summit, Trumbull & Wood Cos.
Zone 3 - Remainder of Counties

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POWER EQUIPMENT OPERATORS ZONE 1 - Columbiana, Mahoning & Trumbull Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$ 11.18	.65	.80		.14
CLASS II	10.49	.65	.80		.14
CLASS III	9.91	.65	.80		.14
CLASS IV	9.50	.65	.80		.14
CLASS V	9.40	.65	.80		.14
CLASS VI	11.45	.65	.80		.14

CLASS I - Asphalt planer heater; Austin western & similar type; Backhoe; Batch plant-central mix; Batch plant-portable concrete; Berm builder-automatic; Backfiller w/drag attachment; Boat derrick; Boat-tug; Boring mach. attached to tractor; Bullclam; Bulldozer; C.M.I. road builder & similar types; Cable placer & layer; Carrier-straddle; Carryall - scraper or scoop; Chicago boom; Compactor w/blade attached; Concrete spreader finisher comb., Crane; Crane-stationary or climbing; Crane-electric overhead; Crane-side boom; Crane truck; Crane-tower; Derrick-boom; Derrick-car; Diggers-wheel (not trencher or road widener); Double nine; Drag line; Dredge; drill-Kenny or similar type; Electromatic; Fork lift; Frankie pile; Gradall; Grader-power; Gurry; Gurry-self-propelled; High lift; Hoist-monorail; Hoist-stationary & mobile tractor; Hoist-2 or 3; Jackall; Jumbo mach.; Koehring or Kuhlman; land-seagoing vehicle; Loader - Elevating; Loader-front end; Locomotive; Mechanic as welder; Metro clip harvester w/boom; Mucking mach.; Paver-asphalt finishing mach.; Paver-road concrete; Paver-slip form; Place crete mach; Post driver; Power driven hydraulic pumps & jacks; pump crete machine; Regulator-ballast; Reiga-drilling; Shovels; Spikemaster; Stonecrusher; Tie puller & loader; tie tamper; Tractor-double boom; tractor w/attachments; Trucks-boom; Truck-tire-assigned to job; Trench mach.; Tunnel machine (Mark 21 Java or similar); Whiley
CLASS II - Asphalt plant; bending machine; Boring mach.; Chip harvester w/o boom; cleaning mach.- pipeline type; Coating Mach-pipeline type; Concrete belt placer; concrete finisher; Concrete planer or asphalt; Concrete spreader; Elevator; Fork lift walk behind; form line mach.; Grease truck op.; Grout pump; Gunnite mach.; Huck bolting Mach.; Hydraulic scaffold; Paving breaker; Pipe dream; Pot firemen; Power broom; Refrigeration plant; Saagen derrick; Seeding Mach.; Self-propelled mobile vibrator compactor or roller; Hoist-single drum; Soil stabilizer (pump type); Spray cure Mach.-Self propelled; Straw blower mach.; Sub-grader; Tube Finisher or broom C.M.I. or similar type; Tugger Hoist

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POWER EQUIPMENT OPERATORS
ZONE 1 - Columbiana, Mahoning & Trumbull Counties (Cont'd)

CLASS III - Batch plant-job related; Boiler op.; Compressor (125 CFM or over); Curb builder (self-propelled); Generator-steam; Jack-hydraulic driven; Mixer-concrete; Mulching Mach.; Pin puller; Pulverizer; Pump; Road finishing mach. (pulltype); roller; Saw-concrete-self propelled; signal man; spray cure mach.-motor powered; Spreader (side driver shoulder attachment); Tractor; Trencher-form; Water Blaster
CLASS IV - Brake man; Compressor under 125 CFM; Conveyor; Conveyor 12 feet or under other than servicing bricklayers; Deck hand; Drill wagon; fireman; Generator sets; Heaters-portable power (2 to 5); Helper-mechanic, Jacks Hydraulic (railroad); Ladavator; Roller (walk behind 1 ton or over); Steam jenny; Syphons; Vibrator-gasoline; Welding machines (2) (fuel burning)
CLASS V - Oiler
CLASS VI - Rigs-pile driving or caisson type

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POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$11.28	$ 10.54	.46	1.00		.11
CLASS B	11.18	10.42	.46	1.00		.11
CLASS C	10.14	9.38	.46	1.00		.11
CLASS D	9.67	8.95	.46	1.00		.11
CLASS E	8.23	7.34	.46	1.00		.11

CLASS A - Air compressor on steel erection; Asphalt plant engineer (Cleveland District only); Boiler Op.; compressor or generator when mounted on rig; Cableway; combination concrete mixer & tower; Concrete plants (over 4 yds. cap.); Concrete pumps; Cranes (all types incl. A frames, boom trucks, cherry pickers); Derricks; Draglines; Dredge (dipper clam or suction); Elevation grader or euclid loader; Floating equipment (all types); Helicopter crew (hoist to winch); hoes (all types); Hoisting engines (including shaft & tunnel work); Industrial type tractor; Jet engineer dryer (D8 or D9); diesel tractor; Locomotives (standard guage); Maintenance Op. Class A; Mixer (paving single or double drum); Mucking mach.; Multiple scraper; piledriving mach. (all types); power shovel; Quad 9 (double pusher); Refrigerating mach. (freezer operation); Rotary drill on caisson work; slip form paver; Tower derricks; Tree shredder; Trench mach (over 24" wide); Truck mounted concrete pump; Tug boat; tunnel mach.; Mining mach.; wheel excavator

CLASS B - Asphalt paver; Automatic subgrader mach. self propelled (CMI type), Boring mach. Op. (more than 48"), Bulldozers; Endloader; Kolman Loader (production type dirt); Lead grease man; Maintenance Op., Class B (in Zone 2 Portage & Summit Cos. only); Power grader; Power Scraper; Push Cat; Trench mach. (24" wide & under)

CLASS C - Air compressor on tunnel work (low pressure); asphalt plant engineer; Locomotive (narrow gauge); Concrete mixers (more than 1 bag cap.); Mixers (1 bg. cap. - side loader); Power boiler over 15 lb. pressure; Pump Op. installing & operating well points; Pumps (4" & over discharge); Rollers (asphalt); Utility Op. (small equipment); welding mach. & generators.

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POWER EQUIPMENT OPERATORS (CONT'D)

CLASS D - Back Fillers; Bar (joint & mesh installing mach.); Batch Plant; Boring mach. Op. (48" or less); Bull floats; Burlap & curing mach.; Compressor (portable, sewer, hvy & hwy.); Concrete plant (4 yd. & under cap.); concrete saw (multiple); Conveyors (hwy.); Crusher, Deckhand; drill highway (w. integral power); Farm type tractors w/attachments; Finishing Mach.; Fireman (floating equipment, all types); fork lift (Hwy.); form Trenchers; Hydro hammer; Hydro seeder; Pavement breaker; Plant mixers; Post driver; Post Hole digger (power auger); power brush burner; Power form handling Equip.; Road Widening trencher; Rollers (brick, grade, macadam); self-propelled power spreader; self-propelled power subgrader; Steam fireman; Tractor (pulling sheepfoot roller or grader); Vibratory compactor (w/integral power)

CLASS E - Drum fireman (asphalt plant); Helpers; Inboard-outboard, motor boat-launch; Oil heaters (asphalt plant); Oilers; Power driven heaters; Pumps (under 4" discharge); Signalmen; Tire repairmen

ZONE DEFINITIONS

ZONE 2 - Aahtabula, Cuyahoga, Erie, Geauga, Lake, Lorain, Medina, Portage & Summit Counties

ZONE 3 - Remainder of counties

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TRUCK DRIVERS ZONE I - CUYAHOGA, LAKE & GEAUGA COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$ 7.70	26.00a	26.00a	b&c	
CLASS II	7.85	26.00a	26.00a	b&c	
CLASS III	8.20	26.00a	26.00a	b&c	
CLASS IV	8.20	26.00a	26.00a	b&c	

CLASS I - Straight & dumps (including asphalt); Warehousemen; Straight fuel

CLASS II - Semi fuel; semi pole drivers (hauling steel pipe); & semi tractor drivers.

CLASS III - Ready-mix; agitator or bulk concrete drivers; dry batch truck.

CLASS IV - Euclids; darts; tank asphalt spreaders; low boys; carry-all driver; tournerockers; hi-lifts; fork lifts; extra long trailers & semi pole trailers except when hauling steel pipe; double hook-up tractor trailers including team track & railroad siding; semi tractor & tri-axle trailer; tandem tractor, Tandem trailer & tri-axle trailer; tag along trailer, expandable trailers, loads (requiring road permits)

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F- Christmas Day.

FOOTNOTES:

a. Per week per employee

b. One week's paid vacation for one year of service; two weeks for five years; three weeks for ten years & four weeks for seventeen years.

c. Seven paid holidays: A through F plus National Election Day.

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TRUCK DRIVERS ZONE II - Remainder of the State	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$ 7.92	20.00a	7.00a		.05
CLASS II	7.97	20.00a	7.00a		.05
CLASS III	8.02	20.00a	7.00a		.05
CLASS IV	8.12	20.00a	7.00a		.05
CLASS V	8.02	20.00a	7.00a		.05
CLASS VI	8.39	20.00a	7.00a		.05

CLASS I - 4 wheel service truck; 4 wheel dump trucks; batch Trucks; oil distributors; asphalt distributors

CLASS II - Tandems

CLASS III - Semi tractor trucks; pole trailers; fuel trucks

CLASS IV - All trucks five axle & over

CLASS V - Asphalt oiler spraybar man when operated from cab

CLASS VI - Euclid wagons; Euclid end dumps; low boys; heavy duty equipment over 12 cu. yds. capacity when used exclusively for transportation; truck mechanics

FOOTNOTE:
a. Per week Per employee

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTIES: Adams & York
DECISION NO.: PA77-3028 DATE: Date of Publication
Supersedes Decision No. PA76-3204, dated June 18, 1976, in 41 FR 24870.
DESCRIPTION OF WORK: Building Construction, (does not include single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$10.11	.52	.70		.01	
Boilermakers	12.05	.75	1.00		.01	
Bricklayers & Stonemasons	9.40	.45	.45		.03	
Carpenters & (York County)	9.29	.35	.40		.03	
Carpenters & (Adams County)	9.50	.35	.40			
Cement Masons (Adams County)	9.385	.50	.40		.01	
Cement Masons (York County)	9.24	.35	.25		.01	
Electricians	10.30	.35	12+.15	4 %+a+b	.02	
Elevator Constructors	10.20	.545	.35	4 %+a+b	.02	
Elevator Constructors helpers	7.14	.545	.35			
Elevator Constructors helpers (prob)	4.93				.03	
Ironworkers	10.63	.84	1.21			
Laborers:						
Laborers (unskilled), Window Cleaner & Fire watch	6.45	.40	.40			
Operators of jackhammers, paving breakers, WACO barko & air tampers chipping hammers, vibrators & all other pneumatic & mechanical tools coming under the jurisdiction of laborers whether operated by air, electricity or any other means, & vacuum cleaner	6.65	.40	.40			
Wagon & track drill operators	6.75	.40	.40			
Handling of all materials used by masons, lathers, plasterers, cement finishers, cement mixers, gunniting, also mixing of all materials used by masons, plasterers & cement finishers whether done by hand or any other process, building of scaffold for staging for masons & plasterers, laying of all clay, terra cotta, ironstone, vitrified concrete or non-metallic pipe & the making of joints for same, handling & using of burning torches, laying of precast concrete slabs for flooring or roofing.	6.60	.40	.40			
Laborers assisting tile, marble setters & terrazzo workers	6.50	.40	.40			
Handling & using dynamite	6.70	.40	.40			
Mixer man (after 10 bricklayers on job)	6.85	.40	.40			
Caisson work (top man)	6.70	.40	.40			
(bottom man)	6.90	.40	.40			
Line Construction:						
Linemen, cable splicers	10.23	.35	1%		3/8%	
Winch truck operator	7.15	.35	1%		3/8%	
Groundman	6.12	.35	1%		3/8%	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Marble, tile & terrazzo workers	$8.00	.45	.45		
Millwrights (Adams County)	10.61	.35	.40		.03
Millwrights (York County)	9.79	.35	.40		.03
Painters:					
Brush	6.25	.25	.15		
Steel & Spray	6.80	.25	.15		
Piledrivermen	10.62	1.88	1.30	c	.12
Plasterers (York County)	8.60	.35	.25		.01
Plasterers (Adams County)	9.05	.25	.25		.01
Plumbers	10.45	.30	.65		.12
Roofers:					
Composition	8.55	.45	.20	.25	
Slate, tile	9.15	.45	.20	.25	
Sheet metal workers	9.76	1.17	1.03		.05
Soft floor layers (Adams County)	8.63	.35	.40		.03
Soft floor layers (York County)	9.29	.35	.40		.03
Sprinkler Fitters	11.61	.60	.90		.08
Steamfitters	10.45	.30	.65		.12
Welders - Receive rate for craft					

PAID HOLIDAYS (Where Applicable)

A-Hre
A-New Year's Day; B-Memorial Day; C-Independence D-Labor Day;
E-Thanksgiving Day; F- Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Paid Holidays: A through F.

c. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veterans's Day; Thanksgiving Day.

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$11.60	5.5%	9.5%	a	1.2%
GROUP 2	11.31	5.5%	9.5%	a	1.2%
GROUP 3	10.44	5.5%	9.5%	a	1.2%
GROUP 4	9.67	5.5%	9.5%	a	1.2%
GROUP 5	9.20	5.5%	9.5%	a	1.2%
GROUP 6	8.29	5.5%	9.5%	a	1.2%
GROUP 7	11.85	5.5%	9.5%	a	1.2%
GROUP 7-A	12.10	5.5%	9.5%	a	1.2%
GROUP 7-B	12.34	5.5%	9.5%	a	1.2%

GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above

GROUP 2: All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above

GROUP 3: Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above

GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, fireman (for power equipment), machines similar to above

GROUP 5: Fireman, grease truck

GROUP 6: Oilers and deck hands (personnel boats), core drill helper

GROUP 7: All machines with booms (including jib, masts, leads, etc.): 100 ft. and over

GROUP 7-A: 150 ft. and over

GROUP 7-B: 200 ft. and over

FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTY: Schuylkill
DECISION NO.: PA77-3034 DATE: Date of Publication
SUPERSEDEAS DECISION NO.: PA76-3181, dated June 11, 1976, in 41 FR 24858.
DESCRIPTION OF WORK: Building construction,(does not include single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	$10.11	.52	.70		.01
Boilermakers	12.05	.75	1.00		.02
Bricklayers & stonemasons	8.90	.60	.95		.03
Carpenters	9.50	.35	.40		
Cement masons	8.90	.60	.95		
Electricians:					
North Manheim, South Manheim, West Brunswick, Wayne, Washington, Pottsville, Schuylkill Haven Twps.	10.49	.73	1%		.03
Pine Grove Twp.	9.00	.45	3%		1/2%
North Union, East Union, West Mahony,(excluding Frackville Borough), Mahooy, Delano, Kline, Rush, Ryan, Blythe, Schuylkill, Walker Rahn, East Brunswick and West Penn. Twps.	10.37	.55	1%+.25	f	g
Remainder of County	10.45	.30	1%+.20		.05
Glaziers	8.89	.40	.30		.01
Ironworkers	10.20	.79	1.11		.02
Laborers:					
Unskilled Laborers & window cleaners	6.55	.25	.25		
Operator of jackhammer, paving breaking & other pneumatic, electric & mechanical tools, laying of all clay, terra cotta, ironstone, vitrified concrete or non-metallic pipe & the making of joints for same, wagon drill operators, cofferdams (below 10'), tunnel free air handling & using cutting or burning torches in the wrecking of buildings, blasters, plasterer-tenders, mason tenders, scaffold builders and removal & power buggies	6.65	.25	.25		
Lathers	7.25	.15			.01
Lead Burners	10.75	.40	.23	a	.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Line Construction:					
Lineman, heavy equipment operator	$10.30	.35	3%		3/8%
Groundman, truck driver	7.28	.35	3%		3/8%
Groundman	6.97	.35	3%		3/8%
Marble setters & terrazzo workers	8.90	.60	.95		
Millwrights	10.61	.35	.40		.03
Painters:					
Commercial and Industrial					
Brush	8.40	.60	.45		
Steel	9.45	.60	.45		
Spray	9.45	.60	.45		
Piledrivermen	10.42	1.88	1.30	e	.12
Plasterers	8.90	.60	.95		
Plumbers	10.74	.40	.75		.04
Roofers:					
Barry Branch, Butler, Delano, East Brunswick, East Union, Eldred, Foster, Frailly, Hegins, Hubley, Kline, New Castle, North Union, Porter, Hahn, Reilly, Rush, Fremont, Union, Upper Mahantango, West Penn:					
Composition	9.20	.75	.70		
Remainder of County:					
Composition, damp waterproofing	10.60	.45	.25	d	
Slate, tile & asbestos	11.15	.45	.25	d	
Precast slab	11.40	.45	.25	d	
Sheet metal workers	10.08	.50	.50		.02
Soft floor layers	8.63	.35	.40		.03
Sprinkler Fitters	11.61	.60	.90		.08
Steamfitters	10.75	.39	.75		.04
Tile setters	7.90	.60	.95		
Truck drivers	6.23	b	c		
Welders - rate for craft					

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, plus Washington's Birthday, Good Friday, and Christmas Eve provided the employee has worked at least 45 full days during the 120 calendar days prior to the holiday and the re

b. Employer contributes $58.37 per month to Health and Welfare fund.

c. Employer contributes $43.34 per month to Pension Fund.

d. Paid Holiday: C

e. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veterans Day and Thanksgiving Day.

f. Paid Holidays; July 4th, Labor Day; Thanksgiving Day and Good Friday.

g. Employer shall contribute .12 per day per employee.

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$11.60	5.5%	9.5%	a	1.2%
GROUP 2	11.31	5.5%	9.5%	a	1.2%
GROUP 3	10.44	5.5%	9.5%	a	1.2%
GROUP 4	9.67	5.5%	9.5%	a	1.2%
GROUP 5	9.20	5.5%	9.5%	a	1.2%
GROUP 6	8.29	5.5%	9.5%	a	1.2%
GROUP 7	11.85	5.5%	9.5%	a	1.2%
GROUP 7-A	12.10	5.5%	9.5%	a	1.2%
GROUP 7-B	12.34	5.5%	9.5%	a	1.2%

GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above

GROUP 2: All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above

GROUP 3: Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above

GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, fireman (for power equipment), machines similar to above

GROUP 5: Fireman, grease truck

GROUP 6: Oilers and deck hands (personnel boats), core drill helper

GROUP 7: All machines with booms (including jib, masts, leads, etc.): 100 ft. and over

GROUP 7-A: 150 ft. and over

GROUP 7-B: 200 ft. and over

FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Hood, Johnson, Palo Pinto, Parker & Wise

DECISION NO.: TX77-4086

DATE: Date of Publication

Supersedes Decision No. TX76-4043, dated February 13, 1976, in 41 FR 7011.

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$ 5.00				
BRICKLAYERS	6.50				
CARPENTERS	6.00				
CEMENT MASONS	4.00				
DRYWALL HANGERS	5.00				
ELECTRICIANS	5.49				
IRONWORKERS	4.30				
LABORERS:					
Laborers	2.50				
Mason tenders	4.00				
PAINTERS	5.50				
PLUMBERS	5.50				
SOFT FLOOR LAYERS	4.75				
TILE SETTERS	4.75				
TRUCK DRIVERS	2.50				

DECISION NO. TX77-4086

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Tool Man	$ 2.75				
Asphalt Heaterman	3.50				
Asphalt Raker	3.75				
Asphalt Shoveler	3.00				
Batching Plant Scaleman	4.25				
Carpenter	4.25				
Carpenter Helper	3.50				
Concrete Finisher (Paving)	4.50				
Concrete Finisher Helper (Paving)	3.25				
Concrete Finisher (Structures)	4.25				
Concrete Finisher Helper (Structures)	3.55				
Concrete Rubber	3.50				
Electrician	6.75				
Electrician Helper	4.00				
Form Builder (Structures)	4.00				
Form Builder Helper (Structures)	3.80				
Form Liner (Paving and Curb)	4.50				
Form Setter (Paving and Curb)	4.25				
Form Setter Helper (Paving and Curb)	3.50				
Form Setter (Structures)	4.25				
Form Setter Helper (Structures)	3.85				
Laborer, Common	2.75				
Laborer, Utility Man	3.35				
Mechanic	4.45				
Mechanic Helper	3.35				
Oiler	3.80				
Serviceman	4.00				
Piledrivermen	4.50				
Pipelayer	4.00				
Pipelayer Helper	3.00				
Powdermen	4.35				
Reinforcing Steel Setter (Paving)	3.00				
Reinforcing Steel Setter (Structures)	3.50				
Reinforcing Steel Setter Helper	3.00				
Steel Worker (Structural)	4.15				
Steel Worker Helper (Structurel)	3.75				
Sign Erector	4.25				
Sign Erector Helper	3.90				

DECISION NO. TX77-4086

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Spreader Box Man	$ 4.00				
Power Equipment Operators:					
Asphalt Distributor	4.00				
Asphalt Paving Machine	4.00				
Broom or Sweeper Operator	3.25				
Bulldozer, 150 HP and Less	4.00				
Bulldozer, over 150 HP	4.25				
Concrete Paving Curing Machine	4.50				
Concrete Paving Finishing Machine	4.00				
Concrete Paving Longitudinal Float	4.50				
Concrete Paving Mixer	4.00				
Concrete Paving Saw	4.30				
Concrete Paving Spreader	3.00				
Paving Sub Grader	4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.25				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.75				
Form Loader	3.25				
Foundation Drill Operator (Truck Mounted)	4.60				
Foundation Drill Operator Helper	3.50				
Front End Loader (2½ CY & Less)	3.75				
Front End Loader (Over 2½ CY)	4.50				
Mixer	3.75				
Motor Grader Operator, Fine Grade	4.50				
Motor Grader Operator	4.25				
Roller, Steel Wheel (Plant-Mix Pavements)	3.90				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.50				
Roller, Pneumatic (Self-Propelled)	3.55				
Scrapers (17 CY and Less)	4.25				
Scrapers (Over 17 CY)	4.50				
Self-Propelled Hammer	4.25				
Tractor (Crawler Type) 150 HP and Less	3.45				
Tractor (Crawler Type) over 150 HP	4.50				

DECISION NO. TX77-4086

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Tractor (Pneumatic) 80 HP & Less	$ 3.60				
Tractor (Pneumatic) over 80 HP	3.90				
Traveling Mixer	3.35				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.90				
Truck Drivers:					
Single Axle, Light	3.00				
Single Axle, Heavy	3.60				
Tandem Axle or Semitrailer	3.50				
Lowboy-Float	4.50				
Transit-Mix	3.25				
Winch	3.50				
Weighman (Truck Scales)	3.00				
Welder	4.50				

SUPERSEDEAS DECISION

STATE: Wisconsin
COUNTY: Statewide
DECISION NUMBER: WI77-2049
DATE: Date of Publication
Supersedes Decision Number WI76-2119, dated October 8, 1976 in 41 FR 44681
DESCRIPTION OF WORK: Highway Construction (does not include airport runways and taxiways; bridges over navigable water; tunnels; rest areas which include building structures; and railroad construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS & STONEMASONS:					
Zone 1 - Barron, Buffalo, Burnett, Chippewa, Dunn, Eau Clair, Pepin, Pierce, Polk, Rusk, St. Croix & Sawyer Cos.	$ 9.19	.55	.25		.03
Zone 2 -Fond Du Lac County	8.05	.55	.35	.55	
Zone 3 - Brown, Calumet, Door, Florence, Green Lake, Kewaunee, Manitowoc, Marinette Marquette, Oconto, Outagamie, Shawano, Waupaca, Washara, & Winnebago Counties	8.05	.55	.35	.55	
Zone 4 - Green, Lafayette & Rock Counties	9.69	.45	.25	.25	.01
Zone 5 - Crawford, Jackson, Juneau, La Crosse, Vernon, Trempealeau & Monroe Cos.	9.05	.40	.25		
Zone 6 - Walworth County	10.05	.50	.50	.50	.02
Zone 7 - Dane, Grant, Iowa & Richland Counties	9.10	.45	.50	.40	
Zone 8 - Milwaukee, Ozaukee, Washington & Waukesha Cos.	10.44	.80	.60	.56	
Zone 9 - Columbia & Sauk Cos.	9.60	.55	.30		
Zone 10 - Kenosha & Racine Cos.	10.35	.40	.40	.40	
Zone 11 - Sheboygan County	8.15	.45	.35	.55	.02
Zone 12 - Ashland, Bayfield, Douglas & Iron Counties	9.56	.46	.46		.01
Zone 13 - Dodge & Jefferson Cos.	9.65	.55	.25		
Zone 14 - Adams, Clark, Forest, Langlade, Lincoln, Marathon, Menominee, Oneida, Portage, Price, Taylor, Vilas and Wood Counties	8.80	.45	.25		
CARPENTERS & PILDRIVERMEN:					
Zone 1 - Ashland County					
Carpenters	7.94	.30	.25	.15	
Piledrivermen	8.14	.30	.25	.15	
Zone 2 - Barron, Burnette, Buffalo, Chippewa, Clark, Dunn, Eau Claire, Pepin, Pierce, Polk, Rusk, St. Croix, Sawyer & Taylor Counties					

DECISION NO. WI77-2049

CARPENTERS (CONT'D) Zone 2 (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters	$ 9.20	.30	.30		.03
Piledrivermen	9.60	.30	.30		.03
Zone 3 - Brown, Calumet, Door Fond Du Lac, Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Menominee, Oconto, Outagamie, Shawano, Waupaca & Waushara & Winnbago Cos.					
Carpenters	8.82	.30	.40		.03
Piledrivermen	9.22	.30	.40		.03
Zone 4 - Green, Jefferson & Rock Counties					
Carpenters	9.86	.30	.40		.04
Piledrivermen	10.01	.30	.40		.04
Zone 5 - Kenosha County					
Carpenters	9.95	.40	.50		.03
Piledrivermen	10.03	.40	.50		.03
Zone 6 - Jackson, La Crosse, Monroe, Trempealeau & Vernon Counties					
Carpenters	8.82	.30	.40		.03
Piledrivermen	9.22	.30	.40		.03
Zone 7 - Adams, Columbia, Crawford, Dane, Dodge, Grant, Iowa, Juneau, La Fayette, Richland & Sauk Counties					
Carpenters	9.37	.30	.40		.03
Piledrivermen	9.77	.30	.40		.03
Zone 8 - Florence & Iron Cos.					
Carpenters	8.74	.60	.50		.01
Piledrivermen	8.94	.60	.50		.01
Zone 9 - Milwaukee, Ozaukee, Washington & Waukesha Cos.					
Carpenters	9.76	.80	.70	.51	.06
Piledrivermen	10.21	.80	.70	.51	.06
Zone 10 - Racine County					
Carpenters	9.95	.40	.50		.03
Piledrivermen	10.03	.40	.50		.03

DECISION NO. WI77-2049

CARPENTERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 11 - Sheboygan County					
Carpenters	8.85	.40	.30		
Piledrivermen	9.54	.40	.30		
Zone 12 - Bayfield & Douglas Counties					
Carpenters	9.05	.30	.40	.30	
Piledrivermen	9.05	.30	.40	.30	
Zone 13 - Walworth County					
Carpenters	9.86	.30	.40		.04
Piledrivermen	10.03	.30	.40		.04
Zone 14 - Forest, Langlade, Lincoln, Marathon, Onéida Portage, Price, Vilas, & Wood Counties					
Carpenters	8.82	.30	.40		.03
Piledrivermen	9.22	.30	.40		.03
CEMENT MASONS:					
Zone 1 -Ashland,Bayfield, Douglas & Iron Counties	9.65	.30			
Zone 2 - Barron, Burnett, Chippewa, Dunn, Polk, Rusk, St. Croix, Sawyer & Washburn Counties	9.29	.45	.25		.03
Zone 3 - Adams, Clark, Forest, Langlade, Lincoln, Marathon Menominee, Oneida, Portage, Price, Taylor, Vilas & Wood Counties	8.30	.45	.25		.04
Zone 4 - Buffalo, Eau Claire, Pepin & Pierce Counties	9.29	.45	.25		.03
Zone 5 - Brown, Calumet, Door, Florence, Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Oconto, Outagamie, Shawano, & Waupaca Counties	8.20	.45	.35		.02
Zone 6 - Crawford, Jackson, Juneau, La Crosse, Monroe, Richland, Trempealeau and Vernon Counties	8.53	.45	.25		
Zone 7 - Waushara & Winnebago Counties	8.20	.45	.35		.02
Zone 8 - Sheboygan County	8.10	.55	.35		.02
Zone 9 - Fond Du Lac County	8.20	.45	.35		.02

DECISION NO. WI77-2049

CEMENT MASONS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 10 - Dodge & Jefferson Cos.	$ 8.60	.45	.25		
Zone 11 - Columbia & Sauk Cos.	9.35	.55	.40		
Zone 12 - Milwaukee, Ozaukee, Washington & Waukesha Cos.	9.09	.60	.60	.51	
Zone 13 - Dane, Green, Iowa, Lafayette & Rock Counties	9.35	.45	.40		
Zone 14 - Grant County	8.75				
Zone 15 - Walworth County	9.06	.40	.40	.40	.02
Zone 16 - Racine County	8.33	.40	.50	.50	
Zone 17 - Kenosha County	8.33	.40	.50	.50	
ELECTRICIANS:					
Zone 1 - Calumet, Outagamie, Waupaca, Waushara & Winnebago Counties	10.43	.60	1%		
Zone 2 - Barron, Buffalo, Chippewa, Clark, Dunn, Eau Claire, Pepin, Pierce, Polk Price, Rusk & St. Croix, & Taylor Counties	10.35	4%	1%		
Zone 3 - Brown, Door, Kewaunee, & Shawano Counties	10.26	.52	1%		1/8%
Zone 4 - Florence & Forest Cos.	10.63	.40	1%		.50%
Zone 5 -Kenosha County	11.34	.45	1%	.25	.75%
Zone 6 - Crawford, Grant, Jackson, Juneau, La Crosse, Monroe, Richland, Trempealeau & Vernon Counties	10.40	.55	1%		.50%
Zone 7 - Walworth County	10.20	.45	1%	7%	.50%
Zone 8 - Columbia, Dane, Dodge, Green Lake, Iowa, Marquette, & Sauk Counties	9.95	.74	1%	7%	.75%
Zone 9 - Sheboygan County	9.19	.85	1%+.20	10%	1.25%
Zone 10 - Ashland, Bayfield, Burnett, Douglas, Iron, Sawyer & Washburn Cos.	10.15	4%	1%	11%	3%

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ELECTRICIANS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 11 - Langlade, Lincoln, Marathon, Menominee, Oneida, & Vilas Counties	$ 9.60	.45	1%	7%	1/8of1%
Zone 12 - Adams, Portage & Wood Counties	9.60	.45	1%	7%	1/8of1%
Zone 13 - Fond Du Lac County	9.19	.85	1%+.20	10%	1.25%
Zone 14 - Green, Jefferson,, Lafayette & Rock Counties	10.20	.45	1%	7%	.50%
Zone 16 - Milwaukee, Ozaukee, Washington & Waukesha Cos.	10.58	.85	1%+.20	10%	.25%
Zone 17 - Marinette & Oconto Counties	10.26	.52	1%		1/8of1%
Zone 18 - Manitowoc County	10.26	.52	1%		1/8of1%
IRONWORKERS:					
Zone 1 - Barron, Buffalo, Chippewa, Clark, Dunn, Eau Claire, Pepin, Pierce, Polk St. Croix & Trempealeau Counties	10.35	.55	.55		.02
Zone 2 - Ashland, Bayfield, Burnett, Douglas, Forest, Iron, Lincoln, Oneida, Price, Rusk, sawyer, Taylor, Vilas & Washburn Counties	10.60	.30	.55		.02
Zone 3 - Adams, Columbia, Crawford, Dane, Dodge, Grant, Green, green Lake, Iowa, Jackson, Jefferson, Juneau, LaCrosse, Lafayette, Langlade, Marquette, Marathon, Menominee, Monroe, Portage, Richland, Sauk, Shawano, Waupaca, Vernon, Waushara, & Wood Counties	10.22	.50	.25		.03
Zone 4 - Borwn, Calumet, Door, Florence, Pond Du Lac, Kenosha, Kewaunee, Manitowoc, Marinette, Milwaukee, Oconto, Outagamie, Ozaukee, Racine, Sheboygan, Walworth, Washington & Waukesha & Winnebago Cos.	10.06	.95	.70	1.15	.15

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IRONWORKERS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 5 - Rock County	11.875	.65	.375		.05
LINE CONSTRUCTION:					
Linemen	9.37	.35	1%		.5%
Cable Splicers	10.23	.35	1%		.5%
Equipment Operator	7.77	.35	1%		.5%
Truck Drivers with boom or Digger Tractor or 5th wheel	6.46	.35	1%		.5%
Truck Drivers	6.16	.35	1%		.5%
Groundman	5.88	.35	1%		.5%
Groundman 1st 6 months	5.09	.35	1%		.5%
PAINTERS:					
Zone 1 - Forest, Langlade, Lincoln, Marathon, Menominee, Oneida, Price & Taylor Cos.					
Brush	8.50				
Spray	9.00				
Zone 2 - Barron, Buffalo, Burnett, Chippewa, Dunn, Eau Claire, Pepin, Pierce, Polk, Rusk, St. Croix, Sawyer, Trempealeau, & Washburn Cos.					
Brush	8.15				
Spray	8.65				
Steel	8.40				
Zone 3 - Brown, Door, Kewaunee, & Oconto Counties					
Brush	7.95	.60			
Spray	8.35	.60			
Zone 4 - Florence County					
Brush	7.45			.75	
Spray	8.20			.75	
Zone 5 - Kenosha County					
Brush	8.575	.40	.40		
Steel	8.725	.40	.40		
Spray	9.325	.40	.40		

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PAINTERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 6 - Adams, Clark, Crawford, Jackson, Juneau, La Crosse, Monroe, Portage, Vernon & Wood Counties					
Brush	7.78		.45		
Steel	8.05		.45		
Spray	8.47		.45		
Zone 7 - Walworth County					
Brush	8.575	.40	.40		
Spray	9.325	.40	.40		
Zone 8 - Columbiana, Dane, Dodge, Grant, Green, Iowa, Lafayette Richland, Rock & Sauk Counties					
Brush	8.79	.60	.30	.30	.01
Spray	9.54	.60	.30	.30	.01
Zone 9 - Calumet & Manitowoc Counties					
Brush	7.55				
Spray	8.05				
Zone 10 - Marinette County					
Brush	5.90			.40	
Spray	6.40			.40	
Zone 11 - Jefferson, Milwaukee, Osaukee, Washington & Waukesha Counties					
Brush	9.10	.78	.70	.50	.02
Steel & Spray	9.45	.78	.70	.50	.02
Zone 12 - Pond Du Lac, Green Lake, Marquette, Outagamie, Shawano, Waushara, Waupaca, & Winnebago Counties					
Brush & Steel	8.50	.30	.10		.03
Spray	9.00	.30	.10		.03
Zone 13 - Racine county					
Brush	8.65	.40	.40		
Steel	8.80	.40	.40		
Spray	9.40	.40	.40		
Zone 14 - Sheboygan County					
Brush & Steel	6.35	.20	.30	.20+.10	
Spray	6.75	.20	.30	.20+.10	
Zone 15 - Ashland, Bayfield, Douglas, Iron & Vilas Counties					
Brush & Steel	9.00				
Spray	9.50				

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LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 1 - Milwaukee, Ozaukee, Washington and Waukesha Counties					
Group 1	$ 7.86	.65	.70	.25	.02
Group 2	7.96	.65	.70	.25	.02
Group 3	8.01	.65	.70	.25	.02
Group 4	8.06	.65	.70	.25	.02
Group 5	8.11	.65	.70	.25	.02
Group 6	8.16	.65	.70	.25	.02
Group 7	8.51	.65	.70	.25	.02
Zone 2 - Racine County					
Group 1	7.86	.40	.40	.20	.02
Group 2	7.96	.40	.40	.20	.02
Group 3	8.01	.40	.40	.20	.02
Group 4	8.06	.40	.40	.20	.02
Group 5	8.11	.40	.40	.20	.02
Group 6	8.16	.40	.40	.20	.02
Group 7	8.51	.40	.40	.20	.02
Zone 3 - Kenosha County					
Group 1	7.86	.40	.40	.25	.02
Group 2	7.96	.40	.40	.25	.02
Group 3	8.01	.40	.40	.25	.02
Group 4	8.06	.40	.40	.25	.02
Group 5	8.11	.40	.40	.25	.02
Group 6	8.16	.40	.40	.25	.02
Group 7	8.51	.40	.40	.25	.02
Zone 4 - Dane County					
Group 1	7.61	.30	.30		.02
Group 2	7.66	.30	.30		.02
Group 3	7.71	.30	.30		.02
Group 4	7.76	.30	.30		.02
Group 5	7.81	.30	.30		.02
Zone 5 - Remainder of State					
Group 1	7.33	.30	.30		.02
Group 2	7.38	.30	.30		.02
Group 3	7.43	.30	.30		.02
Group 4	7.48	.30	.30		.02
Group 5	7.53	.30	.30		.02

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LABORERS (CONT'D)

Classifications for ZONES 1, 2 and 3 RESPECTIVELY

Group 1: Bituminous workers (shoveler, loader, utility man), Demolition and wrecking laborer, Guard rail builder, Reinforcing steel setter (pavement), Stone handler, Tree trimmer, Landscaper, Multiplate culvert assembler, Conduit layer, Unskilled laborer

Group 2: Bituminous worker (dumper, ironer, smoother, tamper), Batch truck dumper, Cement handler, Concrete handler

Group 3: Chain Saw Operator, demolition burning torch laborer, Joint sawyer and filler (pavement), Vibrator or tamper operator (mechanical, hand operated)

Group 4: Air tool operator (hand operated)

Group 5: Form setter (curb, walk & pavement), Strike offman

Group 6: Bituminous Worker (raker and luteman)

Group 7: Powderman, blaster

LABORERS (CONT'D)

Classifications for ZONES 4 and 5 RESPECTIVELY

Group 1: Bituminous Workers (dumper, ironer, smoother,tamper, shoveler, loader, utility man), Strike off man, Joint sawer or filler (pavement), Concrete handler, demolition & wrecking laborer, Guard rail builder, Reinforcing steel setter (pavement); Stone handler,Landscaper, Multiplate culvert assembler, Conduit layer, Unskilled labor

Group 2: Form setter (curb,walk, & pavement), Tree trimmer

Group 3: Air tool operator, vibrator or tamper operator, Batch truck dumper, Cement handler

Group 4: Bituminous worker (raker,luteman), Chain saw operator, Demolition burning torch laborer

Group 5: Powderman, blaster

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POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 9.77	.70	.65		.10
Group 2	9.51	.70	.65		.10
Group 3	9.42	.70	.65		.10
Group 4	9.34	.70	.65		.10
Group 5	9.26	.70	.65		.10
Group 6	9.22	.70	.65		.10
Group 7	9.13	.70	.65		.10
Group 8	9.01	.70	.65		.10
TRUCK DRIVERS					
ZONE 1 - Milwaukee, Ozaukee, Washington & Waukesha Counties					
Group 1	7.89	a24.50	a25.00	.35	
Group 2	8.04	a24.50	a25.00	.35	
Zone 2 - Kenosha & Racine Cos.					
Group 1	7.89	b110.04	a25.00	.35	
Group 2	8.04	b110.04	a25.00	.35	
Zone 3 - Remainder of State					
Group 1	7.89	b106.16	a25.00	.35	
Group 2	8.04	b106.16	a25.00	.35	

FOOTNOTE:
a. Per week peremployee on payroll 30 days or longer

b. Per month per employee on payroll 30 days or longer.

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POWER EQUIPMENT OPERATORS

CLASSIFICATIONS:

Group 1: Bituminous paver or plant, Concrete breaker (truck mounted heavy), Crane, Derrick, dragline, Dredge, Piledriver, Power shovel, Material hoist, Mixer or paver 21 cu. ft. or over, Roller over 5 ton, Self-propelled stabilizing mixer, Trenching machine, Tractor (side boom, heavy), Concrete pavement spreader (heavy duty) Rubber tires, Hydraulic back hoe, Asphalt Plane engineer; Automatic slip form concrete paver, Automatic concrete subgreder, Batch mixer, portable, Caisson riga, Central Mixer concrete, Dredge engineer, Concrete batch plantengineer, Central mix plant concrete, Percussion or rotary drill machine, Grader or motor patrol, Loading machine (conveyor), Mechanic or welder (heavy duty equipment), Tractor (scraper, dozer, push, loader), Tugger, End Loader, Asphalt Heater and planer, Boatman, Bump cutter and grooving machine, Shoulder widener, Winches and "A" frames, Tube finisher

Group 2: Concrete mixer less than 21 cu. ft., Concrete pump, sTeel roller, 5 tons or less

Group 3: Screed (bituminous paver), Shoulderingmachine, Self-propelled chip spreader

Group 4: Concrete breaker and Tamper (light), Concrete spreader, Finishing machine, Mechanical float, Curing machine, Power subgrader, Joint sawer (multiple blade), Launch, Roller (pneumatic tired) Self-propelled tractor (mounted or towed compactors and light equipment), Light rubber tired tractor - end loader, fork-lift, Belting machine, Burlap machine, Jeep digger, Mulcher, Texturing machine

Group 5: Fireman, Evironmental burner

Group 6: Air compressor, Drilling or boring machine (mechanical heavy), Greaser (heavy equipemnt) Lead-man, Tank car heaters, Stump chipper, Curb machine, Concrete proportioning plant, Generators, Mud Jacks

Group 7: Crusher or screening plant, Automatic belt conveyor and surge bin, pneumatic tired roller farm tractor towed, Pug mill

Group 8: Oiler, Pump over 3" Surge bin, Drilling machine helper

TRUCK DRIVERS

Group 1: Truck drivers, 2 Axle - Mechanics helper, truck

Group 2: TRuck Driver, 3 or more axle trucks - euclid or Dumpster type hauling units - Mechanic, truck

[FR Doc.77-10814 Filed 4-14-77;8:45 am]

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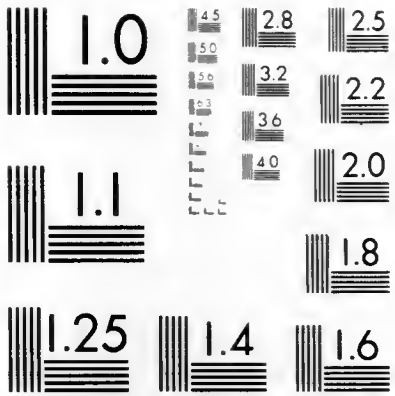
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MICROCOPY RESOLUTION TEST CHART
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100 MILLIMETERS

INSTRUCTIONS Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in chart indicate the number of lines per millimeter in adjacent "T-shaped" groupings.

In microfilming, it is necessary to determine the reduction ratio and multiply the number of lines in the chart by this value to find the number of lines recorded by the film. As an aid in determining the reduction ratio, the line above is 100 millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 20 mm. long in the film image, and 100/20 = 5.

Examine "T-shaped" line groupings in the film with microscope, and note the number adjacent to finest lines recorded sharply and distinctly. Multiply this number by the reduction factor to obtain resolving power in lines per millimeter. Example: 7.9 group of lines is clearly recorded while lines in the 10.0 group are not distinctly separated. Reduction ratio is 5, and 7.9 x 5 = 39.5 lines per millimeter recorded satisfactorily. 10.0 x 5 = 50 lines per millimeter which are not recorded satisfactorily. Under the particular conditions, maximum resolution is between 39.5 and 50 lines per millimeter.

Resolution, as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. These rarely utilize maximum resolution of the film. Vibrations during exposure, lack of critical focus, and exposures yielding very dense negatives are to be avoided.